UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS
SECOND SESSION

VOLUME 130—PART 15

JUNE 29, 1984 TO JULY 30, 1984
(PAGES 20013 TO 21572)

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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

SENATE—*Friday, June 29, 1984*

(Legislative day of Monday, June 25, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles, they shall run, and not be weary; and they shall walk, and not faint.—Isaiah 40:31.

Father God, our culture celebrates the workaholic—one who works 7 days a week, 12 hours a day. In our human pride, we forget that even God rested after 6 days of work. Help the Senators to be aware of their responsibility to themselves. Help them not to underestimate the punishment their bodies, minds, and hearts have suffered under the stress of these last 2 weeks. Grant them discernment as to their recess schedules—to cancel appointments if necessary, that they may get adequate rest. Help them, Lord, to realize they cannot fulfill their mandate if they burn out or break down.

The Lord bless you and keep you: The Lord make His face to shine upon you and be gracious unto you: The Lord lift up His countenance upon you, and give you peace. (Numbers 6:24-26) Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I assume that I am now recognized under the standing order. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Has the time so far consumed by the quorum call been charged?

The PRESIDING OFFICER. It has.

Mr. BAKER. To whom?

The PRESIDING OFFICER. To the majority leader.

Mr. BAKER. It does not leave me much. On the other hand, I do not need much.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I do not have the foggiest idea of when we will get out today.

We will await the action of the House on the debt limit and on the bankruptcy conference report. If we can find other things to do, we will do them, including the possibility of doing the concurrent resolution to accompany the conference report on the deficit reduction package, if that can be worked out.

The two essential items that must be dealt with are the debt limit and the bankruptcy conference report. Since the House must act on both of those first, I would not dare make a prediction about what time we will finish. However, I caution Senators to consider the possibility that it will not be early. I understand that the House may not have the debt limit to us until 3 or 4 o'clock this afternoon; and if that is the case, it will be after that, obviously, that we will proceed to it.

VITIATION OF ORDER FOR RECOGNITION OF SENATOR TOWER

Mr. BAKER. Mr. President, I am advised that the distinguished Senator from Texas [Mr. TOWER] does not need his special order today, and I ask unanimous consent that it be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR PROXMIRE COMMENDED FOR GENOCIDE CONVENTION CRUSADE

Mr. BAKER. Mr. President, for more than 17 years now, the distinguished gentleman from Wisconsin [Mr. PROXMIRE] has been urging the Senate to give its consent to the ratification of a treaty outlawing the practice of genocide.

Senator PROXMIRE has set a record for persistence that may never be broken. He has spoken on this subject every day the Senate has been in regular session since January 11, 1967. He has made more than 2,900 speeches on the subject, all told, and he seems no less committed to the issue today than when he gave his first speech 17 years ago.

The history of the Genocide Convention is a curious one. It was drafted, largely by Americans, as the first human rights treaty of the United Nations following the Holocaust of World War II. It was unanimously approved by the U.N. General Assembly in 1948, and America's ratification of the treaty—formally submitted for the Senate's consent by President Truman in 1949—seemed a foregone conclusion.

Yet the Genocide Convention has remained in the longest running legislative limbo in the history of Congress. The Convention has been considered numerous times by the Committee on Foreign Relations and reported favorably for action by the full Senate. It was debated on the Senate floor in executive session early in 1974. But to this date the Senate has neither approved nor rejected this convention which has now been on the legislative calendar for more than 30 years.

I have not risen today to debate the merits of this treaty, although it may be about time that debate began

again. I understand there are legitimate arguments of national sovereignty involved which render this convention more complicated than a simple referendum on genocide.

I rise today simply to commend the gentleman from Wisconsin for his extraordinary commitment to the resolution of this significant issue. The Senator has not been deterred by the fact that this treaty and his efforts to ratify it have not received elaborate media attention. He has not been deterred by the fact that a legislative "hold" was placed on this measure by the late Senator John Bricker and seems never to have been cleared. He has not been deterred by anything at all, and this kind of determination ought not go unremarked.

The tradition of the "voice crying in the wilderness" is long and distinguished. It dates back to the Biblical prophets and it includes such latter-day episodes as Winston Churchill's early warning of the dangers of nazism. The tradition lives in even so gentle an issue as Everett Dirksen's perennial call for the designation of the marigold as our national flower.

Veteran Senators will be quick to note that the senior Senator from Tennessee has also waged a crusade of long standing for a return to the "citizen legislature" and for the televising of the Senate's floor proceedings. I only wish I had served these causes with half the zeal BILL PROXMIRE has served his.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I wonder if the distinguished acting minority leader would like to proceed at this point.

I ask unanimous consent, if I may, that the time allocated to the minority leader under the standing order be reserved for his use during the course of the day, except as may be used by the acting minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

TECHNICAL AMENDMENTS TO THE TAX BILL

Mr. MELCHER. Mr. President, the public and the Senate, as well as the House, are entitled to know what is the holdup on bringing out the concurrent resolution to the tax bill.

Let me state briefly that House Concurrent Resolution 328 consists of "technical amendments" to the tax bill. As a matter of fact, that document, House Concurrent Resolution 328, consisting of 60 pages, is more than the ordinary technical amendments that would be accompanying a bill, even a tax bill.

What has been found to be wrong with the tax bill in one instance is the computation of the imputed interest rates on homes and farmland that must be corrected. I say it must be corrected because it is quite embarrasing, I think, for anyone to find out that the imputed interest on homes and farmland sales would be raised from 9 percent to 15 percent. That is a very significant increase. It would probably bring the large portion of the homes that are being sold today to a screeching halt. It would probably bring farmland sales to a halt. I might add, Mr. President, it would certainly do the same for the sale of small businesses.

I do not believe that economic recovery is built on having suddenly a new law adopted because the Treasury Department saw fit to write the language and to present it to the two tax-writing committees as if it were necessary and have them accept it and then find out that by accepting and enacting it into law the economic recovery is stymied by the action of the Treasury Department.

It does little good for speeches made by the Secretary of the Treasury or other people in the administration or, for that matter, ourselves in Congress about our hope for continued economic recovery and then pass a law that would directly stymie that economic recovery.

You might think, Mr. President, that I am overexaggerating this situation. But that is exactly the way it is.

When we found this to be the case on Wednesday, when we considered the tax bill conference report, we entered into the RECORD and made statements here in the Chamber as to the effect that these provisions would have on these normal transactions of housing, farmland, and small business.

We had the feeling that perhaps some correction would be proposed that we could all review yesterday, but unfortunately that has not happened.

I did receive a letter from Chairman DOLE of the Finance Committee and included with it an explanation of the application of amended section 483 to seller financing.

Mr. President, I ask unanimous consent to have printed in the RECORD that example of application of imputed interest rates effect on home sales.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLE OF APPLICATION OF IMPUTED INTEREST RATES EFFECT ON HOME SALE IN TAX BILL TECHNICAL CORRECTIONS HOUSE CONCURRENT RESOLUTION 328

APPLICATION OF AMENDED SECTION 483 TO SELLER FINANCING

Assume a seller contracts to sell his principal residence, with a cost basis of $150,000, for $250,000. The contract requires the buyer to assume the seller's mortgage of $150,000, and to pay $100,000 at the end of 5 years, with 9 percent simple interest paid each year. Under this balloon note, the buyer's payments are as follows:

Year:	*Payment*
1	$9,000
2	9,000
3	9,000
4	9,000
5	109,000

Under the new rules of Section 483, 9 percent simple interest on a 5-year obligation would not be adequate interest since the "test rate" for 5-year obligations would be approximately 11 percent. Accordingly, a portion of the $100,000 characterized as principal would be recharacterized as interest income. However, this interest income would not be recognized until it was actually paid. The seller's cash flow and tax treatment would be approximately as follows:

	Cash payment	Amount seller reports as interest	Amount seller reports as capital gains
Year:			
1	$9,000	$9,000	0
2	9,000	9,000	0
3	9,000	9,000	0
4	9,000	9,000	0
5	109,000	22,000	[1] $87,000

[1] This is an approximation of the result that will be required under Treasury regulations. The precise breakdown of interest and principal in the last year may vary.

Thus, the deferred payment rules would not require any interest income to be reported where there are no cash payments. Instead, it would only recharacterize actual cash payments of principal as deferred interest, where an inadequate interest rate was stated.

Mr. MELCHER. Mr. President, I have also responded to Chairman DOLE's letter, and I likewise ask unanimous consent to have printed in the RECORD that letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
June 29, 1984.

HON. ROBERT J. DOLE,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR BOB: Thank you for your letter to clarify the Treasury Department's intention and the House Concurrent Resolution effect on imputed interest rates concerning the sale of farms and principal residences amounting to $250,000 or less.

Your example of a 5-year balloon contract portrays the vigorous objection sellers have to imputed interest increases. In that example, on the fifth year with the balloon payment all of the imputed interest would be added to the tax obligation of the seller.

Lumping it in one year actually works to the disadvantage of the seller since the taxable income would be greater for that year and exacerbates the tax payment problem rather than alleviates it.

The net effect of raising imputed interest payments from 9% to 12% on sales of farms and homes of less than $250,000 and on those selling above that amount from 9% to 15% is to prevent seller financed sales.

In addition to these above increases in interest, all small business sales would be subject to an increase of imputed interest rate from 9% to 15%.

I remain convinced that the only solution for the bill is to provide an exemption from the imputed interest rate increase on those sales of homes at $250,000 and $1½ million on farms, ranches and small businesses, as is

indicated by my proposed amendment language:

"Notwithstanding any other provision of law and H.R. 4170, interest rates imputed for transactions involving the sale or exchange of farms, ranches, or small businesses not in excess of $1,500,000, or transactions involving the sale or exchange of residential housing not in excess of $250,000 shall not exceed 9 percent simple interest."

Without such exemption, most if not all home, small business and farm sales would be stopped. Forced interest rates at 15% on these sales required under H.R. 4170 to avoid the Internal Revenue Service setting the imputed rate at 16½% would be extremely damaging to economic recovery.

Kindest personal regards.

Yours sincerely,

JOHN MELCHER.

Mr. MELCHER. Mr. President, it is really ironic that we are here in the Senate trying to correct action pushed by the Internal Revenue Service and, a far as I can tell, no one else. They are the only ones that believe that this is a constructive tax law. It would increase the amount of interest that must be charged, indeed, for contractor seller financed sales of farms, ranches, small businesses, and homes, at the very time that Secretary of the Treasury Regan is stating publicly that increased interest rates are the biggest threats to our economic recovery.

I suggest, Mr. President, that an increase in imputed interest rates from 9 percent to 15 percent is a gigantic climb.

Now, if we are able to adopt House Concurrent Resolution 328 today, there would be some ameliorating effects of that adoption reducing those rates from 15 to 12 percent on the sale of a principal residence up to $250,000. That still leaves out everything over $250,000 in farmland. It still leaves out small business entirely. Those types of transactions would be forced up to 15 percent.

The effect of that is that, since the seller cannot conceivably find buyers who can pay 15 percent and yet would have to be obligated to pay taxes on the 15 percent as if it were paid, there will not be any transactions at that rate, and so the devastation of this cannot be overexaggerated.

It just does stop home sales at the point where you cannot sell a home at 12 percent. It stops all of the farm sales above $250,000. You have 12 percent up to $250,000. But all of them above that, if you cannot find 15 percent, no one can afford to buy farmland at that rate. And all small business sales that are seller financed at any amount unless the rate was set at least at 15 percent.

I do not believe that is normal commonsense and to correct it I have had an amendment at the desk since Wednesday which would exempt homes from imputed interest rates, just take them out of consideration up to $250,000 and for farmland and small business up to $1.5 million.

That to my way of thinking is about the only way to handle this situation. We will be told, I am afraid, that we must act immediately within the 10 or 15 minutes on this concurrent resolution whenever it is called up and, Mr. President, that is not only impractical, that is impossible for the Senate to logically and with some thought make some corrections to this particularly odious unworkable, unconscionable section in the bill. So it is going to take more time than that, Mr. President.

We did not get anywhere yesterday on constructive alternatives to the language I proposed because the concurrent resolution simply was not offered by the Finance Committee for the Senate to consider.

So, we are going to have to keep in mind as we go through the day that indeed if we are going to adjourn today and pass House Concurrent Resolution 328, we have at least some time before we can make the proper corrections. It is important that we do, if that concurrent resolution is going to be considered today, because there will be no time later this year when we could be certain that we are going to have the proper tax vehicle before us where corrections can be made.

Mr. President, I thank the Democratic leader for yielding some of his time to me.

Mr. BYRD. The Senator is welcome.

Mr. President, may I be recognized under the order.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the standing order, the minority leader is recognized.

Mr. BYRD. I thank the Chair.

THE SENATE'S RECESS IN JULY AND AUGUST

Mr. BYRD. Mr. President, I wish to engage the distinguished majority leader in a brief colloquy.

Would he be in position at this time to state whether or not there will be any change in or extension of the recess in July for the Democratic Convention, which is 3 weeks, and the recess in August for the Republican Convention, which is 2 weeks, as shown on the calendar?

Mr. BAKER. Mr. President, I thank the minority leader.

Mr. President, I have discussed this matter with the minority leader and a number of other Senators. I hope then that what I am about to say will not come as a surprise to anyone.

First, the July recess will remain intact as published and as it appears on the calendar and on the so-called blue cards which have been distributed. That means that the Senate will return, after it adjourns today or tomorrow or whenever the Senate adjourns, on July 23.

Mr. President, second, contrary to earlier hopes and aspirations, we will be here all 3 weeks between the two conventions; that is, the week of the 23d, the week of the 30th and week of the 6th of August. The Senate will then adjourn for the Republican Convention on August 13.

The third item I would now state in response to the minority leader is that the leadership on this side feels that we should not return until September 5, which will mean we will go out at the close of business on August 10 and come back on September 5.

The net effect of that is to say we will not attempt to be in session for the week after the Republican Convention and before Labor Day. It seems to the leadership on this side that that would be a very brief time in which to ask Senators to come back—less than a week—and then we would be out for the Labor Day break. So once more I announce at this time that we will go out at the close of business on August 10 or 11, as the adjournment resolution may direct—in any event at the end of the week of the 6th of August, I assume that is the 10th of August—and we will not return then until Wednesday September 5.

Let me say however that it is anticipated that we will have business to transact and votes will occur during that week beginning on the 5th of September, notwithstanding that is a Wednesday.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. BAKER. I thank the minority leader.

Mr. President, there are special orders now in favor of Senators ABDNOR and PROXMIRE, neither of whom are on the floor at this moment.

I ask unanimous consent that, if Senators in whose favor special orders are ordered are not here to claim their time at the close of the minority leader's time, it may be in order to suggest the absence of a quorum without it charging against the special order time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair, and I thank the minority leader.

Mr. BYRD. I thank the distinguished majority leader.

MINDING THE STORE AND RESPECTING THE LAW

Mr. BYRD. Mr. President, Wednesday evening, June 27, on the NBC evening news, it was reported in some detail that the Navy had paid many millions of dollars for completely fraudulent charges—in padded costs

and phony invoices—by contractors on items being procured for our naval ship construction. The report outlined widescale corruption among the contractors in the execution of Navy shipbuilding contracts worth billions of dollars. The large sums charged for work not done or materials not delivered were paid out by the Navy in apparently a routine or cursory way. There was not any challenge or careful attention paid to the details of the exorbitant bills which the taxpayers were forced to pay.

This account is but the latest in the endless series of episodes, demonstrating a lack of zeal on the part of our armed services in routing out wasteful expenditures in military procurement. It is difficult to understand why our uniformed services cannot be more attentive to these matters. Close and constant investigation of military contracting is needed, all the time, and from the very top down, in order to achieve effective reform of DOD waste.

When an individual story such as this reaches the level of the national evening news, one is forced to assume that many other examples of sloppy procurement practices are going unreported, unpoliced, and unnoticed.

Mr. President, some senior officers of the Navy have recently taken to the public podium to condemn the War Powers Resolution—which has been the law of the land since 1973. These high-ranking officers, including the top command in naval operations, are expending considerable effort in publicly challenging the merits of the law of the land. I believe this exercise is totally inappropriate to their military role—which is to make our forces ready to fight, and to procure workable weapons systems at reasonable prices. Rather than jumping into the political and constitutional debates that are out of the domain of their responsibilities, our uniformed top naval leaders would be far better off investigating how their procurement officials are protecting the public pocketbook.

SOVIET BRUTALITY IN AFGHANISTAN

Mr. BYRD. Mr. President, since the Soviet invasion of Afghanistan on December 27, 1979, there have appeared periodic reports of Russian brutality directed against the civilian population of that nonaligned nation. The June 28, 1984 edition of the New York Times carried a story providing firsthand details from two Soviet Army defectors of this brutality against civilians.

The two defectors, who are presently in Great Britain, have provided information that Russian soldiers are ordered by their officers to kill Afghan villagers in cold blood. They stated that if a cartridge or bullet were found, officers ordered the village to be destroyed, the young men usually shot on the spot, and the women killed with grenades.

The two officers stated that they had taken part in the killing of 100 to 200 people in an Afghan village.

The deserters also stated that the morale among Soviet soldiers was low and that drug use was high. The Afghan Army the Soviets are supposed to be advising is not an army, just a mess, with half the soldiers running away and the other half joining the rebels, according to the two defectors.

Mr. President, as the brave Afghan freedom fighters continue to mount impressive resistance to the Soviet invaders, it is apparent that the only response of which the Russian Army is capable is that of conducting genocide against the civilian population of Afghanistan. This morally reprehensible conduct not only should lead to continued international condemnation of the Soviet occupation of Afghanistan, but also to greater efforts among the free nations of the world—and that would include Moslem nations—to ensure that the freedom fighters have the weapons necessary to continue inflicting heavy casualties on the Soviet invaders.

I ask unanimous consent that the New York story of June 28, 1984 be printed in the RECORD.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

AFGHAN WAR: RUSSIANS TELL OF THE HORROR

(By Jo Thomas)

LONDON, June 27.—Two Soviet Army deserters speaking at a news conference here today described the fighting in Afghanistan as a "monstrous war where innocent people are killed on both sides."

The two, Igor F. Rykov, 21 years old, and Oleg G. Khlan, 20, deserted to the Afghan insurgents in July 1983. Lord Bethell, a Conservative member of the European Parliament, found them during a visit to the rebels and arranged for their release. Since they arrived in Britain two weeks ago, they have been undergoing treatment for withdrawal from opium, to which they became addicted in Afghanistan.

The two looked thin and pale and wore blue jeans and seersucker jackets at the news conference, which was arranged by Lord Bethell and Resistance International, a group that supports the Afghan insurgents.

The deserters, who had served as armored personnel drivers, said their officers treated them "not like human beings but like animals" and they, in turn, had been ordered to kill Afghan villagers in cold blood.

A VILLAGE SEARCH DESCRIBED

"An officer decides to have a village searched to see if there are any rebels in it," they said, speaking through an interpreter. "What usually happened is we found a cartridge or a bullet. The officers said; 'This is a bandit village. It must be destroyed.' So they bring the women into a separate room. The men and the young men are usually shot right were they are. And the women, what they do is try to kill them with grenades."

They said they had taken part in the killing of 100 to 200 people in the village of Bazarcha, near Kandahar, but they did not seem to be sure of the date. They said the incident was in 1980, although they themselves did not get to Afghanistan until early 1982.

In another incident, in Nangarhar Province, described at the news conference and in a letter seeking political asylum from Prime Minister Margaret Thatcher, Mr. Rykov said:

"Our lieutenant, First Lieut. Anatoly Gevorkyan, ordered the members of our platoon to bring out a young Afghan boy, about 16 years old. He then ordered Pvt. Oleg Sotnik to kill him with a knife, saying: 'Now then, Sotnik, here is the knife. Stick it into this young man. They tell me you are afraid of blood. You must get used to killing in cold blood, like I do.' "

When the private's attempt was unsuccessful, the lieutenant cut the boy's throat himself, Mr. Rykov said.

INTERVIEW IN PARIS NEWSPAPER

The deserters said morale among Soviet soldiers was low, drug use was high and the Afghan Army the Russians were supposed to be aiding was "not an army, just a mess, with half the soldiers running away and the other half joining the rebels."

They said some Afghan soldiers, marching behind the Russians, would shoot them in the back. As captives, they said they had also seen insurgents kill wounded Soviet soldiers.

Some of the incidents described today were similar to accounts given by the two in an interview published April 19 in the Russian-language newspaper Russkaya Mysl of Paris.

Mr. Rykov and Mr. Khlan were among five Soviet soldiers—four deserters and a prisoner of war—who were interviewed while still held by the Afghan rebels. They were interviewed by Fatima Salkazanova, a reporter for Radio Liberty, the American-supported station based in Munich that broadcasts to the Soviet Union.

RECOGNITION OF SENATOR ABDNOR

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

IMPUTED INTEREST

Mr. ABDNOR. Mr. President, a few moments ago, the Senator from Montana, Senator MELCHER, spoke on imputed interest. I would like to say that is something which is of great concern to this Senator, also. My staff and I have been working for several months on this subject and were advised that we should wait until the tax legislation was acted on by the conference committee before we introduced our legislation. I think it would be well for anyone interested in that subject to take a look at the legislation I introduced yesterday. My legislation on imputed interest is S. 2822.

S. 2833—TAX LAW EFFECT ON AGRICULTURE

Mr. ABDNOR. Mr. President, today I am introducing a bill which is designed to help preserve our family farm system while curbing a tax abuse and at the same time reducing the Federal deficit. My bill would limit to the national median household income—approximately $23,600—the amount of off-farm income which could be sheltered by farm losses.

As my colleagues will remember, I offered a similar amendment to the deficit reduction package. At that time, a number of Senators were concerned about my amendment and urged that it be considered by the tax committees of the House and Senate. So as not to delay congressional action on the deficit reduction bill, I withdrew my amendment after my colleague, Senator DOLE, chairman of the Finance Committee, assured me that he would hold hearings on this issue.

Very simply, Mr. President, my bill would close a tax loophole which is aggravating our festering farm problems.

Farmers and ranchers not only have to deal with low commodity and livestock prices, high interest rates, and declining agricultural exports, but they also must compete with so-called gentleman farmers who are more interested in farming the Tax Code than in producing food and fiber. These so-called "farmers and ranchers" compete with the bona fide farmers and ranchers of America for farm and ranch land, add to our surplus production problems, and sometimes farm marginal lands, thus aggravating our soil and water conservation problems.

To add insult to injury, these "farmers of the Tax Code" rob the Federal Treasury of tax dollars which could be put to use to help reduce the Federal deficit, which in turn would help to reduce interest rates to bona fide farmers and ranchers.

In a recent study of 1976 farm income tax returns, the Internal Revenue Service identified 12,000 returns which reported farm losses in excess of $50,000. These same returns showed an average off-farm income of over $122,000. After deducting an average of over $104,000 in farm losses, these 12,000 so-called farmers paid taxes on an average adjusted gross income of just $16,362.

IRS found another 24,000 tax returns which recorded farm losses in the range of $25,000 to $50,000. The so-called farmers had an average off-farm income of almost $52,000 and after deducting average farm losses of $34,000, paid taxes on an average adjusted gross income of only $17,366.

The Joint Committee on Taxation estimated a revenue gain to the Treasury of approximately $2.6 billion for fiscal years 1985–87 from my proposed amendment to the deficit reduction bill. That amount could go to reduce the deficit and illustrates the magnitude of abusive tax sheltering in agriculture.

Realizing that the information on agricultural tax shelters is inadequate and often sketchy, I have requested the Treasury Department to prepare recent data on tax shelters in agriculture. Specifically, this information should enable Congress to determine the total loss to the Treasury, the commodities involved in tax sheltering, the occupations of tax-loss investors, the incomes of these investors, and the States and regions in which tax-loss farming is most prevalent.

The response to the amendment I offered earlier has been overwhelmingly positive and supportive. Farmers, ranchers, and other citizens and groups who are concerned about American agriculture have registered support. Additionally, the National Governors Association has endorsed the concepts embodied in my bill.

In an effort to collect the thoughts of knowledgeable individuals in regard to the issues of agricultural taxation and tax shelters, I queried a number of individuals about their options. Prof. Harold F. Breimyer, of the University of Missouri-Columbia, was perhaps the most outspoken and direct in stating:

"* * * For years, I have deplored the negative effects of tax deductions. They overstimulate agricultural production; they transform agriculture from an economy that generates income from its productiveness to a tax shelter economy; and they are devastating to a proprietary owner-operator agriculture * * * the farming community has been slow to recognize that the devices by which farmers minimize their tax obligations are a Trojan Horse."

Chairman D. Gale Johnson of the University of Chicago's Department of Economics offered some pointed comments which appear in agreement with Professor Breimyer's "Trojan Horse" theory:

"* * * Given the tendency of U.S. agriculture to increase production at a faster pace than the growth of demand is capable of providing a profitable outlet, it is clearly against the best interests of American farmers to have policies that encourage further investment in agriculture * * * tax policies that encourage investment in agriculture serve not only to increase farm production but also reduce the demand for farm labor by encouraging the substitution of capital for labor * * * It seems especially important that there be recognition that while some people gain from the tax provisions, the net effects include lower incomes for farm operators as a group and a substantial net cost to taxpayers."

If our Nation's tax policies are a Trojan horse and unfair to most farmers, they are indeed a disaster in many respects for taxpayers at large. Consider the comments of E. Gerald Corrigan, President of the Federal Reserve Bank of Minneapolis:

"Though I am not expert on agricultural taxation in particular, I do recognize the problems * * * as part of a larger problem. The labyrinth of special exemptions and loopholes in our Tax Code constitutes a huge Federal tax expenditure that complicates the task of coming to grips with our Federal budgetary problems. As I have noted in our annual report, the sheer magnitude of aggregate tax expenditures may have unintended negative effects on the sectors they directly affect but also contribute, collectively, to higher deficits and interest rates."

Mr. President, these comments are representative of the bulk of the comments I have received, and I believe we must move forward to study and correct abusive tax shelters if we are to come to grips with the problems confronting American agriculture. No longer can we focus myopically on typical farm program issues—like target prices, loan levels, and set-asides—and think we are doing anything to solve the problem in the long run.

I would be remiss if I did not mention, however, that I have received a few calls and letters from individuals and groups who have concerns about my proposal. Some of these concerns are expressed by those who currently benefit from the Tax Code and are enjoying the unchecked ability to shelter huge nonfarm incomes through "paper losses" from farming. This is natural, and we can expect to hear from those individuals and groups.

Additionally, some concern has been expressed by a few individuals who argue farming is a very unpredictable business, with inherent cyclical gyrations which cause it to be profitable one year and unprofitable the next. They point out that nonfarm income is a necessity in some years to keep some operations afloat.

To accommodate this legitimate concern, I have included a provision in my bill to exclude from the tax-loss limitation those individuals, partnerships, or corporations which receive more taxable income from farm than nonfarm sources in 3 out of the previous 7 years.

In other words, the tax-loss limitation would not apply to farmers with off-farm income if they actually are in the business of farming to make a profit and if they receive the greatest share of their income from farming in 3 of 7 years.

In closing, Mr. President, I ask unanimous consent to print in the RECORD following my remarks several articles and editorials concerning tax-loss farming, as well as the text of the bill. They highlight the problem of farm tax shelters and also are indicative of the public concern about abusive tax shelters, which are eroding the structure of American agriculture.

I welcome the input, guidance, and assistance of my colleagues in addressing this important issue.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

[From the Aberdeen American News, June 11, 1984]

THERE IS A STRONG AND GROWING CASE FOR LOOKING AT AGRICULTURAL TAX SHELTERS

Sen. James Abdnor of South Dakota has, as chairman of an Appropriations subcommittee, directed the Treasury Department to study the subject of sheltered income from farms and to report back quickly.

And well he might.

In an article in the Washington Post, the writers said a recent study by the Department of Agriculture showed in 1976 the Internal Revenue Service found 12,000 tax returns showing tax losses exceeding $50,000. On these returns, the average off-farm income was $122,000 and the average farm loss was $104,000. That resulted in adjusted gross income of about $16,000 on the average—a handsome subsidy to the tax-shelter "farmer."

It is a matter of concern, particularly in agricultural states such as South Dakota. Not only do wealthy nonfarmers avoid paying taxes because of their farming of the tax laws but they put additional stress on full-time farmers.

As the article points out, "Congress . . . has never quite been able to distinguish between genuine and gentleman farmers, those truly in the business and those sheltering from the tax collector.

But there is growing evidence that the agricultural shelters have a profound effect on the structure, the output and the economic wellbeing of bona fide farmers, particularly in the middle-size range.

The tax provisions have lured investors heavily into farming activities. The Post article quotes another recent USDA study, "Were agriculture less tax favored than it is, land prices would undoubtedly be lower; there would be less need for sophisticated financial and tax advisers; holding period for farm assets would likely be less; there would likely be higher proportion of owner-operators in farming; there would be fewer high-bracket taxpayers in farming and farmers might be younger on the average."

The article quotes Abdnor: "We do not know how much of this sheltering is excessive or abusive and how much is legitimate but it seems to me that reasonable people would not throw $100,000 away. There must be a payoff there somewhere."

He called it "outrageous" that individuals with huge off-farm incomes are competing for farm land against family farmers and ranchers.

Further, he says, current tax law encourages production on marginal lands since investors are able to incur greater farming losses on these lands, "thus aggravating our surplus production problems and adding to our soil conservation problems."

There is a strong and growing case for taking a long, hard look at the way investors and wealthy people shelter non-farm income from taxation. But when Abdnor proposed limiting agricultural tax shelters he was hit by a storm of protest and finally withdrew the proposal to save it from certain floor defeat.

It looks as if something should be done about the matter, but it won't be easy.

[From the Rapid City Journal, June 21, 1984]

TIME TO COORDINATE TAX AND AGRICULTURAL POLICY

Although a proposal by Sen. Jim Abdnor to limit agricultural tax shelters as a start toward trimming the federal deficit didn't go far on the Senate floor, the idea isn't dead.

According to Abdnor, skillful "farming of the tax code" by investors and wealthy people seeking to shelter non-farm income from taxation will cost the Treasury more than $2.6 billion between 1985 and 1987. He therefore proposed that the amount of off-farm income that could be sheltered by farm losses be limited to $21,000. Half of the revenue gain from the loophole closure would have been allocated to a trust fund for loans to beginning farmers.

Swamped by protests from all over the country and from colleagues, Abdnor withdrew his proposal to save it from certain floor defeat. However, he did extract a commitment from Finance Committee Chairman Sen. Robert Dole to hold future hearings on the issue.

The Abdnor proposal focuses attention on tax policies that have a direct, and heretofore largely ignored, impact on the health of U.S. agriculture.

Congress had never quite been able to distinguish between genuine and gentleman farmers, those truly in the business and those who are only sheltering income from the tax collector.

By decreeing that dairy barns and pig sheds could be considered equipment rather than buildings and that the productive life of grapevines and walnut trees, which may last 50 years or more, shall be considered five years, Congress has allowed greater tax write-offs.

These agricultural shelters have an effect on the structure, the output and the economic well-being of bona fide farmers, particularly those in the middle-size range.

Growth of syndicated offerings for nonfarmer investment in cattle feeding has resulted in half or more of the cattle in the biggest feedlots being owned by investors rather than farmers or ranchers, according to some estimates.

Rapid depreciation of the costs of establishing vineyards and orchards has stimulated investment that has led to overproduction, depression of prices and land values, market instability and hard times for producers whose only source of income is from their vineyards and groves.

A U.S. Department of Agriculture study reported the Internal Revenue Service in 1976 found 12,000 tax returns showing tax losses exceeding $50,000. On these returns, the average off-farm income was $122,000 and the average farm loss was $104,000. That resulted in adjusted gross income of about $16,000 on the average—a handsome subsidy to the tax-shelter "farmer."

Abdnor is right when he says it's outrageous that tax laws allow individuals with large off-farm incomes to compete for farm land against family farmers and ranchers, and to enjoy a tax subsidy that gives them a competitive edge over legitimate farmers. These laws also encourage production on marginal lands since investors are able to incur greater farming losses on these lands, thus aggravating surplus production problems and adding to soil conservation problems.

It's time for coordination between tax policy and agricultural policy.

[From the Washington Post, May 28, 1984]

TAX LAW'S EFFECT ON AGRICULTURE UNDER SCRUTINY

(By Ward Sinclair and Martha M. Hamilton)

When the call went out to cut the federal deficit, Sen. James Abdnor (R-S.D.) was right there on the Senate floor with a proposal that seemed ready-made for starters: limiting agricultural tax shelter.

Abdnor had found that skillful "farming of the tax code" by investors and wealthy people seeking to shelter non-farm income from taxation would cost the Treasury more than $2.6 billion between 1985 and 1987, and he was proposing a way to recoup some of it.

But in less than 24 hours, swamped by a wave of telephoned protests from all over the country and complaints from other senators, he extracted a promise of hearings later at the Finance Committee, then withdrew his proposal to save it from certain floor defeat.

Beyond highlighting the political difficulty of achieving tax reform, the proposal symbolized another important development: a growing realization here and around the country that tax policies have a direct, and heretofore largely ignored, impact on the health of U.S. agriculture.

In recent years Congress has decreed that for tax purposes dairy barns and pig production sheds shall no longer be considered buildings but equipment, and that the productive life of grapevines and walnut trees, which may last 50 years or more, shall be considered five years. Both these rearrangements of reality have meant greater tax write-offs.

Congress also has never quite been able to distinguish between genuine and gentleman farmers, those truly in the business and those sheltering from the tax collector.

The congressional Joint Economic Committee, for one, has begun hearings on the effect of tax-stimulated investment on agriculture as part of an ongoing study of farm policy. President Reagan's 1984 economic report to Congress raised questions about tax policies that encourage overproduction and lower prices. A few private groups, such as the pioneering Center for Rural Affairs in Walthill, Neb., have raised similar questions for years.

Farmers and agricultural investors, of course, are eligible for most of the same operating expense reductions and investment credits that other business and industrial investors receive.

In fact, according to Treasury data, farming tax schemes represent only about 3 percent of total revenue lost to the government through shelters.

Nevertheless, there is mounting evidence that the agricultural shelters have a profound effect on the structure, the output and the economic well-being of bona fide farmers, particularly those in the middlesize range. Some examples:

The growth of syndicated offerings for non-farmer investment in cattle feeding, which allows an investor to defer taxes, is believed to have been a major factor in the movement of large-scale cattle feeding from the Midwest to huge feed lots in the High Plains. By some estimates, half or more of the cattle in the biggest lots have been owned by investors rather than farmers or ranchers.

Tax code provisions that allow rapid deductions of the cost of establishing vineyards and orchards have had a sharp effect on the grape and walnut industries, stimulating investment that has led to overproduction, depression of prices and land values, market instability and hard times for many producers whose only income is from their groves and vineyards. The Economic Recovery Tax Act of 1981 allowed faster depreciation on trees and vines,

prompting another surge of non-farmer investment in these perennial crops.

As the pork industry has moved increasingly toward large-scale hog facilities, investment tax credits and full cost recovery in five years, allowed by the 1981 law, have attracted more outside investors and big corporations into the hog business. Their tax subsidy offsets operating costs and gives them a competitive edge over small and medium-sized family farmers.

Complaints from some farmers have caught the attention of some members of Congress and have begun to result in tax code changes aimed at curbing tax-motivated investment in agriculture.

A tax package approved by the Senate last month would reduce incentives to investors seeking tax shelters in at least two areas. An amendment added to the bill on the Senate floor by Sen. Charles E. Grassley (R-Iowa) would limit depreciation benefits for special-purpose agricultural buildings such as dairy barns, hog breeding buildings and greenhouses.

Another provison in the Senate and House tax bills would limit the ability of tax shelter investors to write off production-related costs long before any income is realized from production. The bills are waiting action in a House-Senate conference.

Hoy Carman, a University of California-Davis agricultural economist, put it this way at a hearing of the Joint Economic Committee this month: "It's really time to start getting some coordination between tax policy and agricultural policy."

Notwithstanding such pleas, the congressional agriculture committees and a plethora of public-interest groups, debating the shape of a 1985 farm bill, are talking about remodeling the old-line commodity support programs but paying little apparent attention to the tax side of agricuture.

Sen. Roger W. Jepsen (R-Iowa), chairman of the Joint Economic Committee, said at the first hearing on tax-shelter aspects of farming that some of the economic stress suffered by full-time farmers today may be increased by the tax laws.

"If farm investment by non-farmers occurs due to sheltering, and the resulting extra production occurs during a time of surpluses, prices can fall, jeopardizing farms that are in a cash-flow pinch," he said.

Other studies indicate, however, that it isn't only the outside investor whose quest for tax breaks distorts farm production and markets. Reagan's economic report, for example, noted that the tax code helps the largest, wealthiest farmers gain an edge over smaller competitors.

"Larger farms, which generate higher incomes, appear to gain proportionately greater benefits than smaller farms. People in higher marginal tax brackets can benefit more from the tax provisions. This creates an incentive for higher-income people to invest in farming. In practice, losses from farm operations reduce taxes on other income by more than the total federal tax revenue from farm profits," the report said.

The result, according to James C. Miller of the National Grange, is that, "for every dollar collected in farm profits, two other dollars of income are sheltered."

Although there is concern, there is not much up-to-date data available on the overall impact of tax breaks on agriculture. Abdnor, as chairman of an Appropriations subcommittee, has directed the Treasury Department to study the subject and report back quickly.

A recent U.S. Department of Agriculture study reported that the Internal Revenue Service in 1976 found 12,000 tax returns showing tax losses exceeding $50,000. On these returns, the average off-farm income was $122,000 and the average farm loss was $104,000. That resulted in adjusted gross income of about $16,000 on the average—a handsome subsidy to the tax-shelter "farmer."

Obviously not all use of the tax shelters is by the non-farmer. Legitimate farmers forced to take off-farm jobs to supplement their incomes also can subsidize their operations through skillful use of the tax code.

"We do not know how much of this sheltering is excessive or abusive and how much is legitimate," Abdnor said. "But it seems to me that reasonable people would not throw $100,000 away. There must be a payoff there somewhere."

Evidently so, judging by the quick reaction to Abdnor's aborted amendment. It would have limited to $21,000 the amount of off-farm income that could be sheltered by farm losses.

Half of the $2.6 billion revenue gain from closure of the loophole would have been allocated to a trust fund for loans to beginning farmers.

Abdnor, concerned with the economic problems of farmers in his state, said he thought it "outrageous that our current tax laws allow individuals with huge off-farm incomes to compete for farm land against our family farmers and ranchers. . . . Current tax law encourages production on marginal lands since investors are able to incur greater farming losses on these lands, thus aggravating our surplus production problems and adding to our soil conservation problems."

Another recent USDA study took this thought further. "Were agriculture less tax favored than it is," it said, "land prices would undoubtedly be lower, there would be less need for sophisticated financial and tax advisers, holding period for farm assests would likely be less; there would likely be a higher proportion of owner-operators in farming; there would be fewer high-bracket taxpayers in farming, and farmers might be younger on the average."

S. 2833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding after section 280E the following new section:

"SEC. 280F. LIMITATION ON DEDUCTIONS ATTRIBUTABLE TO FARMING.

"(a) IN GENERAL.—The deductions allowable under this chapter for the taxable year to any taxpayer engaged in the trade or business of farming shall not exceed the sum of—

"(1) the gross income of such taxpayer from the trade or business of farming for such taxable year, plus

"(2) an amount equal to the national median family income for the previous year.

if the taxable income of such taxpayer from sources other than the trade or business of farming has exceeded the taxable income of such taxpayer from the trade or business of farming in 5 of the 7 preceding taxable years.

"(b) SPECIAL RULES.—For purposes of this section—

"(1) INCOME AND DEDUCTIONS.—The determination of whether any item of income is derived from the trade or business of farming and whether any deduction is attributable to the trade or business of farming shall be made under regulations prescribed by the Secretary.

"(2) SEVERAL TRADES OR BUSINESSES OF FARMING.—In the case of a taxpayer engaged in more than one trade or business of farming, all such trades or businesses of the taxpayer shall be treated as one trade or business.

"(3) PARTNERSHIP, TRUSTS, AND S CORPORATIONS.—A trade or business of farming carried on by a partnership, trust, or S corporation shall be treated as carried on by the partners of such partnership, the beneficiaries of such trust, or the shareholders of such corporation in proportion to their interest in such partnership, trust, or corporation.".

Mr. ABDNOR. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

THE MX MISSILE: THE SUPREME FLEECE

Mr. PROXMIRE. Mr. President, in an article that appeared in the Washington Post, May 16, Walter Pincus provided the final and most convincing argument against the MX missile. Pincus agrees that the MX would be the "most accurate and reliable land-based intercontinental ballistic missile in the nuclear arsenal of either superpower." Does that sound convincing? After all, accuracy is the name of the game. The power of a missile is primarily a function of its accuracy. When we increase the accuracy of a missile by a factor of two, we get an increase in force, or hard target kill capacity of a factor of four. The MX's accuracy makes it a superreliable killer.

So if the MX is all that accurate, and accuracy is the name of the game, why should not we build it, and make the United States No. 1? Here is why:

First, President Reagan has called for the building of 100 MX's with 10 warheads each. Even if each warhead should work perfectly and destroy its target completely, it would not do the job. Why not? Because the Soviets have 1,400 ICBM's. So with a 100-percent perfect MX score with all 1,000 MX warheads striking precisely on target the other side would still have 400 ICBM's left. The answer to this MX shortcoming seems obvious. Why not build 100 or 200 more MX's with another 1,000 or 2,000 warheads? Why not build enough to do the job for sure? The answer to that brings us to our second reason why the MX won't do the job.

Second, the MX missile would be based in existing silos in Wyoming and Nebraska. Are those silos vulnerable to Soviet attack? Yes, indeed. The Air Force tells us that within 5 years the Soviets will be able to destroy 99 percent of our land based missiles. They certainly could destroy our MX mis-

siles. And since the MX's are as threatening as they are, since they would be equipped with 10 warheads each, and therefore constitute an ideal target, we know we would lose them in the event of a nuclear war with the Soviet Union, unless we fired them first. And by first I mean before the nuclear war started.

Third, does this mean that the MX would be a first strike weapon? Yes, indeed, it means exactly that. Under what circumstances, if any, would an American President elect to initiate a first nuclear strike against the Soviet Union? Answer: if the Soviets seemed about to win a conventional war in Europe, if they seemed about to sweep to the channel, then the President might decide to use tactical nuclear weapons to stop Soviet tanks or even troop concentrations.

When administration critics last year proposed that this country join the Soviets in denying that we would ever be the first to use nuclear weapons, then Secretary of State Alexander Haig opposed such renunciation of the first use of nuclear weapons. He argued that this country must reserve the right to use tactical nuclear weapons on a European battlefield because of the Soviets' superiority in mechanized armor and planes. Haig and the administration, however, made it clear that they were talking about critical nuclear weapons not ICBM's. Obviously, any first use of ICBM's against the Soviet Union—even if it were completely successful, and knocked out every Russian land based missile—would provoke an answering Soviet retaliation from Russian submarines and bombers that would devastate our country.

So I think it is clear that neither Ronald Reagan nor any successor would, under any circumstances, initiate a first strike nuclear attack on the Soviet Union from our MX's. Obviously the administration is reserving the possibility of using tactical nuclear weapons in response to a successful Soviet conventional invasion of Western Europe. But would the administration order an MX attack on Soviet land based missiles without either a Soviet nuclear attack on our allies or on this country? No.

Fourth, what does that leave for MX use? The only real likelihood that this country would ever use this multibillion dollar weapon system would come from a report real or mistaken that Soviet nuclear missiles were on their way.

The President could hold his fire to determine absolutely that incoming missiles were the real thing for our submarine and our bomber fleets. The subs could be sent to sea. The bombers into the air. Neither would be vulnerable. But the MX would sit there, motionless—surely targeted and precisely targeted by the adversary. The President would have no choice: Use it or lose it—incinerate the world for sure or rely on our invulnerable subs and bombers that have more than 70 percent of our nuclear punch for retaliation. That would not be a hard Presidential decision.

Fifth, and that leaves all alone—standing by itself—the argument for the MX that has persuaded the Congress in the past to continue this weapon system. That argument is that it serves as a "bargaining chip." We build 100 MX's with a thousand warheads so we can negotiate and trade off with the Soviet Union for their land-based missiles. And this argument has to be the most fallacious of all. Why in the world would the Soviets want to give up their land-based missiles that constitute more than 70 percent of their deterrent in whole or in part for a vulnerable U.S. MX that would constitute only a small fraction of our deterrent? And, especially why would they want to make this kind of a trade when the MX and our other land-based missiles are the only U.S. nuclear weapons they know they can take out when they want to do so? Their own land-based missiles are only effective against our land based and stationary nuclear weapons—not our sea- and air-based mobile deterrent. So is the MX a wise and useful bargaining chip? Of course not.

If the Congress decides to build the MX we will be throwing tens of billions of dollars down a nuclear rathole. It will be a total waste that will leave this country not more secure but less secure, as nuclear war will be more likely.

Mr. President, I ask unanimous consent that the article to which I have referred from the May 16, Washington Post, entitled "MX Makes Threat It Cannot Back Up" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MX MAKES THREAT IT CANNOT BACK UP

(By Walter Pincus)

The giant MX missile, which promises to be the most accurate and reliable land-based intercontinental ballistic missile in the nuclear arsenal of either superpower, has been dogged for a decade by questions about its military purpose and how to deploy it.

The problem is that the MX is designed to threaten Soviet ICBMs without having the capability of carrying out the threat.

Although technical features of the missile have changed little since advanced development began 10 years, the military role for the 100 sought by the Reagan administration has become increasingly vague, primarily because there are not enough MX warheads to knock out the 1,400 Soviet ICBMs.

In addition, the MX missiles are to be based in existing silos, in Wyoming and Nebraska, considered vulnerable to Soviet attack. Despite 10 years of study, no one has devised a way to guarantee that the missiles would survive a Soviet first strike.

MX missiles are designed to carry 10 nuclear warheads up to 6,000 miles in less than 30 minutes and to have each warhead fall within 300 to 400 feet of its target. The MX would be the only missile in the U.S. arsenal designed to knock out Soviet ICBMs.

A recent General Accounting Office report said that the push to make the first 10 MXs operational by the end of 1986 would require some parts to be built before they are tested fully. Many U.S. missiles have been produced that way, and there is little doubt that bugs in the MX design will be worked out.

Pentagon officials privately acknowledge that the Reagan MX plan is temporary, a transition to some more survivable MX basing mode or to a smaller ICBM that would be easier to defend either in an extremely hardened silo or in a mobile form.

Almost 20 years ago, when the Air Force began development studies of the "missile experimental," later called MX, an ICBM was designed to be able to survive a Soviet first-strike attack because of its cement-hardened silo. It was then to be launched, destroying Soviet nuclear forces and the Soviet economy.

The American threat to deliver such "unacceptable damage" in a retaliatory attack on the Soviet Union was considered enough to deter the Kremlin from a first strike.

Five years ago, when President Carter approved full-scale development of the MX, costly deployment plans had to be worked out so the missiles would be safe from Soviet attack. The Soviets had increased the number of warheads on their missiles and made them more accurate. Moscow had also greatly hardened its own missile silos, making it more difficult for U.S. warheads to destroy them.

The 200 MX missiles Carter sought to build were to be rotated among 4,600 hardened shelters in Utah and Nevada, creating so many potential targets for Soviet missiles that U.S. planners argued the Kremlin would have to use the bulk of its large strategic force to knock out half of them, still leaving the United States with enough to inflict "unacceptable damage" on the Soviet Union.

In 1979 and 1980 candidate Ronald Reagan criticized Carter's MX plan as not being enough to deter the Soviets. He said that by building more missiles or putting more warheads on existing missiles the Soviets could overwhelm 4,600 shelters and the 200 MX missiles they had.

Having killed the Carter plan, however, the Reagan administration had problems coming up with one of its own that could pass Congress.

The one it now proposes stands most of the old arguments for land-based ICBMs on their heads. The 100 MX missiles are designed to "threaten" Soviet ICBMs, the same way Soviet missiles threaten U.S. ICBMs.

The problem is that unless the MX missiles are launched in a first strike or before a Soviet first strike reaches them they can be destroyed before they are used.

Then there is the question of the number of MX missiles Reagan seeks, half the total Carter sought. The 1,000 warheads they represent are too few to threaten the entire Soviet missile force, which numbers 1,400.

And, based on Pentagon figures, at most 10 to 20 MXs would survive a Soviet first strike, leaving too few U.S. warheads to inflict in retaliation the "unacceptable damage" that traditionally has been part of U.S. strategy.

TREBLINKA: THE ULTIMATE DEATH CAMP

Mr. PROXMIRE. Mr. President, 42 years ago this month, the Nazis began operating one of their largest and most efficient concentration camps. Alexander Donat, an author and Warsaw ghetto survivor, describes Treblinka as "the reign of ultimate undiluted evil, the mesmerizing dread of unmitigated terror, combined with masterly delusion and camouflage."

Treblinka served exclusively as a death camp.

There was no forced labor;

There was no product produced other than corpses;

The camp was for Jews only; and

There were almost no survivors.

The estimates of the number of persons who died at Treblinka vary. German experts say 700,000. The official Polish figure is 800,000. Other sources report 1 million victims.

Francis Zabecki, a Pole who was traffic controller at the Treblinka railroad station, secretly kept a daily record of all train transports for the Polish Home Army. He insists the death count could not possibly have been less than 1.2 million.

And Samuel Rajzman, the oldest of some 50 Treblinka survivors, claimed he had been eyewitness to an SS party celebrating the 1-millionth arrival in Treblinka. That party was held long before the end of the camp's operations.

Prisoners arrived at Treblinka in sealed boxcars. They were led in droves to the gas chambers, which the victims thought were baths. Those doomed for gassing lost their clothes and possessions. They walked naked to the gas chambers, which accommodated up to 200 at a time. The SS guards used prisoners to clear the piled-up bodies from the gas chambers. After shaving the head and removing the gold fillings from the teeth, the prisoners threw the bodies into incinerators.

Treblinka was one of three primary concentration camps in Poland. The other two were Chelmno and Auschwitz.

Chelmno began operations in late 1941 and reached a record of 1,000 deaths a day. Nazis gassed the victims in three sealed railroad cars and cremated bodies in the nearby woods.

Auschwitz was the model extermination camp. By 1943, it was capable of destroying 12,000 or more persons a day. Its gas chambers accommodated up to 2,000 prisoners at a time.

Auschwitz was not merely a death camp. It served also as an inexhaustible reservoir of slave labor for German industries. While more than 2½ million Jews were murdered there, many thousands survived. Not so in Treblinka. Only about 50 prisoners made it through Treblinka, which was even more barbaric than Auschwitz.

In all, about 6 million of the 8.3 million European Jews died in the Holocaust.

The horrendous crimes that occurred at Treblinka must not be forgotten nor repeated. The Genocide Convention represents one attempt to make sure that the world never sees another Treblinka. But the U.S. Senate still has not ratified this important document, which makes genocide a crime by international law.

Mr. President, the Senate must ratify the Genocide Convention and it must do it now.

The PRESIDING OFFICER. The Senator from Mississippi.

S. 2808—MISSISSIPPI WILDERNESS DESIGNATIONS

Mr. COCHRAN. Mr. President, yesterday I introduced legislation to designate certain areas of Mississippi as components of the National Wilderness Preservation System.

I want to express my sincere appreciation to Louis McCool, from Oxford, MS, who is active in the Mississippi chapter of the Sierra Club, for his assistance and counsel in the preparation of this legislation.

I also want to express my appreciation to Gray Reynolds, a member of my staff, who has worked very hard to sort through all of the various interests in developing this important bill.

This is the first important Mississippi wilderness bill, Mr. President, that has been introduced. It calls for designating the Black Creek Leaf Acres in the De Soto National Forest as wilderness and releases the Sandy Creek further planning area. It is my understanding that the Senate Committee on Agriculture, Nutrition, and Forestry, under the chairmanship of the distinguished Senator from North Carolina [Mr. HELMS], will be able to schedule and conduct hearings as soon as we return from the July break. We hope that those hearings can be held on either July 23 or July 24 and that the bill can be acted on by the committee at an early date.

FLOOD OF HEROIN AND COCAINE CHANGING PATTERNS OF DRUG USE

Mrs. HAWKINS. Mr. President, it has been said about drug abuse in our Nation that the worst is yet to come.

But, I ask you, how can it be worse than is reported in the article reprinted below?

When cocaine use reaches every level of our society; when the number of cocaine addicts increases by one-third in 1 year; when the supply of cocaine and heroin becomes so extensive the price drops 60 percent in 1 year; when drug-related murders increase 50 percent in 1 year; when the increased purity level of the cocaine on the streets causes strokes and seizures in its unsuspecting young users; it is time to put a stop to it.

Personal histories of those whose lives were devastated by drugs are included in the first of this series of articles on drug abuse. To see a young man ruin a promising career on Wall Street and decimate his savings because of cocaine; to see a young woman fall victim to cocaine addiction thereby losing her job and her husband; to see a ghetto-escapee turn to crime to feed his narcotics addition; to see a young immigrant break his family's heart by dropping out of school and turning to crime to support his need for drugs; it is time to put a stop to it.

Mr. President, the amount and accessibility of cocaine and heroin in this country have increased to such an extent that law-enforcement officials have virtually ceased large-scale investigations into marijuana trafficking to turn their attention to these more dangerous drugs. Cocaine and heroin are available in such quantity that former users of only one type of narcotic are turning into garbage heads—the street term for users of more than one drug.

It is not as if efforts are not being made to put a stop to this situation. Numerous crackdowns against drug traffic, both on the part of New York City drug enforcement officials and Federal authorities, have been made, as have many seizures of drugs and arrests of dealers.

But there is so much money to be made, and so many drugs available, that the dealers who do escape these raids just move to another place to ply their trade. There is another phenomenon that is occurring in New York right now, and that is that average middle-class people, once only intermittent users of drugs, are becoming dealers of cocaine and heroin. Again, the risk is worth it to them because of the tremendous amount of money to be made. The use of heroin and cocaine thus rises in the areas outside the city, as these new kinds of pushers take their wares home with them to the suburbs.

While the situation that is described in this article about drug abuse in New York is particularly horrifying, I think we would be making a mistake to think that these problems are limited to our Nation's largest city. In my home State of Florida, many urban areas are as affected by increased supply and use of drugs as is New York City. The problem of drug abuse is our Nation's No. 1 problem, and articles like the one reprinted below point this out in graphic terms.

Mr. President, it is time to put a stop to it.

I ask unanimous consent that the article entitled, "Drugs Flood Altering

Patterns of Use," of the New York Times, dated May 20, 1984, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRUG FLOOD ALTERING PATTERNS OF USE

(By Selwyn Raab)

Supplies of illegal heroin and cocaine have grown so plentiful in the New York City area that drug experts see a dissolving of the traditional lines between people who use the two drugs as well as between people who sell them.

Heroin addiction, while still more prevalent among the poor, has recenty risen among members of the white middle class, rehabilitation experts say. And cocaine appears to be contributing to the increase. A state study has found that some cocaine abusers have become addicted to heroin after experimenting with that drug to overcome the mental anxieties created by cocaine.

At the same time, cocaine, once the exclusive preserve of wealthy drug users, has become a popular street drug. High-priced cocaine with a purity level as high as 40 percent is still sold for $100 a gram and $1,000 an ounce to affluent users. But for the first time, the drug, with purity levels of 5 to 10 percent, is being widely sold in small units called bags or tins for as little as $10.

Dozens of cocaine and heroin addicts, from all segments of society, from bank executives to admitted shoplifters, described in interviews how with little difficulty they managed to get both drugs. Wealthy cocaine users, whose habits cost more than $50,000 a year, told of using the telephone to arrange direct deliveries to their East Side apartments.

And in the Bronx, a longtime heroin addict who tells of financing his $100-a-day habit by shoplifting and burglaries said that "the dope situation has never been better." He said the recent flood of cocaine at low prices had allowed him to "speedball"—or inject a combination of heroin and cocaine.

Moreover, the difficulties in combating two hardcore drugs have severely strained the police and rehabilitation agencies. And because heroin and cocaine are so much more health-threatening than marijuana, law-enforcement agencies have virtually ceased large-scale investigations into marijuana trafficking, although the drug is openly sold on street corners.

Until several months ago, few dealers handled both heroin and cocaine. But with the surge in illegal use and trafficking in the New York metropolitan area, officials say the two drugs are now being offered together in abundant quantities. New York dealers have coined a name for multiple drug customers—"garbage heads."

GOING INTO DRUG DEALING

"There is so much money to be made that average middle-class people are going into coke and heroin dealing," said Sterling Johnson Jr., the city's special narcotics prosecutor. "They know the odds are on their side, that most dealers who take care of friends and neighbors don't get caught."

The surge has occurred despite crackdowns by the city's Police Department and Federal authorities against trafficking on the Lower East Side and in Harlem, two of the most notorious areas in the city for narcotics sales. Most officials, including Police Commissioner Benjamin Ward, say that in the wake of the police campaigns many of the dealers have simply moved their operations indoors or to other neighborhoods.

Deaths attributed to narcotics overdoses—mainly heroin—have more than doubled since 1978, to about 500 in the city last year. And the Police Department's last homicide analysis in 1981 estimated that at least 393 slayings in the city, or 24 percent of the total, were drug-related, principally involving heroin or cocaine users and dealers.

"Coke and heroin are probably at an all-time high," said the director of the state's Division of Substance Abuse Services, Julio A. Martinez. "Previously, coke and heroin dealers dealt to different classes of people. Now what you have is a department store—you can get all types of drugs from any one dealer."

The recent police drives seem to have had little effect on experienced heroin users.

"Even if they clean up Avenue D, it doesn't matter," the Bronx addict said of the notorious drug-selling on the Lower East Side. "There's always somewhere else—in East Harlem, College Avenue in the Bronx, Bed-Stuy and Williamsburg. They can't stop it. Too many junkies, too much money. Nobody's worried about it."

With the changing patterns of heroin and cocaine use in the New York area have come other significant trends, according to Federal and local law enforcement agents, rehabilitation counselors, drug addicts and former drug addicts, and public and confidential reports on narcotics problems.

The experts cited these key changes in cocaine abuse:

Use of the drug is rising in the city and the suburbs, according to a study by the state's Substance Abuse Services Division. The study estimated that at least 750,000 of the state's residents have used cocaine, almost double the number in a 1981 survey. About 400,000 people in the state are believed to use cocaine at least once a week.

More patients in drug-treatment programs are citing cocaine as their major problem. Last year, a record number of patients cited cocaine abuse problems when applying for admission to state-financed drug treatment programs. Outside of the city, about 9 percent of the patients who sought help listed cocaine as their major problem, compared with 4 percent in 1981. In the city, the proportion of patients with cocaine problems in state-financed programs rose to 9 percent last year from 6 percent in 1981.

Cocaine is making inroads among low-income populations. For example, a state study found that 26 percent of the residents in the city's single-room-occupancy hotels—many of whom are on welfare—are users of cocaine.

As many women as men are using cocaine. Dr. Arnold M. Washton, a psychologist and drug researcher, said a recent survey of cocaine abusers in the metropolitan area had found that about half were women, up from one-third a year ago. The growing rate among women, Dr. Washton said, stemmed partly from the changing roles of women in society and increased stress faced by those who work.

"Women also are being introduced to cocaine through courtships," Dr. Washton added. "Instead of candy or roses, men bring cocaine as a gift."

Because of apparently abundant supplies, the price of cocaine for large-scale dealers has fallen in New York. According to officials of the Federal Drug Enforcement Administration, in the last year importers have dropped their price to middle-level distributors from $40,000 a kilogram, or 2.2 pounds, to $30,000.

The lower prices have also made it easier for teen-agers in the city and the suburbs to purchase and to try cocaine, drug counselors said.

Many drug experts are concerned that the increasing use of high-purity or more potent cocaine may lead to medical as well as psychological problems among abusers. Because large-scale cocaine use is relatively new, reliable studies on the possible long-term physical side effects have not been made. But Dr. Robert B. Millman, director of drug research at New York Hospital, said there are "ominous signals."

"We are getting a large number of anecdotal reports of young people who use cocaine and who are having seizures, strokes and premature heart attacks," he said.

With heroin, the picture is somewhat different.

The number of heroin addicts in New York State has risen slightly in the last year to about 247,000, Federal and State officials estimate. Most—190,000—live in the city. About 32,000 heroin users live in Long Island and the northern New York suburbs. About 20,000 come from northern New Jersey.

Heroin addicts are still believed to be more heavily involved in violent crime than are cocaine users, who generally are more affluent. Researchers said about 20 percent of frequent cocaine users admitted having committed crimes to support their habits. Most crimes were white-collar offenses, such as embezzlement and theft.

The typical, or daily, heroin addict in the city, in addition to buying, selling and using drugs, commits 209 nondrug crimes each year, according to a study recently completed by the state's Substance Abuse Services Division.

Based on interviews with 201 addicts, the study found that the average addict, who spends between $50 and $100 a day on heroin, had been involved in 12 robberies, 34 burglaries and 91 other types of thefts each year. The typical crime netted $41, the report said.

MOST CRIMES WERE NONVIOLENT

Dr. Bruce D. Johnson, a sociologist who was in charge of the study, said the vast majority of crimes committed by heroin addicts were nonviolent, such as shoplifting, check forgeries and prostitution.

Another sign of heroin use and its link to crime has been noted by officials through a sharp increase in the number of newly arrested inmates in city jails who require detoxification or medical aid for withdrawal symptoms. From 1980 to 1983, the number of inmates who underwent detoxification rose from 7,679 to 13,046.

The proportion of blacks addicted to heroin in the city and the state appears to be falling. Since 1980, black patients in state-supported treatment programs dropped from 48 percent to 38 percent. Meanwhile, the number of Hispanic patients rose from 32 percent to 35 percent and the number of whites from 20 percent to 27 percent.

Experts attributed the drop among blacks partly to vigorous anti-heroin educational programs directed at black youths. The rise in use among Hispanics, the experts said, may have resulted from the easy availability of heroin in Hispanic neighborhoods, including the Lower East Side, Williamsburg, East Harlem and the South Bronx.

An increase in heroin use by whites—mainly men and women in their 30's—resulted largely from a relapse problem, rehabili-

tation experts said. Many former addicts, they said, stopped using the drug in the mid-1970's when it was hard to get but had been lured back by its greater availability and purity.

In the 1970's, purity was usually below 2 percent. Recent Police Department laboratory tests have shown purity, especially on the Lower East Side, as high as 17 percent.

Cocaine, which pharmacologically is not a narcotic but a stimulant of the central nervous system, has also been blamed for an increase in the use of heroin. Heroin is a narcotic that numbs the senses. A state study of new heroin users found a large number who said they had turned to the drug in an attempt to relieve psychological stresses caused by cocaine.

"They get so wired, so hyperstimulated by chronic cocaine use that they can't sleep or function," explained Dr. Douglas S. Lipton, research director in the state's Substance Abuse Services Division. "They resort to heroin to avoid the depression which normally happens when cocaine is cut off, only to become addicted to heroin."

In analyzing the recent trends, Dr. Mitchell S. Rosenthal, the president of the Phoenix House Foundation, which runs the largest private drug rehabilitation program in the metropolitan area, said that 20 years ago less than 4 percent of the population had used any illicit drug.

"Today, more than 35 percent of the population has used an illicit drug," Dr. Rosenthal said. "It is no longer a phenomenon of the minority poor, the underclass. Over 20 years, there has been a de facto decriminalization of drug use. Our culture, in effect, has said, you want to get high, then get high."

Dr. Washton, who is director of substance abuse research and treatment at Regent Hospital in Manhattan, said: "What we have is the baby boom generation of post World War II that has shifted from marijuana to cocaine. Many of them get comfortable with the idea of so-called recreational drugs in the 60's and 70's and they are smack dab in the middle of life, dealing with problems they never thought they would have to deal with."

DRUG USERS, RICH AND POOR, TELL OF THE COSTS AND THE ANGUISH

Some grew up in wealth and comfort in New York City, the suburbs and upstate. They went to private schools and Ivy League universities before moving almost effortlessly into well-paid executive jobs in finance or the fashion industry.

Their lives in New York City involve business deals in the garment district and Wall Street, fashionable Gramercy Park apartments, expensive restaurants and parties.

Others grew up in middle-class Brooklyn and shabby inner-city neighborhoods. Most of them are school dropouts who worked briefly as teen-agers. Now they support themselves and their families by mugging, shoplifting and selling illicit drugs.

All of them—the wealthy, the blue-collar workers and the criminals—are heroin or cocaine addicts.

Some affluent addicts began using drugs, mainly cocaine, often because it was considered a harmless diversion. They could afford it, even if it cost $50,000 a year.

For poorer addicts, cocaine and heroin are sometimes an escape mechanism, a way, they say, to temporarily forgetting their daily plights. And crime is the only way they know of supporting addictions that can cost more than $100 a day.

They described their experiences with drugs and the consequences in taped interviews on the condition that their names be withheld. Whether rich or poor, they spoke of an easy availability of drugs in the city and often of misplaced confidence that they could occasionally use cocaine or heroin without becoming addicted.

A DIFFERENT WORLD

He is a 29-year-old investment banker, a native of upstate New York who graduated from an Ivy League college and moved to the city six years ago. He recently entered a private rehabilitation program.

Like most people of my generation, I started with pot in high school. I experimented with cocaine in college, but it was too expensive then. When I got to the city, a lot of people in my social and business lives were doing it.

It was part of being accepted, like drinking. It was there, and I did it along with everyone else.

It was a form of release at the end of the day. It didn't trouble me because it was illegal. As long as I wasn't selling it, I didn't feel I was committing a crime.

The first couple of years, I was snorting two or three grams a week, costing me $200 or $300, but I could afford it. I was making $50,000 in my job, and I have a considerable outside income, another $50,000.

The people I know are deep into six- and seven-figure incomes. When you make half a million a year, you can afford a cocaine life style. After a deal, you say, "Let's celebrate, get a couple of suites in a hotel, girls from an escort service, a couple of limos, a case of Dom Perignon and an ounce of cocaine." It's just part of that good life.

In 1982, I had a lot of business pressures. I wanted to leave the company I was with and start my own investment-consulting company. I was unhappy at work, and at the same time I became friendly with a group of people in the commodities exchange who do it in massive quantities.

I stopped buying a gram or two from friends and started to meet with real hardcore dealers. I needed larger and larger quantities—$2,000 a week. I could afford it, but it was hitting my savings, not coming out of my paychecks.

Last year, I also got married, and there was the pressure of work, and a fight with my landlord. Coke put me in a different world. I didn't care anymore. I was going downhill at work. All I was looking forward to was the next high.

I thought I was concentrating, but I wasn't. I'd go to Lutèce for a business luncheon and not eat a thing. There were a couple of deals that I definitely blew.

Last October, I confessed to my wife I was doing it in large quantities. I went to a psychiatrist and stopped for two months. Then it started again, worse than ever. I felt wired, but not in a frenzied condition. My hands shake, and you're always blowing your nose; it's like having a chronic cold.

I was spending money faster than I was making it. In the last year and a half, it cost me more than $100,000. Emotionally, it was tearing me apart. I was losing my temper, losing my shrewdness. I was talking too much when I should have been discreet. I tortured my wife—started fights with her just for the fun of it.

Sometimes I was so high I'm lucky I didn't kill myself by stepping in front of a bus.

A JOB ONCE A WEEK

A 35-year-old who grew up in Little Italy and the East Bronx.

I come from a good family. My father was a postman; my brothers and sisters all have good jobs.

When I was 13, a friend had some heroin. He asked if anyone wanted to get high. It was a big thing back then. I said, "I'll try." I mainlined, and I've been screwing up ever since.

My parents were immigrants. They didn't know anything about drugs, and they didn't realize I was screwing around until I got arrested for burglary when I was 16.

All in all, I spent about 10 years in prison, for robberies and burglaries. I used to push drugs, and I made $1,000 a week. But I would spend it all on heroin

I'm married and have two sons, 12 and 7. My wife doesn't know what I'm doing. I never go into the house high, and she never sees my arms. She thinks I'm straight and that I'm a cabby.

I got out of prison about a year ago, after four years for armed robbery. Heroin is costing me about $60 a day. I'm shooting five or six bags.

To pay for it, I pull a job once a week, usually a stickup. Most of the time I don't even know what I'm doing. I wake up and find I have $3,000 or $4,000 in my pocket. Then the picture would come back to me that I stuck somebody up.

My parole officer never looks at my arms. He asks if I'm working and says keep looking. They don't care, as long as you come in and keep the appointments.

It's a bitch out there, getting a job. Certain jobs you have to be bonded. With my record, I can't even get a super's job. I want to stop, but I don't know how. I've been trying to get into a methadone program, but they say come back in three or four weeks, and they still ain't got no room

It's a hell out there. I get so depressed that instead of looking for a job, I buy a bag of that poison.

TAKES THE TENSION OFF

A 35-year-old woman with two children who has always lived in Harlem.

I started messing with drugs when I was 15. It was the last day of school in Washington Irving High School, and a friend gave me a snort of heroin. "Take a blow, you're going to love the high," she told me. And she was right.

When I was 17, I dropped out of high school and got a job in the post office. I worked there for about a year, when I found another way of making money bagging heroin.

You can make about $100 a day in one of the mills. And the bosses always have some cocaine to keep you perky and to stop you from dozing off because of the heroin fumes.

It's hard to get those jobs in the mills, and it cost me $100 to $150 a week to get heroin. I'm on welfare, but that's not enough. I get money in various ways, sell pills, make a heroin run for someone else and get paid by the customer. The one thing I won't do is prostitute myself. I also won't sell drugs to any children.

I've only been arrested once, I was with three other people when the cops caught us shooting up in a hallway. I've tried going cold turkey, but it doesn't work. I have a lot of problems, pressures, finding enough money to raise my kids. If I can't handle something, I have to get high. It takes the tension off of me.

I have this fantasy that someday there will be detoxification centers where you can kick the habit and get good medical atten-

tion and then they help you find a good job. That's why so many of us hang out on the streets—because we have no jobs.

ALL GONE UP MY NOSE

A 22-year-old fruit and produce wholesaler in Brooklyn. He is married and has two children, and he says he is planning to seek help in a therapeutic program.

My first contact with drugs was while I was a student at Madison High School. Back then it was pot and ludes. After I graduated and started making some money, I had friends in business and in nightclubs who had cocaine connections.

All the rich people, the politicians and the showd-biz people were using coke. I was just a working kid, so it was a big thing for me to try something that was a rich man's high.

About a year and half ago, it got to be a habit for me. I had extra money and time to do it. If there was pressure at work, I'd run and get a gram of coke. I never cheated on my wife, but cocaine became my lover.

In the last six months, it's become unbearable. I've become paranoid. I can't go out of my house without looking behind me to see if I'm being followed. I break out in a cold sweat. I think people are watching me in my living room, that someone will jump through the window and take my cocaine.

I smoke an occasional joint, but nothing helps. I can hardly sleep. I go to work without sleeping, come home to get more cocaine to wake myself up.

The general situation with coke is very bad. You can get it in Flatbush, Bensonhurst, all over Brooklyn, not just Manhattan. Kids are copping half a gram for $40. It's cheaper than its ever been. Maybe it started out as a rich man's high, but gradually it will be a welfare high.

I make about $30,000, but over the last year I spent about $50,000 on cocaine. I've gone through most of my savings and borrowed from all the people I know. It's all gone up my nose and through my brain.

INTO TOTAL REVERSE

A 26-year-old secretary who grew up in Tenafly, N.J., attended a junior college and has been living in Manhattan for the last six years.

I was going out with an older man, about 35, and his entire group was into coke. We used to go to bars on the East Side. They'd hand you a vial, you'd go to the ladies room and snort out of the vial. My boyfriend was paying for it, but when we broke up, I got in touch with his dealer.

At first, I was able to handle it recreationally, only on weekends, and I didn't have constant cravings. Then it got worse. I needed a gram a day. I was paying $100 a gram, but I was such a good customer my dealer lowered the price to $90. My net pay was $260 a week, and I was spending $100 a day. I used a credit card to draw $2,500 from a bank and sold jewelry left to me by my grandmother for $7,000.

In the beginning, it was social. I'd love to go out, gab away, meet people. It made me feel confident, euphoric, that I could conquer the world.

Then it went into total reverse. I couldn't go out, I couldn't walk in the street. I felt everyone was looking at me through the window in my apartment, that the neighbors were spying on me. I really became a wackadoo.

I've lived in the Gramercy Park area and the Upper East Side, and coke is all over. I'm living with someone now, and I'm in a therapy program, and I hope I've licked the problem. But most of the tenants in my building, all they talk about is drugs. They say my floor has got the best drugs in the building. Now that I'm off drugs, I've probably got dealers living right next to me.

CENTER OF EVERYTHING

A 32-year-old buyer in the garment center. She attended private schools while growing up in Brooklyn and in Mercer County, N.J., and graduated from the University of Miami. Trying to relieve the anxieties of cocaine use, she suffered an overdose of sedatives and entered a rehabilitation program.

In 1981, everybody started doing coke—in homes, in limousines on the way to theater. The first time I tried it was on July 4, 1981, while watching the fireworks on the West Side. It's strange to say it now, but at first I didn't like it.

Six months later I was in Florida, and all my dates were using it. I tried it again, and what I did like about it was that it gave me the energy to dance until 4 in the morning.

The next time I danced with cocaine was in June 1982, when I met my future husband. We used it once a month, on the anniversaries of our first meeting. My husband had been a cocaine dealer for many years. He started selling coke when he needed money to complete his doctorate, but once he saw how easy it was to make money selling coke, he dropped out of the doctoral program.

When we decided to get married, he got a legitimate job. But as I starting using it more and more, I enjoyed the high. I'm a very up person, and it sped me up. It gave me more security—an "I don't give a damn" attitude.

By March 1983, I was using it every day. when we got married in September, I stopped. My husband said, 'I'm not in the business; I don't want you involved in it.' As a substitute, I started drinking, but I missed coke. I had been used to living alone, total independence, never having to answer to anybody. Now here somebody was invading my space.

Last November, I made connections with people in the garment center. I couldn't resist the high coke gave me. When I did coke, I was the center of everything. I put everything, on the back burner. I forgot about everybody and everything. In one month, I did $4,600 worth, two to four grams a week. I'd phone a dealer, and the coke was delivered to my door. Because I paid out of my savings, my husband had no idea what I was up to.

But my life was becoming totally uncontrollable. It was an effort to get up in the morning to do a food shop. I always had dinner on the table when my husband came home. But those last few hours before he came home, when I stopped using coke, were the most horrible of my life. That crash was the worst thing I've ever been through.

DEAD TIRED

A 42-year-old who was paroled last October after serving six years in prison for shooting a man during a quarrel in a bar. He is living in the Yorkville section of Manhattan.

When I was 19, I was a doorman on Park Avenue and doing fairly well. A friend bought a $5 bag of heroin, and four of us tried it. We all thought we could handle it. We all thought we were pretty clever. Once I started using it, it got heavier and heavier, and I didn't know I was hooked.

I lost my job and started stealing little things, first $5 from my mother or from someone else in the family. When I was 20, I got arrested for armed robbery and served four years.

Since then, I've also been arrested for breaking into cars and boosting out of supermarkets. I've never been able to hold a full-time job, because getting enough money for heroin is a full-time occupation. I'd occasionally spend 60 or 90 days in jail, and clean up my habit for a brief time.

When I got out of prison last October, three days after I got home I started using heroin again. I was bored. There was nothing to do and I couldn't resist it. I told my parole officer, and he said go into a methadone program or go back to prison for four years.

I've been on methadone since December, and that takes care of my heroin problem. But I still need something, so I'm using coke. I'm shooting it. Coke allows me to escape momentarily. It's not a habit. It's something to do, instead of sitting around, thinking of my miseries.

Coke costs me $100, sometimes as much as $300. I get $108 every two weeks from welfare.

I pay for it by breaking into cars. I don't want to do anything violent. I walk around town at night, looking for cars with open doors. I'll take a tape cassette, a radio or whatever is there.

I wouldn't be doing this if I could get a decent job and there was no coke around. I know my head is in a garbage can, but I can't stop.

NEGOTIATING WORLD ORDER IN THE MIDDLE EAST: REMARKS BY HON. PHILIP C. HABIB

Mr. DENTON. Mr. President, my colleagues know that Hon. Philip C. Habib, former Ambassador, former Under Secretary of State for Political Affairs, and former Presidential representative in the Middle East, is one of our country's finest, most respected, and most astute diplomats. Probably no one who has served in our Government in recent years better understands the nature and problems of the Middle East. Although the problems in that region are far from resolved, no one has had more success than did Secretary Habib in defusing the tensions and promoting understanding among its countries and people.

I regret, and I am sure that many Americans regret, that Secretary Habib is no longer on active service with our Government. It is clear, however, that his retirement from active service has in no way diminished his ability to think clearly about the difficult problems of the Middle East.

On May 20, 1984, he delivered the commencement address at the Fletcher School of Law and Diplomacy, which is probably our finest graduate school of international affairs. The school was marking its 50th anniversary year, and Ambassador Habib's presentation was part of its project on "Negotiating World Order."

The Fletcher School prides itself in being an institution that trains professionals for the service of our country,

so it was particularly appropriate that its commencement speaker this year was a man who epitomizes professionalism in the Foreign Service. The quality of his remarks was up to the occasion, and I believe that my colleagues would benefit from the opportunity to read them. We should all heed Secretary Habib's reminder of the responsibilities and opportunities that face U.S. policy in the Middle East.

Mr. President, I ask unanimous consent that the text of Secretary Habib's 1984 commencement address at the Fletcher School of Law and Diplomacy, "Negotiating World Order in the Middle East," appear in the RECORD immediately following my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEGOTIATING WORLD ORDER IN THE MIDDLE EAST

(By Philip C. Habib)

The Fletcher School, in celebration of its 50th Anniversary, has been pursuing the project "Negotiating World Order." I am pleased to have been asked and to accept the opportunity to add to those deliberations. Therefore my remarks on this occasion will be in that context.

The foundation and fundamental element of U.S. foreign policy is the search for peace. A just peace will be enhanced by a system of orderliness in the relations between nations as they settle upon ways to deal with their differences short of war or other resort to the use of force.

Nowhere in the world is the challenge to peace and orderliness in international relations more striking or more demanding of imagination and effort than in the Middle East. For decades we have seen the search for peace frustrated by the recurrence of hostilities. The cycle of crises, near-wars, small wars and regional conflagration has been broken intermittently by efforts to find a better way of dealing with the issues at stake. Truces, cease-fires, dis-engagement agreements, unwritten arrangements, accords and formal treaties have been used with lesser or greater success from time to time. But the path to a more comprehensive settlement, capable of lasting for the foreseeable future at least, has been blocked at various stages.

The study project at Fletcher has identified a number of "levels" of international order. Namely, principles, embodying beliefs of what is possible and acceptable in the world; norms or standards of behavior expressed in terms of rights and obligations; rules involving specific prescriptions and prohibitions regarding actions; and procedures concerning diplomatic or institutional practices to aid in making or implementing decisions.

In an ideal situation it is possible to conceive of achieving each of these "levels," separately or in combination. There is no contradiction in these terms with the search for peace in the Middle East. They can make up the foundation, the content, and the end result of negotiations. Understandings, agreements, or formal treaties can encompass the principles, the standards, the rules and the procedures agreed upon. There can even be room for some ambiguity, so that differences of pride and cultural reference can be bridged without formal acknowledgment.

In seeking to deal with the problems of war and peace in the Middle East, the starting point lies in the need for a valid peace process. Negotiating orderliness presupposes a formula for bringing about negotiations between the parties involved. This has not been an easy task, which accounts for the frequent use of indirect negotiations through a third party. Negotiations are made easier to the extent that the issues are clearly identified and accepted, and preconditions are avoided. Insistence upon the prior acceptance of proposals or positions which are palpably and recognizably unacceptable by one party or another guarantees an end before the beginning of a negotiating process. Negotiations are equally difficult to achieve under circumstance in which any of the parties to the dispute undertake actions which call into question the readiness for serious negotiation on the issues involved.

In the present circumstances, and as evident in recent events, the problems which plague us in the Middle East are of two types. First, there is the crisis situation, as exemplified in the recent events in Lebanon and the war between Iraq and Iran. Second, there is the long-term problem centered around the Arab-Israeli dispute and involving the search for a just peace between the antagonists.

In a region in which crises are endemic there is the constant danger of escalation into regional conflict and beyond. There is also the reality of a given crisis working against any attempt at establishing or revitalizing a peace process.

Thus, the hostilities in Lebanon, which were devastating of life and treasure in and of themselves, also brought an abrupt halt to efforts to build upon success of Camp David. So too, the danger of the spread of the war between Iraq and Iran, with the possibility of superpower action, also detracts from the concentration of effort and attention which is required if a peace process directed at the Arab-Israeli problem is to get underway.

When a crisis of the dimension of that which arose in Lebanon occurs, the first moves should be in the direction of establishing a state of relative tranquility. Thus, in Lebanon, we sought to achieve a cease-fire, to bring about the withdrawal of external forces, to restore Lebanon's sovereignty within its internationally recognized borders, and lastly to arrange that Lebanese territory would not be used as a base for hostile actions against its neighbors—in particular, Israel.

These were valid objectives. Although given at least lip service by all those involved, they have not been achieved to any substantial degree. But they remain valid today and would be a contribution to peace in the area.

In the autumn of 1982 it appeared that progress was being made toward the achievement of these objectives. There was a cease-fire that gave some promise of holding, a disengagement of forces began, the siege of Beirut was lifted, almost 15,000 Palestinian and Syrian combatants withdrew from Beirut, and Lebanese presidential elections were held.

Attention turned to revitalizing the peace process. President Reagan set forth a U.S. view of what might be done in this regard. His proposals were intended to bring about indirect negotiations on the relevant issues, in the first instance with the participation of the U.S., Israel, Egypt, Jordan and Palestinian representatives. The linkage to the Camp David accords and accepted U.N. Security Council Resolutions was clear and the issues had been established over time. They included security within recognized borders for Israel, transition arrangements regarding autonomy and the land on the West Bank and Gaza, the Palestinian question, and a formula for dealing with all the issues in the framework of peace for the longer term.

Circumstances changed, the situation in Lebanon heated up, objections had time to multiply and the environment which had appeared to favor a peace process deteriorated to the point where no progress was possible. The hiatus in the peace process returned and it is probable that revitalization of the process will not occur in 1984. The prospect needs to be kept alive by judicious measures which keep the U.S. engaged, but in preparation for the next stage rather than in expectation of any early breakthrough. This can be done through normal diplomatic channels.

The Reagan initiative of September 1982 is moribund, but its elements can still be made responsive to the issues and to the interests of the parties involved. Whether they can be taken up in one form or another next year will undoubtedly be affected by the political and electoral results which are in the making this year in Israel, the United States and certain of the Arab states.

Progress toward a just peace and order in the Middle East requires negotiation. No one among the antagonists is likely to achieve a predominant position by force of arms which would allow for a dictated settlement. Successful negotiation in such circumstances calls for compromise by those involved.

In all of this, the United States has a critical responsibility and a unique role. There is no way that a hands-off approach can serve our interests, the interests of our allies and the commitments we have made to our friends in the area. The unique role which is ours combines the need to be both catalyst and mediator. Whether the goals are pursued on a step-by-step basis or whether there is a move toward a comprehensive settlement, the catalytic role of the United States is called for. We are in a position to get the peace process back on the front burner. No one else can do that—not the United Nations, not the Soviets, not the non-aligned, not any likely combinations of interests.

Not every crisis in the Middle East falls into this category. In any move to bring about a negotiated settlement of the Iraq-Iran war, for example, our role would be in support of the efforts of others. So far, such efforts as the offer of mediation by the Islamic Conference have been unsuccessful and that war with all its consequences gets increasingly troublesome.

When the process of resolving the Arab-Israeli confrontation shows signs of renewed life the U.S. in the role of mediator can help to develop the basis for compromise. The ability to deal justly with both sides to the dispute is not and should not be lost, despite some views to the contrary borne out of frustration and past disappointment. We have lost neither our credibility nor our moral authority. We only lose them when we refrain from exercising our capacity for righteousness.

Theodore Roosevelt once said if he had to choose between peace and righteousness, he would choose righteousness. That was not a vote for war. It was a dedication to do the right thing. The right thing is that which is based upon the principles and ethical stand-

ards which we stand for as a nation and as a people.

The promise of peace and order out of negotiations in the Middle East is not so ephemeral that we can neglect our role. The benefits are of such value that they call for persistence and imaginative participation.

We cannot allow the ugly hand of terrorism to distract our diplomacy. Nor can we allow obstinacy or rejectionism to deplete the possibilities for compromise. Our actions must not diminish our ability to resolve problems. In that regard, proposals to move our embassy in Israel to Jerusalem are signularly ill-timed to say the least.

With modern communication and transportation facilities, the practice of diplomacy can range over wider areas than ever before. The Arab-Israeli confrontation occurs in an area that can be traversed in a short time. Differences between nations can be explored in a matter of hours, the search for common ground and compromise can be conducted with equal speed, and solutions be consolidated without delay.

In all of this, the formulation and execution of American policy is constitutionally assigned to the President. We look to him and his advisors to set the course, with the checks and balances inherent in the legislative process and in public attention. This is best achieved when the Congress, the special interest groups, the media, and the people as a whole are sufficiently aware of our national interests, our purposes, and how we intend to pursue them. When given enough information on an international issue, the American people in the mass will generally come down on the right side and they know how to make their opinions known and effective. As stated, by the right side, I mean that which is consistent with our vision of how nations should deal with each other in peace and harmony; consistent with what we stand for as a nation; consistent with the kind of order which we would like to see around us and in which we could participate fully.

SENATOR DOMENICI RECEIVES NATIONAL DISTINGUISHED CONGRESSIONAL SERVICE AWARD

Mrs. KASSEBAUM. Mr. President, I rise today to acknowledge and commend one of our colleagues and one of the Nations most respected spokesmen on Federal and congressional budget policy and process today.

Yesterday, Senator PETE V. DOMENICI, chairman of the Senate Budget Committee, of which I am a member, was awarded the National Distinguished Congressional Service Award by the American Association for Budget and Program Analysis. The AABPA, a group of fiscally responsible professionals feel, as I and I am sure many of my colleagues do as well, that Senator DOMENICI has proven through steadfast commitment and dedication that the budget process can work to bring about a sound economic policy for our country. Others who Senator DOMENICI joins in receiving this award include, Dr. Charles Schultz, Dr. Alice Rivlin, Dr. Joseph Wholey, Dr. Allen Schick, and Congressmen Robert Giaimo and Richard Bolling, a few among the many widely respected individuals honored by the AABPA.

Throughout his 4 years as chairman of the Senate Budget Committee, Senator DOMENICI has worked consistently and conscientiously toward tackling the serious budget problems facing our country. His skillful negotiations with the White House and the Congress have given to us and to our Nation the realization that Federal restraint with regard to spending and taxation can be achieved. His ability to work with Congress brought about budget policies never before believed possible—the actual limiting and reduction in the size of the growth in Federal spending.

In my opinion, this outstanding award could not have gone to a more deserving individual.

OMNIBUS WATER RESOURCES DEVELOPMENT

Mr. ABDNOR. Mr. President, yesterday and today, the House of Representatives is debating H.R. 3678, the omnibus water resources development bill.

While a number of provisions in this legislation are not as fiscally responsible as I believe necessary to secure White House approval, passage by the House should be taken as a giant, constructive step toward securing the first omnibus water bill in over 8 years.

Mr. President, enactment of water resource development legislation this year is critical. There are a great many independent voices who agree with this evaluation, and a large number of them have written the majority leader urging action on S. 1739, the Senate version of the omnibus bill.

I ask unanimous consent that the letter of the '84 Water Resources Action Coalition be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

'84 WATER RESOURCES
ACTION COALITION,
Washington, DC, June 20, 1984.

Hon. HOWARD H. BAKER, Jr.,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAKER: The organizations listed below urge the leadership of the United States Senate to schedule floor consideration now of S. 1739, the Water Resources Development Act.

It is imperative that critical water resources projects authorized by the legislation be completed without further delay. The absence of legislation authorizing new construction has caused an unfortunate failure to start any major projects in the past 14 years, a situation that must be corrected in order to meet the vital needs of the Nation's economy and security.

The Senate Committees on Environment and Public Works, Energy and Natural Resources, and Finance have completed action on the bill, which now stands ready for Senate floor consideration.

While the organizations listed below have individual differences with respect to S. 1739, we are confident that broad support now exists for floor action, given the thorough consideration of the Senate committees. Therefore, in light of the important need for legislation and the comprehensive treatment of the bill in the committees, we respectfully urge you to schedule S. 1739 for immediate full Senate consideration.

Alameda County, California; American Association of Port Authorities; American Consulting Engineers Council; American Farm Bureau Federation; American Society of Civil Engineers; American Soybean Association; ARMCO, Inc.; Associated Builders and Contractors, Inc.; Associated General Contractors of America; Association of Metropolitan Water Agencies; Bechtel Power Corporation; Brown & Root, Inc.; Building and Construction Trades Department, AFL-CIO; CH2M HILL;

County of Orange California; Delaware River Port Authority; Eastern Coal Transportation Conference; The Fertilizer Institute; Hampton Roads Maritime Association; Harris County, Texas; Inland Rivers, Ports and Terminals, Inc.; International Brotherhood of Electrical Workers, AFL-CIO; International Brotherhood of Painters and Allied Trades, AFL-CIO; International Union of Operating Engineers, AFL-CIO; Interstate Conference on Water Problems; Laborers' International Union of North America, AFL-CIO; Mining and Reclamation Council of America; National Association of Dredging Contractors;

National Association of Stevedores; National Association of Urban Flood Management Agencies; National Association of Wheat Growers; National Coal Association; National Constructors Association; National Council of Farmer Cooperatives; National Utility Contractors Association; National Water Resources Association; National Waterways Conference; New York City Department of Ports and Terminals; New York State Office; Northwest Inland Waterways Association;

PRC Engineering; The Philadelphia Maritime Exchange; Philadelphia Port Corporation; Port Authority of Houston; Port Authority of New York and New Jersey; Port of Los Angeles, California; Port of Seattle, Washington; Port of Wilmington, Delaware, San Bernardino County, California; Sheet Metal Workers' International Association, AFL-CIO; South Jersey Port Corporation; United Brotherhood of Carpenters and Joiners of America, AFL-CIO; Upper Mississippi River Basin Association; Virginia Port Authority; Water and Wastewater Equipment Manufacturers Association; Water Resources Congress.

Mr. ABDNOR. Mr. President, now that the House has taken up the omnibus bill, the Senate should do likewise quickly as possible. I for one believe Senate passage of S. 1739 can be accomplished when we return following the July recess and I intend to do everything possible to assist the majority leader in whatever way is necessary to schedule S. 1739 for floor action. I ask my colleagues to cooperate with me in this endeavor, and to advise me of amendments to S. 1739 which they feel must be presented on the floor.

Mr. President, this bill has been reviewed and reported by three Senate committees: Environment and Public

Works; Energy and Natural Resources; and Finance. Furthermore, the Appropriations Committee has issued report language supporting enactment of water resource authorizing legislation this year.

We can make passage of an omnibus bill a reality, Mr. President, and, again, I intend to do everything possible to accomplish that goal as soon as possible.

DIALECT IS DIAGNOSTIC

Mr. HEFLIN. Mr. President, Adm. Freeman H. Cary, the physician for the Capitol, has sent me an article that appeared in the Annals of Internal Medicine, June 1984, by Dr. John F. Burnum, M.D., of Tuscaloosa, AL, which I find most interesting on folk medical language.

I ask unanimous consent that his article, which appeared in the Annals of Internal Medicine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIALECT IS DIAGNOSTIC

(By John F. Burnum, M.D.; Tuscaloosa, AL)

(Folk medical language, as spoken in western Alabama, contains medical dialect terms that have an ancient lineage, with structure and meaning very similar to those of their earliest roots. The dialect has previous medical meanings and is used with astonishing accuracy by patients. Terms and phrases are often diagnostic as well as colorfully descriptive. An appreciation of medical dialect makes practice more fun, history taking and diagnosis easier, and lessens misunderstandings with patients. It sharpens the physician's senses to every level of what patients feel and say, verbal and otherwise. An appreciation of dialect heightens respect for patients and gives the physician a sense of continuity with cultures and ages past. Understanding and respect for medical dialect can be a powerful aid to patient care.)

Medical care begins with taking the patient's history, with communication. Patients often express themselves in unscientific folk talk that I had always considered quaint and picturesque, but of little practical value in medical dialogue. I was wrong. In my study of the folk medical language spoken by patients in western Alabama, I found that medical dialect words and phrases have ancient origins and precise medical meanings that are close to those of their etymons. They are colorful and expressive and are used with astonishing accuracy by patients. The phrases and words are alone often diagnostic of the patient's condition.

ORIGIN AND MEANING OF THE DIALECT

My respect for medical dialect began when I saw a patient said to be having a *drawing spell,* which was hyperventilation. A standard meaning of draw is to inhale.[1] Patients with hyperventilation have trouble breathing in; they cannot draw in a satisfying deep breath. The condition is not simply a matter of excessive breathing, as the word hyperventilation indicates. A *drawing spell,* therefore, is a more accurate term than hyperventilation and is virtually specific in western Alabama of this diagnosis; patients with shortness of breath from heart or lung failure do not complain of drawing spells.

Soon after, I saw a patient with a blotchy, purplish discoloration of the skin from circulatory insufficiency who was said to be *purple pieted. Pieted or pieded* derives from pie or magpie (a mottley, splotchy colored bird), and originally from *pika* (the Sanskrit word for the Indian cuckoo)[1]. Imagine, Sanskrit being spoken in rural Alabama. I have been a devotee of patient language ever since.

The etymology of the medical words spoken by patients explains the words' uncanny accuracy and appropriateness. *My feet are strutted* means they are tight and swollen. Strut, Old English *strutian,*[2] has an origin in common with cholesterol. *Stereos* is the Greek term for hard or solid.[2] Cholesterol was first found in gallstones; thus *chole-stereos,* the hard solid substance in bile. In a similar fashion, but with an unrelated word, patients may say that their arms are *corded,* a stiff, bound tight sensation. A patient who had hypokalemic paralysis was said to *gape* for breath The patients had fish-mouth agonal breathing; gape. Old Norse *gapa,* means to open the mouth wide. The *gapes* in the 19th century novels of Jane Austen meant a fit of yawning.[2] *My knee is quickie* means that the knee is sensitive and has sudden sharp pains. *Quick,* Old English *cwic,* means alive or living and is a good Teutonic Elizabethan word: the "quick and the dead" in the Apostle's Creed, and in *Hamlet* (end of Act II) "tent him to the quick." *Quick with child* is to be pregnant, and *the quick* is the sensitive flesh under our nails.[3, 4]

Grandpa is stubborn means that he is constipated. Stubborn derives from stub the stump of a tree that unyielding part that is fixed in the ground. [1, 5] What could be more expressive? (The origin of stubborn is unclear to some etymologists.[4])

Patients with *those old leg rickets* have restless shaky legs. Richitis means an inflammation of the spine, rickets,[2] that causes the patient to be rickety, unstable, and shaky. *Sprangle* is a beautiful word: *The pain sprangled out,* spread out over the chest. The word means to branch out,[6] as in a plant. In old Scottish and American dialect, it means to spring to get free: *The sheep sprangled away.*[3]

To persh (perish) *to death* means the patient is starving and wasting away and derives simply and exactly from the Latin *perire,* to come to nothing.[1] *Null,* from *nullus,* not any, is another good Alabama Latin word, meaning to sooth or diminish: [1] *The pain nulled down,* or *Give me some nulling medicine. Plum* is yet another Latin word used in the United States since at least 1787: *I am plum give out,* completely and utterly exhausted. It comes from *plumb,* lead, and *plumb bob,* the lead weight on the end of a line used to find the true vertical.[16]

I took with an agures chill is, of course, a redundancy and a variation of ague, a standard word for chill and fever.[6] An *agures chill* in Alabama, however, is a particularly violent chill and alerts the physician to the possibility of serious sepsis. A *nervous rigor* may be confused with a chill but is characterized by the patient alternately tensing and relaxing the muscles over the body, shivering, and the absence of fever; it is a type of anxiety attack. *Ramshack (my blood pressure runs up and ramshacks my nerves and my brain)* comes from ramshackle and ransack, from the Old Norse *rannsaka,* to pillage or throw into disarray.[1]

I ate a bait of peas means just what it says, I ate a portion of food, and is almost literal Anglo-Saxon *(bat,* food).[1] *Bate (the pain bates down),* on the other hand, is short for abates. *Hark (he harked up phlegm),* means to cough or clear the throat and is, I believe, a variation of *hawk,* which means the same and is imitative of the sound of this act.[3] Being *salivated* now means to be devastated by an illness, but in the last century it referred to the copious flow of saliva caused by mercury poisoning,[1] often due to overzealous purging with calomel. *Peart and pyert* are variations of pert, lively, in good health:[3] *She feels right peart today.*

A *pone* is a lump or swelling and is the Algonquian Indian word for a loaf of cornbread. [1] Patients from the South are frequently concerned about pones. In my experience pones are usually harmless accumulations of fat, particularly in women, behind the knees or in the axillae. Alabamians have not forgotten their Chaucer: *Hope me* means help me, just as Chaucer's *holpen* meant to help or heal.[7] Neither have they forgotten their Shakespeare: *Loss of courage* still means loss of sexual desire or potency.[1]

Both *smart* [6] and *sight,* [1] largely Southern dialect, indicate a considerable amount or good deal: *I drank a right smart of beer,* or *I have a sight of gas on my stomach.* Both *want to* [2] and *bad to,* more Southern talk, mean an inclination or tendency towards: *I want to be dizzy when I stand; I am bad to eat sweets. Sull* means to sulk or balk: *If I cross him he will sull up on me.* Sull was originally applied to animals and has been used for the last 100 years in the Midwest and South; [6] opossums sull when they play dead.

MISCOMMUNICATIONS

Words may mean one thing to the patient but something else to the physician, leading to dangerous misunderstandings on both sides. When patients say they are *deathly sick,* they mean they are nauseated. *Ill* means irritable or out of sorts, not sick as we think of it. *Hypertension* to the patient is not high blood pressure, but being tense and high strung. Unless physicians make it clear that we are referring to elevated blood pressure, the patient may fail to return for critical follow-up care. On the other hand, the diagnosis of *tension headache* by the physician is mistakenly equated with high blood pressure by the patient. *Low blood* is a common folk diagnosis for a vague admixture of low blood pressure, anemia, and lack of energy. Whatever the cause, low blood is highly resistant to treatment and is often associated with the *blind staggers,* dizziness or light headedness. The diagnosis of gastritis *(gas-stritis)* is especially satisfying to patients, because it confirms their own opinion that they suffer from gas.

MISSPELLINGS AND MISUSAGES

Some words have become misspelled and mispronounced. Having *prostrate* trouble is certainly more descriptive than having prostate trouble. *Highly seasonal foods upset me.* Hiatus hernia has become *hiatrus;* hysterectomy, *hysterecrum;* vagina, *regina;* grimace, *grimmich;* vomit, *vomic;* glucose, *gluco water;* oxygen, *octagen;* curious, *curous;* queer, *quare;* enema, *nema;* pus, *pulse;* and retch, *reach.* Throbs and tolerable have lost their r's and become *thobs* and *tolable.* The letter *r* is dropped frequently in Southern speech. It is fun to know that *groggery,* groggy, dazed and unsteady, comes from Old Grog, the name given to Admiral Edward Vernon, an English naval officer

who served rum to his crew and who wore a grogram coat, a material of that day.[1]

There may be grammatical errors. *Nauseous* has replaced nauseated nationwide: *I am nauseous.*

COLORFUL EXPRESSIONS

The medical vernacular is often vivid and expressive. The phrase *There won't nothing lay on his stomach* is more descriptive than is intractable vomiting. *I haven't seen anything yet* suggests fear of pregnancy as well as delayed menstruation. *My eyes glimmer and feel bleary* is as good as scintillating scotoma of megraine. Patients with dyspnea *hassle like a dog,* and those with emphysema *hunker down to breathe,* squat down and bend forward to better empty the lungs. *This rash terrifies me to death* means that the itching is tormenting the same idiom was used in Northamptonshire, England, in the mid-19th century.[3] *Trouble down there* is a delicate reference to the genital area. *My head rose* signifies a purulent middle-ear infection, and *shortness of the breast* is another term for dyspnea.

Patients with modern plumbing continue to say *I have to go outside too much or I have to be excused too much* instead of complaining of diarrhea, and for the same complaint, the say *My stomach is torn up.* Patients ask for *something to regulate the bowels,* never for medication for constipation. Our patients still hold the medieval belief that constipation is due to a malfunction of the liver, imbalance of humors, or lack of bile production, and thus complain when constipated of having a *torpid liver* or that the *liver is not kicking off just right* or that they need something to *touch the liver.*

DIAGNOSTIC TERMS

Just as chest pain describes as the feeling of an elephant sitting on one's chest strongly suggests myocardial infarction, colloquial expressions used by patients often have high diagnostic specificity. In addition to *drawing spells,* the diagnosis of hyperventilation and nervous tension (which merge into agoraphobia in some patients) is almost certain when the patient says *The air won't go down deep enough* or *The breath doesn't do me any good or doesn't satisfy me. That shot didn't do me any good* suggests drug dependency; the patient is explicitly telling us that he wants something to make him feel good, not merely to relieve pain.

Depression is a common diagnosis often missed in office practice. Twenty percent of my female patients and five percent of the men are depressed, but they rarely, if ever, complain of depression. Their opening complaint, however, is often diagnostic: I can't make myself go; I wake up in a dread; Seems like nothing don't satisfy me no more. Being familiar with these expressions allows the diagnosis to be made quickly and at considerably less cost than that for the cortisol suppression test (which has only 50% sensitivity).[8]

DISCUSSION

Medical dialect spoken by patients in Alabama is, broadly speaking, English in origin. Although most of the words are classifed in dictionaries as being archaic or obsolete, they are in fairly common use in rural areas and among less sophisticated people. Medical dialect should not be demeaned by being grouped with slang, psychobabble, or the grotesque neologisms and jargon of the soft sciences.[9] On the contrary, dialect expressions have an ancient lineage, have been spoken by entire cultures for generations, and have meanings that are very similar to those of their earliest roots. The dialects are, for the most part, used with exquisite appropriateness by patients and, if we but understand, mean exactly what they say. Once again, if we listen closely, the patient will tell us what is wrong.

Studying folk medical talk has added zest to my daily practice, made history taking and diagnosis easier, and lessened misunderstandings with patients. In addition to becoming familiar with the literal meaning of patients' words, I have become more sensitive to every level of what patients are feeling and saying, verbal and otherwise. Understanding and appreciation of medical dialect has increased my respect for patients and given me a satisfying sense of continuity with cultures and centuries past.

Like most human endeavors, medical care turns on communication, but communication may flounder because the patient and physician speak different medical tongues. It is the physician's responsibility, however, to understand the patient's language, not he ours. Medical dialects differ from region to region and subculture to subculture. Some physicians will have to be familiar with several different dialects; the task is compounded for foreign medical graduates.[10,11] But learn we must. We do not and cannot care for the patient we do not understand.

FOOTNOTES

[1] *Webster's New International Dictionary of the English Language.* 2nd ed. Springfield, Massachusetts: G. & C. Merriam Company; 1945.

[2] MORRIS W, ed. *The American Heritage Dictionary of the English Language.* Boston: Houghton Mifflin Company; 1969.

[3] WRIGHT J. *The English Dialect Dictionary.* London: Henry Frowde; 1905.

[4] *The Compact Edition of the Oxford English Dictionary.* Oxford: Oxford University Press; 1971.

[5] KLEIN E. *A Comprehensive Etymological Dictionary of the English Language.* Amsterdam: Elsevier Publishing Company; 1966.

[6] CRAIGIE WA, HULBERT JR, EDS. *A Dictionary of American English on Historical Principles.* Chicago: The University of Chicago Press; 1938.

[7] SKEAT WW, ed. *The Complete Works of Geoffrey Chaucer.* London: Oxford University Press; 1931.

[8] BURNUM JF. Diagnosis of depression in a general medical practice: observations on "lack of pizzazz," the "blahs," and other complaints. *Postgrad Med.* 1982; 72:71-3, 76.

[9] SCRUTON R. Review of *The State of the Language. Lond Times Literary Suppl.* 22 Feb 1980.

[10] MILLWARD CM. Familiar English for foreign doctors. *N. Engl J Med.* 1970; 283:430-1.

[11] KIMBALL CP. Medicine and dialects [Editorial]. *Ann Intern Med.* 1971; 74:137-9.

PRODUCT LIABILITY ACT

Mr. HOLLINGS. Mr. President, on Saturday, June 16, the National Association of Attorneys General unanimously adopted a policy position opposing passage of S. 44, the Product Liability Act.

The NAAG is the latest major association of State government officials to go on record as overwhelmingly opposed to this ill-considered legislation. Other State groups which have refuted S. 44 include the National Governors Association, the National Conference of State Legislatures, and the Conference of Chief Justices.

I ask unanimous consent that the NAAG's resolution on product liability be printed in the RECORD. In doing so I also ask my colleagues to pay special attention to the reasons for the association's opposition to the bill. Not only does the NAAG express dismay about the bill's preemption of existing State and case law, it also bases its opposition on the weakening of consumer protection due to the standards set forth in the bill. The association shares my belief that S. 44 would shift the existing balance in product liability law in favor of manufacturers, thus denying legitimate victims of defective products just compensation for their injuries.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL RESOLUTION ON PRODUCT LIABILITY

Whereas, Congress is considering passage of S. 44, the Product Liability Act; and

Whereas, the Act would preempt all state laws and civil actions against manufacturers and sellers for loss or damage caused by products; and

Whereas, the Act would eliminate strict tort liability actions against manufacturers for defective design or formulation and for failure to warn, and against product sellers in general, thereby shifting the costs and consequences of dangerous products from manufacturers and sellers to innocent consumers; and

Whereas, the Act would abolish any product liability action against a manufacturer or seller based on a breach of implied warranty;

Now, therefore, be it resolved, that the National Association of Attorneys General, in the interests of consumer protection, strongly opposes passage of S. 44, the Product Liability Act; and

Be it further resolved, that the Association urges Congress to defeat the Act; and

Be it further resolved, that the Association authorizes its Executive Director and General Counsel to transmit these views to members of Congress, the Administration, and other interested individuals.

TAMI DIANE MIDDLESWARTH

Mr. HOLLINGS. Mr. President, I rise today to call the Senate's attention to both a sad occasion and an inspirational event. It's sad because a wonderful little girl, Tami Diane Middleswarth, died of leukemia on Wednesday. It's a terrible thing whenever anyone loses their life, but it's particularly cruel when someone so young is taken from us. But in this personal tragedy, Mr. President, something positive has happened.

Not only was Tami a joy and inspiration to her parents, Warren and Diane Middleswarth of Charleston, SC, she was a joy and inspiration to anyone who had the opportunity to know her and what she has been through in these last months of her life. I did not know this young lady personally, but I am very familiar with her case, as are many others in Charleston and South Carolina. You see, Mr. President, in the personal tragedy of Tami and her family is triumph and hope. The way in which Tami and her family, but particularly Tami, dealt with the rav-

ages of this terminal condition presented a message that touches us all.

Tami had a dream to visit Sea World and Disney World. Friends of her family and coworkers of her father assisted in organizing her trip. When the community heard of the trip they rallied behind it. Money came in from everywhere. Businesses and individuals contributed. Tami's tragedy brought people together and caused them to stop and think. Tami had her dream come true about 2 months ago.

The community of Charleston was focused on the example of strength and courage that Tami and her parents offered. This remarkable little girl that lived so little of life taught many of us with many more years than her much about life. It's in her life and her battle that all of us can take hope. The love she demonstrated and hope she conveyed brought men and women from all walks of life together anc caused them to pause and think of life's deeper meaning.

Tami was truly a remarkable little girl in her own right, and that is something all of us should realize. But, Mr. President, the legacy that Tami leaves us for my community is equally remarkable and represents something of lasting value.

Mr. President, I ask unanimous consent that an article appearing in the June 29, 1984, Charleston News and Courier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

7-YEAR-OLD LEUKEMIA VICTIM DIES

Tami Diane Middleswarth, a 7-year-old victim of leukemia, died Wednesday at her Summerville home, barely two months after fulfilling her dream of a trip to Sea World and Disney World.

"She was a fighter," said her father, Warren Middleswarth. "She never gave up, she just gave out."

Her condition had improved when friends of the family organized a vacation to Sea World and Disney World for her in May. But leukemia eventually took its toll.

"She had more guts than any one person, man or woman, I've ever known," Middleswarth said, "We asked if she was scared, and she would look you right in eye and say she wasn't afraid."

"Inwardly she knew what was happening," he said, "but I think she was trying to protect her mommy and daddy."

Tami's vacation was organized by one of Middleswarth's co-workers in May. "When she learned of it, she ran around telling the older children in the hospital she was going to Disney World," said her father, Warren Middleswarth.

Numerous firms and individuals donated services and money for Tami. "People have been calling from all over," said co-worker Robert Gatchel in May.

Sen. Strom Thurmond, R-S.C., called Gatchel to ask what he could do, and both Sea World and Disney World planned special activities for Tami's vacation, which was made possible by donations from Middleswarth's truck company, a hotel company, an airline, a mobile home company and several local grocery stores.

Middleswarth said he was overwhelmed by what people had done to help his family. "How could you ever find better, more good-natured people?" he asked in May.

Before she died, Middleswarth said Tami was "handling it like a champ."

"She told us . . . about what she wants to take when she goes to see Jesus," Middleswarth said.

"She touched a lot of people," he said, "Everybody she talked to said she was special, and I know she was."

The funeral will be at 11 a.m. Saturday in St. Luke's Lutheran Church. Burial, directed by Dyal Funeral Home, will be in Dorchester Memory Gardens.

Miss Middleswarth was born April 28, 1977, in Charleston, a daughter of Warren Lee Middleswarth and Diane Pollard Middleswarth. She was a first-grader at Knightsville Elementary School.

Surviving are her parents; a brother, Charles Pollard Middleswarth of Summerville; her grandparents, Gene S. Pollard and Wyllene Banks, both of Geneva, Ala., and Mr. and Mrs. William F. Middleswarth of Summerville; and two great-grandmothers, Ruby Ramsay of New Brockton, Ala. and Anna G. Frink of Summerville.

IN SUPPORT S. 2802, THE LEGAL FEES EQUITY ACT

Mr. DENTON. Mr. President, I am pleased to join my distinguished colleagues, Mr. THURMOND and Mr. HATCH, as a cosponsor of the Legal Fees Equity Act. The bill will establish guidelines for the awarding of attorney's fees in civil judicial and administrative proceedings against Federal, State, and local government defendants and will raise the compensation rates for attorneys representing indigent defendants under the Criminal Justice Act. The intent of the bill is to achieve a more equitable balance in compensation among the various attorneys litigating for or against the Government, defense attorneys paid under the Criminal Justice Act, and private attorneys receiving fees under civil fee-shifting statutes.

Mr. President, a number of Federal statutes provide that parties to civil suits and administrative proceedings against the United States, States, or local governments may, under appropriate circumstances, recover "reasonable attorneys' fees" from the government defendants. These statutes have, however, placed a great burden on the courts due to the lack of congressional guidance as to when an award of attorneys' fees is appropriate, or as to what constitutes a reasonable award. As a result, courts have reached conflicting interpretations of the civil fee-shifting statutes. In some cases the courts have used "multipliers' and "bonuses" to double, and even triple, the normal hourly rates of the prevailing party's attorney.

Legal Fees Equity Act will provide the much needed guidance to the courts and Federal agencies for the award of attorneys' fees pursuant to Federal statutes thereby reducing the current uncertainties and disparities reflected in the present decisions.

Specifically, the bill will:

Set a $75 per hour maximum rate for attorneys' fees awarded, and eliminate the use of bonuses and multipliers to escalate fee awards. This will compensate private attorneys' general at a level commensurate with, but still significantly higher than that of their government counterparts, but provide a reasonable incentive sufficient to attract competent counsel.

Allow recovery of attorneys' fees only when a party has prevailed on the merits of its complaint, or where the suit is concluded by a favorable settlement agreement.

Allow recovery of attorneys' fees only for work performed on issues on which the party prevailed.

Permit the reduction or denial of the amount of fee awards, for example, where a party has unreasonably protracted the litigation; where the services provided were excessive with regard to the nature of the controversy; or where the fee award would unreasonably exceed the hourly salary of a salaried attorney.

Provide that monetary judgments be reduced, but not more than 25 percent, by the amount of the attorneys' fees allowed in the proceeding. Exceptions are allowed for suits under certain provisions of the Equal Access to Justice Act, suits for recovery of disputed taxes, or in cases of undue hardship.

Establish certain procedural requirements for attorneys' fee applications, including a 30-day time limit after final judgment for submitting fee applications, and require courts and agencies to develop additional guidelines.

Clarify the circumstances in which attorneys' fees may be awarded when a claim becomes moot or the party refuses to accept a reasonable settlement offer.

Another important aspect of the bill will provide a greater balance between the high hourly rates of compensation for private attorneys who sue the Government in a civil proceeding and the much lower hourly rates of compensation for attorneys who represent indigent criminal defendants in proceedings under the Criminal Justice Act.

Specifically, the bill will:

Double the hourly rate of compensation, from $30 per hour for time in court and $20 per hour for out-of-court time to $60 and $40 per hour, respectively.

Double the maximum allowable compensation for various judicial proceedings. The new limits would be $2,000 per attorney for felony cases, $800 for misdemeanor cases, and $500 for posttrial and parole revocation proceedings.

Mr. President, I welcome the guidance and reform which the Legal Fees Equity Act offers. I urge my colleagues to join me in cosponsoring the bill.

THE OUTLOOK ON NUCLEAR POWER

Mr. HEFLIN. Mr. President, there has been many hours of debate in this body concerning the use of nuclear power as an energy source. No doubt there will be many more; for the United States, indeed the entire world, stands at a nuclear power crossroads. The direction we choose will have far-reaching implications.

Therefore, I wish to share with my colleagues a recent speech made by Dr. Lynn Weaver, dean of the School of Engineering of Auburn University entitled "The Outlook for Nuclear Power: Is it Still an Energy Option in the United States?"

This speech has been recognized as one of the best treatments of the subject by Vital Speeches of the Day in the May 15, 1984, issue.

I congratulate Dr. Weaver on his scholarship, but more importantly I offer this speech as one of the best summaries of the current situation concerning nuclear power.

Therefore, Mr. President, I ask unanimous consent that Dr. Weaver's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[From Vital Speeches of the Day, May 15, 1984]

THE OUTLOOK FOR NUCLEAR POWER: IS IT STILL AN ENERGY OPTION IN THE UNITED STATES?

(By Lynn Weaver)

When I agreed to deliver a paper on "The Outlook for Nuclear Power" at this meeting, there was no indication that the subject would be so timely—or so complex. But as you know, if you have been following the developments at several nuclear plants under construction in the past two months, the debate over nuclear power has undergone a fundamental change. The questions being asked today are different not just in degree, but in kind from those that were being asked only a few years ago. For the first time, the principal criticisms of nuclear power are based not on hypothetical results of events that have never occurred; they are based on actual developments that have taken place at several construction sites around the country, and that have posed serious questions about the economics of nuclear power and the quality of its management and construction.

As always, the truth about nuclear power today is difficult to find. Most information on the subject, whether it is from industry, government, critics or the press, is incomplete and one-sided. And even the basic facts about issues that lend themselves to quantification, like the comparative cost of nuclear power, are often arguable and contradictory.

Let me take a minute to demonstrate the difficulty of placing nuclear power in its proper perspective today. 1984 marks the anniversary of two major events in the history of nuclear power development. Individually, each can be presented as a symbol of the role of nuclear power in the United States—yet they are totally contradictory.

Two decades ago this month, in March 1964, the Jersey Central Power & Light Company applied for a construction permit to build the Oyster Creek nuclear power plant, and the age of commercial nuclear power was born. Oyster Creek was the first nuclear plant planned by a utility strictly on the merit of competitive economics. Largely because of the potential for cost savings, U.S. utilities ordered 222 more unclear power plants over the next 10 years, making it one of the world's fastest growing industries, which has brought us billions of dollars in savings.

Alternatively, ten years ago, Public Service Indiana ordered two nuclear units that it called Marble Hill. For several years, while many other nuclear plants ordered around that time were being canceled, Marble Hill was the last order for a nuclear plant in the United States that was still under construction. Earlier this year, over a decade after the plant was originally announced, the utility had to cancel Marble Hill because of the financial drain caused by its construction. One unit was little more than half completed, and the other only one-third, but the utility had already spent more than $2.5 billion on the project, which now has little chance of ever generating a single kilowatt-hour. To many observers, this cancellation—along with order problems that were being faced by several nuclear plants under construction—symbolized a closing curtain on the age of nuclear power in the United States. So from that perspective, 1984 is not an anniversary of the beginning of the nuclear age, but the beginning of the end.

How can government officials and the public, who will ultimately determine the fate of nuclear power, make sense of these conflicting views? Much of the problem of sorting out the reality of nuclear power is a matter of perspective. As a nation we tend to focus on short-term crises and solutions, not the long-term strategies that are necessary to take us beyond the age of inexpensive fossil fuel. Today I would like to discuss one long-term perspective: to examine the status of nuclear power today, to describe the obstacles that it must overcome to make any additional contribution to U.S. energy supply beyond the plants that are already "in the pipeline," and to make some specific recommendations that should help bring nuclear power back into a realistic long-term perspective.

What is the situation of nuclear power in the United States today? In short, its role has become a prominent one. Since 1973 the amount of electricity generated by nuclear energy in the United States has increased by more than 260 percent, bringing the 1983 contribution up to more than 360 billion kilowatt-hours. The nuclear capacity operating in the country today, about 80 generating stations, contributes more than 13 percent of our national electric power supply, and equals our entire national output in the years after World War II. With another 50 units under construction, nuclear power will provide upwards of 20 percent of all the electricity that we use in the country by the turn of the century.

Economically, the original hopes of Jersey Central Power & Light two decades ago and of other utilities that followed in its footsteps have largely been fulfilled. The Oyster Creek plant, for example, went into commercial operation in 1969, only six years after its original public announcement. Though the plant is about one-half the size that is common today, it has saved its customers more that $725 million on their electric power bills compared with other fuels that would have been used.

Most other nuclear plants that have gone into operation in the past 20 years have also demonstrated the ability of nuclear power to generate relatively inexpensive electricity. An industry survey of utilities last year found that the average cost of generating a kilowatt-hour of electricity with nuclear energy was 10 percent cheaper than coal, and less than half as expensive as oil. A study by Science Concepts has reported that over the past decade the American public has saved between $30 billion and $40 billion because of nuclear power. Those savings continue to mount by between $4 billion and $11 billion a year, depending on the percentage of oil and coal that would otherwise be used to generate power in the place of nuclear energy.

As we can see in retrospect, the most important contribution of nuclear power has not simply been in cost savings. More fundamentally, nuclear power has offered the country a new domestic source of energy at a time when it was critically needed. As the United States recognized the need to turn away from oil and natural gas as fuels for major new electric power commitments, nuclear energy was proving its ability to carry more of the load. Because of nuclear power, the country has been able to maintain a diversified source of fuels for new electric power capacity, allowing us to move beyond oil and gas without having to rely almost totally on coal. The importance of this contribution—of offering an alternative to fossil fuels and beginning our transition to other sources of energy—has largely been overlooked in the debate about specific issues related to nuclear power.

The growth of nuclear power over the past 10 years has also been integrally connected to the unique importance of electricity. Since the oil embargo of 1973, the special role of electric power in our society has become all the more evident. As a nation we have rapidly been shifting away from the direct burning of oil and other fuels to the increased use of electricity, particularly in our industries. From 1973 to 1983, because of economic downturns and a new level of emphasis on energy conservation, our total use of energy in the United States declined by about 6 percent. Our use of direct fuels—that is, of all energy except electricity—dropped by a total of 17 percent. But our use of electric power *increased* by more than 25 percent. In the residential, commercial and industrial sector alike, we cut back on our use of non-electric energy, but demanded more electricity.

The significance of this increase in electric power becomes clearer when we examine another important trend line. At the same time that our use of electric power grew by 25 percent, the Gross National Product increased by 22.5 percent. The relationship between these two trends has remained close even through high inflation and high interest rates, our economic recession of the early 1980s, and most recently our economic recovery. Last year, as the most recent example, real GNP grew by 3.3 percent, and electricity use grew by 3.6 percent. Though as much as one-third of that growth in electricity use may have been the result of more severe weather in 1983 than in 1982, two-thirds is clearly attributable to our economic recovery and growth. And

once again, no other energy form had such a close connection with the GNP: our overall use of energy declined by more than 1 percent in 1983, and our use of non-electric forms of energy dropped by 2.7 percent. Our increasing demand for electric power over the past decade has been met in large part by the 50 nuclear plants that have gone into operation since the 1973 oil embargo, and it will continue to be met by the 50 that are still under construction. Nuclear-generated electricity has become one of the basic props supporting our entire national economy.

If the importance on nuclear power is formidable so are the problems that it has encountered. Some of those problems reflect unrealistic expectations on the part of the utility industry; others are the result of sweeping changes in our society that nuclear managers could not control and could not have been expected to foresee. But collectively these problems raise legitimate questions about the outlook for nuclear power after the completion of the plants that are already under construction.

The biggest uncertainty now facing nuclear power is the trend of cost overruns, delays and quality assurance problems at plants under construction. The developments at several plants being built in recent months appear to have had a major effect on the attitudes of the financial community, much of the press, presumably public utility commissioners and other government officials, and even the utility industry itself. The Chairman of a large nuclear utility in the Southeast told Time magazine his view of nuclear power after all of these developments: "No utility executive in the country would consider ordering one today—unless he wanted to be . . . committed."

What has brought nuclear power to this state? There is no simple answer. But the over-riding factor seems to have been the economic environment in which utilities were trying to plan and build. The generation of nuclear plants being completed today has been victimized by all of the traumas that our entire economy has experienced over the past dozen years. And because nuclear plants are capital-intensive, they are particularly sensitive to any major changes in the economy, in interest rates, in inflation, in the financial health of the utility, or any major delay in construction for whatever reason. And the plants now being completed have seen them all.

One utility now completing a nuclear power plant, Detroit Edison, has published a chronology of its Fermi-2 unit that shows the history of management decisions and of events in the outside world that have had a major impact on the plant. Let me summarize that chronology, as an example of the environment that utilities building nuclear plants have been operating in over the past dozen years:

In 1968 the area around Detroit was rapidly growing, and both the steel and automobile industries were planning major expansions. The utility's projections indicated that it would need a major new power plant in operation by 1974 to meet the rising demand. Based on the experience of nuclear plants until that time, Fermi 2 was expected to go into operation in 1974 and to cost about $230 million.

In 1971 a Federal court ruled that the Atomic Energy Commission was not properly implementing the National Environmental Policy Act. Work on Fermi 2 had to be partially suspended until new environmental procedures could be developed, and until the utility could complete a major new report on the environmental effects of the plant.

The licensing logjam prevented the plant from getting its construction permit until 1972, 30 months behind its original schedule.

In 1973 the demand for electricity in the area increased by more than 14 percent, making the plant all the more urgently needed. Within two years, though, the effects of the oil embargo and the double-digit inflation left Detroit with an 18 percent unemployment rate. In 1974 sales of electricity dropped by more than 5 percent, fuel costs rose 83 percent, the Public Service Commission granted a rate increase of less than half of what the company requested, and the utility had to stop work on Fermi 2 and other construction projects because of its financial crisis.

When construction resumed in 1977, after the area's economy began recovering, work was being done in what the utility described as an "environment of constant change." There had been four government regulations on nuclear power in 1970. That had grown to 108 by 1973, 277 in 1975, and 784 in 1978. This rapid increase in regulation has continued throughout the construction of the project: in 1967-68 the government's regulatory agency had a staff of 464 and issued 38 construction permits and three operating licenses. By 1973-74, the staff numbered 1,536 and issued a total of 64 permits and licenses. In 1981—admittedly, after Three Mile Island—the staff had grown to 3,331 employees—and it issued a total of four operating licenses and no construction permits.

In 1979 the accident at Three Mile Island resulted in a licensing "pause" and a 500-page action plan that the NRC issued to all nuclear plants.

So Fermi 2 is now close to operation—at a cost of $2.7 billion, as of August 1983. The increased costs beyond the original estimate break down this way; $684 million for regulatory compliance; $218 million for changes caused by Three Mile Island; $906 million because of licensing delays, new regulations and the 1974 shutdown; and $430 million in escalation in labor and materials. By Detroit Edison's accounting, then, 90 percent of the additional cost was outside of its control. In November, the utility raised the cost estimate for Fermi 2 to $3.08 billion.

All of the plants now being completed have had to contend with the economic gyrations of the 1970s and the explosion in regulatory requirements. So we could expect that any nuclear plants that are ordered in the future and constructed in periods that are more stable will be built more quickly and more inexpensvely than this troubled generation.

This does not mean that the industry has been blameless. One of the primary causes of the delays and the cost increases among plants under construction was the accident at Three Mile Island and the implementation of new operating requirements based on lessons learned at TMI. Though it is fair to say that the Three Mile Island accident helped demonstrate that nuclear plants are indeed designed to protect the public from almost any event that could take place in a reactor, it also revealed some serious shortcomings in the operation and management of nuclear plants. For years many industry spokesmen had been fond of describing nuclear power as "just another way of boiling water." The TMI accident and some of the problems that have materialized since then, I believe, indicated that they really believed what they said.

If casual attitudes by utility management did contribute to the quality and cost problems that nuclear power has experienced, it seems safe to say that those attitudes will be quite different in the future. Three Mile Island, Marble Hill, Zimmer and other economic calamities have shown the industry that the biggest risk of nuclear power is to their own financial health and their standing with their rate payers. No utility is likely to make such a commitment again without fully recognizing the unique technical and managerial requirements of building and operating a nuclear power plant.

The industry's responses to these nuclear developments have indicated that it is indeed recognizing their lessons. The establishment of the Nuclear Safety Analysis Center and the Institute for Nuclear Power Operations showed a new dedication to safety and operating quality, and the broadening of INPO's charter to include plants under construction reflects a new level of awareness of quality assurance demands.

Despite all the lessons that have been learned about the importance of firm controls to contain costs and to assure quality during construction, these problems will be with us for several more years. About 50 plants of this generation are still under construction, and it seems inevitable that additional problems will surface as they are completed and begin to go into operation. One of the most important facts that the country needs to keep in mind is that however serious these construction setbacks may appear, they are short-term problems. And they are relatively minor in the long-term perspective of our more basic needs: assuring our economic growth and planning for a future energy system that is not so heavily dependent on fossil fuels.

Let us assume that the industry can overcome the construction problems that have recently materialized. These problems are not inherent in the technology, as the operating record of earlier nuclear plants in the United States and of more than 200 nuclear plants in other countries can testify. What then are the long-term issues that will determine the future of nuclear power?

First and foremost, nuclear licensing and regulation. The industry may occasionally overstate the degree of unnecessary or counter-productive requirements from the NRC, but its basic point is arguable: that the current licensing process makes planning impossible. By 1982 the NRC was issuing almost 2,000 new Regulatory Guides a year. A major licensing reform that makes the process more predictable without sacrificing safety or public participation, like the Department of Energy's bill that is now pending in Congress, is essential if the country is to have any additional benefit of nuclear power in the decades to come.

The nation's program to manage high-level radioactive waste needs to show greater progress and results if the public's confidence in the entire nuclear fuel cycle is to be improved. The technical concept for storing high-level nuclear waste in stable geological formations like salt has been recognized by the scientific community around the world for three decades. There is broad agreement that our current plans for storing radioactive waste are prudent and safe, but unfortunately the continuing policy debate seems to be whether this approach will be *perfect*. Any proposed action in a long-term program can be second-guessed and fine-tuned as new information material-

izes, but it seems clear that we now have enough data in hand to move ahead confidently without becoming paralyzed by the need for perfection. Congress's action in December 1982 was a major step forward, in that it formulated a specific waste management strategy with objectives and schedules. But many of its milestones were unrealistic, and the program seems to have slipped by several years in its first year of implementation. The Department of Energy needs to gain firmer control of this process, even if it means seeking modification in Congress, and to demonstrate for the public that a long-term nuclear waste management program is being competently implemented.

Even beyond the immediate construction problems that many utilities have encountered, the economics of nuclear power remains a legitimate question. The biggest variable in predicting comparative costs is not the capital cost of the nuclear plant, but the lifetime fuel cost of a coal or oil plant. When fossil fuels begin increasing significantly in price—which is only a matter of time—nuclear electricity will offer a major cost savings. The safety of nuclear power plants—in terms of both their low-level radiation and the hypothetical effects of major accidents—also remains a major issue that will shape the long-term future of the technology. But as the years of operation mount up, it becomes clearer that this is largely an issue of emotion and public perception, and not a major substantive concern. Counting commercial nuclear power plants operating in the United States and 24 other countries, and counting the experience of power reactors that propel submarines and surface ships in the U.S. Navy, we have now accumulated nearly 6,000 reactor-years of operation. With such a record nuclear power can no longer be considered an experimental technology; it has proven its safety in a vast range of governmental philosophies, utility styles and approaches, geographical conditions and other variables. Its health and safety impact is equal to or less than other energy sources that we routinely accept. While the public should never be led to believe that there are no risks from nuclear power, the level of risk should not be an obstacle to its use. It appears that current work being completed on the "source term" used by regulators to calculate public health risks from radiation accidents may demonstrate that we have generally overstated the potential health effects of nuclear plants.

By far the most important issue—and in many ways the cloudiest—is the future need for nuclear power. Does the country need to address all of these problems, or can we manage without growing amounts of nuclear energy?

For nuclear plants that are already in operation or under construction, the answer is clear: our growing demand for electricity, combined with the recent strategy of utilities to avoid ordering additional capacity of any type, means that we will need additional capacity in the years to come. The Department of Energy last year predicted that even if utilities complete all the capacity that they now have under construction or planned, the country would need to build an additional 232 gigawatts of electric power plants before the end of the century to meet a 3 percent annual growth rate in demand. The nuclear plants now operating and being built will clearly be necessary to meet our growing electric power needs.

But what about the contribution of nuclear power beyond the plants that are already under way? Unlike most other industrialized countries, the United States could indeed allow nuclear power to fade away temporarily as a source of new electric capacity in the next several decades, because of our abundant supplies of coal.

This strategy clearly has its drawbacks. For one, we would be depending almost entirely on coal for our future central-station electric power, and as we are learning coal is hardly a problem-free fuel. This path would also increase our demand for all fossil fuels, further competing with developing countries for the world's finite supplies. And it would most likely lead to ever-greater energy costs in the United States, as the price of fossil fuels increases and there is no alternative to hold it in check.

Nevertheless, that appears to be the path that the United States is currently on. Because of the obstacles now facing nuclear power, the industry and the government alike appear to be losing their interest in additional nuclear capacity beyond the plants already ordered.

I believe those of us in energy and engineering should worry that this attitude represents a short-term perspective that could pose serious long-term problems. The primary motivating forces among utilities, after the problems they have faced over the past decade, is avoiding any long-term commitments or other potentials for financial surprises. And the motivating force in government appears to be the need to reduce funding, along with a commitment to the free market in determining energy policy. As a result, the general national attitude seems to be that coal and other traditional fuels can fill our needs for the next several decades, and after that the United States will see the revival of nuclear power as a major energy source in the 21st Century. This philosophy is often described as a belief in "the nuclear imperative."

This logic needs to be closely examined. It seems inarguable that there will be a need for additional nuclear power in the decades ahead. Virtually every knowledgeable forecast of future energy production and use recognizes that the rising demand for electricity will require a continuing increase in our use of nuclear power. The 1983 growth in electric power demand, if projected to the year 2000, would lead to an 80 percent increase in the amount of electricity used in the country. Few observers believe that coal can economically or environmentally increase its contribution that massively.

The flaw in the laissez-faire attitude toward nuclear power today is that when the need returns, the country may well have lost its ability to fill it. As we have learned painfully in recent years, nuclear power is a complex undertaking. It requires a sophisticated infrastructure of industry and regulators, a large pool of expert engineers and technicians, managers knowledgeable about the importance of strong controls and quality assurance, and an array of support programs, from environmental consultants to spent fuel managers. If the country allows nuclear power to fade away as a credible energy option—as I believe we may be doing—there is no "imperative" that can make it suddenly reappear a decade or two down the road.

A successful nuclear power program is largely dependent on a single resource, the human resource. It needs a community of thoroughly trained engineers and technicians to design, operate, manage and regulate every element of the overall nuclear fuel cycle. Even the current number of nuclear plants operating and under construction may well suffer shortages of skilled professionals over the course of their lifetime, if more students are not attracted to nuclear and related engineering curricula. A number of universities have abandoned programs in nuclear engineering. If this trend continues, we will be hard pressed to provide the necessary engineering talent.

When the country recognizes that it needs to expand its nuclear power capacity years from now, skilled manpower shortages will not be the only serious obstacle. The industrial base of designers, manufacturers and builders may have dispersed. The regulatory system for new nuclear plants will have to be re-invented. And there may be little institutional memory of many of the basic lessons that we have learned over the past quarter of a century, including the demands of quality and safety in designing, building and operating nuclear plants. A long gap in the evolution of nuclear power in the United States could mean that we may end up making some of the same mistakes a second time, at a time when nuclear power is all the more urgently needed. Even a willingness to import nuclear technology in the future does not solve these problems; you cannot import sound regulation or sophisticated mangement.

This is the basic nuclear power challenge facing the government and industry. If they believe that there will be an important need for growing amounts of nuclear-generated electricity in the decades to come, they need to accept the responsibility to keep the option alive without a significant gap in its development. This means not only dealing more forcefully with the issues that were described above, such as licensing and waste managment; it also means taking steps to assure a continuity of knowledge, skills, procedures and traditions. It means shoring up our national efforts to deal with the long-range problems that may serve as obstacles to nuclear power, including perhaps such actions as improving support for nuclear and related engineering programs to assure a steady stream of qualified manpower, refining the regulatory procedures and approving designs for standardized plants; developing a partnership between government and industry to assure a continuity of trained management, workers and regulators; and forging a national commitment to an additional nuclear plant, perhaps jointly owned by government and industry, to provide a testing ground for the lessons we have learned and a trace of continuity between the nuclear generation of the past and that of the future.

The "imperative" of nuclear power is only an imperative of need. It is not self-fulfilling. The long-range outlook for its additional contribution is up to the decision-makers and the public, and the decisions that are made in the next several years—before the last nuclear plants under construction are completed—could have major implications for decades into the future. As more than 300 nuclear plants in operation around the world prove day in and day out, nuclear power has the potential to provide a major amount of our electric power safely and economically, for decades to come. But whether it will—its real outlook—is up to us.

SENATOR ROTH'S REMARKS BEFORE THE AIR FORCE SYSTEMS COMMAND HEADQUARTERS

Mr. RUDMAN. Mr. President, on June 6, the chairman of the Governmental Affairs Committee, Senator ROTH, made a very significant speech before the Air Force Systems Command. I ask unanimous consent that Senator ROTH's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY U.S. SENATOR WILLIAM V. ROTH, JR.

General Marsh, Distinguished Representatives of both the Air Force Systems Command and American Industry: it is indeed an honor and a pleasure to be here with you this afternoon.

I believe I can say, without fear of exaggeration, that the future defense of this land—in fact, the very peace and stability of the Free World—lies in a very important way in your hands.

I say this, because in my judgement, there is today a very real question as to whether the West has the will and the determination to meet the challenge of the East. The answer to that question rests, in large part, on whether the Free World can produce the necessary weapons at costs the Western democracies are willing to pay.

While most observers acknowledge the weapons of the West are qualitatively superior, it is also generally agreed that our conventional defenses are inferior to that of the East, particularly with respect to N.A.T.O. It is also thought that in the event of a conventional attack from the Warsaw Pact, we would quickly have to escalate to the use of nuclear weapons. In other words, our so-called "flexible response" no longer exists, if indeed it ever did. The Western conventional defenses are, in fact, inferior—even though the West spends more than the East in this regard.

The future success of our N.A.T.O. alliance depends upon our building a credible conventional defense, which, in turn, depends upon the so-called emerging technologies. The costs of these new weapons will be staggering; yet, have them we must, for there is a growing broad consensus on both sides of the Atlantic that the use of nuclear weapons is not a viable option. While a no "first use" declaration makes little sense under current conditions, we must nevertheless make our so-called "flexible strategy" viable by building a conventional defense that raises the threshold of nuclear war.

Well, how can this be done? It is this problem, that I should like to address, at least in part, this afternoon. Newsweek magazine recently called me a "Cheap Hawk," an appellation I like, as I do believe we must build up our defenses, but in doing so we must find ways to contain costs. With that in mind, I should like to propose two basic reforms.

First, there must be real arms cooperation between Western Europe and ourselves. Second, there must be a major reform in our own military procurement policy with respect to major weapons systems.

ARMS COOPERATION

For many years now, leaders on both sides of the Atlantic have agreed in principle on the necessity of an urgent and strong cooperative defense-industrial effort among the N.A.T.O. allies.

As one of the co-authors of an amendment (Roth-Nunn-Glenn) to the 1983 Defense Authorization Act urging such decisive action, I am frankly disheartened and alarmed at the lack of progress made in implementing such an effort.

In my opinion, we spend too much time preaching in public the virtues of cooperation, while in private we procrastinate about its implementation. Time, however, is a luxury N.A.T.O. can ill afford.

On paper, N.A.T.O. looks impressive. In terms of numbers of people under arms, and the total amount spent on defense, the West would appear to be more than adequate to meet the threat posed by the Warsaw Pact.

But statistics hide a grim reality. As a military force, N.A.T.O. actually functions as a loosely organizaed collection of 14 separate national defense efforts.

Each member determines what it will buy and when it will buy it. Levels of ammunition and other war reserves are set independently of total allied requirements. In fact, the N.A.T.O. Integrated Military Command commands very little that is integrated.

Consequently, N.A.T.O. forces are qualitatively uneven and quantitatively inferior to those of the Warsaw Pact. They have only a limited ability to rearm, repair, reinforce, support, supply or even communicate with one another.

The N.A.T.O. defense industrial base is fragmented into wasteful and duplicative national efforts. Each of the member nations tries to maintain some kind of defense industry, despite gross inefficiencies of scale.

Given these deficiencies and the comparative advantage enjoyed by the Warsaw Pact, N.A.T.O. must adopt and quickly implement a comprehensive "Resource Strategy." This would, of course, necessitate not only pooling the vast financial, technological and industrial resources already at hand, but cooperating more effectively in their defense efforts.

Cooperation rather than obstruction, action rather than procrastination is the path that must be followed.

In recent years, there has been some progress in enhancing armaments cooperation among the N.A.T.O. allies. Various memorandums of understanding between the U.S. and other N.A.T.O. countries have been agreed upon providing for coproduction or other forms of armaments cooperation. Within N.A.T.O., committees have been established to promote standardization, interoperability or commonality of weapons.

These are all welcome steps in the right direction. But these measures are either very limited in scope, or are essentially bilateral in nature. They do not fit into a comprehensive political or institutional framework. They are essentially piecemeal attempts to deal with the much larger problem: how to preserve the alliance by providing for our common defense at acceptable costs.

It is time to drop the "no trespassing" and "keep out" signs from our defense industrial policies. If the industrial democracies are going to preserve our shared values and way of life in the remaining years of this century, we must simply pull together.

There are three steps essential to real arms cooperation.

First, I believe it to be important that the Europeans rationalize their own arms procurement. Currently, it is characterized by the nationalism of the European members, whose needs do somewhat differ, and by the fact that the U.S. Department of Defense spends about four times more on research and development than all the other N.A.T.O. nations combined. Both these problems must be addressed by Europe as part of the so-called economic decline of Western Europe.

Secondly, there must be a transatlantic dialogue at the political level on how we might rationalize and restructure the nation's role, missions and industrial focus in the armament field. Dave Abshire as our ambassador to N.A.T.O. is leading this fight to develop what he calls a resource strategy.

Thirdly, we need industry-to-industry cooperation. The creation of the Council on Transatlantic Defense Cooperation is a step in that direction. John Culver, author of the Culver-Nunn Amendment, has led that development. Bill Whitehurst and myself have agreed with John to create a bi-partisan joint Congressional Caucus to support transatlantic arms cooperation.

The Roth-Nunn-Glenn Resolution calls for arms cooperation and it is the law of the land. However, if the concept is to become a reality, if it is to be fleshed out, we shall need your help in developing the consensus necessary for real arms cooperation. It will not be simple; it will not be easy. But, if we are to develop a new conventional arms defense based on the new technologies, arms costs must be contained through cooperation. Failure to do so risks the Atlantic Alliance, which has kept the peace for 35 years.

REFORM OF THE PROCUREMENT PROCESS

The second reform that I believe to be essential is the reform of our own military procurement process, particularly with respect to major weapons systems.

The present system is not satisfactory and its failures are eroding the consensus necessary for a strong defense. Already there have been serious efforts, even in the Senate to cut defense spending to "zero" growth, such as in the K.G.B. or Kassebaum, Grassley and Biden amendment. I need not review in detail these deficiencies for these charges are very well known. But factors like unconscionable charges for spare parts, "gold-plating", lack of competition and schedule "stretchouts" have plagued the acquisition process and given rise to charges of waste and mismanagement. These are not new; they did not rise with this administration or even with the last.

A recent report by the G.A.O., however, dramatically illustrates the problem. G.A.O. reviewed the Defense Department's budget procedures for its major weapons programs so as to provide an assessment of the realism of the Department's five year projection of funding requirements. The G.A.O. looked at the actual versus planned costs for 97 major weapons between the years 1963 and 1983. It found that Congress consistently had to provide substantially greater appropriations than anticipated for weaponry—an average of 32 percent or more! It also found out that even with the additional funding, the quantities of weapons which DOD is actually able to buy is consistently less than originally planned. In fact, since 1970 this pattern of receiving more money and purchasing fewer quantities of weapons has gotten worse and in the 13 year time period between then and now, DOD has never once been able to purchase the planned quantities.

These figures indicate that our acquisition process is in a serious state of disrepair, soaking up even the sizeable increases in funding which have occurred over the last three years and producing far less than we had hoped. We are buying less but continuing to spend more.

It is my firm conviction that the problem calls for major corrections. It is not enough to deal with it piecemeal; we must look at the very acquisition process itself. Frankly, part of the problem is that the Pentagon tries to micro-manage and fails to macro-manage. In other words, I am concerned that the services become so involved in details of military production that it becomes part of the problem. Presumably, the contractor is hired because he is an efficient producer and should not need constant government intervention. The government gets bogged down with so many details that it fails to ensure its procurements are cost-effective.

It is because of these considerations that I believe we should seriously consider shifting the responsibility for acquisition management from the military services to a centralized, civilian-operated acquisition agency that would report to the Secretary of Defense.

How would such a proposal help improve the management of the acquisition process? For one thing, a well-trained civilian would be assigned responsibility on a long-term basis for the performance and cost of a major weapon program. That individual would be held accountable for the cost increases and technical problems; similarly, that person could be rewarded for the successes of a program.

That certainly wasn't the case 14 years ago when Gilbert Fitzhugh, Chairman of the President's Blue Ribbon Defense Review Commission, poignantly remarked: "There is nobody that you can point your finger to if anything goes wrong and there is nobody you can pin a medal on if it goes right, because everything is everybody's business and . . . what is everybody's business is nobody's business." That characterization holds equally true today.

From all available evidence, it would appear that our procurement workforce today is not trained adequately, often does not have the experience necessary to deal effectively with complex weapon sysems and is frequently shifted in and out, from job to job. What results is a workforce that does not have sufficient familiarity with the systems and programs it manages and cannot be made to account for the results of their actions. "It didn't happen on my watch" is a phrase all too often heard.

The fault lies not so much with individual project managers and contracting officials—most of whom are devoted, hard-working individuals who do the best they can—but with the system itself.

Any system that assigns as many as 9 or 10 officers to manage the different stages of a multiyear procurement is asking for trouble, and trouble is just what we're getting.

Consider the following facts: The C-5 cargo plane has had nine different program managers during its problem-plagued lifetime; the project managers for the Army's Hellfire and Pershing II missiles, the Multiple Launch Rocket System and the Viper rocket have had an average tenure of only two years.

Since it takes a manager at least a year to master the ins and outs of a complex project, it's hard to escape the conclusion that these weapon programs are being managed at least half the time by people who don't really know what they are doing.

Moreover—according to a recent report by the Pentagon's Inspector General—there are serious shortcomings in the training of the Defense Department's 26,000 procurement specialists. Fully 67 percent of the senior and intermediate-level contracting personnel surveyed had not completed "mandatory" training requirements.

Interservice rivalries and military service domination of acquisition also makes it difficult—if not impossible—to implement uniform department-wide policies for procurement or to pursue potentially money-saving acquisition strategies such as joint service purchasing of weapons. A 1983 G.A.O. report noted, for example, that there has never been a successful joint procurement program between the services—one that could help assure substantial commonality among systems and achieve significant cost savings. The report also noted that the services have different organizational arrangements, standards, data requirements, manuals, provisioning procedures, military specifications and occupational skills in their acquisition systems. Even nomenclature and application of Department-wide requirements are different between the services.

Our current military service dominated acquisition system results, I am sad to say, in a confusing morass of different procurement organizations and policies, high turnover of personnel, poor training and experience for the government's workforce and almost no accountability for the success or failures of weapons programs.

In my judgement, a centralized civilian acquisition agency in DoD would help ensure the continuity of key personnel, reduce duplication and ultimately result in greater savings.

Furthermore, procurement is a business function, not a military one. Taking it out of the hands of the services would free up valuable military personnel to do the work they're trained to do: formulating military strategy, planning for contingencies and developing requirements for weapons to meet the nation's defense needs.

Under this proposal, the military would continue to perform the military functions of identifying threats, developing requirements for weaponry to fight those threats and commanding combat units. Only the management of the actual acquisition process would be changed.

The agency would be staffed by a highly-trained, well-paid cadre of civilian professionals similar, in some ways, to Foreign Service Officers. Unlike career military officers, these civilians would not be subject to rotation, but rather would devote their careers to the procurement process. They would also be fully accountable for the success or failure of the particular program for which they have been assigned. Finally, as a condition of employment, these civilian professionals would have to agree not to accept employment from a defense contractor for an extended period of time—say, 5 to 10 years—after leaving the government.

There is no doubt in my mind that this kind of proposal—this kind of reform—will encounter very stiff opposition, particularly from within the military services. This idea, however, is hardly unprecedented: similar systems like those emplaced in countries like Great Britain, Canada and West Germany have worked well and could serve as potential models.

I would also call your attention to the fact that the Grace Commission's "Task Force Report on the Office of the Secretary of Defense" has strongly suggested that DoD initiate a program to modernize, streamline and consolidate the total acquisition/procurement process. In the Commission's estimation, "the installation of consolidated management of the weapons acquisition process holds the potential of saving many billions, perhaps even tens of billions of dollars annually in the aggregate, from better decision making" (p. 143).

Support for such a civilian procurement agency is growing. Only last week, former Secretary of Defense Melvin Laird wrote me a letter which, among other things, stressed the point that our present procurement policies—dominated as they are by the military services—are seriously deficient and in need of major overhaul.

I believe everyone here would admit that some reform of the system is necessary. Where we might differ is on the degree and the extent to which reform is carried out. But, reform—in one form or other—is certainly mandated.

The current political climate suggests that reform might very well be imposed from without or from above. Presently, there are some 150 pieces of legislation before Congress dealing with spare parts. What this suggests is that American industry is neither "policing itself" nor exhibiting a large degree of "industrial statemanship." We are not suggesting that American industry be denied a profit; we are only demanding that it be a fair and justifiable profit. I have every reason to believe that American industry will meet this challenge of industrial leadership. You have displayed it in the past; I am confident you will display it in the future. What this country doesn't need is punitive legislation!

Furthermore, the current political climate suggests an absence of dialogue between all parties concerned. We need to communicate more with one another. We need your inputs, your recommendations and suggestions.

Today, as you know, is the 40th anniversary of the allied landings on the Normandy beaches. I suggest we can learn much from the cooperation between industry, the military and the congress that helped make that historic event so successful.

Let us show the American public and our allies that through cooperation we can rebuild our Nation's defenses efficiently and effectively to meet the challenges of today.

Thank you.

THE LEGAL FEES EQUITY ACT

Mr. HATCH. Mr. President, in July of 1981, the Constitution Subcommittee began a series of hearings to examine the degree to which recent Federal statutes and court opinions have subjected States and municipalities to growing liabilities for awards of attorney fees. Several leading State and local officials testified about the deleterious effects to these unanticipated liabilities. One State attorney general, for instance, noted that: "States * * * have shown that they have paid sometimes 10 times as much money to pay off these attorney fee awards than they had to pay to satisfy the monetary judgments entered in favor of the actual plaintiffs." Hearings on S. 584 and S. 585, Subcommittee on the Con-

stitution, 97th Congress (1st Session 561 (1981)). At the same time, officials in the Reagan administration undertook a review of the need for some standards to govern the award of attorney fees under numerous statutes which, under broadly defined circumstances, shift the entire expense of litigation to the State, local, or Federal Government defendant. The legislation, which I am sponsoring, the Legal Fees Equity Act, is the product of careful study to develop uniform standards for setting fees at levels sufficient to attract competent counsel without granting windfalls to lawyers.

This careful study has shown that standards for determining eligibility for and the amount of attorney fees awarded against Government parties have varied widely from court to court and State to State. This has often resulted in the award of excessive fees. For example, some courts have even used "multipliers" to double or triple an attorney's customary hourly rate when computing the amount of a fee award. These inconsistent and troublesome results are primarily due to the ambiguity of fee-shifting statutes which provide no uniform standards for the award of attorney fees to a litigant who prevails to some degree in litigation against a government. Judicial and administrative officers are simply left without adequate guidelines in the law to fashion uniform and fair awards.

The clear disparities in attorney fee policies are made evident by comparing the lack of definition in Federal fee-shifting statutes governing in civil proceedings with the harsh strictures of the Criminal Justice Act [CJA]. Under the CJA, attorneys who defend indigent criminal suspects have received the same rates—$20 an hour for time expended on a case out of court and $30 an hour for time spent on a case in court—since 1970. From 1970 to 1982 alone, the consumer price index rose from 116.3 to 289.1—1967 equals 100. Because simple equity demands a reduction in the discrepancy between the awards granted private attorneys who sue governments in civil cases and the awards granted private attorneys who represent indigent criminal defendants, the Legal Fees Equity Act doubles the hourly rates compensable under the CJA.

Thus, the Legal Fees Equity Act is needed to provide standards and procedures for awarding attorney fees in proceedings against the United States as well as State and local governments in cases where Federal statutes allow such awards. In addition, this legislation will double the current fees for attorneys who defend indigents in criminal trials and receive compensation under the Criminal Justice Act.

Since first established by the Supreme Court in 1796, *Arcambel* v. *Wiseman*, 3 Dall. 306 (1796), the basic rule in America for the compensation of counsel has been that each party to a judicial proceeding is expected to bear the cost of his own litigation. The Supreme Court ruled in *Alyeska Pipeline Service Co.* v. *Wilderness Society*, 421 U.S. 240 (1974), that Federal courts lacked power to create exceptions to this rule by awarding fees to attorneys who undertook to enforce certain important rights. Alyeska makes it clear, however, that Congress may create exceptions to the traditional American rule by statute.

Since 1974 Congress has enacted over 129 fee-shifting statutes. These statutes authorize recovery of attorney fees in cases against State and local governments as well as the Federal Government. Most of these statutes simply grant the court discretion to award reasonable attorneys' fees to the prevailing plaintiff in a suit against a government. These enactments offer little or no guidance as to the limits of judicial discretion, the standards for determining a reasonable fee or the degree of success necessary to satisfy the prevailing requirement. Accordingly, the amount and complexity of litigation to determine the amount of counsel fees under these fee-shifting statutes has increased dramatically. In 1980 alone, the Supreme Court issued nine opinions on the award of attorney fees. That same year, the Fifth Circuit decided over 50 reported cases on counsel fees.

The Supreme Court reacted to this veritable flood of litigation with the comment that "a request for attorneys fees should not result in a second major litigation." *Hensley* v. *Eckerhart*, 103 S.Ct. 1933, 1941 (1983). In that same case, Justice Brennan argued that litigation over attorney fees "serves no productive purpose, vindicates no one's civil rights, and exacerbates the myriad problems of crowded appellate dockets." (Id. at 1950.) A hint of the Supreme Court's frustration with the absence of adequate legal standards governing the award of reasonable fees emerges later in Justice Brennan's concurrence: Ultimately—the fee shifting statute's—straightforward command is replaced by a vast body of artificial, judgmade doctrine, with its own arcane procedures, which, like Frankenstein's monster, meanders its well intentioned way through the legal landscape leaving waste and confusion—not to mention circuit splits—in its wake. (Id. at 1951.)

Not only has the absence of standards for the award of attorney fees clogged the courts, it has also led to exorbitant fee awards. A recent request for fees in Massachusetts is an example of this problem. A zoning law was declared unconstitutional after a lengthy series of appeals. The attorney, who is also a full-time law professor, requested $331,441 in fees at an effective hourly rate of $412.50 an hour for his services. The Washington Post issued the following commentary on that case:

> High-priced lawyers are just charging much too much—to the point of caricature—and the folks expected to pay their fees should put an end to the practice. Just because well-heeled private clients dole out huge sums doesn't mean that the public should be equally generous. The "prevailing wage" approach that government uses when it is buying services—which is the essence of Professor Tribe's claim—has a superficial appeal. But on closer inspection it reveals elements of a gigantic rip-off. * * * Lawyers—even civil rights lawyers—need at least as much wage restraint as others when it comes to billing the government.

The Post might also have asked how an hourly rate of $412.50 can be justified alongside the limits of $20 per hour imposed on attorneys relying on the Criminal Justice Act.

In the absence of adequate computation standards, attorney fee awards have also been subject to the criticism that the award is disproportionate to the degree of success achieved in the underlying case. For instance, in *Skoda* v. *Fontani*, 646 F.2d 1193 (7th Cir. 1981), the plaintiff was awarded $1 in damages, but the attorney fee award was awarded over $6,000. In *Rivera* v. *City of Riverside*, 679 F.2d 795 (9th Cir. 1982), the plaintiff was awarded $33,000 in damages, but the attorney fee award was nearly a quarter of a million dollars. The National Association of Attorneys General recently completed an exhaustive report on the award of attorney fees under the fee-shifting statute most often employed against State and local governments. This report gives a comprehensive overview of the problems created by the lack of adequate standards for the award of attorney fees. I would urge each of my colleagues to read this report.

The overall purpose of this proposal is to provide the courts and Federal agencies with greater guidance in implementing Federal fee-shifting statutes. This bill would not deny fees to prevailing attorneys, but would set standards and procedures to ensure that such fees are "reasonable." An important element of the standards proposed by this legislation is a cap of $75 per hour on attorney fees awarded against the Government in civil judicial or administrative proceedings. This $75 per hour fee cap is the same rate established in the recently enacted Equal Access to Justice Act, 28 U.S.C. 2412(d) and 5 U.S.C. 504(b). The bill would, therefore, allow courts to compensate private attorneys at a level commensurate with, though still higher than, that received by the Government attorneys they oppose.

In the absence of adequate statutory guidance, some courts have used bonuses and multipliers extensively to

escalate awards. Multipliers were justified as compensation for litigating a particular complex case, as a reward for high quality work by the attorney, or as an offset for the riskiness or contingency of the case. In the recent Supreme Court case of *Blum* v. *Stetson*, — U.S. — (Mar. 21, 1984) (slip op. No. 81-1374), found that these justifications for multipliers "do not withstand examination." (Id. at 9.) The complexity of a case will be reflected in the number of hours expended in preparation. The quality of an attorney's work will be reflected in the customary hourly rate used to compute his award. Contingency is an element of every case brought under these fee-shifting statutes because they require a litigant to prevail in order to qualify for an award. This "prevailing" requirement was enacted by Congress to discourage frivolous or meritless suits. Granting a bonus for risky cases would be at odds with Congress' intent to award fees only for meritorious suits. Thus, where bonuses are used to compensate attorneys who are handling complex or novel cases, the net result is to inflate compensation which has already been adequately provided. Bonuses for contingency defeats a primary purpose of only compensating litigants for meritorious suits. Consistent with the Stetson case, this bill would eliminate the use of multipliers and bonuses in an effort to avoid absurdly high awards.

The bill is intended to apply to all awards of attorney fees against the United States and any State or local government. Its provisions apply to, and modify, all Federal fee-shifting statutes, but do not supersede more restrictive criteria contained in other statutes. This includes awards made under the Equal Access to Justice Act, except certain specified provisions of that act.

Federal fee-shifting statutes generally contain language indicating that such awards are available only to "prevailing parties." Ambiguities have developed concerning when a party has adequately prevailed so as to come within the statutes. For example, *Nadeau* v. *Helgemoe*, 581 F.2d 275 (1st Cir. 1978), adopted a standard which held that if a party had succeeded "on any significant issue in litigation which achieves some of the benefit the parties sought in bringing suit, "while *Taylor* v. *Sterrett*, 640 F.2d 663 (5th Cir. 1981), held that a party must have been "successful on the central issue as exhibited by the fact that he has acquired the primary relief sought."

The Legal Fees Equity Act, which I am proposing, clarifies this standard by requiring that a party prevail on the merits in order to obtain an award of fees. The bill's standard is neither as lenient as the "some benefit" test nor as strict as the "central issue" test. The relief sought must be "significant," not merely of "some benefit." Moreover an award of attorney fees may not be obtained prior to a final judgment. This latter requirement is not meant to be read so as to preclude interim awards where Congress has authorized them in the various fee-shifting statutes. Neither is the requirement of final disposition intended to preclude recovery of attorney fees where settlement is reached prior to judgment. Such settlements are generally desirable and so long as it can be shown that the party has prevailed on the merits of the relief sought an award of attorneys' fees may still be obtained.

Where a settlement offer is made by government officials and refused by the plaintiff who is unable thereafter to do any better at final judgment, this bill would deny the recovery of attorney fees for services performed subsequent to the refused offer. Such a provision will encourage government officials to make responsible settlement offers and urge complainants to give those offers meaningful consideration. Of course, where refusal is reasonable under the circumstances this provision would not apply.

The bill also provides that the amount of any judgment awarded against the United States, or against a State or local government shall be reduced by the amount of the attorney fees, not to exceed 25 percent of the judgment. This provision ensures that prevailing parties will pay part of their legal expenses from any monetary award. This subsection of the bill is not applicable to specific sections of the Equal Access to Justice Act, to certain tax cases or where it would result in undue hardship to the party.

Due to the protracted nature of some litigation, a claim may be rendered moot by State or Federal legislation enacted prior to judicial resolution of the conflict. Under existing case law such a turn of events would not preclude a recovery of attorneys' fees where a court determined that the case was a catalyst for the legislative change. See, e.g., *Maher* v. *Gagne*, 448 U.S. 122 (1980). This judicial doctrine, however, involves the courts in the rather difficult and unpredictable process of determining that a particular court action was the catalyst for a legislative enactment. As my colleagues understand, legislators rarely have the same things in mind when voting for a particular bill. A judicial inquiry into legislative motives is difficult at best. The Legal Fees Equity Act provides a standard for determining when a case provides such a catalyst by requiring that the litigation be a "material factor" in the legislative change. This provision would permit legislators and other State officials to proceed with policy changes without fear of incurring costly litigation expenses because some pending suit peripherally relates to their actions.

Finally, the bill contains several other provisions for timely application and uniform procedures to be followed in seeking recovery of attorney fees. The provisions of this bill would apply to all cases commenced subsequent to enactment as well as to those commenced prior to enactment respecting that amount of the attorney fees and expenses incurred following the date of enactment.

Mr. President, the sparsity of guidance given by the terse language of the myriad fee-shifting statutes is perhaps itself sufficient evidence that some clear standards are necessary to govern the award of attorney fees. Moreover the need to provide greater balance between the attorney fees policies applicable to lawyers representing indigent criminal defendants and those applicable to lawyers who sue governments civilly argues for the Legal Fees Equity Act.

Along with a copy of the Legal Fees Equity Act, I ask that the report of the National Association of Attorneys General, and the Washington Post editorial from December 16, 1983 be included in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Report to Congress—From the National Association of Attorneys General]

CIVIL RIGHTS ATTORNEY'S FEES AWARDS ACT OF 1976

FOREWORD

. . . [O]ne of the least socially productive types of litigation imaginable [is] appeals from awards of attorney's fees . . .

Ultimately, § 1988's straightforward command is replaced by a vast body of artificial, judge-made doctrine, with its own arcane procedures, which like a Frankenstein's monster meanders its well-intentioned way through the legal landscape leaving waste and confusion (not to mention circuit-splits) in its wake.

Hensley v. Eckerhart, 103 S. Ct. 1933, 1944, 1951 (1983) (Brennan, Marshall, Blackmun, and Stevens, JJ., concurring in part and dissenting in part).

The only truly consistent thread that runs through federal court decisions on attorney's fees is their lack of consistency.

[I]nordinately high fee awards in some cases, and the absence of a coherent rationale for justifiably large awards in other cases, have lent support to the sentiments of the Italian proverb that "a lawsuit is a fruit tree planted in a lawyer's garden."

Berger, *Court Awarded Attorney's Fees: What is "Reasonable"?*, 126 Pa. L. Rev. 281, 292 (1977).

As the foregoing comments suggest, courts and commentators alike have become critical of attorney's fees litigation. Since passage of the Civil Rights Attorney's Fees Awards Act of 1976, one constant voice expressing concern has been that of the National Association of Attorneys General, which has continuously monitored the implementation and effect of the Act. On the basis of its collective experience, the Asso-

ciation has become increasingly concerned that the Act, as interpreted and applied by the courts, is operating contrary to its original purpose. Rather than simply facilitating access to the courts for disadvantaged victims of civil rights violations, a purpose that the Association wholeheartedly endorses, the Act has had the unintended effects of encouraging frivolous noncivil rights claims, deterring settlement of meritorious claims, awarding fees to plaintiffs who do not actually prevail, conferring unreasonable "windfall" fees on plaintiffs' counsel, draining public treasuries, and fostering an avalanche of litigation on attorney's fees that threatens to bury the underlying civil rights claims that the Act was intended to vindicate.

In this report, the Association outlines and documents these adverse and unintended applications of the Act and recommends the enactment of statutory standards that would restore the Act to its original purpose, provide needed guidance to the courts and the bar, and mitigate the possibility of abuse. In particular, the Association recommends that the Act be amended to apply solely to true civil rights cases; to define "prevailing party" in a realistic manner; to restore and guide judicial discretion to award or deny fees; to provide workable standards for computing a "reasonable" fee; to impose a ceiling on the hourly rates at which attorneys may be compensated; to prohibit the award of "bonuses" in excess of reasonable compensation for time reasonably spent by prevailing counsel; and to provide additional incentives for settlement.

This report begins with an outline of the Association's findings and recommendations, which is followed by a discussion and analysis of the basis for each finding and recommendation. After documenting the magnitude of the problem created by the lack of coherent and workable standards (Finding and Recommendation No. 1), the report makes specific findings and recommendations concerning the scope of the Act (Finding and Recommendation No. 2), the standard for determining a party's eligibility for fees (Findings and Recommendations Nos. 3, 4, and 5), and the standard for calculating a "reasonable" attorney's fee (Findings and Recommendations Nos. 6, 7, and 8). Finally, the report discusses the adverse impact of the Act on the process of dispute resolution both in and out of court, and recommends how that problem could be alleviated by legislative reform (Finding and Recommendation No. 9).

The various recommendations contained in this report are not intended to discourage or inhibit victims of civil rights violations from redressing their grievances through litigation. Rather, the intent of these recommendations is to turn the focus of civil rights litigation away from fee disputes and return it to the aggrieved parties whose rights the Act was intended to vindicate. This report does not take issue with the Congressional determination that a public entity that violates a person's civil rights should be burdened with having to pay attorney's fees necessary to prove such a violation. However, the process for awarding fees, the amounts of fees awarded, and the underlying claims must be viewed in light of the purposes of the original Act. As indicated by the findings contained in this report, the Act is operating contrary to its original purposes. Legislative action, along the lines recommended in this report, is urgently needed.

RESOLUTION

In plenary session on June 25, 1983, the Association adopted the following resolution:

Whereas, litigation under the Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988, is expanding at an alarming rate with further expansion in the future a near certainty; and

Whereas, lack of meaningful standards to determine what is a "reasonable" attorney's fee in any given case consistently results in exorbitant court-ordered fee awards paid from public treasuries of state and local governments and creates additional problems for public defendants; and

Whereas, cases decided under the Fees Act frequently involve the characterization of parties as "prevailing" for purposes of collaterial attorney's fees requests when, in fact, they have not prevailed in any meaningful sense on the merits of their claim; and

Whereas, the reported Fees Act opinions so narrowly circumscribe the ability of lower courts to determine when special circumstances exist that justify outright denial of requested fees that the discretion expressly contemplated by the Fees Act itself can rarely be exercised at all; and

Whereas, a special subcommittee chaired by Attorney General Kenneth Eikenberry has studied abuses under 42 U.S.C. § 1988 and has compiled its findings into [this] Report;

Now, therefore, be it resolved, that the National Association of Attorneys General:

1. Urges the Congress to adopt legislation that will eliminate these and other related problems that have resulted from abuses under 42 U.S.C. § 1988;

2. Commends Attorney General Eikenberry and members of the Subcommittee for the diligent work on this matter and adopts the Report as part of the Association's policy position; and

3. Authorizes its General Counsel to transmit these views to the appropriate members of the Administration and Congress.

INTRODUCTION

A. Purpose of the Civil Rights Attorney's Fees Award Act

The Civil Rights Attorney's Fees Awards Act of 1976 was passed in direct response to the Supreme Court's decision in *Alyeska Pipeline Service Co. v. Wilderness Society,* 421 U.S. 240 (1975), which held that federal courts do not have the power to award attorney's fees to a prevailing party without express statutory authorization.[1] Prior to *Alyeska,* federal courts had been awarding attorney's fees to the prevailing party in civil rights cases on the theory that, in bringing such cases, plaintiffs serve in the capacity of "private attorneys general," seeking to vindicate constitutional rights, not for themselves alone, but also for the benefit of others similarly situated. By holding that the federal courts lack authority to award fees under such circumstances, *Alyeska* "created anomalous gaps in our civil rights laws," which the Act was intended to fill.[2]

The Act was thus intended to remove financial barriers that would otherwise prevent access to the courts by disadvantaged plaintiffs acting in the role of private attorneys general, by affording successful civil rights plaintiffs "the opportunity to recover what it costs them to vindicate these rights in court." [3] Such a measure was viewed as desirable in order to enforce "major civil rights laws," [4] protecting the most "basic" and "fundamental" civil rights.[5]

As a "narrowly drawn" response to *Alyeska,*[6] the Act was not intended as a wholesale abrogation of the "American Rule" that each party must bear its own litigation costs. Rather, it was viewed by its proponents as "only a first step and a rather limited and cautious one." [7] The proponents of the Act repeatedly emphasized its limited purpose by reiterating that the Act was not intended to "aid [ ] lawyers," [8] encourage meritless litigation,[9] or provide "windfalls" to prevailing counsel.[10] Rather, Congress stressed the Act's relatively moderate approach of authorizing courts, in their discretion, to award a "reasonable" attorney's fee to prevailing parties in certain civil rights cases, in contrast to that of more liberal statutes providing for mandatory fee awards or awards to nonprevailing parties.[11]

B. Good intentions gone away: A need for legislative action

As will be shown in this report, the good intentions of Congress outlined above have not been realized. Rather than simply facilitate the vindication of meritorious civil rights claims, as Congress intended, the Act has operated to foster a flood of litigation on the entitlement to and amount of attorney's fees. Rarely has a federal statute had the immediate and explosive impact on litigation involving state officials as has this Act. Particularly after *Maine v. Thiboutot,* 488 U.S. 1 (1980),[12] it has become routine for all governmental litigation—from the most complex class actions for institutional reform to the most commonplace complaints for state judicial review of administrative decisions—to include requests for attorney's fees under the Act. Not surprisingly, the soaring number of attorney's fees claims is reflected in the burgeoning amount of litigation engendered by the Act itself.

These developments are both undesirable and unnecessary. One can hardly conceive of a less socially valuable use of resources than fees litigation.[13] State and federal taxpayers are now routinely subjected to the spectacle of publicly-funded counsel making claims for fees to be paid by publicly-funded agencies, defended by publicly-funded attorneys general, and decided by publicly-funded courts. While no single participant in these exercises is exclusively responsible, it is the Association's firm belief that the lack of statutory standards governing the application for and adjudication of fee awards has unnecessarily encouraged unreasonably high requests, stymied settlement efforts, forced these matters into litigation, and permitted inconsistent, excessive, and ever-escalating fee awards. This chain of events has caused an outcry by the bench, the bar, and the tax-paying public for legislative reform.

The Association therefore urges the Congress to enact clear standards of eligibility for and computation of fee awards under the Act, in accordance with the recommendations contained in this report. Provision for such standards would render the application of the Act more consistent and, hence, more reasonable, to the mutual benefit of civil rights plaintiffs, state taxpayers, and the judiciary. Greater certainty would promote settlement, reduce fee litigation, and thereby permit counsel and the courts to devote more attention to substantive matters.

Footnotes at end of article.

The Association wishes to emphasize that it endorses the salutary purpose of the Act and is committed to the Act's concept of reasonable fees to prevailing parties in civil rights cases. The recommendations contained in this report are intended to further the Act's original purpose while eliminating its unintended and undesirable side-effects.

FINDINGS OF THE ASSOCIATION

Finding No. 1: Litigation under the Fees Act is expanding at an alarming rate with further expansion in the future a near certainty.

Finding No. 2: The Act, as interpreted and applied by the courts, makes attorney's fees available not only in civil rights cases but in virtually all cases against state and local governments or officials.

Finding No. 3: Cases decided under the Fees Act frequently involve the characterization of parties as "prevailing" for purposes of attorney's fees awards when, in fact, they have not prevailed, in any meaningful sense, on the merits of their claims.

Finding No. 4: In cases where the requesting party has, in fact, prevailed to some extent, attorney's fees awards under the Act are frequently disproportionate to the degree of success actually achieved.

Finding No. 5: The Fees Act, as interpreted and applied by the courts, makes the award of fees to a prevailing party virtually mandatory, thereby eliminating the "discretion" expressly granted to the courts by the Act.

Finding No. 6: Lack of meaningful standards for determining what constitutes a "reasonable" attorney's fee in any given case results in inconsistent and often excessive fee awards and makes it difficult to settle claims for attorney's fees.

Finding No. 7: Courts routinely make "bonus" awards or apply "multipliers" to the hourly rates set for prevailing counsel, resulting in grossly inflated awards constituting a "windfall" to prevailing counsel.

Finding No. 8: In applying the Fees Act to prevailing parties represented by publicly-funded salaried attorneys, courts normally award fees based on hourly rates charged by private counsel, resulting in windfalls that substantially exceed the actual cost of the litigation.

Finding No. 9: The Fees Act affects the process of legal dispute resolution in a way that is unfair to public defendants and that further burdens the courts by:

A. making it more desirable for plaintiffs to commence litigation, rather than settle disputes informally;

B. making it more advantageous for plaintiffs to continue litigation rather than settle where any meritorious claim is presented;

C. making it less desirable, once litigation is underway, for public defendants to alter challenged laws, administrative regulations, or official positions in any way that favors the plaintiffs;

D. making it less desirable for public defendants to litigate those close issues that should be litigated; and

E. making it difficult for plaintiffs and defendants to settle claims for attorney's fees.

RECOMMENDATIONS OF THE ASSOCIATION

Recommendation No. 1: The Congress should amend the Act, as specified in the further recommendations enumerated hereunder, to provide clear and precise standards governing eligibility for and computation of attorney's fees awards under the Act.

Recommendation No. 2: The Congress should amend the Fees Act to apply only to civil actions to redress the deprivation, under color of any state law, statute, ordinance, regulation, custom or usage, of any right secured by a provision of the Constitution of the United States or an Act of Congress providing for individual civil rights of citizens or of all persons within the jurisdiction of the United States.

Recommendation No. 3: The Congress should amend the Fees Act to require that, in order to be eligible for a fee award, a party must clearly and substantially prevail on the merits of each issue or claim as to which fees are being sought.

Recommendation No. 4: The Congress should amend the Fees Act to require that courts apportion the amount of fee awards to the degree of success actually attained by the prevailing party.

Recommendation No. 5: The Congress should amend the Fees Act to provide expressly that a court may deny fees where, in the court's view, denial is appropriate, including, but not limited to, cases in which the court determines:

A. that the defendant's position was substantially justified or advanced in good faith; or

B. that an award of fees would not further the substantive purposes of the Act.

Recommendation No. 6: The Congress should amend the Fees Act to provide that the prevailing party shall not be awarded fees in excess of $75 per hour.

Recommendation No. 7: The Congress should amend the Fees Act to prohibit the award of bonuses or multipliers in excess of compensation at a reasonable hourly rate for the number of hours reasonably spent by prevailing counsel.

Recommendation No. 8: The Congress should amend the Fees Act to provide that, where the prevailing party is represented by a publicly-funded legal services organization, courts should compute a reasonable hourly rate for such counsel based on the actual costs of the litigation to the organization, including the proportion of the attorney's annual salary and of the organization's annual overhead attributable to the number of hours reasonably spent on the case.

Recommendation No. 9: The Congress should amend the Fees Act to provide that the court shall deny attorney's fees to a prevailing party, where it determines:

A. that the lawsuit was brought principally for the purpose of obtaining attorney's fees; or

B. that the prevailing party rejected an offer of judgment made pursuant to Rule 68 of the Federal Rules of Civil Procedure, or a cognate state rule of procedure, that was more favorable than the relief ultimately granted by the court, in which case no fees shall be awarded for the services rendered after the date of the offer.

DISCUSSION OF FINDINGS AND RECOMMENDATIONS

Finding No. 1: Litigation under the Fees Act is expanding at an alarming rate with further expansion in the future a near certainty.

Since the inception of the Act in 1976, litigation on eligibility for and computation of attorney's fees has mushroomed. The number of reported cases involving attorney's fees is tremendous. West's annotations to 42 U.S.C. § 1988 now fill 179 closely printed pages.[14] A computer search for cases arising under § 1988 revealed almost 3,000 federal and state decisions as of December 1983. The advance sheets routinely report numerous attorney's fees cases each week; and the Supreme Court decides fee cases every term, while declining to review many more. Indeed, in just one month in 1980, the Court rendered six major attorney's fees decisions.[15]

This explosion of fee litigation has engendered numerous law review articles,[16] and several treatises on the subject,[17] as well as a bi-monthly newsletter designed to keep attorneys apprised of current developments in the area of attorney's fees.[18] As noted by Lloyd Cutler,[19] in his Foreword to a recent three-volume treatise on court-awarded attorney's fees, this Act and other similar fee-shifting statutes "have created a new field of law that has grown so fast and become so complex that it has baffled the efforts of courts and lawyers to comprehend and apply it."

The vast amount of litigation on attorney's fees has led the courts to complain that "the fee proceedings have become the main event rather than the side show" such that "the [attorney's fees] tail is wagging the [civil rights] dogs."[20] The Supreme Court has added its voice to this mournful chorus, recently stating that "a request for attorney's fees should not result in a second major litigation."[21] Other concurring and dissenting justices in the same case characterized fee litigation as "one of the least socially productive types of litigation imaginable" and bemoaned the fact that "[s]uch appeals [from fee awards], which greatly increase the costs to plaintiffs of vindicating their rights, frustrate the purposes of § 1988."[22] Those justices went on to state that:

Congress enacted § 1988 . . . not to spawn litigation, however interesting, over [attorney's fees]. . . . In systemic terms, attorney's fees appeals take up lawyers' and judges' time that could more profitably be devoted to other cases, including the substantive civil rights claims that § 1988 was meant to facilitate.

Ultimately, § 1988's straightforward command is replaced by a vast body of artificial, judge-made doctrine, with its own arcane procedures, which like a Frankenstein's monster meanders its well-intentioned way through the legal landscape leaving waste and confusion (not to mention circuit-splits) in its wake.[23]

As the above quotation indicates, the flood of litigation under § 1988 has done little to resolve the many questions arising from its implementation. Very few hard and fast rules have developed, and conflicts exist not only among circuits but often among the district courts or panels of a single circuit.[24] As a result of this continuing confusion, litigation in this area will undoubtedly continue to expand. For example, as indicated by the numerous lower-court majority and dissenting opinions citing or "explaining" *Hensley v. Eckerhart*,[25] the Supreme Court's latest "pronouncement" on § 1988, that case, like many of its predecessors, has apparently raised as many questions as it has answered.

Apparently, the confusion over the proper interpretation and application of § 1988 can be resolved only by the Congress. As noted by one commentator,

Because [fee-shifting] is contrary to two hundred years of experience in American federal courts, the cases have been difficult for lawyers and judges alike. Understanding has not been materially helped by Congress which has frequently passed attorney fee provisions with . . . only minimal or inconsistent direction how the measures are to be interpreted and applied.

Derfner & Wolf, *supra* at ix. Only by setting clear statutory standards for the application of the Act can the rising tide of needless litigation be stemmed.

Recommendation No. 1: The Congress should amend the Act, as specified in the further recommendations enumerated hereunder, to provide clear and precise standards governing eligibility for and computation of attorney's fees awards under the Act.

Finding No. 2: The Act, as interpreted and applied by the courts, makes attorney's fees available not only in civil rights cases but in virtually all cases against state and local governments or officials.

The proponents of § 1988 touted the Act, as its name implies, as a measure designed to protect "basic" and "fundamental" civil rights by encouraging private enforcement of our "major civil rights laws," including § 1983.[26] Although there is strong evidence that Congress viewed § 1988 as a civil rights measure,[27] the Supreme Court subsequently held in *Maine v. Thiboutot* that fees are available not only in civil rights cases but in any action under § 1983, which the Court construed to include cases arising under *any* federal statute or constitutional provision.[28] In response to the state's argument that such a construction is contrary to legislative intent, the Court suggested that "[t]hat argument . . . can best be addressed to Congress, which, it is important to note, has remained quiet in the face of our many pronouncements on the scope of § 1983." [29] In his dissenting opinion in *Maine v. Thiboutot*, Justice Powell predicted that the Court's decision would "dramatically expand the liability of state and local officials and may virtually eliminate the 'American Rule' in suits against those officials." In Justice Powell's prescient view, the

[P]ractical effect [of the majority opinion] means that state and local governments, officers and employees now face liability whenever a person believes that he has been injured by the administration of *any* federal-state cooperative program, whether or not that program is related to equal or civil rights.

. . . [I]ngenious pleaders may find ways to recover attorney's fees in almost any suit against a state defendant.[30]

Even at that time, Justice Powell observed that "[t]here is some evidence that § 1983 claims already are being appended to complaints solely for the purpose of obtaining fees in actions where 'civil rights' of any kind are at best an afterthought." [31]

Unfortunately for state governments and their taxpayers, Justice Powell's prediction has now become a painful and expensive reality. Fees are now routinely sought and awarded in even the most routine state court reviews of administrative agency decisions, having little or no bearing on civil or equal rights. For example, the Supreme Judicial Court of Massachusetts ruled that a plaintiff who succeeded in obtaining a reversal of an administrative decision, thereby obtaining $250 toward the purchase of a washing machine, was entitled to attorney's fees under § 1988. The court reasoned that since the plaintiff's complaint contained a claim, not reached by the court, that the regulation in question violated the Equal Protection Clause of the United States Constitution (by discriminating between those who have broken-down washing machines and those who have none), a claim which the court viewed as "substantial," the action was one to enforce the provisions of § 1983, thereby invoking the fee-shifting provisions of § 1988.[32]

The *Stratos* case illustrates another related problem that has arisen under § 1988. Relying on statements in the legislative history of the Act that, in cases containing both § 1983 and non-§ 1983 claims, if the § 1983 claim meets the "substantiality" test articulated in *Hagans v. Lavine*, 415 U.S. 528 (1974), then attorney's fees may be allowed even though the court declines to enter judgment for the plaintiff on that claim,[33] courts have often awarded fees where the § 1983 claim is weak, but not "obviously frivolous," "absolutely devoid of merit," or "wholly insubstantial." [34] As noted by Justice Rehnquist in his dissenting opinion in *Hagans*, the substantially test is met whenever the "plaintiff is able to plead his claim with a straight face." [35] The effect of that test is therefore to stand the concept of federalism on its head by "federalizing" nearly all claims against state or local officials.[36]

The application of the substantiality test to § 1988 means that plaintiffs can recover fees under § 1988, even when they lose on their federal civil rights claims. For example, in *Seals* v. *Quarterly County Court*, 562 F.2d 390 (6th Cir. 1977), the district court had ruled in plaintiff's favor on state law grounds but had ruled *against* him on his § 1983 claim. Nevertheless, the Sixth Circuit held that plaintiff was entitled to fees under § 1988, since his claim under § 1983 was "substantial."

Clearly, in enacting § 1988, Congress did not intend to encourage litigants to pad their meritorious state law complaints with weak or meritless civil rights claims, in order to obtain fees under § 1988. Yet, that is the net effect of the case law discussed above. Congress must therefore act to clarify its original intent that § 1988 be used to enforce our most basic and fundamental civil rights. The Association is concerned that the statute not be revised so as to impair individuals seeking full redress for violations of their civil or equal rights. However, the Association believes that a restoration of the scope of the Act to pre-*Thiboutot* coverage is necessary.

In so acting, Congress will be able to answer a number of nagging questions concerning the proper scope of the statute: should it apply to cases brought by corporations or other business entities? Should it apply to all cases raising constitutional questions? One case that raises these questions and has already sparked considerable public criticism is *Grendel's Den* v. *Larkin*, No. 77-3418-T (D. Mass.). In that case, Harvard Law School Professor Lawrence Tribe is seeking almost $350,000 in attorney's fees and costs for his successful efforts to obtain a liquor license for a restaurant in Harvard Square. Although the Supreme Court's decision on the merits of that case was based on the Due Process and Establishment Clauses of the United States Constitution, it is unlikely that this liquor license matter is the type of case that Congress had in mind when it enacted § 1988 as a means of protecting disadvantaged victims from violations of their most basic human rights.[37]

Recommendation No. 2: The Congress should amend the Fees Act to apply only to civil actions to redress the deprivation, under color of any state law, statute, ordinance, regulation, custom or usage, of any right secured by a provision of the Constitution of the United States or an Act of Congress providing for individual civil rights of citizens or of all persons within the jurisdiction of the United States.

Finding No. 3: Cases decided under the Fees Act frequently involve the characterization of parties as "prevailing" for purposes of attorney's fees awards when, in fact, they have not prevailed, in any meaningful sense, on the merits of their claims.

Although the Act expressly provides that only a "prevailing" party may be awarded fees, the application of this provision by the courts to cases where parties have not prevailed in any meaningful sense has effectively eliminated the prevailing party requirement, contrary to the express language of the statute and the underlying Congressional intent. In numerous cases where judgment was rendered for the defendant, courts have nevertheless viewed the plaintiff as a prevailing party for purposes of § 1988 fee awards. For example, in *NAACP v. Wilmington Medical Center, Inc.*, 689 F.2d 1161 (3rd Cir. 1982), *cert. denied*, 103 S. Ct. 1499 (1983), the district court dismissed plaintiffs' claims against the state and federal defendants and, after trial, held that plaintiffs had failed to prove discrimination by the Wilmington Medical Center and accordingly entered judgment for the defendants and denied plaintiffs' request for fees. On appeal, the Third Circuit reversed the denial of fees, stating that "[t]he fact that a judgment was ultimately entered in favor of [the defendant] does not make the plaintiffs any less the prevailing party.[38] The court ruled that plaintiffs had "prevailed" since they had obtained "some of the benefits sought by the litigation," even though the actual "benefits" obtained, by means of an agreement between the state and federal defendants, had been vigorously but unsuccessfully *opposed* by the plaintiffs in the litigation.[39]

Similarly, in *Dayan v. Board of Regents*, 620 F.2d 107 (5th Cir. 1980), the Fifth Circuit affirmed the district court's ruling for the defendant on the merits, that the defendant's "rational procedural policy violates neither the First Amendment nor the Fourteenth Amendment to the United States Constitution," yet also affirmed an award of fees to the plaintiffs on the ground that they had obtained "substantial voluntary relief as a direct result of their lawsuit."[40] Another example of an award of fees to a losing party appears in *Ross v. Horn*, 598 F.2d 1312 (3rd Cir. 1979), *cert. denied*, 448 U.S. 906 (1980), in which the appellate court remanded the case for a redetermination of plaintiffs' eligibility for fees while, at the same time, affirming the district court's holding that the procedures employed by the defendant in processing suspected unemployment fraud cases adequately protected plaintiffs' statutory and constitutional due process rights.

In a number of cases, plaintiffs have been awarded fees where the benefits sought in their complaint were obtained by legislative action before a final judicial decision could be rendered on the merits. For example, in *DeMier v. Gondles*, 676 F.2d 92 (4th Cir. 1982), plaintiffs who voluntarily dismissed their claim after the state legislature enacted a statute that achieved the object of the suit were awarded fees, even though other complaints may have contributed to the change in policy[41]

A striking example of the inequities that can result is *Institutionalized Juveniles v. Secretary of Public Welfare*, 568 F. Supp. 1020 (E.D. Pa. 1983). There, defendants had prevailed in the United States Supreme Court on what the District Court recognized were the central issues of the case. *Secretary of Public Welfare v. Institutionalized Juveniles*, 442 U.S. 640 (1979). Nonetheless, the District Court awarded almost $90,000 in

fees, including a 50 percent multiplier, based on its view that various regulatory and statutory changes during the period of litigation provided some of the plaintiffs with some of the benefits they sought. An appeal is pending.

Although the legislative history of § 1988 indicates that the term "prevailing party" is to be read broadly to include cases that end in a consent decree or out-of-court settlement, "none of the cases cited in the House or Senate Reports involves a fee award in the context of such a remote and extra-judicial resolution of a lawsuit as legislative preemption."[42] Furthermore, even if such a result had been intended by the enactors of § 1988, the problems involved in determining whether and to what extent a particular lawsuit acted as a "catalyst" for legislative change, make the application of the "prevailing party" standard to cases mooted by legislative action judicially unworkable. Since legislators act from multifarious motives, it is difficult, if not impossible, to determine the impact, of a particular lawsuit on a legislative body as a whole.[43] Moreover, as recognized by one court, even attempting to make such a determination "might constitute an impermissible inquiry into legislative motive."[44]

Cases resolved by settlement present similar problems. For example, in *Young v. Kenley*, 641 F.2d 192 (4th Cir. 1981), the Fourth Circuit reversed a denial of attorney's fees to a plaintiff who alleged discrimination in the denial of a position for which she had never even applied. Once plaintiff applied for the position, after being urged to do so by the defendants and the district court, she passed the required test and was given the position in question, and the case was settled on that basis. Over the strong dissent of Justice Rehnquist, joined by Justice O'Connor, the Supreme Court denied a petition for a writ of certiorari on the prevailing party issue.[45] In his dissent from the denial of certiorari, Justice Rehnquist suggested that an award of fees in such circumstances "seems largely to disregard th[e] central purpose of § 1988 [—] * * * to 'enforce' the civil rights laws or to * * * promote[] their policies for the benefit of the public at large," and indicated that fees should not be awarded "if the discernible benefit was conferred gratuitously by the defendant or was taken simply to avoid further litigation expenses."[46] Nevertheless, on remand, the district court ultimately awarded fees in an amount exceeding $30,000.

Thus although Congress stressed that § 1988, unlike other more liberal fee provisions, was intended to apply only where a party has "prevailed,"[47] that intent has been undercut by subsequent court decisions construing the term "prevailing" so broadly as to include cases where the party awarded fees has actually lost the case on the merits or failed to succeed in any meaningful sense. Congress must therefore reassert its initial intent in a manner that will prevent such perversions of the statute's seemingly straightforward prevailing party requirement.

Recommendation No. 3: The Congress should amend the Fees Act to require that, in order to be eligible for a fee award, a party must clearly and substantially prevail on the merits of each issue or claim as to which fees are being sought.

Finding No. 4: In cases where the requesting party has, in fact, prevailed to some extent, attorney's fees awards under the Act are frequently disproportionate to the degree of success actually achieved.

In many cases, large amounts of fees have been awarded, despite the fact that the plaintiff received only nominal relief on the merits. For example, in *Skoda v. Fontani*, 646 F.2d 1193, 1194 (7th Cir. 1981), the court held that plaintiffs, who won a jury verdict of only one dollar on their civil rights claim, for which they had claimed $200,000 in damages, were "prevailing parties," contrary to the district court's conclusion. On remand, the district court reluctantly awarded plaintiffs $6,086.12 in fees and costs.[48] Similarly, in *Milwe v. Cavuoto*, 653 F.2d 80, 83–84 (2d Cir. 1981), the court held that "the one dollar assessed against [the defendant] on plaintiff's constitutional claim would be sufficient to support an award of fees under the Act."

Another case in which the amount of fees awarded was grossly disproportionate to the degree of success on the merits in *Rivera v. City of Riverside*, 679 F.2d (9th Cir. 1982), in which the Ninth Circuit found no abuse of discretion in the district court's award of $243,343.75 in fees incurred in obtaining a jury verdict of $33,350. An even more extreme example of a court's failure to proportion a fee award to the degree of success obtained is the decision reached in *Haygood v. Younger*, No. S–75–738LKK (E.D. Cal. 1983), a case in which plaintiff alleged illegal confinement in a state prison. The complaint named sixteen defendants and alleged nineteen separate causes of action. After five years of pre-trial proceedings, eleven defendants were dismissed or granted summary judgment, and seventeen causes of action were dismissed. Three defendants were granted a directed verdict after the plaintiff's case in chief. The jury returned a verdict of $640 against one of the remaining defendants and $1,450 against the other. The plaintiff then sought $75,968.75 in attorney's fees. Included was a demand for $17,831.25 in "paralegal fees" for assistance claimed to have been provided by the plaintiff's inmate advisor. The defendants' request for discovery and for an evidentiary hearing to contest the fee request were both denied by the court. The court then awarded $45,383.17 in attorney's fees, including $9,900 in paralegal fees for the inmate advisor. The award was apparently reduced from the amount originally requested only because counsel's representation had been of poor quality and the hours claimed had been "padded."

The effect of such decisions is to encourage civil rights plaintiffs to pad their complaints with multiple, meritless claims, "secure in the knowledge that any tactic reasonably related to his cause will be compensable."[49] Not only is the "penalty" incurred by the defendant in such cases disproportionate to the jury inflicted, but such results also operate to the disadvantage of plaintiffs (as opposed to their counsel). Plaintiff's counsel, who can expect to be compensated for time spent on *all* claims, if he prevails to any extent, has no incentive to settle a case in the early stages of litigation, but rather is encouraged to litigate every claim to the maximum extent. Aggrieved plaintiffs are thereby deprived of the benefit of an early settlement, and courts, as well, are subjected to congested dockets.[50]

The Supreme Court's recent decision in *Hensley v. Eckerhart*, 103 S. Ct. 1933 (1983), directing the lower court to reconsider the amount of its fee award in light of the extent of success achieved by the plaintiffs, is a step in the right direction, but it will not resolve all of the problems discussed above and may raise additional ones. For example, it remains to be seen how the lower courts will resolve the apparent contradiction between the Court's directive that, in cases where plaintiffs only partially succeed, the "results obtained" may warrant a downward adjustment in the amount of fees awarded,[51] with its caveat that "[w]here a plaintiff has obtained excellent results . . . the fee award should not be reduced simply because the plaintiff failed to prevail on every contention raised in the lawsuit."[52] Rather than "clarify the proper relationship of the results obtained to an award of attorney's fees," as the *Hensley* case purports to do,[53] it will undoubtedly generate further litigation on what constitutes an "unrelated claim" or "excellent results."[54] As stated by Justice Brennan in his concurring and dissenting opinion in *Hensley*, "Regular appellate scrutiny of issues like those in this case . . . generates a steady stream of opinions, each requiring yet another to harmonize it with the one before or the one after."[55] Indeed, in post-*Hensley* cases in the lower courts, *Hensley* is relied upon by fee applicants and opponents alike and is cited in both majority and dissenting opinions,[56] indicating that additional legislative guidance is needed on the propriety of apportioning the amount of fees awarded to the degree of success attained by the prevailing party.

Recommendation No. 4: The Congress should amend the Fees Act to require that courts apportion the amount of fee awards to the degree of success actually attained by the prevailing party.

Finding No. 5: The Fees Act, as interpreted and applied by the courts, makes the award of fees to a prevailing party virtually mandatory, thereby eliminating the "discretion" expressly granted to the courts by the Act.

The proponents of the Fees Act emphasized the discretionary nature of the Act, which expressly provides that "the court, *in its discretion, may* allow the prevailing party . . . a reasonable attorney's fee" (emphasis added), and contrasted that Act with other statutes *requiring* that fees be awarded to a prevailing party.[57] However, the Senate Report suggested that, in exercising their discretion, courts should apply the standard articulated by the Supreme Court in *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400, 402 (1968), i.e., that a prevailing party "should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust."

That standard, which has become known as the *Newman* standard, "was initially used by the courts to explain or justify the *mandatory* imposition of fees."[58] Application of such a standard is appropriate where the purpose of the fee provision is "to *encourage* suit or to provide an *incentive* to litigate,"[59] not where the provision in question was enacted "mainly for the purpose of preventing the cost of litigation from *deterring* a suit."[60] Since the purpose of § 1988, as articulated by its proponents, was not to encourage litigation, but rather "to insure the high cost of litigation does not bar the federal court to citizens who seek to enforce their rights under our civil rights laws,"[61] the rationale underlying the *Newman* standard is inapplicable to § 1988.

Despite the incompatibility of the *Newman* standard with the overall purpose of the Act, and although Congress chose not to use the *Newman* language in § 1988,[62] most courts, in reliance on the Senate

Report, interpret § 1988 in a manner contrary to its express language.[63]

The practical effect of the application of the *Newman* standard to § 1988 is to make the award of fees to a prevailing party mandatory, since courts have rejected virtually every "special circumstance" profered by defendants as a justification for denying fees.[64] Among the special circumstances that have been rejected by appellate courts as rendering an award of fees unjust are defendants' good faith,[65] defendants' reliance on previous court orders or government regulations,[66] that defendants' refusal to expend funds was based on lack of legislative appropriation,[67] that defendants were compelled by law to engage in the challenged conduct,[68] that plaintiff received only nominal damages,[69] that the fee award would be paid by a public entity and would thereby impair that entity's ability to provide further services,[70] that plaintiffs were able to afford counsel,[71] that plaintiffs refused to settle,[72] and that the suit did little or nothing to further civil rights.[73] Even the fact that the plaintiff committed perjury during trial has been rejected as a special circumstance justifying a denial of fees.[74]

As a result, one judge has described the application of the special circumstances exception by the courts as

[R]ender[ing] [the exception] in effect a nullity. This interpretation is reminiscent of the passage wherein Macbeth remarked, "Life is but a walking shadow; . . . a tale told by an idiot, full of sound and fury, signifying nothing."[75]

Moreover, where fees are awarded despite the fact that, for example, the defendant acted in good faith, the plaintiff obtained only nominal damages, and the action did nothing to further civil rights, "a question arises as to what goals of the Attorney's Fees Act, if any, are being furthered."[76] In such cases, "the only true victor may be the plaintiff's attorney."[77]

Furthermore, given the prospect of a mandatory fee award if he prevails, plaintiff's counsel has no incentive to enter into a pretrial settlement. The more time he spends on the case, the higher his potential fee award. The motivation to proceed to trial is therefore enhanced, and the incentive to settle, diminished.[78]

Therefore, in order to restore the judicial discretion expressly intended by the Act, but virtually eliminated in its application, Congress should amend the Act to specify circumstances in which the courts' discretion may be exercised to deny fees. Such an amendment would not only further the original purpose of the Act, but would also be consistent with the standard applicable to fee awards against federal defendants under the Equal Access to Justice Act, which expressly provides that fees are *not* to be awarded when the government has demonstrated a substantial justification for its position.[79] Since the purpose of the Equal Access to Justice Act, as set forth in its legislative history,[80] is parallel to that of the Fees Act, there is no reason why state and local defendants should not share the protection, enjoyed by federal defendants under the Equal Access to Justice Act, from the imposition of unjust awards of attorney's fees.

Recommendation No. 5: The Congress should amend the Fees Act to expressly provide that a court may deny fees where, in the court's view, denial is appropriate, including, but not limited to, cases in which the court determines;

A. that the defendant's position was substantially justified or advanced in good faith; or

B. that an award of fees would not further the substantive purposes of the Act.

Finding No. 6: Lack of meaningful standards for determining what constitutes a "reasonable" attorney's fee in any given case results in inconsistent and often excessive fee awards and makes it difficult to settle claims for attorney's fees.

At the time Congress enacted the Fees Act, the pertinent House and Senate Reports indicated that the appropriate standards for determining what constitutes a reasonable fee are those contained in *Johnson* v. *Georgia Highway Express*, 488 F.2d 714 (5th Cir. 1974).[81] Both the House and Senate reports expressed confidence that the application of those standards would "result[] in fees which are adequate to attract competent counsel, but which do not produce windfalls to attorneys."[82]

That hope has not been realized. As early as 1977, one commentator noted that "[t]he only truly consistent thread that runs throughout federal court decisions on attorney's fees is their lack of consistency."[83] The situation is no better today. Some courts, finding the *Johnson* criteria too subjective and imprecise, have applied different approaches to computing a reasonable fee, most notably the lodestar approach, first articulated in *Lindy Brothers Builders, Inc.* v. *American Radiator & Standard Sanitary Corps.*, 487 F.2d 161 (3rd Cir. 1973) (*Lindy I*), in which a reasonable hourly rate is multiplied by the number of hours reasonably spent to produce a lodestar figure, which may then be adjusted upward and downward depending on additional factors not applied in determining reasonable hours and rates.[84] Still other courts have adopted a hybrid approach, combining the lodestar method with the *Johnson* criteria.[85] With different approaches being applied by different circuits and even by various courts within each circuit, parties litigating cases under § 1988 are subject to different approaches and, hence, different results. Courts disagree on what factors should be applied, how they should be applied, and even what they mean. Opposite holdings have been made on virtually every aspect of fee computation.[86] As a result, in cases decided between 1974 and 1979, hourly rates awarded to civil rights attorneys varied by 685 percent.[87]

As noted by one commentator, the adverse effects of this confusion are several:

First, it inevitably results in unfairness to both attorneys and litigants. . . .

A second consequence of the chaotic state of the law is an excessive amount of litigation concerning the proper fee amount. . . .[88]

A third consequence of the existing state of the law is the arbitrary and haphazard allocation of legal resources . . .

Finally, the high degree of subjectivity involved in most fee decisions is unhealthy for both the legal profession and for the conduct of litigation . . .[89]

Although, "[i]deally, . . . litigants will settle the amount of a fee,"[90] this "ideal" cannot be realized where the parties have no way of estimating how much a court would award in a particular case.

Finally, the most significant adverse effect of the various methods presently employed to calculate the amount of fee awards under the Act is that the awards generated by the application of those methods cannot be characterized as "reasonable," in any conceivable sense of that term. The state of New York, for example, is currently appealing two cases in which the combined fee awards exceed $2 million. The cumulative effect of such awards on public treasuries is devastating. The state of Washington, for example, currently has pending against it over $8 million in attorney's fees claims. The state of Florida paid nearly $2.6 million in court-awarded attorney's fees during 1983 alone, and fee awards in recent years in that state have equalled roughly 80 percent of *all* substantive civil rights judgments against the state. Although the numbers are smaller, the state of Kansas has paid more in attorney's fees awards during the past three years than it has for all other settlements and judgments of any kind during that same period.

The escalating amount of fee awards has evoked harsh criticism from the judiciary, the press, and the public, as well as from many attorneys. In response to a survey of attorneys and federal judges, conducted by the Federal Judicial Center, 111 of 184 respondents agreed with the statement that "attorneys in class action suits [including civil rights actions] often reap 'windfall profits.'"[91] Judges also agreed, at a ratio of nearly three to one, that "fee abuses are a serious problem."[92] Concluding that "[t]he feeling that attorneys reap exorbitant fees appears to run deep," Professor Arthur Miller noted that "current attempts to reform the fee awards standards may be a logical response to a problem widely thought to exist by the judiciary, and many attorneys, as well as by the press and the public."[93]

Since the courts have thus been unable to arrive at consistent and workable standards for computing a "reasonable" fee under the Act, Congress should amend the statute to eliminate the chaos that is undermining its effective implementation. One partial solution that would eliminate much of the confusion and, at the same time, avoid blatantly excessive fees, would be for Congress to set a maximum hourly rate at which counsel may be compensated, as Congress was careful to do in the Equal Access to Justice Act, where the federal treasury was at risk.[94] In order to avoid disparate treatment for state and local treasuries, Congress should afford them the same protection. Other specific amendments are recommended later in this report.

Recommendaton No. 6: The Congress should amend the Fees Act to provide that the prevailing party shall not be awarded fees in excess of $75 per hour.

Finding No. 7: Courts routinely make "bonus" awards or apply "multipliers" to the hourly rates set for prevailing counsel, resulting in grossly inflated awards constituting a "windfall" to prevailing counsel.

The awarding of "bonuses" over and above the "lodestar" amount (reasonable number of hours spent times reasonable hourly rate) has become commonplace under § 1988.[95] This growing practice has netted spectacular fee awards in many cases, far in excess of the reasonable value of the services rendered. For example, in *Bolden v. Pennsylvania State Police*, 491 F. Supp. 958 (E.D. Pa. 1980), an employment discrimination case, the court increased the basic fee by 50 percent, converting an $88,450 award into $132,675 (the total award, including $6,685 for law student services and $12,612.50 for preparation and litigation of the fee application, came to over $151,000). Although the court noted that the legal issues in the case were not particu-

larly novel, it awarded the 50 percent bonus on account of the "excellent quality" of the legal work and the case's advancement of civil rights.[96] Similar results were reached in the New York case of *Population Services International v. Carey,* 476 F. Supp. 4 (S.D.N.Y. 1979), in which a bonus of $23,240 was added to a base award of $46,760, because the attorneys demonstrated a "high degree of skill and comprehensive research." Presumably counsel's research would have already been reflected in the number of hours billed, and the attorneys' skill would be reflected in their hourly rates, making a further bonus superfluous. In *Vecchione v. Wohlgemuth,* 481 F. Supp. 776 (E.D. Pa. 1979), the court doubled the lodestar amount to account for delay in payment, the quality counsel's work, the case's furtherance of civil rights and defendants' bad faith. The resulting award exceeded $207,000.[97]

The concept of such bonuses or multipliers is nowhere mentioned in the Act. The legislative history, while citing a few cases in which minimal bonuses or multipliers were awarded,[98] falls far short of evincing clear Congressional support for the use of bonuses in computing fee awards. Rather, the concept of bonus awards is entirely a judicial creation, conceived in contexts that are entirely inapposite to the application of § 1988.

The concept originated in antitrust cases resulting in the creation of an equitable fund out of which both plaintiffs and their counsel recover.[99] In awarding fees in such cases, "the court exercises its equitable jurisdiction over the relationship between an attorney and his amorphous client." [100] The rationale for fee awards in such cases is one of quantum meruit—"the members of the [benefited] group should pay 'compensation as was reasonable'. . . to the attorney representing their interests." [101] Under that theory, bonus awards make sense and are easily implemented, particularly where the case has created a large monetary fund out of which the award will be paid.

By contrast, fee awards under § 1988 are paid by the defendant *in addition to* any other judgment against him. Since the defendant is not the one who *benefited* from the action, the quantum meruit theory cannot be used to justify inflation awards in such cases. Nor can a bonus in such cases be characterized as part of the defendant's equitable "punishment" for legal wrongs against the plaintiffs, since, under § 1988, unlike in the antitrust cases, fees must be paid in *addition* to the compensatory relief on the merits, rather than out of it.[102]

An additional significant difference between fee awards in antitrust cases and those in § 1983 actions is that, in the latter, the fee award must be paid by a state or other public entity rather than by a private defendant. The state, unlike a private defendant, is a representative of the public interest; and the taxpayers who ultimately bear the burden of such awards are not guilty of any wrongdoing. Extra caution is therefore warranted in assessing the amount of the award so as not to disrupt state and local governments or unduly reduce the amount of money available for other public purposes. Since the rationales underlying bonus awards have no application in the context of § 1988, the adoption of this mechanism into the calculation of fees under § 1988 is not warranted.

Moreover, bonus awards are entirely inconsistent with the purposes of § 1988. First of all, bonuses are, by definition, "windfalls" to plaintiff's counsel, since bonuses are awarded in addition to "compensation of [Plaintiffs] legal expenses," which is all that Congress intended to provide.[103] As noted by one court, "multiplying the number of hours properly spent times a reasonable hourly rate is sufficient to serve [the] goal" of attracting competent counsel.[104] Anything more than that is simply "unearned personal gain at the public expense[105] or, in other words, "windfall."[106]

Second, even where some rationale is given for awarding a bonus, the *amount* of the bonus awarded is entirely arbitrary,[107] thus violating Congress's mandate that fee awards be "reasonable." Even courts that have endorsed the use of bonuses have commented on the subjectivity of arriving at a precise amount.[108] As noted by one court, the use of bonuses is an "open-ended device" that "is able to undo in a twinkling . . . all of the careful calculations" involved in setting the lodestar amount.[109] The arbitrary nature of such awards is exacerbated by the fact that a difference between a bonus, of, *e.g.,* 10 percent and one 25 percent can result in a difference of hundreds of thousands of dollars in a protracted case.

The lack of consistency and predictability of bonus awards is directly contrary to Congress's purpose of ensuring uniformity and consisistency in fee awards.[110] Furthermore, as a practical matter, the unpredictability of bonus awards makes it difficult for the parties to settle fee claims, since the prospect of bonus awards makes it impossible to estimate, with any degree of accuracy, the total amount of fees a court would be likely to award in a particular case.[111] Finally, the exorbitant fee awards that result from the use of bonuses certainly cannot be characterized as "reasonable" in amount.[112]

An examination of the justifications offered by courts in support of bonus awards reveals that those justifications are, in fact, fallacious and inconsistent with the overall purposes of the Act. The primary justification used to support bonus awards is that a bonus is necessary to account for the contingent nature of success, often termed the "risk of loss" or the "contingency factor." The roots of this concept can be found in the contingent fee agreements that often obtain between tort plaintiffs and their attorneys. In those circumstances, a contingent fee arrangement has "an economic rationale: it compensates plaintiff's lawyer for his services as an entrepreneur who bears the risks of litigation."[113] By taking a number of cases on a contingency basis, plaintiff's counsel can use the large fees recovered in successful cases to cover the losses he incurs in unsuccessful ones. Such arrangements thus have the purpose and effect of financing not only meritorious but also losing cases.[114]

However, such a purpose and effect are entirely inconsistent with those of Congress in enacting §1988. Congress intended the Act to encourage and provide compensation only for *meritorious* cases,[115] certainly not for losing cases,[116] nor even for cases that have a reasonable chance of success but do not ultimately succeed.[117] In fact, Congress intended the Act to *deter* meritless suits.[118] As the Supreme Court said recently with respect to another fee statute, "One might well imagine the surprise of the legislators who voted for this section as an instrument for deterring meritless suits upon learning that instead it could be employed to fund such suits."[119]

As pointed out by one commentator, ignoring the contingency factor is more consistent with Congressional intent: "Putting the lawyer to the risk in close cases helps weed out meritless claims . . . [and] provide[s] a desirable check on the . . . increase in court docket congestion."[120] Moreover, "[i]f [unsuccessful] litigation is to be subsidized, one may well ask why the subsidy should come from the defendant in another case."[121]

Contingency bonuses have the further untoward effect of rewarding, and hence encouraging, marginal claims to an even greater extent than clearly successful ones, since the amount of a contingency bonus varies inversely with the strength of plaintiff's claim.[122] Awarding bonuses on this basis is patently unfair to defendants, since such award have the converse effect of forcing defendants to pay higher attorney's fees where they had a strong, but ultimately unsuccessful, defense than where violations of plaintiffs' rights were clear from the outset.[123] Such awards cannot serve to deter egregious civil rights violations by potential defendants, one of the subsidiary purposes of the Act,[124] since defendants are "penalized" only where it is unclear, prior to litigation, that their conduct is, in fact, illegal.[125]

Finally, to the extent that contingency bonuses are intended to protect plaintiffs' counsel against the risk of nonpayment for their services, such bonuses are particularly inappropriate where plaintiffs are represented by a legal services organization that never receives payment from its clients and whose funding is not contingent on whether it prevails in individual cases. Such attorneys "cannot truly be said to have undertaken a risk of no remuneration."[126] As aptly stated by one commentator:

"If an organization is not permitted to charge its clients for its services . . . what does that organization *risk* in undertaking representation in one of the few types of cases which permit recovery of a fee? . . . [L]itigation which permits the collection of a fee by a federally funded legal services organization is actually the most lucrative type of litigation available to such organizations.[127]

Nor can contingency bonuses to legal services attorneys be justified on other grounds. Such bonuses cannot operate as an incentive for such groups to take more civil rights cases,[128] since an Internal Revenue Service ruling prohibits public interest law firms seeking tax-exempt status from "us[ing] the likelihood or probability of a fee award as a consideration in its selection of cases."[129] Furthermore, no additional incentive is needed to induce such organizations to take on such cases, since "[t]hese organizations exist to represent groups like the [plaintiff] class, with constitutional claims at the cutting edge of the law." [130] Nor should contingency bonuses be used as an indirect means of funding legal services organizations.[131] This Act was not intended for that general purpose,[132] but rather, only to finance *successful civil rights* cases, and there is no guarantee that bonuses received by legal services organizations will be used for that limited purpose. Thus, contingency bonuses to legal service attorneys, which serve none of the purposes of § 1988, must be characterized as impermissible windfalls to such organizations.

Other rationales, in addition to contingency, used by the courts to justify bonus awards include the complexity of the case and the quality of the services provided by plaintiffs' counsel. Since the complexity of the case increases the number of hours reasonably spent, and the quality of represen-

tation increases the reasonable hourly rate used to compute the lodestar amount, a bonus supplementing the lodestar based on the factors necessarily constitutes a windfall, which should be disallowed.[133]

A bonus based on benefits obtained by the plaintiffs in the underlying case is also contrary to the purposes of the Act and unfair to the defendants. The basic fee award is designed to compensate plaintiffs to whatever extent that they prevail.[134] A party who fully prevails will receive compensation for all time reasonably spent in doing so and, accordingly, will receive a higher fee than one whose success is limited.[135] An additional bonus for success can only constitute a windfall. Moreover, the amount of a bonus based on results is likely to be arbitrary, particularly in nonmonetary cases where the results are difficult to translate into quantitative terms.[136] Finally, a court that has just ruled in plaintiff's favor might be inclined to reemphasize the importance of its ruling by rewarding plaintiff again, by way of a bonus, for his "outstanding" success. Such a bonus is unfair to defendants, since they have already "paid" for the results of their wrongdoing via the relief awarded against them on the merits. To "punish" them again by supplementing the fee award is contrary to the compensatory, nonpunitive purpose of the Act. Eliminating such bonuses would eliminate this subjective element of fee awards.[137]

For all of the reasons discussed above, bonus awards are inconsistent with the purposes of § 1988. Rather than merely compensate plaintiff's counsel for their legal expenses in prosecuting a particular civil rights case, all that the act intended, bonus awards constitute windfalls to plaintiff's counsel, a result that Congress expressly intended to avoid. Therefore, Congress should amend the Act to prohibit the use of bonuses or multipliers in computing a fee award.

Recommendation No. 7: The Congress should amend the Fees Act to prohibit the award of bonuses or multipliers in excess of compensation at a reasonable hourly rate for the number of hours reasonably spent by prevailing counsel.

Finding No. 8: In applying the Fees Act to prevailing parties represented by publicly-funded salaried attorneys, courts normally award fees based on hourly rates charged by private counsel, resulting in windfalls that substantially exceed the actual costs of the litigation.

In computing a "reasonable" attorney's fee for prevailing counsel, most courts have applied the market rates charged by private law firms to their fee-paying clients, even where the attorney seeking fees has not actually incurred the high costs ordinarily associated with private practice. For example, in a case now pending before the District Court of Massachusetts, a law professor employed by Harvard University at an annual salary of $70,000 and having minimal overhead expenses seeks to be compensated at the rate of $275 per hour (plus a bonus of 50 percent), a rate higher than those charged by even the most high-priced private firms in the area.[138]

In *Dennis* v. *Chang*, 611 F.2d 1302 (9th Cir. 1980), attorney's fees were awarded in four civil rights actions in which a nonprofit legal aid society, partially funded by the state of Hawaii, represented the prevailing plaintiffs. The Ninth Circuit specifically rejected the argument that the legal aid society should be reimbursed only for its actual costs in litigating the case. Rather, the court concluded that the fee award should be based upon rates charged by private Honolulu attorneys. Similarly, in *Stenson* v. *Blum* No. 81-7385 (2d Cir.), *cert. granted*, 103 S. Ct. 2426 (1983), the Second Circuit affirmed an award of fees to a publicly-funded legal services organization, at the rate of $95 to $105 per hour, "the rate[s] charged for similar work by [private] attorneys of like skill in the area." Those cases are not atypical.[139] However, as a few courts and commentators have recognized, awarding fees to legal services attorneys at "market" rates "constitute[s] a substantial windfall for the organizations involved" and therefore should not be permitted under § 1988.[140]

A proper determination of what constitutes a "reasonable" hourly rate for legal services attorneys must begin with an examination of the language of the Act and its legislative history. The Act itself provides some guidance by authorizing the award of "a reasonable attorney's fee *as part of the costs.*" The legislative history also repeatedly equates attorney's fees with the costs of litigation and emphasizes that the Act is intended to reimburse plaintiff's counsel for the "cost" of vindicating plaintiff's civil rights in court.[141]

The legislative history further indicates that the Act was intended primarily to encourage *private* attorneys to take civil rights cases,[142] although the House Report indicates, in a footnote, that "a prevailing party is entitled to counsel fees even if represented by an organization."[143] Thus, the legislative history falls far short of mandating that legal services attorneys be compensated at "market" rates. Moreover, even if Congressional endorsement of the market-trate system could be inferred form the legislative history, the escalating rates that have resulted from its application require a reexamination of that system in light of the overall purposes of § 1988.[144]

What the legislative history does unequivocally demonstrate is Congress's intent that, however fees are computed under the Act and to whomever they are awarded, the amount of such fees should not be such as to constitute a windfall to prevailing counsel.[145] A close examination of the market-rate system of computing hourly rates for legal services attorneys reveals that it is contrary to that clear legislative intent.

As a few courts and commentators have recognized, assigning "market" rates to legal services attorneys presents difficult, if not insurmountable, problems. First of all, to state the obvious, there is no true "market" for the services of legal services attorneys, since they receive no fees from their clients. Particularly since minimum fee schedules may no longer be used,[146] rates vary widely within communities and even within individual law firms,[147] depending on factors having no necessary relationship with the value of the services rendered or the experience and skill of the attorneys involved, for example, the attorney's relationship with a particular client, what that client can afford to pay, the firm's overhead expenses, and how much profit the firm desires to make.[148] Since such factors are unrelated to the value of a legal services attorney's services in a particular case, assigning such an attorney a rate based on these factors is patently unreasonable and inconsistent with the legislative purpose of compensating civil rights attorneys only for the value of their services in a particular case.

More significant, in light of Congress's clear intent to avoid windfalls, is the fact that rates determined in this manner are likely to far exceed the legal service organizations' actual costs, since such rates are computed on the basis of the high overhead expenses and profit margins of private firms, which are not shared by legal services organizations.[149] Any such excess is obviously a windfall to such organizations.[150] Particularly where the party paying the fee is a state government, "the difference, if any, between the 'market value' fee and the 'compensation' fee would be better spent in remedying [the civil rights violation that gave rise to the action]."[151]

Although the market-rate system may have been adopted in order to *avoid* treating legal services organizations any differently from private attorneys,[152] that system, in effect, gives such publicly-funded counsel an unfair advantage over their private counterparts. As noted by one commentator:

"Requiring district courts to award identical gross fees to private and organizational counsel, notwithstanding the greater litigation expenses incurred by private counsel, would effectively award a higher return of profit to organizational counsel. Such a rule would lead a court to arbitrarily increase an otherwise reasonable award of attorney's fees simply because plaintiff's counsel happened to be employed by a legal services organization."[153]

Such disparate treatment is not only unfair to the litigants on both sides of civil rights cases, but is also directly contrary to "the spirit of 'reasonableness' which is the heart of section 1988. * * * Legal services organizations, along with their counterparts in private practice, are not entitled to anything more than a reasonable fee under section 1988."[154]

In order to avoid windfalls to legal services attorneys, a few lower courts have adopted an alternative method of computing hourly rates for legal services organizations, based on the actual litigation expenses of such organizations. Rather than arbitrarily assigning "market" rates to such attorneys, hourly rates are computed according to the hourly wages of the attorneys involved plus the percentage of the annual overhead of the organization attributable to the number of hours reasonably spent by the organization's attorneys on the case.[155]

This cost-based method has the advantages of more accurately reflecting the actual costs of vindicating a plaintiff's rights in a particular case, without compensating plaintiff's counsel for overhead and other expenses not actually incurred.[156] Such a system is consistent with the factors enumerated in *Johnson* v. *Georgia Highway Express* and endorsed by the Congress. An individual attorney's salary presumably reflects his relative skill and experience within the organization.[157] Other pertinent factors, such as the novelty and complexity of the case, would still be reflected in the court's consideration of the number of hours reasonably spent. Moreover, it must be remembered that the *Johnson* criteria were intended only as guidelines and were *not* meant to be applied so as "to make the prevailing counsel rich."[158]

In addition, a cost-based system is actually easier to administer than the more subjective and essentially arbitrary market-rate system.[159] The information needed to compute rates on this basis, i.e., attorneys' salaries and organizational overhead, is readily available, since legal services organizations are required under the Legal Services Cor-

poration Act [160] to report such information as a condition to their receipt of federal funding. By contrast, under the market-rate system, prevailing counsel have the substantial burden of producing detailed and case-specific affidavits from community lawyers of similar experience and other expert testimony in order to establish an appropriate market rate for their services.[161] Furthermore, the objectivity of such information will facilitate settlement of fee claims by such organizations.

In sum, a cost-based system for determining reasonable hourly rates for legal services attorneys is consistent with the language and intent of the Act and is certainly preferable to the subjective and inflationary market-rate analysis currently applied by most courts. Under a cost-based system, legal services attorneys would receive full compensation for the cost of vindicating their clients' rights. They should not and cannot reasonably expect to receive more. Accordingly, Congress should amend the Act to provide that fee awards to salaried publicly-funded attorneys be computed on the basis of their actual costs.

Recommendation No. 8: The Congress should amend the Fees Act to provide that, where the prevailing party is represented by a publicly-funded legal services organization, courts should compute a reasonable hourly rate for such counsel based on the actual costs of the litigation to the organization, including the proportion of the attorney's annual salary and of the organization's annual overhead attributable to the number of hours reasonably spent on the case.

Finding No. 9: The Fees Act affects the process of legal dispute resolution in a way that is unfair to public defendants and that further burdens the courts by:

A. making it more desirable for plaintiffs to commence litigation, rather than settle disputes informally;

B. making it more advantageous for plaintiffs to continue litigation rather than settle where any meritorious claim is presented;

C. making it less desirable, once litigation is underway, for public defendants to alter challenged laws, administrative regulations, or official positions in any way that favors the plaintiffs;

D. making it less desirable for public defendants to litigate those close issues that should be litigated; and

E. making it difficult for plaintiffs and defendants to settle claims for attorney's fees.

Throughout this report, a recurring theme has been the adverse effect of various aspects of the Fees Act, as interpreted and applied by the courts, on the process of settling disputes. Because of the courts' liberal construction of "prevailing party" combined with their rejection of virtually all circumstances justifying the denial of fees, plaintiffs with any colorable claim are encouraged to commence suits, rather than attempt to resolve disputes informally, and to continue to litigate every claim, secure in the prospect of a substantial fee award as long as they prevail on any issue or succeed in obtaining some benefit after the commencement of litigation. Moreover, the longer the litigation continues, the higher the award the plaintiffs can expect to receive.

Conversely, defendants are discouraged from informally resolving disputes for fear that their actions will confer prevailing party status on the plaintiffs, virtually guaranteeing liability for fees. Public defendants are discouraged, however, from litigating cases where they have a strong defense, since in such cases, if plaintiffs ultimately prevail, defendants are forced to pay for both sides of the litigation plus a "contingency bonus" based on plaintiffs' high risk of loss.

Furthermore, because of the absence of uniform standards for calculating a "reasonable" fee award, plaintiffs and defendants have difficulty setting fee claims without litigation. Plaintiffs are further encouraged to litigate their claims for fees, since the cost of fee litigation is also charged to the defendants.

The net result of these incentives and disincentives is to deter plaintiffs from settling meritorious cases but to encourage defendants to settle close cases where they have a strong, but possibly unsuccessful, defense. Many of the foregoing recommendations, if adopted by the Congress, would partially alleviate these skewed and undesirable effects of the Act. However, in order to further encourage settlement, where appropriate, and thereby reduce unnecessary litigation, to the mutual benefit of all parties and the courts, additional reforms are necessary.

In order to encourage pre-litigation settlement, plaintiffs should be precluded from receiving fees where it can be shown that the litigation was commenced primarily for the purpose of obtaining attorney's fees.[162] Such a denial would be warranted where, for example, plaintiffs made no attempt to resolve the dispute informally prior to litigation or filed suit despite defendants' willingness to settle the matter informally.

Once litigation is commenced, settlement could be encouraged by precluding an award of fees to plaintiffs who reject an offer of judgment made pursuant to Rule 68 of the Federal Rules of Civil Procedure and subsequently obtain a less favorable judgment from the court. Although some courts have construed Rule 68 to require the denial of attorney's fees in such circumstances,[163] other courts have disagreed.[164]

The denial of fees incurred after the rejection of a settlement offer that turns out to be more favorable than the relief eventually obtained from litigation would "work to further the legitimate concerns of judicial economy and efficiency without discouraging attorneys from pursuing civil rights litigation." [165]

Recommendation No. 9: The Congress should amend the Fees Act to provide that the court deny attorney's fees to a prevailing party, where it determines:

A. that the lawsuit was brought principally for the purpose of obtaining attorney's fees; or

B. that the prevailing party rejected an offer of judgment made pursuant to Rule 68 of the Federal Rules of Civil Procedure, or a cognate state rule of procedure, that was more favorable than the relief ultimately granted by the court, in which case no fees shall be awarded for the services rendered after the date of the offer.

CONCLUSION

The Association's recommendations are designed to further the original purposes of the Fees Act while eliminating some of the serious problems that have arisen from its application. In general terms, the major problem with the Act, as presently implemented by the courts, is the lack of uniform and easily applied standards of determining eligibility for fees and for computing the amount of a reasonable fee in particular cases. Absent such standards, state and local governments are faced not only with high and occasionally exorbitant fee awards, but also with the burden and expense of opposing excessive and unjustified claims for fees. Without clear standards, such opposition inevitably takes the form of complex and protracted litigation over fees, which further saps the resources of state and local governments, to the detriment of all parties, the courts, and ultimately, the public, the Act's intended beneficiaries. Legislative reform, along the lines recommended by the Association, is therefore urgently needed.

ABOUT THE ASSOCIATION

The National Association of Attorneys General was founded in 1907 for the purpose of fostering communication of legal developments and cooperative legal actions among the states' chief legal officers and their staff attorneys.

The Association staff compiles and disseminates information on legislative, agency, and judicial developments that have an impact on state legal affairs, and provides research and technical assistance to the offices of Attorneys General. The Association handles hundreds of information requests each month from the offices of Attorneys General, members of Congress, officials of the federal government, and the public. Information clearinghouses are maintained in ten substantive areas: antitrust, commerce, consumer protection, charitable trusts and solicitations, bankruptcy, criminal justice, corrections, and institutional confinement, energy, environment, and medicaid fraud. In addition, the Association has been fortunate to obtain under the Intergovernmental Personnel Act (IPA), the services of two senior attorneys from the Department of Justice to assist state Attorneys General in the areas of management and information systems, and Supreme Court advocacy.

The Association operates an extensive continuing legal education program in numerous substantive law areas attended by Attorneys General, Assistant Attorneys General, and other state and local government officials.

The Association publishes five monthly reports of significant state and federal legal developments and legislative activities, as well as A-G Report, which focuses on the activities and responsibilities of Attorneys General. These publications are available to the bar and the public.

The full Association meets twice yearly, in June and in December, at which time it receives recommendations from the committees and subcommittees, and thereafter debates and decides what action the Association shall take on litigation, legislation and policy issues. The autonomy of each Attorney General is carefully protected and the influence of the Attorneys General working within the Association is targeted at those issues on which there is unanimous or nearly unanimous support.

The Association's staff works with numerous committees and subcommittees of the Congress in implementing the Association's policy positions by coordinating testimony of Attorneys General and providing such committees with the views of the Association on particular issues. In addition, we work closely with numerous state, local, and other associations on national issues of mutual concern.

Each spring, Attorneys General meet in Washington, D.C., with the President, Vice President, U.S. Attorney General, and chiefs of the antitrust, civil rights, criminal, and lands and natural resources divisions of the Department of Justice, the Chief Jus-

tice of the United States, House and Senate Judiciary Committee chairmen, and other key members of the Administration and Congress.

There are seven former Attorneys General who now serve in the Congress. Senator Jeff Bingaman (D-N.M.) was elected in November 1982 and joins Senators Slade Gorton (R-Wash.), Warren Rudman (R-N.H.), John Danforth (R-Mo.), Thomas Eagleton (D-Mo.), and Robert Stafford (R-Vt.), as well as Rep. Jim Jeffords (R-Vt.).

There are 10 Governors who are former Attorneys General: Governors Richard Bryan (D-Nev.), George Deukmejian (R-Calif.), Toney Anaya (D-N.M.), Mark White (D-Tex.), and Bill Clinton (D.-Ark.), William Allain (D-Miss.), William Brennan (R-Me.), Bruce Babbit (D-Ariz.), Alan Olson (R-N.D.), and William Janklow (R.-S.D.).

FOOTNOTES

[1] *Id.* at 269.

[2] S. Rep. No. 1011, 95th Cong., 2d Sess. 1,4(1976), *reprinted in* 1976 U.S. Code Cong. & Ad. News 5908.

[3] 121 Cong. Rec. 26806 (1975) (remarks of Sen. Tunney); H.R. Rep. No. 1558, 95th Cong., 2d Sess. 2 (1976).

[4] 122 Cong. Rec. 33314 (1976) (remarks of Sen. Abourezk), 35116 (remarks of Rep. Anderson).

[5] 121 Cong. Rec. 26806 (1975) (remarks of Sen. Tunney); 122 Cong. Rec. 31472, 33314 (remarks of Sen. Kennedy), 35115 (remarks of Rep. Anderson), 35124 (remarks of Rep. Railsback), 35126 (remarks of Rep. Fish), 35127 (remarks of Rep. Holtzman) (1976).

[6] 122 Cong. Rec. 35126 (remarks of Rep. Kastenmeier) (1976).

[7] *Id.*

[8] 122 Cong. Rec. 33314 (remarks of Sen. Kennedy), 35127 (remarks of Rep. Jordan) ("This is not a food-stamp bill for lawyers. It is not going to work that way."), 35128 (remarks of Rep. Seiberling) ("not a lawyers' bill") (1976).

[9] 121 Cong. Rec. 26806 (1975) (remarks of Sen. Tunney) ("Bill would do nothing to encourage frivolous or bad faith litigation"); 122 Cong. Rec. 35127 (remarks of Rep. Jordan), 35128 (remarks of Rep. Seiberling) (1976); H.R. Rep. at 7.

[10] H.R. Rep. at 9; S. Rep. at 6.

[11] H.R. Rep. at 6-9; 122 Cong. Rec. 35155-17 (remarks of Rep. Anderson and Rep. Railsback), 35122-23 (remarks of Rep. Seiberling) (1976).

[12] In that case, the Supreme Court construed 42 U.S.C. §§ 1983 and 1988 to apply to actions to enforce rights secured by any federal statute and ruled that such actions could be brought in state as well as federal courts.

[13] *See Hensley* v. *Eckerhart*, 103 S. Ct. 1933, 1944 (1983) (Brennan, Marshall, Blackburn, and Stevens, JJ., concurring in part and dissenting in part) (referring to fees litigation as "one of the least socially productive types of litigation imaginable").

[14] 42 U.S.C.A. § 1988 (West 1981) at 155-305 and (West Supp. 1983) at 13-48.

[15] *Maher* v. *Gagne*, 448 U.S. 122 (1980); *Maine* v. *Thiboutot*, 448 U.S. 1 (1980); *Roadway Express, Inc.* v. *Piper*, 447 U.S. 752 (1980); *New York Gaslight Club* v. *Carey*, 447 U.S. 54 (1980); *Hanrahan* v. *Hampton*, 446 U.S. 754 (1980); *Supreme Court of Virginia* v. *Consumers Union*, 446 U.S. 719 (1980).

[16] *See, e.g.*, Note, *Awards of Attorney's Fees in the Federal Courts*, 56 St. John's L. Rev. 277 (1982) (citing numerous other articles on the subject); *see also* Fioretti & Convery, *Attorney's Fees Under the Civil Rights Act—A Time for Change*, 16 J. Mar. L. Rev. 261 (1983).

[17] E. Larson, *Federal Court Awards of Attorney's Fees* (1981); H. Newberg, *Public Interest Practice and Fee Awards* (1981); M. Derfner & A. Wolf, *Court Awarded Attorney Fees* (1983).

[18] *Attorney Fee Awards Reporter* (Harcourt Brace Jovanovich).

[19] L. Cutler, *Foreword* to Derfner & Wolf, *supra* at vii.

[20] *Mills* v. *Eltra Corp.*, 663 F.2d 760, 761 (7th Cir. 191) (186 hours devoted to case on the merits and over 350 hours on the fee portion).

[21] *Hensley* v. *Eckerhart*, 103 S. Ct. 1933, 1941 (1983).

[22] *Id.* at 1944 (Brennan, Marshall, Blackmun, and Stevens, JJ., concurring in part, dissenting in part).

[23] *Id.* at 1950-51.

[24] *Compare, e.g., New York Association for Retarded Citizens v. Carey*, 711 F.2d 1136 (2d Cir. 1983) *with Stenson v. Blum*, No. 81-7385 (2d Cir. 1982), *cert. granted*, 103 S. Ct. 2426 (1983); *compare also National Association of Concerned Veterans v. Secretary of Defense*, 675 F.2d 1319 (D.C. Cir. 1982), *with Environmental Defense Fund, Inc. v. EPA*, 672 F.2d 42 (D.C. Cir. 1982), *and Jordan v. United States Department of Justice*, 691 F.2d 514 (D.C. Cir. 1982).

[25] 82 *Shepard's United States Citations* (Supp. No. 6) at 308 and (Supp. No. 7) at 96.

[26] *See* floor debates and House and Senate reports cited in introduction, *supra*.

[27] *See Maine v. Thiboutot*, 488 U.S 1, 25-26 (1980) (Powell, J., dissenting); Comment, *The Scope of the Civil Rights Attorney's Fees Awards Act After Maine v. Thiboutot, Maher v. Gagne, and Supreme Court of Virginia v. Consumers Union*, 66 Iowa L. Rev. 1301, 1311-13 (1981); Case Comment, *Statutory Non-Civil Rights Violations of Section 1983 and Awards of Attorney's Fees After Maine v. Thiboutot*, 61 B.U.L. Rev. 1069, 1086-89 (1981).

[28] *Id.* at 4-9.

[29] *Id.* at 8.

[30] *Id.* at 22, 24.

[31] *Id.* at 24.

[32] *Stratos v. Department of Public Welfare*, 387 Mass. 312 (1982). Although the court viewed the claim as "substantial" under the "painstakingly minimal standard of substantiality defined in *Hagans v. Lavine*," *id.* at 319, it expressed doubt that plaintiff could have actually prevailed on his equal protection claim, given the minimal level of scrutiny applicable to classifications drawn by law or government practice where, as here, no suspect classification or fundamental right is involved. *Id.* at 318.

[33] H.R. Rep. at 4 n. 7. It should be noted that the test of "substantiality" articulated in *Hagans* was developed for purposes of federal *jurisdiction* and is therefore ill-suited to determining whether a party has prevailed on the merits. See M. Derfner & A. Wolf, *Court Awarded Attorney Fees*, ¶ 12.01 (1983).

[34] *Hagans* v. *Lavine*, *supra* at 536-43; *see Stratos*, *supra* at 319.

[35] *Id.* at 564.

[36] *See* M. Derfner & A. Wolf, *Court Awarded Attorney Fees* ¶¶ 12.01-03 (1983).

[37] *See* 122 Cong. Rec. 35122 (1976) (remarks of Rep. Drinan, sponsor) (Act passed to encourage enforcement of civil rights by " 'private attorney[s] general' advancing the rights of the public at large, and not merely some narrow parochial interest").

[38] *Id.* at 1167.

[39] *Id.* at 1167-68

[40] *Id.* at 108 (emphasis omitted).

[41] *See also Armstrong v. Reed*, 462 F. Supp. 496 (N.D. Miss. 1978) (where state statute was amended while case was pending, judgment entered in state defendants' favor, but fees awarded to plaintiffs since they "accomplished their goal"); *Coalition for Basic Human Needs v. King*, 691 F.2d 597 (1st Cir. 1982) (the First Circuit reversed the district court's denial of fees and awarded approximately $15,000 to the plaintiffs, based on their "success" in obtaining a short injunction pending appeal of a lower court denial of a requested preliminary injunction, even though the actual benefits, appropriation of welfare funds were conferred by the state legislature, not by the defendants or the court, even before the injunction went into effect).

[42] *Cicero v. Olgiati*, 473 F. Supp. 653, 655 (S.D. N.Y. 1979).

[43] M. Derfner & A. Wolf, *Court Awarded Attorney Fees* ¶ 9.02 (1983).

[44] *Bly* v. *McLeod*, 605 F.2d 134, 138 n. 6 (4th Cir. 1979), *cert. denied*, 445 U.S. 928 (1980).

[45] *Kenley* v. *Young*, 455 U.S. 961 (1982).

[46] *Id.* at 967.

[47] *See, e.g.*, H.R. Rep. at 6-7. *Compare, Vermont Low Income Advocacy Council, Inc.* v. *Usery*, 546 F.2d 509, 36 A.L.R. Fed. 519 (2nd Cir. 1976), applying stricter test under attorney's fees provision of the Freedom of Information Act (FOIA), 5 U.S.C. § 522 (a)(4)(E) under which "court may assess against the United States reasonable attorneys fees . . . in any case . . . in which the complainant has substantially prevailed".

[48] 519 F. Supp. 309 (N.D. Ill. 1981).

[49] Fioretti & Convery, *Attorney's Fees Under the Civil Rights Act—A Time for Change*, 16 J. Mar. L. Rev. 261, 278 (1983).

[50] *Id.*

[51] *Id.* at 1940.

[52] *Id.*

[53] *Id.* at 1939.

[54] *See id.* at 1950 (Brennan, J., concurring in part and dissenting in part).

[55] *Id.* at 1951.

[56] *See* 82 *Shepard's United States Citations* (Supp. No. 6) at 308 (Supp. No. 7) at 96.

[57] *See* H.R. Rep. at 8. Approximately half of the federal fee-shifting statutes are mandatory. M. Derfner & A. Wolf, *Court Awarded Attorney Fees* ¶ 5.02 [2] (1983); *see, e.g.*, Age Discrimination in Employment Act of 1967, 29 U.S.C. § 626(b); Truth in Lending Act, 15 U.S.C. §§ 1640(a), 1667b(a). 1667d(a), 1681n, 1681o, 1961e(d); Civil Service Reform Act of 1978, 5 U.S.C. § 5596(b)(1)(A)(ii); Right to Financial Privacy Act of 1978, 12 U.S.C. § 3417(a)(4).

[58] Derfner & Wolf, *supra* at ¶ 10.01 (emphasis added). *See, e.g., Hutchinson v. William C. Barry, Inc.*, 50 F. Supp. 292, 298 (D. Mass. 1943).

[59] Derfner & Wolf, *supra* at ¶ 10.01.

[60] *Id.* (emphasis added).

[61] 122 Cong. Rec. 31471 (1976) (remarks of Sen. Mathias). *See also* 122 Cong. Rec. 31472 (remarks of Sen. Kennedy), 35118, 35128 (remarks of Rep. Seiberling), 35126 (remarks of Rep. Fish) (1976); H.R. Rep. at 1, 2-3, 6; S. Rep. at 2, 3, 6.

[62] *Compare, e.g.*, the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act, 15 U.S.C. § 2310(d)(2), which provides as follows:

"If a consumer finally prevails . . . he may be allowed by the court to recover . . . attorney's fees . . ., unless the court in its discretion shall determine that such an award of attorney's fees would be inappropriate."

[63] Fioretti & Convery, *Attorney's Fees Under the Civil Rights Act—A Time for Change*, 16 J. Mar. L. Rev. 276 (1983).

[64] Derfner & Wolf, *supra*, at ¶ 10.02[3] (1983); Fioretti & Convery, *supra* at 276; *Judicial Discretion and the 1976 Civil Rights Attorney's Fees Awards Act: What Special Circumstances Render an Award Unjust?*, 51 Fordham L. Rev. 320 (1982).

[65] *See, e.g., Supreme Court of Virginia v. Consumers Union*, 446 U.S. 719, 739 (1980); *Hutto v. Finney*, 437 U.S. 678, 693 (1978); *Nadeau v. Helgemoe*, 581 F.2d 275, 280 (1st Cir. 1978); *Holley v. Lavine*, 605 F.2d 638, 646 (2d Cir. 1979), *cert. denied*, 446 U.S. 913 (1980); *Bills v. Hodges* 628 F.2d 844, 847, (4th Cir. 1980); *Ellwest Stereo Theatre, Inc. v. Jackson*, 653 F.2d 954, 956 (5th Cir. 1981); *Haycraft v. Hollenbach*, 606 F.2d 128, 132 (6th Cir. 1979); *Bond v. Stanton*, 630 F.2d 1231, 1234 (7th Cir. 1980); *Pickett v. Milam*, 579 F.2d 1118, 1121 (8th Cir. 1978); *Seattle School District No. 1 v. Washington*, 633 F.2d 1338, 1349 (9th Cir. 1980), *aff'd*, 102 S. Ct. 3187 (1982); *Love v. Mayor*, 620 F.2d 235, 236 (10th Cir. 1980).

[66] *See, e.g., Crosby v. Bowling*, 683 F.2d 1068, 1072-73 (7th Cir. 1982); *Johnson v. Mississippi*, 606 F.2d 635, 637 (5th Cir. 1979).

[67] *See, e.g., Coalition for Basic Human Needs v. King*, 691 F.2d 597, 602 (1st Cir. 1982).

[68] *See, e.g., Ellwest Stereo Theatre, Inc. v. Jackson*, *supra* at 956.

[69] *See, e.g., Skoda v. Fontani*, 646 F.2d 1193 (7th Cir. 1981).

[70] *See, e.g., Morrison v. Ayoob*, 627 F.2d 669, 673 (3rd Cir. 1980), *cert. denied*, 449 U.S. 1102 (1981).

[71] *See, e.g., Entertainment Concepts, Inc. v. Maciejewski*, 631 F.2d 497, 507 (7th Cir. 1980), *cert. denied*, 450 U.S. 919 (1981).

[72] *See, e.g., Coop v. City of South Bend*, 635 F.2d 652, 655 (7th Cir. 1980).

[73] *See, e.g., Concerned Democrats v. Reno*, 689 F.2d 1211 (5th Cir.), *rev'g* 493 F. Supp. 660 (S.D. Fla. 1980).

[74] *Price v. Pelka*, 690 F.2d 98 (6th Cir. 1982).

[75] *Connor v. Winter*, 519 F. Supp. 1337, 1348 (S.D. Miss. 1981) (Cox, J., dissenting).

[76] Fioretti & Convery, *supra* at 277.

[77] *Id.*

[78] Fioretti & Convery, *supra* at 277.

[79] 5 U.S.C. § 504(a)(1); 28 U.S.C. § 2412 (d)(1)(A). Congress created this exception as a "safety valve" to preclude fee awards when the federal government "advance[ed] in good faith the novel but credible extension and interpretations of the law that often underlie vigorous enforcement efforts." S. Rep. No. 253, 96th Cong., 2d Sess. 7 (1980). *See also, Vermont Low Income Advocacy Council, Inc. v. Usery, supra*, at 36 ALR F. at 525, 526. (FOIA attorney's fees would not be awarded if the government's withholding of information "had a reasonable basis in law").

[80] *See* Pub. L. No. 96-481, § 201, H.R. Rep. No. 1418, 96th Cong., 2d Sess. 5 (1980), *Reprinted in* 1980 U.S. Code Cong. & Ad. News 4984 (purpose of Act is to remove the financial deterrent to litigation against the United States).

[81] S. Rep. at 5; H.R. Rep. at 8-9. The twelve *Johnson* factors, similar to those contained in the American Bar Association's Code of Professional Responsibility, are: (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the preclusion of other employment by the attorney due to acceptance of the case; (5) the attorney's customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorney; (10) the "undesirability" of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases.

[82] S. Rep. at 5; *see also* H.R. Rep. at 8-9.

[83] Berger, *Court Awarded Attorney's Fees: What Is "Reasonable"?*, 126 U. Pa. L. Rev. 281, 283-93 (1977).

[84] *See, e.g., Furtado v. Bishop*, 635 F.2d 915, 920 (1st Cir. 1980); *Northcross v. Board of Education*, 611 F.2d 624 (6th Cir. 1979), *cert. denied*, 447 U.S. 911 (1980); *Copeland v. Marshall*, 641 F.2d 880 (D.C. Cir. 1980) (*Copeland III*).

[85] *See, e.g., Copper Liquor, Inc. v. Adolph Coors Co.*, 684 F.2d 1087 (5th Cir. 1982); *Anderson v. Morris*, 658 F.2d 246 (4th Cir. 1981); *Avalon Cinema Corp. v. Thompson*, 689 F.2d 137 (8th Cir. 1982).

[86] M. Derfner & A. Wolf, *Court Awarded Attorney's Fees* ¶ 16.01 (1983).

[87] Comment, *Calculation of a Reasonable Award of Attorneys' Fees under the Attorneys' Fees Awards Act of 1976*, 13 J. Mar. L. Rev. 331, 378 (1980).

[88] West's annotations to 42 U.S.C.A. § 1988, concerning guidelines and determinations of a "reasonable" fee, now fill 44 closely printed pages. 42 U.S.C.A. § 1988 (West 1981) at 221-58, (West Sup. 1983) at 29-39.

[89] Berger, *supra* at 283-93.

[90] *Hensley v. Eckerhart*, 103 S. Ct. 1933, 1941 (1983).

[91] A. Miller. *Attorney's Fees in Class Actions* (Federal Judicial Center 1980) at 300.

[92] *Id.* at 306.

[93] *Id.* at 301.

[94] 5 U.S.C. § 504(b)(1)(A); 28 U.S.C. § 241(d)(2)(A) (setting a maximum hourly rate of $75). The Association is sensitive to inflation's effect on the adequacy of an hourly rate and suggests that this should be adjusted periodically.

[95] Leubsdorf, *The Contingency Factor in Attorney Fee Awards*, 90 Yale L.J. 473 (1981).

[96] *Id.* at 965-66. Presumably the purpose of *any* fee award under § 1988 is the advancement of civil rights.

[97] *Id.* at 795-800. *See also, e.g., Stenson v. Blum*, No. 81-7385 (2d Cir. 1983), *cert. granted*, 103 S. Ct. 2426 (1983) (affirming 50 percent bonus); *Graves v. Barnes*, 700 F.2d 220 (5th Cir. 1983) (approving multiplier of 2); *Louisville Black Police Officers Organization, Inc. v. City of Louisville*, 700 F.2d 268 (6th Cir. 1983) (approving 33⅓ percent enhancement); *Manhart v. City of Los Angeles*, 652 F.2d 904 (9th Cir. 1981); *vacated and remanded on other grounds*, 103 S. Ct. 2420 (1983) (approving increments of 75 and 30 percent); *Rajender v. University of Minnesota*, 546 F. Supp. 158 (D. Minn. 1982) (multiplier of 3); *Wells v. Hutchinson*, 499 F. Supp. 174 (E.D. Tex. 1980) (multiplier of 2); *West v. Redman*, 530 F. Supp. 546 (D. Del. 1982) (multiplier of 1.75).

[98] S. Rep. at 6. Those cases were cited as examples of the application of the proper criteria for determining a reasonable fee. Congress nowhere expressly endorsed or even mentioned the use of bonuses.

[99] *See, e.g., Lindy I*, 487 F.2d 161 (3rd Cir. 1973); *Lindy Brothers Builders, Inc. v. American Radiator & Standard Sanitary Corp.*, 540 F.2d 102 (3rd Cir. 1976) *(Lindy II); City of Detroit v. Grinnell Corp.*, 495 F.2d 448 (2d Cir. 1974).

[100] *Prandini v. National Tea Co.*, 557 F.2d 1015, 1020 (3rd Cir. 1977).

[101] *City of Detroit v. Grinnell*, *supra* at 469; *Lindy I*, *supra* at 165.

[102] *See* Berger, *Court Awarded Attorneys Fees: What Is "Reasonable"?*, 126 U. Pa. L. Rev. 281, 317-18 (1977); *see also Hutto v. Finney*, 437 U.S. 678, 695 (1978) (fee award under § 1988 *not* intended to "compensate the plaintiff for the injury that first brought him into court").

[103] *See* S. Rep. at 6 ("counsel . . . should be paid, as is traditional with attorneys compensated by a fee-paying client, 'for all time reasonably expended on a matter' ").

[104] *Oliver v. Kalamazoo Board of Education*, 576 F.2d 714, 716 (6th Cir. 1978).

[105] *Northcross v. Board of Education*, 611 F.2d 624, 638 (6th Cir. 1979), *cert. denied*, 447 U.S. 911 (1980).

[106] *Id.; see also* Berger, *supra* at 292, 317-18, 324 n. 167; Rowe, *The Legal Theory of Attorney Fee Shifting: A Critical Overview*, 1982 Duke L. J. 651, 675.

[107] *See* Berger, *supra* at 290.

[108] *See, e.g., National Association of Concerned Veterans v. Secretary of Defense*, 675 F.2d 1319, 1382 (D.C. Cir. 1982) (amount of bonus "inherently imprecise"); *Foster v. Gloucester County Board of Chosen Freeholders*, 465 F. Supp. 293, 302 (D. N.J. 1978). *See also* M. Derfner & A. Wolf, *Court Awarded Attorney Fees* ¶ 16.05[1] (1983).

[109] *Swicker v. William Armstrong & Sons, Inc.*, 484 F. Supp. 762, 777 (E.D. Pa. 1980).

[110] *See* 122 Cong. Rec. 35118, 35122 (1976) (remarks of Rep. Seiberling); H.R. Rep. at 1.

[111] For example, in *Brewster v. Dukakis*, 544 F. Supp. 1069 (D. Mass. 1982), plaintiff's counsel sought fees of $1.2 million, including a 100 percent bonus. Following litigation of the fee claim, the district court awarded $386,204, including a 10 percent bonus. If bonuses were not available, the gulf between what plaintiffs were seeking and what defendants were willing to pay would have been much narrower and settlement much more likely.

[112] The size of such awards has brought harsh criticism from members of the public as well as the bench and bar. *See* Berger, *supra* at 292 and n. 55; *Alpine Pharmacy, Inc. v. Charles Pfizer & Co.*, 481 F.2d 1045, 1050, (2d Cir.), *cert. denied*, 414 U.S. 1092 (1973) ("lucrative fees involved in recent class actions may evoke public acceptance of an Italian proverb, 'A lawsuit is a fruit tree planted in a lawyer's garden' ").

[113] Leubsdorf, *supra* at 480.

[114] *Copeland III*, 641 F.2d 880, 913 (D.C. Cir. 1980) (Wilkey, J. dissenting); Leubsdorf, *supra* at 474 ("The current theory of contingency bonuses implies that lawyers and clients should be made as willing to bring a feeble suit as a promising one"); *id.* at 491-92.

[115] 122 Cong. Rec. 35118 (remarks of Rep. Seiberling) ("provide for . . . compensation . . . in meritorious cases"), 35127 (remarks of Rep. Jordan) ("access to the system of justice to everyone . . . if he does, in fact, have a meritorious claim"), 35128 (remarks of Rep. Seiberling) ("meritorious . . . deserving cases") (1976).

[116] 121 Cong. Rec. 26806 (1975) (remarks of Sen. Tunney) ("act would do nothing to encourage frivolous litigation").

[117] *Furtado v. Bishop*, 84 F.R.D. 671, 677 (D. Mass. 1979) ("There must be an element of reason; the fee must not be such as to encourage the overpressing of marginal claims"), *rev'd*, 635 F.2d 915 (1st Cir. 1980); H.R. Rep. at 6-8.

[118] S. Rep. at 5; *Christianburg Garment Co. v. EEOC*, 434 U.S. 412, 419-20 (1978).

[119] *Ruckelshaus v. Sierra Club*, 103 S. Ct. 3274, n. 6 (1983).

[120] Note, *Promoting the Vindication of Civil Rights Through the Attorney's Fees Awards Act*, 80 Colum. L. Rev. 346, 375 (1980).

[121] Leubsdorf, *supra* at 488-89.

[122] *See, e.g., City of Detroit v. Grinnell Corp.*, *supra* at 471 ("[t]he greater the probability of success . . . the less this consideration should serve to amplify the basic . . . fee"); *Prandini v. National Tea Co.*, *supra* at 1020.

[123] Leubsdorf, *supra* at 488-89.

[124] *See, e.g.*, 122 Cong. Rec. 31471 (1976) (statement of Sen. Scott) (Act will help eradicate discrimination); S. Rep. at 5 ("fee awards . . . secur[e]) compliance with [civil rights] laws"); *Copeland III*, *supra* at 986.

[125] Rowe, *supra* at 656, 676, n. 115; Leubsdorf, supra at 490; Note, *Promoting the Vindication of Civil Rights Through the Attorney's Fees Awards Act*, *supra* at 375; *Hughes v. Repko*, 578 F.2d 483, 491 (3rd Cir. 1978) (Garth, J., concurring).

[126] *Vecchione v. Wohlgemuth*, *supra* at 795.

[127] Comment, *Calculation of a Reasonable Award of Attorneys' Fees Under the Attorneys' Fees Awards Act of 1976*, 13 J. Mar. L. Rev. 331, 369-70 and n. 189 (1980). *See also* Rowe, *supra* at 670.

[128] *Cf. Rodriguez v. Taylor*, 569 F.2d 1231, 1245, (3rd Cir. 1977), *cert. denied*, 436 U.S. 913 (1978).

[129] Rev. Proc. 75-13, § 3, 1975-1 Cu. Bull. 662.

[130] *NYSARC v. Carey*, 711 F.2d 1136, 1154 (2d Cir. 1983).

[131] *Compare Copeland III*, *supra* at 899 *with id.* at 920 n. 32 (dissent).

[132] *See* Comment, *Calculation of a Reasonable Award of Attorneys' Fees*, *supra* at 362-63, 395.

[133] *See* Leubsdorf, *supra* at 487; Berger, *supra* at 317-38.

[134] *See Hensley v. Eckerhart*, 103 S. Ct. 1933, 1940 (1983).

[135] *Id.*

[136] Berger, *supra* at 316.

[137] *Id.* The purpose of this and other recommendations contained in this report is to make the process of awarding fees more objective. If these recommendations are implemented, courts would be liberated from engaging in this unnecessarily subjective process, since more claims for fees could be settled and those that reached the courts could be resolved by the application of objective and easily applied criteria.

[138] *Grendel's Den v. Larkin*, No. 77-3418-T (D. Mass.). *See also Johnson v. Snyder*, 470 F. Supp. 972 (N.D. Ohio 1979); *Pugh v. Rainwater*, 465 F. Supp. 41 (S.D. Fla. 1979); *Pennsylvania v. O'Neill*, 431 F. Supp. 700 (E.D. Pa. 1977), *aff'd mem.* 573 F.2d 1301 (3rd Cir. 1978) (fees awarded to law professors at "market" rates).

[139] *See also, e.g., Rodriguez v. Taylor*, 569 F.2d 1231 (3rd Cir. 1977), *cert. denied*, 436 U.S. 913 (1978); *Lund v. Affleck*, 587 F.2d 75 (1st Cir. 1978).

[140] *NYSARC v. Carey*, 711 F.2d 1136 (2d Cir. 1983). *See also Ramos v. Lamm*, 713 F.2d 546 (10th Cir. 1983); *Copeland III*, 641 F.2d 880 (D.C. Cir. 1980) (Wilkey, J., dissenting); *Copeland v. Marshall*, 594 F.2d 244 (D.C. Cir. 1978) (*Copeland I*); *Greenspan v. Automobile Club*, 536 F. Supp. 411 (E.D. Mich. 1982); *Glover v. Johnson*, 531 F. Supp. 1036, 1039-44 (E.D. Mich. 1982); *Page v. Preisser*, 468 F. Supp. 399 (S.D. Iowa 1979); *Alsager v. District Court*, 447 F. Supp. 572, 577-80 (S.D. 1977); Comment, *Calculation of a Reasonable Award of Attorney's Fees Under Attorney's Fees Awards Act of 1976*, 13 J. Mar. L. Rev. 331, 378-400 (1980).

[141] 122 Cong. Rec. 31471 (remarks of Sen. Mathias), 31472 (remarks of Sen. Kennedy), 35118 (remarks of Rep. Seiberling), 35126 (remarks of Rep. Fish) (1976); H.R. Rep. at 1, 2-3, 6; S. Rep. at 2, 3, 6. *See also Alsager v. District Court*, *supra* at 577 ("Nothing . . . indicates that the purpose of the statute was other than *reimbursement* for costs and time spent."); *Page v. Preisser*, *supra* at 402-03.

[142] *See* H.R. Rep. at 2-3.

[143] H.R. Rep. at 8 n. 16.

[144] *See Copeland III*, *supra* at 908, 910 (dissent) ("path of attorney's fees [under market-rate system] . . . is Up, Up, and Away! . . . [S]pecific situations which arise in future cases will sometimes bring to light deficiencies in the general rules laid down in the past . . .").

[145] *See* H.R. Rep. at 9; S. Rep. at 6.

[146] *Goldfarb v. Virginia State Bar*, 421 U.S. 773 (1975).

[147] *See Copeland III*, *supra* at 910 n. 3, 924 (dissent) (" 'going hourly rate'. . is itself an artificial construct").

[148] Comment, *Calculation of a Reasonable Award of Attorney's Fees*, *supra* at 385; *Copeland III*, *supra* at 914, 924-25 (dissent).

[149] *See NYSARC v. Carey*, *supra* at 1150.

[150] Such a windfall cannot be justified as enabling legal services organizations to undertake other civil rights cases, *cf. Palmigiano v. Garrahy*, 616 F.2d 598, 602 (1st Cir.), *cert. denied*, 449 U.S. 839 (1980); *Copeland III*, *supra* at 899, since the Act was not intended to serve that purpose, however benevolent.

[151] *Glover v. Johnson*, *supra* at 1044.

[152] *See, e.g., Palmigiano v. Garrahy*, *supra* at 601.

[153] Comment, *Calculation of a Reasonable Award of Attorney's Fees*, *supra* at 398.

[154] *Id.* at 395.

[155] *See NYSARC v. Carey*, *supra* at 1150-52; *Glover v. Johnson*, *supra* at 1044; *Alsager v. District Court*, *supra* at 579; *Page v. Preisser*, *supra* at 402.

[156] *See Page v. Preisser*, *supra* at 401.

[157] *Rodriguez v. Taylor*, *supra* at 1248.

[158] *Johnson v. Georgia Highway Express*, 488 F.2d 714, 719 (5th Cir. 1974).

[159] *See Copeland III*, *supra* at 925-28 (dissent).

[160] 42 U.S.C. § 2996h(c)(1); 45 C.F.R. § 1602.

[161] *See* Berger, *supra* at 324; Comment, *Calculation of a Reasonable Award of Attorney's Fees*, *supra* at 385; *National Association of Concerned Veterans v. Secretary of Defense*, 675 F.2d 1319, 1325 (D.C. Cir. 1982) ("Setting a prevailing hourly rate

has proven more difficult than perhaps may have been contemplated.").

[162] *Cf., e.g.*, 42 U.S.C. §3612(c), precluding an award of fees which the lawsuit is "brought principally for the purpose of gaining attorney fees."

[163] *See, e.g., Fulps v. City of Springfield*, 715 F.2d 1088, 1092 (6th Cir. 1983); *Walters v. Heublein, Inc.*, 485 F. Supp. 110, 113 (N.D. Cal. 1979); *Jones v. Federated Department Stores, Inc.*, 527 F. Supp. 912, 920-21 (S.D. Ohio 1981); *Scheriff v. Beck*, 452 F. Supp. 1254 (D. Colo. 1978). *See also*, Note, *Rule 68: A "New" Tool for Litigation*, 1978 Duke L.J. 889, 899-90. A proposed amendment to Rule 68 is presently being considered, which would expressly provide that fees should be denied in such circumstances. 98 F.R.D. 361-67 (1983).

[164] *See, e.g., Chesny v. Marek*, 720 F.2d 474 (7th Cir. 1983); *Greenwood v. Stevenson*, 88 F.R.D. 225 (D. R.I. 1980).

[165] *Waters v. Heublein, Inc., supra* at 114-15; *see also* Committee Note to Preliminary Draft of Proposed Amendment to Rule 68, 98 F.R.D. at 366 (1983).

[From the Washington Post, Dec. 16, 1983]

ATTORNEY'S FEES

Professor Laurence Tribe of Harvard Law School won a big constitutional case against the Commonwealth of Massachusetts and is therefore, by federal statute, allowed to collect "reasonable" attorney's fees from the loser. But the state is refusing to pay his $332,000 bill, which is based in part on an hourly rate of $275. No wonder. That's a pretty hefty fee for a moonlighting academic who wins a liquor license case. Yes, a liquor license.

Prof. Tribe, with two assistants, represented a restaurant in challenging a state statute that granted churches and schools a veto power over liquor license applications by nearby businesses. After three years he won decisively in the Supreme Court, arguing that this delegation of a governmental licensing decision to a private party, particularly a religious organization, violated due process and the establishment clause of the First Amendment. Under a 1976 federal statute, attorneys who win constitutional and civil rights cases against governments can request the court to make the losing defendant pay "reasonable" attorney's fees. The purpose is to promote vindication of those rights.

Prof. Tribe can command high fees from his paying clients (many are not) because he is an eminent constitutional scholar and a highly creative and successful advocate. Billing $275 per hour, he argues, is consistent with top wages in Boston law firms, is much less than in the priciest New York or Washington firms, and is much less than he himself has charged some affluent clients. Prof. Tribe also argues that the 50 percent "tip" he applied to the itemized bill is both legal and perfectly reasonable given the complexity of the constitutional theories involved, the risk of losing and the time he's waited to receive any compensation at all.

That's beside the point. High-priced lawyers are just charging much too much—to the point of caricature—and the folks expected to pay their fees should put an end to the practice. Just because well-heeled private clients dole out huge sums doesn't mean that the public should be equally generous. The "prevailing wage" approach that government uses when it is buying services—which is the essence of Prof. Tribe's claim—has a superficial appeal. But on closer inspection it reveals elements of a gigantic rip-off.

Public works cost too much in part because the Davis-Bacon Act effectively requires union-scale wages. Medical costs soar in part because doctors have dominated service and price decisions. There's news every week of some windfall for a government consultant or defense contractor. For all these groups, government should refuse to bolster inflated wages and profits. Sorry, Prof. Tribe. Lawyers—even civil rights lawyers—need at least as much wage restraint as others when it comes to billing the government.

Mr. DENTON. Mr. President, I am pleased to join my distinguished colleague from Utah [Mr. HATCH], as an original cosponsor of the Legal Fees Equity Act. The bill would establish guidelines for the awarding of attorneys' fees in civil judicial and administrative proceedings against Federal, State, and local government defendants, and would raise the compensation rates for attorneys representing indigent defendants under the Criminal Justice Act. The purpose of the bill is to achieve a more equitable balance in compensation for the various attorneys litigating for or against the Government, defense attorneys paid under the Criminal Justice Act, and private attorneys receiving fees under civil fee-shifting statutes.

Mr. President, a number of Federal statutes provide that parties to civil suits and administrative proceedings against the United States, States, or local governments may, under appropriate circumstances, recover reasonable attorneys' fees from the Government defendants. Those statutes have, however, placed a great burden on the courts because of the lack of congressional guidance about when an award of attorneys' fees is appropriate, or about what constitutes a reasonable award. As a result, courts have reached conflicting interpretations of the civil fee-shifting statutes. In some cases, the courts have used multipliers and bonuses to double, and even triple, the normal hourly rates of the prevailing party's attorney.

The Legal Fees Equity Act would provide the much needed guidance to the courts and Federal agencies for the award of attorneys' fees pursuant to Federal statutes, thereby reducing the current uncertainties and disparities.

Specifically, the bill would:

Set a $75 per hour maximum rate for attorneys' fees awarded, and eliminate the use of bonuses and multipliers to escalate fee awards. That will compensate private attorneys general at a level commensurate with, but still significantly higher than, that of their Government counterparts, but provide a reasonable incentive sufficient to attract competent counsel.

Allow recovery of attorney's fees only when a party has prevailed on the merits of his complaint, or where the suit is concluded by a favorable settlement agreement.

Allow recovery of attorneys' fees only for work performed on issues on which the party prevailed.

Permit the reduction or denial of the amount of fee awards in cases where, for example, a party has unreasonably protracted the litigation, the services provided were excessive with regard to the nature of the controversy, or the fee award would unreasonably exceed the hourly salary of a salaried attorney.

Provide that monetary judgments be reduced, but not by more than 25 percent, by the amount of the attorneys' fees allowed in the proceeding. Exceptions are allowed for suits under certain provisions of the Equal Access to Justice Act, in suits for recovery of disputed taxes, or in cases of undue hardship.

Establish certain procedural requirements for attorneys' fee applications, including a 30-day time limit after final judgment for submitting fee applications, and require courts and agencies to develop additional guidelines.

Clarify the circumstances in which attorneys' fees may be awarded when a claim becomes moot or the party refuses to accept a reasonable settlement offer.

Another important provision of the bill would provide a greater balance between the high hourly rates of compensation for private attorneys who sue the Government in a civil proceeding and the much lower hourly rates of compensation for attorneys who represent indigent criminal defendants in proceedings under the Criminal Justice Act.

Specifically, the bill would:

Double the hourly rate of compensation from $30 per hour for time in court and $20 per hour for out-of-court time to $60 and $40 per hour, respectively.

Double the maximum allowable compensation for various judicial proceedings. The new limits would be $2,000 per attorney for felony cases, $800 for misdemeanor cases, and $500 for post-trial and parole revocation proceedings.

Mr. President, I welcome the guidance and reform that the Legal Fees Equity Act offers. I urge my colleagues to join me in cosponsoring the bill.

Thank you, Mr. President.

ALEUT RESIDENTS

Mr. STEVENS. Mr. President, in today's Anchorage Daily News, there is an article discussing the Aleut residents of the remote Pribilof Islands in the Bering Sea. In that article, Mrs. Alice Herrington, president of Friends of the Animals, is quoted attacking the ancestry and lifestyle of the Pribilovians.

The history of the Aleuts on the Pribilofs is a story of brutalization, subjugation, misuse, and terror. Few people have suffered greater domination—first at the hands of the early Russian settlers in Alaska and then at the

hands of our own Government, which interned the Aleuts during World War II.

Mr. President, racial prejudice of the kind espoused by Mrs. Herrington is most cruel when directed against a people who are trying desperately to chart a new course of self-sufficiency. The Pribilof Islands are 150 miles off the western shores of Alaska; the climate and the living conditions are extremely harsh. Congress has encouraged the Pribilovians to strike out on their own and create, for the first time, a private economy based on fishing. These efforts will take time, and for now, the only source of employment on the Pribilofs is the fur seal harvest, which Mrs. Herrington opposes on humanitarian grounds. Mrs. Herrington has called for expulsion of the Pribilovians from their native land if necessary to stop the harvest. This expatriation would destroy the Aleuts of the Pribilofs; it would be cultural genocide.

Mr. President, there is no evidence that indicates that the decline in the fur seal herd is in any way linked to the harvest on the Pribilofs each spring. The fur seal population in the North Pacific exceeds 1 million animals. The people—the Aleuts—of the Pribilofs deserve an apology, and I call on my colleagues to join me in denouncing the racially charged comments of Alice Herrington and to demand that she retract those comments and apologize for making them.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Anchorage Daily News, June 29, 1984]

CONSERVATIONIST CLAIMS ALEUT ISLANDERS RICH AND RUSSIAN

REMARKS GREETED BY SCORN, RIDICULE AND AMAZEMENT

(By Richard Mauer)

In a statement mailed to news organizations around the country, the head of an animal protection organization characterizes the residents of the remote Pribilof Islands as college-educated Wall Street whizzes who have become wealthy through congressional largess.

Alice Herrington, president of Friends of Animals Inc., also said the residents of the islands—once the captive labor force of the czars—are today indistinguishable from modern Russians.

"You could drop any of them into Moscow and they'd blend into the scene there," Herrington said in a telephone interview from her Neptune, N.J., headquarters.

Friends of Animals, a national organization that claims 125,000 members—"very few in Alaska, I regret to tell you," said Herrington—is campaigning to stop the commercial seal kill on St. Paul Island.

St. Paul is located 750 miles southwest of Anchorage in the Bering Sea.

In its press release, the organization said the islanders no longer need the money from the seal harvest. "These Americans are now fully in the mainstream of American life, complete with college educations and a firm and fast understanding of the stock market which reportedly is swelling rapidly their $39.5 million tax gift," the press release said.

Herrington's remarks have been greeted by scorn, ridicule and opened-mouth amazement by Alaskans familiar with the harsh life on St. Paul, where a 1984 government report said the purchasing power of its 600 residents was 48 percent of the national average, where most of the working population is unemployed most of the year, where the average income in 1982 was $7,400 when the Alaska average was $16,600 and the U.S. average was $11,100, where census figures show that overcrowded housing is chronic, where power rates went up 237 percent last year, where a recent study involving 193 people found only three had four years of college, where the census found the median years of schooling completed by adults was 9.2 compared with 12.5 for the nation, and where high school students travel 750 miles to attend school.

"From the kinds of things she's been saying, one would think she's been smoking peyote," said Larry Merculieff, president of Tanadgusix Corp., the St. Paul village corporation.

"I find her statements horrendous," said Douglas Veltre, an anthropology professor at Anchorage Community College who has studied Aleut life in Alaska for more than 15 years.

Herrington and Friends of Animals have tried to stop deer hunting in the Florida Everglades and sought an end to the use of animals in laboratory experiments.

Herrington's latest effort is to oppose the four-nation Fur Seal Convention, which since 1911 has controlled the exploitation of hundreds of thousands of seals that come to breed annually on the Pribilof Islands off Western Alaska.

The convention expires in October, but the four signatories—the United States, Soviet Union, Japan and Canada—are negotiating a renewal, said Ray Arnaudo, a Pacific fisheries expert in the State Department.

Inquiries about the convention have been coming in from Congressional offices, Arnaudo said, a sign that intense lobbying is under way.

That doesn't please Merculieff.

"It makes everyone on the island angry that people who just totally don't understand the situation have a voice heard throughout the United States and we don't have a similar capability," Merculieff said. "It's amazing to us that they're given any credibility whatsover."

The statement by Friends of Animals criticized federal fisheries officials for saying the harvest protects the seal population by outlawing sealing on the high seas.

"Another of the bureaucrat's ploys is that the kill must continue to provide employment for the Americans who live on the Pribilof Islands, which ignores the fact that these 600 people have been given $39.5 million of our tax dollars since 1971," the organization said.

The statement goes on to describe the Pribilof residents as "primarily of Russian extraction and culture with a touch of Aleut blood. . . "

Though the statement doesn't say where the $39.5 million was obtained, Herrington said the money was appropriated by Congress for "their private corporations which were formed under the Alaska Native Claims Settlement Act" of 1971.

The only such corporation on St. Paul is the Tanadgusix Corp. The neighboring island of St. George has the St. George Tanaq Corp., but there is no commercial sealing there.

"I think the Pribilovians now have no longer any interest (in the harvest) because they are such a rich people," Herrington said. "The kill is not of economic importance."

She said she got her figures by "talking to people," though the only person she cited as a source is Merculieff.

According to government figures, the Tanadgusix Corp. of St. Paul received $3 million in 1971 as part of its share of the settlement of Native land claims in Alaska.

The corporation's net worth was listed last September as $7.5 million, with a large portion of those assets tied up in land on the island.

According to attorney Tony Smith, who represents Tanadgusix, the only other major cash infusion from the federal government into Tanadgusix amounted to $2.1 million for the sale of the island's famous bird cliffs to the Interior Department. Not all of that money has been transferred.

Neither payment could be considered a gift, Smith said. One was for the settlement of aboriginal land claims, the other for selling a valuable piece of real estate.

The people on both Pribilofs shared an $8 million judgment against the federal government last year as a settlement for nearly a century of unjust and dishonorable treatment.

St. Paul is also the beneficiary of a $12 million economic development trust fund. The trust was funded by Congress last year when the government abandoned its 115-year domination of the island and pulled out of direct management of the seal harvest and the operation of most of the functions on the island—the roads, utilities and jobs that went with them.

"In the government pullout, we inherited facilities in extreme disrepair," Merculieff said. "We don't have stockbrokers and we don't participate in the stock market—we don't have such a luxury. It is expected that the cash settlement, if used extremely wisely and only for critical needs, will last three years.

"If we're not successful in getting our economic strategy together in the next three years, we may as well buy one-way tickets for everyone on the island," Merculieff said.

"Any job created this summer is going to allow the people to pay their bills this winter. The fur seal harvest is the linchpin of all this. It employs 81 people throughout the community."

Herrington said she couldn't cite any anthropological sources for her comments on the ethnic background of the Pribilof residents, though she said a National Geographic article once referred to them as "Russian-Aleuts."

She said she bases her statements on two visits to the island in the 1970s.

Merculieff said Herrington's trips are vividly recalled and have become part of local folklore.

"The last exchange we had with her was about four or five years back. She said that God may be a walrus, and forever more everyone remembers her.

"The one thing she has consistently maintained over the years is that the people should be moved en masse to the mainland," Merculieff added.

The Aleuts still carry some aspects of Russian culture—all have Russian last names and the Russian Orthodox Church is a focal point of the island. "There's no question

that people have Russian blood in them from the time the Russans raped the Aleut women, but there's also no question in my mind that we're full-fledged Americans and distinctly Aleut and proud of both," Merculieff said.

Veltre, the anthropologist, said it is unlikely the Aleuts on the Pribilofs have a high percentage of Russian blood.

"To say these people can be dropped into Moscow and be lost in the crowd is biologically untrue and culturally untrue," she said.

The Friends of Animals position contrasts with other conservation organizations' including the Sierra Club and the Wildlife Federation, which have supported a controlled harvest.

Greenpeace, the worldwide environmental organization, opposes the seal kill in principle but believes it should be allowed to continue for a time to stave off economic disaster for the Aleuts, according to Vivia Boe, the organization's international seal project coordinator.

"We feel quite a bit of sympathy for the Aleuts in the drastic change that's going on," she said. "The last thing they need now is a lot of pressure and a lot of decisions made for them."

Greenpeace is exploring the possibility of finding volunteers with expertise in enterprises other than sealing who might be willing to help the Aleuts develop an alternative economy. For now, the seal hunt represents an important psychological link to their past, Boe said.

"They are afraid of stepping into the future right now," she said. "There's a lot of social problems and a lot of alcoholism. Their social and cultural problems were not being addressed. They've felt that people cared only about seals, not about them."

PORTRAIT OF THE LATE SENATOR HENRY M. JACKSON

Mr. STEVENS. Mr. President, in presenting the Medal of Freedom to Helen Jackson on behalf of our colleague, the late Senator Henry "Scoop" Jackson, the President made a number of laudatory remarks about the contribution Scoop made to this country. During these remarks, the President endorsed a proposal to make room for a portrait of Senator Jackson among those of Senators Taft, LaFollette, Calhoun, Webster, and Henry Clay in the reception room where members of the public are greeted. I, as well, would like to add my voice to those in support of this expression of our respect and admiration for my friend, Scoop.

We could not ask for a finer greeting committee.

SOUTH CAROLINA PARTICIPANTS IN THE YOUTH FOR UNDERSTANDING EXCHANGE PROGRAM

Mr. THURMOND. Mr. President, for the past 33 years, Youth for Understanding [YFU], one of the largest and most distinguished international exchange organizations in America, has administered an excellent program designed to provide our Nation's high school students the opportunity to visit other countries for several months as exchange students.

I am pleased that Youth for Understanding has chosen 14 South Carolina high school students to participate in this outstanding program in order to gain a firsthand perspective and knowledge of other cultures; to acquire language skills; and to make friends overseas. After meeting with some of the YFU students, I was impressed with their quality of character and personality. They appear to be exceptionally good students who will represent the Palmetto State and our Nation well in foreign lands.

Mr. President, I know that my colleagues in the Senate would want to join me in congratulating these fine individuals, and I ask unanimous consent that the name, high school, and hometown of each student, and the country that they will be visiting, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA STUDENT PARTICIPATION 1984–85

Name and address	High school	Country	Program	Scholarship
Marion Bacot, Lake City, SC	Lake City High School	Netherlands	Year	
Melissa Camp, Lancaster, SC	Lancaster High School	Germany	Summer	
David Carroll, Spartanburg, SC	Spartanburg High School	Japan	Summer	YFU General Scholarship.
Kimberly Cobb, West Union, SC	Walhalla High School	Germany	Year	Congress-Bundestag Winner.
Michael Cooter, Greenville, SC	James L. Mann High School	Japan	Summer	Japan/U.S. Senate Scholarship.
Jessica Deysach, Columbia, SC	Dreher High School	Japan	Summer	National Council for Social Studies Scholarship.
Elijah Gardner, Gaffney, SC	Spartanburg Day School	Japan	Summer	YFU General Scholarship.
April Lambour, Greenwood, SC	Greenwood High School	Netherlands	Summer	
Elizabeth Lear, Chesterfield, SC	Chesterfield High School	Japan	Summer	Japan/U.S. Senate Scholarship.
Mariana Lowry, Rock Hill, SC	Northwestern High School	Germany	Year	Congress-Bundestag Winner.
Trey Mevers, Charleston, SC	Porter Gaud High School	Japan	Summer	
Lorenzo Sampson, Charleston, SC	Burke High School	Mexico	Summer	YFU General Scholarship.
Cynthia Snoke, Columbia, SC	Heathwood Hall Episcopal	Germany	Year	Congress-Bundestag Winner.
Karla Whitlock, Columbia, SC	Cardinal Newman High School	Netherlands	Summer	Warner Lambert Scholarship.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KASTEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for morning business be extended to 12 o'clock under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes, Mr. President; I am happy to yield.

SENATE SCHEDULE

Mr. BYRD. Mr. President, I wonder if the majority leader could give us his insight into the schedule he contemplates for the rest of the day—hopefully no necessity for tomorrow—and what he might see as the program for the first day or second or third upon the Senate's return after this recess.

Mr. BAKER. Mr. President, I thank the minority leader.

Mr. President, as for today, we are waiting really for the House to send to us the conference report on bankruptcy and the debt limit. It is my understanding that it may be a while yet before we get either one of those measures, so I would caution Senators to assume that we may be in most of the day today and most of that time waiting for the House of Representatives.

In addition to that, Mr. President, if it can be worked out, the leadership on this side would like to take up a concurrent resolution to accompany the deficit reduction conference report. It

is my understanding that negotiations are still under way as to the substance of such a concurrent resolution and the outcome of those negotiations is now uncertain. But I would like to take that up as soon as we receive word that the parties are willing and as soon as the minority leader would be agreeable to doing so.

I think we will be out today, Mr. President. I cannot say that with certainty, of course, but I believe we will. If I were guessing now I would guess 6 o'clock or thereabouts.

AGENDA BEGINNING JULY 23

When we return on July 23, Mr. President, it would be the intention of the leadership on this side to ask the Senate to give first priority to the consideration of any and all of the regular appropriation bills that may be available to us. In that connection, Mr. President, today's calendar shows that we have three supplementals; we have now done energy, water and HUD; we have sent Commerce, State, Justice to conference. It is our hope that we will have an agriculture bill out of committee and here and available when we return, and I anticipate that that would be the first of the appropriation bills that we will be able to reach when we return, the agriculture appropriations bill. We have done legislative; foreign assistance has been reported in the Senate, but we have not received that measure from the House. It would not be the intention of the leadership on this side to turn to that appropriations bill until we do have a companion House measure.

Mr. President, I am also advised that Treasury-Post Office will be available perhaps during the first week when we return.

So we will probably have the agriculture appropriations bill and Treasury-Post Office the first week, and that would be a full week I anticipate. But, in any event, first priority will be given to appropriation bills. Other appropriation bills that must be dealt with are the D.C. appropriations bill, Milcon, Interior, and I have already mentioned foreign assistance and the general supplementals.

Mr. President, in addition to appropriation bills, it would be the hope of the leadership on this side that we could do a few other things in July during those 3 weeks we will be in session and before we go out for the Republican National Convention. The things I have on my list are the Wilkinson nomination, RCRA, the highway bill, R&D antitrust, title IX, the Grove City matter, a banking bill which has now been reported by the committee, and product liability. It is unlikely that we will get all of those things in 3 weeks, but that is the list that I have prepared at this time.

Mr. BYRD. I thank the distinguished majority leader. Can he indicate what progress may be made or is in the making, shall I say, with reference to the bankruptcy conference report and the debt limit?

Mr. BAKER. Yes, Mr. President. I checked with our Parliamentarian who, in turn, checked with the House Parliamentarian, I believe, a little while ago. It appeared that the rule reported on yesterday by the Rules Committee dealing with the debt limit was being debated. I believe that, contrary to the announcement made last evening that the House would go first to the bankruptcy conference report, they laid that aside in order to debate the rule on debt limit and that has not yet been concluded.

So, based on that, I guess we are going to be into the afternoon before we get bankruptcy and later than that before we get the debt limit.

Mr. BYRD. Does the distinguished majority leader have anything at this point with reference to the conference report on DOD authorization and also with reference to the conference report on the budget measure?

Mr. BAKER. Mr. President, the last report I had from those two conferences was favorable. The distinguished chairman of the Armed Services Committee indicated to me yesterday that he thought they were making good progress or were in the range of a settlement on all issues, and that is most encouraging. I do not know how long it will take. I do not assume they are going to get done today.

On the conference report on the budget, the chairman has indicated to me that he has presented to the House conferees a proposal for a range of numbers on the remaining issues in disagreement, that is the DOD part, and the House has not agreed to that but they have not yet rejected it, I understand.

So I do not believe either conference will be meeting today, but I would anticipate that we will be able to finish both of those conferences in July.

I should have added that to the list, Mr. President, I will now. We will do any conference reports that we receive during that period and, most particularly, DOD and the budget. It is the intention of the leadership on this side to do both of those conference reports and complete action on those measures.

Mr. President, I included on that list that I gave for July the Wilkinson nomination. There will be adequate notice given to all parties, because I know it is a controversial nomination. But it is the intention of the leadership on this side to try to reach the Wilkinson nomination during those 3 weeks and to proceed to conclusion. What I mean by that is I feel we have begun it and we owe the obligation to finish it and the leadership on this side will go to cloture if necessary in order to conclude debate on that nomination during July.

Mr. BYRD. Mr. President, does the distinguished majority leader intend to have a provision in the adjournment resolution for this upcoming break which will provide for a callback, if necessary, of the House and Senate, a callback to be made by the leadership of the Senate and the House of Representatives?

Mr. BAKER. Mr. President, I am advised that will be in the adjournment resolution which will be originated with the House. The language has become very standard now, if we go out for any period of time. It calls for the callback of the Congress when the majority leader and the Speaker concur in that call, and after consulting with the minority leader in both houses I am advised that will be in the House resolution.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for his responses to the questions.

Mr. BAKER. Mr. President, I thank the minority leader.

RECESS UNTIL 12:40 P.M.

Mr. BAKER. Mr. President, it is 20 minutes to 12 now. What we are doing really is waiting for the House of Representatives in two cases, and waiting for negotiations on the concurrent resolution in the other.

I do not know of any good purpose to be served now by remaining in session. I believe the best thing we can do at this point, if the minority leader concurs, would be to recess. I would not like to recess too long. But I have in mind, say, until 1 o'clock.

The minority leader and I have conferred privately. He has suggested a recess for 1 hour, which is a good arrangement. Mr. President, I concur in that.

I now ask unanimous consent that the Senate stand in recess for 1 hour.

There being no objection, the Senate, at 11:41 a.m., recessed until 12:40 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KASTEN].

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I do not yet have a report from the House of Representatives on their progress on the matters that we have to deal with this afternoon. I will attempt to gain some information in just a moment.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I wish to announce that the House of Representatives just passed the debt limit measure by a vote of 208 to 202. I anticipate we will have that measure probably about 2 o'clock or 2:30, I am told.

The House will next go to the bankruptcy conference report, I am advised.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that time for the transaction of routine morning business be extended for 15 minutes under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are a few items in the file of business which may be transacted routinely which are cleared on this side. If the minority leader is agreeable, I would like to work through those and see if we can proceed to the consideration of any or all of those items.

Mr. BYRD. Mr. President, I will be happy to work with the majority leader in taking up the items.

Mr. BAKER. I thank the Senator.

SUPPORT FOR THE INITIATIVES OF THE CONTADORA GROUP

Mr. BAKER. Mr. President, first, I would ask the minority leader if he is prepared to go to Calendar Order No. 968, House Concurrent Resolution 261.

Mr. BYRD. Yes, Mr. President, we are ready on this side.

Mr. BAKER. Mr. President, in view of that, I ask that the Senate now turn to the consideration of Calendar Order No. 968.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 261) expressing support for the initiatives of the Contadora group and the resulting agreements among the Central American nations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 261) was agreed to.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TECHNICAL CORRECTIONS TO THE HOUSING AND URBAN-RURAL RECOVERY ACT

Mr. BAKER. Next, Mr. President, I would propose to ask the Senate to turn to the consideration of Calendar No. 1034, if the minority leader does not object.

Mr. BYRD. Mr. President, I do not object.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 1034.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2819) to make essential technical corrections to the Housing And Urban-Rural Recovery Act of 1983.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GARN. Mr. President, the bill before the Senate makes essential technical amendments to the Housing and Urban-Rural Recovery Act of 1983 which was passed as a part of the so-called housing—IMF package last November. These amendments are limited to corrections in that legislation which for purely technical reasons do not reflect the agreed upon intentions of the Banking Committee and which create a current problem in an operating program. These amendments have been unanimously approved by the Banking Committee members by a telephone poll completed on June 27, 1984. These amendments are necessary and I believe noncontroversial. I hope my colleagues will quickly accept them as such and send the bill to the House. I ask unanimous consent that a brief summary of the provisions be included in the RECORD following my statement. I also ask that a statement regarding rural rental housing projects with State assistance be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

EXHIBIT 1

SUMMARY OF TECHNICAL CORRECTIONS

SECTION 1. CLARIFICATION OF COMMUNITY DEVELOPMENT AREA-WIDE BENEFIT EXCEPTIONS

It is the intent of Congress that the Community Development Block Grant program should be focused on activities that directly benefit low and moderate income persons or in areas where low and moderate income persons reside. The Housing and Urban-Rural Recovery Act of 1983 contained an exception provision for grantees with no areas in which the populations is predominently of low and moderate income. The exception was stated in such a way that could inadvertently result in fewer rather than greater numbers of low and moderate income persons being served.

This amendment corrects that provision by adopting a standard in place in HUD regulations which grants the exception to a jurisdiction with so few areas in which 51 percent of persons are of low or moderate that it would be inappropriate to address the needs of its low and moderate income residents only in those areas.

SECTION 2. STATE ADMINISTRATIVE EXPENSES

Some States have reported expected difficulty in operating the new Rental Rehabilitation Grant program due to a lack of State funds for administration. This amendment allows States to pay the expenses of this program out of the administrative allowance of the State Community Development Block Grant (CDBG) program just as entitlement cities and urban counties are allowed to.

States may deduct up to $102,000 from the yearly Community Development Block Grant to cover the costs of administering both State CDBG and the State Rental Rehab program. 50 percent of additional costs may be paid out of CDBG funds limited to 2 percent of the CDBG grant.

SECTION 3. STATE RENTAL REHAB ACTIVITIES IN NONALLOCATED UNALLOCATED AREAS

States were inadvertently prevented from conducting rental rehabilitation program activities in areas other than cities or urban counties such as counties or townships. This amendment corrects the statute to include any areas of the State which do not receive a direct allocation of rental rehab funds from HUD.

SECTION 4. USE OF VOUCHERS FOR PERSONS DISPLACED BY RENTAL REHAB ACTIVITIES

It was the intent of Congress that persons of low and very low income be eligible to receive a housing voucher if they are displaced by activities under the Rental Rehab Grant Program. Due to an oversight during redrafting, the eligibility of persons between 50 and 80 percent of median income was omitted. This amendment reinstates the eligibility of low income persons for assistance if they are displaced.

SECTION 5. DELETION OF EXTRANEOUS SENTENCE

The final draft of the Housing and Urban-Rural Recovery Act contained an extraneous sentence in Section 474 (Cancellation of liquidation of new communities program). This sentence, which called for the delay of regulations limiting the use of housing assistance to only U.S. citizens and other specified resident, was not part of any agreement between parties to the housing bill negotiation. This amendment deletes that sentence.

SECTION 6. RURAL HOUSING

Title V, The Rural Housing Admendments of PL 98-181 contained a requirement that not less than 40% of subsidized homes in the Sec. 502 proclaim nationwide and 30% in each state should be available only for occupancy by very low income families. The Farmers Home Administration has further required that a running ratio of 40% of the subsidized home loans kept in each county

office. This regulation has caused operating difficulties in many areas. Some county offices have apparently stopped making home loans to low income families while only loans to very low income families are processed.

Section 6(1) of this amendment creates a setaside of 40% of funds for subsidized home loans to very low income families.

Under section 6(2) not less than 30% of funds allocated to States are required to be set aside for use only by very low income families. This requirement does not preclude FmHA from pooling and reallocating any unused funds from such a state set aside so long as the funds remain available only for very low income families.

SECTION 7. TRANSITION FOR CONDO CONVERSION RESTRICTIONS

Restrictions on FA mortgage insurance for apartments being converted to condominiums were passed in the November housing bill. Administrative difficulties have made it necessary to enact transition provisions.

This amendment allows applications for mortgage insurance to be processed and approved that were made before April 20, 1984 when notified field offices of the new restrictions.

SECTION 8. SETTLEMENT OF OUTSTANDING URBAN RENEWAL PROGRAMS

A new subsection was added to the Housing & Community Development Act of 1974 by last year's legislation which was intended to allow recipients to retain income from outstanding urban renewal projects if it is used under the current community development block grant program. This amendment clarifies that provision by referring to an appropriate part of the statute and to "local public agency" which in some cases was the original recipient.

SECTION 9. NEIGHBORHOOD DEVELOPMENT DEMONSTRATION

The Housing and Urban-Rural Recovery Act of 1983 included a Neighborhood Development Demonstration. Up to two million dollars was authorized to fund the program. This amendment clarifies that funds appropriated for fiscal year 1984 as part of the Secretary's Discretionary fund of the Community Development Block Grant program to carry out this purpose are available under the specific terms of the authorization statute.

STATEMENT REPLACING RURAL RENTAL HOUSING PROJECTS WITH STATE ASSISTANCE

PL 98-181 contained provisions in Title V encouraging the Farmers Home Administration to work with State or private housing assistance programs when approving development applications under the Sec. 515 program. It is the intent of Congress that nonfederal rental assistance in tandem with Sec. 515 financing be encouraged to the fullest extent possible.

As an example of a State assistance program, the New York Division of Housing and Community Renewal (DHCR) has a program which will supply rental assistance to very poor families who cannot afford the project rents even in an FmHA Sec. 515 project with 1% interest financing. This rental assistance would be tied to the project for five years.

The statute requires that an adequate rental market exists for the project at the end of the state subsidy period. This can be determined by an analysis of current Census or other available data trended ahead to ascertain the pool of likely renters that could afford the project rents without State rental assistance.

New York has provided an outline of a procedure which seems to meet the objectives of this approach which follows this statement. The Committee expects that FmHA will take this proposal into consideration in order to develop workable guidelines for determining feasibility.

The Committee has two additional concerns with FmHA proposed policy regarding project size and the existence of other subsidized housing in a project market area. FmHA should not set arbitrary limits on the number of units in a project regardless of demonstrated need. Secondly, FmHA should not reduce project size on the basis of other existing assisted units being present in a trade area if there is a demonstrated need for additional units. Projects planned for the area under other programs should of course be taken into account.

DHCR PROPOSED FEASIBILITY REVIEW

Overview: DHCR proposes in reviewing project feasibility that FmHA continue to use the basic procedure outlined in the regulations however supplemented by additional market analysis information provided by DHCR.

It is suggested that for purposes of the Rural Rental Assistance Program that FmHA and DHCR formalize both the procedure and format of the rental housing market analysis prescribed in FmHA Instruction 1944-E, Exhibit A-6. Futhermore, this basic process should be strengthened to respond to the dual feasibility requirements of the recently passed legislation as well as the prescription for economic justification stated in Exhibit 6, which is: "The economic justification for the housing and the size of the project should be based primarily upon the housing need and demand from eligible prospective occupants who are permanent residents of the community and its surrounding trade area."

Specifically DHCR proposes to provide a projection at the end of the subsidy term of the housing need and demand from eligible prospective occupants in the project trade area.

This information would enable FmHA to evaluate with much higher confidence the future feasibility of a proposed project.

The strengthened procedure would not only meet the legislative intent but could replace or supplement use of the formula required by the June 1, 1984 memorandum to the New York State Director.

Steps

1. Analyze project economics (i.e. O & M, utilities, rents) from pre-application to determine the income prospective tenants would have to have to afford to live in the proposed housing.

2. Identify the boundaries of the trade area surrounding the project site.

3. Use data available from the 4th Count Census Summary (i.e. household income, size and type, etc.) to determine the size and profile of the pool of eligible prospective occupants.

4. Analyze the profile by comparing it to the rental housing survey and adopt a capture rate [market absorption rate] providing a relationship to expected demand.

5. Determine on the basis of the subsidy threshold the feasibility of the project with available state subsidy.

6. Trend the project economics ahead to the end of the subsidy period.

7. Project to the end of the subsidy period the size and profile of the pool of prospective eligible tenants.

8. Determine using the adopted capture rate the feasibility of the project under Interest Credit Plan II (e.g. without state subsidy).

Mr. HEINZ. Mr. President, I would like to comment briefly on the bill now before the Senate which make essential if fundamentally technical corrections to the House and Urban-Rural Recovery Act of 1983.

As you will recall, that bill was passed in the closing days of the first session of the Congress. We faced serious time constraints in order to complete a final bill. Despite such pressure, the Senate is to be congratulated on the fine piece of legislation that was produced. However, under such pressure, minor errors and oversights were made. The impact of one such oversight, however, is not minor. Indeed it will have dramatic ramifications for a number of counties in Pennsylvania, as well as others in New York, Maryland, Illinois, Delaware, Michigan, Wisconsin, and Ohio.

A provision in the technical amendments bill, now before the Senate will correct this problem. I refer to the section of the bill which amends section 105(c)(2)(b) of the Housing and Community Development Act of 1974.

The 1983 legislation ensures that at least 51 percent of all community development block grant funds are used to benefit low- and moderate-income persons, and requires that areawide activities be located in neighborhoods where a majority of the residents are of low and moderate income. The law does, however, recognize that some cities and counties receiving block grant fund may have no areas with a majority of low- and moderate-income households. In such circumstances, section 105(c)(2)(b) provides that such city or county target their funds to those areas with the highest concentration of low- and moderate-income persons, and limit activities only to those areas in the upper one quartile of concentrated areas. This provision in fact attempted to incorporate current regulatory policy, with one critical oversight.

Here is the situation.

Current HUD regulations apply not only to those jurisdictions having no areas with a majority of low- and moderate-income residents, but also include grantees with few such areas. By inadvertently dropping the word "few," the new law makes it unrealistic for many low density cities and counties to concentrate their funds in a handful of census block groups with 51 percent lower income residents. I have been assured by those reponsible for drafting this legislation in the closing days of the last session, that this was indeed an oversight.

It is important to note that without this technical change, fewer low- and moderate-income persons will actually

benefit from community development block grant funds. In Bucks County, PA, for example, only 14 percent of the county's low- and moderate-income population will be served under these provisions. If the change I am proposing is made, 40 percent of the low- and moderate-income population will be able to benefit. The situation is more dramatic in the neighboring county of York, where only 2.5 percent of the county's total low- and moderate-income population will be served if the law is left unchanged.

In response to this problem, I introduced legislation, S. 2359, earlier this year along with my distinguished colleagues, Senators RIEGLE, SARBANES, LEVIN, ROTH, D'AMATO, PERCY, LAUTENBERG, DIXON, and MATHIAS, which corrects this situation. This legislation has been strongly supported by the National Association of Counties. Language to this effect has been incorporated under section 1 of the legislation now before us.

Let me also emphasize the urgency of this bill. Several counties have already begun their 1984 program years and must make funding decisions within an unrealistic set of constraints. Although, I fully understand that our action today must be followed by that of our colleagues in the U.S. House of Representatives, I am confident that they will take up this issue swiftly, subsequent to our action.

I appreciate the support this bill has received from the chairman of the Banking Committee, my fellow Banking Committee members, and I look forward to support from the Senate as a whole on this issue.

Mr. SARBANES. Mr. President, I want to make clear that one of the purposes of section 109 of the Housing and Urban-Rural Recovery Act of 1983, which we are now amending, is to allow cities to retain the proceeds from the sales of urban renewal properties improved with funds received from the urgent needs and financial settlement grants programs. Under this language, cities may recycle these proceeds into eligible community development activities.

Mr. GARN. Yes, it was the intent of Congress in the 1983 act to accomplish just that objective. Section 8 of this bill would simply clarify the statutory language to accomplish that end.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there is no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2819) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 105(c)(2)(B) of the Housing and Community Development Act of 1974 is amended to read as follows: "(B) in any metropolitan city or urban county having no areas meeting the requirements of subparagraph (A) or so few such areas that it would be plainly inappropriate to address the needs of its low- and moderate-income residents by limiting activities to such areas, the area served by such activity has a larger proportion of persons of low and moderate income than not less than 75 per centum of the areas in the jurisdiction of the recipient".

SEC. 2. The second sentence of section 106(d)(3)(A) of the Housing and Community Development Act of 1974 is amended by inserting after "under this title" the following: "or section 17(e)(1) of the United States Housing Act of 1937".

SEC. 3. The second sentence of section 17(e)(1) of the United States Housing Act of 1937 is amended by striking out "in cities with populations of less than fifty thousand" and inserting in lieu thereof "in areas of the State which do not receive allocations under subsection (b)".

SEC. 4. The first sentence of section 8(o)(3) of the United States Housing Act of 1937 is amended—

(1) by striking out "or" before "(B)"; and

(2) by inserting before the period at the end thereof the following; ", or (C) a family which is determined to be a lower income family at the time it initially receives assistance and which is displaced by activities under section 17(c)".

SEC. 5. The third sentence of section 474(e) of the Housing and Urban-Rural Recovery Act of 1983 is repealed.

SEC. 6. Section 502(d) of the Housing Act of 1949 is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) not less than 40 per centum of the funds approved in appropriations Acts under this section shall be set aside and made available only for very low income families or persons; and

"(2) not less than 30 per centum of the funds allocated to each State under this section shall be available only for very low-income families or persons.".

SEC. 7. Section 234(k) of the National Housing Act is amended—

(1) by striking out "or" before "(3)"; and

(2) inserting immediately before the period at the end thereof the following: ", or (4) before April 20, 1984 (A) application was made to the Secretary for a commitment to insure a mortgage covering any unit in the project; (B) in the case of direct endorsement, the mortgagee received the case number asssigned by the Secretary for any unit in the project; or (C) application was made for approval of the project for guarantee, insurance, or direct loan under chapter 37 of title 38, United States Code".

SEC. 8. Section 112(c) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting "or local public agency" after "unit of general local government" each place is appears;

(2) by striking out "may" and inserting in lieu thereof "shall"; and

(3) by striking out "subsection (a)" and inserting in lieu thereof "section 103(b) of this Act, as it was in effect prior to the effective date of section 301 of the Housing and Community Development Amendments of 1981,".

SEC. 9. Section 123(g) of the Housing and Urban-Rural Recovery Act of 1983 is amended by adding at the end thereof the following: "In addition, amounts appropriated for fiscal year 1984 under section 107 of the Housing and Community Development Act of 1974 to carry out a neighborhood development demonstration shall be available to carry out the demonstration program under this section.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SPANISH-AMERICAN WAR VETERANS DAY

Mr. BAKER. Mr. President, next I have cleared on this side Calendar Order No. 1040, if the minority leader can clear that.

Mr. BYRD. Mr. President, that measure has been cleared.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 1040.

The PRESIDING OFFICER (Mr. DENTON). The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 293) to designate July 17, 1984, as "Spanish-American War Veterans Day."

The joint resolution (S.J. Res. 293) was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 293

Whereas approximately three-hundred and ninety-two thousand citizens of the United States volunteered for active military service in the Spanish American War;

Whereas the Spanish American War Veterans patriotically served the Nation during a war, which marked the emergence of the United States as a world power;

Whereas there are twenty-six surviving Spanish American War veterans, who range in age from ninety-eight to one-hundred and eight years old; and

Whereas July 17, 1984, is the eighty-sixth anniversay of the surrender of Santiago: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 17, 1984 is designated "Spanish American War Veteran Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AFRICAN REFUGEES RELIEF DAY

Mr. BAKER. Mr. President, finally, I will say to the minority leader that Calendar Order No. 1041 is cleared on this side.

Mr. BYRD. Mr. President, Calendar Order No. 1041 is cleared on this side also.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 1041.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 604) to designate July 9, 1984, as African Refugees Relief Day.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 604) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I moved to lay that motion on the table.

The motion to lay on the table was agreed to.

AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE ACT

Mr. BAKER. Mr. President, would the minority leader be prepared now to go to Calendar Order No. 1020?

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 1020.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1643) to strengthen the operation of the Agricultural Stabilization and Conservation Committee system, and for other purposes.

AMENDMENT NO. 3375

(Purpose: To modify the provisions governing local committees and the effective dates)

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of Mr. ZORINSKY and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. ZORINSKY, proposes an amendment numbered 3375.

Mr. BYRD. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 4, strike out "1983" and insert in lieu thereof "1984".

On page 2, strike out lines 6, 7, and 8 and insert in lieu thereof the following: "ing: 'The county committee for a county, by majority vote, may petition the Secretary to change the number of local areas in the county, and the Secretary shall make such change as petitioned by the county committee, except that any such change may not result in the number of local areas in a county exceeding the number of such areas in the county on December 31, 1980.';".

On page 2, lines 12, 13, and 14, strike out "Each local committee shall meet not less than four times annually, the meetings to be held on different days of the year." and insert in lieu thereof "Each local committee shall meet (1) one time each year, and (2) at the direction of the county committee, with the approval of the State committee, such additional times during the year as may be necessary to carry out this section. Notwithstanding section 388 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1388), the Secretary may not provide compensation or payments to a member of a local committee under such section for work performed at, or travel expenses incurred in attending, more than four meetings of such committee in any year. The meetings of a local committee shall be held on different days of the year.".

On page 2, line 18, strike out "(A)" and all that follows through "(B)" on line 19 and insert in lieu thereof a comma.

On page 3, lines 7 and 8, strike out "and the management of land, water, and related resources" and insert in lieu thereof "programs".

On page 3, line 9, strike out "timely" and insert in lieu thereof "in a timely manner".

On page 3, line 13, strike out "1984" and insert in lieu thereof "1985".

On page 3, line 16, strike out "1984" and insert in lieu thereof "1985".

On page 3, strike out lines 17, 18, and 19 and insert in lieu thereof the following: "(c) If a change in the number of local administrative areas in a county under section 8(b) of the Soil Conservation and Domestic Allotment Act under the amendment made by subsection".

On page 3, line 22, strike out "to be designated" and all that follows through "Act" on line 24.

On page 4, line 1, strike out "the" and insert in lieu thereof "a".

On page 4, line 2, strike out "1984" and insert in lieu thereof "1985".

On page 4, line 3, strike out "increases" and insert in lieu thereof "increase".

On page 4, line 4, strike out "so designated".

On page 4, line 7, strike out "1984" and insert in lieu thereof "1985".

On page 4, line 19, strike out "1984" and insert in lieu thereof "1985".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3375) was agreed to.

STRENGTHENING THE ASCS COMMITTEE SYSTEM

Mr. HELMS. Mr. President, those of us who represent States with strong agricultural interests are well acquainted with the Agricultural Stabilization and Conservation Committee system. These committees are comprised of men and women who serve their fellow farmers in helping to administer our agricultural programs. Community committees are elected by participating farmers in relatively small subcounty areas, such as townships, where farmers know each other and committee members can respond quickly to individual inquiries. These community committee members elect the members of their ASC county committee which represents all farmers in that county.

In my own State of North Carolina approximately 3,000 dedicated farmers serve on almost 1,000 community committees to make this system work. That figure does not include the 300 others who serve on our county committees. These people are the grassroots organization that helps our agricultural programs stay in touch with the farmer. Without this network all across the country most producers would have no contact with the administration of the programs that affects their livelihoods.

S. 1643, as amended, will help to ensure that this valuable resource, our ASC committee system, is preserved and strengthened. The bill will accomplish this in several ways. Most importantly, it gives the farmers of a county—through the county committee—a say in how many local community committees there will be in that county. Under the bill, a county committee, by majority vote, may petition the Secretary of Agriculture to change the number of local administrative areas in the county which are represented by a community committee. The Secretary would have to make the changes petitioned by the county committee except that the number of local areas in a county under such a change could not exceed the number of such areas in the county on December 31, 1980. This provision will ensure that there is local support for reducing the number of community committees before such action is taken.

The bill also increases the elected term of service of community committee members from the current 1-year term to a 3-year term. The community committees will benefit from the experience its members will derive during this longer period of service. Futhermore, the 3-year term may encourage more farmers to become involved with the ASC committee system. I understand that the Department of Agriculture estimates that by conducting the elections every 3 years instead of each year, a savings will be realized over current law of approximately $6 million for each year that community committee elections are no longer required.

S. 1643 will also increase the pay scale of members serving on both community and county committees to a level more which closely reflects a reimbursement of the time they spend away from their farm operations at

ASC committee meetings. Although most, if not all, of the committeemen I have talked with would gladly serve in their capacity without compensation, the service these farmers render to the Nation is important enough to warrant the minimal expese.

The bill for the first time spells out the duties of the community committees and specifies that they are to meet at least one time each year and such additional times, as directed by the county committee with the approval of the State committee, as may be necessary to carry out their functions. The bill also provides, however, that compensation and travel expenses will not be paid for more than a total of four meetings of the community committees in any year.

Mr. President, the contributions of thousands of men and women who serve on local ASC committees are largely unheralded. Even though they fulfill their responsibilities without fanfare, the farmers of this country know who they are and the unquestioned importance of their work. I am proud to urge the passage of this bill, with the amendment, so that our ASC committee system will continue to remain strong and viable in the future.

Mr. ZORINSKY. Mr. President, the bill, S. 1643, approved by the Senate today will assure that county and community committees, which are selected under established procedures provided by the Soil Conservation and Domestic Allotment Act, will continue to function on the same basis as they did prior to December 31, 1980.

Joining me in cosponsoring this legislation are Senators PRYOR, PRESSLER, ANDREWS, BAUCUS, BENTSEN, COCHRAN, DIXON, EXON, HEFLIN, LEAHY, SARBANES, SASSER, and HUDDLESTON.

A similar bill has been introduced in the House of Representatives by Congressman CHARLES ROSE. I am hopeful that any differences between the bill passed today and the House version of the legislation may be resolved and that the bill may be sent to President Reagan for his signature soon after the July recess.

I want to thank the Members of this body for their support of this measure which will assure the continuation of a grassroots contribution in the development and administration of farm programs.

Mr. President, for 50 years now, the farmer elected committee system has played an important role in administering the commodity stabilization program as well as the price support program for our Nation's farmers. This system achieves an extremely worthwhile goal, putting the administration of farm programs in the hands of those who are best equipped to handle the task.

We have seen these different committees adjust through the years to a variety of new and often innovative agriculture programs. In my home State of Nebraska, as in other States, they operate within the local communities to inform their neighbors about farm programs and help see that these programs are administered with fairness and equity.

Unfortunately, recent activities of top level USDA officials have created doubts and uncertainties about the role of these committees. The efforts on the part of the Reagan administration to reduce the number of the local committees and to downgrade their role fully justifies action of the Congress to clarify existing law.

The late Senator Allan Ellender, longtime chairman of the Senate Agriculture Committee, characterized the ASCS committee system as "the greatest demonstration on a mass scale of the application of the democratic process to an economic problem ever conducted by any government at any time."

In 1933, when the Congress and the Roosevelt administration came to the rescue of a prostrate agricultural industry, there were differences of opinion on how to carry out the programs to be authorized in the new legislation. The problem was how a program of economic aid that would touch every farmer in the country could be administered without hordes of bureaucrats descending upon the land.

One suggestion, which was rejected, was that a county farm program administrator be appointed to be advised by a committee of farmers selected by himself.

The eventual decision was that farmers themselves should elect committees to administer the programs at the county and community levels. The system was established as a result of the Agricultural Adjustment Act of 1933 and later renewed and amended in the Soil Conservation and Domestic Allotment Act of 1938, and subsequent statutes.

First known as AAA committees, the farmer elected committees later were renamed PMA committees and more recently, ASCS committees.

The committees have been utilized in administering the stabilization programs for the basic commodities, the cropland diversion, set-aside, payment-in-kind, and other production adjustment programs, and at times the sugar, wool, and other commodity programs.

From time to time, attempts have been made to eliminate or scale down the use of the farmer committees. In 1953, for example, it was proposed that the committees have a merely advisory function to ASCS county office managers selected by USDA in Washington. This was rejected along with limitations on the length of service of county and community committeemen.

Since 1933, the farmer elected system has helped in the administration of commodity stabilization and price support programs totaling more than $100 billion, along with major acreage diversion and soil conservation programs.

These ASCS committees—community and county—have maintained through the years the capability to adjust to changing economic conditions and to the differing farm programs that Congress passed to meet them. They have the experience and capability to administer with fairness and equity any new farm program that Congress may adopt.

Beginning with the enactment of the Agricultural Adjustment Act of 1933, the placing of responsibility for the local administration of farm programs upon farmers themselves has been a cardinal principle. These committee members are more important than ever before. At a time when further program adjustments may be necessary to provide farmers with the prices and income needed to stay in business we have experienced leadership. Moreover, we have leaders in these committees who have firsthand information of farmer problems that may be unique to the local area in which they reside.

I urge the administration of President Reagan to utilize these committees to the fullest extent in the implementation of agricultural production adjustment, price support and conservation programs toward the objective of strengthening the Nation's agriculture.

Mr. President, it has been my privilege to have had the opportunity to consult with the leaders of the National Association of Farmer Elected Committeemen and the affiliated Nebraska Association of Farmer Elected Committeemen in drawing up this legislation.

The leadership of these associations has asked me to extend to the Senate their sincere appreciation for the action taken here today.

Mr. HUDDLESTON. Mr. President, S. 1643 is legislation designed to improve the operation of the agricultural stabilization and conservation committee system.

I was pleased to join Senator ZORINSKY in introducing this important legislation, and wish to take this occasion to commend Senator ZORINSKY for his leadership in working to strengthen the ASC committee system.

For over 50 years, the ASC committees have been responsible for administering the farm programs at the local level. They have performed this function with fairness and equity under a variety of programs and economic circumstances. Their function remains as important today as it was when the

ASC committee system was established in 1933.

Unfortunately, at various times over the years, and again recently, attempts have been made to eliminate or scale down the use of the local committees. Therefore, it is important that action be taken to ensure that farmer elected committeemen with firsthand knowledge of local problems will continue to be fully utilized in administering the farm programs, at the county and community level.

S. 1643 will achieve that objective by making a number of changes in the law to require the continued operation and use of ASC committees and clarify the role of the committees.

Senator ZORINSKY has developed an amendment to S. 1643 relating to the establishment of local administrative areas and the meetings of ASC local committees, as well as incorporating several technical and conforming changes. The revisions made by the amendment do not affect the purposes of the bill.

I urge my colleagues to join me in supporting the amended bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 1643), as amended, was ordered to be endorsed for a third reading, was read the third time, and passed, as follows:

S. 1643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Stabilization and Conservation Committee Act of 1984".

LOCAL COMMITTEES

SEC. 2. (a) The fifth paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended by—

(1) inserting, after the third sentence, the following: "The county committee for a county, by majority vote, may petition the Secretary to change the number of local areas in the county, and the Secretary shall make such change as petitioned by the county committee, except that any such change may not result in the number of local areas in a county exceeding the number of such areas in the county on December 31, 1980.";

(2) striking out "annually" in the fourth sentence;

(3) inserting, after the fourth sentence, the following: "Each member of a local committee shall be elected for a term of three years. Each local committee shall meet (1) one time each year, and (2) at the direction of the county committee, with the approval of the State committee, such additional times during the year as may be necessary to carry out this section. Notwithstanding section 388 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1388), the Secretary may not provide compensation or payments to a member of a local committee under such section for work performed at, or travel expenses incurred in attending, more than four meetings of such committee in any year. The meetings of a local committee shall be held on different days of the year."; and

(4) inserting after the eighth sentence, the following: "The local committees in each county shall (1) in counties in which there are more than one local committee, serve as advisors and consultants to the county committee; (2) periodically meet with the county committee and State committee to be briefed on farm program issues; (3) communicate with producers within their communities on issues or concerns regarding farm programs; (4) report to the county committee, the State committee, and others on changes to, or modifications of, farm programs recommended by producers in their communities; and (5) perform such other functions required by law or as the Secretary may specify. The Secretary shall ensure that the information regarding changes in the Federal laws in effect with respect to agriculture programs and in the administration of such laws, are communicated in a timely manner to the local committees for areas that contain farmers who might be affected by such changes.".

(b) The amendments made by subsection (a) of this section shall take effect on January 1, 1985, except that the amendments made by clauses (2) and (3) of subsection (a) shall not apply with respect to the term of office of any member of a local committee elected before January 1, 1985.

(c) If a change in the number of local administrative areas in a county under section 8(b) of the Soil Conservation and Domestic Allotment Act under the amendment made by subsection (a)(1) of this section will increase the number of the county's—

(1) local administrative areas, and

(2) local committees,

any member of a local committee elected before January 1, 1985, shall serve the unexpired portion of the member's term following such increase as a member of the local committee for the local administrative area in which such member resides.

COUNTY COMMITTEES

SEC. 3. Effective January 1, 1985, the first sentence of the fifth paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended by—

(1) inserting "and as otherwise directed by law with respect to other programs and functions," after "Alaska,"; and

(2) inserting a semicolon and "and the Secretary may utilize the services of such committees in carrying out other programs and functions of the Department of Agriculture" before the period at the end thereof.

SALARY AND TRAVEL EXPENSES

SEC. 4. Effective January 1, 1985, section 388 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1388) is amended by—

(1) adding, at the end of subsection (b), the following: "In addition, the Secretary shall provide compensation for members of such county committees, and to members of local committees of farmers within a county, for work actually performed by such persons in cooperating in carrying out the provisions of such Acts; and such persons shall be compensated for such work (1) in the case of persons who are members of local committees within a county, at a rate (per hour of work actually performed) not less than the rate for grade GS-9 in the General Schedule set out in section 5332 of title 5 of the United States Code, as adjusted to an hourly rate; and (2) in the case of persons who are members of county committees, at a rate (per hour of work actually performed) not less than the rate for grade GS-11 in the General Schedule set out in section 5332 of title 5 of the United States Code, as adjusted to an hourly rate."; and

(2) adding, at the end thereof, a new subsection (c) as follows:

"(c) The Secretary shall make payments to members of local, county, and State committees of farmers to cover the expenses for travel incurred by such persons (including, in the case of members of local and county committees, travel between their homes and the local county office of the Agricultural Stabilization and Conservation Service) in cooperating in carrying out the provisions of the Acts in connection with which such committees are utilized. Such travel expenses shall be paid in the manner authorized, under section 5703 of title 5 of the United States Code, for the payment of expenses and allowances for individuals employed intermittently in the Government service. No part of such travel expense payments may be deducted from the Soil Conservation payments, parity payments, or loans, or other payments under such Acts.".

Mr. BAKER. I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SCHOOL-AGE CHILD CARE AWARENESS WEEK

Mr. BAKER. Mr. President, may I inquire, was House Joint Resolution 544 cleared on the minority leader's side?

Mr. BYRD. Mr. President, that has been cleared on this side.

Mr. BAKER. I ask unanimous consent that the Senate turn to consideration of House Joint Resolution 544.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A House joint resolution (H.J. Res. 544) to designate the week beginning September 2, 1984, as "National School-Age Child Care Awareness Week".

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time

Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 544) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I inquire of the distinguished minority leader about two other calendar items—House Joint Resolution 555,

and House Joint Resolution 566. Have they been cleared for action?

Mr. BYRD. Mr. President, those resolutions have been cleared on this side.

SPACE EXPLORATION DAY

Mr. BAKER. I ask that the Senate turn to consideration of House Joint Resolution 555, which is now at the desk.

The PRESIDING OFFICER. Is there objection?

There being no objection, the clerk will state the resolution by title.

The legislative clerk read as follows:

A House joint resolution (H.J. Res. 555) to designate July 20, 1984, as "Space Exploration Day".

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time by title.

Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 555) was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL NEIGHBORHOOD HOUSING SERVICES WEEK

Mr. BAKER. Mr. President, I ask that the Chair now turn to the consideration of House Joint Resolution 566, to designate the week beginning October 7, 1984, "National Neighborhood Housing Services Week."

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A House joint resolution (H.J. Res. 566) to designate the week beginning on October 7, 1984, as "National Neighborhood Services Week."

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time by title.

Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 566) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF TESTIMONY BY STAFF OF SENATOR MATHIAS

Mr. BAKER. Mr. President, I have a resolution in behalf of the distinguished minority leader and myself with respect to testimony by a member of the Senate staff. I send the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the resolution will be stated by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 419) to authorize the testimony by staff of Senator MATHIAS.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, on June 15, 1984, the Senate agreed to Senate Resolution 406, which authorized five members of the staff of Senator CHARLES MCC. MATHIAS, JR., to testify before a Federal grand jury in the District of Maryland in response to a request from the U.S. attorney for that district. The U.S. attorney has now requested the testimony of one former member of Senator MATHIAS' staff as part of that matter. At Senator MATHIAS' request, this resolution would authorize the former employee and any additional employees on Senator MATHIAS' staff to testify before the grand jury and in any subsequent proceedings concerning all matters that are not privileged.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 419) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, follows:

S. RES. 419

Whereas, the United States Attorney for the District of Maryland has informed Senator Mathias that a former member of his staff may have information relevant to a Federal grand jury investigation in the District of Maryland of possible violations of Federal statutes;

Whereas, the United States Attorney has requested that that former member of Senator Mathias' staff provide testimony to the Federal grand jury;

Whereas, the former staff member who may have relevant information is Sandra Loomis;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Sandra Loomis and any additional members of Senator Mathias' staff whose testimony is requested in this matter are authorized to testify before the Federal grand jury in the District of Maryland and in any further proceedings in this matter except concerning matters for which a privilege from testifying should be asserted.

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ESTABLISHING A TASK FORCE ON ORGAN PROCUREMENT AND AN ORGAN PROCUREMENT AND TRANSPLANTATION REGISTRY

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2048.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 2048) entitled "An Act to provide for the establishment of a Task Force on Organ Procurement and Transplantation and an Organ Procurement and Transplantation Registry, and for other purposes", amendments:

Strike out all after the enacting clause and insert:

TITLE I—ORGAN PROCUREMENT ACTIVITIES

SEC. 101. Part H of title III of the Public Health Service Act is amended to read as follows:

"PART H—ORGAN TRANSPLANTS

"ASSISTANCE FOR ORGAN PROCUREMENT ORGANIZATIONS

"SEC. 371. (a)(1) The Secretary may make grants for the planning of qualified organ procurement organizations described in subsection (b).

"(2) The Secretary may make grants for the establishment, initial operation, and expansion of qualified organ procurement organizations described in subsection (b).

"(b)(1) A qualified organ procurement organization for which grants may be made under subsection (a) is an organization which, as determined by the Secretary, will carry out the functions described in paragraph (2) and—

"(A) is a nonprofit entity,

"(B) has accounting and other fiscal procedures (as specified by the Secretary) necessary to assure the fiscal stability of the organization,

"(C) has an agreement with the Secretary to be reimbursed under title XVIII of the Social Security Act for the procurement of kidneys,

"(D) has procedures to obtain payment for nonrenal organs provided to transplant centers,

"(E) has a defined service area which is a geographical area of sufficient size which (unless the service area comprises an entire

State) will include at least fifty potential organ donors each year and which either includes an entire standard metropolitan statistical area (as specified by the Office of Management and Budget) or does not include any part of such an area,

"(F)(i) except as provided in clause (ii), has a Board of Directors which includes—

"(I) members who represent hospital administrators, neurosurgeons or neurologists, intensive care or emergency room nurses, tissue banks and voluntary health associations in its service area and the general public residing in such area, and

"(II) from each transplant center in its service area which has with the organization arrangements described in paragraph (2)(G), a surgeon who has practicing privileges in such center and who performs organ transplant surgery,

"(ii) in the case of an organization which is an organization which was in existence on the date of the enactment of this section and which on that date was engaged in the procurement of organs, establishes an advisory board for organ procurement which will be an advisory board to its Board of Directors, which will include the representation prescribed by clause (i), which will have authority to establish policy for the procurement of organs and the other functions described in paragraph (2), and which will have no authority over any other activity of the organization, and

"(G) has a director and such other staff, including the organ donation coordinators and organ procurement specialists necessary to effectively obtain organs from donors in its service area.

"(2) An organ procurement organization shall—

"(A) have effective agreements, to identify potential organ donors, with a substantial majority of the hospitals and other health care entities in its service area which have facilities for organ donations,

"(B) conduct systematic efforts, including professional education, to acquire all useable organs from potential donors.

"(C) arrange for the acquisition and preservation of donated organs and provide quality standards for surgery performed to acquire organs,

"(D) arrange for the appropriate tissue typing of donated organs,

"(E) have a system to allocate donated organs among transplant centers and patients according to established criteria,

"(F) provide for the transportation of donated organs to transplant centers,

"(G) have arrangements to coordinate its activities with transplant centers in its service area,

"(H) participate in the United States Transplantation Network established under section 372,

"(I) have arrangements with tissue banks for the retrieval, processing, preservation, and storage of tissues as many be appropriate, and

"(J) evaluate annually the effectiveness of the organization in acquiring potentially available organs.

"(c)(1) For grants under subsection (a) there are authorized to be appropriated $4,000,000 for fiscal year 1985, $8,000,000 for fiscal year 1986, $12,000,000 for fiscal year 1987, and $16,000,000 for fiscal year 1988.

"(2) There are authorized to be appropriated for fiscal years 1989 and 1990 such sums as may be necessary to continue grants for the initial operation or expansion of organ procurement organizations which received initial grants for such purpose under subsection (a) in fiscal year 1987 or 1988.

"UNITED STATES TRANSPLANTATION NETWORK

"SEC. 372. (a) The Secretary shall by contract provide for the establishment and operation of a United States Transplantation Network which meets the requirements of subsection (b) and which will assist organ procurement organizations in the distribution of organs which cannot be placed within the service areas of the organizations and facilitate the matching of organ donor and organ recipients, especially individuals whose immune system makes it difficult for them to receive organs. The amount provided under such contract in any fiscal year may not exceed $2,000,000. Funds for such contracts shall be made available from funds available to the Public Health Service from appropriations for fiscal years beginning after the date of the enactment of this section.

"(b)(1) A United States Transplantation Network shall carry out the functions described in paragraph (2) and shall—

"(A) be a private nonprofit entity which is not engaged in any activity unrelated to organ procurement, and

"(B) have a board of directors which includes representatives of organ procurement organizations described in section 371, transplant centers, voluntary health associations, and the general public.

"(2) A United States Transplantation Network shall—

"(A) maintain a national list of individuals who need organs,

"(B) provide, through the use of computers and in accordance with established criteria, a national system to match organs and individuals included in the list,

"(C) maintain a twenty-four-hour telephone service to facilitate matching organs with individuals included in the list,

"(D) adopt and use standards of quality for the acquisition and transportation of donated organs,

"(E) prepare and distribute, on a regionalized basis, samples of blood sera for individuals, included in the list, to facilitate matching the compatibility of organ donors and organ recipients, especially individuals whose immune system makes it difficult for them to receive organs,

"(F) coordinate, as appropriate, the transportation of organs for organ procurement organizations to transplant centers,

"(G) provide information to physicians and other health professionals regarding organ donation, and

"(H) collect, analyze, and publish data concerning organ donation and transplants.

"SCIENTIFIC REGISTRY

"SEC. 373. The Secretary shall, by grant or contract, develop and maintain a scientific registry of the recipients of organ transplants. The registry shall include such information respecting patients and transplant procedures as the Secretary deems necessary to an ongoing evaluation of the scientific and clinical status of organ transplantation. The Secretary shall prepare for inclusion in the report under section 376 an analysis of information derived from the registry.

"GENERAL PROVISIONS RESPECTING GRANTS AND CONTRACTS

"SEC. 374. (a) No grant may be made under section 371 or 373 or contract entered into under section 372 or 373 unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be in such form and shall be submitted in such manner as the Secretary shall by regulation prescribe.

"(b)(1) considering applications for grants under section 371, the Secretary shall give priority to any applicant which has a formal agreement of cooperation with all transplant centers in its proposed service area, and the Secretary shall give special consideration to organizations which met the requirements of section 371(b) before the date of the enactment of this Act. In considering such applications the Secretary shall not discriminate against an applicant solely because it provides health care services other than those related to organ procurement. The Secretary may not make a grant for more than one organ procurement organization which will serve the same geographical area.

"(2) A grant for planning under section 371 may be made for one year with respect to any organ procurement organization and may not exeed $100,000.

"(3) Grants under section 371 for the establishment, initial operation or expansion of organ procurement organizations may be made for three years. No such grant may exeed $500,000 for any year and no organ procurement organization may receive more than $1,000,000 for initial operation or expansion.

"(c)(1) The Secretary shall determine the amount of a grant made under section 371 or 373. Payments under such grants may be made in advance on the basis of estimates or by the way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of such grants.

"(2)(A) Each recipient of a grant under section 371 or 373 shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the undertaking in connection with which such grant was made, and the amount of that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(B) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of a grant under section 371 or 373 that are pertinent to such grant.

"(d) For purposes of this part:

"(1) The term 'transplant center' means a health care facility in which transplants of organs are performed.

"(2) The term 'organ' means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas) included by the Secretary by regulation and for purposes of section 372 such term includes bone marrow.

"ADMINISTRATION

"SEC. 375. The Secretary shall, during fiscal years 1985, 1986, 1987, and 1988, establish in the Public Health Service and maintain an identifiable administrative unit to—

"(1) administer this part and coordinate with the organ procurement activities under title XVIII of the Social Security Act,

"(2) conduct a program of public information to inform the public of the need for organ donations,

"(3) provide technical assistance to organ procurement organizations receiving funds

under section 371, the United States Transplantation Network established under section 372, and other entities in the health care system involved in organ donations, procurement, and transplants, and

"(4) submit to Congress an annual report on the status of organ donation and coordination services and include in the report an analysis of the efficiency and effectiveness of the procurement and allocation of organs and a description of problems encountered in the procurement and allocation of organs.

"SEC. 376. The Secretary shall publish an annual report on the scientific and clinical status of organ transplantation. The Secretary shall consult with the Director of the National Institutes of Health and the Commissioner of the Food and Drug Administration in the preparation of the report. The Secretary shall make the report and other related information available to service benefit plans, health insurers, and other entities which are responsible for making payments for health care.".

TASK FORCE ON ORGAN TRANSPLANTATION

SEC. 102. (a) The Secretary of Health and Human Services shall establish a Task Force on Organ Transplantation. The task force shall conduct comprehensive examinations of the medical, legal, ethical, economic, and social issues presented by human organ procurement and transplantation.

(b) The task force shall be composed of twenty-two members appointed by the Secretary as follows:

(1) Nine members shall be appointed from physicians who are eminent in the various specialties of medicine related to human organ transplantation. Of the physicians, six shall be transplant surgeons.

(2) Three members shall be appointed from individuals who are not physicians and who represent the field of human organ procurement.

(3) Four members shall be appointed from individuals who are not physicians or scientists and who as a group have expertise in the fields of law, theology, ethics, health care financing, and the social and behavioral sciences.

(4) Three members shall be appointed from individuals who are not physicians or scientists and who are members of the general public.

(5) Three scientists or physicians who are eminent in the field of histocompatability.

No individual who is a full-time officer or employee of the Federal Government may be appointed to the task force. A vacancy in the task force shall be filled in the manner in which the original appointment was made.

(c) The task force shall, within six months of the date of its establishment, conduct a national conference to consider questions respecting—

(1) the equitable access by patients to organ transplantation,

(2) the allocation of donated organs among transplant centers and among patients equally medically qualified for an organ transplant, and

(3) payment for nonrenal organ transplantation.

Upon the completion of the conference the task force shall submit a report to the Secretary on the findings of the conference.

(d) The task force shall terminate upon the expiration of twelve months from the date of the report under subsection (c).

IMMUNOSUPPRESSIVE DRUGS

SEC. 103. (a) The Secretary of Health and Human Services shall make immunosuppressive drugs available, upon request and without cost, to transplant centers for use, in accordance with subsection (b), on an outpatient basis by individuals who have received an organ transplant at such centers. The Secretary shall allocate such drugs to centers in proportion to the number of organ transplants performed at the centers in the fiscal year preceding the fiscal year in which the drugs are to be made available. For purposes of this subsection, the term "transplant center" means—

(1) a health care facility in which at least 25 transplants of kidneys, pancreases, livers, or hearts, or any combination of such organs, are performed in any fiscal year, or

(2) in the case of a State in which there is no health care facility which meets the requirements of paragraph (1), the health care facility in the State which has performed at least 15 of the transplants described in paragraph (1) in the fiscal year preceding the fiscal year in which immunosuppressive drugs are to be made available under this subsection and which has performed in such preceding fiscal year the most transplants of the organs referred to in paragraph (1).

(b) A transplant center receiving immunosuppressive drugs under subsection (a) shall furnish such drugs, without charge, to outpatients who have received an organ transplant at such center on the basis of the center's determination of the patient's need for such drugs and the patient's inability to pay for such drugs through insurance coverage or other resources.

(c) The Comptroller General of the United States shall report to the Congress not later than December 31 of each year during which immunosuppressive drugs are made available under subsection (a) on the allocation of such drugs to transplant centers and the methods used by transplant centers to distribute such drugs to patients.

(d) The Secretary of Health and Human Services shall submit a recommendation to the Congress not later than October 1, 1985, respecting the feasibility and desirability of authorizing reimbursements under title XVIII of the Social Security Act for immunosuppressive drugs on an outpatient basis by individuals who have received organ transplants.

(e) To carry out subsection (a), there are authorized to be appropriated $10,000,000 for fiscal year 1985 and $20,000,000 for fiscal year 1986.

BONE MARROW REGISTRY DEMONSTRATION AND STUDY

SEC. 104. (a) The Secretary of Health and Human Services, acting through the Assistant Secretary for Health, shall, for purposes of the study under subsection (b), establish a bone marrow registry of voluntary donors of bone marrow. The Secretary shall assure that—

(1) donors of bone marrow listed in the registry have given an informed consent to the donation of the bone marrow; and

(2) the names of the donors in the registry are kept confidential and access to the names and any other information in the registry is restricted to personnel who need the information to maintain and implement the registry, except that access to such other information shall be provided for purposes of the study under subsection (b).

The Secretary shall establish the registry not later than twelve months after the date of the enactment of this section.

(b) The Secretary of Health and Human Services, acting through the Assistant Secretary for Health, shall study the establishment and implementation of the registry under subsection (a) to identify the issues presented by the establishment of such a registry, to evaluate participation of bone marrow donors, to assess the implementation of the informed consent and confidentiality requirements, and to determine if the establishment of a permanent bone marrow registry is needed and appropriate. The Secretary shall report the results of the study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than two years after the date the registry is established under subsection (a).

TITLE II—PROHIBITION OF ORGAN PURCHASES

SEC. 201. (a) It shall be unlawful for any person to acquire, receive, or otherwise transfer any human organ for valuable consideration and for use in human transplantation if the transfer affects commerce.

(b) Any person who violates subsection (a) shall be fined not more than $50,000 or imprisoned not more than five years, or both.

(c) For purposes of subsection (a):

(1) The term "human organ" means the human kidney, liver, heart, lung, pancreas, bone marrow, corneas, bone, and skin, and any other human organ or tissue included by the Secretary of Health and Human Services by regulation.

(2) The term "valuable consideration" does not include the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ or the expenses of travel, housing, and lost wages incurred by the donor of a human organ in connection with the donation of the organ.

(3) The term "commence" means trade, traffic, or transportation between a place in a State and any place outside thereof or which affects such trade, traffic, or transportation.

Amend the title so as to read: "An Act to amend the Public Health Service Act to authorize financial assistance for organ procurement organizations, and for other purposes.".

Mr. BAKER. Mr. President, I move that the Senate disagree to the House amendments and agree to the conference requested by the House and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer [Mr. DENTON] appointed Mr. HATCH, Mr. NICKLES, Mr. QUAYLE, Mr. KENNEDY, and Mr. PELL conferees on the part of the Senate.

UNANIMOUS-CONSENT AGREEMENT—S. 2713

Mr. BAKER. Mr. President, I now have one final unanimous-consent request to make and that will complete my file of items cleared with the exception of the Executive Calendar.

I ask unanimous consent, Mr. President, that the Committee on Armed Services be discharged from consideration of S. 2713, the Intelligence Au-

thorization Act for fiscal year 1985; that the referral of S. 2713 to the Committee on Foreign Relations terminate at the close of business today; that the bill be sequentially referred to the Committee on Armed Services at the end of the close of business today for the 30-day time period provided for in section 3(b) of Senate Resolution 400 of the 94th Congress, with the first day of such 30-day period being calculated based upon a filing date of S. 2713 by the Select Committee on Intelligence of May 24, 1984, and provided that if the Committee on Armed Services fails to report that bill within the 30-day time limit, such committee shall automatically be discharged from further consideration of the bill in accordance with section 3(b) of Senate Resolution 400.

The PRESIDING OFFICER. Is there objections? The Chair hears none, and it is so ordered.

Mr. BAKER. I thank the Chair.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are a number of items on the Executive Calendar that appear cleared for action by unanimous consent on this side. I should like to inquire of the minority leader in two categories: first, nominations, if all or any part of those nominations appearing on today's calendar are cleared for action on his side and, second, whether or not any of the treaties on today's Executive Calendar are cleared for further consideration by him at this time.

Mr. BYRD. Mr. President, I will be able to get back to the distinguished majority leader shortly, but at this moment I cannot proceed.

Mr. BAKER. I thank the minority leader.

Mr. President, perhaps then it will be as well to suggest the absence of a quorum, and I do now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY DURING ADJOURNMENT AND ORDER OF PROCEDURE ON JULY 23, 1984

Mr. BAKER. Mr. President, I anticipate that the House of Representatives will send us an adjournment resolution shortly, and it will be a little while yet before we can adjourn because we still have to deal with three items at least on this side: the debt limit, bankruptcy conference report, and the concurrent resolution. But in anticipation of that happy moment, I have a request I will put for the consideration of the minority leader that I believe he finds acceptable.

Mr. President, I ask unanimous consent that if the Senate adjourns today until Monday, July 23, 1984, as anticipated, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, President pro tempore, and Acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

I further ask unanimous consent that when the Senate reconvenes on Monday, July 23, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes in length, to be followed by a period for the transaction of routine morning business not to exceed 1 hour in length with Senators permitted to speak therein for not more than 10 minutes each; provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS

Mr. BAKER. Mr. President, I have one other request in the nature of a housekeeping arrangement. I ask unanimous consent that during the adjournment of the Senate over until July 23, 1984, committees may be authorized to file reports on Tuesday, July 17, between 9 a.m. and 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I renew my inquiry of the minority leader if there are any items on today's Executive Calendar that he is prepared to clear at this time.

Mr. BYRD. Mr. President, this side is prepared to clear Calendar Order Nos. 703, 704, and 705.

Mr. BAKER. Mr. President, I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. I ask unanimous consent that the Senate now go into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the three calendar orders identified by the minority leader, to wit: 703, 704, and 705, may be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations confirmed en bloc are as follows:

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. James P. Mullins, 012-24-1664FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Marc C. Reynolds, 504-16-1608FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Earl T. O'Loughlin, 382-26-5822FR, U.S. Air Force.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, what we are doing right now is waiting for another nomination. We are still in executive session. As soon as we get that cleared I will go out of executive session and into legislative session.

I wish to do the concurrent resolution as soon as we can.

Mr. President, as soon as we can clear the one more nomination, which I think is now in the process, it will be my intention to ask us to go out of executive session. But if the Chair will indulge me for a moment, I shall make another check on that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is it so ordered.

Mr. BAKER. Mr. President, I am advised that the nomination of June Q. Koch, of Maryland, to be an Assistant Secretary of Housing and Urban Development, has been cleared on both sides.

The minority leader has indicated through his staff that there is no objection to consideration of this nomination at this time.

Mr. President, I ask that the Chair lay before the Senate that nomination.

The PRESIDING OFFICER. The nomination will be stated.

HOUSING AND URBAN DEVELOPMENT

The legislative clerk read the nomination of June Q. Koch, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

Mr. DOLE. Mr. President, if the Senator will yield, I thank the majority leader and minority leader for expediting this process, and I know Mrs. Koch will appreciate it.

Mr. President, I thank the Senator from Kansas and I thank all Members.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. EXON. Mr. President, I move to lay that motion on the table.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I believe that completes the action that we can clear on the Executive Calendar today.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TECHNICAL AMENDMENTS IN THE TAX BILL

Mr. MELCHER. Mr. President, I take this time, at 1:30 this afternoon, to renew the comments I made at the opening of the session today, shortly after 10 a.m., to point out that the conference report on the tax bill we passed on Wednesday has flaws in it concerning imputed interest; and if it is not corrected, it will cause home sales, farm sales, ranch sales, and small business sales to be placed in jeopardy, in that the bill contains an increase in imputed interest rates from 9 to 15 percent.

The technical amendments contained in House Concurrent Resolution 328 would make a partial correction, but are not sufficient.

It is my hope that we could call up House Concurrent Resolution 328 and that, in a very short time, we could dispose of an amendment I would like to offer, to see whether or not the Senate would approve it, and we could have that correction made in the tax package.

We are not overly busy at this time. I see the majority leader on the floor. Perhaps he can give us some indication as to whether we might have House Concurrent Resolution 328 before us quite soon.

DEBT LIMIT EXTENSION

Mr. BAKER. Mr. President, the message from the House of Representatives was the debt limit extension; is that correct?

The PRESIDING OFFICER. It was.

Mr. BAKER. Mr. President, I am advised there is no objection on either side to proceeding to that matter at this time.

I ask the Chair to lay before the Senate the bill that was passed by the House of Representatives on that measure.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5953) to increase the statutory limit on the public debt.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. BAKER. Mr. President, the distinguished Senator from Nebraska, Mr. EXON, had asked me if we could clear on this side the introduction of a concurrent resolution, and putting it on the calendar by unanimous consent. I am happy to announce to him at this time that I can clear that, and I am prepared to make that request, if he wishes me to do so.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank my friend and colleague from the great State of Tennessee. I think I object just as he does to these last-minute crushes that we continually go through around here that I know causes the majority leader a great deal more concern than it does the Senator from Nebraska. I had this concurrent resolution prepared to be ready to be offered on the debt ceiling bill. I wanted to do that this whole last week. I wanted to do it yet this morning. I want to do it this afternoon.

Both the majority leader and the minority leader have appealed to me to restrain from offering this on the debt ceiling bill for reasons that come up on almost every debt ceiling bill that we ever take up here; that is, that the House is about ready to be dismissed, that we would prefer to have this by a voice vote. My position has been that when we accommodate others, we should be accommodated likewise.

I simply say to the majority leader, I appreciate more than he knows the courtesies that he has extended to this Senator and others over a very long period of time. So I appreciate his offering this. Before I would agree to that, which I would like to do, however, let us have a clear understanding of the ground rules on which we are proceeding. If the Senator from Nebraska does not offer the concurrent resolution on the debt ceiling bill, then, as I understand it, it has been agreed now that it would be bypassing the appropriate committee which would be Banking. It would be placed on the calendar, and is that the understanding that we are trying to come to? I ask the majority leader.

Mr. BAKER. Yes. Mr. President, I would prefer not to call it bypassing the committee because I talked to the distinguished chairman of the committee who agreed that this might be done. So the conclusion of the Senator is correct, however; that is, the effect will be to introduce this resolution at this time, and to place it directly on the calendar where it would end up as if it has been reported by committee.

Mr. EXON. I thank the majority leader. One more point: I think it is critically important that we take action on this. Is it also agreed—and do I have the commitment of the majority leader—that sometime during the period after we come back in the middle of July before we take our second adjournment for the Republican Convention that he will see to it that I have a chance to bring this matter up for discussion, debate, and a vote if necessary.

Mr. BAKER. Mr. President, that gets a little more difficult. Let me urge the Senator to understand what I am about to say, and understand my reasons for saying it. It is not said in any effort to try to diminish his position but rather to protect my own. I have had in the last 24 hours 16 requests to take up things in the 3 weeks between the two conventions. There is a long list of appropriation bills, and a long list of other measures. I will tell the Senator that I will do my best to sequence this in. But he is in a very favored position now by having this on

the calendar. I can assure him my best effort to get him a slot for the deliberations on this matter either during that period, or immediately after the Republican Convention. But I try desperately hard not to make commitments I cannot keep. I hope the Senator will give me the flexibility—having put it on the calendar, now giving him my pledge, and my best efforts to try to get it up for consideration at an appropriate time—to let us go forward on that basis.

Mr. EXON. Mr. President, maybe we can come to some kind of agreement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DANFORTH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. EXON. Mr. President, during the last quorum call I had an opportunity to confer with my friend, the majority leader. I recognize the most difficult position that he is in.

Likewise, I think that he has recognized the most difficult position these kinds of arrangements put a Senator like myself in who happen to feel very, very strong on a particular issue. I was convinced that this concurrent resolution; which I am about to submit, would be entirely appropriate on the debt ceiling bill. It would be, and I was fully expecting a debate, if necessary, and a vote on it.

I simply say that I also recognize the most difficult position that the majority and the minority leaders have in a whole series of matters, and the difficult pressures that come from a whole series of Senators. Therefore, in an attempt to be cooperative, as I always try to be while pursuing the interests that I think are fundamental to the interests of my State and my constituents, I will be glad to come to some kind of an arrangement. I think it would be proper at this time, if the majority leader would simply verify the gentleman discussion that we have just had and the agreements that we have made, and at that time I would like to request that the majority leader allow me the opportunity to formally submit the concurrent resolution. I will make a talk on that at some appropriate time but I certainly do not wish to interfere with the expedited deliberations of the Senate that the majority leader is currently attempting.

Mr. BAKER. Mr. President, I am very grateful to the Senator from Nebraska. To repeat what I told him a moment ago, I regret that I cannot make an absolute commitment for those 3 weeks nor to a specific time because, as I told him in our private conversation, since yesterday, within the last 24 hours, I have had 16 requests for commitments to schedule things during the 3 weeks between the two conventions.

I hope for the right reasons, I decided yesterday that I am not going to do that any more. What I did instead was to give a list of items that the leadership in this side would try to schedule to the minority leader this morning.

I am perfectly willing to schedule this item during those 3 weeks if we can arrange it and, if not, then I pledge my best efforts to try to arrange a time after the Republican Convention to do it.

But I am deeply grateful to the Senator from Nebraska for understanding my special dilemma. If he is prepared to submit the concurrent resolution at this time, I am prepared to ask unanimous consent that it be placed on the calendar.

Mr. EXON. Mr. President, I thank the majority leader. I simply say that I will be here during the interval period between the two conventions. I will be available to bring this up. I will be reminding the majority leader that I am ready, willing, and able and if we ever have a single quorum call during that 2-week period I will be urging the majority leader to allow me to proceed.

(The remarks of Mr. EXON relating to the submission of Senate Concurrent Resolution 130 are printed later in the RECORD.)

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. H.R. 5953.

Mr. DOLE. Mr. President, once again we have to tend to the housekeeping chore of raising the limit on the public debt. It is essential that we do this now because the Treasury Department estimates that the current limit on the public debt will be reached or exceeded by July 7. We will not be in session again before that date, so we really have no choice but to approve the resolution before us.

H.R. 5953 as passed by the House today increases the debt limit by just $53 billion. That should be enough to carry the Government's borrowing authority through the end of August, but because of our recess schedule, it means we would be obliged to raise the limit yet again before the August recess.

Mr. President, I do urge my colleagues to approve this bill. But I must say that we had hoped, based on my conversations with the chairman of the House Ways and Means Committee and others, that it would be possible this time to pass a long extension of the debt limit that would carry through June 1985. The Finance Committee reported such a bill in May. Unfortunately, it was not possible to agree to such an increase in the House, and once again we find ourselves putting Government operations on a short string.

We all know about the game of playing politics with the debt limit. Last year the Senate did some of that, and this year it seems to be the House that has its turn. On this side of the aisle we used to do a bit of that when we were in the minority, and I understand why the debt limit is seen as an attractive opportunity to make political points that otherwise might not get floor consideration. But there comes a time when the prolonged agony over the debt ceiling, of the repeated need for action, becomes counterproductive and an impediment to steady and responsible operation of the Federal Government. I for one believe that time has come, and I would hope we could work out some procedure to better regulate the debt limit process and give our friends in the Treasury Department a bit more credibility with the buyers of Government securities and our citizens more certainty that our obligations will be met on a regular basis.

Mr. President, H.R. 5953 would increase the debt ceiling by $53 billion to a level of $1.573 trillion. This amount, as I have indicated, should cover the Treasury Department through most of August.

Delaying this matter is pointless, because it just puts at risk our ability to meet essential obligations as they fall due. As early as July 9 the Government's ability to meet payments on Social Security checks might come into question, according to Secretary Regan. Government payrolls, unemployment benefits, and contractual obligations of the Government all could be affected. Clearly none of us wants this to happen. The responsible thing to is to pass this bill, then work to keep all appropriations bills within the bounds that Senate and House conferees on the budget have been discussing. Controlling spending, together with the tax reforms and entitlement changes in the deficit reduction bill we approved on Wednesday, is the way to have a real impact on the level of the public debt. And if we do more of the same next year, we may be faced with the pleasant surprise of having the public debt remain within the limit for some time to come.

DEBT CEILING

Mr. EXON. Mr. President, again the U.S. Senate is asked to increase the debt ceiling. Should the Congress continue to borrow from future generations to finance today's Government spending? I think not. We must take responsibility and make the tough decisions necessary to bring the Federal Government under fiscal discipline.

Increases in the debt ceiling are treated with nonchalance that is

shocking. The American people need to be reminded that current fiscal policy is piling debt upon debt upon debt. We have already rolled up nearly $1.5 trillion in accumulated national debt. This legislation increases that figure to $1.573 trillion. It took this Nation more than 200 years to accumulate $1 trillion in debt; that figure will double by 1986.

In 1971, each man, woman and child's share of the national debt was $1,966. By 1981, that figure more than doubled to $4,346. By 1986, it is expected to be $7,733. Clearly this trend cannot continue.

Each year a larger portion of the Federal budget is devoured by increased interest expense. In 1971, interest expense accounted for 7 percent of the Federal budget. Today that figure is 13 percent and by 1987 it will be a full 15 percent. To put this matter into perspective, fiscal year 1985's interest expense will exceed President Kennedy's entire 1963 budget.

I am gravely disappointed that the Senate has missed an excellent opportunity to make a major attack on future deficits and increases in the national debt. If you would look at the various budget alternatives, you would see that a majority of the Senate wants to do more than the recently adopted Rose Garden budget. While there were disagreements, the constant themes running through each plan are that spending cuts must exceed revenue increases, that entitlements must be controlled, and that defense spending must be at reasonable, controlled, and sustainable levels.

I, for one, did not believe that the differences between the various alternatives were irreconcilable. However, Presidential strong arm tactics prevented anything tougher than the Rose Garden plan from being accepted. I guess an economic crisis is nothing compared to a telephone call from Air Force One.

On Monday, we saw the price of this choice. The prime interest rate again moved upward to 13 percent. Since January, the prime has jumped 2 full points. If Congress continues down this Rose Garden path, the already uneven economic recovery may quickly turn to recession.

We were elected to make difficult decisions. I am unimpressed with the comments that nothing can be done because this is an election year. The American people want a solution to the deficit crisis. They will accept fair sacrifice today for a better tomorrow.

Our Nation cannot continue to rob from future generations. Fortunately, the battle is not over. In upcoming appropriations bills, I hope that this body can resist the temptation to treat spending bills in the usual fashion. Every expenditure must be suspect. I hope that we can parlay our modest deficit downpayment into something significant.

It is for these reasons, Mr. President, that I again oppose increasing the statutory debt limit.

RAISING THE NATIONAL DEBT CEILING

● Mr. HEFLIN. Mr. President, I rise today in opposition to extending the national debt ceiling beyond it's current level of $1.49 trillion. The inability and unwillingness of Congress to control annual expenditures compels me to oppose this extension. In my estimate, the debt ceiling acts as an important and perhaps the only, constraint on increased spending.

Each year, an ever-increasing portion of the Federal budget must be allocated to pay the interest on the national debt. According to the Congressional Budget Office, from 1975 to 1984 these payments as a percentage of the total Federal budget grew from 7 percent to 13 percent or $87 billion. This year alone, Americans will pay more than $126.6 billion in interest payments on the Federal debt. It is projected by the Congressional Budget Office that if interest rates continue at present levels, the cost of financing the public debt will rise by $56 billion between now and fiscal year 1986.

The Federal Government finances deficit spending in the same way as an individual or a corporation, by competing for available funds in the money market. Therefore, in borrowing to finance its deficit the Government competes with private borrowers who need funds to invest in such things as housing, productive capacity, expansion and new businesses. However, many private investors, unable to pay the high interest rates caused by the tremendous Federal demand for funds, will find themselves unable to obtain the funds they need to undertake investments. Due to their inability to compete with the Federal Government, they will find themselves crowded out of the financial market. During 1983, the Federal budget deficit took 35 percent of the total funds supplied to U.S. credit markets. Also, by adding the credit needs of Government sponsored agencies, this figure would be closer to 60 percent. And some predict that within 4 years two-thirds of all available credit in the United States will be used by the U.S. Treasury Department to fund the growing deficit. That leaves only one-third for homeowners, consumers, farmers, and small businessmen.

It is often stated that the national debt is principally and internally held debt. That is, taxes imposed to pay the national debt are collected from some Americans and paid to other Americans so that there is no actual loss of disposable income. This argument ignores the fact that foreign ownership of the national debt is now owed to interests beyond our borders—to foreign officials institutions and citizens of other countries. This is money being drained from the American people—not money being pumped back into our economy.

While Congress has made some progress this year toward reducing the Federal deficit over the next 3 years, the actual impact of these reductions on the deficit is minimal. Congress must face up to the economic realities and one way of doing this is by refusing to increase the debt ceiling. This is not a Democratic Party problem nor is it a Republican Party problem—it is an American problem. Not only is the size of the public debt the primary driver behind high interest rates, it also results in lowering the levels of investment in the productive future of our economy and reducing our ability to compete in foreign markets. I assert that the principals of sound financial management applicable to private households are equally applicable to the public household. Government debt is both unproductive and inflationary and it constitutes a burden passed to future generations. In the long run the only way it can be addressed is with an amendment to the Constitution requiring a balanced Federal budget. I call on this Congress to adhere to the current debt limit and stop deficit spending in order to lower interest rates and keep our economy moving.

Thank you, Mr. President.●

GAMBLING WITH THE NATION'S FUTURE

Mr. PROXMIRE. Mr. President, here we go again—raising the national debt by $53 billion this time. Last month, the Congress passed a temporary increase of $30 billion. Now we are being asked to throw another $53 billion into the pot, which will last another month or two.

Sooner or later, the Congress will have to stop dancing around this issue. No matter how many times we are asked to raise the ceiling, the national debt next summer will be about $1.752 trillion. That staggering sum is an increase of $232 billion over the present ceiling. I ask my colleagues to stop for a moment and consider the circumstances surrounding this increase.

Looking back at our financial history, the public debt has exploded during two recurring periods—wars and depressions. During wars, financial considerations go out the window as the Nation struggles to survive. During depressions, the Federal Government's revenues nosedive while expenses increase. In both periods the national debt takes a quantum leap upward.

We are not at war now and this Senator hopes that happy state continues. Nor are we in a depression. In fact, the economy is growing rapidly.

The joker, the wild card, is the skyrocketing national debt. We increased it $30 billion last month, and we may

add another $53 billion today. But by next summer, the Federal Government will be another $232 billion in debt.

Why is such borrowing so dangerous? Because we are running up debt as though we were in a war or a depression. During the 1960's, when we fought an undeclared war in Vietnam, the national debt increased from $291 billion at the beginning of 1960 to $367 billion at the end of 1969, an increase of $76 billion over the decade. We add that much to the debt now in less than 6 months.

During the 1970's, the debt started its upward climb. At the start of the decade, the national debt stood at $383 billion. By the end of 1979, it had increased to $834 billion, an addition of $451 billion. It increased an average of about $45 billion each year during the decade. At the time, I can remember thinking that those increases were intolerable.

Then came this decade and I discovered what the word "intolerable" really means. Between 1980 and 1985, we will add about $920 billion to the debt, a sum roughtly equal to all the debt incurred between the years 1789 and 1980. Think of that for a moment. In 5 short years, less than one term of office for a Senator, we will have added more to the debt than all the Presidents and all the Congresses before 1980. What an abysmal record.

Mr. President, every taxpayer will pay for our profligacy. Merely paying the interest on the $232 billion increase will cost about $23 billion a year. To put that figure in perspective, it exceeds the proposed budgets for the Departments of the Interior, Justice, and State with the National Aeronautics and Space Administration and the Environmental Protection Agency thrown in for good measure. Yet this money will not buy 1 acre of new parkland, bring one criminal to justice, or send one astronaut into orbit. That $23 billion measures the cost of our failure to balance the budget.

If the 1-year increase in the debt is frightening, the trend is truly horrifying. For decades, the national debt declined as a percentage of gross national product. Even though we often added to the debt during those years, the economy grew faster than our additions to the debt. In effect, we were able to pay off some of the debt incurred during the Great Depression and World War II through economic growth.

During the 1970's, this fortunate state of affairs ended. The percentage stayed in the mid- to high-20's throughout the late 1970's as the economy sputtered.

Then came the 1980's and that percentage started climbing by leaps and bounds. It will have increased to 41 percent by 1987 according to the administration's own estimates. We last saw the debt that large as a percentage of GNP in 1964 but then it was going down, not increasing.

The national debt will continue to grow faster than the economy even though the administration is assuming a sustained economic recovery. This expansion is already middle aged and I am not willing to assume that it will last until 1987.

What happens if we have a recession sometime within the next 2 years? Our willingness to raise taxes or cut spending would diminish while the deficit would head toward $400 billion a year. We would be facing an economic crisis as serious as the Great Depression.

The implacable law of compound interest would come into play in a big way. Paying the interest costs on the exploding debt would become an ever great burden. The easy way out of this crisis—easy for the Federal Government—would be to inflate the currency. But John Maynard Keynes pointed out that there is no surer or subtler means of undermining society than to debauch the currency—another name for inflation. That is the path we are following.

Mr. President, proponents of this legislation will argue that the Senate must act responsible and pass this bill. After all, they will argue, we cannot shut down the Federal Government. But by tolerating this increase in the debt they are risking something much more fundamental—the confidence and faith of the American people in their Government. I do not believe that taking this risk is acting responsibly so I will vote against this bill.

Mr. HATCH. Mr. President, my opposition to the so-called Omnibus Deficit Reduction Act is a response to several of its provisions which perpetuate erroneous fiscal policies. As a Member of the Senate for 8 years and of the Budget Committee for 6 of those years, I have witnessed several unfortunate trends in Federal fiscal policy.

Among the several negative tendencies which I have seen, and which I believe are perpetuated by this proposal, are: excessive Federal spending, particularly on domestic programs; a continued increase in the Nation's tax burden; and inadequate expenditure on our national defenses.

My solution to the economic problems caused by these trends would refuse to raise taxes once again and would more drastically restrain the growth in domestic spending, particularly in the open-ended entitlements programs. It is the rapid growth in this segment of spending, usually funded by increasing taxes, which is responsible for our large deficits. I also believe that national defense must continue to be funded at a level which overcomes years of neglect, and so would not attempt to reduce the deficit by once again reducing these programs critical to protecting all our benefits of American citizenship. At the same time, however, I would work to ensure that each defense dollar is effectively spent.

The significance of this growth in Federal spending is that we are reducing incentive in our economy by funneling ever greater numbers of dollars through Washington. This cross-subsidization, which is implicit in Federal domestic programs, discourages the initiative, innovation, and hard work necessary to keep our economy moving. While a certain amount of assistance and subsidy is appropriate for the permanently disadvantaged in our society, we should be careful not to remove the incentive which helps to rescue many people from the disadvantaged category and precludes many others from falling into this condition. We cannot see lower economic growth, lower productivity, and insufficient capital investment without questioning the role of Government spending in creating these problems. Those who seek a national industrial policy could start with getting the burden of Federal spending cross-subsidies off the back of the economy.

A second portion of the pending proposal increases taxes, based on the rationale that greater revenues will bring us closer to a balanced budget. This will not occur—increased taxes have failed to balance the budget in the past, and they are unlikely to do so in the future.

The results of our 1982 effort, the Tax Equity and Fiscal Responsibility Act or TEFRA, which raised taxes in an effort to bring us closer to a balanced budget are proof. We were promised at that time that a dollar's worth of tax increase would lead to the $3 worth of spending reductions. To me, at the time, this seemed a reasonable tradeoff in the necessary effort to reduce Federal spending, which I believe to be a better measure of the burden on our economy than any particular revenue level which may be achieved by the IRS. But, the unquenchable thirst of Congress for spending money on domestic programs actually prevented the tax increase of 1982 from having any deficit-reducing impact. It has been said for some time that an additional dollar of revenues in the hands of Congress means an additional $1 worth of programs. This was precisely the case with the 1982 tax increase. Current estimates claim that as much as $1.14 in additional domestic spending took place as a result of each dollar of tax increase in 1982.

I would not be surprised if much the same results from passage of this act. This time, under the Omnibus Deficit Reduction Act, taxes are raised by $51 billion over 3 years. The comparable hard domestic spending cuts—excluding such nebulous categories as offsetting receipts—are $15 billion in entitle-

ments and similar programs and an assumed $12 billion reduction in spending on discretionary domestic programs. That's a ratio of approximately $2 in tax increases for every $1 of spending cuts. How much of these savings will occur, however, is anybody's guess; but, I don't have a lot of confidence that we'll see too many of them.

Let me just suggest a pattern for what might occur. This act, for instance, legislates a 1-day delay in the payments of COLA's, or cost-of-living adjustments, to military retirees. That's supposed to save us $1.6 billion. Do you know what that provision really accomplishes? It simply pushes the payment of $1.6 billion into a subsequent fiscal year. Not real savings, if you ask me.

Likewise, we've been told that this act will also save $17 billion in reduced interest payments over 3 years. I have similar qualms about believing this estimate, for I fear we are going to see much higher interest rates than are assumed by these predictions. Unfortunately, in the year from July 1982 to July 1983, the Federal Reserve increased the money supply at a 13-percent annual growth rate. That is about five times as rapidly as it should have increased the money supply. The result of this surge has yet to be seen, or, more accurately, is just now beginning to be seen. The inflation rate for the first few months of this year is about 5 percent, already above the levels of the 2 previous years. In the second half of 1984 we can expect considerably higher inflation rates, and perhaps double-digit rates by the beginning of 1985. That should give us higher interest rates, and thus far less net interest savings than is the optimistic prediction of this act.

So, once again we will have the certainty of tax increases—$51 billion of them, as a matter of fact. But we have absolutely no guarantee of getting the predicted level of domestic savings; and, realistically, we have a very good chance of seeing little, if any, of those spending reductions. Sounds just like what happened with TEFRA, doesn't it?

My final concern is that we have once again provided insufficient funding for our national defense. The current insufficiency in our national defense programs was created, in large part, by years of neglect during the 1970's. The Congress, and various administrations, chose to focus on the political popularity of various defense issues rather than looking toward the real basis for defense spending—the Soviet threat and the problems we might face in various unstable areas of the world, particularly were those problems to be exploited by the Soviets. It would be nice to pretend, as some continue to do, that the requirements for maintaining the peace are not great, or, on the other hand, that we do not really have the resources to meet these requirements. The demands of peace and security are great; but we do have the resources to meet them—if we do not squander them elsewhere. It would also be nice to pretend, as some still do, that the growing Soviet threat and the threat of Communist subversion and guerrilla warfare throughout the world do not exist. It would be easy to pretend that the spreading Communist influence throughout the world is simply a matter internal to the nations involved—but it would be erroneous. To anyone who really looks, it is clear that the growing Soviet capability to project power around the world is not being created so the Soviets can defend their own borders.

I would have supported the level of defense spending in the President's original budget proposal. After all, for fiscal 1985, the recommended spending was only 1 percent above that proposed for fiscal year 1985 in the last Carter budget—and no one ever called Jimmy Carter a hawk.

The PRESIDING OFFICER. Is there further debate? If not, the question is on third reading and passage of the bill.

The bill (H.R. 5953) was ordered to a third reading, was read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I ask that the RECORD show that the Senator from Nebraska voted in opposition in a voice vote with regard to the debt limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, that was the debt limit we just passed?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Good; that just increases the debt limit $53 billion. That will get us through the first convention.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there are two other items now to be dealt with that I am aware of, the conference report on bankruptcy, which has not yet reached us from the House of Representatives, and the concurrent resolution to accompany the budget reduction conference report. It is my hope that we can reach that concurrent resolution. Whenever the managers are ready, I am ready to do that.

I will suggest the absence of a quorum in a moment so that I can consult with the principals involved. I would suggest we get on with the consideration of that matter while we are waiting on the bankruptcy conference report.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

MAINTENANCE OF FEDERAL NUTRITION PROGRAMS

TO CORRECT TECHNICAL ERRORS IN ENROLLMENT OF H.R. 4170

Mr. BAKER. Mr. President, I have advised Senators of what I am about to do next, staff of the minority leader, the distinguished Senator from Ohio, the chairman of the Finance Committee, and others.

Mr. President, it is hoped by the leadership on this side that we can now go to a concurrent resolution to accompany the deficit reduction conference report. I am about to make a motion, Mr. President. I will say it is not my understanding that the motion will be quickly agreed to, but I think it is imperative that we get on with the business of trying to deal with that concurrent resolution.

I hope that Members will continue to negotiate and see if they can work out their differences.

At this time, Mr. President, I now move that the Senate proceed to the consideration of Calendar Order No. 36, Senate Concurrent Resolution 6.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

METRO: THE GREEN LINE—AND 101 MILES

Mr. MATHIAS. Mr. President, in today's issue of the Washington Post, there is an editorial entitled "Metro, the Green Line and 101 Miles." The editorial calls attention to the vote on the completion of the entire planned Metro system to the National Capital. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

METRO: GREEN LINE—AND 101 MILES

Thanks to thoughtful approvals by House and Senate committees and an important decision by a federal judge, there is new hope for sensible, region-wide progress toward completion of the 101-mile Metro subway system as originally intended by Congress, past administrations and the participating state and local governments. With a Senate committee's vote yesterday, the appropriations measures in both Senate and House now contain language protecting completion of the full system against an effort by the current federal urban mass transportation administrator to limit construction to certain contiguous segments. And with court approval Tuesday, building of a long-delayed section of the Green Line can get going.

With similar bipartisan understanding and support for the language as forwarded for floor votes, commitments to those taxpayers in the region who have been paying their local shares and patiently awaiting subway service will not be shunted by federal executive fiat. This does not mean "haphazard construction," as transportation administrator Ralph L. Stanley charges in a letter to the editor today; Metro should continue to build segments that can proceed quickly and efficiently wherever they may be in the system.

The Green Line decision paves the way for construction of subway tunnels beneath the Anacostia River, with an eye toward the start of rail service in the early 1990s. An earlier federal court ruling had blocked construction of a Green Line section for more than two years.

There remains, of course, the matter of long-range money. Some form of regional revenue-raising for transportation is essential, and this is the challenge for the state and local leaders who have worked so well over the years to bring Metro to where it is now—and who are determined to maintain the 101-mile commitment on which this whole effort has depended all along.

Mr. MATHIAS. Mr. President, I think the editorial will be useful to Members of Congress who have to make a decision on this question in the weeks ahead. I hope they will all have an opportunity to read it and to consider it carefully.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued the call of the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, while we are waiting, there is one other matter that has been cleared all around, House Concurrent Resolution 332. It is a concurrent resolution dealing with Andrei Sakharov and the Helsinki Final Act.

Mr. President, I ask unanimous consent that the pending motion be temporarily set aside and that the Senate proceed to the consideration of House Concurrent Resolution 332; that no amendments be in order, and that there be a total of 10 minutes of debate to be equally divided, control of the time to be in the usual form, and that no other amendment, motion, point of order, or appeal will be in order prior to the disposition of House Concurrent Resolution 332.

Mr. LONG. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. I have no objection.

The PRESIDING OFFICER. Hearing none, it is so ordered.

SENSE OF THE CONGRESS WITH RESPECT TO STATUS OF ANDREI SAKHAROV AND YELENA BONNER

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 332) expressing the sense of the Congress that the Union of Soviet Socialist Republics should provide the signatories of the Helsinki Final Act with specific information as to the whereabouts, health, and legal status of Andrei Sakharov and Yelena Bonner.

The Senate proceeded to consider the concurrent resolution.

Mr. BAKER. Mr. President, I commend those who have brought this matter to the attention of the Senate. I support it fully and enthusiastically.

Mr. GRASSLEY. Mr. President, I would like to join my colleagues in support of House Concurrent Resolution 332 calling upon the Soviets to inform the signatories of the Helsinki accords of the whereabouts and condition of Andrei Sakharov and Yelena Bonner.

However, I am taking this opportunity to ask my colleagues to do more than pass a resolution. Senator METZENBAUM and I have introduced S. 2743, a bill which would rename, for Federal purposes, the portion of 16th Street between L and M Streets Andrei Sakharov Avenue.

This proposal emanated from a meeting of the International Parliamentary Group for Human Rights in the Soviet Union [IPG] and was suggested by a French parliamentarian. Attempts are being made in capitals around the world to carry out this same proposal.

At times the Soviet Government responds to world opinion. This legislation is a concrete step toward influencing the Soviets in that direction. Meaningful steps must be taken to save Sakharov or we could literally be talking his problem to death. I am urging my colleagues to join this effort and cosponsor S. 2743.

I ask unanimous consent that my recent remarks in support of S. 2743 before the District of Columbia Subcommittee of the Appropriations Committee be printed in the RECORD in full.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR CHARLES E. GRASSLEY BEFORE THE DISTRICT OF COLUMBIA SUBCOMMITTEE OF THE APPROPRIATIONS COMMITTEE

Newspapers around the world have directed a pointed question to the leaders of the Soviet Union—"Where are the Sakharovs?"

That is a very good question.

The Soviet government has assured the world that Nobel Peace laureate, Andrei Sakharov and his wife, Yelena Bonner, are alive and well. The Soviets have not, however, permitted any independent confirmation of that claim, leading one newspaper to conclude, quite correctly, that, "The longer the Soviet government drags out the process, the more it encourages the suspicion that it is not merely playing with the Sakharovs and their well-wishers, but concealing a dark deed."

Last month I addressed a meeting of the International Parliamentary Group for Human Rights in the Soviet Union [IPG] where Sakharov's plight was discussed. At that time a French parliamentarian suggested a step we could take to dramatize our concern for the Sakharovs and, by implication, for many other victims of Soviet repression. His idea was to rename every street on which Soviets have a diplomatic facility in honor of Andrei Sakharov.

IPG members, an organization which currently consists of over 400 parliamentarians in 12 countries and I might add which includes all the D.C. Subcommittee members,

have taken this proposal and are pursuing it in their own countries.

Senator Metzenbaum and I believe that a gesture of this kind is precisely what is needed to demonstrate to the Soviets that we will not forget the Sakharovs. We have, therefore, introduced S. 2743 and S. Con. Res. 118, legislation that calls for renaming the streets in Washington and other cities where Soviet facilities are located "Andrei Sakharov Avenue."

We are particularly concerned here today with S. 2743 which just relates to the District of Columbia. The effect of this legislation would be to rename the length of 16th Street between L and M Streets—Andrei Sakharov Avenue.

Questions may be raised as to whether Congress possesses the authority to officially rename streets within the District of Columbia.

The United States Constitution empowers Congress "to exercise exclusive legislation" over the District of Columbia. U.S. Constitution art. 1, § 8, cl. 17. Congress' clause 17 authority is most often described as being as broad and complete as that of a State legislature with respect to its territory. e.g., *Capital Traction Company* v. *Hof*, 174 U.S. 1, 5 (1899). Also like a State legislature, clause 17 authority—the authority to name streets clearly being included—is fully delegable to a locally based government. *District of Columbia* v. *Thompson Co.*, 346 U.S. 100 (1953). At least some authority to name streets historically has been delegated to a local District government, and the Home Rule Act contains authority for street naming by the District of Columbia Council. District of Columbia Self Government and Governmental Reorganization Act of 1973, as amended, § 303, 87 Stat. 774 (Home Rule Act); see also, e.g., Act of March 2, 1983, 27 Stat. 534.

The Council has enacted legislation regarding the naming of streets pursuant to its Home Rule Powers Act of March 10, 1983, D.C. Law 4-201, D.C. Code §§ 7-451 et seq. The substance of S. 2743 clearly conflicts with the terms of the District act:

S 7-445. Use of living persons' names prohibited; use of deceased persons' names restricted.

No public space in the District shall be named in honor of any living person, or in honor of any person who has been deceased less than 2 years, unless the deceased person was a President or Vice President of the United States, a United States Senator or Representative, a Mayor of the District of Columbia, or a member of the Council of the District of Columbia. (Mar. 10, 1983, D.C. Law 4-201, § 405, 30 DCR 148.)

Nevertheless, the same cases that uphold the broad delegation of clause 17 powers also indicate that delegations of authority to the District necessarily may be revoked or superseded. *District of Columbia* v. *Thompson Co.*, 346 U.S. 100 (1953).

Clearly, Congress retained in the Home Rule Act sufficient authority to act even on strictly local matters as it sees fit, contrary local law notwithstanding:

RETENTION OF CONSTITUTIONAL AUTHORITY

Section 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by *enacting legislation* for the District on *any subject*, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to *amend or repeal any law* in force in the District prior to or after enactment of this Act and *any act passed* by the Council.

Home Rule Act, § 601 (emphasis added).

S. 2743 conforms to the spirit as well as to the letter of Home Rule law: namely, that local matters be decided at the local level, but that matters implicating national interests and powers be determined by Congress. Congressional power over the District is dual in nature. On the one hand, Congress exercises national legislative powers over the District just as it does over the rest of the United States. At the same time, Congress has, by virtue of clause 17 plenary power, the ability to exercise local legislative powers within the District. *See, e.g., Neild* v. *District of Columbia*, 110 F.2d 246 (D.C. Cir. 1940). When Congress delegated authority to the D.C. Council in the Home Rule Act, that delegation was not unconditional. *See* S. Rep. 219, 93d Cong., 1st Sess. 4 (1973). No attributes of national powers were, or could be, delegated under clause 17. *Stoutenburgh* v. *Hennick*, 129 U.S. 141 (1889); *Home Rule Act* § 602 (a)(3)

Even though the naming of city streets generally may be a municipal matter, the naming of a prominent street in the Nation's Capital is of national significance. Here, the renaming of a portion of 16th Street not only would be a symbolic expression of national human rights ideals, but it also may be viewed as an exercise of the exclusive federal power to conduct foreign affairs.

Though the House of Representatives added report language to the D.C. Appropriations bill which calls for similar action of renaming 16th Street, I believe that in light of § 7-455 of the D.C. Code federal legislation must be passed if we are to accomplish our purpose. If S. 2743 were signed into law it would then supercede any conflicting D.C. law.

Yesterday Alexi Semyonov, Sakharov's stepson, announced that his parents' hunger strike began some 50 days ago. He indicated that the recently released photos of Dr. Sakharov are no proof that he is alive and that if he is living, Sakharov most likely is being force fed.

Dr. Bonner is going blind, and she is in heart failure. Outside communication has been refused to verify the Soviets claim that these courageous people are alive and well.

The Soviets must be made to understand and appreciate the West's concern over how the Soviet government treats its citizens.

By passing S. 2743, with each day's mail, Soviet officials will be confronted with the power of lives committed to principle.

The Sakharov's plight is a constant reminder of the fragile nature of freedom and of the ease with which a state can enslave its citizens.

We have not forgotten these noble souls and by including this proposal in the D.C. Appropriations bill next week, we will succeed in affirming the value of their lives and our commitment to their freedom.

Mr. LONG. Mr. President, may I inquire whether I am a sponsor of this concurrent resolution?

The PRESIDING OFFICER. This is a House concurrent resolution.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I hope the Senate will act promptly and affirmatively on the pending resolution. It seeks from the Soviet Union accurate, up-to-date information about the personal and legal status of Andrei Sakharov and Yelena Bonner.

I hardly need remind my colleagues of the things the Sakharovs stand for.

In awarding him the 1975 Nobel Peace Prize, the Nobel committee called Andrei Sakharov, "spokesman for the conscience of mankind." This is hardly a compliment lightly bestowed by this prestigious organization. But those of us who have followed Sakharov's life and career know how aptly it is summed up in those six words.

Andrei Sakharov's scientific genius and scholarship carried him to the pinnacle of power and luxury in the Soviet Union. He was willing to give all of it up, however, to follow his own conscience. In his judgment, privilege came at too high a price if it meant ignoring the oppression and misery of others. Nor was he willing to retreat to an academic ivory tower if it meant maintaining silence rather than telling the truth about the Soviet system as he saw it.

We all know what this has cost him. Today he is, to the best of our knowledge, 7 weeks into a hunger strike. I say "to the best of our knowledge" because for 7 weeks we have had no reliable information about his health or whereabouts. Nor do we know anything certain about the condition and circumstances of his wife and dedication coworker for human rights, Yelena Bonner. Both are in questionable health and unlikely to survive long without medical treatment.

The resolution now before the Senate has been adopted by the House of Representatives. It references the Helsinki Final Act and other international treaties to which the Soviet Union is signatory. In light of those obligations, it requests the Soviet Union to provide accurate information about the health and legal status of Andrei Sakharov and Yelena Bonner. In addition it asks that Yelena Bonner be permitted to leave the Soviet Union to seek medical treatment and that the Sakharovs be permitted to reside in the country of their choice.

Finally, the resolution urges the President of the United States and the other signatory nations to the Helsinki Final Act to protest the Soviet Union's refusal to provide information about the Sakharovs.

Such a resolution is fitting. Andrei Sakharov speaks not only for his conscience or that of the Soviet people, but to the conscience of all humankind. As such his fate is not an internal Soviet matter but the interest of all people who care about their fellowmen and women of the world.

I urge my colleagues to approve this resolution.

I appreciate the majority leader and the minority leader allowing this

matter to come before the Senate prior to the recess.

Mr. BAKER. Mr. President, there are a number of Senators who want a rollcall vote on this matter and I confess it would be unanimous, beyond a shadow of a doubt. But there are also Senators who are necessarily absent today who would want to vote for this concurrent resolution.

What I am going to propose that we do is agree to this concurrent resolution at this time, but I will not make a motion to reconsider. When we return, if it seems we should have a RECORD vote on this to show the unanimous support of the Senate by a formal rollcall vote, we can do that on a motion to table a motion to reconsider. So there will be no motion to reconsider at this point.

Mr. LONG. Will the Senator yield?

Mr. BAKER. Yes.

Mr. LONG. Mr. President, I am pleased to hear the Senator say that. As the majority leader knows, the Senator from Louisiana urged the majority leader that we should follow such a procedure if we want to pass this measure today. I think this measure does deserve the dignity of a rollcall vote. It is all right to say that the Senate is unanimous, but you can prove it when you have a rollcall vote to show every Senator who voted for the concurrent resolution.

I think this is one measure that all Senators would like to vote for. I suppose it would be necessary to give notice of a motion to reconsider. We will not let it go to the White House until we vote on it.

Mr. BAKER. Mr. President, what I will do after the concurrent resolution is adopted, if indeed it is—and I believe it will be—is I will then enter a motion to reconsider.

Mr. METZENBAUM. Mr. President, I think the majority leader has stated the situation very well because many of us feel very strongly about the Sakharov resolution. I particularly feel deeply concerned about it, having met with a number of parliamentarians from a number of nations throughout the world who indicated their concern about the failure of the Soviet Union to live up to the Helsinki accords. Their total concern about the Sakharovs is great.

As a matter of fact, it is interesting that in a meeting of the parliamentarians who came from about 12 nations throughout the world, a picture of Sakharov was flashed on the screen constantly. Throughout that meeting, it never left our concern.

I know that many Members of this body are anxious to vote for it. I want to be reassured and I think the majority leader can make it very clear in what he is saying, but I think it is necessary that the Soviet Union understand that all of us here feel there is indeed a strong sense of urgency and that every minute, every hour, every day that we fail to hear about the health and welfare and well-being of the Sakharovs is of concern to all of us who are Members of this body.

They should understand that our passage by voice vote is no less an indication of our strong commitment and concern about the subject and that the majority leader's action is predicated only on the fact that all of the Members of this body are anxious to vote for it and, by reserving his rights with respect to reconsideration, it is an indication of the total support that the U.S. Senate has concerning the well-being of the Sakharovs.

Mr. DODD. Will the majority leader yield?

Mr. BAKER. Yes, Mr. President, I yield.

Mr. DODD. Mr. President, I, too, commend the majority leader. He knows I felt, because we discussed it privately, that a rollcall vote would be of help. The distinguished Senator from Louisiana made that point. The actual vote in the House was 390 to 0. Those numbers serve as a significant addition to the wording of the resolution, adding to its import. I think what the majority leader has designed here is a very proper way for us to proceed. I thank him, I commend him for it.

Mr. BAKER. Mr. President, I am ready to proceed.

Mr. LONG. Mr. President, if there is any time left, I yield it back.

Mr. BAKER. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (H. Con. Res. 332) was agreed to. The preamble was agreed to.

Mr. BAKER. Mr. President, I enter a motion to reconsider the vote by which the resolution was agreed to.

The PRESIDING OFFICER. The motion is so entered.

Mr. BAKER. Mr. President, the effect of that will be now that the motion to reconsider will be preserved so that it may be called up at any time. I anticipate that will be done immediately after we return from the Fourth of July break and the Democratic National Convention.

MAINTENANCE OF FEDERAL NUTRITION PROGRAMS

TO CORRECT TECHNICAL ERRORS IN ENROLLMENT OF H.R. 4170

The Senate continued with consideration of the resolution.

Mr. BAKER. Mr. President, I continue to hope that we can dispose of the concurrent resolution relating to the deficit reduction package. I am also advised, however, that the bankruptcy conference report has now been completed in the House and should arrive here in the next few moments.

I say to my colleagues that as soon as that conference report arrives, unless we have worked out our problems on that concurrent resolution, it will be the intention of the leadership on this side to ask that we once again temporarily set aside the pending motion to proceed and take up that conference report.

Mr. President, I see the Senator from Ohio [Mr. GLENN] on the floor. I now yield the floor so he may proceed.

Mr. DOLE. Mr. President, will the Senator yield to me, first?

Mr. BAKER. Yes, Mr. President, let me yield to the chairman of the Finance Committee first.

Mr. DOLE. Mr. President, we are coming to some resolution of the concurrent resolution situation. I am not sure that will happen because of the different forces being as they are; some want more and some want less. I am anxious to get the concurrent resolution passed because there are a number of technical changes that I feel must be made. Hopefully, if we cannot resolve the so-called interest question, we can go ahead and pass the other parts and come back to that in July. I indicate to my colleagues that all this takes place, as far as the imputed interest is concerned, next January. But there are some technical changes that must be dealt with, should be dealt with, before we leave here.

I hope that my colleagues from Montana and Ohio, if we cannot work out the imputed interest problem, will let us proceed with all the other provisions, because the House is going to stay in session for a while to make certain we can complete action.

Mr. DANFORTH. Mr. President, may I ask a question of the Senator from Kansas?

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The motion to proceed with Senate Concurrent Resolution 6.

Mr. BAKER. I thank the Chair.

Mr. DANFORTH. Mr. President, I wonder if I may ask the Senator from Kansas about the concurrent resolution and what would happen as a matter of law if the Congress were not to adopt the concurrent resolution? Would this have any significant legal effect or cause any hardship to the ordinary American citizen?

Mr. DOLE. It could cause some hardship, Mr. President. The bill we passed, the $62 billion bill, will be signed in any event. We made a number of technical mistakes in the DISC area, in the pension area, in areas many people have concern with. We just do not want to hold up the entire bill because of some dispute

over imputed interest. What I would like to do in imputed interest is go back to present law on residences and farms. Some people do not want to do that. I hope we do not go off without action on the entire concurrent resolution.

Mr. DANFORTH. Mr. President, this bill was quite lengthy. I know the conferees spent many hours very late at night and the drafting work that was done also was done at very late hours by very tired people. It is natural when there is a tax bill that is this complex that there are problems which are created in the technical wording of the bill. It is my understanding that if we do not pass the concurrent resolution, the effect of that is to create great confusion in the administration of the tax laws by the Internal Revenue Service and, certainly, great confusion on the part of tax lawyers and tax accountants who are trying to plan on exactly what the law is going to be.

Mr. DOLE. Mr. President, let me respond.

There are a number of areas—there are certain life insurance provisions that should be corrected, distributions from top-heavy pension plans, depreciation in the real estate area, a transitional rule for the installment sale of cable business, market discount bonds, and a number of other clerical corrections in addition to the numerous technical changes made on the House side. As I understand it, there are veterans bonds provisions with respect to Alaska, Texas, and Wisconsin which must be corrected. Otherwise, a lot of veterans are going to be affected.

If we cannot work it out, these necessary corrections will not be made.

Mr. DANFORTH. The basic tax bill has been enacted, is that not correct, and therefore, that is going to be the law and the question is whether these technical problems are going to be corrected.

My own view is that it would be, I guess, a minor disaster but certainly a great inconvenience to a lot of people if it became the will of the Congress, imposed by one or two Senators, that we were not going to adopt this concurrent resolution. I think it would be inconceivable if one or two Senators were so determined to impose their own will to the letter on the Congress as a whole that they would not let the concurrent resolution go forward.

Mr. DOLE. That is the way some of our colleagues occasionally operate. They get your back against the wall when you are trying to go out and they get all the leverage. They know we cannot do anything about it. So, "If you want to play, you play my way."

What are we going to do about it? We cannot do anything about it. There are items that should be corrected that have not been cleared with the Senator from Ohio. If we had to clear everything with 100 Senators, we would never complete anything.

Mr. DANFORTH. Well, of course, Mr. President, we have gotten into that state, as the Senator from Kansas knows. There is nothing new about that, in the last week or so of Congress before we adjourn. But I think it is absolutely necessary to pass this concurrent resolution. I know that there are Senators who have already left and there are Senators who are anxious to leave.

It seems to me that this is must legislation. My hope is that we would wait here as long as we have to in order to get the job done. If we have to wait through the Fourth of July through the Democratic Convention, let us do it. But I think it would be irresponsible not to pass the concurrent resolution.

Mr. DOLE. Mr. President, let me say to my colleague that we thought we had worked out some provisions that cost about $100 million. The chairman of the Committee on Finance made a judgment that it was fair, agreed to by the ranking member, but not agreed to by the Senator from Ohio. But he has precedence. He has the power. He can say, "You're not going to bring it up."

That is not the way we ought to run the Senate, Mr. President, but he will be able to do it, he has done it for a long time and I do not blame him for continuing. It gives him a lot of power in the last hours of the recess. But he has that right.

Mr. MELCHER. Will the Senator yield?

Mr. DANFORTH. The Senator from Missouri has the floor.

Mr. MELCHER. Will the Senator from Missouri yield?

Mr. DANFORTH. No, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri has the floor. Let us please have order.

The Senator from Missouri.

Mr. DANFORTH. Mr. President, let me ask the chairman this: There have been a number of columns written in the recent past about why some Members of the Senate are leaving this body.

I think there is a great sense of frustration on the part of people who have been here a long time about working in the Senate. I have heard that expressed not only by people who have been here a long time and have been more or less ground down by the agonies, particularly of the last few weeks before adjournment, but by younger and more junior Senators as well. I wonder if the Senator from Kansas has a view on this, because it seems to me that just this kind of thing is what makes it kind of a water torture operation in the last week or two of the Congress.

Mr. DOLE. I will not give the Senator my full view on it, but I will give him part of it. You know, my view is that if you have a problem, we ought to vote on it. But I guess any Member has the right around here, particularly in the closing hours before any recess to just bring us to a halt. The Senator from Ohio will not be satisfied with a vote. He wants his way or we do not vote at all. So we can inconvenience hundreds of thousands, millions of Americans because one Senator will not vote on what he thinks his views should be. I am willing to call up the resolution. The Senator from Montana has an amendment he is willing to offer and take a vote on it. He does not want to hold it up. But the Senator from Ohio does not play that way. It is either his way or we are not going to do anything. I think it is unfortunate but he has that right. I am just the chairman of the committee. It does not make any personal difference to me, but it affects a lot of people in this country. We believe the Finance Committee is made up of honest, objective persons. We have agreed to all these changes; the House conferees have agreed to all these changes; but the Senator from Ohio has not agreed to all these changes so we have to go to a higher power each time we make a judgment. Somehow we are not capable. The Senate Finance Committee, the members of the committee, and the House Ways and Means Committee cannot make a judgment until we clear it with the Senator from Ohio. If that is the way we are going to run the Senate, we can all play that game. I hope not, but we could all play it. So I would like to get on with it. It just happens the chairman of the Ways and Means Committee has a very important event occurring this week in his family; he would like to attend his daughter's wedding, but he cannot because he cannot leave until we finish action on this because there are some concerns that have yet to be addressed. I hope that we will maybe from time to time leave it to the judgment of the committee chairman. I do not believe I am trying to give anything away when I say we just ought to go back to present law on principal residences and farmland. We will work out later the business area that the Senator from Montana is concerned about. But that judgment is not good enough for the Senator from Ohio, so we have to back away and wait. I do not think we ought to run the Senate that way.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri had the floor and yielded the floor for a question. Does the Senator from Missouri seek to retain the floor?

Mr. DANFORTH. The Senator from Missouri has the floor and the Senator

from Missouri intends to keep the floor at least for the next few minutes.

I understand the problem the Senator from Kansas has. I think the Senator from Kansas has shown enormous patience; putting together a tax bill is very difficult. This bill was on the floor of the Senate for a long, long time. The bill was in conference, I think, for 3 weeks. Last week was maybe the most difficult week I have ever spent in the Senate. I know it was much harder for the Senator from Kansas because he was more deeply involved in it than anybody else. We worked in that tax conference until quarter after 5 in the morning on Saturday morning, and that was after a week in which every night was a late night on the defense authorization bill or on the tax conference.

I think the Senator from Kansas has done yeoman work. I do not know how it is possible to put together an agreement on a bill so long and so complicated unless there is some cooperation and some give-and-take on the part of all Senators. Certainly it is very difficult. But the way we run the rules around this place, it takes unanimous consent to do a lot of things. People can object to calling of quorum calls, and so on, and it is very easy for one Senator to stop things on the tracks. We have it now on a concurrent resolution which is necessary to clean up obvious defects in the tax bill. Well, if we are going to have the bill enacted into law with obvious defects, that is a serious mistake and a great burden to people, but that is the way it will be maybe.

This is not just a unique situation with the tax bill. I know that I have been working, for example, on a truck safety bill, and I thought it was totally noncontroversial. It is a bill that recognizes a problem in the country, and that is the number of serious accidents, the number of deaths that are caused by unsafe trucks. Trucks really have no standards now for cab safety; trucks have no rules for annual inspection; there is no safety fitness requirements for getting into the business of trucking.

We have these huge trucks, many of them in defective condition, barreling down the highways, and we have a little truck safety bill which is designed to improve the situation and make the highways safer for the American people, unanimously reported out of the Senate Commerce Committee, and we were hoping for action on the floor. Well, the Senator from Ohio has a hold on the bill.

That is his privilege, so we do not pass the bill. Maybe at some later date we will be able to do it.

But I simply want to express my respect for the Senator from Kansas, my respect for what he is doing, my admiration for the work of the Finance Committee and the Ways and Means Committee, and the conferees who have worked so hard on this bill, worked so hard to try to clean up the necessary flaws in something that is so complicated. I hope we will stay as long as necessary in order to get the job done.

Mr. DOLE. Will the Senator yield?

Mr. MELCHER. Will the Senator yield for a point?

Mr. DANFORTH. The Senator yields the floor.

Mr. DOLE and Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. I will be happy to yield to the Senator from Montana for a question.

Mr. MELCHER. I thank the Senator from Kansas for yielding. I want to make this point: Without a correction on small business, it is going to mean that in the sale financed by the seller for his small business, the new imputed interest rates will apply. That would move it from 9 upward to 15 percent based on today's T-bill rate.

That is a tremendous increase, and it is going to mean that as long as that provision is law, there probably will not be the filling station or the hardware store or the mom-and-pop grocery store sold because the seller almost always has to assume part of that loan to make the sale. At 15 percent interest, sales of small businesses are impossible.

I do not think we want to get into that position. I only suggest that we ought to have some cap so that the smaller businesses will not be under the gun for however long that law should last.

Second, I would suggest that getting into the nightmare of interpreting "principal residence" is going to shut down a tremendous amount of housing sales because people do buy business condominiums—do buy second residences. Indeed, most of us have two residences, one in our home State and one in Washington. We would be faced with a situation where, if we could not finance part of the selling price, we would probably have a hard time selling one or the other home.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas does have the floor.

Mr. DOLE. I yielded. I just want the floor for a minute.

Mr. President, in response of the Senator from Montana, I understand his concerns. The Senator from Idaho [Mr. SYMMS] has concerns in a somewhat different area. He has introduced proposed legislation.

I say at the outset that this is a rather substantial provision we are talking about—$2.2 billion. We need to tighten up some areas, and this is one area recommended by the Treasury for tightening up. It does not take effect until January 1985. Maybe there should be some changes for certain sized small businesses. But the point is, based on conversations this Senator has had with the Joint Committee, my own staff, and others, it seems to me that the fairest thing to do at the present time, so that we can move ahead with this concurrent resolution, is to go back to present law on principal residences, and present law on farms. That is what I had proposed or hoped I might be able to offer a couple of hours ago, or a half hour ago. But then I learned that that did not satisfy everyone in the Chamber. In my view, if it does not satisfy, we should have a vote on it and get it out of here.

Mr. MELCHER. I agree.

Mr. DOLE. If it does satisfy, we should pass it.

We cannot satisfy everybody when we vote. A lot of Members left early, and who knows how many are here to vote?

In any event, we do not believe we have given away the store. We believe we have made a careful judgment.

The cost in my amendment, going back to present law, would be $100 million out of a $2.2 billion provision. The cost of amendments recommended by others is just about the same.

We have also promised Senator SYMMS, and I make the same promise to the Senator from Montana, that in the other areas, businesses and other residences—not principal residences, but vacation homes or condominiums owned by some persons—we would take a look at that.

We know that Treasury is opposed to what the Senator from Kansas suggests. But it occurs to me that if the Treasury wants to make changes, they can do it under present law. They have the authority. They can change the rate. As I look back, I think they wanted us to do what they did not want to do. They can take on all the realtors and the others who have an interest. I do not have as many people, so they can worry about that.

I hope the Senator from Ohio would let us bring up the bill. We do not have to satisfy every concern of the Senator from Ohio. Let us move on and bring this bill through.

As the Senator from Missouri pointed out, there are a number of people who would like to get this technical correction adopted. It means more veterans bonds to Texas, more veterans bonds to Wisconsin, more veterans bonds to the State of Alaska. It means some protection for Bonneville Power District. It means a lot for farmers and homeowners in different ways. So there is a whole host of things.

The bill consists of 1,309 pages. Maybe we should not make any errors. Maybe our staff should be perfect and

we should be perfect. We spent all night a couple of nights in the conference, and errors were made. We did not give the staff enough time. We hope we can do some today and some later in a technical corrections bill. But it is important that we pass this bill today.

I do not know how long the majority leader will permit us to work on this, but I hope we can reach some accommodation with the Senator from Ohio so that we can move it on. I guess we will have to have a recorded vote on the amendment of the Senator from Montana, but at least I hope to move it on, so that the House will take action on it before we adjourn. I believe they have done everything now, and they are waiting to return to this bill, as I understand it.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise to respond to the chairman of the Finance Committee, who I think was a little off base in indicating that the concerns that have been expressed by me come about by reason of my staff. Certainly, I consult with my staff, just as the distinguished Senator from Kansas consults with his staff, and I accept the responsibility for not permitting this bill to move forward at the moment.

I say to the manager of the bill that I have publicly, on many occasions, seen fit to commend him for his efforts in trying to close tax loopholes and in attempting to bring into the Treasury some needed dollars in order to balance the budget. So I am a little disappointed in his comments, but I recongnize that at the moment he is rather vexed and irritated. But be that as it may, I think we should put this matter in its perspective.

There are two parts to this concurrent resolution. One part has to do with a number of corrections and changes which are of a substantative nature, and the Senator from Ohio finds no objection to those parts of the bill; and, as the Senator from Kansas has indicated, if necessary, he would be prepared to separate the bill into two parts. I would not object to that. Nor would I object to the passage of that portion not having to do with imputed interest.

However, it is the imputed interest part that has to do with the real substance, the real guts of the concurrent resolution.

This is not a corrective amendment. This is not an amendment to help small homeowners. If anything, it would mean that every small homeowner in the future who bought a home in connection with which there was a matter of imputed interest would become responsible and liable to pay that interest, even though it was a gain.

Imputed interest means the difference between the actual interest paid and the interest the Treasury determines is the imputed rate or we in Congress determine to be the imputed rate.

What happened was that, in the conference committee and in the deliberations of the House and the Senate, some conclusions were reached with respect to the matter of imputed interest, and the real estate lobby suddenly woke up to what was going on.

The real estate lobby took a very thoughtful position and started jumping up and down and calling their Senators and Representatives and indicating that they did not want that to happen, and I understand that, except that they were looking out for their economic interests and were not looking out for the interests of the small home buyers, because they are not the ones who have to have a concern about the impact on the Federal Treasury.

They wanted the law to continue as at present, and the Treasury now uses a 9-percent imputed interest rate, which every thinking and knowledgeable person would have to agree is totally too low.

I do not disagree with the chairman of the Finance Committee when he says that the Treasury would like to have Congress do its work, and it is interesting to me that he points out that the Treasury opposes this particular matter that is pending before us today. But the fact is that they are not doing their work; and whether Congress does it for the Treasury or the Treasury does it, one way or the other it has an impact upon the Federal revenues unless we do something about it.

What we are talking about here this afternoon has to do with whether or not we are going to do something about it.

The chairman of the Finance Committee asks why I raise this issue and what right I have to raise the issue at the last minute. I have a very simple answer to him and to every other Member of this body, and it is this: Bring up the matters early, not in the closing hours of the session, and we will have no difficulty in voting on them.

What happens in the closing hours of every session is that we shoot through a lot of legislative proposals without any debate whatsoever, under a unanimous-consent agreement. Yes, indeed, I have seen fit to say that, in respect to many of them, I do not think they are for the betterment of the people of this country or the taxpayers or the consumers, or whomever; but I am not prepared to let it go through on the unanimous-consent calendar. It could have been and should have been brought up at an earlier point in the session.

As a matter of fact, it has become a rather routine procedure that we get to the tax bills, almost always, just before Congress is about to go out on a lengthy recess.

I do not do the scheduling of the calendar. The majority leader schedules the calendar, and the majority leader schedules the calendar on the basis of when the Finance Committee or some other committee has a bill ready to be brought to the floor.

So we find ourselves in these contentious positions at the close of sessions, just before we are ready to go on a recess.

Where have we come on this? The House sent over a concurrent resolution, and then that matter was referred to the committee.

To the best of my knowledge there were no public hearings, and I am not sure there was even a private hearing of the committee, but there are committee amendments which the manager of the bill is prepared to bring forth.

In the House matter and when it came over, it provided the limitations with respect to the refusal to use the imputed interest $250,000 as pertain to homes but not $250,000 in principal amounts but $250,000 mortgage amount.

I then discussed with the manager of the bill that if he wanted to provide these advantages and benefits I suggested to him yesterday that there be a limit on the first $100,000, a different figure for the second $100,000, and a different figure with respect to homes over $200,000.

I then suggested that there be two different figures with respect to farms below $500,000 and those over $500,000.

I did that yesterday afternoon in the middle of the afternoon during the bankruptcy conference, and I heard nothing further from the manager of the bill nor from anyone else until this morning when I was told what was going to transpire on the floor of the Senate.

At this point I indicated that I thought they had gone too far and it was a total victory for the real estate lobby and a defeat for the taxpayers of this country, a defeat for the Treasury itself, and a defeat for all people who will be buying homes in the future because they will become responsible for the imputed interest.

So then we went into some discussion, and finally I said to the manager of the bill, "I am willing to go along with what you are saying provided you put back the $250,000 cap and instead of the cap being at $250,000 mortgage, it be a $250,000 figure as far as the total value of the house is concerned."

At that point the manager of the bill indicated to me that he would go along with the $250,000 mortgage figure but not use it as the principal figure.

I hope that I have been correctly advised. As I now understand it, I think that there has been some modification with respect to the position of the manager of the bill on that subject and we very well may be in agreement.

But if we are not, then the Senator from Ohio does not have any intent to change his position regardless of such language as he or the Senator from Missouri might deem appropriate to use. I am doing what every Senator in this body has a right to do and maybe has an obligation to do, and that is I am using the rules of the Senate in order to see to it that the Treasury and the rest of the taxpayers of this country not be ripped off.

I am not saying that the manager of this bill has not made a deliberate effort and tried hard in order to come up with a decent product. But that does not mean that the Finance Committee is 100 percent right in all of its conclusions and that every other Member of this body does not have the right to put his view into the subject as well.

Mr. President, I suggest the absence of a quorum.

Mr. BENTSEN. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from Ohio has suggested the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I have listened with a great deal of interest to the remarks of the Senator from Ohio. I understand his concern, and he has a right to do what he says he is doing.

But the trouble I see with his position is that he says, "Do not move until you have it fixed where I agree with it."

When we get into that kind of a situation, we should have the majority rule around here; it should be submitted to the Senate and we should vote on it.

We have had a lot of debate on this issue, with the debate last night, at which time the Senator from Montana discussed it at great length. Let me tell the Senate some of the things we did in this bill that affected real estate. We cut the provisions on real estate from 15 years to 18 years. We picked up a great deal of money and we faced the real estate lobby as we did that.

Let me say when we did it before and they cut it from 40 and 30 years back to 15 years, I opposed that and said we should stop at 20 years because they were getting just too sweet a deal and what we were going to have was buildings built all over this country that were not built for economic reasons but for tax reasons. That has come to pass.

Today in Houston, TX, they have in commercial buildings downtown a 28-percent vacancy rate. They have had all kinds of buildings, some of them without anyone occupying them. They were built for tax reasons. That should be corrected.

We have gone a long way to do that, taking the heat from the real estate lobby all the while. And we have done that in an election year. Political pundits always tell us you never raise taxes and never cut back on expenditures during an election year.

But that has been done; done by this Finance Committee, and done by the Ways and Means Committee. They have labored long and hard at it.

I can look through 1,300 pages and find something I do not agree with. But I do not believe I should be in a position, even though the rules allow me, to say: "You do not move. I've got you in the closing days of this session, and you cannot move unless you amend that to satisfy me."

I think if we get into that kind of a situation, it should be put to a vote of the majority of the Senate.

Now to get to this question of imputed interest, I think the chairman of the committee is absolutely right. The Treasury had every right and has the authority under the present legislation to raise imputed interest to reflect what is happening to the marketplace, and that is not unusual. That is frankly where I think we probably should have left it and, as I understand it, the Senator has a substitute amendment that will do just that type of thing.

The Treasury passed the dirty work to us. I frankly think it went too far in going to the 15 percent, and I notice the Senator comes back with a compromise talking about $250,000 insofar as that mortgage.

I understand the Senator from Ohio is talking about the possibility of putting $250,000 for the house. If he did not have a cliff effect on that, I think the Senator is really not arguing over a great deal.

But I also believe that it is one of those things that does not just have to be satisfactory to the Senator from Ohio.

I think that it is one of those things that we should put to the Senate. Let them determine. And if the Senator from Ohio prevails, that is fine. But I do not think he really should exercise the privilege in the closing days to "satisfy me."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURENBERGER). Without objection, it is so ordered.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. What is the pending business?

The PRESIDING OFFICER. The pending business is the motion to proceed to the consideration of Senate Concurrent Resolution 6.

Mr. DOLE. Mr. President, I understand now we have had a discussion. I have indicated and in fact shown the distinguished Senator from Ohio a modification that I think would satisfy his concerns, and I want to check to see that that modification is included in the technical amendment. I will now send the technical amendment to the desk.

The PRESIDING OFFICER. We are still on the motion to proceed.

Mr. DOLE. As I understand, there is no objection to the motion to proceed.

Mr. METZENBAUM. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. METZENBAUM. Mr. President, as I understand it, the Senator from Kansas is seeking some language having to do with this part of the $250,000 principal value of homes and the Senator is intending to include that as a part of his amendment, and that would then become a part of the concurrent resolution.

Mr. DOLE. Right. It would also include present law as far as farms is concerned. We would leave out the small business and try to settle that and have a hearing, as I promised the Senator from Montana and others, is July or August, to try to resolve that issue and also the issue of condominiums and other homes.

Mr. METZENBAUM. Condominiums and other homes would be left out?

Mr. DOLE. That is correct; just principal residences.

Mr. METZENBAUM. I have no problem. The Senator from Kansas and I are in agreement.

Mr. DOLE. Mr. President, let me thank the Senator from Ohio.

Also let me say that his staff member, Mr. Starr, has been a great help to us in the past couple of years.

Mr. METZENBAUM. I thank the Senator.

Mr. PRYOR. Mr. President, just to make certain about this—I had a glance a few moments ago at the lan-

guage the Senator from Kansas sent to the desk—are we talking about the language offered by the Senator from Kansas not being the mortgage or the amount of takeback, but the amount of money for the sale of property or the sale of the home; is this correct?

Mr. DOLE. That is correct.

Mr. PRYOR. That is under this proposal?

Mr. BENTSEN. Will the Senator yield?

Mr. PRYOR. Yes.

Mr. BENTSEN. Mr. President, I would like to also point out, you do not have the cliff effect in this. In other words, if you have a $300,000 house, the imputed interest would be——

Mr. DOLE. We believe that, on balance—again, I am relying on my staff, so I should not criticize anyone's staff, but all the experts on the joint committee and others, Treasury; and they may not be wild about this, but they are not opposing it—there will not be the cliff effect. It will be a blend. We believe it may reach pretty much the same result as we intended and as the Senator from Ohio intended.

Mr. PRYOR. Would the Senator from Kansas yield for another question?

Mr. DOLE. Yes.

Mr. PRYOR. The second part of this triad, I assume, would be that under the language of the Senator from Kansas, the farmland or the farm operations would have no cap. The cap would be removed, is that correct?

Mr. DOLE. That is correct. We go back to present law, which I want to do under principal residences. But we go back to present law on farm land.

Mr. PRYOR. And the third part of the triad would be on small businesses. There would be a $500,000 cap, is that correct?

Mr. DOLE. No; we do not do anything on small businesses. I want to indicate, as I said earlier, that I think when we get into depreciable assets we start having some problems. It is a $2.2 billion revenue saving we are giving up and $100 million of it is here. It is my understanding most of it comes in the sale of businesses. The principal residences and the farm land, that is not a big component of that $2.2 billion.

What I have suggested is not to get into that. I am not sure whether we have to have a cap. We could have some hearings in July or August and try to work it out at that time.

I have got to believe the biggest concern in this country is in the residential area, the sale of principal residences. We can address the other matters later.

Mr. PRYOR. Would the Senator from Kansas state, then, that it would be his opinion or would be even his commitment that during July we might have a hearing on the issue of the small business issue?

Mr. DOLE. I would say July or early August. We will get back the 23d, and we are here until the 10th. I have indicated, as I will indicate again to the Senator from Arkansas, that we certainly will do that. I have also indicated to a number who have an interest in the principal residence part, including realtors—and I like realtors; they are not so happy with me sometimes—that we will also look at the provision we are proposing to see if that is going to cause any problem.

Mr. PRYOR. That was my next question. I am hopeful that the Senator from Kansas will permit looking at the possibility of removing this. I do not want to slow down this show. I know there are probably 60 Members left here at 4:15 on the Friday afternoon before July 4. I do not want to slow down the operation, but I would like to ask the Senator from Kansas if we could have a hearing on the issue of the cap on the residences, the $250,000 principal, plus the issue of the small businesses. I think this should be resolved.

I want to compliment the Senator from Kansas for at least attempting to compromise this issue at this late hour after all of the work he and the other members of the tax conference have been involved with.

Mr. DOLE. I appreciate the Senator's work in the Finance Committee and his input during the conference. As he knows, there were a number of provisions he was concerned about that we were able to accommodate.

I would say to my colleagues that I think this is a fair resolution, at least today. This lets us take action on this part, on the principal residences. On the farmland, we reserve taking any action or changing anything as far as businesses are concerned or any other residence. I think that can be addressed in a hearing.

I would say that Treasury, I think, will go along with this amendment. I do not mean to indicate they were opposed to it. I think they liked what they suggested earlier, but they understood they have created a firestorm. Rightly or wrongly, everyone in this Chamber has heard from somebody about imputed interest. I have indicated to Treasury that we have to correct it. I thought the fairest thing to do, as far as the residences and farmland, is go back to present law because we understood that there was not much abuse in that area. It is 9 percent. Treasury can change the rate as they wish.

But, in any event, I hope we can work this out. I hope the Senator from Montana will not press us to a vote because this represents a solid victory to the Senator from Montana. I wish to congratulate him for calling this to our attention the other evening.

Mr. MELCHER. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. MELCHER. Will the effect of the chairman's amendment be immediate when signed into law?

Mr. DOLE. Pardon?

Mr. MELCHER. Will the effect of the chairman's amendment be immediate when signed into law?

Mr. DOLE. Yes.

Mr. MELCHER. Does the chairman intend to immediately cause anybody that is in the business of building condominiums for business purposes or vacation homes, when they are sold to be subject to the increase in rates if they are seller financed?

Mr. DOLE. The provision does not take effect until January 1, 1985. That gives us time to come back in July or August, and if we decide we want to make a change in that area, in my view, it can be done.

Mr. MELCHER. The point of my question—I will repeat the first question. Will the effect of the children's amendment be immediate when signed into law?

Mr. DOLE. Well, the answer is that current law applies. I assume current law is going to apply until 1985. So far as farm land is concerned, we are saying in this amendment we are going to go back to present law. As far as the principal residence is concerned, we are saying, if nothing else happens on January 1, it will be the modified provision.

Mr. MELCHER. So then the effect on other than principal residences would not be changed until January 1?

Mr. DOLE. That is right. I would indicate to my colleague from Montana that if he lets us proceed with this—and I know he has serious questions about small businesses—and I have the same concern, I might say to my colleague from Montana; there should be, I think, some relief for the small business, the gas station, the appliance store. I am not talking about big business. I am talking about somebody who lives up and down Main Street in Russell, KS, or in your hometown—is it Deer Lodge? That is where the Senator got all of those coupons from.

Mr. MELCHER. I will take that as my second home.

Mr. DOLE. Wherever they sent the Senator that withholding stuff; that was Deer Lodge.

Mr. MELCHER. Might I inquire of one more question of the chairman. Has the amendment been called up?

The PRESIDING OFFICER. The amendment has not been called up. The question is now on the motion to proceed. Is there any objection?

Mr. BAKER. Mr. President, if my ears do not deceive me, I think we are getting close to a place where we can deal with this, if I do not mess it up.

What we have before us is a motion to proceed to a Senate concurrent resolution which was to serve as the vehicle for adding the House concurrent resolution. What I would pose, if we are prepared now to deal with this matter substantively, is to withdraw that motion and ask unanimous consent that the Finance Committee be discharged from further consideration of House Concurrent Resolution 328, which is what came over from the House, and the Senate proceed immediately to its consideration.

Mr. DOLE. We have cleared that with Senator LONG.

Mr. BAKER. Mr. President, I make that request at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BENTSEN. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 328) to correct technical errors in the enrollment of the bill H.R. 4170.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on the resolution.

AMENDMENT NO. 3377

Mr. DOLE. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3377 in the nature of a substitute.

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

Mr. DOLE. Mr. President, let me quickly indicate for the RECORD what House Concurrent Resolution 328 contains.

House Concurrent Resolution 328 contains primarily technical and clerical corrections to the Deficit Reduction Act. It also deals with problems with the act that have come to our attention since the conference report was filed, the resolution made necessary by the tight timeframe under which the draftsmen were working so that the conference report could be filed by midnight Saturday, just 18 hours after the conference adjourned.

As adopted by the House, the concurrent resolution would modify the provisions of the conference agreement relating to the measurement of interest in deferred payment sales of property.

Under the resolution, as amended by the Senate, the interest rates for sales of principal residences, to the extent the purchase price does not exceed $250,000, and farm land would be governed by current law.

This amendment is a very simple modification to Code section 483 as amended by the Deficit Reduction Act.

Under the act as passed, the Treasury Department would be required to adopt new interest rates in applying section 483 to deferred payment transactions with unstated interest. This amendment provides that these new interest rates simply are not to apply to any sale of a principal residence costing less than $250,000 or to sales of farm land. Thus, current law with respect to the applicable interest rates would apply to these transactions.

The amendment, I would point out, applies to all principal residences costing less than $250,000, and on a prorata basis to more expensive houses, and to sales of farm land without regard to the size of the farm being sold. Thus, it goes much farther than other suggested amendments in preserving current law interest rates for farm land sales, and home sales subject to section 483. This amendment should resolve all of the concerns raised by Senators with respect to seller financing of farm sales and home sales.

The concurrent resolution also includes several clarifications of the tax-exempt bond provisions of the Deficit Reduction Act.

First, the resolution clarifies that in determining the annual volume of qualified veterans' bonds that a State may issue, certain periods and bond issues after 1978 and before June 22, 1984, are to be disregarded.

The resolution also clarifies the restriction on the volume of MCC's allowable to States with historically low mortgage bond issuance to ensure that bond authority that would otherwise go unused is not traded in to provide extraordinarily deep MCC subsidies.

A clarification is included to limit the maximum penalty for failure to make any report required with respect to MCC's to $2,000.

The concurrent resolution also clarifies that the non-Code bond rules of the conference agreement do not apply to bonds whose exemption is derived from a non-Internal Revenue Code Revenue Act within the jurisdiction of the Committees on Finance and Ways and Means.

Three provisions, agreed to by the conferees, were inadvertently omitted from the conference agreement. The concurrent resolution includes these three provisions. The provisions are:

First, the 5-year sunset on the conference agreement's exemption from the bill's Federal guarantee rules for the Bonneville Power Authority;

Second, the 3-year sunset on the authority granted to the Virgin Islands, American Samoa, and the District of Columbia to issue tax-exempt bonds; and

Third, a provision that the determination of whether a sufficient amount of rehabilitation to an existing facility has occurred to meet the requirements for tax-exempt financing is made on a project, rather than a building or structure, basis.

The concurrent resolution also contains several important technical amendments to the foreign provisions of the Deficit Reduction Act.

For example, the concurrent resolution clarifies the effective date rule of the resourcing provision to make clear that preenactment income is not subject to resourcing whenever it is paid out. This clarification is necessary to prevent retroactive application and to ensure that the bill does not apply to income earned before enactment or in years far in the past.

The concurrent resolution makes it clear that the separate foreign tax credit limitation for interest applies to loans to a foreign buyer to finance a purchase of a U.S. seller's goods, whether the foreign buyer is related or unrelated to the U.S. seller. This clarification makes it clear that taxpayers cannot avoid the effect of the rule by engaging in transactions with related parties.

The concurrent resolution also corrects an omission in the provision of the act repealing the 30-percent withholding tax on portfolio interest paid to foreign investors. The concurrent resolution adds language to insure that interest received or accrued on original issue discount obligations held by foreign corporations, as well as by nonresident aliens, will be free of the 30-percent withholding tax where other requirements for the exemption are satisfied. Thus, the concurrent resolution corrects a technical error and treats OID obligations held by nonresident aliens like identical OID obligations held by foreign corporations.

The concurrent resolution also clarifies that a foreign sales corporation organized in a U.S. possession may maintain its office there rather than in a foreign country. This correction will allow companies to benefit from the new provision, as Congress intended. The concurrent resolution also makes a number of other technical amendments to the new FSC provision.

The Senate version would also modify the resolution to include the following provisions:

The conference agreement provides specific statutory rules for determining the amount of any life insurance reserve which may be taken into account in computing the taxable income of an insurance company. One of the specific reserve computation rules agreed to by the conference committee was inadvertently omitted from the conference report. This omitted provision allow companies that have traditionally used the net level term method of computing reserves with respect to accident and health insurance contracts to continue to use that re-

serve method. The amendent would modify the concurrent resolution to include the provision agreed to by the conferees but omitted from their report.

Under present law, a 10-percent additional income tax applies to distributions prior to age 59½ to key employees under a top-heavy pension plan. The conference agreed to change this rule to apply the 10-percent tax to 5-percent owners of the employer without regard to whether the plan is top heavy. This change was inadvertently dropped from the conference report, and the amendment would restore it.

In agreeing to lengthen the depreciation period for real property other than low-income housing, the conferees also adopted a convention requireing that real property placed in service—or disposed of—in any month be treated as placed in service—or disposed of—in the middle of that month. The amendment would clarify that this mid-month convention does not apply to low-income housing and would set the effective date as the date of conference action.

The conferees adopted a provision under which the depreciation recapture rules regarding real and personal property override the installment sale rules. Except for sales pursuant to a contract binding on March 22, 1984, the provision applies to sales after June 6, 1984. The amendment would exempt from the provision certain installment sales of all or substantially all of the personal property of a cable television business.

A technical change is needed to coordinate the market discount bond provisions with the 6-month capital gains holding period. There are also several corrections of clerical errors.

That is the resolution that came from the House. That has been further amended with other technical changes, such as the interest rates for section 483.

Under present law, taxpayers can avoid imputing interest in the case of deferred payment sales of property if they state interest at a rate determined by the Treasury. Currently, that test rate is 9 percent. If they fail to state adequate interest, interest is imputed at a rate of 10 percent. Under the conference agreement, instead of periodic adjustment by Treasury, a formula is adopted under which the test rate is 110 percent of the relevant Treasury rate and the imputed rate is 120 percent of the relevant Treasury rate. As passed the House, these rates are lowered to 90 percent and 100 percent, respectively, in the case of the first $250,000 of principal amount of debt issued in connection with the sale of a principal residence or farm. The amendment would modify the concurrent resolution so that in the case of a principal residence to the extent the purchase price does not exceed $250,000 or farmland—with no dollar limitation—the interest rates would be computed under the procedures provided by present law.

LIFE INSURANCE RESERVES

The conference agreement provides specific statutory rules for determining the amount of any life insurance reserve which may be taken into account in computing the taxable income of an insurance company. One of the specific reserve computation rules agreed to by the conference committee was inadvertently omitted from the conference report. This omitted provision allows companies that have traditionally used the net level term method of computing reserves with respect to accident and health insurance contracts to continue to use that reserve method. The amendment would modify the concurrent resolution to include the provision agreed to by the conferees but omitted from their report.

DISTRIBUTIONS FROM TOP-HEAVY PENSION PLANS

Under present law, a 10-percent additional income tax applies to distributions prior to age 59½ to key employees under a top-heavy pension plan. The conference agreed to change this rule to apply the 10-percent tax to 5-percent owners of the employer without regard to whether the plan is top heavy. This change was inadvertently dropped from the conference report, and the amendment would restore it.

MIDMONTH CONVENTION FOR DEPRECIATION OF REAL ESTATE

In agreeing to lengthen the depreciation period for real property other than low-income housing, the conferees also adopted a convention requiring that real property placed in service—or disposed of—in any month be treated as placed in service—or disposed of—in the middle of that month. The amendment would clarify that this midmonth convention does not apply to low-income housing and would set the effective date on the date of conference action.

TRANSITION RULE FOR INSTALLMENT SALE OF CABLE BUSINESS

The conferees adopted a provision under which the depreciation recapture rules regarding real and personal property override the installment sales rules. Except for sales pursuant to a contract binding on March 22, 1984, the provision applies to sales after June 6, 1984. The amendment would exempt from the provision certain installment sales of all or substantially all of the personal property of a cable television business.

MARKET DISCOUNT BONDS

A technical change is needed to coordinate the market discount bond provisions with the 6-month capital gains holding period.

CLERICAL CORRECTIONS

Various clerical changes would be made.

Mr. DOLE. I ask adoption of the amendment.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. As I understand it, I hope I am correct in what I understand, the amendment to the technical amendment that the chairman was describing on imputed interest is part of the amendment that he has now offered.

Mr. DOLE. That is correct.

Mr. MELCHER. I want to speak to that point, Mr. President.

The effect of the technical amendments before us is to change the imputed interest rates as they were passed in the tax bill, and to go back to existing law only on principal residences but not on small businesses or other residences such as vacation homes or business homes or condominiums. Both of these are problems for me, I think for quite a few others in this Chamber, and I think for millions of people in the country.

Present law for a small business sale that is seller financed is that the imputed interest would be 9 percent. Under the bill as passed with the technical amendments, it will be increased from 9 to 15 percent under present T-bills as of today.

A change from 9 to 15 percent on a seller-financed small business is a rather dramatic increase in interest rates, and hardly fits the idea that we want to encourage economic recovery. We want to hold down interest rate increases.

What we are doing by statute in this bill is changing imputed interest rates and tying them to T-bills on these seller-financed small businesses.

Let me give you an example. The filling station operator wants to retire, wants to sell his filling station, and in order to get it sold, he offers it for, let us say, $75,000. He agrees to finance a portion of that. Under this law he would have to sell it at 15 percent interest, or the Treasury would impute on today's T-bill markets an interest rate of 16½ percent. That sounds almost idiotic, and I guarantee you it is idiotic. Sadly, what is being attempted to be closed down in this bill is somebody selling a legitimate operation for whatever interest he can get the buyer to pay. Under present law, he would not be penalized. It would be 9 percent. That would be the imputed rate. Under the bill it must be 15 percent if the seller finances the sale.

If this bill passes, it is going to be 15 percent or else Treasury will impute 16½ percent under current T-bill rates. I do not think we should want to stop sales of small businesses. I shall offer an amendment to this particular

section which will simply say that we are not going to interfere with the sales of real estate in small businesses up to $500,000.

Whatever the Treasury worries about on sales of businesses, where there might be some tax evasion, I doubt whether they are worrying about the grocery store, the filling station, or the hardware store. I do not think that is what they are worried about. And the amendment only deals with the real property. It does not deal with the equipment, or anything of that nature, which Treasury says sometimes is inflated in value and, therefore, is inflated to get a rapid writeoff of depreciation, or is inflated to gain some tax advantage.

Second, on the questions of personal, principal residence, that means that if you own two homes, and attempt to sell them, you would have to sell one on the basis of principal residence and one not on the basis of principal residence. I think it is an area we simply do not need to get into. For that imputes the interest on one at 9 percent and the other at 15 percent. And current law does not require that finding of principal residence so it is less abusive.

I hope that we do not want to shut down those people that are building vacation homes, attempting to sell them where they finance the sale or business condominiums where the seller is financing, and especially wants to finance the sale in order to get the property moved. By the same token, I hope we do not shut down the opportunity for those who already own such business condominiums or vacation homes from having to get into an imputed interest of 15 percent at today's current T-bill prices or else they have an imputed rate of 16½ percent.

I want to draw the attention of the Senate to an article that was in the Wall Street Journal yesterday. It is on page 8. It says, "Real Estate Syndicators Discount Impact On Most Investors of Tax Bill's Revisions." They are talking about the tax bill that has already been agreed to in the conference report.

So they are not talking about the subject matter we are talking about right now. But this term "real estate syndicators" is not a term with which I am familiar. But, at any rate, the story is familiar. It talks in a very familiar manner and it said, quoting a gentleman named Mitchell Hochberg, first vice president of VMS Realty, Inc., a real estate syndicator, he says:

"We're not particularly troubled" by the tax changes.

Syndicators believe they can offset the changes so that investors can end up with about the same tax benefits. Investors in VMS partnerships, who last year could deduct an average of $1.40 for every dollar invested in a partnership, would get deductions of $1.25 to $1.30 for every dollar, Mr. Hochberg said. Integrated Resources Inc., a real estate syndicator that offers deductions varying from less than a dollar to as much as $4.50 for every dollar invested, said that range won't change.

Mr. President, I only read those little quotes out of this story to indicate that the tax bill as passed does not upset whatever real estate syndicators and how they operate. I do not begrudge them that. They are in the business to build property and to provide their services. The additional property that they build I am quite certain is beneficial to the economic recovery.

I read it, Mr. President, not for criticism, but to point out that, strangely enough, in the same tax bill we have sought out some of the lower financed real estate sales and direct Treasury to soak a very high imputed interest rate on those transactions.

In order to avoid what clearly is an injustice and a mistake, I will offer an amendment to this particular section to make certain that the small businesses are included for real estate transactions up to $500,000 under existing law, and that we will not get into this quicksand of what is the principal residence.

AMENDMENT NO. 3378

(Purpose: To limit imputed interest rates for the sale or exchange of farms and ranches, or small businesses up to $500,000, or residential property up to $250,000)

Mr. MELCHER. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] on behalf of himself and Senators BAUCUS, HATFIELD, BOSCHWITZ, DIXON, DURENBERGER, JEPSEN, SYMMS, BOREN, and RANDOLPH, proposes an amendment numbered 3378.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 4, strike out paragraph (23) of the corrections to division 1—Tax Reform Act of 1984, and insert the following new paragraph:

(23) In section 483 of the Code (as added by a section 41(b) of the bill), redesignate subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively, and insert after subsection (d) the following new subsection:

"(e) Interest Rates in Case of Sale of Principal Residences or Farm Lands—

"(1) IN GENERAL.—In the case of any debt instrument arising from the sale or exchange to which this subsection applies, subsections (b) and (c)(1)(B) shall be applied by using, in lieu of the discount rates determined under such subsections, discount rates determined under subsections (b) and (c)(1), respectively, of this section as in effect before the amendments made by the Tax Reform Act of 1984.

"(2) sales or exchanges to which subsection applies.—This subsection shall apply—

"(A) to any sale or exchange by a person of real property to be used by the purchaser as a personal residence, but only to the extent that the sale price that the real property does not exceed $250,000.

"(B) to any sale or exchange by a person of land used by such person as a farm (within the meaning of section 6420 (C) (2)), and

"(C) to any sale or exchange by a person of real property pursuant to the sale or exchange of a business, but only to the extent that the sale price that the real property does not exceed $500,000."

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I have pretty well described what I am attempting to do, and I am not going to belabor it further except to take about 2 or 3 minutes to wrap up what I consider to be a terrible injustice.

Sometimes I think that those of us in Washington too often get enamored of the huge complexity of the Government and are too often misled in what is necessary for the various agencies. In this instance, we have the Internal Revenue Service and the Treasury Department continually badgering us on what is necessary in collecting interest on real estate transactions that are seller financed.

In the instance of so many of the sales that are going on right now at this time with climbing interest rates, seller-financed sales of property are extremely essential. Without that, you shut down so many of the sales that are being attempted. Realistically without seller-financed sales we are leaving those people high and dry.

Mr. President, I am not overwhelmed when the Treasury Department talks to us about imputed interest rates. To the extent that they are trying to close some loopholes on huge transactions, I shall bow to their judgment. But when they attempt to tell us that what happens on Main Street of America in the ordinary sales of real estate property, whether it is small business or homes for the ordinary seller, saying that that creates a tax evasion point, I beg to differ with them. But in order to concede their point that some of the large transactions, amounting to many millions of dollars, are designed for tax evasion, the amendment before us places a cap, which is not in present law, of $500,000 on the sale of the real estate

of a small business. In addition the amendment gets away from this never-never land of what the "principal residence" is.

That is all my amendment does, leave existing law alone except for further restraint. My amendment does maintain the $250,000 limitation on home sales that the chairman has in his but my amendment does get rid of the "principal residence" clause so that any residence—you would not have to argue with IRS over what the "principal residence" is—and thus my amendment on this point would have the same effect as present law.

Mr. President, I hope that we could consider what is the actual world out in our own States and the situation of sales and what the seller has to finance. I hope we can consider the harm of the imputed interest rates when raised to the extent that it would be on these residences and small businesses. I seek to avoid that but adopt caps on the amount; but on the rest retain present law as it is. That is my amendment. It avoids an increase of imputed interest rates.

Mr. President, I think I have said enough on the amendment to show it is necessary. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I understand the concern of the Senator from Montana and I had hoped we would not have to proceed this far because there are just as many concerns on the other side. I do not know a way of resolving it, because if he wins, then I have problems with other people; if he loses, he is willing to accept that, I think, and will not hold up the resolution.

There are hundreds of thousands of people who are going to be affected if we do not pass this concurrent resolution. Again, I think we have indicated we think we have a pretty fair resolution. We do not have any impact until January 1985, we do not have to make any changes if changes should be made.

Mr. BAKER. Will the Senator yield, Mr. President?

Mr. DOLE. Yes; I yield.

Mr. BAKER. Mr. President, I do not mean this to be facetious, but I think it is important. The Senator is absolutely correct, there are hundreds and thousands of people involved in the completion of this matter. I do not want my colleagues to take this wrong, but there are 100 people here involved, because I have been advised by the House—and I understand why—that they are not going to send us an adjournment resolution until we pass this concurrent resolution. For what that means, I believe them.

Mr. DOLE. Mr. President, I am going to move to table in a minute. I do not have any quarrel with the Senator from Montana, but I have to finish this resolution. The majority leader wants me to move. I think it is important that we do that. Therefore, I move that we lay the Melcher amendment on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from South Dakota [Mr. ABDNOR], the Senator from North Dakota [Mr. ANDREWS], the Senator from Colorado, [Mr. ARMSTRONG], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from Washington [Mr. EVANS], the Senator from Arizona [Mr. GOLDWATER], the Senator from Oregon [Mr. HATFIELD], the Senator from Nevada [Mr. HECHT], the Senator from Pennsylvania [Mr. HEINZ], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Iowa [Mr. JEPSEN], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nevada [Mr. LAXALT], the Senator from Maryland [Mr. MATHIAS], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from Oregon [Mr. PACKWOOD], the Senator from Illinois [Mr. PERCY], the Senator from South Dakota [Mr. PRESSLER], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Vermont [Mr. STAFFORD], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], the Senator from Texas [Mr. TOWER], the Senator from Virginia [Mr. TRIBLE], and the Senator from Connecticut [Mr. WEICKER], are necessarily absent.

Mr. INOUYE. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from West Virginia [Mr. BYRD], the Senator from California [Mr. CRANSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Nebraska [Mr. EXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Tennessee [Mr. SASSER], the Senator from Mississippi [Mr. STENNIS], and the Senator from Massachusetts [Mr. TSONGAS], are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 30, nays 23, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—30

Baker	Garn	Mitchell
Bentsen	Gorton	Proxmire
Chafee	Grassley	Quayle
D'Amato	Hatch	Roth
Danforth	Inouye	Rudman
Denton	Long	Simpson
Dole	Lugar	Thurmond
Durenberger	Matsunaga	Wallop
East	Mattingly	Warner
Ford	Metzenbaum	Wilson

NAYS—23

Baucus	Domenici	Levin
Biden	Eagleton	Melcher
Bingaman	Glenn	Nunn
Boren	Hart	Randolph
Boschwitz	Hawkins	Riegle
Burdick	Heflin	Sarbanes
Chiles	Helms	Zorinsky
Dodd	Kasten	

NOT VOTING—47

Abdnor	Heinz	Packwood
Andrews	Hollings	Pell
Armstrong	Huddleston	Percy
Bradley	Humphrey	Pressler
Bumpers	Jepsen	Pryor
Byrd	Johnston	Sasser
Cochran	Kassebaum	Specter
Cohen	Kennedy	Stafford
Cranston	Lautenberg	Stennis
DeConcini	Laxalt	Stevens
Dixon	Leahy	Symms
Evans	Mathias	Tower
Exon	McClure	Trible
Goldwater	Moynihan	Tsongas
Hatfield	Murkowski	Weicker
Hecht	Nickles	

So the motion to lay on the table Mr. MELCHER's amendment (No. 3378) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table the amendment of the Senator from Montana was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, as far as I know there are no other amendments to the concurrent resolution.

Mr. President, I wish to clarify two provisions which have an impact on real estate transactions.

DEFERRED RENTS

It is expected that Treasury regulations will provide that lease will not be subject to the matching rule, the leveling rule, or the conversion rule of new section 467 of the Internal Revenue Code merely because there may be reasonable increases in the rent to be paid, provided such increases are wholly contingent and cannot be reasonably ascertained at the time the lease is executed.

RETROACTIVE ALLOCATIONS

In addition, it should be clarified that the midmonth convention described in the conference report with regard to retroactive partnership allocations is not intended to restrict the Treasury Department's discretion to provide a more flexibile convention by regulations where no abuse potential is present. For example, regulations could provide that, in nonabusive cases, any partner admitted to a partnership during a calendar month could, for purposes of the retroactive rules, be treated as having been admitted on the first day of such month.

Mr. President, I indicate to our colleagues that I appreciate their indulgence. I think we have a good resolution of the problem raised by many.

I indicate as I did previously to the Senator from Montana that we will have hearings on this. I think he does have a point in the small business provision.

I hope we pass the resolution.

The PRESIDING OFFICER. If there be no further debate on the substitute amendment, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 3377) was agreed to.

THE IMPUTED INTEREST RULES

Mr. PRYOR. Mr. President, there was a very serious problem with the conference report on H.R. 4170, which the Senate approved yesterday, and I sincerely hope that it will be corrected by the Senate today. I'm referring to the so-called imputed interest rate rules contained in section 483 of the Internal Revenue Code.

These rules were put in the tax code to prevent the conversion of ordinary income on certain deferred payment transactions into capital gains, subject to a preferential tax rate, or in some cases a rollover of the gain completely.

Under present law, the imputed interest rate rules provide that if a deferred payment transaction has a stated rate of interest of 9 percent, then they will not come into play. If, however, an interest rate below that threshold is provided for, or if no interest rate is stated in the debt instrument, then a rate of 10 percent is imputed for income tax purposes.

These rules have worked, and have also given people the flexibility to structure transactions in a period of high interest rates. In particular, Mr. President, I'm concerned that a change in these rules will bring about a chaotic situation with regard to seller-financed property. As we all know, in the last few years a large portion of the real estate transactions in this country, rather single family homes or farms, have been sold using some type of seller financing. The availability of seller financing has enabled many people to sell homes, and other property, and without it I believe the real estate market would have literally been shut down. It's for this reason, Mr. President, that I believe the proposed changes in the imputed interest rate rules are wrong, and should be changed.

At the very minimum, we should enact the provisions of the technical corrections bill before us, but I sincerely believe that the provisions of this amendment—which retains present law—would be the better course to follow.

Under the conference report on H.R. 4170, the interest rates under section 483 would be increased to 110 percent of the applicable Federal rate—the so-called "safe harbor test"—and 120 percent of the applicable Federal rate for the imputed rate. At current T-bill and long-term bond rates, this could result in a dramatic increase in the imputed rates, and could jeopardize seller financing for transactions that occur after January 1, 1985, which is the effective date of the proposed change.

This amendment retains present law for personal residences of $250,000 or less, and also, for farms, regardless of the sales price.

Mr. President, this is a change that must be made. Although the effective date of the provision is not until the first of next year, we must act on it now. The real estate industry has come through a very difficult period, and I think it would be wrong to jeopardize one of the ways millions of Americans have been able to sell their homes. I hope the pending amendment is adopted, and I urge my colleagues to support it.

Mr. BOREN. Mr. President, I add my support to efforts of the Senator from Montana to increase the exemption from imputed interest provision to cover small businesses and farms.

It is my understanding that under present law, any deferred payment transaction that is covered by section 483 of the Internal Revenue Code, must state interest at least the safe-harbor simple interest rate fixed by regulation—which is about 9 percent—or interest is imputed at a higher compound rate of 10 percent. The conference report would increase the safe-harbor rate to 110 percent of an average yield on Federal obligations of similar maturity. If interest is not paid annually at least at this rate interest is to be imputed at a rate equal to 120 percent of the applicable Federal rate—or at the higher stated rate—and annually included in the income of the lender and deducted by the borrower.

If the conference report language was allowed to stand, this would be a real disincentive to people trying to sell their home or farm. Even with the $250,000 exception provided for residences, there would be many small businesses and farms who would still be caught under the new rule. In my home State of Oklahoma, the average selling price of a farm is around $319,300 thus not even the average price of a farm would be covered. It would be a terrible injustice to tie the hands of farmers and small businesses, especially when bankruptcies and forced sales are at an all time high. During the last 2 years, over 15,000 farmers with the Farmers Home Administration loans have been forced to liquidate.

In addition, with interest rates at 14 percent and higher, conventional loans are out of the question for most families. Seller-financing and below market loans have been the only way homes and small businesses have been sold in recent months, and the interest rate outlook does not appear to be getting any better.

I understand that the distinguished chairman of the Senate Finance Committee has worked out a compromise on this issue which would retain part of current law for residences and farms and ranches. I urge my colleagues to support this compromise which I believe to be fair.

Mr. BAUCUS. Mr. President, Wednesday night we approved the conference report on the Tax Reform Act. Because it is the first part of the overall deficit reduction downpayment package that we must enact in order to prevent interest rates from rising further, I voted to approve the conference report. Nevertheless, I strongly oppose section 41(b) of the report, which will have the effect of substantially increasing the interest rates some sellers must charge when they sell their homes, farms, small businesses, or ranches; at a time when interest rates have begun climbing again, such increases could be devastating.

Therefore, I support adoption of an amendment that immediately repeals section 41(b) insofar as it affects sales of homes, farms, small businesses, and ranches.

BACKGROUND

When someone sells property on a deferred basis, the principal he receives is treated as capital gain and the interest he receives is treated as ordinary income. Because capital gains are taxed at much lower rates than ordinary income, a seller may have a tax incentive to overstate principal and understate interest; when the property sold is depreciable property, the buyer may have a similar incentive, because he can take accelerated depreciation deductions—and in some cases an investment tax credit—based on the amount of the principal but not of the interest.

Mr. President, some time ago, Congress sought to limit the effect of these tax incentives by assuming, for tax purposes, that a deferred payment transaction includes a basic interest component. Specifically, Tax Code sec-

tion 483 directs the Treasury Secretary to issue regulations setting "safe harbor" and "imputed" interest rates; if the seller does not actually charge interest of at least the safe-harbor rate, he is assumed to have charged interest of the higher imputed rate. Currently, the safe harbor rate is 9 percent and the imputed rate is 10 percent. Therefore, if a seller doesn't charge interest of at least 9 percent, he is assumed, for tax purposes, to have charged interest of 10 percent.

THE ADMINISTRATION PROPOSAL

I am not aware of any abuses that are occurring under the current system, especially regarding sales of homes, farms, small businesses, and ranches.

But the administration apparently thinks there are abuses. In its most recent set of budget proposals, the Treasury Department said:

> We have seen a substantial number of recent transactions that exploit * * * the operation of section 483. In some cases a tax basis of more than five times the established fair market value of the property is claimed.

To eliminate this perceived abuse, the Treasury Department proposed revising section 483 so that the rate no longer is set by the Treasury Department, but instead "floats" along above the Treasury bill rate. Specifically, the safe-harbor rate will be 110 percent of the T-bill rate and the imputed rate will be 120 percent of the T-bill rate.

Eventually, this provision was included in both the House and Senate tax bills, and was adopted as section 41(b) of the Tax Reform Act.

ANALYSIS

Mr. President, it is clear, from the administration's original description of the problem it perceived, that the new imputed interest rate provision was aimed at big commercial developers who use sophisticated methods to maximize the tax shelter benefits of their transactions.

But the provision actually goes way beyond that. It affects ordinary homeowners, small businessmen, farmers, and ranchers who resort to seller-financing rather than bank financing. As a result, it has an especially harsh effect in the West, where interest rates generally are higher than elsewhere and where seller-financing is more heavily relied on.

Mr. President, the people I am talking about are not sophisticated developers engaging in elaborate tax scams. They are ordinary people who simply cannot sell their homes, farms, businesses, and ranches at prevailing market rates.

Under the section 41(b) provision, the Government tells these people that they either have to sell at prevailing rates or else suffer a tax penalty. Based on today's rates, this means that, instead of charging 9 percent they will have to charge about 15 percent.

This is an unnecessary, indeed counterproductive, intrusion. According to the National Association of Realtors, it could reduce home sales by 500,000 a year. At a time when increasing interest rates already are undermining the housing market, this would be devastating.

THE CONFERENCE REPORT

Unfortunately, the section 41(b) imputed interest rate provision slipped through the House, the Senate, and the conference committee without anyone discovering its potential impact on homes, small businesses, farms, and ranches.

Only after the conference committee had ratified the provision did I learn, from an article in the Wall Street Journal and from the National Realtors Association, that, unlike another related provision in the bill, the imputed interest rate provision contained no exception for principal residences, farms, and ranches. As soon as I learned this, there was an attempt to modify the conference report provision; unfortunately, it was blocked by one of the House conferees. Nevertheless, at the end of the conference on Friday night, I described the potential problem and urged my fellow conferees to reexamine the issue as soon as possible.

THE CONCURRENT RESOLUTION

At this point, as we consider a concurrent resolution that makes corrections in the conference report, it certainly seems appropriate to modify the imputed interest rate provision.

The House of Representatives has implicitly acknowledged this, by including, in its version of the concurrent resolution, a compromise provision that reduces the safe harbor and imputed interest rates, for homes and farms, from 110 and 120 percent, respectively, to 90 and 100 percent. Given current rates, this would mean that the new safe-harbor rate would be reduced from about 15 percent to about 12 percent but still would be substantially higher than the 9 percent it is now.

This compromise provision is an improvement over the conference report provision, and I understand that the National Association of Realtors supports it for that reason.

But why compromise? There is no good reason why the new provision should apply to homes, farms, small businesses, and ranches at all.

Therefore, I strongly believe that we should completely repeal the new provision insofar as it applies to principal residences, to farms and ranches, and to businesses worth less than $500,000. In other words, average homes, small businesses, farms, and ranches would remain subject to the current 9- to 10-percent rates, rather than the higher rates.

CONCLUSION

Mr. President, I think everyone has the same basic goal: to prevent tax abuses without disrupting ordinary transactions. To achieve this goal, we should simply admit that we made a mistake when we applied section 41(b) to homes, farms, small businesses, and ranches, and we should correct that mistake, immediately, by adopting both the Dole amendment and the Melcher amendment.

In addition, I would like to thank Senator MELCHER, who has worked hard to repeal section 41(b). He has led the fight on this issue, and deserves to be applauded for that.

ELECTRONIC FUNDS TRANSFER REQUIREMENT FOR PAYMENT OF CIGARETTE AND ALCOHOL PRODUCT EXCISE TAXES

Mr. DOLE. Mr. President, the Senator from Kansas wishes to take note of a provision included in the conference report on H.R. 4170, which the Senate passed just 2 days ago. That provision requires taxpayers who owed $5 million or more in excise tax on distilled spirits, wine, beer, or tobacco products during the preceding calendar year to pay that tax by means of electronic funds transfer to a Federal Reserve Bank.

The Senator from Kansas has also been made aware that the Treasury appropriations bill for 1985, which we may be considering today, includes a prohibition on the expenditure of Treasury Department funds "to implement changes" in the "mode of payment of excise taxes by law or regulations in effect on January 1, 1981." The conferees and the Committee on Finance were aware that language such as that included in the present appropriations bill has been in the law for several years. It was for this reason that a specific statutory provision was included in H.R. 4170.

The Senator from Kansas, as manager of H.R. 4170, states unequivocably that it is his view that the Congress in H.R. 4170, and not the Department of the Treasury has implemented the requirement of electronic funds transfer for certain persons liable for tobacco and alcohol product excise taxes. The cited provision in the appropriations bill has always been intended to prohibit the Treasury Department from implementing such a change. Because the Congress has implemented this change, the provision of the current Treasury Department appropriations bill should not be construed in a manner to restrict enforcement of the specific requirements of the Internal Revenue Code, as amended by H.R. 4170, that require payment of tax by electronic funds transfer.

COMPETITION IN CONTRACTING

Mr. BAKER. I want to commend the senior Senator from Maine for his efforts to improve the Federal procurement process. I believe that title VII

of divison b of the Deficit Reduction Act of 1984, which incorporates S. 338, the Competition in Contracting Act, takes great strides toward increasing the use of competition in Federal contracting and restricting noncompetitive—sole-source—contracting.

Mr. COHEN. I thank the majority leader, and would like to extend commendations to Senators ROTH, LEVIN, and CHILES, as well as Representatives BROOKS and HORTON, for their hard work and continuing support.

Mr. BAKER. I do, however, want to clarify one point. Under subtitle D, section 2741 of this title, which provides a statutory base for the General Accounting Office's bid protest system, the term "Federal agency" is defined as having the same meaning as that term has under the Federal Property and Administrative Services Act of 1949.

It is my understanding that, in choosing this particular definition, the conferees do not intend to increase the GAO's bid protest authority over the Tennessee Valley Authority beyond the extent that GAO currently has such authority.

Am I correct in my understanding of the conferees' intent?

Mr. COHEN. Yes, you are correct. The conferees do not intend to expand the current scope of GAO's bid protest authority with regard to the TVA.

Mr. ROTH. As chairman of the subconference which considered this title, I agree with the Senator from Maine that your understanding of the GAO's bid protest authority, as it applies to the TVA, is consistent with the conferees' intent.

Mr. BAKER. I thank the Senators for that clarification.

The PRESIDING OFFICER. If there be no further debate on the concurrent resolution, the question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 328) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, we have come at last to the end of a long and arduous and frustrating but ultimately successful effort to reduce the Federal budget deficit.

The Senate and the House have agreed to a package of spending cuts and tax adjustments which will reduce projected deficits by $140 billion over the next 3 years.

We have done what we said we would do, and what others said we would never do, particularly in an election year. We have made a downpayment on the deficit.

We have agreed to cut projected domestic spending by $50 billion between now and 1987. We have agreed to cut projected defense spending by $40 billion. And we have agreed to raise the level of Federal revenues by $50 billion over 3 years.

I think it is important that the American people understand what we have done and what we have not done in meeting this economic challenge.

We have not solved the problem of Federal deficits. Even with a $140 billion reduction package, we still face deficits that are unacceptably high, and we must address this issue again next year.

But we have also not conformed to the craven image of political expedience and election-year illusions which too many of our fellow citizens have come to expect of Congress.

With bipartisan consent, we have raised taxes in an election year. We have slowed the growth of both domestic and defense spending. We have defied the conventional wisdom that Congress could not summon the courage to act responsibly and effectively in a campaign year.

We have fulfilled a commitment made to the President, in the now-famous "Rose Garden agreement," that our deficit reduction program would rest on three pillars, that we would have meaningful restraint in domestic spending, defense spending, and tax increases alike.

I think Members of the Congress on both sides of the aisle and both sides of the Hill have reason to be proud of their role in fashioning this serious response to a serious challenge.

I wish to commend especially the respective chairmen of the Senate Committees on Appropriations, Budget, and Finance for their leadership in this important effort. Senators HATFIELD, DOMENICI, and DOLE are representative of the skill, tenacity, and fortitude which characterized so many people involved in this enterprise.

I would respectfully submit, Mr. President, that the Congress has proven its mettle today, that we have shown we are fully prepared to deal with significant economic issues, to deal with them successfully, to deal with them in a timely way.

I would suggest that those who have been waiting for the roof to fall in on Washington's resolve to put its financial house in order may have to wait a very long time. We have turned the corner, away from the profligacy which plagued us in times past and toward a policy of restraint.

I cannot predict how long these better angles of our nature will inspire our actions, but I do know that Americans have always risen to a challenge, and we as their representatives have done no more and no less.

I believe President Reagan is right when he says that continuing high interest rates are bolstered by nothing but a fear of the future. I believe we have made the future more secure by our action today, and I believe we have proven that the future is in responsible hands.

I also believe that, given this evidence, the burden of proof must lie now with those who make the financial decisions in this country and not simply with those of us who make the political decisions.

I believe the moderation of inflation, the moderation of economic growth, and the moderation of political wills which inspired this compromise today call for a moderation of interest rates as well.

The prime rate is 8 points lower today than it was when Ronald Reagan took office in 1981, but it is also nearly 8 points higher than the traditional measure of money's "real" cost—the inflation rate plus 3 percent—has been.

There is simply no good reason for the high interest rates which prevail in this country this year, and the action of Congress today is only one more powerful case for bringing it down.

Mr. President, that completes action now on the concurrent resolution.

BANKRUPTCY COURT REFORM—CONFERENCE REPORT

Mr. BAKER. Mr. President, I believe this has been cleared by the acting minority leader. I have consulted with both sides. Mr. President, I submit a report of the committee of conference on H.R. 5174 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5174) to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstances under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective House this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, June 29, 1984.)

Mr. THURMOND. Mr. President, 2 years ago, on June 28, 1982, the Su-

preme Court decided its now famous Marathon case regarding the constitutionality of the jurisdiction provisions of the 1978 Bankruptcy Reform Act. It is ironic, but perhaps fitting, that the conferees on the bankruptcy bill reached agreement exactly 2 years to the day from the date on which the Marathon case was decided. While I am sure that all participants in this lengthy process would have preferred to have enacted legislation long ago, I am extremely pleased that we have at last reached agreement and are about to place our Nation's bankruptcy system on a firm constitutional footing. I believe that the compromise bill that the conferees have worked out is a fair and workable one, and I am pleased to support it.

By way of summary, let me first say that the new bill to which the conferees agreed yesterday is very similar to the Senate substitute for H.R. 5174. Title I, dealing with the bankruptcy court system, is very similar to title I of the Senate bill, except in a few significant respects which I will describe in a moment. Title II, authorizing 85 article III judgeships on date of enactment, is identical to title II of the Senate substitute, except the conferees agreed that no more than 40 of the 85 judges authorized therein would be appointed prior to January 21, 1985. Of those 40 judges, 29 are to be district court judges and 11 are to be circuit court judges. Title III, making substantive changes in the Bankruptcy Code, is virtually identical to the Senate bill, except that certain provisions in the technical amendments subtitle have been deleted or compromised. Title III also contains the labor provisions agreed to by the conferees. There were, of course, no labor provisions in the Senate bill.

As I stated earlier, title I is, in overall terms, similar to title I of the Senate substitute. Certain significant changes have been made, and they are as follows:

The mandatory abstention provisions of the House bill are included in the bill. This would require a Federal court to abstain in a related proceeding based on State law if that proceeding can be timely adjudicated in State court. Also, this provision will not apply to pending cases.

The House language on the definition of core proceedings is utilized, with certain modifications to new subsections 157(b)(2)(B) and (O). These modifications exempt from the definition of core proceedings the liquidation or estimation of contingent or unliquidated personal injury tort or wrongful death claims for purposes of distribution in a bankruptcy case.

New language on the issue of jury trials is included. Section 1411 will now provide that this chapter of title 28 and title 11 do not affect a right to trial by jury under applicable nonbankruptcy law with regard to a personal injury or wrongful death tort claim. This provision, however, will not be applicable to pending cases.

The language of the House bill regarding salaries of bankruptcy judges and magistrates has been included.

Provisions of the Senate bill regarding the use of bankruptcy judges as magistrates to handle bankruptcy cases or proceedings withdrawn by the district court have been deleted.

A compromise was reached regarding the extension of terms of existing bankruptcy judges. Their terms are to expire on October 1, 1986, or four years after the date of their last appointment to that office, whichever is later. Terms of part-time bankruptcy judges will expire two years after date of enactment.

A Senate provision regarding the setting of salaries of United States Attorneys and Assistant United States Attorneys was deleted.

Title II of the bill authorizes, on date of enactment, the appointment of 85 new article III district court and circuit court judges. These provisions are essentially identical to those of the Senate bill. The conferees, however, agreed that no more than 40 of these judges—29 district court judges and 11 circuit court judges—would be appointed prior to January 21, 1985. The remaining 45 judges would be appointed after January 21, 1985. Let me emphasize, however, that all 85 positions are authorized on date of enactment of this bill. The conferees have, however, simply reached a policy agreement regarding the number which may be appointed prior to January 21, 1985. Let me further clarify that, if all 40 judges are not appointed prior to January 21, 1985, the remainder will be included with the 45 judges to be appointed after that date. This title also contains certain other noncontroversial changes regarding retirement of Federal judges and their Federal insurance policies.

As I stated earlier, title III of the new bill is identical to title III of the Senate bill, with the exception of certain deletions and changes in the technical amendments subtitle and the addition of the labor language worked out in conference.

With regard to the labor provisions of this bill, let me first say that, were it not for the critical need to pass this bankruptcy bill, I could not have agreed to these provisions in subtitle J of this title. I believe that the Bildisco decision was correctly decided and did not require legislative action by Congress. Unfortunately, the House injected this issue into the bankruptcy debate very late in the process. They also made it quite clear that the bankruptcy bill, if there was to be one, would contain a labor provision acceptable to organized labor. After soundly rejecting my offer to delete the labor provisions of the House bill and the omnibus judgeship provisions of the Senate bill, the House conferees proceeded to work out with the Senate conferres a compromise on the issue of rejection of collective bargaining agreements in chapter 11 reorganizations. This compromise is, in my opinion, the fairest and most equitable one that could have been reached under the circumstances. It falls somewhere between the provisions of the National Bankruptcy Conference language originally contained in the Senate substitute and the Packwood amendment. Its procedures and standard are essentially the same as those of the Packwood amendment. Certain provisions were added, at the insistence of Senate conferees, to insure the flexibility and finality of the labor language. A provision was added, for example, to clarify that, should a judge fail to rule on an application for rejection within 30 days of the commencement of the hearing on such application, the debtor may unilaterally terminate or alter any of the provisions of the collective bargaining agreements pending the court's final ruling on the application. At that point in time, the debtor would essentially be in the same position he is now in under the Bildisco decision—that is he may unilaterally abrogate the contract pending the court's decision. The emergency relief provision suggested by the National Bankruptcy Conference has been included in this compromise. This provision would allow the debtor to come to the court for authorization, after a hearing, to make interim changes if such changes are essential to the continuation of the debtor's business or in order to avoid irreparable damage to his estate. This concept is a very important addition to the labor provisions and allows the necessary flexibility to prevent a debtor from being forced into liquidation. Another important difference between these provisions and those of the Packwood amendment is that they do not apply to pending cases and, therefore, should not affect pending litigation in any way.

Finally, I would like to comment on the language regarding the proposal which the debtor must make to the union and the refusal of the union to accept the proposal. Legitimate concerns have been raised regarding the broadness and vagueness of this language. I would hope that courts will interpret both provisions in the most practical and workable manner possible. The phrase "all of the affected parties" is obviously not meant to include any party which might conceivably be affected in any minor way, but is intended to encompass those parties directly affected. This phrase clearly includes, however, all nonunion employees of the debtor, whose interests should be as carefully considered by the court as those of any union employees. The requirement that the union refusal to accept the proposal be "without good cause" is obviously not intended to import traditional labor law concepts into a bankruptcy

forum or turn the bankruptcy courts into a version of the National Labor Relations Board. Again, the intent is for these provisions to be interpreted in a workable manner.

Mr. President, returning to provisions of title I of this bill, I would like to briefly discuss one final problem which the conferees have attempted to resolve. As I am sure my colleagues are aware, our most recent extension of the existing bankruptcy system expired on June 27 of this year. Obviously, the conferees had not agreed on a new bill by that point in time. We have attempted to address this problem by including in title I a final extension of the existing system to the date of enactment of this bill. Our intent is to continue the existing bankruptcy system and its current judges so that these judges will not be adversely affected in any way with regard to their salaries or continued Government service. Also, it is our intent that there be no question regarding the validity of their actions during this period of time.

Mr. President, this conference agreement was possible because of the hard work and outstanding dedication to the public interest demonstrated by the conferees and staff. As chairman of the conference, I want to highly commend all of them.

Among the Senate conferees, I want to thank Senators HATCH and SIMPSON for their active participation in the conference. They initiated many helpful suggestions which facilitated a resolution of difficult issues. Senator DOLE, the chairman of the Courts Subcommittee, and Senator GRASSLEY were cooperative throughout the process. I thank Senator EAST for his support.

Senator KENNEDY and the other minority members of the conference committee were also very helpful. In particular, I want to express my great appreciation to Senators DECONCINI, METZENBAUM, and HEFLIN, who worked as a mediating committee between the House and Senate. They were largely instrumental in achieving a final resolution of the major points of contention. Also, I am grateful to Senator HEFLIN for coauthoring with me the original Senate bill, S. 103

I enjoyed working with Chairman RODINO and the other House conferees, particularly Representatives JACK BROOKS, TOM KINDNESS, BOB KASTENMEIER, and MIKE SYNAR, and I commend them for their effective efforts. Messrs. FISH, SAWYER, LUNGREN, and MOORHEAD were very helpful in our deliberations. Indeed, Mr. SAWYER's help reminds us of how much he will be missed after his retirement. All of the others, including Representatives EDWARDS, SEIBERLING, HUGHES, GLICKMAN, and MORRISON, were cooperative. Although he was not an official conferee, Minority Whip TRENT LOTT used his good offices to facilitate agreement.

Mr. President, I would be remiss if I failed to mention the dedicated staff people who worked with the Senate conferees. My counsel, Sally Rogers, demonstrated great expertise, initiative and fairness throughout. She did as good a job as I have ever seen a staff member do in reconciling differences. Vinton D. Lide, the chief counsel to the committee, and Deborah K. Owen, our general counsel, provided their customary invaluable assistance in coordinating the efforts of the staff and ensuring the smooth operation of the conference.

Staff representing other members of the conference were also quite helpful. Doug Comer, who works for Senator DOLE, Randy Rader, and Steve Markman, on behalf of Senator HATCH, and Arthur Briskman, for Senator HEFLIN, were all of great service to the conference. Linda Nersesian (for Senator GRASSLEY), Ellen Broadman (for Senator METZENBAUM), Bob Fiedler (for Senator DECONCINI), Boyd Hollingsworth (for Senator SIMPSON), Rick Valentine (for Senator EAST), Mike Forscey (for Senator KENNEDY), and Cindy Lebow, Senator BIDEN's minority staff director, also contributed. Jan Wilson, from the Office of Legislative Counsel, did great work. In addition to the legal staff, Nancy Scott, Joseph Gibson, Debbie Bernstein and Karen Gordon of the full Judiciary Committee staff worked long hours to facilitate the activities of the conference.

Mr. President, all of the conferees and staff have performed a great service to the country in connection with this conference report and they deserve all of our thanks.

Mr. President, the conferees met on this matter, and they spent a lot of time. They were up until about 3 o'clock in the morning on it. We finally reached an agreement, and every member of the conference, Senate and House, signed except one refused.

It is a good report. I shall not ask for a rollcall vote.

Mr. HEFLIN. Mr. President, my remarks shall be very brief. As the conference report is being presented to this body today, I rise to congratulate the distinguished chairman of the Judiciary Committee for his leadership in making this report possible.

Since the ruling of the Supreme Court in Nothern Pipeline Construction Co. against Marathon Pipe Line Co. in 1982, we as Members of Congress have spent endless hours attempting to restructure the bankruptcy court and provide for additional judges and court personnel.

This conference report reflects a compromise between the Members of this body and our colleagues in the House based upon the article I adjunct court structure set forth in Senate bill 1013 which passed the Senate on April 27, 1983; and the Thurmond-Heflin substitute to H.R. 5174 which passed the Senate on June 19, 1984. I have great respect for the House conferees and I also congratulate and thank them for their hard work. Not everyone is happy with all the provisions of this report, and I too fear that there may be serious constitutional ramifications. But I am hopeful that this court structure can be workable, consistent with the intentions of the Senate. I am disappointed that the conferees were inclined to adopt some of the provisions in their present form.

Overall, I believe this legislation is good. It contains many significant, substantive reforms of the existing bankruptcy law. In the area of consumer bankruptcy, this legislation will tighten certain provisions of the 1978 act. It also provides procedures for expedited distribution of grain stored in bankrupt elevators and fish stored in fish processing facilities. Another provision concerns the bankruptcy of shopping centers and amends the laws to affirm or reject leases in a shopping center.

There is a modified version of a bill introduced by Senator DANFORTH which provides that a debt incurred as a result of an accident caused by drunk driving is not dischargeable.

Further, this legislation includes a proposal by the Federal Reserve Board which would exempt repurchase agreements from the automatic stay in bankruptcy proceedings.

There is a provision to protect holders of timesharing agreements in the event the timesharing contractor goes bankrupt.

This is an extremely complex and important package amending our existing court structure and substantive law.

The distinguished chairman of the Judiciary Committee, Senator STROM THURMOND, and the equally distinguished ranking minority member, Senator JOSEPH BIDEN; Senator BOB DOLE, chairman of the Subcommittee on Courts and many other members of the Senate Judiciary Committee and this body have had an active involvement in developing this important and essential legislation.

While I do not agree with all of its provisions, I am proud to be a part of this effort and I am hopeful that the Senate will act affirmatively on this conference report.

I would also like to commend and thank several staff members for their hard work and efforts. I want to give particular praise to Sally Rogers, of Senator THURMOND's office, for her outstanding work; to Doug Comer, of Senator DOLE's office; to Jan Wilson, of Legislative Counsel, and to Arthur Briskman, of my staff for their very diligent and continuing work. I would also like to recognize the efforts of

Pete Velde of Senator DOLE's staff; Ellen Broadman of Senator METZENBAUM's staff; John Podesta of Senator LEAHY's staff; Randy Rader and Steve Markman of Senator HATCH's staff; Carolyn Osolinik of Senator KENNEDY's staff; Bob Feidler of Senator DECONCINI's staff; Mary B. Troland of Senator BAUCUS' staff; Mark Gitenstein, Cindy Lebow, and Chip Reid of Senator BIDEN's staff.

Mr. President, I feel that the Senate should act affirmatively on this conference report.

Thank you Mr. President.

Mr. THURMOND. Mr. President, I have already paid tribute to the various Members who were so helpful and staff members, also. Again, I thank the Senator from Alabama for all that he contributed to this matter.

Mr. DOLE. Will the Senator from South Carolina yield?

Mr. THURMOND. I am pleased to yield.

Mr. DOLE. Mr. President, I would just take a few minutes to make some brief remarks concerning the consideration of the conference report on H.R. 5174, the bankruptcy improvements legislation. As Members of this body are aware, I have been in the forefront of the efforts to pass this critically needed reform of the bankruptcy courts and the bankruptcy laws for almost 4 years. At last, after resolving a number of complex and difficult issues, the Senate is ready to give final approval to a bill that, I believe, is vitally important to protecting the legitimate interests of a number of important sectors of our national economy.

This bankruptcy reform effort began with a simple bill to provide some expedited procedures in bankruptcy for farmers struggling to recover grain from insolvent elevators. Five times the legislation passed the Senate, while the House refused to take action. As the months—and then the years—went by, it became increasingly apparent that other segments of the business community were likewise in need of comprehensive relief from obsolete, burdensome bankruptcy procedures that have hampered good faith creditors in recovering upon legitimate claims. After a full year of hearings, this bill's predecessor—S. 2000 in the 97th Congress—passed the Senate and it, too, met an ignominious death in the House.

Following that, in June 1982, the Supreme Court rendered decision in the case of Northern Pipeline against Marathon Pipeline Co., which held that the bankruptcy court system now in place had been given powers constitutionally beyond their scope under the jurisdictional provisions of the 1978 reform act. This triggered a crisis in the court system, the implementation of an emergency jurisdictional rule sponsored by the judicial conference, and an expansion of the Senate legislation to include provisions to correct the deficiencies in the present court structure that the Supreme Court had identified. A second bill, S. 1013—passed by this body in early 1983—incorporated the provisions of S. 2000 and the court jurisdictional remedial measures. And still the House did not act.

Finally, in early 1984, the House was spurred into action by the Supreme Court decision in Bildisco against Bildisco. That case, which all Members are familiar with, addressed itself to the problems encountered by the courts and litigants when considering the issue of the treatment of collective bargaining agreements in bankruptcy. Only then—with the aggressive effort of the labor community—did the House consider the need for bankruptcy reform, and act on meaningful legislation. Of course, we are all thankful for the fact that we now have a consensus bill to act upon, which addresses all of these important problems. Nevertheless, I must say regretfully that many farmers—and small businessmen, institutional investors, financial institutions of all types and other parties affected by bankruptcy procedures—have had to endure 3 long years of frustration and economic loss due to the House refusal to take up the legislation.

SPECIFIC PROVISIONS OF THE BILL

In addition to providing expedited procedures for farmers who have grain stored in insolvent elevators, this bill provides important new protections for good faith creditors seeking recovery upon their claims in consumer debtor cases. Beyond that, there are provisions that reform procedures in bankruptcy that have affected the marketing of Treasury certificates under repurchase agreements; measures that correct problems for owners of shopping centers and their tenants, and other owners of real estate, whose leases are tied up in reorganization proceedings under chapter 11 of the Bankruptcy Code; reforms in the law of bankruptcy as it treats claims against drunk drivers, to ensure that victims of the drunk driver do not have their judgments against the drunk driver discharged in bankruptcy; important protections for timeshare participants, and finally, a host of technical reforms that improve the overall structure and functioning of the Bankruptcy Code. All of these reforms, contained in title III of the bill, are important although they have perhaps been overshadowed by the public debate on the Marathon issue and the labor provisions, the latter of which are also included in title III of the bill.

COURT STRUCTURE REFORMS

Title I of the bill, which enacts needed reforms in the organization and jurisdictional powers of the bankruptcy courts, has been carefully crafted to ensure its constitutionality under the Marathon decision. This title establishes an article I bankruptcy court, with judges appointed for limited terms, to handle the routine business of bankruptcy claims based upon State law, which under Marathon will require the attention of article III judges, will be referred to the district courts except where the parties consent to bankruptcy court jurisdiction. One of those areas reserved for attention of the district courts will be personal injury claims, which are exempted from the definition of core proceeding under the bill.

As most of my colleagues are aware, the Senate conferees differed over whether to retain the abstention language found in the original Senate bill. The majority of Senate conferees—this Senator included—felt that the Senate language was too broad, in that it prohibited the bankruptcy courts or district courts from considering any case that was based upon a State law claim. Mandatory abstention in favor of State courts in those cases was required. The House provision on abstention was, however, limited to Marathon type proceedings and the party seeking abstention would have been required to show that the cause could be timely adjudicated in the State courts before abstention would have been required.

The Senate conferees reached a fair compromise on this issue. The result of the conference discussion was a provision that preserves the integrity of bankruptcy jurisdiction while allowing abstention for personal injury cases where they can be timely adjudicated in State courts. In addition, where abstention does not occur, those cases will be handled by the district court where the bankruptcy has been filed or, if that court finds it appropriate, where the claim arose. Finally, the abstention provision will be prospective in application only, sparing litigants in pending cases delay of their proceedings.

The court structure provisions are, I believe, a constitutional answer to Marathon.

LABOR PROVISION

Mr. President, the conferees—after a full week of debate—agreed upon a provision concerning the treatment of collective bargaining agreements in bankruptcy that is a fair compromise between the decision in the Bildisco case and the various proposals that were supported by labor, the most recent of which was embodied in an amendment sponsored by the Senator from Oregon [Mr. PACKWOOD], at the time of earlier Senate consideration of H.R. 5174.

Two issues were involved in Bildisco: whether unilateral rejection of a collective bargaining agreement was permissible in bankruptcy, and what

standard the courts should apply in evaluating an application for approval to reject such agreements once the debtor has exercised that option. The Packwood amendment, which was earlier withdrawn in favor of moving the bill to conference, not only reversed that part of Bildisco dealing with unilateral rejections, but also set a standard of court review far beyond the Rea Express case, which was the toughest standard ever applied by any court prior to Bildisco, which rejected Rea Express.

The conference compromise evenly splits the difference between Bildisco and Packwood. It overturns the court ruling with regard to unilateral rejection, and requires now a prior court hearing and ruling upon an application for rejection of a collective bargaining agreement. In addition, it inserts into the law a requirement upon the debtor that the debtor make a proposal, for necessary modifications in the collective bargaining agreement that are necessary to permit a reorganization, to the union representatives, prior to seeking approval for an application to reject. And, it requires the debtor to provide all relevant information concerning the proposal to the unions prior to seeking such rejection. Finally, in order to ensure that businesses in need of immediate relief can obtain it, the labor provision of the conference bill provides for emergency relief for businesses where that relief is needed to prevent the collapse of the debtor's business; and in ruling upon the debtor's application for rejection, the court will apply the balancing of equities test enunciated in Bildisco, with a clarification of that standard to ensure that rejection is accomplished only where the equities balance clearly in favor of rejection.

Mr. President, the labor amendment is a good compromise between the proposals and positions that were expounded by each side. And, importantly, Mr. President, the labor provision is prospective only in application, to ensure that it will not be applied to cases pending in the courts today, such as the Continental and Wicks cases, where its application after those companies are far into their reorganization plans would work an impossible burden upon the litigants.

OMNIBUS JUDGESHIPS

The legislation now before the Senate also includes provisions included in the original Senate legislation providing for the creation of 85 new district and circuit court judgeships, with the appointment to be split roughly half this year and half next year. The staggering of these appointments was necessary both from a practical and political standpoint, due to the limited number of legislative days left in this session and the impending election. The judgeships are needed not only because of the increase in caseloads over the past few years, but also because of the additional cases that will be placed upon the district court dockets as a result of the Marathon decision and the remedies thereto that are incorporated in the bill.

Mr. President, I have previously placed statements in the RECORD stating the need for these judgeships in more detail, and the history of the judicial conference requests justifying the positions, and I refer my colleagues to those statements for additional information.

CONCLUSION

Mr. President, this bill is long overdue and its consideration and passage is heartily welcomed by this Senator and others in this Chamber. Time after time we have found ourselves forced to extend an unconstitutional court system while we waited for House action or for the consensus needed to resolve the many and important issues involved in the legislation. I trust that the vote on the conference report will be unanimous and the President's approval will come swiftly.

Mr. President, I commend the chairman of the Judiciary Committee and all members of the conference for their outstanding work and particularly members of the staff of Senator THURMOND, who has probably already acknowledged, and also Doug Comer of my staff. I think we have had a good result.

I wish to address a question to the Senator from Ohio. There is a technical point which needs to be clarified regarding the agreement of the conferees concerning the prospective application of the language on personal injury and wrongful death causes of action against a debtor in a bankruptcy case. Section 157(b)(5) which addresses this point was part of the same compromise as section 1411(a) on jury trials. Section 157(b)(5) is effective upon enactment while the jury trial language is effective only prospectively. Both provisions were intended to have prospective effect. Therefore, we should leave no doubt that it was the intent of the conference and the decision of the conference that the two sections were part of the same compromise. It was also agreed to delete language which provided that the provisions would be effective upon the date of enactment. Is that correct?

Mr. METZENBAUM. The chairman of our Courts Subcommittee is correct. He was a member of the conference committee on this bill, and I agree with him. The conference intended that section 157(b)(5) and section 1411(a) should be interpreted in this manner.

● Mr. D'AMATO. I wish to seek clarification of the definition of "forward contract" which was added as section 101(22) of title 11, United States Code. This is found in section 421(j)(5) of the conference report. Do I understand correctly that the term "commodity" as used in the definition of "forward contract" is intended to include, without limitation, foreign exchange?

● Mr. DOLE. The Senator's understanding is correct.

● Mr. D'AMATO. I would be correct in understanding, then, that the term "forward contract" would include a forward foreign exchange contract?

● Mr. DOLE. The Senator's understanding is again correct.

● Mr. D'AMATO. I thank the Senator for his clarification of this point.●

Mr. HATCH. Mr. President. Almost 2 years to the day that the Supreme Court struck down the jurisdiction of the bankruptcy courts as unconstitutional, we have reached a significant agreement with the House of Representatives to reconstitute and reform the bankruptcy system. For decades to come, legal scholars and practitioners will refer to the Bankruptcy Court and Federal Judgeship Act of 1984 as a landmark in the development of our Nation's unique bankruptcy system. As a body, the Senate can look with pride upon this accomplishment. In particular, however, this body should recognize the unwavering and untiring dedication of the chairman of the Judiciary Committee, Senator STROM THURMOND. His commitment to this legislative landmark that at times appeared impossible made it achievable. At the same time, this body owes great gratitude for this accomplishment to Senator and Judge Howell Heflin whose expertise and personal investment in this effort were indispensible. Finally, this body should offer a congradulatory commendation to Senators DOLE and DECONCINI whose contributions as chairman and member of the key Subcommittee on Courts initiated this bill and shaped it at every stage of the legislative process. These four Senators and many other members of the Judiciary Committee—Senators SIMPSON, GRASSLEY, EAST, BIDEN and others—deserve great credit for today's single achievement.

This conference was a successful enterprise. I would like to express my appreciation and great respect for my colleagues on the House delegation to the conference. We were able to cooperate and seek accommodations in policy that would serve well creditors, debtors, and all else who may be touched by the bankruptcy system. I must only express my sincere hope that this successful experience will set a precedent for many other conferences. The Senate has sent an enormously important crime package to the House, an improvement of the Freedom of Information Act, and numerous other critical legislative measures to the House in the hope of meeting in conference. This conference has shown that such meetings can be very

successful. Accordingly, I invite my House colleagues to give serious consideration to permitting a conference to convene on the subject of correcting America's crime epidemic.

Each of the three titles of this bill will have a dramatic impact on fair and equitable bankruptcy administration. Title I corrects the constitutional flaw discerned by the Supreme Court in the Marathon case which prohibited bankruptcy judges, who lack life tenure, from deciding certain bankruptcy cases grounded in State law. Under this bill, bankruptcy judges will act as article I adjuncts to Federal district courts in the resolution of core bankruptcy proceedings. Title II creates 85 new Federal Judgeships. Since 1977, case filings in Federal district courts have increased at an average rate of 39 percent nationwide. This places intolerable strains on the institution which Alexander Hamilton described as the "bulwarks of a limited Constitution," namely the Federal judiciary. (Federalist No. 78.) For example, the Utah District Court, which desperately needed the additional judge authorized by this bill, has experienced a 130.9-percent increase in case filings since 1977. Title III of this legislation reforms many provisions of the Bankruptcy Code which have desperately needed adjustment, revision, or complete reformation, including an important adjustment to recognize the unique problems faced by shopping center landlords and tenants during bankruptcy. Finally, in title III, this bill also creates new procedures governing the rejection of a collective bargaining agreement by a business attempting to reorganize under chapter 11.

After months of working to resolve the standards and procedures for rejection of collective bargaining agreements by a failing business, I feel that the conference version is a practical, workable mechanism. This provision will require negotiations to attempt to save both the labor contract and the business prior to court adjudication to reject the contract. These negotiations will be characterized by an offer from the business making such modifications in the labor contract as are necessary to permit the reorganization to be successful. Moreover the union can only reject such a good faith offer for cause good enough to justify the risk of the business' collapse. Only if these good faith negotiations fail does the court get involved in granting an application to reject the contract. At any time in this process a business may petition the court to allow such interim alterations as are necessary to prevent damage to the estate or to the prospects of reorganization. The bill contains very specific time limits to prevent the negotiation process or the court resolution from dragging on indefinitely. In the event the court does not rule within these prescribed limits, the debtor may unilaterally terminate the contract without consent of the court pending the final outcome of the case.

This brief summary shows that the conference has preserved the spirit of the Bildisco case by requiring at all phases of the process balancing of the valid interests of parties with legal claims. This process honors the purposes of reorganization without ignoring the interests of any creditor, employee, or debtor. Reorganizations are difficult. It is never easy to decide where and to what extent costs must be cut to save the business. This bill provides a framework for making difficult decisions fair and equitable.

I have only one regret as I reflect upon this conference product. It involves the deletion of the Senate-passed mandatory abstention provision. With its deletion, purely State law claims which do not arise under the Bankruptcy Code are allowed to be tried in State courts. This presents an important constitutional concern. State tort or contract cases in which one party happens to be bankrupt are still State law claims. They are not Federal questions. Thus, there is no Federal jurisdiction for these claims. The Constitution only grants Federal court jurisdiction to cases "arising under" Federal law and diversity cases. This is neither. The Senate abstention provision would have remedied this problem instead of depriving State law claimants of the protections of their State law. From 1898 to 1978—80 years—the bankruptcy system operated under a system that allowed State courts to interpret their own law. This system was evidently efficient enough to last eight decades without depriving parties of their rights. I regret that we did not see fit to restore that sensible Senate provision.

LABOR PROVISIONS

The conference spent the bulk of its time discussing appropriate standards and procedures for rejection of a labor contract during reorganization proceedings. Before discussing the substance of the conference's product, I must express again my appreciation to the key individuals who worked diligently to reach a fair and equitable resolution to this difficult problem. Teamsters' Union President Jackie Presser deserves special credit in this regard for his tireless defense of the workingman. By the same token, I would express appreciation to Bob Thompson at the U.S. Chamber for his great contributions to this debate. AFL-CIO President Lane Kirkland and representatives of the National Association of Manufacturers and many others deserve commendation for their efforts to reach a fair resolution of the difficult problem of deciding how to save a financially distressed business.

The conference committee set up a careful procedure to ensure that the interests of the struggling business, its union employees, and all other creditors of the business are balanced equitably and fairly. Of course, when a business is failing, no resolution is completely satisfactory. Often drastic measures are necessary to save the hemorrhaging company, including rejection of the businesses labor contract. In the Bildisco case, the Supreme Court unanimously established a healthy compromise with regard to chapter 11 reorganizations that involve a labor union. The Court did not accede to the wishes of business parties that labor contracts, like commercial contracts, should be subject to rejection whenever the business judged such action necessary. Nor did the Court accede to the wishes of labor parties that collective bargaining agreements should only be rejected under the test established by the REA Express case of the second circuit. The unanimous Court decided that the REA Express test was "fundamentally at odds" with the policies of flexibility and equity built into chapter 11. Instead the Court decided that the court reviewing bankruptcy should balance all the equities, including the interests of all affected parties, before determining whether rejection should be allowed. The conference's compromise adheres to the spirit of this unanimous Supreme Court opinion. At each step of the process set up by this bill, the parties and the court must carefully balance and preserve, to the extent possible, the legitimate and reasonable interests of all affected parties in such a manner as to assure the success of the reorganization.

The conference version of H.R. 5174 sets up a procedure to ensure that all parties' interests are balanced as carefully as possible in light of the difficult circumstances. The first step of the process should take place before the failing business ever appears in court to seek rejection of its labor agreement. The business must make an offer to its employees' union representatives that strives to both preserve the collective bargaining agreement and permit a successful reorganization. That offer should make "those necessary modifications" in the contract as "are necessary to permit the reorganization of the debtor and assures that all creditors, the debtor and all the affected parties are treated fairly and equitably." The intent of this provision is to allow the business to make whatever changes in the collective bargaining agreement are reasonably necessary to ensure the likelihood of a successful reorganization. The provision emphasizes that the inevitable balancing that will go into

this attempt to save both the business and the labor contract must reasonably assure the fair and equitable treatment of all those affected by the reorganization effort. This fair and equitable treatment language was intended by the conference to ensure that the type of balancing of all the equities that takes place when the court finally rules on rejection also takes place during these preliminary negotiations. The conference also discussed at length its intent that this provision not become an attempt to devise an entire reorganization plan at a premature stage. We were all aware of the impossibility of even identifying all the creditors and their interests at this early stage of the reorganization effort. Accordingly, this proposal by the business which offers what is necessary to save the business and assure fair and equitable balancing of all the interests should not be construed to require a detailed accounting of how the difficult burden of reorganization is to be distributed amongst competing parties. Moreover the term "affected parties" is meant to include those parties with a contractual, legal, or financial tie to the debtor that would make it one of the logical parties to the equities balancing that must proceed as the court administers a reorganization. This and all other provisions in this labor part of the bill must be read in the context of the needs of the reorganization process. This provision is intended merely to require some reasonable consideration of various interests that should be considered in reorganizing.

The first step of this process will of course involve good faith negotiations between the parties. This was a requirement articulated by the Supreme Court in the Bildisco case. The conference, once again, preserved the spirit of that Court holding by requiring good faith efforts to confer in an effort to reach an agreement between the business and its union employees which will both preserve the labor contract with modifications and save the business. Of course, a distressed business will often find no way to rehabilitate the business without completely rejecting the labor contract. Complete rejection may, in cases of severe financial distress, be the only proposal that a business may make to effect reorganization. The good faith nature of these negotiations will require that the employees' union representative be given an opportunity to review and accept or reject the business proposal. In the spirit of good faith that should permeate these negotiations, however, the unions must not reject the business offer without good cause. This opportunity to accept or reject the proposal should be assessed in light of the essentiality of swift and fair resolution of the initial phases of the reorganization. Accordingly, rejection of a proposal should only happen if the cause for rejection is good enough to risk the damage to the business as well as its creditors and employees that delay or protracted negotiations could produce.

This is perhaps the place to discuss an important provision adopted by the conference to address the need for some interim unilateral action by the business. Thus, if it is essential to the continuation of the business or if irreparable damage might occur, the court may authorize the business to make whatever alterations in the labor contract which will avoid those harms. This process may become necessary during the negotiations prior to the debtor's filing an application for rejection or during the period when the court is considering the application or any other time "when the collective bargaining agreement continues in effect." This is an important aspect of the balancing process which the court must undertake when reviewing these sensitive reorganization cases involving a labor union contract. Chapter 11's overriding purpose is to take whatever steps are expedient to preserve the failing business for the benefit of all if possible. This provision gives the courts the flexibility to carry out that purpose as long as the labor contract remains in effect.

After the good faith negotiation process or if such process is not progressing to settlement of differences, the reorganizing business may find that it still has need to file an application to reject the labor contract. At that point, the court, in compliance with fair time limits set out by the conference version of this bill, holds a hearing and rules on the rejection application. That ruling is to be governed by the standard that the "balance of the equities clearly favors" rejection. This again harkens back to the Bildisco decision. The Supreme Court explicitly required this standard for assessment of the merits of the rejection application. The word "clearly" is merely intended to assure that rejection is not warranted where the equities balance exactly equally on each side. This is what the Supreme Court meant when it discussed the sensitivity of these matters. Of course, the equities will almost always balance in favor of one resolution or another. In such cases, the court will surely rule in accordance with the tilt of the balance.

The conference agreement also emphasizes the need for expedition in traversing this entire process. Accordingly, it provided an incentive for adherence to the specific time limits of this legislation. In the event that the court has not, for any reason, ruled on the rejection application within the 30-day period, the debtor business may unilaterally terminate or take any action short of termination of the labor contract pending the court's final ruling. This will prevent delays from jeopardizing the reorganization effort or damaging the estate.

As a further indication of the fairness and reasonable spirit of cooperation toward saving the business that should pervade this process, the conference bill requires the debtor to provide the union with relevant information that is necessary to evaluating its proposal. The court is also granted discretion to protect against any disclosure of trade secrets or other confidential information which the business perceives as a threat to its competitive standing.

As my colleagues know, I was a staunch opponent of the amendment proposed by Senator PACKWOOD which was pending on this floor for several weeks before we went to conference on this bill. This final version of the bill is far less onerous and one-sided than that amendment. Rather than ignoring the unanimous decision of the Supreme Court as that amendment would have done, this bill applies its principles in a manner that will protect the interest of all parties while permitting a distressed business to take whatever steps are necessary to reorganize itself and continue productive contributions to our economy. This amendment to the bankruptcy code flexibility that a court will need to weigh delicately and evenhandedly the various interests of all parties likely to be affected by a reorganization.

BANKRUPTCY JURISDICTION AND COURTS

Emerging from this conference, I do have one substantial reservation. Although the conference remedied the flaws discerned by the Supreme Court in the Marathon case, its failure to adhere to the Senate-passed bill may create constitutional problems of the same magnitude as those resolved by the bill. These problems arise because the conference bill retains the broad jurisdictional language allowing a bankruptcy court to adjudicate any case "related to" a bankruptcy claim. This means that a purely State law case could be litigated in a Federal court without the Federal question jurisdiction necessary under the Constitution for Federal court adjudication. The Senate bill had corrected this unconstitutional breadth in the jurisdiction of bankruptcy courts by requiring a bankruptcy forum to abstain when a State law claim had been filed in a State court of competent jurisdiction.

Article III, section 2 of the Constitution specifies the types of cases that may be litigated in Federal courts. Other than cases involving a State as a party, these types of cases are basically two—cases "arising under" Federal law and cases "between citizens of different States." Cases based solely on State law cannot be adjudicated in any

Federal court where there is no diversity and where the only Federal connection is that one of the parties is a chapter 11 debtor. In the absence of the bankruptcy of one party, no one questions that a State tort or contract claim would be adjudicated to completion in State court without any feasible assertion of Federal question jurisdiction. Financial status, however, is not mentioned as a qualification for Federal question jurisdiction in article III. Thus, the provisions allowing any case "related to" bankruptcy to be adjudicated in Federal court violates article III. Purely State law claims cannot be adjudicated in a Federal court.

Proponents of the use of "related to" Jurisdiction maintain that Congress' authority in article I to create bankruptcy laws empowers Congress to grant Federal courts jurisdiction over State law cases. This admits too much. If article I grants Congress this authority, then by statute Congress could legislate that any State law case "related to" interstate or foreign commerce—or any other Article I authority—shall be litigated in Federal court. Thus, Congress could effectively eliminate the specific jurisdictional grants of article III by statute. The Constitution cannot be amended by statute.

Ancillary jurisdiction questions are unrelated to this issue. Federal courts certainly retain authority to adjudicate a State claim arising out of the same facts giving rise to the Federal claim. Once again, however, the facts giving rise to a State law tort or contract are not the financial facts causing one of the parties to file for bankruptcy. A State tort or contract claim has no Federal nexus.

Permitting Federal bankruptcy courts to adjudicate State law claims would deprive State law claimants of the protections of State law merely because they happened to do business with or be injured by a party who later went bankrupt. Each State has its own unique legal safeguards for the judicial process, such as evidentiary or jury trial rules. Permitting a Federal bankruptcy court to assert jurisdiction over State law claims will deprive State law claimants of the protections of their own State laws. In this sense, this is an issue of litigation leverage. The bankrupt creditor would like to bring all cases to a single forum which may be distant from the situs of the injury or infraction. The State law claimant would prefer the ease of litigating where the action arose. The Constitution resolves these issues by preserving State court jurisdiction over purely State law issues.

The broad jurisdictional grant of the 1978 act sought to improve judicial efficiency. Not only was that found unconstitutional, a recent commentary suggests that "exercise of jurisdiction by bankruptcy courts to the full extent permitted by the code may impede rather than facilitate congressional goals because full exercise may congest bankruptcy courts with State law issues * * *" (59 Tex. L.R. 325 (1981), 95 Harv. L.R. 7093 (1982)). Mandatory abstention would essentially restore the way the system functioned successfully for decades prior to the unconstitutionally broad "related to" jurisdiction in 1978.

This amendment would restore the regime of Swift against Tyson. This danger is not that Federal courts will ignore State law, but that they will be interpreting State law in the absence of constitutional jurisdiction. Erie against Tompkins stands for the proposition that Federal courts should not be reaching their own interpretations of State law without an article III basis. State courts, under the Constitution, are granted the right to interpret their own law.

In Marathon, the Supreme Court decided that bankruptcy judges could not adjudicate State law claims. Marathon did not decide, however, that article III courts could constitutionally adjudicate all State law claims. Marathon simply does not stand for the proposition that district courts can adjudicate any State law claim. In order to pass constitutional muster, any bankruptcy amendments must remove adjudication of purely State law claims from Federal courts. Conferring such jurisdiction upon district courts would partially remove the problems created by Marathon, but, unless the district court has some independent basis for article III jurisdiction—diversity—will create constitutional problems as great as the problem solved by the amendments.

The present debate on abstention offers us a beautiful illustration of how American federalism has been dissipating in recent years as a serious constitutional doctrine. We hear about how much "more efficient" it would be if we could consolidate all this State law authority in Federal courts. Indeed, this is the very argument against federalism generally. Federalism is not always the most efficient system. It does not always promote uniformity. What it has done, however, over the past two centuries is help protect our liberties by separating and dispersing governmental authority, including judicial authority. The issue is which level of government ought to interpret State law—the Federal courts or the State courts. The Constitution resolved that question in article II and this bill is infirm to the degree it departs therefrom. At the conclusion of my remarks, I will include for the record a legal memorandum which provides more substantiation for the constitutional problems raised by this provision.

FEDERAL JUDGES

Article III of the Constitution grants Congress the power to review the status of lower Federal courts and make adjustments "from time to time" as circumstances warrant. The Constitutional Convention wisely perceived that changing circumstances might require alterations in the size and scope of lower Federal courts. Congress has the obligation to adjust the size of the Federal judiciary when necessary. Title II of this bill is an exercise of that responsibility.

A burgeoning caseload is jeopardizing the efficient and fair administration of justice in many judicial districts. When the number of cases filed in a district increases dramatically without any concomitant increase in judical resources available to resolve those disputes, intolerable strains are placed on the institution which Alexander Hamilton described as the "bulwarks of a limited Constitution"; namely, the Federal judiciary (Federalist Papers, No. 78).

Let me take a specific example to illustrate this problem. In the U.S. District Court for Utah, the number of cases filed—and remember that each of these cases demand at least some measure of a judge's precious time—has increased from 647 per year in 1977 to 1,489 in 1982. This is a 130.1-percent change. No district in the 10th circuit and only three other districts in the entire Nation have experienced a sharper climb in the rate of filings.

These filing statistics reveal a sharply expanded demand on each of Utah's three district court judges. In 1977, the Utah district had 324 filings per judgeship; in 1982, each judgeship was handling 496 filings.

In an effort to update these workload indicia, I contacted the clerk of the Utah district court. The statistics for the first 3 months of 1983 were alarming. In the first 3 months of 1982 (through March 30), a total of 364 cases were filed in the Utah district. In the same 3 month period in 1983, 606 cases were filed. Thus in a comparable period 1 year later, the number of filings had nearly doubled. Another comparison would put this 3-month figure in perspective: in all of 1977, 647 cases were filed; the first quarter of 1983 generated nearly an equivalent caseload to that annual 1977 figure.

These statistics, standing alone, build an impressive case for congressional action to increase the number of judgeships in Utah to account for the changing circumstance of a growing judicial caseload. Even these statistics, however, do not account for the impact of bankruptcy jurisdiction on the Utah district court. This legislation vests bankruptcy jurisdiction in the district courts with adjunct article 1 bankruptcy courts empowered to exercise such jurisdiction. The district

court, under this bill, could, however, recall any case at its discretion and would be required to recall some cases at the request of either party. Thus, a restructuring of the bankruptcy system will likely result in some additional workload for the Utah district on top of its already-difficult predicament. As we have learned in trying to arrive at a sensible resolution to the bankruptcy court problem, it is difficult to estimate with exactitude the number of bankruptcy cases that the district courts, rather than the bankruptcy courts, will need to handle. In attempting to make this prediction, however, the Justice Department developed a procedure to adjust current filing statistics to account for likely increases due to this new bankruptcy jurisdiction. The Department found that the Utah district, for example, could expect 512 weighted filings per judgeship without even considering the additional bankruptcy jurisdiction and 547 weighted filings per judgeship with bankruptcy included. These weighted filings factor in the complexity of cases and the likelihood that significant trial time will be required. The conclusion of the study further speaks to the need for bolstering the supply of judicial resources in Utah and many other districts and circuits to meet the demand for judicial resolution skills.

I have used Utah, Mr. President, as an effective illustration of the problem faced in a multitude of judicial districts and circuits. We cannot expect to retain our most qualified jurists and the highest standard of judicial administration in the Federal court system without some relief for the growing caseload.

CONSUMER FINANCE AMENDMENTS

The number of consumer bankruptcy cases filed has risen dramatically each year since the bankruptcy code was last amended in 1978. Several witnesses before the Senate Judiciary Committee pointed to these changes in the Code as the principal cause of the increase. The 1978 amendments generally eased a debtor's access to bankruptcy to avoid excessive indebtedness. Title II contains over 30 substantive amendments to curb abuses of the bankruptcy code and make its use truly a last resort.

An example of the types of reform included in title III is the provision which addresses the subject of repetitive filings. A debtor would not be eligible for bankruptcy relief if a prior case filed by the same debtor had been dismissed within 180 days for failure to appear at a meeting of creditors or for failure to follow orders.

The bill also creates a system of debtor counseling by the trustee to ensure that debtors are apprised of the option of debt repayment plans under chapter 13. Chapter 13 is used far too rarely. If debtors are aware of the option of debt repayment, it is more likely to become a more credible alternative to liquidation. Another provision simplifies the debt reaffirmation agreement procedures to encourage debtors and creditors to make mutually satisfactory arrangements to repay debts outside of bankruptcy.

Title III also sets an aggregate dollar ceiling of $4,000 on the value of personal property that a debtor may exempt from liquidation to settle claims. Currently the Federal law only sets a limit on the claimable value of any single item which the debtor wishes to exempt. Thus the debtor is free to exempt industrial items short of that dollar value without restriction, resulting in the exemption of enormous assets of the debtor. On the subject of exemptions, title III also requires a husband and wife filing jointly for bankruptcy to elect together to use State or Federal exemptions. This provision will prevent the couple from splitting their exemptions to allow the husband to benefit from State exemptions while the wife chooses the benefits of Federal exemptions.

Another important provision in title III prevents abuse of the code. If the court finds that "granting of relief would be a substantial abuse of the code," it may, after an adequate hearing, dismiss a chapter 7 petition. As I mentioned earlier, title III contains more than 30 amendments to ensure that a "fresh start" does not become a "head start."

OTHER AMENDMENTS

As I mentioned in my introduction, one part of this reform package includes numerous substantive changes. One of these is of particular importance to me, Mr. President. I would like to discuss the provisions improving bankruptcy procedures with regard to shopping centers.

SHOPPING CENTER BANKRUPTCY AMENDMENTS

Subtitle C of title III, with the exception of a few minor changes, is identical to S. 549 which was overwhelmingly approved by the committee and which unanimously passed the Senate in 1982 and 1983.

This subtitle contains three major substantive provisions which are intended to remedy serious problems caused shopping centers and their solvent tenants by the administration of the bankruptcy code.

The first problem which this bill would remedy is the long-term vacancy or partial operation of space by a bankrupt tenant. Although in a chapter 7 case the bankruptcy code presently requires that the trustee decide whether to assume or reject an unexpired lease within 60 days after the bankruptcy petition is filed, there is no deadline for this decision in a chapter 11 case. Because of the unprecedented number of bankruptcy cases and the consequent delays in the bankruptcy courts, tenant space has been vacated for extended periods of time before the bankruptcy court forced the trustee to decide whether to assume or reject the lease. During this time, the other tenants of the shopping center are hurt because of the reduced customer traffic in the shopping center. Tenants and landlords in other nonresidential structures have encountered similar problems.

The bill would lessen the problems caused by extended vacancies and partial operation of tenant space by requiring that the trustee decide whether to assume or reject nonresidential real property lease within 60 days after the order for relief in a case under any chapter. This time period could be extended by the court for cause, such as in exceptional cases involving large numbers of leases. One of the minor changes in this subtitle was to limit it to nonresidential real property leases. If the lease is not assumed or rejected within this 60-day period, or any additional period granted by the court, the lease is deemed rejected and the trustee must immediately surrender the property to the lessor.

A second and related problem is that during the time the debtor has vacated space but has not yet decided whether to assume or reject the lease, the trustee has stopped making payments due under the lease. These payments include rent due the landlord and common area charges which are paid by all the tenants according to the amount of space they lease. In this situation, the landlord is forced to provide current services—the use of its property, utilities, security, and other services—without current payment. No other creditor is put in this position. In addition, the other tenants often must increase their common area charge payments to compensate for the trustee's failure to make the required payments for the debtor.

The bill would lessen these problems by requiring the trustee to perform all the obligations of the debtor under a lease of nonresidential real property at the time required in the lease. This timely performance requirement will insure that debtor-tenants pay their rent, common area, and other charges on time pending the trustee's assumption or rejection of the lease. For cause, the court can extend the time for performance of obligations due during the first 60 days after the order for relief, but not beyond the end of such 60-day period. At the end of this period, the amounts due during the first 60 days would be required to be paid, and thereafter, all obligations must be performed on time. This permissible 60-day grace period is intended to give the trustee time to determine what lease obligations the debtor has and to locate the cash to make the

required payments in exceptionally large or complicated cases. The bill does not require the performance of obligations specified in section 365(b)(2), which relate to solvency and financial condition. The performance by the trustee of the debtor's obligations has no effect on the performance of the trustee's obligations under subsections (b) or (f) of section 365. The acceptance by the lessor of any payments made by the trustee as required by this subsection does not constitute a waiver or relinquishment of the lessor's rights under such lease or under the bankruptcy code.

A third problem occurs when shopping center leases are assumed or assigned and then used in ways which violate the use clause of the lease and disrupt the tenant mix. the bankruptcy code currently provides that when a shopping center lease is assumed or assigned, assurances must be given that the lease provisions will not be substantially breached and that the tenant mix will not be substantially disrupted. Unfortunately, courts have misapplied these provisions in ways which have deprived shopping centers and their tenants of the protections which Congress intended to provide them.

This bill would delete the word "substantially" from these provisions, thus requiring that any clause in the lease be adhered to. It is especially important that any use clause in the lease be strictly adhered to and that the tenant mix not be disrupted. The bankruptcy courts will still retain the flexibility to determine whether or not a proposed new use for the premises falls within any use clause of the lease and whether or not the new use would disrupt the tenant mix. This amendment requires strict compliance with the provisions of use clauses in shopping center leases and prohibits any changes in the use of the tenant's space not permitted by the use clause. This amendment is intended to stop courts from creating new leases by changing essential lease terms to facilitate assignments. It is intended to stop the practice of some courts to determine whether there has been a disruption by reference to the amount of space to be assigned as a percentage of the total area in the shopping center. This amendment is not intended to enforce requirements to operate under a specified trade name.

Other provisions of the bill would make minor and clarifying changes in the law. The bill provides that the trustee may not assume or reject a lease of nonresidential real property that has been terminated under applicable nonbankruptcy law prior to the order for relief. A lease that has terminated under applicable nonbankruptcy law is a lease that is unenforceable and no longer subject to reinstatement under the terms of the lease or applicable law.

The bill provides that nonresidential real property subject to a lease that has terminated by the expiration of its stated term is not property of the estate and that a proceeding or action by the landlord to regain possession of the property is not stayed. A lease that has terminated at the expiration of the stated term of such lease is a lease under which the lessee no longer has any renewal or extension rights.

The bill provides that lessors are permitted to require an assignee to provide a deposit or other security for the performance of the debtor's obligations substantially the same as the landlord would have required upon leasing the space to a similar tenant. This permits the landlord to get his usual, reasonable security deposit from an assignee tenant.

The bill requires the trustee to provide adequate assurance that an assignee of a shopping center lease has a financial condition and operating performance similar to that of the original tenant when the lease was executed. This is to insure that the assignee itself will not soon go into bankruptcy and will provide operating and advertising benefits to the other tenants similar to those provided by the original tenant when its lease was executed.

The bill also makes clear that the special shopping center protections contained in subsection (b)(3) apply to all assignments of shopping center leases, whether or not there has been a default of the lease. The bill also makes clear that a shopping center lease assumption or assignment is subject to all the provisions of the lease to be assumed or assigned and that the provisions of the lease to be assumed or assigned must not be breached, in addition to not breaching provisions of other leases, financing agreements or master agreements relating to the shopping center.

Approximately half of all U.S. retail trade is conducted in shopping centers. Retail merchants in shopping centers depend upon the operation of a carefully chosen mix of stores, all contributing to the success of the entire shopping center. If shopping center tenants especially major tenants, are not operating their stores, are not paying charges necessary for the upkeep of the shopping center or are using their space in ways not provided for in the lease and which disrupt the tenant mix, the financial health of all of the other merchants and of the shopping center itself can be threatened. This bill will reduce the likelihood that provisions of the bankruptcy code will themselves add to the economic distress of retail merchants in shopping centers.

I ask unanimous consent that an analysis of the amendments to the Bankruptcy Act of 1978 be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF PROPOSED AMENDMENTS TO THE BANKRUPTCY ACT OF 1978

I. ABSTRACT

In amending the Code to comply with *Marathon* the failure to provide for bankruptcy court and Article III court abstention from certain state law claims could create a constitutional problem of a magnitude greater than that which the Bill is supposed to solve. *Marathon* held that the broad powers granted to bankruptcy judges under the Bankruptcy Act of 1978 were judicial powers and violated Article III of the Constitution. The present Bill attempts to cure the problem. However, if the Bill is amended to permit federal court adjudication of state law claims that could not otherwise have been brought in federal court, the amendments would give the district courts and bankruptcy judges powers beyond the scope of Article III. Therefore, in addition to the removal of the adjudication of state-created claims from the bankruptcy court to an Article III court, some form of mandatory abstention by the district court is necessary to avoid another serious Article III problem.

II. INTRODUCTION

In 1978, the Congress of the United States enacted the Bankruptcy Reform Act of 1978 (hereinafter "Code"). In June of 1982, the case of *Northern Pipeline Co.* v. *Marathon Pipe Line Co.*, 458 U.S. 50 (1982) (hereinafter *"Marathon"*), decided that the jurisdictional grant to the bankruptcy judges, contained in Section 241a of the Code (28 U.S.C. § 1471), consisted of judicial powers, and therefore violated Article III of the Constitution. In that case, *Northern Pipeline* filed a petition under Chapter 11 of the Code. Thereafter, in the bankruptcy court, Northern, the debtor, filed suit against Marathon which suit sought to recover damages on theories sounding in contract and tort. The causes of action pleaded and the remedies sought were based upon state law. The Supreme Court ruled that a bankruptcy judge could not adjudicate claims based upon state-created rights or causes of action. The six vote majority consisted of the plurality opinion of Justice Brennan (joined by Justices Marshall, Blackmun and Stevens) and the concurring opinion of Justice Rehnquist (joined by Justice O'Connor).

The plurality opinion found that the Code's jurisdictional grant unconstitutionally conveyed the essential attributes of Article III judicial power to bankruptcy judges.

The concurring opinion emphasized that its holding was restricted to the unconstitutionality of the jurisdictional grant to the bankruptcy judge of the power to adjudicate claims or causes of action based upon state law (see *Marathon*, C. J. Berger's dissent). The concurrence saw no need to decide the constitutionality of the jurisdictional grant of other Article III judicial powers. Accordingly, both the plurality and concurrence agreed that adjudication of causes of action based upon state law was a judicial power and that under the Constitution judicial power could only be exercised by an Article III court. The six-vote majority also concurred in the holding that the bankruptcy judge's power, as granted under the Code, impermissibly reduced the Code's

broad jurisdictional grant to the Article III courts to one of appellate review.

Both opinions therefore agreed that the bankruptcy judges could not be considered adjuncts to the Article III court to whom the jurisdiction was nominally granted by the Code.

Following the opinion, both the Senate and the House of Representatives have painstakingly drafted bills to inter alia, amend what the Supreme Court perceived as an impermissible grant of jurisdiction to the bankruptcy judges.

This analysis addresses only those provisions of the Bill that are necessary to amend the jurisdictional grant of the Code so it will conform to the *Marathon* ruling while not raising additional constitutional problems.

III. ANALYSIS

The *Marathon* case decided that bankruptcy judges cannot adjudicate claims or causes of action based upon state law. However, *Marathon* did not decide that Article III courts could constitutionally adjudicate all claims or actions based upon state law. Accordingly, *Marathon* did not reach the point of deciding whether the district courts were constitutionally authorized to adjudicate any and all claims that are based upon state law. Therefore, in amending the Code to comply with the *Marathon* holding, one must be mindful of what issue *Marathon* decided and what issue was not decided.

Marathon decided that the jurisdictional grant to the bankruptcy court to adjudicate state based claims was a grant of judicial power which judicial power, under the Constitution, could only be exercised by an Article III court. The case did not decide that an Article III court was constitutionally empowered to adjudicate all state-based claims. As is established *infra*, to pass constitutional muster, the amendments must remove adjudication of state-based claims from the bankruptcy court. Conferring that jurisdiction upon the district court will partially resolve the problem created by *Marathon*. However, unless the district court has some independent basis for Article III jurisdiction, the amendments, without mandatory abstention, create a constitutional problem of a magnitude as great as the problem solved by the amendments. The following sections therefore analyze the amendments which address abstention, recall and core proceedings in the context of the *Marathon* holding. The discussion also addresses the amendments in the context of the constitutional question left open in *Marathon*.

A. *Section 101(a):* (H.R. 5174) and of the Thurmond-Heflin Amendment (No. 3083).

This section of the Bill contains amendments to Section 1334 of Title 28. Of particular significance is Section 1334 §§ (a), (b) and (c)(2). The amendments to (a) and (b) provide that the district court has original jurisdiction of all civil proceedings arising under, arising in or related to cases under Title 11 and exclusive original jurisdiction of all cases under Title 11. Accordingly, those subsections vest jurisdiction for the adjudication of all actions based upon state law in Article III courts as required by *Marathon*. This broad jurisdictional grant however extends Article III jurisdiction to the adjudication of causes of action that are purely local in origin and arise by virtue of state law completely independent of any Title 11 proceeding. Before *Marathon*, the bankruptcy court acquired jurisdiction over these pure state-created actions by viewing them as "related to cases under Title 11." *Marathon* though, decided, for the first time, that the adjudication of state created causes of action could not be accomplished, constitutionally, by a legislative or Article I court. According to *Marathon*, this was a judicial function and, under the Constitution, such judicial power could only be exercised by an Article III court. However, under Article III, the judicial power does not extend to the adjudication of purely state-created causes unless diversity jurisdiction exists.

Therefore, absent Title 11, there would be no basis for Article III jurisdiction over the adjudication of state-created causes that could only invoke state court jurisdiction. It is important to note that the Code confers jurisdiction at the statutory level, while the limits of Article III jurisdiction are Constitutionally imposed. Thus, it is doubtful that Title 11 of the Code could constitutionally extend Article III jurisdiction to the adjudication of nondiversity state-created causes of action.

Moreover, the prospects of using the Code to invoke the "federal question" jurisdiction of Article III runs counter to the case law. It should be remembered here that we are speaking of adjudication of causes of action that are local in origin and arise completely independent of any Title 11 proceeding. Their only relation to the Title 11 proceeding is that the debtor, quite apart from the bankruptcy proceeding, may be a responsible party or an injured party according to state law. These adjudications then involve questions of state law and do not raise federal questions. The "federal question" of the amount the debtor bankrupt can or will pay on each claim cannot arise until after the claim has been adjudicated. As a result, to avoid this constitutional problem of the extension of Article III jurisdiction to purely local causes, both H.R. 5174, and the Committee amendment (No. 3083) provide for abstention in all civil proceedings involving claims or causes derived from state law and incapable of Article III jurisdiction absent the Title 11 proceeding.

The DeConcini Amendment (No. 3087) however, does not provide for mandatory abstention in these cases. The DeConcini Amendment's provision (amending 28 U.S.C. 1334 (c)(2)) requiring district court abstention when such a cause of action is brought by the trustee is inadequate. The distinction between such cases brought by the trustee and such cases brought by any other party is an artificial one, implementing only the narrowest possible reading of the *Marathon* decision. The Constitutional (Article III) limits on district court jurisdiction are based on the nature of the case as well as on the character of the parties.

The amended § 1334(c)(2) then should provide for mandatory abstention from adjudication of state-based causes of action where there is no basis for federal jurisdiction other than Title 11. The House-passed bill and the Committee Amendment (No. 3083) does this. The DeConcini Amendment does not.

In addition to the constitutional question of jurisdiction, allocation of responsibility between the federal and state judiciary (10th Amendment) also supports mandatory abstention. *Marathon* decided that the bankruptcy judge cannot adjudicate the state claims, and further, that the bankruptcy judge could only provide narrowly circumscribed assistance as an adjunct or magistrate to Article III courts.

Therefore, without mandatory abstention the district courts, already overburdened with judicial responsibility, would have a massive influx of additional cases requiring the district court to adjudicate all of the state court actions with only limited assistance from bankruptcy judges.

As a result, the district court would be adjudicating nondiversity state actions, no matter how small, while the state courts would not be able to consider cases well within their expertise as well as within their case load "budget." Mandatory abstention for all such adjudications of state-created actions that would otherwise be in a state forum, would prevent this unanticipated case load burden on the district courts.

B. *Section 104(a)*: Title 28 is amended by adding Chapter 6 which includes Section 157.

As indicated previously, six members of the Supreme Court found that bankruptcy judges could not adjudicate state-created causes of action. Moreover, the same majority agreed that, as adjuncts to the required Article III court, the bankruptcy judges could only perform narrowly circumscribed nonadjudicatory functions with respect to state-created causes of action.

With respect to this holding, i.e., the inability of the bankruptcy judges to adjudicate state-based claims either alone or as an adjunct to the district court, it does not matter if there is another basis for Article III jurisdiction (diversity) other than the Code. Even where the district court can constitutionally exercise jurisdiction over state-based actions as in cases where there is also diversity jurisdiction, it is clear, from *Marathon*, that the bankruptcy court, in its role as adjunct to the district court, can adjudicate no such causes of action. Therefore, the matters over which the bankruptcy court can exercise summary jurisdiction—core proceedings (28 U.S.C. 157(b))—should exclude adjudication of state-based causes of action.

The amended Bill should provide that the liquidation or estimation of contingent or unliquidated claims is not a core proceeding. Almost all causes or claims derived from and based upon state law, that have not yet been adjudicated, would qualify as contingent or unliquidated claims. Accordingly, this provision is essential in order to exclude the adjudication of state-based claims from the bankruptcy court's summary jurisdiction (core proceedings). This is required by *Marathon* and appears necessary to remove the adjudication of these state-based actions to the district courts.

The provision of the DeConcini Amendment (No. 3087) at Section 104(a) (amending 28 U.S.C. to provide a new Section 157(b)(2)(B)) which purports to insure that the liquidation or estimation of contingent personal injury tort claims not be considered "core proceedings"; subject to bankruptcy judge adjudication, should not, however, be deemed adequate on its face in resolving the constitutional problem. Unless, as noted above, the district courts are also required to abstain from adjudication of such cases where there is no diversity jurisdiction, the Article III limitations on the district court's authority could well be exceeded.

Thus, Article III imposes two separate requirements with respect to the determination of contingent personal injury tort claims. First, such claims may not be considered "core proceedings" subject to bankruptcy court jurisdiction if the Supreme Court's mandate in *Marathon* is to be met. Accordingly, the Bill should provide for mandatory recall of such cases to the district courts. Second, if such cases are based on state law, and there is no diversity juris-

diction, the district courts must be required, in turn, to abstain from adjudication of such cases, in favor of adjudication by the appropriate state courts.

The amendment providing for recall should accordingly provide for mandatory recall to the district court of all proceedings involving adjudication of claims or causes based upon state law. If the amendment does not provide for this extent and type of recall, it will not solve the problem directly created by the *Marathon* holding. As the Bill now reads, recall must be granted in all proceedings involving claims that do not arise under Title 11, are not proceedings arising under Title 11 or arising in a case under Title 11, then this provision accomplishes the mandate of *Marathon*. It must be clear though that the adjudication of all such state-based claims would qualify as proceedings "related to a case under Title 11." Otherwise, this all-important provision will not comply with the *Marathon* holding. It is important to bear in mind, however, that while a definition of core proceedings that excludes state based tort actions is required by *Marathon*, such a definition will not solve the constitutional questions left open in *Marathon*, i.e., the constitutionality of Article III court jurisdiction over purely local actions.

Finally, the provisions that govern the functions of the bankruptcy judge when such a recalled proceeding is referred to him must heed the plurality opinion in *Marathon* which found that bankruptcy judges could not constitutionally exercise any adjudicatory power on state claims as an adjunct or magistrate to the district court. Furthermore, the concurrence also stressed that the district court must be more than an appellate or reviewing court when it adjudicates state-based claims.

On this point, it bears emphasis that the Emergency Rules themselves do not comply with the plurality opinion in *Marathon*. There is also some question if those rules would comply with the concurrence in *Marathon*. It should be stressed that the Emergency Rules are of judicial creation in an unforeseen crisis. These factors may support the constitutionality of the Emergency Rules against some challenges. However those crisis circumstances do not exist with respect to a congressional enactment. Therefore, the amendments pertaining to reference back following recall should narrowly circumscribe the bankruptcy judges' function so that it is not fact finding. The plurality in *Marathon* practically insists on this type of limitation.

C. *Section 121:* (Section 122 of Amendment No. 3083)

For much the same reasons, the Bill should become effective on the date it is enacted. Its provisions should apply to all cases then pending and thereafter filed that are governed by the Code. If the amendments do not apply to all other Title 11 proceedings then pending, then many Title 11 proceedings will be vulnerable to challenge in litigation or on appeal for noncompliance with *Marathon*. There will be many Title 11 proceedings pending or in litigation when the amendments become law. Many of the Title 11 proceedings do or will require adjudication of claims or causes of action based upon state law. Thousands of these claims or causes provide no basis for Article III jurisdiction. Many thousands more do or will require the adjudication of the state-based claims where diversity invokes Article III jurisdiction.

At present, this claim or cause is being adjudicated by bankruptcy judges with the district court serving the review function as provided by the Emergeny Rules. If the Bill's amendments do not apply to these proceedings, they all run the substantial risk of complete or partial reversal because of the holding in *Marathon*.

Applying the amendments to all such proceedings allows all of the parties to avoid the risk of relying on the Emergency Rules to constitutionalize adjudications that are beyond the bankruptcy judge and may be beyond Article III. Moreover, immediate application prejudices no one.

SECTION 462(C) OF H.R. 5174

● Mr. DECONCINI. I know that the Senator from Kansas, along with the Senator from South Carolina, was the principal sponsor of this provision deleting subsection (c)(2) of section 547 of the code, and I would like to clarify two points regarding the effect of this change.

Am I correct that the elimination of the 45-day restriction in subsection (c)(2) of section 547 will relieve buyers of commercial paper with maturities in excess of 45 days of the concern that repayments of such paper at maturity might be considered as preferential transfers?

● Mr. DOLE. That is correct, assuming that the "ordinary course of business or financial affairs" and "ordinary business terms" requirements are met.

● Mr. DECONCINI. Would there be any doubt that companies that have a need for short-term funds, and investors who wish to purchase short-term obligations, would both be acting in their respective "ordinary course of business or financial affairs" if they were to deal directly or indirectly with each other in the commercial paper market? And would not the payment of a commercial paper note at maturity be in accordance with "ordinary business terms"?

● Mr. DOLE. Those understandings are correct. The commercial paper market is an established market, and participants in it would presumably be acting in the ordinary course of their business or financial affairs and on the basis of ordinary business terms.●

Mr. GRASSLEY. Mr. President, I believe that Congress has acted responsibly in passing a bankruptcy bill that goes further than merely resolving the constitutional issues raised by the Marathon decision. This bill contains all of the substantive changes made in a bill passed last year, S. 445, the Omnibus Bankruptcy Improvements Act of 1983. Therefore we are recasting the bankruptcy courts in a constitutional mold and we are also implementing a number of substantive provisions pertaining to grain elevator bankruptcies, consumer credit, shopping centers tenant bankruptcies, time share industry bankruptcies, repurchase agreements, and other issues.

As a conferee to the Senate-House conference I want to note Chairman THURMOND'S leadership in directing the shape of this bill. He gave all members of the conference an opportunity to voice issues of concern and masterfully negotiated the differences raised between the two bills.

One of the differences that I wish to note for the record, is that between the Senate and House versions of the grain elevator provision. That difference was resolved in favor of the Senate version which provides that the person qualifying under the grain elevator provision is defined as a "producer" or "an entity which engages in the growing of grain." If we had defined eligibility based on the House language we would have limited application of the grain elevator provision to farmers who obtain 80 percent or more of gross income from farming. That provision would have virtually eliminated the very person who we are trying to benefit through this provision—the small farmer. We have passed this provision four times in the Senate and never, I repeat never, did the grain elevator provision contain this limitation.

Overall this legislation is a vast improvement over our present system. There is still much to do in this area but I believe that we have come a long way in addressing the most significant and necessary revisions.

Mr. PACKWOOD. Mr. President, I am very pleased that the conference committee was able to reach an agreement on the much needed bankruptcy law amendments. I commend all of the conferees for their long and arduous negotiations, particularly over the difficult labor provisions contained in the bill,

Several weeks ago, I offered an amendment to the bankruptcy bill to address the controversy over the rejection of labor contracts in bankruptcy. This amendment, which was developed with the cooperation of labor leaders, was designed to reverse the Supreme Court's Bildisco decision. The Bildisco decision upheld the right of a company to unilaterally cancel a union contract. The amendment I offered would have prevented companies from unilaterally rejecting union contracts, and forced management and labor to negotiate in good faith over proposed contract changes. This amendment was vigorously opposed by those who did not want to give labor contracts adequate protection in bankruptcy.

Mr. President, the agreement reached by the Conferees on the labor provisions in the bill brings to an end the effort to assure that labor contracts, which are negotiated in good faith, are properly protected. I am pleased that the approach contained in the amendment I offered was, for the most part, adopted by the conferees.

While I am concerned by the inclusion in the bill of certain controversial

provisions, I feel that these emergency relief provisions will have only limited and secondary consequences and application. Specifically, I include in this category: First, allowing the debtor to make unilateral changes if the judge fails to rule on the rejection application within 30 days; second, authorizing the court to approve interim relief; and, third, deleting the effective date. On balance, I think the bill should stimulate collective bargaining and limit the number of cases when a judge will have to authorize the rejection of a labor contract.

Mr. President, at this time I would like to describe for the record my understanding of the labor bankruptcy provisions adopted by the conference committee.

Under the conference language, before a debtor in possession, or a trustee, may apply to the court for rejection of its labor contract, it must make a proposal to the union which, first, "provides for those necessary modifications in the employee benefits and protections that are necessary to permit the reorganization of the debtor and," second, "assures that all creditors, the debtor and other affected parties are treated fairly and equitably." As to the first requirement, similar to the proposal which I had made, only modifications which are necessary to a successful reorganization may be proposed. Therefore, the debtor will not be able to exploit the bankruptcy procedure to rid itself of unwanted features of the labor agreement that have no relation to its financial condition and its reorganization and which earlier were agreed to by the debtor, The word "necessary" inserted twice into this provision clearly emphasizes this required aspect of the proposal which the debtor must offer and guarantees the sincerity of the debtor's good faith in seeking contract changes.

The second requirement of the proposal—that it assure fair and equitable treatment for all creditors, the debtor and other affected parties—also is similar to language in my proposed amendment. This language guarantees that the focus for cost cutting must not be directed exclusively at unionized workers. Rather the burden of sacrifices in the reorganization process will be spread among all affected parties. This consideration is desirable since experience shows that when workers know that they alone are not bearing the sole brunt of the sacrifices, they will agree to shoulder their fair share and in some instances without the necessity for a formal contract rejection.

This language should not be difficult to apply. In fact, at least one bankruptcy court has already applied this kind of analysis in a case in Rhode Island. There the court found that the labor agreement should be rejected, and that absent rejection, the company would have to shut down. But the court refused to permit rejection unless the debtor showed that it had reduced topheavy management salaries, disposed of six out of seven company cars, utilized the remaining one just for business purposes, canceled gasoline credit cards, and reduced health, welfare, and pension contributions for management personnel proportionately with the reduced contributions for unionized employees. This case was called *In re Blue Ribbon Transportation Co.*, 113 L.R.R.M. 3505 (D.R.I. 1983). As I see it, this approach is eminently fair and will not be impossible to implement. The debtor will already have been required to analyze its obligations to all affected parties. After the petition in bankruptcy is filed, the debtor is obligated to submit immediately a list of creditors, a schedule of assets and liabilities, and a statement of financial affairs. Therefore, the debtor will have a basis upon which to determine the fair and equitable treatment of all parties.

After the proposal is made, and until a hearing on the motion to reject, the parties must bargain in good faith. This provision places the primary focus on the private collective-bargaining process and not in the courts. The amendments then provide that the court may approve the rejection of the agreement if the debtor has made a proposal as discussed above, the union has rejected it without good cause, and the balance of the equities clearly favors rejection. The "without good cause" language provides an incentive or pressure on the debtor to negotiate in good faith. In practical terms, this language imposes no barrier to rejection if the debtor's proposal has contained only the specified "necessary" modifications. Thus, the language serves to prohibit any bad faith conduct by an employer, while at the same time protecting the employer from a Union's rejection of the proposal without good cause.

The amendments also provide that the trustee may seek the court's permission for interim changes in the labor agreement pending its ruling on the rejection application. The court may only grant the interim relief after notice and a hearing and only if essential to the continuation of the debtor's business. This provision essentially requires the court to apply the test used by the Second Circuit Court of Appeals in the *REA Express* case, 523 F.2d 164, cert. denied, 423 U.S. 1017 (1975).

The amendments also prohibit the trustee from unilaterally altering or terminating the labor agreement prior to compliance with the provisions of the section. This provision encourages the collective bargaining process, so basic to federal labor policy. The provision overrules the 5-to-4 portion of the Supreme Court's Bildisco decision and means that the labor contract is enforceable and binding on both parties until a court-approved rejection or modification. There is a limited exception contained in section 1113(d)(2). Where the court wrongly fails to decide the rejection application in the prescribed time, the trustee may terminate or alter any contract provisions pending the ruling of the court. Obviously if the court ultimately refuses to approve rejection of the contract, then the trustee will have to pay back any wages or benefits withheld unilaterally and unpaid wages and benefits will be treated as costs of administration. In addition, if the trustee makes any such unilateral changes, then the union is also free to engage in strike activity since its no-strike obligation would no longer be binding.

Mr. KENNEDY. Mr. President, as the sponsor of the Senate bill which mirrored the labor provisions contained in the House passed bankruptcy amendments and an original cosponsor of the Packwood amendment I am gratified with the results of the conference and pleased that I was able to participate in fashioning the conference language on the status of collective bargaining agreements during chapter 11 reorganizations.

The conference agreement parallels the Packwood amendment and achieves the aim of that amendment and of my own bill dealing with this subject—S. 2462—to overturn the Bildisco decision which had given the trustee all but unlimited discretionary power to repudiate labor contracts and to substitute a rule of law that encourages the parties to solve their mutual problems through the collective bargaining process.

I would have preferred that the subsections permitting unilateral action by the trustee when the court does not issue a timely ruling and providing for interim relief for the trustee not have been included in the final agreement. But I'm convinced that both of these defects are sufficiently limited by appropriate safeguards that they do not detract from the overall product. In particular I note that if a trustee does not take unilateral action while awaiting a court decision, under settled labor law principles the employees can respond by using their economic weapon, the right to strike. I am also distressed that, in contrast to the Packwood amendment and my bill, the labor provision does not take effect across the board on the date of enactment.

Those blemishes aside, the bill accomplishes what the supporters of the Packwood amendment sought. Congressman MORRISON who together with Congressman HUGHES of New Jersey, led the House conferees in making the amendments to the Senate

proposal now embodied in the final agreement, has prepared an analysis of the labor provision which accurately reflects the understanding of the conferees committed to fashioning a conference bill that protects collective bargaining agreements and promotes collective bargaining negotiations. I ask unanimous consent to include that analysis in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

STATEMENT ON H.R. 5174

(By the Honorable William Hughes and Honorable Bruce Morrison)

Congressman Hughes and I offered key amendments during the conferees' discussion of collective bargaining agreements during Chapter 11 proceedings. The purpose of this joint statement is to outline our understanding of the language adopted by the conferees.

Any proposal by a trustee or debtor-in-possession to modify a collective bargaining agreement in a Chapter 11 case is to "provide for those necessary modifications in the employees benefits and protections that are necessary to permit the reorganization of the debtor." This language makes plain that the trustee must limit his proposal to modify a collective bargaining agreement to only those modifications that must be accomplished in the reorganization is to succeed. The key phrase is "necessary" modifications.

This same provision also includes language that requires assurance that "all creditors, the debtor and other affected parties are treated fairly and equitably." This language is similar to language in an amendment offered by the Junior Senator from Oregon in the other body. This section would ensure that, where the trustee seeks to repudiate a collective bargaining agreement, the covered employees do not bear either the entire financial burden of making the reorganization work or a disproportionate share of that burden, but only their fair and equitable share of the necessary sacrifices.

The phrase "without good cause" in subsection (c)(2) of new section 1113 of title 11, like similar language in the amendment offered by the junior Senator from Oregon in the other body, is intended to ensure that a continuing process of good faith negotiation will take place before court involvement, and does so by embodying the standard set out by Vern Countryman in *(The Rejection of Collective Bargaining Agreements by Chapter 11 Debtors,* 57 American Bankruptcy Law Journal 299, 300, 319).

As in civil litigation generally, it is the applicant—the trustee—who must carry the burden of proving the elements of his case to secure from the court an order permitting the rejection of the agreement.

The trustee is permitted to "terminate or alter any provisions of the collective bargaining agreement" if the court does not rule on the rejection application within 30 days after the commencement of the hearing. The courts are expected as a matter of course to meet the time limits set by Congress. In the unlikely event that a particular court should not do so, expeditious mandamus relief would be available in the appellate courts.

The trustee has an affirmative obligation to provide all the relevant financial and other information necessary to adequately evaluate the proposal and if that obligation is not met or if the trustee otherwise delays the proceeding, the application should be denied.

If an application for rejection is denied by the court after a hearing on the merits, the covered employees are entitled to their wages and benefits lost by employer unilateral action as an administrative expense.

The House conferees accepted subsection (E) permitting the court to authorize interim changes in the collective bargaining agreement on the understanding: that, as the final sentence of the subsection makes clear, a motion for such interim relief may only be made in conjunction with an application for rejection and any authorization shall be effective only for the period for considering and ruling on the application stated in subsection (d). In deference to the overall policy of the provision which is to encourage the parties to reach their own agreement through collective bargaining, the court in framing any such relief may not go beyond the proposal made by the trustee pursuant to subsection (b)(1)(A). The statutory language of subsection (e) stating the standard for qualifying for interim relief is, in essence, the REA Express standard. After a full hearing and the court's consideration of the entire matter in depth on the merits if the application for rejection is denied and the collective bargaining agreement is continued in force, the employees are entitled to their wages and benefits lost under an interim order as an administrative expense.

Since an application to reject a collective bargaining agreement implicates national labor policy, as well as bankruptcy policy, if the union or trustee so move, such an application is to be heard by a U.S. district judge.

It was also our understanding that a chapter 11 reorganization case that is brought for the sole purpose of repudiating or modifying a collective bargaining agreement is a case brought in "bad faith."

ON THE COLLECTIVE BARGAINING PROVISIONS OF THE BANKRUPTCY CONFERENCE REPORT

● Mr. MOYNIHAN. Mr. President, I rise today to express my support for the collectively bargained labor contract provisions of the conference report for the bankruptcy bill, H.R. 5174. The labor contract provisions of the conference report, I am pleased to say, are substantially similar to the amendment I advanced with my distinguished colleagues from Oregon [Mr. PACKWOOD] and Arizona [Mr. DECONCINI].

Before I discuss my reasons for supporting the conference report, permit me to recall a little background of this matter, so important to the Nation's working men and women.

On February 22, 1984, the Supreme Court, in the case of the National Labor Relations Board against Bildisco & Bildisco, ruled that companies may use bankruptcy proceedings to abrogate union contracts unilaterally. In its decision, the Supreme Court reasoned, in effect, that a labor contract should be treated in the same manner as any other financial agreement negotiated by a failing company. As such, the Court rules that, in determining whether to accept the cancellation of the labor contract, bankruptcy courts have to find simply that the union contract is burdensome, and that the balance of the equities favor the cancellation of the contract. What this means is that bankruptcy courts have to find that ending the labor contract will serve the best interests of the company, its employees, and its creditors.

In what may be the most significant aspect of the Supreme Court ruling, the Court determined that a company may cancel the union contract unilaterally, even before the bankruptcy court approves the cancellation, and such would not violate the National Labor Relations Act.

Mr. President, I submit that the Supreme Court's ruling will affect, significantly and adversely, the state of labor-management relations in America. Indeed, on February 26, 1984, a Washington Post editorial called the Bildisco decision "one of the most important labor relations cases of the decade." Rightfully so.

Mr. President, it is evident to this Senator that the Bildisco ruling represents a large and historic matter, worthy of this body's prompt attention. The Supreme Court has determined that companies may use bankruptcy proceedings to cancel or significantly modify their labor contracts, simply because the company considers the labor contract a financial burden. The Court decision, in effect, has sanctioned the type of labor practice employed by one airline company, which filed for bankruptcy under chapter 11, and then 3 days later, opened up as a smaller carrier with one-third of its former employees working for only 60 percent of their former wages.

Mr. President, I certainly do not argue that under no circumstances should employees for firms facing bankruptcy contribute to the company's reorganization efforts. Indeed, throughout the recession of 1980–82, many unions voluntarily agreed to lower wages and benefits to improve the competitiveness of their companies and industries. A certain degree of wage and benefit flexibility, by both management and labor, is necessary when the alternative for the company is bankruptcy, with the loss of all the employee positions.

In my view, however, the Congress must distinguish between labor contracts and other financial arrangements. The renegotiation of a bank loan, for example, may require simply that the interest rate on a loan be lowered, or that the company repay the loan on a longer schedule. Not much happens. I ask my colleagues to consider, in contrast, the human costs of the rejection of an existing labor contract, before bankruptcy court approval. If an employer reduces the number of union employees, as some companies already have done, many workers

will have to look for new work. If work is not readily available, the worker may be forced to turn to unemployment insurance. Accrued pension rights, for which employees may have worked years to accumulate, also may be eliminated by a single declaration by the company.

Mr. President, we ought not let the Supreme Court decision stand without modification. Labor contracts are different from other contracts and must be treated as such by Federal law.

Congress recognized as much nearly 50 years ago, by passing that landmark piece of labor legislation, the National Labor Relations Act [or the Wagner Act]. The Wagner Act, signed into law by president Franklin Delano Roosevelt on July 5, 1935, established a Federal policy to protect and promote collectively-bargained labor contracts.

Section 1 of the National Labor Relations Act, as passed by Congress in 1935, stated that:

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours or other working conditions, and by restoring equality of bargaining power between employers and employees.

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

During the debate on this important legislation, a distinguished predecessor of mine from the State of New York and the chief sponsor of the bill, Senator Robert F. Wagner, addressed the protection of labor contracts. On May 15, 1935, Senator Wagner stated that "there is practically unanimous agreement in the Congress that the right of employees to organize and bargain collectively through representatives of their own choosing should be safeguarded at all times."

Mr. President, in my view, Congress must protect and retain the commitments made to the Nation's working men and women in 1935, to safeguard equal bargaining power between the representatives of companies and the representatives of labor. We can help do so by adopting the conference report.

The conference report, in my view, is a sound and entirely reasonable compromise between the goals Congress articulated in the National Labor Relations Act and the bankruptcy proceedings under chapter 11, which allow companies to lower costs, when necessary, in order to reorganize.

Let me describe briefly the provisions of the conference report.

First, under the conference agreement, a company seeking to renegotiate a labor contract must make a proposal to the union before the company files an application with the bankruptcy court to cancel the labor contract. The firm's proposal must provide for the necessary modifications in employee benefits and protections to enable the employer to continue operating.

Mr. President, this provision is a most important one, worthy of this body's support, for it ensures that a company's workers will not have to bear an undue burden to keep the company solvent. The union would have to make the necessary concessions. Nothing more. Nothing less.

The conference agreement also provides that a company must meet with its employee representatives in good faith, to reach an agreement concerning the labor contract modifications. This provision, then, embodies the basic principles of collective bargaining established by Congress in the National Labor Relations Act. Section 8(a)(5) of the National Labor Relations Act [NLRA] makes it a violation of the Nation's labor laws to refuse to collectively bargain with the representatives of employees. Moreover, under the NLRA, an employer may reject labor contracts only after complying with very stringent criteria.

Last, Mr. President, the conference report before us today would provide that if the union and the company cannot reach agreement, the bankruptcy court may authorize the cancellation of the union contract if the Court makes two following findings: First, that the union's refusal to accept modifications was unjustified; and second, that the cancellation of the contract was in the best interest of the company, the creditors, the employees, and all other affected parties.

In sum, Mr. President, this conference report, consistent with the intent of Congress in the National Labor Relations Act, provides that the company must try to negotiate with employees to work out the changes necessary to prevent the company from failing. The legislation also embodies the principles of the NLRA by requiring the company to bargain in good faith. And last, Mr. President, H.R. 5174 retains the criteria to reject labor contracts established in the Bildisco decision; namely, that the cancellation of the contract is in the best interest of employees, employers, and creditors alike.

Mr. President, I know that few, if any, Members of this body want to see the abrogation of collectively bargained labor contracts, even in the course of bankruptcy proceedings. But in certain circumstances, we must recognize that costs, including labor costs, must be lowered for financially troubled firms to survive.

In the wake of the Bildisco decision, the task before the Congress is to ensure fair and reasonable negotiations of labor contracts during bankruptcy proceedings. Although I would have preferred to provide greater protections for labor contracts than the conference report provides, I believe that the final agreement represents a reasonable compromise—one that ought to ensure fair labor negotiations during bankruptcy proceedings.

Mr. President, I support the measure we have before us today, and urge my colleagues to do the same.●

Mr. BAKER. Mr. President, I will not take but just a moment, but I have never seen a group of Senators more diligent and dedicated to getting a difficult matter through over a long period of time as has been the case here on this bill. I congratulate the chairman of the committee, the Senator from Kansas, the Senator from Alabama, and so many others who participated over such a long period of time.

Mr. President, I believe we are prepared to vote on the conference report.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HEFLIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceed to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, is there a bill at the desk, H.R. 5950, which we received from the other body?

The PRESIDING OFFICER. There is.

INCREASE IN FEDERAL CONTRIBUTION FOR QUADRENNIAL POLITICAL PARTY PRESIDENTIAL NATIONAL NOMINATING CONVENTIONS

Mr. BAKER. I ask the Chair lay before the Senate H.R. 5950.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5950) to increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consideration of the bill.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. I yield to the two managers.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, let me indicate to my colleagues that this provision passed the Senate earlier. We went to conference with this provision in the Senate bill. It was rejected ultimately by the House conference. The Senate receded on that provision.

Following that it was suggested, rather than to try to put it on some tax measure, it ought to come over on its own. That bill is before us now. I have talked with a number of people in my party and some in the other party who all have indicated this is very, very important. I have tried to gain assurance because I know of the concern that we will soon hear again from the distinguished author of this provision as we did several years ago about how the money will be used. I have just spoken to Mr. William Timmons, who will play a role in the Republican Convention in Dallas. While he cannot assure me precisely how the money will be spent, it will be spent wisely. [Laughter.]

They are willing to make an accounting. I said, "Would you be willing to account for how the money was spent following the convention?" They are perfectly willing to do that. I think it is important they do that because that would certainly indicate whether this was ever repeated again.

AMENDMENT NO. 3379

(Purpose: To limit increased payments to major political parties to purposes related to convention security)

Mr. LONG. Mr. President, I send my amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. LONG], proposes an amendment number 3397. At the end of the bill add the following new section:

SEC. . Any increase in any payment to a major party under section 9008(b) of the Internal Revenue Code of 1954 made solely by reason of the amendments made by this Act shall only be used to provide police protection, capital or other improvements made substantially for security reasons, and similar security measures.

Mr. LONG. Mr. President, after we agreed to this amendment in the Senate, I saw a presentation about this matter on one of the major networks. Frankly, it was enough to make me believe that we had made a mistake to permit the convention to have any of the money out of the Presidential campaign fund. We have asked people to mark their tax return if they would like to see $1 of their tax money go to the Presidential election campaign fund—to help ease the burden of an honorable man and woman who runs for the office of President and Vice President. The people of this country, I do not believe would favor having their money, which they designate for that purpose, spent for a national convention.

I would be willing to go along with this matter if this money is to be used for security. I can understand that there is a growing need for security. I think the American people would not particularly object if we are paying for police protection, or if we are paying to assure the personal safety of the key people involved in holding a convention. There will be demonstrations I am led to believe in connection with the Democratic Convention, I do not know whether this is also the case with the Republican Convention. I was at one convention—in Chicago—where we could have had real trouble if that city had not had a good mayor, Mayor Daly, and a strong police force. At the hotel where I stayed people who were not happy about what was happening put some stink bombs in the elevator shaft. Every time one of us went up or down the elevator we smelled very bad for hours after we departed from the elevator.

There is a need in some situations for security protection. But I do not think the people of this country approve or would approve of any of this money being spent for cocktail parties or for receptions, for food or beverage, or for lodging of delegates.

It seems to me that the basic law should be amended so that, for the future, the money that will go for the nominating conventions will only be used to pay for security.

Mr. Manatt assured me that all the additional money that is in this bill for the Democratic Convention is going to be used on security. He tells me that he is willing to account for it on that basis. I would insist on this amendment, Mr. President, except that I am advised by our friends on the House side that they might have difficulty getting a quorum to pass this bill at this late hour. But I hope that I could have the assurance of the leadership that, if I permit this bill to go through in this fashion without my amendment, they will help me obtain an opportunity to amend the basic law to limit these funds to security purposes for the future.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I could not agree more with the Senator from Louisiana. Mr. President, I have to confess, this was brought to me by the two chairmen, the Republican and Democratic national chairmen, as I am sure it was to the minority leader, the chairman, and ranking member of the Finance Committee which has jurisdiction over the Presidential Campaign Fund. So it did not originate here. It is not a partisan issue. It came from both parties. It was presented as a matter of funding extra and additional security precautions, structures, and equipment, and related things. I cannot tell you with reference to the two conventions.

I do not know a thing about it, Mr. President, except what I have just now related. But I do know the Senator from Louisiana is absolutely right. If we amend this thing and send it back to the House. I am afraid that we will never get the bill. I do not know what that amounts to, but I am sure there is not going to be an opportunity to act on a Senate amendment to this bill.

While I was not overenthusiastic with the thing to begin with, and I do not believe the chairman or the ranking member were either, we are faced with it. It has passed once in the Senate already. As the chairman of the committee pointed out, it was dropped in conference.

I do not think the Speaker would mind me repeating a conversation I had with him. That is when he called after it was dropped, he said that he hoped we would send it to them again. I indicated to him that I was not inclined to do that, to ask the Senate to do it again, but if the House sent it back to the Senate, I would be willing to take it up. The House did do that, as we now know, and we have that measure here.

If ever there was a bipartisan measure, this is it. Nobody is claiming the parenthood of this thing. I really urge the Senator from Louisiana to go ahead and do this without that amendment, and I pledge to him that after the conventions, I will join with him in the time I have remaining in taking a look at the generic law and see how we ought to structure it in relation to conventions.

Mr. LONG. Could I have the assurance of the chairman of the committee that at some point, either this year or next year, I could have his cooperation in seeing that we have an opportunity to amend this section of the law? It seems to me that the Senate, on a rollcall vote, would agree to spend this money on fun out at those conventions. That is what a lot of people go to conventions for. Some go there hoping to be nominated for President. I know that.

Mr. BAKER. I never have had any fun at a convention.

Mr. LONG. I am not going to be there for one good reason. I can have a better time someplace else. It is not all that much fun.

Mr. RANDOLPH. Mr. President, who has the floor? I would like to make a statement.

Mr. BAKER. I think the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, and my colleagues in the Chamber, we had no problem like this in the Democratic National Convention when we nominated Woodrow Wilson in Baltimore in 1912. I was there at the convention, and I want to report that we would have had no need for legislation of this kind to be discussed, let alone possibly passed by the Congress of the United States. My reference to 1912 is not fantasy. I attended that convention when Woodrow Wilson was nominated over Champ Clark, who was then the Speaker of the House of Representatives.

Mr. DOLE. I will be happy to cosponsor any amendment with the Senator from Louisiana to accomplish his purposes. When would that be effective?

Mr. LONG. Obviously, we cannot do it before the Democratic Convention. I do not care to be partisan about it. I do not want a burden imposed on the Republican Party that is not imposed on the Democratic Party. But I do think starting at the next convention that is how it ought to be. If we spend money, it ought to be for security. Security is becoming an increasing problem. I can understand that. I think the people of the United States can understand that. If you can show this expenditure is for essential security needs, I am sure they would approve of it.

Those cities, by the way, ought to help provide security. As I indicated, I was at the Chicago convention when the antiwar protesters really gave the Democrat a very bad time. It was only because there was a very strong mayor in the city of Chicago that they did not break that convention up. But you cannot expect quite that much of a strong mayor in every city around the United States, and sometimes even with a strong mayor, you may not be able to enforce security, in view of the terrorism and all that which is afoot in the world today.

Mr. DOLE. I have talked to Mr. Timmons. He is a very responsible man. I indicated your concern to him less than 15 minutes ago. He indicated that there are many things. One would be some of it to go to the city of Dallas for extra protection; some would go to ushers, maybe. They may not be in uniform, but they are a force as far as orderly conduct in a convention is concerned. I have indicated our reluctance to do the things suggested earlier, and he agreed with that. But he was not prepared to indicate how he would account for every dollar.

I do believe they understand if there is anything that looks like it is improper, it would be difficult to do anything in the furture.

Mr. LONG. This is taxpayer money being spent, and it ought to be accounted for just as the President's campaign expenditures have to be accounted for. If there is any irregularity, somebody ought to be accountable. This is not money to be spent just to have a good time.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 5950) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, that completes my list. We now must await the receipt of an adjournment resolution from the House of Representatives. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there is one other matter that I understand has been cleared on both sides for action. That is concurring in a House amendment to the Landsat conference report. I hope we can do that before we leave. While we try to find the papers and the people, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND REMOTE-SENSING SATELLITE DATA

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5155.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 5155) entitled "An Act to establish a system to promote the use of land remote-sensing satellite data, and for other purposes", with the following amendment: In lieu of the matter inserted by the said amendment, insert:

That this Act may be cited as the "Land Remote Sensing Commercialization Act of 1984".

TITLE I—DECLARATION OF FINDINGS, PURPOSES, AND POLICIES

FINDINGS

SEC. 101. The Congress finds and declares that—

(1) the continuous civilian collection and utilization of land remote-sensing data from space are of major benefit in managing the Earth's natural resources and in planning and conducting many other activities of economic importance;

(2) the Federal Government's experimental Landsat system has established the United States as the world leader in land remote-sensing technology;

(3) the national interest of the United States lies in maintaining international leadership in civil remote sensing and in broadly promoting the beneficial use of remote-sensing data;

(4) land remote sensing by the Government or private parties of the United States affects international commitments and policies and national security concerns of the United States;

(5) the broadest and most beneficial use of land remote-sensing data will result from maintaining a policy of nondiscriminatory access to data;

(6) competitive, market-driven private sector involvement in land remote sensing is in the national interest of the United States;

(7) use of land remote-sensing data has been inhibited by slow market development and by the lack of assurance of data continuity;

(8) the private sector, and in particular the "value-added" industry, is best suited to develop land remote-sensing data markets;

(9) there is doubt that the private sector alone can currently develop a total land remote-sensing system because of the high risk and large capital expenditure involved;

(10) cooperation between the Federal Government and private industry can help assure both data continuity and United States leadership;

(11) the time is now appropriate to initiate such cooperation with phased transition to a fully commercial system;

(12) such cooperation should be structured to involve the minimum practicable amount of support and regulation by Federal Government and the maximum practicable amount of competition by the private sector, while assuring continuous availability to the Federal Government of land remote-sensing data;

(13) certain Government oversight must be maintained to assure that private sector activities are in the national interest and that the international commitments and policies of the United States are honored; and

(14) there is no compelling reason to commercialize meteorological satellites at this time.

PURPOSES

SEC. 102. The purposes of this Act are to—

(1) guide the Federal Government in achieving proper involvement of the private sector by providing a framework for phased commercialization of land remote sensing and by assuring continuous data availability to the Federal Government;

(2) maintain the United States worldwide leadership in civil remote sensing, preserve its national security, and fulfill its international obligations;

(3) minimize the duration and amount of further Federal investment necessary to assure data continuity while achieving commercialization of civil land remote sensing;

(4) provide for a comprehensive civilian program of research, development, and demonstration to enhance both the United States capabilities for remote sensing from space and the application and utilization of such capabilities; and

(5) prohibit commercialization of meteorological satellites at this time.

POLICIES

SEC. 103. (a) It shall be the policy of the United States to preserve its right to acquire and disseminate unenhanced remote-sensing data.

(b) It shall be the policy of the United States that civilian unenhanced remote-sensing data be made available to all potential users on a nondiscriminatory basis and in a manner consistent with applicable antitrust laws.

(c) It shall be the policy of the United States both to commercialize those remote-sensing space systems that properly lend themselves to private sector operation and to avoid competition by the Government with such commercial operations, while continuing to preserve our national security, to honor our international obligations, and to retain in the Government those remote-sensing functions that are essentially of a public service nature.

DEFINITIONS

SEC. 104. For purposes of this Act:

(1) The term "Landsat system" means Landsats 1, 2, 3, 4, and 5, and any related ground equipment, systems, and facilities, and any successor civil land remote-sensing space systems operated by the United States Government prior to the commencement of the six-year period described in title III.

(2) The term "Secretary" means the Secretary of Commerce.

(3)(A) The term "nondiscriminatory basis" means without preference, bias, or any other special arrangement (except on the basis of national security concerns pursuant to section 607) regarding delivery, format, financing, or technical considerations which would favor one buyer or class of buyers over another.

(B) The sale of data is made on a nondiscriminatory basis only if (i) any offer to sell or deliver data is published in advance in such manner as will ensure that the offer is equally available to all prospective buyers; (ii) the system operator has not established or changed any price, policy, procedure, or other term or condition in a manner which gives one buyer or class of buyer de facto favored access to data; (iii) the system operator does not make unenhanced data available to any purchaser on an exclusive basis; and (iv) in a case where a system operator offers volume discounts, such discounts are no greater than the demonstrable reductions in the cost of volume sales. The sale of data on a nondiscriminatory basis does not preclude the system operator from offering discounts other than volume discounts to the extent that such discounts are consistent with the provisions of this paragraph.

(C) The sale of data on a nondiscriminatory basis does not require (i) that a system operator disclose names of buyers or their purchases; (ii) that a system operator maintain all, or any particular subset of, data in a working inventory; or (iii) that a system operator expend equal effort in developing all segments of a market.

(4) The term "unenhanced data" means unprocessed or minimally processed signals or film products collected from civil remote-sensing space systems. Such minimal processing may include rectification of distortions, registration with respect to features of the Earth, and calibration of spectral response. Such minimal processing does not include conclusions, manipulations, or calculations derived from such signals or film products or combination of the signals or film products with other data or information.

(5) The term "system operator" means a contractor under title II or title III or a license holder under title IV.

TITLE II—OPERATION AND DATA MARKETING OF LANDSAT SYSTEM

OPERATION

SEC. 201. (a) The Secretary shall be responsible for—

(1) the Landsat system, including the orbit, operation, and disposition of Landsats 1, 2, 3, 4, and 5; and

(2) provision of data to foreign ground stations under the terms of agreements between the United States Government and nations that operate such ground stations which are in force on the date of commencement of the contract awarded pursuant to this title.

(b) The provisions of this section shall not affect the Secretary's authority to contract for the operation of part or all of the Landsat system, so long as the United States Government retains—

(1) ownership of such system;

(2) ownership of the unenhanced data; and

(3) authority to make decisions concerning operation of the system.

CONTRACT FOR MARKETING OF UNENHANCED DATA

SEC. 202. (a) In accordance with the requirements of this title, the Secretary, by means of a competitive process and to the extent provided in advance by appropriation Acts, shall contract with a United States private sector party (as defined by the Secretary) for the marketing of unenhanced data collected by the Landsat system. Any such contract—

(1) shall provide that the contractor set the prices of unenhanced data;

(2) may provide for financial arrangements between the Secretary and the contractor including fees for operating the system, payments by the contractor as an initial fee or as a percentage of sales receipts, or other such considerations;

(3) shall provide that the contractor will offer to sell and deliver unenhanced data to all potential buyers on a nondiscriminatory basis;

(4) shall provide that the contractor pay to the U.S. Government the full purchase price of any unenhanced data that the contractor elects to utilize for purposes other than sale;

(5) shall be entered into by the Secretary only if the Secretary has determined that such contract is likely to result in net cost savings for the U.S. Government; and

(6) may be reawarded competitively after the practical demise of the space segment of the Landsat system, as determined by the Secretary.

(b) Any contract authorized by subsection (a) may specify that the contractor use, and, at his own expense, maintain, repair, or modify, such elements of the Landsat system as the contractor finds necessary for commercial operations.

(c) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (A) a period of 30 calendar days has passed after the receipt by each such committee of such transmittal, or (B) each such committee before the expiration of such period has agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of the transmittal, the Secretary shall include information on the terms of the contract described in subsection (a).

(d) In defining "United States private sector party" for purposes of this Act, the Secretary may take into account the citizenship of key personnel, location of assets, foreign ownership, control, influence, and other such factors.

CONDITIONS OF COMPETITION FOR CONTRACT

SEC. 203. (a) The Secretary shall, as part of the advertisement for the competition for the contract authorized by section 202, identify and publish the international obligations, national security concerns (with appropriate protection of sensitive information), domestic legal considerations, and any other standards or conditions which a private contractor shall be required to meet.

(b) In selecting a contractor under this title, the Secretary shall consider—

(1) ability to market aggressively unenhanced data;

(2) the best overall financial return to the Government, including the potential cost savings to the Government that are likely to result from the contract;

(3) ability to meet the obligations, concerns, considerations, standards, and conditions identified under subsection (a);

(4) technical competence, including the ability to assure continuous and timely delivery of data from the Landsat system;

(5) ability to effect a smooth transition with the contractor selected under title III; and

(6) such other factors as the Secretary deems appropriate and relevant.

(c) If, as a result of the competitive process required by section 202(a), the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than 30 days after so certifying and reporting the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed 120 days. If, after such subsequent competitive process, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding

to the Congress. In the event that no acceptable proposal is received, the Secretary shall continue to market data from the Landsat system.

(d) A contract awarded under section 202 may, in the discretion of the Secretary, be combined with the contract required by title III, pursuant to section 304(b).

SALE OF DATA

SEC. 204. (a) After the date of the commencement of the contract described in section 202(a), the contractor shall be entitled to revenues from sales of copies of data from the Landsat system, subject to the conditions specified in sections 601 and 602.

(b) The contractor may continue to market data previously generated by the Landsat system after the demise of the space segment of that system.

FOREIGN GROUND STATIONS

SEC. 205. (a) The contract under this title shall provide that the contractor shall act as the agent of the Secretary by continuing to supply unenhanced data to foreign ground stations for the life, and according to the terms, of those agreements between the United States Government and such foreign ground stations that are in force on the date of the commencement of the contract.

(b) Upon the expiration of such agreements, or in the case of foreign ground stations that have no agreement with the United States on the date of commencement of the contract, the contract shall provide—

(1) that unenhanced data from the Landsat system shall be made available to foreign ground stations only by the contractor; and

(2) that such data shall be made available on a nondiscriminatory basis.

TITLE III—PROVISION OF DATA CONTINUITY AFTER THE LANDSAT SYSTEM

PURPOSES AND DEFINITION

SEC. 301. (a) It is the purpose of this title—

(1) to provide, in an orderly manner and with minimal risk, for a transition from Government operation to private, commercial operation of civil land remote-sensing systems; and

(2) to provide data continuity for six years after the practical demise of the space segment of the Landsat system.

(b) For purposes of this title, the term "data continuity" means the continued availability of unenhanced data—

(1) including data which are from the point of view of a data user—

(A) functionally equivalent to the multispectral data generated by the Landsat 1 and 2 satellites; and

(B) compatible with such data and with equipment used to receive and process such data; and

(2) at an annual volume at least equal to the Federal usage during fiscal year 1983.

(c) Data continuity may be provided using whatever technologies are available.

DATA CONTINUITY AND AVAILABILITY

SEC. 302. The Secretary shall solicit proposals from United States private sector parties (as defined by the Secretary pursuant to section 202) for a contract for the development and operation of a remote-sensing space system capable of providing data continuity for a period of six years and for marketing unenhanced data in accordance with the provisions of sections 601 and 602. Such proposals, at a minimum, shall specify—

(1) the quantities and qualities of unenhanced data expected from the system;

(2) the projected date upon which operations could begin;

(3) the number of satellites to be constructed and their expected lifetimes;

(4) any need for Federal funding to develop the system;

(5) any percentage of sales receipts or other returns offered to the Federal Government;

(6) plans for expanding the market for land remote-sensing data; and

(7) the proposed procedures for meeting the national security concerns and international obligations of the United States in accordance with section 607.

AWARDING OF THE CONTRACT

SEC. 303. (a)(1) In accordance with the requirements of this title, the Secretary shall evaluate the proposals described in section 302 and, by means of a competitive process and to the extent provided in advance by appropriation Acts, shall contract with a United States private sector party for the capability of providing data continuity for a period of six years and for marketing unenhanced data.

(2) Before commencing space operations the contractor shall obtain a license under title IV.

(b) As part of the evaluation described in subsection (a), the Secretary shall analyze the expected outcome of each proposal in terms of—

(1) the net cost to the Federal Government of developing the recommended system:

(2) the technical competence and financial condition of the contractor;

(3) the availability of such data after the expected termination of the Landsat system;

(4) the quantities and qualities of data to be generated by the recommended system;

(5) the contractor's ability to supplement the requirement for data continuity by adding, at the contractor's expense, remote-sensing capabilities which maintain United States leadership in remote sensing;

(6) the potential to expand the market for data;

(7) expected returns to the Federal Government based on any percentage of data sales or other such financial consideration offered to the Federal Government in accordance with section 305;

(8) the commercial viability of the proposal;

(9) the proposed procedures for satisfying the national security concerns and international obligations of the United States;

(10) the contractor's ability to effect a smooth transition with any contractor selected under title II; and

(11) such other factors as the Secretary deems appropriate and relevant.

(c) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (1) a period of 30 calendar days has passed after the receipt by each such committee of such transmittal, or (2) each such committee before the expiration of such period has agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of the transmittal, the Secretary shall include the information specified in subsection (a).

(d) If, as a result of the competitive process required by this section, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than 30 days after so certifying and reporting, the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed 180 days. If, after such subsequent competitive process, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. Not earlier than 90 days after such certification and report, the Secretary may assure data continuity by procurement and operation by the Federal Government of the necessary systems, to the extent provided in advance by appropriation Acts.

TERMS OF CONTRACT

SEC. 304. (a) Any contract entered into pursuant to this title—

(1) shall be entered into as soon as practicable, allowing for the competitive procurement process required by this title;

(2) shall, in accordance with criteria determined and published by the Secretary, reasonably assure data continuity for a period of six years, beginning as soon as practicable in order to minimize any interruption of data availability;

(3) shall provide that the contractor will offer to sell and deliver unenhanced data to all potential buyers on a nondiscriminatory basis;

(4) shall not provide a guarantee of data purchases from the contractor by the Federal Government;

(5) may provide that the contractor utilize, on a space-available basis, a civilian United States Government satellite or vehicle as a platform for a civil land remote-sensing space system, if—

(A) the contractor agrees to reimburse the Government immediately for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, platform, data transmission, and launch costs; and

(B) such utilization would not interfere with or otherwise compromise intended civilian Government missions, as determined by the agency responsible for the civilian platform; and

(6) may provide financial support by the United States Government, for a portion of the capital costs required to provide data continuity for a period of six years, in the form of loans, loan guarantees, or payments pursuant to section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).

(b)(1) Without regard to whether any contract entered into under this title is combined with a contract under title II, the Secretary shall promptly determine whether the contract entered into under this title reasonably effectuates the purposes and policies of title II. Such determination shall be submitted to the President and the Congress, together with a full statement of the basis for such determination.

(2) If the Secretary determines that such contract does not reasonably effectuate the requirements of title II, the Secretary shall promptly carry out the provisions of such title to the extent provided in advance in appropriations acts.

MARKETING

SEC. 305. (a) In order to promote aggressive marketing of land remote-sensing data, any contract entered into pursuant to this title may provide that the percentage of sales paid by the contractor to the Federal Government shall decrease according to stipulated increases in sales levels.

(b) After the six-year period described in section 304(a)(2), the contractor may continue to sell data. If licensed under title IV; the contractor may continue to operate a civil remote-sensing space system.

REPORT

SEC. 306. Two years after the date of the commencement of the six-year period described in section 304(a)(2), the Secretary shall report to the President and to the Congress on the progress of the transition to fully private financing, ownership, and operation of remote-sensing space systems, together with any recommendations for actions, including actions necessary to ensure United States leadership in civilian land remote sensing from space.

TERMINATION OF AUTHORITY

SEC. 307. The authority granted to the Secretary by this title shall terminate 10 years after the date of enactment of this Act.

TITLE IV—LICENSING OF PRIVATE REMOTE-SENSING SPACE SYSTEMS

GENERAL AUTHORITY

SEC. 410. (a)(1) In consultation with other appropriate Federal agencies, the Secretary is authorized to license private sector parties to operate private remote-sensing space systems for such period as the Secretary may specify and in accordance with the provisions of this title.

(2) In the case of a private space system that is used for remote sensing and other purposes, the authority of the Secretary under this title shall be limited only to the remote-sensing operations of such space system.

(b) No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply with the requirements of this Act, any regulations issued pursuant to this Act, and any applicable international obligations and national security concerns of the United States.

(c) The Secretary shall review any application and make a determination thereon within 120 days of the receipt of such application. If final action has not occurred within such time, the Secretary shall inform the applicant of any pending issues and of actions required to resolve them.

(d) The Secretary shall not deny such license in order to protect any existing licensee from competition.

CONDITIONS FOR OPERATION

SEC. 401. (a) No person who is subject to the jurisdiction or control of the United States may, directly or through any subsidiary or affiliate, operate any private remote-sensing space system without a license pursuant to section 401.

(b) Any license issued pursuant to this title shall specify, at a minimum, that the licensee shall comply with all of the requirements of this Act and shall—

(1) operate the system in such manner as to preserve and promote the national security of the United States and to observe and implement the international obligations of the United States in accordance with section 607;

(2) make unenhanced data available to all potential users on a nondiscriminatory basis;

(3) upon termination of operations under the license, make disposition of any satellites in space in a manner satisfactory to the President;

(4) promptly make available all unenhanced data which the Secretary may request pursuant to section 602;

(5) furnish the Secretary with complete orbit and data collection characteristics of the system, obtain advance approval of any intended deviation from such characteristics, and inform the Secretary immediately of any unintended deviation;

(6) notify the Secretary of any agreement the licensee intends to enter with a foreign nation, entity, or consortium involving foreign nations or entities;

(7) permit the inspection by the Secretary of the licensee's equipment, facilities, and financial records;

(8) surrender the license and terminate operations upon notification by the Secretary pursuant to section 403(a)(1); and

(9)(A) notify the Secretary of any "value added" activities (as defined by the Secretary by regulation) that will be conducted by the licensee or by a subsidiary or affiliate; and

(B) if such activities are to be conducted, provide the Secretary with a plan for compliance with the provisions of this Act concerning nondiscriminatory access.

ADMINISTRATIVE AUTHORITY OF THE SECRETARY

SEC. 403. (a) In order to carry out the responsibilities specified in this title, the Secretary may—

(1) grant, terminate, modify, condition, transfer, or suspend licenses under this title, and upon notification of the licensee may terminate licensed operations on an immediate basis, if the Secretary determines that the licensee has substantially failed to comply with any provision of this Act, with any regulation issued under this Act, with any terms, conditions, or restrictions of such license, or with any international obligations or national security concerns of the United States;

(2) inspect the equipment, facilities, or financial records of any licensee under this title;

(3) provide penalties for noncompliance with the requirements of licenses or regulations issued under this title, including civil penalties not to exceed $10,000 (each day of operation in violation of such licenses or regulations constituting a separate violation);

(4) compromise, modify, or remit any such civil penalty;

(5) issue subpoenas for any materials, documents, or records, or for the attendance and testimony of witnesses for the purpose of conducting a hearing under this section;

(6) seize any object, record, or report where there is probable cause to believe that such object, record, or report was used, is being used, or is likely to be used in violation of this Act or the requirements of a license or regulation issued thereunder; and

(7) make investigations and inquiries and administer to or take from any person an oath, affirmation, or affidavit concerning any matter relating to the enforcement of this Act.

(b) Any applicant or licensee who makes a timely request for review of an adverse action pursuant to subsections (a)(1), (a)(3), or (a)(6) shall be entitled to adjudication by the Secretary on the record after an opportunity for an agency hearing with respect to such adverse action. Any final action by the Secretary under this subsection shall be subject to judicial review under chapter 7 of title 5, United States Code.

REGULATORY AUTHORITY OF THE SECRETARY

SEC. 404. The Secretary may issue regulations to carry out the provisions of this title. Such regulations shall be promulgated only after public notice and comment in accordance with the provisions of section 553 of title 5, United States Code.

AGENCY ACTIVITIES

SEC. 405. (a) A private sector party may apply for a license to operate a private remote-sensing space system which utilizes, on a space available basis, a civilian United States Government satellite or vehicle as a platform for such system. The Secretary, pursuant to the authorities of this title, may license such system if it meets all conditions of this title and—

(1) the system operator agrees to reimburse the Government immediately for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, platform, data transmission, and launch costs; and

(2) such utilization would not interfere with or otherwise compromise intended civilian Government missions, as determined by the agency responsible for such civilian platform.

(b) The Secretary may offer assistance to private sector parties in finding appropriate opportunities for such utilization.

(c) To the extent provided in advance by appropriation Acts, any Federal agency may enter into agreements for such utilization if such agreements are consistent with such agency's mission and statutory authority, and if such remote-sensing space system is licensed by the Secretary before commencing operation.

(d) The provisions of this section do not apply to activities carried out under title V.

(e) Nothing in this title shall affect the authority of the Federal Communications Commission pursuant to the Communications Act of 1934, as amended (47 U.S.C. 151 et seq.).

TERMINATION

SEC. 406. If, five years after the expiration of the six-year period described in section 304(a)(2), no private sector party has been licensed and continued in operation under the provisions of this title, the authority of this title shall terminate.

TITLE V—RESEARCH AND DEVELOPMENT

CONTINUED FEDERAL RESEARCH AND DEVELOPMENT

SEC. 501. (a)(1) The Administrator of the National Aeronautics and Space Administration is directed to continue and to enhance such Administration's programs of remote-sensing research and development.

(2) The administrator is authorized and encouraged to—

(A) conduct experimental space remote-sensing programs (including applications demonstration programs and basic research at universities);

(B) develop remote-sensing technologies and techniques, including those needed for monitoring the Earth and its environment; and

(C) conduct such research and development in cooperation with other Federal agencies and with public and private research entities (including private industry, universities, State and local governments,

foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(b)(1) The Secretary is directed to conduct a continuing program of—

(A) research in applications of remote-sensing;

(B) monitoring of the Earth and its environment; and

(C) development of technology for such monitoring.

(2) Such program may include support of basic research at universities and demonstrations of applications.

(3) The Secretary is authorized and encouraged to conduct such research, monitoring, and development in cooperation with other Federal agencies and with public and private research entities (including private industry, universities, State and local governments, foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(c)(1) In order to enhance the United States ability to manage and utilize its renewable and nonrenewable resources, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to conduct programs of research and development in the applications of remote sensing using funds appropriated for such purposes.

(2) Such programs may include basic research at universities, demonstrations of applications, and cooperative activities involving other government agencies, private sector parties, and foreign and international organizations.

(d) Other Federal agencies are authorized and encouraged to conduct research and development on the use of remote sensing in fulfillment of their authorized missions, using funds appropriated for such purposes.

(e) The Secretary and the Administrator of the National Aeronautics and Space Administration shall, within one year after the date of enactment of this Act and biennially thereafter, jointly develop and transmit to the Congress a report which includes (1) a unified national plan for remote-sensing research and development applied to the Earth and its atmosphere; (2) a compilation of progress in the relevant ongoing research and development activities of the Federal agencies; and (3) an assessment of the state of our knowledge of the Earth and its atmosphere, the needs for additional research (including research related to operational Federal remote-sensing space programs), and opportunities available for further progress.

USE OF EXPERIMENTAL DATA

SEC. 502. Data gathered in Federal experimental remote-sensing space programs may be used in related research and development programs funded by the Federal Government (including applications programs) and cooperative research programs, but not commercial uses or in competition with private sector activities, except pursuant to section 503.

SALE OF EXPERIMENTAL DATA

SEC. 503. Data gathered in Federal experimental remote-sensing space programs may be sold en bloc through a competitive process (consistent with national security interest and international obligations of the United States and in accordance with section 607) to any United States entity which will market the data on nondiscriminatory basis.

TITLE VI—GENERAL PROVISIONS

NONDISCRIMINATORY DATA AVAILABILITY

SEC. 601. (a) Any unenhanced data generated by any system operator under the provisions of this Act shall be made available to all users on a nondiscriminatory basis in accordance with the requirements of this Act.

(b) Any system operator shall make publicly available the prices, policies procedures, and other terms and conditions (but, in accordance with section 104(3)(C), not necessarily the names of buyers or their purchases) upon which the operator will sell such data.

ARCHIVING OF DATA

SEC. 602. (a) It is in the public interest for the United States Government—

(1) to maintain an archive of land remote-sensing data for historical, scientific, and technical purposes, including long-term global environmental monitoring;

(2) to control the content and scope of the archive; and

(3) to assure the quality, integrity, and continuity of the archive.

(b) The Secretary shall provide for long-term storage, maintenance, and upgrading of a basic, global, land remote-sensing data set (hereinafter referred to as the "basic data set") and shall follow reasonable archival practices to assure proper storage and preservation of the basic data set and timely access for parties requesting data. The basic data set which the Secretary assembles in the Government archive shall remain distinct from any inventory of data which a system operator may maintain for sales and for other purposes.

(c) In determining the initial content of, or in upgrading, the basic data set, the Secretary shall—

(1) use as a baseline the data archived on the date of enactment of this Act;

(2) take into account future technical and scientific developments and needs;

(3) consult with and seek the advice of users and producers of remote-sensing data and data products;

(4) consider the need for data which may be duplicative in terms of geographical coverage but which differ in terms of season, spectral bands, resolution, or other relevant factors;

(5) include, as the Secretary considers appropriate, unenhanced data generated either by the Landsat system, pursuant to title III, or by licensees under title IV;

(6) include, as the Secretary considers appropriate, data collected by foreign ground stations or by foreign remote-sensing space systems; and

(7) ensure that the content of the archive is developed in accordance with section 607.

(d) Subject to the availability of appropriations, the Secretary shall request data needed for the basis data set and pay to the providing system operator reasonable costs for reproduction and transmission. A system operator shall promptly make requested data available in a form suitable for processing for archiving.

(e) Any system operator shall have the exclusive right to sell all data that the operator provides to the United States remote-sensing data archive for a period to be determined by the Secretary but not to exceed ten years from the date the data are sensed. In the case of data generated from the Landsat system prior to the implementation of the contract described in section 202(a), any contractor selected pursuant to section 202 shall have the exclusive right to market such data on behalf of the United States Government for the duration of such contract. A system operator may relinquish the exclusive right and consent to distribution from the archive before the period of exclusive right has expired by terminating the offer to sell particular data.

(f) After the expiration of such exclusive right to sell, or after relinquishment of such right, the data provided to the United States remote-sensing data archive shall be in the public domain and shall be made available to requesting parties by the Secretary at prices reflecting reasonable costs of reproduction and transmittal.

(g) In carrying out the functions of this section, the Secretary shall, to the extent practicable and as provided in advance by appropriation Acts, use existing Government facilities.

NONREPRODUCTION

SEC. 603. Unenhanced data distributed by any system operator under the provisions of this Act may be sold on the condition that such data will not be reproduced or disseminated by the purchaser.

REIMBURSEMENT FOR ASSISTANCE

SEC. 604. The Administrator of the National Aeronautics and Space Administration, the Secretary of Defense and the heads of other Federal agencies may provide assistance to system operators under the provisions of this Act. Substantial assistance shall be reimbursed by the operator, except as otherwise provided by law.

ACQUISITION OF EQUIPMENT

SEC. 605. The Secretary may, by means of a competitive process, allow a licensee under title IV or any other private party to buy, lease, or otherwise acquire the use of equipment from the Landsat system, when such equipment is no longer needed for the operation of such system or for the sale of data from such system. Officials of other Federal civilian agencies are authorized and encouraged to cooperate with the Secretary in carrying out the provisions of this section.

RADIO FREQUENCY ALLOCATION

SEC. 606. (a) Within 30 days after the date of enactment of this Act, the President (or the President's delegee, if any, with authority over the assignment of frequencies to radio stations or classes of radio stations operated by the United States) shall make available for non-governmental use spectrum presently allocated to government use, for use by United States Landsat and commercial remote-sensing space systems. The spectrum to be so made available shall conform to any applicable international radio or wire treaty or convention, or regulations annexed thereto. Within 90 days thereafter, the Federal Communications Commission shall utilize appropriate procedures to authorize the use of such spectrum for non-governmental use. Nothing in this section shall preclude the ability of the Commission to allocate additional spectrum to commercial land remote-sensing space satellite system use.

(b) To the extent required by the Communications Act of 1934, as amended (47 U.S.C. 151 et seq.), an application shall be filed with the Federal Communications Commission for any radio facilities involved with the commercial remote-sensing space system.

(c) It is the intent of Congress that the Federal Communications Commission complete the radio licensing process under the Communications Act of 1934, as amended (47 U.S.C.151 et seq.), upon the application of any private sector party or consortium

operator of any commercial land remote-sensing space system subject to this Act, within 120 days of the receipt of an application for such licensing. If final action has not occurred within 120 days of the receipt of such an application, the Federal Communications Commission shall inform the applicant of any pending issues and of actions required to resolve them.

(d) Authority shall not be required from the Federal Communications Commission for the development and construction of any United States land remote-sensing space system (or component thereof), other than radio transmitting facilities or components, while any licensing determination is being made.

(e) Frequency allocations made pursuant to this section by the Federal Communications Commission shall be consistent with international obligations and with the public interest.

CONSULTATION

SEC. 607. (a) The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States and for notifying the Secretary promptly of such conditions.

(b)(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying the Secretary promptly of such conditions.

(2) Appropriate Federal agencies are authorized and encouraged to provide remote-sensing data, technology, and training to developing nations as a component of programs of international aid.

(3) The Secretary of State shall promptly report to the Secretary any instances outside the United States of discriminatory distribution of data.

(c) If, as a result of technical modifications imposed on a system operator on the basis of national security concerns, the Secretary, in consultation with the Secretary of Defense or with other Federal agencies, determines that additional costs will be incurred by the system operator, or that past development costs (including the cost of capital) will not be recovered by the system operator, the Secretary may require the agency or agencies requesting such technical modifications to reimburse the system operator for such additional or development costs, but not for anticipated profits. Reimbursements may cover costs associated with required changes in system performance, but not costs ordinarily associated with doing business abroad.

AMENDMENT TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1983

SEC. 608. Subsection (a) of section 201 of the National Aeronautics and Space Administration Authorization Act, 1983 (Public Law 97-324; 96 Stat. 1601) is amended to read as follows:

"(a) The Secretary of Commerce is authorized to plan and provide for the management and operation of civil remote-sensing space systems, which may include the Landsat 4 and 5 satellites and associated ground system equipment transferred from the National Aeronautics and Space Administration; to provide for user fees; and to plan for the transfer of the operation of civil remote-sensing space systems to the private sector when in the national interest."

AUTHORIZATION OF APPROPRIATIONS

SEC. 609. (a) There are authorized to be appropriated to the Secretary $75,000,000 for fiscal year 1985 for the purpose of carrying out the provisions of this Act. Such sums shall remain available until expended, but shall not become available until the time periods specified in sections 202(c) and 303(c) have expired.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized pursuant to title II of the National Aeronautics and Space Administration Authorization Act, 1983.

TITLE VII—PROHIBITION OF COMMERCIALIZATION OF WEATHER SATELLITES

PROHIBITION

SEC. 701. Neither the President nor any other official of the Government shall make any effort to lease, sell, or transfer to the private sector, commercialize, or in any way dismantle any portion of the weather satellite systems operated by the Department of Commerce or any successor agency.

FUTURE CONSIDERATIONS

SEC. 702. Regardless of any change in circumstances subsequent to the enactment of this Act, even if such change makes it appear to be in the national interest to commercialize weather satellites, neither the President nor any official shall take any action prohibited by section 701 unless this title has first been repealed.

Mr. GORTON subsequently said: Mr. President, I ask my colleagues to support the House amendments, which represent a compromise between the Senate and the House versions of H.R. 5155, the Land Remote-Sensing Commercialization Act of 1984. The Senate and House bills were quite similar, and the amended bill is not substantially different than H.R. 5155 as passed unanimously by the Senate earlier this month.

This legislation authorizes the phased transfer of land remote-sensing capabilities from the Federal Government to the private sector. Further, the legislation provides a framework for a new remote-sensing industry, balancing national security concerns and international commitments with private, commercial interests.

Many issues and concerns have been discussed since last year when the President proposed to commercialize the Federal Government's Landsat system. Mr. President, I have been favorably impressed with the input this legislation has drawn from Federal agencies, data users, State and local governments, and private industry, all of which have a genuine interest in the commercialization process. Every effort has been made in developing this legislation to balance these interests, and I feel that all concerned parties are satisfied with the legislation.

I would like to describe for my colleagues the evolution of the legislation since I introduced it as S. 2292 on February 9, 1984.

On March 22, 1984, I chaired a hearing on Landsat commercialization before the Science, Technology, and Space Subcommittee of the Commerce Committee. The subcommittee received legislative recommendations from representatives of the Federal agencies, private industry, and data users. I am very grateful for their invaluable assistance in shaping the legislation to its present form.

After the hearing, I worked with my colleagues on the Commerce Committee to develop legislation acceptable to members of the committee and the entire Senate. I am particularly appreciative of the assistance of Senators HOLLINGS and PRESSLER, who each had introduced their own Landsat bills and contributed significantly to the development of this bill.

On May 8, 1984 the bill was unanimously approved by the Commerce Committee as an amendment in the nature of a substitute to its companion, H.R. 5155. The marked-up bill was passed unanimously by the Senate on June 8, 1984.

As I stated, the compromise bill we are considering today is not significantly different from H.R. 5155 as passed by the Senate and has been agreed to by pertinent Members from both Houses of Congress.

Most of the provisions contained in the compromise amendments are drawn from H.R. 5155 either as originally passed by the House or as amended by the Senate; the intent of such provisions is clearly explained in House Report 98-647 or Senate Report 98-458. However, in a number of instances, the language in the compromise amendments does differ from that contained in either the House- or Senate-passed bills. The following paragraphs described these cases where new language appears in the compromise amendment in order to explain congressional intent with respect to commercialization of civil remote-sensing space systems.

Section 104(4). "Unenhanced data" has been redefined to make it clear that such data need not include even the minimal processing described in the House-passed definition.

Section 201(a)(2). "Agreements" rather than "Memoranda of Understanding" is used, as in section 205, to describe arrangements for data exchange between the U.S. Government and foreign ground stations. "Agreements" is a broader term than "Memoranda of Understanding," but clearly includes the latter. The broader term is used in order to include all such relevant arrangements whether or not they are called Memoranda of Understanding procedures contained therein because of the unusual, even unique, nature of this phased transfer of an operation from Government to private sector responsibility. Thus, the Con-

gress intends these provisions to take precedence over and to supplement other general procurement law.

Section 202(a)(2). Language regarding the title II contract has been changed to indicate that under such contract, funds could flow either from the Government to the contractor—if the contractor operated the Landsat system in addition to marketing Landsat data—or from the contractor to the Government—if the contractor only marketed Landsat data.

Sections 202(c) and 303(c). Senate language on notification of the Congress regarding the title II and title III contracts has been altered slightly. The "report-and-wait" period has been shortened from 30 days of continuous session of Congress to 30 calendar days, in recognition of the delays which could be imposed on the commercialization process by a requirement to wait for 30 days of continuous session of Congress.

Section 301(b). The original House definition of "MSS data" has been replaced by a definition of "data continuity." Under the new definition, it is clear that the title III contractor is required to meet minimum performance standards, including provision of unenhanced data that meet "compatibility" and "functionally equivalent" standards. The contractor is not required to develop any particular type or level of technology.

Section 303(a)(2). This new subsection makes it clear that the title III contractor must acquire a license under title IV.

Section 303(d). If the Secretary receives no acceptable proposal under title III, it is the clear intent of the Congress that the Secretary should assure data continuity by developing a land remote-sensing space system to be procured and operated by the Federal Government.

Section 304(a)(6). Support of the title III contractor by the Federal Government has been limited to loans, loan guarantees, or direct subsidies by removal of language in the Senate amendment which referred to "other financial considerations."

Section 401(a)(2). This new subsection indicates that the licensing authority of the Secretary, in the case of multiple-use space systems, extends only to the remote-sensing portions of such systems.

Section 401(d) and 403(a). The Secretary may deny or condition a license on the basis of national security, international commitments and obligations, or noncompliance with nondiscriminatory access, but not in order to limit competition.

Section 402(b)(6). The original Senate amendment stipulated that the licensee obtain advance approval from the Secretary of any agreement with a foreign entity. In an attempt to balance considerations of commercial viability with the sensitivities involved in international remote sensing, this language has been changed to require only notification of the Secretary of such agreements.

Sections 402(b)(7) and 403(a)(2). The Secretary is authorized to inspect the licensee's equipment, facilities, or financial records. It is intended that the Secretary's authority to inspect financial records be adequate to ensure that the licensee is in compliance with provisions of the act relating to nondiscriminatory access to unenhanced data.

Section 403(a)(6). In light of the international sensitivities involved in remote sensing and the transportability of remote-sensing hardware, the Secretary is given authority for seizure of objects, records, or reports. However, the standard for seizure has been tightened from the House-passed "reasonable appearance" to the more stringent "probable cause."

Section 501(c). Section 501(b) of the Senate amendment has been divided into section 501(b) and section 501(c) to highlight the differing, but complementary, roles in research and development of the Secretary, which appear in section 501(b), and the Secretaries of Agriculture and Interior, which appear in section 501(c).

Sections 601(a) and 104(3). Section 601(a) has changed little during legislative action on H.R. 5155. It is noted here only to emphasize the clear congressional intent that any system operator make unenhanced data available on a nondiscriminatory basis. Thus, for example, a company could not be licensed to operate, and to retain exclusive use of data from, a private remote-sensing space system, even if the company financed, launched, and operated such system in its entirety.

Section 602(d). This section has been redrafted to clarify that the Secretary may not demand data from a system operator for archival purposes unless the Secretary has available appropriated funds to pay such system operator for the costs of reproducing and transmitting the data.

Section 603. A system operator may provide that data not be reproduced or disseminated by any purchaser. However, during the life of existing memoranda of understanding, this provision is not intended to abrogate the authority of foreign ground-station operators with respect to the dissemination of land remote-sensing data.

Section 606. The Senate amendment has been altered to clarify the authority of the Federal Communications Commission to license use of radio facilities by private remote-sensing space systems after the President has made available spectrum for use by such systems.

Section 607(c). This subsection has been redrafted to clarify that reimbursements may cover only costs associated with technical changes in system performance imposed in light of national security concerns. Reimbursement would not cover costs ordinarily associated with the economic and political risks of doing business abroad. Thus, a system operator would not be reimbursed if he were temporarily forbidden to conduct business in a given country. Reimbursements apply only to private sector parties who have obtained a license pursuant to title IV.

Section 609. An authorization of $75 million is provided for fiscal year 1985, which will be expended largely for development of the land remote/sensing system pursuant to title III. It is expected that the Secretary will submit a supplemental budget request to the Congress during fiscal year 1985 for the financial support authorized under title III, and the level of funding under this section would enable the Secretary to proceed without delay. Any authorization under this section remaining after fiscal year 1985 may be expended by the Secretary in future fiscal years.

Again, these provisions are ones that have not already been clarified by either the Senate or House report. None represent major changes from the Senate version of the bill.

In conclusion, I wish to update my colleagues on the other aspect of the Landsat commercialization process. The Department of Commerce has already solicited and received bids from private parties on development of a follow-on system to Landsat. A decision on the bids by the Secretary of Commerce was expected earlier this month. The Secretary announced today that a decision still has not been reached, and will not be until late this summer.

Mr. President, I hope that the Department will quickly, as the Congress has, so that a follow-on system to Landsat can be developed in time to preserve data continuity. With the enabling legislation in place, a timely decision by the Department, consistent with the legislation, will lead to successful commercialization of Landsat.

● Mr. HOLLINGS. Mr. President, I compliment the distinguished chairman of the Science, Technology, and Space Subcommittee [Mr. GORTON] for the excellent job that he has done with the Landsat legislation, H.R. 5155. I strongly support this measure.

The informal agreement reached by the House and Senate has produced a carefully crafted bill that balances the concerns of users and operators, safeguards national security and foreign policy interests, promotes commercialization, and sustains important Federal research and development activities in land remote sensing. Enactment of

this bill should facilitate the commercialization of land remote sensing.

I do have a concern with the commercialization process. Frankly, I am worried when I look at the trade press and see where a Federal subsidy of $1 billion may be required over the next 6 years to commercialize the Landsat system. This is quite a large amount of money and far exceeds any level of funding that I had anticipated. I hope that the trade press accounts are exaggerated. However, in order to ensure that the commercialization process is carried out in compliance with the legislation, I have asked the Comptroller General of the United States to do an immediate evaluation of the contractual proposal and to assess its compliance with the policies established in this legislation, its impact on the Federal budget, and its impact on the future development of land remote sensing in the United States.

Mr. President, I support H.R. 5155 and recommend that this bill be passed and sent to the President for signature.●

Mr. DOLE. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the motion is agreed to.

ADOLESCENT FAMILY LIFE DEMONSTRATION PROGRAM EXTENSION

Mr. DOLE. Mr. President, I ask the Chair lay before the Senate Calendar No. 940, S. 2616.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2616) to extend the Adolescent Family Life Demonstration Program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources with amendments, as follows:

On page 1, line 6, after "year" insert "ending September 30,".

On page 2, lines 1 and 2, after "year" insert "ending September 30,".

On page 2, after line 2, insert:

(b) Section 2001(a)(5) of such Act is amended to read as follows:

"(5) pregnancy and childbirth among unmarried adolescents, particularly young adolescents, often results in severe adverse health, social, and economic consequences, including: a higher percentage of pregnancy and childbirth complications; a higher incidence of low birth weight babies; a higher frequency of developmental disabilities; higher infant mortality and morbidity; a greater likelihood that an adolescent marriage will end in divorce; a decreased likelihood of completing schooling; and higher risks of unemployment and welfare dependency; and therefore, education, training, and job search services are important for adolescent parents;".

(c) Section 2001(b)(3) of such Act is amended by inserting "both" before "for pregnant adolescents" in the matter preceding subparagraph (A).

(d) Section 2002(a)(4)(H) of such Act is amended by striking out "and referral to such services".

So as to make the bill read:

S. 2616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That *(a)* section 2010(a) of the Public Health Service Act is amended by striking out "and" after "1983," and by inserting before the period a comma and "$30,000,000 for the fiscal year *ending September 30,* 1985, $30,000,000 for the fiscal year ending September 30, 1986, and $30,000,000 for the fiscal year ending September 30, 1987".

(b) Section 2001(a)(5) of such Act is amended to read as follows:

"(5) pregnancy and childbirth among unmarried adolescents, particularly young adolescents, often results in severe adverse health, social, and economic consequences, including: a higher percentage of pregnancy and childbirth complications; a higher incidence of low birth weight babies; a higher frequency of developmental disabilities; higher infant mortality and morbidity; a greater likelihood that an adolescent marriage will end in divorce; a decreased likelihood of completing schooling; and higher risk of unemployment and welfare dependency; and therefore, education, training, and job search services are important for adolescent parents;".

(c) Section 2001(b)(3) olf such Act is amended by inserting "both" before "for pregnant adolescents" in the matter preceding subparagraph (A).

(d) Section 2002(a)(4)(H) of such Act is amended by striking out "and referral to such services".

Mr. DOLE. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

Without objection, it is so ordered.

AMENDMENT NO. 3380

(Purpose: To make a technical amendment)

Mr. DOLE. Mr. President, I send a technical amendment to the desk on behalf of Senator DENTON and ask for its immediate consideration.

Mr. PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. DENTON, proposes an amendment numbered 3380:

At the end of the bill, add the following:

(e) Section 2008(g) of such Act is repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3380) was agreed to.

Mr. HATCH. Mr. President, I encourage my colleagues to favorably consider S. 2616, the Adolescent Family Life Act. This reauthorization of the Adolescent Family Life Program is a credit to Senator DENTON and all other Members ot the Senate Labor and Human Resources Committee who are committed to looking at approaches solving the problems of adolescent pregnancy. It is through this legislation that we will continue our national effort to address the critical issues of adolescence and sexuality.

This legislation was authored and enacted in 1981 with a bipartisan support. Since 1981, 59 demonstration projects and 16 research initiatives have been undertaken to prevent teenage pregnancies and help teenagers who are faced with difficult decisions regarding the challenges of parenthood, or the option and questions surrounding the alternative of adoption. For the most part, unwed adolescent mothers can expect to face a future of unemployment, welfare dependency, and divorce. This is the tragedy. When an adolescent should be full of hope about the future, she is faced with these dim prospects.

Let us focus renewed effort to support the Adolescent Family Life Act as a programmatic prolog to what we must yet do to solve these serious problems. The Adolescent Family Life Act offers an alternative which encourages family participation in the delivery of services to pregnant teenagers. It also provides counseling to teenagers and their families. Several demonstration projects have been funded to test the viability of this program, and verifiable data indicate that many individuals can be more effectively served with this approach. Parents, I feel, are usually the best source of help, strength, and counsel that young people receive. Government should seek to strengthen the bonds between parent and child. The Adolescent Family Life Act has moved us out of the arena of debate into the arena of research to test policy alternatives. This is why the continuation of the Adolescent Family Life Act is vital. I hope that the Senate will favorably consider the positive potential of the Adolescent Family Life Act's traditional approach to the problems of escalating teenage pregnancies, and I urge the approval of S. 2616 as amended.

Mr. GRASSLEY. Mr. President, I am proud to join my colleagues by supporting this bi-partisan legislation reauthorizing the Adolescent Family Life Act for an additional 3 years. I commend the leadership and initiative Senator DENTON has faithfully demonstrated as chairman of the Family and Human Services Subcommittee addressing areas that few have the courage to address publicly. The area of adolescent sexuality and pregnancy is such an issue, with strong views held on both sides of the fence. This program promotes pregnancy prevention and abortion alternatives by providing support services, education and research. Additionally, I support policies and programs that foster and encourage family and parental participation

rather than usurp traditional responsibilities. The Adolescent Family Life Act does just this. The two hearings held by the Family and Human Services Subcommittee demonstrated the effectiveness of this program and spawned further interest in the need for such a program to more efficiently deal with the rise of teen pregnancies. I join my other colleagues in supporting this legislation.

Mr. DENTON. Mr. President, I am pleased that my bill to reauthorize the Adolescent Family Life Program, S. 2616, has been placed on the unanimous consent calendar for passage. The bill, which passed the Committee on Labor and Human Resources by a vote of 18 to 0, would reauthorize the current law for 3 years at the current authorization level of $30 million for 1985, 1986, and 1987.

I appreciate the support this law has received from the members of the Labor and Human Resources Committee. The Adolescent Family Life Act not only has continued to demonstrate that educational, health, and social services are important for pregnant adolescents and adolescent parents, but also has begun to demonstrate new approaches to involving families in dealing with their teenaged children in the areas of sex education and the problems associated with premarital sexual relations. This prevention aspect of the Adolescent Family Life Act has been an exciting development for the entire field of agencies and organizations concerned about alleviating the negative consequences of adolescent pregnancy both for families and our society as a whole.

Current law requires applicants to involve religious and charitable organizations, voluntary associations, and other groups in the private sector in the development of projects and in the delivery of services.

There has been some discussion as to whether or not the involvement of religious organizations in the provision of adolescent family life services violates the establishment and free enterprise clauses of the first amendment. Upon careful review, however, the Committee on Labor and Human Resources retained its firm commitment to the reliance on the private voluntary sector, which includes all traditional nonsectarian and sectarian voluntary and service organizations, to provide services under this act.

As the committee stated in its original report in 1981, it does not believe that the involvement of religious organizations in Adolescent Family Life Act programs is contrary to the establishment clause of the first amendment. Such organizations, like the other community organizations, enumerated in the relevant section of the act, can play an appropriate role in these programs. Charitable organizations with religious affiliations historically have provided social services with the support of their communities and without controversy. The committee noted, of course, that the use of Adolescent Family Life Act funds to promote religion, or to teach the religious doctrines of a particular sect, is contrary to the intent of this legislation.

The Adolescent Family Life Act is currently funding 59 model demonstration projects. Sixteen of these projects offer prevention services to teenagers and their parents, 30 offer care services to pregnant adolescents and teenage parents, including services for the babies, the teenaged fathers, and other family members; 13 projects offer a combination of care and prevention services.

The major recurring theme in testimony delivered before the subcommitttee in hearings held on the reauthorization was the need to allow more time for the demonstration projects to continue without changes in their goals or operations so that they can be fairly evaluated for their effectiveness. The projects are only 1 or 2 years old, and the law allows the demonstrations to be funded for up to 5 years will declining Federal funds. Preliminary results show that the demonstrations are having a positive impact on the lives of many young people and their parents. With the extension of this law for 3 more years, the Congress will have evaluation reports and valid results from which to judge how well these new approaches have worked and to what extent they have become an integral part of the local communities' array of services to adolescents.

Another feature of the Adolescent Family Life Act is the establishment of a research program. Currently 16 research projects in the areas of premarital adolescent sexual relations, adoption, and services to pregnant adolescents and teenaged parents have been funded. This research will be helpful in bringing current data and experience to bear in establishing even more effective programs and policies concerning adolescent pregnancy.

The bill, as reported by the Labor and Human Resources Committee, contains one amendment which has three features. First, the amendment adds a sentence to the findings section stating that education, training, and job search services are important for adolescent parents. Second, the amendment changes the purposes section of the act to clarify that care services are for both pregnant adolescents and adolescent parents. Third, the amendment emphasizes the requirement that care projects provide education and vocational training by deleting the reference to referral to such services.

I supported the amendment because it will improve the quality of education and vocational training services already established under the act, and will put these services on par with other necessary services described in the statute.

Under this provision, projects will be encouraged to provide education and vocational training services rather than refer clients for such services. The amendment will have the practical effect of fully integrating education and vocational training activities with health and other services provided by the Adolescent Family Life Act. The Urban Institute study of comprehensive care projects shows that integrated health services contribute to the high rate of healthy mothers and babies who participate in the projects before, during, and after delivery. The rates of educational and vocational attainment among clients in the study, however, were not as high. The data suggests that with a little more emphasis on education and vocational training, we may be able to ensure a higher degree of achievement among adolescent mothers and fathers.

The benefits of educational and vocational attainment to young parents and to society are enormous. These services will help to meet the long-term needs of teen parents by helping them to break the cycle of poverty and repeat pregnancy that too often accompanies adolescent parenthood. We now know that over half of all AFDC beneficiaries became recipients as adolescent parents, and that a lack of education and marketable skills are the foremost causes of long-term welfare dependency. I am confident that the amendment will strengthen the ongoing efforts of adolescent family life projects to help adolescent, including adolescent fathers, improve their educational and job status.

In addition, I have offered a technical amendment to the bill that would repeal the exemption to the Paperwork Reduction Act of 1980 contained in the adolescent family life statute. This provision exempted the Secretary from the provisions of the Paperwork Reduction Act of 1980 because of concerns about possible delays that Office of Management and Budget clearance procedures might cause in needed research projects. These concerns proved unfounded. Despite the exemption provided by the law, the Secretary agreed to follow Office of Management and Budget clearance procedures for information collection requests and was able to do so without undue delays. The Paperwork Reduction Act provides that such requests be reviewed by the Office of Management and Budget to ensure that the information is needed and useful and is not available from another Federal agency. This amendment is not controversial, and will serve to satisfy the concerns of some Senators who were active in the passage of the original Paperwork Reduction Act and who

would like to see the act applied across the board to all information collection requests.

I am convinced that the Adolescent Family Life Act makes sense from a national perspective about addressing the serious problems associated with teenage sex, adolescent pregnancy, and abortions performed on teenaged girls. I know that many of my colleagues have maintained strong support for this law and I thank them for it. I urge my colleagues to accept the bill without further delay.

● Mr. KENNEDY. I am pleased to join with my colleagues in introducing S. 2616, the Adolescent Family Life Act. Its care services are very similar to those provided under legislation I sponsored in 1978, offering comprehensive health and social services to pregnant adolescents. In 1981, I was involved in negotiations that produced the compromise which resulted in this program. S. 2616 extends the authorization of appropriations through fiscal year 1987, enabling these valuable service and demonstration projects to continue and undergo sufficient evaluation.

The high rate of pregnancy among unmarried teenagers and the negative consequences of those pregnancies remain as major problems in our society. The Guttmacher Institute estimated that 1.1 million teenagers will become pregnant each year. In other words, 1 teenage girl in 10 is likely to become pregnant in her teens.

Teenage parenthood is part of the cumulative disadvantages associated with low socioeconomic status. It occurs in greater proportions of lower than higher income populations and creates additional barriers to occupational and educational achievement. Children born to teenage parents have increased health risks, partly associated with the lack of adequate prenatal care and nutrition among low income groups where teenage pregnancy is more prevalent.

While the problems associated with teenage pregnancy partially result from the lack of social and economic resources, programs designed to help prevent teenage pregnancy are an important component of the necessary support. Demonstration projects may suggest innovative approaches and serve as natural experiments for testing the effectiveness of various preventive strategies.

Thus, I am pleased to cosponsor S. 2616, extending title XX for 3 years in providing services for pregnant adolescents and adolescents at risk of pregnancy.●

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2010(a) of the Public Health Service Act is amended by striking out "and" after "1983," and by inserting before the period a comma and "$30,000,000 for the fiscal year *ending September 30,* 1985, $30,000,000 for the fiscal year *ending September 30,* 1986, and $30,000,000 for the fiscal year *ending September 30,* 1987".

(b) Section 2001(a)(5) of such Act is amended to read as follows:

"(5) pregnancy and childbirth among unmarried adolescents, particularly young adolescents, often results in severe adverse health, social, and economic consequences, including: a higher percentage of pregnancy and childbirth complications; a higher incidence of low birth weight babies; a higher frequency of developmental disabilities; higher infant mortality and morbidity; a greater likelihood that an adolescent marriage will end in divorce; a decreased likelihood of completing schooling; and higher risks of unemployment and welfare dependency; and therefore, education, training, and job search services are important for adolescent parents;".

(c) Section 2001(b)(3) of such Act is amended by inserting "both" before "for pregnant adolescents" in the matter preceding subparagraph (A).

(d) Section 2002(a)(4)(H) of such Act is amended by striking out "and referral to such services".

(e) Section 2008(g) of such Act is repealed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INSIDER TRADING SANCTIONS ACT OF 1984

Mr. DOLE. Mr. President, I now ask the Chair to lay before the Senate Calendar Order No. 1021, S. 910.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 910) to amend the Securities Exchange Act of 1934 to increase the sanctions against trading securities while in possession of material nonpublic information.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs with amendments, as follows:

On page 1, line 3, strike "That this", and insert "Section 1. This";

On page 1, line 4, strike "1983", and insert "1984";

On page 2, line 2, strike "numbering existing paragraph", and insert "redesignating subsection";

On page 2, line 3, strike "paragraph '(d)(1)' ", and insert "subsection (d)(1)"

On page 2, line 4, strike "of existing paragraph (d)", and insert "thereof";

On page 2, line 5, after "following", insert "new";

On page 2, line 6, after "2)", insert "(A)";

On page 2, line 24, strike "may", and insert "shall";

On page 2, line 25, strike "may", and insert "shall";

On page 3, after line 8, insert the following:

"(B) No person shall be subject to a sanction under subparagraph (A) of this paragraph solely because that person aided and abetted a transaction covered by such subparagraph in a manner other than by communicating material nonpublic information. Section 20 of this title shall not apply to an action brought under this paragraph. No person shall be liable under this paragraph solely by reason of employing another person who is liable under this paragraph.

"(C) For purposes of this paragraph 'profit gained' or 'loss avoided' is the difference between the purchase or sale price of the security and the value of that security as measured by the trading price of the security a reasonable period after public dissemination of the nonpublic information.

"(D) No action may be brought under this paragraph more than five years after the date of the purchase or sale. This paragraph shall not be construed to bar or limit in any manner any action by the Commission or the Attorney General under any other provision of this title, nor shall it bar or limit in any manner any action to recover penalties, or to seek any other order regarding penalties, imposed in an action commenced within five years of such transaction.

"(E) The sanction under subparagraph (A) shall not apply to the purchase or sale of a security by a person other than a natural person if such person shows that—

"(i) the individual making the investment decision on behalf of such person to purchase or sell any security or to cause any security to be purchased or sold by or on behalf of others did not know the material nonpublic information; and

"(ii) such person had implemented one or a combination of policies and procedures, reasonable under the circumstances, taking into consideration the nature of the person's business, to ensure that the individual making the investment decision would not violate this paragraph, which policies and procedures may include, but are not limited to, (I) those which restrict any purchase or sale, or the causing of any purchase or sale, of any security, or (II) those which prevent such individual from knowing such information.".

SEC. 3. Section 32 of the Securities Exchange Act of 1934 is amended by striking "$10,000" from subsection (a) and inserting in lieu thereof "$100,000".

SEC. 4. Section 15(c)(4) of the Securities Exchange Act of 1934 is amended to read as follows:

"(4) If the Commission finds, after notice and opportunity for a hearing, that any person subject to the provisions of section 12, 13, 14, or subsection (d) of section 15 of this title or any rule or regulation thereunder has failed to comply with any such provision, rule, or regulation in any material respect, the Commission may publish its findings and issue an order requiring such person, and any person who was a cause of the failure to comply due to an act or omission the person knew or should have known would contribute to the failure to comply, or take steps to effect compliance, with such

provision of such rule or regulation thereunder upon such terms and conditions and within such time as the Commission may specify in such order.".

SEC. 5. Section 20 of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following:

"(d) Wherever communicating, or purchasing or selling a security while in possession of, material nonpublic information would violate, or result in liability to any purchaser or seller of the security under any provision of this title, or any rule or regulation thereunder, such conduct in connection with a purchase or sale of a put, call, straddle, option, or privilege with respect to such security or with respect to a group or index of securities including such security, shall also violate and result in comparable liability to any purchaser or seller of that security under such provision, rule, or regulation.".

SEC. 6. (a) Section 3(a)(39) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)) is amended—

(1) by inserting before the semicolon at the end of subparagraph (A) the following: ", contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7), or futures association registered under section 17 of such Act (7 U.S.C. 21), or has been and is denied trading privileges on any such contract market";

(2) by inserting before the semicolon at the end of subparagraph (B) the following: ", or is subject to an order of the Commodity Futures Trading Commission denying, suspending, or revoking his registration under the Commodity Exchange Act (7 U.S.C. 1 et seq.)"; and

(3) by inserting after "municipal securities dealer," in subparagraph (C) the following: "or while associated with an entity or person required to be registered under the Commodity Exchange Act,".

(b) Section 15(b)(4) of such Act (15 U.S.C. 78o(b)(4)) is amended—

(1) by striking out "or fiduciary" in subparagraph (B)(ii) and inserting in lieu thereof "fiduciary, or any entity or person required to be registered under the Commodity Exchange Act (7 U.S.C. 1 et seq.)";

(2) in subparagraph (C)—

(A) by inserting "entity or person required to be registered under the Commodity Exchange Act," before "or municipal securities dealer"; and

(B) by inserting "entity or person required to be registered under such Act," before "or insurance company"; and

(3) by inserting "the Commodity Exchange Act," after "Investment Company Act of 1940," each place it appears in subparagraphs (D) and (E).

SEC. 7. The amendments made by this Act shall become effective immediately upon enactment of this Act.

On page 7, line 15, strike "4.", and insert "7."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as "The Insider Trading Sanctions Act of 1984".

SEC. 2. Section 21 of the Securities Exchange Act of 1934 is amended by redesignating subsection (d) as subsection (d)(1), and adding at the end thereof the following new paragraph:

"(2)(A) Whenever it shall appear to the Commission that any person has violated any provision of this title or the rules or regulations thereunder by purchasing or selling a security while in possession of material nonpublic information in a transaction (i) on or through the facilities of a national securities exchange or from or through a broker or dealer, and (ii) which is not part of a public offering by an issuer of securities other than standardized options, the Commission may being an action in a United States district court to seek, and the court shall have jurisdiction to impose, a civil penalty to be paid by such person, or any person aiding and abetting the violation of such person. The amount of such penalty shall be determined by the court in light of the facts and circumstances, but shall not exceed three times the profit gained or loss avoided as a result of such unlawful purchase or sale, and shall be payable into the Treasury of the United States. If a person upon whom such a penalty is imposed shall fail to pay such penalty within the time prescribed in the court's order, the Commission shall refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court. The actions authorized by this paragraph may be brought in addition to any other actions that the Commission or the Attorney General are entitled to bring. For purposes of section 27 of this title, actions under this paragraph shall be actions to enforce a liability or a duty created by this title. The Commission, by rule or regulation, may exempt from the provisions of this paragraph any class of persons or transactions.

"(B) No person shall be subject to a sanction under subparagraph (A) of this paragraph solely because that person aided and abetted a transaction covered by such subparagraph in a manner other than by communicating material nonpublic information. Section 20 of this title shall not apply to an action brought under this paragraph. No person shall be liable under this paragraph solely by reason of employing another person who is liable under this paragraph.

"(C) For purposes of this paragraph 'profit gained' or 'loss avoided' is the difference between the purchase or sale price of the security and the value of that security as measured by the trading price of the security a reasonable period after public dissemination of the nonpublic information.

"(D) No action may be brought under this paragraph more than five years after the date of the purchase or sale. This paragraph shall not be construed to bar or limit in any manner any action by the Commission or the Attorney General under any other provision of this title, nor shall it bar or limit in any manner any action to recover penalties, or to seek any other order regarding penalties, imposed in an action commenced within five years of such transaction.

"(E) The sanction under subparagraph (A) shall not apply to the purchase or sale of a security by a person other than a natural person if such person shows that—

"(i) the individual making the investment decision on behalf of such person to purchase or sell any security or to cause any security to be purchased or sold by or on behalf of others did not know the material nonpublic information; and

"(ii) such person had implemented one or a combination of policies and procedures, reasonable under the circumstances, taking into consideration the nature of the person's business, to ensure that the individual making the investment decision would not violate this paragraph, which policies and procedures may include, but are not limited to, (I) those which restrict any purchase or sale, or the causing of any purchase or sale, of any security, or (II) those which prevent such individual from knowing such information.".

SEC. 3. Section 32 of the Securities Exchange Act of 1934 is amended by striking "$10,000" from subsection (a) and inserting in lieu thereof "$100,000".

SEC. 4. Section 15(c)(4) of the Securities Exchange Act of 1934 is amended to read as follows:

"(4) If the Commission finds, after notice and opportunity for a hearing, that any person subject to the provisions of section 12, 13, 14, or subsection (d) of section 15 of this title or any rule or regulation thereunder has failed to comply with any such provision, rule, or regulation in any material respect, the Commission may publish its findings and issue an order requiring such person, and any person who was a cause of the failure to comply due to an act or omission the person knew or should have known would contribute to the failure to comply, or take steps to effect compliance, with such provision of such rule or regulation thereunder upon such terms and conditions and within such time as the Commission may specify in such order.".

SEC. 5. Section 20 of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following:

"(d) Wherever communicating, or purchasing or selling a security while in possession of, material nonpublic information would violate, or result in liability to any purchaser or seller of the security under any provision of this title, or any rule or regulation thereunder, such conduct in connection with a purchase or sale of a put, call, straddle, option, or privilege with respect to such security or with respect to a group or index of securities including such security, shall also violate and result in comparable liability to any purchaser or seller of that security under such provision, rule, or regulation.".

SEC. 6. (a) Section 3(a)(39) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39) is amended—

(1) by inserting before the semicolon at the end of subparagraph (A) the following: ", contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7), or futures association registered under section 17 of such Act (7 U.S.C. 21), or has been and is denied trading privileges on any such contract market";

(2) by inserting before the semicolon at the end of subparagraph (B) the following ", or is subject to an order of the Commodity Futures Trading Commission denying, suspending, or revoking his registration under the Commodity Exchange Act (7 U.S.C. 1 et seq.)", and

(3) by inserting after "municipal securities dealer," in subparagraph (C) the following: "or while associated with an entity or person required to be registered under the Commodity Exchange Act,".

(b) Section 15(b)(4) of such Act (15 U.S.C. 79o(b)(4)) is amended—

(1) by striking out "or fiduciary" in subparagraph (B)(ii) and inserting in lieu thereof "fiduciary, or any entity or person required to be registered under the Commodity Exchange Act (7 U.S.C. 1 et seq.)";

(2) in subparagraph (C)—

(A) by inserting "entity or person required to be registered under the Commodity Exchange Act," before "or municipal securities dealer"; and

(B) by inserting "entity or person required to be registered under such Act," before "or insurance company"; and

(3) by inserting "the Commodity Exchange Act," after "Investment Company Act of 1940," each place it appears in subparagraphs (D) and (E).

SEC. 7. The amendments made by this Act shall become effective immediately upon enactment of this Act.

Mr. DOLE. Mr. President, I ask unanimous consent the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3381

Mr. DOLE. Mr. President, I send to the desk a technical amendment on behalf of Senator D'AMATO and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), on behalf of Mr. D'AMATO, proposes an amendment numbered 3381.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning with page 3, line 19, strike out all through page 4, line 2.

On page 3, line 1, after "Section 20" insert "(a)".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. Is there further debate?

The amendment (No. 3381) was agreed to.

Mr. D'AMATO. Mr. President, I wish to express my support for S. 910, The Insider Trading Sanctions Act of 1984. S. 910 is a bill which would significantly increase the penalty for those who engage in insider trading. Insider trading is defined loosely as "trading while in possession of material nonpublic information." Some commentators have called insider trading a victimless crime; however, I strongly disagree. The investor who trades with a person possessing nonpublic inside information is clearly at a severe informational disadvantage. In addition, the integrity of the market is violated, which results in a loss of investor confidence. John Fedders, the Director of the Securities and Exchange Commission's Division of Enforcement, has stated publicly that he believes that those who engage in insider trading are thieves, I concur wholeheartedly with Mr. Fedders.

During the subcommittee's deliberation on S. 910, consideration was given to additional amendments to strengthen or clarify the prohibitions on insider trading. The subcommittee devoted particular attention to the possibility of a statutory definition of insider trading. In my view, a statutory definition ideally could provide greater clarity and simplicity of analysis in this area without inhibiting the lawful business activities of investors and market professionals. I also believe that a statutory definition could reduce the unnecessary complexity of proof in insider trading case law while preserving the Commission's flexibility to reach new and unforeseen abuses. At the same time I recognize the difficulties attendant to the codification of a definition applicable to the diverse circumstances governed by existing case low, including trading and tipping involving inside and market information, the liability of traders, tippers and tippees, and the respective rights of other market participants, corporate shareholders, and sources of misappropriated information.

Several witnesses testified in support of a definition of insider trading, and the subcommittee reviewed several proposed definitions. The Commission testified, however, that it was not dissatisfied with existing case law governing insider trading. The Commission expressed concern that a statutory definition could introduce new terms and concepts that would generate a significant amount of litigation and that a definition could limit the Commission's flexibility to deal with future abuses.

In view of the complexity of the undertaking, and the necessity for prompt action on the bill, the committee determined not to include a definition of insider trading in this legislation.

It is evident that current law lacks any real deterrence to engaging in insider trading. In most situations, the inside trader disgorges his ill-gotten gain and signs a consent decree mandating that he obey the Federal securities laws in the future. There is little disincentive to engage in insider trading since the punishment, if caught, is merely being restored to the monetary position from which you began. S. 910 would amend the Securities and Exchange Act of 1934 to provide strong deterrence to the crime of insider trading.

The Insider Trading Sanctions Act authorizes the Commission to bring an action in Federal district court to seek a civil penalty against any person who violates the Federal securities laws by purchasing or selling a security while in possession of material nonpublic information. The Commission may also bring a penalty action against any person who aids and abets another person's violation by communicating material nonpublic information. The Commission may in its discretion, seek a penalty from any or all persons covered by this provision.

Civil money penalties are payable to the U.S. Treasury. The amount of a penalty would be in the court's discretion, but would be limited to a maximum of three times the profit gained or loss avoided as a result of the insider trading violation.

The new remedy could be sought instead of, or in addition to, any other remedies now available to the Commission. Thus, in an appropriate case, the Commission would have the discretion to seek, among other things: First, an order enjoining the violator from breaking the law again; second, disgorgement of illicit profits; and third, a civil penalty of up to three times the profit gained or loss avoided.

The legislation is intended to limit liability for the civil penalty to those most directly culpable in insider trading violations. The penalty would be imposed only on those who violate the Federal securities laws by trading while in possession of material nonpublic information, and or by tipping or communicating material nonpublic information to others who trade. In addition, S. 910 would increase the fine for criminal violations of the Federal securities laws from $10,000 to $100,000.

S. 910 contains a provision intended to clarify one aspect of the prohibition of insider trading under the Securities Exchange Act. This provision would make clear that it is not possible to insulate oneself from the prohibition of insider trading by restricting activity to securities that are derivative of the securities to which the material nonpublic information relates. Thus, the provision clarifies that tipping or trading in respect to derivative securities is unlawful to the same extent as tipping or trading in respect to the underlying security. For example, if, in a given set of circumstances, a corporate officer would violate the antifraud provisions by purchasing any securities issued by his employer, subjecting himself to liability to selling shareholders, then he would violate the antifraud provisions to the same extent by purchasing options with respect to these securities, and subject himself to comparable liability to selling option holders and other similarly situated persons in the derivative market. He would also be subject to any other comparable relief, including a Commission injunctive action or, in appropriate circumstances, an action for the civil penalty. The misuse of material nonpublic information in the derivative markets threatens the integrity, of, and public confidence in, the Nation's securities markets in the same manner as any other abuse of confidential information.

The bill would amend section 15(c)(4) of the Securities Exchange Act to authorize the Commission to institute administrative proceedings based on violations of section 14 of the Securities Exchange Act.

Section 15(c)(4) currently authorizes the Commission to institute administrative proceedings based on the fail-

ure to comply in any material respect with sections 12, 13, and 15(d) of the Securities Exchange Act by any person subject to those provisions. Under this provision, the Commission's authority includes the ability to compel compliance with the issuer registration, and beneficial ownership and periodic reporting requirements. The bill would provide the Commission with needed flexibility to address proxy and tender offer violations in situations in which the imposition of an unjunction is not an appropriate form of relief, the costs attendant to civil litigation seen unwarranted, or civil litigation otherwise seems inappropriate.

This amendment would also remove an anomaly in existing law that can lead to uneven enforcement. This anomaly is particularly acute in situations involving violations of the Williams Act, which added sections 13(d) and 14(d) to the Securities Exchange Act. Section 13(d) generally requires disclosure of certain information by persons who acquire more than 5 percent of the stock of a reporting company, while section 14(d) generally requires disclosures of similar information relating to a tender offer. Currently, the Commission may take action under section 15(c)(4) with respect to deficiencies in a bidder's initial filings under section 13(d), but cannot proceed with respect to identical deficiencies in subsequent filings made pursuant to section 14(d). Similarly, the Commission cannot act under this section with respect to any deficiencies in the subject company's filings in response to the tender offer, because these filings would be made pursuant to section 14(d).

The bill would also amend section 15(c)(4) to clarify the Commission's authority to proceed administratively against officers or directors or other individuals who cause a failure to comply with sections 12, 13, 14, or 15(d). It would eliminate unnecessary burdens, costs, and possible inequities, resulting from the potential bifurcation of proceedings in cases where a section 15(c)(4) proceeding is the appropriate forum for dealing with violations on the part of an issuer, and it is also appropriate to take enforcement action against the individuals responsible for the violation. The Commission's experience demonstrates that individual corporate officials or others may bear responsibility for untimely or inaccurate filings, or other violations, by an issuer. This amendment is consistent with the Commission's current practice of proceeding against such persons.

Finally, S. 910 would amend the definition in section 3(a)(39) of the Securities Exchange Act, specifying the conduct that would subject a person to a statutory disqualification, to include misconduct relating to the commodities markets, Currently, market professionals who have violated the Federal securities laws may be barred from performing similar functions in the commodities markets. In extending comparable protection to the securities markets, the bill would rectify this unintended anomaly. Among other things, this change would make it possible to bar persons who have violated the Commodity Exchange Act from acting as broker-dealers. It would also restrict the ability of such persons to participate in certain public offerings. The bill would also amend section 15(b)(4) of the Securities Exchange Act to authorize the Commission to bring administrative proceedings to sanction or restrict the activities of broker-dealers and associated persons, based on misconduct relating to the commodities markets.

S. 910 as reported by the committee, has been amended on the floor to eliminate a statutory exemption from secondary liability for multiservice broker-dealers. It is my belief that there should be certain limits on the liability of a multiservice firm, such as a broker-dealer or insurance company, where one employee possesses material nonpublic information, but another employee, not knowing of the information, trades for the firm's account before the information is made public. By deleting the statutory exemption it is my intention to provide the Commission flexibility in order that they may deal equitably with this situation on an administrative basis.

The committee believes that persons under a duty to make public disclosure or abstain from tipping or trading are not free to circumvent such obligations by trading, or tipping others reasonably likely to trade, in the derivative market. The misuse of material nonpublic information in the derivative markets threatens the integrity of, and public confidence in, the Nation's securities markets in the same manner as any other abuse of confidential information.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill states the title of the bill.

Section 2 of the bill amends Section 21(d) of the Exchange Act by adding a new subparagraph (d)(2)(A) to give the Commission authority to seek from a U.S. district court a civil penalty of up to three times the amount of profit gained or loss avoided by a person who violates or aids and abets a violation of, the federal securities laws by purchasing or selling a security while in possession of material nonpublic information. The new sanction is available with respect to any transaction on or through the facilities of a national securities exchange or from or through a broker or dealer, and which is not part of a public offering by an issuer of securities other than standardized options.

Within the maximum amount, the court has discretion to determine the amount of the penalty in light of the facts and circumstances. The penalty shall be paid to the U.S. Treasury. If the penalty is not paid within the time ordered by the court, the Commission shall refer the matter to the Attorney General who may bring an action in a U.S. district court to recover the penalty.

The actions authorized by this subparagraph may be brought in addition to any other action brought by the Commission or the Attorney General. For purposes of venue, service of process and other matters under Section 27 of the Securities Exchange Act, actions under this paragraph shall be considered actions to enforce a liability or a duty created by this title. The Commission, by rule or regulation, may exempt from the provisions of this paragraph any class of persons or transactions.

New subparagraph (d)(2)(B) is added to limit the new civil penalty sanction, but not to limit any existing remedies, with respect to certain classes of persons who are not direct violators of the law. No person shall be subject to the new sanction solely because that person aided and abetted a transaction covered by new subparagraph (A) in a manner other than by communicating material nonpublic information. Section 20(a) of the Securities Exchange Act, which holds liable persons who control persons who violate the Securities Exchange Act, will not apply for purposes of the new sanction provided under subparagraph (A). No person shall be subject to the new sanction solely by reason of employing another person who is liable under this paragraph.

New subparagraph (d)(2)(C) defines "profit gained or loss avoided" to mean the difference between the purchase or sale price of a security and the value of that security as measured by trading price a reasonable period after public dissemination of the nonpublic information.

New subparagraph (d)(2)(D) places a five-year statute of limitations on actions brought under this paragraph. This provision shall not be construed to limit any other actions brought by the Commission or the Attorney General.

Section 3 of the bill amends Section 32(a) of the Securities Exchange Act to increase the maximum criminal penalties for violations of the At from $10,000 to $100,000.

Section 4 of the bill amends Section 15(c)(4) of the Securities Exchange Act to provide that the Commission may being an administative proceeding to require compliance with Section 14 of the Securities Exchange Act. This amendment also clarifies the Commission's authority to seek administrative relief against individuals who cause failures to comply with Sections 12, 13, 14, or 15(d) of the Securities Exchange Act.

Section 5 of the bill provides that the amendments in the bill become effective upon enactment.

Section 6 of the bill amends Section 20 of the Securities Exchange Act to provide that wherever communicating, or purchasing or selling a security while in possession of, material nonpublic information would violate or result in liability under this title, such conduct in connection with a derivative security shall also violate and result in comparable liability under this title.

Section 7 of the bill amends Section 3(a)(39) of the Securities Exchange Act to provide that persons who have engaged in

certain misconduct under the commodities laws will be subject to statutory disqualification. It also amends Section 15(b) of the Securities Exchange Act to permit an administrative proceeding against broker-dealers, or associated persons, based on misconduct in the commodities markets.

Mr. SARBANES. Mr. President, the Insider Trading Sanctions Act of 1984 is much needed legislation to deter insider trading, a market abuse which threatens investor confidence in the fairness and integrity of our capital markets by undermining the public's expectations of honest and fair securities markets where all participants play by the same rules.

"Insider trading" is the term used to refer to trading in the securities markets while in possession of material information—information that would be important to an investor in making a decision to buy or sell a security—that is not available to the general public.

To establish a stronger deterrent to violations, this legislation provides increased sanctions against insider trading.

First, the legislation amends section 21(d) of the Securities and Exchange Act of 1934 to give the Securities and Exchange Commission authority to seek from a court a civil money penalty of up to three times the amount of profit gained or loss avoided by a person who violates, or aids and abets a violation of the Federal securities laws by purchasing or selling a security while in possession of material nonpublic information. Second, the legislation amends section 32 of the Exchange Act to increase the maximum fine for a criminal violation from $10,000 to $100,000. Third, the legislation amends section 15(c)(4) of the Exchange Act to give the Commission authority to bring an administrative proceeding against persons who violate section 14 of the act. Fourth, the bill clarifies that insider trading in stock options is illegal, just as it is in the underlying stock. Finally, the Insider Trading Sanctions Act of 1984 empowers the Securities and Exchange Commission to bar or suspend the registration of a broker who has been disciplined by the Commodity Futures Trading Commission.

Mr. President, this legislation is long overdue. I urge its passage without delay.

Mr. DOLE. Mr. President, third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DOLE. Mr. President, I ask unanimous consent to discharge the Banking Committee of H.R. 559, the House companion bill, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 559) to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information.

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I move to strike all after the enacting clause and insert the text of S. 910, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 559), as amended, was read the third time and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that Calendar Order No. 1021, S. 910, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATENT LAW AMENDMENTS

Mr. DOLE. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 1016, S. 1538.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1538) to amend the patent law of the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendment, as follows:

S. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Patent Law Amendments of 1983".

SEC. 2. (a) Chapter 14 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"§ 156. [Issuance of patents without examination] *Statutory invention recording*

"(a) Notwithstanding any other provisions of this title, the Commissioner is authorized to [issue a patent on an invention without the examination required by sections 131 and 132 of this title,] *publish a statutory invention registration containing the specification and drawings of a regularly filed application for a patent without examination,* except as may be required to conduct an interference proceeding, to determine compliance with section 112 of this title, or to review for formalities required for printing, if the applicant—

"(1) waives [all remedies with respect to the patent and any reissue thereof, arising under sections 183 and 271 through 289 of this title and under any other provision of Federal law, within such time as the Commissioner specifies, and] *the right to receive a patent on the invention within such period as may be prescribed by the Commissioner, and*

"(2) pays *application, publication and other processing fees* [fees, which may be less than those specified in section 41 of this title, established by the Commissioner for the filing and issuance of such a patent.] *Commissioner.*

"(b) The waiver under this section shall take effect upon [issuance of the patent. No maintenance fees shall be required with respect to patents issued under this section.".] *publication of the statutory invention recording.*

"(c) A statutory invention recording published pursuant to this section shall have all of the attributes specified for patents in this title except those specified in section 183, and sections 271 through 289 of this title. A statutory invention recording shall not have any of the attributes specified for patents in any other title of this Code.".

(b) The analysis for chapter 14 of title 35, United States Code, is amended by adding at the end the following:

"156. [Issuance of patents without examination.".] *Statutory invention recording.".*

(c) The Secretary of Commerce shall convene an inter-agency committee to co-ordinate policy on the use of the statutory invention recording procedure by agencies of the United States. Such policy shall ordinarily require use of the statutory invention recording procedure for inventions as to which the United States may have the right of ownership that do not have commercial potential. The interagency committee shall also, after obtaining views from the public, establish standards for evaluating the commercial potential of inventions to which the government may have the right of ownership. The head of each agency which has a significant research program (as determined by the Secretary of Commerce) shall designate either the senior technology transfer official or the senior research policy official to participate as a member of the interagency committee. The Secretary of Commerce shall report to the Congress annually on the use of statutory invention recordings. Such report shall include an assessment of the degree to which agencies of the Federal Government are making use of the statutory invention recording system, the degree to which it aids the management of federally developed technology, and an assessment of the cost savings to the Federal Government of the use of such procedures.

SEC. 3. Section 134 of title 35, United States Code, is amended by striking out "primary".

[SEC. 4. Section 151 of title 35, United States Code, is amended—

[(1) by amending the second sentence in the first paragraph to read as follows: "The notice shall specify the issue fee which shall be paid within three months thereafter, or within such shorter time, not less than one month, as fixed by the Commissioner in such notice."; and

[(2) by striking out the third paragraph.]

SEC. [5.]*4.* Section 361(d) of title 35, United States Code, is amended by inserting "or within one month [thereafter"] *after such date*" after "application" in the first sentence.

SEC. [6.]*5.* Section 366 of title 35, United States Code, is amended—

(1) by inserting "after the date of withdrawal," after "effect";

(2) by inserting ", unless a claim for the benefit of a prior filing date under section 365(c) of this part was made in a national application, or an international application designating the United States, filed before the date of such withdrawal" before the period at the end of the first sentence; and

(3) by inserting "withdrawn" after "such" in the second sentence.

SEC. [7.]*6.* (a) Section 371(a) of title 35, United States Code, is amended by—

(1) striking out "is" and inserting in lieu thereof "may be"; and

(2) striking out ", except those filed in the Patent Office".

(b) Section 371(b) of title 35, United States Code, is amended to read as follows:

"(b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2) of the treaty.".

(c) Section 371(c)(2) of title 35, United States Code, is amended by—

(1) striking out "received from" and inserting in lieu thereof "communicated by"; and

(2) striking out "verified" before "translation".

(d) Section 371(d) of title 35, United States Code, is amended to read as follows:

"(d) The requirements with respect to the national fee referred to in subsection (c)(1), the translation referred to in subsection (c)(2), and the oath or declaration referred to in subsection (c)(4) of this section shall be complied with by the *date of the* commencement of the national stage or by such later time as may be fixed by the Commissioner. The copy of the international application referred to in subsection (c)(2) shall be submitted by the *date of the* commencement of the national stage. Failure to comply with these requirements shall be regarded as abandonment of the application by the parties thereof, unless it be shown to the satisfaction of the Commissioner that such failure to comply was unavoidable. The payment of a surcharge may be required as a condition [for] *of* accepting the national fee referred to in subsection (c)(1) or the oath or declaration referred to in subsection (c)(4) of this section if these requirements are not met by the *date of the* commencement of the national stage. The requirements of subsection (c)(3) of this section shall be complied with by the *date of the* commencement of the national stage, and failure to do so shall be regarded as a cancellation of the amendments to the claims in the international application made under article 19 of the treaty.".

SEC. [8] *7.* (a) Section 372(b) of title 35, United States Code, is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(2) inserting at the end thereof the following:

"(3) the Commissioner may require a verification of the translation of the international application or any other document pertaining thereto if the application or other document was filed in a language other than English.".

(b) Section 372 of title 35, United States Code, is amended by deleting subsection (c).

SEC. [9.] *8.* Section 376(a) of title 35, United States Code, is amended by striking out paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. [10.] *9.* Title 35, United States Code, is amended by striking out "Patent Office" each place it appears and inserting in [its place] *lieu thereof* "Patent and Trademark Office".

SEC. [11.] *10.* Notwithstanding section 2 of the Public Law 96-517, no fee shall be collected for maintaining a plant patent in force.

SEC. 11. (a) Section 7 of title 35, United States Code, is amended to read as follows:

"§ 7. Board of Patent Appeals and Interferences

"The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, who shall be appointed under the classified civil service. The Commissioner, the deputy commissioner, the assistant commissioners, and the examiners-in-chief shall constitute a Board of Patent Appeals and Interferences.

"The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared pursuant to section 135(a) of this title. Each appeal and interference shall be heard by at least three members of the Board of Patent Appeals and Interferences, the members to be designated by the Commissioner. The Board of Patent Appeals and Interferences has sole power to grant rehearings.

"Whenever the Commissioner considers it necessary to maintain the work of the Board of Patent Appeals and Interferences current, he may designate any patent examiner of the primary examiner grade or higher, having the requesite ability, to serve as examiner-in-chief for periods not exceeding six months each. An examiner so designated shall be qualified to act as a member of the Board of Patent Appeals and Interferences. Not more than one such primary examiner shall be a member of the Board of Patent Appeals and Interferences hearing an appeal or determining an interference. The Secretary of Commerce is authorized to fix the per annum rate of basic compensation of each designated examiner-in-chief in the Patent and Trademark Office at not in excess of the maximum scheduled rate provided for positions at GS-16 pursuant to section 5332 of title 5, United States Code. The per annum rate of basic compensation of each designated examiner-in-chief shall be adjusted, at the close of the period for which he was designated to act as examiner-in-chief, to the per annum rate of basic compensation which he would have been receiving at the close of such period if such designation had not been made.".

(b) The item relating to section 7 in the analysis for chapter 1 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 12. Section 41(a)(6) of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals", each place it appears and inserting "in the appeal" after "oral hearing".

SEC. 13. (a) Section 134 of title 35, United States Code, including the section heading, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals" each place it appears.

(b) The item relating to section 134 in the analysis for chapter 12 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 14. (a) Section 135(a) of title 35, United States Code, is amended to read as follows:

"(a) Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, an interference may be declared and the Commissioner shall give notice thereof to the applicants, or applicant and patentee, as the case may be. The Board of Patent Appeals and Interferences shall determine the priority and patentability of invention in interferences. Any final decision, if adverse to the claim of an applicant, shall constitute the final refusal by the Patent and Trademark Office of the claims involved, and the Commissioner may issue a patent to the applicant who is adjudged the prior inventor. A final judgment adverse to a patentee from which no appeal or other review has been or can be taken or had shall constitute cancellation of the claims of the patent, and notice thereof shall be endorsed on copies of the patent thereafter distributed by the Patent and Trademark Office.".

(b) Section 135(b) of title 35, United States Code, is amended by striking out "may" and inserting in lieu thereof "shall".

SEC. 15. Section 141 of title 35, United States Code, is amended to read as follows:

"§ 141. Appeal to court of appeals for the Federal circuit

"An applicant dissatisfied with the decision in an appeal to the Board of Patent Appeals and Interferences under section 134 of this title may appeal to the United States Court of Appeals for the Federal Circuit, thereby waiving his right to proceed under section 145 of this title. A party to an interference dissatisfied with the decision of the Board of Patent Appeals and Interferences may appeal to the United States Court of Appeals for the Federal Circuit, but such appeal shall be dismissed if any adverse party to such interference, within twenty days after the appellant has filed notice of appeal according to section 142 of this title, files notice with the Commisisoner that he elects to have all further proceedings conducted as provided in section 146 of this title. Thereupon the appellant shall have thirty days thereafter within which to file a civil action under section 146, in default of which the decision appealed from shall govern the further proceedings in the case.".

SEC. 16. Section 145 of title 35, United States Code, is amended—

(1) by inserting "Board of Patent Appeals and Interferences in an appeal under section 134 of this title" in lieu of "Board of Appeals" in the first sentence; and

(2) by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals" in the second sentence.

SEC. 17. Section 146 of title 35, United States Code, is amended by striking "board of patent interferences on the question of priority" and inserting in lieu thereof

"Board of Patent Appeals and Interferences".

SEC. 18. Section 305 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 19. Section 1295(a)(4)(A) of title 28, United States Code, is amended by striking out "Appeals or the Board of Patent" and inserting in lieu thereof "Patent Appeals and".

SEC. 20. Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), is amended by striking out "a Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences", and by striking out "the Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences".

SEC. 21. (a) Section 305(d) of the National Aeronautics and Space Act of 1952 (42 U.S.C. 2457(d)) is amended by—

(1) striking out "Patent" in the title and inserting in lieu thereof "Patent Appeals and",

(2) striking out "a Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences", and

(3) striking out "the Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences".

(b) Section 305(e) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(e)) is amended by striking out "a Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeal and Interferences".

SEC. 22. The examiners-in-chief of the Board of Appeals and the examiners of interferences of the Board of Patent Interference on the effective date of this Act shall continue in office as members of the Board of Patent Appeals and Interferences.

SEC. 23. Section 3 of title 35, United States Code, is amended by adding at the end thereof the following:

"(e) The members of the Trademark Trial and Appeal Board of the Patent and Trademark Office shall receive compensation equal to that paid a GS-16 under the General Schedule contained in section 5332 of title 5, United States Code.".

SEC. [12] *24.* (a) Sections [10]*9* and [11]*10* of the Act shall take effect upon the date of enactment.

(b) Sections 1 through 9 *8* of this Act shall take effect [six]*three* months after the date of enactment.

(c) Sections 11 through 23 of this Act shall take effect three months after the date of enactment.

The amendments were agreed to.

The bill was ordered to be engrossed for the third reading, read the third time, and passed.

Mr. DOLE. Mr. President, I ask unanimous consent the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3382

(Purpose: To extend the patent on certain drug products)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Senator THURMOND and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], on behalf of Mr. THURMOND, proposes an amendment numbered 3382.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Redesignate section 24 as section 25.

Between section 23 and section 25, as redesignated, insert the following new section:

SEC. 24. (a) Title 35 of the United States Code is amended by adding immediately following section 155 the following new section:

"§ 155A. Patent extension

"(a) Notwithstanding section 154 of this title, the term of any patent which encompasses within its scope a composition of matter which is a new drug product, if such new drug product is subject to the labeling requirements for oral hypoglycemic drugs of the sulfonylurea class as promulgated by the Food and Drug Administration in its final rule of March 22, 1984 (FR Doc. 84-9640) and was approved by the Food and Drug Administration for marketing after promulgation of such final rule and prior to the date of enactment of this law, shall be extended until April 21, 1992.

"(b) The patentee or licensee or authorized representative of any patent described in such subsection (a) shall, within ninety days after the date of enactment of such subsection, notify the Commissioner of Patents and Trademarks of the number of any patent so extended. On receipt of such notice, the Commissioner shall confirm such extension by placing a notice thereof in the official file of such patent and publishing an appropriate notice of such extension in the Official Gazette of the Patent and Trademark Office.".

(b) The table of sections for chapter 14 of title 35, United States Code is amended by adding after the item relating to section 155 the following new item:

"155A. Patent extension".

Section 25(a) of the bill, as redesignated, is amended by striking out "9 and 10" and inserting in lieu thereof "9, 10, and 24".

Mr. THURMOND. Mr. President, the amendment which I am offering to S. 1538 would provide a limited patent term extension for certain oral antidiabetic drugs.

The drugs affected by this amendment were issued approvable letters by the FDA relating to their safety and effectiveness during the 1970's. Final approval was withheld while the FDA completed its rulemaking procedures with respect to class labeling for all oral antidiabetic drugs, which were begun in 1970. Despite the best efforts of the patent holders to cooperate and expedite these proceedings, they were not completed until earlier this year. One of the affected companies lost 10 years of patent protection because of these prolonged proceedings and, in the absence of a remedy, would only have 2 years of exclusive marketability left.

This amendment would provide partial relief to the companies affected by the lengthy rulemaking delay by extending their patents until April 21, 1992. This would amount to not more than approximately 6 years of additional patent protection. Thus, the patent holders would enjoy an effective patent life equivalent to that enjoyed by the average drug patent holder.

Mr. President, this provision is similar in its goal to those enacted with respect to aspertame and forane. U.S. patent law is designed to reward inventors for their innovation and investment, and to provide future incentives for research into new areas of technology and medicine. Accordingly, this patent term restoration, like the others, will afford affected parties the normal protections conferred by the patent laws on the drug industry.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3382) was agreed to.

AMENDMENT NO. 3383

(Purpose: To amend the Textile Fiber Products Identification Act and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. THURMOND and Mr. HOLLINGS, proposes an amendment numbered 3383.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following new title:

TITLE —

SEC. . This title may be cited as the "Textile Fiber and Wool Products Identification Improvement Act".

SEC. 2. Subsection (b) of section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b(b)) is amended by adding at the end thereof the following new paragraph:

"(5) If it is a textile fiber product processed or manufactured in the United States, it be so identified.".

SEC. 3. Subsection (e) of section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b(e)) is amended to read as follows:

"(e) For purposes of this Act, in addition to the textile fiber products contained therein, a package of textile fiber products intended for sale to the ultimate consumer shall be misbranded unless such package has affixed to it a stamp, tag, label, or other means of identification bearing the informa-

tion required by subsection (b), with respect to such contained textile fiber products, or is transparent to the extent it allows for the clear reading of the stamp, tag, label, or other means of identification on the textile fiber product, or in the case of hoisery items, this section shall not be construed as requiring the affixing to a stamp, tag, label, or other means of identification to each hoisery product contained in a package if (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the hosiery products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.".

SEC. 4. Section 5 of the Textile Fiber Products Identification Act (15 U.S.C. 70b) is amended by adding at the end thereof the following new subsections:

"(i) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised in any mail order catalog or mail order promotional material which is used in the direct sale or direct offering for sale of such textile fiber product, unless such textile fiber product description states in a clear and conspicuous manner that such textile fiber product is processed or manufactured in the United States, or imported, or both.

"(j) For purposes of this Act, a textile fiber product shall be misbranded if a stamp, tag, label, or other identification conforming to the requirements of this section is not on or affixed to the inside center of the neck midway between the shoulder seams, or if such product does not contain a neck in the most conspicuous place on the inner side of such product, unless it is on or affixed on the outer side of such product, or in the case of hosiery items on the outer side of such product or package.".

SEC. 5. Paragraph (2) of section 4(a) of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b(a)(2)) is amended by adding at the end thereof the following new subparagraph:

"(D) the name of the country where processed or manufactured.".

SEC. 6. Section 4 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b) is amended by adding at the end thereof the following new subsections:

"(e) For the purposes of this Act, a wool product shall be considered to be falsely or deceptively advertised in any mail order promotional material which is used in the direct sale or direct offering for sale of such wool product, unless such wool product description states in a clear and conspicuous manner that such wool product is processed or manufactured in the United States, or imported, or both.

"(f) For purposes of this Act, a wool product shall be misbranded if a stamp, tag, label, or other identification conforming to the requirements of this section is not on or affixed to the inside center of the next midway between the shoulder seams, of if such product does not contain a neck in the most conspicious place on the inner side of such product, unless it is on or affixed on the outer side of such product or in the case of hosiery items, on the outer side of such product or package.".

SEC. 7. Section 5 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68c) is amended—

(1) by striking out "Any person" in the first paragraph and inserting in lieu thereof "(a) Any person";

(2) by striking out "Any person" in the second paragraph and inserting in lieu thereof "(b) Any person"; and

(3) by inserting after subsection (b) (as designated by this section) the following new subsection:

"(c) For the purposes of subsections (a) and (b) of this section, any package of wool products intended for sale to the ultimate consumer shall also be considered a wool product and shall have affixed to it a stamp, tag, label, or other means of identification bearing the information required by section 4, with respect to the wool products contained therein unless such package of wool products is transparent to the extent that it allows for the clear reading of the stamp, tag, label, or other means of identification affixed to the wool product, or in the case of hosiery items this section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each hosiery product contained in a package if (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the hosiery products contained therein, the information required by subsection (4), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is eqully applicable with respect to each hosiery product contained therein.".

SEC. 8. The amendments made by this Act shall be effective 90 days after the date of enactment of this Act.

Mr. THURMOND. Mr. President, this amendment pertains to proper labeling of textile/apparel products.

I originally introduced this amendment as S. 1816 in an effort to strengthen domestic law as it relates to country of origin labeling requirements for textile and apparel products. While present law requires country of origin marking on textile products entering the United States, there have been increasing instances where textile and apparel products are entering the United States in violation of domestic labeling laws.

One of the major problems in the effectiveness of existing law is the fact that labels are often placed in inconspicuous places. This bill would designate that the label be attached to the neck of the garment if applicable, or if the garment does not contain a neck, to the most conspicuous place on the inner side of the foreign made textile/apparel product. This will allow easy identification of the label by consumers and will help with enforcement of present textile agreements.

My bill will also require that textile/apparel products produced in this country carry origin labels. Since there is no present law which requires American-made textile and apparel products to be labeled as such, foreign textile/apparel products that are misbranded are often mistaken for American-made products.

Another provision of the bill will require that, in the case of bulk packaging of textile products, both the package, as well as the garments within be labeled as to country of origin.

The final major feature of this legislation would mandate that mail order catalog sale descriptions contain country of origin information. A large portion of all textile/apparel products sold in this country are purchased through mail order catalog-type systems. Through these mail order transactions, the consumer does not have access to country of origin information for textile/apparel products at the actual point of purchase.

Reports have shown that U.S. consumers prefer to buy American-made textile products. My legislation will simply allow consumers to better identify the products they wish to purchase.

Mr. President, it is most important for this legislation to be approved by the full Senate and signed into law as soon as possible. The domestic textile, fiber and apparel complex employs over 2 million Americans nationwide. This industry provides more jobs than the U.S. auto and steel industries combined. Unfortunately, the U.S. textile/apparel industry is suffering through its most severe crisis in recent history. Textile/apparel imports from low-wage paying countries, such as the People's Republic of China, Taiwan, and Hong Kong, have flooded our markets and displaced thousands of American workers.

In 1983, imports of textile/apparel products increased 25 percent over 1982. For the first 4 months of 1984, textile/apparel imports were up 49 percent over the same period in 1983. Last year's trade deficit for textiles and apparel was $10.6 billion—15 percent of the entire U.S. trade deficit, which totaled $69.3 billion. Finally, over the past 7 years, 413,000 textile and apparel jobs have been lost in this country. While this legislation will not correct all the problems confronting our domestic textile/apparel industry, it is a positive step toward preserving one of America's most vital and strategically important industries.

Mr. President, S. 1816 was unanimously approved by the Senate Commerce, Science, and Transportation Committee on June 13, 1984. I ask unanimous consent that a list displaying the numerous textile/apparel related associations that fully support this bill be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Before concluding, Mr. President, I should like to thank the 22 Members of this body who chose to cosponsor S. 1816. I would also like to especially thank

Senators PACKWOOD and KASTEN, and their very capable committee staff members, for their invaluable assistance on this legislation during its review by the Commerce Committee.

In closing, Mr. President, I strongly believe that this bill is a positive step toward stabilizing the jobs of the over 2 million Americans employed in the textile, fiber, and apparel complex, and I hope that the Senate will give this legislation the strong vote of approval which it merits.

EXHIBIT 1

Amalgamated Clothing & Textile Workers Union.
American Apparel Manufacturers Association.
American Textile Manufacturers Institute.
American Yarn Spinners Association.
Clothing Manufacturers Association of America.
International Ladies' Garment Workers Union.
Knitted Textile Association.
Luggage & Leather Goods Manufacturers of America.
Man-Made Fiber Producers Association, Inc.
National Association of Hosiery Manufacturers.
National Association of Uniform Manufacturers.
National Cotton Council of America.
National Knitwear Manufacturers Association.
National Knitwear & Sportswear Association.
National Wool Growers Association.
Neckwear Association of America.
Northern Textile Association.
Textile Distributors Association, Inc.
Work Glove Manufacturers Association.

Mr. HOLLINGS. Mr. President, as a cosponsor of the original S. 1816 and this amendment, I hope the Senate will give swift approval to this legislation. Perhaps then President Reagan will begin to understand the depth of concern over what is happening to America's textile apparel industry and its workers. Perhaps then President Reagan will begin to carry out candidate Reagan's 1980 pledge to help our Nation's textile workers. If this legislation, which I was pleased to help expedite through the Commerce Committee, manages to win the attention of the administration, it will be one giant step for our beleaguered textile and apparel workers.

Unfortunately, this amendment does not come close to getting at the nub of the problem. In fact, we already have origin labeling requirements on the books in existing tariff legislation. But our President has chosen to ignore them. When we talk about "buy American and save American jobs," I get a feeling of having been there before, because that is exactly the problem we addressed 25 years ago when Congress passed the Textile Fiber Products Identification Act. The requirements contained in that legislation—while they do not go quite so far in all instances as the provisions of S. 1816—would, if enforced, obviate the need for S. 1816. The point is that the President is refusing to use the weapons Congress has already given him to combat the illegal trade practices of our foreign competition and to level the field of play. He does so because he is captive to a thoroughly discredited "free trade" policy coming from the State Department and from the huge multinational conglomerates who could not care less about American jobs.

If this administration—or for that matter any recent administration—was serious about saving textile jobs, it could start by enforcing existing laws against mislabeling, against dumping, and against the many other illegal trade practices being used against the United States.

The problem is that we do not have trade policy in this country. There's a trade war going on out there and our Government sits blithely in the bleachers—watching. Instead of competing, we stand by as our industries and jobs get picked off. Other countries are using every weapon at their command—subsidies, licensing requirements, tax rebates, inspection practices, artificial currency rates, and so on to close their markets to us while we open our markets to them. Is it any wonder we are not doing better? And the President has recently had his trade people up here talking to Senators and Congressmen in an attempt to broaden the President's tariff-cutting authority so we can export more jobs. It is just unbelievable.

In 1980, candidate Ronald Reagan made a commitment to relate the growth of textile imports to the growth of the domestic market. The figures show he has reneged on that promise. Our textile apparel trade deficit has more than doubled in the 3 years of this administration, soaring from $4 billion in 1980 to $10.6 billion in 1983. And the situation is rapidly getting worse. So far this year, textile-apparel imports are running more than 45 percent ahead of last year. Just this spring, three more mills were shut down in South Carolina alone.

There is no secret to how we should control the textile import tide. A President who understood trade and the threat to American jobs could stem the flow in short order. First, he would suggest global quotas, setting a limit on what we allow into our market. Second, he would enforce the laws already on the books to safeguard against dumping and all those other illegal trade practices.

The amendment before us today does not take that approach. Frankly, I am concerned that when this measure passes, it will serve no greater purpose than to give politicians cause to thump our chests and carry on about how we've done something great for the textile industry. But let us not kid ourselves. Even if we are fortunate enough to get it passed, signed, and on the books, it will not markedly slow the rising tide of textile and apparel imports. Because chances are the President will simply ignore this labeling law just as he has ignored the other labeling laws already passed.

Mr. President, the American textile worker is the most productive in the world. American mills are the most modern. We can compete not only in the home market, but overseas—if the field of trade is level and fair. But our Government refuses to lend a hand. That is why textile jobs are needlessly disappearing—not because of mislabling, but because of misgovernment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3383) was agreed to.

AMENDMENT NO. 3384

(Purpose: To make technical amendments)

Mr. DOLE. Mr. President, I send a technical amendment to the desk, on behalf of Mr. MATHIAS.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for Mr. MATHIAS, proposes an amendment numbered 3384.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

The amendment is as follows:

Section 156(a) of such title 35, United States Code, as added by section 2(a) of the bill is amended in the first sentence by striking out "registration" after "statutory invention" and inserting in lieu thereof "recording",

Section 156(c) of such title 35, as added by section 2(a) is amended by striking out the final quotation marks and final period.

Section 156 of such title 35 is further amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Commerce shall convene an interagency committee to coordinate policy on the use of the statutory invention recording procedure by agencies of the United States. Such policy shall ordinarily require use of the statutory invention recording procedure for inventions as to which the United States may have the right of ownership that do not have commercial potential. The interagency committee shall also, after obtaining views from the public, establish standards for evaluating the commercial potential of inventions to which the government may have the right of ownership. The head of each agency which has a significant research program (as determined by the Secretary of Commerce) shall designate either the senior technology transfer official or the senior research policy official to participate as a member of the interagency committee. The Secretary of Commerce shall report to the Congress annually on the use of statutory

invention recordings. Such report shall include an assessment of the degree to which agencies of the Federal Government are making use of the statutory invention recording system, the degree to which it aids the management of federally developed technology, and an assessment of the cost savings to the Federal Government of the use of such procedures.".

Strike out section 2 (c) of the bill.

Section 21(a) of the bill is amended by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3384) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PATENT LAW

SEC. 101. This title may be cited as the "Patent Law Amendments of 1984".

SEC. 102. (a) Chapter 14 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"§ 156. Statutory invention recording

"(a) Notwithstanding any other provisions of this title, the Commissioner is authorized to publish a statutory invention recording containing the specification and drawings of a regularly filed application for a patent without examination, except as may be required to conduct an interference proceeding, to determine compliance with section 112 of this title, or to review for formalities required for printing, if the applicant—

"(1) waives the right to receive a patent on the invention within such period as may be prescribed by the Commissioner, and

"(2) pays application, publication and other processing fees established by the Commissioner.

"(b) The waiver under this section shall take effect upon publication of the statutory invention recording.

"(c) A statutory invention recording published pursuant to this section shall have all of the attributes specified for patents in this title except those specified in section 183, and sections 271 through 289 of this title. A statutory invention recording shall not have any of the attributes specified for patents in any other title of this Code.

"(d) The Secretary of Commerce shall convene an interagency committee to coordinate policy on the use of the statutory invention recording procedure by agencies of the United States. Such policy shall ordinarily require use of the statutory invention recording procedure for inventions as to which the United States may have the right of ownership that do not have commercial potential. The interagency committee shall also, after obtaining views from the public, establish standards for evaluating the commercial potential of inventions to which the government may have the right of ownership. The head of each agency which has a significant research program (as determined by the Secretary of Commerce) shall designate either the senior technology transfer official or the senior research policy official to participate as a member of the interagency committee. The Secretary of Commerce shall report to the Congress annually on the use of statutory invention recordings. Such report shall include an assessment of the degree to which agencies of the Federal Government are making use of the statutory invention recording system, the degree to which it aids the management of federally developed technology, and an assessment of the cost savings to the Federal Government of the use of such procedures".

SEC. 103. Section 134 of title 35, United States Code, is amended by striking out "primary".

SEC. 104. Section 361(d) of title 35, United States Code, is amended by inserting "or within one month after such date" after "application" in the first sentence.

(b) The analysis for chapter 14 of title 35, United States Code, is amended by adding at the end the following:

SEC. 105. Section 366 of title 35, United States Code, is amended—

(1) by inserting "after the date of withdrawal," after "effect";

(2) by inserting ", unless a claim for the benefit of a prior filing date under section 365(c) of this part was made in a national application, or an international application designating the United States, filed before the date of such withdrawal" before the period at the end of the first sentence; and

(3) by inserting "withdrawn" after "such" in the second sentence.

SEC. 106. (a) Section 371(a) of title 35, United States Code, is amended by—

(1) striking out "is" and inserting in lieu thereof "may be"; and

(2) striking out ", except those filed in the Patent Office".

(b) Section 371(b) of title 35, United States Code, is amended to read as follows:

"(b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2) of the treaty.".

(c) Section 371(c)(2) of title 35, United States Code, is amended by—

(1) striking out "received from" and inserting in lieu thereof "communicated by"; and

(2) striking out "verified" before "translation".

(d) Section 371(d) of title 35, United States Code, is amended to read as follows:

"(d) The requirements with respect to the national fee referred to in subsection (c)(1), the translation referred to in subsection (c)(2), and the oath or declaration referred to in subsection (c)(4) of this section shall be complied with by the date of the commencement of the national stage or by such later time as may be fixed by the Commissioner. The copy of the international application referred to in subsection (c)(2) shall be submitted by the date of the commencement of the national stage. Failure to comply with these requirements shall be regarded as abandonment of the application by the parties thereof, unless it be shown to the satisfaction of the Commissioner that such failure to comply was unavoidable. The payment of a surcharge may be required as a condition of accepting the national fee referred to in subsection (c)(1) or the oath or declaration referred to in subsection (c)(4) of this section if these requirements are not met by the date of the commencement of the national stage. The requirements of subsection (c)(3) of this section shall be complied with by the date of the commencement of the national stage, and failure to do so shall be regarded as a cancellation of the amendments to the claims in the international application made under article 19 of the treaty.".

SEC. 107. (a) Section 372(b) of title 35, United States Code, is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(2) inserting at the end thereof the following:

"(3) the Commissioner may require a verification of the translation of the international application or any other document pertaining thereto if the application or other document was filed in a language other than English.".

(b) Section 372 of title 35, United States Code, is amended by deleting subsection (c).

SEC. 108. Section 376(a) of title 35, United States Code, is amended by striking out paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 109. Title 35, United States Code, is amended by striking out "Patent Office" each place it appears and inserting in lieu thereof "Patent and Trademark Office".

SEC. 110. Notwithstanding section 2 of Public Law 96-517, no fee shall be collected for maintaining a plant patent in force.

SEC. 111. (a) Section 7 of title 35, United States Code, is amended to read as follows:

"§ 7. Board of Patent Appeals and Interferences

"The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, who shall be appointed under the classified civil service. The Commissioner, the deputy commissioner, the assistant commissioners, and the examiners-in-chief shall constitute a Board of Patent Appeals and Interferences.

"The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared pursuant to section 135(a) of this title. Each appeal and interference shall be heard by at least three members of the Board of Patent Appeals and Interferences, the members to be designated by the Commissioner. The Board of Patent Appeals and Interferences has sole power to grant rehearings.

"Whenever the Commissioner considers it necessary to maintain the work of the Board of Patent Appeals and Interferences current, he may designate any patent examiner of the primary examiner grade or higher, having the requisite ability, to serve as examiner-in-chief for periods not exceeding six months each. An examiner so designated shall be qualified to act as a member of the Board of Patent Appeals and Interferences. Not more than one such primary examiner shall be a member of the Board of Patent Appeals and Interferences hearing an appeal or determining an interference. The Secretary of Commerce is authorized to fix the per annum rate of basic compensation of each designated examiner-in-chief in the Patent and Trademark Office at not in excess of the maximum schedule rate provided for positions at GS-16 pursuant to section 5332 of title 5, United States Code. The per annum rate of basic compensation of each designated examiner-in-chief shall be adjusted, at the close of the period for

which he was designated to act as examiner-in-chief, to the per annum rate of basic compensation which he would have been receiving at the close of such period if such designation had not been made.".

(b) The item relating to section 7 in the analysis for chapter 1 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 112. Section 41(a)(6) of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals", each place it appears and inserting "in the appeal" after "oral hearing".

SEC. 113. (a) Section 134 of title 35, United States Code, including the section heading, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals" each place it appears.

(b) The item relating to section 134 in the analysis for chapter 12 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 114. (a) Section 135(a) of title 35, United States Code, is amended to read as follows:

"(a) Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, an interference may be declared and the Commissioner shall give notice thereof to the applicants, or applicant and patentee, as the case may be. The Board of Patent Appeals and Interferences shall determine the priority and patentability of invention in interferences. Any final decision, if adverse to the claim of an applicant, shall constitute the final refusal by the Patent and Trademark Office of the claims involved, and the Commissioner may issue a patent to the applicant who is adjudged the prior inventor. A final judgment adverse to a patentee from which no appeal or other review has been or can be taken or had shall constitute cancellation of the claims of the patent, and notice thereof shall be endorsed on copies of the patent thereafter distributed by the Patent and Trademark Office.".

(b) Section 135(b) of title 35, United States Code, is amended by striking out "may" and inserting in lieu thereof "shall".

SEC. 115. Section 141 of title 35, United States Code, is amended to read as follows:

"§ 141. Appeal to court of appeals for the Federal circuit

"An applicant dissatisfied with the decision in an appeal to the Board of Patent Appeals and Interferences under section 134 of this title may appeal to the United States Court of Appeals for the Federal Circuit, thereby waiving his right to proceed under section 145 of this title. A party to an interference dissatisfied with the decision of the Board of Patent Appeals and Interferences may appeal to the United States Court of Appeals for the Federal Circuit, but such appeal shall be dismissed if any adverse party to such interference, within twenty days after the appellant has filed notice of appeal according to section 142 of this title, files notice with the Commissioner that he elects to have all further proceedings conducted as provided in section 146 of this title. Thereupon the appellant shall have thirty days thereafter within which to file a civil action under section 146, in default of which the decision appealed from shall govern the further; proceedings in the case.".

SEC. 116. Section 145 of title 35, United States Code, is amended—

(1) by inserting "Board of Patent Appeals and Interferences in an appeal under section 134 of this title" in lieu of "Board of Appeals" in the first sentence; and

(2) by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals" in the second sentence.

SEC. 117. Section 146 of title 35, United States Code, is amended by striking "board of patent interferences on the question of priority" and inserting in lieu thereof "Board of Patent Appeals and Interferences".

SEC. 118. Section 305 of title 35, United States Code, is amended by inserting "Board of Patent Appeals and Interferences" in lieu of "Board of Appeals".

SEC. 119. Section 1295(a)(4)(A) of title 28, United States Code, is amended by striking out "Appeals or the Board of Patent" and inserting in lieu thereof "Patent Appeals and".

SEC. 120. Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), is amended by striking out "a Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences", and by striking out "the Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences".

SEC. 121. (a) Section 305(d) of the National Aeronautics and Space Act of 1952 (42 U.S.C. 2457(d)) is amended by—

(1) striking out "a Board of Patent Interferences" and inserting in lieu thereof " the Board of Patent Appeals and Interferences", and

(2) striking out "the Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences".

(b) Section 305(e) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(e)) is amended by striking out "a Board of Patent Interferences" and inserting in lieu thereof "the Board of Patent Appeals and Interferences".

SEC. 122. The examiners-in-chief of the Board of Appeals and the examiners of interferences of the Board of Patent Interferences on the effective date of this Act shall continue in office as members of the Board of Patent Appeals and Interferences.

SEC. 123. Section 3 of title 35, United States Code, is amended by adding at the end thereof the following:

"(e) The members of the Trademark Trial and Appeal Board of the Patent and Tradmark Office shall receive compensation equal to that paid at GS-16 under the General Schedule contained in section 5332 of title 5, United States Code.".

SEC. 124. (a) Title 35 of the United States Code is amended by adding immediately following section 155 the following new section:

"§ 155A. Patent extension

"(a) Notwithstanding section 154 of this title, the term of any patent which encompasses within its scope a composition of matter which is a new drug product, if such new drug product is subject to the labeling requirements for oral hypoglycemic drugs of the sulfonylurea class as promulgated by the Food and Drug Administration in its final rule of March 22, 1984 (FR Doc. 84-9640) and was approved by the Food and Drug Administration for marketing after promulgation of such final rule and prior to the date of enactment of this law, shall be extended until April 21, 1992.

"(b) The patentee or licensee or authorized representative of any patent described in such subsection (a) shall, within ninety days after the date of enactment of such subsection, notify the Commissioner of Patents and Trademarks of the number of any patent so extended. On receipt of such notice, the Commissioner shall confirm such extension by placing a notice thereof, in the official file of such patent and publishing an appropriate notice of such extension in the official Gazette of the Patent and Trademark office.".

(b) The table of sections for chapter 14 of title 35, United States Code is amended by adding after the item relating to section 155 the following new item:

"155A. Patent extension".

SEC. 125. (a) Sections 109, 110, and 124 of this Act shall take effect upon the date of enactment.

(b) Sections 101 through 108 of this Act shall take effect three months after the date of enactment.

(c) Sections 111 through 123 of this Act shall take effect three months after the date of enactment.

TITLE II—TEXTILE FIBER AND WOOL PRODUCTS IDENTIFICATION IMPROVEMENT ACT

SEC. 201. This title may be cited as the "Textile Fiber and Wool Products Identification Improvement Act".

SEC. 202. Subsection (b) of section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b(b)) is amended by adding at the end thereof the following new paragraph:

"(5) If it is a textile fiber product processed or manufactured in the United States, it be so identified.".

SEC. 203. Subsection (e) of section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b(e)) is amended to read as follows:

"(e) For purposes of this Act, in addition to the textile fiber products contained therein, a package of textile fiber products intended for sale to the ultimate consumer shall be misbranded unless such package has affixed to it a stamp, tag, label, or other means of identification bearing the information required by subsection (b), with respect to such contained textile fiber products, or is transparent to the extent it allows for the clear reading of the stamp, tag, label, or other means of identification on the textile fiber product, or in the case of hosiery items, this section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each hosiery product contained in a package if (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the hosiery products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.".

SEC. 204. Section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b) is amended by adding at the end thereof the following new subsections:

"(i) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised in any mail order catalog or mail order promotional material which is used in the direct sale or

direct offering for sale of such textile fiber product, unless such textile fiber product description states in a clear and conspicuous manner that such textile fiber product is processed or manufactured in the United States, or imported, or both.

"(j) For purposes of this Act, a textile fiber product shall be misbranded if a stamp, tag, label, or other identification conforming to the requirements of this section is not on or affixed to the inside center of the neck midway between the shoulder seams, or if such product does not contain a neck in the most conspicuous place on the inner side of such product, unless it is on or affixed on the outer side of such product, or in the case of hosiery items on the outer sider of such product or package.".

SEC. 205. Paragraph (2) of section 4(a) of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b(a)(2)) is amended by adding at the end thereof the following new subparagraphs:

"(D) the name of the country where processed or manufactured.".

SEC. 206. Section 4 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b) is amended by adding at the end thereof the following new subsections:

"(e) For the purposes of this Act, a wool product shall be considered to be falsely or deceptively advertised in any mail order promotional material which is used in the direct sale or direct offering for sale of such wool product, unless such wool product description states in a clear and conspicuous manner that such wool product is processed or manufactured in the United States, or imported, or both.

"(f) For purposes of this Act, a wool product shall be misbranded if a stamp, tag, label, or other identification conforming to the requirements of this section is not on or affixed to the inside center of the neck midway between the shoulder seams, or if such product does not contain a neck in the most conspicuous place on the inner side of such product, unless it is on or affixed on the outer side of such product or in the case of hosiery items, on the outer side of such product or package.".

SEC. 207. Section 5 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68c) is amended—

(1) by striking out "Any person" in the first paragraph and inserting in lieu thereof "(a) Any person";

(2) by striking out "Any person" in the second paragraph and inserting in lieu thereof "(b) Any person"; and

(3) by inserting after subsection (b) (as designated by this section) the following new subsection;

"(c) For the purposes of subsections (a) and (b) of this section, any package of wool products intended for sale to the ultimate consumer shall also be considered a wool product and shall have affixed to it a stamp, tag, label, or other means of identification bearing the information required by section 4, with respect to the wool products contained therein, unless such package of wool products is transparent to the extent that it allows for the clear reading of the stamp, tag, label, or other means of identification affixed to the wool product, or in the case of hosiery items this section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each hosiery product contained in a package if (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the hosiery products contained therein, the information required by subsection (4), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each hosiery product contained therein.".

SEC. 208. The amendments made by this Act shall be effective 90 days after the date of enactment of this Act.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFERRAL OF THE NUCLEAR REGULATORY COMMISSION BILL

Mr. DOLE. Mr. President, I ask unanimous consent that once the Environment and Public Works Committee reports the authorization bill for fiscal year 1984 and 1985 for the Nuclear Regulatory Commission, it be referred to the Energy Committee until no later than August 10, 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. The purpose of this referral is to permit the Energy Committee to review the provision (sec. 201) of the bill, amending the Nuclear Waste Policy Act of 1982.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar No. 662.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination will be stated.

DEPARTMENT OF THE INTERIOR

The legislative clerk read the nomination of Robert N. Broadbent, of Nevada, to be an Assistant Secretary of the Interior.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it is my understanding that we have not been able to clear the nomination of Mr. Robert N. Broadbent to be an Assistant Secretary of the Interior, so we will take up the nomination, I assume, when we return in July.

THE NOMINATION OF ROBERT N. BROADBENT

● Mr. DECONCINI. Mr. President, the Senate Energy and Natural Resources Committee favorably reported the nomination of Robert N. Broadbent to be Assistant Secretary of the Interior for Water and Science. Bob Broadbent served as Commissioner of Reclamation from 1980 to 1983 and throughout that period demonstrated to all westerners that he clearly understood the value of reclamation projects and the important role reclamation programs play in the lives of all citizens in Western States. Mr. President, water is perhaps the single-most important natural resource in this country. In States like Arizona, where there is always a threatened shortage of this precious resource, reclamation has become the only method of insuring a sufficient supply of water to meet the needs of our State's inhabitants and providing a quality lifestyle. As a result, the State has a great deal of interaction with the Bureau of Reclamation in particular. As Commissioner of Reclamation, Bob Broadbent proved himself to be a fair and bipartisan individual who worked well with Arizonans and attempted to be responsive to our diverse needs. He is indeed a professional who has a firm grasp on water issues and would, in my view, make an excellent Assistant Secretary for Water and Science.

Mr. President, I support the nomination of Robert N. Broadbent and urge the Senate to act on this confirmation as expeditiously as possible so that he can take charge of the new responsibilities that accompany this challenging position.●

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:34 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests that concurrence of the Senate:

H.R. 5953. An act to increase the statutory limit on the public debt.

At 1:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 332. Concurrent resolution expressing the sense of the Congress that the Union of Soviet Socialist Republics should provide the signatories of the Helsinki Final Act with specific information as to the whereabouts, health, and legal status of Yelena Bonner.

At 4:05 p.m, a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5174) to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstances under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5604) to authorize certain construction at military installations for fiscal year 1985, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. PRICE, Mr. DELLUMS, Mr. MONTGOMERY, Mr. KAZEN, Mr. WON PAT, Mr. DICKINSON, Mr. KRAMER, and Mr. WHITEHURST as managers of the conference on the part of the House.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5898. An Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5899. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes; and

H.R. 5950. An act to increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions.

At 7:08 p.m. a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 328) to correct technical errors on the enrollment of the bill H.R. 4170.

The message also announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 334, Concurrent resolution providing for a conditional adjournment of the House from June 29, 1984, until July 23, 1984, and a conditional adjournment of the Senate from June 29, or 30, 1984 until July 30, 1984.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5898. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

H.R. 5899. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3476. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Congress Needs Better Information on Forest Service's Below-Cost Timber Sales"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3477. A communication from the Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on a decision to study numerous Air Force activities for conversion to performance under contract; to the Committee on Armed Services.

EC-3478. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on defense contracts negotiated under section 2304(a)(11) and 2304(a)(16); to the Committee on Armed Services.

EC-3479. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Examination of the Federal Deposit Insurance Corporation's Financial Statements for the Years Ended December 31, 1983 and 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-3480. A communication from the chairman of the Senate Committee on Energy and Natural Resources transmitting a committee print entitled "Impact of Oil Company Mergers," prepared by the majority staff of the Committee on Energy and Natural Resources; to the Committee on Energy and Natural Resources.

EC-3481. A communication from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting, pursuant to law, a report on certain refunds of royalty overpayments; to the Committee on Energy and Natural Resources.

EC-3482. A communication from the Deputy Associate Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-3483. A communication from the Secretary of Transportation, transmitting, pursuant to law, the fifth annual report on the highway bridge replacement and rehabilitation program; to the Committee on Environment and Public Works.

EC-3484. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to June 27, 1984; to the Committee on Foreign Relations.

EC-3485. A communication from the Assistant Secretary of Health and Human Services (Health), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3486. A communication from the executive director of the Committee for Purchase from the Blind and Severely Handicapped, transmitting, pursuant to law, the annual report on the activities of the committee for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-3487. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "States Fund an Expanded Range of Activities Under Low-income Home Energy Assistance Block Grant"; to the Committee on Labor and Human Resources.

EC-3488. A communication from the President of the United States transmitting, pursuant to law, notification that he has designated Susan Wittenberg Liebeler as Vice Chairman of the U.S. International Trade Commission; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment:

S. 2713: An original bill to authorize appropriations for the fiscal year 1985 for intelligence activities of the U.S. Government, the Intelligence Community staff, the Central Intelligence Agency retirement and disability system, and for other purposes (Rept. No. 98-543).

By Mr. WEICKER, from the Committee on Appropriations, without amendment:

S. 2836: An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-544).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 1300: A bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes (Rept. No. 98-545).

By Mr. SIMPSON, from the Committee on Environment and Public Works, without amendment:

S. 2846: An original bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974 (Rept. No. 98-546).

By Mr. THURMOND, from the Committee on the Judiciary:

Report to accompany the bill (S. 1538) to amend the patent laws of the United States (Rept. No. 98-547).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

June Q. Koch, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ABDNOR:

S. 2833. A bill to limit to the national median family income the amount of farm loss which may be deducted against nonfarm income by high-income taxpayers in competition with full-time, family-sized farm operators; to the Committee on Finance.

By Mr. WILSON (for himself, Mr. CRANSTON, Mr. TOWER, Mr. BENTSEN, and Mr. MCCLURE):

S. 2834. A bill to remove an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, TX, and Port Hueneme, CA, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2835. A bill to amend the Clayton Act to allow certain sellers of agricultural products to bring antitrust actions; to the Committee on the Judiciary.

By Mr. WEICKER from the Committee on Appropriations:

S. 2836. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 1985, and for other purposes; placed on the calendar.

By Mr. DANFORTH:

S. 2837. A bill to provide a basis for filing by water carriers of complaints regarding rail contractors; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE:

S. 2838. A bill to suspend until July 1, 1987, the duty on narrow fabric looms; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2839. A bill to amend the tariff schedules of the United States regarding the classification of certain articles of wearing apparel; to the Committee on Finance.

By Mr. DURENBERGER (for himself and Mr. BOSCHWITZ):

S. 2840. A bill to amend the Federal Aviation Act of 1958 to improve air transportation to small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 2841. A bill to provide statutory guidelines concerning the award of certain contracts, and for other purposes; to the Committee on Governmental Affairs.

By Mr. PRYOR (for himself, Mr. BUMPERS, and Mr. SASSER):

S. 2842. A bill to amend section 3109 of title 5, United States Code, to clarify the authority for appointment and compensation of experts and consultants, to provide statutory guidelines concerning the award of contracts for the procurement of consulting services, management and professional services, and special studies and analyses, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. HAWKINS (for herself, Mr. D'AMATO and Mr. DOLE):

S. 2843. A bill to require the Secretary of Health and Human Services to make grants for the planning and implementation of model programs to develop an economical method for early detection of cancer; to the Committee on Labor and Human Resources.

By Mr. GLENN (for himself, Mr. HEFLIN, Mr. HUDDLESTON, Mr. MATSUNAGA, Mr. MELCHER, Mr. MOYNIHAN, Mr. NUNN, Mr. RIEGLE, and Mr. SARBANES):

S. 2844. A bill to establish a Federal Interagency Arson Prevention and Control Task Force to coordinate Federal antiarson programs; to the Committee on Governmental Affairs.

By Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. COHEN, Mr. EAGLETON, Mr. HELMS, Mr. MOYNIHAN, Mr. HEINZ, Mr. KASTEN, and Mr. RUDMAN):

S. 2845. A bill to amend the Trade Act of 1974 to clarify the scope of certain determinations by the International Trade Commission under title II of such act; to the Committee on Finance.

By Mr. SIMPSON from the Committee on Environment and Public Works:

S. 2846. An original bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974; to the Committee on Energy and Natural Resources, by unanimous consent until no later than August 10, 1984.

By Mr. BOSCHWITZ:

S. 2347. A bill to eliminate the asset criteria for the needs test under the guaranteed student loan program; to the Committee on Labor and Human Resources.

S. 2848. A bill entitled the "Women's Small Business Ownership Act of 1984"; to the Committee on Small Business.

By Mr. SIMPSON (for himself, Mr. LAXALT, and Mr. DECONCINI):

S. 2849. A bill entitled the "Federal Forum Equity Act"; to the Committee on the Judiciary.

By Mr. MELCHER (for himself and Mr. BAUCUS):

S. 2850. A bill to designate certain National Forest System lands in the State of Montana for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DANFORTH (for himself, Mr. FORD, Mrs. KASSEBAUM, Mr. JEPSEN, Mr. EXON, Mr. KASTEN, Mr. GRASSLEY, and Mr. DOLE):

S.J. Res. 331. Joint resolution to require the Interstate Commerce Commission to consider certain indicators in determining the revenue adequacy of railroads, and for other purposes.

By Mr. DOLE (for himself, Mr. LEAHY, Mr. DANFORTH, Mr. HEINZ, Mr. HUDDLESTON, Mr. PRYOR, Mr. COCHRAN, Mr. DURENBERGER, Mr. HOLLINGS, Mr. INOUYE, Mr. JEPSEN, Mr. LUGAR, Mrs. HAWKINS, Mr. HATFIELD, Mr. HEFLIN, Mr. ZORINSKY, Mr. NUNN, Mr. JOHNSTON, Mr. WILSON, Mr. MATSUNAGA, Mr. HART, Mr. MOYNIHAN, Mr. BAUCUS, Mr. DIXON, Mr. BOREN, Mr. BUMPERS, Mr. COHEN, Mr. RANDOLPH, Mr. MURKOWSKI, and Mr. RIEGLE):

S.J. Res. 332. Joint resolution to proclaim October 16, 1984, as "World Food Day"; to the Committee on the Judiciary.

By Mr. HELMS:

S.J. Res. 333. A joint resolution to designate September 21, 1984 as "World War I Aces and Aviators Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 419. Resolution to authorize testimony by staff of Senator MATHIAS; considered and agreed to.

By Mr. EXON (for himself, Mr. HUDDLESTON, Mr. JEPSEN, and Mr. FORD):

S. Con. Res. 130. Concurrent resolution expressing the sense of the Congress that the President should assure an adequate flow of affordable credit to farmers and should assure fair treatment to agricultural borrowers; placed on the calendar.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABDNOR:

S. 2833. A bill to limit to the national median family income the amount of farm loss which may be deducted against nonfarm income by high income taxpayers in competition with full-time, family-size farm operators; to the Committee on Finance.

(The remarks of Mr. ABDNOR and the text of the legislation appear earlier in today's RECORD.)

By Mr. WILSON (for himself, Mr. CRANSTON, Mr. TOWER, Mr. BENTSEN, and Mr. MCCLURE):

S. 2834. A bill to remove an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, TX, and Port Hueneme, CA, and for other purposes; to the Committee on Energy and Natural Resources.

GAS LEASING IN CALIFORNIA AND TEXAS

● Mr. WILSON. Mr. President, I am today introducing legislation on behalf on myself, and Senators CRANSTON, TOWER, BENTSEN, and MCCLURE that would remove an impediment to oil and gas leasing on certain Federal lands in Corpus Christi, TX and Port Hueneme, CA.

Mr. President, the legislation I am introducing today will permit consenting parties, which include the cities of Corpus Christi and Port Hueneme and the U.S. Navy to enter into leasing agreements for oil and gas reserves located on Federal lands. The issue here is one which is relatively simple, and I must add noncontroversial. It involves authority to lease oil and gas rights on Federal lands located within the limits of an incorporated city.

The relevant section of the United States Code which describes such authority is the Mineral Leasing Act for Acquired Lands, 30 U.S.C. section 351, which grants the Secretary of the Interior authority to lease oil and gas rights on acquired Federal lands except in those instances in which such lands are "situated within incorporated cities, towns, and villages", U.S.C. section 352(a). In these excepted areas, authority to proceed with leasing is not clearly provided for.

Mr. President, the general intent of this provision is certainly a good one. It attempts to preserve the integrity of local land use decisions. Unhappily, in the instances of Corpus Christi and Port Hueneme, it fails to provide the flexibility to permit consenting parties to begin lease sales.

This legislation would address the lack of authority to authorize such leasing. It stipulates:

Notwithstanding section 3 of the Mineral Leasing Act for Acquired Lands, 30 U.S.C. section 352, the fact that certain Federal lands are incorporated into a part of Corpus Christi, TX, or the city of Port Hueneme, CA, shall not prevent the leasing of such lands by the Secretary of the Interior for oil or gas exploration and extraction, and such lands shall be available for such leasing as if they were not in an incorporated city, except that no such leasing activity shall proceed without the permission of the appropriate city.

As I have already noted, this legislation carries the support of the four Senators from the affected States of California and Texas. It also has the support of the honorable chairman of the Energy and Natural Resources Committee, Mr. MCCLURE. Mr. President, this legislation is needed to permit both the city and the Navy to benefit from these reserves. I ask my colleagues to support this legislation, and hope that the committee to which it is referred will take prompt and supportive action.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352), the fact that certain Federal lands are incorporated into and a part of the city of Corpus Christi, Texas, or the city of Port Hueneme, California, shall not prevent the leasing of such lands by the Secretary of the Interior for oil or gas exploration and extraction, and such lands shall be available for such leasing as if they were not in an incorporated city, except that no such leasing activity shall proceed without the permission of the appropriate city.●

● Mr. BENTSEN. Mr. President, I am pleased to cosponsor with Senators TOWER and MCCLURE the bill proposed by Senator WILSON.

This proposed Naval Lands Mineral Leasing Authority Legislation for the incorporated cities of Corpus Christi, TX, and Port Hueneme, CA would be an asset to the communities involved as well as a positive move in the direction of decreasing our dependence on foreign oil and gas importation. This bill shows the support that communities have for furthering oil and gas exploration and production in our own country.

Only a few short years ago in 1977 we were importing 46.5 percent of our oil from abroad. Due to a conscious effort to conserve energy and to look for oil and gas in this country only 3 years later in 1980 we witnessed a substantial decrease in importation down to 37.3 percent; and as early as last year we were importing only 28 percent of our oil from overseas. Every effort and initiative taken to promote and promulgate exploration and extraction of our domestic hydrocarbon resources and to decrease our dependence on foreign countries and organizations should be encouraged.

The revenue gained from such Federal oil and gas leasing is equally dispursed between the Federal Government and the State involved. In Texas, 50 percent of the parcelled revenue will go to the independent school districts in the county where the leasing occurs. I applaud the efforts of Corpus Christi to raise money for their children's schooling.

Also, as you know, we are witnessing a very weak and fragile situation in the Middle East and the Persian Gulf. Everyday the Iranian and Iraqi forces threaten to destroy oil tankers. We must look for and support actions that, within reason, will help to alleviate the dependence and constraints that bind us overseas. We must seek opportunities and avenues to decrease our unstable position in the energy field.

I am very supportive of the Senator from California's bill. It shows a very positive attitude toward our educational institutions, the worsening situation in the Persian Gulf, and toward energy production. I urge my colleagues to support this bill.●

By Mr. DANFORTH:

S. 2837. A bill to provide a basis for filing by water carriers of complaints regarding rail contracts; to the Committee on Commerce, Science, and Transportation.

COMPLAINTS OF WATER CARRIERS REGARDING RAIL CONTRACTS

● Mr. DANFORTH. Mr. President, today I am introducing a bill that would provide expanded protection for inland waterway carriers against anticompetitive practices by railroads.

Last summer, I chaired a Senate Commerce Committee hearing for the purpose of determining what we in Congress could do to improve the depressed state of the inland waterway industry. As a result of that hearing, I have cosponsored legislation to speed congressional action on replacement and improvement to our locks and dams. Further, I have fought to postpone additional increases in user fees. Today, I am taking aim at one more problem that has hindered the waterway industry. It involves the industry's inability to successfully challenge anticompetitive practices by railroads.

The bill I am introducing does two things: First, it amends the statute to give standing to water carriers to challenge railroad contracts on the basis that they are predatory or otherwise anticompetitive. Under the current law, water carriers are excluded from challenging such contracts. Second, the bill amends the statute to provide that in regulating the railroad industry, the Interstate Commerce Commission shall be guided by a policy that clearly prohibits pricing and practices by railroads that are predatory or otherwise undermine competition with water carriers.

The underlying thrust of this bill is to encourage competition between water carriers and rail carriers. I think it is a fair bill. I hope my colleagues will support it.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10713(d)(2) of title 49, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting immediately after subparagraph (B) the following new subparagraph:

"(C) A complaint may be filed under this section by a water carrier only on the grounds that the proposed contract is unfair, destructive, predatory, or otherwise undermines competition.".

SEC. 2. Section 10101(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(16) to prohibit pricing and practices by rail carriers that are unfair, destructive, predatory, or otherwise undermine competition with water carriers.".●

By Mr. CHAFEE:

S. 2838. A bill to suspend until July 1, 1987, the duty on narrow fabric looms; to the Committee on Finance.

SUSPENSION OF DUTY ON NARROW FABRIC LOOMS

● Mr. CHAFEE. Mr. President, today I am introducing legislation to suspend until July 1, 1987, the existing column I rate of duty on narrow fabric looms.

The machines covered by this legislation are used in the production of woven narrow fabrics which have a wide variety of end uses in apparel, medical, industrial, and home furnishing products. This equipment is available in very small quantities from only one domestic producer which produces only one conventional type of narrow loom. Nearly all of domestic demand must be satisfied by foreign purchases.

There is no reason for the Federal Government to impose a duty on these particular machines, currently assessed at 5.6 percent ad valorem. Continuation of the duties would not protect U.S. industry. But it would unnecessarily increase the cost of textile manufacturing equipment and ultimately the cost of textile goods.

As the economic recovery in the United States continues, narrow fabric manufacturers have begun to purchase large numbers of these machines—some of them state of the art—from sources in Switzerland, England, West Germany, and Japan. Many companies regard these purchases as a vital part of their modernization programs and believe this equipment will enable them to remain competitive in both domestic and export markets.

If American industry is to succeed—domestically and abroad—it must be able to produce high quality products that are competitively priced. The efficient production of textile products can be promoted substantially by eliminating this unnecessary tax.

Mr. President, where no purpose is served by retaining this tax, and industry and jobs can be helped by its elimination, there is no question in my mind what we must do. I urge my colleagues to join me in support of this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

912.15 Power driven weaving machines for weaving fabrics not over 12 inches in width (provided for in items 670.14, part 4E, schedule 6)

Column I Free
Column II No change
Column III On or before 6/30/87

(b) For purposes of applying item 670.74 to parts of articles provided for under item 912.15 (as added by subsection (a)), any such part that is entered, or withdrawn from warehouse for consumption, during the effective period of item 912.15 shall be dutiable at the rate that would apply if item 912.15 had not been enacted.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.●

By Mr. MOYNIHAN:

S. 2839. A bill to amend the Tariff Schedules of the United States regarding the classification of certain articles of wearing apparel; to the Committee on Finance.

CLASSIFICATION OF CERTAIN WEARING APPAREL

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to clarify the tariff classification of certain imported apparel products.

In the mid-1970's, our trade negotiators for the Tokyo Round Negotiations agreed to tariff concessions on garments classified as "sets." These sets would be subject to lower duties than the duty on the same articles entering individually. Importers have taken full advantage of this tariff differential, pairing different garments for duty purposes that otherwise would be dutiable at a higher rate.

Our trade negotiators intended this tariff differential to only apply to a small and select group of garments—such specific garments as oriental martial arts uniforms and washsuits—but today, importers are forming "sets" from all types of apparel, including shirts, sweaters, and trousers.

My bill simply would close the loophole in the U.S. Tariff Schedules, conforming our schedules to the actual intent of U.S. trade negotiations. The measure is both necessary and appropriate, and I am pleased to report that the Commerce Department supports the intent of this legislation.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the headnotes to part 6 of schedule 3 of the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by adding at the end thereof the following:

"3. Except for suits; pajamas and other nightwear; playsuits, washsuits, and similar apparel; judo, karate and other oriental martial arts uniforms; swimwear; and infants' sets up to and including 24 months of age, all articles of apparel are to be separately classified under their appropriate tariff items, even if two or more such articles are imported together and designed to be sold together at retail."

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 30th day after the date of the enactment of this Act.●

By Mr. DURENBERGER (for himself and Mr. BOSCHWITZ):

S. 2840. A bill to amend the Federal Aviation Act of 1958 to impove air transportation to small communities, and for other purposes; to the Committee on Commerce, Science, and Tranportation.

SMALL COMMUNITY AIR SERVICE IMPROVEMENT ACT

● Mr. DURENBERGER. Mr. President, when the Civil Aeronautics Board ceases to exist next year, the Department of Transportation will inherit the Essential Air Service [EAS] program for small communities. Congress created the EAS Program in 1978 to ensure that small- and medium-size communities maintain access to the national air transportation system. Until the program expires in 1988, the Federal Government will be supporting such service at an annual cost of approximately $50 million.

While the existing EAS Program has succeeded in maintaining some air service to these communities, it has left many of them with a minimal level and quality of service—far below that needed to ensure the community's growth and development. For example, when the EAS Program began, Fairmont, Worthington, and Mankato, MN, we all served with Convair-580 aircraft with 44 seats and adequate cargo space. Today, the level of service has dropped significantly, and all three communities are forced to share space on 15-seat Beech-99 aircraft with little or no room for cargo. The Board recently has reduced the EAS level for each city, and the total number of seats available at Mankato has declined by 71 percent. Wortington's seats have decreased by 50 per-

cent, while Fairmont is down 48 percent.

Despite its protests to the CAB, Thief River Falls, MN, lost its Convair service and suffered a reduction in EAS. It now receives service on Beech Queenaires which can carry only 9 or 10 passengers.

Although general economic conditions have played a major role in these developments, these service reductions have tended to force traffic levels even lower, thereby tempting the Board to set even lower guaranteed service levels. In addition, the CAB's emphasis throughout has been on maintenance of some link with the national transportation system—not on developing traffic or improving service to small communities. With this approach, not only has service declined, but the likelihood that the affected communities will be able to support subsidy-free service is severely reduced.

The principal problem with the EAS Program is that it is not structured to take advantage of market forces. Instead of merely setting a floor for EAS and paying whatever subsidy is required to maintain that service as it does now, the Federal Government's role should be to promote, encourage, and develop service to small communities. The bill I am introducing today is intended to achieve just that, by building into the EAS Program the incentives to encourage the optimal level and quality of service.

First, this legislation redefines EAS to require improved service at all EAS points. An increased level of service would be combined with more convenient scheduling and through service to major beyond-hub destinations.

Second, this bill provides two new mechanisms to give the CAB and affected communities new opportunities to develop traffic to its maximum potential. The first of these proposals would permit any community or State to provide alternative financial assistance to a carrier serving an EAS point. Such assistance could be in cash or kind, and could be used to maintain service at EAS levels or to support service beyond the EAS level set by the CAB. For example, under my proposal, States or communities could purchase an aircraft for the carrier's use, or help a carrier to choose new, energy efficient aircraft by guaranteeing the financing of such a purchase. The CAB would be required to designate the chosen carrier only if it were satisfied that the amount of Federal subsidy would decrease under the scheme, and that air service would be improved. The State or local contribution would have to be at least 20 percent of the Federal contribution. As an additional incentive to encourage the best available service, the bill would permit a carrier to apply for the exclusive right, effective for up to 3 years, to serve an EAS point in exchange for its guarantee to provide a specified level and quality of service.

For the Federal Government to share the cost of EAS with the affected communities and States is not a new idea. In section 106 of the Airline Deregulation Act, Congress demanded a report on the feasibility and appropriateness of devising formulas by which States and localities could share part of the costs being incurred by the Federal Government. In drafting their joint report, entitled "Sharing Federal Government Airline Subsidy Cost by State Governments and Their Political Subdivisions," the CAB and DOT considered the possibility of requiring States to contribute 20 percent of the subsidy cost. The agencies agreed that it would be exceedingly difficult to decide exactly where and from whom to collect, since many of the affected airports serve multiple communities in more than one State. The SCASIA eliminates this problem since it encourages cost sharing instead of requiring it. State or community contributions would be worked out voluntarily on an ad hoc basis, with the people who have a stake in the proposal deciding for themselves what their respective contributions will be.

As the DOT and CAB stated on pages 25 and 34 of their report:

> The objective is to improve small communities' access to the national transportation system in a way which would enable them to get the level of service which matches their actual and potential demand, and at the least overall cost to the travelers and general public. Cost sharing between the Federal Government and non-Federal entities is desirable in principle in order to foster efficiency in the use of subsidy funds. State and local requests for subsidized air service would be closer to the level of actual demand for air service if they shared the costs of the program. Funding by the Federal Government alone could provide either too little or too much.

Mr. President, small communities are important. They are important to Minnesota, and they are important to the Nation. Good air service is essential to their continued growth and vitality. We simply cannot afford to let them grow weaker and weaker in terms of their ability to support air service without Federal financial help. Sooner or later, those communities for which air service is simply uneconomical will lose their air link to the national transportation system. Unfortunately, the existing program all but ensures that many communities capable of sustaining unsubsidized service will also be cut off. Within existing budget constraints, we should use every available tool to prepare our smaller communities for a fully deregulated environment by developing each community's maximum potential. I hope my colleagues will join me in supporting this effort to make the EAS Program a more positive, forward-looking endeavor.

Mr. President, I ask unanimous consent that the text of the bill, along with a section-by-section analysis, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Community Air Service Improvement Act of 1984".

SEC. 2. Section 102(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1302(a)) is amended by striking out paragraph (8) and inserting in lieu thereof the following:

"(8) The promotion, encouragement, and development of a comprehensive and convenient system of continuous scheduled interstate and overseas airline service for small communities and for isolated areas of the United States through policies which:

"(A) give such communities and areas a full and fair opportunity to demonstrate their maximum revenue-generating potential;

"(B) are designed to lead to self-sufficient, scheduled air service to the community wherever possible; and

"(C) maintain essential air transportation to such communities and areas, with direct Federal financial assistance where necessary and appropriate.".

SEC. 3. (a) Section 419(a)(2)(C) of the Federal Aviation Act of 1958 is amended by inserting "(i)" after "(C)" and by adding at the end thereof the following:

"(ii) Not later than the last day of the one-year period beginning on the date of enactment of this clause, the Board shall conduct such a review and make appropriate adjustments as to what is essential air transportation to each eligible point so as to conform to subsection (f) of this section (as amended by the Small Community Air Service Improvement Act of 1984). For points receiving essential air transportation which requires payments to an air carrier under this section, essential air transportation shall be specified as provided in the preceding sentence and in addition shall be specified at not less than a level of service calculated to demonstrate to the fullest extent the potential for supporting airline service at such point without the need for payments under this section. In making adjustments under this clause, the Board shall give great weight to the views of the communities affected and the State agency of the State in which such communities are located.".

(b) Section 419(a)(2) of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new subparagraph:

"(D) At any time after October 24, 1988, the Board may withdraw the designation 'eligible point' from any point which—

"(i) is less than 50 miles driving distance from a designated hub, or

"(ii) is not being served pursuant to a plan for joint economic assistance under subsection (c) or pursuant to a grant of exclusive rights under subsection (d), and, after having had for at least 24 consecutive months an increased level of essential air transportation as determined under subparagraph (C) of this paragraph, has failed to demonstrate a potential to support air-

line service without Federal financial assistance.".

SEC. 4. Section 419 of the Federal Aviation Act of 1958 is amended by redesignating subsections (c) through (g) as subsections (f) through (j), respectively, and by inserting after subsection (b) the following new subsections:

"ALTERNATIVE FINANCIAL ASSISTANCE

"(c)(1) Any community, State, or combination of communities and States may, jointly with any air carrier, file an application with the Board for approval of a plan for joint economic assistance to such carrier to provide air transportation to an eligible point. Such plan shall consist of compensation under this subsection and economic assistance in cash or in kind by such communities and States. If not more than one air carrier serves such point on the date of such application, such plan may also provide for the grant of exclusive rights to the carrier filing such application to provide air transportation to such point for a period not exceeding three years.

"(2) The Board shall approve such application and grant such exclusive rights, after notice and a hearing if requested by an applicant or any carrier (other than an applicant) providing service to the affected point on the date of such application, and shall make payments pursuant to such plan, if (A) the fair market value of the proposed non-Federal contribution is not less than one-fourth the amount of the proposed Federal contribution, and (B) the applicants show that the plan for joint economic assistance is likely to improve overall air service to the point and reduce the amount of compensation that would otherwise be required to be paid under this section during the period such plan is in effect.

"(3) In disposing of each application filed under this subsection, the Board shall solicit and give great weight to the opinions of the communities affected by the application and the State agency of the State in which such communities are located.

"(4) A carrier granted an exclusive right under this subsection to provide service to an eligible point shall not terminate, suspend, or reduce air transportation to such point below the level of essential air transportation established by the Board for such point during the two-year period beginning on the date such exclusive right is granted, or during the period for which such exclusive right is granted, whichever is shorter, unless agreed to by all parties to the plan and the Board.

"GRANT OF EXCLUSIVE RIGHTS

"(d)(1) Any air carrier may, individually or jointly with one or more other air carriers, apply to the Board for the exclusive right to provide air transportation for a period not exceeding three years to an eligible point to which service is being provided on the date of such application by not more than one air carrier with compensation under this section, other than compensation under subsection (c). Such application shall set forth a service plan which meets the essential air transportation prescribed for such point and assures through-service to at least three of the six points (excluding any hub cities included in the essential air transportation definition for such eligible point) which are the leading air travel destinations from such eligible point, as determined by the Board. Any carrier submitting such an application shall specify in detail the service (including approximate departure times of flights and through-plane or connecting service) and fare levels which it will guarantee during the period such exclusive right is to remain in effect.

"(2) The Board shall by order approve such application, after notice and a hearing if requested by an applicant or any carrier providing service to the eligible point on the date of such application, if the applicant can show that approval will result in a substantial improvement in overall air service to the point and a reduction in amounts otherwise payable under this section for service to such point. The Board may revoke a grant of exclusive rights to provide air transportation to a point under this subsection, if the fare levels of the carrier exceed the levels specified in its application under paragraph (1) of this subsection.

"(3) In disposing of each application filed under this subsection, the Board shall solicit and give great weight to the opinions of the communities affected by the application and the state agency of the State in which such communities are located.

"(4) A carrier or carriers granted an exclusive right under this subsection to provide service to an eligible point shall not terminate, suspend, or reduce air transportation to such point below the level of essential air transportation established by the Board for such point during the two-year period beginning on the date such exclusive right is granted, or during the period for which such exclusive right is granted, whichever is shorter, unless agreed to by all carriers involved in the plan, the communities affected, and the Board.

"ANTITRUST EXEMPTION

"(e) Any person who has been granted an exclusive right to provide air transportation under subsection (c) or (d) of this section shall be exempted from the operation of the 'antitrust laws' set forth in subsection (a) of the first section of the Clayton Act (15 U.S.C. § 12) to the extent necessary to permit such person to provide such transportation under such exclusive right, as approved by the Board under subsection (c) of (d).".

SEC. 5. Section 419(f) of the Federal Aviation Act of 1958 is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) with respect to air transportation to any point (other than in the State of Alaska), in no case shall essential air transportation be specified as fewer than two daily round trips, six days per week, or aircraft with adequate passenger and freight capacity to accommodate all points served on any such flight, with such flights operating at convenient times in the morning and and evening and providing as great an opportunity for through service to and from major beyond-hub destinations as may be practicable, except that with respect to air transportation to any point more than 150 miles from a designated hub, such transportation shall, in addition, be provided on aircraft with pressurization and lavatory facilities; and".

SEC. 6. Section 419(a)(11)(B) of the Federal Aviation Act of 1958 is amended by striking out "section" and inserting in lieu thereof "subsection" each place it appears.

SEC. 7. Subsection (j) of section 419 of the Federal Aviation Act of 1958 (as redesignated by section 4 of this Act) is amended by striking out "date of enactment of this section" and inserting in lieu thereof "date of enactment of the Small Community Air Service Improvement Act of 1984".

SECTION-BY-SECTION ANALYSIS OF S. 2840, THE SMALL COMMUNITY AIR SERVICE IMPROVEMENT ACT

SEC. 2. The amendment proposed in Section 2 would broaden the Federal Aviation Act's basic policy objectives with respect to small community air service. Rather than merely declaring the "maintenance" of small community service to be in the public interest, the new provison would make "promotion, encouragement and development" of small community air service one of the Board's fundamental goals. The amendment would also encourge the Board to help communities demonstrate their maximum revenue-generating potential (thereby minimizing the need for subsidies) instead of merely setting a floor for small community air service and paying whatever subsidy is required to maintain the minimal level. Sub-paragraph (C) of the proposed new paragraph reaffirms the federal government's commitment to maintaining essential air transportation even for points where compensation is required.

SEC. 3. All points at which a certificated air carrier was providing service or was authorized to provide service on the date of enactment of the Airline Deregulation Act are eligible to participate in the existing small community air service program. The amendment in Section 3 would direct the Board to review all essential air service determinations for such points within one year after enactment so as to assure each community the quality of service which gives it the fullest possible opportunity to develop its potential for self-sufficiency. Once the existing program expires, the Board would be allowed to drop points within one hour's driving time of their designated hub airport or which have had two years' opportunity to demonstrate their potential for self-sustaining service, except that a point chosen to receive service under an alternative to long-term federal financial assistance or pursuant to a grant of exclusive rights could not be dropped while it participates in the alternative program.

SEC. 4. The overall effect of the essential air service program as established in the Airline Deregulation Act of 1978 and implemented by the Board since that date has been able to drive small community air service to minimal levels. The amendments set forth in Section 4 would instruct the Board to employ alternatives to the present system of relying exclusively on federal subsidies where alternative approaches will improve overall air service to a community and decrease the amount of federal subsidy which would otherwise be necessary.

The new subsection (c) would direct the Board to participate in two new programs to improve a community's air service and potential for self-sufficiency. The current essential air service program is limited to minimum service to nearby hub cities. It ignores two important sources of revenue—states and localities, and beyond-hub traffic. A community has little or no control over whether it receives jet service, whether flights are well-timed or whether it will receive single-plane, single-carrier or good connecting service to and from its most popular destinations, or good freight service.

Under the proposed subsection (c), a community or state dissatisfied with its existing service could reach an agreement with a carrier specifying the type of equipment, the timing of flights, and other details of service over and above the number of seats to be provided. The community or state could

pledge a certain level of assistance equal to at least one-fourth the proposed federal contribution. The state and local assistance could consist of financial operating assistance, use of state-owned or leased aircraft or other equipment, state guarantees in connection with the financing of equipment purchases, or any other type of assistance.

The Board would be required to approve the application whenever the applicants could show that overall service would improve while decreasing the amount of Federal subsidy for maintaining essential air transportation levels. Exclusive service rights could be granted to an air carrier providing service under this provision.

The proposed new subsection (d) would require the Board to approve exclusive service arrangements for a point if overall service to a community would be improved and subsidies would decrease as a result of improved beyond-hub service. Under subsection (d), a carrier (or several carriers) would be able to examine a community's revenue generating potential taking account of traffic to points beyond designated hubs. Where an airline or combination of airlines concluded that it would be economical to provide service between a point and at least three of its six leading beyond-hub air travel destinations, it could apply to the Board for the exclusive right to provide the service. The carrier or carriers would be required to guarantee proposed service and fare levels. The Board would be required to approve the application if it found that an improvement in service and reduction in subsidy would result. Exclusive rights would be effective for up to three years at a time.

The proposed subsection (e) would make it clear that applicants acting jointly under subsections (c) and (d) would receive immunity from the antitrust laws only to the extent necessary to carry on conduct approved by the Board.

SEC. 5. Essential air transportation would be deemed to consist of at least two well-timed flights per day in each direction, six days per week on aircraft with adequate freight capacity. In addition, for points more than 150 air miles distance from their designated hub, essential air transportation would have to be provided on aircraft with pressurization and lavatories.

SEC. 6. Makes the "bumping" provisions of section 419 inapplicable to the new alternative programs set forth in subsections (c) and (d).

SEC. 7. The existing Section 1389(g) would be amended to extend the life of the essential air transportation program until 10 years after enactment of the amendments, in order to give small communities a fair and reasonable opportunity to develop their full revenue-generating potential and thereby become able to support air service after the termination of the program.●

By Mr. PRYOR (for himself, Mr. BUMPERS, and Mr. SASSER):

S. 2842. A bill to amend section 3109 of title 5, United States Code, to clarify the authority for appointment and compensation of experts and consultants, to provide statutory guidelines concerning the award of contracts for the procurement of consulting services, management and professional services, and special studies and analyses, and for other purposes; to the Committee on Governmental Affairs.

CONSULTANT REFORM AND DISCLOSURE ACT

● Mr. PRYOR. Mr. President, I am today introducing legislation to provide controls over the Federal Government's use of consultant services. This legislation, like its predecessors, establishes accountability in the use of these consultants.

I have long been concerned about the extensive role which consultants play in the day-to-day processes of the Federal Government. I have introduced legislation in the 96th and 97th Congress, but unfortunately, the Senate was never able to consider either of these bills. It is my hope that during this session, as problems continue to occur with consultant services Governmentwide, and with indications pointing to increased problems in the future, that the Senate will have an opportunity to act on this bill.

Mr. President, in no way am I opposed to consultant services for the Federal Government in an absolute sense. On the contrary, many jobs, particularly commercial and industrial functions, can be supplied efficiently and economically by the private sector. What I am concerned about is the lack of information which the Congress has on how many consultants are working for our Federal agencies and the justification for their employment. I don't want consultants making policy, for example, deciding for the Department of Defense that our Nation requires this weapon system or that. I don't want them preparing budget documents at the Department of Energy as I discovered they were doing during my investigation in 1980.

Lack of competitive bids for contract services has been documented in several General Accounting Office reports. Other problems which GAO has found include: unnecessary services performed by consultants, extensive sole-source contract awards, duplicative services, and lack of effective management by agencies to assure the proper use of these services.

Basically, this bill will require an agency to make public its intentions to award a contract, to make the contract, once awarded, available to public scrutiny, and require consultants to disclose the role they played in preparing reports under Government contracts. Additionally, the bill requires consultants to fully disclose any conflicts of interest they have that could result in biased advice when writing reports. It will also require agencies to disclose in their budgets sent to Congress the amount of funds requested for the procurement of goods and services and would require agencies to evaluate the contractor's performance in certain contracts which provide for the preparation of a report. Finally, it will make Federal managers accountable for their procurement actions by linking the determination of senior executive service bonuses to their compliance with this bill's provisions.

Mr. President, this bill could be called the Consultant Sunshine Act, because it pierces the shroud of darkness which has enveloped consultant services for the Federal Government for too long. I urge my colleagues to join me so that the American taxpayers and the Congress can someday soon actually find out what is taking place behind too many closed doors.

I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consultant Reform and Disclosure Act of 1984".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds and declares that—

(1) Federal procurement officials have not consistently complied with the laws relating to procurement activities and regulations and management guidelines in awarding contracts for the procurement of consulting services, management and professional services, and special studies and analyses;

(2) procurement practices, insofar as they relate to the procurement of consulting services, management and professional services, and special studies and analyses, do not presently provide for (A) full and open competition, (B) the prevention of duplication of overlap among contracts, (C) adequate consideration of conflicts of interest, or (D) the public disclosure of the use and role of contractors who provide such services, studies, and analyses;

(3) information regarding the Federal Government's use of consulting services, management and professional services, and special studies and analyses is not maintained in a manner that results in the availability of helpful or meaningful information to the Congress, the executive branch, or the public;

(4) the competitive pressures of the free marketplace increase the likelihood that consulting services, management and professional services, and special studies and analyses will be provided at competitive prices;

(5) full and open competition in the Federal procurement process supports the basis of the free enterprise system while guaranteeing maximum return on Federal procurement expenditures;

(6) the costs of performing governmental functions are borne by the taxpayer regardless of whether the functions are performed in the private or public sector;

(7) the integrity of the governmental process, especially when consulting services, management and professional services, and special studies and analyses are used in the performance of governmental functions, requires full public disclosure of the use and role of contractors who perform such functions; and

(8) legislation and oversight is necessary to achieve the consistent policies and practices needed in Federal procurement of consulting services, management and professional services, and special studies and analyses.

SEC. 3. It is the policy of the United States that—

(1) governmental policymaking and decisionmaking functions should be performed by accountable Federal officials;

(2) the procurement of consulting services, management and professional services, and special studies and analyses by contract should be in compliance with applicable laws and regulations; and

(3) governmental functions should be accomplished through the most economical means available while recognizing the inherently governmental nature of certain activities.

TITLE I—APPOINTMENTS

REVISION OF SECTION 3109 OF TITLE 5

SEC. 101. (a) Section 3109 of title 5, United States Code, is amended to read as follows:

"§ 3109.1 Employment of individual experts and consultants

"(a) For the purpose of this section—

"(1) 'agency' has the same meaning as in section 552(e) of this title;

"(2) 'appointed consultant' means an individual—

"(A) who has a high degree of knowledge, skill, or experience in a particular field; and

"(B) whose primary function is to serve an agency in an advisory capacity in that field, rather than to perform or supervise an operating function of the agency; and

"(3) 'appointed expert' means an individual—

"(A) who has excellent qualifications and a high degree of attainment in a professional, scientific, technical, or other field;

"(B) who, because of such qualifications and attainment, is usually regarded as an authority or as a practitioner of unusual competence and skill by other individuals who work in that field; and

"(C) whose primary function is to perform or supervise an operating function of an agency rather than to provide advisory services.

"(b) When authorized by an appropriation Act or other statute, the head of an agency may appoint and fix the pay of appointed experts and consultants for temporary (not in excess of one year) or intermittent services, without regard to—

"(1) the provisions of this title governing appointment in the competitive service; and

"(2) chapter 51 and subchapter III of chapter 53 of this title (relating to position classification and pay rates),

except that the rate of pay for any individual so appointed may not exceed the rate of basic pay payable for GS-18 unless otherwise specifically authorized by statute.

"(c) Positions in the Senior Executive Service may not be filled under the authority of subsection (b) of this section.

"(d) The Office of Personnel Management shall prescribe regulations governing the employment of appointed experts and consultants and the reporting requirements of this section, and may take such action as it considers appropriate to assure compliance with those regulations, including audit of individual cases, and, if necessary, suspension of the authority to appoint experts and consultants. Agencies shall comply with the requirements of the Office, including taking any corrective action the Office may direct.

"(e) Each agency shall report to the Office of Personnel Management on a periodic basis with respect to—

"(1) the number of days each appointed expert or appointed consultant employed by the agency during the period was so employed, and

"(2) the total amount paid by the agency to each appointed expert and appointed consultant for such work during the period.

"(f) The head of any agency with statutory authority to appoint experts and consultants without regard to the provisions of this section shall, to the extent practicable and in keeping with the provisions of such authority, appoint such experts and consultants in a manner consistent with the provisions of this section.

"(g) The head of each agency shall establish procedures for the review and approval of—

"(1) any determination relating to the need for the services of an appointed expert or appointed consultant under this section; and

"(2) the appointment of each appointed expert or appointed consultant.".

(b) The table of sections at the beginning of chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3109 and inserting in lieu thereof the following new item:

"§ 3109.1 Employment of individual experts and consultants

EFFECTIVE DATE

SEC. 102. The amendments made by this title shall take effect one hundred and eighty days after the date of enactment of this Act.

TITLE II—CONTRACTS

DEFINITIONS

SEC. 201. For purposes of this title:

(1) The term "agency" has the same meaning as in section 552(e) of title 5, United States Code.

(2) The term "contract" means (A) any agreement, including any amendment to or modification of an agreement, between the Government and a contractor for the procurement of goods and services, or (B) any letter authorizing a contractor to provide goods or services to the United States prior to a specification of the compensation for the provision of such goods or services.

(3) The term "contractor " means any person, firm, unincorporated association, joint venture, partnership, corporation or affiliates thereof, including consultants and organizations thereof, which is a party to a contract with the Government.

(4) The term "report" means a written study, plan, evaluation, analysis, manual, or similar document, in draft or final form, which is prepared by a contractor pursuant to a contract with an agency and which is submitted—

(A) to such agency, or

(B) on behalf of such agency to any other agency of the Government.

but does not mean a billing document, invoice, or other routine business transmittal made with respect to the contract.

(5) The term "consulting services" means advisory services with respect to agency administration and management or agency program management.

(6) The term "management and professional services" means professional services related to management and control of programs, including—

(A) management data collection services;

(B) policy review and development services;

(C) program evaluation services;

(D) program management support services;

(E) program review and development services;

(F) systems engineering services; and

(G) other management and professional services of a similar nature which are not related to any specific program.

(7) The term "special study or analysis"—

(A) means any nonrecurring examination of a subject which—

(i) is undertaken to provide greater understanding of relevant issues and alternatives regarding organizations, policies, procedures, systems, programs, and resources; and

(ii) leads to conclusions or recommendations with respect to planning, programing, budgeting, decisionmaking, or policy development; and

(B) includes—

(i) any study initiated by or for the program management office;

(ii) a cost benefit analysis, a data analysis (other than a scientific analysis), an economic study or analysis, an environmental assessment of impact study, a feasibility study which does not relate to construction, a legal or litigation study, a legislative study, a regulatory study, or a socioeconomic study;

(iii) a geological study, a natural resources study, a scientific data study, a soil study, a water quallity study, a wildlife study, or a general health study; or

(iv) any similar special study or analysis.

PUBLICATION OF NOTICE OF CONTRACTS

SEC. 202. (a) Notwithstanding any other provision of law, as soon as an agency completes preparation of a procurement request for consulting services, management and professional services, or a special study or analysis which the agency estimates will result in the award of a contract the cost of which exceeds $10,000, the agency shall transmit to the Secretary of Commerce a written notice describing such contract. The Secretary of Commerce shall publish each notice received pursuant to this subsection in the publication "Commerce Business Daily" published by the Department of Commerce. An agency is not required by the first sentence of this subsection to transmit to the Secretary of Commerce a notice with respect to any contract—

(1) for which a national security classification has been lawfully made relative to the contract or the terms therein; or

(2) which is awarded due to such an unusual and compelling emergency that the Government would be seriously injured if award of such contract were delayed for the purpose of publishing such notice prior to award.

(b) Whenever an agency modifies a contract for consulting services, management and professional services, or a special study or analysis, and in the modification of such contract increases the cost of the contract award by at least $25,000, the agency shall transmit to the Inspector General of such agency or comparable official, or in the case of an agency which does not have an Inspector General or comparable official, the head of the agency or his designee, a written notice describing—

(1) the original contract;

(2) the modification being made; and

(3) the justification for the modification.

DISCLOSURE OF INFORMATION CONCERNING THE USE OF CONTRACTORS

SEC. 203. Each report prepared by a contractor pursuant to a contract for consulting services, management and professional services, or a special study or analysis, and each report prepared by an agency which is substantially derived from or includes sub-

stantial portions of any such report, shall include a statement disclosing—

(1) the name and business address of the contractor who prepared or contributed to the report;

(2) the total cost of the contract;

(3) whether the contract was awarded using competitive or noncompetitive procedures;

(4) the name of the office which or employee who authorized the award of the contract;

(5) in any case in which a contractor uses a subcontractor to prepare any portion of a report for an agency, the name and business address of the subcontractor and the amount paid to the subcontractor for the work;

(6) the names of all employees of the contractor, and any subcontractor, who substantially contributed to the report; and

(7) in any case in which an organizational conflict of interest has been determined under section 205 to exist with respect to the contract, the facts and circumstances of the conflict of interest.

CONTRACT EVALUATION

SEC. 204. (a) Within one hundred and twenty days after the date of completion of the performance required by any contract for consulting services, management and professional services, or a special study or analysis, the total cost of which exceeds $50,000, the agency shall prepare a written evaluation of the contract performance. The evaluation shall include a summary of the performance of the contractor under the contract, including—

(1) the performance of the contractor, based on the terms and specifications included in the contract; and

(2) any deviation by the contractor from the provisions of the contract originally awarded with respect to cost and time for completion of the contract and a statement of the reasons for any such deviation.

(b) The agency shall include the evaluation required by subsection (a) in the records maintained by the agency regarding the contract and shall maintain a copy of the evaluation in a central location within the agency.

(c) A written copy of any evaluation made under this section shall be transmitted to the contractor concerned together with a notice stating that the contractor may, within ten days after the date on which the contractor receives such copy, transmit comments to the agency concerning such evaluation. Any such comments shall be included in the evaluation as a supplement.

ORGANIZATIONAL CONFLICT OF INTEREST

SEC. 205. (a) For purposes of this section—

(1) the term "designated agency" means the Department of Energy, the Department of Transportation, or the Environmental Protection Agency;

(2) the term "organizational conflict of interest" means any relationship or situation in which an offeror for a contract for consulting services, management and professional services, or a special study or analysis or a contractor under such contract has past, present, or anticipated interests which either directly, or indirectly through a client relationship, relate to work to be performed under such contract and which—

(A) may diminish the capacity of the offeror or contractor to furnish impartial, technically sound, and objective assistance, advice or services under such contract; or

(B) may result in an unfair competitive advantage to the offeror or contractor;

except that, such term does not include the normal flow of benefits from the performance of the contract; and

(3) the terms "offeror" and "contractor" include—

(A) a chief executive or director of the offeror or contractor, to the extent that such executive or director will or does become substantially involved in the performance of a contract for consulting services, management and professional services, or a special study or analysis entered into with a designated agency; and

(B) a consultant or subcontractor proposed to be used by the offeror or contractor in the performance of such contract in any case in which such consultant or subcontractor may be performing services similar to the services performed by the offeror or contractor.

(b)(1) Whenever an offeror submits to a designated agency a bid or proposal for a contract for consulting services, management and professional services, or a special study or analysis, the offeror shall include with such bid or proposal—

(A) a statement which discloses all relevant facts relating to each existing or potential organizational conflict of interest with respect to the contract; or

(B) a statement certifying, to the best knowledge and belief of such offeror, that there is no existing or potential organizational conflict of interest with respect to the contract.

(2) Any consultant or subcontractor which any such offeror proposes to use in the performance of a contract described in paragraph (1) shall also submit to the designated agency receiving the bid or proposal a statement including the information required by paragraph (1).

(3) In any case in which a contract described in paragraph (1) has been entered into by a designated agency and a modification of the contract becomes necessary, the contractor and any consultant or subcontractor used by the offeror in the performance of the contract shall submit to such agency—

(A) a statement with respect to such modition which includes the information required by paragraph (1) to be submitted with respect to a contract; or

(B) a revision of any statement submitted under paragraph (1) which relates to any existing or potential organizational conflict of interest concerning such modification.

(4) Each contractor, consultant, and subcontractor which has submitted a statement to a designated agency under this subsection shall submit to the same agency, on a timely basis, such revisions of such statement as may be necessary to reflect clearly and accurately and changes in circumstances relating to an existing or potential organizational conflict of interest arising after such statement was made or last revised.

(c) The head of each designated agency shall establish or designate an office to administer the provisions of this section with respect to contracts of the agency and bids and proposals submitted for such contracts. The head of each such office shall evaluate each statement received pursuant to subsection (b) to determine whether an organizational conflict of interest or the appearance of such a conflict exists with respect to the contract for which the statement is submitted. In making such evaluation, the head of such office shall—

(1) consider whether—

(A) the offeror, contractor, consultant, or subcontractor has conflicting roles or interests which might bias the judgment of the offeror, contractor, consultant, or subcontrator concerning the work to be performed pursuant to the contractor; or

(B) the offeror or contractor will have an unfair competitive advantage in the performance of the contract; and

(2) specifically consider any proposed terms of the contract which require the offeror or the contractor to furnish advice, evaluation, or other services which will have a direct effect on future decisions of the agency relating to contracts, procurement, research and development programs, production, or regulatory activities.

(d) Whenever the head of an office established or designated under subsection (c) determines that an organizational conflict of interest or that the appearance of such a conflict exists with respect to a contract for consulting services, management and professional services, or a special study or analysis, or a proposal for such a contract, he shall transmit a notice of his determination to the offeror or contractor involved. Within ten days after the date on which the offeror or contractor receives such notice, the offeror or contractor may transmit written comments to the head of the office concerning the determination or may transmit such comments to the head of the agency with a request that the head of the agency review such determination. Within thirty days after the date on which the head of the agency receives any such request, the head of the agency shall review the determination of the head of the office and shall issue a written decision. In reviewing such determination, the head of the agency may request the offeror or contractor to furnish additional information concerning the issues involved. The head of the agency shall transmit a copy of his decision under this subsection to the offeror or contractor and the head of the office.

(e) If, prior to the award of a contract for consulting services, management or professional services, or a special study or analysis, the head of the office established or designated by the head of a designated agency under subsection (c) determines that an organizational conflict of interest or the appearance of such a conflict exists in the case of any offeror for, or of any consultant or subcontractor proposed to be used by an offeror in the performance of, such contract and such determination is not reversed by the head of the designated agency—

(1) such agency shall disqualify such offeror from eligiblity for award of the contract or, in the case of an organizational conflict of interest or the appearance of such a conflict involving a consultant or subcontractor proposed to be used by the offeror in the performance of the contract, shall prohibit the offeror from using the services of such consultant or subcontractor;

(2) such agency shall include in the contract awarded to the offeror such conditions as such agency determines would avoid an organizational conflict of interest or the appearance of such a conflict involving such offeror or such consultant or subcontractor; or

(3) if such agency determines that—

(A) the facts and circumstances surrounding the contract necessitate immediate action; and

(B) such agency is unable to obtain the services to be performed pursuant to the contract from any other person other than the offeror, consultant, or subcontractor involved in the organizational conflict of interest or the appearance of such a conflict.

such agency may award the contract to the offeror if such agency includes in the records maintained by such agency on the contract, makes available to the public, and transmits to each committee of the Senate and the House of Representatives having legislative jurisdiction over the agency, a complete statement of the relevant facts disclosed by the offeror, consultant, or subcontractor pursuant to subsection (b), or otherwise known or made available to the agency.

(f)(1) If, after a designated agency has entered into a contract for consulting services, management and professional services, or a special study or analysis, the head of an office established or designated in the agency under subsection (c) determines that an organizational conflict of interest or the appearance of such a conflict exists with respect to the contract, and such determination is not reversed by the head of the agency, the agency shall—

(A) terminate the contract; or

(B) in any case in which termination is not in the best interest of the Government, modify the contract to the extent necessary to prevent or mitigate to the greatest extent possible the conflict or the appearance of the conflict and include in the records maintained by the agency on the contract, make available to the public, and transmit to each committee of the Senate and the House of Representatives having legislative jurisdiction over the agency, a complete statement of the relevant facts determined to exist regarding the offeror, consultant, or subcontractor.

(2)(A) Except as provided in the second sentence of this subparagraph, a contractor who has entered into a contract with a designated agency for consulting services, management and professional services, or a special study or analysis, or a consultant or a subcontractor or any such contractor, shall have no claim against the United States for damages as a result of an action of such agency under paragraph (1) (other than a claim specified pursuant to a clause in the contract authorizing termination for the convenience of the Government). Except as provided in subparagraph (B), such contractor, consultant, or subcontractor may have a claim against the United States for compensation for work performed prior to such agency action.

(B) A contractor who has entered into a contract with a designated agency for consulting services, management and professional services, or a special study or analysis, or a consultant or a subcontractor to any such contractor shall have no claim for compensation for work performed prior to an action of such agency under paragraph (1) if it is determined that such contractor's, consultant's, or subcontractor's failure to disclose completely the relevant facts under subsection (b) precluded a determination of the existence of an organizational conflict of interest or the appearance of such a conflict involving such contractor, consultant, or subcontractor prior to the award of the contract.

(i)(1) This section shall not apply to contracts for consulting services, management and professional services, or any special study or analysis entered into, or bids or prosposals for such contracts submitted, on or after the date three years after the effective date of this title.

(2) Two years after the effective date of this title, the Comptroller General of the United States, in conjunction with the Director of the Office of Management and Budget, shall commence an evaluation of the operations of the provisions of this section, and, within nine months after the commencement of such evaluation, shall prepare and transmit a report to the Congress concerning the result of such evaluation, including recommendations for the continuation, modification, or termination of such provisions.

BUDGET IDENTIFICATION AND JUSTIFICATION

SEC. 206. (a) The head of each agency shall include with the request for regular appropriations for each fiscal year submitted to the Pesident pursuant to section 1108 of title 31, United States Code, an itemized statement of the amounts requested by the agency for procurement in such fiscal year. The state shall identify such amounts according to the same subfunctional categories to be used by the President in the submission of the Budget for such fiscal year pursuant to section 1105(a) of such title and, within each such category, shall identify such amounts according to classifications of (1) procurement of consulting services, management and professional services, and special studies and analyses, and (2) all other procurement activities.

(b) The budget transmitted by the President to the Congress for each fiscal year under section 1105(a) of title 31, United States Code, shall set forth separately, within each subfunctional category used in such Budget, requests for new budget authority for, and estimates or outlays by, each agency for (1) procurement of consulting services, management and professional services, and special studies and analyses, and (2) all other procurement activities.

(c)(1) By April 1 of the fiscal year preceding the fiscal year for which the Budget is submitted pursuant to section 1105(a) of title 31, United States Code, the head of each agency shall prepare and transmit to the Committees on Appropriations of the Senate and the House of Representatives an analysis of each request for new budget authority and of the estimates of outlays included in such Budget for such agency pursuant to subsection (b) of this section and a statement justifying the need for each such request and estimate.

(2) Within sixty days after the date on which the President transmits to the Congress a revision of any request or estimate included in the Budget for any fiscal year pursuant to subsection (b), the head of the agency affected by such revision shall prepare and transmit to the Congress a modification of the analysis and statement required by paragraph (1) which reflects the revision made by the President.

FEDERAL PROCUREMENT DATA SYSTEM

SEC. 207. (a) The Administrator for Federal Procurement Policy shall establish a data system for the collection and dissemination of information regarding all contracts entered into by each agency. The system shall classify each contract or contract modification in an amount exceeding $10,000 as either a contract for professional type services or a contract for commercial and industrial type activities, and shall include for each such contract or contract modification—

(1) the name of the agency awarding the contract;

(2) an identification number or other designation for the contract or modification, as the case may be;

(3) the name of the contracting office of the agency which awarded the contract;

(4) the name of the contractor;

(5) whether the contractor is a small business or a minority business;

(6) the date on which the contract award or the modification was made;

(7) the city, county, State, or country in which the work under the contract will be performed;

(8) a brief description of the work to be performed under the contract;

(9) the total amount payable by the Government under the contract;

(10) the estimated completion date of the contract;

(11) whether the contract was awarded through competitive or noncompetitive procedures;

(12) the type of contract, such as a cost reimbursement contract or fixed price contract; and

(13) if applicable, the authority used to negotiate the contract under the second sentence of section 2304(a) of title 10, United States Code, or section 302(c) of the Federal Property and Administrative Services Act of 1949.

(b)(1) Consistent with otherwise applicable law, the Administrator for Federal Procurement Policy shall make information in the data system established under subsection (a) available, on request, to the Congress, the various agencies, and the public.

(2) The Administrator for Federal Procurement Policy shall prepare and transmit to the Congress quarterly and annual reports regarding the information maintained on each agency within the system.

(c) Each agency shall provide such information to the Administrator for Federal Procurement Policy as may be necessary to assure that the data concerning the agency contained in the data system established under subsection (a) and in the reports transmitted under subsection (b)(2) is current, accurate, and complete.

PUBLIC AVAILABILITY

SEC. 208. (a)(1) Each agency shall compile and make available to the public a list of all contracts entered into by the agency during the twelve-month period immediately preceding the month during which the list is prepared and a separate list of all contracts entered into by the agency for which performance has not been completed on the date on which such list is prepared. The lists shall be updated on a quarterly basis and shall include, for each such contract—

(A) the contract identification number assigned by the agency;

(B) the contractor's name;

(C) the date of award and the estimated completion date;

(D) the original and current amounts to be paid by the agency under the contract; and

(E) a brief description of the work to be performed.

(2) Each agency shall prepare and maintain a written statement justifying the need for each contract for consulting services, management and professional services, or a special study or analysis which is entered into by the agency. The statement shall include the name of the Government officer or employee who authorized the award of the contract and the Government officer or employee who is responsible for the administration of the contract.

(3) Each agency shall permit the public to inspect and make copies of the list prepared under paragraph (1) and the statements prepared under paragraph (2). The agency may charge a reasonable fee to reimburse

the agency for the costs of making such copies.

(b)(1) Except in the case of a contract the disclosure of which or of any information included therein is prohibited by law, and except in the case of a contract the terms of which are lawfully classified for reasons of national security—

(A) all contracts shall be considered public information and shall be available to the public upon request; and

(B) in the case of a contract for consulting services, management and professional services, or a special study or analysis the following information shall be available to the public:

(i) the name and qualifications of any personnel designated in the contract; and

(ii) in the case of a contract awarded on a sole source basis, the justification for awarding such contract on such basis.

(2) Paragraph (1) does not require an agency to make technical proposals available to the public.

EXEMPTIONS

SEC. 209. Notwithstanding any other provision of this title, contracts for consulting services, management and professional services, and special studies or analyses, and any data, reports, or other material pertaining thereto, which—

(1) relate to sensitive foreign intelligence or foreign counterintelligence activities;

(2) relate to sensitive law enforcement investigations, or

(3) are classified under the national security classification system,

are exempt from the provisions of this title.

EFFECT ON OTHER LAW

SEC. 210. The provisions of this title shall supersede any statute enacted before the date of enactment of this Act to the extent such statute is inconsistent with the provisions of this title.

EFFECTIVE DATE

SEC. 211. The provisions of this title shall take effect one hundred and eighty days after the date of enactment of this Act.●

By Mrs. HAWKINS (for herself, Mr. D'AMATO, and Mr. DOLE):

S. 2843. A bill to require the Secretary of Health and Human Services to make grants for the planning and implementation of model programs to develop an economical method for early detection of cancer; to the Committee on Labor and Human Resources.

NATIONAL CANCER SCREENING ACT

● Mrs. HAWKINS. Mr. President, in 1984, nearly 1 million new cancer cases will be diagnosed in the United States. The vast majority of these new cancer cases will have been symptomatic, in that the cancers will already have been firmly localized with fully developed tumors, or in many cases, already metastatic and widespread in the body.

More than 450,000 cancer mortalities will occur in 1984.

Current treatment technology of cancer has advanced in the past decade and can serve to effect cures where early detection of precancer lesions in asymptomatic cases are discovered, and treated.

Early detection techniques are now available for the asymtomatic groups at risk relative to breast cancer, colorectal cancer, lung cancer, cervical cancer, and prostate cancer. These five cancers comprise the greatest total of cancer mortalities today.

Of the almost 1 million new cancer cases diagnosed in 1984, nearly half of these will die of their disease. It is estimated that if cancer cases are found when asymptomatic via early detection current available techniques, there will be a vast reduction in cancer mortalities and a great increase in cancer cures.

To quote but one recent development in early detection technique, "a blood test for early detection of breast cancer has revealed 95 percent of early stage breast cancer when it is most curable." ACS president-elect Dr. William Feller.

I propose to create two early detection models, each to be located in cancer centers of the highest qualifications. Ten thousand persons, from groups at risk, will be screened relative to the noted five cancers. Those found to have cancer at its early stage, will be referred for therapy, and followed up. The percentage of those found asymptomatic with early precancer lesions, or cancer in early stages, will be compared against the total screened.

The American Cancer Society has committed its entire organization to support this model program for early detection of cancer, with its 2,300,000 volunteers and with its professional resources.

Industry, suffering billions in annual losses via cancer in the labor forces, and additional current group insurance costs due to cancer statistics, is highly supportive of this model plan for early detection screening of groups at risk. Industry will cooperate by submitting employees at risk for screening. Insurance companies express enthusiasm at the prospect of a model early detection program which could reduce the present vast costs of long term therapy and suffering.

Nations in Europe are emphasizing the importance of cancer detection to an ever increasing extent. For but one example, Hungary, a socialist country with minimal resources, has built a system for early detection of cervical cancer, by means of educating qualified female high school students in the technique of microscopic examination of Pap smears, and then employing those graduating the course, as members of the early detection system of cervical cancer. Hungary has thereby vastly reduced mortality of cervical cancer by joining its early detection system to compelling every adult female to a Pap smear test when in contact with any hospital or medical source, and periodically thereafter.

With the current technology available for early detection of cancer, and the ever improving therapy offered, our goal is to establish a model for nationwide employment of early detection centers which will greatly reduce the currrent and growing numbers of cancer mortalities. With the enthusiastic cooperation from industry and insurance companies, we estimate that for about $10, persons at risk will be screened nationally and where found to have early cancer or precancer lesions, be cured of this most monstrous of all human afflictions.●

● Mr. D'AMATO. I rise today to cosponsor legislation introduced by my good friend and colleague, the junior Senator from Florida. This bill, the National Cancer Screening Act of 1984, will set up two model programs to develop a cost-effective method for the early detection of cancer.

Cancer is the most costly disease in our Nation, not only in dollars, but in lives. In dollars, the disease costs us billions each year. More tragically, 450,000 people will die this year from cancer, with almost a million new cancer cases being diagnosed.

Although there have been, and continue to be, major advances in the treatment of cancer, the emphasis now is turning more toward prevention. This part March, the Department of Health and Human Services launched the Cancer Prevention Awareness Campaign. The essence of this campaign is to limit cancer deaths through prevention. The largest cancer-causing factors are controllable; 35 percent of cancer mortalities are linked to dietary factors and 30 percent are traced to smoking.

Not smoking and careful diets are important for preventing cancer. Another important step is early detection. Most experts agree that many cancers are controllable if caught at an early stage. This legislation will set up 2 model programs to test at least 20,000 individuals. The directors of the program must then submit to the Secretary of Health and Human Services and Congress a detailed report containing recommendations for the establishment of an economical national program to test for cancer.

I commend the fine work and accomplishments of the National Cancer Institute [NCI] and the American Cancer Society. NCI, with its strong commitment to biomedical research, together with the American Cancer Society, with its 2.3 million volunteers, provides a powerful force in combating this tragic disease and is a valuable ally for the cancer-screening program.

The technology and the resources are available to make this project an outstanding success. I expect passage of the National Cancer Screening Act to lay the foundation for a dramatic decease in deaths from cancer in the near future. I strongly urge my colleagues to join me as cosponsor of this legislation.●

By Mr. GLENN (for himself, Mr. HEFLIN, Mr. HUDDLESTON, Mr. MATSUNAGA, Mr. MELCHER, Mr. MOYNIHAN, Mr. NUNN, Mr. RIEGLE, and Mr. SARBANES):

S. 2844. A bill to establish a Federal Interagency Arson Prevention and Control Task Force to coordinate Federal antiarson programs; to the Committee on Government Affairs.

FEDERAL INTERAGENCY ARSON PREVENTION AND CONTROL TASK FORCE ACT

Mr. GLENN. Mr. President, I am pleased to introduce legislation which will establish a Federal Interagency Arson Prevention and Control Task Force. This task force will coordinate the antiarson programs of the many Federal agencies with antiarson activities. In the past, the failure to coordinate their activities has led to duplication, inconsistency and jurisdictional conflict. The legislation that I am introducing today will ameliorate these problems and help achieve efficient, effective application of Federal resources and expertise.

Arson has become a veritable epidemic, terrorizing neighborhoods, undermining Federal programs and policies, destroying homes and businesses, and eroding job opportunities and municipal tax bases. Each year, arson's fiery wave of death and destruction kills nearly a thousand persons, injuries several thousand more, causes well over a billion dollars in direct property losses and results in indirect losses estimated at $15 billion. These losses of life and property are so devastating that the United States has become known as the arson capital of the world.

I am pleased that Congress is becoming more aware of the deadly, billion-dollar crime of arson, and with the steps it has taken to deal with the problem. Last year, Congress passed the Anti-Arson Act which permanently classified arson as a major crime for purposes of the FBI's Uniform Crime Reports and clarified Federal jurisdiction over arson. This year, the Senate included antiarson provisions in its omnibus criminal reform package, and passed legislation which, if enacted, would create a "National Arson Awareness Week." Much more remains to be done; the next step is better coordination of the Federal effort.

The task force would be charged with mapping out an antiarson strategy to provide assistance to State and localities. It would be required to coordinate antiarson training, grant assistance and research and development and to gather and compile relevant statistical data. The task force also would be required to report annually to Congress on its activities and the status of the Federal antiarson coordination effort.

Because past experience has demonstrated that the involvement of high level officials is crucial to the success of antiarson programs, the bill designates the heads of Federal agencies with significant antiarson activities for membership on the task force. However, to provide flexibility, the bill authorizes the heads of these agencies to select a designee if they desire. Unlike previous versions of this legislation, the bill specifies no minimum compensation rate for such designees—for example level V of the Executive Schedule. Nevertheless, it is contemplated that only higher level officials will be designated because such officials have the authority to exercise independent judgment and initiatives and have regular access to agency heads.

The bill also provides for the creation of subcommittees and working groups. Because of their valuable knowledge and experience, it is contemplated that the task force will invite the active participation of the leaders of the fire service and law enforcement communities, including such organizations as the International Association of Arson Investigators, International Association of Chiefs of Police, International Association of Fire Fighters, International Association of Fire Chiefs, Fire Marshal's Association of North America, National Association of Attorneys General, National District Attorneys Association, the Joint Council of Fire Service Organizations and others.

Another important aspect of the bill is its requirement for an annual report to Congress. This will afford accountability as well as provide Congress with useful information. Among other things, such information will help Congress determine the need for additional spending; any expenditures will be absorbed by existing agency budgets.

Finally, the task force will supplant the existing informal task force which meets periodically. This group is staffed by lower level employees, lacks a specific mandate and is not required to report to Congress.

Mr. President, I hope that the Committee on Governmental Affairs will review this legislation quickly so that the Congress can complete action on the bill during this session of Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Federal Interagency Arson Prevention and Control Task Force Act of 1984."

SEC. 2 (a). There is established within the Federal Government a Federal Interagency Arson Prevention and Control Task Force (hereinafter in this Act referred to as the Task Force.) The Task Force shall consist of the following persons (or their designees):

(1) The Attorney General

(2) The Director of the Federal Bureau of Investigation

(3) The Postmaster General

(4) The Secretary of the Treasury

(5) The Administrator of the United States Fire Administration

(6) The Director of the Federal Emergency Management Agency

(7) The Administrator of the Federal Insurance Administration

(8) The Director of the Bureau of Alcohol, Tobacco and Firearms

(9) The Commissioner of the Internal Revenue Service

(10) The Director of the Law Enforcement Assistance Administration

(11) Director, National Bureau of Standards

(12) Chief, United States Forest Service

(13) Secretary, Department of Housing and Urban Development

(b) The Task Force shall:

(1) develop and implement a comprehensive and coordinated Federal strategy and methodology for improving assistance to state and local governments for the prevention, detection, and control of arson;

(2) coordinate antiarson training and educational programs established within the Federal Government;

(3) coordinate Federal grants to State and local governments for arson prevention, training, detection, and control;

(4) coordinate Federal research and development relating to arson prevention, training, detection, and control;

(5) gather and compile statistical data relating to arson prevention, training, detection, and control;

(6) review each agency report filed under subsection (g); and

(7) provide such other assistance to Federal agencies, States, and local governments that aid in the cooperation and coordination of Federal antiarson assistance efforts.

(c) The members of the Task Force shall elect a chairman. The Chairman shall call regular meetings of the Task Force at such times and places as the Chairman determines. However, the Task Force must hold at least four meetings a year in Washington, D.C. The Task Force may assemble and disseminate information, issue reports and other publication and conduct such other activites as it considers appropriate to provide for effective coordination of Federal antiarson assistance.

(d) The Task Force may establish such subcommittees or working groups as may be necessary for the fulfillment of its task. The membership may include persons not members of the Task Force. Guidelines or regulations promulgated under the provisions of section 7(d) of the Federal Advisory Committee Act do not apply to any such subcommittee or working group.

(e) The Task Force may request any agency of the executive branch to furnish it with such information, advice, and services as may be useful for the fulfillment of the Task Force's functions under this section. The agencies of the executive branch are authorized, to the extent permitted by law, to provide the Task Force with administrative services, information, facilities, and funds necessary for its activities.

(f) The Task Force may procure, subject to the availability of funds, the temporary professional services of individuals to assist in its work, in accordance with the provi-

sions of section 3109 of title 5, United States Code.

(g) Each agency of the executive branch with arson related activities shall report annually to the Task Force with respect to its efforts in providing training, educational programs, grants, and other Federal assistance to State and local governments for arson prevention, detection, and control.

(h) The Task Force shall transmit annually a report to the Congress concerning its activities under this Act. The report shall include an assessment of the success of the Task Force in coordinating Federal efforts for the prevention, detection, and control of arson.

(i) The expenses of the Task Force shall be paid from the appropriations of each of the agencies represented on the Task Force pursuant to subsection (a).

SEC. 3. The Director of the Bureau of Alcohol, Tobacco and Firearms is authorized and directed to assist the Task Force established under section 2 of this Act by providing to the Task Force, as the Task Force determines necessary and to the extent permitted by law, access to personnel and resources of the Bureau, including the use of laboratory facilities for research on the detection and prevention of arson.

By Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. COHEN, Mr. EAGLETON, Mr. HELMS, Mr. MOYNIHAN, Mr. HEINZ, and Mr. KASTEN):

S. 2845. A bill to amend the Trade Act of 1974 to clarify the scope of certain determinations by the International Trade Commission under title II of such act; to the Committee on Finance.

DETERMINATIONS BY THE INTERNATIONAL TRADE COMMISSION

● Mr. DANFORTH. Mr. President, when the ITC handed down its June 6 finding that the footwear industry was not being seriously injured by imports, I was incredulous. The evidence of injury appeared overwhelming. The ITC decision seemed to defy common sense. It still does.

Therefore, I have concluded that either the International Trade Commission failed to interpret the law as Congress had intended, or there is something seriously wrong with the law.

In either case, the bill I am introducing today is designed to remedy the situation. It does not guarantee the footwear industry—or indeed any industry—an injury finding under section 201 of the Trade Act. It does, however, clarify the law to better reflect the intent of Congress when the law was enacted. It does so by making explicit certain elements that the Congress clearly intended the ITC to address during their consideration of a case under section 201.

First, the bill addresses the matter of "captive" imports—imports that are brought into the country for sale by the domestic manufacturers themselves. Specifically, the bill includes such imports as a factor to be taken into account when determining serious injury and when determining whether imports are a substantial cause of that injury. It also specifies that imports by domestic producers may not be considered in defining the domestic industry which is affected by imports.

All told, these provisions, along with one that makes it explicit that captive imports reflect the ill health—rather than the health—of an industry, make a good deal of sense. If taken to the extreme, the notion that captive imports is a sign of health would imply that a manufacturer that has abandoned all domestic production in favor of marketing imports still represents a strong American industry.

The second key element of the bill requires the Commission to take into account an increase in imports when determining whether serious injury is occurring. This would seem obvious and was, in my opinion, clearly intended in current law. However, if the ITC can find no injury in a case where import penetration has increased from 51 percent to almost 70 percent since 1979, it appears the more explicit reference may be necessary.

Ironically, this very issue was the subject of a discussion on the Senate floor on December 13, 1974, during consideration of the Trade Act. At that time, Senator RUSSELL LONG responded to questions from Senators Muskie and McIntyre about the footwear industry's chances of obtaining import relief under section 201 in view of dramatic increases in import penetration. Senator LONG's response could not have been more clear.

It is our guess that if the shoe industry would seek relief under the terms of this act, chances are 90 out of 100 that it would get relief.

Third, the bill addresses the issue of industry profits. As currently written, the ITC is required to take into account a number of economic factors relating to serious injury. The profit factor is but one of these criteria and the bill makes it clear that evidence of profits should not preclude a finding of injury.

Fourth, among the key substantive provisions of the bill is a provision designed to address what is becoming known as the survivor syndrome. This relates to the problem of the ITC judging capacity utilization based only on those plants functioning at the time the statistics are taken—ignoring completely the fact that plants may have shut down, thereby reducing total capacity, during the period under consideration. To remedy this, the bill calls for the ITC to consider declines in production relative to domestic consumption and plant closings in determining serious injury.

Finally, the bill contains a provision designed to clarify certain factors that do not belong in an objective determination of economic injury, such as the effectiveness or consequences of import relief. While these factors are relevant to the President's decision on whether or not to grant relief as currently provided in the statute, they should have no bearing on an injury determination.

These provisions of the bill are self-evident, commonsensical measures. They are primarily clarifications of existing law, but do ensure that various factors that may have been overlooked by the Commission in the recent footwear case are part of its analysis in the future.●

● Mr. COHEN. Mr. President, I am pleased to join Senator DANFORTH today in introducing legislation to make necessary changes in the so-called escape clause procedures under section 201 of the Trade Reform Act of 1974.

Over the past few months, I have stood on this floor many times as chairman of the Senate Footwear Caucus to recite the plight of the footwear industry. The statistics of injury in this industry due to imports, such as massive import penetration levels, high unemployment and extensive plant closings present, in my view, the classic case of an industry that is unable to survive the onslaught of foreign imports. It is a perfect example of the type of case that should prevail under our trade laws. Despite this clear showing of injury by reason of imports, earlier this month the International Trade Commission denied the footwear industry's petition for relief under section 201.

In my opinion, the ITC's decision defies logic. The initial statements of the Commissioners indicate that the ITC has ignored the true condition of the domestic footwear industry. First, the Commission's decision that no injury has occurred underestimates the massive surge of imports that has flooded the domestic market. Since 1968, when tariffs were lowered, imports have increased by 232 percent. In 1983, they accounted for 64 percent of the U.S. market and over 6 percent of the entire U.S. trade deficit. Today, imported footwear comprises over 70 percent of the entire retail market. This import penetration level is well over twice the import levels in the steel and copper industries, which were both granted relief by the ITC last week.

These high import levels have had a crippling effect on the U.S. industry and its labor force. Unemployment in the industry now exceeds 18 percent, double the national average. In 1982, 41,000 American shoe workers were unemployed due to factory closings. Already, in 1984, approximately 20 more factories have been closed. In my own State of Maine—the largest footwear manufacturing State in the Nation—nearly 2,000 jobs have been lost since 1981, when the orderly marketing agreements were terminated.

Just last week, I received word from another Maine shoe manufacturer that it will be closing part of its facilities, putting over 50 more people out of work.

And yet, the ITC ruled that imports are not seriously injuring this industry. I invite the ITC commissioners to come to Maine and explain to the unemployed shoe workers, especially to those workers in rural areas with no other source of employment, that the footwear industry is not hurting due to imports.

The commissioners' statement that no injury exists because some of the shoe companies are making a profit is equally astounding. This ignores the fact that profit margins have been limited to only the larger companies. The majority of firms comprising the domestic industry, however, are small firms that have been hit hard by imports. Also, Mr. President, I want to point out that simply making a profit does not mean that the entire industry is not being injured. Simply start laying off workers and shutting down factories and it is easy to make a profit. Move your operations off shore to countries where the production costs are lower and you can certainly make a profit that way. The simple fact is that the industry has had to resort to these profitmaking techniques due to massive, uncontrolled imports. Only the survivors in this ravaged industry have turned a profit—and the number of survivors is dropping fast.

Mr. President, the ITC's decision in the footwear case brings me to the inescapable conclusion that our trade laws are not working as Congress intended. If this classic case of injury by reason of imports cannot pass muster under our trade laws, then the ITC is either misinterpreting the law or the current law must be clarified. It is my firm belief that this case should have won under the current escape clause provisions. In order to avoid another case of the ITC turning the rule of law on its head, however, it is crucial that the Congress amend the section 201 process so that relief will be granted in meritorious cases such as these.

The legislation we are introducing today would clarify the law in several areas. First, the bill makes clear that the ITC must consider increases in imports by domestic producers as a factor in finding serious injury or the threat of serious injury, rather than treating such increases as positive efforts to adjust. This change will make the ITC recognize that domestic producers are often forced to go offshore as a last resort in order to survive the flood of imports.

Second, the bill makes clear that a domestic industry's loss of market share is positive evidence of injury under section 201. In the footwear decision, the ITC indicated that the domestic footwear industry is not being injured, despite its total failure to participate in the tremendous growth of the market in 1982 and 1983. Making this change in the law will ensure that loss of market share is not disregarded by the ITC.

Third, the bill makes clear that the aggregate profitability of an industry alone does not preclude the ITC from finding serious injury or the threat of serious injury when the production and employment criteria of the statute are met.

Recently, I along with several of my colleagues, introduced S. 2731, a footwear quota bill to provide immediate relief to the footwear industry. Identical legislation has been introduced in the House. I, as well as other members of the Senate Footwear Caucus will actively pursue passage of that important legislation in order to save the domestic footwear industry from further decline.

I believe that, in addition to the quota legislation, the trade reforms we are introducing today are necessary to ensure that the travesty of justice we have witnessed in the footwear case will not be repeated. It is only fair that the Congress amend our trade laws so that relief will be granted to industries that are being sorely injured by imports.●

By Mr. BOSCHWITZ:

S. 2847. A bill to eliminate the asset criteria for the needs test under the guaranteed student loan program; to the Committee on Labor and Human Resources.

NEEDS TEST UNDER THE GUARANTEED STUDENT LOAN PROGRAM

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce legislation to ease access to the Guaranteed Student Loan Program. This bill would eliminate any asset test in determining eligibility for the GSL Program.

This program was first authorized in 1965 as part of the Higher Education Act. It was intended to address the student and needs of lower and especially middle income families by providing incentives to private lenders to make loans to students. The GSL Program was based on financial need from 1965 until 1978. In 1978 the needs test was removed by the Middle Income Student Assistance Act. Although this clearly made the GSL Program available to all students from middle income families, it also made the program available to high income families and contributed to the GSL Program becoming the fastest growing entitlement program in the late 1970's and early 1980's. The number of loan commitments more than tripled from fiscal year 1978 to fiscal year 1981 and appropriations in fiscal year 1981 were almost five times what they were in fiscal year 1978.

As part of the 1981 Omnibus Reconciliations Act a needs test was again applied to the GSL Program, but only where the family adjusted gross income exceed $30,000. However, not only is a determination of need based on income, but also on assets. First, this discourages savings for education because savings would be counted against students in determining eligibility for any aid, including a guaranteed student loan. It is usually easier to get a loan if you have some collateral, not more difficult. Second, many farm families are ineligible because the value of their family farm is counted against them in determining eligibility for the GSL Program. Although many farm families are land rich, they are cash poor, and are forced to sell land or farm equipment to pay for their son's or daughter's education.

The original purpose of the GSL Program was to help middle income students afford a post-secondary education. The $30,000 needs test helps to ensure high income students are not benefiting, but we need to eliminate consideration of assets to ensure that middle income students and families receive the assistance they need.●

By Mr. BOSCHWITZ:

S. 2848. A bill entitled the "Women's Small Business Ownership Act of 1984"; to the Committee on Small Business.

WOMEN'S SMALL BUSINESS OWNERSHIP ACT OF 1984

● Mr. BOSCHWITZ. Mr. President, I am introducing a bill to establish a National Commission on Women's Small Business Ownership. The purpose of the Commission will be to study ways to improve the business climate for women business owners. The Commission would be appointed for 2 years at a cost of about $2 million, report its findings, and then expire. Similar legislation has been introduced in the House by Congressman MOODY and has been reported out of the Small Business Committee.

You hear and read a lot about the difficulties encountered by women business owners, but there is very little statistical data available. The most recent statistics available are Census Bureau data from 1977 to 1980. That data showed that over that period the average net income of female-operated sole proprietorships continued to stay at about 31 percent of the average for male-operated sole proprietorships. The number of businesses owned by women increased 33 percent from 1977 to 1980, while business owned by men only increased 11 percent.

This Commission will help fill the void in statistics since 1980 by not only collecting available data but also reviewing data collecting procedures and

identifying gaps and discrepancies. The Commission will also review all existing Federal initiatives relating to women-owned small businesses and the Federal role in aiding and promoting women-owned small businesses. This bill directs the Commission to focus on the special problems of socially and economically disadvantaged women in owning small businesses. Finally, the Commission would be required to make recommendations based upon its findings. The recommendations should include private sector and Federal initiatives to assist women in small business ownership.

Last year, President Reagan took some important steps to help promote women entrepreneurs and to improve the business climate for women. He reinstituted the Interagency Committee on Women's Business Enterprise to coordinate the efforts of the various Federal agencies in assisting women business owners. The President established a Presidential Advisory Committee to advise the President and the Small Business Administration concerning the status of women-owned businesses. Probably the most innovative step taken by President Reagan was to initiate a series of conferences for women entrepreneurs to provide business skills training for women business owners. This Commission would complement the initiatives taken by President Reagan by serving as a review body of all efforts on behalf of women business owners.

As one of the few businessmen in Congress, and one of very few to have started a business from scratch, I know all too well the difficulties in owning a business. To succeed in business, particularly to start a business, I had to borrow from banks, approach new suppliers, convince landlords to rent me buildings, fight with government at various levels, and overcome many other obstacles. For women, accomplishing all of those things would have been harder. For a black, Hispanic, or Hmong it would have been harder as well, and if I had been a woman and a member of one of those minority groups it would have been harder still. One of the basics of the free enterprise system is access—All should have equal access to our economic system. We are not yet close to achieving economic parity in the marketplace and the pace at which we move is not rapid enough, especially considering the number of people affected. So barriers must be broken down, barriers—economic and others—that deny people equal access to treatment in our society.

The Commission established by this bill will help to identify those barriers and help us, both the Government and private sector, to break down those barriers.●

By Mr. DANFORTH (for himself, Mr. FORD, Mrs. KASSEBAUM, Mr. JEPSEN, Mr. EXON, Mr. KASTEN, Mr. GRASSLEY, and Mr. DOLE):

S.J. Res. 331. Joint resolution to require the Interstate Commerce Commission to consider certain indicators in determining the revenue adequacy of railroads, and for other purposes; to the Committee of Commerce, Science, and Transportation.

REVENUE ADEQUACY OF RAILROADS

● Mr. DANFORTH. Mr. President, today I am introducing on behalf of myself and Senators FORD, KASSEBAUM, JESPEN, EXON, KASTEN, GRASSLEY, and DOLE, a joint resolution dealing with the Interstate Commerce Commission's [ICC] regulation of the railroad industry.

The basis for the resolution goes back to last summer when I chaired Senate Commerce Committee hearings on the Staggers Rail Act of 1981. The purpose of the hearings was to determine whether the goals of the act were being met. We heard from numerous witnesses, including representatives of the railroad industry and shippers.

During the hearings, witnesses testified that the Staggers Act's goal of improving the financial health of the railroad industry was indeed being met. Witnesses said that this was best demonstrated by the industry's remarkable turnaround since the 1970's. Back then, the industry was plagued with bankruptcies. Today, the industry is being touted as a good investment by Wall Street.

On the other hand, witnesses said that the Staggers Act's other goals of ensuring effective competition and protecting shippers through regulation were not being met. They said the basic problem was that the ICC was not giving these goals sufficient weight in its regulation of the railroads. Let me explain further.

The Staggers Act gives greater rate freedom to a railroad that is not revenue adequate, that is to say, not profitable. In making this determination, the ICC has decided to look at only one factor, which is a comparison of the railroad's return on investment to the current cost of capital. Using this factor, all the major railroads have been found to be revenue inadequate. Shippers testified that if the ICC took into account additional financial factors, some of these same railroads would be found to be revenue adequate.

Another problem has arisen with respect to how the ICC determines market dominance. This is important because under the Staggers Act the ICC has authority to regulate rates only where the railroad has market dominance, which is another way of saying that the railroad has not effective competition. In making its determination on market dominance, the ICC has decided to consider product and geographical competition. Shippers testified that this would result in a further reduction of the ICC's jurisdiction over railroad rates.

In another area, the ICC has proposed certain guidelines to be used to ensure that railroad coal rates are reasonable. While this effort is commendable, shippers testified that the ICC's guidelines would not actually act as constraints on these rates, but instead would permit them to escalate.

Finally, during the hearing, shippers and some railroads stated that the ICC has not scrutinized the cancellation of joint routes, joint rates, and reciprocal switching agreements by certain railroads before they have gone into effect. These witnesses testified that the cancellations could reduce competition among railroads, and could lead to a new group of captive shippers if permitted to continue unabated.

Since the conclusion of the committee's hearings, I have wrestled with the question of whether legislation is necessary to address the concerns raised during the hearings. Frankly, I believe much could be accomplished without additional legislation. Further, I am aware that some shippers and rail carriers have been meeting to try to resolve some of these concerns. However, so far these matters still have not been resolved. Accordingly, I have decided to introduce the joint resolution at this time. I believe it gives a clear signal to the ICC and others that we in Congress really do expect all of the goals of the Staggers Act to be met. At the same time, the joint resolution does not actually amend the Staggers Act. Instead, it goes directly to the ICC's implementation of the act. Accordingly, I believe it represents a moderate approach that many of our colleagues can support.

In closing, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 331

Whereas the Interstate Commerce Commission (hereinafter referred to as the "Commission") is mandated by law to determine the revenue adequacy of railroads, and revenue adequacy is considered in any dispute regarding the reasonableness of rail rates;

Whereas, in determining the revenue adequacy of railroads, the Commission has decided to use a single financial indicator which results in most railroads being found to be revenue inadequate, despite other evidence to the contrary;

Whereas the Commission is responsible for determining whether a disputed rail rate is reasonable, in instances where there is an absence of effective competition;

Whereas the Commission has decided that evidence of geographic and product competition may be relevant in determining whether there is effective competition for service on a particular rail line;

Whereas the Commission has issued proposed guidelines for prescribing reasonable rates for the shipment of coal in instances where there is an absence of effective competition, and such guidelines are intended to make such rates subject to four upward constraints, described in terms of stand-alone costs, management efficiencies, 15-percent annual increases, and revenue adequacy;

Whereas such guidelines would not actually constrain rates for the shipment of coal, but would permit such rates to escalate;

Whereas the Commission is responsible for ensuring effective competition among rail carriers;

Whereas the Commission has permitted cancellations of through rates, joint rates and reciprocal switching agreements by rail carriers that control points of origin or destination, and such cancellations threaten competition;

Whereas the Commission is responsible for balancing the need for confidentiality of information regarding railroad contracts with the rights of parties to challenge such contracts; and

Whereas the Commission has decided to condition the release of detailed information regarding railroad contracts on the ability of parties challenging such contracts to demonstrate the likelihood of success on the merits of their complaints: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) in determining the revenue adequacy of railroads, the Commission should consider multiple financial indicators, such as return on investment, operating ratio, fixed-charge coverage ratio, and throw-off to debt ratio;

(2) in determining in any particular proceeding whether there is effective competition, the Commission should consider evidence of geographic and product competition only when the railroad which is a party to such proceeding proves that such evidence exists, and that such competition is an effective constraint on the rate of such railroad;

(3) the Commission should revise its proposed guidelines for prescribing reasonable rates for the shipment of coal in instances where there is an absence of effective competition, to clarify further the meaning of the guideline on stand-alone costs and to eliminate the guideline on 15 percent annual increases;

(4) in promoting maximum competition among rail carriers for rail traffic, the Commission should prohibit a rail carrier or its affiliate that controls a point of origin or destination from preventing another carrier from competing for such traffic by refusing to—

(A) interchange traffic at a requested junction point;

(B) provide requested reciprocal switching service; or

(C) establish a rate on a portion of a through route or a charge for reciprocal switching that commercially permits another carrier to provide the service, unless the carrier that controls a point of origin or destination proves that such rate or charge is less than its costs (plus a reasonable return) or providing service over such carrier's portion of the through movement, or of providing such reciprocal switching service;

(5) the Commission should expedite completion of its study of the reasons for and the effects of all cancellations of through rates, joint rail rates and reciprocal switching agreements which have occurred since the date of enactment of the Staggers Rail Act of 1980 (Public Law 96-448; 94 Stat. 1895) and should report to the Congress on any necessary or desirable administrative or legislative actions regarding such cancellations; and

(6) in releasing detailed information regarding railroad contracts, the Commission should facilitate discovery of such information by parties with standing to challenge such contracts.●

By Mr. DOLE (for himself, Mr. LEAHY, Mr. DANFORTH, Mr. HEINZ, Mr. HUDDLESTON, Mr. PRYOR, Mr. COCHRAN, Mr. DURENBERGER, Mr. HOLLINGS, Mr. INOUYE, Mr. JEPSEN, Mr. LUGAR, Mrs. HAWKINS, Mr. HATFIELD, Mr. HEFLIN, Mr. ZORINSKY, Mr. NUNN, Mr. JOHNSTON, Mr. WILSON, Mr. MATSUNAGA, Mr. HART, Mr. MOYNIHAN, Mr. BAUCUS, Mr. DIXON, Mr. BOREN, Mr. BUMPERS, Mr. COHEN, Mr. RANDOLPH, Mr. MURKOWSKI, and Mr. RIEGLE):

S.J. Res. 332. Joint resolution to proclaim October 16, 1984, as "World Food Day"; to the Committee on the Judiciary.

WORLD FOOD DAY

Mr. DOLE. Mr. President, the Senator from Kansas is pleased to introduce this year's Senate joint resolution designating October 16, 1984, as "World Food Day"; 29 of my colleagues join me in introducing this resolution, and I thank them for their support. The cosponsors of this resolution manifest the strong bipartisan concern that exists for the problems of world hunger: Senators LEAHY, DANFORTH, HEINZ, HUDDLESTON, PRYOR, COCHRAN, DURENBERGER, HOLLINGS, INOUYE, JEPSEN, LUGAR, HAWKINS, HATFIELD, HEFLIN, ZORINSKY, NUNN, JOHNSTON, WILSON, MATSUNAGA, HART, MOYNIHAN, BAUCUS, DIXON, BOREN, BUMPERS, COHEN, RANDOLPH, MURKOWSKI, and RIEGLE.

Last year, a similar resolution was introduced by the distinguished Senator from Pennsylvania. World Food Day has become an October tradition. Senators DANFORTH and LEAHY have also been very active in their concerns for world hunger.

Most recently, the distinguished Senator from Missouri toured Africa to personally visit those areas that were suffering from famine as a result of the prolonged drought conditions on that continent. The pictures and tales he came back with have left a lasting impression on all of us. His great concern was translated into action through his leadership in providing a total of $150 million for emergency Public Law 480 food assistance to Africa through the supplemental appropriations process this year.

PUBLIC AWARENESS EFFORT

Resolutions such as this one to designate World Food Day, help to increase the awareness of people in this country of the problems of hunger and malnutrition that face other less fortunate nations. Every year since it began, thousands of people participate in World Food Day events. Over 300 groups have joined the World Food Day National Committee to coordinate efforts relating to this issue. This kind of resolution demonstrates that the Congress of the United States is serious about its commitment to helping solve the serious problem of world hunger.

The issue is one that is tremendously complex—it is rooted in the poverty and challenges of economic development that Third World countries face. There are no easy solutions. But that doesn't mean that we shouldn't try to do what we can as one of the wealthiest nations in the world and the leading food producer.

There are four major organizations that are involved in food assistance efforts in Third World countries. The Food and Agriculture Organization [FAO], the World Food Programme, the International Fund for Agricultural Development, and the World Food Council. These organizations are to be congratulated on their tremendous commitment to the goals of providing food to people in countries faced with serious hunger and malnutrition problems.

WORLD FOOD SUPPLIES

The world's food supply remains a cause for serious concern in the early 1980's. The FAO Conference held in November of 1983 found that preliminary statistics indicated a decline of 1 percent in world food and agricultural production in 1983 after an increase of about 3 percent in the preceding 2 years. Further, production in developing countries increased at a rate well below that of the previous 2 years and was lower than the average for the period 1978-82. In the developed countries, food production had declined by 8 percent. A decrease in coarse grain output of 13 to 14 percent was reported, primarily in North America.

WORLD FOOD AID NEEDS

According to a recent outlook and situation summary released by the U.S. Department of Agriculture, world food aid needs remain high. During 1984-85, developing countries will need to import 1 million more tons of grain than the previous year to maintain diets at existing levels. Although food aid needs are projected to decline an estimated 640,000 tons from the 1983-84 high of 12.4 million, this will still represent 38 percent of the countries' 31 million-ton food import requirement.

INEQUITABLE DISTRIBUTION OF FOOD SUPPLY

If world food supplies were distributed equitably, there would be enough to feed all the world's people at nutritionally adequate levels. However, food supplies are shared very unevenly between the relatively wealthy developed nations and the poor developing countries. Further inequities exist among the Third World countries themselves, as well as among the different population and income groups within them.

FAO estimates that about one-quarter of the people in the developing countries are undernourished. Nearly three-quarters are to be found in the Far East, but Africa has almost as high a proportion of undernourished people. The total numbers of undernourished people have continued to increase in recent years. Twelve countries have extremely severe malnutrition problems—India, Indonesia, Bangladesh, Nigeria, Brazil, Ethiopia, Pakistan, the Philippines, Afghanistan, Burma, Colombia, and Thailand. More than 40 percent of the populations of Chad, Ethiopia, and Haiti are undernourished.

DROUGHT SITUATION IN AFRICA

The United States has been particularly concerned about the situation in Africa, where 22 western, eastern, and southern African countries, with a combined population of 150 million, are threatened by grave food shortages. In an attempt to provide relief for this drought situation, the Congress has provided an additional $150 million in food assistance through the Public Law 480 program to address the need in African countries. This Food-for-Peace Program is the primary mechanism by which the United States participates in efforts to eradicate world hunger.

MAGNITUDE OF PROBLEM

Mr. President, the world's population exceeds 4,000 million, and of this number, nearly 500 million suffer from severe malnutrition. The human consequences of these appalling statistics are everyday misery, chronic illness, and often death.

Although it is uncertain how many people actually die from starvation every year, millions of people die from illnesses which they are too weak to resist as a result of malnutrition and even outright hunger. The infant death rate for children under the age of 5 is a matter of grave concern. Many children in underdeveloped countries never have a chance to survive to a better future.

This widespread problem of hunger and malnutrition that continued to exist in Third World countries is not simply caused by inadequate food production—the root problem is poverty. Fighting world hunger begins with the battle against poverty. Closely related to this is the necessity to develop a Third World country's agricultural system so that it can become self-sufficient, generating both food for the hunger and jobs for the rural population.

CONCLUDING REMARKS

Mr. President, the Senator from Kansas is pleased to be able to introduce this resolution with more than the requisite number of cosponsors. Although the world hunger situation has appeared to be somewhat alleviated during the past 2 years, crises like the African drought and accompanying famine conditions may be expected to arise and will require a widespread humanitarian response from the world's greatest food producers, of which we are the leader.

We have been blessed with agricultural abundance in this country, and it is in the traditional American spirit of generosity that we provide assistance to less fortunate underdeveloped countries through programs such as the Food for Peace Program (Public Law 480). Hunger in any form is unacceptable, and this World Food Day resolution is part of a continuing effort to generate an understanding of the magnitude of this world hunger problem. I thank my colleagues for their support of this effort, and hope that this resolution will receive expeditious consideration by the committee.

Mr. DANFORTH. Mr. President, I am pleased to cosponsor a joint resolution designating October 16, 1984, as "World Food Day." The commemoration of this day will encourage thousands of people across the country to discuss and take action on world hunger issues. There is clearly a pressing need to heighten public awareness of the world hunger problem. Global nutrition requirements are outstripping food aid resources at an alarming pace. As the world's foremost food producer and largest food donor, the United States is obligated to take the lead in correcting this tragic imbalance. If we fail to commit ourselves to this undertaking, the elimination of hunger will remain an illusory dream.

The obstacles confronting us are formidable. Natural and manmade disasters have wreaked havoc with food production and food supply systems in country after country. As a result, more than 500 million people are plagued by hunger and chronic malnutrition. Over half of those afflicted by hunger are small children. In a single day, more than 40,000 children die of nutrition-related causes. Many of those who survive the ravages of hunger will go through life with serious mental or physical disabilities.

Most of the world's severely malnourished people live in the developing nations of Asia, Africa, Latin America, and the Indian subcontinent. It is in Sub-Saharan Africa, however, that the food crisis is most acute. Sub-Saharan Africa is the only region in the world where per capita food production is actually declining. There are more hungry people in Africa today than 10 years ago. Inevitably, the children suffer the most. Nutrition experts estimate that one in three African children dies of hunger or malnutrition-related disease before reaching school age. There is every indication that the continent's food situation will continue to deteriorate in the coming years.

Finally, we must not forget that even in the United States, there are people who go without enough to eat. Although accurate measures of the extent of domestic hunger are hard to come by, the available evidence indicates that the number of people seeking food relief is on the increase.

The world hunger problem can be overcome. The necessary resources and technology already exist. We only lack the will. The United States and the other developed nations must renew their commitment to free the world from hunger. The people of the developing world must in turn commit themselves to working constructively with us toward this goal. I believe that the celebration of World Food Day is an important first step in this mutual undertaking.

Mr. President, I ask unanimous consent that the proposed joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 332

Whereas World War I, the "war to end all wars" began seventy years ago;

Whereas that war spawned a new breed of warrior, the aviator, who engaged in single combat high above the conflict on the ground;

Whereas these truly remarkable men defended the skies of Europe with valor and distinction;

Whereas some of these aviators achieved the title "Ace" by gaining at least five confirmed victories over opponents in the air;

Whereas there are only about 60 known surviving Aces of World War I, who meet periodically to share memories of a conflict familiar to many Americans only through recorded history;

Whereas all Americans should express their gratitude and respect for these galliant air warriors for their extraordinary feat in defense of liberty: Now therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 21, 1984 is designated as "World War I Aces and Aviators Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

By Mr. HELMS:

S.J. Res. 333. Joint resolution to designate September 21, 1984 as "World War I Aces and Aviators Day"; to the Committee on the Judiciary.

WORLD WAR I ACES AND AVIATORS DAY

● Mr. HELMS. Mr. President, I am today introducing legislation that will establish September 21, 1984 as "World War I Aces and Aviators Day."

Seventy years ago, World War I, "the war to end all wars," began. Before it was over, American blood stained the fields of France. Like the men who stormed the beaches of Normandy a generation later, they were willing to give their lives so that others might live in freedom. Just repeating the names like the Marne, Chateau-Thierry, Belleau Wood and the Argonne is enough to conjure up the horror of that conflict.

That war also spawned a new breed of warrior, Mr. President, one who sometimes was locked in single combat far above the impersonal mass slaughter on the ground. He was, of course, the airman. Aviation was in its infancy then. The first sustained flight by a heavier than air powered craft took place on December 17, 1903, when the Wright brothers' *Flyer* took off at Kitty Hawk, NC. The first aeroplane for possible military use was not delivered to the U.S. Army until August 1909.

At the start of World War I the aeroplane was generally viewed as being of dubious military value. But in 4 years it had become a powerful strategic weapon. Aviation at the time was novel enough, and dangerous enough to excite universal admiration. Still, it was the "Ace," the individual flyer who was able to achieve five confirmed victories over his opponents in the air, that stood out above all others. Despite the seriousness of their work, some viewed it as a game. They were lighthearted youths who, because of the often individualistic nature of their contests, were dubbed "Knights of the Air." They were also among the real pioneers of aviation and this country owes these men a great deal.

Now their ranks are thin, Mr. President. Like so many of their doughboy counterparts on the ground, the final roll call has sounded for most of our first air aces. Soon they all will be gone and their names, and the feats they achieved, will slip into the history books along with their comrades from earlier wars. Those aces from the first air war who remain today are truly remarkable men. Our Nation is proud of them and we should find a way to honor them for the contributions they have made to our country and to the progress of aviation.

I am therefore introducing this resolution calling upon the President of the United States to proclaim September 21, 1984 as "World War I Aces and Aviators Day," so that all Americans can express their gratitude and respect for these courageous airmen. I urge other Senators to join in support of this legislation.●

ADDITIONAL COSPONSORS

S. 1531

At the request of Mr. RIEGLE, the names of the Senator from North Dakota [Mr. ANDREWS], the Senator from Mississippi [Mr. STENNIS], the Senator from New Jersey [Mr. BRADLEY], the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 1531, A bill to encourage the use of public school facilities before and after school hours for the care of school-age children and for other purposes.

S. 1779

At the request of Mr. PROXMIRE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1779, A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to generate additional revenues for the Superfund to provide incentives for hazardous waste recycling and to provide for certain additional forms of assistance respecting release of hazardous substances, to amend the Internal Revenue Code of 1954 to impose (in lieu of the Superfund taxes on petroleum and chemical feedstocks) an additional tax on hazardous wastes, and for other purposes.

S. 1841

At the request of Mr. THURMOND, the names of the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1841, A bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 2258

At the request of Mr. MOYNIHAN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2258, A bill to grant a Federal charter to the 369th Veterans' Association.

S. 2509

At the request of Mr. RUDMAN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 2509, a bill to amend the Federal Election Campaign Act of 1971 to regulate political advertising in campaigns for Federal elective office.

S. 2720

At the request of Mrs. HAWKINS, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Georgia [Mr. MATTINGLY] were added as cosponsors of S. 2720, a bill to recognize the organization known as the Women's Army Corps Veterans' Association.

S. 2725

At the request of Mr. DECONCINI, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 2725, a bill to amend part A of title XVIII of the Social Security Act with respect to payment rates for hospice care.

S. 2735

At the request of Mr. NICKLES, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2735, a bill to rescind funds appropriated to the Energy Security Reserve by the 1980 Department of the Interior and Related Agencies Appropriations Act, and for other purposes.

S. 2743

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Colorado [Mr. HART], the Senator from Maryland [Mr. SARBANES], the Senator from Nevada [Mr. HECHT], the Senator from South Dakota [Mr. PRESSLER], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 2743, a bill to designate a portion of 16th Street, NW., Washington, DC, on which the Embassy of the Union of Soviet Socialists Republics is located, as "Andrei Sakharov Avenue."

S. 2766

At the request of Mr. THURMOND, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from Massachusetts [Mr. TSONGAS], the Senator from Georgia [Mr. MATTINGLY], and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 2766, a bill to amend Chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition.

S. 2774

At the request of Mrs. KASSEBAUM, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Georgia [Mr. NUNN], the Senator from Utah [Mr. HATCH], the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 2774, a bill to grant a Federal charter to the National Society, Daughters of the American Colonists.

S. 2802

At the request of Mr. THURMOND, the names of the Senator from North Carolina [Mr. EAST], and the Senator from Alabama [Mr. DENTON], were added as cosponsors of S. 2802, A bill to provide for comprehensive reforms and to achieve greater equity in the compensation of attorneys pursuant to Federal statute in civil, criminal, and administrative proceedings in which the United States is party, and in civil proceedings involving State and local governments.

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the name of the Senator from Iowa [Mr.

GRASSLEY] was added as a cosponsor of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, as "Ethnic American Day".

SENATE JOINT RESOLUTION 276

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 276, a joint resolution to designate the week beginning June 3, 1984, as "Management Week in America".

SENATE JOINT RESOLUTION 299

At the request of Mr. BYRD, his name was added as a cosponsor of Senate Joint Resolution 299, a joint resolution to designate November 1984 as "National Diabetes Month".

At the request of Mr. ABDNOR, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from South Dakota [Mr. PRESSLER], the Senator from Idaho [Mr. MCCLURE], the Senator from North Dakota [Mr. BURDICK], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of Senate Joint Resolution 299, supra.

SENATE JOINT RESOLUTION 305

At the request of Mrs. HAWKINS, the names of the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Joint Resolution 305, a joint resolution to designate the week of September 10, 1984, through September 16, 1984, as "Teenage Alcohol Abuse Awareness Week".

SENATE JOINT RESOLUTION 307

At the request of Mr. GARN, the names of the Senator from Alabama [Mr. DENTON], the Senator from Florida [Mrs. HAWKINS], the Senator from Texas [Mr. TOWER], the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 307, a joint resolution to designate July 20, 1984, as "Space Exploration Day".

SENATE JOINT RESOLUTION 308

At the request of Mr. NUNN, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of Senate Joint Resolution 308, a joint resolution to designate the week beginning on September 9, 1984, as "National Community Leadership Week".

SENATE JOINT RESOLUTION 309

At the request of Mr. BENTSEN, the names of the Senator from West Virginia [Mr. RANDOLPH], the Senator from Massachusetts [Mr. TSONGAS], the Senator from South Carolina [Mr. THURMOND], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Illinois [Mr. DIXON], the Senator from Arkansas [Mr. BUMPERS], the Senator from California [Mr. WILSON], the Senator from Ohio [Mr. GLENN], the Senator from Michigan [Mr. LEVIN], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of Senate Joint Resolution 309, a joint resolution authorizing and requesting the President to designate January 1985 as "National Cerebral Palsy Month".

SENATE JOINT RESOLUTION 325

At the request of Mr. NUNN, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 325, a joint resolution to designate October 7, 1984 through October 13, 1984, as "National Children's Week".

SENATE CONCURRENT RESOLUTION 118

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Colorado [Mr. HART], the Senator from Maryland [Mr. SARBANES], the Senator from Nevada [Mr. HECHT], the Senator from South Dakota [Mr. PRESSLER], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Concurrent Resolution 118, a concurrent resolution expressing the sense of Congress that the portion of the street in the District of Columbia on which is located the Embassy of the Union of Soviet Socialist Republics, and the portion of any street in any other city in the United States on which is located a consular office or mission of the Union of Soviet Socialist Republics, should be named Andrei Sakharov Avenue.

SENATE CONCURRENT RESOLUTION 120

At the request of Mrs. HAWKINS, the name of the Senator from Massachusetts [Mr. TSONGAS] was added as a cosponsor of Senate Concurrent Resolution 120, a concurrent resolution expressing the sense of the Congress that the legislatures of the States should develop and enact legislation designed to provide child victims of sexual assault with protection and assistance during administrative and judicial proceedings.

SENATE CONCURRENT RESOLUTION 129

At the request of Mr. MATSUNAGA, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of Senate Concurrent Resolution 129, a concurrent resolution relating to space rescue.

SENATE RESOLUTION 412

At the request of Mr. HOLLINGS, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Resolution 412, a resolution to congratulate and commend the USA Philharmonic Society.

SENATE RESOLUTION 414

At the request of Mr. BYRD, his name was added as a cosponsor of Senate Resolution 414, a resolution to congratulate and commend the USA Philharmonic Society.

SENATE CONCURRENT RESOLUTION 130—RELATING TO CREDIT TREATMENT OF AGRICULTURAL BORROWERS

Mr. EXON (for himself, Mr. HUDDLESTON, Mr. JEPSEN, Mr. FORD, and Mr. ZORINSKY) submitted the following concurrent resolution; which was placed on the calendar by unanimous consent:

S. RES. 130

Whereas the competing credit demands by State and local governments, agriculture, business, and consumers, aggravated by massive Federal debt financing and increasing credit demands by foreign governments, continue to cause serious economic disruption in rural America;

Whereas the United States has a vital interest in protecting the economic health of American farmers;

Whereas the American farmer has been caught in an unprecedented credit squeeze;

Whereas current monetary and fiscal policies have caused real interest rates to remain at two or three times historic levels of such rates;

Whereas high real interest rates have dramatically increased the value of the dollar to the detriment of farmers who devote at least one out of three acres of land to production for export;

Whereas the average value of an acre of farm land fell this year for the third year in a row, the longest sustained decline since the Great Depression;

Whereas the total amount of debt owed by American farmers is $203,800,000,000;

Whereas last year Brazil, Mexico, Argentina, and Venezuela held $260,000,000,000 in external debt and the interest payments on these loans alone totaled more than $20,000,000,000;

Whereas the governments of Brazil, Mexico, Argentina, and Venezuela have been successful in securing postponements in debt and principal repayments, favorable renegotiations, new loan guarantees, and other special arrangements through private negotiations, assistance from the United States Government, and the International Monetary Fund; and

Whereas American farmers have been unsuccessful in securing similar special treatment from private banks or the Federal Government; Now, therefore, be it

Resolved by the Senate (the House of Representatives of the United States of America in Congress concurring), That it is the sense of the Congress that—

(1) the President, in cooperation with the Board of Governors of the Federal Reserve System, should exercise appropriate authority to assure that an adequate flow of credit be available to American farmers at reasonable rates and that American farmers be treated no less favorably than foreign borrowers with comparable levels of risk, and

(2) the President, in cooperation with the Board of Governors of the Federal Reserve System, should take noninflationary actions necessary to reduce interest rates which are currently at levels abnormally above the real cost of money.

Mr. EXON. Mr. President, I rise to offer a concurrent resolution to express the sense of the Congress that American farmers should receive fair treatment and an adequate flow of credit.

Wednesday night, this body approved a most modest deficit reduction package. The recent string of record deficits have had an extremely adverse effect on rural America. As Federal borrowing competes with private borrowing, interest rates increase and as interest rates increase, so does the value of the dollar. Needless to say, this chain reaction has especially hurt the American farmer.

Not only do expenses rise due to increased interest costs, but foreign markets are closed due to the overvalued dollar. In a sector that devotes one-third of its capacity to export. A strong dollar is devastating.

Farmers are facing increasing difficulty in securing loans to get them through this extremely difficult period. Although Nebraska, like many rural States, enjoys a low rate of employment, it is not enjoying prosperity. The unemployment statistics mask a real crisis in rural America.

There have been record numbers of foreclosures and farm sales across the Midwest. The dockets of the bankruptcy courts are filled with farm bankruptcies. This spring many farmers went to their local bankers to renew their loans only to be told that this year the bank just cannot renew.

There is a credit crisis in rural America. Unfortunately, the general public does not know about it.

In contrast, the debt crisis among foreign borrowers receives daily attention in the media and from the administration. Just yesterday, Secretary Regan decried the recent surge in the prime interest rate because it has, in his words, "inflamed a lot of Latin American nations and many of their leaders."

Mr. President, as a Senator from a farm State, I am here to say that if Latin American leaders are inflamed, the American farmers are ablazin'.

The external debt of Brazil, Mexico, Argentina, and Venezuela is roughly equivalent to the total indebtedness of the American farmer. However, I have been puzzled at the diverse treatment the two situations receive.

When foreign borrowers are faced with a temporary inability to repay loans, the President requests an $8.4 billion increase in the funding for the International Monetary Fund to bail out the foreign borrowers.

Recently, when Argentina could not make its loan repayments, the administration lined up a massive loan guarantee scheme.

However, when the American farmer faces a temporary inability to repay his or her loan obligations, the administration railroads a bill through Congress to cut target price supports and reduce farmers' income.

Maybe farm credit problems receive little attention because farm bankers are small local banks rather than the Chase Manhattan or Manufacturers Hanover Trust.

Mr. President, if given the chance, I am confident that the American farmer can weather this storm. The American farmer is a good risk. Our Nation is blessed with the globe's most fertile land, our agricultural sector is the world's most productive and if the Federal Government can get its financial house in order, the agricultural trade opportunities on the world market are indeed bright.

I am not so confident of the creditworthiness of some of our largest foreign borrowers. Recently 11 Latin American nations banded together to form a borrowers cartel. The combined strength of this organization causes me to wonder whether the American lenders or their guarantors will see much of their money. But I surely expect that one way or another Uncle Sam will be asked to pay up.

The irony is indeed great. Farmers, a good credit risk, are unable to secure sufficient credit, while large Latin American borrowers, a questionable credit risk, at best, are given more and more credit.

This resolution asks for equity. Our Nation's first obligation is to its own. The agricultural sector of our economy is subject to constant uncertainty due to the shifting sands of unstable Federal economic policy.

This resolution asks that the President endeavor to assure an adequate flow of credit to American farmers and to assure that farmers are treated no less favorably than foreign borrowers of comparable risk.

I hope that my colleagues see the fairness of this resolution and vote for its adoption.

Mr. President, I ask unanimous consent that recent editorials appearing in the Lincoln Star and the Lincoln Journal newspapers be printed in the RECORD as if read.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Lincoln (NE) Journal-Star, June 24, 1984]

DEBT: THE DIRTY SECRET GETS OUT

(By Joseph Kraft)

One by one the veils are coming off that dirty secret of international life—the Latin American debt problem. Already events have forced the debtor countries, the commercial banks and the monetary authorities to declare their distress.

Only the U.S. government continues to ignore the case for emergency measures. But that ostrich-like attitude could prove costly—in political as well as economic impact.

About $350 billion is owed by Latin American countries to several hundred banks in the United States, Western Europe, the Mideast and Japan. Most of the debt is concentrated in four countries—Brazil ($93 billion), Mexico ($87 billion), Argentina ($45 billion) and Venezuela ($34 billion). Defaults by any one country could strain the biggest U.S. banks—stimulating a panic that might bring down the whole financial system.

Since the mid-1982, the debtor countries have been unable to meet their obligations. But Mexico, the first country to run short, developed, with the Federal Reserve Board and the International Monetary Fund, a way to meet the problem on the quiet. The Mexican model, followed by much of Latin America, involved three elements.

First, an austerity program designed to restore financial solvency was worked out by the debtor countries with the IMF. Second, the IMF pushed the commercial banks to roll over existing loans and to cough up some new money. Third, the regulatory agencies, led by the Fed, relaxed the rules so that the commercial banks did not have to reclassify their loans in ways that would diminish earnings and thus reduce public confidence.

As the crisis atmosphere of 1982 wore off, however, public opinion in Latin America grew increasingly hostile to austerity policies undertaken on behalf of foreign banks. In Argentina the democratic government of Raul Alfonsin, which took over from the military junta, found the pressure particulary acute.

Accordingly, Argentina refused to come to terms with the IMF. It made repeated difficulties about interest payments to the banks. It appealed to other Latin American countries for support. A meeting of 11 Latin American countries in Colombia last week asserted anew the case against poor countries tightening their belts to pay off the banks of rich countries.

For a while the banks and the monetary authorities tried to pretend that nothing much was happening. But a run on Continental Illinois, a major bank with many bad loans, showed the bluff was not working. The Fed and other regulatory agencies were obliged to throw the full credit of the United States behind all deposits with Continental Illinois and other major U.S. banks.

With their weakness thus exposed, the banks have now stopped pretending all their Latin American loans are good as gold.

A logical next step is a move by the political authorities in the industrial countries. In one way or another, a promise of more money for the IMF, for the debtor countries, for the banks, needs to be made. For more money is the condition of more lending. More lending is the condition of economic growth in Latin America. And growth is the condition of decisions by Argentina and other countries to keep current on payments which the banks require to stay afloat.

At the London summit this month the seven industrial countries committed themselves to protect the international financial system. But so far, the U.S. government has dug in against further support for the debtor countries, banks or monetary authorities. The official view is that government support can only cushion the bad policies of debtor countries and the banks. And, having gone this far with that view, there is an understandable temptation to hang tough till the elections.

That standoff attitude, however, is more and more risky as the dirty secret becomes known. For the debtor countries are increasingly disposed to challenge the harsh terms imposed by the rich nations. As they do, the position of the banks becomes visibly weaker. And apprehension about the banks leads to sudden gusts of panic that seem to come out of nowhere. Recent runs on U.S. banks have started with rumors in Tokyo.

"The whole system could collapse." one U.S. expert said, "while we were sleeping."

Moreover, if the Reagan administration continues to sit on its hands, the do-nothing policy will be fair game politically. For the financial jitters are connected to big deficits and high interest rates.

[From the Lincoln (NE) Journal, June 13, 1984]

DEBT CRISIS ON FARM SHOULD COMMAND REAGANITES' INTEREST

In what way are many Great Plains and Midwest farmers and ranchers like Brazil, Argentina, Poland or Mexico? That's easy, isn't it? All are shouldering immense debt loads which they are currently incapable of paying off on time. [And maybe incapable of ever repaying.]

What to do to prevent a formal declaration of bankruptcy? The single most utilized crisis approach on the international scene has been what's called rescheduling. That means the loan repayments are rearranged so they can be made over a longer time schedule. Instead of 30 years, maybe 40 or 50.

Anything, or almost anything, to prevent an official bankruptcy, or debt repudiation. Such would be devastating for the subject nation as well as for the collection of huge banks—including the biggest ones in the United States—which recklessly lent the billions in a more euphoric or seemingly favored time.

We Americans have had bruising experience at this domestically.

During the Great Depression a half-century ago, farmers in Nebraska and other states demanded state legislatures enact moratoriums on farm foreclosures. That was a form of debt rescheduling. Last Sunday the Des Moines Register editorially made a major appeal to Congress; stretch out the farm debt. Act quickly, too.

The Iowa newspaper observed that tens of thousands of American farmers have been "caught on the wrong side of a historic change in the world's economy. After years of inflation, during which it was profitable to borrow, suddenly it became perilous to be in debt. Those farmers lucky enough to have retired most of their debt before the change, or those prudent enough to avoid heavy debt, are generally doing fine. Neighbors who happened to borrow at the wrong time, however, are facing a situation almost as grim as that faced by farmers during the Depression."

Plugged by the Register would be a debt restructuring and stretch-out program, backed by federal guarantees. It is a program at least worth reviewing.

You'd think that a Reagan administration which either acquiesces in or aggressively promotes the restructuring and rescheduling of international debt by Poland and Argentina, and agrees with the temporary rescue of the giant-sized Continental Illinois National Bank and Trust Co. would show comparable interest in the American farm debt crisis.

Regardless of the Reagan re-election line about the great day in the morning again, the only reason some Americans once more are "standing tall" is that they absolutely must. If they don't, high water will immediately cover their heads.

U.S. DEFICIT, ARGENTINE DEBT SQUEEZE FARMERS IN DILEMMA

Nebraskans, in common with other citizens, understand that the debt bedeviling Third World countries has some importance for our nation. Such big-money affairs may seem rather abstract, but we realize that if those countries default on what they owe major U.S. banks, the repercussions could shake our financial system and probably the world's.

Sometimes, however, it is only by examining specific cases that we can grasp the ramifications reaching all the way to the neighborhoods where we live.

Argentina offers an example. It is one of the nations struggling under a heavy debt burden. And, as columnist Joseph Kraft recounts elsewhere on this page, its people are resisting austerity measures being imposed by its leaders. The government is under pressure to find other ways to put Argentina's financial house in order.

One way to do this is by an increase in exports, which brings more money into the Argentine economy from outside. Selling farm products abroad is particularly appealing to Argentina, because it is an agricultural country with much potential still untapped. And, at the moment, international grain prices are rising.

Argentina, then, looms as an increasingly tough competitor for U.S. farmers attempting to sell to foreign markets.

A few figures tell the story. So far in this decade, the Argentine share of world wheat trade has been double what it was a decade earlier, reports the U.S. Department of Agriculture. The country's total exports of wheat and coarse grains also doubled in that period. And its land planted to soybeans has risen from 40,000 acres in 1965 to more than 6 million acres now, according to a study for the American Soybean Association.

Moreover, with meat exports declining, Argentina can be expected to put more land into crop production. Its government is aggressively encouraging increased agricultural production.

Countries such as Argentina, struggling for their very economic survival, can be formidable rivals in world trade. How do U.S. farmers meet this competition?

Not by pricing themselves out of the market, obviously. Yet the muscle shown by the U.S. dollar in relation to other currencies makes our farm products—indeed, all our exports—more expensive abroad.

Our dollar's value is high, of course, because interest rates here are high. And interest rates are high because our government is a major customer for credit. That, in turn, is so because government is operating with such a fearsome budget deficit.

The Argentine case shows why prosperity on our farms—and throughout the economies of agriculture-oriented states like Nebraska—is dependent on curbing the deficit and restraining interest rates so the dollar's value moves to a more realistic level. And the shadow of the deficit that falls on rural areas also darkens the whole of the national economy.

Mr. EXON. Mr. President, I am also pleased to announce that Senator JEPSEN of Iowa has asked to be a cosponsor of this resolution, as well as Senator FORD of Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, this matter, as I understand it, has been cleared by both the chairman of the Banking Committee, who is on the floor, and also the ranking minority member, Senator PROXMIRE, of Wisconsin. The Senator from Kentucky, Senator HUDDLESTON, has asked to be made a cosponsor of the concurrent resolution which I send to the desk at the time.

The PRESIDING OFFICER. Without objection, the resolution will be placed on the calendar.

Mr. BAKER. I thank all Senators.

ADDITIONAL COSPONSOR—SENATE CONCURRENT RESOLUTION 130

Mr. EXON. Mr. President, earlier today I introduced a concurrent resolution with several cosponsors. I ask unanimous consent that Senator ZORINSKY of Nebraska be added as a cosponsor of the concurrent resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS SUBMITTED

AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE ACT

ZORINSKY AMENDMENT NO. 3375

Mr. BYRD (for Mr. ZORINSKY) proposed an amendment to the bill S. 1643, to strengthen the operation of the Agricultural Stabilization and Conservation Committee System, and for other purposes, as follows:

On page 1, line 4, strike out "1983" and insert in lieu thereof "1984".

On page 2, strike out lines 6, 7, and 8 and insert in lieu thereof the following: "ing: 'The county committee for a county, by majority vote, may petition the Secretary to change the number of local areas in the county, and the Secretary shall make such change as petitioned by the county committee, except that any such change may not result in the number of local areas in a county exceeding the number of such areas in the county on December 31, 1980.';".

On page 2, lines 12, 13, and 14, strike out "Each local committee shall meet not less than four times annually, the meetings to be held on different days of the year." and insert in lieu thereof "Each local committee shall meet (1) one time each year, and (2) at the direction of the county committee, with the approval of the State committee, such additional times during the year as may be necessary to carry out this section. Notwithstanding section 388 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1388), the Secretary may not provide compensation or payments to a member of a local committee under such section for work performed at, or travel expenses incurred in attending, more than four meetings of such committee in any year. The meetings of a local committee shall be held on different days of the year.".

On page 2, line 18, strike out "(A)" and all that follows through "(B)" on line 19 and insert in lieu thereof a comma.

On page 3, lines 7 and 8, strike out "and the management of land, water, and related resources" and insert in lieu thereof "programs".

On page 3, line 9, strike out "timely" and insert in lieu thereof "in a timely manner".

On page 3, line 13, strike out "1984" and insert in lieu thereof "1985".

On page 3, line 16, strike out "1984" and insert in lieu thereof "1985".

On page 3, strike out lines 17, 18, and 19 and insert in lieu thereof the following: "(c) If a change in the number of local administrative areas in a county under section 8(b) of the Soil Conservation and Domestic Allotment Act under the amendment made by subsection".

On page 3, line 22, strike out "to be designated" and all that follows through "Act" on line 24.

On page 4, line 1, strike out "the" and insert in lieu thereof "a".

On page 4, line 2, strike out "1984" and insert in lieu thereof "1985".

On page 4, line 3, strike out "increases" and insert in lieu thereof "increase".

On page 4, line 4, strike out "so designated".

On page 4, line 7, strike out "1984" and insert in lieu thereof "1985".

On page 4, line 19, strike out "1984" and insert in lieu thereof "1985".

CULTURAL PROPERTY REPOSE ACT

BENTSEN AMENDMENT NO. 3376

(Ordered referred to the Committee on the Judiciary.)

Mr. BENTSEN submitted an amendment intended to be proposed by him to the bill (S. 311) to amend title 28 of the United States Code to set up a regime of repose for certain archeological and ethnological material and cultural property; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Cultural Property Repose Act of 1984".

SEC. 2. (a) Title 28, United States Code, is amended by adding the following new chapter after chapter 99:

"CHAPTER 101.—REPOSE FOR CERTAIN ITEMS OF ARCHEOLOGICAL AND ETHNOLOGICAL MATERIAL AND CULTURAL PROPERTY

"§ 1641. Repose for certain items of archeological and ethnological material and cultural property

"(a) Notwithstanding any other provision of Federal or State law, no foreign state shall, except as provided in subsection (b) of this section, bring an action in any court of the United States or of any State, including the District of Columbia, to recover possession of, or to obtain damages related to, any archeological or ethnological material or any article of cultural property which, before the institution of such action—

"(1) has been held in the United States for five years prior to the date of enactment of this Act, and no such action shall be maintained if, on the date of enactment of this Act, the archeological or ethnological material or cultural property, with respect to which such action was instituted, has been held in the United States for five years; or

"(2) has been held in the United States for two years irrespective of the date of enactment of this Act by a recognized museum or religious or secular monument or similar institution, if, for that period, the institution has exhibited the item or has made knowledge of it available through publication, cataloguing or otherwise; or

"(3) has been held in the United States for five years irrespective of the date of enactment of this Act if, for three years of that period, that fact of such holding was public through public exhibition or publication, through consultation by the holder with scholars or experts, through published studies or otherwise; or

"(4) has been held in the United States for ten years irrespective of the date of enactment of this Act unless the foreign state establishes that the United States holder acquired the item with actual knowledge that it had been removed from the possession of the country of origin in violation of the law of the country of origin, in which event the foreign state shall have two years from the date such state acquired knowledge of the identity of the holder in which to bring such action.

"(b) Notwithstanding any other provision of Federal or State law, no foreign state shall bring an action in any court of the United States or of any State, including the District of Columbia, to recover possession of, or to obtain damages related to, particular archeological or ethnological material or any article of cultural property, which was exported from the country of origin after designation pursuant to the Convention on Cultural Property Implementation Act, Pub. L. No. 97-446, tit. III, § 305, 96 Stat. 2355-56 (1983), or after the President has applied import restrictions pursuant to that Act, Pub. L. No. 97-446, tit. III, § 304, 96 Stat. 2354-55 (1983), and which, before the institution of such action, qualified for exemption pursuant to that Act, Pub. L. No. 97-446, tit. III, § 312, 96 Stat. 2362 (1983).

"(c) For purposes of this section—

"(1) the term 'any archeological or ethnological material or any article of cultural property' means any article described in Article 1(a) through (k) of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific, and Cultural Organization on November 14, 1970, whether or not any such article has been designated as such by a foreign state for the purposes of such article; and

"(2) the term 'foreign state' means a foreign state as defined in section 1603 of title 28, United States Code, and any assignee or successor in interest thereof.".

(b) The chapter analysis of part IV of title 28, United States Code, is amended by adding at the end thereof the following:

"101. Repose for Certain Items of Archeological and Ethnological Material and Cultural Property ..... 1641".

SEC. 3. The amendments made by this Act shall apply with respect to any proceeding which is pending on or after the date of the enactment of this Act.

TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 4170

DOLE AMENDMENT NO. 3377

Mr. DOLE proposed an amendment to the concurrent resolution (H. Con. Res. 328) to correct technical errors in the enrollment of the bill H.R. 4170; as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

That, in the enrollment of the bill (H.R. 4170) to provide for tax reform, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

DIVISION A—TAX REFORM ACT OF 1984

(1) In section 168(j) of the Code (as added by section 31(a) of the bill) strike out "15" and insert in lieu thereof "18" in each of the following provisions of section 168(j):

(A) Subclause (III) of paragraph (1)(B).

(B) Clause (i) of paragraph (2)(B) (including the heading thereof).

(C) Clause (ii) of paragraph (2)(B) (including the heading thereof).:

(D) Paragraph (2)(D).

(E) Paragraph (3)(A) (including the heading thereof).

(F) The heading of paragraph (3)(B).

(G) Clause (i) of paragraph (3)(B).

(H) Clause (ii) of paragraph (3)(C).

(I) Paragraph (6)(C) (including the heading thereof).

(2) In clause (ii) of section 168(j)(2)(B) of the Code (as added by section 31(a) of the bill) insert "(using a mid-month convention)" after "months".

(3) In section 168(j)(2) of the Code (as added by section 31(a) of the bill) strike out subparagraph (F) and insert:

"(F) 18-YEAR REAL PROPERTY—For purposes of this subsection, the term '18-year real property' includes—

"(i) low-income housing, and

"(ii) any property which was treated as 15-year real property under this section (as in effect before the amendments made by the Tax Reform Act of 1984).

(4) In subclause (II) of section 168(j)(4)(E)(ii) of the Code (as added by section 31(a) of the bill) insert "under the lease" after "placed in service".

(5) In subclause (I) of section 48(a)(5)(B)(ii) of the Code (as added by section 31(b) of the bill) strike out "and" at the end thereof and insert in lieu thereof "or".

(6) In subclause (I) of section 48(a)(5)(B)(iii) (as added by section 31(b) of the bill), strike out "to which section 47(a)(7) applies" and insert in lieu thereof "used under a qualifying lease (as defined in section 47(a)(7)(C))".

(7) In subclause (II) of section 48(a)(5)(B)(iii) of the Code (as added by section 31(b) of the bill), strike out "the lease" and insert in lieu thereof "a lease".

(8) In section 7701(e)(3) of the Code (as added by section 31(e) of the bill), strike out the matter following subparagraph (B) thereof and preceding subparagraph (C) thereof.

(9) In each of subparagraphs (C), (D), and (E) of section 7701(e)(3) of the Code (as added by section 31(e) of the bill) strike out "The" and insert in lieu thereof "For purposes of subpargraph (A), the".

(10) In subparagraph (A) of section 7701(e)(4) of the Code (as added by section 31(e) of the bill), insert, "congeneration facility, alternative energy facility, or water treatment works facility" after "qualified solid waste disposal facility" in the matter preceding clause (i).

(11) In paragraph (5) of section 7701(e) of the Code (as added by section 31(e) of the bill) strike out "section 168" and insert in lieu thereof "section 168(c)(2)(F)".

(12) In subparagraph (A) of section 31(g)(8) of the bill, insert at the end thereof "For purposes of the preceding sentence, the term '15-year real property' includes 18-year real property."

(13) In clause (i) of section 31(g)(11)(B) of the bill, strike out "maximum of units" and insert in lieu thereof "maximum number of units".

(14) In clause (i) of section 31(g)(15)(A) of the bill, insert "by the taxpayer" after "placed in service".

(15) In paragraph (17) of section 31(g) of the bill, strike out "section 168(c)(1)(D)" in the matter preceding subparagraph (A) and insert in lieu thereof "section 168(c)(2)(D)".

(16) In clause (ii) of section 31(g)(17)(J) of the bill, insert "written" before "commitment".

(17) In clause (ii) of section 31(g)(17)(L) of the bill—

(A) strike out "Internal Revenue Code" and insert in lieu thereof "Internal Revenue Code of 1954", and

(B) strike out "in existence".

(18) In paragraph (M) of section 31(g)(17) of the bill, insert "and" after "center,".

(19) In paragraph (D) of section 31(g)(20) of the bill—

(A) insert "to a tax-exempt entity" after "sublease", and

(B) insert ", 168(j)(8)(A)," after "sections 168(j)(6)(A)".

(20) In section 1274(c)(2) of the Code (as added by section 41(a) of the bill), strike out "is less than" and insert in lieu thereof "is less than or equal to".

(21) In the subpart heading for subpart B of part V of subchapter P of chapter 1 of Code (as added by section 41(a) of the bill), strike out "on Bonds".

(22) In section 163(e)(2) of the Code (as added by section 42(a) of the bill), strike out subparagraph (C).

Strike out paragraph (23) of the corrections TO DIVISION A—TAX REFORM ACT OF 1984 AND INSERT THE FOLLOWING NEW PARAGRAPH:

(23) In section 483 of the Code (as added by section 41(b) of the bill), redesignate subsections (e), (f), and (g) as subsections (f), (g), and (h) respectively, and insert after subsection (d) the following new subsection:

"(e) Interest Rates in Case of Sales of Principal Residences or Farm Lands,—

"(1) IN GENERAL,—in the case of any debt instrument arising from a sale or exchange to which this subsection applies, subsections (b) and (c)(1)B) shall be applied by using, in lieu of the discount rates determined under such subsections, discount rates determined under subsections (b) and (c)(1), respectively, of this section as it was in effect before the amendments made by the Tax Reform Act of 1984.

"(2) SALES OR EXCHANGES TO WHICH SUBSECTION APPLIES.—This subsection shall apply—

"(A) to any sale or exchange by an individual or his principal residence (within the meaning of section 1034), and

"(B) to any sale or exchange by a person of land used by such person as a farm (within the meaning of section 6420(C)(2)).

"(3) LIMITATION—Paragraph (1) shall apply to any sale or exchange by an individual of his principal residence (within the meaning of section 1034), only to the extent the purchase price of such residence does not exceed $250,000."

For purposes of the preceding sentence, the purchase price of a residence shall be determined without regard to this section.

(24) In paragraph (1) of section 53(b) of the bill, strike out "section 246(c)" and insert in lieu thereof "section 246".

(25) In section 301(e)(2) of the Code (as added by section 54(b) of the bill), strike out "section 1248(f)(2)" and insert in lieu thereof "section 1248".

(26) In the section heading for section 59 of the bill, strike out "EXCEPTIONS" and insert in lieu thereof "EXCEPTION" and amend the table of contents of the bill accordingly.

(27) Strike out paragraph (2) of section 67(e) of the bill and insert in lieu thereof the following:

"(2) SPECIAL RULE FOR CONTRACT AMENDMENTS.—Any contract entered into before June 15, 1984, which is amended after June 14, 1984, in any significant relevant aspect shall be treated as a contract entered into after June 14, 1984."

(28) In section 291(a)(4) of the Code (as amended by section 68(b) of the bill), strike out subparagraphs (A) and (B) and insert the following:

"(A) '30 percent' for '32 percent' in paragraph (2); and

"(B) '15/23' for '16/23' in paragraph (3)."

(29) Strike out subparagraphs (C) and (D) of section 706(d)(2) of the Code (as added by section 72(a) of the bill) and insert in lieu thereof the following:

"(C) ITEMS ATTRIBUTABLE TO PERIODS NOT WITHIN TAXABLE YEAR.—If any portion of any allocable cash basis item is attributable to—

"(i) any period before the beginning of the taxable year, such portion shall be assigned under subparagraph (A)(i) to the first day of such taxable year, or

"(ii) any period after the close of the taxable year, such portion shall be assigned under subparagraph (A)(i) to the last day of the taxable year.

"(D) TREATMENT OF DEDUCTIBLE ITEMS ATTRIBUTABLE TO PRIOR PERIODS.—If any portion of a deductible cash basis item is assigned under subparagraph (C)(i) to the first day of any taxable year—

"(i) such portion shall be allocated among persons who are partners in the partnership during the period to which such portion is attributable in accordance with their varying interests in the partnership during such period, and

"(ii) any amount allocated under clause (i) to a person who is not a partner in the partnership on such first day shall be capitalized by the partnership and treated in the manner provided for in section 755.

(30) In paragraph (5) of section 77(b) of the bill, insert "and which was executed on or before March 31, 1984," after "March 29, 1984,".

(31) In section 77(b)(5) of the bill, strike out "on, or before" and insert in lieu thereof "on or before".

(32) In section 91(g) of the bill, strike out paragraphs (1) and (2) and insert the following:

(1) IN GENERAL.—Except as provided in this subsection and subsections (h) and (i), the amendments made by this section shall apply to amounts with respect to which a deduction would be allowable under chapter 1 of the Internal Revenue Code of 1954 (determined without regard to such amendments) after—

(A) in the case of amounts to which section 461(h) of such Code (as added by such amendments) applies, the date of the enactment of this Act, and

(B) in the case of amounts to which section 461(i) of such Code (as so added) applies, after March 31, 1984.

(2) *Taxpayer may elect earlier applications.*—"

(A) IN GENERAL.—In the case of amounts described in paragraph (1)(A), a taxpayer may elect to have the amendments made by this section apply to amounts which—

(i) are incurred before the date of the enactment of this Act (determined without regard to such amendments), and

(ii) are incurred on or after the date of the enactment of this Act (determined with regard to such amendments).

(B) ELECTION TREATED AS CHANGE IN THE METHOD OF ACCOUNTING.—For purposes of section 481 of the Internal Revenue Code of 1954, if an election is made under subparagraph (A) with respect to any amount, the application of the amendments made by this section shall be treated as a change in method of accounting—

(i) initiated by the taxpayer,

(ii) made with the consent of the Secretary of the Treasury, and

(iii) with respect to which section 481 of such Code shall be applied by substituting a 3-year adjustment period for a 10-year adjustment period.

(33) In the table contained in section 467(e)(3)(A) of the Code (as added by section 92(a)), after the item relating to "10-year property", insert the following new item:

"Low-income housing ..... 15 years."

(34) In clause (ii) of section 92(c)(2)(C) of the bill insert "(for purposes of this clause)" after "assuming" in the matter preceding subclause (I).

(35) Strike out the last two sentences of section 92(c)(2) of the bill and insert:

Paragraph (3)(B)(ii)(II) shall apply for purposes of clauses (ii) and (iii) of subparagraph (C), as if, as of the beginning of the last stage, the separate agreements were treated as 1 single agreement relating to all property covered by the agreements, including any property placed in service before the property to which the agreement for the last stage relates. If the lessor under the agreement described in subparagraph (C) leases the property from another person, this exception shall also apply to any agreement between the lessor and such person which is integrally related to, and entered into at the same time as, such agreement, and which calls for comparable payments of rent over the primary term of the agreement.

(36) In paragraph (2) of section 195(b) of the Code (as added by section 94(a)); insert "attributable to such trade or business" after "deferred expenses".

(37) In paragraph (2) of section 1092(f) of the Code (as added by section 101(c) of the bill), strike out "The holding period" and insert in lieu thereof "Except for purposes of section 851(b)(3), the holding period".

(38) Strike out subparagraph (C) of section 1256(g)(4) of the Code (as amended by section 102(a) of the bill) and insert in lieu thereof the following:

"(C) is listed on the qualified board or exchange on which such options dealer is registered.

(39) In subparagraph (A) of section 211(h)(1) of the Social Security Act, as added by section 102(c)(2) of the bill, insert "activity of" before "dealing in or trading".

(40) In subsection (d) of section 102 of the bill, strike out paragraph (3) and insert in lieu thereof the following:

(3) SUBCHAPTER S ELECTION.—If a commodities dealer or an options dealer—

(A) becomes a small business corporation (as defined in section 1361(b) of the Internal Revenue Code of 1954) at any time before the close of the 75th day after the date of the enactment of this Act, and

(B) makes the election under section 1362(a) of such Code before the close of such 75th day,

then such dealer shall be treated as having received approval for and adopted a taxable year beginning on the first day during 1984 on which it was a small business corporation

(as so defined) and ending on the date determined under section 1378 of such Code and such election shall be effective for such taxable year.

(41) In the subsection heading to subsection (b) of section 106 of the bill, strike out "Business" and insert in lieu thereof "Dealer"

(42) In paragraph (2) of section 108(a) of the bill, strike out "such Act' and insert in lieu thereof "the Economic Recovery Tax Act of 1981".

(43) Strike out subsection (d) of section 111 of the bill and insert in lieu thereof the following:

"(d) Use of Mid-Month Convention.—Subparagraphs (A) and (B) of section 168(b)(2) are each amended by inserting '(using a mid-month convention)' after 'months'."

(44) In paragraph (2) of section 111(g) of the bill, strike out "but only if property is not" and insert in lieu thereof "but only if the property is not".

(45) In subparagraph (B) of section 111(g)(3) of the bill, strike out "March 1984" and insert in lieu thereof "March 16, 1984".

(46) In paragraph (1) of section 48(r) of the Code (as added by section 113(a)(1) of the bill), strike out "commences with taxpayer" and insert in lieu thereof "commences with the taxpayer".

(47) In paragraph (1) of section 113(b) of the bill, strike out "FILM" and insert in lieu thereof "FILMS".

(48) Strike out subsection (c) of section 113 of the bill and insert in lieu thereof the following:

(c) EFFECTIVE DATES.—

(1) SOUND RECORDINGS.—The amendments made by subsection (a) shall apply to property placed in service after March 15, 1984, in taxable years ending after such date.

(2) FILMS AND OTHER PROPERTY.—

(A) The amendment made by paragraph (1) of subsection (b) shall apply to any motion picture film or video tape placed in service before, on, or after the date of the enactment of this Act, except that such amendment shall not apply to—

(i) any qualified film placed in service by the taxpayer before March 15, 1984, if the taxpayer treated such film as recovery property for purposes of section 168 of the Internal Revenue Code of 1954 on a return of tax under chapter 1 of such Code filed before March 16, 1984, or

(ii) any qualified film placed in service by the taxpayer before January 1, 1985, if—

(I) 20 percent or more of the production costs of such film were incurred before March 16, 1984, and

(II) the taxpayer treats such film as recovery property for purposes of section 168 of such Code.

No credit shall be allowable under section 38 of such Code with respect to any qualified film described in clause (ii), except to the extent provided in section 48(k) of such Code.

(B) The amendments made by paragraphs (2) and (3) of subsection (b) shall apply as if included in the amendments made by sections 201(a), 211(a)(1), and 211(f)(1) of the Economic Recovery Tax Act of 1981.

(C) The amendment made by paragraph (4) of subsection (b) shall take effect as if included in the amendments made by section 205(a)(1) of the Tax Equity and Fiscal Responsibility Act of 1982.

(D) For purposes of this paragraph, the terms "qualified film" and "production costs" have the same respective meanings as when used in section 48(k) of the Internal Revenue Code of 1954.

(49) In paragraph (1) of section 121(b) of the bill, strike out "the taxable year of any United States-owned foreign corporation in which occurs" and insert in lieu thereof "any taxable year of any United States-owned foreign corporation ending after".

(50) In paragraph (D) of section 121(b)(2) of the bill, strike out "and the holding of short-term" and insert in lieu thereof "or the holding of short-term".

(51) In paragraph (5) of section 121(b) of the bill, strike out "paragraphs (2) or (3)" and insert in lieu thereof "paragraph (2) or (3)".

(52) In paragraph (6) of section 121(b) of the bill—

(A) strike out "issued obligations on" and insert in lieu thereof "issued certificates with respect to obligations on", and

(B) strike out "income received or accrued on such obligations" and insert in lieu thereof "the proceeds from relending such obligations or related capital".

(53) In clause (ii) of section 904(d)(3)(E) of the Code (as added by section 122(a) of the bill), strike out "the taxpayer" and insert in lieu thereof "a United States person".

(54) In paragraph (J) of section 904(d)(3) of the Code (as added by secton 122(a) of the bill), strike out "under such interest" and insert in lieu thereof "unless such interest".

(55) In paragraph (B) of section 122(b)(2) of the bill, strike out "designated payor" each place it appears and insert in lieu thereof "designated payor corporation".

(56) In paragraph (3) of section 122(b) of the bill—

(A) strike out "corporations which are not" in the heading and insert in lieu thereof "corporation which is not", and

(B) strike out "section 131(b)(2)(D)" and insert in lieu thereof "section 121(b)(2)(D)".

(57) In paragraph (6) of section 864(d) of the Code (as added by section 123(a) of the bill)—

(A) strike out "other than a related person",

(B) strike out "such related person" in subparagraph (A) and (B) and insert in lieu thereof "a related person".

(58) In paragraph (2) of section 123(c) of the bill—

(A) Strike out "March 1, 1984" the second place it appears and insert in lieu thereof "March 1, 1994",

(B) strike out "investment in United States property of such corporation" and insert in lieu thereof "amount includible in gross income by reason of section 956 of the Internal Revenue Code of 1954 with respect to such corporation", and

(C) strike out "investment on or before March 1, 1984" and insert in lieu thereof "adjusted basis on March 1, 1984".

(59) In paragraph (1) of section 127(a) of the bill, strike out "by redesignating subsection (i) as subsection (j) and by adding at the end thereof the following new subsection" and insert "by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection".

(60) Subsection (i) of section 871 of the Code (as added by section 127(a)) is redesignated as subsection (h).

(61) In subsection (h) of section 871 of the Code (as redesignated by the preceding paragraph and as added by section 127(a) of the bill)—

(A) strike out "who is, or would otherwise be," in paragraph (2)(B)(ii) and insert "who would otherwise be", and

(B) strike out "owner" in paragraph (3)(C)(ii) and insert "owning".

(62) In subsection (c) of section 881 of the Code (as added by section 127(b) of the bill)—

(A) Strike out "paragraph (1) of subsection (a)" in paragraph (1) and insert in lieu thereof "paragraph (1) or (3) of subsection (a)".

(B) Strike out "section 871(i)(2)(A)" in paragraph (2)(A) and insert in lieu thereof "section 871(h)(2)(A)".

(C) Strike out "who is, or would otherwise be," in paragraph (2)(B) and insert in lieu thereof "who would otherwise be".

(D) Strike out "section 871(i)(4)" in paragraph (2)(B) and insert in lieu thereof "section 871(h)(4)".

(E) Strike out "or" at the end of paragraph (3)(A).

(F) Strike out subparagraph (B) of paragraph (3) and insert in lieu thereof the following:

"(B) is received by a 10-percent shareholder (within the meaning of section 871(h)(3)(B)), or

"(C) is received by a controlled foreign corporation from a related person (within the meaning of section 864(d)(4)."

(G) Strike out "not found or avoided" in paragraph (4)(A)(ii) and insert in lieu thereof "not formed or availed".

(H) Strike out subparagraphs (B) and (C) of paragraph (4) and insert in lieu thereof the following:

"(B) CONTROLLED FOREIGN CORPORATION.—For purposes of this subsection, the term 'controlled foreign corporation' has the meaning given to such term by section 957(a).

(I) Strike out "section 871(i)(5)" each place it appears in paragraph (5) and insert in lieu thereof "section 871(h)(5)".

(63) In subsection (c) of section 127 of the bill, strike out "section 871(i)" and insert in lieu thereof "section 871(h),".

(64) In section 2105(b) of the Code (as added by section 127(d) of the bill—

(A) strike out "section 871(i)(4)" and insert in lieu thereof "section 871(h)(4)", and

(B) strike out "section 871(i)(1)" and insert in lieu thereof "section 871(h)(1)".

(65) In paragraph (9) of section 1441(c) of the Code (as added by section 127(e) of the bill)—

(A) strike out "section 871(i)(2)" and insert in lieu thereof "section 871(h)(2)", and

(B) strike out "section 871(i)(3)" and insert in lieu thereof "section 871(h)(3)".

(66) Strike out paragraph (2) of section 127(e) of the bill and insert the following:

(2) FOREIGN CORPORATIONS.—The last sentence of section 1442(a) is amended—

(A) by striking out "and" after "section 881(a)(4)," and

(B) by inserting before the period at the end thereof the following: ", and the references in section 1449(c)(9) to sections 871(h)(2) and 871(h)(3) shall be treated as referring to sections 881(c)(2) and 881(c)(3)".

(67) In paragraph (3)(A) of section 127(g) of the bill, strike out "application" and insert in lieu thereof "applicable".

(68) In subparagraph (C) of section 127(g)(3) of the bill—

(A) strike out "131(b)(2)(D)" and insert in lieu thereof "121(b)(2)(D)", and

(B) strike out "section 131(b)(2)(F)" and insert in lieu thereof "section 121(b)(2)(F)".

(69) In section 1445(b)(2) of the Code (as added by section 129(a) of the bill), strike

out "penalty or perjury" and insert in lieu thereof "penalty of perjury".

(70) Strike out subparagraph (B) of section 1445(d)(1) of the Code (as added by section 129(a) of the bill) and insert in lieu thereof the following:

"(B) in the case of—

"(i) any transferor's agent, the transferor is a foreign corporation or such agent has actual knowledge that such affidavit is false, or

"(ii) any transferee's agent, such agent has actual knowledge that such affidavit is false,

(71) In clause (ii) of section 367(a)(3)(B) of the Code (as added by section 131(a) of the bill), strike out "installment obligation" and insert in lieu thereof "installment obligations".

(72) In clause (i) of section 136(c)(7)(A) of the bill, strike out "before April 15, 1984" and insert in lieu thereof "on April 5, 1984".

(73) In section 879(a) of the Code (as amended by section 139(a) of the bill), strike out "community" and insert in lieu thereof "community income".

(74) In subsection (c) of section 111 of the Code (as added by section 171 of the bill), insert "or adjustment" after "the recovery".

(75) At the end of subparagraph (B) of section 179(d)(1) of the bill, add the following new sentence:

For purposes of the preceding sentence, the term "15-year real property" includes 18-year real property.

(76) In paragraph (6) of section 809(g) of the Code (as added by section 211 of the bill) insert "of a subsidiary" after "tax reserves".

(77) In paragraph (1) of section 817(h) of the Code (as added by section 211 of the bill) strike out "For purposes of the preceding sentence" and insert in lieu thereof "For purposes of this paragraph and paragraph (2)".

(78) In section 219 of the bill—

(A) strike out "APPLICATION OF SECTION 6001" and insert in lieu thereof "AUTHORITY TO REQUIRE CERTAIN INFORMATION". and

(B) Strike out "exercising his authority under section 6001 of the Internal Revenue Code of 1954 to require" and insert in lieu thereof "requiring".

(79) In the table of contents of the bill after the item relating to section 218, insert the following new item:

Sec. 219. Clarification of authority to require certain information

(80) In subclause (II) of section 465(c)(7)(D)(ii) of the Code (as added by section 432(a) of the bill), strike out "20 percent" and insert in lieu thereof "10 percent".

(81) In section 419(a)(2) of the Code (as added by section 511 of the bill), strike out "they testify" and insert in lieu thereof "they satisfy".

(82) In section 419(c)(3)(A) of the Code (as added by section 511 of the bill), strike out "the aggregate amount" and insert in lieu thereof "the aggregate amount (including administrative expenses)".

(83) In paragraph (4) of section 419A(a) of the Code (as added by section 511 of the bill), strike out "life insurance benefit" and insert in lieu thereof "life insurance benefits".

(84) Strike our paragraph (2) of section 419A(c) of the Code (as added by section 511 of the bill) and insert in lieu thereof the following:

"(2) ADDITIONAL RESERVE FOR POST-RETIREMENT MEDICAL AND LIFE INSURANCE BENEFITS.—The account limit for any taxable year may include a reserve funded over the working lives of the covered employees and actuarially determined on a level basis (using assumptions that are reasonable in the aggregate) as necessary for—

"(A) post-retirement medical benefits to be provided to covered employees (determined on the basis of current medical costs), or

"(B) post-retirement life insurance benefits to be provided to covered employees.

(85) Strike out subparagraph (A) of section 419A(c)(3) of the Code (as added by section 511 of the bill) and insert the following:

"(A) IN GENERAL.—The account limit for any taxable year with respect to SUB or serverance pay benefits is 75 percent of the average annual qualified direct costs for SUB or severance pay benefits for any 2 of the immediately preceding 7 taxable years (as selected by the fund),

(86) Strike out clauses (i) and (ii) of section 419(c)(5)(B) and insert in lieu thereof the following:

"(i) SHORT-TERM DISABILITY BENEFITS.—In the case of short-term disability benefits, the safe harbor limit for any taxable year is 17.5 percent of the qualified direct costs (other than insurance premiums) for the immediately preceding taxable year with respect to such benefits.

(ii) MEDICAL BENEFITS.—In the case of medical benefits, the safe harbor limit for any taxable year is 35 percent of the qualified direct costs (other than insurance premiums) for the immediately preceding taxable year with respect to medical benefits.

(87) In paragraph (1) of section 419A(e) of the Code (as added by section 511 of the bill), strike out "medical benefits or life insurance benefits provided to retired employees" and insert in lieu thereof "post-retirement medical benefits or life insurance benefits to be provided to covered employees".

(88) In paragraph (2) of section 419A(g) of the Code (as added by section 511 of the bill), strike out "referred to in paragraph (1)".

(89) Strike out paragraph (5) of section 511(e) of the bill and insert in lieu thereof the following:

(5) BINDING CONTRACT EXCEPTIONS TO PARAGRAPH (4).—Paragraph (4) shall not apply to any facility placed in service before January 1, 1987—

(A) which is acquired by the fund (or contributed to the fund) pursuant to a binding contract in effect on June 22, 1984, and at all times thereafter or

(B) the construction of which by or for the fund began before June 22, 1984.

(90) In clause (i) of section 512(a)(3)(E) of the Code (as added by section 511(b)(2) of the bill), strike out "any reserve for medical benefits provided to retired employees" and insert in lieu thereof "any reserve described in section 419A(c)(2)(A) for post-retirement medical benefits".

(91) Strike out clause (iii) of section 512(a)(3)(E) of the Code (as added by section 511(b)(2) of the bill) and insert the following:

"(iii) TREATMENT OF EXISTING RESERVES FOR POST-RETIREMENT MEDICAL OR LIFE INSURANCE BENEFITS.—

"(I) Clause (i) shall not apply to any income attributable to a existing reserve for post-retirement medical or life insurance benefits.

"(II) For purposes of subclause (I), the term 'existing reserve or post-retirement medical or life insurance benefit' means the amount of assets set aside as of the close of the last plan year ending before the date of the enactment of the post-retirement medical benefits or life insurance benefits to be provided to covered employees.

"(III) All payments during plan years ending on or after the date of the enactment of the Tax Reform Act of 1984 of post-retirement medical benefits or life insurance benefits shall be charged against the reserve referred to in subclause (II). Except to the extent provided in regulations prescribed by the Secretary, all plans of an employer shall be treated as 1 plan for purposes of the preceding sentence.

(92) Strike out paragraph (2) of section 4976(b) of the Code (as added by section 511(c)(1) of the bill) and insert the following:

"(2) any post-retirement medical or life insurance benefit unless the plan meets the requirements of section 505(b)(1) with respect to such benefit, and

(93) In the item added by section 511(c)(2) of the bill, strike out "4977" and insert in lieu thereof "4976".

(94) In paragraph (4) of section 511(e) of the bill, strike out "to be used to acquire" and insert in lieu thereof "to be used to acquire or improve".

(95) In paragraph (5) of section 511(e) of the bill, strike out "acquired pursuant to" and insert in lieu thereof "acquired or improved pursuant to".

(96) In the subsection heading for subsection (a) of section 505 of the Code (as added by section 513(a) of the bill), strike out "(9), (17), OR (20)" and insert in lieu thereof "(9) OR (20)"

(97) Redesignate paragraph (3) of section 505(a) of the Code (as added by section 513 of the bill) as paragraph (2).

(98) In subparagraph (B) of section 505(b)(1) of the Code (as added by section 513(a) of the bill), strike out "benefits for not discriminate" and insert in lieu thereof "benefits do not discriminate".

(99) At the end of subtitle E of title V of the bill, insert the following new section:

SEC. 561. LIMITATION ON ACCRUAL OF VACATION PAY.

(a) GENERAL RULE.—Paragraph (1) of section 463(a) (relating to accrual of vacation pay) is amended by striking out "and payable during" and inserting in lieu thereof "and expected to be paid during".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after March 31, 1984.

(100) In the table of contents of the bill, insert after the item relating to section 560 the following new item:

Sec. 561. Limitation on accrual of vacation pay.

(101) In section 403(b)(8)(B) of the Code (as added by section 522(d)(10) of the bill), strike out clause (iii) and insert closing quotation marks at the end of clause (ii).

(102) In paragraph (1) of section 219(f), as amended by section 529 of the bill, strike out "paragraph (1)" and all that follows and insert in lieu thereof "section 71 with respect to a divorce or separation instrument described in subparagraph (A) of section 71(b)(2)."

(103) In paragraph (1) of section 125(h) of the Code (as added by section 531(b)(4)(A) of the bill), strike out "taxable" each place it appears.

(104) In section 4977 of the Code (as added by section 531(e)(1) of the bill), strike out subsection (e) and insert in lieu thereof the following new subsection:

"(e) TREATMENT OF CONTROLLED GROUPS.—All employees treated as employed by a

single employer under subsection (b), (c), or (m) of section 414 shall be treated as employed by a single employer for purposes of this section."

(105) In subparagraph (A) of section 103A(j)(3) of the Code (as added by section 611(b)(1) of the bill), strike out "a statement concerning" and insert in lieu thereof "(or such later time as the Secretary may prescribe with respect to any portion of the statement) a statement concerning".

(106) In subparagraph (A) of section 103A(j)(4) of the Code (as added by section 611(b)(1) of the bill), strike out "certifies that" and insert in lieu thereof "certifies in the manner prescribed by regulations that".

(107) In subparagraph (B) of section 103A(j)(4) of the Code (as added by section 611(b)(1) of the bill), strike out "paragraph (3)" and insert in lieu thereof "paragraph (3) or such other time as the Secretary may prescribe".

(108) In subparagraph (C) of section 103A(j)(4) of the Code (as added by section 611(b)(1) of the bill), strike out "constitutional home rule cities" and insert in lieu thereof "any constitutional home rule city".

(109) In subparagraph (B) of section 103A(j)(5) of the Code (as added by section 611(b)(1) of the bill)—

(A) strike out clause (i) and insert in lieu thereof the following:

"(i) a statement of the policies with respect to housing, development, an low-income housing assistance which such governmental unit is to follow in issuing qualified mortgage bonds and mortgage credit certificates, and

(B) strike out "great extent feasible" in clause (ii)(II) and insert in lieu thereof "greatest extent feasible".

(110) In subparagraph (B) of section 103A(o)(3) of the Code (as added by section 611(c)(2) of the bill) and insert in lieu thereof the following:

"(B) STATE VETERANS LIMIT.—A State veterans limit for any calendar year is the amount equal to—

"(i) the aggregate amount of qualified veterans bonds issued by such State during the period beginning on January 1, 1979, and ending on June 22, 1984 (but not including the amount of any qualified veterans bond issued by such State during the calendar year (or portion thereof) in such period for which the amount of such bonds so issued was the lowest), divided by

"(ii) the number (not to exceed 5) of calendar years after 1979 and before 1985 during which the State issued qualified veterans bonds (determined by only taking into account bonds issued on or before June 22, 1984).

(111) In subparagraph (C) of section 611(d)(3) of the bill—

(A) strike out "section 103(o)(3)" and insert in lieu thereof "section 103A(o)(3)", and

(B) strike out "such bond is authorized" and insert in lieu thereof "such bond was authorized".

(112) In subparagraph (7) of section 611(d) of the bill—

(A) strike out "Annual report" in the paragraph heading and insert in lieu thereof "Report", and

(B) strike out "shall submit an annual report" and insert in lieu thereof "shall, not later than January 1, 1987, submit a report".

(113) In section 25(d)(2)(A) of the Code (as added by section 612(a) of the bill), strike out "or, if lesser, the aggregate amount of certified indebtedness referred to in clause (i)".

(114) At the end of subsection (d) of section 25 of the Code (as added by section 612(a) of the bill) insert the following:

"(3) ADDITIONAL LIMIT IN CERTAIN CASES.—In the case of a qualified mortgage credit certificate program in a State which—

"(A) has a State ceiling (as defined in section 103A(g)(4)) for the year an election is made that exceeds 20 percent of the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single family owner-occupied residences located within the jurisdiction of such State, or

"(B) issued qualifies mortgage bonds in an aggregate amount less than $150,000,000 for calendar year 1983,

the certificate credit rate for any mortgage credit certificate shall not exceed 20 percent unless the issuing authority submits a plan to the Secretary to ensure that the weighted average of the certificate credit rates in such mortgage credit certificate program does not exceed 20 percent and the Secretary approves such plan.

(115) In paragraph (2) of section 25(e) of the Code (as added by section 612(a) of the bill), strike out "(g) and (j) of section 103A" and insert in lieu thereof "and (j) of section 103A and clauses (iv), (v), and (vii) of subsection (c)(2)(A)".

(116) Strike out paragraph (4) of section 25(e) of the Code (as added by section 612(a) of the bill) and insert in lieu thereof the following:

"(4) REISSUANCE OF MORTGAGE CREDIT CERTIFICATES.—The Secretary may prescribe regulations which allow the administrator of a mortgage credit certificate program to reissue a mortgage credit certificate specifying a certified mortgage indebtedness that replaces the outstanding balance of the certified mortgage indebtedness specified on the original certificate to any taxpayer to whom the original certificate was issued, under such terms and conditions as the Secretary determines are necessary to ensure that the amount of the credit allowable under subsection (a) with respect to such reissued certificate is equal to or less than the amount of credit which would be allowable under subsection (a) with respect to the original certificate for any taxable year ending after such reissuance.

(117) In paragraph (1) of section 25(f) of the Code (as added by section 612(a) of the bill), strike out the first sentence and insert in lieu thereof the following: "If for any calendar year any mortgage credit certificate program which satisfies procedural requirements with respect to volume limitations prescribed by the Secretary fails to meet the requirements of paragraph (2) of subsection (d), such requirements shall be treated as satisfied with respect to any certified indebtedness of such program, but the applicable State ceiling under paragraph (4) of section 103A(g) for the State in which such program operates shall be reduced by 1.25 times the correction amount with respect to such failure."

(118) Strike out subparagraph (A) of section 25(f)(2) of the Code (as added by section 612(a) of the bill) and insert the following:

(A) IN GENERAL.—For purposes of paragraph (1), the term "correction amount" means an amount equal to the excess credit amount divided by 0.20.

(119) In subsection (h) of section 25 of the Code (as added by section 612(a) of the bill), strike out "1978" and insert in lieu thereof "1987".

(120) In paragraph (1) of section 6708(a) of the Code (as added by section 612(d) of the bill), strike out "a misstatement" and insert in lieu thereof "a material misstatement".

(121) Add at the end of subsection (c) of section 6708 of the Code (as added by section 612(d) of the bill) the following new sentence: "In the case of any report required under the second sentence of section 25(g), the aggregate amount of the penalty imposed by the preceding sentence shall not exceed $2,000."

(122) In the heading of subparagraph (C) of section 103(n)(4) of the Code (as added by section 621 of the bill), strike out "termination" and insert in lieu thereof "partial termination".

(123) In clause (i) of section 103(n)(7)(C) of the Code (as added by section 621 of the bill), strike out "section 103(b)(4)" and insert in lieu thereof "subsection (b)(4)".

(124) Strike out clause (ii) of section 103(n)(7)(C) of the code (as added by section 621 of the bill) and insert in lieu thereof the following:

"(ii) EXCEPTION NOT TO APPLY TO CERTAIN PARKING FACILITIES.—For purposes of clause (i), subparagraph (D) of subsection (b)(4) shall be applied as if it did not contain the phrase 'parking facilities'.

(125) In section 622 of the bill, strike out "certain obligations must not be" and insert in lieu thereof "certain obligations which must not be".

(126) In clause (iv) of section 103(h)(3)(A) of the Code (as amended by section 622 of the bill), strike out "of 1984" and insert in lieu thereof "of 1984 with respect to any obligation issued before July 1, 1989".

(127) In clause (ii) of section 103(b)(15)(B) of the Code (as added by section 623 of the bill), strike out "for the later issue" and insert in lieu thereof "of the later issue".

(128) Strike out subparagraph (C) of section 103(b)(15) of the Code (as added by section 623 of the bill) and insert in lieu thereof the following:

(C) ALLOCATION OF FACE AMOUNT OF AN ISSUE.—

"(i) IN GENERAL.—Except as otherwise provided in regulations, the portion of the face amount of an issue allocated to any test-period beneficiary of a facility financed by the proceeds of such issue (other than an owner of such facility) is an amount which bears the same relationship to the entire face amount of such issue as the portion of such facility used by such beneficiary bears to the entire facility.

"(ii) OWNERS.—Except as otherwise provided in regulations, the portion of the face amount of an issue allocated to any test-period beneficiary who is an owner of a facility financed by the proceeds of such issue is an amount which bears the same relationship to the entire face amount of such issue as the portion of such facility owned by such beneficiary bears to the entire facility.

(129) In subparagraph (D) of section 103(b)(15) of the Code (as added by section 623 of the bill), strike out "principal user of" and insert in lieu thereof "a principal user of".

(130) In clause (ii) of section 103(c)(6)(F) of the Code (as added by section 624 of the bill)—

(A) strike out "Notwithstanding subparagraph (D)" and insert in lieu thereof "Under regulations prescribed by the Secretary", and

(B) strike out "this paragraph only" and insert in lieu thereof "this clause only".

(131) In the heading of section 625 of the bill, strike out "BOND" and insert in lieu thereof "BONDS" and amend the table of contents accordingly.

(133) In section 625(a)(3)(C) of the bill, strike out "section 625(c)(5)" and insert in lieu thereof "section 626(b)(4)".

(132) In the paragraph heading of paragraph (3) of section 103(o) of the Code (as added by section 626(a) of the bill), strike out "student loans" and insert in lieu thereof "student loan bonds".

(133) In subsection (b) of section 626 of the bill, redesignate paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively.

(134) In section 626(b)(5) of the bill (as redesignated by this resolution), strike out "amounts made" and insert in lieu thereof "amendments made".

(135) In subparagraph (C) of section 103(b)(16) of the Code (as added by section 627(a) of the bill), strike out "port development project" and insert in lieu thereof "port development project which consists of facilities described in paragraph (4)(D)".

(136) In paragraph (17) of section 103(b) of the Code (as added by section 627(b) of the bill), strike out the quotation marks at the end of subparagraph (C)(iii) and add at the end thereof the following new subparagraph:

"(D) Special rule for certain projects—In the case of a project involving 2 or more buildings, this paragraph shall be applied on a project basis."

(137) Strike out paragraphs (2) and (3) of section 628(a) of the bill and insert in lieu thereof the following:

(2) Subparagraph (B) of section 103(m)(2) is amended to read as follows:

"(B) is exempt from tax under this title without regard to any provision of law which is not contained in this title and which is not contained in a revenue Act."

(3) Subsection (m) of section 103 is amended by adding at the end thereof the following new paragraph:

"(3) EXCEPTIONS.—The following obligations shall be treated as obligations described in paragraph (1) (without regard to the second sentence thereof):

"(A) Any obligation issued pursuant to the Northwest Power Act (16 U.S.C. 839d) as in effect on the date of the enactment of the Tax Reform Act of 1984.

"(B) Any obligation issued pursuant to section 608(6)(A) of Public Law 97-468.

"(C) Any obligation issued before June 19, 1984, under section 11(b) of the United States Housing Act of 1937."

(138) At the end of section 628 of the bill, add the following new subsection:

(h) SMALL ISSUE LIMIT IN CASE OF CERTAIN URBAN DEVELOPMENT ACTION GRANTS.—In the case of any obligation issued on December 11, 1981, section 103(b)(6)(I) of the Internal Revenue Code of 1954 shall be applied by substituting "$15,000,000" for "$10,000,000" if—

(1) such obligation is part of an issue,

(2) substantially all of the proceeds of such issue are used to provide facilities with respect to which an urban development action grant under section 119 of the Housing and Community Development Act of 1974 was preliminarily approved by the Secretary of Housing and Urban Development on January 10, 1980, and

(3) the Secretary of Housing and Urban Development determines, at the time such grant is approved, that the amount of such grant will equal or exceed 5 percent of the total capital expenditures incurred with respect to such facilities.

(139) In paragraph (1) of section 631(c) of the bill, strike out "this section" and insert in lieu thereof "this subtitle".

(140) In clause (ii) of section 631(c)(3)(A) of the bill, strike out "significant expenditure" and insert in lieu thereof "significant expenditures".

(141) In section 631(c)(4) of the bill, strike out "section 628(j)" and insert in lieu thereof "section 628(g)".

(142) Strike out paragraphs (1) and (2) of section 631(d) of the bill and insert in lieu thereof the following:

(1) Any property described in paragraph (5), (6), or (7) of section 31(g) of this Act.

(2) Any property described in paragraph (4), (8), or (17) of section 31(g) of this Act but only if the obligation is issued before January 1, 1985, and only if before June 19, 1984, the issuer had evidenced an intent to issue obligations exempt from taxation under the Internal Revenue Code of 1954 in connection with such property.

(143) In subsection (f) of section 631 of the bill—

(A) strike out "June 1, 1984" and insert in lieu thereof "June 19, 1984", and

(B) strike out "such issues" and insert in lieu thereof "such issue".

(144) In subsection (a) of section 632 of the bill, strike out "title" each place it appears and insert in lieu thereof "subtitle".

(145) In paragraph (6) of section 632(a) of the bill, strike out "November 23, 1983" and insert in lieu thereof "November 3, 1983".

(146) In paragraph (6) of section 632(a) of the bill, strike out "issued pursuant to" and insert in lieu thereof "issued in connection with".

(147) In subsection (d) of section 632 of the bill—

(A) strike out "were issued with respect to" and insert in lieu there of "are issued with respect to", and

(B) strike out "or any facility related to such facility".

(148) In subsection (b) of section 644 of the bill, strike out "take into account in 1984" and insert in lieu thereof "use in 1984".

(149) In subsection (a) of section 646 of the bill, strike out "a hearing and".

(150) In section 647 of the bill, strike out "any other provision of law" and insert in lieu thereof "any other provision of law, in the case of obligations issued before July 1, 1987".

(151) In paragraph (3) of section 712(k) of the bill, strike out subparagraph (B) and insert in lieu thereof the following:

(B) by inserting "or" at the end of subparagraph (C), and

(152) In paragraph (2) of section 1362(e) of the Code, as amended by section 721(g)(2) of the bill, strike out "paragraphs (3) and (6)(C)" and insert in lieu thereof "paragraph (3) and subparagraphs (C) and (D) of paragraph (6)".

(153) In subsection (a) of section 518 of the Highway Revenue Act of 1982, as amended by section 734(i) of the bill, insert ", except as provided in regulations prescribed by the Secretary of the Treasury or his delegate," before "any Federal Reserve Bank".

(154) In paragraph (2) of section 921(d) of the Code (as added by section 801 of the bill), insert "or accrued" after "received".

(155) In paragraph (3) of section 921(d) of the Code (as added by section 801(a) of the bill), insert "or accrued" after "received".

(156) In section 921(d) of the Code (as added by section 801(a)) strike out "the conduct of" in the matter following paragraph (3).

(157) In clause (i) of section 922(a)(1)(D) (as added by section 801(a) of the bill), insert before the comma at the end thereof "or in any possession of the United States".

(158) In the last sentence of section 924(a) of the Code (as added by section 801(a) of the bill), insert "derived" before "from activities".

(159) In paragraph (3) of section 927(e) of the Code (as added by section 801(a) of the bill) strike out "credited or organized" and insert in lieu thereof "created or organized".

(160) In section 927(e) of the Code (as added by section 801(a) of the bill), strike out paragraph (5) and insert:

"(5) EXEMPTION FROM CERTAIN OTHER TAXES.—No tax shall be imposed by any jurisdiction described in subsection (d)(5) on any foreign trade income derived before January 1, 1987.

(161) In section 801(d) of the bill, add at the end thereof the following new paragraphs:

(11) Section 936(f) (relating to DISC or former DISC ineligible for credit) is amended to read as follows:

"(f) LIMITATION ON CREDIT FOR DISCs AND FSCs.—No credit shall be allowed under this section to a corporation for any taxable year—

"(1) for which it is a DISC or former DISC, or

"(2) in which it owns at any time stock in a—

"(A) DISC or former DISC, or

"(B) FSC or former FSC."

(12) Section 6011(c) (relating to returns of DISCs and former DISCs) is amended—

(A) by inserting "or a FSC or former FSC" after "former DISC" in paragraph (1), and

(B) by inserting "and FSCs and Former FSCs" after "Former DISCs" in the heading thereof.

(13) Section 6072(c) (relating to returns by nonresident alien individuals and foreign corporations) is amended by inserting "or a FSC or former FSC" after "United States".

(14) Section 6501(g)(3) (relating to income tax returns of DISCs) is amended by striking out "section 6011(e)(2)" and inserting in lieu thereof "section 6011(c)(2)".

(15) (A) Section 6686 (relating to failure of DISC to file returns) is amended—

(i) by striking out "section 6011(e)" and inserting in lieu thereof "section 6011(c)", and

(ii) by striking out the heading thereof and inserting in lieu thereof the following:

"SEC. 6686. FAILURE TO FILE RETURNS OR SUPPLY INFORMATION BY DISC OR FSC.".

(B) The table of sections for subchapter B of chapter 68 is amended by striking out the item relating to section 6686 and inserting in lieu thereof the following new item:

"Sec. 6686. Failure to file returns or supply information by DISC or FSC.".

(162) Section 995(f)(2)(B) (as added by section 802(a)(3)) is amended by striking out "and carrybacks of losses and credits".

(163) In section 805(b)(2)(A) of the bill, insert "with respect to which there had previously been a deemed distribution to which section 996(e)(1) of such Code applied" immediately before the period at the end thereof.

(164) In paragraph (2) of section 4051(d) of the Code, as amended by section 921 of the bill, strike out subparagraph (B) and insert in lieu thereof the following:

"(B)(i) both the seller and the purchaser of which are registered in a manner similar to registration under section 4222, and

"(ii) with respect to which the purchaser certifies (at such time and in such form and manner as the Secretary prescribes by regulations) to the seller that such trailer or semitrailer—

"(I) will be used, or resold for use, principally in connection with such service, or

"(II) will be incorporated into an article which will be so used or resold.".

(165) Strike out section 1020 of the bill.

(166) Strike out the item relating to section 1020 in the table of contents of the bill.

(167) In clause (iii) of section 6166(b)(9)(B) of the Code, as added by section 1021 of the bill, insert before the period at the end of the first sentence "for purposes of clause (ii)".

(168) In clause (i) of the section 1034(c)(2)(B) of the bill, strike out "account of interest" and insert in lieu thereof "number of units".

(169) In clause (iii) of section 1034(c)(2)(B) of the bill, strike out "amount of interests" and insert in lieu thereof "number of units".

(170) In subsection (j) of section 51 of the Code, as added by subsection (c) of section 1041 of the bill—

(A) strike out "allowable under section 44B" in paragraph (1) thereof and insert in lieu thereof "under this section", and

(B) strike out "allowed under section 44B" in paragraph (2) thereof and insert in lieu thereof "determined under this section".

(171) In paragraph (1) of section 1072(c) of the bill, strike out "section 6056(c)" and insert in lieu thereof "section 6053(c)".

(172) In section 1079 of the bill, strike out all that follows the parenthetical material and insert in lieu thereof ", as amended by section 2813 of the bill, is amended by striking out subparagraph (A) thereof and inserting in lieu thereof the following:

"(A) is exempt from Federal income taxes—

"(i) under such Act as amended and supplemented before the date of the enactment of the Tax Reform Act of 1984, or

"(ii) under this title without regard to any provision of law which is not contained in this title and which is not contained in a revenue Act, or

(173) Section 217 of the bill is amended by adding at the end thereof the following new subsection:

(n) SPECIAL RULE FOR COMPANIES USING NET LEVEL RESERVE METHOD FOR NONCANCELLABLE ACCIDENT AND HEALTH INSURANCE CONTRACTS.—A company shall be treated as meeting the requirement of section 807 (d)(3)(A)(iii) of the Internal Revenue Code of 1954, as amended by this Act, with respect to any noncancellable accident and health insurance contract for any taxable year if such company—

(1) uses the net level reserve method to compute its tax reserves under section 807 of such Code on such contracts for such taxable year,

(2) was using the net level reserve method to compute its statutory reserves on such contracts as of December 31, 1982, and

(3) has continuously used such method for computing such reserves on such contracts after December 31, 1982, and through such taxable year.

(174) In section 521 of the bill redesignate subsection (d) as subsection (e) and insert after subsection (c) the following new subsection:

(d) CERTAIN DISTRIBUTION REQUIREMENTS TO APPLY TO 5-PERCENT OWNERS RATHER THAN KEY EMPLOYEES.—Section 72 (m)(5) (relating to penalties applicable to certain amounts received by owner-employees) is amended—

(1) by striking out "key employee" each place it appears in subparagraph (A) and inserting in lieu thereof "5-percent owner";

(2) by striking out "in a top-heavy plan" in clause (i) of subparagraph (A), and

(3) by striking out "the terms 'key employee' and 'top-heavy plan' " in subparagraph (C) and inserting in lieu thereof "the term '5 percent owner' ".

(175) In section 168(b)(4)(A) of the Code (as added by section 111(b)(1) of the bill), insert "(without regard to the mid-month convention)" after "paragraph (2)" in the matter preceding clause (i).

(176) In paragraphs (2) and (3)(C) of section 1042(b) of the Code (as added by section 541(a) of the bill), strike out "qualified securities" and insert "employer securities (within the meaning of section 409(1)".

(177) In section 4978 of the Code (as added by section 545 (a))—

(A) strike out "qualified securities" in paragraph (1) of subsection (a) and insert "employer securities",

(B) strike out "qualified securities" the second place it appears in paragraph (2) of subsection (a) and insert "employer securities",

(C) amend subsection (e)(1) to read as follows:

"(1) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given to such term by section 4975(e)(7).",

(D) strike out the closing quotation marks at the end of subsection (e)(4), and

(E) insert at the end of subsection (e) the following:

"(5) EMPLOYER SECURITIES.—The term 'employer securities' has the meaning given to such term by section 409(1).".

(178) In section 1276 (a)(2)(A) of the Code (as added by section 41(a) of the bill), insert "(determined without regard to paragraph (2) thereof)" after "section 1272 (a)".

(179) In section 48(a)(5)(B)(ii)(II) of the Code (as amended by section 31(b) of the bill), strike out "section 48(a)(2)(B)(vi)" and insert "section 48(a)(2)(B)(v)".

(180) In section 112(b)(2) of the bill, strike out "act" and insert "section".

(181) In subparagraph (D) of section 31(g)(15) of the bill, strike out "passenger" in the matter preceding clause (i).

(182) In section 111(g) of the bill, insert the following new paragraph at the end thereof:

(5) SPECIAL RULE FOR MID-MONTH CONVENTION.—In the case of the amendment made by subsection (d)—

(A) paragraph (1) shall be applied by substituting "June 22, 1984" for "March 15, 1984", and

(B) paragraph (2) shall be applied by substituting "June 23, 1984" for "March 16, 1984" each place it appears.

(183) In paragraph (3) of section 523(b) of the Highway Revenue Act of 1982 (as amended by section 734(a)(2)(A) of the bill) strike out "solely by reason of the parenthetical matter in paragraph (1)" and insert in lieu thereof "solely by reason of the amendment made by subsection (a)(1) or (d) of section 734 of the Tax Reform Act of 1984".

(184) Insert at the end of section 112(b), the following new paragraph:

(3) SPECIAL RULE FOR CERTAIN DISPOSITIONS BEFORE OCTOBER 1, 1984.—The amendments made by this section shall not apply to any disposition before October 1, 1984, of all or substantially all of the personal property of a cable television business pursuant to a written offer delivered by the seller on June 20, 1984, but only if the last payment under the installment contract is due no later than October 1, 1989.

DIVISION B—SPENDING REDUCTION ACT OF 1984

(a) In title III of Division B of the bill—

(1) In the clause (D) amended by section 2303(a) of the bill, strike out the semicolon and insert in lieu thereof a comma.

(2) In section 2303(b)(1) of the bill, strike out "(c)" and insert in lieu thereof "(C)".

(3) In subsection (h) of section 1833 of the Social Security Act (as amended by section 2303(d) of the bill)—

(A) insert "of" in paragraph (5)(A)(ii) after "in the case",

(B) insert "in accordance with section 1842(b)(6)(B)," in paragraph (5)(C) after "1842(b)(3)(B)(ii),", and

(C) strike out "which is not paid" in paragraph (6) and insert in lieu thereof "payment for which is not made".

(4) In section 2303(i)(1)(A) of the bill, strike out "services" and insert in lieu thereof "tests".

(5) In section 2304(a)(1) of the bill, insert "of the Health and Human Services" after "Secretary".

(6) In section 1862(h)(4) of the Social Security Act (as added by section 2304(c) of the bill), insert "paragraphs (2) and (3) of" before "subsection (d)".

(7) In section 1842(b)(4)(D) of the Social Security Act (as added by section 2306(a) of the bill), strike out "who is not a participating physician" and all that follows through "October 1, 1984" and insert in lieu thereof "who at no time for any services furnished during the 12-month period beginning October 1, 1984, was a participating physician (as defined in subsection (h)(1))".

(8) In section 2306(c) of the bill, insert", as amended by section 2303(e) of this title," after "Section 1842 of such Act".

(9) Redesignate subsections (j), (k) and (l) of section 1842 of the Social Security Act (added by section 2306(c) of the bill) as subsections (h), (i), and (j), respectively.

(10) In section 1842(i) of the Social Security Act (as added by inserting 2306(c) of the bill and as redesignated under the previous paragraph in this concurrent resolution)—

(A) strike out "subsection (j)(1)" in paragraph (2) and insert in lieu thereof "subsection (h)(1)", and

(B) insert "list and" before "directory" each place it appears in paragraphs (3) and (4).

(11) In section 1128(a)(2)(C) of the Social Security Act (as added by section 2306(f)(1) of the bill), strike out "1842(j)(1)" and insert in lieu thereof "1842(h)(1)".

(12) In section 1877(d) of the Social Security Act (as amended by section 2306(f)(2)(A) of the bill), strike out "1842(j)(1)" and insert in lieu thereof "1842(h)(1)".

(13) In section 2309(b) of the bill, strike out "and used by them in making the 1984 reasonable charge updates" and insert in lieu thereof "for charges in 1983".

(14) In the matter added at the end of section 1886(d)(5)(C)(i) of the Social Security Act by section 2311(a) of the bill, strike out "in case" and insert in lieu thereof "in the case".

(15) In the matter added at the end of section 1886(d)(2)(D) of the Social Security Act by section 2311(b) of the bill, strike out "majority" and insert in lieu thereof "the largest number".

(16) In section 2311(d)(2) of the bill, strike out "reclassified under" and insert in lieu

thereof "the region of which is deemed to be changed pursuant to".

(17) In section 2312(b) of the bill, insert "costs of" before "anesthesia" in the matter proposed to be inserted and strike out "education" and insert in lieu thereof "educational".

(18) In the matter inserted by section 2313(b)(2) of the bill, strike out "U.S.C" and insert in lieu thereof "U.S.C.".

(19) In the matter added to section 1886(e)(6)(C) of the Social Security Act by section 2313(b)(3) of the bill, strike out "the" before "such meeting".

(20) In section 2313(c) of the bill, insert ", as amended by section 2304(c) of this title," after "1862 of such Act".

(21) In section 1861(v)(1)(0)(i) of the Social Security Act (added by section 2314(a) of the bill), strike out "the first owner of record on or after the date of the enactment of this subparagraph" and insert in lieu thereof, "the owner of record as of the date of the enactment of this subparagraph (or, in the case of an asset not in existence as of such date, the first owner of record of the asset after such date)".

(22) In sections 2314(c)(3)(B) and 2367(c)(2) of the bill, strike out "the additional requirements" and "these additional requirements" and insert in lieu thereof "the additional requirement" and "this additional requirement", respectively.

(23) In the matter proposed to be inserted in section 1886(c)(4)(A) of the Social Security Act by section 2315(a) of the bill, insert a comma after "(D)".

(24) In section 2315(c)(2), strike out the comma after "fiscal year".

(25) In section 2315(h)(1) of the bill, strike out "hospital that serves" and insert in thereof "hospitals that serve".

(26) In section 2316(c) of the bill, insert "on" after "Congress".

(27) In section 2321(d)(4)(B) of the bill, strike out "1888" and insert in lieu thereof "1889".

(28) In section 2321(f)(1) of the bill, insert "subparagraphs" after "(B) and (C) as".

(29)(A) Move the alignment of the left margin of the subparagraph (B) added by section 2323(a)(3) of the bill so that the subparagraph is indented two ems from the left margin.

(B) In section 2323(b) of the bill, strike out paragraph (3) and redesignate paragraph (4) as paragraph (3).

(30) In section 2326(a) of the bill, strike out "1984 and 1985" and insert in lieu thereof "1985 and 1986".

(31) In section 2326(b) of the bill, strike out "such Act" and insert in lieu thereof "the Social Security Act".

(32) In section 2326(e)(1)(A) of the bill, strike out "Health Care Financing Administrator" and insert in lieu thereof "Administrator of the Health Care Financing Administration".

(33) In section 1861(dd)(5)(B) of the Social Security Act (as added by section 2343(b) of the bill), insert "the date" after "60 days after".

(34) In section 1876(g)(5) of the Social Security Act (as added by section 2350(b)(2) of the bill), insert "the" before "Federal Supplementary".

(35) In section 2350(b)(3) of the bill, strike out "use" and insert in lieu thereof "establishment" and insert "contract" after "Act for any".

(36) In the matter inserted by section 2350(c)(2) of the bill, strike out "another" and insert in lieu thereof "or other".

(37) In section 2354(b)(14) of the bill, strike out "ninth" and insert in lieu thereof "seventh".

(38) In section 2361(a) of the bill, strike out "1902(a)(10)(A)(i)" and insert in lieu thereof "1902(a)(10)(A)".

(39) In section 2363(b) of the bill, strike out "Such section" and insert in lieu thereof "Section 1903 of such Act".

(40) In section 2363(c) of the bill, strike out "this section" and insert in lieu thereof "such subsection".

(41) In section 1903(m)(2)(F)(ii)(I) of the Social Security Act (as added by section 2364(2) of the bill), strike out "or has received" and insert in lieu thereof "or is receiving (and has received during the previous two years)".

(42) In section 1902(a)(26) of the Social Security Act (as amended by section 2368(b) of the bill), insert a comma before "provide—".

(43) In section 1622(c)(2)(B)(iii) of the Public Health Service Act (as amended by section 2381(b) of the bill), strike out "changessation" and insert thereof "changes of use".

(b) In title VI of Division B of the bill—

(1) In the table of contents for such Division, strike out the item relating to section 2643 and insert in lieu thereof the following:

PART 2—GENERAL EFFECTIVE DATE

Sec. 2646. General effective date.

(2) In section 2616 of the bill—

(A) insert "(a)" after "SEC. 2616."; and

(B) add at the end of the section the following new subsection:

(b) The amendment made by subsection (a) shall become effective on the date of the enactment of this Act.

(3) In section 2638(a)(3)(B) of the bill, strike out the colon after "thereof".

(4) In the heading of section 2640 of the bill, strike out "DISREGARD OF'".

(5) In section 2651(a) of the bill (at the beginning of the new section being added to part A of title XI of the Social Security Act), strike out "SEC. 1136." and insert in lieu thereof "SEC. 1137.".

(6) In section 2661(1)(3) of the bill, strike out the parenthesis after "Act)".

(7) In section 2662(h) of the bill—

(A) insert "(1)" after "(h)";

(B) strike out "further"; and

(C) strike out "(3) The amendments" and insert in lieu thereof "(2) The amendment".

(8) In section 2681 of the bill—

(A) in subsection (a) (in subsection (d) of section 7652 of the Internal Revenue Code of 1954 as added by such subsection (a)), strike out "subsection (a)(3) and (b)(3)" and insert in lieu thereof "subsections (a)(3) and (b)(3)";

(B) in subsection (b)(2)(B), before the period at the end of clause (ii), insert ", and which would not meet the requirements of section 7652(c) of such Code"; and

(C) in subsection (b), strike out paragraphs (2)(C) and (3) and insert in lieu thereof the following:

(C) $75,000,000 LIMITATION.—The aggregate amount payable to Puerto Rico by reason of subparagraph (A) shall not exceed $75,000,000 in the case of articles—

(i) brought into the United States after June 30, 1984, and before January 1, 1985,

(ii) which would not meet the requirements of section 7652(c) of such Code,

(iii) which have been redistilled in Puerto Rico, and

(iv) which do not contain distilled spirits derived from cane.

(3) LIMITATION ON INCENTIVE PAYMENTS TO UNITED STATES DISTILLERS.—

(A) IN GENERAL.—In the case of articles to which this paragraph applies, the aggregate amount of incentive payments paid to any United States distiller with respect to such articles shall not exceed the limitation described in subparagraph (C).

(B) ARTICLES TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to any article containing distilled spirits described in clauses (i) through (iv) of paragraph (2)(C).

(C) Limitation.—

(i) IN GENERAL.—The limitation described in this subparagraph in $1,500,000.

(ii) SPECIAL RULE.—The limitation described in this subparagraph shall be zero with respect to any distiller who was not entitled to or receiving incentive payments as of March 1, 1984,

(D) PAYMENTS IN EXCESS OF LIMITATION.—If any United States distiller receives any incentive payment with respect to articles to which this paragraph applies in excess of the limitation described in subparagraph (C), such distiller shall pay to the United States the total amount of such incentive payments with respect to such articles in the same manner, and subject to the same penalties, as if such amount were tax due and payable under section 5001 of such Code on the date such payments were received.

(E) INCENTIVE PAYMENTS.—

(i) IN GENERAL.—For purposes of this paragraph, the term "incentive payment" means any payment made directly or indirectly by the Commonwealth of Puerto Rico to any United States distiller as an incentive to engage in redistillation operations.

(ii) TRANSPORTATION PAYMENTS EXCLUDED.—Such term shall not include any payment of a direct cost of transportation to or from Puerto Rico with respect to any article to which this paragraph applies.

(9) In section 2601(c) of the bill, after "United States Code," insert "or to another retirement system established by a law of the United States for employees of the Federal Government (other than for members of the uniformed services),".

(10) In section 2612(b) of the bill, strike out "date of the enactment of this Act" and insert in lieu thereof "effective date of this section".

(11) In subsections (a)(1) and (a)(2) of section 2653 of the bill, renumber the new section being added to title 31 of the United States Code as section 3720A.

(c) In title VIII of Division B of the bill—

(1) In section 2813(b)(1) of the bill—

(A) strike out "is amended by redesignating" and all that follows down through the colon and insert in lieu thereof the following: ", as amended by section 1032(a) of this Act, is amended by redesignating subsection (l) as subsection (m) and by adding after subsection (k) the following new subsection:"; and

(B) strike out "(k)" at the beginning of the new subsection being added to section 501 of the Internal Revenue Code of 1954 and insert in lieu thereof "(l)".

(2) In section 2813(b)(2) of the bill, in the new paragraph (1) being added to section 501(c) of the Internal Revenue Code of 1954, strike out "subsection, (k)" in subparagraph (B) of such paragraph and insert in lieu thereof "subsection (l)".

(d) In title IX of Division B of the bill—

(1) In section 2904 of the bill, strike out "section 1609" and insert in lieu thereof "section 2903".

(2) In section 2905(a)(3) of the bill, before the first period insert "would improve the

accuracy of budget estimates used by the Congress".

SEC. 2. In the enrollment of the bill (H.R. 4170) to provide for tax reform, and for other purposes, the Clerk of the House of Representatives may correct spelling, punctuation, size type, indentions, margins, paragraphing, quotation marks, numbering and lettering, cross references, and similar typographical matters.

MELCHER (AND OTHERS) AMENDMENT NO. 3378

Mr. MELCHER (for himself, Mr. BAUCUS, Mr. BOSCHWITZ, Mr. DIXON, Mr. DURENBERGER, Mr. JEPSEN, Mr. SYMMS, Mr. BOREN, Mr. RANDOLPH, and Mr. HATFIELD) proposed an amendment to amendment No. 3377 proposed by Mr. DOLE to the concurrent resolution H. Con. Res. 328, supra; as follows:

On page 8, line 4, strike out paragraph (23) of the corrections to Division 1—Tax Reform Act of 1984 and insert the following new paragraph:

(23) In section 483 of the Code (as added by section 41(b) of the bill), redesignate subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively, and insert after subsection (d) the following new subsection:

"(e) INTEREST RATES IN CASE OF SALES OF PRINCIPAL RESIDENCES OR FARM LANDS.—

"(1) IN GENERAL.—In the case of any debt instrument arising from a sale or exchange to which this subsection applies, subsections (b) and (c)(1)(B) shall be applied by using, in lieu of the discount rates determined under such subsections, discount rates determined under subsections (b) and (c)(1), respectively, of this section as in effect before the amendments made by the Tax Reform Act of 1984.

"(2) Sales or exchanges to which subsection applies.—This subsection shall apply—

"(A) to any sale or exchange by a person of real property to be used by the purchase as a personal residence but only to the extent that the sale price that the real property does not exceed $250,000

"(B) to any sale or exchange by a person of land used by such person as a farm (within the meaning of section 6420 (C) (2)), and

"(C) to any sale or exchange by a person of real property pursuant to the sale or exchange of a business, but only to the extent that the sale price that the real property does not exceed $500,000.

FEDERAL CONTRIBUTIONS TO PRESIDENTIAL NOMINATING CONVENTIONS

LONG AMENDMENT NO. 3379

Mr. LONG proposed an amendment to the bill (H.R. 5950) to increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions; as follows:

At the end of the bill, add the following new section:

SEC. . Any increase in any payment to a major party under section 9008(b) of the Internal Revenue Code of 1954 made solely by reason of the amendments made by this Act shall only be used to provide police protection, capital or other improvements made substantially for security reasons, and other similar security measures.

ADOLESCENT FAMILY LIFE DEMONSTRATION PROGRAM

DENTON AMENDMENT NO. 3380

Mr. DOLE (for Mr. DENTON) proposed an amendment to the bill S. 2616, to extend the Adolescent Family Life Demonstration Program, as follows:

At the end of the bill, add the following:
(e) Section 2008(g) of such Act is repealed.

INSIDER TRADER SANCTIONS ACT

D'AMATO AMENDMENT NO. 3381

Mr. DOLE (for Mr. D'AMATO) proposed an amendment to the bill S. 910, to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information, as follows:

Beginning with page 3, line 19, strike out all through page 4, line 2.

On page 3, line 1, after "Section 20" insert "(a)".

PATENT LAW AMENDMENTS OF 1983

THURMOND AMENDMENT NO. 3382

Mr. DOLE (for Mr. THURMOND) proposed an amendment to the bill S. 1538, to amend the patent laws of the United States, as follows:

Redesignate section 24 as section 25.

Between section 23 and section 25, as redesignated, insert the following new section:

SEC. 24. (a) Title 35 of the United States Code is amended by adding immediately following section 155 the following new section:

"§ 155A. Patent extension.

"(a) Notwithstanding section 154 of this title, the term of any patent which encompasses within its scope a composition of matter which is a new drug product, if such new drug product is subject to the labeling requirements for oral hypoglycemic drugs of the sulfonylurea class as promulgated by the Food and Drug Administration in its final rule of March 22, 1984 (FR Doc. 84-9640) and was approved by the Food and Drug Administration for marketing after promulgation of such final rule and prior to the date of enactment of this law, shall be extended until April 21, 1992.

"(b) The patentee or licensee or authorized representative of any patent described in such subsection (a) shall, within ninety days after the date of enactment of such subsection, notify the Commissioner of Patents and Trademarks of the number of any patent so extended. On receipt of such notice, the Commissioner shall confirm such extension by placing a notice thereof in the official file of such patent and publishing an appropriate notice of such extension in the Official Gazette of the Patent and Trademark Office.".

(b) The table of sections for chapter 14 of title 35, United States Code is amended by adding after the item relating to section 155 the following new item:

"155A. Patent extension.".

Section 25 (a) of the bill, as redesignated, is amended by striking out "9 and 10" and inserting in lieu thereof "9, 10, and 24".

THURMOND (AND HOLLINGS) AMENDMENT NO. 3383

Mr. DOLE (for Mr. THURMOND and Mr. HOLLINGS) proposed an amendment to the bill S. 1538, supra; as follows:

At the end of the bill insert the following new title:

TITLE —

SEC. . This title may be cited as the "Textile Fiber and Wool Products Identification Improvement Act".

SEC. 2. Subsection (b) of section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b(b)) is amended by adding at the end thereof the following new paragraph:

"(5) If it is a textile fiber product processed or manufactured in the United States, it be so identified.".

SEC. 3. Subsection (e) of section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b(e)) is amended to read as follows:

"(e) For purposes of this Act, in addition to the textile fiber products contained therein, a package of textile fiber products intended for sale to the ultimate consumer shall be misbranded unless such package has affixed to it a stamp, tag, label, or other means of identification bearing the information required by subsection (b), with respect to such contained textile fiber products, or is transparent to the extent it allows for the clear reading of the stamp, tag, label, or other means of identification on the textile fiber product, or in the case of hosiery items, this section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each hosiery product contained in a package if (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the hosiery products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.".

SEC. 4. Section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b) is amended by adding at the end thereof the following new subsections:

"(i) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised in any mail order catalog or mail order promotional material which is used in the direct sale or direct offering for sale of such textile fiber product, unless such textile fiber product description states in a clear and conspicuous manner that such textile fiber product is processed or manufactured in the United States, or imported, or both.

"(j) For purposes of this Act, a textile fiber product shall be misbranded if a stamp, tag, label, or other identification conforming to the requirements of this section is not on or affixed to the inside center of the neck midway between the shoulder seams, or if such product does not contain a neck in the most conspicuous place on the inner side of such product, unless it is on or affixed on the outer side of such product, or in the case of hosiery items on the outer side of such product or package.".

SEC. 5. Paragraph (2) of section 4(a) of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b(a)(2) is amended by adding at the end thereof the following new subparagraphs:

"(D) the name of the country where processed or manufactured.".

SEC. 6. Section 4 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b) is amended by adding at the end thereof the following new subsections:

"(e) For the purposes of this Act, a wool product shall be considered to be falsely or deceptively advertised in any mail order promotional material which is used in the direct sale or direct offering for sale of such wool product, unless such wool product description states in a clear and conspicuous manner that such wool product is processed or manufactured in the United States, or imported, or both.

"(f) For purposes of this Act, a wool product shall be misbranded if a stamp, tag, label, or other identification conforming to the requirements of this section is not on or affixed to the inside center of the next midway between the shoulder seams, or if such product does not contain a neck in the most conspicuous place on the inner side of such product, unless it is on or affixed on the outer side of such product or in the case of hosiery items, on the outer side of such product or package.".

SEC. 7. Section 5 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68c) is amended—

(1) by striking out "Any person" in the first paragraph and inserting in lieu thereof "(a) Any person";

(2) by striking out "Any person" in the second paragraph and inserting in lieu thereof "(b) Any person"; and

(3) by inserting after subsection (b) (as designated by this section) the following new subsection:

"(c) For the purposes of subsections (a) and (b) of this section, any package of wool products intended for sale to the ultimate consumer shall also be considered a wool product and shall have affixed to it a stamp, tag, label, or other means of identification bearing the information required by section 4, with respect to the wool products contained therein, unless such package of wool products is transparent to the extent that it allows for the clear reading of the stamp, tag, label or other means of identification affixed to the wool product, or in the case of hosiery items this section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each hosiery product contained in a package if (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the hosiery products contained therein, the information required by subsection (4), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each hosiery product contained therein.".

SEC. 8. The amendments made by this Act shall be effective 90 days after the date of enactment of this Act.

MATHIAS AMENDMENT NO. 3384

Mr. DOLE (for Mr. MATHIAS) proposed an amendment to the bill S. 1538, supra, as follows:

Section 156(a) of title 35, United States Code, as added by section 2(a) of the bill is amended in the first sentence by striking our "registration" after "statutory invention" and inserting in lieu thereof "recording".

Section 156(c) of such title 35, as added by section 2(a) is amended by striking out the final quotation marks and final period.

Section 156 of such title 35 is further amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Commerce shall convene an interagency committee to coordinate policy on the use of the statutory invention recording procedure by agencies of the United States. Such policy shall ordinarily require use of the statutory invention recording procedure for inventions as to which the United States may have the right of ownership that do not have commercial potential. The interagency committee shall also, after obtaining views from the public, establish standards for evaluating the commercial potential of inventions to which the government may have the right of ownership. The head of each agency which has a significant research program (as determined by the Secretary of Commerce) shall designate either the senior technology transfer official or the senior research policy official to participate as a member of the interagency committee. The Secretary of Commerce shall report to the Congress annually on the use of statutory invention recordings. Such report shall include an assessment of the degree to which agencies of the Federal Government are making use of the statutory invention recording system, the degree to which it aids the management of federally developed technology, and an assessment of the cost savings to the Federal Government of the use of such procedures.".

Strike out section 2 (c) of the bill.

Section 21(a) of the bill is amended by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

CHILD ABUSE PREVENTION AND TREATMENT ACT AND CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT AMENDMENTS

HATCH (AND OTHERS) AMENDMENT NO. 3385

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. DODD, Mr. DENTON, Mr. CRANSTON, Mr. NICKLES, and Mrs. KASSEBAUM) submitted an amendment intended to be proposed by them to the bill (S. 1003) to extend and revise the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978; as follows:

On page 11, beginning with line 11, strike out all through line 2 on page 12.

On page 12, line 3, strike out "(c)" the first time it appears and insert in lieu thereof "(b)".

On page 12, line 8, strike out "SEXUAL ABUSE".

On page 12, lines 10 and 11, strike out "title" and insert in lieu thereof "Act" in both places.

On page 12, lines 14 and 15, strike out "comma and the word 'and' " and insert in lieu thereof "semicolon".

On page 12, line 24, strike out the end quotation marks and the period the second time it appears and insert in lieu thereof a semicolon and "and".

On page 12, after line 24, insert the following:

"(3) the term 'withholding of medically indicated treatment' means the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment, (A) the infant is chronically and irreversibly comatose; (B) the provision of such treatment would (i) merely prolong dying, (ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or (iii) otherwise be futile in terms of the survival of the infant; or (C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.".

On page 13, strike out line 10 through line 17 and insert in lieu thereof the following: "$32,500,000 for fiscal year 1984, $39,000,000 for fiscal year 1985, $40,500,000 for fiscal year 1986, and $42,080,000 for fiscal year 1987 to carry out the provisions of this Act. Of the sums appropriated for each fiscal year, $9,500,000 shall be available in each fiscal year to carry out the provisions of section 4(b)(1) of this Act, relating to State grants, $4,000,000 shall be available in each such year for identification, treatment, and prevention of sexual abuse, and $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 4(c) of this Act (as amended by section 201(c)(2) of the Child Abuse Prevention and Treatment and Adoption Reform Act).".

On page 14, line 25, and page 15, line 1, strike out "infants at risk with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 15, line 11 and 12, strike out "infants at risk with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 16, lines 20 and 21, strike out "infants at risk with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 17, lines 9 and 10, strike out "children with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 19, beginning with line 9, strike out all through line 20 on page 22 and insert in lieu thereof the following new title:

TITLE II—SERVICES AND TREATMENT FOR DISABLED INFANTS

SEC. 201. (a) Section 4(b)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5103(b)(2), hereinafter in this title referred to as "the Act") is amended by—

(1) striking out "and" at the end of clause (I);

(2) striking out the period at the end of clause (J) and inserting in lieu thereof a semicolon and the word "and"; and

(3) inserting after clause (J) the following new clause:

"(K) have in place for the purpose of responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the state child protective services system), to provide for (i) coordination and consultation with individuals designated by and within appropriate health-care facilities, (ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), and (iii) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.".

(b) Section 4 (b)(3) of the Act is amended by striking out "and (F)" and inserting in lieu thereof "(F), and (K)".

(c) Section 4 of the Act is further amended by—

(1) redesignating subsection (c) as subsection (d), subsection (d) as subsection (e), and subsection (e) as subsection (f); and

(2) inserting after subsection (b) the following new subsection (c):

"(c) The Secretary is authorized to make additional grants to the States for the purpose of developing, establishing, and operating or implementing—

"(1) the procedures or programs required under clause (K) of subsection (b)(2);

"(2) information and education programs or training programs for the purpose of improving the provision of services to disabled infants with life-threatening conditions for (i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities, and (ii) the parents of such infants; and

"(3) programs to help in obtaining or coordinating necessary services, including existing social and health services and financial assistance for families with disabled infants with life-threatening conditions, and those services necessary to facilitate adoptive placement of such infants who have been relinquished for adoption.".

REGULATIONS AND GUIDELINES

SEC. 202. (a)(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services (hereinafter in this title referred to as the "Secretary") shall publish proposed regulations to implement the requirements of section 4(b)(2)(K) of the Act (as amended by section 201(a)(3) of this Act).

(2) Not later than 180 days after the date of the enactment of this Act and after notice and opportunity for public comment, the Secretary shall publish final regulations under this subsection.

(b)(1) Not later than 60 days after the date of the enactment of this Act, the Secretary shall publish interim model guidelines to encourage the establishment within health-care facilities of committees which would serve the purposes of educating hospital personnel and families of disabled infants with life-threatening conditions, recommending institutional policies and guidelines concerning the withholding of medically indicated treatment from such infants, and offering counsel and review in cases involving disabled infants with life-threatening conditions.

(2) Not later than 150 days after the date of the enactment of this Act and after notice and opportunity for public comment, the Secretary shall publish the model guidelines.

REPORT ON FINANCIAL RESOURCES

SEC. 203. The Secretary shall conduct a study to determine the most effective means of providing Federal financial support, other than the use of funds provided through the Social Security Act, for the provision of medical treatment, general care, and appropriate social services for disabled infants with life-threatening conditions. The Secretary shall report the results of the study to the appropriate Committees of the Congress not later than 270 days after the date of the enactment of this Act and shall include in the report such recommendations for legislation to provide such financial support as the Secretary considers appropriate.

TRAINING, TECHNICAL ASSISTANCE, AND CLEARINGHOUSE ACTIVITIES

SEC. 204. The Secretary shall provide, directly or through grants or contracts with public or private nonprofit organizations, for (1) training and technical assistance programs to assist States in developing, establishing, and operating or implementing programs and procedures meeting the requirements of section 4(b)(2)(K) of the Act (as amended by section 201(a)(3) of this Act); and (2) for the establishment and operation of national and regional information and resource clearinghouses for the purpose of providing the most current and complete information regarding medical treatment procedures and resources and community resources for the provision of services and treatment for disabled infants with life-threatening conditions.

STATUTORY CONSTRUCTION

SEC. 205. (a) No provision of this Act or any amendment made by this Act is intended to affect any right or protection under section 504 of the Rehabilitation Act of 1973.

(b) No provision of this Act or any amendment made by this Act may be so construed as to authorize the Secretary or any other governmental entity to establish standards prescribing specific medical treatments for specific conditions, except to the extent that such standards are authorized by other laws.

(c) If the provisions of any part of this Act or any amendment made by this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATES

SEC. 207. (a) Except as provided in subsection (b), the provisions of this Act or any amendment made by this Act shall be effective on the date of the enactment of this Act.

(b)(1) Except as provided in paragraph (2), the amendment made by section 201(a)(3) of this Act shall become effective one year after the date of such enactment.

(2) In the event that, prior to such effective date, funds have not been appropriated pursuant to section 5 of the Act (as amended by section 104 of this Act) for the purpose of grants under section 4(c) of the Act (as amended by section 201(c) of this Act), the Secretary may grant to any State which has not met the requirements of section 4(b)(2)(K) of the Act (as amended by section 201(a)(3) of this Act) a waiver of such requirements for a period of not more than one year, if the Secretary finds that such State is making a good faith effort to comply with such requirements.

Mr. HATCH. Mr. President, I rise before you at this time to submit an amendment to S. 1003, the Child Abuse Prevention and Treatment and Adoption Reform Act, which is intended to provide protection for newborn handicapped infants.

At this time, I would like to thank my colleagues, Senator DENTON, Senator DODD, Senator CRANSTON, Senator KASSEBAUM, and Senator NICKLES. In addition, I would like to express my gratitude to the groups and staffs who spent countless hours, late nights and made many difficult decisions to come to agreement on the provisions concerning the protection of newborn handicapped infants. There were many organizations present at the table; I am pleased to announce that almost all of them have joined in endorsement of this amendment and I am certain that many other organizations will quickly join with us. The organizations include:

The American Hospital Association.
The Catholic Health Association.
The National Association of Children's Hospital and Related Institutions.
The American Academy of Pediatrics.
The American College of Obstetricians and Gynecologists.
American Nurses Association.
American College of Physicians.
California Association of Children's Hospitals.
Nurse Association of the America College of Obstetricians and Gynecologists.
American Association of Mental Deficiency.
Association for Retarded Citizens, U.S.
Spina-Bifida Association of America.
Downs-Syndrome Congress.
People First of Nebraska.
The Association for Persons with Severe Handicaps (TASH).
Disability Rights Center.
Operation Real Rights.
Christian Action Council.
National Right to Life Committee.
American Life Lobby.

We as Americans recognize the inherent responsibility of adults to ensure the physical, mental, and emotional well-being of children and

young adults. We would never abandon a child injured in an accident, and we protect children from adults who abuse them. Therefore, we should not turn our heads and deprive necessary medical care ensuring life to children born seriously ill.

But, my respected colleagues, the time has come when we must take an action on behalf of these newborn infants. We can no longer force upon heartbroken parents the tremendous obligation of determining the entire destiny of their handicapped child. Nor can we pass the responsibility of decisionmaking solely on to the medical profession. This is a difficult decision for parents to make about treatment for their child. We want to help, not hinder that process.

Should this baby live or die? Perhaps that is a question that not one of us is prepared or wants the responsibility of answering. Maybe our obligation is to give that child the best chance of survival. But that is a difficult decision to make and it must be made at a very difficult time. As legislators representing our various States, we have the opportunity to make a decision that will enable the citizens of this greatly blessed Nation to act together to assist the parents with the advice of their doctors to ensure proper decisions are made about the treatment of a seriously ill newborn. I urge you to join with me in this difficult, yet respectable legislative initiative.

This amendment will be attached to S. 1003. This bill has been awaiting action on the Senate floor for over 1 year. Differing views on this issue have been resolved on many fronts. We need to get this legislation enacted. It is broad legislation which would continue vital Federal programs which support the prevention and treatment of child abuse. This legislation also continues Federal programs supporting the adoption of special needs children, and now creates a mechanism to ensure proper decisions regarding the treatment for seriously ill infants. I urge my colleagues to join me in support of this amendment, and I would like to ask that the leadership consider designating floor time for the consideration of S. 1003 with this amendment, once we return from the July 4 recess.

Also, included in S. 1003 is a section that has come to be known as the savings provision. As I understand, there is some concern over the wording of this provision, its purpose and its potential application. I am confident that in the immediate future those parties interested in this provision will be able to resolve any problems that may exist with the statutory language and its proper interpretation.

At this time I ask unanimous consent that an editorial by Nat Hentoff, and a joint explanatory statement by the principal sponsors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BABY DOE AND LOCAL OPTION

(By Nat Hentoff)

In a remarkable act of political ecumenicism during a presidential election year, staff of six liberal and conservative senators have been working for weeks to try to shape a bill that will protect the lives of handicapped newborns. The senators represented are Alan Cranston, Orrin Hatch, Edward Kennedy, Jeremiah Denton, Christopher Dodd and Don Nickles.

The staff people have had to deal not only with the differing priorities of their respective employers but also with the bitter conflicts between medical organizations, on the one hand, and, on the other, disability groups and right-to-lifers. The last two disagree on a lot of things, including abortion. But they are united in their conviction that the killing of handicapped newborns has been going on for years and that since babies are not chattel, these infants have independent constitutional rights to due process which at last must be attended to.

The medical organizations would much prefer that the decision as to whether a handicapped baby lives or dies be left to the parents and doctors, as has been the case for millennia. However, after several widely publicized cases of babies being starved to death only because they might eventually be severely retarded (though no one knew for sure) physicians have grudgingly accepted the creation of hospital review committees. These groups would look in on decisions to terminate sustenance and medical treatment.

The other side does not believe that these review committees are protection enough for the handicapped infant. They are convinced that an independent representative of the baby's interests should have the power, as a last resort, to go to court to try to save the infant's life.

Most doctors see no need for such "extreme" measures although, as I have pointed out to a number of them, convicts on death row have lawyers.

Nonetheless, the American Medical Association is so appalled at the possibility of Congress enacting legislation to give babies the same rights as convicts that it has voted to urge that local communities and hospitals set their own guidelines for treatment—or non-treatment—of "incurably ill" infants. (Do they mean "incurable" to be synonymous with "terminal" or do they mean a condition that cannot be corrected during what could be a long life?)

This quite startling move by the AMA's House of Delegates would mean that community standards—as in obscenity cases—would for the first time our history determine who shall live and who shall die. (Shirley Jackson was certainly prescient in "The Lottery.")

A spina bifida baby, for instance, born in Chicago, where Dr. David McLone's spina bifida clinic at Children's Memorial Hospital is known and admired, would get thumbs up because McLone's patients grow up intelligent and ambulatory. But in a small town where the local doctors ignorantly believe that spina bifida inexorably leads to a dreadful "quality of life," an infant with that condition would be terminated with extreme prejudice.

Having made so bold a beginning in putting infanticide on the ballot, the AMA can be expected at one of its future assemblies to extend the ultimate local option to the incurable elderly. The proposition can be printed just below whether hard liquor should be sold in supermarkets.

As for the handicapped newborns, if a national plebiscite on the issue were held, the medical groups would get the support of the vast majority of citizens with regard to keeping lawyers, and judges out of the neonatal intensive care units. After all, the press—print and broadcast—has covered the Baby Doe stories with great compassion for the parents, and only a dutiful dab at the eyes when the baby comes into the conversation.

Few news accounts have indicated that other infants with the same conditions as the particular Baby Doe in the story have gone on to do well through the years and are pleased with their "quality of life." Some reports, such as those concerning Baby Jane Doe on "60 Minutes" and "20/20" don't even get the medical facts straight. But both programs readily agreed that the parents had been much abused by "intrusive" government. Yet, if this were a Jehovah's Witness baby being denied a blood transfusion, what would Ed Bradley and Tom Jarriel say then?

It is not surprising that the Baby Does have a very small constituency out there. They are terribly inconvenient—to their parents and to the rest of us who would rather think about more pleasant things. But some Senate staff members are looking right at these infants. They don't believe parents are entitled to a 30-day return privilege on defective babies.

JOINT EXPLANATORY STATEMENT BY PRINCIPAL SPONSORS OF COMPROMISE AMENDMENT REGARDING SERVICES AND TREATMENT FOR DISABLED INFANTS

This explanatory statement is a product of the six principal sponsors of this compromise measure: Senators HATCH, DODD, DENTON, CRANSTON, NICKLES, and KASSEBAUM. It is their intention that this statement serve in lieu of a Committee report on the compromise agreement and thus be the definitive legislative history in the Senate on it. Any remarks of individual Senators, including the principal sponsors, on this legislation express only their personal views and do not, therefore, constitute authoritative interpretation or explanation of the measure.

The provisions of the amendment are discussed below:

AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

The amendment would add a new clause (K) to section 4(b)(2) of the Child Abuse Prevention and Treatment Act (hereinafter referred to as "the Act"). Section 4(b)(2) authorizes grants to carry out child abuse prevention and treatment programs to be made to States which meet the requirements of the Act.

New clause (K) would require States which participate in the State grant program to have in place procedures and/or programs (within the State child protective service system) for the purpose of responding to the reporting of medical neglect, including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions. The new clause specifies that these procedures and/or programs will provide for (i) coordination

and consultation with individuals within appropriate health care facilities who have been designated by such health-care facilities, (ii) prompt notification by such individuals to the child protective services system of cases of suspected medical neglect, including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions, and (iii) the authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

The term "withholding of medically-indicated treatment" is defined (in a new definition to be added to section 3 of the Act) as the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment, (A) the infant is chronically and irreversibly comatose; (B) the provision of such treatment would (i) merely prolong dying, (ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or (iii) otherwise be futile in terms of the survival of the infant; or (C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane. The use of the term "inhumane" in exception (C), above, is not intended to suggest that consideration of the humaneness of a particular treatment is not legitimate in any other context; rather, it is recognized that it is appropriate for a physician, in the exercise of reasonable medical judgment, to consider that factor in selecting among effective treatments.

Under the definition, if a disabled infant suffers from more than one life-threatening condition and, in the treating physician's or physicians' reasonable medical judgment, there is no effective treatment for one of those conditions, then that infant is not covered by the terms of the amendment (except with respect to appropriate nutrition, hydration, and medication) concerning the withholding of medically indicated treatment.

The term "infant" as used in this definition is intended to mean infants less than one year of age although it may include older infants who have been continuously hospitalized since birth, who were born extremely prematurely or who have long-term disabilities. The reference to less than one year of age is not intended to imply that treatment should be changed or discontinued when an infant reaches one year of age. Nor is it intended to affect or limit any existing protections available under State laws regarding medical neglect of children over one year of age.

The reference to "reasonable medical judgment" of the treating physician or physicians means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

With respect to the procedures and/or programs to be utilized to comply with the requirements in new clause (K), the Act now requires States which receive funds under section 4(b)(2) to provide certain mechanisms for the reporting of abuse or neglect cases. The same reporting mechanisms and standards set forth in the Act and existing regulations would be applicable to the reporting of cases of medical neglect covered under new clause (K).

Similarly, the Act now requires the appointment of a guardian *ad litem* for children involved in judicial proceedings relating to abuse or neglect. This provision would be applicable in judicial proceedings with respect to cases under new clause (K).

The Act and regulations also now already require States receiving funds under section 4(b)(1) to take appropriate steps to protect the health and welfare of abused or neglected children, including instituting legal proceedings. The new clause (K) includes specific statutory reference to the authority to institute legal proceedings only because questions have occasionally been raised about the authority of particular child protective services agencies to take such actions in cases involving withholding of medically-indicated treatment from disabled infants with life-threatening conditions. Under new clause (K), States have the flexibility to determine the specific agency or agencies, within their child protective services systems, to exercise that authority. State authority to utilize other agencies, in addition to the child protective services system, for these purposes would be unaffected by the legislation.

ADDITIONAL GRANTS TO STATES

The amendment (in section 201(c)(2)) would add a new subsection 4(c) to the Act to authorize the Secretary to make additional grants to the States for the purposes of developing, establishing, and operating or implementing (1) the procedures or programs required under the new clause (K), (2) information and education programs or training programs (for the purposes of improving the provision of services to disabled infants with life-threatening conditions) for professional and paraprofessional personnel concerned with the welfare of such infants, including personnel employed in child protective services programs and health-care facilities, and for parents of such infants, and (3) programs to help obtain or coordinate necessary services, including existing social and health services and financial assistance for families with disabled infants with life-threatening conditions as well as those services necessary to facilitate adoptive placement of such infants who have been relinquished for adoption.

REGULATIONS AND GUIDELINES

The amendment (in section 202) would direct the Secretary, within 90 days of the date of enactment, to publish for public comment proposed regulations to implement the requirements of the new clause (K), and to publish final such regulations within 180 days after enactment.

It also would direct the Secretary to publish, within 60 days after enactment, interim model guidelines to encourage the establishment within health-care facilities of committees which would serve the purposes of educating hospital personnel and families of disabled infants with life-threatening conditions, recommending institutional policies and guidelines concerning the withholding of medically indicated treatment from such infants, and offering counsel and review in cases involving disabled infants with life-threatening conditions. Not later than 150 days after the date of enactment and after notice and opportunity for public comment, the Secretary would be required to publish the model guidelines.

REPORT ON FINANCIAL RESOURCES

The amendment (in section 203) would require the Secretary to conduct a study to determine the most effective means of providing Federal financial support other than the use of funds provided through the Social Security Act, for the provision of medical treatment, general care, and appropriate social services for disabled infants with life-threatening conditions and report the results of such study to the appropriate committees of the Congress not later than 270 days after the date of enactment. The report to the appropriate Committees would also be required to contain such recommendations for legislation to provide such financial support as the Secretary considers appropriate.

TRAINING, TECHNICAL ASSISTANCE, AND CLEARINGHOUSE ACTIVITIES

The amendment (in section 204) would direct the Secretary to provide, directly or through grants or contracts with public or private nonprofit organizations, for training and technical assistance programs to assist states in meeting the requirements of new clause (K) and for establishing and operating national and regional information and resource clearinghouses to provide the most current and complete information regardng medical treatment procedures and resources and community resources for services and treatment for disabled infants with life-threatening conditions. The funds to carry out these activities would be provided from the funds, other than those funds made available for basic States grants under section 4(b)(1), otherwise available to the Secretary to carry out activities under the Act (meaning the Child Abuse Prevention and Treatment Act).

STATUTORY CONSTRUCTION

The amendment (in section 205) would provide that no provision of or any amendment made by the Act is intended to affect any right or protection under section 504 of the Rehabilitation Act of 1973.

It would also provide that no provision of or any amendment made by the Act may be construed to authorize the Secretary or any other governmental entity to establish standards prescribing specific medical treatments for specific conditions, except to the extent that such standards are authorized by other laws.

It would also contain a standard severability provision in the event that a particular provision of or any amendment made by the Act is declared unconstitutional by a court.

AUTHORIZATION OF APPROPRIATIONS

The amendment (in section 206) would increase the authorizations of appropriations—from the levels in the bill as reported ($27 million for FY 1984, $34 million for FY 1985, $35.5 million for FY 1986, and $37.08 million for FY 1987)—under the Act by $5,000,000 for each fiscal year for the purpose of making the additional grants to the states to implement the provisions of new clause (K) and to establish the information and education and training programs and the programs to help obtain or coordinate necessary services for disabled infants with life-threatening conditions authorized under the new section 4(c).

The amendment would retain the earmark contained in S. 1003 as reported of $9,500,000 in each fiscal year for the carrying out of the provisions of section 4(b)(1), relating to basic state grants, and $4,000,000 in each fiscal year for identification, treatment, and prevention of sexual abuse.

It is the firm intention of the sponsors that appropriations for the new section 4(c) program should be in addition to appropriations at the authorization levels contained in the amendment for the section 4(b)(1) basic state grant program and for the sexual abuse, identification, treatment, and prevention program and that neither of these existing programs should be reduced in funding in order to provide funds for the new section 4(c) program.

EFFECTIVE DATES

The provisions of the Act and amendments made by the Act would be effective upon the date of enactment, except that the amendment establishing new clause (K) as a requirement for participation in the state grant program does not become effective until one year after the date of enactment.

The amendment further provides that in the event that, prior to the clause (K) effective date, funds have not been appropriated pursuant to section 5 of the Act (as amended by section 104 of this Act) for the purpose of grants under new section 4(c), the Secretary may grant to any State which has not met the requirements of new clause (K) a waiver of such requirements for a period of not more than one year, if the Secretary finds that such State is making a good faith effort to comply with such provisions.

● Mr. CRANSTON. Mr. President, I am pleased to join with the distinguished chairman of the Labor and Human Resources Committee, the Senator from Utah [Mr. HATCH], the chairman and ranking minority members of the Family and Human Services Subcommittee of the Labor and Human Resources Committee, the Senators from Alabama [Mr. DENTON] and Connecticut [Mr. DODD], the Senator from Oklahoma [Mr. NICKLES] as well as the Senator from Kansas [Mrs. KASSEBAUM] in cosponsoring this amendment to deal with the difficult and troubling problems surrounding the provision of medical care to disabled infants with life-threatening conditions. As the spectrum of the coalition of sponsors indicates, this compromise approach enjoys broad bipartisan support.

As my colleagues know, the underlying legislation to reauthorize appropriations for the Federal child abuse program and the adoption reform program has been pending on the Senate calendar for over a year. The inability to devise a satisfactory solution to the problems relating to disabled infants with life-threatening conditions has been the principal reason for this body not yet having moved forward with reauthorization of the very important underlying legislation. As the Senate author of the 1978 Child Abuse Prevention and Treatment and Adoption Reform Act and the former chairman of the authorizing subcommittee for these two programs, failure to resolve this impasse has been a matter of deep personal concern to me. I know that this concern is shared very deeply by my friend from Connecticut [Mr. DODD], who worked very hard to get the Labor and Human Resources Committee to agree to the higher authorization levels for the child abuse program which are contained in S. 1003.

Mr. President, as one of the principal sponsors of other legislation recognizing and protecting the rights of disabled individuals, I have been equally concerned about the need to deal with the issues related to medical care for disabled infants with life-threatening conditions.

For the past several months, the staffs of the principal sponsors of this amendment and representatives from the disability community, the healthcare community, and the prolife community have engaged in extensive, in-depth negotiations to attempt to fashion an appropriate response to these problems that would be acceptable to all of the parties to these negotiations.

Mr. President, these negotiations have been absolutely remarkable in every respect. These divergent groups have met repeatedly with the Senate staff to attempt to hammer out an agreement. Some of the parties to the negotiations would have preferred no Federal legislation in this area; others would have preferred a stronger Federal role. Nevertheless, in an effort to develop a workable and appropriate amendment, they all worked constructively together. The result which we are submitting for printing in the Senate today represents the product of those long hours of negotiations and discussions.

It has the support of virtually all of the groups involved, including the American Association on Mental Deficiency, Association for Retarded Citizens, U.S., Spina-Bifida Association of America, Downs-Syndrome Congress, People First of Nebraska, the Association for Persons with Severe Handicaps [TASH], Disability Rights Center, Operation Real Rights, Christian Action Council, National Right to Life Committee, American Life Lobby, American Hospital Association, Catholic Health Association, National Association of Children's Hospital & Related Institutions, American Academy of Pediatrics, American College of Obstetricians & Gynecologists, American Nurses Association, American College of Physicians, California Association of Children's Hospitals, and Nurses Association of the American College of Obstetricians & Gynecologists.

This approach, I believe, is an appropriate response to a very difficult problem. It relies upon the existing State child protective services system to respond to reports of medical neglect involving the withholding of medically indicated treatment from disabled infants with life-threatening conditions. It includes carefully worded provisions to delineate the areas of concern regarding medical treatment for these infants. It relies heavily upon reasonable medical judgment as a determinative factor in decisionmaking. It provides for coordination and consultation with designated individuals within health-care facilities to enhance the decisionmaking process involving these cases. It authorizes the establishment of training and technical assistance programs to improve the provision of services to these infants and programs to assist their families in finding the necessary support services, including financial assistance.

I think it is a reasonable, rational, and carefully crafted response to a difficult area; it represents an approach which is likely to improve the decisionmaking process without unnecessary Government intervention. It also includes a provision for additional funding so that the already sorely overtaxed child protective services agencies will receive some additional resources to carry out their responsibilities in an effective manner.

Mr. President, I would like to applaud all of the individuals and organizations who participated in this effort.●

Mr. DODD. Mr. President, few steps are more essential in promoting the well-being of coming generations of Americans than the treatment and overall prevention of child abuse.

For over a year, controversy has impeded Senate floor consideration of S. 1003, reauthorization of the Child Abuse Prevention and Treatment Act of 1978. Today, I join with five other principal sponsors in introducing an amendment designed to reach a compromise on the controversy surrounding treatment for disabled infants with life-threatening conditions.

I commend the distinguished chairman of the Labor Committee, Senator HATCH; the distinguished chairman of the Family and Human Services Subcommittee I serve on, Senator DENTON; and my distinguished colleagues from California, Oklahoma, and Kansas, Senators CRANSTON, NICKLES, and KASSEBAUM in sponsoring this amendment with me. They share my hope that this compromise measure will allow S. 1003 to be brought to the floor immediately following the July 4 recess.

A broad spectrum of parent and disability rights, health, and prolife organizations have worked extremely hard with Senate staff to arrive at a compromise package which all can support. I am pleased to report that the following organizations support this compromise: the American Hospital Association, Catholic Health Association, National Association of Children's Hospitals & Related Institutions, American Academy of Pediat-

rics, American College of Obstetricians & Gynecologists, American Nurses Association, American College of Physicians, California Association of Children's Hospitals, Nurses Association of the American College of Obstetricians & Gynecologists, American Association on Mental Deficiency, Association for Retarded Citizens (U.S.), Spina-Bifida Association of America, Downs-Syndrome Congress, People First of Nebraska, the Association for Persons with Severe Handicaps [TASH], Disability Rights Center, Operational Real Rights, Christian Action Council, National Right to Life Committee, and the American Life Lobby.

I applaud these groups for all their fine efforts.

I must also express my heartfelt appreciation to Rachel and Carl Rossow in Connecticut and their 15 children. Rachel and Carl, who have 3 children of their own, have given a permanent home to 12 handicapped young people. What Rachel and Carl focus on is not what these 12 children cannot do, but rather what they can do. The Rossow family has taught me the importance of, first and foremost, assisting the parents of handicapped infants with life-threatening conditions. The compromise measure being introduced today attempts to do just that.

In summary, Mr. President, I urge my colleagues to support this amendment. And, I urge my colleagues to also press for immediate consideration of S. 1003 upon our return as one means of helping National, State, and local agencies meet the truly national emergency posed by child abuse.

Mr. DENTON. Mr. President, as the sponsor of S. 1003, which reauthorizes the Federal child abuse program and the Federal adoption opportunities program, I am pleased to join several colleagues in cosponsoring this amendment, which seeks to prevent the withholding of medically indicated treatment from handicapped infants.

Mr. President, the amendment is the product of literally months of negotiations among Senate staff and representatives from the medical, disability and pro-life communities. The negotiation process has been long and often frustrating, and I want to commend the cosponsoring Senators and their staffs for their diligence and their good faith efforts to resolve a difficult issue. I believe that the final product is a good one, and I strongly urge my colleagues to support the amendment when it is offered to S. 1003.

Unfortunately, reauthorization of the Federal child abuse and adoption opportunities programs has been delayed for over a year, pending the resolution of this and other issues. I hope that the compromise contained in the amendment will enable the Senate promptly to consider S. 1003, and that it will be acted upon favorably.

Mr. President, in closing, I would like to list the organizations which support this amendment:

American Hospital Association; Catholic Health Association; National Association of Children's Hospitals and Related Institutions; American Academy of Pediatrics; American College of Obstetricians and Gynecologists; American Nurses Association; American College of Physicians; California Association of Children's Hospitals; Nurses Association of the American College of Obstetricians and Gynecologists; American Association on Mental Deficiency; Association for Retarded Citizens, U.S.; Spina-Bifida Association of America; Downs-Syndrome Congress; People First of Nebraska; The Association for Persons with Severe Handicaps; Disability Rights Center; Operation Real Rights; Christian Action Council; National Right to Life Committee; and American Life Lobby.

Mr. NICKLES. Mr. President, I am happy to join with Senators HATCH, DENTON DODD, CRANSTON, and KASSEBAUM in introducing an amendment on the withholding of medically indicated treatment from, infants born with one or more handicaps. The amendment is to be offered to S. 1003, the reauthorization of the Child Abuse Prevention and Treatment and Adoption Reform Act. Although S. 1003 has not yet been considered by the full Senate, it was reported out by the Labor and Human Resources Committee on which I serve, is on the calandar, and is expected to be debated in the near future. By placing this amendment in the RECORD today in advance of consideration of S. 1003, it is our intention to give other Senators and all interested parties the opportunity to review the language and the stated intent of its sponsors.

The amendment pertains to what has become known as the Baby Doe issue. As many of my colleagues know, this has been an issue of ongoing interest both by Congress and the public since the first widely publicized case in Bloomington, IN, in 1982. The crux of the debate is over the right of a physician and the family of a disabled child to withhold medical care needed by the child. At a second tier, is what role the Government has in this matter, and, at a third tier, is how that role should be defined.

Anyone viewing the names on this amendment can see that we represent the full spectrum of political philosophy. Likewise, the organizations who played an active part in the crafting of the bill cover an array of interests in the medical, hospital, disability, and pro-life fields. Thus, it is significant that an agreement, not only in concept, but on actual language has been entered into by all parties. For the RECORD, I would like to list the organizations which are in support of the bill we are introducing today:

The American Academy of Pediatricians, the American College of Obstetricians and Gynocologists, the Americna Hospital Association, the Catholic Hospital Association, the National Association of Children's Hospital and Related Institutions, the American Nurses Association, the American College of Physicians, the Association for Retarded Citizens, the Downs Syndrome Congress, the Spina Bifida Association of America, the American Association on Mental Deficiency, The Association of Persons with Severe Handicaps, Disability Rights Center, Operation Real Rights, the National Right to Life, the Christian Action Council, the Association of Catholic Bishops, the American Life Lobby, the California Association of Children's Hospitals, and the Nurses Association of the American College of Obstetricians, and Gynecologists.

Although I will leave the full explanation of the amendment to the joint statement filed by the other Senators and me, I would like to make a few observations on the objectives that I, personally, felt were important for this legislation to address.

It is an understatement to say that defining what constitutes medical neglect, particularly in cases of infants born with handicaps, it fraught with difficulties, sensitivities, and very fine lines. No one wants Washington establishing medical standards and practices for every case and diagnosis, least of all me. Yet, on the other side of the equation, no one wants to condone the discriminate denial of medical treatment to infants simply because they may suffer some degree of retardation, paralysis, or other disability. Thus, in working on this issue over the last 2 years, I have found myself struggling to find a proper balance between two objectives: One, keeping Government interference at an absolute minimum, and, two, ensuring that adequate legal protection of the civil rights of all Americans exists, regardless of age, handicap, race, or sex. I believe that this compromise amendment, crafted with the input of all the organizations I mentioned, represents that delicate balance.

I encourage my colleagues and all interested parties to review the legislation and the corresponding explanatory statement. It is my expectation that this language will be found to be a satisfactory and even commendable approach to a very difficult problem. I congratulate those Senators who participated in the often lengthy negotiations and all of the organizations and individuals who lent their expertise and input. I look forward to discussing the bill with any Member who has questions or wishes to be added as a cosponsor.

LICENSING OF VESSEL "NORDEN" FOR COASTWISE TRADE

STEVENS AMENDMENT NO. 3386

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him

to the bill (S. 1234) to clear certain impediments to the licensing of the vessel *Norden* for employment in the coastwise trade; as follows:

Strike all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "Merchant Marine Promotion Act of 1984".

SEC. 2. (a) Section 607 (a) and (k)(2)(C) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1177 (a) and (k)(2)(C) is amended by striking", Great Lakes, or noncontiguous" and inserting in lieu thereof "or".

(b) Section 607(k)(5) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1177(k)(5)) is amended to read as follows:

"(5) The term 'United States Foreign Trade' means foreign trade, as defined in section 905(a) of this Act.".

(d) Section 607(k)(8) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1177(k)(8)) is amended to read as follows:

"(8) The term 'domestic trade' means trade within the coastwise laws of the United States, excluding the operation of vessels on the inland waterways of the United States.".

SEC. 3. Section 615(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1185(a)) is amended to read as follows:

"(a) For a period of 18 months after the date of enactment of the Merchant Marine Promotion Act of 1984, the Secretary of Transportation may authorize a liner operator receiving or applying for an operating-differential subsidy under this title to construct vessels in a foreign shipyard, or acquire vessels outside the United States. The Secretary shall not authorize the acquisition of any vessel unless the Secretary determines that the vessel is less than three years of age. Vessels constructed or acquired pursuant to this section and section 134 of the joint resolution entitled "A joint resolution making further continuing appropriations for the fiscal year 1984." (Public Law 98-151; 97 Stat. 981), upon documentation under the laws of the United States, shall be deemed to have been United States built for purposes of (1) this title, except section 607 of this title, (2) section 901(b) of this Act, and (3) chapter 37 of title 46, United States Code.".

(b) Section 615(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1185(b)) is repealed.

SEC. 4. The Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.) is amended by adding at the end thereof the following:

"TITLE XIV—ENERGY CONSERVATION PROGRAM

"SEC. 1401. For purposes of this title—

(1) the term "grant" means an energy conservation grant made pursuant to this title;

(2) the term 'owner' means any citizen of the United States who owns a vessel documented under the laws of the United States; and

(3) the term "Secretary" means the Secretary of Transportation.

"SEC. 1402. (a) Any owner may apply to the Secretary for a grant to aid in the replacement or upgrading of the propulsion machinery of any vessel documented under the laws of the United States. No such application shall be approved by the Secretary unless the Secretary determines that—

"(1) the application provides for the replacement or upgrading of such vessel's propulsion machinery;

"(2) making such grant will provide the maximum engine room automation realistically attainable, and result in a fuel savings of not less than 25 percent; and

"(3) the owner has complied with such other terms and conditions as the Secretary may prescribe.

"(b) If such vessel was constructed by means of a construction-differential subsidy under title V of this Act, the Secretary shall, within 30 days after such application is received, submit it to the Department of the Navy for examination and suggestions for such modifications as may be necessary in order that the vessel shall be suitable for economical and speedy conversion into a Naval or military auxiliary, or otherwise suitable for the use of the United States Government, in time of war or national emergency. The Secretary of the Navy shall approve or disapprove such application within 60 days after it is submitted by the Secretary. If the Secretary of the Navy does not approve or disapprove such application within such time period, the application shall be considered to be approved. If the Secretary of the Navy approves the application as submitted, or as modified in accordance with the provisions of this subsection, the Secretary of the Navy shall certify such approval to the Secretary. The Secretary shall not approve any such application unless the application is approved by the Secretary of the Navy or is considered to be approved under this subsection.

"(c) The Secretary shall approve or disapprove any application made under this section within 120 days after the Secretary receives such application.

"SEC. 1403. The amount of any grant made under this title shall be equal to the bid of the shipbuilder performing the agreed-upon work minus a fair and reasonable estimate of the cost, as determined by the Secretary, of having the work provided for in the application performed in a foreign shipbuilding center. In making such determination, the Secretary shall select a foreign shipbuilding center which is a fair and representative example. The amount of any grant made by the Secretary under this title shall not exceed 50 percent of the cost of the replacement or upgrading of the propulsion machinery provided for in the approved application.

"SEC. 1404. (a) For a period of three years from the date of enactment of the Merchant Marine Promotion Act of 1984, there is established in the Treasury of the United States an Energy Conservation Account to be used by the Secretary for making grants under this title, and for the purchase of vessels for the National Defense Reserve Fleet pursuant to section 510(i)(2) of this Act. The Account shall consist of amounts, including interest, of the unobligated balance of operating-differential subsidy funds that are transferred pursuant to subsection (b) of this section. Not more than one-third of the amounts in such Account may be used to purchase vessels for the National Defense Reserve Fleet.

"(b) Notwithstanding any restriction in the authorizing and appropriation Acts providing the operating-differential subsidy funds available for use under this title, the Secretary shall, at the end of fiscal years 1983 through 1986, transfer the unobligated balance of all such funds for each such fiscal year to the Account established by this section.".

SEC. 5. Section 510(i) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1160(i)) is amended—

(1) by inserting "(1)" immediately after "(i)", and

(2) by adding at the end thereof the following:

"(2) For a period of three years after the date of enactment of the Merchant Marine Promotion Act of 1984, the Secretary of Transportation may purchase suitable vessels for lay-up in the National Defense Reserve Fleet. Any sale pursuant to this paragraph shall be subject to terms and conditions required by the Secretary, including reasonable assurances by a shipowner that the proceeds of sale of any such vessel will be used to purchase from domestic shipyards one or more new vessels with fuel-efficient engines that generally meet the technical requirements of title XIV of the Merchant Marine Act, 1936.".

SEC. 6. Section 46 of the Internal Revenue Code of 1954 (26 U.S.C. 46) is amended by adding at the end thereof the following:

"(i) Energy Tax Credit for vessels.

"Where the propulsion machinery of a vessel is replaced or upgraded pursuant to title XIV of the Merchant Marine Act, 1936, in addition to the credit provided by this section, there shall be allowed as a credit against the tax imposed by this chapter an energy tax credit in the amount of 15 percent of the amount specified in a contract approved by the Secretary of Transportation in accordance with such title.".

SEC. 7. (a) Notwithstanding the provisions of sections 111 and 112 of the Vessel Documentation Act (46 U.S.C. 65i and 65j), section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. 289), and any other provision of law, the Secretary of the department in which the Coast Guard is operating shall cause the vessels Cunard Princess (ABS numbered 7437321) and Cunard Countess (ABS numbered 7531420), upon the application of Cruise America Line, Incorporated, to be documented as vessels of the United States upon compliance with all other requirements of law except as modified in this Act, with the privilege of engaging in the coastwise trade.

(b) A vessel named in subsection (a) of this section may not be documented under such subsection unless all alterations, repairs and rebuilding of such vessel that are necessary to bring the vessel into compliance with part B of subtitle II of title 46, United States Code, are done in the United States.

(c) A vessel named in subsection (a) of this section may retain the privilege of engaging in the coastwise trade only if all nonemergency alterations, repairs or rebuilding of such vessel are done in the United States.

(d) For hire carriage in the coastwise trade under this section is limited to passengers, their accompanying baggage and personal property.

Mr. STEVENS. Mr. President, I am introducing today an amendment in the nature of a substitute to S. 1234. This amendment is composed of four promotional initiatives for the U.S. maritime and shipbuilding industries, which have been suffering their worst depression in over 50 years. While these measures will provide some much needed assistance, they are not a panacea for the long term. Next year, the other members of the Commerce Committee and I will be looking at the problems of these industries in a comprehensive way. In the meantime, this package offers modest, but

significant assistance to every segment of these industries with minimal or no cost to the Government.

The first initiative, as set out in section 2, allows deposits in Capital Construction Funds [CCF] establish pursuant to section 607 of the Merchant Marine Act of 1936 to be used to construct vessels for use in all the foreign and domestic trades, excluding the inland waters of the United States. Under present law, vessels built with these funds are limited, the foreign Great Lakes, and noncontiguous—that is Alaska, Hawaii, and Puerto Rico—trades. Vessels calling between ports located along the coastline of the contiguous 48 States are not eligible for use of these funds.

Shipping is a capital intensive business, and the function of the CCF is to assist U.S.-flag operators in acquiring the vast amounts of capital required for their operations. The problems of capital formation are not limited to U.S.-flag vessel operators in the foreign, Great Lakes, or noncontiguous trades. It is a problem confronted by all U.S.-flag operators. This is especially true during the current period of fiscal constraint. At the present time, the operators of U.S.-flag vessels operating in the coastwise or intercoastal continental U.S. trades are in the anomalous position of being authorized to set up a CCF, but are precluded by statute from using it for the construction of vessels for these same trades.

Over the past decade, total intercity freight traffic has increased significantly. However, the overall marine segment of this traffic has been relatively stagnant, with the coastwise and intercoastal services experiencing dramatic reductions in traffic carriage. The high-market entry, replacement and expansion costs associated with marine services create grave risks for operators and financial backers. It has discouraged both expansion and replacement within the coastwise and intercoastal fleets. Failure to take immediate action to help the coastwise and intercoastal marine services would also be inconsistent with the nation's current policy to conserve energy. Water carriage requires one-fifth the amount of petroleum per ton-mile of transit consumed by trucking, one-third of that consumed by pipeline transport, and two-thirds that of rail. The magnitude of these differences translates into potentially vast savings in energy consumption. Finally, the domestic ocean fleet continues to be a national resource that should not be lost. In a wartime or national emergency situation, the ships of this fleet would be available for varied assignments. Containerships and roll-on/roll-off vessels, as well as handy-size tankers, could be rapidly placed on military loading berths. Larger tankers would be deployed in distributing Alaskan crude oil to counter interruptions of foreign supplies.

Section 2 of the amendment would mitigate the capital formation problems of these U.S.-flag operators and thus encourage the maintenance and development of this transportation system. It would do so by amending section 607 to expand the benefits of the CCF to include the construction of U.S.-flag vessels for operation in the coastwise and intercoastal continental U.S. trades.

The second element of the amendment, set forth in section 3, would amend the Merchant Marine Act, 1936, to provide temporary authority for subsidized U.S.-flag ship operators to construct or acquire vessels outside the United States and still be eligible to receive operating-differential subsidies [ODS]. Since the enactment of the Merchant Marine Act in 1936, ODS vessels have been required to be constructed in the United States. Such vessels were generally built with the aid of construction differential subsidy [CDS]. In order to assist subsidized operators in meeting their contractual obligations to replace overaged ships, Public Law 97-35—approved August 13, 1981—added a section 615 to the Merchant Marine Act, 1936, that authorizes the payment of ODS for the operation of foreign-built, U.S.-flag vessels in the absence of available CDS until the end of fiscal year 1983. However, restrictions placed on this authority for fiscal year 1983 mean that, for all practical purposes, the authority provided by section 615 was available only in fiscal year 1982. Similar authority was provided for two U.S.-flag operators in section 134 of Public Law 98-151—approved November 14, 1983.

Section 3 would amend section 615 so that for a period of 18 months from the date of enactment, the Secretary of Transportation (Secretary) could continue to authorize U.S.-flag operators to construct or acquire vessels outside the United States and still be eligible to receive ODS. It would also clarify current authority under section 615 to acquire existing vessels outside the United States to be reflagged and made eligible to receive ODS. Section 615 authority would be effective upon a determination by the Secretary that the foreign-built vessel is less than 3 years of age. This provision would allow replacement of overaged vessels to continue on schedule and thus avert a decline in the size of the U.S.-flag liner fleet, which is the primary U.S. source of military sealift capability.

The third initiative, set forth in sections 4-6 of the amendment would add a new title XIV to the Merchant Marine Act, 1936 for the purpose of promoting energy conservation on U.S.-documented vessels. Owners of such vessels would be eligible for grants to replace or upgrade propulsion machinery provided that a fuel savings of at least 25 percent and maximum engine room automation are achieved. Grants would be equal to the difference between the cost of having the work done in a U.S. shipyard and a foreign yard but shall not exceed 50 percent of the total cost of replacing or upgrading the machinery.

These grants would come from a special account consisting of the unobligated balance of operating differential subsidy funds for the years 1983 through 1986. Up to one-third of the amount in the account may be used to purchase vessels for the National Defense Reserve Fleet, subject to reasonable assurance that the proceeds from such sale will be used to purchase one or more new vessels with fuel-efficient engines from domestic shipyards. In addition, owners who replace or upgrade propulsion machinery will be eligible for a 15-percent energy tax credit.

This program would offer enormous benefits at a relatively modest cost. First of all, it would be a significant step in making the American Merchant Marine more competitive by dramatically reducing fuel costs and crew costs for the vessels that would be re-engined. Second, it would prevent the economic wastage of a number of relatively new American-flag vessels that would otherwise be uncompetitive. Third, it would be consistent with the national fuel conservation effort of the United States. Fourth, it would provide a great amount of shipyard work for some domestic yards that are urgently in need of such work. This program would be far more effective in creating shipbuilding work than any traditional construction subsidy program or any government shipbuilding program.

The fourth initiative, as set forth in section 7, would allow two foreign-built cruise ships to be documented as vessels of the United States with coastwise trading privileges. This provision presents the only viable alternative for developing a U.S.-flag presence in the booming U.S.-cruise market which is overwhelmingly dominated today by foreign operators.

Last year, over 90 foreign-flag cruise ships visited American ports and carried 1.4 million North American passengers. Unless this provision is enacted, Americans will be deprived of the opportunity to cruise on U.S.-flag ships manned by American crews visiting American ports.

Furthermore, this provision creates jobs for Americans. These ships would directly employ over 1,000 American seamen. Their operation would create numerous shoreside jobs to the ports visited by the vessels and in the travel, tourism, entertainment, and airline industries. The refurbishing and annual overhaul of the ships would provide

jobs for domestic shipyards. These jobs and the tax revenues flowing into our economy would be created at no cost to the U.S. taxpayer.

Finally, this provision has important implications for our national defense. The potential military use of civilian commercial vessels during conflict or wartime is significant, as demonstrated by Britain's use of one of these vessels for 9 months of active duty during the Falklands crisis. Our own State Department requested that this vessel be on standby for the evacuation of American citizens during the recent invasion of Grenada. Reflagging these vessels would make available to the military two large, modern, shallow-draft vessels manned by American citizens for use as auxiliary troop carriers, supply transports, and floating dormitories or hospitals in times of national emergency.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY REGULATION

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Regulation to complete consideration of the following bills: S. 1069, to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases; S. 817, to amend section 205 of the Federal Power Act (16 U.S.C. 824D) relating to inclusion of construction work in progress in the wholesale rate base of public utilities; and H.R. 555, to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

The hearing will be held on Thursday, August 2, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Regulation, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding this hearing you may wish to contact Mr. Howard Useem of the subcommittee staff at 224-5205.

ADDITIONAL STATEMENTS

THE SETON-NEUMANN LECTURE

● Mr. DURENBERGER. Mr. President, my colleague, Senator DANIEL PATRICK MOYNIHAN has long been recognized as a foremost scholar in the field of education and social policy. His background and knowledge of the Catholic Church further enriches his perspective on education and social change, but particularly enhances his recognition of the importance of private education in America.

Senator MOYNIHAN recently presented the second annual Seton-Neumann lecture sponsored by the U.S. Catholic Conference and Grolier Educational Services. In his address, Senator MOYNIHAN articulately identified the progress of social change and education in America and the importance of the role of the Catholic Church in our development.

Senator MOYNIHAN, long recognized as a leader in the fight for tuition tax credits, noted in his speech the irony of the entrapment of aid to private education in the liberal-conservative debate. He identifies the reluctance of Catholic scholars and intellectuals to confront their liberal friends on the issue of aid to private education and insist that it be discussed in a context larger than today's narrow political dialog.

Mr. President, Senator MOYNIHAN has eloquently identified the need to support private education in America and the role the Catholic Church can play in our social change. I hope that my colleagues will read Senator MOYNIHAN's speech with care because it will undoubtedly provide them with greater vision into these issues. I ask that the entire text of Senator MOYNIHAN's Seton-Neumann lecture be printed in the RECORD.

The material follows:

CATHOLIC TRADITION AND SOCIAL CHANGE

(By Senator Daniel Patrick Moynihan)

It is now just one century from the time the Third Plenary Council of the American Catholic Bishops convened at Baltimore, under the tutelage, if that is the term, of Cardinal Gibbons. It was this Council which issued the famous Pastoral Letter so central to the history of Catholic education in our country. The Bishops decided the time had come to establish a Catholic University of America—whose current President, William J. Byron, S.J., inaugurated this lecture series in so auspicious a manner just last year—and "legislated" the establishment of parochial schools in each of the Catholic parishes of the land.

The Letter reads wonderfully well at this distance: a tract of high Victorian earnestness which at moments attains to Matthew Arnold's criterion of "sweetness and light." It is notable not least for its insistence on the centrality of education in the vocation of the church.

"Popular education has always been a chief object of the Church's care; in fact, it is not too much to say that the history of civilization and education is the history of the Church's work. In the rude ages, when semibarbarous chieftans boasted of their illiteracy, she succeeded in diffusing that love of learning which covered Europe with schools and universities and thus from the barbarous tribes of the early middle ages, she built up the civilized nations of modern times." [1]

Which is only fair: the idea of a "liberal education" grew out of the universities of medieval Europe, and prompts a twentieth century American to ponder the paradox that a modern liberal society such as ours has such difficulty accepting the idea of Catholic schools, more generally religious schools, as a legitimate object of public support. Indeed opposition to such support is becoming rather a test of political liberalism in many sectors of the American polity. I am aware that I have already used the terms liberal and liberalism in a variety of their meanings, but that is one of the themes I should like to address.

I first encountered the confusion as a youth, sitting at Sunday mass in Manhattan listening to pastoral letters from assorted ancient Irishmen denouncing "liberalism" and all its works. Now I had, at most, a tentative hold on that term, but I did know that President Roosevelt was a "liberal"—the Daily News has seen to that—and I had to assume the Bishops were denouncing him and all his works. Not least would have been the recently enacted Fair Labor Standards Act, which, by setting a minimum wage of 25¢ an hour, had probably increased the family income of considerable numbers of our congregation. It was not until I got to City College that it was explained to me that a socially conscious episcopate had in fact been denouncing the Manchester School of Economics and the doctrine of the iron law of wages, in full accord with both Rerum Novarum and the New Deal.

It comes to this. Much of the movement for social change in the 20th Century has involved a critique of the 19th Century economic "liberalism" a set of doctrines that emanated mainly from Britain and attained to doctrinal orthodoxy through much of the world.* In the United States, at least, this classical liberalism achieved the status of cultural orthodoxy as well, often of an evengelical degree. (What 16th Century Jesuit can have discerned the stirring of Christianity among the heathen Chinese with greater joy than that with which President Reagan learned recently that those sometime Chicoms of Beijing are beginning to experiment with capitalism!)

Now the shortcomings of 19th Century laissez-faire economic regimes tend to be exaggerated. Not least of their strengths was their openness to criticism of their weaknesses. Vide Schumpeter. But no matter: apart from the anti-imperialist movement, the history of social change for the past century or so had involved the critique of those ideas, and, more importantly in my view, of industrialism, a new condition of man, inextricably associated with these new ideas.

The concept of alienation is central to this critique. Hegel had raised the question of "the alienated spirit" in the modernizing world. Marx went on to take this as his central concept: the alienated proletarian in a capitalist world without God. Work is a man's essential activity. But as work becomes more valued, man becomes devalued, for the product of his work is taken from him. In George Lichtheim's words, ". . . The Worker is related to the product of his labor as to an alien object." He con-

Footnotes at end of article.

* Thus in his regular dispatch to the New York Daily Tribune on March 15, 1853, Karl Marx, reporting on a Ten-Hours Bill in the British Parliament, wrote of the "liberal rhetorics" which the "factory-despots" extracted from the press, and of the cunning with which the "liberal mill-lords" had evaded earlier labor legislation.

tinues: "Alienated labor creates a world in which the real producer cannot recognize himself. Work, man's existential activity, estranges him both from nature and from himself."[2] A reordered economy would resolve everything.

In time, it became clear that Marxism or its mutants both destroyed the political freedoms of the classical liberal economy and could scarcely match its economic product either. History, as the scientists might say, falsified Marxism. Yet the modern problem of alienation remained.

Enter the Catholic tradition. This is of course but one element in the more general Christian tradition, and imbued with Judaic concepts from which so much of Christianity derives. Yet there was something specifically of the Church of Rome in the matter. If there were to be critiques of capitalism, some would be heard from Rome where 19th Century economics were regarded, as the blessed Michael Novak puts it, as a kind of Protestant heresy.

Alienation was a concern that came easily to these writers, out of the elemental, central belief in man as a creation of God. Pope John Paul II in his encyclical Redemptor Hominis writes of this with great explicitness:

"In reality the name for that deep amazement at man's worth and dignity is the Gospel, that is to say the good news. It is also called Christianity. This amazement determines the church's mission in the world and perhaps even more so, in the modern world."[3]

In just these terms he told a gathering of some 200,000 Koreans in May of this year that workers are more important than the goods they produce:

"Even the biggest city, the most complicated computer, the greatest nation, is only something made by man and is meant to serve man, to benefit man."[4]

John Paul was, of course, a professor of philosophy; more specifically, a phenomenologist, a school that traces itself to the work of a Bohemian-born Jew, Edmund Husserl (1859-1938). Phenomenology is the study of appearances (in the Platonists' sense), a traditional task of philosophy and science. While it clearly led to the existentialist schools of post-war Europe, it retains, paradoxically, perhaps, a strong affinity with the pragmatism and empiricism of William James. It is, then, at minimum post-Cartesian, rejecting cognition as the measure of man and considerably elevating man in the process. But most important, it is emphatically post modern.

And so to a paradox: Catholic tradition is developing a coherent basis on which to advance the cause of humane social change in the modern age. Or, as a better polemicist than I put it, echoing the great pronouncement of 1848, "There is a spectre haunting Europe: the spectre of Catholicism." For of course the problems of 19th Century laissez-faire seem minimal indeed when contrasted with the greatest challenge of social change the world may yet have known, which is nothing less than the transformation of the totalitarian Marxist-Leninist state, which itself grew out of the critique of classical liberalism.

And so to another paradox, and a most ingenious one at that. Catholic tradition has proved a lively and, generally speaking, rewarding source of argument and conviction in the effort to promote progressive social change. Moreover, by the middle of the 20th Century, as Andrew Greeley has shown, the American Catholic electorate was consistently more liberal in the modern sense in politics than the population as a whole. How is it then that opposition to support for Catholic education has become something of a measure of modern liberalism?

I find in this one of the great regularities of American history. (I have another. Whatever the American labor movement is for, the Harvard faculty is against.) To wit: whatever are the opinions to which the more prestigious leaders of American society subscribe, one of them will be opposition to aid to Catholic schools.

I believe we can discern with fairly definable boundaries three stages in this ongoing antagonism.

Colonial schooling, as Orestes Brownson wrote, "was simply a system of parochial schools."[5] Post-colonial schooling was hardly different. (Elizabeth Ann Seton founded the first Catholic school in Baltimore in 1808.) At first funds were wholly private, but gradually bits and pieces of public aid were provided. All participated. In New York, Torah schools received aid from both the City and the State as did schools of Christian denomination.* Catholic schools received their mite along with the others. To abbreviate a lengthy analysis of which I have written elsewere, there came a time when more was at stake—more money, that is—and in the competition for this money, the dominant Protestant forces simply won out. (Thus, in New York a dispute arose over which Bible to use. The present dual school system dates from that time: say the 1840s in New York City.)

By then, the public school movement had begun, and the secular, Americanizing schools became a social and political cause. A second state of conflict began. By now, Catholics had greater political strength, but were quite unequal to the ideological arguments: they could not make their case for modernity.

We are slowly retrieving both these histories. (A generation ago I found they had quite vanished.) I will only touch upon this middle period. Schooling was becoming important to Americans. The idea of universal education was coming to be associated with the well-being of the polity, and the right to such education was beginning to be seen as an attribute of citizenship. Yet the anomaly remained that, in many jurisdictions, one set of public schools was financed wholly with public funds, while another set (now beginning to be called parochial—note the several meanings) was financed through private contributions from, generally speaking, a low-income population.

Most things American happen first in New York—you will indulge me that!—and as with the controversy in the first period, an archtypical event of the second period involved the fine old quarrel between Tammany Hall and The New-York Times. As James M. McDonnell has recorded, in 1868 "Boss William Marcy Tweed had inserted into the annual tax levy bill for New York City a school provision that reserved twenty percent of the excise funds received during 1868 to support schools that educated children gratuitiously other than in common schools."[6] $200,000 of $3 million was involved. The bill became law and the new church-state issue was raised. I emphasize new. None previously had thought there to be any such conflict when the state helped a denominational school; now they did. The following year, an editorial appearing in The New-York Times expressed the gravest alarm:

". . . The preservation of our school system has long been held to be the one great safeguard against the growing evils of Democracy in our large cities. While the children of the poor foreigners can have the same instruction with our native citizens, while they can read the same books and catch the unconscious influence of modern science and progress, we need fear less the dangers from the votes of their ignorant fathers. The public felt sure that every year a new class of intelligent and Americanized youth—though of foreign parentage—were being added to the great population of City voters. It was evident that out public schools, though teaching nothing of religion, were breaking the power of priestcraft, simply by the spread of intelligence, and that the multitude of low foreign electors who had so long ruled in such cities as New York, was being counter-balanced by a more intelligent and better educated set of young men, who were the legitimate fruit of our public school system.

"With such an immense foreign class here of ignorant people, already blindly following their priests, it seemed in the highest degree dangerous to deliver up anything of our public instruction to religious bodies."[7]

In the spring of 1869, the Times Albany correspondent reported that the Legislature reversed itself and "killed Tweed's bill for endowing all the sectarian schools of the State with money from the common school fund."[8] Even so, controversy still raged between the editorialists of the Times and the Tablet, with the latter getting rather the worst of it. In one exchange the Times wrote:

"The Tablet again charges us with unfairness in refusing to acknowledge that the question of reading the Bible in the schools is not the issue for which the Catholics are contending. In answer to this charge we have to say that we were among the first to warn the public that the Catholics were only using the Bible as a stalking horse, and that their real object of attack was the public school system."

* * * * *

"Of course its proposition would involve the destruction of the present common school system, and lead to the establishment of denominational schools".[9]

Orestes Brownson, again to cite McDonnell, accused the Times of being unfair by reinserting the question of the Bible, charging that Catholics demanded its exclusion from the public schools. This had been the issue of the earlier era: i.e., which Bible to use. But Catholics were now asking for something quite different. They assumed that the public schools would be non-denominational, but they wanted public support for their own schools. Some such arrangement was worked out in Poughkeepsie, and became much favored by Archbishop Ireland. But nothing came of it all. To the contrary, beginning with President Grant's speech to the Army of the Tennessee in 1875, opposition to public support for Catholic schools became almost an issue of patriotism. The era of the Blaine amendment commenced (note, however, that these men assumed that the Constitution would have to be amended to forbid such aid) and the movement for aid to Catholic schools more or less receded.

The third era of which I speak began with the movement for federal aid to education following the Second World War. This

*I know of only one, but assume there were others. No principle of the time precluded such aid.

struggle was brought on as much by demography—the baby boom—as by anything else, but came to involve deep conflicts of region and race and genuine concerns of federalism. To favor federal aid was to be a political liberal, as now defined. It followed, as James L. Sundquist notes of the saga, "support for the legislation to aid public schools was, in fact, stronger among Catholics than non-Catholics." [10] On the other hand, the notion that Catholics might share in such aid hardly occurred to the progressive advocates of such legislation.

Then a crisis occurred. With the election of John F. Kennedy, a President came to office and proposed a bill. Catholic schools were not included; the President himself had stated during his campaign that such aid would be unconstitutional. Almost immediately, however, Catholics demanded a share.

I joined the Kennedy administration at about this time, and became involved with the issue, beginning with an article in the old Reporter magazine of May, 1961, entitled "How Catholics Feel About Federal School Aid." (The Reporter was then the embodiment of moderate Liberal opinion. So much so, that with the Kennedy administration in office, it felt little left to do and ceased publication!) Reading the article now, I am struck by three things. First, I took as given the proposition that, "of late the American liberal has commonly encountered a high proportion of Catholics among his . . . detractors." I believe this is a defensible description of perceptions of the time, especially in the aftermath of that jumble of class and ideological conflicts associated with "McCarthyism." Second, I took it for granted that Catholic schools were not as good as public schools and that much of the difference was to be accounted for by the fact that (as in New York City) the per-pupil expenditure of parochial schools was "not one-third that of the public schools." These will be remembered as the days when there was a growing concern among Catholic authors about a kind of generalized educational deficit among the Catholic population, a concern not much alleviated by the seeming indifference of the hierarchy. ("Where are the Catholic Einsteins?" was the question. "Where are the Catholic atheists?" was the retort. The state of science education was at the center of it. The Pastoral Letter of 1884 had been much less defensive. It had noted the need for Catholic students to equip themselves to deal with scientific questions, adding, gently, "We should be glad to see thoroughly solid and popular works on these important subjects, from able Catholic writers, become more numerous.") But such relative deprivation, or whatever, evoked no "liberal" concern. Indeed, I wrote, "to be blunt, there is a growing suspicion that many . . . liberals would not be dissatisfied to see Catholics remain—of their own volition—a relatively impotent because relatively uneducated group." Harsh words, for which I ask forgiveness. And yet I would report that in the Kennedy administration, men of the utmost goodwill would urge upon you the thought that Catholic education mustn't be encouraged for the simple reason that Catholic schools just weren't good enough. It wasn't fair to the children!

My third point wears better. Viewing the Congressional scene, it could hardly have been more clear that a coalition had to be formed, that there had to be "dialog" and that to raise the Constitutional issue was a means of avoiding such dialog rather than commencing it.

". . . At this point it has become a matter of urgency that representatives of the Protestant and Jewish communities realize that if aid to parochial schools is unconstitutional, it is in the way the income tax was unconstitutional: a matter of public policy rather than of democratic faith. Public policy is open to discussion."

In the end, of course, nothing came of President Kennedy's legislation: Catholic opposition stopped it in the House of Representatives. With the assassination, however, a wholly new mood descended on Washington: remorse and expatiation. Why had we not done the simple things the President had proposed? Simple, decent, everyday things, common almost everywhere else in the democratic world. A measure of dialog, in fact, did begin, in large measure owing to the openness of the Commissioner of Education, Francis Keppel, to any idea that might help him get his program and to the extraordinary willingness of a group of young priests at the National Catholic Welfare Conference, notably Francis Hurley, now Archbishop of Anchorage, to put up with any amount of misunderstanding and even bad faith in the pursuit of a good cause.

In the end, an understanding was reached. It was agreed that if the Democratic Platform for 1964 were to contain a simple, good faith commitment to find a means to aid parochial schools, the Catholics would not just withdraw their opposition to federal legislation but enthusiastically endorse it. I drafted the passage, and later saw to its inclusion in the Platform. It read:

". . . We believe that education is the surest and most profitable investment a nation can make.

"Regardless of family financial status, therefore, education should be open to every boy or girl in America up to the highest level which he or she is able to master . . . .

". . . New methods of financial aid must be explored, including the channeling of federally collected revenues to all levels of education, and, to the extent permitted by the Constitution, to all schools." [11]

The Elementary and Secondary Education Act of 1965 was signed by President Johnson on April 11, 1965. A struggle of two decades was resolved in ten months. The key concept in the breakthrough was that Congress would support aid for the education of poor children—a fallout of the antipoverty program. But the key political element—as Sundquist attests—was Catholic support. No great claims were made. All that Monsignor Hochwalt said in testimony supporting the bill was that "all children in need will benefit." But that was enough. [12]

It was an agreement: but it wasn't kept. Some aid made its way to parochial schools, but it was meager and grudging, and threatened to disappear altogether. (At the outset of the Carter administration, it was thought progressive to abolish the small office that administered that aspect of federal aid to education.)

In frustration, Catholics turned to tuition tax credits as a possible solution to this now one-hundred-and-fifty-year old-debate. Again the theory was, help the child, rather than the school. In 1977, Senator Packwood and I introduced legislation providing such assistance. [13] At first our prospects seemed excellent. There was a general setting of increasing aid to education; all boats were rising on an incoming tide of federal expenditure. Why not these? But then, of a sudden, the Carter administration embraced the proposition that such aid would constitute a grievous threat to the public school system and, worse an unconscionable aid to the resegregation of American education.

American liberalism had ceased to be merely indifferent to denominational schools: it had begun to oppose them with a measure of animus, not all that different from The New-York Times editorials of a century earlier. With the advent of the Carter administration opposition to racial segregation was allowed to enter the discussion of aid to church-related schools. It is painful to report, but necessary: the word "racist" began to be whispered.

That the facts were so clearly otherwise counted for little. Catholic schools were busy doing what they had always done, administering to the poorest of their communities as well as to the increasingly well-to-do portions of it, and in the case of many urban dioceses going out of their way to bring in youth who were not Catholic at all, but merely poor and in need of schooling. But few wished to know this.

In 1981 James S. Coleman and his associates at the National Opinion Research Center of the University of Chicago published their extraordinary study Public and Private Schools. Contrary to what, at all events, had been the conventional wisdom, it turned out that Catholic elementary and secondary schools were very good schools indeed, that they were especially good at the education of minorities, and that they managed it all for a third to half the cost.

As with Coleman's previous study, Equality of Educational Opportunity (1966), l.is findings were at least in some measure "counter-intuitive," but no less impressive for that fact. Coleman writes of his findings with a conviction that is rare in this master of mathematical sociological inquiry: a calling which instills naught if not caution.

"The most striking finding is the greater homogeneity of achievement of students with different parental education levels in Catholic schools than in public schools . . . . That is, the performance of children from parents with different educational levels is more similar in Catholic schools than in public schools (as well as being, in general, higher) . . . .

"Thus we have the paradoxical result that the Catholic schools come closer to the American ideal of the "common schools," educating all alike, than do the public schools. Furthermore, a similar result holds for race and ethnicity. The achievement of blacks is closer to that of whites, and the achievement of Hispanics is closer to that of non-Hispanics in Catholic schools than in public schools." [14]

And so it emerged that it was the despised or feared Catholic schools, with their "immense . . . class . . . of ignorant people . . . blindly following their priests," [15] that had come closest to the great liberal American ideal of a school where everyone rises and differences tend to disappear.

But there was a second event. As in the Sherlock Holmes tale Silver Blaze, the dog didn't bark. Obviously a judgment in this regard is largely subjective, but I would contend that there has been nothing like the response to Coleman's findings that we might expect to attend the discovery of a seemingly exceptionally effective and efficient educational arrangement, at a time when the nation once again was abuzz with talk of the crisis of the schools. (A crisis so severe as to put "A Nation At Risk.") [16]

To the contrary, nothing changed in the litany of charges: that these schools, to cite the Congressional testimony of a Vice Presi-

dent of the National Education Association, were for "mostly privileged private school students" who would be gaining government assistance at the expense of public school students; and that aid to such schools would be aid to resegregation.[17]

Whatever, a political shift now commenced. Aid to nonpublic schools began to attract support in politically conservative circles, which a generation earlier had opposed educational aid of any kind. In part, this was a response to the rise of Protestant fundamentalist schools in several regions of the country but also, if my judgment is correct, part of a simple analysis by political strategists that if the perceived interests of a large body of the electorate are rejected by liberals, then why ought they not be embraced by conservatives.

This is normal politics and fair politics. There are likely, however, to be larger consequences than might be expected.

Let me put two propositions. First, that the American Catholic hierarchy and the religious communities of the church—the priests, the sisters, the brothers—are more involved with political issues than at any time in their history. At some level I suppose this is merely part of the long process of getting to feel at home in the new world. But I believe it to be true generally that the religious sensibility of our age finds itself more involved with secular issues than in the past. (Is this not notably the case among evangelical Protestant denominations?) I cannot "prove" this proposition, but surely it warrants consideration as a hypothesis. It was not until 1917 that the Catholic bishops of the United States felt secure enough to form a national organization, ostensibly to be of help with the war effort, and given the curious name, the National Catholic Welfare Conference. It was still so named when I dealt with ten-Father Hurley in 1964. Now there is a U.S. Catholic Conference, and the Bishops do not hesitate to offer the most explicit views as to what is an acceptable nuclear strategy for the United States Government. (And do so, in this view, very well indeed.)

Now to a second proposition. Most Catholic pronouncements on social matters will be found on the liberal points of the political compass. This is not in itself especially new; what is new is the explicitness and commitment with which these pronouncements are made. (I speak of social issues; on matters of personal morality Catholic views tend to be in the "conservative" cluster.) This social liberalism is not especially new; but the explictness and intensity of these views is new. I believe it reasonable to assume that the sort of political conservative now embracing the cause of aid to Catholic and other denominational schools will not find himself in agreement with much contemporary Catholic thought on social matters. Here we have the potential for some wrenching divisions along political, and, yes, sectarian, lines.

Consider the relations of laity and clergy: In the realm of religion the most important trait of American Catholics is that they are Catholic; in the realm of politics, however, the most important trait of Catholic Americans is that they are American. As Americans, schools—education—will come pretty close to first among the things they expect the polity to provide. (After, that is, the basic Hobbesian needs are seen to.) Now if these Americans find that political conservatives are anxious to help support their parochial schools, while political liberals are quite opposed, this will translate into political advantage. I believe it already has. That in turn will work to the disadvantage of the social agenda of the Church in most obvious ways.

I put the matter plain. If it should become clear to a significant element of the laity that support for their schools is concentrated in one sector of political opinion, I fear that the social commitments of the clergy will become hostage to the political supporters of church schools.

This would not be a paper by a sometime political scientist if voting statistics were wholly absent, and I have toyed some with the records of the two Senate votes on tuition tax credits between 1978 and 1983.[18] Weighed in terms of the ratings of three "liberal" organizations, the AFL-CIO, Americans for Democratic Action, and the American Civil Liberties Union, Democrats voting for and against tuition tax credits have about the same overall "liberal" rating. Among Republicans, those opposed to tax credits were generally about twice as "liberal" as those in favor. (In the AFL-CIO ratings, Republicans supporting tuition tax credits had an overall score of 28.7 percent; those opposed scored 48.2.)[19] Given that Democrats are a somewhat more homogeneous group in the Senate just now, the best measure of ideological spread is among Republicans, and there the pattern is clear. Aid to non-public schools has become an issue embraced by the more conservative political forces of the present, and opposed by the more liberal. Among the Democrats, it is fair to say that the most liberal are the most opposed.

Beyond this, I detect a continuing disinclination among Catholic scholars and intellectuals to confront their liberal friends on this issue, and to insist that it be talked about. To repeat, this argument has been going on for one hundred and fifty years. It is not growing any more edifying.

I go back to my Reporter article of 1961. There is a need for dialogue. Else the coalition of 1964-65 will never be reconstituted, and the Federal role in aid to education will continue to diminish. But this time, at much higher degrees of complexity than was required to figure out a coalition of 218 votes in the House of Representatives. The modernity of Catholic social thought needs to be asserted, acknowledging without apology that it derives from tradition. Otherwise, I see a time of estrangement among advocates of social change that would be devastatingly wasteful. And, to repeat, a gap opening between clergy and laity, in which the laity asks whose side are the clergy on? If one political party promises what another political party denies, and if these promises are of elemental importance . . . well? On such details are great coalitions shattered.

To liberals generally, I would repeat the gentle challenge of Father Byron in the first Seton-Neumann Lecture.

"The very existence of church-related schools, colleges and universities in our day needs fuller notice and wider appreciation. Their present existence, if recognized and appreciated for what it contributes to the preservation of freedom and pluralism in America will, of itself, make a very strong case for their continued existence through all of the tomorrows of American education." [20]

Surely this is of interest: it wasn't supposed to happen. But then neither was there to be a Pope who had been a professor.

FOOTNOTES

[1] "The Pastoral Letter of 1884," adopted at the Third Plenary Council of Baltimore, December 7, 1884; reprinted in *The Pastorals of the American Hierarchy, 1792-1970*, collated by Hugh Nolan (Huntington, Indiana: Our Sunday Visitor Press), 1971, p. 243.

[2] George Lichtheim, as cited in D.P. Moynihan, "The Pope and Modern Man", *Washington Post*, October 7, 1979.

[3] John Paul II, *Redemptor Hominus*, March 4, 1979.

[4] Quoted in Henry Kamm, "Pope, In Korean Port, Defends Workers," *The New York Times*, May 6, 1984, p. A-3.

[5] Orestes A. Brownson, "The School Question," Catholic World, XI (April, 1870), pp. 91-106, quoted in James M. McDonnell, "Orestes A. Brownson: Catholic Schools, Public Schools, and Education—A Centennial Reappraisal," *Notre Dame Journal of Education*, Volume 7, Number 2, Summer 1976, p. 116.

[6] James M. McDonnell, "Orestes A. Brownson: Catholic Schools, Public Schools, and Education—A Centennial Reappraisal," *Notre Dame Journal of Education*," Volume 7, Number 2, Summer 1976, p. 116.

[7] Editorial, "Sectarian Schools—The Tax Levy," *The New-York Times*, May 12, 1869.

[8] "Albany: Closing Scenes of the Legislature," *The New-York Times*, May 12, 1869, p. 8.

[9] Editorial, "The Catholics and the Schools," *The New York Times*, April 13, 1870.

[10] James L. Sundquist, *Politics and Policy: The Eisenhower, Kennedy, and Johnson Years* (Washington, D.C.: The Brookings Institution), 1968, p. 443.

[11] 1964 Democratic Party Platform, adopted August 25, 1964, Atlantic City, N.J.

[12] Sundquist, p. 212.

[13] "Tuition Tax Credit Act of 1977," introduced in the 95th Congress, First Session (September 26, 1977).

[14] James Coleman, Thomas Hoffer, and Sally Kilgore, *Public and Private Schools: An Analysis of High School and Beyond*, (Washington, D.C.: National Center for Educational Statistics), November, 1981, p. 209.

[15] Editorial, "Sectarian Schools—The Tax Levy," *The New York Times*, May 12, 1869.

[16] *A Nation At Risk*, National Commission on Excellence in Education, (Washington, D.C.: U.S. Department of Education): Coleman's findings are being disputed, notably by Sassenrath, Croce and Penaloza of the University of California at Davis. This is normal in social science, as in any discipline. Even so, the terms of the debate have changed. With respect to the question of school quality, the burden of proof has shifted. I hold no view on this matter. I believe the issue of public assistance to non-public schools is one of equity, not efficiency, and should be resolved in a spirit of mutual support and accommodation. May I be allowed to note however that Coleman's *Equality of Educational Opportunity* (1965) was fiercely challenged when it appeared. With Thomas Pettigrew I chaired a yearlong faculty seminar on the report at Harvard and M.I.T. With Frederick Mosteller I later edited the papers of the seminar, *On Equality of Educational Opportunity* (1972). The younger faculty tended to find that Coleman had done his analysis wrong but somehow emerged with the correct findings! No one—that I know of—disputes either any longer.

[17] Testimony of Bernie Freitag, Hearing, on "Tuition Tax Credit Act of 1983," Senate Committee on Finance, 98th Congress, First Session (April 28, 1983), p. 433.

[18] *August 15, 1978:* Vote on amendment (#1655) proposed by Senator Ernest F. Hollings, to exclude elementary and secondary private school expenses from H.R. 12050, the "Tuition Tas Relief Act of 1978;" passed 56-41. (In the end, no bill was enacted.) *November 16, 1983:* Vote on an amendment (#2617) proposed by Senator Robert Dole to attach the language of S. 528 (Educational Opportunity and Equity Act of 1983, which would authorize a non-refundable tax credit for a portion of tuition paid to certain private schools), to H.J. Res. 290, the "Olympic Tariff Bill." Amendment tabled 59-38.

[19] "A Report on Congress—1978," *AFL-CIO News* (Washington, D.C.: AFL-CIO), September 9, 1978.

[20] William J. Byron, "Does the Church Have Anything to Say to American Education?" First Annual Seton-Neumann Lecture, delivered at the Intercul-

tural Center, Georgetown University, Washington, D.C., December 5, 1983.●

LEONARD THOMAS—50 YEARS OF OUTSTANDING SERVICE TO THE LEGAL COMMUNITY

● Mr. DOLE. Mr. President, it was 50 years ago this month that Mr. Leonard O. Thomas, a fellow Kansan and distinguished member of my State's legal community, began what has proved to be a truly exceptional legal career. On June 21, 1934, Leonard Thomas was first admitted as a member of the Kansas Bar, and over the following half century has made tremendous contributions not only to his beloved profession but to his community and State as well. The following biographical sketch is offered to commemorate this occasion and honor Mr. Thomas for his many years of hard work and dedication. Throughout his life he has served his profession and his community with great distinction. His community spirit and unselfish dedication have truly served as an example and inspiration to others. As his friends and colleagues gather to honor him this weekend, let me pause to reflect that it is people like Leonard that form the backbone of and guarantee the success of American society.

LIFELONG KANSAS RESIDENT

Leonard Thomas was born in Eugene, OR, on June 30, 1911, but soon moved to the Midwest. He graduated from Southwest High School, Kansas City, MO, in 1929, from Kansas City, MO, Junior College in 1931, and received his LL.B. from the Kansas University School of Law in 1934. Upon graduation he was elected a member of the Order of the COIF. The first indication that this man was to be no ordinary lawyer is evidenced by the fact that he took and passed the Missouri Bar exam before he finished law school. He was admitted to the bar of the State of Kansas, in July 1934. He continued practice in Kansas City, KS, as a sole practitioner until 1942, at which time he joined the firm of Stanley, Stanley, Schroeder & Weeks. He has continued practice with that firm to this date and is president of the firm, now Weeks, Thomas & Lysaught, chartered. In 1958 Mr. Thomas was elected fellow of the American College of Trial Lawyers, and in 1975 a fellow of the American Bar Foundation.

RESPECTED LEADER AND ADVISER TO KANSAS LEGAL COMMUNITY

He is a member of the Phi Delta Phi Legal Fraternity and the American Federation of Insurance Counsel, the National Association of Railroad Trial Counsel, the American Society of Hospital Attorneys, Defense Research Institute, the Wyandotte County, KS, Kansas and American Bar Associations, and various other associations. In 1958, he was elected president of the Wyandotte County Bar Association. He was the recipient of the association's outstanding service award in 1975. In 1965, he was elected to the executive council of the Kansas Bar Association as the representative of the first district. He was reelected to the council for succeeding terms until elected an officer of the Kansas Bar Association. He served as president of the Kansas Bar Association from 1974–75.

As can be expected of a man of such abilities and experience, Mr. Thomas has often been called upon to contribute articles and writings to various legal publications. He is a coauthor of "Kansas Practice Methods" and an adviser to the preparation of Vernon's Kansas Statutes Annotated—Code of Civil Procedure. He has been a member of the civil code advisory committee appointed by the judicial council since its inception in 1960. He has contributed articles for publication in the University of Kansas Law Review, the Journal of the Kansas Bar Association, the Judicial Council Bulletin, and the University of Kansas City Law Review, and he has been a lecturer at numerous legal seminars.

Mr. Thomas has committed a great deal of time and energy to the improvement of the legal profession in Kansas. He presently serves the bar as a member of the 10th judicial circuit's bench and bar committee and by his recent appointment as a member of the committee for the selection of nominees to fill the new Federal judgeship position in Kansas. He was appointed by Governor Bennett first as a member and then for a term ending in January of 1979 as chairman of the Kansas Governmental Ethics Commission. He was reappointed to a second term as chairman of the commission by Governor Carlin in January of 1979.

In 1977 he received the University of Kansas Law School's distinguished alumnus citation.

In May 1979, he was awarded the 1978 Distinguished Service Award by the Kansas Bar Association.

Despite his tremendous success over the years, nothing has been more important to Leonard Thomas than his family. He was married to Helen Lenora Owens on April 22, 1933, at Liberty, MO. They had been married for 45 years at the time of her death in December 1978. On May 24, 1980, he was married to Peggy June Sargeant. He has three children: Anna Lee Hoerner, a graduate of Kansas University who lives in Summit, NJ; Charles O. Thomas, a graduate of Kansas University School of Law who lives in Leavenworth County, KS, and practices law with his father; and Thomas James Thomas, a graduate of Ottawa University who lives in Lawrence, KS, and is in business in that city.

Mr. President, I think it is fair to say that the record speaks for itself. I congratulate Leonard Thomas on his first 50 years in the practice of law, and hope that his next 50 prove to be equally as enjoyable and productive.●

THE NATIONAL PRODUCTIVITY AND INNOVATION ACT

● Mr. DECONCINI. Mr. President, I rise today to voice my support for S. 1841, The National Productivity and Innovation Act. This bill has been reported from the Senate Judiciary Committee, and it is my sincere hope that it will soon be brought before the Senate. S. 1841 has strong bipartisan support. It would modify the Federal antitrust and intellectual property laws in ways which will stimulate this country's productivity, innovation, and efficiency in the increasingly competitive international marketplace.

In my view joint research and development programs can have procompetitive effects. They reduce duplication and thereby promote the efficient use of scarce technical personnel and capital resources. They can also provide small firms with big ideas the opportunity to collaborate in joint R&D projects, which, because of prohibitive costs, could not otherwise be undertaken.

Domestic and international competition is enhanced when U.S. firms are allowed to work together toward a common, procompetitive, economically efficient goal.

This bill is partially a response to what is happening abroad. Our major trade competitors have focused upon the efficiency of joint R&D programs and are therefore seeking and receiving governmental encouragement to engage in such projects. The gap between the United States as a technological leader and our foreign competitors is quickly narrowing as foreign research partnerships gain popularity. Of particular concern is that Japanese antitrust law does not prohibit companies from conducting joint research and development in such areas as computers, microelectronics, electronic instruments, optical communication, lasers, robots, and aerospace.

The director of Japan's Institute for New Generation Computer Technology, announced that a 10-year collaborative effort will yield a fifth-generation computer. This program could effectively cause Japan to jump to the lead in the technological arena where the United States has long stood as a world leader.

Similarly, France, West Germany, and many other European countries specifically exempt joint reseach and development from their antitrust laws.

If we are to remain world leaders in technology, it is imperative that we encourage joint research and develop-

ment by providing explicit congressional recognition that such ventures will generally encourage domestic and international competition. It is essential to our economic well-being that we compete successfully on a worldwide scale.

U.S. firms have consistently cited antitrust laws as the primary barrier to joint research and development ventures. They are hesitant to invest heavily in joint ventures because of the fear of antitrust violations. The misperception of antitrust laws as they affect joint R&D have persisted despite the Department of Justice's attempts to clarify how antitrust laws apply in differing fact patterns. The business review procedure of the Department of Justice has also been unsuccessful in dispelling industry's fear in this area. It does not shield the ventures from future Department of Justice challenges nor is it binding on the courts in private suits against a firm.

When one considers the financial risks involved in large cooperative ventures and couples that with the fear of antitrust litigation then the need for this bill becomes readily evident.

The fear of antitrust liability that placed U.S. industry at a disadvantage in the international arena must be removed.

Title II of S. 1841 makes the changes possible in the antitrust laws which are needed to encourage more joint R&D activity. Title II would not change the antitrust laws' impact upon marketing strategies or the sale of products. All illegal activities, such as price fixing and monopolization will continue to feel the full weight of our country's antitrust laws. But, S. 1841 will level the barriers that have in the past hindered the effectiveness of the United States in the international market.●

10 YEARS OF TURKISH OCCUPATION IN CYPRUS

● Mr. D'AMATO. Mr. President, I rise this afternoon to reiterate my concern over the continuous occupation of Cyprus by Turkey. On July 15, we will commemorate the 10th anniversary of the Turkish armed invasion of the independent and sovereign nation of Cyprus. More than 40,000 Turkish troops occupied the northern portion of the nation. An estimated 10,000 men, women, and children were killed during the invasion. An additional 1,000, including a number of U.S. citizens, were taken prisoners. The welfare of many of these individuals is still unknown. Furthermore, over 200,000 Greek Cypriots were forced to flee from their homes, many remain refugees in their own country.

Today, a Turkish force of more than 20,000 remains in Cyprus. The continued presence of these troops is a flagrant violation of the sovereignty of the Cypriot Government. It is time this occupying army left the island.

The situation on Cyprus today is grave. During November of last year, the Turkish Cypriots, under the leadership of Rauf Denktash, declared the establishment of a Turkish Republic on Cyprus. This action was clearly designed to drive a wedge between the people of Cyprus and undermine the legitimate government of President Spyros Kyprianou. The United States immediately condemned this action and called upon other nations not to recognize this illegal entity. I pressed for the adoption of a Senate resolution expressing congressional outrage over this unilateral declaration and demanding the immediate withdrawal of Turkish forces from Cyprus. Despite the clear statement of U.S. policy, Turkey was quick to grant formal recognition. To date, Turkey is the only nation to take such action. It is time that we send a clear signal to Ankara that we will not conduct business as usual as long as Turkish troops remain on the island.

Earlier this week, the Senate Committee on Appropriations marked up the fiscal year 1985 foreign assistance appropriations bill. At that time, I cosponsored an amendment offered by my distinguished colleague from Hawaii [Mr. INOUYE] which withholds $216 million of assistance from Turkey. I plan to work for the adoption of this amendment by the full Senate. The level represents the costs to the Turkish Government of maintaining its force on Cyprus.

Some have proposed that we continue to pursue quiet diplomacy with the Turks. Others have suggested that we rely upon the United Nations. The simple truth is that these methods have not worked. A reduction in U.S. assistance to Turkey would send a clear signal that our patience has come to an end. Therefore, I urge my colleagues tosupport this amendment.●

THE SMALL BUSINESS COMPUTER SECURITY AND EDUCATION ACT OF 1984

● Mr. WEICKER. Mr. President, Wednesday the Senate accepted certain House amendments to H.R. 3075, The Small Business Computer Security and Education Act of 1984, thereby clearing this measure for the President.

H.R. 3075, as amended, will require the SBA to establish a "Small Business Computer Security and Education Program" that will provide needed education, training, and information on computer security and the prevention of computer crime to a rapidly expanding audience of small business computer users. The Small Business Administration will establish an advisory council composed of representatives from the public and private sector to advise the agency of appropriate functions for the education and training program.

This legislation will also permit the Small Business Administration for the first time to utilize the expertise in the private, for-profit sector to provide training, counseling, and other types of management assistance to small businesses.

This authority was requested by the administration and was incorporated by amendment to H.R. 3075 from a bill I introduced a year ago. According to the SBA, this expanded authority to develop training programs with the private sector "will more than triple the agency's training capacity at no increase in Government cost."

Mr. President, the House amendment to the Senate amendment to H.R. 3075 establishes certain limitations on this authority. The House amendment does establish a 4 year time limitation on the new authority of the Small Business Administration to cosponsor training activities with profit-making concerns and requires the SBA to take certain actions to ensure that this new authority is not abused to the detriment of small business. It is my expectation that during this 4-year test period, the Small Business Administration will be able to maximize the potential opportunities of this new authority and document the benefits realized by small business.

I want to thank my colleague from the State of Massachusetts, Senator TSONGAS for his leadership on this bill. Through his efforts, the purpose of H.R. 3075 has been directed to the prevention of computer crime through education and training.

A recent report of the computer crime task force of the American Bar Association concluded that "there is disturbing and undeniable evidence that the scope and significance of computer crime and its potentially devastating effects, are broad and deep."●

HUMAN RIGHTS

● Mr. HUDDLESTON. Mr. President, for several years the Kentucky General Assembly has been deeply concerned about human rights violations, especially religious persecution, in Romania. In 1982 Kentucky Representative Tom Riner and State Senator Gene Huff went to Romania to meet with Government leaders regarding the bulldozing of churches and the mysterious deaths of Christian leaders there. Earlier this year the Kentucky General Assembly adopted a resolution condemning human rights violations and urging that most-favored-nations status for Romania not be extended.

I share the concern expressed by the Kentucky Legislature regarding the

lack of religious freedom in Romania and want to bring the resolution adopted by the Kentucky General Assembly to the attention of my colleagues.

Mr. President, I ask that the resolution be printed in the RECORD.

The resolution follows:

RESOLUTION

(A resolution concerning human rights violations by the Socialist Republic of Romania and declaring a boycott of Romanian products)

Whereas, the Romanian Orthodox Priest Gheoghe Calciu was arrested March 10, 1979, and given a ten year sentence for his leadership in organizing a free trade union; and

Whereas, upon appeal, a Romanian court increased the sentence of a Seventh-Day Adventist member, Dorel Catarama, from twelve to fourteen years for refusing to report to work on his Sabbath day; and

Whereas, the Romanian government falsely charged Dorel Catarama with embezzeling funds; and

Whereas, school teachers seen attending Baptist and Pentecostal churches are being fired and notified of the Romanian Educational Code No. 67 which states that they are incapable of giving students a proper atheistic and communistic indoctrination because of their church attendance; and

Whereas, recent firings include Florica Farcas, a French language teacher at school No. 51 in Oradea; Monica Dan, an English teacher in Cluj who was fired on September 10, 1983; and Victoria Faur, an instructor at General School in the Borod-Behor district; and

Whereas, students at the Hungarian Roman Catholic Seminary in Alba Iulia have been threatened with expulsion if they refuse to report to the secret police about the activities of their instructors; and

Whereas, the families of Vioan Stef and Benjamin Cocor (pastors of the Medias Baptist Church) are the targets of constant harassment and intimidation by the Department of Cults, the Romanian secret police and their sympathizers because of the tremendous growth of the Baptist Church and Stef's and Cocor's boldness as evangelists; and

Whereas, the Romanian government refuses to allow Baptist, Pentecostal or Army of the Lord's Churches to print or import enough Bibles or songbooks for use in Romanian churches; and

Whereas, like many other Romanians, Teofil Bucur of Ploesti and Florina Tarasuti of Sighisoara have been fired from their jobs after becoming engaged to U.S. residents and applying to emigrate to the United States; and

Whereas, during the past two years the Romanian government has not permitted any new students to enter either the Baptist or Pentecostal seminaries in Bucharest; and

Whereas, in December of 1983, Nicolae Traian Bogdan became the third member of the Christian Committee for the Defense of Believers' Rights to die under suspicious circumstances; and

Whereas, like Petre Clipa and Sabin Teodosiu who died earlier, Bogdan had been harassed by the Romanian secret police prior to his mysterious death; and

Whereas, on February 24, 1984, Iosif Stefanut, a Baptist pastor in Braila, was fined $1,300 and dismissed as Secretary of the Baptist Community in Bucharest for illegally distributing Bible study manuals; and

Whereas, all pastors are expected to file reports concerning their activities with the state security police every Monday morning; and

Whereas, the Romanian government continues long and unnecessary delays in the approval of passports for certain believers, including the Paul and Palina Dragu family, who have waited three years for passports and have been warned by Romanian authorities that they will never be allowed to emigrate; and

Whereas, the Vicovu-de-sus Baptist Church from the district of Suceava has waited since 1973 for government authorization to build and operate as a church; and

Whereas, the Mangalia Baptist Church from the district of Constanza has waited since January 25, 1978, for government authorization to build and operate as a church; and

Whereas, the Slatina Baptist Church from the district of Olt has been waiting since October 24, 1976, for government authorization to build and operate as a church; and

Whereas, the Eforea Sud Baptist Church of the district of Constanza has been waiting since December 21, 1976, for government authorization to build and operate as a church; and

Whereas, the Falcia Baptist Church of the district of Teleorman has been waiting since January 3, 1976, for government authorization to build and operate as a church; and

Whereas, the Bica Chei Baptist Church of the district of Neamt has been waiting since March 4, 1979, for government authorization to build and operate as a church; and

Whereas, the Dorohy Baptist Church of the district of Botosani has waited since March 10, 1978, for government authorization to build and operate as a church; and

Whereas, the Faurei Baptist Church of the Braila district has waited since 1975 for government authorization to build and operate as a church; and

Whereas, the Bassrabi Baptist Church of the Constanza district has waited since 1977 for government authorization to build and operate as a church; and

Whereas, the Baptist Church in Motru was closed by government action on March 1, 1979; and

Whereas, the Aradol Nov Baptist Church in the Arad district was bulldozed by the government in the fall of 1983; and

Whereas, the Resita Baptist Church in the Caranbesh district was bulldozed for building code violations in 1983 because the church was built one-half meter beyond government specifications—they were forbidden to rebuild; and

Whereas, the Pentecostal Church in Camp Turzei was bulldozed by the government for a building code violation in which the church was one foot beyond government specifications; and

Whereas, the Baptist Church of Tiganesti was destroyed by an earthquake in March of 1977 and the Romanian government has refused the church permission to rebuild; and

Whereas, more than eight hundred members of the Mihai Bravu (SFinte Trieme) Baptist Church in Bucharest are without adequate facilities since the government bulldozed the church building in December of 1983 and has reneged on promises to provide a new meeting place; and

Whereas, the Baptist church in Petrugrosa was bulldozed by the government in 1983 and has not been granted authorization to rebuild; and

Whereas, over one hundred people must stand outdoors to worship because the government has refused to issue a building permit to the Baptist Church in Hateg; and

Whereas, for over twenty years the Baptist Church in Bala-Mare has sought a building permit; and

Whereas, having been denied a building permit since 1978, the leaders of Baptist Church No. 5 (Betenia) in Timisoara are being fined 100 lei each day for conducting church meetings in a home; and

Whereas, for ten years the Romanian authorities have refused to grant a building permit to the Baptist Church from the village of Ivanesti; and

Whereas, for nine years Romanian authorities have denied a building permit to the Baptist Church in the Vasluli district; and

Whereas, the Baptist Church in Marghita has sought a building permit since 1969; and

Whereas, Romanian authorities have forbidden the Baptist Church in Alesd to meet in their old building, yet for eight years have denied the church a permit to renovate the building; and

Whereas, for over ten years the government has denied Baptist Church No. 3 in Oradea permission to building; and

Whereas, since 1962 the members of the Baptist Church in Giulesti have sought government permission to open their church and have had to meet illegally in their homes; and

Whereas, since 1962 the members of Baptist Church No. 5 in Oradea have been subject to fines for conducting meetings in their homes because the Romanian government refuses to grant them a building permit; and

Whereas, the Hungarian, Baptist Church in Cluj has been waiting for permission to rebuild since 1967; and

Whereas, Baptist congregations in Zalau, Resita, Alexandria and Transylvania are also awaiting government approval to rebuild churches; and

Whereas, more than 30 churches throughout Romania have been closed by the government; and

Whereas, the Baptist community in Bucharest has waited since 1971 for government approval to operate Baptist centers in the districts of Botosani, Galati and Bacau;

Now, therefore,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Commonwealth of Kentucky boycott all products manufactured in the Socialist Republic of Romania until substantial progress is made by that government in resolving the specific human rights violations set out in this resolution.

Section 2. That the House urges President Reagan not to renew the Most Favored Nation trading status which the Socialist Republic of Romania now enjoys with the United States.

Section 3. That this honorable body directs the Clerk of the House to send a copy of this resolution to every member of the United States Congress along with a cover letter requesting them to reply to this honorable body on whether or not they would be willing to testify before the U.S. House Subcommittee on Trade and the U.S. Senate Subcommittee on International Trade against the renewal of Romania's Most Favored Nation trading status in protest of the repression of Christian believers by the Romanian government.

Section 4. That the Clerk of the House is directed to transmit a copy of this resolution to President Reagan, the U.S. State Department, the Commission for Security and Cooperation in Europe, the Embassy of the Socialist Republic of Romania, Radio Free Europe/Radio Liberty and the Voice of America, the Associated Press Wire Service, the United Press International Wire Service and the Kentucky Network.

Section 5. That the Clerk of the House is directed to transmit a copy of this resolution to the legislatures of the remaining forty-nine states and request them to take concurrent action on this resolution.●

JOHN H. CHAFEE CLEAN WATER ACT AMENDMENTS

● Mr. CHAFEE. Mr. President, as many of my colleagues know, the House of Representatives recently passed amendments to the Clean Water Act. Given that action I wanted to bring my colleagues up to date on the status of S. 431, the Clean Water Act Amendments here in the Senate. The Committee on Environment and Public Works reported S. 431 last fall and the legislation has been pending on the calendar since then. Our efforts to bring this legislation to the floor has been stymied by holds and objections of some Senators about provisions in the bill. Many obstacles have been overcome; however, several sticking points remain. We are continuing our efforts to move this legislation forward. I remain optimistic that we can get a bill passed the Senate and—although S. 431 is sharply different from the House-passed bill—work our way through a conference with the House so the President can sign a bill before Congress adjourns.

I look forward to continue working with my colleagues on the Clean Water Act amendments.●

INTERNATIONAL WEEK OF SOLIDARITY WITH ETHIOPIAN JEWS

● Mr. LEVIN. Mr. President, I would like to call attention to this week which has been designated the International Week of Solidarity with Ethiopian Jews.

All throughout the week, people from the United States, Canada, Europe, and Israel will be staging candlelight vigils, rallies, and clothing drives not only to celebrate the arrival of 7,000 Ethiopian Jews in Israel, but also to remember the plight of some 14,000 to 17,000 Jews still trapped in Ethiopia and in refugee camps of neighboring countries. Events have been planned around the world to underscore the need for the ongoing rescue of Ethiopian Jewish refugees and to educate the public about the plight of Ethiopian Jews.

Jews in Ethiopia—sometimes referred to as Falashas, meaning exile or stranger—are an ancient Herbrew community residing primarily in the northwest area of Ethiopia. For many centuries, they enjoyed political and economic independence under their own kings and queens. Beginning about the 15th century, however, expanding new dynasties sought to overpower the Ethiopian Jewish community. Jews were denied the right to own land—their very means of existence. They were forbidden from observing Jewish laws. Many were enslaved. Others were forced to convert to different religions.

This outright suppression of a people has continued to the present. A community which only 200 years ago numbered over 500,000 now consists of a mere 25,000. Approximately 85 percent of the Ethiopian Jewish population is currently located in the Gondar Province, where they are constantly subjected to the anti-Jewish whims of the province's Governor—Major Melaku, a member of the seven-man, Soviet-backed ruling party. Melaku's practices amount to nothing less than outright persecution for Ethiopian Jews living in Gondar. Jewish villages have been closed to outsiders. Border security has been tightened. Jews are prohibited from emigrating and those attempting to escape are often detained and tortured. The international development program, which was supplying them with aid and education, was suspended in 1981. This exacerbates the problem of poverty in a nation which already has one of the lowest standards of living in the world, shamefully boasting an average lifespan of 36 years for its citizens. Not only, therefore, are these Jews subjected to outright poverty and a denial of basic human rights, but they remain imprisoned in this misery by the current provincial regime.

The only hope for relocation of Ethiopian Jews has been Israel. Although emigration is forbidden, some manage to reach neighboring countries where they languish as refugees. Israel, facing a limited diplomatic status in Africa, has managed to resettle over 3,000 of these refugees to their long-awaited destination. The Ethiopian Jews who arrive in Israel are often uneducated. They are unfamiliar with modern society and much Jewish history and tradition. Consequently, Israel has taken the initiative of setting up absorption centers where Ethiopian Jews are housed, educated, and prepared to enter the community at large.

The Ethiopian Jews are Zionists who remain outside of Israel. Let us hope that they may realize their dream of someday reaching their promised land.●

SUPPORTING OUR DOMESTIC STEEL INDUSTRY

● Mr. D'AMATO. Mr. President, I rise this afternoon to express my support for S. 2380, the Fair Trade in Steel Act. Today, the domestic steel industry production has plummeted. Capacity utilization has fallen well below 50 percent. This situation has not developed overnight, but is the result of at least three key factors: plant obsolescence, recessionary pressures, and foreign competition.

The depressed demand for new automobiles and the decline in construction activities dealt a serious blow to the U.S. steel industry, particularly during the last half of the 1970's.

This situation was further exacerbated by the obsolete condition of some steel plants here in the United States. A report issued by the General Accounting Office in 1981 found that nearly one out of every four of the industry's plants were too old to effectively compete with foreign plants. According to the American Iron & Steel Institute, the domestic industry will have to make a significant capital investment if it is to survive.

Meanwhile, organizations representing steel workers have demonstrated their willingness to make concessions in an attempt to prevent even higher levels of unemployment in the industry. Employment figures have fallen from 168,196 in 1979 to 98,440 in 1983. I am very concerned over the loss of American jobs, not only in the steel industry itself, but in related industries as well.

Import penetration of the domestic market has been substantial. It cannot be attributed solely to general economic conditions, labor pressures, or plant obsolescence.

Today many foreign steel producers are engaged in unfair, and sometimes illegal, actions which have serious consequences for the U.S. steel industry. Some foreign producers have resorted to "dumping" of steel in the United States. In other words, foreign producers are selling their steel in the the United States at prices lower than production cost in country of origin. We cannot, and must not, tolerate such unfair practices as dumping and government subsidization.

The Fair Trade in Steel Act contains provisions designed to provide the domestic steel industry with an opportunity to prove that it can compete with foreign producers. I am pleased to be a cosponsor of this important legislation and urge adoption of this proposal.●

COSTA RICA

● Mr. BINGAMAN. Mr. President, the nation of Costa Rica has, for nearly four decades, been an oasis of peace, relative prosperity, and social justice in Central America. One reason for this good fortune appears to be the fact that it abolished its standing army in the late 1940's, after an attempt by uncumbent politicians, sup-

ported by the military, to nullify the results of an election.

Since then, Costa Rica has been a model democracy, with power transferred back and forth between the major parties, following free elections. Costa Rica has also studiously avoided military conflicts in the region and today its Government is trying to maintain a policy of strict neutrality relative to the various wars which are going on there. Perhaps as a result of these policies, that nation has remained impervious to Marxist inroads.

I have been disturbed by recent reports that the administration, through the Department of Defense, is moving toward military involvement in Costa Rica in a number of ways. A summary of the situation has been prepared by the respected Council on Hemispheric Affairs.

In the past, my distinguished colleague from Tennessee, Senator SASSER, has expressed concern about the new direction U.S. policy appears to be taking in Costa Rica. His concerns are noted in this report, and I commend him for his actions in this field. While I have not personally verified all the information in the summary, many items mentioned are in accord with reports I have seen. The article does present a point of view not always available to many of us, and I recommend it to my distinguished colleagues for study. In our future deliberations concerning United States policy in Central America, the Costa Rican example may be instructive. It would appear to be in our interest not to try to upset that country's carefully established equilibrium.

I ask that the Council's report be printed in the RECORD.

The report follows:

COSTA RICA: USSOUTHCOM MOVING IN WHILE PASTORA IS OUT

(A Council on Hemispheric Affairs staff report by Kevin J. Kecskes, COHA Research Associate)

With time running out for the anti-Sandinista Democratic Revolutionary Alliance (ARDE) guerrillas to come up with new sources of funding, last month's bombing assassination attempt against military chieftain Eden Pastora Gomez brought to the fore the CIA's unequivocal manipulation in the region.

Pastora, badly injured in the explosion while holding a press conference in La Penca, Nicaragua, May 30, has vowed to return to Costa Rica to pick up his fight. In the interim, he is convalescing from his severe burns under the comforting wing of an old friend, former Venezuelan Vice President Carlos Andres Perez in Caracas.

The author of the blast remains unknown. The Costa Rican investigation, with the assistance of the F.B.I. and the International Criminal Police Organization (Interpol), is weltered in rumors and false accusations. However, the attack's timing—after a widening rift between ARDE factions had erupted into public view—initially led some to suspect CIA involvement.

CIA pressure on the ARDE leaders to amalgamate their forces with the Honduras-based Nicaraguan Democratic Force (FDN) peaked in May. Pastora, who views the recent CIA aid cut-off as a clear attempt to manipulate his political and military alliances, complained recently that "in the last three months, we have received no aid, not even a pair of boots or a uniform, and over the last 30 days it has been unbearable." This pressure, however, has thusfar done little to alter Pastora's adamant rejection of unification plans with the FDN unless that group purges its leadership of several former members of Somoza's National Guard.

But ARDE's political spokesman and fund-raiser, Alfonzo Robelo, stepped up his majority faction's push for unification after receiving a CIA ultimatum threatening a total funding cutoff unless a contra alliance was consummated. The ideological chasm between the two rebel leaders was reflected just days before the blast in a 17-10 vote by ARDE's "democratic assembly" in favor of Robelo's pro-alliance position.

The CIA has exhausted many energies to unify the northern and southern guerrilla forces, a sine qua non for CIA strategists. The agency is desperate to produce positive results as Congress considered President Reagan's request for $28 million in covert assistance for the rebels for FY 1985.

With Pastora temporarily out of the ARDE picture, the FDN enjoying relative free reign in Honduras, and the Honduran armed forces themselves benefitting from the seemingly interminable presence of growing U.S. military command in that country, only the firm cooperation of the Costa Rican government stands in the way of finalizing a pincer apparatus surrounding Nicaragua. Accordingly, many on Capitol Hill are keeping a wary eye on the Pentagon's plans for that country.

ALL THE WAY TO SAN JOSE

Senator Jim Sasser (D-Tenn.), previously an outspoken critic of U.S. military construction in Honduras, recently queried Secretary of Defense Caspar Weinberger on plans for military construction "exercises" slated to take place in Costa Rica later this year. Fred C. Ikle, undersecretary of defense for policy, responded on Weinberger's behalf that "the Joint Staff is in the process of studying a USSOUTHCOM (U.S. Southern Command) exercise proposal for Costa Rica." Ikle denied Sasser any further details until "an agreement has been reached" with the Costa Rican government.

The controversial U.S. Ambassador to Costa Rica, Curtin A. Winsor, Jr., has been pivotal in strong-arming Costa Rican President Luis Alberto Monge to increase his country's defense capabilities. In March, Foreign Minister Carlos Jose Gutierrez announced—after an accord had been reached between the Costa Rican Ministry of the President and Winsor—that U.S. engineers would construct various facilities in the country. The "exercises," tentatively slated for September, include extensive work on two airstrips: San Isidro del General in the south and Llano Grande Internacional near the northwestern Nicaraguan border.

The announcement of the planned "joint maneuvers" has fueled congressional skepticism over the Reagan administration's designs for Costa Rica. Senator Sasser has denounced the administration's tireless efforts to wrangle military-related concessions from San Jose, as well as to promote U.S. arms sales to the country. Monge's request last month for $7.8 million in "emergency supplies"— coupled with a leaked internal State Department policy memorandum which advocated the use of the military aid request as an opening to shift Costa Rica from its "neutralist tightrope act and push it more explicitly and publicly into the anti-Sandinista camp"—compounded the Senators' arguments that the White House is keeping a tight lid on its ultimate designs for the militarization of Costa Rica.

President Monge privately has admitted that he is under heavy pressure to go along with U.S. demands, and risk going against popular sentiment in his country, because of the government's desperate dependence on U.S. economic aid. Costa Rica has received nearly $300 million in assistance over the past two years, second only to El Salvador in the hemisphere.

Bending to the arguments of Winsor and Gen. Paul Gorman, chief of the Panama-based SOUTHCOM, Monge has accepted the deployment of U.S. Army Mobile Training Teams to train his Rural Guard. Since last October, the teams have trekked to Costs Rica four times; a mortar group was there in April and a communications squad left this month.

Domestic critics of Monge charge that the Rural Guard, the smaller of the country's two security forces, has long been associated with ARDE's operations in Costa Rica. In early June, a spokesperson for the Costa Rican Defense of Democratic Liberties (CODELINE) stated that were the Civil Guard—the country's major police force—to crack down on the rebel group, a total of 3,500 Rural Guardsmen would support Commander Zero's stakes in the country. Whether the Rural Guard is as cohesive as the CODELINE leader claims is unknown, but its collaboration with ARDE forces has been documented. Vice Security Minister Johnny Campos recently admitted that several Rural Guard subordinates have been lured by large cash payments into harboring and assisting the rebels in their activities staged from Costa Rican soil.

The U.S. Agency for International Development (AID) has paved the way for ominous road construction in areas adjacent to Nicaragua since last year. The pressure began in 1979 when John Hull, an enterprising U.S. citizen with large farm holdings in Los Chiles, Costa Rica, near the Nicaraguan border, pushed AID and Costa Rican officials for development of the border area. In August 1983, AID signed a $14.2 million loan agreement for an "infrastructure improvement project," including road-building in the region. A State Department official told COHA that the roads are part of a combined effort to "open the area to cultivation."

Hull has been a "key contra collaborator" for some time, claims an August 1982 article in the Mexican daily Excelsior. Reportedly, an airstrip located at his farm has been used to airlift ARDE personnel into Nicaraguan territory, and the bombing of Managua's Sandino Airport last fall is said to have originated from Hull's farm. Last month, Vice Minister Campos announced that a number U.S. citizens had been arrested on Hull's farm.

On more than one occasion, Costa Rican authorities have felt compelled to expel U.S. operatives working in the country. Last September, over 100 U.S. Vietnam veterans, reportedly Green Berets, were kicked out of Costa Rica after being detained near the Nicaraguan border in the eastern town of Barra de Colorado, the location of the main ARDE hospital.

Such internal measures and congressional opposition, however, are unlikely to dis-

suade the White House and Pentagon from their concerted efforts to militarize once-neutral Costa Rica. The forthcoming ARDE/FDN alliance and next fall's U.S. construction exercises make it evident that the Reagan administration's plans to asphyxiate Nicaragua are rapidly moving toward fulfillment.●

SUPPORT FOR ESTUARINE POLLUTION PREVENTION

● Mr. WEICKER. Mr President, I am pleased to note the passage of H.R. 5713, a bill making appropriations for the Department of HUD and Independent Agencies for fiscal year 1985. This bill includes a total of $4 million under title II for the purpose of water quality monitoring and environmental assessment activities in Long Island Sound, Narragansett Bay, Buzzards Bay, and Puget Sound. This initiative is designed to develop a data base on the magnitude of pollutant loadings and the impact of such loadings on the living organisms in these waters. These activities were funded in anticipation of the authorization of a national estuarine pollution prevention program involving the cooperative efforts of the Environmental Protection Agency [EPA] and the National Oceanic and Atmospheric Administration [NOAA] as intended over a decade ago in section 104(A)(5) of the Federal Water Pollution Control Act.

The primary intent of structuring this provision as a cooperative program of estuarine pollution prevention is to make available to the EPA the substantial marine pollution monitoring and assessment capability created at Federal expense within NOAA's National Marine Pollution Program Office and the National Marine Fisheries Service. Such interagency cooperation is essential if the enormous task of monitoring and assessing the health of the Nation's estuarine environment is to be accomplished in a timely, consistent, and efficient manner.

This provision is not intended in any way to weaken EPA's primary responsibility for ensuring that adequate water quality standards are developed for the designated estuaries.

In implementing this cooperative program, it is intended that EPA retain the primary responsibility for ensuring that adequate water quality standards are developed for the four listed estuaries. So that this is accomplished in a timely fashion, the provision directs the Office of Water to determine what units of Government have management responsibility for the environmental quality of Long Island Sound, Narragansett Bay, Buzzards Bay, and Puget Sound. EPA should also define how such management responsibility can best be coordinated among the respective units of Government, research, and educational institutions, and groups of individuals concerned with the water quality of these estuaries.

The Office of Water shall also encourage the States to engage in cooperative efforts to prevent, reduce, and/or eliminate pollution through the formation of State compacts and/or the adoption of uniform laws relating to the prevention and control of pollution. The Office shall, where possible, coordinate the development and implementation of and make recommendations on interstate pollution management and abatement activities in these estuaries.

It is expected that the Office of Water shall also recommend corrective actions and compliance schedules to address high priority point and nonpoint sources of pollution.

This provision seeks to use the expertise of the National Marine Pollution Office and the National Marine Fisheries Service to review and analyze all environmental sampling data presently collected from the designated estuaries. In addition, after consulation with the Office of Water and interested State or interstate agencies, NOAA shall develop a comprehensive water quality sampling program for the continuous monitoring of nutrients, chlorine, acid precipitation, dissolved oxygen, and toxic pollutants, including synthetic organic chemicals and metals. This monitoring program shall evaluate and conduct research to determine the impact of sediment deposition in these waters, and shall identify the sources, rates, routes, distribution patterns, and pollutant loadings of such deposition. The intent of this research is to evaluate the impact of pollutants on the living resources in these estuaries and to quantify the effects on the resources of pollution management and abatement measures developed or implemented by the Administrator, States interstate agencies, municipalities, and industry.

It is intended that NOAA's responsibility for monitoring and assessing the effects of pollutant loadings in these waters should directly support and be compatible with EPA's requirements for ensuring that adequate water quality standards are maintained within the designated estuaries.

The estuarine research provision requires NOAA to provide an annual report for the EPA administrator and to Congress on the agency's activities under title II of H.R. 5713. This report shall include a synthesis of all scientific findings which point out factors having adverse effects on the environmental quality of these waters. This report shall also suggest pollution management and abatement measures which would improve the chemical, biological, and physical integrity of the designated estuaries.

Mr. President, I commend Congress for addressing estuarine pollution problems through the cost effective and prudent measures included in H.R. 5713. I look forward to following the development and implementation of the monitoring and assessment activities required under this program and eagerly await the renewed biological vitality of these estuaries following the cleanup of the pollution problems which have plagued these priceless ecological resources.●

THE TALE OF TWO CONTINENTALS

● Mr. BOREN. Mr. President, recently, a series of events took place that might be called "The Tale of Two Continentals." What took place raises issues that merit the attention of every Member of Congress. Two banks, both with the name "Continental," experienced difficulty within the same week. One was the very large and well-known Continental Illinois Bank. The other is the relatively small—about $100 million in deposits, Continental Bank of Del City, OK.

In the case of the Continental Illinois Bank, the FDIC acted to put together a package which protected the security of all depositors, both those below and those above the $100,000 insurance limit for each account. Well over $1 billion was committed to that effort. However, in the case of the small Continental Bank of Del City, only a partial acquisition of the bank was arranged by the FDIC and only the insured depositors were protected, those with accounts below the insurance limits of $100,000.

I am certainly not criticizing the FDIC for acting to provide full protection for the Continental Illinois Bank. Failure to protect all depositors would have had a devastating effect on the entire national economy and could have undermined public confidence in the entire financial system.

What is disturbing is the apparent difference in the way in which small and large institutions are treated. The recent pattern of regulatory action could end up encouraging depositors with accounts above the insured limits to use only large banks. This would unfairly impact the competitive balance between institutions.

We in Oklahoma are particularly sensitive to the most recent problem because of the devastating impact which the failure of the Penn Square Bank had on the States economy. We are still reeling from the aftershocks caused by the wave of bankruptcies in the aftermath of the bank's failure. In that case, the FDIC not only failed to protect all depositors, it has also charged the expenses of its liquidation against the amount which will ultimately be distributed pro-rata to the uninsured depositors. Thus far, approximately $16 million in expenses have been incurred by the Federal

agency. In spite of a request by the Oklahoma congressional delegation, there has not yet been an itemized and detailed public disclosure of these expenses.

My purpose, Mr. President, is not to engage in a public dispute with the FDIC or other Federal regulatory agencies. I know that their task is a difficult one. I raise these issues to point out that there are important policy decisions which need to be made in this area. It is neither responsible nor appropriate for Congress to leave these basic policy decisions to be made by the regulators. They need our input.

Recently I received a memorandum on the situation involving the two Continental Banks and the Penn Square Bank. It was sent to me by one of the most able and thoughtful business leaders in my State, Morrison G. Tucker. Mr. Tucker is in a unique position to place recent events in perspective. He was one of the earliest staff members of the FDIC, joining it in 1933. He is completely aware of the philosophies and attitudes of its founders. He has had almost 50 years of experience in the banking field. Recently, a banking institution which he directs made a partial acquisition of the First Continental Bank of Del City.

Mr. Tucker is balanced in his viewpoint. He is sympathetic to the problems of the regulators. Not only should every member of the Banking Committees of both Houses take the time to read his words, it would be well worth the time of every Member of Congress and all of the major regulators as well.

I ask that the text of the memorandum by Mr. Tucker be printed in the RECORD at this point.

The memorandum follows:

MEMORANDUM

To: Senator DAVID BOREN.
From: Morrison G. Tucker.
Subject: The Continental Banks of Illinois and Oklahoma—and deposit insurance.

We are pleased to respond to your request for a statement of our views concerning the contrasting policies followed by the Federal Deposit Insurance Corporation with respect to the First Continental Bank of Del City, Oklahoma, and the Continental Illinois Bank of Chicago.

First, a summarization of the facts concerning the two Continentals and the action taken by the FDIC.

First Continental of Del City. With regard to this institution, it was declared insolvent by the Oklahoma State Bank Commissioner on Friday, May 11, 1984, as a result of mounting loan losses and unsound lending practices, with the FDIC becoming the Liquidating Agent or Receiver. Immediately following closure, certain banks in Oklahoma of recognized strength were offered the opportunity to bid for the insured deposits, with the FDIC to provide an offsetting amount of cash, high grade installment loans from the closed bank at book value, and the securities portfolio and the bank premises at market value. The bidding procedure required the bidder to specify an amount of new equity capital for a new bank, and the payment of a premium to the FDIC to partially offset losses from the liquidation.

As you know, United Oklahoma Bankshares, Inc., of which I am Chairman, was the successful bidder, and a new bank, United Del City Bank, was immediately chartered by the Oklahoma State Banking Board. The new bank assumed the insured deposit liabilities of the failed Continental Bank and received from the FDIC an equal amount of cash, marketable securities, installment loans, and fixed assets. United Oklahoma Bankshares, Inc., the parent company of the United Oklahoma Bank, paid in $5 million of new equity capital and paid a premium to the FDIC of $1.7 million.

The new bank was opened for business on Monday, May 14th. In line with a relatively new policy developed by the FDIC and styled "A Modified Pay-off Plan", the uninsured depositors in the closed Continental Bank were paid the insured portion of their deposits plus 40% of the excess over the present $100,000 limit.

In my opinion, the FDIC erred and should have provided for the protection of all depositors and arranged the bidding procedures accordingly.

Continental Illinois Bank. With regard to this major Money Center banking institution, it has unquestionably severe loan problems, in part but not totally, stemming from the Penn Square failure and also from a substantial portfolio of Latin American credits of doubtful short-run viability. In addition, and perhaps because of questionable lending practices, the Continental has been subject to intense liquidity pressures resulting from large withdrawals by major corporations and others, both domestic and foreign. Whether the Continental was, or is, insolvent in the sense of a negative net worth is academic, probably not known, and probably not subject to determination. To meet these problems, the FDIC and the Federal Reserve have acted to augment capital and insure liquidity and, therefore, to assure its survival. In these efforts, many of the nation's major financial institutions are to be applauded for coming together to provide needed additional funding. Thus all depositors, insured and uninsured, have been provided protection.

In my opinion, the FDIC and the Federal Reserve System acted promptly and properly in the case of the Continental Illinois Bank and deserve praise and commendation.

But what are the probable results and implications of the obviously inconsistent policies of the FDIC as they were applied to the large Continental Illinois and the small Continental Bank of Del City, Oklahoma, all in a period of one week? In my view, the implications are important and serious and will result in further driving deposits from smaller banks to larger banks, especially Money Center banks. Thus, the allocation of deposits and liquid capital will be dictated by size of bank—and I know of no criteria that would justify such a method of allocation.

"Large" Banks and "Sound" Banks. We recognize that in many quarters there exists a perception that bigness in banks is "better" or "sounder". This perception has been able to survive the substantial investments in Real Estate Investment Trusts (REIT's) by many of our larger banks only a few years back, and has survived the more recent vogue of loans to the Eastern European block of nations, as well as to less developed countries generally. To those of us in banking in Oklahoma City, we were appalled at the eager willingness of such banks as Chase, Northern Trust, Continental Illinois, Michigan National and Seattle First National to participate in loans originated by the Penn Square Bank. This was in sharp contrast to the general absence of such participations by Oklahoma and Texas banks. In short, we do not believe there is valid evidence that "big" in banking is "better" or that size of bank is a valid basis for allocating bank deposits—yet this is the clear implication of FDIC policies.

Historic Policies of FDIC. The next question must be: what are the appropriate policies for the FDIC to follow? In looking at this issue, we need to review some of the history of Federal Deposit Insurance. As a general proposition, the Corporation throughout most of its fifty-year history has tended to provide financial assistance through mergers, purchase and assumption arrangements, and other means when failure of an insured bank was imminent. We believe this policy has in general been a very successful one.

As a result, in such notable failures and near failures as the Franklin National in New York City, the United States National in San Diego, First Pennsylvania, First National of Midland and United American of Knoxville, all depositors have been protected. In Oklahoma, a small bank, the Bank of Red Oak, very recently failed, but all of its deposits were assumed by a neighboring strong bank with FDIC assistance. The facts of the matter are that something approaching 99% of all depositors in all banks which have failed in the fifty-year history of the FDIC have been fully protected—not just protected within the technical limits of deposit insurance. In those exceptional cases where a payoff procedure has been followed, there has usually been no available merger partner or recapitalization prospect, or there have been other unusual circumstances which were deemed to preclude a rescue of the failed institution.

The payoff of Penn Square National Bank of Oklahoma City was also an exception, and perhaps a justified one, to the policy the FDIC has usually followed, especially in larger banks. The fact that it was an exception was illustrated by the almost contemporaneous failure of the Abilene National Bank of Abilene, Texas (also a bank like Penn Square, with $500 million in deposits) for which a rescue was arranged and all depositors were protected. However, as time has marched on, I have increasingly come to believe that a rescue of the Penn Square Bank should have been developed. The damage of this failure is still ricocheting throughout the entire nation, with losses to our economy many times the cost of a saving merger, even assuming that such rescue would have been expensive.

FDIC Policy for Non-Money Center Banks. We therefore advocate that the FDIC follow what we believe to be its historic policy of endeavoring to save failing banks, particularly with reference to Non-Money Center banks. Such a policy will, of course, result in all depositors in Non-Money Center banks being protected. We also advocate either eliminating deposit insurance limits or radically increasing insurance beyond the $100,000 figure. Such policies, upon adoption, should be publicly proclaimed and stated. We believe that the cost of such policies would not be greater than the cost of present policies, and perhaps not as great.

It is my view that such full or greater protection of bank deposits is consistent with the most fundamental purposes of the FDIC. I say this as a person who first went to work for the Corporation in June of 1933 (you could not start any earlier than that) and who ultimately became a part of the senior management of the Corporation under the Chairmanship of Leo T. Crowley. Our view of the FDIC during this formative period was of course dominated by crisis banking years of 1933 and before. We held the belief that the most important purpose of the FDIC was to preserve the money supply. We believed that the depths of the Great Depression were increased by the wholesale closing of banks in 1930, 1931, 1932 and 1933, and by the radical reduction in the money supply which such closures caused. We further believed that bank deposits were as much money as currency and that a major policy objective was to make both forms of money always equal and interchangeable. In other words, we held that an important purpose of the FDIC was to guarantee the equality of currency and bank deposits. We did not think of the FDIC as an insurance agency, a concept which has surfaced in some recent writings.

The FDIC as an "Insurance" Company. In this connection, I recall rather vividly a conversion at the apartment of Senator Arthur Vandenberg of Michigan some time in the mid-1930's. His son, Arthur, Jr., and I had been contemporaries at Dartmouth College and were good friends. As a result, I was a somewhat frequent guest. The Senator was of the view that use of the word "insurance" as contrasted with the perhaps more apt term of "guarantee" was somewhat responsible for the passage of the Federal Deposit Insurance Act. The Senator, as a prominent Republican, an ardent supporter of the legislation and importantly responsible for its passage, believed that the word "insurance" made the legislation more politically saleable,—but he never viewed the FDIC as an insurance company.

I also remember the Senator relating how he regarded the FDIC as a most interesting American political invention which has solved a perennial banking problem. The problem was to provide bank depositors in a banking system, with thousands of units, the same protection as bank depositors had in countries such as Canada with only a few banks. The Senator recognized that *de facto* deposit insurance was provided to all depositors in Canada by the Bank of Canada. It was always obvious from his remarks that he felt the American banking structure, with its many units and many financial options, had very genuine virtues. He was certainly of the view that the American system fostered competition in all fields of economic endeavor and was less likely to lead to undue concentration of economic power.

"Market Discipline" as a Substitute for Bank Supervision. The FDIC has through the years been an impressively successful agency of Government. We therefore note with great skepticism that the present generation of managers of the Corporation has proposed that "market discipline" be utilized to police the operation of banks. The phrase "market discipline" has great appeal to my free enterprise instincts, but the concept, in my judgment, is out of place as a bank supervisory technique. The proponents envision policing banks by providing depositors with certain information concerning the condition of banks, so that "safe" banks would receive deposits and "unsafe" banks would be disciplined by withdrawals. Carrying this view through to its logical conclusion would probably mean ultimately the publication of Confidential Reports of Examination (which are not always accurate as to their facts or their conclusions). It would be difficult to imagine a policy which would be more destabilizing to our banking structure or our economy. And yet it is advocated by the FDIC, which should be in the business of stabilizing banking.

This leads me to a few comments on bank supervision. Surely its most important purpose is the protection of bank depositors and the deposit insurance fund. In a system of 14,000 banks, there will always be failures in the supervisory process and therefore bank failures. The reason is simple: bank supervision is managed by humans who make errors of judgment. And banks are also managed by humans who make errors and who are not always paragons of virtue. But for the most part, bank supervision in the United States is to be praised and is effective. Its failures we know about, since they are in the headlines, but its successes, which number in the thousands, are left unsung. In general, the bank supervisory apparatus of the nation has been non-political in the best sense and has attracted a dedicated and competent group of public servants.

Depositor Protection in Money Center Banks. Many of our large Money Center banks face substantial reductions in income if interest and principal compromises become essential, as I believe they will be, as a result of the large volume of loans which these institutions have outstanding to many countries in Latin America and to less developed countries in other areas of the world. In the absence of appropriate public policy safeguards, the liability structures of such banks could suffer in much the same way as the Continental Illinois Bank.

The banking system needs to be prepared for these problems that may lie ahead—and much of this burden, in our judgment, will have to be borne by the Federal Reserve, rather than by the Federal Deposit Insurance Corporation. We are also hopeful that when these problems and policies are debated, the debate will not turn on "bailing out the banks". What is really important is the political stability in developing countries and the restoration and maintenance of confidence in the post-war economy.

Accordingly, we would like to recommend as follows with respect to Money Center banks:

(1) That the Federal Reserve be armed with explicit power and authority to purchase without significant limitations nonvoting preferred stock in the nation's Money Center banks, perhaps twenty to twenty-five in number, so that the equity capital structures of such institutions do not fall below 5½ percent to 6 percent of assets. Perhaps all Money Center banks should be required to sell some preferred stock to the Federal Reserve, so that the presence of such outstanding stock in the capital structures of such institutions will not be regarded as unusual. Dividends on such stock should be cumulative and no dividends should be payable on common stock in the event of arrearages with respect to dividends on the non-voting preferred.

(2) The Banking Act of 1935 provided the Federal Reserve with ample power to lend to banks. The Board of Governors should publicly and promptly announce their determination to meet all of the liquidity needs of Money Center banks. In general, the Federal Reserve is in a position to neutralize the monetary aspects of such lending and of the purchase of preferred stock in Money Center banks by reduction in its holdings of U.S. Securities.

(3) Deposit Insurance by the Federal Deposit Insurance Corporation should be optional with Money Center banks. With the Federal Reserve providing both equity and liquidity support, deposit insurance is not essential and the cost savings to the Money Center banks would assist in meeting their preferred stock dividend requirements.

(4) We further advocate that the capital requirements for banks as established by the Regulatory Authorities, which are usually expressed as percentages of assets, should be made uniform for all banks, large and small. The lower capital requirements of larger banks have given these institutions a significant competitive pricing advantage over small banks, and this advantage should be eliminated.

Questions are also raised as to whether price, product and geographic deregulation will impair the present banking structure. I think not. These are of course important and somewhat separate current issues, and I would like to discuss them with you some time in the near future. There may be a few casualties as we deregulate, but fewer than some prophets would predict. Community banks have great value to our economy and to our economic culture, and their staying power is substantial. We trust the Congress will recognize these factors as they ponder the inconsistencies of present depositor protection as between large and small banks.●

TEENAGE ALCOHOL ABUSE

● Mr. D'AMATO. Mr. President, this week the Senate passed legislation encouraging the States to raise the drinking age to 21. During the debate, we heard about the dangers of drinking and driving, but driving while under the influence of alcohol is only one symptom of the overall problem of teenage alcohol abuse.

Our children have noticed that people who drink alcohol are considered healthy and normal, and that drinking is fun. In America, it is the people who do not drink at all who are considered strange. So it is not surprising that a significant number of our teenagers are drinkers.

According to a 1982 National Institutes on Drug Abuse survey, over 65 percent of 12- to 17-year-old children have used alcohol. The National Institute on Alcoholism and Alcohol Abuse estimates that 3 million children age 14 to 17 are problem drinkers. As Senator HAWKINS has pointed out, peer pressure, rebellion, and the need to feel adult are all contributing factors to teenage drinking.

A "National Study of Adolescent Drinking Behavior" classified over 31 percent of 10th to 12th graders as alcohol misusers. This means that these children drank at least five drinks at a time, once a week. The same study found that the average age of first use of alcohol is 13 years.

Although these young drinkers are not yet experiencing the disease caused by long-term use of alcohol, they are still being killed by it. Through its role in accidents, alcohol is the No. 1 killer of teenagers.

We must educate our teenagers to the dangers of alcohol abuse. Our young people must realize the effects of alcohol on their minds and bodies. I am, therefore, pleased to cosponsor Senate Joint Resolution 305 to designate the week of September 10, 1984, as "Teenage Alcohol Abuse Awareness Week." This week will be the focus of programs and events directed at both teenagers and their families. It will bring the teenage-drinking problem to the forefront, thereby helping to save young lives and promising futures.●

CALL FOR RELIGIOUS FREEDOM IN THE WARSAW PACT

● Mr. LAUTENBERG. Mr. President, I rise today to express my support for Senate Concurrent Resolution 119. Infringement of religious freedom in the Warsaw Pact States continues. Our Nation, which was founded upon the principle of freedom of worship, must be particularly attentive to the plight of nations which are denied this basic right.

Soviet religious repression persists, despite continuing efforts to bring about a greater degree of religious freedom. By now, sadly, there are few of us who are surprised when we hear that people like Anatoly Scharansky are incarcerated for having dared to be a vocal supporter of the right to worship freely. The fact that Jewish emigration has literally ceased has been reported over and over again. Soviet maltreatment of religious groups is not unique to Jews; it touches Baptists, Pentecostals, the Russian Orthodox, and anyone else who is suspected of adhering to a religious lifestyle.

Unfortunately, Mr. President, it seems sometimes that attention has been riveted exclusively on the Soviet Union when it should also be focused on other countries where religious policies are equally oppressive and worthy of condemnation. States within the Warsaw Pact pursue restrictive religious policies which are in direct contradiction to at least three internationally recognized agreements: The Universal Declaration of Human Rights, The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Helsinki Final Act.

Mr. President, I would like to quote from a section of the Helsinki Final Act; a section to which signatories have formally committed themselves but which they have in practice shamefully ignored. Signatories are bound to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience."

It is all too clear that these promises and agreements have relegated to meaningless rhetoric. Word has been emerging from the Warsaw Pact states detailing substantive restrictions on religious activity and describing the harassment which inevitably descends upon he or she who is brave enough to exercise "the dictates of his own conscience."

In Czechoslovakia, leaders are fearful that religion could become a vital political force as it was in Poland with the advent of Solidarity. So, authorities have resorted to "questioning," detention, arrest and anything else aimed toward the end of discouraging religious freedom. In addition, the Government of Czechoslovakia should be particularly condemned for its deliberate and conspicous failure to cooperate with the Catholic community. To date, the Vatican's efforts to fill vacant bishoprics have been futile and nearly 1,000 parishes lack proper spiritual leadership.

The governments of Lithuania, Romania, Poland and Hungary are also guilty of creating restrictive religious policies. The citizens of these nations have recently experienced increased and intensified persecution of Catholic and Baptist leaders and followers. Moreover, acting in concert with the Soviet Union, these nations too have virtually closed the doors on emigration. In sum, the Warsaw Pact States continue to enforce the tragic dual policy of repression, which dampens the human spirit, and a ban on emigration for those desiring to flee from repression.

Mr. President, it is our duty to remind these countries of the commitments which they have undertaken as parties to the well recognized documents which espouse the fundamental human right of freedom of religion. It is not enough that we protect religious freedom here in America. It must also be our mission to establish universal acceptance of this basic right which inspired the birth of our Nation. Swift adoption of Senate Concurrent Resolution 119 would be an appropriate step in this direction.●

AMERICAN HEALTH CARE SYSTEM

● Mr. DURENBERGER. Mr. President, last October the Equitable Life Assurance Society of the United States released the results of a survey, conducted by Louis Harris & Associates on public attitudes on health care costs in America.

Included in this study were the opinions of physician leaders, hospital administrators, health insurance executives, labor leaders, corporate health benefits officers, as well as a cross-section of the general public. The findings of this survey "The Equitable Healthcare Survey: Options for Controlling Costs," showed that there is a consensus that fundamental changes are needed to make the United States' health care system work better and that the American public is ready to accept a broad range of cost-containment proposals.

The Equitable has just released the results of another survey, "The Equitable Healthcare Survey II: Physicians' Attitudes Toward Cost Containment." The survey was identical to the earlier study but focused on physician attitudes on health care costs. I am encouraged that physicians can and will continue to play a valuable role in the effort to reform our Nation's health care system to make it affordable and accessible to all Americans.

Mr. President, I would like to submit for the RECORD a summary of the findings of this second study. I urge my colleagues to consider these attitudes when, in the days ahead, we confront the problem of controlling health costs.

The summary follows:

SUMMARY

1. Less than half of all physicians believe that the American health care system works well and needs only minor changes. This finding contrasts sharply with the views of physicians who head state, local and specialty medical societies (physician leaders), two-thirds of whom believe that the nation's health care system works well.

These responses are strikingly different from those of the American people, only 21% of whom believed, in 1983, that the health care system was working pretty well, and most of whom felt that fundamental changes were needed or that the system needed to be completely rebuilt.

2. There is no consensus among physicians with regard to priorities for change in the nation's health care system.

The answers given most frequently in reply to a question concerning which one change they would most like to see relate to improved access to health care, cost containment, and less government interference and regulation of the health care system.

3. Most physicians are satisfied with the availability and quality of health care generally, with their own health insurance benefits, and with the cost of health care.

However, fully 41% of physicians are dissatisfied with the total cost of care, and 32% are dissatisfied with out-of-pocket costs.

4. A majority (59%) of physicians think that the cost of hospitalization is unreasonably high.

However, sizable majorities believe that the costs of doctors' visits, laboratory tests, and health insurance are reasonable. In contrast to the opinion of a majority of physician leaders who think the cost of prescription drugs is reasonable, physicians reveal only a plurality of opinion regarding this issue.

5. Majorities, in most cases large majorities, of physicians think that seven different factors have contributed to the rise of health care spending over the last few years.

However, only a minority (17%) think that unit-cost inflation—the increasing cost of the same services—is the main reason. This latter view contrasts sharply with that of the American public, 44% of whom feel that unit-cost inflation is the main reason for increased spending.

The factors most widely believed to have had a major impact on health care spending are:

The increasing use of expensive equipment and technology;

The fact that the population as a whole is getting older;

The growth of expensive malpractice suits and malpractice insurance;

The increased availability of government-funded programs such as Medicare and Medicaid;

The increased availability of employer-provided health insurance;

Doctors ordering more laboratory tests than are necessary; and

Unnecessary hospitalization.

6. A majority of physicians believe that the third-party payment system, as it exists today, is a major contributor to increased health care spending.

While large majorities of physicians believe that the third-party payment system, the practice of defensive medicine, and the aging of the population have contributed to increased health care spending, there is a plurality of opinion on the idea that the increase is due to a lack of competitive pricing in the health care industry.

Younger physicians and physicians who are not members of AMA tend to agree that a lack of price competition contributes to health care cost inflation.

7. A majority of physicians believe that the present health care system is price competitive.

Physicians' views on this subject are in sharp contrast to those of hospital administrators and the public. A majority of the public (76%) believe that one of the problems of health care is that there is no competition to keep prices down. Furthermore, majorities of hospital administrators, insurance executives corporate benefits officers, and union leaders all share the public's view that the nation does not have a price-competitive system.

In this context, it is important to note that only 16% of the public have ever chosen a physician because his or her fees were lower than those of another doctor.

8. There is no agreement among physicians as to the proportion of all health care costs that are incurred by the highest spending 10% of the population.

The median response is that 56% of all spending can be attributed to this 10% of the population, a figure somewhat lower than available data and other estimates would suggest.

Physicians believe that the main reason for the increased concentration of health care spending on a small proportion of the public are: the aging of the population, the use of more expensive procedures to save or prolong life, the unhealthy lifestyles of some Americans, the use of new medical technology, and the overuse of health care services by a few people.

9. Reactions to specific health care cost-containment policies vary from almost unanimous acceptance to overwhelming opposition.

In general, there is a relatively high correlation between the perceived effectiveness of a policy and its acceptability. Where a policy is perceived to be effective, it is generally acceptable. Where it is not acceptable, it is generally not thought to be effective. However, there are a few important exceptions to this rule.

10. By large majorities, physicians believe that most policies which would increase cost-sharing by patients would be both effective and acceptable.

Specified policies endorsed by large numbers of physicians relate to increased deductibles and copayments, and requiring patients to pay a part of their employer-paid insurance premiums. On the other hand, less than half of the physicians view a new tax on the top portion of large health insurance premiums as an effective or acceptable cost-containment measure.

11. Overwhelming majorities of physicians endorse change in the health care system that would reduce hospitalization.

Alternatives to hospitalization in the care of the chronically ill or for tests and minor surgery are considered both effective and acceptable in containing health care spending. However, certification by insurance companies prior to non-emergency hospitalization is acceptable to less than half of the physicians.

12. Physicians view the proposal to require second opinions prior to non-emergency surgery as generally acceptable.

However, there is some doubt about its effectiveness in controlling costs.

13. Discouraging the duplication of expensive equipment and specialists at nearby hospitals is a proposal acceptable to almost two-thirds of physicians.

Almost three-fourths of the group consider this an effective means for containing health care costs.

14. Utilization reviews are thought to be at least somewhat effective, but a sizable minority (44%) do not regard them as acceptable.

The proposal to fix fees paid to doctors and hospitals based on diagnosis-related groups (DRG's) is unacceptable to a clear majority of physicians.

However, over half of the physicians concede that it is an effecitve cost-containment strategy.

15. The notion of government price controls draws the greatest concensus of negative responses from physicians.

Although almost half agree that such controls would reduce health care spending, fully 85% find the proposal unacceptable.

16. Health Maintenance Organizations (HMO's) and preferred provider plans are unacceptable to a majority of physicians. However, medical opinion is more receptive to a system where a primary care physician receives a predetermined fee for providing basic medical care and is also responsible for authorizing additional health care services.

17. Large majorities of physicians consider insurance plans that provide individual incentives for healthy living or group incentives for below target expenditures to be both effective and acceptable in controlling health care costs.

18. Changes in laws relating to malpractice that would reduce the pressure on doctors to practice defensive medicine are generally thought to be both effective and acceptable.

19. Most physicians believe that changing antitrust laws so that third-party payers can join together to negotiate fees with providers would be an effective cost containment strategy.

A smaller majority consider this proposal acceptable.

20. Business coalitions formed to control health care costs are seen as both effective and acceptable by a majority of physicians.

21. There is some resistance among physicians to encourage the use of nurse practitioners, midwives, and physicians' assistants instead of physicians.

While over 50% find this change unacceptable, a large minority (46%) also believe that this would not be an effective means for controlling costs.

22. While most physicians believe that reducing the use of so-called "heroic" medicine would be effective in controlling health care spending, a smaller majority find this proposal acceptable.

23. There is overwhelming disapproval of the concept of cost-shifting.

Policies that result in a shift in the cost of treatment for Medicare and Medicaid patients to fees paid by private-sector patients are looked upon with disfavor by most physicians.

24. Health care coverage for the unemployed is favored by most physicians, even if it means additional direct or indirect cost to other people.

While the majority of physicians favor providing this coverage by extending employer-paid insurance or by encouraging each state to finance it, they oppose financing this coverage through a federal program or from any type of new tax.

25. In general, physicians in the South are more conservative.

They are more satisfied with the status quo and are least likely to accept policies which would adversely affect their income.

26. In most instances, younger physicians (i.e., physicians who have graduated more recently) are more receptive to the proposed changes in the health care system than are older physicians.

The changes that older physicians endorse in larger numbers than younger physicians are those that would shift additional costs to the patient. AMA members, who tend to be older than nonmembers, also tend to be more conservative than nonmembers in accepting changes in the health care system that would place constraints on the price or use of health care services and on equipment purchases.

27. Physicians are out of step with the nation on many key issues.

They are less critical of the status quo, much more likely to believe that the health care system is price competitive, and much less willing to accept alternatives to the traditional fee-for-service, doctor-patient relationship than the public, hospital administrators, employers, union leaders, or insurance executives.

28. However, practicing physicians are more likely to see the need for change than are their elected leaders.

They are also somewhat more willing to accept alternative delivery systems.●

CABINET STATUS FOR THE VETERANS' ADMINISTRATION

● Mr. PRYOR. Mr. President, the Veterans' Administration is the largest independent agency in the U.S. Government and is charged with the responsibility of implementing our Nation's historic and deeply rooted commitment to provide benefits and services to those who served in the Armed Forces. As such, the Veterans' Administration was created as an independ-

ent agency in the executive branch specifically for the purpose of administering laws relating to the provision of benefits to veterans, their dependents, and beneficiaries. In accordance with this mandate, the Veterans' Administration provides medical care and treatment, disability and death compensation, income maintenance, education-related benefits, loan guarantees, insurance, and burial benefits. In addition, the Administrator of Veterans' Affairs is the primary adviser to the President on veterans' matters.

As the largest independent agency within the Federal Government, the Veterans' Administration has the sixth largest budget among Federal departments and agencies. In terms of personnel, it ranks second only to the Department of Defense with 235,000 employees. Despite the size of its budget, the number of its employees, and the importance its programs have on the life of our Nation, the Veterans' Administration does not have the same departmental status accorded many smaller agencies.

The time has come for the President to include the Administrator of Veterans' Affairs as a member of his Cabinet and to submit legislation to establish a Department of Veterans' Affairs. This action is necessary to recognize the Veterans' Administration size, mission, and the significance of its accomplishments during its long history of service to our Nation.

Last year, Congress expressed its will on this issue in Public Law 98-160. Section 502 of that act says:

It is the sense of the Congress that the Administrator of Veterans' Affairs should be designated by the President as a member of, and a full participant in all activities of, the Cabinet and as the President's principal adviser on all matters relating to veterans and their dependents.

Organizations representing veterans have expressed their views on this subject. The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, Amvets, Paralyzed Veterans of America, and others have gone on record in support of such action. I commend those distinguished organizations for their efforts on this important matter affecting veterans and their families.

Likewise, I commend the chairman and ranking minority member of the House Veterans' Affairs Committee Congressman G.V. "SONNY" MONTGOMERY and Congressman JOHN PAUL HAMMERSCHMIDT, as well as my distinguished colleague, Senator STROM THURMOND, for their leadership on this issue.

When the Veterans' Administration was established in July 1930, its role was to bring together under a single agency the responsibility for providing Federal benefits for veterans and their dependents. After more than half a century of service and growth, the magnitude of VA services and its need to be elevated to Cabinet level status has increased.

The VA and its contributions to America have been of significant proportions. Training under the GI bill has been provided to more than 18 million persons. More than 870,000 disabled veterans have received vocational rehabilitation counseling and training. The number of medical centers has increased dramatically from 54 in 1930 to 172 medical centers today. These medical centers treat 1.4 million patients each year and the outpatient clinics serve more than 18 million visits each year. The VA cares for 29,000 veterans each year in its nursing homes and domiciliaries.

In addition to operating the Nation's largest medical care system and being a major economic force in the Nation's housing and insurance industries, the VA continues to provide compensation and pension benefits, and burial assistance to veterans and their dependents. Over 4.3 million veterans, widows, and survivors are being paid death compensation or death pension benefits. Each year compassionate burial assistance is provided to approximately 350,000 veterans.

The compassionate care and benefits the Veterans' Administration provides veterans and their dependents spans centuries. Benefits have been provided for veterans and their families who served in the Revolutionary War, War of 1812, Mexican War, Civil War, Indian War, and Spanish American War. And the veterans of World War I, World War II, the Korean war, and the Vietnam war are well aware of the continuing service of the VA to them and their families.

I invite my colleagues in the Senate to join me in urging the President to act now to respond to the sense of the Congress in designating the Administrator of Veterans' Affairs as a member of his Cabinet, and to submit legislation to establish a Department of Veterans' Affairs. This action is necessary to make sure that our Nation's commitment to our veterans remains strong.

I ask that the full text of sections 501 and 502 of Public Law 98-160 be printed in the RECORD.

The material follows:

TITLE V—STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS

CONGRESSIONAL FINDINGS

SEC. 501. The Congress finds that—

(1) the Nation has an historic and deeply-rooted commitment to providing benefits and services to those who served in the Armed Forces.

(2) this commitment must be continued and maintained, both to fulfill moral obligations to those who served in the past and to assure current and potential members of the Armed Forces that the Nation's obligations to those who serve will always be honored;

(3) the Veterans' Administration is the principal Federal entity responsibile for veterans' benefits and programs;

(4) the Veterans' Administration has a potential population of beneficiaries of over 55 million veterans and over 55 million survivors and dependents;

(5) the Veterans' Administration will distribute over $13.8 billion in income maintenance payments and over $1.5 billion in education, training, and rehabilitation assistance payments during fiscal year 1984, operates one of the Federal Government's two major home loan guaranty programs, with over four million loans currently guaranteed, administers the largest direct insurance program in the Nation, and operates 108 national cemeteries and provides burial assistance for nearly 350,000 deceased veterans annually;

(6) the Veterans' Administration operates the largest centrally administered health-care system—consisting of, among other facilities, 172 hospitals, 226 outpatient clinics, and 99 nursing home care units—in the United States;

(7) the Veterans' Administration health-care system serves as the primary backup to the medical resources of the Department of Defense in time of war or national emergency involving the use of the Armed Forces in armed conflict;

(8) in terms of share of the annual Federal budget, the Veterans' Administration ranks sixth among Federal departments and agencies, and among Federal departments and agencies only the Department of Defense employs more personnel;

(9) the Administrator of Veterans' Affairs is the principal executive branch official responsible for the administration of the benefits, services, and programs of the Veterans' Administration and for seeking the coordination of veterans' programs administered by other Federal departments and agencies;

(10) there is a need for greater coordination between the Veterans' Administration and other Federal entities administering veterans programs and between the Veterans' Administration and other Federal entities providing similar benefits to individuals on a basis other than their status as veterans;

(11) by virtue of the Administrator of Veterans' Affairs not being included in the President's Cabinet, the Administrator generally is not included in Cabinet meetings and deliberations and generally does not have the ready access to the President and senior advisers on the President's staff that Cabinet members have; and

(12) as a consequence, Presidential decisions affecting veterans and the Veterans' Administration are made from time to time without an understanding of their full impact on veterans and on the Veterans' Administration's performance of its statutory missions.

SENSE OF THE CONGRESS

SEC. 502. In view of the findings in section 501, it is the sense of the Congress that the Administrator of Veterans' Affairs should be designated by the President as a member of, and a full participant in all activities of, the Cabinet and as the President's principal adviser on all matters relating to veterans and their dependents.●

THE CRISIS IN INSTITUTIONAL CARE

● Mr. DURENBERGER. Mr. President, the Citizens League of Minnesota is an independent nonpartisan, nonprofit, educational corporation dedicated to helping solve the complex problems of metropolitan area of Minneapolis and St. Paul. I have been active in the Citizens league and over the years, the league's research reports have provided valuable information to Government and civic leaders and others involved in the public decisionmaking process.

The Citizens League recently released a report on the use of institutional-based services in the State of Minnesota, "Meeting the Crisis in Institutional Care, Towards Better Choices, Financing and Results." This study examined the manner in which care is provided to disabled elderly, the mentally retarded, the mentally ill, the chemically dependent and children involved in the juvenile justice and child welfare systems in the State of Minnesota.

Although the league recognizes that there will always be some need for institutional care, the study found that the State of Minnesota has come to make too much use of the institutional option. I submit for the RECORD, Mr. President, a copy of this report's "Executive Summary" which outlines the results of the League's findings.

I also submit two articles that appeared in the Minneapolis Star and Tribune in reaction to the Citizen League's report. The first article by Patrick Marx, describes some of the league's findings and their recommendations for change. The article by Ann Wynia describes what the State of Minnesota is doing to address this problem. The Minnesota State Legislature has been quite active in passing legislation that seeks to increase the options for care for the elderly, people with disabilities, children and their families.

I commend the Citizens League for once again providing a valuable report that will help and encourage the State of Minnesota to address the problem of its over-reliance on institutional forms of care. I hope that other States will take a serious look at their own use of institutional care and encourage their legislatures to look for innovative ways to provide a continuum of care for those in need with choice as an integral component of reform.

The articles follow:

[Executive Summary]

MEETING THE CRISIS IN INSTITUTIONAL CARE: TOWARD BETTER CHOICES, FINANCING AND RESULTS

Minnesota makes much more extensive use of a variety of institutional arrangements than other states.

In a major new study, the Citizens League has examined the use of residential treatment facilities across five different populations—including the elderly, the mentally ill, the mentally retarded, the chemically dependent and the juvenile justice/child welfare population.

The major conclusion of the study is that too much use is made of residential facilities in all of the systems. Minnesota's over-reliance on institutional forms of care is causing a crisis of sizeable human and economic proportions.

The human crisis in the state's welfare policies does not concern the quality of care in residential facilities, but rather the quality of life. Too often, life in a residential facility is accompanied by an unhealthy degree of dependence on caregivers. Too often, human service professionals unintentionally supplant, rather than supplement, the support of family members, friends and neighbors. Finally, the assumption that these populations can best be cared for outside the home environment runs contrary to much of the latest research in each of these fields.

We will continue to need residential treatment facilities, the League says, but utilizing them should be our last option rather than our first one.

The financial crisis in the state's welfare policies deals with the fact that the cost of treating people in institutions is one of the most rapidly growing portions of the state budget. Within the Minnesota Department of Public Welfare's F.Y. 1982 budget, for example, nearly 70 percent of all expenditures were directly related to institutional care. If costs continue to escalate at their present rates in these systems, the state will not succeed in controlling expenditures.

Ironically, there are less costly alternatives available in each system, but they tend to be underutilized. Often these alternatives involve day-treatment or even care in the person's home. Many of these options are not available to people today because reimbursement in these systems has been directly tied to utilization of in-patient or residential facilities.

Minnesota makes more use of residential treatment than most other States. Statistics show that Minnesota ranked:

First, nationally, in Medicaid-reimbursed days of nursing home care per 1,000 persons age 65 or over in F.Y. 1979.

Third, nationally, in the number of mentally retarded people in residential care per 100,000 in 1982. (In 1977-78, Minnesota ranked first nationally.)

Eight, nationally, in the number of mentally ill patients discharged from private hospitals in 1977. Minnesota ranked 19th nationally in the number of such patients discharged from state and county hospitals in 1979.

Eleventh, nationally, in juvenile commitments to training schools per 100,000 in 1982.

Despite the fact that Minnesota ranks 25th nationally in per-capita alcohol consumption and had the 6th lowest rate of alcohol-related problems among the 50 states in 1983, Minnesota has more chemical dependency beds on a per-capita basis than any other state. Minnesota represents only three percent of the nation's population but has 15 percent of its chemical dependency beds.

The explanation for Minnesota's high rate of institutionalization varies from system to system.

Four major factors have contributed to the high use of nursing homes in Minnesota: (1) Minnesota has a hgher proportion of elderly people than the rest of the U.S. (2) Minnesota's elderly tend to live longer than the national average, thereby increasing their likelihood of needing nursing home care; (3) the lack of available alternatives to nursing homes contributes to nursing home utilization; and (4) Minnesota's Scandinavian heritage also appears to be a factor since Scandinavians rely heavily on social institutions.

The intensity of residential treatment provided to Minnesota's mentally retarded population may be attributed to: (1) the state's over-reliance on Intermediate Care Facilities for the Mentally Retarded (ICF-MRs); (2) limited public funding for in-home care; and (3) the state's failure to limit new admissions to state hospitals. The League committee found that the manner in which public programs for the mentally retarded are funded contain strong fiscal disincentives to move people from state hospitals to community group homes and from community group homes to less intensive, non-residential settings.

Public funding programs and private insurance programs have provided people with incentives to seek treatment for chemical dependency and mental illness in in-patient settings opposed to out/patient or less formal settings.

A variety of reasons have been used to account for Minnesota's high rate of juvenile out-of-home placements. The juvenile court's goal of "rehabilitation" has tended to increase the likelihood of intervention and treatment outside the home. The availability of private insurance for chemical dependency and mental health offers some juveniles, their parents, and the courts an option that seems preferable to the stigma of the law. The different set of legal standards in the juvenile justice system may provide incentives to police officers to arrest juveniles in order to succeed in "doing something about crime". Finally, deficiencies in Minnesota's juvenile justice laws sanction unnecessary removal of juveniles from their homes.

While much of this care is appropriate, data suggest that some Minnesotans are being inappropriately retained in residential treatment facilities.

Experts disagree over the percentage of the nursing home population which could be successfully de-institutionalized. Estimates typically range from 20 to 66 percent. The most recent data indicate that 22 percent of Minnesota's nursing home residents had similar demographic and functional characteristics as home care clients. Newly enacted pre-admission screening programs successfully diverted 58 percent of the nursing home eligible population in the last six months of 1983.

Despite Minnesota's efforts to de-institutionalize the mentally retarded, it appears that our state has only re-institutionalized this population in ICF-MRs and group homes. In fact, there are now more mentally retarded people living in residential facilities throughout the state than there were prior to the de-institutionalization movement. Research indicates that as many as 200-1000 residents of ICF-MRs are ready for placement in less costly, more home-like settings such as foster care or semi-independent living arrangements.

Recent data indicate that at least 50 percent of all state hospital admissions for mental illness were re-admissions, largely due to the lack of funded community group homes and after-care. Additionally, there has been a troublingly high increase in juvenile psychiatric admissions to metropolitan

hospitals in recent years. From 1976 to 1983, juvenile psychiatric admissions went from 1,123 to 2,031; patient days grew from 46,718 to 76,899; and the juvenile psychiatric admission rate doubled, moving from 91 to 184 admissions per 100,000.

Inappropriate retention in residential treatment facilities is especially apparent in the juvenile justice system. Despite decreases in the juvenile population and the juvenile crime rate, Minnesota's juvenile incarceration rate has risen in recent years. Although national standards have urged an all-out ban on the use of jails for juvenile detention, 4,000 Minnesota children were admitted to jails in 1981. Some children in this system are held "hostage"—detained in treatment longer than normal simply to allow providers to continue to collect public reimbursement. There is also a troublingly high number of "serial placements"—children placed outside their homes again and again.

A special review program by Minnesota Blue Cross/Blue Shield denied payment for 3,891 days of medically unnecessary chemical dependency and psychiatric care in 1982. Most (72 percent) of the unnecessary care was for chemical dependency.

A growing body of research shows that nonresidential forms of care can be as effective or even better than residential care for some people and much less expensive.

A 1982 report by the General Accounting Office found that "when expanded home care services were made available to the chronically ill elderly, longevity and client-reported satisfaction improved." Studies comparing the adaptive progress of mentally retarded people in community residential facilities and state hospitals show that community treatment is generally more effective. A recent review of studies of the effectiveness of in-patient versus out-patient treatment of mental illness in the New England Journal of Medicine concluded that non-hospital psychiatric treatment was as good as or better than in-hospital treatment. An innovative home-based services project in Ramsey County has found that "not placing children out of their home is no more or less harmful than having them remain at home, at least as long as service continues to be provided to the family." A Twin Cities hospital-based chemical dependency evaluation program (CATOR) concluded in its 1982 report that "it is noteworthy that out-patient services with their lower costs are adequate for a substantial portion of the population."

The congruence of these findings should be good news for legislators since the cost of treating people in institutions is one of the most rapidly growing portions of the state budget. This is clearly seen in the following trends:

Between 1976 and 1980 Minnesota Medicaid costs for persons in nursing homes increased twice as fast as the Medical Consumer Price Index. Nursing home expenditures are the largest cost component of Medicaid, amounting to 48 percent of the total in Minnesota. In fiscal year 1982 persons 65 and older accounted for nearly 60 percent of Medicaid expenditures but represented only 20 percent of the recipients. Minnesota's elderly population will increase by 24.3 percent between 1970 and 2000, with obvious implications for rising costs.

Between 1976 and 1980 the cost of caring for Minnesota's mentally ill population more than doubled, from $139 million to $295 million, counting both public and private expenditures.

Out-of-home placement of juveniles cost more that $185 million in 1981, according to a study by the Minnesota House of Representatives. The expenditure is equivalent to about one-fifth of state school aids spent on children's education in grades K-12 but it is being spent on only 2 percent of the state's juvenile population.

A 1983 report of the Chemical Dependency Division of the Department of Public Welfare found that total public and private chemical dependency costs rose from $101.8 million in fiscal year 1981 to $115 million in fiscal year 1983. But it also found that state and local public shares are decreasing while private and federal shares are increasing.

According to a 1983 report by the Office of the Legislative Auditor, residential care costs amounted to 75 percent of the $175 million spent on the care of the mentally retarded in 1982.

In general, where options to institutional care exist, they cost considerably less, the League study found.

For example, the League committee received a report of a patient who was visited once a day at home by a licensed practical nurse at a cost of $588 a month. Nursing home care would run nearly $2,000 a month.

Care for the developmentally disabled in a state hospital averaged $109.50 daily in 1983. Care in intermediate care facilities in the community averaged $49.97; semi-independent living services cost $24.82 per day; and foster care was $12.

For children in the juvenile justice system the cost in a residential treatment center was $84 a day, in a juvenile correctional center $77 a day, in a welfare group home $41 a day and in a corrections group home $20.

Unfortunately, however, public and private reimbursement systems in each of the five systems studied by the committee often preclude the use of these less costly and often more effective alternatives. Because of the institutional bias inherent in these reimbursement streams, the kind of assistance people are provided is often more a function of what will be paid for rather than what people may in fact need. Frequently, people are only able to obtain service if they live in a residential facility.

The Citizens League recommendations attempt to provide a strategic policy framework for the State in the years ahead as it continues to grapple with the problem of providing compassionate yet cost-effective care to these populations.

Some of the League's recommendations cut across all populations. For example:

(1) State and local government should make sure that alternatives to residential care are pursued prior to admission into any treatment facility. The Legislature should require that counties establish pre-admission screening programs for all publicly subsidized persons afflicted by mental illness, chemical dependency and mental retardation.

(2) Federal, state, and local programs which pay for residential care should be changed so that payment for housing is separated from payment for service. If the U.S. Congress were to follow the committee's recommendation, major impacts would occur in Medicare, Medicaid, and Title XX of the Social Security Act. These changes would affect all of the population included in our study. If the Minnesota Legislature made similar changes, the resulting impacts would affect the state's General Assistance Medical Care Program, the Community Social Service Act, the Community Corrections Act, the Catastrophic Health Expense Protection Program, and several other programs.

This recommendation responds to the central problem in each of the five systems examined by the committee. Under current public and private reimbursement incentives, some people only receive access to needed services if they live in a residential facility. That problem would be removed if payment for the housing function were separated from payment for the care function. If separate funding streams were created for housing and service, and if people were permitted to decide how to spend available dollars, they could exercise choices both about where they live and from whom they receive care. This would remove not only the present institutional bias from these systems but also the medical bias as well. Government should decide how much money should be made available to meet the needs of a given individual. But individuals or their surrogates should decide how the money should be spent.

(3) The federal and state governments should provide people in need of care with prospectively determined allowances for housing and care.

a. Housing allowances should be modeled after existing federal housing allowance programs.

b. Service allowances should be determined prospectively, based on the extent of individual functional impairment and on providers' performance.

(4) Individuals should have incentives to use high-quality, low-cost, preferred providers, regardless of whether their care is provided at public or private expense.

Other recommendations are specifically targeted to each of the five population groups:

(5) For the chemically dependent and the mentally ill.—The League recommends that Congress move to include these illnesses in its prospective reimbursement system. The Legislature should change current laws to specify that employers need not provide in-patient coverage for in-patient treatment of chemical dependency or mental illness for stays longer than statewide averages.

(6) For juveniles.—The League recommends that the Legislature repeal status offenses from the jurisdiction of the juvenile court. (These are offenses which would not be crimes if committed by adults, such as truancy, running away, and wayward behavior.) The Legislature should also redefine the purpose of pre-trial detention and training schools and set criteria for their use, separate the judicial and administrative responsibilities of the state's juvenile courts and require that, in cases of child abuse, more consideration be given to removing the offending parent from the home rather than the victimized child. The League also urges greater use of diversion and restitution for juvenile offenders who do not have a long history of crime. Finally, the League commends the Legislature for opening up the possibility of non-judicial resolution of some juvenile cases.

(7) For the elderly.—The League encourages consideration of new private financial mechanisms to assist the aged in meeting their financial obligations as well as to defray some public costs. Specifically, the League proposes further examination and debate on three strategies:

Minnesota insurance companies could review the potential for developing long term care insurance as a marketable product. Today, neither Medicare nor Medicaid

protect the elderly from incurring potentially catastrophic costs in nursing homes. The rapid spend-down of elderly people's assets serves no useful public or private purpose as it eliminates elderly people's financial independence and makes them dependent on public subsidies. Unlike the acute care system, there is no insurance mechanism in long term care to protect individuals and the public from these results. Perhaps there should be. If such policies were developed, they should be indemnity plans, and cover both nursing home care and home care with incentives to substitute the latter for the former.

The concept of home-equity conversion has a great deal of potential for supplementing elderly people's retirement income and could be especially applicable to Minnesotans.

Under innovative home-equity conversion schemes being developed around the country, people could sell their homes and lease them back at a price well below the monthly amount they receive on the sale. The arrangement would permit people to continue to live in their homes as well as to have additional income.

An analysis by Bruce Jacobs of the Brookings Institution shows that reverse annuity mortgages have the capacity to substantially reduce the incidence of poverty among the elderly. Nationally, the poverty rate for elderly homeowners was determined to be about 14 percent but rises to 20 percent for those over 75. After potential reverse annuity mortgage income was added, however, substantial decreases in poverty rates were observed. Fully 25 percent or more of elderly home-owners living below the poverty line would have risen above it. For those over 75, the corresponding figure was 41 percent.

Nationally, 75 percent of persons over age 65 own their own homes. Of those, fully 85 percent have paid off their mortgages. The net home equity of older Americans is greater than $550 billion. To put that in perspective, if those assets were freed up (say, at a rate of 10 percent per year) the income released would be approximately $7 billion a year—almost enough to fund total 1979 Medicaid payments to the elderly—$7.6 billion.

Minnesotans, and particularly elderly Twin Cities homeowners would have an advantage in the use of home-equity conversion loans when compared to the rest of the nation's elderly. Not only do a higher percentage of elderly Minnesotans own their homes outright, but those homes are typically worth more than the homes of the elderly in other states.

According to Metropolitan Council figures, there are 139,600 older people in the region who live in single family homes. They comprise 74 percent of the region's total elderly population. If conservative estimates of the value of an average Twin Cities home is $70,000, the net worth of the region's "senior" housing stock is $9.7 billion. Since 90 percent of the region's elderly own their homes outright, their available net home equity is at least $8.7 billion.

Instead of encouraging elderly people to spend down their assets, Minnesota's Medicaid program could encourage people approaching retirement age to conserve their assets in order to preserve their financial independence.

For those people already living in nursing homes and dependent upon medical assistance, this suggestion would bring no further changes save the previously discussed separation of reimbursement for service and housing.

For those people however, aged 60 and over, who will become eligible for Medical Assistance after July 1, 1986, the Minnesota Legislature could provide an annual sum with which to purchase long-term care insurance from private insurers. The amount of this sum could be capitated in advance and could be accompanied by a small consumer co-payment.

Minnesota's state Medical Assistance eligibility standards could be modified to include the home as an asset, in those instances where the circumstances would not force an able-bodied spouse into a nursing home. But rather than simply placing a lien on the home of the elderly person as was done in the past, the state could offer the individual the option of entering into a split-equity arrangement. Such arrangements could be administered by the state Housing and Finance Agency. In return for a share of the equity in the person's house and its future appreciation, the state would provide monthly income payments, plus a deferral of all property taxes until after the person's death or sale of the home.

STUDY ASKS LONG-TERM CARE ALTERNATIVE

(By Patrick Marx)

Too many Minnesotans unnecessarily are put in nursing homes, mental hospitals and other residential treatment centers for long-term care, according to a major new study issued Tuesday by the Citizens League.

Institutionalizing people, which the league said imposes immense human and economic costs, should be sharply curtailed in favor of alternative care programs that separate direct service from housing costs, the study recommends.

It also seeks "de-institutionalization," including long-term care insurance and home-equity conversion plans.

Statistics cited in the study show.

In 1979, Minnesota was first in the 50 states in percentage of people over 65.

In 1982, the state's ratio of mentally retarded people in residential care was third in the nation.

Minnesota has the largest number of beds for treatment of the chemically dependent in the nation, even though the state has the sixth lowest rate of alcohol-related problems.

"Residential treatment is appropriate in some cases, but too often it has been used indiscriminately," said the 119-page study. "Residential care must become our last option rather than our first option."

Emily Anne Staples, a former legislator who chaired the study group, said, "The quality of care in most residential centers is high, but the quality of life suffers."

Staples said most people would prefer to retain their independence rather than go to a nursing home.

The cost of treating people in residential settings is one of the fastest growing portions of the state budget, said the study.

In 1982 nearly 70 percent of $756.1 million in welfare went for institutional care, according to the study. Costs included 20 percent for the mentally ill, the mentally retarded and the chemically dependent, but most went to nursing homes and hospitals under the state's medical assistance program for the elderly.

The study also found more than $185 million in public and private money was spent in 1981 to institutionalize less than 2 percent of the state's school-age children.

The league study said the state needs a strategy for long-term care costs.

"There is an immediate need to begin developing a market for long-term care insurance," said the study.

Another possibility, which the study called a "most exciting prospect," would be to apply the equity in homes to finance long-term care. Under a home-equity conversion plan, a family could sell its home to a bank or investors and lease it back, freeing cash for the family.

The league recommended new laws that would encourage officials to:

Adopt pre-admission programs and standards that encourage alternative care programs. The state already has pre-admission programs for nursing homes, according to Staples, but similar programs should be extended to the mentally retarded, chemically dependent and juveniles.

Current data suggest, according to the study, that up to 40 percent of the elderly screened for nursing home admissions could be cared for elsewhere.

Separating payment for housing from the costs of service in state, local and federal programs.

The present reimbursement and payment system is biased in favor of residential care, according to the study.

[From Minneapolis Star and Tribune, June 21, 1984]

BUILDING CHOICES INTO CARE SYSTEM

(By Ann Wynia)

A recent Citizens League report is a thoughtful analysis of a major issue—that Minnesota institutionalizes its elderly, mentally retarded, mentally ill and chemically dependent people, its lawbreakers and its juvenile offenders at a higher rate than most states. This policy has a high cost not only in money but in the experiences of institutionalized people.

However, the league's characterization of the current situation as a "crisis" obscures recent changes in state policy. Although much remains to be done, the state is increasing options for people with disabilities and for children and their families.

For example, nursing homes and state hospitals were once the only options available to disabled people, largely as a result of federal fiscal incentives that allowed reimbursement only for care provided in institutions. (Because the best-run institutions are frequently far from the handicapped person's home, that person has few opportunities to interact with the community.)

In the last two years, however, the state has obtained waivers to the medical-assistance program to fund services provided by outside institutions, thereby reducing incentives for institutionalization. The nursing home preadmission screening and alternative care program now covers the entire state, providing home-based and community programs to people aged 65 and over who would otherwise be in nursing homes. In the first three months of this year, 2,236 people were diverted from nursing homes and provided services in their own homes at an average monthly cost of $462, compared with average nursing home costs of $1,000 to $1,300 a month.

In 1983, the Legislature also authorized a social health maintenance organization project to provide a wide array of services to delay or avert hospital and nursing home stays for elderly individuals. However, approval is being held up by the federal administration.

Legislation similar to the nursing home alternative care program also was passed last year to provide family support and community services for the mentally retarded. The services will help parents of severely retarded children care for their children at home and will fund programs to integrate retarded adults into the community, Nearly 500 people are expected to be served in the program's first year.

Legislation passed this spring has permitted exploration of similar programs for chronically ill children and physically disabled adults. All of the alternative, community-based programs separate reimbursement for housing services from care, thereby allowing more consumer and purchaser flexibility.

A further indication of the Legislature's commitment to reduce reliance on institutional care was the adoption of a moratorium on adding nursing-home and intermediate-care beds for the mentally retarded to the health-care system. The saving this biennium from this action alone is estimated at more than $26 million.

In other areas addressed by the league, efforts are under way to improve the laws and programs affecting children and youth. For example, perpetrators of child abuse—instead of the victims—may now be removed from the home. And a bill establishing foster-care review boards, passed last session, will attempt to determine if the length of time children are in foster care and group homes can be reduced.

Though desirable, these efforts bring with them complex associated issues. For instance, deinstitutionalizing state hospitals could mean employee layoffs. To minimize such effects (and to ensure coordinated deinstitutionalization), legislators, employee union representatives and advocate groups worked together last session to develop a planning process on state hospital reductions. The Legislature also authorized a study to help large community institutions for the mentally retarded reduce bed counts and convert to smaller, more home-like programs.

Deinstitutionalization challenges us in new ways. But clients will be better served if we admit the problems of monitoring and preventing abuse in noninstitutional settings and seek to resolve them creatively. Similarly, services to the home-bound must meet the need for social interaction, not just maintenance and health care.

Much work remains but the system is changing.●

ARKANSAS OLYMPIANS

● Mr. PRYOR. Mr. President, I should like to pay tribute to the many Arkansas athletes who qualified for tryouts for the U.S. Olympic team. Seven Arkansans survived the trials; five of them will represent the United States in the games this summer in Los Angeles. Two will represent other nations.

With their successes, the State of Arkansas is once again well represented. Not only are the athletes very deserving of being named to the teams, they are also persons of high character. Not all of the athletes are native Arkansans, but the people of the State certainly claim them as their own.

I am proud to say, first, that two University of Arkansas athletes made the U.S. Olympic basketball team—Alvin Robertson and Joe Kleine. Alvin was the first guard, the seventh pick overall, taken in the National Basketball Association's player draft last week. He was voted all-Southwest Conference and all-American for his stellar performance this past season. Joe a 6'11" junior center, led the Arkansas Razorbacks in scoring and rebounding this year. Both were instrumental in the Razorbacks' 25 and 7 season, which included wins over the numbers 1, 2, and 6 teams in the Nation.

Another Razorback athlete, Mike Conley, qualified for the U.S. track team by winning the triple jump. That effort was his personal best and set a University of Arkansas record. Mike is only the second athlete ever to win the NCAA's outdoor and indoor championships in the same year and he was instrumental in the Razorbacks' third consecutive Southwest Conference outdoor championship.

Al Joyner of Arkansas State University placed second behind Conley in the triple jump also made the team. Northeast Arkansas and the entire State are proud of him.

Earl Bell, a native of Jonesboro and a former world record holder in the pole vault, will participate in his second Olympics. Earl was the first American ever to clear 19 feet outdoors, and set an American record in the Olympic trials, only to be broken 12 days later.

Arkansas is also proud of the two University of Arkansas athletes who will compete for their native countries. What America lost became Ireland's and Canada's gains as Frank O'Mara and Peter Ward qualified for the teams of those nations. Frank, who led the Razorback cross country team to its 10th straight conference title, will compete in the 1,500-meter run. Pete, who has signed a letter-of-intent with the university, will swim for the Canadians.

These athletes have worked long and hard for this moment. The State of Arkansas is especially proud and will cheer for them in victory, feel for them in defeat, and certainly share the athletes' excitement for the games.●

STEPHEN J. BOLLINGER

● Mr. HUDDLESTON. Mr. President, we were all saddened to learn of the death on June 18 of Stephen J. Bollinger, Assistant Secretary for Community Planning and Development in the Department of Housing and Urban Development.

Steve was born in Louisville, KY. He served as a legislative assistant to Representative GENE SNYDER of Kentucky. He was at one time president of WNOP radio in Newport, KY. Thus, although he considered Ohio as home, he certainly had his Kentucky connections.

We in Kentucky are proud of these connections and proud of Steve. He was a fine, dedicated public servant, a man who worked well with all people, a person who could find compromise when it had eluded others, and who could do so with fairness and a sense of humor. He had qualities which government needs and yet often lacks. I want to express my sympathy to his wife, his children, and his parents.●

IGOR OGURTSOV

● Mr. RIEGLE. Mr. President, I am gratified that the Senate has unanimously voted its approval of Senate Resolution 294, expressing the sense of the Senate that the renowned Soviet dissident, Igor Ogurtsov, should be released from internal exile in the Soviet Union, and that he and his parents be granted permission to emigrate to the West.

Mr. President, 40 Senators joined me in cosponsoring this legislation, and the entire Senate, by its action, has shown its solidarity with the cause of Igor Ogurtsov and the thousands of others like him, who continue to suffer under the Soviet Government's policy of denying its citizens their basic human rights.

A scholar of philosophy, political science, history and economics, Igor Ogurtsov is one of the finest intellectuals to emerge from the Soviet dissident movement. Since being convicted of treason in 1967 because of his role in establishing the religious-political organization known as the All-Russian Social Christian Alliance for the Liberation of the People [VSKhSON], Ogurtsov has been imprisoned and is currently serving the remaining years of his 20-year sentence in exile in Komi Assar.

According to the U.S. State Department's 1983 "Report on Human Rights Practices," the estimated 10,000 dissidents in the Soviet Union are subjected to treatment not unlike that inflicted upon Igor Ogurtsov. According to the State Department's report:

Soviet performance in the realm of human rights fails to meet accepted international standards. The regime's common response to efforts to exercise freedom of expression is to incarcerate those concerned in prison or labor camps. Mistreatment of political prisoners has a long history and continued in 1983. Inadequate food, clothing and shelter, heavy manual labor, unsatisfactory medical care, isolation, extended interrogation, and threats against prisoners' families are characteristic abuses. Many prisoners are denied the right to correspond with their families or to receive family visits. Some are confined to special psychiatric hospitals and to psychiatric wards in general hospitals where they are often subjected to cruel and degrading treatments and administered doses of powerful and painful drugs. The regime also continues to exile

prisoners to remote areas of the Soviet Union.

Dissidents who have made their way out of the Soviet Union to the West report that one of the most critical contributions those of us here can make to the efforts of those fighting for their freedom, is to speak out publicly on their behalf. It is precisely that effort to which the Russian-American community in my own State of Michigan, and all around this country, has committed itself.

The long and painful exile being endured by Igor Ogurtsov is a matter of deep concern to the Russian-American community, and members of the community have worked tirelessly to raise public awareness of his plight. Passage of this resolution by the Senate is a victory for all those who have invested a great deal of time and energy to securing strong Senate support for this measure. To all the members of the Russian-American community, and most particularly to Mrs. Vera Politis, chairwoman of the National Human Rights Committee of the Congress of Russian-Americans, I express my own personal gratitute for the commitment you have shown to this important effort.

Mr. President, since Igor Ogurtsov's imprisonment in 1967, a number of international organizations and prominent individuals, including Andrei Sakharov and Alexandr Solzhenitsyn, have campaigned for his release. It is my sincere hope that the resolution just passed by the Senate, will be met with a more positive response from the Soviet authorities than the appeals which have preceded it.

There can be no justification for the continued persecution of Igor Ogurtsov. Until he is released, the Soviet Government's professed commitment to honoring the human rights of its citizens is nothing more than a hollow promise.●

ARNOLD SIKES—CONGRESSIONAL SENIOR CITIZEN INTERN

● Mr. PRYOR. Mr. President, I should like to take a moment to recognize the importance of the Congressional Senior Citizen Intern Program and to pay tribute to an Arkansan who has served his State well for more than 23 years, and who, most recently, served as a senior intern in my office.

The program has made great strides since its inception in 1973; 275 citizens participated this year as opposed to only 9 the first year. Interest continues to grow.

The program's importance is twofold: These senior citizens often take active roles in their communities and by taking a part in these week-long programs, the citizen's and the community's knowledge of our Government is enhanced further. Also Members of Congress benefits through their service and ties with the elderly community are strengthened.

Arnold Sikes of North Little Rock, AR, was one of those 275 senior citizens who came to Washington, DC, to learn about the legislative process at the Federal level. Mr. Sikes retired in 1980 as North Little Rock's postmaster. But true public servants never really retire, and Mr. Sikes is no exception.

His distinguished career in public service began as a school teacher and superintendent in his hometown of Scranton, AR. He served in the Navy in World War II, and upon his return to Arkansas, he was elected tax assessor of Logan County in 1945. He served two terms, both without opposition in his election bids.

Mr. Sikes was selected in 1949 as the district revenue supervisor for 17 counties in northwestern Arkansas during the administration of Gov. Sid McMath. He was also appointed to a 6-year term on the State workers compensation commission.

Following the election of 1954, Mr. Sikes was named by Gov. Orval Faubus as his executive secretary. Nine years later, he was named postmaster for North Little Rock, a position he held for 18 years until his recent retirement.

He is an active member of his church, the Rotary Club, the Little Rock Water Commission, and the Metropolitan Planning Board for the Greater Little Rock area. He is a volunteer with the North Little Rock Boys Club, a local chairman of the Arkansas Association of Retired Persons, and never misses University of Arkansas Razorback football and basketball games.

The State of Arkansas is fortunate to have residents such as Mr. Sikes. This Senator is fortunate to have such a constituent, and I am proud that he agreed to represent my office in the 1984 Senior Citizen Intern Program.●

THE EDUCATION FOR ECONOMIC SECURITY ACT

● Mr. CHAFEE. Mr. President, as a cosponsor of the Education for Economic Security Act, I am extremely pleased that the Senate has approved this timely legislation.

Improving the ability of our Nation to compete in the rapidly changing field of high technology is one of the most critical challenges confronting us today. It is absolutely essential that our young people receive a strong foundation in mathematics, science, and technology.

While the demand for a scientific and engineering work force has risen dramatically, there is considerable evidence that the capacity of our education system to meet this demand is falling. A number of respected studies have revealed an alarming decline in the number of qualified math and science instructors in our schools. Not only are teachers in short supply, but many require retraining to improve their skills in this critical field.

This legislation provides assistance to enable the National Science Foundation to award grants to teacher institutes in colleges and universities, to enhance the training of qualified math and science instructors. In addition, support is provided to the States for the training and retraining of instructors to meet the critical need for improved teacher proficiency in these areas.

I am particularly pleased that the bill encourages the establishment of partnerships between educational institutions and business and industry. Industry can play an important role in providing technical expertise in upgrading science education.

Mr. President, passage of this legislation is long overdue. It is also gratifying that several extremely worthwhile proposals have been approved as amendments to the math-science bill.

These include establishment of a program within the Environmental Protection Agency to assist schools in their efforts to resolve the problem of hazardous asbestos. In addition, the bill includes legislation which I cosponsored to provide a modest program of incentive grants to schools implementing plans for improvement in a variety of areas. I am also pleased that the bill includes assistance for schools in promoting desegregation through the establishment of magnet programs.

It is my strong hope that a conference can be held and the bill signed into law at the earliest possible time.●

INDUSTRIAL DEVELOPMENT BONDS

● Mr. LAUTENBERG. Mr. President, this week the Senate approved the conference report on the so-called deficit reduction package. Included in the conference report were provisions to limit the use of industrial development bonds which I fear may be injurious to the IDB program in New Jersey.

During Senate consideration of the debt reduction package and its tax provisions, I strongly opposed efforts to inappropriately curtail the IDB program. In particular, I opposed efforts to place arbitrary caps on the ability of States to use IDB's to promote economic growth. The Senate did not go along with statewide caps on IDB's in its tax bill. Once the bill went to the

House—Senate conference, to resolve differences between the House of Representatives and Senate bills, I joined with many of my colleagues in urging the conferees on the tax bill to reject State-by-State caps on IDB programs.

Unfortunately, Mr. President, when the deficit reduction bill returned from the House—Senate conference, it contained the State-by-State cap on IDB programs which the Senate had removed from the bill. The conference report is a first, if modest step, toward reducing our deficits. It would have been a disastrous signal to the financial markets, to vote this package down. The provisions in the conference report dealing with changes in health programs, such as medicare, and with civil service retirement programs and budget allocations between defense and nondefense programs were also improvements over the Senate bill, which I had opposed. For these reasons, I voted for the deficit reduction conference report.

However, Mr. President, I do want to take this opportunity to express my dissatisfaction with the restrictions the conference report places on the IDB program. I do not condone the inappropriate use of IDB's or any other financial tool. But, in my State, we have adopted very strict regulations to govern the use of IDB's and prevent abuse of these tax exempt financing instruments. IDB's have made a significant contribution to economic development in New Jersey. Bonding authority under the IDB program has not wasted tax dollars, but enhanced tax revenues through economic development and job creation.

Mr. President, in this instance, I do not support the action of the conferees on the tax bill. If, in fact, the new limits placed on the State IDB program prove to be disadvantageous, as I fear they will, I hope the Senate Finance Committee and House Ways and Means Committee will act promptly to review their recommendations.●

WORDS OUT OF PLACE

● Mr. PRYOR. Mr. President, last night the Senate took the unusual but proper action of condemning the series of anti-Semitic statements by Louis Farrakhan.

Mr. Farrakhan surfaced earlier this year when he threatened the life of a Washington Post reporter who had reported some embarrassing remarks by Jesse Jackson. I had hoped that if we just ignored Mr. Farrakhan he would fade away after a while, but he has been in the public eye more than ever lately. I have seen him interviewed on the morning news, the evening news, and in journals of all description. Frankly, I do not understand why the press has chosen to spotlight his distorted and perverse pronouncements. He is not a leader of any significant group of people; he does not offer any fresh ideas or analysis; he is all sensation and no substance.

Worse, his message—if there is a message—is one of blind, unthinking hatred. That hatred is directed, for some reason, against one group—the Jews. He is not the first bigot to attack the Jewish people and the Jewish state, but he is currently the most visible. That visibility and the possibility that he might have some influence over some listeners demand a response from right-thinking people.

Most recently, Farrakhan has characterized Israel as an outlaw state which will never have peace "because there can be no peace structured on injustice, lying and deceit and using the name of God to shield your dirty religion under His holy and righteous name."

This denunciation of Israel is not based on fact or reason. What concerns me even more, however, is the inflammatory rhetoric directed against a valuable group of American citizens. For American Jews the words of Louis Farrakhan must carry echoes of the programs of Eastern Europe and the genocide of Hitler, whom Farrakhan professes to admire.

In this country and in this age Farrakhan's words are—to put it mildly—out of place. I am glad that Jesse Jackson has finally rejected his follower's anti-Semitic preachings and hope that the unanimous vote of the Senate last night reflects the sentiment of the people of this country.●

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

ORDER OF BUSINESS

Mr. GORTON. Mr. President, I wish to ask the distinguished Senator from Kansas, who is managing the floor, a question, if he will yield.

Mr. DOLE. I am happy to yield to the Senator from Washington.

Mr. GORTON. I ask the Senator from Kansas whether or not the Senate has completed all of the business which it will undertake except the adjournment resolution.

Mr. DOLE. I say to the Senator that on the advice and direction of the distinguished majority leader, Senator BAKER, we have concluded all we intend to deal with except the adjournment resolution which we are awaiting the House of Representatives to send over.

But Senator BAKER indicated for me to take care of the matters before me and not to entertain other matters.

So the Senator is correct.

Mr. GORTON. I thank the Senator from Kansas, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, under the provisions of H. Con. Res. 334, the Senate will reconvene on Monday, July 23, 1984, at 12 noon. Following the recognition of the two leaders under the standing order, there will be a special order for Senator PROXMIRE not to exceed 15 minutes.

Following the special order, there will be a period for the transaction of routine morning business not to exceed 1 hour with statements therein limited to 10 minutes each.

Following the conclusion of routine morning business, it will be the intention of the leadership to turn to any appropriations bills that are available on the calendar.

CONDITIONAL ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. DOLE. Mr. President, I call up the concurrent resolution.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 334) providing for a conditional adjournment of the House from June 29, 1984, until July 23, 1984, and a conditional adjournment of the Senate from June 29 or 30, 1984 until July 23, 1984.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The concurrent resolution (H. Con. Res. 334) was considered and agreed to.

The concurrent resolution reads as follows:

H. CON. RES. 334

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, June 29, 1984,

and that when the Senate adjourns on Friday, June 29, 1984, or on Saturday, June 30, 1984, pursuant to a motion made by the Majority Leader in accordance with this resolution, they stand adjourned until 12 o'clock meridian on Monday, July 23, 1984, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

ADJOURNMENT UNTIL MONDAY, JULY 23, 1984

Mr. DOLE. Mr. President, I move that the Senate now stand in adjournment in accordance with the provisions of H. Con. Res. 334.

The motion was agreed to, and at 7:09 p.m. the Senate adjourned until Monday, July 23, 1984, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 29, 1984:

DEPARTMENT OF STATE

Alan Wood Lukens, of Pennsylvania, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of the Congo.

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. Wilbur L. Creech, [redacted], U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Jerome F. O'Malley, [redacted], U.S. Air Force.

IN THE AIR FORCE

The following persons for Reserve of the Air Force appointment, in grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

To be lieutenant colonel

Cook, Charles E., [redacted]
Culbertson, Clayton E., [redacted]
Cunningham, Paul J., [redacted]
Godell, Chester J., [redacted]
Kirby, Charles G., [redacted]
Lewis, Elbert H., [redacted]
O'Brien, Kenneth J., [redacted]
Pangalangan, August L., [redacted]
Rad, Shamsedian F., [redacted]
Rainone, Frank A., [redacted]
Swedarsky, Robert H., [redacted]

The following persons for Reserve of the Air Force appointment, in grade indicated, under the provisions of section 593, title 10, United States Code.

LINE

To be lieutenant colonel

Miller, James W., II, [redacted]
Ozuna, George (NMI), Jr., [redacted]

The following officer for Reserve of the Air Force (non-EAD) promotion in the grade indicated, under the provisions of section 8376, title 10, United States Code.

MEDICAL CORPS

To be lieutenant colonel

Berezoski, Robert N., [redacted]

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 3366 and 3367:

ARMY PROMOTION LIST

To be colonel

Gaines, John W., [redacted]
MacVay, James W., [redacted]
Norris., Dwight E., [redacted]
Schumacher., James R., [redacted]

CHAPLAIN

To be colonel

Shirley, William, [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

Albert, Harry, [redacted]
Barnette, Roy E., [redacted]
Battles, James, [redacted]
Beal, William J., [redacted]
Betts, Charlie D., [redacted]
Childress, Robert G., [redacted]
Conners, Ralph J., [redacted]
Dacre, Vincent J., [redacted]
Davila, Manuel, Jr., [redacted]
Deas, Thomas A., [redacted]
Doty, Millard L., [redacted]
Dunkle, Stephen W., [redacted]
Eichelberger, Merle, [redacted]
Elek, Steve J., [redacted]
Funk, Donald J., [redacted]
Ganzel, Terry J., [redacted]
Gates, Barrett L., [redacted]
Gore, Billy L., [redacted]
Graczyk, Richard R., [redacted]
Greene, Bobby F., [redacted]
Hodge, David E., [redacted]
Laird, John D., [redacted]
Lightcap, Ronald W., [redacted]
Lybrand, Charles W., [redacted]
Mason, Monty L., [redacted]
McMahon, William J., [redacted]
Michal, Neal J., [redacted]
Millendorf, David B., [redacted]
Mitchell, James W., [redacted]
Nelson, Ronald R., [redacted]
Nishimoto, Delbert, [redacted]
Ott, Kenneth L., [redacted]
Raskin, Edward S., [redacted]
Remsberg, Robert L., [redacted]
Robbins, David A., [redacted]
Rodier, Edward A., [redacted]
Roselle, Gordon M., [redacted]
Rozek, Thomas M., [redacted]
Ryan, Mark V., [redacted]
Sarra, Michael H., [redacted]
Schroll, Clemens L., [redacted]
Smyth, William A., [redacted]
Tate, Van B., [redacted]

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3383:

ARMY PROMOTION LIST

To be colonel

Allen, John M., [redacted]
Anthony, William S., [redacted]
Doerrer, Eric A., [redacted]
Fager, Leland E., [redacted]
Fork, Allan C., [redacted]
Gaudet, Donald D., [redacted]
Kam, Grover Y.M., [redacted]
Kane, John G., [redacted]
Lester, Horace B., [redacted]
McAllister, John E., [redacted]
McClone, Robert J., [redacted]
McDonald, George T., [redacted]
Moore, Harry B., [redacted]

CHAPLAIN

To be colonel

Howells, Robert D., [redacted]
Lathrop, John C., [redacted]
Peterson, Frederic, [redacted]

VETERINARY CORPS

To be colonel

Bailey, Everett M., [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

Ackerman, Gary C., [redacted]
Arnold, Calvin G., [redacted]
Baldewicz, Michael, [redacted]
Barfield, Grover C., [redacted]
Blanchard, Norman L., [redacted]
Bost, William M., Jr., [redacted]
Bower, George V., [redacted]
Brake, Joseph A., [redacted]
Brannon, William R., [redacted]
Brown, James E., [redacted]
Butler, Johnny F., [redacted]
Casanova, Joseph G, [redacted]
Chapman, Edsel, V., [redacted]
Clarkson, Tommy G., [redacted]
Clubine, Delber E., [redacted]
Corcoran, James W., [redacted]
Deason, Edward H., [redacted]
DeHayes, Louis J., [redacted]
Droll, Gary J., [redacted]
Emerson, Charles D., [redacted]
Folfas, Paul A., [redacted]
Fromholtz, George A., [redacted]
Gaggini, Dennis A., [redacted]
Gates, Garrett L., [redacted]
Griffith, Michael L., [redacted]
Hales, Joe R., [redacted]
Hammett, William M., [redacted]
Hurtado, Arthur J., [redacted]
Hutchison, Robert L., [redacted]
Ito, Ronald T., [redacted]
Izzo, Richard J., [redacted]
Kehe, William L., [redacted]
Kent, Patrick D., [redacted]
Kimura, James S., [redacted]
Kocherhans, Donald, [redacted]
Kriefeldt, David R., [redacted]
Lamont, James M., [redacted]
Lane, Lawrence G., [redacted]
Larson, James C., [redacted]
Leary, Joseph P., [redacted]
Mason, Steven A., [redacted]
Maug, John V., [redacted]
McGee Calvin L., [redacted]
McInnis, Donald A., [redacted]
McMahan, Phillip E., [redacted]
Murry, Otto IV, [redacted]

Nelson, James W., xxx-xx-xxxx
Norene, Luther N., xxx-xx-xxxx
Oates, Daniel L., xxx-xx-xxxx
Owens, Thomas C., xxx-xx-xxxx
Pangborn, Douglas L., xxx-xx-xxxx
Pepper, Scott A., xxx-xx-xxxx
Pitillo, James, xxx-xx-xxxx
Pitts, Curtis D., xxx-xx-xxxx
Rambin, Meredith L., xxx-xx-xxxx
Rayburn, Ralph, xxx-xx-xxxx
Ridgeway, David L., xxx-xx-xxxx
Rytel, Thaddeus S., xxx-xx-xxxx
Sullivan, William H., xxx-xx-xxxx
Sullivan, Stonnie S., xxx-xx-xxxx
Tweedel, Ronald W., xxx-xx-xxxx
Wall, Charles L., xxx-xx-xxxx
Weaver, Allison L., xxx-xx-xxxx
Winslow, Michael J., xxx-xx-xxxx
Wolters, Max E., xxx-xx-xxxx
Wouczyna, James M., xxx-xx-....
Wright, Thomas C., xxx-xx-xxxx
Zabel, William H., xxx-xx-xxxx
Zito, Alvin H., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Hodson, Don F., xxx-xx-xxxx
Hyde, Frank M., xxx-xx-xxxx
Priest, John T., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Merkel, Carl D., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Baker, Howard G., Jr., xxx-xx-xxxx
Cross, Ralph E., Jr., xxx-xx-xxxx
Hayman, Robert H., xxx-xx-xxxx
Lemoine, Albert N., xxx-xx-xxxx
Mason, John T., xxx-xx-xxxx
Nickelson, Ranzell, xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3353:

MEDICAL CORPS

To be colonel

Alfano, Guy S., xxx-xx-xxxx
Grauman, David W., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Ahman, Thomas, xxx-xx-xxxx
Buchanan, Charles S., xxx-xx-xxxx
Crary, Paul D., xxx-xx-xxxx
Delos Santos, Manuel, xxx-xx-xxxx
Desai, Barin G., xxx-xx-xxxx
Fochtman, John, xxx-xx-xxxx
Gonzales, Pedro L., xxx-xx-xxxx
Henelt, Edmond, xxx-xx-xxxx
Imperial, Valentino, xxx-xx-xxxx
Jonas, Jaroslav G., xxx-xx-xxxx
Kaldor, George J., xxx-xx-xxxx
Killeffer, F.A., xxx-xx-xxxx
Litin, Robert B., xxx-xx-xxxx
Loew, Dolores A.Y., xxx-xx-xxxx
Moskowitz, Richard, xxx-xx-xxxx
Rhea, Ira E., xxx-xx-xxxx
Rosholm, John, xxx-xx-xxxx
Ryder, Geoffrey C., xxx-xx-xxxx
Somerville, Robert, xxx-xx-xxxx
Wood, Thomas R., xxx-xx-xxxx

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Aepli, Emmett, C., xxx-xx-xxxx
Burchard, Lewis E., xxx-xx-xxxx
Davis, Derwin H., xxx-xx-xxxx
Dawson, George A., xxx-xx-xxxx
Derosier, Roy W., xxx-xx-xxxx
Devoe, Robert B., xxx-xx-xxxx
Ellison, James B., xxx-xx-xxxx
Gardner, Robert E., xxx-xx-xxxx
Herrick, Robert T., xxx-xx-xxxx
Hiner, Leroy H., xxx-xx-xxxx
Hinson, Elton F., xxx-xx-xxxx
Horton, Donald R., xxx-xx-xxxx
Husby, Paul W., xxx-xx-xxxx
Jackson, Robert L., xxx-xx-xxxx
Kifer, Allen L., xxx-xx-xxxx
Mader, Francis J., xxx-xx-xxxx
Maldonado-Albelo, E., xxx-xx-xxxx
Martin, John E., xxx-xx-xxxx
Mishoe, Sam B., xxx-xx-xxxx
Montgomery, J. R., xxx-xx-xxxx
Noles, Billy J., xxx-xx-xxxx
Perenick, Charles H., xxx-xx-xxxx
Taylor, Arnold H., xxx-xx-xxxx
Tkaczyk, Bernard R., xxx-xx-xxxx
Waynick, Andrew J., xxx-xx-xxxx
Whitaker, Charles W., xxx-xx-xxxx
Womack, James K., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Gurkow, Helen J., xxx-xx-xxxx
Hoberg, Glenn, xxx-xx-xxxx
Peacock, Russell B., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Stults, Theodore M., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Adee, Bobby D., xxx-xx-xxxx
Arledge, Elzey J., xxx-xx-xxxx
Baumann, Roger M., xxx-xx-xxxx
Brass, William E., xxx-xx-xxxx
Bricker, William J., xxx-xx-xxxx
Brill, Roger L., xxx-xx-xxxx
Brinkley, Lehman M., xxx-xx-xxxx
Burnes, James E., xxx-xx-xxxx
Byron, David J., xxx-xx-xxxx
Carroll, Daniel F., xxx-xx-xxxx
Carter, Vandiver H., xxx-xx-xxxx
Chapman, James R., xxx-xx-xxxx
Clauser, George C., xxx-xx-xxxx
Crew, Daniel L., xxx-xx-xxxx
Dean, Jeffrey W., xxx-xx-xxxx
Deaner, Clifford M., xxx-xx-xxxx
Demars, Steven E., xxx-xx-xxxx
Dewitt, Wiley M., xxx-xx-xxxx
Dillon, Daniel J., xxx-xx-xxxx
Dorsey, John E., xxx-xx-xxxx
Dunning, William R., xxx-xx-xxxx
Ehnstrom, Eric L., xxx-xx-xxxx
Gasterland, Dirk L., xxx-xx-xxxx
Gates, George A., xxx-xx-xxxx
Gedmintas, Kestutis, xxx-xx-xxxx
Graffia, Joseph, xxx-xx-xxxx
Graham, Thomas C., xxx-xx-xxxx
Gray, Virgil S., xxx-xx-xxxx
Guarneri, Robert J., xxx-xx-xxxx
Hargett, Gus L., xxx-xx-xxxx
Haynie, James R., xxx-xx-xxxx
Hoffman, Norman A., xxx-xx-xxxx
Hopgood, Daniel K., xxx-xx-xxxx
Howard, James D., xxx-xx-xxxx
Hudson, Ronald D., xxx-xx-xxxx
Humphrey, Paul T., xxx-xx-xxxx
Iffert, Richard J., xxx-xx-xxxx
Kenneally, Dennis M., xxx-xx-xxxx
Landreneau, Bennett, xxx-xx-xxxx
Leiter, Jack A., xxx-xx-xxxx
Leonard, Lary A., xxx-xx-xxxx
Logsdon, Harold K., xxx-xx-xxxx
Majerick, Paul M., xxx-xx-xxxx
McCabe, John L., xxx-xx-xxxx
McInnis, John W., xxx-xx-xxxx
McPhaul, Elbert., xxx-xx-xxxx
Mehrmann, Harry F., xxx-xx-xxxx
Michelini, Henry S., xxx-xx-xxxx
Moore, James K., xxx-xx-xxxx
Nason, Condee C., xxx-xx-xxxx
Neihart, Kenneth J., xxx-xx-xxxx
Oliver, Troy B., xxx-xx-xxxx
Paciorek, John P., xxx-xx-xxxx
Pearce, Glenn A., xxx-xx-xxxx
Pfender, Melvin G., xxx-xx-xxxx
Pugh, Thomas C., xxx-xx-xxxx
Riley, Joseph B., xxx-xx-xxxx
Salka, Robert Y., xxx-xx-xxxx
Schick, Ronald C., xxx-xx-xxxx
Sperier, Edward C., xxx-xx-xxxx
Spirlet, Raymond J., xxx-xx-xxxx
Stacy, Larry D., xxx-xx-xxxx
Sydow, John H., xxx-xx-...
Szczebak, Francis F., xxx-xx-xxxx
Trees, Darwin J., xxx-xx-xxxx
Valdez, Michael F., xxx-xx-xxxx
Vezina, Raymond A., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Paxson, Rita M., xxx-xx-xxxx
Rose, Judith E., xxx-xx-xxxx
Tyler, Jacqueline, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Berg, Robert B., xxx-xx-xxxx
Emmons, Galen G., xxx-xx-xxxx
Kearsley, Richard B., xxx-xx-xxxx
Worth, Dorothy J., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Gilmer, Michael S., xxx-xx-xxxx

IN THE NAVY

Robert K. Yoho, Naval Reserve Officers Training Corps Program candidate, to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531.

The following-named Naval Reserve officers to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Cook, Matthew D.
Dolan, James R.
Eremic, John C.
Floyd, Gary S.
Geary, James R.
Gray, Kenneth L.
Helker, Scott T.
Lee, Richard K.
Lemmon, David A.
Leonard, Thomas
Morris, Dennis P.
Richter, Dean A.
Sykora, Charles

Richard A. Weiner, Naval Reserve officer, to be appointed permanent lieutenant in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531.

Michael J. Reiss, Navy enlisted candidate, to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, pursuant to title 10, United States Code, section 555.

William R. Lomax, U.S. Navy officer, to be appointed permanent captain in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 593.

Jay R. Shapiro, medical college graduate, to be appointed a permanent commander in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 593.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29, 1984:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

June Q. Koch, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. James P. Mullins, [redacted] U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Earl T. O'Loughlin, [redacted] U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Marc C. Reynolds, [redacted], U.S. Air Force.

HOUSE OF REPRESENTATIVES—*Friday, June 29, 1984*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May Your blessing and benediction, O God, be upon those who labor in this place. We remember with appreciation both staff and Members who give of their talent and who give long hours to the business of this Assembly, and employees of every station in whatever rule who devote themselves to good service. You know, O God, their commitment to their tasks and devotion to duty. Bless them, keep them always in Your grace, give them strength, and be their companion along life's way. This we pray, in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills, a joint resolution, and a concurrent resolution of the House of the following titles:

H.R. 3922. An act to establish a one-year limitation on the filing of claims for unpaid accounts formerly maintained in the Postal Savings System;

H.R. 3927. An act for the relief of Kenneth L. Perrin;

H.R. 4308. An act granting the consent of the Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service;

H.R. 5404. An act allowing William R. Gianelli to continue to serve as a member of the Board of the Panama Canal Commission after his retirement as an officer of the Department of Defense;

H.R. 5740. An act entitled, the "Barrow Gas Field Transfer Act of 1984";

H.J. Res. 567. Joint resolution to designate 1984 as the "Year of the St. Lawrence Seaway" and June 27, 1984, as "St. Lawrence Seaway Day"; and

H. Con. Res. 294. Concurrent resolution expressing the sense of the Congress that the President should express to the Government of the Soviet Union the disapproval of the American people concerning the Soviet Union's systematic nondelivery of international mail addressed to certain persons residing within the Soviet Union, and that the United States delegation to the Congress of the Universal Postal Union seek the compliance of the Government of the Soviet Union with the treaties governing international mail to which it is a party.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5753) "An Act making appropriations for the Legislative Branch for fiscal year ending September 30, 1985, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title: (S. 746) "An Act to establish the Illinois and Michigan Canal National Heritage Corridor in the State of Illinois."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2463) "An Act to authorize appropriations of funds for certain fisheries programs, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PACKWOOD, Mr. STEVENS, Mr. GORTON, Mr. HOLLINGS, and Mr. INOUYE to be the conferees on the part of Senate.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3169. An act to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries;

H.R. 3825. An act to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes;

H.R. 5603. An act to amend the Public Health Service Act to revise and extend the authorities of that Act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act; and

H.R. 5712. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5712) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LAXALT, Mr. STEVENS, Mr. WEICKER, Mr. RUDMAN, Mr. HATFIELD, Mr. SPECTER, Mr. HOLLINGS, Mr. INOUYE, Mr. DECONCINI, Mr. BUMPERS, and Mr. EAGLETON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5603) "An Act to amend the Public Health Service Act to revise and extend the authorities of that Act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. WEICKER, Mr. STAFFORD, Mr. KENNEDY, and Mr. RANDOLPH to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills, a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 875. An act to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes;

S. 2308. An act to revise and extend provisions of the Public Health Service Act relating to the provision of primary health care services;

S. 2311. An act to amend the provisions of the Public Health Service Act relating to health maintenance organizations;

S. 2496. An act to amend the Adult Education Act in order to simplify requirements for States and other recipients participating in Federal adult education programs, and for other purposes;

S. 2559. An act to revise and extend provisions of the Public Health Service Act relating to health professions educational assistance;

S. 2562. An act to amend the John F. Kennedy Center Act, and for other purposes;

S. 2574. An act to revise and extend title VIII of the Public Health Service Act, relating to nurse education;

S. 2615. An act to revise and extend programs conducted by the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse; and for other purposes;

S.J. Res. 235. Joint resolution to authorize the Law Enforcement Officers Memorial Fund, Incorporated, to establish a National Law Enforcement Heroes Memorial; and

S. Con. Res. 122. Concurrent resolution to provide for a Joint Congressional Committee on Inaugural Ceremonies.

TRADE DEFICIT CONTINUES TO WORSEN

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. ECKART. Mr. Speaker, once again we read the morning paper and see further evidence of further economic decline. Our trade deficit continues to worsen.

For the month of May the Commerce Department reported yesterday a merchandise trade deficit of over $8 billion, twice last year's record level and heading for a whopping $100-plus billion trade deficit this year.

Most importantly, most economists realize that this trade deficit is costing us over 2 million jobs, and the overvalued dollar is proposed to make the situation even worse.

It is indeed imperative that we attack this growing trade deficit, for if we fail to do so, soon America's No. 1 export will be America's own jobs.

FAIR EMPLOYMENT PRACTICES ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I am going to be reintroducing a bill that has been around for some time, and I hope that many Members will join me in cosponsoring it so we can pass it once and for all.

The last time we introduced this bill was 1976. The bill is called the House Fair Employment Practices Act. As we all know, the House of Representatives can boast about a lot of things we have done, but we can never claim we have been trailblazers in going out against employment discrimination in this body.

What the House Fair Employment Practices Act would do is put Congress under title VII of the Civil Rights Act and the equal pay bill. This gets rid of one of the perks that we in Congress have which we should not have and that is exempting ourselves from laws and regulations we pass for other people.

Thank goodness there is a strong bipartisan feeling among the Members here that the time has come to finally play by the rules we pass for others.

Many of us, since 1976, have been participating in a voluntary House fair employment practices group, and we now think it is time to put the final teeth in enforcement to move on this so all are covered.

So I hope many Members will join me in cosponsoring this bill. Congressman Drinan, Congressman UDALL, Congressman EDWARDS, Congressman ROSE, and many, many others helped push this concept in 1976. I hope we can move forward and get a majority for it.

If anyone is interested in cosponsoring, we would be happy to hear from them today. Ending the dual standard will help end cynicism about the Congress.

LOUIS FARRAKHAN'S STATEMENT OUTRAGEOUS AND UNACCEPTABLE

(Mr. ANDREWS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Texas. Mr. Speaker, during a radio broadcast last Sunday, Louis Farrakhan, the leader of the Nation of Islam, referred to Judaism as a "dirty religion," and called the creation of Israel an "outlaw act." Supporters of Israel are "criminals in the sight of Almighty God," according to Farrakhan. These statements are outrageous and unacceptable. His words are racist and anti-Semitic. Our Nation was founded on the principles of equality and brotherhood. We will not accept anyone who endorses bigotry and racism as legitimate policy.

This week I joined with 12 of my Democratic colleagues in a letter condemning the statements of Louis Farrakhan. We called on Charles Manatt, chairman of the Democratic National Committee, to make it clear that the Democratic Party repudiates the statements and ideals of Louis Farrakhan, which the party and its leadership clearly did yesterday.

I am heartened by the speeches made by Vice President Mondale, Senator GARY HART, and NAACP executive director Benjamin Hooks, all condemning the statements and actions of Minister Farrakhan. I am especially pleased that Rev. Jesse Jackson has spoken out against Farrakhan's remarks, calling them reprehensible and making it clear that such anti-Semitic and racist behavior has no place in his campaign.

Mr. Speaker, those of us who serve in public office or in other positions of leadership have a moral obligation to our Republic to speak out against racism and bigotry whenever it occurs. I urge my colleagues to make clear their rejection of Farrakhan and not to be silent.

DELAY IN CONFERENCE ON H.R. 3755

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, for the past few weeks Members have asked me when we will be meeting in conference with the Senate on H.R. 3755, the Social Security Disability Amendments of 1984. I must report that I do not know when the House and Senate conferees will be able to meet.

Repeatedly we have asked that this conference be convened. But, in the push and shove of this past week's heavy legislative schedule we haven't been able to address this task.

Our House leadership and staff have worked diligently and have resolved many of the differences. However, there is still no agreement on three or four key provisions.

I know you will be asked by your constituents why we can't act immediately to resolve the chaos we now have in our Social Security Disability Insurance Program. Truthfully, we should have been able to act by now, but regrettably the Senate leadership does not share our sense of urgency.

I assure my colleagues that we will again press for legislation when we return in July and I thank them for their continued support in our effort to bring relief to hundreds of thousands of disabled Americans.

□ 1010

FEDERAL DEBT CEILING

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, sometime today my colleagues and I will be asked to again vote on raising the Federal debt ceiling past the current credit limit of $1.52 trillion. We are told that unless we take action immediately the Government will run out of borrowing power and Government agencies will be forced to cease operations.

Unfortunately, instead of trying to resolve the problem of out-of-control Government spending which has caused this enormous debt, some Members of this body seem to think the answer is to just keep raising the debt ceiling to keep the Government working.

This Congressman, however, thinks it is time we start addressing the problem at its source. For example, today the House will also be asked to continue its deliberations on H.R. 3678, the water resources bill. In that bill, we will be asked to authorize $189 million for a dam project at Falmouth, KY, population 2,482. Let me just point out that if Congress authorized $76,000 for every man, woman, and child in Falmouth, KY, we would be sending the same $189 million we are asked to authorize for Falmouth Dam.

This project, for the main purpose of flood control, is to serve an area where there has been no flood for the last 20 years. On April 1, 1980, the Kentucky State Senate voted unanimously to ask the Congress to deauthorize the Falmouth Dam project. Surely, then, this Falmouth Dam project represents one example of unnecessary Federal spending.

Last, last night, I asked a key member of the Public Works Committee—"Why Falmouth Dam at $189 million?" The answer: "Compromise, my friend, compromise."

FOURTH OF JULY WILL BE CELEBRATED WITH PROMISE AND OPTIMISM

(Mr. BEREUTER asked and was given premission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, as we prepare to celebrate the Fourth of July, it is good to examine our past; 200 years ago next Wednesday, July 4, 1784, Americans celebrated the beginning of their 9th year of independence. That celebration was almost premature. The British Army had finally been forced out of our country only 1 year earlier. Congress, under the Articles of Confederation, was unable to raise funds necessary for the Government's operation, and some Americans thought the Government would fail. Agriculture, the new nation's economic mainstay, was operating at a subsistence level in most areas.

Much has changed since 1784. But the belief that America can and will overcome its challenges has not changed. It was this spirit of America's promise and optimism that citizens celebrated 200 years ago, and it is in the same spirit that we will celebrate the Fourth of July next week.

WE NEED TO KNOW THE TRUTH ABOUT WHAT COMMUNISTS ARE DOING IN CENTRAL AMERICA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, at 3 o'clock this morning I watched, as Jesse Jackson brought a bunch of political prisoners and American citizens back to this country, and I applaud him for that effort. However, one of the prisoners, Andres Vargas Gomez, said that Castro was looking to establish tyranny and oppression around the world because he is a Communist. Mr. Jackson responded by saying, "that's free speech. I have a different point of view."

I would just like to ask Mr. Jackson why he does not talk to the people in these countries, why he does not talk to the people of Nicaragua instead of Daniel Ortega, the Communist leader, why he does not talk to the people of Cuba instead of Castro.

One of the people of Nicaragua, Teofilo Archibald, a black leader, feels like Mr. Jackson has abandoned him. Mr. Archibald had all of his fingernails pulled out by the Communists in Nicaragua. He has seen all kinds of oppression of the black people down there, and he wants to talk to Mr. Jackson. Today in room H-227 at 1 o'clock he is going to be there, and I urge Mr. Jackson to be there to give himself the straight story as well as the American people.

We need to know the truth about what the Communists are doing in Cuba and in Nicaragua.

CRASH PROTECTION DEVICES

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, for more than 15 years, we've gone around and around over the best way to improve the survival chances in automobile accidents.

Next month, the Department of Transportation and the National Highway Traffic Safety Administration will issue their decision on crash protection devices. It is my hope that their decision will take into consideration all vehicles occupants—passengers as well as drivers, seatbelt users as well as nonusers.

Before we rush blindly toward airbags or other so-called passive restraint devices, we should take a good look at some of the alternatives available to us.

The State of New York, for instance, should be congratulated for passing the Nation's first mandatory seatbelt law. With many States already having adopted a mandatory child restraint law and congressional passage this week of the 21 drinking age, maybe we're ready for a national seatbelt law.

We should also take a look at General Motors' proposal to require so-called friendly interiors in all U.S.-sold vehicles.

The G.M. proposal would strengthen the safety laws for all vehicle occupants by requiring that the current 30 mi/h crash test safety criteria for belted passengers apply for unbelted passengers at 25 miles per hour.

This would be an important safety advancement, especially when you consider 85 percent of today's drivers do not buckle their seatbelts.

Yesterday, G.M. crash tested three of its J-car series using this proposed criteria and the results indicate the friendly interior concept is a viable alternative.

We can't be sure passive restraint systems will work or whether they will cause more harm than good. We also don't know if the American people will agree to absorb the added expense of the restraint system, but my guess is they won't.

In determining the best means of providing driver and passenger safety, I hope serious consideration is given to the concept of built-in safety features such as heavily padded dashboards and shock-absorbing windshields.

We must consider all the alternatives and choose the ones that will benefit both driver and passenger. Let's improve auto safety but let's do it as effectively and as cost efficiently as possible.

EQUAL ACCESS BILL

(Mr. MACK asked and was given permission to address the House for 1 minute.)

Mr. MACK. Once again we have seen the dictatorial attitude and arrogant abuse of power by the Speaker. Earlier in this session the rules were manipulated to bring the equal access bill to the floor of the House under suspension of the rules, therefore requiring a two-thirds vote instead of the normal simple majority. Score another one for the Speaker and a loss for the American people.

Then yesterday the Speaker manipulated the rules once again and sent the equal access question to his favorite resting place, the Judiciary Committee; or, as Mr. PERKINS calls it, the burial committee. Score one more for the Speaker and another loss for the American people.

The Speaker has maneuvered one of his committee chairmen into a position he should not have, a choice between the liberal Democratic leadership and the people of the Seventh District of Kentucky. CARL PERKINS, you are right to use Calendar Wednesday to force an issue to the floor your folks back home want. We commend you for not knuckling under to an abuse of power.

We look forward to voting for equal access on July 25. At least then we will have a chance to even the score for the American people.

A FOCUS ON DRUNK DRIVING

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker and Members of the House, the President of the United States has exerted sound leadership in leading the way to a national movement to make 21 years of age the age of drinking. Now, even though many States, like my own State of Pennsylvania, had had a 21-year drinking age for a long, long time, the point is clear that the Congress of the United States and the conscience of the American people are focused on doing something drastic and urgent and proper on the question of drunk driving.

The message is clear that there will be no hesitation any longer on the part of State legislatures, on the part of the judiciary, on the part of the Federal establishment and, more, on the part of the American public, and there will be no more tolerating of the drunken driving and with consequences it has for our society.

PAY EQUITY FOR WOMEN

(Mr. BATES asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, today I rise to commend MARY ROSE OAKAR on her pay equity study which overwhelmingly passed the House yesterday, which would study the pay equity with regard to Federal employees.

Today I am pleased to offer a resolution which would designate 1985 as the year "to champion the cause of pay equity for women." The issue of equal pay for occupations of comparable worth is one of the most important issues facing us today. This disparity has existed throughout our history, and we must do all we can to remedy the situation. And now I think through this resolution we have the means to call upon all of America to study this issue so that the pay equity can be addressed and so women doing the same work or comparable positions would receive the same pay.

CONGRESSMAN BARNEY FRANK TO VISIT FARMS IN IOWA

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, one of the Members of this body who has most frequently questioned some of our agricultural projects is Congressman BARNEY FRANK of Massachusetts. That is good. We need someone who will question what other committees are doing. I believe, for example, it is proper for some of us to question how we purchase some of our military parts.

But I want to tell this body and the American people that BARNEY FRANK is more than one who is going to question. During this recess BARNEY FRANK is coming out to Iowa. He is going to visit our farms, he is going to see how farmers live, he is going to learn what those problems are. I commend Mr. FRANK, and I thank him for the people of my district and the farmers of America for the fact that he is willing to come and look and learn and see what the farming situation is and then vote according to what he believes is in the best interests of the American people.

□ 1020

ANNIVERSARY OF THE RECIPROCAL TRADE AGREEMENTS ACT OF 1934

(Mr. GORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORE. Mr. Speaker, 50 years ago this month the Reciprocal Trade Agreements Act of 1934 was signed into law. This landmark legislation sparked the drive for a more open world trading system and made possible the tremendous economic growth the United States has enjoyed since World War II.

In noting this anniversary, I take pleasure in paying tribute to Cordell Hull, the architect of the 1934 act and the father of our modern-day trade policy. A lifelong resident of my hometown, Carthage, TN, Mr. Hull was a distinguished Member of this body for over 20 years, representing the district I have been privileged to serve. Later a Senator, he was appointed Secretary of State in 1933 and remained in that position for nearly 12 years, longer than anyone in history.

As a Congressman, Cordell Hull helped shape our country's economic structure as the father of the progressive income tax system. As Secretary of State he laid the foundation for the United Nations, an achievement that won him the Nobel Peace Prize. Of all his successes, however, none was more important to him than winning approval in 1934 for the reciprocal trade program.

Cordell Hull's fight against trade barriers began with his maiden speech in Congress in 1908, when he argued that other nations would have no money to buy our exports unless we gave them a chance to sell their goods to us. World War I convinced him that a freer trading system also contributed to peace and stability, while high tariffs increased the risk of war. His predictions about the danger of high tariffs were borne out by the economic chaos of the 1920's; when U.S. tariff rates were increased to an average of 60 percent in 1930, our exports dropped by two-thirds and our GNP fell by one-half.

The Reciprocal Trade Agreements Act was the first of several steps taken to improve the world trading structure. Much has been accomplished, but there is still much to be done. Tariff barriers have largely been dismantled, but other, often hidden barriers remain. We must now come to terms with increased global competition and new forms of unfair trade practices. As we continue the task begun half a century ago, I hope we will prove as sage in our time as Cordell Hull was in his.

CHAMPUS BACKLOG MUST BE ADDRESSED

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, many of my constituents are encountering problems with CHAMPUS claims which are administered by Blue Cross and Blue Shield of Rhode Island.

Blue Cross and Blue Shield of Rhode Island processes DOD CHAMPUS for Illinois and 16 other States. They have a 5-month backlog of claims and 6-month backlog of correspondence. This scandalous situation requires immediate corrective action.

Contract standards require that claims be processed within 21 days of receipt and the company is presently paying penalties for its inefficiency. This, however, does not help beneficiaries who are awaiting payment.

The delays could pose an even deeper problem in the future due to the danger that health care providers may stop honoring CHAMPUS and demand prepayment from beneficiaries. This would cause a financial hardship for many benficiaries, particularly the retired, sick, and disabled—those segments of our population least equipped to combat bureaucratic redtape.

There must be immediate action to unsnarl this backlog so that beneficiaries receive the prompt attention and payment they deserve.

THE TIME IS NOW FOR CONSIDERATION OF EQUAL ACCESS

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, it seems that, all too often during the 98th Congress, I and so many of my colleagues have risen to ask why this body may not consider legislation that is clearly desired by the American people?

We've asked that question about a balanced budget amendment, line item veto, school prayer, and now, again, we ask that question about equal access. The Senate has passed equal access * * * a member of your own party has attempted to offer it for consideration here. And, once again, we have responded by banishing the measure to not just one, but two committees.

One of those committees will attempt to work on the bill. But, the other is known for its strong opposition to this measure and will doubtless stall equal access in an attempt to eliminate it from possible consideration for the remainder of this Congress.

I'm tired of seeing the will of our people repeatedly thwarted by these heavyhanded and domineering tactics, but mostly, I'm tired of trying to explain to my constituents why the House of Representatives isn't representing them.

Let's restore to this body the ability to truly represent our people. Why won't we do it?

WE MAY LOSE THE SCIENCE AND MATH BILL

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, yesterday the American people lost a chance for fairness in our schools. The chairman of the Education and Labor Committee wanted to go to conference on a bill that has cleared both bodies relating to science and math education. But could he move that bill forward? No. The Speaker decided that because an equal access provision was placed in the bill by the Senate, he would refer it to the House "graveyard committee" namely, the Judiciary Committee.

Now, that may end up killing both the equal access bill and the science and math bill. But equal access, of course, can come up under Calendar Wednesday procedures, which would allow the Education and Labor Committee chairman to call that bill up because it had been reported out of his committee, and that may well happen. The question then is what happens to the science and math bill?

This House, because of an attempt to thwart the will of American people, may lose the science and math bill that most of us supported rather overwhelmingly.

PERSONAL EXPLANATIONS

Mr. ANDREWS of Texas. Mr. Speaker, last night I was absent, not present for the vote on rollcall 295. the MacKay amendment to H.R. 3678. Had I been present, I would have voted yes.

IMPORTANT ISSUES OUGHT TO BE VOTED ON

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I hope that the equal access legislation will shortly be brought up for consideration by this body. I think that important issue ought to be voted on, Mr. Speaker, not buried. The bill has been sent to the Judiciary Committee which has been called recently, by several publications, the burial ground for legislation, and I would ask this question. Is the equal access bill dead on arrival in the same sense that the President's crime control package of 1983 and the balanced budget amendment are considered to be dead?

Mr. Speaker, let us turn this House from an institution that bottles up legislation to a productive body.

The SPEAKER. For the gentleman's information, when the Speaker referred the nongermane amendment, he included in the referral the requirement that the committee must report by August 6; it is apparent that the gentleman did not know that.

Mr. HUNTER. Will the Speaker yield?

The SPEAKER. Why certainly?

Mr. HUNTER. Is that action something that has been accepted by Mr. PERKINS?

The SPEAKER. The Chair does not have any idea what Mr. PERKINS accepted.

Mr. HUNTER. I noticed that Mr. PERKINS objected fairly strongly yesterday to the Speaker's actions.

The SPEAKER. The Chair had a talk with Mr. PERKINS with regard to it. The Senate amendment was not germane to the House bill, and I am sure that if Chairman PERKINS' committee had jurisdiction over an amendment attached to a bill of another committee that was not germane, then he would want it to be referred to his committee.

The Chair just did exactly what was the fair thing and what every Speaker would do. When a nongermane matter comes along, attached to a House bill, the Chair has authority to send it to the proper committee, and I sent this to the proper committee with a required date for that committee to report.

Mr. HUNTER. Mr. Speaker, could I ask a followup question with regard to the President's crime control package of 1983. Does the Speaker have a prognosis for the movement of that legislation?

The SPEAKER. The Chair did not hear the gentleman's question.

Mr. HUNTER. I said, in asking a followup question, does the Speaker have a prognosis for the President's crime control package of 1983, which, I understand, has little chance of coming up and is presently in the Judiciary Committee.

The SPEAKER. I do not have any idea what the Judiciary Committee is doing with the matter that has been placed before that committee.

GRATITUDE TO THE SPEAKER AND TO THE HOUSE

(Ms. OAKAR asked and was allowed to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, last night the House overwhelmingly voted to have, for the first time, a study on how we treat our Government employees in terms of pay equity. I believe this historically, very important. The Federal Government should serve as a benchmark on how we treat our employees and should serve as a role model for the rest of the country.

Millions of women are grateful for this vote, and I am grateful to you, Mr. Speaker, and to the majority leader and my friends on my side of the aisle, as well as most of the individuals on the other side of the aisle for this vote of confidence. I think this study will prove very, very valuable. It is the first time we will have looked at how we classify our Federal employees since 1923. It is a very important vote for women in this country, and I just wanted to express my gratitude to the House.

LET US DUST OFF THE OLD SPEECHES

(Mr. MARTIN of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN of New York. Mr. Speaker, recently, with great ballyhoo, this body passed a piece of legislation relating to the 21-year-old drinking age throughout the country, and later the other body passed overwhelmingly the same feature. I understand it has been embraced down at the White House.

I would like to point out that the legislation does not establish 21 as the legal drinking age. What we have done, rather, is tell people that we will deny them their rightful use of taxes they have paid if they have elected a State legislature that does not submit to the will of this Congress.

Indeed, we have gone even further by legislating the manipulation of Federal highway aid in order to impose certain penal laws upon the States.

Mr. Speaker, we are setting precedents for actions that will be resented by the American people in years to come. I have already heard talk of extorting mandatory seatbelt legislation from the individual States through the same means.

Some wonderful speeches on the respect and protection of local and State prerogatives have come from Members of this body over the years. I would suggest that many of our colleagues ought to dust off those old speeches and read them.

□ 1030

EQUAL ACCESS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, on the subject of the equal access question, it is true you have sent it to our Committee on the Judiciary. But, having just finished the bankruptcy conference and, hopefully, going into the conference on immigration and, hopefully, spending some time in the remaining days of this Congress on the President's crime control package, I might suggest to the Speaker that the Committee on the Judiciary's plate is pretty full, as a matter of fact one might even say the tray is full.

We had the equal access up here once before. It came out of the Committee on Education and Labor on the Suspension Calendar. As I recall at that time, it had never been passed out of the Committee on the Judici-

ary. So, Mr. Speaker, I hope you would understand the concern of many of us who sincerely believe we ought to at least have an opportunity to pose that question on the floor before the year is out.

The concern we have, when it is referred again to our committee, which does good work when it is allowed to do good work, is this: unfortunately the equal access road in the Committee on the Judiciary has proven to be a rocky one in the past and we thus far have no evidence that it will be any different this year.

So, Mr. Speaker, I hope you will understand the sensitivity of those of us who do not particularly like that being sent back to the Committee on the Judiciary.

MEDICARE-MEDICAID PATIENT AND PROGRAM PROTECTION ACT OF 1984

(Mr. MOORE asked and was given permission to address the House for 1 minute.)

Mr. MOORE. Mr. Speaker, I am pleased to be joined by my House colleagues, Messrs. WAXMAN, RANGEL, MADIGAN, PEPPER, and GEPHARDT in introducing the Medicare-Medicaid Patient and Program Protection Act of 1984.

In the nearly 20 years since establishment of the Medicare and Medicaid programs, Federal spending for direct health care services has grown from $5 billion to nearly $80 billion last year. An unfortunate byproduct of this unprecedented growth has been an increase in problems relating to fraud and abuse.

The Inspector General of the Department of Health and Human Services [HHS] is currently in the midst of an all-out effort to crack down on fraudulent and abusive activities of health care providers and practitioners. The Congress has provided the Department with two chief means by which to accomplish this task.

The first of these is the authority granted to the Secretary of HHS—then HEW—in 1972, to exclude from participation in the Medicare Program, individuals: First, who submit false claims; second, who charge Medicare substantially more than their customary charge; or, third, who provide services substantially in excess of patients' needs or of a quality which fails to meet professionally recognized standards of health care. Subsequent authority included in the 1977 Medicare-Medicaid antifraud and abuse amendments provided for mandatory suspension, from participation in both Medicare and Medicaid, of individuals who have been convicted of criminal offenses related to their program participation. Since the delegation of the Secretary's authority under these statutes to the Inspector General of HHS in the last quarter of fiscal 1983, some 480 sanctions have been imposed, an amount 1½ times the total imposed in the previous 11 years.

The second of these weapons is the civil monetary penalty [CMP] statute enacted by Congress in 1981, which provides an administrative mechanism for the imposition of stiff money penalties and assessments upon health care practitioners or other individuals who file false or otherwise improper claims for reimbursement under the Medicare or Medicaid Programs. Since 1983, approximately $5 million has been recovered by the HHS Inspector General's office from individuals filing false or otherwise improper claims.

This increased activity to protect patients as well as the integrity of the Medicare and Medicaid Programs is indeed heartening. However, with this increased activity has come an awareness that serious loopholes exist in these sanction statutes. An important example of such a loophole is found in the May 1, 1984, report of the Government Accounting Office entitled "Expanded Federal Authority Needed To Protect Medicare and Medicaid Patients From Practitioners Who Lose Their Licenses," which pointed out that the Department of HHS is currently powerless to bar certain practitioners from program participation based upon disciplinary actions imposed on them by State licensing boards. The General Accounting Office found that as a result of this gap in authority, incompetent or unscrupulous practitioners who lost their license to practice in one State simply moved to another, where they continued to treat Medicare and Medicaid patients. Over 100 of the 328 practitioners identified by GAO escaped through this loophole in the law.

Loopholes such as this endanger both the health and safety of Medicare and Medicaid patients and the fiscal integrity of these programs. These serious gaps must not be tolerated. This proposed legislation, which incorporated in full, the recommendations made by the Inspector General of HHS and the General Accounting Office, goes far in closing these loopholes.

Specifically, the bill would require that individuals or entities convicted of crimes related to their participation in the Medicare or Medicaid Programs be suspended from those programs for a period of time of not less than 5 years. Further, the bill would provide the Secretary with authority to:

Exclude from Medicare or Medicaid individuals or entities who have been convicted of fraud or financial abuse, neglect or abuse of patients, or unlawful manufacuture, distribution, or dispensing of controlled substances, either in connection with the delivery of health care services or in a Federal, State, or local government program.

Exclude from Medicaid participation those individuals or entities who have been sanctioned for defrauding or abusing the Medicare Program, and conversely, exclude from participation in the Medicare Program those excluded from Medicaid;

Exclude an entity from Medicare and Medicaid where an owner, manager, or director of that entity has been convicted of Medicare and Medicaid or other related crimes;

Exclude from Medicare and Medicaid an entity which fails to make required disclosures that it is owned or controlled by a convicted individual;

Exclude from Medicare and Medicaid individuals or entities who engage in conduct which violates the antikickback provision of the Social Security Act;

Exclude from Medicare and Medicaid any individual or entity that fails to grant immediate access, upon reasonable request, to the inspector general for the purpose of review of records, documents, or other data necessary to the inspector general in the performance of his statutory functions;

Exclude practitioners from participation in the Medicare Program based upon a peer review organization's determination of unnecessary or substandard care rendered to Medicaid beneficiaries;

Exclude practitioners and other individuals from participation in the Medicare and Medicaid Programs based upon the disciplinary actions of State licensing boards;

Require, as a condition of participation in the Medicaid Program, that State licensing boards inform the Secretary of all sanctions imposed upon health care practitioners under their jurisdiction and of all surrenders of licenses to that board.

In addition to providing the Secretary of HHS with increased authority to impose program sanctions and protect Medicare and Medicaid patients from unfit providers and practitioners, the bill makes a number of improvements in the Secretary's civil monetary penalties authority. Under current law, the Secretary is empowered to impose a civil money penalty of up to $2,000 for fraudulent claims under Medicare, to impose an assessment of twice the amount of the fraudulent claim, and to bar from participation persons determined to have filed a fraudulent claim.

Because of some apparent oversights in drafting the original statute, many existing cases now escape the law. The bill would correct these oversights as well as make administrative improvements. It would empower the Secretary to:

Permit unified judicial review of the imposition of monetary penalties, and

Medicare and Medicaid suspensions imposed under the CMP statute;

Provide for subpoena power in all CMP hearings—not just those involving Medicare;

Provide monetary penalties for claims submitted after date of exclusion from Medicare and Medicaid pursuant to a peer review organization determination;

Increase State share of CMP recoveries to encourage State investigations and referral of medicaid fraud cases;

Clarify that the scope of the CMP statute includes double billing and false medical credentials;

Provide a 6-year statute of limitation for CMP actions; and,

Provide authority to seek an injunction in U.S. district court to preserve the assets of a CMP respondent, where that respondent may dissipate or conceal those assets.

Finally, the bill would consolidate into one title of the Social Security Act—title XI—all of the penalty provisions currently contained in titles XVIII and XIX of the act.

In conclusion, Mr. Speaker, let me say that all recommendations provided in this bill have the support of the inspector general and the General Accounting Office, as indicated in testimony before the Special Committee on Aging in the other body on May 1, 1984. The chairman of that committee, Senator HEINZ, along with several committee members, already has introduced identical legislation—S. 2744—on June 8, 1984. The entire bill, along with a detailed explanation of its provisions, was included in the RECORD on that day. I would hope that we could move swiftly on this legislation in order to provide the additional authority needed to further curtail fraud and abuse in our governmental health programs and assure quality services to our Nation's elderly and poor.

● Mr. RANGEL. Mr. Speaker, today I am pleased to join with my colleagues Mr. MOORE, Mr. WAXMAN, Mr. MADIGAN, and Mr. PEPPER, in introducing the Medicare-Medicaid Patient and Program Protection Act of 1984.

The bill closes a number of loopholes in the Medicare and Medicaid Programs which will protect patients from substandard care and will protect the two programs from fraud and abuse.

Recently, many reports of incompetence have been published, including case histories of patients killed, maimed, or seriously injured by incompetence, negligence, felonious crimes, or other malpractice.

Other reports document outright fraud in accounting and billing practices by practitioners.

Beyond this, many practitioners whose licenses are revoked or suspended by the licensing board of one State simply move to another and legally resume practice with Medicare and Medicaid patients.

In the above cases, the legal authority of the Secretary of Health and Human Services does not permit her to effectively exclude practitioners who have been found incompetent or who fraudulently seek payment for services performed inadequately or not at all. This legislation broadens and specifies the authority of the Secretary of HHS to act in such cases.

Medicare and Medicaid are successful programs. We have made great progress in assuring that the elderly and poor can receive good health care from the medical professions, which are overwhelmingly competent and honest. But the 50 million Americans who are covered under the Medicare and Medicaid Programs, about one-fifth of our population, should be protected from dangerous practitioners. All Americans are hurt by crimes against taxpayers and by increases in health care costs.

In short, this bill will save lives and money. It should be passed.●

GENERAL LEAVE

Mr. MOORE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Medicare-Medicaid Patient and Program Protection Act of 1984 which I am introducing.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE PROBLEM MAY BE JESSE JACKSON

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, my colleagues, we all welcome Jesse Jackson's repudiation of Louis Farrakhan's anti-Semitic statements. We should note that he repudiated not the support of this individual, not this individual himself, but his recent statements. It may be, Mr. Speaker, that the Democratic Party needs to do more than just ask for Jesse Jackson's condemnation of Farrakhan's statements. Their problem may be Jesse Jackson himself.

The history of anti-Semitic statements goes back a long way with Jesse Jackson. I would like to quote from a speech given by B'nai B'rith, Anti Defamation League, National Director, Mr. Nathan Perlmutter, to some 400 Jewish leaders in New York City on May 31, 1984.

Let me say it plainly. We are dealing with a person whose recorded expressions are those of an anti-Semite.

How else view a man, who when annoyed by the press, attributes it to "Jewish domination of the press"? And when critical of labor, blames it on "Jewish control of labor unions." When displeased by a boxing match between a white South African and a black American, condemns "Jewish promoters."

These and more, so many more statements, cummulatively provide context for "Hymies." They render the self-portrait of an anti-Semite.

Leadership of all political stripes in this country need to deal with a problem that goes beyond Louis Farrakhan. The real problem for Democrats is not repudiation of Louis Farrakhan's behavior, it is repudiation of the behavior of Jesse Jackson. I am inserting here in the RECORD a fuller view of Perlmutter's remarks.

The Washington Post of June 2, 1984, reported the following among Jackson's earlier statements alluded to by Perlmutter.

On April 12, 1973, The Colorado Springs (Colo.) Sun quoted Jackson in a speech as condemning then-President Nixon's insensitivity to the poor as a reflection of his top advisers.

"Four out of five of them are German Jews and their priorities are on Europe and Asia." Jackson is quoted as saying. (Most of Nixon's top aides, including Haldeman and Ehrlichman, were not Jewish).

In a Sept. 16, 1979, interview with Dan Rather on the CBS "60 Minutes" television program, Jackson said of the rift between American Jews and blacks:

"We don't own radio stations together, we don't own TV stations together, we don't own banks together, we do not share in . . . the ownership of the industries they have begun to get some hold on together. There is no economic substance in our relationship."

On Oct. 7, 1979, Jackson was quoted by Chicago newspapers as saying that his controversial trip to the Mideast had been misrepresented in the American media by Jewish correspondents. "I have seen very few Jewish reporters that have the capacity to be objective about Arab affairs," he is quoted as saying by The Chicago Tribune.

In a Sept. 1, 1979, column which appeared in the Los Angeles Herald Examiner, Jackson wrote, "The scheduled heavyweight fight between John Tate, a black American, and Gerrie Coetzee, the white South African champion . . . represents humiliation to blacks and concerned whites around the world. It is sponsored by two Jews, Bob Arum in this country and Saul Kerznik of South Africa."

In the same column, Jackson added, "There are tensions in the labor movement, where blacks constitute large percentages of the workers at the bottom, but Jews dominate the leadership at the top."

Perlmutter went on to say, and I believe that this is a crucial point:

One anti-Semitic statement can be taken out of context. . . . Three, four, five, six, provide a context. They are their own context. . . . As to burying the hatchet, his words have thrown hatchets at people—us.

PROVIDING FOR A JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER laid before the House a privileged Senate concurrent resolution (S. Con. Res. 122) to provide for a joint congressional committee on inaugural ceremonies.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 122

Resolved by the Senate (the House of Representatives concurring), That a Joint Congressional Committee on Inaugural Ceremonies consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice-President-elect of the United States on the 21st day of January 1985.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER, pursuant to the provisions of Senate Concurrent Resolution 122, 98th Congress, the Chair appoints as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice-President-elect of the United States on the 21st day of January 1985, the following Members of the House:

Mr. O'NEILL of Massachusetts;
Mr. WRIGHT of Texas; and
Mr. MICHEL of Illinois

SENSE OF CONGRESS THAT U.S.S.R. SHOULD PROVIDE SPECIFIC INFORMATION ON ANDREI SAKHAROV AND YELENA BONNER

Mr. BONKER. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the concurrent resolution (H. Con. Res. 332) expressing the sense of the Congress that the Union of Soviet Socialist Republics should provide the signatories of the Helsinki Final Act with specific information as to the whereabouts, health, and legal status of Andrei Sakharov and Yelena Bonner.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. HYDE. Mr. Speaker, reserving the right to object and, of course, I shall not object, but I will yield to the gentleman from Washington for a further explanation of this resolution.

Mr. BONKER. I thank the gentleman for yielding.

Mr. Speaker, the resolution which is sponsored by my colleague, the gentleman from Colorado [Mr. WIRTH] calls upon the President to raise this issue at the Helsinki conference and ask for an updated report as to the status of Andrei Sakharov.

Mr. HYDE. Further reserving the right to object, Mr. Speaker, I wish to commend the gentleman from Colorado [Mr. WIRTH] for this initiative, and all of the cosponsors, which are a vast cross-section of both sides of the aisle.

It is tragic that the Dr. Sakharov and his wife, Yelena Bonner, have been hidden away, literally, from the view of the world. Nobody knows where they are or what their state of health is. I note that the European Community early in June asked the Soviets for some information concerning this distinguished couple, and their request was rejected out of hand as interfering in an internal affair.

It is hoped that if the entire world directs their inquiries toward the Soviet officials, that they will finally understand that the Sakharovs, Andrei and his wife, Yelena Bonner, are symbolic of all human beings who are oppressed and who are denied the basic elements of freedom.

So, by bringing this resolution to this House and in getting a recorded vote, I think it will go with maximum momentum to the Soviet Union and perhaps get their attention and perhaps produce some results.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I am pleased to yield to the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Illinois, and compliment the gentleman from Colorado, Mr. WIRTH, in sponsoring this resolution. It is extremely important.

Mr. Speaker, now is the time for the Kremlin to stop stonewalling the West and shed some light on the Sakharov family. I offer my strong support for this resolution calling on the Soviets to provide information about the status of Andrei Sakharov and Yelena Bonner.

Yelena Bonner was refused permission to travel abroad for treatment of a serious heart and eye disease. The protest against the denial of this medical treatment, Dr. Sakharov began a hunger strike that his own fragile health can ill afford.

The Soviets claim that the Sakharovs plotted with the U.S. Embassy. Yelena Bonner is under investigation for alleged fabrications against the state. She has been threatened with a charge of treason.

We all know that the Sakharovs have become a symbol of the unending struggle for freedom in the Soviet Union. They are asking for no more than the right to live, speak, and think freely.

It is inconceivable that a country that signed the Helsinki Final Act could treat the Sakharovs this way.

For these reasons I support this resolution. It calls upon the President to protest the Soviet Union's refusal to provide the signatories of the Helsinki Final Act with specific information about the status of the Sakharovs. The West must learn of their whereabouts, health and legal status. Yelena Bonner must be allowed to receive medical care outside the Soviet Union. That family should be allowed to live in the country of their choice.

I urge my friends in the House to join me in supporting this worthwhile resolution.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding.

Mr. Speaker, the gentleman has stated the case, and I think it is timely that this House consider the resolution, given the fact that we will be going into recess and the situation involving Sakharov, as we all know, is very critical.

So it is important that we have this expression on behalf of the Congress. I imagine the Senate has already taken action on a similar draft, or at least will do so today.

□ 1040

So, Mr. Speaker, while we are in the last day of the session, I think it is important that we send a message to the Soviet Union.

The gentleman from Illinois [Mr. HYDE] still has the time, but I would like to assume my own time if the gentleman is prepared to withdraw his reservation.

Mr. HYDE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 332

Concurrent resolution expressing the sense of the Congress that the Union of Soviet Socialist Republics should provide the signatories of the Helsinki Final Act with specific information as to the whereabouts, health, and legal status of Andrei Sakharov and Yelena Bonner

Whereas the Helsinki Final Act of the Conference on Security and Cooperation in Europe commits the signatory countries to respect human rights and fundamental freedoms;

Whereas the signatory countries have pledged themselves to "fulfill in good faith their obligations under international law";

Whereas the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion, and expression;

Whereas the International Covenant on Civil and Political Rights guarantees that everyone shall have the right to freedom of thought, conscience, and religion, the right to hold opinions without interference, and the right of freedom of expression;

Whereas the Union of Soviet Socialist Republics signed the Helsinki Final Act of the Conference on Cooperation and Security in Europe, is obligated to respect the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Principle VII of the Helsinki Final Act specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights, and Principle IX confirms the relevant and positive role individuals play in the implementation of the provisions of the Helsinki Final Act;

Whereas Nobel Laureate Andrei Sakharov, leader of the human rights movement in the Soviet Union, was arrested and exiled to Gorky in direct contravention of Principle VII of the Helsinki Final Act, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights;

Whereas Dr. Sakharov's wife, Yelena Bonner, has been charged with anti-Soviet agitation and is in urgent need of medical treatment unavailable in the Soviet Union;

Whereas Dr. Sakharov, as a last resort, on May 2, 1984, began a hunger strike to protest the Soviet Government's harassment of his wife, Yelena Bonner, and that Government's refusal to grant her an exit visa for the purpose of obtaining medical treatment abroad; and

Whereas the exact whereabouts, health, and legal status of both Dr. Sakharov and Yelena Bonner have been kept secret by the Soviet Government: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that in light of the Helsinki Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, the Union of Soviet Socialist Republics—

(1) should provide the signatories of the Helsinki Final Act with specific information as to the whereabouts, health, and legal status of Andrei Sakharov and Yelena Bonner;

(2) should void all charges against Yelena Bonner and issue her an exit visa for the purpose of obtaining medical care outside the Soviet Union; and

(3) should allow Andrei Sakharov and Yelena Bonner to live in the country of their choice.

SEC. 2. The Congress urges the President—

(1) to protest, in the strongest possible terms and at the highest levels, the Soviet Government's continued refusal to provide specific information as to the whereabouts, health, and legal status of Andrei Sakharov and Yelena Bonner; and its continued refusal to issue her an exit visa; and

(2) to call upon all other signatory nations of the Helsinki Final Act of the Conference on Security and Cooperation in Europe to join in such protests.

SEC. 3. The Clerk of the House shall transmit copies of this resolution to the Soviet Ambassador to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

The SPEAKER. The gentleman from Washington [Mr. BONKER] is recognized for 1 hour.

Mr. BONKER. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentleman from Colorado [Mr. WIRTH], the sponsor of the resolution.

Mr. WIRTH. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Washington has stated it perfectly. We are going to be gone for 3 weeks. As the gentleman from Illinois has suggested as well, we have a broad cross section of Members in the House who want to make a clear statement at this point, that everything possible be done for the Sakharovs.

I thank the gentleman from Washington [Mr. BONKER] for bringing this up so expeditiously, and I thank my colleagues for their forbearance this morning. This is an important way for us to end the session this June, making this clear and important statement.

Mr. Speaker, 7 weeks ago Andrei Sakharov, the only Soviet ever to win the Nobel Peace Prize, launched an "open-ended" hunger strike to secure medical care for his wife, Yelena Bonner. News of that hunger strike generated great and immediate concern throughout the world, particularly among those signatory states that have joined the Soviet Union in human rights accords. In concert with other Members of Congress, I engaged in a very frank exchange of views with officials at the Soviet Embassy. My visits to the Soviet Union and meetings with Mrs. Bonner's son, Alexey Semyonov, confirm my own view that this is not an internal Soviet affair, and I joined others in sharing this conviction with leaders at home and abroad.

But despite repeated assurances by the Soviet Government and press, we have yet to obtain proof that Dr. Sakharov and his wife are alive and well. Recent reports of the couple's safety, complete with leaked photographs, only deepen the mystery. We know Dr. Sakharov and his wife are in poor health and cannot survive without proper medical treatment, and we cannot be expected to believe otherwise until Soviet authorities provide tangible evidence that this is not the case.

I urge the President and Department of State to contact their appropriate counterparts in the Soviet Government and call upon them, on behalf of this body, to verify the health and well-being of Andrei Sakharov and Yelena Bonner. We will not rest until the fate of this courageous couple is known.

Mr. BONKER. Mr. Speaker, the plight of the Sakharovs has become increasingly uncertain in recent weeks in view of the Soviet leadership's continuing refusal to provide information on their whereabouts and health. The Sakharovs have assumed a place of symbolic importance in the international struggle to promote respect for human rights. We must not accept the Soviet Union's silence on the Sakharovs.

House Concurrent Resolution 332, sponsored by Representative WIRTH and a number of our colleagues, calls on the Soviet Union to provide the signatories of the Helsinki Final Act with specific information about the whereabouts, health, and legal status of Dr. Andrei Sakharov and his wife, Yelena Bonner, to void all charges against Yelena Bonner and issue her an exit visa so that she may obtain medical care outside the Soviet Union, and to allow them to live in the country of their choice.

It is ironic, Mr. Speaker, that the Soviet leaders should feel so threatened by two individuals. The extent of the Soviets' discomfort was evidenced by their reaction to President Mitterand's public toast expressing concern about Professor Sakharov. It is unfortunate that this administration has not seen fit to undertake a similarly strong demonstration of public concern about the Sakharovs.

The Congress has consistently spoken out on behalf of refuseniks, persecuted religious groups, political prisoners languishing in asylums, those in internal exile, and for all others who are the victims of human rights abuses in the Soviet Union. It is urgent that we once again raise our collective voice in behalf of human rights.

In House Concurrent Resolution 322, we are simply calling on the Soviet Union to abide by the commitments it undertook in signing the Helsinki accords, the International Covenant on Civil and Political Rights and in the Universal Declaration of Human Rights. I urge my colleagues to lend their support to this resolution.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Colorado [Mr. WIRTH] and the gentleman from Washington [Mr. BONKER] for presenting this resolution. I think that there is only one way for us really to get at the Soviets on human rights issues, and that is to keep before the public of this country and the public of the world the facts about the continual violations of human rights that exist in the Soviet Union.

One has to wonder, it seems to me, why the Soviets continue to create detractors from their system by publicly

failing to live up to minimum human rights standards. They seem purposely to create in the minds of people all over the world the symbol that Andrei Sakharov and Yelena Bonner have become of Soviet human rights abuses.

I also want to commend the Washington Post, which has devoted its lead editorial repeatedly to the situation of Andrei Sakharov and Yelena Bonner. Seldom has there been as forceful an effort by an American news publication to put the enforcement of minimum standards of human rights at the forefront, and I think the Washington Post deserves to be publicly commended for its strong actions in this regard.

Once again we remind ourselves that working to solve human rights problems is a day-to-day effort. We have to keep the pressure upon the Soviet Union, and we have to keep people informed as to what is happening there.

So, Mr. Speaker, I commend the gentleman from Colorado and the gentleman from Washington for bringing this matter before the House and adding to the pressure to release Andrei Sakharov and Yelena Bonner from the Soviet bondage in which they are being held.

Mr. BONKER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend the gentleman from Colorado [Mr. WIRTH] for his leadership with regard to this resolution. I thank the gentleman from Washington [Mr. BONKER] and his colleagues for bringing this measure to the floor at this time.

I rise in wholehearted support of House Concurrent Resolution 332, legislation expressing the sense of the Congress that the Union of Soviet Socialist Republics should provide the signatories of the Helsinki Final Act with specific information as to the whereabouts, health, and legal status of Andrei Sakharov.

One of the most widely respected and admired spokesmen for human rights and a nobel laureate, Andrei Sakharov and his wife Yelena Bonner have been consistently and systematically subjected to reprehensible treatment by Soviet authorities. Most recently, reports emerging from the Soviet Union indicate that Dr. Sakharov had launched a hunger strike protesting the fact that his wife has been denied permission to travel abroad for medical treatment, something she had been permitted to do previously.

On May 8, the Department of State expressed its strong concern about press reports that:

> Andrei Sakharov has been on a hunger strike since May 2 and that his wife, Yelena Bonner, has been charged with slandering the Soviet state, which could lead to as much as 3 years' confinement. The refusal of the Soviet authorities to reveal any information about the present welfare and whereabouts of the Sakharovs lends credence to these reports.

The State Department continued that:

> The Soviet handling of this matter has been inhumane and incomprehensible * * *. The circumstances of Dr. Sakharov, a recipient of the Nobel Peace Prize and numerous other accolades, is a legitimate matter of concern of all persons interested in promoting human rights and international peace. Soviet silence about Dr. Sakharov and Mrs. Bonner is totally unacceptable.

As House Concurrent Resolution 332 observes, in the case of the Sakharovs, the Soviet Union has shown unbridled disdain for major international human rights agreements to which it is a signatory. That legislation calls upon the Soviet Union to recognize its obligations under such agreements and among other things "provide the signatories of the Helsinki Final Act with specific information as to the whereabouts, health, and legal status of Andrei Sakharov and Yelena Bonner, and to "allow Andrei Sakharov and Yelena Bonner to live in the country of their choice." The measure also urges the President "to protest, in the strongest possible terms and at the highest levels," the Soviet Government's treatment of the two dissidents."

Accordingly, Mr. Speaker, our Nation has a duty to pursue all paths leading to an end to the inhumane, and morally repugnant treatment to which Andrei Sakharov and Elena Bonner are being subjected. I urge my colleagues to support House Concurrent Resolution 332 so that Congress can send a signal that it cares deeply for those who bravely and courageously battle for human rights even at the risk of exposing themselves to the harshest forms of brutality and depravation of basic human rights.

Mr. FASCELL. Mr. Speaker, I rise in support of this resolution that expresses the sense of Congress that the Soviet Union should provide the signatories of the Helsinki Final Act with specific information about Dr. Andrei Sakharov and Yelena Bonner. Dr. Sakharov as we all know has been an outstanding leader of the human rights movement in the Soviet Union. He has received recognition for his own important scientific contributions by being accorded a Nobel laureate. We have not had information on Dr. Sakharov for a long time now. His wife has been charged with anti-Soviet agitation and needs medical attention desperately. It is highly appropriate for this Chamber to call on the President to protest to the Soviet Union their treatment of the Sakharovs and to request the specific information set out in this resolution. In urging your support, I also wish to commend the sponsor of this resolution, Congressman WIRTH of Colorado, for his important work today.

● Mr. CONTE. Mr. Speaker, I rise in support of House Concurrent Resolution 332. The persecution of both Andrei Sakharov and Yelena Bonner is well-documented, and their plight is a symbol of the anti-Semitism and oppression of fundamental human rights that increasingly characterize the Soviet regime. At a minimum, an accounting of their condition should be made to the signatories of the Helsinki Final Act, as provided by this resolution.

Adoption of this resolution is an essential statement to the Soviet authorities that we, as free people, will never tolerate the brutal trampling of human rights, and that we shall demand an accounting of any action in that regard. Let the Soviet Government know that we will not condone such blatant disregard of the provisions of the Helsinki Final Act, to which that country is a signatory. Let the Soviets know that our passionate efforts on behalf of Andrei Sakharov and Yelena Bonner will not rest until their fundamental human rights are recognized and respected. And let the Soviet authorities know that, on a broader scale, the plight of all Soviet Jews and refuseniks, and the suppression of the human rights of any Soviet citizen, will continue to meet with the scrutiny and disapproval of world opinion.

I hope that my colleagues will join me in supporting this resolution. Every day that passes without a complete accounting of the condition of Sakharov and his wife multiplies the sins of the Soviet Government in maintaining the systematic persecution of this couple.●

● Mr. BIAGGI. Mr. Speaker, I rise in support of House Concurrent Resolution 332, to urge the Soviet Union to report on the health and physical condition of Andrei Sakharov to the nations under the Helsinki agreement.

I feel that is vitally important for the Soviet Union to report on the condition of Mr. Sakharov as a test of the Soviet's willingness to comply with international agreements concerning human rights. Soviet compliance with this request will measure the integrity of the Helsinki agreement and the Soviet Union's credibility as a party to that agreement.

Andrei Sakharov is a brave and courageous man. In a country where even the most basic of human rights are overlooked, Mr. Sakharov has spoken out for justice and freedom. Despite great personal damage and the loss of what little freedom he had, Mr. Sakharov continued to speak out for human rights. He was awarded the Nobel Peace Prize for his courageous struggle for justice and freedom against seemingly insurmountable

odds. Mr. Sakharov's secretive confinement and imprisonment by the Soviet Union, because of his outspoken crusade for human rights, concerned all of us here in the West. His recent hunger strike on behalf of his ailing wife, and the subsequent Soviet refusal to release any information as to his condition, has raised many concerns in the West.

By reporting on Mr. Sakharov's condition the Soviet Union will alleviate those deep concerns and restore hope that Mr. Sakharov will soon recover and that his wife will receive the necessary medical attention.

Andrei Sakharov has provided hope and encouragement for so many people living under Communist oppression who have dared to speak out for human rights. We here in the free world must never forget the enormous sacrifices he has made in the name of freedom and justice. We must continue to do all we can to ensure the welfare of Mr. Sakharov and to express our solidarity with him and his noble struggle. It is my sincere hope that the Soviet Union will see it fit to comply with the Helsinki agreement and report on Mr. Sakharov's condition. Hopefully this will also make the Soviet leadership see it fit to do the humane thing and grant Mr. Sakharov the freedom and human rights he has struggled so hard for.●

● Mr. HEFTEL of Hawaii. Mr. Speaker, let me say that I fully support House Resolution 332, which calls for the Union of Soviet Socialist Republics to provide specific information concerning the whereabouts, health, and legal status of Andrei Sakharov and Yelena Bonner.

The rights of freedom of thought, conscience, religion, and expression are rights to be given to any and every human being. To deny these rights to any individual is to deny him the decency of dignity and basic respect. Nobel Laureate Andrei Sakharov, as a leader of the human rights movement in the Soviet Union, was arrested and exiled because of his courageous stance against injustice there. His wife, Yelena Bonner, has been charged with anti-Soviet agitation.

In desperation, to protest the Soviet Government's harassment of his wife, and to attempt to win for her an exit visa to obtain medical treatment that she needed from abroad due to serious illness—Sakharov began a hunger strike. As a result, the status and whereabouts of Dr. Sakharov and his wife have been kept secret by the Soviet Government.

It is in the name of human decency that we must support House Resolution 332. The resolution is an important message from our country that protests the couple's disappearance and demands an explanation. It also sends out a call to other nations to join our protest against this clearly reprehensible act of repression.

I am more than proud to support the House on this resolution, which underscores for all the essential need to honor and respect human dignity.●

Mr. BONKER. Mr. Speaker, I have no further requests for time, and I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER. The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 34, as follows:

[Roll No. 296]

YEAS—399

Ackerman	Coelho	Frank
Addabbo	Coleman (MO)	Franklin
Akaka	Coleman (TX)	Frenzel
Albosta	Collins	Frost
Anderson	Conable	Fuqua
Andrews (NC)	Conte	Garcia
Andrews (TX)	Conyers	Gaydos
Annunzio	Cooper	Gejdenson
Applegate	Corcoran	Gekas
Archer	Coughlin	Gephardt
Aspin	Courter	Gibbons
AuCoin	Coyne	Gilman
Badham	Crane, Daniel	Gingrich
Barnard	Crane, Philip	Glickman
Barnes	D'Amours	Gonzalez
Bartlett	Daniel	Goodling
Bateman	Dannemeyer	Gore
Bates	Darden	Gradison
Bedell	Daschle	Gramm
Beilenson	Daub	Gray
Bennett	Davis	Green
Bereuter	Dellums	Gregg
Berman	Derrick	Guarini
Biaggi	DeWine	Gunderson
Bilirakis	Dickinson	Hall (IN)
Bliley	Dicks	Hall (OH)
Boehlert	Dingell	Hall, Ralph
Boggs	Dixon	Hall, Sam
Boland	Donnelly	Hamilton
Boner	Dorgan	Hammerschmidt
Bonior	Dowdy	Hance
Bonker	Downey	Hansen (UT)
Borski	Dreier	Harkin
Bosco	Duncan	Hartnett
Boucher	Durbin	Hatcher
Boxer	Dwyer	Hawkins
Britt	Dyson	Hayes
Brooks	Eckart	Hefner
Broomfield	Edgar	Hertel
Brown (CA)	Edwards (AL)	Hightower
Brown (CO)	Edwards (CA)	Hiler
Broyhill	Edwards (OK)	Hillis
Bryant	Emerson	Holt
Burton (CA)	English	Hopkins
Burton (IN)	Erdreich	Horton
Byron	Evans (IA)	Howard
Campbell	Evans (IL)	Hubbard
Carney	Fascell	Huckaby
Carper	Fazio	Hughes
Carr	Feighan	Hunter
Chandler	Ferraro	Hutto
Chappell	Fields	Hyde
Chappie	Fish	Ireland
Cheney	Flippo	Jacobs
Clarke	Florio	Jeffords
Clay	Foley	Jenkins
Clinger	Ford (TN)	Johnson
Coats	Fowler	Jones (NC)
Jones (OK)	Mollohan	Shelby
Jones (TN)	Montgomery	Shumway
Kaptur	Moody	Shuster
Kasich	Moore	Sikorski
Kastenmeier	Moorhead	Siljander
Kazen	Morrison (CT)	Sisisky
Kemp	Morrison (WA)	Skeen
Kennelly	Mrazek	Skelton
Kildee	Murphy	Slattery
Kindness	Murtha	Smith (FL)
Kleczka	Myers	Smith (IA)
Kogovsek	Natcher	Smith (NE)
Kolter	Neal	Smith (NJ)
Kostmayer	Nelson	Smith, Denny
Kramer	Nichols	Smith, Robert
LaFalce	Nielson	Snowe
Lagomarsino	Nowak	Snyder
Lantos	O'Brien	Solarz
Latta	Oakar	Solomon
Leach	Oberstar	Spence
Leath	Obey	Spratt
Lehman (CA)	Olin	St Germain
Lehman (FL)	Ortiz	Staggers
Leland	Ottinger	Stangeland
Lent	Owens	Stenholm
Levin	Oxley	Stokes
Levine	Packard	Stratton
Levitas	Panetta	Studds
Lewis (CA)	Parris	Stump
Lewis (FL)	Pashayan	Sundquist
Lipinski	Patman	Swift
Livingston	Patterson	Synar
Lloyd	Pease	Tallon
Loeffler	Penny	Tauke
Long (LA)	Pepper	Tauzin
Lott	Perkins	Taylor
Lowery (CA)	Petri	Thomas (CA)
Lowry (WA)	Pickle	Thomas (GA)
Lujan	Porter	Torres
Luken	Price	Torricelli
Lundine	Pursell	Traxler
Lungren	Quillen	Valentine
Mack	Rahall	Vander Jagt
MacKay	Rangel	Vandergriff
Madigan	Ratchford	Vento
Markey	Ray	Volkmer
Marlenee	Regula	Vucanovich
Marriott	Reid	Walgren
Martin (IL)	Richardson	Walker
Martin (NY)	Rinaldo	Watkins
Martinez	Ritter	Waxman
Matsui	Roberts	Weaver
Mavroules	Robinson	Weber
Mazzoli	Rodino	Weiss
McCandless	Roe	Wheat
McCloskey	Roemer	Whitehurst
McCollum	Rogers	Whitley
McCurdy	Rose	Whittaker
McDade	Rostenkowski	Whitten
McEwen	Roth	Williams (MT)
McGrath	Roukema	Wilson
McHugh	Rowland	Winn
McKernan	Roybal	Wirth
McKinney	Russo	Wise
McNulty	Sabo	Wolf
Mica	Savage	Wolpe
Michel	Sawyer	Wortley
Mikulski	Schaefer	Wright
Miller (CA)	Scheuer	Wyden
Miller (OH)	Schneider	Wylie
Mineta	Schroeder	Yates
Minish	Schulze	Young (AK)
Mitchell	Schumer	Young (FL)
Moakley	Sharp	Young (MO)
Molinari	Shaw	Zschau

NAYS—0

NOT VOTING—34

Alexander	Foglietta	Rudd
Anthony	Ford (MI)	Seiberling
Bethune	Hansen (ID)	Sensenbrenner
Bevill	Harrison	Shannon
Breaux	Heftel	Simon
Craig	Hoyer	Stark
Crockett	Long (MD)	Towns
de la Garza	Martin (NC)	Udall
Dymally	McCain	Williams (OH)
Early	Paul	Yatron
Erlenborn	Pritchard	
Fiedler	Ridge	

□ 1100

Mr. HUNTER changed his vote from "nay" to "yea."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5953, PUBLIC DEBT LIMIT INCREASE

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 545 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 545

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider the bill (H.R. 5953) to increase the statutory limit on the public debt, in the House. The previous question shall be considered as ordered on the amendment to said bill recommended by the Committee on Ways and Means, if offered by the chairman of said committee, and on the bill to final passage without intervening motion except one motion to recommit, and all points of order against the bill and against said amendment for failure to comply with the provisions of clause 5(a) of Rule XXI are hereby waived.

The SPEAKER pro tempore [Mr. MINISH]. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 545 provides for consideration in the House of H.R. 5953, a bill to increase the statutory limit on the public debt. The rule waives all points of order against consideration of the bill.

It should be noted that the rule provides that the previous question shall be considered as ordered on the amendment to H.R. 5953 recommended by the Committee on Ways and Means, if offered by the chairman of the committee, and on the bill to final passage. No intervening motion is permitted except the customary motion to recommit.

The rule further waives clause 5(a) of rule XXI against both the bill and the Ways and Means Committee amendment. This is a waiver of the rule against appropriations in a legislative measure. This waiver is necessary because an increase in the public debt limit automatically furnishes new authority to pay interest on the increased debt under the provisions of the Second Liberty Bond Act. This constitutes an appropriation for which waivers of clause 5(a) of rule XXI are usually granted in legislation increasing the public debt limit.

Mr. Speaker, H.R. 5953 is identical to H.R. 5927, which failed to pass the House. The bill would increase the public debt limit by $53 billion to $1.573 trillion. This increase is expected to meet the Nation's debt management requirements through August 31, 1984.

The Ways and Means Committee amendment made in order by the rule would increase the permanent debt limit by an additional $180 billion to $1.753 trillion. This higher limit is believed to be sufficient to meet the Treasury Department's debt management needs through June 1985. The increase provided by the amendment would provide whichever administration is in office next year with time to assess and estimate its budget priorities before having to seek further revisions in the public debt ceiling.

Mr. Speaker, the issues raised by H.R. 5953 already have been debated by the House during consideration of H.R. 5927. This rule provides for expedited floor consideration of H.R. 5953 and the committee amendment in order to permit the House to enact legislation to accommodate the borrowing needs of the Federal Government.

Mr. Speaker, I am not aware of opposition to this rule, and I would urge my colleagues to adopt it so that we may proceed to consideration of H.R. 5953.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

□ 1110

Mr. Speaker, I agree with the statement just made by the gentleman from Ohio [Mr. HALL] about the rule. There is not any controversy about this rule. But certainly I would hope today that the House would realize that we have a very serious problem ahead of us.

It is not a matter of attempting to go into fiscal year 1985 in an attempt to save money, whether it is in defense or whether it is in any category or function of Government. This is a matter of paying the piper. You have already spent the money. You have made the obligations. This debt ceiling affects fiscal year 1984.

A letter was sent around yesterday by Mr. JONES and company indicating that you ought to vote against the debt ceiling and let the Government default because they cannot come up with an agreement on defense for fiscal year 1985 seems kind of ridiculous. This is not fiscal year 1985 we are concerned with; we are concerned with fiscal year 1984 and these chickens are coming home to roost.

You know, many Democrats have been talking about saving money but when appropriations bills and authorization bills move through this Congress during the year, there has been very little effort made by those who voted against the increase in the debt ceiling yesterday to vote against these authorizations, and attempt to reduce the appropriations.

But now they say when they are right up against the wall, and that is where we are, that you ought to let the Government default on its obligations already incurred by reason of their prior votes. I think that is nonsense.

I should be the last person in this House, I believe, to support a debt ceiling increase, but I do not want my Government to default. We had testimony before the Rules Committee on yesterday that we are going to be in default on July 7; July 7 while this House is in recess.

If you want to go home and tell your people when the Government goes in default on July 7 that you did not face up to your responsibility even though you voted for these authorizations and these appropriations, you can do so; but I do not believe the American people are going to listen to you with much satisfaction.

So the time is now, now, to act on this debt ceiling increase and to act responsibly, because if we do as planned, this House and this Congress will recess tonight for the Democratic Convention. Certainly during the Democratic Convention, you do not want to be in default on obligations by the U.S. Government.

My friend, the gentleman from California [Mr. DANNEMEYER] just said, "What is wrong with that?" I will tell him what is wrong with that. The U.S. Government has never defaulted on its obligation. If you want a first, you can have a first, but I do not happen to be one of those that want a first.

So, Mr. Speaker, I do not have any requests for time unless the gentleman from California [Mr. DANNEMEYER] wishes time.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. Yes; I will be happy to yield to the gentleman from California.

Mr. DANNEMEYER. There is an alternative which we in the Congress can pursue rather than increase the debt on our children and grandchildren and that is to follow the recommendations of at least three sources that are reputable as to how we can cut spending.

I admit it is difficult politically because the people who will receive the spending are standing right outside the door, out there, lobbying us when

we come in here. They do not want any of their spending cut. But the taxpayers all over this country, they have a different persuasion.

I would suggest to my colleagues in the House that we get paid by the year whether we are here tomorrow or next week or next month, I believe we should have the attitude of staying as long as it takes to tame this runaway monster of spending that is going on day after day.

I would commend my thoughts to my colleague [Mr. LATTA].

Mr. LATTA. I am happy to join my friend, but the time is now, you know. We have not been able to accomplish those things. The gentleman supports a good many of the Grace Commission reports as I do. We have not been able to get this Congress to adopt many of them.

The question is now, not whether we want to pass those things; the question is whether we want our Government to default. I do not think we do.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. Be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I want to reemphasize the point that he made, the gentleman will remember yesterday that we had a chance to cut appropriations by a small amount. It was only a fairly minor cut, it amounted to only a few million dollars. Yet people who just a few minutes before had voted not to do anything about the national debt, also voted not to do anything about cutting spending when we had appropriations before us.

As a matter of fact, some of those people switched their votes within 15 minutes from voting for a spending cut to voting against that cut. It seems to me the American people are getting a fairly clear picture of who their friends are, who the people are who are really attempting to work this Nation out of deficit and who the people are who are the enemies who are attempting to make certain that massive Government deficits continue to plague us.

If you are going to vote for massive deficits as some people around here have voted to do, then it seems to me you have a responsibility to vote for the debt that you yourself are responsible for accumulating.

I thank the gentleman for yielding.

Mr. LATTA. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, I, too, feel very strongly about the spending that has caused the trouble that we find ourselves in. But I have to stand with Congressman LATTA in this posture. What else can we do except to approve the debt limitation that is before us? It is not a question of whether you believe in cutting spending or balancing the budget or any of the other concerns which plague us from day to day.

It is a question of meeting our duty and our obligation at this moment. That is what Congressman LATTA has so forcefully said. I agree with him and ask for a positive vote on the debt limitation issue.

Mr. LATTA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I more the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5950, INCREASING CONTRIBUTION FOR THE QUADRENNIAL POLITICAL PARTY PRESIDENTIAL NATIONAL NOMINATING CONVENTIONS

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 544

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider the bill (H.R. 5950) to increase the federal contribution for the quadrennial political party presidential national nominating conventions, in the House. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit, and all points of order against the bill for failure to comply with the provisions of clause 5(a) of Rule XXI are hereby waived.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] and pending that, I yield myself such time as I may use.

Mr. Speaker, I would also state that all time yielded during consideration of the pending resolution is for purposes of debate only.

Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that I yield myself such time as I may use. Mr. Speaker, I would state that all time yielded during consideration of the pending resolution is for purposes of debate only and I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, the rule makes in order the consideration of the bill (H.R. 5950) increasing the Federal contribution for the quadrennial political party Presidential national nominating conventions.

The rule is somewhat unusual but I am aware of no controversy over the procedure recommended by the Committee on Rules. The resolution provides for the bill to be considered in the House. Under the Rules of the House, the matter is debatable for 1 hour. The time is controlled by the chairman of the committee but, by custom, a fair allocation of time is made to the minority.

The rule waives points or order under clause 5(a) of rule XXI, which prohibits appropriations in a legislative bill. The bill increases the amount of money earmarked from the trust fund financed by Presidential election check off. The funds are available in the trust fund and the committee views the violation as purely technical.

Mr. Speaker, the procedure under the rule is similar, in effect to a closed rule. But the committee is aware of no requests for amendments.

One other procedural matter should be noted. The bill, on introduction, was referred jointly to the Committee on House Administration and the Committee on Ways and Means. The Committee on Ways and Means reported yesterday.

Our committee has been advised by the distinguished chairman of the Committee on House Administration, the gentleman from California [Mr. HAWKINS] that the committee shares the interest in moving this measure and does not object to the procedure recommended by the committee rules. However, it is the intent of all three committees that this procedure sets no precedent with respect to the jurisdiction of the respective committees.

Mr. Speaker, this is a bill which, viewed objectively, ought to be entirely without controversy.

Traditionally, we have recognized that the party nominating conventions are a legitimate and important part of the electoral process and Congress has earmarked funds from the trust fund for the conventions for some years. So H.R. 5950 sets no precedent. It simply makes a minor increase in the amount of a program that already exists.

Indeed, Mr. Speaker, it isn't really even an increase. Traditionally, comparable amounts have been available for security purposes at the conventions from the Law Enforcement Assistance Administration. This bill simply provides that same money from a different source.

Mr. Speaker, during the rules committee consideration, several members

noted that the timing on this bill is urgent and it must be cleared for the President's signature today. Because of procedural difficulties that could be faced in the other body.

At our hearing, I recommended that the text of H.R. 5950 be sent to the Senate in the form of an amendment to another bill now at the Speaker's table. We are advised that such a procedure would greatly enhance the chances of passing a bill, since it would eliminate a number of procedural ambiguities that will be faced in the Senate.

The committee did report a rule along the lines I have described, but it did so only to provide that a backup procedure would be available to the Committee on Ways and Means.

But the committee also reported the pending resolution, as requested by the Committee on Ways and Means. The Committee on Rules, on a matter such as this, must be guided by the judgement of the Legislative Committee. And the pending resolution has been reported in accordance with the committee recommendation.

Mr. Speaker, I believe that the rule is fair and the bill is of urgent importance. I urge the adoption of the resolution.

Mr. Speaker, under my prior announcement, I yield to my friend from Tennessee and I reserve the balance of my time.

□ 1120

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all know that at the national conventions in San Francisco and in Dallas the security needs to be beefed up. The funds allocated in this bill are from the Presidential fund that the taxpayers checkoff on their income tax forms.

I think that the bill is a good proposition. The rule should be adopted and the money provided. The chairmen of both the parties, the Republican and the Democrat, have requested these funds. I think it is important that the cities involved have these funds to beef up security for the protection of all who are attending.

I urge the adoption of the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, because this rule waives points of order, and waives rule XXI, it is the kind of resolution that many Members like to vote against.

However, in this case, I must warn that there is no other way for the House to consider this matter. It is a very important matter.

If the substance of the bill is something that Members would choose to vote against, that is a separate consideration. Please pass the rule so it can at least be considered.

There have been a number of other attempts to consider this proposition, both through the committee that is bringing this bill to us, and through the House Administration Committee. Those attempts have been unsuccessful. That's why we need this one.

The conventions are now upon us. I believe the rule should be supported so that at least the House had a chance to make its determination on what many of us believe is a very important security matter.

I hope therefore that those Members who normally vote against closed and waivered rules will make an exception and allow the House to work its will on this bill.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina [Mr. HARTNETT].

Mr. HARTNETT. Mr. Speaker, I wish to express my appreciation to the ranking member, the gentleman from Tennessee [Mr. QUILLEN] for yielding these few minutes to me in regard to this rule.

Mr. Speaker, this is a closed rule, one that I time and time again have voted against and many of my colleagues on both sides of the aisle have also.

I realize that it is the 59th minute of the 11th hour as far as our national conventions are concerned and that time is upon us.

But, Mr. Speaker, I think it is terribly unfair for the major political parties of this country to come to the Congress of the United States and ask us to contribute additional funds to those already contributed for the operation of their conventions this summer.

It is a bad precedent for this Congress to set. Any major city in this country wishing to have a major convention could feel that this is a precedent that would allow them to come to this Congress and ask for funds for that convention, especially if there were going to be any questions of security of any kind involved.

It is no wonder, Mr. Speaker, that we, the Congress of the United States, cannot operate fiscally responsible or with any type of fiscal restraint at all when we even have deficits for our national parties' conventions. We have an open checkbook you might say to run these conventions. We come back time and time again and the Congress bails out the political parties and gives them additional funds.

I want my colleagues to know, Mr. Speaker, that I think this is about $2 million more for each political party. True, it is a paltry sum compared to those awesome deficits which we, as a Congress, permit this country to operate under, but I just think it is terribly unfair for the Rules Committee to present us with a closed rule, as short as the time is, a rule that allows no amendments, no points of order. I think it is very improper for the major political parties of this country to come to the Congress and ask for additional funds to operate their political conventions, which is really a party matter and it is a bad precedent to be set by this Congress.

I urge a "no" vote against the rule.

Mr. QUILLEN. Mr. Speaker, I would remind the Members of the House that this additional money comes from the Presidential Election Campaign Fund and the taxpayers of the country have already checked it off on their income tax forms to be used for election purposes.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. CONABLE].

Mr. CONABLE. Mr. Speaker, I oppose the rule. We, all of us have our loyalties, whether it is to our home cities or our political parties. But I consider it a most unfortunate precedent to turn to Federal funds for the support of political conventions, for whatever purpose, security, or otherwise.

The cities that seek these conventions are not required to do so. If they do not wish to have a convention, they do not need to make application. They should know from the start they have to accept the obligations that go with such an invitation.

The political parties have their own resources. Whether we take this money out of the Presidential Election Fund or out of the general treasury, it still is a most unfortunate precedent.

It seems to me the best way to deal with this measure would be to refuse to take it up.

I think, therefore, a vote against the rule is entirely appropriate.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I will not engage in the full debate on the merits of it as we will a little bit later.

I do think that there is a vast danger of misunderstanding precisely what this rule does, and what the bill itself does.

In fact, it is not the cities' fault that we have not had this bill until today. The cities had made the request some months ago. The request and the legislation got side tracked in the legislative process, around here as often happens.

But the fact is today is the last day that this House has a chance to operate on it.

Now there is no precedent setting or precedent breaking. The precedent had already been set that through LEAA funds and otherwise that the Federal Government has paid for security costs that are unique to national conventions.

□ 1130

That is essentially all this is. Many of these security costs are new and unanticipated security costs similar to the additional security costs that have had to be imposed by events of recent years here at the U.S. Capitol. I do not think this House would intend, by defeating this rule or defeating the bill, to scrimp on security. I think that could be extraordinarily costly to the Nation as a whole.

So I urge an "aye" vote on the rule. I think it is a rule that is needed. It is the only way we have of getting this issue to the floor of the House. it is the last remaining opportunity, and I think the House deserves an opportunity to vote on the issue.

I thank the gentleman for yielding.

Mr. MOAKLEY. Mr. Speaker, I would commend the distinguished ranking minority of our committee, the gentleman from Tennessee [Mr. QUILLEN], and the gentleman from Minnesota [Mr. FRENZEL], for their leadership on this matter and their useful contribution to this debate.

But, Mr. Speaker, in closing, I would like to briefly respond to some of the comments that have been made. I can appreciate the concerns of the distinguished ranking minority member of the Committee on Ways and Means, the gentleman from New York [Mr. CONABLE]. But I would stress again that there is absolutely no precedent.

Traditionally, we have recognized that the party nominating conventions are a legitimate and important part of the electoral process and Congress has earmarked funds from the trust fund for the conventions for some years. So H.R. 5990 sets no precedent. It simply makes a minor increase in the amount of a program that already exists.

Indeed, Mr. Speaker, it isn't really even an increase. Traditionally, comparable amounts have been available for security purposes at the conventions from the Law Enforcement Assistance Administration. This bill simply provides that same money from a different source.

The gentleman from South Carolina [Mr. HARTNETT] objects to the resolution because it is a closed rule. I have already conceded that the rule does operate like a closed rule. But, the Committee on Rules has had no prior notice that there was any controversy on that point. The bill is a half page long and it is very focused and limited in its purposes and effect. At its meeting last night, the Committee on Rules was unaware that there were any amendments anyone would seek to offer and, Mr. Speaker, I am still aware of none.

Mr. Speaker, it strikes me that one either supports the concept of restoring the limited Federal assistance that has historically been provided for the party nominating convention or one does not, and the rule provides for a straight up-or-down vote on that question.

Mr. Speaker, I believe that the rule provides a fair procedure for the House to address this issue. The bill is important and the timing makes action today important.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. [Mr. BROWN of California]. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorm is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 267, nays 136, not voting 30, as follows:

[Roll No. 297]

YEAS—267

Ackerman	Daschle	Hawkins
Addabbo	Davis	Hayes
Akaka	Dellums	Hefner
Albosta	Derrick	Heftel
Alexander	DeWine	Hertel
Andrews (NC)	Dicks	Howard
Andrews (TX)	Dingell	Hoyer
Anthony	Dixon	Hughes
Applegate	Donnelly	Hutto
Aspin	Dorgan	Jenkins
AuCoin	Dowdy	Johnson
Barnard	Downey	Jones (NC)
Barnes	Duncan	Jones (OK)
Bartlett	Durbin	Jones (TN)
Bateman	Dwyer	Kaptur
Bates	Dyson	Kastenmeier
Bedell	Eckart	Kazen
Beilenson	Edgar	Kennelly
Bennett	Edwards (AL)	Kildee
Berman	Edwards (CA)	Kleczka
Biaggi	Erdreich	Kogovsek
Boehlert	Evans (IL)	Kolter
Boggs	Fascell	Kostmayer
Boland	Fazio	LaFalce
Boner	Feighan	Lantos
Bonior	Ferraro	Leath
Bonker	Fish	Lehman (CA)
Borski	Florio	Lehman (FL)
Bosco	Foley	Leland
Boucher	Ford (TN)	Levin
Boxer	Fowler	Levine
Britt	Frank	Levitas
Brooks	Frenzel	Lewis (CA)
Brown (CA)	Frost	Lipinski
Broyhill	Fuqua	Lloyd
Bryant	Garcia	Loeffler
Burton (CA)	Gaydos	Long (LA)
Carper	Gejdenson	Long (MD)
Carr	Gephardt	Lott
Chappell	Gibbons	Lowery (CA)
Clarke	Glickman	Lowry (WA)
Clay	Gonzalez	Lujan
Clinger	Gore	Lundine
Coelho	Gray	MacKay
Coleman (MO)	Green	Madigan
Coleman (TX)	Gregg	Markey
Collins	Guarini	Martinez
Conyers	Hall (IN)	Matsui
Cooper	Hall (OH)	Mavroules
Coughlin	Hall, Ralph	Mazzoli
Coyne	Hall, Sam	McCloskey
Crockett	Hamilton	McHugh
D'Amours	Hance	McKinney
Daniel	Harkin	McNulty
Darden	Hatcher	Mica
Michel	Quillen	Stokes
Mikulski	Rahall	Stratton
Miller (CA)	Rangel	Studds
Mineta	Ratchford	Sundquist
Minish	Ray	Swift
Mitchell	Reid	Synar
Moakley	Richardson	Tallon
Mollohan	Rodino	Tauzin
Montgomery	Roe	Thomas (GA)
Moody	Rose	Torres
Mrazek	Rostenkowski	Torricelli
Murphy	Rowland	Traxler
Murtha	Roybal	Valentine
Natcher	Russo	Vander Jagt
Neal	Sabo	Vandergriff
Nelson	Savage	Vento
Nichols	Scheuer	Volkmer
Nowak	Schneider	Watkins
O'Brien	Schroeder	Waxman
Oakar	Schumer	Weiss
Oberstar	Seiberling	Wheat
Obey	Sharp	Whitehurst
Olin	Shaw	Whitley
Ortiz	Shelby	Whitten
Ottinger	Sikorski	Williams (MT)
Owens	Sisisky	Wilson
Panetta	Skelton	Wirth
Patterson	Slattery	Wise
Pease	Smith (FL)	Wolpe
Penny	Smith, Robert	Wright
Pepper	Solarz	Wyden
Perkins	Spratt	Yates
Pickle	Staggers	Young (FL)
Price	Stenholm	Young (MO)

NAYS—136

Anderson	Hopkins	Porter
Annunzio	Horton	Pursell
Archer	Hubbard	Regula
Badham	Huckaby	Rinaldo
Bereuter	Hunter	Ritter
Bethune	Hyde	Roberts
Bilirakis	Jacobs	Robinson
Bliley	Jeffords	Roemer
Broomfield	Kasich	Rogers
Brown (CO)	Kemp	Roth
Burton (IN)	Kindness	Roukema
Campbell	Kramer	Sawyer
Carney	Lagomarsino	Schaefer
Chandler	Latta	Schulze
Chappie	Leach	Shumway
Cheney	Lent	Shuster
Coats	Lewis (FL)	Siljander
Conable	Livingston	Skeen
Conte	Luken	Smith (IA)
Corcoran	Lungren	Smith (NE)
Courter	Mack	Smith (NJ)
Crane, Daniel	Marlenee	Smith, Denny
Crane, Philip	Marriott	Snowe
Dannemeyer	Martin (IL)	Snyder
Daub	Martin (NY)	Solomon
Dickinson	McCain	Spence
Dreier	McCandless	St Germain
Edwards (OK)	McCollum	Stangeland
Emerson	McCurdy	Stump
English	McDade	Tauke
Evans (IA)	McEwen	Taylor
Fields	McGrath	Thomas (CA)
Franklin	McKernan	Vucanovich
Gekas	Miller (OH)	Walgren
Gilman	Molinari	Walker
Goodling	Moore	Weaver
Gradison	Moorhead	Weber
Gramm	Morrison (WA)	Whittaker
Gunderson	Myers	Winn
Hammerschmidt	Nielson	Wolf
Hansen (UT)	Oxley	Wortley
Hartnett	Packard	Wylie
Hightower	Parris	Young (AK)
Hiler	Pashayan	Zschau
Hillis	Patman	
Holt	Petri	

NOT VOTING—30

Bevill	Foglietta	Ridge
Breaux	Ford (MI)	Rudd
Byron	Gingrich	Sensenbrenner
Craig	Hansen (ID)	Shannon
de la Garza	Harrison	Simon
Dymally	Ireland	Stark
Early	Martin (NC)	Towns
Erlenborn	Morrison (CT)	Udall
Fiedler	Paul	Williams (OH)
Flippo	Pritchard	Yatron

□ 1140

Mr. ROBINSON changed his vote from "yea" to "nay".

Messrs. MICA and RAHALL changed their votes from "nay" to "yea".

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1150

PUBLIC DEBT LIMIT INCREASE

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to House Resolution 595, I call up the bill (H.R. 5953) to increase the statutory limit on the public debt, and ask for its immediate consideration.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

H.R. 5953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN PUBLIC DEBT LIMIT.

(a) GENERAL RULE.—Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out "may not be more" and all that follows down through "outstanding at one time" and insert in lieu thereof "may not be more than $1,573,000,000,000 outstanding at one time".

(b) TECHNICAL AMENDMENT.—Effective on and after the date of the enactment of this Act, section 1 of Public Law 98-302 is hereby repealed.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 1 hour.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. CONABLE], and pending that, I yield myself such time as I may consume.

Mr. Speaker, today's House resolution is no different than the one that was considered yesterday.

The current statutory public debt limit was enacted 1 month ago, and the increased debt limit was intended to be just enough to meet the Treasury Department's fiscal requirements through the end of this month.

We hoped then that a debt limit covering a longer period could be brought up now, if enough legislative progress would be made on passing the Deficit Reduction Act, the conference report on the first budget resolution for fiscal year 1985, and a goodly number of appropriations bills. Unfortunately, all the objectives have not been reached. The Deficit Reduction Act—including the tax portion—have just been passed but little else. The first conference reports on appropriations have come to the House only in these last few days before the recess. The 1985 budget resolution conference has barely met and is stalled in the effort to reconcile their differences on military spending.

Because of the slow progress on the budget resolution, particularly, the Committee on Ways and Means was prevailed upon to bring to the House floor a bill that provides only a debt limit which will meet anticipated Treasury needs for the next 2 months.

H.R. 5953 will increase the public debt limit by $53 billion, from $1,520 billion to $1,573 billion. The Treasury Department agrees with the committee that this amount will meet their debt management requirements through August 31, including a large refunding of bonds that will be announced about August 1 and be settled on August 15.

Since the House is not scheduled to be in session on August 31, it will be necessary for Congress to pass another debt limit bill before the recess that begins after August 10 for the Republican Party's National Convention.

At the appropriate time in the proceedings, I will bring up a committee amendment that provides for an increase in the permanent debt limit to $1,752.6 billion. This higher limit is believed to be sufficient to meet the Treasury Department's debt management needs through June 1985. The estimate, however, was prepared about 2 months ago and was based upon the administration's estimate of the fiscal effects of the budget proposed for the next fiscal year.

The committee amendment does not relate to the difficulties of resolving the dispute in the budget resolution conference. It is simply a matter of organizational efficiency. This committee amendment would allow whichever administration is in office next year to get its house in order before it must face the usually divisive effort of seeking a large increase in the public debt limit. In the past, new administrations have been forced to request an increase in the limit before they could make reasonable estimates of their budget priorities. To provide an element of fairness and efficiency is the reason for the committee amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. CONABLE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, of course I support H.R. 5953—a bill to increase the public debt ceiling to $1,573 billion. This is a $53 billion increase over the current debt ceiling of $1,520 billion. The administration estimates that this amount would accommodate our financing needs through the end of August. Without an increase, we are expected to hit the current debt ceiling in early July.

While the short-term debt extension in H.R. 5953 is absolutely necessary, the preferable approach is contained in the committee amendment. The committee amendment would set the debt ceiling at $1,752.6 billion. This is a $233 billion increase over the current ceiling. The higher debt ceiling should accommodate our borrowing needs through June 1985.

Mr. Speaker, H.R. 5953 contains the same debt ceiling level as was in H.R. 5927 which the House considered yesterday. I believe it would be pointless to make a token change in the debt amount in order to pretend that there was any real difference between the bills. While the $53 billion debt increase in H.R. 5953 is enough to last until late in August, in reality we would have to act to increase the limit again before the second national party convention, even if the amount were slightly lower.

Mr. Speaker, the comments which I made yesterday on H.R. 5927 are relevant to H.R. 5953. The long-term debt extension in the committee amendment is preferable because it allows the Treasury Department to manage our financing needs in an orderly manner. It also will allow whatever administration is in office next year the opportunity to develop its budget priorities before being faced with a debt ceiling struggle.

Mr. Speaker, I urge the Members to support H.R. 5953 and the committee amendment.

COMMITTEE AMENDMENT OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Mr. Speaker, I offer a committee amendment and wish to have it pending for the remaining parts of the debate.

The Clerk read as follows:

Committee amendment offered by Mr. ROSTENKOWSKI: On page 2, line 2, strike out the number "$1,573,000,000,000" and insert in lieu thereof "$1,752,600,000,000".

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, if the House is going to stand up for reducing our outrageous national deficit, it is obligatory that we vote against this legislation to increase the debt ceiling.

For months, the Senate has delayed acting to reduce the record deficits. By comparison, this House passed our innovative pay as you go budget resolution over 2 months ago.

We were straight with the American people: We told them how much more it would cost to run the Government next year, and we made the cuts and raised the taxes necessary to pay for it.

No area of the budget was spared scrutiny or sacrifice.

We held down military spending to 3½ percent. We held domestic spending, too, and we made difficult cuts in medicare, medicaid, and other sensitive programs.

We agreed to take the hard action to cut the deficit by $182 billion—some 30

percent more than the Senate and the President's budget.

We fulfilled our part of the budget bargain.

But the Senate has chosen to abandon responsible deficit control efforts in an effort to obscure one critical fact: The Senate has put the Pentagon on a pedestal.

The Senate says there is one area of the Government whose budget is inviolate, which cannot be scrutinized, which is excused from fiscal responsibility, and where no savings can be made. And that is the nearly $300 billion defense budget.

And so, Mr. Speaker, it must now be clear to the American people who refuses to make the hard decisions to cut the deficit.

It is obvious who relies on the deficit to fund its uncontrollable appetite for spending.

We have asked the children of this Nation, the students, the senior citizens, the taxpayers, the farmers, the cities to sacrifice in the national effort to reduce the deficit. The Senate insists upon holding the Pentagon above that same standard.

The time has come for this House to stand firm. This debt ceiling is the vehicle by which we can demonstrate to the Nation that this House has agreed to cut the deficit.

And if, in this political season, the American people are looking to fix blame for the $200 billion deficits, they need look no further than the Pentagon and those Members of the Senate who hold military spending above every other consideration, including reduction of the deficit.

Mr. CONABLE. Mr. Speaker, I understand the gentleman from California [Mr. DANNEMEYER] has some thrilling new insights on this issue, and to give him full time to disclose them before an astonished House, I yield 3 minutes to the gentleman.

Mr. DANNEMEYER. I thank the gentleman for yielding this time to me.

Mr. Speaker, the preceding speaker in the well, the gentleman from California [Mr. MILLER], seemed to suggest that all the cause of this current obstacle is because of the belligerence of the U.S. Senate, the other body, dominated by the Republicans, to enlarge the amount of money we are spending on defense in this country.

Let us look at the figures, and in case my colleagues wonder where I got them, it is the budget brief put out by the OMB, page 77 for 1983, and then again in the same booklet for 1985 found on page 69. What do these figures tell us?

They tell us that in order to compare spending across several decades for defense and for individuals, we have to have a constant, and the policy of these two documents I refer to is to put spending in constant 1972 dollars. I want to share with my colleagues, in 1972 constant dollars, what we spent for defense in 1962. It was $77 billion.

□ 1200

In 1984, in that same measure, we are spending $93 billion. That is an increase of about 21 percent.

Now, let us shift over to spending for individuals. In 1962 it was $38.5 billion; in 1984 it is $183.9 billion. That is an increase of 380 percent.

I will say it again. Over the last two decades our spending in payments for individuals is up 380 percent; our spending for defense is up 21 percent.

The imbalance in Federal spending today is not because we are spending too much on defense. It is because we are engaging too much in the politics of redistribution whereby we say to one class of taxpayers, "Vote for me, and I will tax the other guy and spend the money on you."

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to my friend, the gentleman from California.

Mr. MILLER of California. But the issue here is very straightforward, that we have tried to complete a budget resolution. I do not know what the defense figure will be, but everything else is completed except a couple of billion dollars in nutrition programs and the like. Everything else has been done, except that we now find that the conferees from the Senate, both in the defense authorization conference committee and in the Budget Committee, refuse to talk any other thing but their one issue. There has been no negotiation—none.

Mr. DANNEMEYER. Mr. Speaker, I want to reclaim my time and give this matter some perspective in current dollars.

In 1985 we plan to spend $272 billion for defense and $440 billion for individuals. That is in current dollars.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. DANNEMEYER] has expired.

Mr. CONABLE. Mr. Speaker, I yield 1 additional minute to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, to conclude my remarks, Friedrich Hayek, Nobel laureate in economics, in November 1982 made this statement:

> The only way you can finance a deficit is by inflation. You cannot raise this amount of money by genuine borrowing. You borrow from the banks which create credit for the purpose. A large government deficit is a certain way to inflation.

The responsible thing for us to do is to reject this projected increase in the debt and stay here as long as is necessary in order to bring the outgo in line with the income under the existing tax structure.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma [Mr. JONES].

Mr. JONES of Oklahoma. Mr. Speaker, normally I do not oppose these debt limit increases because normally it is just to pay for our past debts and it is something that has to be done.

As I said yesterday, the last time I made an issue in the debt bill was 5 years ago when I joined the gentleman from Mississippi [Mr. LOTT] and the gentleman from Texas [Mr. GRAMM] in trying to attach an amendment that would have limited Federal spending and taxes to 20 percent of GNP, an issue we lost by a 201 to 199 margin. I think it is equally important today, 5 years later, that we oppose an increase of the debt limit because an equally important issue is before us.

Earlier this year we promised the American people we would enact a deficit reduction package that would include a reduction in domestic discretionary and entitlement spending, would include an increase in taxes, and would include a limitation on military spending growth for a 3-year period.

As the gentleman from California [Mr. MILLER] has pointed out, we have either done or agreed to do everything except to put a firm limitation on the growth of military spending. Neither the Budget Committee House conferees nor the defense authorization House conferees have been able to get the Senate conferees to budge one dime or to negotiate any compromise on the level of spending for military.

To me that is wrong, and we have to use whatever leverage we can to finish the deficit reduction package. We have before us today two choices: A long-term extension and increase of the debt limit, which will last for approximately 1 year, and a short-term extension of the debt limit, which will last for approximately 1 month.

I strongly urge every Member, regardless of your position on the debt limit, to oppose the long-term debt limit extension period. Contrary to what the gentleman from Ohio [Mr. LATTA] said, that all we are doing is paying for past debts, those of you who vote for the long-term debt ceiling extension for 1 year are paying for past debts and also paving the way for adding future debts at a time when we have not even put the final limitations on the deficit reduction package.

So I urge the Members to oppose the long-term debt extension. With regard to the short-term extension, I am going to vote against that, but I think each and every Member has to make his own choice as to whether or not it is a good strategy to put the debt limit on a short-term basis and come back and have this showdown again next month.

Arguments can be made on both sides. I recognize that, but I think the central issue we are trying to dramatize and demonstrate today and yesterday is that we made a commitment to complete a package of deficit reductions. We have done two-thirds of that or are ready to do two-thirds of that, and we want to do the final third. The House conferees are ready, and we are willing. We have made a very generous offer to the Senate conferees on military spending, and they have rejected it out of hand.

So, Mr. Speaker, I am going to be voting against the debt limit increase. I urge my colleagues to vote against it also.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I am happy to yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, I want to make sure I understand very clearly what the gentleman is saying. The gentleman is suggesting that the Members should vote for the smaller amount of money as an increase in the debt ceiling; is that correct?

Mr. JONES of Oklahoma. I am suggesting two things. I am suggesting that they definitely vote against the long-term extension of the debt limit. I am going to be voting against the short-term extension of the debt limit also because I think the better strategy is to try to deal with the military limitation now rather than next month.

There are those, I admit, who believe that it is better to come back next month and to keep the pressure on the other body, and that the short-term extension is the better strategy. That is a decision that everybody is going to have to work out in thier own minds. My personal belief is to be voting against the short-term extension.

Mr. LOTT. Mr. Speaker, let me ask the gentleman, what is going to happen if we do not pass one or the other here?

The SPEAKER. The time of the gentleman from Oklahoma [Mr. JONES] has expired.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 additional minute to the gentleman from Oklahoma [Mr. JONES].

Mr. LOTT. Mr. Speaker, will the gentleman yield fruther?

Mr. JONES of Oklahoma. I yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, I appreciate the gentleman's yielding.

I just wanted to ask about what is going to happen here if we do not pass one or the other of these increases in the debt ceiling today. I really think the gentleman has the wrong pig by the ear.

Mr. JONES of Oklahoma. Mr. Speaker, I think at some point obviously, despite the cash balances which exist in the Treasury now, which I understand are about $20 billion and would carry us into next month and perhaps until after we get back—at some point they are going to have to borrow more money for the debt obligations that come due.

All I am saying is that if we continue the pressure on the other body, perhaps they will come to some sort of enlightened view that they have got to complete the debt reduction package.

Mr. LOTT. Mr. Speaker, the gentleman does feel that we are going to have to pass the debt ceiling increase today, does he not?

Mr. JONES of Oklahoma. The United States is going to have to pay its debts when those debts come due. I cannot tell the gentleman precisely when those debts will come due. I know the Treasury thinks they will come due perhaps next week. I have some disagreement with that.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think the House ought to be aware that the Treasury Department has notified us that beyond July 9 all Federal checks will be in jeopardy. In answer to the gentleman's question, that is what can happen.

I also believe that there is interest of wanting to get into the recess. I want to assure my colleagues that should the long-term or the short-term extension not pass, we will be here tomorrow, and if it does not pass tomorrow, we will be here Sunday, and if it does not pass Sunday, we will be here Monday. We will be here until the debt celing is passed.

I think what we ought to do is just face up to it, and it ought to happen today if we want to show our responsibility.

Mr. CONABLE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think we send more fruitless, bootless, and feckless messages of uncertain purpose to unlistening ears around here than we do almost anything else, and I certainly hope the Members will seriously consider the implications of what they are doing if they turn this down once more. Let's stop sending messages, and start meeting the necessities of Government.

To sum up this complex position on the part of the minority, Mr. Speaker, I now yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL].

□ 1210

Mr. FRENZEL. Mr. Speaker, we all had a chance to prove what heroes we were yesterday.

Some of us thought we saved the world from heavy defense costs. Some of us thought we saved the world from heavy social spending. Others who have voted for every spending bill in the place thought they became heroes by voting against the debt ceiling bill.

It is time to shake ourselves back into reality, to liberate ourselves from the need to go through these useless symbolic votes which have no meaning to anyone anywhere.

We should support the committee amendment to extend the debt limit for a year. In that way, we can get this albatross off our backs for a relatively long period. If that is rejected, it is absolutely necessary to pass the short-term bill that the committee has given us.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CONABLE. Mr. Speaker, I yield 1 additional minute to the gentleman from Minnesota.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman.

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding.

What I would like to put in the RECORD are a few figures. We are talking about increasing the national debt—the proposed debt limit now—to $1 trillion 573 billion.

We had just this week the Treasury, Postal and General Government Appropriations Subcommittee before the House. It was approved. In our committee report we show, and it is mandatory spending, that the amount for interest on the national debt is estimated to be $164.5 billion for fiscal year 1985. Of course, that estimate was made before we adopted the deficit reduction package day before yesterday. But the committee report also stated that the $164.5 billion figure may have been understated.

In that same bill for the Bureau of the Public Debt, just to manage the public debt, we had $198 million for 2,500 positions.

Now, I understand we must pay the bills. But I think these figures should be shown to those people who are voting for additional spending every day.

The SPEAKER. The time of the gentleman from Minnesota has again expired.

Mr. CONABLE. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. FRENZEL. Mr. Speaker, I yield to the distinguished gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding.

I think that we should take a look at the long term. Every day we have an opportunity to reduce spending in this House, but all too often it does not occur. We see the very people who vote against cuts, even if we have just a small reduction of 1 or 2 percent proposed, talking about not increasing the

national debt. Once the spending is done, we must pay the bills.

I thank the gentleman for yielding.

Mr. CONABLE. Mr. Speaker, I yield 1 minute to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding.

I am going to support the committee amendment for the long-term extension of the debt ceiling, as I did yesterday, though I know there will not likely be any significant change of votes in that area from yesterday's outcome. Should the amendment be defeated, I would urge the Members to support the short-term extension of the debt ceiling.

Without passage of this extension here today, my understanding is that borrowing authority will run out around July 8 or 9. If my memory serves me correctly, that is when the Democratic platform committee will be meeting.

I am sure that we would not want to come back in at that time to pass an extension. Those on the other side would certainly not want to do so, and I'm sure those on our side would not want to put the majority in that kind of a box.

I would urge Members to support that short-term extension of the debt ceiling in order to enable us to get on with the other work before us so that we can recess for your convention, and hopefully ours later.

Mr. CONABLE. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation now being considered.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. JENKINS] to close debate.

Mr. JENKINS. Mr. Speaker, I want to use 3 or 4 minutes today to talk about this particular issue, because I think it is an issue that we ought to consider before we have to come back tomorrow or Sunday or Monday, as the chairman of my committee has indicated that we will.

We have come back today with the same resolution as we defeated yesterday, because we owe the same amount of money. That has not changed. My committee, the Ways and Means Committee, cannot change the amount of the debt. If we do not pass this today, we will be back tomorrow and the only thing we will add is another day's interest plus a substantial amount that the Treasury will be paying in additional costs to refinance the debt.

The last time that we did this, it cost us somewhere between $200 and $400 million more that we added to the debt, because we kept waiting and waiting up to the last minute to take action. That is not a fiscally conservative position to take.

Now, I want to talk to some of my friends on the Democratic side. I understand the position you have taken. You look and you realize that in the Carter administration in years past that the Members from the other side of the aisle did not vote for extensions of the debt limit. I understand that; and, you now want to get back at them. Also, many of you want to use this vehicle, as a symbolic gesture or as some protest vote, but this is not playing fair—maybe it is playing fair with the opposite party, but you are not playing fair with the American people, because you and I both know that through the years this has not been fruitful as being symbolic or as being a protest.

The debt has gone on up, continues going up. You have not accomplished a thing by attacking the extension of the debt limit. That is not the time to do it.

I want to tell you also that you are just not talking about defense costs. You are talking about people, 34 million people, that are going to be looking for their Social Security checks next month and if we delay those, by refusing to extend this debt limit, then all of us in this body can take responsibility.

Likewise, in every area of spending, whether it is good in your eyes or bad in your eyes, it is covered by this debt resolution.

I simply think that if we want to cut down on Federal spending we should do that before the debts are incurred. When we go into a restaurant and look at the menu, that is the time that we ought to make our reductions, not after we have consumed the meal, got up and gone to the cash register and then refuse to pay the bill.

I want to say to my colleagues on the minority side, particularly from the conservative element of the Republican side that refuses constantly to vote for this, I do not believe you are accomplishing your purpose.

I urge everyone to vote today for this resolution. I know tempers are a little bit frayed.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I will yield to my colleague, the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, we always come to this point—I thank the gentleman from Georgia for yielding.

We always come to this position. We have spent the money. There is no doubt about it. I have been in this body for 10 years and I vote for every debt extension because we owe the money, Republicans and Democrats; but all of a sudden we become irresponsible when we do not belly up and vote for this extension of the debt limit.

It is equally as responsible when there are very few people that tie up the whole budget process because of one function in the budget that has got us to where we can make the downpayment of what the President asked us for and they sit there adamantly, we have one or two people who sit there very adamantly and say, "We will compromise at our number," when we can pass a budget resolution, we can pass it in 10 minutes and we can come to this House and we can send supposedly the right signals to the financial markets and to the American people, and yet here we are called upon to be responsible where we can get the Social Security checks out. I think it is just as responsible for those who have obstructed the budget process as it is for those who vote no on this debt extension.

Mr. JENKINS. Mr. Speaker, I appreciate the comments of my friend, the gentleman from North Carolina, who is engaged in a budget fight with Members of the Senate over defense and I understand the frustration that he is feeling, but this is not the place, this is not the issue to settle the differences between this body and the Senate on the budget resolution.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I have already yielded to my friend and given him plenty of opportunity to make his issue.

□ 1220

Mr. FRENZEL. I plan to be very supportive of the gentleman's statement.

Mr. JENKINS. You see, my friends, people from both sides are angry about this in the last moments of the session. I understand that. And maybe there are not many responsible Members left on this issue from either side.

But I would hope that in the next few minutes as you think about your trip back to your district tomorrow, as you think about all of the duties that you must perform out in your districts——

Mr. DANNEYEMER. Will the gentleman yield?

Mr. JENKINS. No, I will not yield. You have already had your time, Mr. DANNEMEYER.

I would hope that every single Member, if you do not want to vote for it, why do you not just voice vote it?

Mr. DANNEMEYER. Will the gentleman yield?

Mr. JENKINS. I am happy to yield.

Mr. DANNEMEYER. On that point let me suggest to my colleague how

this Member from California will stop asking for a rollcall vote on this issue. All the Speaker has to do is bring to the floor, before we take up a debt-limit vote again, the vote on the proposed constitutional amendment on a balanced budget. You give us that vote and I will no longer ask for the rollcall, Mr. Speaker. That is a suggestion.

Mr. JENKINS. Let me reclaim my time now because, you see, every single Member could make a condition, some individual condition about his or her vote on this issue. Everyone in this body could.

Mr. DANNEMEYER. Don't you yearn to vote on that issue?

Mr. JENKINS. Certainly, I would love to have a vote on it, but it is not appropriate on this issue. You are just hiding behind this issue because you do not want to vote for the debt extension.

Now, I must say to my friend from California that what you want to do, as in a family household, you want to pay for the burglar alarm system, and you want to pay for the dobermans out in the yard, and you want to pay for the fence, all of the defense items around; but, you do not want to pay for the shelter; you do not want to pay for the health care of the kids; and you do not want to pay for a lot of such things that some people on this side would like to pay for.

Mr. DANNEMEYER. Will the gentleman yield?

Mr. JENKINS. No, I will not yield.

I simply say to Members from both sides of the aisle, this is not the issue, this is not the issue to engage in debate like we are engaging in, because the debt limit has no bearing whatsoever on defense spending or on health spending of the future. This simply honors the debts incurred in the past.

If you really want to be responsible, vote for the resolution. It is that simple.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. All time has expired.

Pursuant to House Resolution 545, the previous question on the amendment and the bill is considered as ordered.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. This vote now is on the 1-year extension, the first amendment; is that correct?

The SPEAKER. The question is on the committee amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 109, nays 300, not voting 24, as follows:

[Roll No. 298]

YEAS—109

Badham	Gingrich	McDade
Barnes	Goodling	McEwen
Bartlett	Gradison	McKernan
Bateman	Green	McKinney
Beilenson	Gregg	Michel
Bennett	Gunderson	Moakley
Berman	Hamilton	Mollohan
Boehlert	Hammerschmidt	Murtha
Boland	Heftel	O'Brien
Bonior	Hillis	Parris
Bonker	Holt	Pease
Brooks	Horton	Pepper
Broyhill	Hunter	Perkins
Cheney	Hyde	Porter
Clinger	Jeffords	Pritchard
Coleman (TX)	Jenkins	Quillen
Conable	Johnson	Rahall
Conte	Jones (NC)	Regula
Conyers	Kemp	Reid
Corcoran	Kindness	Rostenkowski
Coyne	Kleczka	Sawyer
Dickinson	Kostmayer	Schneider
Dicks	Leath	Schulze
Donnelly	Lehman (FL)	Solarz
Duncan	Lewis (CA)	St Germain
Dwyer	Lipinski	Stangeland
Edgar	Livingston	Stratton
Edwards (AL)	Loeffler	Sundquist
Fascell	Long (LA)	Synar
Fish	Lott	Vander Jagt
Flippo	Lowery (CA)	Walker
Foley	Lungren	Whitehurst
Frank	Mack	Williams (MT)
Frenzel	Madigan	Wolf
Garcia	Martin (IL)	Yates
Gekas	Matsui	
Gibbons	McCain	

NAYS—300

Ackerman	Burton (IN)	Dowdy
Addabbo	Byron	Downey
Akaka	Campbell	Dreier
Albosta	Carney	Durbin
Alexander	Carper	Dyson
Anderson	Carr	Eckart
Andrews (NC)	Chandler	Edwards (CA)
Andrews (TX)	Chappell	Edwards (OK)
Annunzio	Chappie	Emerson
Anthony	Clarke	English
Applegate	Clay	Erdreich
Archer	Coats	Evans (IA)
Aspin	Coelho	Evans (IL)
AuCoin	Coleman (MO)	Fazio
Barnard	Collins	Feighan
Bates	Cooper	Ferraro
Bedell	Coughlin	Fields
Bereuter	Courter	Florio
Bethune	Crane, Daniel	Ford (TN)
Biaggi	Crane, Philip	Fowler
Bilirakis	Crockett	Franklin
Bliley	D'Amours	Frost
Boggs	Daniel	Fuqua
Boner	Dannemeyer	Gaydos
Borski	Darden	Gejdenson
Bosco	Daschle	Gephardt
Boucher	Daub	Gilman
Boxer	Davis	Glickman
Britt	Dellums	Gonzalez
Broomfield	Derrick	Gore
Brown (CA)	DeWine	Gramm
Brown (CO)	Dingell	Gray
Bryant	Dixon	Guarini
Burton (CA)	Dorgan	Hall (IN)
Hall (OH)	McNulty	Seiberling
Hall, Ralph	Mica	Sharp
Hall, Sam	Mikulski	Shaw
Hance	Miller (CA)	Shelby
Hansen (UT)	Miller (OH)	Shumway
Harkin	Mineta	Shuster
Hartnett	Minish	Sikorski
Hatcher	Mitchell	Siljander
Hawkins	Molinari	Sisisky
Hayes	Montgomery	Skeen
Hefner	Moody	Skelton
Hertel	Moore	Slattery
Hightower	Moorhead	Smith (FL)
Hiler	Morrison (CT)	Smith (IA)
Hopkins	Morrison (WA)	Smith (NE)
Howard	Mrazek	Smith (NJ)
Hoyer	Murphy	Smith, Denny
Hubbard	Myers	Smith, Robert
Huckaby	Natcher	Snowe
Hughes	Neal	Snyder
Hutto	Nelson	Solomon
Ireland	Nichols	Spence
Jacobs	Nielson	Spratt
Jones (OK)	Nowak	Staggers
Jones (TN)	Oakar	Stenholm
Kaptur	Oberstar	Stokes
Kasich	Obey	Studds
Kastenmeier	Olin	Stump
Kazen	Ortiz	Swift
Kennelly	Ottinger	Tallon
Kildee	Owens	Tauke
Kogovsek	Oxley	Tauzin
Kolter	Packard	Taylor
Kramer	Panetta	Thomas (CA)
LaFalce	Pashayan	Thomas (GA)
Lagomarsino	Patman	Torres
Lantos	Patterson	Torricelli
Latta	Penny	Traxler
Leach	Petri	Valentine
Lehman (CA)	Pickle	Vandergriff
Leland	Price	Vento
Lent	Pursell	Volkmer
Levin	Rangel	Vucanovich
Levine	Ratchford	Walgren
Levitas	Ray	Watkins
Lewis (FL)	Richardson	Waxman
Lloyd	Rinaldo	Weaver
Long (MD)	Ritter	Weber
Lowry (WA)	Roberts	Weiss
Lujan	Robinson	Wheat
Luken	Rodino	Whitley
Lundine	Roe	Whittaker
MacKay	Roemer	Whitten
Markey	Rogers	Wilson
Marlenee	Rose	Winn
Marriott	Roth	Wirth
Martin (NY)	Roukema	Wise
Martinez	Rowland	Wolpe
Mavroules	Roybal	Wortley
Mazzoli	Russo	Wright
McCandless	Sabo	Wyden
McCloskey	Savage	Wylie
McCollum	Schaefer	Young (AK)
McCurdy	Scheuer	Young (FL)
McGrath	Schroeder	Young (MO)
McHugh	Schumer	Zschau

NOT VOTING—24

Bevill	Foglietta	Sensenbrenner
Breaux	Ford (MI)	Shannon
Craig	Hansen (ID)	Simon
de la Garza	Harrison	Stark
Dymally	Martin (NC)	Towns
Early	Paul	Udall
Erlenborn	Ridge	Williams (OH)
Fiedler	Rudd	Yatron

□ 1230

Mr. WAXMAN, Ms. FERRARO, and Messrs. LAGOMARSINO, THOMAS of Georgia, ANDREWS of Texas, and LENT changed their votes from "yea" to "nay."

So the committee amendment was rejected.

The result of the vote was announced as above recorded.

□ 1240

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, nays 202, not voting 23, as follows:

[Roll No. 299]

AYES—208

Addabbo	Gingrich	Murphy
Akaka	Gonzalez	Murtha
Alexander	Goodling	Nowak
Andrews (NC)	Gore	O'Brien
Andrews (TX)	Gradison	Oxley
Annunzio	Green	Packard
Anthony	Gregg	Parris
Aspin	Guarini	Pease
Badham	Hall (OH)	Pepper
Barnard	Hamilton	Perkins
Barnes	Hammerschmidt	Pickle
Bartlett	Hance	Porter
Bateman	Hatcher	Price
Beilenson	Heftel	Pritchard
Bennett	Hightower	Pursell
Berman	Hillis	Quillen
Biaggi	Holt	Rahall
Bilirakis	Horton	Rangel
Billey	Hoyer	Ratchford
Boehlert	Hunter	Reid
Boggs	Hutto	Robinson
Boland	Hyde	Rodino
Boner	Jeffords	Rogers
Bonior	Jenkins	Rose
Bonker	Johnson	Rostenkowski
Brooks	Jones (NC)	Roukema
Broomfield	Kazen	Roybal
Brown (CA)	Kemp	Sawyer
Broyhill	Kennelly	Scheuer
Campbell	Kildee	Schneider
Chandler	Kindness	Schulze
Chappell	Kleczka	Sharp
Cheney	Kogovsek	Sisisky
Clarke	Kolter	Skeen
Clinger	Kostmayer	Skelton
Coleman (MO)	LaFalce	Smith (FL)
Coleman (TX)	Lagomarsino	Smith (IA)
Conable	Latta	Smith (NJ)
Conte	Leath	Snowe
Conyers	Lehman (FL)	Solarz
Corcoran	Lent	St Germain
Coughlin	Lewis (CA)	Stangeland
Courter	Lipinski	Stenholm
Coyne	Livingston	Stratton
Davis	Loeffler	Studds
Dicks	Long (LA)	Sundquist
Dingell	Lott	Swift
Donnelly	Lowery (CA)	Synar
Dowdy	Mack	Tauke
Duncan	Madigan	Taylor
Dwyer	Marriott	Thomas (GA)
Edgar	Martin (NY)	Traxler
Edwards (AL)	Matsui	Vander Jagt
Edwards (CA)	Mavroules	Vento
Evans (IL)	McCain	Volkmer
Fascell	McCollum	Walgren
Fish	McDade	Wheat
Flippo	McHugh	Whitehurst
Foley	McKernan	Whitley
Ford (MI)	McKinney	Whitten
Ford (TN)	McNulty	Williams (MT)
Fowler	Mica	Wilson
Frank	Michel	Wolf
Frenzel	Mikulski	Wright
Fuqua	Minish	Wylie
Garcia	Mitchell	Yates
Gaydos	Moakley	Young (MO)
Gekas	Mollohan	Zschau
Gephardt	Montgomery	
Gibbons	Morrison (WA)	

NOES—202

Ackerman	Hall, Sam	Ottinger
Albosta	Hansen (UT)	Owens
Anderson	Harkin	Panetta
Applegate	Hartnett	Pashayan
Archer	Hawkins	Patman
AuCoin	Hayes	Patterson
Bates	Hefner	Penny
Bedell	Hertel	Petri
Bereuter	Hiler	Ray
Bethune	Hopkins	Regula
Borski	Howard	Richardson
Bosco	Hubbard	Rinaldo
Boucher	Huckaby	Ritter
Boxer	Hughes	Roberts
Britt	Ireland	Roe
Brown (CO)	Jacobs	Roemer
Bryant	Jones (OK)	Roth
Burton (CA)	Jones (TN)	Rowland
Burton (IN)	Kaptur	Russo
Byron	Kasich	Sabo
Carney	Kastenmeier	Savage
Carper	Kramer	Schaefer
Carr	Lantos	Schroeder
Chappie	Leach	Schumer
Clay	Lehman (CA)	Seiberling
Coats	Leland	Shaw
Coelho	Levin	Shelby
Collins	Levine	Shumway
Cooper	Levitas	Shuster
Crane, Daniel	Lewis (FL)	Sikorski
Crane, Philip	Lloyd	Siljander
Crockett	Long (MD)	Slattery
D'Amours	Lowry (WA)	Smith (NE)
Daniel	Lujan	Smith, Denny
Dannemeyer	Luken	Smith, Robert
Darden	Lundine	Snyder
Daschle	Lungren	Solomon
Daub	MacKay	Spence
Dellums	Markey	Spratt
Derrick	Marlenee	Staggers
DeWine	Martin (IL)	Stokes
Dickinson	Martinez	Stump
Dixon	Mazzoli	Tallon
Downey	McCandless	Tauzin
Dreier	McCloskey	Thomas (CA)
Durbin	McCurdy	Torres
Dyson	McEwen	Torricelli
Eckart	McGrath	Towns
Edwards (OK)	Miller (CA)	Valentine
Emerson	Miller (OH)	Vandergriff
English	Mineta	Vucanovich
Erdreich	Molinari	Walker
Evans (IA)	Moody	Watkins
Fazio	Moore	Waxman
Feighan	Moorhead	Weaver
Ferraro	Morrison (CT)	Weber
Fields	Mrazek	Weiss
Florio	Myers	Whittaker
Franklin	Natcher	Winn
Frost	Neal	Wirth
Gejdenson	Nelson	Wise
Gilman	Nichols	Wolpe
Glickman	Nielson	Wortley
Gramm	Oakar	Wyden
Gray	Oberstar	Young (AK)
Gunderson	Obey	Young (FL)
Hall (IN)	Olin	
Hall, Ralph	Ortiz	

NOT VOTING—23

Bevill	Fiedler	Sensenbrenner
Breaux	Foglietta	Shannon
Craig	Hansen (ID)	Simon
de la Garza	Harrison	Stark
Dorgan	Martin (NC)	Udall
Dymally	Paul	Williams (OH)
Early	Ridge	Yatron
Erlenborn	Rudd	

□ 1250

The Clerk announced the following pair:

On this vote:

Mr. Williams of Ohio for, with Mr. Rudd against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORTS ON H.R. 3194 AND H.R. 5833

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be permitted to file reports on H.R. 3194, the Abandoned Shipwreck Act, and H.R. 5833, a bill to amend title XI of the Merchant Marine Act of 1936, during the period from the close of business today through July 22, 1984.

This request has been cleared by the minority.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERSONAL EXPLANATION

Mr. HARRISON. Mr. Speaker, I regret that I was not in the Chamber for the final vote on the debt ceiling bill. Had I been here, I would have voted aye, both on the committee amendment and on final passage.

□ 1300

INCREASING CONTRIBUTION FOR THE QUADRENNIAL POLITICAL PARTY PRESIDENTIAL NATIONAL NOMINATING CONVENTIONS

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to House Resolution 544, I call up the bill (H.R. 5950) to increase the Federal contribution for the Quardrennial Political Party Presidential National Nominating Conventions, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

H.R. 5950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED PAYMENTS FOR PRESIDENTIAL NOMINATION CONVENTIONS.

(a) IN GENERAL.—Paragraph (1) of section 9008(b) of the Internal Revenue Code of 1954 (relating to major parties) is amended by striking out "$3,000,000" and inserting in lieu thereof "$4,000,000".

(b) TECHNICAL AMENDMENTS.—Paragraph (5) of section 9008(b) of such Code (relating to adjustment of entitlements) is amended—

(1) by striking out "section 320(b) and section 320(d)" and inserting in lieu thereof "section 315(b) and section 315(d)"; and

(2) by striking out "section 320(c)" and inserting in lieu thereof "section 315(c)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1984.

The SPEAKER. The gentleman from Illinois [Mr. ROSTENKOWKSI] is recognized for 1 hour.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 30 minutes, for purposes of debate only, to the gentleman from

Minnesota [Mr. FRENZEL], and pending that, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, H.R. 5950 would amend chapter 95 of the Internal Revenue Code to increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions. This increase is necessary because of the elimination of the Law Enforcement Assistance Administration grants to defray the costs of security for the convention and the additional burdens imposed by increased convention attendance and broader media coverage. The base amount under the amendment made by this bill would be increased from $3 to $4 million, which after application of the inflation adjustment factor provided elsewhere in the statute, will yield approximately $8 million, up from $6 million, for each major party for this year's convention. The bill also makes a technical correction to a section reference in the same code provision. Both the Democratic and Republican National Committees have requested, and are supportive of, the amendment made by this bill. I include in the RECORD at this point the correspondence from the Democratic and Republican National Committees, as follows:

DEMOCRATIC NATIONAL COMMITTEE,
Washington, DC, March 19, 1984.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR DAN: I am writing to ask for your help in obtaining an increase in the federally-provided subsidy for the quadrennial political party presidential national nominating conventions. I am advised that the Republican National Committee is or will be making a similar request.

I am enclosing a letter from Rosalind Wyman, Chair and Chief Executive Officer of our convention committee, which explains in more detail some of the reasons for this request. As is clear from that letter, an increase in the subsidy is necessary in light of the elimination of the LEAA grants which had been provided in the past for police and security services and in light of the additional burdens encountered in connection with the national conventions. These increased costs and burdens were not anticipated when the subsidy was originally enacted.

As Ms. Wyman's letter also points out, we believe that the easiest way to provide for an increase in the subsidy is to amend Section 9008(b)(1) of Title 26 of the United States Code (a provision of the Presidential Election Campaign Fund Act) to increase the base amount set forth there from $3,000,000 to $4,000,000. After application of the inflation adjustment provided for elsewhere in the statute, this will increase the subsidy available to each major party from approximately $6,060,000 to approximately $8,080,000.

Please be advised that I have made this request today by letters addressed to the Speaker of the House and the Democratic Leader of the Senate, and to the ranking Democratic members of the House Committees on Ways and Means and on House Administration and of the Senate Committees on Finance and on Rules and Administration.

Very truly yours,
CHARLES T. MANATT,
Chairman.

1984 DEMOCRATIC NATIONAL CONVENTION COMMITTEE, INC.
San Francisco, CA, March 13, 1984.

CHARLES T. MANATT,
Chairman Democratic National Committee, Washington, DC.

DEAR CHAIRMAN MANATT: I am writing to explain the need for an increase in the federally-provided subsidy for the political party presidential nominating conventions.

As you know, pursuant to Section 9008 of Title 26 of the United States Code, political parties are provided a federal subsidy with which to conduct their national conventions. Under Sections 9008(b)(1) and 9008(b)(5), this subsidy is fixed for major political parties at a base amount of $3,000,000 and then increased according to increases in the price index. For 1984, the Democratic Party and the Republican Party will both receive a subsidy of $6,060,000 each for use in connection with our respective national conventions.

I believe that this subsidy should be increased. The costs of a national nominating convention have grown at a faster rate than that provided for in the indexing under Section 9008(d)(5). In part, this is because the price index of various components of the convention (such as transportation) have increased more quickly than the overall inflation rate in the economy. In addition, however, the tasks imposed on a national nominating convention (because, for example, of increased attendance) are quantitatively greater than ever before.

For example, in 1976 and 1980, the Host Cities for the Democratic and Republican National Conventions all received grants from the Law Enforcement Assistance Administration to defray the costs of the additional police and security services (including traffic management) which these national conventions required. In 1980, New York City received a $3,000,000 grant from LEAA to help provide security in connection with the Democratic convention, and I understand, Detroit received a somewhat larger grant in connection with the Republican convention. Since LEAA grants are no longer available, funding for police and security services has had to come from other sources. While the City and County of San Francisco has met these needs, the absence of the LEAA grants has necessarily meant that funds have been diverted to these purposes which could otherwise have been available to meet other pressing convention requirements.

Similarly, more people than ever before are attending the conventions. For example, in 1980 approximately 10,000-12,000 representatives of new organizations went to New York City for the Democratic convention. This year, I anticipate that the number could exceed 15,000. Moreover, because of the revolution in electronic communications, more and more of these people are from the broadcast and cable media. Local radio and television stations from all over the country now send their own personnel and equipment to the convention rather than simply rely on the network coverage. Broadcast media; of course, have special needs (such as sound, lighting and increased space needs) which the convention committee will now have to meet. The convention's costs have increased accordingly.

These are just a few examples of the many ways the amount of work to be done by the convention committee has increased. While the inflation escalator provided for in Section 9008(d)(5) may provide some relief for overall price increases, it provides no relief at all for the additional burdens imposed by the elimination of the LEAA grants, by increased attendance, etc.

In addition, it is all the more important to assure that these national conventions are adequately funded because of the unique role they play in our American heritage. They are dramatic evidence—seen by millions both here and abroad—of the strength and vitality of our political system. As such they perform a valuable and necessary public service by stimulating voter interest and participation at home and showcasing the virtues of democracy overseas, as we nominate the next President of the United States.

Therefore, I believe the base figure set forth in Section 9008(b)(1) should be increased from $3,000,000 to $4,000,000. This would increase the subsidy for the 1984 national convention of each major political party from $6,060,000 to approximately $8,080,000. While this will not completely adjust for the increased burdens imposed on the nominating conventions, it will considerably alleviate the problem we face.

Sincerely yours,
ROSALIND WYMAN,
Chairman, and Chief Executive Officer.

REPUBLICAN NATIONAL COMMITTEE,
March 19, 1984.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader, U.S. Senate, Washington, DC.

Re funding of national nominating conventions.

DEAR SENATOR BAKER: Planning for the 1984 national nominating convention of the Republican Party has brought to our attention, and the attention of the Members of the Arrangements Committee for the Convention, a serious deficiency in the expenditure and public financing limitation for the Convention. A number of factors lead to the inescapable conclusion that the present statutory funding level is inadequate to finance the nominating conventions.

Recent tragic world events highlight the need for adequate security at the Convention. The traditional role of Cabinet and other high ranking government officials in our political process requires their attendance and participation at the Convention. This attendance compels an apportioning of whatever resources are necessary to ensure their safety. There is no question that providing adequate security for this Convention will be significantly more expensive than any past National Convention. These additional expenses will be in excess of the normal police security provided by the City of Dallas and the Secret Service. Crowd flow and control efforts inside the Hall will require special security check stations manned by trained and qualified professionals. The

preliminary cost estimate from our Convention management team for this activity alone is between 750,000 and 1.2 million dollars.

At past publicly funded conventions, the host municipality has been able to seek and receive grants from the Law Enforcement Assistance Administration to defray the additional financial burden of providing security services for a national convention. As you are aware, such grants are no longer available. This is another reason why additional financial resources should be provided.

In addition to the expanded requirements of security, the cost of providing facilities for the news media has risen dramatically. This dramatic rise in media-related expenditures was not anticipated when the initial funding level for nominating conventions was set. The electronic revolution has created the ability for local television and radio stations from across our nation to cover the Convention's activities with their own personnel and equipment rather than through combined network facilities. The number of individuals from the electronic media covering the Convention has grown geometrically. New satellite and cable technologies have resulted in an expansion in the number of electronic reporters and technicians at the Convention. Proper accommodations for the expanded personnel and equipment now require additional planning, facilities, construction and, of course, increased expenditures.

In addition to the changing circumstances of the Convention, our experience with the present funding formula illustrates a significant practical discriminatory effect of the present law. At the current funding level, municipalities which do not own the principal Convention Hall or facility are effectively excluded from the ability to host a Republican National Convention. A municipality may provide its Convention Hall to the party at no charge as an inducement for the Convention to take place in that city. At the current funding level, it is not possible for a party committee to rent such a facility. Realistically, a party must receive the use of the Hall at little or no rental cost. Under the present regulatory framework, the party or the host city cannot receive the use of a Convention Hall free or at a reduced rate from private owners. Any owner of such a convention facility must receive the standard and usual rental fee. If the party were forced to rent such a facility, as present law requires when a Convention Hall is privately owned, sufficient additional public funds are not available for the other expenses of the Convention. If it is the desire of Congress that cities which have privately operated convention facilities should have the ability to participate in seeking a national nominating convention, a higher level of funding is required.

For the reasons we have outlined, we are requesting that Congress amend § 9008 of Title 26 of the United States Code to change the entitlement base from three million to four million dollars. We believe this amendment will considerably alleviate the difficult Convention problems that both the Democratic National Committee and the Republican National Committee are facing this year.

Very truly yours,

FRANK FAHRENKOPF, Jr.,
Chairman, Republican National Committee.

ERNEST ANGELO, Jr.,
Chairman, Committee on Arrangements, 1984 Republican National Convention.

The Committee on Ways and Means recognizes the jurisdictional interest of the Committee on House Administration in this bill. Because of the urgent need to proceed with H.R. 5950, the Committee on House Administration has agreed to be discharged of further consideration, with the understanding that it shares jurisdiction over the subject matter of the bill, and that the manner of consideration of this bill is not intended, nor should be construed as a precedent for changing the jurisdiction of the Committee on House Administration.

With this understanding, Mr. Speaker, I urge approval of H.R. 5950 and I reserve the balance of my time.

Mr. FRENZEL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, when we reformed the election laws of the United States in 1974, we provided for party conventions to be funded out of the Presidential checkoff, with a base of $2 million indexed to the cost of living. In the 1980 amendments, we increased that base to $3 million.

The two cities of Detroit and New York in 1980 received about $6.5 million in LEAA funds to supplement their respective police forces to provide additional security for the conventions. In 1984, these funds, of course, are no longer available.

Each of the two national committees have requested that the base entitlement be raised to provide this year, as escalated, an increase from about $6 million to $8 million each.

This bill has been called bad precedent, bad use of taxpayers' dollars, and favoritism for political parties in a year when we have difficulty for finding moneys for good projects.

Those allegations are all partially true. In the first place, the precedent has already been set. In the second place, the use of these dollars is dedicated to the election system, and if they are not spent in this way, they are not available for anything else except for candidates. Candidate use is questionable; in my judgment I would prefer to see them spent for the conventions.

With respect whether is favoritism for the parties, I think all Members should understand that the political parties are an integral part of our election system. They should also understand that the party conventions are the keystone of the nominating process. We do need safe, secure conventions. The people of the United States and the world will be watching and depending on these conventions.

It is essential, in my judgment, that the parties and the host cities be able to provide the kind of security that is necessary to show the Nation and the world our form of democracy, how it operates in a free and open system.

Remember too, the parties have taken their lumps since 1974. Party work is still not attractive. It is hard for parties to recruit people to work in party jobs. For our democracy to work best, healthy political parties are an essential ingredient.

It is about time, I think, that the Congress stood up for the political parties, which were not contemplated by the framers of our Constitution, but have been an absolute essential to the workings of our election system ever since our country was founded.

Mr. Speaker, I realize that this may not be the most popular bill to confront the Congress this year, and I know some of us will take some criticism for having supported it. Nevertheless, I think our parties are worthy of this tiny contribution, out of a fund that cannot be reached for any other good purpose.

I believe that a vote in favor of our parties, and in favor of those secure conventions is warranted today.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman.

Mr. KAZEN. I thank the gentleman for yielding.

I just wanted to know; this money is not coming out of the Treasury?

Mr. FRENZEL. It is not. It is coming out of the check-off fund that cannot be used for other purposes.

Mr. KAZEN. All right. Now, let me ask the gentleman one follow-up question: How much money is in that trust fund?

Mr. FRENZEL. I have not looked lately, but there is lots. Under $100 million, but more than $80 million, after the Presidential candidates use their amounts for the campaign.

Mr. KAZEN. So this is just what is in that trust fund that the people have voluntarily put into it?

Mr. FRENZEL. That is correct. This would be the earnings of the trust fund for about a year.

Mr. KAZEN. I thank the gentleman.

Mr. FRENZEL. Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Speaker, I rise in favor of this bill because, as the Chairwoman of the 1976 Democratic Convention in New York, I have some experience with the needs for the security aspects of moneys that would be provided in this bill.

In 1976, in the city of New York, in planning for the convention, we had the use of the LEAA moneys for the security measures. We employed the good offices of Chief Cassidy of

Dallas, and Chief Pomerantz of Miami, where two previous conventions had been held. We were very pleased with their input into all of the arrangements for the convention but especially in those arrangements that provided for the security of the delegates, of the people of New York, and for the orderly process that we were to achieve in order to nominate a Presidential and a Vice Presidential candidate, to adopt our rules, to accept our credentials, and to go forth with a platform to the people of the country for the Presidential election that fall.

It is very, very necessary to have these funds in place because the host cities have lost the LEAA funds. I would hope that the people in this body will not object to making certain that we achieve this orderly process in the very important business of selecting the Vice President and the Presidential nominees for the major parties to bring to the people of the United States.

I urge the adoption of this bill.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the distinguished squire of Charleston, the gentleman from South Carolina [Mr. HARTNETT].

□ 1310

Mr. HARTNETT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to this bill. I would just remind my colleagues that the major cities of this country bid and compete to get these conventions. It is not something that we stick them with. They competitively act against each other so as to get this convention business.

This money is not going to be used solely for security. If that were the case, we could even amend the bill to allow for security purpose only. But it is a closed rule so we cannot amend it to let this money be used only for security.

It is just another subsidy. I would say to my colleague, the gentleman from Minnesota, if this money were a voluntary tax that the American people paid them that might be one thing; but it is not a voluntary tax. It is a voluntary use of the tax that they are required to pay. It may be a checkoff fund, but it is not a voluntary dollar that they are giving. It is a tax dollar that they have to pay.

I think it is very unfair for this Congress to subsidize the major political parties' conventions with an additional $2 million and to subsidize the cities who have competitively bid to get conventions. I would like to have the liquor tax revenue from San Francisco and Dallas alone that is going to be generated from these 2 major conventions.

I urge that we vote against this bill.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, it is with deep regret I must oppose the chairman of the Committee on Ways and Means, and the gentleman from Minnesota.

Mr. Speaker, I think we should remember the past when it was a dog fight to get the conventions. City after city wanted these conventions and then had miles of press releases talking about how much money it was going to bring in, what an honor it was, how terrific it was.

Now all of a sudden they each need $2 million extra. Both are beautiful cities, but I have an offer for this House. Since I come from the city that had the highest unemployment in the country 2 years ago, for $1 million each, Rockford, IL, will be glad to take the conventions and save the taxpayers some money. In fact, we will even bid under that.

It is ludicrous to fund these cities. Would that it were only the Democrats that had asked so I could partisanly claim that greed rests there, but it is both parties. They both should be ashamed of themselves and we should all vote "no."

Mr. FRENZEL. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. I thank the gentleman for yielding this time to me.

Mr. Speaker, there are some rumors floating around on the floor today that have been voiced already that seem to imply that the Republican Party chairman has signed off on this arrangement and actually would like the Federal Government to subsidize our convention.

I have not talked with the chairman personally, but I find this very hard to believe, and I rise to try and set the record straight.

Surely, these rumors cannot be true. The Republican Party, and the chairman in particular, favors a balanced budget. Surely, he would not be the one to come to Congress to ask us to increase the deficit just to line the pockets of our party. The Republican Party very clearly favors stopping the explosive increase in Federal spending. Surely, the Members here do not mean to imply that our chairman would come to Congress and say that it is all right to increase Federal spending as long as it goes into his till.

There are some who continue to claim the Republican Party chairman favors this. I cannot imagine that. The Republican Party chairman and the party itself favors free enterprise. Surely, no one is going to imply that our chairman would come to this body and ask us to bail out conventioners who bid for these conventions in a spirit of free enterprise. No; you cannot come to this Chamber and say the Republican Party chairman is willing to abandon all of his party principles just because it puts money in his party's pocket. I cannot believe that.

What an irony it would be if the chairman of the Democratic Party and the chairman of the Republican Party find they can tap the public till any time they want to as long as they are willing to agree in a bipartisan division of the spoils. That is a dangerous precedent to start.

I do not know about the party chairman. Surely, these rumors do not have any basis, but I do know about the American people. The American people do not want us to fund these. Both parties ought to be ashamed to be taking taxpayers hard-earned dollars.

Mr. FRENZEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am aware that the amount requested is a small amount compared to what is in the Presidential Election Campaign Fund. The fund is financed by the checkoff that people have marked off on their income tax that says they will allow that $1, or $2 if it is a man and wife, to go into the Presidential Election Campaign Fund. But nevertheless, those dollars could be used for other Government expenditures if they were not being spent by the Presidential campaigns, and our deficits would then not be as high.

We just passed a debt increase bill, so it is an appropriate time for us to be looking at where the tax dollars are going. There is approximately $170 million in the fund right now.

I feel that this bill before us now should not be approved. Let me just point out a few campaign facts and figures. I do not know whether my colleagues are aware, but as of today there are 206 people who are running for President of the United States. I am not sure whether some had in mind that perhaps they could receive matching funds.

The amount distributed by the FEC as of May 31 is $28.7 million to 10 of those candidates who have qualified for matching funds. Not all of them are still in the race, we know, but not all of the disbursements have been made, either. The total matching fund disbursements will probably go to $40 million before it's all over.

The amount that can be spent after the primary by the nominees of the two major parties is $40.4 million each. That is not matching funds; that is a grant to each of the nominees' campaigns.

But that is not the only cost the taxpayers are incurring. We also have Secret Service protection for the candidates. To fulfill this responsibility many of the Secret Service people

have had to travel out of the country, as we are well aware. In addition, when a candidate leases a plane and takes his whole group with him, the Secret Service agents must go along for his protection.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. MILLER] has expired.

Mr. FRENZEL. Mr. Speaker, I yield 2 additional minutes to the gentleman from Ohio.

Mr. MILLER of Ohio. Then the campaign can bill the Secret Service for a first-class airfare equivalent amount. In other words, the campaign will charge the taxpayers through Secret Service for that seat that the Secret Service people use on the plane to protect the candidate. In the 1980 Presidential campaigns, those travel costs amounted to more than $1 million.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Will the gentleman's amendment cut this 4 percent or 2 percent?

Mr. MILLER of Ohio. In this case, I would like to cut it 100 percent as far as the bill is concerned.

I think it is important that we protect the taxpayers and, therefore, I would request a "no" vote on the bill.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I placed in the RECORD earlier today by unanimous consent letters from both the Democratic and Republican National Committee chairmen. For purposes of clarification for the gentleman from Colorado, I would note that in the last paragraph of one of these letters, Mr. Frank Fahrenkopf, who is the chairman of the Republican National Committee, formally requests Congress to amend section 9068 of title XXVI of the United States Code to increase the entitlement base from $3 million to $4 million.

As I stated before, this bill responds to formal requests from both the Democratic and Republican National Committee chairmen.

□ 1320

Mr. FRENZEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Speaker, I would just like to thank the gentleman from Illinois [Mr. ROSTENKOWSKI] for pointing that out and for bringing that information before the body. I certainly do not doubt the accuracy of what he has presented for the body's consideration. I would just express my shock, my profound shock and disappointment, because I think it is very clear that the chairman does not represent his party in that kind of statement.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from San Francisco, the gentlewoman from California [Mrs. BURTON].

Mrs. BURTON of California. Mr. Speaker, I am very sad that I have to get up here and plead and beg for this $2 million.

Let me say that yesterday marked the anniversary of the first year that I came to this House under very bittersweet circumstances. The biggest gift would be if you would decide today to vote for the $2 million that we desperately need in both parties.

I think that some of the Members here are mixing up apples and oranges. This is the checkoff money. This is money that we have put in the Federal elections bill where we voluntarily take off a dollar or two. There is ample money in the kitty, as one might say. It has nothing to do with the debt ceiling, it has nothing to do with the debate we just had on the debt ceiling, and it has nothing to do with money in the Treasury.

I plead with the Members, let us do it. We have more Members of Congress in the House and Senate and in the leadership on both sides of the aisle going to the two-party conventions, and we absolutely need that money.

Our city is a good labor city. We do pay time and a half when people work over 40 hours and on Saturdays and Sundays. We have asked police from outlying areas and fire departments and so forth, to help us during the convention.

You also in Dallas are doing the same, I am sure. Both party chairs are for it, I understand, I think both party leaderships are for it here in the House, and I plead with the Members to vote for this money.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I hope that if the plea of the gentlewoman from California is successful and the resolution is adopted, some of that money will be spent in Oakland, because some of us are way out in Oakland during the national convention.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Mississippi [Mr. LOTT], the minority whip.

Mr. LOTT. Mr. Speaker, I will be very brief. I urge my colleagues to vote for this bill.

I hear some comments from the back of the room about this vote, but let me say that there are three very basic points on this legislation as I see it. It is from the Presidential Trust Fund checkoff, and one can argue that that is Treasury money, but it is specified as trust fund money.

Second, we can chop down our individual parties if we want to. We can say, "Let them pay for it themselves." We can say, "Let the cities pay for it. They are going to make money off the conventions anyway." I am not sure that this is the case. But they do have extra expenses. They are having to take extra precautionary measures for security. They are having to put on some extra police.

Whether we like it or not, these are national political conventions. We are all going there. We are going to have Americans demonstrating. Whether we agree with them or not, they are entitled to that. Do we want some national embarrassment, some disastrous event at our conventions, or do we want basic security?

I think the answer to that is clearly that we should take the actions that we can to make sure, at least, that they are protected and there is some security for the Members and for the participants and for the Presidential candidates.

These are the national parties. They do need this additional request, and it is for both of them. They will wind up going to the cities of Dallas and San Francisco. They are having to take these extra steps, and I just think it is very easy for us to say, "Let's don't do it. A pox on both parties."

But this action must be taken to guarantee that these conventions are conducted in the way the American people would want them to be conducted.

Mrs. MARTIN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Speaker, I guess I got confused. Does the gentleman mean both these cities were forced to take these conventions?

Mr. LOTT. Oh, they bid for them, and they pleaded for them, but I think maybe they bit off more than they thought they were going to have to chew, and I think the circumstances are continuing to change.

We have had terrorist threats, we have had threats of fire bombings, and we have had threats of more demonstrations.

Mrs. MARTIN of Illinois. But this money does not all go to security, does it?

Mr. LOTT. I beg your pardon?

Mrs. MARTIN of Illinois. Does this money all go to security?

Mr. LOTT. I doubt that it all goes for security, and it probably will not. I cannot tell the gentlewoman for sure what it will all go for, but I do know this: that we do have these national conventions and that they have to be conducted properly.

Mr. Speaker, I urge the Members to vote for this bill.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Mississippi [Mr. LOTT] has expired.

Mr. FRENZEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. McEWEN].

Mr. McEWEN. Mr. Speaker, I thank the gentleman from Minnesota.

Mr. Speaker, I wonder if the gentleman from Mississippi would be so kind as to share with those of us from those cities such as Columbus, OH, or Cincinnati, OH, or other cities that bid for these conventions and sent to them their package in which they promised adequate security and in which they promised the contributions in hundreds of thousands of dollars to the political parties; and now, as I understand it, San Francisco has made a significant contribution to one political party and yet has now not been able to meet the pledges that city made in the area of security.

So now, having made their contribution to the political party and not kept up their end of the bargain, on the other hand, the Federal taxpayer from Columbus and Cincinnati is now being asked to meet the bargain that San Francisco did not meet.

So I would be very anxious to hear if that is the case.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. McEWEN. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, the answer is, in the case of Dallas and, I believe, in the case of San Francisco, that the facts have changed somewhat. You can just see it here in the Nation's Capital with the additional security that has been provided, and it has been provided because of the events of the last 3 years.

Mr. McEWEN. Mr. Speaker, if I may reclaim my time, the gentleman is not responding to the question.

The fact of the matter is that the city of Columbus, the city of Cincinnati, and the city of San Francisco sent together a protection package which they submitted to the political parties. The city of San Francisco identified that as sufficient and met it, and now they are reneging and asking the taxpayers to cover it.

The SPEAKER. The time of the gentleman from Ohio [Mr. McEWEN] has expired.

Mr. FRENZEL. Mr. Speaker, I yield 5 minutes to the genetleman from Texas [Mr. BARTLETT], who hails from the host city for the Republican Convention in 1984.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for yielding me this time.

I am first going to answer the question of the gentleman from Ohio [Mr. McEWEN] because I think it is important. The fact is that the cities have spent considerable funds of their own. In the case of Dallas and in the case of San Francisco they have raised and spent the money they contracted to spend.

The fact of the matter is that security needs have been increased dramatically in the last several years, and now, at least in the case of Dallas, it is estimated that we have an additional $1 million in additional security costs that were not budgeted, that were not anticipated and could not have been anticipated, given the time that the convention bid was made. So funds have been raised.

There is room for disagreement obviously.

There is room for disagreement. I have a great deal of respect for the Members who have spoken.

There are some facts that this body needs to consider. Fact No. 1: Primarily the funds are for security or for security-related expenses, and those expenses are unique to national political conventions which are a part of the political process.

There is no precedent setting or precedent breaking, because those security funds had in the past been provided directly by the Federal Government through LEAA funds, which are no longer available. This is particularly true when there is an incumbent President coming to one of the national conventions. To scrimp on security would be, I think, shortsighted and potentially far more costly.

No. 2, as I said a minute ago, many of these costs have been new costs and unanticipated costs, nonbudgeted costs that have been imposed by the events of the past several years. None of us could have foreseen those events. Here in the House of Representatives we took steps to add additional security needs as a direct result of changing times.

No. 3, the funds are not from the general revenue. This has nothing to do with a balanced budget, and it has nothing to do even with Federal funding. The funds have already been raised, and the funds have already been allocated for the political process for the Presidential campaigns. Both political parties have simply requested that some portion of those funds be reallocated to the additional needs of the conventions.

The issue is not taxpayer financing of Presidential campaigns. That issue was resolved several years ago with the $1 dues checkoff. Today we only vote on a very modest reallocation or allocation of funds that have already been concluded to be raised.

So I urge a yes vote for legitimate security needs that had been unanticipated and not budgeted at the time the contracts were signed, because these conventions are part of the national political process. They are not a function of San Francisco and not a function of Dallas; they are part of the national political process because the funds are not from general revenue.

Mr. Speaker, this really is a commonsense issue, and we should allocate the costs fairly.

□ 1330

Mr. MAVROULES. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I would be happy to yield.

Mr. MAVROULES. Mr. Speaker, I just want to stand and commend the gentleman for the statement the gentleman has made and also the statement from the minority whip, the gentleman from Mississippi [Mr. LOTT].

We should put no bounds on the fact that we are trying to improve the security of both conventions. It should not be an afterthought. I think the responsible vote here today is to vote for these funds.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman. The gentleman is correct.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I can understand the gentleman's concern. Maybe we ought to rename this the Burton-Bartlett bailout bill for the two cities they represent and we can get on with the vote. I do not know what unanticipated questions of expenditures are. We all know that security is necessary.

Mr. BARTLETT. Well, reclaiming my time, let me describe a few of the unanticipated expenditures. The events of the past 3 years in terms of international terrorism and of threats on the lives of people in the national political process has escalated.

Now, that is why when I came to Congress 18 months ago the metal detectors and that security were not here in the U.S. Capitol and it is today. I think we did the correct thing in that. If you can imagine the security system of this Capitol having to be lifted and duplicated in Dallas and San Francisco, that was not anticipated when the bid was made.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Speaker, I would point out to the gentleman that that security system for the President and the Presidential candidates has been in existence throughout my lifetime, so that is not an unanticipated protection.

The city of San Francisco, the city of Cincinnati, the city of Columbus well anticipated that.

It is my understanding that the city of San Francisco has a surplus, and so

to meet their obligation which they claim they cannot meet, perhaps they could dip into their surplus for that purpose and not take from those cities that pledged to meet their obligation.

The gentleman constantly refers to the city of Dallas. I understand the city of Dallas has met their package that they presented and which was bid upon. It is the city of San Francisco that has not.

Mr. BARTLETT. Reclaiming my time, the city of Dallas has met and will meet its obligations. The fact is, the obligations of security needs have increased substantially and, yes, everybody knew there was a security package. That package has been met.

Mr. FRENZEL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, there is a suggestion that this is for one city or another. The allocation of this money is to both political parties. What they do with it for their security needs is subject to their own discretion. It is not for one specific city, nor two cities. It is for the two political parties to run their conventions.

Second, there have been some representations about the checkoff. It is not a real checkoff, of course. People who check off do not contribute extra money. It is to that extent a phony checkoff. The passive act of checking off diverts money from the General Treasury in a way I find outrageous.

I have never supported the checkoff, nor any use of the taxpayer's money to elect any Federal candidates. However, the fund is there and it is the source of the money which is not otherwise available.

The checkoff is a bad idea, but it's part of the law. We may as well use a part of it to the useful purpose. I hope the bill will be passed.

Mr. Speaker, I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise in support of the bill and I thank the gentleman from Florida for getting it to the floor in a very quick fashion.

I would like to say to the gentleman from Colorado that it is not true to confuse this with the deficit. Let us not bring out that phony argument. There is a checkoff. It is for this purpose. If you think it is necessary to protect the President of the United States, the Vice President of the United States, the Democratic nominee for President, the Democratic nominee for Vice President and all the other political leaders and the media people and the ordinary citizens who will be participating in these conventions then vote for this bill.

I say to the gentlewoman from Illinois who says, "Give me a million dollars and we will take this convention to my district," I say to the gentlewoman that she may not know that the costs for security are $900,000 per day, not counting overtime; so I think what we have before us today is a very modest and legitimate request.

There are three questions that I think are legitimate questions that I would like to try to answer.

First is this precedent setting? No, it is not. As a matter of fact, it would be precedent setting if we turned down this request, because always we have the LEAA funds to help us with security.

Have the cities raised their own funds? Absolutely, both of them have gone out to the private sector, to the public sector and they have raised the funds they were supposed to raise. We know where the funds are coming from, the checkoff.

Mr. Speaker, it would be wonderful if we knew that we did not need these moneys. It would be wonderful if it was a perfect world, but we know the kinds of things that happen at these conventions. We know the kinds of tragedies that we have witnessed and we do not want to be part of making that even a temptation.

So I say to all Members on both sides of the aisle, please, let us come together as patriotic Americans and vote these moneys for both these conventions.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER. Pursuant to House Resolution 544, the previous question is considered as ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mrs. MARTIN of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 169, not voting 38, as follows:

[Roll No. 300]

YEAS—226

Ackerman	Annunzio	Bartlett
Addabbo	Anthony	Bateman
Akaka	Applegate	Bates
Albosta	Aspin	Beilenson
Alexander	AuCoin	Bennett
Andrews (NC)	Barnard	Biaggi
Andrews (TX)	Barnes	Boggs
Bonker	Hawkins	Owens
Borski	Hayes	Panetta
Bosco	Hefner	Patterson
Boxer	Hertel	Pease
Britt	Howard	Penny
Brooks	Hoyer	Pepper
Brown (CA)	Huckaby	Perkins
Broyhill	Hughes	Pickle
Bryant	Hutto	Price
Burton (CA)	Jenkins	Pritchard
Carr	Jones (OK)	Quillen
Chappell	Kastenmeier	Rangel
Clarke	Kazen	Ratchford
Clay	Kennelly	Reid
Coelho	Kildee	Richardson
Coleman (TX)	Kleczka	Rodino
Collins	Kogovsek	Roe
Conyers	Kolter	Rose
Cooper	Kostmayer	Rostenkowski
Corcoran	LaFalce	Rowland
Coughlin	Lantos	Roybal
Coyne	Leath	Sabo
Crockett	Lehman (CA)	Savage
Darden	Lehman (FL)	Scheuer
Daschle	Leland	Schneider
Dellums	Levin	Schroeder
DeWine	Levine	Schumer
Dicks	Lewis (CA)	Shelby
Dixon	Lipinski	Sikorski
Donnelly	Livingston	Sisisky
Dorgan	Loeffler	Skelton
Dowdy	Long (LA)	Slattery
Durbin	Long (MD)	Smith (FL)
Dwyer	Lott	Solarz
Eckart	Lowery (CA)	Spratt
Edwards (AL)	Lowry (WA)	Stenholm
Edwards (CA)	Lundine	Stokes
English	MacKay	Stratton
Fascell	Madigan	Studds
Fazio	Markey	Swift
Feighan	Martin (NY)	Synar
Ferraro	Martinez	Tauzin
Fish	Matsui	Thomas (CA)
Flippo	Mavroules	Thomas (GA)
Florio	McCloskey	Torres
Foley	McHugh	Towns
Ford (MI)	McNulty	Traxler
Ford (TN)	Mica	Valentine
Fowler	Mikulski	Vander Jagt
Franklin	Miller (CA)	Vento
Frenzel	Mineta	Vucanovich
Frost	Minish	Walgren
Fuqua	Mitchell	Waxman
Garcia	Moakley	Weiss
Gejdenson	Mollohan	Wheat
Gephardt	Montgomery	Whitley
Gibbons	Moody	Whitten
Glickman	Moore	Wilson
Gonzalez	Morrison (CT)	Wirth
Gray	Murphy	Wise
Green	Murtha	Wolpe
Guarini	Natcher	Wright
Hall (IN)	Neal	Wyden
Hall (OH)	Nelson	Yates
Hall, Sam	Nichols	Young (FL)
Hamilton	Nowak	Young (MO)
Hance	Oakar	Zschau
Harrison	Obey	
Hatcher	Ortiz	

NAYS—169

Anderson	Crane, Daniel	Gradison
Archer	Crane, Philip	Gramm
Badham	Daniel	Gunderson
Bedell	Dannemeyer	Hall, Ralph
Bereuter	Daub	Hammerschmidt
Bethune	Davis	Hansen (UT)
Bilirakis	Derrick	Harkin
Bliley	Dickinson	Hartnett
Boehlert	Dreier	Heftel
Boner	Duncan	Hightower
Broomfield	Dyson	Hiler
Brown (CO)	Edgar	Hillis
Campbell	Edwards (OK)	Holt
Carney	Emerson	Hopkins
Carper	Erdreich	Horton
Chandler	Evans (IA)	Hubbard
Chappie	Evans (IL)	Hunter
Cheney	Fields	Hyde
Clinger	Gaydos	Ireland
Coats	Gekas	Jacobs
Coleman (MO)	Gilman	Jeffords
Conable	Gingrich	Johnson
Conte	Goodling	Jones (NC)
Courter	Gore	Jones (TN)

Kaptur	Nielson	Smith (NE)
Kasich	O'Brien	Smith (NJ)
Kemp	Olin	Smith, Denny
Kindness	Ottinger	Smith, Robert
Kramer	Oxley	Snowe
Lagomarsino	Packard	Snyder
Latta	Parris	Solomon
Leach	Pashayan	Spence
Lent	Patman	St Germain
Levitas	Petri	Staggers
Lewis (FL)	Porter	Stangeland
Lloyd	Pursell	Stump
Lujan	Rahall	Sundquist
Lungren	Ray	Tallon
Mack	Regula	Tauke
Marlenee	Rinaldo	Taylor
Marriott	Ritter	Torricelli
Martin (IL)	Roberts	Vandergriff
Mazzoli	Robinson	Volkmer
McCain	Roemer	Walker
McCandless	Rogers	Watkins
McCollum	Roukema	Weaver
McDade	Sawyer	Weber
McEwen	Schaefer	Whitehurst
McGrath	Schulze	Whittaker
McKernan	Seiberling	Williams (MT)
Michel	Sharp	Winn
Miller (OH)	Shaw	Wolf
Molinari	Shumway	Wortley
Moorhead	Shuster	Wylie
Morrison (WA)	Siljander	Young (AK)
Mrazek	Skeen	
Myers	Smith (IA)	

NOT VOTING—38

Berman	Dymally	Paul
Bevill	Early	Ridge
Boland	Erlenborn	Roth
Bonior	Fiedler	Rudd
Boucher	Foglietta	Russo
Breaux	Frank	Sensenbrenner
Burton (IN)	Gregg	Shannon
Byron	Hansen (ID)	Simon
Craig	Luken	Stark
D'Amours	Martin (NC)	Udall
de la Garza	McCurdy	Williams (OH)
Dingell	McKinney	Yatron
Downey	Oberstar	

□ 1350

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 5604, MILITARY CONSTRUCTION AUTHORIZATION ACT, 1985

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5604) to authorize certain construction at military installations for fiscal year 1985, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. PRICE, DELLUMS, MONTGOMERY, KAZEN, WON PAT, DICKINSON, KRAMER, and WHITEHURST.

CONFERENCE REPORT ON H.R. 5174, BANKRUPTCY AMENDMENTS OF 1984

Mr. RODINO submitted the following conference report on the bill (H.R. 5174) to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-882)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5174) to provide for the appointment of United States Bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance which collective-barganing agreements may be rejected in cases under chapter 11, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Bankruptcy Amendments and Federal Judgeship Act of 1984".

TITLE I—BANKRUPTCY JURISDICTION AND PROCEDURE

SEC. 101. (a) Section 1334 of title 28, United States Code, is amended to read as follows:

"§ 1334. Bankruptcy cases and proceedings

"(a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.

"(b) Notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11.

"(c)(1) Nothing in this section prevents a district court in the interest of justice, or in the interest of comity with State courts or respect for State law, from abstaining from hearing a particular proceeding arising under title 11 or arising in or related to a case under title 11.

"(2) Upon timely motion of a party in a proceeding based upon a State law claim or State law cause of action, related to a case under title 11 but not arising under title 11 or arising in a case under title 11, with respect to which an action could not have been commenced in a court of the United States absent jurisdiction under this section, the district court shall abstain from hearing such proceeding if an action is commenced, and can be timely adjudicated, in a State forum of appropriate jurisdiction. Any decision to abstain made under this subsection is not reviewable by appeal or otherwise. This subsection shall not be construed to limit the applicability of the stay provided for by section 362 of title 11, United States Code, as such section applies to an action affecting the property of the estate in bankruptcy.

"(d) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction of all of the property, wherever located, of the debtor as of the commencement of such case, and of the estate.".

(b) The table of sections for chapter 85 of title 28, United States Code, is amended by amending the item relating to section 1334 to read as follows:

"1334. Bankruptcy cases and proceedings.".

SEC. 102. (a) Chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1408. Venue of cases under title 11

"Except as provided in section 1410 of this title, a case under title 11 may be commenced in the district court for the district—

"(1) in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty-day period than the domicile, residence, or principal place of business, in the United States, or principal assets in the United States, of such person were located in any other district; or

"(2) in which there is pending a case under title 11 concerning such person's affiliate, general partner, or partnership.

"§ 1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11

"(a) Except as otherwise provided in subsections (b) and (d), a proceeding arising under title 11 or arising in or related to a case under title 11 may be commenced in the district court in which such case is pending.

"(b) Except as provided in subsection (d) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case to recover a money judgment of or property worth less than $1,000 or a consumer debt of less than $5,000 only in the district court for the district in which the defendant resides.

"(c) Except as provided in subsection (b) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case as statutory successor to the debtor or creditors under section 541 or 544(b) of title 11 in the district court for the district where the State or Federal court sits in which, under applicable nonbankruptcy venue provisions, the debtor or creditors, as the case may be, may have commenced an action on which such proceeding is based if the case under title 11 had not been commenced.

"(d) A trustee may commence a proceeding arising under title 11 or arising in or related to a case under title 11 based on a claim arising after the commencement of such case from the operation of the business of the debtor only in the district court for the district where a State or Federal court sits in which, under applicable nonbankruptcy venue provisions, an action on such claim may have been brought.

"(e) A proceeding arising under title 11 or arising in or related to a case under title 11, based on a claim arising after the commencement of such case from the operation of the business of the debtor, may be commenced against the representative of the estate in such case in the district court for the district where the State or Federal court

sits in which the party commencing such proceeding may, under applicable nonbankruptcy venue provisions, have brought an action on such claim, or in the district court in which such case is pending.

"§ 1410. Venue of cases ancillary to foreign proceedings

"(a) A case under section 304 of title 11 to enjoin the commencement or continuation of an action or proceeding in a State or Federal court, or the enforcement of a judgment, may be commenced only in the district court for the district where the State or Federal court sits in which is pending the action or proceeding against which the injunction is sought.

"(b) A case under section 304 of title 11 to enjoin the enforcement of a lien against a property, or to require the turnover of property of an estate, may be commenced only in the district court for the district in which such property is found.

"(c) A case under section 304 of title 11, other than a case specified in subsection (a) or (b) of this section, may be commenced only in the district court for the district in which is located the principal place of business in the United States, or the principal assets in the United States, of the estate that is the subject of such case.

"§ 1411. Jury trials

"(a) Except as provided in subsection (b) of this section, this chapter and title 11 do not affect any right to trial by jury that an individual has under applicable nonbankruptcy law with regard to a personal injury or wrongful death tort claim.

"(b) The district court may order the issues arising under section 303 of title 11 to be tried without a jury.

"§ 1412. Change of venue

"A district court may transfer a case or proceeding under title 11 to a district court for another district, in the interest of justice or for the convenience of the parties.".

(b) The table of sections of chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"1408. Venue of cases under title 11.
"1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11.
"1410. Venue of cases ancillary to foreign proceedings.
"1411. Jury trials.
"1412. Change of venue.".

SEC. 103. (a) Chapter 89 of title 28, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1452. Removal of claims related to bankruptcy cases

"(a) A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

"(b) The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of action, or a decision to not remand, is not reviewable by appeal or otherwise.".

(b) The table of sections of chapter 89 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"1452. Removal of claims related to bankruptcy cases.".

SEC. 104. (a) Title 28 of the United States Code is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 6—BANKRUPTCY JUDGES

"Sec.
"151. Designation of bankruptcy courts.
"152. Appointment of bankruptcy judges.
"153. Salaries; character of service.
"154. Division of business; chief judge.
"155. Temporary transfer of bankruptcy judges.
"156. Staff; expenses.
"157. Procedures.
"158. Appeals.

"§ 151. Designation of bankruptcy courts

"In each judicial district, the bankruptcy judges in regular active service shall constitute a unit of the district court to be known as the bankruptcy court for that district. Each bankruptcy judge, as a judicial officer of the district court, may exercise the authority conferred under this chapter with respect to any action, suit, or proceeding and may preside alone and hold a regular or special session of the court, except as otherwise provided by law or by rule or order of the district court.

"§ 152. Appointment of bankruptcy judges

"(a)(1) The United States court of appeals for the circuit shall appoint bankruptcy judges for the judicial districts established in paragraph (2) in such numbers as are established in such paragraph. Such appointments shall be made after considering the recommendations of the Judicial Conference submitted pursuant to subsection (b). Each bankruptcy judge shall be appointed for a term of fourteen years, subject to the provisions of subsection (e). Bankruptcy judges shall serve as judicial officers of the United States district court established under Article III of the Constitution.

"(2) The bankruptcy judges appointed pursuant to this section shall be appointed for the several judicial districts as follows:

"Districts

	Judges
Alabama:	
Northern	5
Middle	2
Southern	2
Alaska	1
Arizona	4
Arkansas:	
Eastern and Western	2
California:	
Northern	7
Eastern	4
Central	12
Southern	3
Colorado	4
Connecticut	2
Delaware	1
District of Columbia	1
Florida:	
Northern	1
Middle	2
Southern	3
Georgia:	
Northern	4
Middle	2
Southern	1
Hawaii	1
Idaho	1
Illinois:	
Northern	8
Central	2
Southern	1
Indiana:	
Northern	2
Southern	4
Iowa:	
Northern	1
Southern	1
Kansas	3
Kentucky:	
Eastern	1
Western	2
Louisiana:	
Eastern	2
Middle	1
Western	2
Maine	2
Maryland	2
Massachusetts	4
Michigan:	
Eastern	4
Western	2
Minnesota	4
Mississippi:	
Northern	1
Southern	2
Missouri:	
Eastern	3
Western	3
Montana	1
Nebraska	1
Nevada	2
New Hampshire	1
New Jersey	5
New Mexico	2
New York:	
Northern	2
Southern	7
Eastern	6
Western	3
North Carolina:	
Eastern	2
Middle	2
Western	1
North Dakota	1
Ohio:	
Northern	8
Southern	7
Oklahoma:	
Northern	1
Eastern	1
Western	2
Oregon	4
Pennsylvania:	
Eastern	3
Middle	2
Western	3
Puerto Rico	2
Rhode Island	1
South Carolina	1
South Dakota	1
Tennessee:	
Eastern	2
Middle	2
Western	2
Texas:	
Northern	4
Eastern	1
Southern	3
Western	2
Utah	2
Vermont	1
Virginia:	
Eastern	3
Western	3
Washington:	
Eastern	1
Western	4
West Virginia:	
Northern	1
Southern	1
Wisconsin:	
Eastern	3
Western	2
Wyoming	1.".

"(3) Whenever a majority of the judges of any court of appeals cannot agree upon the appointment of a bankruptcy judge, the

chief judge of such court shall make such appointment.

"(4) The judges of the district courts for the territories shall serve as the bankruptcy judges for such courts. The United States court of appeals for the circuit within which such a territorial district court is located may appoint bankruptcy judges under this chapter for such district if authorized to do so by the Congress of the United States under this section.

"(b)(1) The Judicial Conference of the United States shall, from time to time, and after considering the recommendations submitted by the Director of the Administrative Office of the United States Courts after such Director has consulted with the judicial council of the circuit involved, determine the official duty stations of bankruptcy judges and places of holding court.

"(2) The Judicial Conference shall, from time to time, submit recommendations to the Congress regarding the number of bankruptcy judges needed and the districts in which such judges are needed.

"(c) Each bankruptcy judge may hold court at such places within the judicial district, in addition to the official duty station of such judge, as the business of the court may require.

"(d) With the approval of the Judicial Conference and of each of the judicial councils involved, a bankruptcy judge may be designated to serve in any district adjacent to or near the district for which such bankruptcy judge was appointed.

"(e) A bankruptcy judge may be removed during the term for which such bankruptcy judge is appointed, only for incompetence, misconduct, neglect of duty, or physical or mental disability and only by the judicial council of the circuit in which the judge's official duty station is located. Removal may not occur unless a majority of all of the judges of such council concur in the order of removal. Before any order of removal may be entered, a full specification of charges shall be furnished to such bankruptcy judge who shall be accorded an opportunity to be heard on such charges.

"§ 153. Salaries; character of service

"(a) Each bankruptcy judge shall serve on a full-time basis and shall receive as full compensation for his services a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361) as adjusted by section 461 of this title, to be paid at such times as the Judicial Conference of the United States determines.

"(b) A bankruptcy judge may not engage in the practice of law and may not engage in any other practice, business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of such bankruptcy judge's duties as a judicial officer. The Conference may promulgate appropriate rules and regulations to implement this subsection.

"(c) Each individual appointed under this chapter shall take the oath or affirmation prescribed by section 453 of this title before performing the duties of the office of bankruptcy judge.

"§ 154. Division of businesses; chief judge

"(a) Each bankruptcy court for a district having more than one bankruptcy judge shall by majority vote promulgate rules for the division of business among the bankruptcy judges to the extent that the division of business is not otherwise provided for by the rules of the district court.

"(b) In each district court having more than one bankruptcy judge the district court shall designate one judge to serve as chief judge of such bankruptcy court. Whenever a majority of the judges of such district court cannot agree upon the designation as chief judge, the chief judge of such district court shall make such designation. The chief judge of the bankruptcy court shall ensure that the rules of the bankruptcy court and of the district court are observed and that the business of the bankruptcy court is handled effectively and expeditiously.

"§ 155. Temporary transfer of bankruptcy judges

"(a) A bankruptcy judge may be transferred to serve temporarily as a bankruptcy judge in any judicial district other than the judicial district for which such bankruptcy judge was appointed upon the approval of the judicial council of each of the circuits involved.

"(b) A bankruptcy judge who has retired may, upon consent, be recalled to serve as a bankruptcy judge in any judicial district by the judicial council of the circuit within which such district is located. Upon recall, a bankruptcy judge may receive a salary for such service in accordance with regulations promulgated by the Judicial Conference of the United States, subject to the restrictions on the payment of an annuity in subchapter III of chapter 83 of title 5.

"§ 156. Staff; expenses

"(a) Each bankruptcy judge may appoint a secretary, a law clerk, and such additional assistants as the Director of the Administrative Office of the United States Courts determines to be necessary.

"(b) Upon certification to the judicial council of the circuit involved and to the Director of the Administrative Office of the United States Courts that the number of cases and proceedings pending within the jurisdiction under section 1334 of this title within a judicial district so warrants, the bankruptcy judges for such district may appoint an individual to serve as clerk of such bankruptcy court. The clerk may appoint, with the approval of such bankruptcy judges, and in such number as may be approved by the Director, necessary deputies, and may remove such deputies with the approval of such bankruptcy judges.

"(c) Any court may utilize facilities or services, either on or off the court's premises, which pertain to the provision of notices, dockets, calendars, and other administrative information to parties in cases filed under the provisions of title 11, United States Code, where the costs of such facilities or services are paid for out of the assets of the estate and are not charged to the United States. The utilization of such facilities or services shall be subject to such conditions and limitations as the pertinent circuit council may prescribe.

"§ 157. Procedures

"(a) Each district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.

"(b)(1) Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11, referred under subsection (a) of this section, and may enter appropriate orders and judgments, subject to review under section 158 of this title.

"(2) Core proceedings include, but are not limited to—

"(A) matters concerning the administration of the estate;

"(B) allowance or disallowance of claims against the estate or exemptions from property of the estate, and estimation of claims or interest for the purposes of confirming a plan under chapter 11 or 13 of title 11 but not the liquidation or estimation of contingent or unliquidated personal injury tort or wrongful death claims against the estate for purposes of distribution in a case under title 11;

"(C) counterclaims by the estate against persons filing claims against the estate;

"(D) orders in respect to obtaining credit;

"(E) orders to turn over property of the estate;

"(F) proceedings to determine, avoid, or recover preferences;

"(G) motions to terminate, annul or modify the automatic stay;

"(H) proceedings to determine, avoid, or recover fraudulent conveyances;

"(I) determinations as to the dischargeability of particular debts;

"(J) objections to discharges;

"(K) determinations of the validity, extent, or priority of liens;

"(L) confirmations of plans;

"(M) orders approving the use or lease of property, including the use of cash collateral;

"(N) orders approving the sale of property other than property resulting from claims brought by the estate against persons who have not filed claims against the estate; and

"(O) other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor or the equity security holder relationship, except personal injury tort or wrongful death claims.

"(3) The bankruptcy judge shall determine, on the judge's own motion or on timely motion of a party, whether a proceeding is a core proceeding under this subsection or is a proceeding that is otherwise related to a case under title 11. A determination that a proceeding is not a core proceeding shall not be made solely on the basis that its resolution may be affected by State law.

"(4) Non-core proceedings under section 157(b)(2)(B) of title 28, United States Code, shall not be subject to the mandatory abstention provisions of section 1334(c)(2).

"(5) The district court shall order that personal injury tort and wrongful death claims shall be tried in the district court in which the bankruptcy case is pending, or in the district court in the district in which the claim arose, as determined by the district court in which the bankruptcy case is pending.

"(c)(1) A bankruptcy judge may hear a proceeding that is not a core proceeding but that is otherwise related to a case under title 11. In such proceeding, the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by the district judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing de novo those matters to which any party has timely and specifically objected.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the district court, with the consent of all the parties to the proceeding, may refer a proceeding related to a case under title 11 to a bankruptcy judge to hear and determine and to enter appropriate orders and judgments, subject to review under section 158 of this title.

"(d) The district court may withdraw, in whole or in part, any case or proceeding referred under this section, on its own motion or on timely motion of any party, for cause

shown. The district court shall, on timely motion of a party, so withdraw a proceeding if the court determines that resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce.

"§ 158. Appeals

"(a) The district courts of the United States shall have jurisdiction to hear appeals from final judgments, orders, and decrees, and, with leave of the court, from interlocutory orders and decrees, of bankruptcy judges entered in cases and proceedings referred to the bankruptcy judges under section 157 of this title. An appeal under this subsection shall be taken only to the district court for the judicial district in which the bankruptcy judge is serving.

"(b)(1) The judicial council of a circuit may establish a bankruptcy appellate panel, comprised of bankruptcy judges from districts within the circuit, to hear and determine, upon the consent of all the parties, appeals under subsection (a) of this section.

"(2) No appeal may be referred to a panel under this subsection unless the district judges for the district, by majority vote, authorize such referral of appeals originating within the district.

"(3) A panel established under this section shall consist of three bankruptcy judges, provided a bankruptcy judge may not hear an appeal originating within a district for which the judge is appointed or designated under section 152 of this title.

"(c) An appeal under subsections (a) and (b) of this section shall be taken in the same manner as appeals in civil proceedings generally are taken to the courts of appeals from the district courts and in the time provided by Rule 8002 of the Bankruptcy Rules.

"(d) The courts of appeals shall have jurisdiction of appeals from all final decisions, judgments, orders, and decrees entered under subsections (a) and (b) of this section.".

(b) The table of chapters of part I of title 28, United States Code, is amended by inserting after the item relating to chapter 5, the following new item:

"6. Bankruptcy judges ..... 151.".

SEC. 105. (a) The salary of a bankruptcy judge in effect on June 27, 1984, shall remain in effect until changed as a result of a determination or adjustment made pursuant to section 153(a) of title 28, United States Code, as added by this Act.

SEC. 106. (a) Notwithstanding section 152 of title 28, United States Code, as added by this Act, the term of office of a bankruptcy judge who is serving on the date of enactment of this Act is extended to and expires four years after the date such bankruptcy judge was last appointed to such office or on October 1, 1986, whichever is later.

(b)(1) Notwithstanding section 153(a) of title 28, United States Code, as added by this Act, and notwithstanding subsection (a) of this section, a bankruptcy judge serving on a part-time basis on the date of enactment of this Act may continue to serve on such basis for a period not to exceed two years from the date of enactment of this Act.

(2) Notwithstanding the provisions of section 153(b) of title 28, United States Code, a bankruptcy judge serving on a part-time basis may engage in the practice of law but may not engage in any other practice, business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of such bankruptcy judge's duties as a judicial officer. The Judicial Conference of the United States may promulgate appropriate rules and regulations to implement this paragraph.

SEC. 107. Section 372(c)(6)(B)(vii) of title 28, United States Code, is amended by striking out "section 153" and inserting in lieu thereof "section 152".

SEC. 108. (a) Section 634(a) of title 28, United States Code, is amended by striking out "the rates now or hereafter provided for full-time or part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), as amended," and inserting in lieu thereof "rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361) as adjusted by section 461 of this title".

(b) The maximum rates for salary of full-time and part-time United States magistrates in effect on June 27, 1984, shall remain in effect until changed as a result of a determination made under section 634(a) of title 28, United States Code, as amended by this Act.

SEC. 109. Section 957 of title 28, United States Code, is amended by striking out "district".

SEC. 110. Section 1360 of title 28, United States Code, is amended—

(1) by striking out "or Territories";

(2) by striking out "or Territory" each place it appears; and

(3) by striking out "within the Territory" and inserting in lieu thereof "within the State".

SEC. 111. (a) Section 1930 of title 28, United States Code, is amended by striking out "clerk of the bankruptcy court" each place it appears and inserting in lieu thereof "clerk of the court".

(b) The heading for section 1930 of title 28, United States Code, is amended to read as follows:

"§ 1930. Bankruptcy fees.".

(c) The table of sections for chapter 125 of title 28, United States Code, is amended by striking out "Bankruptcy courts" and inserting in lieu thereof "Bankruptcy fees".

SEC. 112. Subsections (f), (j), (k), (l), and (m) of section 8339, subsections (b)(1) and (d) of section 8341, and section 8344(a)(A) of title 5, United States Code, are each amended by striking out "and (o)" and inserting in lieu thereof "and (n)".

SEC. 113. Section 402(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2682), is amended by striking out "shall take effect on June 28, 1984" and inserting in lieu thereof "shall not be effective".

SEC. 114. Sections 404, 405(a), 405(b), 405(c), 406, 407, and 409 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), are repealed.

SEC. 115. (a) On the date of the enactment of this Act the appropriate district court of the United States shall have jurisdiction of—

(1) cases, and matters and proceedings in cases, under the Bankruptcy Act that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687), and

(2) cases under title 11 of the United States Code, and proceedings arising under title 11 of the United States Code or arising in or related to cases under title 11 of the United States Code, that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687).

(b) On the date of the enactment of this Act, there shall be transferred to the appropriate district court of the United States appeals from final judgments, orders, and decrees of the bankruptcy courts pending immediately before such date in the bankruptcy appellate panels appointed under section 405(c) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2685).

SEC. 116. (a) Section 8331(22) of title 5, United States Code, is amended—

(1) by striking out "adding this paragraph" and inserting in lieu thereof "of November 6, 1978 (Public Law 95-598; 92 Stat. 2549)";

(2) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) who is serving as a United States bankruptcy judge on the date of enactment of the Bankruptcy Amendments and Federal Judgeship Act of 1984, and continues to serve as a bankruptcy judge after such date until either the date on which a successor for such judge is appointed, or October 1, 1986, whichever date is earlier;";

(3) in subparagraph (B)—

(A) by striking out "transition period" and inserting in lieu thereof "period beginning on October 1, 1979, and ending on the date of enactment of the Bankruptcy Amendments and Federal Judgeship Act of 1984";

(B) by striking out the period at the end thereof and inserting in lieu thereof "; or", and

(4) by adding at the end thereof the following new subparagraph:

"(C) who is appointed as a bankruptcy judge under section 152 of title 28.".

(b)(1) The first sentence of section 8334(a)(1) of title 5, United States Code, is amended by inserting "and a bankruptcy judge" before the period.

(2) The matter relating to bankruptcy judges in the table set out in section 8334(c) of title 5, United States Code, is amended—

(A) by striking out the following item:

"7..... After January 1, 1970.".

and

(B) by inserting in lieu of the item stricken by subparagraph (A) the following new items:

"7..... January 1, 1970, to December 31, 1983.

"8..... After December 31, 1983.".

(c) Section 8336 of title 5, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l), and

(2) by inserting after subsection (j) the following new subsection:

"(k) A bankruptcy judge who is separated from service, except by removal, after becoming sixty-two years of age and completing ten years of service as a bankruptcy judge is entitled to an annuity.".

(d) Section 8339 of title 5, United States Code, is amended by—

(1) inserting "or (n)" after "(c)" in subsection (g)(2);

(2) striking out "or (c)" each place it appears in subsection (g) and inserting in lieu thereof "(c), or (n)"; and

(3) striking out "March 31, 1979, and before June 27, 1984," in subsection (n) and inserting in lieu thereof "as a referee in bankruptcy and".

(e) The amendments made by this section shall take effect on the date of enactment and shall apply to bankruptcy judges who retire on or after such date.

SEC. 117. The adjustments in the retirement provisions made by this Act shall not

be construed to be a "new government retirement system" for purposes of the Federal Employees Retirement Contribution Temporary Adjustment Act of 1983 (Public Law 98-168).

SEC. 118. Section 105 of title 11, United States Code, is amended—

(1) by deleting the word "bankruptcy" wherever it appears therein; and

(2) by adding at the end thereof the following new subsection:

"(c) The ability of any district judge or other officer or employee of a district court to exercise any of the authority or responsibilities conferred upon the court under this title shall be determined by reference to the provisions relating to such judge, officer, or employee set forth in title 28. This subsection shall not be interpreted to exclude bankruptcy judges and other officers or employees appointed pursuant to chapter 6 of title 28 from its operation.".

SEC. 119. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby.

SEC. 120. (a)(1) Whenever a court of appeals is authorized to fill a vacancy that occurs on a bankruptcy court of the United States, such court of appeals shall appoint to fill that vacancy a person whose character, experience, ability, and impartiality qualify such person to serve in the Federal judiciary.

(2) It is the sense of the Congress that the courts of appeals should consider for appointment under section 152 of title 28, United States Code, to the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment.

(b) The judicial council of the circuit involved shall assist the court of appeals by evaluating potential nominees and by recommending to such court for consideration for appointment to each vacancy on the bankruptcy court persons who are qualified to be bankruptcy judges under regulations prescribed by the Judicial Conference of the United States. In the case of the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, such potential nominees shall include the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment and the judicial council determines that such judge is qualified under subsection (c) of this section to continue to serve. Such potential nominees shall receive consideration equal to that given all other potential nominees for such position.

(c) Before transmitting to the court of appeals the names of the persons the judicial council for the circuit deems best qualified to fill any existing vacancy, the judicial council shall have determined that—

(1) public notice of such vacancy has been given and an effort has been made, in the case of each such vacancy, to identify qualified candidates, without regard to race, color, sex, religion, or national origin,

(2) such persons are members in good standing of at least one State bar, or the District of Columbia bar, and members in good standing of every other bar of which they are members,

(3) such persons possess, and have a reputation for, integrity and good character,

(4) such persons are of sound physical and mental health,

(5) such persons possess and have demonstrated commitment to equal justice under law,

(6) such persons possess and have demonstrated outstanding legal ability and competence, as evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and court processes, and

(7) such persons demeanor, character, and personality indicate that they would exhibit judicial temperament if appointed to the position of United States bankruptcy judge.

SEC. 121. (a) section 402 of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcies" (Public Law 95-598) is amended in subsections (b) and (e) by striking out "June 28, 1984" each place it appears and inserting in lieu thereof "the date of enactment of the Bankruptcy Amendments and Federal Judgeship Act of 1984".

(b) Section 404 of such Act is amended in subsections (a) and (b) by striking out "June 27, 1984" each place it appears and inserting in lieu thereof "the day before the date of enactment of the Bankruptcy Amendments and Federal Judgeship Act of 1984".

(c) Section 406 of such Act is amended by striking out "June 27, 1984" each place it appears and inserting in lieu thereof "the day before the date of enactment of the Bankruptcy Amendments and Federal Judgeship Act of 1984".

(d) Section 409 of such Act is amended by—

(1) striking out "June 28, 1984" each place it appears and inserting in lieu thereof "the day before the date of enactment of the Bankruptcy Amendments and Federal Judgeship Act of 1984"; and

(2) striking out "June 27, 1984" each place it appears and inserting in lieu thereof "the day before the date of enactment of the Bankruptcy Amendments and Federal Judgeship Act of 1984".

(e) The term of office of any bankruptcy judge who was serving on June 27, 1984, is extended to and shall expire at the end of the day of enactment of this Act.

(f) Section 8339(n) of title 5, United States Code, is amended by striking out "June 28, 1984" and inserting in lieu thereof "the date of enactment of the Bankruptcy Amendments and Federal Judgeship Act of 1984".

(g) Section 8331(22) of title 5, United States Code, is amended by striking out "June 27, 1984" and inserting in lieu thereof "the day before the date of enactment of the Bankruptcy Amendments and Federal Judgeship Act of 1984".

SEC. 122. (a) Except as otherwise provided in this section, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) Section 1334(c)(2) of title 28, United States Code, and section 1411(a) of title 28, United States Code, as added by this Act, shall not apply with respect to cases under title 11 of the United States Code that are pending on the date of enactment of this Act, or to proceedings arising in or related to such cases.

(c) Sections 108(b), 113, and 121(e) shall take effect on June 27, 1984.

TITLE II—JUDGESHIPS

SEC. 201. (a)(1) Subject to the provisions of paragraph (2), the President shall appoint, by and with the advice and consent of the Senate, two additional circuit judges for the first circuit court of appeals, two additional circuit judges for the second circuit court of appeals, two additional circuit judges for the third circuit court of appeals, one additional circuit judge for the fourth circuit court of appeals, two additional circuit judges for the fifth circuit court of appeals, four additional circuit judges for the sixth circuit court of appeals, two additional circuit judges for the seventh circuit court of appeals, one additional circuit judge for the eighth circuit court of appeals, five additional circuit judges for the ninth circuit court of appeals, two additional circuit judges for the tenth circuit court of appeals, and one additional circuit judge for the District of Columbia circuit court of appeals.

(2) The President shall appoint, by and with the advice and consent of the Senate, no more than 11 of such judges prior to January 21, 1985.

(b) In order that the table contained in section 44(a) of title 28, United States Code, will, with respect to each judicial circuit, reflect the changes in the total number of permanent circuit judgeships authorized as a result of subsection (a) of this section, such table is amended to read as follows:

"Circuits	Number of Judges
District of Columbia	12
First	6
Second	13
Third	12
Fourth	11
Fifth	16
Sixth	15
Seventh	11
Eighth	10
Ninth	28
Tenth	10
Eleventh	12
Federal	12.".

SEC. 202. (a) Subject to the provisions of subsection (c), the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the southern district of Alabama, one additional district judge for the district of Alaska, five additional district judges for the central district of California, one additional district judge for the district of Colorado, one additional district judge for the district of Connecticut, one additional district judge for the district of Delaware, three additional district judges for the southern district of Florida, one additional district judge for the middle district of Georgia, one additional district judge for the district of Hawaii, four additional district judges for the northern district of Illinois, one additional district judge for the southern district of Illinois, one additional district judge for the western district of Kentucky, one additional district judge for the western district of Louisiana, one additional district judge for the district of Maryland, one additional district judge for the district of Massachusetts, two additional district judges for the eastern district of Michigan, one additional district judge for the district of Minnesota, one additional district judge for the northern district of Mississippi, two additional district judges for the southern district of Mississippi, one additional district judge for the eastern district of Missouri, one additional district judge for the district of Montana, one additional district judge for the district of Nevada, three additional district judges for the district of New Jersey, one additional district judge for the northern district of New York, two additional district judges for the eastern district of New York, one addi-

tional district judge for the southern district of Ohio, one additional district judge for the western district of Oklahoma, one additional district judge for the district of Rhode Island, one additional district judge for the eastern district of Tennessee, one additional district judge for the western district of Tennessee, one additional district judge for the northern district of Texas, two additional district judges for the eastern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the district of Utah, one additional district judge for the eastern district of Virginia, one additional district judge for the eastern district of Washington, one additional district judge for the western district of Washington, and one additional district judge for the district of Wyoming.

(b) Subject to the provisions of subsection (c) the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the western district of Arkansas, one additional district judge for the northern district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the district of Massachusetts, one additional district judge for the western district of New York, one additional district judge for the eastern district of North Carolina, one additional district judge for the northern district of Ohio, and one additional district judge for the western district of Washington. The first vacancy in each of the offices of district judge authorized by this subsection, occurring five years or more after the effective date of this Act, shall not be filled.

(c) For the judgeships created in subsections (a) and (b), the President shall appoint, by and with the advice and consent of the Senate, no more than twenty-nine of such judges prior to January 21, 1985.

(d) The existing district judgeship for the district of Minnesota and the existing district judgeship for the northern district of Ohio, heretofore authorized by section 2 of the Act of October 20, 1978 (Public Law 95-486, 92 Stat. 1631), shall, as of the effective date of this Act, be authorized under section 133 of title 28, United States Code, and the incumbents of those offices shall henceforth hold their offices under section 133, as amended by this Act.

(e) In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c) of this section, such table is amended to read as follows:

"Districts

Alabama:	Judges
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	8
Arkansas:	
Eastern	3
Western	1
Eastern and Western	2
California:	
Northern	12
Eastern	6
Central	22
Southern	7
Colorado	7
Connecticut	6
Delaware	4
District of Columbia	15
Florida:	
Northern	3
Middle	9
Southern	15
Georgia:	
Northern	11
Middle	3
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	20
Central	3
Southern	3
Indiana:	
Northern	4
Southern	5
Iowa:	
Northern	1
Southern	2
Northern and Southern	1
Kansas	5
Kentucky:	
Eastern	4
Western	4
Eastern and Western	1
Louisiana:	
Eastern	13
Middle	2
Western	6
Maine	2
Maryland	10
Massachusetts	11
Michigan:	
Eastern	15
Western	4
Minnesota	7
Mississippi:	
Northern	3
Southern	5
Missouri:	
Eastern	5
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	4
New Hampshire	2
New Jersey	14
New Mexico	4
New York:	
Northern	4
Southern	27
Eastern	12
Western	3
North Carolina:	
Eastern	3
Middle	3
Western	3
North Dakota	2
Ohio:	
Northern	10
Southern	7
Oklahoma:	
Northern	2
Eastern	1
Western	4
Northern, Eastern, and Western	2
Oregon	5
Pennsylvania:	
Eastern	19
Middle	5
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	8
South Dakota	3
Tennessee:	
Eastern	4
Middle	3
Western	4
Texas:	
Northern	10
Eastern	6
Southern	13
Western	7
Utah	4
Vermont	2
Virginia:	
Eastern	9
Western	4
Washington:	
Eastern	3
Western	6
West Virginia:	
Northern	2
Southern	4
Wisconsin:	
Eastern	4
Western	2
Wyoming	2.".

SEC. 203. (a) Section 131 of title 28, United States Code, is amended in the second paragraph thereof by inserting "Jackson," after "Lander,".

(b) Section 98(a) of title 28, United States Code, is amended by inserting ", and Houma" after "New Orleans".

SEC. 204. (a) Section 371 of title 28, United States Code, is amended to read as follows:

"§ 371. Retirement on salary; retirement in senior status

"(a) Any justice or judge of the United States appointed to hold office during good behavior may retire from the office after attaining the age and meeting the service requirements, whether continuous or otherwise, of subsection (c) and shall, during the remainder of his lifetime, receive an annuity equal to the salary he was receiving at the time he retired.

"(b) Any justice or judge of the United States appointed to hold office during good behavior may retain the office but retire from regular active service after attaining the age and meeting the service requirements, whether continuous or otherwise, of subsection (c) of this section and shall, during the remainder of his lifetime, continue to receive the salary of the office.

"(c) The age and service requirements for retirement under this section are as follows:

"Attained age:	Years of service:
65	15
66	14
67	13
68	12
69	11
70	10

"(d) The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires under this section.".

(b) The item relating to section 371 in the table of sections of chapter 17 of title 28 is amended to read as follows:

"371. Retirement on salary; retirement in senior status.".

(c) The amendments made by this section shall apply with respect to any justice or judge of the United States appointed to hold office during good behavior who retires on or after the date of enactment of this Act.

SEC. 205. Section 8701(a) of title 5, United States Code, is amended by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively, and by adding a new paragraph (5) as follows:

"(5) a justice or judge of the United States appointed to hold office during good behavior (i) who is in regular active judicial service, or (ii) who is retired from regular active service under section 371(b) or 372(a) of title 28, United States Code, or (iii) who has resigned the judicial office under section 371(a) of title 28 with the continued right during the remainder of his lifetime to re-

ceive the salary of the office at the time of his resignation;".

SEC. 206. Section 8714a(c) of title 5, United States Code, is amended by adding a new paragraph (3) as follows:

"(3) Notwithstanding paragraph (c)(1) of this section, a justice or judge of the United States as defined by section 8701(a)(5) of this title who resigns his office without meeting the requirements of section 371(a) of title 28, United States Code, for continuation of the judicial salary shall have the right to convert regular optional life insurance coverage issued under this section during his judicial service to an individual policy of life insurance under the same conditions approved by the Office governing conversion of basic life insurance coverage for employees eligible as provided in section 8706(a) of this title.".

SEC. 207. Section 8714b(c) of title 5, United States Code, is amended by adding to paragraph (1) at the end thereof the following: "A justice or judge of the United States as defined by section 8701(a)(5) of this title who resigns his office without meeting the requirements of section 371(a) of title 28, United States Code, for continuation of the judicial salary shall have the right to convert additional optional life insurance coverage issued under this section during his judicial service to an individual policy of life insurance under the same conditions approved by the Office governing conversion of basic life insurance coverage for employees eligible as provided in section 8706(a) of this title.".

SEC. 208. (a) Section 8706 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) Under regulations prescribed by the Office, each policy purchase under this chapter shall provide that an insured Federal judge may make an irrevocable assignment of the judge's incidents of ownership in the policy.".

(b) The heading for section 8706 of title 5, United States Code, and the item relating to section 8706 in the analysis for chapter 87 of such title are each amended by inserting "; assignment of ownership" after "insurance".

SEC. 209. (a) Except as provided in subsection (b), the amendments made by this Act to section 8706 of title 5, United States Code, shall apply to policies purchased by judges after the date of enactment of this Act.

(b) If a company which issued a policy which is in effect on the date of the enactment of this Act agrees, the amendments made by this Act shall apply to such policy.

SEC. 210. Section 634(c) of title 28, United States Code, is amended by striking out "subsection III" and inserting in lieu thereof "subchapter III".

SEC. 211. It is the sense of the Congress that the President, in selecting individuals for nomination to the Federal judgeships created by this Act, shall give due consideration to qualified individuals without regard to race, color, sex, religion, or national origin.

TITLE III—AMENDMENTS TO TITLE 11 OF THE UNITED STATES CODE

SUBTITLE A—CONSUMER CREDIT AMENDMENTS

SEC. 301. Section 109 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of this section, no individual may be a debtor under this title who has been a debtor in a case pending under this title at any time in the preceding 180 days if—

"(1) the case was dismissed by the court for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case; or

"(2) the debtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by section 362 of this title.".

SEC. 302. Section 342 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "There shall be given", and

(2) by adding at the end thereof the following new subsection:

"(b) Prior to the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give written notice to such individual that indicates each chapter of this title under which such individual may proceed.".

SEC. 303. Section 349(a) of title 11, United States Code, is amended by inserting before the period at the end thereof "; nor does the dismissal of a case under this title prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(f) of this title".

SEC. 304. Section 362 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) An individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages.".

SEC. 305. Section 521 of title 11, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively,

(2) in paragraph (1) by inserting "a schedule of current income and current expenditures," after "liabilities,", and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) if an individual debtor's schedule of assets and liabilities includes consumer debts which are secured by property of the estate—

"(A) within thirty days after the date of the filing of a petition under chapter 7 of this title or on or before the date of the meeting of creditors, whichever is earlier, or within such additional time as the court, for cause, within such period fixes, the debtor shall file with the clerk a statement of his intention with respect to the retention or surrender of such property and, if applicable, specifying that such property is claimed as exempt, that the debtor intends to redeem such property, or that the debtor intends to reaffirm debts secured by such property;

"(B) within forty-five days after the filing of a notice of intent under this section, or within such additional time as the court, for cause, within such forty-five day period fixes, the debtor shall perform his intention with respect to such property, as specified by subparagraph (A) of this paragraph; and

"(C) nothing in subparagraphs (A) and (B) of this paragraph shall alter the debtor's or the trustee's rights with regard to such property under this title;".

SEC. 306. (a) Section 522(b) of title 11, United States Code, is amended by striking out "Notwithstanding" and all that follows through "either—" and inserting in lieu thereof the following: "Notwithstanding section 541 of this title, an individual debtor may exempt from property of the estate the property listed in either paragraph (1) or, in the alternative, paragraph (2) of this subsection. In joint cases filed under section 302 of this title and individual cases filed under section 301 or 303 of this title by or against debtors who are husband and wife, and whose estates are ordered to be jointly administered under Rule 1015(b) of the Bankruptcy Rules, one debtor may not elect to exempt property listed in paragraph (1) and the other debtor elect to exempt property listed in paragraph (2) of this subsection. If the parties cannot agree on the alternative to be elected, they shall be deemed to elect paragraph (1), where such election is permitted under the law of the jurisdiction where the case is filed. Such property is—".

(b) Section 522(d)(3) of title 11, United States Code, is amended by inserting "or $4,000 in aggregate value" after "item".

(c) Section 522(d)(5) of title 11, United States Code, is amended to read as follows:

"(5) The debtor's aggregate interest in any property, not to exceed in value $400 plus up to $3,750 of any unused amount of the exemption provided under paragraph (1) of this subsection.".

(d) Section 522(m) of title 11, United States Code, is amended to read as follows:

"(m) Subject to the limitation in subsection (b), this section shall apply separately with respect to each debtor in a joint case.".

SEC. 307. (a) Section 523(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A) by striking out "or" at the end thereof,

(2) in subparagraph (B) by inserting "or" at the end thereof, and

(3) by adding at the end thereof the following new subparagraph:

"(C) for purposes of subparagraph (A) of this paragraph, consumer debts owed to a single creditor and aggregating more than $500 for 'luxury goods or services' incurred by an individual debtor on or within forty days before the order for relief under this title, or cash advances aggregating more than $1,000 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within twenty days before the order for relief under this title, are presumed to be nondischargeable; 'luxury goods or services' do not include goods or services reasonably acquired for the support or maintenance of the debtor or a dependent of the debtor; an extension of consumer credit under an open end credit plan is to be defined for purposes of this subparagraph as it is defined in the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.);".

(b) Section 523(d) of title 11, United States Code, is amended to read as follows:

"(d) If a creditor requests a determination of dischargeability of a consumer debt under subsection (a)(2) of this section, and such debt is discharged, the court shall grant judgment in favor of the debtor for the costs of, and a reasonable attorney's fee for, the proceeding if the court finds that the position of the creditor was not substantially justified, except that the court shall not award such costs and fees if special circumstances would make the award unjust.".

SEC. 308. (a) Section 524(a)(2) of title 11, United States Code, is amended by striking out "or from property of the debtor,".

(b) Section 524(c) of title 11, United States Code, is amended—

(1) by striking out paragraph (2),

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively, and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) such agreement contains a clear and conspicuous statement which advises the debtor that the agreement may be rescinded at any time prior to discharge or within sixty days after such agreement is filed with the court, whichever occurs later, by giving notice of rescission to the holder of such claim;

"(3) such agreement has been filed with the court and, if applicable, accompanied by a declaration or an affidavit of the attorney that represented the debtor during the course of negotiating an agreement under this subsection, which states that such agreement—

"(A) represents a fully informed and voluntary agreement by the debtor; and

"(B) does not impose an undue hardship on the debtor or a dependent of the debtor;

"(4) the debtor has not rescinded such agreement at any time prior to discharge or within sixty days after such agreement is filed with the court, whichever occurs later, by giving notice of recission to the holder of such claim;" and

(4) by amending paragraph (6), as so redesignated, to read as follows:

"(6)(A) in a case concerning an individual who was not represented by an attorney during the course of negotiating an agreement under this subsection, the court approves such agreement as—

"(i) not imposing an undue hardship on the debtor or a dependent of the debtor; and

"(ii) in the best interest of the debtor.

"(B) Subparagraph (A) shall not apply to the extent that such debt is a consumer debt secured by real property.".

(c) Section 524(d)(2) of title 11, United States Code, is amended by striking out "subsection (c)(4)" and inserting in lieu thereof "subsection (c)(6)".

(d) Section 524 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) Nothing contained in subsection (c) or (d) of this section prevents a debtor from voluntarily repaying any debt.".

SEC. 309. Section 525 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "Except",

(2) by inserting "the" before "Perishable", and

(3) by adding at the end thereof the following new subsection:

"(b) No private employer may terminate the employment of, or discriminate with respect to employment against, an individual who is or has been a debtor under this title, a debtor or bankrupt under the Bankruptcy Act, or an individual associated with such debtor or bankrupt, solely because such debtor or bankrupt—

"(1) is or has been a debtor under this title or a debtor or bankrupt under the Bankruptcy Act;

"(2) has been insolvent before the commencement of a case under this title or during the case but before the grant or denial of a discharge; or

"(3) has not paid a debt that is dischargeable in a case under this title or that was discharged under the Bankruptcy Act.".

SEC. 310. Section 547(c) of title 11, United States Code, is amended—

(1) in paragraph (5) by striking out "or" at the end thereof,

(2) in paragraph (6) by striking out the period at the end thereof and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new paragraph:

"(7) if, in a case filed by an individual debtor whose debts are primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $600.".

SEC. 311. (a) Section 704 of title 11, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), (7), and (8) as paragraphs (4), (5), (6), (7), (8), and (9), respectively, and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) ensure that the debtor shall perform his intention as specified in section 521(2)(B) of this title;".

(b)(1) Section 1106(a)(1) of title 11, United States Code, is amended by striking out "704(4), 704(6), 704(7), and 704(8)" and inserting in lieu thereof "704(5), 704(7), 704(8), and 704(9)".

(2) Section 1304(c) of title 11, United States Code, is amended by striking out "section 704(7)" and inserting in lieu thereof "section 704(8)".

(3) Section 15103(f) of title 11, United States Code, is amended by striking out "704(8)," and inserting in lieu thereof "704(9),".

(4) Section 151301(b)(1) of title 11, United States Code, is amended by striking out "and 704(8)" and inserting in lieu thereof ", 704(7), and 704(9)".

SEC. 312. Section 707 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The court may" and

(2) by adding at the end thereof the following new subsection:

"(b) After notice and a hearing, the court, on its own motion and not at the request or suggestion of any party in interest, may dismiss a case filed by an individual debtor under this chapter whose debts are primarily consumer debts if it finds that the granting of relief would be a substantial abuse of the provisions of this chapter. There shall be a presumption in favor of granting the relief requested by the debtor.".

SEC. 313. Section 1301 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Twenty days after the filing of a request under subsection (c)(2) of this section for relief from the stay provided by subsection (a) of this section, such stay is terminated with respect to the party in interest making such request, unless the debtor or any individual that is liable on such debt with the debtor files and serves upon such party in interest a written objection to the taking of the proposed action.".

SEC. 314. Section 1302(b) of title 11, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) perform the duties specified in sections 704(2), 704(3), 704(4), 704(5), 704(6), 704(7), and 704(9) of this title;";

(2) in paragraph (2) by striking out "and" at the end thereof,

(3) in paragraph (3) by striking out the period and inserting in lieu thereof "; and", and

(4) by adding at the end thereof the following new paragraph:

"(4) ensure that the debtor commences making timely payments under section 1326 of this title.".

SEC. 315. Section 1307(c) of title 11, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) failure to commence making timely payments under section 1326 of this title;".

SEC. 316. Section 1322(b)(1) of title 11, United States Code, is amended to read as follows:

"(1) designate a class or classes of unsecured claims, as provided in section 1122 of this title, but may not discriminate unfairly against any class so designated; however, such plan may treat claims for a consumer debt of the debtor if an individual is liable on such consumer debt with the debtor differently than other unsecured claims;".

SEC. 317. Section 1325 of title 11, United States Code, is amended—

(1) in subsection (a) by striking out "The" and inserting in lieu thereof "Except as provided in subsection (b), the",

(2) by redesignating subsection (b) as subsection (c), and

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) If the trustee or the holder of an allowed unsecured claim objects to the confirmation of the plan, then the court may not approve the plan unless, as of the effective date of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim; or

"(B) the plan provides that all of the debtor's projected disposable income to be received in the three-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.

"(2) For purposes of this subsection, 'disposable income' means income which is received by the debtor and which is not reasonably necessary to be expended—

"(A) for the maintenance or support of the debtor or a dependent of the debtor; or

"(B) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.".

SEC. 318. (a) Section 1326 of title 11, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and

(2) by inserting before such subsections the following new subsection:

"(a)(1) Unless the court orders otherwise, the debtor shall commence making the payments proposed by a plan within 30 days after the plan is filed.

"(2) A payment made under this subsection shall be retained by the trustee until confirmation or denial of confirmation of a plan. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan. If a plan is not confirmed, the trustee shall return any such payments to the debtor, after deducting any unpaid claim allowed under section 503(b) of this title.".

(b) Section 15103(f) of title 11, United States Code, is amended by striking out "1326(a)," and inserting in lieu thereof "1326(b),".

SEC. 319. Section 1329(a) of title 11, United States Code, is amended by striking out "At" and all that follows through "modified to—", and inserting in lieu thereof the following: "At any time after confirmation but before the completion of payments under a plan, the plan may be modified, upon request of the debtor, the trustee, or the holder of an allowed unsecured claim, to—".

SEC. 320. The Supreme Court shall prescribe general rules implementing the practice and procedure to be followed under section 707(b) of title 11, United States Code. Section 2075 of title 28, United States Code,

shall apply with respect to the general rules prescribed under this section.

SEC. 321. Rule 2002 of the Bankruptcy Rules is amended by adding at the end thereof the following new subdivision:

"(n) In a voluntary case commenced under the Code by an individual debtor whose debts are primarily consumer debts, the clerk, or some other person as the court may direct, shall give the trustee and all creditors notice by mail of the order for relief not more than 20 days after the entry of such order.".

SEC. 322. Official Bankruptcy Form No. 1, referred to in Rule 1002 of the Bankruptcy Rules, is amended—

(1) by inserting after paragraph (5) the following:

"(6) [If petitioner is an individual whose debts are primarily consumer debts.] Petitioner is aware that [he or she] may proceed under chapter 7 or 13 of title 11, United States Code, understands the relief available under each such chapter, and chooses to proceed under chapter 7 of such title.

"(7) [If petitioner is an individual whose debts are primarily consumer debts and such petitioner is represented by an attorney.] A declaration or an affidavit in the form of Exhibit 'B' is attached to and made a part of this petition.", and

(2) by inserting after Exhibit "A" at the end thereof the following new exhibit:

"EXHIBIT 'B'

"[If petitioner is an individual whose debts are primarily consumer debts, this Exhibit 'B' shall be completed and attached to the petition pursuant to paragraph (7) thereof.]

"[CAPTION AS IN FORM NO. 1]

"FOR COURT USE ONLY

"Date Petition Filed

"Case Number

"Bankruptcy Judge

"I, , the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7 or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

"Executed on

"Signature

Attorney for Petitioner".

SEC. 323. Section 408(c) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687(c)), as amended by the Act of November 28, 1983 (Public Law 98-166; 97 Stat. 1071), is amended by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1986".

SEC. 324. Section 1103(b) of title 11, United States Code, is amended by striking out "A person" and inserting in lieu thereof "An attorney or accountant".

SUBTITLE B—AMENDMENTS RELATING TO GRAIN STORAGE FACILITY BANKRUPTCY

SEC. 350. Section 507(a) of title 11, United States Code, is amended—

(1) by striking out "(5) Fifth" and inserting in lieu thereof "(6) Sixth"

(2) by striking out "(6) Sixth" and inserting in lieu thereof "(7) Seventh"; and

(3) by adding after paragraph (4) the following:

"(5) Fifth, allowed unsecured claims of persons—

"(A) engaged in the production or raising of grain, as defined in section 557(b)(1) of this title, against a debtor who owns or operates a grain storage facility, as defined in section 557(b)(2) of this title, for grain or the proceeds of grain, or

"(B) engaged as a United States fisherman against a debtor who has acquired fish or fish produce from a fisherman through a sale or conversion, and who is engaged in operating a fish produce storage or processing facility—

but only to the extent of $2,000 for each such individual.".

SEC. 351. Section 546 of title 11, United States Code, is amended—

(1) in the first sentence of subsection (c) thereof, by striking out "The" and inserting in lieu thereof "Except as provided in subsection (d) of this section, the"; and

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) In the case of a seller who is a producer of grain sold to a grain storage facility, owned or operated by the debtor, in the ordinary course of such seller's business (as such terms are defined in section 557 of this title) or in the case of a United States fisherman who has caught fish sold to a fish processing facility owned or operated by the debtor in the ordinary course of such fisherman's business, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 of this title are subject to any statutory or common law right of such producer or fisherman to reclaim such grain or fish if the debtor has received such grain or fish while insolvent, but—

"(1) such producer or fisherman may not reclaim any grain or fish unless such producer or fisherman demands, in writing, reclamation of such grain or fish before ten days after receipt thereof by the debtor; and

"(2) the court may deny reclamation to such a producer or fisherman with a right of reclamation that has made such a demand only if the court secures such claim by a lien.".

SEC. 352. (a) Chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new section:

"§ 557. Expedited determination of interests in, and abandonment or other disposition of grain assets

"(a) This section applies only in a case concerning a debtor that owns or operates a grain storage facility and only with respect to grain and the proceeds of grain. This section does not affect the application of any other section of this title to property other than grain and proceeds of grain.

"(b) In this section—

"(1) 'grain' means wheat, corn, flaxseed, grain sorghum, barley, oats, rye, soybeans, other dry edible beans, or rice;

"(2) 'grain storage facility' means a site or physical structure regularly used to store grain for producers, or to store grain acquired from producers for resale; and

"(3) 'producer' means an entity which engages in the growing of grain.

"(c)(1) Notwithstanding sections 362, 363, 365, and 554 of this title, on the court's own motion the court may, and on the request of the trustee or an entity that claims an interest in grain or the proceeds of grain the court shall, expedite the procedures for the determination of interests in and the disposition of grain and the proceeds of grain, by shortening to the greatest extent feasible such time periods as are otherwise applicable for such procedures and by establishing, by order, a timetable having a duration of not to exceed 120 days for the completion of the applicable procedure specified in subsection (d) of this section. Such time periods and such timetable may be modified by the court, for cause, in accordance with subsection (f) of this section.

"(2) The court shall determine the extent to which such time periods shall be shortened, based upon—

"(A) any need of an entity claiming an interest in such grain or the proceeds of grain for a prompt determination of such interest;

"(B) any need of such entity for a prompt disposition of such grain;

"(C) the market for such grain;

"(D) the conditions under which such grain is stored;

"(E) the costs of continued storage or disposition of such grain;

"(F) the orderly administration of the estate;

"(G) the appropriate opportunity for an entity to assert an interest in such grain; and

"(H) such other considerations as are relevant to the need to expedite such procedures in the case.

"(d) The procedures that may be expedited under subsection (c) of this section include—

"(1) the filing of and response to—

"(A) a claim of ownership;

"(B) a proof of claim;

"(C) a request for abandonment;

"(D) a request for relief from the stay of action against property under section 362(a) of this title;

"(E) a request for determination of secured status;

"(F) a request for determination of whether such grain or the proceeds of grain—

"(i) is property of the estate;

"(ii) must be turned over to the estate; or

"(iii) may be used, sold, or leased; and

"(G) any other request for determination of an interest in such grain or the proceeds of grain;

"(2) the disposition of such grain or the proceeds of grain, before or after determination of interests in such grain or the proceeds of grain, by way of—

"(A) sale of such grain;

"(B) abandonment;

"(C) distribution; or

"(D) such other method as is equitable in the case;

"(3) subject to sections 701, 702, 703, 1104, and 1302 of this title, the appointment of a trustee or examiner and the retention and compensation of any professional person required to assist with respect to matters relevant to the determination of interests in or disposition of such grain or the proceeds of grain; and

"(4) the determination of any dispute concerning a matter specified in paragraph (1), (2), or (3) of this subsection.

"(e)(1) Any governmental unit that has regulatory jurisdiction over the operation or liquidation of the debtor or the debtor's business shall be given notice of any request made or order entered under subsection (c) of this section.

"(2) Any such governmental unit may raise, and may appear and be heard on, any issue relating to grain or the proceeds of grain in a case in which a request is made, or an order is entered, under subsection (c) of this section.

"(3) The trustee shall consult with such governmental unit before taking any action relating to the disposition of grain in the possession, custody, or control of the debtor or the estate.

"(f) The court may extend the period for final disposition of grain or the proceeds of

grain under this section beyond 120 days if the court finds that—

"(1) the interests of justice so require in light of the complexity of the case; and

"(2) the interests of those claimants entitled to distribution of grain or the proceeds of grain will not be materially injured by such additional delay.

"(g) Unless an order establishing an expedited procedure under subsection (c) of this section, or determining any interest in or approving any disposition of grain or the proceeds of grain, is stayed pending appeal—

"(1) the reversal or modification of such order on appeal does not affect the validity of any procedure, determination, or disposition that occurs before such reversal or modification, whether or not any entity knew of the pendency of the appeal; and

"(2) neither the court nor the trustee may delay, due to the appeal of such order, any proceeding in the case in which such order is issued.

"(h)(1) The trustee may recover from grain and the proceeds of grain the reasonable and necessary costs and expenses allowable under section 503(b) of this title attributable to preserving or disposing of grain or the proceeds of grain, but may not recover from such grain or the proceeds of grain any other costs or expenses.

"(2) Notwithstanding section 326(a) of this title, the dollar amounts of money specified in such section include the value, as of the date of disposition, of any grain that the trustee distributes in kind.

"(i) In all cases where the quantity of a specific type of grain held by a debtor operating a grain storage facility exceeds ten thousand bushels, such grain shall be sold by the trustee and the assets thereof distributed in accordance with the provisions of this section.".

(b) The table of sections of chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new item:

"557. Expedited determination of interests in and disposition of grain.".

SEC. 353. Section 901(a) of title 11, United States Code, is amended by inserting "557," after "553,".

SEC. 354. Rule 3001 of the Bankruptcy Rules is amended by adding at the end thereof the following new subdivision:

"(g) To the extent not inconsistent with the United States Warehouse Act or applicable State law, a warehouse receipt, scale ticket, or similar document of the type routinely issued as evidence of title by a grain storage facility, as defined in section 557 of title 11, shall constitute prima facie evidence of the validity and amount of a claim of ownership of a quantity of grain.".

Subtitle C—Leasehold Management Amendments

SEC. 361. This subtitle may be cited as the "Leasehold Management Bankruptcy Amendments Act of 1983".

SEC. 362. (a) Section 365 of title 11, United States Code, is amended by amending subsections (a), (b), (c), and (d) to read as follows:

"(a) Except as provided in sections 765 and 766 of this title and in subsections (b), (c), and (d) of this section, the trustee, subject to the court's approval, may assume or reject any executory contract or unexpired lease of the debtor.

"(b)(1) If there has been a default in an executory contract or unexpired lease of the debtor, the trustee may not assume such contract or lease unless, at the time of assumption of such contract or lease, the trustee—

"(A) cures, or provides adequate assurance that the trustee will promptly cure, such default;

"(B) compensates, or provides adequate assurance that the trustee will promptly compensate, a party other than the debtor to such contract or lease, for any actual pecuniary loss to such party resulting from such default; and

"(C) provides adequate assurance of future performance under such contract or lease.

"(2) Paragraph (1) of this subsection does not apply to a default that is a breach of a provision relating to—

"(A) the insolvency or financial condition of the debtor at any time before the closing of the case;

"(B) the commencement of a case under this title; or

"(C) the appointment of or taking possession by a trustee in a case under this title or a custodian before such commencement.

"(3) For the purposes of paragraph (1) of this subsection and paragraph (2)(B) of subsection (f), adequate assurance of future performance of a lease of real property in a shopping center includes adequate assurance—

"(A) of the source of rent and other consideration due under such lease, and in the case of an assignment, that the financial condition and operating performance of the proposed assignee and its guarantors, if any, shall be similar to the financial condition and operating performance of the debtor and its guarantors, if any, as of the time the debtor became the lessee under the lease;

"(B) that any percentage rent due under such lease will not decline substantially;

"(C) that assumption or assignment of such lease is subject to all the provisions thereof, including (but not limited to) provisions such as a radius, location, use, or exclusivity provision, and will not breach any such provision contained in any other lease, financing agreement, or master agreement relating to such shopping center; and

"(D) that assumption or assignment of such lease will not disrupt any tenant mix or balance in such shopping center.

"(4) Notwithstanding any other provision of this section, if there has been a default in an unexpired lease of the debtor, other than a default of a kind specified in paragraph (2) of this subsection, the trustee may not require a lessor to provide services or supplies incidental to such lease before assumption of such lease unless the lessor is compensated under the terms of such lease for any services and supplies provided under such lease before assumption of such lease.

"(c) The trustee may not assume or assign any executory contract or unexpired lease of the debtor, whether or not such contract or lease prohibits or restricts assignment of rights or delegation of duties, if—

"(1)(A) applicable law excuses a party, other than the debtor, to such contract or lease from accepting performance from or rendering performance to an entity other than the debtor or the debtor in possession or an assignee of such contract or lease, whether or not such contract or lease prohibits or restricts assignment of rights or delegation of duties; and

"(B) such party does not consent to such assumption or assignment; or

"(2) such contract is a contract to make a loan, or extend other debt financing or financial accommodations, to or for the benefit of the debtor, or to issue a security of the debtor; or

"(3) such lease of nonresidential real property has been terminated under applicable nonbankruptcy law prior to the order for relief.

"(d)(1) In a case under chapter 7 of this title, if the trustee does not assume or reject an executory contract or unexpired lease of residential real property or of personal property of the debtor within 60 days after the order for relief, or within such additional time as the court, for cause, within such 60-day period, fixes, then such contract or lease is deemed rejected.

"(2) In a case under chapter 9, 11, or 13 of this title, the trustee may assume or reject an executory contract or unexpired lease of residential real property or of personal property of the debtor at any time before the confirmation of a plan but the court, on the request of any party to such contract or lease, may order the trustee to determine within a specified period of time whether to assume or reject such contract or lease.

"(3) The trustee shall timely perform all the obligations of the debtor, except those specified in section 365(b)(2), arising from and after the order for relief under any unexpired lease of nonresidential real property, until such lease is assumed or rejected, notwithstanding section 503(b)(1) of this title. The court may extend, for cause, the time for performance of any such obligation that arises within 60 days after the date of the order for relief, but the time for performance shall not be extended beyond such 60-day period. This subsection shall not be deemed to affect the trustee's obligations under the provisions of subsection (b) or (f) of this section. Acceptance of any such performance does not constitute waiver or relinquishment of the lessor's rights under such lease or under this title.

"(4) Notwithstanding paragraphs (1) and (2), in a case under any chapter of this title, if the trustee does not assume or reject an unexpired lease of nonresidential real property under which the debtor is the lessee within 60 days after the date of the order for relief, or within such additional time as the court, for cause, within such 60-day period, fixes, then such lease is deemed rejected, and the trustee shall immediately surrender such nonresidential real property to the lessor.".

(b) Section 365 is further amended by adding at the end thereof the following new subsection:

"(l) If an unexpired lease under which the debtor is the lessee is assigned pursuant to this section, the lessor of the property may require a deposit or other security for the performance of the debtor's obligations under the lease substantially the same as would have been required by the landlord upon the initial leasing to a similar tenant.

"(m) For purposes of this section 365 and sections 541(b)(2) and 362(b)(9), leases of real property shall include any rental agreement to use real property.".

SEC. 363. (a) Section 541(b) of title 11, United States Code, is amended to read as follows:

"(b) Property of the estate does not include—

"(1) any power that the debtor may exercise solely for the benefit of an entity other than the debtor; or

"(2) any interest of the debtor as a lessee under a lease of nonresidential real property that has terminated at the expiration of the stated term of such lease before the commencement of the case under this title, and ceases to include any interest of the debtor

as a lessee under a lease of nonresidential real property that has terminated at the expiration of the stated term of such lease during the case.".

(b) Section 362(b) of title 11 of the United States Code is amended by—

(1) striking out "or" at the end of paragraph (7),

(2) replacing the period after paragraph (8) with "; or", and

(3) adding the following after paragraph (8):

"(9) under subsection (a) of this section, of any act by a lessor to the debtor under a lease of nonresidential real property that has terminated by the expiration of the stated term of the lease before the commencement of or during a case under this title to obtain possession of such property.".

Subtitle D—Amendments to Title 11, Section 523 Relating to the Discharge of Debts Incurred by Persons Driving While Intoxicated

SEC. 371. Section 523(a) of title 11, United States Code, is amended by—

(1) striking out "or" at the end of paragraph (8); and

(2) by adding the following new paragraph after such paragraph:

"(9) to any entity, to the extent that such debt arises from a judgment or consent decree entered in a court of record against the debtor wherein liability was incurred by such debtor as a result of the debtor's operation of a motor vehicle while legally intoxicated under the laws or regulations of any jurisdiction within the United States or its territories wherein such motor vehicle was operated and within which such liability was incurred; or".

Subtitle E—Referees Salary and Expense Fund

SEC. 381. This subtitle may be cited as the "Referees Salary and Expense Fund Act of 1984".

SEC. 382. Section 403(e) of the Act of November 6, 1978 (92 Stat. 2683; Public Law 95-598), is amended to read as follows:

"(e) Notwithstanding subsection (a) of this section—

"(1) a fee may not be charged under section 40c(2)(a) of the Bankruptcy Act in a case pending under such Act after September 30, 1979, to the extent that such fee exceeds $200,000;

"(2) a fee may not be charged under section 40c(2)(b) of the Bankruptcy Act in a case in which the plan is confirmed after September 30, 1978, or in which the final determination as to the amount of such fee is made after September 30, 1979, notwithstanding an earlier confirmation date, to the extent that such fee exceeds $100,000;

"(3) after September 30, 1979, all moneys collected for payment into the referees' salary and expense fund in cases filed under the Bankruptcy Act shall be collected and paid into the general fund of the Treasury; and

"(4) any balance in the referees' salary and expense fund in the Treasury on October 1, 1979, shall be transferred to the general fund of the Treasury and the referees' salary and expense fund account shall be closed.".

Subtitle F—Amendments Regarding Repurchase Agreements

SEC. 391. Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraphs (35), (36), (37), (38), (39), (40), and (41), as paragraphs (37), (38), (39), (40), (41), (42), and (43), respectively, and

(2) by inserting after paragraph (34) the following new paragraphs:

"(35) 'repo participant' means an entity that, on any day during the period beginning 90 days before the date of the filing of the petition, has an outstanding repurchase agreement with the debtor;

"(36) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement) means an agreement, including related terms, which provides for the transfer of certificates of deposit, eligible bankers' acceptances, or securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, or securities with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, or securities as described above, at a date certain not later than one year after such transfers or on demand, against the transfer of funds;".

SEC. 392. Section 362(b) of title 11, United States Code, is amended—

(a) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and

(b) by inserting after paragraph (6) the following new paragraph:

"(7) under subsection (a) of this section, of the setoff by a repo participant, of any mutual debt and claim under or in connection with repurchase agreements that constitutes the setoff of a claim against the debtor for a margin payment, as defined in section 741(5) or 761(15) of this title, or settlement payment, as defined in section 741(8) of this title, arising out of repurchase agreements against cash, securities, or other property held by or due from such repo participant to margin, guarantee, secure or settle repurchase agreements;".

SEC. 393. Section 546 of title 11, United States Code, is amended by inserting after subsection (e), as redesignated by section 251, the following:

"(f) Notwithstanding sections 544, 545, 547, 548(a)(2), and 548(b) of this title, the trustee may not avoid a transfer that is a margin payment, as defined in section 741(5) or 761(15) of this title, or settlement payment, as defined in section 741(8) of this title, made by or to a repo participant, in connection with a repurchase agreement and that is made before the commencement of the case, except under section 548(a)(1) of this title.".

SEC. 394. Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A) by striking out "and" at the end thereof;

(2) in subparagraph (B) by striking out the period at the end thereof and inserting in lieu thereof "; and"; and by inserting after paragraph (B) the following new subparagraph:

"(C) a repo participant that receives a margin payment, as defined in section 741(5) or 761(15) of this title, or settlement payment, as defined in section 741(8) of this title, in connection with a repurchase agreement, takes for value to the extent of such payment.".

SEC. 395. Section 553(b)(1) of title 11, United States Code, is amended by inserting ", 362(b)(7)," after "362(b)(6)".

SEC. 396. (a) Chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new section:

"§ 559. Contractual right to liquidate a repurchase agreement

"The exercise of a contractual right of a repo participant to cause the liquidation of a repurchase agreement because of a condition of the kind specified in section 365(e)(1) of this title shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by order of a court or administrative agency in any proceeding under this title, unless, where the debtor is a stockbroker or securities clearing agency, such order is authorized under the provisions of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) or any statute administered by the Securities and Exchange Commission. In the event that a repo participant liquidates one or more repurchase agreements with a debtor and under the terms of one or more such agreements has agreed to deliver assets subject to repurchase agreements to the debtor, any excess of the market prices received on liquidation of such assets (or if any such assets are not disposed of on the date of liquidation of such repurchase agreements, at the prices available at the time of liquidation of such repurchase agreements from a generally recognized source or the most recent closing bid quotation from such a source) over the sum of the stated repurchase prices and all expenses in connection with the liquidation of such repurchase agreements shall be deemed property of the estate, subject to the available rights of setoff. As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw, applicable to each party to the repurchase agreement, of a national securities exchange, a national securities association, or a securities clearing agency, and a right, whether or not evidenced in writing, arising under common law, under law merchant or by reason of normal business practice.".

(b) The analysis of sections for chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new item:

"559. Contractual right to liquidate a repurchase agreement.".

Subtitle G—Amendments to Title 11, Section 365 of the United States Code to Provide Adequate Protection for Timeshare Consumers

SEC. 401. Title 11, United States Code, section 101 is hereby amended by—

(1) redesignating paragraph (43), as redesignated by section 391, as paragraph (44); and

(2) adding the following paragraph after paragraph (42), as redesignated in section 391:

"(43) 'timeshare plan' means and shall include that interest purchased in any arrangement, plan, scheme, or similar device, but not including exchange programs, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement, or by any other means, whereby a purchaser, in exchange for consideration, receives a right to use accommodations, facilities, or recreational sites, whether improved or unimproved, for a specific period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a period of more than three years. A 'timeshare interest' is that interest purchased in a timeshare plan which grants the purchaser the right to use and occupy accommodations, facilities, or recre-

ational sites, whether improved or unimproved, pursuant to a timeshare plan.".

SEC. 402. Section 365(h)(1) of title 11, United States Code, is amended to read as follows:

"(h)(1) If the trustee rejects an unexpired lease of real property of the debtor under which the debtor is the lessor, or a timeshare interest under a timeshare plan under which the debtor is the timeshare interest seller, the lessee or timeshare interest purchaser under such lease or timeshare plan may treat such lease or timeshare plan as terminated by such rejection, where the disaffirmance by the trustee amounts to such a breach as would entitle the lessee or timeshare interest purchaser to treat such lease as terminated by virtue of its own terms, applicable nonbankruptcy law, or other agreements the lessee or timeshare interest purchaser has made with other parties; or, in the alternative, the lessee or timeshare interest purchaser may remain in possession of the leasehold or timeshare interest under any lease or timeshare plan the term of which has commenced for the balance of such term and for any renewal or extension of such term that is enforceable by such lessee or timeshare interest purchaser under applicable nonbankruptcy law.".

SEC. 403. Section 365(h)(2) of title 11, United States Code, is amended to read as follows:

"(2) If such lessee or timeshare interest purchaser remains in possession as provided in paragraph (1) of this subsection, such lessee or timeshare interest purchaser may offset against the rent reserved under such lease or moneys due for such timeshare interest for the balance of the term after the date of the rejection of such lease or timeshare interest, and any such renewal or extension thereof, any damages occurring after such date caused by the nonperformance of any obligation of the debtor under such lease or timeshare plan after such date, but such lessee or timeshare interest purchaser does not have any rights against the estate on account of any damages arising after such date from such rejection, other than such offset.".

SEC. 404. Section 365(i)(1) of title 11, United States Code, is amended to read as follows:

"(i)(1) If the trustee rejects an executory contract of the debtor for the sale of real property or for the sale of a timeshare interest under a timeshare plan, under which the purchaser is in possession, such purchaser may treat such contract as terminated, or, in the alternative, may remain in possession of such real property or timeshare interest.".

Subtitle H—Miscellaneous Amendments to Title 11

SEC. 421. (a) Section 101(2)(D) of title 11 of the United States Code is amended by striking out "or all" after "business".

(b) Section 101(8)(B) of title 11 of the United States Code is amended by striking out the colon at the end thereof and inserting in lieu thereof a semicolon.

(c) Section 101(9)(B) of title 11 of the United States Code is amended by inserting "348(d)," after "section".

(d) Section 101(14) of title 11 of the United States Code is amended by inserting "and" after "trust,".

(e) Section 101(24) of title 11 of the United States Code is amended by striking out "stock broker" and inserting in lieu thereof "stockbroker".

(f) Section 101(26)(B)(ii) of title 11 of the United States Code is amended by—

(1) striking out "separate" each place it appears and inserting in lieu thereof "nonpartnership"; and

(2) striking out "(A)(ii) and inserting in lieu thereof "(A)".

(g) Section 101(30) of title 11 of the United States Code is amended to read as follows:

"(30) 'person' includes individual, partnership, and corporation, but does not include governmental unit, Provided, however, That any governmental unit that acquires an asset from a person as a result of operation of a loan guarantee agreement, or as receiver or liquidating agent of a person, will be considered a person for purposes of section 1102 of this title."

(h) Section 101(38)(B)(vi) of title 11 of the United States Code, as redesignated by section 391 of this Act, is amended by—

(1) striking out "certificate specified in clause (xii) of subparagraph (A)" and inserting in lieu thereof "certificate of a kind specified in subparagraph (A)(xii)"; and

(2) striking out "the subject of such a registration statement" and inserting in lieu thereof "required to be the subject of a registration statement".

(i) Section 101(44) of title 11 of the United States Code, as so redesignated, is amended by striking out the period and inserting in lieu thereof "and foreclosure of the debtor's equity of redemption; and".

(j) Section 101 of title 11 of the United States Code is amended—

(1) by redesignating paragraphs (41) through (44), as previously redesignated, as paragraphs (45) through (48);

(2) by redesignating paragraphs (21) through (40) as paragraphs (24) through (43), respectively;

(3) by redesignating paragraphs (19) and (20) as paragraphs (20) and (21), respectively;

(4) by inserting after paragraph (18) the following:

"(19) 'financial institution' means a person that is a commercial or savings bank, industrial savings bank, savings and loan association, or trust company and, when any such person is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741(7) of this title, such customer;";

(5) by inserting after paragraph (21) as redesignated herein the following:

"(22) 'forward contract' means a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity, or product or byproduct thereof, with a maturity date more than two days after the date the contract is entered into;

"(23) 'forward contract merchant' means a person whose business consists in whole or in part of entering into forward contracts as or with merchants in commodities;";

(6) by inserting after paragraph (43) the following:

"(44) 'State' includes the District of Columbia and Puerto Rico, except for the purpose of defining who may be a debtor under chapter 9 of this title;"; and

(7) by inserting after paragraph (48) the following:

"(49) 'United States', when used in a geographical sense, includes all locations where the judicial jurisdiction of the United States extends, including territories and possessions of the United States;".

SEC. 422. Section 102 of title 11 of the United States Code is amended by striking out "continued" and inserting in lieu thereof "contained" in paragraph (8).

SEC. 423. Section 103(c) of title 11 of the United States Code is amended by striking out "stockholder" and inserting in lieu thereof "stockbroker".

SEC. 424. (a) Subsections (a)(1), (b)(1), and (c)(1) of section 108 of title 11 of the United States Code are each amended by striking out "and" each place it appears and inserting in lieu thereof "or".

(b) Subsections (a), (b), and (c) of section 108 of title 11 of the United States Code are each amended by inserting "nonbankruptcy" after "applicable" and after "entered in a" each place such terms appear.

SEC. 425. (a) Section 109 of title 11 of the United States Code, is amended by striking out "in the United States," the first place it appears.

(b) Section 109(c)(5)(D) of title 11 of the United States Code of this Act is amended by striking out "preference" and inserting in lieu thereof "transfer that is avoidable under section 547 of this title".

(c) Section 109(d) of title 11 of the United States Code is amended by striking out "stockholder" and inserting in lieu thereof "stockbroker".

SEC. 426. (a) Section 303(b) of title 11 of the United States Code is amended by inserting "against a person" after "involuntary case".

(b) Section 303 of title 11 of the United States Code, is amended—

(1) in subsection (b)(1) by inserting "or the subject on a bona fide dispute," after "liability"; and

(2) in subsection (h)(1) by inserting "unless such debts that are the subject of a bona fide dispute" after "due".

SEC. 427. Section 303(j)(2) of title 11 of the United States Code is amended by striking out "debtors" and inserting in lieu thereof "debtor".

SEC. 428. Section 321(b) of title 11 of the United States Code is amended by striking out "a case" and inserting in lieu thereof "the case".

SEC. 429. Section 322(b)(1) of title 11 of the United States Code is amended by inserting "required to be" after "bond".

SEC. 430. (a) Section 326(a) of title 11 of the United States Code is amended by striking out all the language beginning with "three percent" through "$50,000" the second place the latter appears and inserting in lieu thereof "and three percent on any amount in excess of $3,000".

(b) Section 326(d) of title 11 of the United States Code is amended to read as follows:

"(d) The court may deny allowance of compensation for services or reimbursement of expenses of the trustee if the trustee failed to make diligent inquiry into facts that would permit denial of allowance under section 328(c) of this title or, with knowledge of such facts, employed a professional person under section 327 of this title.".

(c) Section 327(c) of title 11 of the United States Code is amended to read as follows:

"(c) In a case under chapter 7 or 11 of this title, a person is not disqualified for employment under this section solely because of such person's employment by or representation of a creditor, unless there is objection by another creditor, in which case the court shall disapprove such employment if there is an actual conflict of interest.".

SEC. 431. Section 328(a) of title 11 of the United States Code is amended by striking out "unanticipatable" and inserting in lieu thereof "not capable of being anticipated".

SEC. 432. (a) Section 329(a) of title 11 of the United States Code is amended by striking out "and" the first place it appears and inserting in lieu thereof "or".

(b) Section 329(b)(1) of title 11 of the United States Code is amended by striking out "trustee" and inserting in lieu thereof "estate".

SEC. 433. Section 330(a) of title 11 of the United States Code is amended—

(1) by striking out "to any parties in interest and to the United States trustee"; and

(2) in paragraph (1), by striking out "time, the nature, the extent, and the value of such services" and inserting in lieu thereof "nature, the extent, and the value of such services, the time spent on such services".

SEC. 434. (a) Section 330(b) of title 11 of the United States Code is amended by striking out "$20" and inserting in lieu thereof "$45".

(b) Section 330 of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(c) Unless the court orders otherwise, in a case under chapter 13 of this title the compensation paid to the trustee serving in the case shall not be less than $5 per month from any distribution under the plan during the administration of the plan.".

SEC. 435. Section 342 of title 11 of the United States Code as amended by section 302 is further amended by amending subsection (a) to read as follows:

"(a) There shall be given such notice as is appropriate, including notice to any holder of a community claim, of an order for relief in a case under this title.".

SEC. 436. Section 343 of title 11 of the United States Code is amended by striking out "examiner" the last place it appears and inserting in lieu thereof "examine".

SEC. 437. Section 345 of title 11 of the United States Code is amended by adding at the end thereof a new subsection (c) as follows:

"(c) An entity with which such moneys are deposited or invested is authorized to deposit or invest such moneys as may be required under this section.".

SEC. 438. Section 346(c)(2) of title 11 of the United States Code is amended by striking out "operation" and inserting in lieu thereof "corporation".

SEC. 439. Section 350(b) of title 11 of the United States Code is amended by striking out "a" and inserting in lieu thereof "A".

SEC. 440. Section 361(1) of title 11 of the United States Code is amended by inserting "a cash payment or" after "make".

SEC. 441. (a) Section 362(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "action or" after "other"; and

(2) in paragraph (3), by inserting "or to exercise control over property of the estate" after "estate" the second place it appears.

(b) Section 362(b) of title 11 of the United States Code is amended—

(1) in paragraph (3), by inserting "or to the extent that such act is accomplished within the period provided under section 547(e)(2)(A) of this title" after "title";

(2) in paragraph (6), by—

(A) inserting "or due from" after "held by"; and

(B) striking out "or secure commodity contracts" and inserting in lieu thereof "secure, or settle commodity contracts", and by inserting "financial institution," after "stockbroker" each time it appears.

(3) in paragraph (8) as redesignated by section 392, by—

(A) striking out "said" and inserting in lieu thereof "the"; and

(B) striking out "or" the last place it appears;

(4) in paragraph (9) as redesignated by section 392, by striking out the period and inserting in lieu thereof a semicolon; and

(5) by adding after paragraph (9) the following new paragraph:

"(10) under subsection (a) of this section, of the presentment of a negotiable instrument and the giving of notice of and protesting dishonor of such an instrument.".

(c) Section 362(c)(2)(B) of title 11 of the United States Code is amended by striking out "and" and inserting in lieu thereof "or".

(d) Section 362(d)(2) of title 11 of the United States Code is amended by inserting "under subsection (a) of this section" after "property" the first place it appears.

(e) Section 362(e) of title 11 of the United States Code is amended—

(1) in the first sentence by inserting "the conclusion of" after "pending"; and

(2) by striking out the last sentence and inserting in lieu thereof the following: "The court shall order such stay continued in effect pending the conclusion of the final hearing under subsection (d) of this section if there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of such final hearing. If the hearing under this subsection is a preliminary hearing, then such final hearing shall be commenced not later than thirty days after the conclusion of such preliminary hearing.".

(f) Section 362(f) of title 11 of the United States Code is amended by—

(1) striking out "The" and inserting in lieu thereof "Upon request of a party in interest, the"; and

(2) inserting "with or" after "court,".

SEC. 442. (a) Section 363(a) of title 11 of the United States Code is amended by—

(1) inserting "whenever acquired" after "equivalents"; and

(2) inserting "and includes the proceeds, products, offspring, rents, or profits of property subject to a security interest as provided in section 552(b) of this title, whether existing before or after the commencement of a case under this title" after "interest".

(b) Section 363(b) of title 11 of the United States Code is amended by—

(1) striking out "(b)" and inserting in lieu thereof "(b)(1)"; and

(2) adding at the end thereof the following new paragraph:

"(2) If notification is required under subsection (a) of section 7A of the Clayton Act (15 U.S.C. 18a) in the case of a transaction under this subsection, then—

"(A) notwithstanding subsection (a) of such section, such notification shall be given by the trustee; and

"(B) notwithstanding subsection (b) of such section, the required waiting period shall end on the tenth day after the date of the receipt of such notification, unless the court, after notice and hearing, orders otherwise.".

(c) Section 363(e) of title 11 of the United States Code is amended by—

(1) inserting ", with or without a hearing," after "court"; and

(2) striking out the last sentence.

(d) Section 363(f)(3) of title 11 of the United States Code is amended by striking out "such interest" the second place it appears and inserting in lieu thereof "all liens on such property".

(e) Section 363(h) of title 11 of the United States Code is amended by striking out "immediately before" and inserting in lieu thereof "at the time of".

(f) Section 363(j) of title 11 of the United States Code is amended by striking out "compenation" and inserting in lieu thereof "compensation".

(g) Section 363(k) of title 11 of the United States Code is amended by striking out "if the holder" and inserting in lieu thereof "unless the court for cause orders otherwise the holder of such claim may bid at such sale, and, if the holder".

(h) Section 363(l) of title 11 of the United States Code is amended by—

(1) striking out "The trustee" and inserting in lieu thereof "Subject to the provisions of section 365, the trustee";

(2) striking out "conditions" and inserting in lieu thereof "condition";

(3) striking out "a taking" and inserting in lieu thereof "or the taking"; and

(4) striking out "interests" and inserting in lieu thereof "interest".

(i) Section 363(n) of title 11 of the United States Code is amended by—

(1) striking out "void" and inserting in lieu thereof "avoid";

(2) striking out "voiding" and inserting in lieu thereof "avoiding"; and

(3) amending the last sentence to read as follows: "In addition to any recovery under the preceding sentence, the court may grant judgment for punitive damages in favor of the estate and against any such party that entered into such an agreement in willful disregard of this subsection.".

(j) Section 363 of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(o) In any hearing under this section—

"(1) the trustee has the burden of proof on the issue of adequate protection; and

"(2) the entity asserting an interest in property has the burden of proof on the issue of the validity, priority, or extent of such interest.".

SEC. 443. Section 366(a) of title 11 of the United States Code is amended by inserting "of the commencement of a case under this title or" after "basis".

SEC. 444. Section 501(d) of title 11 of the United States Code is amended by inserting "502(e)(2)," before "502(f)".

SEC. 445. (a) Section 502(a) of title 11 of the United States Code is amended by inserting "general" before "partner".

(b) Section 502(b) of title 11 of the United States Code is amended—

(1) by inserting "(e)(2)," after "subsections";

(2) by inserting "in lawful currency of the United States" after "claim" the second place it appears;

(3) in paragraph (1), by striking out ", and unenforceable against" and inserting in lieu thereof "and";

(4) by striking out paragraph (3) and redesignating paragraphs (4), (5), (6), (7), (8), and (9) as paragraphs (3), (4), (5), (6), (7), and (8), respectively;

(5) in paragraph (3), as redesignated by paragraph (5), by inserting "the" after "exceeds";

(6) in paragraph (5), as redesignated by paragraph (5), by—

(A) striking out "the claim" and inserting in lieu thereof "such claim", and

(B) striking out the comma after "petition"; and

(7) in paragraph (7), as redesignated by paragraph (5), by—

(A) inserting "the claim of an employee" before "for damages";

(B) striking out "and" in subparagraph (A)(i) and inserting in lieu thereof "or";

(C) striking out "the" the first place it appears in subparagraph (B) and inserting in lieu thereof "any"; and

(D) inserting a comma after "such contract" in subparagraph (B).

(c) Section 502(c) of title 11 of the United States Code is amended—

(1) in paragraph (1) by—
(A) inserting "the" before "fixing"; and
(B) striking out "closing" and inserting in lieu thereof "administration"; and
(2) in paragraph (2), by—
(A) inserting "right to payment arising from a" after "any"; and
(B) striking out "if such breach gives rise to a right to payment".

(d) Section 502(e)(1) of title 11, United States Code, is amended—
(1) by striking out "and (b)" and inserting in lieu thereof ", (b), and (c)"; and
(2) by striking out the commas before and after "or has secured";
(3) in subparagraph (B), by inserting "or disallowance" after "allowance"; and
(4) in subparagraph (C), by—
(A) striking out "requests subrogation" and inserting in lieu thereof "asserts a right of subrogation to the rights of such creditor"; and
(B) striking out "to the rights of such creditor".

(e) Section 502(h) of title 11 of the United States Code is amended by striking out "522(i)" and inserting in lieu thereof "522".

(f) Section 502(j) of title 11 of the United States Code is amended to read as follows:

"(j) A claim that has been allowed or disallowed may be reconsidered for cause. A reconsidered claim may be allowed or disallowed according to the equities of the case. Reconsideration of a claim under this subsection does not affect the validity of any payment or transfer from the estate made to a holder of an allowed claim on account of such allowed claim that is not reconsidered, but if a reconsidered claim is allowed and is of the same class as such holder's claim, such holder may not receive any additional payment or transfer from the estate on account of such holder's allowed claim until the holder of such reconsidered and allowed claim receives payment on account of such claim proportionate in value to that already received by such other holder. This subsection does not alter or modify the trustee's right to recover from a creditor any excess payment or transfer made to such creditor.".

SEC. 446. Section 503(b) of title 11 of the United States Code is amended—
(1) by striking out the comma after "be allowed";
(2) in paragraph (1)(C), by striking out the comma after "credit";
(3) in paragraph (2), by inserting "(a)" after "330";
(4) in paragraph (3), by inserting a comma after "paragraph (4) of this subsection";
(5) in paragraph (3)(C), by striking out the comma after "case";
(6) in paragraph (5), by striking out "and" after the semicolon; and
(7) in paragraph (6), by striking out the period and inserting in lieu thereof "; and".

SEC. 447. Section 505(a) of title 11 of the United States Code is amended in paragraph (2)(B)(i), by striking out "and" and inserting in lieu thereof "or".

SEC. 448. (a) Section 506(b) of title 11 of the United States Code is amended by inserting "for" after "provided".

(b) Paragraphs (1) and (2) of section 506(d) of title 11 of the United States Code are amended to read as follows:

"(1) such claim was disallowed only under section 502(b)(5) or 502(e) of this title; or

"(2) such claim is not an allowed secured claim due only to the failure of any entity to file a proof of such claim under section 501 of this title.".

SEC. 449. (a) Section 507(a) of title 11 of the United States Code is amended—
(1) in paragraph (3), by inserting a comma after "severance";
(2) in paragraph (4), by striking out "employee benefit plans" and inserting in lieu thereof "an employee benefit plan";
(3) in paragraph (4)(B)(i), by inserting "each" after "covered by"; and
(4) in paragraph (7) as redesignated by section 350 by inserting "only" after "units,".

(b) Section 507(c) of title 11 of the United States Code is amended by striking out "shall be treated the same" and inserting in lieu thereof "has the same priority".

SEC. 450. (a) Section 509(a) of title 11 of the United States Code is amended by—
(1) striking out "subsections (b) and" and inserting in lieu thereof "subsection (b) or"; and
(2) inserting "against the debtor" after "a creditor".

(b) Section 509(b)(1) of title 11 of the United States Code is amended by striking out "of a" and inserting in lieu thereof "of such".

(c) Section 509(c) of title 11 of the United States Code is amended by striking out "section 509 of this title" and inserting in lieu thereof "this section".

SEC. 451. Section 510(b) of title 11 of the United States Code is amended to read as follows:

"(b) For the purpose of distribution under this title, a claim arising from rescission of a purchase or sale of a security of the debtor or of an affiliate of the debtor, for damages arising from the purchase or sale of such a security, or for reimbursement or contribution allowed under section 502 on account of such a claim, shall be subordinated to all claims or interests that are senior to or equal the claim or interest represented by such security, except that if such security is common stock, such claim has the same priority as common stock.".

SEC. 452. Section 521(3) of title 11 of the United States Code, as redesignated in section 305, is amended by inserting ", whether or not immunity is granted under section 344 of this title" after "estate" the second place it appears.

SEC. 453. (a) Section 522(a)(2) of title 11 of the United States Code is amended by inserting "or, with respect to property that becomes property of the estate after such date, as of the date such property becomes property of the estate" after "petition".

(b) Section 522(c) of title 11 of the United States Code is amended to read as follows:

"(c) Unless the case is dismissed, property exempted under this section is not liable during or after the case for any debt of the debtor that arose, or that is determined under section 502 of this title as if such debt had arisen, before the commencement of the case, except—

"(1) a debt of a kind specified in section 523(a)(1) or 523(a)(5) of this title; or

"(2) a debt secured by a lien that is—

"(A)(i) not avoided under subsection (f) or (g) of this section or under section 544, 545, 547, 548, 549, or 724(a) of this title; and

"(ii) not void under section 506(d) of this title; or

"(B) a tax lien, notice of which is properly filed.".

(c) Section 522(e) of title 11 of the United States Code is amended by striking out "exemptions" and inserting in lieu thereof "an exemption".

SEC. 454. (a) Section 523(a) of title 11 of the United States Code is amended—
(1) in paragraph (2), by—
(A) striking out "obtaining" each place it appears; and
(B) striking out "refinance of credit," and inserting in lieu thereof "refinancing of credit, to the extent obtained"; and
(2) by striking out "of higher education" in paragraph (8).

(b) Section 523(a)(5) of title 11, United States Code, is amended by—
(1) amending the first paragraph thereof by inserting the words "or other order of a court of record" after the words "divorce decree,"; and
(2) inserting ", or any such debt which has been assigned to the Federal Government or to a State or any political subdivision of such State" after "Social Security Act".

(c) Section 523(c) of title 11 of the United States Code is amended by inserting "of a kind" after "debt" the first time it appears.

SEC. 455. Section 524(a) of title 11 of the United States Code is amended by striking out "any act" each place it appears and inserting in lieu thereof "an act".

SEC. 456. (a) Section 541(a) of title 11 of the United States Code is amended—
(1) by striking out "under" the second time it appears;
(2) by inserting "and by whomever held" after "located";
(3) in paragraph (3), by inserting "329(b), 363(n)," after "section";
(4) in paragraph (5), by striking out "An" and inserting in lieu thereof "Any"; and
(5) in paragraph (6), by striking out "and" and inserting in lieu thereof "or".

(b) Section 541(c) of title 11 of the United States Code is amended—
(1) by inserting "in an agreement, transfer instrument, or applicable nonbankruptcy law" after "provision"; and
(2) in paragraph (1)(B), by—
(A) striking out "the taking" and inserting in lieu thereof "taking"; and
(B) inserting "before such commencement" after "custodian".

(c) Section 541(d) of title 11 of the United States Code is amended by inserting "(1) or (2)" after "(a)".

(d) Section 541(e) of title 11 of the United States Code is repealed.

SEC. 457. Section 542(e) of title 11 of the United States Code is amended by inserting "to turn over or" before "disclose".

SEC. 458. (a) Section 543(a) of title 11 of the United States Code is amended by inserting ", product, offspring, rents, or profits" after "proceeds".

(b) Section 543(b) of title 11 of the United States Code is amended—
(1) in paragraph (1), by—
(A) inserting "held by or" after "debtor"; and
(B) inserting ", product, offspring, rents, or profits" after "proceeds"; and
(2) in paragraph (2), by inserting ", product, offspring, rents, or profits" after "proceeds".

(c) Section 543(c) of title 11 of the United States Code is amended—
(1) in paragraph (1), by inserting "or proceeds, product, offspring, rents, or profits of such property" after "property"; and
(2) in paragraph (3), by inserting "that has been" before "approved".

(d) Section 543(d) of title 11 of the United States Code is amended to read as follows:

"(d) After notice and hearing, the bankruptcy court—

"(1) may excuse compliance with subsection (a), (b), or (c) of this section, if the interests of creditors and, if the debtor is not insolvent, of equity security holders would be better served by permitting a custodian to continue in possession, custody, or control of such property, and

"(2) shall excuse compliance with subsections (a) and (b)(1) of this section if the custodian is an assignee for the benefit of the debtor's creditors that was appointed or took possession more than 120 days before the date of the filing of the petition, unless compliance with such subsections is necessary to prevent fraud or injustice.".

SEC. 459. Section 544(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "such" after "obtained";

(2) in paragraph (2), by striking out "; and" and inserting in lieu thereof "; or"; and

(3) in paragraph (3), by—

(A) inserting ", other than fixtures," after "property"; and

(B) inserting "and has perfected such transfer" after "purchaser" the second place it appears.

SEC. 460. Section 545 of title 11 of the United States Code is amended—

(1) in paragraph (1)(A), by striking out "is" the first time it appears;

(2) in paragraph (1)(C), by striking out "apponted" and inserting in lieu thereof "appointed or authorized to take"; and

(3) in paragraph (2), by striking out "on the date of the filing of the petition" each place it appears and inserting in lieu thereof "at the time of the commencement of the case".

SEC. 461. (a) Section 546(a) of title 11 of the United States Code is amended in paragraph (1) by striking out "and" and inserting in lieu thereof "or".

(b) Section 546(b) of title 11 of the United States Code is amended by striking out "the trustee under section 544, 545, or" and inserting in lieu thereof "a trustee under sections 544, 545, and".

(c) Section 546(c) of title 11 of the United States Code is amended—

(1) by striking out "the trustee" and inserting in lieu thereof "a trustee";

(2) by striking out "right" the first place it appears;

(3) by inserting "of goods that has sold goods to the debtor" after "seller" the first place it appears;

(4) by striking out "of goods to the debtor" after "business,"; and

(5) in paragraph (2), by—

(A) inserting "the" after "if"; and

(B) striking out "an administrative expense" and inserting in lieu thereof "a claim of a kind specified in section 503(b) of this title".

(d) Section 546(e) of title 11 of the United States Code, as redesignated by section 351, is amended by inserting "financial institution" after "stockbroker".

SEC. 462. (a) Section 547(a) of title 11 of the United States Code is amended—

(1) in paragraph (2), by inserting "including proceeds of such property," after "law,"; and

(2) in paragraph (4), by—

(A) striking out ", without penalty"; and

(B) inserting "without penalty" after "payable".

(b) Section 547(b) of title 11 of the United States Code is amended—

(1) by striking out "of property of the debtor" and inserting in lieu thereof "of an interest of the debtor in property"; and

(2) in paragraph (4) by amending subparagraph (B) to read as follows:

"(B) between ninety days and one year before the date of the filing of the petition, if such creditor at the time of such transfer was an insider;".

(c) Section 547 of title 11 of the United States Code is amended in subsection (c)(2) thereof by striking out subparagraph (B) of such subsection, and by redesignating subparagraphs (C) and (D) thereof as subparagraphs (B) and (C), respectively.

(d) Section 547(c) of title 11 of the United States Code is amended—

(1) in paragraph (2)(A), by inserting "by the debtor" after "incurred";

(2) in paragraph (3), by striking out "of" the first place it appears and inserting in lieu thereof "that creates";

(3) in paragraph (3)(B), by—

(A) inserting "on or" after "perfected"; and

(B) striking out "such security interest attaches" and inserting in lieu thereof "the debtor receives possession of such property";

(4) in paragraph (5), by—

(A) striking out "of" the first place it appears and inserting in lieu thereof "that creates"; and

(B) striking out "all security interest" and inserting in lieu thereof "all security interests"; and

(5) in paragraph (5)(A)(ii), by striking out "and" and inserting in lieu thereof "or".

(e) Section 547(d) of title 11 of the United States Code is amended by—

(1) striking out "A" and inserting in lieu thereof "The";

(2) inserting "an interest in" after "transfer of";

(3) inserting "to or for the benefit of a surety" after "transferred"; and

(4) inserting "such" after "reimbursement of".

(f) Section 547(e) of title 11 of the United States Code is amended in paragraph (2)(C)(i), by striking out "and" and inserting in lieu thereof "or".

(g) Section 547 of title 11 of the United States Code is amended by adding at the end thereof the following new subsection:

"(g) For the purposes of this section, the trustee has the burden of proving the avoidability of a transfer under subsection (b) of this section, and the creditor or party in interest against whom recovery or avoidance is sought has the burden of proving the nonavoidability of a transfer under subsection (c) of this section.".

SEC. 463. (a) Section 548(a) of title 11 of the United States Code is amended—

(1) by striking out "if the debtor" and inserting in lieu thereof "if the debtor voluntarily or involuntarily";

(2) in paragraph (1), by striking out "occurred" and inserting in lieu thereof "was made"; and

(3) in paragraph (2)(B)(ii), by inserting "or a transaction" after "engaged in business".

(b) Section 548(c) of title 11 of the United States Code is amended by—

(1) inserting "or may retain" after "lien on"; and

(2) striking out ", may retain any lien transferred,".

(c)(1) Section 548(d)(1) of title 11 of the United States Code is amended by—

(A) striking out "becomes so far" and inserting in lieu thereof "is so";

(B) striking out "such transfer could have been" and inserting in lieu thereof "applicable law permits such transfer to be"; and

(C) striking out "occurs" and inserting in lieu thereof "is made".

(2) Section 548(d)(2)(B) of title 11 is amended by inserting "financial institution," after "stockbroker".

SEC. 464. (a) Section 549(a) of title 11 of the United States Code is amended—

(1) by striking out "(b) and (c)" and inserting in lieu thereof "(b) or (c)"; and

(2) in paragraph (2)(A), by inserting "only" after "authorized".

(3) striking out "that occurs" and inserting in lieu thereof "made";

(4) striking out "is valid against the trustee to the extent of" and inserting in lieu thereof "to the extent"; and

(5) inserting "is" before "given".

(c) Section 549(c) of title 11 of the United States Code is amended to read as follows:

"(c) The trustee may not avoid under subsection (a) of this section a transfer of real property to a good faith purchaser without knowledge of the commencement of the case and for present fair equivalent value unless a copy or notice of the petition was filed, where a transfer of such real property may be recorded to perfect such transfer, before such transfer is so perfected that a bona fide purchaser of such property, against whom applicable law permits such transfer to be perfected, could not acquire an interest that is superior to the interest of such good faith purchaser. A good faith purchaser without knowledge of the commencement of the case and for less than present fair equivalent value has a lien on the property transferred to the extent of any present value given, unless a copy or notice of the petition was so filed before such transfer was so perfected.".

(d) Section 549(d)(1) of title 11 of the United States Code is amended by striking out "and" and inserting in lieu thereof "or".

SEC. 465. (a) Section 550(a) of title 11 of the United States Code is amended by striking out "549, or 724(a) of this title" and inserting in lieu thereof "549, 553(b), or 724(a) of this title".

(b) Section 550(d) of title 11 of the United States Code is amended—

(1) in paragraph (1)(A), by inserting "or accruing to" after "by";

(2) in paragraph (1)(B), by striking out "value" and inserting in lieu thereof "the value of such property";

(3) in paragraph (2), by striking out subparagraphs (D) and (E) and inserting in lieu thereof the following:

"(D) payment of any debt secured by a lien on such property that is superior or equal to the rights of the trustee; and"; and

(4) in paragraph (2), by redesignating subparagraph (F) as subparagraph (E).

(c) Section 550(e)(1) of title 11 of the United States Code is amended by striking out "and" and inserting in lieu thereof "or".

SEC. 466. Section 552(b) of title 11 of the United States Code is amended by—

(1) inserting "522," after "506(c),";

(2) striking out "a secured party enter" and inserting in lieu thereof "an entity entered"; and

(3) striking out "except to the extent" and inserting in lieu thereof "except to any extent".

SEC. 467. Section 553(b)(1) of title 11 of the United States Code is amended by striking out "or 365(h)(1)" and inserting in lieu thereof ", 365(h)(2), or 365(i)(2)".

SEC. 468. (a) Subsections (a) and (b) of section 554 of title 11 of the United States Code are each amended by inserting "and benefit" after "value".

(b) Section 554(c) of title 11 of the United States Code is amended to read as follows:

"(c) Unless the court orders otherwise, any property scheduled under section 521(a)(1) of this title not otherwise administered at the time of the closing of a case is abandoned to the debtor and administered for purposes of section 350 of this title.".

(c) Section 554(d) of title 11 of the United States Code is amended by striking out "section (a) or (b) of".

SEC. 469. Section 555 of title 11 of the United States Code is amended by inserting ", financial institution," after "stockbroker".

SEC. 470. (a) Chapter 5 of title 11 of the United States Code as amended by section 352 is amended by adding at the end thereof the following new section:

"§ 558. Defenses of the estate

"The estate shall have the benefit of any defense available to the debtor as against any entity other than the estate, including statutes of limitation, statutes of frauds, usury, and other personal defenses. A waiver of any such defense by the debtor after the commencement of the case does not bind the estate.".

(b) The table of sections for chapter 5 of title 11 of the United States Code is amended by adding at the end thereof the following new item:

"558. Defenses of the estate.".

SEC. 471. The table of sections for chapter 7 of title 11 of the United States Code is amended by striking out "Succesor" in the item relating to section 703 and inserting in lieu thereof "Successor".

SEC. 472. (a) Section 702(b) of title 11 of the United States Code is amended by inserting "held" after "meeting of creditors".

(b) Section 702(c) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "of a kind" after "claims"; and

(2) in paragraph (2), by inserting "a" after "for".

(c) Section 702(d) of title 11 of the United States Code is amended by striking out "subsection (c) of".

SEC. 473. Section 703(b) of title 11 of the United States Code is amended by striking out "specified in section 701(a) of this title. Sections 701(b) and 701(c) of this title apply to such interim trustee" and inserting in lieu thereof "and subject to the provisions of section 701 of this title".

SEC. 474. Section 704 of title 11 of the United States Code as amended by section 311 is amended in paragraph (1), by striking out "up".

SEC. 475. Paragraphs (1) and (2) of section 707 of title 11 of the United States Code are each amended by striking out "and" and inserting in lieu thereof "or".

SEC. 476. (a) Section 723(a) of title 11 of the United States Code is amended by striking out all after "claims" and inserting in lieu thereof "which are allowed in a case under this chapter concerning a partnership and with respect to which a general partner of the partnership is personally liable, the trustee shall have a claim against such general partner for the full amount of the deficiency".

(b) Section 723(c) of title 11 of the United States Code is amended by—

(1) striking out "such case" each place it appears and inserting in lieu thereof "such partner's case";

(2) striking out "be property" and inserting in lieu thereof "by property"; and

(3) striking out "the kind" and inserting in lieu thereof "a kind".

SEC. 477. (a) Section 724(b) of title 11 of the United States Code is amended—

(1) by striking out "taxes" and inserting in lieu thereof "a tax";

(2) in paragraph (2), by—

(A) striking out "claims" and inserting in lieu thereof "any holder of a claim of a kind";

(B) striking out "sections" and inserting in lieu thereof "section"; and

(C) striking out "and" and inserting in lieu thereof "or"; and

(3) in paragraph (3), by inserting "tax" after "allowed".

(b) Section 724(c) of title 11 of the United States Code is amended by—

(1) striking out "creditor" and inserting in lieu thereof "holder of a claim"; and

(2) striking out "creditors" each place it appears and inserting in lieu thereof "holders".

(c) Section 724(d) of title 11 of the United States Code is amended by—

(1) striking out "whose priority" and inserting in lieu thereof "the priority of which"; and

(2) inserting "if such lien were" after "the same as".

SEC. 478. Section 725 of title 11 of the United States Code is amended by inserting "of property of the estate" after "distribution".

SEC. 479. (a) Section 726(b) of title 11 of the United States Code is amended by—

(1) striking out "a particular paragraph" and inserting in lieu thereof "each such particular paragraph"; and

(2) striking out "administrative expenses" each place it appears and inserting in lieu thereof "a claim allowed under section 503(b) of this title"; and

(3) striking out "have" and inserting in lieu thereof "has".

(b) Section 726(c) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "Administrative expenses" and inserting in lieu thereof "Claims allowed under section 503 of this title"; and

(2) in paragraph (2), by striking out "Claims other than for administrative expenses" and inserting in lieu thereof "Allowed claims, other than claims allowed under section 503 of this title,".

SEC. 480. (a) Section 727(a) of title 11 of the United States Code is amended—

(1) in paragraph (6)(C), by striking out "property" and inserting in lieu thereof "properly";

(2) in paragraph (7), by inserting ", under this title or under the Bankruptcy Act," after "another case"; and

(3) in paragraph (8), by inserting a comma after "371".

(b) Section 727(c)(1) of title 11 of the United States Code is amended by inserting "the granting of a" after "to".

(c) Section 727(e)(2)(A) of title 11 of the United States Code is amended by striking out "and" and inserting in lieu thereof "or".

SEC. 481. (a) Section 728(c) of title 11 of the United States Code is amended by striking out the comma after "taxable income".

(b) Section 728(d)(2) of title 11 of the United States Code is amended by inserting "otherwise" after "is", and by striking out "otherwise" after "partner".

SEC. 482. Section 741 of title 11 of the United States Code is amended—

(1) in paragraph (2)(A), by—

(A) striking out "the debtor" the first time it appears and inserting in lieu thereof "a person";

(B) striking out "holds" and inserting in lieu thereof "has";

(C) striking out "the debtor" the second and third time it appears and inserting in lieu thereof "such person"; and

(D) striking out "business as a stockbroker" and inserting in lieu thereof "such person's business as a stockbroker,";

(2) in paragraph (2)(B), by—

(A) striking out "holds" and inserting in lieu thereof "has";

(B) striking out "the debtor" the first place it appears and inserting in lieu thereof "a person"; and

(C) by striking out "the debtor" and inserting in lieu thereof "such person" in clause (ii);

(3) in paragraph (4)(A)(i), by striking out "and that is" and inserting in lieu thereof "from and that is the lawful";

(4) in paragraph (6)(A)(i), by—

(A) inserting a comma after "petition"; and

(B) inserting "any" after "except"; and

(5) in paragraph (7), by amending such paragraph to read as follows:

"(7) 'securities contract' means contract for the purchase, sale, or loan of a security, including an option for the purchase or sale of a security, certificate of deposit, or group or index of securities (including any interest therein or based on the value thereof), or any option entered into on a national securities exchange relating to foreign currencies, or the guarantee of any settlement of cash or securities by or to a securities clearing agency;"; and

(6) in paragraph (8) by inserting "a final settlement payment," after "settlement payment on account,".

SEC. 483. Section 745(a) of title 11 of the United States Code is amended by inserting "the debtor for" after "by".

SEC. 484. (a) Section 752(a) of title 11 of the United States Code is amended by—

(1) striking out "customers allowed" and in lieu thereof "customers' allowed";

(2) inserting "of the kind" after "except claims"; and

(3) inserting "such" before "customer property".

(b) Section 752(b)(2) of title 11 of the United States Code is amended by striking out "726(a)" and inserting in lieu thereof "726".

SEC. 485. Section 761 of title 11 of the United States Code is amended in paragraph (10), by striking out "and that is" in subparagraph (A)(viii) and inserting in lieu thereof "from and that is the lawful".

SEC. 486. Section 763(a) of title 11 of the United States Code is amended by—

(1) inserting "the debtor for" after "by"; and

(2) striking out "deemed to be" and inserting in lieu thereof "treated as".

SEC. 487. Section 764(a) of title 11 of the United States Code is amended by inserting "by the debtor" after "any transfer".

SEC. 488. Section 765(a) of title 11 of the United States Code is amended by striking out "notice under", and inserting in lieu thereof "notice required by".

SEC. 489. Section 766(j)(2) of title 11 of the United States Code is amended by striking out "726(a)" and inserting in lieu thereof "726".

SEC. 490. Section 901(a) of title 11 of the United States Code is amended by inserting a comma after "1111(b)".

SEC. 491. Section 902(2) of title 11 of the United States Code is amended by striking out "title, legal or equitable, to real property against which has been levied a special assessment or special tax" and by inserting in lieu thereof "legal or equitable title to real property against which a special assessment or special tax has been levied".

SEC. 492. Section 903(2) of title 11 of the United States Code is amended by striking out "to" the first place it appears.

SEC. 493. Chapter 9 of title 11 of the United States Code is amended by striking out

"SUBCHAPER II" and inserting in lieu thereof "SUBCHAPTER II".

SEC. 494. (a) Section 921(c) of title 11 of the United States Code is amended by—

(1) striking out "an" and inserting in lieu thereof "any"; and

(2) striking out the comma after "petition" the second place it appears, and after "faith".

(b) Section 921 of title 11 of the United States Code is amended by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) Section 921(a) is amended by striking out "109(c)" and inserting in lieu thereof "109(d)".

(d) Section 921(d) of title 11 of the United States Code, as so redesignated, is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)".

SEC. 495. Section 922(a)(1) of title 11 of the United States Code is amended by—

(1) inserting "a" before "judicial"; and

(2) inserting "action or" before "proceeding".

SEC. 496. Section 927(b) of title 11 of the United States Code is amended by inserting "of a plan under this chapter" after "confirmation".

SEC. 497. Section 943(b) of title 11 of the United States Code is amended—

(1) in paragraph (4), by striking out "to be taken"; and

(2) by amending paragraph (5) to read as follows:

"(5) except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides that on the effective date of the plan each holder of a claim of a kind specified in section 507(a)(1) of this title will receive on account of such claim cash equal to the allowed amount of such claim; and".

SEC. 498. Section 945(a) of title 11 of the United States Code is amended by striking out "execution" and inserting in lieu thereof "implementation".

SEC. 499. Section 1102(b)(1) of title 11 of the United States Code is amended by striking out "order for relief" and inserting in lieu thereof "commencement of the case".

SEC. 500. (a) Section 1103(b) is amended by—

(1) inserting "having an adverse interest" after "entity"; and

(2) adding at the end thereof the following: "Representation of one or more creditors of the same class as represented by the committee shall not per se constitute the representation of an adverse interest.".

(b) Section 1103(c) of title 11 of the United States Code is amended—

(1) in paragraph (3), by—

(A) striking out "recommendations" and inserting in lieu thereof "determinations"; and

(B) inserting "or rejections" after "acceptances"; and

(2) in paragraph (4), by striking out ", if a trustee or examiner, as the case may be, has not previously been appointed under this chapter in the case".

SEC. 501. Section 1105 of title 11 of the United States Code is amended by striking out "estate, and" and inserting in lieu thereof "estate and of the".

SEC. 502. Section 1106(b) of title 11 of the United States Code is amended by inserting ", except to the extent that the court orders otherwise," before "any other".

SEC. 503. Section 1107(a) of title 11 of the United States Code is amended by inserting "serving in a case" after "on a trustee".

SEC. 504. Section 1108 of title 11 of the United States Code is amended by inserting ", on request of a party in interest and after notice and a hearing," after "court".

SEC. 505. (a) Section 1112(a) of title 11 of the United States Code is amended—

(1) in paragraph (2), by striking out "is an involuntary case originally commenced under this chapter" and inserting in lieu thereof "originally was commenced as an involuntary case under this chapter"; and

(2) in paragraph (3), by striking out "on other than" and inserting in lieu thereof "other than on".

(b) Section 1112(b) of title 11 of the United States Code is amended—

(1) in paragraph (5), by inserting "a request made for" before "additional"; and

(2) in paragraph (8), by striking out "and" and inserting in lieu thereof "or".

SEC. 506. (a) Section 1121(c)(3) of title 11 of the United States Code is amended by striking out "the claims or interests of which are" and inserting in lieu thereof "of claims or interests that is".

(b) Section 1121(d) of title 11 of the United States Code is amended by inserting "made within the respective periods specified in subsection (c) of this section" after "interest".

SEC. 507. (a) Section 1123(a) of title 11 of the United States Code is amended—

(1) by striking out "A" and inserting in lieu thereof "Notwithstanding any otherwise applicable nonbankruptcy law, a";

(2) in paragraph (1), by—

(A) inserting a comma after "classes of claims"; and

(B) by striking out "507(a)(6) of this title" and inserting in lieu thereof "507(a)(7) of this title,";

(3) in paragraph (3), by striking out "shall";

(4) in paragraph (5), by striking out "execution" and inserting in lieu thereof "implementation"; and

(5) in paragraph (5)(G), by inserting "of" after "waiving".

(b) Section 1123(b)(2) of title 11 of the United States Code is amended by—

(1) striking out "or rejection" and inserting in lieu thereof ", rejection, or assignment"; and

(2) striking out "under section 365 of this title" and inserting in lieu thereof "under such section".

SEC. 508. Section 1124 of title 11 of the United States Code is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(A) cures any such default that occurred before or after the commencement of the case under this title, other than a default of a kind specified in section 365(b)(2) of this title;"; and

(2) in paragraph (3)(B)(i), by striking out "and" and inserting in lieu thereof "or".

SEC. 509. (a) Section 1125(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting ", but adequate information need not include such information about any other possible or proposed plan" after "plan";

(2) in paragraph (2)(B), by inserting "the" after "with"; and

(3) in paragraph (2)(C), by inserting "of" after "holders".

(b) Section 1125(d) of title 11 of the United States Code is amended by—

(1) inserting "required under subsection (b) of this section" after "statement" the first place it appears; and

(2) inserting ", or otherwise seek review of," after "appeal from".

(c) Section 1125(e) of title 11 of the United States Code is amended by—

(1) inserting "acceptance or rejection of a plan" after "solicits"; and

(2) inserting "solicitation of acceptance or rejection of a plan or" after "governing".

SEC. 510. (a) Section 1126(b)(2) of title 11 of the United States Code is amended by striking out "1125(a)(1)" and inserting in lieu thereof "1125(a)".

(b) Section 1126(d) of title 11 of the United States Code is amended by inserting a comma after "such interests" the first place it appears.

(c) Section 1126(f) of title 11 of the United States Code is amended by—

(1) striking out "is deemed" and inserting in lieu thereof ", and each holder of a claim or interest of such class, are conclusively presumed";

(2) striking out "solicititation" and inserting in lieu thereof "solicitation"; and

(3) striking out "interest" and inserting in lieu thereof "interests".

(d) Section 1126(g) of title 11 of the United States Code is amended by striking out "any payment or compensation" and inserting in lieu thereof "receive or retain any property".

SEC. 511. (a) Section 1127(a) of title 11 of the United States Code is amended by—

(1) inserting "of a plan" after "After the proponent"; and

(2) inserting "of such plan" after "modification".

(b) Section 1127(b) of title 11 of the United States Code is amended by striking out "the court, after notice and a hearing, confirms such plan, as modified, under section 1129 of this title, and circumstances warrant such modification" and inserting in lieu thereof "circumstances warrant such modification and the court, after notice and a hearing, confirms such plan as modified, under section 1129 of this title".

SEC. 512. (a) Section 1129(a) of title 11 of the United States Code is amended—

(1) in paragraph (1), by striking out "chapter." and inserting in lieu thereof "title.";

(2) in paragraph (2), by striking out "chapter." and inserting in lieu thereof "title.";

(3) by amending paragraph (4) to read as follows:

"(4) Any payment made or to be made by the proponent, by the debtor, or by a person issuing securities or acquiring property under the plan, for services or for costs and expenses in or in connection with the case, or in connection with the plan and incident to the case, has been approved by, or is subject to the approval of, the court as reasonable;";

(4) in paragraph (5)(A)(ii), by striking out the period and inserting in lieu thereof "; and";

(5) in paragraph (5)(B), by striking out "The" and inserting in lieu thereof "the";

(6) in paragraph (6), by inserting "governmental" after "Any";

(7) in paragraph (7), by—

(A) inserting "of each impaired class of claims or interests" in lieu of "each class"; and

(B) striking out "creditor's" in subparagraph (B) and inserting in lieu thereof "holder's";

(8) in paragraph (8), by inserting "of claims or interests" after "each class"; and

(9) by amending paragraph (10) to read as follows:

"(10) If a class of claims is impaired under the plan, at least one class of claims that is impaired under the plan has accepted the plan, determined without including any acceptance of the plan by any insider.".

(b) Section 1129(b) of title 11 of the United States Code is amended—

(1) in paragraph (2)(A), by striking out "lien" each place it appears and inserting in lieu thereof "liens";

(2) in paragraph (2)(B)(ii), by inserting "under the plan" after "retain"; and

(3) in paragraph (2)(C)(i), by—

(A) striking out "claim" and inserting in lieu thereof "interest"; and

(B) striking out "and the value" and inserting in lieu thereof "or the value".

(c) Section 1129(d) of title 11 of the United States Code is amended by—

(1) inserting "the application of" after "avoidance of" the second place it appears; and

(2) adding at the end thereof the following new sentence: "In any hearing under this subsection, the governmental unit has the burden of proof on the issue of avoidance.".

SEC. 513. (a) Section 1141(a) of title 11 of the United States Code is amended by striking out "any creditor or equity security holder of, or general partner in," and inserting in lieu thereof "any creditor, equity security holder, or general partner in".

(b) Section 1141(c) of title 11 of the United States Code is amended to read as follows:

"(c) Except as provided in subsections (d)(2) and (d)(3) of this section and except as otherwise provided in the plan or in the order confirming the plan, after confirmation of a plan, the property dealt with by the plan is free and clear of all claims and interests of creditors, equity security holders, and of general partners in the debtor.".

SEC. 514. (a) The heading for section 1142 of title 11 of the United States Code is amended to read as follows:

"§ 1142. Implementation of plan".

(b) The item relating to section 1142 in the table of sections for chapter 11 of title 11 of the United States Code is amended by striking out "Execution" and inserting in lieu thereof "Implementation".

(c) Section 1142(a) of title 11 of the United States Code is amended by striking out the comma after "plan" the second place it appears.

(d) Section 1142(b) of title 11 of the United States Code is amended by inserting "a" after "by".

SEC. 515. Section 1144 of title 11 of the United States Code is amended by inserting "if and only" after "revoke such order".

SEC. 516. (a) Section 1145(a) of title 11 of the United States Code is amended—

(1) in paragraph (3)(B)(i), by inserting "or 15(d)" after "13" and by inserting "or 78o(d)" after "78m";

(2) by amending paragraph (3)(B)(ii) to read as follows:

"(ii) in compliance with the disclosure and reporting provision of such applicable section; and"; and

(3) in paragraph (4), by striking out "stockholder" each place it appears and inserting in lieu thereof "stockbroker".

(b) Section 1145(b) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "and except with respect to ordinary trading transactions of an entity that is not an issuer" after "subsection";

(2) in paragraph (1)(C), by striking out "for" and inserting in lieu thereof "from";

(3) in paragraph (2)(A)(i), by striking out "combination" and inserting in lieu thereof "or combining"; and

(4) in paragraph (2)(A)(ii), by striking out "among" and inserting in lieu thereof "from or to".

(c) Section 1145(d) of title 11 of the United States Code is amended by striking out "commercial".

SEC. 517. (a) Section 1146(c) of title 11 of the United States Code is amended by striking out "State or local".

(b) Section 1146(d)(1) of title 11 of the United States Code is amended by striking out "and" and inserting in lieu thereof "or".

SEC. 518. Section 1166 of title 11 of the United States Code is amended by striking out "the Interstate Commerce Act (49 U.S.C. 1 et seq.)" and inserting in lieu thereof "subtitle IV of title 49".

SEC. 519. Section 1168(b) of title 11 of the United States Code is amended by inserting a comma after "approval".

SEC. 520. Section 1169(c) of title 11 of the United States Code is amended by striking out "the Interstate Commerce Act (49 U.S.C. 1 et seq.)" and inserting in lieu thereof "subtitle IV of title 49".

SEC. 521. (a) Section 1170(a) of title 11 of the United States Code is amended by inserting "of all or a portion" after "the abandonment".

(b) Section 1170(c) of title 11 of the United States Code is amended by inserting a comma after "abandonment".

(c) Section 1170(d)(2) of title 11 of the United States Code is amended by—

(1) striking out "the abandonment of a railroad line" and inserting in lieu thereof "such abandonment"; and

(2) striking out "termination" each place it appears and inserting in lieu thereof "suspension".

SEC. 522. Section 1171(b) of title 11 of the United States Code is amended by striking out "such" and inserting in lieu thereof "the same".

SEC. 523. Section 1173(a)(4) of title 11 of the United States Code is amended by striking out "compatible" and inserting in lieu thereof "consistent".

SEC. 524. Section 1301(c)(3) of title 11 of the United States Code is amended by inserting "continuation of" after "by".

SEC. 525. (a) Section 1302(b) of title 11 of the United States Code as amended by section 314 is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively and by inserting after paragraph (2) the following new paragraph:

"(3) dispose of, under regulations issued by the Director of the Administrative Office of the United States Courts, moneys received or to be received in a case under chapter XIII of the Bankruptcy Act; and".

(b) Section 1302(e) of title 11 of the United States Code is amended—

(1) in paragraph (4), by striking out "fix" and inserting in lieu thereof "set for such individual";

(2) in paragraph (1)(A), by striking out "for such individual"; and

(3) in paragraph (2)(A), by—

(A) striking out "of" and inserting in lieu thereof "received by"; and

(B) striking out "upon all payments" and inserting in lieu thereof "of all such payments made".

SEC. 526. Section 1304(b) of title 11 of the United States Code is amended by striking out the comma after "of the debtor".

SEC. 527. (a) Section 1307(b) of title 11 of the United States Code is amended by inserting a comma after "time".

(b) Section 1307(c) of title 11 of the United States Code as amended by section 315 is amended—

(1) in paragraph (5), as redesignated by inserting "a request made for" before "additional";

(2) in paragraph (7), as redesignated by striking out "and" after the semicolon and inserting in lieu thereof "or"; and

(3) in paragraph (8), as redesignated by inserting "other than completion of payments under the plan" after "in the plan".

SEC. 528. (a) Section 1322(a)(2) of title 11 of the United States Code is amended by inserting a comma after "payments".

(b) Section 1322(b) of title 11 of the United States Code is amended—

(1) in paragraph (2), by inserting ", or leave unaffected the rights of holders of any class of claims" before the semicolon;

(2) in paragraph (4), by inserting "other" after "claim or any";

(3) in paragraph (7), by—

(A) inserting "subject to section 365 of this title," before "provide";

(B) striking out "or rejection" and inserting in lieu thereof ", rejection, or assignment"; and

(C) striking out "under section 365 of this title" and inserting in lieu thereof "under such section"; and

(4) in paragraph (8), by striking out "any".

SEC. 529. Section 1324 of title 11 of the United States Code is amended by striking out "the" the second place it appears.

SEC. 530. Section 1325(a)(1) of title 11 of the United States Code is amended by inserting "the" before "other".

SEC. 531. Section 1326(b)(2) of title 11 of the United States Code as amended by section 318 is amended by inserting "of this title" after "1302(d)".

SEC. 532. Section 1328(e) of title 11 of the United States Code is amended—

(1) in paragraph (1), by inserting "by the debtor" after "obtained"; and

(2) in paragraph (2), by striking out "knowledge of such fraud came to the requesting party" and inserting in lieu thereof "the requesting party did not know of such fraud until".

SEC. 533. Section 1329(a) of title 11 of the United States Code is amended—

(1) by inserting "of the plan" after "confirmation";

(2) by striking out "a plan" and inserting in lieu thereof "such plan"; and

(3) in paragraph (3), by striking out the comma.

SEC. 534. Section 151302(a) of title 11 of the United States Code is amended by inserting ", or shall appoint a disinterested person to serve," after "The United States trustee shall serve".

SUBTITLE J—COLLECTIVE-BARGAINING AGREEMENTS

SEC. 541. (a) Title 11 of the United States Code is amended by adding after section 1112 the following new section:

"§ 1113. Rejection of collective bargaining agreements

"(a) The debtor in possession, or the trustee if one has been appointed under the provisions of this chapter, other than a trustee in a case covered by subchapter IV of this chapter and by title I of the Railway Labor Act, may assume or reject a collective bargaining agreement only in accordance with the provisions of this section.

"(b)(1) Subsequent to filing a petition and prior to filing an application seeking rejection of a collective bargaining agreement, the debtor in possession or trustee (hereinafter in this section 'trustee' shall include a debtor in possession), shall—

"(A) make a proposal to the authorized representative of the employees covered by such agreement, based on the most complete and reliable information available at the

time of such proposal, which provides for those necessary modifications in the employees benefits and protections that are necessary to permit the reorganization of the debtor and assures that all creditors, the debtor and all of the affected parties are treated fairly and equitably; and

"(B) provide, subject to subsection (d)(3), the representative of the employees with such relevant information as is necessary to evaluate the proposal.

"(2) During the period beginning on the date of the making of a proposal provided for in paragraph (1) and ending on the date of the hearing provided for in subsection (d)(1), the trustee shall meet, at reasonable times, with the authorized representative to confer in good faith in attempting to reach mutually satisfactory modifications of such agreement.

"(c) The court shall approve an application for rejection of a collective bargaining agreement only if the court finds that—

"(1) the trustee has, prior to the hearing, made a proposal that fulfills the requirements of subsection (b)(1);

"(2) the authorized representative of the employees has refused to accept such proposal without good cause; and

"(3) the balance of the equities clearly favors rejection of such agreement.

"(d)(1) Upon the filing of an application for rejection the court shall schedule a hearing to be held not later than fourteen days after the date of the filing of such application. All interested parties may appear and be heard at such hearing. Adequate notice shall be provided to such parties at least ten days before the date of such hearing. The court may extend the time for the commencement of such hearing for a period not exceeding seven days where the circumstances of the case, and the interests of justice require such extension, or for additional periods of time to which the trustee and representative agree.

"(2) The court shall rule on such application for rejection within thirty days after the date of the commencement of the hearing. In the interests of justice, the court may extend such time for ruling for such additional period as the trustee and the employees' representative may agree to. If the court does not rule on such application within thirty days after the date of the commencement of the hearing, or within such additional time as the trustee and the employees' representative may agree to, the trustee may terminate or alter any provisions of the collective bargaining agreement pending the ruling of the court on such application.

"(3) The court may enter such protective orders, consistent with the need of the authorized representative of the employee to evaluate the trustee's proposal and the application for rejection, as may be necessary to prevent disclosure of information provided to such representative where such disclosure could compromise the position of the debtor with respect to its competitors in the industry in which it is engaged.

"(e) If during a period when the collective bargaining agreement continues in effect, and if essential to the continuation of the debtor's business, or in order to avoid irreparable damage to the estate, the court, after notice and a hearing, may authorize the trustee to implement interim changes in the terms, conditions, wages, benefits, or work rules provided by a collective bargaining agreement. Any hearing under this paragraph shall be scheduled in accordance with the needs of the trustee. The implementation of such interim changes shall not render the application for rejection moot.

"(f) No provision of this title shall be construed to permit a trustee to unilaterally terminate or alter any provisions of a collective bargaining agreement prior to compliance with the provisions of this section.".

(b) The table of sections for chapter 11 of title 11, United States Code, is amended by inserting after the item relating to section 1112 the following new item:

"1113. Rejection of collective bargaining agreements.".

(c) The amendments made by this section shall become effective upon the date of enactment of this Act; provided that this section shall not apply to cases filed under title 11 of the United States Code which were commenced prior to the date of enactment of this section.

SUBTITLE K—MISCELLANEOUS

SEC. 551. If any provision of this title or any amendment made by this title, or the application thereof to any person or circumstance is held invalid, the provisions of every other part, and their application shall not be affected thereby.

SEC. 552. Notwithstanding the provisions of section 8331(22) of title 5, United States Code, or any other provision of law, for purposes of section 8339(n) of title 5, United States Code, any individual appointed under section 34 of the Bankruptcy Act who served as a United States bankruptcy judge for the district of Oregon or for the Central district of California until March 31, 1984, shall receive an annuity computed with respect to his service as a referee in bankruptcy and as a bankruptcy judge, and his military service (not exceeding five years) creditable under section 8332 of title 5, United States Code, by multiplying 2½ per centum of his average annual pay by the years of that service.

SEC. 553. (a) Except as otherwise provided in this section the amendments made by this title shall become effective to cases filed 90 days after the date of enactment of this Act.

(b) The amendments made by section 426(b) shall become effective upon the date of enactment of this Act.

(c) The amendments made by subtitle J, shall become effective as provided in section 541(c).

And the Senate agree to the same.

That the House recede from its disagreement to the amendment to the title and agree to the same as follows: "An Act to amend title 28 of the United States Code regarding jurisdiction of bankruptcy proceedings, to establish new Federal judicial positions, to amend title 11 of the United States Code, and for other purposes.".

PETER W. RODINO,
BOB KASTENMEIER,
DON EDWARDS,
JOHN F. SEIBERLING,
BILL HUGHES,
MIKE SYNAR,
DAN GLICKMAN,
BRUCE A. MORRISON,
HAMILTON FISH, Jr.,
CARLOS J. MOORHEAD,
THOMAS N. KINDNESS,
HAL SAWYER,
JACK BROOKS,
DANIEL E. LUNGREN,
Managers on the Part of the House.

STROM THURMOND,
BOB DOLE,
AL SIMPSON,
JOHN P. EAST,
ORRIN G. HATCH,
CHARLES GRASSLEY,
EDWARD KENNEDY,
HOWARD M. METZENBAUM,
DENNIS DECONCINI,
Managers on the Part of the Senate.

Mr. RODINO. Mr. Speaker, pursuant to the unanimous-consent agreement on June 28, 1984, I call up the conference report on the bill (H.R. 5174) to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the order of the House, the conference report is considered as having been read.

The gentleman from New Jersey [Mr. RODINO], will be recognized for 30 minutes, and the gentleman from New York [Mr. FISH], will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, to the surprise, amazement and relief of many, I am sure, if not all, I rise to take up the result of the conference on H.R. 5714, the bankruptcy amendments and Federal Judgeship Act of 1984.

Let me quickly outline the provisions of our agreement. As all of us know, this is a very complex, complicated measure. Title I creates a new bankruptcy court arrangement to replace the provisions enacted in the Bankruptcy Reform Act of 1978—Public Law 95-598—which were found unconstitutional by the U.S. Supreme Court in the case of *Northern Pipeline* v. *Marathon Pipeline Co.*, 458 U.S. 50 (1982).

The conferees adopted most of the provisions creating this new bankruptcy court arrangement that were contained in the bill passed by this body.

Title II creates 85 additional district court and court of appeals article III judgeships; 40 of these positions are to take effect in 1984 and 45 are to take effect in 1985.

Title III provides for certain amendments to title II of the United States Code which is the Bankruptcy Code. This body and the other body agreed to the amendments contained in subtitle A of title III, commonly referred to as the consumer credit amendments. Identical provisions were passed by both bodies, and the conferees did not alter the consumer credit amendments. These amendments are fair to both debtors and creditors, and contain no threshold or future income test.

Subtitle B of title III contains amendments relating to a grain storage facility bankruptcy. Each body passed very similar grain elevator provisions. The conferees adopted the other body's language.

H.R. 5174, as amended by the other body, contained subtitles C through H, which were not in this body's version of the bill. This body's version contained provisions clarifying the exclusive means for the rejection of a collective bargaining agreement in a chapter 11 reorganization case, which were not in the bill passed by the other body. The result of the conference was that the other body's amendments contained in subtitles C through H of title III were accepted, as well as a modified version of amendments concerning the limited circumstances under which a collective bargaining agreement may be rejected in a reorganization case.

Subtitle C of title III of the bill contains amendments altering the treatment of unexpired commercial leases to provide protections for lessors of real property in a shopping center.

Subtitle D clarifies present law relating to the nondischargeability of debts incurred by drunk drivers. Debts incurred by persons driving while intoxicated are presumed to be willfully and maliciously incurred under this provision.

Subtitle E places limits on the fund for the expenses and salaries of referees under the former Bankruptcy Act of 1898.

Subtitles F and G of title III of the bill deal with the treatment of repurchase agreements and timeshare agreements in a bankruptcy case.

The conferees also adopted, with certain changes, the other body's version of subtitle H, containing miscellaneous substantive and nonsubstantive amendments to title 11 of the United States Code.

Subtitle J of the bill contains amendments relating to the standard and procedure for the rejection of a collective bargaining agreement in a reorganization case. The provision requires the trustee to propose only those modifications that are necessary. The proposed modifications must be necessary to the reorganization of the debtor, and assure that the covered employees and other creditors of the debtor are treated fairly and equitably in the concessions they are aked to make. The provision ensures that a process of negotiation will take place between the employer and union in a reorganization case before the hearing for rejection of the collective bargaining agreement is commenced. Once a hearing is commenced, the new section provides for the speedy conclusion of the hearing and a ruling by the court. These provisions apply only to pending cases.

The existing bankruptcy judges and court system are continued by this bill unitl the date of enactment of this bill.

I might emphasize that this was the most serious matter that the conference had to deal with and we dealt with it over a long period of time and it was only after much deliberation and much exchange that we finally came to what we believe to be a very balanced provision which will provide for fair and equitable treatment and the assurance that the court will be in a position to review when there is a filing and a question of consideration of rejection by a union.

The proposed modifications, as I say, must be necessary to the reorganization of the debtor and assure that the covered employees and other creditors of the debtor are treated fairly and equitably in the concessions they are asked to make.

The provision thereby insures that a process of negotiation will take place between the employer and union in a reorganization case before the hearing for rejection of the collective bargaining agreement is commenced.

Once a hearing is commenced, the new section provides for the speedy conclusion of the hearing and a ruling by the court.

The labor provisions apply—and I want to make this clear—only to pending cases.

The existing bankruptcy judges and court system are continued by this bill until the date of enactment of this bill. This would be so that there is an assurance that the gap period would be overcome and there is not going to be a question as to the continuity of the existing system.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, the conference report on H.R. 5174, Bankruptcy Amendments of 1984, is regrettable, at best. It ignores over a decade of study on this issue and creates a maze for debtors, creditors, and their lawyers who participate in the bankruptcy process. Even more regrettable, we must approve this conference report today, lest we plunge the bankruptcy system into further chaos because of the expiration of the transition provision under the 1978 bankruptcy legislation on Wednesday, June 27.

The years of study that lead to the passage of the 1978 bankruptcy law made clear that the two major failings of the prior bankruptcy referee system were the lack of simplicity in determining jurisdiction of the bankruptcy court and the low status and lack of power of the bankruptcy judges which resulted in disrespect for their position and inability to attract the best caliber judges.

In 1978, the House of Representatives responded to these problems by passing legislation enacting a bankruptcy court system that was clearly constitutional, provided the simplest jurisdictional system, and ensured the highest caliber of judges. Unfortunately, at that time the Senate could not be persuaded to go along with the House-passed system and a flawed compromise was reached and passed by the Congress.

Though the 1978 compromise was flawed in constitutionality, it did provide simplicity and gave increased status and powers to the bankruptcy judges so that the system would attract fine judges and the jurisdictional process would be simplified. The system worked well during its 3 years of operation and most of those who came in contact with it agreed that it was a major improvement over pre-1978 law.

The House's original position in 1978 proved prophetic, for in 1982, the Supreme Court, in Northern Pipeline Construction against Marathon Pipeline Co., ruled the 1978 compromise unconstitutional.

The conference report before us today turns back the clock, and it does so more than just 6 years, by diminishing the status of bankruptcy judges and their powers from what they were before the 1978 legislation. Under this report, bankruptcy judges are stripped of their powers. In addition, the bill limits the bankruptcy court's jurisdiction substantially because of the unwillingness to grant the bankruptcy judges adequate status in the federal system to enable them to exercise complete jurisdiction. These limitations on jurisdiction result in construction of a jurisdiction maze that gives up to six different options for where any particular dispute is to be tried.

In short, the Conference Report on H.R. 5174 undoes the court reform accomplished in 1978, makes the pre-1978 jurisdictional system seem simple by comparison, and makes the job of bankruptcy judge even less attractive than under the pre-1978 system. Finally, and very importantly, the jurisdictional powers granted to the bankruptcy judge and the methods of appointment are not free from constitutional doubt, which is what got us into this in the first place under the 1978 compromise.

I regret all of this and I fear that, rather than solving anything, with approval of this bill as reported by the conference committee we have guaranteed that the issue will, again, soon be before us for its necessary resolution.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at long last, the seemingly interminable impasse over the

bankruptcy legislation (H.R. 5174) has been resolved, the conferees have been laboring long and hard over the past 2 days and have reached a reasonable accommodation of the complex matters that fall under this general subject. I commend our work product to the House.

The conference report contains:

An article I bankruptcy court structure; basically as it passed the House.

Provisions authorizing the appointment of a total of 85 badly needed district and circuit court judges 40 of whom can be appointed this year.

The previously agreed upon substantive, consumer bankruptcy amendments based on H.R. 1800,

A compromise provision regarding the rejection of collective bargaining agreements under title 11, United States Code, and

A portion of the miscellaneous amendments which were included as part of the original Senate-passed bill (S. 1013).

With respect to the labor provision, what we bring back is entirely different from the House-passed version. The House set up series of elements of proof, some felt even beyond REA Express to justify rejection of collective-bargaining agreements in reorganization.

The conference version is a modification of a compromise offered in the Senate. It requires that in advance of application to reject union contracts the debtor must make a proposal to the union which makes the modifications necessary for reorganization of debtor. It must contain reasonable assurances to affected parties—creditors, debtors, employees—that they are being treated farily.

Another change is that the court approves rejection only if the union representative has rejected it without good cause, The standard is Bildisco, that "balancing of equities" favors rejection

There is an emergency provision—recommended by the National Bankruptcy Conference—which permits bankruptcy courts, notwithstanding, to authorize modification of a collective-bargaining agreement to prevent draining estates beyond repair.

In particular, I am gratified that this compromise includes the provisions exempting repurchase agreements from the automatic stay provisions. This legislation has been strongly supported by State and local government and by the Federal Reserve Board. It is sought by my State. People will benefit from lower taxes because State and local governments will park money for short periods of time, generating income.

Similarly, I am also pleased that this legislation contains the clarifications of the treatment of forward contracts in the Bankruptcy Code. The provisions related to forward contracts and forward contract merchants in the conference report are identical to legislation (H.R. 3933) which I introduced last year. The definition was omitted in the 1982 amendments. It helps all involved in futures. Ambiguity has caused problems.

The mandatory absention provision is basically House language. The compromise provides that the district court shall abstain from hearing a State law case related to a bankruptcy proceeding if that action is commenced and can be timely adjudicated in State court. This would cover the marathon-type fact situation. This provision is made prospective only. It would not apply to pending title 11 cases.

A personal injury or wrongful death tort claim against a bankrupt estate can be tried in a Federal district court with a jury. These claims shall be tried in the district court in which the bankruptcy case is pending or in the district court in which the claim arose, as determined by the district court where the bankruptcy case is pending.

I support the compromise which has been achieved with the other body on H.R. 5174. It is not without its faults, but it nonetheless constitutes a singular legislative achievement after so many months of legislative delay and stalemate.

As all of us know, the question of whether we should adopt an article I or article III court structure was debated and decided on this floor 3 months ago. The House at that time followed the lead of the other body in establishing a bankruptcy court structure whose judges will not have the life tenure which the Supreme Court told us in Marathon is required by the Constitution. I believe that the House made a mistake in its action last March. Since that time, however, I have continued to press for the early enactment of a courts bill in order to end the existing corrosive uncertainty in bankruptcy administration and adjudication.

When H.R. 5174 becomes the law of the land, the Supreme Court will have to confront the constitutionality of the course Congress has chosen to take, as it did not confront the interim rule which kept the courts operating after the stay of the Marathon decision expired. I am convinced that a decision in a case which we may call Marathon II, which I anticipate within a year or so, will confirm the original wisdom of the House of Representatives in 1978 and of the House Judiciary Committee in 1982 and 1983 in establishing a life-tenured bankruptcy court system. Nevertheless, the immediate crisis is at last resolved.

I strongly urge the House to adopt this conference report.

□ 1410

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in strong support of the compromise agreement made by the conferees on this legislation.

We spent several days of debate, and each side—both the House and the Senate—gave in substantially on issues that meant a lot to them. After many, many months of controversy on the bankruptcy bill, we were able to come to terms that permits the Bankruptcy Court once more to operate.

TITLE I

Title I of H.R. 5174 deals with bankruptcy court jurisdiction and procedure. Under the terms of this legislation, bankrupcty court judges are designated as article I judges under the Constitution. Bankruptcy judges are to be appointed by the U.S. Court of Appeals for each judicial circuit with respect to those judicial districts within that circuit. The bill provides for the appointment of 26 bankruptcy judges in the four judicial districts in the State of California. This breaks down to 7 bankruptcy judges in the northern district of California; 4 bankruptcy judges in the eastern district of California; 12 bankruptcy judges in the central district of California; and 3 bankruptcy judges in the southern district of California. Whenever a majority of the judges in the Circuit Court of Appeals cannot agree on a particular appointment, the chief judge of the circuit is authorized to make the appointment. The salaries of bankruptcy judges are to be determined under the Federal Salary Act of 1967 (2 U.S.C., sections 351-361). The conference committee deleted the provision contained in the Senate-passed bill that would have allowed bankruptcy judges to serve as magistrates.

TITLE II

Title II of the bill authorizes the President to appoint additional Federal circuit and district court judges. Twenty-four additional circuit court judgeships are provided for, with five additional circuit court judges for the Ninth Circuit Court of Appeals. President Reagan is authorized to appoint 11 of these 24 circuit court judges prior to January 21, 1985. The President is authorized to appoint an additional 61 district court judgeships, but no more than 29 of these judges may be appointed prior to January 21, 1985.

TITLE III

Title III of H.R. 5174 makes major substantive changes in the Bankruptcy Code. All of the so-called consumer credit amendments that were contained in H.R. 5174 as it first passed the House of Representatives are contained in this legislation. These con-

sumer credit amendments largely reflect the provisions contained in H.R. 1800. In addition, title III also contains amendments to the Bankruptcy Code dealing with: First, grain elevator bankruptcies; second, repurchase agreements [REPOS]; third, liability of drunk drivers, who have filed for bankruptcy subsequent to the automobile accident supported by MADD; fourth, protections for timeshare consumers; fifth, clarification of the treatment of forward contracts under the Bankruptcy Code; and sixth, protections for shopping centers where one of the tenants files a petition for bankruptcy.

UNION CONTRACTS

H.R. 5174 also contains a modified Bildisco amendment dealing with the treatment of collective bargaining. However, provisions agreed to by the conferees are far less extensive than the language contained in the original House-passed bill. The collective-bargaining language in the final bill reflects a rewrite of the proposals made by the National Bankruptcy Conference. Prior to filing an application for rejection of a union contract, a company that has filed a petition for bankruptcy must make a "proposal" to the authorized union representative. The company is required to base its proposal on the most "complete and reliable information available" at the time. The proposal for modifications in the collective-bargaining agreement should not go beyond those alterations necessary to permit the reorganization of the debtor. The proposal must contain reasonable assurances that the creditors, debtor, and all the affected parties are treated "fairly and equitably." After the proposal has been made, the trustee is directed to meet with representatives of the company and the union for good faith negotiations on the proposal.

Once an application for rejection of a labor contract has been made, the district court must schedule a hearing not later than 14 days after the filing—which can be extended for 7 days in the "interests of justice." The court is required to rule on the application for rejection with 30 days after the commencement of the hearing. The court must approve the application for rejection if: First, a trustee has negotiated with both parties; second, the Union has refused to accept the proposal "without good cause"; and third, the "balance of the equities" clearly favors the rejection of the collective-bargaining agreement. The judge is also authorized to make interim modifications in the collective bargaining agreement prior to rejection "if essential to the continuation of the debtor's business." Finally, this collective-bargaining subtitle is prospective only; it does not affect cases which were filed prior to the enactment of this subtitle.

Everyone involved in this conference has given something. It is truly a compromise agreement. I ask this House to accept the compromise and approve the committee report.

The CHAIRMAN pro tempore (Mr. ANNUNZIO). The Chair recognizes the gentleman from New Jersey [Mr. RODINO].

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield for a question?

Mr. RODINO. I yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. Could the gentleman state how the existing judges will be continued? I have had two calls from the bankruptcy judges in Texas since yesterday, and they are concerned about what their status is as a result of this conference report.

Mr. RODINO. Let me respond to the gentleman in this way: We believe that we have crafted what is going to be a constitutional provision to take place in the transition period.

As a result of the problems we faced in resolving our differences with the other body the Wednesday midnight deadline came and went. The conferees agreed that sitting bankruptcy judges should continue in office.

We recognized that the Supreme Court has upheld similar periods. See *Glidden* v. *Zdanok*, 370 U.S. 530, 547(1962) (plurality opinion of Justice Harlan) ("(t)he touchstone of decision in all these cases has been the need to exercise jurisdiction then and there for the transitory period."); see also *Metlakatla Indian Comm.* v. *Egan*, 363 U.S. 555 (1960). *Freeborn* v. *Smith*, 69 U.S. 160 (1895); *Baker* v. *Morton*, 79 U.S. 150 (1871); *John* v. *Paullin*, 231 U.S. 583(1913).

The conference report continues the existing transition court so as to allow bankruptcy judges to continue to efficiently do their work. It was the expectation and intention of the Conferees that those persons who were bankruptcy judges continue in those jobs.

In closing, let me say to those who may have raised some constitutional questions about the transition period that in another context the Supreme Court has said:

> the legitimacy of protecting reasonable reliance on prior law even when that requires allowing an unconstitutional statute in effect for a limited period of time. *Heckler* v. *Mathews*,——U.S.——(March 5, 1984) (slip opinion at 16, (citing with approval *Marathon*)).

Thus, I firmly believe that we have crafted a constitutional bill.

Mr. SAM B. HALL, JR. Will the gentleman yield for one further question?

Mr. RODINO. I yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. I was told yesterday that the bankruptcy judges had been given an additional oath of office after the termination of their position as bankruptcy judges. Will they have to be sworn in again by the Court?

Mr. RODINO. There is no need for administering any oath. The provisions that we have crafted provide for a continued transitional period.

Mr. SAM B. HALL, JR. I thank the gentleman.

Mr. RODINO. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, 2 years ago yesterday the Supreme Court of the United States decided the Marathon case [1] finding a part of the 1978 Bankruptcy Act unconstitutional. Today the House and Senate conferees present before this body a conference report which finally will resolve this problem. In my view this conference report presents the legislative process at its best and at its worst. I am pleased that we were able to fashion a constitutional, workable bankruptcy court system. On the other hand, the use of the bankruptcy court bill as a vehicle for other reforms, no matter how meritorious, is to be lamented, as my chairman has steadfastly maintained.

Let me take a moment to review how the provisions of this conference report differ from the House-passed bill with respect to the bankruptcy court system. See Extensions of Remarks by ROBERT W. KASTENMEIER, March 20, 1984, at 6046-6047, a description of how the provisions of the Kastenmeier-Kindness amendment work. As my colleagues will recall, the bill we passed provided that bankruptcy judges shall serve as adjuncts of the Federal district court. Under the House bill, bankruptcy judges were to be appointed by the various courts of appeal. These two features were the heart of the House-passed bill. Both of these features have been retained in conference.

The House-passed bill provided that there should be mandatory abstention in a narrow range of cases involving Marathon-type litigation. The House abstention provisions also have been retained. The House-passed bill contained a definition of what a bankruptcy judge could properly do. The Senate bill adopted a largely similar view with one exception. Under the Senate-passed bill, bankruptcy judges could not hear unliquidated claims. The Senate approach would have repudiated decades of bankruptcy law and practice. See, *Kachen* v. *Landy*, 382 U.S. 323 (1966). The change in the definition in the Senate-passed bill would have contradicted the basic purposes of the consolidated jurisdiction we adopted in 1978 in response to the recommendations of the Commission on Bankruptcy Laws. Finally, it would

[1] *Northern Pipeline Construction Co.* v. *Marathon Pipe Line Co.*, 458 U.S. 50 (1982).

have dissipated the assets of the estate by creating a multiplicity of forums for the adjudication of parts of a bankruptcy case.

The conference report largely rejects the Senate limitations on the tasks which are to be performed by a bankruptcy judge. The report states that a narrow category of cases are not to be construed as core proceedings.[2] Thus, personal injury cases and wrongful death cases may not be heard to final judgment by a bankruptcy judge. These cases are to be transferred to the district court judge. Of course, under the provisions of section 157(c)(2), such proceedings may be handled by a bankruptcy judge as long as that judge does not enter a final judgment. In addition, a bankruptcy judge may hear such cases with the consent of all of the parties. Thus, in those rare cases where the parties insist, a personal injury or wrongful death case may be tried to judgment by a district court judge. Finally, the conference report states that in this narrow range of cases the parties do not lose any right to a jury trial that they may have had if the claim had been cognizable outside the bankruptcy context.

Thus, the conference report—with the minor exception listed above—adopts the House formulation on bankruptcy court structure. Even the narrow exception described above will only apply to cases filed after the effective date of the act. Thus, this change in the jurisdiction of the bankruptcy judge will not affect in any way the resolution of pending cases.

CONCLUSION

In closing, I wish to take this opportunity to thank several of my distinguished colleagues. To my esteemed chairman, PETER RODINO, with whom I so rarely disagree, I thank you for having the grace and spirit to work toward the resolution of this difficult issue—on which we did have differing views—with skill and commitment. To my Republican colleagues, TOM KINDNESS and TRENT LOTT, and to counsel David Beyer, I extend my sincere thanks for a commitment to crafting court legislation which avoided the shoals of partisanship. Finally, I wish to congratulate the House leadership for playing a constructive role in facilitating the resolution of these issues.

□ 1420

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. SAWYER].

Mr. SAWYER. I thank the gentleman for yielding to me.

Mr. Speaker, at long last we have gotten this lagging bankruptcy thing to the point the House can act on it. It is a major improvement over the House bill, in my opinion. On the handling of the labor provision which was handled in the House, I think in a disgraceful manner, it totally circumvented all of the normal procedures. The subcommittee and committees that had jurisdiction never got to look at the provision at all. It was drafted by staff and put into the bill when it was actually sitting in the Rules Committee and then covered by a gag rule so the House had no ability whatever to express its view.

I am pleased to say that in conference we considerably modified that bill bringing it back to the state of the law prior to Bildisco, but nothing remotely resembling the horrendous proposal that was pushed through the House on the tails of the necessity of getting the bankruptcy court legalized, but under a gag rule so no one can touch it. It is certainly a provision we can now live with in its present form, and I am proud to say it bears little resemblance to the one pushed through the House originally.

We also got 85 badly needed Federal judges: 61 of them district judges; 24 court of appeals judges. Half of them or 40 of them to be appointed this year; 45 by the next President. Those are badly needed, and we had none of those in the House bill, although many of us tried to get that kind of a consideration.

We also in a number of consumer and creditor problems that were absolutely denied us being addressed in the House by the leadership in the House; namely, things like grain elevator bankruptcy, where farmers who have never been paid for their grain, when the elevator went broke got nothing except their percentage. The creditors could not get their grain back. That is fixed now. Shopping centers where a big tenant went bankrupt; it had to sit vacant for a couple of years, hurting the whole center, nothing could be done about it.

Judgments against drunk drivers for personal injuries, and judgments could be discharged in bankruptcy like any other judgment; now that is prohibited. Just a number of distinct improvements. Repossessions and repurchase agreements, a lot of inequities that came to account and encouraged bankruptcy almost frivilously to get rid of legitimate debts that could be paid. Those things have been largely thwarted thanks largely to the bill sponsored oirginally by Mr. SYNAR from Oklahoma. We ended up getting it in the Senate bill, although he was unable to get the House people to go along here; we got the Senate to go along.

One thing I am still disturbed about is I am not sure that we have not created a serious problem for the existing bankruptcy judges, despite our effort to cure it. Their office disappeared for a while; they are probably, in my view, going to have to be reappointed. The personnel of the court of appeals may have changed since their appointment. They may have got out front wanting to be article III judges, which would not have endeared them to the court of appeals judges who will do the appointing. I hope those things do not happen, and it certainly is the sense of all the conferees that we hope it does not, since it was really the legislative fault and not theirs.

I have one reservation on which I am joined by the senior Senator from Alabama, that I am not sure by going the article I route judges instead of article III judges, which many of us on the committee strongly favored by giving adjudicatory powers over unliquidated claims that we might not back right into another constitutional problem. I hope we do not, but I would not guarantee that we might not fear that, and that is along the line of the senior Senator from Alabama.

All in all, I think the bill now, as compared to the bill the House turned out, is a very respectable bill addressing many of the problems, and one that all Members of the House can enthusiastically support.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. KINDNESS].

Mr. KINDNESS. I thank the gentleman for yielding me this time.

Mr. Speaker, I do not believe that there is a lot more that needs to be said except to express my appreciation and thanks for the good efforts that have been put into this piece of legislation over quite a period of time by a good many people. I will not attempt to enumerate all of that in the spirit of saving time. I assume we will not take a lot of time for those laudatory purposes. But I respect deeply the efforts that have been put into this by a lot of people.

There is, however, one point of clarification that I would like to mention for the record, that in the last minutes of the meeting of the conferees on yesterday evening, there may have been a slight error in language left in the bill which might pose some problems over the next couple of weeks until we have an opportunity to approach a technical amendment.

Section 157 of the act does provide that each district court may provide that any and all cases arising under title 11 and proceedings in related cases shall be referred to the bankruptcy judges for the district. I trust that that would be interpreted to overcome the matter that I will now mention.

□ 1430

In subsection (b) following thereafter, in the definition of core proceed-

[2] Section 157(b)(4) provides that non-core bankruptcy cases involving personal injury cases or wrongful death are not subject to the mandatory abstention provisions of section 1334.

ings, it is stated that core proceedings would include allowance or disallowance of claims against the estate or exemptions from property of the estate, an estimation of claims or interest for the purposes of confirming a plan under chapter XI or XIII or title XI.

The SPEAKER pro tempore (Mr. ANNUNZIO). The time of the gentleman from Ohio [Mr. KINDNESS] has expired.

Mr. FISH. Mr. Speaker, I yield 2 additional minutes to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding this additional time to me. I did not stop to realize this might take a little while to lay out just to make the record clear here.

That subsection defining core proceedings goes on to say:

> But there would not be included . . . the liquidation or estimation of contingent or unliquidated personal injury, tort or wrongful death claims against the estate for purposes of distribution.

The estimation of contingent or unliquidated claims in order to allow or provide for the distribution of an estate would, of course, be a core proceeding. I think it was intended, certainly by the conferees, that the estimation function, and thus proceeding with the distribution, would not be interfered with by the change that was wrought to deal with the personal injury court actions and wrongful death actions at the instance of the junior Senator from Ohio in the conference yesterday.

So I would hope that if there is to arise any question in the weeks ahead about the meaning of that language that certainly the beginning part of section 157 would clarify that the district court can refer those matters to the bankruptcy judge.

I am happy to support the conference agreement. There were two of us who seemed to be a bit reticent to support the first portion of the matter that was decided upon, and it was solely for the reason that we had not dealt with title I, the bankruptcy courts matter.

I am glad to see this concluded over this time and would heartily endorse and urge my colleagues to support the conference report.

Mr. RODINO. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this conference report. Those of us who served as conferees know that it was a monumental task to try to pull together two very disparate bills which together covered a whole range of questions, structural and procedural alike. That process was complicated by the fact that we were under severe time constraints once we go to conference to put together a package. The end result, especially in light of those constraints, is a well balanced one and one which I feel confident that all of us in this House can support.

Before I comment on a number of the specific provisions which were of key interest to me, I would like to take a few moments to commend a number of the conferees. The chairman of our Judiciary Committee [Mr. RODINO], in spite of the fact that I know he has serious reservations—as I do—about the decision not to resolve the constitutional problems of the bankruptcy courts by establishing article III judgeships, did yeoman's work in arguing on behalf of the position taken by this House and in behalf of the integrity of the Bankruptcy Code. As a personal note, I fear that we have not finally resolved the constitutional issues facing article I judges and that we probably will revisit this issue in the next few years; even the Supreme Court may revisit it sooner.

Of course, I would also commend Representative FISH, the committee's ranking minority member, for his help in reaching the many compromises that had to be crafted. Finally, I would pay special commendation to three of our Senate colleagues with whom it was a true pleasure to work. Senators DECONCINI, METZENBAUM, and HEFLIN all worked diligently on behalf of reaching accommodations without losing sight of the basic principles which are essential to our judicial system. I would also be negligent if I failed to acknowledge the hard work and dedication shown by our House committee staff, most notably Alan Parker, Elaine Mielke, Susan Block, and Dan Freeman on the majority side and Alan Coffey, Charles Kern, and Tom Boyd on the minority side, who helped into the wee hours of the morning to frame the many issues we had to address and who made sure that we understood the implications of the changes we were considering, technically and substantively.

The conference report provides for restructuring the bankruptcy courts in a fashion that is intended to bring them into constitutional conformity. It also responds to concerns that have arisen over the last several years involving substantive bankruptcy laws.

First, it provides relief which farmers have found the hard way is badly needed when elevators holding their grain go bankrupt. The reforms in this bill will give farmers priority in distribution of assets and provide for the expedited determinations that are needed to preserve the value of their grain in fluctuating markets and to avoid the potential problem of physical deterioration. This is an area where I have focused attention for several years now, and, while I feel that changes are needed in other areas of the law to avert grain elevator bankruptcies, I am glad to finally be able to report to my colleagues that constructive changes are before us for a final vote.

This package also responds to what I consider to have been a misinterpretation of congressional intent by the Supreme Court in its Bildisco decision with regard to the status of collective bargaining agreements in bankruptcies. The Bildisco decision reversed long-standing policy in favor of preferential treatment of labor contracts in recognition of their origins in negotiations. The package we have brought back to the House is based on the so-called Packwood amendment which was debated at length but never voted on in the Senate, but did make a number of modifications, including language authored by my good friend, BILL HUGHES, to facilitate a compromise that addressed the concerns of the House.

Finally, I would note that a project on which I have been working for over a year now, to clarify the status of repurchase agreements in bankruptcies, is dealt with in this conference report. That provision, which is very important to helping State and local governments in particular make secure, high/return investments of revenues which they have on hand on a short term basis before bills come due. These investment opportunities have been clouded as a result of the bench decision in the Lombard-Wall case nearly 2 years ago. This legislation clarifies that these repurchase agreements are exempted from the automatic stay provisions of the code and should facilitate the continuation of this investment policy.

In closing, I urge my colleagues to support this conference report because of these provisions and a good many others. Most importantly, I urge support for this package as a means of putting to rest some of the confusion that developed as a result of the Marathon decision 2 years ago. Though it is not the solution I personally advocated to the questions raised by that decision, I do hope the court system in this package will withstand constitutional challenge.

I would like to compliment, again, particularly my chairman for working through a great deal of adversity in coming up with a compromise which should be able to be accepted and voted in an affirmative sense by all members of this Chamber.

Mr. RODINO. Mr. Speaker, I would like to be advised how much time I have remaining.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. RODINO] has 12 minutes remaining, and the gentleman from New York [Mr. FISH] has 13 minutes remaining.

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding time to me.

Mr. Speaker, I want to congratulate the House conferees on the work they completed in the wee hours of the morning yesterday. This issue of bankruptcy reform has been with us for years—unfortunately—and we have had to fight for the right to hold hearings on matters contained in legislation passed by the other body on several occasions. Once we were forced by circumstance to face the issue, and those on the House conference met with members of the Senate conference, a solution to the omnibus package was forged.

I have closely followed the progress of bankruptcy legislation in this body, having cosponsored several bills pertaining to repurchase agreements, shopping center leases, and consumer credit reforms. Each of these issues was resolved in the conference between the Houses, and I am pleased to say that the language in the bill before us retains the language passed by the Senate at least three times.

I hope, Mr. Speaker, that the spirit of accommodation which enabled the House and Senate conferees to talk to one another and produce a satisfactory compromise, a spirit which was slow to take hold within the leadership of this body, and which in fact never took hold until the Supreme Court forced the issue by deciding the Bildisco case in favor of the unilateral rejection of collective bargaining agreements, will extend to other issues on which there might be reasonable disagreement. If we are able to talk about these matters, rather than tuck them away in the bosom of the House Judiciary Committee, we may well find, as the conferees did in this instance, that we have more to agree about than we thought.

I urge the adoption of this legislation which I applaud.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding this time to me.

Mr. Speaker and Members of the House, bankruptcy is not that type of subject that is likely to evoke the passions that some issues are able to bring to the floor of the House of Representatives. Yet, it is extremely important and it is no longer a subject matter which is relegated just to a group of lawyers handling legalistic issues.

I must say and my colleagues must recognize that people back home now recognize the seriousness of the issue about which we are debating today. When we consider that there are 600,000 cases pending in the bankruptcy courts, and when we consider that many thousands of those involve hundreds and sometimes thousands of people, then we must recognize that there is not one congressional district, actually not one community, that is without some kind of touching that occurs by reason of the existence of a bankruptcy case.

I, myself, am worried in the question and answer that was held between the gentleman from Texas and the gentleman from New Jersey about the transitional period, as to whether or not refiling would be necessary for the 600,000 cases that are now pending. I hope that the record would make clear my conclusion that it would not, that the 600,000 cases pending are still pending and the transitional period would not have any effect on them.

But the American public is aware of this issue and the House of Representatives does itself good and does the public good in resolving this issue. I urge the adoption of the conference report.

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LUNGREN], a conferee.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Speaker, I am one of the many Members who believed, when the House took up the labor provisions in March, that the entire package of labor provisions was significant and deserved closer scrutiny, perhaps at least one hearing before we overturned a unanimous decision of the U.S. Supreme Court.

We never got that hearing on the so-called Bildisco provisions, at least in the House, and what we were forced to vote on, at that time, without an opportunity for amendment, was in my judgment totally unacceptable because of its over-react.

In the conference between the Houses, however, we were able to inaugurate the debate we never had in the House, and the result was a good-faith compromise which probably could have come a good deal earlier. We took the language offered during Senate consideration, and altered it to fit the need of the debtor in possession during a reorganization proceeding.

For example, in an effort to respond to concerns that the circumstance of union workers was important in the determination of whether or not to reject a collective bargaining agreement, we placed a requirement in proposed section 1113(b)(1)(A) which mandates that, prior to filing an application before a bankruptcy court to reject a collective bargaining agreement, the debtor must first propose modifications in the union contract which are necessary to permit reorganization and which assure, to the extent possible given the facts available at the time, that all affected parties, namely the debtor, the creditors, and all employees whose jobs are directly tied to the union contract, are treated fairly and equitably under the proposal.

□ 1440

I believe, Mr. Speaker, that our assumptions with respect to assurance contemplates "reasonableness."

Moreover, before a bankruptcy court can approve a rejection, it must first conclude that the union representative, to whom the proposal I have just discussed was presented, has refused to accept it without good cause. The phrase "good cause" is undefined, but the conferees clearly believed that it should be interpreted narrowly by a reviewing court; it certainly was not intended to permit virtually any refusal on the part of the labor representative. It should be on the basis of facts directly resulting from the contract between the debtor and his employees, contracts immediately before the bankruptcy judge in the chapter 11 proceeding. It should not involve contracts with unions other than those immediately before the court.

Last, Mr. Speaker, in proposed section 1113(e), we incorporated a provision which was recommended by the National Bankruptcy Conference. Specifically, this language enables the bankruptcy court, if it determines that it is "essential to the continuation of the debtor's business," and "in order to avoid irreparable damage to the estate," may authorize interim modifications in elements of the collective bargaining agreement. This is an important provision of the compromise, because it underscores the primary purpose of chapter 11; that is, to maintain the debtor's business so that both the debtor and his employees can keep their jobs.

In other words, Mr. Speaker, this chapter 11 allows a company to reorganize rather than going belly-up. In essence, it is the best way to protect the jobs of the workers of the company as then constituted. If we were to define the proposal so strictly that it would make it virtually impossible for any debtor in possession to move in this direction, we essentially would give them no alternative but to continue until they go bellyup, with no opportunity to save the jobs of the employees.

Any labor provision which would subordinate the debtor's reorganization to a union contract, which I feel the original House language did and which, I might add, the National Bankruptcy Conference also felt the original House language did, would impinge on the goals of the 1978 Bankruptcy Reform Act and indeed on the principal reasons for a bankruptcy procedure.

Mr. Speaker, in short, they said it could not be done, and yet we did it. So, Mr. Speaker, I urge adoption of the conference report, and I congratu-

late my fellow conferees on a job well done, although perhaps belatedly performed.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. Mr. Speaker, would the gentleman explain this to me in a little detail: After the initial meeting prior to bankruptcy proceedings between the debtor and the representative of the bargaining union agreement, if they make a decision, is that decision binding on a court?

Mr. LUNGREN. Well, we apply the final standard of the court to the language that was contained in Bildisco: "The balance of the equities clearly favors a rejection of such agreement." So at the time the court would consider this question we would have a proposal that had already been made to the unions, and under the standards articulated in the bill the authorized representatives of the employees would have had to refuse to accept such proposal without good cause. Only at that point would the court move to allow an abrogation of the contract when it made a decision based on the determination, that "the balance of the equities clearly favors a rejection of such agreement."

Mr. SAM B. HALL, JR. Mr. Speaker, if the gentleman would yield for one further question? Does the discretion of the bankruptcy court still remain?

Mr. LUNGREN. The discretion of the bankruptcy court remains within the provisions that we have articulated here. They must go through those elements we described, but the final judgment is the court's in terms of a balancing of the equities clearly favoring rejection of such agreement.

Mr. SAM B. HALL, JR. So the court in balancing the equities would include the union contract—and any other matters that might make it detrimental to the debtor for the contract to remain in force? That would be up to the discretion of the judge, as I understand it?

Mr. LUNGREN. The judge would have to make that decision within the circumstances we have articulated, which includes a proposal which concerned itself with the assurance that all creditors, the debtor, and all affected parties are treated fairly and equitably.

Mr. SAM B. HALL, JR. Of course, that is the present law, that all the debtors will be treated fairly and equitably. So I assume then that this contract under the Bildisco case will still be considered, after you take all the steps you have mentioned, by the judge as to whether or not that contract will be vitiated or amended.

Mr. LUNGREN. Absolutely, because in the petition that is made a proposal has to already have been made to the employees which provides for "those necessary modifications in the employees' benefits and protections." So that, of course, incorporates those benefits and protections that are contained in the existing contract.

Mr. SAM B. HALL, JR. Mr. Speaker, I thank the gentleman.

Mr. MORRISON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. Mr. Speaker, I just wanted to clarify what the gentleman said. The discretion that is being spoken about is discretion that is defined by these provisions in the language, as opposed to an unbridled discretion?

Mr. LUNGREN. Absolutely.

Mr. RODINO. Mr. Speaker, I yield 6 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to start by commending my chairman, the gentleman from New Jersey [Mr. RODINO], for his leadership that has brought us to this important day when we are going to be passing this conference report and putting the bankruptcy courts back on a solid statutory footing. I thank the gentleman for the opportunity to participate in this conference process.

There are, in this bill, critically important provisions which deal with the question of when a company in chapter 11 proceedings may be relieved from the provisions of collective bargaining agreements. The conference report strikes the necessary balance between the threat to companies in risk of being liquidated because of financial problems and the possibility of abuse of chapter 11 bankruptcy proceedings merely to vitiate union contracts. The compromise that has been achieved is one that favors procedures which allow for negotiations between the debtor and the labor union for the resolution of these problems when they arise.

The language agreed to by the conferees moves us in the direction of a negotiation process rather than a litigation process to save companies that are in trouble without permitting any abuse of chapter 11 to vitiate improper labor contracts.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield on that point?

Mr. MORRISON of Connecticut. I am happy to yield to the gentleman from California.

Mr. LUNGREN. I would just point out that a major part of this is that we no longer allow unilateral rejection. There is a process that must be gone through before that can be entertained. That is an abrogation of the contract, and that is a significant difference in the law prior to this time. The gentleman is absolutely correct.

Mr. MORRISON of Connecticut. Mr. Speaker, I think that is a very important point.

During the conference, the gentleman from New Jersey [Mr. HUGHES] and I offered several key amendments relating to this issue. On behalf of Mr. HUGHES and myself, I would like to take this opportunity to clarify some of the labor provisions and to outline our understanding of the language adopted by the conferees.

Mr. Speaker, as a result of the conferees' agreement, any proposal by a trustee or debtor-in-possession to modify a collective bargaining agreement in a chapter 11 case is to "provide for those necessary modifications in the employees benefits and protections that are necessary to permit the reorganization of the debtor." This language makes plain that the trustee must limit his proposal to modify a collective bargaining agreement to only those modifications that must be accomplished if the reorganization is to succeed. The key phrase is "necessary" modifications.

The same provision also includes language that requires assurance that "All creditors, the debtor and other affected parties are treated fairly and equitably." This language is similar to language in an amendment offered by the junior Senator from Oregon in the other body. This section would ensure that, where the trustee seeks to repudiate a collective bargaining agreement, the covered employees do not bear either the entire financial burden of making the reorganization work or a disproportionate share of that burden, but only their fair and equitable share of the necessary sacrifices.

The phrase "without good cause" in subsection (c)(2) of new section 1113 of title 11, like similar language in the amendment offered by the junior Senator from Oregon in the other body, is intended to ensure that a continuing process of good faith negotiation will take place before court involvement and so by embodying the standard set out in "The Rejection of Collective Bargaining Agreements by Chapter 11 Debtors," 57 American Bankruptcy Law Journal 299, 300, 319.

As in civil litigation generally, it is the applicant—the trustee—who must carry the burden of proving the elements of his case to secure from the court an order permitting the rejection of the agreement.

The trustee is permitted to "terminate or alter any provisions of the collective-bargaining agreement" if the court does not rule on the rejection application within 30 days after the commencement of the hearing. The courts are expected as a matter of course to meet the time limits set by Congress. In the unlikely event that a particular court should not do so, ex-

peditious mandamus relief would be available in the appellate courts.

The trustee has an affirmative obligation to provide all the relevant financial and other information necessary to adequately evaluate the proposal and if that obligation is not met or if the trustee otherwise delays the proceeding, the application should be denied.

If an application for rejection is denied by the court after a hearing on the merits, the covered employees are entitled to their wages and benefits lost by employer unilateral action as an administrative expense.

The House conferees accepted subsection (e) permitting the court to authorize interim changes in the collective-bargaining agreement on the understanding: That, as the final sentence of the subsection makes clear, a motion for such interim relief may only be made in conjunction with an application for rejection and any authorization shall be effective only for the period for considering and ruling on the application stated in subsection (d). In deference to the overall policy of the provision which is to encourage the parties to reach their own agreement through collective bargaining, the court in framing any such relief may not go beyond the proposal made by the trustee pursuant to subsection (b)(1)(A). The statutory language of subsection (e) stating the standard for qualifying for interim relief is, in essence, the REA Express standard. After a full hearing and the court's consideration of the entire matter in depth on the merits if the application for rejection is denied and the collective-bargaining agreement is continued in force, the employees are entitled to their wages and benefits lost under an interm order as an administrative expense.

Since an application to reject a collective bargaining agreement implicates national labor policy, as well as bankruptcy policy, if the union or trustee so move, such an application is to be heard by a U.S. district judge.

It was also our understanding that a chapter 11 reorganization case that is brought for the sole purpose or repudiating or modifying a collective-bargaining agreement is a case brought in "bad faith."

□ 1450

Mr. RODINO. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I only rise because I reviewed the interpretation placed upon these very key sections of the bill and reworked in a number of different drafts.

The gentleman from Connecticut, as far as I am concerned, has expressed what at least was my intent in offering the amendment that I offered to break the logjam with regard to this particular section.

I say to my colleague, the gentleman from California, who I noticed was following the dialog very carefully to see if he would agree that if in fact we have expressed what was the intent in this particular key section of this legislation.

Mr. Speaker, I yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I would say generally speaking that is correct. I do not recall specifically saying that the third page of this section incorporated in its entirety the REA standard. I understand the thrust of the gentleman, but I am not certain that I would like to define it totally as the REA standard, because that was never discussed in our compromise.

I would agree with the gentleman that the standard is extremely narrow with respect to that emergency section, but I am not sure I would identify it as the REA standard.

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. RODINO. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. HUGHES. Mr. Speaker, I yield to the gentleman from California.

Mr. LUNGREN. With respect to the language that the gentleman was speaking of, I absolutely agree. That referred to language we had on page 1 and page 2. With respect to page 3, it is narrowly defined. I agree it should be, but whether or not it is precisely the REA standard or not, I think is open to question.

Mr. HUGHES. Well, I thank the gentleman, because I was particularly concerned about the standard that was set with regard to the necessary portion of the amendment as well as that portion of the amendment dealing with the assurance that all parties, debtor, creditor and all affected parties, would be treated equitably in the proposal.

The SPEAKER pro tempore. The time of the gentleman from New Jersey has again expired.

Mr. RODINO. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I thank my chairman for yielding the additional time.

I was concerned about the particular section, because that was the section that really hung us up for so long in conference and that obviously is an important part of the issue.

Mr. LUNGREN. Mr. Speaker, if the gentleman will yield further, I absolutely agree with the gentleman's interpretation of that important section and for his contribution.

Mr. HUGHES. Mr. Speaker, I want to commend all the parties, the chairman of the full committee in particular, but the ranking minority member, the gentleman from New York [Mr. FISH] and all the conferees for I think a good job. I think we have come out with a good product, a fair and balanced bill, and I urge my colleagues to support the conference report.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, this is a happy day in mid-America and wherever our agriculture producers store their commodities because the so-called grain elevator bankruptcy reform provisions in this legislation are about to become law. I simply want to take this minute to thank all who have been so cooperative in their persistence and determination to see these needed reforms become reality. In particular I want to thank the gentleman from Kansas [Mr. GLICKMAN], for hanging in there as he did, as a member of both the Agriculture and Judiciary Committees on behalf of our agricultural producers. Also, a Member of the other body, Mr. DOLE, deserves our thanks for his persistence and unyielding determination on the grain elevator problem. I want to salute both of these great Kansans and to thank them and to say what a pleasure it has been to work with them and many others in resolving this difficult, torturous and frustrating problem that is of such concern to rural America.

I am also very interested in, and am a cosponsor of, the consumer bankruptcy provisions of this bill, much needed and long overdue. Mr. SYNAR's statesmenship and leadership is heartily commended. He, too, has extended wonderful cooperation to all of us with an interest in this subject.

To my colleagues on the Republican side, thank you all for your endurance and never wavering staunch support for our farmers.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. I would be glad to yield to the gentleman from Kansas.

Mr. ROBERTS. Well, the gentleman has thanked everybody in this entire House except himself.

Let the record show that for over 3 years the gentleman has persevered and been a leader in this fight.

I also want to associate myself with the remarks made by the gentleman from Kansas [Mr. GLICKMAN]. This has been a bipartisan effort.

Also, I want to commend the efforts of Senator DOLE in the other body.

The gentleman from Missouri has been a champion and he has succeeded.

Mr. EMERSON. Mr. Speaker, I thank the gentleman.

Mr. FISH. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think that the legislative history being made by the conferees this afternoon in this body as well as the other body is particularly important in view of the fact that there is no statement of managers accompanying this bill. The conference did not conclude until yesterday evening and the time has been too short. For that reason, I think it has been very important that we have had this debate this afternoon.

Mr. Speaker, I would like to close simply by commending my chairman and all the members of the Judiciary Committee of the House of Representatives. This has been a long road, difficult at times, and I think we have brought a successful conclusion to this issue with this bankruptcy conference.

Mr. Speaker, I yield back the balance of my time.

Mr. RODINO. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I rise to commend my distinguished chairmen, both my chairmen. I rise in support of the conference report on H.R. 5174. It is a splendid bill. It is a tribute to the dedication with which our chairman, the gentleman from New Jersey [Mr. RODINO] has worked, and also the ranking minority member, the gentleman from New York, Mr. "HAM" FISH.

Mr. Speaker, I rise in support of the conference report on H.R. 5174, the Bankruptcy Amendments of 1984. This report is the product of a lengthy conference between the Senate and House conferees in which I participated. It represents a long overdue compromise needed to restore the Nation's bankruptcy system to a sound constitutional footing.

This bill will reconstitute the bankruptcy system and its 232 judgeships in a constitutional fashion. The Supreme Court has declared the present system operating under the 1978 Bankruptcy Act unconstitutional.

Further, these bankruptcy amendments will make needed substantive changes to the bankruptcy laws. They will help ensure that the employees of companies in bankruptcy are protected from the unilateral abrogation of their labor agreements. This law will require bankruptcy trustees to make a proposal to the authorized representative of the bankrupt company's employees covered by a labor agreement which provides for those necessary modifications in the employees' benefits and protections that are necessary to permit the reorganization of the company. This proposal, required by the bill, must assure that all creditors, debtors, and other affected parties, including employees, are treated fairly and equitably.

This bill will also make personal bankruptcy reforms by eliminating the use of the bankruptcy system by debtors who are not suffering economic hardship. At the same time, these consumer credit bankruptcy reforms will retain the needed relief under the bankruptcy laws for those who truly deserve a new start—the people for whom the system is meant to work. There are also numerous other amendments which are needed to reform the present bankruptcy laws.

Along with these bankruptcy reforms, the bill will create 85 new Federal district court judgeships to help alleviate the tremendous litigation backlogs in our courts; 40 of these positions may be filled this year, with the remaining 45 to be filled next year by whoever is elected President.

Mr. Speaker, I urge the support of this conference report so that the Nation's bankruptcy system may be reformed and made sound again.

□ 1500

Mr. RODINO. I yield 30 seconds to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I commend the conferees on the work they have done. Also, Mr. Speaker, I would like to commend the gentleman from Oklahoma, Mr. MIKE SYNAR, for his work on the consumer bankruptcy part of this bill. Mr. SYNAR kept me posted on what status of this part of the bill was. I was very supportive of that part of the bill and I certainly wanted to give him credit for the work he has done in the consumer bankruptcy part of the bill.

I thank the chairman for yielding.

Mr. RODINO. I yield 1 minute to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, as one of the conferees, I rise in strong support of this conference report.

This is not a perfect bill. I happen to think that the original approach of Chairman RODINO to have Article III judges was a better approach. But this bill, nevertheless, does get the courts reconstituted, solves that very serious problem, solves a great many other problems including the consumer problem and the labor contract problem, and I think it deserves to be approved. The country needs action now, and for that reason I strongly support it and commend all of the conferees, as well as the staff, who have done tremendous work to make sure that this was a bill that we could support.

● Mr. ANDERSON. Mr. Speaker, I rise in support of the consumer bankruptcy provisions of this bill. People who, for one reason or another, cannot pay their debts should be permitted appropriate relief; but no one who is capable of refinancing his debts should be discouraged from doing so. But this is exactly what the current Bankruptcy Code does.

Individual consumers who find themselves unremittingly in arrears are permitted to file for bankruptcy. The Bankruptcy Code has two appropriate chapters: 7 and 13. Both allow the debtor to retain certain personal assets, but chapter 7 also allows the debtor to turn his back on his creditors and walk away scot-free. Conversely, chapter 13 requires the debtor to repay his creditors through a court-supervised agreement between the involved parties.

In 1978, Congress passed the Bankruptcy Reform Act. That act made it easier for a debtor to obtain chapter 7 relief, because it does not require that he give serious consideration to a chapter 13 repayment plan. This has worked to the detriment of creditors and consumers alike. A recent GAO report suggests that 40 percent of those who file for chapter 7 relief have income, assets and debts comparable to those seeking chapter 13 relief. These improper chapter 7 filings may cost the lending industry as much as $1.25 billion annually in lost revenues. And as with anything else, these losses are passed along to consumers in the form of higher interest rates, credit fees, and increased prices for goods and services.

The conference report before us today proposes reasonable guidelines to ensure that a debtor seeks relief under the appropriate chapter of the Bankruptcy Code. It requires the clerk of a bankruptcy court to advise a debtor of both the chapter 7 and chapter 13 forms of relief. A debtor who then enters a chapter 7 filing must attest to having been made aware of his options under both chapters. Furthermore, a bankruptcy court could dismiss a chapter 7 filing if, in its opinion, the filing constitutes a "substantial abuse" of the Bankruptcy Code because the debtor is found capable of fulfilling the terms of a chapter 13 repayment agreement.

This bill also places a limit on the amount of personal and household items which can be exempted from liquidation and curbs incentives for debt-ridden consumers to go on credit card spending sprees shortly before filing for bankruptcy. These measures are prudent and I urge our colleagues to join me in supporting them.●

Mr. RODINO. Mr. Speaker, I want to commend first of all the gentleman from New York [Mr. FISH] the ranking minority member, for the yeoman work he has done to assist in bringing this conference report about—on very, very difficult matters.

I want to commend all of the Judiciary Committee members and all of the conferees.

Although I was preempted by the gentleman from Kansas from so doing, I particularly want to commend the staff of the Judiciary Committee. My

general counsel, Alan Parker, Elaine Mielke, Susan Block, staff attorneys with the subcommittee, Don Freeman, and the rest of the staff, both Republican and Democrat, labored diligently.

This legislation was debated in a spirited manner; all did so because they believed very seriously and sincerely in the positions that they were taking.

I recommend this conference report, and I urge its immediate adoption.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ANNUNZIO). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FISH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 39, as follows:

[Roll No. 301]

YEAS—394

Ackerman	Chappell	Erdreich
Addabbo	Chappie	Evans (IA)
Akaka	Cheney	Evans (IL)
Albosta	Clarke	Fascell
Alexander	Clay	Fazio
Anderson	Clinger	Feighan
Andrews (NC)	Coats	Ferraro
Andrews (TX)	Coelho	Fields
Annunzio	Coleman (MO)	Fish
Anthony	Coleman (TX)	Flippo
Applegate	Collins	Florio
Archer	Conable	Foley
Aspin	Conte	Ford (MI)
AuCoin	Conyers	Ford (TN)
Badham	Cooper	Fowler
Barnard	Corcoran	Frenzel
Barnes	Coughlin	Frost
Bartlett	Courter	Garcia
Bateman	Coyne	Gaydos
Bates	Crane, Daniel	Gejdenson
Bedell	Crane, Philip	Gekas
Beilenson	Crockett	Gephardt
Bennett	D'Amours	Gibbons
Bereuter	Daniel	Gilman
Bethune	Dannemeyer	Gingrich
Biaggi	Darden	Glickman
Bilirakis	Daschle	Gonzalez
Bliley	Daub	Goodling
Boehlert	Davis	Gore
Boggs	Dellums	Gradison
Boner	Derrick	Gramm
Bonior	DeWine	Gray
Bonker	Dickinson	Green
Borski	Dicks	Gregg
Bosco	Dingell	Guarini
Boxer	Dixon	Gunderson
Britt	Donnelly	Hall (IN)
Brooks	Dowdy	Hall (OH)
Broomfield	Downey	Hall, Ralph
Brown (CA)	Dreier	Hall, Sam
Brown (CO)	Durbin	Hamilton
Broyhill	Dwyer	Hammerschmidt
Bryant	Dymally	Hance
Burton (CA)	Dyson	Hansen (UT)
Burton (IN)	Eckart	Harkin
Byron	Edgar	Harrison
Campbell	Edwards (AL)	Hartnett
Carney	Edwards (CA)	Hatcher
Carper	Edwards (OK)	Hawkins
Carr	Emerson	Hayes
Chandler	English	Hefner
Heftel	McEwen	Schneider
Hertel	McGrath	Schroeder
Hightower	McHugh	Schulze
Hiler	McKernan	Schumer
Hillis	McKinney	Seiberling
Holt	McNulty	Sharp
Hopkins	Mica	Shaw
Horton	Michel	Shelby
Howard	Mikulski	Shumway
Hoyer	Miller (CA)	Shuster
Hubbard	Miller (OH)	Sikorski
Huckaby	Mineta	Siljander
Hughes	Minish	Sisisky
Hunter	Mitchell	Skeen
Hutto	Moakley	Skelton
Hyde	Molinari	Slattery
Ireland	Mollohan	Smith (FL)
Jacobs	Montgomery	Smith (IA)
Jeffords	Moody	Smith (NE)
Jenkins	Moore	Smith (NJ)
Johnson	Moorhead	Smith, Denny
Jones (NC)	Morrison (CT)	Smith, Robert
Jones (OK)	Morrison (WA)	Snowe
Jones (TN)	Mrazek	Snyder
Kaptur	Murphy	Solarz
Kasich	Murtha	Solomon
Kastenmeier	Myers	Spence
Kazen	Natcher	Spratt
Kemp	Neal	St Germain
Kennelly	Nichols	Staggers
Kildee	Nielson	Stangeland
Kindness	Nowak	Stokes
Kleczka	O'Brien	Stratton
Kogovsek	Oakar	Stump
Kolter	Oberstar	Sundquist
Kostmayer	Obey	Swift
Kramer	Olin	Synar
LaFalce	Ortiz	Tallon
Lagomarsino	Ottinger	Tauke
Lantos	Owens	Tauzin
Latta	Oxley	Taylor
Leach	Packard	Thomas (CA)
Leath	Panetta	Thomas (GA)
Lehman (CA)	Parris	Torres
Lehman (FL)	Pashayan	Torricelli
Leland	Patman	Towns
Lent	Patterson	Valentine
Levin	Pease	Vander Jagt
Levine	Penny	Vandergriff
Levitas	Pepper	Vento
Lewis (CA)	Perkins	Volkmer
Lewis (FL)	Petri	Vucanovich
Livingston	Pickle	Walgren
Lloyd	Porter	Walker
Loeffler	Price	Watkins
Long (LA)	Pritchard	Waxman
Long (MD)	Quillen	Weaver
Lott	Rahall	Weber
Lowery (CA)	Rangel	Weiss
Lowry (WA)	Ratchford	Wheat
Lujan	Ray	Whitehurst
Luken	Regula	Whitley
Lundine	Reid	Whittaker
Lungren	Richardson	Whitten
Mack	Rinaldo	Williams (MT)
MacKay	Ritter	Wilson
Madigan	Roberts	Winn
Markey	Robinson	Wise
Marlenee	Rodino	Wolf
Marriott	Roe	Wolpe
Martin (IL)	Roemer	Wortley
Martin (NY)	Rogers	Wright
Martinez	Rose	Wyden
Matsui	Roukema	Wylie
Mazzoli	Rowland	Yates
McCain	Roybal	Young (AK)
McCandless	Russo	Young (FL)
McCloskey	Sabo	Young (MO)
McCollum	Sawyer	Zschau
McCurdy	Schaefer	
McDade	Scheuer	

NOT VOTING—39

Berman	Frank	Rudd
Bevill	Franklin	Savage
Boland	Fuqua	Sensenbrenner
Boucher	Hansen (ID)	Shannon
Breaux	Lipinski	Simon
Craig	Martin (NC)	Stark
de la Garza	Mavroules	Stenholm
Dorgan	Nelson	Studds
Duncan	Paul	Traxler
Early	Pursell	Udall
Erlenborn	Ridge	Williams (OH)
Fiedler	Rostenkowski	Wirth
Foglietta	Roth	Yatron

□ 1510

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills, joint resolutions, and a concurrent resolution of the House of the following titles:

H.R. 5953. An act to increase the statutory limit on the public debt;

H.J. Res. 544. Joint resolution to designate the week beginning September 2, 1984, as "National School-Age Child Care Awareness Week";

H.J. Res. 555. Joint resolution to designate July 20, 1984, as "Space Exploration Day";

H.J. Res. 566. Joint resolution to designate the week beginning on October 7, 1984, as "National Neighborhood Housing Services Week".

H.J. Res. 604. Joint resolution to designate July 9, 1984, as "African Refugees Relief Day"; and

H. Con. Res. 261. Concurrent resolution expressing support for the initiatives of the Contadora Group and the resulting agreements among the Central American nations.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2048), "An act to provide for the establishment of a Task Force on Organ Procurement and Transplantation and an Organ Procurement and Transplantation Registry, and for other purposes," agrees to the conference asked by the House on the disagreeing votes to the two Houses thereon, and appoints Mr. HATCH, Mr. NICKLES, Mr. QUAYLE, Mr. KENNEDY, and Mr. PELL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 875. An act to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes;

S. 1643. An act to strengthen the operation of the agricultural stabilization and conservation committee system, and for other purposes;

S. 2559. An act to revise and extend provisions of the Public Health Service Act relating to health professions educational assistance;

S. 2615. An act to revise and extend programs conducted by the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse, and for other purposes;

S. 2819. An act to make essential technical corrections to the Housing and Urban-Rural Recovery Act of 1983; and

S.J. Res. 293. Joint resolution to designate July 17, 1984, as "Spanish American War Veteran Day".

□ 1520

WATER RESOURCES CONSERVATION, DEVELOPMENT, AND INFRASTRUCTURE IMPROVEMENT AND REHABILITATION ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 515, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3678.

□ 1522

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3678, to provide for the convervation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure; with Mr. SAM B. HALL, JR., in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 28, 1984, the amendment in the nature of a substitute offered by the gentleman from New Jersey [Mr. ROE] was considered as an original bill for the purpose of amendment and is open for amendment at any point.

Are there any further amendments?

Mr. MOORE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Committee's authorization bill, H.R. 3678, and I thank the Committee for producing an authorization bill, as it has been several years forthcoming. This particular bill has several items addrssing urgent concerns in the Sixth Congressional District of Louisiana. It provides the next orderly step of projects on-going now, and it recognizes the need for new areas of study.

First, the bill authorizes the construction of a project for the control of destructive floodwaters in the Pearl River Basin in Louisiana and Mississippi. The Corps of Engineers has been working on this study for several years, and preliminary reports indicate the construction of flood control measures in this area could have greatly reduced the damage suffered due to flooding in the past.

Additionally, the bill authorizes construction and study funds for flood control along the Amite and Comite Rivers. This is a significant step as a reconnaissance study now being conducted on the Amite and Comite Basin has determined that had a dam and reservoir been in place during the flood of 1983, the damage prevented would have equaled the cost of the project itself.

The other rivers authorized for study—Bogue Chitto, Natalbany, Tangipahoa, Tchefuncte, and Tickfaw—although they frequently overflow their banks and create flooding conditions, have never been studied for possible flood control measures. Flooding is a real threat to people living along these rivers, and the area must be studied for possible corrective measures. The committee, by including these rivers, has incorporated my legislation to this effect and accommodated my request, which is greatly appreciated.

Finally, the bill authorizes the Mississippi River ship channel project from Baton Rouge, LA, to the Gulf of Mexico. The deep-draft navigation channel in the Mississippi River would be enlarged from its present depth of 40 feet to a project depth of 55 feet. This is important to the Port of Baton Rouge. Within the Baton Rouge port area, approximately 8.5 million tons of coal, grain, and petroleum are shipped annually. This provides significant jobs and revenue for our economy.

The State of Louisiana is committed to all of these projects and has stated its support for providing its non-Federal financial obligation.

The continuation of these projects is critical to the area I represent. I urge Members to support this bill to insure that adequate flood control and river projects are continued.

Mr. Chairman, I thank the members of the Public Works and Transportation Committee, in particular the chairman of the subcommittee, the gentleman from New Jersey [Mr. ROE], and the ranking Republican member of that subcommittee, the gentleman from Minnesota [Mr. STANGELAND].

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend the chairman of the full comittee, and the gentleman from New Jersey [Mr. ROE], the chairman of the subcommittee for their excellent work.

This bill contains much-needed flood control projects in my district in northeast Louisiana, too. We are indeed grateful for their support.

Mr. ROE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Kentucky [Mr. HOPKINS].

AMENDMENT OFFERED BY MR. HOPKINS

Mr. HOPKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOPKINS: Page 75, line 13, strike out ", at full Federal expense,".

Page 75, line 15, strike out "$189,000,000" and insert in lieu thereof "$135,400,000".

Page 76, line 3, after the period insert the following:

The provisions of section 302 of this title shall apply to the project for flood damage reduction and recreation in the vicinity of Falmouth, Kentucky, authorized by this subsection.

□ 1530

(By unanimous consent, Mr. HOPKINS was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Kentucky [Mr. HOPKINS] is recognized for 10 minutes in support of the amendment.

Mr. HOPKINS. Mr. Chairman, I regret, really, the necessity for my even being here today, and I fully realize that I am swimming upstream here in the Potomac.

When this legislation came to the floor last week and again last night, its authors pointed with understandable pride to some of its most obvious merits. They spoke of the extensive hearings that had been held and they spoke of the countless hours spent gathering information and consulting interested Members and their staffs. I wish that could have been said about the project which affects my district. Unfortunately, Mr. Chairman, it cannot. There were no extensive hearings on Falmouth Dam. In fact, there were no committee hearings at all on this project and no public hearings have been held since 1964; nor, Mr. Chairman, were there countless hours spent gathering information about this dam. Instead, the inclusion of Falmouth Dam in this legislation totally ignores the known facts and information that has been gathered over the 48 years since this proposal was first introduced in Congress.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I would prefer, Mr. Chairman, if you do not mind, to wait until after I have finished my statement.

Mr. ROE. Well, the gentleman has disparaged the chairman. The gentleman is questioning my credibility, and I would appreciate it if the gentleman would yield to me.

Mr. HOPKINS. I will be delighted to do that when I finish my statement, if the chairman does not mind. This is the first time, as the chairman knows, that I have had an opportunity to speak on this issue.

Mr. ROE. If the gentleman will yield, I do not want to take down the words, but I do want to—and I trust you, as a gentleman, will give me a chance—respond to one comment you made which is inaccurate about this gentleman.

Mr. HOPKINS. Yes, I would be delighted to do that, Mr. Chairman.

Instead, my colleagues, the inclusion of Falmouth Dam in this legislation totally ignores the known facts and information that has been gathered over the 48 years since this proposal was first introduced into Congress.

Mr. Chairman, does it matter that it fails to meet cost-benefit standards? Does it matter, Mr. Chairman, that this legislation asks the Congress to declare that it is a sound investment, when the Corps of Engineers' studies have been proven that it returns only 60 cents in benefits for every dollar that it costs? Does it matter, Mr. Chairman, that it fails to have the support of local and State officials in Kentucky? Does it matter, my colleagues, that it fails even to warrant designation as a flood control project, and that 59 percent of its benefits are recreational?

Finally, I must also challenge and correct the claim that interested Members and their staffs were contacted when this proposal was being considered. I was not contacted, Mr. Chairman, nor was my staff. I was not afforded an opportunity to testify. And in fact I was not given even the courtesy of prior notice before this project was inserted into the water resources bill which occurred, incidentally, Mr. Chairman, on the day before this body recessed in August for a 5-week period.

I do not appreciate the lack of consideration for the people that I represent, particularly when this project will flood thousands of acres in three counties in my district. And that is why I must appear before you today to plead for your help in correcting an insult and preventing further injustice to my constituents.

Mr. Chairman, the amendment that I offer today is the first, and without your support, will be the last, opportunity that my constituents will really have to be heard on this issue. I think they deserve that opportunity, because it is their homes that we are talking about, 500 families, their farms, their cemeteries, their roads, and their bridges which will be flooded if this project is built.

My amendment also offers the first opportunity for one other important group to be heard on this issue. That group is the taxpayers of every district in this House, because the language which I hope to amend today places on your constituents the entire burden of paying the $189 million that this dam will cost.

Now, let me make sure that you understand that point. Federal taxpayers will pay every cent of the cost of this project. There will be no State funds.

Now, you may find that as unfair as I do, when you consider that the major thrust of this 1984 water resources bill is to require non-Federal interest to share a greater portion of the cost of the water projects.

Section 301(b) of the bill, which my amendment speaks to, is clearly out of step with the rest of this legislation. It states, and I quote verbatim from the bill before you today:

> The Secretary is authorized and directed to construct, at full Federal expense, a project for the purposes of flood damage reduction and recreation in the vicinity of Falmouth, Kentucky, at an estimated cost of $189,000,000. With respect to each such project, Congress finds that the benefits determined in accordance with section 209 of the Flood Control Act of 1970 and attributable to the flood measures authorized for such project exceed the cost of such measures.

In other words, Mr. Chairman, the State of Kentucky in which this project is to be constructed will not contribute one penny of the cost. Good old Uncle Sam will delve deeper into debt, extend its deficit by another $189,000,000, and pay the entire cost of Falmouth Dam.

For obvious reasons, that is not fair to the taxpayers of your districts, and for reasons that might not be as evident at first, it certainly is not fair to the people of Kentucky.

While this language might appear to represent a windfall for the taxpayers of Kentucky, that gift has a very expensive price tag. In a very direct sense, the price of this free dam is the loss of freedom of the people of Kentucky to decide whether they want this dam to be built. Shifting the cost of this project to your taxpayers means the Kentucky Legislature will not have an opportunity to consider the project.

That maneuver not only violates the spirit but also the intent of the Federal law. It also circumvents the Kentucky legislative process, and even worse, Mr. Chairman, it circumvents the will of the people whose lives will be distressed by the construction of Falmouth Dam.

The people of Kentucky through their elected State legislators and their Governor have refused every opportunity to appropriate State funds to this project throughout the past 48 years. They did so because they simply do not want Falmouth Dam to be built.

That is why section 301(b) was written as it was. What this section says, and what I resent most is that the Federal Government knows best what is good for the people of Kentucky and it is bound and determined to force Falmouth Dam down our throats.

My amendment simply asks that we let the people who are most directly affected by this dam also have a voice in deciding whether it should be built.

My amendment does not strike Falmouth Dam from this bill. Let me say that again. This amendment does not strike this project. It simply asks that Falmouth Dam be paid for on the same basis as water projects in your districts.

□ 1540

It lets them decide whether they want the dam to be built, and it asks the people of Kentucky to pay their fair share of the costs. To those Members of this House who are concerned about the growing Federal deficit, and who stood before this body to declare their support for the effort to reduce the debt, my amendment is an opportunity to demonstrate that belief.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HOPKINS] has expired.

(By unanimous consent, Mr. HOPKINS was allowed to proceed for 2 additional minutes.)

Mr. HOPKINS. To those members on this committee who drafted into this water resources bill the language which requires that a greater share of the cost of water projects should be paid by non-Federal interests, my amendment is an opportunity to demonstrate your commitment to that principle.

To all of those of you who share my grave disappointment with the philosophy that says that the Federal Government knows best, and knows better than the people back home what is good for them, I ask for your support. All of those who believe in basic fairness for your constituents and for mine, I ask for your support.

My constituents, who are substantially and adversely affected by this bill have not had an opportunity to be heard before today. You can give my constituents that opportunity. I urge you to help me to make their voices heard by voting for my amendment.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HOPKINS] has again expired.

(On request of Mr. WOLPE and by unanimous consent, Mr. HOPKINS was allowed to proceed for 2 additional minutes.)

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I yield to the gentleman.

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Kentucky and make an observation. I first want to pay tribute to the two gentlemen from New Jersey, the chairman of the full committee [Mr. HOWARD] and the chairman of the subcommittee [Mr. ROE] for the bill that they have put out of commit-

tee, which makes, I think, a very important step forward in the area of water resource policy. It establishes the very important principle of cost sharing. It makes other important advances with respect to the environmental concerns that have surrounded this kind of debate in the past.

So I intend to support the bill on final passage whatever the outcome of this and other amendments. It is precisely, though, because the Falmouth Dam project runs so directly contrary to the basic philosophy and thrust of the principles of this legislation that the amendment of the gentleman from Kentucky is so meritorious.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HOPKINS] has expired.

(On request of Mr. WOLPE and by unanimous consent, Mr. HOPKINS was allowed to proceed for 1 additional minute.)

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I yield to the gentleman.

Mr. WOLPE. The bill establishes the principle of cost sharing not for academic, abstract reasons, but because it is the principle of cost sharing that allows the affected State to record its view of the merits or demerits of a given project. Why should Federal taxpayers from all over the country be asked to contribute dollars to a specific local project if the State affected does not itself support that project?

That is really the issue that is at stake here and why it is a matter of national concern, rather than just a concern for the residents of Kentucky. When we have, within the same bill, a project that so clearly departs from the cost-sharing principle that undergrids our Nation's water policy, then I think we weaken the thrust of what is a terribly important piece of legislation that ought to be supported.

All the elements of that legislation should be consistent as possible in advancing its basic principles. It also needs to be emphasized that without the cost-sharing requirement of the Hopkins amendment, the Falmouth Dam project simply cannot be economically justified.

As it is currently written, H.R. 3678 requires the Federal Government to assume the full $189 million funding of a project opposed by the State in which it would be located. How can this possibly be rationalized in the face of the perilous budget deficits facing this country? Just 2 days ago it was these very deficits that were a primary factor in pushing up the prime rate to an alarmingly dangerous level. Asking this project to be given a free ride at taxpayer's expense when the Federal Government faces an unprecedented fiscal crisis clearly adds insult to injury.

Furthermore, this project has a negative cost/benefit ratio. According to the Army Corps of Engineers, which in 1981 declared this project "inactive," for every dollar invested only 60 cents would be returned. It would be unconscionable for us to try and explain to our constituents that the benefits of this project outweigh the costs when clearly the Corps of Engineers can't do so.

The Hopkins amendment is fair and fiscally responsible. It merely asks that local beneficiaries pay for half of the project's recreation features, and that they pay 25 percent of the flood control costs. I would go further and state that all Federal Public Works projects, whether they be water development, energy development, or some other kind of project, should have a substantial built-in cost-sharing element. This would help relieve the increasing financial tax burden that has been placed on Federal taxpayers, and allow local beneficiaries to show their support or opposition of a project through the approval or denial of State funds.

If we are collectively serious about reducing the Federal deficit, the Hopkins amendment responsibly contributes toward this end.

I congratulate Mr. HOPKINS on his observations and on his leadership. I would urge my colleagues to support the amendment of the gentleman from Kentucky.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HOPKINS] has again expired.

(By unanimous consent, Mr. HOPKINS was allowed to proceed for 1 additional minute.)

Mr. HOPKINS. Mr. Chairman, I would like to yield to the gentleman from New Jersey [Mr. ROE] the chairman of the subcommittee.

Mr. ROE. Mr. Chairman, we have no acrimony in this debate and I do not want any. But I would like to point out to the gentleman that we had hearings on this legislation. We had open hearings and they were announced in all the records and all the journals and dozens and dozens of Members testified. In candor, it is up to a Member to come if they have something they want to bring to the committee's attention. I think that is No. 1.

No. 2, we had notified every Member in this House on any of the authorizations, if any Member had a project in their district that was affected, they also were notified as to what they wanted to do.

No. 3, just so you know, between you and me as friends, every single project I went over personally. I have looked this project over personally in every depth. I just want to make that point, just so the Members know that there is no subterfuge involved as far as I am concerned.

Mr. HOPKINS. I thank the chairman.

If I may respond to that simply by saying that I would remind the Members of this body that this portion of the bill was put in one day before we went home on a 5-week recess period last August.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I yield to the gentleman.

Mr. STANGELAND. That is really, I am sorry, an incorrect statement. This project has been in this bill in this form.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. HOPKINS] has again expired.

(On request of Mr. STANGELAND and by unanimous consent, Mr. HOPKINS was allowed to proceed for 1 additional minute.)

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I yield to the gentleman.

Mr. STANGELAND. It has been a part of this bill since its introduction. It was a part of title VII of the originally introduced bill.

Mr. HOPKINS. If I might just say, this has been an object of discussion for about 40 years. It is nothing new; I grant you that. But to my knowledge this portion of the bill was put in on August 3, 1983, and I did not know about it until I think the following day. That is the point I am trying to make. I had no opportunity to know about it. We all went home for 5 weeks. The committee had dismissed itself. I was not given that opportunity, and I resent that.

Mr. HOWARD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must express strong opposition to the amendment proposed by the gentleman from Kentucky [Mr. HOPKINS]. The amendment appears to me to be an attempt to impose certain requirements on the project authorized in section 301(b) long after the project was deemed as needed and was authorized.

We are not just authorizing a new project here; it has been authorized for years. In fact, the Falmouth Dam project was authorized in the 1930's with 100 percent of the cost to be paid by the Federal Government. The cost remained that way for more than three decades, even after passage of the Federal Water Project Recreation Act of 1965.

The Army Corps of Engineers affirmatively upheld the full Federal funding for the project for several years after passage of that act, until the corps policy was changed in an internal administrative decision, not by Congress. It was only then that the State of Kentucky started raising objections to the project. When it was to

be financed 100 percent by the Federal Government, Kentucky was all for it. When the full Federal funding was withdrawn after more than 30 years after authorization, Kentucky officials naturally felt some reluctance to come up with a large chunk of money that had been needed previously.

Mr. Chairman, this amendment would impose burdensome and onerous costs on people who can little afford to pay them. As the gentleman from Kentucky, the ranking member of our Committee on Public Works and Transportation, Mr. SNYDER, has often noted, the people of the Falmouth region have low average income, but still have recession-level unemployment rates.

I have long held the belief that the Federal Government should not distort its programs by targeting them to wealthy areas that can afford steep matching requirements, while poorer areas are ignored for lack of matching funds. The Falmouth case is an example of a case where the Federal Government should be assisting a less wealthy community rather than asking the people to pay additional millions of dollars.

The Falmouth area suffered some severe floods, especially in 1964. I believe it is unfair to ask the people of that region to wait even longer for some protection from those floods and for a more secure source of drinking water. It is especially unfair to ask them to do that and to contribute money that they do not have, to save farm land almost half of which is in acreage reductions or in the PIC Program.

It is time that the Federal Government offered the people of the Falmouth region the protection from those severe floods that was promised them in 1938. This committee should not support a back door method of killing a needed project which is precisely what the amendment of the gentleman from Kentucky [Mr. HOPKINS] would do. The amendment would create cost requirements that could not possible be met and would kill the project.

Section 301(b) of the committee bill would simply restore the cost sharing arrangements that existed for 30 years until changed by an administrative decision. The Congress should set the policy on cost sharing, as it did for those three decades. I urge defeat of the amendment. What you would be doing is killing a needed project by putting a burden on a poor community, and I think that is a bad way for us in Congress to operate.

□ 1550

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I would be happy to yield to the gentleman from Iowa.

Mr. BEDELL. I thank the gentleman for yielding.

Mr. Chairman, I think it is important for us to understand the policy of the committee and how the committee operates. My understanding is that, according to the Corps of Engineers, their study has indicated in this situation today that the cost/benefit ratio is where the costs are significantly less than the benefits.

If the committee finds that is true on a project that has not yet begun, do you feel obligated to go ahead with the project, even if the cost/benefit indicates that the project should not go forward?

Mr. HOWARD. I believe the gentleman stated if the corps finds out that the cost is much less than the benefit. Is that what the gentleman means to say?

Mr. BEDELL. No. If I did, I misspoke. If the cost is much greater than the benefit to be derived from the project.

Mr. HOWARD. We have a very difficult time doing things on a cost/benefit that is not a plus. However, I do think that one thing we have to start considering, is needs and by needs I mean the financial condition of people in that area.

I do not believe that we should have a case where a project is denied merely because the people do not have the money for it. If it is a very bad cost/benefit ratio, then perhaps it should not be done.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HOWARD] has expired.

(On request of Mr. BEDELL and by unanimous consent, Mr. HOWARD was allowed to proceed for 2 additional minutes.)

Mr. HOWARD. Perhaps it ought to be held in abeyance, as this has been held in abeyance many times. We do not automatically have this project proceed right away, but what we are going to do is still at least keep it on the books.

Mr. BEDELL. If the gentleman will yield further, the concern this gentleman has as a Member of the body and as a representative of the taxpayers is that, is it correct, as I understand it, that the Corps of Engineers at this time says that the costs will significantly exceed the benefits from the project? Is that correct? That is what I have been told.

Mr. HOWARD. I would yield to the gentleman from Kentucky [Mr. SNYDER] who is more familiar with the up-to-date information on that.

Mr. SNYDER. I thank the gentleman for yielding.

Mr. Speaker, let me just read from the document dated June 12, 1984, from the corps:

The project was quite controversial during the 1940s and due to a lack of demonstrated public acceptability was placed in the "inactive" category. Subsequent to a flood of record in 1964, the project was reviewed in connection with an authorized survey of the Licking River Basin to consider the then current water resources needs that the project might satisfy. The project was found economically justified on the basis of its value for flood control combined with recreational development and was reclassified to the "active" category.

Mr. BEDELL. If the gentleman will yield further, is my information incorrect? The information I have been given is that the Corps of Engineers at this time says that the project has a benefit to cost ratio of 0.6, less than 1. That is what I have been told, and if that information is wrong, then the committee should be aware of it. Is that correct or not?

Mr. SNYDER. I know what the gentleman is talking about. It depends on how you classify the interest rate. I believe it was in 1969 we grandfathered the interest rate on this and figured it on the grandfathered interest rate. This is the observation.

Mr. BEDELL. If the gentleman would yield further, I assume we would calculate it on the interest rate that the Government has to pay. If we assume that the Government is going to have to pay interest rates on the money they borrow, then my understanding is that it has a benefit/cost ratio where the benefits are only sixtenths of the cost. I am not saying that is right. I think the committee should be entitled to know.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HOWARD] has again expired.

(By unanimous consent, Mr. HOWARD was allowed to proceed for 1 additional minute.)

Mr. HOWARD. We are involved in the question of interest rates. We are looking ahead but everything we hear from the administration is how these interest rates are down so low, are never going to go back up, are going to do nothing but go down further, so perhaps that will put it in a better than 0.6 ratio.

(On request of Mr. BEDELL and by unanimous consent, Mr. HOWARD was allowed to proceed for 3 additional minutes.)

Mr. ROEMER. Mr. Chairman, will the gentleman yield for one question?

Mr. HOWARD. I would be happy to yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

Mr. Chairman, on the interest rate, the figures that some of us have seen show the cost/benefit ratio at 0.6 to 1 with an 8½-percent cost of money. I think we can accept that figure and the statement that the gentleman just made that the administration is very optimistic and in the future interest rates will go down.

As a matter of fact, they will have to go down by 40 percent to get to the 8½-percent figure.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I would be very happy to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, just for clarification of the record, the 0.6 figure comes not out of the air; it is included in a September 13, 1983, Department of the Army, Army Corps of Engineers letter that was sent to Mr. HOPKINS, signed by Duane Lee, colonel of the Corps of Engineers, and in this letter it states, and I quote:

> At the present time the plan BR would not be economically feasible based on current price levels and interest rates. The total construction cost for the project plan BR, based on 1983 price levels, would be about $165 million, with a benefit/cost ratio based on an 8⅛ percent current Federal interest rate of about 0.6.

That comes right out of the documents that the corps has sent us as of September 13, 1983, and I think if our committee is to have a policy based on an equitable and fair cost/benefit ratio, we have to take the lead from even the corps documents, and I think that will clarify the exact ratio.

Mr. HOWARD. As to that cost, I just ask the gentleman what the interest rate is today, if it is more than 8 percent.

Mr. EDGAR. The interest rate in 1983, which this was based on, was 8.18.

Mr. HOWARD. Yes, but what the interest rate is today is what I was asking the gentleman.

Mr. EDGAR. The interest rate today would be much higher than that rate, given the fact that the rates have gone up, and it would have to be a 40-percent improvement of interest rates just to have a 1-to-1 figure.

Mr. HOWARD. Having passed the down payment on the deficit, I am sure that we are going to have so much enthusiasm in the markets that that is going to be down to almost nothing within a matter of months.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from New Jersey.

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, again we are dealing in a factual manner and these are the facts on this project.

This project was authorized in 1936, between 1936 and 1938, and as our distinguished chairman has pointed out, it was authorized at that point at full Federal cost. That was the contract that the Federal Government made with the State of Kentucky at that point.

The cost/benefit ratio of the project at that point was 2.5 because of the cost of building that project in 1936. It was reevaluated in 1969. There was an interest rate established nationally at 3¼ percent at that time, and the cost/benefit ratio was 2.5.

What has happened around this House and what is happening in the delay in these water resources bills, it takes 20 years at best, maybe 25 by the time the people can see a little bit of residue from their efforts, and in the meantime the costs skyrocket.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HOWARD] has again expired.

(On request of Mr. ROE and by unanimous consent, Mr. HOWARD was allowed to proceed for 2 additional minutes.)

Mr. ROE. We waste and cost billions of dollars a year, so what has happened on this project and why the issue of cost/benefit ratio is involved at all, why it is even in the discussion, is based upon the point of view that they have been waiting 35 years for something to get done to protect those people.

So the cost/benefit ratio is totally blue smoke and mirrors, and it is not an honest issue to raise as far as this project is concerned.

Mr. BEDELL. If the gentleman will yield further, I still think the House is entitled to know the answer, and the question we are asking is, or the question I am asking is, if we have a project which was previously authorized back a long time ago on which no start has been made, and we find that the cost/benefit ratio shows that the costs greatly exceed the benefits, is it the policy of the committee that they still would expect to go ahead with that project, even if the Corps of Engineers said it did not make economic sense?

Mr. HOWARD. I would say to the gentleman that it usually is. I am of the feeling, after looking at these facts that there ought to be something else considered. What must be considered is whether the cost that would have to be raised locally in order to give the project a plus benefit over cost would have to take into consideration the ability of that region to pay for it. I think if we are going to consider the needs of people, and whether they are rich or they are poor, we ought to have that consideration. We do that in income tax and almost every other program. I think that is a consideration we should have.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I would be happy to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I think it is important to know that the 25-percent cost sharing in the bill for all other projects includes rights-of-way, easements, contributions in kind, that are provided for the facility.

□ 1600

I think it would be helpful in the course of the debate if either the gentleman from Kentucky [Mr. SNYDER] or someone could indicate how much local contribution is going to be provided, because I think that it is a red herring to simply say there is a poor community involved, because the contribution that that community would have to pay can be assisted by the State if the State wants the project. It can be assisted by a bond issue. If it is that valuable to the community of having the economic benefit to the community as the gentleman is alleging, then there are other mechanisms, so that that community does not have to come up with cash up front.

I think that all the other projects in the bill that do have——

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

(By unanimous consent, Mr. HOWARD was allowed to proceed for an additional 10 seconds.)

Mr. HOWARD. Mr. Chairman, I would not place any adjectives on arguments made by the gentleman from Pennsylvania. I wish the gentleman had not done that to me.

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. LOTT was allowed to proceed out of order for 1 minute.)

Mr. LOTT. Mr. Chairman, I have asked to proceed out of order for 1 minute for the purpose of learning from the distinguished majority whip what the schedule might be for the rest of the day and what we can anticipate in the way of an adjournment resolution and other legislation that might be coming from the Senate.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I would be pleased to yield to the distinguished whip, the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, I thank the distinguished Republican whip for yielding to me.

Mr. Chairman, the intention is to proceed with this legislation until completion, which we hope will be subject to accomplishment at an early hour or reasonable hour. That, of course, depends to some extent on the nature of the debate.

There is also another matter that is uncompleted. The Senate is considering a concurrent resolution correcting the enrollment of the recent tax bill, which was in error and needs to be corrected if the enrollment is to be completed and the bill, the conference report, sent to the President. We are hoping that that can be accomplished

today, so that is an additional reason for proceeding.

After we have accomplished those two matters of unfinished business, it is, of course, the intention to adopt the adjourment resolution and to proceed to adjourn until the 23d of July, as previously announced.

Mr. LOTT. Does the gentleman have any indication of a time beyond which we would not go? We would like to finish this legislation expeditiously, of course.

Mr. FOLEY. Well, of course, we would like to finish it at the earliest possible hour, but I think a reasonable hour, as I suggested, is thought to be in the 7 or 8 o'clock range.

Mr. LOTT. Seven or eight o'clock range?

Mr. FOLEY. Yes.

Mr. LOTT. Let me ask just a couple other questions.

I believe the gentleman said we would not have the adjournment resolution until after we finish this legislation.

Mr. FOLEY. Well, there might be something that we could complete very quickly and send over to the Senate and interrupt this to send over to the Senate to expedite the total business of the day.

Mr. LOTT. The only other thing we are waiting on from the other body would be the enrollment resolution, is that correct, although other items may come up?

Mr. FOLEY. The joint resolution correcting the enrollment, the adjournment resolution and the completion of this legislation.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I would like to inform the distinguished whip that the Members have been in this Chamber almost every night for the last couple weeks. The fact that this bill is going to go until completion, estimated at 8 o'clock, means that anyone who has an interest in any legislation will have to stay here that long in order to protect against the inevitable horde of unanimous consent requests that always precede this kind of an operation.

I just want to inform the distinguished whip that staying here is a matter of some unpleasantness for this Member. I intend to see that there is plenty of voting as long as we have to be around this long.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I would like to respond to the gentleman from Minnesota. I can understand his frustration and I would like to say that this legislation has been worked on for quite some time. We had this bill ready to go several weeks ago, scheduled for yesterday about the first thing.

I do want the gentleman to know, however, that we on our committee here want to bring this bill up and have been staying around the late hours, as has the gentleman, but it seems that most of the things that have happened here in the last 2 days that have pushed us back happen to be something of preferential treatment from the Committee on Ways and Means to bring up various pieces of legislation and complete those things.

As we watched with them and sat with them, I just hope they will sit with us.

Mr. LOTT. Mr. Chairman, so that we can get back to the consideration of this bill, I yield back the balance of my time.

FURTHER LEGISLATIVE PROGRAM

(By unanimous consent, Mr. FOLEY was allowed to proceed out of order for 1 minute.)

Mr. FOLEY. Mr. Chairman, I do not know if it would be of any assistance to the gentleman from Minnesota, but it is not the intention of the leadership to take up the trade legislation today.

Mr. FRENZEL. Mr. Chairman, if the gentleman will yield, that is one matter of interest to me, but as the gentleman knows, there are many, many unanimous-consent requests lurking in the wilderness and unless there is some assurance that none of these will be considered, I would prefer to exercise our franchise in here with great regularity.

Mr. FOLEY. Well, I cannot at the moment give the gentleman an absolute guarantee there will not be unanimous-consent requests made, but the usual practice is that each party has members available on the floor while the House is in session to make any objections that are considered necessary for either side to make to unanimous-consent action.

Mr. FRENZEL. Mr. Chairman, if the gentleman will yield again, unfortunately that duty often falls to me and if I have to be here until that hour, I certainly want to be exercising my voting powers.

Mr. FOLEY. Well, I appreciate the gentleman's information. With respect, I do not exactly understand how that helps the expedition of the day's business, but the gentleman has made that statement both privately and publicly, and I appreciate his being candid.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding.

I just want to assure the gentleman from Minnesota that I do not have any surprise packages for him on the trade remedy legislation, but I do want the House Members to know that this resolution coming back from the Senate is a very important resolution and we will have to have a quorum here. We will have to have some comity to work this situation out.

If anybody has any questions about it, I will be happy to sit down and talk them off the floor here and try to work it out.

Mr. FOLEY. Mr. Chairman, if there are no other questions that I can respond to from Members on the schedule, I yield back the balance of my time.

Mr. STANGELAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. I do so somewhat reluctantly, because I know how vigorously the amendment's author has worked to try and convince our colleagues of the rightness of his cause. Unfortunately, however, I believe the gentleman is mistaken in his understanding of some of the facts associated with this bill and the Falmouth project in particular and I believe that, once we have had an opportunity to more fully explain the reasons for including section 301(b) in the bill, there will be general recognition that the gentleman's amendment should be rejected.

First, Mr. Chairman, it has been represented on a number of occasions, most recently today as well as during general debate on the bill only 2 weeks ago, that the committee included language modifying the Falmouth Dam authorization only 1 day prior to Congress recessing for 5 weeks. I assume the gentleman from Kentucky, the author of the amendment, is referring to the date the full Public Works Committee ordered the bill favorably reported to the full house. The gentleman is simply not correct in his statement. Language modifying the Falmouth Dam project has been a part of H.R. 3678 since the day the bill was first introduced. And even prior to that, when Members were briefed on the content on the bill prior to its introduction, language pertaining to Falmouth Dam and accomplishing the same effect as the bill's current language has been included in this legislation.

Second, Mr. Chairman, it has been indicated to Members of this body, again during general debate on H.R. 3678 and also on other occasions, that the amendment's author was somehow "denied a say in the process". This simply is not the case. As every Member in this body knows, both those who have been here for 20 or more years as well as those who are finishing their first term, the Public Works Committee does not act and

has never acted behind closed doors, if anything, exactly the opposite is true. That is the tradition of our committee, and it has been particularly so under the leadership of full committee Chairman JIM HOWARD and subcommittee Chairman BOB ROE. I can think of no instance of a Member, or, for that matter, anyone else who expressed a desire to testify before our water resources subcommittee on any issue ever being denied the opportunity to present his or her views, even when that meant 20 or more witnesses on a single day of hearings. And lest there be any doubt about the fact that this subcommittee did hold hearings during which it received thousands of pages of testimony from hundreds of witnesses over the course of the past 4 years in developing this bill, before you are copies of just some of the printed hearing reports attesting to the fact that everyone who expressed an interest in addressing the subcommittee with respect to this legislation was given a full and fair opportunity to do so.

□ 1610

Third, Mr. Chairman, in arguments supporting his amendment and in opposition to the bill's current Falmouth Dam language, the gentleman repeatedly charges that the State of Kentucky opposes the project and supports deauthorization. Two points at least are worth noting in connection with this argument. First, any opposition expressed by the State of Kentucky with respect to the project relates, insofar as I am aware, to a cost-sharing scheme which it disagrees with, which it was told for years by the corps did not apply to this project, and which is not the arrangement called for in H.R. 3678. Furthermore, part of the reason that the State of Kentucky at one time expressed a lack of support for the project was due to the fact that the State was opposed to signing, as required by the corps, a section 221 agreement. This agreement required the State to agree to obligate future State legislatures to certain commitments in connection with the project, and Kentucky, like a number of other States, did not feel that it was able to enter into an agreement binding future lawmakers. So to argue that Kentucky opposes this project on its merits is simply not true.

Mr. Chairman, the amendment's author would also have us believe that the cost-sharing mechanism proposed in the bill for the Falmouth is somehow unique, unusual, or unprecedented. Again, this is simply not correct. In the past two Congresses alone, a number of water resources development projects have been authorized by the Congress at full Federal expense. These include projects in West Virginia, Missouri, North Dakota, Florida, Washington, Indiana, and Arkansas. There is nothing unique about section 301(b) and its treatment of Falmouth Dam, and to indicate otherwise is to ignore the facts.

Mr. Chairman and colleagues, there are a number of other reasons why H.R. 3678's section 301(b) should remain as currently drafted, but others will discuss them in more depth. Allow me just to say that I strongly oppose the gentleman's amendment and I urge its defeat.

I yield back the balance of my time.

Mr. HUBBARD. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent Mr. HUBBARD was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Kentucky [Mr. HUBBARD] is recognized for 10 minutes.

Mr. HUBBARD. Mr. Chairman, first I would like to express my congratulations to Chairman HOWARD, Chairman ROE, Mr. SNYDER, and Mr. STANGELAND for their efforts regarding H.R. 3678.

Chairmen HOWARD and ROE know of my fondness and admiration for both of them.

Because Mr. SNYDER and Mr. HOPKINS are my friends and Kentucky colleagues, speaking for the Hopkins amendment and against the wishes of Mr. SNYDER is difficult for this Kentuckian.

I am well aware that the easy and perhaps wise course would be for this Congressman to go along to get along by simply staying quiet today and avoiding the great Kentucky shootout.

My district begins more than 100 miles southwest of the proposed dam area. Obviously, therefore, my constituents are not going to be directly affected by this Falmouth Dam.

Hopefully, then, you will listen to this Member of Congress who assures you most Kentuckians don't want this $189 million dam in the area where there's been no flood since 1964.

My friend BOB ROE said three times last night: "More mistakes are made from lack of facts than poor judgment."

Please listen to these facts.

In Mr. SNYDER's letter of June 13 to you and me he admits that the U.S. Army Corps of Engineers has concluded the benefits are not sufficient to justify this project.

The sum of $189,000,000 for the Falmouth Dam?

The population of Falmouth, KY, is 2,482. If Congress authorized $76,000 for every man, woman, and child in Falmouth, KY, we would be sending the same $189,000,000 we are asked to authorize today for Falmouth Dam.

The State of Kentucky has expressed several times what it thinks of this project by refusing to pay the small share of the costs that normally must be shared by States receiving such water projects.

Mr. SNYDER would exempt Kentucky from the cost-sharing requirement.

The specific wording to which I refer is subsection (b) of section 301. See page 80 of the bill. It says: "The Secretary is authorized and directed to construct, at full Federal expense, a project for the purposes of flood damage reduction and recreation in the vicinity of Falmouth, KY, at an estimated cost of $189,000,000."

Mr. SNYDER's letter to you and me says "The Falmouth Project Area . . . has suffered recurring natural disasters from floods, tornados and drought." My colleagues, Falmouth, KY, hasn't has a flood since 1964. Tornados? The people I've talked with in Falmouth don't recall when the last tornado was, but they couldn't remember one in the last 20 years. Surely Mr. SNYDER doesn't ask us to believe that this dam will prevent tornadoes or drought.

Perhaps some of you can remember that CARROLL HUBBARD stood here on December 13, 1982, and killed a Senate bill that authorized $700,000 for a project in my own district that was ridiculous in costs. That was the Senate bill authorizing up to $700,000 for the purchase of the Paducah, KY, home of the late Vice President Alben W. Barkley.

I said here on December 13, 1982, from this very podium: "It would be unfair to my colleagues in the House if I did not point out that a fair appraisal of the real estate in question—13 acres and the Barkley homeplace—is a lot less than even $200,000. In fact, the total 30.9 acres including the homeplace is listed for tax purposes at 100 percent valuation in the McCracken County Courthouse, Paducah, KY, for $134,700."

A "yes" vote for the Hopkins amendment will not only save us from an authorization of $189 million on top of the current national debt but also would save 25,700 acres of irreplacable farm land in Pendleton, Harrison, Bracken, Robertson, Fleming, Nicholas, and Bath Counties in Kentucky.

Why is the Federal Government being asked to spend 100 percent of the funding for this project? Because the Kentucky legislature will not approve any State dollars for this project.

On April 1, 1980, through Senate Resolution 76, the Kentucky State Senate unanimously voted to ask Congress to deauthorize the Falmouth Dam project.

Several of you colleagues have told me: "I agree with you about Falmouth Dam but I've go to go along with the Public Works Committee. I've got my projects in this bill."

One colleague said yesterday: "Gosh, I have to vote against HOPKINS because I've got my stuff in that bill."

My last comment is this. On this day when we have just raised the national debt ceiling again, to $1.573 trillion, an increase of $53 billion, I feel better having told you my colleagues that this $189 million Falmouth Dam project is, to say the least, an unnecessary Federal expense.

□ 1620

Mr. ROE. Mr. Chairman, I rise in order to get a sampling, if I may, from our colleagues. We have been talking and working on this amendment, I guess, for almost an hour, and I wonder if we could get some idea as to how many more Members want to chat on this or discuss this and if we could agree.

Could we ask for 35 minutes? How about 5 o'clock. The gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, the sponsor had 10 or 15 minutes. The gentleman from Kentucky [Mr. HUBBARD] had 11 or 12 minutes.

Mr. ROE. Mr. Chairman, I do not want to close anybody off. I want to get an idea because Members are asking us.

Mr. SNYDER. I would like to get time to speak.

Mr. ROE. I just wanted to get an idea.

Mr. SNYDER. I am not quite prepared. I have sent for the tornado pictures.

Mr. ROE. All right.

Mr. SUNDQUIST. Mr. Chairman, I move to strike the requisite number of words.

I thank the Chair.

Mr. Chairman, I rise in opposition to the amendment. I respect Mr. HOPKINS and my colleague Mr. HUBBARD whose district touches mine on the northern part of Tennessee. My remarks are not personal. We have had a good working relationship between Kentucky and Tennessee.

But nevertheless I do feel it is necessary for me to rise and to respond to what my good friend Mr. HUBBARD said in a couple of instances. You know it was Abraham Lincoln who said, "Calling the dog's tail a leg doesn't mean the dog has five legs."

We heard the proponent of this amendment attack the Falmouth Dam as a boondoggle, suggesting that $189 million is too much money to pay for flood protection for 2,400 residents of Falmouth, KY.

Well, this argument did catch my attention and I looked at the map. Sure enough, I did find Falmouth, KY, and sure enough it is right on the river, the Licking, and sure enough it does have a population of 2,483 people.

But according to the map the Licking River does not just stop right there at Falmouth, KY; it runs right on past Falmouth, KY, and it twists and it turns on its way past Butler, KY; Grants Lick, KY; Vidalia, KY; then it flows between the two largest communities in north Kentucky, Newport and Covington; with combined populations of over 73,000 people.

Then the Licking River enters the Ohio River right at Cincinnati, with a population of 385,000 people.

So this dam we are talking about would provide flood protection not just for Falmouth, KY, population 2,483, but for three northern Kentucky counties with a population of close to a quarter million people. It would also reduce the severity of flood waters in Cincinnati by as much as 3 feet and that would benefit 384,000 people.

It is not fair to try to portray this project as a boondoggle because the city it is named for happens to be so small.

Mr. Chairman, Grand Coulee Dam does not just benefit Grand Coulee City, WA. The Hoover Dam does not just benefit Boulder City, NV, and the Falmouth Dam would not benefit only 2,483 residents of Falmouth, KY. It would benefit a whole lot of northern Kentucky people.

Mr. Chairman, that concludes my remarks. I would like to yield the rest of my time.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members, this Member from California is puzzled as to how to resolve this conflict from our two colleagues from the State of Kentucky. I have mutual respect and admiration for each of them and it is difficult to resolve because on the basis of friendship the damsite is located in Falmouth, the site of the Fourth Congressional District of Kentucky, represented by the gentleman, Mr. SNYDER and the 25,000 acres that will be flooded are in the Sixth District of Kentucky, represented by our friend, Mr. HOPKINS from Kentucky.

In trying to resolve how to reconcile these conflicting claims on our friendship, resort to what this Member perceives to be the public interest, I do not think is an unreasonable approach.

When you look at the 170 projects in the bill, 7 of them waive cost sharing at the local level. And as our colleague, Mr. HUBBARD from Kentucky pointed out just moments ago, when this project was first authorized we did not have a national debt of in excess of $1.5 trillion. Therefore, I do not think it is unreasonable for those of us who are policymakers here today, in attempting to perceive what the public interest is in this conflict, to suggest that with these huge deficits, it is not unreasonable for the House to say that on these projects they should all be required to sustain a local cost-sharing burden.

□ 1630

That is not unreasonable. In this instance it is 28.4 percent for this particular project. If adopted, it would save $53.6 million. That is quite a little bit of money.

There may be exceptions when the local cost sharing requirement should be waived. But it appears to this Member from California that one of the essential ingredients for waiving the cost sharing requirement would at least be unanimity from the Members of Congress in whose districts the project is located.

In this instance, the unanimity is not there. We have a conflict. In fact, it raises, I guess, questions about how one Member of the delegation would seek to impose a cost of $53.6 million on his own taxpayers in the State of Kentucky. I think the answer is obvious. The benefit essentially goes to the district represented in the Fourth Congressional District of Kentucky by Mr. SNYDER and the detriment is experienced by the taxpayers and residents of the 25,000 acres in the Sixth District of Kentucky that will be flooded.

So I would think that logic would suggest to all of us that we impose this cost sharing requirement. Our colleague, Mr. HOPKINS, does not suggest that he wants to eliminate the project. All he is suggesting is that the local taxpayers share their aliquot share.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

(By unanimous consent Mr. SNYDER was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Kentucky [Mr. SNYDER] is recognized for 5 minutes.

Mr. SNYDER. Mr. Chairman, I apologize for the time that this is taking on this day. But the Falmouth Dam structure is to be constructed in the congressional district that I represent and I vigorously oppose this killer amendment.

The author of the amendment advances the argument that the purpose of his proposal is simply to apply the same cost sharing to this project that he would have the Members believe that is applied to all other projects. What he did not say is that uniform cost sharing is not a rigid and inflexible process with no exceptions. And more importantly, that the application of his criteria kills the project since these conditions cannot now be met or be expected to be met.

As the sponsor of section 301(b), I can tell the Members that without this change to the existing project authorization it cannot be implemented.

The Falmouth Dam was first authorized in 1936. That authorization was modified in the Flood Control Act of 1938. To date, $948,000 in Federal funds have been expended on the project. This project is not a stand-alone project. It is a part of a comprehensive program that encompasses 74 flood-control reservoirs intended to reduce flood flows on the Ohio River.

Second, the Falmouth Dam will reduce flood damages on the Licking River. Yes, including the city of Falmouth. Some sections of the city have been flooded almost annually, notwithstanding what my colleague from Kentucky [Mr. HUBBARD] has to say.

The major floods were in 1937, 1948, and 1964 and the pictures here are of the 1964 flood. That event put about three-fourths of the city under water.

The residents of the area have also suffered through terrible droughts in 1983 and in 1984, wherein those in the Licking River Basin—which includes both the district that I represent and the district of the sponsor of the amendment—are about to run out of drinking water.

Falmouth has three drinking water inlets and the Licking River is now 6 inches above the lower one. The city of Cynthiana in the gentleman's district has now applied for a grant to go over and take water out of the Licking before it gets to Falmouth, and the people of Falmouth are concerned about this in these drought periods. I think it should be noted that they had to have water hauled from Falmouth to Cynthiana in 1983.

Mr. Chairman, the main reason that the project has not been built has been the reluctance of the State of Kentucky to cost share the recreational aspects of this project. As the Members know, the State would have to pay 50 percent of the costs associated with the recreational development. Because of the lack of agreement over recreation, the flood damage prevention benefits have been denied to the residents of the Licking River watershed and the Ohio River Basin.

In 1964, the dam would have reduced the flood level at Cincinnati by 3 feet. At that time the city of Cincinnati passed a resolution in favor of it.

As a matter of fact, we have received 620 individual letters. The project opponents say the people down there in the area do not support it. I have 18 mayors, representing a population of 93,212 who have indicated their support in recent weeks. Over the years, Falmouth has been endorsed by virtually every northern Kentucky unit of local government as well as the city council of Cincinnati.

The Members should be aware that the opposition comes from a few people in the congressional district represented by the author of the amendment.

In support of those opposed to the dam, the gentleman alleges that construction of the dam will flood 25,000 acres, 9,000 of which are considered prime farmland.

But what he did not tell my colleagues is that in 1983, 11,615 of those acres in the project area were in acreage-reduction programs and that costs a little bit of money, including for PIK.

While the dam is in the district that I represent, a point misconstrued by a number of groups who have circulated material in opposition to the project, there is also significant support in the gentleman's area for the project. As a matter of fact, Harrison County, which is the next county down, this is the local newspaper. Dick Coe, promoting the Falmouth Dam, is a former Harrison County magistrate. He says in this article: "It is time for Harrison County to support the Falmouth reservoir."

I learned last night of a major groundswell of support that has been launched over in Bracken County in the author of the amendments district, 75 letters arrived yesterday alone in support of the project from Bracken County.

Mr. Chairman, the Corps of Engineers project evaluation and selection process has generally worked well. However, in a few minutes, some areas, through the accident of geography, are suffering from discrimination. This is because the value of the property protected is not as high as it might be if the communities were located in a wealthier high-cost area, such as the suburbs of northern Virginia that we are all familiar with.

Thus, the corps if forced to conclude that the benefits are not sufficient to justify the project.

The Falmouth project area is not an economically wealthy area. As a result, the project is unfairly penalized by blind adherence to current corps project selection and funding procedures, regardless of the way in which corps regulations are drafted. However, let me say the fact remains that this area has suffered recurring national disasters. And yes, my colleague from Kentucky [Mr. HUBBARD] is right, I said from floods, tornadoes, and drought.

I do not know who the gentleman talked to in Falmouth that does not remember the tornado. I guess it did not happen the year he was running for Governor and he passed through there.

But here is a recent photograph from the April 20, 1984, Falmouth Outlook. And a full-page article on the tornado of April 23, 1968. I welcome my colleagues to come take a look at it and read the article. I think it will touch your heart. A third of the city of Falmouth was wiped out. And I do not just say that from the article, my friends, I was there the next day.

□ 1640

As a matter of fact, you may not recognize me in my younger days. But I went down with the FEMA people and the Red Cross, and there is the picture reprinted.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Well, I would like to complete my statement. I am just in the middle of responding to some allegations that have been made.

Let me say to my friends I am sorry that my other colleague from Kentucky may have misrepresented the facts. I hope there is nothing that I would say to you to misrepresent the facts today. That is not my intention. That has not been my intention in the 20 years in Congress. There have been serious disasters at Falmouth; floods, including some since 1964 which was the worst one in recent years, I will admit that. And the tornado of 1968. Quite frankly, the part of the town that the flood damaged was about two-thirds in 1964; in 1968; the other part was destroyed by the tornado. But that result has been economic stagnation, outmigration of its population, and the project has become marginally feasible. Unless action is taken now, economic decline will continue.

Let me cite a few specifics about the area. The nationwide median value of housing units is $47,200. In Pendleton County, of which Falmouth is the county seat, the median figure is $28,300, or only 60 percent of the national average. Similarly, the percentage of residents under the poverty level in the counties that the dam will benefit is far greater than that of the national average of 12.4 percent. We have 28.3 percent of our people below the poverty level in Bath County, and our best is 17.3 percent in Pendleton County.

Not surprisingly, the area also does not compare favorably with the national household median income. The U.S. average is $16,841. But in this area it is $9,937.

None of the counties—and I repeat—none of them are close to the national average.

Ask me about unemployment. The State of Kentucky has been hit a little bit harder by the recession than the Nation as a whole, with unemployment in the State running about 2 percentage points higher than nationwide. The average unemployment rate in Kentucky for the year 1983 was 11.7 percent. In the counties directly affected by the Falmouth project, unemployment matched the State rate of 11.7 percent. But with the recovery, unemployment in the United States has dropped to 7.6 percent in April. Just as the recession was a little bit

harder on Kentucky, the recovery has been a little bit slower. In April, the preliminary figures indicate that Kentucky as a whole has only brought unemployment down to 9.4 percent. Still, that is an improvement.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. SNYDER] has expired.

(By unanimous consent, Mr. SNYDER was allowed to proceed for 5 additional minutes.)

Mr. SNYDER. The State has about 35,000 fewer unemployed people than the average in 1983. But in the eight counties directly affected by the Falmouth project, the recovery has passed us by altogether. Unemployment still is hanging at 11.4 percent. As a matter of fact, today there are exactly four fewer people unemployed in those eight counties than we averaged in 1983.

Mr. Chairman, we in northern Kentucky are sort of the stepchild of the State, we need the Falmouth Reservoir. Yes, it will provide flood control. We look at the other things it means to us. It means jobs from construction and recreational development, economic development for an area which will have a tremendous asset to attract new industry and well-being from an adequate water supply. These things will keep the area a vital contributor to our national economy through new tax revenues and increased productivity.

As I said earlier, we view the corps' project formulation process as discriminatory against rural areas which face economic decline. Congress has recognized the need to grant exceptions to this process. This is not an isolated case. I count nine instances where this has occurred since 1980. These exceptions will benefit every region of the country, West Virginia, Missouri, North Dakota, Florida, Alabama, Washington, Indiana, and Arkansas.

In the bill before us today we have 27 exceptions, which the committee felt justified a different approach, but this is the only one being attacked.

We have a list of them at the desk if any Member would be interested.

Frankly, I am a little surprised that the gentleman has offered the amendment.

On February 10 of this year, the gentleman wrote to the chamber of commerce in Pendleton County stating that he was not flatly opposed to the project. He expressed his agreement with the chamber that there is a need for flood control and adequate water supply for the surrounding areas of the proposed Falmouth Reservoir. He stressed that there exists the need to develop long-term plans for ensuring an adequate water supply.

But as I have discussed, if this amendment is adopted and we reapply the cost sharing of the current authorization, we have killed the project, and we would have no need for section 301(b). It could well be deleted from the bill.

That is why I ask the Members to consider, what is the real purpose of the amendment? Why does not the author really strike the provision? I will tell you why. It is because he is on record back home in that letter for the need of the project. He said to the Pendleton County Chamber of Commerce: Let me assure you, I am not flatly opposed to a dam near Falmouth.

However, here in Washington he says something different.

I have here in my folder, if anybody wants to see it, a letter the gentleman wrote to the Assistant Secretary of the Army. Here he says, and I quote: "The Falmouth Dam is not needed and cannot be economically justified."

He then asked the Assistant Secretary to endorse an amendment which strikes the provision from the bill, and another amendment which he sent over which deauthorizes the project.

In this Member's view, this deauthorization attempt is a long way from the gentleman's statement that he seeks only to have the project comply with Federal cost-sharing requirements.

I fail to see how you can tell the local chamber of commerce one thing and then ask the Assistant Secretary to take an official position supporting your amendment to deauthorize the project.

Mr. Chairman, I believe the Members can readily see what is the intent and the effect of the amendment. I can only hope that the Members understand the need for this provision, the need for this project.

Mr. Chairman, my people are hurting. One event stands out from the 1964 floods in my mind about the need of this project. In closing, I would like to share this with the membership. It is a passage from a booklet called 'The Big Flood," which is here in the middle of the display to my left. It is an account written by Kenneth T. Marquette. I believe he was a retired postmaster. He chronicled the following event, and I quote:

A rest home in West Falmouth had to be evacuated. A fire there was reported earlier, but the fire department could not reach it . . . soon, boats were bringing the patients to the railroad crossing, mostly on mattresses, laid flat in the boats with the cruel cold rain beating down upon them. There was no cover except a few blankets or anything that could be picked up at the home before leaving. Some were deathly quiet, some were hysterical, and some were bright eyed with the look of terror in their eyes. Many were in a weakened and feeble condition. Almost all were soaked by the time they reached the waiting ambulances that transported them via 4th Street to the school. Such a pitiful sight I hope never to see again.

Mr. Chairman, I too hope that never again will such a pitiful sight happen in Falmouth.

I urge the committee to reject what I believe to be a very insensitive amendment of the gentleman from Kentucky.

Mr. BONIOR of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I ask my colleagues for their patience.

I regret that I had to involve myself in the debate between two fine Members from Kentucky, but I rise in support of the amendment offered by my colleague from Kentucky, Mr. HOPKINS. Our colleague is not trying to delete authorization for this project; he is merely trying to bring it in line with the cost-sharing provisions expected of most federally sponsored water projects.

H.R. 3678 provides that Falmouth be constructed entirely with Federal funds. Given an inadequate cost-benefit analysis, the bill simply decrees arbitrarily that the projects' benefits are found by Congress to exceed its costs.

There are ample reasons to support the Hopkins amendment, but I want to elaborate today on one in particular, one that may be lost in the debate. The Falmouth Dam will flood thousands of acres, rich in Kentucky history, including hundreds of gravesites.

The Licking River was one of the first areas settled in Kentucky. The Falmouth Dam will flood the Blue Licks battlefield where settlers and Indians fought and died in the 1700's. In 1778, Daniel Boone was captured by Indians at the same sight, as well as his son and daughter.

The University of Kentucky has been doing exploratory research in the area. They estimate that there may be 1 archeologically important site per every 10 acres.

The proposed dam will flood 10 cemeteries that alone will require that we exhume nearly 800 bodies, but these cemeteries may be only a small part of the problem. Throughout the Appalachia area, cemeteries are sacred. There are many small, family cemeteries, where generation after generation, husband and wife, children and great grandchildren, are buried side by side in a living tradition. No one even knows how many family cemeteries will be disrupted or simply flooded unknowingly.

We often speak of values. We all want to honor our traditions. But the real test of our values is our ability to sort out the seemingly little things that make a big difference. The real test is our ability to stand up for these little things even when the cost seems large.

There are traditions, little traditions, threaded through the grain of

all Americans, forming our American landscape. It is unique to our Nation and the envy of the world—our schoollands, our parklands, the lands on which we bury our dead.

The public trust for public stewardship of these lands reflects our traditions. It is not that these lands are absolutely inalienable, they are not. But the Government, in its stewardship, must weigh short-term gains, lost in the millennium, over long-range consequences. You may ask, Why the concern about cemeteries?

Several years ago, this Congress rushed ahead to complete the Tellico Dam. During hearings on that project, I had a chance to learn something of the importance of tradition, the meaning of land, from an Indian leader who came to Congress to defend their sacred cemeteries.

"In the language of my people," he said, "there is a word for land: Eloheh. This same word also means history, culture, and religion. We cannot separate our place on the Earth from our lives on the Earth nor from our vision and our meaning as a people. * * * So, when we speak of land, we are not speaking of property, territory, or even a piece of ground upon which our houses sit, and our crops are grown, we are speaking of something sacred."

Yes, cemeteries, battleships, these seem small things. Our Nation is full of them. Every project disrupts them, but we should remember the traditions of the Appalachians and we should ask:

When have the people themselves been asked whether this dam is important enough to them to justify the disruption of their lands and their communities?

The answer is clear. The last time a public hearing was held near the dam site was in 1964. The people have not been asked, yet they have spoken out nonetheless.

They have spoken through their State senate that has voted to oppose this project. They have spoken through their Governor who opposes this project.

The question is not what the people in the area of the Falmouth Dam want. We know their wishes. The question is whether we in this Congress will listen to their views, or will, instead, in the name of illusory benefits, rush ahead.

The question is whether we will value our traditions.

Mr. Chairman, I rise in support of H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983. I would like to commend the Public Works Committee for the many hours they labored to report this bill.

I would also like to mention in particular the efforts of my colleagues, Mr. OBERSTAR, Mr. NOWAK, and Mr. EDGAR, as well as the distinguished chairman of the subcommittee, Mr. ROE, and the ranking minority member, Mr. STANGELAND.

These individuals work hard to help their committee design a bill acceptable to the numerous concerns expressed during the many hearings prior to drafting this legislation.

Mr. Chairman, I rise in support of H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983. Some of my colleagues may be aware of a particular concern I had with this bill at one time. I am pleased to say that sufficient compromise has been made by both parties involved. However, I would like to elaborate upon my earlier opposition to the bill.

Originally, section 1123 of H.R. 3678 authorized $609 million for an extension of the Great Lakes shipping season. The extension would have required constructing bubblers, icebooms and underwater dams; harbor and channel dredging and widening; and the use of a fleet of new icebreakers yet to be built. This activity would have meant no less than an effort to retrofit the entire Great Lakes and St. Lawrence Seaway.

HISTORY OF WINTER NAVIGATION

For years the Corps of Engineers have studied ways to keep the Great Lakes open to commerce year-round. During the shipping seasons of 1967 through 1978, the Corps of Engineers operated a navigation season extension demonstration program. A final report, available from the Detroit District Engineer, was published in September 1979.

Traditionally the navigation season on the upper Great Lakes has ended on December 15 plus or minus 2 weeks, while the St. Lawrence Seaway is generally open for 8 months of the year. The Public Works Committee legislation would have authorized a full 12 months navigation on the upper Great Lakes and 10 months on the St. Lawrence.

In 1981, the corps' own Board of Engineers and its Chief of Engineers declined to recommend the project to Congress for authorization. The project has not received comprehensive study since the corps' 1981 decision.

The economy of the Great Lakes region, including its key steel and auto industries, has changed substantially since the late 1970's. The House should not have to decide on a major public works project—one which was not even recommended for authorization by the corps itself—on the basis of studies that may be seriously dated.

WIDESPREAD OPPOSITION TO PROJECT

I have always opposed extending the Great Lakes navigation season by expensive, artificial means, because of the cost to taxpayers, the unconvincing corps cost-benefit analysis of the project, and the ultimate environmental destruction that has not been fully and scientifically documented.

It would be difficult to overstate the level of concern the project has created. Citizens of the Great Lakes and St. Lawrence region have almost literally taken to the streets in outrage at the previous committee proposal (CONGRESSIONAL RECORD, E5338, E5342, E5348, November 4, 1983; E168-170, January 30, 1984). Newspapers from Minneapolis, to Detroit, to Cleveland, to New York have editorialized against winter navigation. Several of these editorials follow:

[From the Detroit News]

WINTER NAVIGATION

Two Minnesota congressmen have revived the idea of winter ship navigation on the Great Lakes to the surprise of the Lake Carriers Association and others who had believed the scheme dead.

You may remember that the U.S. Army Corps of Engineers experimented with winter navigation from 1970 to 1979 with a $23 million program that employed ice breakers and tested equipment for keeping the Soo Canal ice-free.

The resulting environmental damage was serious. Ice chunks destroyed the habitat of fish and mammals and wrecked private docks and shoreline. Protests of cottage owners, shoreline businessmen, and ice fishermen fell on deaf ears.

Finally, the corps shelved the project in 1981, declaring that the benefits "were only minimal." This was a gross understatement.

Some researchers estimate the government would have to invest $3 billion for devices that bubble air through canal water and rivers to prevent freezing and for moveable underwater dams to control floes of water and ice. Further, 22 ice breakers would be needed all winter long. The annual operating cost for all this would be $33 million.

Few jobs would be created. For example, U.S. Steel Corp. used only eight of its 20 ore carriers this season, and all other ore fleets were similarly underutilized. Steel companies have plenty of capacity on the water and sufficient dock storage to carry the mills over the winter.

The Minnesota congressmen, who attached their proposal to another bill pending in the House, represent grain and ore interest that favor year-round delivery. But it is impossible to justify winter navigation on a cost-benefit basis.

Indeed, the Michigan congressional delegation is organized to oppose winter navigation as a wasteful threat to the environment.

Instead of squandering funds on this proven failure, congressmen might better investigate improvements to the St. Lawrence Seaway System. If the Seaway admitted modern container ships, the Great Lakes would become far more competitive in the shipping industry.

Let's not throw money at a scheme that promises to do little more than destroy docks and kill fish.

[From the Detroit Free Press, Aug. 30, 1983]

WOULD WINTER TRAFFIC WRECK THE GREAT LAKES?

(By Edward Flattau)

Congress will soon vote on whether to extend the Great Lakes shipping season into winter despite uncertain environment consequences.

The principal proponents of the proposal are several Minnesota congressmen who want to stimulate their state's depressed economy with year-round shipping. They contend that safeguards have been included to curb abuse of the Great Lakes environment. They also note that the shipping season would not be automatically extended to a full 12 months, as many environmentalists fear, but would be lengthened as economic and weather conditions dictate.

Critics of winter navigation have not been mollified by these assurances. They point out that any project that costs hundreds of millions of dollars to launch and perhaps as much as $100 million a year to maintain will be under enormous economic pressure to be utilized to its maximum.

As the U.S.-Canadian International Joint Commission warned in 1979: "Programs such as winter navigation are difficult to stop when adverse environmental effects are discovered . . . and therefore such impacts should be determined as much as possible before the program is initiated."

Even though the U.S. Army Corps of Engineers' winter navigation demonstration project near Sault Ste. Marie, Mich., several years ago identified some adverse impacts on shoreline stability and wildlife, major environmental questions remain unanswered. For example, could large oil or toxic chemical spills that spread under the ice be controlled? If not, what would be the effect on Great Lakes water quality and fisheries?

This concern prompted our Canadian neighbors (whose co-operation would be needed for the project to get off the ground) to express serious doubts about the wisdom of implementing the plan at this time.

Estimated cost/benefit ratios of the project are also very much in dispute, in order to acquire the 22 ice-breaker vessels and engage in underwater dam building, lock modification and other construction activities essential to free up winter navigation, the Corps of Engineers wants $608 million (compared to projected startup costs of $451 million in 1979).

Project opponents as the Michigan United Conservation Clubs (MUCC) counter that the Corps grossly understated costs by omitting the considerable sum that Canada would have to pay. MUCC also asserts that half the expense of the 22 icebreakers doesn't appear because it was charged to the Coast Guard budget; and that the costs from the damage, mitigation and prevention of environmental degradation are absent from the equation.

MUCC is not alone in questioning winter navigation's viability. Similar reservations have been expressed in reviews completed during the past five years by the states of Michigan, New York and Pennsylvania; the Canadian Seaway Authority; Congress' General Accounting Office; Rep. David E. Bonior, D-Mich., and by the Corps itself.

The Corps' own advisory board urged the Army engineers to engage in further study after concluding potential adverse environmental effects had not been sufficiently evaluated.

None of this deterred Rep. Arlan Stangeland, R-Minn., from inserting this project into the omnibus water resources bill on Aug. 3, or prevented the full House Public Works Committee from approving the proposal unanimously.

Yet the committee was not totally oblivious to outside opinion. Many Great Lakes congressmen who oppose winter navigation were not aware that the committee had taken up the project until after the fact, an unusual breach of Capitol Hill etiquette.

Perhaps the committee sensed the vulnerability of the position they embraced: that Americans won't know the merits of winter navigation until they try it. What could be closer to playing Russian Roulette with our nation's—and the world's—largest surface fresh water resource?

Stangeland's farmers are only one of many constituencies that the Great Lakes support. Navigation is only one of a number of vital missions the Great Lakes perform. Yet the proposal will be difficult to defeat on the House floor in October because the omnibus water resources bill is normally dealt with as a single package.

Winter navigation foes can only hope the project is perceived by the full Congress as one of those rare birds that is too flawed for even pork barrel tradition to digest.

[From the Minneapolis Tribune, Oct. 9, 1983]

KEEP THE PORK OUT OF LAKE SUPERIOR

The antics last week of a congressman who oinked and grunted during House debate and posed as a pig for press photographers should give Minnesotans pause. The congressman was objecting in vain to $119 million pork-barrel bill for water projects. That amount is small, but the bill the House passed is no laughing matter. It is closely tied to a $12.5 billion water projects measure that is similarly headed for easy approval. And in the larger bill is $609 million for year-round navigation on Lake Superior and other Great Lakes.

Wintertime shipping from Duluth or Silver Bay to Cleveland or Detroit—especially if someone else seems to pay the cost—may sound good for Minnesota. But even here the benefits would be superficial at best. All-year navigation might shift some money from one season to another, one carrier to another or one state to another, but it would not create net economic gains. Whatever subsidy Minnesota won would be dearly bought by Minnesotans' taxes to hand out pork to other regions. Such expensive trades make little sense. They do explain the bloated size and political popularity of the water-projects bill: Virtually every congressional district gets something that looks like a gift.

Even so, it takes lively imagination to see any good in the Great Lakes project. The proposal in full of funny numbers. Twenty-two new icebreaking vessels, for example, are budgeted at half cost as the dubious and undocumented assumption that half their use would be unrelated to winter navigation. Another assumption is that half of the project in International waters will be paid for by Canada, though Canada shows no sign of wanting such a share. A fishy sounding cost-benefit analysis ignores this hoped-for Canadian outlay but claims its hoped-for payoff in full. Still other hopeful calculations estimate future iron-ore shipments on the basis of old trends that no longer hold true.

As bad as the numbers that the Great Lakes plan uses are some that it altogether leaves out Winter shipping would have negative environmental impacts throughout the lakes. Dredging ice dams and water-bubbler systems affect fish and wildlife all year long. Chemical and oil spills trapped under ice on Lake Superior could not be quickly neutralized or cleaned. Yet estimates for the project do not include environmental costs. Their study is postponed until after the new work would be long under way.

Flaws like these make the likely public cost for a longer shipping season more than $1 billion rather then the $609 million asked in the House. There is no provision to recoup this investment by fees from the few favored private users. Instead all taxpayers would indefinitely foot the bill for maintenance and operations as well as for years of initial construction. Like other pork-barrel megaprojects, the Great Lakes proposal is bad policy for the antica and bad for Minnesotans, too. If Congress won't block it, a Presidential veto should.

[From the Cleveland Plain Dealer, Sept. 22, 1983]

PUT LAKES PROJECT ON ICE

If you liked Tennessee-Tombigee, you'll love the U.S. Army Corps of Engineers proposal to break up the winter ice on the Great Lakes.

As explained in a four-part series concluding to day in the Plain Dealer's business section, Congress has revised the decades-old dream of opening the lakes to winter shipping. The massive project, a Rube Goldberg delight involving such things as underwater dams, bubblers and a new generation of Coast Guard ice breakers, would cost at least $6 billion, the costliest Army engineers project ever undertaken.

We are told that the project will make the lakes shipping fleet more efficient, thereby reducing the costs of goods and services to consumers. Supporters also argue that the project will expedite shipment of American grain abroad, thereby helping farmers. The scheme would be a boost to labor as well by creating thousands of new jobs.

But even former supporters of the plan, including Port of Cleveland Director Tom Burke, have backed off, and the association representing Great Lakes ship operators, the Lake Carriers Association, has not endorsed the idea. All for good reason. Ore shipments are down, and farmers have other ways to ship their grain.

Yet the plan, as is the case with most pork barrel plans, has a momentum of its own. If taxpayers are not careful, they'll end up with another Tennessee-Tombigbee on their hands.

Millions of dollars were authorized for the Tennessee waterway project before members of Congress realized it was, like spending billions of dollars to break up the ice on the Great Lakes, a bad deal. But Congress has voted to finish the $2 billion waterway. Why? Not because of need, but because the project had reached the point of no return—with so much invested, completing a project that promised even marginal returns was better than scrapping it.

The Army Corps of Engineers has a history of making sloppy economic and environmental assessments. So before venturing into an expensive and risky Great Lakes project, Congress should consider some alternatives, including ways to make lake transportation more efficient during the present shipping season.

[From the Detroit Free Press, Sept. 13, 1983]

THE LAKES: WINTER NAVIGATION PROPOSALS DESERVE TO BE DRYDOCKED

The environmental impacts of winter navigation have yet to be plumbed, but there are some things that can be said with reasonable assurance about the proposal for year-round shipping on the Great Lakes. One is that the $600 million cost estimate will turn out to be fictitious, rapidly ballooning as other water project estimates have. Another is that there will be no particular connection between those who pay for the retooling of the Lakes and those who benefit.

Most studies have shown that a single company, U.S. Steel, will reap 40 to 60 percent of the benefit from a lengthened shipping season. Other shippers cannot afford the higher risks and costs associated with navigating the Lakes in winter; the Lake Carriers Association has specifically disavowed support for the bill now before Congress. Even the Corps of Engineers had lost interest in the project before authorization for it was unexpectedly slipped into a House public works bill last month, on the motion of a Minnesota congressman whose region would reap what benefits it might bring.

Year-round shipping involves much more than sending out the icebreakers to crack through the thick crust of midwinter ice to let the ore boats through. It will require considerable dredging and the construction of gates, booms and dikes—particularly at the head of the Detroit River, a favorite fishing area and scenic recreation spot whose character will be irrevocably changed.

The so-called environmental studies envisioned in the current proposal are no more than a let's-do-it-and-see-what-happens approach, but a Department of Natural Resources report predicts the project will adversely affect fish and waterfowl populations here and elsewhere. We'll pay for the spoiling of our river, while getting very little spillover benefit in return.

The proposed subsidy for winter navigation on the Lakes ought to sink of its own unseaworthiness. Unfortunately, worse projects than this have made it through the public works pipeline. Unless the Michigan congressional delegation acts to delete the authorization soon, winter navigation may steam ahead, the project almost nobody in Michigan wants but everybody will, unhappily, pay for.

The Governor of Michigan, James J. Blanchard, has stated he is "skeptical of a billion dollar attempt to modify the Great Lakes." In fact, the Governors of the Great Lakes region have all expressed concern about the committee proposal. In the following letter to Chairman Howard, along with a cover letter from William R. Bechtel, director of the State of Wisconsin Office of Federal-State relations, several of the Governors stated their principle concerns with the project.

Governor Cuomo of New York wrote to the chairman separately, in part because he felt the environmental concerns should be expressed more strongly and with more detail.

STATE OF WISCONSIN,
OFFICE OF FEDERAL-STATE RELATIONS,
Washington, DC, March 8, 1984.

Hon. JAMES J. HOWARD,
Chairman, Committee on Public Works and Transportation, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Governor Earl of Wisconsin has asked me to transmit to you the enclosed letter signed by seven Great Lakes Governors, urging that Sec. 1123 be removed from H.R. 3678, the Omnibus Water Resources Bill reported out by your committee.

We had expected the letter to carry the signatures of all eight Great Lakes Governors. However, we have been informed that the Governor of New York has some concern about the one sentence in the letter expressing support for studies on extension of the navigation season.

We have been informed that Governor Cuomo does support the request to eliminate Sec. 1123. However, we are not certain at the moment if he will wish to be included as a signer of the letter. Governor Earl was anxious that you receive the letter today without further delay.

Please let this office know if we may be of any service.

Sincerely,

WILLIAM R. BECHTEL,
Director, Wisconsin Office.

STATE OF WISCONSIN,
OFFICE OF FEDERAL-STATE RELATIONS,
Washington, DC.

Hon. JAMES J. HOWARD,
Chairman, Committee on Public Works and Transportation, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As governors of Great Lakes states, we would like to express our opposition to Sec. 1123 of H.R. 3678, as reported by your committee, which would authorize implementation of the 1979 report of the Detroit District Engineer of the U.S. Army Corps of Engineers.

This report contemplates an elaborate system of structures, icebreakers and other investments of more than $600 million, to accomplish "year round navigation" on the Great Lakes, with a 12 month season on the upper Great Lakes.

We strongly support carefully planned investments to improve our Great Lakes system, its deep water ports and connecting channels, which are vital to the economic development of our region and the nation as a whole. We also support ongoing studies which seek to extend the navigation season on the Great Lakes in a cost effective manner without negative environmental impacts.

However, the proposal of the District Engineer fails to deal forthrightly with the questions of cost allocation, calculation of benefits, the effect on power generation and environmental impacts. As a result, this proposal does not have the support of the majority of Great Lakes governors, of the Great Lakes Commission established by interstate compact, or of the Lake Carriers Association. Clearly, Sec. 1123 should be stricken from this bill when an amendment is offered to accomplish that purpose.

Sincerely,

ANTHONY S. EARL,
Governor, Wisconsin.
RUDY PERPICH,
Governor, Minnesota.
RICHARD L. THORNBURGH,
Governor, Pennsylvania.
ROBERT D. ORR,
Governor, Indiana.
JAMES BLANCHARD,
Governor, Michigan.
RICHARD F. CELESTE,
Governor, Ohio.
JAMES R. THOMPSON,
Governor, Illinois.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, NY, February 24, 1984.

DEAR MR. CHAIRMAN: I am writing to urge your assistance in deleting a provision from the pending omnibus water resources development legislation that threatens the natural and economic resources of the Great Lakes-St. Lawrence Seaway System. Section 1123 of H.R. 3678 authorizes an extension of the navigation season on the system, despite economic and environmental evidence which strongly argues against such a plan.

As you know, New York State is strongly opposed to any such authorization. We have repeatedly and consistently maintained that winter navigation would have significant adverse impacts on existing port facilities, tourism, shoreline property, and fish and wildlife habitats; flooding and hydroelectric losses would also result.

The states of Michigan and Minnesota have taken formal positions in opposition to winter navigation, as have members of those congressional delegations. Key shipping interests, such as the Lake Carriers Association and the United States Steel Corporation, have also voiced their opposition. Environmental groups, including the Sierra Club, the National Wildlife Federation, Great Lakes United, and Save the River, are opposed to the authorization as well. Even the Army Corps of Engineers' own Review Board of Engineers for Rivers and Harbors is not in support of the authorization as proposed. Furthermore, what should also be a major consideration is the unprecedented action by the Canadian Government in expressing its opposition by a formal communique to the United States Department of State.

To permit passage of the authorization for winter navigation would be a mistake for both national and international intents. Accordingly, I urge your most active support for ensuring the removal of section 1123 from the omnibus water resources bill. Moreover, I ask that you convey your opposition to key committee chairmen. I understand that Dave Martin will be circulating a Dear Colleague letter to that effect, and I recommend that you sign it.

Thank you for your cooperation on this very serious matter.

Sincerely,

MARIO M. CUOMO,
Governor.

ALBANY, NY, *March 13, 1984.*

Hon. JAMES J. HOWARD,
Chairman, Committee on Public Works and Transportation, Rayburn House Office Building, Washington DC.

DEAR MR. CHAIRMAN: I understand you received a letter on March 8 from the Governors of the Great Lakes States expressing opposition to the winter navigation provision of H.R. 3678, the omnibus water resources development bill. I am writing to join my fellow Governors in opposing Section 1123, the winter navigation provision.

New York has repeatedly and consistently maintained that winter navigation on the

Great Lakes-St. Lawrence Seaway System would have significant adverse impacts on existing port facilities, tourism, shoreline property, power generation, and fish and wildlife habitats. Numerous studies by the Corps of Engineers and New York State agencies have already provided ample justification to preclude winter navigation.

In addition to the concerns raised by my fellow Governors, the Canadian Government has already expressed its objection to winter navigation by a formal communique to the United States Department of State.

For the aforementioned reasons, I join my fellow Governors in urging that Section 1123 be deleted from the wate resources bill when it reaches the House floor.

Thank you for your attention to this very important issue.

Sincerely,

MARIO M. CUOMO.

In the fall of 1983 I communicated with Canadian Ambassador Allan Gotlieb, expressing my deep concern about winter navigation. I also sought his considered opinion because any successful extension of the shipping season on the Great Lakes would require substantial investments and serious consideration by his own government.

Mr. Gotlieb included in his response a diplomatic note delivered to the U.S. State Department which formally notified our Government of Canadian opposition to the project. The State Department delivered the note to appropriate Members of Congress and, upon receiving it, I published it for the convenience of my colleagues—CONGRESSIONAL RECORD, E5371-E5372, November 8, 1983.

Briefly, Ambassador Gotlieb warned the State Department that, if enacted, section 1123 of H.R. 3678, "* * * could have implications for Canada and the Canadian/United States relationship * * * There are, however, several substantive bilateral questions * * * which must be addressed prior to any decision on implementation * * *" Among the Canadian's numerous concerns are those of transboundary water quality issues which have been made ligitimate by numerous bilateral treaties, including the Boundary Waters Treaty of 1909.

The Congressional delegations of Michigan and New York united to oppose the project. In a letter to Rules Committee Chairman PEPPER, 222 Members of Congress opposed extending the navigation season on the Great Lakes, opposed section 1123 of H.R. 3678, and supported a rule allowing a floor amendment to strike this provision of the bill.

The Association of American Railroads and the National Taxpayers Union joined hands with the National Wildlife Federation, the Environmental Policy Center, the National Audobon Society, and other environmental organizations to oppose winter navigation. Even the Lake Carriers Association, which represents the shippers on the lakes, opposed section 1123.

While some ports and some commodities may benefit from this proposal, these gains come at the expense of other modes of transportation. Furthermore, they threaten the environment and unduly impose upon our natural resource-related industries, such as recreation and sport and commercial fishing. In part, we are caught in a zero-sum game, where we shift priorities from one use of our resources to another, instead of creating new economic potential.

THREATS TO THE ENVIRONMENT

After years of deterioration, the Great Lakes are responding well to a decade of water quality regulations that have significantly reduced the volume of toxic and impure discharges into the lakes. Cooperative scientific and diplomatic negotiations with Canada have also led to both countries' efforts to improve water quality standards and to develop a better understanding of the pollutants and their sources that plague the lakes.

Winter navigation could jeopardize the progress that has taken so long to begin. Suspended toxics, such as mercury and PCB's, now finally settled on the lakebeds, could become resuspended. Shorelines will again be exposed and vulnerable to the denuding action of waves and ice of near-glacial proportion. Fishery habitat will become clouded and muddied—no longer able to sustain populations of the past.

During the extended season demonstration program, serious environmental questions were raised. They included among others:

Shoreline erosion and the damage that entails;

Deterioration of water quality;

Depletion of fishery resources because of adverse effects on fish spawning and nursery areas.

These problems have not yet been resolved. Further study must address these questions on the ecological impacts of late season shipping prior to any further authorization.

CREATIVE COST-BENEFIT ANALYSIS

The corps 1979 draft survey study for Great Lakes and St. Lawrence Seaway navigation season extension prompted extensive criticism. A series of major studies raised substantial questions about the corps analysis of the project's economic benefits, its real costs, and its potential environmental impact.

The New York State Department of Transportation commissioned a study from the Pennsylvania Transportation Institute at Pennsylvania State University. The Great Lakes Basin Commission published a study entitled, "Economic Review of Navigation Season Extension." LBA Consulting Partners, Ltd., did a study for the St. Lawrence Seaway Authority.

An abstract of the New York study appeared in the CONGRESSIONAL RECORD on September 15, 1983, pages E4308-E4309. Among other things, the study cites the corps for overstating the transportation rate savings in a number of ways. Yet the transportation rate savings are the most important benefit category considered by the corps. While the corps pursued a demonstration program on the lakes for 10 years, the study claims there is no evidence in the corps analysis that the actual ship operating costs were considered.

Further problems are sited in the New York study. The stockpile savings are overstated. The project costs are understated, by as much as 20 to 50 times. Environmental costs are excluded. And the traffic model for the Great Lakes St. Lawrence Seaway, while appearing "* * * to be sophisticated and accurate, (is) in fact * * * a combination of unrealistic assumptions and arbitrary judgments, and when applied to a data base of dubious quality, it produces untested results that are significantly at variance with the 'real world.' "

Another economic analysis of the corps proposal was prepared by the Great Lakes Basin Commission at the request of the Governor of Michigan. It also reviewed the corps cost-benefit analysis, and just as the New York study would later conclude, the Great Lakes Basin Commission found that benefits were significantly overstated and costs seriously understated. A summary of the study in the CONGRESSIONAL RECORD, E4384-4396, September 20, 1983.

Briefly, the study found that winter navigation's justification rests, in large part, on projected capacity limitations in the Great Lakes navigation season. Those limitations stem from the projected backlogs at the system's key bottlenecks, principally th locks.

By spreading the demand over a longer period of time, winter navigation allows increased shipping despite the capacity limitations. Yet winter navigation is only one solution to the projected constraints. In an important analysis, the Commission also addressed alternatives that address the bottlenecks directly.

The Commission notes proposals that were both less expensive and had substantially better cost-benefit ratios. One was the construction of a new lock at Sault Ste. Marie. Over the short term, the Commission also noted the Canadian proposal to increase the capacity of the Welland Canal through operational changes and the possibility of 24-hour operations on key locks.

Because a new lock independently generates many of the benefits of winter navigation extension, the Commission carefully notes that a new lock substantially reduces the cost-benefit ratio for winter navigation—duplicating perhaps 90 to 95 percent of the

benefits. The alternatives are mutually exclusive.

In summary, I find it hard to believe that a project with only questionable economic benefits, dependent on uncertain international cooperation, and potentially harmful to the environment is, in any sense, the best use of tax dollars.

A MIDSEASON COMPROMISE

At one point during the arduous debate that pursued on winter navigation since the committee bill became public in July 1983, several "mid-season" compromises were discussed.

The proposed compromises sought some formula that would allow a navigation extension technically short or a "full season" extension.

As the following editorial from the Detroit Free Press makes clear, the "mid-season" extension proposals were not a viable compromise.

[From the Detroit Free Press, Oct. 14, 1983]

WINTER SHIPPING: PUT A COSTLY, RISKY PROPOSAL BACK ON ICE

Since the proposal for winter navigation was exhumed late last summer in Congress, concerned groups from sportsmen to shippers have risen up to oppose it. The economics of the project against it, as well, but unfortunately that is no guarantee authorization for year-round shipping will be striken from the public works bill now before Congress.

The opposition to winter navigation has been strong enough, however, that two so-called compromises are being discussed. The first would leave it to the Corps of Engineers to decide if the economics and the environmental risk justified 12-month shipping. That's an abdication of congressional responsibility, a backhanded way to slip a $1 billion project to the taxpayers without anyone in Congress being held to account for it.

The second "compromise" would authorize a shipping season to Jan. 31, plus or minus two weeks, which would keep the icebreakers going until the middle of February, little more than a month before shipping generally resumes for the spring. At the moment, that is tantamount to year-round shipping, since the Soo locks have to be closed a month every winter for maintenance, anyway. (For true 12-month shipping, the Soo would probably have to be rebuilt. And Canada would have to be coaxed into spending several hundred million dollars for its share of the work in the St. Clair, Detroit and St. Lawrence Rivers, or the United States would have to pick up those costs, too. That part of the winter shipping bill is not included in the estimates offered by its enthusiasts, however).

An 11-month season would still require several hundred million dollars worth of bubblers, ice booms and icebreakers—everything except the dams and gates at the head of the Detroit and St. Clair Rivers. Since the "compromise" language also invites the Corps to consider any further measures that might be necessary, you can bet a ton of taconite pellets that in a very short time those dams and gates will be under construction, as well.

The major argument for year-round shipping is to allow U.S. Steel to continue shipping its taconite pellets down the Lakes from Duluth to the Lake Erie ports and steel mills. Other shippers have been tepid to the proposal. Studies in the late 1970s found only marginal economic benefits from an extended shipping season.

Since then, the Lakes regional economy has undergone a wrenching change that probably makes 11- or 12-month shipping even less justified. Steel is in decline, the auto industry is adjusting its buying habits, wheat growers ahve turned to Mississippi barges and deregulated rail lines to carry their grain. Meanwhile, nobody has adequately determined the environmental effects of 11- or 12-month shipping—the scouring of the fish feeding grounds beneath the ice, the damage to coastal wetlands and waterfowl habitat, the risk of an oil or chemical spill under ice, the visual impact of the compensating works at the head of the Detroit River or the disruption of some of the best fishing areas in the Lakes.

So, far, a handful of Michigan congressmen have been active in the fight to stave off year-round shipping. Rep. David Bonior, D-Mt. Clemens, has sponsored an amendment to delete winter shipping from the public works bill. Reps. Dennis Hertel, D-Detroit and Robert Davis, R-Gaylord, are conducting hearings on winter navigation at 2 p.m. Friday in the Federal Court building, 231 W. Lafayette, Detroit, and at 9 a.m. Saturday in the Lake Superior State College auditorium in Sault Ste. Marie. The message they should take back to their colleagues in Congress is that Michigan wants to put winter navigation and any illusory compromises permanently back on ice.

COMPROMISE ADOPTED

In the end, a compromise was agreed upon. In a meeting between some members of the committee and several members opposed to section 1123, consensus was reached to strike all references to winter navigation. In the end, H.R. 3678 moves to the floor of the House authorizing no money for winter navigation. It references no provision to extend the shipping season of the Great Lakes and St. Lawrence Seaway in any manner nor for any length of time.

Instead, it was agreed to authorize a marketing strategy for the Great Lakes region. The bill creates the Great Lakes Commodities Marketing Board to conduct the study.

Specifically, "The Board shall develop a strategy to improve the capacity of the Great Lakes region to produce, market, and transport commodities in a timely manner and to maximize the efficiency and benefits of marketing products produced in the Great Lakes region and products shipped through the Great Lakes."

The compromise language has defined the Board's mandate with some care. The Board is asked to consider a broad range of alternative ways to improve shipping on America's "fourth seacoast." Importantly, nowhere is the Board asked to study any navigation extension.

I support the creation of this Board. I believe the Great Lakes region has been seriously hurt by the economic conditions of the past several years. The energy crisis, followed by rising energy costs, and high interest rates that have prevailed for the past several years, have had greater impact on the agricultural, mining and smokestack industries of the Great Lakes region than they have had on other segments of this nation's diverse economy. The Board has the potential to help identify methods for regional economic revitalization.

The compromise also develops an international advisory group "(A) to develop a bilateral program for improving navigation, through a coordinated strategy on the Great Lakes and the St. Lawrence Seaway, and (B) to conduct investigations on a continuing basis and make recommendations for a systemwide navigation improvement program to facilitate optimum use of the Great Lakes and the St. Lawrence Seaway."

Finally, the compromise mandates " * * * a review of the environmental, economic and social impacts of navigation in the U.S. portion of the Great Lakes and St. Lawrence System."

This review should not be construed to supplant the need for predictive environmental analysis in previous, existing or proposed projects on the Great Lakes and St. Lawrence Seaway that otherwise would require predictive environmental assessments.

The review is an opportunity to catalog and assess the information and data available on the environmental, economic and social impacts of navigation on the lakes. Furthermore, it is an opportunity to determine what data is lacking to fully understand the impact of navigation in the basin.

Importantly, the proposed review provides authority for new, predictive environmental studies where necessary to ensure an accurate and full understanding of the impact of any proposed navigation improvements.

In an effort to fully utilize the Great Lakes and St. Lawrence Seaway for its economic and commercial potential, it is vital to minimize adverse effects of these uses upon the environmental and social attributes of the lake system. In attempting to facilitate this, Congress has established its concern that the environmental, economic and social attributes of the Great Lakes and St. Lawrence Seaway be able to work synergistically to the benefit of the region, its people, and its resources.

In summary, I would like to praise the Public Works Committee for deciding, in the end, to delete winter navigation from their omnibus water bill of 1983. I am pleased that the group established in place of the original section 1123 is not established to study winter navigation. I believe the congressional intent for the Board, to study the potential of Great Lakes navigation during the existing season, is constructive for the region and the Nation.

While the agenda for the Board is ambitious, it establishes an exciting break with the past. For the first time in the debate over winter navigation, the economic, environmental, and social costs of this project have been established as the ground rules for future and further debate. Even more importantly, the debate over winter navigation has been set aside, along with the project. In the process these very same ground rules have been established as vital to the development of commerce in the region.

I am excited by the potential for the Board's study because it can address the true commercial needs of the region while realizing environmental, sociological, and economic constraints of development.

We all realize that we face an era of fiscal restraint. The Nation's vital navigation and water resource projects will be no exception. Regarding a full season extension on the Great Lakes, hundreds of millions of dollars in capital costs alone would be required. We must be certain that the project not only makes sense in its own terms, but is competitive with other potential uses of scarce resources.

I hope this is a final statement on winter navigation for some time to come. I have outlined some of the reasons I have actively opposed this Corps of Engineers project since I first came to Congress in 1977. I believe the cost of winter navigation is exorbitant, and the environmental consequences too severe, as well as poorly documented, for Congress to authorize winter navigation at this time.

□ 1650

Mr. ROE. Mr. Chairman, I wonder if we now could deal a little bit with the timeframe, because we have been on this for an hour and a half, and we do not want to curtail anyone speaking. Do we know how many more Members want to be heard?

Mr. EDGAR. Mr. Chairman, if the gentleman would yield, I would suggest that we could probably do it in 30 minutes equally divided, 15 minutes for the gentleman from Kentucky [Mr. HOPKINS] and 15 minutes for the gentleman from Kentucky [Mr. SNYDER]. By dividing up the time I think we could probably cover the speakers who wish to speak.

Mr. ROE. I would have no objection to that.

Mr. Chairman, I ask unanimous consent that the debate conclude at 5:30 and the time be equally divided between Mr. SNYDER and Mr. HOPKINS.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. EDGAR. Mr. Chairman, will the gentleman from Kentucky [Mr. HOPKINS] yield?

Mr. HOPKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding to me.

Mr. Chairman, I think the debate has been helpful. I think Mr. HOPKINS has had a chance to express very articulately his concern about a project which is in Mr. SNYDER's district but which has a great impact in Mr. HOPKIN's district.

I think Mr. HOPKINS also articulated the concern that he has that all that he is doing with his amendment is asking us to have a 25-percent cost sharing for this project which is the same policy initiative that we have for all of the other projects in the legislation.

I am concerned, as I read the language that was included in the bill by the gentleman from Kentucky [Mr. SNYDER] that this project with a marginal cost benefit ratio of 0.6, not only has a 100-percent Federal contribution, but we go a step further. That is, we have a sentence written in the law that says with respect to each such project:

> Congress finds finds that the benefits determined in accordance with this section 209 of the Flood Control Act of 1970, and attributable to flood measures authorized for such a project, and here are the key words, "exceed the cost of such measures."

What we are doing with that sentence in the law is we are saying because we could not get a 1-to-1 cost-benefit ratio, and because under the original flood protection rules, we do not fund these large flood construction projects unless the costs are retrieved by the benefits, therefore, we, as Congress, wave a magic wand and say that in this case, even though on the financial end it does not meet a 1-to-1 ratio, we are going to automatically say it does.

So I would urge my colleagues to support the gentleman from Kentucky [Mr. HOPKINS] on the merits of his amendment. He simply wants fairness and justice. Some opportunity for State involvement with lands and easements and rights-of-way with a local contribution that could come from State government if they were for the project. It could come from the State legislature if it was for the project. It could come from the many people who have written to the gentleman from Kentucky [Mr. SNYDER]. If they really want the project, they could come up with that 25 percent of the cost.

I think the gentleman from Kentucky has a good amendment, and I urge my colleagues to support it.

Mr. SNYDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kentucky.

The effect, if not the intent, of the gentleman's amendment, would be to kill the Falmouth Dam project. And that, in my judgment, would be a tragic mistake.

The authorization for this project has been on the books for a very long time. It was first authorized as a single-purpose flood control project. Flood damage prevention benefits were needed when the project was first authorized, and they are needed today. The history of the area has been one of too much water or too little. Falmouth braces itself almost annually for flooding from the Licking River, and that is the kind of annual event a community—and especially a rural community struggling economically—can do without.

I represent many small rural communities like those in the Licking Valley, and I know all too well that with a smaller economic base than the national and perhaps even the State norm, small cities and towns in largely rural areas can ill-afford the economic hardship and population outmigration that a relentless pattern of natural disasters can bring.

Under such circumstances, a very worthwhile and perhaps desperately needed project can become marginally feasible. Such is the case, I think it is agreed with the Falmouth Dam project. Falmouth is not located in a high cost area; there are many, many communities in this country where that is the case, and therefore, is being penalized by what would be a too strict application of the Corps of Engineers' project evaluation and selection process.

After a period of the time in the inactive category, the project was found by the corps to be economically justified for its flood control and recreational value and reclassified into the "active" category in 1969. The development of Falmouth Lake, as a flood control and recreation project, was also determined to be the best alternative in a report submitted to Congress in 1972. However, 7 years later, the corps concluded that as a combined flood control and recreational project, it would be only marginally feasible at the then 6⅞-percent interest rate.

Clearly the years of flooding and drought have taken their toll on the Falmouth area, and for the corps to ignore that fact in its project selection procedures would be to discriminate against this rural area facing economic decline.

Ample precedent exists for an exception under such circumstances, and this critically needed project is infinitely deserving of just such consideration. The Falmouth Dam will provide flood control, water supply, economic redevelopment, and substantial em-

ployment as part of the construction and recreational development expected. We could not ask much more from an expenditure of public funds.

The reluctance of the Commonwealth of Kentucky to assume its share of the costs of the recreational aspects of this project certainly does not negate the flood control potential of the project, and it should not mean the termination of the project. And it need not, if the language in H.R. 3678, as reported, is retained.

The cost-sharing requirement that the gentleman would impose on this project cannot be satisfied, and thus, his amendment would have the same effect as striking the authorizing provision, which actually remedies the cost-sharing problem by authorizing full Federal funding of the project's construction.

So, speaking as a Representative of a rural area, I can be very sympathetic with the problem faced by the gentleman from Kentucky in having a very definite and strong and demonstrated need, but because of the rigid application of the corps' formulas, not being able to meet that formula and, therefore, being penalized.

So I would urge defeat of the gentleman's amendment.

Mr. HOPKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Chairman, I rise in support of the Hopkins amendment regarding the proposed Falmouth Dam project in Pendleton County, KY. I would first like to commend Mr. ROE for including the cost-sharing requirements in this bill. By including these requirements in the bill, the subcommittee has made a step in the direction of fiscal prudence and the rational selection of water projects. I would also like to commend Mr. HOPKINS for offering his amendment. I believe this amendment is consistent with these cost-sharing requirements and deserves our support for the same reasons.

Very simply, the Hopkins amendment asks that the Falmouth Dam project authorized in this bill meet the same standards as all of the other projects in this bill. The amendment requires that local beneficiaries comply with current law and pay for half of the project's recreation features. The amendment also requires them to comply with provisions in this bill and pay one quarter of the project's flood control costs.

As currently written, the bill's language states that Congress finds that the benefits of this project exceed the costs. In fact, this project has a negative benefit/cost ratio. According to the most recent Army Corps of Engineers study, which used the current 8⅛ percent current Federal interest rate, the project would cost $165 million and return 60 cents of benefits for each dollar spent. Since this project was first authorized in 1936, $1 million has been spent to study the project, and still the corps cannot justify this expense.

My second concern is language in the bill which declares that the Falmouth Dam project shall be constructed at full Federal expense. In addition to violating current law requiring a 50-percent cost share for recreation projects, this language violates other provisions in this bill requiring cost sharing for flood control projects. If local beneficiaries of other projects in other States must pay their fair share for their water projects, why shouldn't the beneficiaries of this project put up the appropriate share of its cost?

In reality, this project is opposed by the Governor of Kentucky, the senior Senator from Kentucky, the Kentucky Legislature, the Kentucky Senate, the Kentucky Farm Bureau and several taxpayer and environmental organizations. I don't know any reason why the U.S. House of Representatives should support this project.

Mr. BEDELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I realize the time is late. In fact, I have already missed one flight back to my district and had to cancel the flight back, but I think that it is important that we look at this issue realistically.

I am advised by the gentleman from Kentucky [Mr. HOPKINS] that since the 1964 flood there has been a reservoir created upstream and there has been no significant flood since that reservoir was created in 1974. But I think there is something more important that we need to talk about here today, and that issue is how this body is going to operate.

Let me read to you from a letter that I received. This is from the committee.

We have been pleased to support your efforts on behalf of your constituency to include provisions in H.R. 3678 which will meet vital water resource needs. We ask that you support the committee in its effort to resist these amendments so that the other Members who would be adversely affected by the adopton of those amendments can enjoy the same benefits from our national resources program as your constituency will with the passage of H.R. 3678.

Please be assured that if other amendments surface which adversely affect your interest, we will vigorously oppose them.

Mr. Chairman, it does not say whether those are good projects or bad projects, or whether they are justified or not.

Now let me read to you from a newspaper article on letters that apparently some people received from a member of the committee.

In the past I have been pleased to respond to your requests for assistance. I hope that now when I need your help I can count on your continued vote.

I would be most appreciative if you would contact me directly about your position on my request.

Mr. Chairman, here is a list that is put out of the people who voted against the committee yesterday, with black marks for the people who have projects in this particular bill.

My objection, Mr. Chairman, is that we should decide these things on their merits. I should feel free to vote for or against the amendment offered by Mr. HOPKINS according to whether I think it has merit or not, and I should not have to vote against Mr. HOPKINS because of the fact that I might lose a project therein.

We have just finished voting to increase the Federal debt. We have just voted that we are going to increase charges for people who have medicare. Mr. Chairman, how can we possibly say that it is all right for us to make this determination according to whether or not we have other projects.

Before we are too quick to say that the fault is all with the members of the committee, I submit to you that it is not just the members of the committee. I submit that it is us. It is you and me. It is every Member of this body, because if we are going to have the courage to stand up and vote for what we think is right, regardless of whether we are going to lose our projects, then everything will be all right. It is easy to point our fingers at the other person, but we are the ones.

My challenge to you people as you vote on this amendment is to decide what is right. Vote for what is right. If you think Mr. HOPKINS is wrong, then you ought to vote against him. If you think Mr. SNYDER is wrong, you ought to vote against him. But if we are going to represent the taxpayers of America, if we are going to operate this place the way it ought to operate, then I plead with you to have the courage to vote what you think is the right thing in regard to this amendment.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I would be glad to yield to the gentleman from New Jersey.

Mr. HOPKINS. I have the time, Mr. Chairman.

Mr. HOWARD. I did not know the gentleman's time had expired.

Mr. HOPKINS. I have the time. I would be delighted to hear from the gentleman, but I would prefer that he take it from this side over here.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. BEDELL] has expired.

Mr. SNYDER. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. I thank the gentleman for yielding. The gentleman from

Iowa need not stay in the well any longer.

Mr. Chairman, I would like to state that what the gentleman from Iowa referred to about our committee, with the list with black marks on it, I believe that the gentleman should have added that what he has, I presume, is a Xerox copy of the paper and it only comes out in black on our Xerox machines. Had we been able to, we would have had them with little red hearts on them.

What we did also, in having so many people opposed to our position on the vote last night, after we had sent them information about the Florida Barge Canal and other things and we were surprised that they did not vote that way, we wanted to talk to them this morning. Virtually every one that I spoke to today about that had never seen the letter that we sent out in relation to that.

That answered our question as to why we were not as successful as we might have been in the vote that occurred last evening.

I just thought that ought to be made a part of the record, lest anyone feel that there was any attempt by the gentleman from Iowa to impute anything to the members of my committee, who I feel do a good, open and honest job as representatives of the Committee on Public Works and Transportation.

Mr. BEDELL. Mr. Chairman, would the gentleman from Kentucky give me 15 seconds?

Mr. HOPKINS. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Kentucky [Mr. HOPKINS] has 8 minutes remaining, and the gentleman from Kentucky [Mr. SNYDER] has 10 minutes remaining.

Mr. HOPKINS. I yield to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. I thank the gentleman for yielding.

Mr. Chairman, my objection is that the dots are only for those people who had projects in the bill. It seems to me that the consideration should not be based upon whether you have a project in the bill.

Mr. HOWARD. Mr. Chairman, will the gentleman from Kentucky yield to me for 15 seconds?

Mr. SNYDER. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Chairman, I did that because those are the people we had written the letter to, only the ones with projects in the bill.

Mr. SNYDER. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri [Mr. TAYLOR].

Mr. TAYLOR. I thank the gentleman for yielding this time to me.

Mr. Chairman, we gather here today to make a decision that is rather difficult for many of us who have two friends on opposite sides of this issue, but I would like to speak today briefly about the impact of projects such as this and the priorities of this Nation.

Today in my district, at Branson, MO, on the banks of Table Rock Lake, there is a gathering where our people are commemorating the 25th anniversary of the completion of Table Rock Lake. Table Rock Lake is a project that was proposed in this House in the late 1940's, the early 1950's, by the gentleman who represented that district prior to my time, the Honorable Dewey Short of Missouri.

It was in the Ozark Mountains, where we had a lot of poverty. The ravaging White River periodically wiped out homes in flooding that had brought a great deal of anxiety and a great deal of suffering to the people of those Ozark Mountains. It was poor country. Unemployment was always high. The taxes on the land many times were not paid because the value of the land did not justify the payment of the taxes.

Dewey Short and President Truman from Missouri had a dream that that country could be different. Table Rock Lake was completed and today it is one of the most booming parts of the State of Missouri; 44 percent of all of the growth in the State of Missouri during the last 10 years occurred in my district around Table Rock Lake. Today there are jobs, there are opportunities, there are new schools, there are new homes, senior citizens have moved into the area and retired, and it has become one of the most prosperous areas of our State.

□ 1710

I think that that investment that was wisely made by this House in 1952 on the insistence of the then Congessman Dewey Short, with the support of President Truman, eventually signed into law by President Eisenhower, was a good investment not only for my area but also for America, because today in that area is the lowest unemployment rate for the entire State of Missouri, and it has been made so because of the economic expansion that has been brought about by a project that was passed by this House.

So, Mr. Chairman, let me say this. We talked a lot today about raising the national debt ceiling and it did not please me. I voted for it because I think we ought to pay our bills, but I think that the priorities that we place on what we do in this country are something that the American people expect.

I think they expect us to look out first for America. We have spent over $300 billion since the end of World War II in spreading the largesse of this Nation around the world to foreign countries. The Corps of Engineers has spent over $25 billion in Saudi Arabia since 1963 in helping to rebuild dams, rivers, harbors, and reservoirs for foreign countries.

I say that we need to make those investments in America and in places like Falmouth, KY, where they, too, need the assistance that we received in the southern Ozark Mountains, which paid off; and the jobs, the opportunities, the schools, and the growth that has occurred there have paid for it many times over.

I just want to close by saying this. Above the Chamber here is a quotation from a great American, Daniel Webster. He said, "Let us develop the resources of our land. Let us build upon its institutions. Let us promote all of its great interests and see whether we in our generation might do something worthy to be remembered."

We have that opportunity here today.

Mr. ALBOSTA. Mr. Chairman, would the gentleman from Kentucky [Mr. SNYDER] yield 3 minutes to me, please?

Mr. SNYDER. I am sorry. I promised 1 minute to the gentleman here and 5 minutes to the sponsor of the bill. I would love to. I wish I could.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PACKARD], and I will reserve the last 5 minutes for the manager of the bill.

Mr. PACKARD. Mr. Chairman, I thank the gentleman for yielding.

I think the essence of this amendment is that whether a local cost-sharing issue ought to be a part of this project. I support local cost sharing, but I recognize that this body must maintain the ability to either waive or to modify that cost-sharing formula to fit the area where a project might need to be built.

Most communities where there are problems of flooding and tornadoes and other natural disasters are areas that would be least capable of supporting high cost-sharing formulas. In this case, it appears to me that we have a community that is devastated regularly by destructive forces that make them the least capable of absorbing the cost-sharing elements. Therefore, they would be precluded from enjoying the benefits of protection.

I would suggest that we oppose the amendment and allow the project to go forward.

Mr. HOPKINS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Chairman, I understand that what I am about to say is not going to be very helpful to me or my district, but I think it has to be said.

I do not mind dealing with a bill or an amendment on an objective analysis. I do not mind someone coming to me and saying, "Listen to my side."

What I do object to is being told that there is a target list for those of us who decided last night that we would vote one way rather than the other. I had friends on both sides of the amendment that was offered last night and I really found myself in the middle of a very tough decision. After I made the decision to vote for that amendment, to be told and to be shown a target list that had been put out by the committee that those of us who did that will have to worry about it and to be told that if we dare vote for this particular amendment, our particular projects are in jeopardy, I think is not appropriate to this institution.

To be called by the ports in my district and told that irrespective of the merits of the amendment of the gentleman from Kentucky [Mr. HOPKINS], we want you to vote against this because we are fearful for our ports, does not do this House justice.

To be told that other Members are receiving phone calls from mayors of small communities in Iowa that have nothing to do with this amendment, telling them to vote against the Hopkins amendment because they are fearful of projects that are in their districts, does not do us justice.

By saying this, I know I may jeopardize the ports in my district and I may jeopardize any water project or public works project I may ever bring to that committee, but there is something that is more important to me than the ports in my district; that is my personal integrity, the integrity of the constituents that I represent and the integrity of this institution.

It has made it almost impossible for me to look at this vote objectively when I have been told by the advocates against the gentleman from Kentucky [Mr. HOPKINS] not to look objectively at this particular amendment.

That is not the way we should do business in this House. Legislative blackball or blackmail is not the way to do business in this House. I must say that I just bitterly resent it. I have been told by some that if I do something like this——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HOPKINS. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, I have been told that if I did something about talking like this that I can forget about getting on particular committees from my side of the aisle.

Well, I will do that, because it means more to me to look at the question and to vote the way I think is right than to be told that I am going to be blackballed from now on. When I am told to blindly vote against the gentleman from Kentucky [Mr. HOPKINS] and blindly vote against the gentleman from Wisconsin [Mr. PETRI] and that if I do not, retribution will come on my head, and not only on my head but on the hands of the constituents that I represent, somebody has got to say something.

This House does itself a disservice by treating its Members that way and for Members to suggest that we ought not to look at the integrity of an amendment that is presented to us does no justice to any Member in this House, does no justice to any constituent in any district that we represent.

I am not saying that the position of the gentleman from Kentucky [Mr. SNYDER] is wrong or right or that the committee position is wrong or right. But when I am told that I am supposed to close my eyes and blindly follow the committee or retribution will be visited upon me and my constituents, I cannot remain silent in this body.

I think, Mr. Chairman, we had better reconsider the way we operate if that is the way we are going to do it.

I would be happy to listen to the arguments on both sides and I was moved by the very comments of the gentleman from Kentucky [Mr. SNYDER], but this is not the way that we ought to operate in this House.

Mr. HOPKINS. Mr Chairman, I am wanting to close myself in the debate this afternoon, if I may. I do not know how much time is left between the two sides.

The CHAIRMAN. The gentleman from Kentucky [Mr. SNYDER] has 5 minutes remaining, and the gentleman from Kentucky [Mr. HOPKINS] has 5 minutes remaining.

Mr. HOPKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding.

Mr. HUBBARD. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I will be glad to yield to the gentleman from Kentucky.

Mr. HUBBARD. Mr. Chairman, in light of the statements of the Congressman from California, permit me to say as a Kentucky Congressman that it is getting a little tiresome for certain Members of Congress to remind me that I have a $4,500,000 project called the Obion Creek Watershed in this particular bill. I would hope that we would vote on the merits of this legislation instead of reminding different Members of what projects they have in this particular public works and transportation bill.

Mr. ROEMER. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I would like to say in the short time that I have that I served my first 2 years in the Congress on the Public Works Committee under the leadership of Chairman JIM HOWARD, he is the best in the House, and under the specific leadership of the gentleman from New Jersey, BOB ROE, on the Subcommittee on Water. I enjoyed my 2 years there. I hated to leave, but the banking system needed some cleaning up. You guys were doing a great job on water.

So I rise with some reluctance to oppose my former committee and strongly support the gentleman from Kentucky [Mr. HOPKINS].

All the gentleman from Kentucky [Mr. HOPKINS] has going for him is that he is right. He does not have any political muscle. He is one of those Members of Congress that chooses his times wisely and well. You would know him as kind of a quiet, strong type.

I saw him rise on Lebanon, and he was right there.

I saw him rise time and again on the budget, and he has been right there.

The only thing he has had going for him here is maybe not the votes, certainly not the muscle, nobody from the White House is calling me for him, nobody from the committee is calling me for him. What he has got is the facts. The facts are this project's cost-benefit ratio is unjustifiable in terms of spending tax dollars.

□ 1720

The committee might say there are other projects in America the same way. But I do not think they are being built. If they are we ought to know about it.

The gentleman from Kentucky, all he has is the facts. The facts are that the people of the area affected, not at the site where it is being built but where the land is being flooded, where the land will forever be wet, say "no." In fact, the people of Kentucky do not want to come up with a minimal cost sharing because they do not support it.

I urge you to support our colleague from Kentucky [Mr. HOPKINS]. He is right. He might be alone, but he is right.

Mr. HOPKINS. I thank the gentleman.

PARLIAMENTARY INQUIRY

Mr. HOPKINS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOPKINS. Mr. Chairman, since it is my amendment, would it be improper for me to close out the debate on this issue?

The CHAIRMAN. The gentleman from Kentucky [Mr. SNYDER], closes on behalf of the committee.

Mr. HOPKINS. Mr. Chairman, then I wonder if I might ask the gentleman from Kentucky [Mr. SNYDER], if he would mind if I close this issue this afternoon.

Mr. SNYDER. I have been requested by the chairman of the subcommittee to let him have the closing 5 minutes,

and I have made that commitment. I will have to honor it.

Mr. HOPKINS. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. EDGAR. Will the gentleman yield?

Mr. HOPKINS. I will be delighted to yield.

Mr. EDGAR. Before the gentleman begins his 3 minutes, I would like to commend the gentleman for his leadership and for risking himself. And I would like to compliment the debate, particularly those who have shown the courage to stand up and speak out on this issue, and I commend the gentleman for his leadership. I think he is right and I urge my colleague to support his amendment.

Mr. HOPKINS. Mr. Chairman, I sincerely appreciate the attention that my colleagues have given me and the others that have participated this afternoon in the debate on both sides.

Someone said to me that this is going to be decided on the merit system. I have the merits. Somebody else has the system.

I realize that some of my colleagues are under a great deal of pressure this afternoon. Some believe that if this dam is jeopardized that their projects in their districts might be jeopardized. It is called the go along to get along system in Washington.

I do not think there is any reason for this debate to deteriorate to the point that it becomes an eye for an eye. Martin Luther King said if that happens we will all go blind.

Some of the people here on this floor from time to time, Mr. Chairman, preach fiscal responsibility. Some of the people on this floor, Mr. Chairman, from time to time preach fairness.

I submit to all of the people on this floor today that it is time to come to the altar of truth this afternoon. How can you ask your people to support an expenditure of $189 million that does not even come near to meeting cost-benefit, does not have the support of the people in the area of which this dam will be built. Ask yourselves if you are willing to add to the Federal deficit for a project whose benefits are 59 percent recreational.

Ladies and gentlemen, your constituents and mine are tired of this Government playing fun and games at their expense. What they want is some relief. What they deserve is honesty and fairness, Mr. Chairman, and I thank all of those who have participated this afternoon.

I would appreciate your support, and I yield back the balance of my time.

Mr. SNYDER. Mr. Chairman, I yield the balance of my time to the chairman of the subcommittee, the gentleman from New Jersey [Mr. ROE].

The CHAIRMAN. The gentleman from New Jersey [Mr. ROE] is recognized for 5 minutes.

Mr. ROE. I want to thank the gentleman from Kentucky for yielding me the time to kind of sum up what we have been talking about.

You know we have the debate again between two brothers. I have listened with the greatest of patience to so many who have had the right to speak and express their views, all; but I tell you I, too, am a Member of this body. There are 435 of us and each and every one of us are trying to do the right thing.

I have listened today very well. They really did not look at the project. It is alleged that it was slipped in. It was an ugly thing to do and some abomination along the line, which I take very personally the point of view that BOB ROE would waste his time and his energy, to threaten someone.

I may ask someone to help me. If that is so wrong, I am guilty. But to have a Member stand up here from California and say he was threatened to vote for the bill or he was going to lose, and he resented that, that he wants to make his point to America that he is being threatened because he believes in something.

The two brothers believe they are right, the two brothers from Kentucky, as the brothers did and the sisters from Florida last night.

This is not personal. We seek, as the gentleman from Kentucky said, what is the right thing to do. Do not come down on the head of the Public Works and Transportation Committee because you cannot get your own house together.

We do not agree on everything in New Jersey, but we try. We do not agree on everything in other States, but we try.

You have one vote. I have one vote. We together have the votes for a majority to lose.

Let me tell you some facts. This dam is located in Mr. HOPKINS' district or vice versa, Mr. SNYDER'S district, and the land to be flooded is located in Mr. HOPKINS' district. And of course they are concerned. You know we have new redistricting in New Jersey. I do not have the same district I had 3 months ago. The Supreme Court changed us. I am not fighting for my district alone. I am fighting for my State and my Nation.

What we are fighting for here is a water supply system for the country. The crisis before America is not the oil and energy alone. That is not the crisis. That is a serious one.

I will tell you a crisis now happening is the water supply of this country. Do we have the right, any one of us, and that was eloquently stated by one of the Members here earlier, do we have the right to say this is mine, this is my little land, you cannot build a highway, you cannot build a bridge, you cannot build a reservoir because somebody's land may be flooded?

I sympathize with that. And somebody said so. Look over here, here is a chart and that is 1964 and it has not flooded in 10 years.

I have news for you. In the State of New Jersey, in Wayne, NJ, we have not had a flood for the last 7 or 8 years and everybody went ahead and did their thing and put on the additions to their houses. We had it visited on us, and my town was under 18 feet of water. People drowned.

Oh, it did not happen. The Sun was shining. But it did happen.

Now the challenge before us in this legislation is do we develop a national, fair system of water supply system for the Nation. Are we concerned about the resources of the country? Is this a type of issue that we need be concerned with? The answer is yes.

Now, the brothers disagree. The merits of the case is whether or not we are going to build this program, and I happen to believe that Mr. SNYDER is right.

Let me close with two points, and I know time is so desperately short. I hear encomiums along the line, there might be other projects in the bill where the cost sharing, you know, is not the nickel and dime end of it, but let me tell you something so that you know what is in the bill and now it has got to be said. In the Mississippi Basin of which there are seven States, and hear me from those seven States, the program in that basin under the Mississippi River Basin Commission structure is that any project that is built in there is built on the old authorization and they do not pay matching money. Look it up in the law.

So do not talk about whose ox is being gored and who is raiding the public till. The gentleman talked about the terrible costs of these projects, and yet he came from California. And I remind him that the Santa Ana project is $1.2 billion, of which a very small amount will be paid by them.

Is it wrong? Of course it is not wrong, because they need the flood control and the help there. But do not come and complain about a $100 million project here if you are willing to take $1.2 billion for your district.

Now, what is the point here? The point is equity, fair play. We have studied this program. There has not been one issue that has been presented of value against this project, and I would urge our Members on the merits of the case to vote no on the amendment.

□ 1730

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kentucky [Mr. HOPKINS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOPKINS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 148, noes 196, not voting 89, as follows:

[Roll No. 302]

AYES—148

Anthony	Gibbons	Nielson
Archer	Gilman	Obey
Aspin	Glickman	Ottinger
Badham	Goodling	Oxley
Barnes	Gramm	Panetta
Bartlett	Green	Perkins
Bates	Hall, Sam	Petri
Bedell	Hansen (UT)	Porter
Bellenson	Harkin	Rangel
Bereuter	Hefner	Ratchford
Berman	Heftel	Ray
Boehlert	Hertel	Regula
Bonior	Hiler	Richardson
Broomfield	Holt	Roberts
Brown (CO)	Hopkins	Robinson
Burton (IN)	Hubbard	Roemer
Campbell	Hunter	Roukema
Carper	Hyde	Sabo
Chandler	Ireland	Sawyer
Cheney	Jeffords	Schneider
Clarke	Jones (OK)	Schumer
Coats	Kasich	Seiberling
Collins	Kennelly	Sharp
Conable	Kildee	Shelby
Conte	Kleczka	Sikorski
Cooper	Kostmayer	Siljander
Coughlin	Lagomarsino	Skeen
Courter	Lantos	Skelton
Crane, Philip	Leach	Slattery
Crockett	Levin	Snowe
D'Amours	Levine	Spratt
Daniel	Loeffler	Staggers
Dannemeyer	Lowery (CA)	Stratton
Darden	Lujan	Stump
Derrick	Lungren	Tallon
DeWine	Mack	Tauke
Dickinson	MacKay	Walgren
Dreier	Marriott	Walker
Durbin	Martin (NY)	Waxman
Eckart	Mazzoli	Weber
Edgar	McCain	Weiss
Edwards (CA)	McCloskey	Wheat
English	McCurdy	Williams (MT)
Evans (IA)	McGrath	Wise
Evans (IL)	Mica	Wolpe
Fazio	Mitchell	Wortley
Feighan	Montgomery	Yates
Fish	Moody	Zschau
Fowler	Morrison (CT)	
Frenzel	Nichols	

NOES—196

Ackerman	Byron	Dyson
Akaka	Carney	Edwards (OK)
Albosta	Carr	Emerson
Anderson	Chappell	Erdreich
Andrews (TX)	Chappie	Ferraro
Annunzio	Clay	Fields
Applegate	Clinger	Flippo
AuCoin	Coelho	Florio
Barnard	Coleman (MO)	Foley
Bateman	Conyers	Ford (MI)
Bennett	Corcoran	Frost
Biaggi	Coyne	Gaydos
Billirakis	Crane, Daniel	Gekas
Billey	Daub	Gephardt
Boggs	Davis	Gingrich
Boner	Dellums	Gonzalez
Bonker	Dicks	Gore
Borski	Dingell	Gray
Bosco	Dixon	Guarini
Britt	Donnelly	Gunderson
Brooks	Dowdy	Hall (IN)
Broyhill	Dwyer	Hall (OH)
Bryant	Dymally	Hall, Ralph
Hamilton	McHugh	Schaefer
Hance	McKernan	Scheuer
Harrison	McKinney	Schroeder
Hayes	McNulty	Shaw
Hightower	Mikulski	Shumway
Horton	Miller (OH)	Shuster
Howard	Mineta	Sisisky
Hoyer	Minish	Smith (IA)
Huckaby	Molinari	Smith (NE)
Hughes	Mollohan	Smith (NJ)
Jenkins	Moore	Smith, Robert
Johnson	Morrison (WA)	Snyder
Jones (NC)	Mrazek	St Germain
Kaptur	Murphy	Stangeland
Kazen	Murtha	Stokes
Kemp	Myers	Sundquist
Kindness	Natcher	Swift
Kogovsek	Nowak	Synar
Kolter	O'Brien	Tauzin
LaFalce	Oakar	Taylor
Latta	Oberstar	Thomas (GA)
Lehman (CA)	Olin	Torres
Lehman (FL)	Ortiz	Torricelli
Leland	Owens	Towns
Levitas	Packard	Valentine
Lewis (CA)	Parris	Vander Jagt
Lewis (FL)	Pashayan	Vandergriff
Livingston	Patman	Volkmer
Lloyd	Pease	Vucanovich
Long (LA)	Penny	Watkins
Long (MD)	Pepper	Whitley
Lott	Pickle	Whittaker
Lowry (WA)	Price	Whitten
Luken	Rahall	Wilson
Lundine	Reid	Winn
Madigan	Rinaldo	Wolf
Markey	Ritter	Wyden
Martin (IL)	Rodino	Wylie
Martinez	Roe	Young (AK)
McCandless	Rogers	Young (FL)
McCollum	Rose	Young (MO)
McDade	Rowland	
McEwen	Russo	

NOT VOTING—89

Addabbo	Gradison	Quillen
Alexander	Gregg	Ridge
Andrews (NC)	Hammerschmidt	Rostenkowski
Bethune	Hansen (ID)	Roth
Bevill	Hartnett	Roybal
Boland	Hatcher	Rudd
Boucher	Hawkins	Savage
Boxer	Hillis	Schulze
Breaux	Hutto	Sensenbrenner
Brown (CA)	Jacobs	Shannon
Burton (CA)	Jones (TN)	Simon
Coleman (TX)	Kastenmeier	Smith (FL)
Craig	Kramer	Smith, Denny
Daschle	Leath	Solarz
de la Garza	Lent	Solomon
Dorgan	Lipinski	Spence
Downey	Marlenee	Stark
Duncan	Martin (NC)	Stenholm
Early	Matsui	Studds
Edwards (AL)	Mavroules	Thomas (CA)
Erlenborn	Michel	Traxler
Fascell	Miller (CA)	Udall
Fiedler	Moakley	Vento
Foglietta	Moorhead	Weaver
Ford (TN)	Neal	Whitehurst
Frank	Nelson	Williams (OH)
Franklin	Patterson	Wirth
Fuqua	Paul	Wright
Garcia	Pritchard	Yatron
Gejdenson	Pursell	

□ 1740

The Clerk announced the following pairs:

On this vote:

Mr. Vento for, with Mr. Nelson of Florida against.

Mr. Garcia for, with Mr. Breaux against.

Mr. Solarz for, with Mr. Pritchard against.

Mr. HAYES changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

FURTHER MESSAGE FROM THE SENATE

The Speaker resumed the chair.

The SPEAKER. The Chair will receive a message.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 328. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 4170.

The SPEAKER. The Committee will resume its sitting.

WATER RESOURCES CONSERVATION, DEVELOPMENT, AND INFRASTRUCTURE IMPROVEMENT AND REHABILITATION ACT OF 1983

The Committee resumed its sitting.

The CHAIRMAN. For what purpose does the gentleman from Missouri [Mr. YOUNG] rise?

Mr. YOUNG of Missouri. Mr. Chairman, I move to strike the last word.

□ 1750

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Missouri. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would like to engage in a colloquy with the gentleman.

Section 1107 of this bill modifies prior authority in Public Law 97-128 to include Franklin County, MO, and to increase the estimated cost to $100 million to allow the Secretary to deal with regional flood problems in this area of Missouri.

I would like to ask the gentleman from Missouri whether it is correct to state that this provision in the legislation is not intended to authorize the construction of the Union Dam at this time.

Mr. YOUNG of Missouri. The gentleman is correct. The Union Dam was authorized by the Congress in the Flood Control Act of June 28, 1938, Public Law 761-75. That authorization remains in effect. However, the Congress has not funded construction of the project. Before construction could take place on the Union Dam, the Congress would need to appropriate general construction funds for the project.

In addition, it is my understanding that since approximately 10 years

have elapsed since any planning has been accomplished for this project, additional engineering would be necessary to make sure that the project meets contemporary needs and public views.

Mr. VOLKMER. Mr. Chairman, I thank the gentleman.

Mr. YOUNG of Missouri. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. ALBOSTA

Mr. ALBOSTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBOSTA:

Page 301, after line 2, insert the following:

SEC. 1174. The Secretary is authorized and directed to construct a second lock 1,294 feet in length, 115 feet in width, and 32 feet in depth, adjacent to the existing lock at Sault Sainte Marie, Michigan, at full Federal expense and at an estimated cost of $240,000,000.

Mr. ALBOSTA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ALBOSTA. Mr. Chairman, the amendment I am offering to H.R. 3678, the Water Resources Development Act, will authorize the constuction of a new lock at Sault Ste. Marie, MI.

There are currently four locks at the Soo, but only one lock, the Poe lock, is large enough to handle the 1,000-foot ships that come through the Great Lakes. When the Poe lock is down for repair or maintenance, there is no way these large ships can navigate through the locks.

In the past decade or so, the U.S.-flag fleet has become increasingly dependent upon vessels of a size which can only transit the Poe lock. In fact, of the 111 vessels currently registered with the Lake Carriers' Association, 25 have length and/or beam dimensions which exceed the limitations of the MacArthur, Davis, and Sabin locks.

These 25 carriers boast a combined per trip capacity of 1,165,353 gross tons—45 percent of U.S.-flag fleets' total per trip capacity—so should the Poe lock be taken out of service for even a short period time, many of the industry's most efficient vessels would be cut off from the trade route for which they were designed. During a national emergency, this loss of capacity could even imperil the Nation's defense.

The U.S. Army Corps of Engineers also recognizes the need for an additional Poe-sized lock; just recently the corps made the construction of the new lock part of their national economic development plan in their Draft Interim Feasibility Report on improvements to the Great Lakes connecting channels and harbors. The report, issued by the north central division, indicates that the need for the new lock arises from two major events: The need for major rehabilitation on the two existing smaller locks in the absence of a new lock; and the need for the new lock in the event of a shutdown of the current large lock which would play havoc with normal shipping on the Great Lakes, but more important, would be critical in a time of national emergency when the transport of raw materials to our industrial centers would be imperative.

The corps has estimated the cost of the new lock at $240 million, with annual economic benefits of $79 million. The cost of repairing the Davis lock—which will have to be done if the new lock is not built—is $149 million, and does not carry with it the economic benefits of increased large capacity shipping, nor the elimination of delay time experienced by shippers waiting at the only large lock, estimated at 3.2 hours per vessel at 80 percent lock capacity.

This project is strongly supported by the Governor of Michigan, the Michigan Legislature, the Lake Carriers' Association, and the Great Lakes Commission.

In conclusion, let me say the Great Lakes are our Nation's fourth seacoast, and we need to make sure the shipping facilities are modernized to keep the grain, steel, and many other manufactured goods moving smoothly through the lakes. Not only will the people of Michigan, Minnesota, and Wisconsin benefit from another large lock at Sault Ste. Marie, but the entire country will benefit by insuring efficient shipping facilities on the Great Lakes for our economy and our national defense.

I urge adoption of my amendment.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. ALBOSTA. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we on this side of the aisle have reviewed this amendment, and we have no objection to it.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. ALBOSTA. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, we have studied the amendment on this side. The committee has looked at this new lock, and we have no objection to the amendment.

Mr. ALBOSTA. Mr. Chairman, I thank both the chairman and the ranking minority member of this subcommittee.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. ALBOSTA. I yield to the gentleman from Michigan.

Mr. DAVIS. Mr. Chairman, I rise in support of this amendment for a new large lock at Sault Ste. Marie, MI.

The cost of this project would be $240 million, but it is important to note that the annual economic benefits would be $79 million. The lock would replace the existing Davis and Sabin locks, which are in need of rehabilitation by the next decade. I just note that rehabilitation of the Davis lock alone would cost $149 million. The project's benefit/cost ratio is 3:2.

I would like to make several additional points regarding this amendment based on the recently released "Army Corps of Engineers North Central Division Draft Interim Feasibility Report on Improvements to the Great Lakes Connecting Channels and Harbors," dated June 19, 1984.

The first is the dependency on the existing locks, especially the Poe lock. One aspect of the analysis of the need for added capacity at the "Soo" locks which merits special attention is the degree of dependency that exists on continuous operation of the Poe lock now during the navigation season. It is the only lock whose length, width, and depth are sufficient in all respects to adequately service 32 of the largest vessels in the Great Lakes fleet.

In 1982's shipping season, of the total number of downbound transits made by U.S. dry cargo vessels, 49 percent were by vessels requiring the use of the Poe lock. These vessels carried 71 percent of total downbound tonnage through the Soo locks.

Damage or possible disruption to the Poe lock is a serious concern. From 1971 to 1982, there were a total of 55,565 passages through the Poe lock, an average of 4,630 per shipping season. During this period, 36 incidents of damage to the lock or possible disruption to the lock occurred, averaging three incidents per season. Six of these incidents were identified as serious enough to have caused interruption of service at the lock for several hours.

This may not sound like a big problem. However, with hourly operating costs of a 1,000-foot vessel now in excess of $3,000, it is clear that any delay is significant. If at any time the Poe lock were down for just 1 day, the cost to a single shipper would be about $73,000. With an average of 15 transits through the Poe lock each day of the shipping season, the economic loss of any shutdown is apparent.

Further, the cargo being transported on the Great Lakes through the locks is all important to the economy of this country: grain, iron ore, and western coal. For an average month over a 9-month season, 2.5 million tons of grain, some 7 million tons of iron ore, and 600,000 tons of western coal might be shipped through the Poe lock.

The second is national defense considerations. The dependency on the Poe lock would be even more critical under national emergency mobilization conditions. With a new lock on line, all of the forecasted tonnage under mobilization conditions could be comfortably serviced. The capacity of this new lock, the current large lock—Poe—and the remaining small lock—the McArthur—would be 237 million short tons. Further, delay hours would be significantly reduced, which would be critical in a mobilization situation. Because of the need for added tonnage of raw materials and the need for speedy transport of those materials to our industrial centers during a national emergency, it would be of great importance to have a second large lock.

The third is energy savings with a new lock. The energy impact of replacing the Sabin-Davis locks with the larger lock is positive. The larger lock results in less energy being consumed. Looking at the iron ore trade, the fuel savings—because of larger, more fuel-efficient vessels, and the reduction of delay time—range from 4 to 6 percent per year through the year 2050. This translates into 219,290,000 gallons of fuel that could be saved by the iron ore shippers alone during a 50-year period. Similar benefits would accrue in the case of the shipment of grain and other materials.

The fourth is Soo area benefits. Chippewa County experienced average annual unemployment rates in excess of 20 percent in 1981 and 1982, and a rate of over 30 percent in 1983. This project would provide some 400 to 500 construction jobs over a 5-year construction period and about 100 non-construction jobs. Thus, this project will have a significant beneficial impact on this area.

In summary, the total benefits would be as follows:

Average annual vessel delay savings	$35,027,000
Average annual vessel utilization savings (using larger, more efficient vessels)	38,716,000
Average annual vessel rate savings	306,000
Average annual disruption cost avoided	2,700,000
Average annual area redevelopment benefit	2,360,000
Total average annual benefit	79,109,000

This project is supported by Michigan Governor Blanchard, the Michigan Legislature, local governments, the Lakes Carriers' Association, the Great Lakes Commission, the Army Corps of Engineers, and Senators DON RIEGLE and CARL LEVIN of Michigan.

I thank the gentleman from Michigan for offering this amendment and thank Chairman ROE of the Water Resources Subcommittee; Chairman HOWARD of the Public Works and Transportation Committee; Mr. STANGELAND, the ranking member of the subcommittee; Mr. SNYDER, the ranking member of the full committee; and their staffs for the cooperation in bringing this provision to a successful conclusion. Finally, I urge my colleagues to approve this measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. ALBOSTA].

The amendment was agreed to.

Mr. ROE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for the benefit of the members of the committee, we are trying our best, believe me, to get this bill completed as rapidly as we can. We know Members are waiting for planes, and so am I, and Members are going to weddings and graduations. We apologize for that, but there is no other faster way we can move.

Now, we have two other key amendments that are to be decided by the committee, one is the amendment being offered by the gentleman from Wyoming [Mr. CHENEY], having to do with the Water Resources Board established in the bill, and the second one has to do with the Petri amendment, which has to do with the funding and cost sharing, and so forth, in the legislation.

Now, we had hoped to bring up the amendment of Mr. PETRI first so that we could get into that, but I understand that is not the arrangement that has been made, and the gentleman from Wyoming [Mr. CHENEY] wants to offer his amendment first, and then we would go on to the Petri amendment. On the Petri amendment there is a tentative agreement, as I understand it, which we will perfect in the next few minutes I hope, that that debate would be only for 1 hour, one-half hour on one side and one-half hour on the other.

A couple of Members have some colloquies which they would like to undertake, which will probably take a few minutes, so if we can just indulge these Members for a few minutes, then we can go on to the Cheney amendment.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I wish to congratulate the gentleman and the committee for their good work, and I rise in strong support of this legislation which provides for the conservation and development of water resources and the improvement and rehabilitation of the Nation's water resources infrastructure.

As many of you know, I have a keen interest in a little project called Boggy Creek in this bill. I won't take time at this late hour to go into detail about this project, except to say that it is of vital importance to the residents of the city of Austin. Boggy Creek has met all the feasibility studies, and the Corps of Engineers has been waiting for nearly 10 years to start work.

But beyond my personal interest in this legislation, I rise in support of the bill because I sincerely believe that we should move decisively to adopt a national water resources policy which is the thrust of this legislation.

As we all know, the last water resources development bill was signed into law in 1976. The last true construction authorization bill was signed into law in 1970. As a result, over this 14-year period, a very large backlog of projects, including the Boggy Creek project in my district, have been postponed or delayed.

Adoption of the bill will enable us to move in a responsive and expeditious manner to meet the critical water resources problems in our Nation. I know that this is an extremely costly bill, and I realize that all of the projects in the bill will probably not survive the appropriations process, but, nevertheless, I think the House should move forward on this important legislation. I appeal to the Members to approve this legislation.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Chairman, I wish to commend the gentleman from New Jersey [Mr. ROE] and the committee for the fine work they have done on this bill, and I would like to have a colloquy with the gentleman about some jurisdictional matters.

As you know, the Committee on Ways and Means has jurisdiction over customs, collection districts and ports, as well as revenue measures generally. Consequently, I am concerned about title XIII of H.R. 3678, which establishes a Port Infrastructure Development and Improvement Trust Fund consisting of an appropriation equal to the customs duties collected during the preceding fiscal year, not to exceed $2 billion for each year.

I am concerned that while title XIII does not appropriate customs revenues directly to the fund, the linkage of appropriations to an equivalent amount of customs duties collected could be prejudicial to future trade legislation that reduces customs duties or authorizes negotiations to reduce tariffs.

Chairman ROE, is my understanding correct that it is not the intention of the Committee on Public Works and Transportation in linking appropriations to customs collections to seek jurisdiction, or to influence future consideration by the Committee on Ways and Means or by the House of legislation that may reduce customs revenues?

Mr. ROE. The gentleman is absolutely correct in his understanding of

the section of the bill. There is no way nor is it the intent of the committee in any way to get jurisdiction.

Mr. GIBBONS. I thank the gentleman.

Mr. WHITTAKER. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Kansas.

Mr. WHITTAKER. I thank the gentleman for yielding in order that we may enter into a colloquy to discuss part of the cost-share provisions for the flood control project for Halstead, KS. This project is being authorized in section 301 of the bill that is before the House.

Part of the cost-share being considered by the city of Halstead deals with the city's possible use of outside groups to assist in performing work such as clearing brush and trees, land improvement and grading. As an example, the city of Halstead has been in contact with the Kansas Department of Corrections regarding the possibility of having inmates from the nearby Kansas State Industrial Reformatory in Hutchinson, KS, perform this work. Another contact the city has made is with the Kansas Army National Guard concerning the likelihood of having Guard units conduct their weekend and summer exercises in the area, thus utilizing the Guard's heavy equipment and manpower for basic land improvement.

In addition to this work, the community is also exploring the possibility of applying for funding under the Small Cities Community Development Block Grant Program to be used in acquiring the necessary lands, easements, rights-of-ways, and other costs incurred for the flood control project. The Comptroller of the United States, in a decision filed May 23, 1977, found that block grant funds under title 1 of the Housing and Community Development Act of 1974 may be accepted by the Corps of Engineers as part of the project's local cooperation requirement.

Is it the gentleman's understanding that this decision rendered in May 1977, is still valid for Federal flood control projects, and that the earlier mentioned in-kind assistance, along with its benefits, would be accepted by the Army Corps of Engineers as part of the community's non-Federal responsibility in accordance with section 302(g)(2) of this bill?

□ 1800

Mr. ROE. Yes, the gentleman's understanding is absolutely correct.

Mr. WHITTAKER. I thank the chairman.

Mr. SHAW. Will the chairman yield?

Mr. ROE. I yield to the gentleman.

Mr. SHAW. Mr. Chairman, if I could have your attention and the gentleman from Ocala, FL, Mr. MACKAY, at this particular point, we had a long and rather inclusive debate regarding the cross florida barge canal yesterday evening.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROE] has expired.

(On request of Mr. SHAW and by unanimous consent, Mr. ROE was allowed to proceed for 5 additional minutes.)

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman.

Mr. SHAW. One thing was abundantly clear, and I think we can all agree on. To continue to do nothing puts us in jeopardy of losing everything. I think therefore it is most important to the State of Florida, I think it is important certainly to the credibility of this committee, and I think it is important to the gentleman from New Jersey and I know it is very important to both sides of the issue on the Florida congressional delegation that the committee have hearings and actually go down to Florida and have an on-site hearing with regard to this most important project and this precious land that the gentleman referred to last night in his speech as a national treasure.

We consider it a national and a vital treasure and a State treasure in the State of Florida. I would ask the gentleman if he would repeat to me the conversation that we had and with Mr. MACKAY with regard to hearings and going into Mr. MACKAY's district and actually having on-site hearings; on-site inspection.

Mr. ROE. I have no objection. In the spirit of the discussion last night that we had on that very important issue that it would be a good idea, and the time is at hand, for sure, to look into that matter, and we will be glad to do so.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman.

Mr. STANGELAND. I concur with what the chairman just said; it is exactly what I suggested in my discussion last evening that we ought to do, and I think it is an appropriate thing for him to do in the next Congress.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Pennsylvania.

Mr. HARRISON. Mr. Chairman, I rise in strong support of this bill.

Mr. ROE. Mr. Chairman, I yield back the balance of my time.

Mr. LEVITAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of engaging the distinguished chairman of the subcommittee in a brief colloquy about a provision in section 501(a) of the bill which is referred to in the committee report on page 225, known as the Metropolitan Atlanta Area, GA. This is a water supply project, Mr. Chairman, which will authorize funds for the possible construction of a reregulation dam on the Chattahoochee River. Because it has been 15 years since there was a major omnibus water resources bill of this sort, if this authorization were not included by the chairman this option would not likely exist in the foreseeable future.

I take this time, because as the chairman knows, the increased water supply for the growing metropolitan area of Atlanta is vital for the continued good quality of life of its citizens and the economic well-being of its community.

Whatever course is followed, we must meet this need. This particular reregulation dam project is one that has been looked at for quite some time but we do not believe the final chapter has yet been written on this. Therefore, although there are funds authorized in this bill, we have meticulously spelled out in the legislation a need for additional studies to be made by the Corps of Engineers with a report back to the Congress, an evaluation of that report and alternatives, and a requirement that nothing would be done until the appropriate committees of the House and the other body have acted, and of course, we would still have the appropriations process which would require an act of Congress.

It also is made clear in our committee report, Mr. Chairman, that this bill must be read in context and in conjunction with the bill that created the Chattahoochee River National Recreation Area, that is, Public Law 94-344.

What I would like to ask the chairman of the subcommittee is this: If it is both his understanding and that I have the assurances of his cooperation that this study and report which is going to be called for is not simply going to be a perfunctory, pro forma cosmetic study, but will be a bona fide, serious, objective, in-depth study in which there will be full public participation, in which information will be made fully, freely, and currently available to all interested parties so that there can be full input from the local governments, regional authorities, business and conservation groups, and especially the public, and that wherever possible, outside and independent assessments will be utilized, permitted, and provided, so that when the Congress makes the final decision, it will be a genuine decision made upon the facts and not simply a glossover and a pro forma operation.

I yield to my distinguished chairman for his response.

Mr. ROE. The gentleman's observations are exactly correct because we have particularly, and I am thinking of your water resources matters in the State of Georgia and around Atlanta

and water supply for the city of Atlanta that you have spoken to, it is the absolute intent of the committee that it is to be clear, concise technical data that is necessary with full participation by our people.

Mr. LEVITAS. I thank the chairman for that assurance and I will be working very closely with him and the members of the committee to assure that this is done. I will be watching it like a hawk, and I will have rigorous oversight hearings if there is any deviation from the letter or spirit of the law.

We must have an adequate water supply for Metropolitan Atlanta and we also want to make sure that we do it in the way that is most compatible with conservation, with environmental concerns, with fish and wildlife recreation and the Chattahoochie National Recreation Area. We have spelled this out meticulously in the bill, and we will provide the water that has made this region grow and we are fortunate to have this pure and abundant resource which, if properly managed, will lay the basis for a great future.

I yield to my good friend and colleague from Georgia, [Mr. JENKINS].

Mr. JENKINS. I thank the gentleman for yielding and I appreciate the chairman's assurance on this while we have had various studies. The studies do call for a reregulation dam. There has been some confusion with the various groups. We would like to get it settled once and for all, and this is a grand opportunity to do that.

I thank the chairman for his support.

Mr. LEVITAS. I thank my colleague from Georgia for his observation and I have assured him that I will work with him. We will provide the necessary water supply. If there are environmentally and economically better alternatives we will find them. If this project is the only or best way that it can be done, this authorization will make this possible and then after this serious and full study is made, the appropriation process will be followed and, in the last analysis, Congress of the United States will make the decision.

AMENDMENT OFFERED BY MR. CHENEY

Mr. CHENEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHENEY: Page 301, line 3: Delete Title XII in its entirety (Page 301, Line 3 through and including Page 313, Line 17).

Mr. CHENEY. Mr. Chairman, Let me begin by apologizing to my colleagues for bringing up this important matter at this late hour on the last night before we adjourn for the July break. Many of us had hoped that we would be able to lay over this legislation and complete it after the July break, but obviously we do not control the agenda on our side of the aisle, and the majority has exercised its prerogative to say that we should stay and finish tonight and that is certainly within their jurisdiction.

Mr. Chairman, I am concerned, as the ranking Republican on the Water and Power Subcommittee of the Interior Committee that we are making a very serious mistake if we adopt the legislation in its present form.

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I know the members of the Committee on Public Works and Transportation, both the minority and majority side, have worked very long and very hard on this legislation.

Mr. ROE. Mr. Chairman, will the gentleman yield to me for just a moment?

Mr. CHENEY. I would be happy to yield to the gentleman from New Jersey.

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, the Speaker has advised us that a resolution is now back from the Senate and he has asked us if we could rise now just to get that through and then we will come right back again, if that is satisfactory.

Mr. CHENEY. I would be happy to yield for that purpose.

Mr. ROE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. SAM B. HALL, JR., Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3678) to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, had come to no resolution thereon.

CORRECTING TECHNICAL ERRORS IN THE ENROLLMENT OF H.R. 4170, TAX REFORM ACT OF 1983

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 328) entitled "Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 4170," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert: That, in the enrollment of the bill (H.R. 4170) to provide for tax reform, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

DIVISION A—TAX REFORM ACT OF 1984

(1) In section 168(j) of the Code (as added by section 31(a) of the bill) strike out "15" and insert in lieu thereof "18" in each of the following provisions of section 168(j):

(A) Subclause (III) of paragraph (1)(B).

(B) Clause (i) of paragraph (2)(B) (including the heading thereof).

(C) Clause (ii) of paragraph (2)(B) (including the heading thereof).

(D) Paragraph (2)(D).

(E) Paragraph (3)(A) (including the heading thereof).

(F) The heading of paragraph (3)(B).

(G) Clause (i) of paragraph (3)(B).

(H) Clause (ii) of paragraph (3)(C).

(I) Paragraph (6)(C) (including the heading thereof).

(2) In clause (ii) of section 168(j)(2)(B) of the Code (as added by section 31(a) of the bill) insert "(using a mid-month convention)" after "months".

(3) In section 168(j)(2) of the Code (as added by section 31(a) of the bill) strike out subparagraph (F) and insert:

"(F) 18-year real property.—For purposes of this subsection, the term '18-year property' includes—

"(i) low-income housing, and

"(ii) any property which was treated as 15-year real property under this section (as in effect before the amendments made by the Tax Reform Act of 1984).

(4) In subclause (II) of section 168(j)(4)(E)(ii) of the Code (as added by section 31(a) of the bill), insert "under the lease" after "placed in service".

(5) In subclause (I) of section 48(a)(5)(B)(ii) of the Code (as added by section 31(b) of the bill), strike out "and" at the end thereof and insert in lieu thereof "or".

(6) In subclause (I) of section 48(a)(5)B)(iii) (as added by section 31(b) of the bill), strike out "to which section 47(a)(7) applies" and insert in lieu thereof "used under a qualifying lease (as defined in section 47(a)(7)(C))".

(7) In subclause (II) of section 48(A)(5)(B)(iii) of the Code (as added by section 31(b) of the bill), strike out "the lease" and insert in lieu thereof "a lease".

(8) In section 7701(e)(3) of the Code (as added by section 31(e) of the bill), strike out the matter following subparagraph (B) thereof and preceding subparagraph (C) thereof.

(9) In each of subparagraphs (C), (D), and (E) of section 7701(e)(3) of the Code (as added by section 31(e) of the bill), strike out "The" and insert in lieu thereof "For purposes of subparagraph (A), the".

(10) In subparagraph (A) of section 7701(e)(4) of the Code (as added by section 31(e) of the bill), insert ", cogeneration facility, alternative energy facility, or water treatment works facility" after "qualified solid waste disposal facility" in the matter preceding clause (i).

(11) In paragraph (5) of section 7701(e) of the Code (as added by section 31(e) of the bill), strike out "section 168" and insert in lieu thereof "section 168(c)(2)(F)".

(12) In subparagraph (A) of section 31(g)(8) of the bill, insert at the end thereof "For purposes of the preceding sentence, the term '15-year real property' includes 18-year real property."

(13) In clause (i) of section 31(g)(11)(B) of the bill, strike out "maximum of units" and insert in lieu thereof "maximum number of units".

(14) In clause (i) of section 31(g)(15)(A) of the bill, insert "by the taxpayer" after "placed in service".

(15) In paragraph (17) of section 31(g) of the bill, strike out "section 168(c)(1)(D)" in

the matter preceding subparagraph (A) and insert in lieu thereof "section 168(c)(2)(D)".

(16) In clause (ii) of section 31(g)(17)(J) of the bill, insert "written" before "commitment".

(17) In clause (ii) of section 31(g)(17)(L) of the bill—

(A) strike out "Internal Revenue Code" and insert in lieu thereof "Internal Revenue Code of 1954", and

(B) strike out "in existence".

(18) In subparagraph (M) of section 31(g)(17) of the bill, insert "and" after "center,".

(19) In subparagraph (D) of section 31(g)(20) of the bill—

(A) insert "to a tax-exempt entity" after "sublease", and

(B) insert ", 168(j)(8)(A)," after "sections 168(j)(6)(A)".

(20) In section 1274(c)(2) of the Code (as added by section 41(a) of the bill), strike out "is less than" and insert in lieu thereof "is less than or equal to".

(21) In the subpart heading for subpart B of part V of subchapter P of chapter 1 of the Code (as added by section 41(a) of the bill), strike out "on Bonds".

(22) In section 163(e)(2) of the Code (as added by section 42(a) of the bill), strike out subparagraph (C).

Strike out paragraph (23) of the corrections to DIVISION A—TAX REFORM ACT OF 1984 and insert the following new paragraph:

(23) in section 483 of the Code (as added by section 41 (b) of the bill), redesignate subsection (e), (f), and (g) as subsection (f), (g), and (h), respectively, and insert after subsection (d) the following new subsection:

"(e) INTEREST RATES IN CASE OF SALES OF PRINCIPAL RESIDENCES OR FARM LANDS.—

"(1) IN GENERAL.—In the case of any debt instrument arising from a sale or exchange to which this subsection applies, subsections (b) and (c)(1)(B) shall be applied by using, in lieu of the discount rates determined under such subsections, discount rates determined under subsections (b) and (c)(1), respectively, of this section as it was in effect before the amendments made by the Tax Reform Act of 1984.

"(2) SALES OR EXCHANGES TO WHICH SUBSECTION APPLIES.—This subsection shall apply—

"(A) to any sale or exchange by an individual of his principal residence (within the meaning of section 1034), and

"(B) to any sale or exchange by a person of land used by such person as a farm (within the meaning of section 6420(c)(2)).

(3) LIMITATION.—Paragraph (1) shall apply to any sale or exchange by an individual of his principal residence (within the meaning of section 1034), only to the extend the purchase price of such residence does not exceed $250,000.

(24) In paragraph (1) os section 53(b) of the bill, strike out "section 246(c)" and insert in lieu thereof "section 246".

(25) In section 301(e)(2) of the Code (as added by section 54(b) of the bill), strike out "section 1248(f)(2)" and insert in lieu thereof "section 1248".

For purposes of the preceding sentence, the purchase price of a residence shall be determined without regard to this section.

(26) In the section heading for section 59 of the bill, strike out "EXCEPTIONS" and insert in lieu thereof "EXCEPTION" and amend the table of contents of the bill accordingly.

(27) Strike out paragraph (2) of section 67(e) of the bill and insert in lieu thereof the following:

(2) SPECIAL RULE FOR CONTRACT AMENDMENTS.—Any contract entered into before June 15, 1984, which is amended after June 14, 1984, in any significant relevant aspect shall be treated as a contract entered into after June 14, 1984.

(28) In section 291(A)(4) of the Code (as amended by section 68(b) of the bill), strike out subparagraphs (A) and (B) and insert the following:

"(A) '30 percent' for '32 percent' in paragraph (2), and

"(B) '15/23' for '16/23' in paragraph (3).

(29) Strike out subparagraphs (C) and (D) of section 706(d)(2) of the Code (as added by section 72(a) of the bill) and insert in lieu thereof the following;

"(C) ITEMS ATTRIBUTABLE TO PERIODS NOT WITHIN TAXABLE YEAR.—If any portion of any allocable cash basis item is attributable to—

"(i) any period before the beginning of the taxable year, such portion shall be assigned under subparagraph (A)(i) to the first day of such taxable year, or

"(ii) any period after the close of the taxable year, such portion shall be assigned under subparagraph (A)(i) to the last day of taxable year.

"(D) TREATMENT OF DEDUCTIBLE ITEMS ATTRIBUTABLE TO PRIOR PERIODS.—If any portion of a deductible cash basis item is assigned under subparagraph (C)(i) to the first day of any taxable year—

"(i) such portion shall be allocated among persons who are partners in the partnership during the period to which such portion is attributable in accordance with their varying interests in the partnership during such period, and

"(ii) any amount allocated under clause (i) to a person who is not a partner in the partnership on such first day shall be capitalized by the partnership and treated in the manner provided for in section 755.

(30) In paragraph (5) of section 77(b) of the bill, insert "and which was executed on or before March 31, 1984," after "March 29, 1984,".

(31) in section 77(b)(5) of the bill, strike out "on, or before" and insert in lieu thereof "on or before".

(32) In section 91(g) of the bill, strike out paragraphs (1) and (2) and insert the following:

(1) IN GENERAL.—Except as provided in this subsection and subsections (h) and (i), the amendments made by this section shall apply to amounts with respect to which a deduction would be allowable under chapter 1 of the Internal Revenue Code of 1954 (determined without regard to such amendments) after—

(A) in the case of amounts to which section 461(h) of such Code (as added by such amendments) applies, the date of the enactment of this Act, and

(B) in the case of amounts to which section 461(i) of such Code (as so added) applies, after March 31, 1984.

(2) Taxpayer may elect earlier application.—

(A) IN GENERAL.—In the case of amounts described in paragraph (1)(A), a taxpayer may elect to have the amendments made by this section apply to amounts which—

(i) are incurred before the date of the enactment of this Act (determined without regard to such amendments), and

(ii) are incurred on or after the date of the enactment of this Act (determined with regard to such amendments).

(B) ELECTION TREATED AS CHANGE IN THE METHOD OF ACCOUNTING.—For purposes of section 481 of the Internal Revenue Code of 1954, if an election is made under subparagraph (A) with respect to any amount, the application of the amendments made by this section shall be treated as a change in method of accounting—

(i) initiated by the taxpayer,

(ii) made with the consent of the Secretary of the Treasury, and

(iii) with respect to which section 481 of such Code shall be applied by substituting a 3-year adjustment period for a 10-year adjustment period.

(33) In the table contained in section 467(e)(3)(A) of the Code (as added by section 92(a)), after the item relating to "10-year property", insert the following new item:

"Low-income housing ..... 15 years."

(34) In clause (ii) of section 92(c)(2)(C) of the bill insert "(for purposes of this clause)" after "assuming" in the matter preceding subclause (I).

(35) Strike out the last two sentences of section 92(c)(2) of the bill and insert:

Paragraph (3)(B)(ii)(II) shall apply for purposes of clauses (ii) and (iii) of subparagraph (C), as if, as of the beginning of the last stage, the separate agreements were treated as 1 single agreement relating to all property covered by the agreements, including any property placed in service before the property to which the agreement for the last stage relates. If the lessor under the agreement described in subparagraph (C) leases the property from another person, this exception shall also apply to any agreement between the lessor and such person which is integrally related to, and entered into at the same time as, such agreement, and which calls for comparable payments of rent over the primary term of the agreement.

(36) In paragraph (2) of section 195(b) of the Code (as added by section 94(a)), insert "attributable to such trade or business" after "deferred expenses".

(37) In paragraph (2) of section 1092(f) of the Code (as added by section 101(c) of the bill), strike out "The holding period" and insert in lieu thereof "Except for purposes of section 851(b)(3), the holding period".

(38) Strike out subparagraph (C) of section 1265(g)(4) of the Code (as amended by section 102(a) of the bill) and insert in lieu thereof the following:

"(C) is listed on the qualified board or exchange on which such options dealer is registered.

(39) In subparagraph (A) of section 211(h)(1) of the Social Security Act, as added by section 102(c)(2) of the bill, insert "activity of " before "dealing in or trading".

(40) In subsection (d) of section 102 of the bill, strike out paragraph (3) and insert in lieu thereof the following:

(3) SUBCHAPTER S ELECTION.—If a commodities dealer or an options dealer—

(A) becomes a small business corporation (as defined in section 1361(b) of the Internal Revenue Code of 1954) at any time before the close of the 75th day after the date of the enactment of this Act, and

(B) makes the election under section 1362(a) of such Code before the close of such 75th day,

then such dealer shall be treated as having received approval for and adopted a taxable year beginning on the first day during 1984 on which it was a small business corporation (as so defined) and ending on the date determined under section 1378 of such Code and

such election shall be effective for such taxable year.

(41) In the subsection heading to subsection (b) of section 106 of the bill, strike out "Business" and insert in lieu thereof "Dealer".

(42) In paragraph (2) of section 108(a) of the bill, strike out "such Act" and insert in lieu thereof "the Economic Recovery Tax Act of 1981".

(43) Strike out subsection (d) of section 111 of the bill and insert in lieu thereof the following:

(d) USE OF MID-MONTH CONVENTION.—Subparagraphs (A) and (B) of section 168(b)(2) are each amended by inserting "(using a mid-month convention)" after "months".

(44) In paragraph (2) of section 111(g) of the bill, strike out "but only if property is not" and insert in lieu thereof "but only if the property is not".

(45) In subparagraph (B) of section 111(g)(3) of the bill, strike out "March 1984" and insert in lieu thereof "March 16, 1984".

(46) In paragraph (1) of section 48(r) of the Code (as added by section 113(a)(1) of the bill), strike out "commences with taxpayer" and insert in lieu thereof "commences with the taxpayer".

(47) In paragraph (1) of section 113(b) of the bill, strike out "FILM" and insert in lieu thereof "FILMS".

(48) Strike out subsection (c) of section 113 of the bill and insert in lieu thereof the following:

(c) EFFECTIVE DATE.—

(1) SOUND RECORDINGS.—The amendments made by subsection (a) shall apply to property placed in service after March 15, 1984, in taxable years ending after such date.

(2) FILMS AND OTHER PROPERTY.—

(A) The amendment made by paragraph (1) of subsection (b) shall apply to any motion picture film or video tape placed in service before, on, or after the date of the enactment of this Act, except that such amendment shall not apply to—

(i) any qualified film placed in service by the taxpayer before March 15, 1984, if the taxpayer treated such film as recovery property for purposes of section 168 of the Internal Revenue Code of 1954 on a return of tax under chapter 1 of such Code filed before March 16, 1984, or

(ii) any qualified film placed in service by the taxpayer before January 1, 1985, if—

(I) 20 percent or more of the production costs of such film were incurred before March 16, 1984, and

(II) the taxpayer treats such film as recovery property for purposes of section 168 of such Code.

No credit shall be allowable under section 38 of such Code with respect to any qualified film described in clause (ii), except to the extent provided in section 48(k), of such Code.

(B) The amendments made by paragraphs (2) and (3) of subsection (b) shall apply as if included in the amendments made by sections 201(a), 211(a)(1), and 211(f)(1) of the Economic Recovery Tax Act of 1981.

(C) The amendment made by paragraph (4) of subsection (b) shall take effect as if included in the amendments made by section 205(a)(1) of the Tax Equity and Fiscal Responsibility Act of 1982.

(D) For purposes of this paragraph, the terms "qualified film" and "production costs" have the same respective meanings as when used in section 48(k) of the Internal Revenue Code of 1954.

(49) In paragraph (1) of section 121(b) of the bill, strike out "a taxable year of any United States-owned foreign corporation in which occurs" and insert in lieu thereof "any taxable year of any United States-owned foreign corporation ending after".

(50) In subparagraph (D) of section 121(b)(2) of the bill, strike out "and the holding of short-term" and insert in lieu thereof "or the holding of short-term".

(51) In paragraph (5) of section 121(b) of the bill, strike out "paragraphs (2) or (3)" and insert in lieu thereof "paragraph (2) or (3)".

(52) In paragraph (6) of section 121(b) of the bill—

(A) strike out "issued obligations on" and insert in lieu thereof "issued certificates with respect to obligations on", and

(B) strike out "income received or accrued on such obligations" and insert in lieu thereof "the proceeds from relending such obligations or related capital".

(53) In clause (ii) of section 904(d)(3)(E) of the Code (as added by section 122(a) of the bill), strike out "the taxpayer" and insert in lieu thereof "a United States person".

(54) In subparagraph (J) of section 904(d)(3) of the Code (as added by section 122(a) of the bill), strike out "under such interest" and insert in lieu thereof "unless such interest".

(55) In subparagraph (B) of section 122(b)(2) of the bill, strike out "designated payor" each place it appears and insert in lieu thereof "designated payor corporation".

(56) In paragraph (3) of section 122(b) of the bill—

(A) strike out "corporations which are not" in the heading and insert in lieu thereof "corporation which is not", and

(B) strike out "section 131(b)(2)(D)" and insert in lieu thereof "section 121(b)(2)(D)".

(57) In paragraph (6) of section 864(d) of the Code (as added by section 123(a) of the bill)—

(A) strike out "other than a related person", and

(B) strike out "such related person" in subparagraphs (A) and (B) and insert in lieu thereof "a related person".

(58) In paragraph (2) of section 123(c) of the bill—

(A) strike out "March 1, 1984" the second place it appears and insert in lieu thereof "March 1, 1994",

(B) strike out "investment in United States property of such corporation" and insert in lieu thereof " amount includible in gross income by reason of section 956 of the Internal Revenue Code of 1954 with respect to such corporation", and

(C) strike out "investment on or before March 1, 1984" and insert in lieu thereof "adjusted basis on March 1, 1984".

(59) In paragraph (1) of section 127(a) of the bill, strike out "by redesignating subsection (i) as subsection (j) and by adding at the end thereof the following new subsection" and insert "by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection".

(60) Subsection (i) of section 871 of the Code (as added by section 127(a)) is redesignated as subsection (h).

(61) In subsection (h) of section 871 of the Code (as redesignated by the preceding paragraph and as added by section 127(a) of the bill)—

(A) strike out "who is, or would otherwise be," in paragraph (2)(B)(ii) and insert "who would otherwise be", and

(B) strike out "owner" in paragraph (3)(C)(ii) and insert "owning".

(62) In subsection (c) of section 881 of the Code (as added by section 127(b) of the bill)—

(A) Strike out "paragraph (1) of subsection (a)" in paragraph (1) and insert in lieu thereof "paragraph (1) or (3) of subsection (a)".

(B) Strike out "section 871(i)(2)(A)" in paragraph (2)(A) and insert in lieu thereof "section 871(h)(2)(A)".

(C) Strike out "who is, or would otherwise be," in paragraph (2)(B) and insert in lieu thereof "who would otherwise be".

(D) Strike out "section 871(i)(4)" in paragraph (2)(B) and insert in lieu thereof "section 871(h)(4)".

(E) Strike out "or" at the end of paragraph (3)(A).

(F) Strike out subparagraph (B) of paragraph (3) and insert in lieu thereof the following:

"(B) is received by a 10-percent shareholder (within the meaning of section 871(h)(3)(B)), or

"(C) is received by a controlled foreign corporation from a related person (within the meaning of section 864(d)(4)).

(G) Strike out "not found or avoided" in paragraph (4)(A)(ii) and insert in lieu thereof "not formed or availed".

(H) Strike out subparagraphs (B) and (C) of paragraph (4) and insert in lieu thereof the following:

"(B) Controlled foreign corporation.—For purposes of this subsection, the term 'controlled foreign corporation' has the meaning given to such term by section 957(a)."

(I) Strike out "section 871(i)(5)" each place it appears in paragraph (5) and insert in lieu thereof "section 871(h)(5)".

(63) In subsection (c) of section 127 of the bill, strike out "section 871(i)" and insert in lieu thereof "section 871(h),".

(64) In section 2105(b) of the Code (as added by section 127(d) of the bill)—

(A) strike out "section 871(i)(4)" and insert in lieu thereof "section 871(h)(4)", and

(B) strike out "section 871(i)(1)" and insert in lieu thereof "section 871(h)(1)".

(65) In paragraph (9) of section 1441(c) of the Code (as added by section 127(e) of the bill)—

(A) strike out "section 871(i)(2)" and insert in lieu thereof "section 871(h)(2)", and

(B) strike out "section 871(i)(3)" and insert in lieu thereof "section 871(h)(3)".

(66) Strike out paragraph (2) of section 127(e) of the bill and insert the following:

(2) FOREIGN CORPORATIONS.—The last sentence of section 1442(a) is amended—

(A) by striking out "and" after "section 881(a)(4)," and

(B) by inserting before the period at the end thereof the following: ", and the references in section 1449(c)(9) to sections 871(h)(2) and 871(h)(3) shall be treated as referring to sections 881(c)(2) and 881(c)(3)".

(67) In paragraph (3)(A) of section 127(g) of the bill, strike out "application" and insert in lieu thereof "applicable".

(68) In subparagraph (C) of section 127(g)(3) of the bill—

(A) strike out "131(b)(2)(D)" and insert in lieu thereof "121(b)(2)(D)", and

(B) strike out "section 131(b)(2)(F)" and insert in lieu thereof "section 121(b)(2)(F)".

(69) In section 1445(b)(2) of the Code (as added by section 129(a) of the bill), strike out "penalty or perjury" and insert in lieu thereof "penalty of perjury".

(70) Strike out subparagraph (B) of section 1445(d)(1) of the Code (as added by section 129(a) of the bill) and insert in lieu thereof the following:

"(B) in the case of—

"(i) any transferor's agent, the transferor is a foreign corporation or such agent has actual knowledge that such affidavit is false, or

"(ii) any transferee's agent, such agent has actual knowledge that such affidavit is false,

(71) In clause (ii) of section 367(a)(3)(B) of the Code (as added by section 131(a) of the bill), strike out "installment obligation" and insert in lieu thereof "installment obligations".

(72) In clause (i) of section 136(c)(7)(A) of the bill, strike out "before April 15, 1984" and insert in lieu thereof "on April 5, 1984".

(73) In section 879(a) of the Code (as amended by section 139(a) of the bill), strike out "community" and insert in lieu thereof "community income".

(74) In subsection (c) of section 111 of the Code (as added by section 171 of the bill), insert "or adjustment" after "the recovery".

(75) At the end of subparagraph (B) of section 179(d)(1) of the bill, add the following new sentence:

For purposes of the preceding sentence, the term "15-year real property" includes 18-year real property.

(76) In paragraph (6) of section 809(g) of the Code (as added by section 211 of the bill) insert "of a subsidiary" after "tax reserves".

(77) In paragraph (1) of section 817(h) of the Code (as added by section 211 of the bill) strike out "For purposes of the preceding sentence" and insert in lieu thereof "For purposes of this paragraph and paragraph (2)".

(78) In section 219 of the bill—

(A) strike out "APPLICATION OF SECTION 6001" and insert in lieu thereof "AUTHORITY TO REQUIRE CERTAIN INFORMATION", and

(B) strike out "exercising his authority under section 6001 of the Internal Revenue Code of 1954 to require" and insert in lieu thereof "requiring".

(79) In the table of contents of the bill after the item relating to section 218, insert the following new item:

SEC. 219. Clarification of authority to require certain information.

(80) In subclause (II) of section 465(c)(7)(D)(ii) of the Code (as added by section 432(a) of the bill), strike out "20 percent" and insert in lieu thereof "10 percent".

(81) In section 419(a)(2) of the Code (as added by section 511 of the bill), strike out "they testify" and insert in lieu thereof "they satisfy".

(82) In section 419(c)(3)(A) of the Code (as added by section 511 of the bill), strike out "the aggregate amount" and insert in lieu thereof "the aggregate amount (including administrative expenses)".

(83) In paragraph (4) of section 419A(a) of the Code (as added by section 511 of the bill), strike out "life insurance benefit" and insert in lieu thereof "life insurance benefits".

(84) Strike out paragraph (2) of section 419A(c) of the Code (as added by section 511 of the bill) and insert in lieu thereof the following:

"(2) Additional reserve for post-retirement medical and life insurance benefits.—The account limit for any taxable year may include a reserve funded over the working lives of the covered employees and actuarially determined on a level basis (using assumptions that are reasonable in the aggregate) as necessary for—

"(A) post-retirement medical benefits to be provided to covered employees (determined on the basis of current medical costs), or

"(B) post-retirement life insurance benefits to be provided to covered employees.

(85) Strike out subparagraph (A) of section 419A(c)(3) of the Code (as added by section 511 of the bill) and insert the following:

"(A) IN GENERAL.—The account limit for any taxable year with respect to SUB or severance pay benefits is 75 percent of the average annual qualified direct costs for SUB or severance pay benefits for any 2 of the immediately preceding 7 taxable years (as selected by the fund).

(86) Strike out clauses (i) and (ii) of section 419A(c)(5)(B) and insert in lieu thereof the following:

"(i) SHORT-TERM DISABILITY BENEFITS.—In the case of short-term disability benefits, the safe harbor limit for any taxable year is 17.5 percent of the qualified direct costs (other than insurance premiums) for the immediately preceding taxable year with respect to such benefits.

"(ii) MEDICAL BENEFITS.—In the case of medical benefits, the safe harbor limit for any taxable year is 35 percent of the qualified direct costs (other than insurance premiums) for the immediately preceding taxable year with respect to medical benefits.

(87) In paragraph (1) of section 419A(e) of the Code (as added by section 511 of the bill), strike out "medical benefits or life insurance benefits provided to retired employees" and insert in lieu thereof "post-retirement medical benefits or life insurance benefits to be provided to covered employees".

(88) In paragraph (2) of section 419A(g) of the Code (as added by section 511 of the bill), strike out "referred to in paragraph (1)".

(89) Strike out paragraph (5) of section 511(e) of the bill and insert in lieu thereof the following:

(5) BINDING CONTRACT EXCEPTIONS TO PARAGRAPH (4).—Paragraph (4) shall not apply to any facility placed in service before January 1, 1987—

(A) which is acquired by the fund (or contributed to the fund) pursuant to a binding contract in effect on June 22, 1984, and at all times thereafter, or

(B) the construction of which by or for the fund began before June 22, 1984.

(90) In clause (i) of section 512(a)(3)(E) of the Code (as added by section 511(b)(2) of the bill), strike out "any reserve for medical benefits provided to retired employees" and insert in lieu thereof "any reserve described in section 419A(c)(2)(A) for post-retirement medical benefits".

(91) Strike out clause (iii) of section 512(a)(3)(E) of the Code (as added by section 511(b)(2) of the bill) and insert the following:

"(iii) TREATMENT OF EXISTING RESERVES FOR POST-RETIREMENT MEDICAL OR LIFE INSURANCE BENEFITS.—

"(I) Clause (i) shall not apply to any income attributable to a existing reserve for post-retirement medical or life insurance benefits.

"(II) For purposes of subclause (I), the term 'existing reserve or post-retirement medical or life insurance benefit' means the amount of assets set aside as of the close of the last plan year ending before the date of the enactment of the Tax Reform Act of 1984 for purposes of post-retirement medical benefits or life insurance benefits to be provided to covered employees.

"(III) All payments during plan years ending on or after the date of the enactment of the Tax Reform Act of 1984 of post-retirement medical benefits or life insurance benefits shall be charged against the reserve referred to in subclause (II). Except to the extent provided in regulations prescribed by the Secretary, all plans of an employer shall be treated as 1 plan for purposes of the preceding sentence."

(92) Strike out paragraph (2) of section 4976(b) of the Code (as added by section 511(c)(1) of the bill) and insert the following:

"(2) any post-retirement medical or life insurance benefit unless the plan meets the requirements of section 505(b)(1) with respect to such benefit, and"

(93) In the item added by section 511(c)(2) of the bill, strike out "4977" and insert in lieu thereof "4976".

(94) In paragraph (4) of section 511(e) of the bill, strike out "to be used to acquire" and insert in lieu thereof "to be used to acquire or improve".

(95) In paragraph (5) of section 511(e) of the bill, strike out "acquired pursuant to" and insert in lieu thereof "acquired or improved pursuant to".

(96) In the subsection heading for subsection (a) of section 505 of the Code (as added by section 513(a) of the bill), strike out "(9), (17), OR (20)" and insert in lieu thereof "(9) OR (20)"

(97) Redesignate paragraph (3) of section 505(a) of the Code (as added by section 513 of the bill) as paragraph (2).

(98) In subparagraph (B) of section 505(b)(1) of the Code (as added by section 513(a) of the bill), strike out "benefits for not discriminate" and insert in lieu thereof "benefits do not discriminate".

(99) At the end of subtitle E of title V of the bill, insert the following new section:

SEC. 561. LIMITATION ON ACCRUAL OF VACATION PAY.

(a) GENERAL RULE.—Paragraph (1) of section 463(a) (relating to accrual of vacation pay) is amended by striking out "and payable during" and inserting in lieu thereof "and expected to be paid during".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after March 31, 1984.

(100) In the table of contents of the bill, insert after the item relating to section 560 the following new item:

SEC. 561. Limitation on accrual of vacation pay.

(101) In section 403(b)(8)(B) of the Code (as added by section 522(d)(10) of the bill), strike out clause (iii) and insert closing quotation marks at the end of clause (ii).

(102) In paragraph (1) of section 219(f), as amended by section 529 of the bill, strike out "paragraph (1)" and all that follows and insert in lieu thereof "section 71 with respect to a divorce or separation instrument described in subparagraph (A) of section 71(b)(2)."

(103) In paragraph (1) of section 125(h) of the Code (as added by section 531(b)(4)(A) of the bill), strike out "taxable" each place it appears.

(104) In section 4977 of the Code (as added by section 531(e)(1) of the bill), strike out subsection (e) and insert in lieu thereof the following new subsection:

"(e) TREATMENT OF CONTROLLED GROUPS.—All employees treated as employed by a single employer under subsection (b), (c), or

(m) of section 414 shall be treated as employed by a single employer for purposes of this section."

(105) In subparagraph (A) of section 103A(j)(3) of the Code (as added by section 611(b)(1) of the bill), strike out "a statement concerning" and insert in lieu thereof "(or such later time as the Secretary may prescribe with respect to any portion of the statement) a statement concerning".

(106) In subparagraph (A) of section 103A(j)(4) of the Code (as added by section 611(b)(1) of the bill), strike out "certifies that" and insert in lieu thereof "certifies in the manner prescribed by regulations that".

(107) In subparagraph (B) of section 103A(j)(4) of the Code (as added by section 611(b)(1) of the bill), strike out "paragraph (3)" and insert in lieu thereof "paragraph (3) or such other time as the Secretary may prescribe".

(108) In subparagraph (C) of section 103A(j)(4) of the Code (as added by section 611(b)(1) of the bill), strike out "constitutional home rule cities" and insert in lieu thereof "any constitutional home rule city".

(109) In subparagraph (B) of section 103A(j)(5) of the Code (as added by section 611(b)(1) of the bill)—

(A) strike out clause (i) and insert in lieu thereof the following:

"(i) a statement of the policies with respect to housing, development, and low-income housing assistance which such governmental unit is to follow in issuing qualified mortgage bonds and mortgage credit certificates, and

(B) strike out "great extent feasible" in clause (ii)(II) and insert in lieu thereof "greatest extent feasible".

(110) Strike out subparagraph (B) of section 103A(o)(3) of the Code (as added by section 611(c)(2) of the bill) and insert in lieu thereof the following:

"(B) STATE VETERANS LIMIT.—A State veterans limit for any calendar year is the amount equal to—

"(i) the aggregate amount of qualified veterans bonds issued by such State during the period beginning on January 1, 1979, and ending on June 22, 1984 (not including the amount of any qualified veterans bond issued by such State during the calendar year (or portion thereof) in such period for which the amount of such bonds so issued was the lowest), divided by

"(ii) the number (not to exceed 5) of calendar years after 1979 and before 1985 during which the State issued qualified veterans bonds (determined by only taking into account bonds issued on or before June 22, 1984).

(111) In subparagraph (C) of section 611(d)(3) of the bill—

(A) strike out "section 103(o)(3)" and insert in lieu thereof "section 103A(o)(3)", and

(B) strike out "such bond is authorized" and insert in lieu thereof "such bond was authorized".

(112) In paragraph (7) of section 611(d) of the bill—

(A) strike our "Annual report" in the paragraph heading and insert in lieu thereof "Report", and

(B) strike out "shall submit an annual report" and insert in lieu thereof "shall, not later than January 1, 1987, submit a report".

(113) In section 25(d)(2)(A) of the Code (as added by section 612(a) of the bill), strike out "or, if lesser, the aggregate amount of certified indebtedness referred to in clause (i)".

(114) At the end of subsection (d) of section 25 of the Code (as added by section 612(a) of the bill), insert the following:

"(3) ADDITIONAL LIMIT IN CERTAIN CASES.—In the case of a qualified mortgage credit certificate program in a State which—

"(A) has a State ceiling (as defined in section 103A(g)(4)) for the year an election is made that exceeds 20 percent of the average annual aggregate principal amount of mortgages executed during the immediately preceding 3 calendar years for single family owner-occupied residences located within the jurisdiction of such State, or

"(B) issued qualifies mortgage bonds in an aggregate amount less than $150,000,000 for calendar year 1983,

the certificate credit rate for any mortgage credit certificate shall not exceed 20 percent unless the issuing authority submits a plan to the Secretary to ensure that the weighted average of the certificate credit rates in such mortgage credit certificate program does not exceed 20 percent and the Secretary approves such plan.

(115) In paragraph (2) of section 25(e) of the Code (as added by section 612(a) of the bill), strike out "(g) and (j) of section 103A" and insert in lieu thereof "and (j) of section 103A and clauses (iv), (v), and (vii) of subsection (c)(2)(A)".

(116) Strike out paragraph (4) of section 25(e) of the Code (as added by section 612(a) of the bill) and insert in lieu thereof the following:

"(4) REISSUANCE OF MORTGAGE CREDIT CERTIFICATES.—The Secretary may prescribe regulations which allow the administrator of a mortgage credit certificate program to reissue a mortgage credit certificate specifying a certified mortgage indebtedness that replaces the outstanding balance of the certified mortgage indebtedness specified on the original certificate to any taxpayer to whom the original certificate was issued, under such terms and conditions as the Secretary determines are necessary to ensure that the amount of the credit allowable under subsection (a) with respect to such reissued certificate is equal to or less than the amount of credit which would be allowable under subsection (a) with respect to the original certificate for any taxable year ending after such reissuance."

(117) In paragraph (1) of section 25(f) of the Code (as added by section 612(a) of the bill), strike out the first sentence and insert in lieu thereof the following: "If for any calendar year any mortgage credit certificate program which satisfies procedural requirements with respect to volume limitations prescribed by the Secretary fails to meet the requirements of paragraph (2) of subsection (d), such requirements shall be treated as satisfied with respect to any certified indebtedness of such program, but the applicable State ceiling under paragraph (4) of section 103A(g) for the State in which such program operates shall be reduced by 1.25 times the correction amount with respect to such failure."

(118) Strike out subparagraph (A) of section 25(f)(2) of the Code (as added by section 612(a) of the bill) and insert the following:

"(A) IN GENERAL.—For purposes of paragraph (1) the term 'correction amount' means an amount equal to the excess credit amount divided by 0.20."

(119) In subsection (h) of section 25 of the Code (as added by section 612(a) of the bill), strike out "1978" and insert in lieu thereof "1987".

(120) In paragraph (1) of section 6708(a) of the Code (as added by section 612(d) of the bill), strike out "a misstatement" and insert in lieu thereof "a material misstatement".

(121) Add at the end of subsection (c) of section 6708 of the Code (as added by section 612(d) of the bill) the following new sentence: "In the case of any report required under the second sentence of section 25(g), the aggregate amount of the penalty imposed by the preceding sentence shall not exceed $2,000."

(122) In the heading of subparagraph (C) of section 103(n)(4) of the Code (as added by section 621 of the bill) strike out "termination" and insert in lieu thereof "partial termination".

(123) In clause (i) of section 103(n)(7)(C) of the Code (as added by section 621 of the bill), strike out "section 103(b)(4)" and insert in lieu thereof "subsection (b)(4)"

(124) Strike out clause (ii) of section 103(n)(7)(C) of the Code (as added by section 621 of the bill) and insert in lieu thereof the following:

"(ii) EXCEPTION NOT TO APPLY TO CERTAIN PARKING FACILITIES.—For purposes of clause (i), subparagraph (D) of subsection (b)(4) shall be applied as if it did not contain the phrase 'parking facilities'."

(125) In section 622 of the bill, strike out "certain obligations must not be" and insert in lieu thereof "certain obligations which must not be".

(126) In clause (iv) of section 103(h)(3)(A) of the Code (as amended by section 622 of the bill), strike out "of 1984" and insert in lieu thereof "of 1984 with respect to any obligation issued before July 1, 1989".

(127) In clause (ii) of section 103(b)(15)(B) of the Code (as added by section 623 of the bill), strike out "for the later issue" and insert in lieu thereof "of the later issue".

(128) Strike out subparagraph (C) of section 103(b)(15) of the Code (as added by section 623 of the bill) and insert in lieu thereof the following:

"(C) ALLOCATION OF FACE AMOUNT OF AN ISSUE.—

"(i) IN GENERAL.—Except as otherwise provided in regulations, the portion of the face amount of an issue allocated to any test-period beneficiary of a facility financed by the proceeds of such issue (other than an owner of such facility) is an amount which bears the same relationship to the entire face amount of such issue as the portion of such facility used by such beneficiary bears to the entire facility.

"(ii) OWNERS.—Except as otherwise provided in regulations, the portion of the face amount of an issue allocated to any test-period beneficiary who is an owner of a facility financed by the proceeds of such issue is an amount which bears the same relationship to the entire face amount of such issue as the portion of such facility owned by such beneficiary bears to the entire facility."

(129) In subparagraph (D) of section 103(b)(15) of the Code (as added by section 623 of the bill), strike out "principal user of" and insert in lieu thereof "a principal user of".

(130) In clause (ii) of section 103(c)(6)(F) of the Code (as added by section 624 of the bill)—

(A) strike out "Notwithstanding subparagraphs (D)" and insert in lieu thereof "Under regulations prescribed by the Secretary", and

(B) strike out "this paragraph only" and insert in lieu thereof "this clause only".

(131) In the heading of section 625 of the bill, strike out "BOND" and insert in lieu thereof "BONDS" and amend the table of contents accordingly.

(131a) In section 625(a)(3)(C) of the bill, strike out "section 625(c)(5)" and insert in lieu thereof "section 626(b)(4)".

(132) In the paragraph heading of paragraph (3) of section 103(o) of the Code (as added by section 626(a) of the bill), strike out "student loans" and insert in lieu thereof "student loan bonds".

(133) In subsection (b) of section 626 of the bill, redesignate paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively.

(134) In section 626(b)(5) of the bill (as redesignated by their resolution), strike out "amounts made" and insert in lieu thereof "amendments made".

(135) In subparagraph (C) of section 103(b)(16) of the Code (as added by section 627(a) of the bill), strike out "port development project" and insert in lieu thereof "port development project which consists of facilities described in paragraph (4)(D)".

(136) In paragraph (17) of section 103(b) of the Code (as added by section 627(b) of the bill), strike out the quotation marks at the end of subparagraph (C)(iii) and add at the end thereof the following new subparagraph:

"(D) SPECIAL RULE FOR CERTAIN PROJECTS.—In the case of a project involving 2 or more buildings, this paragraph shall be applied on a project basis."

(137) Strike out paragraphs (2) and (3) of section 628(a) of the bill and insert in lieu thereof the following:

(2) Subparagraph (B) of section 103(m)(2) is amended to read as follows:

"(B) is exempt from tax under this title without regard to any provision of law which is not contained in this title and which is not contained in a revenue Act."

(3) Subsection (m) of section 103 is amended by adding at the end thereof the following new paragraph:

"(3) EXCEPTIONS.—The following obligations shall be treated as obligations described in paragraph (1) (without regard to the second sentence thereof):

"(A) Any obligation issued pursuant to the Northwest Power Act (16 U.S.C. 839d) as in effect on the date of the enactment of the Tax Reform Act of 1984.

"(B) Any obligation issued pursuant to section 608(6)(A) of Public Law 97-468.

"(C) Any obligation issued before June 19, 1984, under section 11(b) of the United States Housing Act of 1937."

(138) At the end of section 628 of the bill, add the following new subsection:

(h) SMALL ISSUE LIMIT IN CASE OF CERTAIN URBAN DEVELOPMENT ACTION GRANTS.—In the case of any obligation issued on December 11, 1981, section 103(b)(6)(I) of the Internal Revenue Code of 1954 shall be applied by substituting "$15,000,000" for "$10,000,000" if—

(1) such obligation is part of an issue,

(2) substantially all of the proceeds of such issue are used to provide facilities with respect to which an urban development action grant under section 119 of the Housing and Community Development Act of 1974 was preliminarily approved by the Secretary of Housing and Urban Development on January 10, 1980, and

(3) the Secretary of Housing and Urban Development determines, at the time such grant is approved, that the amount of such grant will equal or exceed 5 percent of the total capital expenditures incurred with respect to such facilities.

(139) In paragraph (1) of section 631(c) of the bill, strike out "this section" and insert in lieu thereof "this subtitle".

(140) In clause (ii) of section 631(c)(3)(A) of the bill, strike out "significant expenditure" and insert in lieu thereof "significant expenditures".

(141) In section 631(c)(4) of the bill, strike out "section 628(j)" and insert in lieu thereof "section 628(g)".

(142) Strike out paragraphs (1) and (2) of section 631(d) of the bill and insert in lieu thereof the following:

(1) Any property described in paragraph (5), (6), or (7) of section 31(g) of this Act.

(2) Any property described in paragraph (4), (8), or (17) of section 31(g) of this Act but only if the obligation is issued before January 1, 1985, and only if before June 19, 1984, the issuer had evidenced an intent to issue obligations exempt from taxation under the Internal Revenue Code of 1954 in connection with such property.

(143) In subsection (f) of section 631 of the bill—

(A) strike out "June 1, 1984" and insert in lieu thereof "June 19, 1984", and

(B) strike out "such issues" and insert in lieu thereof "such issue".

(144) In subsection (a) of section 632 of the bill, strike out "title" each place it appears and insert in lieu therof "subtitle".

(145) In paragraph (6) of section 632(a) of the bill, strike out "November 23, 1983" and insert in lieu thereof "November 3, 1983".

(146) In paragraph (6) of section 632(a) of the bill, strike out "issued pursuant to" and insert in lieu thereof "issued in connection with".

(147) In section (d) of section 632 of the bill—

(A) strike out "were issued with respect to" and insert in lieu thereof "are issued with respect to", and

(B) strike out "or any facility related to such facility".

(148) In subsection (b) of section 644 of the bill, strike out "take into account in 1984" and insert in lieu thereof "use in 1984".

(149) In subsection (a) of section 646 of the bill, strike out "a hearing and".

(150) In section 647 of the bill, strike out "any other provision of law" and insert in lieu thereof "any other provision of law, in the case of obligations issued before July 1, 1987".

(151) In paragraph (3) of section 712(k) of the bill, strike out subparagraph (B) and insert in lieu thereof the following:

(B) by inserting "or" at the end of subparagraph (C), and

(152) In paragraph (2) of section 1362(e) of the Code, as amended by section 721(g)(2) of the bill, strike out "paragraphs (3) and (6)(C)" and insert in lieu thereof "paragraph (3) and subparagraphs (C) and (D) of paragraph (6)".

(153) In subsection (a) of section 518 of the Highway Revenue Act of 1982, as amended by section 734(i) of the bill, insert ", except as provided in regulations prescribed by the Secretary of the Treasury or his delegate," before "any Federal Reserve Bank".

(154) In paragraph (2) of section 921(d) of the Code (as added by section 801 of the bill), insert "or accured" after "received".

(155) In paragraph (3) of section 921(d) of the Code (as added by section 801(a) of the bill), insert "or accured" after "received".

(156) In section 921(d) of the Code (as added by section 801(a)) strike out "the conduct of" in the matter following paragraph (3).

(157) In clause (i) of section 922(a)(1)(D) (as added by section 801(a) of the bill), insert before the comma at the end thereof "or in any possession of the United States".

(158) In the last sentence of section 924(a) of the Code (as added by section 801(a) of the bill), insert "derived" before "from activities".

(159) In paragraph (3) of section 927(e) of the Code (as added by section 801(a) of the bill) strike out "credited or organized" and insert in lieu thereof "created or organized".

(160) In section 927(e) of the Code (as added by section 801(a) of the bill), strike out paragraph (5) and insert:

"(5) Exemption from certain other taxes.—No tax shall be imposed by any jurisdiction described in subsection (d)(5) on any foreign trade income derived before January 1, 1987.

(161) In section 801(d) of the bill, add at the end thereof the following new paragraphs:

(11) Section 936(f) (relating to DISC or former DISC ineligible for credit) is amended to read as follows:

"(F) LIMITATION ON CREDIT FOR DISCs AND FSCs.—No credit shall be allowed under this section to a corporation for any taxable year—

"(1) for which it is a DISC or former DISC, or

"(2) In which it owns at any time stock is a—

"(A) DISC or former DISC, or

"(B) FSC or former FSC."

(12) Section 6011(c) (relating to returns of DISCs and former DISCs) is amended—

(A) by inserting "or a FSC of former FSC" after "former DISC" in paragraph (1), and

(B) by inserting "and FSCs and Former FSCs" after "Former DISCs" in the heading thereof.

(13) Section 6072(c) (relating to returns by nonresident alien individuals and foreign corporations) is amended by inserting "or a FSC or former FSC" after "United States".

(14) Section 6501 (g)(3) (relating to income tax returns of DISCs) is amended by striking out "section 6011(e)(2)" and inserting in lieu thereof "section 6011(c)(2)".

(15)(A) Section 6686 (relating to failure of DISC to file returns) is amended—

(i) by striking out "section 6011(e)" and inserting in lieu thereof "section 6011(c)", and

(ii) by striking out the heading thereof and inserting in lieu thereof the following:

"SEC. 6686. FAILURE TO FILE RETURNS OR SUPPLY INFORMATION BY DISC OR FSC."

(B) The table of sections for subchapter B of chapter 68 is amended by striking out the item relating to section 6686 and inserting in lieu thereof the following new item:

"SEC. 6686. FAILURE TO FILE RETURNS OR SUPPLY INFORMATION BY DISC OR FSC."

(162) Section 995(f)(B) (as added by section 802(a)(3)) is amended by striking out "and carrybacks of losses and credits".

(163) In section 805(b)(2)(A) of the bill, insert "with respect to which there had previously been a deemed distribution to which section 996(e)(1) of such Code applied" immediately before the period at the end thereof.

(164) In paragraph (2) of section 4051(d) of the Code, as amended by section 921 of the bill, strike out subparagraph (B) and insert in lieu thereof the following:

"(B)(i) both the seller and the purchaser of which are registered in a manner similar to registration under section 4222, and

"(ii) with respect to which the purchaser certifies (at such time and in such form and manner as the Secretary prescribes by regulations) to the seller that such trailer or semitrailer—

"(I) will be used, or resold for use, principally in connection with such service, or

"(II) will be incorporated into an article which will be so used or resold."

(165) Strike out section 1020 of the bill.

(166) Strike out the item relating to section 1020 in the table of contents of the bill.

(167) In clause (iii) of section 6166(b)(9)(B) of the Code, as added by section 1021 of the bill, insert before the period at the end of the first sentence "for purposes of clause (ii)".

(168) In clause (i) of section 1034(c)(2)(B) of the bills strike out "account of interest" and insert in lieu thereof "number of units".

(169) In clause (iii) of section 1034(c)(2)(B) of the bill, strike out "amount of interests" and insert in lieu thereof "number of units".

(170) In subsection (j) of section 51 of the Code, as added by subsection (c) of section 1041 of the bill—

(A) strike out "allowable under section 44B" in paragraph (1) thereof and insert in lieu thereof "under this section", and

(B) strike out "allowed under section 44B" in paragraph (2) thereof and insert in lieu thereof "determined under this section".

(171) In paragraph (1) of section 1072(c) of the bill, strike out "section 6056(c)" and insert in lieu thereof "section 6053(c)".

(172) In section 1079 of the bill, strike out all that follows the parenthetical material and insert in lieu thereof ", as amended by section 2813 of the bill, is amended by striking out subparagraph (A) thereof and inserting in lieu thereof the following:

"(A) is exempt from Federal income taxes—

"(i) under such Act as amended and supplemented before the date of the enactment of the Tax Reform Act of 1984, or

"(ii) under this title without regard to any provision of law which is not contained in this title and which is not contained in a revenue Act, or

(173) Section 217 of the bill is amended by adding at the end thereof the following new subsection:

(n) SPECIAL RULE FOR COMPANIES USING NET LEVEL RESERVE METHOD FOR NONCANCELLABLE ACCIDENT AND HEALTH INSURANCE CONTRACTS.—A company shall be treated as meeting the requirement of section 807(d)(3)(A)(iii) of the Internal Revenue Code of 1954, as amended by this Act, with respect to any noncancellable accident and health insurance contract for any taxable year if such company—

(1) uses the net level reserve method to compute its tax reserves under section 807 of such Code on such contracts for such taxable year,

(2) was using the net level reserve method to compute its statutory reserves on such contracts as of December 31, 1982, and

(3) has continuously used such method for computing such reserves on such contracts after December 31, 1982, and through such taxable year.

(174) In section 521 of the bill redesignate subsection (d) as subsection (e) and insert after subsection (c) the following new subsection:

(d) CERTAIN DISTRIBUTION REQUIREMENTS TO APPLY TO 5-PERCENT OWNERS RATHER THAN KEY EMPLOYEES.—Section 72(m)(5) (relating to penalties applicable to certain amounts received by owner-employees) is amended—

(1) by striking out "key employee" each place it appears in subparagraph (A) and inserting in lieu thereof "5-percent owner";

(2) by striking out "in a top-heavy plan" in clause (i) of subparagraph (A), and

(3) by striking out "the terms 'key employee' and 'top-heavy plan'" in subparagraph (C) and inserting in lieu thereof "the term '5-percent owner'".

(175) In section 168(b)(4)(A) of the Code (as added by section 111(b)(1) of the bill), insert "(without regard to the mid-month convention)" after "paragraph (2)" in the matter preceding clause (i).

(176) In paragraphs (2) and (3)(C) of section 1042(b) of the Code (as added by section 541(a) of the bill), strike out "qualified securities" and insert "employer securities (within the meaning of section 409(1)".

(177) In section 4978 of the Code (as added by section 545(a))—

(A) strike out "qualified securities" in paragraph (1) of subsection (a) and insert "employer securities",

(B) strike out "qualified securities" the second place it appears in paragraph (2) of subsection (a) and insert "employer securities".

(C) amend subsection (e)(1) to read as follows:

"(1) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given to such term by section 4975 (e)(7).",

(D) strike out the closing quotation marks at the end of subsection (e)(4), and

(E) insert at the end of subsection (e) the following:

"(5) EMPLOYER SECURITIES.—The term 'employer securities' has the meaning given to such term by section 409 (1).".

(178) In section 1276(a)(2)(A) of the Code (as added by section 41(a) of the bill), insert "(determined without regard to paragraph (2) thereof)" after "section 1272(a)".

(179) In section 48(a)(5)(B)(ii)(II) of the Code (as amended by section 31(b) of the bill), strike out "section 48(a)(2)(B)(vi)" and insert "section 48(a)(2)(B)(v)".

(180) In section 112(b)(2) of the bill, strike out "act" and insert "section".

(181) In subparagraph (D) of section 31(g)(15) of the bill, strike out "passenger" in the matter preceding clause (i).

(182) In section 111(g) of the bill, insert the following new paragraph at the end thereof:

(5) SPECIAL RULE FOR MID-MONTH CONVENTION.—In the case of the amendment made by subsection (d)—

(A) paragraph (1) shall be applied by substituting "June 22, 1984" for "March 15, 1984", and

(B) paragraph (2) shall be applied by substituting "June 23, 1984" for "March 16, 1984" each place it appears.

(183) In paragraph (3) of section 523(b) of the Highway Revenue Act of 1982 (as amended by section 734(a)(2)(A) of the bill) strike out "solely by reason of the parenthetical matter in paragraph (1)" and insert in lieu thereof "solely by reason of the amendment made by subsection (a)(1) or (d) of section 734 of the Tax Reform Act of 1984".

(184) Insert at the end of section 112(b), the following new paragraph:

(3) SPECIAL RULE FOR CERTAIN DISPOSITIONS BEFORE OCTOBER 1, 1984.—The amendments made by this section shall not apply to any disposition before October 1, 1984, of all or substantially all of the personal property of a cable television business pursuant to a written offer delivered by the seller on June 20, 1984, but only if the last payment under the installment contract is due no later than October 1, 1989.

DIVISION B—SPENDING REDUCTION ACT OF 1984

(a) In title III of Division B of the bill—

(1) In the clause (D) amended by section 2303(a) of the bill, strike out the semicolon and insert in lieu thereof a comma.

(2) In section 2303(b)(1) of the bill, strike out "(c)" and insert in lieu thereof "(C)".

(3) In subsection (h) of section 1833 of the Social Security Act (as amended by section 2303(d) of the bill)—

(A) insert "of" in paragraph (5)(A)(ii) after "in the case",

(B) insert "in accordance with section 1842(b)(6)(B)," in paragraph (5)(6) after "1842(b)(6)(B)," in paragraph (5)(C) after "1842(b)(3)(B)(ii),", and

(C) strike out "which is not paid" in paragraph (6) and insert in lieu thereof "payment for which is not made".

(4) In section 2303(i)(1)(A) of the bill, strike out "services" and insert in lieu thereof "tests".

(5) In section 2304(a)(1) of the bill, insert "of the Health and Human Services" after "Secretary".

(6) In section 1862(h)(4) of the Social Security Act (as added by section 2304(c) of the bill), insert "paragraphs (2) and (3) of" before "subsection (d)".

(7) In section 1862(b)(4)(D) of the Social Security Act (as added by section 2306(a) of the bill), strike out "who is not a participating physician" and all that follows through "October 1, 1984" and insert in lieu thereof "who at no time for any services furnished during the 12-month period beginning October 1, 1984, was a participating physician (as defined in subsection (h)(1))".

(8) In section 2306(c) of the bill, insert ", as amended by section 2303(e) of this title," after "Section 1842 of such Act".

(9) Redesignate subsection (j), (k), and (l) of section 1842 of the Social Security Act (added by section 2306(c) of the bill) as subsections (h), (i), and (j), respectively.

(10) In section 1842(i) of the Social Security Act (as added by inserting 2306(c) of the bill and as redesignated under the previous paragraph in this concurrent resolution)—

(A) strike out "subsection (j)(1)" in paragraph (2) and insert in lieu thereof "subsection (h)(1)", and

(B) insert "list and" before "directory" each place it appears in paragraphs (3) and (4).

(11) In section 1128(a)(2)(C) of the Social Security Act (as added by section 2306(f)(1) of the bill), strike out "1842(j)(1)" and insert in lieu thereof "1842(h)(1)".

(12) In section 1877(d) of the Social Security Act (as amended by section 2306(f)(2)(A) of the bill), strike out "1842(j)(1)" and insert in lieu thereof "1842(h)(1)".

(13) In section 2309(b) of the bill, strike out "and used by them in making the 1984 reasonable charge updates" and insert in lieu thereof "for charges in 1983".

(14) In the matter added at the end of section 1886(d)(5)(C)(i) of the Social Security Act by section 2311(a) of the bill, strike out "in case" and insert in lieu thereof "in the case".

(15) In the matter added at the end of section 1886(d)(2)(D) of the Social Security Act by section 2311(b) of the bill, strike out

"majority" and insert in lieu thereof "the largest number".

(16) In section 2311(d)(2) of the bill, strike out "reclassified under" and insert in lieu thereof "the region of which is deemed to be changed pursuant to".

(17) In section 2312(b) of the bill, insert "costs of" before "anesthesia" in the matter proposed to be inserted and strike out "education" and insert in lieu thereof "educational".

(18) In the matter inserted by section 2313(b)(2) of the bill, strike out "U.S.C." and insert in lieu thereof "U.S.C.".

(19) In the matter added to section 1886(e)(6)(C) of the Social Security Act by section 2313(b)(3) of the bill, strike out "the" before "such meeting".

(20) In section 2313(c) of the bill, insert ", as amended by section 2304(c) of this title," after "1862 of such Act".

(21) In section 1861(v)(1)(O)(i) of the Social Security Act (added by section 2314(a) of the bill), strike out "the first owner of record on or after the date of the enactment of this subparagraph" and insert in lieu thereof "the owner of record as of the date of the enactment of this subparagraph (or, in the case of an asset not in existence as of such date, the first owner of record of the asset after such date)".

(22) In sections 2314(c)(3)(B) and 2367(c)(2) of the bill, strike out "the additional requirements" and "these additional requirements" and insert in lieu thereof "the additional requirement" and "this additional requirement", respectively.

(23) In the matter proposed to be inserted in section 1886(c)(4)(A) of the Social Security Act by section 2315(a) of the bill, insert a comma after "(D)".

(24) In section 2315(c)(2), strike out the comma after "fiscal year".

(25) In section 2315(h)(1) of the bill, strike out "hospital that serves" and insert in lieu thereof "hospitals that serve".

(26) In section 2316(c) of the bill, insert "on" after "Congress".

(27) In section 2321(d)(4)(B) of the bill, strike out "1888" and insert in lieu thereof "1889".

(28) In section 2321(f)(1) of the bill, insert "subparagraphs" after "(B) and (C) as".

(29(A) Move the alignment of the left margin of the subparagraph (B) added by section 2323(a)(3) of the bill so that the subparagraph is indented two ems from the left margin.

(B) In section 2323(b) of the bill, strike out paragraph (3) and redesignate paragraph (4) as paragraph (3).

(30) In section 2326(a) of the bill, strike out "1984 and 1985" and insert in lieu thereof "1985 and 1986".

(31) In section 2326(b) of the bill, strike out "such Act" and insert in lieu thereof "the Social Security Act".

(32) In section 2326(e)(1)(A) of the bill, strike out "Health Care Financing Administrator" and insert in lieu thereof "Administrator of the Health Care Financing Administration".

(33) In section 1861(dd)(5)(B) of the Social Security Act (as added by section 2343(b) of the bill), insert "the date" after "60 days after".

(34) In section 1876(g)(5) of the Social Security Act (as added by section 2350(b)(2) of the bill), insert "the" before "Federal Supplementary".

(35) In section 2350(b)(3) of the bill, strike out "use" and insert in lieu thereof "establishment" and insert "contract" after "Act for any".

(36) In the matter inserted by section 2350(c)(2) of the bill, strike out "another" and insert in lieu thereof "or other".

(37) In section 2354(b)(14) of the bill, strike out "ninth" and insert in lieu thereof "seventh".

(38) In section 2361(a) of the bill, strike out "1902(a)(10)(A)(i)" and insert in lieu thereof "1902(a)(10)(A)".

(39) In section 2363(b) of the bill, strike out "Such section" and insert in lieu thereof "Section 1903 of such Act".

(40) In section 2363(c) of the bill, strike out "this section" and insert in lieu thereof "such subsection".

(41) In section 1903(m)(2)(F)(ii)(I) of the Social Security Act (as added by section 2364(2) of the bill), strike out "or has received" and insert in lieu thereof "or is receiving (and has received during the previous two years)".

(42) In section 1902(a)(26) of the Social Security Act (as amended by section 2368(b) of the bill), insert a comma before "provide—".

(43) In section 1622(c)(2)(B)(iii) of the Public Health Service Act (as amended by section 2381(b) of the bill), strike out "changessation" and insert in lieu thereof "changes of use".

(b) In title VI of Division B of the bill—

(1) In the table of contents for such Division, strike out the item relating to section 2643 and insert in lieu thereof the following:

PART 2—GENERAL EFFECTIVE DATE

SEC. 2646. General effective date.

(2) In section 2616 of the bill—

(A) insert "(a)" after "SEC. 2616,"; and

(B) add at the end of the section the following new subsection:

(b) The amendment made by subsection (a) shall become effective on the date of the enactment of this Act.

(3) In section 2638(a)(3)(B) of the bill, strike out the colon after "thereof".

(4) In the heading of section 2640 of the bill, strike out "DISREGARD OF".

(5) In section 2651(a) of the bill (at the beginning of the new section being added to part A of title XI" of the Social Security Act), strike out "SEC. 1136," and insert in lieu thereof "SEC. 1137,".

(6) In section 2661(1)(3) of the bill, strike out the parenthesis after "Act)".

(7) In section 2662(h) of the bill—

(A) insert "(1)" after "(h)";

(B) strike out "further"; and

(C) strike out "(3) The amendments" and insert in lieu thereof "(2) The amendment".

(8) In section 2681 of the bill—

(A) in subsection (a) (in subsection (d) of section 7652 of the Internal Revenue Code of 1954 as added by such subsection (a)), strike out "subsection (a)(3) and (b)(3)" and insert in lieu thereof "subsections (a)(3) and (b)(3)";

(B) in subsection (b)(2)(B), before the period at the end of clause (ii), insert", and which would not meet the requirements of section 7652(c) of such Code"; and

(C) in subsection (b), strike out paragraphs (2)(C) and (3) and insert in lieu thereof the following:

(C) $75,000,000 limitation.—The aggregate amount payable to Puerto Rico by reason of subparagraph (A) shall not exceed $75,000,000 in the case of articles—

(i) brought into the United States after June 30, 1984, and before January 1, 1985,

(ii) which would not meet the requirements of section 7652(c) of such Code,

(iii) which have been redistilled in Puerto Rico, and

(iv) which do not contain distilled spirits derived from cane.

(3) Limitation on incentive payments to United States distillers.—

(A) In general.—In the case of articles to which this paragraph applies, the aggregate amount of incentive payments paid to any United States distiller with respect to such articles shall not exceed the limitation described in subparagraph (C).

(B) Articles to which paragraph applies.—This paragraph shall apply to any article containing distilled spirits described in clauses (i) through (iv) of paragraph (2)(C).

(C) Limitation.—

(i) In general.—The limitation described in this subparagraph is $1,500,000,

(ii) Special rule.—The limitation described in this subparagraph shall be zero with respect to any distiller who was not entitled to or receiving incentive payments as of March 1, 1984.

(D) Payments in excess of limitation.—If any United States distiller receives any incentive payment with respect to articles to which this paragraph applies in excess of the limitation described in subparagraph (C), such distiller shall pay to the United States the total amount of such incentive payments with respect to such articles in the same manner, and subject to the same penalties, as if such amount were tax due and payable under section 5001 of such Code on the date such payments were received.

(E) Incentive payments.—

(i) In general.—For purposes of this paragraph the term 'incentive payment' means any payment made directly or indirectly by the Commonwealth of Puerto Rico to any United States distiller as an incentive to engage in redistillation operations.

(ii) Transportation payments excluded.—Such term shall not include any payment of a direct cost of transportation to or from Puerto Rico with respect to any article to which this paragraph applies.

(9) In section 2601(c) of the bill, after "United States Code," insert "or to another retirement system established by a law of the United States for employees of the Federal Government (other than for members of the uniformed services),".

(10) In section 2612(b) of the bill, strike out "date of the enactment of this Act" and insert in lieu thereof "effective date of this section".

(11) In subsections (a)(1) and (a)(2) of section 2653 of the bill, renumber the new section being added to title 31 of the United States Code as section 3720A.

(c) In title VIII of Division B of the bill—

(1) In section 2813(b)(1) of the bill—

(A) strike out "is amended by redesignating" and all that follows down through the colon and insert in lieu thereof the following: ", as amended by section 1032(a) of this Act, is amended by redesignating subsection (l) as subsection (m) and by adding after subsection (k) the following new subsection:"; and

(B) strike out "(k)" at the beginning of the new subsection being added to section 501 of the Internal Revenue Code of 1954 and insert in lieu thereof "(l)"

(2) In section 2813(b)(2) of the bill, in the new paragraph (1) being added to section 501(c) of the Internal Revenue Code of 1954, strike out "subsection (k)" in subparagraph (B) of such paragraph and insert in lieu thereof "subsection (l)".

(d) In title IX of Division B of the bill—

(1) In section 2904 of the bill, strike out "section 1609" and insert in lieu thereof "section 2903".

(2) In section 2905(a)(3) of the bill, before the first period insert "would improve the accuracy of budget estimates used by the Congress".

SEC. 2. In the enrollment of the bill (H.R. 4170) to provide for tax reform, and for other purposes, the Clerk of the House of Representatives may correct spelling, punctuation, size type, indentions, margins, paragraphing, quotation marks, numbering and lettering, cross references, and similar typographical matters.

Mr. GIBBONS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Florida?

Mr. CORRADA. Mr. Speaker, reserving the right to object, I would like to know if in this technical amendment a clarification was made to reflect the true intent of the conferees that the $75 million provided through December 31, 1984, under the redistillation program for Puerto Rico, rebates of excise taxes, would also allow the cane neutral spirits program to be included under those provisions?

Mr. GIBBONS. Mr. Speaker, if the gentleman will yield, no changes were made by the Senate to accomplish that end.

Mr. CORRADA. Then, Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRENZEL. Mr. Speaker, does the Delegate have the right to object?

The SPEAKER. A Delegate does have the right to object to a unanimous-consent request.

Mr. FRENZEL. I thank the Speaker.

Mr. GIBBONS. Mr. Speaker, I regret that the gentleman has done that. I responded to him as truthfully as I could. The resolution, when it left here, did not contain any language like that. When it went to the Senate, the Senate did not see fit to add the language that the gentleman seeks.

The House is powerless to make the changes. This is a very important resolution. I think the gentleman knows that I and many other Members here are very sympathetic with the problems of Puerto Rico. We have done everything we can to help. I hope that the gentleman will reconsider and allow us to get unanimous consent and not block this essential legislation.

This bill, this very important bill, cannot be enrolled, which means putting it on parchment and sending it down to the President to have it signed and to be the down payment on this very important program that the United States is involved in unless we have come comity.

Mr. CORRADA. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I will be glad to yield to the gentleman from Puerto Rico.

Mr. CORRADA. I will tell the gentleman that I have tried to resolve this. I brought it to the attention of the Members of the House. I brought it to the attention of the other body. I tried to work out something that was sensible, and not only sensible, but that would, in fact, respond to the actual intent of what the conferees did that night when they decided to terminate this program.

I wil. tell the gentleman that I intend to introduce a bill to correct some of what I believe are gross inequities done to Puerto Rico, in fact in violation of the Puerto Rican Federal Relations Act. I intend to introduce legislation to undo some of the things that are done here. I do not care about the continuation of the redistillation program. I believe that honestly that probably was a mistake. But I think that capping the rum excise tax and also eliminating the cane neutral spirits was going beyond what was necessary to correct what might have been perceived to have been some abuses there. I intend to introduce legislation to that effect.

Could I get some assurances from the gentleman that he will seek in the Committee on Ways and Means careful consideration of my bill, and that we have a fair hearing, and if necessary to take remedial action to correct it as it may be warranted? I, of course, do not want to ask the gentleman to tell me that he will support the legislation, but that there will be a prompt and fair consideration of this matter.

Mr. GIBBONS. I would certainly say that I think I know what Mr. ROSTENKOWSKI would do, and he controls the agenda, but I am sure that if I tell the gentleman that we will do what he asks to be done on this occasion that Mr. ROSTENKOWSKI will cooperate and do that.

We are very sensitive about the problems of giving you, as a representative of the people of Puerto Rico, an adequate hearing and to try to do all that we can to work out this so that there is no friction. I am sure Mr. ROSTENKOWSKI would agree to a hearing, and I will urge him to do so and will do all in my power, and I am sure the others here will do all in their power, to make sure that we have that kind of hearing.

Mr. CORRADA. If the gentleman will yield further, I do not want to be unreasonable and I do not want to be obstructive.

Mr. Speaker, with those remarks and assurances from the gentleman from Florida, whom I respect, I withdraw my objection.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. CONABLE. Mr. Speaker, reserving the right to object, I wish to say that I have a different reason for reserving at this point.

Mr. Speaker, I would like the gentleman to explain the contents of this concurrent resolution, which is of considerable interest to the House, but there is one provision in it which I believe the Senate not only accepted but liberalized.

Would the gentleman explain the nature of that change and the other technical provisions that may have been altered in some way in the Senate which are, as far as I know, of rather modest consequence here in the House, but which the Members deserve to have explained to them in any event.

Mr. GIBBONS. If the gentleman will yield, let me say in the beginning that I want to read a statement that I think accurately reflects the total amount of this, and I will be glad to elaborate after that.

Mr. Speaker, on Wednesday, immediately following consideration of the conference committee report on H.R. 4170, the Deficit Reduction Act of 1984, the House agreed unanimously to House Congressional Resolution 328, a resolution to correct technical errors in the enrollment of the bill. That resolution directs the Clerk of the House to correct spelling, punctuation, cross-references, citations, and similar typographical and printing errors. The purpose of the resolution is to perfect the enrolled version of H.R. 4170 and is wholly consistent with the decisions of the conference committee.

House Concurrent Resolution 328, now at the desk, was passed by the Senate today, with an amendment. The Senate amendment added several additional corrections that were discovered after House passage. The amendment is consistent with the type of corrections that were contained in House Congressional Resolution 328 when it passed the House Wednesday.

The Senate amendment added corrections in the areas of life insurance and pensions, which were agreed upon by the conferees but were inadvertently dropped in the printing of the conference report. A third technical cor-

rection clarifies that low-income housing is excluded from the depreciation changes; a fourth technical amendment clarifies the effective date of the changes in the installment sale recapture rules. Another technical provision is intended to clarify and coordinate the market discount bond rules and the change in the holding period for capital assets. There are also two provisions that make typographical and technical wording corrections to the conference report language pertaining to qualified ESOP's. Finally, with respect to imputed interest, as it passed the House, the resolution lowered the safe-harbor test rate to 90 percent of the relevant Treasury rate and the imputed rate to 100 percent. The Senate modification provides that in the case of a principal residence, up to $250,000, or farm land with no dollar cap, the interest rates would be computed under the procedures provided by present law.

I have carefully reviewed these corrections, cleared them with the minority and urge the House to adopt the resolution as amended.

Mr. Speaker, I wish also to take note of a provision included in the conference report on H.R. 4170, which the House passed just 2 days ago. That provision requires taxpayers who owed $5 million or more in excise tax on distilled spirits, wine, beer, or tobacco products during the preceding calendar year to pay that tax by means of electronic funds transfer to a Federal Reserve Bank.

I have also been made aware that the Treasury appropriations bill for 1985, which the House of Representatives passed yesterday, includes a prohibition on the expenditure of Treasury Department funds "to implement changes" in the "mode of payment of excise taxes by law or regulations in effect on January 1, 1981." The conferees on H.R. 4170 were aware that language such as that included in the present appropriations bill has been in the law for several years. It was for this reason that a specific statutory provision was included in H.R. 4170.

As a conferee on H.R. 4170, I would like to state unequivocally that it was the view of the conferees that the Congress in H.R. 4170, and not the Department of the Treasury has implemented the requirement of electronic funds transfer for certain persons liable for tobacco and alcohol product excise taxes. The cited provision in the appropriations bill has always been intended to prohibit the Treasury Department from implementing such a change. Because the Congress has implemented this change, the provision of the current Treasury Department appropriations bill should not be construed in a manner to restrict enforcement of the specific requirements of the Internal Revenue Code, as amended by H.R. 4170, that require payment of tax by electronic funds transfer.

□ 1820

Mr. CONABLE. Mr. Speaker, under my reservation, if I may make a further comment, the current law has a test rate of 9 percent. It is not related to the level of the applicable Treasury obligations and thus this is an easier rule and a liberalizing rule, given the current level of interest rates.

Mr. GIBBONS. That is correct.

Mr. CONABLE. The Senate, in other words, has taken the work done by the House in its concurrent resolution, further liberalized it and made it, I would judge, more acceptable to the Members of the House who are concerned about this particular issue.

Mr. GIBBONS. It has made it more acceptable to the House Members that I have talked to; in fact, I think most of the House, and to those people who are interested in this amendment.

Mr. CONABLE. Does the gentleman from Minnesota desire to be heard?

Mr. FRENZEL. Mr Speaker, will the gentleman yield to me?

Mr. CONABLE. Mr. Speaker, under my reservation, I yield to the gentleman.

Mr. FRENZEL. Mr. Speaker, I think the Senate has made an important liberalizing change in those rules relating to the sale of homes and farms. The realtors group with whom many of us discussed this problem before endorses this new language as being far better and far more attractive for the sale of homes and farms than the language which left the House, so I think the House should be very pleased with its result.

I thank the gentleman.

Mr. CONABLE. It is also my understanding, Mr. Speaker, speaking further under my reservation, that the change that was made relative to the $250,000 in reference to the sale of a house has to do with the entire sale and not the debt instrument. That is generally for the benefit then of the smaller homeowners. I think that was what the Members intended as well.

Mr. Speaker, I appreciate the clarification. This is a clarifying process we are going through or we would not be here at all.

Mr. Speaker, in the light of the clarification the gentleman has given, I withdraw my reservation of objection.

Mr. GIBBONS. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the initial request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT OF THE HOUSE AND THE SENATE FROM FRIDAY, JUNE 29, 1984, OR SATURDAY, JUNE 30, 1984, UNTIL MONDAY, JULY 23, 1984, OR UNTIL A DATE PURSUANT TO SECTION 2 OF THE SUBJECT CONCURRENT RESOLUTION

Mr. MURTHA. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 334) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 334

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, June 29, 1984, and that when the Senate adjourns on Friday, June 29, 1984, or on Saturday, June 30, 1984, pursuant to a motion made by the Majority Leader in accordance with this resolution, they stand adjourned until 12 o'clock meridian on Monday, July 23, 1984, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER. The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 319, nays 9, not voting 105, as follows:

[Roll No. 303]

YEAS—319

Ackerman	Bartlett	Borski
Akaka	Bateman	Bosco
Albosta	Bates	Britt
Alexander	Bedell	Brooks
Anderson	Bellenson	Broomfield
Andrews (TX)	Bennett	Brown (CA)
Annunzio	Bereuter	Brown (CO)
Anthony	Berman	Broyhill
Applegate	Biaggi	Bryant
Archer	Bliley	Burton (IN)
Aspin	Boehlert	Byron
AuCoin	Boggs	Carney
Badham	Boner	Carper
Barnard	Bonior	Carr
Barnes	Bonker	Chandler

Chappell	Hyde	Oxley
Chappie	Ireland	Packard
Cheney	Jeffords	Panetta
Clay	Jenkins	Parris
Clinger	Johnson	Pashayan
Coleman (MO)	Jones (NC)	Patman
Collins	Jones (OK)	Pease
Conable	Kaptur	Pepper
Conte	Kasich	Petri
Conyers	Kazen	Pickle
Cooper	Kemp	Porter
Corcoran	Kennelly	Price
Coughlin	Kildee	Rahall
Courter	Kindness	Rangel
Crane, Daniel	Kleczka	Ratchford
Crane, Philip	Kogovsek	Ray
Crockett	Kolter	Regula
D'Amours	Kostmayer	Reid
Dannemeyer	LaFalce	Richardson
Darden	Lagomarsino	Rinaldo
Dellums	Lantos	Ritter
Derrick	Latta	Roberts
DeWine	Leach	Robinson
Dickinson	Lehman (CA)	Rodino
Dicks	Lehman (FL)	Roe
Dingell	Leland	Roemer
Dixon	Levin	Rogers
Donnelly	Levine	Rose
Dowdy	Levitas	Roukema
Dreier	Lewis (CA)	Rowland
Durbin	Lewis (FL)	Sabo
Dwyer	Livingston	Sawyer
Dymally	Lloyd	Schaefer
Dyson	Long (LA)	Scheuer
Eckart	Long (MD)	Schneider
Edgar	Lott	Schroeder
Edwards (CA)	Lowery (CA)	Schumer
Edwards (OK)	Lowry (WA)	Seiberling
Emerson	Lujan	Shaw
English	Luken	Shelby
Erdreich	Lundine	Shumway
Evans (IA)	Lungren	Shuster
Evans (IL)	Mack	Sikorski
Fazio	MacKay	Siljander
Feighan	Madigan	Sisisky
Fields	Markey	Skeen
Flippo	Marriott	Skelton
Florio	Martin (IL)	Slattery
Foley	Martin (NY)	Smith (IA)
Ford (MI)	Martinez	Smith (NE)
Fowler	Mazzoli	Smith (NJ)
Frenzel	McCain	Smith, Robert
Frost	McCandless	Snowe
Gaydos	McCloskey	Snyder
Gekas	McCollum	Solomon
Gephardt	McCurdy	Spratt
Gibbons	McDade	St Germain
Gilman	McEwen	Staggers
Gingrich	McGrath	Stangeland
Glickman	McHugh	Stokes
Gonzalez	McKernan	Stratton
Goodling	McKinney	Stump
Gore	McNulty	Sundquist
Gramm	Mica	Swift
Gray	Michel	Tallon
Green	Mikulski	Tauke
Guarini	Miller (OH)	Tauzin
Gunderson	Mineta	Thomas (GA)
Hall (IN)	Minish	Torres
Hall (OH)	Mitchell	Towns
Hall, Ralph	Molinari	Valentine
Hall, Sam	Mollohan	Walgren
Hamilton	Montgomery	Walker
Hance	Moody	Waxman
Hansen (UT)	Moore	Weiss
Harkin	Morrison (CT)	Wheat
Harrison	Morrison (WA)	Whittaker
Hayes	Mrazek	Whitten
Hefner	Murphy	Wilson
Heftel	Murtha	Winn
Hertel	Myers	Wise
Hightower	Natcher	Wolf
Hiler	Nielson	Wolpe
Holt	Nowak	Wyden
Hopkins	O'Brien	Wylie
Horton	Oakar	Yates
Howard	Oberstar	Young (AK)
Hoyer	Obey	Young (FL)
Hubbard	Olin	Young (MO)
Huckaby	Ortiz	Zschau
Hughes	Ottinger	
Hunter	Owens	

NAYS—9

Coelho	Synar	Watkins
Daub	Vandergriff	Weber
Penny	Vucanovich	Williams (MT)

NOT VOTING—105

Addabbo	Garcia	Ridge
Andrews (NC)	Gejdenson	Rostenkowski
Bethune	Gradison	Roth
Bevill	Gregg	Roybal
Bilirakis	Hammerschmidt	Rudd
Boland	Hansen (ID)	Russo
Boucher	Hartnett	Savage
Boxer	Hatcher	Schulze
Breaux	Hawkins	Sensenbrenner
Burton (CA)	Hillis	Shannon
Campbell	Hutto	Sharp
Clarke	Jacobs	Simon
Coats	Jones (TN)	Smith (FL)
Coleman (TX)	Kastenmeier	Smith, Denny
Coyne	Kramer	Solarz
Craig	Leath	Spence
Daniel	Lent	Stark
Daschle	Lipinski	Stenholm
Davis	Loeffler	Studds
de la Garza	Marlenee	Taylor
Dorgan	Martin (NC)	Thomas (CA)
Downey	Matsui	Torricelli
Duncan	Mavroules	Traxler
Early	Miller (CA)	Udall
Edwards (AL)	Moakley	Vander Jagt
Erlenborn	Moorhead	Vento
Fascell	Neal	Volkmer
Ferraro	Nelson	Weaver
Fiedler	Nichols	Whitehurst
Fish	Patterson	Whitley
Foglietta	Paul	Williams (OH)
Ford (TN)	Perkins	Wirth
Frank	Pritchard	Wortley
Franklin	Pursell	Wright
Fuqua	Quillen	Yatron

□ 1840

Mr. PENNY changed his vote from "yea" to "nay."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, July 23, 1984, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 25, 1984

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 25, 1984.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WALKER. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. FRENZEL. To make a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FRENZEL. Mr. Speaker, my inquiry is: Would a Member who intended to make a motion that the House do now adjourn, would that Member expect or might he expect some expeditious handling of the House's business were he to refrain from doing so? And would it be possible to get some assurances from the Speaker and from the managers of the bill as to how long we would be here and what kind of business we are going to transact this evening?

The SPEAKER. The Chair believes that the gentleman has made an exceptionally unusual request of the Chair, but let me explain to the gentleman: If a motion to adjourn were made at this particular time and the House agreed, the House would adjourn until 10 o'clock tomorrow morning because the resolution that was just passed must be passed by the Senate before we can adjourn to the day that was required by the adjournment resolution.

The Chair, too, appreciates the question of the gentleman and hopes that we can expeditiously complete the business of the evening and I am sure that the gentleman's question of the Chair is a notice to the managers of the bill.

Mr. FRENZEL. I thank the Speaker.

WATER RESOURCES CONSERVATION, DEVELOPMENT, AND INFRASTRUCTURE IMPROVEMENT AND REHABILITATION ACT OF 1983

The SPEAKER. Pursuant to House Resolution 515 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3678.

□ 1846

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, (H.R. 3678) to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, with Mr. SAM B. HALL, JR., in the chair.

The clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment in the nature of a sub-

stitute offered by the gentleman from New Jersey [Mr. ROE], was considered as an original bill for the purpose of amendment and was open for amendment at any point.

Pending was an amendment offered by the gentleman from Wyoming [Mr. CHENEY].

The gentleman from Wyoming [Mr. CHENEY] is recognized for 4 minutes in support of his amendment.

Mr. CHENEY. Thank you, Mr. Chairman.

And I will try to expedite the proceedings to the best of my ability.

As I mentioned in my earlier remarks before I was interrupted, I am a strong supporter of water projects; they are vital to my State and I understand the sincere effort that has been made by the members of the Public Works Committee to authorize new projects in this bill.

But when the bill was referred sequentially to the Interior Committee, we debated at great length title XII because title XII does some things that many of us believe are very harmful.

Many of us are concerned that title XII creates a brandnew Federal entity to control Federal water policy, that it establishes an extremely bad precedent for those of us who believe very deeply in the proposition that we have always adhered to in the past, that the States have fundamental control over their own water.

Now, in committee when we considered it in the Interior Committee, a serious effort was made to delete title XII. We were unsuccessful. But I think it is important today to bring up the point that this bill marks a major fundamental change in Federal water policy.

It is not, it is not I repeat, just a shopping list of new starts authorized by the Public Works Committee.

□ 1850

The policy that is established in this bill for the future does not apply to any of the projects in the bill, but if it did, a great many of those projects would never survive the scrutiny that they would be subjected to.

The bill, among other things, mandates by law that the new Federal Water Board will operate in the future with the Carter water policy that was so discredited in the West during the Carter administration.

Now, I do not have any criticism to make of the former President other than to point out that he was extremely unpopular in the West and that lack of support was based primarily upon his water policies. But this bill that is before us today, mandates by law, that the Carter water policies, as published in the Federal Register during the Carter administration will become the policies to be pursued by the new board.

I think it is extremely unfortunate that the Public Works Committee has concluded that the right way to get the support of the environmental community for all of the water projects listed in the bill is to sell out the long-term proposition in terms of how we deal with water in the future.

I understand the sincerity and the integrity of the Members who have in effect made this deal, but I think it is an extremely unwise precedent to set.

Mr. Chairman, I would hope that my colleagues would join with me in deleting title XII. I think it is important that it be eliminated from the bill or many of us would feel constrained to oppose the bill on final passage and perhaps even to urge the administration to oppose the bill as well.

Finally, Mr. Chairman, one other point, the argument was made that the new board that is being established has no real authority, but in title XII of the bill when it came before the Interior Committee there were exceptions, protection if you will, for certain river basins. The Columbia River Basin and the Arkansas River Basin were in fact set aside and insulated from the operations of that national board.

We knocked out those exceptions in the Interior Committee. They were taken out of title XII of the bill. It was our understanding that they would be left out of the bill. But I find on reading the amendments that were offered en bloc by the committee last night, as technical amendments, not only did they add back prohibitions against studying, for example, interbasin transfers of water out of the Columbia River Basin, but also the Arkansas River Basin, and finally, a prohibition upon any kind of removal of water from the Great Lakes or tributaries to the Great Lakes, an amendment that was defeated overwhelmingly in the Interior Committee when it was offered.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. CHENEY] has expired.

(By unanimous consent, Mr. CHENEY was allowed to proceed for 1 additional minute.)

Mr. CHENEY. Mr. Chairman, my amendment would strike title XII of H.R. 3678. Title XII would create a National Board on Water Resources Policy, a step which I believe would be fundamentally wrong.

Creation of such a board would be against the interest of all States in the Nation, and would be especially harmful to the interests of Wyoming and the West. The creation of this Board rests on fundamentally unsound political premises, and threatens a key element of our federalism; State control of water resources.

I believe creation of a Water Policy Board is both unnecessary and undesirable. There are two reasons usually advanced in support of creating a National Water Policy Board. Some believe that we need a "uniform, national" approach to water resources problems and development. Some believe it would be desirable to increase Federal control over water resources at the expense of the States.

Let me say to those who support creating a National Water Policy Board because of the need for "a uniform, national" approach to water policy issues—both your premise, and your conclusion, are mistaken. I cannot see any real evidence that there is a need for uniform or national treatment of water resources issues, since the water resources needs of each region of the United States are fundamentally different in many respects. The States of the West have lived with, and together have dealt with, both their common and their unique problems for many years. Since western water supply problems are considerably more severe than those experienced by most other regions, it is hard to see why other regions cannot cope with their problems without massive new Federal interference.

In any event, it is not possible to create a completely uniform approach to water resources projects. The fact that many of the elements of such development involve unquantifiable impacts and subjective value judgments makes the idea of true uniformity a dangerous political myth. The person who cannot make almost any cost-benefit analysis come out pretty much the way he wants is simply not up to the usual standards of bureaucratic creativity.

For this reason, anyone who says they want uniform standards using such techniques applied to various water resource developments is kidding himself, or someone else. The fact is that water resources development has been, and will continue to be, a political process where public values determine resource allocations. So far this has been an effective process in the West, where resources are the scarcest, in dealing with the water problems we have experienced.

The cornerstone of the western approach to water resources has been the recognition that each State owns or controls its water resources in the public interest and on a par with every other State. This is also a sound national water resources policy. Such a policy is consistent with the best parts of our Federal tradition.

Even assuming that a Federal policy is desirable, the National Water Policy Board is still a bad idea.

The National Water Policy Board would essentially be a new standing executive branch agency, for water resources development. The current administration, like all previous administrations, has developed its own water

resources review process to provide for full representation of Federal interests in water resources development. Today's process is usually referred to as the Cabinet Council to National Resources. I'm familiar with complaints about this Council—that it meets in private, and is somehow not representative of interests on water issues within the administration. The idea that any part of the Cabinet should meet in public is nothing short of astounding.

Moreover, the Cabinet Council was created by and with approval of the President. I assume it is still functioning the way the President intended it to, representing the national interest much as he represents it. The next President, whoever he is, ought to have equal flexibility in managing this process—in much the same way that if Congress wants to pass authorizations for water projects the President doesn't like, and has the votes to make it stick, it has a perfect right to do this.

The point I am making is a simple one: If Congress wants the water resources policy process to be an executive branch function, then the proper thing to do is to let each President organize it the way he sees fit. If Congress, in the National Water Policy Board, instead is moving in the direction of an independent agency to perform this function, it is difficult to think of anything less likely to produce useful results, since this is not a process susceptible to some sort of expert review but instead one requiring continued political judgment. If you like the way the Federal Reserve Board manages money, you'll really appreciate the work of a National Water Policy Board of this type.

Finally, a National Water Policy Board would be inconsistent with a central element of our federalism, State control of water resources. The fact is that one of the underlying forces supporting the move for a National Water Policy Board is a desire to place major new limits on State control of water resources. I am aware there are convenient disclaimers of such intentions found at various points in title XII. My colleagues should be aware, however, of two very significant points:

First, a number of members of the major committees which have considered this bill are concerned enough about the powers of the new Board that they have imposed statutory limits on the Board so that, whatever good ideas it wants to try out on the rest of the country, it will not try them out in their region.

Second, in very much the same vein, while the Public Works Committee is supposedly convinced that the Board was a good idea, I notice that the Board, and its statutory mandate, simply do not apply to the projects authorized in this bill. I repeat: The National Board will not have control over the 18 billion dollars' worth of projects authorized in this bill, many of which would not qualify under legal standards mandated for the Board. Is there a Member of the House who thinks that the Public Works Committee has failed to authorize in this bill some large Corps of Engineers project which should be built? In short the Public Works Committee is happy to let this Board block any future development in this area, which it likely will do because of its mandate, because the Public Works Committee has already proposed to build everything but the kitchen sink in the bill.

As a practical matter, the National Water Policy Board created by this bill will control all future Federal water resources development. In the West, by virtue of the interlocking control of land and water by the Federal Government, control of all future Federal water development is virtually synonymous with control of all future water development.

Throughout the country, centralization of authority over water resources within the Federal Government must ultimately lead to reduced power for all the States. This centralization is clearly undesirable. In fact, I think it is relatively easy to show that the Federal Government does a better job managing railroads than it would do in managing the Nation's water supply. We should preserve this element of federalism unless we are given compelling evidence that it has failed.

I urge my colleagues to ignore the alluring but meaningless label, "national water policy," and look to the realities of the careful balance of federalism which has served us well in water resource development. We should not replace successful federalism with Washington ineptitude. The President of the United States and a majority of the Energy Committee in the other body both support my amendment. I ask your support as well.

Mr. Chairman, the fact of the matter is we are establishing a brand new Federal entity to control water policy, we are mandating Jimmy Carter's water policy as the policy of that board, but we are excepting certain areas of the country from the impact of that board.

I think it is an extremely bad deal. I think it is extremely unwise. I think it is a measure that we will come some day, in the not too distant future, to regret.

If you do not have a water project in this bill, or if you have one that you would like to consider in the future at some point down the road, I think you can forget ever having it approved if, in fact, this new board is created.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I rise today in strong support of H.R. 3678, the Water Resources Conservation, Development and Infrastructure Improvement and Rehabilitation Act of 1983. Among many other things, this legislation authorizes a new lock at Bonneville Dam in the State of Oregon.

One of the greatest impediments to expanded trade opportunities in the Northwest is the bottleneck on the Columbia River created by the current Bonneville Lock. Bonneville Dam is the oldest on the Columbia River, and its navigation lock is the smallest of the seven newer locks upriver. Barge traffic can back up 10 hours or more at Bonneville because only two barges can fit in the lock at one time. On the newer locks, up to five barges can be hauled in one 30-minute stretch.

The Corps of Engineers has estimated that barge traffic will match the lock's capacity by 1988. That's bad news for the Northwest, and for that matter the entire Nation, because of the tremendous growth in trade that has occurred in the Northwest over the past decade.

The export of grain represents over 50 percent of all the exports leaving Oregon. Recent projections on the amount of grain that will be transported down the Columbia provide ample justification for the construction of a new lock. While there have been year-to-year fluctuations in cargo volume, grain movements through Bonneville lock have more than quintupled since 1960. During the 1960's, Bonneville lock handled about 18 percent of Pacific Northwest wheat exports. With the extension of navigation up the Snake River, Bonneville lock has been handling about 45 percent of the wheat exports in the Northwest. Studies have shown that barge traffic will bear another 5 percent of wheat exports, accounting for about 50 percent of all future Northwest grain exports. Grain volume through Bonneville lock is projected to be about 7.5 million tons in 1990 and 9.5 million in the year 2000.

Construction of a new lock at Bonneville is not simply a matter of concern to those of us in the Northwest. While the Nation as a whole experienced a trade deficit of nearly $70 billion last year, the Oregon customs district recorded nearly a $1 billion trade surplus. Those figures clearly show that construction of a new lock at Bonneville is not only good for the Northwest, it's good for the country because it expands our export oppor-

tunities and helps close the gap in our trade deficit.

I also want to urge my colleagues to oppose the Petri amendment which would increase the reasonable and achieveable cost-sharing requirements agreed to in committee and would require local interests to furnish this money up front. If this amendment were adopted, barge traffic on the Columbia River would come to a virtual standstill and the Nation's entire inland waterway system would be seriously jeopardized. The Petri amendment is unworkable and grossly unfair to certain regions of the country.

Mr. EDGAR. Mr Chairman, I rise in opposition to the amendment.

Again, this is really one of the key provisons which has allowed those of us who have questioned our water policy process in the past to support this bill today. The creation of the new board and the review process for water policy and projects is merely an extension of the intention of Congress to provide for an independent water policy review process based on the merits and economic and environmental characteristics of projects. Congress has been committed to this review process ever since 1965, and has never backed down from this intention.

It was the administration which unilaterally abolished the water resources council, while Congress was working on legislation to renew and reauthorize the independent review process. The Reagan administration claimed in 1981 that its cabinet council on Natural Resources, controlled by the Secretary of Interior, could handle all project review functions. This essentially ment that we left all administration decisions in the hands of Secretary Watt, and now in the hands of Secretary Clark. The guidelines for project and policy review proposed by the administration virtually eliminated previous environmental and economic standards for projects and left the administration free to make subjective, policital decisions on all matters. Perhaps no administration would like its decisions accountable to outside review, but it is the responsibility of Congress to ensure that some type of accountability exists under any administration.

The new water resources board would be established of those Federal agency heads with the policy responsibilities as well a chairman and two other policymakers appointed by the President. Specific meeting and policy responsibilities would be laid out. This ensures that policy decisions will be discussed and not dictated arbitrarily. The provision also respects the requirement that States must also make important water policy decisions and, in fact, sets up a program for assistance to the States in carrying out State water development programs.

I should add, finally, that this title of the bill is extremely important to the environmental community. The water resources policy board is supported by groups such as the National Wildlife Federation, the Environmental Policy Institute, Sierra Club, Audubon Society, and others. These groups, which are most familiar with the problems that can be caused by unchecked or wasteful development of water resources, believe strongly that review and standards must be an essential part of the water policy process.

Again, I urge that the committee position be supported and that the gentleman's amendment be defeated.

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take the 5 minutes.

The committee is opposed to this amendment. I think that the gentleman from Pennsylvania [Mr. EDGAR], our distinguished colleague, has made a very good statement.

Let me say to the Members, what we are trying to do with this amendment is not take away anything from anybody. We want the states to have something to say about their water rights. That is the purpose of this amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Let me understand, the gentleman from Wyoming said a while ago that by a technical amendment that was adopted on yesterday, that portions of an amendment that was put on by the Interior Committee, or a prohibition that was knocked out by the Interior Committee within its jurisdiction, was put back in with a technical amendment adopted on this floor; is that correct?

Mr. ROE. I do not know what the gentleman was referring to.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Wyoming.

Mr. CHENEY. I thank the gentleman for yielding.

I was referring specifically to section 622, for example, of the amendments offered by the gentleman from New Jersey [Mr. ROE] last night which read specifically,

> No federal agency shall study or participate in the study of any regional or river basin plan or any plan for any federal water and related land resource project which has as its objective the transfer of water from the Columbia River basin or the Arkansas River basin to any other region or any other major river basin in the United States.

That is a provison that was originally in title XII, was knocked out when the bill came to the Interior Committee. We have jurisdiction over title XII. It would be our understanding, at least at the staff level, that the Public Works Committee would abide by that decision.

Last night in the amendments that the gentleman from New Jersey offered as technical amendments in a unanimous-consent request, that measure was put back in in a different portion of the bill.

Mr. ROE. We put the amendment up and the amendment was adopted last night.

Mr. CHENEY. It was specifically originally in title XII knocked out by the Interior Committee. We had what we thought was a good faith understanding that the Public Works Committee would abide by our wishes and, in fact, then last night it was added back in a different section of the bill.

Mr. ROE. I think the gentleman is mistaken. If we had made a commitment, we would have kept the commitment. That is for sure. We have never broken our word.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Minnesota.

Mr. STANGELAND. I thank the gentleman for yielding.

I just want to point out that the amendment was published in the CONGRESSIONAL RECORD 3 days ago. So the amendment was not slipped in a package. It has been published in a public record.

Mr. CHENEY. If the gentleman would yield further, with respect to the Great Lakes, an amendment was offered in the Interior Committee by the gentleman from Ohio [Mr. SEIBERLING] to provide for exactly the same kind of prohibition with respect to the Great Lakes. That amendment was overwhelmingly rejected in the Interior Committee. And again was added last night, not back in title XII, where it had been attempted before, but out of section 1185 and a long three-page memo again is a major, major provision, obviously, that was offered as a technical amendment.

Again, it is more than anything else, it is simply a matter of what we felt was a good faith agreement we wanted to abide by. The point, more than anything else, is that if the new Water Board is not going to be detrimental from the standpoint of the interest of the various States in the country, why is it necessary to exclude the Columbia River basin, the Arkansas River basin, and the Great Lakes from the operation of that board?

□ 1900

Mr. ROE. Well, the committee had broken no faith whatever with the Interior Committee.

Mr. McNULTY. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Arizona.

Mr. McNULTY. I sat through that entire Interior Committee meeting, and technically everything the gentleman from Wyoming said is true; but it is further also true that there was a certain amount of fun and games being played that day in the Interior Committee. The gentleman from Oregon, with an abiding interest in the Columbia River, made the mistake of staying around long enough to have his amendment put in, then left, and to his distress, later that afternoon, and in his absence, discovered that what he had sought had subsequently been removed.

So I do not think there is a breaking of any faith, although the gentleman's remarks and his observations are technically correct, and the Public Works and Transportation Committee has made no such agreement.

Mr. ROE. Mr. Chairman, I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the exemptions for interbasin transfer matters for the Arkansas River basin and for the Great Lakes area are news to me. I believe what I am about to say is probably news to the chairman and to the ranking minority member as well, but I would like a few clarifications on a related point.

Earlier last year this House passed a ground water demonstration recharge project bill which would affect the 17 western reclamation States. After the hard work of the Interior Committee and another authorizing committee—it was sent to the other body. That bill has moved through both the subcommittee and subcommittee in the other body without amendments.

Today as we approach the end of this Congress there are holds on that bill by at least two Members of the other body, one of them from Minnesota, in the Great Lakes area, and one of them from Arkansas, expressing various concerns.

I find it indeed interesting, frustrating, and irritating that, while we have more concerns and proposals, for interbasin transfer of water out of the Missouri River basin, we have these Members of the other body keeping those of us in the Western States from moving ahead with ground water recharge projects in the High Plains and in the 17 western reclamation States. Without any consultation with us, we have holds on the bill by Members of the other body on this important legislation, important to those of us who come from States in the Missouri River basin. And I add, the chairman of that Water and Power Subcommittee of the Interior Committee [Mr. KAZEN] did an outstanding job in moving that legislation through the House.

I would like to ask first—and I know this is unexpected, but I would like to ask the ranking minority member, the gentleman from Minnesota, if he is aware of what I just told him, first of all, and what explanation he might have for what is happening to the ground water recharge demonstration project legislation in the other body.

Mr. STANGELAND. This is the first news that I have heard of it, and I have no knowledge whatsoever of what the other body is doing or any Members of the other body are doing.

Mr. BEREUTER. I am wondering if the chairman can tell me from where the interest comes in the prohibition against water transfer out of the Arkansas River basin.

Mr. ROE. Well, it has been here for a while, and Members from that area of Arkansas have brought that to our attention. I think what they are concerned about is the situation that the water would not just be plundered, if you like, for want of better phraseology, at least that is their point of view, from Arkansas to go to another State without their joint relationship.

Now, the situation we talked about, the diversion out of the Great Lakes area, that was subject, as I recall it, to the approval of the Governors involved and also to the International Commission with Canada.

So those are Members who have asked for this kind of support, and it was voted last night.

Mr. BEREUTER. I am not critical of the Chair.

Mr. ROE. I understand that.

Mr. BEREUTER. I am seeking information at this point.

I would also go on to say that in the committee report language on the recharge bill and in the action of the committees in the other body as well, it was made quite clear that an interbasin transfer of water for those demonstration ground water recharge projects was not contemplated.

I wonder if I might be able to enlist some assistance and support in fair play and mutual concern about each region's water development projects from the chairman and from the ranking minority member.

Mr. ROE. Yes, we understand what you are saying. In candor, I cannot talk ill of the other body, I do not want to do that and I know the gentleman does not want me to do that, but this bill here that we have originated is a major bill that is going to affect the water resources of this Nation. We are hoping that when we get to the other body that they will move with dispatch, too, to get this bill through, because it is the only way we are going to get a coordinated program going on water resources. So we agree with the gentleman. We will work with the gentleman to try to achieve that goal, particularly where ground water is involved. In States such as mine, we are having a terrible problem with toxic waste disposal affecting our ground water supply, and I know the gentleman from Pennsylvania has worked very, very hard on the Groundwater Commission. People of this country have got to recognize the point of view that our ground waters are being poisoned hour by hour, and we have got to do something about it. So the gentleman is totally right there.

Mr. BEREUTER. I agree with the chairman.

I would like to have an opportunity for the point of view that I have just expressed to be emphatically expressed at the conference, particularly to those States who are interested in making exceptions against the interbasin transfer of water in this legislation. I would hope that those States might be a bit more respectful of the views of those of us who come from the Missouri River basin and from all 17 Western States.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. BEREUTER] has expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 1 additional minute.)

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Minnesota.

Mr. STANGELAND. First of all, I want to say that I would be pleased to work with the gentleman.

No. 2, I would like to point out that on the 27th of July 1983, this legislation was introduced, and this is the way it was introduced, with the exclusions for the Columbia and the Arkansas Rivers, at the request of the Governors and the delegations that come from those basin areas.

If other delegations can come unanimously to us and request something without a big controversy, we can put those kinds of things in the bill.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Wyoming.

Mr. CHENEY. I do not mean to drag this out, but the fact of the matter is that the committee print, prepared by the Public Works Committee for debate here on the floor includes none of the exclusions because they were in fact knocked out of the Interior Committee.

So the bill may have been introduced that way last year, but we did knock it out. That language came out of the committee, it was left out. We thought it was going to come out and it was actually left out.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Chairman, I think to put it in perspective that Members should realize there was an existing law prior to this legislation being introduced.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. BEREUTER] has expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. I would be pleased to continue to yield to the gentleman from Washington.

Mr. FOLEY. There was existing legislation dating for many years prohibiting interbasin studies in the Columbia and in the Arkansas basin.

When the Committee on Public Works introduced this legislation, including the Water Resources Board, it incorporated into that board language restrictions on these interbasin studies reflecting existing statutory law.

When the matter was referred to the Interior Committee, those existing statutory provisions were included again in the Interior version and later stricken in the Interior version.

When it was committed to the Agriculture Committee, the provisions for the Arkansas basin were eliminated, the provisions for the Columbia were added.

Now, all that this bill does is to reflect the existing state of statutory law regarding interbasin transfers, and it did not initiate special restrictions in this legislation. It reflected existing law of many years' standing.

Mr. BEREUTER. Reclaiming my time, I would like to say to the gentleman from Minnesota, when he talks about consensus from within a State—and I appreciate that concern—I would ask him to remember, when he visits with his own delegation, particularly involving those members of the other body, that we had an unprecedented amount of unanimity in the 17 Western States on the need for ground water recharge demonstration projects. I would hope that the gentleman would be able to take that view to his own delegation as well.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Wyoming.

Mr. CHENEY. One final point, for the gentleman from Washington State. The prohibitions that were added last night on the Great Lakes are absolutely brand new. They do not exist in existing law. It is a major policy decision. It was considered as a technical amendment.

Now, perhaps it was, but it certainly was perhaps a substantive technical amendment.

Mr. BEREUTER. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. EDGAR] if he desires time.

Mr. EDGAR. I would just like to say to the gentleman that, as the author of the National Ground Water Commission, as someone who worked with the gentleman on issues relating to the Missouri River basin that dealt with coal slurry pipelines and other kinds of uses of water——

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. BEREUTER] has again expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 1 additional minute.)

Mr. EDGAR. I think it is important for us to keep the Water Policy Board in place. There are some technical issues that we need to deal with, we think we can deal with them in conference. I think it is the feeling of the committee, the chairman of the subcommittee and the ranking Republican member, that we do need a National Water Policy Board, we need to analyze these questions very carefully, and I would hope that the gentleman could get some of his questions answered as we move along the process. But I hope tonight, given the pressure of time and space, that we could move quickly to a vote on this issue.

Mr. BEREUTER. I thank the gentleman for his comments.

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Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman, my colleague and friend from Nebraska

Mr. DAUB. I thank the gentleman for yielding.

I will be very brief, I think his concern is expressed articulately, and I think his concern is correct. To this extent that there should not be exceptions carved out on a matter of this great importance, No. 1.

No. 2, since the Interior Committee took care of the matter, at least as far as this Member who is concerned, who is a member of the Public Works Committee, there was no need to fight that battle in the Public Works Committee. So, as a result, I think I am somewhat disadvantaged and a little bit surprised. I hope that it is resolved in conference.

Mr. STANGELAND. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman.

Mr. KAZEN. Mr. Chairman, let me commend the chairman of the subcommittee and the ranking Member for the work they have done here. I was not present at the Interior Committee meeting where all of this took place, so I am new to these arguments. But I was surprised at what the gentleman in the well had just said about what is happening in the other body to our underground recharge bill that we passed from this House last year. I was wondering why it was being held up in the other body.

Now that is a bill that this whole House went along with. It is very, very important to the entire country; not just in 17 Western States. But we are in dire need of new methods to recharge aquifers faster. The water table has fallen in all of the States and we need to find some new methods of recharging aquifers a lot faster than we have now.

For that reason, I would request both the chairman and the ranking member, when they go to conference on this bill or any other, assure them that we have cooperated with them, those two particular Members of the other body, and allow us to have that bill, because it is very vitally needed in this entire country.

We cannot live without ground water. Your section of the State, Mr. Chairman, and Pennsylvania, the rest of the East, has different problems than we have, but they are all related to that bill that this House passed last year, and I would urge that you cooperate with us the way we have been cooperating. There has never been any differences expressed between your committee and our Committee on Interior. As chairman of that subcommittee, I would sure request your cooperation on this matter.

Mr. ROE. Be assured of our fullest cooperation.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman.

Mr. FRENZEL. I thank the gentleman for yielding.

Is it true in the gentleman's opinion that the allegation which was made by the gentleman from Wyoming, did your committee introduce an amendment in the guise of a technical amendment that repealed an amendment adopted by another committee?

Mr. STANGELAND. That is not true; it was not a technical amendment. It was a committee amendment that was offered.

Mr. FRENZEL. I thank the gentleman. It was one that was discussed with the other committee, I take it?

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman.

Mr. ROE. There were 11 amendments that would have been offered under the rule individually to each title, in which everyone has open debate and full freedom to review and to discuss or do what they choose to do with them. We asked for unanimous consent to take the committee amendments en bloc and that is precisely what we did. It was agreed to by the House.

If our committee had made a commitment, we worked with four differ-

ent committees on this bill. Every single commitment we lived up to to the letter. And as chairman of this committee, I can tell the distinguished gentleman categorically, there was no other commitment made to Interior nor would we abrogate such a commitment. That just is not accurate, and I do not know where the gentleman is getting that from.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman.

Mr. CHENEY. Let me say that I have no desire whatsoever to question the integrity of my colleagues in the Public Works Committee, I do not want to debate this issue endlessly. I think we have covered it fully enough. It was a very important amendment. It says something as well about the establishment of title XII and the new Federal Water Board, and perhaps at some other time, I will the opportunity to pursue what I take to be an honest difference of opinion with my colleague from New Jersey.

Mr. DAUB. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the committee, I only wish to add in a very brief comment, so that my subcommittee ranking members on each side understand my feelings about this. I understand the battle was not fought on this issue in Public Works because this member understood the battle had been fought or was going to be successfully resolved in the offer of the subcommittee. So I did not follow and I will indicate to a degree an apologetic feeling for not having followed the technical amendments.

If we are going to perform title XII, my view is all right we can do it, and this member will not object, as long as there are no exceptions carved out. Now three exceptions have been carved out, and it is for that reason that I am hopeful in conference, if we do not pass the gentleman's amendments now, that the ranking member and the ranking member of the full committee take this debate into full consideration as we look at what we do in the conference.

Mr. ROE. We most assuredly will, I can assure the gentleman.

Mr. DAUB. I thank the gentleman for that assurance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. CHENEY].

The amendment was rejected.

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PETRI: Page 317, after line 26, insert the following:

TITLE XVI—OTHER COST SHARING CONDITIONS

SEC. 1601. (a) Notwithstanding any other provision of law (including any other section of this Act), the share of the project costs non-Federal interests shall pay during the period of construction of any water resource project of the Secretary of the Army (including any demonstration project and excluding any project for navigation) which is authorized before, on, or after the date of enactment of this Act and for which Federal funds have not been appropriated for construction on or before such date of enactment shall be as follows:

(1) 50 percent of the costs of construction allocated to the hydroelectric power purpose of the project; *provided that*, the Secretary shall give preference in accepting contributions from non-Federal interests to those entities which are entitled to preference status under applicable law and have shown interest in developing the hydropower resource involved;

(2) 20 percent of the costs of construction allocated to the municipal and industrial water storage and supply purposes of the project;

(3) 50 percent of the separable costs of construction of the recreation features of the project;

(4) Not less than 50 percent of the costs of construction allocated to the shoreline protection and beach erosion control purposes of the project if the project is located on any shore (other than a federally owned shore or non-federal public shore park);

(5) Not less than 30 percent of the costs of construction allocated to the shoreline protection and beach erosion control purposes of the project if the project is on a non-federal public shore park;

(6) Not less than 25 percent and not more than 30 percent of the costs of construction allocated to the flood protection purpose of the project if such project purpose is for structural improvements;

(7) 10 percent of the costs allocated to the flood protection purposes of the project if such project purpose is for nonstructural improvements.

(b) Notwithstanding any other provision of law (including any other section of this Act), non-Federal interests shall pay during the period of construction of any navigation project of the Secretary (including any demonstration project and excluding any navigation project for an inland waterway or inland waterway harbor) which is authorized before, on, or after the date of enactment of this Act and for which Federal funds have not been appropriated for construction on or before such date of enactment, the following amounts:

(1) If the project is for a general cargo port, 30 percent of the costs of construction allocated to the navigation purpose.

(2) If the project is for a deep-draft port, 30 percent of the costs of construction allocated to the navigation purpose of the portion of the project to a depth of 45 feet and 50 percent of the cost of construction allocated to the navigation purpose of the portion of the project deeper than 45 feet.

(c)(1) If the Secretary determines that the economic benefits of a water resource project are better achieved through flexible non-Federal cost sharing arrangements, the Secretary may extend the period for payment of the non-Federal costs required to be paid by subsections (a) and (b) of section 1601 for a period not to exceed 15 years beginning on the date of such determination; except that non-federal interests shall pay at least 10 percent of the cost of construction of the project during the period of construction.

(2) The Secretary shall enter into an agreement with each non-Federal interest to whom an extension of a payment period is made under this subsection to ensure that the present value of deferred payments when added to payments made on or before the date of such extension are equal to the present value of the non-Federal share of the costs of construction of the project which would be due during the period of construction but for this subsection.

(3) Within one year after the date of enactment of this Act, the Secretary shall issue regulations setting out objective criteria (such as regional unemployment levels, poverty levels, the non-Federal sponsor's financial capabilities, and the probable timing of future benefits resulting from any water resource project) upon which any determination by the Secretary concerning extension of the period of payment of the non-Federal share of the costs of any water resources project will be based under this subsection. Such regulations shall be issued following public notice and an opportunity to comment in accordance with subchapter II of chapter 5 of title 5, United States Code.

SEC. 1602. (a) The Secretary may commence construction of a water resource project or separable element thereof to which the provisions of section 1601 apply only if each non-Federal interest provides such asurances and enters into such agreements as the Secretary determines are necessary to ensure that such non-Federal interest will pay its share of the cost of the project or separable element thereof in a timely manner and will furnish any other required cooperation for the project.

(b) A non-Federal interest may pay its share of the cost of any water resource project to which the cost sharing provisions of section 1601 apply by providing services, materials, supplies, lands, easements, or rights-of-way or making other payments in kind; except that non-Federal interest shall pay at least 10 percent of the non-Federal share of the total costs of construction of the project in cash.

SEC. 1603. (a) Any agreement entered into under this title shall be enforceable in the appropriate district court of the United States.

(b) The Secretary shall deposit all payments received from non-Federal interest for their share of the costs of any water resource project to which the provisions of section 1601 apply in the general fund of the Treasury of the United States.

SEC. 1604. Notwithstanding any other provision of law, the total of all obligations from general revenues for construction, operation, maintenance, rehabilitation, and renovation of navigation projects for inland waterways and inland waterway harbors of the United States shall not exceed—

(1) $586,000,000 in the fiscal year ending September 30, 1986;

(2) $551,000,000 in the fiscal year ending September 30, 1987;

(3) $516,000,000 in the fiscal year ending September 30, 1988;

(4) $481,000,000 in the fiscal year ending September 30, 1989;

(5) $446,000,000 in the fiscal year ending September 30, 1990;

(6) $411,000,000 in the fiscal year ending September 30, 1991;

(7) $376,000,000 in the fiscal year ending September 30, 1992;

(8) $341,000,000 in the fiscal year ending September 30, 1993;

(9) $306,000,000 in the fiscal year ending September 30, 1994;

(10) $271,000,000 in the fiscal year ending September 30, 1995;

(11) $236,000,000 in the fiscal year ending September 30, 1996;

(12) $201,000,000 in the fiscal year ending September 30, 1997, and in each succeeding fiscal year thereafter.

SEC. 1605. The Secretary shall study, in consultation with the Secretary of the Treasury and other interested parties, means to raise additional revenues in the event that total authorized expenditures for navigation projects exceed (1) the annual ceiling on obligations of funds from general revenues provided for in section 1604 plus (2) the funds available from the Inland Waterways Trust Fund. The Secretary shall report to Congress not later than February 15, 1985, on the results of this study along with recommendations concerning the most appropriate means of raising such additional revenues.

SEC. 1606. Nothing in this title shall be deemed to alter or amend in any way otherwise applicable statutes, including but not limited to Section Five of the Flood Control Act of 1944, relating to marketing of federally generated hydroelectric power from projects constructed by the Army Corps of Engineers.

Mr. PETRI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I wonder if I could inquire of the Chair whether or not we had taken action on the unanimous-consent request to limit debate on this issue.

The CHAIRMAN. No, we have not.

Mr. PETRI. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, we are trying awfully hard. Members are just trying to get home. This is a very important amendment. How much time does the gentleman feel that he needs?

Mr. PETRI. My understanding was that we would agree to limit all debate on this amendment to no more than 1 hour, evenly divided between the proponents and the opponents. It is my hope that we will not need the full half-hour, and we will keep some rough balance or parity between the two sides. But that was the understanding.

Mr. ROE. Mr. Chairman, I ask unanimous consent that debate be limited to 1 hour; 30 minutes to the gentleman from Wisconsin [Mr. PETRI] and 30 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PETRI. Mr. Chairman, the amendment I am offering today adds a new title, title XVI to the bill to improve its cost-sharing provisions. I think we can see from the debate that has occurred today on a number of elements of this bill that we do need some reasonable economic tests of the need for Corps of Engineers water projects. My amendment addresses that need by establishing a policy that at least a portion of the non-Federal share of the construction costs of corps projects should be contributed by local sponsors up front during construction of the projects. I think that if this amendment were to be adopted, we would find that a lot of so-called vital projects would become less necessary the moment we ask the beneficiaries of those projects to help with the costs.

H.R. 3678 already contains cost-sharing requirements. In almost all cases, my amendment merely moves part or all of those existing requirements already in the bill, up front, so that the beneficiaries make clear commitments before construction starts. In the areas of flood control, recreation, beach erosion control and development of deep-draft harbors the same cost-sharing requirements as in the committee bill are simply moved up front; the percentages are not changed.

For hydropowered projects, half the cost sharing required in the committee bill is moved up front. At the same time, the amendment preserves the principle of preferential access to federally generated power for publicly owned and consumer-owned entities. For general cargo ports, the bill requires no non-Federal share, but the amendment would require 30 percent of the construction costs up front.

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Finally, for inland navigation, the amendment implements cost sharing through an overall cap on general revenue expenditures, starting at $586 million and declining $35 million per year from 1987 to 1997, to an eventual level of a $201 million per year cap on appropriations from general revenue for these types of projects. Meanwhile, the separate Inland Waterways Trust Fund is going to continue to accumulate a balance of about $235 million it is estimated by 1987 under current law. By itself, a drawdown of that balance can fill for some years the gap left by the declining cap. In addition, the construction budget will decline steadily when clearly uneconomic projects are dropped. Therefore, no increase in the barge fuel tax or other user fees should be needed for nearly a decade, if this amendment is adopted, if then. The amendment simply puts waterway users on notice that eventually they will have to pay for the consequences of their decision at the margin, since the last dollars spent will be all theirs. Knowing that, they should become much more cost conscious from the start.

Another key aspect of this amendment is a flexibility clause for modifying up front requirements in hardship cases, and this is very important, because we have heard a lot about poorer areas of the country that cannot afford to pay their share of the project, and that is taken care of in this amendment.

In such cases, the amendment authorizes the Secretary of the Army to extend the repayment requirement for up to 15 years beyond project completion for all but 10 percent of project costs. I think it is important to indicate that that 10 percent of project costs need not be in cash. It can all be in kind, land, easements, studies, other local improvements that are incorporated in this project. So poor areas do not have to worry. They are not required under this to come up which the money up front. After 15 year, up to 10 percent in cash of their share, not 10 percent of the total project, let me underline, just 10 percent of the share. Certainly if the project is at all economically justified, it should produce some benefit to the area, enabling it to make that payment 15 years down the road.

Criteria for extending repayment to be used by the Secretary of the Army include regional unemployment levels so that can be taken into consideration, poverty levels in the area, the timing of future benefits from the project, and the financial capability of the non-Federal sponsor. This last criterion might be especially important for preference entities in hydro projects, since it is sometimes argued that they lack the ability to raise up-front capital.

Mr. Chairman, the purpose of this amendment is not to stop any particular project, but rather, to set the rules under which all projects can compete equitably for limited financing. Furthermore, it does not change the rules of the game for any existing project, or for any project already under construction, or for any project that has received any appropriation for construction prior to the time when the bill we are debating today becomes a part of the law of this land. Simply stated, this amendment is directed toward projects for new purposes, not at any repair, not any maintenance, or rehabilitation or modification work that is consistent with the original purpose of a project already built or in an appropriation. This amendment is meant to be constructive of good water policy and that requires a transition that is both fair and responsible.

We are not trying to upset any apple carts that are already out there.

Mr. Chairman, the sheer size of this bill argues strongly for the adoption of an up-front cost-sharing amendment in order to assist projects where the public need is greatest. We already

have, it is estimated, about $10 billion of authorized and unappropriated projects, a $10 billion backlog of active but unfunded corps work in the United States, and this bill would add more than $20 billion in projects and related activities.

I know we got into a little debate in the full committee today on that figure, but the fact of the matter is, in the committee report itself they contain a Congressional Budget Office estimate appearing in the committee report which provides the total of all projects and activities authorized in this bill as estimated to be $22 billion. Add that to the existing $10 billion, and we have the $30 billion or so that I spoke of in committee this morning.

At the current rate of spending, not authorizing but spending, $1 billion to $2 billion each year is being actually spent. We are going to have $30 billion of authorization and $1 billion to $2 billion of money. That means 30 years for the one at the end of the road to even get its first dollar. Many of the projects in the bill will not even be looked at for more than a decade.

My amendment would give us an economic mechanism to help decide which projects to fund, and I hope that all Members whose districts have worthwhile projects in this bill or on the current waiting list will understand that this amendment will make it more likely, rather than less likely, that their projects will actually receive funds.

I just want to mention one thing, too. When I used to serve in the State legislature back in my State, we had trouble passing bills from time to time there, too. The custom in that legislature then, when a budget bill did not have enough votes, was to go around and ask members, especially new members, what it was that they needed to vote for the bill. A list was made and they were assured it would be put in what they called in those days a trailer bill. In exchange for that, they voted for this budget and the trailer bill was brought up and it would pass the body in which the member sat, but somehow it never made it into law.

I suggest to the Members here, we have a little more sophisticated mechanism. We go about authorizing an awful lot of projects, people work for them, they vote for the bill because the authorization is there. They are never going to get appropriated if we do not have a fair appropriation mechanism to let projects rise or fall on their individual merits, and that is what we are attempting to move toward in a very modest way in this amendment. I believe the adoption of this amendment would significantly improve the chances that the President will sign this bill, and that is an important consideration, too.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding at that point.

Mr. Chairman, I would like to compliment the gentleman for his amendment and draw to the attention of the House the letter that was dated June 20, 1984, from David Stockman, Director of the Office of Management and Budget. In that letter there is a paragraph that I think is operative to wanting what all of us want, and that is a sound water policy bill passed in this House, passed in the other body, and signed by the President. The language of the letter says in part the following:

> We have examined the package of amendments that you plan to offer and would commend them to your colleagues as a major step forward. If the House bill can be modified as you are proposing, the likelihood of a conference being able to produce a bill that I could recommend to the President for signature will be much greater. As the Administration has noted on several prior occasions, in its present form H.R. 3678 is a prime example of the type of big-spending, budget-busting bill that undermines confidence in our nation's ability to control spending and reduce the deficit. I would unhesitatingly recommend that it be vetoed if enacted without change.

I think Mr. Stockman's language is a bit strong, and I plan to support the legislation even if for some unfortunate reason the Petri amendment does not get accepted.

Mr. PETRI. I do, too, by the way.

Mr. EDGAR. But I think it is important for our colleagues to know that the bill, once passed by the House with all the fanfare and celebration, does not easily become law unless some modifications can be made with the administration.

So I think the gentleman is offering the House a good service. He is suggesting that cost sharing ought to be nudged up in a couple areas and that there ought to be some up-front help for those communities that have economic distress. I commend the gentleman for his amendment. I have some words I would like to share specifically at a later point, but I thank the gentleman for his comments.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, I want to tell my friend that over the years I have thought that we ought to have some kind of cost sharing, but I have some concerns, and maybe the gentleman might make a little explanation as to his reasoning behind it.

Let me take, for example, in the nonstructural flood control work that might be done.

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The gentleman called for a 10-percent cost sharing. Now, the gentleman also talked about up-front money. Is the gentleman saying that when a project is approved by the Corps of Engineers, a nonstructural flood control project is approved by the Corps of Engineers, that immediately the local government must come up with 10 percent of the money, say that project is $10 million, that that project, the local sponsors must come up with $1 million before it is even begun?

Mr. PETRI. Not at all. What we are saying is that they must come up with 10 percent of the total cost of the project, but it need not be all in cash at all. In fact, no more than 10 percent of their 10 percent in this case need be in cash; plus, they can even have that cash requirement waived if they are contributing more than or up to 10 percent of the cost of the project in easements, in local land or in other improvements, in studies and so on that contribute to the project, they can contribute that as their share of the project and so the cash requirement is no more than 10 percent of the non-Federal share and you can defer that in a hardship case for up to 15 years; so it is a very modest token of local involvement, and certainly there are very few projects covered by this bill that do not involve some kind of opportunity for in-kind participation, so we are not talking about all cash on the local already overburdened property taxes in these areas. We are talking about a contribution of lands that will be affected, that may be held in a State or local ownership and other facilities that may become incorporated in the project; so we think it is not going to drive out any but the most unjustifiable projects in the eyes of the people most directly affected.

Mr. LUJAN. Mr. Chairman, if the gentleman will continue to yield, let me use the same $10 million project example with a required 10-percent participation.

Now, what the gentleman is saying then that certainly the $10 million is the cost sharing, but that $900,000 of that could be in land contributions, in easements or other in-kind, and that as a matter of fact only $100,000 need to be in cash.

Mr. PETRI. That is correct.

Mr. LUJAN. That someone could get away with that.

Mr. PETRI. That is absolutely correct.

Mr. LUJAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, is this up front money that the gentleman is

saying the local involvement, the local governments have to provide?

Mr. PETRI. This is up front except in cases waived by the Secretary of the Army, in which the case the cash would not be required for up to 15 years.

Mr. RAHALL. In a majority of the cases, it would be up-front money that local governments would have to provide.

Mr. PETRI. I assume in the normal case the local people would be required to provide up-front money up to 10 percent of their share, not 10 percent of the project; so if you have a $10 million project and the local share is 10 percent, that is $1 million. The cash requirement is 10 percent of that, or $100,000, and that would be the local share for a $10 million project.

Now, that is really not putting too much of an impediment. If you are going to get $10 million in an area and we are going to ask the rest of the people in the country to come up with $10 million and you have got a good property tax base and you do not have a low poverty level in your area and you do not have high unemployment in your area, and you want $10 million, we say, "Why don't you put up your $100,000 proportionately as the Federal Government pays its money?"

Now, you do not have to come up with the whole thing. You do have to match it with the government mix.

Mr. RAHALL. But in spite of this $100,000 requirement that the gentleman gave as an example, $100,000 for a local unit of government may be a great deal of money. How does the gentleman suggest that some of our hard-pressed local units of government in today's economic times are going to come up with this money?

Mr. PETRI. If I can reclaim my time, the fact of the matter is that these projects are generally entered into local what they call contracting parties. The projects tend to involve a number of jurisdictions, not just one community; sometimes, a State, sometimes several States, sometimes a combination of entities, and they negotiate that out with the Corps of Engineers in the course of getting the project actually funded and moved forward. If there is a hardship under this amendment, they could end up having that cash deferred.

All it does is make it across the board. This hard-pressed community should be delighted that if they really do have a need, they have an opportunity to get to the front of the line, rather than going behind someone else's 100 percent federally funded that is going to take the limited dollars away from them.

MR. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. PETRI. Yes; I will.

Mr. EDGAR. Mr. Chairman, I think that is an important point. We are making a major investment in communities. We are improving flood control. We are providing hydroelectric power. We are providing water supply. We are providing navigation. We are providing deep ports. We are providing all kinds of water assets to the Nation and all we are asking is some minimal sharing of the cost of that.

Many communities are not hardship cases. They can come up with up front money to get the kind of Federal investment that we are providing.

I think the gentleman from West Virginia has a concern because there are pockets of poverty and areas of real concern.

I think the gentleman's amendment begins to address that issue. It is not a perfect piece of legislation. I would like to see our committee come up with a formula whereby cost sharing can be provided on a fair and equitable basis, but I think that given the pressure of the gentleman's time, I would just like to commend the gentleman for an amendment that has I think broad-based support, clarity, and also helps these poor communities.

Mr. PETRI. Mr. Chairman, I thank the gentleman, and reclaiming my time, I would just add that if a project is worthwhile and will produce economic benefits for an area, it ought to produce some sort of an increase in its tax base or economic activity in that area, or protection of existing property in that area, or existing rights in that area, such that they can pay their 1-percent cash requirement in 15 years.

I would just conclude my portion by saying that not only is the Reagan administration supporting this particular amendment, believe it or not, it is also endorsed and supported by Americans for Democratic Action, the National Taxpayers Union. I think this may be the first time they have seen eye to eye, those two particular people in a long time.

The National Taxpayers Union, the League of Women Voters, the Heritage Foundation, and that is another strange pair, but it is across the board; the Grace Commission, here is a Grace Commission reform that we can help to move forward; the National Wildlife Federal, the Environmental Policy Institute, the Sierra Club, the National Audubon Society, Friends of the Earth, Wilderness Society, Association of American Railroads, Comparative Enterprise Institute, United Transportation Union, and Railroad Labor Executives Association.

Ms. OAKAR. Mr. Chairman, will the gentleman yield to me?

Mr. PETRI. I will yield, yes.

Ms. OAKAR. Did the gentleman say the Grace Commission?

Mr. PETRI. Yes.

Ms. OAKAR. Does the gentleman know that the Grace Commission, I am familiar especially with that part of it, one-fourth of their report had to do with Federal employees and they were 600 percent off. In one category, they were $13 billion off.

We have a GAO report and a congressional research report.

That is the most phony-baloney Commission ever created, and I thank the gentleman for yielding.

Mr. PETRI. Mr. Chairman, I reserve the balance of my time.

Mr. ROE. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. BIAGGI.]

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding.

I rise in opposition to this amendment.

I think it is important to note, one, that the title I section of this bill refers to port development and a section of the gentleman's amendment that deals with it tends to address itself to cost sharing for the small ports in our Nation.

I think it is important to know the history of this whole title I. We met with the port directors of the Nation. At first they were reluctant to deal with port development. We assured them that we would engage in a partnership and limit this development to the six major ports that are incorporated into the legislation.

The smaller ports were fearful and so were the larger ports. We finally convinced them to come along.

The provision in the gentleman's amendment would impose a cost sharing of developments in the small ports. They are not prepared to do that. That would be breaking faith with all the ports in our Nation, clearly.

No. 1, we are talking about a very complex situation. We had many hearings and many assessments of the six ports that eventually found themselves in this bill. We have not dealt with the small ports. There is no study dealing with the small ports to justify this kind of 70/30 cost sharing.

Let us go back in history. In 1789, the Articles of Confederation provided for the U.S. Government to take over responsibility for navigation and development of ports.

□ 1940

In effect we will be abrogating that agreement. And it was no small surrender on the parts of the then colonies because they were engaging in very substantial trade. It was Madison, Hamilton, and Jefferson who said it was important to establish a national network where we can carry via water the trade and the cargo of the day. And in return they promised they would maintain the navigation system and develop ports.

That is the way it has been up until this date. Now, what this amendment, this portion of this amendment would do is abrogate that agreement and

impose on the small ports an inordinate burden.

Talk about the practical application, one does nothing in this amendment that confers upon the ports the authority to levy fees. No mechanism is in place, no mechanism is in place. Furthermore, you are talking about expediting, expediting the projects. There is no fast-track provision.

You will be confronted again with 21-year waits for any kind of development. And what you are really talking about, the question in a number of ports, you are dealing with 169 ports which carry one-third of the cargo. Contemplate, if you will, the inordinate distribution of the cost of the levy on the small ports. What it will do is impose an additional cost of transportation on all cargo into small ports.

Then look at the vessels that call on many ports within the country. These vessels have multiple stops. In the end you will, in fact, inhibit the whole trade operation. You will, especially in coal and grain, because we are dealing always on a competitive basis with many other countries. We will not be in a competitive position.

Clearly I urge the Members of this House to vote against this amendment. It is not thoughtful. It has not been given the light or the proper scrutiny. It has not been given the advantage of congressional hearings. It has not been given the kind of thought that the situation requires.

The way title I is found in the bill proper is the way it should be delivered. It is something that the administration wanted. President Reagan talked about port development in the State of the Union speech, and he is for it.

Vote against this amendment.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Maryland [Ms. MIKULSKI].

Ms. MIKULSKI. Mr. Chairman, I rise in opposition to the Petri amendment.

In 1970, the Congress authorized full Federal funding for a 50-foot channel project for my Port of Baltimore. As a condition to the State of Maryland, our citizens were to provide a dredge spoil disposal site for the Federal deposits during this project.

The citizens of Maryland were not as lucky as other ports that have their disposal sites provided by the Federal Government. Marylanders have even invested $54 million in our dredge disposal site in anticipation of our fully federally funded project. This site is called Hart-Miller.

The original commitment for full Federal funding has been breached. Congress is changing rules to 50–50 funding. So my State has been forced to give up full Federal funding. Maryland will reluctantly pay one-half of the total project cost provided for by this bill. But it is not reasonable to deny Maryland partial credit for the construction work undertaken in good faith as part of an already authorized project.

This bill will bring Baltimore closer to that day when we can compete in the imports and exports.

The Petri amendment would damage all ports and inland waterways ability to do this Nation's business. It would require local sponsors of water projects, like my State, to put their share of the project costs up front and virtually eliminate general fund appropriations for operation and maintenance of the inland waterways. The penalty for failure to comply would be closure. We, in Maryland, already feel we did this in building the Hart-Miller Dike.

Can you imagine closing our ports and inland waterways? The effect would be devasting not only to our economy, but to our national defense.

I urge my colleagues to vote against the Petri amendment, and vote for final passage of H.R. 3678.

If the Petri amendment passes it will have a devasting and negative effect on the ports of America. This bill represents public investment that stimulated the private sector jobs. It is the product of brilliant work by Chairman ROE that enables each port to be a world-class port generating jobs. And places real competition where it belongs in the marketplace.

Long Beach/Los Angeles will be the western funnel to compete in the Far East.

Mobile and New Orleans take full advantage of the Gulf of Mexico to send coal exports to South America.

New York, Norfolk, and Baltimore accommodate the container ships, that grow larger each year to carry more cargo.

I urge the defeat of the Petri amendment.

Save jobs.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. I thank the gentleman for yielding. I rise in opposition to this amendment.

As a member of the Energy and Water Appropriations Subcommittee for the last 8 years, we have never provided money on the basis of the fellow that had the most at home. We have provided it on the basis of need.

Take, for instance, a flood control program. Who is going to provide that up-front 10 percent; the people that get flooded? I do not think we ought to make this kind of a change in public policy at this hour of the night with a 1-hour debate.

I hope you will vote against the amendment.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana, the Honorable JOHN MYERS.

Mr. MYERS. I thank the chairman for yielding this time.

This amendment sounds attractive. It is tempting to vote for an amendment like this because it sounds like we are going to be able to use more Federal dollars and accomplish more.

However, the gentlewoman from Nebraska [Mrs. SMITH] is exactly right. Something like this may be the right course of action for this Congress to take sometime in the future, but only after careful examination. Tonight in 1 hour of discussion here, to come in and undercut this committee who has worked for more than 2 years to develop a new local government involvement I think would be wrong.

The problem is this, and the gentlewoman from Nebraska [Mrs. SMITH] and I serve on the committee that also examines these details, just as the subcommittee has, where the area of trouble is especially in flood control.

Quite often that is the area where they least have the money to solve their local problems, and the floods are not caused where the flood damage is done. They are caused upstream some place.

Who is to pay, then for the recovery? Who is to pay for the damages; the people who are the victims, or are you going to properly go back upstream? Under this Federal plan you make everyone pay for a share of it until we can correct the problem.

This is not the time, not the place to go in depth and to change the formula tonight. We ask that you vote "no" at this time on this amendment.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. I thank the chairman for yielding and I rise in opposition to the amendment.

Mr. Chairman, this is a divide and conquer bill, not against parties, party against party, but actually this is one that is the rich against the poor.

If this amendment passes basically, as the gentlewoman from Nebraska said, those who probably need the water development programs the most, those are the ones that cannot afford it.

I also serve on the Appropriations subcommittee with the gentlewoman from Nebraska and also the gentleman from Indiana. We have several thousand people come before our committee each year. I have asked several hundred of these if they could afford to put up front financing. I have had to this time, to this date, I have had not one single community or county or entity of government say they could put up the requirement that was necessary.

This would literally stop every water project nearly in this bill.

For instance, in some of the counties which have a great opportunity for hydropower, the per capita income is less than $4,000 in my area of the State, 22 percent unemployment, 25 percent of the people below the poverty level, 10 percent of them do not have inside plumbing. How can they come up with the necessary financing of hydropower, which will actually probably be produced and yield and serve somewhere outside of that individual county or that community.

This is a disastrous amendment. I urge every single Member of this body to do the thing that is necessary and vote against this amendment.

I yield back the balance of my time.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. EDGAR].

Mr. EDGAR. I would like to speak just a moment about what the previous speaker in the well said about the poor people in his area who have to pay for hydroelectric power.

The Federal Government has a deficit. The Federal Government wants to put in place hydroelectric power, wants to put in place deep ports, wants to put in place economic values to our communities, and that is good.

There is no reason why communities ought not to pay a share, whether it is 10 percent for those nonstructural flood areas, whether it is 25 percent for those communities who have generalized water projects or some minimal amount of cost sharing from almost every community. But every region of the country is important.

Who is going to pay the bill? States will make decisions as to what other strategic things they need investments for. And if there is a poor community in the State, the States will have the opportunity and the right to make an investment. And it is a pretty good bet, let us say we are going to spend $100 million on those nonstructural flood areas, a State has to come up with $10 million to get $90 million of free money from a country that has a $200 billion deficit for the foreseeable future. Let us say they want to put in place a hydroelectric plant that is going to serve the entire State or an entire region.

□ 1950

That means out of the revenues generated from that hydroelectric plant we can get recovery for that project. I do not think that is too bad. I think that makes the investment up front and it is a carrying investment.

Now there are two speakers who talked about "Oh, this is only an hour of debate and I cannot make this decision this late at night." We have known about this decision for weeks. We are the ones offering the amendment who limited the debate so all of us can go home and leave.

So I hope Members will take a look at the merits of the discussion.

Finally, this one point. Whether the Petri amendment passes or not, the gentleman from New Jersey [Mr. ROE] has put together a bill that deserves our support. We have in this bill some positive policy initiatives. The Petri amendment just sharpens one of those policy initiatives to move toward cost sharing.

I urge strong support for this legislation.

Mr. PETRI. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. EDGAR. Let me close out the debate on our side for just a minute with this comment.

For over a year since our committee reported this bill unanimously, we have been attempting to get the bill to the floor. It is here on the floor. Two very important amendments were defeated, one very narrowly and one by a large margin. This is only the third issue of real significance, and it is a policy issue.

We ask each Member to look at it as a policy issue. You may agree or disagree. We hope you will vote your best judgment. Once this is disposed of, I hope we can move to final passage of the legislation, because we do, in this legislation, deauthorize projects, set up a revolving loan fund for urban water systems, and provide cost sharing and begin the process of developing a national water policy.

Mr. Chairman, I want to commend the gentleman from New Jersey for his leadership.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the Petri amendment represents a broad effort to improve this bill beyond the important efforts that have already been made by the committee on the issue of non-Federal cost sharing. This is not a new or radical approach to water policy issues, nor does the amendment, in my view, represent unrealistic requirements on the part of sponsors and beneficiaries of Federal projects.

Briefly, the amendment would increase the local share of construction costs, which must be paid during construction of the project, in the categories of hydropower, flood control, water supply and distribution, recreation, beach erosion, and port construction. In fact, the provisions of the amendment on flood control and deep port financing basically track the provisions already in the bill, while the other provisions represent fairly modest financing increases. Finally, the amendment would cap, and then gradually reduce, the Federal appropriations paid for construction of our Nation's inland waterway system.

The theory behind non-Federal cost sharing for Federal projects is very simple. The idea is that the only ultimate test on whether a project is truly needed by local beneficiaries is whether those local beneficiaries will be willing to make a reasonable financial commitment to that project. Why should the taxpayers across the country invest billions in projects of this sort if the users of these projects are unwilling to pay even a fraction of the cost? Yet, time and again we have witnessed the construction of dubious projects, which are harmful to the environment and waste natural resources and tax dollars.

I realize that there are those who argue in good faith that requirements for local cost sharing could favor rich communities over poor communities. I do not think anyone would question my own commitment to the poor as well as the better off. But we have to look at the real world and the way that business is done around here. The fact is that we have built many projects in the past even in the face of substantial local opposition to such projects. We have built many more projects which local residents like and use but would not have been built if the users had to pay anywhere near the cost of project services. This is simply not the type of policy we can continue to afford in an era of $200 billion deficits and sensitivity to conservation and environmental requirements. They only true economic test which stands a chance of tempering the purely political considerations on these projects is the test of local financial commitment. We will never remove politics from the section process, nor should we. But we must find some workable ways of injecting economic and environmental realities into the water policy process.

In my view, the most significant section of the Petri amendment is the provision dealing with inland waterway financing. This provision would ensure that users of the inland waterway system would eventually bear a very substantial portion of the costs of the various waterway construction projects authorized in this and subsequent legislation. The committee has already taken an appropriate step in this bill by authorizing the use of revenues from the inland waterway trust fund for project construction. Revenues from the existing use tax should be recycled into the program. However, beyond authorizing money from the trust fund, the committee bill maintains the status quo.

Basically, the approach taken in the bill is that existing and projected revenue will contribute about one-third of the costs associated with carrying out the inland projects contained in this measure, while the other two-thirds of the cost will be borne by the general taxpayers. The approach taken in the Petri amendment is the cap and gradually reduces the Federal appropriation

share of this cost so that eventually, after about 20 years, users will be required to pay for about two-thirds of the construction work, while the general taxpayer will only have to come with one-third of inland waterway financing.

It was necessary to craft the amendment in the form of a funding cap and reduction because creation of new, direct user fee legislation could not be offered on the floor during this debate. The amendment instead authorizes the Secretary of the Army to perform a study on all the issues raised by increasing user financing responsibilities. The most important of these would be the amount and type of fees as well as the input of system users into project selection and design issues.

As a longtime opponent of the Tennessee-Tombigbee Waterway, the biggest of all of our navigation projects, I felt a sense of responsibility to explain and promote the types of policy reforms in this area which I think would eliminate the need to appropriate vast sums for rather dubious projects. I believe that the types of user financing requirements called for under the Petri amendment will provide the proper safeguards against waste in the Inland Waterway Program.

Finally, I would like to address the claims of those who say that this amendment will gut the entire legislation before us. I think we should look at it the other way around. The rumblings coming from the Senate and the administration indicate that if we do not eventually adopt something like the reforms contained in the Petri amendment either on this floor or in conference, we are simply not going to get legislation this year.

I support H.R. 3678. I will vote for this bill on final passage no matter which amendments pass or are defeated. But I believe that if we pass this amendment now and then pass this bill by an overwhelming margin, we will send a message to the other body and the administration that this House is very serious about passing the most responsible and progressive water resources legislation possible. I believe it is a winning formula for the bill and I urge adoption of the amendment.

● Mr. CONTE. Mr. Chairman, I strongly support the Petri amendment to provide for increased up-front cost sharing by non-Federal water project sponsors. With the addition of the committee amendments, this bill authorizes over 350 projects and carries a potential price tag of over $19 billion. When you add that to the current backlog of over $10 billion worth of unfunded water projects, it is clear that there just isn't enough money to do all of them.

Yesterday we passed the conference report on the energy and water development appropriations bill. That measure contained about $1.1 billion for Corps of Engineers construction. At that rate, it is clear that the costs of the projects in this bill will rise faster than our ability to construct them.

It is therefore essential that cost-sharing requirements be set at meaningful levels in order to ensure that only the most cost-effective projects are ultimately constructed. Requiring some up-front local contribution ensures that local interests are fully committed to a project before we start sinking Federal money into it. Without local contributions during construction, the natural tendency is to rely on the Federal taxpayers. If a community can get a dam built at Federal taxpayer expense, it will—and the temptation to overlook alternative methods of flood control or water supply improvements will be irresistable.

Mr. Chairman, the effect of this amendment would be to make the best projects—the ones that can really pay for themselves—rise to the top of the list. It represents a real contribution to the establishment of a national water resource development policy based on merit and cost effectiveness, rather than on traditional, pork-barrel "politics as usual."

Mr. Chairman, there are those who say that this amendment discriminates against poor communities, ones that are unable to come up with the financing for these projects. In those instances where communities cannot contribute their full up-front share in advance of project completion, that contribution can be postponed. That reimbursement could be stretched over a 15-year period at the present value, provided at least 10 percent of the local share of project costs are paid during the construction period by non-Federal interests. This flexible, ability-to-pay clause is an equitable solution to this problem.

Mr. Chairman, there are those who urged me to wear my pig mask during this debate, in recognition of the true nature of this legislation. I am not going to do that, although I would like to. I don't want anyone here tonight to be wondering—"Where's the pork?"

This amendment would remove just a little bit of that pork, but will still leave Members with plenty of bacon to take home before the election. This is an important step forward in efforts to reform our national water policy, and I urge the adoption of the amendment.●

● Mr. SCHNEIDER. Mr. Chairman, I rise in support of the Petri amendment. For the past several years that I've been in this Chamber, the House Public Works Committee has attempted to move forward and pass into law legislation authorizing new water projects for the U.S. Army Corps of Engineers. To date there has been no new program for the corps. In fact, the last major authorization bill for them occurred in 1976. Over the intervening years, the size and cost of this legislation has grown dramatically. The legislation before us contains some 300 provisions and according to the Congressional Budget Office costs some $18 billion.

In examining the present political environment that this legislation finds itself in, I fear that it is destined for the same political outcome—not being signed into law. With headlines such as "White House Unhappy With Dredging Bill" and "Water Bill Fought by Unlikely Allies" I would have to say that the outcome is at best questionable.

Why is this the case? The unlikely allies that the headlines refer to over the years have been seeking cost-sharing reforms in the water development program of the Corps of Engineers. This legislation, with over 300 provisions, will set the water agenda for the rest of the century. Unfortunately, with the absence of any serious cost sharing on the part of the beneficiaries of this program, the projects that are truly meritorious and truly needed will end up having to compete with some deficit dinosaurs that are part of the $18 billion package that is presently before us. These are projects that never should have been in this bill but find their way in for political need rather than from a national water policy standpoint that is based on merit.

The Petri amendment would correct this deficiency. It proposes to require contributions during project construction by these non-Federal interests as a way of ensuring that projects that are truly needed and cost effective move forward.

I would say that the Director of the Office of Management and Budget, David Stockman has said it best about this bill. He states in a letter on June 20, 1984:

> By attempting to perpetuate the traditional approach to water development projects, H.R. 3678 in its present form will extend the stalemate that has blocked new projects for several years. Its proponents may believe that by promising something for everyone, they can attract a majority. But with an annual deficit approaching $200 billion, "something for everyone" will really mean "nothing for anyone" if we cannot put water development on a sounder fiscal basis through additional cost-sharing and user fees.

For those Members who truly have meritorius projects that are economically and environmentally sound I would urge your support of the Petri amendment. The adoption of this amendment may well represent the best chance for enactment of a water resources bill in this Congress.●

● Mr. BEDELL. Mr. Chairman, I rise in support of the amendment offered by Mr. PETRI and in support of final passage of this bill. I would first like to commend the full committee chairman [Mr. HOWARD], the subcommittee chairman [Mr. ROE], and the other Members who have worked so hard on this bill for their leadership and diligence in bringing this bill to the floor. This bill contains several worthy policy initiatives. I am pleased that the bill would fund a project to mitigate the continuing degradation of the Missouri River which is the result of a previous Corps of Engineers project. This project has been strongly supported by environmental organizations.

However, in this time of high deficits, I share the concern of the administration and many taxpayer groups that the funds authorized in this bill be spent wisely on truly needed projects. Office of Management and Budget Director David Stockman has written Mr. PETRI that Stockman would recommend a veto of this bill without the Petri amendment and that the amendment's passage would greatly enhance the likelihood of the President's signing the bill. I hope that Members of both parties will support the Petri amendment and I commend him for his leadership in offering it.

The Petri amendment would establish an overall policy of up-front cost sharing by non-Federal interests. It specifies percentages of costs which non-Federal parties must pay during construction. The amendment also creates a ceiling on obligations from general revenues for inland navigation projects. By imposing a type of market test which requires project beneficiaries to share a portion of the costs during construction, the amendment would give local beneficiaries an incentive to make sure that the benefits really justify the cost. Of course, in cases where local beneficiaries are not able to pay their full share of costs during construction, the amendment provides for postponement of all but 10 percent of these costs over a 15-year period. This flexible and fair funding innovation should help ensure Federal dollars are spent wisely.

I would like to speak to two concerns which have been brought to my attention. First, this amendment is in no way intended to affect existing preference laws governing the marketing of power from Federal hydroelectric projects. In fact, the amendment explicitly provides that, in accepting investment contributions from non-Federal interests, preference shall be given to those entities with preference status under current law. In addition, it states that nothing in the amendment shall alter laws relating to the marketing of federally generated hydroelectric power from projects constructed by the Army Corps of Engineers. This is a major concern of mine and I am pleased that Mr. PETRI has seen to it that his amendment does not affect preference.

Second, I would like to address the issue of the cap and gradual reduction in expenditure of general Federal revenues on our inland waterways. The bill before us contains no new inland waterway user charges and the Petri amendment does not impose any specific new user charges. Nor does this amendment affect any particular inland waterway project. What the amendment does is put a limit on the total amount of general taxpayer revenues that can be used on inland waterways for operation and for construction of expensive new projects. The version of the omnibus water projects bill reported by the other body contains a similar provision.

This cap on general Federal funds would be reduced by $35 million each year, and the difference made up from the inland waterway trust fund, which consists of receipts from the current barge fuel tax plus interest. Fed by the existing barge fuel tax, the fund will contain at least $200 million at the end of fiscal 1985. None of the money in the trust fund has ever been authorized and it is proper that it be used for this purpose. If the trust fund does not contain adequate funds to make up the difference, the Petri amendment authorizes a study of how additional revenues could be raised.

This amendment would increase the self-sufficiency of the waterways and give the industry an incentive police itself and to oppose unneeded and expensive new construction projects. By discouraging the construction of unneeded projects, this amendment would save the taxpayers money without causing the need for significant increases in barge shipping costs. This amendment would have no immediate impact on barge rates and would not cause significant barge rate increases even in the out years. Finally, should unexpected needs in the waterway system arise, we can consider additional Federal contributions at that time.

I urge adoption of the amendment in order that we may pass this bill.●

Mr. ROE. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia, the Honorable BOB WISE.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Washington.

Mr. DICKS. I rise in opposition to this amendment.

Mr. WISE. Thank you.

Mr. Chairman, I rise in opposition to this amendment, well intentioned perhaps, but I am afraid at least through an area of inland water transportation it might bring to a halt some of the most important construction we are about to undertake.

I know in my area on the Ohio River, I am speaking of the Gallipolis locks. I am speaking of the fact I think it is important for people to realize in this legislation there is already a significant user fee. The Gallipolis locks will be built one-third from the inland water trust fund, a user fee contributed by tax on marine fuel. That is important.

Let us take a look at the Gallipolis locks. The fact is that these were completed in 1937, are the worst bottleneck on the inland waterway system of our country, bar none. They cannot accommodate modern barge traffic.

A recent accident at the locks shut them down for 17 days, and cost $20 million in various industrial revenues.

Mr. Chairman, we cannot afford to wait any longer. As I said already, a significant user fee will be devoted toward the construction of those important locks and any other inland waterway projects.

We cannot afford that kind of delay. We need to move coal, we need to move chemicals, we need to become competitive.

I am afraid the Petri amendment would do much to restrict that inland waterway construction. I urge rejection and I ask we get on with the business of building our locks.

Mr. ROE. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Chairman, I rise in most strong opposition to the amendment offered by the gentleman from Wisconsin [Mr. PETRI]. There are serious flaws with the amendment and more importantly, it makes changes that will seriously impede the progress of vital water resources projects and directly threaten major segments of our Nation's transportation system.

At the outset it must be pointed out that H.R. 3678 provides significant reforms in the areas of cost sharing and non-Federal responsibility. Programs that have been 100 percent federally funded will, with the enactment of this legislation, derive significant funding from non-Federal interests. The provisions in H.R. 3678 were developed based on an extensive record and literally thousands of hours of research, meetings, and policy review. They go as far as can be reasonably expected without seriously endangering economic vitality and the very safety of the American people.

Mr. Chairman, we hear too much about the cost of so-called pork barrel water projects. And too little about the benefits that the existing projects have provided. Let me give a few examples. All Members know of the terrible devastation caused by floods and similar disasters. For instance, in fiscal year 1983, there were over $4 billion in monetary losses due to floods, and a

death toll in excess of 200 in the United States. How much more would the flood damages have been without Corps of Engineers projects? Mr. Chairman, the flood damages in fiscal year 1983 prevented by corps projects totals $23.5 billion. Many of the project authorizations contained in this legislation would already have saved lives and countless millions of dollars if they were in place. We cannot stand in the way of having these projects completed.

In the area of navigation, nearly 30 percent of the Nation's domestic intercity freight is transported over water. This results in significant dollar and energy savings when compared with other modes of transportation. For instance, the energy requirements for water transportation are only 40 percent of those for the same number of ton-miles shipped by rail and only 12 percent of those shipped by truck. Yet, the gentleman would put an increasingly arduous burden on this already financially distressed industry. There are 1,800 companies engaged in commercial operations on waterways with over $4 billion invested in barges and towing equipment. The barge and towing industry employ some 180,000 persons in our country. This is an issue of jobs and economic survival not only for the industry, but for the agricultural, mining, and industrial users of the system.

I would like to point out just a few of the specific problems with the Petri amendment. Hydropower is payed 100 percent by non-Federal interests based on revenues from projects. The Petri amendment would require 50 percent of the project costs to be paid up front. Just who is going to pay this up front portion? Federal law—section 4 of the 1944 Flood Control Act—specifies how power is to be distributed from Federal projects. This act would have to be amended to change this. If non-Federal interests can proceed on their own and get the benefits, why would they share with the Federal Government without guarantees? That sounds like a pretty bad investment to me.

In all areas of cost sharing, the Petri amendment requires at least 10 percent payment in cash. This is the case even if lands, easements, rights-of-way, and other contributions are more than the non-Federal share. It could amount to a 10-percent additional payment than would be otherwise required. The gentleman keeps changing to try to correct problems with his amendment. Still, 10-percent cash is 10-percent cash. The gentleman portrayed limited effect of the amendment. In fact, his amendment had much more serious impacts. The gentleman was forced to modify the language when this truth was known. It still remains a flawed amendment.

The way the Petri amendment is drafted it would permit shoreline protection on private lands—section 1601(a)(4). While he may not have intended this result, it is an example of the problem of relying on those who are not as knowledgeable with the water resources program as Chairman Roe and others are.

Another example in the same area is the requirement for 10-percent cash for nonstructural flood control projects. Nonstructural projects usually involve the acquisition of lands and structures and moving people out of flood-prone areas. This is an innovative and beneficial program which should be encouraged. However, it involves almost entirely lands, easements, and rights-of-way. Apparently, the gentleman wishes to make it more difficult for these projects to proceed by requiring 10-percent cash. That would be indeed unfortunate.

The very fact that the gentleman has so desperately made changes to try to accommodate to the realties of the effects of his amendment shows, in itself, that the amendment is unfortunately not based on the kind of background that the bill itself has. I ask each Member to consider which approach he or she would prefer to trust.

Perhaps the most dangerous provision in the Petri amendment is the cap on expenditures for the inland waterway system. In addition to capping Federal expenditures, the Petri amendment would reduce expenditures by $35 million per year, through 1997. Based on the projected expenditures of the Corps of Engineers, they could not construct, operate, and maintain the inland waterway system for even 1 year with this severe limitation. Not only that, H.R. 3678 authorizes vital construction projects such as the Gallipolis, Bonneville, and lock and dam 26 in this legislation. Such a cap would further delay or prevent their timely construction. I want to stress again that the inland waterway transportation system which provides so many benefits throughout our Nation has traditionally been a 100-percent Federal responsibility. H.R. 3678, for the first time, provides that fully one-third of the construction costs of the inland projects will be borne by the users through the inland waterway trust fund. This fund is financed entirely by a fuel tax levied on the commercial inland waterway users. If you believe that this industry can bear an even greater burden of user charges just ask the farmers, mining interests, and other users of the system what the result would be on their businesses. We did not have to ask. We received exhaustive testimony during the more than 18 months of preparation that has gone into H.R. 3678.

In addition to waterway, coal, and other shippers who oppose the Petri amendment, here are a few of the national agricultural interests who are most strongly opposed to this amendment: National Association of Wheat Growers; National Council of Farmer Cooperatives; National Grain Trade Council; the Fertilizer Institute; American Soybean Association; Farmers Union; the National Grange; and National Farmers Organization.

Mr. Chairman, I believe it is clear that the Petri amendment would go in exactly the wrong direction for our Nation, and I hope that my colleagues are not mislead by the high-sounding but misguided arguments for this amendment. This amendment could hurt, perhaps fatally hurt, the prospects for H.R. 3678 and the many vital water resources projects and programs it contains from becoming a reality. I most strongly urge all my colleagues to resoundingly defeat this amendment.

Mr. CLINGER. Mr. Chairman, will be gentleman yield?

Mr. STANGELAND. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

BACKGROUND

The Petri amendment allows reimbursement to be stretched over a 15-year period at the present value, provided at least 10 percent of project costs are paid during the construction period by non-Federal interests. This provision applies in instances where local communities cannot contribute their full up-front share in advance of project completion.

Although this provision appears to be a flexible, ability-to-pay clause, its effect will be to destroy the feasibility of many necessary water projects in rural areas.

I have a project for a dam and levee with a total cost estimated at $47 million. Under the Petri amendment the non-Federal share would involve a cost of $4.7 million.

The per capita up-front financing cost would amount to an assessment of $1,673 for each person in a community where the per capita income is only $6,384 per year.

Moreover, Lock Haven is experiencing a 14.8-percent unemployment rate and the threat of a major plant closing in the immediate future.

The Petri amendment would make the Lock Haven Dam and levee project economically infeasible because it does not take into account the low per capita income and the high unemployment.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington, Mr. DON BONKER.

Mr. BONKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, yesterday the Secretary of Commerce told us that our trade deficit is projected to be $130 billion this year. The fact is that our domestic economy is no longer sufficient to meet our growth needs and we are in this very competitive world economy with Japan and other countries challenging our preeminence.

The fact is we have got to export more. In order to do that, we need an infrastructure something that is in place to support increased exports, like waterways, port facilities.

We are going to need to do this to enhance not only our domestic economy but our international economy.

As the gentleman from New York noted, Government has an obligation to do certain things. Waterways happens to be one of those primary objectives. The second point I would like to make is that the ports now pay their own way.

The Customs Service collects somewhere around $8 billion a year. If anything, that amount of money ought to be earmarked to help support these port facilities. All other governments I know of provide this important service for the local economy.

The last point is that the bill, as it now stands, I think attempts to treat the ports fairly. But if this amendment passes we are going to have a situation where the smaller ports are going to be discriminated against because the larger ports do not need additional construction for widening their channels.

But the small ports do require this service. In my particular area, the Grace Harbor Port needed a larger draft in order to accommodate larger ships to bring in products and take out products. If they do not expand their draft, that business is going to move up to Seattle.

I think we need both large and small ports. It does help to enhance the economy of those local areas. I urge your opposition to the Petri amendment.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia, Mr. NICK RAHALL.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Wisconsin, Mr. PETRI. This amendment, couched in terms of dollar savings and cost sharing conditions, has the ultimate effect of further weakening and eroding our already deteriorated water resources infrastructure.

The gentleman's amendment, on its face, attempts to add limiting conditions on cost sharing applicable to all water resource and navigation projects. Those conditions have the effect of giving priority to projects serving the more economically privileged areas of this country—those with large and strong tax bases—to the exclusion of projects designed for maximum benefit to the Nation as a whole. The ultimate effect of the gentleman's amendment is that those projects most needed for economic development may never get built. Rather, non-Federal interests with the greatest amount of untapped ready funds are guaranteed more than their proportionate share. This type of insidious result must be avoided. Our policy for water resources development cannot be based on "More for those who have." Rather, it is our duty to insure that water resource development is designed to be fair, equitable, and just, providing the greatest good for the most people with a limited amount of funds.

The Petri amendment confounds that responsibility and further exacerbates the problems of water resource development. Its provisions requiring 10 percent cash contributions from non-Federal interests during construction plays havoc with local and State government funding. The ultimate effect—further cutbacks in the infrastructure.

What are the costs if we travel down this road—further deterioration, even greater future capital costs, lost revenues, jobs, and greater opportunity costs. When will we learn. We cannot afford to stand by and idly wait for others to act. If we do, we may just have to wait forever.

Mr. Chairman, I am convinced that the Petri amendment is contrary to our best interests. The existing amendment in the nature of a substitute to H.R. 3678 strikes an equitable balance for non-Federal cost sharing. It assures general cargo port development for the country as a whole but requires non-Federal cost sharing for those ports serving specialized segments of the shipping industry. It requires one third user financing of projects on the inland waterway system and establishes an equitable and consistent allocation of non-Federal costs for flood control projects. The Petri amendment destroys that equitable balance and substitutes instead an arbitrary percentage with upfront cash contributions.

Mr. Chairman, I would submit that non-Federal interests will find the Petri conditions too onerous and, therefore, be unable to comply. The final result will be a cessation of economic development and use of one of our most valuable national resources. That is not the course this country should travel and I, therefore, strongly urge my colleagues to vote against the Petri amendment.

Mr. RAHALL. Mr. Chairman, I would like to address a couple of points that have been made by the gentleman from Wisconsin in his Dear Colleague statement sent to us earlier this week and also in his opening comments on the bill this evening.

He states his amendment does not cap the Inland Waterway Trust Fund, nor does it mandate that user fees be raised. I submit that it does indeed cap general revenues and as such creates pressures for higher user fees to make up the difference.

Mr. Chairman, I think we ought to be honest with the American people, because user fees are nothing but a joke on the American people.

If, through enactment of this amendment, we find user fees are increased, we will find that the costs are indeed passed on to the consumer in the end run. The true irony of that situation is that Americans through their tax dollars expect the public works infrastructure to be maintained properly.

I submit user fees would be increased under this amendment and they are nothing but a form of dishonest taxation on the American people. The gentleman in his Dear Colleague also states: We need a fair way to decide which projects to build.

I submit we have such a fair way already, built into the congressional process. That way exists through our appropriations in this Congress. If the projects are no good, these funds will not be appropriated.

One other point raised by the gentleman from New York, [Mr. BIAGGI], when he spoke of the expediting of permit grants in the committee bill, so carefully crafted by the full Public Works Committee and spearheaded by the gentleman from New Jersey [Mr. ROE].

In this Petri amendment that I see before us, there is no such provision for the expediting of permits through which the Corps of Engineers goes about building many of the projects that are important for dredging our Nation's ports.

That, I might add, had the full support in committee of environmentalists on all sides on this issue, and it is a provision that we need to keep in this final bill if we are going to expedite the process through which the Corps of Engineers goes through permitting for port projects.

Mr. CHAIRMAN. I rise in opposition to the amendment being offered by the gentleman from Wisconsin.

I am especially concerned with the cap on general revenue expenditures for inland navigation projects proposed by this amendment.

This is nothing more than a backdoor approach to increase user fees since by capping expenditures from the General Treasury greater spending from the Inland Waterway Trust Fund will be forced.

At present, there is a barge fuel tax at the rate of 8 cents per gallon. This tax will rise to 10 cents per gallon next year. The proceeds from this tax are deposited into the trust fund to pay for a portion of new construction costs.

Additional user fees will wreak economic havoc upon whole regions of the Nation dependent upon waterborne commerce.

But most importantly, user fees are nothing but a cruel joke on the American people.

All Americans are the direct beneficiaries of projects which facilitate commercial navigation on the inland waterway system.

All Americans are the users of this system.

Commodities such as coal, grain, and steel which are transported over the rivers are used by all Americans in a number of ways.

Electricity generated from coal.

Bread made from grain.

Automobiles manufactured from steel.

If user fees are increased, this cost will be passed on to the consumer of these products. And the true irony of this situation is that Americans, through their tax dollars, expect their public works infrastructure to be maintained properly.

To be frank, user fees are a dishonest form of taxation on the American people. We would tax them indirectly by increasing their cost for products made possible by water-borne commerce.

Mr. Chairman, the bill before us today contains a balance between authorization, and cost recovery. This balance must not be tampered with.

If the gentleman is concerned that projects which do not deserve to be constructed may go forward under this bill, I wuld suggest he is mistaken.

While we may authorize them, funds must still be appropriated. There is no need for a cap on expenditures—the appropriations process will provide that check.

I urge my colleagues to oppose this amendment.

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Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just responding very briefly—and then I will yield to the gentleman from Minnesota [Mr. FRENZEL]—to the comments made by a couple of preceding speakers that was a lot of lamentation or complaining or worrying that there are Members who have the idea that their ports should be improved will have to pay 30 percent of the cost of those ports. That is a provision that is in the Senate bill which is now moving forward. But even more importantly, in our State we have a depressed area called Duluth Superior. My colleagues have heard of that. The highest unemployment and all that. There is a corps project going forward. It has been going forward since 1969 in the depressed Duluth Superior area. And do my colleagues know what the requirement is; over 30 percent local cost sharing.

Where was the concern? Where was the bleeding? Where was the effort to reach out to those poor people at that time? None.

We are just asking for a reasonable, fair, and across-the-board sort of treatment so we can prioritize these projects. We are going forward because it is a worthwhile project. We are paying our share because it is a worthwhile project. We think everyone should do the same.

I say furthermore that someone has got to bear the cost of these things. If you have to choose between the consumers of the benefits of these projects and the taxpayers, I think it is more reasonable to allocate the costs to the consumers of the benefits of these projects, at least in small portion.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, I had no intention to speak on this bill until my attendance here was compelled by the gentleman from New Jersey. I think we all should have gone home a long time ago.

I came prepared to vote against the Petri amendment until I had heard this last little debate.

I share with the gentleman from West Virginia a concern for the inland waterway industry, which in my area is in enormously distressed circumstances.

However, looking at the Petri amendment I see that while it would indeed be difficult for that industry and probably would increase the user fees, that would not occur for a long while. It would force that industry and every other tin cup artist who comes to the Government for a project to be a little more careful about the projects that they seek from the general taxpayers.

I notice in here in the port development if you are under 45 feet it is all free on the general taxpayers, a tip into the General Treasury.

I do not particularly like the balanced budget constitutional amendment either, but I see it as the only way to save ourselves from us. I see the Petri amendment as the only way to save ourselves from us in the water project business.

I understand there are something like 300 projects at a cost of something over $10 billion in today's dollars in this bill. I do not think anybody expects that all of them or even a significant portion of them are ever going to be built. And, yet, our personal greed to put in projects and our desire to prove that our need in our areas is greater than others just seems to be overwhelming and more than the body can withstand.

For that reason, we need some discipline. We do not have it today. I think the Petri amendment is the only way to get it.

I hope it will be supported.

Mr. ROE. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, it is with great reluctance that I rise to oppose this amendment. My colleague has offered an amendment that compels me to raise my voice in opposition. And I oppose it only after long and difficult reflection and despite my great respect for my friend from Wisconsin.

However, it should be emphasized that the issue before the House at this time is not whether we should increase the non-Federal share of water projects. Rather, it is to identify the most equitable and reasonable system of cost-sharing requirements. This amendment replaces cost-sharing provisions proposed in the bill or already enacted into law that I have become convinced represent a better way to accomplish our goals.

The amendment actually requires that we choose between the cost-sharing requirement of the amendment in preference to those included in the bill by the committee or already enacted into law.

Mr. Chairman, there seems to be at least two versions of the proposed cost-sharing amendment circulating. Since there is confusion over which version will be offered, I will contrast the cost-sharing provisions proposed by the committee in the bill or already enacted into law with both versions of the amendment that I am aware of.

H.R. 3678 as proposed and both versions of the pending amendment require 25 to 30 percent from local sources for flood control projects that have not yet been started or are newly authorized. However, version No. 1 of the amendment requires that the non-Federal payment include a cash contribution of 10 percent of project costs during project construction. The second version provides for a requirement of 10 percent of the non-Federal share in cash during construction. There is no doubt in my mind that the first version is a sure way to preclude flood control projects in far too many areas of the country. Proponents are absolutely right when they suggest this requirement will stop unneeded and environmentally damaging projects from going forward. It would also preclude projects of the highest priority and greatest need with little or no adverse environmental effects from going forward as well. Eliminating

waste and protecting the environment are goals we all would endorse. They are the motivating factors of the sponsors and supporters of this amendment. But we must not vote based on an analysis of motivations. Our votes must reflect our assessment of the impact of the proposal.

The requirement that 10 percent of total project costs must be provided by local sources in cash at the time of construction is simply excessive. For that reason this version should be rejected.

The second version of the amendment would also provide a cash payment requirement equal to 10 percent of the non-Federal share. This cash payment would also be required during the period of construction. I believe this House should reject this requirement as well.

The bill already requires cost sharing at the 25- to 30-percent level. A cost-sharing requirement that would specify a cash payment of this level during construction places an unacceptable burden on the type of rural and low-income areas I represent. If we are already requiring a substantial non-Federal cost contribution, why must we ask for another pound of flesh and place an arbitrary and excessive cash requirement on top of the local match provisions?

In coming to oppose this amendment, I have considered the impact these requirements would have on needed projects. The need for flood control to protect life and property in the Kickappo Valley of Wisconsin has not been met for far too long. This project would not be subject to the new requirements, but the impact of the cash requirement on this type of project illustrates the adverse effect it would have. The remaining cost of completing a flood control project in the valley is approximately $18 million.

If the 10-percent local share cash requirement were to be met, the people of that community would have to raise $1.8 million for construction to go forward. Total tax collections last year for Vernon County amounted to $1,438,039.91. The cash requirement would be more than the total current county tax collections for all of Vernon County.

The provisions of H.R. 3678 allow the local share to be met by in-kind contributions. It does not allow a lower non-Federal share but it does provide flexibility to meet the requirement with in-kind contributions or cash. In addition, the committee's proposal allows up to 15 years to meet the match requirement and provides for interest to be paid on deferred amounts. As far as I know, both versions of the amendment would require the corps to issue regulations to determine when payments could be stretched out over 15 years.

I am concerned over the effect the cash payment requirement and reduced flexibility in payment schedules contained in the amendment would have on rural and low-income areas. H.R. 3678 provides flexibility to all projects to this type to satisfy the repayment requirement over 15 years. This is no give-away. Interest will be charged on all deferred payments. I find the committee proposal far more reasonable than the proposed amendment.

The amendment would also radically change the approach the committee has taken to require non-Federal funding for inland waterway projects. Most members of this body know of my long fight for environmental programs for the Upper Mississippi River. The battle to provide balance to our management of the river has been a long one and I am truly grateful to see real progress on this important question in this bill. Clearly, no one can accuse me of blindly following the lead of the commercial navigation interests.

Is the system proposed in the amendment fair? I have concluded it is not. For that reason it should be defeated.

The amendment does not provide for a fixed percentage contribution from the Inland Waterways Trust Fund, financed by user fees on fuel, to pay for future projects. Rather it caps the Federal general fund expenditures at current levels and puts those levels on a declining path reducing each subsequent year's level by $35 million. I think a fixed percentage requirement or some other formula would be fairer and would be better able to provide intermodal equity over the long run.

H.R. 3678 already has a requirement for funds to match Federal general obligation expenditures for inland waterway projects. The bill requires that one-third of the newly authorized construction on the Mississippi would be funded from the revenues of the Inland Waterway Trust Fund.

Non-Federal funding requirements must be further studied. We do not have the best alternative available for our support here today. We can have that proposal in the future. Even the industry has consistently testified it is willing to pay its fair share of these costs. We need a comprehensive review in the months ahead to identify the share of costs attributable to commercial navigation and to construct a proposal to reflect these costs and to ensure intermodal equity.

Mr. Chairman, I do not relish my participation in this issue. However, careful consideration on the best public policy direction for this country has convinced me the House should not approve this amendment.

Mr. ROE. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Wisconsin.

The gentleman's desire to bring the bill in line with the administration's cost-sharing policy by requiring more of the local share be paid in advance during construction, is well intentioned, but not good policy.

I have supported most of this administration's efforts to reduce Government spending, but when it comes to flood control and vital port and inland waterway projects, I have consistently maintained that they are legitimately and substantially the province of the Federal Government. This role should include the provision for substantial Federal financing so that State and local governments will have latitude to repay costs of certain projects.

Were it not for flood control projects, southern Louisiana might have ceased to exist years ago. Yet, despite the critical need for such projects, 95 percent of those projects would not have been built if they had had to meet the requirements for advance cost sharing set forth in this amendment.

Indeed, Louisiana has some critical flood control projects in this bill. One of the projects includes flood control construction along the Pearl River in St. Tammany Parish, LA—in my district—just north of New Orleans. This area has seen three major floods of record since 1979. This is a vital project, yet the local governing authorities could not begin to meet the requirements demanded by this amendment.

Mr. Chairman, I believe it would be safe to say that nearly half the Members of this body—at least 200—can readily find a project in their districts in much the same situation.

So, what if there were nearly 200 projects—critical projects—that could not meet the advance cost requirements of this amendment? Would they all qualify for an extension of time for repayment provided under this same amendment? And what if the administration, any administration, drafted guidelines to prevent most projects from getting on the extension list. I don't believe this is unlikely, for this bill alone authorizes nearly 300 separate new water projects. Under such circumstances, most Members and their projects would be out of luck.

While well-intentioned, Mr. Chairman, I believe this amendment is totally unrealistic. This bill is not pork barrel politics, and with the tough amendments supported by the administration, it's even less so. Communities with inadequate water supplies, which cannot meet the impractical requirement of this amendment, know the bill is not pork barrel. Victims of high water who are depending on many of the projects in this bill know

the bill is not pork barrel; municipalities on the verge of bankruptcy for failure to meet the needs of its people would not call this bill pork barrel. They need this bill simply to survive. The bill contains some substantial cost-sharing requirements and new wildlife mitigation conditions and these projects are necessary and they are vital.

Mr. Chairman, I believe we as representatives to the Federal Government must accept practical financial responsibility for our Nation's water projects on the national level. The bill as written without this amendment accepts that responsibility.

I strongly urge a "no" vote on this amendment.

Mr. ROE. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to this amendment—an amendment I think will gut the bill, cripple the inland maritime transportation industry, hobble our farmers, and virtually end the historic commitment the Federal Government has had to maintaining our Nation's waterway infrastructure.

The gentleman from Wisconsin maintains his amendment is necessary to reduce the Federal deficit. But if we do not have a competitive transportation system there is no way we are going to expand our economy and reduce the Federal deficit.

Mr. Chairman, the Petri amendment is anticompetitive. The net effect will be to increase user taxes, which will put barges out of business. That would leave fewer users to pay the user taxes so that everybody left would have to pay more and more barges would go out of business. Eventually, we will undercut the inland waterway transportation industry, which will put our balanced intermodal transportation system in trouble. Competition will be reduced, transportation costs will rise, and the American consumer and the Federal Government will pay the price.

Let me also address the argument that this bill is a budget buster and, therefore, we must reduce the Federal commitment to the critical projects contained in this bill. I would like to remind my colleagues that we have not approved a single new inland waterway project in 7 years and we have not passed an omnibus water projects bill in 14 years.

Of course this bill, on its face, costs some money, but that is because we have forsaken our obligations for too long. Can you imagine the price tag on a defense authorization bill if we did not pass one for 14 years and then made up our minds to take care of it all at once?

Moreover, speaking of defense, I would like to make it clear to my colleagues that I consider a strong and viable inland waterway system crucial to our national defense and, therefore, a responsibility of the Federal Government. In a time of national emergency, we need to know that we can move goods—from high technology products to heavy machinery to agricultural products—fast and efficiently. We cannot do that with a second-rate waterway transportation system, and I'm afraid that is exactly what we will end up with if the Petri amendment prevails.

In addition, an efficient and viable inland waterway transportation system is crucial to ensuring long-term economic growth—the most important weapon in our national defense arsenal.

The upshot of the Petri local cost-sharing provisions, the cap on expenditures from the General Treasury and the annual $35 million reduction in that cap is that user fees will have to be increased. And, at this point, let me remind my colleagues that the barge industry is not receiving a free ride. Barge operators right now pay an 8-cent-a-gallon barge fuel tax that is then placed in the Inland Waterway Trust Fund, which under H.R. 3678, would pay one-third the cost of the inland waterway projects contained in the bill.

Let me be specific about the effects of the Petri amendment. The Army Corps of Engineers, in testimony before the Senate Water Resources Subcommittee stated that the $646 million cap on Federal expenditures included in Senator ABDNOR's water resources bill would adequately meet Corps of Engineers inland waterway obligations through 1986. But the corps also projected that it would need $44 million in 1987, $124 million in 1988, and $200 million or more in 1989 over and above the $646 million cap.

If we take $586 million cap included in the Petri amendment we would end up with the following deficits, which would have to be made up through increased user fees under the Petri amendment: $60 million in 1986, $139 million in 1987, $254 million in 1988, and $365 million in 1989. And it should be noted that the Abdnor bill only authorizes three new inland projects, whereas H.R. 3678 authorizes seven priority projects; so these are conservative shortfall estimates.

Next, if we assume that barge freight tonnage levels will increase by 5 percent per year—and I want to add that that is a very generous assumption—and that we will make up these deficits through increases in the barge fuel tax, we will see that the increases we face are downright terrifying.

To compensate for the shortfalls under the Petri amendment, fuel taxes would increase over and above the existing barge fuel tax by 7.2 cents per gallon in 1986, by 16 cents per gallon in 1987, by 27.7 cents per gallon in 1988, and by 38 cents per gallon in 1989. If one adds in the 10-cent barge fuel tax that will be in effect by 1989, actual barge fuel taxes could reach an astonishing 48 cents per gallon in 1989 to adequately fund inland waterway projects.

These tax increases are just unacceptable and we will all pay the price. One particular concern to me is the price we will pay in our efforts to increase exports and reduce our unprecedented trade deficit.

In the Pacific Northwest during the past several years 80 to 90 percent of the soft white wheat produced has been exported. Unfortunately, the strong dollar overseas has increased the cost of wheat and most other export products, further complicating the ability of Northwest wheat farmers to export their products. Predictions are that the Pacific Northwest could have as much as $600 million worth of wheat sitting on the ground with no market by the time the 1984 crop is harvested this summer. The last thing we need is the Government coming in and increasing transportation costs, making our products less competitive on the world market and, consequently, increasing our trade deficit.

The farmers of the Pacific Northwest and the rest of this country can't pass on the increased costs resulting from user taxes, particularly when they are involved in exporting, because their products are already uncompetitive because of the strong dollar overseas. The farmers of this country will pay for the user fees that will result from the Petri amendment, and every Member of this House who has agricultural interests in his or her district should oppose the Petri amendment.

If the gentleman from Wisconsin thinks his amendment will "help" the country, I would respectfully suggest to him that we don't need this kind of help.

If my colleagues want to see rich areas of the country pitted against less unfortunate areas, if they want to undermine one of the modes in our balanced transportation system, if they want to burden shippers, producers, farmers, and consumers with increased taxes, then they might want to support the Petri amendment.

I, however, don't choose to encumber my constituents and all other Americans with such onerous handicaps, and I would urge my colleagues to join me in opposing this amendment.

Mr. ROE. Mr Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in opposition to the amendment and in support of the bill.

Mr. Chairman, I rise in opposition to the Petri amendment.

If we adopt this amendment, we will be telling dozens of communities that we will not move forward on their flood control and other water projects.

We will be telling them that we will authorize Federal funds for their projects—but they may not be able to afford the local match unless you want flood control and other water projects to go to only the wealthiest cities in America—you'll vote "No" on the amendment.

Vote "no" on the Petri amendment.

Vote "yes" on the bill.

Mr. Chairman, I support passage of H.R. 3678, the water resources bill and commend the Public Works and Transportation Committee for its work on this legislation.

Throughout my district, the importance of this legislation is obvious. To the families of those individuals who died in the 1978 flood in Rochester, MN, this legislation offers, at long last, flood control for that city. To the farmers and homeowners of Houston County, MN, this legislation promises an opportunity to stop annual spring flooding. To the people of Albert Lea, this legislation provides a chance to reverse the decline of their lake and its wildlife. To the people of Winona, this legislation represents the final installment on their flood control project; a job now complete. To all residents along the great Mississippi River, this legislation embodies policies to preserve the environment, wildlife habitat, and recreational opportunities of the upper Mississippi. And to southeastern Minnesota farmers, this legislation will help break the bottleneck of barges moving down the Mississippi to the gulf ports.

A careful look at the projects in this bill demonstrates that this legislation is an investment in the protection of life and property, the continued flow of commerce, and the preservation of our natural water resources.

More than one-third of the city of Rochester, MN, a city of approximately 60,000 people, lies within the flood plain of the South Fork Zumbro River. Over 2,000 homes, 200 businesses, 21 industries, and 10 public buildings are subject to flooding, current estimates for potential property damage exceed $100 million, major floods have occurred there three times during the last 21 years, five lives were lost in 1978 with damages in excess of $58 million. The Corps of Engineers is prepared to begin immediate construction of this project. Indeed, it is eager to do so. The corps, and citizens of Rochester, have awaited authorization for many years.

The Root River, located in southeastern Minnesota flows through Houston County, rich with agricultural land and small communities, flooding occurs at least once a year, usually during spring thaws, bringing destruction to homes and farmland. The problems are compounded by erosion and a decline in water quality. The Root River basin project, authorized by this bill, will reduce annual flood damage by 86 percent and reduce the disruption of community life for 340 households and 76 businesses.

Albert Lea Lake in Freeborn County, MN, was once clean and abundant with fish. In recent years, advanced eutrophication of the lake had resulted in severe algae blooms, scum, noxious odors, and a decline in the quantity and quality of fish. This has not only drastically reduced the recreational use of the lake but is a possible danger to the public health. This legislation authorizes a demonstration project to restore the lake at an economically feasible level. The information and experience gained at Albert Lea Lake will be invaluable in improving the environmental quality of lakes in similar decline throughout the United States.

In 1971, the Corps of Engineers began construction of a flood control project at Winona, MN, located on the Mississippi River. The city was informed of its obligations under this project at that time. The city raised its local share and made all appropriate contributions. Then in 1975, the corps changed its protective flood dike standards and informed the city it would now be responsible for an additional cost of bridgework, previously not ordered. This bill restores some fairness to the issue of local share by requiring this new project work ordered by the corps to be at Federal expense.

The Upper Mississippi River Basin is one of America's most valuable natural resources. It is not only a key navigation system for commercial transportation; it is a nationally significant ecosystem, providing fish and wildlife refuge. The water resources act provides for the coordinated planning of projects on the upper Mississippi to assure the preservation and enhancement of the environmental, recreational and navigational benefits of this national resource. It will authorize long-term resource monitoring, habitat rehabilitation and enhancement, recreational improvements and studies, traffic monitoring and computerized inventory analysis for management of the river system as part of the comprehensive locks and dam 26 construction authorization.

Mr. Chairman, these projects return a benefit to this country far in excess of the costs involved. Congress has waited many years to take action on the crisis facing our water resources. I urge passage of this legislation.

Mr. ROE. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. Mr. Chairman, I rise in opposition to the amendment.

Mr. ROE. Mr. Chairman, I yield myself 2 minutes to close debate.

Mr. Chairman, we are trying our very best to get the Members on their planes.

Again we have to deal in facts. The distinguished gentleman from Minnesota made a comment that it was for free under 45 feet in dredging.

We have established a trust fund and the trust fund is the moneys that come from the customs receipts that the ships create.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

If the gentleman would read the bill, it does not come from customs trust funds.

Mr. ROE. I beg the gentleman's pardon. I know what is in the bill.

Mr. FRENZEL. It says an amount equivalent to the amount of money collected in customs duties or $2 billion, whichever is greater. It does not say that it will come from customs money.

Mr. ROE. Well, that is in the intent then.

Mr. FRENZEL. If that were the intent, you would have to cede jurisdiction of the bill to another committee.

Mr. ROE. Oh, no. We had this discussion with the Ways and Means Committee already. That is a matter of fact. Because we cleared it.

Mr. GIBBONS. If the gentleman would yield to me, we did clear it up.

Mr. ROE. That is exactly correct. So, it is in the bill.

There are two things and I want the Members to just think about this.

First of all, the myth that there is not upfront money is just not correct. We provide in the bill lands, easements, rights-of-ways and we are not charging people up to 25 percent in any new project.

So that idea that people are getting a free ride is just not true.

The second thing I want to call to the Members' attention and to those who have inland ports. There is a cap being placed on this particular function and if that cap goes on, that is going to materially slow down the construction of the locks and dams in this country.

So I am not going to belabor this. I would really urge my colleagues to vote "no" on this amendment. We have carefully crafted the entire bill. We have gone more than 60 percent with the administration in upfront

funding and funding of these programs.

I would ask my colleagues to vote against this Petri amendment and let us get on with this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. PETRI].

The question was taken and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PETRI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 85, noes 213, not voting 135, as follows:

[Roll No. 304]

AYES—85

Archer	Frenzel	Morrison (CT)
Barnes	Goodling	Nielson
Bartlett	Gray	O'Brien
Bates	Green	Obey
Beilenson	Hamilton	Ottinger
Berman	Hertel	Petri
Boehlert	Hopkins	Porter
Bonior	Jeffords	Ratchford
Broomfield	Kemp	Regula
Broyhill	Kennelly	Richardson
Burton (IN)	Kildee	Ritter
Cheney	Kleczka	Robinson
Clay	Kostmayer	Schroeder
Collins	Lagomarsino	Seiberling
Conable	Leach	Sharp
Corcoran	Levine	Shumway
Coughlin	Lowery (CA)	Sikorski
Courter	Lujan	Skeen
Crane, Philip	Luken	Solomon
Dannemeyer	Lungren	Spratt
Dellums	Mack	Walker
Derrick	MacKay	Weiss
DeWine	Markey	Wolpe
Dreier	McCollum	Wortley
Eckart	McDade	Yates
Edgar	McKinney	Young (FL)
Evans (IL)	Mica	Zschau
Feighan	Michel	
Fowler	Miller (OH)	

NOES—213

Akaka	Daub	Hayes
Alexander	Dickinson	Hefner
Andrews (TX)	Dicks	Hightower
Annunzio	Dingell	Holt
Anthony	Donnelly	Howard
Applegate	Dowdy	Hoyer
AuCoin	Durbin	Hubbard
Barnard	Dwyer	Huckaby
Bateman	Dymally	Hughes
Bennett	Dyson	Hunter
Bereuter	Edwards (OK)	Hyde
Biaggi	Emerson	Jenkins
Bliley	English	Johnson
Boggs	Erdreich	Jones (NC)
Boner	Evans (IA)	Jones (OK)
Bonker	Fazio	Kasich
Borski	Fields	Kazen
Britt	Foley	Kindness
Brooks	Ford (MI)	Kogovsek
Brown (CA)	Frost	Kolter
Brown (CO)	Gaydos	Lantos
Bryant	Gekas	Lehman (FL)
Byron	Gibbons	Leland
Carney	Gilman	Levin
Carper	Gingrich	Levitas
Carr	Glickman	Lewis (CA)
Chandler	Gonzalez	Lewis (FL)
Chappell	Gore	Livingston
Chappie	Gramm	Lloyd
Clinger	Guarini	Long (LA)
Coelho	Gunderson	Long (MD)
Coleman (MO)	Hall (IN)	Lott
Conyers	Hall (OH)	Lowry (WA)
Cooper	Hall, Ralph	Lundine
Coyne	Hall, Sam	Madigan
D'Amours	Hance	Marriott
Daniel	Harkin	Martin (IL)
Darden	Harrison	Martin (NY)
Martinez	Patman	Snowe
Mazzoli	Pease	Snyder
McCandless	Penny	Staggers
McCloskey	Pepper	Stangeland
McCurdy	Perkins	Stokes
McGrath	Pickle	Stratton
McHugh	Price	Stump
McKernan	Rahall	Sundquist
McNulty	Rangel	Swift
Mikulski	Ray	Synar
Mineta	Reid	Tallon
Minish	Rinaldo	Tauke
Mitchell	Roberts	Tauzin
Molinari	Rodino	Thomas (GA)
Mollohan	Roe	Torres
Montgomery	Roemer	Towns
Moody	Rogers	Valentine
Moore	Rose	Vandergriff
Morrison (WA)	Roukema	Vucanovich
Mrazek	Rowland	Walgren
Murphy	Sabo	Watkins
Murtha	Sawyer	Weber
Myers	Schaefer	Wheat
Natcher	Schumer	Whittaker
Nowak	Shaw	Whitten
Oakar	Shelby	Williams (MT)
Oberstar	Shuster	Wilson
Olin	Sisisky	Winn
Ortiz	Slattery	Wise
Oxley	Smith (IA)	Wyden
Packard	Smith (NE)	Wylie
Parris	Smith (NJ)	Young (AK)
Pashayan	Smith, Robert	Young (MO)

NOT VOTING—135

Ackerman	Franklin	Patterson
Addabbo	Fuqua	Paul
Albosta	Garcia	Pritchard
Anderson	Gejdenson	Pursell
Andrews (NC)	Gephardt	Quillen
Aspin	Gradison	Ridge
Badham	Gregg	Rostenkowski
Bedell	Hammerschmidt	Roth
Bethune	Hansen (ID)	Roybal
Bevill	Hansen (UT)	Rudd
Bilirakis	Hartnett	Russo
Boland	Hatcher	Savage
Bosco	Hawkins	Scheuer
Boucher	Heftel	Schneider
Boxer	Hiler	Schulze
Breaux	Hillis	Sensenbrenner
Burton (CA)	Horton	Shannon
Campbell	Hutto	Siljander
Clarke	Ireland	Simon
Coats	Jacobs	Skelton
Coleman (TX)	Jones (TN)	Smith (FL)
Conte	Kaptur	Smith, Denny
Craig	Kastenmeier	Solarz
Crane, Daniel	Kramer	Spence
Crockett	LaFalce	St Germain
Daschle	Latta	Stark
Davis	Leath	Stenholm
de la Garza	Lehman (CA)	Studds
Dixon	Lent	Taylor
Dorgan	Lipinski	Thomas (CA)
Downey	Loeffler	Torricelli
Duncan	Marlenee	Traxler
Early	Martin (NC)	Udall
Edwards (AL)	Matsui	Vander Jagt
Edwards (CA)	Mavroules	Vento
Erlenborn	McCain	Volkmer
Fascell	McEwen	Waxman
Ferraro	Miller (CA)	Weaver
Fiedler	Moakley	Whitehurst
Fish	Moorhead	Whitley
Flippo	Neal	Williams (OH)
Florio	Nelson	Wirth
Foglietta	Nichols	Wolf
Ford (TN)	Owens	Wright
Frank	Panetta	Yatron

□ 2020

The Clerk announced the following pairs:

On this vote:

Mr. Boland for, with Mr. Addabbo against.

Mr. Torricelli for, with Mr. Nelson of Florida against.

Mr. Craig for, with Mr. Quillen against.

Mr. CHANDLER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

● Mr. HUGHES. Thank you very much, Mr. Chairman. I am pleased to rise in support of H.R. 3678, the Water Resources Development Act of 1984. I wish to congratulate the House Public Works Committee for once again developing legislation which is job intensive, and which will provide so many economic benefits to our Nation.

Committee Chairman JIM HOWARD and Subcommittee Chairman BOB ROE, my good friends and colleagues from New Jersey, are well respected for their leadership in developing programs which put people to work. I wish to commend them along with the ranking minority members, GENE SNYDER of Kentucky and ARLAN STANGELAND of Minnesota, for their outstanding efforts in drafting this important legislation.

H.R. 3678 would authorize the construction of some 300 Federal water projects around the country at an estimated cost of $12 billion. As enormous as those numbers seem, they barely scratch the surface of our overall need to maintain and improve our nation's ports, rivers and coastal resources.

Over the last few decades, we have experienced a very tragic deterioration in many aspects of our Nation's infrastructure, including roads, bridges, energy and water-related projects. This has cost us countless jobs and impacted all segments of our economy, from agriculture to manufacturing and tourism. It is obviously going to cost a lot to rebuild our infrastructure, but it is an investment which the Federal Government has to make.

There are some areas of the country where the local economy is particularly dependent upon water-related resources. This includes my district in southern New Jersey, where our many miles of beaches and island waterways are the foundation of a multibillion dollar tourism industry which is the second largest industry in our State. We are very fortunate to possess these beautiful natural resources, and we are grateful for the cooperation which the Federal Government has provided over the years in maintaining them.

Unfortunately, the cost of maintaining these resources is continuing to escalate. Many of our seashore communities, which have relatively small year-round populations, are now spending large percentages of their local budgets on shore protection activities. Despite a major commitment from the State, which has done an excellent job of identifying and supporting our coastal programs, we are losing ground every year in the battle to keep our waterways navigable and our beaches intact. Our State and local governments can not do the job alone. The Federal Government must remain an active partner in our shore protec-

tion activities. That is precisely what H.R. 3678 would provide.

After many hours of hearings and reviews, the Public Works Committee identified those 300 or so energy and water projects around the country which have the highest priority for construction. Included in this list are a dozen projects in southern New Jersey which I have had the privilege of sponsoring over the years.

There are many other projects in my district which I would have liked included in the legislation. However, with a $200 billion budget deficit staring us in the face, it is simply not possible to move ahead with every project on the books at this time. Accordingly, I had urged the committee during my testimony to support only those projects in my district which have the highest priority for creating or protecting jobs, or in the case of flood control projects, for protecting lives and property. I am very grateful to the committee for considering my requests and including these projects in its bill.

I am especially pleased that the legislation includes the proposed Beach Restoration and Storm Protection Program from Cape May Inlet to lower township. This is a mitigation project designed to restore the damage caused by the Federal Government's construction of the Cold Spring jetties in 1911. These jetties disrupted the normal littoral drift and starved the beaches in Cape May City, robbing this famous seaside resort of its most precious natural asset—its beaches.

The residents and business community in Cape May have waited patiently for many years for the Federal Government to repay its debt by restoring these beaches, which are the mainstay of the local economy. In the meantime, the beach erosion has steadily worsened to the point where the nearby Coast Guard Training Center has been breached. This is the only Coast Guard Training Center in the country, and we are in danger of losing portions of this multimillion-dollar facility to the ocean in the next few years. The project included in H.R. 3678 is designed to stabilize the beaches in Cape May City, as well as provide badly needed storm protection farther south in Lower Township and Cape May Point. I appreciate the committee's support of this project, which is so important to Cape May County.

There are also four navigation projects in Cape May County included in the bill, involving Corsons, Great Egg Harbor, Hereford, and Townsends Inlets. These projects were designed by the Army Corps of Engineers in the 1960's to help stabilize the beaches and keep these inlets open for commercial fishermen and recreational boaters. I will be working closely with the State and local governments to ensure their support of these projects, including their willingness to commit the necessary matching funds for construction. These inlets are vital to the economy of the area communities, and I am hopeful that we will be able to put together the necessary combination of Federal, State, and local financial support to stabilize these important inlets.

Also included in the bill are demonstration flood control projects in six small communities along the Delaware Bay. They are: Fort Elfsborg, Sea Breeze, Gandys Beach, Fortescue, Reeds Beach, and Pierces Point. All six communities are extremely vulnerable to storms, but because of their small populations, they have been unable to qualify for traditional flood control assistance.

This bill would authorize the construction of specially designed, low-cost flood control projects in each of these communities. Hopefully, these projects will demonstrate the viability of using innovative flood control techniques, so that similar projects can be developed for other communities along the Delaware Bay and around the country which experience flooding problems.

The final project included in this bill from my district is the proposed construction of a new south jetty in Barnegat Inlet. This jetty is needed to help remove the serious navigational hazards which threatened the safety of boaters using this busy waterway. This project has just been approved for construction funding by the House and Senate under the energy and water development appropriations bill, following its certification as a design deficiency. The Barnegat Inlet project was originally included in H.R. 3678 because we were uncertain if it would be certified as a design deficiency or not. I am very pleased that construction of this jetty will be moving ahead as soon as the energy and water appropriations bill is signed into law.

Mr. Chairman, it has been 7 years since a water resources development bill was last signed into law. During that period, hundreds of important energy and water development projects around the country have backed up awaiting authorization. H.R. 3678 will enable us to end this construction drought and move forward with projects that employ millions of Americans and help keep our economy strong. It is a good bill and I urge my colleagues to support it. Thank you.●

● Ms. SNOWE. Mr. Chairman, I rise in support of H.R. 3678, the Water Resources Conservation Development, and Infrastructure Improvement and Rehabilitation Act of 1983. This legislation contains several provisions affecting projects in my district, but none more important than the deauthorization of the Lincoln School Dam. With passage of this legislation, both components of the Dickey-Lincoln School hydroelectric project on the St. John River will finally be deauthorized. I am pleased to have been active in the deauthorization of both the Dickey Dam and the Lincoln School Dam.

First authorized by the Flood Control Act of 1965 (Public Law 89-298), the Dickey-Lincoln School project has had a long and controversial history. Due to environmental and economic considerations, the Dickey portion was deauthorized in 1981 by Public Law 97-128, which incorporated deauthorizing legislation that I had first introduced in 1979. In exchange, a compromise was developed which retained the Lincoln School, subject to further economic review. Language directing the corps to determine the economic and financial feasibility of constructing the Lincoln School project without the larger upstream Dickey Dam was included in the conference report to the fiscal year 1982 Energy and Water Development Appropriations Act (Public Law 97-88).

The June 1983 report of the corps' New England Division has been through an exhaustive review process by the corps' Washington office. The report is now pending final review by the Office of Management and Budget, and, once approved, will be sent to the appropriate congressional committees. While it is unfortunate that this process has taken over a year, I am confident that the OMB review will uphold the final report's assessment that no further study of the project is recommended.

Specifically, the June 1983 report concludes that hydroelectric power generated by Lincoln School cannot be marketed at a rate sufficient to repay production and distribution costs. The project, therefore, does not meet the Federal prerequisite requirements for financial feasibility. In determining the economic feasibility of the project, the corps found that Lincoln School power could be sold competitively in the future if energy costs from coal and oil-fired plants escalate. However, its feasibility would be severely jeopardized by the introduction of Canadian Hydro-Quebec power into the NEPOOL system. Since the report was issued last June, Hydro-Quebec signed an 11-year agreement with the New England States and New York to buy Hydro-Quebec's excess power. Thus, the economic feasibility is even worse than originally determined last June.

Although Congress requested the corps to study only the economic and financial feasibility of the Lincoln School project, the report does include socioeconomic and environmental data which I would like to highlight briefly.

Depending on the type of dam constructed, 60-to-140 year-round households in St. Francis and Allagash

would have to be relocated. The influx of new workers and their families would increase demand on local services and housing. Existing limitations on solid waste disposal capabilities, educational facilities and health and medical services would be burdened by this population increase.

Creation of the reservoir would inundate up to 1,368 acres, affecting soft and hardwood stands and animal species. The effect on wildlife would be proportional to the acres of inundated habitat. Upon inundation, wildlife would perish or move to adjacent lands, where the survivors would compete for available habitat. The deer wintering habitat is of particular concern, and the furbish lousewort, a federally listed endangered species, might be harmed by inundation.

Creation of a reservoir would eliminate stream canoeing and stream fishing along certain areas of the St. John River, and hunting opportunities would be reduced by loss of habitat. Finally, about three primitive camp sites would be flooded out, and a maximum of two prehistoric archaeological sites eligible for inclusion in the National Register of Historic Places would be destroyed or heavily damaged.

I am pleased that the final deauthorization of Lincoln School is included in this legislation, and I hope that the Senate will act promptly in ending further Federal involvement in this project.●

● Mr. DONNELLY. Mr. Chairman, for the second time this week I rise to commend the efforts of Representative HOWARD, chairman of the Committee on Public Works and Transportation, Representative ROE, chairman of the Subcommittee on Water Resources and the ranking Republican members of the committee for their tireless work on H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983.

It is well known that this bill represents the first major authorization for new water projects since 1976 with the last true construction authorization enacted in 1970. This bill, introduced after almost 2 years of exhaustive hearings in which 486 witnesses testified, represents a broad consensus of our Nation's water resource needs. The cost-sharing reforms included in H.R. 3678 move the price of federally subsidized water programs much closer to their real economic value, representing a major achievement of this measure. The new authorizations included will repair the Nation's inland waterway facilities, new and modern port channels, and provide for construction of flood control and other sorely needed water related projects.

H.R. 3678 also contains several provisions that are particularly important to my own home State of Massachusetts. The first is the Town Brook flood control project which has been studied by the Army Corps of Engineers and will prevent an estimated $2.1 million worth of damage annually in Quincy and Braintree, MA. Title V contains an authorization for dredging the Neponset River from the Milton Town Landing to Port Norfolk, MA. This project will provide for commercial and recreational use of the Neponset River and adjacent Dorchester Bay.

Last, title VIII contains a water supply loan for the city of Boston to maintain and replace the badly decayed piping system that is indicative of the older cities in the Northeast. Also included in the committee amendment under title VIII is a water supply loan for Brockton, MA, to implement a Brockton Area Water Development Program.●

● Mr. DONNELLY. Mr. Chairman, I rise to commend the distinguished chairman of the Water Resources Subcommittee, Mr. ROE, for inclusion of a water supply loan for Brockton, MA, under title VIII of H.R. 3678 in the committee's amendment.

Brockton is a city with a population of 110,000 people located in the 11th Congressional District which I have the honor to represent. The water supply problems plaguing Brockton symbolize the true need for the legislation before us today.

For the better part of this century, Brockton enjoyed a trouble-free water supply as did most of the towns and cities across the Nation. However, a rapid growth in population and expansion of industry taxed the area's water resources to the point where Brockton has been teetering on the dangerous edge of being unable to supply safe, drinkable water to its citizens.

The danger of Brockton's water problems became all to clear during the summer of 1981 when a drought forced city officials to impose a complete water ban for 8 weeks. Water supply projections indicate a future demand on the Brockton system of 20 million gallons per day by the year 2020. Present sources provide Brockton with 9.5 million gallons per day during moderate weather, indicating a potentially serious water shortfall in the near future if alternative sources are not developed.

The city has been hard at work in its efforts to avoid this disaster and has produced a viable, cost effective water development program. The program utilizes a two pronged approach that will revitalize the Avon Reservoir and create a new reservoir in Kingston, MA.

The Avon Reservoir, adjacent to the northern Brockton city limits, was utilized by the city for many years without treatment and produced safe drinking water for the city at a rate of 1.5 million gallons per day. During the 1981 drought, the reservoir was unusable because of contamination from local, identifiable sources. The loss of this resource as a safe water supply was the major contributor to Brockton's problems at the time. Its revitalization through the construction of a treatment facility will provide a renewed and reliable flow of water to the city.

The creation of a reservoir in Kingston is estimated to produce an immediate increase of 2 million gallons per day. This water would be pumped into existing storage facilities located on Silver Lake, currently Brockton's main water supply source. The availability of this new water resource under the development plan would enhance the environmental stability of the entire supply system and increase the safe yield of water for public consumption.

Mr. Chairman, these Brockton water projects are exemplary of the type for which the Water Supply Loan Program was created. Their completion will mean a sure and steady supply of water to Brockton for years to come.●

● Mr. WALGREN. Mr. Chairman, the water resources bill before us today, H.R. 3678, represents some good news to the country and particularly some good news to my home area of western Pennsylvania. It is the first bill to help rehabilitate the Nation's deteriorating waterway structures in 8 years and the first comprehensive water resources bill before the Congress in 14 years, a fact for which my colleagues on the Public Works Committee deserve real credit. Several points deserve to be made.

First, many of us from Northeast have been trying for years to bring better balance to water resource policy. In our view, we have seen money drained away from the older areas of the country to the West and Southwest for too long. The Northeast makes up 45 percent of the country's population, but receives only 25 percent of the public works money. This works out to about $6 per person spent in our region, compared to about $20 spent on the rest of the country. Locks, dams, flood control projects, sewers, and water systems are in a declining state in many of these older communities. The bill before us today attempts to redress these imbalances in several ways.

Second, under this bill, Congress would authorize the Corps of Engineers for the first time to establish a loan program to repair and rehabilitate municipal water supply systems. The Northeast-Midwest States can expect to receive 91 percent of these funds. Without this bill, the corps is limited to "multipurpose" projects, which, to be funded, must provide multiple benefits like recreation and navigation. By establishing a single

purpose program, we will be able to repair aging water systems—a real breakthrough for areas like mine.

Third, the bill includes the suggestion of Pittsburgh area Members of Congress to include in their amendment Federal assistance for the Turtle Creek flood control project. This is a project in a great state of disrepair that cannot now handle threatened flooding. If we do not move on it, 340,000 people in 30 municipalities could be affected, including people in Penn Hills, Braddock Hills, and Forest Hills. The boroughs involved have and will continue to contribute to the project, but only Federal assistance can expedite the project and avoid human and property damage that could be devastating. I hope the House will agree to the amendment that add Turtle Creek to the bill.

Fourth, this bill will aid the economy of areas still suffering from recession. In Pittsburgh, waterways are a fundamental underpinning of the economy. Our three rivers provide transportation for coal, chemicals, and steel. In gross tonnage, Pittsburgh is the largest inland port in the United States, moving 41 million tons of freight annually.

But our locks and dams were built in another time for another time. They are old, falling apart, and woefully inadequate. By 1990, we will see 78-hour delays in traffic on the Ohio. This would mean $400 extra cost per hour per tow. Our industries and the Pittsburgh economy can just not afford these extra costs if we are to remain competitive. Added transportation costs means higher consumer costs. One of the major factors in the price of coal—and thus electricity—is transportation. An efficient navigable waterway system is essential to keep costs down. The same is true for coal-dependent products like steel, which is so important to our economy.

In the Pittsburgh area, the rivers are an economic lifeline. 85,000 jobs directly depend on the availability and use of river transportation. I am pleased that the House of Representatives is today taking this step toward bringing some national fairness and economic revitalization to our area and am pleased to cast my vote for this bill.●

● Mr. DASCHLE. Mr. Chairman, in his report of April 26, 1983, the Chief of Engineers recommended authorization of the Gregory County hydroelectric pumped storage facility. To be constructed adjacent to Lake Francis Case, it would be implemented in two stages, each stage with a capacity of 1,180 megawatts. According to the report of the Chief of Engineers, the cost of the Gregory County project, based on October 1981 price levels, would be $1,502,834,000 and the project would have a cost-benefit ratio of 1.6.

In a report issued earlier by the Omaha district engineer, it was noted there is a need for 10,000 to 11,000 megawatts of additional generating capacity in the 1990's to meet future power supply needs in the region. As further noted in this report, the Gregory County hydroelectric pumped storage facility with a potential capacity of nearly 2,400 megawatts would make a tremendous contribution to the energy supply needs of the region. After much evaluation, the Corps of Engineers has determined that the facility is not only economically feasible, but would provide greater savings than conventional hydropower in meeting the power needs of the region, and is the most significant opportunity for additional hydropower on the Missouri River main stem system.

Legislation reported by the Committee on Environment and Public Works in the Senate already authorizes construction of the Gregory County hydroelectric pumped storage project by the Corps of Engineers. Based on the projected power needs of the region, the contribution which can be made by the Gregory County project to meeting these future power needs, and the economic feasibility of this project, I urge the chairman and those who will sit on the conference in the House to recognize the benefits of authorizing construction of the Gregory County pumped storage hydroelectric facility and support the project when it is considered in the conference.●

● Mr. PANETTA. Mr. Chairman, I would like to draw my colleagues' attention to two provisions in the committee amendment to H.R. 3678 which are of tremendous importance to my district.

First, section 114 authorizes the construction of a new harbor office in Morro Bay, CA. Morro Bay is the only harbor of refuge on California's central coast, but it also has an unofficial reputation as one of the most dangerous harbor entrances on the west coast. At least 15 lives have been lost at the harbor entrance in the last 20 years due to high surf and treacherous currents.

Such dangerous conditions make it essential for the harbor's users to have immediate access to emergency rescue services. However, the harbor's safety problem is compounded by the fact that its patrol officers do not, from the present harbor office, have a clear view of the harbor. From the existing office, the harbor patrol has only a 2- to 3-minute timespan in which vessels approaching the harbor entrance can be seen, and the view of the entrance itself is completely blocked. For this reason, the city of Morro Bay has given its approval to construction of a new harbor office in a location which would provide an unobstructed view of the harbor, and would also cut down on the time required for the harbor patrol to reach the scene of an accident.

In view of the harbor's importance to all those who travel the central California coast, I do not think it is realistic or fair to expect the local community to bear the costs of constructing the new office. Unfortunately, funding is not available from other Federal or State sources for this purpose, and accordingly the committee has included authorization for this project in the bill pending before us. The estimated cost of the new office is $250,000, and I would hope the House will approve this urgently needed project.

Second, section 712 of H.R. 3678, as included in the committee amendment, makes some important modifications in the authorization for Santa Cruz Harbor. Santa Cruz is a multipurpose harbor which is vital to the livelihoods of many individuals in my district. The harbor, unfortunately, has experienced massive shoaling ever since its construction, and even with annual dredging, the harbor is forced to close for 3 to 4 months every year at considerable cost to the local economy. At the same time, as my colleagues are well aware, operation and maintenance funds for small harbors are increasingly difficult to come by due to the constraints of the Federal budget.

Santa Cruz Port District officials have reached an agreement with the Corps of Engineers which will allow for procurement of a dredging system to be owned and operated by the harbor itself. The corps has agreed to reimburse the local interests for 80 percent of the cost of this system, and in turn, the Federal Government will be relieved of any financial obligation in terms of future operation and maintenance of the harbor. The corps has also agreed to undertake a comprehensive study of long-term solutions to the harbor's shoaling problem. The language included in the committee amendment as section 712 reflects these recently concluded negotiations. I am hopeful that this agreement will help bring about a lasting and effective solution to the harbor's problems, without the continuing drain on the Federal budget which the need for annual maintenance dredging entails.

I very much appreciate the assistance of Chairman ROE and Chairman HOWARD in including these important provisions in the committee amendment, and I urge my colleagues' support.●

● Mr. DURBIN. Mr. Chairman, the water resources authorization bill contains many provisions that are important to our Nation and one that is particularly important to the people of western Illinois.

This provision clarifies the Army Corps of Engineers' policy in regard to

terminating campsite leases along the Mississippi River. Since coming to Congress some 18 months ago, I have had the opportunity to meet with and work with a group of concerned citizens who have joined together to form the Two Rivers Campsite Preservation Coalition. These are not wealthy nor powerful people, but rather individuals who have been energized by a common concern for fair treatment. They have worked with Members of Congress along both sides of the Mississippi River in seeking their goal, and their campaign has been marked by reason and commonsense.

At issue here and addressed by this bill is a policy of the U.S. Army Corps of Engineers that calls for the termination of campsite leases along the Mississippi River. More than 2,000 families now hold campsite leases along the river. These are people who gained these leases back in the 1950's when the corps was encouraging this mild form of development on the public land that adjoins the river.

Those who hold these campsite leases are individuals who love the outdoors. There are no expensive homes on these sites nor commercial ventures. These are simple vacation and weekend retreats for those who enjoy time spent along this beautiful river.

Leaseholders, by their presence, have also provided a degree of security and aid for those who use the river.

The provision in this bill that affects the leaseholders simply states that the Corps of Engineers cannot terminate these leases unless a higher priority use is shown for the land, such as a park development or use in a flood control or navigation project. This will provide the current leaseholders with assurance that they will not be tossed off the land.

When the Government sought people to use the riverfront to provide a small degree of development, these individuals responded. I do not think this measure of clarification is too much for them to seek in return.●

● Mr. ANDREWS of Texas. Mr. Chairman, I want to take this opportunity to congratulate JIM HOWARD, chairman of our Public Works and Transportation Committee, and ROBERT ROE, chairman of the Water Resources Subcommittee, for their tireless effort in bringing to this floor a bill which truly furthers our progress toward the Clean Water Act's goal of fishable, swimmable waters, This is a goal to which I am utterly committed, as are Chairmen HOWARD and ROE, and, I am convinced, the vast majority of the American people on both ends of the political spectrum.

In addition to increasing EPA's straight authorization for the municipal wastewater construction grants program, this bill authorizes $1.6 billion annually through fiscal 1988 for grants to the States for water pollution control revolving funds. These moneys are desperately needed by municipalities to construct the sewage treatment facilities upon which the Clean Water Act depends. Back in 1981, the Reagan administration announced it would not seek funding for treatment of plant construction unless the program was significantly scaled back. Congress amended the Clean Water Act that year by cutting in half funding to help cities build treatment facilities, and by reducing the Federal share of construction costs from 75 percent to 55 percent. H.R. 3282 sets the Federal share at 65 percent. Under the bill, States must deposit an amount equal to 20 percent of the Federal money before receiving a grant, and they may use the funds only to make loans, loan guarantees, payments to reduce interest on loans, bond interest subsidies and bond guarantees to municipalities and interstate agencies. I think this is a responsible way to proceed and I believe it will help municipalities meet the objectives in the act in a more timely fashion.

Another critical element of this bill, an element which will bring us closer to our goal of pollution-free waters, is a brand new program to address the reality of nonpoint source pollution, or runoff. The committee hearings established that in many areas, runoff from paved streets, fields, mine, and construction sites result in the flow of large amounts of toxic metals, organic pollutants, fertilizers, and pesticides into our Nation's waters. Nonpoint source pollution, in fact, is the major source of pollution in many areas.

The bill also requires EPA in cooperation with the States to begin planning how to attain water quality standards in "hot spots," or extremely polluted waters which even the Clean Water Act's requirements cannot adequately address.

Mr. Chairman, there was some question, when this bill came out of committee, whether it would arrive at the House floor with the vital support of the environmental community. I am gratified the environmental and industry leaders, as well as Chairmen HOWARD and ROE, were able to arrive, after many hours of hard work, at a compromise supportable by all concerned. The Clean Water Act has been one of the great success stories of the Federal Government in the area of pollution control. Many rivers and lakes have been restored and fish are returning to what once were considered ruined waters. I know this is true of my area in particular. The San Jacinto River and the Houston ship channel empty into Galveston Bay which is one of the largest food producing and recreational bays in the country. Thus, the quality of the water flowing into Galveston Bay is of vital importance to not only the health of those living in my State but critical to our economic viability. Significant improvements have been made in the water quality of the Houston ship channel due to the efforts both of industry on the channel and area municipalities. In fact, for the most part, the industry along the channel is not even emptying as much waste as their licenses allow, and that's a pretty good sign, a sign that points straight to the Clean Water Act.

Mr. Chairman, H.R. 3282 will ensure that the Clean Water Act keeps us on the path to our goal of fishable, swimmable waters. I wholeheartedly support it.●

Mrs. BOGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the water resource authorization (H.R. 3678). I would like to commend the gentlemen from New Jersey [Mr. HOWARD and Mr. ROE] and the gentleman from New York [Mr. BIAGGI] and the members of their respective subcommittees for the fine work they have done in bringing this legislation before the House today.

I know how very difficult it is to craft a bill of this nature. As a member of the Energy and Water Development Appropriations Subcommittee these projects, I know all too well how they must compete for support and funding.

Deep-draft port development and the revitalization and modernization of our great inland waterway network are two areas that we must address. For the past 10 years the Federal Government has, in effect, withdrawn its active support from port and inland waterways development. That 10-year hiatus is not at an end.

Over the past 10 years the demand for increased efficiencies in water borne transportation to maintain our export capacity has increased tremendously. Our ports are doing all they can to improve competition in the international marketplace. They are improving their efficiency by investing in modern shoreside facilities. Since World War II, non-Federal U.S. port entities have invested more than $45 billion in new and improved cargo-handling facilities including wharves, docks, transit shed, storage areas and warehouses, container yards, and cranes and other equipment. To meet the future needs of U.S. commerce, the port industry will be investing a billion dollars a year or more through the remainder of the decade to expand and improve terminal handling facilities.

Our foreign trade is as vital to our economy as it has ever been. In the past 20 years, foreign trade, as a proportion of our GNP, has increased substantially from 5.4 percent in 1960 to

10 percent in 1970, and to approximately 25 percent in 1981. Most of this trade moves by ship to and from our ports.

In addition to its influence on our economy generally, our foreign trade has a profound impact on Federal revenues. In 1981 alone the cargo moving in U.S. foreign commerce generated approximately $6 billion in U.S. customs revenues. During that same year, it should be noted, Federal expenditures on deep draft navigation projects amounted to approximately $350 million. The Government is getting a very handsome return on its investment, measured in customs revenues alone.

One of our principal trading ports is the Port of New Orleans. Although the Mississippi River is 100 feet deep at New Orleans, the depth of the river at some points between the Gulf of Mexico and Baton Rouge does not presently allow the large, modern cargo vessels to be fully loaded. Consequently, it is inefficient and more expensive for the deeper draft ships to use the Port of New Orleans and the other Louisiana ports.

This inefficiency has an effect on commerce, industry and agriculture throughout the country. In 1981 Louisiana's deep-draft ports transshipped 190.7 short tons worth $44.1 billion. Translating that impact into jobs throughout the mid-America States means that approximately 207,000 jobs were related to foreign, oceangoing trade.

Foreign trade means jobs and the Louisiana ports handle approximately 21.5 percent of the Nation's foreign waterborne trade. If we improve efficiency at these ports by deepening the accessible draft, then we will increase the efficiency of our commerce.

The deepening of the Mississippi River has received the enthusiastic support of the shipping industry, the ports and the upriver States whose bulk commodities would move in bigger ships. A deeper river channel will lower the cost of needed imports, improve the competitiveness of our export on the world market, improve our country's balance of trade position and help our farmers, coal miners and shippers.

I am pleased that the committee has seen fit to include the deepening of the Mississippi River in this legislation.

In addition, I am grateful that the committee has seen fit to include a fast-track mechanism and a financing for the non-Federal share mechanism/ in the bill. Both of these provision, which I requested the committee to include, are essential to the successful completion of the deep-draft project.

Finally, I Think it wise that this legislation does not impose any additional user changes. There is a significant body of evidence that indicates the cumulative impact of additional user charges on waterborne commerce.

Mr. Chairman, it is time we recognize the local and national importance of our river and port system. The deepening of the Mississippi River will have a very positive impact on our national economy by enabling the more efficient export of coal, grains and other commodities from the heartland of America.

I urge passage of the bill.

Mr. PEASE. Mr. Chairman, will the gentlewoman yield?

Mrs. BOGGS. I yield to the gentleman from Ohio.

Mr. PEASE. Mr. Chairman, I rise today in support of H.R. 3678, the Water Resources Development Act, and I would like to call the attention of the House to two provisions of the bill which are of particular interest and importance to me and the people that I represent in Ohio's 13th District.

For the last 6 years, the U.S. Army Corps of Engineers has been conducting a feasibility study for improvements to the Lorain Harbor, Lorain, OH. This study has now been completed. We are now ready for the next phase of the project, ready to enter the construction stage, which will implement the recommendations of the Corps of Engineers.

H.R. 3678 contains the authorization fo $32,000,000 to move forward with the implementation of the recommended improvements to the Lorain Harbor. These improvements include widening three upriver bend cuts in the Black River Channel—a modification that will allow the larger ore vessels which are becoming more and more common on the Great Lakes to move up the channel safely. This modification will permit efficient navigation by vessels larger than seaway class which carry ore and stone to industries upriver, including a United States Steel plant.

This project is of extreme importance to the economy of Lorain County, a point I cannot stress enough. Just last year, the American Shipbuilding Co. shut down its Lorain yard, eliminating 1,500 jobs. The company's reasons for closing the plant were many and varied, but among them was the fact that the Lorain Harbor is difficult to use. The harbor modifications recommended by the corps will go a long way toward easing some of the problems that convinced Amship officials that the Lorain plant was no longer a profitable site. Lorain officials are now trying to find another ship builder to take over the Amship site. The construction phase of the Lorain Harbor improvements would be a great asset to their important task.

The United States Steel plant in Lorain is rebounding, and that company views its Lorain location as a prime site for future expansion. As Lorain County struggles to recover its economic base following the devastation of the most recent recession, I once again must must stress the vital importance of upgrading the Lorain Harbor as a means of strengthening our local industries and easing the unemployment that has plagued us for so long.

I would like to commend Congressmen HOWARD and ROE in particular and all of the members of the Public Works Committee for including in section 1108 of this bill the language needed to ensure that the Army Corps of Engineers has the statutory language to contribute up to $1 million for nonstructural as well as structural remedies of problems at least partially caused by corps water resources projects.

It is appropriate that the corps, as the agent of the Federal Government, have the statutory authority to own up to its responsibility and to correct is mistakes. The need for amending the existing language of the River and Harbors Act of 1968 in this manner has been brought home to me by a worsening shore erosion problem in Lorain, OH, that I have been struggling to redress for more than 4 years.

By way of background, the corps built a dike disposal area a few years ago in Lorain Harbor to receive silt from nearby dredging operations. Subsequently, the corps found that construction of the dike disposal had contributed to worsening shore erosion that is threatening the homes of at least fifteen families. A park acquisition plan has been developed whereby local, State and corps funds could be pooled to buy the endangered homes and property for conversion into a public park, But the language in this bill is needed to authorize the corps to contribute to nonstructural remedies like a park acquisition plan.

If this bill is signed into law, the corps ought to then focus its attention upon finalizing its contribution toward possible implementation—if local approval is given—of the park acquisition plan along Lakeside Avenue in Lorain.

Ms. OAKAR. Mr. Chairman, will the gentlewoman yield?

Mrs. BOGGS. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I thank the distinguished chairman of the Water Resources Subcommittee, Mr. ROE, and all the members of the committee for giving their consideration to the needs of the Cleveland Harbor and providing $36 million in this bill to improve our harbor. The widening and deepening of the east and west entrances of the harbor will permit larger vessels to enter the harbor and facilitate safe navigation during all weather conditions. This is particularly important because of the volatility

of Lake Erie weather. Once the improvements are complete, Lake Erie vessels will be able to find shelter in Cleveland Harbor should sudden storms develop, as they often do in the Great Lakes.

Cleveland is one of the older cities on the Great Lakes and there has been a long-standing need to repair and improve our harbor facilities. The funds authorized in this bill will permit the latest generation of lake vessels to navigate our harbor. There is also a pressing need to replace bulkheads in the Cuyahoga River portion of our harbor and at pier 34 along the lake. It is hoped that the cost-efficient work on the east and west entrances will also permit consideration for other repairs.

I have to note with some regret that during consideration of the Cleveland Harbor project, the Army Corps of Engineers was not as cooperative as they might have been. At times, important information was not communicated properly. On other occasions, misleading information was given. This made proper consideration of the project difficult. In addition, the Army Corps of Engineers gave misleading information in their attempt to lobby my community leaders against this project. I am frankly astounded by their boldness and untruths.

Those familiar with the city of Cleveland know of the city's historic dynamism and its enormous potential for the years ahead. The city has recently endured some difficult times, bearing the brunt of recession as well as structural change in the local and regional economy. The authorization of improvements to Cleveland's Harbor will help the city and the general area. To achieve maximum benefits from the funds authorized in this legislation, the cooperation of all will be required. I hope that the Army Corps of Engineers will undertake the assigned project with a spirit of cooperation and sense of involvement with what Clevelanders want to do for our city and our region. I pledge my own cooperation with the Army Corps of Engineers and invite their positive involvement with this important project.

Again, I thank the chairman and the committee for its recognition of Cleveland's needs and our efforts to more forward. This authorization will certainly contribute to the continuing efforts of Cleveland to improve our city and its economic environment.

Mrs. BOGGS. Mr. Chairman, I yield back the balance of my time.

Mr. ROE. Mr. Chairman, I ask unanimous consent to offer en bloc nine amendments that have been reviewed by both our side of the aisle and by the distinguished gentleman from Minnesota, and I would like to offer them on behalf of the following Members: Two in the name of Mr. ENGLISH; one in the name of Mr. GUNDERSON; one in the name Mr. PARRIS; one in the name of Mr. MATSUI; one in the name of Mr. DYSON; one in the name of Mr. WYDEN; one in the name of Mr. PATMAN; and one in the name of Mr. DONNELLY.

I would like to offer those in my own name, on their behalf.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. FRENZEL. Reserving the right to object, Mr. Chairman, have the amendments been reviewed by the gentleman from Wyoming?

Mr. ROE. If the gentleman will yield, I have not personally discussed them with the gentleman from Wyoming.

Mr. FRENZEL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MARTIN of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the legislation and to thank the gentleman from New Jersey [Mr. ROE] for the courtesies extended to me.

Mr. Chairman, I want to join my colleagues in saluting the gentleman from New Jersey [Mr. ROE] for his tireless efforts on this bill as chairman of the Subcommittee on Water Resources. I know of those efforts from personal experience, since the gentleman graciously agreed to visit my congressional district in order to better understand my concerns over section 1123 of the bill as originally proposed, which deals with the Great Lakes-St. Lawrence Seaway system.

I want to thank the gentleman for the interest which he demonstrated and for his assistance in reaching an acceptable revision of section 1123, from which all references to changes in the system's navigation season have been deleted.

The bill before us clearly addresses the need to improve the capacity and capability of the system and the region it serves without extending the system's navigation season.

AMENDMENTS OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer amendments en bloc, pursuant to my unanimous-consent request.

The Clerk read as follows:

Amendments offered by Mr. ROE: On page 158, line 15, strike out "Arkansas-".

Page 298, strike out line 1 and all that follows through line 10 and insert in lieu thereof the following:

"SEC. 1169. (a) Section 201 of the Flood Control Act of 1970, as amended by section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the center heading "Arkansas-Red River Basin" and adding the following: "The chloride control projects for the Red River Basin and the Arkansas River Basin shall be considered to be authorized as separate projects, with separate authority under section 203 of the Flood Control Act of 1966, as amended.".

(b) The first sentence of the paragraph under the center heading "ARKANSAS AND RED RIVERS" in section 203 of the Flood Control Act of 1966, as amended, is amended by striking out "$46,400,000" and inserting in lieu thereof "$177,600,000. These funds shall be expended solely for the Red River portion of the project.".

(c) The Secretary is authorized and directed to restudy that portion of the project for water quality control in the Arkansas-Red River Basin, Texas, Oklahoma, and Kansas, which portion is located within the Arkansas River Basin, to reevaluate such portion in light of policies established under this Act and to recommend any modifications which the Secretary determines to be necessary and appropriate to optimize the benefits associated with such portion. Not later than three years after the date of enactment of his Act, the Secretary shall submit the results of his study and his recommendations to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate."

Page 133, after line 16, add the following new section:

"SEC. 620. The Secretary is authorized and directed to complete a study of the Army Corps of Engineers' project evaluation and selection criteria identifying all factors which create a disproportionate burden adverse to the selection of flood control or other projects under the Secretary's authority in rural areas and in areas with greater percentages of low-income individuals. Within one year of the enactment of this Act the Secretary shall transmit a report to Congress on the results of such study together with specific recommendations for changes in the selection criteria that would effectively eliminate any bias against projects in such areas."

Page 133, after line 16, insert the following:

SEC. 620. The Secretary is authorized and directed to study the eradication and control of hydrilla in the Potomac River and to develop an effective plan of action for such eradication and control. Not later than May 31, 1985, the Secretary shall submit to Congress a report on the results of such study together with the plan of action which the Secretary recommends and an estimate of the cost of implementing such plan.

Page 301, after line 2, insert the following:

SEC. 1174. (a) Notwithstanding any other provision of law, the State of California or any political subdivision thereof, or any non-Federal public body organized under the laws of the State of California, which is operating the William G. Stone Lock in Yolo County, California, under lease agreement with the Secretary may levy and collect tolls or other user fees from vessels using such lock. Such tolls or fees shall be in amounts not exceeding amounts necessary to recover the costs of operating and maintaining the William G. Stone Lock by such State, political subdivision, or public body under such lease agreement.

(b) Any lease for the operation of the William G. Stone lock entered into by the Secretary after the date of enactment of this Act shall require the lessee to develop a plan of operation for such lock acceptable to Yolo County, California.

Page 163, after line 21, insert the following:

SEC. 762. The project for navigation, Cambridge Creek, Maryland, is modified to authorize and direct the Secretary to narrow the channel in the existing project, as determined necessary by the Secretary for the purpose of enhancing economic development in the area of such creek. No appropriation shall be made for carrying out such modification, if such modification has not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Page 43, line 9, delete "Ross Island," and insert after "shall be disposed of at" the following: "such sites considered by the Secretary to be appropriate"

Page 231, strike out lines 15 through 17.

Page 232, strike out lines 16 through 19.

Page 317, after line 16, insert the following:

SEC. 1403. Section 5 of the Act of August 18, 1894 (33 U.S.C. 499), shall not apply to the drawbridge known as the James A. Burke Bridge crossing the Fore River on Route 3A between Quincy and Weymouth, Massachusetts. The State of Massachusetts shall have the exclusive authority to regulate the opening of such bridge.

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, I rise to offer an amendment to the Water Resources Conservation Act of 1985 because a crisis exists right here in our own front yard.

The Potomac River, which is one of this Nation's recreational treasures, is about to be lost forever unless Congress takes firm, swift action.

There is an insidious weed, called hydrilla, which is spreading so fast that our experts tell us if we do not begin controlling it this year, and then continue battling it in years to come, it will multiply and spread its green, odorous, noxious mats on each side of the river until it meets in the center.

This may sound like a low-budget science fiction movie, but I assure you that hydrilla is, indeed, a green monster that can and will eat the Potomac if we do not act.

If you haven't seen this green weed, let me give you a frame of reference. It is an aquatic version of kudzu, the vine that was planted some years ago along our interstates because it helped impede erosion and now covers thousands of acres throughout most of the South and Southeast.

Hydrilla is out of control in Florida, where it has choked whole lakes and streams, and I am told, has actually caused the deaths of swimmers who have been entangled in it.

I have asked the Secretary of the Army to redirect some contingency funds and research funds to finance a pilot program of control during this summer's growing season. A preliminary plan has already been developed by the Army Corps of Engineers.

But this is not the complete answer.

That is why this amendment would instruct the Army Corps of Engineers to continue its studies, in concert with the Department of Agriculture and other cooperating Federal agencies, and devise a containment plan and estimate its cost by May 1985, just before the start of the next growing season.

It would not cost any money, except for the study itself.

I respectfully urge adoption of the amendment.

Mr. ROE. Mr. Chairman, as I have explained to the Members, those are a series of technical adjustments of other Members, and again we have no objection on our side to the amendments.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I rise today to urge my colleagues to approve the amendment we have introduced to title VI of this important bill. The purpose of my amendment is to require the Secretary to study the exsisting Army Corps of Engineers selection and evaluation criteria and procedures to identify those elements that place a disproportionate burden on flood control or other projects under the Secretary's authority in these areas.

Further, the Secretary is required to recommend changes necessary to eliminate that bias through the submission of a report to the Congress within 1 year following enactment of this law.

I have become convinced the existing procedures are biased against these areas and believe we must begin the process of identifying remedies to this bias.

A number of points can be made here to highlight my assertion of bias. For example, an area of higher property values and populated by families with higher incomes is far more likely to be selected for a flood control project than a poor area. However, individuals with higher incomes have far more options available to them to take individual action to protect themselves from hazard or to relocate their dwellings or positions to reduce damages due to floods. These options are not available in the same fashion to those with lower incomes. Yet the process is less likely to chose an area with lower property values due to lower values for flooding damage. This factor should be reflected in the evaluation and selection considerations.

In addition, corps procedures fail to adequately reflect the value of damage to agricultural production capacity resulting from flood. While crops lost are considered, the permanent loss to the productivity of the land itself lost through flooding is not reflected. We should alter our practices to ensure we protect the land itself not just the momentary loss of its current yield.

Rural, underdeveloped areas can also benefit directly from the spark of economic growth resulting from increased flood protection. Existing owners benefit from increased property sale values and the entire community benefits from improved development opportunities resulting from reduced flooding risks. These benefits are not properly factored into corps decision.

In conclusion, the Congress can and should act not through the adoption of this amendment to identify all biases against rural and low-income areas present in the present procedures for evaluating and selecting projects. H.R. 3678 is a monument in testimony to the hard and effective work of the members of the Committee on Public Works and Transportation. This legislation is needed. This amendment is needed. I urge you to adopt the amendment and to go on to pass this legislation.

Mr. DONNELLY. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Massachusetts.

Mr. DONNELLY. Mr. Chairman, I am offering this amendment to correct an urgent and frustrating problem that has plagued motorists from the south shore area of Massachusetts for years. The problem involves the drawbridge located in my district that has been repeatedly opened during normal commuting hours. Opening the drawbridge during rush hour stops all traffic dead in its tracks. However, unlike a traffic jam, there is no hope of automobiles creeping along at a slow pace. The resulting delays are understandbly infuriating as motorists sit helplessly for up to half an hour while the ship passes through. There is absolutely no reason for the bulk of these unnecessary delays.

Although the magnitude of such unpredictable delays is obvious, negotiations with the Coast Guard have not produced an adequate solution. Current Federal regulations afford all water traffic the right-of-way over land traffic. These regulations made sense in the early 1900's when they were enacted, but they are no longer applicable to the demands of modern transportation. While ship passings have decreased, traffic congestion has become a major problem in the Boston area.

Random opening of the drawbridge is intolerable. There may be 1 or 2

days a month when tide conditions make it important for a ship to pass during commuter hours, however, there are many more days when rush hour passage is nothing more than a matter of convenience for the ship operators. The present 2-year reconstruction effort on the Southeast Expressway has aggravated the problem further by increasing the traffic pressure on Route 3A.

The problem was brought to its most absurd extreme earlier this spring when the bridge was raised in the middle of a 10-kilometer road race taking place on Route 3A. Rather than jump the widening gap, half of the contenders in the race prudently waited for the bridge to close. Clearly, this demonstrates the need to reconcile current regulations governing the drawbridge with the needs of the surrounding communities.

My amendment would turn the authority to regulate the bridge over to the State of Massachusetts. By granting this authority to the State, proper weight can be given to all factors involved in this unfortunate situation and a quick, effective solution can be reached.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I am offering an amendment that has been developed by the Oklahoma delegation as a compromise.

The amendment separates the Arkansas River and the Red River basin chloride control projects, both located in Oklahoma, and requires that each project stand on its own merits. Unfortunately, current law permits funding authorized and intended for the Red River project to be spent on the Arkansas project. This could happen despite the fact that the Corps of Engineers has concluded after extensive study that the Arkansas River project is not economically feasible and that the corps should not proceed with it.

A closer look at the Arkansas project will reveal the actual scope of this billion dollar question mark. Basically, the Arkansas project contains a series of projects consisting of shallow saltbrine ponds which would be used to collect, store, divert, and dispose of salt brine. These ponds would require the sacrifice of at least 60,000 acres of land in western Oklahoma.

Congress authorized the Arkansas project in the Flood Control Act of 1970. At the same time, and using the same provision, Congress authorized construction on sites for the Red River project; 3 years later, Congress appropriated funds for postauthorization studies of the Arkansas, and the corps began these studies in 1974.

In 1977, corps officials testified on the Arkansas project. At that time, the corps stated that unless Congress was prepared to make a total commitment to the complete Arkansas project, then Congress should not support any part of it. Furthermore, at that time, the corps was not prepared to give its go-ahead for the entire project. In 1978, the Secretary of the Corps of Engineers indicated that more detailed economic studies should be conducted. In 1981, over 10 years after the initial authorization of the Arkansas project, the corps issued its report on the merits of proceeding with the Arkansas project.

The corps rejected plans to proceed with the Arkansas project.

Specifically, the corps found that for every $1 spent on the project, only 25 cents would be returned in benefits. Since this ratio was substantially lower than the required dollar-for-dollar cost-to-benefit ratio, the corps found that the project was not economically feasible. Furthermore, the corps recommended tabling the project until a significant change occurred which "clearly demonstrates a greater need and probable use of the improved water." This has yet to happen, and I seriously doubt that it ever will.

To underscore the corps' opposition, the corps concluded that the economic analysis showed the current projections of water use and resulting water quality benefits from the selected plan did not equal the costs of construction. Additionally, the corps stated that the "environmental analysis showed that there would be no outstanding contributions to the environmental quality account to offset the lack of economic benefits."

Taxpayers from throughout Oklahoma have expressed their concern over and opposition to the Arkansas project. Frankly, I believe the Arkansas project should be deauthorized. in fact, I think any project which has been around for as long as this one has with a benefit-cost ratio of 25 cents on the dollar should be deauthorized. However, some people, downstream from where over 60,000 acres would be covered with 2 feet of salt water, disagree.

In the spirit of compromise, the Oklahoma delegation has agreed that the Arkansas and Red River projects at least should be separated. While these two projects now share authorization language and are both chloride control projects, they have nothing else in common. The Red River project should not be allowed to give benefits to the Arkansas project. Money intended for construction of the Red River project should not be spent on the Arkansas. Each project should stand on its own merits.

This compromise is both good policy and good business for taxpayers and I urge the Members to support it.

Mr. WYDEN. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Oregon.

Mr. WYDEN. Mr. Chairman, I have a short, noncontroversial amendment that I would like to offer at this time.

This amendment is to the Bonneville lock authorization, which is in title II of the bill. This amendment simply deletes the reference to "Ross Island" in the language that refers to deposition of the dredged material from the lock and replaces it with "such sites considered by the Secretary to be appropriate."

The minor change is needed to make sure that no entity has the appearance of being favored in the decision of where the dredged material should be deposited. My amendment does not eliminate Ross Island from being considered as a location to deposit the spoils, but only ensures that no one site will be favored over any other.

I have talked to my colleague ROBERT SMITH of Oregon, a member of the committee, and he agrees with this amendment.

I appreciate the chairman's understanding of our concern over the existing language and ask my colleague's support of the simple and noncontroversial amendment.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I rise in strong support of H.R. 3678 and the amendment being offered by the chairman of the Water Resources Subcommittee, Mr. ROE.

Among the projects included in this legislation is the St. Johns Bayou and New Madrid floodway flood control project. Many of my constituents have been working literally for decades to see this project authorized. In fact, when the subcommittee held hearings on this project one witness produced a copy a letter written by then-Senator Harry S. Truman in support of the St. Johns-New Madrid project. So, as you can see, this is not a new issue, but one that has been around for several years and one that is necessary to protect thousands of acres of farmland, the urban areas of three major towns, and Interstate Highway 55 from the floodwaters of the Mississippi River.

Also included in H.R. 3678 is the Cape Girardeau-Jackson metropolitan area, MO, project. Although downtown Cape Girardeau, MO, was protected during the 1973 Mississippi River flood, $3 million in damages occurred that could have been prevented by this project. A flash flood in 1977 caused about $5 million in damages throughout the area that will be protected by this project. The Cape La Croix Creek watershed area is experiencing a significant population growth and urbanization and this project is badly needed to reduce flood damages

and to properly manage the urbanization floodplains.

Finally, the Ste. Genevieve, MO, flood control project is included in the amendment being offered by Mr. ROE. Not including the Spanish Missions in the west, Ste. Genevieve, MO, is the oldest European settlement west of the Mississippi River. It was founded in the Louisiana Territory and is a national historic landmark. According to the U.S. Department of the Interior,

It is obvious that the nationally significant historic values of Ste. Genevieve should be protected.

This project is also supported by the Center for French Colonial Studies, the Missouri Heritage Trust, the Landmarks Association of St. Louis, the National Trust for Historic Preservation, the National Society of Colonial Dames, and the Republic of France. Without this project, the historic 18th century architecture in Ste. Genevieve could be lost during any flood season and I believe the benefits of this project far outweigh the small monetary cost it will require.

In closing, I want to thank all the members of the Public Works and Transportation Committee for their tireless efforts on this legislation. I would like to particularly mention the chairman of the committee, Mr. HOWARD, the ranking Republican, Mr. SNYDER, the chairman of the Water Resources Subcommittee, Mr. ROE, and the ranking Republican on the subcommittee, Mr. STANGELAND. Also, I would like to extend my gratitude to my colleague from Missouri, Mr. YOUNG, who has spent an enormous amount of time and energy on this legislation.

I urge the adoption of the Roe amendment and the passage of the bill.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Nebraska.

Mr. DAUB. Mr. Chairman, I would like to associate myself with this particular amendment, but particularly that part which is known as the Gunderson portion of the gentleman's amendment.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman.

Mr. CONABLE. I do not mean to sound unpleasant, but how much does this cost?

Mr. ROE. We do not have it.

Mr. CONABLE. You do not have any idea?

□ 2030

Mr. ROE. As far as we know, there is no additional cost. Most of these amendments are technical in nature and they are deauthorizations and studies.

Mr. CONABLE. I appreciate the explanation. I think it is important at a time like this. We frequently make very serious mistakes at times like this.

Mr. ROE. We are trying not to, believe me.

● Mr. MATSUI. Mr. Chairman, Mr. FAZIO and I offer this amendment to allow local authorities to collect user fees to pay for the cost of operating the Stone Lock in Sacramento. This is a facility which was to have been closed by the Corps of Engineers because it no longer carries commercial traffic.

I ask unanimous consent to have the remainder of my statement included in the RECORD.

When the Sacramento Deep Water Ship Channel was first constructed, with the Port of Sacramento at its upstream end, the William G. Stone lock was also built to accommodate barge traffic between the port and the Sacramento River. Such barge traffic diminished over the years; it has been a very long time since the lock was used for other than passage of recreational boats.

Because it was no longer a portion of our national system of waterborne commercial traffic, the Corps of Engineers appropriately determined that continued operation at Federal expense was no longer justified. It was properly scheduled to be closed. Continued maintenance of the lock by the corps does make sense as an economical means to carry out other corps responsibilities, such as maintenance of water quality in the Sacramento-San Joaquin Delta.

Various public agencies in the Sacramento area expressed interest in the continued operation of the lock to accommodate recreational boats and tour boats visiting the historic area of old Sacramento. The lock is currently being leased from the corps by the Sacramento Housing and Redevelopment Agency—a joint city-county entity—and is being operated by an employee of the city of Sacramento. The cost is being borne by the city, which would like to be able to be reimbursed by the actual users of the lock. We believe that such operation of the lock is worthwhile, but agree that it can in no way be considered a Federal responsibility. The opinion of the Assistant Secretary of the Army for Civil Works is that no local entity can legally levy fees to recover the costs of operating the lock.

This amendment would simply waive the obstacles in U.S. statutes to having a local government collect such fees in this specific case. I would add that the circumstances of the status of this particular facility are so extraordinary that no one should look to this amendment for a precedent for how to handle the costs of operating and improving our national system of waterborne commerce. To do so would be to have a microscopic tail wagging many large dogs. The cost of this operation of Stone Lock is well under $100,000 per year.

Finally Mr. Chairman, I would like to offer special thanks to the chairman of the subcommittee [Mr. ROE] and to Bob Dawson, the Acting ASA for Civil Works, for their patience and support over the last 2 years in finding a way to satisfy both the plans of our local community and our responsibility to the Federal taxpayer.●

● Mr. FAZIO. Mr. Chairman, I am pleased to join my colleague BOB MATSUI today in the introduction of this amendment to allow for local financing of the operations of the William G. Stone Lock in Yolo County, CA. I think this amendment gives local governments an option for the future of the lock they may well wish to exercise for the betterment of northern California. At the same time it provides assurances to Yolo County that its needs will be taken into account in the operation of the lock.

The lock is a valuable facility caught in highly unusual circumstances. All of us concerned deeply appreciate the special consideration shown our situation by Mr. ROE and Mr. HOWARD despite the many hundreds of other concerns weighing on them as they move this vital piece of legislation forward.●

The CHAIRMAN. The question is on the amendments offered by the gentleman from New Jersey (Mr. ROE).

The amendments were agreed to.

The CHAIRMAN. Are there other amendments? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. SAM B. HALL, JR., Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3678) to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, pursuant to House Resolution 515, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. JOHNSON

Mrs. JOHNSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. JOHNSON. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. JOHNSON moves to recommit the bill, H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983, to the Committee on Public Works and Transportation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 33, not voting 141, as follows:

[Roll No. 305]

AYES—259

Akaka	Coleman (MO)	Gibbons
Alexander	Collins	Gilman
Andrews (TX)	Conyers	Glickman
Annunzio	Cooper	Gonzalez
Anthony	Corcoran	Gore
Applegate	Coughlin	Gramm
Archer	Coyne	Gray
AuCoin	Dannemeyer	Guarini
Barnard	Darden	Gunderson
Barnes	Daub	Hall (IN)
Bateman	Dellums	Hall (OH)
Bates	Derrick	Hall, Ralph
Bellenson	DeWine	Hall, Sam
Bennett	Dickinson	Hamilton
Bereuter	Dingell	Hance
Berman	Donnelly	Harkin
Biaggi	Dowdy	Harrison
Bliley	Downey	Hayes
Boehlert	Durbin	Hefner
Boggs	Dwyer	Hightower
Boner	Dymally	Holt
Bonior	Dyson	Howard
Bonker	Eckart	Hoyer
Borski	Edgar	Hubbard
Britt	Edwards (CA)	Huckaby
Brooks	Edwards (OK)	Hughes
Brown (CA)	Emerson	Hunter
Brown (CO)	English	Hyde
Bryant	Erdreich	Jenkins
Byron	Evans (IA)	Jones (NC)
Carney	Evans (IL)	Jones (OK)
Carper	Fazio	Kasich
Carr	Fields	Kazen
Chandler	Foley	Kemp
Chappell	Ford (MI)	Kennelly
Chappie	Fowler	Kildee
Clay	Frost	Kindness
Clinger	Gaydos	Kleczka
Coelho	Gekas	Kogovsek
Kolter	Moody	Shelby
Kostmayer	Moore	Shumway
Lagomarsino	Morrison (CT)	Shuster
Lantos	Morrison (WA)	Sisisky
Lehman (FL)	Mrazek	Skeen
Leland	Murphy	Slattery
Levin	Murtha	Smith (IA)
Levine	Myers	Smith (NE)
Levitas	Natcher	Smith (NJ)
Lewis (CA)	Nowak	Smith, Robert
Lewis (FL)	O'Brien	Snowe
Livingston	Oakar	Snyder
Long (LA)	Oberstar	Spratt
Long (MD)	Olin	Staggers
Lott	Ortiz	Stangeland
Lowery (CA)	Ottinger	Stokes
Lowry (WA)	Oxley	Stratton
Lujan	Packard	Stump
Luken	Parris	Sundquist
Lundine	Pashayan	Swift
Lungren	Patman	Synar
MacKay	Pease	Tauke
Madigan	Penny	Tauzin
Marriott	Pepper	Thomas (GA)
Martin (IL)	Perkins	Torres
Martin (NY)	Petri	Towns
Martinez	Pickle	Valentine
Mazzoli	Porter	Vandergriff
McCandless	Price	Walgren
McCloskey	Rahall	Watkins
McCollum	Rangel	Weber
McCurdy	Regula	Weiss
McDade	Reid	Wheat
McGrath	Richardson	Whittaker
McHugh	Rinaldo	Whitten
McKernan	Roberts	Williams (MT)
McKinney	Rodino	Wilson
McNulty	Roe	Winn
Mica	Roemer	Wise
Michel	Rogers	Wolpe
Mikulski	Rose	Wortley
Miller (OH)	Roukema	Wyden
Mineta	Rowland	Wylie
Minish	Sabo	Young (AK)
Mitchell	Sawyer	Young (FL)
Molinari	Schaefer	Young (MO)
Mollohan	Schumer	
Montgomery	Shaw	

NOES—33

Broomfield	Green	Ritter
Broyhill	Hertel	Robinson
Burton (IN)	Hopkins	Schroeder
Cheney	Jeffords	Seiberling
Conable	Johnson	Sharp
Courter	Leach	Sikorski
Crane, Philip	Mack	Solomon
Daniel	Markey	Vucanovich
Dreier	Nielson	Walker
Frenzel	Obey	Yates
Goodling	Ratchford	Zschau

NOT VOTING—141

Ackerman	Dorgan	Horton
Addabbo	Duncan	Hutto
Albosta	Early	Ireland
Anderson	Edwards (AL)	Jacobs
Andrews (NC)	Erlenborn	Jones (TN)
Aspin	Fascell	Kaptur
Badham	Feighan	Kastenmeier
Bartlett	Ferraro	Kramer
Bedell	Fiedler	LaFalce
Bethune	Fish	Latta
Bevill	Flippo	Leath
Bilirakis	Florio	Lehman (CA)
Boland	Foglietta	Lent
Bosco	Ford (TN)	Lipinski
Boucher	Frank	Lloyd
Boxer	Franklin	Loeffler
Breaux	Fuqua	Marlenee
Burton (CA)	Garcia	Martin (NC)
Campbell	Gejdenson	Matsui
Clarke	Gephardt	Mavroules
Coats	Gingrich	McCain
Coleman (TX)	Gradison	McEwen
Conte	Gregg	Miller (CA)
Craig	Hammerschmidt	Moakley
Crane, Daniel	Hansen (ID)	Moorhead
Crockett	Hansen (UT)	Neal
D'Amours	Hartnett	Nelson
Daschle	Hatcher	Nichols
Davis	Hawkins	Owens
de la Garza	Heftel	Panetta
Dicks	Hiler	Patterson
Dixon	Hillis	Paul
Pritchard	Shannon	Torricelli
Pursell	Siljander	Traxler
Quillen	Simon	Udall
Ray	Skelton	Vander Jagt
Ridge	Smith (FL)	Vento
Rostenkowski	Smith, Denny	Volkmer
Roth	Solarz	Waxman
Roybal	Spence	Weaver
Rudd	St Germain	Whitehurst
Russo	Stark	Whitley
Savage	Stenholm	Williams (OH)
Scheuer	Studds	Wirth
Schneider	Tallon	Wolf
Schulze	Taylor	Wright
Sensenbrenner	Thomas (CA)	Yatron

□ 2040

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3678

Mr. ROE. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 3678.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3678, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 5950. An act to increase the Federal contribution for the Quadrennial Political Party Presidental National Nominating Conventions; and

H. Con Res. 334. Concurrent resolution providing for a conditional adjournment of the House from June 29, 1984, until July 23, 1984, and a conditional adjournment of the Senate from June 29 or 30, 1984 until July 23, 1984.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5174) entitled "An Act to provide for the appointment of United

States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.".

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 5155) entitled "An Act to establish a system to promote the use of land remote-sensing satellite data, and for other purposes.".

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title: (H.R. 559) "An Act to amend the Securities and Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information",

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1538. An act to amend the patent laws of the United States; and

S. 2616. An act to extend the Adolescent Family Life Demonstration program.

□ 2050

APPOINTMENT OF CONFEREES ON S. 1330, PUBLIC CAPITAL INVESTMENT ACT OF 1983

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1330) to authorize the U.S. Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects, and for other purposes; with Senate amendments to the House amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and without objection, appoints the following conferees: Messrs. HOWARD, OBERSTAR, EDGAR, BROOKS, FUQUA, LEVITAS, SNYDER, CLINGER, HORTON, and ERLENBORN.

There was no objection.

AUTHORIZING USE OF WEST FRONT STEPS OF U.S. CAPITOL TO HONOR THE MEN AND WOMEN OF THE U.S. OLYMPIC TEAMS

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 127) to authorize the use of the west front steps of the U.S. Capitol Building on August 14, 1984, to honor the men and women of the U.S. Olympic teams, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 127

Resolved by the Senate (the House of Representatives concurring), That on August 14, 1984, the west front steps of the United States Capitol Building may be used for the purpose of Members of Congress giving tribute to the men and women of the United States Olympic Teams and for the conduct of ceremonies in connection with such use.

SEC. 2. Physical preparations for the conduct of the ceremonies authorized by the first section shall be carried out by the Architect of the Capitol in accordance with such conditions as he may prescribe.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

JEAN WILLHELM WILLRICH

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 2729) for the relief of Jean Willhelm Willrich, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. LOWERY of California. Mr. Speaker, reserving the right to object, the relief of Jean Willhelm Willrich must be considered expeditiously or become a moot issue. Briefly, the petitioner for relief, Jean Willrich, must be a U.S. citizen by July 1, 1984, to participate as a member of the U.S. Olympic soccer team. Mr. Willrich, a standout performer with the San Diego Sockers, is eligible for naturalization August 12, 1984, thus the effect of this legislation is to adjust his eligibility date 6 weeks.

Mr. Willrich came to the United States in 1978 when he was purchased by the San Diego Sockers from PSV Eindhoven of Holland's First Division, one of the world's foremost ranking club teams. His exploits on the soccer field are such that he was voted "Most Valuable Player" during the Sockers' third, and most recent, indoor soccer championship.

The coach of the U.S. Olympic soccer team, Alkis Panagoulias, formally signified his interest in Mr. Willrich by letter to the Sockers on May 9, 1984.

Unfortunately, our immigration service is powerless to waive the statutory waiting period for naturalization to take care of this unique situation. Consequently, Mr. Willrich, the San Diego Sockers, and our Olympic team have turned to Congress for help.

The Senate completed action on S. 2729 last Thursday (June 21, 1984). The Senate Judiciary Committee did consider this bill, but there just isn't time for S. 2729 to wind its way through House committee referral. I have been in contact with House Judiciary Committee and Immigration Subcommittee members. They have reviewed this issue, and have no contention with passing S. 2729 by unanimous consent. This action is not meant to establish precedent on acceleration of immigration cases but is a special unique case.

In sum, Mr. Speaker, I urge my colleagues to support Mr. Willrich's reasonable request. By advancing his eligibility date we merely acknowledge the inevitable under the immigration code, but we greatly enhance our prospects for an Olympic medal this summer.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jean Wilhelm Willrich shall be held and considered to have satisfied the residence and physical presence requirements of section 319(a) of the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FOOD FOR PEACE DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 306) to proclaim July 10, 1984, as "Food for Peace Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 306

Whereas the Agricultural Trade Development and Assistance Act of 1954 (Public

Law 480) was signed into law by President Eisenhower on July 10, 1954;

Whereas the Public Law 480 program (also known as the food for peace program) has received strong and bipartisan support from every President and Congress during the past thirty years as a versatile tool to use the abundant agricultural productivity of the United States to combat hunger and malnutrition abroad, expand export markets for United States agricultural commodities, encourage economic development in developing countries, and promote in other ways the foreign policy of the United States;

Whereas over three hundred million tons of agricultural commodities and products thereof valued at about $34,000,000,000 have been distributed to more than one hundred and fifty countries under the Public Law 480 program since its inception, substantially reducing world hunger and improving nutritional standards;

Whereas the Public Law 480 program has served as an example to other nations and encouraged them also to help meet food needs abroad by making available agricultural surpluses or cash donations for such purposes; and

Whereas the people of the United States remain dedicated to the high goals and purposes of the Public Law 480 program and committed to continuation of its important work: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 10, 1984, the thirtieth anniversary of Public Law 480, is hereby proclaimed as "Food for Peace Day", and the President is requested to issue a proclamation calling upon the people of the United States and Federal and State governmental agencies to commemorate Food for Peace Day with appropriate ceremonies and activities.

● Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 306, which commemorates the 30th anniversary of the signing into law of Public Law 480, better known as Food for Peace. It was on July 10, 1954, that this important law took effect, and its provisions have served this world well for the last three decades. Furthermore, I applaud the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL] and the chairman of the Agriculture Committee, the gentleman from Texas [Mr. DE LA GARZA], for his introduction of this measure, and I was pleased to be able to lend my cosponsorship to this most worthy legislation.

It has been stated by the Presidential Commission on World Hunger that "food aid has long been a major component of U.S. development assistance * * *" and "can be credited with saving many lives." For the last 30 years the Food for Peace Program has striven to provide humanitarian assistance, spur economic development within recipient countries, develop markets for U.S. agricultural commodities, and promote U.S. foreign policy objectives. Our changing world economy has constantly identified new markets for the Food for Peace Program, and it has undergone changes since it was first authorized.

Public Law 480 has had the strong support of both parties in Congress, as well as every President since its inception. Combating hunger both at home and abroad has been given a much higher priority of late, evidence of which is the very recent establishment by the House of the Select Committee on Hunger, which I was pleased to sponsor. In the three decades of the Food for Peace Program, over 300 million metric tons of agricultural commodities have been distributed to over 150 countries. This is clear evidence of the great humanitarianism and concern for others demonstrated by the American people. As we approach a celebration of our own Independence Day, we can take pride in what has been accomplished to alleviate hunger in this world in the last 30 years. With the commemoration of this anniversary, we can look ahead to the day when this program will be no longer necessary, as hunger will have been obliterated from this Earth. But for now, House Joint Resolution 572 deserves our earnest support, and accordingly, Mr. Speaker, I urge its support by our colleagues.●

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT OF 1984

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 746) to establish the Illinois and Michigan Canal National Heritage Corridor in the State of Illinois, and for other purposes, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment, as follows:

Page 30, of the House engrossed amendment, strike out all after line 6 over to and including line 12 on page 42 and insert:

SEC. 201. (a) The Act of May 17, 1954 entitled "An Act to provide for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, in general accordance with the plan approved by the United States Territorial Expansion Memorial Commission, and for other purposes" (68 Stat. 98; 16 U.S.C. 450jj), is amended by inserting afer section 3 the following new sections:

"SEC. 4. (a) The Secretary of the Interior is further authorized to designate for addition to the Jefferson National Expansion Memorial (hereinafter in this Act referred to as the 'Memorial') not more than one hundred acres in the city of East Saint Louis, Illinois, contiguous with the Mississippi River and between the Eads Bridge and the Poplar Street Bridge, is generally depicted on the map entitled 'Boundary Map, Jefferson National Expansion Memorial', numbered MWR-366/80,004, and dated February 9, 1984, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The additional acreage authorized by this section is in recognition of the historical significance of the Memorial site to the westward expansion of the United States and the historical linkage of this site on the Mississippi in both Missouri and Illinois to such expansion, the international recognition of the Gateway Arch, designed by Eero Saarinen, as one of the world's great sculptural and architectural achievements, and the increasing use of the Memorial site by millions of people from all over the United States and the world.

"(b) Within the area designated in accordance with this section, the Secretary of the Interior may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that lands owned by the State of Illinois or any political subdivision thereof may be acquired only by donation.

"SEC. 5. Where appropriate in the discretion of the Secretary of the Interior, he may transfer by lease or otherwise, to any appropriate person or governmental entity, land owned by the United States (or any interest therein) which has been acquired by the Secretary under section 4. Any such transfer shall be consistent with the management plan for the area and with the requirements of section 5 of the Act of July 15, 1968 (82 Stat. 356; 16 U.S.C. 460L-22) and shall be subject to such conditions and restrictions as the Secretary deems necessary to carry out the purposes of this Act, including terms and conditions which provide for—

"(1) the continuation of existing uses of the land which are compatible with the Memorial,

"(2) the protection of the important historical resources of the leased area, and

"(3) the retention by the Secretary of such access and development rights as the Secretary deems necessary to provide for appropriate visitor use and resource management.

In transferring any lands or interest in lands under this section, the Secretary shall take into account the views of the Commission established under section 8.

"SEC. 6. Lands and interests in lands acquired pursuant to section 4 shall, upon acquisition, be a part of the Memorial. The Secretary of the Interior shall administer the Memorial in accordance with this Act and the provisions of law generally applicable to units of the national park system, including the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). In the development, management, and operation of that portion of the Memorial which is added to the Memorial under section 4, the Secretary shall, to the maximum extent feasible, utilize the assistance of State and local government agencies and the private sector. For such purposes, the Secretary may, consistent with the management plan for the area, enter into cooperative agreements with the State, with any political subdivision of the State, or with any person. Any such cooperative agreement shall, at a

minimum, establish procedures for providing notice to the Secretary of any action proposed by the State, such political subdivision, or such person, which may affect the area.

"SEC. 7. (a) There is hereby established the Jefferson National Expansion Memorial Commission (hereinafter in this Act referred to as the 'Commission').

"(b) The Commission shall be composed of twenty members as follows:

"(1) The county executive of Saint Louis County, Missouri, ex officio, or a delegate.

"(2) The chairman of the Saint Clair County Board of Supervisors, Illionis, ex officio, or a delegate.

"(3)(A) The executive director of the Bi-State Development Agency, Saint Louis, Missouri, ex officio, or a delegate.

"(B) A member of the Bi-State Development Agency, Saint Louis, Missouri, who is not a resident of the same State as the executive director of such agency, appointed by a majority of the members of such agency, or a delegate.

"(4) The mayor of the city of East Saint Louis, Illinois, ex officio, or a delegate.

"(5) The mayor of Saint Louis, Missouri, ex officio, or a delegate.

"(6) The Governor of the State of Illinois, ex officio, or a delegate.

"(7) The Governor of the State of Missouri, ex officio, or a delegate.

"(8) The Secretary of the Interior, ex officio, or a delegate.

"(9) The Secretary of Housing and Urban Development, ex officio, or a delegate.

"(10) The Secretary of Transportation, ex officio, or a delegate.

"(11) The Secretary of the Treasury, ex officio, or a delegate.

"(12) The Secretary of Commerce, ex officio, or a delegate.

"(13) The Secretary of the Smithsonian Institution, ex officio, or a delegate.

"(14) Three individuals appointed by the Secretary of the Interior from a list of individuals nominated by the mayor of East Saint Louis, Illinois, and the Governor of the State of Illinois.

"(15) Three individuals appointed by the Secretary of the Interior from a list of individuals nominated by the mayor of Saint Louis, Missouri, and the Governor of the State of Missouri.

"Individuals nominated for appointment under paragraphs (14) and (15) shall be individuals who have knowledge and experience in one or more of the fields of parks and recreation, environmental protection, historic preservation, cultural affairs, tourism, economic development, city planning and management, finance, or public administration. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(c)(1) Except as provided in paragraphs (2) and (3), members of the Commission shall be appointed for terms of three years.

"(2) Of the members of the Commission first appointed under paragraphs (14) and (15) of subsection (c)—

"(A) two shall be appointed for terms of one year;

"(B) two shall be appointed for terms of two years; and

"(C) two shall be appointed for terms of three years; as designated by the Secretary of the Interior at the time of appointment.

"(3) Any member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member of the Commission may serve after the expiration of his term until his successor has taken office.

"(d) Members of the Commission shall receive no pay on account of their service on the Commission, but while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

"(e) The chairperson of the Commission shall be elected by the members of the Commission.

"(f) Upon request of the Commission, the head of any Federal agency represented by members on the Commission may detail any of the personnel of such agency, or provide administrative services to the Commission to assist the Commission in carrying out the Commission's duties under section 8.

"(g) The Commission may, for the purposes of carrying out the Commission's duties under section 8, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

"(h)(1) Except as provided in paragraph (2), the Commission shall terminate on the day occurring ten years after the date of enactment of this section.

"(2) The Secretary of the Interior may extend the life of the Commission for a period of not more than five years beginning on the day referred to in paragraph (1) if the Commission determines that such extension is necessary in order for the Commission to carry out this Act.

"SEC. 8. (a) Within two years from the enactment of this section, the Commission shall develop and transmit to the Secretary a development and management plan for the East Saint Louis, Illinois, portion of the Memorial. The plan shall include—

"(1) measures for the preservation of the area's resources;

"(2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and cost estimates;

"(3) identification of any implementation commitments for visitor carrying capacities for all areas of the area;

"(4) indications of potential modifications to the external boundaries of the area, the reasons therefore, and cost estimates;

"(5) measures and commitments for insuring that the development, management, and operation of the area in the State of Illinois are compatible with the portion of the Memorial in the State of Missouri;

"(6) opportunities and commitments for cooperative activities in the development, management, and operation of the East Saint Louis portion of the Memorial with other Federal, State, and local agencies, and the private sector; and

"(7) effective and appropriate ways to increase local participation in the management of the East Saint Louis portion of the Memorial to help reduce the day-to-day operational and management responsibilities of the National Park Service and to increase opportunities for local employment.

"(b) The plan shall also identify and include—

"(1) needs, opportunities, and commitments for the aesthetic and economic rehabilitation of the entire East Saint Louis, Illinois, waterfront and adjacent areas, in a manner compatible with and complementary to, the Memorial, including the appropriate commitments and roles of the Federal, State, and local governments and the private sector; and

"(2) cost estimates and recommendations for Federal, State, and local administrative and legislative actions.

"In carrying out its duties under this section, the Commission shall take into account Federal, State and local plans and studies respecting the area, including the study by the National Park Service on the feasibility of a museum of American ethnic culture to be a part of any development plans for the Memorial.

"SEC. 9. (a) Upon completion of the plan, the Commission shall transmit the plan to the Secretary for his review and approval of its adequacy and appropriateness. In order to approve the plan, the Secretary must be able to find affirmatively that:

"(1) The plan addresses all elements outlined in Sec. 8 above;

"(2) The plan is consistent with the Saint Louis, Missouri, portion of the Memorial;

"(3) There are binding commitments to fund land acquisition and development, including visitor circulation and transportation systems and modes, in amounts sufficient to completely implement the plan as recommended by the Commission from sources other than funds authorized to be appropriated in this Act; and

"(4) There are binding commitments to fund or provide the equivalent of all costs in excess of $350,000 per annum for the continued management, operation, and protection of the East Saint Louis, Illinois, portion of the Memorial.

"(b) The Secretary shall transmit in writing a notice of his approval and his certification as to the existence and nature of funding commitments contained in the approved plan to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate.

"SEC. 10. Pending submission of the Commission's plan, any Federal entity conducting or supporting significant activities directly affecting East Saint Louis, Illinois, generally and the site specifically referred to in section 4 shall—

"(1) consult with the Secretary of the Interior and the Commission with respect to such activities;

"(2) cooperate with the Secretary of the Interior and the Commission in carrying out their duties under this Act, and to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

"(3) to the maximum extent practicable, conduct or support such activities in a manner which the Secretary determines will not have an adverse effect on the Memorial."

(b) The Act of May 17, 1954 entitled "An Act to provide for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, in general accordance with the plan approved by the United States Territorial Expansion Memorial Commission, and for other purposes" (68 Stat. 98; 16 U.S.C. 450jj) is amended by—

(1) redesignating "Sec. 4." (as so designated prior to the amendments made in subsection (a) of this section) as "Sec. 11. (a)"; and

(2) adding at the end thereof the following new subsections:

"(b) For the purposes of the East Saint Louis portion of the Memorial, there is hereby authorized to be appropriated not to exceed $1,000,000 for land acquisition and not to exceed $1,250,000 for development, of which not to exceed $500,000 shall be available only for landscaping and only for expenditure in the ratio of one dollar of Federal funds to one dollar of non-Federal funds: *Provided*, That no funds authorized to be appropriated hereunder may be appropriated prior to the approval by the Secretary of the plan developed by the Commission.

"(c) Funds appropriated under subsection (b) of this section shall remain available until expended.

"(d) Authority to enter into contracts or make payments under this Act shall be effective for any fiscal year only to the extent that appropriations are available for that purpose."

SEC. 202. Any provision of this title (or any amendment made by this title) which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 shall be effective only for fiscal years beginning after September 30, 1983.

SEC. 203. This title may be cited as the "Jefferson National Expansion Memorial Amendments Act of 1984".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. CORCORAN. Mr. Speaker, reserving the right to object, I shall not object, but I simply on my reservation would inquire of the gentleman from Ohio what he proposes to do here.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. CORCORAN. I am glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, S. 746 a bill to establish the Illinois and Michigan Canal National Heritage Corridor, passed the House on February 28, 1984. The House-passed version substituted the provisions the companion bill, H.R. 2014, that had earlier been reported by the House Committee on Interior and Insular Affairs.

The House-passed bill contained two titles. Title I would establish a 100-mile national heritage corridor along the historic Illinois and Michigan Canal between Chicago and LaSalle/Peru, IL. The heritage corridor would be administered by a 19-member Commission with technical and financial assistance from the National Park Service, including up to $250,000 annually for the Commission itself.

Title II of the House-passed bill incorporated an amended version of H.R. 2107, to authorize the expansion of the Jefferson National Expansion Memorial [JNEM] in St. Louis, IL. Title II would authorize the Secretary of the Interior to manage up to 100 acres of a designated 350 acres of the waterfront in East St. Louis. Up to $1 million could be spent for land acquisition, and up to $750,000 for development of visitor facilities.

The versions of the legislation which was approved by the Senate today (yesterday), does not change the provisions of title I, dealing with the Illinois and Michigan Canal. It does, however, make a number of significant changes in title II of the bill, concerning the Jefferson National Expansion Memorial.

As amended by the Senate, title II would authorize the Secretary of the Interior of acquire no more than 100 acres in East St. Louis, MO. No provisions are made concerning the other 250 acres that had been included in the House bill.

The Memorial Commission established by the act would include the Secretary of the Interior on it—rather than being simply advisory to the Secretary—and would be solely responsible for developing a development and management plan for the East St. Louis portion of the memorial. The plan would be submitted, within 2 years, to the Secretary, rather than to the Congress.

Before approving the plan, the Secretary would have to make certain findings including the existence of, "certain binding commitments," from other sources, for any additional funding for land acquisition and development, other than funds authorized in the act. Binding commitment would also be required for all costs in excess of $350,000 per year for the management, operation, and protection of the East St. Louis portion of the memorial. Notice of the Secretary's certification of these commitments would be required to be sent to the authorizing committees in the House and Senate.

The Senate version does retain the $1 million for land acquisition. It also increases the authorization for development from $750,000 to $1,250,000; the additional $500,000 is earmarked for landscaping. The Senate version further stipulates, however, that none of the funds may be appropriated prior to the approval by the Secretary of the plan developed by the Commission.

Mr. Speaker, while I find the Senate changes in the bill to be more restrictive than seems necessary—considering that the House-passed version already represented a sizable compromise from the bill as introduced—I do support its final passage. It has been 4 months since the House passed this bill. Now that the other body has finally acted, I do not wish to cause any further delays.

I would simply conclude by noting that both titles of the bill are meritorious in concept. I am convinced that, once these areas are authorized, the Federal, State, and local entities involved—both in the public and the private sectors—will make them successful. Not only Illinois but our Nation as a whole will be richer for this legislation. I urge Members to support it.

Mr. CORCORAN. Mr. Speaker, further reserving the right to object, I want to congratulate the gentleman from Ohio not only for his assistant in this respect but also his explanation of the bill.

This makes no adjustment whatsoever, as I understand it, I would say to my friend and colleague from Ohio, on title I. It does make a change with respect to title II requiring an examination and study by the Department before any acquisition funds are expended.

We think that is a desirable thing to do, and so certainly I would not object.

Mr. Speaker, I rise in support of the amendment now pending to S. 746, the Illinois and Michigan Canal National Heritage Corridor Act of 1984. This amendment applies to title II of the bill and is an accommodation between the gentlemen from Illinois [Messrs. PRICE and SIMON] and Senators PERCY and MCCLURE, along with the chairman of the subcommittee now managing the bill, the gentleman from Ohio [Mr. SEIBERLING]. The amendment, in no way, affects the intent of title I of the bill as originally passed by the House on February 28. This title is similar to the bill which I and all of my colleagues from Illinois introduced on March 9, 1983. Title I of this bill would establish the national heritage corridor in Illinois and a commission to coordinate activities within the area. The bill also releases most Federal lands and interests associated with the canal to the State of Illinois. Additionally, the title provides for a Commission staff and a $250,000 annual authorization for the 10-year life of the Commission. The bill specifies that designation of the corridor does not impose any change in current environmental standards or other regulations.

I am pleased that the House is taking final action on this important and precedent-setting legislation tonight which will clear the measure for the President's signature. This is certainly a dream come true for all of us who have been involved in this effort.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. CORCORAN. Further reserving the right to object, I yield to my friend and colleague, the gentleman from Illinois [Mr. O'BRIEN].

Mr. O'BRIEN. Mr. Speaker, I thank the gentleman for yielding.

This will be of extraordinary benefit to our area both recreationally and as a job producer.

I share the view of my colleague, the gentleman from Illinois, that this is a shining example of what we can do in

a bipartisan way, and I express my thanks to the gentleman from Ohio.

Mr. CORCORAN. Further reserving my right to object, Mr. Speaker, I certainly want to agree with what the gentleman from Illinois [Mr. O'BRIEN], has said. We certainly want to acknowledge the Federal recognition. Illinois is not a State that is blessed with a tremendous amount of Federal recognition when it comes to parks. But we appreciate the assistance.

Mr. MADIGAN. Mr. Speaker, will the gentleman yield?

Mr. CORCORAN. Further reserving my right to object, I yield to my friend and colleague, the gentleman from Illinois.

Mr. MADIGAN. Mr. Speaker, I thank the gentleman for yielding.

I want to thank the chairman of the subcommittee for his hard work on this issue and his trips to Illinois, but especially I want to congratulate my tow colleagues, Mr. CORCORAN and Mr. O'BRIEN, for this very significant accomplishment in north Illinois.

I know all of the citizens of that part of the State are very grateful to the both of you for your hard work, and I thank the gentleman for yielding.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. CORCORAN. Further reserving the right to object, I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I want to commend the gentlemen from Illinois [Mr. CORCORAN, Mr. O'BRIEN, and Mr. MADIGAN] for their leadership in this legislation which is extremely important to protecting the historic heritage of the people along this canal corridor and providing the potential recreation resource for the people of the entire northern Illinois area.

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I also wish to commend Congressman PAUL SIMON of Illinois for his part, particularly in adding title II, the Jefferson National Expansion Memorial.

I think this is an excellent example of bipartisanship in trying to preserve our heritage.

● Mr. SIMON. Mr. Speaker, 4 months ago, the House approved H.R. 2014, to establish the Illinois and Michigan Canal National Heritage Corridor in northeastern Illinois and to authorize the expansion of the Jefferson National Expansion Memorial [JNEM] in St. Louis, MO, to the Illinois side of the Mississippi River. The bill then was sent to the other body, where changes were made to title II of the bill. Title II authorizes the expansion of the JNEM.

I was a cosponsor of the original legislation introduced by my colleague, TOM CORCORAN, to establish the Illinois and Michigan Canal, as well as a close partner with my colleague MEL PRICE on the legislation he has long advocated to expand the JNEM. While both projects deal with land in Illinois, both do not seek the same objectives.

The Illinois and Michigan Canal measure calls for no major Federal role in land acquisition or in operation and maintenance. A Federal, 19-member commission is created and its functions are to market the resources of the corridor and to assist in raising funds for projects to further develop the recreational potential of the canal and the Des Plaines River Valley. The Interior Department will provide technical assistance in the form of interpretive studies, feasibility studies, and fundraising consultation. The heritage corridor will be the first nationally designated recreation area in Illinois.

On the other hand, the JNEM expansion will become part of an already existing park. The park created in Illinois should be treated exactly the same as any other park, with the same benefits—no more and no less. However, the other body made changes to title II of the bill which make it inferior to the House-passed version. The House bill was superior for three reasons:

First, it would have allowed for immediate land acquisition. The bill before us today says that no funds "may be appropriated prior to the approval by the Secretary of the plan developed by the Commission." The commission has 2 years to complete its plan. Land prices on the East St. Louis riverfront will only escalate during these 2 years. Nor is there doubt about the location of this parkland, which is to be directly across from the Gateway Arch. To delay land acquisition is unwise and can only set back the completion date of this important project while escalating its per parcel land-acquisition costs.

Second, it did not prescribe a level of operating expenses. To identify operating expenses before the plan is completed and before the scope of the park is known is premature and highly unusual. Charters of other national parks do not identify operating expenses. It is an unwise addition to the bill that incurs somewhat the same risks as buying a pair of shoes for a stranger.

Third, both measures limit the size of the park to 100 acres, but the House bill was superior in that it would have allowed the Park Service to take advantage of the willingness of many civic-minded individuals in the area who may have wanted to donate additional property. The land could have been accepted by the Park Service and then conveyed to third parties for compatible development.

It is unfortunate that the legislation sent to us by the other body strips title II of much of its desired flexibility. But all of us in our area are well aware of the fate that earlier threatened this legislation, and our sentiments today are dominated by great relief that both of these long-awaited developments—the Illinois and Michigan Canal Corridor and the JNEM expansion—can at last become reality. I urge my colleagues to accept these changes.

I would like to mention a provision in title II, in which I take particular interest. Both the Secretary of Interior and the 20-member advisory commission are directed by the bill to take into account the National Park Service study, now underway, on the feasibility of a museum of American ethnic culture to be part of the park. I strongly believe in the merits of such a museum, which would spotlight the variety of cultures, religious, and ethnic backgrounds that are part of our national heritage. There is no more appropriate location for such a national treasure than on the banks of our Nation's mightiest waterway and in the shadow of the Gateway Arch, a vital symbol of our national spirit.

Both projects—the I&M Canal and the JNEM expansion—have the ability to spark economic revitalization in the surrounding, depressed areas; both projects enjoy strong local support; and both projects will enjoy solid, talented commissions to ensure their individual successes.

I want to thank supporters of the Illinois and Michigan Canal project who have remained patient throughout the time in which changes were made by the other body to title II of the bill. We will now have two projects that will be of benefit to all Illinoisans.

Finally, I want to thank the chairman of the subcommittee, JOHN SEIBERLING, for his strong and skillful leadership on this legislation. I hope that he will continue to play an active role as Congress oversees the implementation of these measures in the years ahead.●

Mr. CORCORAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio [Mr. SEIBERLING]?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the Senate bill, S. 746, and the amendments thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ESTABLISHING A BOUNDARY FOR THE BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3825) to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments, as follows:

Page 3, strike out lines 11 to 20, and insert:

SEC. 3. (a) The Secretary is authorized to acquire lands or interests therein within the boundary of the Monument by donation, exchange, or purchase with donated or appropriated funds. The Secretary may acquire less than fee interests in such lands in cases where such interest will adequately protect the visual quality, natural, or cultural resources of the Monument: Provided, That the Secretary shall not acquire lands in fee interest unless the owner of such land concurs with such action.

(2) Page 5, line 1, strike out "Service" and insert: "System".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the Senate amendments, and that they be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. BROWN of Colorado. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the House passed H.R. 3825 on March 5, 1984, and I am very pleased the other body was able to act so expeditiously on this legislation.

Since we passed this bill one of the six landowners within the new boundary established by the bill—whose property abuts the north rim of this magnificent canyon—has started to subdivide. Anyone who has had the experience of viewing the Black Canyon of the Gunnison has also looked across to the typical western tableland and wide open vistas. The landowner in question would provide us, instead, a view of houses built along the canyon edge. Because of the potential problems created by this action we need to enact this legislation now.

The Senate changes are very minor; they change three words. The House bill provides that the Secretary of the Interior is authorized and directed to acquire interests in land within the boundaries of the monument and the Senate changes simply take out the words "and directed" so it is now an authorizing rather than a mandating bill.

The other changes are basically conforming changes. That is all there is to it. I do think it is important that we act promptly.

Mr. BROWN of Colorado. Mr. Speaker, I wish to commend the gentleman from Ohio for his explanation and for his prompt action on this measure. It is clear that this needs to be expedited if this beautiful area is to be saved.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield further?

Mr. BROWN of Colorado. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I would like to commend Congressman RAY KOGOVSEK, author of this bill, and "HANK" BROWN for their help and assistance in getting this bill put in this kind of shape and protecting a very important national monument.

Anyone who has been there can testify it is one of the real treasures of our National Park System.

Mr. BROWN of Colorado. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ENERGY INDUSTRY DEVELOPMENT ACT OF 1983

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3169) to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 4, line 17, strike out "Commerce" and insert: "Energy".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BROYHILL. Mr. Speaker, reserving the right to object, I do so for the purpose of permitting the gentleman from New York to explain the minor change made in the House-passed bill.

I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Speaker, the change is very minor, but I think it is constructive. It merely changes the lead agency of this bill, which is to promote the exports of solar energy, from the Department of Commerce to the Department of Energy.

I congratulate the gentleman from Oregon [Mr. WYDEN] for his leadership.

Mr. BROYHILL. Mr. Speaker, since this is merely a technical change, that we would have agreed to in conference, this expedites passage of the bill, so we do not have to go to conference.

Mr. Speaker, on that assurance, I withdraw my reservation of objection.

● Mr. WYDEN. Mr. Speaker, this bill provides a systematic way to promote our renewable energy industry's products—such as photovoltaics, cogeneration equipment, and wind energy equipment—and services overseas.

An assertive trade policy in the renewable energy sector—one that is consistent with our free trade stance and with international trade agreements—is essential to preserving our present market preeminence.

The vitality of our domestic renewable energy industry hinges on international market development, and the competition is fierce and growing more so all the time.

Though a growing worldwide market exists for renewable energy technologies and related services, America is increasingly losing ground to its competitors.

Though our technology is often superior, the aggressive marketing practices of our competitors clearly indicate the growing importance of marketing skills and investment strategy over that of technology.

H.R. 3169 forms the basis for a comprehensive marketing strategy for the U.S. renewable energy industry—a strategy that does not distort free market competition or violate international agreements.

H.R. 3169 devotes existing resources within the U.S. Government to develop a better understanding of the competitive strengths and disadvantages of American renewable energy industries, to better understand the Government intervention abroad that seriously affects trade and investment flows, and to ensure timely communication of potential market opportunities to U.S. businesses by many U.S. agencies that have overseas operations.

In short, the bill insures that we will now develop a comprehensive program for identifying strengths and weaknesses in U.S. competitiveness in the renewable energy industry field and develop a strategy for improvement.

Our stake in maintaining a healthy industry in this sector is clear. It is equally clear that overseas markets

are of growing significance to the health of our industry, and that we have arrived at the point where we need to be organizationally equipped to provide the kind of leadership necessary to give assertive direction to the development and implementation of a trade policy in this sector.

Today, the American worker and American industry faces global markets and intense foreign competition. The bill is intended to get the United States to think coherently about our trade objectives and goals in this sector. We must begin now to define what our national interest is in renewable energy technology and services trade and how best to achieve it.

Finally, Mr. Chairman, I wish to commend the gentleman from New York, Mr. OTTINGER, for his strong and continued leadership in developing our Nation's renewable energy resources. I also wish to thank the gentleman from California, Mr. MOORHEAD, for his support for this legislation and Senator HATFIELD for his support and for his leadership in steering this bill through the other body.

I urge adoption of this bill with the Senate amendment.●

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the bill H.R. 3169.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5603, ALCOHOL ABUSE AND DRUG ABUSE, AND MENTAL HEALTH AMENDMENTS OF 1984

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5603) to amend the Public Health Service Act to revise and extend the authorities of that act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act, with a Senate amendment thereto, disagree to the amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WALKER. Reserving the right to object, Mr. Speaker, do I understand the gentleman is just going to conference on this?

Mr. OTTINGER. Mr. Speaker, I am doing this for the gentleman from California [Mr. WAXMAN] and it is to go to conference.

Mr. WALKER. It is going to conference?

Mr. OTTINGER. Yes.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: Messrs. DINGELL, WAXMAN, SCHEUER, BROYHILL, and MADIGAN.

There was no objection.

CONDEMNING CLOSING OF ABC COLOR NEWSPAPER IN PARAGUAY

Mr. BARNES. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 331) condemn the closing of ABC Color, the only independent newspaper in Paraguay, and to urge the Government of Paraguay to permit the reopening of that newspaper and to guarantee freedom of the press, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. BEREUTER. Mr. Speaker, reserving the right to object, I ask for the reservation simply to permit the gentleman to express the intent of the bill.

I yield to the gentleman from Maryland:

Mr. BARNES. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, House Concurrent Resolution 331 is a sense of Congress resolution condemning the closing of ABC Color, the only independent newspaper in Paraguay, and urging the Government of Paraguay to permit the reopening of the newspaper and to guarantee freedom of the press. This resolution is cosponsored by the ranking minority member of the Western Hemisphere Subcommittee, Mr. LAGOMARSINO, and is supported by the administration. I know of no opposition to this resolution.

Paraguay has the dubious distinction of having one of the longest living military dictatorships in Latin America. Gen. Alfredo Stroessner has been in power for 30 years. And while the winds of democracy are being felt throughout the region, the military regime becomes even more repressive in Paraguay. In this vacuum of political freedom, ABC Color has provided a small window of truth for the Paraguayan people.

ABC Color was established in 1967 as a source of independent and reliable information for the people of Paraguay. Despite constant censorship it survived. But on May 11, 1983, its offices were surrounded by troops. Its editor, Aldo Zuccolillo, was later arrested. On September 23, 1983, one of the newspaper's leading editorialists, Alcibiades Gonzalez de Valle, was arrested. In other attempts to restrict the newspaper, the Government last year restricted newsprint supply, resulting in a forced reduction on the number of pages. and finally on March 22, of this year, the Interior Minister gave the order to permanently close ABC Color. Just days before, on March 16, Mr. Zuccolillo had been once again arrested.

This attack against ABC Color is part of a comprehensive campaign against the independent press in Paraguay and against the return of democracy to that country. While other military regimes give way to elected civilian governments in South America, the Stroessner regime finds new ways of restricting freedoms. The military realizes that, like in the case of Argentina, the democratic ideals of the people will eventually triumph. Because of its fear that its corruption, its repression, and its inability to govern will force the people to press for a democratic path, the military regime tightens its grip on the population. ABC Color was one of the mirrors of these democratic ideals, but now it has been silenced.

Mr. Speaker, the U.S. Embassy in Asuncion has protested the closing of ABC Color and the actions taken against its personnel. We have a chance tonight to support both our Government and those in Latin America who are striving to preserve and extend freedom of the press. I urge my colleagues to support this resolution.

Mr. BEREUTER. Further reserving the right to object, Mr. Speaker, I would say to the gentleman from Maryland, that the chairman of the Subcommittee on Western Hemisphere Affairs is certainly entirely accurate on this matter. It is endorsed by the administration, has been reviewed by all the senior members of the minority and this Member, and we strongly endorse its passage.

● Mr. FASCELL. Mr. Speaker, I would like to commend the sponsors of this resolution—Representative MIKE BARNES, chairman of the Subcommittee on Western Hemisphere Affairs; his ranking minority member, Mr. LAGOMARSINO; and Mr. GEJDENSON—for bringing this issue to the attention of the House and of the American people.

There can be no question but that freedom of the press is one of the fun-

damental bases for a healthy, democratic society. The forced closing of the newspaper ABC Color on March 22, 1984, together with the earlier Government pressures on the paper, is a serious violation of the basic rights of the people of the nation to be able to express their views and to be informed of events both within and outside their country. An attack against this basic freedom is, in effect, an attack against the citizens of Paraguay.

It is important that the United States place itself squarely in opposition to such action and that the U.S. Government urge the Government of Paraguay to reverse this heinous decision.

I urge the Members to support this resolution.●

Mr. BEREUTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the concurrent resolution as follows.

H. CON. RES. 331

Whereas ABC Color, the only independent newspaper in Paraguay, has been in publication for the past 17 years;

Whereas the Government of Paraguay has carried out a campaign against ABC Color, including the denial of permits to import newsprint and the frequent arrests of its staff;

Whereas on March 22, 1984, ABC Color was indefinitely closed by order of the Interior Minister and its premises searched;

Whereas this action has been widely condemned in Paraguay;

Whereas the United States Embassy in Paraguay protested the government's action against ABC Color;

Whereas with the closure of ABC Color, the people of Paraguay have no means of acquiring independent and reliable information; and

Whereas freedom of the press is the foundation of a free and healthy society, and an attack against this freedom is an attack against society: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress condemns the closing of ABC Color, the only independent newspaper in Paraguay, and urges the Government of Paraguay to permit the reopening of that newspaper and to guarantee freedom of the press.

The SPEAKER pro tempore. The question is on the concurrent resolution

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 2110

GENERAL LEAVE

Mr. McGRATH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from Massachusetts [Mr. CONTE].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material, on the subject of the special order today by the gentleman from New York [Mr. SOLARZ].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONGRESSIONAL TRIBUTE TO U.S. NAVY SEABEES: MARCH 5 PROCLAIMED SEABEE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 60 minutes.

● Mr. CONTE. Mr. Speaker, during the dark early days of World War II a unique military institution was born to meet the construction needs of America and our allies on the road to victory over the Axis Powers. On March 5, 1942, here in Washington, DC, the Seabees of the U.S. Navy were officially established.

From that day forward, the Seabees of the Navy have been one of the great military organizations in the world. It was a part of the proud tradition of the Seabees of World War II that we paved the way to victory. As a young man I was proud to serve in that organization during the campaigns in the Pacific. I still maintain a tie to the Seabees through my activities on the Seabee Memorial Scholarship Association which is a group of present and former Seabees who raise funds to provide scholarship assistance to worthy students whose fathers have served with the Seabees through the years.

I am proud to take this special order to bring to the attention of my colleagues in the Congress, and to the American people, the fact that the Seabees are still a strong and viable part of our Navy, and still hold an honored place in the hearts of Americans all across this great Nation.

Today there are a total of eight naval mobile construction battalions on active duty providing the Navy with construction support all around the globe. In recent years we have seen Navy Seabees in places such as Diego Garcia and the South Pole, as well as doing sensitive construction work at American Embassies throughout the world.

We also have an impressive Reserve naval construction force made up of eight Reserve naval construction regiments with a total of 17 Reserve naval mobile construction battalions. Together with a number of smaller units which will report to existing active duty units upon mobilization, and new Seabee hospital units which will augment fleet hospitals, our Reserve Seabees now number nearly 15,000 and make up more than two-thirds of our naval construction assets. They are commanded by Rear Adm. Thomas S. Maddock, C.E.C., USNR, from his headquarters at the Marine Corps Air Station at El Toro, CA.

Mr. Speaker, while we who served in the Seabees during time of war will always be proud of our fine combat record, there is another side of the Seabee story which reflects equal honor on this unique organization. Two decades ago President John F. Kennedy founded the Peace Corps based on a belief that Americans could best help the poor and the disadvantaged people around the world by extending a helping hand to teach them how to help themselves. For more than 40 years Seabees have practiced exactly that philosophy wherever they have gone. America has reaped a wonderful harvest of trust and affection from the tireless efforts of those willing ambassadors in Seabee greens.

In the May issue of the VFW magazine there was an excellent story by Charles P. Clarke entitled "We Build, We Fight, Can Do," and I include the article in the RECORD following my remarks.

Before closing Mr. Speaker, I would like to take a moment to thank Lt. Comdr. Dave Clement for his help in putting this tribute together. He has been a frequent and very eloquent spokesman for both Seabees and the Navy in many forums, and I thank him for his efforts in this and many other projects.

Mr. Speaker, let me say in closing, that America has been blessed by an abundance of men who have served this Nation with honor and with distinction as Seabees for the past 42 years. For the future I would pray that a mighty and merciful God will continue to grant this great Nation men with strong hands and willing hearts who will be dedicated to build-

ing a strong America today, and a better world for tomorrow, and finally, let us pray that we will always have men of vision who will always have a reach which will exceed their grasp.

The article follows:

WE BUILD, WE FIGHT, CAN DO

(By Charles P. Clarke)

"The only trouble with the Seabees is that we don't have enough of them."—Gen. Douglas A. MacArthur, Supreme Commander, Allied Forces, Pacific, World War II.

When the Seabees first landed on Guadalcanal in August, 1942, Marines on the island often joked, "Never hit a Seabee. He could be a Marine's father."

Or grandfather. In World War II, the average age of the more than 325,000 men of the Navy's Construction Battalions was 37, and some were over 50. But the "ConBats," as they first were called, quickly won the respect and admiration of the millions of soldiers, sailors, airmen and Marines who fought from Guadalcanal to Tokyo, from North Africa to Rome and from Normandy to Berlin. Indeed, the several roads to victory in World War II were paved, literally, by the gutsy guys in green fatigues and upturned baseball-type caps who became known far and wide as the Seabees.

"Construimus, Battuimus (We Build, We Fight), Can Do!" was the Seabees' proud motto. And do they did—from Pearl Harbor to the wars in Korea and Vietnam and, more recently, alongside their old friends, the Marines, in Lebanon.

Last November, soon after the Marines' headquarters at Beirut airport were demolished by a suicide truckbomb attack, 80 men of the Seabees' Mobile Construction Battalion No. 1 came ashore to help build new fortified positions and facilities for the embattled Leathernecks. They didn't leave until the Marines themselves were redeployed in February to ships off shore.

The Seabees' roster now totals a peacetime 12,500 men, comprising eight battalions divided between Port Hueneme, Calif., and Gulfport, Miss. But contingents of Seabee reserves continue to train as part of the Naval Reserve Construction Force program. Though most of today's Seabees are in their early 20s, they are imbued with the "Can Do" tradition of their World War II predecessors that began with the Seabees' authorization as a full-fledged branch of the Navy on March 5, 1942, under Rear Adm. Ben Morrell, the Navy's chief civil engineer and head of the Bureau of Yards and Docks, otherwise known as—the "King Bee."

The Seabees like to tell how they sometimes got to Japanese-held islands ahead of the Marines. For example, when the Leathernecks charged ashore on enemy-occupied New Georgia in the Pacific at dawn on June 21, 1943, who should emerge from the jungle but an advance detachment of Seabees, surveying sites for a new airfield.

"The Seabees are always happy to welcome the Marines," said smiling Lt. Robert L. Ryan, commander of Construction Battalion No. 47.

Later in the war, when 600 Marines with fixed bayonets stormed ashore on Rota in the Marianas, they were greeted by a sign saying: "The 48th CBs Welcome the Marines to Rota." Though outnumbered 100 to 1 by the island's Japanese garrison, a 35-man Seabee detachment had gone ashore three days earlier to begin work on a variety of construction projects.

In retrospect, the World War II achievements of the Seabees stagger the imagination. Drawn largely from the construction trades, the Seabees included carpenters, plumbers, electricians, welders, machinists, steamfitters, ironworkers. They had built bridges and dams, roads and waterworks, erected skyscrapers, dug tunnels, strung power lines. Now, with the military, they were sweating airfields, fuel depots, ship-to-shore causeways, you-name-it. When necessary, they switched from tools to carbines and fought like tigers with combat skills taught by Marine instructors.

Following the Marines ashore on Guadalcanal in August, 1942, the Seabees helped hold a narrow beachhead against human-wave enemy attacks. Meanwhile, they converted a muddy, Japanese-built airstrip into Henderson Field, a key, all-weather facility capable of supporting everything from Marine fighters to B-17 bombers.

How they kept the field open and operating under nearly constant enemy bombardment and shellfire is a story of rare courage and ingenuity. The Seabees stockpiled Marston matting (pierced steel planking used as runway surfacing) at strategic points on the field, along with trucks loaded with sand and gravel. After Japanese planes bombed the airfield, Seabees "crater crews" would dash from their foxholes and, in assembly-line fashion, quickly repair the damage. Within 40 minutes of an enemy bombing run, Henderson was good as new and back in business.

During one particularly hot firefight, when the Japanese pushed to within 150 feet of the airfield perimeter, Seabee Lawrence Meyer unlimbered a .30 caliber machine gun he had salvaged and repaired, mounted it on the edge of his foxhole and calmly shot down one of the attacking enemy planes.

Improvisation and ingenuity came naturally to the Seabees. When an enemy pillbox blocked an American advance on a Treasury Island beachhead, First-Class Petty Officer Aurelio Tassone, of Milford, Mass., raised the blade of his Seabee bulldozer as a shield and, amid a hail of pinging bullets, rumbled forward, lowered the blade on the pillbox and demolished it.

Seabees in the Ellice Islands, lacking a replacement for a blown out bulldozer head gasket, fashioned a makeshift part from thin sheets of metal and paper and quickly put the dozer back in service. A Seabee chief on Samoa jury-rigged a replacement condenser out of waxed paper, tinfoil from cigarette packages and an old beer can to keep another tracked vehicle going. Other Seabees learned how by mounting fuel drums in place of smashed radiators.

The standard, 55-gallon fuel drum, in fact, had a variety of uses. With the ends cut off, the drums were welded together and converted into culverts. One group of Seabees even made a joyriding canoe out of empty fuel drums.

Worn out tires were kept rolling by filling them with a mixture of palm tree sawdust and cement. Beer and Coke bottles were used as insulators for power and telephone lines. Perhaps the most useful Seabee invention of all was a modular steel pontoon, five-by-seven-by five feet, devised by Capt. John N. Laycock. The adaptable pontoon, or "magic box" as it was called, soon was in mass production for a multitude of uses in the Navy's vast amphibious operations. A Seabee cook in the Russell Islands even converted a pair of the pontoons into an oven and grill.

Later, Capt. Laycock's "magic boxes" were used in assembling the huge pontoon barges that ferried cargo ashore on the beaches of Normandy. Each barge consisted of 180 pontoons, assembled into a configuration measuring six pontoons wide and 30 pontoons long, and powered by two large outboard motors. A specially developed loading and unloading ramp was installed at one end. Each of the pontoon craft could transport half an LST load of supplies and the equipment over shallow water and onto the beaches of quick unloading.

A Navy pilot, spotting the strange-looking contraption being tested at Quonset, R.I., said it looked for all the world like a rhinoceros. "Rhino ferry" soon became the unofficial name of this Seabee innovation that helped supply the beaches of Normandy on D-Day and beyond.

By all measurements, World War II marked not only history's darkest period of destruction but also its era of mightiest construction. In both the Atlantic and Pacific theaters, the Seabees built more than 400 advanced military bases at a cost of nearly 11 billion in 1940-45 dollars. In the Pacific alone, the Seabees built 111 major airfields, 441 piers, 700 square blocks of warehouses, storage tanks for 100 million gallons of gasoline, hospitals to serve 70,000 patients and housing for 1.5 million men.

Among their most prodigious feats was construction of the world's largest airbase on Tinian for use by America's new fleet of B-29s against the Japanese homeland less than 2,000 miles away. Beginning the summer of 1944, and even before the Marines had secured the island, an army of some 15,000 Seabees was at work day and night, building the six runways, each a mile and a half long, together with 11 miles of connecting taxiway and hardstand for 265 planes. Also erected on Tinian were nearly 1,000 buildings, miles of roads, fuel and ammunition storage facilities and utility systems for the huge base.

During the Tinian construction project, the Seabees blasted out enough coral rock to build three Hoover dams, using an average of 12 tons of dynamite a day. They also rolled our enough asphalt to pave a highway from New York to boston. And in the greatest superlative of all, the first of the gaint B-29 runways was completed in 53 days, thus hastening the end of the war.

For sheer heroics, the Seabees point to their construction of an roadway to the top of Mount Suribachi on Iwo Jima, in March, 1945. Someone had said it couldn't be done. But men of the Seabees' 31st Battalion had the "impossible" road open in 12 days, after a demolition team cleared the trail of mines and booby traps and after a bulldozer reached the top followed by graders, scrapers and dump trucks—all while the construction teams and the Marines battled Japanese snipers hidden on the slopes.

There were, of course, many other achievements along the islandhopping way to victory in the Pacific: the lonely island of Guam, 6,000 miles from the U.S., converted into a wartime metropolis with its harbor, Apra, becoming the second busiest port in the world, after Antwerp; a reef-bound basin at Canton Island dredged into a five-lane seaplane lagoon; Johnston Island doubled in size as the Seabees poured coral and concrete into the adjoining sea. In July, 1943, the Seabees' 47th Battalion fought tropical downpours, hip-deep mud and diehard Japanese defenders to complete an airstrip at Munda, New Georgia, in a record 10 days. The next month, joined by the 24th and 73rd battalions, Munda was converted into

what Adm. William F. (Bull) Halsey called "the finest base in the South Pacific."

In one of the biggest construction jobs of the war, 50,000 Seabees teamed up with a like number of Army Engineers to turn the once sleepy island of Okinawa into a massive military base for the final assault on Japan. The project was half-completed when Japan surrendered, but the Seabees left calling cards everywhere on Okinawa, including 800 miles of modern highways, and a huge traffic circle in the heart of Kadena, the capital, that rivals the best of such designs anywhere in the world.

For all this, and more, the Seabees paid a heavy price: More than 300 combat deaths and over 2,000 Purple Hearts in the Pacific alone. But they had earned the distinction of serving in every amphibious operation of the war including duty on more than 300 islands and on five continents: Asia, Australia, North America, Europe and later in Antarctica.●

● Mr. PRICE. Mr. Speaker, I want to congratulate the gentleman from Massachusetts. He can indeed be proud of his service with the famous Seabees. This year marks the 42d anniversary of the founding of this fine organization, and it is appropriate that we honor all Seabees, past and present, here today.

The indomitable Seabees were born of great national need at the beginning of World War II when it was obvious that we would have to build ports and harbors, airfields and roads, facilities of every kind, and in all parts of the world, and that all of this construction would probably have to be accomplished under fire from the enemy.

Adm. Ben Moreel founded a military organization that has earned its motto, "Can Do." For more than 42 years the Seabees have served in every possible situation with great distinction, and I am proud to join this tribute.

Mr. Speaker, I insert the text of a proclamation of Gov. James Thompson making March 5, 1984, Seabees Day in the State of Illinois, and the text of a proclamation of Mayor Paul Schuler of Granite City, IL, which is in my congressional district, setting March 5 as Seabee Day in Granite City, in the RECORD at this point:

STATE OF ILLINOIS—PROCLAMATION

Whereas, the Seabees are the Navy's construction battalions, units whose "Can do" slogan exemplifies the true spirit of their members, whether it be in battle or in the repair or construction of facilities; and

Whereas, both Regular and Reserve Seabees, through their professionalism, knowledge of construction and individual skills have contributed to the freedom of the world; and

Whereas, since their founding, many citizens of Illinois have served that organization during peace and strife, fulfilling their motto, "With compassion for others we build—we fight for peace with freedom;" and

Whereas, it is fitting that the dedicated men and women who have been and are serving our country are given due recognition and appreciation;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 5, 1984, as Seabees Day in Illinois on the occasion of their 42nd anniversary.

OFFICE OF THE MAYOR, CITY OF GRANITE CITY, IL—PROCLAMATION

Whereas, there are certain days set aside by this great nation of ours whereby the citizens of this and other states pay homage to our Armed Forces; and

Whereas, on these occasions marked by celebration and prayer, the dedicated men and women who have been and are serving our country in its quest for freedom for all nations are given due recognition and appreciation; and

Whereas, one segment of our Armed Forces is the Navy's Construction Battalions, commonly known as the "Seabees" whose "Can Do" slogan exemplifies the true spirit of men whether it be in the height of battle or in the repair and construction of existing and new facilities; and

Whereas, the Seabees both Regular and Reserve through their professionalism, knowledge of construction and individual skills have contributed to the freedom of the world; and

Whereas, since the founding of the Navy Seabees on March 5, 1942, to the present time many citizens of our City of Granite City, Illinois have served that organization during peace and strife and through individual skill and expertise fulfilled their further motto "With Compassion for Others We Build—We Fight for Peace With Freedom";

Now therefore I Paul Schuler, Mayor of the City of Granite City, Illinois proclaim March 5, 1984, the 42nd Anniversary of the formation of the Naval Construction Battalion as "Seabee Day" in Granite City.●

● Mr. LUNGREN. Mr. Speaker, I am pleased to join the gentleman from Massachusetts in this special order. The Headquarters of the Reserve Naval Construction Force is located just a few miles from my congressional district at the Marine Corps Air Station-El Toro in Santa Ana, CA.

For the past 42 years the Seabees have been an essential part of our Navy-Marine Corps team. During World War II the Seabees built the harbors and docks over which the armed might of America reached the battlefields in far parts of the world. Seabees literally moved mountains and built airfields which exist to this very day. The construction skills of the Seabees are legendary, and their motto "Can Do" was earned under fire.

Just across the Memorial Bridge from the Lincoln Memorial here in Washington is a very moving monument to the Seabees which was created by the world famous artist, sculptor and former Seabee, Mr. Felix de Weldon, who also created the U.S. Marine Memorial nearby. While the Seabee Memorial recognizes their construction skills, and their fighting abilities, it also shows that the Seabees have also won fame for helping those who most need it. The Seabee Memorial shows an armed Seabee reaching out to help a small child. The courage and dedication that Seabees have given to this great Nation for over 42 years is typical of America at our best.

Mr. Speaker, I insert a proclamation of Dr. Thomas J. Clark, the mayor of the city of Long Beach, CA, designating March 1984 as "Seabee Month" in the city of Long Beach in the RECORD at this point, together with a proclamation by the Orange County supervisors making March 5, 1984, the 42d anniversary of the formation of the Naval Construction Battalions, as Seabee Day in Orange County, CA.

PROCLAMATION—LONG BEACH, CA, "THE INTERNATIONAL CITY"—SEABEE MONTH, MARCH 1984

Whereas, there are certain days set aside by this great Nation of ours whereby the citizens of this and other states pay homage to our Armed Forces; and

Whereas, on these occasions, marked by celebration and prayer, the dedicated men and women who have been and are serving our country in its quest for freedom for all nations are given due recognition and appreciation; and

Whereas, one segment of our Armed Forces is the Navy's Construction Battalions, commonly known as the "Seabees", whose famous "Can Do" slogan exemplifies the true spirit of men whether it be in the height of battle or in the repair and construction of facilities to support military operations; and

Whereas, the Seabees, both Regular and Reserve, through their professionalism, knowledge of construction and individual skills, contribute to the maintaining of the freedom of the world; and

Whereas, since the founding of the Navy Seabees on March 5, 1942 to the present time, many citizens of Long Beach, California have served that organization during peace and strife and, through individual skill and expertise, fulfilled their motto "With Compassion for Others We Build—We fight for Peace With Freedom"; and

Whereas, a detachment of the 18,000 man reserve, is located in Long Beach aboard the Long Beach Navy and Marine Corps Reserve Center;

Now, Therefore, I, Dr. Thomas J. Clark, Mayor of the City of Long Beach, with the consent of the City Council do hereby proclaim March 1984, Seabee Month in Long Beach. On behalf of the citizens of Long Beach, I extend congratulations upon the 42nd Anniversary of the formation of the Naval Construction Battalions.

PROCLAMATION—42D ANNIVERSARY OF THE FOUNDING OF THE SEABEES

Whereas, there are certain days set aside by this great Nation of ours whereby the citizens of this and other states pay homage to our Armed Forces; and

Whereas, on these occasions, marked by celebration and prayer, the dedicated men and women who have been and are serving our country in its quest for freedom for all nations are given due recognition and appreciation; and

Whereas, one segment of our Armed Forces is the Navy's Construction Battalions, commonly known as the "Seabees", whose famous "Can Do" slogan exemplifies the true spirit of men whether it be in the height of battle or in the repair and construction of facilities to support military operations; and

Whereas, the Seabees, both Regular and Reserve, through their professionalism, knowledge of construction and individual skills, contribute to the maintaining of the freedom of the world; and

Whereas, since the founding of the Navy Seabees on March 5, 1942, to the present time, many citizens of Orange County have served that organization during peace and strife and, through individual skill and expertise, fulfilled their motto "With Compassion for Others We Build—We Fight for Peace With Freedom"; and

Whereas, the headquarters of the 18,000 man reserve, which commands Reserve Seabee units across this great land, is located in Orange County aboard Marine Corps Air Station, El Toro;

Now Therefore, The Orange County Supervisors proclaim March 5, 1984, the 42nd Anniversay of the formation of the Naval Construction Battalions, as "Seabee Day" in Orange County.●

● Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Massachusetts for inviting me to participate in this special order, and congratulate the gentleman for his affiliation with the Seabees.

Down in Georgia we feel particularly close to the Seabees since we have so many within our State. There are Reserve Seabee detachments located in Atlanta, Augusta, Columbus, and Savannah, and over the years Reserve Naval Mobile Construction Battalion 24 has been one of the best Seabee units in the Navy.

Mr. Speaker, our Governor, Joe Frank Harris, designated March 5, 1984, the 42d anniversary of the founding of the Navy Seabees as "Seabee Day" in Georgia.

For many years the Seabees have been known throughout the world as the greatest construction team ever organized. Through their dedication and courage they have made a name for themselves which will last forever. On the battlefields of World War II, in the snow of Korea, or in the jungles of Vietnam, Seabees could always be counted on to demonstrate their "Can Do" spirit.

In times of peace they have journeyed to the ends of the Earth to practice their construction skills inplaces such as the ice of the South Pole and on the coral islands such as Diego Garcia. As many Members of the House already know, Seabees also provide critical construction skills at American Embassies abroad where security cannot be ensured in other ways.

Mr. Speaker, I am proud to join my colleagues in honoring the Seabees of the Navy on their 42d anniversary and include the proclamation of Governor Harris at this point in the RECORD:

[By the Governor of the State of Georgia]

A PROCLAMATION: SEABEE DAY

Whereas: The Navy's Construction Battalions, commonly known as the Seabees, were formed on March 5, 1942; and

Whereas: Through their professionalism, knowledge of construction and individual skills, the Seabees have served our country in its quest for freedom for all nations; and

Whereas: Whether it be in the height of battle or in the repair and construction of existing and new facilities, the Seabees continue to demonstrate their patriotism, loyalty and devotion to duty; and

Whereas: During the month of March, 1984, Georgia Naval Reserve Seabees, members of the Third Reserve Naval Construction Regiment, Reserve Naval Officer-in-Charge of Construction Southern Europe, Reserve Naval Mobile Construction Battalions 24 and 14, Construction Battalion Center Gulfport, and Construction Battalion Hospital Unit Atlanta will depart for annual readiness training in keeping with the great tradition of Seabees worldwide; and

Whereas: This year marks the 42nd anniversary of the Seabees, and it is most fitting that the citizens of our state recognize these dedicated men and women who have provided for the common defense of our nation and have exemplified the true spirit of America; now

Therefore: I, Joe Frank Harris, Governor of the State of Georgia, do hereby proclaim the day of March 5, 1984, as "Seabee Day" in Georgia, and call upon all our citizens to join in paying tribute to these men and women who have responded to the call to service with honor and distinction.

In witness whereof, I have hereunto set my hand and caused the Seal of the Executive Department to be affixed. This 23rd day of February, 1984.●

● Mr. WIRTH. Mr. Speaker, I am pleased to join my colleagues today in honoring the Seabees of the Navy on their 42d anniversary.

There are those who might say, what does someone from Colorado know about Seabees or the Navy? But the fact is that we in Colorado know quite a bit since we have our own Seabee Reserve detachment, and like Seabees everywhere, they are not only good builders, they are also good citizens.

Over the years they have done hundreds of days worth of essential construction work on civic projects such as the Colorado State Georgetown Loop Historic Mining Area, the Jefferson County Outdoor Laboratory and the Peaceful Valley Boy Scout Camp to name only a few of their many civic action projects.

Mr. Speaker, our Reserve Seabees in Colorado have proved that Seabees everywhere still live by the motto, "Can Do." And they have also proved to the citizens of Colorado that the training of the Seabee Reserves can, and does, benefit both the reservists and the local community.

We in Colorado are truly fortunate to have veterans and civilian patriots who now serve in the organized Seabee Reserve, and I include a proclamation of Colorado Gov. Richard D. Lamm naming March 2 to 5, 1984, as U.S. Navy Seabee and Civil Engineer Corps Days in the RECORD at this point:

PROCLAMATION: U.S. NAVY SEABEE AND CIVIL ENGINEER CORPS DAYS, MARCH 2 TO 5, 1984

Whereas, certain days are set aside, marked by celebration and prayer, when our nation pays homage to our Armed Forces so that the dedicated men and women in service to our country are given due recognition and appreciation; and

Whereas, one segment of our Armed Forces is the Navy's famous Construction Battalions, commonly known as the Seabees, whose "Can Do" slogan exemplifies the true spirit of its members in battle, construction and repair of military facilities and in support functions to the community; and

Whereas, the Seabees, led by officers of the Civil Engineer Corps, in both the regular and reserve components, have contributed to freedom of the world through their individual skills and construction abilities; and

Whereas, the Navy Civil Engineer Corps and the Navy Seabees—founded on March 2, 1867, and March 5, 1942, respectively—have served our country in peace and strife, following the motto "With Compassion for Others We build—We Fight for Peace with Freedom;" and

Whereas, Colorado is fortunate to have veterans and civilian patriots who now serve in the Organized Reserve; and

Whereas, our Colorado Seabees have left their mark on this state by providing construction expertise for many state and local projects such as the Colorado State Georgetown Loop Historic Mining Area, Jefferson County Outdoor Laboratory School and Peaceful Valley Boy Scout Camp, to name a few;

Now, therefore, I, Richard D. Lamm, Governor of the State of Colorado, do hereby proclaim March 2-5, 1984, as U.S. Navy Seabee and Civil Engineer Corps Days in the State of Colorado.●

● Mr. SILJANDER. Mr. Speaker, I thank the gentleman from Massachusetts for inviting me to join him in this special order and I am proud to associate myself with the thoughts already offered.

Among our Armed Forces the Seabees have always been commonly known for their "Can Do" attitude. No job is ever too great, no challange ever too difficult, for the Navy Seabees.

Led today by the officers of the Navy Civil Engineer Corps under the command of Rear Adm. William Zobel, the chief of engineers, the Seabees continue to maintain their reputation worldwide as outstanding builders. They first proved their skills on Guadalcanal where they kept Henderson Field operational despite all of the efforts of a determined enemy to close the airstrip.

Seabees were responsible for the facilities that led to the successful invasions of North Africa and Europe, and built the airfields and advanced bases on each new island in the Pacific the Marines captured.

After the war they built bases in places such as Antartica before being deployed to support United Nations Forces in Korea. The jungles of Vietnam were a familiar place to Navy Seabees as they built bases for all branches of the Armed Forces.

Through their individual skills and expertise the Seabees have lived up to their moto, "With Compassion for

Others We Build—We Fight for Peace with Freedom."

Mr. Speaker, I include the proclamation of Michigan Gov. James J. Blanchard naming March 5, 1984, as Seabees Day in Michigan in the RECORD at this point.

EXECUTIVE DECLARATION IN OBSERVANCE OF MARCH 5, 1984, AS SEABEES DAY

There are certain days set aside by this great nation of ours whereby the citizens of this and other states pay homage to our Armed Forces. On these occasions marked by celebration and prayer, the dedicated men and women who have been and are serving our country in its quest for freedom for all nations are given due recognition and appreciation.

One segment of our Armed Forces is the Navy's Construction Battalions, commonly known as the "Seabees" whose "can do" slogan exemplifies the true spirit of this unit whether it be in the height of battle or in the repair and construction of facilities.

The Seabees both Regular and Reserve through their professionalism, knowledge of construction, and individual skills have contributed to the freedom of the world.

Since the founding of the Navy Seabees on March 5, 1942 to the present time, many citizens of Michigan have served this organization during peace and strife. Through individual skill and expertise, they have fulfilled their future motto "With Compassion for Others We Build—We Fight for Peace with Freedom."

Therefore, I, James J. Blanchard, Governor of the State of Michigan, do hereby declare March 5, 1984, as Seabees Day in Michigan. I encourage all citizens to recognize the heroic achievements of these men and women and to congratulate the Seabees during this 42nd anniversary.●

● Mr. ACKERMAN. Mr. Speaker, I am pleased to join my colleagues in honoring a great military institution today. In New York we have our own Seabee unit, Reserve Naval Mobile Construction Battalion 13, and several hundred members of the battalion come from New York City.

Mr. Speaker, the Navy Seabees, both active and reserve, are a critical part of our national defense. We have learned that in the modern world our ability to protect and defend our interests around the world depends to a large measure on our ability to move our military forces into an area and operate them effectively.

Today we must have the ability to repair damaged or destroyed facilities, and to build new ones immediately. That means we must have a force of trained and skilled constructionmen ready to move anywhere in the world, and that force is the Seabees.

I would also like to point out to my colleagues that over the years the Seabees have been a fertile training ground for young men right out of high school who have enlisted in the Navy in hopes of learning the construction trades while serving with the Seabees. Today the Naval Construction Training Schools at the Construction Battalion Centers at Gulfport, MS, and Port Hueneme, CA, are turning out hundreds of new construction men each year. As these young men complete their enlistments and return to the civilian work force they are a valuable addition to the construction industry. And when they join units like RNMCB-13 they become an essential part of America's strength in reserve.

Mr. Speaker, I am proud to congratulate the Seabees on their 42d anniversary, and include a proclamation of Gov. Mario Cuomo of New York which set March 5 as Seabee Day in the State of New York, and a proclamation of New York Mayor Ed Koch proclaiming March 5, 1984, as Seabee Day in New York City in the RECORD at this point:

STATE OF NEW YORK

PROCLAMATION

There are certain days set aside by this great Nation whereby the citizens of this and other states pay homage to our Armed Forces.

On these occasions marked by celebration and prayer, the dedicated men and women who have been and are serving our country in its quest for freedom for all nations are given due recognition and appreciation.

One segment of our Armed Forces is the Navy's Construction Battalions, commonly known as the "Seabees," whose "CAN DO" slogan exemplifies their spirit, whether in the height of battle or in the repair and construction of existing and new facilities.

Since the founding of the Navy's Seabees on March 5, 1942, many citizens of our State have served that organization during peace and strife. Through individual skill and expertise, they have fulfilled their further motto "With Compassion for Others We Build—We Fight for Peace With Freedom."

During the month of March, currently over one thousand New York State Naval Reserve Seabees, members of Reserve Naval Mobile Construction Battalion Thirteen and units of Reserve Naval Mobile Construction Battalion Twelve and Twenty-Seven shall depart for annual readiness training in keeping with the great tradition of Seabees worldwide.

It is fitting that the 42nd anniversary of the formation of the Naval Construction Battalions be given due recognition and commendation.

Now, Therefore, I, Mario M. Cuomo, Governor of the State of New York, do hereby proclaim March 5, 1984, as Seabee Day in New York State.

CITY OF NEW YORK

PROCLAMATION

The "Seabees," the Navy's construction battalions, have served our country both on the battlefield and in times of peace and in the repair and construction on Navy facilities.

Founded on March 5, 1942, the Seabees, both regular and reserve, demonstrate professionalism, knowledge of construction and individual skills which fulfill their motto "With Compassion for Others We Build—We Fight for Peace With Freedom." During this month, several hunderd New York City Naval Reserve Seabees, members of Reserve Naval Mobile Construction Battalion thirteen, depart for annual readiness training in keeping with the tradition of Seabees worldwide.

Now, therefore, I, Edward I. Koch, mayor of the city of New York, do hereby proclaim March 5, 1984, as "Seabee day" in New York City, in recognition of the 42d anniversary of the formation of the Naval Construction Battalions.●

● Mr. SISISKY. Mr. Speaker, Virginia is the home of the Seabees of Reserve Naval Mobile Construction Battalion 23. And while I am aware that this is the same battalion that the gentleman from Massachusetts served in during World War II in the Pacific, I am sure that he would agree with me that it is an outstanding military unit.

Over the years the Seabees of RNMCB-23 have contributed a great deal to the people of Virigina. One example of the civic action projects which they have undertaken was the construction of the Boy Scout Camp at Goshen, VA, which is the largest Scout camp in the Eastern United States and which is used by thousands of Scouts each year.

The people of Viriginia also have a strong historical attachment to the Seabees since many of the first Seabees during World War II took most of their training near Williamsburg. Today the headquarters of the commander of the naval construction battalions, U.S. Atlantic Fleet, is located in the great naval complex in Norfolk, VA.

The Reserve Seabees of the 8th Reserve Naval Construction Regiment which includes RNMCB-21 from the Naval Air Station at Lakehurst, NJ, and Virginia's own RNMCB-23, from Fort Belvoir, VA, have just completed two difficult and demanding weeks at the Marine Corps Development and Education Center at Quantico, VA, where they received advanced military training. During this time they honed their military and construction skills to ensure that they will be ready to answer the call if the Nation needs them.

Mr. Speaker, I am proud to join my colleagues in honoring these skilled builders and dedicated patriots on the occasion of their 42d anniversary. I include a proclamation of Mayor Sidney M. Oman of Chesapeake, VA, in my congressional district, naming March 5, 1984, as Seabee Day in Chesapeake into the RECORD at this point.

PROCLAMATION

Whereas, There are certain days set aside by this great nation of ours whereby the citizens of this and other states pay homage to our Armed Forces; and,

Whereas, On these occasions marked by celebration and prayer, the dedicated men and women who have been and are serving our country in its quest for freedom for all nations are given due recognition and appreciation; and,

Whereas, One segment of our Armed Forces is the Navy's Construction Battalions, commonly known as the "Seabees" whose "CANDO" slogan exemplifies the true spirit of men whether it be in the

height of battle or in the repair and construction of existing and new facilities; and,

Whereas, The Seabees both Regular and Reserve through their professionalism, knowledge of construction and individual skills have contributed to the freedom of the world; and,

Whereas, Since the founding of the Navy Seabees on March 5, 1942 to the present time many citizens of our city have served that organization during peace and strife and through individual skill and expertise fulfilled their further motto "With Compassion for Others We Build—We fight for Peace With Freedom"; and,

Whereas, During the month of March several hundred Naval Reserve Seabees shall depart for annual readiness training in keeping with the great tradition of Seabees world-wide:

Now, Therefore, I, Sidney M. Oman, Mayor of the City of Chesapeake, Virginia, do hereby proclaim March 5, 1984, the 42nd Anniversary of the formation of the Naval Construction Battalion as Seabee day in Chesapeake and urge each of our citizens to be aware of this recognition of an outstanding group of our citizens.●

● Mr. WISE. Mr. Speaker, I thank the gentleman from Massachusetts, and am pleased to join my colleagues in honoring the Seabees of our Navy, both Active and Reserve, on the 42d anniversary of their founding.

We in West Virginia are pleased that we also have detachments of reserve Seabees from RNMCB-23 in the Mountaineer State, and I would join my colleague from Virginia in honoring this fine unit.

Mr. Speaker, during the dark days of World War II the finest construction men in America willingly took up arms to defend their country under the Seabee motto, "Construimus—Batuimus" which is the Latin for "We Build—We Fight."

As the Seabees paved the way to final victory they became known for a shorter motto, which was their proud boast, "Seabees Can Do." In every theater of operations the Seabees undertook construction jobs on a scale which had never been attempted before. Their attitude was that the difficult we do at once, the impossible takes a little longer.

Now, 42 years later, Seabees still "Can Do." The men of the 8 active duty construction battalions and the 17 Reserve construction battalions make up a highly trained and fully prepared naval construction force which stands ready to answer the call when they are needed.

Mr. Speaker, our Governor, John D. Rockefeller IV, proclaimed March 5, 1984, as Seabee Day in West Virginia in honor of those brave and skillful men who have served this Nation with pride. I include it in the RECORD at this point.

A PROCLAMATION

Whereas, there are certain days set aside by this great nation of ours whereby the citizens of this and other states pay homage to our Armed Forces; and,

Whereas, on these occasions marked by celebration and prayer, the dedicated men and women who have been and are serving our country in its quest for freedom for all nations are given due recognition and appreciation; and,

Whereas, one segment of our Armed Forces is the Navy's Construction Battalions, commonly known as the "Seabees" whose "can do" slogan exemplifies the true spirit of the men whether it be in the height of battle or in the repair and construction of existing and new facilities; and,

Whereas, the Seabees, both regular and reserve, through their professionalism, knowledge of construction and individual skills have contributed to the freedom of the world; and,

Whereas, since the founding of the Navy Seabees on March 5, 1942 to the present time many citizens of West Virginia have served that organization during peace and strife and through individual skill and expertise fulfilled their future motto "With Compassion for Others We Build—We Fight for Peace With Freedom."

Now, therefore, I, John D. Rockefeller IV, Governor of the State of West Virginia, do hereby proclaim March 5, 1984 as Seabee Day in West Virginia in celebration of the 42nd anniversary of the formation of the Naval Construction Battalion.●

● Mrs. JOHNSON. Mr. Speaker, I thank the gentleman from Massachusetts, and I am pleased to join in honoring our Navy Seabees here today. We in New England have our own Reserve Naval Mobile Construction Battalion 12, which is headquartered in the Naval Construction Battalion Center at Davisville, RI, and which has detachments located throughout New England.

There are many citizens of Connecticut who have served in the Seabees in the past and are serving today. In their honor our Governor, William A. O'Neill, designated March 5, 1984, as Seabee Day in Connecticut, and I include that a copy of that proclamation be in the RECORD at this point:

OFFICIAL STATEMENT

The American people have a deep reverence for the cherished ideals of liberty and justice, the basic tenets upon which this nation was founded.

Many of our citizens have responded without hesitation when these ideals have been threatened by those determined to destroy our government and our way of life. The pages of our history are filled with examples of patriotic deeds by Americans of all races, creeds and national origins.

The citizens of our state and nation recognize that America remains strong and prosperous due in large measure to the commitment of those brave men and women who serve in our armed forces. One segment of our armed forces is the Navy's Construction Battalions commonly known as the Seabees.

Founded on March 5, 1942, the Seabees is a unit comprised of skilled tradespeople who, through their professionalism and knowledge of construction, contribute significantly to assuring the freedom and peace that we as Americans enjoy. These dedicated members of our armed forces, whose slogan, "Can Do", exemplifies the spirit of the Seabees, both in time of battle and in the repair and construction of new or existing facilities, have a long and proud tradition of service to our country.

Many citizens of Connecticut are members of the Navy Seabees and its Reserve Unit. Each year, they participate in an annual readiness training helping to preserve the tradition of service born during a time of great need in World War II.

Therefore, In recognition of the 42nd Anniversary of the Navy Seabees, and in tribute to the skilled professionals who are members of this excellent organization, helping to keep our country free and strong, I am proud to designate March 5, as Seabee Day in Connecticut.●

● Mr. MYERS. Mr. Speaker, Gov. Bob Orr declared March 5, 1984, Seabee Day in Indiana in honor of the many heroic deeds and unselfish actions performed over the years by Seabees in all parts of the globe.

Today our Navy Seabees, both Active and Reserve, are an essential part of our national defense, providing a ready and highly trained construction team which can be deployed anywhere in the world with minimal notice. They have the equipment and the expertise to undertake virtually any construction job, anyplace, and at any time.

Distinguishing themselves by action in times of war and peace, Seabee teams have visited many parts of the world as ambassadors in green, using their construction skills to better the lives of those they have assisted.

Mr. Speaker, I include the text of the proclamation by Gov. Robert D. Orr setting March 5, 1984, as Seabee Day in the State of Indiana in the RECORD at this point.

Whereas, it is appropriate that the citizens of our state and nation recognize the members of the various branches of Armed Services for their unselfish actions and devotion to the duty of protecting the freedom of this great land; and

Whereas, the Navy's Construction Battalions, commonly known as the "Seabees" whose "Can Do" spirit exemplifies the caliber and attitude of its membership whether facing the challenges of battle or repairing and/or constructing existing or new facilities; and

Whereas, the Seabees, Regular and Reserve, as skilled professionals of the world of construction, are men whose multi-faceted talents afford them a place of distinction in the defense of America; and

Whereas, founded on March 5, 1942, the Navy Seabees are celebrating their 42nd Anniversary; and

Whereas, many Hoosier citizens have distinguished themselves as Navy Seabees;

Now, therefore, I, Robert D. Orr, Governor of the State of Indiana, do hereby proclaim March 5, 1984, as Seabee Day in the State of Indiana, in recognition of this distinguished Battalion of dedicated men.●

INTERNATIONAL COOPERATION NECESSARY TO CURB TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. YOUNG] is recognized for 15 minutes.

● Mr. YOUNG of Florida. Mr. Speaker, leaders of the major economic powers of the free world gathered earlier this month in London and issued a declaration on international terrorism that I hope will be the beginning of a true international effort to counter this serious and growing problem.

Legislation I am introducing today will take the battle against terrorism one step further by urging the President to seek an international convention on terrorism at which participating countries would share intelligence about international terrorist organizations, discuss counterterrorism strategy and techniques, and adopt a convention for the suppression of international terriorism to strengthen international law with respect to terrorist threats and acts. Specifically, this convention would be charged with establishing effective procedures for dealing with international terrorism including severe punishment for acts of terrorism which endanger the lives of diplomatic staff, military personnel, other government personnel, or private citizens, and agreement on extradition of all terrorists and their accomplices to the country where the terrorist incident occurred or whose citizens were victims of the incident.

The heads of state participating in the London economic summit endorsed in general this proposal when they agreed to "promote action through competent international organizations and among the international community as a whole to prevent and punish terrorist acts." These world leaders recognize that no country is immune to the threat of terrorist attack.

The United States, however, must take the lead in preventing world terrorism because the American people are the prime targets of international terrorist attacks.

The Department of State documented 898 international terrorist incidents last year, the largest number of terrorist incidents recorded in a year since the Department began recording such statistics in 1968. Almost half of these attacks were committed against U.S. citizens, businesses, or property here or abroad.

The bloodshed and destruction from terrorist attacks further accentuates the need for an international effort to combat and control future attacks. Last year 1,288 people were wounded, 663 killed, and countless millions of dollars in property was lost or destroyed in these cowardly attacks. This toll included 274 Americans who were killed and 118 injured.

The American people cannot be lulled into a false belief that these attacks only occur outside our Nation. You need go no further than the Halls of the U.S. Capitol to see the sight of two terrorist incidents in the past year. It was last October that I stood here on the floor of the House of Representatives when the Capitol Police in the public gallery above apprehended Israel Menachem Rabinowits who was armed with plastic explosives. During his struggle with police, Mr. Rabinowits pushed the detonator to the explosives but fortunately for me and many of my colleagues the device was faulty. Demolition experts took those plastic explosives to Fort Belvoir where they were detonated. It is the opinion of those experts that had the assailant's device worked properly, the explosives were powerful enough to destroy a good part of this House Chamber and a large percentage of the Members and visitors here at the time would have been killed or seriously injured.

One month after this incident, an explosion ripped through the Senate side of the Capitol causing large amounts of destruction to the surrounding area. Fortunately the incident took place late in the evening and no one was injured.

President Reagan is to be commended for his legislative proposals that would greatly enhance our efforts to combat future acts of terrorism within the United States. His initiative would better enable Federal, State, and local law enforcement officials to investigate, infiltrate, and eliminate potential terrorist organizations and their support networks.

This legislation is essential in our efforts to prevent domestic terrorist incidents, but it only provides a partial solution to the larger problem of international terrorism. Without some type of international agreement on terrorism which provides for the extradition and prosecution of terrorists, innocent people throughout the world, including Americans here and abroad, will continue to be the targets of terrorist attack.

It was through an international effort similar to that I am calling for today, that the serious problem of skyjackings during the late 1960's and early 1970's was reduced. Concerned leaders of 77 nations met in The Hague in December 1970 and agreed on an international convention to suppress aircraft hijacking. Of the participating nations, 50 eventually ratified the agreement which obligated a nation where a hijacker was found to prosecute the hijacker "without exception whatsoever and whether or not the offence [sic] was committed in its territory." The agreement also established procedures for the extradition of hijackers to other nations for prosecution.

The results of this international convention were dramatic. Within 2 years after the United States and other nations ratified the agreement, hijackings dropped by 60 percent. Clearly this shows that nations motivated by a concern for security can meet and agree upon an international policy to lessen the threats of hijacking or terrorism. These international conventions, however, can only be successful if they are called to focus their attention on one matter of concern, putting all other differences aside.

The politically motivated United Nations, which unfortunately has had no success in its peacemaking efforts throughout the world, in 1972 established an Ad Hoc Committee on International Terrorism. The committee has met just three times in the past 12 years, and as so often is the case with the United Nations, has done little to further the cause of reducing international terrorism or even condemning those who conduct and support terrorist activities. The committee has yet to even agree on a definition of terrorism.

Despite the attitude at the United Nations, there is widespread international concern about terrorism. International terrorist networks are becoming better organized, better financed, and better equipped with more highly sophisticated weaponry and communications systems.

The growing number of State-supported terrorist incidents and the use of terrorism as a foreign policy tool has also sparked concern. The Soviet surrogate governments of Libya, Iran, Syria, North Korea, and East Germany have all been implicated recently in terrorist plots. Perhaps one of the most shocking terrorist episodes took place in May 1981 when Pope John Paul II was shot in the Vatican. A report released this month by the Italian state prosecutor details a Bulgarian terrorist network that planned, organized, financed, and carried out the attempted assassination of the Pope. Although the prosecutor's report does not directly state that the Soviet Union was involved in the Bulgarian effort, he does say, "In some secret place, where every secret is wrapped in another secret, some political figure of great power took note of this most grave situation and, mindful of the vital needs of the Eastern bloc, decided it was necessary to kill Pope Wojtyla."

There are far too many secret places in our world today where terrorists plots are being planned. The targets of these attacks will be innocent men, women, and children and half these attacks will involve Americans. Until the nations of the world adopt and implement an international agreement to suppress terrorism, this type of violence and destruction will continue because today's terrorists believe they are immune from prosecution and extradition.

Mr. Speaker, the specter of international terrorism looms throughout the world and the American people are all too often the target of attack. As the

leader of the free world, our Nation must take the initiative to organize an international effort to combat the threat of terrorist attacks. The resolution I introduce today can be a major step toward eliminating the threat existing throughout the world from international terrorists.●

A NEW COALITION FOR OPEN TRADING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota, [Mr. FRENZEL], is recognized for 20 minutes.

● Mr. FRENZEL. Mr. Speaker, 2 days ago, Bill Andres, chairman of Dayton-Hudson Corp., a large, nationwide retailer, announced the formation of a new organization to defend for all Americans the benefits which flow from the world's open trading system.

The organization which Mr. Andres heads is called the Retail Industry Trade Action Coalition, or RITAC for short. The industry's obligation to present quality goods at the lowest possible prices for all U.S. consumers makes it uniquely aware of the consumer stake in world trade.

More importantly, the industry is showing a new determination to stand up for a broad, general interest against the protectionist onslaughts of those who favor a single company, a single industry, or a single trade union. The consumer interest in world trade has been playing defense since 1979. It's now time to go on offense and increase trade benefits to America.

Mr. Andres statement follows:

I'm Bill Andres, chairman of the board of the Dayton Hudson Corporation, and chairman of a newly formed organization I would like to introduce to you today—the Retail Industry Trade Action Coalition. Other members of the Coalition's Executive Committee are here with me. The total membership of the Coalition includes the CEOs of 20 retail companies and heads of eight national retail trade associations.

Together we represent a very significant segment of the American economy, the retail industry. We are:

Two million establishments, most of them small businesses;

Over 16 million employees, or 15 percent of the American work force;

Sales of more than $1 trillion, the equivalent of almost one-third of our gross national product.

Our industry is built on a single concept: We are the customer's purchasing agent. We buy goods for the American consumer. Their interests are our interests. We stand or fall together.

The success of our industry and the standard of living of our customers depend on our ability to provide the widest possible selection of the best quality merchandise at the lowest possible price. Every day, in every retail store in America, we take a "customer poll." For us, every day is election day. Our customers come in and vote. By their purchases, they tell us what they like and what they don't like. In the past decade, our customers, especially our low- and middle-income customers, have voted decisively for fashion-right, high-quality, competitively priced products—from all over the world.

That is why retailers are especially concerned about the mounting pressure to restrict imports into this country. The International Trade Commission has initiated proceedings against imported footwear, steel, copper, uranium, and even tuna. Bills have been introduced in Congress to slap new quotas on steel, automobiles, footwear and textiles. Presidential directives, in December and again in May, are making international trade in textiles and apparel more restrictive than ever before.

As retailers, we are concerned about these legislative and administrative proposals for several reasons. They threaten our ability to bring to the consumer the best possible selection of high-quality, reasonably priced merchandise. They have raised consumer prices already and threaten worse price hikes in the future. They threaten the loss of jobs, especially in those industries involved in exporting American goods abroad which are vulnerable to retaliation. Indeed, they threaten the global economic interdependence that contributes to a safer, more prosperous world. In short, import restrictions represent a hidden tax on the American consumer, which is used to provide a hidden subsidy to sustain "protected" industires.

In order to "protect" an already healthy domestic textile industry, for example, American consumers are paying billions of additional dollars for imported textiles and apparel. This hidden tax comes as a result of a complex and often arbitrary system of quotas and "calls." It is the triumph of politics over economic common sense. And we intend to do everything within our power to make the cost of that triumph very visible. Then the American consumer, and the American worker, will be able to decide whether protectionism is worth the added cost.

Tens of billions of dollars are involved. But something far more important is involved. These proposals are signals that some people believe America can no longer compete in the world market we helped build and which helped build America. They believe America must insulate herself from those who can compete.

America's retailers take another view. And we stand before you today to announce that we are not ready to stop competing. We have joined together to fight for our customers, for jobs for people who are appropriately trained, or retrained, for lower prices, and for the best possible selection, the best possible value, for the American consumer.

Those of us you see here today, and the other members of the Coalition we represent, compete with each other in the market-place every day. We intend to continue that competition because it is the very nature of our industry and because it is the foundation upon which the free enterprise system rests. Despite the fact we are competitors, we believe fervently that when our customers' interests are threatened, our entire industry is threatened. And that is why we have pledged to work together—both short and long term—toward a common goal: a more open international trading system.

In the weeks, months, and even years ahead, the Coalition will aggressively make the case to our public policy makers, and to the American people, on two fronts. We will highlight the critical role an open international trading system plays in our country's high standard of living and the high cost of protectionism to the American people—worker and consumer alike.

To begin with, we are prepared to undertake specific legal actions. Already we have filed an *amicus* brief joining the American Association of Exporters and Importers in appealing a ruling of the Court of International Trade. We are preparing to challenge the validity of the automatic and arbitrary "calls" of the Administration that have greatly disrupted the textile and apparel trade.

And we will be active politically to support open international trade policies, and to oppose protectionist ones. We have written to the President and met with the Secretary of Commerce. We are expanding our contacts at the White House and on Capitol Hill. And we have already begun a series of special Congressional breakfasts. We are here to say that we intend to do everything within our power to oppose protectionism, whether legislative or administrative. We will press for more open trading policies, whether through the Generalized System of Preferences, new round of negotiations in the General Agreements on Tariffs and Trade (GATT), or the Multifiber Agreement, due to expire in 1986.

The Coalition believes a more open international trading system is in the best interests of all segments of the American economy. It lowers prices. It helps control inflation. It raises everybody's standard of living. It stimulates the world economy, leading to more jobs, both here and abroad. It rewards efficiency, innovation and productivity. America was built on competition. Improved competitiveness is the key to future prosperity. Competitiveness has been America's edge; now it's our opportunity.●

LOWER INTEREST RATES AND ECONOMIC GROWTH BY RESTORING A GOLDEN RULE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. KEMP] is recognized for 30 minutes.

● Mr. KEMP. Mr. Speaker, today I am introducing legislation intended to help restore sound, honest money and low interest rates to the United States: A bill to resume the gold standard. I am pleased that my colleagues and friends, Mr. HILER of Indiana, Mrs. VUCANOVICH of Nevada, Mr. WEBER of Minnesota, Mr. MACK of Florida, Mr. GINGRICH of Georgia, Mr. DANNEMEYER of California, and Mr. WALKER OF Pennsylvania have joined me in this cause.

This measure has been a long time in coming: not only as long-overdue relief to Americans suffering economic hardship from alternately rising and falling prices and high interest rates, but even more as a matter of simple justice. Though in retrospect we can understand the circumstances, suspending convertibility of our currency into gold at the end of the 1960's has had the most far-reaching consequences of any policy mistake in a half century. It is time to correct it.

In recent years, Americans have experienced:

A tripling of prices since 1967;

Fifteen-percent mortgage rates, a 20-percent prime rate;

Almost 11-percent unemployment;

Despite a strong economic expansion over the past 18 months, a severe loss of competitiveness in industries that export or compete with imports: farms, steel, autos and their offshoots;

Calls for protectionism;

Unprecedented deficits, and a national debt that doubles every 7 years at 10 percent compound interest rates, even without new deficits;

Third World countries that can't pay their debts;

Bank panics that threaten the Nation's largest banks.

Is all this just a coincidence? Or is there some underlying problem which can explain it—and which could be corrected?

Serious inflation and economic disruption are not unprecedented. They happen during or shortly after every major war in our history. But the past 15 years have been peacetime.

Is there any similarity between wartime and the past 15 years? Yes: These are the only times when our Government suspended the gold or silver standard, with its guarantee of long-term price stability, and reverted to inconvertible paper money.

THE NATURE OF MONEY

Money does three things. It is a measure of value. It is a means of exchanging value. And it is a store of value.

The most important thing that money does is to store value. From the time money is received until the time it is spent there is always a delay; it may be a few minutes, several weeks, or many years. Debts payable in money span decades. The usefulness of money depends entirely on how well it keeps its value during those intervals.

Imagine what would happen if a yardstick were 36 inches one day, 13 inches the next, and 45 inches the day after that. Just as a yardstick cannot be a useful standard of length unless it keeps its length, money cannot be a useful standard of value unless it keeps its value.

Money stores the value of our labor until we choose to exchange that value for food, or a car, or a house. This vastly broadens our horizons in time and space. Stable money makes it possible to plan for the future, to wait for new opportunities, and to provide for a rainy day. All this is threatened when money's value becomes unstable.

Nothing is absolutely stable in value. But some goods are more stable than others. Before 1776, many things served as money in America besides coins and pieces of paper: wampum, tobacco, corn, and land, for example. Each of these was abandoned as unreliable. Since the founding of the United States, money has always been of only one of two kinds: either one of the precious metals—usually gold—or else Government-issued paper money like the Continental dollar, the Civil War greenback, or today's inconvertible Federal Reserve note. To compare their stability, we only need to look at a chart of consumer prices. It is clear that the greatest inflations in history have occurred when nations were on a paper standard, not a gold or silver standard.

WHAT DO BANKS DO?

To understand the monetary issue, you need to know the difference between money and bank credit. Money—whether it is gold or a Government greenback—is different from credit or debt, which is just an IOU: a promise to pay money. Most people understand the difference in the case of a mortgage or a personal loan. But even many economists confuse money and bank credit.

But there's an important difference: bank credit is redeemable for something else; money is not. The function of a bank is very simple. Banks accept deposits of money, and lend it out. That's all. The amount that a bank can lend out is limited by the amount of money that depositors—including borrowers from the bank—are willing to keep in the bank. A deposit or a bank note is simply a debt payable on demand in money. That's one reason why an out-of-State check is held up for a few days: to see if it is payable in money.

To repeat, banks cannot create money. They can only lend out money that would otherwise remain idle. If banks could create money, they would never get into trouble, like Penn Square or Continential Illinois: they would just create more money to pay off their debts. But banks can get into trouble when they lend too much or make bad loans, so that they cannot repay their depositors the money owed. The other side of the coin, as it were, is that, as long as bank credit is convertible into money, you don't have to worry about controlling its quantity. That's one thing wrong with trying to control M1—most of it is bank credit, not money, and should not be controlled. The problem facing us is a choice between two kinds of money: paper or gold. There's nothing wrong with the banking system.

Under the gold standard, even Federal Reserve banks could only lend money, not create it—because they could not create gold. When the Federal Reserve stopped redeeming its notes and deposits for gold, though, Federal Reserve notes stopped being promises to pay money, and became paper money itself. Today, therefore, the Federal Reserve can both create and lend money. This increased power is why we hear so much more about the Federal Reserve than we used to.

HOW ARE OUR ECONOMIC PROBLEMS RELATED TO OUR MONEY?

At the end of the Second World War, leaders of the nations of the world met in Bretton Woods, NH, to establish what became known as the Bretton Woods international monetary system. The Bretton Woods system helped make possible the price stability, the vast expansion of the world economy and trade, and the low long-term interest rates which the world enjoyed during the quarter century after the Second World War.

From the point of view of the United States, the Bretton Woods system was simply the same kind of gold standard President Roosevelt had instituted in 1934. Americans could not directly redeem gold from the Federal Reserve; but their claims on the gold could be transferred to foreigners, who could.

Under Bretton Woods, however, other currencies were redeemable for convertible dollar IOU's—U.S. bank deposits or Treasury bills—instead of gold. In effect, this based the whole free world's banking system primarily on the U.S. gold reserve, and the whole system of credit gradually became overextended.

In the late 1960's, we faced a simple choice: either to repair and improve the gold-based Bretton Woods monetary system which had proven so valuable, or else to abandon gold money for paper money. The United States suspended gold convertibility, which automatically ended the Bretton Woods system. For the first time in centuries, there was no international standard money—except insofar as other countries agreed to accept one nation's irredeemable paper money.

The effect of the breakdown of Bretton Woods on the world was roughly comparable to the disruptions which would be caused if each of the 50 States in the United States suddenly had its own currency, all floating against each other.

There was a worldwide inflation such as previously had occurred only during a world war. It was even worse in the United States because the dollar declined against most other currencies. World oil prices, which are quoted in dollars, rose even faster than inflation. The rise in rents and farm prices led to a boom in real estate and farmland. Commodity-producing countries borrowed on a vast scale from American banks, counting on repaying ever-cheaper dollars by selling their natural resources at ever-rising prices.

At first, the Federal Reserve had no consistent policy guide. Beginning in October 1979, however, the Federal Reserve moved to end the U.S. inflation by targeting various definitions of the "money" supply. Interest rates rose to unprecedented heights. The economy fell into two successive reces-

sions, raising unemployment to almost 11 percent. Oil prices plummeted. Commodity prices fell. The real estate market went bust.

In the international scramble for liquidity, the dollar rose against other paper currencies by over 50 percent. This priced American manufactures and farm products out of the world market. Farm prices and the value of farmland fell. The imports of cars and manufactured goods increased, prompting demands for protectionism. Extensive bank loans to Third World commodity producers, to oil drillers, and to farmers—which seemed to make sense under the assumption of continued inflation—were not repayable after the prices fell, the dollar rose, and interest rates reached new heights. Penn Square bank collapsed, and later there was a run on Continental Illinois bank. Both had made extensive loans to farmers, oil producers, or manufacturers of export goods who were threatened with bankruptcy, like International Harvester. The value of questionable loans to Latin American countries by the largest American banks is over twice as large as the banks' net worth.

All of these events were triggered by the shift from the gold standard to paper money in the United States. If we are going to restore stable prices, low long-term interest rates, and reasonable financial stability, we will have to restore the gold standard.

WHAT SHOULD BE DONE?

In order to restore a modernized gold standard, it is necessary to do three things:

First, define the dollar once again as a fixed weight of gold, to stabilize its value over the long term.

Second, restore the convertibility of Federal Reserve notes and deposits into gold, to stabilize the banking system.

Third, provide for gold coinage, to restore control of the money supply to the people rather than the Government.

The bill I am introducing today does these three things.

At the same time, two other things must be done: cut Federal spending, and seek an international agreement to establish an international, not just a domestic, gold standard—one that improves even upon the Bretton Woods system.

The only difficult question is to determine the weight of gold which will define the dollar. This is sometimes loosely called "setting the price of gold." If there is any doubt about the proper dollar "price" of gold, it would be better to err on the high side. The "price" should be high enough to avoid a general fall in commodity prices and wages and to ensure an adequate supply of bank reserves. This is a technical calculation which would have to be made by the administration. As a first approximation, if the gold standard were restored today, the "price" should be no lower than today's market price—about $400—and possibly higher—perhaps $500 or more.

WHAT WOULD A MODERNIZED GOLD STANDARD ACCOMPLISH?

The gold standard is not a panacea. It would not abolish the business cycle or prevent the consequences of policy mistakes. But it would bring absolute long-term price stability and low long-term interest rates. It would help solve many of our economic problems, while reducing others to manageable proportions.

One of the first results would be a fall in interest rates, as people were convinced that there would be long-term price stability, and as the revaluation of gold provided an inflow of new bank reserves.

Without future inflation, some current speculative investments would not make sense under a gold standard. However, lower interest rates will make it possible for individuals, producers, and governments to refinance their debts at low interest rates and move into productive investments. This would benefit farmers, small businessmen, corporations, and families with mortgages and other debts. The burden of floating debt on Third World borrowers would also be eased. Lower interest rates would raise the values of financial assets and durable investments, like stocks, bonds, houses, farms, and businesses.

The stabilization of exchange rates would vastly expand world markets for American goods. It would stop the devastation of U.S. agriculture, and of the steel, copper, and auto industries. This would sharply reduce pressure for protectionism.

The U.S. Government would benefit in several ways. First, lower interest rates would reduce the cost of servicing the national debt. The current deficit would also be reduced by lowering or eliminating cost-of-living adjustments and preventing sharp rises in the cost of goods and services purchased by the Government. Since the Tax Code is largely indexed for inflation starting in 1985, there would be little negative impact on revenues from reduced inflation. There would be a positive effect as economic growth was increased by lower inflation.

In short, if we want to realize full employment without inflation, return interest rates to their low historical levels, and balance the Federal budget, we must institute a modernized gold standard. I urge any colleagues to join me in doing so.

Mr. Speaker, today's Wall Street Journal contains an excellent article by my friend Lew Lehrman on why we must restore a modernized gold standard. I commend this fine article to my colleagues.

The article follows:

GOLDEN ANTIDOTE TO HIGH INTEREST

(By Lewis E. Lehrman)

The threat of inflation and punitive interest rates is the transcendent economic issue of our times. This financial disorder is to our generation what depression and the tragedy of unemployment were to our parents and grandparents. Searching the 200-year history of the Industrial Revolution to find a *full decade* of average interest rates as high as those during the period of 1974 to 1984, it is necessary to go back to the French Revolution and the total financial collapse of France in the years 1789 to 1799. The modern history of interest rates shows that in periods such as ours there has been only one way to return to relatively low, long-term interest rates, and that is by a monetary order based on a gold-backed currency.

For example, the period of the American Revolution was a time of paper-money hyperinflation, immense budget deficits and high interest rates (for example, 26% to 40% on long-term government bonds in 1787). As a result of this experience, the founders in 1789 established the new constitutional republic upon the bedrock of a currency and credit reform—largely the initiative of Alexander Hamilton. Through the Coinage Act of 1792 he refinanced the public debt and established a convertible dollar, based on a gold-and-silver standard. As a result, low fixed interest rates of 6½% to 7½% for long-term government bonds became commonplace. After the monetary reform, between 1792 and 1801, budget deficits were actually exceeded by the budget surpluses. A decade of economic boom without inflation followed domestic monetary reform.

RESTORATION OF GOLD FRANC

By means of a very similar monetary reform—restoration of the gold franc—Napoleon ended the French revolutionary period of inflation, floating exchange rates and high interest rates (average yields of 34% in 1799 on government bonds). These high interst rates, like our own, had been brought about by government-manipulated "assignats," the inconvertible paper-money issues of the French revolutionary government. The return to gold convertibility brought down interest rates to 6% (or lower) on government bonds from 1806—with a few years's exceptions—until World War I.

As recently as 1959, after two decades of a flexible franc and comparatively high interest rates, French President Charles DeGaulle and Prof. Jacques Rueff reformed the domestic monetary system and lauched the Fifth Republic on a decade of economic growth, exceeding even Germany's growth. The Rueff reforms restored a franc convertible to gold, ended France's inflation, lowered interest rates, led to a balanced budget and linked the gold franc to the Bretton Woods system of fixed exchange rates.

A century and a half earlier in Britain, the 1819–1821 restoration of the gold standard had ended an era of comparatively high interest rates, floating exchange rates and parliamentary paper-money experiments. These experiments also had begun during the Anglo-Napoleonic wars—a 24-year financial nightmare (1795–1891) of alternating wartime inflation and peacetime austerity and deflation. For example, British long-term government bonds yielded 3% to 4.5% from 1735 to 1785. From 1795, when pound

convertibility was suspended, yields almost doubled, peaking at nearly 7% in 1798. But in expectation of the return to gold convertibility of the paper pound in 1819, yields declined almost 50%, and continued to decline thereafter. The capital markets of London revived, undergirded by sterling convertibility to gold, and offered interset rates of 2% to 4% for British government bonds for almost a century.

In 1879, the U.S. officially ended a 17-year epoch of inconvertibility and financial disorder. The Civil War and Reconstruction period, with its paper money ("greenbacks") and floating exchange rates, was also marked by comparatively high interest rates. For example, the average yield on long-term govenment bonds during the 1850s was 4.33%. In the first year after the suspension of dollar convertibility in 1861-62, yields ran about 50% higher, to average about 6.5%. Peak rates also occurred in 1861-1862—6.75% as measured in greenback yields, higher if measured in gold prices.

During Reconstruction, in expectation of the return of gold convertibility in 1879, market yields on long-term government bonds declined to 3.75%, to 40% decline from the peak in 1861-1862. During the decade after dollar convertibility was restored (1879-1889), average yields declined radically to 2.13% in 1889, averaging 2.71% for the entire decade. The U.S. monetary reform of 1879 has reestablished a necessary condition of low interest rates—the gold dollar—and linked it to the international monetary order of the day, a general system of multinational currency convertibility and free trade, upheld at the center by the convertible, gold-backed British pound.

Why do free convertible currencies and an international monetary order, based on the gold standard, produce such positive financial effects? Because only a fixed value for any unit of measurement can bestow reliability and trust on the chosen standard. Faith in a just and lasting value for an objective standard of economic measurement and exchange, namely money, is crucial for commerce. Confidence in the fixed value of the monetary standard, the measuring rod of economic value, is similar to our enduring trust in the fixed value for the principal measure of length, the yardstick—always 36 inches. Who would arbitarily depreciate the value of the yardstick to 30 inches tomorrow or gradually augment its value to 40 inches one year from now?

That is precisely the arbitrary power we give today to the Federal Reserve—to depreciate and appreciate the value of the monetary yardstick, the dollar. That's because there is no longer any legal requirement to maintain the value of the monetary standard—that is, a stable dollar, a convertible currency. And because of universal floating exchange rates, the Fed is in fact free, through open-market operations to increase or decrease the supply of credit and money without limit. The financial markets are fully aware of this fact, remained as they are by the open-market operations of the New York Fed at 11:45 a.m. almost every day. Indeed, total Federal Reserve financial-market purchases and sales of government securities have reached $2 trillion in a single year. Imagine the destabilizing effect of $2 trillion of government purchases and sales in the market for any other product.

By means of open-market operations, the Fed creates and destroys bank money without creating or removing new goods and services during the same market period. Thus, on the one hand, too expansive open-market purchases of government securities by the Fed cause demand to exceed supply at prevailing prices and inflation gets under way, as happened between 1977 and 1980. Or, on the other hand, open-market sales of government securities by the Fed often reduce credit too abruptly and cause demand to fall short to supply, and a drift toward deflation gets underway. This happened in the fourth quarter of 1981 and more recently in the third week of this past May when, just after the collapse of Continental Illinois, the Fed sold $4.1 billion of government securities, leading to the largest ever weekly drop in Federal Reserve credit. Uncertainty about such Fed operations has raised the risk premium in interest rates.

Only a fixed monetary standard can abolish this risk premium in long-term interest rates and renew faith in the fixed value of all future money payments on borrowings (bonds, mortgages, stocks and other long-term financial contracts). Confidence in the stable future purchasing power of a convertible dollar leads directly to a boom in the supply of savings offered for long periods at fixed, low rates. This new supply of savings will tend to lower the price of credit, i.e. interest rates. Only a real currency, legally convertible to gold at a fixed rate, can bring about these effects in the capital markets. That is why the Constitution of our country—originating as it did in 1789 after a catastrophic inflation of the previous currency of the Continental Congress ("not worth a Continental")—upholds a gold- or silver-backed currency.

In this general understanding, a comprehensive economic reform, containing the solutions to the related problems of inflation, the budget deficit, high interest rates and the hidden threat of deflation follows directly from the analysis:

(1) Reduce as rapidly and humanely as possible the federal budget deficit. But the president cannot currently control the deficit without using an indiscriminate, broad-brush veto of multibillion-dollar appropriations bills. The president needs the line-item veto he has requested and the legal forces of a constitutional amendment in order to require Congress to balance the budget annually in the future.

(2) The economic-reform program also should include a renovation of the federal tax structure—a low, simple, fair flat tax. This would create compelliing incentives for more work, saving, investment, new jobs and the production of new goods, and therefore tend to balance supply-and-demand conditions in the market through economic growth, without creating disincentives by raising tax rates. In truth, an authentic demand for a balanced budget and low interest rates can only mean a demand for raising tax revenues through rapid economic growth without inflation.

NEW MONETARY PHILOSOPHY NEEDED

(3) At the same time, the Fed must abandon its failed quantitative monetary targeting. A new Federal Reserve monetry philosophy must be adopted—one that will supply, at market rates, the new money and credit currently needed by small enterprises, farms and entrepreneurs for the profitable production of new goods and services. So long as new money is borrowed at market rates to create new goods and services, there can be no inflation. If the ratio of new goods to new credit stays approximately in balance over the long term, it does not matter how much new credit and money is created.

(4) This new target should be part of a domestic and international monetary reform designed to restore a gold-backed dollar.

We know that sustained economic growth and full employment require a long-term investment boom and the rebuilding of a competitive American economy. And that a long-term investment boom requires the means to finance it. To restore ample long-term bond markets at low, fixed interest rates, we must ensure the value of all future money payments to those willing to lend their savings for the long term. This means by every careful study of history, a true and reliable monetary standard, and only a gold or silver backed currency has been the honest money of history.●

THE HEALTH EFFECTS OF RADIATION RESEARCH ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. WIRTH] is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, since the beginning of this century, the Government has recognized that one of its most important functions is ensuring the safety of our Nation's workers. Substantial progress has been made since the days of Upton Sinclair's "The Jungle" in providing a safer and healthier work environment. No longer are manufacturing plants dens of torture. No longer do we turn our backs on the black lung and brown lung plight facing our miners. Our Nation can be proud of the progress that has been made in providing a healthy working environment, although further efforts are necessary in many industries.

The nuclear industry, however, faces a different situation. There are 83,000 men and women employed in nuclear facilities across the country who are exposed to heavy amounts of radiation every day. Since the early tests of nuclear weapons at Los Alamos and in Utah, there has been disagreement and controversy over the health hazards posed by heavy radiation exposure. Because of this uncertainty, efforts have been made to ensure the safety of workers through regulations and safety precautions. At the same time, research has been encouraged to determine the magnitude of the health hazards facing workers. It is imperative that this research be done in the most objective and unbiased manner possible. Yet, the Federal agency performing the bulk of this research is the same agency which has responsibility for operating and promoting nuclear facilities: the Department of Energy. This is akin to allowing the plant manager in the meatpacking plant in "The Jungle" to determine what is safest for the plant's workers.

The Department of Energy is currently responsible for approximately 60 percent of the Federal research into the health affects of radiation. At

the same time, this agency operates and maintains our nuclear production facilities. This conflict of interest casts doubts on the objectivity of their research and on their interest in worker safety and health.

Research into the health effects of radiation must be continued. We must not relent in the search for answers. However, it is critical that this research be conducted objectively, in a manner in which workers and the public can place the highest confidence. The quality of the research conducted by the Department of Energy and the validity of its conclusions is not at issue. Instead, the issue is whether the workers and the industry can have confidence in the work. No Federal agency which manages the facilities it studies can meet this concern.

For this reason, I am introducing legislation to transfer the authority for these studies from the Department of Energy to the Department of Health and Human Services [HHS]. There are several reasons why HHS makes a better choice. Intuitively, it makes more sense to have responsibility for a health issue rest with an agency with responsibility for health issues, not one with responsibility for operating energy and defense programs. Moreover, under HHS's jurisdiction comes the National Institute for Occupational Safety and Health [NIOSH], the agency mandated to protect and safeguard the health of America's workers. Finally, HHS and several other agencies within the Department have studied the health effects of radiation extensively. These include the National Cancer Institute, the Bureau of Radiological Health in the Food and Drug Administration, the National Institute of Environmental Health Sciences, and the Centers for Disease Control. The Secretary of HHS, under this legislation, would consult with the heads of all these agencies in conducting the research. Furthermore, an advisory panel would be established to provide advice and assistance in conducting this research.

Mr. Speaker, this legislation is long overdue. There have been numerous attempts in recent years to shift research responsibility from DOE to public health agencies, but we always seem to end up where we started, with DOE performing most of the work and public health agencies performing very little. Task forces and advisory panels have been created, but they are short lived. Congress must enact legislation specifically mandating the transfer of this function. It is my hope that it will not take disaster like one which occurred at the Sunshine silver mine disaster before this action is taken. Prior to this tragedy, responsibility for miners' health and safety lay with the Department of the Interior, the same agency interested in promoting coal production. Only after more than 90 people were killed did Congress realize that you can't have both worker safety and production under the same leadership and transferred mine safety and health out of the Department of the Interior. Let us know before a similar disaster occurs in the nuclear industry.●

CONDEMNATION OF REMARKS OF LOUIS FARRAKHAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania is recognized for 5 minutes.

● Mr. GRAY. Mr. Speaker, the recent statements made by Louis Farrakhan regarding Israel and the Jewish religion must be condemned. Blacks and Jews have been allies, not adversaries, in the struggle to bring all Americans together and strengthen this country's democratic ideals of equality and justice for all.

Recently, there has been deep concern in both the black and Jewish communities that this alliance was faltering. Opinions such as those Farrakhan espouses only serve to shake that hard-fought alliance.

Racial and religious hatred and bigotry must be condemned whatever the source and regardless of who the purveyor or purveyors may be. I urge all decent and tolerant Americans who deplore bigotry, racism, and discrimination to join me in this unqualified condemnation of the remarks made Sunday by Mr. Farrakhan.●

PROPOSAL OF INDEPENDENT CORPORATION TO BUY AND SELL PETROLEUM PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. ST GERMAIN], is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, I am today joined by a number of fellow Members in the introduction of a bill to stabilize oil prices by creating an independent corporation to buy and sell crude and petroleum products.

In introducing this measure, I do so against the background of this past winter's home heating oil shortage, price gyrations, and the almost disastrous series of inaccurate supply-demand estimates for home heating oil made by the industry. I believe the time has come for us in Congress to move toward solving home heating oil supply problems that threaten to become recurrent.

This bill proposes to establish an uncomplicated approach to the problem of guaranteeing a stable, uninterruptible supply of low-cost fuel to hardship areas and people in need. The bill proposes the creation of an Oil Trading Corporation [OTC], and directs the Corporation to buy, hold, and sell crude oil and refined products in order to reduce the potential for supply disruptions and rapid price increases.

The Corporation would be directed by a nine member Board, five to be appointed by the President for 3-year terms, and four to be selected by OTC stockholders. The Board would decide on how much oil should be sold by the Corporation as well as when it should be sold, in order to maximize the stabilization of market forces during times of oil shortages; $100 million would be authorized to be appropriated for fiscal year 1985, with which to buy class A stock in the OTC. I believe that this initial equity investment would be sufficient for the Corporation to purchase about 3 million barrels of crude oil. Class B stock in the OTC could be purchased by any U.S. person, and oil owned by the Corporation could be sold during a shortage only to U.S. persons.

The proposed OTC presents some important potential benefits:

First, it could provide a supply cushion to minimize shortages and price increases;

Second, the OTC could store refined products such as home heating oil;

Third, the OTC could store such products in existing tanks in different regions around the country;

Finally, by buying low in times of surplus, and selling at a higher price, when markets tighten up, it could operate at a profit, yet sell from its stockpiles at less than the going market sales price should demand for heating oil exceed available supply.

Mr. Speaker, I believe the purposes sought through this proposed legislation are a most worthy addition to the important field of national energy policy. I urge my fellow Members to join in this effort to strike at the heart of a problem plaguing far too many of our citizens.

Mr. Speaker, I ask consent that the bill and supporting material be made a part of the RECORD immediately following these remarks.

SUMMARY DATA FOR WINTER 1983–84

State:	No. households eligible for LIHEAP (1980 census)	No. households receiving LIHEAP payments in fiscal year 1983	Average annual low-income home energy expenditure	Average annual LIHEAP payment fiscal year 1984	Average winter month energy expenditure	Unemployed				Elderly		
						Number unemployed in January 1984	Average monthly unemployment benefit	Percent of benefit spent on energy in winter months	Weekly balance left after winter home energy expenditures	Maximum SSI benefit	Percent of benefit spent on energy in winter months	Weekly balance left after winter home energy expenditures
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Alabama	396,640	195,169	$823	$131	$106	236,000	$380	27.9	$63	$304	34.9	$46
Arizona	226,380	26,030	629	100	67	89,000	439	15.3	86	304	22.1	55
Arkansas	259,560	61,117	914	117	122	108,000	418	29.3	68	304	40.2	42
California	2,068,280	288,734	509	143	53	1,132,000	476	11.1	98	461	11.5	94
Colorado	229,220	66,165	872	265	105	100,000	672	15.6	131	364	28.7	60
Connecticut	203,380	57,094	1,491	500	194	84,000	557	34.8	84	471	41.2	64
Delaware	41,800	12,150	1,129	314	161	25,000	456	35.3	68	304	52.9	33
District of Columbia	61,220	10,670	1,052	361	150	39,000	643	23.3	114	319	47.0	39
Florida	899,640	132,595	538	110	57	367,000	409	14.0	81	304	18.8	57
Georgia	486,700	109,220	760	150	105	173,000	429	24.4	75	304	34.4	46
Idaho	71,660	34,927	1,027	220	128	39,000	508	25.1	88	387	33.0	60
Illinois	874,040	394,779	1,035	300	142	589,000	595	23.9	104	315	45.2	40
Indiana	402,560	167,592	1,011	258	136	310,000	390	34.9	59	304	44.6	39
Iowa	222,580	95,359	994	247	142	114,000	582	24.4	102	304	46.6	37
Kansas	186,020	43,253	827	186	112	67,000	560	20.0	103	304	36.8	44
Kentucky	347,480	39,961	974	212	133	202,000	460	28.9	75	304	43.6	40
Louisiana	385,760	126,295	746	60	94	195,000	687	13.6	137	304	30.8	49
Maine	95,420	51,925	1,737	350	225	48,000	472	47.6	57	314	71.4	21
Maryland	301,000	82,752	1,094	272	156	150,000	526	29.7	85	304	51.4	34
Massachusetts	455,960	153,781	1,476	520	190	221,000	543	35.0	81	433	43.8	56
Michigan	745,980	386,949	1,101	134	146	530,000	634	23.1	113	327	44.8	42
Minnesota	341,140	123,902	1,314	511	189	167,000	609	31.0	97	339	55.7	35
Mississippi	286,660	71,391	807	150	103	112,000	383	26.9	65	304	33.9	46
Missouri	431,300	156,171	824	174	113	236,000	399	28.4	66	304	37.3	44
Montana	61,660	17,345	952	463	115	41,000	565	20.3	104	304	37.7	44
Nebraska	113,340	37,165	955	338	132	44,000	412	32.1	65	397	33.3	61
Nevada	60,880	10,448	802	223	89	45,000	530	16.9	102	341	26.3	58
New Hampshire	61,060	26,913	1,691	468	222	26,000	448	49.6	52	331	67.1	25
New Jersey	562,720	214,983	1,332	284	175	287,000	557	31.4	88	331	52.7	36
New Mexico	116,720	49,012	828	50	102	54,000	490	20.8	90	304	33.5	47
New York	1,502,600	1,212,533	1,400	200	183	637,000	509	35.9	75	365	50.0	42
North Carolina	502,300	145,487	891	160	124	237,000	474	26.1	81	304	40.7	42
North Dakota	49,340	16,221	1,206	709	176	23,000	581	30.2	94	304	57.7	30
Ohio	820,240	380,721	997	140	132	512,000	594	22.2	107	304	43.4	40
Oklahoma	283,260	70,634	920	139	126	130,000	586	21.5	106	373	33.8	57
Oregon	229,380	94,609	831	198	100	151,000	553	18.0	105	306	32.5	48
Pennsylvania	901,520	391,935	1,144	279	154	542,000	631	24.4	110	337	45.6	42
Rhode Island	76,340	31,112	1,421	270	176	38,000	484	46.4	71	355	49.6	41
South Carolina	265,380	70,000	789	102	109	123,000	407	26.8	69	304	35.8	45
South Dakota	64,900	19,043	1,083	405	156	17,000	512	30.5	82	319	48.9	38
Tennessee	427,680	110,120	877	198	121	244,000	381	31.7	60	304	39.8	42
Texas	1,244,060	283,654	771	76	98	556,000	594	16.5	114	304	32.1	48
Utah	90,700	41,199	780	268	94	60,000	561	16.7	108	314	29.9	51
Vermont	37,560	22,120	1,728	400	229	19,000	476	48.1	57	354	64.7	29
Virginia	417,020	112,720	1,019	245	143	163,000	482	29.7	78	304	47.0	37
Washington	336,640	116,271	854	180	104	253,000	607	17.1	116	343	30.3	55
West Virginia	173,880	75,789	1,070	161	151	128,000	616	24.5	107	304	49.5	35
Wisconsin	368,220	192,559	1,188	256	161	238,000	581	27.8	97	404	39.9	56
Wyoming	34,140	14,342	929	265	113	17,000	533	21.2	97	324	34.9	49

Source: National Consumer Law Center, "State-by-State Analysis—Impact of Energy Prices on the Poor, Elderly, and the Unemployed," Washington, DC (April 1984).●

THE HINGE OF FATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

● Mr. GONZALEZ. Mr. Speaker, the late Winston Churchill had a remarkable way of expressing the momentous times in which he lived; one of his books was titled, "The Hinge of Fate." In economic terms at least, that is what we are living in today—the times when the hinge of fate is moving. Sad to say, the hinge is moving against whatever hopes we might have for a return to low unemployment, low interest rates, and steady growth. What we have now is an economy that is very good for a very few, very bad for a great many, and barely tolerable for the great majority. It is also an economy endangered by the precarious condition of the banking system, the indifferent blindness of the administration, and the growing threat that foreign debtors cannot repay their hundreds of billions of dollars worth of loans to U.S. banks.

The administration likes to tell us how the rate of inflation is down, but that does not mean that life is easier for most Americans. Indeed, just this last weekend I was stopped in the grocery store by a young constituent who told me how he is working two jobs, how he shops carefully, and how he struggles, but still finds himself unable to meet the inexorably rising costs of higher local taxes, higher utility bills, higher food costs, and higher transportation costs. And I meet more and more people who are angry and frustrated that no matter how hard they try, there is no way to keep ahead of the rising costs of the simple, daily necessities of life.

A look at a few statistics will tell you that these people are not lying; for the vast majority of Americans, real, disposable income has increased by less than $300 a year since 1980. That's an increase in so-called disposable income of less than $10 a month. And what is disposable income? That's what you can use to go to the movies with, or do something a little extra. It's what you hope to save, so that someday you can hope to afford a house. But the possibilities just aren't there, when real income is not growing at any appreciable rate, a rate less than the overall rate of inflation. One reflection of just how hard things are is the rate of savings. Those of us who remember the 1981 tax bonanza, the great giveaway to the rich and to the special interests, were told how savings would boom. Well, the rate of savings today is lower than any time in the past 15 years. Why? It's simple: People just don't have any money to save. There isn't anything left over after paying for the daily necessities of life—and for millions, there is no way to even pay for those basic necessities.

And why not? Look at just some of the components of the cost of living. The cost of rental housing has gone up 20 percent in the past year and a half. This is a time when inflation is

said to be cooling. Sure it is—but not if you pay rent. The cost of food is up by 20 percent in the past year and a half. This at a time when inflation is supposed to be on the decline. It may be, but not if you have to shop for food. Fuel and utility costs are up 30 percent in the past year and a half. Inflation may be cooling—but not if you have to heat or cool a house, or buy fuel to get to work. Medical care has increased most of all—50 percentage points in the past year and a half. The victims of inflation hear about all the good news, but they see it less and less possible to live from one paycheck to the next—and in fact it is less possible. The illusion of good news does not translate into food on the table or clothing on the back. It does not cost less to live day by day—it costs more. And the hard reality is, incomes are not rising as fast as the cost of living. That is why I see angry young people in the grocery store; that is why the economic data show more and more people forced into part-time work, or two jobs. That is why people cannot save. That is why there is a years-long waiting list for subsidized housing of any kind—because that is the only affordable housing there is.

Look at wage rates, and you will see how hardships are growing in this country. Between 1979 and 1982 the earnings index shrank by no less than 8 percent. Today the typical paycheck is worth several dollars less than it was in 1975. Is that progress? No, it's moving backward. But what about all this prosperity we've been hearing about? You can't see it in the earnings index, which has actually declined this year. Working people are not better off—they are worse off. If this is the new prosperity, there are precious few who can afford much more of it.

Look at unemployment, and you can see how we have come to tolerate the intolerable. It is true that we have more people working this year than last—but the number working today is the same as it was in 1981. The economy, as far as jobs go, has come back—but only back to where it was 3 years ago. And I repeat, earnings on a real basis have not come back—they are less today than they were 10 years ago. The rate of unemployment for adult males today is 50 percent higher than it was in 1978. Sure, it is less now than it was 1 year ago—but intolerably high by any historical measure. Overall, the rate of unemployment for men and women today is 25 percent higher than it was in 1979. For black workers, unemployment is 25 percent higher than it was 5 years ago. No matter what category of worker you look at, the prospects of finding a job today are vastly worse than they were 4 or 5 or 10 years ago. Is this prosperity? No, it is growing desperation. Sure, you can argue that things are marginally better—but better for whom? Not for those who are looking for work without success, not for those for whom there are few jobs and fewer choices, not for those who are trying to make ends meet with a shrinking real income.

We've heard for months about how interest rates were going down. But have you looked lately? Interest rates have gone up, not down. And when they went down, they never went down to anything resembling historical levels. Municipal bonds, for instance, pay twice the interest today that they did 6 years ago, and far more than they did in the years before that. Indeed, municipal bond interest costs are the same now as they were 3 years ago. Does that reflect improvement? No, it reflects uncertainty over the future. No one is willing to bet on what will happen next. Treasury paper today is selling at close to 14 percent. Home mortgages for almost 15 percent. Consumer interest is anywhere between 18 and 22 percent, depending on how greedy the local credit card folks are. Corporate interest rates are twice what they were a decade ago. And we are told that interest rates are just fine. Just fine for whom? Last weeks's blip in the prime interest rate will cost the Treasury $1 billion a month in added financing costs. It will place burdens that are likely to be intolerable on foreign debtors who already are unable to pay their loans off.

Higher interest cost will inevitably translate into lost jobs—how many and how soon depends on how fast and how far the rates increase. They will translate into more bankruptcies—and the bankruptcy rate is running as high today as it was before today's so-called prosperity came back. They will translate into more home foreclosures, less home building, and fewer home sales, as mortgage rates become even more intolerable than they are today.

Yes, there is prosperity for a few. There is prosperity for those who enjoy high income. There is plenty for those who raid the corporate securities market, or practice the high arts of greenmail, or who have friends in high places. But for most of our fellow citizens, these are not good times—they are tough times, and getting tougher. There may be less desperation today, less fear—but there is no less uncertainty, no less anger, no less frustration. People see that the Tax Code favors the rich. They see that the banks have been merciless in their interest demands and irresponsible in their lending practices, and they see the monster banks enjoying multibillion dollar bailouts, while the local business goes down the tubes.

People see that the cost of anything they need or use or must have is not only beyond reason, but that the cost of every necessity continues to rise at terrifying rates. And our people wonder what we are doing about it. So what are we doing?

We enact a tax and budget cut bill that places almost the whole burden of the cuts on the Nation's poorest segment—its elderly who are on fixed incomes and unable to absorb the higher costs that we are telling them to shoulder. We enact a tax bill that grants $1 billion break to the insurance industry, while loading another nickle a gallon diesel fuel tax on truckers, who are suffering through the most harrowing of times already. We tell the high-income folks that they cannot write off an automobile that costs more than twenty grand, and we tell the average taxpayer that, by the way, income averaging will just be a forlorn hope, in case you happen to have a good year next year.

We make what is unfair even less fair, in the name of fiscal sanity.

In these past 3 years we have lived with policies that induced and made worse hard times, the worst times in 50 years. We have seen policies that bring us back to where we started, and we call that prosperity. Now we see policies that threaten to plunge the country into the hole again, and we call that a sign that things are going to get better, soon. And what do we offer by way of some hope for prosperity and stability? The old-time religion that got us into the mess, or a pale imitation of it. We must think that people love to be hurt, because our policies these past few years have created hurt and harm and lost hopes beyond all imagining or measurement.

It's little wonder that angry people ask me what is wrong and what they can do about it. Little wonder, because they can see and feel that this is an economy that is very good—but only for a very few. For the vast majority, it is very bad and getting worse, because the possibility of survival becomes tougher each day, and the hope of actually getting ahead is just not there. Is that good times? Is that the country that we want? I don't think so. It is not the world I dreamed of, not the world I have worked for, not the world that I believe is possible. Neither is this the kind of world that our fellow citizens believe in. They know we can do better than this. They wait only for leadership. But they are getting only platitudes from the White House, confusion from the Congress, and a hollow echo from those who are supposed to be offering alternatives. No wonder there is anger. There is reason for it, and we should be amazed by the patience that our people have shown. But we should not make the mistake of supposing that patience will last forever, let alone suppose that it stands for agreement with existing policy. Our people are waiting for a vision that is worthy of their belief, worthy of their great energy, worthy

of their country. The hinge of fate is turning. The question is, Can we turn it toward a better tomorrow, or have we learned nothing?●

DOUBLE STANDARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, in my years as a Member of this body I have come to accept irony as part of the natural course of business. Nonetheless, I find the visit by Salvadoran political figure Roberto D'Aubuisson—reputed death-squad leader—a most cruel twist of logic.

I am not advocating a blanket ban on visas requested by foreign political leaders whose views we may find objectionable. That would not be in keeping with this Nation's historic commitment to freedom of speech. I firmly believe, however, that in the interest of fairness the same standards ought to apply to all persons seeking to visit the United States.

The case of Mr. D'Aubuisson underscores the double standards with which this administration has played politics with visa requests. While Secretary of State George Shultz was denouncing terrorists and terrorism and while U.S. officials were linking D'Aubuisson to an assassination effort of the present U.S. Ambassador to El Salvador, the same Department of State overturns an earlier ruling by granting Mr. D'Aubuisson a visa. Not only does this fly in the face of their denunciations of terrorists, but it contradicts their actions in denying the visa requests of several ranking Nicaraguan officials.

A State Department spokesman, in explaining the recent reversal, offered that Mr. D'Aubuisson was granted the visa because he holds a key role in Salvadoran politics and the United States is much interested in the evolution of that process. Surely this same standard could be applied to Sandinista leaders denied entry into this country.

Mr. Speaker, Mr. D'Aubuisson has been accorded the finest treatment during his visit to this country. He was the featured guest at a special session with Members of the Senate. He had the privilege of a private meeting with Assistant Secretary of State Langhorne A. Motley. In fact, little pomp has been spared—all this despite recent intelligence information linking Mr. D'Aubuisson to the death squads and to the assassination plot of U.S. Ambassador Thomas R. Pickering.

Our democratic system of Government has historically recognized the importance of opposing opinions in the political process. Just as we need not endorse the views of Mr. D'Aubuisson, we need not endorse the policies of the Nicaraguan Government to allow its representatives to visit the United States. But at a very minimum, we must be evenhanded in deciding who will or will not be allowed to enter and, in particular, who will be greeted with a red carpet.●

EXPLANATION BY MR. FUQUA OF THE COMPROMISE AMENDMENT TO H.R. 5155

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FUQUA] is recognized for 5 minutes.

● Mr. FUQUA. Mr Speaker, most of the provisions contained in the compromise amendment are drawn from H.R. 5155 either as originally passed by the House or as amended by the Senate; the intent of such provisions is clearly explained in House Report 98-647 or Senate Report 98-458. However, in a number of instances, the language in the compromise amendment does differ from that contained in either the House- or Senate-passed bills. The following paragraphs describe these cases where new language appears in the compromise amendment in order to explain congressional intent with respect to commercialization of civil remote-sensing space systems.

Section 104(4). "Unenhanced data" has been redefined to make it clear that such data need not include even the minimal processing described in the House-passed definition.

Section 201(a)(2). "Agreements" rather than "Memoranda of Understanding" is used, as in section 205, to describe arrangement for data exchange between the U.S. Government and foreign ground stations. "Agreements" is a broader term than "Memoranda of Understanding," but clearly includes the latter. The broader term is used in order to include all such relevant arrangements whether or not they are called memoranda of understanding.

Sections 202(a) and 303(a)(1). In both title II and title III, the House and Senate have agreed expressly to authorize the contracting procedures contained therein because of the unusual, even unique, nature of this phased transfer of an operation from Government to private-sector responsibility. Thus, the Congress intends these provisions to take precedence over and to supplement other general procurement law.

Section 202(a)(2). Language regarding the title II contract has been changed to indicate that under such contract, funds could flow either from the Government to the contractor—if the contractor operated the Landsat system in addition to marketing Landsat data—or from the contractor to the Government—if the contractor only marketed Landsat data.

Section 202(c) and 303(c). Senate language on notification of the Congress regarding the title II and title III contracts has been altered slightly. The report-and-wait period has been shortened from 30 days of continuous session of Congress to 30 calendar days, in recognition of the delays which could be imposed on the commercialization process by a requirement to wait for 30 days of continuous session of Congress.

Section 301(b). The original House definition of "MSS data" has been replaced by a definition of "data continuity." Under the new definition, it is clear that the title III contractor is required to meet minimum performance standards, including provision of unenhanced data that meet compatibility and functionally equivalent standards. The contractor is not required to develop any particular type or level of technology.

Section 303(a)(2). This new subsection makes it clear that the title III contractor must acquire a license under title IV.

Section 303(d). If the Secretary receives no acceptable proposal under title III, it is the clear intent of the Congress that the Secretary should assure data continuity by developing a land remote-sensing space system to be procured and operated by the Federal Government.

Section 304(a)(6). Support of the title III contractor by the Federal Government has been limited to loans, loan guarantees, or direct subsidies by removal of language in the Senate amendment which referred to "other financial considerations."

Section 401(a)(2). This new subsection indicates that the licensing authority of the Secretary, in the case of multiple-use space systems, extends only to the remote-sensing portions of such systems.

Sections 401(d) and 403(a). The Secretary may deny or condition a license on the basis of national security, international commitments and obligations, or noncompliance with nondiscriminatory access, but not in order to limit competition.

Section 402(b)(6). The original Senate amendment stipulated that the licensee obtain advance approval from the Secretary of any agreement with a foreign entity. In an attempt to balance considerations of commercial viability with the sensitivities involved in international remote sensing, this language has been changed to require only notification of the Secretary of such agreements.

Sections 402(b)(7) and 403(a)(2). The Secretary is authorized to inspect the licensee's equipment, facilities, or financial records. It is intended that the Secretary's authority to inspect financial records be adequate to ensure that the licensee is in compliance with provisions of the act relating to nondis-

criminatory access to unenhanced data.

Section 403(a)(6). In light of the international sensitivities involved in remote sensing and the transportability of remote-sensing hardware, the Secretary is given authority for seizure of objects, records, or reports. However, the standard for seizure has been tightened from the House-passed reasonable appearance to the more stringent probable cause.

Section 405(e). Section 405(e) states that nothing in title IV affects the authority of the Federal Communications Commission pursuant to the Communications Act of 1934, as amended.

Section 501(c). Section 501(b) of the Senate amendment has been divided into section 501(b) and section 501(c) to highlight the differing, but complementary, roles in research and development of the Secretary, which appear in section 501(b), and the Secretaries of Agriculture and Interior, which appear in section 501(c).

Sections 601(a) and 104(3). Section 601(a) has changed little during legislative action on H.R. 5155. It is noted here only to emphasize the clear congressional intent that any system operator make unenhanced data available on a nondiscriminatory basis. Thus, for example, a company could not be licensed to operate, and to retain exclusive use of data from, a private remote-sensing space system in its entirety.

Section 602(d). This section has been redrafted to clarify that the Secretary may not demand data from a system operator for archival purposes unless the Secretary has available appropriated funds to pay such system operator for the costs of reproducing and transmitting the data.

Section 603. A system operator may provide that data not be reproduced or disseminated by any purchaser. However, during the life of existing memoranda of understanding, this provision is not intended to abrogate the authority of foreign ground-station operators with respect to the dissemination of land remote-sensing data.

Section 606. The Senate amendment has been altered to clarify the authority of the Federal Communications Commission to license use of radio facilities by private remote-sensing space systems after the President has made available spectrum for use by such systems.

Section 607(c). This subsection has been redrafted to clarify that reimbursements may cover only costs associated with technical changes in system performance imposed in light of national security concerns. Reimbursement would not cover costs ordinarily associated with the economic and political risks of doing business abroad. Thus, a system operator would not be reimbursed if he were temporarily forbidden to conduct business in a given country. Reimbursements apply only to private-sector parties who have obtained a license pursuant to title IV.

Section 609. An authorization of $75 million is provided for fiscal year 1985, which will be expended largely for development of the land remote-sensing system pursuant to title III. It is expected that the Secretary will submit a supplemental budget request to the Congress during fiscal year 1985 for the financial support authorized under title III, and the level of funding under this section would enable the Secretary to proceed without delay. Any authorization under this section remaining after fiscal year 1985 may be expended by the Secretary in future fiscal years.●

A COMMONSENSE STRATEGY TO KEEP AMERICA STRONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. PENNY] is recognized for 15 minutes.

● Mr. PENNY. Mr. Speaker, shortly after we return from our Independence Day recess, the House is expected to begin debate on the defense appropriations bill for fiscal year 1985. We must adopt a commonsense strategy governed by current budget limitations and wise choices of weapon systems that enhance America's national security.

We in Congress must resist weapons systems which are unnecessary or too costly. We can maintain a strong national defense while avoiding expenditures that are destabilizing, wasteful, or duplicative. In the area of defense spending as in any spending category, more is not necessarily better; only better is better. And we can do better while spending less on the military than we are now planning to spend.

Defense is now the fastest growing function in the Federal budget. It has nearly doubled in the past 4 years. In 1980, our military budget totaled $146 billion—24 percent of the budget. Today, this budget is almost twice as large at $264 billion in budget authority and the administration originally requested for next year another $50 billion—or 18 percent—increase. Most of the growth in this budget has been for the development and purchase of new nuclear and other weapon system. This front loading of procurement of big ticket items leads to further strains on our budget. Worse yet is that fact that we have been buying these major weapons systems on credit. The bill to pay for them will come due in future generations.

When it comes to matters of defense spending, Congress must choose what we need and what we can afford. While fighting the problems of a huge Federal deficit, all areas of spending must be carefully evaluated. This past April, the House passed a budget resolution that established a level of 8.2 percent—3.5 percent real—growth in defense spending for fiscal year 1985. At the very least, we should stay within this limit. Careful planning is required to stay within the budget and to ensure that we do not mortgage the future by borrowing heavily to pay for defense spending today.

COMMONSENSE OPTIONS

Various individuals and groups have issued statements and reports describing how the defense budget can be better structured and directed.

In a recent study by the Brookings Institution, "Economic Choices 1984," William W. Kaufman, consultant to the Foreign Policy Studies Program and a member of the faculty of the Massachusetts Institute of Technology, states that the United States could reduce military costs significantly without weakening the Nation's defense or even altering our basic strategy. He argues persuasively that we could reach the Reagan administration's defense objectives more efficiently by eliminating duplicative weapon systems, moderating the pace of modernization, and abandoning certain questionable programs. In all, these choices would result in a savings of $175 billion during fiscal years 1985–89. Of that, he estimates $23.5 billion could be saved in fiscal year 1985.

Business Week recently conducted a thorough study of budget options and has recommended (a) the elimination of several big ticket items—MX, B–1B, DDG–51 destroyers, the Bradley Fighting Vehicle, and the DIVAD air defense system, (b) that procurement be open to more competition and (c) that a number of research projects be slowed or canceled. These suggestions would result in a $30 billion budget saving in fiscal year 1989 alone, and at least $90 billion in savings over the 5-year period 1985–89.

Senator CHARLES GRASSLEY, Republican from Iowa, has suggested that we freeze the defense budget—in addition to freezing all other Federal spending programs—in fiscal year 1985 in order to force the Pentagon to adopt more realistic defense strategies and purchasing practices and to avoid the possibility of block obsolescence of weapon systems 20 years from now. His proposal is very similar to the across-the-board budget freeze which many of us in the House—both Democrats and Republicans—supported earlier this year.

The Grace Commission has issued a set of recommendations to trim the defense budget primarily by improving management and procurement.

Such efforts point out that there is broad-based concern about our current defense spending pattern. These pro-

posals cannot be characterized as defense cuts because in no instance do they recommend spending less on defense—only that we slow the rate of increase. I have voted for budget resolutions which would have allowed for a reasonable rate of growth in defense spending—between 5 percent and 8.2 percent per year. However, I have not voted for defense authorizations or appropriations bills because they have locked us into spending increases greater than these amounts which is, frankly, more than we can afford. Commonsense tells us that in a military budget this large—$264 billion—we can maintain a strong defense while slowing the rate of military spending increases in the future. Following the lead of these groups and individuals, we in Congress must adopt commonsense defense priorities by making choices that are prudent, affordable and contribute to the effectiveness of our national security capabilities.

A CLOSER LOOK AT BIG TICKET ITEMS

Today, we are not choosing military systems based on what we need or how much we can afford to spend. We are buying virtually every weapon system on the Pentagon wish list—at too fast a pace.

America's strategic nuclear forces must maintain our deterrent strength in order to thwart any effort by an enemy to exploit the advantage of a nuclear attack. At present the United States has such a force, a combination of long-range bombers as well as land- and submarine-based missiles. It is essential to modernize these strategic forces as weapons age and Soviet capability improves.

However, both the Business Week and Brookings Institute studies point to duplication in our military budget. Where is the duplication? First, the Air Force is proceeding with five different ways to penetrate Soviet air defense by bomber or bomber type systems. It is upgrading the B-52 bomber force as well as producing two types of air-launched cruise missiles. In addition, the Air Force is pursuing the rapid acquisition of the B-1B bomber and continuing a large-scale program for the early production of an advanced technology Stealth bomber.

Without impairing the United States' ability to penetrate Soviet air defenses, cancellation of the B-1B would save a total of $15.5 billion. The United States could improve its existing bomber force by further upgrading and thus retaining more B-52's. The bombers could be converted to carry more air-launched cruise missiles. This would free savings and help ensure that funds are available to procure and deploy the advanced technology Stealth bomber, if needed.

Second, our strategic missile force plans are also redundant. The Navy and Air Force are proceeding with two costly ballistic missiles—the MX missile system and the submarine-based Trident D-5. In addition, development of the Midgetman missile is planned. When the upgraded Minuteman III missile is added to the list, the Pentagon is planning a nuclear arsenal of four hard target weapons.

The MX missile contributes relatively little to U.S. retaliatory capabilities. According to a congressional budget report, 100 MX missiles in Minuteman silos would contribute 3 percent in 1990 and less than 1 percent in 1996 of all U.S. hard target warheads that would be expected to survive a Soviet first strike occurring after some warning.

The MX missile program should be canceled. Instead, existing Minuteman missiles could be improved by installing more advanced warheads on the Minuteman missiles which do not already have them, and by upgrading the guidance systems on all Minuteman III's. Terminating the MX missile program would result in total savings of at least $18.4 billion. Upgrading the Minuteman III force to achieve the same hard target capability would cost $4.4 billion less.

Furthermore, the Scowcroft Commission recommended the development of the Midgetman, a mobile, single-warhead, small intercontinental ballistic missile that would not be vulnerable to a preemptive strike. Research and development of a Midgetman type of system should be continued. In fact, the Pentagon should consider abandoning ICBM's in fixed silos—MX or Minuteman—in favor of less vulnerable systems.

For example, the sea leg of America's strategic triad is virtually invulnerable to a preemptive strike. The Trident submarine is an undetectable, vigilant deterrent. We should continue our deployment of the Trident submarine. But we don't need to put new Trident II missiles in these submarines; the current Trident I with MIRV capability will serve as well and save us billions of dollars.

In short, the United States can continue to provide a strong deterrent by upgrading existing weapon systems, and emphasizing the continued procurement of such systems as the Trident submarine, and the implementation of our cruise missile technology.

Not only should nuclear weapons systems be subjected to careful review, other procurement programs could also be terminated or slowed. For example, chemical weapons have little military value. This cut would save an additional $7 billion over the projected life of the chemical weapons program. At least $1.7 billion could be saved in fiscal year 1985 if the Pentagon reduces its emphasis on continental air defense and the procurement of space defense systems. In addition, procurement of systems which require more thorough testing to allow technical problems to be worked out, such as the Sergeant York Division air defense system, the CG-47 Aegis air defense cruiser, and the DDG-51 Aegis air defense destroyer, should be canceled or slowed to ease current budgetary pressures and to eliminate the "bugs" before we buy the full orders.

CONVENTIONAL AND TROOP READINESS NEEDS

Together Congress and the administration have begun the task of revitalizing our conventional forces, improving the quality of life for our military men and women. Our service personnel deserve adequate pay and the best training and equipment possible. However, while total military spending has nearly doubled in 4 years, our conventional forces, along with readiness and sustainability accounts, have not been allocated a proportionate share of the Pentagon's increased spending requests. Our readiness accounts, must be adequately funded and properly managed so that needed equipment is available and money is not wasted. Unfortunatley, if we don't make decisions to cut from the big ticket weapons, defense spending cuts will unwisely come out of operations and maintenance or readiness accounts.

The United States and our NATO allies must commit an appropriate share of our defense dollars to conventional forces in order to respond quickly to any potential crisis. We should continue our demand that the European NATO members begin to pick up a greater share of these costs.

I also support continued development of our air- and sea-lift capability to transport men and equipment quickly to where they are needed. This allows a more flexible response to a potential crisis. Strong conventional forces make it less likely that nuclear weapons will be used in a confrontation.

In addition, we must commit the resources to sustain a continued presence of amphibious forces and carrier battle groups in the Persian Gulf, the Atlantic, or Mediterranean, and the Far East. However, our goal of a 600-ship Navy can be achieved more economically by spreading the acquisition of ships over a longer period of time and by investing in smaller vessels.

Finally, greater support should be given training and equipment of the Navy and Army Reserves and the National Guard. The Air Force Reserves are currently recognized to be well prepared, but additional funding may also be required in this area. Moneys directed to these reserve units are investments in a strong defense at about 10 cents on the dollar when compared to active military personnel.

A WORD ABOUT PROCUREMENT PRACTICES

The Pentagon displays a chronic tendency to prepare budget plans that underestimate weapons costs. The

military procurement process remains highly inefficient because of little competition and poor management. This situation leads to further strains on our budget. Cost overruns on major weapons systems at the Pentagon are the rule rather than the exception. Spare parts often cost the Pentagon 10 to 100 times more than these same items would cost if they had been purchased in a more efficient manner. For example, Congressman BEDELL, a member of the House Small Business Committee, purchased 21 common tools from a neighborhood hardware store and paid $92.44. Unbelievably, the Navy spend $10,168.56 for these same items.

Americans receive a warranty on appliances, cars, and other major purchases. And yet, the Pentagon has not asked for—in fact, resists—warranties on its equipment and weapon system purchases. In every case, the taxpayer ends up paying more.

I commend Congressman BEDELL, Congresswoman BOXER, Congressman MCNULTY, and others for their efforts to require the Pentagon to use the marketplace. Common sense requires that we buy the best weapons, weapons that work, and pay the lowest possible price. Increased competition and the imposition of warranties are steps in the right direction. These and other commonsense procurement and management techniques such as those recommended by the Grace Commission can save several billions per year in military spending.

TOUGH CHOICES

Unfortunately, this administration and we in Congress have not provided the leadership for this commonsense strong defense strategy. Several votes to reduce military costs significantly have failed because budget and strategic considerations were not adequately debated or understood. As the debate on the defense appropriations bill begins, we in Congress must make the tough but necessary choices and ask the question: How much can we afford to spend?

Americans agree that we must maintain a strong defense. Americans also agree that a $200 billion budget deficit threatens our economy.

And so, when it comes to matters of defense spending, it is not a matter of who is a hawk and who is a dove. We all must be owls—we must make wise decisions. We can abide by spending limits by making realistic choices. For the sake of the budget and the economy, we must establish and stick to an affordable long-term defense funding profile. I believe we can maintain a strong defense while moderating military increases and spending defense dollars more wisely. America can maintain a defense that is second to none—one that is effective, but just as important, one that is affordable.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, [Mr. TORRES] is recognized for 5 minutes.

● Mr. TORRES. Mr. Speaker, I was not present for rollcall votes Nos. 277, 279, and 280 on Wednesday, June 27. Had I been present on the House floor, I would have cast my votes in the following manner:

Rollcall No. 277, Obey amendment to Treasury-Postal Service appropriations "no".

Rollcall No. 279, Nelson amendment to Treasury-Postal Service appropriations "aye."

Rollcall No. 280, final passage of Treasury-Postal Service appropriations "yea."●

ACID RAIN COSTS OF H.R. 5314 EXCEED $65 BILLION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan, [Mr. DINGELL] is recognized for 5 minutes.

● Mr. DINGELL Mr. Speaker, several months ago I asked the Congressional Budget Office [CBO] to provide an analysis of the costs of the acid rain provisions of H.R. 5314. The CBO estimates those costs over 20 years to the Nation's ratepayers at over $65 billion. That is a staggering sum.

I want to share that analysis, as well as a letter from Ohio's Consumer's Counsel. Both documents follow:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 12, 1984.

MEMORANDUM

To: House Energy and Commerce Committee.
From: John Thomasian.
Subject: Response to Chairman Dingell's Request on Acid Rain Control Legislation.

This memorandum summarizes the key results of our analysis in response to Chairman Dingell's request. With few changes, these results are similar to those I previously discussed with you. Please call me at 226-2940 if you have any questions.

SUMMARY OF RESULTS

Our analysis shows that the electricity fee outlined in H.R. 5314 would not cover the 90 percent of phase 1 and 2 control costs called for in the program. To provide a trust fund covering the 90 percent of capital costs required by the bill, the fee would need to raise roughly $29 billion in 1983 dollars. The original fee system contained in H.R. 5314 would raise only $18 billion in 1983 dollars, or only 62 percent of the required funds.

In addition to our findings on the original plan of H.R. 5314, we also analyzed two modified approaches that would provide the needed revenue for the program:

1. Allow the original 1.0 mill per kilowatthour fee to be adjusted each year to fully account for inflation, and extend its deadline through 1997; and

2. Retain the original fee, holding it constant over time, and extend its deadline through 2003.

INDEXED FEE APPROACH

Table 1 shows the year-by-year trust fund balance (in nominal dollars) of the original program but with an indexed fee levied through 1997. As the table shows, the fund is able to retire roughly $6.7 billion (in nominal dollars) of capital in 1988. After 1988, the fund continues to retire the capital as fast as possible through 1998, the year the subsidy requirement is fulfilled. The remaining money in the fund would then collect interest, and could remain with the Treasury or be returned to the utilities that were taxed.

TABLE 1.—PROFILE OF THE TRUST FUND WITH AN INFLATION-ADJUSTED FEE

[In millions of nominal dollars]

	Fee revenues	Reimbursements from fund	Interest on fund balance	End-of-year balance
1985	2,040	0	0	2,014
1986	2,195	0	159	4,341
1987	2,363	0	345	7,020
1988	2,544	6,669	23	2,858
1989	2,738	2,715	9	2,858
1990	2,947	2,715	9	3,066
1991	3,172	2,913	10	3,301
1992	3,414	3,136	10	3,554
1993	3,675	3,376	11	3,826
1994	3,955	3,635	12	4,120
1995	4,257	3,914	13	4,436
1996	4,582	4,214	14	4,776
1997	4,932	4,537	16	5,142
1998	0	3,874	98	1,319
1999	0	0	102	1,372
2000	0	0	106	1,427
2001	0	0	110	1,485
2002	0	0	114	1,544
2003	0	0	119	1,605
2004	0	0	124	1,668
2005	0	0	128	1,734

Source: Congressional Budget Office.

Over the course of the program, the fund would collect roughly $29 billion from the states and distribute over $27 billion in subsidies (all in 1983 dollars). The total cost of the program over the period 1985 through 2005 would be over $65 billion (1983 dollars), which includes the cost of emissions controls ($63.4 billion in 1983 dollars) and excess fee collections ($2 billion in 1983 dollars). Table 2 shows the nationwide totals and state-by-state balances of the program. The first column reports the amount of fees collected, the second reports the fund's subsidy provided under the program, the third column reports the total control costs to the state over the 1985-2005 period, and the fourth column reports the net costs of the control program to the states (all in 1983 dollars). This latter figure simply represents the difference between the tax plus the control costs, minus the subsidy.

As Table 2 shows, the electricity fee would transfer funds collected from many western and low-polluting eastern states to the Midwest. Nevertheless, even with the fee and subsidy system, several midwestern and eastern states—Ohio, Indiana, Kentucky, Illinois, and Missouri—would bear the majority of program costs.

TABLE 2.—STATE-BY-STATE TRUST FUND POSITIONS UNDER THE INDEXED FEE OPTION

[In millions of 1983 dollars]

State	Amount paid to fund	Amount received from fund	Cost of emission control program	Distribution of costs with fee
Alabama	726	1,277	2,142	1,590
Arizona	396	0	0	396
Arkansas	296	0	0	296
California	2,109	0	0	2,109
Colorado	279	1	11	289
Connecticut	253	67	256	443
Delaware	92	0	0	92
District of Columbia	46	47	137	136
Florida	1,219	915	2,333	2,637
Georgia	738	1,268	2,228	1,697
Idaho	236	2	12	246
Illinois	1,039	1,307	3,597	3,329
Indiana	1,018	2,807	7,474	5,684
Iowa	338	372	788	754
Kansas	137	318	737	555
Kentucky	694	2,072	5,114	3,736
Louisiana	591	0	0	591
Maine	98	26	99	171
Maryland	410	414	1,216	1,211
Massachusetts	398	105	403	696
Michigan	991	1,248	1,417	1,160
Minnesota	208	200	577	584
Mississippi	336	591	996	741
Missouri	723	1,485	3,865	3,103
Montana	186	1	9	194
Nebraska	186	205	434	415
Nevada	131	0	0	131
New Hampshire	72	19	73	125
New Jersey	543	549	1,613	1,607
New Mexico	271	0	0	271
New York	1,627	630	2,135	3,132
North Carolina	734	616	490	608
North Dakota	71	78	165	157
Ohio	1,593	4,784	10,549	7,358
Oklahoma	691	0	0	691
Oregon	652	5	33	680
Pennsylvania	1,092	988	3,837	3,941
Rhode Island	61	16	62	107
South Carolina	428	360	286	355
South Dakota	69	76	161	154
Tennessee	931	1,773	4,236	3,394
Texas	2,869	234	631	3,266
Utah	184	1	9	192
Vermont	48	13	48	84
Virginia	556	467	371	461
Washington	1,202	9	61	1,253
West Virginia	981	1,293	3,538	3,226
Wisconsin	500	502	1,208	1,206
Wyoming	124	1	6	129
Total	29,172	27,142	63,356	65,386

Source: Congressional Budget Office.

CONSTANT FEE APPROACH

Trust fund performance under the second alternative examined—that is, holding the 1.0 mill fee constant and extending it through 2003—is shown in Table 3. While revenue collected each year would rise because of electricity growth, it would remain lower than that collected under the indexed-fee option. For this reason, less capital could be retired each year by the fund than shown in Table 1, and the trust would take longer to meet its subsidy objectives.

TABLE 3.—PROFILE OF THE TRUST FUND WITH CONSTANT FEE AND EXTENDED SCHEDULE

[In millions of nominal dollars]

	Fee revenues	Reimbursements from fund	Interest on fund balance	End-of-year balance
1985	1,952	0	0	1,926
1986	2,010	0	152	4,061
1987	2,071	0	323	6,426
1988	2,133	6,104	21	2,416
1989	2,197	2,295	7	2,294
1990	2,263	2,179	7	2,351
1991	2,331	2,234	7	2,421
1992	2,401	2,300	7	2,493
1993	2,473	2,368	7	2,567
1994	2,547	2,439	7	2,643
1995	2,623	2,511	7	2,722
1996	2,702	2,586	7	2,803
1997	2,783	2,663	8	2,886
1998	2,866	2,742	8	2,972

TABLE 3.—PROFILE OF THE TRUST FUND WITH CONSTANT FEE AND EXTENDED SCHEDULE—Continued

[In millions of nominal dollars]

	Fee revenues	Reimbursements from fund	Interest on fund balance	End-of-year balance
1999	2,952	2,824	8	3,061
2000	3,041	2,908	8	3,152
2001	3,132	2,994	8	3,245
2002	3,226	3,083	9	3,342
2003	3,323	3,175	9	3,441
2004	0	2,452	74	1,003
2005	0	9	75	1,006

Source: Congressional Budget Office.

Overall, the non-indexed fee approach would cost somewhat more than the indexed fee approach—$71.7 versus $65.4 billion in 1983 dollars—because of the higher interest costs associated with the longer payout schedule of the constant fee.[1] Table 4 shows information on the fee, subsidy, control costs, and net payment under the program for each state. Generally, the costs are similar although somewhat higher than Table 2.

TABLE 4.—STATE-BY-STATE TRUST FUND POSITION UNDER CONSTANT FEE OPTION

[In millions of 1983 dollars]

State	Amount paid to fund	Amount received from fund	Cost of emission control program	Distribution of costs with fee
Alabama	745	1,336	2,272	1,681
Arizona	406	0	0	406
Arkansas	303	0	0	303
California	2,162	0	0	2,162
Colorado	286	1	12	297
Connecticut	260	69	273	464
Delaware	95	0	0	95
District of Columbia	47	51	141	137
Florida	1,250	937	2,556	2,869
Georgia	756	1,239	2,788	2,306
Idaho	242	2	12	253
Illinois	1,065	1,334	3,885	3,617
Indiana	1,043	2,912	8,238	6,369
Iowa	346	392	827	781
Kansas	140	330	816	627
Kentucky	712	2,129	5,634	4,216
Louisiana	606	0	0	606
Maine	100	27	106	179
Maryland	420	458	1,259	1,222
Massachusetts	408	109	429	728
Michigan	1,016	1,314	1,777	1,479
Minnesota	213	208	627	632
Mississippi	344	606	1,084	822
Missouri	742	1,511	4,187	3,418
Montana	191	1	10	199
Nebraska	191	216	455	430
Nevada	134	0	0	134
New Hampshire	73	20	77	131
New Jersey	557	607	1,670	1,620
New Mexico	278	0	0	278
New York	1,668	653	2,293	3,308
North Carolina	752	638	645	759
North Dakota	72	82	173	163
Ohio	1,634	4,952	11,826	8,508
Oklahoma	709	0	0	709
Oregon	668	5	34	697
Pennsylvania	1,120	938	3,922	4,104
Rhode Island	62	17	66	112
South Carolina	439	372	376	443
South Dakota	71	80	169	160
Tennessee	955	1,809	4,627	3,772
Texas	2,942	242	689	3,389
Utah	189	1	10	197
Vermont	49	13	52	87
Virginia	570	483	488	575
Washington	1,232	9	63	1,286
West Virginia	1,005	1,316	3,818	3,508
Wisconsin	513	540	1,350	1,323
Wyoming	127	1	6	133
Total	29,911	27,959	69,743	71,695

[1] The size of fund at the beginning of the payout period will affect interest costs. A larger initial fund balance allows a greater initial capital payment, thus reducing later interest charges. For this reason, higher fees over short periods may save more than lower fees levied over longer periods.

Source: Congressional Budget Office.

COMPARISON OF ELECTRICITY AND RATE EFFECTS

One measure of the fee and subsidy approach is its effect on electricity prices. Without a fee and subsidy system, the original emissions control program outlined in H.R. 5314 would create large electricity price increases by 1992 in five states—Kentucky (16.5 percent increase), Indiana (13.6 percent increase), Kansas (11.3 percent increase), Ohio (10.7 percent increase), and Missouri (10.1 percent increase). Under either fee approach examined, emission control costs in high-polluting states are partially subsidized by fees collected from low-polluting states. Thus, electricity price increases are tempered in the highest paying areas—the Midwest and portions of the East. Table 5 shows these projected effects in 1992, the year of peak rate increases, and compares them with those under the two subsidy alternatives examined.

As shown in Table 5, without a fee and subsidy system, electricity prices could rise as high as 16.5 percent (Kentucky). However, under either of the fee and subsidy options examined, such peak prices would fall to under 12 percent, but other low-polluting states would experience higher fee costs.

TABLE 5.—COMPARISON OF 1992 ELECTRICITY RATE RISES FROM EMISSIONS CONTROL PROGRAM, WITH AND WITHOUT FEE/SUBSIDY OPTIONS

[In percent increase]

	Program without electricity fee	Program with inflation-indexed fee	Program with constant 1.0 constant fee
Alabama	4.81	2.97	3.18
Arizona	0	1.54	1.08
Arkansas	0	1.85	1.30
California	0	1.31	0.92
Colorado	0.06	1.71	1.23
Connecticut	0.93	1.43	1.28
Delaware	0	1.16	0.82
District of Columbia	2.41	4.37	3.89
Florida	2.39	2.39	2.35
Georgia	6.20	3.74	4.64
Idaho	0.18	3.65	2.62
Illinois	3.85	3.27	3.34
Indiana	13.60	8.94	10.07
Iowa	3.37	2.87	2.85
Kansas	11.31	6.72	8.05
Kentucky	16.46	10.15	11.75
Louisiana	0	1.74	1.22
Maine	1.23	1.89	1.69
Maryland	2.06	3.74	3.33
Massachusetts	1.07	1.64	1.47
Michigan	2.91	1.66	1.99
Minnesota	3.31	2.78	2.93
Mississippi	5.20	3.10	3.49
Missouri	10.08	7.21	7.80
Montana	0.15	2.97	2.13
Nebraska	4.60	3.92	3.89
Nevada	0	1.77	1.25
New Hampshire	1.08	1.66	1.48
New Jersey	1.46	2.65	2.35
New Mexico	0	1.36	0.95
New York	1.21	1.54	1.44
North Carolina	1.62	1.19	1.31
North Dakota	3.82	3.25	3.23
Ohio	10.65	6.18	7.29
Oklahoma	0	2.21	1.55
Oregon	0.16	3.25	2.33
Pennsylvania	4.62	4.68	4.70
Rhode Island	1.10	1.69	1.52
South Carolina	1.59	1.18	1.29
South Dakota	3.45	2.94	2.93
Tennessee	9.87	7.02	7.57
Texas	0.44	1.95	1.50
Utah	0.08	1.65	1.18
Vermont	1.20	1.84	1.65
Virginia	1.47	1.09	1.19
Washington	0.21	4.36	3.13
West Virginia	6.92	5.74	5.91
Wisconsin	5.16	3.54	3.71
Wyoming	0.14	2.85	2.04

Source: Congressional Budget Office.

METHODOLOGY

Costs for the emissions control program were obtained from Robert Friedman of the Office of Technology Assessment. These costs were estimated for OTA in support of their analysis of H.R. 3200, the original "Waxman" proposal later incorporated into H.R. 5314.

State-by-state costs and the effect of the fee and subsidy program on state balances and electricity prices were estimated separately, using an accounting model developed by CBO. In analysis of the basic program and variants, the main assumptions applied include:

The capital payments from the trust fund would start in 1988, the year construction would need to begin to meet a 1990 deadline;

That the long-term inflation rate after 1985 would be 4.5 percent;

That the interest rate on the trust fund would be 8 percent;

That the interest rates on capital costs would be 10.8 percent; and

That the affected utilities would issue bonds (or similar instruments) to cover air pollution control costs and that 90 percent of such debt would be retired as soon as possible without interest penalties, through trust fund payments.

To estimate the trust fund revenue, fees were charged on electricity produced from all coal, oil, gas, and hydroelectric power plants. The annual quantity of electricity produced subject to the fee was adjusted to reflect a 3 percent growth rate per year.

Payments from the trust fund were assumed to occur at the beginning of each year, at which time administrative expenses also would be withdrawn from the fund. Administrative expenses were withdrawn each year at the following rates, adjusted for inflation: $25 million (in 1983 dollars) each year except in 1992, and $50 million (in 1983 dollars) in 1992 to reflect higher expenses for the first year of the emissions control program. Annual interest in the fund balance was inputed each year after payments and administrative costs were deducted, and fee revenues were included at year's end when collected.

To determine the effect of the fee and control program on electricity consumers in each state, price effects were allocated on the basis of assumptions about electricity-sharing practices among states. States sharing electricity production were considered members of power pools (see below).

Pool	States involved
New England Power Pool	Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island.
Pennsylvania, New Jersey, Maryland Interconnection.	Pennsylvania, New Jersey, Maryland, District of Columbia.
Virginia-Carolinas Reliabilities Group	Virginia, North Carolina, South Carolina.
Southern Company and Other Systems	Georgia, Alabama, Mississippi.
Middle South Utilities Company, Gulf States Company, and Other Systems.	Arkansas, Louisiana.
Mid-Continent Area Power Pool	North and South Dakota, Nebraska, Minnesota, Iowa.
Northwest Power Pool	Washington, Oregon, Montana, Idaho, Wyoming, Utah.
California Power Pool and Other Systems.	California, Nevada.

To simplify calculations, we assumed that pools conformed to state borders. In practice, pooling agreements subdivide some states and include such portions in multi-state pools. To minimize inaccuracy, the power pools chosen for this analysis were ones that primarily conform to state borders. States not part of the specific pools in the list were treated separately.

Electricity generated within a pool—hence, electricity price increases—were apportioned to each state on the basis of its ratio of fossil-fuel energy consumption to all forms of electricity consumption within the pool. The final price increase to consumers also included transmission losses, estimated at 10 percent. Thus, a fee of 1 mill per kilowatt-hour on fossil-fuel electricity production would equal a 1.1 mill per kilowatt-hour fee on electricity consumption within a state receiving all its power from fossil fuel-fired plants.

OFFICE OF THE
CONSUMER'S COUNSEL,
Columbus, OH, June 11, 1984.

Hon. Representative JOHN D. DINGELL,
House Office Building,
Washington, DC.

DEAR REPRESENTATIVE DINGELL: The Ohio Office of the Consumers' Counsel represents the residential customers of Ohio's investor owned utilities. On May 23, 1984, the Consumer's Counsel Governing Board approved a resolution in support of the principles that acid rain control legislation should be cost effective in reducing acidic depositions and should contain a comprehensive national funding program. A copy of Board Resolution 84-3 is enclosed.

The Office of the Consumers' Counsel [OCC] is concerned by the severe impact which acid rain legislation would have on electric rates in Ohio and other states. We are also aware that acid rain, particularly acidic depositions in ecologically sensitive areas of the United States and Canada, is a national problem and that Ohio must be part of a fair and effective national solution. OCC, therefore, urges Congress to consider specific measures to minimize and broadly spread the costs of sulfur-dioxide and nitrogen-oxide emission controls.

OCC has studied the rate impact of the Waxman-Sikorski, National Acid Deposition Control Act of 1983 (introduced and hereafter referred to as H. R. 3400). OCC estimates that H. R. 3400, which includes a partial national funding program, would increase average Ohio electric rates at least 8.6%. This increase would cost consumers more than half a billion dollars annually. The rate impact of H. R. 3400 would fall disproportionately on customers of the Cleveland Electric Illuminating Company [CEI] and Ohio Power Company, which serve economically depressed areas of Northern and Eastern Ohio. CEI and Ohio Power rates would go up at least 10.5% and 14.1% respectively. The implementation of a similar SO_2 emission control program without the funding provisions contained in H. R. 3400 would increase average Ohio electric rates by at least 16.9%, or more than one billion dollars per year.

OCC regards its estimate of the average annual cost of H. R. 3400 to be extremely conservative. Among the factors which contribute to the conservatison of our estimates are:

A. The baseline cost date utilized for OCC's estimates incorporates difficulty factors for diseconomies of scale and coal quality which are substantially lower than those used in other studies.

B. OCC estimates do not include AFUDC (Allowance for Funds Used During Construction) which other studies have placed at ten (10) to fifty (50) percent of scrubber costs.

C. OCC estimates uniformly assume that scrubbers will have a twenty (20) year depreciable life beginning in 1990; this assumption is unrealistic for many of the units studied.

Since we have made a conservative estimate, the actual cost to consumers of H.R. 3400 could prove to be substantially greater then OCC's estimates.

Rate increases of the magnitude estimated in our study would have a severe impact on Ohio's lagging economy and on consumers, particularly the 20% of residential electric customers whose incomes fall below HEAP low income guidelines. To minimize the rate impact of acid rain legislation, consideration should be given to whether proposals are cost effective in reducing acidic depositions and include a fair national funding program.

Many of the acid rain control programs which have been proposed in Congress are not cost effective in reducing acidic depositions.

First, several bills allocate much larger percentage emission reductions to mid-western states which do not contain ecologically sensitive areas than are allocated to the states most damaged by acidic depositions. For example, H.R. 3400 would require a reduction in utility SO_2 emissions of 66.9% in Illinois, 76.1% in Indiana, 70.3% in Kentucky, and 73.2% in Ohio, while prescribing reductions of 16.6% in Maine, 37.8% in Massachusetts, 46.2% in New York, 19.8% in North Carolina, 15.8% in Virginia and no reduction in Vermont.[1] This disparity flies in the face of the National Academy of Sciences' suggestion of equal percentage reductions across the Eastern United States. Moreover, it is inconsistent with the Academy's conclusion that, "as a general rule of thumb . . . the farther a source is from a given receptor site, the smaller its influence on that site will be per unit of mass emitted."[2]

Requiring larger percentage reductions in SO_2 emissions in Ohio and other mid-western states is not a cost effective to reducing acidic depositions in North America's ecologically sensitive areas. The models constructed by the U.S.-Canada Memorandum of Intent Working Group on the average indicate that to reduce acidic depositions in sensitive areas of the Northeast, "it would be 4.5 times more effective to reduce one ton of SO_2 emissions in New York than in Ohio."[3] Consideration should be given to developing a cost effective allocation of emission reductions based upon the best available scientific models to achieve significant deposition reductions in the most seriously threatened sensitive areas.

Second, the commercial development of emerging control technologies such as limestone injection multi-state burners [LIMB], fluidized bed boilers, and improved coal washing facilities, offers opportunities to control SO_2 emissions at costs substantially below that of current scrubber technology. Unfortunately, many of the proposals before Congress offer neither financial support nor sufficient time for the development on a commercial scale of theses alternate

[1] U.S. Office of Technology Assessment, "Additional Analysis of H.R. 3400, 'The National Acid Deposition Control Act of 1983'", September 16, 1983.

[2] National Research Council, *Acid Deposition Atmospheric Processes in Eastern North America.* (Washington, D.C.: National Academy Press) 1983, p. 10.

[3] Indur M. Goklany. "Near and Distant Area's Contribution to Acid Deposition in the Northeastern U.S.", *The Environmental Forum,* November 1983, p. 20.

technologies. A major effort to accelerate the commercial development of these technologies could reduce the cost to consumers of acid rain legislation and save thousands of jobs in the high sulfur coal industry.

Third, some proposals for SO_2 emission reductions mandate the installation of scrubbers without regard for economic considerations. For example, twenty-nine (29) of the thirty-eight (38) Ohio units on which H.R. 3400 (as introduced) would require the installation of scrubbers either would be over thirty (30) years old when the scrubbers would be installed or have a capacity under 250Mw. Such old and small units are generally not economic candidates for expensive, capital intensive scrubber technology.

OCC supports the concept of national funding for all capital and operating costs associated with the implementation of acid rain legislation. Ohio's residential customers pay the eighth highest electric rates in the nation.[4] It would be unfair to add to those rates a disproportionate share of the costs of an acid rain clean-up. Moreover, Ohio's privately owned utilities have invested far more (54% more) in air pollution control equipment than utilities in any other state.[5] As a result of such investments, Ohio's SO_2 emissions have dropped to their lowest level since 1960. These investments are being paid for by Ohio consumers.

Since the cost of SO_2 emission reductions will not be paid by the management or shareholders of polluting utilities, the concpet of "polluter pay" has little relevence to the debate over funding for acid rain controls. The utilities costs will be fully passed on to consumers through cost-of-service regulation. In the absence of a comprehensive federal funding program, consumers' costs will vary widely both among the states and among localities within each state. The burden of a national commitment to reducing acidic depositions should not be allowed to fall disproportionately on consumers in certain states and localities.

We would be glad to discuss with you how to achieve a fair and effective solution to the problem of acid rain. If you have questions or would like more information, please contact me or OCC's Federal Legislative Liaison, Ms. Janet Caldwell at (614) 466-8574.

Sincerely,

WILLIAM A. SPRATLEY,
Consumers' Counsel.

RESOLUTION OF THE CONSUMERS' COUNSEL GOVERNING BOARD, STATE OF OHIO

[Authorizing actions in support of the principles that acid rain control legislation should be cost effective in reducing acid depositions and incorporate a fair national funding program.]

Whereas, Acid Rain, particularly acidic depositions in sensitive areas of this country and Canada, is a national problem and Ohio must be part of a fair and effective national solution;

Whereas, these acidic depositions have been associated with risks to aquatic life, crops, forests and water resources, which risks are not fully addressed by current clean air laws;

Whereas, the Senate Environment and Public Works Committee has approved S. 768 calling for a 10 million ton reduction in sulfur-dioxide (SO_2) emissions in 31 eastern states;

Whereas, 120 members of the U.S. House of Representatives co-sponsored H.R. 3400, which called for a ten million ton reduction in SO_2 emissions and the installation of scrubbers at 50 large utility powerplants, including the Ashtabula, Avon Lake, Burger, Cardinal, Conesville, Eastlake, Gavin, Kyger Creek, and Muskingum powerplants in Ohio;

Whereas, any legislation to reduce SO_2 emissions will substantially increase electric rates in Ohio; for example, OCC conservatively estimates that H.R. 3400 would result in at least an 8.6% increase in average Ohio electric rates and that this rate increase will exceed a half billion dollars annually;

Whereas, this rate increase will be borne, in part, by the 20% of Ohio's residential consumers who are already considered to be low income consumers under HEAP guidelines;

Whereas, H.R. 3400 would mandate the installation of scrubbers on old and small generating units which are not appropriate candidates for scrubbers, including twenty-nine (29) of the thirty-eight (38) Ohio units which either will be over 30 years old when scrubbers would be installed or have a capacity under 250 Mw, substantially increasing the costs of achieving SO_2 emission reductions;

Whereas, S. 768 and H.R. 3400 do not allocate SO_2 emission reductions among the states proportionately to each state's total SO_2 emissions, and the allocations contained in these bills are inconsistent with the conclusion of the National Academy of Sciences that it "cannot objectively predict the consequences for deposition in ecologically sensitive areas of changing the spatial pattern of emissions in eastern North America, such as by reducing emissions in one area by a larger percentage than in other areas";

Whereas, S. 768 and H.R. 3400 would require larger percentage reductions in SO_2 emissions in Ohio and other states which do not contain ecologically sensitive areas than would be required in states with sensitive areas, and the allocation of emission reductions contained in these bills is inconsistent with the finding of the National Academy of Sciences that "as a general rule of thumb . . . the farther a source is from a given receptor site, the smaller its influence on that site will be per unit mass emitted";

Whereas, the allocations of emission reductions in S. 768 and H.R. 3400 do not provide a cost effective approach to reducing acidic *depositions* in sensitive areas; for example, the models constructed by the U.S.-Canada Memorandum of Intent Working Group suggest that a unit of emissions reduction in New York State would be approximately four and half times more effective than a similar emissions reduction in Ohio in reducing acidic depositions in sensitive areas of the Adirondacks;

Whereas, S. 768 and H.R. 3400 fail to include financial support or allow sufficient time for the commercial development of alternate technologies, such as Limestone Injection Multistage Burners (LIMB), fluidized bed boilers or improved coal washing techniques, which would be less costly than scrubbers and could save thousands of Ohio jobs;

Whereas, reducing emissions of nitrogen oxides (NO_x) is generally less expensive than reducing sulfur dioxide (SO) emissions; nitrates make a significant contribution to acidic depositions in sensitive areas; and a cost effective program to control acidic depositions should give consideration to some form of NO_x for SO_2 emission reduction tradeoff;

Whereas, a comprehensive national funding program covering construction and operating costs is needed to prevent emission controls from imposing an unfair burden on states such as Ohio, in that Energy Information Administration data shows that Ohio residential consumers face the eighth highest electric rates in the nation and that Ohio utilities have invested far more (54% more) in air pollution control equipment than utilities in any other state;

Whereas, in the absence of a comprehensive national funding program, pending legislation would impose disproportionate rate increases on economically depressed areas of northern and eastern Ohio; for example, OCC conservatively estimates that H.R. 3400 would increase Ohio Power electric rates by at least 14.1% and Cleveland Electric Illuminating rates by at least 10.5%;

Whereas, acid rain control legislation should seek to avoid unnecessarily increasing the substantial economic burden which controls will impose on Ohio's residential consumers of electricity and on Ohio's economy; therefore be it

Resolved that the Governing Board of the Office of the Consumers' Counsel authorizes the Consumers' Counsel to take all appropriate measures to urge Congress to consider the principles that acid rain control legislation should present a cost effective program for reducing acidic depositions in ecologically sensitive areas and that such legislation should include a comprehensive national funding program covering construction and operating costs, in order to develop a fair and effective national solution to the acid rain problem.

Charles Wise, Chairman; Robert Brindza, Beverly Davis, Eugene Patrick, Frank Sollars, Ira Thompson, Vice-Chairman; Harry M. Brown, Jane Latane, and Irwin Silbert.

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[4] U.S. Energy Information Administration, *Yearbook*, 1983.

[5] Id.

RATE IMPACTS OF H.R. 3400 ON OHIO CONSUMERS

[Summary of results: Average costs for subpart I and II of H.R. 3400 assuming 90 percent funding of part I capital costs and of an alternative program with 0 percent funding]

	Revenue increase required	90 percent funding cost per kWh	Percentage increase	Revenue increase required	0 percent funding cost per kWh	Percentage increase
Service territory:						
CG&E	$69,924,312	$.0048	$9.2	$131,622,121	.0090	17.2
CEI	112,938,822	.0070	10.5	257,245,204	.0159	23.8
C&SOE	60,424,028	.0049	9.7	123,909,369	.0101	20.0
DP&L	47,710,771	.0048	8.0	88,768,004	.0088	14.7
Mon. Power	1,494,451	.0028	6.8	2,911,510	.0054	13.1
Ohio Edison	47,989,916	.0023	3.9	102,520.166	.0049	8.3
Ohio Power	165,124,779	.0056	14.1	297,603,140	.0100	25.2
Toledo Edison	1,720,085	.0002	0.3	3,448,848	.0005	0.7
Total Ohio consumers	507,327,164	[1].0046	[1]8.6	1,008,028,362	[1].0091	[1]16.9
Average cost per consumer	132.55			262.22		

[1] Average impact based upon study of a 20 year period.

Source: Office of the Consumer's Counsel, "Analysis of Rate Impacts of H.R. 3400 on the Consumers of Ohio's Electric Utilities", Update, January 17, 1984. For more information, please contact the Office of the Consumers' Counsel, 137 East State Street, Columbus, Ohio.●

CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1984

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting to the RECORD a letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1984.

COMMITTEE ON THE BUDGET,
Washington, DC, June 29, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 91, the First Concurrent Resolution on the Budget for Fiscal Year 1984. This report reflects the adjusted resolution of October 25, 1983, and the current CBO estimates of budget authority, outlays, and revenues. The attachments show that latest estimate for the current level of fiscal year 1984 spending and divide that amount among committees.

The procedural situation with regard to the spending ceiling is affected this year by Section 5(b) of H. Con. Res. 91. As I explained during debate on the conference report on that resolution, enforcement against breaches of the spending ceiling under Section 311(a) of the Budget Act do not apply where a measure would not cause a committee to exceed its appropriate allocation pursuant to Section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and will cease to apply if Congress revises the budget resolution for fiscal year 1984.

The intent of the Section 302(a) "discretionary budget authority" and "new entitlement authority" subceiling provided by Section 5(b) of the resolution is to protect a committee that has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 91 were printed in the *Congressional Record*, June 22, 1983, H. 4326. Adjustments to such allocations made pursuant to Section 2 of House Concurrent Resolution 91, the reserve fund, are reflected in House Reports 98-313, 98-354, 98-381, and 98-439.

The attached tables show where each committee currently stands compared to its 302(a) allocation of discretionary budget authority and of new entitlement authority.

With best wishes.

Sincerely,

JAMES R. JONES,
Chairman.

Attachments.

Fiscal year 1984 budget authority—Comparison of current level and budget resolution allocation by committee [1]

[In millions of dollars]

	Budget authority
House Committee: Total current level	−3,999
Appropriations Committee (discretionary)	(−3,483)
Authorizing committee—discretionary action:	
Agriculture	(−383)
Armed Services	(−4)
Banking, Finance, and Urban Affairs	(.....)
District of Columbia	(.....)
Education and Labor	(.....)
Energy and Commerce	(−192)
Foreign Affairs	(.....)
Government Operations	(−450)
House Administration	(.....)
Interior and Insular Affairs	(+5)
Judiciary	(.....)
Merchant Marine and Fisheries	(+13)
Post Office and Civil Service	(−30)
Public Works and Transportation	(+150)
Science and Technology	(.....)
Veterans' Affairs	(+23)
Ways and Means	(+1,991)
Unassigned (offsetting receipts)	(−2,108)

[1] Committees are over (+) or under (−) their 302(a) allocation.

Note: Detail may not add due to rounding.

FISCAL YEAR 1984 NEW ENTITLEMENT AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE

[In millions of dollars]

Committee	Allocations	Reported	Enacted
Agriculture		678	27
Appropriations			
Armed Services	1,003	813	805
Banking, Finance and Urban Affairs			
District of Columbia			
Education and Labor	1,067	2,335	1,038
Energy and Commerce	476	261	325
Foreign Affairs	−3		
Government Operations	3,763	3,973	3,425
Interior and Insular Affairs			
Judiciary			
Merchant Marine and Fisheries			
Post Office and Civil Service	1,245		−398
Public Works and Transportation			
Science and Technology			
Small Business			
Veterans' Affairs	187	214	160
Ways and Means	1,584	1,102	4,018

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 28, 1984.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1984 budget (H. Con. Res. 91). This report for fiscal year 1984 is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with H. Con. Res. 91.

Since my last report, the Congress has cleared for the President's signature the Deficit Reduction Act of 1984, H.R. 4170.

This bill changes budget authority, outlay, and revenue estimates.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	917,740	850,179	665,283
2. Entitlement authority and other mandatory items requiring further appropriation action	3,341	3,170	
3. Continuing resolution authority			
4. Conference agreements ratified by both Houses	−1,271	496	1,095
Current level	919,810	853,844	666,378
Budget Resolution, H. Con. Res. 91	923,809	853,386	679,600
Current Level is:			
Over Resolution by		458	
Under Resolution by	3,999		13,222

Sincerely,

ERIC HANUSHEK
(for Rudolph G. Penner, Director).

PARLIAMENTARIAN STATUS REPORT HOUSE SUPPORTING DETAIL, FISCAL YEAR 1984 AS OF CLOSE OF BUSINESS JUNE 27, 1984

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	535,903	491,993
Appropriations enacted previous session	522,190	499,031
Offsetting receipts	−141,088	−141,088
Enacted this session:		
Veterans' Compensation Amendments of 1984 (Public Law 98–223)		145
Highway emergency relief (Public Law 98–229)	150	10
Urgent supplemental appropriations (Public Law 98–248)	290	262
Agriculture Programs Adjustment Act of 1984 (Public Law 98–258)	294	294
Omnibus Budget Reconciliation Act of 1983 (Public Law 98–270)		−469
Total	917,740	850,179
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Department of Defense:		
Civilian pay raises	510	494
Military pay raises	1,205	1,169
Claims, Defense	63	57
Foreign Service retirement payment	3	3
Offsetting receipts	−3	−3
Range improvements	2	1
FUBA	33	33
Medicaid	556	556
Advances to unemployment:		
Trust fund	3,932	3,932
Offsetting receipts	−3,932	−3,932
Special benefits, disabled coal miners	20	20
Special benefits, Federal employees	12	12
Social services block grants	25	25
Rehabilitation services and handicapped research	34	28
Guaranteed Student Loan Program	132	
Payment to civil service retirement fund	230	230
Offsetting receipts	−230	−230
Civilian agency pay raises	749	774
Total	3,341	3,170
III. Continuing resolution authority [1]		
IV. Conference agreements ratified by both Houses:		
Urgent agriculture supplemental appropriations, H.J. Res. 492	1,124	655
Deficit Reduction Act of 1984, H.R. 4170:		
Applied to entitlement/mandatory items requiring further appropriation action	−65	−72
Applied to previously enacted	−2,330	−87
Total	−1,271	496
Total current level as of June 27, 1984	919,805	853,844
Budget resolution, H. Con. Res. 91	923,809	853,386
Amount remaining:		
Over ceiling		458
Under ceiling	3,999	

[1] Agriculture; foreign assistance; Treasury, Postal Service and General Government and other selected appropriations are funded under continuing resolution authority (Public Law 98–151) for the full fiscal year and, therefore, are included in the enacted category of this report.

Note: Detail may not add due to rounding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BEVILL (at the request of Mr. WRIGHT), for today, on account of attending his daughter's wedding.

Mr. HAMMERSCHMIDT (at the request of Mr. MICHEL), for today after 3:20 p.m., on account of attending a funeral.

Mr. WILLIAMS of Ohio (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGRATH) to revise and extend their remarks and include extraneous material):

Mr. BATEMAN, for 5 minutes, today.

Mr. YOUNG of Florida, for 15 minutes, today.

Mr. FRENZEL, for 20 minutes, today.

Mr. KEMP, for 30 minutes, today.

Mr. SILJANDER, for 60 minutes, July 23.

Mr. SILJANDER, for 60 minutes, July 24.

Mr. SILJANDER, for 60 minutes, July 25.

Mr. SILJANDER, for 60 minutes, July 30.

Mr. SILJANDER, for 60 minutes, July 31.

(The following Members (at the request of Mr. RAHALL) to revise and extend their remarks and include extraneous material:)

Mr. WIRTH, for 5 minutes, today.

Mr. GRAY, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. FASCELL, for 5 minutes, today.

Mr. PENNY, for 15 minutes, today.

Mr. COYNE, for 30 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. WEISS, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCGRATH) and to include extraneous matter:)

Mr. MCCAIN.

Mr. COATS.

Mr. OXLEY.

Mr. DANIEL B. CRANE.

Mr. RIDGE.

Mr. SAWYER.

Mr. BROWN of Colorado.

Mr. DAUB in two instances.

Mr. FRENZEL in 10 instances.

Mr. GINGRICH in three instances.

Mr. PORTER in six instances.

Mr. JEFFORDS.

Mr. WORTLEY in two instances.

Mr. LEWIS of Florida.

Mr. COURTER in two instances.

Mr. VANDER JAGT.

Mr. GRADISON.

Mr. EVANS of Iowa in four instances.

Mr. WILLIAMS of Ohio.

Mr. CLINGER.

Mr. HYDE in two instances.

Mr. SCHAEFER.

Mr. EMERSON.

Mr. PRITCHARD.

Mr. FIELDS.

Mr. YOUNG of Alaska.

Mr. GEKAS.

Mrs. MARTIN of Illinois.

Mr. GILMAN in five instances.

Mr. MCEWEN in two instances.

Mr. FISH.

Mr. HUNTER.

Mr. WOLF.

Mr. BATEMAN.

Mr. CHENEY.

Mr. MACK.

Mr. WYLIE.

(The following Members (at the request of Mr. RAHALL) and to include extraneous matter:)

Mr. FAZIO in three instances.

Mr. SKELTON.

Mr. WISE.

Mr. JONES of Tennessee.

Mrs. KENNELLY.

Mrs. BYRON.

Mr. HAWKINS.

Mr. GORE.

Mr. MURTHA.

Mr. EVANS of Illinois.

Mr. DOWNEY of New York.

Mr. KOSTMAYER in two instances.

Mr. MINETA in three instances.

Mr. PEPPER.

Mr. RAY.

Mr. FRANK.

Mr. DORGAN in two instances.

Mr. MORRISON of Connecticut.

Mr. FASCELL.

Mr. ROE.

Mr. LANTOS in three instances.

Mr. MILLER of California.

Mr. FORD of Michigan.

Mr. FEIGHAN.

Mr. EDGAR.

Mr. PANETTA.

Mr. STOKES.

Mrs. LLOYD in three instances.

Mr. AUCOIN.

Mrs. BOXER.

Mr. MINISH.

Mr. ROYBAL in two instances.

Mr. ORTIZ in two instances.

Mr. KASTENMEIER.

Mr. BATES.

Mr. LAFALCE.

Mr. WEISS in eight instances.

Mrs. SCHROEDER.

Mr. HAMILTON.

Mr. MOAKLEY.
Mr. RANGEL in six instances.
Mr. OTTINGER in two instances.
Mr. HEFTEL of Hawaii.
Mr. CARR.
Ms. OAKAR.
Mr. MARKEY in three instances.
Mrs. BURTON of California.
Mr. TORRES in two instances.
Mr. TRAXLER.
Mr. FLORIO.
Mr. DIXON.
Mr. LANTOS in two instances.
Mr. CARR.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 875. An act to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes; to the Committee on the Judiciary.

S. 1643. An act to strengthen the operation of the agricultural stabilization and conservation committee system, and for other purposes; to the Committee on Agriculture.

S. 2496. An act to amend the Adult Education Act in order to simplify requirements for States and other recipients participating in Federal Adult education programs, and for other purposes; to the Committee on Education and Labor.

S. 2562. An act to amend the John F. Kennedy Center Act, and for other purposes; to the Committee on Public Works and Transportation.

S. 2819. An act to make essential technical corrections to the Housing and Urban-Rural Recovery Act of 1983. to the Committee on Banking, Finance and Urban Affairs.

S.J. Res. 235. Joint resolution to authorize the Law Enforcement Officers Memorial Fund, Incorporated, to establish a National Law Enforcement Heroes Memorial to the Committee on House Administration.

S.J. Res. 293. Joint resolution to designate July 17, 1984, as "Spanish American War Veteran Day" to the Committee on Post Office and Civil Service.

ADJOURNMENT TO MONDAY, JULY 23, 1984

Mr. RAHALL. Mr Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 334 of the 98th Congress, the House stands adjourned until 12 o'clock meridian, Monday, July 23, 1984.

Thereupon (at 9 o'clock and 13 minutes p.m.), pursuant to House Concurrent Resolution 334, the House adjourned until Monday, July 23, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3656. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend chapter 61 of title 10, United States Code, to facilitate the transfer of members of the Armed Forces to and from the temporary disability retired list, and for other purposes; to the Committee on Armed Services.

3657. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report on the activities of the Depository Institutions Deregulation Committee during its fourth year of operation and on the viability of depository institutions, pursuant to Public Law 96-221, section 206; to the Committee on Banking, Finance and Urban Affairs.

3658. A letter from the Assistant Secretary of Health, Department of Health and Human Services, transmitting notification of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3659. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of a proposed new record system submitted by the Office of the Secretary of Defense, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3660. A letter from the Executive Director, Committee for Purchase From the Blind and Other Severely Handicapped, transmitting a report on the committee's activities during the fiscal year ending September 30, 1983, pursuant to the act of June 25, 1938, ch. 697, section 1(i) (85 Stat. 77); to the Committee on Government Operations.

3661. A letter from the Secretary of Education, transmitting notification of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3662. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting a report on grants of suspension of deportation of certain aliens, pursuant to INA, section 244(c) (66 Stat. 214, 76 Stat. 1247); to the Committee on the Judiciary.

3663. A letter from the Counsel, Pacific Tropical Botanical Garden, transmitting a copy of the 1983 annual audit report for the Pacific Tropical Botanical Garden, pursuant to Public Law 88-449, section 10(b); to the Committee on the Judiciary.

3664. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification that the Government of the United States and the European Economic Community have negotiated a new Governing International Fishery Agreement, initialed June 27, 1984, pursuant to Public Law 94-265, section 203(a); to the Committee on Merchant Marine and Fisheries.

3665. A letter from the Secretary of Transportation, transmitting the fifth annual report on the highway bridge replacement and rehabilitation program, pursuant to 23 U.S.C. 144(i); to the Committee on Public Works and Transportation.

3666. A letter from the President of the United States, transmitting notification of his designation of Susan Wittenberg Liebeler as Vice Chairman of the United States International Trade Commission, pursuant to the act of June 17, 1930, ch. 497, section 330(c)(1) (91 Stat. 867); to the Committee on Ways and Means.

3667. A letter from the Secretary of Health and Human Services, transmitting a copy of a report entitled "A Plan for Diagnosis and Prevention of Illness Related to Nuclear Resource Development on Indian Land," pursuant to Public Law 94-437, section 707(c) (94 Stat. 3179); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3668. A letter from the Comptroller General of the United States, transmitting a copy of a report entitled, "Examination of the Federal Deposit Insurance Corporation's Financial Statements for the Years ended December 31, 1983 and 1982" (GAO/AFMD-84-41, June 14, 1984), pursuant to 31, U.S.C. 719(c)(3); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

3669. A letter from the Comptroller General of the United States, transmitting a copy of a report entitled, "Examination of the Federal Election Commission's Financial Statements for the Year ended September 30, 1982" (GAO/AFMD-84-40, June 26, 1984); jointly, to the Committees on Government Operations and House Administration.

3670. A letter from the Secretary of Transportation, transmitting the annual report on the status of the public ports of the United States for calendar years 1982 and 1983, pursuant to 49 U.S.C. 308(c); jointly, to the Committees on Merchant and Fisheries and Public Works and Transportation.

3671. A letter from the Comptroller General of the United States, transmitting a copy of a report entitled, "Congress Needs Better Information on Forest Service's Below-Cost Timber Sales" (GAO/RCED-84-96, June 28, 1984); jointly, to the Committees on Government Operations, Agriculture and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee of conference. Conference report on H.R. 5174 (Rept. No. 98-882). Ordered to be printed.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 1580. A bill to amend the Federal Aviation Act of 1958 to provide for the revocation of airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes; with an amendment (Rept. No. 98-883). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affair. H.R. 3331. A bill to authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area; with an amendment (Rept. No. 98-884). Referred to the Committee on the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 5223. A bill to exempt restaurant central kitchens from Federal inspection requirements; with amendments (Rept. No. 98-885). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee on Appropriations. H.R. 5973. A bill making appropriations for the Department of the Interior

and related agencies for the fiscal year ending September 30, 1985, and for other purposes. (Rept. No. 98-886). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YATES:

H.R. 5973. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes.

By Mr. ARCHER (for himself, Mr. AUCOIN, and Mr. PHILIP M. CRANE):

H.R. 5974. A bill to repeal the changes made to section 483 of the Internal Revenue Code of 1954 by the Tax Reform Act of 1984; to the Committee on Ways and Means.

By Mr. BATEMAN (for himself, Mr. AKAKA, Mr. WALGREN, Mr. LUJAN, Mr. WALKER, Mr. HEFTEL of Hawaii, Mr. CHANDLER, Mr. SKEEN, Mr. CARNEY, Mr. MACKAY, and Mr. MCCURDY):

H.R. 5975. A bill to provide that certain activities performed in space and certain articles produced in space shall be treated as activities performed and articles produced within the United States for purposes of any tax or tariff law of the United States; to the Committee on Ways and Means.

By Mr. BEDELL:

H.R. 5976. A bill to require the Federal Crop Insurance Corporation to offer prevented planting insurance; to the Committee on Agriculture.

By Mr. BIAGGI (for himself, Mr. ROYBAL, and Mr. PEPPER):

H.R. 5977. A bill to amend title XIX of the Social Security Act to provide for an optional program of pharmaceutical assistance to the aged under the medicaid program; to the Committee on Energy and Commerce.

By Mr. DYSON:

H.R. 5978. A bill to authorize a study of the effects of acid rain on the Atlantic striped bass; to the Committee on Merchant Marine and Fisheries.

By Mr. EVANS of Iowa:

H.R. 5979. A bill to amend the Internal Revenue Code of 1954 to deny the deduction for interest on indebtedness incurred to acquire corporations if the President determines that use of debt for corporate acquisitions should be discouraged; to the Committee on Way and Means.

By Mr. FEIGHAN (for himself and Mr. GILMAN):

H.R. 5980. A bill directing the President to conduct a comprehensive review of United States policy toward Bulgaria; to the Committee on Foreign Affairs.

By Mr. FORD of Tennessee (for himself, Mr. LELAND, Mr. ADDABBO, Mr. BURTON of California, Mr. RANGEL, and Mr. WEISS):

H.R. 5981. A bill to amend title XIX of the Social Security Act to require medicaid plans to provide dental services for individuals aged 65 or older; to the Committee on Energy and Commerce.

By Mr. GUARINI:

H.R. 5982. A bill to amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement parks; to the Committee on Energy and Commerce.

By Mrs. HOLT (for herself and Mr. HOYER):

H.R. 5983. A bill to authorize the Secretary of the Interior to convey certain land located in the State of Maryland to the Maryland-National Capital Park and Planning Commission; to the Committee on Interior and Insular Affairs.

By Mr. HUNTER:

H.R. 5984. A bill to amend the Immigration and Nationality Act with respect to the naturalization of certain aliens through service in the Armed Forces of the United States for at least 3 years; to the Committee on the Judiciary.

By Mrs. JOHNSON:

H.R. 5985. A bill to amend the Export-Import Bank Act of 1945 to establish the Competitive Tied Aid Fund; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KEMP (for himself, Mr. HILER, Mr. MACK, Mr. WEBER, Mr. GINGRICH, Mr. DANNEMEYER, Mr. WALKER, and Mrs. VUCANOVICH):

H.R. 5986. A bill to resume a stable monetary standard in the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LOEFFLER (for himself, Mr. MARLENEE, Mr. SKEEN, and Mr. STANGELAND):

H.R. 5987. A bill to impose quantitative restrictions on the importation of lamb meat; to the Committee on Ways and Means.

By Mr. McCAIN:

H.R. 5988. A bill to provide for the expansion and improvement of the national cemetery system to better meet the needs of veterans; to the Committee on Veterans' Affairs.

By Mr. MOORE (for himself, Mr. WAXMAN, Mr. RANGEL, Mr. MADIGAN, Mr. PEPPER, and Mr. GEPHARDT):

H.R. 5989. A bill to amend the Social Security Act to protect beneficiaries under health care programs of that act from unfit health care practitioners, and to otherwise improve the antifraud provisions of the act; jointly, to the Committees on Ways and Means and Energy Commerce.

By Mr. RANGEL (for himself, Mr. GILMAN, Mr. STARK, Mrs. COLLINS, Mr. AKAKA, Mr. GUARINI, Mr. FAUNTROY, Mr. LEVINE of California, Mr. ORTIZ, Mr. SMITH of Florida, Mr. TOWNS, Mr. SHAW, Mr. PARRIS, Mr. CHAPPIE, Mr. LEWIS of Florida, Mr. LELAND, and Mr. COUGHLIN):

H.R. 5990. A bill to authorize the Attorney General of the United States to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances; to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, treatment, and rehabilitation; and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. ROE:

H.R. 5991. A bill to return the ad valorem and specific duties on necktie imports to the levels in effect as of January 1, 1981, for a period of 5 years; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. FISH, Mr. EDWARDS of California, and Mr. HYDE):

H.R. 5992. A bill to clarify application of the Federal antitrust laws to the official conduct of local governments; to the Committee on the Judiciary.

H.R. 5993. A bill to clarify application of the Federal antitrust laws to the official conduct of local governments; to the Committee on the Judiciary.

By Mrs. SCHROEDER (for herself and Mr. WIRTH):

H.R. 5994. A bill to provide that the U.S. District Court for the District of Colorado shall be held at Boulder, CO, in addition to those places currently provided by law; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. GONZALEZ, Mr. GARCIA, Mr. GREEN, Mr. ACKERMAN, Mr. ADDABBO, Mr. BIAGGI, Ms. FERRARO, Mr. OWENS, Mr. RANGEL, Mr. SCHEUER, Mr. SOLARZ, Mr. TOWNS, Mr. WEISS, and Mr. D'AMOURS):

H.R. 5995. A bill to amend the National Housing Act to extend the Federal crime insurance program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROBERT F. SMITH:

H.R. 5996. A bill to provide for the implementation of certain recommendations of the President's private sector survey on cost control with respect to the Department of Defense; to the Committee on Armed Services.

H.R. 5997. A bill to designate the U.S. Post Office and Courthouse in Pendleton, OR, as the "John F. Kilkenny United States Post Office and Courthouse;" to the Committee on Public Works and Transportation.

H.R. 5998. A bill to amend the Controlled Substances Act to impose minimum prison sentences for certain violations involving persons under the age of 21; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. ST GERMAIN (for himself, Mrs. COLLINS, Mr. CROCKETT, Mr. FAUNTROY, Mr. FRANK, Mr. NEAL, and Mr. STOKES):

H.R. 5999. A bill to stabilize domestic oil prices by creating an independent corporation to buy and sell crude oil and petroleum products; to the Committee on Energy and Commerce.

By Mr. TAYLOR:

H.R. 6000. A bill to designate the Table Rock Lake Visitors Center building in the vicinity of Branson, MO, as the "Dewey J. Short Table Rock Lake Visitors Center;" to the Committee on Public Works and Transportation.

By Mr. WILLIAMS of Montana (for himself and Mr. MARLENEE):

H.R. 6001. A bill to designate certain National Forest System Lands in the State of Montana for inclusion in the National Wilderness Preservation System, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. BATES (for himself, Mr. WON PAT, Mr. FRANK, Mr. LUKEN, Mr. LANTOS, Mr. ANDREWS of Texas, Mr. MORRISON of Washington, and Mr. PANETTA):

H.J. Res. 619. Joint resolution to designate the year of 1985 as the "Year to Champion the Cause of Pay Equity for Women"; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself, Mr. SOLARZ, Mr. BROOMFIELD, and Mr. PRITCHARD) (by request):

H.J. Res. 620. Joint resolution to approve the Compact of Free Association, and for other purposes; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

By Mr. GRADISON (for himself, Mr. PANETTA, Mr. QUILLEN, Mr. CLARKE, Mr. BOSCO, Mr. HORTON, Mr. KOGOV-

SEK, Mr. LAGOMARSINO, Mr. WOLF, Mr. BERMAN, Mr. DARDEN, Ms. KAPTUR, Mr. RANGEL, Mr. RICHARDSON, Mr. ROBINSON, Mr. FORD of Tennessee, Mr. MORRISON of Connecticut, Mr. STRATTON, Mr. EVANS of Illinois, Mr. KOSTMAYER, Mr. VANDERGRIFF, Mrs. JOHNSON, Mr. LAFALCE, Mr. HUGHES, Mr. MCGRATH, Mr. FLORIO, Mr. GUARINI, Mrs. HOLT, Mrs. BOXER, Mr. LEVIN of Michigan, Mr. SIMON, Mr. BILIRAKIS, Mr. HOYER, Mr. ROE, Mr. RATCHFORD, Mr. LANTOS, Mr. FRANK, Mr. O'BRIEN, Mr. COUGHLIN, Mr. SOLARZ, Mr. TORRICELLI, Mr. WEISS, Mr. EDGAR, Mr. NEAL, Mr. FUQUA, Mr. BONIOR of Michigan, Mr. BIAGGI, Mr. MCCAIN, Mr. SMITH of Florida, Mr. FROST, Mr. MCHUGH, Mr. DUNCAN, Mr. BATES, Mr. PRITCHARD, Mr. WYDEN, Mr. BOEHLERT, Mr. LUJAN, Mr. BARNES, Mr. GEKAS, Mr. BRITT, Mr. HOWARD, Mr. FAZIO, Mr. ROBERTS, Mr. BRYANT, Mr. CROCKETT, Mr. BROWN of California, Mr. RALPH M. HALL, Mr. KOLTER, Mr. REID, Mr. ROSE, Mr. CORCORAN, Mr. DENNY SMITH, Mr. MADIGAN, Mr. SAWYER, Mr. PACKARD, Mr. CLINGER, Mr. LOEFFLER, Mr. HEFTEL of Hawaii, Mr. BEDELL, and Mr. MONTGOMERY):

H.J. Res. 621. Joint resolution to designate the month of November 1984 as "National Hospice Month"; to the Committee on Post Office and Civil Service.

By Mr. HANCE:

H.J. Res. 622. Joint resolution to designate September 7, 1984, as "National Buddy Holly Day;" to the Committee on Post Office and Civil Service.

By Mr. KOSTMAYER (for himself, Mr. BORSKI, Mr. EDGAR, Mr. FOGLIETTA, Mr. GRAY, Mr. AKAKA, and Mr. FUQUA):

H.J. Res. 623. Joint resolution designating the week beginning March 1, 1985, as "National Weights and Measures Week;" to the Committee on Post Office and Civil Service.

By Mr. LANTOS (for himself and Mr. VANDER JAGT):

H.J. Res. 624. Joint resolution to designate August 4, 1985, as "Freedom of the Press Day;" to the Committee on Post Office and Civil Service.

By Mr. LEVIN of Michigan:

H.J. Res. 625. Joint resolution to designate the week of October 13, 1984, through October 19, 1984, as "National Independent Laboratory Week;" to the Committee on Post Office and Civil Service.

By Mr. ROYBAL:

H.J. Res. 626. Joint resolution designating the month of November, 1984, as "National Christmas Seal Month;" to the Committee on Post Office and Civil Service.

By Mr. MURTHA:

H. Con. Res. 334. Concurrent resolution providing for an adjournment of the House from June 29 to July 23, 1984 and an adjournment of the Senate from June 29 or June 30 to July 23, 1984; considered and agreed to.

By Mr. CONYERS (for himself, Mr. DELLUMS, and Mr. MITCHELL):

H. Con. Res. 335. Concurrent resolution expressing the sense of the Congress with respect to the enfranchisement of pretrial detainess, convicted misdemeanants, and persons appealing their convictions; jointly, to the Committees on the Judiciary and House Administration.

By Mr. CROCKETT:

H. Con. Res. 336. Concurrent resolution expressing the sense of the Congress with respect to support of American artists and athletes who decline to participate in South Africa because of its apartheid system; to the Committee on Foreign Affairs.

By Mr. FEIGHAN (for himself and Mr. GILMAN):

H. Con. Res. 337. Concurrent resolution concerning Bulgaria's abuses of the Customs Convention on the International Transport of Goods under cover of TIR Carnets in facilitating the transportation of illicit narcotics, smuggled arms, and terrorists; to the Committee on Foreign Affairs.

By Mr. HARRISON:

H. Con. Res. 338. Concurrent resolution to express the sense of the Congress concerning recent statements made by Minister Louis Farrakhan; to the Committee on House Administration.

By Mr. YOUNG of Florida:

H. Con. Res. 339. Concurrent resolution calling upon the President to seek an international convention for the suppression of international terrorism; to the Committee on Foreign Affairs.

By Mr. COYNE (for himself, Mr. VANDERGRIFF, Mr. FOGLIETTA, Mr. STOKES, Mr. SAVAGE, Mr. FORD of Tennessee, Mr. OWENS, Mr. CROCKETT, Mr. SUNIA, Mr. GARCIA, Mr. CORRADA, Mr. ACKERMAN, Mr. MITCHELL, Mr. WON PAT, Mr. GUARINI, Mr. FRANK, Mr. NOWAK, Mr. KOGOVSEK, Mr. TOWNS, Mr. MURTHA, Mr. BIAGGI, Mr. BONER of Tennessee, Mr. LELAND, Mr. KOSTMAYER, Mr. WALGREN, Mr. FISH, Mr. SCHUMER, Mrs. HALL of Indiana, Mr. BORSKI, Mr. CONYERS, Ms. OAKAR, Mr. DIXON, Mr. ROE, Mr. ADDABBO, Mr. HEFTEL of Hawaii, Mr. LAFALCE, Mr. MORRISON of Connecticut, Mr. GRAY, Mr. KOLTER, Mr. BROWN of California, Mr. HARRISON, Mr. WEISS, Mr. HAWKINS, Mr. BATES, Mr. MURPHY, Mr. YATRON, Mr. MOODY, Mr. SMITH of New Jersey, Mr. EDGAR, Mr. RANGEL, Mr. LIPINSKI, and Mr. GAYDOS):

H. Res. 548. Resolution to establish the Select Committee on Cities; to the Committee on Rules.

By Mrs. SCHROEDER (for herself, Mr. UDALL, Mrs. MARTIN of Illinois, Mr. EDWARDS of California, Ms. SNOWE, Mr. SIMON, Ms. OAKAR, Ms. MIKULSKI, and Mr. CROCKETT):

H. Res. 549. Resolution to implement clause 9 of rule XLIII and clause 6(a)(3)(A) of rule XI of the Rules of the House of Representatives, relating to employment practices; jointly, to the Committees on House Administration and Rules.

MEMORIALS

Under clause 4 of rule XXII,

429. The SPEAKER presented a memorial of the legislature of the State of Mississippi, relative to ratification of amendment XIX to the United States Constitution; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARPER:

H.R. 6002. A bill for the relief of the Knights of Pythias Hall Co. of Wilmington, DE; to the Committee on the Judiciary.

By Mr. DICKS:

H.R. 6003. A bill for the relief of Willfried Schorno; to the Committee on the Judiciary.

By Mr. DICKS:

H.R. 6004. A bill for the relief of Mrs. Willfried (Lona) Schorno; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 408: Mr. WHEAT, Mr. ADDABBO, Mr. WOLF, and Mr. CONTE.

H.R. 881: Mr. JENKINS.

H.R. 897: Mrs. JOHNSON.

H.R. 1320: Mr. ALBOSTA.

H.R. 1611: Mr. WEISS.

H.R. 1617: Mr. DORGAN, Mr. ANNUNZIO, Mr. MADIGAN, Mr. HAMILTON, Mr. MCCLOSKEY, Mr. ROTH, Mr. MICHEL, and Mrs. SCHNEIDER.

H.R. 1706: Mr. LEVINE of California, Mr. BERMAN, Mr. LELAND, and Mr. BOSCO.

H.R. 1815: Mr. VENTO.

H.R. 2151: Mr. GRAMM.

H.R. 2300: Mr. PACKARD.

H.R. 2385: Mr. PACKARD, Mr. LAGOMARSINO, Mr. APPLEGATE, Mr. FRANK, Mr. KOGOVSEK, Mr. BRYANT, and Mr. EVANS of Illinois.

H.R. 2715: Mr. BATEMAN.

H.R. 2996: Mr. BADHAM, Mr. BOEHLERT, and Mr. BERMAN.

H.R. 3194: Mr. MCNULTY, Mr. HUBBARD, Mr. FROST, Mr. HANCE, Mr. WILSON, Mr. ANDREWS of Texas, Mr. BLILEY, Mr. BARTLETT, Mr. SISISKY, Mr. GRAMM, Mr. PAUL, Mr. BEREUTER, Mr. BATEMAN, Mr. TALLON, Mr. DE LUGO, Mr. CLARKE, Mr. FORD of Tennessee, Mr. HERTEL of Michigan, Mr. GEKAS, Mr. PICKLE, Mr. PATTERSON, Mr. MCKERNAN, Mr. HUGHES, Mr. THOMAS of Georgia, and Mrs. JOHNSON.

H.R. 3200: Mr. RAHALL, Mr. PATTERSON, Mr. YATES, Mrs. JOHNSON, Mr. ROE, and Mr. MARTINEZ.

H.R. 3420: Mr. MORRISON of Connecticut and Mr. DWYER of New Jersey.

H.R. 3487: Mr. ANTHONY, Mr. ASPIN, Mr. BOUCHER, Mr. COATS, Mr. CORCORAN, Mr. GOODLING, Mr. HARTNETT, Mr. HATCHER, Mrs. HOLT, Mr. KASTENMEIER, Mr. LANTOS, Mrs. MARTIN of Illinois, Mr. MORRISON of Washington, Mr. PARRIS, and Mr. YATRON.

H.R. 3832: Mr. GRAY.

H.R. 4175: Mr. SWIFT and Mr. BROOMFIELD.

H.R. 4183: Mr. STUMP, Mr. OXLEY, Mr. MARRIOTT, Mr. HANSEN of Idaho, Mr. FRENZEL, Mr. BLILEY, Mr. SILJANDER, and Mr. BADHAM.

H.R. 4415: Mr. CHANDLER.

H.R. 4459: Mr. REID, Mr. PEPPER, and Mr. DIXON.

H.R. 4684: Mr. HUTTO, Mr. DURBIN, Mrs. LLOYD, Mr. DELLUMS, Mr. SIMON, and Mr. FRANK.

H.R. 4760: Mr. LEHMAN of California.

H.R. 4791: Mr. BRITT, Mr. HALL of Ohio, Mr. SKELTON, Mr. MARTINEZ, Ms. MIKULSKI, Mr. SHUMWAY, Mr. MOORHEAD, and Mr. DUNCAN.

H.R. 4857: Mr. HYDE and Mr. STANGELAND.

H.R. 4832: Mr. RINALDO.

H.R. 4863: Mr. FOGLIETTA and Mr. DELLUMS.

H.R. 5024: Mr. TAUZIN.

H.R. 5070: Mr. MARLENEE and Mr. LONG of Louisiana.

H.R. 5090: Mr. PATTERSON, Mr. BEDELL, and Mr. MADIGAN.

H.R. 5093: Mr. TAUKE.

H.R. 5159: Mr. FORD of Tennessee and Mr. WILLIAMS of Ohio.

H.R. 5206: Mr. VANDER JAGT, Mr. SILJANDER, and Mr. WEBER.

H.R. 5290: Mr. NEAL.

H.R. 5341: Mr. GORE, Mr. OTTINGER, Mr. ADDABBO, Mr. MCCLOSKEY, and Ms. MIKULSKI.

H.R. 5377: Mr. MOLINARI and Mr. PHILIP M. CRANE.

H.R. 5381: Mr. LEVIN of Michigan, Mr. JACOBS, Mr. SIKORSKI, Mr. EDGAR, Mr. DYMALLY, and Mr. EVANS of Illinois.

H.R. 5432: Mr. LOWERY of California and Mr. LOTT.

H.R. 5438: Mrs. LLOYD, Mr. AKAKA, Mr. ANDREWS of North Carolina, and Mr. ROBERTS.

H.R. 5446: Mr. HUTTO, Mrs. KENNELLY, Mrs. JOHNSON, Mr. FAUNTROY, Mr. GEJDENSON, Mr. ROSE, Mr. HUTTO, Mr. ROEMER, Mr. YOUNG of Florida, and Mr. CONTE.

H.R. 5465: Mr. ROE, Mr. FRANK, Mr. KLECZKA, Mr. MURTHA, Mr. NOWAK, Mrs. BURTON of California, Mr. SMITH of Florida, Mr. SABO, Mr. WEISS, Mr. LEVINE of California, Mr. MORRISON of Connecticut, Mr. RATCHFORD, Mr. FOGLIETTA, Mr. LEVIN of Michigan, Mr. BONIOR of Michigan, Mr. FAZIO, Mr. WALGREN, Mr. RANGEL, Mr. MATSUI, Mr. BIAGGI, Mr. DWYER of New Jersey, Mr. ANDREWS of Texas, Ms. KAPTUR, Ms. MIKULSKI, and Mr. MCCAIN.

H.R. 5503: Mr. LONG of Louisiana and Mr. GORE.

H.R. 5529: Mr. MCNULTY.

H.R. 5569: Mr. MARKEY, Mr. LONG of Maryland, Mr. OTTINGER, Mr. LANTOS, Mr. FRENZEL, Mr. CHAPPIE, Mr. WYDEN, Mr. SUNIA, Mr. EDGAR, Mr. GILMAN, Mr. PETRI, Mr. JEFFORDS, Mr. CHANDLER, and Mr. GINGRICH.

H.R. 5596: Mr. SMITH of New Jersey, Mr. RICHARDSON, Mr. WHITTEN, Mr. DICKINSON, Mr. RATCHFORD, Mr. HUGHES, Mr. DONNELLY, Mr. PURSELL, Mr. HOYER, Mr. TOWNS, and Ms. MIKULSKI.

H.R. 5638: Mr. RAHALL, Ms. FERRARO, Mr. VANDER JAGT, Mr. ECKART, and Mr. STENHOLM.

H.R. 5640: Mr. BONKER.

H.R. 5641: Mr. ROWLAND, Mr. CHANDLER, Mr. PEPPER, and Mr. COURTER.

H.R. 5749: Mr. BORSKI, Mr. MCCLOSKEY, Mr. LUKEN, Ms. FERRARO, Mr. KOLTER, Mr. EDGAR, Mr. SAVAGE, and Mr. LEVIN of Michigan.

H.R. 5754: Mr. LUKEN, Mr. TOWNS, and Mr. MARTIN of North Carolina.

H.R. 5678: Mr. NOWAK, Mr. FROST, Mr. SHAW, Mr. DANIEL, Mr. PHILIP M. CRANE, Mr. BADHAM, Mr. HARTNETT, Mr. CROCKETT, Mr. HANSEN of Utah, Mr. NICHOLS, Mrs. VUCANOVICH, Mr. MRAZEK, Mr. JONES of North Carolina, Mr. MICA, Mr. MARLENEE, Mr. MOLLOHAN, Mr. SAVAGE, Mr. GEKAS, Mr. CORCORAN, Mr. STUMP, Mr. WATKINS, Mr. WOLF, Mr. CHAPPELL, and Mr. HYDE.

H.R. 5759: Mr. DOWNEY of New York, Mr. STOKES, Mr. RATCHFORD, Mr. DORGAN, Mr. GLICKMAN, Mr. MITCHELL, Mr. FLORIO, Mr. STARK, Mr. FROST, Mr. WAXMAN, Mr. MINETA, Mr. PEASE, Mrs. BOXER, Mr. EVANS of Illinois, Mr. LEVIN of Michigan, Mr. GREEN, Mr. ECKART, Mr. TORRICELLI, Mr. FRANK, Mr. WOLPE, Mr. FISH, Mr. OTTINGER, Mr. KOLTER, Mr. STUDDS, Mr. SMITH of Florida, Mr. FAZIO, Mr. MARTINEZ, Mr. MRAZEK, Mr. SEIBERLING, Mr. MCHUGH, Ms. MIKULSKI, Mr. LANTOS, and Mr. RICHARDSON.

H.R. 5799: Mr. NEAL.

H.R. 5823: Mr. RINALDO, Mr. GAYDOS, Mr. TORRICELLI, Mr. MOLLOHAN, and Mr. DICKINSON.

H.R. 5826: Mr. WOLF, Mr. WHITEHURST, Mr. SMITH of Florida, Mr. WON PAT, Mrs. JOHNSON, Mr. BROWN of California, Mr. RICHARDSON, Mr. MARTINEZ, Mr. ECKART, and Mr. NEAL.

H.R. 5837: Mr. BURTON of Indiana.

H.R. 5838: Mr. LEVINE of California, Mr. COELHO, Mr. KOLTER, Mr. SOLARZ, and Mr. CROCKETT.

H.R. 5842: Mr. STUMP, Mr. RUDD, Mr. MCEWEN, Mr. LEWIS of Florida, Mr. LAGOMARSINO, Mr. SILJANDER, Mr. SMITH of Florida, Mr. RAHALL, Mr. SOLOMON, Mr. MARTINEZ, Mr. KOLTER, Mrs. HALL of Indiana, and Mr. SUNDQUIST.

H.R. 5887: Mr. KOSTMAYER, Mr. OTTINGER, Mrs. MARTIN of Illinois, Mr. HUTTO, Mr. REGULA, Mr. WOLF, Mrs. BOXER, Mr. HEFTEL of Hawaii, Mr. RATCHFORD, Mr. TOWNS, Mr. MITCHELL, Mr. ROE, Mr. LEVIN of Michigan, Mr. STANGELAND, Mr. RICHARDSON, Mr. MCGRATH, Mr. MARTINEZ, Mr. REID, Mr. BIAGGI, Mr. BERMAN, Mrs. JOHNSON, Mr. CROCKETT, Mr. LAGOMARSINO, Mr. FUQUA, Mr. KOLTER, Mr. WEISS, Mr. FROST, Mr. CLINGER, and Mr. DYSON.

H.R. 5888: Mr. KOSTMAYER, Mr. OTTINGER, Mrs. MARTIN of Illinois, Mr. HUTTO, Mr. REGULA, Mr. WOLF, Mrs. BOXER, Mr. HEFTEL of Hawaii, Mr. RATCHFORD, Mr. TOWNS, Mr. MITCHELL, Mr. ROE, Mr. LEVIN of Michigan, Mr. STANGELAND, Mr. RICHARDSON, Mr. MCGRATH, Mr. MARTINEZ, Mr. REID, Mr. BIAGGI, Mr. BERMAN, Mrs. JOHNSON, Mr. CROCKETT, Mr. FUQUA, Mr. KOLTER, Mr. WEISS, Mr. FROST, Mr. CLINGER, and Mr. DYSON.

H.R. 5893: Mrs. KENNELLY, Mr. BATES, Mr. MARKEY, Mr. KILDEE, Mr. GLICKMAN, Mrs. HALL of Indiana, Mr. BEILENSON, Mr. D'AMOURS, Mr. PENNY, Mr. TAUZIN, Mr. GRADISON, Mr. KEMP, Mr. OTTINGER, and Mr. UDALL.

H.R. 5917: Mrs. HALL of Indiana.

H.R. 5920: Mr. APPLEGATE, Mr. MITCHELL, Mr. LELAND, Mr. LANTOS, Mr. RICHARDSON, Mr. BARNES, and Mr. ROE.

H.R. 5937: Mr. WOLPE, Mr. RINALDO, Mr. DASCHLE, Mr. LELAND, Mr. BONIOR of Michigan, and Mrs. MARTIN of Illinois.

H.J. Res. 120: Mr. BIAGGI.

H.J. Res. 420: Mr. CHAPPELL, Mr. EVANS of Illinois, Ms. FIEDLER, Mr. FORD of Michigan, Mr. GINGRICH, Mr. HALL of Ohio, Mr. HARTNETT, Mrs. KENNELLY, Mr. LATTA, Mr. LIPINSKI, Mr. LONG of Louisiana, Mr. MCEWEN, Mr. MACKAY, Mr. MCNULTY, Mr. NATCHER, Mr. NOWAK, Mr. O'BRIEN, Mr. SKEEN, Ms. SNOWE, Mr. STAGGERS, Mr. SYNAR, Mr. TORRICELLI, Mr. WALGREN, Mr. WEAVER, Mr. WIRTH, Mr. YOUNG of Florida, Mr. ZSCHAU, and Mr. HERTEL of Michigan.

H.J. Res. 450: Mr. PETRI, Mr. FROST, Mr. WAXMAN, Mr. BRYANT, Mr. EDGAR, Mr. REID, Mr. STOKES, Mr. MCCLOSKEY, Mr. HOWARD, Mr. DWYER of New Jersey, Mr. WHEAT, Mr. BRITT, Mr. MINISH, Mr. MARTINEZ, and Mr. TORRICELLI.

H.J. Res. 453: Mr. BORSKI, Mr. FOLEY, Mr. MINISH, Mr. LEVIN of Michigan, Mr. DURBIN, Mr. GREGG, Mr. THOMAS of Georgia, Mr. MCDADE, Mr. SNYDER, Mr. YATRON, Mr. WIRTH, Mr. SHARP, Mr. WILLIAMS of Ohio, Mr. HERTEL of Michigan, Mr. GRAY, Mr. STENHOLM, Mr. FORD of Michigan, Mr. PICKLE, Mr. RINALDO, Mr. RITTER, Mr. RODINO, Mr. ROBERTS, Mr. SAVAGE, Mr. MILLER of California, Mr. SHAW, Mr. CORRADA, Mr. COURTER, Mr. FRANK, Mr. LENT, Mr. LONG of Maryland, Mr. WHITTAKER, Ms. FIEDLER, Mr. MACKAY, Mr. TORRES, Mrs. BYRON, Mr. DYSON, Ms. FERRARO, and Mr. SAM B. HALL, JR.

H.J. Res. 489: Mr. MCDADE.

H.J. Res. 505: Mr. BATEMAN, Mr. EMERSON, Mrs. JOHNSON, and Mr. STENHOLM.

H.J. Res. 512: Mr. DORGAN, Mr. FLIPPO, Mr. WYDEN, Mr. DENNY SMITH, Mr. ANTHONY, and Mr. BEREUTER.

H.J. Res. 525: Mr. MURTHA, Mr. EVANS of Illinois, Mr. FISH, Mr. GINGRICH, Mr. GUARINI, Ms. OAKAR, Mr. SIMON, Mr. BOLAND, Mr. DOWDY of Mississippi, Mr. WEISS, Mr. ROBERTS, Mr. YATES, Mr. SAVAGE, Mr. GEKAS, Mr. WORTLEY, Mr. EDGAR, Mr. CORCORAN, Mr. CLINGER, Mr. VANDERGRIFF, and Mr. LIVINGSTON.

H.J. Res. 528: Mr. GEKAS, Mr. PICKLE, Mr. BRYANT, and Mr. THOMAS of Georgia.

H.J. Res. 541: Mr. DYSON, Mr. FISH, Mr. MORRISON of Connecticut, Mr. MARTINEZ, Mr. ROGERS, Mr. SAVAGE, Mrs. BOXER, Mr. GREGG, and Mr. MINETA.

H.J. Res. 560: Mr. WILLIAMS of Ohio, and Mr. EDGAR.

H.J. Res. 565: Mr. BARNES, Mrs. BOXER, Mr. DE LA GARZA, Mr. DWYER of New Jersey, Mr. HORTON, Mr. HUGHES, Mr. KOLTER, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. MCGRATH, Mr. MARTINEZ, Mr. ROE, Mr. RANGEL, Mr. RICHARDSON, Mr. SOLARZ, Mr. SUNIA, Mr. TOWNS, Mr. TORRICELLI, Mr. WORTLEY, Mr. LELAND, and Mr. WEISS.

H.J. Res. 574: Mr. BATES, Mr. CROCKETT, Mr. HORTON, Mr. BLILEY, Mr. QUILLEN, Mr. MARTINEZ, Mr. WOLF, Mr. REID, Mr. BERMAN, Mr. JEFFORDS, Mr. GUNDERSON, Mr. EDGAR, Mr. BADHAM, Mr. BONER of Tennessee, Mr. YATRON, Mr. WAXMAN, Mr. IRELAND, Mr. FORD of Tennessee, Mr. RAHALL, Mr. DARDEN, Mr. WEISS, Mr. DICKINSON, Mr. ERDREICH, Mr. SABO, Mr. STANGELAND, Mr. OBERSTAR, Mr. HAMMERSCHMIDT, Mr. LEVIN of Michigan, Mr. ROTH, Mr. HANSEN of Idaho, Mr. CHAPPIE, Mr. LANTOS, Mr. BRYANT, Mr. KOGOVSEK, Mr. WYDEN, Mr. BRITT, Mr. HATCHER, Mr. FOWLER, Mr. VANDER JAGT, Mr. WON PAT, Mr. PACKARD, Mr. BROWN of California, Mr. FUQUA, Mr. SPENCE, Mr. HAMILTON, Mr. MCCURDY, Mr. GRAY, Mr. RAY, and Mr. HILLIS.

H.J. Res. 581: Mr. CORCORAN, Mr. HUTTO, Mr. QUILLEN, Mr. KOGOVSEK, Mr. DE LUGO, Mr. LUKEN, Mr. CONTE, Mr. HUNTER, Mr. LEWIS of California, Mr. MACK, Mr. KOLTER, Ms. FIEDLER, Mrs. LLOYD, Mr. WATKINS, Mr. SKELTON, Mr. TAYLOR, and Mr. PANETTA.

H.J. Res. 594: Ms. FIEDLER, Mr. MOLINARI, Mr. GREGG, Mr. IRELAND, Mr. ROBERTS, Mr. MCKERNAN, Mr. CARNEY, Mr. COURTER, Mr. FRANKLIN, Mr. LEWIS of California, Mr. WEBER, Mr. MACK, Mr. SILJANDER, Mr. LIVINGSTON, Mrs. MARTIN of Illinois, Mr. KINDNESS, Mr. CORCORAN, Mr. LOEFFLER, Mr. MYERS, Mr. BOEHLERT, Mr. LENT, Mrs. COLLINS, Mr. SAWYER, Mr. DANNEMEYER, Mr. LOTT, Mr. NIELSON of Utah, Mr. CONTE, Mr. SKEEN, Ms. SNOWE, Mr. THOMAS of California, Mr. KAZEN, Mrs. HOLT, Mr. DANIEL, Mr. JENKINS, Mr. VOLKMER, Mr. ENGLISH, Mr. MAVROULES, Mr. KOGOVSEK, Mr. DYSON, Mr. JONES of North Carolina, Mr. ANTHONY, Mr. WHITLEY, Mr. FLIPPO, Mr. BARNARD, Mr. DICKS, Mr. MILLER of California, Mr. RUSSO, Mr. DICKINSON, Mr. STENHOLM, Mr. ANDREWS of North Carolina, Mr. NEAL, Mr. ROWLAND, Mr. BRITT, Mr. CARR, Mr. SKELTON, Mr. SUNDQUIST, Mr. WATKINS, Mr. TRAXLER, Mr. TAUZIN, Mr. WISE, Mr. HEFNER, Mrs. BOGGS, Mr. LUJAN, Mr. RALPH M. HALL, Mr. EMERSON, Mr. ROEMER, Mr. WALKER, Mr. HUBBARD, Mr. PATMAN, and Mr. LUNGREN.

H.J. Res. 599: Mr. BEREUTER, Mr. BILIRAKIS, Mr. CORRADA, Mr. FASCELL, Mr. FROST, Mr. HALL of Ohio, Mr. LAFALCE, Ms. MIKULSKI, Mr. RICHARDSON, Mr. TORRICELLI, and Mr. WEISS.

H.J. Res. 606: Mr. ACKERMAN, Mr. ANDREWS of North Carolina, Mr. ASPIN, Mr. BONKER, Mr. CONABLE, Mr. FUQUA, Mr. RATCHFORD, Mr. SISISKY, Mr. SOLARZ, and Mr. TORRICELLI.

H.J. Res. 609: Mr. BERMAN, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. LUKEN, Mr. RICHARDSON, Mr. ROE, Mr. STENHOLM, Mr. WEISS, Mr. WINN, and Mr. RATCHFORD.

H.J. Res. 615: Mr. ADDABBO.

H. Con. Res. 105: Mr. CAMPBELL.

H. Con. Res. 217: Mr. KOLTER and Mr. MARTINEZ.

H. Con. Res. 218: Mr. KOLTER and Mr. MARTINEZ.

H. Con. Res. 239: Mr. NEAL.

H. Con. Res. 271: Mr. MARRIOTT, Mr. ROGERS, Mr. TALLON, Mr. OTTINGER, Mr. PEPPER, Mr. WEISS, Mr. IRELAND, Mr. LENT, Mr. BOEHLERT, Mr. FAZIO, and Mr. BILIRAKIS.

H. Con. Res. 301: Mr. HORTON and Mr. NEAL.

H. Con. Res. 311: Mr. DANIEL B. CRANE, Mr. ROBERTS, Mr. HUTTO, Mr. LAGOMARSINO, Mr. PARRIS, Mr. MARLENEE, and Mr. BADHAM.

H. Con. Res. 312: Mr. BATEMAN.

H. Con. Res. 322: Mr. RICHARDSON, Mr. BERMAN, and Mr. ECKART.

H. Con. Res. 324: Mr. FRANK, Mr. DOWNEY of New York, Mr. MITCHELL, Mr. SIMON, Mr. KASTENMEIER, Mr. OWENS, Mr. TOWNS, Mr. FOGLIETTA, Mr. MARKEY, Mr. FAUNTROY, Mr. WALGREN, Mr. WEISS, Mr. LEVINE of California, Mr. LUNDINE, and Mr. DIXON.

H. Con. Res. 332: Mr. SOLOMON.

H. Res. 215: Mr. PHILIP M. CRANE.

H. Res. 430: Mr. FOGLIETTA, Mr. MINETA, Mr. SCHUMER, and Mr. STUDDS.

H. Res. 477: Mr. WILLIAMS of Ohio.

H. Res. 518: Mr. BATEMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4785

By Mr. DAUB:

—Page 4, after line 19, insert the following (and redesignate succeeding paragraphs accordingly):

(3) in paragraph (7) by inserting ", including materials relating to the operation of public and private employee pension and welfare benefit plans" before the semicolon at the end thereof,

—Page 19, line 19, strike out "(16)" and insert in lieu thereof "(17)".

Page 19, line 21, strike out "paragraph" and insert in lieu thereof "paragraphs".

Page 19, line 25, strike out "or" and all that follows through the period.

Page 19, after line 25, insert the following:

"(16) services designed to aid in the prevention and detection of abuse of older individuals and in the treatment of older individuals who are victims of abuse, neglect, or exploitation; or".

By Mr. RINALDO:

—Page 5, after line 12, insert the following:

SEC. 204. (a) The second sentence of section 204(a) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)) is amended by inserting "(including minority individuals)" after "Older Americans".

Page 5, line 13, strike out "SEC. 204. (a)" and insert in lieu thereof "(b)".

Page 5, line 17, strike out "(b)" and insert in lieu thereof "(c)".

Page 5, line 21, strike out "(c)" and insert in lieu thereof "(d)".

Page 5, line 24, strike out "(d)" and insert in lieu thereof "(e)".

EXTENSIONS OF REMARKS

SAMUEL C. CHANDLER—DALY CITY'S CONGRESSIONAL PUBLIC SERVICE AWARD RECIPIENT

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. LANTOS. Mr. Speaker, I am delighted to announce that the Congressional Public Service Advisory Committee for Daly City has named Samuel C. Chandler as the recipient of the 1984 Congressional Public Service Award for Daly City.

Mr. Chandler has served Daly City as its librarian for 25 years, during which time he has done much to add to the culture of the community. He has researched, collected, and preserved historical documents, photographs, and both a written and oral history of the area.

One of his most significant accomplishments was his authorship of "Gateway to the Peninsula," a history of Daly City and its environs. For this outstanding history, Sam Chandler received the Award of Excellence from the California Historical Society.

When asked about his professional philosophy, Sam Chandler explained:

The purpose of a public library is to improve the quality of life for every section of the community. It is a resource that has been established to assist children, young adults and adults of every profession, trade, calling and occupation. It caters to every shade of opinion, prejudice and belief; every degree of education and mentality; to the understanding or narrow-mindedness of all ages, of both sexes. Community service is its goal and its only purpose for existing.

Sam Chandler has embodied this philosophy, not only in his professional career of serving Daly City, but also in a number of other areas—Government, history, the arts, service organizations, and young people. His leadership in many city, county, and State service organizations demonstrate the implementation of his personal philosophy and public service.

He served as secretary of the San Mateo County Historical Society, a member of the County History Resources Board, Director of "Victorian Days" at San Mateo Park. One of his lasting accomplishments was the organization of the Daly City Chapter of the California Historical Society.

Mr. Speaker, I commend the Daly City Congressional Public Service Advisory Committee for its excellent choice, and I congratulate Sam Chandler for his outstanding record of volunteer public service.●

NICARAGUAN PRIVATE ENTERPRISE SAYS "ENOUGH!"

HON. ROBERT J. LAGOMARSINO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I urge my colleagues to read the following speech by the president of the Nicaraguan Private Enterprise Council. He expresses the frustration of many with the ruling Sandinista regime.

SPEECH GIVEN TO ITS MEMBERS BY ING. ENRIQUE BOLANOS, PRESIDENT OF INDE AND COSEP DURING THE ANNUAL NATIONAL GENERAL ASSEMBLY CELEBRATED IN MANAGUA AT CINEMA DOS ON MAY 22, 1984

In August of 1983, we had the opportunity to get together with the businessmen of Colombia and Venezuela. As COSEP, we participated with prominent members of political, labor and civic democratic groups, in a series of reunions in Venezuela with different political, business, union and religious sectors, also with the then President Herrera Campins, with the object of expressing our interest for a true democratic process for Nicaragua.

On August 7, 1983, the Nicaraguan democratic groups delivered to the President of Venezuela the document entitled "Basis for Peace in Central America", which was later distributed to each of the Presidents of the Contadora Group. With satisfaction we were able to see that in the reunion of the Contadora Group of the 9th of September of 1983, it is included in the regional treaties, of military aspects and bilateral agreements, our proposed concept of internal democratization as our only true road to obtain peace in Central America. We may say that this has been the work of the democratic Nicaraguan groups and it has been a work of all those who believe and sustain that we can not find peace, if this peace is not based on a true democracy which offers the real opportunity for a citizen to elect freely and without restrictions its own leaders.

In October of 1983 and within the international scene, we had to make a presentation before the Kissinger Commission. Before said commission, we maintained the principle that the economic development of the peoples of Central America will be possible only when a democratic structure exists in all the area, legitimized through the popular and secret vote and within the frame of total liberty of the people of all and each one of the countries of the area.

In November of 1983, we participated in the annual Reunion of the Conference of Central America and the Caribbean. We also used this forum to expose our concerns and express our experiences.

In December of 1983, we were part of a delegation of the Democratic Coordination, in a trip that was made to different countries in western Europe, whose results in favor of our democratic cause, began immediately to show up. On the 7th and 8th of this month, we participated in the 44th Ordinary Assembly of COPAMEX of Mexico (The equivalent of INDE) whose theme was "Society for the Government or Government for the Society". With legitimate pride, modesty aside, we must inform you that the dissertation of COSEP, because of its profound contents, stood out from among the nine expositions closing thus with a flair, this theme.

As members of INDE and COSEP, we have spoken with the small businessmen of Niquinohomo, as also with the President of Venezuela. We have dialogued with the small coffee growers of Matagalpa, as well as occupying forums of international prominence. We have shared the anxieties of the members of the CO-OPS in Diriomo, of the businessmen of Jinotega, at the same time that we have carried our message to the Aztec capital. Finally, we have done everything that you recommended and all that our conscience has dictated.

In Nicaragua we have gotten together with delegates from Governments and representatives of Congress of the Parliaments of Germany, Canada, United States of America, England, Venezuela, Mexico, Sweden and other countries. The encounters we had had with different delegations from countries interested in the Nicaraguan problem had been innumerable. Also, we have given interviews to hundreds of journalists the world over; those who have visited us to know the position and opinions of the Nicaraguan private sector.

It is also of great importance to point out and by contrast, that INDE and COSEP have not had any reunion with the Government. We have not been invited nor have we requested it. The Government tries to ignore us as an institution and that has been their policy, and maybe one of our strengths. They try to ignore us, eventhough daily we are attacked and our advocates insulted. Daily they dedicate headlines and large editorials in all of their controlled communication medias. Not only the Government, but all other sectors of the country and the whole world observe us. All are attentive of our attitudes.

At the end of July, 1983, INDE received a letter from the President of the State Council, Commander Carlos Munez, asking us to reintegrate into this organization. In coordination with the other councils of the private sector, we refused to reintegrate ourselves into this State Council as we considered that the conditions that motivated our withdrawal in November, 1980, not only still persist, but had deepened and still continue, at this moment, to deepen even more.

The attitudes and activities that I have related, added to the brave activities and attitudes of 1980, 1981, and 1982 have made a gap in the international public opinion, and at the national level, also in the Government of the Sandinistas ("Frentista") party. During more than four years, we have been

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

waging a titanic battle to prevent menacing totalitarianism, to detain a galloping cubanism and a growing marxism, thus also to try to prevent a total annihilation of the private sector, and more than anything, not to totally lose our liberty. We consider, in principle, that our work has had results. We have made them slow down on the totalitarian process, we have made them delay the totalitarian process, we have forced them into a political parenthesis and into a half opening, to which they ideologically are not accustomed to. We have obtained, at the cost of farms, jailing and even death, to contribute in a large scale to put them in an inconvenient situation.

As things were going in 1981, who would think then that the private sector could still subsist in 1984? Such as the process was outlined in June, 1982, who would assure us that today our organizations would still exist? We have not succeeded in everything; nevertheless, we have gained much and from day to day we continue to gain more.

In 1984, the situation is different from four years ago. This year we face another political situation and before a possible supposed legalization of a system of government that does not have the support of the great majorities nor with a solid international recognition. The first four years were of tension and to convince us all that the economic plan adopted was not practical. The struggle we must bear this year will be different. We, in the private sector, must act with a great monolitical unity which we have maintained until now, as well as the new structural organization which we are reenforcing so that it may also serve as a greater endorsement for the democratic political parties, and especially to the Democratic Coordinator Ramiro Sacasa Guerrero, in his corresponding patriotic role. That is why under no circumstances should we permit that due to a fraudulent election, a marxist type constitution be imposed on us, in which the destiny of Nicaragua be sealed forever with a totalitarian plan that, due to its own nature and materialistic conception, is hateful. They have offered us a political opening, but more than an opening, it looks like a small slit in a screen patched with marxist literature and exterior propaganda, but internally it is not more than a continuation of the Law of Emergency, the censure of the press and the growing molestation agains those of us who demand liberty and true democracy.

A clever electoral law was given to us, made to the exclusive measure of the Sandinista party and which assures them of a continuation of power; and, an electoral process filled with deceit and fraud that beforehand we can already shout: Don't even run because you're out!

All this will not be pluralistic, nor democratic and the result will be the continuing deterioration of our economy and the prolonging of the suffering of the Nicaraguan people.

We were clear in the document that we jointly signed with a group of political parties and democratic labor unions on the 24th of December and is entitled "A Step Toward Democracy: Free Electrions".

In that document we ask, among other things, a sincere and ample document to establish the basis of the electoral process. The aforementioned document simply has not been taken into account. They did not want to listen and they attempt to go ahead with a political plan that contradicts the liberty that we should all have in order to choose our own system of government and our own leaders.

In 1984, the private sector cannot remain on the fringe of political accomplishments, because we, before the businessmen, are and will always be preoccupied citizens for the future of our country. Like INDE and COSEP, we cannot nor do we claim the conquest of power, since this is the exclusive mission of the political parties. Nevertheless, it is not only our right, but our duty to influence in the destiny of Nicaragua. As an organized private sector, we do not favor any political party, but we are in favor of liberty, of true democracy and authentic pluralism. We cannot forget that political plans condition economic programs, and that is why the economy and political scene should preoccupy us. As businessmen, we also cannot forget that we are fighting an ideological war. The Sandinista party wants to establish a centralized and state owned economic system, wanting control of everyone and all. A one and only great patron: The State. On the other hand, we the businessmen want to live in freedom under a free market system, with opportunities for everyone, without lines nor shortages and with the hope of educating our children in complete liberty.

This is an ideological fight and not only of political parties. This is a fight of opposing systems and moral contradictions and not of historical parallels. This is the decisive fight of the Nicaraguan people. Nobody can be at the margin because being there means giving up before the fight. It is like being buried before dying. It is not being Nicaraguan and what is worse, not being a man.

The private sector fights and actively participates in the right of the country. INDE is preoccupied with the harassment of the small shoemaker of Masaya, who has to pay a high political cost to obtain his raw material. INDE is preoccupied for the small businessmen of Boaco, who has to belong to a Sandinista organization in order to obtain products to sell. INDE is preoccupied for the tailor of Catarina who is made to go to a reunion of the Sandinista party in order to obtain material and work.

Our private sector is preoccupied for the coffee grower of Matagalpa, for the industrialist of the North Highway, for the cotton farmer of Chinandega and for the businessman of the Centro Comercial Managua shopping center. We fight for all of them; and we fight to find liberty, because without liberty, there is no work; because man is nourished with bread, truth and liberty. Man with truth and liberty, but without bread, grows weak and cannot perform. But, man with bread, but without truth and liberty, is not a man.

In view of the actual situation, we cannot extricate economy from politics, because, as we said before, politics dictate the economy in all the country, especially in present day Nicaragua.

These political dictates to which we have been submitted, have caused, as we have said in the past, a deep economic crisis.

To explain in detail in this report the grave Nicaraguan economic situation would be long and tedious, but the following data is enough to describe, at great depths, our difficult situation.

INFLATION

Since 1978, the following are the increments in the price index: 5 percent in 1978, 50 percent in 1979, 55 percent in 1980, 60 percent in 1981, 82 percent in 1982 and 95 percent in 1983. It means that the price index has risen 437 percent. Something that cost us 100 Cordobas in 1977, cost 437 Cordobas in 1983.

Given, that salaries have been frozen, the public finds it hard to maintain his life style and this is not only due to the wellknown shortages. Let's say a person, for example, an accountant, who in 1977 earned 3,000 Cordobas, could have bought 20 pairs of shoes for himself and his family with the product of a months work. On the contrary, today, earning, let's say double—6,000 Cordobas—perhaps he could not even buy 10 pairs. Let's not forget that shoes are a national product.

PRODUCTION AND CONSUMPTION

The level of production and consumption per person are at the same level as in 1962. At the level of 22 years ago! Due to the deviations of this Revolution, we are in such a bad state of production and consumption as we were 22 years ago. And, thus, I could continue to give data after data: about the huge external debt that has mortgaged even our grandchildren; about the enormous shortage of money to buy raw materials; about exports which are extremely low; and about the shortage—of everything—each time increasing. The two words most used in Nicaragua today are: There's none. (No Hay.) The worst thing is the lack of hope and our only comfort is knowing that we are better today than we will be tomorrow.

The words spoken by Enrique Dreyfuss before the INDE Assembly of March 11th, two years ago are prophetic: "The coming years will be difficult economically and levels of production will diminish, and for which, we will have more inflation, more unemployment and more general dissatisfaction". In the same way, with Enrique's permission, I now use these words to foretell the future.

Due to this tremendous economic crisis, we can foretell, without being afraid to make a mistake, that if the Sandinistas dare to—which they would never do—give us, the Nicaraguan people, true elections, reasonably free and honest . . . we can all be sure that the Frente Sandinista would lose by a great majority. This happens in every democratic country: When the economic situation deteriorates, the party in power loses the elections. The Sandinista party is to blame and has to pay the consequences in the election ballots.

Moreover, we all know the enormous frustrations and rejection of the totalitarian plan, a rejection in all the sectors of Nicaragua. In all the national scene, the rejection ran with great leaps and it is expressed more each time publicly. Because of this, we know and—the Sandinista Government knows and fears—that the Sandinistas would lose a just and honest election by a great majority. There is hope in all of this, a great hope for the public rejection of the totalitarian system.

There is hope because in Nicaragua there still exists enough room for everyone, for the majorities and minorities. There is hope because there are enough strong people—like yourself—to help the weak. There is hope because there is enough interest to take care of the wombs of our people. And, above all, there is hope because Nicaragua has children who really love Her. Her biggest hope, then, is you.

The big menace that the sum of all these hopes means is that the Sandinistas, up until today, have not tried to respond to the petition made in the document "A Step Toward Democracy: Free Elections". All this election process was born with defects, continual injustice and, in conclusion, will be nul and false. COSEP launched from this

podium a challenge inspired in the search of National Unity, ripened with prudence and filled with consciousness. It challenges the politicians and the true democratic parties in order to demand that from now on all these defective election processes, be immediately frozen, that it be postponed for another time in which it can be attained with precedence and under conditions of true equality of opportunities for all, within the spirit of the document: "A Step Toward Democracy: Free Elections". Only this way can the politicians remove themselves from the trap which has been set for them to act as "zancudos" and thus, also, avoid the condemning trials of history and of their consciences. We challenge the politicians and political parties to accompany us in our cry: Enough!

With this same spirit of National Unity, with the same prudence and consciousness, COSEP also challenges the Government of National Reconstruction to promote the necessary dialogue of reconciliation, that basing it on the document: "A Step Toward Democracy: Free Elections", conducts all of us to the democratization and the pacification of Nicaragua. National Unity yes, but with sincerity. Besides all the problems which we are actually going through in Nicaragua—and for mine personally, brought about by my unfailing posture in favor of COSEP, problems which will strangely multiply after this speech—it has not occurred to me to abandon my fight nor much less look for a new home outside my frontiers. Nicaragua has been good to me (and I believe with everyone also) and I have a lot to be grateful for.

I wish to make it clear before this Assembly, before Nicaraguans and the whole world, that I do not wish any position nor change, that I do not aspire for any candidacy nor do I accept any office, that I am not looking for flattery nor will I ever be a "Zancudo" of anything nor of anybody. After having traveled through the countryside, as my work demands, listening to the thought and feelings expressed by thousands of Nicaraguan, I feel I am authorized to tell you all that upon speaking out this morning, I do it not only in the name of the organized private sector INDE-COSEP, but also in name of all those who do not have a voice but who wish to be heard; in the name of the big, medium and small businessmen who do have rights, but who want to be listened to; in the name of those near and far who have no place to expose their claims.

That is why you, small store owner, market vendor, small land owner; you industrialist, store owner, big or small farmer or cattleman, this morning you to are speaking through me.

That is why you, Ismael, Frank Bendaña, Carlos Zeledón, Isidro León York, Ramiro Gurdián, Benjamín Lanzas, Arges Sequeira, Gregorio Iglesias de López, Uriel Rodríguez Sarria and hundred from an unending list of unjust confiscations, all of you are also speaking through me.

That is why you—Enrique, Benjamín y Gilberto—unjustly jailed, are also speaking this morning through me.

That is why you, Jorge Salazar, from your silent tomb and in the presence of God, God who inspires and guides our conscience, that is why you, Jorge, also speak this morning through me and shout to one and all: Enough Incitation Towards Hatred and Denial of God! Enough Slavery and Totalitarianism! Enough Indoctrination of Our Children! Enough!

TRANSLATION OF CERTAIN WORDS FOR YOUR INTEREST

INDE.—Instituto Nicaraguense De Desarrollo—National Institute of Development.

COSEP.—Consejo Superior De La Empresa Privada—Superior Council of Private Enterprises.

Zancudo.—A political party that sides with the party in power (whoever it may be) even though it is supposed to be an opposition party.●

WESTWAY: AN EXPENSIVE MISTAKE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. RANGEL. Mr. Speaker, I rise to bring to the attention of the House a project under consideration that will greatly affect the city of New York.

The Westway project on the Hudson River is planned to be a 4.2-mile highway on a huge landfill adjacent to Manhattan. It has been touted as a valuable addition to the waterfront economy—a supposedly vital development that will benefit the neighborhoods of the area.

Unfortunately, the project is in reality a white elephant. There are three resons for this: its cost, its impact on the environment, and its impact on waterfront communities.

It will cost an estimated $2 to $4 billion, a huge amount when one considers that this is only an initial estimate. It could cost more. We in New York need funds for the improvement of the existing mass transit system. This would greatly benefit New York—to a much greater extent than Westway ever could.

The huge landfill needed for Westway would require dredging a large area of the Hudson. This could cause an environmental catastrophy by destroying a habitat of the striped bass, a species that is now suffering from over fishing and overdevelopment. A pending enviornmental impact study has not begun, and it is inconceivable that it should be delayed for this important habitat.

Last, Mr. Speaker, the economic strength of the waterfront communities will in all probability be marginally improved by Westway. The west side is in a period of growth, despite the proposed project. If anything, construction over a period of years may hinder this growth.

I hope that this House will keep in mind the implications of this wasteful project. The money could be spent in much more useful programs.●

FELLOWSHIP PROGRAM FOR THE BLIND AND DEAF

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ROYBAL. Mr. Speaker, yesterday I introduced a resolution that I hope will garner the widespread support it deserves. My bill, House Resolution 540, would establish a congressional fellowship program for the blind and deaf.

I am very much committed to this program, and if you have ever spoken with your blind and deaf constituents about opportunities on Capitol Hill you will understand my enthusiasm. It seems that not many offices up here are eager to give these men and women a chance to prove their abilities. Concurrently, not many of these men and women seem to consider employment on Capitol Hill a viable career option. I am convinced that both parties are unnecessarily missing out on some very valuable experiences.

That is why I have introduced House Resolution 540. We need to ensure that all of our citizens have the opportunity to be closely associated with the workings of Congress and that we, as Members of Congress, appreciate the abilities and perceptions of all our constituents.

Let me stress that House Resolution 540 only provides for a 2-year pilot program. At the end of that period, the House Administration Committee will evaluate it and issue recommendations as to the advisability of continuing. The experiences of the fellows will weigh heavily in the evaluation. If the program does not accomplish what I believe it can, I will be the first to admit it should be terminated. However, if the fellowships are properly chosen and administered, I don't see how the program can miss.

I hope you will join me in consponsoring House Resolution 540. There is a wealth of talent out there that we cannot afford to ovelook.

For more detailed information on House Resolution 540's provisions, a section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS OF HOUSE RESOLUTION 540

SECTION 1

Establishes a pilot program of Congressional fellowships for the blind and deaf, and sets out the purpose of the program.

There will be 100 positions available each year for two years. Each Member, Committee or Subcommittee may fill one position on a first come, first served basis, and are instructed to consider the qualifications of the fellow in assigning the position.

SECTION 2

Requires that participants be blind or deaf, can only serve for one session of Congress, will be paid $20,000 per year and, for

administrative purposes, be treated in the same manner as an LBJ intern.

SECTION 3

Establishes that the program will be funded through the contingent fund of the House.

SECTION 4

Establishes that the positions and salaries provided under this resolution are in addition to positions and amounts othewise available.

SECTION 5

Directs the Committee on House Administration to evaluate and report to the House on the effectiveness of the program and whether it should continue.

SECTION 6

Defines "blind" and "deaf."

SECTION 7

Gives the Committee on House Administration the authority to prescribe regulations to carry out the resolution.●

THE SECRETARY SAYS LET'S STOP TERRORISM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. BROOMFIELD. Mr. Speaker, the Secretary of State is ready to do more to stop terrorism. He is to be commended for his energetic efforts in this regard and his tough words calling for a program to put an end to this international scourge.

In a recent speech in Washington before the Tel Aviv-based Jonathan Institute, Secretary of State Shultz noted that terrorism was on the increase all around the world. The rapid spread of state-sponsored terrorism is of special concern to Western democracies. The cutthroat members of the "League of Terror" are exporting indiscriminate murder across national borders to gain their objectives.

The Secretary pointed out that the President's legislative package on counterterrorism will be a positive step in our battle against this growing threat. We must also protect our diplomats and facilities overseas with better security and protection against attacks.

In addition, international cooperation with our allies is necessary in our struggle to end this problem. The recent declaration concerning terrorism at the London Economic Summit was a good sign that the countries that are targets and potential targets of terrorists are marching together toward a resolution of the problem. It is also possible to bring political and economic pressure to bear on states that boldly support international terrorism.

Our Government must also take a more active defense against terrorists. Although this new approach will have to be carefully studied, a purely passive defense fails to provide enough of a deterrent to terrorism and the countries which sponsor it. The terrorist must be put on notice that swift measures will be taken against those who engage in it. Intelligence is a key factor in this more active defense strategy. With unity, determination, and resolve, the free nations of the world can do something about this growing international threat to law and order.

I stongly recommend that my colleagues read the following sections from the Secretary's speech at the Jonathan Institute in Washington.

TERRORISM: THE CHALLENGE TO THE DEMOCRACIES

(Address by Hon. George P. Shultz, Secretary of State, to the Jonathan Institute)

Five years have passed since the Jonathan Institute held its first conference on terrorism, and in that time the world has seen two major developments: one a cause for great distress; the other a reason for hope.

The distressing fact is that over these past 5 years terrorism has increased. More people were killed or injured by international terrorists last year than in any year since governments began keeping records, In 1983 there were more than 500 such attacks, of which more than 200 were against the United States. For Americans the worst tragedies were the destruction of our Embassy and then the Marine barracks in Beirut. But around the world, many of our close friends and allies were also victims. The bombing of Harrods in London, the bombing at Orly Airport in Paris, the destruction of a Gulf Air flight in the UAE, and the Rangoon bombing of South Korean officials are just a few examples—not to mention the brutal attack on a West Jerusalem shopping mall this past April.

THE ANATOMY OF TERRORISM

What we have learned about terrorism, first of all, is that it is not random, undirected, purposeless violence. It is not, like an earthquake or a hurricane, an act of nature before which we are helpless. Terrorists and those who support them have definite goals; terrorist violence is the means of attaining those goals. Our response must be twofold: We must deny them the means, but above all we must deny them their goals.

But what are the goals of terrorism? We know that the phenomenon of terrorism is actually a matrix that covers a diverse array of methods, resources, instruments, and immediate aims.

It appears in many shapes and sizes—from the lone individual who plants a homemade expolsive in a shopping center, to the small clandestine group that plans kidnapings and assassinations of public figures, to the well-equipped and well-financed organization that uses force to terrorize an entire population. Its stated objectives may range from separatist causes to revenge for ethnic grievances to social and political revolution. International drug smugglers use terrorism to blackmail and intimidate government officials. It is clear that our responses will have to fit the precise character and circumstances of the specific threats.

But we must understand that the overarching goal of all terrorists is the same: With rare exceptions, they are attempting to impose their will by force—a special kind of force desinged to create an atmosphere of fear. And their efforts are directed at destroying what all of us here are seeking to build.

THE THREAT TO THE DEMOCRACIES

The United States and its democratic allies are morally committed to certain ideals and to a humane vision of the future. In our foreign policies, we try to foster the kind of world that promotes peaceful settlement of disputes, one that welcomes change without violent conflict.

We seek a world in which human rights are respected by all governments, a world based on the rule of law. We know that in a world community where all nations share these blessings, our own democracy will flourish, our own nation will prosper, and our own people will continue to enjoy freedom.

Nor has ours been a fruitless search. In our lifetime, we have seen the world progress, though perhaps too slowly, toward this goal. Civilized norms of conduct have evolved, even governing relations between adversaries. Conflict persists, but with some notorious exceptions, even wars have been conducted within certain restraints: Indiscriminate slaughter of innocents is widely condemned; the use of certain kinds of weapons has been proscribed, and most nations have heeded those proscriptions.

For we must understand, above all, that terrorism is a form of political violence. Wherever it takes place, it is directed in an important sense against us, the democracies—against our most basic values and often our fundamental strategic interests.

The values upon which democracy is based—individual rights, equality under the law, freedom of thought and expression, and freedom of religion—all stand in the way of those who seek to impose their ideologies or their religious beliefs by force. A terrorist has no patience and no respect for the orderly processes of democratic society and, therefore, he considers himself its enemy.

And it is an unfortunate irony that the very qualities that make democracies so hateful to the terrorists also make them so vulnerable. Precisely because we maintain the most open societies, terrorists have unparalleled opportunity to strike against us.

A COUNTERSTRATEGY AGAINST TERRORISM

Having identified the challenge, we must now consider the best strategy to counter it. We must keep in mind, as we devise our strategy, that our ultimate aim is to preserve what the terrorists seek to destroy: democracy, freedom, and the hope for a world at peace.

The battle against terrorism must begin at home. Terrorism has no place in our society, and we have taken vigorous steps to see that it is not imported from abroad. We are now working with the Congress on law-enforcement legislation that would help us obtain more information about terrorists through the payment of rewards to informants, and would permit prosecution of those who support states that use or sponsor terrorism. Our F.B.I. is improving our ability to detect and prevent terrorist acts within our own borders.

We must also ensure that our people and facilities in other countries are better protected against terrorist attacks. So we are strengthening security at our embassies around the world to prevent a recurrence of the Beirut and Kuwait Embassy bombings.

While we take these measures to protect our own citizens, we know that terrorism is an international problem that requires the concerted efforts of all free nations. Just as there is collaboration among those who engage in terrorism, so there must be coop-

eration among those who are its actual and potential targets.

An essential component of our strategy, therefore, has been greater cooperation among the democratic nations and all others who share our hopes for the future. The world community has achieved some successes. But too often, countries are inhibited by fear of losing commecial opportunities or fear of provoking the bully. The time has come for the nations that truly seek an end to terrorism to join together, in whatever forums, to take the necessary steps. The declaration on terrorism that was agreed upon at the London Economic Summit 2 weeks ago was a welcome sign that the industrial democracies share a common view of the terrorist threat. We must build on that foundation.

Greater international cooperation offers many advantages. If we can collectively improve our gathering and sharing of intelligence, we can better detect the movements of terrorists, anticipate their actions, and bring them to justice. We can also help provide training and share knowledge of terrorist tactics. To that end, the Reagan administration has acted promptly on the program that Congress approved last year to train foreign law enforcement officers in antiterrorist techniques. And the President has sent Congress two bills to implement two international conventions to which the United States is a signatory: the International Convention Against the Taking of Hostages, and the Montreal Convention to protect against sabotage of civilian aircraft.

We must also make a collective effort to address the special problem of state-sponsored terrorism. States that support terror offer safe havens, funds, training, and logistical support. We must do some hard thinking about how to pressure members of the League of Terror to cease their support. Such pressure will have to be international, for no one country can exert sufficient influence alone. Economic sanctions and other forms of pressure impose costs on the nation that applies them, but some sacrifices will be necessary if we are to solve the problem. In the long run, I believe, it will have been a small price to pay.

ACTIVE DEFENSE

All the measures I have described so far, domestic and international, are important elements in a comprehensive strategy. But are they enough? Is the purely passive defense that these measures entail sufficient to cope with the problem? Can we as a country—can the community of free nations—stand in a solely defensive posture and absorb the blows dealt by terrorists?

I think not. From a practical standpoint, a purely passive defense does not provide enough of a deterrent to terrorism and the states that sponsor it. It is time to think long, hard, and seriously about more active means of defense—about defense through appropriate preventive or pre-emptive actions against terrorist groups before they strike.

We will need to strengthen our capabilities in the area of intelligence and quick reaction. Human intelligence will be particularly important, since our societies demand that we know with reasonable clarity just what we are doing. Experience has taught us over the years that one of the best deterrents to terrorism is the certainty that swift and sure measures will be taken against those who engage in it. As President Reagan has stated:

"We must make it clear to any country that is tempted to use violence to undermine democratic governments, destabilize our friends, thwart efforts to promote democratic governments, or disrupt our lives, that it has nothing to gain, and much to lose."

Clearly there are complicated moral issues here. But there should be no doubt of the democracies' moral right, indeed duty, to defend themselves.

And there should be no doubt of the profound issue at stake. The democracies seek a world order that is based on justice. When innocents are victimized and the guilty go unpunished, the terrorists have succeeded in undermining the very foundation of civilized society, for they have created a world where there is no justice. This is a blow to our most fundamental moral values and a dark cloud over the future of humanity. We can do better than this.

No matter what strategy we pursue, the terrorist threat will not disappear overnight. This is not the last conference that will be held on this subject. We must understand this and be prepared to live with the fact that despite all our best efforts the world is still a dangerous place. Further sacrifices, as in the past, may be the price for preserving our freedom.●

JUDY ARCHIBALD—RECIPIENT OF THE CONGRESSIONAL PUBLIC SERVICE AWARD FOR REDWOOD CITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. LANTOS. Mr. Speaker, the Congressional Public Service Award Advisory Committee for Redwood City has chosen an outstanding individual to receive the 1984 award for the community—Judy Archibald. I would like to share with my colleagues some of her distinguished accomplishments.

Judy Archibald has lived in Redwood City for 20 years and throughout that time has proved a dedicated and selfless community worker. She has been an active member of the Peninsula Hills Junior Womens Club, where she has held every elective office and has coordinated several fundraising projects: this year she organized the organization's anitique show and the antique show kitchen.

As chairperson of the first annual senior citizens Thanksgiving dinner she prepared and served a turkey dinner for 40 seniors who otherwise would have spent the holiday alone. She has also been cochairperson of the Redwood City Labor Day Community Breakfast Volunteers, and in November organized the fundraising dinner for Redwood City residents.

She was producer and director of the Miss Redwood City Pageant, in addition to supplying all the costumes and making her home available for functions for the participants. Judy has also put in many hours of volunteer time with the Danger Stranger Program in local schools which teaches children to be aware of the dangers of child abuse and personal safety.

Judy is a well-known, well-respected and loved member of our community. She has involved herself in a wide variety of community projects—so numerous, in fact, that it would be impossible to mention them all.●

DR. LUELLA KLEIN

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. DARDEN. Mr. Speaker, in May of this year, the American College of Obstetricians & Gynecologists elected Dr. Luella Klein, known affectionately by her friends and colleagues as Teddy, as the first woman president in the history of that organization.

A private practitioner at Emory University Clinic, Atlanta, Dr. Klein is deputy chief of the obstetric service at Grady Memorial Hospital and professor of obstetrics and gynecology at Emory University School of Medicine. She is also codirector of the Regional Perinatal Center of Atlanta. Dr. Klein is board-certified subspecialist in maternal-fetal medicine.

At Grady Memorial Hospital, Dr. Klein is director of both the High Risk Maternal and Infant Care Project and the Teen Services Clinic. She was a prominent member of the American College of Obstetricians and Gynecologists' Task Force on Adolescent Pregnancy (1979–81) and is the college's representative to the American Academy of Pediatrics' Committee on Adolescence (1979–present). She was vice president of the college from 1982 to 1983 and a member of the Task Force for the Advancement of Women in Obstetrics and Gynecology (1981–82).

Dr. Klein is currently an examiner for the American Board of Obstetrics and Gynecology and chairman of the maternal and infant health committee of the Medical Association of Georgia. In addition, she is past president of the Georgia Obstetrical and Gynecological Society, the Atlanta Women Physicians' Association, the Atlanta Obstetrical & Gynecological Society, and the Maternal & Infant Care Project Physicians' Association.

Since 1970, Dr. Klein has been a consultant to the Maternal and Child Health Service Studies on Rh Sensitization at Abortion in Yugoslavia. She is also author of numerous articles on various subjects in the specialty.

Formerly chairman of the Medical Advisory Committee for Planned Parenthood of Atlanta, Dr. Klein has also served on the Primary Care Task Force of the North Central Georgia

Health Systems Agency and the Governor's Council on Family Planning.

Dr. Klein is a graduate of the University of Iowa College and received here M.D. degree from the State University of Iowa College of Medicine. After internship and residency training at Western Reserve University in Cleveland, OH, she was a U.S. Senior Fulbright Research Scholar in obstetrics and gynecology at University of London (England) Colquitt, Jr., M.D., Marietta, GA.

Both Dr. Klein and Dr. Colquitt are dedicated physicians and close friends of mine. I want to congratulate Teddy on her election and wish her the best for the coming year. I know that because of her professionalism and leadership ability, her tenure will be successful.●

SOME GOOD ADVICE FROM THE PEOPLE OF THE FOURTH CONGRESSIONAL DISTRICT OF KENTUCKY

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. SNYDER. Mr. Speaker, over the years we have heard about or actually experienced just about every kind of shortage imaginable—job shortages, oil shortages, railroad car shortages, and money shortages. However, there is one thing we do not ever have to worry about running short of here on Capitol Hill, and that is advice.

We have hordes of so-called experts with their computer readouts. We have specialists with their volumes of statistics. We have organizations and study groups and public interests groups. We have dozens of executive branch agencies and the folks over at the White House. And every one of them is eager to give us some advice.

And, of course, even Members of Congress occasionally offer their advice to one another as evidenced by the stacks of Dear Colleague letters in my inbasket every day, and the 10,013 CONGRESSIONAL RECORD pages this body has already managed to fill this year with sage comments, debate, and extended remarks.

No, Mr. Speaker, we do not need to worry much about a shortage of advice. We have it aplenty. Fortunately, much of the advice we receive from these sources is sound, but in this flood of advice, it is always difficult to tell the sound from the unsound; the good advice from the bad.

That is why I always try to get as much advice as I can from the one source that has never failed me yet—never steered me wrong—the people of the Fourth Congressional District of Kentucky.

Their advice has always served me well. They are the real experts because they live and work under the regulations and the laws dreamed up here in Washington.

Earlier this year, I sent out my annual questionnaire and now I would like to share the results of that poll with my colleagues; 16,000 of my constituents took the time to respond and their opinions on some of the national issues we will be facing should be of interest to any of my colleagues who share my belief that whenever you can get reliable advice, you should take it.

Although we have no shortage of advice—and are not apt to in the near future—we cannot afford to ignore good advice when it comes along.

Questionnaire results follow:

QUESTIONNAIRE

[Figures in percent]

	Yes	No	Undecided
1. Would you support a Constitutional Amendment to allow voluntary prayer in public schools?	75.2	19.8	5.0
2. Would you support a Constitutional Amendment to require a balanced budget?	81.1	16.0	2.9
3. Do you approve of the way President Reagan is doing his job?	73.6	21.3	5.1
4. Would you support legislation to provide tuition tax credits to parents who send their children to parochial and private schools?	49.7	48.2	1.5
5. Would you support legislation aimed at reducing the 'acid rain' problem in Canada and the Northeast U.S. even if it increases electricity rates?	51.0	47.6	1.4
6. Do you support the President's proposal to spend 8 billion dollars over the next 7 years to design and launch a space station?	57.3	39.2	3.5
7. To reduce the deficit, would you be willing to accept a tax increase, if it were matched dollar-for-dollar by spending reductions?	70.4	28.0	1.6
8. Would you support legislation to totally eliminate price controls on natural gas?	33.9	59.9	6.2
9. It is a foregone conclusion that Congress will trim the President's budget request for defense. Should Congress trim spending in other areas too?	93.1	6.1	.8
10. The President's commission on drunk driving has recommended a national minimum drinking age of 21. Would you support Federal legislation to implement this recommendation?	78.4	20.5	1.1
11. Currently, when both spouses are employed, they can contribute a maximum of $4,000 to an individual Retirement Account. A couple with one nonworking spouse can only contribute $2,250. Should this be increased to $4,000?	68.1	27.1	4.8
12. Would you support legislation to provide a tax exclusion on interest on savings accounts for college expense?	53.5	42.1	4.4.●

BANNING THE LEGHOLD TRAP

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. LANTOS. Mr. Speaker, I rise today to once again state my strongest support for H.R. 1797—The sole purpose of this bill is to end our Nation's long and sad relationship with the steel jaw leghold trap. The determined efforts of a small group of elected representatives to advance this bill gives hope to those who have been involved for decades in the campaign to control what surely must be one of the most barbaric and cruel devices produced by man for the killing of animals.

When H.R. 1797 was first introduced in March of 1983, the steel jaw leghold trap was already 160 years old. In the years since its development in 1823, there have been few dramatic improvements in its tried-and-true operation. When the trap is set, any pressure on the triggering device or "pan" springs loose the steel jaws which slam shut with certainty. Devoid of any discrimination, the trap has rightfully earned a reputation for painfully imprisoning anything or anybody that hits the "pan."

VOICES FROM THE PAST

Consideration of eliminating use of the steel jaw trap is far from new. Nineteenth century naturalist Charles Darwin—who figured largely in redefining man's knowledge of biology—wrote in 1863: "I know of no sight more sorrowful than that of these unoffending animals as they are seen in the torture grip of these traps."

Canadian trapper Frank Conibear, who became a legendary figure in the vast western regions of his country, spent 32 years maintaining trap lines. One day, he renounced his primary trapping tool, the steel jaw leghold trap, writing:

> It is sometimes said that wildlife is cruel, and that the animals die a painful death anyway, by the teeth and claws of predators. But the sufferings occasioned by the common steel trap are incomparably greater.

And so now we consider whether this Nation should make a definitive statement against the slow and desperate agony produced by this type of trap. While Congress will be confronted

with mountains of statistics and expert testimony, I believe it essential that several fundamental questions be considered in deciding the fate of H.R. 1797.

THE REAL ISSUES

First, Does the steel jaw leghold trap strike blindly and indiscriminately?

Yes. Despite protestations that trappers know their terrain and their quarry, each year millions of the "wrong" animals have their limbs smashed by the steel jaw trap. There is no margin for error. The trap does not distinguish "right" game from wrong. Pet dogs, cats, endangered species including American eagles, unwanted animals known as "trash" by the trappers—all have fallen victim to a brutal device that cannot discriminate, but cripples all the same. In one 2-year period, veterinarian surveys in Minnesota produced 360 cases of pets being seriously injured in traps.

Second, since trapping is identified as important to our Nation's fur industry, are there more humane ways of trapping animals than use of the steel jaw leghold trap?

Yes, The Swedish leg-snare, the easy-on-em leg-snare, the Aldrich leg-snare, the Victor power snare, the Novak leg-snare, box and cage traps, even a sure-death device produced initially by Frank Conibear. These devices exist today. They substantially address the painful agony associated with the steel jaw trap.

While these traps snare animals and hold them in a more humane fashion than the steel jaw trap, it still falls to the trapper to responsibly check his trap frequently. It is when trappers are irresponsible that the pain and suffering of trapped-animals is dramatically increased.

Third, will the Congress establish a precedent by seeking to ban the use of the steel jaw trap?

No. If anything, this country is slow to join the more than 50 nations of the world who have alreday taken action to eliminate the steel jaw trap. Nations as diverse as England, West Germany, Malaysia, and Brazil.

Several States have already acted to control the steel-jaw trap. Florida, Massachusetts, and my State of California are just three who have taken various steps to control the use of this device.

Also, a survey by the Yale School of Forestry published in 1979, funded by the U.S. Fish and Wildlife Service, showed that 78 percent of all those questioned felt the use of steel jaw traps is wrong.

Finally, there are those who say that our Nation has a "special, enduring relationship" with the steel jaw trap. Does such a relationship exist between our Nation and a mechanism that kills animals in a slow, agonizing fashion in the name of profit or sport?

I pray not.

A VALID COMPARISON

Those who strongly support trapping have often utilized arguments based on economics and wildlife management to protect their special interest in the steel-jaw trap. They speak of lost jobs, lost income, devastated industries, and serious wildlife management problems if the trap is banned.

They do not, however, discuss the record of Nations who have acted to bar the leghold trap. Such records provide a comparison I find reasonable and enlightening.

The Federal Republic of Germany shares many characteristics with the Northeast United States. Similar population densities, use of the land, climate, even similar furbearing animal species are found in the two different areas. West Germany banned the steel-jaw leghold trap in 1961.

Eighteen years after the ban was enacted, the Minister for Food, Agriculture, and Forestry stated that there had been no serious consequences for game management, economic considerations, or health concerns as a result of the ban. That same year, West Germany * * * without benefit of the steel-jaw trap * * * exported almost $5 million worth of furs to the United States, fully one-quarter of our Nation's fur imports in 1979.

The West German example is valid. It clearly refutes many of the tenuous arguments advanced by the steel-jaw trap advocates. When the leghold trap was banned in West Germany, industry did not collapse, rabies did not break-out in epidemic proportions, timbered regions were not carted off wholesale by beavers, and raccoons did not trample fields of corn. In fact, the Forestry Minister praised the leghold ban in Germany as having a "good effect on the natural ecosystem".

I have saved one final consideration. I have so far referred solely to the suffering endured by animals from the leghold trap. But as a final reminder of the indiscriminate nature of this unseeing, uncaring mechanism, I remind my colleagues that anything or anybody can trigger these traps. I offer the following passage from a letter to the Journal of the American Medical Association by Dr. John F. Beary of the Johns Hopkins Hospital in Baltimore, MD:

"I recently treated a 4-year-old * * * girl who was caught by her right hand in a steel jaw trap that had been set by an unknown person in a small woods behind her home * * *. The prognosis for a complete recovery of fine motor skills is doubtful."

The power of the steel-jaw leghold trap is devastating. It cannot discern between the front paw of a coyote, the hind leg of a German Shepard, or the right hand of a little girl. It clings to its victims with deadly certainty, prompting many animals to gnaw their own limbs off in an effort to escape.

It is time to put the tools of the early 19th century behind us.

It is time to ban the steel-jaw leghold trap.●

THE WEST GENESEE WILDCATS

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. WORTLEY. Mr. Speaker, I call your attention to the outstanding achievements of the West Genesee High School lacrosse team. Led by Coach Michael Messere, the Wildcats have won 91 consecutive games, tying the national record for high school lacrosse teams.

West Genesee High School has a tradition of excellence in lacrosse. The Wildcats have won three New York State championships and numerous sectional titles.

Congratulations are in order for Coach Messere and Principal Clyde Ohl for providing exemplary leadership as well as a strong scholastic environment that helped the Wildcats reach the top of their form.

The Wildcats are known for their team spirit and dedication to the game. Every one of the team members deserves special recognition for a job well done. The lessons they learned on the lacrosse field will serve them well in the years to come.●

THE WHITE HOUSE PAPER ON POPULATION CONTROL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. HYDE. Mr. Speaker, great turmoil has followed since the existence and contents of a White House position paper on population control has come to light. Much of the focus has rightly been on the differences between the White House paper and responses from two agencies primarily concerned with international population policy and disbursement of funds: the State Department and the Agency for International Development.

These differences come from arguments that State and AID have been truer to the wishes of the American people and administration policy than the views reflected in the White House paper. Two population-related issues have been raised specifically. First, shall the U.S. Government bankroll international agencies who pass funds to foreign governments engaged in coercive population control programs, such as the UNFPA? Second, what is

the correct U.S. position regarding population control in its foreign policy?

Many thoughtful Americans believe the first problem is easily settled. Since the U.S. Government is forbidden from funding coercive population control methods within our borders, our policy must also assure that abortion, forced sterilization, and other onerous violations of the embattled human right to life are not funded overseas. The State Department and AID have been forbidden directly to fund coercive programs bilaterally by law. What is unclear to AID and State policymakers is whether U.S. policy is also prevented from assisting in these violations of human rights when funded multilaterally.

State and AID take the view that international commitments to multilateral organizations lock the United States into continued funding. While there is some talk that U.S. funds might be segregated from the general funds administered by organizations such as UNFPA, State and AID are currently unprepared to go any further. It is for this reason they strongly oppose the White House position paper, prepared for delivery to an international population conference to be held in August in Mexico City.

Mr. Speaker, I would call the attention of my colleagues to the second issue raised by this controversy. Simply put: How do we view population increases in less developed countries? Is increased population a barrier to economic growth and political pluralism in few cases, some cases, many cases, all cases? A review of AID's programs in poorer countries reveals the answer. The United States is strongly committed to the view that increased population is one of the major "problems" to be overcome by host governments in order to successfully "develop." By emphasizing population programs in missions, bureaus, and AID/Washington, Mr. Speaker, AID reminds me of a comment I made at the conclusion of my membership on the Commission on Security and Economic Assistance. At that time I commented that so long as we see only hungry mouths and overlook willing hands, our international population program will be counterproductive.

When the U.S. Government overseas enters into a partnership with a host government to get their population growth rates under control, the likely result is to encourage governments of less developed countries to use coercive methods. Here is why. In spite of the fact that bilateral population assistance cannot be used directly to fund coercive programs, by defining growth rates as a problem to be solved by governments, resources are diverted that might otherwise be used to pursue growth-related economic policies. There is a natural temptation in countries with ethnic and political diversity to target population control programs against "problem elements" who oppose the usual one-party Third World regime structure.

How much better off would the United States be, Mr. Speaker, to forbid assistance to multilateral organizations allowing developing countries to push coercive population control methods on the hapless populace? President Reagan has already shown outstanding leadership on funding of UNESCO press control activities—isn't it time to send a similar signal to UNFPA and others? Just as thought control has no place in the American ethic—particularly in 1984—coercive population control methods have no place either.

Is it so unthinkable to suggest that instead of encouraging the State Department and AID to devote millions of dollars and hundreds of employees to population programs in recipient countries, however benign such bilateral programs might seem, wouldn't the United States be better off diverting these scarce resources to obtaining economic and political policy changes that would encourage democratic free enterprise to flourish?

Once again, Mr. Speaker, recent polling data confirms the opposition of the average American to foreign aid. Certainly no overseas program committed to ideals outside of our own laws can earn the support of our citizens. U.S. Government policy must be guided by statements such as those contained in the White House paper for delivery in Mexico City. I can understand how many in the bureaucracy and some special interest groups might be offended by the statement, but I find it moderate and reasonable. Furthermore, by supporting this kind of statement and tailoring America's overseas presence to it, the United States will find itself able to be more consistent in dealing with developing countries.

Our emphasis, after all, should be on proven methods to broaden opportunities for citizens through productive free enterprise. Evidence has shown that in growth-oriented countries which have growing middle classes, the so-called population crisis evaporates.●

SAKHAROV—JOINT RESOLUTION

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. WIRTH. Mr. Speaker, 7 weeks ago Andrei Sakharov, the only Soviet ever to win the Nobel Peace Prize, launched an open-ended hunger strike to secure medical care for his wife, Yelena Bonner. News of that hunger strike generated great and immediate concern throughout the world, particularly among those signatory states that have joined the Soviet Union in human rights accords. In concert with other Members of Congress, I engaged in a very frank exchange of views with officials at the Soviet Embassy. My visits to the Soviet Union and meetings with Mrs. Bonner's son, Alexey Semyonov, confirm my own view that this is not an internal Soviet affair, and I joined others in sharing this conviction with leaders at home and abroad.

But despite repeated assurances by the Soviet Government and press, we have yet to obtain proof that Dr. Sakharov and his wife are alive and well. Recent reports of the couple's safety, complete with leaked photographs, only deepen the mystery. We know Dr. Sakharov and his wife are in poor health and cannot survive without proper medical treatment, and we cannot be expected to believe otherwise until Soviet authorities provide tangible evidence that this is not the case.

I urge the President and Department of State to contact their appropriate counterparts in the Soviet Government and call upn them, on behalf of this body, to verify the health and well-being of Andrei Sakharov and Yelena Bonner. We will not rest until the fate of this courageous couple is known.●

CONGRATULATIONS TO THE NEW PRESIDENT OF PANAMA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. BROOMFIELD. Mr. Speaker, I salute President-elect Barletta and his great country. The flame of democracy burns brightly in that lovely Latin American land. This open and free electoral process was allowed to work.

Just a few weeks ago, President Nicolas Ardito-Barletta was elected by the freedom-loving people of Panama. The elections were significant for many reasons. They were held in a free and open way. They marked the return to a civilian president after 16 years of rule by the Panamanian Defense Forces. The military is to be commended for their farsighted efforts to relinquish power. They played a key role in passing the reins of power to a popularly elected president, and smoothed the way to a peaceful transition to civilian rule.

President-elect Barletta brings experience and substance to the presidency of that important country. He served as an economist at the World Bank, and was instrumental in formulating a

new strategy for economic development in Latin America.

I am certain that my colleagues will join me in congratulating President-elect Barletta. I wish him well in his endeavors.

My colleagues and I look forward to working with President-elect Barletta to strenghten the bonds between our two nations.●

DEBT CEILING RULE

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means today reported to the House H.R. 5953, to increase the statutory limit on the public debt.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of this bill by the House of Representatives.●

HISTORY DAY

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker and my colleagues, this year, the National Endowment for the Humanities' National History Day involved some 150,000 secondary school students from over 40 States. This year's theme to be followed in the preparation of papers, projects, performances, and media presentations was "Family and Community in Media."

National History Day itself is the culmination of a series of contests held at the staff and district levels judged by hundreds of historians and educators. The research that students do for their projects, guided by their teachers, stimulates imagination and creativity as well as scholarship, reading, and writing skills.

Rob Gentry, a resident of Tuscola, IL, and a student at Tuscola High School, was one of those chosen from over 150,000 participants to compete at the National Finals of History Day at the University of Maryland on June 13 to 16 of this year. Rob's entry, which was completed with the help of teachers, Mr. Bill Hill and Mrs. Linda Hance of East Prairie School, was a paper entitled "The Amish: A Community at Home in Illinois." This paper is a fine example of the intelligence and potential which is found in the youth of this great country.

Congratulations, Rob, Mr. Hill, Mrs. Hance, and Tuscola High School. Keep up the good work. All of America is with you.●

REMEMBRANCE OF THE BATTLE OF KOSOVO

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. GEKAS. Mr. Speaker, today, June 28, Americans of Serbian descent and Serbs all over the world commemorate a decisive date in all Balkan history. This date marks the 595th anniversary of the First Battle of Kosovo, in which a coalition of Serbs, Bosnians, Magyars, Vlachs, Bulgars, Albanians, and Poles under the Serbian Czar, Prince Lazar I, fought valiantly to defend their homeland against the onslaught of the Ottoman Turks. In this great battle, 25,000 troops from all of the Balkan peoples fought bravely but were overpowered by the troops of Murad I, the Turkish sultan.

The Turkish drive to conquer all of Europe began in the 1330's. By 1371, it began its campaign to conquer the Serbian state by defeating the Serbs at Maritsa River. The final battle in this conquest was fought in 1389 on the Plains of Kosovo. This battle marked the fall of the Serbs as an independent state. Both leaders, Prince Lazar of Serbia and the Turkish sultan, Murad I, were killed. Murad I was killed by the Serbian knight, or voyvode, Milosh Obilish, who has since been immortalized in songs and legends. Although this battle marked the fall of the Serbian state as an independent entity, it did not represent the subjugation of the indomitable spirit of the Serbian people. Memories of the battle and its significance as a symbol in the struggle for freedom were kept alive by the Serbian people in the Serbian Orthodox Church, which encouraged national spirit and pride throughout the years of Turkish domination.

This battle led to the complete domination of the Serbian people by 1459, when Serbia became part of the Ottoman Empire. The Turkish victory at Kosovo provided the Turks with a valuable base for later advances toward the Danube. The Ottoman Turks proved to be harsh rulers, subjecting their Serbian vassals to cruel and inhumane treatment. This torment continued until 1830, when the declining Ottoman Empire gave the Serbians the opportunity to regain their autonomy, and finally, their independence as a kingdom in 1882.

Following World War I, the Serbian royal dynasty led the way in the establishment of the Kingdom of Serbs, Croatians, and Slovenians, which became Yugoslavia 11 years later. In 1945, the monarchy was abolished when the Communists, under Joseph Tito, replaced the yoke of Nazi totalitarianism with that of Communist totalitarianism, and subsequently banned official observance of the Battle of Kosovo, in attempting to destroy the national pride represented by this symbol of struggle against oppression.

I cannot help but admire, Mr. Speaker, the courage of the Serbian people in their determination to prevail in the cause of freedom that is represented by the commemoration of the Battle of Kosovo. This dedication is embodied by the Americans of Serbian descent, such as Nikola Tesla, the great inventor, who have made lasting contributions to the United States. I join, with pride, Mr. Speaker, the Serbian-Americans who commemorate the Battle of Kosovo and its meaning to the cause of freedom. The dedication to patriotism and freedom that these great people show is inspiring to the entire world.●

NO SUPPORT FOR TRADE REMEDIES BILL FROM NATIONAL COAL ASSOCIATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. FRENZEL. Mr. Speaker, printed below is a letter from the National Coal Association which states that it has taken no position in favor of the trade remedies bill, H.R. 4784. The coal association had been listed earlier as a supporter of that bill and has asked that its position be clarified. The letter is as follows:

NATIONAL COAL ASSOCIATION,
Washington, DC, June 28, 1984.

Mr. STONIE BARKER, Jr.,
Chairman and Chief Executive Officer, Island Creek Coal Co., 2355 Harrodsburg Road, Lexington, KY.

DEAR STONIE: In response to verbal inquiries, I would like to clarify the position of the National Coal Association regarding trade reform legislation.

The NCA Board of Directors decided in March 1984 to support legislation proposed by the Trade Reform Action Coalition (or "TRAC"). This legislation, S. 2139 and H.R. 4124, is viewed as being of benefit to the coal industry in two ways.

Several of the industries which are severely impacted by unfairly traded imports (like steel, textiles, etc.) are, or could be, significant domestic consumers of coal. Any output gains these industries may register due to reduced unfair foreign competition could result in increased domestic coal consumption.

These more effective trade laws would be available to the coal industry, or individual companies, should significant levels of subsidized and/or dumped foreign coal, or coke, begin to enter the United States to the harm of the coal industry.

I want to assure you, however, that NCA has not and will not take a position on H.R. 4784, Rep. Gibbons' (D.Fla.) the "Trade Remedies Reform Act of 1984." We are not working in any way to effect passage of this proposal.

TRAC, an extremely large coalition of which NCA is but a relatively small member, is supporting the Gibbons bill. However, while we continue to support the TRAC legislation, we are unable to lend our support to the Gibbons bill since that legislation includes several provisions, including a natural resource subsidy provision, that are not part of the TRAC proposals and were not considered by the NCA Board of Directors. Therefore, while NCA's name was listed in the June 18, 1984 letter from the Ad Hoc Group Supporting Passage of H.R. 4784 as a member of the TRAC coalition (which we are), that does not mean that NCA itself is in support of H.R. 4784.

I hope this letter clears up any misconception there may have been as to NCA's position in the trade reform area, but please give me a call if you have any further questions.

Sincerely,

CARL E. BAGGE, *President.*●

BILL TO REQUIRE PHYSICIANS TO ADEQUATELY INFORM BREAST CANCER PATIENTS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Ms. OAKAR. Mr. Speaker, today I am introducing legislation which has been overlooked and drastically needed for many years. Inroads have been made in the treatment of breast cancer. However, there are many more yet to be made. We, as legislators, have a responsibility to the women of this country to make them aware of the alternative efficacious methods of treatment that are medically viable for this dread disease. We also have a responsibility to these women that the physicians and surgeons treating them get their informed consent before proceeding with treatment. Upon enactment of this bill, breast cancer patients would be made aware of alternative efficacious methods of treatment which may be medically viable and her informed consent would be required before surgery is initiated. There would be no surprises to the woman when she comes out of the operating room. This bill will be a step toward giving a breast cancer patient compassionate respect and educating her as to the options available to her when she has to make a decision as to the determination of treatment of her disease.●

TRIBUTE TO GENE DICK, MANAGER, SOUTH OXNARD EMPLOYMENT DEVELOPMENT OFFICE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. LAGOMARSINO. Mr. Speaker, on June 30, 1984, Mr. Gene Dick will retire from the California State Employment Development Department after 22 years with that agency.

I believe that it is appropriate that I should bring this occasion to the attention of my colleagues. Gene Dick's contributions to the agency and the citizens of my district have been significant.

Gene has worked in all phases of EDD, having experience in both job service and unemployment insurance. He has worked both in staff and field office assignments. He was manager of the San Fernando office in 1968 and in 1969 was manager of the Pacoima Service Center. He has been in Oxnard since 1971 when he was transferred as manager of that office. At that time, no other field offices existed in Ventura County.

This last assignment as manager of the South Oxnard EED office puts him in charge of over 70 employees providing a full range of employment and unemployment insurance services.

Gene's personnel file is laden with letters of appreciation from both inside and outside of the department. His efforts on behalf of youth earned him recognition from the Ventura County Board of Supervisors in 1981 for his work on the Youth Advisory Council. In 1979, the Candelaria Native American Program recognized him for his efforts to establish a job placement program for Native Americans. This program continues today.

Within EDD, Gene has continuously served on task forces to improve the design and effectiveness of services to the public. In 1975, he served on the task force to redesign the job service program in California. In 1971, he served on the statewide task force called to measure the effectiveness of manpower programs.

Gene was born in Washington State but was raised in Pomona, CA. In high school he excelled in the pole vault and competed in State competitions. He joined the Navy in 1940 and went from apprentice seaman to warrant officer. He received the Purple Heart for wounds suffered during the attack on Pearl Harbor while stationed aboard the *Oklahoma*. He spent 10 years on submarine duty and because there was no M.D. aboard, he assumed the duties of hospital corpsman and was referred to as "Doc". At one point, Gene dove off the sub to rescue the executive officer who had been washed overboard.

From 1950 to 1951, he was stationed at the Navy Medical School in Bethesda, MD, and his last command was at the Fiscal and Supply Medical Service at Camp Pendleton from where he retired in 1962.

Gene and his wife Marge have four children. Marge is employed by the County of Ventura Public Social Services Agency. They have no definite retirement plans except to row through the Ventura Marina, read, and do some woodworking.●

KOREAN EXPO 84

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. PATTERSON. Mr. Speaker, I would like to direct the attention of my colleagues to an important trade and cultural event which will be taking place at the Anaheim Convention Center on July 6, 7, 8, 1984. I am referring to Korea Expo '84. The sponsors of this event are to be commended for their efforts to introduce the American community to the unique attributes of the Korean culture and economy.

The Korea Expo presents the opportunity for exhibition of a wide range of new Korean products and services. In addition, Expo '84 will embody various demonstrations and examples of the unique Korean cultural experience. By sharing in our cultural experiences, and the enhanced understanding resulting from such exchanges, the United States and Korea can continue to build a more harmonious relationship. Korea Expo '84 exemplifies this commitment to improve our relations.

The people of the Republic of Korea and the people of the United States, most specifically California, historically share many common bonds created through cultural exchanges, trade, friendships, and shared ideals. Fully 300,000 of the 600,000 Koreans living in the United States reside in southern California. I am proud to have the honor as a Member of Congress, to represent such a fine community of responsible citizens.

Mr. Speaker, at this point let me personally thank a few members of the Korean community who have helped to make Korea Expo '84 possible. First and foremost the president and chairman of the Expo, Mr. Ho Y. Chung, and the rest of the board of directors and officers, Matthew Ahn, Keum Jai Baik, Greak Bang, David Hyun, Bond T. Kim, Dong S. Kim, Paul C. Kim, Tae W. Kim, Nicholas Lee, David Park, Jae Park, Young B. Shon, Tong S. Suhr, H. Henry Whang, Jay S. Yoo, Vincent Lee, Sunny H. Chung, Jennifer Chung, Johnny Yun,

Linda S. Bae, Richard Chung, Du Bin Im, and Sai Kyu Kim.

It is with a great deal of pride that I hereby applaud and support Korea Expo '84. I wish the sponsors every success in this endeavor.●

TRIBUTE TO VENITA DICKERSON

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. PURSELL. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues the retirement of Venita Dickerson, a dynamic woman who lived life to the fullest and not regretted a moment.

In 1958, Venita was an attractive, energetic woman. She walked with a lively, ambitious step. It was the last of October the warmth of summer behind and the prospect of winter nipping the air. Venita had just finished playing in one of the final golf tournaments of the season at the Ann Arbor Golf Course. She headed for Detroit in her car where a sales assignment awaited her.

In a brief and instant twist of horror, Venita's car was hit from behind by another automobile. The fresh country air and a quick afternoon of golf were forever seized from her life. Her surroundings became the stark white and surgical steel of a hospital room. She was told that her spine had been crushed and she would never walk again. Where her body weakened, there remained, however, a matchless strength in her spirit.

Venita was born in Owensboro, KY, the youngest of 10 children. In 1940 she migrated to Ann Arbor. During World War II she was a foreman at the Willow Run Bomber Plant. With only a fourth grade education behind her, she progressively held a number of supervisory positions. At the age of 22, she was in charge of 127 employees in an electronics firm. She was a production supervisor at a firm producing precision parts. She was also employed by the King-Seeley Corp. of Ann Arbor.

Venita, for the past 24 years, has served as the president of CAP, Inc., a Scio Township firm located on Enterprise Drive, near Ann Arbor. It is a nonprofit organization, owned and operated by its employees. Its purpose is to maintain and operate a facility for the training and employment of people who because of mental, emotional, or physical handicaps have limited employment opportunities.

The days after Venita's accident were filled with time for despair and for worry. "I had a lot of time, too much time, to sit in a wheelchair and stare at the walls feeling sorry for myself," she remembers. She soon wearied of daytime television and house-cleaning. Her two grown sons were married and away from home. Her husband, George, operated a milk route. She began painting for a while, but soon longed for a more challenging activity.

The daughter of a sawmill owner, she grew up with stamina and courage. She refused to succumb to self-pity:

I got out a stack of telephone books and began looking for the names of small manufacturing plants. I had worked all my life from Kentucky to Texas. I couldn't just sit there and admit that my life was over. I didn't need the money as much as I needed to believe that I was useful.

Venita began doing odd jobs, painting, assembly, or packaging. Her husband set up a workroom in their garage. The workload soon grew. Venita enlisted the aid of a neighbor, a heart patient.

That was the beginning of CAP, Inc. The struggle was long and arduous. Venita sought the advice and help of occupational therapists, lawyers, businessmen, and community leaders. An organization meeting was held with about 125 people in attendance. With $195 in funds, Venita rented a frame shed-like structure and began pleading with manufacturers for more work. She had a continuous waiting list of employees, as many as 300 at one time.

The people who came to work with me were so happy to have something to do, that you'd cry just looking at them. They agreed to work for nothing at first until production could meet overhead and we could purchase the tools we needed.

She recalled.

Venita excelled as a businesswoman and a humanitarian. In 1964, she received the Lane Bryant Award for volunteer service to the community. In June 1967, she received an honorary degree, a trustee's citation at Olivet College.

The new firm quickly outgrew its first building, then three others in the first 4 years. CAP's present building on Enterprise Drive has over 23,000 square feet, the latest addition having been built in 1979.

For more than 20 years, Venita Dickerson has brought some hope to a segment of society very much in need of hope. Venita and CAP gave to Washtenaw County's physically, emotionally, and mentally disabled a sense of pride and self-worth. The evidence of CAP's success lies in the smiles on the faces of the workers.

"The transformation in people is miraculous," says Venita. "You should see them when they come in. They are down, carrying the world on their shoulders. Nobody wants them. After they work a couple of weeks and draw a salary, it does wonders for them. They can hold their heads up again."

The company name, CAP, comes from two words which preoccupied Venita during the first years after her accident, the last three letters of "handicap" and the first three letters of "capable."

"I have to believe I was handicapped for a reason. That reason was to start CAP and bring some hope into a lot of lives that needed it."

What Venita gave these lives was simply a helping hand and a chance to just do what everybody else does. That helping hand and that chance gave something very precious to everyone, the freedom to live a normal life.

If the accident hadn't happened, I might still be out playing golf, but just think of all the experiences and great people I might have missed knowing. God has certainly walked with his hand on my shoulder.

Venita Dickerson, after 24 years at the helm of CAP, Inc., has recently retired. Her organization continues and will be merged with the Work Skills Corp, in Brighton, a similar sheltered workshop.

The story of Venita's determination and perseverance in the face of such adversity will most certainly be remembered for a long time to come. She truly embodies the American spirit and her gift of hope will live on in the lives of all she has touched and helped over these past 24 years.●

A SENSE OF THE CONGRESS RESOLUTION COMMEMORATING THE SENIOR COMPANION PROGRAM UPON THE CELEBRATION OF ITS 10TH ANNIVERSARY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ROYBAL. Mr. Chairman, today I have introduced a sense of the Congress resolution along with 98 original cosponsors, to commemorate the 10th anniversary of the senior companion program. Senator JOHN HEINZ, the respected chairman of the Senate Special Committee on Aging, has introduced Senate Concurrent Resolution 124, and identical resolution in the Senate and together it is our intention to honor the tireless efforts of the seniors who participate in the senior companion program.

The senior companion program is one of the three older American volunteer programs administered by the ACTION Agency. Senior companions are low-income persons 60 years of age or older who utilize their life experiences, wisdom, and skills, in providing friendship and care in daily living to the frail, isolated elderly, particularly those at risk of institutionalization.

The companions are assigned to home bound, hospice care, acute care, mental health, and substance abuse components of their local projects. All assignments are aimed at helping

others live as fully and as independently as possible. Senior companions provide 20 hours of service per week, for which they receive a stipend of $2 an hour. There are currently 76 ACTION funded projects and 9 senior companion programs totally supported by non-Federal funded resources across the Nation. They currently have 5,000 volunteers who reach nearly 20,000 elderly in need of care annually.

The senior companion program fosters the independence and enhances the self-esteem of senior companion volunteers themselves, while meeting a critical community need of care for the frail elderly. Over the past 10 years senior companions are credited with enabling older persons at risk of institutionalization to remain in the more satisfying setting of their own homes.

This sense of the Congress resolution recognizes the tremendous accomplishment of volunteers serving in this valuable program. As chairman of the Select Committe on Aging, I am honored to be able to take this opportunity to pay tribute to the older Americans who partcipate in this most meaningful program. And, I am certain my colleagues will agree that the success the senior companion program is a tribute to the caring spirit of all Americans.

The text of the resolution follows:

H. CON. RES. —

Expressing the sense of the Congress that the Senior Companion Program be commended on its 10th anniversary for its success in providing volunteer opportunities for older Americans

Whereas the 10th anniversary of the Senior Companion Program, one of the Older American Volunteer Programs administered by the ACTION Agency, will be observed during 1984;

Whereas older American volunteers constitute a major untapped resource for addressing community needs;

Whereas the Senior Companion Program provides a volunteer peer support system, with a stipend for each volunteer, utilizing the experiences, wisdom, and skills of low-income persons over the age of 60 in providing personal services and friendship to the frail, isolated elderly;

Whereas the Senior Companion Program provides opportunities for older Americans to be involved as responsible, knowledgeable members of their communities while remaining independent, self-confident, and productive well into their own later years; and

Whereas the Senior Companion Program enables the frail elderly at risk of institutionalization to be cared for in the more satifactory independent living setting of their own homes, resulting in substantial financial savings to individuals and taxpayer-financed health care provision programs: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Senior Companion Program is commended on its 10th anniversary for its success in providing volunteer opportunities for older Americans to utilize their experience and abilities as caregivers to the frail elderly in their communities.●

QUALITY DRINKING WATER: URGENT ENVIRONMENTAL AND HEALTH PROBLEM

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ECKART. Mr. Speaker, it has become increasingly apparent that the quality of our Nation's drinking water sources, particularly those sources supplied by underground acquifers is one of the most urgent environmental and health problems facing us today. I believe that the issue is so critical that, if we are fortunate, it will only be the environmental issue of the decade; if we fail, groundwater contamination and contaminated drinking water supplies will be the environmental issue of the century.

Consider the growing examples of groundwater contamination—

In one EPA study, 29 percent of the larger cities supplied by underground sources of drinking water were found to have at least one volatile organic chemical in their water.

EPA's own statistics show that in fiscal year 1980—the last year for which data were available—there were 146,000 violations of drinking water standards or monitoring requirements and the required public notification was only given in 16,000 cases.

A Cornell University study which EPA has refused to release officially showed that nearly one-sixth of public water systems violated even the most basic of water treatment requirements—that water be disinfected to destroy disease-carrying pathogens. The report estimated that a half-million rural homes might have bacterial levels in their drinking water greater than levels permitted for public beaches.

There are over 181,000 surface impoundments in the country used for the storage of industrial, municipal and other wastes. Even though their contents may be hazardous, most of them are unlined. It has been estimated that two-thirds lie within 1 mile of a source of drinking water.

A recent National Academy of Sciences study found ground water contamination from chemical sources in 34 States.

Unfortunately, EPA is not up to the task of ensuring that drinking water supplies in this country are kept safe for human consumption. EPA promulgated interim drinking water standards in 1975, after the passage of the Safe Drinking Water Act of 1974, but has yet to revise these standards into final form. EPA has issued these interim standards for fewer than two dozen substances during the last 10 years, and even the interim standards are based largely on the 1962 Public Health Service recommendations and technology that was generally available in 1974.

Because of this slipshod performance, I introduced the Safe Drinking Water Act of 1983 last June with Mr. WAXMAN. Our Subcommittee on Health and the Environment heard 5 days of hearings and took testimony from 30 witnesses. I have held numerous meetings during the past year with leaders of the environmental community, officials of the public and private water systems, and members of affected industries.

I have been impressed repeatedly by the crying need to pass legislation in this area; we must bring our drinking water protections into the decade of the 1980's. Building upon the weeks of hearings and subsequent public and private discussions with all sides, my colleague, Mr. MADIGAN and I are introducing legislation to reauthorize the Safe Drinking Water Act of 1974.

This is truly a bill which deserves broad bipartisan support. Each of the affected groups—environmentalists, the water treatment industry, and other industries—has argued that the act should be reauthorized and amended. Our present law is ineffective in guaranteeing potable water supplies for our people. Accordingly, we are introducing a bill which will push EPA to do its job, provide help to the small water systems that need it so much, and promote efforts by States to plan for the protection of underground sources of drinking water.

The legislation Mr. MADIGAN and I are introducing will—

Force EPA to decide to regulate 14 of the most serious volatile organic compounds within 18 months and 50 additional contaminants within 3 years.

Require every water system in the country to monitor for yet-unregulated contaminants because in this case it is clear that what we don't know can hurt us.

Ban the injection of hazardous wastes above or into underground drinking water sources.

Provide criminal penalties for anyone who tampers with public water supplies.

Establishes a requirement that the States develop plans to protect underground sources of drinking water. These plans must be developed within 2½ years and must include identification of underground drinking water sources to be protected and sources of contamination, contain implementing regulations which the State will use to enforce its plan, provide for alternative drinking water supplies if needed, and for any State in which oil or natural gas exploration occurs, the State plan must provide for the protection

of underground sources of drinking water from brine contamination.

States which fail to have plans approved lose their primacy authority under the underground injection program and are also subject to citizen suits.

Each State is eligible to receive Federal grants for 50 percent of the costs of development and implementation of the approved plan, and 10 percent of the total funding is set aside for the special protection of sole source acquifer areas.

I am heartened by the many positive responses we have received from the water companies, industry groups, and from the comments we have received from environmental groups such as the National Wildlife Federation, Friends of the Earth, Natural Resources Defense Council, and the Environmental Policy Institute. I look forward to working out any additional concerns that other interested parties may have, and I am still pledged to continue to work out additional areas around which we have not yet been able to compromise, such as citizen suits of polluters.●

A CONGRESSIONAL SALUTE TO VERNICE LOHMAN, PUBLIC SERVANT, UPON HER RETIREMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ANDERSON. Mr. Speaker, on July 13, the Immigration and Naturalization Service will honor Vernice Lohman on her retirement after 30 years of Federal service and a lifetime of selfless, public-minded citizenship.

Vernice was born in 1924 at the French Hospital in Los Angeles, which is currently a home for the elderly in the heart of Chinatown. She moved to San Fernando Valley where she graduated from North Hollywood High School in 1942.

Hoping to become a member of Jackie Cochran's Womens' Air Transport Group, she joined the Navy in 1943. The group disbanded shortly after she had begun training and, undeterred by this frustration, she undertook flight training at Independence, CA, and served in World War II as an enemy aircraft spotter for civil defense. While at her first duty station with the Navy, in San Diego, she met her husband-to-be, a marine, and they were married in 1945. Her daughter, Yvette, was born in 1950 at the base hospital in Camp Pendleton, CA.

Vernice began working for the Government in 1954, retiring 30 years later, as an examiner for the Immigration and Naturalization Service. In this capacity she handled cases from throughout the greater Los Angeles area. On many occasions she was particularly helpful to my district office in Long Beach. When, for example, a constituent asked me what was holding up a petition for naturalization, at my request she would wade into a swamp of endless, disorganized files and redtape that would have paled the most battle-hardened bureaucrat, and quickly provide me with a response. Her efficiency and willingness to assist not only helped me provide better constituent services but was an invaluable service to the Immigration and Naturalization Service and to the countless numbers of individuals to whom the Immigration and Naturalization Service was the most important key to their future life in America. She took many snags out of what is normally a lengthy and tedious process.

My wife, Lee, joins me in extending our thanks to Vernice Lohman on a job well done., We wish her and her daughter, Yvette, only the best in the future.●

OPPOSITION TO H.R. 4784

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. CRAIG. Mr. Speaker, the House of Representatives will shortly be considering H.R. 4784, the Trade Remedies Reform Act of 1984. I rise to alert my colleagues to three provisions of that bill which promise to turn otherwise worthy reforms into a veritable gauntlet thrown into the arena of the international trade market.

Specifically, the provisions regarding foreign industrial targeting subsidies, natural resources subsidies, and third party downstream dumping constitute unilateral changes in our law which contradict longstanding U.S. and international trade policy, and leave our U.S. exporters and workers vulnerable to certain retaliation by the European Economic Community and others.

While there is no doubt that reforms are sorely needed to strengthen, streamline and update U.S. law governing injurious unfair trade practices, such reforms would be worthless if they are undertaken at the expense of American companies and workers.

Section 105(a) of the bill attempts to deal with the problem of foreign industrial targeting practices by treating them as subsidies subject to U.S. countervailing duty legislations. Although I fully support the goal of this provision—to control unfair targeting practices—I believe that the vehicle chosen to implement that goal is inappropriate.

First, to pass the legislation as written would be to enact an unnecessary, unilateral expansion of our countervailing duty law. There are already mechanisms in existence to address those practices, such as targeting, which are illegal and inconsistent with the General Agreement on Tariffs and Trade—the GATT. As a matter of principle, the United States should pursue a multilateral solution to targeting in the GATT or through bilateral diplomacy. Such action would protect and strengthen the GATT and the spirit of international trade cooperation which it attempts to establish. If foreign governments fail to respond to the GATT or bilateral diplomacy, the United States can still retaliate, pursuant to section 301 of the Trade Act of 1974, against unreasonable and unjustifiable foreign government practices which burden U.S. commerce.

Second, this provision is unworkable from an administrative standpoint. Contervailing duty law requires an allocation of the amount of a subsidy to the price of an imported product. The Commerce Department has stated that there is no realistic way to calculate the full benefit of the subsidy. Quantifying the economic benefits of such practices as home market protection and restrictions on foreign investment, especially practiced over a long period of time and in differing market conditions, would be an exercise in pure speculation. These determinations would thus be at risk on judicial review. The resulting uncertainty is contrary to the expressed purpose of this legislation, which is to achieve greater certainty and simplicity of remedies available to correct unfair targeting practices.

My third objection to this provision is that the definition of targeting is so broad that it would subject many forms of legitimate Government behavior to countervailing duties. The bill defines targeting as "any Government plan or scheme consisting of coordinated actions * * * the effect of which is to assist the beneficiary to become more competitive in the export of any class or kind of merchandise." A few examples will illustrate the ludicrous result of this provision's overbreadth. Our space program could be classified as an "unfair targeting practice," since it has the effect of aiding U.S. exports of computers, semiconducters and satellites, even though its purposes are wholly unrelated to export promotion. Because our agricultural programs have the effect, though not the purpose, of aiding the competitiveness of U.S. agricultural exports, they too would be "unfair." Our defense procurement practices would also be "unfair targeting" since they have the effect of benefiting U.S. aircraft and aerospace products. American industries would be similary threatened. Activities regularly occurring now, such as assistance to joint ventures, investment

restrictions, research and development coordination and administration of various antitrust exemptions by the Government, would fall under the definition of "unfair targeting practices" in this section.

Finally, and most importantly, this provision would invite mirror legislation and retaliation by foreign governments. If those trading partners who have antidumping and countervailing duty laws of their own should copy this legislation, it would seriously harm our own economy and the international competitiveness of our exports. Moreover, unilateral expansion of our definition of a subsidy is sure to provoke a challenge under the GATT—a challenge which could result in GATT authorization to retaliate.

My second major area of concern is section 105(a)(1)(C) of H.R. 4784. This section provides for a natural resources subsidy, which not only departs from longstanding U.S. and international practice regarding the definition of a subsidy, but also would ignore the GATT's clear recognition that some subsidies can be used legitimately by governments "to promote important objectives of social and economic policy."

Under the bill, a natural resource subsidy would exist whenever a government sells a natural resource product to domestic industries at a price below the export price or the fair market value.

This departs from accepted policy in that the practice of such dual pricing benefits a nation's economy as a whole and not a particular industry or sector. Longstanding definitions of a countervailable "subisidy" require that it attempt to give one or more industries a special advantage over other industries in the same economy. It is therefore basic that Government programs and activities which are generally available, such as irrigation projects, investment tax credits, police and fire protection, public health programs, and the like, are not considered to be countervailable domestic subsidies, even though they could be said to benefit companies by indirectly lowering their cost of production.

This section would subject generally available domestic programs to countervailing duties. Again, if our trading partners enact mirror legislation, the results to U.S. trade could be disastrous. There can be no question that U.S. industries benefit from Government energy policies and Government control of natural resources. Western agricultural products benefit from Government irrigation projects. Industries in the Tennessee Valley and the Pacific Northwest benefit from Government electricity. The European Economic Community has argued in the past that U.S. textiles benefit from low U.S. natural gas prices. Accepting the natural resource provision in H.R. 4784 would place our own exports at risk.

The legislation as it stands would seriously affect companies having planned and constructed facilities in foreign countries in return for certain economic incentives for locating there. These actions are in full accord with existing U.S. trade policies which encourage private investment as the preferred method for helping such countries with their economic development. If this legislation is enacted, subjecting the products being produced to duty simply because of a natural resource cost advantage that had been freely negotiated in the past, considerable damage would result to these companies. Any increase in the cost of such products will be felt by the American consumer.

My final major area of concern is section 104(b), regarding antidumping duty investigations. This provision would apply antidumping law to cases of third party dumping. This is clearly GATT illegal, would cause serious unfairness to innocent purchasers, and is likely to result in abstract and unrealistic calculations of dumping.

Article VI of the GATT defines dumping as sales at less then normal value of a like product. The product is dumped if sold at less than fair value, regardless of whether the price can be attributed to a below-cost component. If the product is sold at or above fair market value, it is not considered "dumped" even if one or more components were "dumped." Article VI also prohibits subjecting imports to countervailing and dumping duties to compensate for the same situation.

The provision as it is written would contradict the GATT in both these respects.

H.R. 4784 would determine whether downstream dumping occurs by reference to the "generally available price" of a component part in the country where the product is produced. Thus, efficient firms would be penalized for having prices below the industry average in the country, and innocent firms would be penalized for pricing behavior on the part firms whose component parts they utilized, over which they could exercise no control.

The downstream dumping provisions would be impossible to administer in a fair, realistic and expeditious way. It would require the Department of Commerce to conduct simultaneous investigations of both the product and all its materials and components for any complaint of dumping behavior. The determination of a "generally available price" in a country with different markets, buyers and conditions of sale, is likely to require speculative and arbitrary calculations that have little or no basis in economic reality. Such calculations would be subject to challenge. In short the provision would cause complexity and uncertainty, although it was intended to achieve just the opposite.

In sum, I believe it would be irresponsible of this body to pass H.R. 4784 without taking a long and careful look at the likely consequences of these three provisions to American consumers, companies, and economy. I urge my colleagues to join me in taking that long look, and in opposing this bill as written.●

NORMANDY INVASION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. GEKAS. Mr. Speaker, recently the House of Representatives marked the 40th anniversary of the Normandy invasion, when American and allied troops stormed the shores of France to liberate Europe from the tyranny of Hitler's Nazis. In marking the anniversary of D-day, many of us found it hard to believe that 40 long years has passed since that important moment in history. That 40 years have passed makes the following story all the more remarkable, Mr. Speaker.

In 1943 there was a young man named Jack Wagner who lived in Selinsgrove, PA, which is in my congressional district. Wagner entered the military service that year and in 1944 was killed when returning from a bombing run over Germany. The B-24 he was on crashed off the coast of Denmark, and his body was found near the shore of Marstal, a Danish town occupied by the Germans.

Before the Germans could bury Wagner, the citizens of Marstal removed his personal belongings and then notified his relatives in the United States of his demise. The townspeople, who considered Wagner a hero in his efforts to liberate their country, conducted a funeral ceremony for the fallen soldier. Since that time, two citizens of Marstal have kept a vigil over the American's grave, keeping a flag of the United States flying at the gravesite and placing fresh flowers there every week. This practice has continued for 40 years, Mr. Speaker, and it symbolizes stronger than any words possibly can the gratitude of many Europeans for our participation in World War II in the name of freedom.

The people of Selinsgrove, PA, will be saluting those honorable people of Marstal in July 11, the anniversary of Sergeant Wagner's burial. I would like to add my words of commendation for our Danish friends to the many others that will be spoken that day. In addition, I would like to enter into the RECORD the written statement of Doris Woll, the sister of Jack Wagner, as she describes her first visit to the gravesite

of her brother in Denmark in 1980. I am certain that my colleagues will find her comments just as moving as I did, and they will greatly admire the courage and honor of the Mortensens of Marstal who have looked after the grave of Jack Wagner for 40 years.

THE MARSTAL STORY

My brother, Jack Elwood Wagner, died in a crash of two American B-24 bombers over the North Sea on June 20, 1944. They had just completed a bombing raid on Kiel, Germany and were returning to their base in England. Our family received word on July 3, 1944 that Jack was missing in action.

In August of 1944, our family received word that Jack's body had been found by Danish Fishermen fishing off the coast of Aero Island at the town of Marstal, Denmark, at that time was occupied by Nazi Germany. The Danes despised the Germans, and so the Underground Movement there was strong. A Danish woman was one of the leaders of this movement and she sent word via a British flyer through Switzerland on July 08, 1944 that Jack's body had been found. Before they turned his body over to the Germans' they removed all his personal things except his dog tags. Jack was buried at 5:00 A.M. by the Germans on July 11, 1944. After the Germans left the cemetery the whole town of Marstal turned out for Christian Burial Services for Jack.

In September of 1980 my husband Jim and I decided that we would take a trip to Denmark to visit my brother's grave. His sister Ruth Fitzpatrick and a friend decided to make the trip with us. We arrived in Copenhagen, Denmark and immediately fell in love with the country and the people.

We went to the train station to see what we could do about getting tickets to go to Marstal. Marstal is a town on a small Island off the coast of Denmark. We were informed we would have to take a train, two buses, and two ferry boats.

We bought our tickets and the next day left for Marstal. On the last leg of our journey which was by ferry, we met a man and woman who were fascinated by our Polaroid Camera. We got into a conversation and discovered they had a summer home in Marstal. The man was originally from Minn. He had been in Europe during World War II, married a Danish girl and settled there. We told him why we were going to Marstal.

As we came into port he said, "See that row of popular trees over there? That is where you will find the cemetery". We thanked him and left the boat. We had decided to stay overnight before we left Copenhagen, so we had rooms at the Hotel in Marstal. We checked in and decided to go to the cemetery before dark.

We walked up one of the streets and found a flower shop where we purchased a pot of mums to take with us. We had no idea what we might find when we got there, but I knew I had to have flowers for Jack's grave. When we got there, the cemetery was just beautiful. Unlike cemeteries here in this country, in Marstal no one walks on a grave there. There are paths all around each grave and each grave is outlined, either with flowers or small trees and shrubs. We had no idea where to look for Jack's grave. Jim saw a caretaker and he asked where we might find the Americans' graves. The man did not understand so Jim said to him, "Jack Wagner's grave", the man said "Ah Jack", and he took us right to it.

Jack is the only American buried in that cemetery. The grave was more than any of us expected. Small cedar trees outlined the grave and all the flowers on it were red, white, and blue with an American flag in the upper left corner. The flowers we took only crowded the others already planted there.

The caretaker took us to the office. A man we met there was ten years old when Jack was buried and was there for the services on July 11, 1944. We talked awhile and asked who takes care of the graves, for we thought we might leave money for perpetual care. The man gave us a woman's name and address and a small hand drawn map so that we could find the house.

Ruth and Alice returned to the hotel, but Jim and I set out to find this very kind woman named Latalia Mortinsen. We found the street and decided that I should try the first house. As I rang the bell, I saw the name N. Mortinsen over the bell. A very pleasant little man answered and I told him who I was. He called his wife and said "It's Jack's sister from America". She shook my hand, hugged me, and kissed me, then stood back and said "You've finally come". It was as if she had been waiting for one of us to come. Jim and I were really given the royal treatment and welcome. They poured coffee, drinks, food, cigarettes, cigars, and anything we wanted was ours.

This kind Danish woman and her husband have cared for Jack's grave since July 11, 1944. Each week they go there on Saturday mornings to weed and replace any dead flowers. The small cedars edging the grave had just been replanted in the spring because the others had grown too tall.

Jack was buried on July 11, 1944 and on September 21, his birthday, the people of Marstal placed his tombstone on his grave. This stone was placed there at no expense to the American Government, but by the people of Marstal who were so grateful for Jack's sacrifice.

Mrs. Mortinsen told us of seeing the two planes collide in mid-air, of their search for the body and all the events leading up to and including his burial. Mrs. Mortinsen gave us pictures to bring home to my folks. They were pictures taken the day of the funeral and others, through the years.

We never dreamed when we went to Marstal that we would find such a beautiful grave or the woman who has cared for it all those years. When we were there, Mrs. Mortinsen had been looking over it for 37 years. When she is no longer alive, it has been written into the town by-laws that the grave will be looked after by the town.

She told us the only problem she has had through the years was getting American flags. She said she had contacted the American Embassy in Copenhagen for flags but never received an answer. Mrs. Mortinsen puts a new flag on the grave three times a year. Jack's birthday, Christmas, and May 20th. We sent her twelve flags on September 1, and they arrived in Marstal on Jack's birthday, September 21. We believe this was one of the greatest trips of our lives. Jack could not be in a more beautiful spot and we could never find another woman like Mrs. Mortinsen.

She had never seen a picture of Jack and she asked me to find her one. Her response upon receiving the picture was that he was so handsome, so young, such a waste.

Our family will be eternally grateful to Latalia and Nells Mortinsen for feeling that Jack was one of theirs and looking after his grave all these many years. They are truly remarkable people and I feel they deserve some recognition from the American Government. Their feeling in Marstal is "He died for us".●

COMMENDING THE GREEK CULTURAL ORGANIZATION CYPRECO ON THEIR SECOND ANNUAL FOLK FESTIVAL

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ADDABBO. Mr. Speaker, I am proud to call the attention of my colleagues to a distinguished cultural organization in my district, the Cypriot Emmigrants Cultural Organization, CYPRECO. On July 19, 1984, CYPRECO will open their Second Cypriot Arts Exhibition at the Bohemian Hall in Astoria, Queens.

This Greek cultural and folk dance group is the only purely Cypriot cultural organization in New York. Their purpose is to provide a network for promoting the Greek culture among Cypriots in America. They are also eager to entertain and educate non-Cypriot Americans about their culture.

Last year their festival was an outstanding success, more than 6,000 people attended. This year, they are planning an exhibition dedicated to the unique customs and traditions of the Cypriot people, with authentic musicians, dancers, singers, and artists from Cyprus performing these events. Special booths hosting various Greek and Cypriot organizations and companies promoting their products and services will be outside the hall. With the assistance of the Ministry of Culture of Cyprus, this 4-day event will be very exciting.

It is important for the American people to gain a greater understanding of the many different cultures that make up our Nation. By hosting this festival, CYPRECO is doing a great service to the community, and fosters a greater understanding among many peoples, and for this I wish to commend them.●

THE DISTINGUISHED MILITARY CAREER OF COL. JOHN B. CARTAFALSA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. LENT. Mr. Speaker, it is with the greatest pleasure that I rise to bring to the attention of my colleagues the distinguished military career of Col. John B. Cartafalsa, of Roslyn Harbor, NY. Colonel Cartafalsa is retiring from military service

of the United States after 32 years as a commissioned officer.

A noted New York trial attorney in civilian life, Colonel Cartafalsa has also compiled an outstanding record as an officer in the U.S. Army. His military career began in June 1952, when he was commissioned a second lieutenant, infantry, from the City College of New York ROTC. After service with the 101st Airborne Division at Camp Breckinridge, KY, Colonel Cartafalsa became a combat platoon leader in the 1st Cavalry Division until he was separated from active duty in May 1954.

Although returning then to civilian life, and beginning law school at New York University, Colonel Cartafalsa was determined to continue to serve his country in the Active Reserves, entering the Judge Advocate Reserve School as a student later in 1954. After promotion to the rank of captain, Colonel Cartafalsa served as a general courts martial defense attorney with the Fourth JAG Detachment from its inception as a unit until October 1965. After promotion to the rank of major, he was assigned to the Army Air Defense Command of the 6th Army at Fort Baker, CA, as mobilization designee—staff judge advocate, and then served for 10 years with the 356th Civil Affairs Area "B" Headquarters, first as staff judge advocate, then as Assistant Section Chief of the Government Section.

In that service he was promoted to lieutenant colonel and received his colonelcy in April 1979. At that time, Colonel Cartafalsa was assigned to staff judge advocate with the 301st Support Group "A." For the past 2 years, Colonel Cartafalsa has been assigned to staff judge advocate, 8th Medical Brigade.

Mr. Speaker, this brief capsulization of Colonel Cartafalsa's military career gives only a hint of the wide-ranging responsibilities and duties which he assumed and carried to completion with such remarkable competency and skill. As an indication of his superlative performance of his duties, Colonel Cartafalsa has been honored with a number of awards and decorations including the Meritorious Service Medal, the Reserve Forces Achievement Medal with Oak Leaf Cluster, the National Defense Medal with Oak Leaf Cluster, the Army Commendation Medal and the Army Reserve Medal with Hourglass.

In addition to his LL.B. degree from New York University Law School, Colonel Cartafalsa has completed several law courses in the JAGS School, and has completed courses in the Industrial College of the Armed Forces, the Office of Civil Defense, and Command and General Staff College, including the full 4-year course there.

Mr. Speaker, our great Nation owes a real debt to dedicated citizens like Colonel Cartafalsa, who in addition to successful civilian careers, devote years of their lives to the Reserve Forces, where they help to maintain the strength and readiness of our national defenses. I know, Mr. Speaker, that my colleagues join me in congratulating Colonel Cartafalsa on the conclusion of his 32-year career in the U.S. Army, and wish him continued success in his legal practice. I know his dedication and devotion to his country's needs are an inspiration to us all.●

ABORTION

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, I would like to introduce into the RECORD an article by Debra Braun of Dallas, TX. This article relates the gruesome and seldom seen results of one of the most atrocious acts that is allowed in our country; abortion. It might be easy for many Members to legislate abortion but the reality of what goes on in these abortion chambers is both morbid and sickening. Let's wake up before it's too late to stop this carnality.

[From the National Right to Life News, June 1, 1984]

DALLAS RTL DEDICATES BURIAL SITE OF 900 ABORTED BABIES

(By Debra Braun)

DALLAS, TX.—More than 600 pro-lifers gathered at Calvary Hill Cemetery on Mother's Day, May 13, to dedicate a gravesite where the bodies of 900–1,000 unborn babies have been buried. One speaker called the monument "a tomb to the unknown baby."

The bodies were recovered over a period of three months from a trash bin behind an abortion clinic, the Dallas Women's Center. Three women—Laura Weston, Kaye Thorogood, and Peggy Krebs—removed the bodies from the dumpster twice a week at various times of the day. No one ever questioned them about what they were doing.

In a recent newsletter of the Dallas Right to Life Committee, Mrs. Weston, 33, wrote that she never saw a pathology truck come to the clinic while she was sidewalk counseling there. She began to suspect that the abortion clinic was throwing the bodies in the trash.

"Finally, after much prayer," Mrs. Weston wrote, "I went to the dumpster behind the abortuary and peered in. The dumpster was filled with many large plastic bags; one of the ones on top was oozing blood."

She wrote that she dreaded opening the bag, and decided to take it home. She opened the bag and found a smaller plastic bag inside, labeled "Collection Bag," which was full of blood.

"In this bag was the tiny body of a beautiful baby boy," she wrote. "His head has been ripped off, and his chest was torn open, but through my horror and sorrow, I could not help but be struck by the wonder and perfection of this tiny body . . . Since then, I have seen hundreds of other babies, some as small as the end of my finger, others (had they not been torn apart) would be larger than my hand. All were wonderfully recognizable little boys and girls. Their bodies were compelling testimony, both to the beauty of God's handiwork, and the horror of man's."

After baptizing the babies, the women took the bodies to Calvary Hill Cemetery to be buried in a plot purchased by Dallas RTL. Mrs. Weston said that Christians have respect for man in his totality, body and soul, because they believe that God dwells in humans. "In times past, burial of the dead was a hallmark of a Christian society," she wrote.

The Knights of Columbus bought the gravestone. Engraved on it is a picture of a child in the arms of Christ and a quote from Isaiah 49: *"Can a mother forget her infant, be without tenderness for the child of her womb? Even should she forget, I will never forget you."*●

A CONGRESSIONAL SALUTE TO CAPT. DAVID G. KALB, U.S. NAVY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ANDERSON. Mr. Speaker, this Friday, June 29, marks the end of the long and distinguished active duty career of Capt. David G. Kalb, U.S. Navy. For the past several years, Captain Kalb has served as supervisor of shipbuilding, conversion, and repair in Long Beach, CA.

Among Captain Kalb's many duties during his tenure of command has been supervising the highly successful construction of the FFG–7 class guided missile frigates by the Todd Shipyard in San Pedro. The ships built under this program have consistently come in ahead of schedule and within budget, and have received high words of praise for the superior quality of their construction. This exceptional track record can certainly be attributed in large part to the professionalism demonstrated by Captain Kalb in his work with Todd Shipyard, as well as with other Navy suppliers and the shipbuilders in the area.

Captain Kalb began his naval career upon graduation from the U.S. Naval Academy in June 1960. Following graduation he served at sea aboard two destroyers, the U.S.S. *Lowry* and the U.S.S. *Douglas H. Fox.* He then spent 3 years as a graduate student at the Webb Institute of Naval Architecture, earning a bachelor's degree in marine engineering and a master's degree in naval architecture.

To utilize the skills acquired at the Webb Institute, he then began a series of varied assignments which included the Puget Sound Naval Shipyard; supervisor of shipbuilding, conversion, and repair at New Orleans; the Pearl Harbor Naval Shipyard; and most recently the Long Beach Naval Shipyard.

Captain Kalb also had two noteworthy assignments overseas. In January 1970, he went to Saigon, Vietnam, where he was in charge of the program of building ferro-cement ships and also served on the staff of the U.S. Naval Support Activity. His second overseas tour came in 1975, when he was assigned to El Ferrol, Spain, as resident shipbuilding liaison officer working with his Spanish counterparts in completing five guided missile frigates for use by the Spanish Navy.

Although his plans for retirement are at present somewhat uncertain, my wife, Lee, joins me in wishing Capt. Dave Kalb and his wife, Brenda Elaine, all the best in whatever the future holds for them.●

INCREASED PAYMENTS FOR PRESIDENTIAL NOMINATING CONVENTIONS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means today reported H.R. 5950, to increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of this bill by the House of Representatives.●

ASBESTOS WORKERS RECOVERY ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. PACKARD. Mr. Speaker, I am pleased to join with the gentleman from Pennsylvania, Mr. MURPHY, and a number of my colleagues in sponsoring the Asbestos Workers Recovery Act. This bill proposes to establish a more rational and efficient means by which to ensure that workers who contract an asbestos-related disease receive prompt and equitable compensation, consistent with the degree of injury from which they suffer.

Much has been written and reported regarding the potential risks associated with excessive asbestos exposure. Among the diseases known to be associated with asbestos exposure are asbestosis, a scarring of the lung; lung cancer, where asbestos exposure combines with other agents, such as cigarette smoke, to increase the risk; and mesothelioma, a relatively rare, and always fatal, form of cancer. Each of these diseases is characterized by a long latency period—as much as 40 years or more—between the time of a worker's exposure and the onset of injury.

Workers who have been injured by asbestos are eligible for compensation for lost wages and medical expenses under State or Federal workers' compensation programs, but too often these systems are bypassed completely in favor of filing a tort lawsuit against third-party manufacturers. Today, upward of 25,000 such lawsuits are pending in State and Federal courts throughout the Nation, and scientists estimate that between 80,000 and 300,000 workers may ultimately be affected.

None of the parties to this catastrophe believe that continued litigation is a socially acceptable means by which to compensate legitimately injured workers. Too often, those who are injured and in need of immediate help face lengthy delays before their case can be heard or a reasonable settlement concluded. My own State of California faces the largest numbers of asbestos lawsuits, in excess of 4,000. Even the most optimistic observer would have to concede that this backlog of cases makes it unlikely that cases filed today will be adjudicated for years to come.

Mr. Speaker, even when a case does finally come to trial, the results have been markedly inconsistent. Workers with medically clear-cut cases often receive relatively little while plantiffs with less certain or less severe injuries receive many times more. There is simply no rhyme or reason to the judgments, and given the vast scope of the problem we as a society must develop an equitable alternative.

The Asbestos Workers Recovery Act we introduce today does just that. The bill provides that any worker who establishes the presence of an asbestos-related disability to the satisfaction of the appropriate workers' compensation program, would automatically be entitled to an additional, supplemental, benefit in lieu of a lengthy tort proceeding. The system envisioned by the bill would thus assure that injured workers receive any State or Federal workers' compensation benefits to which they may be entitled, and uses that workers' compensation determination as the basis for determining eligibility for an award from third-party defendants. Such a system would save workers the time, expense, and frustration of filing a lawsuit and enduring lengthy delays; conserve the assets of third-parties to be used to compensate victims, rather than pay lawyers; and free judges to hear the many other cases that go undecided in the face of court dockets overloaded with asbestos cases.

Mr. Speaker, it is past time that the Congress take responsible action to address the human tragedy that has arisen in the asbestos cases. The Asbestos Workers Recovery Act is a major step in this direction, and I encourage my colleagues to join with us in this endeaver.●

IMPORT RELIEF FOR AMERICAN INDUSTRIES AND WORKERS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. SCHULZE. Mr. Speaker, since the Supreme Court on June 23, 1983, declared that the legislative veto is unconstitutional, the statutory provisions providing for congressional review of Executive actions in import relief cases filed under sections 201 and 406 of the Trade Act of 1974 have been left in legal limbo. In effect, the Supreme Court's holding has upset the careful balance of authority between the President and the Congress that has long been an integral part of our import relief statutes. In the wake of Chadha, therefore, the congressional safeguards on the President's discretion to refuse or revise recommended import relief are no longer enforceable, leaving the Congress without a formal means of reviewing the President's decision.

Under current law, the International Trade Commission [ITC] is authorized to investigate cases alleging that a domestic industry is being injured or threatened by increasing imports. Section 201, the so-called escape clause, covers actions involving excessive imports from non-Communist countries, while section 406 applies to actions where Communist countries are the source of increased imports. If the ITC determines that a domestic industry is being injured, or threatened with injury from rising imports, it must then recommend to the President import relief that would allow the domestic industry to adjust to greater import competition. The President then has authority, after reviewing the ITC's recommendation in light of several statutory criteria, to accept the ITC's relief plan, offer relief which differs from the ITC recommendation, or deny relief entirely.

In granting the President broad discretion to vary the relief recommended by the ITC, however, Congress also reserved authority to override the President's action by adopting a concurrent resolution of disapproval. But the Chadha decision's subsequent impact on the legislative veto has effectively removed Congress from the decisionmaking process in import relief cases. With Congress now stripped of its override authority, the

President in effect has unlimited leeway to reject, in whole or in part, the ITC's recommended relief. The President, for example, could conceivably deny a domestic industry any import relief, despite an ITC finding that the industry is suffering serious injury, on the grounds that import relief is not in the national economic interest. The injured domestic industry would then be sacrificed for broader national interest without Congress undertaking a formal review of the conflicting interests at stake or exercising any check on the President's decision.

Hence, it is vital that present law be revised to restore congressional input into our import relief decisions. The current uncertainty surrounding Congress' oversight in import relief cases can be resolved to ensure that the legislative branch will participate in the review of the President's final import relief decisions. In short, Congress must adopt legislation which maintains the interbranch balance of responsibility in the decisionmaking process and provides the legislative branch with a formal check on Executive discretion.

The bill I am introducing today would accomplish this goal and also meet the constitutional objections to the legislative veto that were raised in the Chadha ruling. Specifically the bill would revise section 203 of the Trade Act of 1974 to require that, in the event the President proposes relief which differs from that recommended by the ITC, the ITC relief recommendation be implemented unless the Congress adopts a joint resolution approving the President's separate action. The procedure for adoption of the approval resolution would follow the so-called "fast-track" rule provided for in section 151 of the Trade Act of 1974, thus allowing for prompt congressional consideration of the President's action. The joint resolution of approval, in effect, operates as a bill which must be presented to the President for his signature or veto. By requiring that the joint resolution be presented to the President, the constitutional problems posed by the present concurrent resolution provision are remedied. Thus, should the President fail to sign the approval resolution, the ITC's original recommendation for import relief must be implemented by the President within the prescribed time.

Although the Congress has never employed the override authority contained in the escape clause provision, the very availability of such authority serves to ensure that the President will remain responsive to congressional views when he exercises his discretion to offer relief. On the other hand, the absence of any congressional check on the President's discretionary authority may permit the executive branch to deemphasize Congress' concerns, effectively closing off any legislative recourse for injured domestic industries that are denied relief by the President.

It is especially urgent that the Congress act to restore its override authority in import relief action. This urgency is heightened by the unusual number of import relief cases now pending before the ITC. In those cases where the ITC finds injury, the President will be required to decide which industries should receive relief and what form that relief will take.

The bill that I am introducing today would fully reestablish Congress' oversight authority in import relief cases, and involve Congress in the final decisionmaking process. Moreover, this bill would ensure that Congress uses a constitutional method to review Presidential import relief actions, one that requires the Congress to affirmatively concur in the President's decision to offer relief which differs from the ITC's recommendation. Thus, the bill effectively requires the President and Congress to join in designing import relief which allows injured domestic industries and their workers to adjust excessive imports, but does not adversely affect other national economic interests.

In view of the impelling need for a constitutionally workable replacement for the legislative veto in our import relief laws, I again urge my colleagues to give this bill their careful and prompt consideration.●

RESULTS OF 16TH CONGRESSIONAL DISTRICT QUESTIONNAIRE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. DINGELL. Mr. Speaker, I am pleased to insert in the RECORD the results of the questionnaire which I recently sent to residents of my 16th Congressional District. My special thanks are extended to the many individuals who responded to the questionnaire. I also appreciate the interests of those who expressed additional comments and views on these major issues facing Congress and the Nation.

The percentage results of the questionnaire are printed below. Unfortunately, due to a printing error, question No. 7, "Do you favor a Federal law establishing a nationwide driving age of 21?" was deleted in the tabulation. Question No. 7 should have read: "Do you favor a Federal law establishing a nationwide drinking age of 21?" In question No. 3, alternative "f," "Delay the 10-percent tax cut set for July 1," also was deleted from the tabulation as an inaccurate statement.

RESULTS OF 16TH CONGRESSIONAL DISTRICT QUESTIONNAIRE

	Percent
1. President Reagan has submitted to Congress a budget deficit of $200 billion for 1985 which poses serious problems for future economic growth. This unprecedented deficit propels high interest rates which cripple investment and price American goods out of the international marketplace. What steps do you feel Congress must take to reduce this growing deficit?	
(a) Reduce Federal spending	68.7
(b) Raise Federal taxes	3.8
(c) Enact a combination of both of the above	27.5
2. The Administration proposes mandating additional cuts in domestic spending programs of $9 billion in Fiscal Year 1985 with 40 percent coming from programs assisting the poor and elderly. If you support spending reductions, in which of these areas would you cut spending:	
(a) education and job training	8.0
(b) aid to cities and communities	22.0
(c) environmental programs	22.0
(d) defense	31.0
(3) public assistance	20.0
(f) social security and pension programs	7.0
3. The third year of the 1981 Reagan tax cut, which is targeted to upper income groups and corporations, adds $135 billion to the Federal deficit for 1984. How would you recoup these lost revenues to reduce the deficit while assuring equity in the tax structure?	
(a) Eliminate tax indexing	16.5
(b) Close corporate loopholes	51.8
(c) Increase excise taxes	1.7
(d) Tax fringe benefits such as company paid health insurance benefits	10.5
(e) Impose a tax on imported oil	19.5
(f) (Deleted)	
4. Deterioration of our nation's streets, roads, highways, mass transit, sewers, airports, and other capital facilities is estimated to require $500 billion to $1 trillion to repair and expand. Do you favor increasing Federal funding to states and localities to move forward in meeting this task?	
Yes	58.1
No	41.9
5. Do you favor amending the Constitution to permit prayers in public schools?	
Yes	54.8
No	45.2
6. Our nation's medical bills for health care will soon take a greater share of the GNP than our investments in education and defense combined. Do you favor Federal controls on hospital and physician costs?	
Yes	79.7
No	20.3
7. Deleted.	
8. Do you favor an equal rights amendment to guarantee the rights of women under the Constitution?	
Yes	60.6
No	39.4
9. The fact that the U.S. has no effective and coordinated trade policy has led to massive imports of products and counterfeit goods, barriers to our exports, and a trade deficit threatening to reach $70–$100 billion at the close of the year. How should Congress address this problem?	
(a) Require automobiles to be manufactured with a certain percentage of American made parts	29.7
(b) Place quotas on imported automobiles	18.3
(c) Impose quotas on imported steel	18.3
(d) Enhance exports of manufactured goods and agricultural products	22.0
(e) Ease restrictions which regulate mergers of industries to make them more competitive	11.7
10. The U.S. farm economy continues to be troubled by low farm income, commodity surpluses and drought. Which of the following farm programs do you believe helpful in solving these problems?	
(a) Price support programs for milk	4.4
(b) Price support programs for wheat, corn, and other grains	5.4
(c) Export promotion programs	31.4
(d) Low interest loans for farmers	31.0
(e) Disaster assistance to farmers	27.8
11. Since 1981, the U.S. has provided $263 million in military aid and $582 million in economic aid to El Salvador. The Administration has requested $311 million in military assistance and $410 million in economic assistance for 1985. Do you support:	
(a) Increased military aid to El Salvador:	
Yes	30.0
No	70.0
(b) Increased economic aid to El Salvador:	
Yes	42.0
No	58.0
(c) A reduction in U.S. assistance and involvement in El Salvador:	
Yes	78.0
No	22.0
12. With nine million Americans out of work and fewer than 35 percent of them receiving unemployment benefits, the House last year passed a relief program of emergency loans to help unemployed homeowners avoid foreclosure and loss of their homes, and a health care bill to provide minimum family health insurance protection to the jobless. These bills have been stalled in the Senate due to Administration opposition. Do you feel economic conditions warrant enactment of these proposals?	
Yes	65.7
No	34.3
13. What do you believe are the major problems facing our nation today? (The following are the problems most frequently cited and the percentage of response.)	
Government Spending	50.7
Unemployment	26.9

RESULTS OF 16TH CONGRESSIONAL DISTRICT QUESTIONNAIRE—Continued

	Percent
Defense Spending	20.5
Economy	15.7
Crime	14.3
Taxes	14.3
Foreign Aid/Policy	14.3
Health Care and Elderly Problems	10.5
Trade	10.2
War	8.6

TRIBUTE TO JOHN C. SANCHEZ

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. EDWARDS of California. Mr. Speaker, on behalf of my colleagues from California, Mr. MINETA, and myself, it is with great pleasure that I bring to the attention of our colleagues a remarkable individual, John C. Sanchez, and recognize the outstanding service he provides as postmaster of the city of Santa Clara.

John Sanchez is one of the most respected and beloved men in his community. He has worked for the U.S. Postal Service for 37 years, having been promoted to postmaster in 1967. During his tenure, he has earned the admiration of his employees as well as all the postmasters in the area.

A lifetime resident of Santa Clara, John Sanchez married Rita Arnold in 1947. They have two sons, John and Peter. John's duties with the Postal Service began as a temporary subclerk in 1947 after serving his country in the U.S. Army.

The admiration Mr. Sanchez receives from everyone who comes in contract with him is due to his incredible sense of humor, warm personality and intelligence. He handles every situation that arises with complete competence and fairness. It is these rare qualities that have endeared him to the many friends he has in the community.

I know our colleagues join us in saluting this wonderful public servant. His outstanding contributions to the Postal Service and to the county of Santa Clara will be long remembered. We thank him from the bottom of our hearts for all he has given.●

THE PERUVIAN CRISIS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. DELLUMS. Mr. Speaker, recent mass protests by Peruvian teachers and civil servants over economic issues, and the ensuing declaration by Peruvian President Fernando Belaunde Terry of a nationwide state of emergency—including the suspension of constitutional rights of free assembly—have ripened internal conditions that could lead to civil war in Peru. The deteriorating state of Peru's economy and the alarming increase in human rights violations by that nation's security forces raise serious questions concerning President Belaunde's commitment to democratic practices.

Kevin Kecskes and John Schafer, staff researchers at the Council on Hemispheric Affairs, have prepared a timely analysis outlining recent developments of Peru's explosive situation. I commend their report to the attention of my colleagues and urge that you familiarize yourselves with the most recent developments in what may well become the next Latin American hot spot.

PERU SLIPPING INTO CIVIL WAR UNDER BELAUNDE'S MILITARIZED LEADERSHIP

(By Kevin J. Kecskes and John Schafer, COHA staff researchers)

Unable to stem terrorist strikes by an anarchistic guerrilla insurgency and confronted with Peru's worst financial crisis of the century—a result partially due to the inept management of the economy—the Peruvian government of President Fernando Belaunde Terry has unleashed a counterinsurgency campaign without quarter. The offensive, launched by the military, has spilled over innocent civilians, including intimidation and human rights violations against opposition political leaders, labor unionists and government critics, leading many to fear that Peru's days as a functioning democracy may be numbered.

While the military battle the Maoist Sendero Luminoso (Shining Path) guerrillas in Peru's southern region surrounding Ayacucho, Lima's police force was turned loose against waves of teacher and civil servant protests. Late last week, Belaunde declared a national 30-day state of emergency in the face of the largest strike by public employees in the country's history, when 130,000 teachers walked off their jobs on June 4. The next day, approximately 600,000 civil servants and their supporters joined in a general strike of indefinite duration. Union leaders responded to Belaunde's June 8 declaration by promising mass hunger strikes and sit-ins, and to continue the ongoing protest until demands for higher wages are met. A State Department official described the state of emergency decree as a "preventative measure to get a handle on the right of assembly."

The state of emergency decree authorizes police personnel to search homes and make arrests without warrant, severely restricts travel throughout the country, and suspends all public rights of assembly, among other strictures.

Increasing reports of government torture and disappearances of suspected "subversives" in the Ayacucho area, where Sendero Luminoso is based, are accompanying the continuing growth of the military's freedom of action under Belaunde to flout the country's constitutional guarantees. The failure of Belaunde's efforts to alleviate Peru's economic crisis, in turn, has spawned the emerging waves of popular unrest that the government has sought to counter through sanctions against opposition media facilities and outright clampdowns on trade union strikes and dissident political leaders.

In a recent interview with COHA in Washington, Javier Diez Canseco, a Peruvian legislator, vice president of the Human Rights Commission of the Chamber of Deputies in Lima, and member of the Popular Democratic Union (UDP) party, charged that "the possibilities of change in Peru are being denied [by the government]. . . . Present conditions in Peru leave the way open for a very extended and violent civil war." Diez Canseco was suspended from exercising his Congressional privileges until next September for engaging in an unparliamentary procedure in challenging Belaunde's economic policies—yet another sign of the government's escalating commitment to employ political pressure and, in some cases, heavy sanctions against domestic opponents.

ECONOMIC CRUNCH REACHES A HEAD

Skyrocketing inflation and a dramatic drop in the standard of living for the poorest segment of the country's population have sparked numerous protests and strikes against Belaunde's economic policies this year, culminating in the current general strike. The annual inflation rate in Peru stood at about 125 percent last year, and real wage earnings of the country's work force have dropped 50 percent since Belaunde assumed office in July of 1980. A full 63 percent of the population currently is unemployed or underemployed. The legal minimum wage, for those who are fortunate enough to earn that much, is approximately $40 a month.

The Peruvian government's staggering foreign debt of $14 billion—for a country of 18 million people—has seriously aggravated the crisis by channeling precious public funds towards servicing a foreign debt, the bulk of which was contracted due to the wanton spending of the predecessor military government which rules the country from 1968 to 1980. The debt currently consumes over 50 percent of Peruvian export income while demanding a 30 percent share of the national budget. Gross National Product dropped 10 percent last year, and fell another one percent in the first quarter of 1984. Already, under Belaunde's presidency, the Peruvian *sol* has been devalued by approximately 1,100 percent, responding to IMF-mandated strictures for revitalizing the country's economy.

A CALL TO ARMS

One indication of the Peruvian military's growing power within the Belaunde administration is the recent purchase of 26 French-built Mirage 2000 fighter-bombers for a reported $700 million—an extraordinary expenditure for Belaunde to authorize as the IMF breathes down his back to cut domestic spending, and as hundreds of thousands of teachers and government workers take to the streets to demand long-overdue salary increases.

The government's nearly five-year-old war against Sendero Luminoso, which has extended the military's previous virtual free rein over 13 provinces—to now the entire country, has brought Peru to the brink of a general internal conflagration. Every day brings with it information of a dramatic increase in the tempo of human rights violations, including reports of torture, disappearances, psychological warfare against local inhabitants in areas surrounding Ayacucho, and summary executions—all ostensibly designed to thwart the rebel insurgency. Since Belaunde decreed a state of emergen-

cy in Ayacucho in 1981, Peruvian human rights sources have reported at least 1,500 cases of missing persons in that region alone.

HUMAN RIGHTS ABUSES GALORE

As a key component of its counterinsurgency strategy, the military has formed squads of local civil defense forces, largely comprised of Indian peasants residing in affected areas. It was at the government's urging of one such group, in the Andean highland village of Uchuraccay, to beware of all "enemies [who] come on foot," that eight Peruvian journalists were tragically murdered in January 1983. The independent commission charged with probing the incident warned that "to accept or encourage the peasant communities to take justice into their own hands in response to Sendero Luminoso's abuses and crimes profoundly undermines the nation's judicial system and provides, unknowingly, a cover under which all kinds of personal revenge, ethnic and regional disputes and terrible accidents can be committed."

Mario Cavalacanti, dean of the Ayacucho Bar Association, and a critic of military human rights abuses in the region, has reported, in addition to the alleged 1,500 cases of missing persons—of which the Latin American Human Rights Association (ALDHU) has documented at least 600—that government forces have committed a number of extrajuridical killings, thefts of personal property, and rapes in the Andean zone. Cavalacanti also reported last February that, following a confrontation between police forces and Senderistas in the village of Silvia, a battalion from the crack anti-insurgency forces, known as Sinchis, occupied the town along with a Marine infantry unit and arrested 300 people. The forces then separated 54 of the villagers, executed them, and buried them in a common grave.

INCREASING CURBS ON PRESS

To the dismay of Peruvian human rights activists, such information and reports as provided by Cavalacanti rarely escapes the tight security curtain surrounding Ayacucho, as well as the 12 other military-administered provinces. In recent months, counterinsurgency forces have been vested with the responsibility of providing information to the capital. The resulting cocoon of silence now has spread to envelope all of Peru under the present state of emergency.

In response to past popular pressure to investigate reports of the military's human rights violations, President Belaunde has deployed civilian agents, or "fiscales," from Peru's state investigative authority to examine local police headquarters located in emergency zones where many of those missing reportedly have been detained, tortured and executed. But the failure of the fiscales to gain physical access into many outposts, in turn, ultimately resulted in a government clampdown on a leading Lima television political-affairs program.

Cesar Hildebrandt, one of the country's most respected political analysts and host of the popular "Vision" talk-show, accompanied a fiscal to a local military post armed with a camera, where a group of policemen reportedly had been detained for human rights abuses. Both the fiscal and Hildebrandt were denied entry to the facility. Subsequently, "Vision" aired the segment that Hildebrandt himself had shot on May 27. After a commercial break, the program never returned to the air. The station's owner later stated that the Hildebrandt program had lost "the moderation it should have had," according to Diez Canseco.

Luis Antonio Percovich, appointed interior minister in April, denounced the "Vision" segment as part of "an international communist campaign to undermine the Peruvian government and to discredit the armed forces." Spokesmen for the opposition United Left coalition, a grouping of six leftist political parties that won a considerable showing in last November's municipal elections—including the capture of the mayoralty of Lima—charged that "Vision's" shutdown was part of a dangerous trend among Belaunde government officials to stifle all opposition criticism of the government as next year's presidential election draws near, as well as to cover up officially—sanctioned human rights abuses.

In April, Lima's only remaining televised opposition voice, "Document," was shut down after its director ran a segment examining the abject living conditions faced by the captial's growing slum population. The opposition UDP charged that the government was utilizing the media services of Carlos Tizon, the country's leading construction tycoon, to erect a barrier to the flow of "negative" information about the government. Tizon, known for his millions as well as his strong ties with the government—permitting him to walk off with some of the most lucrative contracts for government-funded building projects—reportedly plays a major role in outbidding potential opposition competitors for buying Lima television programming time, which he later delegates to producers known to favor the government

PRINT MEDIA ALSO AFFECTED

The increasingly disgruntled and frustrated left-wing and liberal parties, despite the swelling numbers of their ranks, now face the real possibility that two of the remaining three opposition publications will go bankrupt, due to a government cutoff in vital public advertising revenues. Both El Observador and El Diario de la Marka, traditional critics of human rights violations committed by both the guerilla insurgency and the government forces, have encountered serous economic difficulties as a result of this policy. Nonetheless, the third and largest opposition newspaper, La Republica, is said to be thriving as its circulation soars due to an increasingly disaffected population.●

ALDENYS ACOSTA NAMED 1984 NEW JERSEY BOYS CLUB YOUTH OF THE YEAR

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. GUARINI. Mr. Speaker, it is my pleasure to report the selection of a young man from Jersey City as "Youth of the Year" by the New Jersey Area Council of the Boys Clubs of America. His name is Aldenys Acosta.

Aldenys is only in the United States 5 years, arriving from the Dominican Republic with his family to reside in the downtown section of Jersey City. This young man is now a sophomore at St. Peter's Prep in Jersey City. While he now has an excellent command of the English language, he spoke no English just 5 years ago.

When Aldenys Acosta came to the United States 5 years ago, he said he had a choice between "the streets," or becoming someone his folks could be proud of.

He chose the latter, and last week was rewarded by the New Jersey Boys Clubs of America for his outstanding deeds for the community and others.

Acosta, who is 17, was chosen as the organization's "Youth of the Year" from among 16 Boys Clubs finalists during the 15th annual dinner at the Town & Campus Restaurant in Union. He rceived a plaque and a $500 prize.

The more than 1,000 Boys Clubs of America serve approximately 1.2 million youngsters who are primarily from urban areas and disadvantaged backgrounds.

Programs include youth employment, sports, and computer literacy programs. The clubs are open daily and are run by professional staffs.

As the winner of the award presented by the New Jersey Area Council of Boys Clubs, for which girls are also eligible for participation, Acosta will be entered in the National Youth of the Year competition along with eight other contenders from the Northeast.

The winner will compete in Washington in September against three other regional winners for a $5,000 prize, which will be presented by President Reagan.

He is a former teachers' aide at St. Joseph's School for the Blind in Jersey City, and helped organize a cleanup project at the city hall area in Jersey City. For the cleanup, he was given a citation by the city's mayor.

When the Jersey City Boys Club building was destroyed by fire last year, Acosta arranged for its members to meet in various homes and schools to keep the programs alive.

One of five children in his family, Acosta also worked on the renovation of his apartment building in Jersey City.

Though the youth can add the Boys Clubs award to the Prep Spirit Award he received as a freshman in high school, and others for swimming and gymnastics abilities, he said helping others is the most rewarding experience of all.

"I could have just hung around in the streets doing nothing," Acosta said, "But that just wastes a lot of time. I want to make something of myself."

In the future, he plans to attend college to study economics or management.

Because of the fire several years ago at the Whittier House Boys Club, a famed haven for families in Jersey City, a new structure is nearing completion.

I was pleased, several years ago, to help obtain a Federal grant of about

$200,000 for the reconstruction of an old coal bunker on Canal Street as the new Jersey City Boys Club. This Federal grant has served as a catalyst for the community to raise almost $2 million to aid in the reconstruction. The site is now a filled-in area for the famous Morris Canal, which played such an important role in the industrial development of our Nation.

The new coal bunker, with additions thereto, is scheduled to be dedicated later on this summer.

I believe the article written in the Wednesday, June 27 edition of the Bergen Record, quoted below, helps tell the whole story:

When the Grand Street Jersey City Boys Club burned down in November 1981, a teen age immigrant from the Dominican Republic "kept the guys together," says Gary Greenberg, director of programming at the club.

Aldenys Acosta, who had not known a word of English a year before, was setting up meetings among club members in various borrowed rooms. "He couldn't see (the club) close, even though the building was gone," says Russ Triolo, executive director of the Boys Club of Union.

Last week Aldenys was named 1984 New Jersey Youth of the Year by the boys club for his dedication to the club and to the Jersey City community as a whole.

He was cited for the long hours he put in as a teachers' aide at St. Joseph's School for the Blind and for a project he led to clean up the Jersey City City Hall. To try to relieve tensions between senior citizens and teenagers, Aldenys and other club members shoveled snow free for the elderly.

"It's fun being in the snow," Aldenys says, "and when you do this for them, they like you. They stop thinking you're a drug addict or something."

"You do things for people," Aldenys says, "and when you pass by them, it just feels good to know that they like you."

Aldenys, 17, says he joined the boys club a few days after he arrived in this country four years ago. "It was tough not knowing the language," he recalls. But he says the boys at the club, by pointing out his mistakes, helped him learn English far better than the bilingual classes at school did.

Within a year he not only knew the language, but had made the honor roll at Jersey City's Public School 16. He was graduated as valedictorian of his eighth-grade class and won a scholarship to St. Peter's Prep. There he was elected freshman class president.

Now entering his junior year, he excels in gymnastics and diving, while upholding his academic record and working part time. "I don't like to waste time," he says.

Aldenys is the fourth of five children in his family. "We're a very united family," he says.

After the apartment building in which the Acostas' were living was condemned by the city, his family received a loan from First Jersey Bank and began fixing up an abandoned building on Barrow Street in Jersey City as part of a state pilot project known as the Family and Sweat Equity Program.

Nineteen families now occupy three structures, taking care of the buildings themselves. Aldenys was assigned to sit outside in the winter, watching the building to protect it from vandals.

Aldenys was "a clear winner" in competition with candidates from 15 other New Jersey clubs for the state Youth of the Year award. He was initially chosen from more than 600 Jersey City boys.

Aldenys will represent New Jersey in the Boys Club regional competition.

Greenberg describes Aldenys as a serious student who speaks out against vandalism and graffiti. Aldenys, because he is short, normally would be "the kid who gets picked on," Greenberg says, Yet "everyone knows and loves him . . . He doesn't preach to them."

"He gives you advice," says fellow club member Eric Ramirez, 15. "He helps you out with your problems."

"He serves as a role model for the other kids," Greenberg says, whether they're black, white, or Hispanic.

The other children look up to him, Ramirez says. "No one around here has got so much involvement."

Aldenys says he will go to college and start a career in business, where he can use his math skills. But he wants to continue being active in the community. "I plan," he emphasizes, "to come back to Jersey City."

Now, with help from corporate donations, a new boys club headquarters is being built on Canal Street in Jersey City. And that makes Aldenys happy.

"The boys club teaches good values in contrast to the bad values of the street," he said. "The boys club teaches kids to do the right thing."

It has been indeed refreshing for me to report this success story and recognition by the prestigious Boys Club of America.

This young man's determination and commitment to education indeed surpasses that of many of our native born youths. It fortifies our feeling for the greatness of America and the opportunity which it affords for persons of good will.

As you know, in the 14th District which I represent rests the grandest lady of all times, our Statute of Liberty, but a few hundred yards from the shores of Jersey City. Knowing of this latest success story provides me with further respect and admiration for our "Lady of the Harbor" and that for which she stands.●

IT IS TIME TO DECLARE WAR ON CONTAMINATED DRINKING WATER

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. MADIGAN. Mr. Speaker, I am being joined today by DENNIS ECKART in introducing the Safe Drinking Water Act Amendments of 1984. This sorely needed legislation will modify the existing program to regulate drinking water in this country and will diminish the growing risks to public health from contamination of our drinking water supplies. I would like to briefly discuss the background of and need for this legislation, as well as some of its key provisions. A complete summary of the bill will follow my remarks.

I worked for 3 months last year with Congressman ECKART and other members of the Committee on Energy and Commerce to fashion a strong bipartisan bill to reauthorize the Safe Drinking Water Act. Those negotiations ended in December for a number of reasons, but one was the desire of certain environmental groups to have more time to examine the needs of the legislation and to make recommendations. These groups came to me last month and presented their views on the weaknesses of the current Safe Drinking Water Act. Mr. ECKART and I were able to work with groups such as the Environmental Policy Institute, the Clean Water Action Project, Friends of the Earth, the National Wildlife Federation and the National Resources Defense Council in formulating this legislation. Many of their suggestions were taken into account. Public water systems and various industrial groups were also involved, and I believe we have a piece of legislation that is completely fair to all concerned but is crucial to guaranteeing safe drinking water supplies in this country.

The need for this legislation is obvious. In a recent EPA random survey of metropolitan water systems, 28 percent were found to be contaminated by one or more toxic organic chemicals. In another random survey, 63 percent of the rural water supplies were also found to be contaminated. Our surface water supplies are polluted by over 700 synthetic organic chemicals, heavy metals, pesticides and other pollutants. The condition of our ground water supplies, which account for 50 percent of our drinking water, is also threatened. Ground water is subject to approximately 30 different sources of chemical contamination. These include hazardous waste landfills, surface impoundments, septic tanks and cesspools, and our latest cause for concern—leaking underground storage tanks. It is clear that we cannot solely rely on cleanup which is often technically or economically infeasible. Prevention of contamination is the only viable, long-term remedy for the problem.

I would like to briefly describe some of the key provisions of this bill. The legislation is divided into two main titles. The first is regulation of public water supplies, the second is a program for the protection of underground sources of drinking water.

The Safe Drinking Water Act is based on a system of mandatory national standards set to limit contaminant levels so as to protect public health. This is the cornerstone of the regulation of public water supplies. Unfortunately, progress in establish-

ing these national maximum contaminant levels has been unacceptably slow. To date, EPA has promulgated less than 20 drinking water standards, and these do not include many toxic organic chemicals of greatest concern to the American public.

Standard setting would be greatly expedited under my bill. First, the 14 volatile organic compounds [VOC's] identified by EPA in 1982 must be regulated within 18 months of enactment of the bill. This regulation must occur unless the EPA Administrator publishes a determination that a national standard is not needed to prevent known or anticipated adverse effects on the health of persons. Second, the near 50 contaminants identified by EPA in a 1983 advanced notice of proposed rulemaking must be regulated within 36 months of enactment of the bill, unless the Administrator can make the negative determination outlined above for the VOC's. Third, EPA must publish an annual priority list of substances for review as possible drinking water contaminants, beginning in 1988. All substances placed on this list must be regulated within 3 years unless the Administrator finds that protection of the public health does not demand it. This type of mandated agency action is currently lacking in the regulatory scheme and represents a significant step in assuring safe and healthful supplies of drinking water. My bill also streamlines regulatory procedures under the act by eliminating the designation of "interim" standards and requiring that maximum contaminant level goals, formerly known as recommended maximum contaminant levels, be promulgated simultaneously with national primary drinking water regulations. Finally, the bill requires control technologies which are the best available—considering costs—rather than the best generally available as in current law.

My bill contains several additional improvements in the regulation of public drinking water supplies. A program is established requiring water companies to monitor for unregulated contaminants. The results of this monitoring would be made available to the public. The bill greatly strengthens the authority to enforce the drinking water standards. EPA is given authority to issue administrative orders and to take actions to address violations in primacy States, where the State is not diligently pursuing an enforcement action. EPA is given the authority to promulgate reasonable public notification requirements to relieve water companies from overly burdensome rules while preserving the rights of the water consumer to know of violations which may exist. Finally, stringent criminal sanctions are instituted for those who may tamper with a public water system.

Title II of the bill establishes a program to protect our vital underground sources of drinking water. I consider this the most significant aspect of the legislation next to mandating the promulgation of national drinking water regulations. Injection of hazardous wastes above or into a drinking water source is banned by this bill, except in conjunction with a Superfund cleanup action. Monitoring down gradient from deep, or class I wells, is instituted to ensure that there is no migration of waste as required by existing EPA regulations. Enforcement of UIC regulations is also greatly strengthened.

Several of our Federal environmental laws, including the Clean Air Act and the Coastal Zone Management Act, require States to develop a formal, legally enforceable strategy on the use of precious natural resources. In the area of ground water, such planning activities are lacking in many States. My bill rectifies this by requiring each State to develop and adopt a plan to protect underground sources of drinking water from contamination which may adversely affect the health of persons. Each plan must be approved by EPA.

The plan must contain a number of criteria to be approved. Among these are the designation of regulations, including best management practices [BMP's], to protect ground water supplies. States with oil and gas exploration must have provisions to protect against contamination from brine disposal. Areas with aquifers designated as sole or principal drinking water sources can also receive special protection and funds.

The bill contains two sanctions against those States that do not develop or implement a plan. A recalcitrant State will not only lose its primacy status but the State will also be subject to a citizens suit forcing compliance with the law. I know that some groups are fearful that Federal involvement in matters such as this can lead to Federal land use management and other undesirable intrusions. I want to make clear that the State plan provisions of this bill are meant to afford the State maximum flexibility in formulating a sensible strategy to protect public health from ground water contamination. EPA must approve a State's plan unless it clearly is not meeting the requirements of the provision. I believe that the requirement for State ground water plans is necessary to guarantee safe and healthful drinking water for future generations of Americans.

Mr. Speaker, it is time to declare war on contamination of our drinking water supplies. This legislation strikes a sound balance between the flexibility required to regulate the Nation's 69,000 different water systems and the active direction needed to provide consistently high quality drinking water throughout the country. I hope that many of my colleagues will soon be joining Mr. ECKART and I in sponsoring this legislation. A brief summary of all of the provisions of the legislation follows:

SAFE DRINKING WATER AMENDMENTS OF 1984

SECTION-BY-SECTION ANALYSIS

Title I

Section 101—Standard Setting

Interim regulations which have been promulgated pursuant to 1412(a)(1) of the Act are deemed "national primary drinking water regulations." This simplifies the statutory framework as there are no "revised" regulations, but all regulations can be amended under existing statutory conditions. (Sec. 101(a))

Within 18 months after enactment the bill would require the EPA to simultaneously propose MCL goals and national primary drinking water regulations for 14 volatile organic compounds (VOCs) listed by EPA in the Federal Register. In lieu of the above, the EPA can publish a determination that a national standard is not needed to prevent known or anticipated adverse effects on the health of persons. (Sec. 101(b)(1)(A))

Within 36 months after enactment of the bill, the same procedure would be followed for contaminants listed in Volume 44 of the Federal Register, page 45502. (Sec. 101(b)(1)(B))

The same procedure would be followed for any substance which the Administrator determines may have an adverse effect on the health of persons. On January 1, 1988, and yearly thereafter, EPA must publish a list establishing priorities and criteria for review of substances which may require regulation to prevent known or anticipated adverse health effects. Within 3 years of listing a contaminant, the above regulation procedure must be followed. (Sec. 101(b)(1)(C))

MCL goals are set at a level in which no known or anticipated adverse effects on health occur, with an adequate margin of safety. National regulations specify a level as close to an MCL goal as feasible (costs are considered).

Filtration as a treatment technique shall be proposed for raw surface water sources. Disinfection treatment technique regulations are to be promulgated for all public water systems. Variances from both requirements are possible.

Section 102—Monitoring for Unregulated Contaminants

EPA, by rule, shall establish a program of monitoring for unregulated contaminants. Monitoring frequency is based on number of persons served and contaminants likely to be found, with minimum requirements. EPA shall list unregulated contaminants to be monitored for, but States can add or delete from the list. EPA shall reimburse the costs of monitoring for systems with less than 150 connections.

Section 103—Enforcement of Regulations

In primacy States, the EPA is required to commence a civil action or to issue an administrative order to a public water system to comply with a standard, if the State has not acted before the thirtieth day after notification of violation. In non-primacy States, no notice is needed, and the EPA is required to issue an order or commence a civil action whenever there is non-compliance by a public water system.

Administrative orders are available in lieu of civil actions, but in primacy States may only be issued after consultation with the States and public hearing.

Civil penalties of up to $25,000 per day are available.

Section 104—Public Notification

The bill mandates EPA to prescribe by rule within 12 months the form, manner and frequency of the notice. All notices must be no less than on an annual basis. EPA is also given authority to differentiate between serious and non-serious violations for purpose of notice. Serious violations must be noticed in a newspaper of general circulation every 3 months.

Section 105—Variances

Variances are available from the BAT standard depending on certain factors. A schedule of compliance is prescribed at the time the variance is granted.

Section 106—Exemptions

The bill adds a possible extension of 3 years to comply with an exemption schedule if certain criteria are met. Systems with less than 500 service connections can possibly gain an additional 2 years if financial assistance is needed.

Section 107—Tampering with Public Water Systems

This section provides for criminal penalties for persons who introduce a contaminant into, or otherwise tamper with, a public water system, with the intention of harming persons. Tampering can result in a $50,000 fine and 5-year sentence, attempted tampering a $20,000 fine and a 3-year sentence.

Title II

Section 201—UIC

The injection of hazardous wastes above or into drinking water sources would be banned except that injection of contaminated groundwater into the aquifer from which it was withdrawn may be allowed pursuant to RCRA or Superfund criteria and procedures. The prohibition takes effect 6 months after enactment except for States with identical requirements.

The bill requires EPA to revise UIC regulations to require monitoring of underground drinking water sources down gradient from class I injection wells. An EPA-State inventory of hazardous waste wells is also mandated.

Section 202—Enforcement of UIC

The bill allows EPA, 30 days after notice of violation and after notice to the State, to issue an order enforcing a UIC requirement if the State does not. Civil penalties of up to $25,000 per day are available.

Section 203—State Plans

The bill requires States to develop and adopt plans to protect underground sources of drinking water from contamination that may adversely affect the health of persons. These plans must be developed within 18 months and meet five listed criteria to be approved by the EPA. The State plan must:

(1) Specify a lead agency for implementing the plan;

(2) identify the different aquifers to be protected and sources of contamination;

(3) contain implementing regulations including best management practices (BMPs);

(4) provide for alternative drinking water supplies if needed; and

(5) list areas designated under section 1424(e) as containing sole or principal source aquifers.

Oil and gas exploration States must have provisions for protection from contamination from brine disposal. A State may provide special protection for sole source aquifers. Sources of drinking water to be protected are broadly defined.

State plans initially rejected may be revised and resubmitted. States failing to have plans approved within the time limitations cannot exercise their section 1422 State UIC enforcement responsibility. The State will also be subject to citizen suits under section 1449.

Each State is eligible to receive Federal grants for 50 percent of the costs of development and implementation of the approved plan.

Title III

Section 301—Authorization of Appropriations

Studies Section (1442(a)(2)(B))—$11.3 million per year, FY 1986-89.

Technical Assistance—$47 million per year, FY 1986-89.

State Public Water System Supervision—$45 million per year, FY 1986-89.

Underground Water Source Protection—$28 million per year, FY 1986-89.

Development of State Plans under new Section 1003—$25 million for FY 1986-89.●

REAGAN ADMINISTRATION EFFORTS AT WEAPONIZING SPACE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. MOAKLEY. Mr. Speaker, I rise to, once again, urge my colleagues to repudiate efforts by the Reagan administration aimed at weaponizing space. An arms race in space will add nothing to U.S. security interests and only serve to undermine current and future arms control agreements. Beyond this, such a race will be fabulously expensive. It makes much more sense for the United States and the Soviet Union to immediately begin negotiations aimed at banning all space weapons—so that we may prevent the proliferation of these new and destabilizing weapons systems.

Mr. Speaker, Dr. Carl Sagan, the noted astronomer and Cornell University professor, has been an active and vocal critic of the so-called star wars strategy since its inception. In an excellent interview, which appeared in the May-June edition of Common Cause magazine, Dr. Sagan discusses at length the strategic, economic, and moral drawbacks of a space weapons race. For the benefit of my colleagues, I submit the interview in the RECORD.

THE SKY IS NOT THE LIMIT

(By Julie Kosterlitz and Deborah Baldwin)

When President Reagan addressed the nation on television in March of last year, he surprised many Americans—and some of his own advisers—with an unexpected proposal to launch a radically new generation of weapons based in outer space.

Among those caught off guard was Dr. Carl Sagan.

An astronomer and Cornell University professor best known for his popular public television series, "Cosmos," Sagan was in a hospital bed recovering from surgery for a burst appendix at the time.

"The first thing I saw coming out of this haze was the president's 'star wars' speech," Sagan recalls.

Having played a leading role in the National Aeronautics and Space Administration's Mariner, Viking and Voyager expeditions to the planets, Sagan was no stranger to matters extraterrestrial. He also knew that the technology required to implement the president's plan is currently not much more than a gleam in scientists' eyes, and that despite the billions of dollars required to develop such a system, it might never work as planned.

It wasn't only the difficulty, costliness and uncertainty of the proposal that concerned him and a growing number of scientists and arms control experts, but the belief that it would increase the prospects for a nuclear war.

Sagan's fear was heightened by the fact that, at the time of the president's speech, he and a group of other scientists were nearing completion of two years' worth of studies that culminated in the discovery of the "nuclear winter."

In the aftermath of a nuclear exchange, they learned, the fine particle put into the earth's atmosphere (partly as a result of burning cities) would darken and cool the earth so much that agriculture would be destroyed and the chances of human survival drastically reduced.

Sagan decided it was time for action. A month before the president's speech, he and IBM physicist Dr. Richard Garwin had drafted a petition urging nations capable of launching their own satellites or space craft to negotiate a treaty banning all weapons from space and prohibiting destruction of satellites, which play a key role in peacetime data gathering and military awareness. "The treaty now seemed much more important," Sagan recalls. Still in the hospital, he worked with his wife, Ann Druyan, coauthor of the "Cosmos" series, to gather more signatures for the petition and to cable the petition to heads of the "spacefaring" nations.

The petition, eventually signed by nearly 40 scientists—many of them leaders in military and civilian space development—spurred an exchange of letters with the late Soviet President Yuri Andropov. The Soviets subsequently unveiled a proposal to the United Nations calling for a comprehensive ban of all anti-satellite and space-based weapons. The Reagan administration, which has not officially responded to the Soviets, has suggested it is not likely to take up the proposal.

Instead, the president wants to push ahead with an ambitious, long-term program to develop a set of space-based weapons designed to destroy ballistic missiles before they reach their targets on earth. (Ballistic missiles fly in an arc-like path under the influence of gravity after a brief period of powered flight.)

Supporters argue that space weapons would allow the superpowers to reshape their defense thinking. Under the present, uneasy balance of power, the strategy to avoid nuclear war is based primarily on the assumption that if either superpower strikes first, the other will launch a devastating counter-attack—thus the phrase "mutual assured destruction." Wouldn't the world be safer, supporters argue, if each side knew no

ballistic missile would ever reach its target because it would be knocked down in flight?

Sagan, however, argues that the development of space weapons would have the opposite of the intended effect. Rather than provide a defense, space weapons would threaten the side that fell behind in the space race, thereby adding to the temptation to strike first before the system was in place.

Moreover, he believes the development of space weaponry would set back arms control efforts because, while the new system could never stop all incoming missiles, it would give the side with the technological edge a dangerous illusion of invulnerability. At the same time the new system would tempt opponents to increase their arms buildup in an effort to thwart the system.

Meanwhile, concern is mounting over testing of a U.S. weapon designed to destroy Soviet satellites. Sagan and other critics charge that the weapon, which is considered far more sophisticated than any existing Soviet anti-satellite weapon, would not only heighten tensions between the superpowers, but also represent the first step toward escalating the arms race in space.

In a recent interview with Common Cause Magazine, Sagan explained why he is working to stop the arms race in outer space. He urged citizens not to leave the debate to the so-called experts, but to "dig into the guts of the issue." Below are excerpts from that interview.

CC: Most Americans know you as the man who leads guided tours of the cosmos on television. How did you get involved in the issue of nuclear arms control?

Sagan: Two things happened. One was the March 23, 1983 speech by the president. I could not believe what I was hearing.

The other thing was the accidental discovery of the "nuclear winter." Suddenly, we had stumbled on the likelihood that nuclear war—as bad as we knew it would be—would be much worse than anyone had said.

CC: Why the sudden emphasis on space-based defense at this time?

Sagan: The president was captivated by it. It's very clear that his speech on March 23rd was not checked with critical people in his own administration. They were caught completely off guard. He hasn't bothered to check on its technical feasibility or get any input from people with different opinions.

CC: For a lot of people, talk about war in outer space conjures up images of Flash Gordon or Luke Skywalker. What are we really talking about?

Sagan: Different people are talking about different things, and that's part of the confusion. What the president was talking about in his speech was a kind of impenetrable shield over the United States which would protect it from ballistic missiles with enormously—one might even say "fantastically"—high accuracy. But what the actual technical people of the Department of Defense are talking about is quite different. The technical people are talking about a defense system that would shoot down some percentage of incoming warheads. That is very different from an impenetrable shield. Being able to shoot down everything and being able to shoot down 50 percent or less makes all the difference in the world.

CC: What concerns you about the space-based missile defense?

Sagan: First of all there almost certainly will not be an impenetrable shield or anything like that. Secondly, it is ruinously expensive. It would cost around a trillion dollars. And that is of some relevance in a time of galloping national budget deficits.

Thirdly, these systems will abrogate many if not most of the few strategic treaties that the superpowers have solemnly entered into. Take the bomb driven X-ray laser, for example. This is a scheme of Edward Teller and his associates at the Lawrence Livermore Laboratory which would have a set of X-ray lasers in space; each one of them, in order to work, to shoot down one missile, would require the explosion of a single one-megaton hydrogen bomb. Such a device would simultaneously abrogate the outer space treaty, the limited test ban treaty and the antiballistic missile treaty.

Finally, if there were such a shield in place over the United States and not over the Soviet Union, they could do nothing to intimidate us and we could do anything to intimidate them. And since their national survival would be at stake, their one obvious response would be a preemptive nuclear strike against the United States to prevent such systems from being put into place.

CC: So you think a space-based weapons system is a serious provocation?

Sagan: It is the most dangerous provocation—much more dangerous than putting Pershing IIs or cruise missiles in Europe. This system, if deployed, says that the entire Soviet strategic arsenal is now useless.

CC: Yet the president has stressed this is an attempt not to gain superiority, but to eliminate the threat of nuclear war. It sounds appealing.

Sagan: Imagine that there was a science fiction kind of impenetrable shield put over both the United States and the Soviet Union. Between the U.S. and the U.S.S.R. there could be no objection. It suddenly makes both countries safe from intimidation by the other.

But the moment that shield is anything less than perfect, or anything less than simultaneous, we have an extremely different situation. Imagine a system which is only 50 percent impermeable—50 percent of the missiles or warheads from the other side get through. Now, suppose the Soviets wish to be guaranteed the ability to inflict a certain amount of damage on the United States. What is their response to the certain knowledge that a U.S. system is 50 percent impermeable? It's to double their strategic forces. They just shoot twice as many warheads. Half of them will be knocked down, and the remaining half will administer the damage they wished to administer.

CC: Right now the superpowers' strategy to prevent nuclear war is based on the theory of "mutual assured destruction." The only thing that keeps one side from attacking the other is that each knows it would be destroyed if it launched an attack. Neither side is equipped to defend itself—they are only equipped to retaliate after the damage has already been done. President Reagan says his plan to shoot down missiles in flight, from outer space, is a better way to prevent nuclear war, since it would allow both sides to defend themselves before the damage is done.

Sagan: Anything short of an impermeable system is significantly more dangerous than no defense system whatever.

CC: You seem to doubt our ability to ever build that perfect shield.

Sagan: That is an extremely generous way to put it. The undersecretary of defense for research and engineering, Dr. Richard DeLauer, says he believes it would require the equivalent effort of eight or nine Manhattan [nuclear bomb development] projects, or nine Apollo [moon landing] projects—each on a different phase of the technology.

CC: In terms of the time and cost involved?

Sagan: And in terms of difficulty.

CC: But the Apollo project did succeed. Couldn't this also?

Sagan: What you have to remember is that the moon didn't fight back. It was not attempting at each step of the development of the Apollo program to design ways to foil our attempt to land a human being on it.

The Soviets would be foolish not to try to take what countermeasures they can against such a system. And when you look at it even casually, it turns out that there are an enormous number of countermeasures they could take, that are very effective and that are cheaper than the space-based ballistic missile defense system itself.

CC: You're saying we would come out as losers both economically and strategically. But we wouldn't even have to worry about the Soviets' countermeasures, since the president has offered to make whatever space-based missile defense we design available to them. He says that if both sides have this system in place, both sides would be so well defended there would be no temptation for either to launch an attack. In fact, Defense Secretary Caspar Weinberger repeated the offer recently on national television.

Sagan: He can't be serious. There are computer systems fundamental to the success of this system that would help track hundreds of thousands or millions of warheads, decoys and penetration aids (devices designed to help penetrate the enemy's defense). If he were serious about sharing the system with the Soviets, he would immediately be in favor of shipping our most powerful computers to the Soviet Union. Instead, he has been at the forefront of opposing high technology transfer to the Soviet bloc. He can't have it both ways.

CC: Some scientists have argued that even if the system is not perfect, it would make it impossible for the Soviets to plan an effective attack. They would have no way of knowing how effective our system was, how many missiles could get through and which targets they could be sure of hitting. With all those uncertainties, the argument goes, they would be discouraged from launching an attack at all.

Sagan: I don't think that makes any sense. The first, obvious Soviet response is, as I mentioned, simply to increase their attacking forces to compensate for the U.S. defense system. But, of course, they can't be sure how effective our defense would be. So to be conservative, they have to plan for the worst case, which means they have to increase their attacking forces by a large factor. So in the case of a nuclear war, more damage would probably be inflicted on the U.S. than if there were no space-based ballistic missile defense system.

CC: Do you really think the defense strategists are blind to these risks?

Sagan: You're starting with the assumption that the people who are proposing this have thought it through. . . .

CC: Your scientific expertise is well known. But isn't nuclear arms control primarily a political issue?

Sagan: Well, most of the issues we have been talking about are largely scientific and technological. But as Aristotle said; "man is a political animal," and this is a democracy—people are supposed to take seriously their responsibilities as citizens. I have children, I hope to have grandchildren. I am personally very concerned that we are foolishly moving toward a world in which everybody is at much greater risk than they are

today, and things are plenty bad enough today.

CC: So what do you recommend?

Sagan: I recommend massive, bilateral, verifiable, safe reduction in the strategic arsenals of both nations.

CC: But even reducing these arsenals doesn't get rid of the threat of nuclear war.

Sagan: You can't disinvent nuclear weapons. Both superpowers know how to make them, and lots of other countries do as well.

CC: You're saying there's no technological solution to the threat of nuclear war?

Sagan: It is not a question of gadgets, it's a question of people. The solution is political—it's in the human heart.

Since 1946 there has been a steady proliferation of the gadgets of the strategic arms race and it has not helped at all. We do have to learn from experience.

CC: Having exchanged letters with the late Soviet President Yuri Andropov, you've had a little more experience with the Soviets than the rest of us. What is your sense of where the Soviets stand on the whole issue of space weapons?

Sagan: The Soviet Union has put forward to the United Nations a proposal to ban anti-satellite weapons. The United States has not even bothered to respond.

CC: But don't the Soviets already have a weapon system to destroy satellites?

Sagan: They have a very rudimentary one. The first version worked, by any definition, only about 50 percent of the time, and the new, improved version works about zero percent of the time.

CC: Do you think the Soviet proposal to ban anti-satellite weapons is an entirely sincere gesture?

Sagan: If any nation wants to propose backing off from a weapons system that it has, or is working on, for propaganda advantage, their bluff should be called.

CC: How could we trust the Soviets not to go ahead developing their weapons?

Sagan: It's not a matter of trusting. It's a matter of surveillance. After all, this administration is imagining a system that is able to track one million decoys and penetration aids and warheads, all in the skies at the same moment. If they think that's possible, how can they maintain that you cannot put up in space a surveillance system which can monitor the testing of a few anti-satellite weapons? They can't have it both ways.

CC: What is the danger of having weapons that destroy satellites?

Sagan: Between 75 and 90 percent of U.S. military communications traffic goes via satellite. The Soviet reliance on satellite military communication is much less. The existence of an anti-satellite capability on both sides threatens U.S. military communications much more than Soviet communications. . . .

Also, you make it more likely to initiate war which is triggered by miscalculation, misunderstanding. Let's say, for example, a U.S. military reconnaissance satellite fails mysteriously over the Soviet Union. In a world without anti-satellite weapons, we are likely to think of that failure as mechanical or electronic. But if we are at a time when the Soviet Union has a well developed anti-satellite capability, we are likely to take very seriously the possibility that the satellite went out because of hostile action. That could be erroneous, but nevertheless would dangerously raise the level of tension. The same is true, of course, about a Soviet satellite failure.

CC: Some scientists argue that if we had weapons in space we might be able to wage a sort of "clean" war, fought by mechanical proxy way out there. We could knock out each other's satellites, for example, and still contain the hostilities before they spread to earth. Outer space could serve as kind of a buffer zone. What do you think of that argument?

Sagan: It's tremendously foolish and unrealistic. Imagine that the Soviets wake up one day to find that all of their satellites whose job it was to detect the launch of U.S. strategic missiles have failed. What are they to think?

It could not have been accidental because there are too many of them to all fail at once. So it must be due to U.S. action. Why would the United States wish to blind their capability? Only because the U.S. wanted to launch a first strike. What is the Soviet response? To launch their first strike first—"use them or lose them." I don't see any way in which this confines things to space; in fact, it brings them very precipitously down to earth.

CC: Some critics of the "star wars" approach say we are rapidly approaching a point of no return. Why is that?

Sagan: Because of the technological momentum and because each side is quite justifiably scared to death of the other. If one side has a real sense that the other has gotten substantially ahead, they have to move ahead also or else prevent it. And as soon as you spend lots of money you have lots of careers dependent on the development of this system. Then there's concern over corporate profits, wages of workers, the prestige of all the officials who have come out in favor of this system. It gets very hard to stop.

CC: Most of the issues we've been discussing seem to require a lot of scientific and technological expertise. How is the average person supposed to make any sense of it?

Sagan: People need to dig into the guts of the issue. It's not that hard. They could start by reading Space-Based Missile Defense (Union of Concerned Scientists, Cambridge, Mass., 1984) or the recent report by the U.S. Congress' Office of Technology Assessment.

CC: Let's say we defer military use of outer space. What are some of the nonmilitary projects you'd like to see taking place in outer space?

Sagan: I'd like to see the United States continue its historic exploration of the universe. It has been the world leader but has significantly backed off in this decade. For example, in 1986 there will be the close passage by the earth of Halley's Comet. There will be a joint Soviet-French mission to observe it, and a mission from the European Space Agency, which is comprised of 10 or 12 European nations, and a mission from the Japanese Space Agency. The United States will not be represented. This was considered to be a low priority activity. I'd like to see missions to comets, asteroids, Mars, Titan (a moon of Saturn)—a full exploration of our neighborhood in space. It can be done for about 1 percent of the "star wars" cost and might well provide an aperture to a very promising future for the human species.

There is an enormous amount that can be done in the utilization of the space environment that is not being done. Already weather satellites, communications satellites and earth resources satellites have proved economically extremely beneficial. And military reconnaissance satellites are tremendously stabilizing. They give each side some breathing room because they provide information about the intentions of the other superpower. They're worth their weight in gold.

CC: You've been involved in the search for life on other planets. Have you ever suspected that there were other societies out there that destroyed themselves?

Sagan: Sure. This has been a factor in the equation used to analyze the likelihood of life on the planets of other stars since the late '50s. If technical civilizations tend generally to destroy themselves once they reach our level of technological adolescence, there might be very few civilizations out there at any given time. If a small fraction of such societies manage to live with weapons of mass destruction, the number of civilizations might be very large.

CC: Do you think that our civilization is going to survive the next century?

Sagan: Prophesy is a lost art. What's clear is, it's up to us. Humans made this mess, and humans can get out of this mess. But not if we just stick to the conventional modes of thinking.

CC: How should we reorient our thinking? What are we missing?

Sagan: Take a look at the development of "identification horizons" in the history of the human species. We start out identifying with small family groups and grow to identify with tribes. Then our fundamental concern is about the tribe. Next we grow into larger, more settled agricultural groupings and city-states, then small nations, larger nations and then the present situation, in which the average person on the earth owes his or her primary identification to a group of hundreds of millions of people or more. As that happens the amount of internal conflict goes down because people realize those other guys are just like us.

The key question is, will our identification horizons expand to include everyone on the planet before we destroy ourselves?

CC: Has being an astronomer and astrophysicist affected your view of arms control?

Sagan: Certainly. When you look at the earth from space and see it as a fragile, tiny planet, tremendously sensitive to the depredations of its inhabitants, it's impossible not to think that what we are doing is foolish.

There are no national boundaries visible when you look at the earth from space. It's a planet—all one place. All the beings on it are mutually dependent, like living on a lifeboat. Whatever the causes that divide, us, the earth will be here a thousand—a million—years from now. The question is, will we?●

COMMEMORATION OF THE 50TH ANNIVERSARY OF "BLOODY THURSDAY"

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ANDERSON. Mr. Speaker, on the 5th of July, members of the International Longshoremen's and Warehousemen's Union and their families will be gathering at Pecks Park in San Pedro, CA, for the 50th anniversary of "Bloody Thursday" and to honor those members who died on that tragic date.

The history of the events leading up to that day in 1934 is one of constant struggle, and of triumph against overwhelming odds. Prior to 1934, labor relations on the waterfront were not those of the employer and employee, as we know them today. The men were unorganized and members of the employer controlled blue book union. Longshoremen were hired on the docks, and worked backbreaking hours, under nonexistent safety standards.

The few that did get the chance to work were sometimes required to work up to 30 hours at a time without sleep. Kickbacks were paid to the hiring boss to get even this type of labor. A longshoremen's weekly average pay in San Pedro was $10.45. The men were largely first or second generation imigrants who could work hard, but not under such conditions.

In June 1933, a movement was started to organize a coastwide rank and file controlled union. After months of organizing, on May 9, 1934, the longshoremen of the west coast all struck for recognition of their union, the rank and file control of hiring, a wage increase, and a general improvement of conditions. Violence broke out up and down the coast as employers sought to end the strike.

On May 15, 1934, the first serious clash occurred when 300 strikers marched down the Wilmington-San Pedro Road to the docks, where a ship was being unloaded by nonunion labor. They were met by hundreds of police, armed guards, and strike breakers. Soon violence broke out and two longshoremen, Richard Parker and John Knudson of San Pedro, were killed.

The shootings and beatings escalated up and down the coast and culminated with the Bloody Thursday massacre in San Francisco. The mayor of San Francisco had stated that the port would be opened in the morning on Thursday, July 5, 1934. Those on the picketlines were met by nearly 8,000 policemen and a riot began that resulted in two more longshoremen being killed and over 100 hospitalized.

Many innocent bystanders were injured in the melee; and in support of the longshoremen, the citizens of San Francisco staged a 3-day general strike. This action forced a settlement through the President's Mediation Board and the majority of the union's demand were met.

So on July 5, we will remember Richard Parker and John Knudson of San Pedro who gave their lives along with others in the effort to improve working conditions and allow hardworking men the chance to walk with dignity. My wife, Lee, joins with me in honoring those men, and the struggles of the ILWU in establishing their organization.●

TRIBUTE TO SANILAC COUNTY ON 150 YEARS OF PROGRESS

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. TRAXLER. Mr. Speaker, I rise before this distinguished body to pay tribute to Sanilac County, one of the most productive and beautiful counties in Michigan. Next week the people of Sanilac County, which I have the honor of representing, will celebrate the sesquicentennial of the county's settlement. I ask my colleagues to join in a salute to this county, its proud heritage and its hardworking and friendly people.

The story of Sanilac County begins in what is now the city of Lexington. At this pleasant site on the shores of Lake Huron, the first white settlement was established in 1834. Prior to this, the area was inhabited by the Sauk Indians who left the only petroglyphs—carvings or inscriptions—in the State of Michigan.

Many of the early settlers in Sanilac County during the early 19th century came from English Canada. They had been banished to the United States after the 1837 rebellion against the British colonial government. Although these settlers expected a harsh and barren land, they were surprised to find rich soil and a healthy climate conducive to growing crops that today make Sanilac County one of Michigan's top grain producing counties.

Sanilac County received its charter after a special act of the Michigan Legislature of 1848. By 1881, all 26 townships were organized. Peter H. Benedict was the first representative in the State legislature from this county, having been elected in 1852.

The settlers found a country that was blessed with pine of the finest quality spurring a bustling shinglemaking trade. Many of the beautiful farms in Sanilac County today were purchased by the original settlers with proceeds from the shinglemaking of their own hands.

However, the history of Sanilac County is not without disaster. The great fires of 1871 and 1881 devastated the county, while the Great Lakes storm of 1913 signaled the death knell for many Lake Huron ports.

Nonetheless, the children of the hearty peoples who settled Sanilac County survived the trying times, cleared the land and put to good use the abundance of opportunities the soil afforded them. Sanilac County has the distinction of being the top dairy producing county in Michigan and one of the largest producing counties for the agricultural commodities that feed the world.

During the week of July 4–8, Sanilac County will celebrate the historic sesquicentennial with a spectacular parade on the Fourth and fireworks to commemorate Independence Day. The celebration will be capped July 8 by the blessing of the fleet at the Lexington Harbor. The entire week will be highlighted by a new history of Sanilac County—the first comprehensive documentation of the county's background written since 1884. And last, but not least, Sanilac County will proudly fly its new flag which depicts the richness of the county with the symbols of the lighthouse, boats, the dairy cow, wheat, the Indian bowman, and the hunter, and the fisherman and the pioneer.

I want to personally express my good wishes to all the people of Sanilac County, and commend the many dedicated civic groups and individuals involved in the observation of Sanilac County's rich heritage and confident future.●

NATIONAL SAFETY GOALS PROMOTED

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. GOODLING. Mr. Speaker, the 98th Congress has cleared and sent to the President legislation promoting two very important national safety goals—legislation of which I am extremely proud to have been an original cosponsor, and the passage of which I greet with nothing short of enthusiasm. I am referring to the recent House/Senate approval of child passenger safety seat incentive grants/uniform minimum drinking age legislation.

Passage of this legislation will achieve two very important goals: First, improving and increasing the proper use of child restraint devices [CRD's] nationwide; and second, reducing the disproportionate number of alcohol-related traffic deaths among American teenagers because of varying legal minimum drinking ages across the country.

As the sponsor of House Concurrent Resolution 23, the first resolution calling on all States to raise their drinking age to 21—introduced some 19 months ago during the lameduck session of the 97th Congress. I am delighted that we have sent a "21" bill to the President for signature that received the overwhelming approval of the House and Senate, and which has the endorsement of both the President and Transportation Secretary Elizabeth Dole. The Uniform Minimum Drinking Age Act Amendment—which I cosponsored with Public Works and Transportation Chairman JIM HOWARD, along with Messrs. ANDERSON, CLINGER, BARNES, LANTOS, and

PORTER—will achieve a uniform drinking age of 21 by withholding a small percentage of highway construction funding from States which do not adopt a "21 law" by fiscal year 1987.

The CRD provisions of this legislation will earmark States section 402 highway funding for child passenger seat distribution, enforcement, public information, and education programs—all of which are vitally needed, in light of the fact that automobile crashes are the leading cause of death for American children.

As has been said during debate on both of these subjects, it is rare that we as legislators are given the opportunity to vote on measures which will save lives. With approximately 900 children under the age of 5 being killed annually while riding in passenger vehicles, and with 5,000 teenagers losing their lives each year from drunken driving, what worthier bill could we, Members of the 98th Congress, clear for President Reagan's signature than this measure?

My career prior to serving in the Congress was in education, and so I came to Washington with frequent visions of the faces of the young people in south-central Pennsylvania—some of whom lost their tender young lives in senseless traffic crashes, many of them as a result of heady encounters at the wheel following carousing in a State south of our border which then had a lower drinking age.

I want to protect our future—our most valuable and precious natural resource—from senseless mortality rates and from crippling injuries; thus, I applaud the work of the 98th Congress on enacting legislation addressing the critical need for child restraint device usage and a legal minimum drinking age of 21 nationwide.

I would add that I am also pleased with amendments which the Senate included to combat drugged driving and improve law enforcement in alcohol-related automobile accidents involving older drunken drivers.●

NATIONAL DIABETES MONTH

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. LAFALCE. Mr. Speaker, "It was the best of times, it was the worst of times," wrote Charles Dickens. Doctors or parents of adolescents with diabetes might change the refrain to, "It was the worst of times, it was the very worst of times."

A diabetic adolescent must cope with the restrictive requirements necessary to control diabetes while simultaneously coping with simply being an adolescent. Awareness of complications associated with diabetes and statistics documenting a shorter life span for diabetics, compound the difficulties of adjusting to those sensitive adolescent years. We can well understand the problem by simply reflecting upon those statistics.

Diabetes, as the third leading cause of death in the United States, afflicts 12 million Americans, claiming 300,000 lives annually—almost 1,000 lives every day. Diabetes is one of the four major risk factors for cardiovascular disease, is responsible for 20 to 25 percent of all cases of kidney failure, causes almost 50 percent of foot and leg amputations among adults and is the leading cause of new blindness. Infants born to mothers with diabetes experience a disproportionately high rate of mortality, congenital malformations, respiratory distress, prematurity, and other serious medical problems.

It is estimated that diabetes costs our Nation over $10 billion annually.

That's the bad news that gives adolescents, and indeed all diabetics a "worst of times" experience. But there is good news. Research has produced dramatic improvements in the testing and caring for diabetes and, indeed, has given rise to the expectation that a cure may be found in the near future.

Scientists supported by funding from the National Institutes of Health [NIH] have made major contributions in diabetic research.

It has been demonstrated that several commom human viruses are capable of producing diabetes in laboratory animals, thereby possibly leading to the development of a preventive diabetes vaccine. Genetic markers for diabetes have been identified, which may lead to identifying high-risk candidates before they develop diabetes and its complications. Researchers have determined that there is a causal relationship between lack of control—fluctuation in blood sugar levels—and the onset of diabetes' complications. A new clinical trial may demonstrate whether adequate control will prevent or mitigate the devastating and debilitating complications of diabetes. The pregnant diabetic has the benefit of research demonstrating that meticulous control of her blood sugar and fetal monitoring can reduce most of the complications of a diabetic pregnancy to a rate comparable to those of nondiabetic pregnancies.

Treatment of the diabetic has also advanced during the past decade. Many diabetics are wearing an external miniature battery-powered pump which feeds a continuous supply of insulin to the body. The wearers of this device need no insulin injections and are able to maintain almost normal blood sugar levels. Human insulin, produced through recombinant DNA was approved this year for use by the Food and Drug Administration. Ultimately human insulin will provide an unlimited supply of cheaper, purer, and more compatible insulin. In addition, new tests and more accurate techniques to monitor blood sugar control have been developed.

Perhaps the most exciting area of diabetic research—one that speaks to a cure for diabetics—is pancreatic islet cell transplantation. The islets contain the pancreas gland's insulin-producing beta cells. The successful transplantation of these cells into the diabetic may actually reverse diabetes in the body. To date, researchers have successfully transplanted clusters of the insulin-producing cells from one animal species to another. Scientists are now working to overcome problems of rejection of islet cells and to iolate these cells from large animals and man, as well as purifying islet tissue.

Such advances are, in large part, the direct result of diabetes research at the National Institutes of Health. National Diabetes Month will call attention to the nature of this disease and the advances made in combating its negative effects.

As a cosponsor of House Joint Resolution 307, I urge my colleagues to approve this resolution which would designate the month of November 1984 as "National Diabetes Month." All diabetics deserve to see their life as the "best of times."●

CONGRESSIONAL SALUTE TO ROBERT M. BRUBAKER, D.D.S., 1984 PAUL HARRIS FELLOW, ROTARY CLUB, WAYNE, NJ

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ROE. Mr. Speaker, recently the residents of my hometown of Wayne and State of New Jersey joined together in testimony to an esteemed dentist, outstanding community leader, and good friend—the Honorable Robert M. Brubaker, D.D.S.—whose standards of excellence throughout his lifetime have earned him the most highly coveted honor of being chosen the 1984 Paul Harris fellow of the Rotary Club of Wayne—the highest award that Rotary can bestow upon any of its members. I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to Dr. Brubaker upon receiving this citation of merit and share great pride in the success of his achievements with his wife June, their children: Anne, Peg, Bob Jr., Mary Jane, and Jim; and grandchildren: Meghan and Sarah Burns.

The Rotary Club of Wayne is one of our Nation's most prestigious affiliates

of Rotary International whose motto: "We make a living by what we get * * * we make a life by what we give"—"Service above Self"—and their good deeds in helping others, young and adults alike have served to inspire all of us. Dr. Brubaker has by his example and lifetime of dedication to these same true American ideals personified exemplary leadership in his outstanding responsible service to our people.

Mr. Speaker, Bob Brubaker's personal commitment to the economic, social, and cultural enhancement of our community has been a way of life for him. We are proud to boast that he was born and raised in New Jersey and has devoted his exemplary expertise and professional skills as a doctor of dental surgery in private practice for over three-and-a-half decades in my hometown of Wayne, NJ. He pursued his academic studies at Mountainview Grammar School, Pompton Lakes High School, and the William Paterson College in New Jersey. He completed his college undergraduate studies at the University of Pennsylvania, Philadelphia and attained his doctorate in dentistry in 1946. He served with distinction as a captain with the U.S. Army Dental Corps from 1946 to 1948 at Tokoyo General Hospital, and Station Hospital, Fort Benning, GA.

Dr. Brubaker established his private dental practice in Wayne in 1949 and as been dentist for the Wayne Township Public School System since 1950 to the present. Throughout his lifetime he has forged ahead with dedication, devotion, and sincerity of purpose in his daily pursuits. He has always applied the most sophisticated and advanced techniques of his profession. We applaud the quality of his dental health care in service to the people of our community. He is a longstanding distinguished member of the Passaic County Dental Society, New Jersey State Dental Society, and American Dental Association.

We commend Dr. Brubaker's knowledge, training, hard work, and personal commitment that has enabled him to achieve the fullest confidence and strongest support of the people of our community. He has been a staunch supporter and active participant in many civic and community improvement programs. He served as president—1956-57—of the Wayne Chamber of Commerce and was instrumental in the unification of the Wayne, NJ, postal system with the establishment of a central office in the Mountainview section of Wayne. He has been a prominent member of the Wayne Township Historical Commission since 1976 and is currently secretary of the commission.

He is a charter member of the Rotary Club of Wayne where he has served in many official capacities—chairman, Committee to Choose Rotary Flag; sergeant at arms, treasurer, secretary, vice president, president-elect, president, director, District Walter Head Committee, District Paul Harris Committee.

Some of his additional affiliations and endeavors on behalf of highly benevolent, charitable, religious, and civic organizations and in service to our people include: life member, Psi Omega Dental Fraternity; past commander, American Legion, Anthony Wayne Post No. 174; Mountain View Lodge Free and Accepted Masons; Scottish Rite Bodies of North Jersey; Salaam Shriners Temple.

Dr. Brubaker has been a highly prominent and active member of the United Methodist Church of Wayne for 48 years. His good deeds are legion. He was fundraising chairman for the construction of its education wing in 1954 and its sanctuary in 1964. He was chairman of the commission on missions, commission on education, pastoral relations committee, lay leader and superintendent of Sunday school. He has been an active member of the past 25 years of the Northern New Jersey Conference of the Methodist Church where he served as district lay leader in 1969, conference lay leader in 1982 and is presently secretary for the conference division of the laity.

Mr. Speaker, I appreciate the opportunity to call your attention to this year's recipient of an award of excellence that expresses appreciation for the untiring, unselfish, herculean efforts of a highly compassionate individual whose many accomplishments have truly enriched our community, State, and Nation. I know you will want to join with the Rotary Club of Wayne, NJ, in honoring our good friend, Dr. Brubaker as an outstanding citizen and great American. We do indeed salute the Wayne Rotary Club's Paul Harris fellow—the Honorable Dr. Robert W. Brubaker of Wayne, NJ.●

TRIBUTE TO THE NEW MEMBERS OF THE BERGEN COUNTY SEMIPRO BASEBALL HALL OF FAME

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. TORRICELLI. Mr. Speaker, I rise today to recognize the achievements of the Bergen County Semi-Pro Baseball Hall of Fame on the occasion of their 13th Annual Induction Ceremony.

Since its conception in 1971, this organization has channeled great energies in order to promote the game of baseball as a favorite national pastime. I commend them for their efforts and pay tribute to the 23 inductees honored on June 30, 1984.

The following 23 men have been cited for their outstanding performances while playing with the best semipro baseball teams in Bergen County, NJ. I am proud to acknowledge the accomplishments of:

Bill Librera—Pitched for the Jewell AC, Lodi Richmonds, and Randolphs, among others. Formerly coached at Elmwood Park and Lyndhurst High Schools.

Jack Epple—Gained much of his attention by pitching for the Glen Rock AC in the 1930's and 1940's.

Lou Lombardo—Pitched for one season with the New York Giants in the National League and with a number of leading area teams.

John Gleason—Hurled in the farm systems of the New York Giants and Chicago White Sox from 1947 to 1950 and with the Maywood AC from 1950 to 1960 in the Bergen County League.

Dick Offringa—Catcher for the Glen Rock AC for nearly two decades. Toured Japan in 1933 with the Wheaties All-Stars.

Frank Storicks—Caught for the Hackensack Troasts and Clifton Phillies and was named to the Bergen County League All-Star team twice.

Joe Cervino—Now the head coach at Paramus High School, he starred as an infielder for the Lyndhurst Teamsters from 1967 to 1973 and won the batting championship of the metropolitan league in 1969.

Harry Maresca—A standout infielder, he played for Allendale and Ramsey in the 1930's and 1940's.

Joe Brigandi—A shortstop for the Lodi AC, Rosemonts, and Komedy Nine, among others. Former teammates include former major leaguers Al and Tony Cuccinello.

Mickey Cliffo—Third baseman for 20th Century, Garfield Pleasure Club, Clifton Randolphs, Lodi Red Wings, and Indes.

Johnny Huber—Another infielder who starred for the Passaic Pros and other leading teams in the 1930's and 1940's.

Sam "Duttie" Travolta—Father of actor John Travolta, who played with teams in Westwood and Park Ridge in the 1930's and 1940's.

Bill Medea—Played the outfield for the Lyndhurst Teamsters, Emerson Westwood Merchants, and Teaneck Twins until 1980 and made the met league all-star team five times.

Art Kinnaugh—Now Fair Lawn High School's coach, Kinnaugh played for the Teamsters from 1967 to 1977 and won the met league batting title three times—1971, 1972, and 1977. He has a 10-year batting average of .401. A four-time met all-star.

Joe Marbella—A lefty swinging outfielder, he made the met all-star team

five times while performing for the Moonachie Braves from 1967 to 1978.

Carl "Cookie" Simmons—Played a number of positions, but mainly first base for the Garfield Benignos, Hackensack Troasts, Wallington Hillsides, Passaic Comets, and Clifton Dodgers. Most valuable player of the Bergen County League in 1960.

Bob Scariato—An outfielder who made all-country at Hackensack High School, he played for the Troasts from 1951 to 1960.

Orrie Hurd—Managed teams throughout Bergen County for more than 30 years.

John DeVincentis—This Hackensack resident was an outstanding umpire for many seasons on the semipro circuit.

Ron Phillips—Former Herald-News sportswriter and now in public relations, Phillips will be inducted for his contribution to the game on the local level.●

A TRIBUTE TO LT. COMDR. CHRISTOPHER A. KIEFER, USCG, UPON HIS RETIREMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ANDERSON. Mr. Speaker, on July 25, the Coast Guard will honor Lt. Comdr. Christopher A. Kiefer on his retirement after 20 years of service to his country. The retirement ceremonies will take place at the Terminal Island Coast Guard Base.

Chris enlisted in the U.S. Coast Guard on July 21, 1964, at Green Bay, WI. After completing training at Cape May, NJ, and at the electrician mate school in Groton, CT, he was assigned aboard the USCGC *Coos Bay,* and then the USCGC *Humboldt,* both weather cutters out of Portland, ME. Subsequent assignment included the *Nantucket Lightship;* the Buoy Depot in Bristol, RI, the Loran Station on St. Paul Island in the Bering Sea for 14 months of isolated duty; the Dry Tortugas Light House; and the St. Petersburg Air Station in Florida. Chief Electrician's Mate Kiefer then decided to further his career by applying for admission to the Officer Candidate School.

In February 1971, Chris graduated from Officer Candidate School, and was commissioned an ensign in the U.S. Coast Guard. His first commissioned duty was as engineering watch officer on the USCGC *Hamilton.* Other assignments have included two tours with the Marine Inspection Office Los Angeles-Long Beach, the icebreaker USCGC *Burton Island,* and in the Industry Training Program, where he specialized in offshore oil drilling operations. His 19 months aboard the *Burton Island* included two deployments to arctic waters and one to the Antarctic.

His last duty assignment before retirement brought Lieutenant Commander Kiefer back to Long Beach to the 11th Coast Guard District Staff as Branch Chief, Commercial Vessel Safety, in charge of commercial vessel inspections, licensing, and documentation. He was instrumental in the consolidation of the vessel documentation and personnel licensing functions, resulting in considerable saving of tax dollars.

Chris Kiefer is a member of many professional organizations, including the Propeller Club; the Society of Port Engineers, and the Binnacle and Bilge Clubs of LA/LB Harbor. He has been active in the maritime committees of the Long Beach Chamber of Commerce.

My wife, Lee, joins with me in congratulating Lt. Comdr. Christopher Kiefer for many years of exemplary service, and we wish him, his wife Diana and their three children, Kimberley Anne, Eric Christoper, and Daniel, all the best in years to come.●

EMPLOYEE OWNERSHIP AND BETTER LABOR-MANAGEMENT RELATIONS

HON. RUSSELL B. LONG

OF LOUISIANA

IN THE SENATE

Thursday, June 28, 1984

● Mr. LONG. Mr. President, on June 6 it was my privilege to have an opportunity to address the second annual National Labor-Management Conference sponsored by the Federal Mediation and Conciliation Service, the U.S. Department of Labor and, the National Association of Area Labor-Management Committees. I was asked to speak to this distinguished group on the subject of gain sharing.

This conference is proving to be a valuable source of information for those interested in the promotion of better labor-management relations. I am convinced that labor and management must continue to work at mastering the skills that are being taught by experts such as those who presented the 31 diverse work sessions that comprised this excellent program.

I congratulate the sponsors of this excellent conference and urge my colleagues to lend their support to efforts such as this that are specifically designed to foster better labor-management relations.

Mr. President, I ask unanimous consent that the text of my remarks to this conference appear in the appendix of the RECORD:

ADDRESS OF THE SECOND NATIONAL LABOR-MANAGEMENT CONFERENCE

I was invited here today to talk to you about gainsharing. I know that by now you have heard a bit about the subject. And certainly there are people on the program who know more about the topic than I do.

Over the past decade, social scientists have been combing through the American workplace looking for the secret key to unlock productivity, profitability and better labor-management relations. The jury is still out on whether they've found the answer, but let me share with you a few of the clues—and a few conclusions that I think we can draw from those clues.

For example, in 1977, a University of Michigan team found that 75 percent of Americans would prefer to go on working even if they could live comfortably without working for the rest of their lives. This was a substantial increase over a similar poll taken 7 years earlier.

Other studies indicate that not only are Americans committed to work, they also have a great deal of control over how hard they work and over the quality of the work performed.

In 1982, a study for the Public Agenda Foundation explored the assumptions that individuals make about what they will give to the job and what is expected in return.

Seventy-eight percent of those surveyed indicated that they have an "inner need" to do the very best job they can regardless of pay. And 88 percent responded that they had control over the quality of the work they performed.

Too few policymakers realize just how much control working Americans have over whether they will meet only the minimum requirements of the job—or whether they will contribute that extra effort that makes the difference between mere adequacy and competitive excellence.

The most interesting—and the most alarming—finding had to do with whether workers were using this workplace freedom to fulfill their inner need to do the very best job they could do. Only 16 percent said that they were. The rest indicated that they could improve their effectiveness. And many claimed that they could be twice as effective.

The question for all of us is why aren't they being more effective?

One clue is found in a 1980 Gallup study which asked workers who they thought would benefit from improvements in their productivity. Only 9 percent felt that they, the workers, would benefit. Most assumed that the beneficiaries would be others—consumers, stockholders, or management.

This is consistent with a 1981 Harris survey which revealed that 73 percent of working Americans believe that the motivation to work hard is not as strong today as it was a decade ago. Seventy-eight percent felt that people take less pride in their work than they did 10 years ago.

There are some who argue that such findings are proof that the work ethic is eroding. How else, they argue, can you explain these findings. I disagree. The evidence indicates that the work ethic is strong and growing stronger.

I think it signifies something more basic than that—and something that can be changed with the help of those of you here in this room today.

To me it signifies that more and more people are doubting that hard work will bring the personal rewards that they have a right to expect.

The problem lies in our management systems and in our systems of incentives and rewards—both psychological and financial.

For example, the Gallup study mentioned earlier also asked people whether they would work harder and do a better job if they were involved in decisions relating to their work. An overwhelming 84 percent said that they would.

Similarly, a New York University professor reviewed 103 experiments designed to test whether improved incentive systems would lead to higher individual productivity—incentive systems such as more money and greater control over one's work. It did in 85 of the experiments.

There are many ways to increase worker interest, involvement and productivity. More and more companies are beginning to appreciate the benefits available through managment systems designed to allow workers to have more control over their work. For example, in 1982 the New York Stock Exchange surveyed management's attitude toward participative management.

Eighty-two percent of those managers surveyed in corporations with 500 or more employees consider participative management to be a promising new approach. Only 3 percent saw it as a fad destined to disappear.

A 1983 survey for the American Business Conference found a particularly strong link between participative managment and increased productivity and profits. In fact, reliance on such management techniques has now become a chief characteristic of highly successful mid-sized firms.

Ladies and gentlemen—the potential is there. Within the American workforce is an untapped reservoir of improved performance and increased productivity. Americans appear to be willing to work harder—and to work smarter—in order to turn out a higher quality service or product. Indeed, their very self esteem demands that they do not less. The challenge facing policymakers is how to tap that potential.

No single approach will work for every firm or every industry. What is needed is a set of guiding principles that will create a workplace environment in which that high productive potential is planned for.

Productivity should be a central goal and a key part of any form's long-range strategy. Companies willing to plan for the long haul should offer real incentives—both financial and non financial. Those incentives should be offered both to workers and to managers—and should include incentives that encourage cooperation and constructive criticism at every level of the organization.

Due to their decision-making role, top management must be the initiator in making productivity growth a central focus of strategic planning for the company. The union should be included as a crucial partner in the planning and implementation of all productivity programs. That may require a change of attitude on the part of both management and union leaders.

Yet a new spirit of accommodation is emerging from a realization by both management and labor that the stakes are high. American industry is threatened on many fronts—markets and jobs are on the line.

There is much that can be done—particularly in the area of gain sharing—that can benefit everyone involved. And I urge you to get on with it because there is much that needs to be done soon.

For example, a recent study indicates that since 1957 the percentage of workers who see their job as a source of personal fulfillment decreased from 50 percent to 25 percent.

Another study found that 60 percent of the workforce would prefer another job—up from 44 percent in 1969. A 1980 study found that 27 percent would not even buy the products they themselves make.

There are some for whom the term "increased productivity" is still regarded as a code word for speedups that benefit management while threatening job security. Yet that need not be the case.

What it should mean—and what it can mean—is a more efficient and a more fulfilling way to get things done. There are a number of ways that gain-sharing programs can be structured; and any number of ways that such programs can be tailored to meet any company's particular needs.

For today, I will limit myself to employee stock ownership—the so-called ESOP arrangements—because that is the area of my experience.

This year, companies are able to claim an ESOP tax credit equal to one-half of one percent of payroll—provided those tax savings are used to buy stock for employees. This is known as the tax credit ESOP—or the PAYSOP for short. I was the author of that proposition.

An even more popular type of plan is the leveraged ESOP under which a company is encouraged to finance its operations in such a way that employees own stock in the company. I am pushing legislation to make it even more popular.

The incentives for ESOP financing are substantial. If you are not familiar with them, I suggest that you learn about them. The tax bill currently pending before Congress contains several proposals that should make ESOPs more wide spread.

Let me summarize a few of the provisions—and what they are intended to do. At the outset, let me emphasize that these provisions pay for themselves. Actually, in all likelihood, these incentives will pay for themselves in increased tax revenue just based on increased productivity and sales.

But we didn't rely on that. The revenue estimates we work with generally don't account for any "feedback effect". So we paid for these provisions by freezing for one year a scheduled increase in the PAYSOP tax credit.

One provision we call the "ESOP rollover"—that provides for the tax-free rollover of the proceeds from the sale of a business to an ESOP or to a worker-owned cooperative, provided the proceeds are reinvested in the securities or another business within one year.

This provision is intended to provide for parity with the tax-free exchange provisions of current law. Under current law, the shareholders of a company have an incentive to merge their company with another, larger company in exchange for stock in that company because there is no tax on those shareholders until such time as they sell the stock they received in the exchange.

This provision will provide an incentive for such shareholders to instead sell their company to their employees through an ESOP because the proceeds from such a sale would not be taxed at the time of sale, provided the seller reinvests in other securities.

This provision should also be an aid to the continuity of small business because it would insure that there is an incentive to sell to the employees who helped to make the company succeed rather than selling to a larger company in exchange for their stock.

A second provision would allow a corporate deduction for dividends paid on ESOP stock, provided the dividends are paid out currently to employees or are applied to repay on ESOP loan.

This provision is designed to help bring home the reality of stock ownership to employees. The ESOP is a technique for enabling employees to share in any appreciation in their company's stock, appreciation that they helped to create. Yet in order for employees to realize just what it means for the company to succeed, this provision provides an incentive for the company to pay dividends, and to pay those dividends out to employees as income—which also has a potential for moderating increased wage costs.

A third provision would permit a bank, insurance company or other commercial lender to exclude from income 50 percent of the interest received on loans to ESOP companies, provided the loan proceeds are used to finance an ESOP's acquisition of company stock. This should provide an incentive for lenders to seek out companies to engage in ESOP financing.

A fourth provision provides that liability for estate taxes may be assumed by an ESOP in return for a transfer from the estate of stock of an equal value, provided the sponsor company guarantees payment of the taxes and agrees to pay such taxes over a 14-year period.

This provision is simply an adaptation of a current tax code provision giving family-owned businesses an opportunity to pay estate taxes on an installment basis. This provision adapts that concept to the "employee family".

As under current law, this provision would require payment of taxes over a 14-year period with interest. Interest payments only are required for the first four years, and interest is paid at only 4 percent on the first $1 million.

Another provision of the Senate bill permits an ESOP to be treated as a charitable organization for income, gift and estate tax purposes, provided donated stock is not allocated to the donor, family members of the donor or 25 percent shareholders.

George Pillsbury has written the Minnesota delegation and other Republicans in the Congress pledging a codicil to his will leaving 10 percent of his estate to Pillsbury employees. While in the Minnesota legislature 10 years ago, George Pillsbury sponsored and saw enacted an ESOP provision providing for charitable ESOPs as a matter of State tax law.

Other States have been active as well. Minnesota was the first. Three years ago, five States had ESOP legislation on their books. Today we have eleven States.

I first proposed legislation dealing with ESOPs in 1973 when the Congress was considering whether to extend financial assistance to the Penn Central and several other bankrupt railroads that later became Conrail. I am happy to note that those Conrail employees now own 15 percent of a profitable Conrail and if they have their way they are going to own a lot more of it.

When the Chrysler Corporation came to the Congress for financial aid, we required employee stock ownership in that company also. And those employees have done very well as a result.

Simple common sense tells you that a company is going to do better if its employees own a piece of the action. You know that and so do I. And the research supports that conclusion.

At Hyatt-Clark Industries in New Jersey, for example, General Motors decided to sell a subsidiary that supplied its roller bearing needs. The employees agreed to take a wage

cut in order to make it feasible to buy that company. With 1200 employees, it is now one of the largest 100% employee-owned companies in the U.S.

What happened at Hyatt-Clark should serve as a lesson for all of us concerned about gain-sharing and workplace productivity. After the buyout, the workers at Hyatt-Clark showed unheard of productivity increases of 200 and 300 percent.

Why? Because the company was theirs. Anyone can understand that.

At Lowe's Company, a building supply chain headquartered in North Carolina, employees own more than 25 percent of the company through an ESOP. For reasons that no one can quite explain, their sales per employee are 3 times those of their competitors.

Lowe's shrinkage (losses due to theft, breakage, etc.) is one-sixth. Lowe's has already created more than 50 employee/owner millionaires. And Uncle Sam is collecting a lot more taxes as a result.

At E-Systems, a Dallas-based Defense contractor, their ESOP was accompanied by a sharp decline in turnover and absenteeism. And suddenly the suggestion box began to fill up. Other companies report similar results.

A study done for the Department of Commerce of companies with employee stock ownership found a strong correlation between employee ownership and profitability. Other things being equal, the more stock employees owned, the more profitable the company.

A 1980 study by the Journal of Corporation Law found that companies with ESOPs had twice the annual productivity growth as comparable, more traditionally-owned firms.

A 1983 study by the National Center for Employee Ownership found that companies with a majority of their stock owned by employees create three times more new jobs than firms in which employees owned no stock.

The 1984 book, "The 100 Best Companies in America to Work For," concludes that ownership sharing is one of the chief characteristics of the most desirable firms. They list eight substantially employee-owned companies among the top 100.

In their 1984 survey of the best companies for women to work for, Savvy magazine added nine new companies to their existing list. Five of the nine had substantial employee ownership.

In short, employee ownership warrants governmental encouragment—for a number of reasons.

It appears that companies with employee ownership also use resources more efficiently than others. Denver Yellow Cab, for example, is the largest worker coop in the United States—with over 1,000 employees. Their employee/owners now have the best safety record in the country.

There also appears to be link between employee ownership and a company's incentive to reinvest in plant and equipment. A study of plywood coops in the Pacific Northwest, for example, cited this advantage as a feature valuable to their remarkable long-term survival.

Delaware-based W. L. Gore Associates is another good case in point. With over 3,000 employees, they are 90 percent employee owned and have enjoyed a 40 percent annual rate of growth for several years.

Employee ownership can also make it easier for a company—and its employees—to respond to the business cycle. In an economic downturn, for example, belt tightening need not mean layoffs.

Instead it can mean an emphasis on job security. During lean economic times, rather than go without a pay raise, employees can take stock which later could be a lot more valuable. Should the company succeed, then that success is shared with those who helped to make that success possible.

The airline industry is a good case in point. Their deregulated environment has meant that airlines—and airline employees—have been forced to find ways to adapt to a more competitive market.

One of the strongest competitors has been People's Express which is one-third employee owned. Employees are required to buy stock in the company in order to work there. They want employees to think of the company as theirs. The average employee now owns $60,000 in stock.

Now the other airlines are using stock ownership to respond to that competition. For many of those companies, stock plans are providing a way to cut costs while ensuring that employees get something in return—that something being an ownership stake in their company's future.

The trucking industry is facing two problems. And they are using an ESOP to solve both. Their first problem was the newly deregulated environment. Responding to the low cost independents and the small nonunion firms meant finding a way to contain wage costs.

Their second problem was how to respond to the new truck tax Congress enacted in order to pay for road repair and improvements. With passage of the tax came permission to use larger trucks on the interstate highways. So their problem was twofold. How to get labor costs competitive and how to finance the acquisition of new trailers.

For several of the major fleets, their solution has been to turn to the leveraged ESOP. In return for more competitive wage rates from their drivers, management agreed to finance their new trucks by borrowing money for that purpose through an ESOP.

The most attractive feature of borrowing through an ESOP is that a company is allowed to take a deduction not only for interest payments on a loan but for principal payments as well. Thus, an ESOP company needs to generate only one-half as much revenue to repay a loan.

The Congress agreed to this tax advantage for ESOP companies in 1974 and I am happy to see that more and more companies are discovering just how helpful ESOP financing can be.

For example, in the case of three major trucking companies, the negotiated labor cost savings over a 5-year period were between $50 and $70 million. In return, the company ESOP borrowed a like amount and used those borrowed funds to buy newly-issued company stock. The company then used that new equity to upgrade its fleet of trucks.

Thus, rather than that money being paid out in employees' paychecks, the company instead used the money to repay the ESOP loan. Once the loan is repaid: The ESOP will hold almost 50 percent of the company's stock; the company will have upgraded its fleet; and the employees will have retained their jobs in difficult times while accumulating a sizeable personal capital estate in the ESOP. And by that time, the stock should be worth a great deal more than it cost the workers in pay raises that had to be postponed.

The Weirton Steel Company ESOP is another good example. Weirton Steel was a division of National Steel and National decided to phase out of the steel business. With the help of ESOP financing, the 7500 employees of Weirton were able to arrange for a 100% ESOP buyout of their company—now the 360th largest company in the U.S.

They appear to be off to a good start. In fact, Weirton just reported its first profitable quarter since 1981.

The examples I mentioned have all been distress situations. The vast majority of ESOP companies, however, are not distress situations. But the ability of employee stock ownership to work under such adverse circumstances indicates just how powerful a gain-sharing tool employee stock ownership can be.

Employee ownership provides a new, tax-advantageous, non-inflationary way both for a union to deliver to its members and for management to respond to union demands. This combination of advantages should provide a powerful new recruiting tool for those unions—and for those companies—with the foresight to embrace employee stock ownership.

It also provides a fruitful new area in which management and labor can resolve their differences. Stock ownership by employees—both management and rank-and-file employees—can create a work environment in which issues are resolved more constructively.

So when you are looking for ways to implement a gain-sharing program, don't forget the ESOP. Uncle Sam is happy to help you finance a portion of it. And the results can be extraordinary.

When I first began to advocate employee stock ownership, I was a bit of a lone voice in the wilderness. I am happy to report that's no longer the case. On the ESOP bill now pending as part of the deficit reduction tax package, there are 48 Senate sponsors—34 Democrats and 14 Republicans.

Representative Charles Rangel introduced the identical bill in the House—with a similar list of bipartisan cosponsors.

We welcome sponsors of all political persuasions. I am gratified to see such widespread support among both Democrats and Republicans. The support is growing day by day as more and more Members become aware of the many advantages of employee stock ownership. Having such broad support reminds me of a comment once made by that great American philosopher, Mae West who suggested that "Too much of anything is simply marvelous."

Organized labor in the U.S. has done a good job in securing for the working man things he might not have been able to get by himself. Employee stock ownership is the principal area in which the American labor movement has not done all that it could have for its members.

Just compare that for a moment to pensions. Organized labor has done a good job of getting the workers their share of private pensions. They haven't done nearly so good a job with regard to stock ownership.

If they had started a long time ago asking for stock, it would have built up by now to a sizeable amount. It is my hope that labor leaders will soon begin to negotiate for stock ownership. It does not have to be on the top of the shopping list. Just do not leave it off.

I am happy to report that Douglas Frazier, former President of U.A.W., had a taste of ESOPs while serving as a member of the board of directors at Chrysler. He recently joined the board of directors of Hyatt-Clark Industries, the New Jersey-based 100% employee-owned company I mentioned earlier.

Now that he's teaching I understand that one of the primary things his students are interested in is employee stock ownership. So let me suggest that employee stock ownership may just be the wave of the future for American labor.

Let me mention a few of the other reasons that I have advocated the idea of employee stock ownership.

A sense of ownership is crucial to the efficient and successful functioning of our private enterprise system. Motivation and productivity are an essential part of that picture—but only a part.

Let's look for a moment at the big picture—at how the U.S. economy is financed—and for whom it is financed. Having chaired the Senate Finance Committee for 14 years, I feel qualified to comment.

Consider for a moment that this year the U.S. economy will generate approximately $325 billion in capital expenditures. Between now and the end of the century—a scant 16 years away—we will create over $5 trillion in new capital.

Who is going to own all those assets? How much of that productive wealth is going to be owned by the workers who helped to create it?

Unless we do something to change the way in which economic growth is financed, almost all of that new capital will be owned by the same 5 to 10 percent of the population that already owns more than 90 percent of the nation's capital assets.

Does it matter? Should we care?

Well consider for a moment that for the majority of American families their most important form of "wealth" is now their entitlements under Social Security. Thus, for most American households, their most important asset is an assurance that their children will be taxed on their behalf.

Is that any way to run a private property economy? No, of course it isn't. And we should not allow it to continue.

If we are trying to build something that we can be proud of, we should build an economy where every working American has an opportunity to own a stake in that economy. Unfortunately, we are making relatively little progress in that regard.

I am sorry to report that except for the modest provisions dealing with employee stock ownership, tax policy in this country is making the rich richer—by ignoring the hopes and ambitions of those who are not rich.

That's not the correct direction for our free enterprise system. And I hope that we will take steps to change that. We ought to be doing better.

Consider for a moment the global picture. We are devoting immense amounts of our national resources to military expenditures to prevent socialism and communism from taking over Latin America, from taking over Asia, Europe, and Africa.

Yet all the armaments in the world will not save our system unless we are able to demonstrate to other nations just what it is that they could be doing instead of making that perilous decision to place ownership in the hands of the State.

It is difficult for me to believe that any thoughtful policy maker can think for a moment that socialism or communism is really in the best interests of his people. There are simply too many examples in the world of how badly such systems fall short of their expectations.

Nations turn to these forms of government out of sheer desperation. They simply cannot think of anything better.

Yet if they look to us for leadership, what do they see? They see a nation in which 50 percent of the privately-held capital is owned by only one-half of one percent of the population.

In fact, the ownership of productive assets in the United States—in relative terms—is about the same today as when Herbert Hoover succeeded Calvin Coolidge.

And here we are enriching that small group even more. Doing very little to broaden the base of ownership. Surely we can do better.

We desperately need a working model of what we would advocate for other nations. And I firmly believe that employee stock ownership is just such a model.

What could be a better answer to the unfulfilled promises of communism? Wouldn't employee ownership largely undermine the very rationale for Soviet-style ownership by the State?

Part of the problem is that we are not asking the right question when we fashion national economic policy. Right now, we tend to ask how many people have a job and how many are unemployed. That's clearly an important question—but it's an incomplete question.

We should also be asking how many people own something and how many don't? And how much do they own? Because if we haven't improved much on what it was fifty years ago, what is the matter with us? Why haven't we been doing something about that?

Rather than making the rich richer still, shouldn't we instead be working to see to it that working Americans have an opportunity to share in the future bounty of the United States?

We have the opportunity to offer this nation as a model for others. And this we must do if we are to live peaceably with our neighbors and if we are to win their hearts and their minds.

So the task, really, is fairly simple. What we must do is to save this world from something it definitely does not need by providing it with something that it does need. And employee stock ownership is a good place to start.

I urge you to get involved in this crucially important debate. A good way to get involved is to begin to transform the American workplace. I challenge you to make it more humane, more people-oriented, and more "us"-oriented.

In many ways, both the goal and the means to that goal are one and the same. Your challenge is to improve the quality of life in the workplace. That involves making sure that people are humanely treated. When they are involved in decision making, and when they are better rewarded for their efforts, productivity will increase. And as you boost productivity in your company, you help achieve a better quality of life for all Americans.

Just as a stream can rise no higher than its source, so too will your workplace be only as good as the ideas—and the ideals you bring to it. So make your company as good as you would have this country be. Dare to be a showcase. And others will follow your example.●

CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ERDREICH. Mr. Speaker, I would like to join my colleagues in support and participation of the 1984 Congressional Call to Conscience Vigil for Soviet Jews.

It is unfortuante that the need for this call to conscience is so necessary. The Soviet Union has repeatedly ignored the efforts of public officials and citizens of the United States to adhere to the three international documents to which the Soviet Union is a signatory allowing the right of Soviet Jews to emigrate from the U.S.S.R. Emigration has plunged to its lowest level since 1963 with only 1,314 being able to emigrate in 1983, a 98-percent decline since 1979.

In addition, a Government-sponsored anti-Zionist committee has been established in the Soviet Union recommending anti-Semitic books and endorsing anti-Semitic articles in state publications. Serious criminal charges as well as daily harassment against Soviet Jews have increased.

We are in the midst of witnessing yet two more victims of the Soviet Government's inhumane and cold-hearted policies in the tragic saga of Andrei Sakharov and his wife Yelena Bonner. We have been dismayed and frustrated during the past 8 years over one of the most famous refusniks, Anatoly Shcharansky, who is presently serving a 13-year prison term for daring to speak out for individual human rights and wanting to emigrate to be with his wife in Israel. In my first term as a U.S. Member of Congress, I have sponsored three families, the Boris Ghinis family, the Mikhail Kazanovich family and the Antanas Vausa family who, although are not all of Jewish descent, have still been denied the freedom to emigrate.

Mr. Speaker, the Call to Conscience Vigil is to call attention to what is happening today in the Soviet Union. It is my fervent hope and prayer that a year from now there will be no need for this special vigil, that the Soviet Union will finally live up to the international documents it signed, that all of its citizens, regardless of their religion, will be allowed to emigrate if they desire and be free to practice their religion and their culture.●

PERSECUTION OF THE HUNGARIAN MINORITIES IN ROMANIA

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. DWYER of New Jersey. Mr. Speaker, recently, I was contacted by a constituent of Hungarian descent concerned with the fate of relatives living in the Transylvanian section of Romania. Unfortunately, they are receiving unwarranted resistance from the Romanian Government. They wish to leave Transylvania, but to date, have been unsuccessful. In light of this, I wish to address my colleagues today on the difficulties encountered by persons of Hungarian descent who live in Transylvania.

For more than two decades, Romanian pressure against the Hungarians of Transylvania have been unrelenting including the suppression of the Hungarian school system, the prohibition of public usage of the Hungarian language and the mass resettlement of Romanians from the Romanian provinces into Transylvania. Furthermore, the Hungarians are discriminated against in the workplace, with no legal right for remedy.

The fate of these brave individuals deserves our deepest concern. We, who remain steadfast with ideals of liberty and freedom, must oppose these human and cultural rights violations. The 1947 peace treaty, requiring Romania to grant human rights to the Hungarians, has been broken repeatedly.

The Romanian Government has deprived the Hungarians the most important posession they have—their personal and political freedoms. As the Nation to which many others look for guidance on human rights, we must continually strive for the preservation and extension of basic human freedom for all people, regardless of the nation in which they reside.●

FAIR TRADE IN STEEL ACT

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. REGULA. Mr. Speaker, this is not the first time, and will not likely be the last, that I join my colleagues from the Steel Caucus to urge passage of the Fair Trade in Steel Act.

Last week the International Trade Commission [ITC] determined that imports had been a major cause of injury for a large portion of the domestic steel industry. This week the ITC is set to begin remedy hearings. The Commission then has until July 24 to make its final recommendation to the President who has until September 24 to act on their recommendation.

The ITC ruling was good news for the domestic steel industry and for American steelworkers. While the ITC ruling was an important affirmation of our claims that imports are seriously damaging the domestic steel industry, it is only the first step in the 201 process and in no way mitigates the need for quota legislation. More effective, comprehensive remedies are needed, such as we are advocating in H.R. 5081, the Fair Trade in Steel Act.

The ITC decision covers approximately 70 percent of this country's steel consumption. In 1982 we erroneously thought we had begun to resolve the steel import problem when the European Community and Japan agreed to reduce imports. Other countries, including the underdeveloped nations, merely picked up the slack and imports are currently capturing over one-quarter of the domestic market.

A comprehensive solution is essential if we are to avoid repetition of past pitfalls of piecemeal solutions.

The Fair Trade in Steel Act offers such a solution. The bill would impose quantitative restrictions on all imports of carbon and speciality steel products. Imports could not exceed 15 percent of the apparent domestic market based on historical patterns of trade from 1979 to 1981. More importantly, however, imposition of quotas would be tied to proof of a firm commitment on the part of the industry to modernize.

The steel industry desperately needs this time to recapture its competitive edge, to modernize its antiquated facilities. The bill would provide a temporary lull from the impact of unfairly traded steel imports and give the industry the window of opportunity necessary to stabilize employment and finance remaining modernization efforts.

The Fair Trade in Steel Act enjoys strong bipartisan support. It currently has 200 cosponsors in the House. I strongly urge prompt considerstion and passage or this critical legislation.●

BIPARTISAN COMMISSION FOR DEFICIT-REDUCTION

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. AuCOIN. Mr. Speaker, 2 days ago, several of our Nation's largest banks raised their prime lending rate to 13 percent. Banks throughout the Nation have followed suit.

What was the President's response to the rising of the prime to 13 percent? He acted as if he intended to find out who was responsible for this outrageous action and by golly he would give that individual what for.

Well Mr. President, I represent some people who can explain why the prime rate is going up.

I represent homebuilders who have already been through the economic wringer and know the consequences of high interest rates. They can tell you why the prime rate is going up. And the realtors, they'll be able to tell you in a minute what the problem is. Come to Tillamook, OR, where Crown Zellerback has just shut down their mill putting over 300 individuals out of a job, where the unemployment rate is over 18 percent, and those fine folks will be happy to tell you not only what the problem is, but what can be done to solve it.

Just talk to the people, Mr. President, and they'll tell you, because they know the cause.

Deficits, Mr. President. Massive Federal budget deficits which will double our entire Federal debt in the span of just 5 years. That's the cause.

How much more must we sacrifice to this fiscal policy which is plainly, and recklessly, out of control. Your administration is sending them up to Congress out of balance and Congress is passing them out of balance. Each day, the Federal Government will spend $547 million which it does not have. In order to do this it will borrow and borrow and borrow until 55 percent of all available credit has been absorbed. If present policies continue, this level of Government crowding out will reach 75 percent by 1989.

Recently, many of the Third World nations met to determine how they were going to repay the $800 billion in outstanding debt hanging over their heads—or should I say whether they were going to repay this debt. The International Monetary Fund is requiring austerity measures for these nations which is the political equivalent of squeezing blood from a turnip. And they are on the verge of revolt because the rate of interest they pay is linked to the U.S. rate of interest. If those nations refused to pay the debt, or a significant part of their debt, there would be a major loss of value in the stock of oppressed American banks. That could then turn into massive withdrawals of deposits and the banking system itself would be at risk.

And the prime rate just went up to 13 percent.

Clearly we cannot continue on this course. We must break the political impasse which has prevented us from making more than token gestures toward easing the deficit crunch and reassert control over the Federal budget.

Earlier this year the House went through the agonizing ritual of attempting to pass a budget resolution. Various alternatives were offered

which differed in the degree to which each would have reduced the deficit. Members were faced with difficult votes and each of the alternatives, except for the Budget Committee amendment, went down to defeat.

Members of the Ways and Means Committee have just completed a long and tedious conference on the tax bill with their counterparts in the Senate. By all accounts it was a very difficult conference and the members of the committee—particularly the chairman. Mr. ROSTENKOWSKI—should be congratulated on their efforts.

However, in the final analysis, what did this package accomplish in terms of reducing our projected deficits?

If we legislate all of the recommendations into law, we will knock $182 billion of deficits which—by the Budget Committee's own estimate—will total $530.1 billion over the next 3 years.

We have gone through an agonizing political exercise and we have only scratched the surface. If this is the best Congress can do with a Herculean effort, then it's clear that an extraordinary step is needed now to solve the whole of the problem.

I believe the most useful tool for breaking the political paralysis would be a bipartisan commission structured along the lines of the National Commission on Social Security Reform.

Last year my colleague CHALMERS WYLIE and I introduced legislation, with bipartisan support, which would have established an independent commission charged with developing a comprehensive deficit-reduction package to be presented to the Congress for an up-or-down vote. I remain convinced that such a package, developed by a blue chip, bipartisan panel, could command the votes necessary to pass.

Over 150 of our colleagues joined in cosponsoring that measure along with a string of endorsements from former President Gerald Ford, Senate Majority Leader HOWARD BAKER, former CBO Director Alice Rivlin, and key leaders of the business community.

There is only one way to create a recovery for everyone to enjoy—slash the deficit. Those who think this problem can be dealt with trimming here and there at the edges are just dabbling around with the lives of workers everywhere—particularly in Oregon which has borne the brunt of our fiscal recklessness.

The prime rate has risen again and is now at 13 percent. It is no fluke and it is no statistical aberration. It is for real and it will strangle our economy unless we come to our senses and do something meaningful about the deficit.

That's why I'm redoubling my efforts to put in place a mechanism which will allow us to make substantial reductions in the budget defict. I am speaking of substantial institutional cuts—not one person's individual voting record. I personally have voted for less spending than the President asked for—than every president I've served under has asked for. I have voted against 14 of 25 differing one-man records; it needs a legislative majority that will enact a broad set of deficit reductions. The bipartisan commission is a tool we have at our disposal to do this. It has been proven effective in the past—we must apply it to the No. 1 domestic problem we now face.●

FAIR TRADE IN STEEL ACT

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. HILLIS. Mr. Speaker, the recent decision of the International Trade Commission regarding the injury caused for foreign steel imports is most welcomed. It confirms what the Congressional Steel Caucus and the steel industry have long been saying: That our domestic steel industry is suffering as a direct result of foreign steel, and that traditional market mechanisms will not suffice.

It is clear that our domestic steel industry is in crisis. While the United States is in the midst of a recovery only half of the Nation's 400,000 steelworkers are employed. Even though the industry has radically trimmed its production facilities it is still utilizing only three-fourths of its capacity. Foreign steel imports continue their unabated growth, reaching a record high of 26 percent in the first quarter of this year.

Despite these statistics critics of efforts to stem this rising tide of foreign steel imports remain unconvinced of either the need for or desirability of quotas and tariffs or of H.R. 5081, the Fair Trade in Steel Act.

A column in yesterday's Washington Post concluded that the "steel industry is completing its kamikaze run" in asking for temporary protection. One of the problems creating the current situation was correctly identified as the industry's historical reluctance to modernize. In this column the industry's modernization efforts were described as "hooey." It has long been apparent that the steel industry did not respond to the changing international steel market as quickly as it should have. If it had it would not be in its current predicament.

It is unfair, however, to suggest that the industry continues to be unresponsive to international competition. Both white and blue collar workers at domestic steel facilities have been reduced drastically. A person touring Bethlehem Steel's Sparrows Point, MD, facility notices almost immediately how few people are working there. Those which remain are almost without exception middle-aged: There simply aren't young steelworkers anymore. The United Steelworkers, in cooperation with management, voted to reduce its wages and benefits. At the same time the industry is modernizing its facilities to bring them up to world class standards. To cite one example: Bethlehem Steel Corp. is currently investing $540 million to install continuous casters in its Burns Harbor, IN, and Sparrows Point, MD, plants. For the industry to modernize the office of technology assessment estimates that over $30 billion will be needed merely to replace obsolete equipment.

Where is the money to come from to finance this modernization? Private financial sources have largely been exhausted. Government financing is not possible. Only through increased sales will the industry be able to develop the money that will be needed to finance modernization.

The industry and its workers have demonstrated their commitment to full modernization. But they must be given the opportunity—the breathing space—in which to do so. Without quotas or tarrifs the steel industry will simply not be able to recapture a fair portion of the domestic market.

Opponents of this breathing space declare that by allowing this opportunity the United States will be violating the principle of free trade. I, too, am in favor of free trade. It is only through the exchange of products across national borders that producers and consumers are able to most efficiently produce, distribute, and acquire goods and services.

But free trade must also be fair trade. There are numerous documented instances of where foreign nations have dumped steel on American markets. Foreign markets are closed not only to American steel, but to a variety of American goods and services. Even with quotas or tariffs the American steel market will be the most open in the world.

I am perplexed about what further evidence those critics of the American steel industry need to prove to them that something must be done. The industry has lost $4.8 billion in the last 2 years. Thousands of steelworkers are unemployed. Countless facilities are closed, never to reopen. Steel imports are at an all-time high. The independent, bipartisan International Trade Commission, not known as a protectionist body, has ruled in favor of the steel industry. What more evidence is needed?

The ITC ruling is an important step in the recovery of the American steel industry. It should have gone further. To ignore its findings risks the survival of the entire American steel industry.●

ENVIRONMENTAL MONITORING IMPROVEMENT ACT

HON. JAMES H. SCHEUER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. SCHEUER. Mr. Speaker, today with five of my colleagues, I am introducing the Environmental Monitoring Improvement Act of 1984. The act would establish a 3-year National Environmental Monitoring Commission to study and make recommendations to Congress for desperately needed improvements in our environmental monitoring programs.

Effective monitoring of the environment is essential for a rational and successful environmental protection program. Without effective monitoring, we cannot reliably detect any environmental contamination at an early stage when simple responses might head off major—and expensive—environmental cleanups. Without effective monitoring, we cannot reliably determine whether the billions of dollars we invest every year in pollution control are paying off in improved environmental quality. Without effective monitoring, we are forced to make difficult and potentially expensive policy decisions without the benefit of reliable data. As a result, costly regulation may occur where it is not needed while the real problems go undetected.

Over the last several years, the Subcommittee on Natural Resources, Agriculture Research and Environment of the Science and Technology Committee, which I chair, has held several hearings on the state of environmental monitoring programs. The testimony was overwhelming in its indictment of the present patchwork quilt of programs. Federal, State, regional, and local agencies each conduct their own individual, unrelated monitoring programs, according to their own institutional needs and perceptions. The result is a haphazard and uncoordinated system where the same data are collected by several agencies while other data are not collected by anyone. Witnesses from a wide variety of scientific, academic, and regulatory backgrounds decried the widespread failure to collect data in accordance with accepted scientific techniques. Widely varying standards and measuring techniques result in inconsistent and often low-quality data.

These major problems—fragmentation of programs, lack of quality assurance, incomplete data, and the lack of any directed and coordinated national data collection policy—are not new. In 1977, the National Academy of Sciences issued a report which concluded that "the Nation's information on environmental quality is deplorably and unnecessarily bad." These issues were the subject of congressional hearings back in 1977. They were the subject of a 1980 task force report at the Council on Environmental Quality. Despite the recognized need for addressing these problems, little has been done. Indeed, in late 1982, the Conservation Foundation was still able to say, without fear of contradiction, that "we have no monitoring data sufficient to describe accurately the extent or developing seriousness of any environmental problem."

The major obstacle to significant progress is institutional. With environmental responsibilities spread out across a host of Federal, State, regional, and local authorities, each with limited resources, it isn't surprising that each agency has focused on its own immediate needs without regard to the overall needs of a coordinated date collection program. As a result, there is a need to create a temporary commission which, while considering the needs of those agencies, will transcend the parochial interests of each agency and identify what is needed to create a truly national environmental monitoring program.

The bill I am introducing today, the Environmental Monitoring Improvement Act of 1984, would establish a 3-year Commission on Environmental Monitoring. The Commission would study the existing monitoring programs and attempt to forge a consensus on the type and quality of data that ought to be collected by the various Federal, State, regional, and local authorities. The Commission would be composed of 15 members, including the major Federal environmental regulatory agency heads and representatives of States, localities, academia, industry, and environmental groups, to be chosen by the President from a list of nominees submitted by the National Academy of Sciences.

At the end of its term, the Commission would report to Congress on its findings and make specific recommendations for any legislative changes that might be necessary to institute a coordinated and effective national environmental monitoring program.

The bill also requires the Environmental Protection Agency to submit to the Council on Environmental Quality an annual report which will contain environmental monitoring data and a section discussing the extent to which the Commission's recommendations have been instituted. This report, which will be used by CEQ in preparation of its annual report, will help the public and Congress determine whether progress is being made in this area.

The proposal for a National Commission to focus on this significant problem enjoys widespread support from State and local governments, academics, industry and environmental groups. This bill is an important step in putting our environmental monitoring programs on a rational and efficient basis.

Mr. Speaker, I welcome my colleagues to join me in cosponsoring this legislation, the text of which follows:

H.R. 5958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Environmental Monitoring Improvement Act of 1984".

FINDINGS; PURPOSES; DEFINITION

SEC. 2. (a) The Congress finds and declares that—

(1) environmental monitoring includes the systematic measurement of ambient environmental quality and associated activities related to quality control, data management, analysis, and dissemination, and does not incude point source pollutant monitoring for compliance or enforcement purposes;

(2) environmental monitoring is a key to the identification of national and global environmental trends and future problems;

(3) during the last two decades it has become clear that further study and documentation of the deficiencies in the Nation's environmental monitoring programs and international monitoring programs in which the United States participates is needed, and that further research is needed regarding how to coordinate national ambient monitoring programs most cost-effectively;

(4) numerous environmental reports are unanimous in calling for improved national environmental monitoring and enhanced United States participation in international programs;

(5) deficiencies in environmental monitoring programs include failure to meet the full range of demands for high-quality data and analyses; failure to use scientific principles in design, operation, and analysis; poor coordination among existing monitoring programs; and institutional barriers to adequate monitoring;

(6) in recent years no significant progress has been made towards correcting the many problems in environmental monitoring;

(7) large amounts of our Nation's resources are being spent on monitoring the environment, and these resources are not being utilized cost-effectively; and

(8) improvements could be made in our Nation's environmental monitoring programs and international programs in which the United States participates which would result in more economical and efficient use of resources to gain more and better information to manage the environment.

(b) It is not the purpose of this Act to review, evaluate, or summarize monitoring conducted for enforcement purposes under any other Federal law.

(c) As used in this Act, the term "environmental monitoring" does not include any monitoring conducted for enforcement purposes under any other Federal law.

ENVIRONMENTAL MONITORING REPORT

SEC. 3. (a) On February 1, 1986, and annually thereafter, the Administrator of the Environmental Protection Agency shall submit to the Chairman of the Council on Environmental Quality and to the Congress, a report (hereinafter called the "Environmental Monitoring Report") setting forth—

(1) an inventory and description of the scope of all existing national programs and international programs in which the United

States participates, either directly or through support programs, for measuring natural resource trends, and the quality of the physical environment (including those components defined in section 201(1) of the National Environmental Policy Act of 1969);

(2) an evaluation of each national and international ambient environmental monitoring program described in paragraph (1) of this subsection, including (but not limited to) information on effectiveness, quality of data, and comparability with other data;

(3) selected environmental quality data, or summaries thereof, pertaining to the quality of the physical environment (including those components defined in section 201(1) of the National Environmental Policy Act of 1969); and any other environmental quality information needed by the President or by the Council on Environmental Quality for the preparation of the Environmental Quality Report required by section 201 of the National Environmental Policy Act of 1969; and

(4) a report on the status of implementation of the recommendations made by the National Commission on Environmental Monitoring, established by section 4 of this Act.

(b) The first Environmental Monitoring Report shall be designed and prepared with the advice and assistance of the National Commission on Environmental Monitoring, established by section 4 of this Act.

(c) The heads of departments, agencies, and instrumentalities of the executive branch of the Federal Government shall provide such assistance as needed by the Administrator of the Environmental Protection Agency to evaluate environmental monitoring programs and to prepare the Environmental Monitoring Report.

NATIONAL COMMISSION ON ENVIRONMENTAL MONITORING

SEC. 4. (a) There is established a National Commission on Environmental Monitoring which shall—

(1) make a full and complete investigation and study of the Nation's environmental monitoring programs and those international monitoring programs in which the United States participates (directly or by providing support) and recommend to the Congress and the President a plan to improve environmental monitoring; and

(2) advise and assist in the preparation of the first Environmental Monitoring Report, in cooperation with the Administrator of the Environmental Protection Agency, as required by section 3 of this Act.

(b) Such Commission shall be composed of fifteen members, including the Chairman of the Council on Environmental Quality, the Administrators of the Environmental Protection Agency and of the National Oceanic and Atmospheric Administration, the Director of the National Institute of Health, of the National Bureau of Standards, and of the United States Geological Survey; and nine members selected by the President from list of at least 15 nominees chosen by the National Academy of Sciences and representing State and local governments; regional and international commissions; industry; scientific and academic experts; and environmental, conservation and health groups. The Chairman of the Commission shall be elected by the Commission from among its members.

(c) The Commission shall, not later than three years after the date of enactment of this Act, submit a report as described by section 5 of the Congress and the President of the results of its investigation and study, together with recommendations for improvements in national environmental monitoring and United States participation in international and global monitoring programs. Upon submission of such report or upon expiration of such three-year period, whichever is sooner, the Commission shall cease to exist.

(d) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Commission in carrying out the requirements of this Act, and shall furnish to the Commission such information as the Commission deems necessary to carry out this Act.

(e) The Congressional Budget Office, the General Accounting Office, the Congressional Research Service of the Library of Congress, the Office of Technology Assessment, the Congressional Clearinghouse on the Future, and other entities within the legislative branch shall make available to the Commission such information as may be required for the purpose of carrying out this Act.

(f) In the conduct of the study the Commission is authorized to contract, subject to the availability of appropriations therefor, with nongovernmental entities that are competent to perform research or investigations in areas within the Commission's mandate, and to hold public hearings, forums, and workshops to enable full public participation.

(g) The members of the Commission who are not officers or employees of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the Chairman shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title V of the United States Code, including traveltime and, while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(h)(1) The Commission may appoint and fix the rate of pay of such staff as it considers necessary for the performance of its functions. Such staff may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(2) The commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

(3) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

(i) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(j) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(k) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

CONTENTS OF THE REPORT OF THE COMMISSION

SEC. 5. (a) The report of the Commission shall contain—

(1) a statement of the goals of national and international environmental monitoring, including (but not limited to) establishing national and international environmental quality and natural resource base-lines and trends, anticipating potential environmental problems, and supporting national and international environmental policy decisions;

(2) specification of the different types of monitoring of environmental quality, including (but not limited to) pollution source monitoring and natural resources monitoring, and the specific uses and applications of data generated by each type of monitoring;

(3) an assessment of the costs and benefits of environmental and resource monitoring;

(4) a statement identifying the environmental quality and natural resource data (and its form and quality) necessary for policymakers, and the public to make informed, cost-effective, scientifically based decisions;

(5) a statement of appropriate roles in and contributions to environmental monitoring programs by Federal, State, and local governments; regional and international commissions; industry; scientific and academic experts; and environmental, conservation, and health groups;

(6) a description of all national environmental monitoring programs and those international and global programs in which the United States participates (directly or by providing support), including the following: statutory mandates; organizational and institutional arrangements manpower, laboratory, and budgetary resources; areas of overlap and of gaps; contributions to international monitoring programs; quality controls; data availability; and strengths and weaknesses, including the ability to generate monitoring data necessary for comparisons across various environmental media;

(7) a statement of the information that should be contained in future editions of the Environmental Monitoring Report required by section 3 of this Act, including information on the status of implementation of the recommendations made by the Commission;

(8) an assessment of the adequacy of existing monitoring programs to supply such information;

(9) a description of a comprehensive national environmental monitoring program, including recommended improvements, encompassing Federal, State, local, regional, private and academic monitoring activities, that will (A) be cost-effective, (B) supply information essential to informed decisionmaking by the President, the Congress, regulators, and Federal, State, and local government policymakers generally, and (C) make such information available to regional and international commissions; industry; scientific and academic experts; and environmental, conservation, and health groups;

(10) recommended improvements in United States participation in international

monitoring programs which would enhance the capability of these programs to meet United States and global environmental and natural resource data needs and contribute more effectively to informed environmental policy decision-making; and

(11) an implementation plan for creating improvements in environmental monitoring, which shall include (A) immediately necessary improvements in environmental monitoring needed to fulfill the data needs for current and future Environmental Monitoring Reports described in section 3(a); and (B) specific steps to implement the national environmental monitoring program described under paragraph (9) of this subsection and improvements in United States participation in international programs described in paragraph (10) of this subsection.

(b)(1) In preparing the plan required by subsection (a)(11), the Commission shall—

(A) consider the necessity for strong scientific and statistical leadership in the management of the Nation's environmental monitoring programs;

(B) assess the need for and desirability of adjustments in budgets, personnel, and responsibilities among programs for environmental monitoring to ensure cost-effectiveness, data compatibility, coordination among the various components of the national monitoring program, quality control, and data availability;

(C) consider the use of incentives for collecting monitoring data and improving the quality of the data;

(D) identify mechanisms for improving the coordination of monitoring programs and for the compatibility of data collected;

(E) assign priorities for improvements in environmental monitoring and specify a schedule for completion of the various parts of the implementation plan;

(F) recommend procedures for reporting on and evaluating the status of the implementation of the recommendations made by the Commission and for identifying problems and making necessary adjustments in the plan; and

(G) consider any other environmental monitoring issues, needs, constraints, opportunities, recommendations, or other matters the Commission determines to be appropriate.

(2) In preparing the part of the plan required by subsection (a)(11), the Commission shall, in addition to the requirements of paragraph (1) of this subsection—

(A) consider at least two scenarios which (i) assume the national environmental monitoring program to be based on existing institutional structures and at existing funding levels; and (ii) assume any reasonable organizational and institutional changes and funding levels that the Commission might recommend;

(B) quantify, to the extent possible, the benefits and costs of the plan; and

(C) recommend any legislation and other actions necessary to carry out the plan proposed by the Commission.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. (a) There is authorized to be appropriated, for use by the Commission in carrying out this Act, $15,000,000.

(b) There is authorized to be appropriated to the Environmental Protection Agency for preparing the Environmental Monitoring Report and for carrying out the recommendations of paragraphs (9) and (10) of section 5(a) of this Act, $1,000,000.●

MANAGEMENT CHANGES AT BATTELLE

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. MORRISON of Washington. Mr. Speaker, the director of Battelle's Pacific Northwest division for the past 5 years has been Dr. Doug Olesen. On June 18, he was selected to be Executive Vice President of the corporate entity, Battelle Memorial Institute, located in Columbus, OH.

Since being elected to Congress in 1980 I have learned about many of the exciting programs taking place in Hanford. Many of these activities are being performed at Battelle's Pacific Northwest Laboratory and much of the credit for the contributions that the research staff at that laboratory are making to a whole array of scientific disciplines is attributable to the leadership of Doug Olesen. Under his guidance he has positioned the talents of the Pacific Northwest Laboratories into research in basic energy sciences, food irradiation, waste management, and biotechnology.

I would like to congratulate Doug Olesen on being named executive vice president of Battelle and wish him every success in his new position. I would also like to congratulate Dr. William Wiley, who has been named the new director of Battelle Northwest. And, I look forward to seeing continuing successful research and development accomplishments at Battelle under Bill Wiley's leadership.●

STAR WARS AND ASATS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. MARKEY. Mr. Speaker, the development of new antisatellite weapons and ballistic missile defense systems threatens to start a dangerous new phase in the arms race. This expansion of the arms race presents an unnecessary danger to American security.

ASAT weapons pose a warrantless threat to satellites, which are a nation's "eyes" in space; ballistic missile defense systems such as the administration's "Star Wars" proposal are outlandishly expensive, and feed the dangerous illusion that we can somehow survive a nuclear war.

Both of these weapons reflect an alarming emphasis on nuclear warfighting, rather than on deterrence and arms control. Not only are they unnecessary; they are perilously destabilizing as well.

The administration's programs in this regard threaten to undermine ratified arms control agreements such as the ABM Treaty signed by President Nixon in 1972. The potentially disastrous effects of extending the arms race into space demonstrate the need to protect and strengthen existing arms control agreements, and to urgently pursue agreements to curb the further development of these dangerous, destabilizing weapons.

While the prospect of a new arms race in space is a critical issue for this country, it has been accompanied by much confusion. In an article in the June 23 Washington Post, Rick Atkinson delivers a clear and informative overview of the current situation regarding antisatellite weapons and ballistic missile defense. I commend this article to my colleagues, and request that it be printed in the RECORD.

[From the Washington Post, June 23, 1984]

"STAR WARS" AND THE ASAT PROJECTS: WARES AND WHYS OF SPACE DEFENSE

(By Rick Atkinson)

Since President Reagan threw down the gauntlet on March 23, 1983, and challenged the nation to rally behind an all-out research program seeking a space-based defense against nuclear missiles, Americans have been expected to learn a bewildering lexicon of acronyms and technical lingo: ASAT and BMD, MHV and HOE, boost phase and terminal phase, directed energy weapons and kinetic energy weapons.

Even the most socially responsible citizen can be excused for skipping to the comics or baseball standings in exasperation. To sift through the jargon of "Star Wars," potentially the most ambitious and expensive American military venture of this century, here is a primer on what the Pentagon has in mind:

First, consider ASAT (anti-satellite weapons). Contrary to common misperception, these are not part of Reagan's "Star Wars" plan, which is formally called the Strategic Defense Initiative, or SDI.

"Star Wars" is intended to kill incoming missiles. ASAT is intended to kill military satellites. "Star Wars" is a technology for "tomorrow," as one three-star general put it, while ASAT is a technology for "today."

Military strategists believe that in war, the United States and the Soviet Union would want to strike each other blind, deaf and mute by crippling the satellites vital to communications, reconnaissance and navigation. The Pentagon already depends on more than 40 satellites and plans to launch dozens more.

Unlike the United States, the Soviets have an ASAT ready for use today, although test results have been mixed, at best, since it was introduced in 1968. Perched atop a large SS9 rocket, the 4,400-pound satellite killer would make one or two orbits around Earth before destroying its target about three hours after launch by exploding like a grenade and showering the satellite with shrapnel.

The Soviet ASAT can reach about one-third of the U.S. satellites now in space, but cannot reach the more important American early warning and communication systems that are in orbits 12,000 miles and higher.

The United States first worked on crude ASAT weapons in the early 1960s, but the

one being built today is much more sophisticated. Officially called the Miniature Homing Vehicle (MHV) but nicknamed "the flying tomato can," the 12-by-13-inch cylinder would be flown high into the atmosphere slung beneath an F15 fighter before being fired into space by a small rocket. The 33-pound cylinder then would use eight telescopes to home in on an enemy satellite and ram it.

Under development for six years, this U.S. ASAT was first tested Jan. 21, with a test of the homing device tentatively scheduled for next November, if Congress permits it. The Air Force also has begun work on a second-generation ASAT, which could involve ground-launched satellite killers or laser beams.

But some analysts, such as Cornell University physicist Kurt Gottfried, contend that ASATs are "very discouraging and extremely dangerous" since a blind, deaf and mute enemy is liable to lash out with unrestrained nuclear fury. Repeated Soviet calls for negotiations on an ASAT treaty were rebuffed by the White House because of a conviction that such a ban would be impossible to verify.

The House of Representatives, however, has voted to block U.S. testing of "the flying tomato can" for at least a year, provided the Soviets adhere to a self-imposed moratorium on deployment of their system.

Administration thinkers are pondering four negotiating strategies that would propose U.S.-Soviet restrictions on ASATs without prohibiting them. Some of the ASAT technology overlaps that of "Star Wars," which makes it difficult to limit the former without hamstringing research for the latter.

If ASAT is intricate, "Star wars" is bewilderingly complex.

Although the Strategic Defense Initiative was born officially when Reagan signed National Security Decision Directive No. 85 in March, 1983, Star Wars has been gestating for more than 15 years.

After bitter debate and at great expense, the United States in the early 1970s built a small anti-ballistic missile (ABM) system designed to destroy incoming warheads with interceptor missiles carrying nuclear warheads.

In 1972, the superpowers signed an ABM treaty that limited to one the ABM defensive systems each side could build. The fundamental premise was that anti-missile defense was potentially destabilizing because it might lead its possessor to believe that a first strike could be launched without the risk of retaliation.

In effect, Washington and Moscow agreed to leave their countries hostage to insure that neither would strike first. The United States even dismantled its ABM system because it was widely assumed that a good offense would always overwhelm a good defense.

Reagan has turned that logic upside down by suggesting that the United States may have the technical wherewithal to block the Soviet's best nuclear knockout punch, thus rendering impotent their offensive missiles.

"Star Wars" is carved into a four-stage program, as envisioned by Lt. Gen. James A. Abrahamson, the strategic defense director, in congressional testimony May 9. The research phase is expected to last until the early 1990s.

"Some future president and some future Congress will look at any of these systems and apply these three criteria: One, is it really technically feasible? Second, can we afford it? . . . And most importantly, does it reduce the level of risk in the world?" Abrahamson said in an interview last week.

If those future leaders agree to proceed, the research phase will be followed by an engineering phase, in which prototypes of the defensive systems would be designed, built and tested; a transition phase, in which the systems are built while the superpowers negotiate reductions in offensive missiles; and a final phase, in which the defense is completely built and offensive weapons "reach their negotiated nadir."

Even the most optimistic "Star Wars" supporters don't expect that final phase to occur until well into the 21st Century. Cost estimates for a full-blown "Star Wars" defense range from $100 billion to more than $1 trillion; the administration expects to spend $26 billion on research in the next five years alone.

Part of the reason "Star Wars" seems so muddy is that the current technical thinking is so inchoate. The challenge nearly defies imagination—trying to grapple with the simultaneous launch of thousands of missiles carrying tens of thousands of warheads collectively capable of reducing the United States to little more than a terrain of ashy craters.

Strategists also use a four-phase description when discussing a missile attack. A full "Star Wars" defense probably would be layered, or multitiered, so that warheads slipping through the first line of defense would be intercepted by the second line, ones slipping through the second would be intercepted by the third, and so forth.

The first phase in a missile attack, called the boost, is considered vital for defenders. The most threatening Soviet intercontinental ballistic missiles are the 308 SS18s carrying a total of 3,000 accurate warheads.

In an attack, the first phase for the SS18s would last about five minutes during which the liquid-fueled rockets, each carrying roughly 10 warheads, climb through the atmosphere. The warheads, which are shaped like cones, are attached to a device known as a "bus" atop the rocket.

At the end of this five-minute phase, the bus separates from the rocket; the warheads then "hop off" the bus and begin heading toward their individual targets. They are escorted by a cloud of decoys, chaff and other "penetration aids" designed to fool a defender's radar.

But if a defender can destroy the rocket before the first five minutes are up, he need not worry about hunting and killing the individual warheads soaring through space. The rocket exhaust also provides an easily detected "signature" that is easier to track than the warheads.

Consequently, much of the current "Star Wars" research is focused on weapons that could find and cripple missiles during the boost phase. "Directed energy weapons" mounted on space-based battle stations would fire thin laser beams to burn holes in the rockets, either collapsing them or detonating their fuel tanks. Some researchers are trying to harness the X-rays generated by a nuclear explosion for conversion into missile-killing lasers.

There is a wide gulf between the true believers of "Star Wars" and the skeptics. For example, a group of Dartmouth College scientists believes that fewer than 100 laser-equipped battle stations would do the trick, while the Union of Concerned Scientists has estimated that the number may be closer to 2,400. Even a remarkable 95 percent efficiency against an all-out Soviet attack would allow enough warheads to "leak" through to cause catastrophic destruction.

Other skeptics argue that the Soviets could outwit "Star Wars" technology. Missiles could be coated to reflect laser beams, or warheads could be mounted atop "fast-burn" rockets that would cut the five-minute boost phase to 50 seconds (the American MX missile boost, by comparison, lasts about 2½ minutes).

Proponents retort, in turn, that the five tons of heavy reflective coating that would be required on each missile would cut the SS18's payload by 60 percent, while a fast-burn rocket also would be constrained severely in the number of warheads it could carry.

"The assumption and the assertion . . . that there's a simple and easy countermeasure for anything we might do I just flat reject," Abrahamson said.

The United States also is looking at other defensive weapons to shoot down warheads either during or after the boost phase. "Kinetic energy weapons" include interceptor missiles and "hyper-velocity" guns capable of shooting a projectile at a speed of five or six miles per second. The Army last week successfully destroyed a dummy warhead more than 100 miles above the Earth with something called a Homing Overlay Experiment (HOE) vehicle launched atop a rocket. The HOE, essentially a 15-foot metal net, wrecks the warhead on impact.

There is a problem facing defenders trying to intercept warheads closing in on U.S. targets in the "terminal phase": Soviet warheads probably are "salvage fused," meaning they are rigged to detonate if struck by defensive weapons. A two-megaton bomb (equivalent to 2 million tons of TNT) exploding at 50,000 feet above Earth would severely damage civilian structures, a result something akin to the Vietnam paradox of "destroying the village in order to save it."

As the scientific and military arguments rage—for example, how would the United States defend against Soviet bombers and low-flying cruise missiles?—there also are bitter disputes about the diplomatic consequences of "Star Wars." Several treaties appear to stand in the way of testing or deploying the missile defenses, such as the Outer Space Treaty of 1967, which forbids "any objects carrying nuclear weapons" into orbit and would seem to preclude X-ray lasers.

Fundamentally, the argument seems to come down to disparate opinions about the effective and proper use of technology.

Physicist Herbert Lin, writing in the April issue of "Technology Review," warns, "Contending nations would seek out weapons not neutralized by ballistic missile defenses (BMD), such as nuclear cruise missiles, nuclear warheads carried by torpedo, nuclear weapons exploded at sea to create huge tidal waves and inundate coastal cities, and nuclear 'suitcase bombs' assembled in enemy cities from smuggled parts."

But Abrahamson, the "Star Wars" czar, countered with a cheerier vision when interviewed last week: "I believe what the Russians respect most about the U.S. is what we can do technically. We can do in this country just about anything we set out to do technically . . . if we decide we want to do it."●

A SUMMARY OF DISASTER PROGRAMS AVAILABLE TO DESIGNATED AREAS

HON. THOMAS A. DASCHLE
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. DASCHLE. Mr. Speaker, the recent devastating floods in the Midwest have caused widespread damage, so extensive that many areas have already been proclaimed as disaster areas by the President, and many more are on the verge of being so declared. My own State of South Dakota has requested that 21 counties receive such a designation. The latest reports indicate that, as a direct result of the June floods, over 7 million acres in the area have been affected, and agricultural losses alone are estimated preliminarily at $1.3 billion.

The scope of this disaster verges on the overwhelming. Equally overwhelming, however, is the confusion as to what programs of Federal assistance are available, how they are to be applied for, and what procedures are to be followed in expediting delivery of whatever assistance is in fact available. In an attempt to clarify this situation for my constituents, and for many of my colleagues who find themselves in situations similar to mine, I have prepared a brief summary of programs available for dealing with this disaster, both after a Presidential declaration is made, and in the absence of such a declaration. Much of the information listed here is taken from various publications of the Federal Emergency Management Agency, the Small Business Administration, and the Department of Agriculture.

The summary follows:

SUMMARY OF DISASTER PROGRAMS AVAILABLE TO DESIGNATED AREAS

A. ASSISTANCE WITHOUT A PRESIDENTIAL DECLARATION

In some instances, disaster assistance may be available from the federal government and voluntary agencies without a presidential declaration of disaster or emergency. Of most relevance to the current situation are the following:

1. Search and Rescue.—The U.S. Armed Forces may assist in search and rescue operations, evacuate disaster victims, and transport supplies and equipment.

2. Flood Protection.—The U.S. Army Corps of Engineers has the authority to assist in floodfighting and rescue operations and to protect, repair, and restore federally constructed flood-control works threatened, damaged, or destroyed by a flood.

3. Health and Welfare.—The Department of Health and Human Services may provide assistance to State and local welfare agencies and to State vocational rehabilitation agencies. The Public Health Service can aid States and local communities in emergency health and sanitation measures. The Food and Drug Administration may work with State and local governments in establishing public health controls through the decontamination or condemnation of contaminated food and drugs.

4. Emergency Conservation Program.—The State Director may designate areas eligible for the Emergency Conservation Program of the Agricultural Stabilization and Conservation Service (ASCS) of the Department of Agriculture. The program provides for cost-sharing grants of up to 80% to rehabilitate farm lands damaged by natural disasters.

5. Emergency Loans for Agriculture.—In areas designated as eligible by the State Director under delegated authority, the Farmers Home Administration may make emergency loans to farmers and ranchers. Application for these loans may be made at the FmHA County Office. All farmers and ranchers in the designated area who have suffered a loss of property or production due to natural disaster are eligible. Loan ceiling is established at $500,000 for actual new disaster loss, and loans may not exceed 80 percent of actual losses. Repayment period is defined as "quickly as possible", with operating expenses repaid up to 7 years, rescheduled within a period not to exceed an additional 7 years. It is possible under certain conditions to extend as long as 20 years. Loans for real estate purposes may be made scheduled for up to forty years. For actual loss loans to applicants able to obtain credit elsewhere, the interest rate is 13.75 percent. For actual loss to applicants unable to obtain credit elsewhere, interest is 5 percent on the first $100,000 borrowed, and 8 percent on additional amounts up to the $500,000 limit.

6. Disaster Loans for Homeowners and Businesses.—The Small Business Administration can provide both direct and bank-participation disaster loans to qualified homeowners and businesses to repair or replace damaged or destroyed private property when the SBA Administrator declares a disaster loan area under SBA statutory authority. Economic injury loans can help small firms suffering economic losses as a result of disaster. For homeowners and businesses suffering actual physical damage, maximum loan rate is 100 percent of uninsured loss up to $500,000 at an 8 percent rate of interest, if credit is available elsewhere. If credit is not available elsewhere, interest rate is 4 percent.

7. Repairs to Federal Aid System Roads.—The Federal Highway Administration can provide assistance to restore roads and bridges on the Federal Aid System.

B. ASSISTANCE WITH A PRESIDENTIAL DECLARATION

All programs available listed above are also available under a presidential declaration. However, there are several additional avenues of assistance under such a presidential declaration. In the first place, such a declaration automatically brings into action the Federal Emergency Management Agency (FEMA). As soon as possible after the President's action, the FEMA Associate Director of State and Local Programs of Support, based on the Governor's request, designates the counties or other political subdivisions that are eligible for federal assistance. The Associate Director also appoints either the appropriate FEMA Regional Director or another federal official as the Federal Coordinating Officer (FCO).

The FCO establishes a temporary Disaster Field Office within the affected area to coordinate the disaster relief and recovery effort. This office is staffed with representatives of federal agencies having disaster assistance responsibilities and is usually located in conjunction with the Office of the State Coordinating Officer, who is appointed as a liaison by the Governor. All coordination of all federal assistance is then conducted through application to the FEMA office.

This assistance, over and above the program listed above, includes the following:

1. Assistance to Individuals.—a. Temporary housing until alternate housing is available for disaster victims whose homes are uninhabitable. Minimum essential repairs to owner-occupied residences in lieu of other forms of temporary housing, so that families can return quickly to their homes.

b. Temporary assistance with mortgage or rental payments for persons faced with loss of their residences because of disaster-created financial hardship.

c. Disaster unemployment assistance and job placement assistance for those unemployed as a result of a major disaster.

d. Individual and family grants of up to $5,000 to meet disaster-related necessary expenses or serious needs when those affected are unable to meet such expenses through other programs or other means.

e. Legal services to low-income families and individuals.

f. Distribution of food coupons to eligible disaster victims.

g. Social Security assistance for recipients or survivors, such as death or disability benefits or monthly payments.

h. Veterans' assistance, such as death benefits, pensions, insurance settlements, and adjustments to home mortgages held by the VA, if a VA home is damaged.

i. Waiver of penalty or early withdrawal of funds from certain time deposits.

2. Special Assistance to Agriculture.—In addition to the loan programs mentioned above, the Secretary of Agriculture has, at his discretion, the authority to make disaster cash payments to farmers for crops either lost through flooding, or crops prevented from being planted through flooding. Prices and percentages vary according to crop, but for many it is 50 percent of target price on up to 60 percent of normal yield. In addition, payment of up to 80 percent of the cost to eligible farmers who perform emergency conservation actions on farmland damaged by the disaster, and provision of federally owned feed grain for livestock and herd preservation. All these programs would be coordinated through the FEMA office.

3. Assistance to State and Local Governments.—As soon as practicable following the President's declaration of an emergency or a major disaster, FEMA personnel conduct briefings for State and local officials to inform them of the types of assistance available under the declaration and the means by which funds are provided for eligible disaster assistance projects.

Following these briefings, Federal engineers prepare Damage Survey Reports to provide FEMA with a recommended scope of work and estimated costs in accordance with FEMA eligibility criteria. A Project Application, accompanied by supporting Damage Survey Reports, is submitted by an eligible applicant through the State to the FEMA Regional Director for approval.

Eligible applicants are States, political subdivisions of States, Indian tribes or authorized tribal organizations, Alaska Native Villages or organizations, and qualifying private nonprofit institutions within the designated disaster area. Rural communities or unincorporated towns or villages within the designated area may also receive assistance

when their requests are submitted by an eligible applicant.

The Project Application must be submitted to the Regional Director within 90 days of the date of the President's declaration of a major disaster or within 30 days of the declaration of an emergency, unless the Regional Director specifically shortens or extends that period due to unusual circumstances.

Under a major disaster declaration, Project Applications may be approved to fund a variety of projects, including:

Clearance of debris, when in the public interest, on public or private lands or waters;

Emergency protective measures for the preservation of life and property;

Repair or replacement of roads, streets and bridges;

Repair or replacement of water control facilities (dikes, levees, irrigation works, and drainage facilities);

Repair or replacement of public buildings and related equipment;

Repair or replacement of public utilities;

Repair or restoration of public facilities damaged while under construction;

Repair or restoration of recreational facilities and parks, and

Repair or replacement of private nonprofit educational, utility, emergency, medical, and custodial care facilities, including those for the aged or disabled, and facilities on Indian reservations.

In submitting a Project Application, an eligible applicant may receive a small project grant when the total cost of all the work is less than $25,000. On a small project grant the applicant can repair damage or build a new unrelated facility receiving 75 percent of the eligible grant. When a 75/25 FEMA/nonFederal division of costs is established by the FEMA-State Agreement, a small project grant must be less than $18,750. For Project Applications approved over this amount the applicant may elect one of several funding options. These include categorical grants and flexible funding grants.

Categorical grant.—Damaged facility must be restored to predisaster condition; the applicant receives 75 percent of the eligible costs when a 75/25 FEMA/nonFederal division of costs is established.

Flexible funding.—Applicant has the option to restore selected facilities or construct new non-disaster related facilities and receive 90 percent of the otherwise eligible grant. This grant is available for permanent restorative work only. When a 75/25 FEMA/nonFederal division of cost is established, the grant is 90 percent of 75 percent or 67.5 percent.

Other forms of assistance which may be made available under a Presidential declaration of a major disaster include:

Community disaster loans from FEMA to communities that may suffer a substantial loss of tax and other revenues and can demonstrate a need for financial assistance in order to perform their governmental functions;

Certain forms of hazard mitigation assistance from FEMA;

Repairs and operating assistance to public elementary and secondary schools by the Department of Education.

While all of the programs listed above could be activated during a disaster, it is likely that only one would be employed for the limited nature of an emergency declaration and would involve problems which are beyond State and local capabilities.●

THE FARRAKHAN CANCER

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. KOSTMAYER. Mr. Speaker, it is terribly important that public figures not let the latest remarks of Louis Farrakhan pass without condemnation. Among the first to speak out should be every Member of Congress of the United States.

I would not want to face my constituents or my children unless I expressed my revulsion and contempt at Louis Farrakhan's remarks describing Judaism as a "gutter religion" and supporters of Israel as "part of a criminal conspiracy." The cancer of anti-Semitism must be attacked wherever it appears and Louis Farrakhan's words must not go unchallenged.

I represent people of all faiths and all races in Bucks County and eastern Montgomery County, PA. If America means anything—it means that all of us should be tolerant of each other and intolerant of those who seek to divide us on the basis of color or creed.

I hope that the Reverend Jesse Jackson will join us in repudiating Louis Farrakhan once and for all, to put to rest this sickness symbolized by Farrakhan's hideous and monstrous words.●

SAGINAW CHIPPEWA INDIAN RIGHTS

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ALBOSTA. Mr. Speaker, I have the privilege of representing many members of the Saginaw Chippewa Indian Tribe of Michigan. Tribal Chairman Arnold Sowmick has contacted me and asked me to bring a matter of great importance to the House's attention.

As you know, our Nation's history is spotted with examples of Indian abuse. Many times in our past we have taken treaty reserved lands without adequately compensating tribes. In the last 20 years we have tried to right our past wrongs and provide some, although usually minimal, compensation for the land we forcefully acquired.

BACKGROUND

Today, I would like to bring to your attention the Saginaw Chippewa Indian Tribe of Michigan was awarded $12,419,361 under four separate Indian judgment fund dockets. In January 1983 the funds under docket 57, approximately $16.7 million, were distributed to individuals. The majority of the award, approximately $16 million, was paid out in per capita payments. The remaining funds were retained for tribal purposes. Within the next year the remaining three dockets totaling approximately $7 million will be distributed. The Bureau of Indian Affairs [BIA] has recommended that these dockets be distributed under the same plan as the first docket was distributed.

PROPOSALS

The tribe feels that the BIA recommendation fails to take into account the vital needs of the tribe and hinders future economic growth of the tribe. Therefore, the tribe has opted to seek special judgment fund distribution legislation funneling 100 percent of the final three awards into tribal programs and investment. Under this legislation, the tribe would set up a principal investment fund. The majority of the interest generated from this fund would be used for economic development purposes; the other 10 percent would be reinvested into the principal investment fund. The tribe feels the principal investment fund will help them achieve their goal of economic independence from the Federal Government.

As well as representing tribal members of the Saginaw Chippewa Indian Tribe, I also represent many descendants of the tribe who are concerned that they will not receive any benefits from the award. Descendants of the tribe believe they are entitled to a portion of the benefits. If the BIA plan used previously was again utilized for distribution of the remaining dockets' funds, each descendant would receive approximately $1,600.

I am introducing this fund distribution legislation at Chairman Sowmick's request to give both the descendants and the tribe the opportunity to present their cases at hearings on the measure. I hope that through extensive hearings on the distribution plan the Committee on Interior and Insular Affairs can work out a plan that is acceptable to both the tribe and the descendants.●

RELEASE THE POOR ELDERLY FROM THE BONDS OF EXCESSIVE PAPERWORK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. BIAGGI. Mr. Speaker, Today I introduce H.R. 5955 which represents the first step in reducing the tremendous paperwork burden which the Nation's elderly face in order to recieve Government benefits and services.

This paperwork burden is a serious problem. A recent survey by my staff revealed that there are at least 12

forms for different Social Security benefits. Some of these forms are:

Application for Mother's or Father's Insurance Benefits;

Application for Retirement Insurance Benefits;

Application for Wife's or Husband's Insurance Benefits;

Application for Parent's Insurance Benefits;

Application for Lump Sum Death Payment;

Application for Widows or Widowers Insurance Benefits;

Application for Disability Insurance Benefits;

Application for Supplemental Security Income;

Application for Medical Insurance;

Application for Hospital Insurance;

Application for Health Insurance Under Medicare for Individual with Chronic Renal Disease;

Patient's Request for Medicare Payment.

The Veterans' Administration requires separate application forms for burial benefits, burial flags, headstones and burial markers, and death pensions. It seems reasonable that a survivor would need and apply for all of these benefits at about the same time. Why then, should he or she be asked to complete four different forms which request similar information? This is a tremendous waste of the taxpayers' time and money.

The legislation which I introduce today orders the Department of Health and Human Services to study duplicative information collection and recommend ways to reduce it. This approach has worked successfully in the past. The Internal Revenue Service developed the new 1040 EZ form after researching the needs of low and middle income taxpayers. This new form contains only 11 lines.

In order to develop this new form, the IRS contracted with a private firm to interview typical taxpayers in the under $50,000 income group. The firm recommended numerous graphic and design changes to simplify existing forms. Then, at a meeting in early 1982, the Commissioner of the Internal Revenue Service pressed the staff to develop a new, short, simple form that the majority of low and middle income taxpayers could use. An IRS official said recently that it was this pressure from the chief executive of the agency that led to the quick development of form 1040 EZ.

The form was used for the 1982 tax season. Over 15 million people used the form in 1982, and it was the top choice for single taxpayers with income under $50,000, whose only income was from wages, salaries, and tips.

If we in the Congress provide the leadership on this issue, we can institute the same kind of swift action throughout the Federal Government.

The study is to be financed with up to $100,000 of the existing revenues of the Department. No additional funds would be appropriated.

As an original member of the Aging Committee, I have long been concerned about the confusing, duplicative forms which the elderly must complete. I believe that this study will be the first step in a major governmentwide campaign to free the elderly from tremendous and unnecessary paperwork requirements.

The text of the legislation follows. I hope that all of my colleagues will join me in supporting this important legislation.

H.R. 5955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Health and Human Services shall conduct a study on the collection by the Department of Health and Human Services of information from individuals, such as information collected through written report forms and application forms, to determine what information is being collected from the same class of individuals more than once. The Secretary shall study in particular the information required in forms that elderly persons must complete in order to receive Federal benefits under the jurisdiction of such department.

(b) The Secretary shall complete the study not later than the end of the first fiscal year beginning after the date of the enactment of this Act and shall report to Congress not later than 90 days after completion of the study. The report shall include detailed recommendations for collecting information more efficiently and reducing information collection that is duplicative. The Secretary may use not more than $100,000 of funds appropriated after the date of the enactment of this Act to conduct the study.●

NATIONAL WILDERNESS AREAS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. SHUMWAY. Mr. Speaker, national wilderness areas benefit our society by protecting pristine wildlife habitat and watershed, and providing recreational opportunities for the hearty. Unfortunately, most wilderness proposals in Congress ignore the multiple-use ethic of public lands management and threaten the practice of true conservation. Specifically, nearly every wilderness bill passed by the House fails to address the need for orderly, professional, and prudent development of natural resources. Time after time, economic needs take a back seat to preservationist demands.

While ecological preserves, untrammeled by man, are certainly a legitimate multiple-use of public lands, it makes no sense to completely restrict logging, mineral development, grazing, recreation, watershed mangement, and other competing choices from excessive amounts of productive acreage. Often, these operations are fully compatible with esthetic values. Always, leaving our options open is best for posterity.

It is my hope that the House will someday bite the political bullet and work harder to represent the consensus view on the wilderness debate. As stewards of our national heritage, we have a duty to reconcile what land uses are in the public interest in a more scholarly manner. For starters, wilderness benefits ought to be commensurate with the opportunity costs of nondevelopment. At this point in the CONGRESSIONAL RECORD, I would like to submit an excellent discussion of the wilderness issue and the myths that surround it. The following article, written by L. Cortland Lee and Paul K. Driessen, lends some commonsense to this emotional debate.

[From the Christian Science Monitor, June 21, 1984]

KEEPING ALL U.S. NATURAL RESOURCE OPTIONS OPEN

(By L. Courtland Lee and Paul K. Driessen)

When it comes to the environment, America's decisions often seem driven by myths and emotions. Essential facts and vital components of the "public interest" are often forgotten. The continuing debate over wilderness is a good example.

Many argue for expanding the nation's wilderness system and placing no limitation on either the total acreage or the number of times an area can be studied for wilderness. The ongoing process developed to serve these ends graphically illustrates the power of fear and mythology. Several myths particularly merit attention.

Myth No. 1. The choice is between wilderness preservation and development. Wilderness is the only way to protect natural values, and failure to designate an area as wilderness leaves it open to destructive development, forever foreclosing the wilderness option.

Perhaps prior to the environmental era there was some merit to the claim that wilderness designation alone could safeguard natural values. Passage of numerous state and national air, water, land use and wildlife laws since 1969, however, voids this argument.

A host of land use classifications today strictly regulates development. Human activities may be restricted to certain seasons of the year; especially sensitive areas can be closed all together; and even the most carefully designed proposal must first be reviewed by the public and various agencies.

The very fact that numerous areas are suitable today for wilderness underscores how well these laws work. It is ironic that the biggest push for wilderness has come when it is least needed. The national wilderness system now stands at 228 million acres—an area bigger than California, Nevada, and Utah combined.

Myth No. 2. Once affected in any way by development, an area is forever unsuitable for wilderness. Development of even a few acres in a 40,000-acre wilderness study area (WSA) renders the entire area unsuitable.

The Cumberland Island Wilderness area is blanketed with roads and inhabited homes. In one case, a paved road was included in a

wilderness area; the Forest Service simply tore it up, reseeded the area, and let nature take over. Throughout the West, numerous areas with old mines, clear cuts, roads, homesteads, and wheat fields have been designated as wilderness, on the ground that nature had reclaimed the land or would soon do so.

Regardless of what some might say, signs of man obviously do not destroy wilderness suitability. The area merely has to look natural, now or in the near future, and modern reclamation methods can work wonders. Moreover, areas released from wilderness study will be managed under our general land and environmental laws for hiking, scientific study, and a wide range of uses prohibited in wilderness.

Myth No. 3. We can always terminate an area's wilderness status and open it to development "if truly compelling reasons" arise.

Behind this argument is the "kitchen faucet theory of resource development"—that we can find and develop energy and resources instantaneously, whenever the need arises. Unfortunately, it just isn't so.

Contrary to some claims, as studies by the U.S. Geological Survey and others show, many wilderness areas and WSAs may have significant energy and mineral deposits. It takes years to find and produce them (13 years from leasing to production at Prudhoe Bay, our biggest oil field).

The wilderness designation process has become a one-way street. Areas get reviewed for wilderness every 10 years until they get designated. However, once in wilderness, it will almost literally take a major war or other calamity to get them out—and the environmental destruction that will accompany the mad rush to explore and develop under those circumstances can easily be imagined.

Bertrand Russell once wrote, "Neither a man nor a crowd nor a nation can be trusted to act humanely or think sanely under the influence of a great fear." Wilderness advocates have fostered a gnawing fear in many of us: a fear that we have only a few natural areas left; that a "wilderness experience" can be enjoyed only in designated wilderness areas; and that every remaining area will be developed or paved over if it is not designated wilderness at once.

It is time we examined these myths carefully, before we make decisions that are neither necessary nor in our long-term best interest. We cannot afford to close off the vast majority of our natural resource options, out of a mistaken belief that only by doing so can we preserve wilderness values and options.

L. Courtland Lee and Paul K. Driessen have been involved in the wilderness study and designation process since 1977.●

FOSTERING WORLDWIDE DEMOCRACY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I urge my colleagues to read the following article about fostering democracy around the world by providing training and financial aid to countries working to save or beginning to develop a democratic system I read in the June 27, 1984 edition of the Washington Times. This article makes a good argument for the funding of the National Endowment for Democracy [NED].

The article follows:

[From the Washington Times, June 27, 1984]

TOUTING DEMOCRACY IS WORTH THE COST

(By Morton Kondracke)

In late July and early August 1975, President Ford visited Eastern Europe, but the crisis on his mind was in Portugal, where a fledgling revolutionary government was in danger of going communist.

As the American president's entourage made its way from Poland to Finland to Yugoslavia, the word from Secretary of State Henry Kissinger to reporters on the trip was that democracy's cause has been lost, that Portugal was "going down the tubes."

When Ford, Kissinger, and Co. headed back home, I went to Portugal and found that what they'd said just wasn't so. True, the military junta that has taken over from right-wing civilians in 1974 was split. There was danger that the country would be taken over by far-left officers and Communist Party boss Alvaro Cunhal, who were receiving massive funding from the Soviet Union.

But Portugal's democrats were fighting back and the U.S. ambassador to Lisbon at the time, Frank Carlucci, knew better than his bosses in Washington that they could win.

And they did win, thanks to a $10 million infusion to Portugal's Socialist party from the Friedrich Ebert Foundation, the international political arm of the West German Social Democratic Party.

West Germany has three political foundations—funded by the government—which foster democracy around the world, training trade unionists, journalists, businessmen, judges, and politicians, and occasionally providing discrete funding to democrats in trouble, as in Portugal and also in Spain, where the Socialist Party (now in power) was sustained for years by the Ebert Foundation.

America ought to have a counterpart to the German foundations. In fact, we do have one—the brand new National Endowment for Democracy—but it is in danger of being killed in its infancy by Congress.

In a money-saving frenzy, a coalition of conservatives and liberals voted on May 31 to cut off NED's $31 million funding for next year. The Senate is supposed to take up the issue soon.

President Reagan favors the endowment. In fact, he gave it birth in one of the best speeches of his presidency—the one he delivered to the British Parliament in June 1982, calling for a long-term "global campaign for democracy . . . which will leave Marxism-Leninism on the ash heap of history as it has left other tyrannies which stifle freedom." It's time for the President to get to work to save his creation from destruction.

The endowment made one embarrassing mistake in its early months. One of its four subordinate organizations, the AFL-CIO's American Institute for Free Labor Development, was found to have given money to a candidate in the spring elections in Panama. The endowment board has since banned interference in elections.

Mistakes do get made in fledgling organizations, especially when they are entering into an experiment. But the experiment is certainly worth embarking upon.

The basic conception behind the NED is for private American organizations—the Democratic and Republican parties, the AFL-CIO and the U.S. Chamber of Commerce—to use federally supplied funds to assist democratic forces in the world openly.

According to NED executive director Carl Gershman, these are some of the projects the Endowment has initiated or is considering.

Institution-building in the Third World.

The AFL-CIO has the most practice in this field and is scheduled to receive the bulk of NED money to expand its training of peasant union organizers and democratic politicians. Mr. Gershman said the union, the parties, and the Chamber of Commerce also could work with Third-World newspaper editors, religious groups, and businessmen to press for democratic change in their countries.

Aid to dissidents in communist countries.

The AFL-CIO, on its own, assisted the Polish trade union Solidarity. Other NED ideas included publication of dissident books in the West (in hopes they would filter back behind the Iron Curtain) and provision of medical and financial assistance to dissidents and their families.

A Congress of Cultural Freedom composed of democratic movements in various countries that would collaborate in challenging totalitarian movements in the worldwide "war of ideas."

The Soviet Union spends vastly more money than Western countries to send representatives to peace, youth, and cultural conferences around the world. A NED-backed Congress could strive to correct the balance. The Congress also would arrange meetings of democrats to discuss how to foster freedom in various countries.

A publication in Chinese directed at the thousands of students from the People's Republic of China who are attending colleges in the United States and Europe.

The publication would be a forum for discussing the future of China and for inculcating democratic values.

A project to train and exchange lawyers and law students in human-rights watchdog groups in Africa, Asia, and Latin America.

Projects such as these could be financed by the CIA—and often have been in the past. NED is a far better way to foster democracy—an open and aboveboard way, in keeping with American values.●

FREE TRADE, FAIR TRADE, OR NO TRADE

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. TAYLOR. Mr. Speaker, Gerald L. Lynch, consultant to the chairman of the board of Colt Industries and a member of the Presidential Advisory Committee for Trade Negotiations, recently spoke to the Economic Round Table of Los Angeles on the subject of trade.

I know of no subject of greater importance to our Nation today. I recommend Mr. Lynch's remarks as important reading to my colleagues:

FREE TRADE, FAIR TRADE, OR NO TRADE

When I was in Detroit last month I read with great interest an article in the Detroit News under the caption: "Need for Import Quotas Said to be Inevitable".

The writer discussed what would happen to the domestic automobile industry if the U.S. did not renew with the Japanese next March its "voluntary restraint agreement" which provides for quotas on the importation of Japanese cars. The article opened on the following ominous note:

"On March 31, 1985, a great invasion fleet appears off the California Coast.

"It consists of a host of transports, loaded to the gunwales with small Japanese cars.

"Import restrictions are about to expire; the Japanese companies are responding with a sudden flood of car shipments and soon will capture as much as 45 percent of the U.S. car market.

"This is a familiar Detroit nightmare. Domestic auto makers hope it remains just that."

World trade is complex. It is interrelated with many economic, financial and political considerations which are not apparent until a specific trade relationship is examined.

International trade is conducted on an entirely different basis than trade between our 50 States. Each of the nations is a sovereign state and has the authority and power to prescribe its own rules of trade with the other nations of the world. This is in marked contrast to the rules of trade between our 50 States.

Our Founding Fathers insisted, as a condition of membership in our indissoluble union, that each state surrender forever to the Federal Government the right to regulate interstate commerce and the power to enforce it. Over a century ago we fought a bloody Civil War to uphold the indissolubility of this union and the Constitution which held it together.

In retrospect, it would have been utterly disastrous to the economic development of our country if each state had not surrendered control of interstate commerce. Absent such surrender, the trade relationships between our states would be analogous to those within the European Common Market which has struggled for 30 years since the Treaty of Rome to achieve the economic advantages of the U.S. with respect to trade between its members without the corresponding political power to enforce its collective economic will.

Last year the President appointed me to the Committee on Trade Negotiations. This is a statutory body created by Congress to advise the President, the Congress and the U.S. Trade Representative on matters relating to world trade.

This Committee, of approximately 35 members, includes among its members CEO's of some of our largest manufacturing and banking corporations; some of the top representatives of organized labor; companies large and small with active interests in trade; and economists—a widely diversified group which by no means is always in agreement on all aspects of trade. This Committee is supported by about a thousand other people selectively drawn from the private sector to advise the Office of the Trade Representative on matters falling within their unique experience and expertise. After one year on the Committee, I have concluded that on matters relating to trade, our government is thoroughly, and I believe, well advised by the private sector.

EVOLUTION OF OUR TRADE POLICY

Throughout most of our history, the U.S. was relatively uninterested in world trade. Unlike England, Germany, France, Japan and others whose economies were trade dependent, some as much as 50%, we were almost exclusively interested in building our own economy. In essence, we sold only that part of our capacity that was excess to our domestic requirements. We imposed high tariffs to protect our so-called "infant industries." We imported only such manufactured products which could be competitive price-wise after they absorbed our tariffs.

During the 1920's we began to penetrate the world market primarily through the establishment of manufacturing subsidiaries as one means by which American companies could capitalize on their superior financial, manufacturing and marketing expertise.

The world economic crisis, which began in 1929 in the U.S. and extended to the whole of Europe, almost led to the complete collapse of world trade. The U.S. triggered this trade collapse when it enacted the Smoot-Hawley Law for the purpose of choking off imports by sharply increasing our tariffs.

A wave of reprisals followed this American decision. Switzerland answered by the complete boycott on American goods. Great Britain enacted tariffs for the first time in its history and abandoned its free trade policy, which for several hundred years was the economic cornerstone of its empire.

Most of the countries, including the U.S., devalued their currencies. This combination of trade barriers and devalued currencies led to a virtual stoppage in world trade. These negative experiences during the 1930's gave the impetus after World War II to the General Agreements on Tariffs and Trade (GATT), the International Monetary Fund, and the World Bank, to all of which the U.S. was a party.

In 1948 a new economic era began. World trade increased between 1948 and 1980 at an average annual growth rate in real terms of 7%; from less than $100 billion in 1948 to almost $2 trillion in 1980.

Our own trade rose from $19 billion to $460 billion in 30 years—a 50-fold increase.

Forty percent of our farm acreage is now planted for export. Four out of five jobs created between 1977 and 1982 were export related. It is estimated that for each increase of $1 billion in exports, 25 thousand American jobs are created.

But with the changing dynamics of the world trading system, the character of jobs changed. In 1960, for example, 37% of our work force was employed in manufacturing. By 1980, only 12% were engaged in manufacturing as such. However, during those 20 years we produced a lot more. But the jobs moved to small business, services, informatics, and so on, and we did well. In the 70's we created almost 20 million new jobs while our trading partners in Europe were losing nearly 3 million.

IDEOLOGICAL BASIS ON FREE TRADE

The ideological basis of free trade is an off-shoot of the doctrine of Adam Smith, who proclaimed that the common good could best be achieved by an economic system which induced each individual to pursue his own economic goals within the bounds of justice. These goals, he said, could best be achieved through free enterprise, competition, the market system and non-intervention by the state.

The trade correlatory of this doctrine was applied by his contemporary, David Ricardo, who set forth the basic case for the free trade system, namely, that it is to the advantage of nations to specialize in the production of goods and services in which they are relatively efficient and to import from other nations goods and services with which they are relatively inefficient. By adherence to this so-called law of comparative advantage, he said, nations could attain higher levels of real income and consumption than they could by acting in isolation.

The international market system as postulated by David Ricardo would require each producer of goods and services in the world to compete with all other producers in the world without intervention by his own or any other government.

The world market system was intended to provide a self-correcting mechanism to assure the most efficient use of societies' resources and would require each individual to manage his own affairs within the hard and brutal discipline of a free market.

OPTIONS AVAILABLE

With respect to our own trade policy, we have three options—"free trade," "fair trade," or "no trade."

I know of no case which can be made for a policy of no trade. Whether we like it or not, the world is highly interdependent with respect to raw materials, manufactured products, agriculture, and the recycling of capital throughout our world banking system. I can't conceive of any nation that could survive on a policy of no trade without committing national suicide or at the very least accepting a massive decline in its standard of living.

Second, I would reject free trade as an option if by free trade we mean unrestricted trade between the countries of the world—not because it is wrong in principle, but because, given the world as it is and will be for a long, long time, it is impractical and unrealistic.

The national defense implications of unrestricted trade are enormous. I can't conceive of any major country, including our own, gambling its survival on military products not substantially under its complete control. The implications to our national economy could be equally disastrous. Our vital industries would be "sitting ducks" for any nation, with unlimited power to tax, which could opt to subsidize selected industries and thus make it impossible for the private sector of its trading partners to compete.

The last option is that of fair trade. The word "fair" is a highly subjective word and, like beauty, is in the eye of the beholder. Fair trade it is trade based on reciprocity arising out of agreements negotiated between countries on the basis of their individual and common interest.

OUR TRADE POLICY

Fair trade, reciprocal trade, are the cornerstones of our national policy. Our government recognizes, I believe, that now, more than ever in our history, the U.S. has more at stake and more to gain from an open, expanding and fair international trading system than from a policy of relative economic isolation—as it were, drawing up our economic drawbridge to the rest of the world. Our policy assumes that fair trade is the glue that holds the open trading system together. The political consensus required to support that policy of fair trade depends on our ability to ensure that fairness remains the basis for competition in the world market.

Our policy is non-partisan. In its direction and thrust, this policy has been followed by all successive governments since the days of President Harry Truman.

Our trade policy is based on the assumption that the General Agreements on Tariffs and Trade (GATT), to which we are a party, will facilitate the further liberalization and expansion of world trade. GATT is a multilateral treaty subscribed to by 88 governments which together account for four-fifths of the world trade. GATT is the only multilateral instrument that lays down agreed upon rules for international trade.

GATT has been very effective in removing the visible barriers to trade, namely tariffs. These tariffs have been reduced progressively through 35 years of negotiations between the signatories to a point where the average tariff imposed on imports world-wide will be less than 4 percent by December 31, 1986.

GATT has not been effective in limiting non-tariff barriers which have been created by many countries in lieu of tariff barriers to enhance their own trading objectives. All governments intervene in international trade including our own. The removal of these tariff barriers by negotiation will be a greater test of statesmenship than the creation of the European Economic Community. These negotiations must be conducted in an atmosphere of mutual understanding of each others problems.

In these negotiations we have great unapplied leverage. We have in the United States the largest, open, and most attractive market in the world. We can use the leverage of denying access to our markets to any nation which refuses to accept trade reciprocity.

PROTECTIONISM

The principal current restraint on trade protectionism. This is practiced to a greater or lesser degree by most countries of the world, including our own. Our Trade Ambassador, Bill Brock, told us several months ago that everyone coming to his office with a request for protection, starts out by saying, "Bill, I am for free trade, but . . ."

One of the most subtle, but effective, restraints on trade is the establishment of quotas which, are permitted under the GATT rules but solely for the purpose of correcting temporary imbalances in trade.

I thought it would be helpful to examine the protectionist implications of the quotas on Japanese cars arising out of the "voluntary restraint agreement" entered into with the U.S. in 1981, under which Japan agreed to limit the export of its cars to the U.S. to approximately 1.8 million cars a year. This agreement was offered to the Japanese as the lesser of two evils, namely, acceptance of "voluntary quotas" or further inciting protectionist sentiment in the U.S., which could result in something worse for the Japanese.

Japan has increased its share of the U.S. market from less than 6% in 1971 to 21% in 1980, in a trading environment in which our automotive market was completely open. The quotas were intended to offer protection to the American automobile manufacturers during a period which would permit them to adjust to the conditions resulting from the oil shocks of the 70's. The agreement as extended expires March 31, 1985.

The allocation of these quotas is made by Japan to its manufacturers pretty much on the basis of market shares enjoyed in the U.S. before the quotas. The agreement imposes no control on the kinds of cars or options installed or on price. Interestingly enough, the majority by number of Japanese automobile manufacturers do not participate in this allocation.

As a matter of fact, Japanese cars sold in this country are priced at from ¼ to 2 times for the identical cars sold in Japan. These cars compete in the low-priced market which by now has been virtually ceded to the Japanese. These cars enjoy a reputation for high quality. Last year they ranked in the aggregate well above American cars on the index ratings of the Consumer Satisfaction Index. If quotas expire as now scheduled next March, most analysts predict that Japan, if it so elects, would have little trouble doubling its share of the American automobile market in just two year.

The demand for Japanese cars exceeds the supply—otherwise there would be no need for quotas. The prices charged domestically for these cars are adjusted upwards, not in relation to cost, but in relation to demand as in a free market.

Because of this artificial restraint on supply, American buyers pay prices which reflect the artificial scarcity of cars subject to the quotas. This permits the Japanese to increase prices in relation to the demand. The subsidy to our own car industry results from the effect of these higher prices on prices charged by domestic manufacturers at the higher end of the market.

For 1983 the automobile industry reported $6 billion in profits on sales of 6.8 million cars—only three years after it lost $4 billion on sales of just 400,000 less cars in 1980. It is estimated that the industry will earn $10 billion on slightly higher volume in 1984. If so, this would represent a profit swing, between 1980 and 1984, of $14 billion on slightly larger volume than the industry enjoyed in 1980.

The industry ascribes its remarkable comeback to the investment of some $50 billion in new facilities, lower breakeven points resulting from reductions in capacity of its plants, and improved cost and quality controls, a swing back in customer preference for the larger cars and, of course, the undisclosed effect on profits of the Japanese quotas.

This year the automobile industry will attempt to negotiate continuing labor agreements with the U.A.W. The employees of this industry, after steel, are now the second highest paid in the manufacturing sector. The wages of our auto workers are double those of their Japanese counterparts and 10 times those of the Koreans, who are not yet subject to "voluntary quotas" but who are making ready to invade the U.S. market.

The U.A.W., which has stated that it is "appalled" at the "excessive" bonuses paid industry executives, made possible by the high profits of the industry, will undoubtedly try to share in the largess of the manufacturers and will probably succeed. If so, this will make American cars less competitive cost-wise than they are now, and will undoubtedly trigger larger wage settlements among their suppliers and in other industries, all of which will add to the cost-push inflation from which we have just emerged.

The removal of quotas next year will be a very difficult political decision because one out of seven jobs is directly related to the automobile business. The Japanese, who reluctantly accepted the quotas in the first place, are happy with the present arrangement. And they ascribe this change of heart not to the high aggregate profits they enjoy on restricted volume, but to their newly arrived "understanding" of the problems facing the American car industry.

We currently have a negative trade balance with the Japanese of $30 billion—almost one-third of our total trade deficit. Removal of the car quotas could add materially to this negative balance. On the other hand, extension of the quotas will result in continuing consumer subsidies as long as the Japanese maintain their competitive edge at the lower end of the car market.

We have been exceedingly patient with the Japanese for a long time in negotiating access to their markets. They are a major beneficiary of our own automotive market, even though it is currently restricted to 1.85 million cars per year. Our efforts to date to persuade them to adopt a "level playing field" in our trade relationships generally have not been fruitful and, in my opinion, will not be unless we exploit a dramatic issue like access to our automotive market, limited or unlimited, to achieve fair trading opportunities in Japan and an acceptable balance of trade.

In seeking protection, industry can request direct subsidies which are financed by taxes, or request protectionist programs which represent more social cost in the aggregate. Industry obviously prefers quotas to tax-financed subsidies because the transfer of cost is made directly from the producer to the consumer and requires no direct government funding, which is politically more palatable.

Not all understand that the practice of awarding quotas generates far more cost to the American consumer than benefit to the protected groups. While protectionist policies do save jobs in the protected industries (at least in the short run), the cost to consumers is many times the benefits received by those whose jobs are "saved."

STRUCTURAL ADJUSTMENTS

A word about structural adjustments, which are caused by the loss of our domestic markets to foreign competition. These adjustments result in bankruptcies, mergers, downsizing of key industries, massive layoffs, and the need for reeducation and relocation of personnel who have been adversely affected.

All of us, regret the need for these structural adjustments and we would expect that business and government, particularly, will do everything reasonable to alleviate the pain to individuals resulting from these structural adjustments.

However, let me remind you that the market system, when applied to the world trading system, is intended to produce a self-correcting mechanism to assure the most effective use of societies' resources and that consequently each individual and corporation must manage their affairs under the discipline of a competitive market.

In this world nothing is constant but change—change in products, technology, investment and human enterprise. Those of us who have attained established positions in a market would like to freeze the present at a point in time. However, this is not possible within a market system where there are always winners and losers.

I don't want to seem to be callous about structural adjustments, and emphasize again, there is a major role for government to alleviate the major effects on individuals. But I must emphasize that the role of government is to deal with the adjustments humanely but in so doing not perpetuate the institutions which can not compete in a fair and free market.

Economic progress means economic turmoil. If we seek to avoid that turmoil at all cost, we will drain the life out of our economic system and set the stage not only for decline in our standard of living, but also for social turmoil of a much more destructive kind.

Let me leave you with some final thoughts:

All of us want to enjoy the benefits of an international free market system—for ourselves. Contrary-wise, most of us reject the system when our own competitive position is undermined.

In short, we as consumers enjoy the pleasure of the availability and lower price of imported goods of superior quality, but as producers we abhor the pain of losing market share to the more efficient foreign producer.

However, we have no logical choice but to maintain our competitive position in the world economy. We must continually adjust what we produce and what we export in response to market forces.

We must continue to support a multilateral trade framework for the further expansion of world trade. We must continue to develop ways and means to further expand world trade through GATT and through sectional and bilateral trade agreements in keeping with the spirit of GATT.

We should deny access to our markets to trading partners who limit our access to theirs. We must insist on a level playing field. Failing that, we must vigorously enforce our comprehensive trading laws to ensure that U.S. firms and workers are not unfairly disadvantaged by predatory actions of our trading partners.

We must dissolve over time our own trade barriers such as quotas and the like, but insist as a reciprocal condition that our trading partners do likewise.

Finally, we must support the President and his Trade Representative when they make the extraordinary difficult decisions which are required to balance the claims of special trade interests with the economic well-being of the nation.

The road ahead will be difficult, torturous, time consuming and will have many setbacks. However, we must keep our eye on the ball and like the monks of old, who pursued personal sanctity even though they knew it was not attainable in this mortal life, we must continue to pursue our national goal of fair trade because there is really no other rational choice.●

LALO SOLIS, A RARE, CARING, PRAYERFUL MAN

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. GONZALEZ. Mr. Speaker, on June 11 a very wonderful and close friend of mine, Hilario G. (Lalo) Solis, Sr., passed away in our native city of San Antonio.

My friend, Lalo, a very rare, caring, and prayerful man, was a beacon in a developing area in San Antonio. He was the kind of person who bridged a cultural gap when people on each side of that human chasm were not as willing to reach out and bring about harmony, as Lalo was.

I would like to share with you, and my colleagues, the eulogy which was written and personally given by a great mutual friend of Lalo's and mine, Texarkana writer and former San Antonio journalist, James (Jim) Presley, at Lalo's funeral on June 15, 1984.

The eulogy is as follows, along with an obituary from the San Antonio Express:

EULOGY FOR HILARIO G. (LALO) SOLÍS, SR. (1902-84), CORDI-MARIAN VILLA CHAPEL, SAN ANTONIO, TX

(By James Presley)

Your Excellency, Reverend Fathers, Sisters, my cherished friends the members of the Solís family, and other assembled mourners: I am deeply honored that the Solís family asked me to say these words of love for Lalo Solís, Sr. He was my treasured friend, and I told him more than a few times that I thought of him as a father. We didn't have to explore the psychological significance of a father figure. He knew what I meant. He has been an important part of my life, and he always will be. Death cannot change that.

A constant theme in Lalo Solís's life and career was his deep interest in the betterment of people—all people—and his lifelong participation in politics was keyed to that abiding interest. He had a genuine, profound feeling for "the little man" and you didn't have to be around him long to realize this empathy.

The first time I ever saw Lalo Solís, I learned this. It was in 1958 at a political convention in Austin. I was a young Ph.D. student at the University of Texas, 28 years old, and Lalo that year would be twice my age, at 56—slightly older than I am now. I didn't know his name, but I couldn't miss him as he worked his way along the convention floor. A stout, greying, olive-complexioned man in his middle fifties with the shoulders of a stevedore, he stood out in that milling throng of business suits and white collars. Deliberately, he moved from group to group, from person to person, doggedly buttonholing delegates. A frown furrowed his brows into ridges. Sweat dampened his blue shirt at the armpits. His prominent Indian nose and rock-like jaw jutted forward as if carved from the granite on Mount Rushmore. His face symbolized intensity.

Lalo and others had gone to that convention hoping to gain an endorsement for Henry B. Gonzalez, then in the state senate, in his race for governor that summer. But Henry's was a controversial name at that time, for reasons that today may seem archaic to a younger generation. He had filibustered against a series of segregation bills in the Texas Senate and in 1958 that was not only a first, it had brought down the wrath of many Texans. And Henry was of Mexican descent. And he was a Catholic. Well, the issue in Austin that day finally boiled down to whether Henry would even be permitted to speak at the convention. That morning Henry had just got into town from Ralls, Texas, out on the Plains, and finally in the afternoon, as the hot late May sun cast long shadows outside the auditorium, he was invited to address the delegates for fifteen minutes. Henry made a passionate, moving appeal that snapped the, by then, listless delegates to their feet. I think it was the best speech I ever heard Henry Gonzalez make, maybe the best speech I've ever heard. In the next day's San Antonio *Light* there was a picture of Henry's being carried triumphantly through the tumult. If you go look up that picture, you'll see that one of the broad shoulders Henry rode on belonged to Lalo. Lalo's day had climaxed successfully, because Henry's had. That was how Lalo was—always there, reliable, hard-working, letting others take the limelight he labored to prepare.

I went to that convention to observe. I left as an enthusiast and I came to know Lalo—and Henry—well that summer because I joined the campaign, and rode all over this huge state of Texas, as Henry's press man, general jack-of-all-trades, and sometime driver. I had many long conversations with Lalo, and we were soon fast friends.

He told me one day that summer, "A lot of guys—some big shots—take one look at me, especially when I'm wearing my khakis, and they say, 'Well-l-l, what's this guy? He's just a truck driver!' and they don't think I know what I'm talking about. And that's right—I do drive a truck. But lots of times I've been right, when they weren't."

Lalo Solís was one of the true, unsung heroes of American politics. I soon learned that our long, tiring summer was only a chapter, for Lalo, in a larger, personal, continuing one-man campaign for a world free of discrimination. He had been, for a long time, doing something about prejudice in his own way, which he felt was the American way—through politics. The practice of politics, he knew, was too important to democracy for any American to ignore.

"Politics are good, if you play 'em clean," he told me. He insisted on "playing 'em clean" while at the same time being a tough competitor. Maury Maverick, Sr., once called him "my conscience."

Starting in politics in the 1930s, Lalo waited twenty years for his first victory as a campaign manager, when Henry Gonzalez won a seat on San Antonio's city council in 1953. Their friendship had begun a few years before when Gonzalez, a night school teacher, and Lalo, a truck driver for the school system, met during a coffee break.

"I told him," remembered Lalo, "if he ever had a friend running for public office, to let me know and I would help him. A few days later he told me he had filed for the state legislature. He asked me to be his campaign manager. 'Why don't you get someone who knows more about it?' I asked him. But he said he wanted me and I told him I would do my best. So we started and we campaigned from that night to the runoff without missing a single day. He had an old sedan and we spent $300 in all for the race, including the $100 filing fee."

Even in defeat the Gonzalez-Solís team had won, for Gonzalez became the first candidate of Mexican descent to reach the runoff in a local legislative election. It was the optimistic prelude to a series of successful Solís-coached campaigns. Soon his candidate for county commissioner, Albert Peña, Jr., was in the courthouse. Gonzalez went on to become the first Texas state senator of Mexican descent and, in 1961, the first such man in Texas to become a Congressman.

Race, culture, creed, education, bank account meant nothing to Lalo in judging a man. "Will he keep his word? Can you trust him?" he wanted to know. He was short on theory; about practical democracy he knew more than many an intellectual with a Ph.D. degree. No doubt that was why his admirers at St. Mary's University bestowed a Doctor of Politics honorary degree upon him.

Archbishop Flores has eloquently impressed upon us the lasting importance of fathers and mothers and the family. With seven children of his own, Lalo had plenty of experience as a father. During that first summer I knew him, he never lost contact

with his wife Teresa and their family while he politicked nights, weekends, and on vacation from his truck-driving job with the school district. Late at night, wherever we were, he called home by long distance to make sure they were all well. His oldest daughter then was 25, his youngest son 9. On one occasion when he called at midnight there was no answer. He called the next-door neighbors. They didn't know where his family was. His frown deepened; his face was grave. He had the operator keep calling. Finally his wife answered. She and the children had just returned from a bingo to raise money for Henry's campaign. Lalo, relieved, grinned. Minutes later he was peacefully asleep.

He fell asleep, that is, after giving thanks that his family was safe and well. Each night, whether we stayed in a motel or a private home, he knelt by his bed, as a child might, and prayed for a few minutes. The first time I saw him do it, I was quite surprised, but only for a moment. With Lalo, it was something you accepted immediately as a genuine, organic part of him.

In an era when promises too often are lightly proffered and just as lightly forgotten, he was a rarity. He kept his promises to God and man. His handshake was as binding as any iron-clad contract, and his relationship with this Creator went even deeper than I at first realized. I had observed his invariably declining all alcoholic beverages wherever we went in 1958. "I don't drink," he explained with an amiable, but firm, grin. His favorite drink was strawberry pop. Then one evening when a host persisted in offering him "just one drink," Lalo elaborated, "I made a promise to God I wouldn't drink."

Sometime later I asked him about this. We were sitting in his favorite domino hall on West Commerce, El Retiro, where everyone but he was drinking beer. He seemed to stare into the faraway as he recalled a week of medical crisis early in his marriage. He and his wife had already lost their first-born child and now another loss seemed near.

"It was in 1936," he said. "My baby who was 22 months old was sick. She had to have a blood transfusion. They took blood from my wife because their blood types matched better. I couldn't give blood, but I wanted to do something to help my baby get well. I prayed. I didn't know at first what to offer God. Well, I used to like to drink then. So I promised Him I wouldn't drink any more."

Their daughter Frances survived and the Solís family steadily grew until in all there were four daughters and three sons. One daughter became a nun. In one of the last conversations I had with Lalo, during one of the visits I made to the nursing home, we talked of his family, and he told me how proud he was of his children, his grandchildren, and his beloved and devoted wife Teresa. "I've got a good wife, too—good wife to help me run things," he said in his characteristic understatement.

Growing up, Lalo and his friends suffered widespread discrimination. Born Hilario García Solís in San Antonio in 1902, he was the fourth of eight children born to immigrants from Mexico. Signs in cafe windows when he was young warned, "No Dogs or Mexicans Allowed." He knew first-hand what it is to be an underdog. He first learned English in the public schools of San Antonio where he quit to go to work before he entered high school.

He liked to speak Spanish. "We taught all the kids Spanish first; then they learned English in school. Then they can have both Spanish and English. At home, we always use Spanish. That's good. Lots of people don't want their children to speak Spanish." It wasn't that way in his family.

As a young man he wandered as a laborer through the Middle West and then eastward as far as Pennsylvania and West Virginia. Because he was fluent in English he became an interpreter when working with other Mexican-Americans, which earned him a higher wage. Toward the end of World War I he served in the Army. When World War II broke out he was married, with a family, and too old to be drafted, but he volunteered and served anyway. He was a patriot in the truest sense of that often-abused word.

Though segregation was an anathems to him Lalo once revealed to me he had requested to be "segregated" on one occasion in the Army. He said, grinning, "In the Army we Mexicans used to eat with those guys from Tennessee and Kentucky, and we didn't get anything to eat. We weren't used to eating fast like they were. Those hillbillies were eating up everything! We were about to starve. So one day we told the mess sergeant we would like to eat by ourselves."

Otherwise, segregation was un-American to him. My mind goes back to those coffee-drinking sessions we used to have at Tony Kawazoe's Cafe on the West Side. Lalo would call G.J. Sutton to join us. Tony would sit at our table and we would talk politics. An outsider might have said we symbolized some sort of cultural ecumenicalism. Each of us represented a distinct segment of our America: Lalo, a chicano; G.J., a Negro; Tony, of Japanese descent; I, a white Anglo of Scotch-Irish and other blends, a bona fide WASP. What a terrific fusion ticket we might have fielded in the right city!

Nearing retirement, his seven children grown and he a silver-haired grandfather in his mid-sixties, Lalo and his wife Teresa bought a little downtown cafe of their own. To no one's surprise, Lalo's Cafe displayed political banners and placards along with culinary specials. The cooking, under the direction of Mrs. Solís, was definitely, authentically Mexican, but, typically, his candidates faced no racial or cultural tests, whether they were chicano, Anglo, Black, or, as in one case, Chinese.

There was only one catch, personally for me, to eating at Lalo's Cafe. He never permitted me to pay for a meal. Never. Politely, but firmly, he refused my money.

"We think of you as one of the family, Jim," he said. A governor or a President couldn't have made me feel so important.

In closing, I would like to share one last vignette from this long and useful life. It was a hot August day in 1962 when my wife Fran and I lived in San Antonio, just before we moved to Texarkana. Lalo had dropped by our apartment, and he and I were drinking coffee under the air-conditioner. As was inevitable when Lalo was around, we were talking politics.

The telephone rang. I listened for several moments, in disbelief. I mumbled something to the effect that my wife and I would be there as soon as we could. I hung up the phone and turned to Lalo.

"My mother's been critically injured in an automobile accident."

"What can I do, Jim?" he asked, his dark eyes large and wide.

There was nothing I could think of. Finally I said, "You can light a candle."

He nodded, in that intense, decisive way of his.

"I'll ask my daughter the nun to pray for her."

As my wife and I hurriedly prepared to go, as it turned out, to my mother's funeral in Texarkana, I did not immediately recognize the significance of this simple, typical act: Lalo, a devout Catholic who practiced brotherhood without preaching it, asking his Catholic daughter to pray for my Baptist mother—as if she were "one of the family."

These are but a few of the memories we will carry through the years of you, Lalo, my dear friend. Your love for your wife and family and friends will survive you. We gather here today, Mrs. Solís, and Frances, Sister Philip, Florence, Lalo Jr., Theresa, John, and Benny, to say publicly what we feel in our hearts—that we also love Lalo and that our lives are the better for it. He has become a part of us. We extend our sympathy and our love to you in this time of grief. We understand your loss, for it is also ours. But we are experiencing more than loss. We also have gained from this life, and we celebrate our gains today. For Lalo leaves us a rich heritage that persists, that continues to be a part of us, that lives in us. It will not die until we let it die. These memorably positive qualities that we celebrate in his life we also can pass on to others, so that on a day like this, in a far year, when we reach a place like this, someone will remember that we, too, in our way helped make the world a little better and that we passed on some of these qualities. That is one of the reasons we are here today.

Farewell, dear friend. Adios, Lalo.

[From the San Antonio Express, June 12, 1984]

"LALO" SOLIS, EX-CAMPAIGN MANAGER

One night in the late 1940s a moonlighting security guard at Sidney Lanier High School walked up to a teacher named Henry B. Gonzalez and a relationship with resounding effects was born.

The security guard was Hilario G. "Lalo" Solis.

"He walked up to me and said, 'I hear you're running for something'," U.S. Rep. Gonzalez recalled, "That started a long relationship between us."

Solis teamed up with Gonzalez and became his first campaign manager. By the time he retired from politics, Solis had become known to elected officials from across the nation as a respected advisor and counselor who knew how to relate to people.

Solis died Sunday at age 81.

"I'm very grieved and saddened by his death," Gonzalez said. "He started out with me when I didn't have any resources. He was an original."

Solis helped Gonzalez overcome his doubt about getting into politics and acted as his mentor.

"He was like a father, brother and friend to me all at the same time," Gonzalez recalled. "He was my teacher and my friend."

Solis was the fourth child in a family of eight and never made it to high school. As a young boy, he shined shoes on Houston Street for 13 hours a day and made only $3.50 a week.

But as long as he could support his family, Solis was content—and distance was no obstacle. He once traveled to Pennsylvania to work in the steel mills. He later joined migrant workers picking cotton.

He worked for the San Antonio School District as a bus driver for 25 years.

One of the highlights of Solis' career was when he was chosen to attend the 1968 Democratic National Convention.

"He symbolized the gentleman with Indian features, representing the old school where a handshake was a person's word," Gonzales said. "He cared about the community and most of all about the people."

A rosary will be recited at 7:30 p.m. Thursday at Christ the King Catholic Church. A funeral Mass will be celebrated at 12:30 p.m. Friday in Cardi Marion Villa Chapel with burial to follow in Resurrection Cemetery.●

CONDEMNS FARRAKHAN STATEMENT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. KENNELLY. Mr. Speaker, I rise today to condemn Mr. Louis Farrakhan, leader of the Nation of Islam Church, for calling Judaism "a gutter religion" and the existence of the State of Israel, "an outlaw act." I call on all my colleagues to do the same.

We cannot remain silent in the face of these vicious remarks of hatred. Mr. Farrakhan's anti-Semitic words are completely unacceptable, and cannot be permitted to pass in the public arena unchallenged. I call on all advocates of basic human rights to unite in open and total repudiation of Mr. Farrakhan and his offensive public pronouncements. His statements about religions and beliefs other than his own demonstrate a profound disrespect for basic American values. We must, in language that is crystal clear, ally ourselves unequivocally against this type of activity.●

TRIBUTE TO PROF. JOHN STEDMAN

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. KASTENMEIER. Mr. Speaker, I rise today to pay homage to a former law professor and dear friend of mine, John Stedman, who is no longer with us. Over the nearly 25 years that I have served in Congress, and during the almost 15 years that I have chaired the House Judiciary Subcommittee with jurisdiction of John's area of expertise—patent, trademark and copyright law—I relied on John more than any other professor in this country. I sought John's advice not only for its legal scholarship but also for its insight into human nature.

I would be remiss if I did not mention the great service that John rendered to the University of Wisconsin Law School, the State of Wisconsin, and the Federal Government, including the U.S. Congress. He educated thousands of students, including myself; he authored almost 40 law review articles; he wrote numerous legislative memorandums and testified on many occasions before subcommittees, State and congressional; he was editor of a series of 30 studies on patent law for the Senate Judiciary Committee; he served with distinction in the U.S. Department of Justice; he was active in the copyright revision process that was an all-consuming subject before my subcommittee in the mid-1970's; and finally he devoted himself tirelessly to numerous pro bono activities.

When I think about John today, I think most about his commitment to the public interest. In real life terms, John dedicated himself to a life of public service. From a philosophical perspective, his guiding principle was that all legal institutions and every legal reform must be evaluated in light of its advancement of the public good.

I also think much about John as a person. Let me quote to you a statement made about John by Prof. John Kidwell of the University of Wisconsin Law School; this statement provides an apt and accurate description of John Stedman:

A remarkable thing about John Stedman, though, is that if you ask people who knew him and his work what they remember most vividly about him, they speak first not about his fine teaching, or his exemplary scholarship, but rather of what an extraordinarily gentle person John was. He was a man of exceptional balance and perspective. He was a person with great compassion, who always revealed his concern for others in the respect he showed them. He was scrupulously fair. In addition, he had a great sense of humor and revealed it in his writing, as well as in conversation. All of these traits made him a valued member of the university community; his balance and fairness led to requests that he serve on innumerable committees. He was always ready to help a student or colleague and never asked for the credit he so richly deserved.

In remembrance of John but also for his fine wife, Patricia—known to her friends as Pat—I would like to insert in the RECORD the text of an article that I recently authored for publication in the University of Wisconsin Law Review. I recommend a reading of these written thoughts to my colleagues not only because they reflect upon a good man but also because they are relevant to those of us who have chosen, like John Stedman, a life of public service.

JOHN C. STEDMAN—IN REMEMBRANCE

(By Robert W. Kastenmeier*)

I knew John Stedman for more than thirty years: first as my law teacher and second as a fellow lawyer. During that time, John became a cherished and dear personal friend. I grew to know and respect him not only as a legal scholar, but also as a trusted confidant. He was a man of great personal integrity and as an individual with a heightened sense of fairness. John possessed that wonderful (especially to those of us in the legal profession) combination of commitment to the rule of law and compassion for his fellow man. His gentle demeanor, his modesty, and his warmth were reflective of his perspective of the world.

The legal and teaching professions need more individuals like John Stedman; yet they are hard to find. That is why those of us who knew John are all the more appreciative of him.

During the past three decades, the University of Wisconsin Law School has had many distinguished teachers: some have produced brilliant works of legal scholarship; some have excelled in the classroom; some have devoted themselves to improving rule of law nationally; some have worked toward reforming the laws of the State of Wisconsin; some have committed themselves to the public interest; and some have devoted themselves to governmental service. Over the years, John Stedman was committed to and excelled in all of these roles.

Having had approximately twenty-five years of experience in the United States Congress, and also having chaired, for almost fifteen years, a House Judiciary Subcommittee [1] that much interested John, I would be hard pressed to list the countless times that I sought his professional and personal advice. John testified on numerous occasions, he corresponded regularly, he was always available on the telephone, and when in Washington, D.C., he usually stopped by my office. In short, during my tenure in Congress, I relied on John more than perhaps anyone else on the University of Wisconsin law faculty.

John was a unique resource. However, he was more than just a legal advisor to be asked a question about a judicial decision or a proposed legislative reform. He was a fresh and independent thinker, a trait particularly unusual in a world of special interests and pressure to conform. John was a navigator to be consulted about which direction to go, and whether to proceed with dispatch or deliberation. John possessed all the skills necessary for a policy maker. Most importantly, he was always practical and realistic in terms of what was politically achievable. This skill made him particularly helpful to the legislative process.

Today, when I reflect on John, I think most of all about his commitment to the public interest and to those in our society who are not sufficiently powerful to make the present legal rules truly reflective of their needs. A career in the law by necessity directs most lawyers toward the relatively narrow goal of representing a client in a particular case. Most lawyers do not have to think about the overall needs of our legal system, and the relative relationship between the haves and the have nots.

John Stedman, however, always emphasized the general democratic goals of our governmental system. Listen to his words written nearly four decades ago:

*Member of Congress, 1958 to present; LL.B., University of Wisconsin, 1952.

[1] The House Judiciary Committee Subcommittee on Courts, Civil Liberties and the Administration of Justice has jurisdiction of many items, including patents, trademarks, and copyright.

"Despite an occasional mystic who persists in viewing our patent system as a sacred cow, not to be touched, much less slaughtered, I take it there is no serious challenge today of the proposition that the patent system has for its primary purpose the advancement of the public interest and that it must be evaluated in the light of that interest—and, if necessary, changed to promote it." [2]

John repeated similar thoughts not only in the context of patent law, but also in the context of copyright law,[3] and lest we forgot John's rather simple commandment, he always reminded us of it.[4]

This country, the State of Wisconsin, and the University of Wisconsin will miss John Stedman dearly. Hopefully, however, his message, now firmly rooted, will endure.●

INTRODUCTION OF HOUSE JOINT RESOLUTION DESIGNATING NOVEMBER 1984 AS "NATIONAL CHRISTMAS SEAL MONTH"

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. ROYBAL. Mr. Speaker, among the fastest rising causes of death in our country are chronic obstructure pulmonary diseases. These diseases, including asthma, chronic bronchitis, emphysema and lung cancer, do not discriminate as to age, race, or sex. More than 17 million Americans, including 2 million childhood sufferers of asthma, are afflicted with chronic diseases of the lung. The statistics are frightening. One out of every twelve Americans suffers from these diseases at a cost to the Nation of more than $29.4 billion annually in medical expenses, lost wages, and lost productivity.

One of the ways to combat these diseases is through research; another is public education. Both of these methods are funded by Christmas Seals, a fundraising effort started by the American Lung Association in 1907. The association, its medical section, the American Thoracic Society, and its 144 federated associations throughout the country, are dedicated to the control and prevention of all lung diseases and related causes such as smoking, air pollution, and occupational hazards.

This voluntary effort is essential to protect the public health. For this reason, I have introduced a House joint resolution which designates the month of November 1984 as "National Christmas Seal Month."

I call upon my colleagues to join me in cosponsoring this resolution and helping to assure its adoption.

JOINT RESOLUTION DESIGNATING THE MONTH OF NOVEMBER 1984, AS "NATIONAL CHRISTMAS SEAL MONTH"

Whereas among the fastest rising causes of death in our country are chronic obstructive pulmonary diseases. More than seven million Americans, among them over two million children, suffer from asthma. More than two million of our people have emphysema. Almost eight million Americans suffer from chronic bronchitis. Before the end of this decade it is projected that deaths from lung cancer will surpass breast cancer as the leading cause of cancer deaths among American women.

Whereas one out of 12, or more than 17 million Americans are afflicted with chronic diseases of the lung. The consequence is more than 225,000 deaths annually, with a cost to the Nation of more than $29.4 billion in medical expenses, lost wages and untold dollars in lost productivity.

Whereas the American Lung Association—The Christmas Seal people—is a nonprofit public health organization supported by individual contributions to Christmas Seals and other donations. It is this Nation's first national voluntary health organization. Founded in 1904 to combat tuberculosis, today the Association, its medical section the American Thoracic Society and its 144 federated associations throughout the country, are dedicated to the control and prevention of all lung diseases and some of their related causes. These include smoking, air pollution and occupational lung hazards.

Whereas since 1907, Christmas Seals have been used by the Association to raise funds through private contributions, to pioneer and develop health education programs in our schools. The tradition remains strong. This year, 60 million homes will receive Christmas Seals.

Whereas this year, the Association is conducting a new public education program, "Marijuana: A Second Look"—which is targeted to 9, 10, and 11 year-old children. It is not waiting until marijuana smokers suffering from profound lung diseases before it acts. The program is teaching America's youth about the hazards of marijuana smoke to lungs. Once again, the Association is taking a leadership role in protecting this country's lung health.

Whereas through its community lung Associations, the American Lung Association helps educate the public, patients and their families about all forms of lung diseases and their causes, and sponsors community action programs. In the past decade, it has provided more than $10.8 million for research programs specifically designed to investigate prevention and control of lung diseases. It has pioneered in the development of self-management programs as an adjunct to medical care of asthma both for children and adults. And it conducts vigorous campaigns against cigarette smoking and air pollution: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November, 1984, is designated "National Christmas Seal Month". The President is requested to issue a proclamation calling upon all Government agencies, educational, philanthropic, scientific, medical, health care organizations and professionals, and the people of the United States to observe that month with appropriate ceremonies and activities.●

HONDA OF AMERICA CELEBRATES 25th ANNIVERSARY IN UNITED STATES

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. OXLEY. Mr. Speaker, Honda of America this month celebrates its 25th anniversary in the United States. On June 4, 1959, on Pico Boulevard in Los Angeles, CA, Honda began production of its first American-built motorscooter, the Supercub. This production represented Honda's first $200,000 investment in the United States.

Since that time, Honda of America has developed into a fully integrated part of Honda's worldwide production. I am particularly proud of Honda of America's investment since, just last week, ground was broken for Honda's new $30 million motorcycle engine assembly plant near Anna, OH, located in my district.

This new engine plant will initially employ 150 local workers to produce motorcycle engines for motorcycles assembled in Marysville, OH. If initial production goes well—and I have every reason to believe it will—Honda may possibly expand this facility to build automobile engines for the Honda Accord, also assembled in Marysville. This new plant, coupled with the hundreds of contracting and subcontracting jobs in the area, is indeed good economic news.

I bring this to the attention of my colleagues as a prime example of how two-way trade does work in an unrestricted world marketplace. The new engine plant brings Honda of America's total investment in production to almost $600 million in the United States—no token investment by any stretch of the imagination. But this investment is by no means limited to the Midwest region. In addition to Honda's origin in California, Honda will open its production doors later this summer to its new power products division in North Carolina.

Ohio and other States represent the future of Honda and, indeed, the future trend of international manufacturing. It is important to point out that our foreign investors value our skilled and principled work force, and

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[2] *See* Stedman, *Invention and Public Policy,* 12 LAW & CONTEMP. PROBS. 649 (1947).

I recently quoted these words in John's memory at a hearing before my Subcommittee. *See Hearings on Patent Law Reform, Innovation and the Public Interest Before the House Judiciary Subcomm. on Courts, Civil Liberties and the Administration of Justice,* 98th Cong., 2d Sess. 1 (1984).

[3] 3. *See, e.g., Hearings on Copyright Law Revision Before the Senate Judiciary Subcomm. on Patents, Trademarks and Copyrights,* 90th Cong., 1st Sess. (Part 3) 900-901 (1967).

[4] In 1980, during a hearing before my subcommittee, John gave a sage piece of political advice: ". . . put the burden of proof upon the person who is requesting the rights to show that a good public purpose is served by such action." *Hearings on Industrial Innovation and Patent and Copyright Law Amendments Before the House Judiciary Subcomm. on Courts, Civil Liberties and the Administration of Justice,* 96th Cong., 2d Sess. (1980).

have shown their confidence through their investment.

I congratulate Honda on its 25 years in this country and commend its associates for the opportunity they have provided our younger generation to come back to the Midwest and to build an economy for future generations.●

COMMEMORATIVE STAMP URGED TO HONOR ROGER B. CHAFFEE, VIRGIL I. GRISSOM, AND EDWARD H. WHITE

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. SAWYER. Mr. Speaker, on Tuesday, June 26, 1984, I introduced a resolution, House Resolution 537 urging the U.S. Postal Service to issue a postage stamp honoring astronauts Roger B. Chaffee, Virgil I. Grissom, and Edward H. White. As you will recall, these astronauts were the victims of the worst tragedy in the U.S. space program. The prime crew of the first Apollo mission was killed during prelaunch tests of their Apollo 204 spacecraft on the launch pad on January 27, 1967.

The tragic deaths of the Apollo 1 team at then Cape Kennedy did not deter the Nation from pushing forward its efforts to explore space. However, it did delay the efforts for 1½ years in order to ensure the safety of our astronauts in the future. In a statement on the fire that killed the three Apollo astronauts, President Johnson said, "Three valiant young men have given their lives in the Nation's service. We mourn this great loss and our hearts go out to them."

Although the program continued after the accident, many design changes were made in the command module, and the public began rethinking its commitment to manned spaceflight. The Apollo Program was ultimately successful in attaining its objective of landing men on the Moon and returning them to Earth, but not before the three astronauts had lost their lives.

I feel this stamp would be a great honor to these men and their families. Theirs was a sacrifice that has had numerous effects on our daily lives and on the future of our country and space exploration. Much of our advanced technology that is becoming commonplace in our homes is a direct result of our space program and its many years of experimentation.

Another reason for my interest in the issuance of a commemorative stamp is that one of the astronauts has been a hero in my district since before the accident. Roger B. Chaffee was a native of Grand Rapids, MI. He was a Navy lieutenant commander and at 31, was the second youngest astronaut at that time. His parents, Mr. and Mrs. Don Chaffee, still live in Grand Rapids and like his father, Roger had been an aircraft pilot. While Grissom and White were veterans of other space missions, Apollo 1 would have been Lieutenant Commander Chaffee's first trip into space. Until being selected for the first Apollo crew, Chaffee lived with his wife and two children in Texas and he spent most of his time in the Apollo branch of the Houston Space Flight Center, working on flight control communications and instrument projects for the Apollo program.

Originally, the idea of a postage stamp came to me through Congressman MICHAEL BARNES of Maryland. He had a constituent, Mr. Joseph Knauer, that has spent the past 7 years contacting many people asking for their help in getting a commemorative stamp issued for these three astronauts. I hope that Mr. Knauer's perseverance will pay off and that a stamp will be issued with the help of my resolution.●

SOVIETS EXPLOIT EAST EUROPEAN SATELLITES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. PORTER. Mr. Speaker, for the past decade, the Soviet Union has been approaching an economic crisis of potentially disasterous proportions. After more than 25 years of fueling economic growth with its seemingly boundless supplies of labor and raw materials, the Soviet Union's accessible resources are drying up. Though tremendously well endowed with fuels, metals, and minerals, the majority of Russia's remaining resources are buried under a thick layer of permafrost. To resolve the problems caused by wasteful and irresponsible resources expenditure, Moscow has come up with a plan, Socialist integration, which represents a quantum leap in Moscow's efforts to exploit the East European economies for the advancement of the Soviet state.

According to this scheme, which is embodied in over 200 multilateral agreements and has produced only a handful of joint ventures to date, the East Europeans are to devote a portion of their economies to the development of Soviet natural resource capacities. In addition to increasing production of the equipment and goods necessary for the undertaking, the satellite countries are being compelled to help finance the development. Futhermore, they are under tremendous pressure to adapt their production structures to ensure the most efficient use of these resources once they become available. In effect the Socialist countries are handing over a portion of their precious investment resources, scarce hard currency credits, and limited industrial capacity, so that their economies may be restructured to allow the Soviets to specialize in energy-intensive industrial production. Though Moscow has been effective in using its carefully cultivated trade surplus as an instrument of coercion—since 1975 Soviet export prices to the Communist bloc have more than quadrupled while Socialist import price increases have been suppressed—the 142 divisions of the Red army stationed throughout Eastern Europe has undoubtedly played the key role in obtaining acquiescense.

The terms of East European participation in these joint ventures belie the mutually advantageous propaganda billing. The satellite countries grant the Soviet Union 12- to 15-year loans, mostly in the form of machinery and equipment, at 2- to 3-percent interest. These loans are to be repaid in raw materials from the unit jointly built after the completion of the project. Thereafter the participating country is to benefit from a guaranteed supply of resources for a specified period of time. To the Soviets the gains are obvious: expanded transport capacity, a machine inventory that can be used on other projects, imports of Western technology bought with East European credits, increased construction experience and technological know-how, and of course, development of previously inaccessible resource capacity. The costs to the East Europeans is equally obvious, for these generous investors will not even receive privileged prices for the subsequent deliveries. Not only are they often forced to lend at rates well below those of the international money market, they will be paying twice for the development expenses via Soviet market prices.

Yet economic salvation is not the extent of the benefits reaped by Moscow. The political and strategic value of Socialist integration is of at least equal magnitude. Because the plan links the long-term development of Soviet primary resources to structural adaptations in East European economies, it will require the unification of Socialist 5-year plans, and by logical extension, the annual plans. Essentially the Soviet Union is establishing a supranational planning body that will give it operational control of East European production decisions. Furthermore, as there are no joint ownership or management provisions, the supplies are guaranteed, once the loan is repaid, only by the goodwill of Moscow. Clearly the Soviets seek to extend their economic leverage in Europe by fostering a vital dependence.

Not only is this plan for Socialist integration a vivid demonstration of the Soviet Union's willingness to bleed its satellites without regard to their domestic conditions, it is a statement of policy. Economic gain and political control achieved through coercion and intimidation is not a policy of alliance and mutual assistance, it is one of subjugation and exploitation. It is a historical lesson well worth remembering.●

DEMOCRACY ENDOWMENT

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. BROWN of Colorado. Mr. Speaker, I am inserting a copy of a letter I received from the Chamber of Commerce Center for International Private Enterprise regarding comments I made recently on the House floor regarding the National Endowment for Democracy.

The questions many of us have regarding NED do not involve the motives of those involved with that institution. I am sure those individuals are well intentioned. No one I know is against spreading democracy. The question is whether NED can do this effectively and, second, whether it is up to the American taxpayer to pay for it.

The House is on record as opposing further funding for NED, which is comprised of institutes of the chamber of commerce, the AFL-CIO, and the two U.S. political parties. The Senate yesterday by a 2-to-1 vote decided to eliminate funding for the two political party institutes. I urge my colleagues to maintain the House position in conference to control runaway spending.

CENTER FOR INTERNATIONAL
PRIVATE ENTERPRISE,
Washington, DC, June 28, 1984.

Hon. HANK BROWN,
House of Representatives,
Washington, DC.

DEAR MR. BROWN: I am writing this letter because of my concern that your remarks delivered to the House on June 21, 1984, were misleading, in some cases incorrect, and could give any reader a very mistaken impression of what the Center for International Private Enterprise (CIPE) is attempting to accomplish. In particular, I would like to take this opportunity to set the record straight concerning the travel that was conducted by CIPE staff members with funds from the National Endowment for Democracy.

CIPE was established by the U.S. Chamber of Commerce, through its National Chamber Foundation, to implement the business portion of the National Endowment for Democracy Act. CIPE's goal is to work with counterpart business groups and others abroad to build their effectiveness and promote the philosophy and reality of free enterprise. Enclosed is a brochure providing additional details on CIPE and its purposes.

We believe that, if CIPE is to have a responsibility for working with counterpart organizations abroad, it must identify them and assess both their willingness to cooperate and ability to perform well any cooperative projects that are agreed upon. This is a process that we are only just beginning. To attempt to do this exclusively from Washington would, in my opinion, be insufficient.

One of our primary goals is to work with existing business organizations to assess their interest and capability in cooperating with CIPE in pursuit of the goals of the NED legislation. In this context, we deemed it important in the early stages of our efforts to visit with leading officials of multilateral business organizations, review areas of possible cooperation, and assess the appropriateness of these organizations for future cooperation. Most of our early trips were created with this institution-building end in sight. Furthermore, these trips gave us an opportunity to meet with representatives of a large number of business organizations primarily from developing countries. Let me briefly list each trip and its purposes:

1. The April trip to Jamaica to which you referred was primarily intended to attend a session organized by the International Organization of Employers (IOE) for employers' organizations throughout the Caribbean Basin area. It was an excellent opportunity to reach a large number of business organizations in a variety of countries without having to make separate longer and more expensive trips to each one of these countries. That trip also gave us an opportunity to observe first-hand a proposal to support a project for a business organization in Jamaica.

2. Two members of the CIPE staff, including myself, and the Chairman of the CIPE Executive Council have just returned from separate trips to Europe.

a. The Geneva visit was to meet with representatives of employers' organizations affiliated with the International Organization of Employers currently attending the International Labor Organization (ILO) meeting in Geneva. It had nothing to do, as your remarks last Thursday implied, with "preaching democracy to the Government of Switzerland."

b. The visit to Paris was to meet with senior staff of the International Chamber of Commerce (ICC) and its International Bureau of Chambers of Commerce (IBCC). The latter is responsible for building relations between chambers of commerce of the developed countries and the developing countries. That visit was in the context of the triennual meeting of the ICC and the IBCC in Stockholm a week later.

c. In Stockholm, at the IBCC meeting, I delivered a presentation explaining CIPE and its purposes and urged those present to assess whether their organizations might be interested in cooperating with CIPE in future programs. (I enclose a copy of my presentation for your information.) There were delegations from over 30 developing countries at this meeting. While in Stockholm, our delegation met with officials of the IBCC to see whether that organization would be interested in broadening its role to incorporate the kinds of priorities that have been identified in the NED legislation.

d. Neither of these visits was related to instructing the Government of France or the Government of Sweden on democracy, as your remarks implied.

e. The visit to Brussels was to meet with the umbrella business organization to the European Community and other business groups with the goal of assessing the extent to which there might be counterpart organizations there interested in pursuing goals similar to those that Congress has established in the NED legislation.

f. Finally, I would note that you omitted visits to Bonn. These gave us the opportunity to meet with several of the experienced political foundations in Germany that are involved in institution-building programs similar to those intended with the creation of the NED. We have much to learn from their efforts. I was particularly anxious to learn how these groups address some of the business and private enterprise goals that CIPE will be pursuing.

By the way, let me note that the Chairman of the Executive Council of CIPE attended the Stockholm meeting at his own expense and not at CIPE expense.

It is quite wrong to view this effort as one that has been created to allow a few select staff people to travel more throughout the world. You would make it sound as if we were on juants rather than hard-working trips. In fact, these trips are often made at some expense to, rather than benefit for, our personal lives. For this reason, I think you do both the institutions and the individuals involved an injustice by your June 21 remarks.

By establishing the Center for International Private Enterprise, an important message has been sent to our friends abroad. The message is simple—American business stands ready to provide meaningful support to the growing global interest in private enterprise and free societies. It was that message which my colleagues and I carried abroad in the last few weeks.

Thank you very much for your consideration. If you have any questions, please don't hesitate to be in touch with us.

Sincerely,

MICHAEL A. SAMUELS,
Vice Chairman and
Acting Executive Director.●

THE NATIONAL CEMETERY SYSTEM

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. McCAIN. Mr. Speaker, today I am introducing legislation which will take a very large step in providing for the expansion and improvement of the National Cemetery System and better meet the needs of our Nation's veterans.

The National Cemetery System, as we know it today, was formulated in 1973 with the passage of the National Cemeteries Act. As a result of this act, along with a study by the Veterans' Administration, the State Cemetery Grants Program and the regional cemetery concept was adopted. The State Cemetery Grant Program is a Federal matching fund grant-in-aid program designed to assist States in the establishment, expansion, and improvement of veterans' cemeteries. The regional cemetery concept provided for the establishment of 1 large national ceme-

tery in each of the 10 standard Federal regions, and 1 in Washington, DC. Unfortunately, this concept has not provided adequate service to the entire standard Federal region.

Of the 109 national cemeteries only 57 are in open status for the interment of first family members. The remaining 52 are closed and provide for limited local service through interring family members in already occupied gravesights. It is estimated that 18.5 million, or 66 percent of all living veterans, do not have reasonable access to an open national cemetery. Under its present structure with known progressive closings of national cemeteries, the National Cemetery System will not provide access to burial benefits for the veteran community to the degree consistent with the commitments, obligations, and responsibilities incumbent upon the Veterans' Administration.

The legislation I am introducing today will require the Administrator of the VA to determine areas of the Nation which have the greatest need for additions to the National Cemetery System. Furthermore, the Administrator will be required to rank such areas and devise a plan for the establishment of cemeteries in at least those 10 areas with the greatest need.

Mr. Speaker, to locate national cemeteries at these identified optimum locations will maximize the effectiveness of the program to a degree which is directly proportionate to the extent to which the concept is developed. The "establishment by need" concept remains the only equitable method for expansion to meet the needs of the veteran community as a whole.

I urge my colleagues to support this measure.●

DEFENDING OUR FREEDOMS: THE FAITH OF AN AMERICAN SERVICEMAN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. GINGRICH. Mr. Speaker, I'm proud to present to my colleagues in the House an inspiring and touching story of one of the brave men who defends our great Nation.

Ens. Robert Roloff serves aboard the USS *Garcia* and recently wrote home to his church. Portions of his letter were reprinted in the local newspaper, and I feel it deserves even greater attention.

Ensign Roloff is the son of Mr. and Mrs. Alfred Roloff of Bremen, GA. They live in the district I represent. His dedication and devotion to his religious convictions and to our Nation makes him an inspiration to us all. We in the Sixth District of Georgia are proud of the faith and courage shown by Ensign Roloff. The text of the article follows:

ROLOFF WRITES HOME

(By Mary Reid)

In today's complex society, certain things require that families be separated at times. Possibly the worse time to be away from family is during the holiday season. A young man from our county is presently serving with the U.S. Navy on board ship in the Mediterranean Sea which necessitated his absence during the past Christmas season.

Robert B. Roloff, son of Mr. and Mrs. Alfred Roloff of Bremen, received a commission as Ensign upon completion of his B.S. degree from Georgia Tech in 1982 and was a honor graduate from Haralson County High in 1978.

From abroad ship the USS Garcia, he wrote the following to the members of the District Line United Methodist Church:

"With the passing of the Christmas season, my thoughts turn to home. I was thirteen years old when we moved to Haralson County. It hardly seems possible that it is ten years later and I am 23. District Line 'adopted' me from the start and has supported me thru the teens and going away to school. It was wonderful to receive the Christmas card from thousands of miles away with all your signatures.

"Be proud of the American men abroad. The people that work with me and for me are all professionals. Our presence here is an insurance that free people everywhere can worship the Lord and allow Him to work thru His people; People like you."

After listening to the evening news and hearing about the service men who are endangering their lives in the Middle East, a letter from a local boy brings the far away trouble closer to home.

Mrs. Roloff, Robert's mother, said, "His work is classified. We don't really know where he is at any given time. He is the electronic material officer on board ship."

In a letter to his mother, Roloff writes, "This time I spend away from home is very difficult, but I finally reconciled the situation in my own mind. The freedoms and liberties that we possess in our country are and were never free or cheap. They had to be earned if we are to maintain them. My service is only a small payback to God in return for the blessings He has bestowed upon me."

Hearing from Ensign Roloff brings the war in Lebanon home to us in Haralson County. As I write this, I search for a conclusion. What should the response to this letter be? I could get "preachy" and tell you how we all need to be more appreciative of our freedoms and liberties that are often taken for granted. Or I could emphasize the fact that the boys need our prayers. Both conclusions are true.

We must remember that our world is bigger than Tallapoosa or Buchanan or Bremen or any of the little settlements like West View, Steadman or Corinth. What we do and say can influence peace or war in the world. What the District Line church did when the Roloffs moved to the county made a lasting impression on a young boy. Now that young man is defending freedom for all.

Ralph Waldo Emerson puts it this way:

So nigh is grandeur to our dust,
So near is God to man,
When Duty whispers low, "Thou must,"
The youth replies, "I can."●

NATIONAL HOSPICE MONTH

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. GRADISON. Mr. Speaker, today, I am introducing a joint resolution designating the month of November 1984 as "National Hospice Month." I am pleased that 79 of my colleagues join me in introducing this resolution.

We have selected the month of November to commemorate hospice, an innovative, compassionate approach to caring for the terminally ill, because November 1984 marks the first anniversary of the Medicare hospice option. The implementation of hospice Medicare benefits has made it possible for hospice care to become a viable alternative to traditional acute care for many elderly Americans.

The hospice concept is centered on the belief that the dying are often better served in the familiar surrounding of their own homes or, if necessary, in a comfortable inpatient facility which allows them to spend their final days as peacefully and pain free as possible. The critical component of hospice care is the delivery of services by an interdisciplinary team of physicians, nurses, social workers, therapists, clergy, and specially trained volunteers. Approximately 1,200 programs, utilizing thousands of professionals and trained volunteers are dedicated to promoting the hospice concept.

Hospice care has proven to be an excellent way for patients and their families to help cope wih the immeasureable stress and emotion of terminal illness. While understanding and support for the hospice concept has grown dramatically in the last few years, there remains a need for public education regarding the benefits of hospice care. It is also important to recognize the significant contributions made by those involved in the provision of hospice services and in the advancement of the hospice movement.

Mr. Speaker, I believe that the public education and recognition programs conducted during a National Hospice Month would expand the public's understanding of and support for hospice care as well as recognize the efforts and dedication of those involved in the provision of this humanitarian service.●

FREE INTERSTATE HIGHWAY FUNDS

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. LEWIS of Florida. Mr. Speaker, I urge you and other Members of the House leadership to give strong consideration to making sure that superfluous requests for interstate construction funds for nonrelated projects this year are dropped in order to assure passage of H.R. 5504.

The Director of the Office of Management and Budget has promised a veto of this legislation if requests for more than $6 billion are not dropped.

The bill includes more than $2.3 billion in legitimate interstate construction funds, and the States are anxious to receive their 1984 appropriations.

The State of Florida is waiting for its $90 million in order to complete planning and construction of the missing link of I-95 and I-75 in my congressional district, and to begin work on troublesome interstate highways like I-10.

I hope the Senate and the joint House-Senate conference committee will see the need to amend H.R. 5504, so that we can continue the uninterrupted construction of our interstate highways.●

BUDGET DEJA VU

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. WORTLEY. Mr. Speaker, there is a feeling of deja vu in this Chamber. As the old song goes, "It seems we've stood and talked like this before * * * but I don't remember where or when."

The only difference between the ballad's lyrics and the current situation on the budget is that all of us remember where and when we've been this year, and the year before and the year before that. Stuck.

But not as intractably so as we are now. For several days, both bodies of Congress have jockeyed back and forth on the debt ceiling issue. When it has come before the House for a vote, I have opposed it, and I will continue to oppose it until the other body shows a good faith effort toward resolving the enormous differences separating us on defense.

Although none of us wants to stay here in the late hours of the evening, maybe we should to demonstrate that the majority of House Members is sincere about a deficit downpayment. Maybe the other body would be better off in the long run to give a little now so the final product will be more to its liking later. Legislative chicken is a dangerous game but it appears now that it is the only game in town.●

RAISE THE DRINKING AGE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. PORTER. Mr. Speaker, earlier this week the House of Representatives wisely voted to enact the Senate amendments to the Child Restraint Safety Act. These amendments are aimed at improving the antidrunk driving laws in this country.

I am particularly pleased with the passage of the amendment to withhold Federal highway funds from States which do not adopt 21 years as their minimum drinking age. This is an issue I have been working on for over a year, and one that is very important to me and my constituents. As a representative with a border between States with different minimum drinking ages, I am particularly sensitive to the need for a uniform drinking age throughout this country.

Earlier this week the Chicago Tribune published an editorial supporting the Congress' efforts to encourage the States to raise their minimum drinking ages to 21. I am inserting this editorial in the CONGRESSIONAL RECORD, and I urge my colleagues to read it.

RAISE THE DRINKING AGE

The U.S. House of Representatives has amended a highway bill with a measure intended to force all states to raise the legal drinking age to 21. The amendment would require 15 percent of a state's highway grants from Washington to be withheld if it refuses to comply with the proposed national standard by 1987.

The Senate should ratify the House action in the interest of highway safety. Teenagers and young adults are involved in a disproportionate number of traffic accidents to begin with, and allowing them to drive into roadside taverns and down a few "for the road" only increases the problem.

A national standard would put an end to the practice of teens in one state driving to a nearby state to take advantage of a lower drinking age, then weaving home.

The drinking age was lowered in many states, Illinois included, back in the Vietnam War era in an effort to bestow full citizenship on that segment of the population eligible to be drafted into the Army. Voting age requirements were lowered at the same time. It was reasoned that a person who was old enough to fight and die for his country was old enough to drink and vote. Unfortunately, the sentiment ignored biology. Many persons under 21 are quite simply not mature enough to handle liquor.

Illinois came to grips with the problem in 1980 when it raised its drinking age back to 21, and 22 other states have taken a similar approach. According to Jim Edgar, secretary of state, the number of traffic fatalities dropped 7 percent after the age was raised.

Unfortunately, the number of fatalities in the counties that border Wisconsin has increased 25 percent over the same span. Wisconsin, a state that is home to many breweries, allows drinking at age 18.

The interstate difficulties are one reason the uniform drinking age proposal has gained substantial support. The argument that the nation ought to have a uniform age of majority is outweighed by the evidence that shows there is a serious safety problem resulting from immature drunken drivers.●

A TRIBUTE TO LUCILLE SHEEHY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. COURTER. Mr. Speaker, many fine Americans go unrecognized through life while contributing greatly to society in their own right, asking for thanks from no one. These unselfish individuals are the backbone of our country, and I would like to take a moment to recognize one shining example: Lucille Sheehy, a wonderful woman from New Jersey who has been helping others for over eight and one-half decades.

As a devoted wife and mother, Lucille focused her early energies on raising a family. Today, her son is the director of a company in Delaware, her daughter has her own advertising firm, and they have, combined, given Lucille 13 grandchildren and 6 great-grandchildren.

Never one to sit home, Lucille has been active in community service, especially since the passing of her husband in 1971. Her tireless energy and bubbling personality have been a constant source of motivation to the people around her.

Lucille's most notable community efforts include: Reading to children at school, helping at the local library, collecting clothes for the needy and books for nursing homes, and making bandages for cancer patients. When Lucille is asked to help, she never says no.

Politics have always been a passion of this partriotic lady who dubs herself a "constitutional conservative Republican." She has been active in Republican organizations in her community serving on the executive board and chairman of the program committee of the Ramsey Republican Club.

Lucille is a warm compassionate human being who has devoted her entire life to caring for others. I am proud to have the opportunity to say thank you to a fellow proud American.●

DEMOCRACY IN TURKEY

HON. EDWARD F. FEIGHAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. FEIGHAN. Mr. Speaker, on May 15, Turkish martial law authorities blocked the publication of a petition signed by more than 1,200 Turkish intellectuals, including journalists, lawyers, academics, and artists. The petition is a statement of their concern about democracy and human rights in Turkey, and strongly supports a free press, a general amnesty, the autonomy of Turkish universities, and freedom of thought and association. The declaration also denounces torture and calls upon the Government of Turkey to take steps to eliminate torture and improve prison conditions.

According to the Turkish newspaper Cumhuriyet's report on June 7, 1984, over 500 of the people who signed the petition have been interrogated by the prosecutor's office of the Istanbul Martial Law Command.

Mr. Speaker, the Turkish citizens who signed the petition have shown courage and integrity in making their views known, particularly in view of continuing restrictions on freedom of speech in Turkey. Their support for democracy and human rights is an inspiration to their fellow citizens, and should be of special interest to the U.S. Congress. The text of the petition is included below, as is the New York Times article about the censorship of its publication in Turkey.

The following material was submitted for the RECORD:

[From the New York Times, May 16, 1984]

TURKEY BLOCKS PETITION SIGNED BY INTELLECTUALS

ANKARA, TURKEY, May 15.—The martial law authorities today blocked publication of a petition signed by 1,256 Turkish intellectuals denouncing press censorship and other features of military rule, newspaper editors said.

The petition, signed by leading academics, artists, lawyers, journalists, doctors and others, was given to the Government this morning, a spokesman for the signers said.

Hours later, newspaper and news agency editors said they had been told not to publish the document until the Government had responded to the charges in it. There was no sign when that would be.

The petition said torture of prisoners had become a common practice.

DECLARATION

PREAMBLE

Turkey continues to live through one of the most acute crises ever witnessed. There is no doubt that all sections, strata and officials comprising our social fabric share a burden of responsibility for this great crisis.

Awareness of this responsibility gives us the duty and the right to express our views on how we can make the transition to a healthier and safer social order.

We feel it necessary to publicise our views within the framework permitted by current legislation and Law 2969 so that what we have to say can in no way be construed as a legal offence.[1] Although we do not agree with the restrictions inherent in this legislation, we have no other option.

As private citizens, our only aim is to assume our democratic responsibilities. Our sole support is the legitimacy which we believe that the people of our country will undoubtedly confer upon our views.

Our initiative has been prompted by the social problems confronting our country. We want to make it clear that we have no links whatsoever with political circles, organisations or parties inside Turkey or abroad and that it would be erroneous to think otherwise.

We, the undersigned, fervently believe that good sense and reason will bring about the bright future which awaits our country. It is in this spirit and with these convictions that we have assumed our shared responsiblity, and using the right to petition derived from our Constitution, respectfully present our observations, thoughts and requests concerning the current situation in Turkey, to your exalted office.

DEMOCRACY AND HUMAN RIGHTS

A democracy is sustained by its institutions and general principles. It will be difficult to repair the damage done if the institutions, concepts and principles which constitute the mortar and foundations of democracy are destroyed. To alienate democracy from its inherent values and institutions, to preserve it in form while emptying it of its contents, is as dangerous as destroying it. This is why we intend to defend the institutions, concepts and principles which support a certain historically evolved structure of our state and to strengthen these within a democratic environment.

The Turkish people are entitled to the entire range of human rights available in contemporary societies, and should be in possession of these. We consider it humiliating that our country has been reduced to the position of a state whose human rights guarantees are subject of debates in other countries.

The fundamental aim of any organised social entity is the right to guarantee irrevocably and in a manner which can never be tampered with, the right of life and decent human existence.[2] This is a natural and sacred right. However, for this right to become meaningful, it is necessary to be able to express ideas openly, to be able to follow these through, and to be able to organise freely around them.

As opposed to ways of thinking which have recently become dominant, we believe that new and different ideas generated by individuals in our society are the source of social vitality and not, as alleged, the cause of periodic crises.

JUSTICE

Justice is the foremost guarantee of a humane existence as well as being the ultimate sanctuary of the individual. In a state founded on contemporary jurisprudence, the path to the realisation of justice must be clear of all obstacles, and therefore of exceptional courts and states of emergency. We believe that the maintenance of administrative practices and structures belonging to exceptional states of emergency even during normal times goes against the grain of democracy.

We believe that restrictions imposed upon individuals without due processes of the judiciary; one-sided administrative prosecutions which cannot be challenged[3]; the political rights of certain citizens and accusations levelled against them[4] cause grave fissures in our society. It is difficult to reconcile principles of a state based on modern jurisprudence when membership in associations, cooperatives, foundations, professional bodies, trade unions and political parties—and statements which were not regarded as a crime when first expressed—subsequently become indictable offenses because of changes in official attitudes and orthodoxy.

VIOLENCE

Democracy itself cannot be held to blame for the acute period of terror experienced in Turkey.

Every organised society has to defend itself against violence. However, one of the fundamental characteristics of statehood is adherence to legal norms in the struggle against terrorism. The existence of terror can never justify the state resorting to the same methods as the perpetrators of terror.

Torture, the existence of which has been proven by court decisions, is a crime against humanity. We are deeply concerned that torture has become a habitual form of primitive extra-judicial punishment for detainees prior to sentencing. Furthermore, we regard prison conditions which go beyond curtailing liberty as another form of torture.[5]

Necessary steps must be taken to eradicate torture. Equally, if the guarantees inherent in state jurisprudence and in the universal tenet that "individuals are presumed innocent until proved otherwise" are continued to be disregarded in administrative practices and court procedures, then arbitrariness and justice by fiat become the central norm particularly in political trials.

In view of the fact that all sections of our society carry some burden of responsibility for the escalation of terror,[6] we believe that the death penalty should be removed and that the execution of those already sentenced to death be commuted in an attempt to eradicate for good notions of resorting to violence as a means of solving our country's problems.

GENERAL AMNESTY

We hold the universally accepted truth that delayed justice is injustice; we therefore appeal for the speedy termination of all outstanding trials.

Crime is the result of specific social and political circumstances. We must not forget that all sections of our society bear responsibility for the upheavals of the recent past. This is why we think that a general amnesty will be an essential contribution towards social peace.

SOVEREIGNTY

Politics, which is the primary means of discerning good from bad and true from false in public life, requires the active participation of all. Certain inevitable shortcomings of our political past should not be used to establish a monopoly over political life by a group, one person or a privileged few, barring the way to what ought to be an open path to serve society by means of engaging in politics.

Politics can not be reduced to administrative decisions alone.

The will of the nation becomes meaningful only in systems where all sections of society can organize freely. Only in societies

[1] Footnotes appear at end of article.

where no one fears persecution because of political views, philosophical beliefs and religious creed, can one justifiably claim the supremacy of the will of the nation. The legitimacy of national sovereignty is conditional upon attitudes towards fundamental rights and freedoms.

A situation which impedes the free determination of the will of the majority can not be regarded as being democratic. Equally, invoking the mandate of the majority to eradicate fundamental rights too can not be reconciled with democracy.

THE CONSTITUTION

Regarded from a historical perspective, democratic constitutions emerge as the culmination of processes directed towards protecting and guaranteeing individual rights and liberties.

Whatever the name given, any adjustments which result in the erosion of the rights of the individual vis a vis the state, imply a move away from democracy. When this is the case, the constitution, which ought to be the mainspring of democratic life, itself becomes a barrier to democracy.

The pillars of democratic life are comprised first and foremost by political parties and by trade unions, professional bodies and associations. Professional bodies and associations not only have the duty to unite and protect the economic interests of their members but also ought to be the means whereby individuals and groups can play an active part in protecting democratic liberties, and alongside political parties, influence and participate in decisionmaking processes. This is why we believe that the right to organise and the right to participate in the political process should be guaranteed by amendments to the constitution.

Freedom, diversity and innovation are essential ingredients of social life and are absolutely necessary for the future development of society, for maintaining avenues open for change and transformation. Therefore, all production of ideas ought to be protected and allowance made for new proposals to be presented freely.

FREE PRESS

A fundamental element of a democratic order is freedom of the press. For a free press to exist, it is essential that social communication and information be allowed to circulate in all diversity and independent of state control. It is also essential that the media be free to reflect different opinions and fully engage in criticism.

Thus, a free press is a prerequisite not only in forming a vibrant and diversified public opinion but also for the important function of the democratic supervision of the administration. Again, for these reasons we believe that as a precondition of ensuring its impartiality, the Turkish Television and Radio Corporation be granted autonomy from the state.[7]

EDUCATION

The main objective of education is to train free-thinking, learned, skilled and productive human beings. Attempts in the opposite direction to create uniform human beings goes against the grain of contemporary achievements and pluralist democracy. One aim of contemporary democracy is to nurture individuals imbued with a critical understanding of the world.

To maintain that the most sophisticated section of our society, namely the university circles, are not fit to run their own affairs and hence should be deprived of autonomy, is to deny that democracy can be made to work in Turkey. We are seriously concerned about the future of our country because all institutions of higher learning have been put under the administrative fiat of an appointed council, an administrative mechanism which has already dealt blows to academic standards and scientific research. This is why we propose that the higher education legislation [8] be immediately amended in favour of a system which will re-introduce university autonomy based on the principle of academic election.

ARTS AND CULTURE

We would like to stress the great importance of removing both legal and *de facto* limitations to the full flowering of the products of thought and art, and emphasise that the general protection extended to thinkers and cultural producers—as indeed to every individual—is a condition of civilised social life. A healthy social and cultural life requires the eradication of censorship which constricts all forms of cultural creativity, artistic production and the free dissemination of cultural products. No subject must be regarded as an official taboo, and whatever infringements there may arise ought to be dealt by due processes of law.[9]

CONCLUSION

In the light of the foregoing, we the undersigned who are fully conscious of our responsibilities towards our society, while not denying that contemporary democracy may indeed take different forms according to the specific conditions of disparate nations, nevertheless submit in all earnestness that democracy has an unchanging essence, that the institutions, concepts and principles which constitute this essence have also been adopted by the Turkish people, and that we can overcome the continuing crisis only if recent legislation and administrative practices which contradict this essence are removed by democratic means. This is how we can emerge out of the current crisis with strength and self-confidence.

FOOTNOTES

[1] This is the law passed by the military which prohibits any criticism of "any decisions or measures whatsoever taken by the Council of National Security" which, it is claimed has "exercised legislative and executive power on behalf of the Turkish nation since 12th September 1980 to the formation of the Bureau of the Grand National Assembly of Turkey" in December 1983. This prohibition is also codified as a Provisional Article in the 1982 Constitution drafted by a Constituent Assembly selected by the five armed forces commanders comprising the Council of National Security.

[2] The 'right to life' is all but removed by the 1982 Constitution. Article 17 states that "occurrences of death as a result of a use of a weapon permitted by law as a necessary measure in cases of: apprehension, or the execution of warrants of arrest, the prevention of escape of lawfully arrested or convicted persons, the quelling of a riot or insurrection the execution of the orders of authorised bodies during martial law or state of emergency" are 'lawful killings'. This is none other than a carte blanche for summary executions of suspected dissidents.

[3] This refers to Martial Law Command decrees and prosecutions undertaken by military tribunals appointed by the Chief of Staff.

[4] This refers to a ban on former political leaders and executive committee members of parties closed down by the military.

[5] The daily newspaper Milliyet reports the following speech by Orhan Ergüder, Motherland Party MP for Istanbul: "Gentlemen, however hard we may try to be civilised, we can not feel relaxed until our prisons are modernized. Tomorrow prisons may turn out to be our domiciles as well . . . Our country's prisons have hosted some of our prime ministers and presidents. You never know what can happen. We want conditions in prisons to be much better". (May 29, 1984).

[6] This refers to the late 1970's which witnessed a carnage of political terror launched by the neo-fascist Nationalist Action Party and its paramilitary wing, the Grey Wolves.

[7] Under the new Constitution, the President of the Republic has effective control over state radio and television.

[8] Article 130 of the Constitution stipulates that university rectors will be appointed by the President. The Higher Education Council is an all-powerful non-elected body which controls and determines all aspects of university life from promotion of academics (now more or less regarded as civil servants) to acceptable forms of dress in lectures and university curricula. The Higher Education Council is composed of members appointed by the President from candidates nominated by the Chief of Staff (!) and the Council of Ministers and personal choices of the President.

[9] Article 28 of the Constitution stipulates that "when delay is deemed prejudicial" "competent authorities designated by law" can confiscate publications, i.e. martial law authorities and the police. If a publication is banned, the printing presses can also be confiscated.●

SUMMITRY AND NATIONAL SECURITY: IS IT IN OUR BEST INTEREST?

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. GINGRICH. Mr. Speaker, there have been numerous calls by the Democratic Presidential candidates for President Reagan to arrange a summit meeting with Soviet leaders. These have been pro forma, considering the extreme leftward tilt of the Democratic Party.

More recently, some members of President Reagan's own party are urging him to meet with the Soviet leader. While summits can be useful under the proper conditions, many people ignore the basic problems that summits can produce for a free and open society such as our own. Mr. Burton Pines, vice president of the Heritage Foundation, has written an excellent memorandum which discusses the pitfalls of summitry and the negative effects it can have upon the United States. I'm inserting it for my colleagues so that members of both parties can see where their calls for a summit can lead us. The text of the memorandum follows:

SUPERPOWER SUMMITRY AND ITS PERILS

The desire to see Ronald Reagan sit down for a chat with Soviet leader Konstantin Chernenko is one of the most admirable American impulses. It reflects a folksy faith that policy can be affected by personality and that U.S.-Soviet tensions are in part a misunderstanding which can be dissolved if the two superpower chieftains powwow and convince each other of their desire for peace. Americans felt reassured, for example, when Franklin Roosevelt warmly spoke of "Uncle Joe" Stalin. And Americans sighed in satisfaction when Nikita Khrushchev in 1959 visited Disneyland and waded through the mud of an Iowa farm.

It is no wonder that U.S. presidents feel almost constant pressure to head towards the summit. Ronald Reagan, however, should not be stampeded up the summit trail. History teaches not only that summits are no sure thing for improving relations,

but that they can increase tensions and almost always serve Soviet interests much more than American.

There have been thirteen U.S.-Soviet summits, starting with the 1943 meeting in Teheran of Roosevelt and Britain's Winston Churchill with the Soviet Union's Josef Stalin. Subsequent summits convened:

February 1945, at Yalta, with Roosevelt, Churchill and Stalin;

July 1945, at Potsdam, with Harry Truman, Britain's leaders and Stalin;

July 1955, at Geneva, with Dwight Eisenhower, British and French leaders and Soviet Premier Nikolai Bulganin;

September 1959, at Washington, with Eisenhower and Khrushchev;

May 1960, at Paris, with Eisenhower, British and French leaders and Khrushchev;

June 1961, at Vienna, with John Kennedy and Khrushchev;

June 1967, at Glassboro (New Jersey), with Lyndon Johnson and Soviet Premier Alexei Kosygin;

May 1972, at Moscow, with Richard Nixon and Soviet leader Leonid Brezhnev;

June 1973, at Washington, with Nixon and Brezhnev;

June 1974, at Moscow, with Nixon and Brezhnev;

November 1974, at Vladivostok, with Gerald Ford and Brezhnev;

June 1979, at Vienna, with James Carter and Brezhnev.

The results of these meetings were spotty. The most successful was Geneva. It was carefully planned to produce an agreement for the occupying powers to withdraw from Austria. The resulting "Spirit of Geneva" became the Cold War's first thaw. Much less successful were Johnson's meeting with Kosygin, Nixon's 1974 trip to Moscow and the Vladivostok gathering; little was accomplished. Some summits have been disasters. At Yalta, Roosevelt made concessions for which 109 million East Europeans are still paying, while Khrushchev's bullying of Kennedy at Vienna surely emboldened the Soviet leader to erect the Berlin Wall a few months later and to station offensive nuclear missiles in Cuba the following year.

That summitry is perilous has been widely appreciated. Dean Acheson, Truman's Secretary of State, wrote of his "deep dislike and distrust of the 'summit conference.'" He warned that summits "too often [have] been a gamble, the experience nerve-racking and the results unsatisfactory." Kennedy's Secretary of State, Dean Rusk, wrote that "such experience as we have had with summit diplomacy does not encourage the view that it contributes to the advancement of American interests." And Henry Kissinger's memoirs caution that "summit meetings are risky business."

FOUR DECADES OF SUMMITRY TEACH IMPORTANT LESSONS

(1) Summits asymmetrically affect the U.S. and the USSR. In the wide open American society, extensive media coverage of an approaching summit raises public expectations to towering heights which can plunge to painful disillusion if the expectations are not fulfilled. At the summit, American press coverage places the president in a fishbowl. By contrast, Kremlin control of Soviet media gives it rheostat-like manipulation of Soviet public expectations and knowledge of the summit.

(2) American leaders are tempted irresistably to exploit a summit for domestic political purposes. This prompts them to exaggerate the summit's importance. Soviet leaders have no need to do so.

(3) Having raised public expectations, American presidents dare not return from a summit emptyhanded. As a summit's conclusion approaches and success remains beyond reach, a president may be tempted to make reckless concessions. At Moscow in 1972, for example, Nixon was so determined to return home with a SALT I treaty that he negotiated hastily and sloppily, creating the loopholes which Moscow has been exploiting ever since. Writes Kissinger, "Any meeting with the Soviets at the Presidential or Secretary of State level that did not lead to a breakthrough was dismissed by the media as a failure." Soviet leaders, meanwhile, pay no penalty for leaving a summit emptyhanded; no Kremlin boss has ever got into trouble for negotiating too toughly with the U.S.

(4) Simply going to the summit fosters a mood in the U.S. which makes national security concerns seem less urgent, even though the summit does not slow Soviet military programs.

These lessons cannot be ignored by those who call for a U.S.-Soviet summit. The President is right to be cautious. He is right to insist on careful planning, a detailed agenda and final drafts of those agreements which he will be expected to sign. Only then, history teaches us, should he consent to ascend the summit.●

JAMES H. ROWE, JR.

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. PEPPER. Mr. Speaker, with the passing last week of James H. Rowe, Jr., I said farewell to a dear and devoted friend, as did the Nation, to a dedicated and invaluable servant. I met Jim Rowe in the late thirties when I was a young U.S. Senator, and I worked closely with him at the Roosevelt White House. Those were great times and many, many giants passed across the stage of those years, making an indelible mark toward the betterment of our country. We rose to heights which we have seldom reached. I shall always hunger for the spirit of those times and for those great and good people who led and made them. Jim Rowe was one of those outstanding statesmen and I—and I know all who knew him—shall cherish his memory forever.

Mr. Speaker, I include with my remarks the magnificent, comprehensive, illuminating, and stirring eulogy by Jim's admiring and devoted son, James H. Rowe III, along with certain newspaper articles of tribute to this great American, to serve as a permanent record from which generations to come can savour these memories.

JAMES H. ROWE, JR., 1909–84

Good morning. On behalf of the Rowe family, I want to thank you all for joining us to pay tribute to my father, James H. Rowe, Jr.

Before I begin, I have a personal message for my wife and my sisters. They have all told me that I must be short. Well the other lady in my life has overruled you. Mom has asked her favorite son to take his time. So put your stopwatches away and relax.

Dad loved this cathedral. Although he was not a particularly religious person, he felt a strong attachment here, for it was on these grounds that all of his children were educated and his daughter Betsy was married downstairs in Bethlehem Chapel. After suffering a major heart attack in 1962, dad would circle the cathedral and Cleveland Park as he successfully regained his health. This regimen of walking in solitary splendor represented his own personal thanksgiving.

Dad's home is down the street from here on a sleepy alley named Highland Place. The Rowes have lived there for a third of a century in that rambling, whiteframe house. It has been and will remain our vantage ground.

I remember coming home from school one day in tears. "Mom", I cried, "politics stinks!" "Why?" she said. I explained that a favorite classmate would soon be leaving town because his father, a Congressman, had just been defeated. "That happens" she replied as she tried to console her 10-year old son with the prospect of summer rendezvous. "I'm glad that dad has never run for office and I hope he never will" I exclaimed. Mom responded, "wouldn't you even like the idea of daddy being the President and living in the White House?" "No", said I, "it's in the wrong neighborhood."

Our open door policy at home has been a magnetic force in this city. Individuals of all ages and backgrounds have camped there. Discussing and debating. Playing cards and playing charades. Hunting Easter eggs and hitting home runs. Campaigning and counseling. Celebrating and crying. The Bundys, the Whites, the Gesells. Mom and Dad reigned but everyone was treated fairly. In talking about President Roosevelt's greatness, Dad would always point to F.D.R.'s way with people. He said that "the boss" created a bilateral relationship with anyone he saw more than once. This was the rule at Highland Place.

This too has been a historical house:

The Kennedy administration trying to hush up Alfred, "Uncle Al," Friendly's scoop of the Cuban missile crisis during my parent's 25th wedding anniversary party;

President Johnson captivating us on Christmas day 1968 and confirming once again Dad's description of him being the most brilliant of Presidents that he had known;

Vice Presidential candidates-to-be Humphrey and Muskie being quietly examined in an empty House after Dad so thoughtfully exiled us to Cape Cod;

Senator Mansfield, his earliest friend and Dad's most dedicated contemporary, weighing the position of majority leader with his fellow Montanan;

And Grace Tully, that most gallant of ladies, telling for the last time her memories of that fateful day in Warm Springs when she kissed F.D.R. goodbye.

I leave to historians Dad's New Deal accomplishments and his political significance.

Dad was first and foremost a Montanan, a true man of the West. Independent. Skeptical. Proud. Irish. These were the characteristics of his parents, James and Josephine, and his sister Helen. His birthplace, Butte, Montana would flourish during his adolescence. Its population would exceed 100,000 by 1920 with 20,000 miners digging on what was called the Richest Hill on Earth. After excelling in high school, his father sent him

to a Jesuit preparatory school for seasoning. Worried that the priesthood might not be his son's best vocation, senior Rowe sent the younger East for college.

Dad arrived in Cambridge in 1927. Years later dad would thrust his 50th class reunion report in my face and tell me to turn to a certain page. "Oh no, said I, "Harvarditis has set in again!" "No, no," he said, with more that the customary twinkle in his eye. I was perplexed for I saw that he had marked not his own entry but the closing sentence of one of his classmate's entries which read—

"[T]he only classmate I've seen is Jim Rowe, whom some of us in Mckinlock hall in the freshman year of 1927-1928 came to know as that wild-eyed cowboy from Montana."

Dad did encounter some initial academic setbacks. His father quickly sent off a letter to the freshman dean stating "My son is fairly big and he'd probably make a good truck driver. Do you think he'd be a better truck driver. Tell me and I'll take him out of there." This needling encouragement from afar contributed to his seven glorious years at the college and then the law school.

Dad's career was the law. He served as Justice Oliver Wendell Holmes last secretary. Justice Holmes had fought in the Civil War and talked to another soldier who had fought in the Revolutionary War. Imagine—our country's entire history has been witnessed by these three men. Dad and his beloved colleague Thomas "Tommy the Cork" Corcoran were with the Justice at his death. Later these two comrades would team together again in private practice.

Dad called his administrative practice "boring" and perhaps that is understandable for one who had drafted, executed, and administered the laws of the New Deal. But for me, a trip downtown to 15th and K was a rare treat. Dad would practice law there for 37 years, in the same cubbyhole of an office. The hallways seeped with history but were utterly without pretension. Today a young associate would turn his nose up at such digs. But even, as a small boy, I knew that no other firm around had the infectious charm and brilliance of these special practitioners. Lady Bird Johnson, the best of first ladies and the finest of friends, visited our family twice during these last few days. She would call Corcoran, Youngman and Rowe "A firm of stars blessed with singular men."

Dad's love for the people in the companies he represented gave him his joy. In return he received unwavering loyalty from his clients. They too loved him as much as we do. He never retired.

Our childhood days at home were hardly tranquil. In his 25th Class Reunion Report dad would describe us "as three entirely too young children, who alternately delight us and drive us to the outer edges of irritation and despair." Dad was no bargain either. At times he could be, as we all know, more than a little difficult. Although he may have first developed his distinctive bark during his "bird dog" days of the new deal, he certainly honed his tongue on his offspring. The daily inquisitions at the dining room table were only made bearable by Rennie's and Ollie's cooking and mom's grace. Our school lessons paled in comparison to his masterly probing. He was silenced only by our asking him "parlez-vous francais?" French was truly pa's greatest failing.

His older daughter, Betsy, however, soon stunned her father with her academic achievements. She too has already enjoyed a distinguished legal career. Like her mother she would marry a handsome and rugged westerner who came east for schooling and high governmental service. Together, Betsy and Doug Costle, would produce two grandchildren, Caroline and Douglas. Each brought dad much joy. "I have lived too long" he would say. "Imagine, my granddaughter has been named a Ronald Reagan Academic Scholar." Her decision, however, to go to Harvard next fall more than made up for it. "Douglas" he would boast to his classmates is a "superjock, the first in our clan."

His other daughter, Clarissa, whom I only half jokingly call "the favorite" child, would inherit dad's lighthearted and lefthanded ways. From mom, she got her true eye for beauty and her passionate concern for the great outdoors. She married Stephen, an educator, soon to be businessman, and they brought Jessica Batzell into our lives. This delightful two-year old brightened dad's last years with her Shirley Temple curls and joyous personality. We pray, however, that Jessica possesses her mother's leftist leanings and not Shirley's political views.

I too would share dad's fondness for law, government and, most importantly, people. I too have benefited greatly from the needling and loving encouragement of a proud father. Not surprisingly, I married a beautiful, independent and demanding woman. On my wedding day, dad would whisper, "You too have married above yourself." Lisa's Yale education and banking background brought her much amiable ribbing from dad. She quickly atoned, however, by providing him with chocolates and by moving to Washington.

His Godson Bardyl would resemble his second father with his thoughtful generosity, striking demeanor and zestful personality.

Dad's greatest accomplishment, bar none, was his marriage to mom. Adjectives can not begin to describe this magnificient lady. She first met dad almost 50 years ago at a party on Connecticut Avenue. As she recalled that meeting again last week, she said that they stayed up talking for hours. "At that time," mom would chuckle, "only Republicans could afford to throw parties. We were surrounded by them that night and it was as if your father and I spoke Greek to one another." Her sister Jean gave us a few more details this week. Jean Friendly, the younger half of the glamorous Ulman girls, "it was scandalous. Jim and Libby sat on a bathtub and talked until dawn." Mom and dad continued to talk in their own special language for 46 years of married life.

Mom's career is also well known in this city. As a journalist, labor leader and urban planner, she too made history. In keeping with his liberal views, dad encouraged mom's work and was always her biggest supporter. She would turn down her fondest of friends, President Johnson, when he asked her to run the city of Washington. For at the same time, she oversaw what she so aptly called "the buttoning and unbuttoning" of dad's life. Which by itself, was a full-time job.

Dad's handling of the practicalities of life never changed over the years. His old roommate, Judge Reilly, would pack the groom's belongings for my parents' trip to Montana to show off the bride. Thinking that the porter would expect a young man on the way up to have at least two bags, Uncle Gerry purchased a second suitcase and lovingly filled it with his old tennis balls. In return, dad told Reilly that it was time for him to leave his bachelor digs in order to keep an eye on dad's new marriage quarters. Reilly arrived on the doorstep for a needed rest and unlocked the door. The house was bare—father's only acquisition had been the extra key.

Mom and dad were true companions but physical proximity was not a necessary ingredient in this magnificient union. On dad's 70th birthday, mom would look on contentedly from afar as dad was surrounded at the head table by a representative sampling from his legion of younger female admirers.

During these last years of the Carter and Reagan administrations, dad would grumble that he had been relegated to the role of "accompanying spouse." This was particularly true when mom's position on the White House Historical Association would enable him to return to his old domain. Fortunately in the recent years mom and dad took the time "to smell the roses along the way," especially as they circled the globe together. Few men have ever traveled in such style.

As their children, we loved nothing more than their storytelling. The stories of their past experiences gave us many lessons for the future but our parents shared instead an intense curiosity about the here and now. As Dad lay dying those last few days, he pointed to the Post and the Journal for the news of today and not at older tomes or clippings. This newspaper fetish would be remembered by all but most particularly by his children's spouses. They would wonder whether this idiosyncrasy arose from Pa's surprising shyness or from his everlasting affection for news.

It is fitting that Dad will be laid to rest at Arlington National. He rarely spoke about his war experiences and never mentioned his medals. At age 36, he left his second-ranking post at the Justice Department, his wife and young child for the Pacific Theatre operations. Once again he experienced history first hand. One of his aircraft carriers, the U.S.S. *Sewanee*, was the first ship to be hit by kamikazes, some 40 years ago during the battle of Leyte Gulf. His gun crew was decimated but Dad survived to lead the fire-fighting that saved many lives and salvaged the ship. He would go on to receive two presidential citations for bravery, eight battle stars and a naval commendation ribbon.

This remarkable valor would reappear later in life. First, as he survived a 6-week stay on the critical list after his heart attack and later, with his lengthy battle with congestive heart failure. He never ever complained about his physical ailments. After outliving by two weeks his doctors' and family's expectations, he drifted off in peace, surrounded, as he knew, by his family in the home he loved so much.

The only maxims he handed down to his children were the ones he said he had received from his father. First, never get in a fight with a policeman. Second, never bet against the Yankees.

Well, I learned from and listened to this marvelous man over the years. The lessons for my future children are these:

First, institutions change over time and the Yankees are no exception;

Second, do not let your ambition cloud your judgement;

Third, never retire;

Fourth, and most important of all, family and friends mean much more than power and praise.

Dad, to paraphrase your old mentor, Justice Holmes, "you touched our hearts with fire." You also touched our minds. You exemplified life as Justice Holmes defined it in another speech. He said:

"I think that, as life is action and passion, it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived."

My, how you have lived. Goodby you wild-eyed cowboy. We love you. We shall miss you. Today we salute you. Tomorrow we shall begin to glory in your memory.

JAMES H. ROWE III.

JAMES HENRY ROWE, JR.

"I was 28 when I first went in the White House," James H. Rowe Jr. recalled in an interview last year about his life and times in Democratic politics since the New Deal. "Roosevelt said, 'Your job is to be a bird dog.' I said, 'What does that mean?' 'Just run around town and find out what's happening.' So that's what I did. . . . Pretty good job." And quite an understatement, as any veteran of the Washington political scene knows. Mr. Rowe, who died Sunday at the age of 75, did "run around town" for more than 40 years, from the back rooms of party power to those centers of the capital city where legislative ideas were brewing in the charged atmosphere of the New Deal.

Political Washington was quite different then, Mr. Rowe would note, describing the tight White House circle in which FDR's trusted assistants with "a passion for anonymity" worked long and furiously on legislation, rules, regulations—and the votes to put them on the books, which was one of the missions Mr. Rowe executed with polish and results. "There were three secretaries and, I think, one assistant secretary. . . . While we were building the arsenal for democracy and getting ready for the war, it started expanding. It's never stopped since."

Together with his colleague in the White House then and in law practice later, the late Thomas G. Corcoran, Mr. Rowe relied on a combination of personal contacts, charm and exchanges of valuable information to brief presidents and to road-test presidential ideas. To Democrats, he would become, and remain until his death, a respected "professional politician" whose commitment to his party's progressive interest and its long-term strength did not yield to the passing fancies of any wing. Mr. Rowe was a man marked by humor, loyalty and great generosity—and one who affected a certain curmudgeonly, almost playful crankiness, lest anyone say what a nice guy he really was.

He once noted of young congressman Lyndon Johnson, "He had tremendous energy, swept around, knew everybody." This, of course, was precisely what Mr. Johnson and countless other colleagues, friends and admirers of Jim Rowe cherished over the years—and one of the things those who survive him will remember and greatly miss.

[From the Washington Post, June 19, 1984]

JAMES H. ROWE, LAWYER, AIDE TO FDR, DIES AT 75

(By J.Y. Smith)

James H. Rowe Jr., 75, who served in the White House under President Franklin D. Roosevelt and went on to play an influential but largely unheralded role in the political and governmental life of the capital for more than 40 years, died of a heart ailment June 17 at his home in Washington.

Mr. Rowe, a Harvard-trained attorney from Butte, Mont., came to Washington in 1934 as the New Deal was taking form. He contributed to the political, social and economic programs that gave it meaning and in the process sharpened his own perceptions of the people, events and power play in Washington. Thus his counsel was sought by occupants of the White House even though his formal government service lasted little more than a decade. By reason of his judgment, his influence was greater than the positions he held.

In addition, Mr. Rowe, to one degree or another, knew or worked for all of Roosevelt's successors. His own opinion was that Roosevelt was the greatest and Lyndon B. Johnson the brightest.

Mr. Rowe started as an attorney with the National Emergency Council. Soon after, he became the secretary to Associate Supreme Court Justice Oliver Wendell Holmes Jr., as great an honor as any that could befall a young lawyer at that time. A previous occupant of that position was Thomas G. Corcoran, an innovator and power in New Deal circles and a man with whom Mr. Rowe was to be associated until Mr. Corcoran's death in 1981.

After a year with Holmes, Mr. Rowe worked for the Reconstruction Finance Corp. Later he was on the staffs of the Securities and Exchange Commission and the Public Works Administration, where he dealt with matters involving public utilities. Colleagues he met along the way, in addition to Corcoran, included Ben Cohen, an intellectual who shared FDR's vision of government for people, not interests; William O. Douglas, a member of the SEC and later an associate justice of the Supreme Court; Abe Fortas, a brilliant student of Douglas at Yale Law School whom Lyndon Johnson sent to the Supreme Court many years later; Rexford Guy Tugwell, a power in planning and agriculture; Raymond Moley, who later made a mark in journalism, and many others.

The issues were plain. In an interview with The Washington Post in 1983, Mr. Rowe recalled that "Rex Tugwell used the phrase that got him into trouble saying "We will roll up our sleeves and make America over." The press raised hell about it, and business. We privately thought that was just what we were doing, and it was clear that there was a black-and-white situation.

"The businessmen and bankers were bastards and we knew it, and something had to be done. And they thought we were bastards. We worked all the time on legislation or rules and regulations."

One of the important bills Mr. Rowe worked on was the Public Utilities Holding Company Act of 1935. He helped Corcoran and Cohen draft it. The sponsor of the bill in the House was Sam Rayburn of Texas, the speaker and a close friend of Mr. Rowe. The issue of public power was a rallying point for many of the warriors, young or old, of the New Deal.

The issue also was of prime importance to Lyndon Johnson, who won a special election to Congress in 1937. His job was to ensure the construction of the Marshall Ford Dam on the Colorado River and to provide electric power to the farmers and ranchers of the Texas hill country. He sought help from Corcoran, Fortas, Mr. Rowe and others.

By this time, Mr. Rowe had gone to the White House. Through Corcoran, he had garnered a job as a speech writer for James Roosevelt. This brought him to the attention of the president, who hired him as an assistant with an order to keep his eyes and ears open. In time, Mr. Rowe took charge of FDR's appointments.

It was because he could invoke the name of the White House that he was able to help Johnson not only with the dam, but with Johnson's work as chairman of the House Democratic congressional campaign committee. LBJ took over this work for the 1940 election. He dispensed money to Democratic candidates and saw that they got other favors, such as public works projects for their districts. On orders from FDR, Rowe used his access to cabinet departments and other agencies to see that these projects were forthcoming.

In "The Years of Lyndon Johnson: The Path to Power," a brilliant biography published in 1982, Robert Caro gives a memorable picture of Mr. Rowe and Johnson awaiting returns on election night in 1940 and then sharing the good news with Roosevelt on the telephone from Hyde Park.

Mr. Rowe always described Roosevelt as a man of enormous charm. A favorite anecdote concerned a time that Mr. Rowe, then 29, advised the president to handle a personnel problem a certain way. The president said he would do as suggested, but do it in his own way. When Mr. Rowe persisted, the president replied, "I do not have to do it your way and I will tell you the reason why. The reason is that, although they may have made a mistake, the people of the United States elected me president, not you."

In 1941, after three years at the White House, Mr. Rowe went to the Justice Department as an assistant attorney general. During the latter part of World War II, he served in the Navy. In 1945 and 1946, he was an official of the Nuremberg war crimes tribunals.

He then returned here and went into a private law practice with Corcoran. He never retired.

Throughout his years in private life, Mr. Rowe remained a man known to the world of power and influence. His experience commanded respect and his views carried weight. In 1967, he headed a committee for the reelection of Johnson. When Johnson announced that he would devote full time to searching for peace in Vietnam and that under no circumstances would he seek reelection, Mr. Rowe gave his help to Vice President Hubert H. Humphrey, the eventual Democratic nominee.

But by his own account there never was a time in his life quite like the years of the New Deal.

"When Tommy Corcoran died I did his eulogy in the church," Mr. Rowe told this newspaper in 1983. "I said something about, 'With the possible exception of the Founding Fathers there's never been [such] a period.' And I'm not so damned sure about the Founding Fathers, but I didn't say so. They were pretty good, I admit."

Mr. Rowe's survivors include his wife, the former Elizabeth Holmes Ulman, whom he married in 1937, of Washington; three children, Elizabeth Rowe Costle of Falls Church, Clarissa Rowe of Arlington, Mass., and James H. Rowe III of Washington, and three grandchildren.●

DANGERS OF A CONSTITUTIONAL CONVENTION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. PORTER. Mr. Speaker, for the first time since adopting the Constitution in 1787, America faces the possibility of holding a Constitutional Convention. Although a Constitutional Convention would enable Congress to address important issues of our time, the convention could not, under the Constitution, be held exclusively to consider an amendment to deal with Federal budget deficits.

In a recent Chicago Tribune article, Samuel Witwer cited several potential pitfalls of a Constitutional Convention. Due to the wording of article V, which encompasses changes initiated by Congress, there is no positive assurance that a convention could be limited to a particular issue once the convention convened. Under article V, all laws and amendments are subject to change. Thus, constitutional upheaval at all levels could result if Congress were forced to call the proposed convention. Also, other countries may view a Constitutional Convention as a disintegration of our American political institutions and a lack of high purpose, resolve, and a capacity to lead. Furthermore, the existing Constitution is a document of principle, inspiration, equity, and an opportunity for all people.

In 3 years our Nation will celebrate the 200th anniversary of the adoption of the Constitution. Hopefully, this event will not be marred by an imprudently called convention with uncertain constraints. I commend the following article to the attention of my colleagues:

RISKING A CONSTITUTIONAL CRISIS

(By Samuel W. Witwer)

No citizen can be complacent about huge federal budget deficits, now estimated in the range of $200 billion, and reasonable steps certainly are in order to work toward balanced budgets. However, the method chosen by advocates of reform—the call for a federal constitutional convention—is dangerous to an extreme. It could be even more damaging to our national interests than budgetary imbalances.

America faces the possibility of holding a constitutional convention for the first time since 1787, when the U.S. Constitution was adopted. Such a startling development could result from the balanced-budget proponents' quiet, persistent campaign to obtain state petitions calling on Congress to "call" such a convention.

The proponents of reform, reacting to Congress' failure to submit to the states for ratification an amendment mandating a balanced budget, have chosen a "shotgun" approach instead of seeking to elect a Congress that would pass such an amendment. They are demanding a constitutional convention to achieve their budgetary objective, and therein lies the potential for a grave constitutional crisis of unprecedented dimensions.

Their legislative campaign has netted 32 state petitions of one sort or another, just two short of the magic number of 34 states required by the Constitution [Article V] to force Congress to call the proposed convention.

The degree of care given by many of the states in passing their critical convention-call resolutions may well be questioned. But aside from that factor, there are many additional reasons why a constitutional convention calling for a balanced budget amendment or, for that matter, any other "single issue," would be a grave error.

For one thing, there is general satisfaction with the existing Constitution as a document that has served our nation well. It is a document of principle, inspiration, equity and opportunity for all people. As needs for change became manifest, one of the two amendment methods provided in Article V—changes initiated by Congress—has proven responsive and effective on 26 occasions. So it is understandable that many citizens and legal scholars who hold the Constitution in high regard are becoming worried about the dangers of a second constitutional convention and the uncharted course upon which this nation would embark if such a convention were called for the ostensible purpose of mandating a balanced budget.

Moreover, leading proponents of the convention call have announced that such a convention, once assembled, would consider a variety of related issues such as provision for vetoes of parts of bills [the so-called "line-item" veto], for national referenda on budgetary questions, for return to the gold standard and presumably matters that would affect "fiscal aspects" of our domestic and foreign policy concerns.

Though the history of the 1787 convention and the wording of Article V suggest that a convention could either be limited or general in scope, legal scholars agree there can be no positive assurance that a convention could be limited to a particular amendment once the convention had convened. Thus, there is no assurance that all facets of American law, government and the civil rights of U.S. citizens could not be opened to debate and possible revision by a runaway convention.

The situation is unlike state constitutional conventions, more than 200 of which have been held. In the states, there is a literature of constitutional reform, numerous precedents, enabling acts and other traditions that throw a cloak of procedural certainty and order around the call of state constitutional conventions, most of which have been general and unlimited.

Although the question of whether a federal constitutional convention may be confined to a single subject is the major concern, other questions of great constitutional importance remain unanswered as well:

What constitutes a valid application which Congress must count? Who is to judge its validity? What is the length of time applications will be counted to determine if 34 are filed? What will be the procedures for selection of delegates? Would this be left to appointment by state legislatures or the one-man one-vote electoral process? May a state legislature withdraw an application for a convention once submitted or rescinded a previous ratification? Would issues arising in a convention be reviewable by the courts?

Prof. Lawrence H. Tribe of the Harvard Law School sees the primary threat imposed by an Article V convention as that of "a confrontation between Congress and such a convention," noting also that the dispute would inevitably draw into the confrontation the Supreme Court itself. The outcome could be constitutional upheaval at all levels. Thus, I cannot agree with James Davidson, chairman of the National Taxpayer's Union, the foremost group campaigning for a budget-balancing convention. He would justify that risky venture as a "fantastic national civics lesson, more exciting than 'Brideshead Revisited.'"

Considering the magnitude of our domestic problems, this is not the time to organize a "national civics lesson," which could be of unlimited scope once launched. Considering the instability, confusion and dangers abroad, the holding of a constitutional convention could be interpreted in other countries as a disintegration of our American institutions and a lack of high purpose, resolve and capacity to lead.

In three years our nation will celebrate the 200th anniversary of the adoption of its Constitution. Let us hope that meanwhile that historic event will not be marred by an imprudently called convention of unknowable authority and uncertain constraints.●

THE INCOME JOBS ACTION ACT OF 1984

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. HAYES. Mr. Speaker, as we prepare to return to our districts for the Independence Day district work period, some of our colleagues may recall a recent press conference held by the President in which he continued to trumpet the number of new jobs created in America during the past 18 months. Indeed this is good news and hopefully it will continue. However, the President ignores the fact that over 8.8 million American workers are still out of work and cannot find work. I am sure, Mr. Speaker, many of our colleagues already know the reality of the situation. They know the dismal existence their unemployed constituents lead, and they know that something must be done to change that situation.

In response to the crisis of unemployment in our society and the need for new and innovative strategies to attack this critical problem, I have introduced along with my colleague, Representative JOHN CONYERS, H.R. 5814, The Income Jobs Action Act of 1984. It is our intent that passage of this bill will provide the kind of security and purchasing power necessary to lead to a true and lasting economic recovery for all Americans. In the near future I will be contacting my colleagues to request their support for H.R. 5814. In that regard, I call their attention to the following article by noted journalist Vernon Jarrett, that speaks on the merits of the bill.

The article follows:

[From the Chicago Sun-Times, June 15, 1984]

FDR SPIRIT LIVES IN JOBS BILL

(By Vernon Jarrett)

The soul of Franklin D. Roosevelt disappeared from the White House eons ago, it seems, but you can't say his spirit is absent from the House of Representatives.

Yesterday, Representatives Charles Hayes (D.-Ill.) and John Conyers Jr. (D.-Mich.) introduced the Income Jobs Action Act of 1984, which embodies the essence of the late New Deal president's "Economic Bill of Rights."

The Hayes-Conyers bill would commit the United States to the proposition that "every adult American able and willing to work" has a right to earn a living, and "Americans unable to work for pay" have a right to an adequate standard of living.

Americans should not be misled by the "slight improvement" in the current jobless figures announced by the Bureau of Labor Statistics, cautioned Hayes, a former labor official from Chicago, when he introduced the bill. Hayes reminded some of his more gullible fellow citizens that there are 8.8 million people unemployed and that the bureau's figures fail to include the thousands of men, women and youths who have exhausted their employment benefits and have become "so discouraged that they have discontinued their search for jobs."

This bill presents a sixpoint plan while calling for a moral commitment from the government and the private sector.

In this bill, there is one critical commitment needed today under President Reagan (one that almost expired under President Carter). It is the prohibition of the Federal Reserve Board and other regular or independent agencies from ever again using recession, stagnation or involuntary unemployment to reduce wages, salaries and inflation.

One of the more specific sections has to do with the establishment of a "conversion planning office" that will promote conversion of economic production from "military to civilian sectors" that are declining, but have a "greater potential for offering useful and productive employment."

How would such a program be financed?

One percent of any funds awarded to the secretary of defense for each fiscal year beginning after Sept. 30, 1984, would be deposited into the conversion planning fund.

Other than its commitment of the government to a restatement of noble goals, the heart of the bill is government planning, which is an ugly word to old-line conservatives and neo-conservatives. Here's what the Hayes-Conyers bill would have all levels of government do, with consistency and a sense of priority:

Within six months after the date of enactment, the president in his annual economic report and budget message would be required to transmit to Congress a "staged program" to implement the ideals and goals expressed in the bill.

What about the probability of a concentration of federal or corporate power?

Such would be "counterbalanced" by the involvement of village, city, county and state governments and urban, suburban and agricultural areas throughout the country. The list also would include small and large businesses, labor organizations, non-profit, voluntary and cooperative organizations and women's groups, as well as organizations of racial and ethnic minorities.

For the cynical who seek nothing more than the romantic jargon of the crusader, there's plenty of material. The bill calls for a 35-hour workweek "without any corresponding loss of weekly wages," and there is that familiar refrain calling for "reductions in the military budget."

But what the cynical often forget is that yesterday's romantic jargon is today's urgency. The Hayes-Conyers bill is today an urgent plea.●

REAGAN AND THE YOUNG TURKS: TOWARD A CONSERVATIVE OPPORTUNITY SOCIETY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. GINGRICH. Mr. Speaker, there is an obvious need for new ideas on the future of our country. It's the Republican Party which must encourage new ideas and present them to the people as an alternative to the liberal welfare state failures offered by the Democrats. The early success of GARY HART's bid for the Democratic nomination showed that the American people are tired of big Government spending and wasting more and more of their money. They wanted changes. GARY HART, however, failed to systematically and coherently present any new ideas.

Ralph Hallow has written an excellent article in the Washington Times which I would like to present to my colleagues. It outlines where Ronald Reagan, if he so chooses, can lead his party and country in the rest of this decade. The article provides some good common sense and advice for the President and the Republican Party. The article follows:

[From the Washington Times, June 26, 1984]

GOP's POPULIST CONCERNS

(By Ralph Z. Hallow)

President Kennedy had it. President Reagan has it. It's endearing, this ability to laugh at one's self occasionally. To some high school students the other day, Mr. Reagan quoted Thomas Jefferson on the evils of big government: "I am not a friend to a very energetic government. It is always oppressive."

The President then looked at his young audience and said, "You think about that sometimes when you read those hostile columnists who say I spend a lot of time napping." He hastened to add, but not until after the laughter had subsided, "I really don't."

Of course he doesn't nap on the job. Well, maybe there's some attention-wandering, such as on a presidential election I understand is coming up this year.

One reason so many voters found Mr. Reagan appealing in 1980 was that he promised to be innovative regarding, for example, the inner cities. But he warned that he couldn't do anything unless he got elected.

Since then he has invested too little personal capital in such things as urban enterprise zones, which, by enlisting the private sector in the war on poverty, might stand some chance of winning it.

But the wandering attention of the White House has made it easier for House Ways and Means Committee Chairman Dan Rostenkowski, a big man on the Democrats' campus, to hold up enterprise-zone legislation for the second year in a row. Where does this leave the Democrats, and what does it offer Mr. Reagan?

Despite their well-intentioned and expensive programs, the Democrats admit they have not been winning the battle against poverty. Yet here's one of their own leaders in the House who seems dead set against trying a new, less paternalistic and bureaucratic approach—because, presumably, a Republican in the White House would take some credit.

That Republican and his administration, however, belatedly raised enterprise zones as an issue warranting support in Congress. And so far there are no signs that Mr. Reagan will use its blockage by Democrats as a campaign issue. Too bad for the Republicans. Talk about missed opportunities!

Nor is there any sign so far from the Oval Office of getting behind the young populist Republicans in the House whose new ideas include removing the poor from the income-tax rolls and helping public housing tenants to buy their own units, affordably priced, thus giving them pride in ownership and a stake in their community.

A primary social issue of the campaign and of the coming years is how to extend the economic recovery to the inner cities and to assimilate more black citizens into the mainstream of the economy. This is a Republican populist concern; it's where, I think, the president's heart lies.

The other day I saw Walter Mondale's able campaign chairman, James A. Johnson, quoted as saying one of the failures of his man's primary campaign was "not being as competitive in the debate about issues relating to the future." Will Mr. Reagan's team be uttering a similar lament as November comes closer?

From Mr. Mondale's chief pollster, Peter D. Hart, I read another telling comment: "I don't know of anything Ronald Reagan has done that suggests he has an agenda for the future."

Mr. Reagan and his advisers may comfort themselves with the knowledge that this is somewhat of an overstatement. But it's too close to the truth for comfort to the Republican Young Turks in the House—names like Newt Gingrich, Bob Walker, Vin Weber, Dan Lungren, Barbara Vucanovich, Nancy Johnson, Connie Mack, and Jack Kemp. They talk about an "opportunity society" as the answer to what I would call the mixed successes of the Democrats' Great Society and New Frontier.

These Young Turks are articulate, antiracist, compassionate spokesmen for progress through enhancing individual opportunities, with emphasis on what they regard as the most demonstrably effective instrument for social change: the private sector.

With Mr. Reagan, they share Mr. Jefferson's distaste for the intrusiveness of big government. But, like Mr. Reagan, they see a positive role for government—by encouraging innovation in some cases and by simply not standing in the way in others.

Coupled with his gently self-deprecating humor, they may be the best capital Mr. Reagan has this election year.●

HERMITAGE: PENNSYLVANIA'S NEWEST CITY

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. RIDGE. Mr. Speaker, today I wish to recognize Pennsylvania's newest city, Hermitage, which became an incorporated municipality on January 1, 1984. The citizens of Hermitage are to be commended for their outstanding community spirit, and I am proud to represent them in the U.S. House of Representatives.

Hermitage is strategically located within a 1-day drive of 52 percent of the country's population, between Pittsburgh and Erie. The city is near many major routes of transportation, and its 30 square miles of land makes it the third largest municipal land area in the State of Pennsylvania. The citizens have worked to build excellent educational, medical, and recreational facilities, in addition to making the most of their natural resources.

Hermitage's history began with its founding in 1832, during the administration of President Andrew Jackson. The city's original name, Hickory, was derived from Jackson's nickname. The current name, Hermitage, was the name of President Jackson's estate in Tennessee.

A portion of the Erie Canal, which opened in 1844, passed through Hermitage, and one of the locks still remains. The city was the site of the first steel mill in the Shenango Valley, built by F. H. Buhl. Coal was discovered and mined during the first half of the 19th century.

Several years ago, the city received a great deal of national attention when its patriotic citizens responded to the Iranian hostage crisis by erecting one American flag for each day of the hostages' captivity. The Avenue of Flags at Hillcrest Memorial Park became a national symbol of faith and hope for the duration of the crisis. At a time when some are concerned about a decline of patriotism, the flags still fly in Hermitage.

The sesquicentennial in 1982 was a happier occasion, and now the citizens have another reason to celebrate, since the town has become an incorporated municipality. I wish to offer my sincere congratulations and best wishes.●

TRIBUTE TO VETERANS' HOSPITALS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. EVANS of Illinois. Mr. Speaker, if there are any doubts regarding the invaluable services provided by our Nation's veterans' hospitals and the individuals who work in them, a letter I recently received from Mrs. Sandie Carson of Lacon, IL, should dispel those doubts.

The sole purpose of Mrs. Carson's letter was to inform me of the unforgettably kind and thoughful treatment her late father received at the Veterans' Center in Danville due to the efforts of a gentleman I know well, Mr. Earle Peacock.

Earle is our local representative at the Illinois Department of Veterans' Affairs, and I am well aware of the outstanding support and guidance this remarkable man gives to the veterans and their families in our area.

But somehow, after reading this letter from a woman who did not know where to turn for help for her dying father, a proud war veteran, a simple "thank you" to Earle doesn't seem quite enough. This man touched the lives of a family during one of their most troubled moments. He understood their fears, provided answers to their questions, and offered much-needed moral support during their father's last days.

Mrs. Carson will never forget Earle Peacock. Neither will hundreds of others who have been touched by this man's kindness and generosity toward our Nation's veterans.

Thank you, Earle. From all of us.●

BATTLING WORLD HUNGER

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. DORGAN. Mr. Speaker, recent passage of a $60 million supplemental for African food aid came none too soon. After delaying passage for 4 months—due to administration pressure to tie covert aid to the Nicaraguan Contras onto the famine relief—Congress finally had the good sense to jettison the clandestine war chest and get on with the business of feeding starving people.

Bread for the World's executive director Arthur Simon recently visited the famine-struck lands of Mozambique and Ethiopia. Mr. Simon reported that the trip confirmed his deepest fears:

Elders and babies, mothers and young men are dying because we have not provided them with enough food. In Mozambique, where about 100,000 deaths from starvation were reported in 1983, I saw men, women, and children foraging for leaves, grass, and bugs because there was no other food. Ethiopian officials told me of a food distribution camp where each day an average of 33 people succumb to starvation.

In my view it's intolerable and inexcusable the United States and other donor nations can permit this to happen when our own grain bins and dairy-storage facilities are overflowing. It's also ridiculous that we can not provide the meager funds needed for the speedy transportation and timely distribution of food aid.

As we approach the 30th anniversary of the Food for Peace Program on July 10, we should be prepared to do much more to fight hunger. The June meeting of the World Food Council in Ethiopia concluded that developing nations need at least $1 billion in added aid each year if progress is to be made in the Third World's battle against poverty and the hunger it breeds.

The WFC meeting report noted that, despite increased global food production over the past 10 years, "* * * the risks of food insecurity are now greater for many low-income developing countries." The delegates concluded that the world produces enough food to feed the Earth's people, yet millions still go to bed hungry each night.

The report stated starkly that:

Hunger today is largely a natural and man-made phenomenon: human error or neglect creates it, human complacency perpetuates it and human resolve can eradicate it.

As a result, the Council delegates reaffirmed "* * * hunger can be eradicated in our lifetime." Since over 100 colleagues joined Senator JACK DANFORTH, Representative JIM LEACH, and I in a letter urging a constructive U.S. role at the WFC meeting, I wanted to share highlights from the "Summary of Conclusions and Recommendations" with my colleagues.

Finally, I would ask my colleagues to prepare to provide needed supplemental food and transportation aid for fiscal year 1985 and to increase substantially our commitment to Food for Peace as we begin to draft a new multiyear farm bill. We can make no wiser investment in a humane cause and our own security.

Mr. Simon's timely article is included for the information of my colleagues.

[From the Christian Science Monitor, June 19, 1984]

FAMINE RELIEF

(By Arthur Simon)

A recent trip to Mozambique and Ethiopia, two countries hit hardest by famine, confirmed my deepest fears. Elders and babies, mothers and young men are dying because we have not provided them with enough food.

In Mozambique, where about 100,000 deaths from starvation were reported in 1983, I saw men, women, and children foraging for leaves, grass, and bugs because there was no other food. Ethiopian officials told me of a food distribution camp where each day an average of 33 people succumb to starvation.

The United Nations estimates that 100 million to 150 million Africans now face severe food shortages in 24 nations. Despite this, US responses to the immediate food

needs in Africa have been erratic, ill-timed, and less than adequate.

Starvation is preventable! The United States is able to get the food where it is needed, if it is willing! Contrary to official US no-cause-for-alarm expressions during the first quarter of 1984, the African famine is out of control and most private relief experts warn that it will worsen.

Nevertheless, an uncontroversial and sorely needed $6 million food aid bonus for Africa has lain dormant in Congress for more than two months because administration allies attached controversial Central American military aid amendments to it. The $60 million supplement is important to Africa, but not the pending military aid packages.

There must also be an increase in the 1985 food aid appropriations to Africa of at least $150 million to raise next year's funding up to 1984 levels. Without this additional money, Congress probably would have to wrestle with requests again when money runs out after Christmas.

Food aid, however, will not be very effective unless nonfood aid—trucks, fuel, spare parts—also is supplied.

We must be prepared to fly in shipments of food to Africa's remote regions if necessary. We must undergird transportation, thus guaranteeing food for mothers too nutritionally depleted to nurse their children and for children crippled by malnutrition. We must move food supplies more rapidly and systematically.

Reports indicate that for every $3 million of food aid, $1 million is needed for transportation. The US has delivered or committed $140 million in food aid to Africa this year but has expected it to be moved from ports to very remote areas with only $8 million in logistical support.

The Office of Foreign Disaster Assistance (OFDA) has an annual $25 million account for nonfood needs worldwide, but the money was virtually depleted long before the end of the 1984 fiscal year. They could put to good use a $100 million increase in nonfood emergency aid for 1985.

And what about long-term aid for Africa?

The Reagan administration's $500 million Economic Policy Initiative (EPI) will help Africa in the years to come if funds are targeted not only to economic growth but to growth with equity, so that the poorest people in recipient countries get direct benefits as well as the elite. EPI must not, however, become a substitute for emergency food supplies. Long-term aid should not be used as a cover-up for lagging short-term relief aid.

We are able to do these things. But are we willing?

On the eve of the 30th anniversary celebration of the US Food for Peace program July 10, I call upon President Reagan to make a more comprehensive and equitable commitment to the 24 African nations affected by famine.

Mr. Reagan stood on the shores of Normandy earlier this month and posed as Europe's military savior and peacekeeper. He should also come forward and promise US humanitarian aid resources to deliver millions from the horrors of starvation.

The administration, the Congress, and the American people must demand swift action, now. To debate and confer and delay emergency food and nonfood aid supplies leaves totally in the lurch millions depending on us for support.●

FAIR INSURANCE COVERAGE ACT

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. BATES. Mr. Speaker, this week the House Energy Subcommittee on Commerce, Transportation and Tourism held a hearing on H.R. 4642, the Fair Insurance Coverage Act. This bill, which I introduced, would prohibit discrimination against the blind in insurance. Members of the subcommittee listened to the blind community explain how the insurance industry has made their lives difficult by denying and limiting insurance coverage without an actuarial basis. In today's Washington Post, Judy Mann tells the story of one of my constituents, Louis Lucero. Although he is a healthy athlete capable of running marathons, he cannot obtain life insurance. I encourage my colleagues to read Judy Mann's column and support H.R. 4642, the Fair Insurance Coverage Act.

INSURABILITY

Louis Lucero is 28 years old and, until his knees started bothering him several years ago, he was a marathoner. He was a varsity letterman on the track team all four years in both high school and college, and was also captain of the cross-country team during his senior year of college. And he has been blind since birth.

Lucero, who now works as a drug rehabilitation counselor at the naval air station in San Diego, came to Washington this week to tell the House subcommittee on commerce, transportation and tourism what happened to him after he graduated from college and applied for a life insurance policy.

He wanted a policy that provided an accidental death, disability and waiver of premium clause, a standard policy many people buy to protect their family and themselves.

The company he went to was willing to sell him basic life insurance, but refused to sell him the extra protections "simply because I had been legally blind since birth," he testified. The result, he said, was that he was denied "coverage for a possible future disability which would be totally unrelated to blindness.

"On the very day of my denial of insurance coverage, I was a 24-year-old, healthy, physically fit individual capable of running in a 30-mile marathon. I was not an individual with a past history of poor physical health which would be detrimental to the insurance company and which would justify denial of coverage."

He said, "My first effort to establish my financial stability as an independent adult resulted in an obstacle I could not get around. No amount of explanation or pleading with the insurance company brought me the insurance coverage I sought."

Lucero, who was able to run by touching partners, was the most dramatic example of a physically fit person being denied coverage because of blindness, but he was by no means alone.

Dr. Harold Snider of the District, who is president of the Society for the Advancement of Travel for the Handicapped, told of several instances in which he had been discriminated against in insurance because of his blindness. He said he had to pay more for whole-life insurance and found he could not get double indemnity or waiver of premium features in case of disability. On another occasion, when he left federal service and wanted to convert to an individual policy, he found that companies wanted to charge him double or triple the standard rate because he was blind.

"The only ways in which I am able to purchase travel insurance without discrimination are by using the vending machines or by using the automatic travel insurance feature on my American Express card," he said. "Personnel at airport insurance counters have consistently refused to sell me travel insurance because of my blindness."

John T. Snore, vice president for underwriting at the Prudential Insurance Co., submitted findings from a study of mortality rates that showed in some age and illness categories, the blind had higher mortality rates than people who can see, while in other categories—particularly for older blind people—they had a lower mortality rate.

He said the industry is opposed to federal legislation banning discrimination against the blind in the insurance industry because they are already protected under the unfair trade practices acts of various states. Further, he said, 35 states have passed legislation or regulations to specifically protect the blind against discrimination by the insurance industry.

The proposed federal legislation has been introduced by Representative Jim Bates (D-Calif.) and Senator Charles McC. Mathias (R-Md.). The measures would allow a blind person to bring suit in federal court if he got no relief through a state regulatory agency within 180 days after filing a claim. The bills would also prevent companies from denying coverage or charging higher premiums solely on the basis of blindness.

There are an estimated half a million people who are legally blind, according to the American Foundation for the Blind, some of whom have been blind since birth, others of whom have lost their sight through accidents or disease. The problems they face in acquiring insurance may seem esoteric to those of us who are sighted, but to the men and women who appeared at the subcommittee hearing with canes and guide dogs, they are very real.

They, like the rest of us, have families they want to protect.●

PRIVATE PSYCHIATRIC HOSPITALS AND PROSPECTIVE PAYMENT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. DOWNEY of New York. Mr. Speaker, the National Association of Private Psychiatric Hospitals [NAPPH] is presently undertaking a research project designed to test the feasibility of several different methods of prospective payment for private psychiatric hospitals. These nongovernmental hospitals are currently exempt from the medicare diagnostic related groups [DRG's] until the

Health Care Financing Administration determines whether and how these hospitals will be brought under the prospective payment system.

This study done by the NAPPH will look at 9,000 patients of all ages who received care last year in private psychiatric hospitals. The study will not rely solely on patient diagnosis and length of stay as the criteria for hospital payment, since both of these factors vary widely for people who are mentally ill. The study will also focus on the availability of family and/or community mental health support services, severity of illness, and intensity of therapy. Also, the study intends to examine the possibility of a prospective payment system per diem based on the type of program the patient needs. The hospital resources used by an elderly person suffering from acute depression, an adolescent addicted to drugs, and a middle-aged adult executive with a serious drinking problem differ considerably. The NAPPH study will be examining these types of differences in order to reflect accurately the needs of the mentally ill.

Mr. Speaker, this is an important undertaking on the part of the private sector health care community. It is financed solely by the NAPPH membership. The member hospitals are concerned with rising health care costs and they are acutely aware of the need to establish a workable and fair payment system for facilities which treat the aged mentally ill. In the next few years, we in Congress will have to grapple with the difficult issues of reforming the medicare program to guarantee its fiscal survival and to provide efficient and compassionate health care for all Americans. Efforts such as this study should be encouraged, because it is only through a creative working relationship between the private and public sector that we will be able to solve the problems facing medicare.

This study is consistent with the excellent record of the NAPPH. Over the years, NAPPH member hospitals have worked to maintain a high standard of care for the mentally ill. The 215 member hospitals can be found in all parts of the country, caring for 177,000 patients each year. I am proud to say, Mr. Speaker, that two of these hospitals—South Oaks Hospital and Brunswick Psychiatric Hospital—are located in my own district on Long Island. The clinical expertise and program specialization provided by the NAPPH membership have played an important role in assisting the Congress and administration in developing appropriate legislative and regulatory policies for private psychiatric hospitals in such areas as accreditation criteria, alcoholism and partial hospitalization guidelines, and child and adolescent treatment standards.

The NAPPH commitment to providing the highest quality care for the mentally ill continues with its study on "Alternative Forms of Prospective Reimbursement for Speciality Psychiatric Hospitals." I commend the NAPPH for its work and I look forward to seeing the results.●

COMPROMISE HELPS MEDICARE BENEFICIARIES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. BROWN of California. Mr. Speaker, yesterday the House passed the Deficit Reduction Act by a vote of 268 to 155. This bill included several changes in Medicare law—some at the expense of beneficiaries, some at the expense of physicians, and some at the expense of hospitals, laboratories, and other providers. I voted for this legislation, and I would like to explain why.

It is common knowledge that the medicare system faces financial despair. Put quite simply, more money is going out than is coming in. The central cause of this imbalance is the astronomical rise in health care costs in recent years. Virtually all parts of the health care dollar—physician charges, hospital bills, medicine costs, insurance payments—have inflated at double-digit rates.

Why have costs risen so dramatically? New health care technologies are expensive. A liver transplant can cost $200,000; one examination of body tissue with the Nuclear Magnetic Resonance machine costs $700. People are living longer and are therefore using more health care. Consumers have sued health care without questioning whether the benefits outweigh the costs. Physicians have ordered extra tests and tried methods of treatment to protect themselves from malpractice cases. Nearby hospitals compete with each other, duplicating expensive equipment. Health care payment systems have simply reimbursed physicians and hospitals for whatever care was provided, without setting standard payments or encouraging cost control.

In short, we all share the blame for high health care costs. We took a first step in controlling costs and bringing down Medicare's budget when we enacted the new Medicare payment system to hospitals. Now that hospitals have begun feeling the effects of the new system, the rest of us should determine how we can help save Medicare. The Deficit Reduction Act tries to distribute the burden as fairly as possible.

Part of the burden falls on physicians. Physician fees are frozen for 15 months, from July 1, 1984 until October 1, 1985. During this freeze period, physicians would be prohibited from increasing not only the amounts charged to the Federal Government, but also the amounts charged directly to Medicare patients. The Deficit Reduction Act provides some incentives to encourage physicians to accept the charges allowed by Medicare as payment in full, and provides assistance to patients in locating doctors who have agreed to do so.

Part of the burden falls on beneficiaries. Patients may choose to enroll in Medicare part B, which pays for physician services. They pay a monthly premium for this insurance, which is currently $14.60. This monthly payment covers about 25 percent of the cost of the program. The original Medicare law requires enrollees to pay 50 percent of the program's cost. As the cost of the program rises, the monthly premium also rises. The Deficit Reduction Act would require part B enrollees to continue paying 25 percent of the program's cost, even if the monthly premium increase is more than the Social Security cost-of-living adjustment.

Part of the burden falls on hospitals and independent laboratories. Independent labs are required to accept Medicare payment as payment in full, without charging the patient. The rate of increase in payments to hospitals is again limited. Reimbursement to hospital owners for capital-related costs is limited. There are a number of other technical changes to decrease costs, such as a revision in the rules for selecting contractors to process Medicare claims.

Mr. Speaker, I believe these changes exemplify the kind of compromises we must continue to make to ensure Medicare's solvency. We cannot balance Medicare's budget on the backs of the elderly. We cannot place all of the burden on physicians and hospitals. But when we all sacrifice a little, as we have in the Deficit Reduction Act, we can save $6.7 billion in the Medicare program over a 4-year period. I have reluctantly come to realize that agreeing to this kind of compromise is far better than doing nothing and allowing the system to go bankrupt. I commend my colleagues on the Ways and Means Committee, especially Chairman Rostenkowski, for working to resolve a terrible problem as painlessly as possible.●

MERGER FINANCING

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. EVANS of Iowa. Mr. Speaker, a number of recent large corporate mergers and acquisitions have focused

public attention on the enormous sums of money tied up in the financing of such ventures. Since the beginning of this year, three proposed oil company mergers have been announced which would have a total market value of $29.2 billion if completed. Two of these all-cash purchases—Socal-Gulf, $13.4 billion and Texaco-Getty, $10.1 billion—for a total of $23.5 billion in cash.

This is just the latest chapter of a growing trend toward corporate mergers and acquisitions. In the years 1981 through 1983, the total value of these mergers and acquisitions was placed at more than $209 billion. This is an amount greater than even the most pessimistic estimate of Federal deficit. Of these transactions, 366 involved funds of more than $100 million each. These activities tie up capital that is badly needed by the economy for other purposes.

Market conditions are a primary reason for the large number of recent mergers. Inflation and high interest rates have depreciated the value of corporate assets and have increased the reluctance to risk new ventures. Mergers have thus become safer and cheaper alternatives for these corporations than modernizing or expanding their existing plants and equipment.

To finance these mergers, corporations are borrowing billions of dollars at high interest rates. This type of borrowing is largely unproductive since borrowing for a merger creates nothing new. A corporation simply buys another existing operation. Billions of dollars of borrowed money are invested for something that neither creates a new job nor increases productivity. In fact, mergers actually increase the competition for the limited amount of money available in the lending markets and tend to keep all interest rates high.

The goal of the administration's economic program is to lower interest rates and to provide capital for plant expansion and to create more job opportunities. Borrowing to finance mergers runs counter to this program and its goals.

The Federal Government's tax policy also contributes to the problem. Interest paid on funds borrowed to finance mergers is deductible from income taxes. This means that there is just as much incentive for a large corporation to borrow for a merger as there is to borrow for plant expansion or modernization.

United States Steel should be borrowing to refurbish its plants and to increase productivity. Other corporations should be borrowing for new equipment and expansion to create new jobs. Mergers yield none of these benefits, but rather they contribute to the continuation of high interest rates that are causing so many problems for consumers, farmers, and small businessmen.

We need to change our Federal tax policy to stop encouraging and subsidizing mergers of giant corporations, particularly in periods of tight money. We need to create more jobs and more efficient industry, not more conglomerates. With this goal in mind, I am introducing legislation which would end, for a temporary period of time, the tax deductibility of interest on loans made to finance large corporate mergers.

My bill would allow the President to declare a moratorium on the deductibility of interest for a period of not longer than 2 years. This moratorium could be lifted at any time during the 2 years if the President determined that it was no longer required. During and after the moratorium period, corporations would not be able to deduct the interest payments on indebtedness incurred during the moratorium to acquire other corporate stock or assets. While this would not prevent mergers, it would eliminate one important feature of our tax laws which serves to encourage this activity.

I believe that it is best to give the flexibility to the President to determine when this moratorium should go into effect because I feel that this course of action should be used only in times of economic emergency. The President would be in a position to respond more quickly than the Congress and would be more inclined to invoke these emergency powers than Congress would be to make permanent changes in the Tax Code.

Another important feature of my bill is that it would not affect mergers where less than $5 million is borrowed. This figure is already in the Tax Code as the result of previous legislation and I believe that it should be retained in order to allow the merger or acquisition of small distressed businesses without penalty.

I believe this type of legislation is urgently needed if we are to make any progress in reducing interest rates, bringing down the Federal deficit, and getting this Nation on the road to full economic recovery.●

A TRIBUTE TO HECTOR M. SANCHEZ

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. MINETA. Mr. Speaker, I rise today with my colleague, Mr. EDWARDS, to bring to the attention of the House an exceptional act of heroism displayed by a man from the 13th Congressional District of California. This courageous citizen, Hector M. Sanchez of San Jose, saved James M. Bryant, 26, from burning on March 28, 1983. The Carnegie Hero Commission awarded a medal to Mr. Sanchez in recognition of his remarkable action.

Arriving on the scene of a highway accident, Mr. Sanchez, a coach operator in San Jose, crawled into a burning car through a broken window and opened one of the car's doors. The front-seat area was in flames where Mr. Sanchez entered the car and attempted to free the driver. Mr. Sanchez was quickly forced out of the car by heat, smoke, and increasing flames. He reentered the burning car and was finally able to successfully free the driver. Mr. Bryant was rescued and brought to safety shortly before the entire car was engulfed in flames. I am happy to report that both Mr. Bryant and Mr. Sanchez have fully recovered from their injuries.

Mr. Speaker, I ask my colleagues to join with me today in paying tribute to Hector M. Sanchez. I am proud to recognize this heroic award and extend my gratitude and best wishes.●

THE PLIGHT OF ETHIOPIAN JEWS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. WEISS. Mr. Speaker, I appreciate the opportunity provided by this special order to draw attention to the plight of the Ethiopian Jews and to build support for humanitarian efforts to assist them.

This dwindling group of African Jews are a unique people with a past that is veiled in mystery. For more than 2,000 years, they clung to their Jewish roots, believing that they were the only Jews left in the world. Through oppression, drought, and warfare, their numbers have been decimated until now fewer than 20,000 remain in Ethiopia.

Today their greatest needs are food and medicine but the means to transport these supplies to the remote areas where they subsist is a difficult problem. Most of them would like to emigrate to Israel where thousands have settled in recent years. While Israel stands ready to receive them, their emigration is an operation fraught with difficulty.

No discussion of the Ethiopian Jews could be complete without mention of the various theories on their origin. Many Ethiopian Jews claim that during the exodus, the waters of the Red Sea closed before all the Jews could cross. Those left behind wandered south and settled in Ethiopia.

The Israeli rabbinate believes that the Ethiopian Jews are the remnants of the lost Tribe of Dan that escaped or was abducted by the Assyrians and

traveled as migrants and blacksmiths via Egypt to Ethiopia. Secular scholars, on the other hand, claim that the Ethiopian Jews are descendants of Africans who intermarried with Jews and converted to their faith.

For many centuries, they were cut off from all other Jews. They were unaware of post-Biblical holidays like Chanukah and Purim and writings such as the Talmud, but they faithfully observed the Sabbath, festivals, and fast days as prescribed in the Old Testament of the Bible.

Their influence reached its height during the 10th century when the warrior queen Yehudit, a Jew, ruled Ethiopia, battling the Christians for 40 years. Claiming descent from Solomon, she interrupted the Amhara dynasty and gained a peace for the Ethiopian Jews which lasted until the Emperor Yeshaq allied with the Muslims to seize power in Ethiopia 300 years later. His decree depriving the Ethiopian Jews of property rights marked the beginning of their long decline.

By the early 17th century, the Ethiopian Jews had greatly diminished in strength and numbers. Poverty stricken, illiterate, and forbidden from openly practicing Jewish laws or owning land, they became sharecroppers and craftsmen. They were persecuted and called the Falasha, a pejorative term that means stranger or outcast from society. By the 19th century, their numbers had dwindled to 250,000 and by the beginning of this century, a mere 50,000 remained.

After the overthrow of Emperor Haile Selassie in 1974, the Jewish population, caught in the crossfire of warring factions, declined still further. Moreover, like other Ethiopians, they are victims of the drought and famine that has crippled the Horn of Africa and other regions of the continent in recent years and that recurred with a vengeance in 1983.

The Jews are eager to make aliyah to Israel but it is illegal for any Ethiopian to emigrate. Many have trekked through the Simian Mountains of western Ethiopia, to refugee camps in the Sudan, where they feign Christianity in an effort to obtain better treatment. Food and medical supplies are scarce in the camps, and the refugees suffer from malnutrition and a variety of debilitating diseases. A large number of the Jews who are still in Ethiopia will not be able to leave without assistance because they are too young, too old, or too sick for the rugged journey to the Sudan.

I was part of a study mission that visited Ambober, one of the Ethiopian Jewish villages last August. I returned from the trip deeply concerned about the extreme hardship faced by the Jews as well as other Ethiopians and their inability to emigrate freely. The vivid reality of viewing the harsh effects of the drought and malnutrition impressed on me the urgency of increasing and expediting U.S. famine relief to the people of Ethiopia as well as to other famine-stricken peoples of Africa.

Because the famine is threatening the lives of millions, it is imperative that we step up our food and transportation assistance to Africa. In addition, we should encourage efforts to maintain a dialog with the Ethiopian Government on the welfare and rights of Ethiopian Jews and approve House Concurrent Resolution 107 which calls on the President to express the concern of the American people for the welfare of the Ethiopian Jewish community in every appropriate forum. I urge my colleagues to support these measures and all other efforts to help relieve the suffering of Ethiopian Jews.●

THE EQUAL ACCESS BILL

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. EDGAR. Mr. Speaker, although the House defeated the so-called equal access bill when it came up under suspension last month, it now looks as if we will consider the matter again. The other body has passed a modified form of "equal access" and attached it to the House-passed Emergency Math and Science Education Act that has languished on the other side of Capitol Hill for over a year.

Mr. Speaker, I remain opposed to this well-intentioned but misdirected effort. I share the intentions of the bill's sponsors that religious expression be given equal weight with other forms of free speech. As a United Methodist minister, I am well aware of the benefits to be derived from religion in general and prayer in particular. However, I believe that the equal access bill is the wrong way to proceed toward the goals of free speech and religious freedom.

The bill violates existing law by promoting excessive Government entanglement in religion. Faculty would have to be present at meetings of religious groups; administrators would have to decide which clubs could and could not meet, and where in the building. I do not believe that most people want to spend their tax dollars to pay teachers to oversee religious meetings. I do not believe that most people want to allow everyone who calls him or herself a religious leader, including cult leaders, to enter the schools. I believe that our schools should be reserved for education, and that as parents we should take it upon ourselves to give our children a strong, quality religious education outside of the school. In particular, I advocate the use of churches and synagogues before and after school for students to meet to worship.

God is always with us, and I believe that religious people should take time during the day to reaffirm their faith. However, I also believe that among the great principles of American democracy are toleration of diversity and the separation of church and state. To permit school religious observances under the terms of the equal access legislation would violate these principles.

Today's Philadelphia Inquirer includes a cogent, well-reasoned editorial pointing out that "the opportunities for abuse, for discord, for discrimination and hard feelings are plentiful enough in the schools without stirring in religion." I commend this editorial to my colleagues; it will be included in the RECORD following my remarks. We should consider most carefully the arguments raised by the Inquirer before voting again on "equal access."

[From the Philadelphia Inquirer, June 29, 1984]

INVITING RELIGION INTO SCHOOL

Senator Jeremiah Denton (R., Ala.) summed up his handiwork nicely. The Senate had just passed, 88-11, a Denton measure that would encourage high school students to organize religious activities at school. "Because of a number of court rulings," he said, "there was a sealed door keeping any practice of religion out of the schools. Now that seal has been broken."

"This is not a foot in the door, this is an epic change."

There are many, of course—though apparently not many senators—who believe religion is just as well kept out of public schools. The opportunity for abuse, for discord, for discrimination and hard feelings are plentiful enough in the schools without stirring in religion.

But that's talking practical schoolday politics, not legalisms. And on legal grounds, the Senate has cleared away some of the problems that an earlier House version of the proposal presented. (The House last month voted 270-151 in favor of a so-called "equal access" measure, but it failed because it fell short of a two-thirds majority required under special shortcut rules.)

No longer would federal funding be terminated if a school failed to allow students to hold religious meetings. Nor would meetings be allowed automatically during the school day. They would be confined primarily to before or after school hours. No longer would political or philosophical clubs be excluded from the same protections.

Those changes probably have made the measure more court-proof and sounder from a free speech perspective. But the technical virtuosity of the measure hides its ultimate objective and the eventualities it may well visit on beleaguered school boards, teachers and parents.

The ultimate objective is, as Mr. Denton proudly declared, "an epic change" in breaking down the "sealed door" between church and state. "We can probably get it into the grade schools," Mr. Denton said enthusiastically.

What the Senate has done is simply to replace the battering ram of the school-prayer amendment with a hammer and chisel. It

may not signal an epic change, but it is unhealthy.

Should it pass—and its attachment to a popular $1 billion math and science funding bill gives it a high-powered vehicle in the House-Senate conference committee—Americans can look forward to several unappetizing scenarios: Cults and evangelicals soliciting teenage recruits at the schoolhouse door, claims of religious bias by students against teachers and vice versa, efforts to expand religious practices in the schools and efforts to contain them by defensive administrators who will ban extracurricular activities altogether.

Such scenarios serve neither the cause of religious freedom or of public education. They will stir the winds of intolerance, undermine secular harmony and, finally, visit turmoil and pain on communities where religious proselyting descends on the schoolhouse. The door is better sealed.●

NATIONAL PRESS FREEDOM DAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. LANTOS. Mr. Speaker, it is with great pride that I rise today to join my colleague from Michigan [Mr. VANDER JAGT] in introducing a House joint resolution, designating August 4, 1985, as "Press Freedom Day" in the United States. As a fundamental liberty designed to ensure participation by an informed people in their government, it is important for this Nation not only to express its appreciation of press freedom, but to rededicate itself to the highest principles of an unfettered flow of information.

August 4, 1985, marks the 250th anniversary of the landmark decision in the case of John Peter Zenger of colonial New York. The publisher of a weekly journal, Zenger was charged with libel by the Governor of New York for articles exposing corruption in the colonial government. In a stirring courtoom defense of Zenger, attorney Andrew Hamilton argued for the right of any newspaper to print the truth for the common good of the people. The decision exonerating Zenger served as a watershed event in freedom of the press in this land.

The commitment to public information systems working free of government censorship was clearly evident in the drafting of our Nation's Bill of Rights. The influence of Thomas Jefferson, George Mason, and James Madison encouraged members of the Constitutional Convention to view press freedom as "one of the great bulwarks of liberty." By embodying freedom of the press in the first amendment to the Constitution, our Nation demonstrated unprecedented trust in the ability of a well-informed public to be full participants in government.

Our Nation's support for freedom of the press actually represents a significant placement of faith in the people. Through more than 200 years of journalistic history, our Nation's courts have defended the public's "right to know," and the impropriety of government censorship efforts in which national security issues were not at stake. In the landmark case of New York Times Co. against United States, Supreme Court Justice Hugo Black stressed the inviolability of the first amendment guarantees: "The Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors." And so it has. And through such service our Nation is arguably the best informed society in history.

There have been times when the commitment to freedom of the press was not easy to maintain. There have been attempts to control the media, limit its inquisitive nature, or discourage its publication efforts. But despite the episodic setbacks, press freedom remains as vital today as when the first amendment was ratified in 1791. That vitality serves as an inspiration for millions of men and women throughout the world whose understanding of events is marred by the tunnel vision produced by State controlled media in their homelands.

By establishing a Press Freedom Day, we can rededicate ourselves to one of the principle liberties that has guided this Nation on an epic journey from the printshop of John Peter Zenger to the era of satellite communications. "Press freedom is not safety," wrote journalist Zechariah Chafee, Jr., in 1948, "but an opportunity." I encourage my colleagues in the House to join me and the distinguished gentleman from Michigan in supporting this important resolution to remind our Nation of the great opportunity provided Americans through freedom of the press. May our commemoration of this event lead us as a nation to rededicate ourselves to the preservation of this great principle.●

TRIBUTE TO DR. C. HENRY KEMPE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. MILLER of California. Mr. Speaker, Dr. C. Henry Kempe, who has done more than any other human being to help abused and neglected children the world over, died on March 8, 1984.

Professor and chairman of the Department of Pediatrics at the School of Medicine, University of Colorado from 1956 to 1973, Dr. Kempe first coined the term "battered child syndrome" and published his findings in a Journal of the American Medical Association article in 1962. Recognizing that child abuse was a widespread and growing problem, he undertook the difficult task of convincing physicians, nurses, law enforcement officials, and politicians about the extent of the problem. Until Dr. Kempe's tireless efforts, the problem of child abuse was basically ignored. He refused to accept that the cause of a child's injury was accidental, when the evidence showed otherwise. He was the first to take this brave stand.

Largely due to his work, by 1970, most States had passed legislation to address the phenomenon of child maltreatment. And in 1974, the Congress passed Federal legislation—the Child Abuse Prevention and Treatment Act—to collect nationwide statistics, conduct specific research, and assist States in their effort to identify and treat victims of child abuse and neglect.

Dr. Kempe's efforts on behalf of maltreated children did not stop with recognition and identification of the problem. He was vitally concerned with developing effective treatment models which enable families to stay together, and effective prevention methods. To carry out this critical work, he founded the C. Henry Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect. The center has been a model for thousands of child protection teams throughout the world.

The current director, Dr. Richard Krugman, gave one of the most important pieces of testimony heard by the Select Committee on Children, Youth, and Families as we conducted our first year assessment of current conditions among the children and families of America. He traced the connection between unemployment and changes in the incidence and severity of child abuse.

Dr. Kempe was regarded as the world's leading authority on child maltreatment. Victims of child abuse and neglect everywhere, and the societies they live in, owe Dr. Kempe a tremendous debt of gratitude.●

CARL HANSEN—A SOURCE OF JOY TO COUNTLESS CHILDREN

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. PANETTA. Mr. Speaker, I want to bring to the attention of my colleagues a great children's entertainer who has been a source of fun and joy to the children of California for several decades and has been known to generations of those children as "Hocus Pocus," the clown and magician. His

real name is Carl Hansen, and Mr. Hansen is being honored with a surprise ball to celebrate his 80th birthday on July 27. I know my colleagues join me in congratulating him on his long career and on the fine work he has done with so many children.

Born in Denmark, Mr. Hansen started in entertainment as a stuntman for Warner Bros. in 1927. Later, he learned magic, and that became the primary source of his act. During the World War II, Mr. Hansen served the USO as a master of ceremonies, magician, and comedian.

Mr. Hansen and his wife, Florene, lost two children at a very early age. From that point, he dedicated himself to entertaining and helping children. He made a practice of visiting sick and crippled children, a practice which continues to this day. It was during those visits to hospitals that he got the name "Hocus Pocus" in the performance of his magic act.

Eventually, "Hocus Pocus" began his own television program on KNTV in San Jose, and he was on the air for 9 years, a record for the longest running daily children's television program in northern California. He has continued his program on cable television.

In 1969, he returned to his native country and performed before an audience of over 20,000 at Tivoli in Copenhagen.

Mr. Hansen served for 2 years as president of the Society of American Magicians—in 1955 and 1956—and he is a member of Saahareens, a society of professional magicians.

Mr. Speaker, Carl Hansen, in addition to performing in this country and his native Denmark, has performed in Mexico, Canada, Germany, and Sweden. He is truly an international figure, and we are proud and fortunate to have had him entertaining our children in the San Jose and Santa Cruz areas for these many years. We all wish him a very happy birthday and the best of luck for the future.●

POLICE ROLLCALL OF HEROES—1983

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. BIAGGI. Mr. Speaker, on May 18 I paid a special tribute to the courageous law enforcement officers of our Nation who lost their lives in the line of duty during 1983. As part of that tribute I included the names of those law enforcement heroes, and listed them by State. The list numbered 147, and included 7 police officers from New York. William L. McKechnie, president of the New York City Transit Patrolmen's Benevolent Association, recently informed me that one of his organization's members, New York City Transit Police Officer Joseph Hamperian died of a line of duty injury in 1983, but was not included on the Rollcall of Heroes for 1983. I regret that omission and want to provide Officer Hamperian the special tribute that he deserves by resubmitting the Rollcall of Heroes for 1983, with Officer Hamperian's name added:

ROLLCALL OF HEROES—1983

Alabama: Nathaniel Conner, Rex W. Winchester.

Alaska: Gordon B. Bartel, John D. Stimson.

Arizona: Milton P. Antone, Ernest Calvillo, Russell L. Duncan, Thomas P. McNeff, Richard G. Stratman, James M. Young.

Arkansas: Harold G. Matthews.

California: Michael J. Bentley, James P. Clark, Robert J. Davey, Jack Evans, Michael A. Gray, Ramon Irizarry, Jr., Kirk L. Johnson, Lawrence M. Lavieri, David E. Miller, William L. Sikola, Larrell K. Smith, Arthur K. Soo Hoo, Paul L. Verna, William Wong, Kenneth S. Wrede.

Colorado: Larry F. McMasters.

Florida: Thomas A. Bartholomew, Eddie Benitez, Gary Bevel, Charles E. Bruce, Stephen O. Corbett, Ronald L. Fewell, Amedicus Q. Howell, III, Curtis M. Moore, Gary S. Pricher, Joseph F. Solano, Sr., Robert L. Zore.

Georgia: Mary A. Barker, Drew H. Brown, Frank M. Ellerbe, Edward Kitchens, Donward F. Langston, Euel T. Smith, Charles J. Wright.

Hawaii: Thad F. Sugai.

Illinois: Donald A. Bejcek, Kenneth L. Blunt, Anthony L. Creed, Denis Foley, Wayne J. Klacza, Steven W. Mayer, Raymond Lee Terry, Lawrence J. Vincent.

Indiana: Robert S. Grove, Paul A. Kortepeter, William D. Miner, Paul H. Prater.

Kansas: George P. LaBarge.

Kentucky: Jackie D. Claywell, Ricky A. LaFollette, Alexander Obersole, Charles D. Wentworth.

Louisiana: JoAnne Couzynes, William M. Kees.

Maryland: Richard J. Beavers, Carlton X. Fletcher, Samuel Snyder.

Massachusetts: Michael K. Aselton, George L. Hanna, Walter P. Langley.

Michigan: Michael J. Bossuyt, Tony L. Thames, Terry Lee Thompson.

Minnesota: Brian W. Heikkila

Mississippi: George Daniel Nash, Jr., Earnest C. Null.

Missouri: Charles D. Hartman, Charles E. James, Phillip A. Miller.

New Jersey: Lester A. Pagano.

New Mexico: Gerald E. Cline.

New York: Paul Ashburn, Joseph Hamperian, Joseph P. McCormack, Donald W. Robinson, Brian N. Rovnak, James P. Rowley, Malcolm D. Strong, Charles J. Trojahn.

North Carolina: Donald Wade Allred.

North Dakota: Robert S. Cheshire, Kenneth B. Muir.

Ohio: Frederick J. Beard, Richard E. Becker, Benjamin Grair, William L. Johnson, Bruce E. Mettler, Joseph Z. Moore, Sharon E. Moore, Robert B. Rigoni, Michael L. Sweeney.

Oklahoma: Travis L. Bench, Steven Leroy Mahan, Richard Oliver, Donald W. Smiley.

Oregon: Joseph V. Omlin III, Donald E. Smith.

Pennsylvania: Charles E. Attig, Jr., David A. Barr, Frank J. Bowen, Edward M. Butko, Jr., John F. Duffy, William R. Evans, James R. Milcarek, Sr., Norman A. Stewart, David W. Witmer.

South Carolina: John R. Clinton, Daniel W. Cogburn, Harold N. Cousar.

Tennessee: Dennis R. Armes, Aaron D. Glenn, Robert S. Hester, Ronnal R. Stanley, Larry J. Tidwell.

Texas: Ernesto Alanis, Milton C. Alexander, Ronald D. Baker, Russell L. Boyd, R. F. Camfield, Ollie F. Childress, Jr., Charles R. Coates II, Daniel M. Higdon, Jr., Robert R. Jones, William Moss, Carl J. Norris, John R. Pasco, Gilbert E. Ramirez, Charles A. Renfro, Clark M. Rosenbalm, Billy G. Smeley, Lowell C. Tribble.

Vermont: Arthur L. Yeaw.

Virginia: John E. Rafter, Clifford W. Scott, Jr., Dennis M. Smedley.

Washington: Brian F. Orchard.

Wyoming: Jon R. Hardy, Craig L. Schulte.

District of Columbia: Raymond E. Mumford.

Guam: Abraham Sablan Quitugua, Raymond Salas Sanchez.

Puerto Rico: Jesus Diaz Batista, Raul Moldonado Coreano, Rafael Cumba Ortiz, Jose M. Ortiz Otero, William Santiago Pagan, David Perez Valentin.●

THE 50TH WEDDING CELEBRATION FOR MR. AND MRS. NAIFEH

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to share with my colleagues a joyous and happy celebration which will be held in my district while we are in recess in July. It is a celebration on July 22d commemorating the 50th wedding anniversary of my dear friends, Mr. and Mrs. Oney Naifeh of Covington, TN. I share this particular anniversary with my friends in the House of Representatives because Mr. and Mrs. Naifeh are truly special people. They represent to all of us the best anyone could hope for in their lives together.

Mr. and Mrs. Naifeh, during the course of their lifetimes, know what it means to leave their homeland and come to a land with which they had no personal knowledge—not even the basic knowledge of the language. Mr. Naifeh came to the United States from Lebanon at age 10. As they grew into adulthood, he and Mrs. Naifeh had a courtship just like you and I had.

From there, they embarked together, always together, on a life that has been dedicated to their family, their business, their community, and their country. Both have been active in their community in offering a helping hand to those in need. They have dedicated themselves to the spirit and determination that has made our country great and have participated fully in the process which we call representational government.

Most importantly, they have been devoted parents and are now just as

devoted to their grandchildren. There is no one I know of who has been better at not only raising their children, but doing it in such a way that they instill in them deep love and affection for one another, respect and pride for their country, and generosity in their efforts to help others who are less fortunate. Those are the principles on which Mr. and Mrs. Naifeh have based a long and happy life together.

They are dear, dear friends of mine and have meant much to me over the years. They embody everything that we aspire to be, and because of that, I felt obliged to pay special tribute to them in today's RECORD. I extend to Mr. and Mrs. Naifeh my fondest best wishes on this important milestone in their lives. They have much to be proud of, and I want to express my own pride at being able to count them among my closest friends.●

NUNN SENSE: BURDEN SHARING FOR SECURITY

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. DORGAN. Mr. Speaker, Senator SAM NUNN recently lost a surprisingly close vote on his amendment to reduce U.S. troop levels in NATO unless our allies shape up.

The Nunn amendment to the defense authorization bill would have begun in 1987 a phased reduction in U.S. troop strength in Western Europe unless our allies:

First, Increased defense spending by the NATO goal of 3 percent real growth, or

Second, Build up conventional ammunition stockpiles and airbase facilities for 1,500 U.S. fighter planes.

Without satisfactory action by NATO allies, the United States would start in 1987 to bring home up to 30,000 troops a year for 3 years. A fair test for the allies and a fair response for the United States.

Critics of this move called it the "annual complaint in Congress" about the failure of allied burden sharing. Others argued that such "bullying tactics" would backfire since our allies only recently had accepted the first installments of Cruise and Pershing II missiles.

Wrong on both counts. Senator NUNN offered not a complaint but a plan to beef up collective security. He sought not to bully our allies with threats of withdrawal, but to keep us in the alliance with an improved defense effort.

A close look shows that the Nunn amendment could produce mutual benefits for the United States and NATO. By reducing U.S. costs, the result would be fewer Federal deficits and a more stable international marketplace. The alliance would gain military strength by reducing NATO's dependence on the nuclear tripwire—a principal concern of Europeans themselves. Both sides would benefit from understanding clearly the political price of an alliance: either you carry your share or the alliance must change radically. And change it must.

If Western Europe wishes to exercise greater independence from the United States than in 1945, a welcome event, then it must shoulder the responsibility to go with it. As former Army War College professor, William V. Kennedy observed, "Europe has all the human economic, and industrial resources it needs to defend itself with no more than a nominal U.S. presence." No less a proponent supporter of NATO cooperation than former Secretary of State Henry Kissinger has argued that if Western Europe does not assume greater control of the alliance, then the United States should withdraw up to 50 percent of its ground forces.

The times are changing and this is not 1945. Unless our allies start pulling in tandem for freedom, our collective defense will suffer and so will our own efforts to reduce alarming deficits. Our common NATO goal should be to create a united, rearmed Western Europe—to make the Soviets face two superpowers rather than one. But the American taxpayer cannot expect the United States to shell out over $90 billion a year for the defense of Europe—unless our allies pull their own weight.

To expand on this debate, I wish to include for the RECORD an incisive article, "Putting Europe to the Test," by Stephen S. Rosenfeld.

[From the Washington Post, June 22, 1984]

PUTTING A TEST TO EUROPE

(Stephen S. Rosenfeld)

Just 10 years ago this week Sen. Sam Nunn established himself as a NATO heavyweight by sidetracking the Mansfield Amendment's call for unilateral cuts of American forces in Europe. This week the Georgia Democrat put in his own, superficially similar amendment. It could be the foreign policy event of the decade.

The reason is that Nunn, by his place in a changing spectrum and by his personal stature, is the single person in a position to make happen the major revision of NATO military and political strategy that others have only talked about, without results, all these years.

True, it is not going to happen at this precise moment. The Senate rejected the Nunn Amendment Wednesday night. But time, his purposefulness and the momentum of events seem to be clearly on his side.

Nunn is forcing three basic tests on Europe:

Whether it will make the extra (not extravagant) commitment it will take to put up its share of a credible conventional defense.

Whether it will thereby raise the point at which NATO, in the event that its conventional forces were being overrun, would have to choose between caving in or going nuclear.

Whether it will put its relationship with the United States on a more solid basis in which Europe accepts a defense responsibility in keeping with its resources and with the demands of a mature modern alliance.

It takes a stout heart to have stuck with the debate over NATO in recent years. The tugs and pulls have served mainly to frazzle the parties. A schizophrenic Europe has felt we were going to do something rash and nuclear and abandon the continent to the Kremlin. An increasingly irritated United States has felt that Europe was either freeloading or preparing to turn neutralist. There has been much sweating over particular issues, like the missiles, and otherwise a fading into lofty appeals to togetherness or into impossibly grand architectural designs.

Nunn's contribution to this confused scene is to provide a place where this latter-day Archimedes can stand while he moves an awfully important piece of the Atlantic world.

Shape up in conventional defense, he says to the Europeans: meet the agreed 3 percent annual defense hikes or increase munitions stockpiles and prepare facilities for quick American reinforcements, again as long promised. Or, Nunn goes on, after a two-year warning, the United States will start shipping out up to 30,000 troops a year for three years, reducing our strength to 236,000—still a perfectly good "tripwire" to ensure our involvement in a Soviet attack.

The "burden-sharing" part of Nunn's case tends to the blood-boiling. We're surpassing NATO targets, the allies drag far behind. They've built none of the shelters and only 20 percent of the other facilities needed for the 1,500 extra planes we'd send if the bell rang. We're spending $52 billion over the next five years for spare munitions; they're doing little or nothing.

Still, the more fundamental argument is strategic. If Moscow attacked, NATO could fight only for "days, not weeks" before going nuclear, says the NATO commander, Gen. Bernard Rogers—hardly the credible deterrent that Europe craves. So for $90 billion a year (30 percent of the defense budget), we're buying a NATO strategy that leads straight to the nuclear escalator. If the Europeans won't do enough to keep the nuclear wolf an attainable and credit 30 days from their own door, says Nunn, let's at least trim our own costs.

It's the wrong time, he was told. His amendment will only traumatize the Europeans and cheer the Russians: good cause, bad tactic. These arguments and the administration's extraordinary arm-twisting prevailed this time. But, Nunn assured me after the debate, he intends to stay the course.

He recoils from the suggestion that he's doing a Mansfield unilateral-withdrawal isolationist thing: "His goal was to get us out. Mine is to keep us in"—by furnishing the Europeans with a sharper incentive for self-help and, specifically, by offering a program that raises the nuclear threshold and thus lets European politicians satisfy their publics' passion against the very idea of nuclear war.

Nunn sees a terrible disparity between our exposure and our security and he has a fair, hardheaded way to try to close a good part of the gap. The Europeans are fluttering. They should see the immense advantage to them of having the American handle on NATO be grasped by a conservative such as Nunn, who believes in a strong defense and in the Atlantic alliance, too.●

QUESTIONNAIRE RESULTS

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. WISE. Mr. Speaker, for the benefit of my colleagues in the House of Representatives, I want to share the results of my 1984 opinion poll, which dealt with the problems of the Federal deficit primarily, and acid rain, secondarily.

Many respondents attached paragraphs to their questionnaires describing their concerns about the problems of our society and our Government. Chief among those concerns was money lost through Government waste. Overspending for parts by the military was a particularly frequent complaint in this category. Another concern was for the decay of the moral fiber of America. Next in frequency was a call for Government to regulate utility companies more closely, both to slow the rise of rates and to set and enforce controls on emissions into the air and water. Many respondents especially concerned about the deficit urged Congress to institute a budget freeze, or a pay-as-you-go budget, or some other control on spending. Many wrote to protest the amount of aid going overseas, at a time when America must tighten her belt. And finally, a question was frequently raised as to whether this questionnaire would actually be read and considered, and whether our Government really listens to its people. I, for one, intend to pay great heed to this questionnaire, and I urge my colleagues to do likewise.

I was especially pleased by the large number of my constituents who took the time and money to complete and mail back this poll. Their understanding of and concern for the issues raised, reflected by the enclosed comments as well as by the questionnaire itself, has been a pleasant surprise to me. Below is the text of my 1984 opinion poll, together with the results of those who responded.

1. If Congress must act to reduce the budget deficit, estimated at $180 billion this year, which one option do you favor?

30.6%—Reduce military spending.

24.3%—Freeze spending on all federal programs.

20.7%—Reduce non-military spending.

17.1%—Combine any tax increase with equal cuts in spending.

7.3%—Raise taxes.

2. In which areas, if any, should spending be cut?

43.6%—Foreign aid.

27.5%—Subsidies for nuclear energy, tobacco, milk, etc.

19.8%—Defense.

6.6%—Payments to individuals (Social Security, medicare, veterans benefits, food stamps).

2.5%—No further cuts should be made.

3. Where should we raise taxes, if at all?

50.2%—Close tax loopholes.

17.2%—We should not enact any new taxes.

13.3%—Tax imported oil.

9.4%—Enact a national sales tax.

3.0%—Raise personal income taxes.

6.9%—A combination of all of the above.

4. The cost of printing and postage for this report-questionnaire is 9.5¢ per household in the Third District. Is it a good use of our tax dollars to occasionally distribute reports such as this?

90.4%—Yes.

9.6%—No.

5. What is the most significant problem facing America today?

38.9%—Unemployment.

30.3%—Budget deficits.

12.8%—Interest rates.

8.0%—Inflation.

6.2%—The threat of war.

3.8%—All of the above equal.

6. Congress likely will be considering acid rain legislation in the near future. Which of the following statements most nearly reflects your views on acid rain?

40.8%—Acid rain is a problem, but I believe Congress should find ways to reduce sulfur emissions without eliminating coal mining jobs.

20.8%—The cost of administering an acid rain cleanup program should be shared by at least the 48 continental states.

15.6%—Acid rain is a problem, but I think we need more study before Congress acts.

2.7%—Acid rain is not a serious problem. We shouldn't do anything.

20.9%—I don't have enough information to form an opinion on this subject.●

THE 50TH ANNIVERSARY OF THE RECIPROCAL TRADE AGREEMENTS ACT OF 1934

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. GORE. Mr. Speaker, 50 years ago this month the Reciprocal Trade Agreements Act of 1934 was signed into law. This landmark legislation signaled a new direction in American trade policy, away from high tariffs and economic isolationism toward greater commercial cooperation with other nations. The act, whose basic principles of reciprocity and nondiscrimination remain the core of U.S. trade policy, sparked the drive for a more open world trading system and made possible the tremendous economic growth the United States has enjoyed since World War II.

In noting this anniversary, I take special pleasure in paying tribute to Cordell Hull, the architect of the 1934 act, for his lifelong fight to promote peace and prosperity through trade. A long-time resident of my hometown of Carthage, TN, Mr. Hull for over 20 years represented in this body the district I have been privileged to serve, and later represented the State of Tennessee in the U.S. Senate. In 1933 he was appointed Secretary of State and remained in that position for nearly 12 years, longer than any person in history, until illness forced him to resign in late 1944.

Cordell Hull was one of the giants of this century, a man of vision and unquestioned integrity whose accomplishments during his career continue to influence our Nation. As a Congressman he helped shape our country's economic structure through the 16th amendment and the progressive income tax law he wrote. As Secretary of State he fostered Western Hemispheric solidarity in the crucial prewar years through the Good Neighbor Policy. And, of course, he won worldwide acclaim, and the Nobel Prize, for his role in establishing the United Nations. Of all his achievements, however, none was more important or satisfying to him than winning approval from Congress in 1934 for the reciprocal trade program.

Cordell Hull's fight against trade barriers began with his maiden speech in Congress in 1908, when he spoke out against high tariffs and the domestic monopolies they spawned. From then until 1934 he never ceased urging a less restrictive trade policy. He saw foreign trade as essential to national prosperity, and realized other countries would have no money to buy our products unless they had opportunities to sell to us.

World War I and the economic chaos that followed convinced Mr. Hull that freer trade—freer in the sense of fewer discriminations and obstructions—offered the best hope for international stability. From then on, he wrote in his memoirs, "unhampered trade dovetailed with peace; high tariffs, trade barriers and unfair economic competition with war." The crippling effect of successive tariff hikes by the United States and other countries during this period bore out his views. After the Smoot-Hawley Act raised tariffs to an average 60 percent in 1930, U.S. exports dropped by two-thirds while our GNP fell to one-half what it was before the tariff increase.

Cordell Hull never claimed the trade agreements program would be an absolute panacea against war. As we know, another war did occur only a few years after passage of the 1934 act. It is a fact, however, that the United States did not go to war with any of the countries with which it had signed trade agreements, and with few exceptions the political lineup in World War II followed the economic lineup. Having the benefit of hindsight, one can't help wondering whether events in the interwar period might have been different if Mr. Hull's reciprocal trade policy had been adopted when he first proposed it at the close of World War I.

Mr. Speaker, the Reciprocal Trade Agreements Act was the first of several steps over the past 50 years to im-

prove the world trading system. Much has been accomplished yet there is still much to be done. Tariff walls have largely been dismantled but there are other, often hidden, barriers that continue to obstruct trade. American companies face more competition from foreign producers, and there are new challenges such as trade in services and high technology that have yet to be taken up. As we continue the task begun half a century ago, I hope we will prove as sage in our time as Cordell Hull was in his.●

NATIONAL NEIGHBORHOOD HOUSING SERVICES WEEK

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. MINETA. Mr. Speaker, I thank and commend my colleagues who joined as cosponsors of House Joint Resolution 566 designating the week of October 7, 1984, as "National Neighborhood Housing Services Week." This resolution commemorates the largest neighborhood-based network of public-private partnerships at work in our country.

From San Diego to Tacoma, from Dallas to Green Bay, from south Portland to Miami; Neighborhood Housing Services [NHS] programs are at work rebuilding nearly 200 neighborhoods, turning them into sound healthy places in which to live and do business for the benefit of almost 2 million people.

I have known this program for over 10 years both here and in California where they have had a track record of success which is most impressive. Both in direct and indirect ways, NHS programs have saved hundreds of neighborhoods and stimulated about $2.4 billion of reinvestment in areas which previously had been written off as unsafe and undesirable. Through NHS's work, homes in these neighborhoods have been repaired, modernized and painted; business districts have been revitalized; vacant lots have sprouted the first new construction in more than a generation and blighted properties have been converted into comfortable homes. In addition to the almost 200 neighborhoods currently receiving NHS services, 10 neighborhoods have reached a level of self-reliance and virtually turned themselves into "neighborhoods of choice."

It is important, Mr. Speaker, to understand that at the heart of each of these programs is a NHS Board of Directors composed of residents, business leaders and local government officials. Over the years, these NHS partners have contributed resources that build vibrant communities: Time and hard work; credibility with neighbors; loans and other business services; financial contributions, city services and capital improvements. Traditionally, these programs' operations have been supported by contributions from savings and loan, banking and insurance institutions. Their contributions to NHS, both through support for NHS operating budgets and to the secondary market for rehabilitation loans for the NHS nonbankable client, have been critical to the ability of each NHS to carry out its mission. Today, in order for Neighborhood Housing Services programs to expand their services, broader corporate sector awareness of and support for their work is essential. The national NHS network is reaching out to the corporate community for support. The private sector leaders of this country which have lined up to help the NHS network in responding to this challenge are to be honored and commended.

Mr. Speaker, I wish to thank my colleagues for joining me in recognizing the effort and contributions made by NHS volunteers, business and community leaders to revitalizing America's neighborhoods—a priceless national resource. I am certain that the "National Neighborhood Housing Services Week" will strengthen the efforts of all those involved with NHS programs and will help to increase awareness and support for NHS's work.●

TRIBUTE TO THE MOUNT HEALTHY HIGH SCHOOL BAND

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. LUKEN. Mr. Speaker, as the Representative of the First Congressional District of Ohio I would like to congratulate the Mount Healthy High School Band on their selection as the first high school band ever to be invited, much less tour, the People's Republic of China.

Since its inception the Mount Healthy High School Band has set a standard of excellence in concert performance. Under the capable and dedicated direction of Mr. Russel Hinkle the band has in fact traveled abroad once every 3 years for the past 23 years. Each of these trips have been funded by the band students themselves.

It comes as no surprise then, that this band was chosen by the Friendship Ambassador Foundation as the first high school band ever to tour the People's Republic of China. The exemplary conduct of these students, musicians, and citizens on past tours has earned them this honor. This Foundation carefully screened many top bands before selecting Mount Healthy and I can say without reserve that this event brings honor not only to the members of the band, their parents and the band boosters who worked so hard to make this happen, but to the community and the country as well.

MOUNT HEALTHY BAND MEMBERS

Seniors: Bette Davis, Lori Dorn, Jerry Hall, David Hatfield, Laina Libby, Greg Peter, Beth Rankin, Angie Robinson, Gail Smith, Bill Summe, Sherie Tucker, Marcie Witte, and Jill Poore.

Juniors: Jennifer Beck, Michelle Bray, Jennifer Compton, Mike Frey, Sarah Heidler, Scott Heim, Debbie Jaspers, Kim Lewis, Kelley Marsh, Teri McDonald, Michelle Payne, Michelle Rankin, Keith Roeller, Debbie Trifilio, Rebecca Williams, Chris Wilson, and Melissa Woniger.

Sophomores: Elaine Armston, Erin Armstrong, Amy Burch, Rick Dynes, Paul Foley, Patricia Grow, Brad Hamant, Jerry Hayes, Mark Hinkle, Julie Jordan, Cathy Kramer, Mike Madigan, Sean McCabe, Dan Ryan, Tim Tolford, Marion Townsend, and Stacy Whalen.

Freshmen: Penny Burns, Michelle Clark, Kristy Roeller, and John Marx.

Eighth Grade: Mya Poe.

Band Director: Russel Hinkle.

Student Director: Mark Hensler.●

THE POLICE CORPS ASSISTANCE ACT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. FRANK. Mr. Speaker, I commend to my colleagues an editorial in the Fall River Herald News supporting the concept embodied in the Police Corps. The Police Corps idea is gaining strength throughout the country, particularly in States such as Massachusetts, New York, and California. Essentially, the Police Corps program would provide competitively achieved scholarships to college students who agree to serve 3 years following graduation as full-fledged police officers in State or local police forces.

I have filed legislation, H.R. 5838, to grant Federal support to the State and local Police Corps in order to get this imaginative idea off the ground. I believe that the influx of highly qualified individuals into our police forces resulting from Police Corps programs would be an effective way to fight rising crime in many of our communities. Beyond this primary goal of the program, there are ancillary benefits outlined in the Herald News editorial that follows:

POLICE CORPS

Public service is never out of date, and when public service can be combined with receiving a college education, it should be extemely attractive to a great many young people.

This is the essential point of what is being called the "Police Corps".

The notion is to train students as police officers during their summer vacations in a fashion similar to the ROTC, and in return

for their room, board and college tuition, the trainees after graduation will perform a three year tour of duty with the police.

Certainly it is true here as well as everywhere else that there never seem to be enough trained police officers.

Furthermore, as the demands on police departments become more complex, the more education the police have the better.

Police officers are essential public servants, and not enough young people realize just how vital these dedicated men and women are.

The promoters of the "Police Corps" hope that experience of police training and work will persuade a considerable number of the corps members to make it their profession.

This has been true of the ROTC. Many reserve officers stay with the Army permanently.

There is no reason why it should not be true to the "Police Corps" trainees as well.

One reason why several states, including Massachusetts, are considering setting the idea is that training a police officer in this fashion is relatively inexpensive.

In New York City, for instance, training a police officer costs $50,000. It is estimated that a "Police Corps" trainee would cost New York State about $20,000, or $8,000 a year.

The saving is too considerable to be ignored, although it should be pointed out that police unions have not been enthusiastic about the whole idea.

Much needs to be worked out about the practical applications of the plan, but essentially it seems to be reasonable way of recruiting able young people for a form of public service that is frequently neglected or underestimated.

More often than not, young men and women think of public service in terms of far-off places and more or less primitive surroundings.

By contrast, the "Police Corps" associates public service with familiar places and with the protection of the way of life that young people have always enjoyed.

It may not have occurred to them that their way of life needs protection, but if the "Police Corps" puts this notion in their minds, then so much the better.

The trainees in any future "Police Corps" will find that much the greater part of their work is helping out people in all kinds of trouble.

Some of the troubles may be trivial, others may well be matters of life or death.

But over and above the more romantic aspects of police work, a trainee will find that his or her job is mostly being of service to people that need help. He or she may well find that this is rewarding work for a lifetime.

Governor Dukakis has been weighing whether or not to support the notion here in Massachusetts.

It already has the backing of Senator Edward M. Kennedy and Representative Barney Frank.

There are many details in terms of implementing the plan that need further study, but basically, the "Police Corps" seems like an idea that can and should work.●

TRIBUTE TO TARAS SHEVCHENKO

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, 1984 marks a very important anniversary for all Ukrainian-Americans in the United States. Twenty years ago a statue was erected here in Washington to honor the Ukrainian poet, Taras Shevchenko.

Shevchenko, who died in 1861, was a bold and vigilant voice for freedom in his lifetime, despite repeated attempts by the authorities of czarist Russia to suppress his writings; 20 years ago, some 100,000 Ukrainian-Americans came to Washington to remember this national hero.

In memory of Shevchenko, and to commemorate the 20th anniversary of the erection of the poet's statue, I would like to include in my statement a letter from Walter Stadnicki, an active member in both the Ukrainian community in my district and in Amnesty International. The letter was first printed in the New Haven Register. I would also like to share with my colleagues one of the poet's own works.

March is the month of Taras Shevchenko, Ukraine's immortal poet and bard who was born and died in the month of March after a life-span of 47 years—most of them spent in Czarist serfdom, captivity in hard labor camps and exile.

He paid heavily in Czarist Russia, as many Ukrainian prisoners of conscience are presently doing in the Gulag, for his poetic creativeness and political ideals.

He was an ardent fighter for freedom of his people and for the realization of the ideas of universal brotherhood and liberty. To Shevchenko, Ukraine was more than a geographical reality. It was above all an incredibly lovely vision of all that is good and worthwhile in human nature.

A statue in honor of Ukraine's poet laureate was erected in Washington, D.C., in June 1964 in close proximity to the Church of Pilgrims.

The very sacred ideas of Shevchenko have been maligned and distorted beyond recognition by the Soviet authorities—a land where freedom of the press, speech, worship, and the right to express one's opinion without fear is only a dream.

"O My Thoughts, My Heartfelt Thoughts"

(By Taras Shevchenko (1839))

There is Ukraina;
From end to end, there, it is broad
And joyful like freedom
Which has long since passed away;
Broad as a sea, the Dnipro,
Steppe and steppe, the rapids roar,
And gravemounds high as mountains.
There was born the Lozak, freedom,
There she galloped round,
With Tartars and with Polish lords
She strewed the plain about
Till it could take no more; with corpses
All the plain she strewed.
Freedom lay down to take her rest;
And high above it, as a warder,
Hovers the Black Eagle,
And minstrels come and sing about
The gravemound to the people.●

VOTING RECORD

HON. PETE WILSON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Friday, June 29, 1984

● Mr. WILSON. Mr. President, I strongly believe that the people of California have a right to know where I stand on the issues decided by the Senate. I believe that the most effective way to provide this information is by printing my voting record.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. I therefore invite them to write me for specifics, or visit one of my four State offices at 450 Golden Gate Avenue, San Francisco, CA 94102, 415-556-4307; 11000 Wilshire Boulevard, Los Angeles, CA 90024, 213-209-7543; 880 Front Street, 6-S-9, San Diego, CA, 619-293-5257 or 1130 O Street, Room 4015, Fresno, CA 93721, 209-487-5727.

This list is arranged as follows:

Voting Record

1. Official roll call number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. Description of issues voted on;
5. Date of the action;
6. Senator Wilson's vote—Y=yes, N=no, NV=not voting;
7. Indication whether the motion or amendment was passed or rejected;
8. The total vote.

1. S. 1160. Universal Telephone Service Preservation Act. Goldwater motion to table Baker motion to proceed to the consideration of the bill. January 26, 1984. Y. Adopted 44-40.

2. S. 2211. Congressional Pay Reduction. Motion to rescind 3.5% cost-of-living increase in Congress Members' salaries. January 26, 1984. Y. Adopted 66-19.

3. S. 1762. Comprehensive Crime Control Act of 1984. Thurmond motion to table Mathias amendment No. 2651. January 30, 1984. Y. Adopted 76-1.

4. H.R. 1492. Christopher Columbus Quincentenary Celebration. To establish the Columbus Quincentenary Jubilee Commission. February 1, 1984. N. Adopted 67-23.

5. S. 1762. Comprehensive Crime Control Act of 1984/Secret taping of conversations. Modified Metzenbaum-Bumpers amendment No. 2689, as further modified. February 2, 1984. N. Rejected 41-51.

6. S. 1762. Comprehensive Crime Control Act of 1984. Passage, as amended. February 2, 1984. Y. Adopted 91-1.

7. S. 668. Sentencing Reform Act of 1984. Passage, as amended. February 2, 1984. Y. Adopted 85-3.

8. S. 215. Bail Reform Act of 1984/Preventive detention period. Mitchell et al. amendment No. 2695. February 3, 1984. N. Rejected 30-54.

9. S. 215. Bail Reform Act of 1984. Passage. February 3, 1984. Y. Adopted 84-0.

10. S. 1763. Reform of Federal Intervention in State Proceedings Act of 1984. Baker motion to table Baucus amendment No. 2699. February 6, 1984. Y. Adopted 59–17.

11. S. 1763. Reform of Federal Intervention in State Proceedings Act of 1984. Passage, as amended. February 6, 1984. Y. Adopted 67–9.

12. S. 1764. Exclusionary Rule Limitation Act. Passage. February 7, 1984. Y. Adopted 63–24.

13. S. 1765. To establish constitutional procedures for the imposition of the sentence of death, and for other purposes. Baker motion to bring to a close debate on the bill. February 9, 1984. Y. Adopted 65–26.

14. S. 1765. To establish constitutional procedures for the imposition of the sentence of death, and for other purposes. Passage. February 22, 1984. Y. Adopted 63–32.

15. S. 52. The Armed Career Criminal Act of 1984. Kennedy et al. amendment No. 2716. February 23, 1984. Y. Adopted 77–12.

16. S. 52. The Armed Career Criminal Act of 1984. Passage, as amended. February 23, 1984. Y. Adopted 92–0.

17. S. 47. Shipping Act of 1984. Agreeing to the conference report. February 23, 1984. Y. Adopted 74–12.

18. S. 979. Export Administration Act Amendments of 1984. McClure et al. amendment No. 2749, as a substitute for modified Humphrey et al. amendment No. 2747. February 28, 1984. Y. Rejected 38–55.

19. S. 2336. To permit price differences with respect to credit card sales transactions. D'Amato et al. amendment No. 2751. February 28, 1984. Y. Rejected 22–66.

20. S. 2335. To provide a temporary extension of the credit card surcharge prohibition. Passage. February 28, 1984. Y. Adopted 84–0.

21. S. 979. Export Administration Act Amendments of 1984. Proxmire amendment No. 2754. February 29, 1984. N. Adopted 74–16.

22. S. 979. Export Administration Act Amendments of 1984. Heinz-Proxmire amendment No. 2756, of a perfecting nature, to Dixon et al. amendment No. 2755. February 29, 1984. N. Rejected 20–74.

23. S. 979. Export Administration Act Amendments of 1984. Heinz motion to table Metzenbaum et al. amendment No. 2757. February 29, 1984. Y. Adopted 61–34.

24. S. 979. Export Administration Act Amendments of 1984. Heinz motion to table Johnston-Metzenbaum amendment No. 2760. February 29, 1984. Y. Adopted 52–42.

25. S. 979. Export Administration Act Amendments of 1984. Heinz motion to table Murkowski amendment No. 2766. March 1, 1984. Y. Adopted 94–2.

26. S. 979. Export Administration Act Amendments of 1984. Baker motion to table Melcher et al. amendment No. 2763. March 1, 1984. Y. Adopted 52–42.

27. S. 979. Export Administration Act Amendments of 1984. Heinz motion to table modified Murkowski amendment No. 2770, of a perfecting nature, to Murkowski amendment No. 2769. March 1, 1984. Y. Adopted 70–20.

28. S. 979. Export Administration Act Amendments of 1984. Heinz motion to table Pryor et al. amendment No. 2773. March 1, 1984. Y. Rejected 37–50.

29. S. 979. Export Administration Act Amendments of 1984. Heinz motion to table Dodd-Armstrong amendment No. 2776. March 1, 1984. Y. Adopted 65–21.

30. S. 979. Export Administration Act Amendments of 1984. Modified Boren et al. amendment No. 2775, of a perfecting nature, to Boren et al. amendment No. 2774. March 1, 1984. Y. Adopted 62–22.

31. Nomination of William A. Wilson, of California, to be U.S. Ambassador to the Holy See. Confirmation. March 7, 1984. Y. Adopted 81–13.

32. S.J. Res. 73. Proposing an amendment to the Constitution of the United States relating to voluntary school prayer. Committee amendment, of a perfecting nature, to the resolution. March 14, 1984. Y. Adopted 96–0.

33. S.J. Res. 73. Proposing an amendment to the Constitution of the United States relating to voluntary school prayer. Baker motion to table Dixon amendment No. 2782. March 15, 1984. Y. Adopted 81–15.

34. S.J. Res. 73. Proposing an amendment to the Constitution of the United States relating to voluntary school prayer. Agreeing to the resolution as amended. March 20, 1984. Y. Rejected 56–44.

35. S. 684. Water Resources Research Act of 1983. Passage, upon reconsideration, the objections of the President of the United States notwithstanding. March 21, 1984. Y. Veto overridden 86–12.

36. H.R. 4072. Agricultural Programs Adjustment Act of 1984. Baker motion to table modified Pryor et al. amendment No. 2818. March 22, 1984. Y. Adopted 61–34.

37. H.R. 4072. Agricultural Programs Adjustment Act of 1984. Baker motion to table Bumpers et al. amendment No. 2813. March 22, 1984. Y. Adopted 58–36.

38. H.R. 4072. Agricultural Programs Adjustment Act of 1984. Baker motion to table Melcher et al. amendment No. 2812. March 22, 1984. Y. Adopted 68–25.

39. H.R. 4072. Agricultural Programs Adjustment Act of 1984. Passage, as amended. March 22, 1984. Y. Adopted 78–10.

40. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Rudman motion to table Dole et al. amendment No. 2852, in the nature of a substitute, for modified Johnston et al. amendment No. 2847. March 28, 1984. N. Rejected 39–57.

41. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Baker motion to table Kennedy amendment No. 2855, of a perfecting nature, to Inouye et al. amendment No. 2853. March 29, 1984. Y. Adopted 71–20.

42. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Kennedy amendment No. 2856, of a perfecting nature, to Inouye et al. amendment No. 2853. March 29, 1984. N. Rejected 23–72.

43. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Cochran et al. amendment No. 2865. March 30, 1984. Y. Adopted 71–2.

44. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Melcher amendment No. 2866. March 30, 1984. NV. Adopted 57–19.

45. S. 2507. To continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes. Passage. March 30, 1984. Y. Adopted 78–0.

46. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Kennedy amendment No. 2877. April 2, 1984. N. Rejected 25–63.

47. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Melcher amendment No. 2876. April 2, 1984. N. Rejected 24–63.

48. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Kasten motion to table modified Kennedy amendment No. 2838. April 3, 1984. Y. Adopted 69–24.

49. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Kasten motion to table Specter amendment No. 2881. April 3, 1984. Y. Adopted 54–39.

50. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Kasten motion to table Kennedy amendment No. 2839. April 3, 1984. NV. Adopted 63–26.

51. H.J. Res. 492. Making an urgent supplemental appropriation for fiscal year ending September 30, 1984, for the Dept. of Agriculture. Baker motion to table Leahy et al. amendment No. 2887. April 4, 1984. Y. Adopted 59–36.

52. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Kennedy amendment No. 2843. April 4, 1984. N. Rejected 30–61.

53. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Rudman motion to table Dodd amendment No. 2888. April 4, 1984. Y. Adopted 47–43.

54. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Stevens motion to table Levin amendment No. 2889. April 5, 1984. Y. Adopted 51–44.

55. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Stevens motion to table Sasser et al. amendment No. 2890. Y. Adopted 50–44. April 5, 1984.

56. H.J. Res. 492. Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Dept. of Agriculture. Passage, as amended. Y. Adopted 76–19. April 5, 1984.

57. H.J. Res. Omnibus Reconciliation Act of 1983. Passage. April 5, 1984. Y. Adopted 67–26.

58. H.J. Res. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Metzenbaum amendment No. 2903, of a perfecting nature, to Dole-Long amendment No. 2902. April 9, 1984. NV. Rejected 18–64.

59. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Division I of modified Kennedy amendment No. 2905, of a perfecting nature, to Dole-Long amendment No. 2902. April 10, 1984. Y. Adopted 84–12.

60. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Metzenbaum amendment No. 2923, of a perfecting nature, to Dole-Long amendment No. 2902. April 10, 1984. N. Rejected 3–89.

61. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Dole motion to table Chafee et al. amendment No. 2924, of a perfecting nature, to Dole-Long amendment No. 2902. April 10, 1984. Y. Adopted 57–38.

62. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Heinz-Specter amendment No. 2930, of a

perfecting nature, to Dole-Long amendment No. 2902. April 11, 1984. N. Rejected 39-57.

63. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Pressler amendment No. 2904, of a perfecting nature, to Dole-Long amendment No. 2902. April 11, 1984. N. Rejected 14-81.

64. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Modified Bumpers amendment No. 2935, of a perfecting nature, to Dole-Long amendment No. 2902. April 11, 1984. N. Rejected 14-82.

65. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Wallop motion to table Bradley amendment No. 2938, of a perfecting nature, to Dole-Long amendment No. 2902. April 11, 1984. N. Rejected 52-43.

66. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Chafee motion to table D'Amato et al. amendment No. 2956, of a perfecting nature, to Dole-Long amendment No. 2902. April 12, 1984. N. Rejected 32-63.

67. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Ford amendment No. 2963, of a perfecting nature, to Dole-Long amendment No. 2902. April 12, 1984. N. Rejected 15-76.

68. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Wilson motion to table Ford amendment No. 264, of a perfecting nature, to Dole-Long amendment No. 2902. April 12, 1984. Y. Adopted 62-32.

69. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Packwood motion to table Cohen et al. amendment No. 2967, of a perfecting nature, to Dole-Long amendment No. 2902. April 12, 1984. N. Rejected 38-55.

70. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Dole motion to table Metzenbaum-Kennedy amendment No. 2975, of a perfecting nature, to Dole-Long amendment No. 2902. April 12, 1984. Y. Adopted 62-30.

71. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Dole motion to table Bradley-Durenberger amendment No. 2978, of a perfecting nature, to Dole-Long amendment No. 2902. April 12, 1984. Y. Adopted 61-28.

72. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Dole motion to table Bradley amendment No. 2989, of a perfecting nature, to Dole-Long amendment No. 2902. April 12, 1984. Y. Adopted 64-25.

73. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Dole motion to table Cranston et al. amendment No. 3004, of a perfecting nature, to Dole-Long amendment No. 2902. April 12, 1984. Y. Adopted 66-17.

74. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Boschwitz et al. amendment No. 3007, of a perfecting nature, to Dole-Long amendment No. 2902. April 12, 1984. Y. Adopted 62-19.

75. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Dole motion to table Levin-Riegle amendment No. 3013, of a perfecting nature, to Dole-Long amendment No. 2902. April 12, 1984. Y. Adopted 62-19.

76. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Dole motion to table Melcher et al. amendment No. 3018, of a perfecting nature, to Dole-Long amendment No. 2902. April 12, 1984. Y. Adopted 50-31.

77. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Modified Dole-Long amendment No. 2902, as amended. April 12, 1984. Y. Adopted 76-5.

78. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Helms amendment No. 3028, in the nature of a substitute, for Baker et al. amendment No. 3027. April 25, 1984. Y. Rejected 27-68.

79. H.R. 4325. Child Support Enforcement Amendments of 1984. Passage, as amended. April 25, 1984. Y. Adopted 94-0.

80. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Modified Symms amendment No. 3031, in the nature of a substitute, for Baker et al. amendment No. 3027. April 26, 1984. N. Rejected 11-84.

81. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Hatfield motion to table DeConcini-Mattingly amendment No. 3032, of a perfecting nature, to Baker et al. amendment No. 3027. April 26, 1984. N. Rejected 15-78.

82. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Symms amendment No. 3034, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. April 30, 1984. Y. Adopted 18-50.

83. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Mitchell et al. amendment No. 3036, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. May 1, 1984. Y. Adopted 67-28.

84. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Hollings et al. amendment No. 3041, in the nature of a substitute, for Baker et al. amendment No. 3027, as amended. May 1, 1984. N. Rejected 38-57.

85. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Modified Grassley et al. amendment No. 3043, in the nature of a substitute, for Baker et al. amendment No. 3027, as amended. May 2, 1984. N. Rejected 33-65.

86. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Mattingly motion to table Chiles point of order against Mattingly et al. amendment No. 3045, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. May 3, 1984. Y. Rejected 45-46.

87. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Chiles point of order against Mattingly et al. amendment No. 3045, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. May 3, 1984. N. Adopted 56-34.

88. H.R. 2163. To amend the Federal Safety Boat Act of 1971, and for other purposes. Chiles amendment No. 3044, in the nature of a substitute, for Baker et al. amendment No. 3027, as amended. May 8, 1984. N. Rejected 49-49.

89. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Domenici motion to table Bradley amendment No. 3048, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. May 8, 1984. Y. Adopted 51-43.

90. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Dole motion to table division I of Kennedy-Cranston amendment No. 3050. May 9, 1984. Y. Adopted 58-36.

91. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Dole motion to table Kennedy-Cranston amendment No. 3052. May 9, 1984. Y. Adopted 59-36.

92. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Gorton et al. amendment No. 3049, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. May 9, 1984. N. Rejected 23-72.

93. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Baker motion to table Chafee et al. amendment No. 3054, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. May 10, 1984. Y. Adopted 48-46.

94. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Kasten et al. amendment No. 3060, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. May 16, 1984. NV. Adopted 93-1.

95. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Boschwitz amendment No. 3061, of a perfecting nature, to Baker et al. Amendment No. 3027, as amended. May 15, 1984. Y. Adopted 74-20.

96. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Baker et al. amendment No. 3063, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. May 16, 1984. Y. Adopted 62-37.

97. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Baucus et al. amendment No. 3070, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. May 17, 1984. N. Rejected 44-50.

98. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Weicker motion to table Kennedy amendment No. 3071, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. May 17, 1984. Y. Adopted 63-32.

99. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Specter et al. amendment No. 3073, of a perfecting nature, to Baker et al. amendment No. 3027, as amended. May 17, 1984. N. Rejected 36-60.

100. H.R. 2163. To amend the Federal Boat Safety Act of 1971, and for other purposes. Baker et al. amendment No. 3027, as amended. May 17, 1984. Y. Adopted 65-32.

101. H.R. 4170. Omnibus Deficit Reduction Act of 1984. Passage, as amended. (Prior to passage, the Senate substituted the text of H.R. 2163 (the so-called Boat Bill), as amended, for the text of H.R. 4170, a House bill dealing with tax reform.) May 17, 1984. Y. Adopted 74-23.●

THE FUTURE OF DEMOCRACY

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. RAY. Mr. Speaker, recently, Doug Taylor of Americus visited Washington to take part in activities sponsored by the Washington Workshops Foundation. As a student at Southland Academy in Americus, Doug wrote an essay on the future of democracy, which I would like to commend to the attention of my colleagues:

WHAT IS THE FUTURE OF DEMOCRACY IN THE WORLD TODAY?

"Twenty killed! Government overthrown in Nigeria! Today, the military assumed control of all governmental operations in Nigeria after a supposedly bloodless coup. Mili-

tary ruler Major General Mohammed Buhari cited rampant corruption and grave economic conditions as reasons for the overthrow of deposed President Shehu Shagari's administration," blared the evening news broadcaster. Once again, in a world already filled with communistic and dictatorial regimes, a free, elected government has fallen. Indeed, the downfall of democratic societies or, at the very least, the oppression of its people, has become a frighteningly frequent occurrence. What does the future hold for democracy? Apparently, if present trends continue, the future of democracy is a bleak one. However, there is always hope; and as long as there is a will to overcome the evil of those who advocate suppressionistic governments, there is a means available to succeed.

From the very beginning of society to the modern day, there have been constant upheavals and wars waged over people and their right to sovereignty. The right to govern oneself is perhaps the most fundamental and, at the same time, the greatest freedom which a people can possess. It also, perhaps, is the most frequently denied. It is those who attempt to impose and impress upon others their particular ideology who threaten free societies. Their hunger for power and for world domination blinds them to the needs and desires of the people. Moreover, they simply refuse to be receptive to the pleas of those who long to be free. For example, the now outlawed Solidarity Union of Poland waged a valiant struggle to establish some semblance of political freedom in 1980. In early 1981, marshal law was declared in Poland, and Solidarity, along with the limited political freedom that it had gained, was banned. The efforts of those suppressed people, however, continue to provide an impetus to the remaining peoples of the world to fight for their God-given right.

For many people, democracy is "such stuff as dreams are made on;" sadly, for many, a fleeting dream is all democracy will ever be. Although the mood heretofore has been grim, there is reason for hope; for the world is not entirely devoid of freedom. In fact, the United States, Great Britain, Canada, Japan, and West Germany—the greatest nations in the world—are of a democratic mind. It is in these nations, and others like them, that freedom is considered the most basic human right. The time is now for the great nations of the world to assert themselves and to be heard above the clamor of the propaganda machines. Democracy seems the natural order of government—no one man more powerful in voice than any other; the form of government which our forefathers intended for us, the inhabitants of this world, to utilize. We must unite in order to fend off the continuous barrage of subversive activities which the imperialistic nations of the world aim at us. Collectively, the democracies of the world represent quite a powerful force—one with which to be reckoned. It is with this thought that faith can be placed in the future of this tumultuous world—that in the end, democracy will prevail, and all people will have the right to determine their own destiny and to seek their own fate. What a world it would be!

Democracy—a hope? a dream? an aspiration? It is a true form of government, for the people, by the people, of the people. With the desires of the many peoples as the army and with time as an ally, democracy is the reality of the future.●

THE BATTLE AGAINST TERRORISM

HON. JOHN P. EAST

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, June 29, 1984

● Mr. EAST. Mr. President, I should like to make note of the last in a series of highly informative articles in the Washington Times on the subject of terrorism. These articles have shed a great deal of light on the terrorist threat, the shadow of which looms over our Nation. As a member of the Subcommittee on Security and Terrorism, I am heartened that national attention is being drawn to the problem of terrorism and the challenge that it presents to this Nation's institutions.

My distinguished colleague, Senator JEREMIAH DENTON, in his capacity as chairman of the Security and Terrorism Subcommittee deserves the lion's share of the credit for awakening this Nation to the terrorist threat. Senator DENTON's accomplishments in exposing terrorist activity and offering constuctive legislation to combat it are cited repeatedly throughout this series of articles. Leading law enforcement officials and experts in this field also have praised Senator DENTON's great effort.

Senator DENTON's personal struggle with the horrors of Communist terror, has given him unique insight into the danger it poses to individual liberty. He has used this insight to direct his subcommittee through exhaustive investigations into the sources, character, and consequences of international terrorism. Moreover, he has developed his subcommittee into a legislative catalyst for combating terrorism.

It has been a privilege to work with Senator DENTON's effort against terrorism. I believe that America owes a debt of gratitude to Senator DENTON for his lasting contribution to the peace and security of our Nation.

Mr. President, I ask to have the June 29, 1984, installment of the Washington Times series on terrorism printed in the RECORD.

The material follows:

[From the Washington Times, June 29, 1984]

TERRORISM IN THE U.S.A.

(By Ted Agres)

In the war against terrorism, many experts believe that stronger legislation is an important weapon.

Others say that it's just the first of a number of steps that should be taken if the growing terrorist threat is to be brought under control.

"Certainly the administration is prepared to try to deal with the problem [of terrorism] and the legislation that has gone forward represents our best judgment about what else to do," says U.S. Ambassador to the United Nations Jeane Kirkpatrick.

Legislation, says Sen. Jeremiah Denton, R-Ala., chairman of the Judiciary Subcommittee on Security and Terrorism, can "fill a hiatus" and help to combat terrorism in this country and abroad. He held a series of hearings earlier this month on legislation to strengthen reprisals against terrorism.

"Terrorism statistics have not signaled alarm in the U.S. because the Soviets have not chosen to use this tactic at this time," Mr. Denton says. "This does not foreclose the possibility that such acts will increase."

Some of the proposed legislation is simply geared to correcting glaring gaps. These include, for example, passing enabling legislation for bills that already have received the go-ahead from lawmakers but have been languishing in a congressional twilight zone.

Two of the four administration-backed bills submitted in April fit this category.

The first bill relates to a United Nations convention on hostage-taking signed by President Reagan in 1981. It allows for federal jurisdiction in any kidnapping case when a threat is made to kill or injure a person unless a third party does or abstains from doing something. The bill would simply implement this act as part of domestic law.

The second bill fills a technical gap in legislation already passed relating to airline hijackings or aircraft sabotage. It was signed by the United States in Montreal in 1971 but, again, had lacked domestic implementation.

The third bill would allow the federal government to pay rewards up to $500,000 for the arrest or conviction of terrorists or for information leading to prevention of a terrorist act.

The fourth bill, the most controversial, would prohibit the "training, supporting or inducing of terrorism" and would set penalties of at least $100,000 and/or up to 10 years in jail for each offense.

The broadly worded bill would prohibit any U.S. citizen or resident alien from providing "training . . . logistical, mechanical, maintenance, or similar support services . . . to any foreign government, faction, or international terrorist group" anywhere in the world.

What is disturbing to many—including conservatives such as Mr. Denton and Sen. Orrin Hatch, R-Utah—is that the bill authorizes the secretary of state to unilaterally designate which foreign group or governments are "terrorist." And those prosecuted under the bill would not be allowed to challenge this designation.

Sen. Howard Metzenbaum, D-Ohio, is disturbed by the bill, which he thinks is a "throwback to the McCarthy era," because it does not define what "support" or "terrorism" means or allow anyone to challenge the government's designation of being a terrorist.

Administration officials testifying before the Denton subcommittee indicated that they would not be adverse to working with Congress on defining what constitutes terrorism. But one Senate source said this bill already "is dead in the water."

Robert Kupperman, a terrorism expert at Georgetown's Center for Strategic and International Studies, has wry words for the administration's proposals. He calls the rewards bill akin to "a new format of national lottery" in which people may start turning in friends and neighbors in hopes "that one of them might turn out to be a terrorist."

The administration itself recognizes that lawmaking is not a panacea. "The legislation before the Congress will not fill all those gaps," says Secretary of State George Shultz. "But it will fill some of them."

Other bills to clamp down on terrorism have been in the works for some time. Sen. Daniel P. Moynihan, D-N.Y., introduced a bill several months ago similar to the rewards bill. It would authorize up to $10 million each year to be granted for information that thwarts or resolves a terrorist act.

Mr. Denton has introduced several pieces of legislation on his own. One would allow operators of nuclear power plants access to FBI files to do background checks on employees having access to nuclear facilities or material.

Nuclear plant operators have generally supported the proposal, arguing that, while the power plant itself is not a security issue, access to nuclear material is because it is such an inviting commodity for terrorists.

Another of Mr. Denton's bills which has met with some opposition, would make terrorism a federal offense and grant the FBI authority in all such investigations. At present, terrorism per se is not a crime; it is only the acts of terrorism that fall under one or more criminal activity statutes, many of which are not federal offenses.

This has led to problems, especially when a state or local agency has jurisdiction and wants to handle an incident on its own, despite the FBI's concomitant jurisdiction.

The Los Angeles Police Department and the FBI, for example, recently had to work out an agreement settling the "turf" problem at the Olympics. Mr. Denton's bill would eliminate such jurisdictional problems by specifying the FBI as the "lead" agency.

Sources said, however, that Mr. Denton would not offer the bill up for consideration until after the November elections. The problem, the source said, is that the bill does not define what constitutes "terrorism," and could be applied in different ways by different administrations.

Many experts agree that there are limits to how effectively legislation can address the problem of terrorism. The suicide bombings—like the attack against the U.S. Marine headquarters in Beirut last year, killing more than 260—pose a particularly difficult challenge.

"I don't know how we're going to deal with it," says Ray Wannall, former assistant FBI director in charge of intelligence. "No legislation is going to stop a terrorist as long as he is willing to give up his life."

Assistant FBI Director Oliver "Buck" Revell warns that "[legislation] won't turn the tide. We have the capability to contain terrorism, not eliminate it." ●

TRIBUTE TO HOMESTAKE MINING CO.

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. FAZIO. Mr. Speaker, I rise today to commend Homestake Mining Co.'s enlightened approach to the development of the McLaughlin mining project in northern California.

Homestake is to be commended for coordinating its plans to develop the mine with every faction of the affected communities, both in the immediate area and downstream.

Homestake has gone beyond complying with the letter of the law; it has sought to comply with the law's spirit as well. Homestake Mining has been sensitive to the concerns of local environmentalists and shown a true commitment and understanding of the values of conservation.

As demonstrated by a recent letter to the Yolo County Planning Commission written by the chairman of the Yolano Group of the Mother Lode Chapter of the Sierra Club, environmentalists have also recognized Homestake's dedication and commitment to ensuring that the McLaughlin mine is built and operated in the most environmentally safe manner possible. Wrote Ada Merhoff, the conservation chair of the Yolano Group:

We would be remiss if we did not publicly state our feeling that Homestake Mining Co. is to be commended for its willingness to accommodate the particular concerns of the interested public, and for its efforts to establish an environmentally sound mining operation here. Such cooperation from a large mining company is noteworthy and deserves due credit.

Homestake is an example of the right way to develop mining property. It is an example of the kind of cooperation and responsiveness that I hope will serve as standard for companies pursuing similar endeavors elsewhere in the future.●

SUBMINIMUM WAGE—JOBS FOR KIDS OR RIPOFF FOR BUSINESS?

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. HAWKINS. Mr. Speaker, in the guise of helping unemployed youth find jobs in an increasingly competitive and complex job market, the administration has proposed cutting wages for youth 25 percent, a proposal which would increase only marginally, if at all, the overall number of jobs available and would result in enormous windfall profits for low-wage businesses taking advantage of the opportunity to cut their payroll costs.

The administration's proposal would undercut the basic principal of equal pay for equal work by paying youth aged 16 to 19 $2.50 per hour rather than the standard minimum wage of $3.35 per hour. The proposal would violate the basic purpose of the Fair Labor Standards Act which establishes a minimum wage floor for all workers; instead, employers would be free to discriminate on the basis of age and exploit younger workers.

For industries which typically hire low-skilled, low-wage workers, the proposal presents an unprecedented windfall. The fast food industry alone could potentially reap billions in payroll savings—up to $5 billion over the life of the administration's proposal. This represents just the tip of the iceberg as far as potential gains for employers. Other industries, such as apparel, and retail and service establishments would experience similar gains. These windfall gains would not be targeted to shore up struggling firms. Wendy's, for example, experienced a growth in profits of 735 percent between 1976 and 1983; McDonalds' profits increased 214 percent.

The administration claims that its proposal would prohibit the substitution of youth for adult workers. In practice, however, the safeguards contained in the Fair Labor Standards Act are flagrantly violated, and enforcement by the Department of Labor is pathetically inadequate. Moreover, the real question is not the displacement of existing adult workers, but who gets the job in the first place—a 20-year-old worker at $3.35 per hour or a 19-year-old at $2.50 per hour. Few employers would pass up such an opportunity to reduce costs and increase profits.

If we really want to do something about the youth employment problem, let us provide opportunities which will result in a net increase in available jobs, target asssistance to those in greatest need, and increase their skills so they will be competitive in the labor market. McDonalds doesn't need a bailout.●

MAJ. GEN. DONALD RAY MORELLI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. SKELTON. Mr. Speaker, our Nation suffered a great loss on Wednesday with the death of Maj. Gen. Donald Ray Morelli, Deputy Chief of Staff for Doctrine at the U.S. Army Training and Doctrine Command. General Morelli had a distinguished 28-year career in the U.S. Army. He was a graduate of West Point, the University of Illinois, and Cornell University. He earned many military awards and decorations. He held many important staff and command assignments in the United States, Europe, and Asia.

Yet, it is for reasons beyond these that Gen. Don Morelli will be missed and remembered. As a thinker, motivator, and innovator he was without peer among those who serve in our military. He was the father of the air/land battle doctrine which serves as the basis for U.S. Army strategy now, and will serve as the fundamental building block for U.S. Army strategy into the next century. A little over 6 months ago, I had the unique experience of being briefed on these concepts by

General Morelli himself. Even though he was ill at that time, his brilliance and his passionate commitment to his ideas was evident. After this briefing, I could only conclude that I had been in the presence of greatness.

Gen. Donald Morelli has been taken from us at the peak of his career, but his memory and his ideas will live on. Our Nation is stronger and better prepared today because he served us.●

WOMEN IN LEADERSHIP

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, the Ninth Annual Women in Leadership luncheon was held on April 6, 1984, in New Haven, CT. Sponsored by the YWCA of Greater New Haven, the luncheon honored women leaders in the area who have made a great impact on society, through their many accomplishments and their example for future women leaders.

Julia M. McNamara, O.P., president of Albertus Magnus College in New Haven, was guest honoree speaker at the Leadership luncheon. Julia McNamara, who plays a vital part in the New Haven community, provides a clear role model both for Albertus Magnus students and for all women with whom she comes in contact. I am pleased today to share President McNamara's remarks with my colleagues.

Today we really celebrate the women of the city of New Haven and the YW. That winning organization which says so much to all of us about breaking down barriers and getting on with the promotion of women's actual leadership. So often, today, we hear people say: What do women want? (Perhaps we even say it about other women). Today's gathering, and the Y's philosophy which supports us, indicates that women want simply, justice, fairness and appropriate recognition for leadership, given or earned. They want it for themselves and for others. Self-confident, serious women want to assure that such justice will be part of the fabric of life here in our little corner of Connecticut. The fact is that most women today want the whole hamburger—not just "the beef" or the "bun" either for that matter. Incidentally, just who are those 3 rasping little ladies in the now famous Wendy's commercial? Are they us? I think not. They are raggedy, stereotyped caricatures of us, as we never want to be. We can't be fooled into thinking that they won their case—they don't even get a response to their push-tone phone call. You who are here today are a much better measure of who American women continue to become. You are self-confident, disciplined persons who consistently make the contribution, large or small, noticeable or not, to increasing the visibility, prominence and participation of all women in our world.

A basic question for all of us here is how do we educate for leadership. We may have achieved it in our various situations, but now we have to be about giving other women the tools for leadership, by our example, by our self-confidence, by our personal freedom from guilt and fears which some might foist upon us.

Leadership is never a static component of human experience. It is a dynamic, dramatic interruption into ordinary living of commitment, passion and desire. It's up to all of us to see that women have the opportunity to surface their abilities and strengthen their commitment to become leaders. People catch on to leadership styles: Leadership is not taught so much as caught. There's a subtle raising of consciousness when we see somebody else doing what we'd like to be doing. All of us have known it and have become admirers. Some have become even imitators of various styles. Mostly, we learn to participate through the observation of others' contributions. A long time ago now, the generosity and selflessness of some magnificent yet very human women made me become part of an organization which would, I vaguely thought, help me to channel energy to become an educator and to work with others. Certainly, that journey has taken many different, unexpected turns and probably will continue to do so; but the fact is that without the example of committed women, I would never have made an initial life-choice (which helps me to make a small contribution toward developing leadership in others). And, you know, to have seen women running large organizations in the context of the Roman Catholic Church, which I love, but which is really one of the last great patriarchies on Earth (not to remain so forever, I am sure)—that was no small feat. In fact, the inroads which contemporary women are making in the church make me think that there is even hope for the Knights of St. Patrick's St. Patrick's Day stag dinner here in New Haven! Do we ever stop and think now much we affect other women's choices? Then do we take care not to smother proteges, but allow them to go free of us and exceed us, urging them to trace new paths and create new styles and patterns. How unfortunate if we who have chosen freedom for ourselves did not also allow our successors their freedom.

And, of course, young women need to know, by our example, that there are many styles and forms of leadership. What is given to one is not given to all. "There are gifts and gifts . . ." The scriptures tell us. But in any area, I believe that the basis of true leadership springs up from one's deepest conviction about an issue or a cause. Without deep-down conviction, one cannot lead; one can manage, perhaps, but not lead. Once in a while in my job (the description of which includes everything but the statement "she shall walk on water") I'm tempted to retreat into the soporific realm of detachment and become distanced from something. (You know, when you close your eyes and say "I can't stand it"). Gradually, I've come to see that such non-participation and separation from reality yields stagnation and does nothing for anybody. And the first ones to observe such behavior are the very people for whom we should be examples of participation and presence. Let us never underestimate the power of example in educating for leadership. (All of us make mistakes. That's the human condition, but it's important to admit our frailties and foibles quickly and get on with the work).

Education for leadership demands that we allow other women to gain self-confidence by providing opportunities for positive work experience so that their sensibilities will not be dulled, at least immediately, by sexism or disdain in whatever workplace. One measure of a person's self-confidence lies in the way she or he can accept others, all of the others, and can "love the differences", as the poet Rilke says. To overcome barriers established by years and years of formal or casual, blatant or tacit sexism requires that young women develop their skills and talents in a workplace or study place where collaboration and cooperation are considered important. For this to occur, there have to be more examples of sensitive women and men in positions of real leadership in organizations. If a young woman has never known another woman in a position of leadership, how is she going to assume that she can do it, too? To allow women to become leaders requires selflessness on the part of other women and men. Now, then this is the only way that the transformation of society into a truly sexually-integrated whole is going to occur. I know a Wall Street banker who is a senior vice president of a major New York bank. His boss is a woman which for that level in New York is still unfortunately startling. But the wonderful thing is that this man speaks so highly of her, respects her marvelous ability, and appreciates the differences in their way of looking at things. The people who are luckiest in this little scenario are his three daughters who are growing up knowing that their father literally works for a woman, likes it, and considers it normal. (Let me tell you that the man is my brother-in-law. If I'd started out saying "A woman is his boss", some might have assumed that I meant my sister! The point is that he admires her leadership and promotes it. Women today need men to support their leadership. We have to have women and men around who believe that there is something lacking in a society where equality of the sexes does not prevail. Education for leadership, then, requires that young men and boys, your sons, brothers, co-workers be educated to take women seriously if they don't already (or at least as seriously as they take other men). If a young man has never known what it's like to have a woman in authority, how on Earth will he ever consider voting for one to be Vice-President of the United States? (You'll notice that my example is a modest one).

Boys should grow up expecting that women will also be leaders. Educating for women's leadership can't just include women. The wonderful opposite sex must become a firmer part of the drive to include women in leadership, indeed to make women's participation ordinary, not extraordinary. After all, if we really believe in educating women for leadership, we shall recognize that this is not just a women's issue, rather it is a human issue. I've been learning this the hard way. When I first became president, I used to say "If a woman doesn't do it, it doesn't get done at Albertus." Within the next ten months, I'd hired 3 men in key positions. Students began to object, quoting back at me, "if a woman, etc. . . ." I realized that influencing students to reverse sexism was not so great either!

The ideal is to stress our society's necessary transformation so that leadership will be exercised effectively by women and by men. Then a woman won't be told that she's a fine leader because she "thinks like man." Rather, because she thinks like a feminine, human being. Then there will be no sexual discrimination in any corner of our society

and there will be acceptance even "love of the differences" and of the abilities. Not until the new Jerusalem will such a thing occur, a reverie, you say? Yes, perhaps for now, but in the meantime we must continue to educate for women's leadership. For education is a principal avenue to true liberation for all of us. As today's honorees and this gathering demonstrate, leadership is both a right and a duty for women.

In order that tomorrow's and next year's leaders advance beyond us, we must always be educating ourselves and them in the skills of leadership so that humanism, not sexism can prevail in this land and on our fragile Earth. So that we shall get beyond the agenda which sexism necessarily imposes on us and work together, humanly, masculine and feminine voices together, on the overwhelming agenda which the threat of nuclear war and the reality of wretched poverty impose upon our humanity and our Earth.●

PERSONAL EXPLANATION

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. LLOYD. Mr. Speaker, on Thursday, June 21 and Friday, June 22, I was reviewing units of the Tennessee National Guard at Camp Shelby, MS, and, therefore, missed votes on two rules. Had I been present I would have voted "aye" on Rollcall No. 260 providing an open rule for the consideration of H.R. 5490, the Civil Rights Act of 1984, and "aye" on Rollcall No. 263, providing an open rule for the consideration of H.R. 5680, the Federal Pay Equity Act.●

A GENEROUS VOLUNTEER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. EMERSON. Mr. Speaker, it is not often we have the opportunity afforded us to see the true spirit of America in working motion. But, I am proud today to say that such a spirit is alive and well, and working hard to help reinforce those things which are genuinely American.

My home district in southeastern Missouri is proud of its Veterans' Administration Medical Center, and the service it provides to thousands of area veterans and their families. And today, we are especially proud of one woman who has given so much of herself through the years to help fulfill the mission of the facility. Since the Poplar Bluff, MO, Veterans' Administration Medical Center opened its doors in 1951, Mrs. Lucille Clifton of Poplar Bluff has been there. And since that time, she has given 20,000 hours of volunteer service to the facility, and to the veterans and their families at the center.

Mrs. Clifton works each week helping out wherever she can—in answering letters to preparing charity baskets to serving coffee and helping out with the weekly bingo game. In a recent newspaper interview Mrs. Clifton said, "I just love the work and the people. I've never been 1 minute discouraged in my work—and I'm proud of it."

The people of Poplar Bluff and southeast Missouri are proud of Mrs. Clifton. Recently, Mrs. Clifton was awarded the prestigious Jefferson Award for her dedication, hard work, and undaunted spirit.

In my opinion, Mrs. Clifton epitomizes what being a good citizen should be—serving others without thought of self-recognition. And what other calling can be as great as the serving of those who have served this Nation in a time of national need. Mrs. Clifton is an obvious believer in American volunteerism—and believes everyone should try their hand at giving a little in volunteer time. "I think we have too many people sitting around doing nothing when they could be happy doing something for somebody else," she said. Mrs. Clifton has indeed lived by those words. May we all have such a spirit of unselfishness and a will to help others as she has all these years. These are the things that helped to shape the American spirit and make this Nation the shining beacon to the world that it is today.●

HARVEST OF FUR SEALS

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. BOXER. Mr. Speaker, each year the U.S. Government conducts a harvest of the North Pacific fur seals off the Pribiloff Islands of Alaska. The harvest is governed by a treaty between the United States, Canada, the U.S.S.R., and Japan known as the Interim Convention on the Conservation of the North Pacific Fur Seal. This October, the existing convention will expire; before this treaty is renewed, it is essential that the economic and environmental facts are clear.

This year's hunt of 22,000 seals will be carried out by the Aleuts according to the terms of the treaty. In payment for the hunt, the Aleuts will receive 32,000 pelts which are currently in storage warehouses and an additional $500,000. The cash payment was agreed upon because of the low demand for seal pelts on the fur market.

In addition, Senator TED STEVENS of Alaska has introduced into committee a supplemental appropriations bill which would provide $2.8 million for the Aleuts to upgrade utility systems on the island. In this bill, $800,000 is earmarked for funding the 1984 slaughter.

The contract, as well as STEVENS' Supplemental Appropriation bill, completely undermine the intent of Public Law 98-129 which provides for the orderly termination of Federal management of the Pribiloff Islands, AK. I supported the bill creating Public Law 98-129, and had an amendment adopted which limits taking of seals; $20 million was specifically granted to the Aleuts to aid in the transition from a sealing economy. This transition will not come about as long as we continue to fund and support the seal slaughter.

Currently, the seal herd is declining at 8 to 10 percent each year and will be reduced by 50 percent in 7 years. The fur seals have been reduced to one-third of their 1950's level. Under the Marine Mammal Protection Act, international treaties affecting marine mammals must be brought into compliance with the protective language of the act upon their renewal. By the terms of the MMPA, the seal population is declining to the level of "threatened species." We must have stronger protection for seals if the treaty is to be renewed.

Under the existing terms, renewal of the treaty would be absurd. There is insufficient demand at present for the 32,000 pelts in storage—why kill an additional 22,000? The seal harvest does not present viable economic prospects for the natives or any parties to the treaty. Third, the treaty is inconsistent with Public Law 98-129 which specifically aims to make the Aleuts less dependent on a seal market economy and on U.S. aid in future years. Finally the seal population is on a drastic decline and must be protected if we wish to see it survive as a species.●

THE 50TH ANNIVERSARY OF THE ILWU

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. BURTON of California. Mr. Speaker, 1984 marks the 50th anniversary of the 1934 west coast waterfront and general strike which led to the forming of the International Longshoremen's Warehousemen's Union. The ILWU will celebrate this event on July 8, at San Francisco's Fort Mason center.

The purpose of this celebration, according to ILWU President James Herman, is to "pay homage to the men and women who, against enormous odds and in the face of terrible attacks, created the ILWU and ushered in a new era in west coast labor relations."

The 1934 strike marked the emergence of a distinctive west coast waterfront-oriented labor organization and a turning point in the history of organized labor, not only in the San Francisco Bay area, but across the Nation. The ILWU, while not formally put together until 1937, sprung from the violent days of the summer of 1934, when thousands of longshoremen, sailors, firemen, cooks and stewards, masters, mates, and marine engineers walked picket lines in every major Pacific Coast port.

On July 5, 1934, which has become known as Bloody Thursday, two striking workers were killed in San Francisco. From this point, public support swung to the workers and their efforts to organize. under the able leadership of their founder and first president, Harry Bridges, the ILWU made tremendous strides in improving the wages and working conditions of the dockworkers and became a leading force in the struggle for social justice. Under the leadership of their current president and my dear friend Jimmy Herman, the ILWU continues to be a progressive force for worker rights and protections.

I want to congratulate the ILWU on their 50th anniversary and wish them continued success in their next 50 years.●

FOOD FOR PEACE DAY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. SCHAEFER. Mr. Speaker, I am happy to be a cosponsor and enthusiastically support House Joint Resolution 572, which, if adopted, would proclaim July 10, 1984, as "Food for Peace Day." Such a resolution would be a fitting tribute on this, the 30th anniversary of the Agricultural Trade Development and Assistance Program.

President Eisenhower signed the act into law on July 10, 1954. Since the enactment of this law, over 300 million tons of agricultural commodities and products valued at $34 billion have been distributed to more than 150 countries under the program, substantially reducing world hunger and improving nutritional standards. In addition, this program has served as an example to other nations and encouraged them to help meet food needs abroad making available agricultural surpluses or cash donations for such purposes.

This program has an important humanitarian aspect. When disaster strikes, U.S. food aid is there to meet critical emergency needs. Being the largest food donor in the world, providing more nourishment to the world's hungry than all other nations combined, the United States will transport an estimated 6 million metric tons of 25 commodities to more than 80 nations.

American food aid has brought new hope and opportunity to millions of people around the world. I would like to quote Secretary of State George Shultz, when he said:

> In our world today, there can be no enduring economic prosperity for the United States without sustained economic growth in the Third World. Security and peace for Americans are contingent on stability and peace in the developing world.

For 30 years the Food for Peace Program has played a key role in meeting critical food needs, encouraging economic development, and providing jobs and benefits for millions of Americans, while increasing the market for U.S. goods and services abroad. In the most recent statistics available, my home State of Colorado exported in excess of $23 million alone in fiscal year 1982. I urge my colleagues to support this resolution.●

U.S. POLICY ON TORTURE—HOUSE JOINT RESOLUTION 605

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. FASCELL. Mr. Speaker, this week, 45 colleagues joined me in cosponsoring House Joint Resolution 605, regarding the implementation of the policy of the U.S. Government in opposition to the practice of torture by any foreign government. Senator PERCY has introduced an identical resolution, Senate Joint Resolution 320, in the Senate.

The resolution reaffirms the U.S. position opposing torture and sets forth guidelines to implement U.S. policy to combat that abusive practice. Torture, the most abhorrent of human rights violations, is regularly practiced in over 60 countries.

House Joint Resolution 605 is an initial step toward addressing the problem. The resolution delineates specific guidelines to help shape our policy toward combating the practice of torture around the world. The prescriptives set forth in the resolution should help sensitize governments and officials, both here and abroad, to the reprehensible use of torture. Further, the resolution underscores our commitment to the elimination of torture.

In view of Amnesty International's efforts to highlight awareness of this widespread and systematic abuse, and the hearings on torture conducted by the Subcommittee on Human Rights and International Organizations, it is appropriate that we now enunciate U.S. policy on this serious issue. I would like to draw the attention of my colleagues to the text of the resolution, which follows, and encourage all Members of the House to join me in cosponsoring this measure.●

STAR WARS AND ASAT: THE NEED FOR A REASONED DEBATE

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. LLOYD. Mr. Speaker, there is continuing debate over the President's strategic defense initiative [SDI], popularly referred to as the "Star Wars" program, in both bodies of the Congress. There is also increasing recognition of the linkage between the ballistic missile defense [BMD] aspects of the SDI and anti-satellite technologies [ASAT]. In fact, although the Washington Post has supported the unfortunate House position on ASAT testing, it does recognize the relationship between this technology and the BMD requirements of "Star Wars," as evidenced by its June 12 editorial on "The ASAT Question." I emphasized my concerns about the potential impact of the amendment prohibiting ASAT testing on this SDI/ASAT linkage in my floor statement against the Brown amendment to H.R. 5167.

I think the degree of polarization attendant to the debate on these defense issues is unfortunate. The critics of these embryonic programs are assailing the potential cost of SDI, while distorting its goals. On the other hand, the administration seems to have gotten itself in the awkward position of trying to defend features of undefined systems which are one to two decades or more away from deployment. I believe that one of the most constructive statements provided on how to approach the SDI, nee "Star Wars" program, is that of Dr. Donald M. Kerr, Director of the Los Alamos National Laboratory [LANL], before the Senate Armed Services Committee on April 24. As to asking the right questions about the goals of the SDI, Dr. Kerr said:

> Many different and divergent opinions about the strategic defense initiative (SDI) have been expressed by defense analysts, political commentators, and members of the scientific community. An important factor influencing opinions about SDI is the way we think about strategic forces and the policies that guide their employment. My own thinking is based on the questions "Where are we now in strategic terms?" and "How can technology, including strategic defense technology, improve our position?"

He also put this initiative in the proper context of U.S. evolving strategic policy:

> Our current strategic policy is a continuation of an evolutionary process that began in the early 1960s. The United States seeks to deter war by negating the ability of any adversary to achieve his aims by force of

arms. We deter massive attacks on ourselves and our allies by maintaining the capability for a devastating response. We also seek to deter limited attacks without having to rely on threats of massive, uncontrolled nuclear strikes. We plan to counter the enemy either by defeating the military forces he commits directly, or by threatening to so damage things of value to him, in a controlled and deliberate fashion, that any gains from his aggression would be outweighed by his potential losses.

Dr. Kerr has a great technical familiarity with the requirements for the SDI since LANL has an extensive involvement in nuclear and nonnuclear systems for SDI, as well as development of prime power sources and the investigations of vulnerability, lethality, and countermeasures attendant to such systems. He also spelled out his own warning about the dangers of premature criticism of this suggested emphasis on strategic defense.

I do have concerns about the harm that can come from premature criticism in the debate over whether or not the country should put a heavy emphasis on strategic defense. First, although we have developed many of the important new ideas and concepts through our nuclear weapons technology base efforts, funds for expansion of these efforts in a major way were to be provided by growth in the DOE's nuclear weapons research, development, and testing budget. . . . I believe it is important, and I would challenge the critics to respond, that we must vigorously perform research to determine *what is possible* in the strategic defense arena, to inform future decisions to deploy or not to deploy.

Dr. Kerr also pointed out other advantages of R&D on strategic defense systems which have been thus far submerged in the polarized and confused debate on this program.

As a first step, R&D may make available strategic defense systems that we could add incrementally to our offensive forces, maintaining the vitality of our current policy. Limited defenses might improve our ability to manage crises successfully: they could defeat small or accidental attacks. By protecting command and control and national leadership, and by reducing the effectiveness of attacks, they could allow us to respond with deliberation. These defenses could also help us to protect a portion of our land-based retaliatory forces, the very forces which we chiefly rely on for controlled, limited responses.

He concluded his remarks with a carefully tailored statement on the deterrence implications, particularly as regard the benefits of "defenses far less than perfect."

If we do decide to begin incremental additions of defenses to our present forces, to fortify our deterrent policy, that need not be in opposition to the longer term goal of moving toward a more defensive posture which would rely on offensive threats and more on protecting our people. For many years we will not have any possibility of highly effective population defense. When and if important progress is made in the development of strategic defense technologies, we may be in a position to move toward a new, more defensive strategic policy. But we probably do not need to aim only for so-called "total defense"—perfect, leak-proof defense—in order to improve our policy and security. Defenses far less than perfect might practically foreclose the use of offensive nuclear forces to accomplish any realistic and useful national objective. Uncertainty about how many, and which, nuclear weapons would get through the defenses must be very deterring. At some point, even very large attack plans would become quite uncertain. It is also possible that defenses might at some time come to have a cost advantage over the offense. This in combination with a growing difficulty in developing effective offensive plans should provide stimulus to offensive force reductions and to finding alternative ways to accomplish national objectives.

What I have tried to indicate so far is that strategic defenses could prove to be very valuable to strategic policy as currently formulated, and may, if their promise is fulfilled, go on to contribute to a new, safer policy in the future. For a number of reasons we may ultimately decide not to go ahead and deploy defense systems. I think that our approach to research and development of strategic defenses should be vigorous and positive, but cautious. The present program is that. The government is currently committed to an R&D program, not to deployment of defenses. A number of defensive weapon systems and concepts are in development which have different characteristics, different potential capabilities, and different implications for strategic policy. We do not yet know which concepts will lead to practical weapons. Nor do we know the strategic situation that might prevail when we are in a position to decide whether to build and deploy these weapons. We are not yet in a position to decide to deploy defense, but we would be improvident to deny ourselves the choices that these programs may open to us.

I hope that my colleagues will weigh Dr. Kerr's remarks heavily so that the Congress can approach its future deliberations on both the SDI and ASAT programs with a comprehensive view and an open mind.●

MAYORS SUPPORT GAY CIVIL RIGHTS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. WEISS. Mr. Speaker, the U.S. Conference of Mayors, at its annual meeting on June 18 in Philadelphia, unanimously adopted a resolution recognizing the right of all citizens, regardless of sexual orientation, to full participation in American society and recommending that all levels of government adopt legal protections for gay and lesbian Americans.

As chief sponsor, with Congressman Waxman, of a bill (H.R. 2624) which would prohibit discrimination on the basis of sexual orientation in employment, housing, and public facilities, I would like to commend the USCM for its action and bring the resolution to the attention of my colleagues.

The resolutions that USCM approves at its annual meetings are forwarded to Congress and to the administration to indicate the policy of the mayors of 850 American cities with populations of over 30,000. Currently, more than 50 cities and countries have gay civil rights legal protections. In addition, a number of other organizations have endorsed gay civil rights legislation, including the National Council of Churches, the American Psychiatric Association, and the National Organization for Women [NOW]. Many religious denominations, recognizing the distinction between support for civil rights and approval of a lifestyle, strongly support gay civil rights legislation. These include the Lutheran Church in America, the United Church of Christ, the Union of American Hebrew Congregations, and the Episcopal Church.

Recently, labor organizations have begun taking strong stands on gay civil rights. The American Federation of State, County, and Municipal Employees [AFSCME], the Service Employees International Union [SEIU], the International Ladies Garment Workers Union [ILGWU], and the AFL-CIO at its most recent national convention have come out in favor of legislation to prohibit discrimination based on sexual orientation. Moreover, national polls clearly demonstrate that the majority of Americans support fair treatment in employment for homosexuals.

Support is growing steadily for H.R. 2624, which now has 76 cosponsors. In the Senate, a bill (S. 430) to prohibit discrimination in employment on the basis of sexual orientation has been sponsored by Senator PAUL TSONGAS. These bills would provide no special privileges nor make any value judgments about homosexuality. Rather, they would simply extend to gays and lesbians the same individual rights that the rest of us take for granted. Sexual orientation should not be considered legitimate grounds for denying an individual employment, housing, or access to public facilities any more than race, creed, color, or sex.

The USCM resolution was cosponsored by Trenton, NJ, Mayor Arthur Holland; East Orange, NJ, Mayor Thomas Cooke, and Washington, DC, Mayor Marion Barry. The full text of the USCM resolution follows:

Whereas, lesbians and gay men constitute, according to most estimates, 10 percent of the U.S. population, representing a substantial segment of American society in communities across the country; and

Whereas, existing civil rights legislation does not, according to court rulings, protect gay men and lesbians from discrimination based on sexual orientation, thus denying them the equal protection of the law guaranteed to other minority groups; and

Whereas, research and statistical surveys have demonstrated that gay men and lesbians are subject to discrimination based on sexual orientation in the workplace, in housing, in relations to the criminal and

civil justice systems, and in the conduct of their everyday lives; and

Whereas, gay men and lesbians are subject to government-sanctioned discrimination in such areas as exclusion from military service and denial of immigration; and

Whereas, more than fifty state and local jurisdictions in the United States have already adopted and had successful experience with legal protections against discrimination based on sexual orientation; and

Whereas, gay/lesbian civil rights protections are supported by a cross-section of Americans—ranging from the National Council of Churches to the AFL-CIO; and

Whereas, the U.S. Conference of Mayors has traditionally taken a strong stand in support of the civil rights of all Americans: Now, therefore, be it

Resolved, That the U.S. Conference of Mayors recognizes the right of all citizens, regardless of sexual orientation, to full participation in American society, and recommends that all levels of government adopt legal protections for the rights of gay and lesbian Americans. The Conference calls on its colleagues to consider executive and legislative remedies to guarantee equal opportunity and protection in the public and private sectors.●

PHARMACEUTICAL ASSISTANCE FOR THE AGED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation which will expand the current Medicaid Program to provide out-of-hospital prescription drug coverage to approximately 7.5 million elderly persons over age 65 with limited incomes.

This legislation would establish a new medically needy category under the current Medicaid Program. It would help those who are most affected by high prescription costs: Those chronically ill aged individuals whose income is too high to be eligible for Medicaid, yet whose prescription drug expenses represent a significant percentage of their yearly income. I believe it meets a vital need of the elderly, particularly those with chronic illnesses and conditions which require medications essential for their well-being and even their survival. For those senior citizens with limited and fixed incomes, the legislation would help to cushion the ever-rising costs of drugs and pharmaceuticals.

Specifically, the legislation which I am introducing would provide Medicaid matching funds to any State that wished to establish a medically needy program to help pay for prescription drugs, insulin, insulin syringes, and insulin needles for its citizens over 65 years of age whose annual income did not exceed $12,000 for an individual or $15,000 for a married couple living together. The program would require that, unless medically inappropriate, generic drugs be used, and that the person pay a copayment ranging from $2 to $5 as follows: $2 for drugs less than $10; $3 for drugs between $10 and $25; $4 for drugs between $25 and $50; and $5 for drugs costing over $50. The variable copayment is intended to discourage too large a prescription unit from being prescribed at one time to avoid paying multiple copayments. The pharmacist would be reimbursed the reasonable cost established by the State for the drug, minus the amount of the copayment, plus a dispensing fee.

The need for this legislation is evidenced by the fact that our current system of providing health care for the elderly is woefully inadequate. Medicare, as we have heard time and time again, does not cover the costs of prescription drugs. Medicaid, which does provide this coverage, does not cover those low-income elderly whose income exceeds the relatively low SSI related income and resource limits. Yet, out-of-pocket expenditures by seniors for prescription drugs ranks second only to hospital care. Drugs now account for almost 23 percent of all private health care. Drugs now account for almost 23 percent of all private health expenses for older Americans.

The burden to pay for, in many instances, life-sustaining drugs—falls most heavily on those who can least afford it—the low-income elderly who suffer from chronic illness, most of whom are not covered by Medicaid. Drug costs for this group are nearly six times as great as for younger Americans. Of the total expenditures for drugs for the aged, only 13 percent are covered by public programs; 87 percent must now be paid out-of-pocket. Experience with a program to pay for drugs for the elderly in New Jersey covering the same income and age categories shows that the average senior spends $242 out of his or her own pocket to pay for prescription drugs per year. These figures do not reflect the full burden of drug costs for the chronically ill elderly whose costs are substantially higher than this $242 figure.

Proposals for coverage of prescription drugs for the elderly have been considered by Congress in the past. Drug legislation was passed by the Senate in 1967, 1972, and 1973 but did not make it through conference with the House. The arguments are that such a program would cost too much, could not be controlled, and could not be efficiently administered. These were all proposals to place a drug program either under Medicare or under a separate new agency. My proposal would keep Federal and State costs to a minimum and would build upon the current Medicaid system.

The Congressional Budget Office estimates that 7.5 million elderly would be assisted under this program. The bill sets no limits on the number of prescriptions that would be paid for per year. However, it is fair to assume that the average senior would fill or refill 22 prescriptions per year with an average cost per prescription of $13. Therefore, if all 50 States participate in this program, on a 50–50 matching basis, and with establishing the most generous income limitations allowed under this bill, the annual cost to the Government might reach $1 billion. However, it would be my expectation based on the fine record already established by the Department of Health and Human Services under Secretary Heckler, that reductions in costs attributable to fraud, waste, and abuse would continue to be reduced and these savings could be applied to a new program of this type. Estimates point to Medicare and Medicaid losing some $7 billion a year to fraud, waste, and abuse. Clearly that number can and should be reduced.

As an original member of the House Select Committee on Aging, I have been in the forefront of efforts in this House to assure adequate protection of health benefits for the elderly. As we have heard time and time again in hearings by our committee—the current system of Medicare coverage is inadequate. It is inadequate because it fails to meet some of the most very basic health care needs of the elderly—including drugs. Just this week, I conducted a meeting with the first group of senior citizens in the Close Up Foundation and found this a primary concern of theirs.

Two States, New Jersey and Pennsylvania, have already passed legislation similar to what I am introducing today. We need to encourage expansion on a national basis so that all needy elderly can receive some modest assistance in this area. This bill would provide the impetus for States, in partnership with the Federal Government, to provide comprehensive health care for the elderly. Adoption of this legislation would provide the impetus we need to expand benefits under Medicare as a subsequent step, to assure that all elderly citizens are provided this kind of health insurance to which they are entitled.

For the benefit of my colleagues, I am inserting the text of this bill into the RECORD. I urge them to join with me in supporting this initiative. The text of this bill follows:

H.R. 5977

TO AMEND TITLE XIX OF THE SOCIAL SECURITY ACT TO PROVIDE FOR AN OPTIONAL PROGRAM OF PHARMACEUTICAL ASSISTANCE TO THE AGED UNDER THE MEDICAID PROGRAM

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pharmaceutical Assistance to the Aged Act".

SEC. 2. Title XIX of the Social Security Act is amended by adding at the end the following new section:

"PHARMACEUTICAL ASSISTANCE TO THE AGED

"SEC. 1919. (a)(1) Notwithstanding sections 1902(a)(10) and 1916 of this Act, a State plan for medical assistance under this title may provide for making medical assistance available with respect to individuals described in subsection (b) for outpatient prescribed drugs and other items described in subsection (c) furnished in accordance with subsection (d), but only if—

"(A) the State has in effect a law meeting the requirements of paragraph (2)(A), and

"(B) the State plan under this title provides that the amount of payment under the plan with respect to interchangeable drug products for which substitution by a pharmacist is permitted under paragraph (2)(A) shall not exceed the amount of payment recognized under the plan for the least expensive of such interchangeable drug product.

"(2)(A) A State law referred to in paragraph (1) is a law which permits a licensed pharmacist to substitute an interchangeable drug product (as defined in subparagraph (B)) of lesser cost for another drug product, unless a licensed physician specifically provides in writing with respect to that prescription that such substitution is medically inappropriate.

"(B) For purposes of this subsection, drug products shall be considered to be 'interchangeable' with each other with respect to a medical indication or treatment if the drug products are therapeutically equivalent (as determined by the Secretary) with respect to such medical indication or treatment.

"(3)(A) The amount of the medical assistance furnished under this plan with respect to a prescribed drug or other item is the amount determined under subparagraph (B) reduced by a copayment amount determined under subparagraph (C).

"(B) The amount of payment under this section for a drug product is the amount otherwise allowable under the plan (subject to paragraph (1)(B)) with respect to the item, without regard to any deductibles, coinsurance, or copayments which might otherwise be imposed.

"(C) In the case of an individual eligible for medical assistance under the plan under this section—

"(i) no enrollment fee, premium, or similar charge will be imposed under the plan, and

"(ii) no deduction, cost sharing, or similar charge will be imposed under the plan, except that payment of a copayment in an amount described in subparagraph (D) shall be required under the plan with respect to each prescription unit of drug or item provided.

"(D) In the case of a prescribed drug or other item for which payment under this section for a prescription unit otherwise is—

"(i) less than $10, the copayment amount referred to in subparagraph (C)(ii) is equal to $2,

"(ii) $10 or more, but less than $25, the copayment amount referred to in subparagraph (C)(ii) is equal to $3,

"(iii) $25 or more, but less than $50, the copayment amount referred to in subparagraph (C)(ii) is equal to $4, and

"(iv) $50 or more, the copayment amount referred to in subparagraph (C)(ii) is equal to $5.

The Secretary shall provide guidelines for the establishment of reasonable prescription units for purposes of implementation of this section.

"(b)(1) An individual referred to in subsection (a) is an individual who—

"(A) is 65 years of age or older,

"(B) is a resident of the United States and is either (i) a citizen or (ii) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including an alien lawfully present in the United States as a result of the application of section 212(d)(5) of the Immigration and Nationality Act),

"(C) has an annual income (as determined under paragraph (2)) of not more than the income limitation established by the State under paragraph (3), and

"(D) is not otherwise eligible for medical assistance under the plan.

"(2) As used in paragraph (1), the term 'annual income' means gross annual income from all sources, including alimony or support funds, the gross amount of pensions and annuities, benefits received under this Act (other than under this title or titles V or XVIII), benefits received under State unemployment insurance laws and veterans' disability payments, interest received from the Federal Government or any State government or any instrumentality or political subdivision thereof, realized capital gains, rentals, workers' compensation benefits and life insurance benefits and proceeds, except that such term does not include—

"(A) the first $5,000 of the total of death benefits payments received with respect to the death of a spouse,

"(B) gifts of cash or property, to the extent they do not exceed a total of $300 in any year, or

"(C) surplus food or other relief in kind supplied by a government agency or as a property tax rebate.

"(3) A State, for purposes of this section, may establish an income limitation of—

"(A) not less than $9,000, nor more than $12,000, with respect to individuals (i) who are not married or (ii) who are married but who maintain a separate residence apart from their spouse and who do not receive support from their spouse or have access to their spouse's income, or

"(B) not less than $12,000, nor more than $15,000, with respect to other individuals who are married.

In the case of an individual described in subparagraph (B), the income limitation shall be applied to the aggregate annual income of the individual and of the individual's spouse.

"(4) A State shall provide for recertifications of income of individuals described in paragraph (1) who have applied and been found eligible for benefits under this section not less often than annually.

"(c) The outpatient prescribed drugs and other items referred to in subsection (a) means legend drugs (other than experimental drugs), insulin, insulin syringes, and insulin needles furnished or administered to an individual while the individual is not an inpatient of a hospital, skilled nursing facility, intermediate care facility, or mental institution.

"(d) The Secretary shall provide, not less often than annually, for informing individuals who—

"(1) are 65 years of age or older and

"(2) are entitled to benefits under part A, or enrolled for benefits under part B, of title XVIII,

of the benefits available under this section in States which have elected to have a program of pharaceutical assistance for the aged pursuant to this section.".

SEC. 3. Section 1902(a) of the Social Security Act is amended—

(1) in paragraph (10), by striking out "and" at the end of clause (III), and by adding before the semicolon at the end the following: ", and (V) this paragraph shall not apply with respect to the provision of medical assistance described in section 1919", and

(2) in paragraph (37), by inserting "for prescribed drugs under the plan or" after "payment made".

SEC. 4. (a) The Secretary of Health and Human Services shall promulgate final regulations not later than September 1, 1985, in order to provide for State implementation of the amendments made by this Act on a timely basis.

(b) The amendments made by this Act shall apply to medical assistance furnished with respect to outpatient prescribed drugs furnished on or after October 1, 1985.

SEC. 5. (a) The Secretary of Health and Human Services shall maintain statistical records on State programs of pharmaceutical assistance to the aged under section 1919 of the Social Security Act to determine the effectiveness and impact of such programs, including the level of participation by the elderly and any patterns of unusual drug usage, and to provide for the report required under subsection (b).

(b) Based on such information, the Secretary shall submit a report to the Congress, at the time of the transmittal of the budget of the Department of Health and Human Services to the Congress for fiscal year 1987, containing information relating to—

(1) the States providing for such programs,

(2) the number of persons covered under such programs,

(3) the number and kinds of drug products for which assistance was provided under such programs,

(4) the costs of the assistance furnished, including an estimate of actual expenses incurred by pharmacists participating in such programs, and

(5) the timeliness and accuracy of payments made to pharmacists under such programs.

The report also shall contain such recommendations for changes in legislation as the Secretary determines to be appropriate.●

TRIBUTE TO MR. PAREDES

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. BOXER. Mr. Speaker, June 1, 1984, marks the retirement of one good-natured gadfly of the joint council of the Teamsters Union. He served for 34 years in the Teamsters Union—the last 12½ as secretary-treasurer of Hayward Local 588. Mr. Paredes has actually been a union member since 1946, when he came out of the Navy after World War II where he saw combat on aircraft carriers in both the Pacific and at the Normandy beaches on D-day II.

He joined ILWU Local 6 in San Francisco and served as a trustee in

1949. He joined Teamsters Local 12 in 1950. After some time with local 655, he transferred into local 588 in 1959 as a business agent. He was first elected secretary-treasurer in 1971.

The mustachioed and distinguished-looking man will be missed by delegates as the perennial challenger of many council actions and often as a dissenting minority of one.

I would like to cite this testimony in the CONGRESSIONAL RECORD as a tribute to Mr. Paredes' lifelong commitment to society and his quest for justice. His greatest satisfaction as a teamster leader, he said, was in "helping minority people get jobs."●

TENNESSEE NATIONAL GUARD

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. LLOYD. Mr. Speaker, last Thursday and Friday, June 21 and 22, I had the opportunity to view and to participate in portions of the annual training of units of the Tennessee National Guard from my district. I cannot overemphasize to my colleagues in the House the extraordinary degree of professionalism, dedication, and commitment that I saw in the officers and men of the 196th Field Artillery Brigade, the 1/181st Field Artillery Battalion, and the 30th Separate Armored Brigade.

For those of my colleagues who have not had the opportunity in recent years to observe the high caliber and readiness of the National Guard, I believe you will be most impressed with today's Guard Forces. The vast majority of these men and women have successful careers in civilian life and are active in their communities. Yet, they are willing to give up 1 weekend each month and 2 weeks in the summer to sharpen and refine their military skills. For some of the young people I talked with, the 2 weeks training they are performing in Camp Shelby, MS, is the only vacation time they will have for this year, but they are willing to make that sacrifice in order to participate in the National Guard. Many of these young people whom I spoke with on Thursday had been out in the field sleeping on the ground or on the artillery pieces since the preceding Sunday. They were hot, tired, and thirsty, but they were also proud of the job they were doing, thoroughly skilled and trained, and highly motivated.

Individuals from these units have participated in training exercises with their affiliated Regular Army units. I was told by both Tennessee National Guard commanders and by Regular Army officers observing this summer camp that those guardsmen were rated as outstanding in the performance of their duties with active duty Army units.

Defense dollars are stretched tighter today than at any other time in recent years. Expenditures for the Guard and Reserve components of the military yield an extremely high return when compared to the added defense capability they produce.

For any Member who has not in the last few years taken a firsthand look at the National Guard, I urge you to do so. Today's National Guard is a sophisticated, effective, and reliable part of the total-Army concept. They deserve not only our gratitude, but our active support in providing them with modern equipment and ample opportunity to train with that equipment.

In particular I want to single out the outstanding accomplishments of the Tennessee National Guard, the 196th Field Artillery Brigade, and the 1/181st Field Artillery Battalion from Chattanooga, TN, for their performance in the exercises I had the opportunity to observe. I am confident that they are examples of the immense improvement in our Guard and Reserve Forces. I congratulate them and I take this opportunity to tell all my colleagues of the immense pride I feel about the defense contribution these men and women are making to the United States.●

IN MEMORIAM—MOE M. TONKON: 1905-84

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. AUCOIN. Mr. Speaker, I rise today in tribute to a very great man who died recently in Portland, OR. Moe M. Tonkon was born in 1905 in Bender, Russia, the son of a hatmaker. If events had occurred differently, Moe, too, might have become a hatmaker in Bender. Fortunately for him, and for the people of Oregon, his family emigrated to Portland in 1906.

After attending Reed College and the Northwest College of Law in the mid-1920's, Moe opened his own one-man law office in Portland. Today the firm of Tonkon, Torp, Galen, Marmaduke & Booth is one of the largest legal firms in the State. Moe's legal career was very impressive. In fact, Multnomah County Presiding Court Judge Charles S. Crookham called him "one of the great lawyers of the State."

But I believe Moe was even more proud of the numerous civic and philanthropic activities which he was involved in throughout his long life. He was past president of the Library Association of Portland, the Oregon Historical Society, and the Portland Junior Symphony. Moe also served on the board of Reed College, St. Vincent Hospital & Medical Center, the St. Vincent Medical Foundation, the United Good Neighbors, the Columbia Pacific Council of the Boy Scouts of America, the Multnomah County Chapter of the American Red Cross, and the Portland Art Museum.

Moe Tonkon was a soft-spoken man. Not one to boast about his many accomplishments, he was content to let others receive the publicity, and confident enough to know that his actions and selfless dedication to his community would earn him the respect he deserved.

Even when breaking through the prejudicial religious barriers which blocked members of his faith from joining exclusive clubs in the Portland area, he was quiet and self-assured. When a reporter asked Moe about his third successful entry into a hitherto restrictive club, he said, "I don't want any publicity on all this. Somebody had to be first and I think that now people will be accepted at all these clubs on an individual basis." Thanks to people like Moe M. Tonkon, these religious, racial, and sexual barriers are beginning to fall in clubs and organizations throughout the country.

Moe would probably be embarrassed by this tribute to his life and accomplishments, but when someone like Moe comes along, someone who stands out so dramatically by his life's deeds, I feel it is fitting that we express our admiration and gratitude for all that he achieved and all that he contributed. He is deeply missed.●

SOLIDARITY WITH THE ETHIOPIAN JEWS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. ROE. Mr. Speaker, the plight of the Jews of Ethiopia remains a matter of deep concern to me and to their other friends and supporters in the United States. It is for this reason that I have joined in sponsoring House Concurrent Resolution 107, expressing the concern of the Congress for the plight of the Ethiopian Jewish community and why it is an obligation for me to participate in this special order.

Ethiopia's Jews are otherwise known as the Falashas, which means strangers or landless persons. They have lived in Ethiopia for over 2,000 years, and first settled there in the Biblical period. A millennium ago, they numbered over half a million, and enjoyed political and religious freedom. Since then, however, their numbers have steadily decreased. In 1900, there were

100,000 Falashas, and now there are less than 20,000 Jews in Ethiopia. Unless measures are taken soon to stop this decline, this ancient community will soon disappear.

Mr. Speaker, for centuries the Jews of Ethiopia were subjected to enslavement, forced conversion, land confiscation, and physical persecution. Even today they suffer from forced privation, isolation, discrimination, and brutal mistreatment. Falashas have been executed as government agents and suppressed as dissidents. According to reports, Jewish schools have been closed, Jewish teachers have been dismissed, and synagogues have been closed down. But in spite of these efforts to harass and persecute the Jewish community, the Falashas have managed to survive. It is truly a testament to the courage and tenacity of this beleaguered community that some 20,000 Falashas remain alive today in Ethiopia.

Mr. Speaker, the plight of the Falashas is exacerbated by the effects of the worst drought to have beset Ethiopia and other regions of Africa in a decade. Relief organizations have estimated that the drought threatens 3.2 million Ethiopians and that up to 150 are dying each day due to drought and famine. The Falashas' living conditions are further aggravated by the continuous strife between the Government and the rebel troops in the northern part of the country.

The Ethiopian Government has denied the allegations of persecution and discrimination of the Falashas. Yet the truth of the matter is that most of the Falashas want to leave Ethiopia and settle in Israel. They and the approximately 3,000 Ethiopian Jews who have managed to find their way to refugee camp facilities in neighboring Sudan want to be united with the approximately 4,000 Falashas now living in Israel. Israel is willing and ready to accept them and to integrate them into Israeli society. Yet emigration from Ethiopia is barred under Ethiopian law and is highly difficult and dangerous.

It is my strong belief that all Ethiopian Jews who wish to emigrate to Israel should be allowed to do so as quickly as possible. It is also my firm conviction that it is crucial to promote greater U.S. official and public awareness of the plight of these brave and courageous people. By calling attention to the plight of the Falashas and their fervent wish to emigrate to Israel, we are letting them know that we here in Congress have not forgotten them and their longstanding yearning for freedom and religious liberty.●

NATIONAL HISTORY DAY

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, this year, the National Endowment for the Humanities' National History Day involved some 150,000 secondary school students from over 40 States. This year's theme to be followed in the preparation of papers, projects, performances, and media presentations was "Family and Community in Media."

National History Day itself is the culmination of a series of contests held at the staff and district levels, judged by hundreds of historians and educators. The research that students do for their projects, guided by their teachers, stimulates imagination and creativity as well as scholarship, reading, and writing skills.

Lesley Meneley, a resident of Pesotum, IL, and a student at Unity Junior High School, was one of those chosen from over 150,000 participants to compete at the National Finals of History Day at the University of Maryland on June 13-16 of this year. Lesley's entry, which was completed with the help of her teacher, Mrs. June Carrel, is a paper entitled "The Meneley Chautauqua." This paper is a fine example of the intelligence and potential which is found in the youth of this great country.

Congratulations Lesley, Mrs. Carrel, and Unity Junior High School. Keep up the good work. All of America is with you.●

EXPRESSION OF SOLIDARITY WITH THE ETHIOPIAN JEWS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. BIAGGI. Mr. Speaker, this week is being observed in the United States, Canada, and Israel as an International Week of Solidarity with Ethiopian Jews. At this time I would like to join my colleagues in expressing continued support for and solidarity with both the Falasha community in Israel and those Jews still living in Ethiopia.

The Jewish community of Ethiopia is one that has survived for over 2,000 years. It has persevered despite centuries of numerous conflicts, tribal wars, persecution, and oppression; and it continues to survive in a land of stark poverty and rampant disease. The Jews of Ethiopia continue to live in a country wrought with internal strife and political insurrections. It is a country that has been devastated by a 2-year drought.

The Ethiopian Jews are a hardy community—one dedicated to preserving its religious traditions and way of life. Despite the fact that some 7,000 have already found greater religious freedom in Israel, a small Jewish community remains in Ethiopia, unable to join their loved ones in Israel and unable to realize their dream of freedom and greater religious liberty. As one who recognizes the courage and perseverance of both those Jews who have made the trek to the promised land, Israel, and those living in Ethiopia who must endure great physical hardship, I am a cosponsor of House Concurrent Resolution 107, expressing the concern of the Congress for the plight of this small beleaguered community. A similar resolution has already passed the Senate and I sincerely hope that this resolution will soon be enacted by the House.

The Jewish community of Ethiopia is one of that yearns to emigrate to Israel to join their loved ones and live a life of greater freedom and religious liberty. The dreams and aspirations of this brave community must not be forgotten and I feel honored to express my solidarity with these courageous and devout people.●

THE CRITICAL IMPORTANCE OF INTERNATIONAL POPULATION ASSISTANCE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1984

● Mr. KOSTMAYER. Mr. Speaker, I commend the gentleman from Michigan [Mr. LEVIN] for taking this special order on the role of the United States in international population assistance. I appreciate having this opportunity to express my views on this critical subject. Hopefully it is not too late to avert what could be a foreign policy disaster for our country.

White House policymakers, as we know, have drafted a controversial and misguided position paper to be delivered at the U.S. International Population Conference in August in Mexico City. The announcement of a new U.S. population policy will occur a week before the opening of the Republican Convention in Dallas.

Partisan politics, it appears, is about to: First, overturn a 20-year bipartisan commitment to international family planning; second, subvert current U.S. foreign assistance law; and third, reverse the Reagan administration's own population assistance policies of the past 3½ years.

The White House position paper largely dismisses the importance of family planning. It ignores the enormous unmet demand and need for family planning services around the

world and instead, focuses exclusively on the need to deregulate developing Nation's economies.

The draft paper also proposes to halt U.S. Government funds to family planning organizations that may use non-Government moneys to pay for abortion-related activities. This goes beyond current U.S. law which prohibits the use of U.S. population aid to pay for abortions, abortion research, or the promotion of any abortion-related activities. Ironically, the new proposal seeks to further regulate and condition any U.S. population assistance, direct or indirect, to the very countries it blames for not deregulating and decentralizing their economic policies. Such inconsistent logic will not be lost on the developing nations.

The draft paper altogether misses the problem in blaming socialist or centralized economies rather than population growth for Third World poverty. It is no accident that the relatively prosperous, developed nations of the world have largely market-oriented economies and enjoy low and manageable population growth. But none of these nations, particularly the United States, have ever experienced the rampant population growth that has impeded economic development in the Third World. Without manageable population growth and the resources to achieve it, no nation will be able to achieve healthy economic expansion, decentralize their economies, and move toward the free enterprise that the White House policymakers advocate and all of us would like to see occur.

Changes in present U.S. population policy on the scale the draft paper outlines will undoubtedly produce suspicion and resentment among the nations of the developing world. More, not less population assistance, is what the Third World countries are seeking. The alternative is increased political instability, greater indebtedness, accelerated depletion of scarce natural resources, hunger, famine, and a rise in international migration toward our own borders.

All these factors would have significant and detrimental consequences for the United States.

And it is no accident that the Soviet Union opposes family planning efforts because they realize what the administration conveniently ignores—that uncontrolled population growth directly contributes to political and civil unrest, and consequently, provides opportunities for the Soviets and their surrogates to spread their influence.

The administration's policy focuses on the need for economic growth in the developing countries. This is a noble cause and one which I support, but to rely on economic growth to solve population problems is totally unrealistic under the present circumstances.

During a visit to Honduras last year with other members of the Foreign Affairs Committee, I asked Ubodoro Arriaga, the head of the Agrarian Reform Institute, at what rate the Honduran economy was growing. He told me it was struggling to reach zero percent. At the same time the population in this country was growing at a rate of 3.6 percent each year and urban growth is over 5 percent. Since 1970, the annual growth rate of the Honduran population has been rising while the growth rate of the economy, particularly food production, has been falling. Over the same period, the growth rate of the U.S. economy has declined as well but it has been accompanied by an even sharper decline in the population growth rate. So the average annual income for Americans has risen dramatically since 1970. The average annual income in Honduras is $600—the lowest in the Western Hemisphere only after Haiti.

Honduras is not an isolated case. The sharp increases in the price of oil in the early 1970's and the world recession that followed has most adversely affected the nations of the developing world. The gap between the have and have-not nations increased. But at the same time more than 90 percent of the world's population growth is occurring in the less-developed countries, many of which cannot provide the basic needs of their existing populations for food, shelter, jobs, and education.

The world will grow by 84 million people in 1984—the largest increase in a single year in history. It took 100 years for the world's population to double from 1 billion in 1830 to 2 billion in 1930. The world now grows by 1 billion in less than 15 years. Those born in 1930 will have seen the 3, 4, 5, and 6 billion people added to the world in their lifetime.

The average woman in Kenya gives birth to about eight children during her childbearing years. In Syria, the fertility rate is seven and it is six in Bangladesh and Bolivia. All of these nations are experiencing little or no economic growth. In contrast, the fertility rate is 1.8 in the United States, 1.6 in Italy, and 1.4 in West Germany—all among the world's most prosperous nations.

The world economy expanded about 5 percent a year between 1950 and 1973—the year of the Arab oil embargo. During the same period, population grew at less than 2 percent. But since 1979, economic and population growth have both been about 1.7 percent annually. In those nations where the population rate is more than the economic growth rate, living standards have declined. During the 1970's there were 18 such nations, most of them in Africa. Today, thousands are dying of starvation and disease in sub-Saharan Africa as a terrible drought has stricken the very peoples least able to endure such a catastrophe.

But there are some reasons for optimism, largely because of the success of population programs; 20 years ago, the U.N. Fund for Population Assistance was created—with the strong leadership of the United States, because the United Nations and the United States recognized that uncontrolled population growth stands in the way of the achievement of economic and political objectives. About 50 developing countries, accounting for most of the population of the Third World, have adopted population programs with positive results. In a number of those nations that have had effective family planning programs over the last 15 to 20 years, such as Thailand, Costa Rica, Panama, and Korea, population growth rates have begun to fall. As a result, these nations have been spared the worst of the deteriorating economic conditions that have hit those nations with little or no family planning such as Chad, Bolivia, and Ethiopia.

Most importantly, Mr. Speaker, is the humanitarian basis for population assistance. Millions of women in the developing world desire to determine the size and spacing of their families, but lack the simple means to implement this basic human choice, a choice which we take for granted. This is not the time to slash our assistance to these families but rather to increase it. For example, the 1979 world fertility study of 15 developing countries showed that while one-half of all married women of reproductive age want no more children, one-half of those same women do not have access to effective methods of family planning. In Pakistan, one of the countries studied, only 10 percent of all married women had every used contraception of any kind.

There is a sizable backlog, both at USAID and at the UNFPA of desperately needed projects.

That is why in 1983 and again this year I offered, and the House Foreign Affairs Committee accepted substantial increases in America's international population assistance program.

It is true that economic growth needs to be stimulated in the developing world, but population growth also needs to be stabilized. To try to accomplish the first and ignore the second solves nothing. Idealogy and a particular economic philosophy have never dictated U.S. population assistance in the past and it ought not to do so now, or ever.●

REPLACEMENT MOTOR FUELS ACT OF 1984

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. JEFFORDS. Mr. Speaker, earlier this week, myself along with Representatives CONTE, D'AMOURS, GLICKMAN, SNOWE, TAUKE, and WALGREN introduced the Replacement Motor Fuels Act of 1984.

In 1979, I introduced similar legislation which received the support of over 100 House Members. At that time, the idea of reducing our dependcnce on OPEC oil imports while encouraging the development of domestic energy sources made a great deal of sense. The Iraqi and Iranian war, and the problems in the Persian Gulf, have again emphasized the vulnerability of oil supplies to the Western World. In addition, lower than anticipated oil prices have underlined the difficulty in trying to supply domestic replacements for imported petroleum.

Our proposal creates an assured market for substitute fuels. Any number of alternatives are available or can be produced to meet this mandate, including alcohol from grains, wood, or garbage, synthetic fuel from coal, or oil from shale. The fuels would be determined by marketplace competition. There would be no cost to the Federal Government, except for enforcement.

Per a schedule to be set by the Department of Energy, refiners would be required to phase in substitute fuels, beginning in 1986, with quantities increasing to 10 percent of their total gasoline production by 1992. They could mix the fuels themselves, or contract with others to do it. They would have flexibility to alter their percentages at different times of the year and among the geographic regions they serve. If they failed to meet the goal at the end of the year, they would be fined $1 for each gallon of fuel sold in violation of the law.

In 1983, gasoline consumption represented 43 percent of the total amount of oil used in the United States. By reducing that amount by 10 percent with the use of replacement fuels, we can at current rates reduce our imports of crude oil by 500,000 barrels per day and provide an additional market for surplus grains, as well as a competitive stimulus for alternative fuels projects. With the EPA phaseout of leaded gasoline, there is also the added feature of providing clean, fuel-efficient octane enhancers.

The cost of the consumer of 10 percent replacement can be estimated:

Cost of a gallon of gasoline	$1.22
Reduced by 10 percent	−.12
Total	1.10

Assuming replacement fuel costs of as much as $69 per barrel refined, the cost of a gallon of replacement equals $1.64; or, one-tenth gallon in each gallon of gas equals $0.165 per gallon for the cost of replacement fuel.

Total per-gallon cost of the mixture is then:

Gasoline	$1.10
Replacement fuel	.165
Total	1.265

Thus, even a very conservative estimate shows a price increase of less than 4 percent at the gas pump in exchange for energy independence. While the costs to the consumer would be very small, the costs to the taxpayer would be almost nonexistent. The octane enhancing qualities of replacement fuels, resulting in a more efficient and powerful fuel, should also be taken into account when reviewing these numbers.

I urge all my colleagues to give this proposal serious consideration. It is critical that we do not become complacent with today's world oil situation.

Below is a section-by-section analysis of the bill.

ANALYSIS OF REPLACEMENT MOTOR FUELS ACT OF 1984

I. Section 1 is the title of the bill, as indicated above.

II. Section 2 sets out Congress' findings as to the necessity for replacement fuels to decrease the need for imported crude oil.

III. Section 3 defines the terms used in the bill, including alcohol, replacement fuel, replacement motor fuel, renewable resource, etc., as used in the bill. The term "replacement fuel" is broad enough to include alcohol or any other liquid produced from coal, oil, shale or other substance that can be mixed with gasoline and used as a motor fuel. The Secretary of Energy is designated as the major implementer of the program.

IV. Section 4 requires the Secretary of Energy to establish a program to promote the development and use of replacement fuels in the United States. Specifically, the Secretary is required to design a program promoting replacement of gasoline with the maximum percentage of replacement fuel as is economically and technically feasible for use as motor fuel.

V. Section 5 requires the Secretary of Energy, in consultation with the Secretary of Transportation, Agriculture, Commerce and any other appropriate agency, to establish a development plan and production goals for the optimal production of replacement fuel in the U.S. in calendar years 1986 through 1992. The ultimate goal, by calendar year 1997, is to replace 20 percent or more, by volume, of the projected consumption of gasoline used as a motor fuel in the U.S. for that year. the interim goals for 1992 through 1996 is 10 percent replacement, by volume, of the projected consumption of gasoline used as a motor fuel in the U.S. for each of those years.

In developing the plan, the Secretary of Energy is required to identify ways of encouraging the development of a reliable replacement fuel industry, the barriers to its development, and include an estimate of the production capacity of replacement fuel needed to implement this bill's requirements.

The Secretary has 6 months to complete his development plan and production goals and report to Congress.

VI. Section 6 establishes minimum percentages of replacement fuel to be included in the total quantity of gasoline and replacement fuel sold by any refinery. For CY's 1986 through 1991, to be determined by the Secretary of Energy. For CY's 1992 through 1996, 10 percent. For CY's 1997 and thereafter, 20 percent or more, unless the Secretary establishes, by rule, that 20 percent is inappropriate. The minimum percentages will be based on technical and economic feasibility. Each refiner is required to make annual reports to the Secretary as to the average percentage replacement fuel sold during the preceding calendar year. The Secretary may make adjustments to reduce minimum percentage requirements.

VII. Section 7 sets out the enforcement mechanisms avaliable to the Secretary. Violators are subject to a civil penalty of not more than $1 per gallon for each gallon of fuel not containing a minimum percentage of replacement fuel. When notice of a proposed penalty is issued by the Secretary, two choices are available to the refiner: (1) he may request a hearing before an administrative law judge, or (2) he may institute action in the U.S. Court of Appeals. The Secretary will institute action in the appropriate district court if the civil penalty has not been paid within 60 calendar days after the assessment order has been made.

VIII. Section 10 ensures the coordination of this Act with the Energy Security Act.●

COMMENDING CORPUS CHRISTI CITIZENS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. ORTIZ. Mr. Speaker, I would like to take a few minutes to commend several constituents in my district for their work toward beautifying Corpus Christi. Their efforts culminated recently in the dedication of a statue in the westside of the city.

Mr. Arturo Martinez, a member of the Beautify Corpus Christi Association, has for many years worked relentlessly toward beautifying the triangle at the Agnes-Laredo intersection. After many unsuccessful tries, he succeeded in finding funding for the construction of a park in 1981; the result was Plaza De Pineda, a park which was completed 2 years ago.

The success was made possible through generous donations from the Westside Business Association, a well-respected business group from the area. They have worked continuously to meet their charter's goal of "bettering and enriching our community." This project is just one more example of their positive impact on that area of the city.

The association's officers—Arnold Garcia, Carlos Moreno, Oscar Flores, Oscar Garza, Ted Stephens, and Dr. Clotilde Garcia— and its board of directors—Ted Estrada, Noe Mendez,

Bud Hoffman, and John Wright—have all helped make this project a success.

Only last week, the westside business group also erected and dedicated a statue of Capt. Alonso Alvarez De Pineda on the site.

The Spanish explorer is an important figure in south Texas history. He explored and mapped the gulf coast, from Veracruz, Mexico to western Florida in the 16th century. According to local tradition, he discovered Corpus Christi Bay and named it after the Feast of Corpus Christi—the day he presumably claimed the territory for his king.

The great Spaniard braved many uncertainties here in the New World in search of glory and treasure. He found both. When he returned to Jamaica, De Pineda took both gold and stories of "nine-foot tall, friendly" natives. This brought him the fame that he had always dreamed of. Indians killed him shortly afterward, on his return voyage, but death could not diminish his legend. He still lives in the many adventure stories which are told along the coast.

His legend is captured in our new statue, which stands in memory of his daring deeds. But the statue and park are also a tribute to the people who worked to put it there; indeed, it stands in honor of all the people who live and work in the westside. These men and women have shown over and over the care they feel for our fair city.

Mr. Speaker, I thank you for allowing me this time.●

DEFICIT REDUCTION ACT OF 1984

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. SCHNEIDER. Mr. Speaker, the Deficit Reduction Act of 1984, which passed the House on June 27, is an example of both an opportunity acted on and an opportunity lost. The bill provides some much needed action behind all of the deficit reduction talk we have been hearing lately by generating $50 billion in additional revenues during the next 4 years and cutting spending by $13 billion. But the reductions are actually only a token, amounting to less than 7 percent of the $900 billion deficit we anticipate by 1988. Think about this for a moment. It means that to be totally effective, a deficit reduction package would have to generate 14 times the savings and revenue generated by this bill.

Mr. Speaker, any time a major piece of legislation, such as the Deficit Reduction Act of 1984, is prepared, it invariably contains a number of provisions that are unacceptable. Yet, because of the importance of the task before us it is crucial that we consider the overall impact of the bill rather than the individual changes that we may dislike. I take issue with the changes in Medicare and the extension of what was promised to be a temporary 3-percent excise tax on telephone bills. I am concerned that the change in depreciation schedules for buildings may have a negative impact on the housing industry. I feel that the reduction in taxes on tobacco was a giveaway to a powerful lobby. Nevertheless, I supported this bill because it is the only major piece of legislation that is likely to have any impact on the deficits.

In spite of a number of shortcomings, the bill retains a number of effective programs such as the tax-exempt mortgage revenue bond provision. It improves other tax incentive programs that appear to be working effectively, such as the holding period required for eligibility under captial gains tax rules. It also extends the targeted job tax credits through 1988.

I am pleased that the bill eliminated a number of the least effective tax incentive measures in the current tax law. In some instances it may be true that tax incentives which were effective also fell by the wayside. In any case, I think all will agree that we have squeezed the major sources of revenue as much as we can under the current tax system.

It is obvious that the "down payment" on the deficit is only that. In order to continue our efforts at deficit reduction, it will be necessary to engage in a fundamental reevaluation of our budgetary policies. This means action on the comprehensive reform of the Tax Code that has been promised by the majority. This means a dramatic reassessment of our spending patterns across all categories. This means that we can no longer put our heads in the sand and deny that we are facing a crisis.

Mr. Speaker, I am looking forward to consideration of serious legislation to develop a simpler, more equitable tax system. Such legislation should be ready for consideration as soon as possible in the next Congress and it should be coupled with a rigorous plan for developing a sound budgetary policy that will see us through to the end of this century.●

LULAC'S VIEW OF OUR CENTRAL AMERICA POLICY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. MINETA. Mr. Speaker, one of the recommendations advanced by the much-heralded second report of the Inter-American Dialogue, entitled "The Americas in 1984: A Year for Decisions," was to find a way to focus attention on how Hispanic-American communities here in our own country can contribute more fully and positively to improving inter-American communication and mutual understanding.

The Nation's oldest and largest Hispanic organization, the League of United Latin American Citizens [LULAC], with over 110,000 members in 43 States, cognizant of the unique role Hispanic-Americans can play in hemispheric politics, has just recently published a policy statement of its own on the conflict in Central America, entitled "Central America: A Hispanic Analysis." The 25-page booklet, intended as both an educational tool for the Hispanic community and a stimulus to greater Hispanic participation in Latin American issues, represents for Hispanics a first step toward fulfilling the astute recommendation of the Inter-American Dialogue.

Included within its pages are an analysis of the current political and military situation in the region, the outlook for human rights in El Salvador and Nicaragua, and a critique of past and current American policy in Central America. I would like to submit, now, for the RECORD, an excerpt from the booklet that addresses the concerns of the Hispanic community regarding our policy in Central America and criticizes the interventionist policy of the Reagan administration.

The excerpt follows:

WHY SHOULD THE HISPANIC COMMUNITY BE CONCERNED?

Clearly, the political and economic stability of Central American countries has direct implications for every American, but the Hispanic community is particularly sensitive to Latin American policy and politics for a number of reasons. Of foremost concern is the fact that the citizens of the Central American countries are fellow Hispanics. Moreover, they are fellow Hispanics who have suffered overwhelmingly for decades from the lack of political rights and economic opportunity. While their struggle is much more intense and difficult to overcome, it is one which we Hispanics share in the United States. As such, the Hispanic-American community should be particularly sensitive to the issues affecting these Latin American nations.

REFUGEES

The effects of war and chaos that Latin Americans experience in their home countries is affecting the Hispanic community here. Because of the social and political calamities in Central America, a large number of refugees from the region have fled to the United States, resulting in social and economic strains on our society. Our community is extremely sensitive to the situation of these refugees since we are familiar with the paranoia and insensitivity of a U.S. public which uses as scapegoats Spanish-speaking refugees and undocumented per-

sons, as well as the domestic Hispanic population in general. Sadly, it is conceivable that prejudices and charges against our community will escalate as long as the instability in Central America continues to affect the U.S. by bringing refugees to our borders.

In addition, efforts have been made to divide Hispanics in the U.S. from Central American refugees by claiming that refugees take jobs away from Hispanic-Americans. Also, claims are made that if we don't stop communism in El Salvador we will have to confront it in South Texas. These exaggerated and unfounded contentions are designed to invoke fear, divide and confuse us about the issues confronting Central Americans. Our concern should be to better understand the reasons behind the immigration movements of Central Americans to the U.S. We must work to bridge the perceived differences between Hispanic-Americans and the in-coming refugees, for, due to the continued instability in Central America, it is safe to conclude that current immigration patterns will remain. As Central American refugees establish themselves in the United States, primarily in Hispanic-American communities, it is incumbent that we prepare ourselves for adjusting to the attitudes and concerns these refugees bring with them. This must be done in the spirit of Hispanic unity and concern for our people.

VALUABLE TAX DOLLARS

A second concern of the Hispanic community is the fact that our government is spending massive amounts of tax dollars on policies which have little positive effect in Central America. To date, the United States has spent one billion dollars in EL Salvador to support the present Salvadoran government. In Nicaragua, the U.S. Senate recently agreed to spend an additional $21 million to fund the "contra" guerrillas. These facts are particularly distressing to Hispanics who are told that there are not enough funds to address domestic problems facing our own community. As Toney Anaya, Governor of New Mexico said recently, "We care about a defense budet that runs amok while our children go uneducated, unfed, unclothed, and with no health care."

THE ARMED SERVICES

Finally, LULAC shares with many analysts the concern that in the wake of the U.S. invasion of Grenada the possibility of direct intervention by U.S. troops in Central America has approached a very dangerous level. When one considers the perilous situation of the Salvadoran troops and President Reagan's determination that no neighboring country fall to lefist forces while he is still in office, the prospect of military intervention in the region seems unavoidable. Clearly, should any such action occur, it would be felt acutely be Hispanics since we and other minorities are disproportionately represented in the armed services. There is absolutely no doubt that Hispanic-Americans will serve this government when called to duty. Our community's distinguished military record upholds this fact. However, should the Administration decide to intervene in Central America, Hispanic Americans would be put in the emotionally and psychologically difficult position of fighting against our Latin brothers in a war which would be doomed to failure, and more importantly, which could be avoided if our government engaged in a foreign policy based on diplomacy and conciliation instead of military force.●

DOUGLAS COUNTY MADD COMMENDED

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. DAUB. Mr. Speaker, as the Congress addresses the tragic problem of drunk driving at the national level, I would like to share with my colleagues the impressive work being done at the local level by the Douglas County, NE, chapter of Mothers Against Drunk Driving.

Last year, this chapter of MADD, as they are commonly known, purchased an accident investigation mobile unit for the Omaha Police Department. This vehicle is equipped with special devices that make it a "mobile command post" in traffic accidents, drunk driving accident investigations, disaster control, and chemical or toxic disasters.

Additionally, MADD donated a unique traffic enforcement and investigation vehicle to the police department. Both vehicles have proved valuable additions to the police force's drive to curb drunk driving.

The Douglas County chapter has been similarly active this year. During May alone, the group scheduled a wide-range of activities including a "MADD DASH", a seat belt program, "Project Graduation", speaking engagements and proclamation signing ceremonies by local and State officials. Many more activities are scheduled through the remainder of the year.

Further, MADD conducts effective court monitoring and victim support programs.

The Douglas chapter of Mothers Against Drunk Driving has established an exceptional reputation and has performed an immensely valuable public service. Kay Neil, their energetic and dynamic president, has earned the respect and admiration of the entire community.

MADD's efforts are a bright spot in the grim area of drunk driving, and they have our strong support and deep gratitude for their important work.●

CONGRESSIONAL STEEL CAUCUS QUARTERLY FINANCIAL REPORT

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. MARTIN of Illinois. Mr. Speaker, in accordance with executive committee order No. 1, I am respectfully submitting herewith the financial report of the Congressional Steel Caucus for the first quarter of 1984, for insertion into the RECORD. The report is as follows:

HOUSE OF REPRESENTATIVES,
CONGRESSIONAL STEEL CAUCUS,
Washington, DC, June 29, 1984.

Hon. LYNN MARTIN,
House of Representatives, Washington, DC.

DEAR MRS. MARTIN: Please find enclosed for your permanent files the following reports of the Congressional Steel Caucus:

(1) Monthly Statements of Expense for the first quarter of 1984;

(2) Monthly Fund Balance Statements for the first quarter of 1984; and

(3) A listing of Caucus employees showing their gross monthly salaries and the Caucus Members who contributed clerk-hire funds for this purpose.

With best regards, I am

Sincerely,

JACK O. ANDRESEN,
Staff Director,
Congressional Steel Caucus.

Fund balance statement—1984

[Quarterly report]

Balance remaining (as of Dec. 31, 1983)	$3,500.85
Total revenues (Clerk hire, dues, donations)	25,471,42
Subtotal	28,972.27
Less expenses:	
January 1984	5,149.96
February 1984	3,591.26
March 1984	4,131.30
Subtotal	12,872.52
Total unexpended revenues (as of Mar. 31, 1984)	16,099.75

Statement of expenses, and fund balance statement—January 1984

[Monthly report]

Statement of Expenses:	
Salaries	$4,384.76
Travel	.....
Stationery	.....
Postage	.....
Telephone	158.15
Publications	62.40
Equipment	523.38
Printing	.....
Miscellaneous	21.27
Total expenditures	5,149.96
Fund balance statement:	
Balance forward (as of Dec. 31, 1984)	3,500.85
Total revenues (Clerk hire, dues, donations)	10,829.50
Subtotal	14,330.35
Less January expenses	5,149.96
Total unexpended revenues (as of Jan. 31, 1984)	9,180.39

LISTING OF STAFF—JANUARY 1984

[Monthly report]

Name	Clerk hire contributor	Title	Gross monthly salary
Philip Ola	Hon. Ben Erdreich	Staff director	$210.00
Do	Hon. Joseph Gaydos	do	181.86
Do	Hon. John Murtha	do	420.00
Do	Hon. Jim Oberstar	do	70.00
Do	Hon. Ralph Regula	do	236.89
Catherine Imus	Hon. Doug Applegate	Staff assistant	326.98
Do	Hon. Don Ritter	do	336.54
Do	Hon. Lynn Martin	do	300.00
Do	Hon. Katie Hall	do	310.50
Do	Hon. George M. O'Brien	do	1,200.00

Statement of expenses, and fund balance statement—February 1984

[Monthly report]

Statement of expenses:	
Salaries	$1,274.02
Travel	.....
Stationery	.....
Postage	20.00
Telephone	99.56
Publications	.....
Equipment	1,010.84
Printing	980.00
Miscellaneous	206.84
Total expenditures	3,591.26
Fund balance statement:	
Balance forward (as of Jan. 31, 1984)	9,180.39
Total revenues (Clerk hire, dues, donations)	9,831.82
Subtotal	19,012.21
Less February expenses	3,591.26
Total unexpended revenues (as of February, 1984)	15,420.95

LISTING OF STAFF—FEBRUARY 1984

[Monthly report]

Name	Clerk hire contributor	Title	Gross monthly salary
Catherine L. Imus	Hon. Douglas Applegate.	Staff assistant	$326.98
Do	Hon. Katie Hall	do	310.50
Do	Hon. Lynn Martin	do	300.00
Do	Hon. Don Ritter	do	336.54

Statement of expenses, and fund balance statement—March 1984

[Monthly report]

Statement of expenses:	
Salaries	$3,810.10
Travel	.....
Stationery	.....
Postage	.....
Telephone	71.63
Publications	131.00
Equipment	.....
Printing	97.30
Miscellaneous	21.27
Total expenditures	4,131.30
Fund balance statement:	
Balance forward (as of March 1984)	$15,420.95
Total revenues (Clerk hire, dues, donations)	4,810.10
Subtotal	20,231.05
Less March expenses	4,131.30
Total unexpended revenues (as of March 31, 1984)	16,099.75

LISTING OF STAFF—MARCH 1984

[Monthly report]

Name	Clerk hire contributor	Title	Gross monthly salary
Jack O. Andresen	Hon. William Clinger	Staff director	$500.00
Do	Hon. Ben Erdreich	do	330.00
Do	Hon. Joseph M. Gaydos.	do	300.00
Do	Hon. Elwood Hillis	do	310.23
Do	Hon. Alan Mollohan	do	300.00
Do	Hon. John P. Murtha	do	600.00
Do	Hon. George O'Brien	do	1,300.00
Catherine L. Imus	Hon. Douglas, Applegate.	Staff assistant	43.60
Do	Hon. Katie Hall	do	41.40
Do	Hon. Lynn Martin	do	40.00
Do	Hon. Don Ritter	do	44.87

●

SUPPORT GROWS FOR LAW ENFORCEMENT OFFICERS PROTECTION ACT OF 1984

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. VANDER JAGT. Mr. Speaker, I am most proud and delighted to bring to the attention of my colleagues an excellent editorial from the Muskegon Chronicle newspaper in my congressional district, Muskegon, MI, in behalf of H.R. 5845, the Law Enforcement Officers Protection Act of 1984. This fine editorial appeared in the June 27 edition of the newspaper and spells out very clearly why Congress should enact this legislation as quickly as possible.

In expressing concern for the lives of over 570,000 law enforcement officers throughout our Nation, the Chronicle editorial closed with this very solid thought:

As we have said before, the police need all the help we—and the law—can give them.

Principal sponsors of this legislation have pointed out that representatives of the law enforcement community have expressed concern over the production of armor-piercing ammunition. This bill meets that concern over the manufacture of such ammunition without impacting on law-abiding American sportsmen and gun owners.

It's a good bill and has total and complete support. It should and must be enacted this year before this Congress adjourns. The editorial from the Chronicle follows:

[From the Muskegon Chronicle, June 27, 1984]

WELCOME CHANGE! NRA WILL BACK BAN ON COP-KILLER SLUGS

We had almost despaired of seeing it happen.

After years of angry and often bitter debate, the National Rifle Association (NRA) has changed its "there's-no-such-thing-as-a-bullet-or-bad-bullet" stand, and endorsed a White-House-authored bill to ban the manufacture and importation of KTW armor-piercing "Cop Killer" bullets.

Its prospects for adoption are good.

This is very good news—in particular for the nation's 570,000 law enforcement officers. The bullets, the so-called "apple greens," have such an excess of penetrating power that their only purpose is to kill human beings—whether police officers or presidents—who wear bulletproof Kevlar vests.

The bill was modeled on the original legislation authored two years ago by Sen. Daniel Patrick Moynihan, D-N.Y., and this time introduced by Sens. Strom Thurmond, R-S.C., and Joseph Biden, D-Del., the chairman and ranking Democrat on the Senate Judiciary Committee. The bill has 75 cosponsors, including Michigan Sens. Carl Levin and Donald W. Riegle Jr.

As we have many times pointed out, despite the earlier protestations of the NRA, the bullets have no legitimate commercial use, and offer no defensible advantage to sportsmen. What they do represent, as now acknowledged by the NRA, is a totally unacceptable threat to law enforcement officers—officers traditionally valued by the NRA as allies.

The bill would ban their importation and manufacture (not their sale) except for those intended for use by U.S. military forces and federal, state and local law enforcement agencies (although most police officers, including the Michigan State Police, want no part of them), and includes a manadatory jail sentence for using the ammunition in a crime.

Specifically, under the legislation, licensed importers or manufacturers who violate the law would be subject to a fine of up to $10,000, imprisonment for not more than 10 years, and revocation of their federal licenses. There would be a mandatory sentence of not less than five years for anyone, who, during the commission of a violent felony, uses or carries a firearm, and is in possession of armor-piercing ammunition capable of being used in that weapon.

Sen. Edward M. Kennedy, D-Mass., a leader in the drive for responsible handgun controls, said that in the past month of negotiations his side "has learned something from the NRA, and they have learned something from us. At last, the unfortunate polarizations that have prevented any progress on this complex and emotional issue are receding."

Certainly, and blessedly, it appears so. Agreement on the killer-bullet ban followed an earlier agreement with the NRA on an important distinction between sporting weapons and the small, easily concealed handguns—"Snubbies" and "Saturday Night Specials"—which are so widely used by criminals, and whose only purpose is to kill or maim another human being.

The NRA had opposed the measure by arguing that a ban on KTWs would effectively ban some hunting ammunition that might, when fired from certain handguns, penetrate a Kevlar vest. The types of sports-shooting handguns cited by the NRA are not the short-barreled kind practical for street crime. The bill would not restrict popular sporting ammunition that does not fit the "cop-killer" category.

Good support for the now-NRA-backed bill is expected in the House. We strongly commend it to Reps. Guy A. Vander Jagt, R-Luther, and Mark D. Siljander, R-Three River, urging them to keep in mind the threat of law officers whose daily and dangerous job it is to protect the public. As we have said before, the police need all the help we—and the law—can give them.●

OCEAN DAY AND YEAR OF THE OCEAN

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. PRITCHARD. Mr. Speaker, on March 8, 1984, our late colleague and ranking minority member on the Merchant Marine and Fisheries Committee, the Honorable Edwin B. Forsythe, introduced legislation declaring July 1, 1984 as Ocean Day, and July 1984 to June 1985 as the Year of the Ocean. This joint resolution represented the

culmination of over a year's effort to focus national attention on the value of our ocean and coastal resources.

Representative Forsythe first introduced the idea of Ocean Day during his speech before the Coastal States Organization in June 1983. Mr. Forsythe had envisioned Ocean Day as a 1-day celebration designed to involve those who use the ocean and coastal resources and those who care about the ocean, in a united effort to reawaken Americans to the benefits and potential uses of this resource.

Ocean Day is an integral part of the Year of the Ocean, a year dedicated to increasing our understanding of the ocean in order to emphasize our need to develop ocean and coastal resources wisely so that we may reap fully the benefit the ocean can provide. In Washington, DC, and in cities and towns all over the country, activities are now being planned in which the general public can participate and enjoy the benefits of the oceans. In some cases, traditional events conducted in communities already fit into the celebration theme. In other cases, new celebration activities have been encouraged in recognition of the Day of the Ocean.

During his lifetime, Mr. Forsythe worked diligently to strike a balance between ocean and coastal resource development goals and resource protection. These commemorative occasions personify the philosophy and concern that Mr. Forsythe shared with all of us about the significant value of ocean and coastal resources to our society and economy. The activities during the Year of the Ocean will help the Nation recognize these specific contributions of ocean and identify new opportunities. It will also help define issues and priorities as the United States moves toward a new era of greater ocean potential and development. I urge my colleagues to support this resolution and honor the memory of the late Congressman who worked tirelessly to help our Nation realize the full potential value of ocean resources.●

PHARMACISTS CAN BE PROTECTED FROM VIOLENCE AND THEFT

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. HYDE. Mr. Speaker, just a few weeks ago the President signed into law the Controlled Substances Registrant Protection Act of 1984. This was a significant achievement and the result of years of legislative effort—an effort which was consistently supported by an overwhelming majority of the House.

The June issue of American Druggist included an article by my good friend and colleague, the distinguished chairman of the Crime Subcommittee, BILL HUGHES. I am pleased to share a condensed version of this article with my colleagues, as it highlights the extensive efforts which were necessary to achieve enactment of this long sought after goal—protection for our pharmacists and all DEA registrants from drug dealers seeking a quick supply of drugs at gunpoint.

[From the American Druggist, June 1984]

PHARMACISTS CAN BE PROTECTED FROM VIOLENCE AND THEFT

(By Representative William J. Hughes)

I am grateful to the editors of American Druggist for inviting me to write about the legislation to protect pharmacists and other controlled substances registrants from robbery and burglary.

I am pleased to report that on May 8, 1984, the U.S. House of Representatives unanimously passed S. 422 as amended by H.R. 5222, The Controlled Substances Registrant Protection Act of 1984, which I sponsored. Final action, at this writing, is expected soon.

This bill adds three new crimes to Federal law prohibiting the robbery, burglary or a consipiracy to commit robbery or burglary involving controlled substances.

BACKGROUND

The Controlled Substances Act (1970) created a comprehensive scheme for regulating the legitimate distribution of certain drugs in order to prevent their improper distribution (manufacturers, distributors, pharmacies, hospitals, physicians, podiatrists, veterinarians and importers and exporters) to register with the Attorney General. The Attorney General's functions under the Act are carried out by the Drug Enforcement Administration.

The effective regulation of the commerce in controlled substances has resulted in very high prices for the drugs on the black market. As a consequence, theft of controlled substances from registrants has become a common yet serious problem. Although burglary and robbery of controlled substance registrants declined in 1982, it has been extremely serious, with between 5,000 and 6,000 such crimes annually between 1977 and 1981.

The frequency of these crimes has terrorized the community of dispensing pharmacists. Some pharmacists have ceased to carry drugs that are highly desired on the black market, although this interferes with their patients' ability to obtain necessary medicine. This has a serious potential to impede the delivery of health care in many communities around the nation.

HYDE BILL

As the Chairman of the Subcommittee on Crime, I have oversight responsibility on the activities of the Drug Enforcement Administration, and our nation's effort to combat drug abuse, which is one of the most important factors in the commission of crime in the country.

Early in this Congress, one of the first issues addressed by the Subcommittee on Crime was consideration of legislation to make robbery of pharmacies a separate Federal crime. At the time of our hearing on April 7, 1983, there were four bills that had been introduced and referred to the Subcommittee, the principal one being H.R. 1255, introduced by Rep. Henry J. Hyde (R.-Ill.), an outstanding member of the House Judiciary Committee. Mr. Hyde has been the most effective leader in Congress in the development and consideration of pharmacy crime legislation.

As the lead off witness at that hearing, Mr. Hyde testified that in 1981 one in four warehouses for drug distributors had been attacked for the drugs they contained. He cited 1982 figures from DEA that there were a total of 7,099 thefts from DEA registrants resulting in the taking of 15,573,000 dosage units of drugs. In 996 armed robberies of pharmacies 2,580,000 dosage units of drugs were taken.

TESTIMONY

Trey H. Duke, manager of the Pensacola Division of I.L. Lyons & Company, a wholesale drug distributor located in the Southeast, testified on behalf of the National Wholesale Druggists' Assn. He had been the robbery victim of one Freddie Johnson, who is the prime suspect in the commission of 12 robberies of wholesale drug warehouses between September 1979 and August 1980 in eight states. Although DEA assisted in the capture of Johnson, there were no Federal warrants issued for Johnson, nor was there ever a Federal investigation opened against Johnson despite the aggravated and interstate nature of his offenses.

Sidney Dworkin, at that time chairman of the National Assn of Chain Drug Stores, testified about the extensive Federal regulation of registrants under the Controlled Substances Act. He pointed out that acts of falsified recordkeeping, distributing controlled substances in containers or with labels that fail to comply fully with Federal regulations or which are not properly sealed, or distributing controlled substances in a manner that does not comply with the regulations constitute Federal felonies. For a person to obtain controlled substances from a pharmacist or wholesaler by means of counterfeit or forged prescription or by other misrepresentation or subterfuge is also a Federal felony, he observed. Yet the armed robbery of controlled substances, or the burglary of a pharmacy or drug warehouse is not a specific Federal offense. This he viewed as bitterly ironic.

Pharmacist Roland Galley, testifying on behalf of the American Pharmaceutical Assn., said that the increasing incidence of pharmacy crimes has resulted in the closing of numerous pharmacies. "Truly, it is the community which also suffers, and this problem must be viewed not merely as a law enforcement problem but also as a real and substantial public health problem."

STATE VS. FEDERAL

Dennis J. Roberts, Attorney General of Rhode Island and Robert J. Miller, District Attorney for Clark County, Nevada, testified about State investigations and prosecutions of pharmacy robbery. They observed that often State penalties for armed robbery are much greater than Federal penalties. They pointed out the many advantages that local investigators have over Federal investigators for solving these crimes. They arrive at the scene more quickly and examine evidence before it is disturbed; they interview witnesses on the scene while memories are fresh; often they engage in hot pursuit of fleeing suspects; they have access to a network of informants that is likely to be familiar with the suspect; and they are likely to have investigative files of prior criminal acts by the suspect.

Deputy Assistant Attorney General James Knapp, testifying on behalf of the U.S. Department of Justice, observed that a limitation on Federal prosecutions is important to avoid needless conflict between Federal prosecutors and their State and local counterparts, many of whom fear "case poaching" by Federal officials.

Mr. Knapp pointed out that "most pharmacy robberies do not involve any element which requires Federal intervention." He said that "State and local authorities are in a better position—from the standpoint of resources—to pursue robbery cases than are Federal authorities. * * * Federal authorities can, of course, be helpful in robbery cases, particularly robberies involving interstate travel, organized or sophisticated crime activity, diversion to facilitate major drug trafficking or other aggravating factors. It is in those types of cases, which will not require additional resources, where we foresee the exercise of Federal jurisdiction."

HOBBS ACT

I engaged in a colloquy with the Deputy Assistant Attorney General about the problem the Department of Justice believes that it has in prosecuting pharmacy robberies under the existing Federal law, the Hobbs Act. The law's broad language provides a 20-year prison sentence and a $10,000 fine for "whoever in any way or degree obstructs, delays or affects commerce or the movement of any article or commodity in commerce, by robbery * * * or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section." If any pharmacy in the country were robbed of any drug, there is very little question that the Hobbs Act has been violated.

I urged the Department of Justice to begin prosecuting significant pharmacy robbery cases. If it proved that they were not able to assign sufficient resources to pharmacy robbery or they discovered a technical problem with the Hobbs Act, I asked the Justice Department to notify the Subcommittee, and pledged to provide promptly our help for additional funding or to make necessary legislative changes.

NO ACTION

One of my major concerns as chairman of the Subcommittee on Crime is that in the process of developing the Federal budget we have not provided Federal law enforcement agencies with the necessary manpower to carry out the missions we have given to them. Pharmacists, as experts in matters dealing with drugs, know well that smuggling into the United States, and the illegal manufacture and distribution of drugs here, is a problem that overwhelms the 2,100 Special Agents of the DEA. Throughout the nation, we find that Federal agents decline to investigate or prosecute many large drug cases simply because they do not have the agents or resources.

Early this year I asked the Department of Justice to give me an update on Federal investigation and prosecution on pharmacy robbery. At my request, Deputy Assistant Attorney General James Knapp reported to me on March 6, 1984 that no cases had been brought and explained that the Justice Department would not do so under the authority of the Hobbs Act.

NEW LAW NEEDED

Mr. Knapp did not argue that the Department lacked the agents or the resources but explained the lack of prosecutions as due to the Department's need for a more specific statute. I may be wrong in suspecting that so far the Department has used the lack of a specific statute as an excuse for not taking action against pharmacy crime. I hope that I am wrong on this point. In any event, I concluded that it is necessary to pass promptly a separate pharmacy crime bill to provide the Department of Justice with the specific direction and the tools to bring those cases to court. Six says after this meeting, on March 12, 1984, I introduced the Controlled Substance Registrant Protection Act, H.R. 5105, to provide for Federal jurisdiction over the significant cases of robbery and burglary involving controlled substances.

On March 21, 1984, the Crime Subcommittee approved the legislation and reported it to the full Committee on the Judiciary, with several amendments. It was given a new number, H.R. 5222. On March 27, 1984, the Committee approved the bill by an overwhelming voice vote, and the next week, April 2, 1984, it was passed by the House of Representatives unanimously.

The Senate had passed its pharmacy crime bill, S. 422, just a few weeks earlier, in February 23, 1984. After the House passed H.R. 5222, I took steps to work out the differences between the two bills. The principal difference was between the House approach of traditional limited Federal jurisdiction, and a novel Senate approach requiring headquarters review of all pharmacy crime prosecutions by the Department of Justice in Washington. The Subcommittee on Crime has found that such a review process has worked very poorly in the past by preventing U.S. Attorneys from bringing meritorious cases. On May 8, 1984, we reached an agreement and I brought about final House action that evening.

PROVISIONS

To trigger a Federal investigation, the bill provides that there must be a robbery or a burglary (or a conspiracy to commit such a crime). Second, the victim (or intended victim) of the crime must be a person registered with the DEA. Third, the case must have some minimal level of significance or impact on interstate commerce.

The legislation sets forth three alternative criteria. Either the replacement value to the person from whom the drugs were taken was at least $500; or the offender traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate the commission of the offense; or a person other than the offender was killed or suffered significant bodily injury as a result of the offense.

I think these criteria will cover much of the serious pharmacy crime. They will serve to focus scarce Federal resources on the most significant cases and will better enable Federal authorities to assist States.

BALANCE NECESSARY

We need sufficient numbers of significant Federal prosecutions to send a clear signal to the criminal element that pharmacy robbery will trigger Federal prosecution. This type of Federal involvement is very important, but we need to keep the balance between Federal and State authorities because State authorities must remain the primary prosecutors of street crimes such as pharmacy robbery and burglary.

The FBI and the DEA together have less than 20,000 agents throughout the world. Yet in 1982, there were over 400,000 sworn police officers in State and local law enforcement agencies. Federal authorities cannot investigate and prosecute every robbery and burglary of controlled substances because of their very limited resources.

Federal resources are inadequate to pursue every case in long established areas such as bank robbery. Although there were 6,597 bank robberies in the United States in 1982, only 1,324 were investigated and prosecuted by Federal law enforcement authorities, roughly 20 per cent of the cases. I have worked consistently to obtain additional resources for Federal law enforcement agencies so that we can be a better partner to the States in fighting crime.

Federal resources are a small part of the nation's total law enforcement effort. They need to be directed to the most appropriate cases, and that decision is best made, using Congressional guidance, by the U.S. Attorneys around the nation. Each U.S. Attorney, in cooperation with state law enforcement officials, can determine which authority can most effectively investigate and prosecute pharmacy robbery cases.

The jurisdictional limits included in H.R. 5222 and S. 422 as amended are designed to maximize the protection of pharmacists and other registrants within the traditional structure of Federal and State law enforcement responsibilities and within the limits of what can be accomplished with the resources and personnel available.

SUPPORT

The editors of American Druggist have done an outstanding job of presenting this issue to the pharmacy community. By educating the pharmacy community, they have helped to create the support that has resulted in the development and passage of the Controlled Substance Registrant Protection Act.

The professional pharmacy community and trade associations, such as APhA, NACDS, NWDA and others, have offered their substantial expertise in making valuable suggestions that have improved this legislation.

Pharmacy is one of the most important and trusted professions in America. I believe that the Controlled Substance Registrant Protection Act of 1984 will help to protect our nation's pharmacists and their employees from the potential of violence and theft. I believe that cutting down on robbery and burglary will go a long way toward reducing the availability of drugs to addicts and will substantially help our whole nation fight drug abuse and its attendant crime.●

TRIBUTE TO HOMESTAKE MINING CO.

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. FAZIO. Mr. Speaker, I rise today to commend Homestake Mining Co.'s enlightened approach to the development of the McLaughlin mining project in northern California.

Homestake is to be commended for coordinating its plans to develop the mine with every faction of the affected communities, both in the immediate area and downstream.

Homestake has gone beyond complying with the letter of the law: it has sought to comply with the law's spirit

as well. Homestake Mining has been sensitive to the concerns of local environmentalists and has shown a true commitment and understanding of the values of conservation.

As demonstrated by a recent letter to the Yolo County Planning Commission written by the chairman of the Yolano Group of the Mother Lode Chapter of the Sierra Club, environmentalists have also recognized Homestake's dedication and commitment to ensuring that the McLaughlin mine is built and operated in the most environmentally safe manner possible. Wrote Ada Merhoff, the conservation chair of the Yolano Group:

> We would be remiss if we did not publically state our feeling that Homestake Mining Co. is to be commended for its willingness to accommodate the particular concerns of the interested public, and for its efforts to establish an environmentally sound mining operation here. Such cooperation from a large mining company is noteworthy and deserves due credit.

Homestake is an example of the right way to develop mining property. It is an example of the kind of cooperation and responsiveness that I hope will serve as the standard for companies pursuing a similar endeavor in the future.●

CREIGHTON UNIVERSITY COMMENDED

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. DAUB. Mr. Speaker, this summer commemorates the 10th anniversary of Creighton University's exemplary Special Services Progam for low-income and disadvantaged students. This program is designed to facilitate the education of talented individuals who have not previously excelled in school because of financial difficulties or inadequate preparation.

It is a distinct privilege to commend the Special Services Program that has made higher education a reality for sectors of our society that have traditionally been excluded. This effort has been exemplified by the establishment of scholarship funds and providing university facilities for such programs as New Careers, Upward Bound, National Youth Sports Program, Special Health Careers Opportunity Program, and Comprehensive Employment and Training Agency Summer Program.

Since its inception in 1878, Creighton University has provided outstanding education and conferred degrees upon more than 37,500 students. Today, 32,000 alumni are serving communities throughout the Nation. Creighton University is an independent, Catholic university. Operated by the Jesuit Fathers, it had a spring 1984 enrollment of 5,907. The university enrolls students in the college of arts and science, the nationally accredited college of business administration, the graduate school, university college, and lifelong learning center, summer sessions, and schools of nursing, medicine, law, pharmacy, and allied health professions, and dentistry.

Students come to Creighton University with outstanding credentials and leave with exceptional skills. The average college entrance test score of incoming students at Creighton is approximately 25 percent higher than the national average. The average score of students competing in varsity intercollegiate athletics at Creighton is nearly as high as the general student body, well above the national norm.

During the past decade, more than 90 percent of the athletes who completed their eligibility at Creighton University have received degrees. And, additionally, a significant number received advanced degrees in law, medicine, dentistry, and other professional areas.

Creighton graduates include presidents of America's largest companies, State supreme court justices, network journalists, and minorities who have attained high ranks in government. Creighton scholars are regularly awarded such prestigious academic recognition as the Harry S. Truman Scholarship, earn top scores on national licensing examinations, and compete successfully in national competitions.

It is imperative that our education institutions do not displace their inherent responsibility to provide educational services to all sectors of our society. As the cost of higher education has escalated across the Nation, Creighton University has not lost sight of this goal to provide educational opportunities. Creighton University truly continues the Jesuit tradition of excellence in education and has been an integral part of the Omaha and Nebraska community and the country as well.

I am proud to recognize their outstanding achievements.●

ON THE ESTABLISHMENT OF A SELECT COMMITTEE ON CITIES

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. COYNE. Mr. Speaker, I am today introducing a resolution calling on the House to establish a Select Committee on Cities.

I join 51 of my colleagues in presenting this resolution to the House for a very pressing reason. While 74 percent of our population is urban, we in the Congress are often unable to address squarely the problems of large-, medium-, and small-sized cities. This is because our committee system, while functional enough in most instances, is structured in such a way that the necessary debate on urban policy rarely takes place.

Those of us who represent districts with urban areas know well enough the problems which must be resolved. Deterioration of housing stock and infrastructure is beginning to outpace our limited preservation efforts. Poorly financed public transportation leads to overuse of our city streets. Crumbling water and sewer lines tax the ability of local governments to deliver essential services.

The fiscal problems of cities, I would remind my colleagues, are not confined to urban areas. A recent survey of 299 cities by the Joint Economic Committee made this observation:

> The largest percentage increases in cities reporting deficits occurred in the medium and large categories, with increases of 36 percent and 35 percent, respectively. In 1982, 47 percent of medium cities and 40 percent of large cities experienced deficits. By contrast, several past surveys found the largest proportion of deficits in the largest city category, while the smallest proportion usually was found in the medium category. It is risky to draw trends from one year's data, but these results may indicate that a new group of fiscally troubled cities is emerging.

When cities, large or small, turn to the Congress for assistance, they must, of necessity, face an array of committees. Certain aspects of housing fall under the Banking Committee, while other critical portions of the Federal housing effort fall under the Ways and Means Committee. Mass transit falls under Public Works and Transportation, employment under Education and Labor, urban parks under Interior, and so on.

When it comes to writing laws, I am among those who firmly believe that those committees which possess the technical expertise and the institutional history to carry out the task should be the legislative vehicles. But when it comes to developing a national urban policy to target our Federal resources where they do the most good, I believe we can improve our effort.

Let me cite a couple of examples of ways we could improve the work of this Congress when it comes to urban issues.

In the area of small business development in depressed neighborhoods, we have the excellent work of the Small Business Committee on which to draw. Its analysis of the capital needs of small business has been superb, as have been the legislative recommendations of the committee to this House. Because of the restrictions of the congressional process, however, the committee is unable to address

adequately the problems each of us know have a direct impact on the development of small urban businesses. How does area crime, for example, effect small business development? How does the Tax Code influence business development in our cities?

The same somewhat scattered approach holds true in our attempts to develop a rational housing policy. As a member of the House Banking Committee, I know the contributions to housing that committee has made. But struggle though we might to address, for example, the shortage of low and moderate income housing in urban areas, we deal with only part of the picture. The Congress acts in a somewhat disjointed manner on a critical part of Federal housing effort; specifically, tax policy. When we do act on housing tax policy, members of the Banking Committee, the designated experts on housing under our committee system, have little to say about what we do.

In each of our capable committees which deal with various urban issues, we develop a sense of the existing problems and, on occasion, we even touch on a few solutions. In no instance, however, do we look at the big picture, nor do we study the urban condition in a manner which could lead to comprehensive proposals for national action.

That is the reason why the sponsors of this resolution, members of both parties representing a variety of political philosophies, are proposing a Select Committee on Cities. The committee's life would be 2 years and, unlike most committees, it would have no legislative jurisdiction. Rather than determine how much money to spend and what to spend it on, the select committee would be charged with examining the impact of Federal programs and policies on cities, making such recommendations as may be necessary to the House. Funding for the committee would be minimal and, in any case, would be available only after a separate vote on a funding resolution reported by the Committee on House Administration.

Those of us with an urban agenda recognize the need for a committee which specializes in cities. Let me now turn to those who may not, on initial observation, share that perception nor appreciate that need.

There are those who say that the Federal commitment to cities has not changed all that significantly in recent years, and that there is no real need to study the nature and size of that commitment.

This argument is easily challenged by a look at the record. We have heard much since 1981 about budget cutbacks, but not enough, I would suggest, to appreciate the magnitude in the reduction of urban aid. Since fiscal year 1980, the drop in grants to State and local government, after accounting for inflation, has been nearly 50 percent. The U.S. Conference of Mayors recently noted what could happen if this trend continues:

> The result of additional reductions in state and local grants will be further layoffs, service cuts and tax increases at the local level and continued inability of cities to meet the basic needs of their citizens. These problems pervade cities of all sizes and geographic regions.

The Mayors' Conference has provided some useful figures which dramatically show how the portion of the federal budget devoted to state and local governments has declined, and is expected to decline:

PERCENTAGE COMPOSITION OF FEDERAL BUDGET OUTLAYS [1]

	Fiscal year—							
	1980	1981	1982	1983	1984	1985	1986	1987
Defense	23	24	25	26	28	29	31	33
Payments to individuals	49	50	51	48	47	47	....	....
Aid to State and local governments (excluding aid to individuals)	10	8	7	6	6	6	5	5
Net interest	9	10	12	11	13	13	13	12
Other	9	7	5	6	5	4	4	3

[1] Percentages may not add to 100 due to rounding.

Source: U.S. budget, fiscal year 1985, 9–61 and H–17.

There are others whose lack of support for this initiative stems, they say, from a failure to perceive a clearly defined purpose for a Select Committee on Cities.

The resolution clearly states the purpose of the select committee. Under title II, the committee is required to study the impact of Federal programs on urban areas. Among the areas of study directed by the resolution are the needs of our urban infrastructure, the policies and practices of training and retraining programs in other nations which may be applicable in our cities, and aspects of our Federal Tax Code which influence urban development. In addition, the committee is charged with studying the Marshall plan for rebuilding postwar Europe to determine whether such an effort might work in the cities of America.

Some would suggest that a Select Committee on Cities could tilt toward the problems of large cities, overlooking the obstacles faced by small- and medium-sized municipalities.

As the mayors of small- and medium-sized towns know, the problems faced by those towns, while different in nature and scope from those of big cities, are nonetheless persistent and occasionally baffling. For this reason, the resolution for a Select Committee on Cities has drawn the endorsement of the mayors not only of cities such as New York, New Orleans, and Washington, DC, but also of Worcester, MA, Riverside, CA, and Warren, MI. Mayors in small-, medium-, and large-sized cities are ready to work with a special congressional panel on cities.

Mr. Speaker, as we wrestle with programs to bring about full employment, we are urged to look to the future as we develop job programs. In this context, the words "growth industry" are bandied about with some frequency. I would submit that the rebuilding of our cities is one of the greatest "growth industries" this Nation can undertake between now and the end of this century. The agenda needs to be set for rebuilding our housing, repairing our streets and sewers, training the growing army of unemployed youth, and encouraging investment in areas which need it the most. To begin the process of setting the agenda, this House needs to create a Select Committee on Cities. I urge my colleagues to join me in cosponsoring the resolution which we have introduced today, a summary of which follows in the RECORD. I would also like to include at this point letters of endorsement from the U.S. Conference of Mayors, the National League of Cities, and the Pennsylvania League of Cities.

(The material follows:)

SELECT COMMITTEE ON CITIES

Resolved, That there is established in the House of Representatives a select committee to be known as the Select Committee on Cities (hereinafter referred to as the "select committee").

FUNCTIONS

SEC. 2. The select committee is authorized and directed, as a nonlegislative committee, to—

(1) examine the impact of Federal programs and policies on American cities;

(2) assess the needs of urban infrastructure;

(3) examine the training and retraining programs in other countries that may suggest policies and practices for restoring full employment in American cities;

(4) review the Marshall Plan for rebuilding post-war Europe, and other economic re-

newal programs, to determine their applicability to present urban problems;

(5) examine Federal tax structures and proposals to alter them to enhance economic growth in urban areas; and

(6) analyze demographic and migration trends that are likely to affect the future well-being of American cities.

APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The select committee shall be composed of 23 Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairperson.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Member" shall mean Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 4. (a) For purposes of carrying out this resolution the select committee (or any subcommittee thereof authorized to hold hearings) is authorized to sit and act during the present Congress at such times and places within the United States (whether the House is in session, has recessed, or has adjourned) and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

(c) Nothing contained in paragraph (a) of this section shall be construed to limit the applicability to the select committee of clause 2(i) of rule XI of the Rules of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to the adoption of expense resolutions are required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with functions under this resolution.

(b) In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee, or a subcommittee thereof, held in the District of Columbia.

(c) The select committee and all authority granted in this resolution shall expire thirty days after the filing of the report of the select committee with the House, or just prior to noon on January 3, 1985, whichever occurs first.

REPORTS AND RECORDS

SEC. 6. (a) The select committee shall report to the House as soon as practical during the present Congress the results of its investigation and study together with such recommendations as it deems advisable.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) Any such report shall be referred to the committee or committees which have jurisdiction over the subject matter thereof.

(d) The records, files, and materials of the select committee shall be transferred to Clerk of the House, except that, if the report of the select committee is referred to only one committee under the provisions of paragraph (c), the records, files, and materials of the select committee shall be transferred instead to the committee to which the final report is referred.

UNITED STATES CONFERENCE OF MAYORS,
Washington, DC, April 6, 1984.

Hon. WILLIAM COYNE,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN COYNE: The U.S. Conference of Mayors fully supports your recommendation to create a Select Committee on Cities in the House of Representatives.

Such a select committee could play an important role in focusing attention on the problems of urban areas and exploring potential solutions to those problems.

The trends affecting urban areas—intergovernmental revenue shifts, cutbacks in urban and low-income programs, recent program changes and the increasing federal reliance on block grants as a mechanism for channeling aid—could all be more fully analyzed by a Select Committee on Cities. It is unfortunate that many of the continuing problem of cities, including high unemployment, high housing costs, inadequate city resources to meet the needs of the poor, growing populations of hungry, homeless and service dependent families, and deteriorating infrastructure, are all matters which have received little programmatic response from the Congress. One reason may be that most urban issues fall within the jurisdiction of more than one committee, which sometimes results in haphazard, disjointed, and fragmented Congressional responses.

While a Subcommittee on the Cities would have no legislative authority, still the creation of such a committee would provide a framework for the analysis and examination of urban problems.

As you know, at one time there was a Subcommittee on the City established within the House Banking Committee. This Subcommittee provided a forum for the views of city, state and federal officials on the unique problems of our large urban areas. The Conference of Mayors is delighted that you are seeking to create a similar institutional mechanism—of vital importance for the three-fourths of our citizens who live in urban areas.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

NATIONAL LEAGUE OF CITIES,
Washington, DC, March 27, 1984.

Hon. WILLIAM J. COYNE,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN COYNE: This is in reply to your recent letter asking our support for your proposal to establish a Select Committee on Cities in the House of Representatives.

The National League of Cities supports your proposal. Establishment of such a Select Committee would be timely and appropriate, with benefits for both Federal and city governments. The cumulative and continuing impacts of the recent recession, federal and state funding cutbacks, and such emerging problems as antitrust liability have placed cities in a precarious position. Increasingly on their own, they are less and less able to meet the constantly growing needs of their citizens for improved social services. At the same time, they are forced to neglect the maintenance of the physical infrastructure that is the basis for urban living, as well as for balanced economic growth.

A Select Committee on Cities would have important benefits. It could focus on the overriding problems of urban areas, prioritize needs, and suggest comprehensive approaches. It could highlight and suggest solutions for the problems caused by the fragmented approach that characterizes federal policies for urban areas. And it could give long overdue attention to the uneven impact of macroeconomic policies on cities across the country.

A Select Committee on Cities need not interfere with the program jurisdiction of any existing House committee. Its major task should be to conduct, as your resolution states, "a full and complete examination of the impact of Federal Government programs and policies on American cities."

Please let me know if we can provide you with any assistance in this effort.

Sincerely,

ALAN BEALS,
Executive Director.

PENNSYLVANIA LEAGUE OF CITIES,
Harrisburg, PA, March 30, 1984.

Representative WILLIAM COYNE,
Washington, DC.

DEAR CONGRESSMAN COYNE: The Pennsylvania League of Cities is fully supportive of your effort to create a Select Committee on Cities. Cities in Pennsylvania are faced with fiscal, social and economical pressures which place severe restrictions on their ability to provide municipal services to residents, business, health, cultural and educational institutions.

The problems of Pennsylvania's cities are similar to those difficulties faced by cities across our Nation. Through the appointment of such a committee we believe a concerted effort would be developed to address these difficulties.

The Pennsylvania League of Cities looks forward to the establishment of a Select Committee on Cities by the 98th Congress.

Best personal regards.

Sincerely,

JOHN A. GARNER, Jr.,
Executive Director.●

TRIBUTE TO BETTIE LaMOTTE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. FORD of Michigan. Mr. Speaker, today marks the end of a long and distinguished career in Congress for Ms. Bettie J. LaMotte of the Post Office and Civil Service Committee staff.

Ms. LaMotte is retiring to the mountains of West Virginia and I would like

to take just a few minutes to commend her service and wish her well.

For the past 11 years she served the Post Office and Civil Service Committee faithfully and well. I can think of no more appropriate accolade than to say that in every sense of the word she has been a professional in her work. The quality of her work has always been exemplary. And she has accepted every assignment with alacrity. She has approached every job—large and small—with the kind of professionalism that is so important and so appreciated in Congress.

She began her career in the House 20 years ago with Congressman Johnny Walker of New Mexico. Later she moved to the office of Congressman Richard White of Texas and then to the staff of the Subcommittee on Census and Statistics when he assumed the chair. In 1975 she moved with Congressman White to the Subcommittee on Compensation and Employee Benefits. She started working for the full committee staff in 1977 as a secretary. Later she was promoted to case worker and then to computer manager.

For myself and all of those on the Post Office and Civil Service Committee, I wish Bettie and her husband Cal a happy and healthy retirement. It is well earned.●

HOUSE FAIR EMPLOYMENT PRACTICES RESOLUTION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. SCHROEDER. Mr. Speaker, today I am introducing the House Fair Employment Practices Resolution. The purpose of the bill is to implement the Rules of the House of Representatives that prohibit a Member of Congress, or an officer or employee of the House from engaging in employment discrimination on the basis of race, color, religion, sex, or national origin. The bill would also require a study of pay equity among House employees.

This legislation would provide employees of the House with protection against employment discrimination equal to that provided other employees under title VII of the Civil Rights Act and under the Equal Pay Act of 1963. The House Fair Employment Practices Resolution not only provides employees with essential protections against discrimination, but also takes into consideration the unique characteristics of the House of Representatives as an institution. The proposed legislation does not infringe upon the rights of Representatives to select staff based upon legitimate criteria related to job performance, nor does it prevent them from considering geographical, political, or other legitimate factors.

In 1976, Congressman MORRIS UDALL, Congressman CHARLIE ROSE and I created the House Fair Employment Practices Committee. This committee was, and still is, a voluntary ad hoc committee. A member signs the agreement that he or she will not discriminate on the basis of race, sex, religion, national origin, age, or physical handicapping condition. If an employee feels he or she has been the victim of discrimination, then the employee brings the grievance before the ad hoc committee which is made up of three Members of Congress and three staff members.

I don't think this mechanism is strong enough. We must move Congress beyond the voluntary agreement and on to binding legislation. This resolution would set up a grievance procedure that applied to all Members of Congress, not just those that signed the agreement, who are least likely to discriminate anyway.

A detailed grievance procedure incorporated into the House rules provides the missing teeth to enforce the antidiscrimination language already in the House Rules—clause 9 of rule XLIII and clause 6(a)(3)(A) of rule XI.

I would like to remind my colleagues of the 1979 Supreme Court decision Davis against Passman. In that decision, the court held that the fifth amendment gives congressional employees the right to sue in Federal court for damages resulting from discrimination by their employers. The Court also held that money damages would be a proper remedy in discrimination cases.

The Court's ruling was based, in part, on the fact that Congress did not have a mechanism to implement the language in the House rules prohibiting, in the Davis case, sex discrimination. Thus, when Shirley Davis believed her constitutional rights had been violated, she had no form of redress other than the Federal courts. The House still lacks a means to remedy employment discrimination.

This legislation fills that void.

Passage of this legislation would show that Congress does not mean to exempt itself from laws it passes for the private sector. Arguments to include Congress under title VII has focused on the constitutional questions of separation of powers. We do not want the executive branch coming in to examine congressional operations. At the same time, we want to be fair to our employees. This resolution allows us to accomplish both objectives.

The resolution is virtually the same as one I introduced in 1979. I have added one provision to require a study of discriminatory wage setting practices of House employees. This language parallels language in H.R. 5680 which provides for a study of pay equity in the executive branch and which passed the House yesterday. This provision is consistent with the overall purpose of the resolution: to provide employees of the House with the same level of protection against employment discrimination which other employees receive.

Below is a synopsis of the legislation:

PROVISIONS OF THE HOUSE FAIR EMPLOYMENT PRACTICES ACT

1. *Fair Employment Relations Board:* The board consists of six members appointed from the private sector by the House majority and minority parties. The Board would hear discrimination complaints and supervise the Fair Employment Relations Office. Members of the Board cannot be former House employees or former Members of Congress.

2. *Fair Employment Relations Office:* The Office would process discrimination complaints and study present House personnel practices, publish statistical data on salaries, etc., and make recommendations for the improvement of hiring and recruitment practices. The Office would also conduct an ongoing study of pay equity among employees of the House.

3. *Due Process Procedure for House Employees:*

(a) *Counseling:* Provides for counseling if an employee or job applicant feels he/she is or has been discriminated against (20-day time limit).

(b) *Informal Complaint:* Given an individual an opportunity to file an informal complaint after the counseling period. The Director would look into the complaint to determine whether or not there might have been discrimination. If the Director's report states that there is no evidence of discrimination, the case is closed unless the complainant appeals to the Board to overturn the Director's report (45-day time limit).

If the Director's report states discrimination was probable, the Director has been unsuccessful at resolving the complaint, and the Board rules contrary to the Director's report, the individual may file a formal complaint (30-day time limit).

(c) *Formal Complaint:* Provides an opportunity for a hearing. A hearing examiner would hear the case and make a recommendation to the Board. The Board would then determine the disposition of the complaint, including remedies (60 days).

(d) *Appeal to the Ethics Committee:* Allows for either party to appeal to the Ethics Committee beyond the Board's recommendations (60-day time limit).

Cost Factor: The Congressional Budget Office has estimated the cost of this resolution to be, at a maximum, $230,000 on an annual basis.●

U.S. POLICY IN CENTRAL AMERICA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, as the country turns its attention to the business of political conventions and talk of a summit with the Soviets,

there is a lull in the debate over U.S. policy in Central America. It is a welcome respite and one that offers the hope that some measure of peace and stability can be restored to the region. President Duarte of El Salvador is busy charting the course of Central America's newest Democracy while seeking to curb the violence of the left and the right. The Reagan administration and the Sandinistas of Nicaragua are delicately engaged in talks to ease tensions between the two countries. Meanwhile, the Contadora nations are quietly continuing their efforts to create a regional solution to Central America's problems. And Congress, right or wrong, has finally settled on a policy of support for El Salvador and a cutoff in aid to the Contras.

There is reason to be cautiously optimistic about the situation in Central America. In El Salvador, the army has performed admirably and now has the guerrillas on the run. Roberto d'Aubuisson, the defeated presidential candidate, has so far not carried out his threats to contest Mr. Duarte's election. A verdict was recently returned in the case of the five former National Guardsmen accused of murdering four American nuns in 1980. And Mr. Duarte, after a triumphant visit to Washington in the wake of his election, won pledges of support from the Congress. While the leftist insurgency, human rights abuses, and poverty still pose enormous problems in El Salvador, all things considered, there is reason to believe that conditions will begin to improve in that war-torn country.

There is also some cause to be encouraged by the situation vis-a-vis Nicaragua. Having applied the "stick" to the Sandinistas, the administration has shown it is willing to offer the "carrot," evident in Mr. Shultz' surprise visit to Managua and Harry Shlaudeman's talks with the Nicaraguan Deputy Foreign Minister in Mexico. In time, agreement could be reached since each side has something to gain from these talks. Nicaragua wants the United States to halt its aid to the Contras and end its economic sanctions. The United States, in turn, is demanding that the Sandinistas cool their revolutionary zeal by halting aid to the Salvadoran rebels, expelling their Soviet military advisers, and honoring their pledge to establish a democratic government. Progress in these talks may strengthen the efforts of the Contadora Group to establish a regional peace plan that all can agree on.

Back in Washington, Congress has decided that, for now, it will not fund the Contras' war against the Sandinistas, a move that I happen to disagree with. Nevertheless, this should ease Nicaragua's fears and encourage them to make concessions of their own. However, should the Sandinistas instead choose to continue their march toward a militarized, totalitarian system with close ties to the Soviets, hopes for a regional solution would be dashed. It is doubtful that the United States and the nations of Central America will tolerate the further militarization of Nicaragua and the creation of another Soviet proxy in this hemisphere. Thus, the talks quietly going on in Mexico with the Sandinistas represent a crossroads. The present lull is either the start of a genuine peace process or the calm before the storm. Let us hope that each side recognizes the significance of this moment in history since much is at stake.●

SOLVENCY OF THE SOCIAL SECURITY SYSTEM

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. GEKAS. Mr. Speaker, in March 1983 when the House of Representatives was debating H.R. 1900, legislation to secure the solvency of the Social Security System, I reminded my colleagues in Congress of the need to ensure that the passage of this legislation, which was largely drafted from the recommendations of the National Commission on Social Security, would not solidify the Social Security System at the expense of the Federal Civil Service Retirement System. I stated at that time that I felt it was imperative for Congress to carefully analyze the impact these proposals, as well as the other changes that had been implemented, would have on the Federal Civil Service Retirement System.

I am again urging Congress to examine the impact that various legislative changes, which have been made and which have been proposed, will have on the Federal Civil Service Retirement System. The Commission on Social Security was established to suggest ways to revise that system in order to prevent the projected insolvency. The Social Security Amendments Act was passed and the future of retirees who depend on that system is secure for the time being.

It is now being estimated that there are inadequate resources in the Civil Service Retirement System today to meet "accrued liabilities," or future benefit obligations, to current employees contributing to the system. OPM figures indicate that the current unfunded liability for the Civil Service Retirement Fund stands at $600 billion. In light of this projected unfunded liability, I believe it is imperative that a Federal Retirement System Commission be established to analyze and suggest ways of solving the problems facing the Federal retirement system. The impact of proposed changes must be carefully analyzed and future costs must be controlled.

The Government is obligated to provide a retirement system to those who had contributed, and are contributing, to the Social Security System. We have assured the future of this system, to the best of our ability, by the passage of H.R. 1900. By the same token, the Government has promised its Federal employees a secure retirement through the establishment of the Civil Service Retirement System. Is it not only equitable that we establish a similar commission to give these individuals the assurance that they can be guaranteed a retirement income, as we promised? It is necessary to establish this commission to analyze and suggest ways of solving the problems facing the Civil Service Retirement System. We should not wait until the problem of insolvency of this system is upon us. We should act with foresight and establish a National Commission on the Civil Service Retirement System.●

GENERAL MOTORS' SAFETY PROPOSAL

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. CARR. Mr. Speaker, in July, during the upcoming recess, the U.S. Department of Transportation will be announcing yet another decision in the 15-year debate on passive restraints. I have an abiding interest in the outcome of this rulemaking process, and had the opportunity to testify at the DOT's hearing on this matter last December.

In one of the most important developments in this long running debate, the General Motors Corp. recently issued an innovative and thought-provoking new proposal which deserves serious and detailed consideration by the Department and Secretary Dole.

Specifically, GM is advocating that the debate on the important issue of reducing occupant crash fatalities and injuries move away from almost exclusive consideration of add-on safety devices, such as the controversial airbag system or automatic seatbelts not unlike the compulsive starter interlock system the Congress specifically rejected several years ago. Instead, GM proposes that a new standard be developed for safety features—such as improved vehicle structures, and changes to steering wheels, columns, door locks, and hinges. Changes of this kind would provide increased protection not only to belted occupants but also to the 85 percent of the people who are customarily unbelted.

GM believes that this new focus on built-in safety for the unrestrained occupant will add a new dimension to occupant protection. Even with mandatory seatbelt laws in effect, occupants will receive an additional level of protection through these interior design improvements. The reason for this focus on the unrestrained occupant is the unfortunate fact that only about 15 percent of occupants use available seatbelt systems or passive restraints when offered by vehicle manufacturers.

A key element of the GM proposal is the expectation that a passive restraint-only rule, if issued by DOT, would be met by most manufacturers with detachable automatic seatbelts, which, according to NHTSA estimates, would probably not increase overall seatbelt usage by more than 5 percent. Thus, GM suggests a program that will reach 17 times as many vehicle occupants as a passive belt system, while also providing added protection to those who do take steps to protect themselves by wearing available belt systems.

The concept of built-in safety, of the friendly car interior embodied in this far-reaching GM proposal, is already being implemented with significant success in GM production vehicles, including the popular new Pontiac Fiero, which is manufactured in my district. When tested by the National Highway Traffic Safety Administration under the new care assessment program, the Fiero established an all-time record for the lowest head injury criteria reading for a belted crash test dummy in a 35-mile-per-hour barrier crash.

The Fiero had similar excellent results in GM tests with unrestrained crash test dummies in a 30-mile-per-hour test. Significantly, this test yielded results which were below the requirements for the passive restraint standard, even though the dummies were not restrained.

The design improvement which would result from the new standard embodied in the General Motors proposal can bring about significant reductions in traffic fatalities and injuries. Importantly, these reductions can occur without requiring unnecessary expenditures which would increase vehicle costs and thereby run the risk of negating the recent sales surge which has resulted in the recall of thousands of auto industry workers in my State and many others.

The GM proposal is constructive and deserves the serious consideration of the Secretary of Transportation, the administration and the Congress in the weeks ahead.

Mr. Speaker, I ask unanimous consent that the GM announcement of its proposal to DOT be included in the RECORD after my remarks.

DETROIT.—General Motors proposed a new alternative today in the long-running air bag debate, to allow manufacturers to use conventional manual belts—if the cars themselves provide significant occupant protection even when the belts are not fastened.

Responding to the Department of Transportation's [DOT] request for additional comments on passive restraints, GM reiterated its position that mandatory belt use laws would be the quickest and most cost effective way of improving highway safety. But, the company said, "we believe that even with mandatory belt use laws in effect, additional occupant protection can be achieved most effectively through interior design improvements."

GM said the strategy it was proposing would "benefit both belted and unbelted occupants and encourage innovation in a wider variety of occupant protection." Improved "built-in" crash protection mainly would be achieved by designing and manufacturing more crashworthy vehicle structures and more friendly interiors, the company said.

The key element in GM's alternative is the strengthening of the regulation for conventional manual belts so that cars equipped with them pass barrier crash tests at 25 mph with an unbelted Hybrid III dummy. GM also proposed that manufacturers choosing this belt option must also pass a 30 mph barrier crash test requirement with the belts fastened. Both of these requirements are new and together, with the Hybrid III dummy, will provide additional safety to motorists.

In a covering letter to Transportation Secretary Elizabeth Dole, Dr. Betsy Ancker-Johnson, head of GM's Environmental Activities Staff, said, "We recognize that this initial step (25 mph barrier test requirements) for unfastened manual belts would not yield the level of individual protection" that would be realized by those few additional motorists who might use automatic belts. But she said the total benefits to society would be far greater.

Dr. Ancker-Johnson said GM agreed with NHTSA's judgment that it is uncertain whether separable automatic belts would increase belt usage by even 5 percentage points. "However, if we add passive protection for the motorists who do not fasten manual belts, we're sure that at least 85 percent of the motorists will benefit—all those who are unbelted," she argued.

In its formal submission to NHTSA, GM said it believed cars that could pass the 25 mph unbelted test with the Hybrid III dummy would reduce highway deaths and injuries by about 12 percent. This would be comparable to an increase in belt use from about the current 15 percent to 36 percent, the company said.

"This is far beyond any level that can be depended upon by the installation of automatic belts," it added.

GM added that technologies developed to meet the 25 mph unbuckled frontal crash test could be applied to improved protection in side, rear and rollover accidents. "In time, when all these areas have been addressed, we believe that highway injuries and deaths can be reduced by 25 percent." GM added such a dramatic improvement would be comparable to faithful belt use by about 65 percent of all motorists.

"With the adoption of our proposal, we envision a U.S. passenger car fleet that in time will offer a wide variety of occupant protection systems. Initially, manufacturers of most cars will likely comply by installing automatic belts. However, the proposed 25 mph alternative should spur manufacturers to develop improved interiors because most manufacturers believe that consumers will not accept automatic belts," GM said.

GM also agreed with NHTSA that small car safety and occupant protection deserves the highest priority, but it did not endorse an alternative proposal to require driver-only airbags in small cars. It said without some reduction in the present 30 mph test requirements, installing airbags in small cars could pose the risk that the rapid deployment of the airbag could cause more injuries to out of position occupants than the accidents themselves in some cases.

"An important added benefit of the strategy we are proposing," GM said, "is that it might very well allow the development of safe supplemental airbag technology for use with manual lap/shoulder belts in small cars."

GM again urged NGTSA to allow the use of the improved Hybrid III dummy in vehicle crash testing. GM, which developed the ten-year-old Hybrid II test dummy, which is now specified, said Hybrid III's more human-like responses make it a more reliable, sophisticated tool for automotive safety development work.

By failing to rule on GM's petition that Hybrid III be allowed, NHTSA could very well delay the development and application of significant safety improvements, the company said.●

IN RECOGNITION OF ATTORNEY JAMES L. PAZOL

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. WILLIAMS of Ohio. Mr. Speaker, I would like to call to your attention, the outstanding achievements of my constituent, attorney James L. Pazol of Youngstown, OH. Mr. Pazol was recently honored by B'nai B'rith at the 12th annual Guardian of the Menorah Tribute Banquet. He was being recognized for his significant contributions to the Youngstown community. His list of activities is impressive and denotes his great sense of commitment toward building a better Youngstown and Ohio. Attorney Pazol has contributed greatly of his time and of himself to improve the lives of his fellow citizens. He makes us all proud to be his neighbors in the Mahoning Valley.

His many achievements and contributions are listed in the following article that appeared recently in the Youngstown Vindicator.

[From the Youngstown (OH) Vindicator]

PAZOL TO RECEIVE MENORAH AWARD

YOUNGSTOWN.—James L. Pazol will be honored by B'nai B'rith at the 12th annual Guardian of the Menorah Tribute Banquet. This year's banquet is to be held at Squaw Creek Country Club on May 20 at 6:30 p.m.

The award is presented each year to a person who has made significant contributions to the Youngstown community. All

money collected from this event is used to support B'nai B'rith Youth Services.

The honorary chairmen for the banquets are Senator Harry Meshel, Mrs. Marvin Itts, and Kenneth Burdman. Neil H. Altman and Dr. Robert Newman are the general chairmen and Bruce Udell, Ronald Mostov, and Bruce Sherman are general co-chairmen. Past recipients of this award include the following: Samuel D. Goldberg, M.D.; Aaron Grossman, Stanley Engel, Esther Marks, M. Murray Fibus, Senator Harry Meshel, as well as the late: Phillip Levy, Sidney S. Moyer, Doris Burdman Pasman, Abe Harshman, Marvin Itts, Dr. Sidney M. Berkowitz, and Frank Kline.

Attorney Pazol is a partner in the law firm of Anzellotti Sperling Pazol & Elliot, Co. He graduated from the Ohio State University School of Law in 1962 and was admitted to the Ohio Bar that same year.

In addition to serving as past president of B'nai B'rith Mahoning Lodge 339, Atty. Pazol has been active on the boards of many committees and organizations in the B'nai B'rith family and the Jewish community as a whole. Some of these activities include the following: Vice President of Government Affairs Committee of the Ohio Jewish Communities, Inc., Member of the Executive Board and past vice-chairman of Jewish Communities Relation Council, member of the Board of the Jewish Federation of Greater Youngstown, Trustee of Frances and Lillian Schermer Charitable Trusts as designated by Mahoning Lodge B'nai B'rith member of the Kentucky-Indiana Regional Board of the Anti-Defamation League (ADL), member of the board and past President of Youngstown Adult BBYO Committee, vice chairman of the Jewish Family and Children's Service, past chairman of the Youngstown-Warren-East Liverpool ADL Council, past member of the District II B'nai B'rith Board of Governors, past chairman of the District II ADL Committee.

Additionally, the following activities are representative of James Pazol's civic involvement in the Mahoning Valley: former member and Interim Chairman Mayor of the Human Relations Council (1971), former trial examiner for the Ohio Civil Rights Commission, counsel to the Youngstown Branch of ACLU, President of Youngstown Symphony Society, Past President of Associated Neighborhood Centers, past board member of Mahoning County Council on Aging, Past President of Youngstown Playground Association, Past President of Ohio Academy of Trial Lawyers of America, and member of the Council of Delegates of the Ohio State Bar Association representing Mahoning County and Columbiana County Bar Associations.

Atty. Pazol is married to the former Roberta Mark and has three children: Steven, age 20; Jonathon, age 17; and Richard, age 14. They reside at 5463 Sampson Rd. in Liberty Township.●

REV. JESSE JACKSON'S MORAL OFFENSIVE IN CENTRAL AMERICA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. DYMALLY. Mr. Speaker, recently I was privileged to travel with Rev. Jesse Jackson to Central America where Reverend Jackson initiated a moral offensive for peace in the Western Hemisphere.

I submit for review statements which came out as a result of that historic visit.

REV. JESSE JACKSON'S STATEMENT, PANAMA CITY, PANAMA, JUNE 23, 1984

Once again, we are glad to be in Panama. This is our second trip to your great nation. In our previous trip here, we were warmly welcomed and graciously hosted by the people and the government of Panama. On that occasion we met in the home of Gen. Omar Torrijos and learned to love and respect your former leader and hero. We visited your schools, preached in your churches, and we learned and shared with your leaders and intellectuals. Then, as now, we were guided and ably prepared for your trip by a native Panamanian, Mr. Cirillio McSween, a Panamanian olympic track hero, who is currently an outstanding and successful businessman in the United States. Mr. McSween was the treasurer for S.C.L.C. under Dr. Martin Luther King. His human rights activity is a source of inspiration.

We have come to Central America to engage in a dialogue about peace. We come to make a fervent appeal for peace. Our last visit here was also a mission for peace. We came here to study the issues involved in the Panama Canal Treaty. We said then that the basis for peace in Panama was justice. It was only just that the Panama Canal treaties were ratified by our congress. After studying the issues for a week, we returned to the United States and testified before the appropriate congressional committees in support of the U.S. ratification of the treaty. Our political leaders heard our pleas and those of many others. They took the prudent course of justice. Hostilities were avoided and peace was maintained. The United States and Panama stood together, and both of our countries won.

We have returned to Panama for the first part of our four nation journey to Central America to urge that we stand together again for peace and justice. We have come to Panama because as one of the four Contadora nations, you are integral to peace in this region. We come to Panama to say that we support the Contadora process not just in word but in deed. We look forward to meeting with your mayor, with government officials, and with the people of Panama.

Muchas Gracias.

MISSION FOR PEACE IN CENTRAL AMERICA: 10 REASONS FOR OUR VISIT

(By Rev. Jesse L. Jackson)

1. Central America is our next door neighbor.

2. I, along with many other North Americans, fear war in this hemisphere. We have seen signs that the war in Central America is escalating. This summer may be our last chance to work for peace before a fall offensive. We are confronting a region beset by a history of repressive governments, abounding poverty, lack of education for all, and disease.

Its people are struggling for self-determination. An escalating military crisis will have many fronts in different countries, but it will be one war—a war that would be more devastating than Viet Nam; a war that would spread like a brush fire in this hemisphere; a war that would tear our own country apart.

Every poll shows that the people of the United States do not want to see our country at war in Central America. At home we would see not only further economic dislocation, but intolerable emotional and psychological conflicts—especially for the young, the black, the poor, the Hispanic American.

The war would come home. Our peoples and cultures overlap with those of all our Southern neighbors. The war would not stop at our borders. Our very blood lines are comingled.

The signs of this war increase: We see the military build-up throughout the region; we see less talk between rival or rebel groups; we see the United States taking side instead of helping to reconcile the conflict; and while the conflict expands, we see no possibility of any military solution or victory.

We cannot let narrow economic interests and the needs of landed gentry dictate our foreign policy.

3. We must study peace options and war consequences. We must listen to the left, the right, the governments of the region, the people of the United States and the people of the region.

4. We must make the Western Hemisphere a war free zone from Canada to Cuba. We must work with all our neighbors to achieve this purpose.

5. We must have diplomatic exchanges with all nations in this hemisphere.

We should recognize the FDR/FMLN as a "legitimate political force," as Mexico and France have.

We should respect the sovereignty of the Nicaraguan people. We should stop financing the guerrillas who invade her border, kill her citizens, and disrupt her economy.

The C.I.A.'s direct involvement in mining the harbors of Nicaragua contravened every principle of international law and was against the will of the American people.

We must break the cycle of pain—of escalating armaments, attack and counter attack and begin to talk.

We must break the cycle and habit of arrogance. We seek to halt the tide of rebellion and revolution in Central America, yet we finance rebels in Afghanistan.

Our nation understands rebellion and revolution. Our own nation was born in a revolution and endured the transition before the call for free elections.

6. We must work toward full normalization of our relationship with Cuba.

7. We must go beyond lip service endorsement of the Contadora leadership and the Contadora approach to the crisis in Central America. They are our allies; they are indigenous; they choose diplomacy over deployment; they advocate economic rather than military aid; and they resist the attempts to analyze the conflict in Central America as primarily a struggle between East and West, between the United States and the Soviet Union. They recognize that the roots of the conflict are internal.

8. We must convince all parties that there is more power in cease fire than in more fire.

9. The international debt crisis has been heightened by soaring U.S. budget deficits and interest rates. The austerity measures imposed by the International Monetary Fund have widened the gap between rich and poor and led to further rebellion throughout the region. The economic crisis causes more and more people who have become hopeless about finding jobs or the means to feed their children in their own lands to flee to ours. Passing the Simpson-

Mazzoli bill will not stop this flight from unbearable conditions. We must find ways of dealing with the international debt crisis and encouraging economic development throughout the region that meets human needs.

10. Our Rainbow Coalition must function beyond conventional politics. We must see stopping the war in Central America as one of our most critical moral tasks, and we must pursue that goal in every way we can. Our present trip seeks to promote greater dialogue and understanding between the people of our own nation and people of Central America. The more we know and understand, the more certain we will be of how to pursue the paths of peace.

We will bring our message home to the American people. We must learn the lessons of Viet Nam. The protests then were too little and too late. The lives, the hopes and aspirations of the Viet Namese people, the bitterness and sorrows of their struggles, remained too foreign to the American people. We can not allow another Viet Nam. We must bring the truth home.

RESULTS OF REV. JESSE JACKSON'S DISCUSSIONS WITH F.D.R.-F.M.L.N. DELEGATION, PANAMA CITY, PANAMA, JUNE 24, 1984

1. Willingness to enter a process of dialogue and negotiation, without any precondition for a political rather than a military solution.

2. Willingness to engage in a dialogue and talks for exploring implementation of a mutual cease fire.

3. Willingness to support and abide by the Contadora process.

4. Willingness to come directly to San Salvador to engage in the above talks, accepting the good offices of the Costa Rican embassy as the venue.

5. Willingness to begin all of the above immediately.

REV. JESSE JACKSON'S STATEMENT, HAVANA, CUBA, JUNE 26, 1984

Let me express my thanks to President Fidel Castro for his kind and gracious welcome to the beautiful nation of Cuba. I, together with my family, staff and invited guests, have been overwhelmed by the warmth and friendliness offered all of us without condition by the people of Cuba. I sincerely wish that all Americans could experience the vibrancy of Cubans and their culture. Moreover, I am hopeful that our visit to the island will help break the cycle of misunderstanding and bring our peoples and our governments closer together so that we can begin to relate to each other as the neighbors that we are.

This afternoon and tonight President Castro and I had a long, detailed, frank and open discussion. With a moral appeal we have urged a moral offensive on ten major issues that move our countries from cold war rhetoric battleground to moral higher ground. We must now seize this moment to make peace possible. Peace and security are indivisible.

1. Normalization of relations.—It is clear that the policy of non-recognition has caused us 25 years of pain and needless misunderstanding. But beyond the psychological scars, this policy has funneled precious resources into the production of arms of destruction. Education, health, jobs, development have all been impeded by such a policy. Our countries can no longer afford the mistakes of the past. We must normalize relations between our countries immediately.

2. Exchange of Ambassadors.—With the full realization that all of what we have appealed for this day would normally be resolved through government-to-government dialogue, we seized the moral initiative to propose that our nations exchange Ambassadors immediately and with no pre-conditions. President Castro has agreed, pending acceptance by the United States.

3. Family Reunification—Immigration.—I conveyed to President Castro the concern of Cuban-American families who have been unable to re-unite with their relatives in Cuba who lacked visas to enter the U.S. We also were cognizant of the U.S. government's desire to resolve the problem of the so-called Excludables, who have been in detention centers in the U.S. since the Mariel boatlift. President Castro expressed the disposition of the Cuban government to immediately enter into a process of negotiation to reach an agreement that will regulate immigration between our two countries and thus facilitate this Reunification of families process and the return to Cuba of those Excludables.

President Castro stated his position that to enter this process it would be needed that the Democrat as well as the Republican Party agree that this matter should not become an electoral issue, being as it is in the best interests of the United States.

4. Visit to Cuban Prison.—As Americans began to hear of our visit with Cuba, we received many inquiries from families who had a loved one in prison in Cuba. We have requested, and President Castro has agreed, that we visit these American prisoners. Tomorrow we will go.

5. Release of American Prisoners.—After extensive discussions, President Castro has agreed to release 22 persons who are American-born citizens. These persons represent substantially all Americans now imprisoned in Cuba. Subject to certain immigration matters, these Americans will accompany our delegation to Washington on Thursday.

6. Previously Released Cubans.—Regarding the issue of Cuban prisoners, we discussed those counter-revolutionary prisoners who reportedly worked for the United States and who have been freed by the Cuban government, but who have not been granted visas by our State Department. We will set in motion immediately a process to make their immigration to the United States possible. President Castro also agreed to allow Andrés Vargas Gómez to leave the country. I also raised the issue of some Cuban nationals who are now in prison for crimes against the State.

7. March for Peace of July 1.—As part of the need for launching a moral offensive that serves as a basis for a new relationship among the countries of this Hemisphere, President Fidel Castro has expressed his support for the July 1st march to the borders in San Diego and Tijuana for peace and for the establishment of a war free zone in the Hemisphere, from Canada to Cuba.

8. Support for Contadora.—In regard to the situation in Central America, we agreed on the need to seek and support solutions based on respect for non-intervention and non-interference in the internal affairs of nations and respect for their sovereignty and independence.

President Fidel Castro has reiterated Cuba's support for the process of Contadora for attaining a negotiated settlement or solution to the conflict in Central America and to the search for a negotiated solution to the war in El Salvador.

9. Situation in Southern Africa.—Likewise we have discussed the situation in the countries of Southern Afrcia. We agreed on the need to implement UN resolution 435, aimed at the attainment of the real and effective independence of Namibia and the end to aggressions against Angola by South Africa as well as a complete cessation of the South African support for counterrevolutionary groups acting against the government of Angola.

The end to these threats and aggressions would lay the basis for the withdrawal of Cuban troops from Angola, as was stated in joint communiqués of both governments on February, 1982 and March, 1984.

We held discussions on the need for rendering the support of our moral offensive to other peoples in the African continent, which continue their struggle for peace, independence, sovereignty and territorial integrity, in countries such as Tanzania, Mozambique, Lesotho, Botswana, Zimbabwe, Ethiopia and Congo.

10. Invitation to Fidel Castro.—In closing our discussions tonight, on behalf of a broad base of American citizens, I have extended an invitation to Fidel Castro to visit the United States, to continue this process of rapprochement between our peoples and the moral offensive we have launched today.

REV. JESSE JACKSON'S STATEMENT, MANAGUA, NICARAGUA, JUNE 28, 1984

Let me express my thanks to Mr. Ramirez, Mr. Ortega, Ms. Astorga and all of the other members of the executive committee of the Government of National Reconstruction of Nicaragua for their kind welcome and for their frank discussion regarding their present political, economic and military conditions. It has been a short five years since they successfully overthrew one of the most brutal and despised dictators that the modern world has known, the late and not lamented Gen. Somoza. The fact that Gen. Somoza and his friends sacked the Nicaraguan treasury of no less than 1.6 billion dollars, much of it in the form of American taxpayers' money, and that his misuse of funds created virtually no infrastructural development in the country, and that the present government has had to withstand constant destabilization efforts, and yet has still put Nicaragua back on the road to democracy, peace and reconciliation, speaks well of the commitment not only of these current leaders but also of the will of the Nicaraguan people to build a country that is truly theirs and that can give them the pride and self respect they so richly deserve.

My meeting this morning with the executive committee has resulted in some very important agreements. Just as we have witnessed during our visit to Panama, El Salvador and Cuba, the moral offensive that we have launched has found many friends and supporters. What's more our friends have displayed a passion for peace, a willingness to put old antagonisms aside and work to build safe, prosperous and peaceful hemisphere. Today we have agreed to the following.

1. The Sandinistas have agreed to call for a major summit meeting between themselves and the leadership of the Catholic and Protestant Churches of Nicaragua. These forces are the key indigenous elements to peace in the country. For them to sit at the table and work together to rebuild the nation is essential.

2. The executive committee has agreed to proceed with the scheduled Nov. 4, 1984 elections, in spite of the many difficulties

the nation currently faces. What's more, they are committed to the idea that these elections occur after a campaign in which all parties operate under the same conditions. They are hopeful that the current state of emergency will not have to be renewed after its scheduled termination date of July 20, so that the best of conditions for electoral debate may occur.

3. Nicaragua affirms its commitment to a no first strike position regarding its current border conflicts. This is consistent with their commitment to a policy of respect for national sovereignty and territorial integrity. They are committed as well to work out non-aggression agreements with the governments of both Honduras and Costa Rica.

4. They also affirmed their position to dialogue with the United States in order to solve their current differences. They are willing to enter immediately into negotiations with the United States to end the conflict that has impeded their efforts at national reconstruction.

5. Nicaragua affirms its support for the Contadora process. The Sandinistas are agreed that a negotiated settlement is in the best interests of all parties involved.

6. The executive committee also congratulates both the FMLN/FDR and Salvadoran President Duarte for recent contact made through my intervention which respresent the first non-hostile contact between those two forces since the conflict began. Moreover, they expressed their hope that these initial contacts will continue and eventually lead to a peaceful settlement to that long and painful civil war. They made it clear, however, that we must all realize that the Salvadoran conflict and their conflict are very different and distinct and must be analyzed within the appropriate contexts.

7. The leadership also wish to congratulate Cuban President Fidel Castro for the bold and favorable steps that he took over the last two days in our meetings. In particular they expressed their hope that his initiative for dialogue and normalized relations with the United States will be reciprocated by President Reagan. So that these two important actors in hemispheric concerns can begin to relate to each other in a mature and prudent manner.

8. I have also called, and the Sandinistas have agreed, for a major summit meeting among the governments and legitimate political forces of Central America and the Caribbean. This summit meeting should take place as soon as possible so that multilateral dialogue may begin to resolve the problems and concerns of all of these important forces.

9. Finally, the National Government of Reconstruction has agreed to extend the deadline for amnesty to those counterrevolutionaries who have yet to take advantage of it. As of the expiration date of Dec. 1, 1983, some 1400 of these individuals had taken advantage of the amnesty. They have now been reintegrated into Nicaraguan society and some have even received land during the land reform. I am hopeful that those remaining outside of the law will take advantage of this humane extension so that the reconciliation and healing that is so necessary for Nicaragua's reconstruction may proceed.

All of these agreements are most significant in adding impetus to our moral offensive against aggresssion and war. This is the road to peace. The Nicaraguan people wish to get on with the business of rebuilding their society and their nation. Let us put down our arms, forgive past sins, talk to each other and not at each other, and get on with the business of peace and justice. The time is now.●

STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE ACT OF 1984

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. GILMAN. Mr. Speaker, today I join with the distinguished chairman of the House Select Committee on Narcotics Abuse and Control, the gentleman from New York [Mr. RANGEL] to introduce legislation designed to ease the burdens that drug abuse and trafficking have placed on communities across the Nation. As the ranking minority member of the Select Committee on Narcotics Abuse and Control, I am pleased that this legislation has been endorsed by the Select Committee, since the bill will go a long way in providing some Federal relief—and leadership—to States and local governments in their fight against narcotics.

During our field hearings last year, the Select Committee heard testimony from local and State representatives who indicated that their communities were unable to meet the demands created by an influx of narcotics, and a rise in narcotics abuse. When the Select Committee held its hearing in New York City in June 1983, we heard that treatment, law enforcement, and court costs were sapping the sources of New York and other suburban areas surrounding New York. With 1,500 people waiting for treatment, with two-thirds of New York's prison inmates using narcotics, and with a paucity of funds for drug enforcement in New York City, the prognosis for progress was grim.

In Redding, CA, the Select Committee heard testimony from a local county supervisor who told the committee that the cost of prosecution for drug traffickers and marijuana cultivators was prohibitive. With the influx of narcotics criminals crossing other State borders to come to California, that State was unable to handle the costs and responsibilities for prosecution and incarceration alone.

While in south Florida, in October 1983, the Select Committee again heard that local communities were simply unable to meet the costs of enforcement, prosecution, treatment, and education. South Florida continues to be victimized by the increasing tide of cocaine coming in from South America, and the citizens of that region have looked to the Federal Government for assistance.

And in the gulf region of Texas, the Corpus Christi area, the Select Committee discovered that local communities could not afford to provide treatment to thousands of abusers seeking help. Education and prevention were virtually nonexistent, and the increasing flow of Mexican heroin over the Mexican border was threatening the stability and health of Texas communities.

The legislation we have introduced today makes grants to the States for the purpose of increasing the level of State and local enforcment of State laws relating to production, illegal possession, and transfer of controlled substances. The bill also authorizes the Secretary of the Department of Health and Human Services to make grants to the States for the purpose of increasing the ability of States to provide drug abuse prevention, treatment, and rehabilitation programs.

By authorizing a $750 million grant program, the Federal Government is taking a much needed leadership role—a role which has been requested by the States and local governments. With $750 million available to the States in fiscal years 1986 through 1990, we hope to finally stem the tide of this deadly epidemic which has created so much misery and which has exacted such a large toll from the American people.

Provisions of the legislation include:

The Federal Government will provide additional personnel, equipment, facilities, personnel training, and supplies for States to apprehend traffickers;

Assistance will be provided to the States to help them eradicate illicit crops—such as marijuana;

Assistance to the States for additional correctional facilities for the detention of persons convicted of trafficking, production, possession, and transfer of controlled substances will be made; and

Additional personnel, equipment, personnel training, and supplies necessary for more widespread adjudication of cases involving persons accused of violating State narcotics laws will be provided.

In addition to these enforcement aspects of the legislation, the bill authorizes the Secretary of the Department of Health and Human Services to administer a grant program to the States to increase the availability of rehabilitation, education, and prevention programs. With the provision of $125 million over a 5-year period, States and local governments will be more willing and able to provide the type of educational, prevention, and treatment services necessary to meet the demands for these vital services.

This legislation is a perfect illustration of how the Federal Government can help the States and local governments find their way out of the tragic emergency which has taken so many lives, and which has cost these governments so much. I thank the gentle-

man, my colleague from New York, Mr. RANGEL, for the leadership that he has demonstrated in introducing this legislation, and I urge my colleagues to act quickly on this bill which can make the difference between life and death in our Nation's local communities.●

FLORIO INTRODUCES BASIC SKILLS BILL

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. MINISH. Mr. Speaker, on May 30, my colleague from New Jersey, Representative JAMES J. FLORIO, jointly introduced with Representative PAT WILLIAMS from Montana, the Secondary Schools Basic Skills Act. I am pleased to be an original cosponsor of this measure. The purpose of this bill is to aid local secondary schools with high concentrations of low-income students by providing them with $900 million annually to upgrade their basic skills instruction.

As you know, the "Nation At Risk" report and other education studies have shown that proficiency in the basic skills has faltered over the past 20 years. Our Nation's high schools are experiencing increased dropout rates, and more and more school students are unable to pass required basic skills tests necessary for graduation. By providing secondary schools, with economically disadvantaged students, supplemental funding to fine-tune basic skills such as reading, writing, math, and command of the English language, the Congress would be helping promote equity in our Nation's classrooms. We would be offering those who enter high school with a distinct economic disadvantage an opportunity to learn and compete with those students who are financially better off.

Our schools are our most precious resource. As an original cosponsor of this important education bill, I believe the Secondary Schools Basic Skills Act will help preserve and replenish this resource for both today's and tomorrow's student. I, therefore, urge my fellow colleagues to join me in supporting this basic skills legislation, and submit the following newspaper article for their review.

[From the Paterson News, June 14, 1984]

SKILLS AT RISK

'CRISIS' PROMPTS EFFORT TO HELP NEEDY SCHOOLS

(By David R. Palombi)

WASHINGTON.—Hearings have begun into legislation introduced by two New Jersey congressmen that would provide $900 million annually to help needy schools upgrade basic skills programs.

The bill, sponsored in the Senate By Democrat Bill Bradley of Denville and in the House by Rep. James Florio, D-Camden, would target funds to school systems such as Trenton, Paterson, and Union City with large numbers of economically disadvantaged students.

The money would be used to help students in grades seven through 12. After the first two years of the program, continued funding for a school would be contingent upon improvement either in the number of students passing a state-approved basic-skills test or through a reduction in its dropout rate.

"Our nation's high schools are in the midst of an economic and academic crisis," Florio told the House Subcommittee on Elementary, Secondary, and Vocational Education.

Upgrading skills such as reading, writing, math, and command of the English language are needed urgently "to instill in our children the knowledge and know-how they will need to survivie in the workplace of tomorrow," he said.

Florio noted that less than a third of the students taking the College Basic Skills Test last year in New Jersey were proficient in verbal skills and basic math. Less than 12 percent were proficient in elementary algebra.

Bradley presented the subcommittee with statistics showing that 23 million American adults and about 13 percent of all 17-year-olds have inadequate basic skills for every day functioning.

He said functional illiteracy among urban youth may run as high as 40 percent.

"A fair proportion of our youth have trouble reading a newspaper, a recipe, instructions on a package of prepared food, or filling out a job application," Bradley told the subcommittee.

He also warned that while many states, including New Jersey, have increased academic course requirements for graduation, more is needed. If students are not also given sufficient support, he said, stiffer regulations may only encourage dropping out among those who feel their prospects for meeting such standards are remote.

Also testifying yesterday was Gregory Anrig, president of Educational Testing Service in Princeton. He told the subcommittee that test and other data show a "disturbing decline" in recent years in the progress of high-school students in math and reading. He said the decline is particularly pronounced among those who are economically disadvantaged.

This decline is in contrast to improvements among economically disadvantaged elementary-school pupils, who have been the primary targets of compensatory education programs, Anrig said.

He added that current data "supports the need for action at the high-school level" and said that if the nation is to tighten educational standards, it also must help students meet those standards.

Co-sponsors of Florio's House bill include Reps. Chris Smith, R-Hamilton Township, Robert Torricelli, D-New Milford, Robert A. Roe, D-Wayne, Joseph Minish, D-West Orange, and Peter Rodino, D-Newark.●

20TH ANNIVERSARY OF THE CIVIL RIGHTS ACT OF 1964

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. KOSTMAYER. Mr. Speaker, July 2 will mark the 20th anniversary of the Civil Rights Act of 1964, one of the most important pieces of legislation ever passed by the Congress. The passage of this act has deeply affected the lives of all Americans. It fulfilled the promise of the Constitution for millions of disadvantaged citizens. It guaranteed the right to vote to all black Americans, it desegregated public facilities and schools, and created equal employment opportunities for all people.

In recognition of this anniversary, Mr. Speaker, we ought to recall the events that led up to the bill's enactment, and the sacrifices of those in the civil rights movement.

Prior to 1963 the Supreme Court decision in Brown against Board of Education, the Montgomery bus boycott, and the 1960 sit-ins beginning in Greensboro, NC, gradually convinced the country of the need to initiate some type of civil rights legislation. At first there was just a small group leading this movement, but by 1963 people of all races, creeds, and colors were showing their support.

Birmingham, AL, was the site of massive demonstrations by thousands of black Americans demanding desegregation, improvement of job opportunities, establishment of a biracial committee and dismissal of charges against at least 2,000 demonstrators previously arrested.

The demonstrators used the nonviolent techniques of Dr. Martin Luther King, which were returned with violence. Progress was stalled—but not halted—by a number of tragedies occurring in the climate of this growing tension. Three civil rights workers in Philadelphia, MS, were murdered, churches were burned, and threats against many were made.

These dramatic events created a groundswell for Federal action and soon thereafter President Kennedy sent to Congress civil rights legislation dealing with voting, education, and the Civil Rights Commission. The leadership conference group was formed to help implement the President's request to gain public support for his bill, and on August 28, 1963, 200,000 people representing diverse backgrounds gathered in Washington for the largest demonstration ever held here. The March on Washington was timely in promoting the act and it was here that Dr. Martin Luther King delivered his famous speech, "I Have a Dream". President Kennedy com-

mended the leaders for their efforts and dedication. Millions of Americans were stirred by King's dramatic words.

After President Kennedy's death in November 1963, President Johnson quicky began discussing effective strategies for getting the legislation through Congress. An elaborate whip system was developed in the House to keep track of members whereabouts during the debates and also of how they were voting. On the Senate side the legislative conference working under Senators Hubert Humphrey and Everett Dirksen, used extensive lobbying efforts and a bipartisian newsletter was printed daily to keep supporters informed on all activities.

On June 19, 1964, the Senate passed H.R. 7152. On July 2, 1964, the House adopted House Resolution 789, and on the very same day President Johnson signed the Civil Rights Act of 1964.

In his speech on August 28, 1963, at the Lincoln Memorial, Dr. Martin Luther King said:

This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

The Congress heeded the words of Dr. King, and 1 year later passed the Civil Rights Act. As a nation we benefitted enormously, Mr. Speaker, and it is important to recognize this extraordinary anniversary.

Americans still are moved by the memories of those tumultuous days. But, the struggle is not finished. In the late 1960's, Dr. King said that we have come a long way but still have a long way to go.

And the words of Abraham Lincoln ring as true today as they did in 1865:

Let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.●

CIVIL SERVICE RETIREMENT SYSTEM

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. SCHROEDER. Mr. Speaker, The Civil Service Retirement System has been the subject of extensive debate during this Congress, and we will be working on reform of the retirement system next year. Prof. Michael S. March, of the University of Colorado at Denver, prepared the following article on the retirement system. I believe it should be of interest to my colleagues.

SAVE CIVIL SERVICE RETIREMENT RIGHTS

(By Michael S. March, Ph.D.)

Today I deal with pocketbook issues which deeply affect the welfare of civilian federal retirees. The most important essential for elderly Americans is adequate, assured income. More than 95 of every 100 elderly lack the savings necessary for retirement.

For this reason the great majority of retired people in the U.S. depend for their survival on federal pensions such as Social Security and Civil Service Retirement (CSR). Civil Service employees in the federal government are perpetually underpaid—by more than 20 percent of comparable private wages at the present time. The great majority of retirees are likely to be heavily or even totally dependent on their CSR annuities. The Grace Commission has estimated that 70 percent or more of CSR retirees "eventually" are covered by Social Security. However, for most of them such coverage would be partial, because until January, 1984, federal employees under CSR were not covered by Social Security—unlike Military Personnel who had dual coverage.

THE UNFAIR ASSAULT ON CSR

Civilian federal retirees have borne more than their proper share of attack and abuse in recent years. Our two last presidents have run against the bureaucracy.

Since 1975 the Congress has followed these two presidents in repeatedly cutting CSR benefits, particularly the cost-of-living adjustments (COLAS) for retirees a half a dozen times or more. NARFE headquarters report that CSR retirees have already lost $5.3 billion, of which $2.5 billon has been since January, 1981. The President's 1985 budget proposes further CSR cutbacks for both retirees and active employees, which would rise to an annual rate of $1 billlion by fiscal year 1987.

As retirees we have experienced many unfortunate attacks on us in the last year or two, as follows:

The inadequately-considered recommendation by President Reagan's National Commission on Social Security to put new Civil Service hires under Social Security. This was enacted blindly by the Congress in 1983 even though no plan existed for the supplementary retirement system. This action leaves the "new hires" after January 1, 1984, dangling and it threatens both the active employees and the retirees with being left in a dying CSR system.

Nationwide propaganda by Wall Street financier Peter G. Peterson's so-called Bi-Partisan Budget Appeal (supported by 500 businessmen) called for cuts of $60 billion a year in so-called "entitlement" programs which were not "needs tested"—chiefly those for CSR and Social Security retirees. The Reader's Digest for March, 1983, carried his attack on Social Security into millions of homes with his fatuously misleading allegation that the program "threatens our entire economy." He is oblivious to the tax subsidies for corporate pensions from which businessmen benefit on pensions up to $90,000 a year or more.

The Grace Commission (technically the "President's Private Sector Survey on Cost Control") report on Personnel Management in 1983 maligned the CSR system with a whole series of inaccurate, unsupported comparisons. It alleged that three-year savings of $30 billion were possible. General Accounting Office (GAO) and Congressional Budget Office (CBO) analysts found the savings figures grossly overstated and many of the recommendations questionable.

PENDING LEGISLATIVE ACTIONS AFFECTING CSR

The negative public climate toward CSR which has been created by high politicians in the last two administrations coupled with the powerful business and allied media attacks on Federal Social Security and other retirement systems as part of the Reaganomic program are bearing bitter legislative fruits for federal employees and retirees.

The most far-advanced action is the so-called seven-month deferral of COLAS to January, 1985, for retirees which has now been passed by the House and by the Senate Budget Committee as part of the Reconciliation process on the fiscal 1984 budget. Unfortunately for retirees, the one-year base for the next COLA will be computed from the third quarter of 1983 to the third quarter of 1984. The increase for six months of something like 3 percent which was due effective May, 1983, will be permanently lost, along with subsequent COLAS on that increment. This is not a deferral, it is a take-away!

The second big set of actions pertains to the development of the supplementary retirement plan for new hires to go along with their Social Security coverage. At least three sets of studies are underway. The House Post Office and Civil Service Committee has engaged the help of Hay/Higgins, Inc. and the GAO in its work. The Senate Committee on Governmental Affairs is involved, how deeply is not yet clear. Finally, the Office of Personnel Management has let a contract for a substantial study.

WHY THE PRESSURE ON CSR?

Several factors combine to bring pressure on the CSR system. High inflation in the 1970s has inflated the figures in the federal budget and for CSR so they look much bigger than they are in real terms. By 1983 consumer prices were 3.3 times the 1962 level—so 70 percent of CSR benefits in 1983 were inflation puffery. Meantime, federal salary increases lagged far behind inflation—making COLA-adjusted annuities look high in relation to wages. A third problem was that in 1969 CSR trust fund expenditures were included in the "unified budget"—so the President and the Congress inappropriately began to look at them not as contractual commitments to pay funds held in trust, but as "cutback" targets in any given year.

Reaganomics is, however, the prime cause of the CSR system's problems. The Reagan administration wants to reduce the government and cut its employees and their compensation. The Conservative strategy has been to cut taxes in order to force cuts in expenditures—and it is working. In 1981 President Reagan got Congress to cut taxes by $750 billion over five years—and half of that tax cut was for the 17 percent of taxpayers with incomes of over $40,000. The poor and the low income people got little or no tax reductions, but they suffered substantial cuts in budget programs which aided them.

The Reaganomic strategy of putting a tax lid on the budget has put pressure on all social programs. The projected five-year federal budget deficits from 1984 to 1989 are officially estimated at $873 billion. Net Reagan tax cuts account for over $600 billion of this red ink. The five-year increases in defense outlays over the 1980 level by themselves can account for the entire deficit, while the five-year increases in interest on the public debt over the 1980 level exceed $350 billion. The budget deficits

have clearly been caused by President Reagan's policies.

CIVIL SERVICE RETIREMENT RIGHTS

If retirees are to be able to protect their CSR pensions we must understand the basis for our rights so we can defend them effectively:

1. CSR is a staff retirement system. Its purpose is to provide an incentive for able civil servants to devote their careers to the government. The retirement payments thus are deferred compensation for services faithfully rendered.

2. CSR pensions are computed in proportion to length of service and degree of attained responsibility, the latter measured by the high-three-year average pay rate—once required age has been reached. CSR annuities are thus earned rights. Moreover, as earned deferred compensation they have historically been paid without any test of need. Earned CSR rights are superior to welfare claims.

3. Employees contribute heavily to CSR. Historically they paid much more than Social Security workers and very much more than workers in private plans. Moreover, CSR contributions are paid out of taxable income, draw no interest for the employee in the trust fund, and pensions are taxable as soon as payouts exceed the employee's own contributions.

4. CSR pensions are funded by means of a trust fund, which was created to assure payment of earned pension obligations. Under statutory provisions enacted in 1969, establishing appropriate actuarial funding to stabilize the unfunded accrued liability, the CSR trust fund, even by OPM's statements, is good for 75 years—and, indeed, probably indefinitely. CSR is financially solid!

5. By original legislative intent, and morally, earned CSR annuities are a contractual obligation between the government as employer and its employees and retirees.

It can be concluded safely that the practice of the Reagan administration of recommending (and the Congress enacting) changes in substantive laws for already retired CSR workers to renege on benefits which the law provided when they retired is a violation of the integrity of the U.S. Government—and is, in all likelihoods, a violation of a legal contract. The same may also be true of such ex post facto legislative changes to reduce or take away vested CSR benefit rights. Such awarded or vested CSR pension rights should be treated by the Government as binding obligations—in the same category as interest on public debt obligations.

THE RIGHT TO PROTECTION FROM INFLATION

Since 1962 CSR annuitants have had two important rights: First, to receive their earned pensions. Second, to have the real purchasing power of the pension maintained by means of periodic cost-of-living adjustments.

There are several reasons why the COLA is warranted: (1) This society causes inflation and thus the Government has a responsibility to protect people dependent on fixed incomes payable by it. (2) The typical CSR retiree's pension is less than 50 percent of his or her final pay. Retirees have already taken a cut in their standard of living and have little slack for further reductions. (3) Since 1962 COLAS have been provided by the Retirement Act and hence are part of the employment/pension contract on which government employees and retirees have come to rely. The COLA provision is statutory and is no different from other statutory pension provisions. (4) Most important of all, in the absence of COLAS the high rates of inflation which have prevailed in the U.S. since the middle 1960s would quickly devalue the real worth of an annuity.

CSR annuitants have a right to demand better treatment than progressive impoverishment from the Government to which they devoted the best years of their working lives.●

COOPERATIVE EDUCATION PROGRAMS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. SIMON. Mr. Speaker, I would like to bring the following article, which describes the value of cooperative education programs, to the attention of my colleagues. Under these programs, postsecondary students alternate periods of academic study with periods of employment. Thus, students gain access to education by being able to work their way through college. At the same time, they gain significant work experience, and graduate from college well prepared to enter the work force full time.

In addition to being valuable for both students and industry, cooperative education actually relieves some Federal financial burden. Because the students involved become relatively self-sufficient—they use their earnings to finance most of their college expenses—they can reduce the demand for Federal student aid. Further, these programs more than pay for themselves. Cooperative education students can earn approximately $1 billion each year, about 10 percent of which is returned to the Federal Treasury in the form of taxes and social security contributions. That approximately $100 million in revenue far exceeds the current $14.4 million Federal outlay for the programs. Without Federal moneys, most cooperative education programs would cease to exist. Yet, for the past 2 years the administration has proposed elimination of funding for the programs.

Cooperative education, which reinforces this country's work ethic, is clearly good for education, good for business, and fiscally responsible. It undoubtedly merits the support of this body.

FINANCING COLLEGE: A WAY TO PAY THAT'S NOT JUST ACADEMIC

(By Steven H. Madoff)

By studying one semester and working the next, students can help with tuition bills and get their careers launched early.

Back when annual college bills ran to three figures, a few schools started something called cooperative education—alternating semesters of off-campus jobs with semesters of study. For decades it was looked on as an eccentric way to spend your undergraduate years. Now, with the average annual cost of tuition, room and board running close to $9,000 at private colleges, co-op education has been discovered for what it is—part cost cutter, part career builder.

From 1970 to 1938, the number of colleges and universities offering such programs grew from 200 to about 1,000; last year alone, 200,000 students enrolled in them earned $1.5 billion. And the federal government, despite its sharp cuts in financial aid for higher education in general, is considering increasing co-op funding from $14.4 million to as much as $20 million next year.

Co-op education has nothing to do with conventional work-study programs, under which colleges provide part-time on-campus jobs for undergraduates. In a typical co-op arrangement, a student takes a responsible job, often as a trainee in his chosen field, at a company that has formally agreed to cooperate with a school in providing off-campus employment. On average, co-op students earn $6,000 for a half a year's work. These earnings, minus income taxes, are usually figured into the student's financial aid package back at college, thus decreasing his need for grants and loans.

Co-oping is a powerful help to the graduate job seeker too. It often leads to full-time employment with the same company and at a higher salary than a less experienced applicant could expect. The federal government, the largest co-op employer of all, put about 13,000 students to work in 1983—chiefly in the military services, the National Aeronautics and Space Administration, the Treasury and the Department of Agriculture. And the U.S. holds on to 75% of these students after graduation.

In fact, the experience often turns out to be of far more lasting value than the money. Notes Sam Sovilla, director of the University of Cincinnati's co-op program: "Once students get into their co-op jobs, the financial benefits have become a given. Then the students start focusing on career development."

Preparation for entering a co-op program doesn't begin until at least freshman year. During the first term, the student can talk to the school's co-op counselors, look through job lists and decide on which jobs to apply for. He also states what subject he plans to major in, but he can change his mind later. While it's possible to begin off-campus work during the spring term of freshman year, generally a student waits until he has experienced a full year of campus life. To be accepted and to continue in many co-op programs, a student must maintain a grade-point average of at least 2.5 on a 4.0 scale.

The next steps are job applications and interviews. For govenment work, you fill out Standard Form 171—the Personal Qualifications Statement—which asks for a listing of work experience and courses completed. After being accepted for a job, a student typically begins alternating work and academic terms, including summers, until his senior year, when many co-op programs require that he return to school full time.

Though students may receive some academic credit for their work, they complete most of their degree requirements in the classroom. Co-op students usually make up for lost academic time in summer school. Some take five years to get their baccalaureates, but they almost always pay only minimum enrollment fees, sometimes nothing, for semesters when they're off working.

A free bronchure that answers virtually any question you might have on the subject is Undergraduate Programs of Cooperative

Education in the United States and Canada (National Commission for Cooperative Education, 360 Huntington Ave., Boston, Mass. 02115). It lists participating schools, length of work terms, type of credit given and the most popular kinds of jobs. Another helpful guide is Earn and Learn: Cooperative Education Opportunities Offered by the Federal Government (Octameron Press, P.O. Box 3437, Alexandria, Va. 22302; $2.25 including postage).

Co-oping isn't everyone's ideal college education. Most co-op students are in business administration, computer science, engineering and the hard sciences. Humanities students are in less demand for co-op jobs, and those who participate in cooperative programs don't fare as well as more technical graduates. The median starting salary for 1983 co-op grads in mechanical engineering was $26,000; for graduates with B.A.s in the humanities, it was exactly half that.

Lance Goodmon, 20, a junior majoring in areospace mechanical engineering at the University of Central Florida in Orlando, is among the lucky ones. "I've always liked tinkering, figuring out mechanical devices," he says. "I wanted the same kind of experience in school, directly applying what I learned." In his senior year of high school, Goodmon heard of the co-op program that the university maintained with NASA. "I knew that's what I wanted to do," he recalls.

Goodmon had a foretaste of job competition when he first applied to the NASA program: there were no positions available. He reapplied and beat out 14 other applicants for a six-month stint on a crew helping systems engineers to build equipment for Spacelab at the Kennedy Space Center.

Since then Goodmon has been able to get through school mostly on his own. Like many co-op students who seek jobs near their home towns, Goodmon lives with his parents—15 miles from the space center and 30 miles from campus. So he could scratch room and board costs. He calculated his expenses last year at $4,700, including tuition, books entertainment and the 1981 Datsun 200SX that he's paying off over 36 months. During work terms, he pays $25 for registration. His earnings were $7,200, leaving him savings of $2,500.

Peter Watson, 24, a junior in physics at Antioch College in Yellow Springs, Ohio, has helped to test the currents where the Indian and Atlantic oceans meet. It happened on an oceanographic cruise off South last fall.

Co-oping actually drew Watson back to higher education. After an unhappy first year at Rensselaer Polytechnic in Troy, N.Y., he dropped out for four years and worked as a forklift operator in Birmingham, Ala., his home town. Then he heard about Anticoh's co-op program and was attracted by its practical, untheoretical approach. Through a Guaranteed Student Loan, two college grants, part-time work as a teaching assistant and his co-op earnings, he's been able to pay the $9,290 annual total cost of tuition, room and board, save a bit and, as he says, "live humbly."

Antioch and other centers of cooperative education—notably Drexel University in Philadelphia, Georgia Tech in Atlanta, Northeastern University in Boston and the University of Cincinnati—are best known for offering varied job possibilities. It's a major benefit of their long-established relations with business and the scientific community.

Yet you don't always have to go to those schools to find a broad variety of job opportunities. Robert Kahn, 21, a junior in economics and international relations at Macalester College in St. Paul, has found work related to his major that has given him a taste of Europe as well as helped to pay his college bills. Unlike typical co-op programs, Macalester's doesn't operate on alternating terms. Students work in the summer, again during a six-week winter break and up to 20 hours a week while studying on campus.

Medtronic Inc., a medical-equipment manufacturer in Minneapolis, hired Kahn for an internship in international finance. He was kept on as a senior financial clerk and set up a computer data base for foreign-currency fluctuations. At a salary of $285 a week, he earned $4,500, saved half and put the other half toward Macalester's $9,350 annual costs. He paid the rest with scholarships, a residence assistantship in his dorm and $4,500 from his parents.

During his winter break, Kahn finished up his project in Medtronic's Paris office and then began studying economics for a term at the Center for Euorpean Studies in Toulon. In June he'll rejoin Medtronic for the summer, traveling among its offices in France, Belgium and Spain. Says Kahn: "Now I want to apply to graduate business schools and specialize in international finance."

Cyndi Carr, 20, decided on her career objective halfway through high school. She wants to go into food-processing management. A junior in the Food Science and Technology Department at Oregon State University in Corvallis, she is enrolled in what fellow students call a six-pack program: six months at school and six months at work. Carr started co-oping last fall at General Foods' Birdseye division in Woodburn, about an hour's drive from campus. A quality-control supervisor for frozen foods, she directed a staff of up to 20 workers. She earned $7,200 during her first term at Birdseye and was easily able to cover her $3,600 living expenses. She explains: "I didn't want to go to college and find out after four years that I didn't like what I was doing.

Mitzi Canavit, 20, gets a chance to see things from a decidedly uncampuslike perspective. Sitting in the cockpit of an F-15 fighter, she reads the position of a distant jet on her instrument panel, accelerates, pulls up next to it, then drops down, does a loop and signs off.

Her F-15 cockpit is actually MACS-5, the Manned Air Combat Simulator at McDonnell Douglas' St. Louis headquarters. There Canavit, a junior electrical engineering major at the University of Missouri, is in her third work team, helping to develop software programs for several types of flight simulators. Besides earning $7,500, she is eligible for many of the benefits of a full-time employee—a common practice in co-oping. Her salary enables her to chip in $925 a semester for room and board at school—her parents contribute the $800-a-semester tuition—and still have some spending money.

Says she: "Working in the intense atmosphere at McDonnell Douglas has been a real confidence builder. I know it's going to pay off when I graduate." Right now, Canavit, like so many other co-op students, feels like she's flying.●

MR. FARRAKHAN'S REMARKS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. STOKES. Mr. Speaker, I have devoted a major part of my life to the cause of civil and human rights. In that struggle I have found that many other Americans of good will have engaged in the same cause.

During the civil rights movement of the sixties many people came together across ethnic, racial, and religious lines in order to work toward the eradication of every last vestige of racial discrimination in America. The beauty of the civil rights movement was that black Americans were not alone in their struggle to achieve justice and equality under our constitutional form of Government.

In the coalitions that came together one of the more prominent coalitions was that of blacks and Jews who came together, worked together, sat-in together, marched together, worshipped together, and even died together. It was during this period of time that the relationship between blacks and Jews reached its greatest height. I am particularly proud of the friendships which I developed during that era which endures today, more than 20 years later.

However, since the sixties we have not seen this coalition remain together as a cohesive unit. Over the years there have been occasions where differences of opinion on issues relating to blacks and Jews have created tensions between both groups. Many of us who were involved in the coalition of the sixties have tried over the years to bridge these legitimate differences with continuous dialog. The rationale behind continuous dialog is that we can disagree without being disagreeable. Recently, the relationship between the black and Jewish community has received a great deal of attention through the media as a result of statements made by different persons during the current Presidential campaign. This has been unfortunate because what I think it has done has been to permit the exploitation of legitimate disagreement and differences between the two groups.

This week it has been reported that Minister Louis Farrakhan of the Nation of Islam has made certain scurrilous statements about Israel and Judaism. These statements as reported are abhorrent and should be both resented and rejected by all persons of good will.

As a black American I am committed to building and living in a society free of racial and religious intolerance. I live by the principle that racial and religious hatred, bigotry, prejudice, and

racism in this society are to be condemned and scorned no matter who the purveyor or purveyors may be.

My commitment to this principle demands that I condemn racism, bigotry, and intolerance in any form, from any individual, regardless of his race, religion, or ethnic background.●

TRIBUTE TO FLOYD BOLDRIDGE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. SKELTON. Mr. Speaker, in my hometown of Lexington, Floyd Boldridge is an institution. His friendship and community leadership have long been contributions to our town. The following is an article written about Mr. Boldridge, and I want to share it with this body, as it reflects a life of service and goodwill.

Most people around the age of 60 start to think about retiring from their line of work and begin to contemplate on how they will spend their free time. But for Floyd Boldridge, this just isn't the case. Floyd decided to pass up retirement years ago and continues to labor, scissors in hand, as owner and employee of the GEM barbershop located at 111 South 11 St. At 86 years young, Floyd offers one of the best business propositions in town, a quality haircut at a low price, and good conversation.

For Floyd, becoming a barber was only natural. His grandfather, Matt Boldridge, started the family business with his two sons, Louie and Tom in 1910. The shop was opened on 10th street (Now the law firm of Bradley-Langdon-Bradley) and remained there for 70 years. In 1918, Floyd cut his first head of hair for an expensive 35 cents. Inflation has since hit Floyd's business and he has been forced to raise his price. He now charges $3.50 for a haircut and $2.50 for a shave.

For six years now Floyd has worked alone. In 1976 Floyd's brother, Manville, retired from the three-generation-old business, the last of the five Boldridge brothers to work in the barbershop besides Floyd. Throughout the years, Floyd and his brothers cut the hair of many famous people, among them Ike Skelton, General Houge, and players from the old Kansas City Blues baseball team.

Competition has never bothered Floyd because he feels that his haircuts and shaves are of the highest quality. He never was much for the changing hair styles either. As for women, he said he used to cut their hair, but eventually they started coming in and asking for all the latest cuts, something that he just wasn't much interested in or had the time for. Nowadays, things are starting to slow down but Floyd still manages to keep busy. "I'm busy a couple days during the week, but most of the time I just relax in the shop and enjoy talking with the people who stop by," says Boldridge, "Most of my customers are older men who have been regulars for years, so I don't really worry about stirring up new business," added Boldridge.

When entering his shop, one can't help but to be intrigued by the old-fashioned equipment he still uses. From his 60-year-old brass Koken-Congress model barber chair to his steel combs, Floyd insists on using the old tools of the trade which he feels more comfortable with. But the most interesting piece in his shop may be the first thing you notice when entering. A painting, taken from a 1919 photograph, looms largely over the lounge area of the shop. The painting is an oil, done by Austin Booth of Marshall. The painting depicts the original barbershop as it stood in the early 1900's.

Floyd plans to continue cutting hair and solving the world's political problems with his customers for a few more years. Physically, he feels like he is capable. "Nothing hurts me and I am blessed with almost perfect health. My daily routine seems to keep me in shape," said Boldridge. Sports also seem to keep Floyd young. Although he hasn't actively participated for some 60 years, he still enjoys a good ball game along with some good fishing and a little gardening in his spare time.●

LEGISLATION TO EXAMINE THE LINK BETWEEN ACID RAIN AND THE DECLINE IN STRIPED BASS

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. DYSON. Mr. Speaker, as many of my colleagues know, the Atlantic coast striped bass has suffered a great deal in the last decade because of the effects of pollution.

A report released earlier this year by two University of Maryland scientists showed that the decline in the commercial and recreational fishery since 1974 has cost the region 7,500 jobs and $220 million in economic revenues.

While much has been lost in this fishery, it continues to have amazing strength. In 1980, the current commercial and recreational fishery was supporting 5,600 jobs, causing $90 million in annual spending and creating $200 million in related economic activity in the coastal areas of the States.

I am particularly concerned about the Atlantic coast striped bass since up to 90 percent of them spawn in the Chesapeake Bay, an estuary which literally surrounds my congressional district. The decline of the bay as a suitable habitat for marine and aquatic habitat is a major factor in the reduced abundance of the striper.

As a result, the passage of H.R. 3282, the Water Quality Renewal Act of 1984, is a landmark step to save the striped bass. This measure contains a bill that I introduced earlier in the 98th Congress, which Public Works Chairman HOWARD and Water Resources Subcommittee Chairman ROE included, to begin a Federal program to clean up the bay. Final enactment of this initiative later this year, when combined with a $10 million downpayment on the bay program in the fiscal year 1985 HUD-Independent Agencies appropriations, will go a long way to bringing back the striped bass.

Some of my House colleagues believe that the way to replenish this species is by imposing a coastwide Federal moratorium. I think that this kind of Federal preemption in fisheries management, for what has traditionally been a State responsibility, is ill advised.

Scientists agree that a combination of factors have caused the decline in the striped bass, but cannot pinpoint that stopping all fishing of this species will restore it.

In addition, almost all the Atlantic coast States have implemented the proposed plan by the Atlantic States Marine Fisheries Commission to reduce the fishing of striped bass by 55 percent. My own State of Maryland has made great sacrifices to begin moving toward complying with the ASMFC recommendations. The additional penalty of a moratorium would cost Maryland $50 million annually.

Given the uncertainties which this action would have upon restoring the fishery, the work of the States to control striped bass fishing and the further severe economic consequences it poses to commercial fishermen and the seafood industry in general, I am firmly opposed to Federal action at this time.

One of the gaps in our information about the striped bass is the effect which acid rain has had on its decline. Several recent articles and reports have linked the loss in the number of striped bass to low pH levels in the Chesapeake Bay, particularly during the time of the year when the species spawn. Unfortunately, one of the serious gaps in our information about the striped bass' decline is whether there is any officially conclusive proof that links acid rain to the striper.

That is why I am introducing legislation today which authorizes an interdepartmental study to examine this issue. It is my hope that the knowledge it will generate can help us to take the appropriate actions in Congress that will actually help to restore the striped bass.●

SAN JUAN BASIN WILDERNESS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. RICHARDSON. Mr. Speaker, earlier this month, the House unanimously passed a bill I introduced to designate roughly 30,000 acres in the San Juan Basin of New Mexico as wilderness. H.R. 3766 will designate two wilderness study areas—De-na-zin and Bisti—as wilderness while assuring that the wilderness study process con-

tinues in an area know as Ah-shi-sle-pah.

The Ah-shi-sle-pah area is a little over 7,000 acres and is located in the 3.5-million-acre San Juan County. According to the Bureau of Land Management, this small WSA contains less than nine-tenths of 1 percent of the Federal recoverable coal in the San Juan Basin. However, mining companies believe the coal is extremely valuable and would be easily recovered through surface mining methods. In addition, the area is overlapped with preference right lease applications.

Although my original proposal would have designated the Ah-shi-sle-pah area as wilderness, in order to move my legislation forward, I agreed to simply reaffirm the ongoing study process at this time. I still believe this area is worthy of wilderness protection. Its unique geological formations and petrified remains are among the most beautiful in the Southwest and I am hopeful the study process will lead to the eventual designation of Ah-shi-sle-pah as wilderness.

I commend to my colleagues the following article which appeared in the February 5, 1984, edition of the Denver Post Empire magazine. I believe this article clearly articulates the San Juan Basin wilderness issue. With Ah-shi-sle-pah controversy set aside for now, I am confident that H.R. 3766 will soon be enacted into law.

A DELICATE BALANCE: COAL MINING THREATENS THE NATURAL MUSEUM THAT IS THE SAN JUAN BASIN

(By Sherry Zimmer Robinson)

New Mexico Highway 57 bisects the San Juan Basin, a desolate area the size of Maryland in northwestern New Mexico and the extreme southwestern corner of Colorado. Navajo truck paths feather out from the highway to distant hogans, the eight-sided dwellings that seems to grow out of the land and face the east so the occupants can greet the sunrise each day. The terrain rolls and swells into broad cuestas, rising and then dropping abruptly into sandstone cliffs. Sagebrush, some grassland, and stubborn piñon hugging gaunt mesa offer the only greenery.

As the road winds north, a traveler can glimpse shale and sandstone spires, pinnacles and toadstools shaped and reshaped by erosion until they resemble the scenery of a science fiction movie. In these pink, orange, and ghostly white badlands the Navajos call the Bisti (BIST-eyes), De-na-zin and Ah-she-sli-pah, not even sagebrush can get a foothold. It seems that nothing grows easily here, except controversy.

Indians and desert rats aren't the only ones interested in the San Juan Basin. Paleontologists have discovered a world-class assortment of fossils from an era that could hold the key to the disappearance of the dinosaur, archeologists have identified thousands of sites remaining from one of North America's most advanced prehistoric civilizations; the Sierra Club declared the Basin's delicate sandstone formations a priority as early as 1971.

But it is another holdover from an ancient era that has thrust the Basin into dispute. Two hundred billion tons of coal—an estimated seven million to ten millions tons of which can be strip mined—lie among the fossils, artifacts, and otherworldly beauty of the San Juan Basin. As nature would have it, the richest coal areas are also the richest fossil preserves. A working coal mine already abuts the breathtaking Bisti area, and many fear that excessive mining will ruin the Basin, both as a homeland for the Navajos and a treasure trove of antiquities.

After some initial polarization, however, there has been unprecedented cooperation toward protecting the area while allowing mines to operate. The coal industry repeatedly has given assurances that the Basin's antiquities and Navajo property wouldn't be scooped up in a frenzied drive to extract coal. A few companies demonstrated their intentions by contracting for research above and beyond what was required by environmental laws. One archaeologist fears that researchers won't be able to keep up with the volume of new information directly attributable to development.

Some novel, if uneasy, compromises were in the works when former Secretary of the Interior James Watt announced a proposal to least eight times as much San Juan real estate in one sweep as his predecessors had done under the two previous administrations. New Mexico officials, struggling to balance the deficit-racked budget of a state forty-second in per capita income, were anxious to proceed with coal development. But not that anxious. State officials thumped Watt and the federal Bureau of Land Management for inadequate preparation and termed the proposal a "fire sale." Subsequent negotiations reduced the acreage and delayed the leasing.

It can't exactly be said that industry, the Bureau of Land Management, the state, environmentalists, academics, and the Navajos are strange bedfellows—they haven't gotten that close. But they have exchanged the first kiss.

Sixty-five million to seventy million years ago, the San Juan Basin was covered by swamps and thick forests. Over time, geological processes converted the vegetation to coal in seams ten to forty feet thick. The same processes preserved the remains of forest and swamp creatures, a wide variety of fish, turtles, crocodiles, lizards, dinosaurs, and primitive mammals—inconveniently, in the same place as the coal.

San Juan Basin fossils are world renowned, according to paleontologist Barry Kues, a University of New Mexico associate professor, because they record the transition from the end of the dinosaurs to the appearance of the first mammals. If an asteriod's collision with the Earth or some other cataclysmic event eliminated dinosaurs, the event could be preserved in the Basin's fossil record, Kues believes. "This is a tremendously important period in the record of life. There are only a few other places in the world with the same sequence—Wyoming, Montana, Alberta, and Mongolia. The study of fossils in these rocks has not proceeded as far as it has in other areas. There are enormous amounts of information to be learned about seventy-million-year-old animals and how they lived."

Kues says that at least one-third of the area fossils, including several large dinosaurs, have never been found anywhere else. "Even individual bones can provide a lot of information about what one of these ancient reptiles looked like, how they moved, where they lived," he says. "To a paleontologist, there is a lot of material up there."

Dinosaurs are not the only concern. "Dinosaurs are a type of fossil virtually everyone knows about, but there is an abundance of small fossils—fish, snakes, mammals with tiny teeth—requiring special study and sampling," Kues continues. "These types would never be seen during a stripmine operation, and we know less about mammals than about dinosaurs."

When Kues and BLM paleontologist Keith Rigby surveyed the area for the BLM in 1977, they acquired an appreciation of the enormity of fossil resources, of coal resources, and of the resulting problem. Then they set out to educate the public, the government, and the coal companies.

"There were times when I suspected that all the work to try to explain the importance of the resource to the BLM and the coal companies would be to no avail," Kues recalls, sitting in his small university office crammed with books, papers, and rocks that overflow his shelves onto the floor. Rigby now is at Notre Dame University. "There were fits and starts and bad feelings between people who had different ideas about what should happen up there."

Discussion among developers, academics, state agencies, and environmentalists eventually hatched an unprecedented agreement: Mining operators agreed in late August to consult the state about any planned activity that could affect fossils and other prehistoric remains.

Because of the new appreciation of New Mexico fossils, a natural history museum is under construction in Albuquerque, the first such museum to be built in the United States in this century. (The last was Denver's Museum of Natural History, built in 1898.) A fund-raising campaign was launched once it became known that there were more New Mexico fossils in the Smithsonian Institution than at home.

Still undecided is the disposition of the seventy-million-year-old Fossil Forest, where petrified logs and stumps remain in their original positions, along with fossils of animals that inhabited the forest. The Fossil Forest offers a unique opportunity to study a cross section of the living community as it was then, Kues says. Even though the three-acre site impressed James Watt on a recent tour, it is too small to be classified as a Wilderness Study Area. Arch Mineral Corporation, which holds the parcels, has scheduled them for development in ten years but has promised paleontologists the chance for thorough study first.

The Basin is estimated to contain 250,000 archaeological sites, which document human occupation of the area from the area from the sophisticated, pre-Columbian Anasazi to the first Navajos in the seventeenth century. The crown jewel is Chaco Canyon, where an advanced civilization built a complex of pueblos and roads after A.D. 500, conducted a brisk trade with Indians as far away as Mexico, then mysteriously disappeared around 1300. Coal development could take place ten miles from delicate veneered walls that rival those of the Aztecs and Incas.

To keep from running afoul of federal and state laws protecting these antiquities, coal and uranium companies, utilities, and pipeline builders have employed a small army of independent, "cowboy" archaeologists to survey and catalog sites in preparation for development. Where site avoidance is impossible, they excavate. As a result, the state archaeologist's office has been logging new sites at the rate of seven hundred a month for several years. Some major Chaco outlier sites and roads were discovered during surveying for high voltage transmission lines.

Dr. Joe Winter, director of contract archaeology for the University of New Mexico, isn't thrilled about impending energy development, but he admits, "Most of the knowledge we're gaining now is the result of development. Every day they carry out a project in the San Juan Basin area, it results in significant findings that increase our knowledge of pre-Anasazi, Anasazi, and early Navajo Indians. On the other hand, we're reaching a point where so much development could go on that we will have more work and information generated than we can properly analyze."

New Mexico archaeologists say energy developers have been more cooperative than the federal government. The state archaeologist, preservation officer, the University of New Mexico, and the New Mexico Archaeological Council have heatedly protested what they believe are attempts by Reagan appointees in the Office of Surface Mining and the Advisory Council on Historic Preservation to dismantle protective legislation. The two agencies are acting by presidential mandate to remove perceived impediments to mineral development.

"New Mexico has some of the most unbelievable archaeology in the entire world," laments Carol Condie, president of the Archaeological Council. "In the San Juan Basin, for instance, we have a range of sites from 12,000 B.C. to the present. Because there really isn't any water out there, it has not been heavily inhabited. No one has lived out there except Indians. Until a few years ago, it was archaeologically pristine. It would provide us with a lot of information about how people have made it or not made it. We don't want to see it just get torn to hell and not know what it was."

The Sierra Club began trying to gain official protection for certain areas of the San Juan Basin in 1971, first as a county park, then as a national Outstanding Natural Area, and finally as Wilderness Study Area, according to spokesman Dave Glowka. The latter designation has been recommended for two areas, the 3,968-acre Bisti Badlands, thirty-five miles south of Farmington, and the nearby 19,922-acre De-na-zin. A bill to that effect, which has been supported by coal companies, was introduced in Congress by New Mexico Senator Pete Domenici. One firm, Sunbelt Mining Company, has been negotiating with the BLM to trade its leases within the proposed wilderness study areas for other nearly leases.

Environmentalists are demanding that a third area, the Ah-she-sli-pah, be granted wilderness study status, which would bring the total protected area to 30,453 acres. A competing bill including the third area has been introduced by New Mexico Representative Bill Richardson and is supported by the state.

The BLM argues against wilderness status for the Ah-she-sli-pah, saying the same geologic features are replicated in the other areas. Coal operators say the region's most accessible coal is in the Ah-she-sli-pah and that wilderness designation would keep them from mining adjacent areas because of access problems.

Paul Biderman, secretary of the New Mexico Department of Energy and Minerals, calls BLM and industry arguments "ludicrous" and says, "The fact that certain features may be duplicated elsewhere doesn't mean they're not unique where they are. To narrow down to two areas and destroy the rest would be irresponsible for future generations' appreciation of natural beauty."

Biderman is one member of the "green machine" that took over New Mexico government with the election of governor Toney Anaya in 1982. Anaya bumped businessmen from the state's Environmental Improvement Board and replaced them with environmental activists. He installed former national Sierra Club president Brant Calkin as secretary of natural resources, and other cabinet appointments included a consumer activist attorney and an environmental lobbyist.

When Watt announced his massive coal lease plan, which included a December sale date for 1.5 billion tons of San Juan coal, it surprised Washington but not locals when Anaya broadsided the plan. Anaya handed Charles Luscher, BLM director for New Mexico, a three-inch-thick response from thirteen state agencies detailing alleged deficiencies of the sale, such as inadequate Environmental Impact Statements and market projections.

Anaya charged that Watt was "hell-bent on getting as much of our natural resources into private hands as quickly as possible." State officials projected that massive leasing during an already slack period in coal demand could cost the state $79 million on bonus bids, the fee companies pay for mining rights, because sales would be slow.

The state also has argued that Watt's "fire sale" would encourage speculation instead of mining and that leases would not garner fair market prices. Sunbelt Mining Company spokesman Robert Jackson counters that withholding coal leases "creates artificial gyrations in the marketplace," inflating the price of existing coal and stifling competition among coal producers. As a result, he says, producers are developing properties where the yield is disappointing or where environmental impacts may be greater than sites where leases are frozen. "The harder you squeeze the supply, the greater the speculation," Jackson insists.

Robert Jackson wouldn't be anybody's idea of a Thomas Nast-style industrialist. Thirtyish, slender, genial, candid, Jackson is in many ways similar to the state's Biderman; both are products of the activist sixties and seventies.

Jackson emerged from school with a master's degree in environmental science and became staff environmentalist with Public Service Company of New Mexico. Last year he took over corporate affairs for the utility's subsidiary, Sunbelt Mining, which holds applications or leases on more than 40,000 acres of San Juan coal land. Sunbelt operates the only two existing mines, including the Gateway mine adjacent to the Bisti.

Biderman was a poverty warrior who worked for Legal Services in northern New Mexico, including the Navajo Reservation, and represented consumer interests as an assistant attorney general before assuming his current cabinet position.

State criticism, Biderman emphasizes, is aimed at the BLM, not at industry. Anaya and his cabinet have taken pains to discourage any appearance of being anti-business, a recurring accusation. Biderman says he has beefed up his staff to handle applications and problems quickly and that his emphasis is on negotiation rather than litigation. "We recognize the need for coal leasing, and we're committed to it, but we want orderly development," he says.

Recently, state and BLM officials compromised on a target of 916 million tons of competitively leased coal, down from 1.5 billion. After hearings in November on the BLM's second draft Environmental Impact Statement, Luscher is considering recommendations to the interior secretary.

Despite their concerns, New Mexico officials are more than a little anxious to mine coal. Oil and natural gas revenues have supported the school system for more than two decades, but last year, slack natural gas sales lightened the state's purse considerably and oil revenues also slipped because of depressed market prices. Many mines are closed, and 8,200 miners lost their jobs in New Mexico last year. Even the most optimistic prediction holds that, with recovery, a leaner mining industry will come back minus 2,500 jobs.

Two years ago New Mexico legislators had the luxury of debating how to return a $140 million surplus to the taxpayers. Last year, despite robust federal spending on New Mexico's considerable military installations and a lively tourist economy, the $40 million deficit was eighth among state indebtedness nationwide.

Coal won't solve all New Mexico's problems, but industry officials say it will help. "We have waited many, many years to get access to that coal, and we're only talking about disturbing less than 2 percent of the area," says Sheridan "Rusty" Glen of St. Louis-based Arch Mineral Corporation, referring to the twelve-year-old moratorium on coal development anywhere in the nation. Glen says mining will not occur all at once and that areas mined will be reclaimed.

Glen says he is "dismayed at the amount of controversy generated by San Juan coal leasing," adding, "It's unjustified." He insists coal operators have "bent over backwards" to accommodate everyone's concerns, and "we've seen markets come and go."

Sunbelt's Robert Jackson observes, "If you're not there with the resource when the market decisions are made, you lose the opportunity." New Mexico coal, Jackson explains, is low grade but reasonably close to markets. Transportation has been stalled for years because of Navajo opposition to a rail spur, but plans for a route on different land are proceeding. "Currently, we're behind the large coal producing regions," he notes. "There's a great deal of production capability in place in Wyoming right now. They've got the permits, they've got the mines, the coal, and the transportation."

San Juan Basin coal developers find themselves in a chicken-or-egg situation, says Jackson. "We must demonstrate our ability to deliver to get customers, but we must have customers to build a railroad. There's a problem with who's gonna jump off the deep end."

The Navajo people of Pueblo Pintado have sent resolution after resolution to the BLM, claiming that mining will destroy their homes, their grazing lands, their sacred sites, the graves of their ancestors. They've crowded into meetings at the chapter house, driven to Farmington and Albuquerque to testify through interpreters at hearings. As they were once force-marched by the U.S. Cavalry to detention camps of death and disease far from their homelands, they fear another removal will occur to make way for the white man's dragline.

Pueblo Pintado and sixteen other chapter houses are within the boundaries of coal leases. Most of the 22,072 residents speak only Navajo and live in large family units in the traditional way, supporting themselves raising livestock.

The Checkerboard Area, as these lands are called, is a patchwork of federal, state, private, and tribal ownership. Newer competitive leases provide for mining only with the consent of occupants, but the pre-1976 non-competitive leases offer no such consideration to 226 Navajos. They are considered squatters, although archaeologists says Navajos have been "squatting" in the area for nearly four hundred years.

Cecil Werito, who raises sheep on land occupied by his family for more than a hundred years, recently told the Albuquerque Journal, "We were here before the (federal) laws were made. It's really not fair at all. Even if you move to some other place, it takes a long time before it feels right."

Frank Chee Willetto, the area representative to the Navajo Tribal Council, observes, "We've been out here all these years and nobody bothered us. Then they find coal, and, all of a sudden, they're saying, 'That's mine, that's mine.'"

Unnamed area residents testifying in Navajo at local meetings and state hearings about the proposed mining and power plant were quoted in the Navajo times as saying: "I wish it would never happen, but I have a feeling it will. I am speaking on behalf of the children. I want them to be able to live in harmony."

"I'm not going to give up Pintado no matter what happens," another said. "We don't want our Mother Earth destroyed. . . ."

Sunbelt and Arch say they would not force residents to move. "We don't do that as a matter of policy," Jackson says. "We're not in the business of arm-twisting."

Once, Navajos were given the opportunity to file on 160-acre tracts under the Allotment Act of 1887. But they had always lived on this land; what good was the government's piece of paper? Many didn't file, and they're now legally "unauthorized occupants."

One solution rests with the Navajo and Hopi Settlement Act of 1974, which authorized Navajos living on what is now Hopi land in Arizona to select 400,000 acres of federal land for resettlement. San Juan Basin Navajos could be relocated on the 35,000 acres to be set aside in New Mexico.

Navajos are divided on the subject of development. Some consider strip mining an injury to their Mother Earth; others would like to see mining provide jobs, if it can be done within environmental and cultural constraints. "Navajo people want to be part of this," explains Bureau of Indian Affairs Eastern Agency Supervisor Ed Plummer. "They want to negotiate with the coal companies, not to be promised jobs jobs which never exist. We want to work toward self-sufficiency. For them to be promising us X number of jobs does not resolve our concerns. We have to deal with social problems, housing, roads. . . ."

With 35 percent unemployment and widespread suffering from federal cutbacks, jobs are a touchy subject. Developers always promise jobs, but, as one resident pointed out during a chapter meeting, a sheepherder doesn't just get on a bulldozer.

Leonard Tsosie, a Navajo Legal Services attorney, says, "We learned a lot from uranium development—how they hired Navajos and how they got rid of them at the start of the slump. They used to bring in a bus of outside workers. I wouldn't be surprised to see the coal companies do the same thing."

Sunbelt's Jackson counters that Navajos comprise 25 percent of the workforce at the firm's two mines and insists there is a strong commitment to Navajo hiring.

Even touchier is the subject of gravesite disturbance. Mining companies have offered to move Navajo graves and even to hire a medicine man to perform appropriate ceremonies. To this, a Navajo woman responded that she doubts there is a healer with big enough medicine to diminish this outrage to the dead.

Non-Indians involved with coal leasing in the San Juan Basin have failed to understand the mixture of fear and reverence with which Navajos regard death and anything associated with it. Traditionally, after a family member died, the hogan was sealed and abandoned. As Ray Louis, a spokesman for the Navajo tribe, explains it, "Death and dead people affect Navajos emotionally, mentally, and physically."

"We don't just move graves and hold a ceremony later and say 'rest in peace.'" adds Leonard Tsosie. "There is no such thing in our culture. Anglos do it all the time."

The mining industry has drawn unaccustomed praise from many quarters for its efforts to minimize disturbances in an area whose historic and scientific value they too recognize. But environmentalists and their allies continue to worry about the possible effects of any additional development in the Basin.

It is up to the BLM's Luscher and others to fashion a compromise that accommodates the aesthetic as well as the economic, the past as well as the future, and could serve as a model for resolving similar disputes. The controversy offers a rare opportunity to find a delicate balance between often bitter enemies.●

BOULDER COUNTY JUDICIAL PROCESS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mrs. SCHROEDER. Mr. Speaker, I am proud to introduce today, on behalf of the Colorado congressional delegation, a bill to authorize holding U.S. District Court for the District of Colorado in Boulder, CO. I am joined by the Congressman from Boulder County, Representative TIMOTHY WIRTH.

By amending 28 U.S.C. 85 to add the city of Boulder to the other Colorado cities where Federal court can convene would make the judicial process more accessible to the citizens of Boulder County. The U.S. district court in Denver frequently hears cases in which all or most of the parties, as well as the jurors, are from Boulder County.

Moreover, the University of Colorado Fleming School of Law is located in Boulder. This amendment would provide the students and faculty at the school an easy opportunity to view the Federal district court in action.

The moot courtroom located in Boulder could host an occasional trial or motion hearing at no or low cost. The dean of the law school, eager to see this bill become law, views this use of the courtroom as an excellent teaching tool. Law students could see Federal court in action and learn the procedures and the arguments used by the lawyers.

Under extraordinary circumstances and with prior consent, one trial was recently held in Boulder. It was well attended by the students. Both the presiding Federal judge and the law school dean were pleased with the turnout and suggested making this a regular occurrence.

The Judicial Conference of the United States noted in their March 16-17, 1983, report that H.R. 6974 (the original bill introduced during the 97th Congress) was approved by both the judicial council of the 10th circuit and the district court. Upon the recommendation of the committee, the Conference approved the purpose to be served by any successor bill.

This legislation is a simple, no cost idea that will have tremendous teaching value for Colorado's aspiring law students, and will make the judicial system more convenient for the people of Boulder County.●

CONGRESSIONAL TRIBUTE TO COL. JOHN D. PEARMAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. ANDERSON. Mr. Speaker, on Friday, July 27, 1984, we will see yet another outstanding military officer retire from active duty. Col. John D. Pearman, the Director of Civil Engineering for the Space Division at the Los Angeles Air Force Station, will retire after 28 years of service with the U.S. Air Force.

A North Carolinian by birth, John Pearman graduated from North Carolina State University in 1956 with a bachelor of architecture degree and was a distinguished military graduate from the Reserve Office Training Corps Program. He entered active duty with the Air Force after graduation, and has remained on active duty ever since. He continued his education while in the Air Force, receiving a bachelor of science degree in civil engineering from the University of Pittsburgh, and a masters of engineering administration degree from George Washington University. He is also a graduate of the Air War College, the highest level of military education offered by the Air Force.

Colonel Pearman's progression in rank through his career brought assignments of ever-increasing responsibility at a variety of Air Force installations, both in the United States and overseas. These assignments had earlier brought him into the Los Angeles Air Force Station as a project engineer from 1963 until 1968, where he was re-

sponsible for tracking and launch facilities in support of space programs. In 1979 he returned to the Los Angeles Air Force Station, to what was then known as the Space and Missile Systems Organization, now the Space Division. He has served since then as Director of Civil Engineering, and in this position played a key role in $600 million worth of construction for the ground facilities required by the space transportation system, better known as the space shuttle, and in the acquisition of 400 units of critically needed military housing for the staff of Los Angeles Air Force Station. It is through this latter mission that I came to know and respect Colonel Pearman's ability, for I have seen him transform the somewhat unkempt and unsightly portions of Fort MacArthur from a collection of miscellaneous buildings in various stages of disrepair into a shining example of what good military housing should look like. I know this has only been a relatively minor part of his overall responsibilities, but it is also a highly visible part. And it reflects very favorably upon his ability and good judgement.

I regret that he has decided to leave the Air Force, and know he will be hard to replace. But that is the system that all of our Services use to keep young blood coming up. As John Pearman and his wife Martha leave the military service, I am pleased to learn that they will not be leaving our area, where he plans to remain active in the engineering field. My wife Lee joins me in wishing the two of them the very best in all of their future endeavors, and we express our appreciation to him for a job well done.●

MISSION TO MOSCOW

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. HYDE. Mr. Speaker, one of my favorite columnists, Joseph Sobran, has written an excellent column on the recent trip to Russia by a delegation from the National Council of Churches. I commend this insightful piece to the attention of my colleagues:

[From the Washington Times, June 28, 1984]

MISSION TO MOSCOW

(By Joseph Sobran)

A funny thing happened to the National Council of Churches delegation on its recent Potemkin tour of Soviet churches: it unexpectedly encountered some Christians.

The visitors can hardly be blamed for the incident. They had allowed the Soviet regime to arrange their itinerary, which was confined to churches registered with the state. Despite these precautions, at a Baptist church in Moscow, demonstrators raised banners, one of which read: "This is a persecuted church."

After a violent scuffle, the demonstrators were removed. Fortunately, none of the NCC visitors were hurt. They weren't even disturbed. On the contrary, the incident only confirmed their faith in religious freedom under Soviet communism.

The demonstrators, according to the NCC group's leader, Bruce Rigdon, "were asked to leave and they were conducted out by members of the congregation. We believe they are free. I understand that in the United States a situation like this would have been handled by the police."

His words were ingloriously expressive of a certain Western mentality that, brought nose to nose with communist repression, not only excuses it but finds a way to praise it, taking the occasion to whack at Western institutions.

Had the National Council of Churches dropped in on the Roman Coliseum, its spokesmen would no doubt have had kind words for the lions, adding warmly that the emperor was devoted to animals' rights.

The first audible protest against the NCC mission came not from a Christian group, but from the American Jewish Committee, which accused the mission of painting a "rosy picture" of religion under communism. As one who sometimes criticizes Jewish groups for carrying loyalty to their own to excess, I should say here that the excess of a natural virtue such as loyalty is not even comparable to the despicable behavior of Christians who publicly turn their backs on Christian martyrs. In this case, Jews have put Christians to shame. God bless them for it.

Far from condemning communist persecution of Christianity, leading Christian theologians today hunger for "Christian-Marxist dialogue." It is as if St. Maximilian Kolbe had called for "Christian-Nazi dialogue."

A group of "progressive" Catholics, including Hans Küng, has just issued a statement attacking their own church for its enmity to "liberation theology." The statement complains that the Vatican has accused "liberation" theologians of "substituting ideologies for the Gospel, under the influence of Marxism." Apparently the pope is guilty of ecclesiastical McCarthyism.

The truth is that the liberation theologians have been quite open in their attachment to Marxism. One of them, Gustavo Gutierrez, calls for "class struggle" and "social revolution," and approvingly quotes Jean-Paul Sartre's famous remark: "Marxism as the formal framework of contemporary philosophical thought cannot be superseded." Another, Sergio Torres, says, "The process of colonization, liberation, and organization is best understood in Marxist terms." For the influence of this style of theologizing, one need look no further than the priests in Nicaragua's communist ruling junta.

Why be naive? We all know what "liberation" now means. We have seen it defined in Havana, Saigon, Addis Ababa, and Managua. If the Kung group rejects the authority of the Catholic Church, they can find plenty of other institutions where their views will be warmly received. Unless, that is, their real goal is to sap Western institutions.

The Soviet empire is not only geographical but intellectual. Without that empire, Marxism would be just another quaint 19th-century ideology, like social Darwinism. But Kremlin power variously intimidates and energizes Western intellectuals, many of whom strive to legitimize the Marxist critique of the West, even within the churches.

So it was that the NCC group, while abandoning Christian believers to persecution, blamed the United States for the arms race. That's liberation for you.●

IN MEMORY OF A HISTORIC PHONE CALL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. OTTINGER. Mr. Speaker, I would like to call attention today to an article printed in the New York Times on June 19, 1984, by Mr. William Kunstler, concerning an early morning phone call he received 20 years ago from Mr. Nathan Schwerner. Mr. Schwerner is a resident of Pelham, NY, which is in my home county of Westchester. That phone call was the start of a 40-day search that would end in the discovery of murdered bodies of Mr. Schwerner's son Micky, and his two coworkers, Andrew Goodman and James Chaney. Mr. Kunstler's article vividly describes how these young men gave their lives for the cause of civil rights, and as we recall their sacrifice and Nathan Schwerner's loss 20 years ago, we should think about the future, and how we can honor their memories by advancing that cause until we are at last all equally free.

I commend this article to the attention of my colleagues.

MISSISSIPPI SUMMER

(By William M. Kunstler)

On Monday, June 22, 20 years ago, I recieved an early morning call from a Nathan Schwerner of Pelham, N.Y. He said: "My son, Mickey, and two other young civil rights workers are missing in Mississippi. They left Meridian in Mickey's car yesterday morning for a trip to Neshoba County and they have not returned or called in. Can you find out for me where they are—my wife and I are worried sick."

As one of the lawyers for the Council of Federal Organizations, a loose coalition of civil rights groups that had recruited some 1,000 student volunteers for its Mississippi black voter registration project, I immediately contacted the Neshoba County sheriff's office in Philadelphia, Miss. A drawling voice informed me that Mickey and his two companions, Andrew Goodman, a white man who was a Queens College anthropology major, and James E. Chaney, a black man who was a local plasterer, had been arrested by a deputy the evening before. The three youths, part of the council's advance party, had been picked up for driving 65 miles per hour in a 30-mile speed zone and held at the county jail "for investigation" until 10:30 P.M. when, after Mr. Chaney, who had been driving Mr. Schwerner's late-model Ford station wagon, paid a $20 fine, they were finally released. They had last been seen leaving town on State Highway 19.

When I reached Bob Moses, the council's director, in Jackson, he told me that Mr. Schwerner, who with his wife, Rita, ran a Meridian biracial community center for the

Congress of Racial Equality, and his two friends had left that city at 9:30 A.M. on June 21 to inspect the damage done to the Mount Zion Methodist Church.

The church, the hub of civil rights activities in Neshoba County, had been mysteriously set on fire a week earlier. Although all of the council's personnel had been directed to report their whereabouts regularly whenever they left their home bases, Mr. Moses told me, no calls had been received from the missing men after their departure from Meridian.

Later that day, deputy sheriff Cecil Ray Price, who had arrested the three, said that after their release he had ordered them "to leave the county." Sheriff Lawrence A. Rainey, a burly, tobacco-chewing man, told a newspaper reporter that "if they're missing, they just hid somewhere, trying to get a lot of publicity out of it, I figure." A year later, both men, along with 16 other defendants, would be indicted by a Federal grand jury and charged with conspiracy to intercept and kill Mr. Schwerner, Mr. Goodman and Mr. Chaney. (On Oct. 20, 1967, seven defendants, including Mr. Price and a reputed leader of the Ku Klux Klan, were convicted by an all-white jury. In the other cases, there were hung juries and acquittals.)

The next day, the burned-out station wagon was found in a swamp on Bogue Chitto Creek, 15 miles northeast of Philadelphia, and some 50 feet off State Highway 21. In ensuing weeks, a nationwide search for the three men was conducted. On Aug. 4, after paying $25,000 for a tip from an informer, the Federal Bureau of Investigation found the bodies of the civil rights workers, buried 15 feet apart, under a newly erected earthen cattle pond dam in a thickly wooded area six miles southwest of Philadelphia. Each had been shot to death.

Before the council's "Mississippi summer" ended, some 60,000 new black registrants had been added to the voting roles. This accomplishment, won at such cost, prompted enactment of the Voting Rights Act of 1965, legislation that eventually altered forever the balance of political power in the South. Within one year after its passage, the number of blacks registered in Mississippi and four other Deep South states had increased by almost 50 percent.

Of equal significance, it provided the foundation for the Presidential campaign, two decades later, of the Rev. Jessie Jackson.

Mickey Schwerner, Andy Goodman and Jim Chaney may have died on a back road in pain and terror, but not in vain.

At summer's end, the council's student volunteers returned to their campuses with the knowledge that they had indeed wrought a major miracle. The murders of their comrades had shocked and terrified most of them, as well as their parents, but they had worked on and hoped for the best, somehow sublimating their fears of the worst. That they kept on was undoubtedly because their slain friends had become for them, as Rabbi Arthur J. Lelyveld had put it at Andy Goodman's memorial service, on Aug. 10, 1964: "The eternal evocation of all the hosts of beautiful young men and women who are carrying forth the struggle for which they gave their lives."

It is a requiem to remember on this 20th anniversary of ends and beginnings.●

CENTRAL AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for June 1984 into the CONGRESSIONAL RECORD:

President Reagan believes that the United States has important interests at stake in Central America. It is "the stage for a bold attempt by the Soviet Union, Cuba, and Nicaragua to install communism by force throughout the hemisphere."

The adminstration hopes to subdue insurgency in the region, either by gaining a military victory or by steadily building up a military "shield" behind which economic, social, and democratic reforms may take place. There has been a sharp rise in economic and security aid to the region over the last four years, and a shift in emphasis from economic to security aid. This is most evident in El Salvador, where U.S. security aid has increased from 23% in 1980 to 79% in 1984, while the total amount of requested aid has increased ninefold from $64 million to $571 million. Also, the President has authorized both large-scale maneuvers in the region and the construction of several bases in Honduras.

Has this policy been successful? Despite elections and much more U.S. help, the conflict in El Salvador is deadlocked. The guerrillas control one third of the countryside, a zone of influence which has not changed much in more than a year. The new president, Jose Napoleon Duarte, is committed to land reform, limited contact with the opposition, and a crackdown on death squads, but the right's ability to hem in Mr. Duarte already has been made clear. In Nicaragua, the confrontation between the Sandinistas and the U.S.-backed rebels has grown in scope and intensity over the past three years, and no end is in sight. The Sandinistas have built up their armed forces in response, raising the possibility of wider war. Inside the country, official repression of the private sector, the free press, and the Catholic Church is rising. War threatens Honduras and Costa Rica. All parties in the region support the "Contadora" peace process initiated by Colombia, Mexico, Panama, and Venezuela, but none has been willing to make the concessions needed to move the talks forward.

I agree with the administration that we have important interests in Central America. We cannot tolerate the establishment of Soviet bases in the region, which might call for defensive military action on our part. We would be troubled if there were unstable or anti-American governments there, though this is not as worrisome as Soviet bases. We also would like to see market-oriented economies, democratic political systems, and more respect for human rights in Central America, part of our general interest in the region's economic, political, and social development.

In my view, however, the President gives a flawed analysis of what is wrong in Central America. The roots of the crisis are not in Moscow, but in local poverty, repression, and inequality. Therefore, Mr. Reagan's prescription for protecting our interests is off the mark. There is no realistic military solution to the crisis, nor is there any direct threat to our security that can justify our growing direct military involvement. Americans properly think that important U.S. interests are at stake in Central America, but opinion polls show that they oppose sending U.S. combat troops to the region. They fear that our deepening military involvement in local disputes will require us to manage the internal security of other nations, a job that is impossible to do at an acceptable cost. They want us to rely on diplomatic and economic measures.

In my view, U.S. policy in Central America should be based on the following principles:

First, we should reject extreme alternatives. Bold military action in the region in the absence of direct threats is unacceptable, as is total disengagement. Such policies could not be pursued for any length of time, and each would be damaging to our long-term interests because each is based on mistaken ideas of what we can and should do.

Second, our present military involvement is too extensive, risks wider conflict, and therefore should be scaled back sharply. The U.S. military buildup in the region has not suppressed guerrilla activity. It forecloses other options, harms the prospects for dialogue, and the chance that our soldiers will be embroiled in open-ended conflict. It is opposed by most parties in the region.

Third, we should continue to provide economic and military assistance in amounts that can be utilized effectively. Additional funds for the region may be useful eventually, but only as there is progress toward peace. These countries also have a limited ability to absorb aid because they lack the infrastructure and technical expertise.

Fourth, we should condition aid so that it promotes U.S. goals. We cannot tell governments how to run their affairs, but our aid ought to go to them only if they are serious about reform. Some observers complain that conditions on aid are signs of congressional "meddling" in foreign policy, but the American people will not support aid unless there is progress toward reform.

Fifth, we should terminate U.S. aid to the rebels fighting the Nicaraguan government. While many Sandinista policies are objectionable and have caused discontent in Nicaragua, the covert war has achieved none of its goals and has given the Sandinistas an excuse for more repression. It is not up to us to fund guerrillas who are trying to overthrow a government that we do not like.

Sixth, we need a new approach to relations with Nicaragua. Secretary Shultz's trip there on June 1 was a good way to begin dispelling mutual distrust and trying to persuade that country not to export revolution. The best idea is to make further bilateral contacts while promoting the Contradora process. Also, we need to shore up the moderates in Nicaragua through nonmilitary means.

Finally, we should press harder for talks in El Salvador. We should urge Mr. Duarte to conduct an internal dialogue with the guerrillas. We cannot support a power-sharing arrangement between the government and the guerrillas, but the guerrillas at least must be included in elections if there is to be peace.●

DAVID BRODY PROFILED IN TASS?

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. KEMP. Mr. Speaker, David Brody, the Anti-Defamation League's talented Washington representative, has truly "arrived": He has been profiled in TASS. It is not often that the propaganda arm of the Soviet Government does an indepth feature on a prominent member of the B'nai B'rith.

But it seems that just as the Soviets have become accustomed to stealing Western technology, so too do they steal news reports. If the TASS wire service piece on Mr. Brody had a decided New York flavor to it, that was because it was a near verbatim translation of a New York Times article of a year ago, with the noticeable addition of some original Soviet anti-Zionist slurs.

"Washington Talk" columnists William Farrell and Warren Weaver called attention to this Soviet imitation in their article, "Get Me TASS Rewrite," which I ask be printed in the RECORD. I also ask that the original New York Times feature on Mr. Brody, "An 'Unelected Member' of the Senate," be included as well.

I will leave it to TASS to publish the Soviet dispatch.

[From the New York Times, May 14, 1984]

BRIEFING: GET ME TASS REWRITE

(By William E. Farrell and Warren Weaver Jr.)

Soviet correspondents, it seems, can also succumb to the age-old journalistic practice of rewriting their competitors. In a January copy of Sovetskaya Moldaviya, a Kishinev daily, appears a Tass dispatch that bears a striking resemblance to a profile of David Brody, Washington lobbyist for the Anti-Defamation League of B'nai B'rith, that ran on this page a year ago.

The Tass article begins as almost a translation of The New York Times article, describing how Mr. Brody is accorded senatorial privileges in riding the Capitol subway and elevators. Then phrases that were not in the original begin appearing; B'nai B'rith is described as "completely under the control of Zionist circles" and Mr. Brody as opposing bills "which do not correspond to the interests of Tel Aviv 'hawks.' "

A quotation from Mr. Brody, explaining his position on aid to Israel, is materially altered. The Times version: "You can't win over the Arabs by weakening Israel. If Israel receives the aid it needs, it's in a better position to compromise; a weakened Israel cannot." The Tass version: "You will not get the good will of the Arabs by weakening Israel. If Tel Aviv receives the assistance it needs, then the U.S.A. will be in a better position."

After about 400 words, the Russian writer parts company with the original story altogether to discuss the impact on Congress of "Zionist and pro-Israel organizations" and the current volume of United States aid to Israel. He concludes, entirely on his own, that "all the doors and loopholes on Capitol Hill are open for David Brody, which he sees in his dreams crowned by the Zionist symbol, the six-pointed Star of David."

[From the New York Times, May 26, 1983]

AN "UNELECTED MEMBER" OF THE SENATE

(By Martin Tolchin)

WASHINGTON, May 25.—"Senators Only" said the sign in front of the Capitol subway, but David Brody was waved aboard by Senator Charles E. Grassley, Republican of Iowa, whom he thanked for signing a resolution opposing the sale of advanced weaponry to Jordan.

"Senators Only" said the sign above the elevators in the Capitol, but Mr. Brody was escorted onto the car by Senator Jesse Helms, Republican of North Carolina, whom he congratulated on North Carolina State's N.C.A.A. basketball championship.

"Dave Brody is the unelected member of the U.S. Senate," said Senator Charles McC. Mathias Jr., Republican of Maryland, who is an old friend.

Mr. Brody, who will be 67 years old next month, is a short, kinetic institution who seems to know just about everyone in Government. He is the Washington representative of B'nai B'rith's Anti-Defamation League, and, like those of many other lobbyists, his office walls are lined with signed photographs of Presidents and other White House notables. "What would we do without friends? wrote Vice President Bush, and James A. Baker, 3d, the White House chief of staff, called Mr. Brody "oftentimes a strong ally, occasionally a worthy adversary, but always a friend."

It is the Senate, however, where Mr. Brody presses his campaigns, which focus on aid to Israel and support of civil rights legislation. Some other lobbyists for Jewish organizations consider him a loner because of his failure to coordinate his activities with them, and some Capitol Hill people regard him as overly persistent. But most consider him effective.

STRATEGY ON AID TO ISRAEL

"Dave Brody can get in and out of more senators' offices quicker than any person I have ever met in my life," said former Vice President Walter F. Mondale.

Mr. Brody's present concerns include the foreign aid authorization bill, which contains an increase in aid to Israel, and legislation that would put teeth into a fair housing bill. On aid to Israel, Mr. Brody tells senators, "You can't win over the Arabs by weakening Israel. If Israel receives the aid it needs, It's in a better position to compromise; a weakened Israel cannot." On the fair housing bill he tells them, "Without effective enforcement, the bill doesn't mean very much."

Mr. Brody is a full-service lobbyist. He introduces senators to constituents, fund-raisers, reporters and "people I think they should meet." He gives personal advice. He suggests positions on a wide range of subjects, including those in which his organization is disinterested.

"I don't come around only when I need something," Mr. Brody said. "I come around to chat on a general exchange of views. I don't have a heavy-handed, demanding style."

OF FRIENDS AND AWACS

"He's given me valuable advice," said Senator Howell Heflin, an Alabama Democrat. "He has a broad range of interests."

Mr. Brody doesn't seem to care if a senator is a Democrat or Republican, liberal or conservative. Some of his closest friends in the Senate voted for the sale of Awacs to the Saudis, which Mr. Brody lobbied hard, and unsuccessfully, to defeat. "Somebody can be against you on one issue, and with you on the next," he said.

His manner can be direct. When Senator Lloyd Bentsen, the Texas Democrat, told him that Israel needed another Golda Meir, Mr. Brody replied, "Senator, If you have the power to resurrect Golda Meir, that's fine with me, but Golda Meir also had problems with our government."

Mr. Brody does considerable entertaining at home, often bringing senators together with the Israeli Ambassador. Rolf Pauls, former German Ambassador to Washington, once quipped that he had seen more senators at Mr. Brody's home than on the Senate floor.

Mr. Brody, a native New Yorker who is a graduate of City College and Columbia Law School, came to Washington in 1940 to work for the Department of Agriculture, and joined the league in 1949. He was promoted to chief Washington representative in 1965.

His style has evolved over the decades. "Maybe I am a loner," He said. "I have my own style. You have to be able to relate to people, even when you find yourself in disagreement. You have to deal with members as individuals, and know what their concerns are. I'd have a very narrow range of friends if we had to agree on every issue."●

INTRODUCTION OF THE STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE ACT OF 1984

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. RANGEL. Mr. Speaker, today I have introduced the State and Local Narcotics Control Assistance Act of 1984. This bill, which provides for grants to State and local governments to assist them in drug law enforcement and drug abuse treatment and prevention activities, is offered in response to the critically high, and unacceptable, levels of drug trafficking and drug abuse in the United States. Fifteen of my colleagues on the Select Committee on Narcotics Abuse and Control have joined me as cosponsors of this measure.

Drug trafficking has reached epidemic proportions in the United States; it is estimated to be a $100 billion per year business and is compounded by the economic and social costs to our Nation as a result of those who are adversely affected by illicit drug use. Drug use has escalated dramatically over the past two decades, particularly among our young people, and remains at unacceptably high levels. It is believed that the levels of illicit drug use in the United States exceed those in any other industrialized country in the world.

From 1978 to 1982, cocaine-related deaths and emergency room episodes jumped 300 percent and remain high. Heroin-related hospital emergencies

rose nearly 80 percent nationally, and heroin overdose deaths increased almost 50 percent over the same period.

In the area of criminal justice, drug trafficking and drug abuse have inundated our law enforcement capabilities. In March 1983, the Department of Justice's Bureau of Criminal Justice Statistics reported that almost one-third of all State prisoners in 1979 were under the influence of an illegal drug when they committed the crimes for which they were incarcerated. The study also revealed that the more convictions inmates had on their records, the more likely they were to have taken drugs during the month prior to the offense.

Over the course of this Congress, the Select Committee on Narcotics Abuse and Control, which I chair, has held hearings around the country receiving the opinions, thoughts, and suggestions of local law enforcement officers, judges, correction officials, and drug abuse treatment and prevention specialists on methods to address the burgeoning problems of drug abuse and drug-related crime. In addition, the select committee has closely examined the efforts of our Federal law enforcement agencies to interdict and disrupt the major drug trafficking networks responsible for the importation of narcotics into our country. We have also reviewed the efforts of the State Department and our diplomatic initiatives to eliminate the production of narcotics and other illicit drugs in foreign source countries. I have come to the conclusion, as a result of the select committee's investigations that we have been largely unsuccessful in controlling the production of illegal drugs in source countries, and that we have been totally unable to interdict an appreciable amount of illegal drugs coming into this country through Federal law enforcement efforts. As a result, we have been unable to make a significant reduction in the available supply of narcotics on the streets of the United States.

What has happened, is that our local law enforcement agencies and drug abuse service programs have been left with the responsibility to respond to the increasing volume of illegal drugs being trafficked across the country and related criminal activity, as well as the great public health care demand that addicts and substance abusers create.

Our local police, prosecutors, judges, jails, and prisons have all been overwhelmed by a continuous surge of drug-related criminal defendants. The criminal justice system, as a result, has been forced to make the critical decisions of arrest, bail, probation, and sentence based on the size of the case load. Drug trafficking has forced our local criminal justices systems to be concerned with the quantity of defendants, rather than the quality of justice.

States and localities are also simply unable to meet the growing demand for drug abuse treatment and prevention services. This is especially true in many of our Nation's large urban areas that are hardest hit by drug abuse. Over 94 percent of the States responding to a 1983 survey conducted by the National Association of State Alcohol & Drug Abuse Directors reported an unmet need for treatment and prevention services in their States.

The inability of our diplomatic initiatives to control the production and trafficking of illegal drugs abroad, as well as the ineffectiveness of our Federal interdiction and enforcement efforts to restrict the entry and distribution of narcotics in our country, make it urgently necessary that the Federal Government comes to the assistance of State and local agencies that are bearing the large burden of responding to drug abuse in America.

The legislation I have introduced today authorizes $750 million annually in fiscal years 1986 through 1990 to help States and localities increase their efforts to control drug abuse and drug trafficking. The funds provided under my bill would be made available to States on the basis of demonstrated need, taking into account the severity of drug trafficking and abuse within a State and the availability of State and local resources to resolve these problems.

Specifically, the bill authorizes the Attorney General to make grants to States for five general purposes related to increasing the level of State and local drug law enforcement. These purposes include: providing additional personnel, equipment, facilities, training, and supplies to State and local narcotics enforcement units for more widespread apprehension of drug criminals; providing similar support to increase the prosecution of narcotics cases in State courts; providing additional support to State courts to increase the number of narcotics cases that can be adjudicated and reduce delays that often leave drug peddlers free to ply their trade pending trial; increasing the capacity of State correctional facilities to hold convicted drug felons and providing support to establish and improve drug treatment and rehabilitation services to drug-dependent State offenders; and providing increased support for States to eradicate illicit drug cultivation.

The bill includes $125 million a year for each of these general purposes and gives the Attorney General limited flexibility to shift funds among these purposes. This will allow the Attorney General to increase funds available for purposes that may have a greater need, but the bill will also assure that funds are used by States to increase all components of their criminal justice systems.

The bill also authorizes the Secretary of Health and Human Services to make grants to States to increase the availability of drug abuse prevention, treatment, and rehabilitation programs. The bill authorizes $125 million a year over the same 5-year period for this purpose. As a result of Federal budget cuts, States are currently unable to meet the demand for treatment and rehabilitation, a demand which is growing. With the increased drug law enforcement activity this bill will make possible, the need for additional treatment capacity will grow. My bill is intended to assure that these increased drug abuse services will be available to help those who need and want such help. Efforts must also be increased to prevent our citizens, especially our young people, from becoming involved with drugs.

The effects of drug abuse and drug trafficking continue to grow, sapping our Nation of its most valuable resource—our people—and threatening the very security of our country. We can never hope to bring these problems under control unless we are willing to make a serious, long-term commitment to provide the substantial resources needed to do the job. My bill makes a strong start toward the goals of eliminating the drug trade that pervades our streets, helping drug abuse victims become productive members of our society and preventing the further spread of drug abuse. I urge my colleagues to join me in passing this vital legislation.●

NEW SENIOR JOBS PROGRAM COULD HELP SCHOOLS WITH ASBESTOS PROBLEM

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. EVANS of Iowa. Mr. Speaker, in recent days President Reagan has signed into law an important piece of legislation that, over time, will help make the United States a cleaner and safer place in which to live.

Called the Environmental Programs Assistance Act, it authorizes the Federal Government to hire and train older Americans for a variety of crucial tasks in the fight against pollution and hazardous materials.

I drafted this legislation and introduced it in the House of Representatives nearly 4 years ago. My purposes then, as now, were twofold:

First, to expand the manpower aviable for enforcing and monitoring the Nation's environmental laws and regulations;

And, second, to provide meaningful employment for thousands of senior

citizens who want to stay active in their communities and supplement their retirement income.

Over the years, the proposal has won the backing of several national environmental organizations, as well as national groups that represent millions of senior citizens. The measure finally passed the Senate in March 1984, and was approved by the House in late May.

My bill was patterned after a Federal demonstration project conducted in my home State of Iowa and nine other States over a 6-year period during the 1970's. The Environmental Protection Agency, in cooperation with its State counterparts, employed older workers for water-quality, pesticide, and hazardous-waste surveys, as well as for air-emission and noise-abatement tests.

The Federal project came to an end in the late 1970's and until now had never been reauthorized by Congress. Followup studies showed an average labor cost savings to the Government of about 16 percent when seniors participated in the surveys and tests.

Seniors hired for the program reported improvements in their quality of life because the project gave them a chance to work with people their own age on something considered important to the welfare of the country as a whole.

EPA has continued to employ a handful of senior citizens on an ad hoc basis and already is making plans to take advantage of the opportunities offered by this new law.

In recent days, I have met with EPA Administrator Bill Ruckelshaus to share my own views on how the talents and skills of America's senior citizens can be put to good use on an environmental problem of interest to school administrators and parents of young children.

People will differ over which of the many environmental issues in this country are the most important or deserve the most attention. But to my mind, the asbestos problem in our public and private elementary and secondary schools must rank near the top of the agenda.

Asbestos is a known human carcinogen and there is substantial medical evidence which suggests that exposure to even low levels of asbestos over time can cause cancer.

Federal, State, and local health agencies have recognized for some time the need to survey the Nation's school buildings in an effort to minimize the potential for exposing school-aged children to materials containing asbestos.

Iowa has been a leader in this effort, starting with a statewide inspection of all school buildings in 1980 to determine the extent of the asbestos problem and continuing with State and local efforts to correct it.

Corrective measures are either completed or well underway in about two-thirds of the State's school districts which identified asbestos material in their buildings, according to State department of public health officials.

At the national level, EPA has conducted a massive education campaign over the past several years to alert schools to the hazards of asbestos and to instruct them on corrective action.

Materials containing asbestos were used for wall and ceiling insulation and acoustical padding, as well as for protective wrapping on pipes, boilers, and hot water heaters, in commercial and public buildings of all types, particularly those built between 1946 and 1975.

In 1982 EPA issued new, tough regulations that required school districts in every State to survey their buildings for asbestos materials, including walls, ceilings, pipes, and boiler rooms.

The survey results were to be reported directly to parents, teachers, and maintenance staffs, and records containing a summary of the results, EPA asbestos manuals and the like were to be kept on the school premises.

The deadline for complying with these Federal regulations was June 28, 1983. Since that time, EPA's regional offices have been conducting onsite inspections to find out if the school districts have conformed to the regulatory requirements.

The EPA inspections—which will take years to complete—have so far shown a disturbing trend across the country. The Kansas City region—which includes Iowa, Missouri, Kansas, and Nebraska—has found, for example, that 80 to 85 percent of the school districts surveyed by EPA have failed to comply fully with the regulations.

An EPA official there has indicated that the rate of compliance in the asbestos-in-school rules is the worst he has ever seen in an environmental program.

Nationwide, an estimated 60 to 65 percent of the school districts are out of compliance with the rules, according to EPA officials in Washington.

To date, EPA in Kansas City has spot checked only 130 school districts out of 2,500 districts in the four State region. Only 16 of those visited are in the State of Iowa.

Nationwide, EPA has surveyed 1,226 school districts, only a fraction of the 16,000 public and 10,000 private and parochial districts across the country.

Fortunately for my constituents, the situation in Iowa is better than in most other States. Although the State-initiated survey in 1980 did not include inspections of pipe and boiler wrappings, it did examine walls and ceilings.

The survey identified 320 school buildings in the State's 439 school districts that contained some asbestos material in walls and/or ceilings; 48 of the 68 public school districts and five private schools in the Third Congressional District reported some problems with asbestos.

It is nuclear, however, how many schools have met all of the requirements of the Federal regulations. EPA officials believe that the rate of compliance in Iowa is consistent with other States in the Kansas City region.

It should be noted that EPA's regulations did not require schools to undertake corrective measures once asbestos was found. Rather, the agency envisioned that local districts, working with parents and staff, would initiate the necesary steps on their own.

Furthermore, the early findings from EPA's inspections indicate that the No. 1 reason for noncompliance by the schools is the result of failure to notify parents and teachers, rather than failure to complete the necessary surveys.

According to Iowa health officials, about one-third of the schools which identified asbestos in their buildings have completed some form of corrective measures. Another third have begun to take corrective steps while a third have done little if anything to resolve the problem.

The Waterloo School District in Waterloo, has been especially aggressive in trying to correct the problem here. Over the past 2 years, the district has spent about $50,000 to encapsulate, or cover, walls and ceilings that contain asbestos materials.

Other districts, however, have been slow to respond because of a shortage of funds and expertise.

With this in mind, I am conducting meetings in my district with representatives of PTA's, school districts, senior citizen organization, public health agencies, Federal job training programs, and other groups concerned about the asbestos issue.

I have developed the rough outline of a proposal that I think could dramatically step up in the Federal, State, and local efforts to identify and correct asbestos problems in our public and private schools.

In broad terms, my proposal would:

Dramatically increase the number of jobs available to senior citizens to help schools survey their buildings and notify parents and staff, in accordance with EPA regulations; older workers could also be employed to conduct ongoing inspections in those schools which have chosen to encapsulate, rather than remove, asbestos from walls and ceilings;

Create federally funded job training programs for unemployed younger workers to assist schools in their asbestos abatement programs; it is my hope that local service delivery areas of the Job Training Partnership Act

will develop employment programs that would help lower the cost of abatement for our school districts.

The passage of the senior environmental jobs program comes at a crucial time, in light of the compliance rate with the asbestos regulations and the slow pace of EPA's compliance surveys.

Since January, EPA's regional offices have been allowed to hire a few additional senior workers for the asbestos program. In Kansas City, five senior citizens are now working on this problem. Many more are needed, however, to speed up the compliance effort.

Furthermore, EPA already is considering a new round of asbestos rules that will make it even tougher for schools to meet the Federal mandate.

Abatement programs are only now getting underway in most schools across the country. Most are choosing to encapsulate walls and ceilings with a latex paint or 1 of about 35 other similar products.

The lifespan of latex paint is about 5 to 8 years which means that encapsulation will require ongoing inspection and maintenance. Removal of asbestos costs an average of $3 per square foot, or about two to three times the cost of encapsulation.

Over the long term, however, removal may be a cheaper solution than coating the asbestos material with paint and other hardening materials. But even encapsulation is beyond the reach of many school budgets without assistance from other State and Federal agencies.●

NATIONAL CAMPAIGN TO SAVE THE ABM TREATY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. MARKEY. Mr. Speaker, the 1972 Anti-Ballistic Missile Treaty represents a milestone in the history of attempts to control the arms race. As an attempt to curb an expensive and dangerous expansion of the arms race, it enjoyed strong bipartisan support within the United States. Tragically, the ABM treaty today is seriously threatened by new Reagan administration weapons programs such as the "Star Wars" Ballistic Missile Defense Program and the HOE anti-ballistic missile system recently tested by the Army.

The ABM treaty grew out of a sober realization that a nuclear war cannot be won, and that the two nuclear superpowers have a mutual interest and a common responsibility in attempting to control the nuclear arms race. The national security considerations that led President Nixon to conclude this treaty are all the more compelling today.

Recognizing the danger to the ABM treaty, a group of Americans distinguished by their contributions to national security and arms control has joined with a group of nongovernment organizations to initiate a National Campaign To Save the ABM Treaty.

I commend to my colleagues the Statement in Support of the ABM Treaty, and ask that this statement and a list of endorsing individuals and organizations be printed at this point in the RECORD.

STATEMENT IN SUPPORT OF THE ABM TREATY

The ABM Treaty of 1972 between the U.S. and the Soviet Union bans nationwide systems to defend against ballistic missile attack. This Treaty was approved by a Senate vote of 88-2.

The fundamental premise underlying the Anti-Ballistic Missile Treaty was that nuclear war is not survivable and that a search for technological solutions to alter this reality would be both futile and dangerous. This basic assumption was valid in 1972 and remains valid today. The Treaty permits deployment of only one limited, land-based anti-ballistic missile system; it explicitly prohibits the development, testing, or deployment of any space-based ABM system or component. The Treaty has contributed to maintaining the peace for over a decade and enhancing both U.S. and Soviet security because it prohibits wide-spread defensive systems which might lead either side to conclude erroneously that it could survive a nuclear conflict—thereby undermining the mutual restraint inherent in the conviction that there can be no victor in a nuclear war.

A year ago President Reagan called upon the scientific community to develop an impenetrable defense, although such a system is banned under international law. A nationwide ABM system is now an explicit goal of this Administration with generously funded programs.

This expanded development and testing program for strategic defense will soon collide with the restrictions imposed by the ABM Treaty. Tests are to be conducted to demonstrate the technological feasibility of various elements of a missile defense system. This will end the most significant arms control agreement in existence.

Whenever either superpower has developed a new weapons system, the other has followed suit. If one develops a nationwide ballistic missile defense, the other will do the same. Both sides would also accelerate their offensive weapons programs to neutralize the defensive systems. The result would be a renewed arms race in both offensive and defensive nuclear weapons, emphasis by both sides on nuclear war-fighting strategies, and an erosion of our security. The futility, risk and cost of this effort demonstrate why it is in our national interest to preserve, and where possible, strengthen the present ban on nationwide systems.

Preserve the 1972 ABM Treaty as a matter of highest national security priority!

CAMPAIGN SPONSORS

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AFFILIATED ORGANIZATIONS

Arms Control Associations, Center for Education on Nuclear War, Common Cause, Council for a Livable World, Federation of American Scientists, Lawyers Alliance for Nuclear Arms Control, League of Women Voters of the United States, Physicians for Social Responsibility, Professionals' Coalition for Nuclear Arms Control, Union of Concerned Scientists.●

COMMENDING ROBSTOWN'S TREVINOS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. ORTIZ. Mr. Speaker, I would like to take a few minutes to talk about the qualities of community service, family, and love. The reason I bring these now-rare topics up is because I have in my district a couple who still embodies these very traits.

Mr. and Mrs. Andrew Trevino celebrated their 45th wedding anniversary on Monday, June 25; four and a half decades is a long time for two people to be together. I think that these people deserve a salute for this accomplishment.

Too often we read about couples who split up within months, or even days, of their marriage. With that in mind, it is so refreshing to know people such as the Trevinos, who are a model for all Americans because they have embodied the traits which made America great.

The Mexican-American community of Robstown is very proud of these two outstanding citizens. Andrew is a retired postmaster who held that Government position for over four decades. Adelina is a retired kindergarten teacher who spent many years encouraging the young to learn. They are also well-respected community leaders in Robstown. They worked through the Wesley House Community Center for many years.

The Trevinos have been successful parents in addition to being community leaders. Their well-raised children have gone on to be productive members of society. Their son Andrew, Jr., is now a successful engineer who owns

a personal firm in Houston and their daughter Norma Jean is continuing in the footsteps of her mother. She has become an educator in Robstown.

I would like to recognize these two people, Andrew and Adelina, as a symbol of our American virtues: family closeness, hard work, and love.

I wish them many more years of marital bliss.

Mr. Speaker, thank you for allowing me this time.●

TRIBUTE TO RAFE POMERANCE, RETIRING PRESIDENT OF FRIENDS OF THE EARTH

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. OTTINGER. Mr. Speaker, last night I went to a farewell party for Rafe Pomerance, who is retiring as President of Friends of the Earth. Rafe has been with Friends of the Earth for 10 years, and has been president for the last 4. The invitation to the party said that Rafe was stepping "down" from Friends of the Earth but not "out" of the environmental movement.

I would just like to take the opportunity to reflect on the 10 years this man has contributed to protection of the environment. Rafe created the Clean Air Coalition in 1973 to preserve the Clean Air Act of 1970 in the face of terrific pressure to weaken it generated by the oil embargo. For 5 years he was the principal lobbyist for the coalition while working at Friends of the Earth. The Clean Air Coalition was the first environmental coalition that brought together environmentalists, labor, health groups, and scientists to shape a major complex piece of regulatory legislation. It has been the model for later successful coalition efforts on the Alaska Lands Act and the Clean Water Act.

The environmental movement has produced some wonderful environmental leaders over the last decade, but Rafe Pomerance stands out as a giant among them. He combines all the best qualities of a successful lobbyist: he is a man with a strong vision and commitment to his goals, a shrewd strategist with a dogged determination to win, and a totally engaging and disarming personality that could charm the right vote out of the crustiest smokestack lover.

What is really special about this man, however, is what I'd call a kind of gift to see ahead into the future for the emerging issues. During the 1977 fight on the Clean Air Act, it was Rafe who forced the Congress to recognize that visibility is a basic American right, that we should be able to visit our great national parks of the Southwest such as the Grand Canyon knowing that we will be guaranteed the right to look out over that magnificent vista without its being violated by a cloud of smog. We take that right for granted, but we didn't always, and it was Rafe's tremendous commitment to visibility that has made it an accepted American right.

With victory in 1977, Rafe saw that his work wasn't over and that acid rain and carbon dioxide were emerging as problems that would take on global proportions. He has spent the last 5 years bringing the problems of acid rain and the greenhouse effect to the attention of the American public and to our public policymakers. It is only a matter of time before this body passes comprehensive acid rain control legislation, and when it does, a number of us will feel Rafe's hand in it, no matter where he is and what he is doing.

Rafe's interests have always been far reaching. He doesn't fit the image of a backpacking wilderness buff so many associate with environmentalism. He came out of the welfare rights movement to the fledgling Urban Environment Conference, a new organization of the early seventies that forged an alliance between environmentalists, labor, and urban groups. He was a founder of the American Rivers Conservation Council, the first organization devoted to the preservation of our wild rivers, and he has been a leader in bringing the environmental movement into the most serious environmental issue of all, the prevention of nuclear war.

Luckily, the environmental movement is unlikely to lose Rafe Pomerance, and he will pop up soon in a new role. But until he does, we will sorely miss this outstanding leader with as delightful a style and sense of humor as I have ever known.●

NATIONAL INDEPENDENT LABORATORY WEEK

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. LEVIN of Michigan. Mr. Speaker, I am introducing today a joint resolution to designate October 13, 1984, through October 19, 1984, as "National Independent Laboratory Week."

The more than 3,000 independent laboratories in this country provide objective and efficient information to the people of our Nation and play a vital role in the U.S. economy. Hundreds of thousands of firms of all sizes rely on independent laboratories for data essential to the conduct of their businesses. Independent testing laboratories also contribute significantly to the health and safety of the American public. In fact, many governmental initiatives of the past decade to assure the health and safety of the American people have relied significantly on the capabilities of independent, privately owned laboratories.

As defined by the American Council of Independent Laboratories, the national association of these companies, an independent laboratory provides professional research development, investigation, testing, sampling, analysis, and/or consultation services to the public. These institutions produce objective reports free of any influences which might prejudice the judgment or action of the laboratory's management or employees. They are both models of disinterested, scientific inquiry and shining examples of efficient, responsive small businesses relying on the creativity, ingenuity, and superior talents of their employees.

As disinterested third parties, independent laboratories can provide professional services in the fields of engineering and the sciences to investigate, inspect, and test commodities and materials without bias. Independent laboratories also provide an invaluable service to other small businesses. A small manufacturer without the technical capability to conduct needed analyses can turn to the independent laboratory, obtain those analyses, and be free to find more efficient uses for his money than establishing in-house testing facilities.

Independent commercial laboratories serve as catalysts and problem solvers in the U.S. industrial-commercial mix. The research, analysis, and design work of these scientists and engineers help clients to develop new products and processes, improve the quality of existing products, and find timely answers to perplexing—and costly—problems.

The U.S. Congress should recognize the important contributions independent laboratories make in our country as well as calling attention to the qualities of ingenuity, creativity, and efficiency these companies exemplify. I urge my colleagues to join me in designating the week of October 13, 1984, as "National Independent Laboratory Week."●

REPUDIATION OF THE REAGAN ADMINISTRATION EFFORTS TO WEAPONIZE SPACE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. MOAKLEY. Mr. Speaker, on June 12, Charles T. Manatt, chairman of the Democratic National Committee, delivered a strong and courageous statement repudiating President Reagan's plans to weaponize space. His

statement accurately reflects the sentiments of many Members of Congress who are deeply troubled by the prospects of an arms race in space. I think it is important for us to recognize Chairman Manatt's leadership and foresight on this crucial issue.

I would, therefore, like to submit for the RECORD Chairman Manatt's statement, as well as a letter that several of my colleagues and I sent to him—commending his action.

RONALD REAGAN'S COMMITMENT TO PREPARE FOR WAR IN SPACE DANGEROUSLY JEOPARDIZES AMERICA'S SECURITY AND DRAMATICALLY INCREASES THE RISK OF NUCLEAR WAR—THAT COMMITMENT MUST BE REVERSED

(By Charles T. Manatt)

One of the most frightening choices ever to confront America will be made in the 1984 election. That choice is whether or not Americans will give their mandate to prepare for war in space.

Ronald Reagan has precipitously committed America to prepare for war in space despite the fact that no mandate of the people supports his initiative.

His commitment is being vigorously pursued by programs to develop weapons in space for the first time.

The weapons now being developed by Ronald Reagan are, therefore, a commitment to propel America through a dangerous threshold toward war in space. Their anticipated deployment would be so provocative that it could risk preemptive attack.

Ronald Reagan's unilateral commitment to prepare for war in space now challenges every American with a clear choice. In November, we will make an historic decision on the fate of our own security and the future of humanity: Either we ratify Ronald Reagan's commitment to prepare for war in space; Or, instead, we vote for a mandate to stop war in space before the arms race that can cause it starts.

All Americans must be aware of the consequences of their choice:

Ronald Reagan's commitment to prepare for war in space dangerously jeopardizes America's security and dramatically increases the risk of nuclear war.

America's security is founded on a bipartisan consensus on principles of national defense. The consensus includes five strategic tenets. Ronald Reagan's commitment to prepare for war in space violates all five. These tenets seek stability and security. Ronald Reagan seeks the illusion of superiority and mastery.

These five tenets bear reviewing to document why Ronald Reagan's commitment to prepare for war in space moves America toward nuclear war on earth. The five tenets are:

(1) Deterrence is our primary form of defense.—Deterrence means the best defense is a good offense.—A good offense is one that can survive an attack and still retaliate with a devastating counterattack. It, therefore, deters attack against us. But a good offense is not so large or destructive to threaten a knock-out blow. A good offensive, consequently, helps to promote stability but does not guarantee it. Stability also requires arms limitation and control.

Ronald Reagan's commitment to prepare for war in space would abandon deterrence. In its place Ronald Reagan would have a commitment to superiority, the illusory ability to threaten a knock-out blow. That commitment abandons the search for stability in favor of a pursuit of confrontation.

(2) Defensive weapons are inherently destabilizing and are the greatest source of strategic provocation.—A commitment to develop defensive weapons accelerates the offensive arms race. It creates an incentive to use more powerful offensive weapons to overwhelm potential defenses. The ABM Treaty of 1972, negotiated by a Republican president, represents the profound importance of this tenet in the American strategic consensus.

Ronald Reagan's commitment to prepare for war in space would abrogate the ABM Treaty by the testing of defensive weapons. His commitment would make defensive weapons the primary basis for American security even though their provocation would dangerously jeopardize American's safety.

(3) Arms control is essential to America's security.—Strategic security cannot be achieved without stability. And stability cannot be achieved without controlling offensive arms and banning defensive weapons. Arms control is not an alternative to strategic stability, it is indispensable to it.

Ronald Reagan's commitment to prepare for war in space would ultimately have the effect of eliminating arms control as a tenet of America's strategic consensus. Development of defensive weapons and the abrogation of the ABM Treaty would provoke an accelerated offensive arms race. That acceleration would be almost impossible to limit by arms controls so long as defensive weapons had strategic primacy.

(4) An attack on Western Europe, our NATO allies, is an attack on the United States.—There should be no decoupling of our strategic posture from that of Western Europe.

Ronald Reagan's commitment to prepare for war in space would have the effect of decoupling NATO from the defensive shield he wants to erect for America. That shield would not protect against cruise missiles, low-flying bombers and flat trajectory SS-20 missiles to which NATO might be especially vulnerable.

(5) Outer space must remain outside the area of strategic competition.—Competition in an area in which technological challenges are so formidable promotes instability rather than stability. The 1967 Outer Space Treaty represents America's commitment to this important tenet. The Limited Nuclear Test Ban Treaty of 1963 is also an historic landmark in this commitment.

Ronald Reagan's commitment to prepare for war in space would make space a new frontier in a pursuit of his goal of strategic superiority.

As the violation of these tenets of America's consensus on national defense serves to domonstrate, Ronald Reagan's commitment to prepare for war in space is the most radical departure from a strategic consensus ever made unilaterally by an American president.

This commitment is all the more dangerous in jeopardizing America's security because substantial doubts exist among scientists that the weapons Ronald Reagan is developing are in fact technologically feasible.

Their possible ineffectiveness does not, however, minimize their provocativeness. Since their effectiveness would not be known until they were actually used, it would have to be assumed that they would function as intended.

Fundamental of the tenets of America's strategic consensus is the avoidance of provocation. Provocation, our consensus affirms, endangers America's security by inciting arms escalation against us. Provocation begets provocation and, thereby, creates greater instability which makes our own security more difficult to assure

Ronald Reagan's commitment to prepare for war in space is a radical and extreme provocation. By this commitment, Ronald Reagan reaffirms his administration's often stated determination to make nuclear war winnable.

His provocative pursuit of superiority depends on placing two categories of weapons in space for the first time.

One category includes weapons to destroy satellites. Their provocative capability would knock out satellites that are essential to military command communications, gathering intelligence, and verifying arms control treaties, providing as well as a host of civilian purposes like television transmissions and long distance telephone calls.

The other category—far more provocative in its capability though farther away in possible deployment—includes defensive weapons in space, perhaps thousands of them, to intercept and destroy Soviet missiles.

If these space based defensive weapons were as effective and accurate as Ronald Reagan intends them to be, they would disarm the Soviet Union.

So extreme is this provocation that an equally extreme response must be expected from the Soviet Union.

Ronald Reagan maintains that he does not intend for his commitment to prepare for war in space to be regarded as an "aggressive policy." He also maintains that his commitment seeks neither "military superiority or political advantage," but, instead, a world peace.

Either Ronald Reagan does not understand the provocative consequences of his commitment to prepare for war in space or he is deliberately attempting to mislead the people of America. In either case, he has put our lives in jeopardy.

His Secretary of Defense has said that if the Soviet Union had the capability that Ronald Reagan seeks to deploy in space it would be "one of the most frightening prospects" imaginable.

Why is our having that capability said to be a gesture of peace while the Soviet Union having it is a "frightening prospect?"

And what greater incentive could the Soviet Union have to accelerate the development of defensive weapons in space than the provocative commitment by Ronald Reagan to be the first to deploy such weapons?

To minimize the controversy, Ronald Reagan suggests that his commitment to prepare for war in space is merely a research program, a long term inquiry into a formidable technical problem.

But his commitment is obviously not just another laboratory experiment. Rather, it is equal to or greater than eight Manhattan Projects of "staggering" costs, as the Pentagon's research chief told Congress. It has the urging of the presidency to be accomplished "before the end of this century," or barely fifteen years hence.

It is precisely this program of "staggering" costs backing up Ronald Reagan's commitment to prepare for war in space that makes it so radically provocative.

Ronald Reagan's rhetoric is already provocative in the extreme in its call to render Soviet weapons "impotent." But his commitment to a down payment of $25–$40 billion over the next five years for what are estimated to be costs ultimately measured in

the trillions of dollars is nothing less than a radical provocation.

By the end of the next presidential term, almost five years from now, a point of no return in the momemtum toward preparations for war in space is likely to be reached.

In those five years, about one third of the time would have elapsed of the period Ronald Reagan estimates to be required to develop deployable defensive weapons in space.

The response of the Soviet Union cannot be predicated with certainty. But one convenient and logical option open to them should be expected.

They can drastically accelerate development of offensive weapons having more massive destructiveness and increasing technological sophistication.

The greater the Soviet's offensive capability, the more difficult the task of creating defensive weapons in space to intercept and destroy them.

Conversely, the more provocative Ronald Reagan's emphasis in developing space-based defensive weapons, the greater the incentives for the Soviet Union to accelerate their offensive weapons development to be able to overwhelm those defenses.

An entirely new arms race would result. It would be of such massive proportions and frightening volatility that, by comparison, the past two decades of arms competition would be dwarfed.

Because the consequences of his commitment to prepare for war in space are so extreme, the election of Ronald Reagan to the upcoming presidential term would in effect become a mandate to move America closer to the possibility of nuclear war.

Thankfully for the security of America, Ronald Reagan's unilateral commitment to prepare for war in space is still reversible. A mandate to reverse that commitment can still halt the jeopardizing of American security before a point of no return is reached. The Democratic Party asks for that mandate from the people of America. We ask that mandate for vital reasons.

Ronald Reagan is moving America in the direction of nuclear war by giving legitimacy to provocation.

The question before us is not whether we are safe today than we were four years ago. We know we are not. We know we are forced to live with provocation that now is supported by authority of the presidency. The question before us, therefore, is whether four more years of provocation will take the risks to our survival past the point of no return.

The 1984 election will establish a mandate. There will either be a mandate to pursue provocation unimpeded or a mandate to reestablish the safety of America by halting provocation.

The Democratic Party is worth of the mandate we seek from the people of America. Our party is united both in policy and in dedication to act to halt the dangerous provocation of defensive weapons in space.

We are united to halt provocation because our consensus is strong and sure. Our consensus to reverse Ronald Reagan's commitment to prepare for war in space is part of our larger goal to halt the arms race.

As we seek a mandate to prevent the arms race from spreading to the frontiers of space, we also reaffirm our commitment to a mutual and verifiable freeze on the testing, production, and deployment of nuclear weapons.

Our consensus on reversing Ronald Reagan's commitment to prepare for war in space has been demonstrated in the presidential primary campaign, by vigorous Democratic leadership in the Congress, and by the manifestations of outrage by Democratic voters throughout the nation.

All three Democratic presidential candidates have eloquently and forcefully committed themselves to halt the move toward preparation for war in space.

Democratic leadership in Congress has succeeded in checking the testing of anti-satellite weapons. That leadership is committed to initiatives that would ban all weapons from space.

The key elements of the Democratic Party's consensus in opposing preparations for war in space are: A reaffirmation of the United States' commitment to the 1972 ABM Treaty; A moratorium on testing and deployment of all weapons in space, including anti-satellite weapons, which should then be followed by a mutual and verifiable treaty to ban all weapons from space permanently; and in order to protect America from surprises that might result from the Soviet Union achieving scientific breakthroughs, the United States should maintain ballistic missile defense research consistent with existing arms control agreements.

Twenty years ago when America began the peaceful exploration of space, President John F. Kennedy stated what must remain our nation's commitment to space: ". . . we have vowed that we shall not see (space) governed by a hostile flag of conquest but by a banner of peace and freedom. We have vowed that we shall not see space filled with weapons of mass destruction, but with instruments of knowledge and understanding."

With that legacy to guide us, we shall not fail.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 28, 1984.

CHARLES T. MANATT,
Chairman, Democratic National Committee, Massachusetts Avenue NW., Washington, DC.

DEAR CHAIRMAN MANATT: Thank you for your strong and courageous statement repudiating President Reagan's "star wars" proposal. We, too, share your deep concern over the prospects of a dangerous and uncontrollable arms race in space. Such a race will add nothing to United States security interests and only serve to undermine current and future arms control agreements. Beyond this, the costs of space weapons will be fabulously expensive. Clearly, this issue should be prominent on the Democratic agenda in 1984.

Again, we want to commend you for your leadership and we look forward to working with you and the Democratic nominee on this issue in the future.

Sincerely,

John Joseph Moakley, John Seiberling, Parren Mitchell, Berkley Bedell, Timothy E. Wirth, Tom Downey, Charles Schumer, James Weaver, Robert Mrazek, Bruce Morrison.

George E. Brown, Jr., Major Owens, Peter Kostmayer, Joseph P. Addabbo, William Clay, Nick J. Rahall II, James Shannon, Mel Levine, Fortney H. Stark, Stan Lundine.

Dennis Eckart, Don Edwards, Frank Harrison, Peter Rodino, Albert Gore, Jr., Vic Fazio, Robert Garcia, Barbara Boxer, Steny Hoyer, Gary Ackerman, Doug Walgren, Matthew Martinez, William Ratchford.

Jim Moody, John Conyers, Jr., Geraldine Ferraro, Paul Simon, Nicholas Mavroules, Howard Wolpe, Richard Lehman, Martin O. Sabo, Thomas Foglietta, Gerry Studds, Tony Coelho, George W. Crockett, Jr., Mike Lowry.●

"STAR WARS": A THREAT TO THE ABM TREATY

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. BARNES. Mr. Speaker, I would like to share with my colleagues an article which appeared recently in the Washington Post entitled, "U.S. Close to Violating ABM Treaty, Panel of Security Specialists Says." A group of experts are warning that development of the President's Strategic Defense Initiative would seriously jeopardize the ABM treaty. This treaty, one which has been so successful in stopping at least a part of the arms race, should be preserved intact. As elected representatives, we must consider the very real and serious consequences that would materialize without it. We should not be entertaining the prospect of undermining this arms control achievement. I hope that my colleagues will take a moment to reflect on the direction that we here in the Congress should be taking to build on the few real gains we have made.

[From the Washington Post, June 20, 1984]

UNITED STATES CLOSE TO VIOLATING ABM TREATY, PANEL OF SECURITY SPECIALISTS SAYS

By pushing development of its "Star Wars" missile defense system, the Reagan administration is close to a clear U.S. violation of the 1972 anti-ballistic missile (ABM) treaty, a panel of security and arms control specialists said yesterday.

The panel is beginning what it calls a "national campaign to save the ABM treaty" by attempting to persuade Congress to refuse to provide funds for the new defensive system that would be partly based in space.

The campaign's 46 sponsors include former President Carter, former secretary of state Dean Rusk, former defense secretary Robert S. McNamara, retired Army Gen. Maxwell D. Taylor and former CIA directors Stansfield Turner and William E. Colby.

If the new strategic defensive system is deployed, it will intensify the nuclear arms race with the Soviet Union and lead to decades of nuclear instability, the group contends.

Signed by President Richard M. Nixon and the late Soviet President Leonid I. Brezhnev, the 1972 ABM treaty bans all space-based ABM systems or any nationwide defense against missile attack. The theory is that the best preventive against nuclear war is the knowledge that it would be mutually destructive.

The treaty's supporters say its ratification paved the way for all subsequent negotiations armed at reducing U.S. and Soviet nuclear arsenals.

Gerard C. Smith, the chief U.S. arms negotiator at the time the ABM treaty was signed, said at a news conference at the Car-

negie Endowment for International Peace that he believes—as he did in 1972—that the deployment of an effective, nationwide ABM system by one superpower would produce irresistible pressure on the other to deploy enough missiles to penetrate it.

That would lead to a tremendously increased arms race that would destroy arms control efforts, Smith said. "It seems to me we are on a slippery slope," he said. "We are already in an anticipatory breach of contract."

Smith, a former director of the Arms Control and Disarmament Agency, said the group leading the new campaign favors continuing research on advanced ABM systems as a hedge against a possible Soviet "breakout" from the terms of the 1972 accord.

"What we are objecting to is an American breakout," by the actual development and deployment of a space-based ABM system, he said.●

TRIBUTE TO RUSS PURCHASE

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. TRAXLER. Mr. Speaker, I rise today before this distinguished body to pay special tribute to Russ Purchase, president of Air-Flite and Serv-a-Plane at Tri-City Airport in Freeland, MI. I want to take this opportunity to honor Russ for his lifelong dedication to aviation.

Russ was born on September 1912 in Freeland on a farm which later became part of Tri-City Airport. When Russ was 13 years old he began his love affair with the airplane after winning a spelling bee with the prize being a ride in an OX5 Jenny. After this first experience, Russ became fascinated with aviation and was determined to become a pilot.

By 21, he had learned to fly and soloed in an OX5 Swallow. Two years after his first flying lesson, which cost only $6 an hour at Saginaw's Janes Airport, Russ acquired his own plane and took to the skies in a Swallow biplane. He continued to buy an assortment of aircraft, and at one time owned a fleet of eight airplanes at Janes Airport.

In 1940, Russ opened a flight school and later conducted programs under the CPT and WTS programs. Not long after this, Russ was appointed a pilot examiner for the Federal Aviation Administration.

During the World War II era, Russ served his country by joining the Air Transport Command, 3d Ferrying Group at Romulus, MI, as a civilian. Six months later he was commissioned as a first lieutenant.

Shortly after completing his tour of military duty, which took him across the Atlantic, Russ began work with Dow Chemical Co. and traveled to Houston. There he flew as a copilot on DC-3's for 2 years. His work then took him to Tulsa where he acted as chief pilot and also set up a flight department. Russ was then transferred to the Midland, MI, headquarters of Dow, where he also served as head pilot and established a flight department.

In 1983, Russ, opened up his own business, Air-Flite, but continued his work for both Dow Corning and Dow Chemical on a contract basis. Eventually, he sold Air-Flite to Aero Services, Tri-City, Inc.

From 1934 to the present, Russ has logged roughly 27,000 hours in the air. In those 50 years of productive, rewarding and faithful service to the community, the traveling public, and his country, Russ has seen the growth of the aviation business. He can be proud of the contribution he has made to the development of this industry. It is my great honor to wish Russ, his wife and three children, the very best in the future.●

FEDERAL CREDIT UNION WEEK

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Ms. OAKAR. Mr. Speaker, 50 years ago the Congress adopted the Federal Credit Union Act to provide for the establishment of Federal Credit Unions throughout the Nation to serve the needs of small savers and advance the principle of thrift. To commemorate that auspicious occasion and to acknowledge the outstanding service credit unions have provided their membership, the Congress passed House Joint Resolution 139 earlier this year to establish Federal Credit Union Week. In honor of the 50th anniversary of the signing of the Federal Credit Union Act and in accordance with the provisions of House Joint Resolution 139, President Reagan has proclaimed the week of June 24-30 Federal Credit Union Week.

Earlier this week, the National Credit Union Administration—the regulatory agency for credit unions—honored two of our colleagues, Representative BILL PATMAN and Representative CONNIE MACK for the significant contribution of their father and grandfather respectively, in the creation and development of our Federal Credit Union System.

Mr. Speaker, without objection, I ask that the text of House Joint Resolution 139 as well as the Presidential proclamation designating the week of June 24-30, as Federal Credit Union Week be inserted in the RECORD at this point.

JOINT RESOLUTION TO DESIGNATE THE WEEK BEGINNING JUNE 24, 1984, AS "FEDERAL CREDIT UNION WEEK"

Whereas on June 26, 1934, President Franklin Roosevelt signed into law the Federal Credit Union Act;

Whereas the enactment of the Federal Credit Union Act enabled credit unions to be organized throughout the United States under charters approved by the Federal Government;

Whereas Federal credit unions are cooperative associations organized in accordance with the provisions of the Federal Credit Union Act for the purpose of promoting thrift among their members and creating a source of credit for provident or productive purposes;

Whereas Federal credit unions have consistently reflected the cooperative spirit of people helping people and the philosophical tradition that gave birth to the Federal Credit Union Act; and

Whereas June 26, 1984, is the fiftieth anniversary of the date of the enactment of the Federal Credit Union Act: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 24, 1984, hereby is designated "Federal Credit Union Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

A PROCLAMATION—FEDERAL CREDIT UNION WEEK, 1984

This year marks the fiftieth anniversary of the passage of the Federal Credit Union Act of 1934 which enabled credit unions to be organized throughout the United States under charters approved by the Federal government.

Credit unions are uniquely democratic economic organizations, founded on the principle that persons of good character and modest means, joining together in cooperative spirit and action, can promote thrift, create a source of credit for productive purposes, and build a better standard of living for themselves. Because credit unions exemplify the traditional American values of thrift, self-help and voluntarism, they have carved a special place for themselves among the Nation's financial institutions.

Today, Federal credit unions are at their strongest point in history. They enter this, their 50th anniversary year, as the Nation's fastest-growing financial institutions. As member-owned cooperatives, credit unions operate with the credo, "Not for profit, not for charity—but for service." Credit unions have maintained allegiance to this ideal and as a result have consistently reflected the philosophical tradition and the cooperative spirit of people helping people that prompted passage of the Federal Credit Union Act.

The Congress, by House Joint Resolution 139, has designated the week beginning June 24, 1984 as "Federal Credit Union Week" and has authorized and requested the President to issue a proclamation calling for the observance of this occasion.

Now, Therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim the week beginning June 24, 1984, as Federal Credit Union Week. I call upon the people of the United States to celebrate this week with appropriate ceremonies and activities.

In witness whereof, I have hereunto set my hand this eighteenth day of June, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the

United States of America the two hundred and eighth.

RONALD REAGAN.●

TREASURY-POSTAL SERVICE APPROPRIATIONS BILL

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. HEFTEL. Mr. Speaker, on Wednesday, June 27, I voted against an amendment to the Treasury-Postal Service appropriations bill that would have struck language that prohibits the use of Federal health plan benefits to pay for abortions.

I opposed this amendment because I do not believe that appropriations bill should be used as vehicles for substantive, legislative changes. Nevertheless, I remain firmly committed to prochoice and to Federal assistance to pay for abortions for those who cannot otherwise afford to have one. Not to offer Federal assistance for abortions is discriminatory and can force women into pursuing unsafe alternatives. I will continue to support legislation that assures safe and legal abortions for all.●

"STAR WARS" AND THE ABM TREATY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. MARKEY. Mr. Speaker, the administration's "Star Wars" ballistic missile defense program has serious implications for American security and for existing arms control agreements. It threatens to undermine the stability of the nuclear balance, impose tremendous costs on the American taxpayers, and lead to the abrogation of the ABM Treaty. Further, the entire "Star Wars" program rests on the dangerous illusion that it is possible to survive a nuclear war.

In connection with the National Campaign to Save the ABM Treaty, two important studies have been made relating to the "Star Wars" program and its implications for the ABM Treaty. I commend these studies to the attention of my colleagues, and ask that the executive summary and introduction of a report by Thomas K. Longstreth and John E. Pike and the summary of a brief by Alan Sherr for the Lawyers Alliance for Nuclear Arms Control be printed in the RECORD.

A REPORT ON THE IMPACT OF UNITED STATES AND SOVIET BALLISTIC MISSILE DEFENSE PROGRAMS ON THE ABM TREATY

(Prepared by Thomas K. Longstreth and John E. Pike)

EXECUTIVE SUMMARY

The Reagan Administration has launched a major program aimed at establishing defenses against the threat of nuclear attack. The Strategic Defense Initiative, as it is known, offers a superficially appealing solution to the nuclear dilemma, but it in fact, threatens to spur the arms race forward, destroy existing arms agreements and eliminate any chance for future arms control.

The Anti-Ballistic Missile (ABM) Treaty of 1972 bans nationwide systems that defend against ballistic missile attack. For over a decade, the ABM Treaty has enhanced our national security by preventing a costly and dangerous arms race in antimissile weapons. Abandoning its prohibitions on large ABM systems would eliminate any possibility of significant limits on offensive nuclear forces.

Present and future U.S. and Soviet defense systems threaten the continued viability of the ABM Treaty. The development and testing of ABM components could violate the ABM Treaty well before the U.S. and the U.S.S.R. decide whether to initiate deployment of space-based missile defense systems.

The U.S. and the U.S.S.R. probably will not take the provocative step of formally abrogating the ABM Treaty. Each could choose simply to undertake activities that undermine the agreement, steadily eroding its restrictions until the Treaty has lost its significance.

Decision-makers in the executive and legislative branches appear to be largely unaware of, or indifferent to, the threat to the ABM Treaty, other agreements, and further arms control measures posed by present and planned U.S. and Soviet missile defense programs.

This report, based on unclassified sources, provides a comprehensive analysis of U.S. and Soviet missile defense programs and their impact on the ABM Treaty. A private study, however, is no substitute for a thorough and authoritative review of the situation by U.S. Government agencies charged with evaluating the effect of miltiary programs on existing arms agreements and U.S. national security.

The U.S. and the U.S.S.R. have failed to make a serious, joint effort to preserve the ABM Treaty. Instead, each has defended its programs' conformity to the Treaty and disregarded the need for clarification of Treaty language so as to prevent exploitation of ambiguities and loopholes. The U.S. and the U.S.S.R. must reach Common Understandings or Agreed Statements regarding certain ABM Treaty terms and definitions if the Treaty is to remain viable.

The U.S. and the U.S.S.R. must also reach agreement on limiting devices or systems that, although ostensibly designed for other purposes, could be used in an ABM role. Chief among these are large phased-array radars, anti-tactical missiles, and anti-satellite systems. For example, negotiations toward an ASAT agreement are needed to prevent further development, testing, and deployment of ASAT systems that will seriously undermine the ABM Treaty.

INTRODUCTION

On March 23, 1983, President Reagan gave what is now popularly known as his "Star Wars" speech calling on the nation's scientists and engineers to pursue technologies that would make the United States safe from the threat of nuclear annihilation. He also directed the development of an intensive effort to begin a "research and development program aimed at an ultimate goal of eliminating the threat posed by nuclear ballistic missiles."

Since his speech, the President has signed a number of directives aimed at reprogramming previous U.S. missile defense efforts and placing them within his Strategic Defense Initiative (SDI), as the Reagan Administration now calls the Star Wars plan. Although both the United States and the Soviet Union have long had active research and development programs to examine ballistic missile defense (BMD), the U.S. effort has been restructured and additional concepts are being examined at the President's direction. The SDI's main focus will be to develop and possibly test and build a system designed to intercept and destroy ballistic missiles in various stages of flight.

Well before the U.S. must make a decision whether to deploy a space-based missile defense system, the development and testing of such a system and its components would violate the Anti-Ballistic Missile (ABM) Treaty, generally regarded as the cornerstone of the present arms control regime.

This report evaluates the premise and outlines the basic provisions of the ABM Treaty. It provides a preliminary analysis of the impact of the President's Strategic Defense Initiative on the ABM Treaty, addresses threats to the Treaty represented by present and future U.S. and Soviet programs, and proposes a number of steps that must be taken if the Treaty is to be preserved.

The study was undertaken because of its authors' concern that decision-makers in the executive and legislative branches, as well as the general public, are unaware of the near-term implications of U.S. and Soviet missile defense programs for the future of arms control. Unfortunately, official mechanisms for reviewing such implications, particularly the "Arms Control Impact Statements" submitted to the Congress by the President each year, have been inadequate in presenting the problems.●

TRIBUTE TO WILLIAM R. PERL

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. ROYBAL. Mr. Speaker, William R. Perl, a senior citizen and noted humanitarian, was recently honored by the Simon Wiesenthal Center in Los Angeles where he gave a speech which I feel exemplifies human courage in the face of racism, oppression, and diversity. I am requesting that his statement be included in the RECORD for the benefit of all:

TALK ON YOM HASHOA (HOLOCAUST MEMORIAL DAY) APRIL 29, 1984, AT SIMON WIESENTHAL CENTER

(By William R. Perl)

I am sometimes referred to as a survivor and so is my wife. But I believe that there are no real survivors of the Holocaust. Anyone who experienced any facet of that unimaginable horror can have survived par-

tially only. One who saw the mother, father, brother, or friend murdered or knew one's beloved shipped in cattle cars not to be just killed but to be "exterminated" like vermin is bound to remain captive in the grip of such experience. There is hardly a week when my wife or I do not awaken each other by a scream or a whimper signaling another nightmare.

In a few days it will be 39 years since Nazi Germany collapsed, yet the real dynamics of the Holocaust remain widely misunderstood.

I am often asked: "How did you get out?" and it is this very question that shows the abyss of misunderstanding regarding what made the Holocaust possible. The fact is that up to the almost final stages the problem was far less of how to get out than how to get into another country.

The guilt of the Nazis is irreducible. They developed the idea; they put it into action; they were the executioners. But to view them as the sole responsible ones is an oversimplification which has lived in the minds of too many too long. The so-called free countries closed their doors to those who tried to escape or admitted nominal numbers only. The Nazis set the house afire, and the nations of the world locked the doors of escape.

It has been described in detail how Britain abused the power vested into her by the League of Nations that accepted Britain's promise of the Balfour declaration and made its statement, (Britain's obligation to aid in the establishment of a Jewish Homeland in Palestine) the preamble of the Mandate with which the League of Nations entrusted the British.

But when we look at the other nations, we find a related pattern of brutally sabotaging rescue efforts. Though my entire presentation lasts 16 minutes only, I have to provide a few figures to substantiate my accusation that the nations of the world must share in the guilt of having made the Holocaust possible. Let us look at our own door first.

During the entire 12 years of the Hitler era, American immigration remained ruled by an antiquated quota system dating back to 1920. Visas were assigned according to the ethnic destribution in 1920, thus reserving huge percentages to natives of Ireland, Britain, and Russia, although by the time of the Hitler emergency, immigration from Ireland and Russia had come to an almost complete standstill. All Jewish pleas to have these unused visas transfered to the desperate natives of countries in need of them were denied. And worse than that:

From July 1, 1932 to July 1, 1938 only 26% of the available German guota visas were issued, and of those 31% were not given to Jews. And from 1938-1942, when persecution was in full blast, this period including e.g. the Kristallnacht and Babi Yar, less than half of the total of available visas were issued.

Following the huge November 1938 Crystal Night pogroms, Senator Robert Wagner of NY and Representative Edith Rogers of Mass. introduced to the US Senate and House respectively identical bills calling for the admission of 10,000 refugee children under the age of 14 to the US for 1939 and another 10,000 in 1940. The Republicans were opposed, and so were the conservative Southern Democrats. And so was the President, Mr. Roosevelt.

I live in Washington, DC, and we know how often more is decided at diplomatic cocktail parties than in formal meetings. Mr. Pierrepoint Moffat, Chief of the State Department's Division of European Affairs reports in his diary, now in the National Archives, about such a cocktail party that points out more clearly than the official debates the true attitude toward this rescue attempt. Mrs. James Haugheling, wife of the all-powerful Commissioner of Immigration said: The trouble with the Wagner-Rogers bill was "that 20,000 children would all too soon grow up into 20,000 ugly adults." Well, the law never left the committees, and the 20,000 children did not grow into any kind of adults.

Another example of how these cruel statistics worked on the individual level is the one of the SS *Saint Louis,* of the Voyage of the Damned. Shortly before the outbreak of the war, in the 7th year of Nazi persecution, 907 mostly German Jews obtained visas to Cuba. When their ship arrived in Havana, the Cuban government had changed its mind. Desperate pleas for rescuing admission went to several countries in the Americas. All of them, including the US, refused. Rabbi Steven Wise, accompanied by other Jewish leaders, met with Mr. Roosevelt and pleaded to admit the 907 ex quota. Denied. He asked to utilize the British or Russian quota. Denied. He asked to mortgage the German quota for future years. Denied. So Rabbi Wise and his entourage went home. And the 907 escapees went home too—to Europe. The ships captain delayed the return by sailing along the Florida Coast. His ship, a German liner flying the Nazi flag, was shadowed by a US gun boat to make certain that nobody tried to save himself by trying to swim to the free shores. And life on Collins Avenue went on as usual as the 907 sailed back to Europe, most of them to their deaths.

Canada behaved even worse that its large American neighbor. The infamous answer of a key Canadian immigration official to the question how many admissions he would think acceptable, became the title of a recent book. The answer was "None is too many."

The story repeats itself with variations in Canberra, Buenos Aires, all over.

And let nobody claim that the respective governments did not know exact details of the persecution from the day Hitler came to pawer. Particularly the British and the American governments had first hand intelligence on the Jewish condition. The horrors of the Kristallnacht were even widely reported in the press and on radio, and as the persecution increased, incoming reports grew more numerous, more detailed—and more gruesome.

Almost three years before the collapse of the Nazi regime and the end of the war of extermination, on June 25, 1942, London's Daily Telegraph reported: "More than 700,000 Polish Jews have been slaughtered by the Germans in the greatest massacres in the world's history." A second report in the same paper states on June 30 1942: "More than 1,000,000 Jews killed in Europe." That report contains details of the ongoing slaughter, including the use of poison gas.

The New York Times picked up the Daily Telegraph reports and published them, somewhere in the middle of the paper on June 30th and July 2nd.

These are just some of the published reports. Whoever wants to know more about the exact knowledge of the allied and other governments might want to read Walter Laqueur's well researched book, "The Terrible Secret."

The statement I am going to make is quite strong, but it is based on facts which we so far refused to face clearly. In making it I am, of course, not speaking for the Wiesenthal Center, but I do speak on behalf of historical facts and in the name of those whom we are commemorating today, those who could have been saved but found the saving doors barred.

History shows that the Holocaust was not committed in Berlin and in Auschwitz only, and in Treblinka, Maydenek and the other places of slaughter but also in London, Washington, Rio, Ottawa, Pretoria and the other capitals that refused to admit those trying to escape the massacres.

It is a truth hard to swallow, but the Nazis operated the factories of death and, by their policies, the nations of the world made certain that there were ample supplies.

Only if we have the courage to face even most repugnant facts, can we avoid falling victim to the principle that those who do not learn from history are condemned to re-experience it.

Today's situation of the Jewish people shows frightening similarities with the antecedents of the Holocaust. Again a substantial percentage of the Jewish people, three and a quarter million, is openly, even challengingly threatened with annihilation. Again the nations of the world, when dealing with the countries which openly proclaim this annihilation threat, choose, for reasons of expedience, not to acknowledge it. And again, too many Jewish groups minimize its deadly seriousness.

Almost unnoticed in its meaning, the psychological preparation required for the unimaginable brutality of such mass murder has been set into motion. Barbarity against humans, the Nazis had recognized, is best achieved by first delegalizing and dehumanizing the victims, an old principle. The American slave holder could pray with full devotion in the morning, yet in the afternoon buy, sell or otherwise mistreat slaves—they were outside the law. The Nuremberg laws and the media painting the Jews as depraved, vicious, and satanic preceded the mass brutalities. Systematically, the propaganda of the avowed mideastern annihilators tries to delegitimize Israel and to dehumanize its citizens. Ousting of Israel from this or that organization, persistent refusal to acknowledge even her existence, slaughter of its diplomats, athletes, and just plain citizens goes together with fabricated claims of Israeli inhuman behavior.

In deviously slanted information, sometimes by blunt disinformation, Israelis are painted as villains, as inhuman aggressors and ruthless oppressors, thus setting the stage for the announced plan of annihilation, at which at least apathy should be expected, maybe even some feeling that the Jews are just getting what by their evil behavior they had asked for.

Certainly many of those who write or send such distorted reports are not consciously working up towards another genocide; they simply follow the pro-Arab line of their paper or station. But it is our duty to point out to them what kind of game and whose game they are playing.

We also have to tear the mask off the faces of those who try to convince the public that some of those who have sworn to destroy Israel are "moderates." Who was more moderate: Hitler or Eichmann? Dr. Mengele or Borman? And who is more moderate: Arafat or the rulers of Saudi Arabia who, as almost a matter of routine, proclaim the existence of Jihad, the Muslim holy war with one aim only: the total elimination of Israel. They also have been bankrolling the

PLO for decades and are still financing them to spread terror in Israel and against Jews outside of it. And how moderate is King Hussein who in 1967, when every inch of what he now calls the West Bank had been under his rule for 19 years, though Israel pleaded for peace with him, invaded Israel and who still refuses to accept even its existence, bound as ever on its destruction.

It is not a popular task those are facing who have the courage to stand up and to say: So many of the previous generation kept quiet while every day from sunrise to sunrise alone in Auschwitz 8,000 of their brothers and sisters were marched into the gas chambers. Let us vow as follows: I shall not keep silent. I shall keep faith with the martyred ones who are honored here today. Through my organization devoted to that purpose but also by utilizing all my personal connections and possibilities, I vow to do my utmost to expose the pattern that is being employed for yet another bloodbath, one that if it did, God forbid, succeed, would make the cruelties of the Hitler era pale, I promise to myself, to the victims of the Holocaust to my children—in fact to mankind that I will do everything in my power to make certain that anything near to what happened to Europe's Jews between 1933 and 1945 will happen never, ever again.●

40TH ANNIVERSARY OF D-DAY

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. WYLIE. Mr. Speaker, one of the most memorable experiences I ever had occurred on June 6 of this year. I was a member of the Veterans' Affairs Committee delegation to Normandy for the 40th D-day anniversary.

Chairman G. V. (SONNY) MONTGOMERY, my good friend the distinguished chairman of the Veterans' Affairs Committee organized the trip. He put together an excellent agenda which captured the highlights of that never-to-be-forgotten day 40 years ago.

May I say a heartfelt thanks to a truly illustrious gentleman and bring to the attention of our colleagues an informative account of the events we participated in during our visit to Normandy.

40TH ANNIVERSARY OF D-DAY

(By G.V. (Sonny) Montgomery)

INTRODUCTION

During the period June 2-6, 1984, I headed a delegation of 18 Members to visit Normandy, France. It was on June 6, 1944, that the battle of Normandy began. It is generally agreed that D-Day 1944 was the most historic battle of World War II and the most massive invasion in military history. Accordingly, the primary purpose of the visit was to represent the U.S. House of Representatives at the various 40th Anniversary ceremonies, and to tour the battlefields and monuments in the Normandy area, where the course of history was changed by the successful invasion on D-Day. I would note that the cemeteries and monuments in the Normandy area come under the jurisdiction of the Veterans Affairs Committee.

The visit also provided the opportunity to meet with officials who administer a memorial owned by the United States Government and dedicated to the memory of General John J. Pershing, Chief of Staff of U.S. Forces during World War I. Called the Pershing Memorial, it is located in Paris, France.

BACKGROUND

More than 16 million Americans served in the Armed Forces of the United States during World War II. There were many battles fought during that war all over the world in defense of freedom. The most crucial battle occurred on June 6, 1944, at Normandy, France, when American and allied forces joined together to regain a foothold in Europe. There were over 153,000 troops, 5,000 naval vessels and 11,000 sorties of allied aircraft in this battle. Included in the assault troops were three divisions of airborne troops, the 82nd and 101st of the United States and the 6th of Britain. The skies were literally dotted with planes and the sea filled with ships, which were transporting allied troops to land against a strongly fortified coast. In a very short period, the allies had driven from the air, the once-vaunted Luftwaffe, and the German navy from the sea. As the allied troops moved inland after that first day, the flame of hope was rekindled for freedom-loving people all over the world.

In this regard, resolutions were introduced in the House to designate June 6, 1984 as D-Day National Remembrance Day. H.J. Res. 487, introduced by the Honorable Tom Lantos, a member of the delegation, was signed by the President on May 31, 1984 as Public Law 98-311, which designated June 6, 1984 as D-Day National Remembrance Day.

ITINERARY

The delegation represented the U.S. House of Representatives at the observances of D-Day. The delegation visited the battlefields of Normandy, including U.S. landing sites of the battles that occurred on June 6, 1944. A number of Members of the group participated in the invasion or were active in the European Theater during World War II, while others served in battles in the Pacific Theater. The week's events culminated on June 6th with a memorial service at the U.S. Cemetery at Normandy at which President Reagan spoke and was accompanied by the President of France, Francois Mitterrand. Members of the delegation were guests of honor at this ceremony which was televised by the three major U.S. networks, as well as networks in allied countries.

SCOPE OF REPORT

This report is not intended to serve as an official statement regarding the events that occurred during the 40th anniversary of the commemoration of D-Day. The delegation visited a number of U.S. Facilities, the majority of which are under the administration of the American Battle Monuments Commission. In this regard, the delegation had the opportunity to evaluate the organization and its administration of these memorials, and to evaluate the effectiveness of the administration and execution of this entity of our Government having responsibilities established and funded by Congress.

CHRONOLOGY

Sunday, June 3, 1984

Our host for the day was Brigadier General John W. Donaldson, European Office, American Battle Monuments Commission, who provided the delegation with a tour of the Normandy area. We stopped at a number of historic sites, including Omaha Beach, Pointe Du Hoc, Vierville, the U.S. Cemetery, and Bayeux.

There were still many reminders of the war years in this area, especially along the coast where gun emplacements and bunkers still stand. General Donaldson was an excellent guide and provided a detailed description which helped make it possible to visualize the enormous sacrifice made by U.S. troops when they stormed ashore on Omaha Beach on D-Day.

Although it was not a major undertaking in the terms of numbers of soldiers and equipment involved, Pointe Du Hoc serves as the best example of courage under fire. It was Pointe Du Hoc, with German guns situated thereon, which became a symbol of American heroism. A 100 foot cliff, vertical, almost straight up, was captured by a U.S. Ranger Battalion, led by Col. James Rudder. The Rangers used rope ladders and hook ladders borrowed from fire fighters in Britain to climb this cliff. Despite the heaviest of losses, the Rangers took possession of the cliff on schedule.

Close by Omaha Beach is the National Guard Monument at Vierville-sur-mer. The National Guard Monument at Normandy was created and built by members of the Army and Air National Guard to commemorate the heroism of the U.S. Forces which landed on D-Day, June 6, 1944, to launch the liberation of France and, indeed, western Europe. The monument is maintained through the historical Society of the Militia and National Guard. This year marks the 15th anniversary of the monument. It was dedicated on June 6, 1969 and is situated atop a battered pillbox overlooking Omaha Beach in the landing area of the 116th Infantry Regiment, the lead element of the 29th (Blue and Gray) Infantry Division on that fateful morning some 40 years ago.

Not far from Omaha Beach is the Normandy American Cemetery and Memorial. There are 9,386 war dead buried here, with 307 of the headstones marked "unknown". The most famous Americans buried here are President Theodore Roosevelt's sons, Quentin and Theodore Roosevelt, Jr., who lie side-by-side. In 33 instances, two brothers lie side-by-side. In another instance, a father and son lie side-by-side. Almost all lost their lives in the landing operation.

The memorial is a moving tribute to those who made the supreme sacrifice. A 22 foot bronze statue is located on the platform of the memorial—"The Spirit of American Youth" rising out of the waves has captured this feeling for all time. The cemetery is well cared for, and a monument all Americans can be proud of.

On the east side of the memorial is a semicircular Garden of the Missing. There are 1,557 names inscribed on the wall of this lovely and beautiful landscaped garden of those who gave their lives in this region, but whose remains have not been recovered, or if recovered, not identified. The names are in alphabetical order and represent every state in the union and the District of Columbia. A few came from England, Canada, and Scotland.

By way of contrast, the delegation visited two additional cemeteries later in the day. The first was the German Cemetery in La Combe. Here we were told there are over 21,000 German soldiers buried. There was a somber atmosphere to this cemetery, with its sad dark beauty and black granite

crosses, when contrasted with the gleaming Latin white crosses and Stars of David in the U.S. Cemetery. Later, the delegation viewed the British Cemetery, located in Bayeux. Here the British have interred their fallen heroes in a setting more like the U.S. Cemetery. Instead of crosses, the British have erected upright stones similar to those in Arlington National Cemetery and other U.S. National Cemeteries, with flowers and shrubs on either side of the stones.

Throughout the tour, the delegation was privileged to have the benefit of the personal experiences of three of the Members who had landed in Normandy on D-Day. They were the Honorable Sam Gibbons, Robert A. Young, and former Member Teno Roncalio of Wyoming. All three recounted in detail their experiences during this crucial period, and gave a perspective to the tour which could not be matched.

The tour took the delegation through the countryside with its hedgerows which we were told have not changed. We stopped in Bayeux, the first town to be liberated in 1944. Here there is a museum devoted to the history of the Battle of Normandy and a monument commemorating Bayeux' return to freedom.

The people of Normandy were most hospitable, courteous and supportive throughout the tour. They obviously like Americans and are still deeply appreciative for their liberation from the Germans.

Monday, June 4, 1984

As indicated previously, a number of Members of the delegation participated in battles in the European Theater during World War II. Some of the fiercest battles were fought in Northern France and in the Ardennes Campaign. Some Members of the delegation flew to Luxembourg to visit the U.S. Cemetery in Luxembourg, where more than 5,000 American soldiers are buried. The most famous person buried here is General George S. Patton, Jr., Commander, U.S. Third Army. Most of those buried in this cemetery gave their lives in the so-called Battle of the Bulge during the Ardennes Campaign, which stopped the German counter-attack in December, 1944. We were provided a tour of the cemetery by the Superintendent, Mr. Even Hubai, and his Assistant, Donny Sykes. The cemetery is well cared for, in excellent condition and because it includes the remains of General Patton, it is visited by more Americans than other U.S. Cemetery in Europe. Accordingly, the grave of General Patton is situated to provide easy access to visitors.

We visited the battlefield in Herrlisheim, near Colmar and we were warmly greeted by Mayor Buschek of Herrlisheim and other officials.

In the afternoon, I visited, together with officials of the U.S. Embassy, American Battle Monuments Commission, and staff, the Pershing Memorial located in Paris. The memorial is a building which is owned by the U.S. Government. It honors General John J. Pershing, Commander, U.S. Troops, World War I, and all who served with him. The individuals in charge of operating the memorial for the U.S. Government, the Pershing Hall operating committee, provided a tour of the building and a briefing of their activities. The management of this building is presently under review. Therefore several proposals were presented by individuals representing different groups regarding the permanent management of this memorial. The Committee will be considering these proposals which were presented by the principals involved in operating the memorial, as well as other options before the Committee regarding this memorial.

Tuesday, June 5, 1984

In the morning, the delegation toured Utah Beach. Again, our host and narrator was General Donaldson, who provided us with a vivid account of the landings on Utah Beach on D-Day, through which were to pour thousands of American troops, material, and equipment. Utah Beach is situated west of Omaha Beach and, unlike Omaha Beach, those who landed here were faced with a sea wall rather than hills to climb or cliffs to scale. Utah Beach provided access to the roads to the north and west, making the area a key to later operations as our forces moved inland to encircle and cut off the German forces. It was the VII Corps of the U.S. Army which was assigned the task of seizing and holding the area behind Utah Beach as part of the goal of capturing Cherbourg as soon as possible. There is a Utah Beach monument which commemorates the achievments and sacrifices of the American forces of the VII Corps who participated in the landing and liberation of the peninsula from June 6 to July 16, 1944. Also located around the site of the Utah Beach monument stands a liberty way milestone and a monument to the U.S. 4th Division. Here also is an impressive monument to the Americans of the 1st Engineer Special Brigade, which is a former German blockhouse. On the north side of the esplanade, in front of the Engineer Monument, is a small stake honoring the men of the 90th Division.

Two of the nearest towns to Utah Beach are Carentan and St. Mere Eglise, both on the main road from Cherbourg to Paris. St. Mere Eglise is the town upon which American paratroopers landed on June 6th, with many landing on the area adjacent to the church. In order to dislodge the Germans in the church tower, the Americans machinegunned the interior of the church. We were told that traces are still visible near the pulpit and on some of the arches of the nave. Since there were so many visitors in this small town, the doors to the church were locked. However, we could view the stained-glass window over the portal which shows the historic landing of the American paratroopers during the night before the D-Day landings. This is the only church in France having a stained-glass window offered by a foreign active military unit—the 82nd Airforce Division at Ft. Bragg, North Carolina. At the top and center of the window is the badge of the paratroopers, with the lower center, that of glider troops surrounded by Faith, Hope and Charity. On the left side of the glass is the divisional patch of the 82nd Division—A.A. which stands for All American.

The other airborne division to land behind the fortified German lines in this area was the 101st Airborne, of which Mr. Gibbons was a member. Its mission was to take Carentan and control the coastal area as far as Poupeyville, a town we also passed through. The delegation was provided many human interest stories of the pain and suffering, as well as some infrequent lighter moments endured by our troops, with individual Normandy homes being identified that were used by American forces during that period.

In the afternoon, the delegation returned to Pointe Du Hoc for a number of ceremonies. A battle-scarred Pointe Du Hoc remains today exactly as the Rangers left it in June of 1944. The only addition is a large stone monument erected in memorial tribute to the men who fought and died there, by a dedicated grateful group of Frenchmen. Pointe Du Hoc has been given in perpetuity to the United States, and is administered by the American Battle Monuments Commission. On this day, there was a reenactment of the climb up the cliff by soldiers of the 10th Special Forces of the U.S. Army. General Eisenhower, who also visited this point following World War II, summed it up when he said: "it took guts to get up that cliff that day". Following the reenactment, a ceremony was held by the French to present a plaque to be placed on the stone monument. There were many Rangers who had participated in the assault on June 6, 1944, who were in attendance, together with members of Ranger battalions on active duty in the Armed Forces. The leader of the Rangers on June 6, 1944, Col. James Rudder, died a few years ago, but his widow occupied a seat of honor at this ceremony.

The delegation witnessed a parachute jump by 150 paratroopers of the 82nd Airborne Division and 30 paratroopers from a British Unit. This event was attended by many of the dignitaries who had led the attack on D-Day, including General J. Lawton Collins, U.S. Army, retired; and General James Van Fleet, U.S. Army, retired, who led an attack force. The paratroopers provided the delegation with a reenactment jump which was not only spectacular, but demonstrated the capability that today's paratroopers land where they are supposed to, notwithstanding the prevailing winds and other obstacles they may encounter. (A large number of paratroopers missed their landing targets in 1944 by considerable margins).

Wednesday, June 6, 1984

The highlight of the trip occurred at the U.S. Cemetery in Normandy on this date. President Reagan, accompanied by President Mitterand of France, delivered a short, stirring address commemorating the sacrifice made by American soldiers on June 6, 1944. Major American television networks and European networks recorded the event, which made it possible for millions to share in this glorious occasion.

The delegation arrived early for the Presidential memorial service. This provided an opportunity to meet with commanders of all the major national veterans organizations or their representatives who were present for the ceremony. In addition, the delegation visited with hundreds of American veterans and servicemen who came to Normandy for this ceremony.

The spirit and meaning of this 40th anniversary was captured by the President when he stated in his remarks: "Mr. President, distinguished guests, we stand today at a place of battle, one that 40 years ago saw and felt the worst of war. Men bled and died here for a few feet of or inches of sand as bullets and shellfire cut through their ranks. About them, General Omar Bradley later said, "Every man who set foot on Omaha Beach that day was a hero."

No speech can adequately portray their suffering, their sacrifice, their heroism. President Lincoln once reminded us that through their deeds, the dead of battle have spoken more eloquently for themselves than any of the living ever could. But we can only honor them by rededicating ourselves to the cause for which they gave a last full measure of devotion.

Today, we do rededicate ourselves to that cause. And, at this place of honor, we are humbled by the realization of how much so many gave to the cause of freedom and to their fellow man.●

NOT ALL CRIMINAL OFFENDERS LOSE THEIR RIGHT TO VOTE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. CONYERS. Mr. Speaker, the right of qualified persons to register and vote is of fundamental importance to our American system of government. However, for a certain population of criminal offenders, that right is very often ignored because of the erroneous belief that everyone who goes to jail is disenfranchised. Ordinarily, it is only convicted felons that lose their voting rights under State law. Those persons convicted of misdemeanors, or who are pretrial detainees, or are appealing a felony conviction usually remain eligible to register and vote, but rarely do they exercise their voting rights because both they and corrections officials are unaware of what the law provides.

It is estimated that there are approximately 300,000 men and women in custody that do not know that they retain the right to vote. This to me is an intolerable condition which all of us should begin working within our own congressional districts to address. To assist in such efforts, I am today introducing a House Concurrent Resolution expressing the sense of the Congress that: First, all State constitutions and county and city charters be amended to reflect the right of all pretrial detainees, convicted misdemeanants, and prisoners on appeal to register and vote, second, the opportunity to register and vote be made available to all qualified offenders in our jails and prisons, and third, probation and parole officials consider voting participation to be a positive rehabilitative factor when evaluating the offenders under their supervision.

I invite all of my colleagues to join me as cosponsors of this legislation, the complete text of which is as follows:

H. CON. RES. 335

Resolved by the House of Representatives (the Senate concurring),

Whereas, the population of pretrial detainees, convicted misdemeanants and persons appealing their convictions should have the right to register and vote; and

Whereas, the stated population does not exercise this right because they are generally unaware of their rights and because registration and voting is not usually made available to them; and

Whereas, the denial of the right to vote violates the due process and equal protection of those who have not been found guilty of felonies and those whose convictions are being appealed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) all State constitutions and county and city charters should reflect the right of the stated incarcerated population to register and to vote;

(2) all Federal, State, county, and city registrars of voters provide adequate voter registration accessibility to the stated populations during intake processing (booking), while in the general jail or prison population; and during release, discharge, or transfer;

(3) registrars of voters provide adequate voting accessibility to the stated populations in the form of voting booths and absentee ballots at each and every election henceforward;

(4) respective Federal, State, county and city departments of correction, parole and probation boards accept and encourage the positive rehabilitative value of voter registration and voting; and acceptance of these civic responsibilities be given fair consideration in probation and parole determinations; and

(5) prisoners' rights, community, voter education and political organizations be encouraged to provide voter education and voter advocacy to pretrial detainees, convicted misdemeanants and to persons appealing their convictions.●

RICHARD BENDIX AND THE D-DAY INVASION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. LANTOS. Mr. Speaker, a few weeks ago I attended the moving services in Normandy to commemorate the 40th anniversary of D-day—that most ambitious military undertaking in history. I was surprised and delighted when I turned around to meet Richard Emmett Bendix from Redwood City in my congressional district.

Richard was on the beach that momentous June 6 morning and he was now returning—40 years later—with his wife to remember the events of that day. His presence on Omaha Beach brought home to me how much Americans from all over our Nation contributed to the success of this historic invasion.

Richard Bendix joined the U.S. Army in 1943 and upon completion of basic training he volunteered and was accepted into the 5th Ranger Battalion. After extensive Ranger training in the United States and Scotland, he landed with the 5th Rangers in the first assault wave on Omaha Beach on D-day.

The 5th Rangers were the first unit that managed to advance up the heavily defended heights overlooking Omaha Beach and began moving inland. In the afternoon of June 6, while Richard was on patrol in the hedge-rowed fields near the beachhead, he was wounded in the leg by German machine gun fire. Subsequently, he was awarded the Purple Heart.

Richard was discharged from the Army in November 1945, after which he completed high school and went on to receive a business degree from Kinman Business University in Spokane, WA. In 1947 he married Vinnie L. Beck and they are the parents of two fine sons—Patrick Duke and Doak. Currently Richard is the vice president of the Credit Division of Van Waters and Rogers in San Mateo, CA.

Mr. Speaker, I am delighted to pay tribute here in the House of Representatives to Richard Bendix and to others like him who have contributed so much to preserve and maintain the democracy that we all enjoy.●

OAKWOOD SCHOOL DECLARED NUCLEAR FREE ZONE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. FISH. Mr. Speaker, the Oakwood School, located in my congressional district in Poughkeepsie, NY, is the first school in New York and the fifth in the Nation to declare itself a nuclear free zone. While the Oakwood students were here in April, we discussed this matter, and I would like to share the Oakwood School's press release with my colleagues:

OAKWOOD BECOMES NUCLEAR FREE ZONE

Students, faculty and staff at Oakwood School, a Friends boarding and day school in Poughkeepsie, New York, have declared the school a Nuclear Free Zone. A Nuclear Free Zone is a place that has been declared off limits to the design, testing, production, and deployment of nuclear weapons. After five months of education, discussion and debate over the issue, the members of the Quaker school community came to a consensus on Monday, May 7 during an all-school community meeting. Their action makes Oakwood one of five high schools across the nation, the first in New York State, and the first by consensus to declare itself a Nuclear Free Zone. There are 50 nuclear free zones in the U.S. Including towns, high schools and colleges.

Last January, student and faculty members of the school's Disarmament Committee initiated the idea of making Oakwood a Nuclear Free Zone. A pamphlet handed out to the school community stated, "Declaring Oakwood a nuclear free zone might seem like an insignificant step towards changing the world's course to a nuclear holocaust. However, our stand could be an important part of a tremendous and ever-increasing peace movement throughout the world. Establishing a nuclear free Oakwood would offer individuals a unique opportunity to come together as a community in making an effective political and moral statement against nuclear weapons."

Students and faculty raised a number of concerns during the five months of discussion about Nuclear Free Zones. Some felt that it was hypocritical for Oakwood, which has a relatively high standard of living to declare itself a Nuclear Free Zone because much of what the school uses is made by companies that make nuclear weapons. They felt that the use of force and therefore the maintaining of nuclear weapons

maintained the high standard of living. Others, however, contended that disarmament is consistent with a high standard of living and that the huge amount of U.S. resources such as money and scientific knowledge could be used for improving the standard of living for the world rather than building weapons for mass destruction that are supposedly built not to be used.

At the request of students and faculty the Disarmament Committee invited people from outside Oakwood to speak on the pros and cons of nuclear free zones. Speaking for NFZ's was Bruce Cronin, an NFZ coordinator from the New York Mobilization for Survival. Debating the other side was Roy Smart from the American Security Council. Smart was not completely against the idea and suggested adding an amendment to the motion that would encourage representatives to vote for building a satellite-based anti-missile laser weapon system. Disarmament Committee members rejected this amendment because they felt billions of dollars would be spent for a system that could be easily deflected; it would lead to an arms race in space; and it would increase, not decrease tensions by making a first strike capability more thinkable if there was a "defense."

Because Smart was not totally against making Oakwood a Nuclear Free Zone, the school invited William Levinson, a chemical engineer who testified against the Nuclear Freeze Resolution in the Dutchess County Legislature, to speak. Levinson felt that declaring Oakwood a Nuclear Free Zone was only a symbolic gesture and therefore was not effective. He also commented that the Soviets do not have the same regard for human life as the U.S. does and would therefore be willing to use nuclear weapons to achieve their goals even if they were to lose 20 million people. Appearing weak would encourage the Soviets to use nuclear weapons, he felt, because arms control is not possible. Therefore, arms buildup is the only way to peace.

Students and faculty challenged Levinson on each point and after his talk a feeling of unity on declaring Oakwood a nuclear free zone arose in the community. The next week the school declared itself a Nuclear Free Zone by consensus of the entire community.

As a Nuclear Free Zone, Oakwood will write to local, state, and federal representatives and ambassadors of all the nations producing nuclear weapons and encourage them to halt and reverse the arms race. The school will contact Hamilton Fish and Senator Moynihan about putting the declaration of a Nuclear Free Zone into the Congressional Record. Members of the Disarmament Committee will also contact other Quaker schools and encourage them to become Nuclear Free Zones.

The school also hopes that the creation of a nuclear free Oakwood will raise the consciousness of people that learn about it and will cause them to question dangerous nuclear policy. It hopes that their action might encourage other schools or towns to declare themselves nuclear free zones.

According to Michael Steinberg, an American History teacher at Oakwood who is advisor to the Disarmament Committee, declaring the school a nuclear free zone is not entirely a symbolic move. "By declaring ourselves an NFZ," he said, "we insure that the campus will not be used by any companies or the government to design, test, produce or deploy nuclear weapons. Though Oakwood is an unlikely candidate for any of these activities, educational institutions—mostly colleges—have been and continue to be the home of almost all nuclear weapons research. Without question our act will add to the momentum of the peace movement that hopefully will be successful in stopping and reversing the arms race."●

VOTING RIGHTS OF MILITARY AND OVERSEAS CITIZENS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. WOLF. Mr. Speaker, I would like to bring to the attention of my colleagues a matter of serious concern regarding the right to vote for U.S. citizens overseas. This matter was brought to my attention by a constituent, Mr. Sam Wright of Arlington, VA, an attorney who also serves as lieutenant commander in the Navy Reserve. Mr. Wright has done extensive work to enable overseas personnel the opportunity to vote.

According to a Department of Defense survey, approximately 182,000 military personnel who tried to vote in the 1980 Presidential election were unable to do so because they received their absentee ballots too late or not at all. This figure does not include military dependents and other overseas civilians. If they were included, the number of disenfranchised voters would be several hundred thousand.

The problem is that regardless of how early the voter applies for an absentee ballot, his or her local election official may not have ballots printed and ready to mail until less than 3 weeks before the election. In 43 States, local election officials do not count absentee ballots which are received after election day regardless of when the ballots are postmarked. The American Legion, the Veterans of Foreign Wars, and the Reserve Officers Association have adopted national resolutions calling upon the States to mail absentee ballots at least 45 days before the election so that servicemen will be able to return their ballots in time to be counted.

The General Assembly of Virginia in my own State has passed, and Gov. Charles S. Robb has just signed, a bill to require local election officials to mail absentee ballots at least 45 days before the election. Several other States have passed similar reform bills in the last 2 years.

Much of the progress that has occurred is attributable to Mr. Wright. He has recruited more than 400 volunteers, mostly military reservists and retirees, to work on State and local election officials and State legislators. Upon request, he can provide specific information about the reforms that are needed in any particular State, along with the names and addresses of the volunteers working on this issue in that State. He can be contacted at 1201 South Scott Street, No. 422, Arlington, VA 22204.

The administration of absentee voting has traditionally been the responsibility of State and county governments. I don't want to shift that responsibility to Washington, but I do believe that Congress has a legitimate interest in ensuring that military personnel are not disenfranchised by the circumstances of their service and by State election procedures which do not make adequate accommodations for those circumstances.

In some States changes in the election calendar, such as changing the date of the primary, may be necessary to enable local election officials to mail absentee ballots at least 45 days before the election. I recognize that such changes may create some inconvenience for candidates and election officials, but it seems that these are small accommodations to facilitate the enfranchisement of our citizens who are abroad.

I call upon each of my colleagues to contact your Secretary of State or State Board of Elections to inquire as to when absentee ballots are mailed in your State. If you find they are mailed substantially less than 45 days before the election, I urge you to contact your State authorities and request that they take whatever administrative or legislative action is necessary to get the ballots mailed earlier. We must protect the right to vote for our citizens overseas.●

THE LOCAL GOVERNMENT ANTITRUST ACT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. RODINO. Mr. Speaker, I am introducing today two bills, both bearing the title "The Local Government Antitrust Act of 1984." Tough alternate approaches, both address the problems arising out of the increasing number of antitrust suits filed against local governments since 1978 when the Supreme Court first indicated that municipalities do not enjoy the same antitrust protection afforded States.

The Subcommittee on Monopolies and Commercial Law will meet to mark up local government antitrust legislation on July 25. The comments and suggestions that the subcommittee receives on the two alternate approaches will be grateful in guiding our action.

Without legislation, cities and other local governments may be saddled with substantial legal costs, or even treble-damage judgments. Worse yet, the threat of antitrust suits may para-

lyze local government, forestalling action in the public interest lest financial ruin befall public officials and the Public Treasury. We need a more rational and certain basis for determining when such suits should be entertained and what remedies should be available against local governments and their officials.

Although some relief for local governments is required, the record compiled by the subcommittee suggests that local governments occasionally do commit acts that have no legitimate purpose and that do substantial competitive injury to private businesses. An appropriate legislative solution should provide an injured business a private remedy for such abuses.

The first of these bills would provide local governments a standard for obtaining early dismissal of antitrust cases that challenge legitimate governmental activity. Injured parties, however, could still obtain injunctive relief and actual damages if they demonstrate that the local government's action was not reasonably undertaken to protect or provide for the public health, safety, or welfare, and violated the antitrust laws. But no damages or costs could be collected from local government officials personally, and the local government could collect attorney's fees against an unsuccessful plaintiff.

The second bill would avoid any substantive changes in the antitrust law. It eliminates monetary damages against local governments, their officials and agents by restricting the remedy available in private actions to injunctive relief. Under this proposal, local governments are also permitted the opportunity to recover attorneys' fees against an unsuccessful plaintiff. This alternative is somewhat similar to the approach taken in the bill approved by the Senate Judiciary Committee, but offers broader coverage by protecting all "official conduct" of local governments, whether or not such conduct is in connection with private parties in a particular market.

I am attaching more detailed explanations of the two bills.

EXPLANATION OF H.R. 5992, LOCAL GOVERNMENT ANTITRUST ACT OF 1984

SECTION 1—SHORT TITLE

THE SHORT TITLE OF THE ACT IS THE "LOCAL GOVERNMENT ANTITRUST ACT OF 1984"

SECTION 2—DEFINITIONS

This section sets forth definitions of key terms for the Act. The term "local government", of course, is central to the legislation. Local government is defined as "any general or specific purpose political subdivision established in accordance with the laws of any State in which such subdivision is located." Because the protections of the bill turn on the definition of "official conduct," as described below, there appears little need to distinguish between general and special purpose units, as some other bills in this area have attempted to do.

"Official conduct of a local government" is defined as "action by a local government or its officials, employees, or agents, in the reasonable exercise of such government's legislative, regulatory, executive, administrative, or judicial powers." This broadly drawn definition is intended to include any conduct that a local government official reasonably considers to be within his official duties. It would exclude conduct that a reasonable official would not construe to be within a local government's authority. Thus, at least a general delegation of authority from a State would be required. On the other hand, the requirement of a specific delegation (as mandated by the City of Boulder) is eliminated. Moreover, mere procedural or technical defects in a local government's exercise of its authority would not negate the protection.

It is important to note that under certain circumstances, the actions of third parties can fall within the definition of "official conduct". The Supreme Court first injected the term "state action" into antitrust jurisprudence in *Parker* v. *Brown*, 317 U.S. 341 (1943). "State action" describes a category of activities engaged in by a State as sovereign that is beyond the reach of the Sherman Act. In subsequent decisions, the Supreme Court has ruled that the actions of third parties partake of the State's antitrust immunity if such conduct is pursuant to a clearly articulated and affirmatively expressed state policy and if such conduct is actively supervised by the State. *See e.g., California Retail Liquor Dealers Ass'n* v. *Midcal Aluminum, Inc.*, 445 U.S. 97 (1980). Thus, for purposes of the state action doctrine, antitrust protection applies to both public and private entities properly acting on behalf of a state. It is the State's involvement in an activity—and not the nature or identity of the party claiming to act on behalf of the State—that is determinative. Similarly, in the municipal antitrust context, it is the local government's involvement in an activity through the reasonable exercise of its powers, i.e., "official conduct," that is determinative of antitrust protection for either public or private parties. The definition of "official conduct", phrased in terms of "action by a local government," is thus crafted to incorporate, by analogy, the interpretive case law with respect to third party participation in "state action."

SECTION 3—SCOPE OF APPLICATION

The heart of this proposal is section 3, which provides a vehicle for prompt, threshold dismissal of antitrust suits that constitute an unwarranted interference with legitimate governmental functions. Section 3 establishes a jurisdictional test—the antitrust laws will not apply to official conduct of a local government "reasonable undertaken to protect or provide for the public health, safety, or welfare."

The protection of Section 3 extends not only to private suits but also to enforcement by the Department of Justice or the FTC. And this protection will apply regardless of whether the remedy sought is an injunction, damages, or a penal sanction.

The standard in Section 3 offers local government broad protection but stops short of a grant of absolute immunity. The phrase "reasonably undertaken" suggests a balancing of governmental and competitive factors. This wording reaches all legitimate governmental functions, including exercise of land use, police, or economic regulatory powers. Thus, even if conduct has anticompetitive effects, the antitrust laws would not apply if the conduct is, in the view of a reasonable man, undertaken to achieve a legitimate governmental purpose.

The protection of section 3 would not operate where a local government has acted without a reasonable basis that it is providing for the public health, safety, or welfare. In most instances, a court would not look beyond a local government's publicly stated rationale for taking action. If, however, it appears that an action has substantial anticompetitive impact and serves no reasonable governmental objective, the court can look beyond the stated rationale to determine the actual impact of official conduct. Evidence that the primary effect of local government action is to benefit one competitor over another or to reward friends or relatives of a city official could, for example, be weighed by a court in determining whether the action reasonably served governmental objectives.

A court might also consider whether the local government's action placed it in competition with private businesses. The antitrust laws would apply to a business run by a local government in competition with private firms if the business serves no significant public welfare or other legitimate governmental objective. But a local government's decision to provide a service in competition with private businesses would not necessarily deprive it of the protection of section 3. For example, a city-run ambulance to provide service to segments of the population otherwise not adequately served could be protected even if there is competition with a privately-run ambulance service. The city would lose the protection of section 3 only if, after weighing the social or other non-competitive objectives of the government's actions, a court determines that it acted unreasonably.

Section 3 does not require a local government to prove that it choose the least anticompetitive means of achieving a governmental objective. For example, there are a number of ways a city can determine to provide the population with vital public service. A city might choose to provide ambulance service to residents through a city-run ambulance, through an exclusive contract with a private business, through contracts with a number of private businesses, or through a combination of these means. In any of these instances, the city's conduct would be protected by section 3 if its pursuit of the governmental objective were reasonable.

Section 3 restricts the antitrust laws in their application to official conduct of a local government, regardless of the named parties in the suit. Thus, it would operate to the benefit of any defendant named in any antitrust suit alleging that a city's official conduct violated the antitrust laws. A plaintiff who sues both a city and parties who were responding to the city's official conduct would have no remedy against any of the defendants if the conduct met the test in section 3 (if the conduct fails this test, both governmental and private defendants could be liable). Private defendants named in such suits would continue to enjoy the protection of such decisions as *Eastern Railroads Conference* v. *Noerr Motor Freight, Inc.*, 365 U.S. 127 (1961), which assures businesses the right to lobby for legislation with antitrust exposure.

In instances in which the local government conduct does not meet the test of section 3, the plaintiff is entitled to go forward under existing antitrust law to judgment. Depending on the type of violation alleged, the court will apply the *per se* rule or the

rule or reason, just as in other antitrust cases. However, with respect to private suits, the remedies that will be available are limited by sections 4 and 5. And, pursuant to section 6, officials of local governments may not be held for damages, interest, costs, or attorney's fees in any private action challenging their official conduct.

SECTION 4—LIMITATIONS

Section 4 limits any assessment of damages in a private or State claim arising out of official conduct of a local government to the actual damages sustained, interest on the damages, and a reasonable attorney's fee.

Action by local governments that does not reasonably serve governmental objectives should not come at the expense of competitive injury to businesses. This section permits injured persons to obtain full economic compensation when such injury occurs. But at the same time, local governments (and taxpayers who ultimately foot the bill) will not be held for multiple damages.

As in the case of section 3, this provision benefits any person defending an antitrust claim arising out of official conduct of a local government, whether that person be the local government or a third party defending the same claim. Subsection (c) sets forth the standards for calculating interest on the damages.

SECTION 5—ATTORNEY'S FEE

This section provides for an award of costs and a reasonable attorney's fee to the substantially prevailing party in any claim arising out of official conduct of a local government. Thus, depending on the outcome of the litigation, attorneys' fees can be awarded to or assessed against a local government, or any other party to litigation involving such a claim.

The wording of this provision tracks a similar provision in the Joint Research and Development Act of 1984 (H.R. 5041) as passed by the House of Representatives earlier this year.

SECTION 6—LIABILITY OF GOVERNMENT OFFICIALS

This section ensures that no local government official will be liable under the antitrust laws for damages, interest, costs or attorney's fees for any official conduct, even if such conduct is not protected under Section 3. Of course, this section does not preclude the application of other statutes (i.e., criminal laws aimed at corruption, bribery, or other impermissible actions taken by officials under the guise of official conduct).

EXPLANATION OF H.R. 5993

LOCAL GOVERNMENT ANTITRUST ACT OF 1984

SECTION 1—SHORT TITLE

THE SHORT TITLE OF THE ACT IS THE "LOCAL GOVERNMENT ANTITRUST ACT OF 1984"

SECTION 2—DEFINITIONS

This section sets forth definitions of key terms for the Act. The term "local government", of course, is central to the legislation. Local government is defined as "any general or specific purpose political subdivision established in accordance with the laws of any State in which such subdivision is located." Because the protections of the bill turn on the definition of "official conduct," as described below, there appears little need to distinguish between general and special purpose units, as some other bills in this area have attempted to do.

"Official conduct of a local government" is defined as "action by a local government or its officials, employees, or agents, in the reasonable exercise of such government's legislative, regulatory, executive, administrative, or judicial powers." This broadly drawn definition is intended to include any conduct that a local government official reasonably considers to be within his official duties. It would exclude conduct that a reasonable official would not construe to be within a local government's authority. Thus, at least a general delegation of authority from a State would be required. On the other hand, the requirement of a specific delegation (as mandated by the City of Boulder) is eliminated. Moreover, mere procedural or technical defects in a local government's exercise of its authority would not negate the protection.

It is important to note that under certain circumstances, the actions of third parties can fall within the definition of "official conduct." The Supreme Court first injected the term "state action" into antitrust jurisprudence in *Parker* v. *Brown*, 317 U.S. 341 (1943). "State action" describes a category of activities engaged in by a State as sovereign that is beyond the reach of the Sherman Act. In subsequent decisions, the Supreme Court has ruled that the actions of third parties partake of the State's antitrust immunity if such conduct is pursuant to a clearly articulated and affirmatively expressed State policy and if such conduct is actively supervised by the State. *See e.g., California Retail Liquor Dealers Ass'n* v. *Midcal Aluminum, Inc.*, 445 U.S. 97 (1980). Thus, for purposes of the State action doctrine, antitrust protection applies to both public and private entities properly acting on behalf of a State. It is the State's involvement in an activity—and not the nature or identity of the party claiming to act on behalf of the State—that is determinative. Similarly, in the municipal antitrust context, it is the local government's involvement in an activity through the reasonable exercise of its powers, i.e., "official conduct," that is determinative of antitrust protection for either public or private parties. The definition of "official conduct," phrased in terms of "action by a local government," is thus crafted to incorporate, by analogy, the interpretive case law with respect to third party participation in "state action."

SECTION 3—LIMITATION ON RECOVERY

Section 3 works no substantive changes in the antitrust law. Instead, it provides local governments with immediate and certain remedial relief. It eliminates monetary damages against municipalities by restricting private parties to injunctive relief when challenging the "official conduct" of local governments, their officials and agents. Because the relief granted in Section 3 is tied to the "official conduct" of local governments, third parties involved in official conduct would also receive the benefit of the protection. Existing private remedies remain in place for antitrust plaintiffs injured by economic actions falling outside the official conduct of a local government.

Under Section 3, if the official conduct of a local government is challenged by a private party, the only relief available for an injured plaintiff would be an injunctive action brought under section 16 of the Clayton Act. As Section 16 makes clear, injunctive relief under the antitrust laws is treated by the Federal courts in exactly in the same manner as any other injunction suit brought under the courts' equitable jurisdiction. Thus, in accordance with Federal Rules of Civil Procedure, an antitrust plaintiff seeking a preliminary injunction against a party would have to meet the rather substantial burden of showing: (1) immediate or irreparable harm, and (2) probable success on the merits. Moreover, should a court find that the plaintiff has successfully met this burden and that a preliminary injunction should issue, the plaintiff would then have to post bond "for payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained." Federal Rule 65(C).

Thus, while Section 3 does not create a new substantive test, it does impose a substantial burden on plaintiffs at the outset of litigation. Plaintiffs who fail to secure a preliminary injunction will have to weigh carefully the costs of proceeding with the suit for a final disposition on the merits. This is particularly so since the bill also would grant a local government attorney's fees if it prevails in the antitrust action. *See* section 4. Taken together, the remedial aspects of this type of proposal should work to deter frivolous suits and to readjust the litigation advantages and disadvantages more equitably for local government defendants.

The remedy approach in this bill is somewhat similar to that taken by the Senate Judiciary Committee in reporting out S. 1578, but offers broader coverage by protecting all "official conduct" whether or not such conduct is in competition with private parties in a particular market. Although the presence of private parties in the marketplace is certainly an important factor to be considered in a competitive analysis, it should not by itself be determinative of whether the official conduct of a local government should receive the protection of this legislation.

In addition, there may be certain advantages to a remedy approach over a substantive approach in relieving some of the apprehensions and uncertainties of local governments at this time. Short of absolute immunity, a substantive standard that protects some but not all of a local government's activities based on a test of reasonableness could generate litigation with varying and uncertain application by the courts. At the very least, a remedy approach offers a measure of relief with certainty.

Finally, remedial relief may be the appropriate legislative response at this time when the Supreme Court is reconsidering the application of the state action doctrine to municipalities. On June 11, 1984, the Court granted certiorari for next term in two cases that may address some of the conceptual difficulties of the state action immunity as it relates to local governments. *See Town of Hallie* v. *City of Eau Claire* No. 82-1832, *cert. granted* June 11, 1984; and *Southern Motor Carriers Rate Conference, Inc.* v. *United States*, No. 82-1922, *cert. granted*, June 11, 1984.

SECTION 4—ATTORNEY'S FEES

This section provides for an award of costs and a reasonable attorney's fee to the substantially prevailing party in any claim arising out of official conduct of a local government. Thus, depending on the outcome of the litigation, attorney's fees can be awarded to or assessed against a local government, or any other party to litigation involving such a claim.

The wording of this provision tracks a similar provision in the Joint Research and Development Act of 1984 (H.R. 5041) as passed by the House of Representatives earlier this year.●

HONORING ELISA GARCIA LOPEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. TORRES. Mr. Speaker, I would like to call to the attention of my colleagues the accomplishments of my dear friend, Elisa Garcia Lopez.

Mr. Speaker, this notable woman, slight of stature but a giant among men and women has greatly contributed to a better understanding between the young and old, between the community and its leaders, between nations.

Elisa, along with her family, migrated to Los Angeles from Mexico at the age of 5 months. She is fluent in English, Spanish, Italian, and Nahuatl, the language of the Aztecs. She also has studied Latin and Greek.

Elisa is recognized by her peers as a quintessential student of languages and exemplar author of short essays as well as poems. She has spent her life studying the Spanish language and its culture. In 1979 Elisa sponsored a literary contest in which entrants eulogized the life of Sor Juana Ines de la Cruz, a 17th century Mexican nun. Out of this literary contest, grew the Sociedad Literaria Educativa de Los Angeles—Educational Literary Society of Los Angeles. Since the first contest, the Sociedad has sponsored an annual literary contest in Spanish. This contest encourages student, amateur, and professional writers to improve their writing skills by contributing essays and poems on Hispanic culture.

Elisa has long been the voice of information to the Hispanic community of southern California. Her news, views, and commentaries on events in the community are well known through her broadcasting efforts over KTYM radio. Not content with reaching all audiences by airwaves, Elisa is a noted bilingual teacher at the Braille Institute for the Blind. Her efforts with war veterans as a Red Cross volunteer are laudable and has won her recognition many times over.

The city of Los Angeles is indeed honored to count with Elisa Lopez as one of its finest citizens. Both former Mayor Sam Yorty and Mayor Tom Bradley have honored her with meritorious resolutions. She has been the intellectual linkage between the nations of the Americas receiving the highest honors of the Organizations of American States [OAS] for her promotion of goals for peace and brotherhood.

Mr. Speaker, I ask my colleagues to join me in honoring Elisa Lopez for her contributions not only to the ideals of our Nation but the international community as well.●

JUDY PUCCINI—CONGRESSIONAL PUBLIC SERVICE AWARD WINNER FOR SAN BRUNO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. LANTOS. Mr. Speaker, there can be no nobler gift than service. This year, in commemorating the Year of the Volunteer, I have initiated the Congressional Public Service Program. The purpose of this program is to recognize all volunteers through selecting one individual annually in each community in my Congressional District who has made an important volunteer public service contribution.

I am delighted today to inform the House of Representatives that the Congressional Public Service Advisory Committee of San Bruno has named Judy Puccini to receive the award for their community. I heartily concur in that choice.

Judy Puccini has found time to make her important volunteer service contribution in addition to family responsibilities. She gets high marks as a wife from her husband Frank, and she is a first class mother to two teenage children—Stephen, 17 and Beth, 16, both students at Capuchino High School.

Judy has devoted herself to working with young people, first as the president of the PTA of the John Muir Elementary School and also as a volunteer teacher of the Decide Curriculum, a successful drug and alcohol education program. She has served as PTA Health Commissioner for San Mateo County.

At Capuchino High School, she has been president of the CAP People, School Improvement Chairman, and a member of the board of directors of Parents Who Care—a drug and alcohol abuse program.

Mr. Speaker, Judy Puccini has shown her willingness to give of herself through volunteering her time to assist others and taking the lead in important programs to benefit our young people. I congratulate Judy and commend the San Bruno Congressional Public Service Advisory Committee for its excellent choice.●

TRIBUTE TO CINDY NOBLE AND VIC CLEARY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. McEWEN. Mr. Speaker, I would like to take this opportunity to share with my colleagues the achievements of two remarkable young people from Ohio, Miss Cindy Noble and Mr. Vic Cleary.

Cindy Noble was selected to represent the United States on the 1984 Olympic basketball team. She also made the team in 1980. She is the daughter of Mr. and Mrs. James Noble of Clarksburg.

Cindy's parents can be justifiably proud of her accomplishment. It takes a great deal of discipline, determination and hard work to be a successful athlete. The personal striving and ability needed to achieve the status of Olympic athlete is even more noteworthy.

The Olympics give us reason to look to the future with optimism and hope because the Olympic spirit carries beyond the field of competition. On behalf of the residents of southern Ohio, I wish Miss Noble and the women's basketball team the best of luck in Los Angeles.

I also want to take this opportunity to congratulate Vic Cleary, a Ross County Junior High student who placed second in the Ohio National History Days Competition. This qualified him for the nationals at the University of Maryland. He is the son of Mr. and Mrs. Nicholas Cleary of Clarksburg.

Both of these talented young people deserve our respect and admiration for their dedication and hard work. They represent the best of our Nation's youth and I extend to them my hearty congratulations and best wishes for their future.●

IN TRIBUTE TO SGT. JEFFREY D. YOUNG

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. FLORIO. Mr. Speaker, I would like to call your attention to the courage of a brave young man from my district, Sgt. Jeffrey D. Young, USMC, who sacrificed his life for his country while serving in Lebanon.

Last October, when a terrorist attack on our barracks in Beirut reaped the lives of 262 marines, Sergeant Young was among those killed. Sergeant Young, who hailed from Moorestown, NJ, lost his life defending the peace, freedom, and democracy our Nation cherishes. While he was with the Marine Corps, Jeffrey held the rank of Marine lance corporal. However, because of his important accomplishments and valuable contributions to the Marine Corps and to our Nation, Jeffrey was posthumously promoted to the rank of sergeant. Since in all of the initial reports of his death, Jeffrey was listed as a lance corporal, I wanted to bring the attention of my colleagues to Jeffrey's pro-

motion and to offer my praise for the courage and bravery Sergeant Young exhibited while serving his country.

Although we mourn the tragic loss of Sergeant Young and the other 261 marines that died in Beirut, their memories should serve as a source of pride and honor to their parents and to all Americans.

Mr. Speaker, I am sure my colleagues will join me in paying this tribute to Sgt. Jeffrey D. Young and expressing my deepest sorrow and regret to his family and his many friends.●

THE DEATH PENALTY 12 YEARS AFTER FURMAN AGAINST GEORGIA

HON. JOHN CONYERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. CONYERS. Mr. Speaker, today marks the 12th anniversary of the U.S. Supreme Court landmark decision in the case of Furman against Georgia, whereby the Justices of the Nation's highest court struck down every death penalty law in the United States.

The basis of that ruling was that the death penalty was being applied in an arbitrary, capricious, and racially discriminatory fashion.

In theory, the capital sentencing standards articulated after Furman were to have ushered in a new era of fairness. It was thought that new legal guidelines and jury instructions would solve the problem of arbitrariness and racial discrimination in the application of the death penalty. Today, these safeguards have lost their meaning.

Studies show that a defendant is from 5 to 10 times more likely to be sentenced to death for killing a white victim than a black victim. Our Nation's death row is almost 50 percent nonwhite and is overwhelmingly poor.

There are now over 1,350 men and women under the sentence of death in this country, 20 people have been executed since the Furman decision, 13 in the past 9 months alone. With the specter before us of a dramatically accelerated rate of executions, we cannot continue to tolerate a capital punishment system that continues to be subject to charges of racial and economic unfairness. During the past 12 years many new organizations and individuals have become sensitized to the basic unfairness of the death penalty. Responsible policy dictates that these issues be closely scrutinized. It is never too late to choose a wiser and fairer course.●

THE 50TH ANNIVERSARY OF THE FEDERAL CREDIT UNION ACT

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. MACK. Mr. Speaker, this week is a very important week for our Nation's Federal credit unions. It was 50 years ago that President Roosevelt signed into law the Federal Credit Union Act. This legislation gave rise to the development of financial cooperatives chartered by the Federal Government with the specific statutory purpose of "promoting thrift among its members and creating a source of credit for provident or productive purposes."

Representative Wright Patman—Democrat of Texas—father of our colleague Representative BILL PATMAN—Democrat of Texas—and my grandfather, Senator Morris Sheppard—Democrat of Texas—played essential roles in securing passage of the Federal Credit Union Act on the final day of the 73d Congress.

With the permission of my colleagues, I would ask that an excerpt from the biography of my grandfather, Senator Morris Sheppard, be inserted in the RECORD at this point:

In line with his long-time advocacy of the promotion of the economic independence of the individual citizen, Sheppard during this term took an active part in supporting the credit union movement. In a statement of his record prepared for use in his 1936 campaign, Sheppard described the functioning and general effect of these organizations as follows:

"Through self-sustaining cooperative methods, members of these unions become systematic savers and can obtain loans in comparatively small amounts from a fund established by their own contributions for necessary and provident purposes, at low rates of interest, the general use of the credit union by the American people will mean an increased purchasing power of two or three billion dollars a year through relief from the enormous interest rates charged for small loans by loanshark organizations."

In 1934, Sheppard wrote and obtained passage of the Federal Credit Union Act, which enabled credit unions to organize under Federal law, and which Sheppard described as "a heavy blow at the private loan shark system, which diverts from normal channels of trade billions of dollars through exorbitant interest charges running as high as forty-two percent and even higher." As Sheppard pointed out, this Act was the only New Deal legislation to originate on Capitol Hill during that Congressional session.

The passage of this bill was followed by the organization of numerous federal credit unions throughout the country. The first such organization to be chartered under the new Act was the "Morris Sheppard Federal Credit Union", founded on October 1, 1934, by city and county employees in Texarkana, Texas. By 1936, over 1,400 such institutions had been founded and their combined funds amounted to more than a million dollars. Sheppard's additional activities in support of these institutions have been described (in a document prepared by his office) as follows:

"When the Credit Unions were threatened with eviction from Federal buildings, Senator Sheppard introduced and actively supported legislation permitting them to maintain quarters in Federal buildings and appealed to the President, the Comptroller General and the Post Office Department for an extension of time to enable necessary legislation to be passed, keeping in immediate touch with the situation until necessary legislation was enacted which removed dangers of this kind in the future. He was also the author of a consolidated Credit Union Act providing for a number of needed Amendments to the original Act, including inter-lending between Credit Unions, the right to invest money in Federal Savings and Loan Associations and research and publications of studies concerning Credit Union needs and possibilities."

Sheppard's Credit Union Act received favorable comment in the press. For example, an editorial in the St. Louis Post Dispatch for June 14, 1934, entitled "The Small Borrower Gets a Break," remarked of this measure "The New Deal has indeed done something for the little fellow." The Dallas News of May 14, 1934, had this to say:

"Senator Sheppard's sponsorship of the Federal credit union bill may serve in the long run to perpetuate the memory of his public service longer than will his advocacy and unyielding defenses of prohibition. For the uniform success of the small groups aided by Edward Filene has established this type of credit source available to the small wage earner and the Federal assistance offered will widen the scope of this service.

"The News has argued for the small loan system recommended by the Russell Sage Foundation and believes that its legalization by the State is of benefit to earners in low brackets. But the Credit Union is a much better device, subject to the drawback that, as a group enterprise, it is open only to group members. If credit unions are widely established and the State permits banks to go into the small loan business on the Sage Foundation plan, the real usurer cannot long exist."

My grandfather's memory and his commitment to credit unions has been perpetuated. The first Federal credit union chartered under the 1934 act was the Morris Sheppard Federal Credit Union. The active involvement of the extended Sheppard family in promoting the interests of our Nation's Federal credit unions continues today in the person of E.Y. "Ted" Holt. My cousin Ted is carrying on the Sheppard family legacy in his capacity as Deputy Executive Vice President/Finance of the National Association of Federal Credit Unions [NAFCU].

It is a great honor to be part of this legacy and see it endure, not only through Ted Holt's involvement, but through the many thousands of Federal credit unions throughout the United States today whose contribution we salute this week.●

EMIGRATION POLICY OF THE SOVIET UNION

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. WORTLEY. Mr. Speaker, I am participating in the 1984 Congressional Call to Conscience Vigil for Soviet Jews because of the importance of the plight of Soviet Jews. We must continue to stress to the Soviet leadership that its treatment of its Jewish citizens violates their human rights and international law. We must also work to maintain international pressure on the Soviet leadership to change its policies.

In particular, I would like to address the emigration policies of the Soviet Union and the way in which these policies are used against Jews. First, however, I want to emphasize that the right to emigrate is well established in international law. The Soviet Union is itself party to treaties and agreements guaranteeing this right, and yet it continually denies or delays this right to its citizens.

The case of the Taratuta family illustrates of official methods of harassment of those seeking to emigrate. The Taratutas are a Soviet Jewish family consisting of Abe Taratuta, his wife Ida, and their son Misha. They first applied for a visa in May 1973. Three months later they were notified that their application had been refused because Ida was subject to a "secret classification." This is a common excuse for refusing visas, and in this case it clearly had no foundation. Ida worked as a translator of English and American scientific articles, but at no time did she translate any classified articles, and all of the work she translated was freely available in libraries. In addition, she left her work before applying for a visa for fear her job might jeopardize her and her family's chances of being granted a visa. Obviously, her fear was well founded, but unfortunately, her preventive action did not pay off.

Aba had also taken the precaution of resigning from his job before applying for a visa. A graduate of Leningrad University in mathematics-radio astronomy, he had worked as a mathematician in a government office. In June 1976, Aba was told that he would not receive a visa for at least 10 years. He was later called to the visa office and told that he and his family had no hope for obtaining visas for at least 10 years because he had been engaged in "secret" work.

In January 1978, Aba was told by the KGB that he had been violating Soviet law for several years. The KGB warned him not to talk to foreigners and instructed him to sign a document relating to the warning which had been issued under an unpublished law providing for warnings for "anti-social behaviour that may result in leakage of information." Aba refused to sign since he had left his job as a mathematician several years before, and even while thus employed had had no dealings with classified material. He was threatened with prosecution.

Misha applied for a visa separately from his parents in November 1978, but without result. In August 1979, he was failed in his physics exam for entrance to the Institute of Mineralogy; he received his results much later than the rest of the students and an hour too late to appeal the examiners' decision. He now faces the possibility of being conscripted into the army after which he could be refused a visa for 10 or more years.

In the beginning of 1980, Ida was forbidden to use the public library because of a new rule which states that unemployed persons may not use libraries. In April 1980, the KGB searched the Taratutas' apartment, confiscated their books, pens and pencils, typewriter, and addresses of friends in the West, and interrogated Aba.

Aba and Ida currently work at a salary of less than half of their former salaries. Aba is a lift maintenance operator, and Ida teaches English at home. They continue to wait for their visas to be approved.

This is the type of harassment and delaying tactics habitually used by Soviet officials to discourage and prevent emigration. It is a clear violation of international law and must be ended.●

SOVIETS RAILROAD REFUSENIK ZUNSHINE TO LABOR CAMP

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. PORTER. Mr. Speaker, for several months I have been actively following the plight of Zachar and Tatyana Zunshine. On March 15, 1984, I had the opportunity to speak with Tatyana Zunshine on the telephone from my Washington office. During our telephone conversation Tatyana described to me the persecution she and her husband had suffered as a result of applying for emigration visas.

In early March Zachar Zunshine was arrested following his attempt to appeal a government decision to refuse him and his wife permission to emigrate. Out of concern over his arrest, over 100 House Members joined me in writing Secretary General Chernenko to express our views on the treatment Zachar and Tatyana Zunshine had been subjected to.

Following his arrest Mr. Zunshine was charged with spreading anti-Soviet slander. Since his arrest a widespread effort mounted to protest his unjust arrest. However, I am sorry to have to report today that Zachar Zunshine was sentenced to 3 years in a labor camp as punishment for his so-called criminal acts.

In the free world, we know that Zachar Zunshine is not a criminal. He and his wife are guilty only of having expressed a desire to live in Israel.

And the Soviet authorities know that Zachar Zunshine is not really a criminal. They resorted to a mock trial with no semblence of justice in their attempt to prove Zachar's guilt. A week ago the authorities agreed to allow Tatyana to serve as counsel to her husband during his trial. Yesterday, they reversed their decision and denied her permission to represent her husband. At the trial, the authorities refused to allow the defense to present witnesses. Following this unbalanced trial, it comes as no surprise that Zachar was found guilty. In protest against his unfair trial and unjust sentence, Zachar Zunshine has announced his plan to begin a hunger strike.

Mr. Speaker, I know that my concern over the treatment of Zachar Zunshine and other Soviet refuseniks is shared by many Members of the Congress, by our constituents, and others living in the free world. I urge my colleagues to raise their voices in protest against the treatment of Zachar Zunshine. We must continue to call attention to the abuses of the Soviet Union and their continued harassment of Soviet Jews and other minorities who are denied their fundamental freedoms.●

CONRAIL READY FOR PRIVATE SECTOR

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. FLORIO. Mr. Speaker, I would like to alert the Members of the House who are concerned about our transportation system that we are approaching an important decision in the history of rail transportation in this country. Particularly Members in the Northeast and Midwest should be aware that work will soon begin on a decision which will have an important effect on the economic life of the region.

The Department of Transportation has solicited bids for the sale of the Government interest in Conrail. It appears that the administration will soon reach a decision about how it will recommend to the Congress that Conrail be sold.

As some of the Members may be aware, I have expressed concern about decisions made by the Department of Transportation and I have expressed some skepticism about offers that have been made. I believe it is critically important that the billions of dollars that the House has approved since 1970 to ensure a sound rail transportation system in the Northeast and Midwest not be wasted.

Along with the many other Members who have worked so hard on rail issues, and particularly on preseving a sound rail system to serve the economy of the Northeast and Midwest, I believe Conrail should be turned over to the private sector. In 1981, the Northeast Rail Service Act (NERSA) was put together to give Conrail the opportunity to become profitable and to set in motion a process to turn it over to the private sector. Fortunately that act has worked well, with Conrail earning over $300 million last year and expected to earn over $500 million this year.

The goal of turning Conrail over to the private sector remains a good one. I am sure that all who worked on NERSA are pleased that we now find ourselves in a position to examine how we return railroading in the Northeast and Midwest to private hands.

The process is not without dangers, however. NERSA states that any sale should ensure continued rail service and maximize the return to the Federal Government, objectives which are as important today as they were when NERSA was passed. The Federal investment of over $7 billion, and the sacrifices made by all the parties, including the employees, the shippers, the States, and other carriers, require that we move with caution so as not to sacrifice the gains we have made.

At the same time, there is no reason to delay action if we have an offer which meets the objectives. Conrail, its employees and management have demonstrated that they can compete, and compete effectively, with others, and that they can earn enough money to survive without Government assistance. Conrail is ready to join the private sector.

I look forward to working to carry out the goals set forth by the House in NERSA in 1981. I am hopeful that one of the bids which will be made for Conrail will meet the needs of rail service in the Northeast and Midwest and provide an adequate return to the Government on its interest in Conrail.

As the chairman of the subcommittee with jurisdiction over this issue, I am eager to work with the Members of the House to see to it that we have a good sale of Conrail as soon as we can, a sale that will meet the goals set by the House.

For the information of the Members, the article that follows provides some background on the status of the Department's attempts to recommend a buyer to the Congress.

The following material was submitted for the RECORD:

[From the Traffic World, July 2, 1984]

ALLEGHANY'S OFFER FOR CONRAIL SEEMS TO BE ON WINNING COURSE AT DOT

DOT/GOLDMAN, SACHS ACCEPTANCE OF ALLEGHANY'S OFFER FOR CONRAIL AS 'FAIR COMPENSATION' SET PRICE PARAMETERS WHILE HASTE DILUTED CARRIER'S VALUE—LABOR FACING TOUGH CHOICES, COULD BLOCK SALE

(By Don Byrne)

Under the Department of Transportation's current structuring of the sale of Conrail the Alleghany Corp. has to be the clear "winner" and, either by intent or happenstance, that apparently was meant to be the result from the outset.

For weeks before its April 10 bid was made public, Alleghany, the DOT and Goldman, Sachs & Co., DOT's adviser on the sale, were in secret negotiations. Alleghany made it clear in its announcement that (a) it would go no higher than the $1 billion price tag it put on its bid and (b) the deal had to be consummated fast.

Eight days after the Alleghany bid, the DOT produced a letter from Goldman, Sachs saying the Alleghany offer was ". . . within the fair range of compensation to the government . . ." and set a June 18 cutoff on bids.

The DOT/Goldman, Sachs finding on Alleghany's offer set the pattern on what price would be paid for Conrail because if DOT/Goldman, Sachs had determined $1 billion to be fair, why should any bidder go much higher?

The Alleghany offer also set some pretty good terms for labor's support and labor's support was necessary if the sale proposal was to be approved in time to meet Alleghany's deadline. Thus, Alleghany's offer, and its acceptance as fair by the DOT, put labor in a commanding position that is otherwise would not have had. It is possible for labor to block a sale this year simply by saying it doesn't like the offer. It might not be possible for labor to do so a couple of years down the road.

The only other offer that labor likes at all is one from a string of investors headed by hotel magnate J. Willard Marriott, Jr. Most observers feel that the Marriott offer was not made to stand alone, that it was in fact crafted to include labor but that final agreement could not be worked out between the parties.

DOT has publicly stated that there is no great haste to sell Conrail, but the fact of the matter is DOT is pushing Goldman, Sachs to get its "analysis" finished within the week. DOT cannot possibly succeed in getting enabling legislation through this Congress unless it has a consensus which includes labor and shippers as well as Congress. Labor has already given tentative support to the Alleghany offer and Alleghany says it is lining up extensive shipper support.

Alleghany is laboring mightily in the halls of Congress and in the media around the country to advance its proposition. To smooth the path it has retained the public relations firm of Hill & Knowlton and has added, as supporters, former Deputy Transportation Secretary John Barnum and attorney Thomas Allison, who was a key staff figure on the Senate Commerce, Science and Transportation Committee when Conrail was created. Former Transportation Secretary Drew Lewis also has added his support to the Alleghany bid through contract with key congressmen.

DOT concedes that legislation will be necessary to accomplish the sale of Conrail and one of the key congressmen who must handle that legislation Representative James J. Florio (D-N.J.), has indicated he is less than enamored of the prospect of an Alleghany takeover of Conrail. Senator John Heinz (R-Pa.) has also expressed reservations about Alleghany's role in past New York Central-Pennsylvania Rail Road happenings. There is some thinking that DOT may attempt to go around the committees that should handle the Conrail sale and have the enabling legislation attached as a rider to some key money bill. This would not seem to be a likely solution to the problem.

Of the other bidders, it would simply not be possible to sell Conrail to any of the rail companies that bid without extensive negotiations with both labor and other competing or connecting railroads. Most of the remainder of the bids are from syndicates. Investment syndicates are not put together to run railroads; they are put together to make money through subsequent sale of the stock or property of the acquired company or because of tax reasons. There are also some bids from persons as yet unidentified by the DOT.

The question that occurs to most observers, including some of the congressmen important to the procedure, is, why the rush?

By indicating its desire for speed, the DOT has lowered the potential price of the railroad, aside from its dealings with Alleghany, because a distressed sale is not a good deal for the seller. In addition, Conrail at this point has only two years of profitable operations and those profits are subject to a great deal of scrutiny.

Last year Conrail turned a $313 million profit but that included $120 million of wage deferrals and $25 million, approximately, in unpaid local taxes. If, indeed, Conrail is right, and the decade-long traffic decline in the northeast has bottomed out, would it not be wise to wait a couple of years to pile up some profits and a good track record, thus raising the price?

On the other side of that coin, if the CSX Corp. and the Norfolk Southern Corp. are right in their thinking that the northeast is only big enough for two railroads and traffic volume continues to sink, would DOT not be better advised to wait and see what pattern takes place before selling off Conrail? DOT does not want Conrail back. But if traffic does continue to decline and the northeast is once again faced with a loss of rail service due to the financial failure of Conrail, are the DOT and Congress prepared to once again step in and take it over?—and to re-buy Conrail?

Labor also would seem to have to make a choice at this point: Does it go ahead and participate with its 12 percent wage holddown in place, or does it not participate and see what Conrail offers in wage negotiations? The 39-month agreement whereby the unions gave up 12 percent runs out this month.

Labor can also retain the 15 percent of the company it owns through the ESOP plan (that was not connected to the wage downhold, it was created by Congress as part of a 1978 funding act), get its wages restored and be in a position to block any sale. Labor could also get involved with Alleghany and receive more stock ownership through further wage concessions and then be in a position of sufficient stockholder clout to influ-

ence any subsequent sale of Conrail by Alleghany.

When Congress does get its hands on the DOT-recommended offer two persons will have a great deal of influence on what Congress ultimately decides. The two men in question are L. Stanley Crane, Conrail's chairman, and Stephen Berger, the chairman of the U.S. Railway Association. Both men have more or less kept the peace on the various offers but prior statements by both Mr. Crane and Mr. Berger indicate they do not favor a bid from a competing railroad or perhaps even from Alleghany because they consider the offer leveraged.

The one voice that hasn't been heard is that of the public, which right now, through Congress, has some $7.56 billion of its tax dollars invested in the railroad. Conrail's physical plant and rolling stock is worth $4.399 billion. In addition, it has current assets, including $675 million in cash, of $1.7 billion, for a total net worth of $5.7 billion. It also stands to make about $400 million this year in net profits, has depreciable assets of about $3 billion and will be practically debt-free after transfer. Is this corporation worth "only" $1 billion?

Something to be sold is worth only what the market will pay for it. But did the DOT give the marketplace a chance to work in its haste to unload Conrail for political or ideological reasons? It would seem not.●

LEHRMAN'S ECONOMIC STRATEGY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. COURTER. Mr. Speaker, I commend to my colleagues' attention the following article by Lewis E. Lehrman. Mr. Lehrman's article marshals the facts of economic history and current economic conditions, both domestic and international, to support the idea of reestablishing a sound dollar based on a gold standard.

Mr. Lehrman's article has the distinction of presenting an integrated approach to all our economic problems. He is interested in more than the pernicious effects of the Federal Reserve's erratic monetary policy—he presents some fiscal policy proposals and an interim monetary policy which should be implemented before a gold standard is put in place.

Given the integrated state of the world economy and the dollar's role as the international reserve currency, Mr. Lehrman's prescription should be seen as a thoughtful and constructive program to restore the economic health of the industrialized countries and the developing world. It is my hope that it will receive serious attention in Congress and in the administration.

The article follows:

[From the Wall Steet Journal, June 29, 1984]

GOLDEN ANTIDOTE TO HIGH INTEREST

(By Lewis E. Lehrman)

The threat of inflation and punitive interest rates is the transcendent economic issue of our times. This financial disorder is to our generation what depression and the tragedy of unemployed were to our parents and grandparents. Searching the 200-year history of the Industrial Revolution to find a *full decade* of average interest rates as high as those during the period of 1974 to 1984, it is necessary to go back to the French Revolution and the total financial collapse of France in the years 1789 to 1799. The modern history of interest rates shows that in periods such as ours there has been only one way to return to relatively low, long-term interest rates, and that is by a monetary order based on a gold-backed currency.

For example, the period of the American Revolution was a time of paper-money hyperinflation, immense budget deficits and high interest rates (for example, 26% to 40% on long-term government bonds in 1787). As a result of this experience, the founders in 1789 established the new constitutional republic upon the bedrock of a currency and credit reform—largely the initiative of Alexander Hamilton. Through the Coinage Act of 1792 he influenced the public debt and established a convertible dollar, based on a gold-and-silver standard. As a result, low fixed interest rates of 6½% to 7½% for long-term government bonds became commonplace. After the monetary reform, between 1792 and 1801, budget deficits were actually exceeded by budget surpluses. A decade of economic boom without inflation followed domestic monetary reform.

RESTORATION OF GOLD FRANC

By means of a very similar monetary reform—restoration of the gold franc—Napoleon ended the French revolutionary period of inflation, floating exchange rates and high interest rates (average yields of 34% in 1799 on government bonds). These high interest rates, like our own, had been brought about by government-manipulated "assignats," the inconvertible paper-money issues of the French revolutionary government. The return to gold convertibility brought down interest rates to 6% (or lower) on government bonds from 1806—with a few years' exceptions—until World War I.

As recently as 1959, after two decades of a flexible franc and comparatively high interest rates, French President Charles DeGaulle and Prof. Jacques Rueff reformed the domestic monetary system and launched the Fifth Republic on a decade of economic growth exceeding even Germany's growth. The Rueff reforms restored a franc covertible to gold, ended France's inflation, lowered interest rates, led to a balanced budget and linked the gold franc to the Bretton Woods system of fixed exchange rates.

A century and a half earlier in Britain, the 1819-1821 restoration of the gold standard had ended an era of comparatively high interest rates, floating exchange rates and parliamentary paper-money experiments. These experiments also had begun during the Anglo-Napoleonic wars—a 24-year financial nightmare (1795-1819) of alternating wartime inflation and peacetime austerity and deflation. For example, British long-term government bonds yielded 3% to 4.5% from 1735 to 1785. From 1795, when pound convertibility was suspended, yields almost doubled, peaking at nearly 7% in 1798. But in expectation of the return to gold convertibility of the paper pound in 1819, yields declined almost 50%, and continued thereafter. The capital markets of London revived, undergirded by sterling convertibility to gold, and offered interest rates of 2% to 4% for British government bonds for almost a century.

In 1879, the U.S. officially ended a 17-year epoch of inconvertibility and financial disorder. The Civil War and Reconstruction period, with its paper money ("greenbacks") and floating exchange rates, was also marked by comparatively high interest rates. For example, the average yield on long-term government bonds during the 1850s was 4.33%. In the first year after the suspension of dollar convertibility in 1861-62, yields ran about 50% higher, to average about 6.5%. Peak rates also occurred in 1861-1862—6.75% as measured in greenback yields, higher if measured in gold prices.

During Reconstruction, in expectation of the return of gold convertibility in 1879, market yields on long-term government bonds declined to 3.75%, a 40% decline from the peak in 1861-1862. During the decade after dollar convertibility was restored (1879-1889), average yields declined radically to 2.13% in 1889, averaging 2.71% for the entire decade. The U.S. monetary reform of 1879 had reestablished a necessary condition of low interest rates—the gold dollar—and linked it to the international monetary order of the day, a general system of multinational currency convertibility and free trade, upheld at the center by the convertible, gold-backed British pound.

Why do free convertible currencies and an international monetary order, based on the gold standard, produce such positive financial effects? Because only a fixed value for any unit of measurement can bestow reliability and trust on the chosen standard. Faith in a just and listing value for an objective standard of economic measurement and exchange, namely money, is crucial for commerce. Confidence in the fixed value of the monetary standard, the measuring rod of economic value, is similar to our enduring trust in the fixed value for the principal measure of length, the yardstick—always 36 inches. Who would arbitrarily depreciate the value of the yardstick to 30 inches tomorrow or gradually augment its value to 40 inches one year from now?

That is precisely the aribitrary power we give today to the Federal Reserve—to depreciate and appreciate the value of the monetary yardstick, the dollar. That's because there is no longer any legal requirement to maintain the value of the monetary standard—that is, a stable dollar, a convertible currency. And because of universal floating exchange rates, the Fed is in fact free, through open-market operations, to increase or decrease the supply of credit and money without limit. The financial markets are fully aware of this fact, reminded as they are by the open-market operations of the New York Fed at 11:45 a.m. almost every day. Indeed, total Federal Reserve financial-market purchases and sales of government securities have reached $2 trillion in a single year. Imagine the destabilizing effect of $2 trillion of government purchases and sales in the market for any other product.

By means of open-market operations, the Fed creates and destroys bank money without creating or removing new goods and services during the same market period. Thus, on the one hand, too expansive open-

market purchases of government securities by the Fed cause demand to exceed supply at prevailing prices and inflation gets under way, as happened between 1977 and 1980. Or, on the other hand, open-market sales of government securities by the Fed often reduce credit too abruptly and cause demand to fall short of supply, and a drift toward deflation gets under way. This happened in the fourth quarter of 1981 and more recently in the third week of this past May when, just after the collapse of Continental Illinois, the Fed sold $4.1 billion of government securities, leading to the largest ever weekly drop in Federal Reserve credit. Uncertainty about such Fed operations has raised the risk premium in interest rates.

Only a fixed monetary standard can abolish this risk premium in long-term interest rates and renew faith in the fixed value of all future money payments on borrowings (bonds, mortgages, stocks and other long-term financial contracts). Confidence in the stable future purchasing power of a convertible dollar leads directly to a boom in the supply of savings offered for long periods at fixed, low rates. This new supply of savings will tend to lower the price of credit, i.e. interest rates. Only a real currency, legally convertible to gold at a fixed rate, can bring about these effects in the capital markets. That is why the Constitution of our country—originating as it did in 1789 after a catastrophic inflation of the previous currency of the Continental Congress ("not worth a Continental")—upholds a gold- or silver-backed currency.

In this general understanding, a comprehensive economic reform, containing the solutions to the related problems of inflation, the budget deficit, high interest rates and the hidden threat of deflation follows directly from the analysis:

(1) Reduce as rapidly and humanely as possible the federal budget deficit. But the president cannot currently control the deficit without using an indiscriminate, broad-brush veto of multibillion-dollar appropriations bills. The president needs the line-item veto he has requested and the legal forces of a constitutional amendment in order to require Congress to balance the budget annually in the future.

(2) The economic-reform program also should include a renovation of the federal tax structure—a low, simple, fair flat tax. This would create compelling incentives for more work, saving, investment, new jobs and the production of new goods, and therefore tend to balance supply-and-demand conditions in the market through economic growth, without creating disincentives by raising tax rates. In truth, an authentic demand for a balanced budget and low interest rates can only mean a demand for raising tax revenues through rapid economic growth without inflation.

NEW MONETARY PHILOSOPHY NEEDED

(3) At the same time, the Fed must abandon its failed quantitative monetary targeting. A new Federal Reserve monetary philosophy must be adopted—one that will supply, at market rates, the new money and credit currently needed by small enterprises, farms and entrepreneurs for the profitable production of new goods and services. So long as new money is borrowed at market rates to create new goods and services, there can be no inflation. If the ratio of new goods to new credit stays approximately in balance over the long term, it does not matter how much new credit and money is created.

(4) This new Fed target should be part of a domestic and international monetary reform designed to restore a gold-backed dollar.

We know that sustained economic growth and full employment require a long-term investment boom and the rebuilding of a competitive American economy. And that a long-term investment boom requires the means to finance it. To restore ample long-term bond markets at low, fixed interest rates, we must ensure the value of all future money payments to those willing to lend their savings for the long term. This means, by every careful study of history, a true and reliable monetary standard, and only a gold or silverbacked currency has been the honest money of history.

A COLLEGE OF PEACE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. McEWEN. Mr. Speaker, Wilmington College in Clinton County, OH, is different from other institutions of higher learning. At Wilmington, world peace is as high a priority as education.

During the past two decades, Wilmington College has dedicated itself to the pursuit of peace. It's latest effort is the Woolman Peace Institute, which was established in 1980 and is named in honor of John Woolman, a famous 18th century Quaker author.

This program and others reflect the school's Quaker heritage. It is because of that heritage and dedication to peace that I introduced legislation last year to place a U.S. Academy of Peace and Conflict Resolution at Wilmington College.

A recent article in the Cincinnati Enquirer describes the commitment of Wilmington College toward the study of peace and its dedication to easing world tensions.

Mr. Speaker, I would like to bring this article to the attention of my colleagues. The article follows:

ANTI-WAR ZONE: WILMINGTON COLLEGE GIVES PEACE CENTER A HOME

(By Randy McNutt)

WILMINGTON.—At Wilmington College, peace and education have been the priorities throughout the decades.

While many other colleges were building monuments of steel and glass in the last 20 years, this tiny school of 850 students was founding programs about peace, designed to reflect the school's Quaker hertige.

The latest such project is the Woolman Peace Institute. Actually, it isn't new. But when it was established in 1980, it didn't have a home base.

Now the program, which has gained popularity among students because it give them practical experience in self-reliance and cooperation, has found a home. The university has purchased 24 acres adjoining the campus for institute headquarters.

Is was named in honor of John Woolman, a well-known Quaker and author of such books as A Plea for the Poor and John Woolman's Journal, who spent most of his life in New Jersey and Pennsylvania and died in 1772 at the age of 50.

At Wilmington College, students can learn as much about peace as any other subject.

Students can also participate in the college's Peace Studies Program, a series of classes and courses designed to teach students about conciliation in this bellicose world. Students may choose from among such courses as "International Conflict," "War and Peace" and "Economic History."

College officials believe the peace studies will prepare students for careers in sensitive leadership positions, or just help them understand their responsibilities as citizens.

They can also browse through the Peace Memorial Resource Center, a house on campus where books and materials that tell of the terror of the atomic bombings of Japan in World War II have been collected.

Co-ordinator Sterling Olmsted said the Woolman Institute offers special courses and seminars such as "Woolman and Gandhi," "Philosophies of Self-Reliance" and "Management As If People Mattered." But now, he added, the institute will actually have a base to work from.

We have interested students, and now we have the land we need and we are ready to go ahead and develop it," Olmsted explained. "This is an educational project, and we want to involve students all the way through planning, building and operating the institute."

He said the wooded part of the new site will be managed by the college's biology department as a natural area. The remaining 15 acres will be developed by the institute's staff, with student participation.

Olmsted said the purpose of the Woolman Institute is to help people understand the interdependent world they live in, and to take some responsibility for it. "We're talking about learning practical skills, self-reliance and cooperation—things we need and which we are in danger of losing," he added.

A small house and barn on the property will be used as an office for the Institute and will also serve as a residence by the husband-and-wife team who will direct the development of the site.

Of the 24 acres, Olmsted said, several acres of flat land can be used as gardens and for growing fruit trees, and a hillside will be the eventual location of living quarters for a dozen students. They will work together, raise their own food and experiment with alternative technologies, he noted.

Olmsted said all of this is representative of the ideas and practices of John Woolman.

"He is probably best known for his opposition to slavery, but he was also much aware of what he called 'the connection of things,'" Olmsted said. "He saw a connection between war, slavery and injustice, and the way people lived.

"He tried to simplify his life, partly because he didn't want to be responsible for war, slavery and injustice, and partly because he wanted to be independent enough to work for what he believed in."

U.S. Rep. Bob McEwen, R-Hillsboro, would like to locate a national peace institute at Wilmington College, but this week his colleagues voted to locate such a center near Washington, D.C.●

A MUSICAL TRIBUTE TO ERIC DOLPHY

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. DIXON. Mr. Speaker, this Saturday Ms. Vi Redd and friends will present a musical tribute to the great American musician, Eric Dolphy, Jr., on the 20th anniversary of his death.

Eric Dolphy grew up in Los Angeles, playing the clarinet in school bands and orchestras throughout the city. Among his many teachers were Soccoro Pirolo, Merle Johnson and the venerable Lloyd Reese. In 1950, Eric enlisted in the Army and was sent to Tacoma, WA, where he played in the 21st Army Band and played with the Tacoma Symphony. Following his discharge he returned to Los Angeles to pursue a career as a professional musician.

His first recording session was with Roy Porter's Black California Big Band in the late forties. He played with all the greats that came to Los Angeles, from Duke Ellington to Dizzy Gillespie. Eric was always active in church music at his own People's Independent Church of Christ and also at Westminister Presbyterian Church.

Eric later joined with his old friend, Charles Mingus, and played in New York and throughout Europe. This liasion established itself as one of the driving forces behind modern music. He recorded over 60 albums as a sideman and recorded 18 of his own albums within a span of 6 years. Although Eric may have died 20 years ago, he lives on in the contributions he made to the music world.●

DAVID GUTIERREZ RECOGNIZED

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. HUNTER. Mr. Speaker, I rise today to salute a fine young athlete from San Diego, David Gutierrez. This 19-year-old welterweight boxer is a source of pride for his family, his school, and his community.

David began boxing at the age of 11, with his father, Max Gutierrez, serving as his first coach and trainer. Since then, David has perfected his skills and become a force to reckon with in amateur boxing.

His parents, Max and Alejandrina, are justly proud of their son's accomplishments in the ring. David is also a scholar, having served as Montgomery High School's student body president, while carrying an A-minus average. He will enter the University of California at San Diego this fall to continue his education.

It is, of course, boxing which is David's first love. In 1978, he fought his first amateur fight in Tijuana, Mexico, where he won by a knockout. He continued his rise to the top in 1979 by winning the San Diego district title and the California regionals. He would have gone on to the nationals, but at age 14, he was too young.

In 1980 and 1981, he again won both the San Diego and California titles and went on to win the 1981 Junior Olympics Championship. David repeated his sweep of the local and regional titles in 1982. He proceeded to the quarterfinals at the Charlotte U.S. Amateur Championship and the semifinals at the Indianapolis U.S. Amateur Championship. At this point, David was ranked the No. 4 welterweight boxer in the country.

Last year, David suffered a setback by losing the regional title for the first time. He has bounced back from defeat this year by being invited to participate in the U.S. Olympic trials in Colorado Springs. He advanced to a second round of the Olympic trials at Fort Worth, TX. There, David was defeated in the finals by the current world amateur champion, Mark Breland. During the televised final match, Howard Cosell praised David's gutsy performance and determination. He is currently the No. 3 welterweight in the United States.

David's sportsmanlike attitude and athletic excellence have caused him to be repeatedly invited to represent the United States in international competitions. He fights tonight to see if he will join the U.S. Olympic team in Los Angeles. I know my colleagues join me in wishing San Diego's champion, David Gutierrez, the best of luck.●

TAX STATUS OF SPACE ACT

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. BATEMAN. Mr. Speaker, the prospect of the commercialization of space cannot fail to excite nearly anyone who contemplates it. We are only beginning to see the benefits that will come from free enterprise making use of microgravity, vacuum, and other unique characteristics of the space environment. Already, the first steps are being taken to produce drugs in space that will treat major illness such as diabetes and cancer; and to produce crystals to make the next generation of computer chips that will ensure this country's continued leadership in the electronic data processing industry. Many other activities are planned, and there will be others we cannot even imagine at this point.

I do not believe that any Member of this body would want to stand in the way of space commercialization. However, as companies have explored the possibilities inherent in space, they have discovered a significant legal obstacle. Because the tax and tariff laws have been written without space commercialization in mind, space becomes treated in such laws as if it were a foreign country. As the law stands now, U.S. companies will be denied the benefit of provisions of the tax law such as the investment tax credit and the research and development tax credit, merely because their activities would take place in space, rather than on the ground. Under present law, products manufactured in space by U.S. firms might even be subject to import tariffs when they are returned to Earth.

To remedy this situation, I am today introducing together with the gentleman from Hawaii [Mr. AKAKA], the Tax Status of Space Act. This bill provides, very simply, that for the purposes of our tax and tariff laws, activities of U.S. companies in space, and products made there shall be treated in the same way as activities and products in the United States.

I hope that the House can expedite the passage of this bill and remove a major unintended impediment to the commercialization of space.●

INTERNATIONAL PARLIAMENTARY GROUP FOCUSES ON SOVIET HUMAN RIGHTS ABUSES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. PORTER. Mr. Speaker, the location and condition of Andre Sakharov remains unsubstantiated despite recent Soviet assurances that he is alive and well and remains in internal exile in the city of Gorky.

The Washington Post has taken editorial leadership in repeatedly devoting its lead editorial to the circumstances of Dr. Sakharov and the symbol that he represents to the world of Soviet repression of human rights.

Mr. Speaker, peoples throughout the world cannot understand why the Soviets continue to build detractors by cruelly persecuting their own people who are critical of some of their policies. If a system of government cannot tolerate criticism, it is obviously a system that ultimately will fail.

Perhaps enlightenment and an understanding of history will eventually catch up with the Soviet leadership. Until they do, pressure from change must come from outside.

One important effort to pressure for change is the newly formed International Parliamentary Group for Human Rights in the Soviet Union. It is a group of 400 parliamentarians

from 13 free-world countries, all committed to fighting human rights abuses in the Soviet Union. I urge my colleagues to join.●

FAIR TRADE IN STEEL ACT

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 1984

● Mr. DYSON. Mr. Speaker, I rise today to express my support for H.R. 5081, the Fair Trade in Steel Act of 1984.

I recently received a letter from my close friend Leonard Jed, a businessman from my home State of Maryland. Leonard expresses in a few words a strong message that my colleagues should keep in mind as we consider H.R. 5081. I wish to submit his testimony for the RECORD. Opponents to the bill would do well to heed his advice: "When a person is drowning, it is not time to talk philosophy." The American steel industry is indeed drowning in a sea of subsidized imports, and arguments about the abstract virtues of free trade do less to remedy the problems than the positive solutions found in the Fair Trade in Steel Act.

Our steelworkers are among the most industrious in the world, and our products are the highest quality available. But we cannot compete against heavily subsidized foreign manufacturers or imports dumped at below market prices. Recent studies reveal the effects of these predatory practices. As subsidized imports grow, domestic production shrinks. Last year, imports claimed nearly 23 percent of the U.S. market, and domestic steelmakers operated at less than 55 percent of capacity. Foreign governments assist our competitors with subsidies ranging from 20 percent to 40 percent, while the U.S. Government assists 200,000 unemployed American steelworkers.

H.R. 5081 would correct this by establishing quantitative limits on steel imports of 15 percent of total domestic supply. This is a reasonable quota, equaling the average import market share over the years 1979 through 1981. The quota would be in effect for the next 5 years, during which time the industry must demonstrate that it is reinvesting profits and modernizing its facilities.

Mr. Speaker, I would like to include Mr. Leonard Jed's correspondence in the RECORD for today's proceedings:

LEONARD JED CO.,
Baltimore, MD, June 26, 1984.

Congressman ROY DYSON,
38 W. Blair Avenue,
Aberdeen, MD.

DEAR CONGRESSMAN DYSON: If one is not for himself who is one for?

As you probably know I am for free trade in the world but when a person is drowning it is not time to talk philosphy.

I think our basic industry steel in the United States is drowning and unless we do something quickly we are in big trouble. I hate to think of the world with our country becoming a second rate power. With our steel manufacturing capacity that is what we will become.

There is something wrong when we Americans are taxed as heavily as we are to provide safety to the rest of the world through our military power, and then those we protect because of their lower taxes and interest rates shoot us down by shipping their steel over here to put us out of business.

I know for a fact that there is no better worker in the world than an American Industrial person.

The steel industry has invested millions of dollars to make our plants competitive, yet the amount of steel being imported continues to be a problem.

I strongly urge you to help alleviate this dilemma to use your influence with the members of the House Ways and Means Committee to bring H.R. 5081 to a vote so that the entire membership of the Congress can vote and pass this urgently needed legislation.

Best personal regards,

LEONARD JED.●

SENATE—*Monday, July 23, 1984*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"Praise God from whom all blessings flow."

God, our Father, as the Senate enters the final phase of the 98th Congress, with less than 50 working days to adjournment, manifest Thy presence throughout the Capitol. When tension polarizes between legislation and election, give discernment, wisdom, and courage to the Senators to make principled, rather than political, decisions.

We praise Thee, good Lord, for the strong leadership the Senate has enjoyed throughout the 97th and 98th Congresses. We thank Thee for the 18 years of effective, efficient, productive public service Senator BAKER has given. We celebrate his integrity—his objectivity—his patience—his fairness—his courage—his balance—and his unflappability. Grant O Lord, that these final days of his leadership will be days of significant achievement which will fulfill his desires and crown his Senate years with total satisfaction. We pray in the name of Him who finished the work He entered history to do. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, I thank the Chaplain as well. This might be a good time for me to quit. [Laughter.]

I doubt that I will ever do as well as I have at the hands of our good Chaplain in his remarks today. For all those who in the future may read the CONGRESSIONAL RECORD to see any reference to my efforts, I commend them to these words. Also, I am not sure he has convinced anybody, least of all the Lord, who sort of watches those things on His own. But I appreciate the remarks of the Chaplain.

THE NATIONAL CONVENTIONS

Mr. BAKER. Mr. President, we now have 3 weeks before the next great political uprising, which will be the Republican National Convention in Dallas.

Parenthetically, I still would like to find the man who set the Iowa caucuses in January and the Republican convention in Dallas in August. That has to rank among the worst bureaucratic decisions in the history of the American process.

In any event, we on this side of the aisle will trek to Dallas and celebrate the political verities, truths, and righteousness of the Republican cause, and hope we can do as good a job of behaving ourselves and producing a political extravaganza as our friends on the other side of the aisle did.

They may be surprised to know—but I doubt it—that I watched in rapt attention. I saw my friend the minority leader standing behind my former colleague, former Vice President Mondale, at that convention. I was reassured to know that he was there and was putting his firm hand of leadership on that group.

Seriously, Mr. President, I congratulate my friends on the Democratic side of the aisle and throughout the country for an extraordinary political event, one that was marked by unity and singleness of purpose—notwithstanding that the singleness of that purpose was to defeat all of us on the Republican side; I understand that and even appreciate that, and reciprocate that. But it was indeed a remarkable event and I think a highly successful convention from the standpoint of our Democratic colleagues who tested their duties and obligations so well in San Francisco.

Mr. President, I congratulate as well Vice President Mondale and Representative FERRARO on their nominations. I have often said, and I repeat, that there is no more important secular undertaking in which a public-spirited citizen can engage in politics and in the political endeavor than the nominations of the two great national political parties for President and Vice President of the United States.

In the months ahead, there will be substantial, sometimes even enthusiastic and fiery, disagreement between the nominees of these two great parties. But all of us who watch and occasionally stand back and attempt to view the political process in some perspective understand and realize that it is out of the heat of this political controversy that America has always tested her most important political ideas and concepts.

So there are no winners and losers in the electoral process in this country—only winners—because we sharpen our political instincts, we think about grand things for the future of this country, and we test and assay and evaluate the ideas that are pronounced by the candidates, by the platforms, and by the participants in the political process in the course of these next few important political months before the election in November.

SENATE SCHEDULE

Mr. BAKER. Mr. President, in terms of our responsibility here in the next 3 weeks, I announced before we went out for the Fourth of July break and Democratic Convention that when we returned, our principal obligation, in the view of the leadership on this side, would be to attempt to complete as much of the appropriation bills and process as was possible.

The Treasury-Postal measure is here and available, and it is the hope of the leadership on this side that we will be able to proceed to that bill immediately after the formalities of the opening of the Senate are disposed of and that we can complete action on that bill as soon as reasonably possible. I do not know how long that will take. I have not yet had an opportunity to confer with the distinguished chairman of the Appropriations Committee and others, but I anticipate that it probably will take more than just today.

After that, the other appropriations bills that are or shortly will be available, I understand, are Agriculture; District of Columbia; military construction; Transportation, when the House passes such a bill, and I hope they will do so shortly; Interior; Labor-HHS, if we receive it in time, and a general supplemental.

That is a major agenda of legislative business in the appropriations field which, by itself, could take all the time available to us before our recess for the Republican National Convention in August.

In addition to that, Mr. President, we have a vote on a motion to table the motion to reconsider the vote by which the Senate passed House Concurrent Resolution 332, which my colleagues will recall was announced before we went out. The Sakharov resolution was passed by voice vote. Many Senators indicated, however, a desire to have a rollcall vote on that matter. So I anticipate that at a time that is mutually agreeable to both sides—and I will confer with the minority leader on that point—we will schedule that vote as an early item of business.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

I hope that during these 3 weeks, in addition to the various appropriations matters and the one I have just identified, we also may do RCRA, antitrust, research and development, the Grove City bill, a banking bill, a highway bill, a products liability bill, and the debt limit.

I freely confess that I do not believe we can do all of those things. We will have to see how much time is available and which ones of these items have the greatest claim to the priority.

In addition to that, it is the intention of the leadership on this side to ask the Senate to turn to the Wilkinson nomination. That we have done previously and had a good deal of debate. It is my hope that we can get that nomination behind us during this 3-week period.

Mr. President, that is a lot. But I know Senators are interested in what we may be able to do during these 3 weeks, and I thought I would at least publish my want list.

I will give a copy of this to my friend and colleague, the distinguished minority leader, for whatever use he wishes to make of it, but I will, in addition, consult with him on how we arrange the schedule beyond just the appropriations bills during these 3 weeks.

Mr. President, I do not yet know whether there will be votes today. The first day back is not a banner day for attendance, and I once again will consult with the minority leader on that.

I am prepared to ask the Senate to vote on the House Concurrent Resolution 332 matter today if that seems desirable, but, if not, we can arrange to do it tomorrow perhaps.

Mr. President, I think I have used more than my allotted time under the standing order. If so, I ask unanimous consent that I may proceed as I have now proceeded for whatever time I have consumed and that the minority leader be given an equal amount of time so the two times are equal.

The PRESIDING OFFICER (Mr. WILSON). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the standing order, the Democratic leader is recognized.

THE SENATE MAJORITY LEADER

Mr. BYRD. Mr. President, with regard to the distinguished majority leader to whom reference was made in the prayer by the Chaplain, we are told in Scripture that a word fitly spoken is like apples of gold in pictures of silver. The words that were spoken by the Chaplain were fitly spoken.

I am sure that there would not be a single Senator on this side of the aisle who in his heart would not agree fully with the Chaplain in regard to the laudatory adjectives used by him in describing our very congenial friend, the majority leader, who is always considerate of other Senators in every respect and who is always attempting to accommodate other Senators, as well as he can do so, in spite of the strictures, the circumstances, the problems in the rules and precedents, and the need to move legislation along. I shall have more to say about this on a future day.

THE DEMOCRATIC NATIONAL CONVENTION

Mr. BYRD. Mr. President, the distinguished majority leader referred to the Convention.

I thought that the enthusiasm which was demonstrated especially on that last evening of the convention, with every participant there apparently holding a flag and waving the flag, was infectious. I was glad to see that convention end on such a note of enthusiasm. It was upbeat. And I was encouraged by that spirited ending.

I was concerned that there might be divisiveness. But the convention avoided that divisiveness, and in the end those who ran and failed to reach the goal assured the convention of their support, and I believe that the ticket of Mr. Mondale, the former Vice President of the United States, and Representative FERRARO, will appeal to, hopefully I would say, the majority of the voters this fall. I think it will contribute to a larger turnout of voters than we might otherwise see, which, I believe, will bode well for my party, but more importantly for the country. All of us, I am sure, have noted from time to time with concern, dissatisfaction, and discouragement, the consistently smaller number, percentagewise, of eligible voters in this country who have been going to the polls over the past 20 years.

I understand from my senior colleague, Mr. RANDOLPH, who keeps careful note of these things, that women voters in this country outnumber men voters, by 7 million or more.

Mr. RANDOLPH. More eligible women to vote in November than men who are eligible to vote.

Mr. BYRD. Women voters who are eligible to vote.

Mr. RANDOLPH. Mr. President, I restate what my colleague indicated, that there are between 7 and 8 million more women who have that opportunity and responsibility.

We hear often women spoken of as the minority in the country. Certainly they are not in their citizenship opportunity and responsibility.

If I might be pardoned, it carries me back. I was not at the 1984 convention, but I have attended conventions of our party at earlier times. I remember the convention of 1912 when I was there in Baltimore when we nominated Woodrow Wilson to carry our party's banner.

And just this further comment: I think that it is highly important that we understand, from all of the trappings of the convention, it is when the people look forward to the coming campaign which will be crucial and that they actually use their ballot on election day on November 6. That will be the test of both parties and the people of our country.

I am taking too long, but let us just realize that only 53.4 percent of the eligible voters of this country cast their ballots in the 1980 Presidential election, and 20 years before that in the election when John Kennedy was selected there were 63 out of every 100 who cast their ballots, those who were eligible to vote.

I think we need to pause and we need have not only the enthusiasm of this convention—and the able minority leader is correct about the spontaneity, in a word, of that final session with the American flags being carried in the convention hall—but we need to remember that in the 1984 November election the responsibility for the use of the ballot is something that is needed and necessary if America is to move forward and to be the country that we believe it is, a country of participation.

I am often so frightened, in a sense, by the fact that the 18-, 19-, and 20-year-old population of our country, having now the right and responsibility to vote, in the election that chose our present Chief Executive, President Reagan, to become the leader of our country, only 24 out of every 100 eligible to vote were at the polls on that occasion.

I thank my able minority leader and my colleague from West Virginia for permitting me to answer and to say some words that perhaps would better be used in another time.

If I may just add to the words of the Chaplain as reaffirmed by Senator BYRD, I certainly feel that in our majority leader we do have a strong and constructive leader and as the leaders work together, both of them, I think in these coming days there will be not only the opportunity but the responsibility to think in terms of the welfare of the country even more than perhaps the success of either party.

Mr. President, thank you very much.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three more minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I say again to my majority leader that I appreciate his observations with respect to the conven-

tion. He is fair, as always, and objective. And he said something else that I think ought to bear some additional comment and it was that, after all is said and done, the most important secular activity we have to deal with in this country, probably, is the business of politics, not necessarily partisan, but politics in the abstract, because, after all, government at whatever level—municipal, county, State, or national—has an impact, directly or indirectly, on practically every activity of our daily lives, whether it be taxes, interest rates, the quality of the air we breathe, the quality of the water we drink, highways, airport improvements, the bag limits of those who hunt; in all of these things, if one stops to think, there is some impact by Government at some particular level, indirectly or directly, on practically every secular activity. And it is through the two great political parties that the American people make their viewpoints known with respect to their Government. It is much like, I suppose, two great arteries that go to the heart of the body politic, that heart being Government, and those two arteries being the Republican and Democratic Parties.

So although we often find ourselves engaged in a partisan way in dealing with these matters, the importance of this political system of ours and the importance of the political process both go beyond the mere partisan aspects that we sometimes find ourselves embroiled in. They go to the everyday vital things of life for every man, woman, and child in this country.

I thank the majority leader.

While I am on my feet, would it be convenient for the majority leader if we dealt now with the bill, H.R. 5490, which is to come over for the second time today, the Senate having adjourned over for the recess? Would it be possible for us to dispose of that at this point rather than wait until the close of morning business?

Mr. BAKER. Yes, Mr. President.

CIVIL RIGHTS ACT OF 1984

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate H.R. 5490 for a second reading.

The PRESIDING OFFICER. The clerk will read for a second time H.R. 5490.

The assistant legislative clerk read as follows:

A bill (H.R. 5490) to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

Mr. BYRD. Mr. President, I object to any further consideration of this measure at this time.

The PRESIDING OFFICER. Pursuant to rule XIV, the bill will go to the calendar.

Mr. BYRD. I thank the distinguished majority leader.

Mr. BAKER. I thank the minority leader.

Mr. President, may I proceed for 30 seconds?

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I would be remiss if I did not thank the distinguished minority leader for his extraordinary remarks and the senior Senator from West Virginia, as well. I am most grateful. I will not prolong this at this time except to acknowledge my great debt of gratitude to both of them.

Mr. President, I believe now there is a time for special orders, is there not?

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

SENATOR JENNINGS RANDOLPH—A REMARKABLE SENATOR

Mr. PROXMIRE. Mr. President, I was delighted to be on the floor when the distinguished senior Senator from West Virginia, JENNINGS RANDOLPH, admitted that he had been at the 1912 Democratic Convention—1912. That is 72 years ago. And just look at this remarkable Senator. He has not changed very much, maybe not at all, since then—1912, 72 years ago.

JENNINGS, I love you. I think you are a marvelous Senator. It is great to serve with you. You have contributed a great deal to this body and every day I see you, it is an inspiration. I hope that all of us have an opportunity to live somewhere near your age. You look so young, vibrant, and energetic, full of fight and fire. I wish you could be here many more years. I know you decided to retire. We are going to miss you. But to think that you were at the convention 72 years ago and you look like a million dollars right now.

Mr. RANDOLPH. Perhaps a fewer number of dollars. Will the Senator yield for a comment?

Mr. PROXMIRE. Of course.

Mr. RANDOLPH. I thought that the matters discussed by the able leaders were very important in the participation of both men and women.

I would add, not strictly in a partisan vein, but I recall here in 1933 on this Hill those happenings in the first Franklin Delano Roosevelt administration. I was a Member of the House in that first 100 days. As we spoke of women participating in the dialog of our national life and one woman now being nominated for the Vice Presidency, I just recall that the first nomination that President Roosevelt suggested and requested was that Frances Perkins—a woman—to become the Secretary of Labor of the United States. And that was in 1933. Of course, she was a very, very aggressive and a very worthwhile Secretary of Labor.

I think it is important for us to know that that was a point at which perhaps Franklin Roosevelt, as well as others, begin to think of the contributions that women could make to the body politics. And, incidentally, Miss Perkins served all the years—all the years—that Franklin Roosevelt occupied the White House.

I thank my friend for yielding.

Mr. PROXMIRE. I thank my friend from West Virginia. Frances Perkins was a remarkably fine Secretary of Labor and very fine member of the Cabinet.

REAGAN ADMINISTRATION MOVES TO STOP NUCLEAR PROLIFERATION

Mr. PROXMIRE. Mr. President, 11 Western countries that supply nuclear technology to other countries met in Luxembourg on July 11, 12, and 13. These countries decided to strengthen controls on nuclear technology to prevent the spread of nuclear weapons.

Now, I have criticized President Reagan frequently on the floor, especially on the nuclear issue. But I must say, to the credit of President Reagan. This meeting was convened on the initiative of his administration and of the President. This meeting marks another shift by the Reagan administration away from its original view that export controls offended allies that wanted to sell nuclear technology to other nations friendly to the United States. President Reagan first spoke up on the problem of nuclear proliferation at the international economic meeting at Williamsburg 1 year ago. And it is very good to have his voice and his influence directed against nuclear proliferation and I certainly want to congratulate him on this action.

In a story in the New York Times on July 16, Leslie Gelb reports three reasons why the administration has, at last, come down on the side of an international effort to reduce the proliferation of nuclear weapons: First, Brazil and China have become nuclear technology suppliers. Second, countries that could build up nuclear arsenals have successfully evaded the proscribed list of sensitive technology by buying components, subcomponents, and dual use technology. Third, Pakistan and other countries seem to be moving toward nuclear arms capability.

Of the 15 members of the nuclear suppliers club 11—all of the Western-member countries were invited. These included Belgium, Canada, France, West Germany, Italy, Japan, the Netherlands, Sweden, Switzerland, Britain, and the United States. Australia also attended as an observer. Four other members of the suppliers club were expected to be brought into later meetings, but were excluded from the Luxembourg meeting. The countries were the Soviet Union, Czechoslovakia, East Germany, and Poland. In total the countries listed constitute the members of the so-called London Suppliers Club. It last met in September 1977. At that time it set guidelines for nuclear transfers and a list of equipment, technology, and materials that were regarded as specially sensitive.

Mr. President, this meeting designed to bring up to date a comprehensive program for reducing the dangers of the spread of nuclear weapons deserves full and enthusiastic congressional support. This U.S. Senate earlier this year showed its deep concern about nuclear proliferation by adopting an amendment to the Export Control Act that would require an affirmative vote of both the House and the Senate for any agreement between our country and any foreign country involving the transfer of nuclear technology. That amendment passed by an overwhelming 74-to-16 vote. The Export Administration Act and that amendment are pending in a conference between the House and Senate.

Mr. President, this increasing concern about the spread of nuclear weapons makes eminent good sense. If a nuclear war comes, the chances are overwhelming it will come not from a bolt from the blue, a planned, premeditated attack by one of the superpowers. The fact is that nuclear deterrence works on both superpowers to prevent such an action. If the Soviet Union should initiate such an attack on this country, no matter how grievously and terribly that attack wounded our country, the Soviet Union knows that it would suffer a retaliatory attack that would utterly destroy Russia as an organized society. A nuclear war between the superpowers would write "finis" to civilization and possibly to the human species. Exactly for this reason the odds are overwhelming that it will not take place. On the other hand, with the spread of nuclear weapons, a nuclear war could and almost certainly eventually would break out as somewhere, sometime, some nuclear armed country decided to annihilate an adversary that had few or no nuclear arms. Of course, to prevent such annihilation all countries might rush to develop their own deterrent, creating an international situation like a fireworks party at a gasoline tank farm.

This Senator has been consistently critical of the administration for a long, long time on the nuclear arms control issue, and especially with respect to the administration's failure to recognize and act on the dangerous threat of nuclear proliferation. Now the administration recognizes this danger. It has begun to act on this recognition. For that reason I commend the administration on the Luxembourg conference, and particularly on the conclusion of that conference that more such meetings would be held, including all of the "suppliers' club" nations and that it would pursue its purpose of stopping the international spread of nuclear weapons.

Mr. President, I ask unanimous consent that the article by Leslie Gelb from the July 16 New York Times headlined: "Nuclear Nations Agree To Tighten Export Controls" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUCLEAR NATIONS AGREE TO TIGHTEN EXPORT CONTROLS

UNITED STATES SOUGHT MEETING ON WAYS TO HALT SPREAD OF WEAPONS—SOVIET IS EXCLUDED

(By Leslie H. Gelb)

WASHINGTON, July 15.—Western countries that supply nuclear technology met in Luxembourg last week and decided to strengthen controls on nuclear exports, according to Administration officials.

The officials said the suppliers agreed they had to do more—expanding safeguards on existing plants, pressing new suppliers to tighten sales and controlling transfers of components—to prevent the spread of the ability to build nuclear weapons.

The meeting, arranged at the initiative of the Reagan Administration, began on Wednesday and concluded on Friday.

MEETING KEPT SECRET

The participants decided to keep the meeting secret to avoid charges, as one Administration official put it, "of the big guys ganging up on the little ones" to dictate terms for nuclear cooperation.

The Luxembourg gathering was the first meeting of most of the 15 members of the so-called London Suppliers Club since 1977. The fact they were willing to meet despite continued sensitivities of nations buying nuclear technology reflects, according to Administration officials, the heightened political concern over the problem of the spread of nuclear weapons.

CONCERN OVER PAKISTAN AND LIBYA

The Soviet Union and other Eastern European members of the club, which first met in 1974, were not invited. Officials said Western participants wanted to forge a common position first.

Of immediate concern to the participants, officials said, was Pakistan's growing ability in the nuclear field and indications that Belgium is preparing to provide Libya with nuclear training and technology.

The push of the meeting also signals the increasing influence within the Administration of those who want a tougher policy against the spread of nuclear weapons as against those who favor United States development and sales of commercial nuclear power and fuel.

Administration policy in this area has been regularly attacked as inadequate by the Nuclear Control Institute and other like-minded organizations. They issued a report last week maintaining that while more safeguards and exports controls are important, they are not enough. They called for renouncing the production and use of weapon-grade plutonium and uranium and reduced reliance on nuclear power.

Of the Luxembourg meeting, an Administration official said, "We are very encouraged by the seriousness of the discussions, the willingness to do follow-on work by specific countries, and the commitment to have another session."

Officials also said there was not a lot of the usual haggling over the need to be reliable nuclear suppliers in order not to jeopardize business interests. This seems to stem from both greater sensitivity toward the spread of nuclear weapons and decreasing interest in nuclear power as an energy source.

Of the original 15 members of the London Suppliers Club, 11 attended. They were Belgium, Canada, France, West Germany, Italy, Japan, the Netherlands, Sweden, Switzerland, Britain, and the United States. Australia, which had been an observer, was added.

SOVIET BLOC NOT INVITED

By mutual agreement, the Soviet Union, Czechoslovakia, East Germany and Poland—all members of the club—were not invited. The Soviet Union has traditionally taken a stance against the spread of nuclear weapons at least as tough as the United States.

The United States delegation was led by Richard T. Kennedy, Ambassador at Large, who is special adviser to the Secretary of State on policy concerning the spread of nuclear weapons. But officials generally credited the National Security Council staff for the ideas and initiative.

The London Suppliers Club last met in September 1977 and prepared a set of guidelines for nuclear transfers and a list of equipment, technology and materials to be governed with special care.

Afterward, the Carter Administration essentially held only two-way meetings or small meetings of suppliers, a practice continued by the Reagan Administration.

NEW PROBLEMS ARISING

Officials said, however, that a general meeting seemed appropriate because of a growing realization among suppliers that new common problems were developing.

First, new countries such as Brazil and China have become suppliers. Discussions in Luxembourg dealt with how to approach them.

Second, countries with a potential for nuclear weapons have been able to circumvent existing guidelines and the lists of sensitive technology by buying components, subcomponents and dual-use technology for the production of weapon-grade nuclear material. These are far harder to keep track of than whole plants for nuclear enrichment and reprocessing of nuclear fuel.

Third, the continued movement of countries such as Pakistan toward a nuclear-weapon ability reinforced the need to strengthen and expand safeguard on existing nuclear facilities.

CHINA SAID TO HELP PAKISTAN

The Administration is particularly worried about intelligence reports of continued Chinese cooperation with Pakistan in the development of centrifuges to enrich uranium for nuclear weapons. Pakistan asserts that its facility is for peaceful purposes. The Administration signed a nuclear cooperation pact with Pakistan that officials said was still in abeyance pending clarification of this issue.

Until President Reagan's speech a year ago at the economic meeting in Williamsburg, Va., policy on the spread of nuclear weapons was not a top Administration priority. To critics of the Administration, Mr. Reagan seemed more interested in selling nuclear power plants abroad than in curbing the spread of weapons abilities.

Many senior Reagan Administration officials had been highly critical of the Carter Administration's policy. They contended that Mr. Carter placed too much emphasis on export controls and had thereby damaged relations with important allies who wanted to sell nuclear power plants and friends who wanted to buy them.

The Reagan officials wanted to dissuade potential nuclear-weapons countries another way. Their idea was for the United States to offer political incentives and a stronger United States military posture to prospective buyers and to establish the Administration as a reliable supplier of nuclear fuel.

FCIC WINS JULY GOLDEN FLEECE AWARD

Mr. PROXMIRE. Mr. President, I am giving my Golden Fleece of the Month Award for July to the Federal Crop Insurance Corporation [FCIC] for spending almost $12 million of Federal funds on an advertising campaign that produced no positive results. The purpose of this lavish expenditure of millions of taxpayer dollars was to increase awareness of the Federal crop insurance program and persuade farmers that it is a good investment. But farmers ended up knowing no more about this program after the ad campaign that they did before. Here is an example of Federal spending that was not proper, came a cropper, and turned out to be a whopper.

As my colleagues know, I award the Golden Fleece monthly for the most wasteful, ridiculous, or ironic use of the taxpayers' money.

The main mission of the FCIC, an agency of the U.S. Department of Agriculture that was created in 1938, is to improve the economic stability of agriculture through a sound system of crop insurance. In 1983, the U.S. General Accounting Office [GAO] investigated various aspects of the FCIC's crop insurance program. One of the objectives of this probe was to obtain information on FCIC's marketing activities.

The FCIC spent $11.9 million from fiscal year 1981 to 1983 for the purpose of advertising the crop insurance program. According to the GAO report released earlier this year, these FCIC efforts to inform farmers about the new crop insurance program—the result of the Federal Crop Insurance Act of 1980, which removed many of the prior limitations that restricted the program's growth—included the following:

. . . direct mailings to millions of producers of crops covered by the farmers disaster program and to FCIC policyholders; national and local news releases; feature stories in national magazines; an advertising program in major farm magazines, including most state publications, backed by a radio campaign; publication of several brochures; and formal training programs for independent agents, insurance company officials, and FCIC employees.

The FCIC hired a private advertising firm to carry out most of these marketing activities. And in 1983, the FCIC commissioned that same advertising firm to conduct a study of pre- and post-advertising awareness and attitudes toward Federal crop insurance.

What were the results of this study? In other words, just how effective was the FCIC-funded ad campaign? Here is the sad conclusion of the GAO investigators:

In surveying producers, the firm found that their awareness of the federal crop insurance program was about the same before and after the 1983 advertising campaign. The Manager, FCIC, concurred that the 1983 advertising campaign had a negligible effect on producer awareness of the program.

To add insult to injury, the FCIC is also spending an additional $1.6 million on this ad campaign in crop year 1984. I have never seen a better—or, should I say, worse—example of beating a dead horse.

So there it is, plain and simple. The FCIC's attempt to promote its crop insurance program did not amount to a hill of beans. Whether the ad campaign was just too corny to work, I cannot say. But I am certain that expenditures like this run against the grain of most taxpayers. In the future, I hope that the bureaucrats at the FCIC can separate the wheat from the chaff when it comes to deciding how best to spend Federal funds. For failing to do so this time around, that agency "oat to"—and does—receive this month's Golden Fleece Award.

THE GENOCIDE CONVENTION: A NEGLECTED U.S. PRINCIPLE

Mr. PROXMIRE. Mr. President, recently a reception was given in honor of my distinguished colleague PAUL TSONGAS who will leave the Senate at the close of this session. I wish Senator TSONGAS the best of luck in his future endeavors and I hope that he finds as much success and satisfaction in private life as he enjoyed while serving in the Senate.

During the reception, Senator TSONGAS reflected upon his tour as a Peace Corps volunteer in Ethiopia. He was proud to be a Peace Corps volunteer not only because he was an American citizen working abroad to help the less fortunate, but also because he represented America and the values and principles it stands for.

But unfortunately, the United States has not always been viewed by many of the oppressed and indigent people of the world as a leader and vanguard for these values and principles.

Too often this has been caused by our inconsistency or lack of commitment toward human rights. One such example of this inconsistency and lack of commitment has been the Senate's failure to ratify the Genocide Convention.

Our Nation has been known in the past, and should continue to be known in the future as the champion of human rights. As a nation committed to human rights of people everywhere, we are obligated—indeed expected—to make a firm statement on the issue of genocide. Ratification of the Genocide Convention offers us the opportunity to make such a statement.

When Senator TSONGAS sponsored—and I cosponsored—Senate Joint Resolution 87, which set aside April 24 as a day of remembrance for the victims of the Armenian Genocide, it was meant to serve as more than just a testimony to the 1.5 million Armenians massacred by the Turks during World War I. That day also serves as a reminder that the United States has an obligation to do everything in its power to see that the crime of genocide is never committed again.

Mr. President, our long delay in ratifying the Genocide Convention must be baffling to our allies who look to us for leadership in the area of human rights. It is time that we eliminate this confusion and send a clear message abroad.

It is time for the Senate to ratify the Genocide Treaty.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for a period not to exceed 1 hour with statements therein limited to 10 minutes each.

SOVIET GENOCIDE IN AFGHANISTAN

Mr. BYRD. Mr. President, the brutal Soviet occupation of Afghanistan continues to be one of the most tragic chapters in the annals of world history. Unable to defeat the heroic Afghan freedom fighters on the battlefield, the Soviets have launched a campaign of genocide against innocent men, women, and children.

An account of one of these massacres appeared in the July 17, 1984 Washington Post. Journalist Jonathan Broder chronicles the massacre of 360 civilians in 3 Afghan villages last fall. Based upon eyewitness accounts, a terrifying portrait is painted of senseless and barbaric killings of innocent villagers whose only crime was to have lived in an area where the freedom fighters were operating.

According to the article, the killings appeared to have been committed as revenge for heavy Soviet casualties incurred after 2 days of heavy fighting with the mujaheddin.

Survivors maintained that once innocent old people, women and small children were murdered, the Soviets doused the corpses with a chemical that accelerates decomposition to a matter of hours.

One survivor described a scene in his friend's house after the Soviets had left. "Everyone was dead. Ahadar, his wife and his baby were lying on the floor covered with blood. His 9-year-old daughter was hanging over the window, half in the house, half out. It looked like she was shot as she tried to run away."

Another survivor described how even the cows, the donkeys, the cats, and dogs were shot by Russian soldiers. "Outside in the street, we found nine dead children. All were shot in the head. Some of them still had their toys in their hands."

Mr. President, once again we are greeted with another appalling news account of Soviet barbarity in Afghanistan. As the tragic costs in innocent human lives mount in Afghanistan, the freedom fighters continue their impressive resistance. The people of Afghanistan can hold their heads high and take pride in the sacrifices they make in the name of freedom. It is the Soviet Union which has sunk to the lowest level of barbarity in attempting to douse this flame of freedom. And for this they deserve the harshest condemnation of the civilized world for the genocide they are perpetrating in Afghanistan.

Mr. President, the Washington Post article of July 17, 1984, entitled "Survivors Say Soviets Massacred Civilians In Afghan Villages," is quite lengthy.

The article reads as follows:

Soviet troops killed at least 360 civilians in three villages near the southern Afghan city of Qandahar last fall, then doused the bodies with a chemical that promotes rapid decomposition, according to witnesses and survivors.

The massacre in the villages of Bala Karz, Mushkizi and Kulchabad, clustered on the outskirts of Qandahar, occurred Oct. 12 after two days of fierce fighting between Soviet troops and Moslem *mujaheddin* fighters.

The killings appeared to have been committed in revenge for heavy Soviet casualties, said survivors who have become refugees in this dusty Pakistani border city 140 miles south of Qandahar.

There have been repeated claims of massacres by Soviet troops since Soviet forces invaded Afghanistan in December 1979, but the stories have been difficult to confirm because of secrecy and poor communications.

Last fall western diplomats in New Delhi gave sketchy reports of large numbers of civilians killed near Qandahar. But the first details from witnesses emerged only last week after survivors crossed Afghanistan's southern border into Pakistan.

More than a dozen survivors and witnesses were interviewed through independent Pathan-speaking interpreters in hospitals and refugee camps in Pakistan.

All spoke of heavy Soviet reliance on helicopter gunships and artillery in the preliminary battles against the Afghan guerrillas. The effectiveness of such tactics and the retreat of the *mujaheddin* into the surrounding fields left the civilians defenseless when Soviet armored columns rumbled into the three hamlets on the morning of Oct. 12.

Survivors described in detail how the Soviets entered in tanks, armored personnel carriers and on foot, cutting down old people, women and small children where they stood. They said more villagers were lined up against walls and shot; others were gunned down in their homes.

Survivors said the Soviets doused the corpses with a chemical that accelerates decomposition to a matter of hours. They said the Soviets were aware of the widely held Afghan superstition that the bodies of mujaheddin fighters decompose more slowly than those of the enemy, thereby proving the superiority of their religious struggle.

Survivors said the three villages are deserted. Before the reported massacre, the population in each had swollen to 3,000 because of the influx of squatters from the countryside.

In reconstructing the events, Abdul Wassi, 25, an Afghan guerrilla commander, said that two days before the massacre he led 200 fighters of the Jamiat-i-Islami guerrilla group, one of six major rebel organizations in Afghanistan, in a successful ambush against a Soviet armored column about four miles northeast of the three villages.

The next afternoon, on Oct. 11, Wassi said, he learned that about 500 Soviet soldiers had regrouped and were moving with about 50 tanks and 50 armored personnel carriers toward the Khalki bridge intersection, which commands the western approach to the hamlets.

"We fought them at the bridge for several hours," Wassi said. "Then . . . we retreated to the orchards and fields around the villages after sundown and from there staged hit-and-run attacks against the Soviets during the night."

Survivors said the people of Bala Karz, Mushkizi and Kulchabad could hear the fighting in the orchards that dot the slopes about two miles from the villages. But they said it was not until dawn on Oct. 12, when a few guerrillas managed to slip back into the hamlets, that some people learned that Soviet and Afghan Army troops were about to enter the villages. Some villagers fled to the surrounding fields, survivors said, but many awoke that morning not knowing of the danger.

In Bala Karz, Gul Bebe, a widow in her 40s with four children, said she awoke early that day to lend a hand at a village wedding. She said she was visiting the groom's house when she heard shooting and explosions in Mushkizi, 300 yards down the road.

"I started to run home to fetch my children," she said. "A dozen women came running toward me and said the Russians had entered Mushkizi and killed many people. We began to run the other way, toward Kulchabad, when another group of women came running from that direction, warning us to turn back because the Russians had entered Kulchabad from that side. So we ran into the nearest house."

Gul Bebe said the 25 women watched from the windows as 50 Soviet soldiers appeared suddenly on the street, firing wildly and then fanning out to conduct house-to-house searches. One of the soldiers kicked open their door, and 10 Soviets entered the house, she said.

"The first thing the Russians did was start looking for food," Gul Bebe said. "They found some bread and began stuffing it into their mouths. They were very hungry. . . . Then they ordered us outside to another house."

Inside the second house, Gul Bebe said, they joined five other women. She said the Soviets began taking their jewelry and money.

"We told them to take everything but don't touch us," she said. At that point, Gul Bebe added, a few Afghan Army soldiers entered the house.

Lowering her voice in shame, Gul Bebe then said, "There was an attempt on us. A few Russians took two girls, about 15 or 16 years old, and separated them from the rest of us. They tried to remove their *chadors* [full-length Moslem veils].

"One of the old women took out some money she was hiding in her dress and offered it to the Russians to leave the girls alone. The Russians took the money and kept on handling the girls and trying to tear off the front of their dresses. Then I heard an Afghan soldier shouting at the Russians in their own language. I looked at him, and he was trembling with anger.

"I was not worried about the girls anymore. I was very frightened for myself, and I was looking for a hiding place. Then I heard a long burst of gunfire, and I saw three Russians fall down. Then there was a silence, and I ran away as fast as I could. As I was running, I heard more explosions and shooting, and then I felt a hot pain in my leg. I fell into a hole and passed out."

At the same time that the Soviets were sweeping through Bala Karz, witnesses said, other units attacked Mushkizi and Kulchabad, which flank Bala Karz on the east and west.

Sardar Mohammed, 55, a Kulchabad farmer, said he was among about 30 elderly men who had gatherered in front of the Kulchabad village mosque to await the Soviets.

"We had several instances before when the mujaheddin retreated, and Russian and Afghan soldiers came in to search the village. Sometimes the old people even used to accompany them," he said. "But this time we heard shooting and explosions, and I ran to my house."

Sardar Mohammed said he reached his home just ahead of a group of Soviet soldiers who stormed into the house of Issa Jan, his neighbor.

"My daughter and I looked over the wall and saw 10 or 12 Russians and one Afghan soldier in Issa Jan's house," Sardar Mohammed said. "We could hear Issa Jan say to them, 'If you want to search, please come in.' Then the soldiers shot him."

Sardar Mohammed said his daughter fled to another neighbor's home while he hid in the house's grain bin.

"I stayed in the grainary for hours. I could hear footsteps and smashing when the Russians entered and searched the house and then left," he said. "All the time I was hiding, I could hear shooting and explosions, then silence and screaming outside."

Meanwhile, in Mushkizi, Rai Mahmad, 20, a farmer and guerrilla sympathizer, stood on the roof of his home in the morning and saw armored personnel carriers advancing over the Khalki bridge into his village.

He said he ran through the streets, shouting, "The Russians are coming!" and then dashed home, where he and his father hid in a concealed tunnel under the floor.

"When we finally came out of the tunnel, it was almost dusk. Everything was charred and burned. Then we heard wailing and cries for help and went outside. The Russians had gone. The first thing we saw was four old men lying dead in the street, and they were just the first bodies we saw."

In Kulchabad, Sardar Mohammed said, the same sudden eerie silence, punctuated by wailing, prompted him to climb out of his grain bin and walk outside. "I came out in the late afternoon and went to the house of my friend, Ahadar Mohammed," he said.

"Everyone was dead. Ahadar, his wife and his baby were lying on the floor covered with blood. His 9-year-old daughter was hanging over the window, half in the house, half out. It looked like she was shot as she tried to run away.

Sardar Mohammed said other survivors joined him as he went from house to house in Kulchabad, searching for relatives, neighbors and friends. "I saw with my own eyes 60 bodies altogether that day, and when we buried all the dead, I stopped counting after 150," he said.

Together with about 60 other fighters, a young rebel who got his family out in time, Lal Mohammed, 25, entered his village of Mushkizi to find Rai Mahmad, his father and other survivors dragging corpses into the center square.

"We went from house to house and found everyone dead. Even the animals—the cows, the donkeys, the cats and dogs—were shot dead," he said. "Outside in the street, we found nine dead children. All were shot in the head. Some of them still had their toys in their hands."

Meanwhile, in Bala Karz, Gul Bebe regained consciousness at the bottom of a 3-foot-deep ground oven, unable to move her right leg where a bullet had shattered her shin.

"The first thing I heard was a small baby crying," she said. "After a while, I heard footsteps above and shouted for help. The person who took me out of the oven was my husband's cousin. He put me down in the middle of the courtyard and wrapped his turban around my leg.

"I looked around the courtyard and saw many bodies of dead women and children and old people lying there. My husband's cousin went over and picked up the baby, which was trying to suck the breast of his dead mother. He carried the baby over to me and asked me to keep it until the rest of the villagers could come and identify their dead relatives.

The villagers spent the night burying the dead in a mass grave, survivors said. Sardar Mohammed said 360 victims were buried. Lal Mohammed, who also helped bury the bodies, estimated that 100 people died in Bala Karz, another 100 in Mushkizi and between 160 and 170 in Kulchabad.

The morning after the massacre, Gul Bebe said, she was wrapped in a blanket along with the infant and placed atop a camel for a 60-mile journey with armed guerrilla escorts across the desert to the Pakistani border town of Chaman, where the International Committee of the Red Cross maintains a clinic for wounded Afghans. There, Red Cross officials put them on a train to Quetta, she said.

Most of the other survivors interviewed said they remained in their villages until a few months ago to harvest their crops, then moved to Qandahar to join relatives. But on June 28, the survivors said, Soviet warplanes heavily bombed the guerrilla-controlled quarter of Qandahar, killing at least 200 people.

Sardar Mohammed, Rai Mahmad, Abdul Wassi and their families were among those who crossed into Pakistan last week after the Qandahar bombing, according to records of the United Nations High Commission for Refugees in Pakistan.

IMPORT RELIEF FOR THE FOOTWEAR INDUSTRY

Mr. MITCHELL. Mr. President, I am pleased to join Senator DANFORTH in sponsoring, S. 2845. Amending section 201 of the Trade Act of 1974 is an important part of the effort to provide import relief for the U.S. footwear industry.

This bill is necessary because of the International Trade Commission's rejection of the domestic shoe industry's request for a 5-year period of import relief. I continue to believe that the ITC failed to follow the intent of the law in failing to find injury in this case, and that shoe workers of America will suffer the consequences of this mistake.

The footwear industry is exactly the type of industry that deserves import relief under section 201 of the Trade Act of 1974. In fact, the chairman of the Senate Finance Committee at the time that bill was drafted, Senator LONG, stated that in his opinion the footwear industry would win 90 out of 100 cases brought under the new section 201.

Circumstances have not changed very much since 1974. If anything, the condition of shoe workers and the communities in which they live has deteriorated. Since the orderly marketing agreements were terminated by President Reagan in 1981, imports have surged from 50 percent of the market to almost 75 percent. Accompanying this import surge have been declines in production and employment in the U.S. industry. Several efforts that the industry is prepared to undertake to improve its competitiveness have been thwarted by the unprecedented level of import penetration. Temporary import quotas would give the industry the breathing space to adjust to import competiton that is intended in section 201.

Incredibly, the ITC found no serious injury from foreign imports. Thus, changes in section 201 are necessary. It is important to note that these changes do not alter the congressional intent behind section 201, they merely clarify congressional intent.

For example, the ITC apparently relied heavily on the profitability of a few large domestic producers in its finding of no injury. The bill clarifies that the commission should consider not just profits but other indicators of injury as well. Also, the ITC apparently felt that the significant number of foreign shoes imported by domestic manufacturers argued against a finding of injury. The bill recognizes that imports by domestic producers can be a significant cause of injury. Furthermore, the bill requires the ITC to take full account of the impact of plant closings on the standard indicators of injury.

These and the other changes made by the bill would not guarantee import relief for the footwear industry. The industry would still have to file a petition and prove its case before the ITC. But the bill would clarify the conditions under which Congress expects the ITC to find injury.

Because I believe that the shoe industry deserves relief, I also support S. 2731, the American Footwear Act, which was introduced by Senator COHEN and myself, that bill would impose quotas on imported shoes for a 5-year period. The quotas would limit imports to 50 percent of the market, the level that imports had when the OMA's were lifted in 1981.

I congratulate Senator DANFORTH for his leadership in proposing reforms in section 201. I look forward to working with him and other members of the Finance Committee's International Trade Subcommittee to secure quick action on these bills.

CAPTIVE NATIONS WEEK

Mr. PERCY. Mr. President, last week while the Senate was out of session, the United States observed Captive Nations Week for the 26th year. I myself was privileged to participate in one of these observances in Chicago.

It is fitting that this national expression of concern for the millions of peoples suppressed by Communist tyranny should follow so closely the Fourth of July when we celebrate with gratitude the freedoms which are the foundations of our national life.

The nations of Lithuania, Latvia, Estonia, Ukraine, and Bielarus, held captive by the Soviet Union, this year face a new hardship. Beginning August 1, the Soviet authorities will no longer transmit prepaid insured packages sent from abroad by friends and relatives. This is just one more way in which the Soviet authorities

seek to isolate the population from foreign contact and, of course, it means additional expense and hardship for people who can ill afford it.

But the people of the captive nations have amply demonstrated over the years that it is beyond Soviet power to fully isolate them. They have, at great cost, preserved their national identities against all odds. Today I want once again to pay tribute to them for their indomitable spirit and to their relatives who now live in the United States and who contribute so much to the preservation and vitality of their national heritage.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND DENMARK AND THE FAROE ISLANDS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 155

Under the authority of the order of the Senate of June 29, 1984, the Secretary of the Senate on July 13, 1984, during the adjournment of the Senate, the following message, together with accompanying papers; which, pursuant to Public Law 94-265, was referred jointly to the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith a governing international fishery agreement between the United States of the one part and Denmark and the Faroe Islands of the other part signed at Washington on June 11, 1984.

This agreement is one of a series to be renegotiated in accordance with that legislation to replace existing bilateral fishery agreements. I hereby commend this agreement to the Congress.

RONALD REAGAN.

THE WHITE HOUSE, *July 13, 1984.*

ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 156

Under the authority of the order of the Senate of June 29, 1984, the Secretary of the Senate, on July 11, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I am pleased to transmit to the Congress the Fourteenth Annual Report of the Council on Environmental Quality.

I have long believed that our Nation has a God-given responsibility to preserve and protect our natural resource heritage. Our physical health, our social happiness, and our economic well-being will be sustained only to the extent that we act as thoughtful stewards of our abundant natural resources.

As this report describes in detail, we are continuing to make demonstrable progress protecting and improving the quality of the Nation's air, land, and water resources. By almost any measure the air is cleaner now than it was when the Clean Air Act was passed in 1970. Since the passage of the Clean Water Act in 1972, the volume of industrial pollutants released into lakes, rivers, and estuaries has declined sharply. In spite of economic and population growth over the past decade, water quality has remained the same or improved in virtually all United States rivers.

Our Nation is justifiably proud of this record. Since 1970, we have passed comprehensive environmental legislation that is a model for the rest of the world. We have shown people everywhere that we have the environmental awareness, the political will, and the technical understanding necessary to resolve the resource use conflicts that arise inevitably in a populous, highly industrialized nation.

But our past success should not blind us to the fact that in the future we will face even more complex questions regarding the use of our natural resources. Chemicals, both old and new, will continue to be invaluable aids in our economic development, but the benefits they bestow on all of us will have to be balanced against any possible adverse health effects caused by exposure to such chemicals. Population growth, economic expansion, and the development of new kinds of industries will intensify the competing demands on our natural resources.

In the future, we will improve our stewardship of the Nation's wealth of natural resources if we apply well the lessons of the past. We have learned that scientific understanding is essential to any successful regulatory program, but that when scientists are unsure, politicians should act with caution. We have learned that regulatory actions can be effective when they are clearly defined and strongly enforced, but that without careful attention to relative benefits and costs, they can waste one resource while preserving another. Most important of all, we have learned that the Federal Government has played an important role in protecting and preserving natural resources, but that it has not acted and should not act alone. In the past, State and local governments, businesses, and private citizens all have made important contributions to environmental research, land preservation, habitat protection, and enhancement of environmental quality. If we are to continue the progress we have seen in the past, the partnership between government, businesses, and private citizens must be expanded in the future.

RONALD REAGAN.

THE WHITE HOUSE, *July 11, 1984.*

ANNUAL REPORT ON THE STATUS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 157

Under the authority of the order of the Senate of June 29, 1984, the Secretary of the Senate, on July 12, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying paper; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the Wilderness Act of 1964 (Public Law 88-577) I herewith transmit the Twentieth Annual Report on the status of the National Wilderness Preservation System for calendar year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *July 12, 1984.*

ANNUAL REPORT OF THE NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 158

Under the authority of the order of the Senate of June 29, 1984, the Secretary of the Senate, on July 13, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I transmit herewith the Ninth Annual Report of the Nuclear Regula-

tory Commission as required by Section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877).

The report covers fiscal year 1983, with occasional treatment of events occurring after that period.

RONALD REAGAN.

THE WHITE HOUSE, *July 13, 1984.*

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 159

Under the authority of the order of the Senate on July 29, 1984, the Secretary of the Senate on July 20, 1984, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Energy and Natural Resources, the Committee on Labor and Human Resources, and the Committee on Armed Services:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one new deferral of budget authority for $8,006,000 and six revised deferrals of budget authority which now total $68,528,548. The deferrals affect the Departments of Energy, and Health and Human Services.

The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *July 20, 1984.*

MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of June 29, 1984, the Secretary of the Senate, on July 3, 1984, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill and joint resolution, without amendment:

S. 2729. An act for the relief of Jean Wilhelm Willrich; and

S.J. Res. 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day."

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 122. Concurrent resolution to provide for a Joint Congressional Committee on Inaugural Ceremonies; and

S. Con. Res. 127. Concurrent resolution to authorize the use of the west front steps of the United States Capitol Building on August 14, 1984, to honor the men and women of the United States Olympic Teams.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 958. An act to amend title 5, United States Code, to reform the merit pay system by providing for a performance management and recognition system for certain Federal employees, to require the establishment of performance appraisal systems for employees covered by the performance management and recognition system, and to increase flexibility in the management of senior executives, and for other purposes.

The message also announced that the House has passed the bill (S. 2303) to revise and extend the alcohol and drug abuse and mental health services block grant, with amendments; it insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. SCHEUER, Mr. BROYHILL, and Mr. MADIGAN as managers of the conference on the part of the House.

The message further announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 746) to establish the Illinois and Michigan Canal National Heritage Corridor in the State of Illinois.

The message also announced that the House insists upon its amendments to the bill (S. 1330) to authorize the U.S. Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects, and for other purposes, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HOWARD, Mr. OBERSTAR, Mr. EDGAR, Mr. BROOKS, Mr. FUQUA, Mr. LEVITAS, Mr. SNYDER, Mr. CLINGER, Mr. HORTON, and Mr. ERLENBORN as managers of the conference on the part of the House.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3169) to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3825) to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5603) to amend the Public Health Service Act to revise and extend the authorities of that act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. SCHEUER, Mr. BROYHILL, and Mr. MADIGAN as managers of the conference on the part of the House.

The message also announced that pursuant to the provisions of Senate Concurrent Resolution 122, 98th Congress, the Speaker appoints as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 21st day of January 1985, the following Members on the part of the House: Mr. O'NEILL, Mr. WRIGHT, and Mr. MICHEL.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of June 29, 1984, the Secretary of the Senate, on July 6, 1984, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 746. An act to establish the Illinois and Michigan Canal National Heritage Corridor in the State of Illinois, and for other purposes;

S. 2729. An act for the relief of Jean Willhelm Willrich;

H.R. 29. An act to recognize the organization known as the Polish Legion of American Veterans, U.S.A.;

H.R. 3075. An act to amend the Small Business Act to establish a small business computer security and education program, and for other purposes;

H.R. 3169. An act to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries;

H.R. 3825. An act to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes;

H.R. 3922. An act to establish a one-year limitation on the filing of claims for unpaid accounts formerly maintained in the Postal Savings System;

H.R. 3927. An act for the relief of Kenneth L. Perrin;

H.R. 4170. An act to provide for tax reform and for deficit reduction;

H.R. 4308. An act granting the consent of the Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service;

H.R. 4616. An act to amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 per centum of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes;

H.R. 4997. An act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes;

H.R. 5154. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

H.R. 5155. An act to establish a system to promote the use of land remote-sensing satellite data, and for other purposes;

H.R. 5174. An act to amend title 28 of the United States Code regarding jurisdiction of bankruptcy proceedings, to establish new Federal judicial positions, to amend title 11 of the United States Code, and for other purposes;

H.R. 5404. An act allowing William R. Gianelli to continue to serve as a member of the Board of the Panama Canal Commission after his retirement as an officer of the Department of Defense;

H.R. 5653. An act making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5713. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5740. An act entitled the "Barrow Gas Field Transfer Act of 1984";

H.R. 5753. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5950. An act to increase the Federal contribution for the Quadrennial Political Party presidential National Nominating Conventions;

H.R. 5953. An act to increase the statutory limit on the public debt;

S.J. Res. 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day";

H.J. Res. 544. Joint resolution to designate the week beginning September 2, 1984, as "National School-Age Child Care Awareness Week";

H.J. Res. 555. Joint resolution to designate July 20, 1984, as "Space Exploration Day";

H.J. Res. 566. Joint resolution to designate the week beginning on October 7, 1984, as "National Neighborhood Housing Services Week";

H.J. Res. 567. Joint resolution to designate 1984 as the "Year of the St. Lawrence Seaway," and June 27, 1984, as "St. Lawrence Seaway Day"; and

H.J. Res. 604. Joint resolution to designate July 9, 1984, as "African Refugees Relief Day".

Under the authority of the order of the Senate of June 29, 1984 the enrolled bills and joint resolutions were signed on July 6, 1984, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of June 29, 1984, the Secretary of the Senate on July 17, 1984, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5561. An act to enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes; and

H.R. 5798. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 331. Concurrent resolution to condemn the closing of ABC Color, the only independent newspaper in Paraguay, and to urge the Government of Paraguay to permit the reopening of that newspaper and to guarantee freedom of the press.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 5561. An act to enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 331. A concurrent resolution to condemn the closing of ABC Color, the only independent newspaper in Paraguay, and to urge the Government of Paraguay to permit the reopening of that newspaper and to guarantee freedom of the press; to the Committee on Foreign Relations.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5490. An act to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary reported that on July 6, 1984, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 2729. An Act for the relief of Jean Willhelm Willrich; and

S.J. Res., 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3489. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the activities of the Depository Institutions Deregulation Committee and on the viability of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-3490. A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere, transmitting, pursuant to law, the 13th annual report of the committee, dated June 30, 1984; to the Committee on Commerce, Science, and Transportation.

EC-3491. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report entitled "The Effect on Consumers of the Amendments to the Safety Standard for Walk-Behind Power Mowers"; to the Committee on Commerce, Science, and Transportation.

EC-3492. A communication from the Secretary of Agriculture and the Secretary of the Interior, transmitting jointly, pursuant to law, the fifth report on the administration of the Wild Free-Roaming Horse and Burro Act, dated June 1984; to the Committee on Energy and Natural Resources.

EC-3493. A communication from the Chairwoman of the U.S. International Trade Commission, transmitting, pursuant to law, the 38th quarterly report on trade between the United States and the nonmarket economy countries for the period January through March 1984; to the Committee on Finance.

EC-3494. A communication from the Assistant Secretary of State, transmitting, pursuant to law, notice that the United States and the European Economic Community have negotiated a new Governing International Fishery Agreement; to the Committee on Foreign Relations.

EC-3495. A communication from the Secretary of Education, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3496. A communication from the Secretary of the National Aviation Hall of Fame, Inc., transmitting, pursuant to law, the audit report of the National Aviation Hall of Fame, Inc., for calendar year 1983; to the Committee on the Judiciary.

EC-3497. A communication from the chief immigration judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a report on the suspension of deportation of certain aliens pursuant to section 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-3498. A communication from the Executive Director of the Intergovernmental Advisory Council on Education, transmitting, pursuant to law, the biennial report of the council for the period May 1982 through April 1984; to the Committee on Labor and Human Resources.

EC-3499. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of the Federal Election Commission's Financial Statements for the Year Ended September 30, 1982"; to the Committee on Rules and Administration.

EC-3500. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense procurement from Small and Other Business firms for October 1983 through February 1984; to the Committee on Small Business.

EC-3501. A communication from the Acting Secretary of Agriculture, transmitting, pursuant to law, the annual report on the Nation's agricultural research and education (extension and teaching) activities for 1983; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3502. A communication from the Under Secretary of Agriculture (International Affairs and Commodity Programs), transmitting, pursuant to law, the fourth quarterly commodity and country allocation table showing current programming plans for food assistance under title I/III of Public Law 480 for fiscal year 1984; to the

Committee on Agriculture, Nutrition, and Forestry.

EC-3503. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated July 1, 1984; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-3504. A communication from the Principal Deputy Assistant Secretary of the Navy (shipbuilding and logistics), transmitting, pursuant to law, notice of the conversion of the motor vehicle operations and maintenance function at the Naval Ordnance Station, Indian Head, MD to performance by contractor; to the Committee on Armed Services.

EC-3505. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Statutory Requirements for Examining International Banking Institutions Need Attention"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3506. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, the performance evaluation report for the first half of fiscal year 1984; to the Committee on Commerce, Science, and Transportation.

EC-3507. A communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report on customer pickup of food and grocery products under section 8 of the Motor Carrier Act of 1980; to the Committee on Commerce, Science, and Transportation.

EC-3508. A communication from the Secretary of Energy, transmitting, pursuant to law, the first of two reports on the domestic natural gas market as required by the Natural Gas Policy Act of 1978; to the Committee on Energy and Natural Resources.

EC-3509. A communication from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a copy of an application by the Amity Mutual Co., Holly, CO, for a loan under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC-3510. A communication from the Secretary of the Interior, transmitting, pursuant to law, the comments of the Department of the Interior on the Office of Technology Assessment's report "Environmental Protection in the Federal Coal Leasing Program"; to the Committee on Energy and Natural Resources.

EC-3511. A communication from the public representative and chairman of the Railroad Unemployment Compensation Committeee, transmitting, pursuant to law, a copy of the report of the committee dated June 29, 1984; to the Committee on Finance.

EC-3512. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report on the status and operation of the State and Local Government Fiscal Assistance Trust Fund during fiscal year 1983; to the Committee on Governmental Affairs.

EC-3513. A communication from the Secretary of State, transmitting, pursuant to law, the report on stable reference areas pursuant to the Deep Seabed Hard Minerals Resources Act; to the Committee on Foreign Relations.

EC-3514. A communication from the Acting Secretary of State, transmitting, pursuant to law, the 32d report on the extent and disposition of U.S. contributions to international organizations; to the Committee on Foreign Relations.

EC-3515. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to July 5, 1984; to the Committee on Foreign Relations.

EC-3516. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties entered into by the United States in the 60-day period prior to July 3, 1984; to the Committee on Foreign Relations.

EC-3517. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, notice of a prehearing conference on changes to the Domestic Mail Classification System to permit computer readable media containing prerecorded information, and books containing at least eight printed pages to be mailed as special fourth class mail; to the Committee on Governmental Affairs.

EC-3518. A communication from the Deputy Assistant Secretary of Defense (administration), transmitting, pursuant to law, a report on changes to an existing Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3519. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the third annual report on activities under the Paperwork Reduction Act of 1980 covering 1983; to the Committee on Governmental Affairs.

EC-3520. A communication from the chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-3521. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report summarizing and analyzing the reports submitted by executive agencies showing the amount of personal property furnished to non-Federal recipients; to the Committee on Governmental Affairs.

EC-3522. A communication from the chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-3523. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-150, adopted by the Council on June 26, 1984; to the Committee on Governmental Affairs.

EC-3524. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-149, adopted by the Council on June 26, 1984; to the Committee on Governmental Affairs.

EC-3525. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-148, adopted by the Council on June 12, 1984; to the Committee on Governmental Affairs.

EC-3526. A communication from a member of the Sacramento Farm Credit Employee's Retirement Plan, transmitting, pursuant to law, the annual pension report on the plan for calendar year 1983; to the Committee on Governmental Affairs.

EC-3527. A communication from the General Counsel of the Securities and Exchange Commission, transmitting, pursuant to law, a report on an alteration to an existing Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3528. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on activities under the Indian Civil Service Retirement Act for fiscal year 1983; to the Select Committee on Indian Affairs.

FC-3529. A communication from the chairman of the National Diabetes Advisory Board, transmitting, pursuant to law, the annual report on the activities of the board for fiscal year 1983; to the Committee on Labor and Human Resources.

FC-3530. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for education of the handicapped auxiliary activities, and final annual funding priorities for innovative programs for severely handicapped children; to the Committee on Labor and Human Resources.

EC-3531. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Endowment Grant Program and amendments to the Institutional Aid Program; to the Committee on Labor and Human Resources.

EC-3532. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the secondary and transitional services of handicapped youth; to the Committee on Labor and Human Resources.

EC-3533. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Services for Deaf-Blind Children and Youth Program; to the Committee on Labor and Human Resources.

EC-3534. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Handicapped Children's Early Education Program; to the Committee on Labor and Human Resources.

EC-3535. A communication from the Secretary of Education, transmitting, pursuant to law, final funding priorities for rehabilitation long-term training; to the Committee on Labor and Human Resources.

EC-3536. A communication from the Secretary of Education, transmitting, pursuant to law, final Funding Priority for the Experimental and Innovative Training Program; to the Committee on Labor and Human Resources.

EC-3537. A communication from the Secretary of Education, transmitting, pursuant to law, final priority for the Special Services for Disadvantaged Students Program; to the Committee on Labor and Human Resources.

EC-3538. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for training personnel for the education of the handicapped; to the Committee on Labor and Human Resources.

EC-3539. A communication from the Director of the Office of Rural Development Policy, Department of Agriculture, transmitting, pursuant to law, a strategy report "Rural Communities and the American Farm: A Partnership for Progress"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3540. A communication from the Deputy Clerk, U.S. Claims Court, transmitting, pursuant to law, notice of the vacating of the judgment of April 15, 1983 in the matter of Gila River Pima-Maricopa Indian Community against the United States, and a new holding that the plaintiffs are entitled to recover; to the Committee on Appropriations.

EC-3541. A communication from the Acting Assistant Secretary of the Army for Installations and Logistics transmitting, pursuant to law, a report on the recent discovery and emergency disposal of a suspected chemical agent munition at Aberdeen Proving Ground, MD; to the Committee on Armed Services.

EC-3542. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on State medicaid program compliance with section 1903(g) of the Social Security Act; to the Committee on Finance.

EC-3543. A communication from the Acting Secretary of State transmitting, pursuant to law, a report on his determination that the Government of El Salvador has demonstrated progress toward land reform, free elections, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of death squad activities; to the Committee on Foreign Relations.

EC-3544. A communication from the Acting Secretary of State transmitting, pursuant to law, a report on payments made by the United States to U.S. creditors under loan guarantees and credit assurance agreements with Poland; to the Committee on Foreign Relations.

EC-3545. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on five computer matches to be made between manpower records of DOD and the Central Personnel Data File and Civil Service Retiree File; to the Committee on Governmental Affairs.

EC-3546. A communication from the Secretary of the Postal Rate Commission transmitting, pursuant to law, notice of a request for a decision on deletion of E-Com Subclass Provisions from Classification Schedule and Rate Schedules; to the Committee on Governmental Affairs.

EC-3547. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a proposed plan for the use and disposition of funds of the Devils Lake Sioux Tribe; to the Select Committee on Indian Affairs.

EC-3548. A communication from the Secretary of Labor transmitting, pursuant to law, the department's annual Freedom of Information report; to the Committee on the Judiciary.

EC-3549. A communication from the Executive Director of the Intergovernmental Advisory Council on Education transmitting, pursuant to law, a report on the proposed Center for Excellence in Education at Northern Arizona University; to the Committee on Labor and Human Resources.

EC-3550. A communication from the Secretary of Education transmitting, pursuant to law, a copy of final regulations for the College Housing Program—Loan Discount; to the Committee on Labor and Human Resources.

EC-3551. A communication from the Acting Secretary of the Smithsonian Institution transmitting, pursuant to law, the Quadrangle Construction Progress Report for the period ending June 1984; to the Committee on Rules and Administration.

EC-3552. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on DOD procurement from small and other business firms, October 1983 through March 1984; to the Committee on Small Business.

REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of June 29, 1984, the following reports of committees were submitted on July 17, 1984:

By Mr. ROTH, from the Committee on Governmental Affairs:

Special Report of the Permanent Subcommittee on Investigations (Rept. No. 98-548).

PROFILE OF ORGANIZED CRIME: MID-ATLANTIC REGION

● Mr. NUNN. Mr. President, the Permanent Subcommittee on Investigations has issued its report on public hearings on organized criminal activity in the mid-Atlantic States of Pennsylvania, New Jersey and Delaware and adjacent areas.

Most of the preliminary inquiry leading to the February 1983 hearings was conducted by the subcommittee's minority staff under my direction and in coordination and cooperation with the majority staff under Chairman ROTH, who filed the report today.

One of the key issues examined in the hearings was information indicating that imprisoned organized crime figures are often able to manage the affairs of their criminal organizations from their jail cells. This is a serious problem and can be solved, in part, by insuring that early release is denied convicts whose prison sentences are tainted by continued association with gang elements in illicit pursuits on the outside.

When police know an incarcerated organized crime leader is directing the activities of his gang from his prison cell, the warden and parole authorities should be informed and the convict should be required to serve every day of his sentence with no possibility of early release.

It makes no sense to give time off for good behavior to a convict because he seems to be a model prisoner by the usual standards of prison conduct—when, in reality, he has been running the affairs of his gang on the outside.

Law enforcement agents are so convinced that certain imprisoned crime leaders are still playing a dominant role in their gang's activities that they talk about it in a matter-of-fact, routine manner. Unfortunately, they are not required to talk about it to wardens and parole boards. Instead, there should be a procedure whereby law enforcement authorities convey this information to prison officers and parole authorities. The principle of early release is based on the assumption that the prisoner has learned that crime is wrong and that he now wants to start a new life for himself. The criminal justice system makes a mockery of that principle by giving parole to a convict whose position as a crime gang leader continued during his prison sentence.

In another finding, the subcommittee urges the Internal Revenue Service to continue its recent efforts to expand its undercover operations and move toward centralized intelligence gathering as part of a stepped-up campaign against major drug dealers and other organized crime figures as well as promoters of phony tax shelters. In the past, the subcommittee had criticized the IRS policy, adopted a decade ago in the wake of Watergate revelations, to dismantle its undercover investigative work against organized crime and major drug trafficking syndicates. "It is a waste of valuable resources to allow the IRS to remain on the sidelines in any concerted effort to immobilize criminal syndicates," the subcommittee report says, adding that some of the most notorious gangsters ever brought to justice—including Al Capone, Frank Costello, Joseph (Doc) Stacher and Leroy (Nicky) Barnes—were convicted on the basis of tax information. "Even major crime figures are required to pay income tax," the report says. "When they don't, they can and should go to jail."

The subcommittee report also recommends that the Justice Department expand its definition of what constitutes organized crime beyond the Department's principal focus of Italian-American crime families and their so-called associates. Pointing out that the Federal Organized Crime Strike Force Program in the Justice Department "for too long . . . (has) addressed the subject of organized crime as if the problem were limited almost exclusively to La Cosa Nostra" families, the report goes on to say:

> Shorly before the Subcommittee's February (1983) hearings began, two of the nation's most notorious organized crime figures died, one by natural causes, the other in a gangland-style execution. Meyer Lansky of Miami and Allen Dorfman of Chicago were not inducted members of LCN. To dismiss them as LCN "associates" is to diminish falsely their pre-eminent positions in major syndicated criminal activity. They were important mob figures in their own right. They were part of criminal associations that sometimes included LCN members and sometimes did not. By the same token, outlaw motorcycle gangs (and other non-LCN gangs) qualify as organized crime groups. As a matter of policy and procedure, they should be of appropriate interest to the strike forces. A continued preoccupation with only one group-La Cosa Nostra—neglects the very real existence of other organized criminal associations.

A fourth subcommittee finding is that law enforcement should reevalu-

ate its conventional system for measuring success against organized crime. Current evaluation practices place too much emphasis upon statistics and not enough stress on the impact of police work upon dismantling criminal syndicates, the subcommittee report says. In narcotics enforcement, for example, numbers of arrests and convictions and amount of drugs seized are statistics that do not reveal the extent to which a criminal gang has been immobilized by police. A drug seizure of hundreds of pounds of heroin may have little impact on the heroin traffic if the syndicate that imports and distributes the drug is not disrupted, the report says, explaining,

A massive federal law enforcement investigation of a major drug syndicate might result in the complete immobilization of that criminal organization. However, statistics from that inquiry might not seem very impressive since only four violators were arrested and no drugs seized. By traditional statistically weighted measuring devices, the law enforcement entities involved might not be adjudged to have been effective in terms of resources expended. But, according to a new system of measuring success, the exercise could be described not in terms of arrests and seizures data, but in terms of the size of the syndicate and the amount of drugs it was importing and distributing. Seen in these terms, the case might be characterized as very important. With this system of measure, the public and the Congress could assess police effectiveness with more precision.

In other findings, the subcommittee recommends:

House passage of the Senate-passed Labor-Management Racketeering Act, legislation which I introduced with Senators CHILES, ROTH, RUDMAN and others. The bill would extend from 5 years to 10 the amount of time certain union and management officials would be precluded from serving in their offices after conviction of certain serious criminal violations. The measure would also require the convicted official to give up his position immediately upon being sentenced. Current law enables the officer to keep his job until his appeals are exhausted.

That Congress consider giving Labor Department agents investigating organized crime's role in labor-management racketeering Federal law enforcement status so that they can carry firearms, make arrests and execute warrants. Senator Hatch and I have introduce a bill, S. 2090, which would give those agents that authority. The bill is currently awaiting hearings by the Senate Governmental Affairs Committee. The subcommittee recommends that those hearings be held promptly, given the importance of this issue to the enforcement of our labor laws.

An increased commitment of Federal law enforcement resources to Atlantic City. Legalized casino gambling has brought an increase of organized crime to Atlantic City, the report says, pointing out, "A strong Federal presence . . . is called for."●

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

Report to accompany the bill (H.R. 3825) to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes (Rept. No. 98-549).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S. 1688: A bill to amend the Act of October 18, 1972, to modify the authorization of appropriations for Sitka National Park, Alaska, and for other purposes (Rept. No. 98-550).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment:

S. 1790: A bill to authorize the Secretary of the Interior to enter into a contract or cooperative agreement with the Art Barn Association to assist in the preservation and interpretation of the Art Barn and Pierce Mill located in Rock Creek Park within the District of Columbia (Rept. No. 98-551).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 1859: A bill for the transfer of certain interests in lands in Dona Ana County, New Mexico, to New Mexico State University, Las Cruces, New Mexico (Rept. No. 98-552).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. 1889: A bill to amend the Act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R. E. Hampton Visitor Center" (Rept. No. 98-553).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 2036: A bill to require the Secretary of the Interior to convey to the city of Brigham City, Utah, certain land and improvements in Box Elder County, Utah (Rept. No. 98-554).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. 598: A bill to authorize a land conveyance from the Department of Agriculture to Payson, Arizona (Rept. No. 98-555).

S. 806: A bill to provide for a plan to reimburse the Okefenoke Rural Electric Membership Corporation for the costs incurred in installing electrical service to the Cumberland Island National Seashore (Rept. No. 98-556).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3787: A bill to amend the National Trails System Act by adding the Oregon-California Trail to the study list (Rept. No. 98-557).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

H.R. 4596: A bill to amend section 1601(d) of Public Law 96-607 to permit the Secretary of the Interior to acquire title in fee simple to McClintock House at 16 East Williams Street, Waterloo, New York (Rept. No. 98-558).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 5147: A bill to implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983 (Rept. No. 98-559).

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2851: An original bill to authorize depository institution holding companies to engage in certain activities of a financial nature and in certain securities activities, to provide for the safe and sound operation of depository institutions, and for other purposes (Rept. No. 98-560).

By Mr. ANDREWS, from the Committee on Appropriations, without amendment:

S. 2852: An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-561).

By Mr. ABDNOR, from the Committee on Appropriations, without amendment:

S. 2853: An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-562).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 420: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1688.

S. Res. 421: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 806.

S. Res. 422: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 3787.

S. Res. 423: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 4596.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2331: A bill to amend section 1601(d) of Public Law 96-607 to permit the Secretary of the Interior to acquire title in fee simple to McClintock House at 16 Williams Street, Waterloo, New York.

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURMENT

Under the authority of the order of the Senate of June 29, 1984, the following executive reports of committees were submitted on July 17, 1984, during the adjournment of the Senate:

By Mr. HATCH, from the Committee on Labor and Human Resources: Erich Bloch, of New York, to be Director of the National Science Foundation for a term of six years.

(The above nomination was reported from the Committee on Labor and Human Resources, with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Martha R. Seger, of Michigan, to be a Member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1984

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs, with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

S. 2851. An original bill to authorize depository institution holding companies to engage in certain activities of a financial nature and in certain securities activities, to provide for the safe and sound operation of depository institutions, and for other purposes; placed on the calendar.

By Mr. ANDREWS, from the Committee on Appropriations:

S. 2852. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1985, and for other purposes; placed on the calendar.

By Mr. ABDNOR, from the Committee on Appropriations:

S. 2853. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. SPECTER:

S. 2854. A bill to establish standards governing the preventive detention of juveniles; to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 2855. A bill entitled the "Papago-Sif Chuichu Area Water Settlement Act"; to the Select Committee on Indian Affairs.

S. 2856. A bill entitled the "Gila Bend Land Exchange and Settlement Act"; to the Select Committee on Indian Affairs.

By Mr. ANDREWS (for himself, Mr. ZORINSKY, Mr. BAUCUS, Mr. MCCLURE and Mr. DIXON):

S. 2857. A bill to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCLURE from the Committee on Energy and Natural Resources:

S. Res. 420. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1688; to the Committee on the Budget.

S. Res. 421. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 806; to the Committee on the Budget.

S. Res. 422. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 3787; to the Committee on the Budget.

S. Res. 423. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 4596; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2854. A bill to establish standards governing the preventive detention of juveniles; to the Committee on the Judiciary.

JUVENILE PREVENTIVE DETENTION STANDARDS ACT

Mr. SPECTER. Mr. President, I am today introducing a bill, entitled the Juvenile Preventive Detention Standards Act, to ensure that decisions to detain juveniles are guided by clearly defined legal standards in light of the decision by the Supreme Court of the United States in the case of Schall against Martin.

The issue of preventive detention is one which has been considered extensively in the criminal law field and has been debated extensively on the floor of the U.S. Senate in a variety of contexts.

The presumption of innocence, one of the most fundamental protections in the criminal law, customarily requires that those charged with crime be admitted to bail prior to the determination of guilt.

There are, under some circumstances, necessary reasons where that standard should be altered in cases where there are habitual criminals with demonstrated tendency where release subjects the community to a high risk of repeat crime. Those standards have been established in the omnibus crime bill passed by this body earlier this year.

While there may be some question as to whether those cases should come to trial within 60 days as opposed to 90 days, I believe that there is a considerable consensus that under some circumstances pretrial detention is necessary and preventive detention is necessary.

When the issue arises as to the preventive detention of juveniles, very exacting standards must be met, in my judgment.

The distinguished groups which have studied the question of pretrial detention of juveniles have articulated standards substantially different than those which have been upheld by the Supreme Court of the United States in Schall against Martin, and it is the direction of this bill to define such standards in a way which will protect the rights of the community and at the same time protect the rights of the juveniles.

The detention of juveniles prior to adjudication or disposition of their cases is one of the most serious problems in the administration of juvenile justice. Some experts estimate that up to 1 million juveniles are detained each year. Many of these youths are held under harsh conditions at a high cost to themselves and the taxpayers. As a result of being detained, many experience a variety of harmful and lasting psychological effects.

On June 19, 1984, the Subcommittee on Juvenile Justice, which I chair, held hearings to examine preventive detention of juveniles. Many witnesses testified about the need to ensure that decisions about pretrial detention are guided by clearly enumerated standards. This sentiment was expressed by, among others, the distinguished jurist, Judge Margaret Driscoll, former chairperson of the Subcommittee on Standards of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. Judge Driscoll pointed to the enormous potential for arbitrariness and unfairness if judges are not provided with criteria by which to make pretrial detention decisions. These decisions are often based on extremely limited information and frequently are made after only a few minutes of deliberation. Under such circumstances, the welfare of juveniles may be seriously imperiled.

The costs of detaining juveniles can be exceedingly high. Based on my experience as district attorney of Philadelphia, and as chairman of the Juvenile Justice Subcommittee, I am convinced that detained minors often sustain very serious impact from such incarceration. Juvenile detainees are stigmatized. Indeed, as Justice Marshall noted in Schall against Martin:

> "The impressionability of juveniles may make the experience of incarceration more injurious to them than to adults: all too quickly juveniles subjected to preventive detention come to see society at large as hostile and oppressive and to regard themselves as irremediably "delinquent."

Given these problems resulting from potentially wrong detention of juveniles and given the risks of arbitrariness absent meaningful standards, it is important to ensure that pretrial detention procedures be conducted according to predetermined legal criteria. This bill will accomplish this end.

The bill stipulates that any State in which State or local law enforcement programs receive Federal financial assistance, including aid received pursuant to the Juvenile Justice and Delinquency Prevention Act or any other

provision of law, shall not detain a juvenile who has not been found guilty of an offense which would be criminal if committed by an adult, unless certain procedural requirements are met.

Under the bill, a juvenile could not be detained unless a petition for delinquency is filed within 24 hours of arrest. An adversary hearing would then be held within 24 hours of filing. The juvenile would have a right to counsel at this hearing.

Before ordering detention, the State would have to establish that the juvenile is a fugitive from another jurisdiction, an official of which has formally requested that the juvenile be placed in detention or, alternatively, that there is probable cause to believe that the juvenile has committed a serious crime of violence which in the case of an adult would be punishable by a sentence of 1 year or more and which, if proven, is likely to result in commitment to a secure detention facility.

In the latter situation, one of the three additional factors must be present to detain: First, there is a substantial probability that the juvenile would, if released, commit a serious crime of violence based upon a finding that the juvenile has a demonstrable recent record of adjudications for violent conduct resulting in physical injury to others, or second, the juvenile is an escapee from an institution or other placement facility to which he or she was sentenced under previous adjudication of criminal conduct, or third, the juvenile has a demonstrable recent record of adjudications for willful failure to appear at juvenile proceedings.

This bill also provides that a juvenile shall be detained only if no adequate less restrictive alternative is available. All decisions to detain a juvenile must be explained in a written statement by the responsible official or judge that explicitly states the reasons for rejecting any less restrictive form of release.

At every stage in the proceedings, the State would bear the burden of establishing by clear and convincing evidence any relevant facts necessary to detain a juvenile. This standard is articulated with the calculation of more than the preponderance of evidence customarily required in a civil proceeding but less than the level of proof beyond a reasonable doubt which would be necessary for conviction. Also, the bill makes clear that a juvenile who may be detained under these guidelines need not be detained. No category of alleged conduct or background in and of itself should justify a failure to exercise discretion to release or that is consistent with the interests of the community and the juvenile.

I believe this legislation represents a balanced approach to the problem of inadequate standards in preventive detention cases. While ensuring that decisionmaking will be principled, the bill leaves officials with much flexibility to evaluate individual circumstances in specific cases.

Historically, Congress has acted to protect the rights of juveniles. National legislation has played a vital role in ensuring that women, racial minorities, the elderly, and the handicapped are treated fairly in our legal system, and that, of course, applies to juveniles as well. The Juvenile Preventive Detention Standards Act also would help ensure that our Nation's young are accorded fair treatment.

Mr. President, I ask unanimous consent that the full text of the proposed bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Preventive Detention Standards Act of 1984".

SEC. 2. Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by adding at the end thereof the following:

"JUVENILE PREVENTIVE DETENTION

"SEC. 264. (a) The Attorney General shall withhold Federal financial assistance, including payments under this Act, for the law enforcement programs of any State or local government unless the law of such State or local government provides that a juvenile who is charged with a crime but who has not been adjudicated to be guilty of committing an offense which would be criminal if committed by an adult may only be detained in a secure detention facility subject to the following conditions:

"(1) No juvenile shall be detained for the purpose of—

"(A) punishing, treating, or rehabilitating the juvenile,

"(B) allowing parents to avoid their legal responsibilities,

"(C) satisfying demands by a victim, the police, or the community,

"(D) permitting more convenient access to the juvenile, or

"(E) facilitating further interrogation or investigation.

"(2) No juvenile shall be detained unless a petition for delinquency is filed within 24 hours of arrest.

"(3) No juvenile shall be detained unless the juvenile is accorded an adversary hearing in court within 24 hours of the filing of the petition for delinquency. The hearing shall be held subject to the following requirements:

"(A) the juvenile, the parents of the juvenile, and their attorneys shall be given notice of the hearing immediately upon an intake official's decision that the juvenile will not be released prior to the hearing;

"(B) the juvenile shall be represented by an attorney and accompanied by the juvenile's parents, if they choose to attend; and

"(C) the juvenile and the attorney shall have full access to all information and records upon which a judge relies in refusing to release the juvenile from detention, or in imposing conditions of supervision.

"(4) No juvenile shall be detained unless a court of competent jurisdiction determines within 24 hours of the hearing required by paragraph (3), that there is probable cause to believe that the juvenile—

"(A) has been verified to be a fugitive from another jurisdiction, an official of which has formally requested that the juvenile be placed in detention; or

"(B) has committed a serious crime of violence which in the case of an adult would be punishable by a sentence of one year or more, and which if proven is likely to result in commitment to a secure detention facility, and one or more of the following addition factors is present:

"(i) there is a substantial probability that the juvenile would, if released, commit a serious crime of violence based upon a finding that the juvenile has a demonstrable recent record of adjudications for violent conduct resulting in physical injury to others;

"(ii) the juvenile is an escapee from an institution or other placement facility to which he or she was sentenced under previous adjudication of criminal conduct; or

"(iii) the juvenile has a demonstrable recent record of adjudications for willful failure to appear at juvenile proceedings.

"(5) No juvenile shall be detained before or after a hearing unless there is no less restrictive alternative that will reduce the risks of flight or of serious harm to the physical safety of the juvenile or others. All decisions to detain a juvenile must be explained in a written statement by the responsible official or judge that explicitly states the reasons for rejecting any less restrictive form of release.

"(6) At every stage of the proceedings the State will bear the burden of establishing by clear and convincing evidence any relevant facts necessary to detain a juvenile.

"(7) A juvenile who is excluded from mandatory release shall not automatically be detained. No single category of alleged conduct or background in and of itself shall justify a failure to exercise discretion to release.

"(b) For purposes of this section, the term 'serious crime of violence' means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, and robbery.".

By Mr. GOLDWATER:

S. 2855. A bill entitled the "Papago-Sif Oidak Chuichu Area Water Settlement Act; to the Select Committee on Indian Affairs.

S. 2856. A bill entitled the "Gila Bend Land Exchange and Settlement Act; to the Select Committee on Indian Affairs.

PAPAGO-SIF OIDAK CHUICHU AREA WATER SETTLEMENT ACT AND THE GILA BEND LAND EXCHANGE AND SETTLEMENT ACT

Mr. GOLDWATER. Mr. President, today, at the request of the Papago Tribe, I am introducing legislation to resolve the water rights claims of the Chuichu area of the Sells Papago Reservation and of the Gila Bend area of the Papago Reservation. In 1982, Congress enacted legislation to resolve the water rights claims of two other Papago areas, the San Xavier Reservation and the Schuk Toak area of the Sells Reservation. That settlement was the result of many months of negotiation and compromise by a dedicated group of people representing the tribe, the major water users in and around Tucson, AZ, the State of Arizo-

na, and the Department of the Interior. The agreement successfully resolved water claims that had been the subject of litigation for more than 7 years.

My experience with the San Xavier and the Schuk Toak settlement furthers my conviction that negotiation is far more preferable than litigation as a means of solving difficult water conflicts. I hope that our experience gained in the first Papago negotiations will be a guide as we pursue resolution of the claims of these two other Papago Reservation areas. While I believe we can improve upon and build on that experience, we have a way to go to achieve the best and most viable solution to these presently pending Papago water claims. While I am not wedded to this legislation, these bills represent vehicles for discussion on how best to resolve these critical issues.

Mr. President, at this point, I ask that the text of these two bills appear in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress has declared that it is the policy of Congress to resolve, without costly and lengthy litigation, the claims of the Papago Tribe of Arizona for water based upon failure of the United States to meet its trust responsibility to the Indian people provided reasonable settlement can be reached.

(b) The Congress hereby finds and declares that—

(1) That at the time of settlement of the Chuichu area of the Sells Papago Reservation, it was the obligation and intention of the United States to provide water and such obligation remains unfulfilled;

(2) It is likely that the United States would be held liable for its failure to provide water and for allowing ground water beneath the Chuichu area of the Sells Papago Reservation to be mined by off-reservation entities;

(3) There exists a critical situation at the Chuichu area of the Sells Papago Reservation in that there is not sufficient water to sustain a farming operation on the Communitie's domestic needs until a permanent source of water suitable for irrigation and the domestic needs on the reservation can be delivered;

(4) This Act is proposed to settle the Papago Tribe's claim for water mined from under the Chuichu area of the Sells Papago Reservation by off-reservation entities by obligating the United States to meet the Papago Tribe's needs for a permanent supply of water in this area of the reservation in a fixed amount to be available upon a date certain, in exchange for a release of all claims the Papago Tribe has against the United States for failing to act consistently with its trust responsibility to protect this water resource of the reservation; and

(5) It is the long-range interest of the United States and the Papago Tribe to reach a fair and equitable settlement of this claim of the Papago Tribe.

DEFINITIONS

SEC. 2. For the purpose of this Act—

(1) the term "acre-foot" means the amount of water necessary to cover one acre of land to a depth of one foot;

(2) the term "Central Arizona Project" means the project authorized under title III of the Colorado River Basin Project Act (82 Stat. 887; 43 U.S.C. 1521, et seq.);

(3) the term "Papago Tribe" means the Papago Tribe of Arizona organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 478);

(4) the term "Secretary" means the Secretary of the Interior;

(5) the term "replacement costs" means the reasonable costs of acquiring and delivering water from sources within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area. Such costs shall include costs of necessary construction amortized in accordance with standard Bureau of Reclamation Procedures;

(6) the term "value" means the value attributed to the water based on the Tribe's anticipated or actual use of the water, or its fair market value.

WATER DELIVERIES: ALTERNATIVE WATER SUPPLIES

SEC. 3. (a) As soon as possible but not later than five years after the date of enactment of this Act the Secretary is hereby authorized and directed to deliver annually to the Chuichu area of the Sells Papago Reservation twenty thousand acre-feet of water suitable for agricultural use from any of the following sources or combination thereof:

(A) Eight thousand acre-feet of Central Arizona Project water according to the terms and condition of that certain agreement dated December 11, 1980, by and between the Secretary and the Papago Tribe of Arizona;

(B) Twelve thousand acre-feet of the non-Indian allocation of Central Arizona Project water for agricultural use if the Papago Tribe's application to contract therefor has been approved.

(C) Any Central Arizona Project water which has been contracted for but is released or will not be used;

(D) Any water which becomes available by reason of augmentation for delivery through the Central Arizona Project.

(E) Any water stored behind the Tat Momolik Dam which is in excess of the needs of the Vaiva Vo farming project and the domestic and cattle needs of the surrounding area;

(F) Any water stored behind any dam that may be authorized and constructed within the Sif Oidak District of the Sells Papago Reservation; and

(G) Water from the South Vekol water basin underlying Federal lands.

(b) To make available and deliver to the Chuichu area of the Sif Oidak District of the Sells Reservation that water referred to in this section, the Secretary, acting through the Bureau of Reclamation, shall design, construct, operate, maintain and replace such facilities as are appropriate.

SEC. 4. (a) The Secretary is hereby authorized and directed to carry out such studies and analysis as he deems necessary to determine the feasibility of constructing a multipurpose dam on that portion of the Sif Oidak District of the Sells Papago Reservation known as Silver Reef and facilities to divert the flood waters of the Santa Cruz River for storage behind Tat Momolik Dam for agricultural, recreational and other uses. Such study and analysis shall be completed within one year after the date of the enactment of this act.

(b) If the Secretary determines that either or both of these flood control measures are feasible and the Papago Tribe consents thereto, the Secretary is hereby authorized and directed to design, construct, operate, maintain and replace the dam and diversion facilities.

(c) The Secretary is hereby authorized and directed to design, construct, operate, maintain and replace such facilities as are necessary to deliver twenty thousand acre-feet of water to the Chuichu area of the Sif Oidak District at points to be agreed to by the Secretary and the Tribe.

DISTRIBUTION OF WATER

SEC. 5. (a) The Secretary, acting through the Bureau of Reclamation or the Bureau of Indian Affairs as requested by the Tribe, shall design, construct, operate, maintain, and replace an irrigation system within the Chuichu area of the Sif Oidak District of the Sells Reservation, including such canals, laterals, farm ditches and irrigation works, as are necessary for the efficient distribution of ten thousand eight hundred acre-feet of water.

(b) The Papago Tribe shall assume the cost and responsibility of designing, constructing, operating, maintaining and replacing an irrigation system within the Chuichu area of the Sif Oidak District of the Sells Reservation, including such canals, laterals, farm ditches and irrigation works, as are necessary for the efficient distribution of nine thousand two hundred acre-feet of water.

(c) The Secretary shall be required to carry out his obligation with respect to distribution systems under subsection (a) only if the Papago Tribe agrees to:

(1) subjugate, at no cost to the United States, the land for which those distribution systems are to be planned, designed and constructed by the Secretary; and

(2) assume the responsibility, through the Tribe or its members or an entity designated by the Tribe, as appropriate, following the completion of those distribution systems and upon delivery of water under the act, for operation, maintenance, and replacement of those systems in accordance with the act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385).

SEC. 6. The Papago Tribe shall have the right to devote all water supplies under this Act to any use, including but not limited to agricultural, municipal, industrial, commercial, mining, or recreational use within or outside the Papago Reservation.

DAMAGES

SEC. 7. If the Secretary is unable to acquire and deliver quantities of water adequate to fulfill his obligations under Section 3(a), the Secretary shall pay damages in an amount equal to the actual replacement costs or the value of such quantities of water as are not acquired and delivered, whichever is greater.

WAIVER AND RELEASE OF CLAIMS

SEC. 8. (a) The Secretary shall be required to carry out the obligations of the act only if within one year after the date of enactment of this act the Papago Tribe executes a waiver and release of any and all claims for injuries to water rights (including rights to both surface and groundwater) within the Maricopa-Stanfield water basin, from time immemorial to the date of execution by the Tribe of such waiver, which the Tribe has against the United States. This

waiver and release shall become effective and binding on the Papago Tribe only after the Secretary has fully completed all of his obligations as set forth in Sections 3, 4, and 5, the trust fund referred to in Section 11 is in existence, and the full amount authorized to be appropriated has been appropriated by Congress.

(b) Nothing in this section shall be construed as a waiver or release by the Papago Tribe of any claim where such claim arises under this Act.

(c) The settlement provided in this Act shall be deemed fully to satisfy any and all claims of water rights (including rights in both surface and ground water) of the Papago Tribe and all individual members of the Papago Tribe that have a legal interest in lands of the Chuichu area of the Sif Oidak District of the Sells Papago Reservation, as of the date the waiver and release referred to in this section takes effect. Any entitlement to water of any individual member of the Papago Tribe shall be satisfied out of the water resources provided by this title.

VAIVA VO

SEC. 9. As soon as possible but not later than three years after the date of the enactment of this act, the Secretary shall improve and extend the existing irrigation system of the Vaiva Vo farms located within the Sif Oidak District of the Sells Papago Reservation, and subjugate additional land, design and construct such additional canals, laterals, farm ditches, wells and irrigation works, including wells, as are necessary for the efficient distribution for agricultural purposes of nine thousand two hundred acre-feet of water.

TAT MOMOLIK DAM

SEC. 10. (a) Pursuant to apropriations the Secretary of the Treasury shall pay to the governing body of the Papago Tribe the sum of $3,000,000 to liquidate damage claims by the Papago Tribe against the United States arising from its unauthorized taking of tribal lands in connection with the construction and operation of the Tat Momolik Dam and its failure to provide recreation and other development benefits promised but never provided in connection with construction of the dam; and

(b) $100,000 to the residents of Tat Momolik Village in compensation for their forced relocation.

(c) The Secretary is hereby authorized and directed to carry out such studies and analyses as he deems necessary to determine the detrimental effects, if any, on the village of Cocklebur arising from the construction and operation of Tat Momolik Dam.

ESTABLISHMENT OF TRUST FUND: EXPENDITURES FROM FUND

SEC. 11. (a) Pursuant to appropriations the Secretary shall pay to the governing body of the Papago Tribe the sum of $5,000,000 to be held in trust for the benefit of such Tribe and invested in interest bearing deposits and securities including deposits and securities of the United States.

(b) The authorizing governing body of the Papago Tribe, as trustee for such Tribe, may only spend each year the interest and dividends accruing on the sum held and invested pursuant to section (a). Such amounts may only be used by the Papago Tribe for the subjugation of land, development of water resources, and the construction, operation, maintenance and replacement of related facilities on the Papago Reservation which are not the obligation of the United States under this or any other act of Congress.

SOUTH VEKOL WATER BASIN

SEC. 12. On the date of enactment of this act all water rights attached to the public lands in the South Vekol water basin are hereby transferred to the Papago Tribe of Arizona.

EXTENSION OF THE STATUTE OF LIMITATIONS

SEC. 13. Notwithstanding section 2415 of Title 28, United States Code, any action relating to water rights of the Papago Tribe, or any member of such Tribe brought by the Tribe or the United States for or on behalf of such Tribe or member of such Tribe, or by such Tribe on its own behalf shall not be barred if the complaint is filed prior to January 1, 1989.

APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

SEC. 12. The function of the Bureau of Reclamation under this title shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (88 Stat. 2203; 25 U.S.C. 450) to the same extent as if performed by the Bureau of Indian Affairs.

COMPLIANCE WITH BUDGET ACT

SEC. 13. No authority under this title to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations acts. Any provisions of this title which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1984.

SHORT TITLE

SEC. 14. This Act may be cited as the "Papago-Sif Oidak Chuichu Area Water Settlement Act."

S. 2856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SEC. 1. The Congress finds that—

(1) Nearly ten thousand acres of trust land on the Gila Bend Reservation—comprising of more than seventy-five percent of the Reservation—have been rendered unsuitable for agriculture or other economic use by reason of the operation of Painted Rock Dam;

(2) in addition, the Papago Tribe has been denied the use of more than five thousand nine hundred acres of this land owing to the failure of the United States to protect the rights of the Tribe to surface and ground water;

(3) the claims of the Papago Tribe with respect to those lands and injuries to water rights are the subject of prospective law suits against the United States; and

(4) it is in the long-range interests of the United States and the Papago Tribe to reach a fair and equitable settlement of the claims of the Papago Tribe.

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) the term "acre-foot" means the amount of water necessary to cover one acre of land to a depth of one foot;

(2) the term "Central Arizona Project" means the project authorized under title III of the Colorado River Basin Project Act (82 Stat. 887; 43 U.S.C. 1521, et seq.);

(3) the term "Papago Tribe" means the Papago Tribe of Arizona organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476);

(4) the term "Secretary" means the Secretary of the Interior;

(5) the term "replacement costs" means the reasonable costs of acquiring and delivering water from sources within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area. Such costs shall include costs of necessary construction amortized in accordance with standard Bureau of Reclamation Procedures;

(6) the term "value" means the value attributed to the water based on the Tribe's anticipated or actual use of the water, or its fair market value.

GILA BEND LAND EXCHANGE; WATER RIGHTS TRANSFER

SEC. 3. (a) As soon as possible but not later than five years after the date of enactment of this Act, if the Papago Tribe consents, the Secretary shall exchange five thousand nine hundred acres of arable land for an equivalent acreage of arable land under jurisdiction of the Secretary or acquired by the Secretary under subsection (b).

(b) To meet the obligation under subsection (a) in whole or in part, the Secretary may acquire by purchase or exchange private lands of like quality.

(c) In selecting lands for exchange under subsection (a) or acquiring lands for exchange under subsection (b), the Secretary shall give priority to lands which have rights in surface water recognized under State law and are practicably irrigable.

(d) The lands exchanged under this section shall be held in trust for the Papago tribe and shall be part of the Gila Bend Indian Reservation for all purposes. Such lands shall be deemed to have been reserved as of the date of the reservation of lands for which they are exchanged.

(e) Notwithstanding any Federal or State law to the contrary, the surface and ground water rights attaching to the land which, prior to exchange, were part of the Gila Bend Indian Reservation, shall be severed from the land and transferred to the land for which it is exchanged.

(f) No land may be acquired under subsection (b) without the consent of the owner thereof.

(g) Lands exchanged under this section which, prior to the exchange were part of the Gila Bend Indian Reservation, shall be managed by the Secretary through the Bureau of Reclamation.

QUANTIFICATION OF WATER RIGHTS: ALTERNATIVE WATER SUPPLIES; OPERATION AND MAINTENANCE

SEC. 4. (a) The Tribe shall have the right to use thirty two thousand acre-feet of water suitable for agricultural, domestic, municipal or industrial uses;

(b) To the extent that the water available for use on the lands exchanged under section 3 is not sufficient to meet the entitlement of the Tribe under subsection (a), the Secretary shall acquire and deliver to the Gila Bend Indian Reservation, as that reservation is bounded after the land exchange, at points agreed to by the Secretary and the Tribe, such quantities of water which are necessary to satisfy the entitlement.

(c) To meet the obligation under subsection (b), the Secretary shall acquire and deliver water from the following sources of any combination thereof:

(1) Painted Rock Reservoir;

(2) Private lands of interests therein having rights in surface or ground water recognized under State law;

(3) lands which the Secretary acquires in the Gila Bend Indian Reservation by exchange under section 3 the water rights to which are not transferred to the land for which they are exchanged under section 3(d).

(4) reclaimed water to which the seller has a specific right for the voluntary exchange of the reclaimed water for any other water suitable for agricultural, domestic, municipal, or industrial uses; or

(5) any water which becomes available for delivery through the Central Arizona Project.

(d) No land, water, water rights, contract rights, or reclaimed water may be acquired under subsection (c) without the consent of the owner thereof.

(e) To make available and deliver to the Reservation the water referred to in this section, the Secretary acting through the Bureau of Reclamation, shall design, construct, operate, maintain, and replace such facilities as are appropriate.

(f) The Secretary, acting through the Bureau of Reclamation or the Bureau of Indian Affairs as requested by the Papago Tribe, shall design, construct, operate, maintain, and replace an irrigation system on the Gila Bend Reservation, including such canals, laterals, farm ditches, and irrigation works, as are necessary for the efficient distribution of ten thousand eight hundred acre-feet of water.

(g) The Secretary, acting through the Bureau of Reclamation or the Bureau of Indian Affairs as requested by the Tribe, shall design, construct, operate, maintain, and replace an irrigation system on the Gila Bend Reservation, including such canals, laterals, farm ditches, and irrigation works, as are necessary for the efficient distribution of twenty one thousand two hundred acre-feet of water. The costs referred to in this subsection are the responsibility of the Papago Tribe.

ADDITIONAL LAND EXCHANGES

SEC. 5. (a) As soon as possible but not later than five years after the date of the enactment of this Act, if the Papago Tribe consents, the Secretary shall exchange—

(1) four thousand acres of land for—

(A) an equivalent acreage of land of like quality; or

(B) an acreage of land, more or less than four thousand acres, which has an equivalent fair market value; and

(2) two hundred forty acres of land for an equivalent acreage suitable for a village site.

The land which the Secretary exchanges for Papago land shall be land under the jurisdiction of the Secretary or acquired under subsection (b).

(b) To meet the obligation under subsection (a), the Secretary may acquire by purchase or exchange private lands of like quality.

(c) The lands exchanged under this section shall be held in trust for the Papago Tribe and shall be deemed a part of the Gila Bend Reservation for all purposes. Such lands shall be deemed to have been reserved as of the date of the reservation of lands for which they are exchanged.

(d) No land may be acquired under subsection (b) without the consent of the owner thereof.

(e) Lands exchanged under this section which, prior to the exchange, were part of the Gila Bend Reservation, shall be managed by the Secretary through the Bureau of Land Management.

GROUND WATER MANAGEMENT PLAN

SEC. 6. The Secretary shall establish a water management plan for the Gila Bend Reservation which, except as is necessary to be consistent with the provisions of this Act, will have the same effect as any management plan developed under Arizona law.

DISPOSITION OF WATER

SEC. 7. The Papago Tribe shall have the right to devote all water supplies under this Act, whether delivered by the Secretary or pumped or diverted by the Tribe, to any use, including but not limited to agricultural, municipal, industrial, commercial, mining, or recreational use within or outside the Gila Bend Reservation.

RETAINED RIGHTS

SEC. 8. The Papago Tribe shall have the right to the exclusive use of any land or any flood waters on the lands which, prior to the exchange, were part of the Gila Bend Reservation for hunting, wood gathering, recreational, commercial, or other uses: *Provided*, that nothing herein shall interfere with the operation of Painted Rock Dam for flood-control purposes.

DAMAGES

SEC. 9. (a) If the Secretary is unable to exchange five thousand nine hundred acres of arable land to fulfill the obligation under section 3, the Secretary shall pay damages in an amount equal to the sum of the acquisition costs and use value of such acreage of land as are not exchanged.

(b) If the Secretary is unable to acquire and deliver quantities of water adequate to fulfill the obligation under section 4(b), the Secretary shall pay damages in an amount equal to the actual replacement costs or the value of such quantities of water as are not acquired and delivered, whichever is greater.

SEC. 10. The Secretary shall be required to carry out the obligation with respect to distribution systems under section 4(f) only if the Papago Tribe agrees—

(a) subjugate, at no cost to the United States, the land for which those distribution systems are to be planned, designed and constructed by the Secretary; and

(b) assume the responsibility, through the Tribe or its members or an entity designated by the Tribe, as appropriate, following the completion of those distribution systems and upon delivery of water under this Act, for operation, maintenance, and replacement of those systems in accordance with the Act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385).

WAIVER AND RELEASE OF CLAIMS OF PAPAGO TRIBE

SEC. 11. (a) The Secretary shall be required to carry out the obligations of this Act only if within one year after the date of enactment of this Act the Papago Tribe executes a waiver and release of any and all claims for injuries to land or to water rights (including rights to both surface and ground water) within the Bosque Valley water basin, from time immemorial to the date of the execution by the Tribe of such a waiver, which the Tribe has against the United States.

(b) Nothing in this section shall be construed as a waiver or release by the Papago Tribe of any claim where such claim arises under this Act.

(c) The waiver and release referred to in this section shall not take effect until such time as the trust funds referred to in sections 14 and 15 are in existence and the full amounts authorized to be appropriated for planning under section 13 and to the trust funds under sections 14 and 15 have been appropriated by the Congress.

(d) The settlement provided in this Act shall be deemed fully to satisfy any and all claims of land or water rights (including rights in both surface and ground water) of the Papago Tribe and all individual members of the Papago Tribe that have a legal interest in the Gila Bend Reservation as of the date the waiver and release referred to in this section takes effect. Any entitlement to land or to water of any individual member of the Papago Tribe shall be satisfied out of the land and water resources provided in this Act.

EXTENSION OF THE STATUTE OF LIMITATIONS

SEC. 12. Notwithstanding section 2415 of title 28, United States Code, any action relating to water rights of the Papago Tribe or any member of such Tribe brought by the United States for, or on behalf of, such Tribe or member of such Tribe, or by such Tribe on its own behalf shall not be barred if the complaint is filed prior to January 1, 1989.

PLANNING

SEC. 13. There is hereby authorized to be appropriated by this Act, the sum of $500,000 for transfer by the Secretary to the Papago Tribe for use in planning the land exchanges referred to in sections 3(a) and 5(a) and the distribution systems referred to in subsections (f) and (g) of section 4.

PAPAGO TRUST FUND

SEC. 14. (a) Pursuant to appropriations the Secretary of the Treasury shall pay to the authorized governing body of the Papago Tribe the sum of $8,000,000 to be held in trust for the benefit of such Tribe and invested in interest bearing deposits and securities.

(b) The authorized governing body of the Papago Tribe, as trustee for such Tribe, may only spend each year the interest and dividends accruing on the sum held and invested pursuant to subsection (a). Such amount may only be used by the Papago Tribe for the subjugation of land, development of water resources, and the construction, operation, maintenance, and replacement of related facilities on the Papago Reservation which are not the obligation of the United States.

SEC. 15. Pursuant to appropriations the Secretary of the Treasury shall pay to the governing body of the Papago Tribe the sum of $1,000,000 to be held in trust for the benefit of the San Lucy district of such Tribe and invested in interest bearing securities.

APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

SEC. 16. The function of the Bureau of Reclamation under this title shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (88 Stat. 2203; 25 U.S.C. 450) to the same extent as if performed by the Bureau of Indian Affairs.

COMPLIANCE WITH BUDGET ACT

SEC. 17. No authority under this title to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provisions of this title which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1984.

REPEAL OF SECTION 0000 OF TITLE 00, UNITED STATES CODE

SEC. 18. Section 0000 of the Southern Arizona Rights Settlement Act of 1982 (96 Stat. 1282; 00 U.S.C. 0000) is hereby repealed.

SHORT TITLE

SEC. 19. This Act may be cited as the "Gila Bend Land Exchange and Settlement Act."

By Mr. ANDREWS (for himself, Mr. ZORINSKY, Mr. BAUCUS, Mr. MCCLURE, and Mr. DIXON):

S. 2857. A bill to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey; to the Committee on Agriculture, Nutrition, and Forestry.

HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ACT

● Mr. ANDREWS. Mr. President, today I am introducing legislation that would enable the producers and handlers of honey and honey products to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey and honey products.

Mr. President, this bill will effect honey producers in every State of the Union and in the Commonwealth of Puerto Rico. In my home State of North Dakota, the leading honey producing State, honey producers have been hurt by an influx of cheaper imported honey. As a result, they have been forced to rely in an ever increasing fashion upon the commodity support programs of the USDA, increasing Government participation in the honey industry.

This bill should help to reverse this growing governmental dependence by creating a national marketing organization for honey producers, a task which has been all but impossible in the past owing to the fragmented nature of the industry. It is anticipated by the industry that legislation of this sort will provide them with the opportunity to launch a national program to first, research new uses for honey and honey products, second, increase consumer awareness of the nutritional quality and versatility of honey, and third, seek and develop new market for honey. All of these promotional goals will be financed by the honey industry at no cost to the Federal Treasury.

This legislation will provide the honey industry with a mechanism to solve marketing problems in a fashion similar to programs employed by the potato, egg, and cotton industries. The success of the programs in other areas are living examples of the truth of the old adage, "It pays to advertise." These groups have found that industry wide promotional efforts have created consumer awareness and marketing opportunities, increasing sales while reducing dependence upon Government-sponsored support programs.

This act does not dictate anything in the way of quality standards, or production restrictions, or in any way limit the production or marketing decisions of the individual producer. In that regard, it is a perfect example of Government guidance, not intervention.

In summary, Mr. President, this bill would authorize the establishment of an orderly procedure for the development and financing of a coordinated program designed to promote a national marketing plan for the honey industry. This act will be funded by industry participants at no cost to the Federal Government. I am confident that this legislation will provide the governmental assistance, guidance, and encouragement necessary for the honey industry to help itself achieve market stability. Certainly this self-help option is preferable to ever increasing dependence on the Federal Government.

I urge my colleagues to join me in sponsoring this bill.●

ADDITIONAL COSPONSORS

S. 2050

At the request of Mr. D'AMATO, his name was withdrawn as a cosponsor of S. 2050, a bill to provide local communities with a right of first refusal to purchase a major league baseball franchise if the owners offer the franchise for sale to prospective purchasers who intend to move such franchise to another community.

S. 2338

At the request of Mr. HEINZ, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 2338, a bill to amend title XVIII of the Social Security Act to allow medicare coverage for home health services provided on a daily basis.

S. 2357

At the request of Mr. SPECTER, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2357, a bill for the relief of Michael O'Rourke.

S. 2375

At the request of Mr. BUMPERS, the name of the Senator from Rhode Island [Mr. PELL] was added as cosponsor of S. 2375, a bill to amend the Small Business Act to improve the operation of the secondary market for loans guaranteed by the Small Business Administration.

S. 2544

At the request of Mr. ABDNOR, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Tennessee [Mr. BAKER], the Senator from New York [Mr. D'AMATO], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of S. 2544, a bill to amend section 3056 of title 18, United States Code, to update the authorities of the U.S. Secret Service, and for other purposes.

S. 2665

At the request of Mr. ROTH, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of S. 2665, a bill to strengthen the criminal and civil penalty provisions of environmental protection laws.

S. 2743

At the request of Mr. GRASSLEY, the names of the Senator from Massachusetts [Mr. TSONGAS], the Senator from Michigan [Mr. LEVIN], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of S. 2743, a bill to designate a portion of 16th Street, Northwest, Washington, DC, on which the Embassy of the Union of Soviet Socialist Republics is located, as "Andrei Sakharov Avenue."

S. 2766

At the request of Mr. THURMOND, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2766, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition.

S. 2769

At the request of Mr. HELMS, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of S. 2769, a bill to amend section 1464 of title 18, United States Code, relating to broadcasting obscene language, and for other purposes.

S. 2770

At the request of Mr. MELCHER, the name of the Senator from Iowa [Mr. JEPSEN] was added as a cosponsor of S. 2770, a bill to protect consumers and franchised automobile dealers from unfair price discrimination in the sale by the manufacturer of new motor vehicles, and for other purposes.

S. 2803

At the request of Mr. SPECTER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2803, a bill to amend the Delaware River basin compact to allow the sale of bonds at market rates.

SENATE JOINT RESOLUTION 254

At the request of Mr. LUGAR, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 254, a joint resolution to designate the month of October 1984 as "National Down's Syndrome Month."

SENATE JOINT RESOLUTION 267

At the request of Mr. CHILES, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of Senate Joint Resolution 267, a joint resolution to designate the week of September 23, 1984, through September 29, 1984, as "National Drug Abuse Education and Prevention Week."

SENATE JOINT RESOLUTION 272

At the request of Mr. MURKOWSKI, the names of the Senator from New York [Mr. D'AMATO], the Senator from Pennsylvania [Mr. HEINZ], the Senator from North Carolina [Mr. HELMS], the Senator from Rhode Island [Mr. PELL], the Senator from Illinois [Mr. PERCY], the Senator from South Carolina [Mr. THURMOND], the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 272, a joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II.

SENATE JOINT RESOLUTION 287

At the request of Mr. D'AMATO, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of Senate Joint Resolution 287, a joint resolution to authorize and request the President to designate January 27, 1985, as "National Jerome Kern Day."

SENATE JOINT RESOLUTION 299

At the request of Mr. ABDNOR, the names of the Senator from Florida [Mr. CHILES], the Senator from Maryland [Mr. MATHIAS], the Senator from North Carolina [Mr. EAST], the Senator from Texas [Mr. BENTSEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Maryland [Mr. SARBANES], the Senator from Oklahoma [Mr. BOREN], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 299, a joint resolution to designate November 1984 as "National Diabetes Month."

SENATE JOINT RESOLUTION 318

At the request of Mr. HATCH, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from North Dakota [Mr. BURDICK], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Dakota [Mr. ANDREWS], the Senator from Kentucky [Mr. FORD], the Senator from Alabama [Mr. DENTON], the Senator from California [Mr. CRANSTON], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 318, a joint resolution to designate the week of September 16, 1984, through September 22, 1984, as "National Development Disabilities Awareness Week."

SENATE JOINT RESOLUTION 323

At the request of Mr. MURKOWSKI, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Rhode Island [Mr. PELL], the Senator from Illinois [Mr. PERCY], the Senator from Maryland [Mr. SARBANES], the Senator from Nebraska [Mr. ZORINSKY], the Senator from South Carolina [Mr. THURMOND], the Senator from New Jersey [Mr. BRADLEY], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from North Carolina [Mr. HELMS], were added as cosponsors of Senate Joint Resolution 323, a joint resolution designating August 1984 as "Polish American Heritage Month."

SENATE JOINT RESOLUTION 327

At the request of Mr. KASTEN, the Senator from Utah [Mr. HATCH], the Senator from Connecticut [Mr. DODD], the Senator from North Carolina [Mr. HELMS] the Senator from Georgia [Mr. NUNN], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Illinois [Mr. PERCY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. JEPSEN], the Senator from California [Mr. WILSON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. TOWER], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Oklahoma [Mr. NICKLES], the Senator from Indiana [Mr. LUGAR], the Senator from Washington [Mr. GORTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Hawaii [Mr. INOUYE], and the Senator from Georgia [Mr. MATTINGLY] were added as cosponsors of Senate Joint Resolution 327, a joint resolution to designate the week beginning September 2, 1984 as "Youth of America Week."

SENATE JOINT RESOLUTION 332

At the request of Mr. DOLE, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of Senate Joint Resolution 332, a joint resolution to proclaim October 16, 1984, as "World Food Day."

SENATE CONCURRENT RESOLUTION 118

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts [Mr. TSONGAS], the Senator from Michigan [Mr. LEVIN], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Concurrent Resolution 118, a concurrent resolution expressing the sense of Congress that the portion of the street in the District of Columbia on which is located the Embassy of the Union of Soviet Socialist Republics, and the portion of any street in any other city in the United States on which is located a consular office or mission of the Union of Soviet Socialist Republics, should be named Andrei Sakharov Avenue.

SENATE CONCURRENT RESOLUTION 124

At the request of Mr. HEINZ, the names of the Senator from Florida [Mrs. HAWKINS], the Senator from Utah [Mr. HATCH], the Senator from Indiana [Mr. QUAYLE], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Alabama [Mr. DENTON] were added as cosponsors of Senate Concurrent Resolution 124, a concurrent resolution expressing the sense of the Congress that the Senior Companion Program be commended on its 10th anniversary for its success in providing volunteer opportunities for older Americans.

SENATE RESOLUTION 329

At the request of Mr. NUNN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

SENATE RESOLUTION 412

At the request of Mr. HOLLINGS, the names of the Senator from Pennsylvania [Mr. HEINZ], the Senator from Ohio [Mr. METZENBAUM], and the Senator from West Virginia [Mr. RANDOLPH] were added as cosponsors of Senate Resolution 412, a resolution to congratulate and commend the USA Philharmonic Society.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on the relationship between Congress and the executive in the formulation and implementation of foreign policy on Wednesday, July 25, at 10 a.m., in SD-342 of the Dirksen Senate Office Building. For further information, please contact Dr. Ian Butterfield at 224-2441.

Mr. President, the Senate Committee on Governmental Affairs will hold a markup on the following measures: First, S. 1566, Program Fraud Civil Penalties Act of 1983; second, S. 1858, DC Home Rule Act Amendments; and third, S. 2433, Paperwork Reduction Act Amendments of 1983 on Thursday, July 26, at 9:30 a.m. in SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Dave Glendinning at 224-3721 in reference to S. 1566, Program Fraud Civil Penalties Act of 1983, Ms. Eileen Mayer at 224-4161 in reference to S. 1858, DC Home Rule Act amendments, and Mr. Reid Detchon at 224-0211 in reference to S. 2433, Paperwork Reduction Act Amendments of 1983.

Mr. President, the Senate Committee on Governmental Affairs will hold a continuation of the hearing on the relationship between Congress and the executive in the formulation and implementation of foreign policy on Thursday, July 31, at 9:30 a.m., in SD-342 of the Dirksen Senate Office Building. For further information, please contact Dr. Ian Butterfield at 224-2441.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Research and Development to consider section 201 of S. 2846, authorizing appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974; and for discussion of the Department of Energy's mission plan for the Civilian Radioactive Waste Management Program.

The hearing will be held on Tuesday, July 31, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Witnesses are requested to provide the subcommittee with 25 copies of their written statements 24 hours in advance of the hearing, as required by the rules of the committee, and 100 copies on the day of the hearing.

For further information regarding this hearing, you may wish to contact Mr. Paul Gilman of the subcommittee staff at 224-4431.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider S. 2850, to designate certain National Forest System lands in the State of Montana for inclusion in the National Wilderness Preservation System, and for other purposes. The hearing will be held on Thursday, August 9, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Due to the number of people expected to testify, witnesses will be arranged in panels and oral testimony will be limited to 3 minutes. Witnesses are requested to provide the subcommittee with 25 copies of their written statement 24 hours in advance of the hearing, as required by the committee rules, and 50 copies on the day of the hearing.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

ADDITIONAL STATEMENTS

SIGNS OF ECONOMIC EXPANSION IN NEW YORK

● Mr. D'AMATO. Mr. President, at a time when all of us look toward economic growth and expansion, I am pleased to report that Avon Products, Inc. has just opened a new administrative office complex in Rye, NY. Located in the new Rye facility are more than 450 employees comprising 5 Avon departments: information services, branch operations, manufacturing operations, controller's, and administration.

Avon is the world's leading manufacturer and distributor of cosmetics, fragrances, and fashion jewelry. Avon also holds the preeminent position among all direct-selling organizations: its products are sold by almost 1.4 million sales representatives to customers in more than 30 countries.

Among the basic principles which have guided Avon throughout almost a century of progress in New York is one that states, "We will honor the responsibilities of corporate citizenship by contributing to the well-being of the society in which we function." This they have done faithfully—both within our State and throughout the country—by actively supporting programs and organizations devoted to the alleviation of human suffering and to the improvement of the health, education and quality of life of all members of society.

Better known is Avon's commitment to provide women an opportunity to earn and achieve. More than 30 years before women had the right to vote, Avon had provided them the chance to become independent business people, by offering an easily accessible route to genuine individual development. In this century of transition and progress for women, Avon has offered millions more opportunities for earnings and personal growth than any other American company.

Inseparably linked with the Avon representatives' opportunity is the service they, in turn, provide to consumers—service renowned for its personalized attention, in-the-home convenience, and high standards of business conduct which have become synonymous with the Avon name. In an increasingly impersonal world, the Avon representative remains that rare independent business person who knows her customers by name and is well-acquainted with their needs.

The quality of Avon service is matched only by the quality of the products they sell. More than 700 scrupulously tested cosmetics, fragrances and fashion jewelry items are offered to customers, backed by a guarantee of satisfaction that is unsurpassed in today's marketplace. And the value of these products is self-evident. New Yorkers are demanding consumers, and more than three generations of them—in the millions—have continually welcomed Avon representatives and Avon products into their homes.

In addition to the new office complex in Rye, and their headquarters office in New York City, Avon also maintains a major manufacturing and research facility in Suffern, NY.

The parent corporation, Avon Products, Inc., includes three other divisons: Mallinckrodt, a leading manufacturer of health care products and specialty chemicals, with facilities in upstate New York and on Long Island; also, Foster Medical, a health services and medical supply company; and Direct Mail and Specialty Retailing, which includes Avon Fashions and Tiffany & Co.

I am pleased to recognize and commend to you Avon Products, Inc.—one of New York's outstanding corporate citizens.●

HON. JOSEPH H. BOTTUM

● Mr. ABDNOR. Mr. President, it is with great sorrow that I must inform the Senate of the death of a former Member of this body, the Honorable Joseph H. Bottum of South Dakota. Senator Bottum was appointed on July 9, 1962, to fill the term of the late Senator Francis Case, and served with distinction in the remaining days of the 87th Congress.

Joe Bottum was a great patriot and a great statesman of South Dakota. The depth of his feeling for his country and his work in its behalf prompted an editorial writer to observe that it was only fitting his death came on the Fourth of July.

To causes in which he believed, Joe Bottum gave untiring effort—our great country, the State of South Dakota, the Republican Party, the institutions which serve to preserve our freedoms—above all, his beloved family. All commanded his utmost respect, his dedicated service.

Joe Bottum believed it was absolutely essential to the future of his country to interest young people in the political process. Indeed, much of my early activity in South Dakota Republican circles stemmed from a phone call Joe made to me urging me to come to the South Dakota Young Republican convention. Joe was one of the founding fathers of that group and its first chairman. He had a way of convincing people, and JIM ABDNOR was soon greatly involved in the Young Republicans and on his way to a political career of his own.

It was my privilege to be a member of the South Dakota Senate when Joe,

as South Dakota Lieutenant Governor, served as its president. He set an example of fairness and impartiality in the office of presiding officer that remains a standard today.

Joe Bottum was a great teacher of all of us in South Dakota, and his teaching came primarily from the example he set for all of us. I commend the attention of my colleagues to some of the tributes which were accorded to Joe and ask they be printed in the RECORD.

Our sympathy goes out to his beloved wife, Nellie, and their daughter, Mary Jo, together with our thanks for sharing him so generously with South Dakota and our great country.

The articles follow:

[From the Rapid City (SD) Journal, July 5, 1984]

JOSEPH BOTTUM DIES WEDNESDAY AT AGE 80

(By Gordon Hanson)

Former Circuit Judge and U.S. Sen. Joseph H. Bottum, 80, a longtime Republican Party figure from Rapid City, died Wednesday in Rapid City Regional Hospital.

He had been in failing health for about two weeks and was taken to the hospital at 3 a.m. Sunday, said a family friend.

Funeral services are pending under the direction of Behrens Mortuary.

Bottum started his career in South Dakota politics in 1934 when he was an organizer and later president of the South Dakota Young Republicans League.

He as the presiding judge of the 7th Judicial Circuit from 1969 to 1979, resigning at age 75 and joining the Rapid City law firm of Wilson, Bottum, Olson, Goodsell and Nash.

Bottum was born in Faulkton on Aug. 7, 1903, to J.H. and Sylvia Bottum. His father was judge of the 10th Judicial Circuit from 1909 to 1945.

He was a student at Yankton College and the University of Michigan before graduating from the University of South Dakota School of Law in 1927. He practiced law in St. Paul, Minn., from 1928 to 1930.

In August 1929 he married Nellie Bang. They had one daughter, Mary Jo.

Bottum returned to South Dakota in 1930 and practiced law in Faulkton. He was Faulk County state's attorney from 1933 to 1936.

He was head of the Young Republicans League from 1934 until 1942. Gov. Leslie Jensen appointed him state director of taxation in 1937, a job he filled until July 1943 when he moved to Rapid City to open a law office. In 1946 he was elected Republican state chairman.

Bottum made a strong bid for the Republican nomination for governor in 1942 when he obtained a 30 percent plurality in a four-way primary election—more than any other candidate—but lost to M.Q. Sharpe at the GOP convention. In 1950 he lost a primary race for Congress. He was the Pennington County state's attorney before being elected lieutenant governor in 1960, serving with Gov. Archie Gubbrud.

His political career took another turn in July 1962 after Sen. Francis Case died in office and Gubbrud appointed Bottum to finish the term. In November, Bottum made a bid for his own six-year Senate term, but lost by 504 votes to Democrat George McGovern.

In 1969 Bottum was appointed circuit judge in Rapid City. He was elected a four-year term on the bench in 1970 and was re-elected in 1974, outpolling the field in the race for five 7th Judicial Circuit positions.

In Rapid City, Bottum was a founder of Community Chest, a past president of the chamber of commerce and the area Boy Scout Council. He was active in the Elks. Lions and several Masonic bodies, including state honors by Scottish Rite Masons as sovereign grand inspector general of the rite in South Dakota.

Bottum campaigned extensively for Republican candidates during his career and was in demand as a public speaker. He was also a musician, a talent that helped him earn money for his college education. He was one of the organizers of the Strollers Club at the University of South Dakota and wrote the music for the first performance of the Strollers Show at USD.

His most recent honor came two weeks ago when he was named recipient of the 1984 McKusick Award from the University of South Dakota law school for outstanding contributions to the state legal profession.

In later years he became an avid jogger, surpassing the 10,000-mile mark by 1976.

Bottum was asked in a March 1981 interview if he was patriotic.

"I've always felt that way," he replied. "I was 15 when we were in World War I, so I was too young. When the next one came along I had the job in Pierre and the governor said 'Stay here," so I did. But I've always felt badly I didn't get to go with the rest of the guys.

"Patriotism? We need it. So many people are making fun of government. They say it's crooked, but most people in government are very conscientious and do a good job."

Survivors include his wife, Nellie, of Rapid City.

[From the Rapid City (SD) Journal, July 6, 1984]

JOE BOTTUM WASN'T ASHAMED OF BEING PATRIOTIC

If South Dakota had a "Yankee Doodle Dandy,' it was Joe Bottum. He wasn't born on the Fourth of July but it is fitting his death came on the birthday of the country he loved.

During his long career as an attorney, politician, state and federal government official and as a judge, Bottum unashamedly expressed that love for country and his respect for its system of government in hundreds of speeches to audiences large and small.

Though public attitudes toward patriotism and nationalism fluctuated over the years with the ebb and flow of national and international events, Bottum's strong feelings about this country and what it stands for never wavered. When he expressed those feelings, even the most cynical had to be moved.

Joe Bottum was a gentleman and a gentle man. As he strolled down the street, he often took time to pat a youngster on the head. His volunteer work on behalf of the Boy Scouts earned him the Silver Beaver Award.

If anything shared a spot in Bottum's heart with his wife and daughter, and his country, it was music. Many a public and private gathering was enlivened by his piano playing and singing. Some of the songs he had written himself. For years, he played the Rapid City Shrine Club calliope in parades throughout the Black Hills. He also wrote poetry.

Years of political activity taught Bottum to accept both victory and defeat graciously and philosophically. He was also politically pragmatic. Once in commenting on the wounds of a party primary, he observed that when the campaign is over intraparty factions talk about burying the hatchet but someone usually keeps the handle hidden behind their back ready to use it when the opportunity presents itself.

Bottum set high standards for himself and expected others to respect those standards. During a trial of several American Indian Movement members charged in the 1973 Custer County Courthouse melee, Bottum twice ordered a Sioux Falls courtroom cleared of those who refused to stand when he entered the courtroom. He demanded that traditional mark of respect be observed for the judicial office and not for him personally.

Joe Bottum will be missed. Rapid City and South Dakota have benefitted from his being here.

Services for former Circuit Judge and U.S. Sen. Joseph H. Bottum, 80, Rapid City, will be 10 a.m. Saturday at the First Congregational Church with the Rev. Henry Bradshaw and the the Rev. Ned Wick officiating. Burial, with Masonic rites, will be in Pine Lawn Cemetery.

Visitation will be Friday from 8 a.m. to 8 p.m. at Behrens Mortuary. Memorials have been established to the American Cancer Society and the First Congregational Church of Rapid City.

Bottum, a longtime lawyer and Republican party leader, died Wednesday at Rapid City Regional Hospital.

During a public service career in which he emphasized Americanism, patriotism and duty to God and country, Bottum received many honors, including the "Friend of Law Enforcement" award presented recently by the South Dakota Peace Officers Association and the Sertoma award for service to mankind. He was named Boss of the Year by the Junior Chamber of Commerce.

While a member of the U.S. Senate, Bottum received the Distinguished Service award from the Americans for Constitutional Action.

Survivors include his wife, Nellie of Rapid City; one daughter, Mary Jo Bruce of Phoenix, Ariz.; two grandsons and several nieces and nephews.

He was preceded in death by five sisters and one brother.

[From the Rapid City (SD) Journal, Mar. 10, 1981]

JOSEPH BOTTUM: FROM BALLROOM TO THE SENATE

(By Ron Bender)

His career has taken him from a ballroom stage in Sioux City, Iowa, to the floor of the U.S. Senate in Washington.

He's helped Republican candidates get elected since the mid-1930s, been elected several times himself, and lost a few close ones.

He's presided over hundreds of trials, including one in 1974 that resulted in a riot in Sioux Falls. His list of public service and Masonic Lodge activities covers two pages of single-spaced type. He's still one of the most sought-after speakers in western South Dakota.

And, at the age of 77, Judge Joseph Henry Bottum of Rapid City still jogs two miles every morning—and practices law. He was

presiding judge of the 7th Judicial Circuit until two years ago.

"I had to quit my job when I turned 75," explained Bottum. "So I came in here (the firm of Wilson, Bottum, Olson, Goodsell and Nash). They're all young and darn good guys."

Bottum has seen his share of both good guys and bad guys during his varied career. He smiles a lot while describing the many good times, breaking into a chuckle during a yarn about a long-ago political convention. His expression is serious as he vividly recalls the few bad times in politics and the courtroom.

It might not have turned out that way had Bottum followed his first inclination—to become a dentist. "I entered dental school at the University of Michigan, but didn't care for it, so I went out and played for a dance band in northern Michigan for a year."

He had learned to play the piano and saxaphone in high school in Faulkton, while his brother, the late Roswell Bottum, played drums, xylophone and fiddle. Both brothers ended up following in the footsteps of their father, Circuit Judge J. H. Bottum, and became lawyers.

Joseph Bottum Jr. started law school in Michigan, but returned to earn his degree from the University of South Dakota in 1927. His musical talent came in handy to earn money for school.

"I joined a dance band, the University Players. We had about 12 people," recalled Bottum. The band played around southeastern South Dakota, including six weeks at the Roof Garden, a large Sioux City ballroom.

Any USD graduate is familiar with the Strollers Show, and annual musical extravaganza put on by the students. Bottum was one of the original organizers of the Strollers Club during the 1920s, and wrote the music for the first performance.

Does he still perform? "I play the piano at home, but it's not for human consumption," he smiled.

After graduation, a friend of his father helped him find a job in St. Paul, Minn. "It paid $25 a month, but I could sleep at my aunt's home. Those days they didn't pay beginning lawyers anything."

Bottum soon met an attractive school teacher, Nellie Bang, and they were married in August 1929. "She kept teaching. She was making a hell of a lot more money than I was at the time," he recalled.

The Bottums returned to South Dakota in 1930 where Bottum entered private practice in Faulkton and became state's attorney for Faulk County (for $100 a month).

In 1934 he became active in the Republican Party and was one of the organizers and later president of the South Dakota Young Republicans League.

"We had a big organizational meeting in Mitchell and it was very successful. A lot of young fellows signed up and did lots of work," he said proudly. When Leslie Jensen defeated incumbent Democratic Gov. Tom Berry in 1936, the new governor asked Bottum to become state director of taxation, a job he held until he moved to Rapid City in 1943.

That's the year after he really plunged into politics and made a run for the GOP nomination for governor, but lost narrowly to M. Q. Sharpe in party convention balloting.

"Quite a few of us ran, and I got the most votes, about 33 percent. But you had to have 35 percent to win," said Bottum. The older delegates switched their support to Sharpe, who had been attorney general, and he emerged as the convention's choice and won the 1942 general election.

In Rapid City Bottum resumed his private law practice, and served a stint as Pennington County state's attorney before being elected lieutenant governor in 1960, serving with Gov. Archie Gubbrud.

Bottum's political career took another turn in 1962 when Sen. Francis Case died in office and Gubbrud appointed Bottum to finish his term. That was in July. That November he lost a bid for his own six-year Senate term to George McGovern—by a slim 504 votes.

Bottum admits to being "very delighted" when James Abdnor beat McGovern last fall.

In 1969 Bottum was appointed circuit judge in Rapid City, succeeding Judge George Lampert who resigned because of ill health. Bottum was elected to a four-year term on the bench in 1970 and re-elected in 1974, outpolling the field in the race for five 7th Judicial Circuit positions.

"I suppose the highlight of my judicial life was that deal I had with the Indians in Sioux Falls," he said.

The scene was the Minnehaha County Courthouse April 30, 1974. Five American Indian Movement members were on trial, charged with riot and arson after a violent demonstration in Custer in 1973.

AIM spectators at Sioux Falls refused twice to stand when the judge entered the courtroom during jury selection, so Bottum ordered the courtroom cleared and went to his chambers.

"I was back in my office, waiting for the sheriff to get his deputies, when in came some of the Indians, not the ones on trial. They proceeded to tell me what an egotistical SOB I was and that they wouldn't stand up. I told them I couldn't force them to, but I could force them to leave the courtroom, and I also told them I thought their actions were hurting the defendants in the courtroom."

The Indians left and the deputies arrived and entered the courtroom. "When they stepped in the door, I heard a terrible crash. It was a chair being thrown through the window. And about when that happened, every window in my office was broken (by objects thrown from outside the courthouse)."

About $10,000 damage resulted from the wild courtroom melee, in which both deputies and demonstrators were injured. The next day Bottum rejected defense motions to dismiss the case, but decided to delay proceedings for 10 days. The trial resumed, with no more problems. The defendants were convicted and sentenced to prison.

But Bottum was accused of being racially prejudiced and was given a 24-hour guard at the urging of the FBI. He says it wasn't egotism; but his insistence on proper courtroom procedure, that prompted his action.

"Would I have done it the same way if I had known what would happen? I think I would," he said. "I've done research, and the custom of having people stand came over here from England. It was part of British customs and rules through the ages. The idea was that making everybody rise calmed the courtroom. People knew court was in session.

"I suppose we could accomplish that some other way, but I don't see any reason why we should."

It's evident in talking to him that doing the right thing has always been important in Bottum's life. To him, it translates into public service and patriotism.

"Am I patriotic? I've always felt that way. I was 15 when we were in World War. I, so I was too young. When the next one came along I had that job in Pierre and the governor said 'stay here,' so I did. But I've always felt badly I didn't get to go with the rest of the guys.

"Patriotism? We need it. So many people are making fun of government. They say it's crooked, but most people in government are very conscientious and do a good job."

Bottum's own public service list ranges from work done in various Masonic orders to service clubs, the Boy Scouts, chamber of commerce and community chest (now the United Way).

"Rapid City people, in the main, have been very receptive to good programs. I've never seen a public program fail in this town since I've been here. And it takes a lot of people to do all we do here.

"I guess that'a part of 90 percent of my talks. I talk about being a working part of your community—Boy Scouts, chamber, church, the whole thing."

It's a good thing Bottum enjoys public speaking, because he's asked to do it often.

"I've been awfully busy—God knows why—making speeches. I've had five in the last week. I just can't say no," he smiled. "But I enjoy it, and it's really nice when you make a talk and they not only clap but stand up too. That's some indication that a few people enjoyed it."

One reason Bottum can maintain a busy schedule is the physical stamina he enjoys from jogging. He started in 1967.

"I used to smoke three packs of cigarettes a day. I had a cough, a sore throat, I was overweight. About that time I quit smoking and was having a hard battle with my weight. So I saw the doc and told him I was considering taking up jogging. He said, 'Go ahead, but take it easy, and if you get tired walk a lot.' So I had no trouble losing weight then."

He passed the 10,000-mile mark in 1976 and now gets up at 6 a.m. every day, steps outside and runs two miles in his neighborhood to start his day. "It's helped keep me healthy. My blood pressure is normal and I weigh close to 170. I had been up to 212."

At 77, Bottum is starting to consider retirement. A Christmas visit to the Bottums' daughter, Mary Joe Bruce, in Arizona, got him thinking about spending more time there.

One thing keeping him in South Dakota is his position as sovereign grand inspector general for the Scottish Rite of South Dakota. "It's time-consuming," he admitted. "I have to make up my mind if I should pass it on to somebody else. Maybe I've been holding too long."

In the meantime, Black Hills author Ned Wick, a longtime friend, is writing a biography of Bottum.

"It's generally about the things I've done," said the judge. "I keep telling him nobody's going to read it, but he still insists on going to all that trouble."

REMARKS BY REV. NED E. WICK, CHAPLAIN, FORT. MEADE, VAMC, AT FUNERAL OF JOE BOTTUM, JULY 7, 1984

"And we are sad because our friend is no longer with us and we seek his company. . . ."

Joe Bottum loved the arts . . . music, whatever . . . drama. His friends ran the gaumet from old to young; from every walk

of life. He loved young people; their potential; he loved his professional life; his personal life; his family and yes, his country. In a sense the day of his passing, last Wednesday, July 4th, Independence Day was fitting for Joe . . . need anything else be said on that?

I have been asked to give some anticdotes . . . vignettes . . . on this powerful personality. We all have them; they are tucked away in our hearts and minds . . . from piano playing in honky tonks and homes to dignified sessions in Congress. However, there is one that I will share with you, known only to two of us here present; Nellie, his wife, and myself.

It happened Wednesday and if one can say that when a friend passes over and its beautiful; then the death of Joe Bottum was . . . It was just after four in the afternoon and I has just positioned a chair for Nellie at the side of the bed in order he could better see and talk to Joe; I was at the end of the bed and looked up at him . . . gazing at her. And then I realized he had gone. I excused myself to Nellie and sought a nurse; I came back before she did . . . and Nellie said, "Ned, I think he's stopped breathing." His daughter was in the waiting room and she came in on my call; the nurse confirmed it. It was beautiful; his family was there, his passing was gentle . . . and, he was a gentleman, and gentle man.

Each here could contribute a touch of Joe Bottum in a personal way . . . so, contribute now, to your thinking as we here join to reminisce.—Think of his love for mankind—his values that thrust him ever forward in this path called life.

What can we take from all this? What unites all his friends, all of us, here together?

Why Joe Bottum in our lives?

You might well ask, although many of you know, Joe and I were writing a book together . . . about him. I have been privileged to many private papers, thoughts, pictures . . . it has been a wonderful path for me . . . I've known Joe for over 40 years.

We used to kick around literature . . . selected, forgotten writings . . . even the writings we were doing. . . . He was a great thinker, orator, writer . . . as you beheld him . . . whatever. Did you recognize 2 of his songs played at the beginning of our services today? "Dakota Girl" written in the 20's for the USD Strollers and "Underneath Mt. Rushmore Moon?" . . . that was a story in itself, Allie Hand, his home, his piano.—

Henry Van Dyke once wrote:

"Four things a man must do
"If he would make his record true:
"To think without confusion clearly,
"To love his fellow-men sincerely,
"To act from honest motives purely,
"To trust in God and heaven sincerely."

Every good work should have a beginning and an end; Joe Bottum was, in some respects, an enigma: where do we start? What premise, possibility?

Examining, there is one common denominator in the life of Joe Bottum that comes through loud and clear when you examine his work: He was a teacher to all of us . . . always, all ways. Think back in your own experience with him: leading, guiding and cajoling us, to move us . . . it was his lifestyle. An he took that beautiful talen to influence all of us . . . to being a better person than we were before . . . before we knew him. Indeed, his lifestyle. We have a right to validate what a man says by his lifestyle.

I have been privileged to be an intimate part of that lifestyle, as I said, for over 40 years: from the old Beckers Drug hang-out days (remember the soda fountain, the old sub-post office station counter?), to countless miles in travel from coast to coast . . . and, to those favorite haunts. You who frequent the Alex Johnson at the appointed hour know what I mean. . . .

But, Joe Bottum was not exclusive to a group. He was a man of the people. Loving people, he was a man of the people. Always interested; always a friend.

We want to be careful not to over-emphasize the good qualities at a time like this—yet, we can be pardoned to leave the rest unsaid. What we can say is wrapped up in many of his personal writings we were putting together in a book.

We got side-tracked in our game plan . . . but that was easy to do with Joe. . . .

The hours we would share over only one sentence—all philosophical, of course—were countless.

Perhaps his career touched you personally in some way . . .?

The Custer Trial, as he called it, is a fascinating phase of his life—when, in the very critical press of pressure of the trial he returned to Rapid City for a brief visit and took Nellie to a Law Day Banquet. In his own words, he wrote to me:

"I hurried into the dining room to find a place to sit and I must say that I have never in my entire life experienced anything more exciting and thrilling than I did. When I came in the Bar, apparently by pre-arrangement, acknowledged my presence at the affair and clapped and cheered to a point where I was actually embarrassed by so much attention. Needless to say, it is very heart-warming to have someone, or a group such as this, say a word of commendation. . . ."

Peer recognition—and it was repeated by his professional colleagues many times in many ways. You have read of many of his achievements in the recent fine newspaper reviews.

To think without confusion clearly . . . remembered Henry van Dyke?

Point one. Taken.

The second point of van Dyke: To love his fellowmen sincerely. From his own writings, and I quote now:

From remarks he was asked to make at the graveside for a dear neighbor. . . . "I want to remind you on this occasion, there is sadness, of course. Sadness should be overcome by our memories of a beautiful life that surmounted hardships and disappointments—a life that gave direction and inspiration. . . . (we) carry into the future her calm serene and productive life—her honesty—her bravery, her exemplary life so that our lives will reflect what we learned from her. . . ."

From a speech he had given:

"And so, my dear friend, treasure these moments of pleasure of inspiration. Hold them close to your heart and use the inspiration to light your face, to broaden your smile. You can go on about your appointed task, be it large or small, whatever it is, it is yours, so make the most of these glorious days. . . . the future is waiting and your impression or impact upon this old earth awaits your action."

These, of course, are only excerpts that I read to you . . . but from "The Challenge of Mt. Rushmore," a published article: "Look up, America . . . These men, with millions more who saw the dream, who heard the call, who made our nation great, require your constant devotion to the cause of liberty. . . . This hertitage so ably represented by the carving on the mountain must keep us on the sacred path, alert and ready to fulfill our duty to our country and our fellow men. . . . No force, except the will of ruthless men, acting on the minds of those who have forgotten, will ever destroy the will to be free, implanted in the minds and hearts of all true Americans."

Joe was in the habit of communicating, to some of his personal friends, little notes on different occasions. Here is one I'll share with you to two of his friends:

"Here are some random thoughts on the occasion of your Golden Wedding Anniversary.

"A glint of golden sun after a rain. . . .

"No, gold is not made in a day, a year—fifty years . . .

"A Golden Wedding . . .

"For this is true gold—from it, a better home—

"Wonderful children—grandchildren . . .

"A Golden Anniversary—its golden radiance lends beauty

"And inspiration to all who join me in saying, 'A Joyous and Happy Golden Anniversary.' "

Henry van Dyke: Point Three: To act from honest motives purely; again reading from his records: In a private letter written to me concerning some points in the book writing: . . . "I don't think we should try and prove that they should live in exactly the same form we live, but that they should live as Americans with the proper following of the law of the land and with the same ambition to work and accumulate a home and a fireside, send children to school. . . . Those are things that someday must come about. . . ." From an article entitled "Practical Patriotism" A point Joe Bottum liked to make. He was not the radical patriot; he loved his country and its traditions its laws, its way of life:

"Today I will say something good about my country.

"Today I will answer any attempt to down-grade my country and its leaders.

"Today I will speak up for my country. I will try to be constructive, fair, honest. . . ."

In a speech on a special occasion day:

". . . Never cut down the things that you can do for your community and your home and your churches and your schools. That's the challenge of Memorial Day, my good friends. . . ."

Again, from random notes:

"Strength of America lies not in our armies, not in our courts, not in our law enforcement agencies, but in the hearts and minds, morals and attitudes of the average American . . ."

Point 4 of Henry van Dyke is quite clear; quite clearly Joe Bottum, as well. To trust in God and heaven sincerely. I will speak more on that shortly; however:

From a writing entitled "My Prayer"

"I thank Thee Lord for all I've had
"A pleasant life—some good, some bad.
"For triumphs over problems, big and small
"For failures and defeats that left me standing tall,
"With character unsullied by defeat . . ."

And, again from other thoughts to me on vows . . . and he had taken many of them in his lifetime; his lifestyle.

"Should the day ever come when vows and pledges are taken lightly, when modern cynics lead others to scoff at Honor and Integrity, Then, the sacrifices of millions, The impulses and dreams of the masses will Fade into nothing and hope and honor will disappear from the face of the earth. Oh

God in heaven, I vow to do my best for what is right, honest and good. Not for me, but for my fellow man. . . ." He went on to use that in a later speech.

To the 4 of van Dyke I would, in the case of Joe Bottum, add a fifth:

To love his family dearly—which is what he did. And, they, as you can see by representation here, did him in return . . .

And—he taught us, ever the great teacher . . . to know how important it is for a person to be so fortunate as to have a wife of 55 years such as his beloved Nellie. On the occasion of their then 51st Anniversary, he had written a letter to her (I will not read all of it . . . but enough to illustrate the love and the teacher in it):

He called it "A Day to Remember" August 20, 1981. "Dearest Nellie: Some memories—Some thoughts 51 years later. A happy, glorious day so long ago. A day when love was young—when hopes were bright. . . . These hopes and dreams were indeed beautiful to contemplate. . . . The dreams did not all come true. Disappointments sometimes left silent tears. A fit of temper, a failure to live up to those dreams, hopes and promises of long ago. Such failures do not mean a total failure, rather a need to recognize that perfection is perhaps impossible; happiness does not necessarily require perfection. Memories of Mary Jo, her husband, Art, our grandsons, Art Jr. and Joe, . . . Our friends who have perhaps unknowingly added to the treasures of a happy life. Now looking back, happy, shining days . . . and tolerance allows us to overlook those shortcomings which could destroy a marriage. Now, to look ahead with hope and confidence. . . . Our happiness is an inspiration to all who look and see, yes, who will join with us to maintain for all time a happy home filled with love and respect. Let us hope that our lives will be for others, as for us, a loving guide to all and perhaps guarantee that marriage will for others, as for us, thrive, grow and lead into a glorious, beautiful future."

Ah, yes, it comes time to wrap our thoughts in his teachings and apply them as we will. . . . God, in His infinite wisdom, gave us two promises and to you of the family, let me share these thoughts with you, briefly: The visions we have can stay with us if faith in God is kept alive—for faith transforms our thinking about both today and tomorrow. God's word in the scriptures to us is that of hope.

And secondly, God's promise to us is that of care—without limit. As the years pass we are more and more conscious of that care.

God doesn't shield us from every hurt nor smooth our way with ease—maybe because we need something on which to grow.

Though there are problems to solve and griefs to bear, God's word about caring for us is not an idle word. Any person of faith can look back and see the strength given and the prayers answered.

Joe Bottum used that as a springboard for his driving ahead; his effervescent personality. What a lesson for those of us! What a joy he was—we will miss him; but not the spirity, his Lifestyle.

Things that man did do, to make his record true. . . . To think, to love, to act honestly, to trust in God . . . And, single out his love and witness of his family . . . all five. Join me as we pray. . . .

Finis.●

DR. JOHN A. TALBOTT INSTALLED AS PRESIDENT OF AMERICAN PSYCHIATRIC ASSOCIATION

● Mr. MOYNIHAN. Mr. President, I am pleased and proud to note that the American Psychiatric Association, the Nation's oldest medical specialty society and one that now represents over 29,000 American psychiatrists, has recently installed a fellow New Yorker as its 113th president.

John A. Talbott, M.D., is not only a professor of psychiatry at Cornell University Medical College and associate medical director of the Payne Whitney Psychiatric Clinic in New York City, but is a concerned and dedicated professional, who has long championed the cause of a severely disadvantaged segment of our Nation's population—the chronically mentally ill. He has written widely about the challenges facing both American medicine and society at large in meeting the needs of this population, which too frequently we now see as the "street people" in our metropolitan centers. Some of you may recall Dr. Talbott as one of the first witnesses the Senate Finance Committee heard calling for change in the Social Security Disability Insurance Program—change necessary to safeguard the mentally disabled, and change which this body has approved.

In his maiden address as president of the APA, Dr. Talbott urged a continued and renewed focus upon the patient in future decisionmaking in the field of psychiatry, whether that decisionmaking is in the arena of public policy, clinical practice, training, or research. We, too should review our health care decisionmaking in terms of the needs of the ill, not just in terms of dollars and cents, and we should review our decisionmaking with a view toward meeting the health care and other needs of the chronically mentally ill and other medically underserved populations.

I urge my colleagues to read Dr. Talbott's remarks, and to consider how we can work together to achieve our shared goals of ensuring health care to our Nation's citizens—our patients, as Dr. Talbott calls them.

I ask that the text of Dr. Talbott's remarks be printed in the RECORD.

The remarks follow:

REMARKS OF DR. TALBOTT

At our 114th annual meeting in California twenty-six years ago this week, Harry C. Solomon, the 70th President of the American Psychiatric Association, called our large mental hospitals "antiquated, outmoded and . . . obsolete." He concluded that they were "bankrupt beyond remedy". He noted that a recent reduction in the census of such facilities had been coupled with a rise in the number of psychiatric wards in general hospitals, outpatient clinics, halfway houses, home care services, and day hospital and night hospital facilities; but cautioned that "liberalization of insurance plans" might encourage increased use of the new facilities by acutely ill patients rather than the chronically ill—necessitating the formation of homes or colonies for the chronically ill who were "less readily recoverable." Nevertheless, he urged us to "liquidate" "our large mental hospitals" "as rapidly as can be done in an orderly and progressive fashion" and move toward a two-tiered system of "community oriented intensive treatment" for the acutely ill and moderate-sized homes or colonies for the chronically disabled.

Now, in 1984, with the end of the century staring us in the face, we seem no closer to this Solomon's dream than he was. Our public facilities are deteriorating physically, clinically and economically; our chronically ill either transinstitutionalized to nursing homes or deinstitutionalized to our cities streets, lost in the vast army of the homeless; and our "liberal" insurance plans a thing of the past.

Psychiatry, so full of promise, so expectant of cure, so flush with excitement, just 26 years ago—now seems mired in a multiplicity of problems. It is these problems, that constitute our unfinished business for the remainder of the 20th century, that I wish to address today.

1. *The fate of the public mental health system.*—Harry Solomon's call for an end to the antiquated large mental hospital was not done in isolation—the World Health Organization, The Joint Commission on Mental Illness and Health, and lay and professional leaders throughout this nation, made similar suggestions. Ironically, while we have experienced the de-emphasis on the large state hospitals he anticipated we have seen neither any provision for funding the homes or colonies for "the less readily recoverable" chronically ill Solmon called for, nor have we witnessed any widespread implementation of an integrated community care system for the more "readily recoverable." In addition, while crippled and cracked, our state hospitals have not withered and blown away.

It is time we called for a reappraisal of the policy of depopulation of state hospitals without the concommitant provision of comprehensive treatment and care for the many who can return to the community and humane asylum and care for the few who cannot. It is time to face the facts that, as of now, we have no cure for dehabilitating psychotic illnesses, that not all schizophrenics are amenable to our current therapeutic armamentarium, that no community in America has an adequate number of array of psychiatric services, and that no fiscal ledgerdemain in the world can make our "system" cost-effective, so long as 297 state and county mental hospitals continue to consume the lionshare of money spent by our states nationwide.

2. *Reimbursement for psychiatric services.*—Solomon noted in 1958 the beginning liberalization of insurance plans to fund care for the mentally ill; currently over 98% of Americans are covered by either governmental or private health insurance plans. However, as we all know only too well, there are gigantic blotches in this seemingly rosy picture—first, coverage for the treatment of mental illness has always been less ample than for other medical illnesses, and second, fears of increasing health costs have prompted both government and business to suggest drastic measures for cutting costs.

From an economic standpoint, the list of measures enacted or proposed, reads like a bureaucrat's nightmare:

Cost-containment measures, such as caps on Medicaid, prospective payment mecha-

nisms, and mandatory assignment of Medicare patients;

Insurance construction, through increased copayment, deductibles, and outright elimination of benefits;

Business coalitions formed with the express purpose of devising strategies to reduce health care costs of employees; and

Outright reduction of benefits, through increased claims review, demands for documentation, and administrative harrassment.

From a regulatory standpoint, the increased constraints are similarly restrictive:

Attention by the JCAH and other accreditating bodies to quantitative rather than qualitative or outcome measures;

Strangling regulation by an incredible number of governmental and "voluntary" agencies, which in New York State, number 164; and

A zealous effort by PSRO's and their competitors to disallow or "carve-out" patient days.

In addition, the practice of medicine is undergoing a radical shift, largely powered by economic forces:

Movement from solo to group or organized practice settings;

Competition from allied mental health professionals seeking parity of reimbursement, admitting privileges and licensure;

Competition from other medical specialists seeking payment of "cognitive treatment";

Introduction of "new" forms of practice, such as HMO's, IPA's and PPO's, designed to provide less expensive packages of care; and

Increasing numbers of investor-owned psychiatric facilites.

Our response to these radical changes in the way we practice is more often characterized by anger at the bearer of the bad news of instrument of change than action aimed at correcting discrimination, poor quality care, or economically unsound proposals. When Margaret Heckler, Secretary of HHS, said in this city 5 months ago, that 10% of hospitals would close by the year 1990, and 5% of physicians be out or work, and when Governor Richard Lamm of Colorado, suggested at the APA's State Legislative Seminar 3 months ago; that America's reindustrialization depended on reducing medicine's share of the economic pie—we can appreciate that the problem is bigger than psychiatry alone.

But it is self-defeating to complain and bemoan the loss of the good old days, to blame the bearer of the bad news, or to act as if there were no abuses, problems, or substance to the charges of over-spending. If we are to ensure our patients' future, we must lay aside our misguided notions that benign legislators will do what we want merely because of our medical degrees, that the public on their own will fight for mental health benefits, and that the introduciton of money, advocacy efforts and old fashioned politics are unbecoming scientist-physicians. We must spend time—getting to know our state and federal legislators, being available to their staffs to discuss pending legislation, journeying to our capitols to testify on bills, and agreeing to appear on television or speak on the record to representatives of the print media.

We are this profession's most precious resource, and we must be willing to spend a sizable amount of our professional time in what I call legislative-lobbying overhead—if we are to survive and our patients are to receive the care they so desperately need.

3. *The destigmatization of mental illness.*—Since time immemorial, the mentally ill have been ridiculed, discriminated against, and stigmatized. While alcoholism is now accepted as a "medical disease", and mental retardation, a "physical affliction", the mentally ill are still considered by many to be responsible for their illnesses and penalized for them. Efforts have been made over the years to destigmatize mental illness, but in my opinion, these have been grossly amateurish.

What we need is a serious, concerted and professional effort to educate the public about the prevalence of serious and chronic mental illnesses, about the necessity of funding research into the epidemiology, etiology, prevention and treatment of these illnesses; and about the limitations and efficacy of psychosocial and biological treatments. It would certainly help to have a prominent public figure, like Jerry Lewis or Will Rogers, take the lead. In addition, we need the support and advocacy of relatives of the mentally ill, who, for too long a time, have been blamed by us for the afflictions of their family members. Finally, and most difficult, we need the support of articulate patients and expatients, just as kidney transplant surgeon and burn-unit physicians have.

As a coda, let me suggest that our inability to look anything but ridiculous in the celebrated courtroom "battles of the experts," over the existence of mental illness or lack of it in criminal suspects, makes the process of destigmatization of our patients all the more difficult. This Association must find some way to protect the seriously ill from being punished for acts committed while incomprehensibly psychotic, while eliminating the spectacles that occur all too frequently between our so-called forensic experts, that tarnish all of us and our patients.

4. *Reexamining our exploitative treatment of foreign medical graduates.*—For years, public mental hospitals and substandard residency programs have utilized FMG's because they could not attract qualified American medical graduates. The psychiatric training, cultural education, language preparation and professional socialization of most FMG's has been second-class in addition, they perform more clinical service than they are rewarded for educationally. Although over ⅓rd of the candidates for the American Board of Psychiatry and Neurology are FMG's, their failure rate is 8 times that of AMG's; although ¼ of our members are FMG's, only a few serve on committees, in the Assembly, or on the Board; and although our President himself is a foreign medical graduate, he is the first in the 140 year of this Association.

We can no longer continue to encourage the importation of FMG's as cheap labor for the public facilities, we can no longer continue to offer those now in the country such substandard cultural, linguistic, and didactic experiences, and we can no longer countenance the gap between those graduate psychiatrists who are foreign born and those who are not.

5. *Determining and ensuring the most effective and highest quality care for each patient.*—Throughout psychiatry's relatively short history, enthusiasm and personal conviction have frequently determined what patient receives which treatment in what setting. Only recently have we begun to look at differential therapeutics with a scientific eye. To some extent, our current outcome research is prompted by the same cost considerations I enumerated above—but as a profession we must investigate these questions primarily out of a commitment to provide the most appropriate treatment, of the highest quality, for each individual person.

While awaiting the results of all the important investigations into the etiology of mental illnesses, the critical research questions that should occupy us for the remainder of this century include:

What treatment works for which patients in what settings?

What is the best system of care for the mentally ill? and

How do we ensure the provision of the most appropriate treatment and care for each individual?

6. *Unification of psychiatry as a medical specialty.*—In a related vein, as we all know only too well, psychiatrists have grown, not only in numbers, but in the diversity of the treatment modalities they employ and the settings in which they work. This represents a significant component of both our strength and our weakness. For, while the multiplicity of orientations, subspecialties, and treatment settings, has, as our President just pointed out, given us a rich dynamic mosaic—the feelings of competition, antagonism and perceived favoritism that arise, hinder the solid sense of identity as psychiatrists, that we all should feel, first and foremost.

Further, as I have travelled around the country, I have been concerned that almost every subgroup of psychiatrists feels underrepresented and underappreciated by official psychiatry and/or underpaid in relation to some other subgroup. The list is long and includes state commissioners of mental health, general hospital psychiatrists, VA psychiatrists, HMO psychiatrists, military psychiatrists, psychoanalysts, psychoanalytically-oriented psychotherapists, family therapists, child psychiatrists, state hospital psychiatrists, foreign medical graduates, Blacks, women, gays, Hispanics, psychosocially-oriented researchers, and psychiatric administrators.

Finally, I have been sensitized to the pervasive sense of uneasiness of many of our members, that, as our scientific frontiers expand so rapidly in exciting directions, they will become distant from and irrelevant to our clinical core. This concern is not merely about a split between those interested in biological versus psychological etiologies and treatments. Rather, it is expressed as a hope that we continue to be able to integrate all parts of our rapidly-moving field into the central core of our thinking and practice. I think this is one of the most intriguing challenges we face in the next 15 years.

As an addendum, let me reemphasize that our relationship to the rest of medicine and organized medicine is at a critical phase. Through the hard work of thousands of our members, at national, state and local levels, we are once again being seen as "real doctors", who are interested in not only our own specialty and subspecialties, but in the problems, challenges and actions of all our medical colleagues. Our continuing reintegration into medicine must proceed vigorously.

7. *A word about organized psychiatry as a guild.*—Lastly, I would like to focus on our very real concerns as members of a profession on those issues commonly referred to as guild issues, defined in Webster's Dictionary as issues of mutual aid and protection.

Psychiatry, along with the rest of medicine, can thrive only so long as it maintains the public's trust. That trust, in our case, is frequently shaped by events and develop-

ments we may have little or no control over, but some over which we do. Whether we like it or not, our social status, our income level, and our public image as an ethical profession, depends less on our therapeutic effectiveness, individual integrity, and scientific knowledge, than on publically-visible problems such as deinstitutionalization, homelessness, sexual abuse of patients, criminal acts by patients, and the psychiatric underservice of the poor, minorities, severely and chronically ill, etc.

Make no mistake. Your organization and elected officers can only advocate for your economic and professional well being if we are willing to take on and attempt to redress these public concerns. In addition, we will only have the public credibility if our primary concern is the well-being of our patients, not ourselves. To that end, our need, indeed our dependence, on healing the schism between ourselves and the relatives of the mentally ill, is critical. No insurance company or mental health program will adequately fund or reimburse services anymore based on our word alone—we need allies, coalitions and friends.

The focus on the patient.—As many of you know by now, my primary goal as President will be to focus attention on the patients we have the responsibility for treating. It is my conviction that whether we are talking about:

Public policy decisions, such as deinstitutionalization or the insanity defense;

Clinical decisions, such as when and how long to treat persons in outpatient or inpatient care;

Research questions, about etiology, treatment and rehabilitation; or

Training issues, such as what is the optimal balance between long-term psychotherapy experience and psychopharmacology exposure, or how much time should be spent in a psychiatric vs. general hospital vs. community program.

We will only be able to address the issues appropriately, if we start with the patient, and then derive our research questions, educational curriculae, clinical strategies, regulatory processes, and public policy initiatives.

If we start with the patient, that is where we will also end up. As a means of emphasizing this focus, I have decided that the theme of the 1985 Annual Meeting in Dallas, Texas will be "Our Patients." For the remainder of this week, I look forward to illuminating myself in the reflected light of the great dynamic mosaic George Tarjan has described. For the next 15 years, I expect we as a profession will try to settle the issues I've spoken about today. But as a starting point, for the next year, I hope you and I will concentrate our attention on the ultimate purpose of all our work, whether clinical, administrative, research or teaching: Our Patients.

Thank you.●

NATIONAL CHAMPIONS

● Mr. ABDNOR. Mr. President, a 50-year drought has been broken in South Dakota—not by Mother Nature which regularly intervenes to correct cyclical insufficiency of moisture—but by two Huron, SD, high school students who returned the championship of the National Forensics League Debate tournament to our State for the first time in 50 years.

The achievements of Mike Cole and Steve O'Brien in national competition have brought great distinction not only to themselves and their school, but their community, indeed, all South Dakota. Playing a vital role in their accomplishment was their coach, Jack Holmquest.

It is a pleasure for me to join in the salute to these fine young people, and I commend to the attention of my colleagues a report on how their teamwork, hard work, and persuasion earned them the national debate title, and ask it be printed in the RECORD.

The report follows:

HURON DEBATERS WIN NATIONAL CHAMPIONSHIP BY "EARNING IT"

(By Roger Kasa)

Before it began, Coach Jack Holmquest says he was told by several fellow debate coaches that his team deserved to win the National Forensics League Debate Tournament held last week in San Antonio, Texas.

But Holmquest said he didn't think anyone deserved to win a championship, "it's something you have to earn."

And that's exactly what the team of Mike Cole and Steve O'Brien did. They came out of nowhere to win the national championship after 11 rounds and five days of debate.

For South Dakota it was the end of a 50-year drought. Not since 1934 when Sioux Falls Washington turned the trick has a state team won the national title.

Both Cole and O'Brien said they had thought about the national tournament during the year, "but it was in a joking manner."

Neither one of them thought they had a chance to achieve national prominence when they left Huron for San Antonio.

Prior to the start of the tourney, the favorite was Bronx Academy of Science of New York.

"They took second last year and travel the national circuit during the season debating many of the top teams," said Holmquest.

He said the school gives them a $10,000 annual budget and "the students go out and raise $80,000 to supplement that."

But the New York team was eliminated in four rounds.

Five rounds later—in the ninth round—Cole and O'Brien suffered their lone defeat in the double elimination tournament. That came at the hands of Montgomery Bell Academy of Tennessee. But the Huron twosome rebounded in the 10th round to eliminate Lakeland, N.Y., another team that was highly favored to win the national title.

That set the stage for the final round—against Houston, Texas—a team that Huron had defeated earlier.

"They stayed up most of the night redoing their presentation," Holmquest said.

"We had talked to a number of kids who had debated them and we had a pretty good idea of what they would do," O'Brien said.

During the championship round, both O'Brien and Cole felt they had a chance to win the national championship shortly after the Houston team had finished its first negative speech.

"We still had to act reserved and not get overconfident," O'Brien said. "During any round you can't look nervous. If you get nervous the arguments won't come out right . . . you'll stumble over the words."

Added Holmquest: "And the people won't believe you either."

Holmquest said he thought Cole and O'Brien could win the national title three different times.

The first came when the Huron team had completed three days of competition as the lone undefeated team, he said. "But that rumor proved not to be true as there was another team also undefeated," he said.

He said the second time thoughts of a national championship passed through his mind when Huron had ousted Lakeland in the semifinals.

And the last time was after the championship round, he said. "The coaches all told us they thought we had won it," he said, but it was a long three-hour wait before the results were finally announced.

How did they accomplish it?

"The judges liked our way of doing things," Holmquest said. "A debater who sounds like a persuasive person and not a computer. These two guys had a lot of knowledge and it was realistic."

Said O'Brien: "We kept the real world in our debates. Our opponents used examples that could happen in theory but not in reality."

"The other coaches said they were so well prepared," Holmquest said. "Some of their opponents threw up their hands early in the rounds and said 'we can't beat them.'"

Holmquest said O'Brien and Cole have worked all year doing research on the subject: "Should the U.S. establish uniform rules governing the procedure in all criminal courts in the nation."

"Their research was very disciplined and very intelligent," Holmquest said. "Combine that with a persuasive delivery and you've got a winning ticket."

Holmquest, who has coached Huron High School debate for 11 years, said he's had other debaters just as good as Cole and O'Brien, "but no team as complete."

"By that I mean their teamwork and talent and knowledge rose to the top at a time when I could help them," he said.

Holmquest said the accomplishments of Cole and O'Brien also are a tribute to South Dakota and Huron.

"This state's debate system—from Brookings to Watertown to Sioux Falls—helped produce this championship," Holmquest said. "They were real trials for these guys and gave them a lot of close rounds."

And Holmquest also said the support from the community and school "is extremely important."

O'Brien and Cole qualified for the national tournament by winning the state NFL team title—Huron's first since 1961. O'Brien also won the state men's extemporaneous contest and Cole finished second.

Holmquest, who is enjoying his finest year as a high school debate coach, was selected South Dakota Debate Coach of the Year this year.

However, no such award is given on the national level, but Cole said "if there was one, Jack would win it."

To Holmquest, Cole's compliment probably means more than any kind of an award.●

TRIBUTE TO JACK MERWIN, RETIRING SECRETARY OF THE SOUTH DAKOTA GAME, FISH, AND PARKS DEPARTMENT

● Mr. ABDNOR. Mr. President, I should like to take a few moments to

pay special tribute to Mr. Jack Merwin, secretary of the South Dakota Game, Fish, and Parks Department. Jack recently announced that he would step down from his post effective August 1, after serving three Governors of both parties with distinction over the past 7½ years.

While I and many of Jack's many friends and supporters are disappointed at his decision, we take special heart in the fact that he will remain with the department on a public relations level.

There are often no more difficult issues than those that involve the proper use and management of our natural resources and protection of our wildlife. South Dakota is a leader in outdoor recreation, hunting and fishing, because of the dedicated and farsighted programs which Jack Merwin brought to fruition during his tenure.

We have expanded our fish production, increased our game populations and protected our wetlands in a responsible manner under Jack Merwin's able leadership. Jack is rightfully proud of the Missouri River recreation development plan, which created a unique State and Federal relationship for the development of recreation, fishing and boating areas along the Missouri River.

Jack, came to South Dakota after serving 20 years in the U.S. Air Force, achieving the rank of master sergeant. He served as the outdoor editor for the Watertown Public Opinion in Watertown, SD, for 4 years until he became public information specialist with the game, fish, and parks department in 1970. In 1974, he was promoted to chief public affairs officer of the department. In 1977, then-Governor Richard Kneip appointed Jack as secretary, where he has served with distinction ever since.

In his duties as secretary, Jack believed strongly in public participation. He traveled across South Dakota in an effort to bring more public attention to the need for strong public input in making sound department decisions which affected recreation, game, and fishing programs. He built a strong network of hunters, anglers, environmentalists, and preservationists working together for the common good of South Dakota. They provided the vital support which allowed him to move forward to advance new policies and build new facilities.

As a reward for his efforts, Jack received many awards of distinction. Foremost among these are the Conservation Communicator of the Year Award from the South Dakota Wildlife Federation and the Conservationist of the Year award by the South Dakota Chapter of the Wildlife Society. In 1983, he was the recipient of the Wildlife Conservation Law Enforcement Achievement Award, presented by the Shikar-Safari International, for his efforts to apprehend and convict poachers taking illegal game in the Black Hills. The conviction of 23 individuals stands as strong testament to his commitment to sound wildlife management and protection policies.

While we will greatly miss his more visible profile as secretary of the South Dakota Game, Fish, and Parks Department. South Dakotans are pleased that Jack Merwin will remain available and eager to continue his long history of effective and tireless service to our State.

Mr. President, I should like to include in the RECORD a copy of a recent editorial which appeared in the Mitchell Republic (Mitchell, SD) expressing appreciation for Jack's service to our State.

The editorial follows:

MERWIN FURTHERED OUTDOOR CAUSE

Evidence of the impact Jack Merwin has had on South Dakota's outdoors is visible practically everywhere in the state.

From expanded deer herds in the western region to a more stable pheasant population in the east, from increased awareness of the necessity for conscientious fish-stocking efforts to an ambitious development project along the Missouri River, he has left a positive mark on this state.

South Dakotans need no one to remind them how important the outdoors, and the wildlife it supports, are to the welfare of our state. In addition to obvious recreational benefits, our economy in general is closely entwined with the deer that dart through our wooded areas, the walleye whose presence in our waters make ours a fishing mecca, and the pheasants whose flights are so much a part of state folklore.

Merwin, stepping down Aug. 1 after 7½ years as secretary of the State Game, Fish, and Parks Department, did not wave a magic wand and immediately conjure up results. Rather it took marathon hours, intelligent foresight, and tireless help from a cast of hundreds within the GF&P force.

Today the condition of South Dakota wildlife is good. Healthy populations of most game animals are an indication that much has been done right by those in charge.

Merwin, 51 still has a lot to offer to our state. He will remain active in the department with his primary duties centering on public relations and project development.

Citing the need for a change, Merwin leaves a post he served unselfishly. To see the good accomplished under his leadership, you need only take a leisurely stroll some afternoon through our outdoors.●

TENNESSEE'S JOHN BRAGG: NEW NCSL PRESIDENT

● Mr. SASSER. Mr. President, I congratulate State Representative John Bragg, the deputy speaker of the Tennessee House, on his formal election as the president of the National Conference of State Legislatures scheduled for the 10th annual meeting of the NCSL July 23 through 27, 1984 in Boston, MA.

John Bragg will begin his tenure in this national office on December 1, 1984. His presidency launches a new decade of achievement for the National Conference of State Legislatures, which was founded in 1975. Representative Bragg has been one of the chief architects of the organization. The NCSL seeks to improve the quality and effectiveness of State legislatures, foster interstate communication and cooperation, and assure the States a strong, cohesive voice in the federal system.

John Bragg has, as a member of NCSL, emphasized the role of the legislative branch of the Government in controlling the public purse strings. He now chairs the NCSL Budget Committee and, several years ago, he initiated the NCSL Task Force on Pension Reform.

Representative Bragg, who has chaired the House Finance, Ways and Means Committee for the Tennessee General Assembly since 1973 is known as the "fiscal watchdog" of our State. He authored legislation that created annual sessions of the legislature, the Fiscal Review Committee, the Sunshine law, and other bills strengthening the accountability procedures in State and local government.

The Congress should applaud John Bragg's brand of fiscal repsonsibility at the State level of government. In 1983, State and local governments were accountable for spending $93 billion Federal grant dollars for the benefit of American citizens. The Federal Government depends greatly on State governments to monitor these expenditures to see that they are disbursed in accordance with the law and agency regulations. State legislatures are increasingly taking a strong role in this monitoring process. Responsible, fiscally knowledgeable legislators like John Bragg are key to the success of our intergovernmental fiscal system.

A nationally recognized expert on pension policy and pension reform, John was a member of the Presidential Commission on Pension Policy from 1979 through 1981. In fact, the talents of this distinguished member of the Tennessee legislature have been recognized at the national level for many years. He has taken a leadership role in the Southern Legislative Conference and the Council of State Governments in addition to his work with the NCSL.

So, I congratulate John Bragg as he takes over the top office of the National Conference of State Legislatures. As the ranking member of the Senate Intergovernmental Relations Subcommittee and a three-term member of the Advisory Commission on Intergovernmental Relations, I look forward to continuing to work with Representative Bragg in his new office with the National Conference of State Legislatures. He has long been my friend and trusted counselor on

matters of interest to State governments.●

TRIBUTE TO RABBI EDGAR MAGNIN

● Mr. WILSON. Mr. President, I rise today in tribute to a great man whose recent passing has saddened myself and thousands of others in my home State of California, and indeed throughout the Nation. I am speaking of Rabbi Edgar Magnin.

The death of any man diminishes every man. But when his life is as rich and his legacy is as profound as Rabbi Edgar Magnin's, the sense of loss is mingled with a feeling of gratitude. "One must wait until the evening," said the Greek dramatist Sophocles, "to see how splendid the day has been." In the case of Rabbi Magnin, the splendor was visible to all long before he left us. For nearly 70 years, he embodied the talmudic teaching that ancient inheritances can have modern applications. His was a universal faith, clothed in goodness and steeped in humanist values. No one could cross his path without savoring his wit or benefiting from his perspective.

Hating pretense as much as he loved his God, Edgar Magnin prayed at the White House and lectured at the University of Southern California. He wrote newspaper columns and did radio shows. He counted among his personal friends Roman Catholic Cardinals, film stars, literary figures, and the towering intellect of our time, Albert Einstein. He accumulated honorary degrees with the steadiness of the seasons.

Yet this good man will be remembered, not for whom he knew, but for what he was. He will be remembered for having strolled into a Los Angeles Red Cross office on December 7, 1941, to "see if I could help with the phones" as he put it. He will be remembered for his contributions to the civic life of this State and city, and for his unwavering support of democratic Israel. He never forgot what a blessing it was to live in America, where devotion and dissent are both protected. All who were privileged to come within the sound of his voice know how deeply he cherished these freedoms. And so, for as long as people gather to worship in the domed temple on Wilshire Boulevard, a local landmark and the symbol in stone and stained glass of global, timeless faith, Rabbi Magnin will be remembered—not in the sorrow of this hour, but in the triumph of his 94-year relationship with God, and the community he nurtured.

I extend my condolences to his widow, Evelyn, his children, Henry and Mae, and a family for whom his memory must be a priceless heritage.●

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SYMMS). Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER relating to the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

MEDAL OF FREEDOM TO HENRY JACKSON

Mr. MOYNIHAN. Mr. President, on the 26th of June, in a moving and memorable ceremony in the Rose Garden, President Reagan presented the Presidential Medal of Freedom posthumously to our beloved former colleague, Henry M. Jackson.

Mr. President, the Medal of Freedom was established by President Kennedy in 1963 to be the highest civil honor awarded by the United States for services in peacetime and wartime, and was named the Presidential Medal of Freedom for that purpose.

As it happens, the first person to receive the medal posthumously was President Kennedy himself. He made the first awards on the 4th of January, 1963. He had planned to award several more in December 1963. His assassination intervened but the ceremony was duly held nevertheless. President Johnson made the first posthumous award of the Medal of Freedom to John F. Kennedy.

This history comes to mind because of the recent award to Henry M. Jackson. He and John Kennedy were the closest friends and colleagues for many years in the U.S. Senate. Henry Jackson, who might have served as Vice President under President Kennedy, stepped aside from that candidacy that he might make way for then Senator Lyndon B. Johnson. Henry Jackson assumed the chairmanship of the Democratic National Committee, from which position he led that memorable and successful campaign.

Mr. President, all of us in this body will wish to express our appreciation to President Reagan for the graciousness of his remarks on the occasion of this award, and for the large-spirited manner in which he chose to make this presentation.

I ask unanimous consent that the remarks of the President on that occasion be included in the RECORD at this point, along with the moving and felicitous response of Helen Jackson on behalf of herself, of Anna Marie, and of Peter.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT POSTHUMOUS PRESENTATION OF THE MEDAL OF FREEDOM TO HENRY JACKSON

THE ROSE GARDEN, JUNE 26, 1984

The PRESIDENT. Ladies and gentlemen, honored guests and Mrs. Helen Jackson—thank, all of you, for coming here today. Won't you please be seated.

We're here to honor Henry "Scoop" Jackson who was one of the great senators in our history and a great patriot who loved freedom first, last and always.

It's less than a year since his death, but already we can define with confidence the lasting nature of his contribution. Henry Jackson was a protector of the nation, a protector of its freedoms and values. There are always a few such people in each generation. Let others push each chic new belief or become distracted by the fashionable reading of history. The protectors listen and nod and go about seeing to it that the ideals that shaped this nation are allowed to survive and flourish. They defend the permanent against the merely prevalent. They have few illusions.

Henry Jackson understood that there is great good in the world, and great evil, too, that there are saints and sinners among us. He had no illusions about totalitarians, but his understanding of the existence of evil didn't sour or dishearten him. He had a great hope and great faith in America. He felt we could do anything. He like to quote Teddy Roosevelt: "We see across the dangers the great future, and we rejoice as a giant refreshed . . . the great victories are yet to be won, the greatest deeds yet to be done."

Scoop came to the Congress in 1941, a year when the locomotive of history seemed wrenched from its tracks. In Europe, the ideals of the West were under siege; in America, isolationists warned against involvement. Scoop watched history unfold. He watched Norway, the country of his immigrant parents, fall to Hitler. He came to [some] conclusions about the world. And from then until the day he died, he rejected isolationism as an acceptable way for a great democracy to comport itself in the world. This view sprang from the heart of the FDR tradition of foreign policy. We accept our responsibilities in the world; we do not flee them.

Henry Jackson absorbed within himself the three great strains of thought that go to the making of a noble foreign policy: the love of freedom, a will to defend it and the knowledge that America could not and must not attempt to float along alone; a blissful island of democracy in a sea of totalitarianism.

Scoop Jackson was convinced that there's no place for partisanship in foreign and defense policy. He used to say, "In matters of national security, the best politics is no poli-

tics." His sense of bipartisanship was not only natural and complete—it was courageous. He wanted to be president, but I think he must have known that his outspoken ideas on the security of the nation would deprive him of the chance to be his party's nominee in 1972 and 1976. Still, he would not cut his convictions to fit the prevailing style.

I am deeply proud—as he would have been—to have Jackson Democrats serve in my administration. I am proud that some of them have found a home here.

Scoop Jackson believed in a strong defense for only one reason: because it would help preserve the peace by deterring military violence.

He believed in arms control because he wanted a more secure world. But he refused to support any arms control initiative that would not, in his judgment, serve the security interests of the nation and ensure the survival of the West. His command of the fact and his ability to grasp detail were legendary. At Congressional hearings, people often learned more from his questions than they did from anyone else's answers.

And, it was very much like Scoop to see that there was a growing problem in Central America—and to see that the challenge of protecting freedom and independence there would require the commitment of Democrats and Republicans alike. He conceived the Bipartisan Commission on Central America and became one of its most active leaders.

He knew that stable, democratic institutions cannot be achieved in that region without the security that American assistance can provide. He saw the Commission's work [under way], and, if he were alive today, he would be working tirelessly to get its recommendations accepted by the Congress.

Scoop helped shape national policy on dozens of complex issues—on strategic planning and arms control, on the Soviet Unions and Central America, on human rights, and Israel, and the cause of Soviet Jewry.

His support for Israel grew out of his knowledge that political decisions must spring from moral convictions. It wasn't some grand geopolitical abstraction that made him back the creation of Israel; it was seeing the concentration camps first hand at the end of the war. At Buchenwald he saw the evil, as he said, "written on the sky"— and he never forgot.

He said the Jews of Europe must have a homeland. He did everything he could to strengthen the alliance between the United States and Israel, recognizing that we are two great democracies, two great cultures, standing together. Today both nations are safer because of his efforts.

He never stopped speaking out against anti-Semitism in the Soviet Union. And he was never afraid to speak out against anti-Semitism at home. And he—Scoop Jackson just would not be bullied.

He conceived and fought for the Jackson Amendment to the Trade Act of 1974. There's hardly a soul among the hundreds of thousands of Soviet Jews who later found freedom in the West who was not sustained in the struggle to emigrate by the certain knowledge that Scoop was at his side.

Scoop was always at the side of the weak and forgotten. With some people, all you have to do to win their friendship is to be strong and powerful. With Scoop, all you had to do was be vulnerable and alone. And so when Simas Kudirka was in jail in Moscow it was Scoop who helped mobilize the Congress to demand his release.

When Baptists in the Soviet Union were persecuted, it was Scoop who went again and again to the floor of the Senate to plead their cause. When free trade unionists were under attack in Poland, Scoop worked with the American Labor Movement to help them.

A few years ago, he was invited to visit the Soviet Union. The invitation was withdrawn when he said he could not go without calling on Andrei Sakharov. If Scoop were here today, I know he would speak out on behalf of Sakharov—just as Sakharov, a man of immense courage and humanity, stood up in Moscow and hailed the Jackson Amendment as a triumph of "the freedom loving tradition of the American people."

Scoop Jackson was a serious man. Not somber, or self-important, but steady and solemn. He didn't think much of the cosmetics of politics. He wasn't interested in image. He was a practitioner of the art of politics, and he was a personage in the affairs of the world. But there was no cause too great or too small for his attention.

When he wasn't on the floor of the Senate, or talking to the leaders of the world, he was usually in his office on the phone—consoling a constituent in a moment of grief, tracking down a lost social security check, congratulating an honor student, or helping a small businessman who was caught up in red tape.

The principles which guided his public life guided his private life. By the time he died, dozens of young men and women had been helped through school by a scholarship fund that he established and sustained. No one knew the money came from Scoop, until a change in the financial disclosure laws many years later forced him to 'fess up. He had never told the voters; he'd never even told his own staff.

Other people were embarrassed when the disclosure laws revealed their vanities. Scoop was embarrassed when it revealed his virtues.

One night last September, Scoop worked a long day and went home with a cold. There he fell into the sleep from which he never emerged. The next day, it was as if Washington had changed. Something was missing, some big presence.

A few days later, in a eulogy for Scoop, it was pointed out that there's a room in the Senate where members of the public are greeted. And on the walls of that room are the portraits of five of the greatest U.S. Senators, men chosen by the members of the Senate to reflect the best that chamber ever knew. There's Robert Taft, who, like Scoop, was Mr. Integrity, and LaFollette, who, like Scoop, often swam against the tide. There's Calhoun, who loved the South as Scoop loved the West, and Webster, who tried, like Scoop, to be a force to hold the nation together, in spite of its differences. And there's Henry Clay, a gifted man, who, like Scoop, would have been a great President.

It happens that there is no appropriate space on the walls of that room for another portrait.

So I'm joining those who would suggest to the Majority Leader that the Senate make room and commission a portrait so that Scoop Jackson can be with his peers. And when it's all done and in place, I'd be very proud to be among those who would go to the Senate and unveil it, Republicans and Democrats alike, a bipartisan effort in memory of the great bipartisan patriot of our time.

And, now, I am deeply honored to present to you, Mrs. Helen Jackson, the Medal of Freedom in honor of your husband, Senator Henry Jackson of the State of Washington.

Let me read the citation: "Representative and Senator for more than four decades, Henry Martin Jackson was one of the greatest lawmakers of our century. He helped to build the community of democracies and worked tirelessly to keep it vigorous and secure. He pioneered in the preservation of the nation's natural heritage, and he embodied integrity and decency in the profession of politics. For those who make freedom their cause, Henry Jackson will always inspire honor, courage and hope." (Applause.)

Mrs. JACKSON: Mr. President, I'm proud to accept this great honor the nation has bestowed on my husband.

I accept this award not only on behalf of Anna Marie, Peter and myself, but also on behalf of all of those who worked with Scoop and shared his causes and convictions over the years.

As Scoop used to say, "If you believe in the cause of freedom, then proclaim it, live it and protect it, for humanity's future depends upon it."

Mr. President, we thank you for today from the bottom of our hearts. (Applause.)

DEATH OF GEORGE M. LOW

Mr. MOYNIHAN. Mr. President, on the 17th of July, the United States lost one of the great public servants of this age. His name was little known outside his own profession, though his life's work is known to all.

I refer, of course, to George M. Low, who headed the Apollo space project. In his characteristically graceful and bemused manner, he would frequently say that what astronauts ate for breakfast was really of greater interest to the public than what he did. But of course what he did made it possible for the astronauts to do what they did. For George Low was one of the great engineers of this age. It might responsibly be stated, Mr. President, that he was the greatest engineer of any age, for what could be a greater engineering feat than to send a man to the Moon and return him safely? Fifteen years and a day after launching men to the Moon, George Low died in Troy, NY.

It is frequently supposed that this was an achievement of science. It certainly was that in the sense that generations of scientific inquiry and discovery had brought us to the state of knowledge where we could responsibly undertake to send a man to the Moon and bring him back safely.

George Low was the kind of man who could apply that knowledge to the achievement of the theoretically possible.

George Low was one of the engineers who prepared the memorandum for President Kennedy that said this could be done in the course of the 1960's, and, accordingly, ought to be tried.

The actual effort—the construction of the rockets, the control systems, the space craft, the space suits—was

the work of engineers, and I think possibly could be described as the greatest engineering feat of all time. One man was in charge—and hundreds of men and women were involved—and that man was George M. Low.

After leaving the Apollo space project with his work triumphantly accomplished and completed, he became president of the Rensselaer Polytechnic Institute in Troy, NY. RPI is the oldest engineering school in our Nation. I do not wish to arouse any sectional memories of this body, but I would point out that the armor plates for the U.S. ship the *Monitor* were cast in Troy under the direction of RPI engineers; the designs of the Brooklyn Bridge heavily drew upon the work of RPI engineers.

George Low was as distinguished an academic administrator as he had been a NASA project manager. He greatly increased the research activities of RPI, reestablishing it as one of the major engineering centers of the world.

He died much too soon, much too early in a career that had demonstrated the extraordinary range of achievement of which he was capable.

Mr. President, we have seen the death within this last fortnight of a man who might properly be described as the greatest engineer the world has ever known, for surely he managed and directed the greatest engineering feat the world has ever known.

At this point, Mr. President, I ask unanimous consent that there be included in the RECORD, with the grateful thanks of this body for all he did, anonymously but incomparably well, two obituaries of George Low.

There being no objection, the obituaries were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 18, 1984]

GEORGE M. LOW IS DEAD AT 58; HEADED APOLLO SPACE PROJECT

(By John Noble Wilford)

George M. Low, president of Rensselaer Polytechnic Institute, who was a driving force in the Apollo moon landing program, died of cancer yesterday in Troy, N.Y. He was 58 years old.

Mr. Low had been ill for months, suffering from recurrent melanoma. On Monday the White House announced that he would be awarded the President's Medal of Freedom for his contributions to education and the nation's space program.

In his 27 years with the National Aeronautics and Space Administration and its predecessor, the National Advisory Committee for Aeronautics, Mr. Low served as an engineer and manager in the Mercury and Gemini programs and was put in charge of redesigning the Apollo spacecraft after a fire on the launching pad killed three astronauts in 1967.

He later became deputy administrator of NASA and acting administrator in the early 1970's, when he negotiated the initial agreements leading to the joint American-Soviet mission in August 1975.

MOON LANDING RECALLED

Mr. Low's death came a day after the 15th anniversary of the launching of Apollo 11, bound for the first landing of men on the Moon on July 20, 1969.

Mr. Low assumed the presidency of Rensselaer, his alma mater, in 1976 and spearheaded the expansion of research at the institute and the development of a 300-acre technology park adjacent to the campus in Troy. In his tenure, the institute's research volume rose from $20 million a year to $600 million.

Mr. Low was born in Vienna on June 10, 1926. His family emigrated to the United States in 1940 and settled in the upstate New York town of Milford. He served in the Army in World War II and became a naturalized citizen in 1946. He then attended Rensselaer, where he earned bachelor's and master's degrees in aeronautical engineering.

After college, Mr. Low joined the National Advisory Committee for Aeronautics and was prominent in aerodynamic heating research. In 1961 he helped prepare the memorandum advising President Kennedy that the nation had the capability to put astronauts on the Moon and return them to Earth by the end of that decade, which led to the Apollo project.

APOLLO COMPLETELY REDESIGNED

Mr. Low was deputy director of the Manned Spacecraft Center in Houston when the Apollo spacecraft caught fire on Jan. 27, 1967, killing Lieut. Col. Virgil Grissom of the Air Force, Lieut. Col. Edward H. White 2d of the Air Force and Lieut. Comdr. Roger B. Chafee of the Navy.

In a shakeup of the Apollo management, Mr. Low was appointed to head the spacecraft program. For the next year and a half, he oversaw the Apollo's complete redesign and retesting, imposing more rigorous quality control and pressing to meet ambitious production schedules.

Of the Apollo rebuilding effort, Mr. Low wrote: "We once made a serious mistake, a mistake of not maintaining absolute control over all flammable material. Since then, we have made every conceivable effort to avoid similar mistakes. We have re-examined every drawing, every circuit and every component of the Apollo spacecraft. We have made thousands of changes in design, in manufacturing and in tests."

Associates said he was the type of spacecraft manager who often knew as much about the systems and components as the engineers working for him. After a minor flaw in a toggle switch on the spacecraft was discovered, Mr. Low went to great lengths to learn all he could about the performance and possible failures of all the toggle switches on the Apollo.

EXPERT ON TOGGLE SWITCHES

"I probably know as much about toggle switches today as anybody else does in the business," he told an interviewer. "In fact, I have a whole table full of various kinds in my office. An engineer on a project like Apollo must be willing to get into any level of detail."

Although he received much credit and many honors for the Apollo project, Mr. Low remained little known to the public. "My job," he once remarked, "was never as exciting as what the astronauts ate for breakfast."

Mr. Low was awarded numerous honorary degrees and was a member of the National Academy of Engineering. He was named last year to the White House Commission on Industrial Competition.

Surviving him are his wife, the former Mary Ruth McNamara, and five children: Mark, Diane, David, John and Nancy. David Low was recently named to the astronaut corps.

Funeral services will be private.

[From the Washington Post, July 19, 1984]

GEORGE M. LOW, 58, DIRECTOR OF APOLLO 11 MOON LANDING

TROY, NY.—George M. Low, 58, a former head of the nation's manned space program who had been president of Rensselaer Polytechnic Institute since 1976, died of cancer July 17 at his home here.

Before becoming president of Rensselaer, he spent 18 years with the National Aeronautics and Space Administration in Houston and nine years with NASA's predecessor, the National Advisory Committee for Aeronautics.

As head of the committee that formulated plans for the Apollo manned lunar landing, he suggested to President John F. Kennedy in 1960 that an astronaut could walk on the moon within the decade.

"He guided NASA through a transition of new goals in the 1970s and beyond, and he negotiated the space agreements with the Soviet Union, which provided a foundation for the Apollo-Soyuz flight," said John McLeaish, a NASA spokesman.

Mr. Low was scheduled to receive the Medal of Freedom, the nation's highest award to a civilian, later this year.

Mr. Low was a native of Austria and came to this country in 1940. He served with the Army during World War II. He earned bachelor's and master's degrees in aeronautical engineering at Rensselaer. In 1949, he joined the National Advisory Committee for Aeronautics at the Lewis Research Center in Cleveland. He was named director of manned space flight at NASA in 1958.

He later moved to the Johnson Space Center in Houston as deputy director of the center, which controlled all manned flights. He took charge of the Apollo program in 1967 after a fire at Cape Kennedy killed three astronauts, and was in charge of the Apollo 11 mission, which landed the first manned spacecraft on the lunar surface on July 19, 1969.

In 1971, Mr. Low was named acting director of NASA and helped plan the space shuttle and joint Apollo-Soyuz mission. He was associate administrator of the agency before he left to take up the presidency of RPI.

Mr. Low has a reputation as a hard-driving manager and a savvy politician, both at NASA and at Rensselaer. In a long-range goals program he developed shortly after coming to the Institute, he outlined plans to make it one of the top technological institutions in the country, with a star-studded faculty and top-rated computer and electronics programs.

Under his leadership, the university launched a $3 million technology park in nearby North Greenbush, N.Y., and an on-campus "incubator program" that has launched several successful companies in high-technology fields such as computer-aided design and solar energy.

Survivors include his wife, Mary Ruth, and five children, Mark, Diane, George David, John and Nancy. George David Low recently was named to the astronaut training program.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, it is clear that the original plan of going to the Treasury-Postal appropriations bill and making it the business today will not work. A number of Senators are understandably absent or delayed. I am now advised it may be as late as 6 p.m. before some of them will be able to return to the Senate Chamber in order to participate in debate on the Treasury-Postal appropriations bill.

Mr. President, given those circumstances, it appears the better part of discretion to go ahead and lay down the bill at this time, and to then go out until tomorrow when people will be here and available and we can proceed in a more expeditious manner.

Mr. President, I have discussed this with the minority leader.

Mr. President, I now have a number of unanimous-consent requests which I will put with respect to other matters.

SENSE OF THE CONGRESS WITH RESPECT TO STATUS OF ANDREI SAKHAROV AND YELENA BONNER

Mr. BAKER. Mr. President, first in respect to the Sakharov concurrent resolution, we went out 3 weeks ago. There was an indication that even though there was a voice vote on that concurrent resolution, that we would have a rollcall vote, a motion to table, and a motion to reconsider that vote so that people could be recorded.

I have consulted with the minority leader, and he has indicated a preference to go to the concurrent resolution itself. Therefore, I make this unanimous-consent request:

Mr. President, I ask unanimous consent that the motion to reconsider the vote by which House Concurrent Resolution 332, relating to providing information concerning Andrei Sakharov and Yelena Bonner, was agreed to be deemed agreed to and the Senate proceed to the consideration of House Concurrent Resolution 332 tomorrow, Tuesday, July 24, 1984, at the hour of 2 p.m., with a vote to occur immediately without debate on the concurrent resolution, and that it be in order at this time to request the yeas and nays on the concurrent resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, in preparation for asking the Senate to turn briefly to the consideration of the Treasury-Postal appropriations bill, in accordance with section 904 of the Budget Act I move to waive section 303 of that act with respect to H.R. 5798 and any amendment thereto. I make this motion because, as the Chair is aware, we do not have a budget resolution at this time. In order to bring the pending appropriations bill before the Senate, it is deemed necessary to proceed in this manner.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1985

Mr. BAKER. Mr. President, having dealt with the budget waiver in the action just taken, I now ask unanimous consent that the Senate turn to the consideration of the Treasury-Postal appropriations bill, which is H.R. 5798.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5798) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1985, and further purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BAKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later the following occurred:)

Mr. BAKER. Mr. President, a moment ago two actions were taken which I am now going to ask the Senate to vitiate. The first was to adopt a budget waiver, and the second was to lay down the Treasury-Postal appropriations bill. For the benefit of those who are listening in their offices or elsewhere, may I explain that for technical reasons, good and valid reasons in the opinion of the leadership on this side, there are concerns about the exact language of the request on the waiver. Until those things are worked out, it seems unwise to have that measure pending. Therefore, I ask unanimous consent that the action taken by the Senate in the adoption of a budget waiver under the provision of section 303 and the action of the Senate in laying down the Treasury-Postal bill as the pending business be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not past the hour of 3 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I say it is the hope and the full expectation of the leadership on this side that we will be able to lay down the Treasury-Postal Service appropriations bill tomorrow and work out a budget waiver which will be satisfactory to all concerned, but it seems unwise to do that at this time.

Mr. President, with the hope that perhaps we can work out the language yet today, maybe it would be as well to extend the time for the transaction of routine morning business. Therefore, I now ask unanimous consent that the time for the transaction of routine morning business be extended until not later than 4 p.m. in which Senators may speak not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, earlier today we entered an order for the

Senate to turn to the consideration of the Treasury-Postal Service appropriations bill, and passed the Budget Act waiver in respect to that.

Subsequently, that action was vitiated so that we would have more time to consider the language of the collateral unanimous-consent request that was presented for consideration and action.

I believe, Mr. President, that all of these matters have now been clarified and I wish now to put a series of unanimous-consent requests.

Mr. President, first I would say that the sequence in which I intend to put these requests is as follows: In a moment I will move the Budget Act waiver under section 303 of the Budget Act. After that, Mr. President, assuming that the waiver is granted, it will be the intention of the leadership on this side to ask the Senate to turn to the consideration of the Treasury-Postal Service appropriations bill.

Then, Mr. President, to put a unanimous-consent request with respect to the consideration of that bill.

After that, Mr. President, it will be the intention of the leadership on this side to ask the Senate to stand in recess until tomorrow, unless there is a further need for time for the transaction of routine morning business.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, in accordance with section 904 of the Budget Act, I move to waive section 303 of that act with respect to H.R. 5798 and any amendments thereto. Mr. President, I so move in view of the fact that no first budget resolution has been adopted in order to bring the appropriations measure before the Senate at this time.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. BAKER. The waiver has been granted, is that correct?

The PRESIDING OFFICER. The Senator is correct.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1985

Mr. BAKER. Mr. President, I ask that the Senate turn to the consideration of the Treasury-Postal appropriations bill, H.R. 5798.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5798) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1985, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 5798, the Treasury, Postal Service, and general Government appropriations bill for fiscal year 1985 be printed with amendments as recommended by the Committee on Appropriations.

I further ask unanimous consent that these amendments be deemed committee amendments and that this reprint be deemed the official version of the measure for purpose, of Senate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill, with the committee amendments, reads as follows:

[NOTE.—The parts of the bill intended to be stricken are shown in bold face brackets and the parts intended to be inserted are shown in italic.]

H.R. 5798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; *maintenance, repairs and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business;* not to exceed [$22,000] *$95,000* for official reception and representation expenses; not to exceed $200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $1,683,000 for repairs and improvements to the Main Treasury Building and Annex, to remain available until expended; [$56,474,000] *$77,242,000.*

[INTERNATIONAL AFFAIRS

[For necessary expenses of the international affairs function of the Office of the Secretary; hire of passenger motor vehicles; maintenance, repairs and improvement of, and purchase of commercial insurance policies for real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,000,000 for official travel expenses; and not to exceed $73,000 for official reception and representation expenses; $22,768,000.]

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, *as a bureau of the Department of the Treasury,* including purchase (not to exceed eight for police-type use) and hire of passenger motor vehicles; not to exceed $75,000 for expenses for student athletic and related activities; the conducting of and participating in firearms matches and presentation of awards; not to exceed $2,100,000 for repair, alteration, minor construction, and related equipment for the Federal Law Enforcement Training Center facility, to remain available until expended; and services as authorized by 5 U.S.C. 3109: *Provided, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; acceptance of gifts; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center;* [$16,964,000] *$18,314,000.*

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Government Financial Operations; [$226,608,000] *$235,994,000* of which $5,700,000 shall remain available until expended for systems modernization initiatives: *Provided, That section 501 of this Act shall not apply to this appropriation.*

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Alcohol, Tobacco and Firearms, including purchase of three hundred vehicles for police-type use of which two hundred and fifty are for replacement only; and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; *not to exceed $5,000 for official reception and representation expenses;* [*$169,271,000*] *$167,271,000* of which $15,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1985: *Provided,* That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipt and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978: *Provided further,* That none of the funds appropriated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further,* That not to exceed $300,000 shall be available for research and development of an explosive identification and detection device.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of two hundred motor vehicles for replacement only, including one hundred and ninety for police-type use; hire of passenger vehicles; not to exceed $10,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by the Act of August 13, 1954 (22 U.S.C. 401); $643,465,000, of which not to exceed $150,000 shall be available for pay-

ment for rental space in connection with preclearance operations and not to exceed $1,000,000, to remain available until expended, for research: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: Provided further, That the Commissioner or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: Provided further, That none of the funds made available by this Act may be used for administrative expenses in connection with the proposed redirection of the Equal Employment Opportunity Program: Provided further, That none of the funds made available by this Act shall be available for administrative expenses to reduce the number of Customs Service regions below seven during fiscal year 1985.

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

For expenses, not otherwise provided for, necessary for the hire, lease, acquisition (purchase of three and transfer or acquisition from any other agency), operation and maintenance of aircraft, and other related equipment of the Air Program; $44,425,000.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint; $47,758,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $197,955,000.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses for the Internal Revenue Service, not otherwise provided; for executive direction and management services; and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$104,687,000] *$102,000,000*, of which not to exceed $1,000,000 shall remain available until expended, for research.

PROCESSING TAX RETURNS

For necessary expenses of the Internal Revenue Service not otherwise provided for; including processing tax returns; revenue accounting; and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$992,457,000] *$972,457,000* of which not to exceed $50,000,000 shall remain available until expended for systems modernization initiatives.

EXAMINATIONS AND APPEALS

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; employee plans and exempt organizations; tax litigation; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,357,073,000] *$1,350,000,000.*

INVESTIGATIONS, COLLECTION, AND TAXPAYER SERVICE

For necessary expenses of the Internal Revenue Service for investigation and enforcement activities; including purchase (not to exceed four hundred and fifty-one for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 638a(a)); securing unfiled tax returns; collecting unpaid accounts; technical rulings; enforcement litigation; providing assistance to taxpayers; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,081,142,000] *$1,060,000,000*: *Provided*, That, notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used to reduce the number of positions allocated to taxpayer service activities below fiscal year 1984 levels, or to reduce the number of positions allocated to any other direct taxpayer assistance functions below fiscal year 1984 levels, including, but not limited to Internal Revenue Service toll-free telephone tax law assistance and walk-in assistance available at Internal Revenue Service field offices: *Provided further, That the Internal Revenue Service shall fund the Tax Counseling for the Elderly Program at $2,000,000. The Internal Revenue Service shall absorb within existing funds the $700,000 requested for administrative costs now being charged to the program in order that the full $2,000,000 can be devoted to program requirements.*

PAYMENT WHERE ENERGY CREDIT EXCEEDS LIABILITY FOR TAX

For necessary expenses to carry out the energy provisions of the Energy Tax Act of 1978 (Public Law 96-618); $100,000.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

SEC. 1. Not to exceed 1 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Secret Service, including purchase (not to exceed three hundred and ninety-one vehicles for police-type use shall be for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; the conducting of and participating in firearms matches and presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act, provided that approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations and minor construction at the James J. Rowley Secret Service Training Center, and for research and development; not to exceed $5,000 for official reception and representation expenses; and for uniforms without regard to the general purchase price limitation for the current fiscal year; [$278,331,000] *$286,500,000.*

DEPARTMENT OF THE TREASURY—GENERAL PROVISIONS

SEC. 101. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishings of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

SEC. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communication in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 103. (a) None of the funds appropriated by this Act may be used to disqualify, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

(b) None of the funds appropriated by this Act may be used to issue an unfavorable advance determination letter, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, with respect to any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

SEC. 104. None of the funds made available to the Department of the Treasury by this Act shall be used to implement changes shortening the time granted, or altering the mode of payment and receipt permitted, or use of lock boxes, for payment of excise taxes by law or regulations in effect on January 1, 1981.

SEC. 105. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. However, no such appropriation shall be increased or decreased by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 106. Section 505 of the Tariff Act of 1930, as amended (19 U.S.C. 1505), is further amended by adding a new subsection (c) to read as follows:

"(c) Notwithstanding any other provision of law, duties determined to be due on a liquidation or reliquidation shall be due upon that date, and unless payment is received by the appropriate customs officer within twenty-five days therefrom, shall be considered delinquent and bear interest from the date of liquidation or reliquidation at a rate determined by the Secretary of the Treasury.".

Section 520 of the Tariff Act of 1930, as amended (19 U.S.C. 1520), is further amended by adding a new subsection (d) to read as follows:

"(d) Where a determination is made to reliquidate an entry pursuant to a protest filed under section 514 of this Act, an application for relief under subsection (c)(1) of this section, or any order of an appropriate court, interest shall be allowed on any amounts paid as increased or additional duties under section 505(c) of this Act at the annual rate established pursuant to that section and determined as of the date of liquidation or reliquidation. Such interest shall be calculated from the date of payment to the date of refund or the date of filing of a

summons under 28 U.S.C. 2632, whichever occurs first.".

SEC. 107. Notwithstanding any other provision of law, the capitalization limitation contained in 31 U.S.C. 322 for the Capital Fund in the Office of the Secretary is hereby repealed.

SEC. 108. None of the funds appropriated by this Act or any other Act shall be used to impose or assess any tax due under subchapter D of chapter 32 of the Internal Revenue Code of 1954, as amended, sections 4161 and 4181, in all cases where less than fifty items are manufactured or produced per annum.

SEC. 109. None of the funds made available by this Act may be used to place the United States Secret Service, the United States Customs Service, and the Bureau of Alcohol, Tobacco and Firearms under the operation, oversight, or jurisdiction of the Inspector General of the Department of the Treasury.

SEC. 110. None of the funds provided in this Act may be used by the Internal Revenue Service, or any other agency or Department funded in this bill, for the purpose of promulgating, implementing, or enforcing any interpretat ve or substantive regulation imposing a tax or collecting any tax, under any provision of Public Law 96-510 (or under any portion of the Internal Revenue Code established by Public Law 96-510) on the use of any copper-, lead-, or zinc-bearing compound, solution, or chemical, to the extent that the alleged use arises out of the presence of such compound, solution, or chemical in the process of smelting, refining, or otherwise extracting copper, lead, or zinc metal from ores, concentrates or other metal-bearing materials.

SEC. 111. (a) The Secretary of the Treasury is authorized and directed to admit free of duty any article provided by the Max Planck Institute for Radioastronomy of the Federal Republic of Germany to the joint astronomical project being undertaken by the Steward Observatory of the University of Arizona and the Max Planck Institute for the construction, installation, and operation of a sub-mm telescope in the State of Arizona: Provided, That such article satisfies each of the following conditions:

(1) Such article qualifies as "instruments and apparatus" under headnote 6(a) of schedule 8, part 4, TSUS, 19 U.S.C. section 1202 (1970); 80 Stat. 897.

(2) No instruments or apparatus of equivalent scientific value for the purposes for which such article is intended to be used is being manufactured in the United States. For purposes of this condition, scientific testing equipment provided by the Max Planck Institute and necessary for aligning, calibrating, or otherwise testing an instrument or apparatus shall be considered to be part of such instrument or apparatus.

(b) The University of Arizona and/or the Max Planck Institute shall submit to the United States Customs Service and to the International Trade Administration descriptions of the articles sought to be admitted free of duty containing sufficient detail to allow the United States Customs Service to determine whether subsection (a)(1) is satisfied and the International Trade Administration to determine whether subsection (a)(2) is satisfied. The descriptions may be submitted in a single or in several submissions to each agency, as the University of Arizona and the Max Planck Institute shall deem appropriate during the course of the project. The United States Customs Service and the International Trade Administration are directed to make their respective determinations within ninety days of the date that they have received a sufficient submission with respect to an article or articles.

(c) The Secretary of the Treasury is authorized and directed to readmit free of duty any article admitted free of duty under subsection (a) and subsequently returned to the Federal Republic of Germany for repair, replacement, or modification.

(d) The Secretary of the Treasury is authorized and directed to admit free of duty any repair components for articles admitted free of duty under subsection (a).

(e) If any article admitted free of duty under subsections (a) is used for any purpose other than the joint project within five years after being entered, duty on the article shall be assessed in accordance with the procedures established in headnote 1 of schedule 8, part 4, TSUS, 19 U.S.C. section 1202 (1970); 80 Stat. 897.

(f) The provisions of subsection (a) shall apply with respect to articles entered for consumption after the day which is fifteen days after the date of enactment of this Act and before November 1, 1993.

This title may be cited as the "Treasury Department Appropriations Act, 1985".

TITLE II

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to 39 U.S.C. 2401 (b) and (c) and for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund and to postal employees for earned and unused annual leave as of June 30, 1971, pursuant to 39 U.S.C. 2004 and Section 1724(a) of the Omnibus Budget Reconciliation Act of 1981; $1,040,509,000: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That six-day delivery and rural delivery of mail shall continue at the 1983 level: *Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1985.*

This title may be cited as the "Postal Service Appropriation Act, 1985".

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Office of Administration; [$14,645,000] *$16,172,000* including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $20,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; [$23,731,000] *$24,985,000.*

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $4,601,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, and not to exceed $60,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $219,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, and hire of passenger vehicles; $1,663,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); $2,560,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107, and other personal services as authorized by 3 U.S.C. 107; $3,020,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses for the National Security Council, including services as authorized by 5 U.S.C. 3109; $4,605,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses for the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; [$37,889,000] *$39,000,000: Provided,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.).

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; $1,615,000.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1985".

TITLE IV

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.); $1,468,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended, 42 U.S.C. 4271-79; $2,131,000.

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306; $220,000.

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

SALARIES AND EXPENSES

For necessary expenses of the "Commission on Executive, Legislative, and Judicial Salaries", authorized by section 225 of the Postal Revenue and Federal Salary Act of 1967 (81 Stat. 642-645), $160,000, to remain available until expended.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For necessary expenses for the Committee for Purchase from the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28, including hire of passenger motor vehicles; $710,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; [$12,834,000] *$12,900,000*, of which $1,155,000 shall be available only for expenses of moving and resulting increased rental costs.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of [$2,250,228,000] *$2,227,802,000*, of which (1) not to exceed [$106,814,000] *$100,299,000* shall remain available until expended for construction of additional projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

[California:

[Long Beach, Federal Building, $20,000,000]

District of Columbia:

Old Post Office, $1,750,000

Texas:

El Paso, Ysleta, Border Station, $6,893,000

Washington:

Lynden, Border Station, $2,386,000

Sumas, Border Station, $4,618,000

Construction Projects, less than $500,000, $1,000,000

Purchase:

Acquisition and Improvements of United States Postal Service Properties, $1,700,000

Other Selected Purchases including options to purchase, [$70,217,000] *$81,952,000*:

Provided, That each of the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1986, and remain in the Federal Buildings Fund except funds for projects as to which funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than [$40,000] *$100,000* arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification of the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed [$228,432,000] *$216,018,000* which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate for a greater amount:

Repairs and Alterations:

California:

San Francisco, Appraisers Stores, $9,711,000

Colorado:

Denver, Denver Federal Center, #20, $6,210,000

Denver, Denver Federal Center, #810, $8,590,000

District of Columbia:

Archives, $4,696,000

Auditors, $8,980,000

Blair House, [$6,611,000] *$3,000,000*

Health and Human Services, North Building, $1,504,000

Interior, $4,131,000

[Illinois:

[Chicago, 844 N. Rush Street, $1,931,000

[Peoria, Federal Building and Courthouse, $1,357,000]

Iowa:

Des Moines, Federal Building, $3,083,000

Sioux City, Post Office, Courthouse, $809,000

Maryland:

Suitland, Naval Intelligence #1, $8,809,000

Michigan:

Detroit, Parking Garage, $1,832,000

[Lansing, Federal Building and Courthouse, $1,395,000]

Missouri:

Kansas City, 1500 E. Bannister, $907,000

[St. Louis, Courthouse and Customshouse, 1114 Market Street, $8,654,000]

Nevada:

Las Vegas, Federal Building, $941,000

New York:

New York, 201 Varick Street, $1,508,000

Pennsylvania:

[Pittsburgh, Post Office, Courthouse, $8,672,000]

Philadelphia, 5000 Wissahickon Ave., $2,635,000

Texas:

Fort Worth, Warehouse #5, $710,000

Virginia:

Alexandria, Post Office, Courthouse, $1,370,000

Arlington, Pentagon, $4,602,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1986 and remain in the Federal Buildings Fund except funds for projects as to which funds have been obligated in whole or in part prior to such date; (3) not to exceed $178,911,000 for payment on purchase contracts entered into prior to July 1, 1975; (4) not to exceed $865,000,000 for rental of space; (5) not to exceed [$685,848,000] *$694,998,000* for real property operations: *Provided further, That none of the funds provided in this Act shall be used to move the existing Spartanburg, South Carolina Social Security Office into the Federal Building in Spartanburg, South Carolina*, and (6) not to exceed $117,040,000 for program direction and centralized services; and (7) not to exceed [$58,883,000] *$55,536,000* for design and construction services which shall remain available until expended: *Provided*, That for the purposes of this authorization, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), the Public Buildings Amendments of 1972 (40 U.S.C. 490), and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be federally owned buildings: *Provided further*,

That none of the funds available to the General Services Administration shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056 as amended, shall be available from such revenues and collections: *Provided further, That of the funds appropriated in Public Law 98-8, under the heading of "Maintaining and protecting Public Investment Federal Buildings", $3,000,000 is authorized and may be expended for phase II, additional construction at the James J. Rowley Secret Service Training Center in Beltsville, Maryland: Provided further,* That revenues and collections and any other sums accruing to this fund during fiscal year 1985, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of **[**$2,250,228,000**]** *$2,227,802,000* shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts.

PERSONAL PROPERTY

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for supply distribution (including contractual services incident to receiving, handling and shipping supply items), procurement (including royalty payments), inspection, standardization, property management, and other supply management activities, transportation activities, utilization of excess and disposal of surplus personal property, and the rehabilitation of personal property including services as authorized by 5 U.S.C. 3109; **[**$156,944,000**]** *$164,000,000.*

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For necessary expenses in connection with Federal records management and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and for the Information Security Oversight Office established pursuant to Executive Order 12356, directives issued pursuant thereto, and other applicable authorities, including acceptance and utilization of voluntary and uncompensated services; **[**$98,925,000**]** *$95,325,000* of which $4,000,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended **[**and of which $5,200,000 shall remain available until expended for necessary construction of additional onsite archival space, access facilities and auditorium and meeting space at the John F. Kennedy Library in Boston, Massachusetts.**]**

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property; the utilization survey, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98-98h), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061-2166); including services as authorized by 5 U.S.C. 3109 and reimbursement for recurring security guard service; **[**$40,257,000**]** *$38,000,000* of which $12,243,000 shall be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-5), and of which $24,729,000 for the transportation, processing, refining, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile shall remain available through fiscal year 1986.

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

LIMITATION ON AVAILABILITY OF FUNDS

During the fiscal year ending September 30, 1985, not more than $120,000,000 in addition to amounts previously appropriated, all to remain available until expended, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition.

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of agency management of activities under the control of the General Services Administration, and general administrative and staff support services not otherwise provided for; including transportation audits by inhouse personnel; for transportation audit contracts and contract administration for which payment to any contractor shall not exceed 50 per centum on the overpayment identified by any contract audit; for providing accounting, records management, and other support incident to adjudication of Indian Tribal claims by the United States Court of Claims; and services authorized by 5 U.S.C. 3109; **[**$123,635,000**]** *$137,000,000*: *Provided, That not to exceed $2,500 shall be available for reception and representation expenses: Provided,* That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code.

OFFICE OF INFORMATION RESOURCES MANAGEMENT

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; $33,393,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General; $21,473,000: *Provided,* That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment or recovery of stolen Government property.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; $1,170,000: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the provisions of the Presidential Transition Act of 1963, as amended (3 U.S.C. 102, note); $3,000,000.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. **[**1.**]** *401.* The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129); and (2) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff) and such appropriations or funds may be so transferred, with the approval of the Office of Management and Budget.

SEC. **[**2.**]** *402.* Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. **[**3.**]** *403.* Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. **[**4.**]** *404.* Not to exceed 1 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. **[**5.**]** *405.* Funds in the Federal Buildings Fund made available for fiscal year 1985 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

[SEC. 6. Funds hereafter made available to the General Services Administration for the

payment of rent shall be available for the purpose of leasing space in buildings erected by the lessor on land owned by the United States.]

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, *not to exceed $2,500 for official reception and representation expenses* and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; [$106,653,000] *$110,000,000* together with not to exceed $50,687,000 for administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes: *Provided, That pursuant to section 4109(d)(1) of title 5, United States Code, costs for entertainment expenses of the President's Commission on Executive Exchange shall not exceed $12,000: Provided further,* That the provisions of this appropriation shall not affect the authority to use applicable trust funds for administrative expenses of effecting statutory annuity adjustments. No part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Acts (74 Stat. 849); as amended; $1,341,553,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8384, and annuities under special acts, to be credited to the Civil Service Retirement and Disability Fund; $4,366,868,000: *Provided,* That annuities authorized by the Act of May 29, 1944, as amended (2 C.Z.C. 181), and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, *and not to exceed $1,500 for official reception and representation expenses;* $20,477,000, together with not to exceed $1,200,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board, and not more than $5,000 for advances or reimbursements to applicable funds of the Merit Systems Protection Board.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of the Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978 (Public Law 95-454), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $4,583,000.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $17,197,000: *Provided,* That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government Service, and compensation as authorized by 5 U.S.C. 3109: *Provided further, That no funds shall be appropriated in this or any other Act for the Federal Labor Relations Authority to review Army and Air Force regulations governing technicians of the National Guard.*

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $22,344,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1985".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans' Administration; *to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act;* or to payments to interagency motor pools where separately set forth in the budget schedules.

SEC. 502. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided,* That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 506. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided,* That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 507. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 508. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits and malt

beverages, except if the expenditure of such funds is necessary to comply with a final order of the Federal court system.

SEC. 509. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, lease, rental, excessing, surplusing or disposal of any portion of land identified on the date of enactment of this Act as Fort DeRussy in Honolulu, Hawaii.

[SEC. 510. None of the funds appropriated in this Act may be used for administrative expenses to close the Information Resources Management Office of the General Services Administration located in Sacramento, California.

[SEC. 511. No funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.).]

SEC. [512.] *510.* None of the funds made available by this Act for the Department of Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. [513.] *511.* None of the funds appropriated by this Act may be expended by the General Services Administration to sell, dispose, transfer, donate, or lease the real property and improvements known as the Hickam Air Force Base Administrative Annex (identified by the General Services Administration control number 9-D-HI-477-B) unless by transfer to the State of Hawaii or any agency thereof for use for airport development purposes in accordance with procedures under section 23 of the Airport and Airway Development Act of 1970 as in effect on the date of such State's application to the Federal Aviation Administration under such Act on February 24, 1981.

SEC. [514.] *512.* None of the funds made available by this Act shall be available for any activity or for paying the salary of any government employee where funding an activity or paying a salary to a government employee would result in a decision, determination, rule, regulation, or policy that would prohibit or otherwise prevent the Customs Service from enforcing section 307 of the 1930 Tariff Act.

[SEC. 515. None of the funds appropriated under this Act shall be obligated or expended to implement, promulgate, administer, enforce, or reissue or revise the proposed Office of Personnel Management regulations and the proposed Federal Personnel Manual issuances published in the Federal Register on March 30, 1983, on pages 13341 through 13381, as superseded by proposed regulations and Federal Personnel Manual issuances published in the Federal Register on July 14, 1983 on pages 32275 through 32312, and as further superseded by proposed regulations and Federal Personnel Manual issuances published in the Federal Register on October 25, 1983 on pages 49462 through 49498.]

SEC. [516.] *513.* None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, out of the Treasury Department.

SEC. 514. Of the total amount of budget authority provided for fiscal year 1985 by this or any other Act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, 10 per centum of the amount intended for such purposes in the President's budget for 1984, as amended, for any agency, department, or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure: Provided, That this section shall not apply to any agency, department, or entity whose budget request for 1985 for the purposes stated above did not amount to $5,000,000.

SEC. 515. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions, or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 602. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $6,000 except station wagons for which the maximum shall be $6,400: *Provided,* That these limits may be exceeded by not to exceed $2,700 for police-type vehicles, and by not to exceed $3,600 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section shall not apply to electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.

SEC. 603. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 604. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian and Laotian refugees paroled in the United States after January 1, 1975: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further,* That the above penal-clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 605. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 606. Funds made available by this or any other Act of administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 607. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 608. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided,* That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 609. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member of committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 610. No part of any appropriation contained in this or any other Act, shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to (1) the General Services Adminstration, including the fund created by the Public Buildings Amendments of 1972 (86 Stat. 216), and (2) the "Postal Service Fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section, and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds available under this or any other Act shall be available for administrative expenses in connection with the designation for construction, arranging for financing, or execution of contracts or agreements for financing or construction of any additional purchase contract projects pursuant to section 5 of the Public Building Amendments of 1972 (Public Law 92-313) during the period beginning October 1, 1976, and ending September 30, 1985.

SEC. 613. Except for vehicles provided to the President, Vice President and their families, or to the United States Secret Service, none of the funds provided in this Act to any Department or Agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than twenty-two miles per gallon. The requirements of this section may be waived by the Administrator of the General Services Administration for special purpose or special mission automobiles.

SEC. 614. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 615. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted.

SEC. 616. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal years ending September 30, 1985, or September 30, 1986, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 616(a)(2) of H.R. 4139, incorporated by reference in section 101(f) of Public Law 98-151, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616(a)(2); and

(2) during the period consisting of the remainder, if any, of the fiscal year ending September 30, 1985, and that portion of the fiscal year ending September 30, 1986, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in the fiscal year ending September 30, 1986, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1985.

(b) Notwithstanding the provisions of section 9(b) of Public Law 92-392 or section 704(b) of Public Law 95-454, the provisions of subsection (a) of this section shall apply (in such manner as the Office of Personnel Management shall prescribe) to any prevailing rate employee to whom such section 9(b) applies, except that the provisions of subsection (a) may not apply to any increase in a wage schedule or rate that is required by the terms of a contract entered into before the date of enactment of this Act.

(c) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the period for which subsection (a) of this section is in effect at a rate that exceeds the rate that would be payable under subsection (a) were subsection (a) applicable to such employee.

(d) For the purpose of this section, the rate payable to any employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1984, shall be determined under regulations prescribed by the President.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1984.

(f) For the purpose of administering any provision of law, rule, or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Notwithstanding the limitations imposed on prevailing rate pay pursuant to subsection (a) of this section, such limitations shall not apply to wage adjustments for prevailing rate supervisors provided by the supervisory pay plan published in the Federal Register on March 30, 1983 (48 Fed. Reg. 13384).

(h) Notwithstanding the delay in adjustments of wage schedules and rates imposed as a part of the limitation imposed by this section, if the adjustment in General Schedule rates of pay for the fiscal year ending September 30, 1985, takes effect in October 1984, the adjustments in rates and schedules limited by this section shall take effect on the date they would have taken effect under section 5344 of title 5, United States Code, were it not for this section.

[SEC. 617. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices of the United States Customs Service.]

SEC. [618.] *617.* No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverages for abortions, under such negotiated plans after the last day of the contracts currently in force.

SEC. [619.] *618.* The provisions of section [618] *617* shall not apply where the life of the mother would be endangered if the fetus were carried to term.

[SEC. 620. Each dollar amount contained in this Act is hereby reduced by one per centum. This section shall not apply to the amounts on page 12 line 16, page 13 line 6, and page 15 line 5.

[SEC. 621. No funds appropriated by this Act or any other Act shall be available for construction of an annex to the United States Post Office and Court House Building located at Broad and Meeting Streets, Charleston, South Carolina.

[SEC. 622. Notwithstanding any other provision of this Act, the amount available under this Act for the appropriation "ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS" for carrying out the provisions of the Act of August 25, 1958, as amended (3

U.S.C. 102 note), and Public Law 95-138 shall be reduced by $147,100.]

SEC. 619. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to renovate, remodel, furnish, or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless such renovation, remodeling, furnishing, or redecoration is expressly approved by the Committee on Appropriations of the House and Senate.

SEC. 620. That subsection (8) of section 8901 of title 5, United States Code, relating to the definition of "employee organization" is amended by striking out "after December 31, 1978, and before January 1, 1980".

SEC. 621. That (a) section 3056 of title 18, United States Code, is amended to read as follows:

"§ 3056. Powers, authorities, and duties of United States Secret Service

"(a) Under the direction of the Secretary of the Treasury, the United States Secret Service is authorized to protect the following persons:

"(1) The President, the Vice President (or other officer next in the order of succession to the Office of President), the President-elect, and the Vice President-elect.

"(2) The immediate families of those officers listed in paragraph (1).

"(3) Former Presidents and their spouses for their lifetimes, except that protection of a spouse shall terminate in the event of remarriage.

"(4) Children of a former President who are under sixteen years of age.

"(5) Visiting heads of foreign states or foreign governments.

"(6) Other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad when the President directs that such protection be provided.

"(7) Major Presidential and Vice Presidential candidates and, within one hundred and twenty days of the general Presidential election, the spouses of such candidates. As used in this paragraph, the term 'major Presidential and Vice Presidential candidates' means those individuals identified as such by the Secretary of the Treasury after consultation with an advisory committee consisting of the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority and minority leaders of the Senate, and one additional member selected by the other members of the committee.

The protection authorized in paragraphs (2) through (7) may be declined.

"(b) Under the direction of the Secretary of the Treasury, the Secret Service is authorized to detect and arrest individuals committing any offense against—

"(1) sections 508, 509, 510, 871, and 879 of this title and, with respect to the Federal Deposit Insurance Corporation, Federal land banks, and Federal land bank associations, sections 213, 216, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907, and 1909 of this title;

"(2) the laws of the United States relating to coins, obligations, and securities of the United States and of foreign governments; or

"(3) the laws of the United States relating to electronic fund transfer frauds, credit and debit card frauds, and false identification documents or devices; except that the exercise of the authority conferred by this paragraph shall be subject to the agreement of the Attorney General and the Secretary of the Treasury and shall not affect the authority of any other Federal law enforcement agency with respect to those laws.

"(c)(1) Under the direction of the Secretary of the Treasury, the Secret Service is authorized to—

"(A) execute warrants issued under the laws of the United States;

"(B) carry firearms;

"(C) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony;

"(D) offer and pay rewards for services and information leading to the apprehension of persons involved in the violation or potential violation of those provisions of law which the Secret Service is authorized to enforce;

"(E) pay expenses for unforeseen emergencies of a confidential nature under the direction of the Secretary of the Treasury and accounted for solely on the Secretary's certificate; and

"(F) perform such other functions and duties as are authorized by law.

"(2) Funds expended from appropriations available to the Secret Service for the purchase of counterfeits and subsequently recovered shall be reimbursed to the appropriations available to the Secret Service at the time of the reimbursement.

"(d) Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged in the performance of the protective functions authorized by this section or by section 1752 of this title shall be fined not more than $1,000 or imprisoned not more than one year or both.".

(b) The table of contents of chapter 203 of title 18, United States Code, is amended by striking out the item relating to section 3056 and inserting in lieu thereof the following:

"3056. Powers, authorities, and duties of United States Secret Service.".

SEC. 2. The joint resolution entitled "Joint resolution to authorize the United States Secret Service to furnish protection to major presidential or vice presidential candidates", approved June 6, 1968 (18 U.S.C. 3056 note), is repealed.

SEC. 3. (a) Section 879(b)(2) of title 18, United States Code, is amended by striking out "the first section of the joint resolution entitled 'Joint resolution to authorize the United States Secret Service to furnish protection to major Presidential or Vice Presidential candidates' approved June 6, 1968 (18 U.S.C. 3056 note);" and inserting in lieu thereof "subsection (a)(7) of section 3056 of this title".

(b) Section 1752(f) of title 18, United States Code, is amended to read as follows:

"(f) As used in this section, the term 'other person protected by the Secret Service' means any person authorized by section 3056 of this title to receive the protection of the United States Secret Service when such person has not declined such protection.".

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1985".

Mr. BAKER. The amendments of the committee are those reflected in the recommendations contained in S. 2853, the Senate companion bill to H.R. 5798. Ordinarily, the committee would have been referred and reported the House passed bill with amendments. Unfortunately, final House action on the measure was delayed and rather than further hold up action in the Senate, the committee decided to proceed with an original bill.

Mr. President, this unusual procedure is necessary to facilitate Senate floor consideration of the Treasury appropriations bill. My request will incorporate the substance of the committee recommendations in the House bill currently on the calendar so that it will be printed in the form as if it were reported by the committee. This will permit the usual Senate floor consideration of appropriations bills by clearly delineating the amendments recommended by the committee.

Mr. President, I would further like to make clear that this request in no way adopts or implies agreement with any of the committee amendments. Each amendment is still subject to full floor debate and a vote.

Mr. President, the foregoing statement in respect to the bill was made for and on behalf of the chairman of the Appropriations Committee as the manager of the bill and at his request.

Mr. BYRD. Mr. President, has the Chair ruled on the last portion of the request?

The PRESIDING OFFICER. The Chair understood the last statement to be a statement and not a request.

ORDERS FOR TUESDAY

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. on tomorrow; that on tomorrow after the recognition of the two leaders under the standing order, there be a special order in favor of the distinguished Senator from Wisconsin [Mr. PROXMIRE] of not more than 15 minutes in length; to be followed by a period for the transaction of routine morning business to extend no later than the hour of 12 noon in which statements will be limited to not more than 2 minutes each; and that at the hour of 12 noon, the Senate stand in recess until the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 11 o'clock a.m. tomorrow.

The motion was agreed to; and the Senate, at 3:47 p.m., recessed until Tuesday, July 24, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 23, 1984:

DEPARTMENT OF STATE

Leon Jerome Weil, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

DEPARTMENT OF DEFENSE

Robert W. Helm, of Virginia, to be an Assistant Secretary of Defense, vice Vincent Puritano, resigned.

THE JUDICIARY

The following-named persons to be associate judges of the Superior Court of the District of Columbia for terms of 15 years, new positions—Public Law 98-235 of March 19, 1984.

Susan Rebecca Holmes of the District of Columbia.

Rufus Gunn King III of the District of Columbia.

Colleen Kollar-Kotelly of the District of Columbia.

A. Noel Anketell Kramer of the District of Columbia.

Robert Isaac Richter of the District of Columbia.

Emmet G. Sullivan of the District of Columbia.

Robert Samuel Tignor of the District of Columbia.

INTERSTATE COMMERCE COMMISSION

Andrew John Strenio, Jr., of Maryland, to be a member of the Interstate Commerce Commission for a term expiring December 31, 1985, vice Reginald E. Gilliam, Jr., resigned.

NATIONAL MEDIATION BOARD

Walter C. Wallace, of New York, to be a member of the National Mediation Board for the term expiring July 1, 1987, reappointment.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of Title 10, United States Code, sections 611(a) and 624:

To be permanent major general

Brig. Gen. Robert D. Hammon, [redacted], U.S. Army.
Brig. Gen. Robert D. Wiegand, [redacted], U.S. Army.
Brig. Gen. Joseph J. Skaff, [redacted], U.S. Army.
Brig. Gen. Gerald G. Watson, [redacted], U.S. Army.
Brig. Gen. Roger J. Price, [redacted], U.S. Army.
Brig. Gen. Jimmy D. Ross, [redacted], U.S. Army.
Brig. Gen. Carl W. Stiner, [redacted], U.S. Army.
Brig. Gen. Mark J. Sisinyak, [redacted], U.S. Army.
Brig. Gen. George K. Withers, Jr., [redacted], U.S. Army.
Brig. Gen. Charles E. Teeter, [redacted], U.S. Army.
Brig. Gen. Claude T. Ivey, [redacted], U.S. Army.
Brig. Gen. Lincoln Jones III, [redacted], U.S. Army.
Brig. Gen. Eugene Fox, [redacted], U.S. Army.
Brig. Gen. Thomas P. McHugh, [redacted], U.S. Army.
Brig. Gen. Todd P. Graham, [redacted], U.S. Army.
Brig. Gen. Albin G. Wheeler, [redacted], U.S. Army.
Brig. Gen. Bruce R. Harris, [redacted], U.S. Army.
Brig. Gen. Gerald H. Bethke, [redacted], U.S. Army.
Brig. Gen. James W. van Loben Sels, [redacted], U.S. Army.
Brig. Gen. Isaac D. Smith, [redacted], U.S. Army.
Brig. Gen. James R. Taylor, [redacted], U.S. Army.
Brig. Gen. Harry D. Penzler, [redacted], U.S. Army.
Brig. Gen. Edwin M. Aguanno, [redacted], U.S. Army.
Brig. Gen. William S. Carpenter, Jr., [redacted], U.S. Army.
Brig. Gen. Harry E. Soyster, [redacted], U.S. Army.
Brig. Gen. Robert G. Lynn, [redacted], U.S. Army.
Brig. Gen. Robert D. Morgan, [redacted], U.S. Army.
Brig. Gen. William F. Burns, [redacted], U.S. Army.
Brig. Gen. Ellis D. Parker, [redacted], U.S. Army.
Brig. Gen. Thomas F. Cole, [redacted], U.S. Army.
Brig. Gen. J. Hollis V. McCrea, Jr., [redacted], U.S. Army.
Brig. Gen. James D. Smith, [redacted], U.S. Army.
Brig. Gen. Charles D. Bussy, [redacted], U.S. Army.
Brig. Gen. William H. Harrison, [redacted], U.S. Army.
Brig. Gen. Thomas N. Griffin, Jr., [redacted], U.S. Army.

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. James E. Beal, [redacted]
Brig. Gen. Ralph W. Coan, [redacted]
Brig. Gen. Richard E. Lethiser, [redacted]
Brig. Gen. Theodore W. Paulson, [redacted]
Brig. Gen. Elvin J. Schofield, [redacted]
Brig. Gen. Charles J. Whisnant, [redacted]

To be brigadier general

Col. Dionel E. Aviles, [redacted]
Col. George J. Busch, [redacted]
Col. Vance Coleman, [redacted]
Col. Richard E. Collier, [redacted]
Col. Israel Drazin, [redacted]
Col. Andrew N. Farley, [redacted]
Col. William A. Gantt, Jr., [redacted]
Col. Jerry J. Josten, [redacted]
Col. Homer A. Johnson, [redacted]
Col. John L. Kotcho, [redacted]
Col. Roger L. Kresge, [redacted]
Col. William H. Reiff, [redacted]
Col. Mark W. Tenney, [redacted]
Col. Paul E. Vallely, [redacted]
Col. Leonard A. Walker, Jr., [redacted]

IN THE ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be major general

Brig. Gen. Colin C. Campbell, [redacted]
Brig. Gen. James T. Dennis, [redacted]
Brig. Gen. Keith M. Eggen, [redacted]
Brig. Gen. Raymond R. Galloway, [redacted]
Brig. Gen. William A. Hornsby, [redacted]
Brig. Gen. James B. McGoodwin, [redacted]
Brig. Gen. Alan C. Roland, [redacted]

To be brigadier general

Brig. Gen. Julius J. Chosy, [redacted]
Col. Gerald E. Amundson, [redacted]
Col. Leroy C. Bell, [redacted]
Col. Furman P. Bodenheimer, Jr., [redacted]
Col. Fred M. Carter, [redacted]
Col. Paul G. Collins, [redacted]
Col. Boyd M. Cook, [redacted]
Col. Don O. Daniel, [redacted]
Col. Alonzo D. Dougherty, Jr., [redacted]
Col. Thomas D. Farmer, [redacted]
Col. Clyde E. Gutzwiller, [redacted]
Col. Donald W. Holliday, [redacted]
Col. Waylen E. Jobe, [redacted]
Col. Ralph C. Marinaro, [redacted]
Col. John W. Matthews, [redacted]
Col. Harold A. Miller, [redacted]
Col. Alfredo J. Mora, [redacted]
Col. Tolly P. Pickett, [redacted]
Col. James K. Prough, [redacted]
Col. Thomas W. Reynolds, [redacted]
Col. Charles F. Scharine, [redacted]
Col. Wendell L. Seldon, [redacted]
Col. Harold D. Sommers, [redacted]
Col. Thomas G. Stone, [redacted]
Col. James J. Wasson, [redacted]
Col. Barry W. Young, [redacted]

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Robert L. Walters, [redacted], U.S. Navy.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, Title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall any of the following officers be appointed in a grade higher than lieutenant colonel.

MEDICAL CORPS

Henriksen, Gary L., [redacted]
Huey, Diane, [redacted]
Kilpatrick, Russell, [redacted]
Morgan, Jacqueline, [redacted]
Wright, James A., [redacted]

DENTAL CORPS

Lawrence, Bradner J., [redacted]

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Jerald K. Aoki, [redacted]
Maj. Clarence W. Beall III, [redacted]
Maj. Thomas M. Biele, [redacted]
Maj. Donald J. Blanchard, [redacted]
Maj. Allen L. Brusewitz, [redacted]

Maj. Shelburn R. Childers, xxx-xx-xxxx
Maj. Kenneth R. Clark, xxx-xx-xxxx
Maj. Andrew B. Crawford, xxx-xx-xxxx
Maj. Frank S. Delgandio, Jr., xxx-xx-xxxx
Maj. Jackson L. Enterkine, xxx-xx-xxxx
Maj. Francis A. Gallela, xxx-xx-xxxx
Maj. Jose A. Goyco, Jr., xxx-xx-xxxx
Maj. James M. Herron, xxx-xx-xxxx
Maj. James W. Higgins, xxx-xx-xxxx
Maj. Ralph L. Kennedy, xxx-xx-xxxx
Maj. John N. Lane, xxx-xx-xxxx
Maj. Walter R. Larson, Jr., xxx-xx-xxxx
Maj. Edward Lewis III, xxx-xx-xxxx
Maj. Kenneth W. McGill, xxx-xx-xxxx
Maj. Gary P. Morgan, xxx-xx-xxxx
Maj. Gary E. Owens, xxx-xx-xxxx
Maj. Reuben L. Owens, xxx-xx-xxxx
Maj. Gary L. Pedersen, xxx-xx-xxxx
Maj. John F. Rogge, xxx-xx-xxxx
Maj. Carl J. Saunders, xxx-xx-xxxx
Maj. George R. G. Soule, xxx-xx-xxxx
Maj. Donald R. Taylor, xxx-xx-xxxx
Maj. William G. Wright, xxx-xx-xxxx
Maj. Donald R. Yeauger, xxx-xx-xxxx

LEGAL

Maj. Richard R. Malmgren, xxx-xx-xxxx

MEDICAL CORPS

Maj. James C. Kizziar, xxx-xx-xxxx
Maj. Arthur N. Merrell, xxx-xx-xxxx

NURSE CORPS

Maj. Judith L. Cummings, xxx-xx-xxxx

IN THE AIR FORCE

The following named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of section 624, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be lieutenant colonel

Akers, Alan M., xxx-xx-xxxx
Blackham, Benjamin T., xxx-xx-xxxx
Connaughton, Benedict., xxx-xx-xxxx
Lawrence, Bradner J., xxx-xx-xxxx
Long, Thomas E., xxx-xx-xxxx
Mann, Sheldon R., xxx-xx-xxxx
Record, Paul W., xxx-xx-xxxx
Tiffany, Raymond L., xxx-xx-xxxx

MEDICAL CORPS

Archutowskakempka, Maria E., xxx-xx-xxxx
Barnhart, Barry R., xxx-xx-xxxx
Calnaido, Rajadorai., xxx-xx-xxxx
Chandy, Mammen G., xxx-xx-xxxx
Chang, Nam Hsung., xxx-xx-xxxx
Choy, Chun C., xxx-xx-xxxx
Delucas, James L., xxx-xx-xxxx
Depra, Cala Niela S., xxx-xx-xxxx
Dudley, Calvin., xxx-xx-xxxx
Fabella, Cecilia B., xxx-xx-xxxx
Gardner, Norman W., xxx-xx-xxxx
Heiser, Albert L., xxx-xx-xxxx
Henriksen, Gary L., xxx-xx-xxxx
Hicks, Terry R., xxx-xx-xxxx
Hooper, David G., xxx-xx-xxxx
Huey, Diane., xxx-xx-xxxx
Johnson, Thomas G., xxx-xx-xxxx
Jones, James E., Jr., xxx-xx-xxxx
Kilpatrick, Russell J., xxx-xx-xxxx
Lee, Seung H., xxx-xx-xxxx
Lenora, Pearl I., xxx-xx-xxxx
Lim, Young C., xxx-xx-xxxx
Lyons, Terence J., xxx-xx-xxxx
Maldazys, John D., xxx-xx-xxxx
Mangubat, Murillo V., xxx-xx-xxxx
Marsh, Thomas W., xxx-xx-xxxx
Mayers, Chester T., Jr., xxx-xx-xxxx
McAnally, Thomas P., xxx-xx-xxxx
McGrory, Bruce E., xxx-xx-xxxx
Morgan, Jacqueline., xxx-xx-xxxx
Myers, Danny W., xxx-xx-xxxx
Orces, Heriberto, xxx-xx-xxxx
Parekh, Hasmukh R., xxx-xx-xxxx
Posta, Csak G., xxx-xx-xxxx
Quinlan, Elizabeth C., xxx-xx-xxxx
Rajanayagam, Rasa, xxx-xx-xxxx
Russell, Keith F.W., xxx-xx-xxxx
Salinas, Jose C., xxx-xx-xxxx
Sanchezmontserrat, Rafael, xxx-xx-xxxx
Sargeant, Daniel T., xxx-xx-xxxx
Serrano, Ramonita, xxx-xx-xxxx
Sprenger, Jay D., xxx-xx-xxxx
Steel, Kennith F., xxx-xx-xxxx
Tan, Betty P., xxx-xx-xxxx
Techathuvanan, Suphong, xxx-xx-xxxx
Tollinche, Charles R., xxx-xx-xxxx
Varadhan, Janaki, xxx-xx-xxxx
Walter, Charles T., Jr., xxx-xx-xxxx
Wright, James A., xxx-xx-xxxx
Yaldua, Cristina C., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of section 624, title 10, United States Code, as amended, with dates or rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be colonel

Abdelnour, Joe W., xxx-xx-xxxx
Buikema, Donald J., xxx-xx-xxxx
Daehlin, Douglas R., xxx-xx-xxxx
Domine, Patrick L., xxx-xx-xxxx
Dufort, Charles R., xxx-xx-xxxx
Engelmeier, Robert L., xxx-xx-xxxx
Finelli, Jerry L., xxx-xx-xxxx
Giles, Joseph E., xxx-xx-xxxx
Haveman, Carl W., xxx-xx-xxxx
Igo, Robert M., xxx-xx-xxxx
Knowles, James W., Jr., xxx-xx-xxxx
Kreig, Louis T., Jr., xxx-xx-xxxx
Lagree, Jay D., xxx-xx-xxxx
Langston, John R., xxx-xx-xxxx
Lewis, Jeffrey D., xxx-xx-xxxx
Mayhew, Robert B., xxx-xx-xxxx
Neudigate, William C., xxx-xx-xxxx
Oesterle, Larry J., xxx-xx-xxxx
Otto, Paul W., Jr., xxx-xx-xxxx
Ray, Daniel W., xxx-xx-xxxx
Read, Gill, xxx-xx-xxxx
Resch, Gary K., xxx-xx-xxxx
Scott, James R., xxx-xx-xxxx
Sherrill, Yowell M., xxx-xx-xxxx
Staley, Jon E., xxx-xx-xxxx
Steegstra, David A., xxx-xx-xxxx

MEDICAL CORPS

Archer, Stanley B., xxx-xx-xxxx
Arnold, Hendrick J., III, xxx-xx-xxxx
Barrs, David M., xxx-xx-xxxx
Bishop, John A., xxx-xx-xxxx
Bloodworth, Leon P., xxx-xx-xxxx
Brant, William E., xxx-xx-xxxx
Burkett, Dennis B., xxx-xx-xxxx
Capelian, Teresa T., xxx-xx-xxxx
Carlton, Paul K., Jr., xxx-xx-xxxx
Charlat, Richard A., xxx-xx-xxxx
Claflin, James R., xxx-xx-xxxx
Clark, Max A., xxx-xx-xxxx
Conklin, James J., xxx-xx-xxxx
Cooper, Robert R., Jr., xxx-xx-xxxx
Culver, William G., xxx-xx-xxxx
Currier, Thomas J., xxx-xx-xxxx
Daley, Alexander F., Jr., xxx-xx-xxxx
Danney, Mark M., xxx-xx-xxxx
Davey, Joseph J., xxx-xx-xxxx
David, Corazon C., xxx-xx-xxxx
Dennis, Charles H., xxx-xx-xxxx
Depoe, Joseph H., xxx-xx-xxxx
Dinmore, Richard C., xxx-xx-xxxx
Divers, Walter A., Jr., xxx-xx-xxxx
Eglinton, Gary S., xxx-xx-xxxx
Everett, Warren D., xxx-xx-xxxx
Exner, John H., xxx-xx-xxxx
Farrow, James G., xxx-xx-xxxx
Ferguson, Earl W., xxx-xx-xxxx
Fossum, Basil D., xxx-xx-xxxx
Gerber, William R., xxx-xx-xxxx
Gillham, Robert A., Jr., xxx-xx-xxxx
Gremillion, David H., xxx-xx-xxxx
Gross, Leroy P., xxx-xx-xxxx
Guise, Charles W., xxx-xx-xxxx
Gumbelevicious, John P., xxx-xx-xxxx
Hales, Bradley T., xxx-xx-xxxx
Hall, Harriet A., xxx-xx-xxxx
Hays, James M., xxx-xx-xxxx
Henderson, Richard A., III., xxx-xx-xxxx
Herndon, Charles M., xxx-xx-xxxx
Hidayat, Ahmed A., xxx-xx-xxxx
Jernigan, John G., xxx-xx-xxxx
Johns, Ralph H., Jr., xxx-xx-xxxx
Josselson, Arnold R., xxx-xx-xxxx
Kabo, Robert D., xxx-xx-xxxx
King, Edwin M., xxx-xx-xxxx
Koch, Harvey B., xxx-xx-xxxx
Lainof, Kerry W., xxx-xx-xxxx
Laipple, Douglas K., xxx-xx-xxxx
Landry, Roger F., xxx-xx-xxxx
Manelis, Joseph xxx-xx-xxxx
Maresh, James E., xxx-xx-xxxx
Maso, Eugene C., xxx-xx-xxxx
McColgin, Sterling W., xxx-xx-xxxx
Mittuch, Joseph E., xxx-xx-xxxx
Mueller, Gary L., xxx-xx-xxxx
Nagia, Ali H., xxx-xx-xxxx
Newman, Richard K., xxx-xx-xxxx
Nicklas, Thomas O., xxx-xx-xxxx
Patel, Manubhai D., xxx-xx-xxxx
Pees, Richard C., xxx-xx-xxxx
Policastro, Anthony M., xxx-xx-xxxx
Pollina, Philip J., xxx-xx-xxxx
Pummill, Charles L., xxx-xx-xxxx
Ramsay, John D., xxx-xx-xxxx
Rasor, Ronald O., xxx-xx-xxxx
Reeves, Jerry D., xxx-xx-xxxx
Rettig, Kenneth R., xxx-xx-xxxx
Riley, Robert J., xxx-xx-xxxx
Sago, Alvin L., xxx-xx-xxxx
Sandru, John M., xxx-xx-xxxx
Sanidad, Leonard G., xxx-xx-xxxx
Sau, Purnima S., xxx-xx-xxxx
Shepler, Thomas R., xxx-xx-xxxx
Slack, Robert G., xxx-xx-xxxx
Smalley, James R., xxx-xx-xxxx
Smith, Joseph A., xxx-xx-xxxx
Smith, Karl H. S., xxx-xx-xxxx
Soman, Howard, xxx-xx-xxxx
Spadoni, James R., xxx-xx-xxxx
Spoon, Donald R., xxx-xx-xxxx
Strickland, Daniel M., xxx-xx-xxxx
Strohmeer, Gerald L., xxx-xx-xxxx
Taubkin, Steven P., xxx-xx-xxxx
Tilton, Frederick E., xxx-xx-xxxx
Weiss, Edward A., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

MEDICAL CORPS

To be major

Carlos, Timothy M., xxx-xx-xxxx
Culpepper, Robert B., xxx-xx-xxxx
Delaney, Richard D., xxx-xx-xxxx
Fanous, Hafez N., xxx-xx-xxxx
Penkava, Jeri L., xxx-xx-xxxx
Santos, Lourdes P., xxx-xx-xxxx
Young, Karlon K.H.K., xxx-xx-xxxx

DENTAL CORPS

Bowman, John A., xxx-xx-xxxx
Kloote, Pamela J., xxx-xx-xxxx
Lomazzo, Robert M., xxx-xx-xxxx
Sweetman, Karl A., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of section 624, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be major

Anderson, Paul N., xxx-xx-xxxx
Andren, Neal A., xxx-xx-xxxx
Andrews, Stephen W., xxx-xx-xxxx
Barkley, Randall, xxx-xx-xxxx
Beehner, Mark E., xxx-xx-xxxx
Berger, Eric P., xxx-xx-xxxx
Bohnenkamp, David M., xxx-xx-xxxx
Bollwitt, Eugene L., xxx-xx-xxxx
Bowman, Daniel R., xxx-xx-xxxx
Brandt, Debra L., xxx-xx-xxxx
Bretzing, Randall C., xxx-xx-xxxx
Brich, Dennis M., xxx-xx-xxxx
Brockman, William G., xxx-xx-xxxx
Bruce, Thomas L., xxx-xx-xxxx
Burgoyne, Donald A., xxx-xx-xxxx
Burke, Stephen G., xxx-xx-xxxx
Byron, Raymond J., Jr., xxx-xx-xxxx
Camm, Jeffrey H., xxx-xx-xxxx
Chema, Majorie C., xxx-xx-xxxx
Cheng, Ernest D., xxx-xx-xxxx
Claycomb, Debra G., xxx-xx-xxxx
Coover, Mullen O., Jr., xxx-xx-xxxx
Dziachan, David A., xxx-xx-xxxx
Eye, Kenneth R., xxx-xx-xxxx
Faigen, Eliot A., xxx-xx-xxxx
Fisher, Marcus S., xxx-xx-xxxx
Fogarty, Thomas J., xxx-xx-xxxx
Frank, Barry H., xxx-xx-xxxx
Fuller, Jon G., Jr., xxx-xx-xxxx
Garrett, Robert M., xxx-xx-xxxx
Gaus, Philip C., Jr., xxx-xx-xxxx
Garathy, Albert J., Jr., xxx-xx-xxxx
Gerdts, George J., xxx-xx-xxxx
Glaess, James A., xxx-xx-xxxx
Glasa, James G., xxx-xx-xxxx
Gordner, Wayne H., xxx-xx-xxxx
Green, Dennis N., xxx-xx-xxxx
Greenwell, John H., III, xxx-xx-xxxx
Greenwood, Thurston P., xxx-xx-xxxx
Guerra, David L., xxx-xx-xxxx
Gullickson, Dale C., xxx-xx-xxxx
Hansenbayless, Jeanne, xxx-xx-xxxx
Hatcher, Donald J., xxx-xx-xxxx
Henry, Thomas R., xxx-xx-xxxx
Hill, Edward E., xxx-xx-xxxx
Hobbs, Randall C., xxx-xx-xxxx
Holt, Fon L., xxx-xx-xxxx
Horsley, George M., xxx-xx-xxxx
Jortner, Wayne P., xxx-xx-xxxx
Juhl, Robert W., xxx-xx-xxxx
Julius, John L., xxx-xx-xxxx
Kais, Kenneth K., xxx-xx-xxxx
Kandl, James T., xxx-xx-xxxx
Keane, Thomas M., Jr., xxx-xx-xxxx
Keleher, Thomas A., xxx-xx-xxxx
Kellar, Murray, xxx-xx-xxxx
Keller, Thomas J., xxx-xx-xxxx
Kling, Richard A., xxx-xx-xxxx
Koehler, Geraldine K., xxx-xx-xxxx
Lattner, Michael J., xxx-xx-xxxx
Law, John H., xxx-xx-xxxx
Lenihan, William S., III, xxx-xx-xxxx
Long, Thomas E., xxx-xx-xxxx
Loudenslager, Craig A., xxx-xx-xxxx
Lovetto, Vincent C., Jr., xxx-xx-xxxx
Marshall, Thomas S., xxx-xx-xxxx
McVay, Jesse T., xxx-xx-xxxx
Messner, William F., xxx-xx-xxxx
Miller, Dennis D., xxx-xx-xxxx
Moller, Gary G., xxx-xx-xxxx
Molsberry, Bill H., xxx-xx-xxxx
Mrusek, Bruce A., xxx-xx-xxxx
Naughton, William T., xxx-xx-xxxx
Nordberg, Rodney C., xxx-xx-xxxx
Olinger, Charles M., xxx-xx-xxxx
Ondo, Michael J., xxx-xx-xxxx
Orck, Bert H., xxx-xx-xxxx
Osborne, Paul B., xxx-xx-xxxx
Owen, Stephen W., xxx-xx-xxxx
Pace, James D., xxx-xx-xxxx
Paschedag, Richard L., xxx-xx-xxxx
Pearson, Bryan S., xxx-xx-xxxx
Pefley, Mark R., xxx-xx-xxxx
Perry, Nancy G., xxx-xx-xxxx
Peterson, Terry A., xxx-xx-xxxx
Poore, Thomas K., xxx-xx-xxxx
Porter, Stephen W., xxx-xx-xxxx
Pruette, Ralph L., Jr., xxx-xx-xxxx
Rankin, Charles H., III, xxx-xx-xxxx
Ray, Linda K., xxx-xx-xxxx
Reinhart, Thomas C., xxx-xx-xxxx
Ricketts, Carrol E., xxx-xx-xxxx
Ruffin, Steven A., xxx-xx-xxxx
Satrom, Kirk D., xxx-xx-xxxx
Schwandt, Nathan W., xxx-xx-xxxx
Shaker, Gregory L., xxx-xx-xxxx
Shalkey, Daniel A., xxx-xx-xxxx
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The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

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Anthony, Hodges, Jr., xxx-xx-xxxx
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Bowes, Andrew W., xxx-xx-xxxx
Brazell, Clyde F., xxx-xx-xxxx
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Waltman, Josephine, xxx-xx-xxxx
Webster, Horace F., xxx-xx-xxxx
Weir, Patricia J., xxx-xx-xxxx
Werlinger, Daniel J., xxx-xx-xxxx
West, James R., xxx-xx-xxxx
Widener, Francis T., xxx-xx-xxxx
Wilber, Jennifer T., xxx-xx-xxxx
Williams, Dianne M., xxx-xx-xxxx
Williams, Mary L., xxx-xx-xxxx
Wilson, Eula M., xxx-xx-xxxx
Wilson, Larry E., xxx-xx-xxxx
Witt, Deborah E., xxx-xx-xxxx
Woldt, Vicki A., xxx-xx-xxxx
Yedo, Linda C., xxx-xx-xxxx

IN THE NAVY

The following-named lieutenant commanders of the reserve of the U.S. Navy for permanent promotion to the grade of commander in the line, in the competitive category as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICERS

Adams, David Earl, Jr.
Agnew, William Mar
Aichele, Stephen Sadler
Alexander, Lee
Alford, William Van Meter, Jr.
Allen, Carlton C., III
Allen, Phillip Kenneth, Jr.
Alley, Robert Gene
Altmann, Raphael J., III
Anderson, Carl William
Anderson, Craig Griffith
Armstrong, Craig Steven
Auxier, Willie Landon, Jr.
Averill, Jeffrey Briggs
Bachman, William Chester, II
Bacon, William Redding
Badoud, Morris W.
Bain, Stephen Curtis
Baker, John Cooper
Ball, Lynn H.
Ballew, Robert Watson
Barnett, Arthur Dennis
Barraza, Louis Calvillo
Barrett, Gregory George
Barton, Clark John
Bateman, Douglas Allen
Bates, Wayne Leslie
Beard, Travis Newton
Beardslee, Jay William
Becker, Ronald Eugene
Beemer, John R.
Behne, John Moncrieff
Bennett, Kearney Douglas
Berg, Jeffrey Michael
Bethke, Gary Walter
Bisgrove, Michael Edward
Bisset, Andrew Everly
Black, Steven Richard
Balckwood, Thomas R.
Blakey, Mark Lynn
Blankenstein, Glen Alan
Blount, Wilburn Mac
Bodnar, John William
Boeck, Larry James
Bogert, Gary Michael
Bogert, James Arthur
Bomkamp, Gary William
Borer, Paul Joseph
Bouilly, Richard Earl
Bowland, Craig Charles
Bowlin, James Franklin, Jr.
Boyd, John Blake, Jr.
Bradford, Gerald, III
Brandt, Douglas Bruce
Brenner, Michael Mark
Brodisch, Laurence Winder
Brown, Clyde Franklin, Jr.
Brumage, Harold Richard
Brummett, Joseph Daniel, Jr.
Bruner, Judith Neuffer
Buck, Louis Eugene, Jr.
Bucker, Rodney David
Buckingham, William Howard
Burger, Gary Conrad
Buss, Phillip Terry
Butterfield, David Allan
Callendar, Gary Millard
Campbell, Lynette O.
Cannedy, Douglas Allen
Carney, Charles Draper
Carney, Gary
Carrol, Phillip P., III
Chambers, Kenneth William, Jr.
Chan, Kelly Leong
Chandler, Kathryn Bruton
Chapman, Steven Elliot
Cimenski, Joseph John
Clanton, Herschel Vincent
Coelho, Joseph Richard
Cohen, David Alan
Collins, Eddie Lee, Jr.
Colquhoun, Richar Bruce
Connolly, John Charles
Cooper, Mark Alan
Cordes, Donald Larry
Cota, Richard Ramos
Couey, Peter Oliver
Crace, Jesse Allen
Crisp, Marvin Howard
Crites, Harold Thomas
Crossland, Roger Lee
Culver, Victor Robert
Custance, Walter William, Jr.
Dailey, Eugene Terrence
Daily, James Leon, II
Daughtry, George Thomas
Davey, Douglas Harry
Davis, David Lee
Davis, Harry William
Davis, Richard Stoughton
Day, Thomas Russell
Deason, Harold Wayne
Demai, Nicholas Lee
Dematta, Elliott Kenneth
Denney, John Xavier, Jr.
Denton, Walter Raymond
Detz, Lewis Winston
Dewhirst, Timothy Paul
Donnelly, James Andrew
Doolittle, James Ansun
Downey, John Bernard
Dubois, William George
Eck, Harold Louis, Jr.
Eckert, John Morris
Edrington, Frank Roberts, II
Edwards, Thomas Halnes
Eisenman, Stephen John
Eisert, John Michael
Elston Robert G.
Emmons, Philip Clarence
Evans, Frederick Joseph, III
Evans, Michael Frank
Falkenstein, Robert Francis
Farmer, Franklin Harris
Farris, Marc
Faulkner, Thomas Green, III
Feichtinger, Mark Rudolph
Fenneman, Leigh Raymond
Fergione, John Anthony, Jr.
Ferguson, Jeffrey Edward
Ferry, John James, Jr.
Finan, Kevin Patrick
Fink, Lee
Fischer, Douglas Ross
Fisher, Earl Landus, Jr.
Fisher, Howard Ray
Fisher, Michael Dean
Fitzgerald, Charles A., III
Foley, George Henry, Jr.
Folgedalen, Robert Lee, II
Foote, Herbert Whittier
Forney, Kim Hansel
Foster, Michael E.
Frates, Steven Bedford
Freed, Rodney Wayne
Friesz, David Raymond
Fye, Robert Floyd
Gabriele, Alfred Quentin
Gainer, Terrance William
Galloway, James Nelson
Ganthner, Raymond William
Garcia, Joseph F., III
George, Daniel Alfred
Gibson, Thomas Eugene
Gilbertson, Dennis Laverne
Gillette, Franklin Leroy
Gillies, John Arthur
Gilliland, Greg A.
Gimbel, Charles R.
Glavas, Xenophon George
Going, Ronald Edward
Gorla, Thomas W.
Gorman, Paul Richard
Goshow, John Phillip
Gould, Rowan Wayne
Goushe, Abraham
Grabill, Charles E., Jr.
Graves, Lawrence Vanderveer
Gremmell, James King, Jr.
Gubser, Gary Lynn
Gunn, Stephen Marcus
Guppy, Gerald Franklin
Gurnon, Richard Gerard
Gwyn, James Wesley
Haass, John Robert
Habermeyer, Kent Leigh
Hackenburg, John Ray
Hall, David Parkin
Hall, William Latimer
Halschied, Edward Fraser
Hamilton, David Lee
Hamilton, Thomas Dunlap
Hamm, Marvin Joseph, Jr.
Hansen, James Jay
Hanson, Robert Thomas
Hardin, Tommie Dean
Harris, Dennis Joseph
Hauck, Russel Eric
Haverty, John Curtis
Havlik, Charles Earle
Hawkins, Wayne Randolph
Heal, Charles Walter, Jr.
Heathman, Mark Ashley
Heiberger, James Edward
Heiss, Jeffrey Lynn
Hellrung, Jeffrey Michael
Henley, Sally Sutton
Herr, George Reinicker, Jr.
Herring, Robert A., III
Hickman, Charles Ryan
Hightower, Alan Lee
Hill, John Norman
Hill, Lawrence Robert
Hilson, Ronald Noel
Hichliffe, Gregory Ward
Hodges, Dean Charles
Hoffman, Malcolm Patric A.
Hoffmann, Wayne Allen
Hogan, James William, Jr.
Hollenbach, Paul Douglas
Hollenbeck, Martin Robert
Holm, Dwight Patrick
Hook, John Theodore
Horn, Dion Edward
Howard, Earlyn Perry
Hoy, Thomas Lester
Hughes, William Joseph, Jr.
Hutcherson, George Irvin
Hyde, Robert Todd, Jr.
Izzo, Wallace James, Jr.
Jackson, Marshall Lorenza
Jackson, Norvell Ford, Jr.
Jackson, Richard Kenneth
Jackson, Steven Reagan
Jacobs, Roger Patrick
Jacobsen, John Arthur
Joca, Stephen P.
Johnson, Dale Clark, Jr.
Jolly, John Eddie
Jones, Fred Calvin
Jones, Leslie Fred
Jones, Robert Penfield, Jr.
Jones, Samuel Arthur
Jones, Steven Edward, Jr.
Jourgensen, Stanley Alfred
Kampfe, David Ferris
Kataoka, Yoshiaki Glenn
Kaufmann, Roger Charles, Jr.
Kawamura, Randall M.
Keefer, Thomas Brian
Keeney, Timothy Reid Ellwood
Keithly, John L.

Kelley, James Bryant
Kellogg, John Thomas
Kern, Charles Michael
Kestley, Daniel Ralph
Kidd, Charles Davis
Kidder, John Lyndon
Kilkenny, William Joseph, Jr.
King, Philip, III
Kinsella, James Joseph, Jr.
Kirby, James Edward
Kirley, Bradford Albert
Kirner, Thomas Charles
Klaben, Donald Edward
Klementik, David Charles
Klinker, John Wayne
Klotz, Steven Irving
Knieriem, Guy Robert
Kramer, Kevin James
Kraska, Kenneth Wayne
Krause, Larry Lee
Kuhar, Stephen Richard
Kuhn, Robert James
Kutys, John Vincent, Jr.
Laney, Jack Terry
Langell, James Floyd
Lankford, Ronny Dean
Latham, Rodney Guy, III
Lawson, Donald Onas
Leaman, Harold Landis, Jr.
Lecount, Robert James, Jr.
Lee, William Uzzle
Leverett, Phillip
Lewis, Michael Nelson
Lind, Robert Raymond
Lingan, James Nickey
Linne, Herbert William
Loehr, Lincoln Clare
Loy, David Parker
Lundin, Wiliam Martin, Jr.
Lundquist, Carl Anthony
Lupton, William Jones
Luscombe, Mark Alan
Luther, Joseph Anthony
Lyon, Robert Bentley, Jr.
Lyons, John Michael, Jr.
MacDonald, Joseph Michael
Machtley, Ronald Keith
Mackey, Robert Jemison
Mahan, Richard James
Manfredi, Philip Conrad
Mangan, John Livingston
Mangum, Wallace Shaw
Martin, Daniel Joseph
Martino, Michael F.
Mattingly, Richard Lee
Mattison, Dennis Lee
Mauney, Fleming
Mayer, Philip Edward
Maynard, Elden Clay
McBride, John Earl
McCarthy, Kevin Michael
McCauley, Alan Roger
McClave, Ross Rodes
McClelland, Charles Paul
McCorry, Robert Edward, Jr.
McCully, Ronald L.
McGinnis, Terence Andrew
McGoey, Richard John
McGrath, Brian Thomas
McGroarty, James E.
McHugh, Jon William
McKnight, Robert James, III
McLaughlin, Julian M., Jr.
McMahan, Michael Roy
McNeil, Douglas Crichton
McNeil, Richard Joseph, Jr.
Mellar, Samuel Ragan
Mengel, William Leon
Merritt, Thomas Brooke
Meyer, Robert Alan
Michelson, George Allen
Mickelson, Keith Hall
Mihalcik, Joseph Andrew
Milam, Roger Arling
Milano, Patrick Daniel
Miller, James John
Miller, John Standeford
Miller, Robert Peter, Jr.
Moore, John Anthony
Moran, Thomas Edward
Morgan, Robert Wayne
Morgan, William Randall
Morton, Anselm Herbert, III
Mottern, James Warren
Murphy, Timothy James
Murray, Ronald Jay
Myres, William David
Mylinski, Stephen Victor
Nardone, Donald Theodore
Neilsen, Michael Peter
Nesbitt, Charles Duncan
Newman, James Belton, Jr.
Nicholas, Kevin Lacey
Nicholson, Robert Joseph, Jr.
Nix, Jimmie Ray
Nord, Michael J.
Northrop, Thomas Wright, Jr.
Oberholtzer, David Beardsley
Odegard, Ronald Stanley
Odell, James Michael
O'Donnell, Joseph Thom, Jr.
Olive, Richard Ellis
Oliver, Michael Patrick
Olson, Russel Clar
Overstreet, Joanne Kacer
Page, Claude Edward
Paine, Stephen Robert
Panos, Patricia Jo
Panowicz, Robert John
Pansegrau, Robert John
Park, Patrick Joseph
Parkin, Ernest Richard
Parris, Jerry Tyrone
Pederson, Robert Howard
Peterson, Elden Eugene
Peterson, Robert Edwin, Jr.
Peterson, William Murray
Phebus, William Cary
Pierno, Ralph
Piggot, Bruce Morrow
Pinkard, Dennis Michael
Pray, Stephen Holden, Jr.
Preston, Noel Gary
Rahn, Roy A.
Ranftle, Michael Abraham
Ranney, Bruce William
Rather, James John
Rayder, Warren Thomas
Rector, Harry, III
Reed, Carl Arnold
Register, Stephen Thomas
Reichle, Philip S.
Reid, James Edward
Reinhardt, Charles Barnes, Jr.
Rhedin, David Victor
Rhodes, Ronald Mell
Richards, Douglas Keenan
Riebe, Donald Elmer
Ries, Robert Randall
Roberts, John S.
Robertson, Richard Douglas
Rock, Carlton Daniel
Roeder, Paul Raymond
Rogerson, Edward Spence
Root, Stephen Lloyd
Roscoe, John Francis
Rugg, Daniel Maltby, III
Rumble, Earl Earnest, Jr.
Salkeld, Stephen Collids
Santoro, Kenneth Henry
Scanlon, Louis James, Jr.
Scattolini, Joan Marie
Schalk, Thomas Edward
Schantz, John P., Jr.
Schear, Larry Robert
Schellhorn, Charles William
Schmidt, Margaret McCormick
Schmidt, William Brian
Scholl, Scott Paul
Schott, Jeffrey Michael
Schwartz, Harold Wayne
Scott, Donald Jerry
Scott, William Andrew
Selby, Samuel Barnes
Serwich, Thomas Gregory, II
Seski, John Edward
Shaw, Ned Osbon
Shiraki, Clyde Yoshio
Shock, John Ray
Show, James Todd
Sigel, Steven Carter
Sikes, Charles Henry, Jr.
Silverthorne, Craig William
Simeon, Raymond Peter
Simmons, Harold Blair
Simon, Theodore George
Simpson, James Russell
Sinclair, John Rodger
Singer, Nancy
Siu, Eugene Kun Leons
Slear, David Garver, III
Smith, Carl Chester, Jr.
Smith, Eric John
Smith, Gary Scott
Smith, Richard Michau, Jr.
Smith, Stanley Harold
Snowden, Ernest Maynard, II
Sonnenberg, Raymond William
Souder, Charles Eyerly
Southerland, James J., III
Spees, Gary Ernest
Speyer, Carlos Erik
Springfels, Carl Tore
Steddom, Roderick Compton, II
Steele, Roy Irwin
Stephens, Susan Helm
Stillings, David Gordon
Stone, Robert Arthur
Stonesifer, Frederic
Stratton, Peter Hunt
Street, Richard Bruce B.
Streeter, Bruce Allen
Strong, David George
Stubbs, Victor Dean, Jr.
Sturgeon, David Lawrence
Svoboda, John Michael
Swah, Samuel Ryan
Swanson, Stephen Russell
Szabo, Thomas Steve
Talunas, William Lawrence
Tate, William Henry
Taylor, Loren Lee
Tenney, John Vernon
Thompson, Richard Allen
Thomson, Glenn Dickson
Thornton, Bert Loren
Timmerman, Gary Lyle
Tortolini, Peter Enrico
Trovato, Vincent Gene
Troy, Christian Riley
Tucker, Thomas Richard, Jr.
Ulrich, Bernhard Charles
Ust, Paul John, Jr.
Utterback, Richard Lyn
Vanderbosch, Steven William
Vaughn, David Joseph
Vine, Gary Lee
Vining, Robert Wayne
Wahl, Frank Bernard, Jr.
Wahlborg, Karl Eric P.
Waits, Merrill Andrew
Walker, James M.
Wallace, Harold Boyette
Wallace, John M.
Walsh, Neil Stephen
Ward, John Martin
Wear, Terrance Joseph
Webb, Chauncey Frank
Webb, Solon Dale
Weed, Peter Bernhardt
Weller, Gary Eugene
Wersinger Richard J.

Westrich, Charles Leo
Whitaker, Dwight Vestal, III
White, David Anthoine
White, Larry Rudolph
Widener, Lynn Harbour
Wiley, Donald James
Williams, Bruce Luxton
Williams, Ronald Lee
Willoughby, Kenneth Raymond
Wilson, Charles Gregory
Wilson, Stephen Dayton
Winowicz, Stanley Joseph, Jr.
Wolf, Paige Richard
Wolff, Phillip Robert
Wood, Gregory Laurence
Wood, Robert Ainslie
Woodall, James Allen, IV
Worrell, Samuel Costanza
Wurst, Frank Leonard
Wylie, Eric George
Yaun, Thomas Alan
Yeates, Richard Morris
Yuchasz, Joseph William
Zeb, John Michael, Jr.
Zielinski, Thomas Gary
Zotter, Edward John

UNRESTRICTED LINE OFFICERS (TAR)

Bailey, Richard Alan
Boraten, Ronald Paul
Brasington, William Dale
Brown, Boyd Michael
Bush, Thomas Lee
Chirone, Robert Laurence
Cohn, Calvin
Fitzgibbons, Paul E.
Foster, Dave, E.
Frazier, Early H., Jr.
Garlington, Benny Victor
Gross, Micheal Edward
Hartsough, David L.
Hershberger, Van L.
Hinds, Kristin G.
Hollar, Bernhard Klaus
Kearney, James Phil
King, John Michael
Kinney, Kenneth Byron
Kisela, Andrew Joseph, Jr.
Kurth, Ronald Brent
Masslofsky, Anthony
Miles, Wilson Ashley, Jr.
Moore, Lawrence Eugene, III
Moulton, David W.
Nelson, Richard Arnold
Novak, Phillip John
Oleson, Gary Yngve
Plichta, Thomas E.
Rautenberg, Ronald Ernest
Recordon, Richard Louis
Robinett, Earl Fountain, Jr.
Shower, William Arn
Smith, Judson Marlin
Souchon, Harry V.
Thomas, Robert John, Jr.
Tinker, Clifford Jay
Vinson, Rebecca Gurley
Wagner, Charles W.
Wall, Thomas Arthur
Walsh, Michael J.
Webster, Donald Richard
Wright, Timothy Albert

ENGINEERING DUTY OFFICERS

Becker, Dennly Richard
Boynton, Robert West
Dahl, Thomas L.
Davis, Albert Kent
Elsasser, Thomas Charles
Hamlin, Kent Williams
Harrell, John Peter, Jr.
Hurley, William D.
McEwen, Randall, J.
Merring, Robert Louis
Nelson, Robert Hugo
Nicolai, Robert Lawrence
Offenberg, Jerome W.
Perch, Robert Leon
Post, Richard Allan
Search, Harry Thomas
Silinsky, Paul Stephen
Stock, David Alan
Streets, Barry Craig
Such, Carliss Robert
Thomas, Mark A.

AERONAUTICAL ENGINEERING DUTY OFFICERS (AERONAUTICAL ENGINEERING)

Biship, Raymond Eugene
Burns, John Francis, Jr.
George, Thomas Wynne,
Hewett, Michael Edward
Hunt, Ralph Edgar
Milstead, Andrew Hammill

AERONAUTICAL ENGINEERING DUTY OFFICERS (AVIATION MAINTENANCE)

Ayres, Hugh L., Jr.
Bennett, Charles Anthony, Jr.
Conti, Carmelo Joseph
Hazara, Mark Michael
Koenig, Karl Victor
Lovell, John William, Jr.
Morgan, Michael Douglas
Stoeger, Jon Hargrove
Wilson, Dennis Alan
Wonsala, Stanley Walter

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

Applewhite, John Marvin
Bell, Edison Lee
Cox, Robert Doyle
Grillo, Joseph John, Jr.
Heinrich, John William, Jr.
Johnson, Ben Eugene
Knauf, Daniel John
Lennon, Robert Dennis
Olszewski, Richard Walter
Plehal, James Burton
Poimiroc, John Robert
Root, Eastman Powell
Werneke, Charles Frederick
Young, Dan Robert

SPECIAL DUTY OFFICER (MERCHANT MARINE)

Rothmann, Robert Raymond

SPECIAL DUTY OFFICERS (INTELLIGENCE)

Allen, Robert Vreeland
Amisand, John
Angell, Gordon Gilbert
Armour, Michael Carl
Auer, Bartlett Dexter
Augelli, Robert Anthony
Bahn, Theodore Inman
Benson, David R.
Brazell, Stanley Harold
Brown, John Edward
Burr, Richard Allen
Buzas, Michael Charles
Campbell, Charles Henry
Chapman, John Allen
Christiansen, Russell Joseph
Cibelli, Gennaro
Collier, Stephen Norton
Conklin, David Colin
Crites, Raymond Lyle
Cully, Herbert L.
Dawson, Jack Sterling
Dewitt, Paul, Jr.
Douglas, Howard Eugene, Jr.
Farley, Michael Hart
Fedor, John Stephen
Fielding, George Malcolm
Filep, Ernest James
Fish, David Allen Terryl
Freeman, John Allen
Gandrud Gairel Lynn
Garvin, David Elgin
Gibbs, John William
Grannan, William Joseph
Gray, Robert Eugene
Greenwood, Bruce Herbert
Hale, Douglas Russell
Hale, Jimmie Ronald
Haney, James Michael
Hanna, Alvin T., Jr.
Hansen, Keith Allan
Hanson, Larry Earl
Harnden, Paul Frederick
Hegman, Daniel Richard
Helsel, Robert D.
Hensley, John Clark, Jr.
Herspring, Dale Roy
Hills, Stuart Eldredge, Jr.
Hoffman, Lloyd Henry, Jr.
Hohenadl, Eike H.
Holt, Robert Nisbet, Jr.
House, James O., III
Hughes, Thomas Walter
Hussey, Anthony John, Jr.
Iverson, Gary W.
Johnson, Mathews Martin, Jr.
Jorczak, Paul Joseph
Kaminskas, Peter Thomas, Jr.
Knauer, William W., II
Knickerbocker, Thomas C.
Koper, Harry Frank
Kopstain, Clement Craig
Kues, Bernard Anthony
Laraway, George A.
Lebell, Leonard Curtis
Lefebvre, John Philip
Leon, Peter Fiske
Lichtenberg, Kurt
Logan, Edward William
Lowndes, Henry Horlbeck, Jr.
Mahoney, John Stanley
Mangimeli, James Willard
McCullen, Owen Bryce
McNary, William Michael
Mensch, John E.
Metz, Robert Scheffer
Mietus, Christopher M.
Miller, Richard Henry
Nann Lawrence Eugene
Nicholas, John C.
Noland, Charles R., Jr.
Pfahler, David Lee
Pietrangelo, Gray Philip
Price, George W.
Pulsinelli, John A.
Rausch, John Daniel
Ray, Ronald K.
Rea, Campbell Cary
Roan, Leo Clark
Ross, George A., Jr.
Schiada, James Joseph
Shapiro, John Tipton
Smith, Harry Lee
Stegmaier, Sigurd
Stone, Heber, Jr.
Stone, John Richard
Thomas, Michael Claude
Thomas, Terrance Alan
Tryner, Kenneth Frank
Uzubal, John J., Jr.
Walker, Edward Ernest
Walraven, Gray Dennis
Warren, Stephen Avery
Watkins, Robert G., Jr.
Weathers, Robert James
Wenschlag, Roger E.
Williams, James Calvin
Williams, James Sydney
Woolley, William Curliss, Jr.
Wright, John Christopher
Young, Joseph M.
Yriart, Douglas Felipe
Zimman, Robert

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

Crawford, John Glover, Jr.
Jones, Richard Douglas

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

Briggs, Olin Dewitt
Busse, Richard Arthur

Champagne, Edward Clifford
Connolly, John Francis
Darrow, Edward Eells, Jr.
Fisher, Dennis Dowe
Franzmann, Robert Louis
Furness, Milton John, Jr.
Kasun, Michael John
Klain, Richard Lee
Lemorande, William John, Jr.
Lopez, Adam
McMeel, John Patrick
Merki, Richard Lewis
Norton, Michael M.
Paul, Arthur A.
Pollard, Cecil E.
Potts, Dale Gregory
Roland, Kenneth Leeroy
Strub, Philip Meredith

SPECIAL DUTY OFFICERS (GEOPHYSICS)

Diehl, George Francis, Jr.
McNulty, Richard Paul
Moyer, Duane E.
Smith, James Fielding

IN THE NAVY

The following-named lieutenants of the staff corps of the Navy for promotion to the permanent grade of lieutenant commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS (21XX)

Ada, Jesse Ramirez
Adams, Shelley Lou
Alarid, Richard Rupert
Ambrose, Michael R.
Applebaum, Jay
Bacak, Velma Anne
Backer, Thomas Scheele
Bagley, Peter Hartwell
Balderston, Scott M.
Bazemore, Webster C., Jr.
Beckham, James Ray
Bengs, Christopher John
Bevan, Herbert Everett
Bigham, William J.
Bird, Kenneth Dean
Bischoff, Craig Ernest
Bowden, Herbert H., Jr.
Boyer, William F.
Boyle, Denis Andrew, Jr.
Brady, John G.E.
Braem, Boyd Carl
Brantly, Patricia Noel
Breene, Dennis Patrick
Brewer, Stephen Leslie
Brown, John Galen
Brown, Mary Jane
Buchanan, Larry Dale
Bullock, Steven Reed
Bylund, David John
Cain, Carley Ellsworth
Call, Timothy George
Camosy, Pamela Ann
Cannon, Odest Frank, Jr.
Carlin, Hugh M.
Carlson, Clarence R., Jr.
Castle, Joseph Elmer
Chamberlin, Willard L.
Champaign, Judy Lynn
Chandler, Charles G.
Chiaramonte, Robert M.
Chulski, Thomas George
Cilbrith, David Bruce
Cobel, Scott Douglas
Cohen, Barry David
Cole, Michael Steven
Colon, Vilma
Conard, Dennis Wayne
Concepcion, Tomas Jorge
Cross, Dewitte Talmadge
Dalrymple, Ann Marie
Darrow, Charlene Denise
Davis, David James
Davis, Regina Denise
Dawson, Michael J., Jr.
Deen, Hugh Gordon, Jr.
Demasi, James Michael
Deming, Richard Lee
Derrig, Pearse
Despres, Bernard T.
Devantier, Wayne Roger
Dietrich, Marcia Carol
Doyle, Edward John
Ducatman, Barbara T.S.
Duggar, Robert G., Jr.
Duncan, Elbert Alan
Duntemann, Thomas J.
Duval, Georges S.
Edelstein, Marc Michael
Edwards, Russell Philip
Elliott, Kent C.
Ellis, Ronald Lindol
Ennis, Diane Elise
Erdman, John
Evans, Deborah Jeanne
Fairweather, Leslie
Farrell, Paul Edward, Jr.
Farrell, Timothy P.
Fennerty, Michael Brian
Ferguson, John V.
Ferguson, Robert Kevin
Filak, Michael Andrew
Finnern, James Fredrick
Fitzgerald, John F.
Fogarty, Michael Gerard
Forconi, Rion James
Foster, John Irving, III
Frame, Scott Barnhart
Freeman, Stephen Brent
Freitag, David S.
Frey, Stephen James
Friend, Kathleen Doris
Frisby, Shayla Anne
Fulton, Dwight Cator
Gardner, Alan Martin
Gebrowsky, Kristine M.
Geller, Thomas John
Giebner, Stephen Daniel
Gilbert, Richard M.
Glaser, Joseph E., Jr.
Glenn, William Brian
Goble, Richard E.
Golubski, Joseph Frank
Gore, Rufus Wade, IV
Grady, Michael John
Gratton, Matthew C.
Gray, Patrick Hampton
Green, Jimmy Wade
Green, Johnny B.
Griglak, Martin Joseph
Grimm, Samuel O., III
Grueter, Jean Ann
Hackman, Bela Bernat
Hansen, Donald Carter
Hansen, Kendell Grant
Hanson, Roger William
Haralson, Harold H.
Harker, Lee Clesson
Harkleroad, Alfred L., II
Harper, Reginald Howard
Hatmaker, David Larry
Healy, Kevin John
Heffernan, Edwin James
Herbick, William Thomas
Hieb, Lee Deakins
Hill, Erick John
Hodge, John Westly
Holmes, Denise Ophelia
Hon, Charles Brett
Hughes, John Stewart
Hui, Anthony Nai Kit
Hunter, Christine S.
Husty, Todd Maynard
Hyatt, Thomas Alan
Jacomo, John Raymond
Jeffries, Rudolph, Jr.
Kaminer, Sharon Jean
Kang, Dongkyoo Richard
Kapanka, Heidi
Kelleher, Arthur Joseph
Keykhah, Shahnaz Sadri
Kincaid, Robert L.
Kirkpatrick, Michael C.
Knafelo, Marie E.
Kniss, Gregory Paul
Knowlan, Michael Norman
Konchak, Peter Stephen
Kozel, Margaret Keavey
Kozel, Randy Bruce
Kuehne, Richard F.
Lamas, Fernando Enrique
Lanza, Roque Alexander
Laskowski, Chester G.
Laverson, Perri Lynne
Lavin, Bruce Scott
Lawrence, David Paul
Lawson, John M.
Leonard, Kenneth E.
Lessard, Louis W.
Licina, Michael George
Lohstreter, Thomas A.
Loup, Davonne Sheryl
Louwsma, David Lee
Lowery, Clarence Edward
Lozier, Jeffery Raymond
Luter, Larry Joseph
Mackey, John Kevin
Malone, Joseph Lawrence
Manson, Alan Lee
Marchaj, Konrad Tadeusz
Marcus, Ronald Alan
Marfing, Thomas Edward
Marino, Gregory Gerrit
Marsh, Michael Steven
Marthynoonan, Anne K.
Martin, Howard Clyde
Martinez, Humberto D.
Martland, William Henry
Marx, Douglas William
Mathis, Eddie Gene
May, Sheila Dawn
Mays, Luther M.
McAuliffe, Michael John
McBride, Dennis Eugene
McCaffrey, Francis M.
McDaniel, William W.
McHale, James Francis
McHugh, Gregory J.
McMillan, Marion R.
McPoland Patric R.
McQuaide, Joseph M.
Mellis Peter Thomas
Menendez, Robert M.
Merrillnach, Suzanne M.
Meyers, Stephen Allen
Miegel, Carol Ann
Millard, Frederick E.
Miller, Steven Hal
Mischer, Carolyn Field
Moore, Michael Enright
Morelock, Michael D.
Morris, Dana James
Morton, Anthony Lewis
Muller, Donna Sue
Myers, James Olivier
Napora, Casimir
Newman, Brian Francis
Niccolai, Thomas Albert
Nicke, Robert John
Nile, Lynn Marie
Noonan, James Matthew
Nyquist, Brian Orth
Odell, Bruce Lavon
Oleary, Michael Joseph
Oseorne, Steven Francis
Pagel, Kirk Dean
Palmer, George F.
Parsley, Lawrence J., Jr.
Posolyar, Dale Wilton
Peacock, Mark Douglas
Peterson, Brian Lee

Phillips, Eric H.
Phillips, Melissa Jane
Piorkowski, Joseph D.
Poston, Harold C.
Puligandla, Balaram
Rae, Harry Gunter
Reynders, William M.
Ridgway, Kirby Gail
Ripple, Stephen Randall
Roberts, Debra Kay
Robinson, Ted Jay
Rodriguez, Manuel I.
Rolfes, Donald Bernard
Rosequist, Robert Bruce
Rudock, Albert Stephen
Rumore, Gregory Joseph
Salazar, Guillermo J.
Saylor, Michael, Joseph
Schappacher, Susan L.
Schindler, William R.
Schlager, Norman
Schmidt, Gilbert F., Jr.
Schubert, Armin
Schvehla, Thomas Joseph
Schweich, Daniel Paul
Scott, Brett Andrew
Selby, Stephen James
Sellers, Randall Van
Seremet, Martin Chester
Shannon, Frederick B.
Sharpe, Melanie Brooks
Sharpe, Robert Wayne
Shearer, Douglas Romney
Shen, Vincent Shih Wen
Short, James Edward
Shuey, Thomas F., Jr.
Sidaway, Larry Steven
Simmons, Richard Joseph
Slesinski, Michael John
Slightam, John David
Smith, Joseph Rene
Smith, Michael L.
Sogn, Richard R.
Squires, John Michael
Stanley, Mark Danton
Stark, Eric Wygant
Stevens, Mark K.
Stewart, William R.C., III
Stull, John Davis
Talleywillis, Sandra K.
Taylor, Derrick D.
Tek Deniz Server
Terwilleger, John E.
Tiedt, Douglas Lawrence
Torrey, Stephen A., Jr.
Tremblay, Laurier J., Jr.
Tueller, John Edward
Turner, N. Fletcher, III
Upton, Jeffrey Dwight
Urdaneta, Ramon Antonic
Vafier, James Alexander
Valdesdapena, Andres A.
Vanbuecken, Kent
Vanhoudt, Gerard
Vargas, Matthias, J.
Villaflor, Antonio G.
Wadatz, Dale Emil
Warren, Richard Clinton
Wear, Deborah Jane
Weisser, Rick Steven
Weldon, Dean Angela
Wentzell, Joseph M.
Wesson, Stanton King
Wetherley, Graham Kevin
Whistler, Stephen Paul
Wickersham, James K.
Wight, Stephen E.
Wilkey, David Lee
Willis, Howard Clarence
Wilson, James Curtis
Wilson, Marion E., Jr.
Winingham, Donna Elaine
Wiprud, Robert Menzies
Wolff, Peter
Yoo, Mario Santos
Yeager, Josef Klein
Yerkes, Sandra Arleen
Young, David Spencer
Zasada, Andrew Peter
Zudowski, Christopher W.
Zurbach, James Michael

SUPPLY CORPS (31XX)

Agresti, Michael C., III
Alcerman, Robert B.
Baca, David James, III
Backus, John Robert
Balzano, Albert Ned
Barber, Mark Harold
Barrett, James Lawrence
Beacham, Joseph J.
Beard, Robert Lee, III
Bedard Stephen Allen
Belt, Dennis Victor
Billington, Lonnie Max
Bloom, Charles C
Bonk, Matthew S., Jr.
Bright, Carl Thomas
Brown, Robert O.
Brown, Sarah Ellicott
Burge, Charlie Elzner
Caricato Edward Michael, Sr.
Chesley, Wayne Gordon
Chillcott Sidney Evan
Clark, Roger Nelson
Cockrill, Philip Curtis
Cofe, Shaw Hann
Cole, Harold Clark, Jr
Collard, Robert Arthur
Curry, Michael Steven
Decker, Craig M.
Dedes, Robert Paul
Dewey, James Clark
Dolan, William Douglas
Dowling, Richard D.
Doyle, David Neal
Elmore, Douglas Louis
Evans, Peter Mark
Fajer, David James
Fenzan, William J.
Fulton, Richard Lee
Funk, Stuart Douglas
Gamo, Gary Whitney
Gildea, John Francis, Jr.
Gilmore, Lance Darrow
Given, Gary George
Grassi, John Lawrence, Jr.
Hampton, Christopher Henry
Hughlett, Eric Christopher
Icenbice, Kenneth L., Jr.
Johnson, Harry Wayne
Jones, John Leslie
Jones, Michael Allen
Jordan, Joyce Bolton
Josef, Michael David
Kalmar, Louis G.
Kanuck, Mark John
Kearney, Robert Kevin
Kibler, Christopher T.
Kierner, Frederick A., III,
Kirchoff, Phillip Merlyn
Kitchin, Dennis Dale
Lalonde, Bruce G.
Lauro Frank John
Lee, Robert Eugene
Lott, Daryl Ray
Louie, Kwok Ying
Mather, Richard Increase, Jr.
Matthews, Danny Gerald
McConahy, Marc
McCorkendaie, Don Berton
McGrath, Christopher M.
McKinzie, Steven William
Merritt, Brooks Palmer, Jr.
Milner, John Eric
Mitchell, Aubrey F., III
Mitchell, James Linneen
Mundell, Robert James
Murphy, Kevin J.
Myers, Raymond Eugene
Narimatsu, Dean Tatsumi
Neff, Christopher Kem
Nicol, William J.
Nolan, Michael John
Noonan, Robert McCaffery
Nowlan, Michael James
Nutting, Scott Albion
Ornelas, Harry, Jr.
Parshall, Earl George
Pfeil, Philip Mark
Poe, James P.
Porter, David Lee
Potochney, Peter John
Proctor, John Stephen
Prpich, Jack Nmn
Raymond, Peter Ray
Riley, Michael Eugene
Roerig, Gary Wayne
Roesner, Michael Sylvester
Rosapepe, Jay F.
Runyan, John Charles
Scherini, Ralph Otto
Schindel, Lynn Elaine
Shanahan, David George
Sisk, Charles Edward, Jr.
Smith, David Van
Smith, Stephen Everett
Spencer, Michael Henry
Steele, Christopher Peter
Stewart, Richard Leon
Struebing, Danny Carl
Telecsan, Gary K.
Thornton, Patrick Allan
Town, James Stephen
Traaen, Timothy Steven
Turk, Rodney William
Vayda, Thomas George
Vickers, Charles Thomas
Walter, Kenneth F.
Ward, Terry Lee
Ward, Theodore William
Watson, Walter Frederick
Weber, Charles Joseph, Jr.
Witwer, Richard Lee
Workman, Paul David

CHAPLAIN CORPS (41XX)

Adair, Robert Harold
Addington, Forest Ellsworth
Atkins, Thomas Ross
Auerback, Norman Leslie
Baird, Thomas Dalton
Barrera, Rodolfo
Betts, Thomas Edward
Blackburn, Gerald Jackson
Buchmiller, Ronald Joseph
Byrne, John Edward
Carpenter, Anthony Hermit
Coyle, Patrick Pearce
Crenshaw, Hazell Milton
Darling, Rex Gaylon
Doss, James Lee
Durham, James Berry, III
Durham, Ronald Wayne
Dwyer, James Daniel
Epperson, Ralph Stephen
Fessler, George Donald
Garment, L. Susan
Gibson, Arlo Ralph, Jr.
Gomulka, Eugene Thomas
Harwood, James G.
Ignacio, Simon Peter Gianan
Katsarelis, John Paul
Keiran, Alan N.
Labaro, Alfredo Sonolya
Ladmirault, Ralph Anthony
Magness, James Beattie
Martin, Bruce Alan
McClain, Marvin George, Jr.
McIvor, Walter Roberts
Metzger, David Lawrence
Nacauili, John Naldoza
Newhouse, Edward Arthur

Olauson, Douglas James
Otey, Flem Brown, III
Ottaviano, Daniel H.
Pollitt, Gary Rex
Pope, John
Precup, Johnna Lee
Rich, Joseph C.
Robison, Lee Charles
Russell, Curtis Allen
Scfranz, Mitchell
Simonelli, Dominick
Slomovitz, Albert Issac
Spangler, Dennis Eugene
Tumbleson, William C.
Tunnell, Ruben Wesley
Umbaugh, Ray Duane
Wiggins, Carolyn Celestine
Williams, Dale Edward

CIVIL ENGINEER CORPS (51XX)

Band, Jean Alan
Benson, Eric John
Biddick, Dennis NMN
Brady, Patrick Aloysils
Branigan, Daniel Shelling
Cowan, Robert James
Dekin, Walter Donald
Donaldson, Mark Edward
Donnelly, Michael Duncalf
Dossantos, William A.
Dreyer, Thomas F.
Etheridge, John T.
Fewell, Dennis Alan
Freemyers, Michael Carl
Gorum, Charles Clifford
Grigby, Daniel Lee
Gustafson, James Lee
Hathaway, David Joe
Hollrith, James W.
Jones, David Alan
Marchette, Louis V.
Mauk, Michael Leroy
McCollum, James Forbes
McMurray, Thomas David
Minck, Gary R.
Owens, James E.
Rayback, Terrence Lee
Roman, Kenneth M.
Rowland, Henry John, Jr.
Rutkowski, Gerard Stephen
Savage, Robert W.
Schiffner, Michael David
Shrewsbury, John M.
Smith, Robert Milton
Sundberg, Michael Roy
Surash, John E.
Sweet, David Melvin
Traves, James Gregory Lovell
Tubello, Jeffrey
Turbanic, Charles R.
Walters, Vernon J.
Woods, Edward Alan

JUDGE ADVOCATE GENERAL'S CORPS (25XX)

Baker, Terry Glenwood
Compton, Charles Carson
Cooper, Carol Jean
Cotton, Steven Sibley
Coyle, Stephen J.
Glass, Grey C.
Grimord, David L.
Hall, Mary Theresa
Harrington, James F., III
Irvin, Eugene Esker
Lord, Michael William
Myers, David H.
Pecklewellyn, Marie El
Rife, Cheryl Kay
Rosen, Mark E.
Russo, Francis V., Jr.
Santoro, Thomas C.
Serafini, Jan Rosen
Shepherd, David Sunderl
Stevens, Richard Allen
Thompson, Helen Barbara
Torrence, Edward R.
Utecht, Mark Stephen
Vanhoozer, Thomas H., Jr.
Vanwinkle, Joseph G.
Williams, Richard Gene

DENTAL CORPS (22XX)

Blandy, Bruce N.
Brayer, William K.
Collier, Christopher M.
Curran, Nancy Elizabeth
Dendinger, Joan E.
Denio, Dale
Donzell, Diedra Barnes
Ehrlich, Alex D.
Etheridge, Robert E.
Fleischer, Howard C.
Forbes, Phillip Ronald
Grochmal, David L.
Hahn, Richard C.
Hayden, Curtis L.
Hill, Michael P.
Huggins, Donna Rahn
Johanboeke, Milton F., Jr.
Johnson, Jay W.
Karaman, Jonathan D.
Kohler, Gene Michael
Lytle, Robert B., Jr.
McDonald, Lloyd P.
Minke, Pamela N.
Neihart, Tom R.
Nolfi, Eugene V., Jr.
Olinzock, David R.
Pugh, Roy E.
Roddy, William C.
Scruggs, Daniel G.
Simpkins, Sarah Ellen
Varboncoeur, Anthony P.
West, Lionel W.
Wright, Kenneth Ronald

MEDICAL SERVICE CORPS (230X)

Armstrong, Curtis Glenn
Earnhart, Francis J.
Barone, Barbara Ann
Blanchette, Richard Arthur
Brannman, Brian George
Cain, Russell Lamar
Calabro, Michael A.
Callaghanchaffee, Martha
Chapman, Jack Dowman, II
Chumley, Paul Andrew
Cline, Clarence Ray
Craig, William Henry, Jr.
Cribb, Danny Wayne
Crosby, Thomas Neill
Daniels, Brian L.
Driscoll, Millard James
Ellis, Ronald Joseph
Ely, Melvin Joseph, Jr.
Fish, Stanley Lane
Fowler, John Charles
Gale, Thomas Wayne
George, Charles Lee
Gollogly, James Francis
Goodnough, Ronald Daryll
Harrison, Jeffrey Paul
Hetsko, John Allen
Hodges, Napoleon
Johanson, David Carl
Jones, Austin Freeman, II
Kaja, Stephen William
Keil, Charles Leslie
Kidder, Herman C.
Krauel, Robert J.
Kroutil, Michael Lewis
Lilienthal, Michael Gabe
Little, William Lynn
Long, Albert Benjamin, II
Maiorano, William Stephen
Mallea, Richard Lynn
Marthouse, Robert Clark
Maskulak, George Michael
Massey, George Cort
McCoy, Thomas Richard
McDonald, Michael Lee
Mercer, Larry Tilmon
Musashe, Vincent Wayne
Nachreiner, Dale Micheal
Nielsen, Richard Page
Ockermann, Kenneth Russell
Paulson, Larry George
Post, Lawrence Edward
Pulcrano, Anthony Ronald
Purk, Constance Anne
Purk, Kenneth D., Jr.
Quesenberry, Emmett Wayne
Quinn, Paul Vincent, Jr.
Reed, Keven Charles
Silva, William Albert
Simpkins, Harvey Larand
Smith, Albert Joseph
Sorgen, Steven Philip
Still, David Lee
Swafford, James Jay, Jr.
Tamburello, Michael Tro
Taylor, John Philip
Teague, Michael Everon
Thibodeau, Ronald Edwin
Tracy, John Edward
Travis, William Dean
Walz, Marcia A
White, Fred Richard
Wocher, John Carl
Woodward, Charles Roy J
Wooster, Mark Tracy
Wyatt, Edward Patterson

NURSE CORPS (29XX)

Abelein, Christine Lee
Abercrombie, Stephen Ho
Acree, James Ralph
Anderson, Muriel Bernad
Arguello, Manuel Dennis
Eaca Adan, Francisco, Jr.
Bainton, Patricia Ann
Baker, Kathleen A
Bicknell, Camilla Ann
Bledsoe, Peggy Louise
Bossick, Robert Francis
Brackett, Sheila Suppes
Buck, Ellen Gorman
Butler, Joan Marie
Cahill, Alice Marie
Calvert, Mollie
Cato, Eugenia Nmn
Chambers, Pamela Sue
Charters, Kathleen Grac
Chong, Clarence Kin Kec
Clement, Paul Thomas
Cornwell, Douglas Edwar
Degroot, Sandra Lee
Dlugose, Deborah S
Dunlap, John Robert
Fellin, Patricia Anne
Flowe, Debra G
Fuller, Janet Shea
Galdun, Michael Joseph
Gallagher, Roger
Galvan, Juan
Glenn, Judy Carole
Gormley, Lynn Patricia
Goselin, Thomas Lee
Greathouse, Nancy Colem
Hanzel, Anne Terese
Heim, Pamela Ann
Ferrlich, Sylvia D
Hicks, Larry Lee
Hill, Karen Sandra
Hinkel, David Charles
Holcombe, Elizabeth
Hudson, Marilyn Louise
Johnson, Greta Louise
Johnson, Linda Sue
Jones, Darlene Shirley
Judd, Betty J
Kacmarsky, Richard Jose
Kelley, Patricia Mucha
Kofl, Jean Emily

Kuhlmeyer, Alison Denis
Landry, Karen Elizabeth
Leshnover, Bennett Cerf
Lewis, Rodney Paul
Longway, Cynthia Pominv
Maloney, Mary Jane
McNeil, Thomas Joseph
Meyers, Paul William
Mixbryan, Althea Mary
Morris, Rose Marie
Noss, Gerald Edward
Ofallon, Patricia Iagga
Pickard, Mary Claire
Pierce, Kathryn Joan
Pitzer, Michael Ellswcr
Foyner, Russell Scott
Quilesquincnes, Hector
Rilling, Donald Carey
Rush, Kenneth
Schneider, Patricia Dav
Schryer, Vernon Lee
Sinclair, Kim Alece,
Smith, Charles Stanley
Sosa, Cristobal Reyna
Speece, Daniel Jonathan
Standfield, Louis Greene
Swanson, Kristin Ann
Tesar, Frank Joseph
Thibodeaux, Barry Lynn
Thobe, John Frank Victo
Trace, Elizabeth Dooley
Trevino, Carol Ann
Turner, Penny Brady
Upchurch, Susan Lou Sut
Watson, Marsue Ruthie
Whitacre, Patricia Sue
Wilson, Margaret Good

LIMITED DUTY OFFICER (SUPPLY) (651X)

Haskins, James Harold
Kempa, Aloysius Francis
Mallard, Frederick Leonard
Pettaway, Henry Edward
Thompson, Robert Vernon
Toledo, Crispin A.

LIMITED DUTY OFFICER (CIVIL ENGINEER CORPS) (653X)

Donado, Paul

HOUSE OF REPRESENTATIVES—*Monday, July 23, 1984*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 5, 1984.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, July 23, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

The Lord will give strength unto His people; the Lord will bless His people with peace.—Psalm 29:11.

We recognize, O God, our inadequacy in facing the trials of our world or the pressures of daily life. With the Psalmist of old we implore Your blessing and seek Your gifts of grace. May Your strength give us strength and may Your healing give us healing to do those things that make for peace and harmony in our lives and in the lives of people everywhere. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolutions on Thursday, July 5, 1984:

H.R. 29. An act to recognize the organization known as the Polish Legion of American Veterans, U.S.A.;

H.R. 3075. An act to amend the Small Business Act to establish a small business computer security and education program, and for other purposes;

H.R. 3169. An act to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries;

H.R. 3825. An act to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes;

H.R. 3922. An act to establish a one-year limitation on the filing of claims for unpaid accounts formerly maintained in the postal savings system;

H.R. 3927. An act for the relief of Kenneth L. Perrin.

H.R. 4170. An act to provide for tax reform and for deficit reduction;

H.R. 4308. An act granting the consent of the Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service;

H.R. 4616. An act to amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 per centum of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes;

H.R. 4997. An act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes;

H.R. 5154. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

H.R. 5155. An act to establish a system to promote the use of land remote-sensing satellite data, and for other purposes;

H.R. 5174. An act to amend title 28 of the United States Code regarding jurisdiction of bankruptcy proceedings, to establish new Federal judicial positions, to amend title 11 of the United States Code, and for other purposes;

H.R. 5404. An act allowing William R. Gianelli to continue to serve as a Member of the Board of the Panama Canal Commission after his retirement as an officer of the Department of Defense;

H.R. 5653. An act making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5713. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5740. An act entitled, the "Barrow Gas Field Transfer Act of 1984";

H.R. 5753. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5950. An act to increase the Federal contribution for the quadrennial political party Presidential national nominating conventions;

H.R. 5953. An act to increase the statutory limit on the public debt;

H.J. Res. 544. Joint resolution to designate the week beginning September 2, 1984, as "National School-Age Child Care Awareness Week";

H.J. Res. 555. Joint resolution to designate July 20, 1984, as "Space Exploration Day";

H.J. Res. 566. Joint resolution to designate the week beginning on October 7, 1984, as "National Neighborhood Housing Services Week";

H.J. Res. 567. Joint resolution to designate 1984 as the "Year of the St. Lawrence Seaway" and June 27, 1984, as St. Lawrence Seaway Day";

H.J. Res. 604. Joint resolution to designate July 9, 1984, as "African Refugees Relief Day";

S. 2729. An act for the relief of Jean Willhelm Willrich;

S. 746. An act to establish the Illinois and Michigan Canal National Heritage Corridor in the State of Illinois, and for other purposes; and

S.J. Res. 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
July 23, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) At 3:00 p.m. on Wednesday, July 11, 1984 and said to contain a message from the President whereby he transmits the 14th annual report of the Council on Environmental Quality;

(2) At 11:30 a.m. on Thursday, July 12, 1984 and said to contain a message from the President whereby he transmits the 20th annual report on the Status of the National Wilderness Preservation System;

(3) At 2:20 p.m. on Friday, July 13, 1984 and said to contain a message from the President whereby he transmits the ninth annual report of the Nuclear Regulatory Commisson;

(4) At 2:20 p.m. on Friday, July 13, 1984 and said to contain a message from the President whereby he transmits a governing international fishery agreement between the U.S. and Denmark and the Faroe Islands; and

(5) At 11:20 a.m. on Friday, July 20, 1984 and said to contain a message from the President wherein he transmits the 12th Special Message under the Impoundment Control Act of 1974 for fiscal year 1984.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [Mr. GONZALEZ]. Before referring any messages, the Chair will entertain requests for 1-minute addresses, and the Chair recognizes the distinguished Resident Commissioner from Puerto Rico [Mr. CORRADA].

□ 1210

PUBLIC LAW 98-369—DEFICIT REDUCTION ACT OF 1984

(Mr. CORRADA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, on Wednesday, July 18, President Reagan signed the Deficit Reduction Act of 1984 (Public Law 98-369). Enactment of that law has been described as a necessary first step in our Nation's efforts to cut the huge budget deficit which threatens our economic stability. I am in agreement that urgent action is needed if we are not to continue to mortgage our children's future and to regain a degree of control over the budget.

However, I believe that in our efforts to conclude debate over the Deficit Reduction Act, a grave injustice was done to the U.S. citizens living in Puerto Rico. In seeking to end the program of redistillation of distilled spirits, the Congress went beyond that to place restriction on a fundamental provision in the Puerto Rico Federal Relations Act, the law that regulates relations between the United States and Puerto Rico. That provision, which dates to the early part of this century, provides that all taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States shall be covered over to the Treasury of Puerto Rico. The purpose of that provision was to enable the Government of Puerto Rico to provide better services to the people of Puerto Rico in areas such as health, education and housing, among others, since as a territory, Puerto Rico does not participate fully in all Federal programs.

At present, there are only two products—rum and tobacco—on which excise tax is collected by the Federal Government and rebated to Puerto Rico. We, in Puerto Rico, are very proud of the quality of our rum which has been called the best in the world. At present, the revenues derived from the rebate represent 10 percent of the operating budget of the Government of Puerto Rico. Under the provisions of Public Law 98-369, the excise tax on alcohol was increased by $2 per proof gallon to a total of $12.50, effective on October 1, 1985. However, the amount that may be covered over to the Treasury of Puerto Rico is capped at the current level of $10.50 per proof gallon. This action was taken unexpectedly by the Senate Finance Committee without any hearing on the effect of that restriction on the underlying provision in the Puerto Rican Federal Relations Act. If the Congress had determined that a review of that provision in the law was necessary, it should have studied the issue and heard testimony of the need for it to make an informed judgment. Not only has Congress acted unilaterally in amending the Puerto Rican Federal Relations Act (48 USCA section 734) without the consent of the Government of Puerto Rico, it acted without even consulting or listening to Puerto Rican officials before placing a cap on the rebate of excise taxes on rum.

Today, I am introducing legislation to remedy that injustice and to allow Puerto Rico to receive the full amount of the excise tax on rum that is produced in Puerto Rico and shipped to the U.S. mainland.

In the debate over the Deficit Reduction Act, the Congress also eliminated the Cane Neutral Spirits Program which was clearly within the scope of the excise tax cover over provision. Cane neutral spirits is a product of the distillation of cane, after rum has been produced. Thus, it is produced from cane and molasses the same as rum and the excise tax collected on its production should be rebated to Puerto Rico. However, this program was also eliminated during conference. My legislation will reverse that decision and allow the program to continue.

Mr. Speaker, as I stated on the floor when the conference report was brought up for consideration, this is a matter of grave importance to the people of Puerto Rico. I am hopeful that my bill will be the subject of hearings and serious consideration by the Ways and Means Committee. At this time, I would also like to extend my deep appreciation to my good friends and colleagues PETE STARK and CHARLIE RANGEL for their support and help during the debate on the Deficit Reduction Act. Their support was deep and unwavering and I am looking forward to working with them to rectify the injustice that was perpetrated on the people of Puerto Rico.

FOURTEENTH ANNUAL REPORT OF COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries:

(For message, see proceedings of the Senate of today, Monday, July 23, 1984.)

TWENTIETH ANNUAL REPORT ON STATUS OF NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs:

(For message, see proceedings of the Senate of today, Monday, July 23, 1984.)

NINTH ANNUAL REPORT OF THE NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Monday, July 23, 1984.)

GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND DENMARK AND THE FAROE ISLANDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-238)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, July 23, 1984.)

TWELFTH SPECIAL MESSAGE UNDER THE IMPOUNDMENT CONTROL ACT OF 1984—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98—239)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Commit-

tee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, July 23, 1984.)

WHAT IS JUSTICE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 60 minutes.

● Mr. MICHEL. Mr. Speaker, the goal of civil rights legislation is justice for individuals. But very often we forget this simple truth. Robert A. Destro, a member of the U.S. Commission on Civil Rights, has addressed the question of justice in the 1980's and I want to bring to the attention of our colleagues his incisive and informed views on the subject.

At this time I wish to insert in the RECORD a speech given by Commissioner Robert A. Destro at the First Annual Human Rights Conference of the Illinois Department of Human Rights in Chicago, on May 18, 1984.

REMARKS OF COMMISSIONER ROBERT A. DESTRO, FIRST ANNUAL HUMAN RIGHTS CONFERENCE, ILLINOIS DEPARTMENT OF HUMAN RIGHTS, CHICAGO—MAY 18, 1984

Good morning. It is a great honor to have the opportunity to address the First Annual Human Rights Conference this morning, and to be in Chicago. I would like to express my thanks on behalf of the entire Commission to the department and to Ms. Tucker and Mr. Barbosa for inviting a representative of the Commission to give a federal perspective on the theme of the Conference: "Towards a Just Society: The Civil Rights Struggle, Where Are We and Where Are We Going?" Unfortunately you will be hearing me, rather than Ms. Chavez, even though it may be somewhat of a disappointment to those passing out leaflets out front. I am looking forward with great interest to hearing the presentations of both Ms. Wyatt and Mr. McKnight, and to meeting personally with some of you before I return to Washington this afternoon.

I stand before you this morning as one Commissioner, and the views you will hear are my own. As I thought about what to say this morning, I found myself immersed in all kinds of issues. Should I tie the agenda of the Commission—and the recent controversy over its membership—into the broader, overall picture of the civil rights struggles we face today, or speak about broad, traditional policy issues like affirmative action, quotas or fair housing? What about "emerging" civil rights issues such as the impact of laws and regulations on the integrity and structure of poor, minority families who must comply or lose their lifeline, or the increasing isolation of an underclass largely made up of minorities and women with children? All are important issues, and any one would have made a find backdrop against which to present the view from the federal level.

But I decided to take a slightly different approach, and to address the question of "where we are going?" in civil rights from a more philosophical perspective. The reason for my choice of topic is fairly simple: it is difficult to explain where one is going or how one plans to get there as a Commissioner without some explanation of where one is coming from.

As a recently appointed Commissioner I am painfully aware that some of the Commission's actions since January have been controversial. This was expected, for the new appointments were opposed by some—and supported by others—on grounds directly related to our views on specific civil rights issues. But the controversy goes far deeper than differences on discrete issues. It is a symptom of a far more important development in the life of the Commission and the struggle for civil rights generally.

We have come a long way since that day 30 years ago yesterday when Supreme Court finally brought the pernicious doctrine of government-sanctioned separation by race to a well-deserved end. The fact that there is a Commission on Civil Rights, and that there are agencies such as the Human Relations Commission and the department of Human Rights attest to the strength of the commitment of the vast majority of Americans to equal justice under law. This was a commitment which did not exist 30 years ago.

Because we have come so far, and because awareness and sensitivity concerning civil rights issues motivates a desire for even greater strides in the future toward the goal of equality of right and opportunity, the focus of discussion inevitably turns toward the question of the means by which we were to attain our common goals. In 1957, the only answer to pleas for civil rights legislation the Congress could give was to appoint a Commission. The goals were the same as today, but legal means were not made available at the federal level for seven more years.

Today there is, by and large, agreement on the basic goals we wish to attain in the name of civil rights. Likewise, there is no doubt that discrimination and lack of opportunity exists, and the only real questions are how to eliminate them once they are found. Today's struggle then, must be seen as one which focuses on the means to end and remedy discrimination. As a result, the principle question for all concerned is: How do we get to the just society from here?

It is from this perspective that I will speak this morning; for controversy at the federal level is primarily over the types of remedies we will use to solve current problems. The debate over the most controversial of these means to remedy past discrimination—whether the issue is quotas, reparations, program-specific or general federal fund cut-offs, or mandatory school busing—will inevitably lead the debaters into an argument over the justice of the chosen remedy, and its impact on the lives of the innocent individuals who will be affected by its use. So before I launch into a description of the "view" from the federal level, permit me to reflect for the next few minutes on the concepts of "justice" and the "just society."

Those of us who deal with law and human rights issues hear much about "justice": We speak of equal justice, distributive justice, justice in the sense of "fairness", just results, just procedures, and courts of justice. We even refer to the judges of our Supreme Court as "Justices", partly out of respect for their function, and partly to remind them that it is their duty to "do justice" under the law as it is written.

But what is "justice"? If we set aside the special, limiting senses in which we use the term: for example, courts of justice or justice-as-fairness, we are left with a core idea—and an ideal—which energizes all of us who are committed to the cause of human rights. It is this personal sense of justice which is outraged by overt racial or ethnic bigotry, and which is frustrated by its more subtle forms and stratagems. It is this inner sense of justice which angers us when we fear that hard-fought gains in civil rights are threatened by those who do not share our individual sense of justice. And it is the same sense of justice which should sicken us when we hear of persons who should know better attempting to justify the marking of mentally or physically disabled infants for death in the nursery because their disability, together with their race or economic status, might have an allegedly "adverse" effect on the "quality of one's life."

More importantly for the future, however, it is this sense of justice which keeps us looking forward. Forward, towards a just society where the rights of each individual rights are respected, and equality of opportunity without regard to race, sex, creed or origin is a concept as internalized by the body politic as today's commitment to free markets and freedom of speech.

Given this individual sense of justice, what do we mean by it? I suspect that were I to ask each of you to write an essay on "justice", there would be more definitions than there were people in this room. The cause for such a multiplicity of definitions, of course, is that we use the term "justice" to serve many functions in the cause of civil rights. But we rarely take the time to consider what each of us means by it, and to determine whether that personal definition is consistent with the principles of justice enshrined in our Constitution.

So, you say, what is the point? Quite simply, it is that in order to join forces in working toward the common goal of a just society, we must share at least a fundamental understanding of what we mean when we speak of "justice." Why? Because our concept of justice defines not only what we want the just society to look like, but also how it will act, and what methods we will use to get there from here.

In my view, the key element of the just society is the treatment of the individual as we pursue the common good. In fact, the very concept of the "common good" should be synonymous with the good of individuals. Only individuals have both a unique identity and character, as well as the power and potential to develop them fully. A collective such as "society" can absorb the individual and prosper, but it cannot bring about either the all-round flourishing of the individual, or the development of the uniqueness we call "human dignity" when it subordinates individual needs to group desires. It is for this reason that both justice and the common good must be seen as the end results of policies which respect the human potential and dignity of each individual. Both ends and means must be judged by this standard. When it is ignored—even temporarily—for individual or collective reasons, injustices and affronts to individual human dignity take place. Each of you in this room has seen vivid examples of the degree to which human dignity can be affronted by bigotry, discrimination, servitude, violence, hate, and helplessness in the face of events beyond individual control. Far too often these affronts are so widespread in the collective enterprise we know as society that each member of entire races or classes of individuals may feel the pain and frustration that results. But it is important to recall that only an individual can feel pain, and that only an individual is the

subject of rights. Classes or collectives do not.

Viewed from this perspective then, Justice becomes a shorthand term for describing an attitude and mode of behavior which should govern our relationship with all other persons, regardless of race, sex, creed, disability or age. It defines not only the rights of others, but also the duty we owe to each of them regardless of their status. From this duty imposed by justice is derived one of its most critical components: equality. Not a blind equality that ignores human needs and differences, but one which draws from the Aristotelian concept of balance and proportion. An equality of duty to respect the rights and needs of each individual which is imposed on each of us as a condition for claiming equality of rights for ourselves.

How then, does all this relate to the civil rights struggle of the 1980's? And what is this one Commissioner's view from the federal level? It begins with the observation that we are agreed on basic civil rights goals such as equality of opportunity and elimination of both present discrimination and the pervasive present effects of past discrimination. But agreement breaks down beyond this point. If you examine both the record and the rhetoric surrounding present-day civil rights issues—including, I might add, the rhetoric about the appointment of the new Civil Rights Commission itself—you will see a growing debate over the legitimacy of the means we will use to achieve our goals. The outcome of the debate will rest largely on a decision to accept or reject the view taken by the Constitution, Declaration of Independence and laws of this nation that the individual is the repository of human dignity and may not suffer discrimination at the hand of government or private individual on the basis of characteristics he or she cannot control such as race, sex, national origin, age or disability; or on the basis of a characteristic no one has the right to ask you to change: your religion.

It is in this framework that the view from the federal level begins to take shape. We see Congress moving ahead with great speed to amend the major cross-cutting civil rights legislation Title IV, Title IX, Section 504 and the Age Discrimination Act. But there is controversy over the content of the proposed amendments. We see record levels of minority voting and registration, as well as greater numbers of minority and women at all levels of government. But there is controversy over the means to be used to increase those levels. The Commission's agenda is replete with examples of the pressing civil rights issues of the 1980's: comparable worth as a means of acheiving pay equity for women; the growing racism aimed at the Asian-American community; religious discrimination and intolerance; affirmative action in higher education, and voluntary and involuntary methods of school desegregation, to name only a few. Here too, there is controversy over the justice of proposed remedies and the priorities we have set for our studies.

There is much activity at the federal level, and I believe that much of it is moving in a positive direction. We have come far too long a distance legally and morally to change our basic directions in civil rights now, and it is with this in mind that I return to the central concern of this speech: the dignity and value of the individual. For if I have one great concern at the federal level it is with remedies which fail to account for the rights of the individual.

When Linda Brown won her case before the Supreme Court 30 years ago, it was, and still is, rightly seen as a landmark change in social policy. But it was also a victory for individual children—millions of them born and unborn—who will have the opportunity to grow and develop their characters and intellects free of stigma of inferiority which was the legacy of *Dredd Scott* and *Plessy v. Furgesson.* When, shortly after *Brown,* the Supreme Court conceded that "all deliberate speed" was fast enough to eliminate dual systems, we know what happened to the children: many remained in segregated schools. It took over ten years until the order came to eliminate segregation "root and branch". Why? Because group needs took precedence over individual rights.

So too with the debate over school busing. How long will it take us before we look to the educational interests of individual children who are treated like pawns in a chess match over social policy. Is this justice? For whom? A school bus is nothing more than a machine, a tool in an arsenal to improve the quality of education for children. If using buses will improve education do it, and quickly! If not, how can we say we are being just to any child who needs an education to escape a crushing cycle of poverty and substandard academic performance. Let us replace busing as the symbol of civil rights in education and install in its place the original, intended legatee of *Brown* v. *Board of Education:* the child in need of education. First, do justice. Give the individual the tools to change his or her own life and society will change accordingly.

I do not feel that this suggestion is "unjust", but I suspect that there will be some who see an anti-civil rights motive in it. Expressed doubts about the Civil Rights Commission's new majority have reflected a fear that its basic mission to identify problems, and to suggest just and workable solutions has been perverted because its sense of justice is based on individual rather than social needs. This simply is not true. I believe that each member of the new Commission is concerned about discrimination, and this concern is strong and rooted deeply in each individual member's belief that justice as he or she understands it must be done. Definitions may differ over what justice will permit, but the concern and the commitment are the same.

There may well be disagreements over the means to be used to accomplish ultimate justice, and some of those disagreements rest in differences of opinion over the treatment of innocent individuals in the face of long-standing and compelling group demands for race-conscious remedies for those who cannot prove individual grievances. But can we really question the good faith of those who argue that the law cannot tolerate racial or other preferences based on immutable characteristics without doing violence to both the letter and the spirit of justice? Human dignity does not flourish—it suffers—when each person is not treated as a unique, valuable human being. To focus on a group rather than the individual reduces the dignity of both.

So what do we do? How do we solve these pressing problems without doing harm? The problem of present effects of past discrimination that quota plans seek to solve is real, we all know it, and we would have to be blind not to see these effects. But the justice of the means chosen to remedy them can validly be questioned, as the Supreme Court did in *Bakke* When it rejected race-based quotas. Does this mean we give up? No. It means that we must constantly ask ourselves where and how we go from here. We must ask ourselves the hard questions like "what is the difference between a number 1 and a number 7 on a promotion list assuming all are 'qualified' "? We look at the causes of poverty in minority communities, and ask ourselves if some of our pet government education welfare or social programs or licensing schemes might not be a part of the problem rather than part of the cure. We must be willing to face the fact that justice does not permit discrimination as a means to a just end.

If follows then, that with a concerted effort armed at empowering individuals to find and follow their own destiny, the civil rights struggles of the 1980's can be won. But it will not be easy. The "hard" questions must be asked and answered and all answers must take into account the "justice" of proposed remedies as they affect individuals.

The Civil Rights Commission can and must play an important role in this process by focusing its studies on the multiplicity of difficult issues which lurk within seemingly simple issues of "social justice". The justice of the means used is but one of them. In order to play this role and to fulfill our statutory function of advising Congress and the President, we need your help and forthright constructive criticism. If you do not share the same ideal of justice as we, then tell us, and admit your starting point. The issues are far to important to allow discussion to remain at the semantic level.

Certainly these meager suggestions raise more questions than they were ever intended to answer, but that is one of my functions as a Commissioner. The viewpoint of this Commissioner on the theme of the Conference, however, is clear: If we are to reach our goal of the just society, we must empower each individual to reach out for his or her own destiny. We must assure that individual human dignity does not ever take a back seat to social needs. We must be frank about our reasons for any subordination of the individual person, whether the individual is a black women, a hispanic child, a Jewish immigrant, or a Polish grandmother. Even the ubiquitous white, Anglo-Saxon, Protestant male has the right to equal treatment under the law. It's all a question of balancing our need and our desire for justice against the fundamental principle that all of us, men and women, are created equal and stand before God and our fellow humans with an equal claim for mutual respect and cooperation in the tasks of life. When all of us internalize that truth, so eloquently stated as an ideal by the Declaration of Independence and as a rule of conduct by the Constitution, we will be far along the road toward attaining a just society.

Thank you.●

DEMOCRATIC CONVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Thank you, Mr. Speaker.

Mr. Speaker, I want to take some time today, and a little time later on this week to talk about the period between the two conventions of the Democratic and Republican Parties and to talk about some of the lessons of the Democratic Convention and

some of the challenges, I think, to the Republican Convention.

The Democrats had a very enthusiastic and a very effective convention last week, and I think every Member of this House has to feel some sense of pride that a fellow Member, the gentlewoman from New York [Ms. FERRARO], has been chosen to be the Vice Presidential nominee of the Democrats.

There were some superb speeches made last week; most notably by Governor Cuomo in the keynote address; later by Reverend Jackson, by Senator HART, and the acceptance speeches by Mr. Mondale and Ms. FERRARO. In addition, the Democrats adopted a platform.

What fascinated me in watching the performance is one of the central problems in American Government. That is, how do we have a campaign in which we can talk about certain key ideas and we can talk about certain basic problems and opportunites facing America in a way that the American people have an increased sense of understanding, and an increased ability to govern themselves.

I was struck as I listened to a great deal of the emotion, very powerful, very effective emotion, which came out of San Francisco: That there are two branches of populism; two great traditions of populism in America. There is a tradition characterized by William Jennings Bryan in the 1890's of a populism of demagoguery, a populism which exaggerates, distorts, and even, on occasion, deceives. Which makes up its facts, which picks very selectively its version of reality.

I should go on and say that that kind of populism gave populism a bad name. That the word populist has all too often come to mean an ignorant player on emotions. That, in a sense, to be a populist has been a negative in modern government.

However, there is an earlier and deeper tradition of populism. The populism of James Madison, of Thomas Jefferson, of Benjamin Franklin. That populism was best characterized by James Madison in a statement which is on the Madison Building of the Library of Congress, in which he said:

> Knowledge shall forever govern ignorance. And a people who mean to be their own governors must arm themselves with the power which only knowledge gives.

□ 1220

I would like to repeat that quote because I think it is so central to how we should wage the campaign this fall, and it is a quote I intend to use often and I fear some of my colleagues may grow tired of it:

> Knowledge shall forever govern ignorance and a people who mean to be their own governors must arm themselves with the power which only knowledge gives.

The tradition of Madison and Jefferson and Franklin led, in its most eloquent example, to the Federalist Papers, possibly the most stunning intellectual document ever written by practicing politicians to explain a current political problem. The Federalist Papers are legitimately and honorably classics.

So, in the tradition of that more informed and more information-oriented populism, I would like to talk about where the two parties are and where America is and what some of our problems are as we face this fall. We are at, I think, a great turning point, a turning point which some of us have characterized as a choice between a liberal welfare state and a conservative opportunity society. The turning point, I think, made a serious step in the correct direction of choice last week when the National Democratic Party picked a liberal welfare state candidate for President, a liberal welfare state candidate for Vice President, adopted a liberal welfare state platform, and heard a series of eloquent speeches, all of them basically by liberal welfare state advocates.

When the Republicans go to Dallas, it is my hope that in our convention we will offer as clear a choice, as firm a set of opportunities to look to the future.

But what troubled me coming out of San Francisco, and what I think will make it extremely difficult to have a fair and legitimate and serious effort at self-government this fall was the quality of language, the strong demagogic statements, the incendiary rhetoric. It was fascinating. In his superb keynote address, Governor Cuomo said, and I quote:

> We must answer our opponents' polished and appealing rhetoric with a more telling reasonableness and rationality. We must win this case on the merits. We must get the American people to look past the glitter, beyond the showmanship, to the reality of the hard substance of things and we will do it not so much with speeches that sound good as with speeches that are good and sound, not so much with speeches that will bring people to their feet as with speeches that bring people to their senses.

I think that phrase, that pledge, that appeal to rationality is exactly right. At its best, campaigns in America should be between two toughly reasoned, well argued, passionately believed versions of the future, but they should be based on a sound, rational, logical argument.

I had in that sense three concerns with the Democrats in San Francisco. First, that again and again their facts were simply wrong; second, that their analogies tended to be misleading; and third, that in some instances I do not understand where on this planet they get their information, or what world they think they are dealing with.

Let me begin first with their facts, and my focus today on Governor Cuomo's keynote address and on the platform.

Governor Cuomo said, and I quote, "There are more poor than ever."

That is simply not true, period. That statement is absolutely false. If it were true, Ronald Reagan should be impeached, not just defeated. But it is not true, and there is no reasonable argument or defense for the statement by Governor Cuomo, "There are more poor than ever." It is simply not true.

He went on to say:

> There are ghettos where thousands of young people without a job or an education give their lives away to drug dealers every day.

That is true, and we on the Republican side in this House have been fighting for over a year to bring the President's crime bill to the floor to be able to stop precisely what Governor Cuomo was complaining about. If he has a complaint about the fact that, as he correctly said, there are thousands of young people giving their lives away to drug dealers every day, he should have taken that complaint up on the floor of the convention with the Democratic leadership of the House because it is the liberal Democratic leadership of the House, one of whose Members is now the Vice Presidential nominee, who have in fact stopped the President's efforts to pass a crime bill that would make it harder for drug dealers to corrupt and addict our children.

Governor Cuomo went on to make an excellent analogy of the wagon train and to make some fairly harsh statements about Republicans. But I found his analogy about a wagon train interesting because I have recently been reading Bernard DeVoto's great study of 1848. Bernard DeVoto was one of the great historians of the American West, so I happened to have been reading about wagon trains.

It occurred to me, the question I would ask of any liberal Democrat who would talk about wagon trains is: Show me a wagon train that had food stamps. Show me a wagon train that had able-bodied adults who were not working. Show me a wagon train that dealt with its criminals while allowing them to wander around committing new crimes. Show me a wagon train that taxed the productive in order to subsidize people who did not want to do a day's work.

I think that the case for welfare reform is precisely made by his example of a wagon train. Further, I would say to him the overwhelming majority of wagon trains prayed, yet the Democratic leadership of this House will not let us bring up a voluntary prayer-in-school amendment. On the liberal Democratic wagon train presumably they would outlaw prayer unless it was private and covert.

So I would say also, wagon trains that survived tended to be tough minded, disciplined, hard working, and well armed. They resembled Ronald Reagan's defense budget far more than Walter Mondale's. They understood the world they were moving into as dangerous.

Finally, pioneers who were successful, who survived, always thought about the future and always invested in a better future. They did not tax away the present in order to subsidize fun and games but, instead, they worked very, very diligently to improve their lot.

In that setting, I would suggest to Governor Cuomo, choosing the wagon train is the worst possible analogy for a liberal Democrat. Wagon trains involve too much hard work, too much individual initiative, too much risk taking, too many entrepreneurs and, in fact, involve precisely the kind of things that supply side advocates have been talking about.

He went on to talk about Franklin Roosevelt, and I think, frankly, that Franklin Roosevelt deserves to be talked about. He was a great President. He did many things for this country. But then Governor Cuomo, in a moment of excess says, speaking of the American people:

> For nearly 50 years we have carried them all to new levels of comfort and security and dignity, even affluence.

I think the verb there is very, very important.

□ 1230

I have two complaints about this sentence, and I will repeat it: "For nearly 50 years we carried them all to new levels of comfort and security and dignity, even affluence." I have two objections. The first is that nothing can teach you more about liberal Democrats than the verb he uses. What arrogance for the Democrat leadership to say, "We carried them."

My impression, growing up in a working family, growing up in a family that included steelworkers, union members, blue-collar workers, is that the American people worked their way to new levels of comfort and security and dignity, even affluence. My impression is that an awful lot of Americans worked all day and went to school at night to get ahead. My impression is that an awful lot of Americans gave up a six-pack of beer or gave up a vacation or gave up a new suit in order to save the money to get ahead. My impression is that it was not the liberal Democratic Party leadership that "carried them." If anything, it is just the opposite. It is the American people who have carried the Government, not the Government which has carried the American people.

So in that sense this one sentence, it seems to me, gives us as clear a distinction between the two parties as you could ask for, and it is no wonder that 3 nights later Walter Mondale promised to raise taxes. If liberal Democrats honestly believe that it is the Government and the Democratic Party that has carried the American people, no wonder they think they have the right to raise taxes; they are just taking back what they carried the American people to get.

On the other hand, if you believe, as I do and as most Republicans do, and particularly as populist Republicans do, that the American people work very hard for what they have and that they deserve the right to protect their take-home pay, then there are very good reasons why the American people should question whether Government deserves their money more than their families do. I think in that setting that Governor Cuomo's keynote speech gave us a far deeper insight into what is basically wrong with the liberal Democratic Party and the liberal welfare state when he points out to us that they "carried us to new levels."

But, second, it is simply not true to say that 1980, under Carter-Mondale, was a peak of affluence in the American Nation. The American people reached their peak of personal affluence under John F. Kennedy and in the early years of Lyndon Johnson when they were practicing precisely the Reaganomics approach of cutting taxes and increasing the productivity of the economy. From 1965 to 1980 the real take-home pay of working Americans dropped. Taxes went up, inflation went up as prices rose, and people were pushed into higher tax brackets, and one of the reasons the Carter-Mondale ticket was defeated in 1980 was that Governor Cuomo is wrong. The average working American had a deep sense in 1980 that they had less money, they had less of a future, they had less of an opportunity, and they had less take-home pay, and that in fact the good ideas of Franklin Roosevelt and the very important concepts of the New Deal had become obsolete, worn out, wrong-headed, and terribly expensive big Government bureaucracy and high taxation by the time of the Carter-Mondale administration. And there is not a single mention, either in the keynote speech or in the other speeches I will talk about or in the platform, of the level of economic decay and pain the Carter-Mondale administration brought us to. In fact, it shows up next when Governor Cuomo discovers the deficit.

It is fascinating to me, as a conservative and someone who has been active for 24 years now since I was a high school student saying that deficits are bad, to suddenly in the last 2 years finding liberal Democrats discovering deficits. It is a little bit like a large whiskey company discovering alcoholism. Suddenly liberal Democrats who believe in big Government, who love big Government, who pass every big Government program, who vote for every big Government bill, who believe deeply in spending, suddenly get up and say, "My goodness, there is a deficit." And fascinatingly, enough, the deficit is always Ronald Reagan's.

Now, there are two things totally wrong with arguing that the deficit is Reagan's. The first is that it is unconstitutional. There can be no spending in America, in the Government, that does not pass the House of Representatives. Yet the liberal Democrats have the speakership, the liberal Democrats have control of the House, the liberal Democrats have control of the committees, and the liberal Democrats control the calendar, and yet they say or they suggest that it is the President's deficit. Let me quote from Governor Cuomo: "the President's deficit." That is just constitutionally not true; it is not possible. We would have to be a dictatorship for it to be the President's deficit.

But there is a second reason, and, frankly, it is one that personally irritates me. I was 11 years old when the Democratic Party took over the House of Representatives. They have controlled it every single year since I was 11. I recognize that, with my gray hair and everything, that is a long time ago. I am now 41. So for 30 years the Democratic Party has owned the House of Representatives. They have controlled every committee, they have controlled the calendar, and for every single day for 30 years they have had somebody sitting up here in the Speaker's chair, every day for 30 years, and then they turn to those of us who are younger populist Republicans and say to us that the deficit is our fault. They built the welfare state, they created the spending machine, they passed the regulations, and they passed the appropriations, and then to turn to us and say, "Oh, by the way, all of this mess is yours" is a little bit like a guy who starts an avalanche and then blames the guy at the bottom of the hill for the snowfall.

No; it is not the President's deficit. While the President might have done more to stop it, the fact is that for a conservative President dealing with a Democratic House of Representatives, he has shown more courage than anyone in the news media would have thought 4 years ago. The fact is that it is precisely the liberal Democrats who celebrated in San Francisco who have only one answer to the deficit.

Just remember, any time you hear a liberal Democrat say, "deficit," they mean "tax increase," and at least Walter Mondale is totally honest. His answer to big Government spending is big Government taxes. He wants to rush us right back to the Carter-Mondale tradition of biting into your take-home pay so that you and I do not

have enough money to spend for ourselves and so that we can then be turning to Government, which will now be huge, to get back from the Government the money they took from us in our take-home pay.

Now, I find when I go around to folks, when I go around even to high school kids, kids who are now working and who have had money taken out of their paycheck, and I say to them, "How many of you want me to raise your taxes so we can buy more welfare state, so we can buy more Washington bureaucracy, so we can have more red tape?" I do not get very many hands raised, because the average American says, "Wait a second. Washington is a city of bureaucracy. Washington is filled with waste."

We just had a General Accounting Office report that said that $2 billion out of the $12 billion spent on food stamps is fraud. And the average American says, "Well, now, wait a second. Why don't you save the $2 billion instead of continuing to run a very wasteful welfare state and raise my taxes?"

Most Americans feel that if money is going to be wasted, maybe they ought to waste it themselves instead of giving it to the Government to waste for them.

And I would say also that that applies to the Pentagon. When people read about a $400 hammer their attitude is that maybe we ought to reform procurement to buy $9 hammers instead of raising an extra $381 from the American people.

When Walter Mondale does not pay any attention to cutting waste and fraud, does not pay any attention to reorganizing the Government, ridicules the President's efforts to hold down spending, promises $45 to $50 billion in new spending for special interest groups while he wins the nomination, and then turns around, with that record of big spending, big Government spending, and big promises, and says, "Oh, by the way, I am going to be honest with you. I am going to raise your taxes," I think at least he is letting the American people choose.

If you want a liberal welfare state that has massive tax increases taken from your take-home pay, if you want less take-home pay, you have a candidate for President, and his name is Walter Mondale.

Now, Governor Cuomo goes on—and I have to say that I have the greatest admiration for the chutzpah which seems to be built into professional Democratic politicians—and having given a brilliant, emotional, impassioned, classic attack speech, he blames Ronald Reagan for "incendiary rhetoric." I could not quite believe it when I went back and reread the text of Governor Cuomo's speech. After beating up on Republicans and after beating up on President Reagan, saying wild, almost hysterical things, he then attacks Reagan for "incendiary rhetoric."

Just let me read part of his quote here. He says that the world is more dangerous—and he is blaming Reagan now—and that Reagan has done this "by escalating into a frenzy the nuclear arms race."

Now, it takes a liberal Democratic world view to blame Ronald Reagan for the nuclear arms race. The Soviet Union has been putting three SS-20 missiles a week into Eastern Europe. Those are theater-level nuclear missiles. The Soviet Union has been building up its forces inside the Soviet Union. The Soviet Union is apparently planning to test its third new model of intercontinental ballistic missile in violation of some agreements we have.

□ 1240

All President Reagan has done is fulfill promises made by Jimmy Carter. It was President Carter who proposed building the MX. It was President Carter who proposed putting the Pershing II in Western Europe at the request of our allies.

In great elections held in Germany, in France, in Britain, the parties which favor the United States and NATO putting missiles into Europe to protect Europe have won, and yet in this setting it is Ronald Reagan, according to Governor Cuomo, who escalates to a frenzy the nuclear arms race.

There seems to be a habit among liberal Democrats, as Senator GOLDWATER recalls, to blame America first. Whatever happens in the world, blame America first.

I was in a call-in show last night and a man called in and said, "The Reagan administration rigged the shooting down of the Korean airliner by the Soviets in order to pass a defense budget in the Congress."

And I am serious, my colleague from Pennsylvania is laughing, but he said, "I don't know how they managed the timing, but it was brilliant that they were able to manipulate the Soviets into shooting down a Korean airliner just the weekend before the Congress voted on the defense budget."

Now, aside from the savagery of suggesting that an American President would kill almost 300 innocent civilians flying in an airliner to pass a bill, the insanity of believing that the peaceful, harmless, Soviet Union was tricked by the militaristic aggressive Americans into shooting down a Korean airliner, you know, is almost outside the bounds of reason.

How do you talk to people like that? I mean, their version of the world would have blamed Neville Chamberlain and Winston Churchill for World War II because they scared Adolf Hitler.

How do you deal with people who have that kind of a world view, and yet elected Democratic politicians foster that belief? It was a liberal Democrat in this House who said in effect last year that the Soviets had to shoot down the Korean airliner because after all we threatened the Soviet Union so they were afraid and they had no other choice, and it was a New York Democrat who said that.

Consider this statement from Governor Cuomo:

> We give money to Latin American governments that murder nuns and then lie about it.

Now, I want to repeat that sentence because it is so totally untrue, that if politicians were subject to libel suits, Governor Cuomo could be sued: "We give money to Latin American governments that murder nuns and then lie about it."

I presume he is referring to the tragic killing of four nuns in El Salvador, who were not killed by the Government of El Salvador, whose murderers under considerable pressure from this Congress and from the Reagan administration were ultimately brought to justice, were tried and convicted.

Is there any mention in here about the fact that it was a free democratic Government of El Salvador that forced those men to go to trial? No.

Is there any indication in here that it was a free democratic Government of El Salvador that worked with the United States to try to clean up the police force of El Salvador? No.

Is there any sign in here that there are far fewer deaths in El Salvador under Ronald Reagan than there were under Jimmy Carter? No.

Instead, what you have is an absolutely false, vicious statement, that Governor Cuomo should have been ashamed for putting in a keynote address.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield.

Mr. WALKER. I think it is also important to note that while he was using that as an indictment of Ronald Reagan, the nuns were killed during the Carter administration and not during the Reagan administration and in fact it was the Carter administration that decided to put military aid into El Salvador following the murder of the nuns in that country, so that even the indictment of Ronald Reagan, let alone as the gentleman points out the indictment of the Government of El Salvador, even the indictment of Ronald Reagan is just wrong on all counts.

Mr. GINGRICH. Let me understand this. It was under Carter-Mondale that the nuns were killed and it was a Carter-Mondale administration deci-

sion to go ahead and continue and in fact to increase the financing of the El Salvadoran Government in an effort to stop the Communist efforts that were coming in from Nicaragua?

Mr. WALKER. The gentleman is absolutely correct. That is the real historic pattern and the Reagan administration has simply followed on in El Salvador the policies that were begun under Carter-Mondale. The 55 advisers that are in there are advisers that were originally committed under the Carter-Mondale administration and it was also the Carter-Mondale administration that decided to put military aid into El Salvador in the first place, another policy which this administration has continued.

So Governor Cuomo in trying to indict Ronald Reagan is in fact doing a devastating indictment of the man who ultimately became the nominee of the party.

Mr. GINGRICH. Well, it is interesting that there was apparently no indication in the Mondale camp to correct this speech. Presumably they saw the speech in advance.

Mr. WALKER. In fact, I saw one television reporter try to raise the question with somebody from the Mondale camp and it was shrugged off as being just kind of nonsense, that we do not even want to discuss that kind of thing.

Mr. GINGRICH. Well, I think the gentleman is raising exactly the point I wanted to start today and continue with during this 3-week break between the conventions.

It is a very hard thing to say and I know many of our colleagues will be very upset with me for saying it, but the fact is the Democrats have gotten into a habit recently of making up whatever statement will help them at that moment, without any reference to facts, without any reference to historical reality, without any reference to the world they live in.

This San Francisco convention was a classic example. Let me continue.

Again, this is in a speech which he argues should be calm and rational.

He goes onto say:

> Our policy, our foreign policy drifts with no real direction other than in hysterical commitment to an arms race that leads nowhere if we are lucky and if we are not, it could lead us to bankruptcy or war.

Now, I would suggest that this summarizes the central weakness of the liberal Democratic foreign policy. Arms races do not lead to war. In fact, there is a recent study out that looked at arms races over the centuries. Arms races are started by countries that are afraid of each other, sometimes for good reason.

Was it the British arms buildup in 1938 and 1939 that led to World War II and therefore were they responsible for Adolf Hitler having started World War II?

Was it the American naval buildup that led to World War II in the Pacific?

Can you really make a strong case that with the Russians invading Afghanistan, with the Iranians becoming more and more powerful, with the North Vietnamese launching offensives in Southeast Asia, with the Cubans in Nicaragua establishing a Communist base and efforts by the Communists to establish satellites or colonies in Honduras, Guatemala, and El Salvador, that it is an hysterical American commitment to an arms race that is the problem?

In other words, it is not the Russians. There are no real dangers in the world, except that Ronald Reagan likes weapons; but then the gall of the next statement:

> Of course, we must have a strong defense. Of course, Democrats are for a strong defense.

Let me just say, as somebody who serves in this House of Representatives, that is baloney, There is no "of course" to it. There are a large number of Democrats who do not believe in a strong defense and if you do not believe that, you can look at the voting record right here on the House floor. There are some Democrats who have never in their entire career voted for a defense bill. There are other Democrats who systematically voted for every weakening amendment. There are some Democrats, conservatives and moderates, who are for a strong defense. There are other Democrats, moderate liberals, who are for the strongest defense they have to have, but there are a heck of a lot of liberal Democrats who are for a very weak defense indeed.

He goes on to say:

> Now we have no real commitment to our friends or to our ideals, not to human rights, not to the refuseniks, not to Sakharov.

That has got to be one of the most incredible sentences about foreign policy I have ever read. Remember, Governor Cuomo's party is in the process of nominating a Vice-Presidential nominee who had voted for the Studds amendment which would in effect have required pulling out of Central America.

The liberal Democratic leadership in the House is against any kind of pressure covertly on Nicaragua, has been willing to weaken our position in Central America, and to suggest that it is Reagan who has no real commitment to our friends after the 3½ years of fighting with the liberal Democrats in the Congress to be able to help the European allies, to be able to help people in the Middle East, to be able to help our friends in Central America, to suggest that we have no commitment to the refusniks and to Sakharov, when it is the Reagan administration which has been putting active pressure on the Soviets or the liberal Democrats passed paper resolutions, it takes a pretty good bit of gall to write and deliver that sentence.

□ 1250

Let me go deeper.

Mr. WALKER. Will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Is it not true that much of the incendiary rhetoric that was referred to in the course of the Democratic Convention by a number of speakers is, in fact, the very language that the President has used in order to point out the kind of things that are happening in the Soviet Union, the human rights violations, the problems that led to a Sakharov being put in virtual isolation and prison, that it is precisely because Ronald Reagan says those kinds of things that the Democrats call that an attempt to raise fears and undercut our ability to deal with the Soviets. Yet, then they want to turn around and blame him for the fact that Sakharov has not been freed.

It seems to me that once again they have a double standard that is completely irrelevant in the real world.

Mr. GINGRICH. I think you are exactly right, and I think that it is again part of the process of I think almost total irresponsibility in managing to focus only on the United States as though we were the primary problem in the world.

He goes on again, talking about what Democrats believe, and he says:

> We proclaim as loudly as we can the utter insanity of nuclear proliferation and the need for a nuclear freeze, if only to affirm the simple truth that peace is better than war because life is better than death.

Obviously there is an enormous threat to nuclear proliferation. Obviously it is frightening to all of us to imagine a Khomeini in Iran or a Qadhafi in Libya with nuclear weapons.

The question is in the real world how do you get there? How do you negotiate? How do you talk it out? How do you have real things happen?

Under the Carter-Mondale foreign policy, a policy of weakness and appeasement, the Soviets so misunderstood what the United States stood for that they invaded Afghanistan thinking we did not matter. The Iranians so misunderstood what the United States stood for that they took over an American Embassy and held it for over a year becasue they thought we did not matter. The Communists extended their grip in Nicaragua and refused to hold the free elections that they had promised and began a guerrilla war in El Salvador.

The North Vietnamese Communists extended their fighting throughout Cambodia.

Under the Carter-Mondale administration American weakness led to more death, not more life. It led to more slavery, not more freedom. It led to the horrors we are now seeing in Afghanistan where literally thousands and thousands of people have been killed.

So I would suggest that the issue is not whether you are for life or death. In a speech that was ostensibly rational, that is an incredibly emotional option. The question is how do you achieve life. Do you achieve life through weakness, through appeasement, through avoiding any kind of confrontation under any circumstances, or do you achieve life through strength, through purposefulness and by clearly communicating what you stand for to your competitors?

Finally, two last points. A brief one, Governor Cuomo referred to "the last 4 years of stagnation."

Again, that simply is not true. We are in the middle of a recovery which is the strongest job recovery in post-World War II America. We have created by now I believe the figure is in excess of 7 million new jobs. We are at a point where unemployment has dropped lower than it was when the Carter-Mondale administration left office and we have done it without rekindling the fires of inflation.

You can read all of Governor Cuomo's speech, all of the speeches at the Democratic National Convention and it is as though there was never a Carter-Mondale administration. You will never hear a single Democrat get up and talk proudly of the 21-percent interest rates under Carter-Mondale. You will never hear a single Democrat get up and talk proudly about the 13-percent inflation that was destroying the American economy under Carter-Mondale. You will never hear a single Democrat get up and talk proudly about the collapse of the American Midwest under Carter-Mondale.

It was under Carter-Mondale that the auto industry collapsed. It was under Carter-Mondale that the steel industry collapsed. Michigan, Ohio, western Pennsylvania, Buffalo, New York, all of those areas decayed under Carter-Mondale.

Now the recovery is finally starting and Governor Cuomo has the gall to suggest, to say flatly that it is the last 4 years that have been stagnation. Oh, no, that is simply not true.

We took over an absolute disaster in the beginning of 1981. The Carter-Mondale legacy of high taxation, high interest rates, high inflation had crushed the American economy. In the last 3 years we have gotten our house in order well enough that we now have a strong, solid recovery and some people are even beginning to suggest that that recovery might go on into 1985 and 1986 and beyond.

And if we have sound fiscal policies and we do not raise taxes massively like Mondale is promising, I think that recovery may go on.

Mr. WALKER. Will the gentleman yield again?

Mr. GINGRICH. I will be glad to yield.

Mr. WALKER. I thank the gentleman for yielding.

I think it is well to point out that as we are speaking on the floor this afternoon, this is a day when we had an announcement that the economy's growth during the 2d quarter was at a level far higher than anybody had predicted, that the economy grew at a 7.5-percent annualized level during the 2d quarter.

Once again, all of the so-called experts and pundits were totally shocked by the growth of the economy.

The gentleman is absolutely correct in stating that many people now believe that the economy is going to continue to be robust throughout the rest of this year and into the next year, that both business and consumer spending are at a remarkably high level, which means that more and more people are going to be put to work. So the Democrats are not going to want to talk about 7.5 percent unemployment under the Carter-Mondale administration either. The point is that throughout the Democratic Convention we heard a lot of talk about the fact that this was only a temporary recovery. That was the way in which they characterized the present state of affairs to get the problem of good economic news off their back.

They said, well, it may look good right now but we all know that it is going to look awfully bad in a matter of just a few weeks or a few months.

The fact is that the figures out just today show that to be a falsehood as well. We have a recovery which is proceeding very, very robustly and can be expected to carry forth for a number of months ahead.

I thank the gentleman for yielding again.

Mr. GINGRICH. I think the gentleman's point is correct. Maybe one of the reasons they kept talking about the temporary recovery was because they knew Mondale was going to promise a massive tax increase. And maybe their entire strategy is if they win they will prove Reagan was not succeeding by taxing the American public so heavily that we resume the Carter-Mondale tradition of economic collapse. And they may know something that you and I do not know.

Mr. WALKER. If the gentleman would yield further, if Mondale is not elected we can assume that the House of Representatives will try to impose those taxes anyhow to try to stem off the recovery. They are not about to lose an election and then allow this recovery to go on. They have been trying to get those taxes increased around here ever since you and I have been here.

I do not find Walter Mondale's statement at all out of line with what we have heard constantly on this floor. All we ever hear from the Democrats on the floor is to cut the deficit by raising taxes, and that is entirely consistent with the party policies that we have seen around here.

Mr. GINGRICH. It is fascinating to read all of their talk about the deficit. They say in their platform "We oppose the artificial and rigid constitutional restraint of a balanced budget amendment."

In other words, the one thing the American people have rallied to, which is clearly the liberal Democrats in the House are not going to balance the budget, and therefore we should pass a constitutional amendment, the one thing that we could vote on this year that would genuinely constrain us, they are not going to be for. The one thing that the American people do not want, which is the massive tax increases they are for.

Mr. WALKER. Is the gentleman saying that in the party platform which supposedly expresses traditional American values that the Democratic Party came out against a balanced budget?

Mr. GINGRICH. The Democratic Party specifically is opposed to a constitutional amendment to require a balanced budget.

Mr. WALKER. Which you and I know is absolutely essential if we are ever going to effect the discipline which will allow this House and even our brethren in the other body to get to the point that we will approve a balanced budget and have a balanced budget as a part of the operational mechanism of the Government.

Mr. GINGRICH. It is absolutely fascinating if you look at the combined deficit figures and the Federal Government on the one hand and the State and local governments on the other, living in the same country with the same economy that at the present time State and local governments, most of which have a limit on how much they can spend, are running a massive surplus, something like $70 billion or $80 billion in surplus while the Federal Government, which has no limit on what it can spend, is running a deficit.

□ 1300

Now the lesson I would learn from that is that a constitutional amendment to require a balanced budget would force precisely the changes which the liberal Democrats claim they favor but, in fact, are absolutely

opposed to in terms of constitutional reform.

Mr. WALKER. I think if the gentleman will yield further, it is important to recognize that many of those States now running massive surpluses were running massive deficits under the Carter-Mondale administration.

It was not really deficit, they say they simply did not have surpluses and were having to raise taxes in order to keep those budgets balanced because with the economic downturn they found themselves in dire economic straits.

They have been beneficiaries of the growth taking place in the economy; it has produced surpluses in their treasuries because they have the restraint of a balanced budget.

If we would proceed to have the kind of growth within the country that would then get reflected in the Federal budget with us disciplining ourselves through a balanced budget, we too could have surpluses just like they are seeing across the country but it will not be seen so long as the Democrats in this House continue to prepare appropriation bills that spend every dime that we take in, plus some, plus all of the money that we get extra that is achievable because of the growth.

Mr. GINGRICH. I think the gentleman is exactly right. I want to in that sense draw a distinction here between words which are cheap and the passionate oratory which came out of San Francisco about deficits and the fact about this House floor.

Liberal Democrats on the House floor vote again and again for more spending. They are consistently ranked by the National Taxpayers Union as big spenders, they have a habit and the Democratic Vice Presidential nominee certainly fits this pattern; the record is clear that for all their talk about deficits what they mean when they say deficit is they are going to raise our taxes.

They do not mean they are going to control spending; they do not mean they are going to reform waste; they mean they are going to raise taxes.

Mr. WALKER. By far the best example of that was the other day when we had a very unusual event, when our colleague from California, Mr. LUNGREN, came to the floor and said there was a $20 million item down in a bill to build a Federal building out in his district that was not needed.

He said we do not need the building. He offered an amendment to take it out, saying, "Let's get rid of this building and save at least $20 million." The liberal Democrats lined up and voted in favor of a building that the Congressman from the district said was not needed and he did not want.

Mr. GINGRICH. You are right. It is probably a classic case in American government in that here you had a gentleman who actually got up and said, "The Government wants to build a building in my district. Far from wanting the pork barrel I have looked at it, I do not think we need it, I am willing to give it up. I will go home and take the heat, we can save $20,000,000."

At which point the liberal Democrats said, "Oh, my goodness, don't do that; build it even if you don't need it, build it now." I thought it a classic case. If someone studies the voting record on that particular amendment, they will discover that virtually every liberal Democrat who runs around worrying about the deficit, voted in favor of spending that extra $20 million even over the opposition of the man whose district the building would be put in.

Let me finally turn to, I thought, a beautiful section Governor Cuomo had about the family. He said, "The idea of family, mutuality, the sharing of benefits and burdens for the good of all." He went on to say, "We believe we must be the family of America."

Now, I want to make a clear case and we hope in the near future to spend more time on this and Congresswoman BOBBY FIEDLER of Los Angeles has done some tremendous work in this area as has Bruce Chapman down at the White House, former Director of the Budget.

Let me make this case, because just as I think in his earlier assertion that it was Democrats in Government who had carried Americans to new levels of affluence, Governor Cuomo stated more than he meant to.

Liberal Democrats genuinely believe in the Government as the replacement for the family, that in fact the Government can step in and do for the family what the family cannot do for itself; that in fact the Government in the end is better than the family, that when in doubt it is the Government bureaucracy and not the family which should make the decisions.

The result is stronger and stronger Government and weaker and weaker families.

It is a frightening thing to realize that for example last year for one group of Americans only 45 percent of their children were born into homes that had fathers living there, only 45 percent.

It is a frightening thing to realize that the welfare state has lured more and more young girls into pregnancy while teenagers, has given them free housing, free food stamps, free medical care, but left them trapped. It is a frightening thing to look at the statistics on the impact of the welfare state on the whole concept of the family.

And it is no accident that Walter Mondale, when he was a Senator in the early 1970's, did a great deal to pass the kind of Government liberal welfare state bureaucracy which cripples and ultimately erodes and indeed destroys the family.

The challenge I would raise is simple: While those of us who want to build a conservative opportunity society believe in the family, the liberal welfare state advocates, liberal Democrats believe in the Government as family, believe in the Government as nurturer, believe in the Government as the agency to take over and ultimately to preside over things which historically the family did.

And in the near future I hope to have the time to bring to the House's attention the pioneering work done by Congresswoman FIEDLER and by Mr. Chapman and the recent writing by a number of scholars which proves conclusively that one of the byproducts of the liberal welfare state is to separate males from their responsibility; to encourage male irresponsibility, and as a result to encourage female deprivation, because again and again it is the male who walks off and it is the female who is left behind with the children.

And the hard lesson we are learning, which I fear Governor Cuomo had not yet learned, is that the Government and the State are not a substitute for a real family; that no matter how many bureaucrats you hire, no matter how many agencies you set up, no matter how many free goods and services you create, they do not replace the family; that there are spiritual, mental, moral things, goods, attitudes, behaviors which would come only from a family environment and the destruction of the family in that setting by the welfare state and the encouragement of more and more young people to end up in situations where they are trapped, where the children will grow up without their fathers, where the fathers are taught to be irresponsible and where the mothers are being trapped into proverty; is a direct consequence of liberal welfare state ideas which in the end did not work.

I have personally recently had two different public housing authorities from two different towns in my district tell me of young girls who walked in and said, "We want to live in your housing authority." And they were told, "Well, you have no children, you have no family; you would be very far down on the waiting list." And both housing authority directors told me in separate stories the girls promptly laughed and said, "We know how to go to the top of the waiting list." And they said, "What do you mean?" And the girls said, "It is simple, if we get pregnant and we have no father you have to give us housing."

Those stories sound incredible. I have permission and will bring to the floor later letters from the housing directors citing the date, not using the name of the young ladies but saying,

"What can we do when the liberal welfare state of Carter-Mondale, of Governor Cuomo, creates an environment in which 14-, 15-, and 16-year-old girls are learning through the grapevine that if you want to move out of your house and away from your mom and your dad, if you want to go out and be on your own and be an important person, if you want to get away from all those nasty teachers in the high school, all you got to do is get pregnant and the Government will take care of you."

Lest you think I exaggerate, as I said a few minutes ago, the level of male irresponsibility has gone up dramatically. It has tripled for some American groups in the last 20 years.

That is really what we are talking about. We are not talking about the child, we are not talking about the mother. We are saying that the welfare state now encourages the father to leave his children behind and wander off.

And to do so as often as he can find somebody interested. And the rest of us take care of them. But it does not work. It does not work because money and food stamps and public housing and free health care are not the same as a real family and in the end, it traps the woman. She grows up with three or four children without a high school degree, without a job, without any work experience and suddenly at 25 we have a single head-of-household female, a mom with no helper and she is not employable and we have a whole new set of opportunities for the welfare state to begin to try to correct the problem the welfare state created.

□ 1310

And so when Governor Cuomo says that the Democrats see the family in this sense we believe we must be the family of America, he is precisely wrong because Government cannot be the family of America. The most Government can do is create conditions that help families and that may explain in closing why, for example, Bradley-Gephardt, which is the liberal Democratic tax reform proposal, in effect, punishes children. It gives twice as big a tax deduction for adults as it does for children, at a time when the deduction for children has declined dramatically because of inflation from what it was under Harry Truman. When the Kemp-Kasten bill would double the deduction for children, the liberal Democratic version would leave it at far too low a number. And, in effect, would discriminate against young people and children.

So I think as you look at the lessons of San Francisco it is very clear that it was an emotional meeting, it was an exciting meeting, the speeches were emotionally brilliant, there were times when they were just plain wrong factually, there were times when they were out of context. There was a remarkable lack of going back to the Carter-Mondale ticket. It is amazing how often they got all the way back to Franklin Roosevelt, but they managed to miss the Carter-Mondale administration. There was not a single reference to the record of 1980, to the unemployment, to the inflation, to the pain, to the fear. It is as though Mondale was not the second half of the Carter-Mondale ticket, as though there had been no Democratic Party in charge of the House for the last 30 years. There was not a single reference to the role of Democrats in Congress in creating the deficit. At least I challenge my good friends on the left to find me—because I did not watch the whole convention—but I have not yet found—and I would be delighted if they would bring one—any reference to the possibility that when they have controlled the House for 30 years they had some responsibility.

There was an absurd emphasis on Washington's role in world tensions and a dramatic understatement of the role of the Soviet Union, of Khomeini in Iran, of Qadhafi in Libya and of the threats we face around the world from terrorism and from communism.

In that sense I think this is a convention well worth looking at in some detail and in the next few days I hope to take several more opportunities to look at specific speeches and to look at the platform and to place them in historic setting.

CHECKOFF FUND

The SPEAKER pro tempore (Mr. SAM B. HALL, JR.). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I hope our colleagues going to the Dallas nominating convention will get the same lift to their spirits as I did from the convention just held in San Francisco. We are demonstrating to the world the glories of political freedom in these United States of America. How powerful and precious are our voting rights and our secret balloting system.

One of our last actions before we recessed for the Fourth of July celebrations and the Democratic Convention, was to pass H.R. 5950 which increased the Federal contribution to our quadrennial political party Presidential nominating conventions. Our primary purpose in passing that bill was increased security for those conventions. The price of liberty is eternal vigilance. I voted for it.

The dollars needed for that security came from the Presidential election campaign fund. That fund gets its moneys from the 25 to 28 percent of the taxpayers who, annually and voluntarily, choose to check the appropriate place on their income tax form which says they allocate $1—or $2 if the return is for man and wife—for the Presidential election campaign fund. The tax funds so allocated are then taken from the general revenues and can be used only for the Federal political process.

Mr. Speaker, we are now authorizing the operating costs of the Federal Election Commission directly from general revenues. The Commission's primary purpose is to protect our Federal political process from taint or corruption. Just as we can allocate a sum from the income tax checkoff fund for security at national political conventions, we can allocate a sum from that fund to pay the operating costs of the Commission.

The Federal Election Commission estimates that the balance remaining in the check-off fund after the 1984 campaign will be approximately $100 million. They also estimate that an additional $35 to $40 million annually will be added to the fund through 1988. The fund is taking in approximately twice what it is spending. There are more than ample funds to pay the approximately $13 million needed annually for operation of the Commission.

Mr. Speaker, if we pay for the operating costs of the Commission from the income tax check-off fund, those sums will no longer have to be taken from the general revenues. Our Federal deficit will be that much less than it is.

To that end, Mr. Speaker, to reduce the Federal deficit, and the debt which mortgages our children's future, I introduced H.R. 3639 which provides for funding of the Federal Election Commission from amounts designated for the Presidential election campaign fund.

Reducing our deficit and debt provides us greater economic security. Taxpayers will appreciate that security as much as we appreciate the security provided our national party conventions.

Mr. Speaker, I urge the same speed and effective dispatch for H.R. 3639 as we gave H.R. 5950. We have everything to gain and nothing to lose from its early enactment.●

HIGH INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, at the end of the session, before we adjourned for the Fourth of July and Democratic National Convention, I placed into the RECORD, for the first time without actually delivering on the House floor because of the lateness of the hour, reference to the sub-

ject matter that has monopolized the time that I have felt it necessary, almost compulsory, to address the House and my colleagues with respect to what I consider to be the most critical and crucial issue facing the American people and for which they have suffered and will continue to suffer and endangering the entire economic structure and well being of the traditional American standard of living that has so much eroded comparatively with other nations internationally and comparatively internally, domestically.

The prime and the most immediate cause of course are the exactions through what we call interest rates, usurious, absolutely unjust, uncalled for, and detrimental to the well being of every single economic component of our country.

As chairman of the Subcommittee on Housing and Urban Affairs, I have repeatedly called the attention of my colleagues to the fact that there is such an intimate relationship between the soft underbelly of our economy and such things as the home construction and such things as business ventures. And the highest rate of business closings, bankruptcies, have been recorded in just the last year, outpeaking the highest rate of the Depression, the rate of bankruptcies.

True, when we make comparisons, they tend to be odious because our country, during the Depression period, was a lot smaller. So, therefore, we can reasonably assume and sort of extrapolate these figures to prove one thing or another.

The fact that is inescapable is that these usurious exactions by way of interest rates cannot continue much longer without irreparable, irreversible damage to the economy and to the standard of living of America.

At no time in the history of mankind has any society been able to survive in a viable way economically, socially, and otherwise with usury and with what I call absolutely unconscionable rates of interest.

In the type of society and economy that we have structured, particularly since World War II, high interest rates are not only corrosive, they are destructive because on the premise, what I call the two-legged stool that was the American economy, mass production based on mass consumption, we had immediately after World War II the greatest development known to man in mass credit. But mass credit predicated on very low and reasonable interest rates.

Interest rates is a mechanism by which the wealth of a society is transferred. There is no other way of describing it, even though to hear the apologists for high interest rates you would think otherwise. But the truth is that interest rates is the mechanism by which the wealth in a society is transferred from individuals and collectivities to collectivities and individuals. At no time in known established human history, no matter what form of government, no matter what form of society and going all the way back to extant human history, the days of the kingdom of Hammurabi to the days even of Jesus Christ, as Jesus Christ lived, there were strong laws against usury, absolute vital strong laws, sometimes punishable by death.

I have had citizen after citizen ask me, citizens ranging all the way from those I met in the adjoining State of Virginia, in my home town, my home State of Texas, in the 17 States that I have taken the subcommittee or myself in behalf of the subcommittee, within the last 3 years, the latest being the State of Alabama, which the subcommittee went to Birmingham in order to hold hearings on the relationship between our housing and urban development programs such as devised and erected by the Congress in the last 30 years and which have been intended for closure and eradication by this administration. And only the will of the Congress has prevented that, even though we have won a marginal victory inasmuch as what we have is a survival of the programs, not a really congressionally intended carrying out of the program.

Interest rates. How come we take for granted now over 17½ percent on long-term, fixed, 30-year mortgage interest rates?

□ 1320

There is no way the average American family can afford to purchase a home this way. We have had hearings recently by the subcommittee on what is known as the adjustable rate mortgages [ARM's], or the ones that were concocted right before the adjustable rates known as graduated payment mortgages. In fact, they were so antagonistic to really providing the means for the average American to buy a home with that down in the grassroots countries they called the graduated payment mortgages gypums, because that is exactly what they were. And all they have done is to postpone the day of atonement, the day that they will have to pay, that little family temporarily being able to get a mortgage, pay that high interest rate which the first year or so has been toned down, reversible rates. But the day of reckoning is here now. So we are again entering an extremely high rate of mortgage foreclosures, exceeding the highest point of the Depression years. So that more than 1 year and 4 months ago, this House passed, after our insistence on the subcommittee, what we called the Home Mortgage Assistance Act, emergency act, if you please. We managed to pass it out in May of last year, 1983, overwhelmingly, by more than a 115-vote margin, despite strong, solid opposition by the administration and the minority party of this House decided to vote, with very few exceptions, along party lines.

What is that? It is languishing in the Senate, where the Senate leadership, controlled by the administration, is letting it die on the vine. In the meanwhile, just a little bit of a lifeline that this represents—it was not even what I think we would and should have done, because it provides for repayment at a higher interest rate that I think is conscionable. Yet something is better than nothing. And the very same opponents were saying that this kind of program should not be provided an average American family, whose only identification with its country is a little lot and home that it could call its own, that it was wrong, was spendthrift. But those same voted for $8 billion for the International Monetary Fund so that it could provide 50-year loans at below 3-percent interest rates to some foreign country that cannot even pay the interest on its loans to our own bankers that are now threatening the whole system, our whole banking system.

Now, there are those who say, "Do not be an alarmist, because this will trigger something horrible." But what is going to happen when we have a rerun, except multiplied by a couple of times, what has happened already with the Continental Illinois Bank? What is going to happen? Nobody wants to ask because everybody is scared stiff that they do not know what to do.

Some of us have been talking on this matter for more than 17 years, anticipating this very thing. What nobody talks about at this point is the concomitant high interest rates over which we have no power to control because it is an international force over which we have absolutely no power. And that is what some people call our balance of trade deficit. One depends on the other, the reason we have reached not only the most monstrous deficit rate—forget about that—but the highest and the most gigantic international trade deficit. Now, this we cannot piddle around with. And yet you do not hear anybody in or out of the Congress, in or out of the White House, even discussing it, other than to say, "It will turn around."

But why? Because the high interest rates have reached such a flagrant state of injustice that even the European industrialized nations have protested in vain to our leaders to do something about it. In the meanwhile, the idea is rampant and had been for years that there is nothing you can do about interest rates, that interest rates are like an act of God.

I have had three Federal Reserve Board Chairmen come in and talk that

way to the committee I belong to, which is the Banking Committee that I have had the honor to belong to since I have been here, 22½ years. So I think I know I have heard all of the economists of any note, I have heard three Federal Reserve Board Chairmen. But what are they? Are they amenable to the American people? Absolutely not. The Federal Reserve Board is not a Federal entity, it is not a Federal agency, it is a private ongoing concern now thoroughly in the hands of seven of the largest banks in our country that have been so injudicious that they have gone out and loaned more than their total assets, their capitalization structure, to countries that cannot even pay the interest on those loans. So who is bailing them out now? The taxpayer of this country. At what rates? At rates that in the meanwhile are strangling enterprise.

There is no businessman that I know—and I know many—who can afford to go out at more than 18 percent and borrow even $3,000 to sort of improve their inventory for their little business. I do not know of any that can do that for long, much less over a period of a year or two. And yet this is exactly what is flagellating our country. And do you mean to tell me that nothing can be done about it? Prior Congresses have. Prior Presidents have. But one thing that they did not have was to let these forces take over the economic, the fiscal, the monetary destiny of a country. This has always been the issue since the beginning of our Nation when we had the First Continental Congress, the First and the Second. That was the issue, the creation of the North American Bank and the chartering of it and what the interest would be allowable that those bankers could charge.

Thomas Jefferson fulminated in language that today is considered a lot stronger than any that is being used in the modern world against those interests. He knew that those interests through time immemorial and up to today have only one single loyalty, and that is certainly not to the greatest interest of the greatest number of the country. Yet that is what is in control today. For the first time we have allowed those interests to take over the economic, the fiscal and the monetary destinies of this country, without being accountable to the American people, because the Federal Reserve Board in turn is not accountable the way it is operating now and the way the Congresses have let it. The Congress created the Federal Reserve Board, yet, in speaking to the majority of my colleagues and to the chairmen who have come over and talked to us from the Federal Reserve Board, you would think that the Federal Reserve Board was an entity that was independent and must have been created in some heavenly action not amenable to control by the President, not accountable to the Congress. But the Congress has the means. It created the Federal Reserve Board. It certainly can control its own creation if it once divests itself of the myth of so-called independence of the Federal Reserve Board that it has got to be so independent that it is unaccountable.

You have had things that have been downright wrong and criminal happen in the deliberations and actions of the Federal Reserve Board that have damaged—they have damaged—the economy and, moneywise, the taxpayer. Yet there is no Inspector General over there, they do not allow any audit by the Congress because the Congress has been pusillanimous and has refused us the bills we have introduced to bring about strict accountability and auditing. There is no country in the world, even in the oldest established institutions in Europe, that conduct their money business this way. The American people have been sold down the river, and the fact that you have usurious, unconscionable exactions by way of interest rates should not be a surprise to anybody.

I have had these businessmen, whether they were the small businessmen I met in Virginia, or in my home State, or in the 17 other States that say, "Hey, Congressman, we always thought there was a law against usury." Well, of course, there used to be; there is not any more. Those who say that a law cannot help, well, let me say, the law does educate. That is why we have laws against murder. That is why we have laws against other crimes. I am sure that when those laws were first drafted, there were those who said that you cannot prohibit such things as murder by law; you cannot pass a law that is going to prohibit murder.

It is the same thing that is being said about high interest rates; usurious interest rates. Not high interest rates; usurious interest rates, that by any prior definition would be considered illegal, and therefore culpable under the criminal statutes.

I say that all of the Federal money, all of the subsidies given business, and there are many; billions of dollars. All of the tax giveaways, especially the one in 1981, the direct, immediate cause of this monstrous fiscal deficit. All of those I can give them back if you will just give me a strong, anti-usury law at 6 percent.

We have advocated, as well as have spoken out against this at times where there was absolutely nobody predicting such interest rates as would exceed 10 percent even. It was unthought of just 15 years ago. In fact, just 12 years ago. Some of us were speaking out because it was obvious, you do not have to be an expert. You do not have to be a banker; you do not have to be a big financial expert or economist of high regard to know that if, if, the most priceless ingredient of all, that is, the element by which the wealth of a nation is transferred is not controlled in the public interest by somebody, and our Constitution says that should be us: The Representatives of the very same people that have been stripped naked of all protection.

There is no question in my mind that business cannot flourish, no matter what delusions of the moment are propagated. That individuals cannot prosper and flourish with usury. No country has, and no country ever will. We have advocated some specific acts that the Congress could take. We hope that somehow before crisis, remember times of crisis do not bring forth temperate, judicious legislation. There is time, maybe, maybe not. I fear that right now it is a rat race between this house of cards, internationally speaking, collapses, before November 6, or maybe it will hold out until a little after November 6.

It is a force that we now can no longer control. What will happen in these other countries will inescapably impact us, and we will have very little power now. We have sold out our last leverage that we had a few years ago, that some of us were actually on this House floor and on the record advocating our then leadership take to prevent the very processes that have set in now.

As I say and repeat, there never has been a time when I have spoken critically without some recommendation as to what can be done. Some constructive, some creative action that is feasible, that is constitutional, that can and should be taken. I say to my colleagues, those particularly that will be reading these remarks in the RECORD, that I would intend to follow through on this with more specific details as I did in the last RECORD of the last day we were in session before we adjourned, which the end of June past.

There I did not utter for the first time those words on the floor; they were prepared. I had an opportunity to prepare them, unify them, and present them in writing for the RECORD. So they are what I call "bullet-marked." To those of my colleagues that have contacted me in the past with respect to this issue, I suggest please read those remarks, and then if you are interested, let us get together.

I think that no political party, whether it is the in's or the out's are showing any kind of visible signs of addressing this issue. The Congress has the responsibility; it is inescapably ours. The Congress has not risen to the occasion. So, therefore, if the peoples' Representatives do not rise to the occasion, who else?

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MARTIN of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, July 24.

Mr. GINGRICH, for 60 minutes, July 25.

Mr. GINGRICH, for 60 minutes, July 26.

Mr. GINGRICH, for 60 minutes, July 27.

(The following Members (at the request of Mr. CORRADA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. PEASE, for 60 minutes, August 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CORRADA) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mrs. LLOYD in five instances.

Mr. MOAKLEY.

Mr. SKELTON.

Mr. OBERSTAR.

Mr. DYSON.

Mr. STARK.

Mr. CONYERS.

Mr. GARCIA in two instances.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 29. An act to recognize the organization known as the Polish Legion of American Veterans, U.S.A.;

H.R. 3075. An act to amend the Small Business Act to establish a small business computer security and education program, and for other purposes;

H.R. 3169. An act to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries;

H.R. 3825. An act to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes;

H.R. 3922. An act to establish a one-year limitation on the filing of claims for unpaid accounts formerly maintained in the Postal Savings System;

H.R. 3927. An act for the relief of Kenneth L. Perrin;

H.R. 4170. An act to provide for tax reform, and for deficit reduction;

H.R. 4308. An act granting the consent of the Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service;

H.R. 4616. An act to amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 per centum of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes;

H.R. 4997. An act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes;

H.R. 5154. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, pace flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

H.R. 5155. An act to establish a system to promote the use of land remote-sensing satellite data, and for other purposes;

H.R. 5174. An act to amend title 28 of the United States Code regarding jurisdiction of bankruptcy proceedings, to establish new Federal judicial positions, to amend title 11 of the United States Code, and for other purposes;

H.R. 5404. An act allowing William R. Gianelli to continue to serve as a member of the Board of the Panama Canal Commission after his retirement as an officer of the Department of Defense;

H.R. 5653. An act making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5713. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5740. An act entitled, the "Barrow Gas Field Transfer Act of 1984";

H.R. 5753. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5950. An act to increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions;

H.R. 5953. An act to increase the statutory limit on the public debt;

H.J. Res. 544. Joint resolution to designate the week beginning September 2, 1984, as "National School-Age Child Care Awareness Week";

H.J. Res. 555. Joint resolution to designate July 20, 1984, as "Space Exploration Day";

H.J. Res. 566. Joint resolution to designate the week beginning on October 7, 1984, as "National Neighborhood Housing Services Week";

H.J. Res. 567. Joint resolution to designate 1984 as the "Year of the St. Lawrence Seaway" and June 27, 1984, as "St. Lawrence Seaway Day"; and

H.J. Res. 604. Joint resolution to designate July 9, 1984, as "African Refugees Relief Day."

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following title:

S. 746. An act to establish the Illinois and Michigan Canal National Heritage Corridor in the State of Illinois, and for other purposes;

S. 2729. An act for the relief of Jean Willhelm Willrich; and

S.J. Res. 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On July 6, 1984:

H.R. 3075. An act to amend the Small Business Act to establish a small business computer security and education program, and for other purposes;

H.R. 3169. An act to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries;

H.R. 3825. An act to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes;

H.R. 3922. An act to establish a 1-year limitation on the filing of claims for unpaid accounts formerly maintained in the Postal Savings System;

H.R. 3927. An act for the relief of Kenneth L. Perrin;

H.R. 4170. An act to provide for tax reform, and for deficit reduction;

H.R. 4308. An act granting the consent of the Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service;

H.R. 4616. An act to amend the Surface Transportation Assistance Act of 1983 to require States to use at least 8 per centum of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes;

H.R. 5174. An act to amend title 28 of the United States Code regarding jurisdiction of bankruptcy proceedings, to establish new Federal judicial positions, to amend title 11 of the United States Code, and for other purposes;

H.R. 5154. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

H.R. 5155. An act to establish a system to promote the use of land remote-sensing satellite data, and for other purposes;

H.R. 5404. An act allowing William R. Gianelli to continue to serve as a member of the Panama Canal Commission after his retirement as an officer of the Department of Defense;

H.R. 5653. An act making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5713. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5740. An act entitled the "Barrow Gas Field Transfer Act of 1984";

H.R. 5753. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5950. An act to increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Convention;

H.R. 5953. An act to increase the statutory limit on the public debt;

H.R. 4997. An act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal year 1985 through 1988, and for other purposes;

H.J. Res. 544. Joint resolution to designate the week beginning September 2, 1984, as "National School-Age Child Care Awareness Week";

H.J. Res. 548. Joint resolution authorizing the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information, and for other purposes;

H.J. Res. 555. Joint resolution to designate July 20, 1984, as "Space Exploration Day";

H.J. Res. 566. Joint resolution to designate the week beginning on October 7, 1984, as "National Neighborhood Housing Services Week";

H.J. Res. 567. Joint resolution to designate 1984 as the "Year of the St. Lawrence Seaway" and June 27, 1984, as "St. Lawrence Seaway Day"; and

H.J. Res. 604. Joint resolution to designate July 9, 1984, as "African Refugees Relief Day."

On July 13, 1984:

H.R. 29. An act to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 36 minutes p.m.) the House adjourned until Tuesday, July 24, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3672. A letter from the Acting Secretary of Agriculture, transmitting the annual report on the Nation's agricultural research, extension, and teaching activities for 1983, pursuant to Public Law 96-113, section 1410 (95 Stat. 1302); to the Committee on Agriculture.

3673. A letter from the Director, Office of Rural Development Policy, Department of Agriculture, transmitting a copy of the printed version of the 1984 rural development strategy report (EC 3158), pursuant to Public Law 92-419, section 607(c) (94 Stat. 1171); to the Committee on Agriculture.

3674. A letter from the Acting Secretary of State, transmitting notification that during the month of June the Commodity Credit Corporation made payments to the U.S. creditors on credits guaranteed by the CCC for which payments had not been received from the Polish People's Republic, pursuant to Public Law 97-257, section 306; Public Law 98-151, section 101(d); to the Committee on Appropriations.

3675. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority, pursuant to Public Law 93-344, section 1014(e) (H. Doc. No. 98-240); to the Committee on Appropriations and ordered to be printed.

3676. A letter from the Comptroller General of the United States, transmitting a report on his review of the proposed three new deferrals of budget authority and revisions to five previously reported deferrals contained in the Message from the President dated June 20, 1984 (H. Doc. 98-234), pursuant to Public Law 93-344, section 1014 (b) and (c) (H. Doc. No. 98-242); to the Committee on Appropriations and ordered to be printed.

3677. A letter from the Acting Secretary of State, transmitting his determination that the Government of El Salvador has demonstrated progress toward land reform, free elections, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, pursuant to Public Law 98-332; to the Committee on Appropriations.

3678. A letter from the Acting Secretary of State, transmitting additional information on the situation of El Salvador, pursuant to Public Law 98-332; to the Committee on Appropriations.

3679. A letter from the General Counsel, Department of Defense, transmitting a copy of the Manual for Courts-Martial, United States, 1984, pursuant to 10 U.S.C. 836(b); to the Committee on Armed Services.

3680. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), Department of Defense, transmitting notice of the discovery and emergency disposal of a suspected chemical agent munition at Aberdeen Proving Ground, MD, pursuant to Public Law 91-121, section 409(b)(4); to the Committee on Armed Services.

3681. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter of offer to Egypt for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-56), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3682. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter of offer to Korea for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-57), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3683. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter of offer to Jordan for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-55), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3684. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Thailand for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-59), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3685. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the Navy's proposed decision to convert to contractor performance the motor vehicle operations and maintenance function at the Naval Ordnance Station, Indian Head, MD, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3686. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of the Department of the Navy's intention to omit from a contract the clause authorizing review by the Comptroller General of pertinent books and records of the contractor, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

3687. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting listings of DOD contracts negotiated under section 2304(a)11 and 2304(a)16 of title 10, United States Code; to the Committee on Armed Services.

3688. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during May 1984 to Communist countries, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(2) (88 Stat. 2334); to the Committee on Banking, Finance and Urban Affairs.

3689. A letter from the Chairman, National Credit Union Administration Board, transmitting the annual report on the economic viability of depository institutions for the period ending March 31, 1984, pursuant to Public Law 96-221, section 206; to the Committee on Banking, Finance and Urban Affairs.

3690. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-148, "Alcoholic Beverage Anti-Discrimination Act of 1984", and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3691. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-149, "Foster Care Goals Act Amendment Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3692. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-150, "Dedication of Land in Squares 3344, 3345, and 3346 for Public Street Purposes Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3693. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-164, "Revenue Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3694. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-172, "Closing of a Public Alley in Square 5730 Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c);

to the Committee on the District of Columbia.

3695. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-171, "Alcoholic Beverage Control Amendment Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3696. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-169, "D.C. Real Estate Licensure Act of 1982 Amendments Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3697. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-168, "D.C. Election-Year Consolidation Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3698. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-166, "General Obligation Bond Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3699. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-162, "Commission Baseball Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3700. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-159, "Frank D. Reeves Center of Municipal Affairs Designation Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3701. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-165, "Ottenberg's Baker, Inc. Project Revenue Bond Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3702. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-170, "Deferred Compensation Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3703. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-174, "Washington Metropolitan Transit Authority Compact Amendment Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3704. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-173, "D.C. Uniform Controlled Substances Penalty Amendment Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3705. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-161, "Advisory Neighborhood Commission Act Amendments Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3706. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-160, "Commission on Housing Production Establishment Act of 1984," and Report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3707. A letter from the Executive Director, D.C. Retirement Board, transmitting the personal financial disclosure statement of Orlando W. Darden, pursuant to Public Law 96-122, sections 162 and 164(a)(1)(A); to the Committee on the District of Columbia.

3708. A letter from the Executive Director, Intergovernmental Advisory Council on Education, Department of Education, transmitting the Council's 1984 biennial report, pursuant to Public Law 96-88, section 213(b)(1)(D); to the Committee on Education and Labor.

3709. A letter from the Secretary of Education, transmitting a copy of the final regulations for the Endowment Grant Program and amendments to the Institutional Aid Program scheduled for publication in the Federal Register, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3710. A letter from the Secretary of Education, transmitting a copy of the final regulations for the Services for Deaf-Blind Children and Youth Program scheduled for publication in the Federal Register, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3711. A letter from the Secretary of Education, transmitting proposed final regulations for "Education of the Handicapped Auxiliary Activities, and final annual funding priorities for Innovative Programs for Severely Handicapped Children, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3712. A letter from the Secretary of Education, transmitting a copy of the final regulations for the Handicapped Children's Early Education Program scheduled to be published in the Federal Register, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3713. A letter from the Secretary of Education, transmitting a copy of the Final Funding Priorities for Rehabilitation Long-Term Training scheduled for publication in the Federal Register, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3714. A letter from the Secretary of Education, transmitting a copy of the final regulations for Training Personnel for the Education of the Handicapped scheduled for publication in the Federal Register, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3715. A letter from the Secretary of Education, transmitting a copy of the Final Funding Priority for the Experimental and Innovative Training Program scheduled for publication in the Federal Register, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3716. A letter from the Secretary of Education, transmitting a copy of the Final Priority for Special Services for Disadvantaged Students Program scheduled for publication in the Federal Register, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3717. A letter from the Secretary of Education, transmitting a copy of final regulations for the Secondary and Transitional Services for Handicapped Youth scheduled for publication in the Federal Register, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3718. A letter from the Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting a draft of proposed legislation to amend title XI of the Education Amendments of 1978 relating to Indian education, and for other purposes; to the Committee on Education and Labor.

3719. A letter from the Executive Director, Intergovernmental Advisory Council on Education, Department of Education, transmitting a special report on the Council's recent meetings in Arizona about the proposed Center for Excellence in Education at Northern Arizona University; to the Committee on Education and Labor.

3720. A letter from the Secretary of Agriculture, transmitting the annual Horse Protection Enforcement Report, 1983, pursuant to Public Law 91-540, section 11 (90 Stat. 920); to the Committee on Energy and Commerce.

3721. A letter from the Secretary of Energy, transmitting a report on natural gas prices, supply, and demand, and competitive conditions and market forces in the natural gas industry, pursuant to Public Law 95-621, section 123; to the Committee on Energy and Commerce.

3722. A letter from the Secretary of Energy, transmitting the annual report on the State Energy Conservation Program for Calendar Year 1983, pursuant to EPCA, section 365(c); to the Committee on Energy and Commerce.

3723. A letter from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting a performance evaluation report for the first half of fiscal year 1984, pursuant to Public Law 91-518, section 305(l) (93 Stat. 541; 95 Stat. 693); to the Committee on Energy and Commerce.

3724. A letter from the Administrator, Environmental Protection Agency, transmitting the National Statistical Assessment of Rural Drinking Water Conditions and Report, pursuant to Public Law 93-523, section 3(b); to the Committee on Energy and Commerce.

3725. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report on "The Effects on Consumers of the Amendments to the Safety Standard for Walk-Behind Power Mowers;" to the Committee on Energy and Commerce.

3726. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more (Transmittal No. MC-25-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3727. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more (Transmittal No. 26-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520), to the Committee on Foreign Affairs.

3728. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter of Offer to Korea for defense articles and services estimated to cost $58 million (Transmittal No. 84-57), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95

Stat. 1520); to the Committee on Foreign Affairs.

3729. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter of Offer to Egypt for defense articles and services estimated to cost $63 million (Transmittal No. 84-56), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3730. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter of Offer to Jordan for defense articles and services estimated to cost $70 million (Transmittal No. 84-55), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3731. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter of Offer to Kuwait for defense articles and services estimated to cost $78 million (Transmittal No. 84-54), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3732. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $207 million (Transmittal No. 84-59), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520). to the Committee on Foreign Affairs.

3733. A communication from the President of the United States, transmitting a report on progress toward a negotiated settlement of the Cyprus problem, pursuant to FAA, section 620C(c) (92 Stat. 739) (H. Doc. No. 98-237); to the Committee on Foreign Affairs and ordered to be printed.

3734. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3735. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3736. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3737. A letter from the Acting Secretary of State, transmitting a report on U.S. contributions to the international organizations during fiscal year 1983, pursuant to the act of September 21, 1950, chapter 976, section 2; FAA section 306(a) (94 Stat. 3157); to the Committee on Foreign Affairs.

3738. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3739. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Alan Wood Lukens, Ambassador-designate to the People's Republic of the Congo, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3740. A letter from the Director, Office of Management and Budget, transmitting the third annual report on the reduction of Federal paperwork, pursuant to Public Law 93-556, section 3(d); Public Law 95-557, section 905(c) (93 Stat. 1121); to the Committee on Government Operations.

3741. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by GAO in June 1984, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3742. A letter from the firm of Kaufmann & Goble Associates, transmitting the 1983 annual pension report for the Sacramento Farm Credit Employee's Retirement plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3743. A letter from the Acting Administrator, General Services Administration, transmitting a summary of excess property disposal reports, fiscal year 1983, pursuant to the act of June 30, 1949, chapter 288, section 202(e) (90 Stat. 2455); to the Committee on Government Operations.

3744. A letter from the Acting Commissioner of Social Security, Department of Health and Human Services, transmitting notification of a proposed computer matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3745. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report on the Commission's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act) during 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3746. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the Commission's compliance with the law relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3747. A letter from the Deputy Assistant Secretary for Health Operations and Director, Office of Management, Department of Health and Human Services, transmitting a report on the financial condition of the PHS Commissioned Corps Retirement System for the plan year ending September 30, 1983, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3748. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of a proposed computer matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3749. A letter from the Deputy Assistant Secretary of Defense (Administration, Comptroller), transmitting notification of a proposed altered record system submitted by the Department of the Navy, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3750. A letter from the General Counsel, Securities and Exchange Commission, transmitting notification of the Commission's proposal to alter a system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3751. A letter from the Secretary of the Treasury, transmitting the report of the status and operation of the State and Local Government Fiscal Assistance Trust Fund during the 1983 Federal fiscal year, pursuant to 31 U.S.C. 6724(a); to the Committee on Government Operations.

3752. A letter from the Secretary of Labor, transmitting a report on the Department's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3753. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the funds of the Devils Lake Sioux Tribe, derived from accounting claims awards in the Docket 363 series before the U.S. Claims Court, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

3754. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the funds of the Fort McDermitt Paiute and Shoshone Tribe in Docket 87-D before the U.S. Claims Court, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

3755. A letter from the Deputy Assistant Secretary of the Interior, transmitting notification of his approval of Amity Mutual Irrigation Co's. application for a loan under the Small Reclamation Projects Act, pursuant to the act of August 6, 1956, chapter 972, section 4(c) (71 Stat. 48); to the Committee on Interior and Insular Affairs.

3756. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

3757. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

3758. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

3759. A letter from the Clerk, U.S. Claims Court, transmitting a certified copy of the court's judgment order, *Gila River Pima-Maricopa Indian Community* v. *The United States*, No. 228; to the Committee on Interior and Insular Affairs.

3760. A letter from the Chairman, National Advisory Committee on Oceans and Atmosphere, transmitting the committee's 13th annual report on its activities, pursuant to Public Law 95-63, section 4; to the Committee on Merchant Marine and Fisheries.

3761. A letter from the Chairman, National Advisory Committee on Oceans and Atmosphere, transmitting a special report entitled, "Nuclear Waste Management and the Use of the Sea"; to the Committee on Merchant Marine and Fisheries.

3762. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engi-

neers, Department of the Army, on Housatonic River, MA and CT, together with other pertinent reports, which is in response to resolutions adopted by the House Committee on Public Works; to the Committee on Public Works and Transportation.

3763. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting information on the phase I design memorandum stage of advanced engineering and design of the project for Greenville Harbor, MS; to the Committee on Public Works and Transportation.

3764. A letter from the Chairman, Interstate Commerce Commission, transmitting the Commission's yearly report on customer pickup of food and grocery products, pursuant to 49 U.S.C. 10732(b) (94 Stat. 798); to the Committee on Public Works and Transportation.

3765. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated April 9, 1982, submitting a report, together with accompanying papers and illustrations, on Crown Bay Channel-St. Thomas Harbor, VI. The report is in partial response to a resolution adopted October 2, 1962, by the Committee on Public Works of the U.S. House of Representatives (H. Doc. No. 98-241); to the Committee on Public Works and Transportation and ordered to be printed.

3766. A letter from the Secretary of Commerce, transmitting the annual report on the activities of the National Climate Program for fiscal year 1983, pursuant to Public Law 95-367, section 7; to the Committee on Science and Technology.

3767. A letter from the Secretary of Energy, transmitting the annual revision to the comprehensive ocean thermal technology application and market development plan, pursuant to Public Law 96-310, section 3(d); to the Committee on Science and Technology.

3768. A letter from the Executive Secretary, Department of Defense, transmitting a report on defense procurement from small and other business firms for October 1983 through February 1984, pursuant to SBA, section 10(d); to the Committee on Small Business.

3769. A letter from the Executive Secretary, Department of Defense, transmitting a report on DOD procurement from small and other business firms for October 1983 through March 1984, pursuant to SBA, section 10(d); to the Committee on Small Business.

3770. A letter from the Executive Secretary, Department of Defense, transmitting a report on DOD procurement from small and other business firms for October 1983 through April 1984, pursuant to SBA, section 10(d); to the Committee on Small Business.

3771. A letter from the Chairwoman, U.S. International Trade Commission, transmitting the Commission's 38th quarterly report on East-West trade statistics, pursuant to Public Law 93-618, section 410; to the Committee on Ways and Means.

3772. A letter from the Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting the fourth quarterly commodity and country allocation table showing current programming plans for food assistance for fiscal year 1984, pursuant to the act of July 10, 1954, chapter 469, section 408(b) (91 Stat. 552; 94 Sta. 2246; E.O 11963); jointly, to the Committees on Agriculture and Foreign Affairs.

3773. A letter from the Secretaries of the Army and Agriculture, transmitting notification of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and Forest Service acquired lands at Cave Run Lake in Kentucky, pursuant to the act of July 26, 1956, chapter 736, section 1; jointly, to the Committees on Agriculture and Public Works and Transportation.

3774. A letter from the Secretary of the Interior, transmitting its comments on the Office of Technology Assessment's report, "Environmental Protection in the Federal Coal Leasing Program"; jointly, to the Committees on Appropriations and Interior and Insular Affairs.

3775. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation, transmitting notification that the Board of Directors of the Corporation is unable to adopt and submit its proposed comprehensive strategy by June 30, 1984, pursuant to Public Law 96-294, section 126(d)(1); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

3776. A letter from the Public Representative and Chairman, Railroad Unemployment Compensation Committee, transmitting a copy of the Committee's final report on its review of the unemployment and sickness insurance systems provided by the Railroad Unemployment Insurance Act, pursuant to 45 U.S.C. 362 nt (Public Law 98-76, section 504(d)); jointly, to the Committees on Energy and Commerce and Ways and Means.

3777. A letter from the Acting Comptroller General of the United States, transmitting a report entitled "Statutory Requirements for Examining International Banking Institutions Need Attention," (GAO/GGD-84-39, July 11, 1984); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

3778. A letter from the Secretary of Health and Human Services, transmitting a report on the recruitment and training of Indians for positions subject to Indian preference, pursuant to Public Law 96-135, section 2(d); jointly, to the Committees on Interior and Insular Affairs and Post Office and Civil Service.

3779. A letter from the Secretary of State, transmitting a report on the progress in establishing stable reference areas where deep seabed mining is prohibited, pursuant to Public Law 96-283, section 109(f)(3); jointly, to the Committees on Foreign Affairs, Interior and Insular Affairs, and Merchant Marine and Fisheries.

3780. A letter from the Comptroller General of the United States, transmitting a report entitled "Central American Refugees: Regional Conditions and Prospects and Potential Impact on the United States"; jointly, to the Committees on Government Operations, Foreign Affairs, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted July 23, 1984]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3953. A bill to amend the Panama Canal Act of 1979 to allow outside-the-locks claims for vessel damage to be resolved in the same manner as inside-the-locks claims, and for other purposes. (Supplemental Rept. No. 98-800, Pt. II). Ordered to be printed.

[Pursuant to the order of the House on June 29, 1984, the following report was filed on July 6, 1984]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3194. A bill to provide for the protection of any historic shipwreck or historic structure located on the seabed or in the subsoil of the lands beneath navigable waters within the boundaries of the United States; with amendments (Rept. No. 98-887, Pt. I). Ordered to be printed.

[Pursuant to the order of the House on June 29, 1984, the following report was filed on July 10, 1984]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5833. A bill to improve certain maritime programs of the Department of Transportation and the Department of Commerce; with an amendment (Rept. No. 98-888). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on June 28, 1984, the following report was filed on July 12, 1984]

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 5916. A bill to impose limitations on the activities of depository institutions; with an amendment (Rept. No. 98-889). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on June 29, 1984, the following report was filed on July 16, 1984]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5640. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; with an amendment (Rept. No. 98-890, Pt. I). Ordered to be printed.

[Pursuant to the order of the House on June 28, 1984, the following report was filed on July 19, 1984]

Mr. STOKES: Committee on Standards of Official Conduct. Report in the matter of Representative George V. Hansen (Rept. No. 98-891 Vol. I and II). Referred to the House Calendar.

[Submitted July 23, 1984]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 5358. A bill to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey; with an amendment (Rept. No. 98-892). Referred to the Committee of the Whole House on the state of the Union.

Mrs. HALL of Indiana: Committee on Post Office and Civil Service. H.R. 5890. A bill to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr. (Rept. No. 98-893). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself and Mr. PAUL):

H.R. 6005. A bill to affirm the authority of the Congress to approve the design of currency; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CORRADA (for himself and Mr. DE LUGO):

H.R. 6006. A bill to amend the Internal Revenue Code of 1954 to provide that distilled spirits originally distilled from cane in Puerto Rico or the Virgin Islands shall be exempt from restrictions imposed with respect to the cover over of excise tax revenues and to allow the full excise tax on distilled spirits to be covered over to the possessions; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

430. By the Speaker: Memorial of the Legislature of the State of California, relative to retired military personnel; to the Committee on Armed Services.

431. Also, memorial of the Legislature of the State of Louisiana, relative to the Legislature's ratification of the amendment to the Constitution of the United States to provide for representation of the District of Columbia in Congress; to the Committee on the Judiciary.

432. Also, memorial of the General Court of the Commonwealth of Massachusetts, relative to the protection of the Plum Island Portion of the Parker River National Wildlife Refuge in Essex County, MA, to the Committee on Merchant Marine and Fisheries.

433. Also, memorial of the Legislature of the State of California, relative to the New Melones Reservoir; to the Committee on Public Works and Transportation.

434. Also, memorial of the General Court of the Commonwealth of Massachusetts, relative to the construction of a Veterans Hospital in Worcester County; to the Committee on Veterans' Affairs.

435. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to veterans; to the Committee on Veterans' Affairs.

436. Also, memorial of the General Assembly of the State of North Carolina, relative to Social Security disability legislation; to the Committee on Ways and Means.

437. Also, memorial of the General Court of the Commonwealth of Massachusetts, relative to expanding the benefits of the Medicare Program; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1797: Mr. DOWDY of Mississippi.

H.R. 2099: Mr. OWENS.

H.R. 3616: Mr. ALBOSTA, Mr. FOGLIETTA, and Mr. EVANS of Illinois.

H.R. 4459: Mr. MCCOLLUM.

H.R. 5452: Mr. MCNULTY.

H.R. 5511: Mr. LIPINSKI and Mr. ANNUNZIO.

H.R. 5640: Mr. NOWAK, Mr. GEJDENSON, Mr. BROWN of California, Mr. RATCHFORD, Ms. FERRARO, Mr. ZSCHAU, and Mr. WEAVER.

H.R. 5754: Mr. BOLAND, Mr. HALL of Ohio, and Mr. WILLIAMS of Ohio.

H.R. 5913: Mr. MORRISON of Connecticut.

H.R. 5929: Mr. RICHARDSON, Mr. DERRICK, and Mr. CAMPBELL.

H.J. Res. 389: Mr. OWENS.

H.J. Res. 491: Mr. BETHUNE, Mr. BLILEY, Mr. EVANS of Illinois, Mr. FUQUA, Mr. GEKAS, Mr. HARTNETT, Mr. HATCHER, Mr. KASTENMEIER, Mr. LAFALCE, Mr. LEWIS of California, Mr. MINISH, Mr. MURTHA, Mr. PANETTA, Mr. RATCHFORD, Mr. ROSE, Mr. SOLOMON, Mr. DENNY SMITH, Mr. WEAVER, Mr. WOLF, and Mr. YOUNG of Missouri.

H.J. Res. 589: Mr. PATMAN, Mr. CROCKETT, Mr. FASCELL, Mr. PRICE, Mr. ENGLISH, Mr. CORCORAN, Mr. STAGGERS, Mr. NEAL, Mr. MCKERNAN, Mr. HALL of Ohio, Mr. LEHMAN of Florida, Mr. KILDEE, Mr. PRITCHARD, Mr. LOWRY of Washington, Mr. TRAXLER, Mr. SAWYER, Mr. DEWINE, Mr. BROOMFIELD, and Mr. HAYES.

H.J. Res. 623: Mr. MCHUGH and Mr. HORTON.

H. Con. Res. 322: Mr. JACOBS, Mr. TOWNS, Mr. FRENZEL, Mr. SIMON, Mr. CLINGER, Mr. CROCKETT, Mr. MARTINEZ, Mr. FISH, Ms. KAPTUR, Mr. MCHUGH, Mr. BONKER, Mr. LUNGREN, Mrs. KENNELLY, and Mr. MURPHY.

PETITIONS, ETC.

Under clause 1 of rule XXII,

396. The Speaker presented a petition of Jim Nolan, San Diego, CA, relative to Federal housing; which was referred to the Committee on Banking, Finance and Urban Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5541

By Mr. OXLEY:

—Page 2, beginning on line 10, strike out "$50,000,000 for fiscal year 1985, $53,000,000 for fiscal year 1986, and $56,000,000 for fiscal year 1987," and insert in lieu thereof "$14,000,000 for fiscal year 1985, $16,000,000 for fiscal year 1986, and $18,000,000 for fiscal year 1987,".

—Page 2, beginning on line 21, strike out "$238,000,000 for fiscal year 1987, $253,000,000 for fiscal year 1988, and $270,000,000 for fiscal year 1989" and insert in lieu thereof "$186,000,000 for fiscal year 1987, $214,000,000 for fiscal year 1988, and $246,000,000 for fiscal year 1989".

EXTENSIONS OF REMARKS

MEMORIAL DAY ADDRESS BY SHERIFF LARRY WHITTEN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. SKELTON. Mr. Speaker, this past Memorial Day, Sheriff Larry Whitten of Camden County, MO, gave a speech at the National Cemetary in Jefferson City. I was very impressed with Sheriff Whitten's thoughts on patriotism and our fight to keep our freedom. I urge my colleagues here in the House to take the time to read this fine speech:

MEMORIAL DAY SERVICE, JEFFERSON CITY, MO, MAY 28, 1984

On November 19, 1863 President Lincoln said, "It is for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that the Government of people, by the people, for the people, shall not perish from the earth."

When President Lincoln said these words at the Gettysburg Address, it was his challenge to the American people to dedicate and to consecrate themselves towards fulfilling this great task that had only begun, "Lest these die in vain."

Looking back at the supreme sacrifices that had been made then, and the thousands that have been made since then to preserve this freedom and this way of life, that challenge given so many years ago, is just as real and just as imperative today as it was in 1863, when Lincoln gave that Address.

We only need to look at the number of neighboring countries that have fallen into the grips of Communism in the last decade to realize that challenge is still very real to us today as the American people.

We only have to listen quietly to the voices from Pearl Harbor, the Sands of Iwo Jima, the Shores of Normandy, the Oceans of the South Pacific, Korea, the Jungles of Viet Nam, Grenada and Beirut. The voices would be saying, "Tell them about us, Whitten, lest we die in vain; lest we die in vain."

Tell who, lest these die in vain? I, as many others, have a hard time trying to explain to the youth, why we fought in Viet Nam. I try to use the analogy that Communism is like a fire. My neighbor up at the end of the block calls and says, "Whitten, my house is on fire, I need help." "I know your house is dirty, corrupt and besides it is nothing to me anyway." The fire spreads to the next house and they call me for help and I say, "I am too busy, besides it is none of my business." In a short time the fire has spread over the entire block, including my house. We must understand no man is an island, what we do or fail to affects all others.

That is why we fought in Viet Nam. From time to time we may have fought the wrong way, but at least we fought and we tried for the cause that we so strongly believed in.

Tell who, lest these die in vain? What is our most valuable, natural resource? Our youth is our best resource, but it is like clay or raw material, it must be molded and fashioned into our heritage. Just as our forefathers molded us into the principles of truth and freedom.

We have to understand that sacrifice is the common thread that weaves us all together. As General Douglas MacArthur said, "First must come duty, honor and country," and I believe this sacrifice must be woven into those three; lest these die in vain.

We are fast becoming a country of "me only attitude." John F. Kennedy said, "Ask not what your Country can do for you, but what you can do for your Country."

Whoever told us that Freedom was free? We only have to listen to the distant voices to know that freedom has been bought and paid for with the supreme sacrifices. If we look at history, we know that this freedom that we enjoy is again going to have to be paid for.

It seems that we are not passing onto our youth, that with Rights and Freedom also comes responsibility. Freedom does not and cannot endure without maintenance, no more than your car or your lawn mower does.

St. Paul of Old said to the Corinthians, "We are bought with a price." As Americans we too have been bought with a great price. The liberties we enjoy, the freedoms and the prosperity have been bought and paid for by the courage, daring and faith of the men and women who in every generation have answered their country's call.

Not only the call to arms, but the call to build and to create—the call to develop character and moral ideas, and practice them in their everyday walk of life.

Each time I hear the Star Spangled Banner, I get cold chills up my spine, and as I watch the raising of the Stars and Stripes the tears come into my eyes. Yet many times I see men that don't even remove their hats. I see children that don't even understand the sign of what it means. Along that line, I am reminded of the words of Sir Francis Butler, when he said, "The Nation that will insist on drawing a broad line of demarcation between the fighting man and the thinking man is liable to find it's fighting done by fools and it's thinking done by cowards. We have to think and act in the American Tradition."

Our youth is our Resource. We must teach them as our forefathers taught us, if we are to continue to enjoy the freedoms that have so long been our heritage. We cannot leave it up to others to do it or it will never get done. We must realize that each time a youth from our community, from our country, goes wrong he/she is our kid, our youth and we too are partially to blame. We must believe and act on the principle that if our youth today are not taught the responsibilities of our heritage, then we are to blame, either for what we did do or what we failed to do. I understand that President Truman had a sign on his desk that said, "The Buck stops here."

The pursuit of freedom and justice has taken our flag to the far corners of the world and back. It flew beside buildings at Ellis Island as millions of immigrants came to our shores to escape poverty and political oppressions, seeking freedom and opportunity in the land that became the "Last, best hope of mankind."

This is the heritage which you and I have received. It is the heritage which we must transmit to our children and our youth. It is not just facts, figures and dates, it is a deeply rooted sense of loyalty to all that have gone before—the challenges, the trials, the stoutheartedness, the victories, the dedication of the past.

Lincoln also said at that Address, "The world will little note, nor long remember what we say here, but can never forget what they did." Was Lincoln wrong; have we as a people forgotten those deeds that so many have done on the battlefields both near and far and the sacrifices made at home? Will the glory, honor and heroism of one age always become dim memories to a later generation?

It will unless we carry on the tradition, and we take it to the next step to teach our youth this honor, this tradition and this heritage.

Tell who: tell our youth, teach our youth; lest these die in vain; lest these die in vain.

LARRY WHITTEN.●

ALICE FAIRFAX WINS 4-H ALUMNI AWARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. SKELTON. Mr. Speaker, it is my pleasure today to recognize an outstanding community leader in Missouri's Fourth District. Alice Fairfax, winner of Missouri's State 4-H Alumni Award for 1983, has been an energetic leader and participant in her local community for more than 25 years. I believe she exemplifies the dedication and service to her neighbors which continues to keep this Nation strong.

Mrs. Fairfax's adult 4-H career began as a 4-H club leader, assistant leader and project leader. She has also been chairman of the Pettis County 4-H Achievement Day judging contests for several years. In 1982-83, she became chairman of the Pettis County 4-H 500 program.

Further, Mrs. Fairfax's interests have not been limited to 4-H work. Her service has touched all areas of the community. In addition to her duties as a wife and mother of three, Mrs. Fairfax has given her time to

State leadership by participating as a Democrat Committee Woman, vice-chairman of the University of Missouri's State Advisory Council, and as a delegate to the National Convention from Missouri in 1976. As evidenced by her impressive list of activities, Alice Fairfax continues to be a responsible and beneficial educational, political, and civic leader in Missouri.

It is with great admiration that I commend Mrs. Fairfax for her unending hard work. Her actions have always been for the benefit of those around her and I am proud to bring her praiseworthy service to light. Every city needs people with Mrs. Fairfax's expert services and her sense of devotion to the community. I join with my fellow citizens of the Fourth District to applaud and congratulate Alice Fairfax.●

U.S. POLICY ON TORTURE—HOUSE JOINT RESOLUTION 605

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. FASCELL. Mr. Speaker, 45 colleagues joined me in cosponsoring House Joint Resolution 605, regarding the implementation of the policy of the U.S. Government in opposition to the practice of torture by any foreign government. Senator PERCY has introduced an identical resolution, Senate Joint Resolution 320, in the Senate.

The resolution reaffirms the U.S. position opposing torture and sets forth guidelines to implement U.S. policy to combat that abusive practice. Torture, the most abhorrent of human rights violations, is regularly practiced in over 60 countries.

House Joint Resolution 605 is an initial step toward addressing the problem. The resolution delineates specific guidelines to help shape our policy toward combatting the practice of torture around the world. The prescriptives set forth in the resolution should help sensitize governments and officials, both here and abroad, to the reprehensible use of torture. Further, the resolution underscores our commitment to the elimination of torture.

In view of Amnesty International's efforts to highlight awareness of this widespread and systematic abuse, and the hearings on torture conducted by the Subcommittee on Human Rights and International Organizations, it is appropriate that we now enunciate U.S. policy on this serious issue. I would like to draw the attention of my colleagues to the text of the resolution, which follows, and encourage all Members of the House to join me in cosponsoring this measure.

H.J. RES. 605

Joint resolution regarding the implementation of the policy of the United States Government in opposition to the practice of torture by any foreign government

Whereas internationally recognized nongovernmental human rights organizations and international human rights organizations have investigated and reported in detail on the systematic use of torture in more than sixty countries;

Whereas the Department of State has also reported in its annual country reports on human rights practices that this gross violation of internationally recognized human rights is occurring;

Whereas torture knows no ideological boundaries and is practiced in countries in every region of the world;

Whereas torture is absolutely prohibited by international legal standards;

Whereas in those countries where torture is practiced systematically, it is possible to identify laws, institutions, and other forms of political organization that contribute to the practice and allow its continuation;

Whereas legal, medical, religious, and other groups seeking to combat torture emphasize that access to detainees, the civil and criminal prosecution of torturers, and the rehabilitation of victims of torture are critical steps in reducing the practice and effects of torture;

Whereas the United States Government has supported the work of the United Nations Commission on Human Rights in developing the draft Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which is intended to reduce the practice of torture and lead to its eventual abolition, and the United States Government is supportive of the United Nations Voluntary Fund for Victims of Torture; and

Whereas the good will of the peoples of the world toward the United States can be increased when the United States distances itself from the practice of torture by governments friendly to the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress reaffirms that it is the continuing policy of the United States Government to oppose the practice of torture by foreign governments through public and private diplomacy and, when necessary and appropriate, through the enactment and vigorous implementation of laws intended to reinforce United States policies with respect to torture. The United States Government opposes acts of torture wherever they occur, without regard to ideological or regional considerations, and will make every effort to work cooperatively with other governments and with nongovernmental organizations to combat the practice of torture worldwide.

SEC. 2. (a) The President is requested—

(1) to instruct the Permanent Representative of the United States to the United Nations to continue to raise the issue of torture practiced by governments; and

(2) to continue to involve the United States Government in the formulation of international standards and effective implementing mechanisms, particularly the draft Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(b) In order to implement the policy expressed in the first section of this resolution, the Secretary of State is requested to issue formal instructions to each United States chief of mission regarding United States policy with respect to torture, including—

(1) instructions—

(A) to examine allegations of the practice of torture, particularly allegations concerning the existence of secret detention, extended incommunicado detention, and restrictions on access by family members, lawyers, and independent medical personnel to detainees; and

(B) to forward such information as may be gathered, including information regarding any efforts made by the host government to reduce and eliminate the practice of torture, to the Assistant Secretary of State for Human Rights and Humanitarian Affairs for analysis in preparing the Department's annual country reports on human rights practices;

(2) in the case of a chief of mission assigned to a country where torture is regularly practiced, instructions to report on a periodic basis as circumstances require to the Assistant Secretary of State for Human Rights and Humanitarian Affairs regarding efforts made by the respective United States diplomatic mission to implement United States policy with respect to combating torture;

(3) instructions to meet with indigenous human rights monitoring groups knowledgeable about the practice of torture for the purpose of gathering information about such practice; and

(4) instructions to express concern in individual cases of torture brought to the attention of a United States diplomatic mission including, whenever feasible, sending United States observers to trials when there is reason to believe that torture has been used against the accused.

(c) The Secretary of Commerce should continue to enforce vigorously the current restrictions on the export of crime control equipment pursuant to the Export Administration Act of 1979.

(d) The heads of the appropriate departments of the United States Government that furnish military and law enforcement training to foreign personnel, particularly personnel from countries where the practice of torture has been a documented concern, shall include in such training, when relevant, instruction regarding international human rights standards and the policy of the United States with respect to torture.●

A TRIBUTE TO ROGER BODMAN

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. COURTER. Mr. Speaker, it is with pleasure and great pride that I wish to recognize the professional achievements of a former member of my staff and good personal friend Roger Bodman of New Jersey. This special recognition comes at a time when Roger is just completing his term as commissioner of New Jersey's Department of Labor. Roger leaves this post with praise from all sides for his efforts.

During his tenure, Roger succeeded in strengthening the department's capabilities and financial efficiency. Also

under his stewardship, New Jersey enacted an unemployment insurance reform, completed the computerization and automation of unemployment claims processing, and implemented the new Federal Job Training Partnership Act. His has been a highly noteworthy record and one he should be most proud of as the youngest member of the Governor's cabinet. Roger's efforts have established a standard of excellence rarely seen at the labor department.

It is particularly significant to note that Roger's resume of achievements began long before his appointment to the Kean administration.

Roger began his public career straight out of college as an assistant to my colleague, former Congresswoman Millicent Fenwick. In 1977 he served my friend former Senator Ray Bateman in his statewide bid. In 1978, when I sought a congressional seat, it was Roger Bodman's keen political sense and tactical expertise that guided my campaign to success. He then came to Washington with me and served as my top aide for which I will always be grateful.

As we know, Roger's love for the management of political campaigns brought him back to New Jersey for his toughest fight—Tom Kean's successful gubernatorial race. Based on his past record, I have occasionally referred to Roger as the best political strategist in the State. While I am obviously biased in my assessment of his abilities, Roger's record speaks for itself. It is evidence I think of an extremely talented individual.

On a personal note, Roger has been a trusted friend, confidant, and supporter. He has my total faith and most of all my respect. Of course, I am delighted he has chosen to assume his new position, which, I'm sure, will be added to the list of his many fine achievements in November.

In short, I offer my congratulations to him for his fine service as labor commissioner.●

FAIR TRADE IN STEEL ACT, H.R. 5081

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. LUNDINE. Mr. Speaker, today, I am joining 207 of my colleagues in the House to cosponsor H.R. 5081, the Fair Trade in Steel Act. This has not been an easy decision for me, and this bill is not a panacea for what ails the U.S. steel industry. It does, however, address the serious crisis which exists today in the U.S. steel industry and indeed throughout industrial America with strong and meaningful actions.

As recent as the 1960's the United States dominated world steel production. Today, foreign steel producers control over 20 percent of our own domestic market. In the last 4 years, over 200,000 American steel workers have lost their jobs with little hope of returning to them. The steel industry is in desperate need of long-term capital for modernization. At least $60 billion will be needed to return and keep much of our steel capacity competitive over the next 10 years.

The foreign competition in steel is no longer just coming from Europe or from Japan. Significant penetration is coming from Korea, Brazil, Mexico, and Taiwan. These nations all recognize the fundamental importance of steel to their domestic industrial base and to their country's future prosperity. They are going to continue to aggressively pursue expanded markets in this critical sector.

The U.S. steel industry is a key linkage industry in our economy. Over half of our industrial production is dependent on steel in some form or another. In addition, without a viable steel industry, an adequate national defense is not possible.

We simply cannot allow our steel industry to disappear. I believe that the preferred approach to the problems of the steel industry rests in Government, labor, management, and the public interest working together within the framework of a broad industrial strategy to identify the trade actions, regulatory adjustments, financing, and other actions needed to revitalize the steel sector.

I believe that one of the ramifications of the failure of this country to work toward the development and implementation of a coordinated industrial strategy will be pressure on the Congress for more and more trade-protectionist measures. This is true because U.S. industries will have no other recourse as long as the United States continues to ignore the fact that foreign governments are working hand and glove with their industries to establish a competitive edge for their industries.

While interim trade relief will be an important component to a solid future for certain U.S. industries, it is not in our Nation's economic interest to make trade relief the centerpiece of industrial revitalization efforts. Trade policy must be coordinated with other actions to be effective, and trade relief must only be utilized when it is absolutely essential.

As many of you know, I have been a strong advocate for the development of an industrial strategy and have sponsored legislation which has received the endorsement of the House Banking and Energy and Commerce Committees to create a framework for development of that strategy. I believe that enactment of this legislation is an essential step toward revitalization of the steel industry and of other industries facing intense and growing international competition. Unfortunately, the bipartisan support for industrial strategy legislation I and many others in this House have worked hard to create for the past 2 years has not materialized and therefore the chances of its enactment in the near future are currently slim.

Having recognized all this, in the final analysis, we cannot sit idly by while our domestic steel industry disintegrates before our eyes. There is bipartisan support for the Fair Trade in Steel Act, and therefore it is the most feasible vehicle this year for Congress to address in a meaningful way the serious industrial crisis in America's steel sector. The quotas which would be established by this bill can provide valuable time for Government, labor, and managment to create a solid foundation for the American steel industry in the future.

The bill does contain a mechanism which attempts to force development and commitment of a steel industry strategy in exchange for the quotas in the bill. While I am pleased to see this emphasis included in this bill, at the same time, I believe this provision could be strengthened considerably. If this bill does move to the House floor in its current form, I will be seeking to offer an amendment to it which requires development of an explicit industry revitalization plan by Government, management, labor, and the public interest before quotas are established.

This bill is also very relevant to the decision which President Reagan must make by September 24 pursuant to a recent finding by the International Trade Commission of injury to the domestic steel industry from imports. The ITC has recommended a relief program to the President for the steel industry which is very close to the provisions contained in this bill. It is vitally important that the House of Representatives send a clear signal to Mr. Reagan which leaves no doubt of our deep concern about the current plight of the steel industry and of our commitment to act to preserve productive, competitive steel capacity and jobs on U.S. soil.

I urge my colleagues to join this effort in the upcoming weeks and months to put in place a meaningful program to insure a competitive steel sector for our future, and to establish a framework for development of a broader industrial strategy for America's future.●

JESSE JACKSON'S REPUDIATION OF FARRAKHAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. RANGEL. Mr. Speaker, I rise to commend Jesse Jackson for his recent repudiation of remarks by Nation of Islam leader Louis Farrakhan.

Reverend Jackson made a significant step away from the stigma many Americans have placed upon him of being too closely aligned with a racist. The demagoguery of Louis Farrakhan should never have been permitted to become a part of a Presidential campaign.

Jackson's act of moral courage should now bring his campaign back to the issues facing us all. His commendable dedication has been sidetracked by the Farrakhan episode for much too long, and he is now free to present the agenda he originally set out to pursue.

I and many of my colleagues in the Congressional Black Caucus have endorsed the position that racism, bigotry, and intolerance in any form must be condemned. This is regardless of the race, religion, or ethnic background of the purveyor of prejudice.●

IRA'S—THE FACTS RAISE QUESTIONS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. STARK. Mr. Speaker, as you know, the recent joint conference that resulted in the Deficit Reduction Act of 1984 specifically dealt with several individual retirement account [IRA] issues. The conferees rejected a provision in the Senate bill that would have expanded the IRA deduction limit for married couples. They also did not agree to a House provision that would have allowed nondeductible IRA contributions to be made up to $1,750 annually without incurring an excise tax penalty. Actually, the only IRA amendments accepted by the conferees dealt with a change in the reporting requirements and a recharacterization of alimony received by a divorced spouse as compensation for IRA purposes.

Perhaps the conferees were sending a signal that Congress should take a longer look at IRA's as a matter of broad tax policy. Possibly they felt that the steamroller of enhanced IRA benefits initiated in 1981 had to stop. And maybe in a time of huge budget deficits, it was a wiser course to limit tax preferences—even widely popular ones—rather than add to their cost.

These were my views as a conferee.

In any event, we are now in a period of transition with IRA's—certainly one where it is appropriate to take stock of what we have now done with them and assess what we should do regarding IRA's in the future.

An important study has just been released that should be required reading by all Members of Congress as they consider the prospects of IRA's down the road. Entitled "Individual Retirement Accounts: Characteristics and Policy Implications," it was issued by the Employee Benefit Research Institute [EBRI] in July 1984. Among its more interesting revelations are the following:

First, obtaining the IRA deduction motivated 53.1 percent of taxpayers choosing IRA's as compared to 38.4 percent who were primarily interested in saving for retirement.

Second, more than half of all funds contributed to IRA's in 1982 came from recycled existing savings while only 43 percent were attributable to an infusion of new funds through earnings or salaries.

Third, more than 16.7 million IRA's were established by the end of 1982 as compared to 1.2 million IRA's as of 1975.

Fourth, the total number of returns with IRA deductions increased from 3,415 in 1981 to 12,098 in 1982; the total value of IRA tax deductions rose from $4.8 billion in 1981 to $28.4 billion in 1982.

Fifth, some experts have projected that under current law, IRA assets could soar to $1 trillion by the year 2000.

With the IRA, we have created a very generous and extremely popular tax shelter. In doing so, Congress made a policy decision that sought to expand savings, reduce the burden of individual taxes and at the same time increase the amount of retirement income available for workers not otherwise participating in employer-sponsored pension plans.

The data provided by the EBRI study raises serious questions about whether the nontax saving assumptions underlying this decision can be supported by the results of actual experience. Furthermore, the study challenges the threshold question of whether we as a nation can afford to subsidize this costly tax preference, or whether there may be a less expensive method of accomplishing the worthwhile objectives of IRA's.

I encourage my colleagues to take the time to review this study, and then search out the answer for themselves.●

REAGAN IS NO ENVIRONMENTALIST

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. GARCIA. Mr. Speaker, during the congressional recess we were treated to the master communicator espousing his great achievements in the area of the environment. Unfortunately, the President's rhetoric does not match his actions. In fact, this administration has been an environmental disaster. Governors Lamm and Earl recently outlined this administration's environmental record in an article published in the New York Times. I would like to submit it for the RECORD.

The article follows:

[From the New York Times, July 2, 1984]

REAGAN'S AIR, WATER POLICY: FOUL

(By Richard D. Lamm and Anthony S. Earl)

DENVER.—President Reagan claims "great progress in cleaning up the air and water." Since when is failure to lead "great progress"?

In December, Christopher DeMuth, a top Presidential appointee in the Office of Management and Budget, wrote a memorandum bemoaning that "in three years we have not advanced a single detailed proposal of our own for reform of any of the major health, safety or environmental" statutes. His concern was that the Administration had not done more to prevent the Government from regulating industry, but his lament could also speak for those concerned with the environmental problems confronting the nation.

While the Administration may have been unable to undermine existing environmental statutes and enforcement agencies, it has done nothing to move forward with environmental protection. Rather than act, it is simply lying low.

For the first two years, the Environmental Protection Agency was a festering scandal, its budget and personnel cut back to levels of 10 years ago—before the E.P.A. had responsibility to deal with hazardous wastes and toxic chemicals. Law enforcement ground to a standstill; 90 percent of the regulatory activities were behind schedule. In an agency never touched by scandal, all but one of the top appointees were fired or forced to resign when one sleazy arrangement, conflict of interest or appalling blunder after another was exposed.

The return of William Ruckelshaus has done much to restore fairness and professionalism—but better-than-awful is not good enough. At a time when pesticide and food laws desperately need reform, he has refused to support proposed legislation to insure that pesticides will be safe for farmers and consumers. He urges that Congress wait until next year.

Although there is broad agreement that the nation must combat acid rain by reducing sulfur emissions from power plants, the Administration refuses to curb this pollution. President Reagan says more study is all that is needed. Maybe next year he will know enough to do what 73 percent of the public wants done now. Then again, maybe not.

Although nearly half of the drinking water supply systems of major cities that draw on ground water contain toxic chemicals, Mr. Ruckelshaus has refused to support legislation that would strengthen the Safe Drinking Water Act. He asks Congress to trust the Administration to act on its own. Perhaps next year.

Although our hazardous-waste sites are leaking toxic chemicals into the earth, water and air, and we have discovered more than 10 times as many sites to be cleaned up as the Superfund can handle, the Administration refuses to move quickly to expand the Superfund. Wait 'til next year.

Although industries release into the air every year more than three billion pounds of 36 chemicals known to be suspected of causing cancer or other chronic diseases, Mr. Ruckelshaus has opposed legislation to strengthen laws dealing with toxic air pollutants and to force the E.P.A. to expedite deciding which pollutants to control and how. He asks that we wait until the agency is ready to act.

All these delays, these entreaties that we wait until next year, smack of politics. As Administrator Ruckelshaus explained, "Given the politicization of [these issues], I am concerned about raising meritorious ideas for fear they'll be discussed in the heat of political battle." But why not have an open debate? One wonders if a Reagan re-election would mean progress or a reversion to the pre-Ruckelshaus days.

At the end of his memo, Mr. DeMuth suggested steps toward "the largest economic gains." Among those were replacement of the environmental laws with "laws that emphasize economic incentives rather than mandatory Federal standards." That recommendation shows why the Reagan Administration is still unable to lead on the evironmental front. From the President on down, its members don't believe that the problems are real. They have sought to deal only with the "problem" of too much regulation, ignoring many critical emerging environmental issues that require action. They have made a stupendous miscalculation about the needs and preferences of the nation.

There can be no higher calling for a political leader than to help society find ways to use our natural resources without destroying them. We wish the President would forego his disdain for regulation long enough to see the tremendous need to protect health and the environment. Then he might better understand why a majority of Americans deeply believe in environmental protection and demand Government involvement in preserving our national heritage of pure water, clean air and unspoiled land.●

THE 10TH ANNIVERSARY OF THE INVASION OF CYPRUS: JULY 20, 1984

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. DYSON. Mr. Speaker, 10 years ago, on July 20, 1974, Turkey invaded the island Republic of Cyprus. Twice before, since the republic's founding in 1960, Turkey had prepared for an invasion, once in 1964 and again in 1967. But the invasion of 1974 was an unexpected move, precipitating a momentary crisis in world affairs. The NATO Alliance was thrust into turmoil. The Soviet Union put seven airborne divisions on full alert. The United States dispatched top ranking diplomats to Greece and Turkey. Great Britain evacuated surviving members of the Cypriot Government, and the United Nations convened a special session meeting on the Cyprus question.

The invasion also strangled a 14-year effort to bring peace and unity to the island. Since 1960, when Cyprus was granted its independence from Great Britain, it had struggled heroically to establish a republic in which all Cypriots, both of Greek and Turkish descent, would be free, equal and secure in their homeland.

The NATO crisis dissipated, soon forgotten by American officials embroiled in other problems. Southeast Asia and the Middle East overshadowed the plight of Cyprus. But the invasion's enslavement of the Cypriot dream continues to this day. Ten long years have passed, and the invasion has become an occupation.

In the days that followed the invasion, Cyprus was divided into Greek and Turkish sectors. The northern third of the island, claimed by Turkish Cypriots, was armed by a "Turkish Cypriot Security Force" and cleared of all Greek descendents. More than 200,000 Greek Cypriots became refugees in their own homeland. Fully 2,000 Greek Cypriots have disappeared without a trace. Once vibrant cities became ghost towns and battlefield encampments. Colonists have immigrated from the Turkish mainland, bringing the Turkish population up to 18 percent of the island's total, but they have sealed off fully 40 percent of the island's land. The Turks have established schools, coined money, and made every effort to wipe every trace of the burgeoning Cypriot culture from their stolen land.

Nine months ago, satisfied that their claims would go unquestioned, the Turkish Cypriots declared themselves an independent people, unbeholding to the Greek Cypriots and having nothing to do with a unified Cyprus. The Government of Turkey was the first, and the only nation to recognize this absurd, illegal and saddening declaration. The dream of a unified Cyprus would seem to grow ever fainter.

Last January Mr. Spyros Kyprianou, President of the Republic of Cyprus, submitted to the U.N. Security Council a framework for a comprehensive settlement of the Cyprus problem. It is a document setting forth, with elegant simplicity, the Greek Cypriot's desire to reconcile their differences with their Turkish neighbors. The dream of a unified and independent Cyprus lives on, and President Kyprianou's "framework" is a fair and sincere invitation for the Turkish Cypriots to reunite their war torn island.

The invitation has gone unanswered.

Mr. Speaker, it is time we made clear to Turkey that their intent is clearly understood, and will not be countenanced. The move to establish an separatist "Turkish Cyprus" is a hoax. It is a Trojan—or should I say Turkish Horse; a foothold from which to eradicate Greek Cyprus and absorb the island under Turkish control. Back in 1974, when Turkish Premier Bulent Ecrivet announced the invasion of Cyprus to the world, he thanked the United States for its support. "I am obliged to express my gratitude to all of (Turkey's) friends and allies," he said, "especially to the United States and Britain, with whom we were in close consultation."

Ten years ago we accepted his expression of gratitude because it was assumed that Turkey would withdraw and that Cyprus would be unified once again as an autonomous republic. History has betrayed the error of that assumption. I rise today because it is fitting on this anniversary to remember the Cyprus problem. I urge my colleagues to renew our commitment to a peaceful reunification of a Republic of Cyprus, and to join me on this day of mournful commemoration.●

HONORING OUR NATION'S YOUNG PEOPLE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. SKELTON. Mr. Speaker, honoring our Nation's young people and their achievements has always been important to me. Today, I am happy to recognize Jeannie Spurling, a young lady from Belle, MO. Jeannie won the State title in the junior division of the National History Day competition with her essay entitled, "St. James Built on a Furnace."

As a young historian, Jeannie has displayed a wonderful knowledge of her subject. In her description of the development and growth of a small Missouri town, I think we can all share the feeling of pride in remembering our heritage. For example, in this passage, Jeannie writes about the settling of St. James:

In the late 1800's, two men named Thomas James and Samuel Massey, would come and change Miramigoua (meaning catfish), which was the Shawnee Indian name given to that land now called Maramec. These two men would change Maramec: from the birds singing to the song of the hammer, from the colors of the turning season to the turning of wagon wheels, from the trees that seem to grasp the sky to the towering of the smokestacks, from the curling smoke of the Indian campfire to the smoke from the bloomery and furnace, from

the blend of the colors of nature to the colors of man. These changes were just the beginning of a chain of events that would lead to the building of the community of St. James.

I am proud to congratulate Jeannie Spurling for her winning essay and her writing ability. I think Jeannie exemplifies the optimistic capabilities of the young people in this country. With her ability and her interest, I feel she will continue to follow the winning path.●

TRIBUTE TO THE LATE JOHN VAN NOSTRAND

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. DOWNEY of New York. Mr. Speaker, a tragic accident recently took the life of a young friend and constituent of mine. John Van Nostrand was just approaching the realization of the promise life held for him when he was killed in a freak automobile crash. I wish to share with you, and with my colleagues, this moving tribute to a special young man, in the hope that we can all better appreciate how much life has to offer us each day.

[From the Rolling Stone, June 21, 1984]

JOHN VAN NOSTRAND: JULY 17, 1961–APRIL 15, 1984—HE HAD IT ALL, AND IF HE'D GIVEN THEM A CHANCE, THEY'D HAVE MADE HIM A STAR

(By Joyce Wadler)

He was a great maker of lists—admittedly an unheroic trait—which sometimes indicates a great procrastinator and sometimes indicates a great compulsive. But in his case, it meant a great passion for life, a fear that there was too little time and so many things to do.

Pro tennis player, model, writer—John Van Nostrand did it all; more's the tragedy that he had great promise in them all. Good-looking? At six foot two, with strawberry-blond hair, he had the kind of looks that when he walked through an airline terminal, the girls in the rental booths would turn to stare at him, one after the other, right down the line—*pow, pow, pow!*—like a row of pins struck by a bowling ball. *Pow, pow, pow!* He wore a lot of white, he was twenty-two, he had written a screenplay Farrah Fawcett wanted to do, he had been signed by the Los Angeles modeling agency that handled Cheryl Tiegs and Christie Brinkley. They said he had it, he had that something, and if he gave them the time, they could make him a star. The problem was, he loved his tennis more than he wanted to be a star. When the agency got him a Levi's commercial whose shooting schedule conflicted with a tournament in Mexico—which he needed to build up points for Wimbledon—he turned down the commercial.

"One day when I'm old and I tell my grandkids I played professional tennis, they'll ask me if I played Wimbledon," John said. "I don't want to tell them I did a Levi's commercial instead."

He never made the tournament. Driving north of Mexico City with twenty-year-old Joe Heldmann, a former New Jersey tennis champion, he came upon a winding turn and went 600 feet over the side. Theirs was not exactly a star send-off. Most newspapers, if they carried anything, ran a small wire-service story: Two tennis players killed. But in John's world, the reaction was strong. A kid he'd coached in the Junior Bowl dedicated his win to John; two players at the Mexican tournament wrote a song. Three weeks after his death, his parents had received 1000 letters of condolence—an extraordinary thing for a man his age. One was from a judge who likened him to a young Apollo. One was from a girl in Australia, one of the ball kids that John had taken to dinner, though most players wouldn't even have bothered to remember her name. One was from the Stanford University tennis coach, the head of the opposition when John was the top-rated player at Pepperdine University. And the girls, of course, all the letters from the girls.

"It feels like such a cliché to call it charisma," says Linda Pentz, the editor of *Tennis Week* and a close friend of John's. "But he had an incredible effect on people. An unbelievable body, a great smile and a kind of warmth that just enveloped you."

His manager, Paul Lazzaro, said the same: "John felt that he had enormous energy and that people knew he had this energy and fed off it, and he was happy to give it to people. He said he had something he called 'happy power'—he made people happy."

Golden tennis pro with the golden future. His growing up had been golden, too. A Long Island tennis family, all redheads: two sons, two daughters, the father, King, and the mother, Yvonne, both tennis instructors. A close family that played tennis as a family sport. John got into the game at seven, was ranked in his first tournament at eight. He was a natural, but an ambitious natural. At fifteen, he told the family he wanted to study at Harry Hopman's tennis camp in Florida. Three years later, he was at Pepperdine University in Malibu on a tennis scholarship. He was named to the all-American tennis team for 1982-1983. Out on the court he played with a red bandana around his head.

Things happened to him that do not happen to other people. Once he was sitting in a restaurant, and Mel Brooks was there with a gang of people, and they asked him to read for a role. They needed a guy with "drop-dead looks." He made things happen, too. Offered a part in a tennis movie, he found the script unbelievable, so he rewrote a scene and sent it back. They called and asked if he'd rewrite the entire screenplay.

In September 1983, he turned pro. A couple of months before, he had signed with the Nina Blanchard modeling agency. Because he had so much charisma, so much personality, Blanchard told John's manager that she'd personally promote him. But John was never around. He was off playing tournaments in Australia and Thailand, trying to build up his point average. And the lists, always the lists. He wanted to get his foot in the door as writer and actor and model; he wanted to see his script produced; he wanted to be well liked in his field; he wanted to write for magazines.

Too much to do, too little time. In April, he got word of two big modeling breaks: the Levi's commercial and a Lincoln-Mercury catalog. But there was that tournament in Mexico. He and Lazzaro fought about it; Lazzaro didn't want him to miss the jobs, it was a dinky tournament, the roads were terrible. But John insisted. That weekend, on a narrow, winding road north of Mexico City, John and his friend Joe went over the side. There'd been a sudden bend, no warning signs, no rail. Joe's father, who went down to investigate, said they almost made it. There was a skid, a long skid; they were trying like hell to stay on the road.

It happened on a Sunday. On Tuesday, the Pepperdine team played UCLA in a big tennis match. In memoriam, the Pepperdine players wore red bandannas. They usually lose to UCLA, but this time, on the last point, the last double, they clinched the game.

The memorial service was in Malibu, in a chapel overlooking the ocean, on one of those beautiful, brilliant, clear days. Driving there, down the Malibu Canyon Road, Linda Pentz felt the ocean had never looked lovelier; the sky so blue, the sun so deep. There was no casket. The family had taken his ashes, in a tennis-ball can, to his favorite spot at Zuma beach and scattered them in the sea. "Ah," thought Linda, "he's out there already. That's why the ocean looks so blue."

John Van Nostrand left a legacy of sorts, Paul Lazzaro still has one of those lists.

"To work on relationships," John had written. "To establish myself as one of the best tennis players in the world; to have a beautiful and exciting girlfriend; to buy my parents a house anywhere they want to live; to live a healthy and happy life."●

ADMINISTRATION'S ARMS CONTROL RECORD

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. STARK. Mr. Speaker, there should be no arms control debate in this fall's Presidential election campaign. The Reagan administration's record in this area speaks for itself with an eloquent silence. For those who believe that mutually beneficial and verifiable arms control agreements can serve our national interest, this administration fails every fair and reasonable test.

I would like to place in the RECORD of our proceedings the following information supplied by the Council for a Livable World, which describes the Reagan arms control record clearly and concisely.

The information follows:

SIX PREVIOUS PRESIDENTS HAVE PRODUCED ARMS CONTROL AGREEMENTS

RONALD REAGAN HAS FAILED TO PRODUCE A SINGLE ONE

President Dwight D. Eisenhower: Antarctic Treaty (1959).

President John F. Kennedy: Hot Line Agreement (1963); and Limited Test Ban Treaty (1963).

President Lyndon B. Johnson: Outer Space Treaty (1967); Latin American Nuclear-Free Zone Treaty (1967); and Non-Proliferation Treaty (1968).

President Richard M. Nixon: Seabed Arms Control Treaty (1971); Accidents Measures Agreement (1971); Hot Line Modernization Agreement (1971); Biological Weapons Con-

vention (1972); Anti-Ballistic Missile Treaty (1972); SALT I Interim Agreement on Offensive Arms (1972); Prevention of Nuclear War Agreement (1973); Anti-Ballistic Missile Protocol (1974); and Threshold Test Ban Treaty (1974).

President Gerald R. Ford: Vladivostok Aide-Memoire (1974); Geneva Protocol (Ratified by U.S. 1975); and Peaceful Nuclear Explosions Treaty (1976).

President Jimmy Carter: Environmental Modification Convention (1977); SALT II Offensive Arms Treaty (1979); and Nuclear Material Convention (1980).

President Ronald W. Reagan:

RONALD REAGAN HAS NEVER SUPPORTED ANY NUCLEAR ARMS CONTROL AGREEMENT

One sentence of President Reagan's State of the Union address in January 1984 received the loudest and longest applause from Congress: "Nuclear war cannot be won, and must never be fought." Nevertheless, the United States and the Soviet Union are engaged in an unrestrained arms race. Destabilizing new weapons are increasing the risk of nuclear war, and future developments may be even more dangerous.

For the first time in 15 years, US-USSR negotiations to limit nuclear arms have been completely broken off. Ronald Reagan is the only American president who has not met with Soviet leaders since diplomatic relations were established by Franklin Roosevelt 51 years ago.

Ronald Reagan has not supported a single nuclear arms control agreement, even those which were negotiated by Republican presidents.

In 1963, Ronald Reagan opposed the treaty negotiated by President John F. Kennedy that eliminated above-ground nuclear testing by the superpowers and reduced the amount of radioactive fallout in the atmosphere.[1]

In 1968, Reagan opposed the Non-Proliferation Treaty, negotiated by the Johnson Administration, in which 118 nations have since pledged to prevent the spread of nuclear weapons.[2] Reagan's lack of commitment to preventing the spread of nuclear weapons was demonstrated again 12 years later when he said: "I think that all of us would like to see non-proliferation, but I don't think any of us are succeeding in that. . . . I just don't think that's any of our business." [3]

In 1972, Ronald Reagan opposed the SALT I Agreement and the Anti-Ballistic Missile Treaty negotiated by Republican President Richard Nixon.[4] These pacts put the first restraints on the US-USSR nuclear missile competition.

In 1974, Ronald Reagan opposed the SALT II understandings reached by Republican President Ford with Soviet President Brezhnev at Vladivostok. Reagan said, "I think we gave away too much at Vladivostok."[5] Two years later, Reagan opposed the Peaceful Nuclear Explosions Treaty.[6]

In 1979, Ronald Reagan opposed U.S. Senate ratification of the SALT II Treaty signed by President Carter. Reagan called the treaty "fatally flawed"[7] and said, "SALT II— ship that thing back to the Soviets in Moscow."[8] During the 1980 election campaign, Reagan said that a large-scale arms build-up by the U.S. would be his strategy for negotiating with the Soviets: "The one card that's been missing in these negotiations has been the possibility of an arms race."[9]

As President, the Reagan record on nuclear arms control is perfectly consistent with his past positions. He has accomplished nothing to reduce the threat of nuclear war. Reagan is the only President since Harry Truman who has failed to produce at least one nuclear arms control agreement.

The Russians have always been difficult negotiating partners. Previous Presidents have been able to negotiate agreements with them. The Ronald Reagan who opposed every nuclear arms control agreement before he entered the White House is clearly not trying very hard for other agreements now that he is President. It is also clear that President Reagan will not negotiate seriously with a nation he has referred to in speeches as "an evil empire" and "the focus of evil in the modern world." His record inspires fear that President Reagan, in a second term, might not even pay lip service to arms control, but would intensify his confrontational approach to the Soviet Union.

FOOTNOTES

[1] U.S. Senator George Mitchell, "Americans Are Worried About Nuclear War," Congressional Record, 31 January 1984, p. S 511.

[2] *Ibid.*

[3] United Press International, "Proliferation Outweighed, Reagan Says," Washington Star, 1 February 1980.

[4] Douglas E. Kneeland, "A Summary of Reagan's Positions on the Major Issues of This Year's Campaign," New York Times, 16 July 1980, p. 14.

[5] "Issues and Answers" (transcript of television interview program), American Broadcasting Company, 30 November 1975.

[6] United Press International, "Reagan Charges Loopholes in Arms Pact Favor Soviet," New York Times, 10 April 1976.

[7] Steven V. Roberts, "Reagan, in Chicago Speech, Urges Big Increases in Military Spending," New York Times, 18 March 1980, p. B8.

[8] Mark Green and Gail MacColl, *Ronald Reagan's Reign of Error*, New York: Pantheon Books, 1983, p. 43.

[9] Associated Press, "Reagan Would Toughen U.S. Stand on Arms Pact," New York Times, 2 October 1980.●

BANKING: LET'S NOT FORGET THE POOR

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1984

● Mr. GARCIA. Mr. Speaker, on both sides of the Capitol, legislation is advancing to address the dramatic changes occurring in the financial services industry. As we proceed, we must maintain an eye on what these changes mean to the consumer. In particular, the question of increased service fees, long check-holding periods, and minimum balances all present increased costs to consumers. Because of the structure of these new policies, they impact most severely on the poor.

In an effort to address the increased burdens on the small- and low-income bank customer, States such as New York are developing lifeline services which provide all consumers with the opportunity to obtain and maintain checking and savings accounts. Such a lifeline concept recognizes the unique role banking plays in our economy by providing a safe place for money and acting as a conduit for capital. The changes that are revolutionizing this industry should not at the same time force the poor and the elderly to bank under their mattress.

Recently, officials of the American Express Co., discussed the relationship of banking and the poor with a reporter of the American Banker. I would like to enter this article for the review of my colleagues.

[From the American Banker, June 28, 1984]

AMEXCO: BANKS, THRIFTS SHOULD SERVE THE POOR

INSURED INSTITUTIONS SHOULD PROVIDE LIFELINE, OFFICIAL SAYS

(By Robert M. Garsson)

NEW YORK.—Money may be "the ultimate utility" and if so, it is the insured depository institutions that should provide a lifeline to the payments system for the poor and elderly, an American Express Co. executive said Wednesday.

"The key is insurance," said Harry L. Freeman, senior vice president for corporate affairs, explaining why American Express thinks banks and thrifts should provide services to the poor.

In the financial services industry, the lifeline concept means all consumers should be able to obtain checking and savings accounts, added Meredith M. Fernstrom, senior vice president for public responsibility at American Express.

Customers who might need "lifeline" services are the least desirable and least profitable for financial services companies. Indeed, Ms. Fernstrom said in a presentation Wednesday that American Express' target market is characterized by consumers of high social-economic status—younger, better educated, and well-paid individuals who don't have trouble gaining access to the payments system.

"Some consumer leaders say the poor and the elderly are being forced back to banking under the mattress," Ms. Fernstrom said.

Asked about a solution to this problem, Ms. Fernstrom said, "A lot of it boils down to public policy considerations." She noted that in New York State, "they [legislators] are looking especially at banks and savings and loans" to provide lifeline services.

CONSUMERISM "ALIVE AND WELL"

Discussing an American Express survey, Ms. Fernstrom emphasized that "the consumer movement is alive and well," and that the financial services industry must reckon with it or face penalties in the form of new regulations or legislation.

"There are 391 grass roots groups engaged in consumer advocacy, according to the Consumer Federation of America," Ms. Fernstrom said, illustrating the movement's clout. In addition, there are 391 consumer protection offices at the state, local, and national levels, as well as some 300 "Action Line," columns in newspapers and 70 consumer hot lines on television and radio.

In one area of importance to banks, thrifts, and other financial services companies, Ms. Fernstrom noted that consumer leaders don't like the move toward explicit pricing of services, such as for checking accounts.

"They are questioning the validity of the prices," she said. "We are not doing a good job of communicating what our costs are."

Footnotes at end of article.

Ms. Fernstrom cited four trends in consumerism that she said will affect the financial services industry:

The maturation of the consumer movement. Although there is less government support for consumerism under the Reagan administration than under previous administrations, consumer groups are well organized; are willing to join labor, political, and other groups in coalitions; and are more willing to narrow their focus to specialized issues when necessary.

The rise of international influence. The Organization for Economic Cooperation and Development, for example, has urged member nations to establish national payments councils and to pay particular concern to electronic funds transfer issues.

Increased consumer awareness. "Consumers are more knowledgeable today, and less compliant," she said.

Deregulation. As layers of government regulations are stripped away, banks and other financial services companies "are coming face-to-face with the real consumer for the first time," she said.

On the other hand, she said, the proliferation of service providers and the number of financial services available today is confusing to consumers.

Disclosure about product offerings should not only be made voluntarily by financial services companies, she said, but there is a case to be made that such disclosures should be standardized across industries. Moreover, she added, required disclosures may be worth accepting as a trade-off for deregulation.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, July 24, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 25

9:30 a.m.

Banking, Housing, and Urban Affairs
To hold oversight hearings on the conduct of monetary policy.
SD-G50

Foreign Relations
To hold hearings on the nomination of Paul F. Gardner, of Texas, to be Ambassador to Papua, New Guinea, and to serve concurrently as Ambassador to the Solomon Islands.
SD-419

10:00 a.m.

Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on S. 2773, to designate specified lands in the Chattachoochee National Forest in Georgia as wilderness, S. 2805 and H.R. 5121, bills to designate certain public lands in Virginia as additions to the National Wilderness Preservation System, and S. 2808, to designate certain national forest system lands in the State of Mississippi as wilderness.
SR-328A

Appropriations
District of Columbia Subcommittee
To hold hearings on the proposed naming of Andre Sakharov Avenue in the District of Columbia.
SD-124

Governmental Affairs
To hold oversight hearings on the relationship between Congress and the executive branch in the formulation and implementation of foreign policy.
SD-342

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold joint oversight hearings with the House Committee on Government Operations' Subcommittee on Intergovernmental Relations and Human Resources to review the activities of the Advisory Commission on Intergovernmental Relations.
2154 Rayburn Building

Veterans' Affairs
Business meeting, to mark up S. 2736, to increase the rates of veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children.
SR-418

Select on Intelligence
To hold a closed meeting on intelligence matters.
SR-385

Joint Economic
International Trade, Finance, and Security Economics Subcommittee
To hold hearings to review false claims in Navy shipbuilding.
SD-628

10:30 a.m.

Foreign Relations
To hold hearings on the nominations of Jorge L. Mas, of Florida, to be a member of the Advisory Board for Radio Broadcasting to Cuba, Diana Lady Dougan, of Utah, to be Coordinator for International Communications and Information Policy, with rank of Ambassador, and Maynard W. Glitman, of Vermont, for the rank of Ambassador during the tenure of his service as the Representative of the United States for Mutual and Balanced Force Reductions Negotiations.
SD-419

11:00 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
Business meeting, to mark up H.R. 5743, appropriating funds for fiscal year 1985 for the Department of Agriculture, rural development, and related agencies.
SD-138

2:00 p.m.

Foreign Relations
To hold hearings on the nominations of Robert J. Ryan, Jr., of the District of Columbia, to be Ambassador to the Republic of Mali, and Alan W. Lukens, of Pennsylvania, to be Ambassador to the People's Republic of the Congo.
SD-419

Judiciary
To hold hearings on pending nominations.
SD-226

3:30 p.m.

Conferees
On H.R. 3755, to revise the old age, survivors and disability insurance provisions of the Social Security Act.
Room to be announced

JULY 26

9:30 a.m.

Finance
Taxation and Debt Management Subcommittee
To hold hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.
SD-215

Governmental Affairs
Business meeting, to resume markup of S. 1566, to permit Federal agencies and departments to set up an administrative procedure to prosecute and collect on fraud cases and provide a penalty that automatically doubles the amount of money defrauded, and to begin markup of S. 1858, to make a technical correction to the legislative veto provisions of the Self-Government and Governmental Reorganization Act of 1973 (Home Rule Act), and other pending calendar business.
SD-342

10:00 a.m.

Appropriations
District of Columbia Subcommittee
To resume hearings on activities of the District of Columbia Parole Board.
SD-138

Environment and Public Works
Business meeting, to mark up proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (Public Law 96-510).
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Business meeting, to consider the nomination of Rosemary M. Collyer, of

California, to be General Counsel of the National Labor Relations Board, and S. 2568, Civil Rights Act of 1984.
SD-430

Joint Economic
International Trade, Finance, and Security Economics Subcommittee
To continue hearings on false claims in Navy shipbuilding.
SD-106

1:30 p.m.
Appropriations
District of Columbia Subcommittee
Business meeting, to mark up H.R. 5899, appropriating funds for fiscal year 1985 for the government of the District of Columbia.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on rail safety.
SR-253

Foreign Relations
To hold hearings on the nomination of Richard W. Boehm, of the District of Columbia, to be Ambassador to the Republic of Cyprus.
SD-419

2:30 p.m.
Conferees
On S. 979, to improve the enforcement of export administration laws.
2172 Rayburn Building

JULY 27

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To continue hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.
SD-215

10:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
Business meeting, to mark up the provisions of H.R. 5973, appropriating funds for fiscal year 1985 for the Department of the Interior and related agencies.
SD-192

JULY 30

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To resume hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.
SD-215

10:00 a.m.
Joint Economic
To hold a midyear review of the national economy.
SD-106

2:00 p.m.
Judiciary
Constitution Subcommittee
To hold hearings on certain Immigration and Naturalization Service issues.
SD-226

JULY 31

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the conduct of monetary policy.
SD-538

Governmental Affairs
To resume hearings on the relationship between Congress and the executive branch in the formulation and implementation of foreign policy.
SD-342

10:00 a.m.
Armed Services
Business meeting, to consider S. 2713, authorizing funds for fiscal year 1985 for the intelligence community, and to hear and consider the nominations of Robert S. Cooper, of Virginia, to be Assistant Secretary of Defense for Research and Technology, James Paul Wade, Jr., of Virginia, to be Assistant Secretary of Defense for Development and Support, Everett Pyatt, of Virginia, to be Assistant Secretary of the Navy for Shipbuilding and Logistics, Charles G. Untermeyer, of Texas, to be Assistant Secretary of the Navy for Manpower and Reserve Affairs, Donald C. Latham, of Virginia, to be Assistant Secretary of Defense for Command Control, Communications, and Intelligence, and routine military nominations.
SR-222

Environment and Public Works
Business meeting, to mark up proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (Public Law 96-510).
SD-406

Judiciary
Patents, Copyrights and Trademarks Subcommittee
Business meeting, to mark up S. 1535, to strengthen the U.S. patent system and streamline certain procedures for securing a patent, S. 1990, to clarify the circumstances under which a trademark may be cancelled or abandoned, and S. 2171, to revise the patent law to establish uniform policies and procedures for patent rights in inventions developed with Federal assistance.
SD-226

Labor and Human Resources
Handicapped Subcommittee
To hold hearings to review recommendations to improve services for the mentally retarded.
SD-430

Select on Indian Affairs
To continue hearings on House Joint Resolution 158, to make a technical amendment to the Indian Land Consolidation Act (Public Law 97-459).
SD-366

Select on Elect Committee to Study the Senate Committee System
To hold hearings on the reform of the Senate committee system as authorized by section 3 of Senate Resolution 127.
SR-301

1:00 p.m.
Finance
Health Subcommittee
To hold oversight hearings on the implementation of the Utilization and Quality Control Peer Review Organization (PRO) program.
SD-215

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 2846, authorizing funds for fiscal years 1984 and 1985 for the Nuclear Regulatory Commission, focusing on section 201, relating to nuclear waste policy, and to discuss the Department of Energy's mission plan for the Civilian Radio Act waste management program.
SD-366

AUGUST 1

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to mark up proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (Public Law 96-510).
SD-406

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 2821, to improve protections for former spouses of Government officers and employees under the Civil Service retirement system and the Federal employees health benefits program, and S. 2697, to provide that certain commissioned officers of the Public Health Service are preference eligibles.
SD-342

2:00 p.m.
Environment and Public Works
Transportation Subcommittee
To hold hearings on buy-America restrictions use of foreign made cement in Federal-aid-highway projects.
SD-406

AUGUST 2

9:00 a.m.
Energy and Natural Resources
Energy and Regulation Subcommittee
To resume hearings on S. 817, S. 1069, and H.R. 555, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

9:30 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to examine whether certain international terrorist activities are funded by the sale of illegal drugs.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to mark up proposals to extend and amend the Comprehensive Environmental Response, Com-

pensation, and Liability Act of 1980 (Superfund) (Public Law 96-510).
SD-406

Select on Elect Committee to Study the Senate Committee System
To resume hearings on the reform of the Senate committee system as authorized by section 3 of Senate Resolution 127.
SR-301

AUGUST 3

10:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on certain provisions of the Tax Reform Act (Public Law 98-369) affecting the treatment of interest on deferred payment sales of property.
SD-215

AUGUST 6

10:00 a.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold oversight hearings on contracting out certain functions of the National Oceanic and Atmospheric Administration, Department of Commerce.
SR-253

AUGUST 7

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on H.R. 89, to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign flag vessels when U.S. flag service for such transportation is not available.
SR-253

Finance
To hold hearings on flat-rate and other major tax reform proposals.
SD-215

AUGUST 8

10:00 a.m.
Finance
Health Subcommittee
To hold hearings on proposed adjustments to the diagnosis-related group (DRG) relative weights used to compute Federal payment rates under medicare's prospective payment system.
SD-215

Labor and Human Resources
Business meeting, to mark up S. 2748, to revise the procedures for new drug applications by abbreviating certain generic drugs approved after 1962, and to provide for the extension of patents for certain regulated products, and proposed legislation to permit the export of drugs not approved in the United States.
SD-430

AUGUST 9

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2850, to designate certain national forest system lands in the State of Montana for inclusion in the National Wilderness Preservation System.
SD-366

10:00 a.m.
Finance
To resume hearings on flat-rate and other major tax reform proposals.
SD-215

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

CANCELLATION

JULY 31

9:30 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on comparable worth.
SD-124

SENATE—*July 24, 1984*

(Legislative day of Monday, July 23, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable MACK MATTINGLY, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"Praise God from whom all blessings flow."

Father in Heaven, we declare our gratitude for the success of the Democratic Convention. We thank Thee that no outside interference disrupted the agenda and that no violence caused accident or injury to those who attended, leaders, delegates, press, and observers. We thank Thee for the unity which prevailed, despite the possibility of division.

We praise Thee, God, for our political system, for the vision of our founders, and for the fact that it continues, despite its failures, as the system which guarantees security and freedom for all citizens. Forgive our failures and help us to work our system in ways that will overrule human greed, pride, and selfishness which deprive any group or individual of God-given rights. In the name of Him who loved and served all people impartially and unconditionally. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, Tuesday, July 24, 1984.
To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MACK MATTINGLY, a Senator from the State of Georgia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. MATTINGLY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting majority leader is recognized.

RETURN FROM ALASKA

Mr. STEVENS. Mr. President, having just returned from Alaska I attribute our presence here to technology, and I mean the technology of air-conditioning. It was quite a shock to come back into the Washington scene earlier this morning. I left Anchorage, AK last night at 8:50 p.m. Incidentally, I found out that the salmon were running again and they were not running the 1 day I had on the Kenai River in Alaska.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, the legislative agenda for today was outlined by the majority leader yesterday.

Following the time for the two leaders under the standing order and a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE], there will be a period for the transaction of routine morning business not past the hour of 12 noon.

The Senate will stand in recess from 12 noon until 2 p.m. for the respective policy meetings.

At 2 p.m. there will be a rollcall vote in relation to House Concurrent Resolution 332, the Sakharov-Bonner resolution.

Following that vote the Senate will resume consideration of H.R. 5798, the Treasury-Postal appropriations bill.

The yeas and nays have been ordered on the resolution at 2 p.m.

CLARIFICATION OF INTENT OF 1867 CONVENTION BETWEEN THE UNITED STATES AND RUSSIA

Mr. STEVENS. Mr. President, this week a U.S. delegation will be meeting in Moscow to discuss the boundary off Alaska between the United States and the Soviet Union. The discussions will attempt to clarify the intent of the 1867 convention between the United States and Russia which provided for the conveyance of the territory of Alaska to the United States.

I believe these talks which have been conducted for several years are progressing in an acceptable manner. Technical issues regarding the boundary line depicted in the 1867 convention still need to be resolved.

The importance of this issue is well known as we believe substantial oil and gas resources may be found on the U.S. side of the line and fishery resources in the area will also be affected by this decision.

I am most pleased that the Department of the Interior has moved forward with the Navarin Basin oil and gas lease sale in a manner which fully preserves the rights of the United States pending the outcome of these discussions.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Monday, July 23 Washington Times entitled "U.S., Soviets Discussing Bering Sea Boundary."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S., SOVIETS DISCUSSING BERING SEA BOUNDARY

(By Dave Doubrava)

U.S. and Soviet officials are meeting today in Moscow to continue negotiations over who owns a portion of the Navarin Basin, a potentially energy-rich oil and natural gas leasing area in the Bering Sea between Alaska and the Chukchi Peninsula.

The negotiating session, the fourth on the subject since 1981, seeks to define disputed portions of the maritime boundary between the two countries, which was established by the 1867 Convention, the instrument under which the United States bought Alaska from czarist Russia.

A dispute grows out of technical differences in the manner in which the United States and the Soviet Union depict the line.

Last week, State Department officials declined comment on the status or details of the negotiations, citing standard policies against discussing treaty negotiations.

But they denied the suggestion that the United States may "give away" what may be a potentially energy-rich oil and gas exploration area, or that it accepted the Soviet version of the 1867 Convention line when the Interior Department recently conducted a lease sale in the basin.

The lease-sale procedures, according to the State Department, "preserve and protect the U.S. claim to this area and at the same time recognize the fact there are ongoing discussions with the Soviet Union and that the Soviet Union also claims part of the lease sale area.

"The procedures are designed to be consistent with U.S. views on the maritime boundary without prejudicing a negotiated resolution on the issue.

"To infer a giveaway from participation in negotiations to resolve differences over the boundary—the responsible course of action under international law—is simply unfounded," the State Department said.

In April, the Interior Department accepted bids on 186 tracts in the Navarin Basin for oil and natural gas exploration, including 20 tracts in the disputed area.

According to Interior's Minerals Management Service regional office in Alaska, more than 28 million acres within the basin were offered for lease in April, with about 939,000 acres actually leased.

Of that total, about 98,000 acres were leased in the disputed portion of the basin.

However, under terms of the lease sale, no actual exploration will be allowed in the disputed tracts until the maritime boundary dispute is resolved, Interior Department officials say.

In addition, the money paid for the leases will be held in escrow by the federal government for five years or until the dispute is resolved, with those companies which leased the tracts retaining the option to have their money returned after the five-year period.

Interior officials said no firm estimate of the potential value of the oil and gas in the basin—or its disputed portion—could be determined. But they note that oil and gas concerns paid $112 million, the amount now held in escrow, for the 20 leased tracts in the disputed area.

Spokesmen for Alaska's congressional delegation and Gov. Bill Sheffield said the State Department has kept them fully informed of the negotiations and that they support the department's handling of the matter.

The disputed area lies in the Bering Sea more than 200 miles off the Alaskan mainland. U.S. maps depict the maritime boundary as generally running from between the narrow Bering Strait separating Alaska from Siberia southwesterly to the outer islands in the Aleutian Island chain.

The Soviets contend that, according to their calculations, portions of the boundary should be moved toward the east, thereby extending their territorial jurisdiction further into the Navarin Basin.

The U.S. depicts the boundary by "arcs of great circles" approximating the shortest distance between two points on the surface of the Earth, according to the State Department. The Soviet Union depicts the boundary using "rhumb lines," or lines of constant compass bearing, used primarily for navigation.

U.S. and Soviet negotiators have met on the issue in November 1981, May 1983 and January 1984, alternating their discussions in Washington and Moscow. The current round of meetings in Moscow is expected to last two days.

Mr. STEVENS. Mr. President, I reserve the remainder of our time on this side and ask unanimous consent that if the majority leader has a statement to appear in the RECORD, it appear in the RECORD at this point.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized.

Mr. PROXMIRE. Mr. President, on behalf of the Democratic leader, I ask unanimous consent that his time be reserved for his later use today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

ANSWER NO. 1 TO GENERAL GRAHAM ON WORKABILITY OF ANTINUCLEAR MISSILES

Mr. PROXMIRE. Mr. President, on June 27 on the floor of the Senate I spoke in response to an editorial in the Wall Street Journal titled: "Star Wars Works." I disagreed with the Journal editorial contention that the administration's strategic defense initiative or antimissile program, otherwise called Star Wars Works based on one test success compared to three test failures. I pointed out that the Defense Department itself has told us it would be 8 years or so and the expenditure of some $50 billion in research before they would be able to give us the Defense Department's opinion of whether the antimissile program would work. I also pointed to the immense cost of the program and the ease with which an adversary might, over the years, defeat the program even if it could be perfected against the 1984 Soviet offensive missile arsenal.

On July 10, Gen. Daniel Graham wrote me a letter vigorously protesting my speech. Mr. President, this issue is so critical to the defense of this country and the cost of the strategic defense initiative is so enormous—not $50 billion, but it could easily exceed $1 trillion—that I intend to answer General Graham in a series of speeches on the floor over the next several days. General Graham broke his response down into seven parts, and I am going to take seven speeches to answer it. For the information of Congress, I will answer each of the general's points and ask unanimous consent that his response be printed in the RECORD before my answer to General Graham's position. General Graham's seven part response is based on a series of positions that he attributes to opponents of the administration's strategic defense initiative or "Star Wars." The first position he attributes to those of us who oppose this program, General Graham characterizes as "It Can't Be Done." I ask unanimous consent that this first section of General Graham's response be printed at this point in the RECORD:

1. IT CAN'T BE DONE

Answer. Several groups and individuals have made this charge. It should be noted that these naysayers disapprove defense against nuclear attack in principle—they adhere to the all-offense, vengeance oriented doctrine of Mutual Assured Destruction. They would not deploy High Frontier if it could be done tomorrow at no cost. On that basis alone, their complaints about technology are, at best, suspect.

Some of these naysayers appear to have the scientific credentials to make feasibility judgments—e.g., the Union of Concerned Scientists, Carl Sagan and three ex-Admirals (Gayler, Larocque and Carroll). They are few in number, however, in comparsion with the list of experts who attest to the feasibility of defense against ballistic missiles.

It is very important to note that those who say "it can't be done" preface their objections with the assumption that the goal of the defense is perfection, i.e., a "total", "leakproof", "impermeable", etc. system: Given an impossible goal (there never has been nor never will be a perfect defense against anything) it is not difficult to prove that it can't be done. These naysayers write lengthy papers to prove the obvious—perfection is not in the cards. But by insisting that no defense is worthwhile unless perfect, they are able to write reams of paper about the difficulty of obtaining super-exotic "Star Wars" weapons and give short shrift to the simpler solutions such as High Frontier's.

What they fail to see or refuse to admit is the fact brought out by the President's commission on the subject: An imperfect defense can add enormously to our deterrent to nuclear war. We should not review a 90 percent effective defense solely in terms of reducing the numbers of weapons getting through, although preventing 90 percent of those nuclear detonations certainly beats accepting 100 percent the way we do today. The real advantage is the certainty that no Soviet leader would ever contemplate a 10 percent effective first strike against us.

As for the technical feasibility of the High Frontier system, it was judged feasible twenty years ago by scientists and technicians. The High Frontier technology has been tested successfully by the Soviet Union since 1972. Their antisatellite weapon works by sending a large missile into space carrying a small kinetic energy-kill device. The device leaves the missile and travels to the targeted satellite where it creates a cloud of fragments which destroys it. This is the High Frontier system in reverse. High Frontier sends the kinetic energy device from the defensive satellite to intercept the missile and destroy it with fragments or pellets. If the Soviets could do such things 12 years ago, we can surely apply that technology today.

Mr. PROXMIRE. Mr. President, neither this Senator nor anyone I have quoted has said that this antimissile program cannot work. One does not have to believe in miracles in this technological society of ours to recognize that anything or almost anything is possible. Certainly, for example, it is possible over the next 10 or 15 years say by the year 2000 to perfect, produce, and deploy an antimissile program that would defend against the kind of intercontinental missiles the Soviet Union has in their arsenal today in 1984.

If we spend enough money such a defense might even have a better than 50-50 chance of working to provide say 90 percent protection against such incoming Soviet intercontinental missiles. But this is true only if we assume the Soviets watch this U.S. star wars deployment with equanimity and do nothing about it for the next 15 years. Suppose such a system were in place, fully deployed by the year 2000. Would our adversary simply accept that situation or would the Soviet Union certainly do two things:

First, wouldn't the Soviets greatly increase the number of their intercon-

tinental missiles. If it did this by a factor of 10, it would have precisely the same devastating effect—as an all-out Soviet preemptive nuclear attack would have today. This assumes that our new antimissile system would have the 90-percent success factor General Graham claims for it. If the Soviets did not increase their missiles at all and if only 10 percent of their offensive missiles pierced our antimissile shield we would suffer more than a thousand megaton disaster.

That is a billion tons—a billion tons—Mr. President, rained down on this country, our industries, our cities, and most of our population would perish.

Second, does anyone really believe that if we proceed with this antimissile program the Soviets will not improve offensive missile technology to try to maintain the advantage a missile offense has always had over a missile defense. The simple fact that the offense can pick the time, the place, and the volume of attack.

The offense can harden the skin of incoming missiles so that it would not be an effective defensive system. It can use decoys to frustrate and deceive defensive systems. It can rely on grounds-hugging missiles like the cruise. It could completely devastate the defensive system and Graham admits that. There are many other variations very likely—not certainly, but very likely—to permit the offensive missile technology to maintain its present technology over the missile defense in coming years.

To answer the specific arguments made in General Graham's response, here goes: Graham charges that opponents of the antimissile program disapprove defenses against missile attacks in principle. Well, not this opponent. If an antimissile system would be likely to work, I would support it. But the odds against its working are very long, indeed. The cost, as we shall see in a speech I will deliver later, will be, to use Secretary De Lauer's very words—and he is a proponent of the program—"staggering."

Second, General Graham contends that those who say his antimissile system will not work, "preface their objections with the assumption that the goal of defense is perfection." This Senator makes no such assumption. In fact, I take General Graham's own estimate of 90 percent success and show that such a record of success would not prevent total annihilation of this country.

Finally, General Graham argues that the Soviets judged that the antimissile system would work 20 years ago, and tested it successfully since 1972. It this were true, how do we explain the fact that the Soviets had so little faith in the efficacy of an antimissile system that they agreed to the ABM Treaty in 1972 banning antimissile weapons, except for a single such weapon, just one, for each superpower, and that the U.S. Senate in that same year, on the advice of the Defense Department and a Republican President, ratified the treaty by an overwhelming 88 to 2 vote.

Mr. President, in my next speech on this subject I will answer General Graham's contention that this antimissile system will be of only relatively modest cost.

BUCHENWALD AND EAST GERMANY'S MEMORY OF THE HOLOCAUST

Mr. PROXMIRE. Mr. President, there is a tiny museum on the Buchenwald concentration camp site in East Germany which is dedicated to the memory of one of the most notorious Nazi concentration camps that was used for the extermination of Jews during World War II.

Soviet soldiers and other tourists stroll in silence through this museum daily, gazing at pictures of terror-stricken humans crowded in stables, with the hollow faces and emaciated limbs that have become a familiar symbol of the Holocaust. Artifacts from the days of Nazi persecution are exhibited in gruesome detail. In one crematorium exhibit, a row of brick ovens, kept clean and tidy, stands as perhaps the most odious testament of the concentration camp.

However, the Buchenwald Museum is used by the East Germans more for the sake of propaganda than as a tribute to the more than 250,000 prisoners who were held captive there and the 56,000 who perished there.

Unlike the concentration camp museum at Dachau, West Germany, where due reverence is given to the memory of the Jews who were murdered there, Buchenwald is depicted as the scene of a great heroic triumph by the Germany antifacists and Communists who opposed the oppressive measures of the Nazi regime.

In a distant corner of the Buchenwald Museum, the sole description of Jewish suffering is mentioned almost as an aside. Inscribed with the star of David, beneath the picture of a hunched woman in a black shroud, a caption reads: "Jewish prisoners paid a high price in blood. They were special victims of the revenge, sadism and murder practiced by the S.S."

In contrast to West Germany, which has paid out more than $25 billion in reparations to Jews around the world, including $10 billion to Israel, East Germany has denied any obligation to pay war reparations to Jews or foreign governments.

Besides rejecting any guilt for the Holocaust, the East German Government also insists that the Nazi regime represented capitalism at its most evil through its forced labor programs conducted for extermination purposes.

Yet, it is behind the Iron Curtain and not in capitalist countries such as the United States where oppressive measures aimed against Jews are being practiced. Just recently we offered a day of fasting and prayer in honor of Soviet Jewry. But condemning these human rights violations is not enough. We must couple our condemnations with the passage of the Genocide Convention.

Ratification of the Genocide Convention would strengthen our position in fighting gross violations of human rights committed by the Soviet Union and its allies, as well as strengthen our rightful role as leader of human rights everywhere.

That is another reason why I continue to urge the Senate to ratify the Genocide Convention.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 noon with statements therein limited to 2 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 463—THE SEVERANCE TAX EQUITY ACT

Mr. DIXON. Mr. President, at 9:30 a.m. this morning, the Energy and Agricultural Taxation Subcommittee of the Senate Finance Committee began hearings on S. 463, the Severance Tax Equity Act, which I introduced earlier in this Congress. I was very pleased to testify at the hearing this morning. I believe the questions involved are extremely important and deserve the Senate's attention.

While I do not believe that severance taxes are inherently evil, I do believe that, in some States at least, they have risen to levels that constitute a burden on interstate commerce. S. 463 would impose reasonable limits on State severance tax limits that will help ensure that future energy price increases do not result in the outbreak of a "civil war" between the energy-rich and energy-poor States of the Union.

We have only to look to our neighbor to the north, Canada, to see the

division and strife that can result when energy resources are treated primarily as local, rather than national, resources.

Mr. President, I ask unanimous consent to include at this point in the RECORD my statement before the Finance Subcommittee this morning which goes into these issues in greater detail.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ALAN J. DIXON BEFORE FINANCE SUBCOMMITTEE ON ENERGY AND AGRICULTURAL TAXATION

Mr. Chairman and members of the subcommittee, S. 463, which I introduced earlier in this Congress, is designed to effectively prohibit States from imposing excessively high severance taxes on coal, oil or natural gas.

The United States has witnessed a dramatic increase in the price of energy over the past 10 years. In spite of the current temporary price stability, energy costs are now a burden on American business and on the average working men and women of this country. Americans have to worry about whether they can afford the gas to commute to work, to look for jobs, or even to heat their homes in the winter.

In my own State of Illinois, for example, the recent recession meant that the State's infrastructure continued to deteriorate, and that substantial increases in State taxes were needed. Illinois needs over $1 billion more annually just to maintain its investment in highways and transit systems. Education and social services are increasingly jeopardized.

Yet, eight States were relatively unaffected by that recession. In 1981, Alaska's tax revenue rose by 51.3%; New Mexico's by 30.3%; Oklahoma's by 24.2%; North Dakota's by 21.9%; Wyoming's by 19.2%; Texas' by 17.9%; and Louisiana's by 17.5%. These are all States with significant severance tax revenues.

Severance tax revenues currently accrue solely to the States where the tax is imposed. Unfortunately, this resource is not available to all the States of the Union. In fact, 87% of severance tax revenues go to only 8 of the 50 States. For these fortunate few, severance tax revenues are a major component of State finances. Last year, 73 percent of Alaska's revenues came from severance taxes, with Wyoming receiving 53 percent of its tax revenues from severance taxes. The six other States—Louisiana, Montana, North Dakota, Oklahoma, and Texas—currently derive more than 25 percent of their revenue from this source.

There has been a great deal of debate about the severance tax over the last several years. Those who support the tax claim that the States have a right to determine their own policies and that the tax is the price producers must pay as the cost of doing business. But, does the price of producing the scarce minerals include forcing citizens of energy-poor States to pay the costs of the local governments in the energy-rich States?

The continuing increase in the wealth of these States enables them to attract industry through favorable tax policy. Alaska, for example, was able to place revenues in a permanent trust fund and to give each of the State's residents over $1,000 in cash. All of this appears to be at the expense of energy-consuming States who are losing industries and tax revenues which are desperately needed to support and maintain daily governmental operations. The burden of severance taxes seems to be shifted to the citizens of the States that buy, rather than produce, energy.

These natural resources belong to our Nation, not just to the State where they happen to be located. We need to decide whether we are going to treat our natural energy resources as truly national resources or whether we are going to let them be controlled—because the power to tax is the power to control—by States which, through an accident of geography, are the sites of our energy resources. It is time for a national approach to be taken concerning this most vital issue.

Illinois is a major coal-producing State. It does not enjoy the luxury of a severance tax at the moment. However, evolving market conditions could soon make it very attractive for my State to impose a severance tax on coal.

And coal is not the only resource on which a severance tax can be imposed. Governors in the Great Lakes States have been seriously discussing the imposition of a severance tax on Great Lakes water that could, in the future, be piped to water-starved Western and Southwestern parts of our country. I have seen newspaper accounts indicating that the Midwest could be the future "OPEC of water."

I find that idea extremely disturbing. The United States is much more than a collection of 50 separate States. It is one Nation. It cannot and should not let control over what are truly national—not just natural—resources be decided by the individual States.

I believe the States are entitled to tax economic activity that occurs within their borders. Our Constitution makes it clear that they have the right. I have no quarrel with the desire of States to impose limited severance taxes to compensate for the impact of energy production activities on the State. However, I do not believe States should be able to impose severance taxes that raise revenues far in excess of the amounts needed to recover those costs. Severance taxes, in my view, can unduly burden interstate commerce, and are clearly subject to Federal jurisdiction.

A 1981 Supreme Court decision, *Commonwealth Edison Co.* v. *Montana* (101 S.Ct. 2946)(1981), restated that point, indicating that State taxes affecting interstate commerce are subject to commerce clause scrutiny. The Court concluded that a State severance tax is not immunized from commerce clause scrutiny and that the tax must meet a four-pronged test. Under the test, a State tax does not offend the commerce clause if it is applied to an activity with a substantial nexus with the taxing State, is fairly apportioned, does not discriminate against interstate commerce, and is fairly related to services provided by the State. The amount of a tax must be reasonably related to the services provided by the State or the costs generated by the taxed activity.

The majority opinion suggested that a uniform system of apportionment of income for State tax purposes would advance the policies that underlie the commerce clause. There is an urgent need to limit State taxes so that the total tax levy does not unduly burden commerce in the minerals so taxed. The congressional power under the commerce power is broad, and several Supreme Court cases appear to be inviting Congress to develop a uniform policy with regard to certain aspects of State taxation as a way of protecting and promoting commerce.

The constituents of the Midwest and other regions should not be forced to pay the costs of general government in energy-producing States, especially since their interests are not represented in the taxing State. Taxation without representation may chill productive activity—something the framers sought to control when they granted Congress power over interstate commerce.

Congress has acted in the past when State taxes appeared unduly burdensome and adversely affected interstate commerce. In 1976, for example, Congress enacted the Railroad Revitalization and Regulatory Reform Act—known as the 4R Act. One provision of that act overturned discriminating State property taxes on railroad property, including a discriminating property tax included in the constitution of the State of Tennessee. Congress decided that taxing railroad property at rates higher than other businesses was unfair and unnecessarily increased railroad rates across the Nation.

S. 463 provides a way for Congress to handle similar unfair discrimination in the energy tax area. It places reasonable limitations on State severance taxes by limiting severance tax rates to the levels necessary to recover the public costs directly attributable to the energy extraction activities. States would continue to be free to impose income taxes, sales taxes and other taxes that other businesses pay on their energy industries. Further, this legislation does not affect in any way the States' right to collect royalty income in appropriate situations. However, it will effectively prevent the use of the severance tax mechanism to raise revenues for general government and other unrelated activities.

The bill does not establish a numerical test: It does not attempt to determine the particular level at which severance taxes are exceedingly high. However, it does establish a standard that is both flexible and reasonable. It permits States to impose severance taxes to defer overall social, environmental and economic costs that are associated with the production of the natural resource. For example, States would be able to impose severance taxes to recover the costs of necessary highway upgrading or of new sewer lines needed to service the energy extraction facilities.

I believe that energy severance taxes in some States have risen to such levels as to constitute a burden on interstate commerce. One of the major reasons the 13 Colonies came together to form the United States after the Revolutionary War was to form a customs union, to ensure the free and unfettered flow of trade betwen and among the States-to-be. I think that objective was a sound one, and that it remains sound today. Our Forefathers saw this Nation working as a unified body where the free flow of goods would enable each and every State to prosper. We are a single nation, not a nation composed of separate and distinct commercial entities.

Unrestricted severance taxes by the States have the potential to undermine the free flow of trade among the States, and to incite regional strife. Some have likened the controversy over severance taxes to a type of "energy civil war." Our Nation should not have to sustain another civil war of any kind.

I think it is imperative to enact this legislation, and to enact it quickly. Our energy resources are part of our National Treasure,

and their benefits should be shared by the entire Nation. Income from our energy sources should not be transferred from energy-poor States to energy-rich States.

I introduced S. 463 because I think it is time for the Senate to begin to think seriously about this crucial issue. State severance taxes raise public policy issues of the greatest importance. We should begin the process of examining those issues in a comprehensive, but expeditious manner.

I appreciate the opportunity to appear here today. I recognize the controversial nature of the issues involved, and I know many of my colleages here today do not share my views. I am realistic enough to know that this subcommittee will not act on S. 463 in the short time remaining in this Congress. However, I am optimistic that today's hearing can serve to stimulate further discussion and debate of the severance tax issues, and I look forward to a continuing dialogue with all interested parties on this crucial public policy concern.

Again, I greatly appreciate your consideration, Senator Wallop, as subcommittee chairman, for scheduling this hearing and permitting me to appear, especially since we see this matter somewhat differently. I want to thank you personally for your kindness and for your willingness to schedule this hearing in the face of so many competing considerations.

THE SEVERANCE TAX IS FAIR

Mr. STEVENS. Mr. President, I had considered putting a statement that I made before the Finance Committee into the RECORD earlier. I did not do so.

Let me state that the Senator from Illinois has raised an interesting question concerning severance taxes. Coming from a State that does produce considerable oil, gas, timber, and minerals, I would like to reaffirm to the Senate our firm determination to continue the severance tax policy that we have pursued, and which the resource producing States in general have pursued. If one examines the taxing policies of the individual States, it is an interesting thing to note that those States which are not producing resources actually impose a greater tax burden upon the course of those resources through interstate commerce than do the producing States through the severance tax process. The severance tax is fair. It is a policy which is pursued primarily by the younger States of the Union. Those States are the resource producing States of our Nation.

I ask unanimous consent that my statement, which was presented before the Finance Committee, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR STEVENS' STATEMENT ON THE SEVERANCE TAX EQUITY ACT OF 1982 BEFORE THE COMMITTEE ON FINANCE JULY 24, 1984

Mr. Chairman, thank you for the opportunity to remark on S. 463, the Severance Tax Equity Act of 1982.

As a representative of the State of Alaska, I feel that it is necessary to express my opposition to and concern with S. 463. The Severance Tax Equity Act of 1982, as presented before the Senate, places a cap on the severance tax rate that a State may charge private developers for the removal of energy resources. The bill is deficient in several respects:

The limitation on a state's authority to set an appropriate severance tax rate geared to meet the future impacts of energy development will decrease an energy state's ability to provide necessary public services for its constituents;

This type of federal intrusion in state taxing policies is contrary to the sovereign rights reserved to the states by the Constitution;

The declaration of energy as a "national" resource is unprecedented in light of current national energy policy and is inapplicable to the present issue; and

This bill will cause further "regionalization" among the states of this country, making the objectives promoted by the Administration's "new federalism" initiatives more difficult to achieve.

SEVERANCE TAXES REDUCE THE NEED FOR FEDERAL IMPACT AID

The United States has made a national commitment towards decreasing our dependence on imported crude oil and increasing the recovery and production of our domestic energy resources. One of the by-products of this policy decision is the impact on local communities that accompanies this development stage. In the past, federal programs were designed to aid state and local governments that were affected by these impacts. Section 601 of the Powerplant and Industrial Fuel Act of 1978 (P.L. 95-620) was designed to protect states and localities affected by uranium and coal production activities. The present Administration has not requested funding for this program in FY 1985.

The Mineral Leasing Impact Assistance program, through the 1976 Federal Land Policy and Management Act (P.L. 94-579) has the potential to ameliorate some of the impacts caused by energy development on Federal lands in Western states.

This program is not funded in the FY 1985 Interior Budget. The Payment in Lieu of Taxes Act (P.L. 94-565) could have provided assistance to communities affected by energy development. This program has also not been funded in the Interior Department's FY 1985 budget.

Finally, the Coastal Zone Management Act Amendments of 1976 had provisions to provide for a Coastal Energy Impact Fund. The present Administration has proposed no new funding for this program.

The justification by the Administration in each of these cases has been that the impact mitigation is primarily the responsibility of state and local governments working in tandem with local developers. In other words, the state and local governments, through their police and taxing powers, have the responsibility for requiring that private developers account, not only for their economic costs, but also for the related "Social" costs of their development projects.

The severance tax has been the energy producing states' answer to this serious and real problem. By increasing its revenue base, an energy producing state acquires the financial resources to minimize the environmental, economic, and financial costs that accompany energy development. The State of Alaska is presently engaged in using this revenue base to ease the impact of oil recovery programs and to develop its renewable resource industries such as the logging, fishing, and agricultural industries. These programs will aid Alaska in establishing a firm and stable economic base for future development when the state can no longer rely on the recovery of natural resources for its revenue.

FEDERAL INTRUSIONS INTO STATE SEVERANCE POLICIES ARE NOT WARRANTED UNDER OUR FEDERAL SYSTEM OF GOVERNMENT

The Supreme Court in *Commonwealth Edison Co. et al.* v. *Montana* ruled that a state severance tax does not violate the U.S. Constitution's Interstate Commerce Clause. The Court went on to rule that Congress has the power to determine what constitutes an "excessive" severance tax margin.

Until the introduction of S. 463, the Congress has wisely decided not to place any limitation on state legislated severance taxes. In light of the current Administration's goals to institute a "new federalism" program, it is now more important than ever that Congress reaffirm a State's right to assert its sovereign authority in determining the tax rate that adequately provides for the needs of its citizens.

In recent years most of this Nation's leaders have recognized that there are State interests and powers that must be reserved for them to remain an intergral part of our federal system. Among these powers are the right to tax businesses to assure that the social costs of development are adequately addressed by programs which respond to development. The severance tax has become one mode by which energy producing states have been able to provide for the welfare of its citizenry in response to a changing local economy and environment. Congressional intervention in this area can only lead to greater state-federal strife which Congress should be minimizing, not exacerbating.

THE SEVERANCE TAX ON ALASKAN CRUDE OIL IS NOT PASSED ON TO THE CONSUMING PUBLIC

Congressional intervention might be mandated if it could be proven that the effect of the severance tax was to pass on the additional costs of the private developers to the energy consumers of this country. But several studies, including one by the Congressional Research Service on Alaska's Severance Tax, have clearly shown that severance taxes on light crude oil are passed on to the ultimate consumer only to a limited extent. The Alaskan study demonstrated that imported oil is a complete substitute for Alaskan oil. As a result, approximately 87% of Alaska's oil severance tax is not passed on to the consumer. The study also concluded that the higher prices are costly to the State of Alaska because they reduce the level of putput. Therefore, oil producers are required to absorb nearly the entire costs that are incurred by the severance tax and the resulting loss is accounted for as a loss in net profits.

ENERGY AS A "NATIONAL" RESOURCE

There have been some proposals to declare energy a "national" resource to justify the policy behind S. 463. This is simply an inappropriate and unsatisfactory justification.

First, this bill is discriminatory against energy producing states, particularly Western states where the use of the severance tax is most prominent. The negative effect that declaring energy a "national" resource will have on a state's incentive to continue

to produce domestic energy is apparent. If the energy producing states do not feel that they can acquire sufficient revenues to cover the "costs" of energy development, then they will not seek out new development and energy sources. For a country that has a large interest in encouraging the production of domestic energy sources and discouraging the use of imported oil, this bill is inconsistent with the energy policy that the United States requires well into the next century.

Second, the ramifications of this proposed bill go far beyond a mere limitation on the severance rates of mineral resources. The logic could be applied to water resources, an area of traditional state sovereignty. We have seen the vigorous disputes over water resources in California and Arizona that have lasted since the 1900's. Because of several ongoing water projects, this issue is bound to reach national proportions in the next several years. Is the proper solution to this delicate problem to declare the rights to water a "national" resource and cast aside state claims to the resource? I really do not believe that Congress is willing to countenance this overreaching on the part of the Federal Government at the expense of state authority and interests. In short, it is argued that this proposal is applicable to situations where one state or group of states believes that it can recapture part of the economic advantages earned by another state's better planning and foresight. This type of premise for decision-making is inappropriate for the federal government and unacceptable to me.

Finally, S. 463 would limit the severance tax that states can charge on crude oil produced on state land as well as Federal land. Whatever justification there might be for limiting state control over federal resources, this cannot be extended to energy development on state land. Particularly in the western states where such a large percentage of the land within a state is federally owned, it is important that states be allowed the freedom, within reasonable environmental constraints, to guide development on state owned land. Currently, the federal government owns 275 acres out of 375 acres in Alaska. The State is presently engaged in acquiring the remaining lands guaranteed it under the Statehood Act of 1958. When Congress mandated that the State should be entitled to choose and own a certain percentage of the land, it seems reasonable to believe Congress intended the State to be able to assert its sovereign power over this land. This control should consist of the right to determine an appropriate severance tax. Under S. 463, the federal government intends to receive the benefits that arise from development on state land while at the same time not allowing the State government the ability to respond to the effects of resource development.

EFFECTS OF ENACTMENT OF S. 463

It should be impressed upon the Congress the consequences that this bill will have upon my state and its constituents. If enacted, this bill will cause my state to lose 8 billion dollars in revenue over the next five years. Our state budget for the following fiscal years will be nearly cut in half. This revenue is critical not only for the short-term development problems that Alaska faces, but also for the long-term development problems that we foresee.

At this critical time in our history, Alaska must develop its infrastructure to accommodate the needs of its citizens. This includes the construction of sewage systems which are presently inadequate, or for another example, the construction of highways for a state one third the size of the United States. Few realize the tremendous costs incurred by Alaska for the construction of multi-million dollar schools for villages with twenty or so students. These are just a few of the services that must be delivered to the citizens of Alaska before Alaska can begin to be said to provide services analogous to its sister states.

This proposed bill strikes at the heart of the future economic development of Alaska and all energy producing states. The effects of this bill should be carefully considered, not only on a state economy but also on the effect this bill will have on state legislatures who are currently grappling with the problems of shrinking federal assistance, increasing social service responsibilities and few revenue options available to deal with these new responsibilities.

Finally, It seems ironic that when a state attempts to look into the future and provide for its constituents against some of the negative effects of economic development, it is branded an exploiter rather than commended. The State of Alaska, as well as the other energy producing states, are embarking on a new mode of legislative thinking; rather than wait for the consequences of energy development to appear, they have attempted to plan and response to the impact on their local communities before development begins. Alaska's actions represent a prudent manner of legislative thought that should be encouraged, rather than discouraged. Alaska is planning for the future of its citizens so that is will be able to meet the challenge presently placed in front of it by a more austere federal government, and by the need to develop an infrastructure lagging far behind the rest of the United States. It is for these reasons that this bill should be rejected by this Committee and the Senate.

CONTRIBUTIONS MADE BY RADIO STATION WGN

Mr. DIXON. Mr. President, I rise to call to the attention of my colleagues the great contribution toward communication and understanding that radio station WGN has made, not only in the State of Illinois, but also in a large part of this Nation, since it went on the air 60 years ago.

WGN aired its first broadcast on June 1, 1924, and is one of the Nation's pioneer 50,000 watt "clear channel" stations. As a "clear channel," it provided, and continues to provide, nighttime information and entertainment services to parts of the country not served by local radio.

In addition, of course, it has provided the same kinds of services around-the-clock to listeners in the Chicago area and much of northern Illinois, and, of vital importance to many Midwesterners, serves as the flag-ship station of the Chicago Cubs radio network.

Mr. President, it is my pleasure to accord this tribute to WGN radio on the occasion of its 60th birthday. I congratulate the station on its professional, dedicated service to its listeners, and wish all those who contribute to its success a very bright future.

TRIBUTE TO JOSEPH H. BOTTUM

Mr. PRESSLER. Mr. President, "Patriotism? We need it. So many people are making fun of government. They say it's crooked, but most people in government are very conscientious and do a very good job."

These are the words of Joseph H. Bottum, former U.S. Senator, circuit judge, and long-time Republican Party figure from Rapid City, SD. These are the words of a man who believed in patriotism, and who believed in the State and people of South Dakota.

As one who worked briefly for Senator Bottum as a summer intern in 1962, I feel very privileged to be able to pay homage to this fine citizen of South Dakota who died recently on July 4, 1984. Only 50 years previously, Bottum had begun his career in South Dakota politics as an organizers, and later president, of the South Dakota Young Republicans League.

From that point on, his political career was varied and successful. Bottum served as State's attorney at Faulkton, SD from 1932 to 1936 and as State director of taxation from 1937 to 1943. Bottum then sought, but did not secure, the Republican nomination for Governor in 1942 and for Congress in 1950. In 1960 he was elected Lieutenant Governor. During the 1960 election campaign, he carried the brunt of the race because Governor Archie Gubbrud was incapacitated by an accident.

Two years later, South Dakota had the confidence to entrust the responsibilities of higher office upon this individual. After Senator Francis Case died in office in June of 1962, Joseph H. Bottum won his party's nomination to run for Case's seat in one of South Dakota's most interesting political power struggles.

Appointed to complete Case's term in the U.S. Senate, Bottum served on the Rules Committee and the Committee on Interior and Insular Affairs. He followed through on Case's work wherever possible for he truly believed that it was a privilege for him to be filling the term of a man who had worked for and believed in South Dakotans.

His overall voting record reflected his concern for the "ever-increasing tendency of the executive branch to infringe on the legislative branch of the Government." On agriculture—a key issue in South Dakota—Bottum opposed administration farm bills and was especially critical of feed grain provisions which would have given the Secretary of Agriculture power to fix price supports at levels from 0 to 90 percent of parity.

Joe Bottum lost the November 1962 general election to George McGovern in one of the closest senatorial races in State history—a margin of only 597 votes.

In addition to the many offices Bottum once held, he campaigned vigorously for other Republican candidates and was a public speaker in heavy demand. He also played the piano, a talent which helped pay his way through college at the University of South Dakota and assisted him in organizing the U.S.D. Strollers Club and writing the music for one of the show's first performances.

Bottum's long list of accomplishments also includes being the 1962 State chairman of the South Dakota mental health drive, past president of the Rapid City Chamber of Commerce and Boy Scout Council, a recipient of the 1984 McKusick Award from the University of South Dakota law school for outstanding contributions to the State legal profession, and in 1978, even an accomplished jogger who surpassed the 10,000-mile mark.

On Joseph H. Bottum's 59th birthday, the great Senator from Illinois, Everett McKinley Dirksen, made the following remarks about his colleague in the August 7, 1962 CONGRESSIONAL RECORD:

> The distinguished junior senator from South Dakota is a man of great vigor * * * I know the vitality and vigor he possesses. I am sure he will use it in addressing himself to the public business. May his energy never diminish, even though his years will accumulate.

After those years had accumulated, it was plain to see that, indeed, the energy of Joseph H. Bottum had not diminished. Bottum continued with the vitality and vigor that Dirksen had described—in service to South Dakota and its people until July 4, 1984.

EXCLUSIONARY RULE CASES

Mr. MATHIAS. Mr. President, during the recess of the Senate, the U.S. Supreme Court rendered two important decisions on the fourth amendment exclusionary rule.

In these cases, United States against Leon and Massachusetts against Sheppard, the Supreme Court has recognized a limited "good faith exception" to the general rule that no one may be convicted of a crime based on evidence obtained in violation of the Constitution. To those of us who seek to preserve strong protections against unconstitutional searches and seizures, these decisions are a disappointment, but not a great surprise.

The exception recognized by the Court is a narrow one. It applies only when the police have obtained a search warrant from a neutral, detached magistrate. Evidence discovered as a result of a search conducted pursuant to a warrant will, except in the most unusual circumstances, be admissible in court. If a warrant has been issued, the evidence can be used against the defendant, even if the search violated his constitutional rights.

The Court has not taken the additional—and, in my view, far more dangerous—step of recognizing a good faith exception in warrantless search cases, in which no judicial officer is involved. I hope that the Court will decline any invitation to do so, at least until it has had an opportunity to see how the limited exception for warrant cases works out in practice. The Congress, too, would be well advised to stay its hand.

This exception to the exclusionary rule may not have much practical effect. Never in the past 15 years has the Supreme Court ordered that any evidence obtained pursuant to a search warrant be excluded. Numerous recent decisions of the Court stress the great deference that should be accorded to rulings by magistrates on applications for search warrants. After last week's decisions, the minimal scrutiny now given to magistrate's decisions will simply diminish further.

Ironically, these rulings by the highest court in the land underscore the importance of decisions made by the lowest judicial officers. Perhaps last week's rulings will give the police a practical incentive to do what the fourth amendment demands: To seek warrants for searches whenever possible. If so, the protection of the liberties of American citizens will depend, to an even greater extent than ever before, upon the fidelity of Federal, State, and local magistrates to the principles of the fourth amendment. The actions of these officials will be under close scrutiny in the months ahead.

The Leon and Sheppard decisions are less than 3 weeks old, but they have already provoked a great deal of commentary and criticism. I would like to share two of these responses with my colleagues. First, on July 7, 1984, the Baltimore Sun printed a perceptive editorial whose title summarizes the dangers of erosion of the exclusionary rule: "Personal Liberty at Risk." Second, a thoughtful analysis by K. Preston Oade, Jr., a senior attorney with the Mountain States Legal Foundation, appeared in the Wall Street Journal on July 13. Mr. Oade points out the ambiguities created by the Supreme Court's decisions in the exclusionary rule cases, and by other decisions in the recently completed term of the Court, and concludes that, in the words of the article's title, "The High Court Sows Confusion." I ask unanimous consent that the Sun editorial and the Oade article be printed at the conclusion of my remarks.

Mr. President, the recent Supreme Court decisions on the exclusionary rule do not settle the controversy about how best to enforce the fourth amendment. These cases counsel further examination and deliberation, not precipitate reaction. As Justice Blackmun noted in his perceptive concurring opinion in United States against Leon, the holdings of these cases are "unavoidably provisional." Justice Blackmun cautioned "the Nation's law enforcement officers * * * to recognize the double-edged nature" of a decision "that rests on untested predictions about police conduct." This is good advice for the Nation's lawmakers, as well as for its law enforcers. I hope that we take it to heart.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, July 7, 1984]

PERSONAL LIBERTY AT RISK

The Supreme Court's end-of-session decision that seems to have revoked the heart of the Fourth Amendment is dismaying. A minority on this court has been wanting to do this for years. The minority has become a majority apparently by convincing other justices that this decision isn't going to have a drastic impact or, if it does, one that can be quickly reversed. Our fear is that the decision will have a drastic impact on personal liberty that courts won't be able to reverse for a long time.

About 100 years ago, federal courts began developing a principle of refusing to admit in federal criminal trials evidence seized unconstitutionally. It seemed the best way to enforce the Fourth Amendment. Seventy years ago, the Supreme Court spelled out the principle in the Exclusionary Rule. All state courts have been bound by the rule for 23 years and some for many years longer than that. The rule was like a heart transplant into the amendment and restored the vitality the drafters of the Bill of Rights intended for it.

In a sense the Fourth Amendment is the touchstone of individual freedom. There is nothing more basic to liberty-loving citizens than: "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Many opponents of the Exclusionary Rule argue that it increases crime by placing a burden on law enforcement officers. Hard evidence on whether crime increases because of the existence of the rule is mixed. That is beside the point. The Fourth Amendment is supposed to place a burden on government. It is more important for citizens to be secure in their homes against official intruders than for crime to drop X percent.

A narrow interpretation of Thursday's ruling says only that evidence obtained with an improper warranted can be admitted if the magistrate issuing a warrant, not the police, made the error. Read broadly, it means the Supreme Court would allow illegally obtained evidence to be admitted even if the police didn't get a warrant, if the police failure was a "good faith" error. Just the narrow reading is disturbing. Justice William Brennan argues convincingly in dis-

sent that magistrates' decisions to issue search warrants will seldom be reviewed now. This will undermine the integrity of the warrant process. No search will be "unreasonable." That is not a happy prospect.

[From the Wall Street Journal, July 13, 1984]

THE HIGH COURT SOWS CONFUSION

(By K. Preston Oade, Jr.)

In a recent series of decisions, the U.S. Supreme Court has created a welter of exceptions to the once-settled principles of Fourth Amendment law prohibiting warrantless searches and seizures. In the court's apparent haste to apply a straitjacket to the exclusionary rule, it has issued a series of rulings that leaves lawyers, judges and police officers with almost no guidance on the laws governing searches and seizures. The Supreme Court has created ambiguities that will have lower courts and law enforcement agencies tied in knots for years.

On July 5, the court closed out its terms by establishing a "good faith" exception to the Fourth Amendment, allowing the use of unlawfully seized evidence provided the constitutional violation was the result of a reasonable mistake" or was of a "technical" nature. Earlier in this term, the court also created an "inevitable discovery" exception to Fourth Amendment law; a "public safety" exception to the Fifth Amendment principle against self-incrimination, and an "open fields" exception endorsing a warrantless search of fenced-in private property surrounded by trees and clearly posted against trespassers. And without saying what rule of law is being applied, the court also permitted a warrantless surprise raid of a factory by immigration officials seeking illegal aliens.

Such decisions achieve the result desired by the court—expansion of policy powers to obtain evidence of crime—but do little to ensure that those powers will be effective in practice. In fact, to the contrary, the recent spurt of exceptions unnecessarily blurs a line that once was firmly drawn and adhered to in terms easily understandable to all and set forth in Coolidge vs. New Hampshire (1971): "Subject to a few carefully drawn and jealously guarded exceptions," searches and seizures of persons and private property are "per se unreasonable" in the absence of a warrant.

REACHING THE 'RIGHT' RESULT

Instead of achieving workable rules and consistent application of Fourth Amendment law, the court seems more concerned with reaching the "right" result in the particular case before it. And even in those cases where the "right" result does not favor expanded police authority, the court seems hesitant to reaffirm once-settled principles of Fourth, Amendment law.

In a recent Wisconsin case, the court ruled that the police violated the Fourth Amendment when they entered a man's home without a warrant to arrest him on suspicion of drunken driving before evidence of alcohol in his blood dissipated. But the court had already decided, in Payton vs. New York (1980), that the Fourth Amendment prohibits police from making a warrantless entry into a suspect's home to make a routine felony arrest. In Paton, the court, following settled principles of law, rested its decision on the express language of the Fourth Amendment, drawing "a firm line at the entrance to the house in terms that apply equally to seizures of property and to seizures of persons." Nonetheless, in the Wisconsin case the court ruled that as drunken driving was characterized as a minor offense, it did not justify a warrantless arrest in the home.

Chief Justice Warren Burger did not vote in the Wisconsin case. In a separate statement he said the court should not have decided the case so as to "deter a resolution of the question present to a more appropriate case." Translated, he wanted a case with more favorble facts to justify another exception permitting warrantless searches and seizures.

Recent court decisions illustrate how the legal system actually may be hampered by the exceptions created by the court. In a case decided this term in which I advocated the Fourth Amendment rights of a police officer charged with arson, Michigan vs. Clifford, arson investigators entered the home of Raymond Clifford, a Detroit police officer, six hours after the fire, at the same time the house was being boarded up by agents of the owners to prevent unauthorized entry. The investigators searched the entire home, rummaging through closets and drawers. Although five justice found the search unlawful and ordered the evidence suppressed, they were unable to agree on a rationale for this result. Despite the fact that my client's Fourth Amendment rights were vindicated, the court has failed to provide any meaningful guidance for future cases.

In a similar 1978 case, Michigan vs. Tyler, the court had allowed arson investigators to conduct a warrantless search of a burned-out store four hours after the fire had been doused. In that case, Justice Byron White warned that the theory employed—"a continuation of original firefighting acitivities"—would only confuse investigators. He predicted that this "continuation" exception would result in more indiscriminant, warrantless searches. His prediction was realized in the Clifford case. Relying specifically on the court's decision in Tyler, the arson investigators in Clifford thought they didn't need a warrant. If the court had established a firm rule in Tyler the investigators in the Clifford case would have secured a warrant (easily obtained) and the evidence would never have been suppressed.

We will have more such misunderstandings in the future. Police will increasingly err, often through no fault of their own, on the wrong side of the law. Evidence will be thrown out that could have been properly secured and our interest in punishing the guilty will drown in a heated sea of argument because of the court's failure to draw clear rules.

In April the court also created what can only be called the "Mexican Alien Exception," in which a majority approved the surprise raid of a factory by immigration agents looking for suspected illegal aliens. On the same day the court issued another decision extending the "open fields" exception to a private field behind a home that was fenced in, surrounded by trees and posted against trespassers. Clearly the owner was concerned that his crop of marijuana not be disturbed. But the court wrote that "there is no societal interest in protecting the privacy of those activities, such as the cultivation of crops that occur in open fields." In other words, marijuana plants may transform a private back yard into an "open field." Here, Fourth Amendment rights are again sacrificed to achieve what is perceived as the "right" result.

In an exception to the Miranda ruling, the court again this term reached for the "right" result at the expense of consistent rules of law. In that case, New York officers cornered a rape suspect in a supermarket, frisked him and found that he was wearing an empty shoulder holster. Without warning him that anything he said could be used as evidence against him, one of the officers handcuffed him and demanded to know where the gun was. The suspect nodded toward some empty cartons and said, "The gun is over there." He was charged with a weapons offense. By 5-4 the court concluded that "we do not believe that the doctrinal underpinnings of Miranda required that it be applied in all its rigor to a situation in which police officers ask questions reasonably prompted by concern for the public safety."

Justice Sandra Day O'Connor, showing commendable respect for clear precedent she probably didn't like, observed that the court's "public safety exception unnecessarily blurs the edges of the clear line heretofore established and makes Miranda's requirements more difficult to understand." She predicts that the public safety exception will result in a "finespun new doctrine complete with the hairsplitting distinctions that currently plague" Fourth Amendment law. Indeed, it can be fairly said that the public safety is at stake virtually every time a police officer acts.

Prosecutors and police will be quick to exploit this new exception and its parameters will be unresolved for years.

The rule of law is not well served by the exceptions created by the court. In particular, the "good faith" exception will create a climate in which the police no longer can be expected to interpret and intelligently apply the court's decisions on the law of search and seizure. With this exception, government agents and the police quite fairly can content that they were not able to predict that a given search should be ruled unlawful, i.e. they acted in good faith. The exception, however, would not apply to "settled" principles of law—if any still exist.

MEANINGFUL GUIDANCE IS VITAL

In eight years of representing police unions and instructing officers on the laws of search and seizure, I learned how vital it is for the courts to provide meaningful guidance as to what officers can and cannot do. In the absence of firm rules the police will err on the wrong side of the line. Although it is a widely perceived myth that police officers detest the exclusionary rule, most I know have accepted the rule well—it enhances police training and has raised the level of police professionalism.

Rightly or wrongly, the Supreme Court is now widely seen as hostile to settled principles of Fourth Amendment law.

The court's distaste for the exclusionary rule is apparent. But like our system of jury trial, which can be fairly criticized on any number of grounds, no one has anything better for protecting vital constitutional rights. Neither the court nor Congress has been able to fashion a workable alternative. Instead of firmly upholding settled principles of law, the court has made the law unworkable by riddling it with vague exceptions. The only principle left standing is that a man's home is still his castle—at least until "resolution of the question presented (in) a more appropriate case."

REPORT ON NEBRASKA AGRICULTURE

Mr. ZORINSKY. Thank you, Mr. President.

I wish that I could bring the Secretary of Agriculture, the Director of the Office of Management and Budget, and the Administrator of the Farmers Home Administration to Nebraska to talk with the people who came to me during the recess.

These people have included bankers, cattlemen, main street businessmen, and others and they were deeply troubled about what they see happening to good, solid, efficient farming operations all across the State and in the breadbasket of the Midwest.

The situation is rapidly approaching the intolerable. Farmers are being hit by a triple-whammy of low commodity prices, rising interest rates and collapsing collateral value of land and machinery.

Here in Washington, the administration is insisting that the "farm economy is on the mend." They are saying that farmers should not look to Washington for much help during this farm credit crisis. They are saying that "the farm programs are doing what they are supposed to do—farm prices are reasonably strong, on balance—the surpluses are under control, on balance—and we are fighting to get as many exports as we can in a difficult atmosphere."

I did not find anyone who was impressed by the most recent USDA projection that net farm income in the United States would double in 1984. The figures for 1983 are not final yet, but if the estimate that the farmers' net was only $15 to $17 billion is right, then the USDA economists were off by $5 to $7 billion. Now, they are indicating that the 1984 net farm income could be $30 to $34 billion. Who knows how close to the mark they may be this time?

I think most people out in the country recognize this as a phony. It is largely a matter of inventory adjustment. The value of farm inventories is a regular component of the annual computation of total net farm income. The PIK Program and the 1983 drought sharply cut the on-farm crop inventories. In all likelihood, the crop inventories of U.S. farmers will at least return to normal this year. That adds up to a $7 to $10 billion swing on the downside in 1983 and then on the upside in 1984.

It is just a paper transaction which does not change the basic number of dollars in the farmers' pockets. The year 1983 was a bad year, whether income was at $15 billion or $22 billion. The year 1984 will bring no major improvement in real terms. It may be good politics to downplay 1 year after it is over in order to play up the next year, but it is not very convincing out there in the countryside.

In recent statements, Secretary Block has been saying that "to solve the problem, you've got to get at the fundamental problem and that's getting interest rates down."

But, interest rates are now going up. The prime rate has gone up two full points in recent weeks to 13 percent and the historical pattern has been for interest rates paid by farmers to commercial banks to run about two points higher. Each 1 percent increase in the basic cost of money costs American farmers about $2 billion a year in added outlays. Or to put it another way, each point of added interest cost reduces net income by something like 10 percent.

I agree that interest rates need to come down, but there is more to it than that. The bigger problem is the low-price problem.

Farmers could pay these interest rates if they had more satisfactory commodity prices.

You often see data on the debt-to-asset ratios and the debt-to-equity ratios. They are bad enough. They are near a 40-year high.

Let me cite a more important ratio—the debt-to-income ratio. That indicates the ability of farmers to handle their principal and interest payments.

In the year 1950, American farmers had $11.2 billion in outstanding debt and $13.6 billion in total net income. In other words, they had 85 cents in debt for each dollar of net income.

In 1960, farmers had $24.8 billion in debt and $11.5 billion in net income—that is, they had $2.15 in debt per dollar of net income.

In 1970, debt had increased to $53 billion and net income to $14.2 billion—a ratio of $3.72 in debt to each dollar of income.

In 1980, debt had grown to $165.8 billion and net income was $21.5 billion—that was $7.70 in debt to each dollar of income.

If the projection of $15 billion in net income proves to be true for 1983, then the ratio, since farmers were carrying $215.1 billion in debt, would be $14.33 in debt for each dollar of income. Summing it up, the debt-to-income ratio has worsened by 16 times in these 34 years. Interest outlays of farmers were about $21 billion in 1983, thus net income was about $6 billion short of covering that obligation.

But, as I pointed out a moment ago, the farm income shortfall is at the root of the farm crisis, including the credit situation.

Since Ronald Reagan took office in January 1981, the cost of farming, as measured by the index of prices paid for commodities, services, interest, taxes, and wage rates has risen by 12 percent.

But, the Nation's wheat producers, and that includes my constituents in Nebraska, are averaging about 77 cents a bushel less today for their wheat than they were getting in 1981. The producer of grain sorghum is getting 38 cents per hundredweight less. The prices of beef cattle are down by $2.60 per hundred pounds from 1981. Milk producers are getting $1.30 per hundred pounds less for their milk.

The bankers I visited with cited the difficulties many of their borrowers were having and indicated that some would not be able to continue beyond this season. Although the Congress authorized an economic emergency loan program to help tide farmers over, the Farmers Home Administration has been slow to step into the breach and handle loans which the banks could not continue to carry.

As of April 30, the Farmers Home Administration indicated that 35 percent of their active borrowers in Nebraska and 36 percent nationally were behind schedule in their payments. Data from the Farm Credit System and from the commercial banking sector also indicate an unusually high percentage of farm borrowers in a deteriorating situation.

During the past 2 years, more than 15,000 Farmers Home Administration borrowers have discontinued their operations either through bankruptcy or forced liquidation of one form or another. Farmers Home now has some 2,000 farms in their inventory, about eight times the previous peak.

Farmers Home officials have recently agreed that they would not sell these repossessed farms in such instances as it appeared that farm land values would be further depressed.

Of course, the drop in the collateral value of farm land has been a damaging development for many farmers.

Farm land values have now dropped for the third year in a row. They dropped by an average of 1 percent in 1982, 6 percent in 1983 and another 1 percent as of April 1 of this year. If you take into consideration the 4.8-percent rise in the Consumer Price Index, this implies a 5.8-percent drop in real value of the land.

My State of Nebraska has sustained the worst of the decline in the past year. Average land values dropped from $563 to $495 an acre—that is a 12-percent drop in 1 year.

For some farmers, the poor economic climate has been aggravated by natural disasters—for some it was last year's severe drought—for many this year excessive rainfall and flooding have created troublesome situations.

Recently, I joined with 11 other Members of this body in advocating additional lending authority for guaranteed loans for the balance of fiscal 1984 and for fiscal 1985. The House-approved version of H.R. 5743 provides for only $150 million in such operating loan guarantees. We proposed that this figure be raised at least to $1 billion for the remainder of this year and

the next fiscal year. This would do much to ease the farm credit situation without incurring excessive Government outlays. We view this as a step which would enable commercial lenders to continue forbearance and to refinance loans which are now in difficulty.

This would be at least a modest first step in relieving the situations of financially stressed farm operators.

But, in conclusion, let me again stress the need for actions to improve farm commodity prices.

Frankly, my farmers in Nebraska would prefer to get more of their income from the consumers of our products and have to borrow less from their bankers. Fair prices, at least at the typical cost of production, would seem to be the genuine solution.

ITALIANS PROTEST ORGANIZED CRIME AND DRUG TRAFFIC

Mrs. HAWKINS. Mr. President, individuals from all over the world are beginning to realize how much organized crime and illegal drug trafficking are affecting their lives.

I am attaching a newspaper article, entitled "More Than 15,000 in Rome Protest Organized Crime," which describes how Italian citizens mounted a massive demonstration to protest organized crime and illegal drug traffic in Italy. The obvious outrage of these individuals regarding the impact of organized crime and its involvement in drugs demonstrates how people all over the world are becoming fed up with these traffickers in death and misery.

It is most encouraging to note that a teenage delegation representing the demonstrators met with Italian President Sandro Pertini. This is a heartening indication of how young people, those most affected by drug abuse, are fighting back and not allowing themselves to be made victims.

Mr. President, we must not disappoint concerned citizens everywhere; we must not relax in our efforts to curb international drug abuse.

I ask unanimous consent that the enclosed article, "More Than 15,000 Protest Organized Crime," the, Washington Post, dated May 5, 1984, be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORE THAN 15,000 IN ROME PROTEST ORGANIZED CRIME

ROME, May 5.—More than 15,000 people, waving banners and shouting slogans, marched, through central Rome today to protest organized crime and illegal drug traffic in Italy.

The demonstrators shouted "No to the Mafia!" and "Too many graves are made from heroin!" as they filed past the Colosseum and Imperial Forum, protesting the Sicilian and Neapolitan underground's heroin racket in Italy and abroad.

After the march, 15 teen-age delegates met with Italian President Sandro Pertini.

The march was organized by the Committee of Neapolitan Students Against the Camorra, the crime organization controlling lucrative drug and contraband rackets in the southern Italian port city of Naples.

MORMON PIONEER DAY

Mr. SYMMS. Mr. President, today, July 24, members of the Church of Jesus Christ of Latter-day Saints are commemorating the 137th year since early Mormon pioneers arrived in the Great Salt Lake Valley.

Amidst all the fanfare and excitement of parades, rodeos, family picnics, and fireworks, are memories of the Mormon pioneers.

I am sure that my colleagues have heard the Mormon story. A legacy of hardships, struggles, and sacrifices that turned into human triumph. How they were forced in the middle of winter to leave their homes and businesses to search for a new place to settle.

One of the most inspiring traits of the Latter-day Saints was their strong belief in self-reliance. Brigham Young, an early Mormon prophet, stressed the importance of not being dependent upon the support of outside parties—Government or otherwise. The early pioneers believed in taking care of their own people. As the Mormons gathered to make their journey West, they were divided into smaller groups. A leader was appointed who was responsible for the health and welfare of each member of the group.

This concern for people was also obvious in their planning for those who would come later. Way stations were established along the way to the Salt Lake Valley where Mormon families remained to build homes and raise crops so they could feed, supply and offer comfort to those who followed. There were also three Mormon-operated ferries set up to assist those who needed to cross the Missouri River. These way stations assisted not only Mormon pioneers, but assisted an estimated 140,000 other non-Mormon pioneers traveling to Oregon and the California goldfields between 1848–52. Latter-day Saint funded way stations from Kanesville, IA, to Fort Bridger, WY, provided 6 years of important service to America's Western migration.

In settling the great basin, each settlement was the result of careful economic and geographic planning by church leaders, and carried out by the willing cooperation of the members. Each new townsite was thoroughly investigated for its agriculture potential, availability of water, fuel, and building material, as well as grazing lands for livestock.

The daily life of the settlers was not easy. Each day they organized themselves into groups to dig canals, plant crops, build roads, fences, and houses. Churches, schools, and bishops' storehouses were also built. These storehouses were constructed in each community to supply food, clothes, and other necessities for those in need. Careful agriculture and industrial planning was the foundation for the pioneers to establish a civilization in the wilderness. Many of these strong agricultural based settlements exist today in Idaho.

In the spirit of self-reliance, the LDS pioneers believed strongly in education. A good, well-rounded education would qualify their children for responsibilities in the society of which they would become a part. The important basics of education, writing, reading, and arithmetic were taught. Their library resources were extremely limited, but what books they did have contained works by Shakespeare, Thoreau, Tennyson, and others considered too difficult to read today. The simple McGuffey reader which taught lessons on honesty, fairness, and the work ethic was also used. Though the books were limited, and they did not have the equipment and tools we have today, there was no limit on the inspiration and creativity of their teachers.

However, all was not work and worry for the LDS pioneers. On the contrary, visitors were often impressed by the good humor and enjoyment of life that marked every community. Singing, dancing, drama, and other wholesome recreation characterized the Mormon way of life.

The independant spirit from yesterday exists today in the Church of Jesus Christ of Latter-day Saints. The aim of the Mormon Church is to help people to help themselves. The work ethic is a major principle in the lives of Mormons. Today as in the past, they continue to care for their membership and have one of the finest welfare systems in the world. LDS lawyers, businessmen, teachers, farmers, and housewives work together to donate millions of hours in voluntary services. They work on welfare farms, in Deseret Industries stores and canning facilities to provide food and basic supplies to those who are in need. Last winter when the Salt Lake City flood situation became serious, the Mayor of Salt Lake City called a Mormon leader and within a short time 4,000 volunteers showed up to help. To us, that is incredible; to the Mormons, it has always been that way. When Federal relief officials have been sent into disaster areas where there are groups of Mormons, they have reported fewer requests for help than was anticipated. Why? Because the Mormons today, as their forefathers before, work together and do what needs to be done to restore homes and businesses.

A good education today is just as important to them as it was years ago. The LDS believe that "the glory of God is intelligence." In my State of Idaho, one of the oldest institutions of higher education, Ricks College, is a private, Mormon-operated school. The school has excellent facilities and faculty for teaching, and plays an important educational role in the Northwest.

I believe it is important to look back at the past to gain an appreciation for the present and a perspective for the future. Too many people in our country today have developed the attitude that Government is obligated to care and provide for them. In many ways, the Government itself, has fostered this view. Today we need to emulate the early pioneers and learn self-reliance. There is much that we can learn from the LDS Church that can help bring confidence and respect back to our Nation.

Brigham Young often said:

The way to achieve success as a person, as a family, as a community, and as a nation is to work hard, plan well, and trust in God.

That formula, a major factor in the success of the Latter-Day Saints who crossed the plains and settled Idaho, continues in the LDS Church today.

The Mormons have made and continue to make invaluable contributions wherever they live. I praise their achievements, their dedication to the traditional American values, and the strong pioneer spirit they have kept alive since the first day, 137 years ago, when the Mormon pioneers entered the Great Salt Lake Valley.

THE STATUS OF ANDREI SAKHAROV AND YELENA BONNER

THE FATE OF THE SAKHAROVS

Mr. DOLE. Mr. President, I am pleased that the Senate will have the opportunity to go on record in support of House Concurrent Resolution 332, which will clearly demonstrate the support of the Congress in gaining specific information as to the well-being of Andrei Sakharov and his wife, Yelena Bonner.

There is no question that a display of congressional concern and pressure can have a positive role in communicating our Nation's concern over another government's behavior.

But no government's behavior has been as shameful as that of the Soviet Union in their attempt to persecute the Sakharovs. The Soviets must understand that Andrei Sakharov and Yelena Bonner are not only citizens of the Soviet Union; they are citizens of the world community. We are, therefore, appropriately concerned about their welfare.

As a leader of the Helsinki Commission, I find it inconceivable that a country that signed the Helsinki Final Act would treat a couple like the Sakharovs in such a violent manner. Despite repeated assurances by the Soviet Government and press, we have yet to obtain proof that Dr. Sakharov and his wife are alive and well. The last we heard is that Dr. Sakharov is in a closed ward of the Semashko Hospital in Gorky, where he is perhaps being force-fed and administered drugs to alter his mental state.

We know that the Sakharovs have become the symbol of the continuing struggle for freedom in the Soviet Union—and to the Kremlin, that is unpalatable. Yet, how long do the Soviets expect they can keep the world community waiting for news of their well-being.

We must never get used to or accept the fact that we can do little to ever see the Sakharovs again. The Soviets may be able to silence the voice of Andrei Sakharov and Yelena Bonner temporarily, but they will never be able to silence the voices of condemnation by the world community. We will not let Andrei Sakharov become another Raul Wallenberg. We must not wait for some 40 years to pass before we learn the fate of the Sakharovs.

Freedom for the Sakharovs will not come automatically only because we desire it. It must be pursued by those in this Chamber and others who are concerned—by every means at our command. Thank you, Mr. President.

Mr. THURMOND. Mr. President, I rise in support of House Concurrent Resolution 332 which expresses the sense of the Congress that the Union of Soviet Socialist Republics should provide the signatories of the Helsinki Final Act with specific information as to the whereabouts, health, and legal status of Dr. Andrei Sakharov and his wife, Yelena Bonner.

Harassment and detention of Yelena Bonner by Soviet authorities on charges of anti-Soviet agitation prompted Dr. Sakharov, recipient of the Nobel Peace Prize, to begin a hunger strike on May 2 to protest the inhumane treatment of his wife. Since that time, it has been very difficult to obtain reliable information regarding the health and legal status of either Dr. Sakharov or his wife.

The Soviet Union is morally and legally obligated to protect the human rights of all its citizens. As a signatory to the Helsinki Final Act, the Soviet Union is also obligated to justify its treatment of the Sakharovs, who wish to travel overseas to obtain much needed medical attention.

It is difficult to believe that the Soviet Union would abide by any agreements that might be negotiated on such vitally important subjects as banning antisatellite and antiballistic space missile systems in the near future, if the Soviets are unwilling to give the requested assurances and basic information relating to two of their citizens about whom free men and women everywhere are greatly concerned. I, therefore, hope that the Senate promptly approves this resolution and that a positive response from the Kremlin will be quickly forthcoming.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 11:48 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled, when called to order by the Presiding Officer [Mr. LUGAR].

SENSE OF THE CONGRESS WITH RESPECT TO STATUS OF ANDREI SAKHAROV AND YELENA BONNER

The PRESIDING OFFICER. A rollcall vote has been ordered on House Concurrent Resolution 332. The question is on agreeing to House Concurrent Resolution 332. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. GARN], and the Senator from Utah [Mr. HATCH] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. HART], the Senator from Kentucky [Mr. HUDDLESTON], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—93

Abdnor	Chafee	Evans
Andrews	Chiles	Exon
Armstrong	Cochran	Ford
Baker	Cohen	Glenn
Baucus	Cranston	Goldwater
Bentsen	D'Amato	Gorton
Biden	Danforth	Grassley
Bingaman	DeConcini	Hatfield
Boren	Denton	Hawkins
Boschwitz	Dixon	Hecht
Bradley	Dole	Heflin
Bumpers	Durenberger	Heinz
Burdick	Eagleton	Helms
Byrd	East	Hollings

Humphrey	Melcher	Rudman
Inouye	Metzenbaum	Sarbanes
Jepsen	Mitchell	Sasser
Johnston	Moynihan	Simpson
Kassebaum	Murkowski	Specter
Kasten	Nickles	Stafford
Kennedy	Nunn	Stennis
Lautenberg	Packwood	Stevens
Laxalt	Pell	Symms
Leahy	Percy	Thurmond
Levin	Pressler	Tower
Long	Proxmire	Trible
Lugar	Pryor	Wallop
Mathias	Quayle	Warner
Matsunaga	Randolph	Weicker
Mattingly	Riegle	Wilson
McClure	Roth	Zorinsky

NOT VOTING—7

Dodd	Hart	Tsongas
Domenici	Hatch	
Garn	Huddleston	

So the concurrent resolution (H. Con. Res. 332) upon reconsideration, was agreed to.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1985

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of a bill (H.R. 5798) which the clerk will state by title.

The legislative clerk read as follows:

A bill (H.R. 5798) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAKER. Mr. President, the distinguished chairman of the committee and the subcommittee chairman will manage.

May I say, however, that I expect it will take a while to finish this bill.

I hope that we can finish today. But I doubt it. I anticipate that today will be a normal day. I hope we can finish the work which we need to do today by 6 o'clock.

Mr. ABDNOR addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABDNOR. Mr. President, today I am pleased to bring before the Senate, H.R. 5798, to make appropriations for the Department of Treasury, the U.S. Postal Service, the Executive Office of the President and certain independent agencies for the fiscal year ending September 30, 1985, and for other purposes.

This bill contains funding for a wide variety of functions. It totals $12,738,652,000. The bill exceeds the budget request by $388,965,000. The major reason the bill exceeds the budget request can fall into two accounts: First, the administration requested $452 million for the revenue foregone subsidy, which provides reduced rates for nonprofit mailers, weekly newspapers, and educational mailers. By funding the account at this level, the rates would more than double. The committee did not believe such an adverse impact on these organizations was acceptable. The committee, therefore, has added $349 million to the request to keep rates at step 14.

Second, the administration proposed to reduce the U.S. Customs Service by 923 positions. The committee has looked very closely at this matter. We have been frugal and have put together a tight bill, but this reduction just does not fit with the enforcement effort we envision. At this time the country is being devastated by the influx of illicit narcotics and the outflow of high technology to the Eastern bloc. The Customs Service is a front line agency with regard to both enforcement efforts. The committee feels this is not the time to reduce the Service. We propose to restore the positions, plus add 100 new positions. We also propose to add funding for the Customs Air Program to continue its interdiction effort.

If these additions were not part of the bill, the committee recommendation would be below the budget request.

The bill includes original Senate language with regard to the U.S. Customs Service and Bureau of the Mint funding levels. The other body did not fund either account because the authorization has not been passed. The committee duly notes that the authorizing legislation has not been passed but has been reported. The importance of these agencies is self evident; therefore, the committee has included language.

The committee has stricken the language requiring a 1-percent across-the-board reduction. As all of the Members of this body know, I am not a big spender. However, I do not believe across-the-board reductions are the route to follow. Let me touch on just a couple of reasons why I do not believe the House language should be applied to this bill.

First, I must note that the 1-percent reduction totals approximately $120 million. The 1-percent reduction is applied to mandatory and discretionary spending alike. Two accounts in this bill are mandatory: the Government contribution to health benefits and the contribution to the retirement program. These two accounts total $5,708,421 and make up 45 percent of the spending in this bill. If you add the 1 billion plus for the revenue foregone subsidy, we are talking about 53 percent of the bill. It has been my experience that this body, as well as the other body, has been reluctant to say the least, in cutting these accounts. I do not think anybody wants to cut the postal subsidy. If one keeps that in mind, as a rule, the remainder of the bill would have to absorb the reduction. The 1-percent reduction becomes a 2-plus percent reduction.

Now, I must note that the committee has spent considerable time balancing a number of interests and done so within the budget allocation. We made difficult decisions and believe that they were the right decisions. Arbitrary reductions of this nature are not the way to legislate.

I can assure everyone in this body that we had a difficult time living within the budget, but we have done a good job; we have made tough decisions, and for some, who have not paid special attention to it, to other amendments which would significantly modify the bill would be unjustified. I urge the Senate to accept the committee recommendation.

The bill also funds the Executive Office of the President and several independent agencies.

As you can see Mr. President, this bill has much in it and is vital to the operations of the Federal Government. I ask unanimous consent that a more detailed list appear at the conclusion of my opening statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ABDNOR. Mr. President, before yielding the floor to my distinguished colleague, Senator DECONCINI, let me say that this bill has been worked out in a truly bipartisan manner. We were able to resolve our differences because our goals are similar. All of the members of the subcommittee deserve credit for a job well done. I especially thank the Senator from Arizona for his valuable contribution, and our staffs which have worked so closely with us.

EXHIBIT 1

Title I—Department of the Treasury

Office of the Secretary	77,242,000
Federal Law Enforcement Training Center	18,314,000
Bureau of Government Financial Operations:	
Salaries and expenses	235,994,000
Bureau of Alcohol, Tobacco, and Firearms	167,271,000
United States Customs Service:	
Salaries and expenses	643,465,000
Operations and maintenance, air interdiction program	44,425,000
Bureau of the Mint: Salaries and expenses	47,758,000
Total, Bureau of the Mint	47,758,000
Bureau of the Public Debt	197,955,000

EXHIBIT 1—Continued

Internal Revenue Service:	
Salaries and expenses	102,000,000
Processing tax returns	972,457,000
Examinations and appeals	1,350,000,000
Investigations, collections and taxpayer service	1,060,000,000
Total, Internal Revenue Service	3,484,457,000
Payment where energy credit exceeds liability for tax	100,000
United States Secret Service	286,500,000
Total, title I, new budget (obligational) authority, Department of the Treasury	5,203,481,000
Title II—United States Service	
Payment to the Postal Service Fund	1,040,509,000
Title III—Executive Office of the President	
Compensation of the President	250,000
Office of Administration	16,172,000
The White House Office	24,985,000
Executive Residence at the White House	4,601,000
Official Residence of the Vice President	219,000
Special Assistance to the President	1,663,000
Council of Economic Advisers	2,560,000
Office of Policy Development	3,020,000
National Security Council	4,605,000
Office of Management and Budget:	
Salaries and expenses	39,000,000
Office of Federal Procurement Policy	1,615,000
Unanticipated Needs	1,000,000
Total, title III, new budget (obligational) authority, Executive Office of the President	99,690,000
Title IV—Independent Agencies	
Administrative Conference of the United States	1,468,000
Advisory Commission on Intergovernmental Relations	2,131,000
Advisory Committee on Federal Pay	220,000
Commission on Executive, Legislative and Judical salaries	160,000
Committee for Purchase from the Blind and Other Severely Handicapped	710,000
Federal Election Commission	12,900,000
General Services Administration:	
Federal Buildings Fund:	
Limitation on availability of revenue:	
1. Construction & acquisition of facilities	(103,910,000)
2. Repairs and alterations	(212,407,000)
3. Purchase contract payments	(178,911,000)
4. Rental of space	(865,000,000)
5. Real property operations	(694,998,000)
6. Program direction	(117,040,000)
7. Design and construction services	(55,536,000)
Total, Federal Buildings Fund:	
New budget (obligational) authority	
(Limitations)	(2,227,802,000)
Operating expenses, personal property	164,000,000
National Archives and Records Service: Operating Expenses	96,325,000
Federal Property Resources Activities:	
Operating expenses	38,000,000
(Limitation on availability of revenue)	(120,000,000)
Total, Federal Property Resources Activities	38,000,000
General Activities:	
General Management and Administration Salaries and Expenses	137,000,000
Office of Information Resources Management Operating Expenses	33,393,000
Office of the Inspector General	21,473,000
Allowances and Office Staff for Former Presidents	1,170,000
Expenses, presidential transition	3,000,000
Total, General Activities	196,036,000
Total, General Services Administration	494,361,000
Federal Personnel Activities	
Office of Personnel Management:	
Salaries and expenses:	
Appropriation	110,000,000
Limitation	(50,687,000)
Government payment for annuitants, employees health benefits	1,341,553,000
Payment to civil service retirement and disability fund	4,366,868,000
Total, Office of Personnel Management	5,818,421,000
Merit Systems Protection Board:	
Salaries and expenses	20,477,000
Limitation	(1,200,000)
Office of special counsel	4,583,000
Total, Merit Systems Protection Board	25,060,000
Federal Labor Relations Authority	17,197,000
Total, federal personnel activities	5,860,678,000
United States Tax Court:	
Salaries and Expenses	22,344,000
Total, title IV, new budget (obligational) authority, independent agencies	6,394,972,000
Grand total:	
New budget (obligational) authority	12,738,652,000
(Limitations)	(2,399,689,000)

Mr. DECONCINI. Mr. President, the distinguished majority floor manager and chairman of the Treasury Subcommittee has outlined the major provisions contained in the Treasury, Postal Service appropriation bill. Let me say to my colleagues that I support this bill and urge its prompt approval on the floor today.

The committee has brought this bill to the floor in good shape. The bill is $388.9 million or about 3 percent over the President's budget request. However, if you take out the one major item over the budget request—the Postal Service subsidy—this bill is exactly 0.003 percent over the President's budget request for 1985. The committee has attempted to accommodate increases in funding for critical programs, especially drug enforcement programs, with offsetting decreases in other lower priority activities. In short, the committee has worked hard to hold the line on spending while providing the essential resources to keep the White House, the Treasury Department, the U.S. Tax Court, and other important agencies funded for another year. Finally, this bill is within our subcommittee's section 302(b) budget allocation that was adopted by the committee on June 14. Chairman HATFIELD indicated to the committee that President Reagan would sign any appropriation bill which falls within its budget allocation.

Let me point to one particular piece of this important bill for special attention: the U.S. Customs Service's air drug interdiction program. By approving an appropriation of $44.4 million for the air interdiction program, the committee has made it crystal clear that it is serious about attacking drug traffickers. This appropriation will allow our frontline drug interdiction agency to build up its air defenses against drug smugglers. It will allow the increased use of sophisticated military aircraft and radar for drug surveillance and arrest, including the P-3 aircraft with F-15 radar and Black Hawk and Cobra helicopters. It will allow Customs to install an aerostat radar system in the Bahamas and to operate and maintain a new fleet of

high speed interceptor aircraft which was provided by the Congress in the urgent supplemental appropriation bill, 1984, Public Law 98-332. It is crucial to our antidrug effort that we provide Customs and our other law enforcement agencies with the tools to do the job against a well-financed, well-organized drug menace.

Mr. President, I particularly commend the chairman of this committee, Senator ABDNOR, for his commitment to the Customs and air interdiction program. It is leadership like this which brings about the ability to see that this program is properly funded. Let me take a moment to compliment the outstanding work of Senator HATFIELD, Senator STENNIS, and particularly Senator ABDNOR. This has not been an easy effort. The Senator from South Dakota has had to on occasion buck heads with powerful interests in the administration, and he has demonstrated real leadership. Throughout the markup of this bill, we worked together with committee members. We think that we have a good bill before us. We have worked hard to keep spending down while being particularly sensitive to the priorities of individual Members both on and off the committee. For their work, I am deeply appreciative. I also give special thanks to Keith Kennedy, Frank Sullivan, Chuck Parkinson, and Bobby Mills of the committee staff. I urge the Senate to adopt this bill.

I yield the floor.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the committee amendments to H.R. 5798 be considered and agreed to en bloc with the exception of the amendments appearing on page 40, lines 16 through 20, and also the amendments in title III.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABDNOR. Mr. President, I move that no points of order be waived and that the major amendment be considered as the original text for the purpose of further amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. ABDNOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the first excepted committee amendment be laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

FOURTH EXCEPTED COMMITTEE AMENDMENT ON PAGE 40, LINE 16

Mr. ABDNOR. Mr. President, I call up at this time the second excepted committee amendment on page 40.

The PRESIDING OFFICER. The Chair advises the Senator that the amendment he wishes to be considered is the fourth committee amendment.

Is there objection? The Chair hears none, and it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

On page 40, line 16, after "3109", insert the following: *Provided further,* That no funds shall be appropriated in this or any other Act for the Federal Labor Relations Authority to review Army and Air Force regulations governing technicians of the National Guard.

Mr. STEVENS. Mr. President, as chairman of the subcommittee of the Governmental Affairs Committee having jurisdiction over civil service, I have discussed this matter with the distinguished Senator from South Dakota, the manager of the bill.

There are some 40,000 employees in the National Guard who are within the area generally designated as "technician." This provision of the bill would remove them from the collective bargaining procedures. We have some concern that the amendment as worded might actually prevent some of the existing agreements from being fully operative, in that it would provide that none of the funds in the bill could be used to carry out the collective bargaining provisions of such agreements.

As I said, I have discussed this with the distinguished Senator from South Dakota. As the chairman of that subcommittee, I am most willing to go into this matter in a hearing to determine what problems exist and, as he knows, as chairman of the Defense Appropriations Subcommittee, I am quite concerned, as he is, about making certain that there are no impediments to the active working of our military in total defense agencies in times of emergency.

These National Guard technicians are civilians, but under the circumstances they are also required to have a National Guard status. So they are in a different category. And I have confirmed to the distinguished manager of the bill, the chairman of the subcommittee on this bill, that we will hold a hearing in the legislative committee on this matter and we will notify him. I am hopeful that he will understand, therefore, why I will shortly make a motion to table this amendment.

Mr. MELCHER. Mr. President, the civilian technicians are, by law, members of the National Guard and as such, are subject to the military discipline and regulations governing all guard members while on active duty. That is as it should be, or course. If for any reason a Guard unit is activated by the Governor of a State or by the President, these technicians, as guardmen, are activated with their units. But when not activated they are employed as civilians.

But during the days when these technicians are performing their jobs as civilians, they are no different from any other Federal civilian employee and entitled to fair and respectful treatment as are all other civilians in the Federal service. And when they are in duty status, they are bound by the same military regulations, duties and demands as all other members of the National Guard who are not subject to such when they are working at their regular jobs in the community.

The report accompanying H.R. 5798 infers that Federal unions, and the labor-management provisions of the Civil Service Reform Act, have been detrimental to the National Guard. It also gives the impression that military authority and military regulations are being challenged by the Federal unions. Nothing could be further from the truth. Military regulations that affect national guardsmen in military status are not subject to negotiation nor Federal Labor Relations Authority review. Only regulations that apply to National Guard employees, in their civilian status, come under the purview of the FLRA—the same as any other Federal employee.

Further, the House Appropriations Committee Survey and Investigations Report dated June 6, 1983, states—"most of the units visited said they had no problems with labor unions or that union activities were a nonissue." The same report notes DOD, in its December 30, 1980, report to Congress, as saying—"there are no substantiated incidents where union activity has affected readiness. It is apparent that the unions share the DOD desire to have an effective work force."

Mr. President, this is the latest in efforts by a supermilitaristic, very small, minority in the Defense Establishment to destroy the civilian character of a portion of our defense posture. From previous experience I have had with civilian technicians in my State of Montana, I found that there is no more patriotic, loyal and competent group of people in our country. But they are civilians. While they are not in duty States with the Guard units, to which they and other civilians belong, they are no different from any other Federal employee and as such, are entitled to the same rights.

Let me give you just one example of what is at stake here. A few years ago, a fine young man, a very competent and skilled civilian technician with the

Montana Air National Guard and a combat veteran, was chewed out roundly by an Air Force colonel because he did not drop his tools while working on an aircraft engine and snap to attention. The whole incident blew out of proportion. The civilian, an officer in the Association of Civilian Technicians, was denied the right to extend his enlistment in the National Guard, thus terminating his civilian employment. We were successful in changing this action in this case. But the attitude that led to this bizarre situation may still lurk among a few in the Military Establishment.

Previous attempts to affect similar legislation have been rejected. No hearings have been conducted and no testimony has been heard regarding this issue.

There is only harm to the National Guard and damage to experienced and qualified civilian technicians unless the interference with their rights is dropped from the bill.

The amendment should be roundly and conclusively defeated.

● Mr. SARBANES. Mr. President, I support the motion of my colleague from Alaska, Senator STEVENS to strike the language in the bill prohibiting the Federal Labor Relations Authority from reviewing regulations governing National Guard technicians. In my view, the language in the bill is extremely ill-advised and has far-reaching implications. The motion to strike the provision should be accepted.

The provision in question would affect approximately 45,000 civilian technicians employed by the National Guard. As a condition of employment these technicians maintain membership in the National Guard and thus have dual status. During the normal workweek, they are civilians subject to the benefits, regulations, and protections available to other civilian Federal employees. During weekends and other drill periods, they are military members of the National Guard subject to the lawful commands and regulations of the military.

The Federal Labor Relations Authority is empowered to hear the grievances brought by employee representatives on behalf of Federal employees. Before hearing any grievance, the FLRA makes a determination regarding the appropriateness of collective bargaining in the case before it. This review adequately protects the military function of the Guard from inappropriate or frivolous grievances that might be brought. There is no evidence that the grievance procedure under the limited collective bargaining available to Federal unions has interfered with the efficiency or readiness of National Guard units.

There have been attempts to replace National Guard technicians with full-time military personnel. These attempts have not been successful. What we are confronting in this bill is simply an attempt to achieve the same result indirectly by creating a category of quasi-military employees. These employees, although officially civilians, would nevertheless not have recourse to the grievance procedures available to other civilian employees.

If National Guard technicians are stripped of the protections available to civilian employees, a dangerous precedent will have been established. Legislation affecting representation and collective bargaining rights of Federal employees should apply with consistency to all civilian employees throughout the Government. We cannot start making exceptions and exemptions.

I urge my colleagues in the Senate to support the motion to delete this provision.●

Mr. ABDNOR. Will the Senator from Alaska yield?

Mr. STEVENS. Yes.

Mr. ABDNOR. I wish to thank the Senator. We have had a very interesting conversation on this amendment. I do have a great respect for the expertise of the Senator from Alaska in dealing with defense. He certainly makes some points that I probably have not given sufficient consideration. I do think there are some problems.

Knowing that he is willing to look into this and further review it, time takes care of my concerns. I thank him very much.

Mr. STEVENS. Mr. President, I thank the chairman of the subcommittee for that courtesy and for his kind remarks.

As I said, I discussed the matter extensively with other Members. I understand there is an objection to just deleting it by unanimous consent. Under the circumstances, I move to table this amendment.

The PRESIDING OFFICER (Mr. COCHRAN). The question is on agreeing to the motion of the Senator from Alaska [Mr. STEVENS] to lay on the table the fourth committee amendment on page 40, line 16.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ABDNOR. I move to lay that motion on the table.

The PRESIDING OFFICER. The question recurs on the first committee amendment.

Mr. ABDNOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the excepted committee amendments in title III be laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ABDNOR. Mr. President, I have two amendments I want to offer at this time. Both amendments strike sections adopted by the committee before the recess. Since that time, actions have been taken that address these sections and they have, therefore, become more or less moot. They have been cleared by both sides.

AMENDMENT NO. 3387

Mr. ABDNOR. Mr. President, I send the first amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. ABDNOR] proposes an amendment numbered 3387.

On page 11, strike lines 21 through page 12, line 2, inclusive.

The PRESIDING OFFICER. Is there any debate of the amendment? If not, the question is on agreeing to the amendment of the Senator from South Dakota [Mr. ABDNOR].

The amendment (No. 3387) was agreed to.

Mr. ABDNOR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3388

Mr. ABDNOR. Mr. President, I have another amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. ABDNOR] proposes an amendment numbered 3388.

On page 45, strike lines 7 through 18, inclusive.

Mr. ABDNOR. Mr. President, again we ask that this section be stricken because this particular section refers to the handling of the GSA property at Hickam Air Force Base in Hawaii. Since the bill was reported, the issue has been resolved and this section can thus be deleted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 3388) was agreed to.

Mr. ABDNOR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABDNOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND EXCEPTED COMMITTEE AMENDMENT ON PAGE 18, LINE 19

Mr. KENNEDY. Mr. President, I ask unanimous consent that the second excepted amendment be the pending business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

On page 18, line 19, strike "$23,731,000", and insert "$24,985,000";

AMENDMENT NO. 3389

(Purpose: To urge President Reagan to withdraw the appointment of Anne M. Burford as Chairperson of the National Advisory Committee on Oceans and Atmosphere)

Mr. KENNEDY. Mr. President, I send my amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself and Mr. LAUTENBERG, Mr. BRADLEY, Mr. PRYOR, and Mr. BIDEN proposes an amendment numbered 3389.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment insert the following:

(a) The Congress finds and declares—

On July 2, 1984 President Reagan appointed Anne M. Burford to be chairperson of the National Advisory Committee on Oceans and Atmosphere;

For over a decade the National Advisory Committee on Oceans and Atmosphere has played an important role in shaping future environmental policy;

Past board members and chairpersons have had considerable expertise in the marine and atmospheric sciences and have maintained a non-partisan approach to environmental issues;

Anne M. Burford, as Administrator of the Environmental Protection Agency abandoned the non-partisan approach to the environment shaped by Republican and Democratic Administrations for two decades;

Anne M. Burford's controversial and flawed tenure as Administrator of the Environmental Protection Agency led to her resignation under fire on March 9, 1983.

(b) It is the sense of the Senate that President Reagan should withdraw the appointmenit of Anne M. Burford to be Chairperson of the National Advisory Committee on Oceans and Atmosphere.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr President, I thought—as I'm sure most of my colleagues did too—that we had seen the last of Anne M. Burford in this administration. But on July 2, while the Senate and the House of Representatives were in recess, President Reagan offered Mrs. Burford a return engagement in the Federal Government and appointed her to yet another environmental post—to be chairperson of the National Advisory Committee on Oceans and Atmosphere (NACOA).

Perhaps Mr. Reagan has forgotten Mrs. Burford's record at the Environmental Protection Agency. But no one who cares about the environment and public health will ever forget that record.

When Congress declared war on toxic waste, she declared a truce with polluters. Under Mrs. Burford, enforcement actions against illegal dumpers were virtually halted. And today, only six toxic waste sites have been cleaned up with EPA funds—of hundreds of such sites all across the country slated for priority action.

On toxic substances, Mrs. Burford charted a new course for EPA, substituting voluntary compliance by industry for congressionally mandated enforcement.

In the areas of air and water quality, Mrs. Burford sought to halt the progress of a decade in controlling and curtailing emissions and effluents.

She suspended for over 1 year the entire national pretreatment program to curtail toxic discharges into municipal treatment plants. For thousands of industrial plants, she delayed the program for setting toxic effluent limits.

She sought to allow air quality deadlines to lapse, to weaken auto emission standards, and to relax sulfur dioxide emission controls.

And when the antienvironment forces could not succeed with their policy goals, they turned their attack to an all-out assault on EPA itself. If they had had their way, they would have cut EPA's budget and staff in half. They would have cut the agency's toxic substances control program 34 percent by 1984. They sought a 51-percent cut in research and development funds by 1984—including deep cuts in funds targeted to vital research on the health effects of toxic chemicals. They eliminated the noise control program established more than a decade ago.

The simple truth is that while at EPA, Mrs. Burford did virtually everything but carry out her responsibility to protect the environment. She abandoned the nonpartisan commitment to the environment shared by Republican and Democratic administrations alike for two decades. If Anne Burford had been sent to EPA to dismantle it, she could not have done a better job. She attacked the fabric and every function of the Agency, and left EPA, in the words of her successor William Ruckleshaus, "crippled [and] in trouble." She should not have been appointed to EPA in 1981—and she should not be appointed to NACOA in 1984.

For over a decade, NACOA has played an important role in shaping future environmental policy. NACOA's efforts were critical to the original development of the Coastal Zone Management Act of 1971 and subsequent amendments. A decade later NACOA urged a strengthening in the provisions of the act for a greater State role in managing coastal resources. NACOA also assisted in the development of the Clean Water Act.

Imagine how NACOA's work on its own important issues would have fared had Anne Burford been chairperson in the past. And imagine how NACOA's future efforts will be influenced if she is permitted to remain there.

A July 18 memorandum by NACOA's Executive Director to its members, entitled "Future Agenda," lists items for future study. They include acid rain, OCS "consistency"' policy, and ocean incineration.

With Anne Burford at the helm, there should be no illusions about how NACOA will approach these issues.

In other days, we could have counted on NACOA to provide objective advice and nonpartisan guidance on environmental issues. For in the past, the committee has been led by men and women of considerable expertise in the marine and atmospheric sciences. But Mrs. Burford's appointment changes this course. It threatens the integrity and value of this committee, and could end its effectiveness and usefulness in the future.

During the recess there was a great deal of cosmetic White House activity on the environment. President Reagan visited the Blackwater National Wildlife Refuge and Tilghman Island, both in Maryland. He held a signing ceremony on Theodore Roosevelt Island here in Washington, DC. He visited Mammoth Cave National Park in Kentucky.

Some people are saying that President Reagan is trying to convince Americans that he really cares about the environment. I say that if he really cares, he should withdraw the appointment of Mrs. Burford.

On July 4, 1984, Douglas L. Brooks, a respected author on the environment and former Executive Director of NACOA, wrote to the Washington Post in protest against the appointment. He states:

Mrs. Burford, along with Interior ex-Secretary James Watt, is a symbol of a narrow, short-sighted Federal policy of maximizing near-term financial payoffs to the private sector at the expense of assuring the long-term availability of the resources on which the health, wealth, and well-being of the whole Nation ultimately depend. It is worse than fouling our nest—it is eating the seed corn, living today as though there were no tomorrow. Her appointment is certain to increase anxiety, polarization, conflict, and stalemate at home and loss of respect, confidence and support abroad. The sooner it is withdrawn and a more suitable person named for this position the better, both for the Reagan administration and for the Nation.

I ask the Senate to join in urging President Reagan to withdraw the appointment of Anne Burford to NACOA.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I join with Senator KENNEDY today in sponsoring this resolution to urge the President to withdraw his nomination of Anne Burford as Chairperson of the National Advisory Committee on Oceans and the Atmosphere. The resolution that we introduce today should send a message to the President that we are shocked and dismayed by this appointment.

During her 22-month tenure at the Environmental Protection Agency, there was no question about what the "P" in EPA stood for. Procrastination, not protection, was the order of the day.

New Jersey and other Northeastern States watched the poisoning of their natural resources as polluters were granted millions of tons of increases in sulfur and nitrogen oxide emissions from their tall stacks.

Communities living around abandoned hazardous waste sites read daily press revelations recounting sweetheart deals the companies responsible for cleaning up these sites.

Families with children who played in schoolyards contaminated with lead learned to their horror that, after years of progress in cleaning up lead, more lead was to be added to gasoline.

The American people became the hapless victims of policies that turned back the clock on progress made to clean up our air and water and to regulate the hazardous wastes contaminating every State across this country.

As Administrator of EPA, Anne Burford had charge over the Nation's newly enacted Superfund program. Thousands of hazardous waste sites leaking toxics into ground water and contaminating the air were to be cleaned up.

Under her tenure, funding for Superfund sites became a political football in the 1982 election.

The President's nomination of Anne Burford to chair the National Advisory Committee on Oceans and Atmosphere is contrary to the mandate of the committee. The NACOA was charged in 1977 with reviewing national ocean policy, coastal zone management, and reporting on the status of U.S. programs in marine and atmospheric sciences.

Its 18 member panel appointed by the President has provided expert review and advice to Congress in these areas. In fact, in 1982, when Ms. Burford was Administrator of EPA, the Chairman of NACOA delivered a stinging indictment of the administration's proposed budget cuts for EPA and NACOA ocean disposal programs.

NACOA also advised Congress to move part of EPA's jurisdiction over the Clean Water Act to other agencies. It is not surprising then that the administration recommended termination of NACOA funding in next year's fiscal budget.

As a member of both the Commerce Committee, before which NACOA testifies, and the Environment and Public Works Committee, which oversees the majority of EPA's programs, I can only pause to ask, what advice can we expect now as Anne Burford takes up her new position at NACOA?

Withdrawing the Burford nomination would be an important step in restoring the trust that was so badly damaged 1½ years when Administrator Burford and all but one of her top political aides were forced to resign from the EPA amid charges of mismanagement and political favoritism.

To truly restore lost trust, the President must respond to the American people. Poll after poll shows that the public wants protection from acid rain and toxic chemicals in their environment.

They want clean oceans, protection of vanishing coastal resources and preservation of our fisheries.

All of us from coastal States know how important the oceans are to the environment, quality of life, public health, and economies of our States.

The President can start by withdrawing the nomination of Anne Burford. In withdrawing the nomination, the President would demonstrate to the American public that cleaning up the environment, rather than reversion to pre-Ruckelshaus days, is the new order of the day at EPA.

Swift action is needed to reduce acid rain, clean up the Superfund sites that sit like ticking time bombs across our country, and to regulate the 37 hazardous air pollutants and hundreds of pesticides that are known or suspected to cause cancer and other acute and chronic illnesses.

Swift action is needed to control the flow of urban and agricultural runoff into our great rivers and estuaries such as the Delaware River and Chesapeake Bay.

And swift action is urgently needed to regulate chemicals in ground water, the source of water for over half our population. Yet the administration has opposed reauthorization of the Clean Air Act, Clean Water Act, Superfund, and Safe Drinking Water Act this year. They tell us we must wait until next year.

The American people can wait no longer. Today, we ask the President to withdraw his nomination of Anne Burford. We also ask that the President change the disasterous course of his environmental policies. The "Magical Mystery Tour," as one environmental leader dubbed the President's recent 3-day agenda of speeches and ceremonies, is not enough. The President must act now, not next year.

Mr. MITCHELL. Mr. President, I rise in strong support of the resolution before us calling on the President to withdraw his appointment of Anne Burford as Chairperson of the National Advisory Committee on Oceans and Atmosphere.

The President's appointment of Mrs. Burford to this position of responsibility is a step backward not only for the cause of environmental protection but for Mr. Reagan's own credibility on this issue.

Mrs. Burford resigned just over a year ago as head of the Environmental Protection Agency under heavy criticism for her management of that important institution. In returning her to a position of influence in the same field, the President greatly strengthens doubts about his commitment to safeguarding the environment and applying the laws designed for that purpose.

In the eyes of the American public, which for well over a decade has overwhelmingly supported protection of the environment and legislation to achieve that goal, Mrs. Burford has no credentials and no place in such an effort. Her appointment is a repudiation of the clear intent of the Congress and the people of this country on a matter of primary importance.

As Administrator of the Environmental Protection Agency, Mrs. Burford showed little respect for the responsibilities entrusted to her under law. Under her leadership, enforcement of environmental statutes decreased drastically, as did funding for the implementation of EPA's legally mandated duties. According to sworn testimony of two career officials, the EPA pursued a deliberate policy not to implement the Superfund law aggressively during the Burford tenure.

For over a decade the National Advisory Committee on Oceans and Atmosphere has played an important role in shaping future environmental policy. Past board members have had considerable expertise in the marine and atmospheric sciences and have main-

tained a nonpartisan approach to environmental issues. The appointment of Mrs. Burford is inappropriate based on her past performance in the field of environmental policy and the qualifications of past members of the board.

I urge the Senate to adopt the amendment.

Mr. ABDNOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABDNOR. Mr. President, the legislation we are on deals with appropriations for various agencies of Government, none of which covers the environmental protection area. There is a HUD appropriations bill which is the appropriate place to place such an amendment. Because the amendment is not germane, Mr. President, I move that the amendment in the second degree of the Senator from Massachusetts be laid on the table. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Kennedy amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. GARN], and the Senator from Utah [Mr. HATCH] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. HART], the Senator from Kentucky [Mr. HUDDLESTON], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

The PRESIDING OFFICER (Mr. SPECTER). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 18, nays 75, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—18

Abdnor	Hecht	Simpson
Armstrong	Helms	Stevens
Baker	Kassebaum	Symms
Denton	Laxalt	Thurmond
Durenberger	McClure	Tower
East	Nickles	Wallop

NAYS—75

Andrews	Byrd	Dole
Baucus	Chafee	Eagleton
Bentsen	Chiles	Evans
Biden	Cochran	Exon
Bingaman	Cohen	Ford
Boren	Cranston	Glenn
Boschwitz	D'Amato	Goldwater
Bradley	Danforth	Gorton
Bumpers	DeConcini	Grassley
Burdick	Dixon	Hatfield
Hawkins	Mathias	Quayle
Heflin	Matsunaga	Randolph
Heinz	Mattingly	Riegle
Hollings	Melcher	Roth
Humphrey	Metzenbaum	Rudman
Inouye	Mitchell	Sarbanes
Jepsen	Moynihan	Sasser
Johnston	Murkowski	Specter
Kasten	Nunn	Stafford
Kennedy	Packwood	Stennis
Lautenberg	Pell	Trible
Leahy	Percy	Warner
Levin	Pressler	Weicker
Long	Proxmire	Wilson
Lugar	Pryor	Zorinsky

NOT VOTING—7

Dodd	Hart	Tsongas
Domenici	Hatch	
Garn	Huddleston	

So the motion to lay on the table Mr. KENNEDY's amendment (No. 3389) was rejected.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, that last vote did not surprise me because the political years are not known for exercises in courage and courtliness.

Let me begin by saying that Anne Burford is a friend of mine. But even were she not, I would feel constrained to say what I am about to say. Somehow or another the Senate of the United States feels so picayunish in its processes that even jobs that do not require the confirmation of the Senate or hearings seem to attract our attention if a little bit of political mileage can be gained at the expense of some human pride or dignity.

I was actively ranching. Among the other things we raised out there were pheasants. We had penned pheasants. About this time of year, young pullets would begin to lose a feather. When one of them would lose a feather, a little drop of blood would appear on its hind end, and the other pheasants would eat it to death. That is what Washington reminds me of sometimes. I point out that this woman was investigated by no fewer than five committees of the House of Representatives. It found no wrongdoing. The Senate laid itself in there and found the same thing. Special prosecutors looked at it and found no wrongdoing. There is disagreement in policy to be sure. That is a legitimate role for the Senate to play. But this is a nonpolicy-making job, and advisory in its basis. But boy, does it make us look courageous to go home and stand up with a vote like that in our pocket. Some days I regret the character of the actions that I sometimes see us take on the floor of this Senate.

I yield the floor.

Mr. THURMOND. Mr. President, would the Senator yield?

Mr. WALLOP. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I want to associate myself with the remarks of the able and distinguished Senator from Wyoming. In addition to what he said I want to make this point: That if this nomination had required confirmation, we would have had the chance and the responsibility to act upon it here. But this does not require confirmation. Therefore, are we not a legislative body attempting to interfere with the executive branch in exercising its responsibilities under the law?

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, the vote on tabling was convincing. I wonder if the distinguished Senator from Massachusetts would be willing to address the question of the adoption of his amendment by a voice vote.

Mr. KENNEDY. Mr. Leader, I would be willing to unless we are going to get into a situation where we have further debate and discussion. I certainly think the views of the Senate were clearly demonstrated in the previous vote.

I want to make a brief comment to the Senator from Wyoming before we vote. I indicated to the leader before the conclusion of the last vote that I was quite prepared to move to a voice vote and then to permit the Senate to proceed on other action. But given some of the comments of the debate here, I think the Senate might want to express itself on the merits.

But I would be quite prepared to move to a voice vote and we can move expeditiously. I would obviously reserve a very brief time for myself to respond to the statements of the Senator from Wyoming. I would be glad to do that now and then move to a voice vote. But I would not want the comments of the Senator from Wyoming to be the last word on this particular issue.

Mr. BAKER. I yield to the distinguished Senator from New Jersey.

Mr. BRADLEY. Mr. President, if I could, I too would not like the words of the Senator from Wyoming and the Senator from South Carolina, both of whom I respect, to be the last words. I recognize that they know Mrs. Burford. I recognize that they feel that she has had nothing uncovered about her reputation and name that would lead the Senate to cast the vote that has just been cast. But I would invite them, if they could, to come with me to any number of communities in my State in which toxic wastes have continued to threaten the lives of families, whose children have been born deformed, whose water supply is contaminated, whose parents develop cancer. Toxic wastes directly threatened the public health and welfare. Then I invite the Senators to look at Ms. Burford's performance as the head of the EPA when for 2 years that law was subverted and then say that this vote was not justified. I think it

was justified based on her record of service while she was head of the EPA on policy grounds.

I personally do not want her to head or even advise concerning the oceans, the atmosphere, the environment. I do not think she has the credibility for that role. I think the Senate was dead right to cast the vote that was just cast because Ms. Burford's record at EPA was disgraceful. I could not let this moment pass without saying that to my two distinguished colleagues.

Mr. THURMOND. Mr. President, would the Senator yield?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BAKER. Mr. President, I would be happy to yield to the President pro tempore. I was going to say, however, that I think I will not put the request at this moment. I hope that our deliberations will be brief and we can get on with such requests in a moment because there is much business to be done on this bill. But for the moment, I will not put such a unanimous-consent request.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MITCHELL. Mr. President, I would like to make a comment to correct something that was said by the Senator from Wyoming for whom I have the deepest respect. The Senator said that there was a special prosecutor that looked into the Burford case and found no wrongdoing. There was no special prosecutor that looked into the Burford case. The Senator stated that there was a Senate investigation of Mrs. Burford that found no wrongdoing. There was no Senate investigation of Mrs. Burford.

On the issue of the Superfund, before the Senate Committee on the Environment, the two highest career officials in the Environmental Protection Agency dealing with the issue of toxic wastes testified under oath that in her administration there was a deliberate policy not to implement the Superfund law, not to clean up toxic waste sites, not to spend the money in that program before the authorization expired so that when it did expire, there would be no money left in the fund, and the argument could be made it does not need to be reauthorized. That was testimony under oath by two high career officials before our committee. That is the Superfund law which deals with the clean up of hazardous waste sites, now estimated to be over 20,000 such sites in this country.

There is absolutely no justification on policy grounds for the appointment of Mrs. Burford to this position, based upon her performance in office, and I invite every Member of this Senate to read the transcript of the testimony of EPA officials under oath regarding the implementation, or lack of implementation I might say, and the policies pursued by the Environmental Protection Agency while she served as its Adminstrator. Anyone who does so will be very hard pressed in my judgment to vote in support of her nomination to a high position in our Government with respect to the environment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, when the news came out that Mrs. Burford had been appointed to this commission I suppose that I was among the first of the Senators to be invited to comment on that because she is a resident of my State. I will repeat to the Senate what I said at the time. I think it was a poor decision to appoint her. If Mrs. Burford had sought my advice, I would have advised her not to seek nor accept such an appointment because it was bound to be controversial. If the administration had asked my advice, I would have said do not send her name up for the post. Nonetheless, I did not vote in favor of this.

I voted to table it for exactly the reasons that the Senator from Wyoming has stated, and my only regret is that he got up and said what he did before I had a chance to do it. All this vote is as far as I am concerned is that she is not very popular in this Chamber. I knew that before this vote was taken. I expect that she did, and they probably did down at the White House, too.

The fact of the matter is whether you agree with Mrs. Burford or not in her conduct of the stewardship of the Environmental Protection Agency, what really got her in trouble was not policy issues but the fact that she got trapped in a dispute between a committee of the House and the administration.

Let us just keep that in mind. I did not agree with her in the conduct of her office in every case. I may not agree with her on all the policy issues but the reality is she got a raw deal when she was the EPA Administrator. She was requested and then required under subpoena to submit certain documents to that House committee. She was instructed by the people she worked for in the administration not to do so. She honored that direction. Then when she got in trouble as a result of that, literally as a result of following the directions that she was given by those she was working for, then they sort of threw her overboard and said, "Well, this is getting too controversial for us." But now that is actually what happened. If she were here today for confirmation for a policymaking position, presumably her nomination would have been the subject of hearings. In that event, all the Senators who have so many policy disputes with her—and I might be one of them on some issues—would have an opportunity to question her, to determine her fitness to administer the law, to determine what her views are on various statutes and proposed policies, and to do that in the normal way that we screen and test qualifications of persons whose names are submitted for confirmation by this Senate.

But that is not the case. This is just an expression of how we feel about it, based upon the news accounts and our previous associations. Frankly, I do not want to belabor the issue, but in my opinion we really have not added anything to the thought life of this country. We have not enriched anybody's understanding of the problem. We have not added or subtracted to Mrs. Burford's reputation. All we have done is express the opinion that she is not very popular around here. I just remind all Senators that there are a lot of times when Senators are not popular either. So maybe it would be well if we were not quite so quick to make judgments of that kind.

Mr. EAST addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, I would like to briefly associate myself with the comments of the Senator from Wyoming. I shall be brief.

I do agree with him. I think in Washington there is a fervor of what I would call cannibalism and whenever they smell blood the sharks go for it. They did it in the case of James Watt. They tried to do it in the case of Donovan. It did not work. They tried to do it in the case of Mr. Meese. It has not so far worked. They did it in the case of Mr. Richard Allen. Now they are trying to do it in the case of Mrs. Burford.

It may be popular, but I do not consider it particularly civil. I think it unbecoming for this body, which has no prerogative, as the Senator from South Carolina indicated, to confirm this. This is not one we have to confirm.

I simply think what you have seen here, Mr. President, is a rather craven display of the typical Washington presentation of cannibalism which will sell well in the media and make the Senators who support it supposedly look good in some way or another. I do not know how. But I think it is uncivil, uncalled for and unwarranted.

I think the motion to table was well taken. I only regret that it did not succeed for the reasons the distinguished Senator from Wyoming, the Senator from Colorado, and the Senator from South Carolina have said. I associate myself with their remarks on the result of this vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am rather surprised that my colleague would refer to some 30 Members of his own party who voted against the motion to table as "sharks."

After this rhetoric, Mr. President, I believe it would be valuable to refer to the law which spells out the qualifications for membership on the board. That might be of some relevancy in terms of the discussion of this particular member of the board. I am reading after the 1977 act.

Members shall be appointed only from among individuals who are eminently qualified by way of knowledge and expertise in the following areas of direct concern to the committee: One, one of the disciplines and fields included in marine science—

I hope that those who are opposed to this resolution are going to be able to document now on the floor her background and experience with regard to marine science.

—marine industry, marine-related State and local government functions, coastal zone management, and matters of ocean policy.

Where are the defenders of this individual to speak for her qualifications in those areas? The law is very clear.

We did not have a chance in this Senate to express ourselves on this particular nominee. This is our only opportunity to do so.

So before all of those individuals who oppose this amendment get up on their own high horses of political rhetoric, they are able to indicate to us during the course of this debate, how Ann Burford is qualified under the law of 1977. That is the question that I ask either the Senator from Wyoming or from North Carolina or from South Carolina. Just review the law and describe to the Members of this body how she is qualified under the particular language of the law.

She is not, Mr. President. That is why I think this body ought to have a rollcall vote up or down on it. Mr. President, I ask for the yeas and nays on this resolution.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. WALLOP. Will the Senator yield?

Mr. KENNEDY. I yield the floor.

Mr. WALLOP. Mrs. Burford has capability both by education and experience in the fields about which the Senator spoke.

Mr. EAST addressed the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. I would like to respond to the statements of the Senator from Massachusetts.

Having watched the Democratic Convention, where he was most eloquent in speaking, where the use of rhetoric was quite high but the employment of facts quite low, I found his comments here strictly high-blown rhetoric. We have had no hearings on this. He has no reason to offer to us that she is not qualified in these areas. By the volume of his voice and his usual quality of eloquence he simply expects to assume that somehow or other she is unqualified. But he has offered no evidence that she is not.

More significantly, as the distinguished Senator from South Carolina has pointed out, this is a Presidential nominee. We are not involved in the confirmation process. We consume inordinate amounts of time in the U.S. Senate on totally extraneous matters that we ought not have before the Chamber.

We ought to be dealing with matters of substance. This is pure unabashed politics in a political year, and the power of rhetoric and the eloquence by which it is stated do not add to the facts.

One can respond with just as much volume, maybe not quite as much eloquence, this is an effort, a magnificent one, as the Senator from Wyoming has said, a typical Washington cannibalism.

I have been in this city for 3 years and I have seen it, when people are just beaten down. I do not see how you are going to get qualified people of either party, liberal or conservative, in the long run to serve the U.S. Government because nobody wants to come here and take that kind of abuse.

I think in her case she was hounded out of office.

All the President has done is make a nominal appointment to a nominal commission, not requiring our confirmation. Once again, the political atmosphere has the smell of blood and the sharks come running. I do not care which party they are in. They cut her down and they chew her up and they eat her. Supposedly we have been very civil, we have been very senatorial, we have been very responsible as a legislative body.

I say nonsense. There were no hearings, there was no debate, and this motion should have been tabled.

Of course, it will pass, but it is still what the distinguished Senator from Wyoming said it was, it is Washington cannibalism. The media will feed on it, the Nation will be fed large spoonfuls of it tonight, and many Senators will go home resting well. But I think she has been treated very shabbily and I want the RECORD to say so. I will say it with equal volume as the able Senator from Massachusetts, but maybe not with the same eloquence.

He offers no evidence that she is disqualified. Again, we have had no hearings; we have had no serious discussion.

This is politics. This is cannibalism. Let us admit it for what it is. Let us not try to dignify it with this pious, righteous concern for toxic waste, the environment, ad infinitum. Politics 1984, that is what it is.

I yield the floor, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Which Senator from New Jersey?

The PRESIDING OFFICER. The junior Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President. I ask my senior colleague from New Jersey to defer, if he will, for just a minute. I think we were on a reasonable track until we talked about pious disregard for the issue. I would ask the Senator from North Carolina to join us at one of our environment committee hearings when we sit with families in front of us who have seen their children go bald from chemotherapy because they have been exposed to toxic waste. That is what we are talking about.

I submit to the Senator from North Carolina that there are many qualified candidates for this job. The last Chairman of NACOA was Dr. John Knauss, the dean of the graduate school of oceanography and vice president of marine affairs at the University of Rhode Island. Members of NACOA have been distinguished scientists and engineers.

I do not think that my constituents in New Jersey, who are constantly faced with problems of toxic waste and water pollution, would consider me a craven cannibal for standing up to defend their rights and to ask that when the President makes an appointment, regardless of the procedure, it be the best-qualified person for the job. We should not be accused of politics because we have asked for a review of someone who will fill critical position on this advisory committee. This committee is a watchdog committee to advise the Congress on atmospheric and ocean programs. The list of people who serve on this committee is a long and distinguished list. They are scientists, they are teachers, they are academicians; they come from walks of life that qualify them to give advice and counsel on these kinds of issues.

Mr. BRADLEY. Mr. President, I would like to ask the distinguished Senator from North Carolina a quesiton. Has the distinguished Senator from North Carolina ever visited a toxic waste dump?

Mr. EAST. Have I visited a toxic waste dump?

Mr. BRADLEY. Has the Senator from North Carolina ever visited a toxic waste dump?

Mr. EAST. No.

Mr. BRADLEY. Let me tell the Senator a little a bit of what that is like.

Mr. EAST. Well, now, let me ask——

Mr. BRADLEY. No; the Senator answered the question.

Mr. EAST. The Senator asked me a question.

Mr. KENNEDY. Regular order, Mr. President. The Senator from New Jersey has the floor.

Mr. BRADLEY. A typical toxic waste dump makes your eyes start to water, your eyes burn; some places you look around, you see children playing in the fields—families living in nearby homes; at other times you go to a dump and you stay for a while and you get nauseous, you look around and you see children playing in the fields. You see workers at factories and families in homes not far away from a dump. You know the statistics on cancer and birth defects. You ask the people why they don't move. They say they can't afford it. Won't Government help clean up the dumps, they ask. You learn that there are hundreds and hundreds of individuals who are sick each year because of the existence of toxic waste dumps.

We have here a person who was in charge of the program to clean up those toxic waste dumps and for 2 years did nothing. Indeed she subverted the law she was charged with enforcing. She intentionally delayed the cleanup of dumps across this country. Among all the qualified people in this country, the President has again chosen her for responsibility in a program dealing with our environment. If the Senator has never visited a toxic waste dump, I find it very difficult to believe that he could even understand the human dimension of this problem, although I am sure he does as a compassionate individual. But I would ask him to please not charge anyone who disagrees with his view as being a cannibal. Uninformed self-righteousness is an equal danger, particularly if you have never visited a toxic dump site. I think the Senate has spoken very clearly on this from both sides of the aisle. It is a statement that the Senate wants to be on the Record for cleaning up toxic wastes in this country and for having the head of the Environmental Protection Agency be someone who is responsible, who is not going to try to subvert the law that he or she is charged with enforcing.

So I would also call for a little more civility in this process and the Senate can go on and render its judgment. But I urge the Senator to visit a toxic waste dump. There are some in North Carolina. I remember, indeed, when we were considering the first Superfund bill; it was blocked at that time by the other Senator from North Carolina until we uncovered that there were four or five dumps on the Superfund list that were in North Carolina. So I urge the Senator to go visit one of those dumps. I urge him to talk to the people around them. I urge him to answer their questions about why the dumps have not been cleaned up. I urge the Senator to ask himself what is his responsibility as a Senator to see that those dumps are cleaned up. And then I ask him to come back and say that Mrs. Burford should receive this appointment. I do not think he would support her appointment to any environmental advisory committee if he had those experiences.

Mr. EAST. Mr. President, if I could be recognized.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EAST. Whatever response the Senator from New Jersey gives, I have great respect for, but what is my quarrel with him? Well, he recites abstractly the problems that have arisen from toxic waste dumps in the United States. The other Senator from New Jersey says baldness results from it. I do not know that mine did. I do not think it did. But what I am saying is the Senator simply repeats in a very high-flown, rhetorical way the problems of waste dumps. I am not for waste dumps and I am not for toxic poisoning. I am simply saying neither is Anne Burford. The Senator does not relate his conclusions to any evidence connecting her. And therein lies the cannibalism. It is simply appealing to some kind of rank emotion by reciting a chamber of horrors with which no one would agree. I do not agree with it. But the Senator from New Jersey, for whom I have the greatest respect, talks about baldness resulting from it. Well, I regret baldness, too, from whatever source. It happens in the best of families on occasion.

But what I am resistant to—and I do not make light of the point—is that some way or other by reciting this chamber of horrors involving toxic waste, ipso facto that means Ann Burford was responsible. Therein lies the fallacy of the argument. I do not think U.S. Senators, frequently in their conduct that I have seen, can bear up under such scrutiny. And actually their misconduct, which seems ever more evident on occasion and the connection between a horrid thing and their actual involvement in it in a circumstantial evidentiary way is clear, passes unnoticed. But simply to stand here and say EAST has never seen a toxic waste dump and then recite the horrors that can result, such as baldness and so on and so forth, well, of course, I am against that. Who is not, for heaven's sake. Anne Burford is against it. Not one Senator has offered concrete evidence that would stand up in court. They have offered no evidence, period.

Mr. MITCHELL. Will the Senator yield to permit someone to offer some evidence?

Mr. EAST. I will not yield until I am finished. Senators have offered no evidence whatsoever connecting these abstract chamber of horrors. They list specific conduct or misconduct on the part of Mrs. Burford, and therein lies I think the cannibalism and the smell of blood. It is popular. It is politics. It is 1984. And again I am going to defend this woman as having been shabbily treated as I think Donovan was shabbily treated. And the Senator will remember up here—and he agreed with me on Mr. Donovan, for example—they kept surfacing with some underworld figure who would say, "I saw Mr. Donovan with Mafia figure X at restaurant Y back in 1963." The FBI would fan out and found out there was nothing to it. And then they could come back in and they would start all over again. Well, Mr. Donovan survived, thank God, but there were a lot of people who said he ought to get out of the way; he is controversial, but he toughed it out, the President toughed it out with him, and I remember I toughed it out with him.

There were a lot of people who wanted to throw him overboard. But I am saying you keep throwing these people overboard where there is no casual connection between what is asserted and any convincing, conclusive evidence of any kind that they are connected with, call it what you will, I say it is cannibalism.

Mr. MITCHELL addressed the Chair.

Mr. EAST. I say it is politics, I say it is craven, I say it is tragic, and I say somebody on the Senate floor from time to time to stand up and call it what it is—cannibalism and politics. That is what I say it is in the case of Anne Burford. There is going to be a lot of rhetoric about toxic waste sites and the impact of them ad infinitum. I am not for toxic waste sites that hurt people, cause baldness, sickness, illness, or anything of that kind. You know I am not. Neither is she. But what has that got to do with our voting on something that does not even involve constitutionally our voting on it? I will tell you why we are doing it. It is politics. To try to dignify it as a great humanitarian cause I say will not wash. It will not wash with me at least, and apparently it did not wash with 18 Senators. I think the Senator from Wyoming again is correct. I yield the floor.

Mr. MITCHELL. Mr. President, the Senator from North Carolina asks for evidence linking Mrs. Burford with the failure to clean up toxic wastesites in this country.

I have in my hand the record of the Superfund oversight hearings before the Senate Committee on the Environment, held on April 8, 1983. In that hearing, two of the highest career officials in the EPA who are responsible for implementation of the Superfund Program testified under oath that there was a policy in the administra-

tion at the time that Mrs. Burford was the Administrator not to aggressively expend funds and clean up sites, in the hope that when this program expired, there would still be money left in the fund, so the argument could be made: "We do not have to reauthorize the Superfund because, look here, we did not even spend all the money that we have."

I want to read to the Senator at least one of the statements under oath. He has asked for evidence, and I am responding now to his inquiry.

Asked for examples of how the slowdown occurred and the lack of aggressiveness occurred, one of the witnesses testified:

One thing that has concerned me since I have been involved in this program is the difficulty that the States have had in coming up with a 10 percent match.

I now interrupt the quotation to point out that, under the law, the States have to provide a certain amount of matching money, and those of us on the committee who dealt with it understand that this has proved to be a very serious impediment to the effective cleanup of the waste sites because of the inability of the States to come up with matching funds.

I continue to quote:

My office and I tried to come up with alternative schemes that we could share with the States to develop funding programs or funding support mechanisms that could get over this 10-percent hurdle.

I found that as I pursued them, was suggested that I find something else to do; that essentially, a State was going to be given the opportunity from the Fund to get 90 cents on the dollar and it should be up to them to pursue the other 10 cents in whatever way they saw fit, but that we should not take an aggressive role in attempting to help the States come up with initiatives or ideas to augment that 10 percent.

Senator MITCHELL. Mr. Hedeman, who suggested that to you?

Mr. HEDEMAN. The Administrator did.

The Administrator at the time was Mrs. Burford.

I will not read all that testimony. I invite the Senator—I urge the Senator—to read this transcript and to read other transcripts before the Senate Committee on the Environment, which conducted oversight hearings of the supervision of the implementation of the Superfund program, and then come back to the Senate floor and say, "There is no evidence. Where is the evidence?"

I say to the Senator that this program, by all accounts, by now virtually unanimous consent and agreement, was seriously mismanaged and maladministered during the time Mrs. Burford served as Administrator. Virtually no progress was made as a direct result of the deliberate policy which I have just described—a policy, I repeat, not to clean up sites—and that was one the major causes of her leaving office.

She has since been replaced, and I might say that the person who was the direct Administrator of the Superfund has since left office. They both have been replaced by able, outstanding persons, both nominated by the President, approved by the Senate, and now doing a very able and aggressive job.

However, none of that obscures the fact that during her term in office, this very important legislation dealing with what the Agency, itself, now acknowledges to be some 20,000 abandoned hazardous waste sites in this country was in a virtual standstill as a direct result of the deliberate policy during her administration.

I say to the Senator that that alone, if nothing else were in the RECORD, ought to be sufficient for this nomination to be withdrawn by the President. I believe that sincerely.

I will say one final thing. The Commission to which she has been appointed is not a nominal Commission, as it has been referred to here by the Senator. It is a very important Commission. It advises the President and Congress on important environmental matters.

Until this appointment, Presidents of both parties have nominated very able and distinguished persons to that Commission, most of them scientists, without regard to partisanship. There were no political persons placed on this Commission before this. This has the effect, if it goes over, of establishing that political precedent, which I think we will all come to regret; because, whatever our disagreements, I believe we all share a commitment to providing a healthy environment for the American people.

I urge the Senator to take a look at this transcript. I have cited a brief portion of it. I think that, in its totality, it makes a very compelling case.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I want to remind my colleague from North Carolina that this is a sense-of-the-Senate resolution.

He complains of it being considered without hearings being held. I have asked for hearings. On July 3, I sent a letter to the chairman of the Senate Commerce Committee, requesting hearings on this appointment. I did so because I felt it was a totally misguided appointment, based on the requirements of the job, and the qualifications of the nominee.

I hope the Senator from North Carolina will rethink his comments about baldness. His baldness may be associated with age. I am talking about the baldness of 3-, 4-, 5-, 6-, and 7-year-old children who are rendered bald by chemotherapy; who are being treated for disease, because they lived in areas in close proximity to toxic waste sites.

There is nothing more heart wrenching than seeing the baldness of a child walking out of a clinic after a chemotherapy treatment, or a roomfull of such children, as one witness described before the Environment and Public Works Committee. He said there is only one thing worse than taking a child on the subway and having people gawk at him; having children snicker at him. That is to walk into a roomful of children getting chemotherapy.

I am sure the Senator from North Carolina did not mean to offend the parents of those children when he made the reference he did about his own baldness, in comparing it to theirs.

Mr. EAST. Mr. President, will the Senator yield for a question?

Mr. LAUTENBERG. I yield.

Mr. EAST. Is the junior Senator from New Jersey a lawyer?

Mr. LAUTENBERG. No. I am a businessman by training, but I understand my responsibility. I answered the Senator's question, did I not? If I may continue, I have answered the question.

Mr. EAST. When the Senator is——

Mr. KENNEDY. May we have order, Mr. President? The Senator is entitled to be heard without interruption.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. LAUTENBERG. The politics of this issue, in my view, is politics at its best. This is the politics of accountability. That is our responsibility and that, I submit, is the issue here. I urge the adoption of the resolution.

Mr. EAST. Mr. President, I feel that I have a responsibility to respond to the Senator from Maine, for whom I have the greatest respect, and to the junior Senator from New Jersey, for whom I have the greatest respect.

First, let me deal with the Senator from Maine, who I gather has now lost the floor, having made some inquiry as to my sentiments on certain matters, perhaps showing a somewhat indifference to my response, in any case. I do not know. Perhaps he had pressing business. I certainly do not question his motivation.

The Senator is back on the floor. I have the greatest respect for the Senator from Maine.

What surprises me slightly is this: As a former Federal district court judge of great distinction and obviously as a lawyer of great ability and distinction, I think he can appreciate that what I am driving at, as a trained lawyer myself—and this is what I think escapes the junior Senator from New Jersey, with all due respect to him—is the correlation between guilt and produced and convincing evidence.

The Senator from Maine, I think, appreciates that the atmosphere in which this is being done is hardly one in which you could objectively conclude that reasonable minds would not differ, that reasonable minds would

certainly conclude, that Anne Burford, herself, was directly responsible for all the excesses that may exist in this country or in particular areas growing out of the administration of the toxic waste dump program.

I am simply saying that you could get witnesses on both sides. There were those who contended that she tried quite hard and labored quite hard. It is like the whole environmental issue. It is a big political year, and the constant rhetoric goes on, that the President or this person or that is not committed genuinely—they said Mr. Watt was not—to environmental issues. But there are others, including the President and myself, who contend that that simply is not the case.

I am simply suggesting that in the case of Anne Burford, there were witnesses on both sides. There were those who say she was pressing it. There were those who say she was not. But certainly a former Federal district court judge would realize, in the brief time, in the highly charged political atmosphere we have here, with no real, direct, convincing evidence, that to treat a person in this fashion, as one might treat a person in the dock in the courtroom, is unfair, and I will not yield on that point.

Having said that about the comments of the Senator from Maine, let me say this about the Senator from New Jersey, for whom, again I repeat, I have the greatest admiration.

I am not making light, and I said so, of whatever tragedies, baldness or otherwise—and I made that clear at that time, so do not suggest or imply I did not—I was not making light of any tragedy that might have grown out of or might grow out of the toxic waste problem in this country. I am simply saying that to read off a litany in the abstract of some of the horrible things that may have occurred—I do not know.

The Senator speaks very generally, but to automatically assume because those things may exist, I do not know, that Anne Burford is directly and personally responsible, no responsible attorney would accept that. And I think as a fair-minded man, the Senator from New Jersey knows what I am talking about as his distinguished senior colleague knows was the problem we had with Mr. Donovan. People kept coming up with the idea that some way or other the Secretary of Labor was associated with underworld figures. And it was tried over and over again to make that connection. They could never do it. It did not stick. It was politics.

I am suggesting in the case of Anne Burford, that there are people who may agree that she did a good job of administering, there may be those who say she did not. I am simply saying we have not had a fair, objective assessment of that in any reasonable way. And certainly a distinguished former district court judge would know exactly what I am talking about.

I will come back to my fundamental premise. I think all of this session and the ones that follow are going to be filled with highly charged political issues, having nothing to do with genuine, substantive matters we ought to be dealing with. And this is one right here. It does not require our confirmation. It is a Presidential nominee.

I think individual Senators can stand up on the floor and object to it or to enter statements into the RECORD. But I think to come in here with resolutions and condemnations and to bog us down for several hours, no matter how piously you state it, no matter how much you try to appeal to the emotional side, you will not be able to establish any kind of convincing evidence that there is a direct correlation between the conduct of Anne Burford and the horrors you cite abstractly. And therein lieth the nub of my complaint. And I think it is unfair to her, as it was to Mr. Donovan, as it was to Mr. Watt.

I consider it an honor and a responsibility to defend people who are caught up in the sharklike, cannibalistic atmosphere of this city. And now and then it even happens to one of our own colleagues. Sometimes our own colleagues escape it because a different standard is applied.

I thought at the time the lady was treated shabbily. I think she is being treated shabbily today. Now there may be those of you here who say she is not. So be it. But I want to be on the record as saying I think so. And brother Watt was, and brother Donovan was, and brother Allen was, and there will be many more to come—Democrat, Republican, liberal, conservative—because the sharks smell blood and the media loves it.

I think it ought to be condemned. I do not think it is in the best traditions of the greatest, allegedly, deliberative body in America which ought to have a sense of dignity about it in terms of dealing in an orderly fashion with genuine legislative business rather than a lot of political grandstanding in a Presidential election year, in a major election year. And that is what it is. That is exactly what it is, I say, with all due respect to my colleagues. I yield the floor, Mr. President.

(Mrs. KASSEBAUM assumed the chair.)

Mr. MITCHELL. I know many of my colleagues are anxious to vote and I will make just a brief comment and then yield the floor for a vote.

I certainly agree with the Senator from North Carolina that there is a political atmosphere existing today, and in this body. I believe he will also agree that that is not a unique situation. That has existed on many previous occasions here and will exist on many occasions in the future. This is a political institution and, unfortunately, oftentimes statements are made that have a political content and a political objective. Nobody disagrees with that.

I further agree that this is not a court of law and the rules that apply in a court of law do not apply here. That may or may not be unfortunate depending upon one's point of view.

I merely would point out that my statement offering some evidence was a direct response to the Senator's suggestion that there was no evidence on the other side of the question. In his most recent remarks, he has commented that there is evidence now on both sides and evidence with respect to which reasonable men may disagree. And assuming that all Senators are reasonable people—an assumption, I might add, that all American people may not share but, nonetheless, we can make here—then we have a division in the Senate and there is reasonable disagreement.

But the fact is that the Senator repeatedly and insistently challenged those who hold a contrary view to offer some evidence making that connection. And my response was merely in direct response to that inquiry and established, what I believe, after careful review of the RECORD and having participated personally in all of the hearings in question, to be a clear, convincing and overwhelming record of ineptitude, maladministration and failure to pursue the implementation of this important law to the severe detriment, not only of those people who live near hazardous waste sites, but to the severe detriment of all Americans, who overwhelmingly in election after election, poll after poll, have demonstrated their support for clean air, pure water, and unpoisoned land, something we all share.

I yield the floor.

SEVERAL SENATORS. Vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. KENNEDY]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. GARN], and the Senator from Utah [Mr. HATCH] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. BYRD], the Senator from Colorado [Mr. HART], the Senator from Kentucky [Mr. HUDDLESTON], and the Senator from Massachusetts [Mr. TSONGAS], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 74, nays 19, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—74

Andrews	Gorton	Moynihan
Baucus	Grassley	Murkowski
Bentsen	Hatfield	Nunn
Biden	Hawkins	Packwood
Bingaman	Heflin	Pell
Boren	Heinz	Percy
Boschwitz	Hollings	Pressler
Bradley	Humphrey	Proxmire
Bumpers	Inouye	Pryor
Burdick	Jepsen	Quayle
Chafee	Johnston	Randolph
Chiles	Kassebaum	Riegle
Cochran	Kasten	Roth
Cohen	Kennedy	Rudman
Cranston	Lautenberg	Sarbanes
D'Amato	Leahy	Sasser
Danforth	Levin	Specter
DeConcini	Long	Stafford
Dixon	Lugar	Stennis
Dodd	Mathias	Trible
Eagleton	Matsunaga	Warner
Evans	Mattingly	Weicker
Exon	Melcher	Wilson
Ford	Metzenbaum	Zorinsky
Glenn	Mitchell	

NAYS—19

Abdnor	Goldwater	Stevens
Armstrong	Hecht	Symms
Baker	Helms	Thurmond
Denton	Laxalt	Tower
Dole	McClure	Wallop
Durenberger	Nickles	
East	Simpson	

NOT VOTING—7

Byrd	Hart	Tsongas
Domenici	Hatch	
Garn	Huddleston	

So Mr. KENNEDY's amendment (No. 3389) was agreed to.

The PRESIDING OFFICER. The question occurs on the committee amendment as amended.

The committee amendment, as amended, was agreed to.

Mr. DECONCINI. Madam President, I move to reconsider the vote by which the committee amendment, as amended, was agreed to.

Mr. ABDNOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABDNOR. Madam President, I move that the remaining committee amendments to title III be adopted en bloc.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. ABDNOR. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Madam President, Senator CHILES will be here in a moment. He is about to offer an amendment relating to forfeiture. The forfeiture provision is the same provision we passed in the omnibus crime bill.

I see that the Senator from Florida is here now, and I yield to him.

AMENDMENT NO. 3391

(Purpose: To provide improved forfeiture procedures for seized vessels, vehicles and aircraft involved in illegal drug trafficking)

Mr. CHILES. Madam President, I send to the desk an amendment on behalf of myself, Senator BIDEN, Senator DECONCINI, Senator NUNN, Senator ABDNOR, Senator THURMOND, and Senator HOLLINGS.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Florida [Mr. CHILES], for himself and Senators BIDEN, DECONCINI, NUNN, ABDNOR, THURMOND, and HOLLINGS, proposes an amendment numbered 3391.

Mr. CHILES. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

That this section may be cited as the "Comprehensive Forfeiture Act of 1984".

TITLE I

SEC. 101. Section 1963 of title 18 of the United States Code is amended to read as follows:

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than $25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States, irrespective of any provision of State law—

"(1) any interest the person has acquired or maintained in violation of section 1962;

"(2) any—

"(A) interest in;

"(B) security of;

"(C) claim against; or

"(D) property or contractual right of any kind affording a source of influence over;

any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

"(3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection.

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would

be inadmissible under the Federal Rules of Evidence.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) The Attorney General may promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in subsection (m), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"(m)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.".

TITLE II

SEC. 201. Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 et seq.) is amended by adding at the end thereof the following new sections 413 and 414:

"CRIMINAL FORFEITURES

"PROPERTY SUBJECT TO CRIMINAL FORFEITURE

"SEC. 413. (a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

"(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that the person forfeit to the United States all property described in this subsection.

"MEANING OF TERM 'PROPERTY'

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"THIRD PARTY TRANSFERS

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (o) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"REBUTTABLE PRESUMPTION

"(e) There is a rebuttable presumption at trial that any property of a person convicted of a felony under this title or title III is subject to forfeiture under this section if the United States establishes by a preponderance of the evidence that—

"(1) such property was acquired by such person during the period of the violation of this title or title III or within a reasonable time after such period; and

"(2) there was no likely source for such property other than the violation of this title or title III.

"PROTECTIVE ORDERS

"(f)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when information or an indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"WARRANT OF SEIZURE

"(g) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"EXECUTION

"(h) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"DISPOSITION OF PROPERTY

"(i) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"AUTHORITY OF THE ATTORNEY GENERAL

"(j) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"APPLICABILITY OF CIVIL FORFEITURE PROVISIONS

"(k) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"BAR ON INTERVENTION

"(l) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"JURISDICTION TO ENTER ORDERS

"(m) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"DEPOSITIONS

"(n) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"THIRD PARTY INTERESTS

"(o)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"INVESTMENT OF ILLICIT DRUG PROFITS

"SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to 1 per centum of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

"(b) Whoever violates this section shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

"(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.".

SEC. 202. Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

SEC. 203. Section 408 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

SEC. 204. Section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d), by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "and remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) The filing of an indictment or information alleging a violation of this title or title III which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property

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is found or in the judicial district in which the criminal prosecution is brought.".

SEC. 205. Part A of title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"CRIMINAL FORFEITURES

"SEC. 1017. Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.".

SEC. 206. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

(a) by adding immediately after

"Sec. 412. Applicability of treaties and other international agreements."

the following new items:

"Sec. 413. Criminal forfeitures.
"Sec. 414. Investment of illicit drug profits.".

and

(b) by adding immediately after

"Sec. 1016. Authority of Secretary of the Treasury."

the following new item:

"Sec. 1017. Criminal forfeitures.".

TITLE III

SEC. 301. (a) Section 511(e)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)(1)) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before "The proceeds from any sale under paragraph (2)" the following: "The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure of forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.".

(c) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is further amended by striking out "the general fund of the United States Treasury" in the sentence beginning "The Attorney General shall" and inserting in lieu thereof "accordance with section 524(c) of title 28, United States Code".

SEC. 302. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in Appropriations Acts for the following purposes of the Department of Justice:

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

"(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

"(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one-fourth of the amount realized by the United States from the property forfeited.

"(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

"(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the General Fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

"(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"(A) any criminal forfeiture proceeding;

"(B) any civil judicial forfeiture proceeding; or

"(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.".

TITLE IV

SEC. 401. Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended to read as follows:

"§ 607. Seizure; value $100,000 or less, prohibited articles, transporting conveyances

"(a) If—

"(1) the value of such seized vessel, vehicle, aircraft, merchandise, or baggage does not exceed $100,000;

"(2) such seized merchandise consists of articles the importation of which is prohibited; or

"(3) such seized vessel, vehicle, or aircraft was used to import, export, or otherwise transport or store any controlled substances;

the appropriate customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.

"(b) As used in this section, the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 402. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended in the second sentence by inserting after "penal sum of" the following: "$5,000 or 10 per centum of the value of the claimed property, whichever is lower, but not less than,".

SEC. 403. Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by striking out "after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States." and inserting in lieu thereof "after deducting expenses enumerated in section 613 of this Act into the Customs Forfeiture Fund.".

SEC. 404. Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended by striking out "If the value of any vessel, vehicle, merchandise, or baggage so seized is greater than $10,000," and substituting in lieu thereof the following: "If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to the procedure set forth in section 607,".

SEC. 405. Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended by—

(1) inserting "aircraft," immediately after "vehicle," wherever it appears in the section;

(2) striking out "and the value of such vessel, vehicle, merchandise, or baggage as determined under section 606 does not exceed $10,000," in the first sentence and inserting in lieu thereof the following: "and the article is subject to the provisions of section 607 of this Act,"; and

(3) striking out "If such value of such vessel, vehicle, merchandise, or baggage exceeds $10,000," in the second sentence and inserting in lieu thereof the following: "If the article is not subject to the provisions of section 607 of this Act,".

SEC. 406. Section 613(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1613(a)(3)) is amended to read as follows:

"(3) The residue shall be deposited in the Customs Forfeiture Fund.".

SEC. 407. The Tariff Act of 1930 is amended by adding a new section immediately after section 613 (19 U.S.C. 1613) to read as follows:

"§ 613a. Customs Forfeiture Fund

"(a) There is hereby established in the Treasury of the United States a special fund for the United States Customs Service that shall be entitled the 'Customs Forfeiture Fund' (hereinafter referred to in this section as the 'fund'). This fund shall be available without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the United States Customs Service—

"(1) the payment of all proper expenses of the seizure or detention or the proceedings of forfeiture and sale (not otherwise recovered under section 613(a)) including but not limited to, expenses of inventory, security, maintaining the custody of the property, advertising and sale, and if condemned by the court and a bond for such costs was not given, the costs as taxed by the court; and

"(2) the payment of awards of compensation to informers under section 619 of the Tariff Act of 1930, as amended.

"(b) There shall be deposited in the fund all proceeds from the sale or other disposition of property forfeited under, and any currency or monetary instruments seized and forfeited under, the laws enforced or administered by the United States Customs Service.

"(c) Amounts in the fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(d) The Commissioner of the Customs shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this section.

"(e) The provisions of this section relating to deposits in the fund shall apply to all property in the custody of the United States Customs Service on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(f) For the purposes described in subsection (a), there are authorized to be appropriated from the fund for fiscal year 1984 not more than $10,000,000, for fiscal year 1985 not more than $15,000,000, for fiscal year 1986 not more than $20,000,000, and for fiscal year 1987 not more than $20,000,000. Amounts in the fund in excess of the amounts appropriated at the end of each fiscal year shall be deposited in the General Fund of the Treasury of the United States. At the end of the last fiscal year for which appropriations from the fund are authorized by this Act, the fund shall cease to exist and any amount then remaining in the fund shall be deposited in the General Fund of the Treasury of the United States.".

SEC. 408. A new section 616 is added to the Tariff Act of 1930 (19 U.S.C. 1616) to read as follows:

"§ 616. Disposition of forfeited property

"(a) Notwithstanding any other provision of the law, the Commissioner is authorized to retain forfeited property, or to transfer such property on such terms and conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property.

The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency.

"(b) The Secretary of the Treasury may order the discontinuance of any forfeiture proceedings under this Act in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this Act, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law.

"(c) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials.

"(d) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.".

SEC. 409. Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is amended by—

(a) striking out "$50,000" each time it appears and inserting in lieu thereof "$150,000"; and

(b) adding at the end thereof "In no event shall the Secretary delegate the authority to pay an award under this section in excess of $10,000 to an official below the level of the Commissioner of Customs.".

SEC. 410. The Tariff Act of 1930 is amended by adding a new section 589, to read as follows:

"§ 589. Arrest authority of customs officers

"Subject to the direction of the Secretary of the Treasury, an officer of the Customs Service as defined in section 401(i) of this Act, as amended, may—

"(1) carry a firearm;

"(2) execute and serve any order, warrant, subpena, summons, or other process issued under the authority of the United States;

"(3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; and

"(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.".

(b) Section 7607 of the Internal Revenue Act of 1954 (26 U.S.C. 7607) is repealed.

SEC. 411. Sections 602, 605, 606, 608, 609, 611, 613, 614, 615, 618, and 619 (19 U.S.C. 1602, 1605, 1606, 1608, 1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the Tariff Act of 1930 are amended by inserting the word "aircraft," immediately after the words "vehicle" or "vehicles," wherever they appear.

SEC. 412. Section 644 of the Tariff Act of 1930 (19 U.S.C. 1644) is amended to read as follows:

"§ 644. Application of the Federal Aviation Act and section 1518(d) of title 33

"(a) The authority vested by section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. 1509) in the Secretary of the Treasury, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, shall extend to the application in like manner of any of the provisions of this Act, or of the Anti-Smuggling Act of 1935, or of any regulations promulgated hereunder.

"(b) For purposes of section 1518(d) of title 33, the term 'customs laws administered by the Secretary of the Treasury' shall mean this chapter and any other provisions of law classified to this title.".

SEC. 413. The Tariff Act of 1930 is amended by adding a new section 600 to read as follows:

"§ 600. Application of the customs laws to other seizures by customs officers

"The procedures set forth in sections 602 through 619 of this Act (19 U.S.C. 1602 through 1619) shall apply to seizures of any property effected by customs officers under any law enforced or administered by the Customs Service unless such law specifies different procedures.".

Mr. CHILES. Madam President, I have discussed this amendment with Senator ABDNOR and Senator DECONCINI, the chairman and ranking member of the Treasury Subcommittee. I have also discussed it with Chairman HATFIELD. A cosponsor of the amendment is the chairman of the Judiciary Committee, Senator THURMOND, as is the ranking Democratic member of the Judiciary Committee, Senator BIDEN.

The language is long overdue and greatly needed to solve a problem that continues to get worse. The amendment would improve governmental efficiency; it would reduce costs and increase revenues to the Government; it would also improve our drug interdiction and law enforcement capabilities.

Madam President, as many of our Members know, the Coast Guard, the Customs Service, the Drug Enforcement Administration, and other agencies seize over 9,000 vessels, vehicles, and aircraft each year. Most of these vessels are used in the transportation of illegal aliens and narcotics. All of them are seized because they have been used in the commission of a crime. The Government machinery and the Federal law established to recycle these properties to their rightful owner or to a proper use is so antiquated that many of the vessels and other equipment diminish in value because of poor maintenance and vandalism. According to a recent GAO

report, forfeited vehicles sold for only 58 percent of their value at the time of seizure. Boats sold for only 43 percent of their value at the time of seizure, and aircraft sold for only 35 percent of their value at the time of seizure.

Madam President, the amendment is identical to title III of the Comprehensive Crime Control Act that has passed the Senate twice. This legislation passed on September 30, 1982, by a vote of 95 to 1 and passed again on February 2, 1984, by a vote of 91 to 1. Title III of the Comprehensive Crime Control Act is supported by the administration, specifically by OMB, Justice, Treasury, and GSA. I would not offer this amendment if the regular legislative process were working better and we were moving toward needed crime legislation.

The amendment would permit most of the seized property to be forfeited and disposed of by an administrative process which would greatly reduce the amount of time required. Now even in an uncontested case, it takes an average of 18 months of court time. This amendment would free up valuable court time, it would increase net receipts to the Government, and it would put property back into useful service more quickly. It would make it possible for State and local governments that participated in the seizure of the property to acquire it, and it would set up a revolving fund to help finance the maintenance and security of the property, thereby helping to eliminate the requirement of law enforcement agencies to spend their funds intended to be used in the war against crime instead to secure and maintain seized property.

More specifically, the amendment would streamline the disposal process by making a number of changes:

First, it would increase from $10,000 to $100,000 the value of the property that would use the administrative forfeiture proceedings. Not only is this faster, but it also helps relieve already crowded courts.

Second, the bond required to appeal for a judicial proceeding is increased from $250 to $5,000 or 10 percent of the value of the property, whichever is larger. Property rights are protected by publishing notice of the seized property and giving written notice to all parties who appear to have an interest.

Third, it would increase from $50,000 to $150,000 the maximum amount of a reward that may be paid for information leading to a forfeiture.

The bill also creates a Customs fund to be available to defray expenses associated with forfeiture actions. Receipts from disposal of forfeited property would be deposited in the fund to be used to secure, maintain, and sell the property.

Finally, another important feature of the amendment is that it enhances cooperation between Federal and State and local law enforcement agencies by permitting the transfer of federally-forfeited property to State and local governments which participated in the action which led to the seizure. It also permits the transfer of the property to a State or local government prior to Federal forfeiture and forfeiture then proceeds under State law.

It is difficult to explain to a sheriff, whose tip allowed the seizure of a plane that dopers were using, why he cannot use that plane to seize other dope; that because of red tape in Federal regulations, he cannot be allowed to use that plane. At the same time, he has the opportunity to watch that plane sitting there for 18 months or 2 years and being destroyed by vandals or rot and being sold for one-third of its value. That is disheartening, and it discourages State and local law enforcement agencies from participating.

Madam President, I am delighted to be able to offer this amendment with the Senator from Delaware. He has authored much of the language in the amendment. The Judiciary Committee made great improvements in a forfeiture provision that was offered earlier. Of course, the chairman of the Judiciary Committee, Senator THURMOND, as well as Senator NUNN, have worked long and hard with me, and Senator DECONCINI and Senator ABDNOR have been interested in this matter. But the Senator from Delaware has long been interested in this subject and the overall package, and I congratulate him on the work he has done on this particular amendment and in the overall crime package. We seek now to get some movement, because we see the crime package languishing in the House.

Mr. BIDEN. Madam President, I thank the Senator from Florida for his kind comments. The forfeiture provision that is being ordered as an amendment to H.R. 5798, the Treasury appropriations bill, is one of the most important components of the crime package that Chairman THURMOND and I have been trying to get enacted into law for the past 4 years.

This amendment is identical to S. 948, which I introduced on March 24, 1983, as amended by the Senate on February 3, 1984, when it passed the Senate by unanimous consent. It is also identical to the forfeiture title of the bipartisan crime package, which was introduced by Chairman THURMOND and myself, and which passed the Senate by a vote of 91 to 1 on February 2, 1984. And it is essentially the same forfeiture language that passed the Senate and the House in the 97th Congress only to be vetoed by President Reagan along with the rest of the crime package.

Our Democratic colleagues in the House are less than anxious to move this measure, for reasons, quite frankly, that confound me. I do not understand it. So we are taking a piece of it and putting it on this bill, and it is a very important piece.

The purpose of this legislation is to enhance the power of law enforcement to confiscate the criminally obtained assets of drug trafficking and organized crime operations. It will make law enforcement better able to forfeit everything from the cars, boats, and planes used by drug smugglers, all the way up to the financial empires of the major drug trafficking and organized crime operations. It is these major operations that the bill is primarily intended to attack. Law enforcement officials have told us time and time again that you can cut off the head of a drug trafficking operation by putting its leaders in jail, but if you do not get the financial assets, a new head will grow as new leaders come up through the system to replace those in jail.

This legislation will help law enforcement to get at those assets, giving us a tool we absolutely must have if we are ever going to seriously challenge sophisticated drug traffickers and organized crime.

I personally have been urging law enforcement to concentrate on forfeiture since the 96th Congress when I introduced the first version of this legislation. In April 1980, as chairman of the Senate Judiciary Subcommittee on Criminal Justice, I chaired hearings on the subject of the Government's efforts to obtain the assets of major drug traffickers. In April 1981, I received the raw materials for putting together a forfeiture bill when the General Accounting Office released a report that was done at my request entitled "Asset forfeiture—A Seldom Used Tool in Combatting Drug Trafficking."

The central conclusion of the hearings that I chaired, and of the GAO report, was that since enactment in 1970 of the first Federal criminal forfeiture statutes—which are contained in the racketeer-influenced and corrupt organizations statute, commonly known as RICO, and the Comprehensive Drug Prevention and Control Act—the Federal Government's record in taking the profit out of organized crime, especially drug trafficking, has been far below Congress' expectations. For example, although drug trafficking was estimated in 1981 to be a $60 billion a year business, in its report the GAO found that between 1970 and 1980 only $2 billion in assets had been turned over to the U.S. Treasury. The GAO also concluded that a major reason for the failure of these statutes, which were in 1970 proclaimed as the ideal weapon for breaking the backs of sophisticated narcotics operations, was that the Justice Depart-

ment has largely ignored the legislation. In addition, when Justice did get around to pursuing forfeitures, it ran into unanticipated legal snags.

There is no doubt that, due to persistent urging by some of us in Congress, the Justice Department is now taking forfeiture much more seriously than it did during the first 10 years the forfeiture laws were on the books. But with drug trafficking now estimated to be approaching the $100 billion a year mark: with the purity level of heroin rising significantly over the last decade; with emergency room admittances for heroin overdoses more than doubling in the last 5 years; with the average narcotics addict committing an average of 3.6 crimes per week; and with almost one-third of State prison inmates saying they had been under the influence of an illegal drug when they committed their crimes, it is clear that we have not yet had a significant impact on the drug problem.

I think it is time to add forfeiture, the toughest drug enforcement weapon we have, to our arsenal.

The forfeiture amendment is divided into four major sections. First, it would amend RICO. Most important, it would:

First, make clear that the proceeds of racketeering activity are subject to criminal forfeiture, thereby overcoming appellate court decisions holding that proceeds and profits are not interests within the meaning of RICO;

Second, provide a fuller definition of the types of property subject to RICO forfeiture;

Third, provide that title to forfeitable property vests in the United States upon commission of the act giving rise to forfeiture;

Fourth, add a section providing that if forfeitable property cannot be located, or has been transferred or sold, substitute assets belonging to the defendant can be forfeited;

Fifth, provide judicial power to issue appropriate protective orders to maintain availability of potentially forfeitable property; and

Sixth, provide for orderly consideration of third-party claims, taking into account the requirements of due process.

The second major section of the bill would add a criminal forfeiture statute to the Comprehensive Drug Abuse Prevention and Control Act, which would in almost all respects parallel the RICO statute as amended.

Third, the bill would create a forfeiture fund for the Department of Justice to permit efficient administration of the forfeiture program.

Finally, the bill would amend the civil forfeiture provisions of the Tariff Act to allow the U.S. Customs Service and the Drug Enforcement Administration to process civil forfeiture actions more efficiently, and to allow those agencies to transfer forfeited property to State and local law enforcement agencies who assist them in order to boost Federal-State cooperation. It would also create a forfeiture fund for the U.S. Customs Service.

As many believed in 1970, I still believe that a strong forfeiture statute that is actively implemented is the most effective weapon we have for breaking the backs of sophisticated drug traffickers. I believe that this forfeiture language, which has been improved and refined on a number of occasions over the past 4 years, will serve that purpose, even beyond what was intended originally.

I thank my colleagues, and I thank the Chair for its indulgence.

Mr. ABDNOR. Madam President, I am delighted to support the amendment. It is an excellent amendment. I move its adoption.

Mr. DECONCINI. Madam President, I likewise support the amendment, and I wish to call attention of the Senate to this amendment, that it has passed, as I understand—and I will ask the Senator from Delaware to verify this—on two separate occasions in this body.

Mr. BIDEN. The Senator is correct.

Mr. DECONCINI. And it has passed the House of Representatives on one separate occasion and was presented to the President in the full crime bill in the last Congress, and for other reasons it was vetoed.

So we have a bill here that has unanimous support that is very important to law enforcement.

I am pleased to cosponsor it and approve the amendment.

The PRESIDING OFFICER. Is there any further debate?

The question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 3391) was agreed to.

Mr. DECONCINI. Madam President, I move to reconsider the vote by which the amendment as agreed to.

Mr. ABDNOR. Madam President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. BAKER. Madam President, will the Senator from Michigan yield?

Mr. LEVIN. I am happy to yield.

Mr. BAKER. I thank the Senator.

Madam President, there is a matter in negotiation now on another bill that I had planned to ask unanimous consent to take up briefly and to which an amendment would be offered by the distinguished Senator from Ohio [Mr. METZENBAUM].

I had hoped to do that now because I anticipate there might be a request for the yeas and nays on an amendment and I wish to do it as soon as possible.

Could I inquire, first, of the Senator from Michigan how long he will take on the matter that he now wishes to address to the Senate?

Mr. LEVIN. I understand it is going to be accepted by the managers. It should take no more than 5 minutes.

Mr. BAKER. Very well.

During that 5 minutes, then, I will continue my conversations with the Senator from Ohio and with the Senator from New York and others and see if we can work this out.

Senators should be on notice there is at least the possibility of a rollcall vote on another matter not related to the pending business.

I thank the Senator from Michigan for yielding.

AMENDMENT NO. 3392

(Purpose: To increase the limitation on the availability of funds to be made available from the National Defense Stockpile Transaction Fund)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration..

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for himself and Mr. HUMPHREY proposes an amendment numbered 3392.

Mr. LEVIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, strike out lines 18 through 25 and on page 33 strike out lines 1 through 3 and insert in lieu thereof the following:

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

Limitation on Availability of Funds

During the fiscal year ending September 30, 1985, not more than $250,000,000 in addition to amounts previously appropriated, all to remain available until expended, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition.

Mr. LEVIN. Madam President, I offer this amendment on behalf of Senator HUMPHREY and myself.

This amendment has two purposes. The first is to accelerate the purchase of needed strategic and critical materials for the national defense stockpile. The second is to allow the managers of the stockpile to take advantage of favorable market conditions to purchase certain materials needed for the stockpile.

Madam President, the Strategic and Critical Materials Stockpiling Act of 1979 reaffirmed our longstanding national policy that a stockpile of strate-

gic and critical materials should be maintained to decrease our dependence on foreign sources of supply in times of emergency. This act requires that the stockpile inventory be sufficient to cover our needs for not less than 3 years in a national emergency.

Over the past several years, the Preparedness Subcommittee of the Armed Services Committee, of which Senator HUMPHREY chairs and which I am ranking member, has held a number of oversight hearings on the status of our national defense stockpile. I can report to my colleagues that the inventory of many strategic critical materials in the stockpile is a long way from where it should be.

In today's prices, the total value of material needed in the stockpile is $16.7 billion. The stockpile contains $6.9 billion of the needed materials, leaving a shortfall of $9.8 billion—almost 60 percent—of materials needed to bring inventory levels of materials in the stockpile to the goals established by the various national security agencies within the executive branch.

Let me just illustrate the current inventory shortages of stockpile materials with a few examples. Today the stockpile contains:

Only 54 percent of the inventory goal for cobalt.

Only 3 percent of the inventory goal for copper.

Only 16 percent of the inventory goal for nickel.

Only 52 percent of the inventory goal for columbium.

Only 17 percent of the inventory goal for titanium.

Only 31 percent of the inventory goal for tantalum.

Obviously, all of these materials would be extremely critical to our defense efforts in the event of a national emergency. At the rate we are presently going, however, it will take decades to bring the inventory for these and other important materials up to the inventory goals.

The 1979 stockpile act envisioned that we would use receipts from the sale of any excess materials to purchase needed materials for the stockpile. To accomplish this goal, Congress in the act set up a separate fund in the U.S. Treasury—the National Defense Stockpile Transaction Fund—where all receipts received from the sale of stockpile materials are deposited. By law, funds deposited in that fund can only be used for the acquisition of needed materials from the stockpile—nothing else.

We recently passed the fiscal year 1985 omnibus defense authorization bill the Armed Services Committee recommended, and the full Senate endorsed, a provision earmarking 30 percent of the revenues from the sale of oil from the Naval Petroleum Reserve in fiscal year 1985 for the Stockpile Transaction Fund. This provision, which I believe will be adopted by the Authorization Conference Committee, will provide the necessary infusion of funds into the Stockpile Transaction Fund in fiscal year 1985—approximately $300 million—to continue a program of purchases for the stockpile.

What this amendment does is to make sure that the funds which we have already set aside in the authorization bill to build up our national defense stockpile are in fact appropriated for that purpose.

It makes no sense, those funds can be used for no other purpose, to have them sit there and be unused when we have the kind of needs that we have for our strategic stockpile.

The bill before the Senate appropriates $120 million from the Stockpile Transaction Fund for stockpile purchases in fiscal year 1985. Mr. President, if we are only willing to appropriate $120 million a year toward buying materials for the stockpile, it will take over 80 years to build the stockpile inventories to the required levels.

We have already taken a significant step toward building the stockpile this year by providing a significant amount of funds for stockpile purchases from naval petroleum reserve receipts. Once these receipts are deposited in the Stockpile Transaction Fund, they cannot be used for any purpose other than purchases of material for the stockpile. It just doesn't make sense to earmark revenues from the sale of oil from naval petroleum reserves to the Stockpile Transaction Fund and then not use the funds for the only purpose for which they can legally be used—purchasing strategic and critical materials for the stockpile.

Another consideration behind this amendment, Mr. President, is the very favorable market condition which currently exists for some of the materials needed for the stockpile. The Federal Emergency Management Agency [FEMA], which oversees the national defense stockpile, recently informed the Armed Services Committees that they are considering a purchase of copper for the stockpile in fiscal year 1984 because of the current very favorable market conditions for the purchase of copper and because of the large quantity of copper needed to fill stockpile requirements.

The inventory deficit for copper is one of the largest of any material in the stockpile. The inventory goal for copper is 1 million short tons; we have on hand only 29,048 short tons, less than 3 percent of the requirement.

Our domestic copper industry is experiencing very difficult times. A significant purchase of copper by the stockpile could be one important aspect of an overall Federal plan to help our domestic copper industry back along the road to recovery. This amendment does not mandate purchase of any specific material for the stockpile within the $250 million which would be appropriated. That decision is properly left up to the managers of the stockpile. However, I am pleased to report that if this amendment is adopted, the stockpile managers are ready to consider a significant purchase of copper with these funds.

Last week, I wrote Mr. Louis Giuffrida, the Director of FEMA, and asked him what additional materials would be purchased for the stockpile in fiscal year 1985 if the ceiling on obligational authority were raised from $120 million to $250 million. Mr. Giuffrida responded with a list of eight materials that would be considered for purchase for the stockpile. The largest in quantity and value of these eight materials would be copper.

The exact quantity and value of the eight materials considered by FEMA for acquisition is classified; I would be glad to share the list with any of my colleagues who are interested.

Madam President, the long-term needs of the stockpile, as well as the favorable market conditions for the purchase of some critical stockpile materials, underscore the need for this amendment to increase the appropriation for stockpile purchases in fiscal year 1985 to $250 million.

As I understand, these funds will be in the stockpile transaction fund, and cannot be used for any other purpose. It just doesn't make sense not to put the funds to use for the purpose for which they are intended—rebuilding our national defense stockpile.

Madam President, I urge my colleagues to support this amendment.

● Mr. HUMPHREY. Madam President, the proposed amendment is necessitated by a change in the procurement practice for purchasing strategic and critical materials for the national defense stockpile. In the past, funding for purchases was derived from sales of materials that are considered excess to the national defense stockpile. Demand for these materials has been relatively low. Accordingly, the administration has forwarded an annual request for appropriation of $120 million for new purchases. This amount has been fairly consistent with the level of sales in past years.

In fiscal year 1985, however, projected sales will not reach $120 million. Therefore, my distinguished colleague from Michigan, Senator LEVIN, and I searched for an alternative method to fund purchases for the national defense stockpile. To achieve this goal, we offered an amendment to the Department of Defense authorization bill for fiscal year 1985 requiring 30 percent of the receipts from sales of oil and other products of the naval petroleum reserve be credited to the stock-

pile transaction fund with the remaining 70 percent of receipts being credited to the Treasury.

Our amendment was accepted and made a part of the Department of Defense authorization bill for fiscal year 1985 as passed by the Senate. As a result, this new source of funding will deposit approximately $250 to $300 million in the stockpile transaction fund during fiscal year 1985. In light of this fact, Senator LEVIN and I are offering this amendment to raise the appropriation for purchases for the national defense stockpile from $120 million to $250 million for fiscal year 1985. Although this is a small first step in improving the readiness of our national defense stockpile, it is at least the first step. Madam President, I urge that all of my colleagues support the amendment offered by the Senator from Michigan, Senator LEVIN and myself.●

Mr. DECONCINI. Madam President, I am a cosponsor of the amendment being offered by my friend from Michigan, Mr. LEVIN, which will increase the appropriation for purchases for the national defense stockpile from the $120 million contained in the Treasury bill to $250 million. This amendment will have no effect on the budget authority totals contained in this Treasury funding measure but will allow materials, critical to the strategic security of our Nation to be purchased for the defense stockpile. By increasing the transaction fund to $250 million, GSA will be in a position to purchase many second and third tier strategic commodities at a time when first tier commodities are prohibitively expensive. It will also allow the fusion of needed cash into the fund.

It is my understanding that a portion of these new funds will be utilized by GSA to acquire copper, which is presently a third tier priority. Our current copper stockpile is dangerously low. The Federal Emergency Management Agency is required to maintain 1 million tons of copper in the national defense stockpile. Presently, the stockpile only contains 30,000 tons of this critical material, which is 3 percent of the amount necessary to protect our Nation's security.

The dramatic plight of the domestic copper industry is well-known to this body. It is suffering because of the large quantities that are being imported into this country by foreign countries. The purchase of copper for the stockpile at this time will give us the perfect opportunity to strengthen our national defense readiness while at the same time, giving a needed jolt to our domestic industry which is at one of it's lowest ebbs in history. Today's price for copper is 65 cents per pound. This is a bargain for the Federal Government and there is truly no better time than now to purchase this strategic material.

It is my hope that my colleagues can and will support this Amendment. It is important to the future security of our Nation.

Mr. BINGAMAN. Madam President, will the Senator from Michigan yield for a question?

Mr. LEVIN. I am happy to yield.

Mr. BINGAMAN. I ask if the amendment of the Senator from Michigan makes any provision for the purchase of strategic metals for the stockpile, specifically from American mines, to the maximum extent possible, and if there is a requirement for that in the Senator's amendment.

Mr. LEVIN. I respond to my friend that there is no specific provision in the amendment to do this. Of course, it would be our hope that the stockpile managers would achieve that.

Mr. BINGAMAN. If the Senator will yield further, I am concerned that we may in fact by virtue of this amendment and the underlying provision of the law be buying some metals which are mined in this country, but instead of buying from domestic sources we would be filling our stockpile from production overseas; therefore, at this point I wish to offer a perfecting amendment if I could to the Senator's amendment.

AMENDMENT NO. 3393

Purpose: To ensure the purchase of copper be from domestic sources

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself and Mr. DECONCINI proposes an amendment numbered 3393 to amendment numbered 3392.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

An amendment to the Levin amendment, at the end of the language proposed to be added, strike the period after "acquisition" and insert in lieu thereof a colon, and add the following:

"*Provided*, That none of the funds appropriated by this paragraph may be used to purchase any copper for the National Defense Stockpile that is not mined and smelted in the United States."

Mr. BINGAMAN. My concern is that I understand from the discussions we have had with the Federal Emergency Management Agency regarding this possible amendment that a good deal of the additional funds being provided here would go to the purchase of copper.

According to the FEMA Director he has indicated in a letter to us that copper would be the single largest metal purchase being made out of these additional funds.

At this point, Madam President, I ask unanimous consent to have printed in the RECORD a copy of the letter of the Director of the Federal Emergency Management Agency.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC, July 20, 1984.

Hon. CARL LEVIN,
Subcommittee on Preparedness, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. LEVIN: This is in response to your letter of July 19, 1984, concerning possible additional purchases in Fiscal Year 1985 for the National Defense Stockpile.

On February 2, 1984, I transmitted the Annual Materials Plan (AMP) for Fiscal Year 1985 to the Committees on Armed Services. That AMP proposed the acquisition of 14 materials with an estimated value of $120 million. If $250 million of obligational authority were available in Fiscal Year 1985, the enclosed list of additional acquisitions would be considered in a revision of the AMP for Fiscal Year 1985. This list includes eight materials valued at $130 million, the largest value of which would be copper. The amounts of five materials on the present plan could be increased while three new materials could be added.

If you should need further assistance, please have a member of your staff contact my Office of Congressional Relations at 287-0400.

Sincerely,

LOUIS O. GIUFFRIDA,
Director.

Mr. BINGAMAN. Madam President, the U.S. copper industry's operating loss in 1983 was more than $318 million. About 38 percent of its 1979 work force is now unemployed. Copper production in my State dropped from 164,235 to 67,693 metric tons between 1979 and 1982. Total dollar value of production in the State during those years fell from $337 million to $97 million. Employment plummeted by 37 percent, from 3,503 employees to 2,248—1,255 jobs.

It is not difficult from these figures, Madam President, to see the hardship that it has caused our domestic copper industry. The situation naturally prompted the domestic copper producers to petition the International Trade Commission for relief under section 101 of the Trade Act of 1974 alleging that foreign copper imports are causing serious injury, and on June 14 the five commissioners unanimously agreed that the U.S. copper industry had indeed suffered substantial injury from foreign imports.

On June 27 they recommended trade relief, and two commissioners supported import quotas, two favored tariffs, and one was undecided.

Madam President, the amendment I have offered very simply states that none of the funds appropriated for the national defense stockpile may be used to purchase copper that is not mined and smelted in the United States. It is a simple amendment. It makes a great deal of sense, in my opinion. At this time, when the U.S. copper market is in serious trouble mainly due to the unfair subsidization by foreign governments, it is only just that we require any additional purchase of copper for the national defense stockpile to be copper that is mined and smelted in the United States.

Madam President, I urge the adoption of this perfecting amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. ARMSTRONG). The Senator from Michigan.

Mr. LEVIN. Mr. President, I think the Senator's amendment would establish a good principle in this amendment and I would be happy to accept that as a perfecting amendment. It was, of course, hoped that the managers of the stockpile would make those purchases in America but there is no guarantee. But I would be happy to accept this perfecting amendment. I understand the managers of the bill would still find my amendment, as perfected, acceptable. I would also state that Senator HUMPHREY, as my principal cosponsors, accepts the perfecting amendment of Senator BINGAMAN.

Mr. BINGAMAN. Mr. President, I ask unanimous consent, before any action is taken on the amendment, that Senator DECONCINI be added as a cosponsor of this amendment. I appreciate his support.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I support the "Buy America" amendment offered by the Senator from New Mexico to require the Federal Emergency Management Agency to acquire materials for the defense stockpiles from domestic producers. This amendment is a vital and appropriate response to both our national security needs and the viability of domestic industries' survival and strength.

Mr. President, the current economic depression of this Nation's copper industry is a dramatic and lasting concern to our Nation's economic and defense needs. The domestic copper industry's plight, with production running at one-half of capacity, and prices at their lowest levels since the Great Depression, is grave enough to require immediate relief to keep its very existence in the market. Foreign imports are the overriding reason for our country's depressed copper industry. Our copper mines cannot compete against foreign copper mines which are backed by their own governments as well as by a number of international lending institutions. These foreign mines continue to overproduce despite a worldwide glut of copper. Our nation's imports of copper have risen 122 percent since 1979. The domestic copper industry is more than capable of competing in a world market; however, there is no free world market for copper.

Copper is a strategic metal. The Federal Emergency Management Agency is required to stockpile 1 million tons of copper for our national defense. Yet, current copper stockpiles are only 3 percent of this 1-million-ton requirement. Efforts to improve our national defense readiness in copper have met with limited success in the past. Now, the Federal Management Agency is ready to purchase additional copper for the National Defense Stockpile. This is a perfect opportunity to strengthen our national defense, while at the same time, improving our domestic copper industry through the purchase of our country's own copper resources. The price of copper stands at its lowest price since the Great Depression. The current price of copper is 65 cents per pound. There is truly no better time than now for the Federal Government to acquire this strategic metal. Our national defense will be strengthened as will our domestic copper industry.

The Federal Emergency Management Agency is not required to purchase materials domestically even when they may be purchased domestically as economically as abroad. Mr. President, the ability of FEMA to purchase on the world-wide market is essential for the acquisition of those materials which are unavailable in this country. However, when the materials are readily available in this country, and may be obtained without sacrificing economy or quality, I think it is incumbent upon the Agency to make those purchases domestically. The gravity of the domestic copper situation, combined with the utter lack of fair trade by foreign producers, make this argument to "Buy America" all the more forceful. For these reasons, I support Senator Bingaman's amendment and urge its adoption.

This is strategically important. Not only does it deal with strategic stockpiles, the underlying amendment of the Senator from Michigan, which I also wish to be added as a cosponsor, is vital to the strategic defense of the United States.

The stockpile, it goes without saying, is deficient in numerous strategic metals. Just one of those happens to be copper, where only 30,000 tons are in the stockpile. The goal of that Strategic Stockpile Act was more than 1 million tons. So we have a real shortage. It is a heck of a buy today at around 60 cents a pound and it is an opportunity to strengthen our national security.

So I compliment my two colleagues. From the minority side of the aisle, we are prepared to accept both of these amendments.

Mr. ABDNOR. Mr. President, on this side of the aisle, we are ready to accept the amendment.

Mr. BINGAMAN. Mr. President, before the amendment is accepted, I ask unanimous consent to add Senator DOMENICI, of New Mexico, and Senator ARMSTRONG, of Colorado, as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Will my colleague yield?

Mr. BINGAMAN. Yes.

Mr. RANDOLPH. It has been my privilege and responsibility to sponsor and cosponsor amendments of the type that is offered today by the able Senators from Michigan and New Mexico and all of those who have been speaking for the RECORD. I hope that I might be included in this effort.

I think it is very worthwhile, very necessary for us to speak again and again for American productivity and let the people of the world know that we are cooperative but we have a responsibility here at home to the workers of this country in the production of our products that are consumed by the public.

Mr. BINGAMAN. Mr. President, we are honored to have the Senator from West Virginia as a cosponsor of this amendment, as well, and I ask unanimous consent that he be added as a cosponsor. I also ask unanimous consent that I be added as a cosponsor of Senator LEVIN's underlying amendment.

The PRESIDING OFFICER. Without objection, the Senator from West Virginia will be added as a cosponsor of the amendment of the Senator from New Mexico and the Senator from New Mexico will be added as a cosponsor of the amendment of the Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be added as a cosponsor of Senator BINGAMAN's perfecting amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from New Mexico [Mr. BINGAMAN].

The amendment [No. 3393] was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ABDNOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3392

The PRESIDING OFFICER. The question recurs on the amendment, as amended, of the Senator from Michigan. The question is on agreeing to the amendment, as amended, of the Senator from Michigan.

The amendment (No. 3392) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ABDNOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BAUCUS be added as a cosponsor to the Levin-Bingaman amendment that was just adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I thank the managers of the bill for the work and help they have put into this amendment. I greatly appreciate it.

AMENDMENT NO. 3394

(Purpose: To prohibit the expenditure of funds made available to the Postal Service by the Act to charge child support enforcement officers, employees, or participants fees for information requested or provided concerning postal customers' addresses)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mrs. HAWKINS] proposed an amendment numbered 3394.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 17, line 7, insert after "level" the following: "*Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer".

Mrs. HAWKINS. Mr. President, in May the Postal Service issued new regulations that required most Government agencies to pay for their address verification services. Previously Government organizations were allowed to tap these postal functions free of charge. The Postal Service, however, has seen fit to make several significant exemptions to this new regulation. For one, they have chosen to exempt law enforcement agencies. However, public organizations such as child support enforcement agencies does not enjoy such favor.

I feel that these agencies who are charged with collecting the child support and enforcing the laws that we pass here in the Senate and that have been ordered by the courts, are indeed a part of the law enforcement structure. And, in the instance of child support enforcement, I do not believe that this additional bureaucratic nightmare should be added upon the agencies that do the business of collecting child support from the parents who should be paying it but, in many cases, are just fleeing from State to State. Therefore, child support agencies are very dependent upon the new addresses from the Postal Service.

Consequently, I am proposing an amendment that will include child support enforcement agencies in the exemption category. It is my firm belief that this is the only equitable way to deal with this important problem.

I have discussed this matter with the distinguished Senator from South Dakota [Senator ABDNOR] and the ranking minority member of the Senator Subcommittee on Treasury, Postal Service appropriations, Senator DECONCINI. It is my understanding they share my concern over this important issue. I yield to my distinguished colleague from South Dakota for any comments he might have.

Mr. ABDNOR. Mr. President, the Senator from Florida is correct. We highly endorse this amendment and urge its passage.

Mr. DECONCINI. Mr. President, likewise the minority is prepared to accept the amendment. I compliment the Senator from Florida for bringing it to our attention and, as usual, doing the excellent job she does in representing the many, many constituents in this area that are forgotten about.

I am glad to yield to the Senator from West Virginia.

Mr. RANDOLPH. I thank the Senator.

I wish to inquire of the able Senator from Florida, I was listening carefully but it was difficult for me to understand fully where the Postal Service is involved in what I am sure is a meritorious amendment.

Mrs. HAWKINS. The Postal Service issued regulations last May that would charge $1 for each time they are requested to give a change of address to any agency in Government. They exempted law enforcement agencies but they did not exempt child support enforcement agencies. The child support enforcement agencies are using the service much more often than any other Government agencies due to the frequent evasions of a parent who is responsible for paying the support. It would be an added bureaucratic nightmare to just set up the network that we would need in each State to comply with the postal regulations.

My amendment simply asks that the child support enforcement agencies be exempt, along with law enforcement agencies, from having to pay for this service

Mr. RANDOLPH. Mr. President, I am appreciative of the further explanation which I am sure was made in the first instance. But I did not have the opportunity to listen to it as I have now. I again commend the constructive career in the Senate of the lady from Florida.

I would like, if agreeable, to join others as a cosponsor of the amendment as it is finally to be voted on.

Mrs. HAWKINS. I thank my friend, the distinguished Senator, and I thank the managers.

The PRESIDING OFFICER. Without objection, the Senator will be added as a cosponsor.

Is there further debate on the amendment? Is there objection to the amendment? If not, the question is on agreeing to the amendment of the Senator from Florida [Mrs. HAWKINS].

The amendment (No. 3394) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ABDNOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CIVILIAN WELLNESS

Mr. BINGAMAN. Mr. President, more than $200 billion is spent annually on health-care costs in this Nation while only 2 percent of that amount is spent on keeping our citizens healthy. Perhaps the most significant long-term solution to reduce health-care costs is to concentrate our efforts on wellness, the promotion of health, and the prevention of disease.

What we now face in this country is a crisis in health-care expenditure. If we do not attempt to control these escalating figures the insolvency of the Medicaid program is almost a certainty and the Government's ability to provide adequate health care to its citizens a bygone conclusion.

But all is not lost if we act now and act quickly. The Federal Government, as the major contributor to payment of health-care costs, can also be the major beneficiary if it incorporates wellness principles into the Federal workplace.

The private sector has demonstrated repeatedly the success of such programs. Whether it be under the guise of wellness, health enhancement, or fitness the Federal Government ought to be incorporating such programs into the work environment. Particularly, since the Federal Government presently employs over 2.9 million civilian workers and is the largest single employer in the Nation. Yet, it is engaged in limited health-promotion activities for its workers.

The benefits are obvious. Wellness programs are justified on the basis of an increase in job satisfaction, improvement of the workplace, greater

productivity, improved employee morale, and reduced employee absenteeism.

Mr. President, in this respect I am persuaded that the Federal Government is no different than corporate America which is reknowned for getting the maximum use of its investment dollar and has been in the forefront of establishing wellness programs. I therefore strongly believe it would be prudent management by the largest employer, the Federal Government, to invest in its workers and to improve the Federal work environment as a means for greater quality and delivery of service and improved productivity.

Therefore, I plan to ask the U.S. Office of Personnel management in consultation with the U.S. Department of Health and Human Services to convene a blue ribbon panel of public health experts and management specialists to assess the present level of health-promotion activity in the Federal civilian sector and to make recommendations on how current wellness programs of Federal workers can be expanded and improved. Recently, I called upon the Secretary of Defense to convene a similar panel for the benefit of military personnel and their dependents.

Mr. DECONCINI. I applaud the effort of my colleague and good friend, the Senator from New Mexico. I also support calling upon OPM to convene in consultation with HHS a blue ribbon panel to assess the level of activity on the subject of wellness and to make recommendations on how current wellness programs can be expanded and improved.

Mr. ABDNOR. I, too, would like to join with my two colleagues, the Senator from New Mexico and the distinguished ranking Democrat of the Treasury, Postal, General Government, Appropriations Subcommittee in support of further attention for wellness for Federal civilians. The Federal Government as the country's largest employer properly should be concerned with evaluation of its wellness program with an eye toward necessary improvement, as a useful tool for improved morale and productivity.

Mr. BINGAMAN. I thank my colleagues for their words of encouragement and interest. I invite my colleagues to join with me in writing to OPM on this subject.

Mr. DECONCINI. I would be pleased to join such an effort.

Mr. ABDNOR. I would also be pleased to join with my good friend.

Mr. BINGAMAN. I thank my colleagues for their generous support.

Mr. GORTON. As the Senator knows, the operations of the Customs Service are a matter of particular importance to Washington State. At this time the Service is considering the creation of a new customs district along the Columbia and Snake Rivers. While I support that proposal, it is important that we recognize that the creation of such a district would not materially affect the workload of the Seattle customs district. With significant growth of trade and travel through the Seattle ports, any diminution of Customs Service resources in the Seattle district would be disastrous. Would the chairman agree that the creation of a new customs district along the Columbia and Snake Rivers should not be used to justify any reduction in staffing levels at the Seattle customs district?

Mr. ABDNOR. I would agree with the Senator from Washington. I know that Customs Service staffing in the Seattle district is already at a barebones minimum. I agree that the creation of a new customs district in the Pacific Northwest, or boundary changes in existing districts, should not be used as a pretext for reducing the Customs Service staffing levels in the Seattle customs district.

Mr. GORTON. I thank the Senator.

Mr. STEVENS. For the record, I believe it advisable to discuss the importance of this appropriations bill on the only remaining taxpayer subsidy to the U.S. Postal Service—revenue forgone. Revenue forgone is the category which subsidizes nonprofit organizations' mailings.

It is my understanding that the committee bill contains $801 million for revenue forgone and that this amount is sufficient to freeze nonprofit and other preferred mail rates at the current step 14 level. However, what should be clear is whether this $801 million will be sufficient once the pending postal rate case is completed and the resulting rate schedule is implemented.

Mr. ABDNOR. My understanding is that pursuant to existing law, preferred rates will move up with the new step 14 and remain there until the end of fiscal 1985.

Mr. STEVENS. Mr. Chairman, have you heard as to the exact date the new rate schedule will take effect?

Mr. ABDNOR. No; the Board of Governors of the U.S. Postal Service did indicate that they do not intend to implement the new rate schedule until January or March 1985.

Mr. STEVENS. And we cannot anticipate now what the new rate schedule will be for preferred rate mailers, is that correct?

Mr. ABDNOR. Yes; there are too many unknowns. The final outcome of the postal rate case could be rates that are higher or lower than the Postal Service's initial request.

Mr. STEVENS. If that is the case, I foresee a potentially serious problem for colleges, universities, charities, churches, and other religious organizations, publishers of nonprofit periodicals, classroom publishers, and libraries. They are legitimately concerned about being caught on a roller coaster ride.

Mr. ABDNOR. I do not think this is a concern. Congress is appropriating $801 million, the amount in the committee bill, with the understanding that it will be sufficient to stabilize preferred rates at step 14.

Mr. STEVENS. To summarize, the Congress will appropriate sufficient funds to stabilize preferred rates at step 14 at the beginning of fiscal 1985. Then, should a change in the rate schedule come about, preferred rates would move up only to the new step 14 until the appropriations run out, which will be September 30, 1985.

Mr. ABDNOR. That is my understanding. The committee will deal with the level of rates after that time when we consider the appropriations for fiscal 1986.

Mr. STEVENS. I thank the Senator from South Dakota for his explanation and understanding.

Mr. ABDNOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:16 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3282. An act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes; and

H.R. 3678. An act to provide for the conservation and development of water and related resources and the improvement and

rehabilitation of the Nation's water resources infrastructure.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3282. An act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes.

H.R. 3678. An act to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 5505: A bill to amend title XII of the Merchant Marine Act, 1936 (Rept. No. 98-563).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3729: A bill to amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance, and for other purposes (Rept. No. 98-564).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. Res. 424: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 3729; referred to the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURDICK:

S. 2858. A bill for the relief of the city of Dickinson, ND; to the Committee on Energy and Natural Resources.

By Mr. WEICKER (for himself, Mr. STAFFORD, Mr. MATHIAS, Mr. KENNEDY, Mr. RANDOLPH, and Mr. EAGLETON):

S. 2859. A bill to amend the Education of the Handicapped Act to authorize the award of reasonable attorneys' fees to certain prevailing parties, and to clarify the effect of the Education of the Handicapped Act on rights, procedures, and remedies under other laws relating to the prohibition of discrimination; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mr. DURENBERGER, Mr. BENTSEN, Mr. STAFFORD, Mr. PACKWOOD, Mr. WILSON, Mr. RIEGLE, Mr. INOUYE, Mr. NUNN, Mr. GRASSLEY, Mr. CHILES, Mr. LUGAR, Mr. GORTON, Mr. HEFLIN, Mr. HEINZ, Mr. MATTINGLY, Mr. ROTH, Mr. CRANSTON, Mr. DIXON, Mr. JEPSEN, Mr. THURMOND, and Mr. GLENN):

S.J. Res. 334. Joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (from the Committee on the Judiciary):

S. Res. 424. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 3729; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEICKER (for himself, Mr. STAFFORD, Mr. MATHIAS, Mr. KENNEDY, Mr. RANDOLPH, and Mr. EAGLETON):

S. 2859. A bill to amend the Education of the Handicapped Act to authorize the award of reasonable attorney's fees to certain prevailing parties, and to clarify the effect of the Education of the Handicapped Act on rights, procedures, and remedies under other laws relating to the prohibition of discrimination; to the Committee on Labor and Human Resources.

HANDICAPPED CHILDREN'S PROTECTION ACT

● Mr. WEICKER. Mr President, in 1975, Congress enacted the Education for all Handicapped Children Act, Public Law 94-142, and indicated in the statement of findings that it is in the national interest that the Federal Government assist State and local efforts to provide programs to meet the educational needs of handicapped children in order to assure equal protection under the law. The act established an enforceable substantial right to a free appropriate public education for all handicapped children, and established procedures to protect those rights that includes ongoing parental involvement and due process including a right to judicial review.

In 1984, over 4.5 million handicapped children received special education and related services designed to meet their individual needs supported under Public Law 94-142. Parents, professional educators, school administrators, and officials at the local, State, and Federal level have agreed that the impact of Public Law 94-142 has been overwhelmingly positive. Handicapped children across the country are being provided the opportunity to learn, to become more independent, and to develop to their full potential.

On July 5, 1984, the Supreme Court, in Smith against Robinson, places the protection and enforcement of the educational rights of handicapped children in serious jeopardy. In a 6 to 3 decision, the Court determined that Public Law 94-142 does not allow the award of attorneys' fees to parents who after exhausting administrative procedures have filed a civil suit to protect their child's right to a free appropriate public education. This is because Public Law 94-142 does not specifically authorize attorneys' fees. The Court concluded that Public Law 94-142 limited the availability of certain remedies including attorneys' fees afforded under section 504 of the Rehabilitation Act and section 1983 of the Civil Rights Act. The Court for the first time has raised serious questions about the relationship between Public Law 94-142 to section 504 protections that have generally been accepted as available to handicapped children.

The Court's rationale was that the comprehensiveness and detail with which EHA addresses the provision of schooling to handicapped children implies that Congress intended to generally limit remedies to those explicitly provided in Public Law 94-142. The Court argued that plaintives could not circumvent or enlarge Public Law 94-142 remedies by resorting to other statutes, in this case by providing for attorneys' fees.

Unfortunately, the Court has not only misinterpreted the congressional intent underlying the EHA, but it has also frustrated Congress' intent in enacting sections 504 and 1983 which I and many Members of this body assumed protected the civil rights claims of handicapped children.

The legislative record—including the 1978 floor debate on the Rehabilitation Act Amendments—and a decade of unbroken executive branch interpretation—as documented in the testimony and legal positions taken by the Nixon, Ford, Carter, and Reagan administrations—reflect a consistent assumption that Public Law 94-142 and section 504 were intended to be free standing, complimentary—but not identical—legislative acts. The Court expressly does not decide the situation where EHA is not available or where section 504 guarantees substantive rights greater than those available under the EHA. Both decisions are completely silent on the continued responsibility and authority of the Department of Education to continue to enforce the current section 504 regulations.

Congress has authorized attorneys' fees in virtually all civil rights actions brought under Federal law. Even when a statute does not specifically authorize fee awards, recovery is still possible by asserting a claim under section 1983—14th amendment of the Constitution—which authorizes actions for deprivations by a State official of any Federal constitutional or statutory right. When Congress passed the Civil Rights Attorneys' Fees Awards Act of 1976 [CRAFAA] to authorize fee awards in actions brought under section 1983, the intent was to close gaps in our civil rights laws whereby awards

of fees were not explicitly available. It is clear to this Senator that it was not the intent of Congress to leave the constitutional claims of handicapped children seeking a free appropriate public education unprotected.

Similarly, when Congress approved section 505(b) of the Rehabilitation Act and addressed the need for attorneys' fees, referring to the rights section 504 extended to handicapped individuals, there was no exception made for handicapped children seeking an education. The 1978 Senate and House reports accompanying section 505(b) explain that disabled individuals were one of the very few, if only, minority groups in this country who had not been specifically authorized by Congress to seek attorneys' fees. The purpose of this provision was to correct this omission and thereby assist handicapped individuals in securing the legal protection guaranteed them under title V of the Rehabilitation Act. It certainly was not the intent of Congress to exclude from the coverage of section 505(b) the claims of handicapped children seeking a free appropriate public education.

The Supreme Court's decision in Smith against Robinson creates a series of important legal and administrative problems, including:

First, parents of handicapped children are denied direct access to the district courts to enforce rights under section 504 of the Rehabilitation Act even where immediate injunctive relief—not available under Public Law 94-142, may be critical—that is, suspension; expulsion—or where a case has been bogged down in administrative proceedings for years.

Second, the economic resources of parents become crucial to the protection of their children's rights regardless of the merits of the claim.

Third, the standard for determining Public Law 94-142 preemption is unworkable and is likely to create an enormous number of disputed court cases. For example, the section 504 regulations defines several crucial terms—that is, appropriate education—more broadly than does Public Law 94-142. Therefore, a great number of legal disputes about which statute creates the greater substantive right are also likely.

Fourth, the ability of the Department of Education to enforce subpart D of its current section 504 regulation is placed in serious question at the same time the incentive of poorer parents to invoke free assistance from the Office for Civil Rights is greatly increased.

Mr. President, the legislation I am introducing today is a specific response to the Court's opinion in Smith against Robinson. My amendments to Public Law 94-142 are for the limited purpose of clarifying what I believe to be and has always been the intent of Congress; that attorneys' fees be available to parents, guardians, or other representatives of handicapped children who prevail in an action to enforce their child's right to education.

The proposed amendment is not in any way unique. At present, there are at least 90 separate attorneys' fees provisions to promote enforcement of over 90 different Federal laws. The amendment carefully follows the language of sections 505(b) and 1983. This amendment should correct any doubts the Court may have had and make clear Congress' intent to afford full protection for the educational rights of handicapped children.

My second amendment makes clear that Congress with the passage of Public Law 94-142 did not intend to limit or reduce the rights, procedures, and remedies available to handicapped children under the U.S. Constitution, title V of the Rehabilitation Act, and other Federal statutes. Despite the conjecture of the Court, I do not believe that in enacting Public Law 94-142 it was ever the intention of Congress to exclude from the broad coverage of the Constitution and our civil rights statutes, the claims of handicapped children seeking education.

Justices Brennan, Marshall, and Stevens in their dissenting opinion stated:

> Congress will now have to take the time to revisit the matter. And until it does, the handicapped children of this country whose difficulties are compounded by discrimination and by other deprivations of constitutional rights will have to pay the costs. It is at best ironic that the court has managed to impose this burden on handicapped children in the course of interpreting a statute wholly intended to promote the educational rights of those children.

I urge my colleagues to support this legislation which simply clarifies the intent of Congress to protect the educational rights of handicapped children.

Mr. President, I submit the text of the bill for the RECORD.

S. 2859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Handicapped Children's Protection Act of 1984".

SEC. 2. Section 615(e)(4) of the Education of the Handicapped Act is amended by inserting "(A)" after the paragraph designation and by adding at the end thereof the following new subparagraph:

"(B) In any action or proceeding brought under this subsection, the court, in its discretion, may award a reasonable attorney's fee as part of the costs to a parent or legal representative of a handicapped child or youth who is the prevailing party.".

SEC. 3. Section 615 of the Education of the Handicapped Act is amended by adding at the end thereof the following new subsection:

"(f) Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, title V of the Rehabilitation Act of 1973, or other Federal statutes prohibiting discrimination.".

SEC. 4. The amendment made by section 2 shall apply with respect to actions or proceedings brought under section 615(a) of the Education of the Handicapped Act after July 3, 1984, and actions or proceedings brought prior to July 4, 1984, under such section which are pending on July 4, 1984.●

By Mr. DOLE (for himself, Mr. DURENBERGER, Mr. BENTSEN, Mr. STAFFORD, Mr. PACKWOOD, Mr. WILSON, Mr. RIEGLE, Mr. INOUYE, Mr. NUNN, Mr. GRASSLEY, Mr. CHILES, Mr. LUGAR, Mr. GORTON, Mr. HEFLIN, Mr. HEINZ, Mr. MATTINGLY, Mr. ROTH, Mr. CRANSTON, Mr. DIXON, Mr. JEPSEN, Mr. THURMOND, and Mr. GLENN):

S.J. Res. 334. Joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month"; to the Committee on the Judiciary.

NATIONAL HOSPICE MONTH

● Mr. DOLE. Mr. President, the Senator from Kansas is pleased to be joined by Senators DURENBERGER, BENTSEN, STAFFORD, PACKWOOD, WILSON, RIEGLE, INOUYE, NUNN, GRASSLEY, CHILES, LUGAR, GORTON, HEFLIN, HEINZ, MATTINGLY, ROTH, CRANSTON, JEPSEN, THURMOND, GLENN, and DIXON in introducing a joint resolution designating November 1984 as "National Hospice Month." While this is the first resolution to designate a specific month during which we recognize hospice care as a humane response to the needs of the terminally ill, congressional support for the hospice concept goes back some years. The culmination of that support was, of course, the inclusion of the hospice benefit in Medicare.

THE HOSPICE CONCEPT

Hospice is a concept of caring for the terminally ill and their families. Its purpose is to provide compassionate care enabling the patient to live comfortably and with personal dignity while also addressing the needs of individual family members. The critical component of hospice care is the delivery of services by an interdisciplinary team of physicians, registered nurses, social workers, therapists, clergy, and specially trained volunteers. It is most often carried out in the patient's own home so that he or she can remain in familiar surroundings among those people and things most meaningful to the patient. Inpatient care is also available should it be necessary for symptom management or respite care.

THE PAST

The January 22, 1978 issue of the Washington Post contained a front page story in the Outlook section entitled "The Death of a Daughter." The story, written by Victor and Rosemary Zorza, described the treatment provided by an English hospice to their 25-

year-old daughter who was dying of cancer. The story provided a moving portrayal of a family confronted with a catastrophic event made worse by a health care delivery system unprepared or unwilling to deal with a dying patient. Their decision to try a hospice, and the positive experience resulting from that choice, proved to be of tremendous interest to certain Members of the Senate at that time. Subsequent articles by the Zorzas in February and March of that same year urged U.S. acceptance of the hospice concept. Clearly these articles were not the first time hospice had been mentioned, but they caught the attention of three Senators in particular, myself, Senator Ribicoff and Senator KENNEDY.

What followed were letters to the Comptroller General of the United States and to Arthur Upton, the then Director of the National Cancer Institute, requesting information on existing hospices, the kinds of care they were providing, their staffing, patient demographics and other details that might help us sort out what should be done. There was in all seriousness a real concern about destroying or seriously inhibiting the natural growth of the hospice movement by an inflow of Federal dollars at too early a time. In October of that same year, the first annual meeting of the National Hospice Organization was held. More than 1,000 attended.

Since 1978 a great many things have taken place. The hospice movement has grown by leaps and bounds—and public support has grown. By December 1981 the time had come to begin in earnest our discussions on how best to finance hospice services. However, concerns about heavyhanded Government involvement continued. So caution was again urged. S. 1958 was introduced in the Senate on December 15, 1981. It followed the introduction of H.R. 5180 in the House.

Finally in September of 1982, the President signed into law Public Law 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, which provided for the inclusion of hospice benefits under medicare.

The hospice movement has offered outstanding support to the dying patient. The extraordinary contributions of this complete support, which includes medical, spiritual, psychological, and social assistance for the patient are well known. Nevertheless, the potential for abuse of the system does exist. Early hospices had the good fortune to be developed and administered by persons of high dedication, competence, compassion, and integrity. There are a great many people today who meet this definition, but there are also likely to be those who do not. what is contained in the so-called TEFRA legislation, as finally agreed to, reflects such a concern. The hospice program is too important to allow its integrity to be jeopardized by a blind acclaim of its objective that precludes appraisal of problem areas. clearly it is in all our best interests to continue to support this system of care while improving upon the law as currently designed.

THE PRESENT

Some 1,200 programs utilizing thousands of professionals and trained volunteers are dedicated to promoting the hospice concept—meeting the physical, emotional, and social needs of terminally ill patients and their families. Through an individualized plan of care, the patient and family can play an active role in determining how to prepare for death in a way that will be most satisfactory to them. The enactment of the hospice medicare benefit last year has made hospice care a viable alternative for many more elderly Americans. In addition, more and more private insurance plans are beginning to recognize hospice providers as full partners in the health care system and are expanding their benefit packages to include coverage of hospice services.

The hospice concept of care has proven to be a humanitarian way for patients and families to cope with the immeasurable stress and emotion of terminal illness. While the understanding and support for this concept has grown dramatically in the last few years, there is a need to continue to educate the public about the benefits of hospice and to encourage further development in this area. It is also important to recognize the significant contributions made by those who have devoted their time and resources in advancing hospice care in this country. With this in mind, I propose adoption of a joint resolution designating November 1984 as "National Hospice Month," during which appropriate programs and activities in recognition of the hospice concept of care will be conducted.

Mr. President, I ask unanimous consent that the full text of the resolution be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 334

Whereas hospice care has been demonstrated to be a humanitarian way for terminally ill patients to approach the end of their lives in relative comfort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity;

Whereas hospice advocates care of the patient and family by attending to their physical, emotional, and spiritual needs and specifically, the pain and grief they experience;

Whereas hospice care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and other community volunteers trained in the hospice concept of care;

Whereas hospice care is rapidly becoming a full partner in the Nation's health care system;

Whereas the recent enactment of the medicare hospice benefit makes it possible for many more elderly Americans to have the opportunity to elect to receive hospice care; and

Whereas there remains a great need to increase public awareness of the benefits of hospice care: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November, 1984, is designated as "National Hospice Month", and the President is authorized and requested to issue a proclamation calling upon all Government agencies, the medical community, appropriate private organizations, and the people of the United States to observe the month with appropriate forums, programs, and activities designed to encourage national recognition of and support for hospice care as a humane response to the needs of the terminally ill and as a viable component of the health care system in this country.●

Mr. GLENN. Mr. President, I am proud to join my colleagues in support of a resolution designating November 1984 as "National Hospice Month." The realities of a terminal illness are painful for every patient, family member, and friend. Hospice has brought a supportive and caring option to these individuals. Our passage of this resolution will illustrate our respect for the professionals and volunteers who have made hospice possible. It will highlight our continued interest in its development.

Though the genesis of hospice can be traced to medieval Europe where weary pilgrims, the poor, and the elderly were provided care, hospice as we identify it today is a budding concept, barely a decade old. As we have become more willing to address the issue of death, we have also become more sensitive to the needs of those who are dying. Hospice has evolved into a special kind of care, one that addresses the emotional and social distress of the patient as well as her or his medical needs. It allows a flexibility in treatment, which includes care at home or in the homelike environment of a hospice unit or facility. And it provides the support of an array of health professionals, counselors, and volunteers who are prepared to respond to the diverse needs of the terminally ill patient, from a complicated medical procedure to a simple embrace.

In 1982, Congress established a limited hospice program under medicare. While the full intent of our law has been eroded by the administration of this program, the hospice concept continues to grow. There are currently 36 hospice providers in my own State of Ohio, with an additional 13 programs now under development. Last year some 3,500 families in my State re-

ceived care from these hospice providers. The Ohio Hospice Organization, along with its member programs, continues to monitor the quality of their services. They are now pressing for State licensure to insure that programs that do not apply for Medicare status will still meet full professional standards.

The hospice movement is a collective of devoted individuals who deserve our attention and recognition. I encourage my fellow Senators to join me in sponsoring this resolution, expressing our continued commitment to hospice care. In November, the National Hospice Organization will convene for its annual meeting. Let it be clear to those who daily serve the needs of the terminally ill that we in Congress remain staunch in our support for their purpose and their efforts.

ADDITIONAL COSPONSORS

S. 462

At the request of Mr. GRASSLEY, the names of the Senator from Florida [Mrs. HAWKINS], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 462, A bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 1623

At the request of Mr. DOLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1623, A bill to establish a National Commission on Neurofibromatosis.

S. 1833

At the request of Mr. CHILES, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1833, A bill to amend title 38, United States Code, to authorize the VA to furnish each veteran with a compensable service-connected disability, such drugs and medicines as may be prescribed by any licensed physician for treatment of the service-connected disability.

S. 1841

At the request of Mr. THURMOND, the names of the Senator from Maine [Mr. COHEN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1841, A bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 1938

At the request of Mr. HATCH, the names of the Senator from Iowa [Mr. JEPSEN], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 1938, A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, and for other purposes.

S. 2117

At the request of Mrs. HAWKINS, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 2117, A bill entitled the "National Childhood Vaccine-Injury Compensation Act."

S. 2190

At the request of Mr. HUDDLESTON, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 2190, A bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products.

S. 2324

At the request of Mr. PACKWOOD, the names of the Senator from Delaware [Mr. BIDEN], The Senator from Connecticut [Mr. DODD], and the Senator from Washington [Mr. EVANS] were added as cosponsors of S. 2324, A bill to amend the Coastal Zone Management Act of 1972 regarding activities directly affecting the coastal zone.

S. 2420

At the request of Mr. MATHIAS, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2420, A bill to amend section 3006A of title 18, United States Code, to improve the delivery of legal services in the criminal justice system to those persons financially unable to obtain adequate representation, and for other purposes.

S. 2456

At the request of Mr. BRADLEY, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Idaho [Mr. SYMMS], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 2456, A bill to establish a commission to study the 1932-1933 famine caused by the Soviet Government in Ukraine.

S. 2692

At the request of Mr. ARMSTRONG, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 2692, A bill to exempt water conveyance systems from fees and conditions under the Federal Land Policy and Management Act of 1976, and for other purposes.

S. 2735

At the request of Mr. NICKLES, the names of the Senator from Florida [Mrs. HAWKINS], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 2735, A bill to rescind funds appropriated to the Energy Security Reserve by the 1980 Department of Interior and Related Agencies Appropriations Act, and for other purposes.

S. 2743

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2743, A bill to designate a portion of 16th Street, Northwest, Washington, DC, on which the Embassy of the Union of Soviet Socialists Republics is located, as "Andrei Sakharov Avenue."

S. 2790

At the request of Mr. DURENBERGER, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2790, A bill for the relief of the law firm of Reynolds, Caronia, and Gianelli of Hauppauge, New York, attorneys for the parents of Baby Jane Doe.

SENATE JOINT RESOLUTION 215

At the request of Mr. THURMOND, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Joint Resolution 215, A joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week."

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the names of the Senator from Nevada [Mr. LAXALT], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of Senate Joint Resolution 253, A joint resolution to authorize and request the President to designate September 16, 1984 as "Ethnic American Day".

SENATE JOINT RESOLUTION 269

At the request of Mr. LEVIN, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Massachusetts [Mr. TSONGAS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. RIEGLE], the Senator from Louisiana [Mr. LONG], the Senator from Iowa [Mr. JEPSEN], the Senator from Connecticut [Mr. WEICKER], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arizona [Mr. DECONCINI], the Senator from New York [Mr. MOYNIHAN], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 269, A joint resolution designating the week beginning September 23, 1984, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 297

At the request of Mr. THURMOND, the names of the Senator from Alabama [Mr. HEFLIN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 297, A joint resolution to designate the month of June 1984 as "Veterans' Preference Month."

SENATE JOINT RESOLUTION 305

At the request of Mrs. HAWKINS, the names of the Senator from Vermont [Mr. STAFFORD], the Senator from Alabama [Mr. DENTON], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Sena-

tor from South Dakota [Mr. PRESSLER], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 305, A joint resolution to designate the week of September 10, 1984, through September 16, 1984, as "Teenage Alcohol Abuse Awareness Week."

SENATE JOINT RESOLUTION 308

At the request of Mr. TOWER, the names of the Senator from Wisconsin [Mr. KASTEN] the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of Senate Joint Resolution 308, A joint resolution to designate the week beginning on September 9, 1984, as "National Community Leadership Week."

SENATE JOINT RESOLUTION 310

At the request of Mr. LEVIN, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Iowa [Mr. JEPSEN], the Senator from Ohio [Mr. GLENN], the Senator from Illinois [Mr. PERCY], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from Oklahoma [Mr. BOREN], the Senator from Missouri [Mr. EAGLETON], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of Senate Joint Resolution 310, A joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week".

SENATE JOINT RESOLUTION 325

At the request of Mr. NUNN, the names of the Senator from North Dakota [Mr. Andrews], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mr. CRANSTON], the Senator from Alabama [Mr. DENTON], the Senator from Connecticut [Mr. DODD], the Senator from Florida [Mrs. HAWKINS], the Senator from Iowa [Mr. JEPSEN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Michigan [Mr. LEVIN], the Senator from Delaware [Mr. ROTH], the Senator from Mississippi [Mr. STENNIS], the Senator from South Carolina [Mr. THURMOND], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 325, A joint resolution to designate October 7, 1984, through October 13, 1984, as "National Children's Week."

SENATE JOINT RESOLUTION 332

At the request of Mr. DOLE, the name of the Senator from South Crolina [Mr. THURMOND], was added as a cosponsor of Senate Joint Resolution 332, A joint resolution to proclaim October 16, 1984, as "World Food Day."

SENATE CONCURRENT RESOLUTION 117

At the request of Mr. LAUTENBERG, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Concurrent Resolution 117, A concurrent resolution relating to the promotion of technological innovation in computer software and the protection of computer software.

SENATE CONCURRENT RESOLUTION 118

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Concurrent Resolution 118, A concurrent resolution expressing the sense of Congress that the portion of the street in the District of Columbia on which is located the Embassy of the Union of Soviet Socialist Republics, and the portion of any street in any other city in the United States on which is located a consular office or mission of the Union of Soviet Socialist Republics, should be named Andrei Sakharov Avenue.

SENATE CONCURRENT RESOLUTION 120

At the request of Mrs. HAWKINS, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of Senate Concurrent Resolution 120, A concurrent resolution expressing the sense of the Congress that the legislatures of the States should develop and enact legislation designed to provide child victims of sexual assault with protection and assistance during administrative and judicial proceedings.

SENATE CONCURRENT RESOLUTION 130

At the request of Mr. EXON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Concurrent Resolution 130, A concurrent resolution expressing the sense of the Congress that the President should assure an adequate flow of affordable credit to farmers and should assure fair treatment to agricultural borrowers.

AMENDMENT NO. 3385

At the request of Mr. HATCH, the names of the Senator from North Carolina [Mr. EAST], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of Amendment No. 3385 intended to be proposed to S. 1003, A bill to extend and revise the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention Treatment and Adoption Reform Act of 1978.

SENATE RESOLUTION 424—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. THURMOND, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 424

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of H.R. 3729. Such waiver is necessary because H.R. 3729, as reported, authorizes the enactment of new budget authority which would first become available in Fiscal Year, 1985, and such bill was not reported out on or before May 15, 1984, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorization. A continuing resolution was enacted, P.L. 88-151, at the close of the First Session of the 98th Congress to maintain funding at the 1983 level through September 30, 1984. Because of a compromise that needed to be fashioned between an amendment added by the House of Representatives and a proposal from the Administration, the Senate Committee on the Judiciary could not take responsible action prior to the deadline.

The budget waiver will allow Senate consideration for H.R. 3729 which authorizes an extension of current refugee programs through 1986, and authorizes the Attorney General to reimburse States and Counties for costs associated with the incarceration of Cuban refugees who were admitted to the United States in 1980, and are jailed in State and County prisons.

AMENDMENTS SUBMITTED

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1985

ABDNOR AMENDMENT NOS. 3387 AND 3388

Mr. ABDNOR proposed two amendments to the bill (H.R. 5798) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes; as follows:

On page 1 strike lines 21 through page 12 line 2 inclusive.

AMENDMENT NO. 3388

On page 45 strike lines 7 through 18 inclusive.

KENNEDY (AND OTHERS) AMENDMENT NO. 3389

Mr. KENNEDY (for himself, Mr. LAUTENBERG, Mr. BRADLEY, Mr. PRYOR, and Mr. BIDEN) proposed an amendment to the bill H.R. 5798, supra; as follows:

At the end of the pending amendment, insert the following:

(a) The Congress finds and declares—

On July 2, 1984 President Reagan appointed Anne M. Burford to be chairperson of the National Advisory Committee on Oceans and Atmosphere;

For over a decade the National Advisory Committee on Oceans and Atmosphere has played an important role in shaping future environmental policy;

Past board members and chairpersons have had considerable expertise in the marine and atmosphere sciences and have maintained a non-partisan approach to environmental issues;

Anne M. Burford, as Administrator of the Environmental Protection Agency abandoned the non-partisan approach to the environment shaped by Republican and Democratic Administrations for two decades;

Anne M. Burford's controversial and flawed tenure as Administrator of the Environmental Protection Agency led to her resignation under fire on March 9, 1983.

(b) It is the sense of the Senate that President Reagan should withdraw the appointment of Anne M. Burford to be Chairperson of the National Advisory Committee on Oceans and Atmosphere.

CHAFEE AMENDMENT NO. 3390

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 5798, supra; as follows:

On page 36, between lines 20 and 21, insert the following:

SEC. 406. (a) A portion of the funds appropriated by this Act for the operation, maintenance, and protection of Presidential archival depositories shall be used by the Administrator of General Services to establish in the National Archives Trust Fund a separate endowment for the maintenance, operation, and protection of each Presidential archival depository, to which shall be credited any gifts or bequests received under section 2108(g) of title 44, United States Code, that are offered for such depository. Income to each such endowment shall be available to cover the cost of maintenance, operation, and protection of such depository, as well as the cost of the performance of archival functions under such title.

(b) Funds appropriated by this Act may not be used by the Administrator of General Services to accept or take title to any land, building, or equipment under section 2108 (a) of title 44, United States Code, or to make any agreement to use any land, building, or equipment under such section, for the purpose of creating a Presidential archival depository, unless the Administrator determines that there is available, by gift or bequest for deposit under subsection (a) in an endowment with respect to that depository, an amount to cover, or insure sufficient income to cover—

(A) the total cost of acquiring or constructing the buildings and of acquiring and installing the equipment for such depository;

(B)(i) if title to the land is to be vested in the United States, the cost of acquiring the land upon which such buildings are situated, or such other measure of the value of such land as is mutually agreed upon by the Administrator and the donor; or

(ii) if title to the land is not to be vested in the United States, the cost to the donor of any improvements (other than such buildings and equipment) to the land upon which such buildings are situated; and

(C) the costs of maintaining, operating, and protecting such depository in each fiscal year, and performing the archival functions under title 44, United States Code, for such depository in each fiscal year.

(c) A portion of the funds appropriated by this Act for the operation, maintenance, and protection of Presidential archival depositories shall be used by the Administrator of General Services to negotiate and enter into an agreement, for each Presidental archival depository in existence on the date of enactment of this Act, which provides that, within 10 years after the date of enactment of the Act—

(1) the General Services Administration will be reimbursed for the costs of maintaining, operating, and protecting such depository in each fiscal year and the costs of performing the archival functions under title 44, United States Code, for such depository for each fiscal year;

(2) the endowment established under subsection (a) for such depository will contain an amount of funds to cover, or to insure sufficient income to cover, the costs of reimbursing the General Services Administration under paragraph (1) for each fiscal year.

(d) A portion of the funds appropriated by this Act shall be used by the Administrator of General Services to conduct a study to plan for the establishment, in the General Services Administration, of a National Archival Center for Presidential Papers, in which may be deposited all Presidential records and historical materials of former Presidents who leave office after 1989. The Administrator of General Services shall transmit such study to the Congress within one year after the date of enactment of this Act.

CHILES (AND OTHERS) AMENDMENT NO. 3391

Mr. CHILES (for himself, Mr. BIDEN, Mr. DECONCINI, Mr. NUNN, Mr. ABDNOR, Mr. THURMOND, and Mr. HOLLINGS) proposed an amendment to the bill H.R. 5798, supra; as follows:

At the end of the bill, add the following new section:

That this section may be cited as the "Comprehensive Forfeiture Act of 1984".

TITLE I

SEC. 101. Section 1963 of title 18 of the United States Code is amended to read as follows:

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than $25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States, irrespective of any provision of State law—

"(1) any interest the person has acquired or maintained in violation of section 1962;

"(2) any—

"(A) interest in;

"(B) security of;

"(C) claim against; or

"(D) property or contractual right of any kind affording a source of influence over;

any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

"(3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection.

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered con-

sents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) The Attorney General may promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in subsection (m), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"(m)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.".

TITLE II

SEC. 201. Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 et seq.) is amended by adding at the end thereof the following new sections 413 and 414:

"CRIMINAL FORFEITURES

"PROPERTY SUBJECT TO CRIMINAL FORFEITURE

"SEC. 413. (a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

"(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that the person forfeit to the United States all property described in this subsection.

"MEANING OF TERM 'PROPERTY'

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"THIRD PARTY TRANSFERS

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (o) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"REBUTTABLE PRESUMPTION

"(e) There is a rebuttable presumption at trial that any property of a person convicted of a felony under this title or title III is subject to forfeiture under this section if the United States establishes by a preponderance of the evidence that—

"(1) such property was acquired by such person during the period of the violation of this title or title III or within a reasonable time after such period; and

"(2) there was no likely source for such property other than the violation of this title or title III.

"PROTECTIVE ORDERS

"(f)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when information or an indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"WARRANT OF SEIZURE

"(g) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"EXECUTION

"(h) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"DISPOSITION OF PROPERTY

"(i) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"AUTHORITY OF THE ATTORNEY GENERAL

"(j) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"APPLICABILITY OF CIVIL FORFEITURE PROVISIONS

"(k) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"BAR ON INTERVENTION

"(l) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"JURISDICTION TO ENTER ORDERS

"(m) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"DEPOSITIONS

"(n) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"THIRD PARTY INTERESTS

"(o)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"INVESTMENT OF ILLICIT DRUG PROFITS

"SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to 1 per centum of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

"(b) Whoever violates this section shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

"(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.".

SEC. 202. Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

SEC. 203. Section 408 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

SEC. 204. Section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d), by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "and remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) The filing of an indictment or information alleging a violation of this title or title III which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

SEC. 205. Part A of title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"CRIMINAL FORFEITURES

"SEC. 1017. Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.".

SEC. 206. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

(a) by adding immediately after

"Sec. 412. Applicability of treaties and other international agreements."

the following new items:

"Sec. 413. Criminal forfeitures.
"Sec. 414. Investment of illicit drug profits.".

and

(b) by adding immediately after

"Sec. 1016. Authority of Secretary of the Treasury."

the following new item:

"Sec. 1017. Criminal forfeitures.".

TITLE III

SEC. 301. (a) Section 511(e)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)(1)) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before "The proceeds from any sale under paragraph (2)" the following: "The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure of forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.".

(c) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is further amended by striking out "the general fund of the United States Treasury" in the sentence beginning "The Attorney General shall" and inserting in lieu thereof "accordance with section 524(c) of title 28, United States Code".

SEC. 302. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in Appropriations Acts for the following purposes of the Department of Justice:

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

"(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

"(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one-fourth of the amount realized by the United States from the property forfeited.

"(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

"(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the General Fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

"(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"(A) any criminal forfeiture proceeding;

"(B) any civil judicial forfeiture proceeding; or

"(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.".

TITLE IV

SEC. 401. Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended to read as follows:

"§ 607. Seizure; value $100,000 or less, prohibited articles, transporting conveyances

"(a) If—

"(1) the value of such seized vessel, vehicle, aircraft, merchandise, or baggage does not exceed $100,000;

"(2) such seized merchandise consists of articles the importation of which is prohibited; or

"(3) such seized vessel, vehicle, or aircraft was used to import, export, or otherwise transport or store any controlled substances;

the appropriate customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.

"(b) As used in this section, the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 402. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended in the second sentence by inserting after "penal sum of" the following: "$5,000 or 10 per centum of the value of the claimed property, whichever is lower, but not less than,".

SEC. 403. Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by striking out "after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States." and inserting in lieu thereof "after deducting expenses enumerated in section 613 of this Act into the Customs Forfeiture Fund.".

SEC. 404. Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended by striking out "If the value of any vessel, vehicle, merchandise, or baggage so seized is greater than $10,000," and substituting in lieu thereof the following: "If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to the procedure set forth in section 607,".

SEC. 405. Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended by—

(1) inserting "aircraft," immediately after "vehicle," wherever it appears in the section;

(2) striking out "and the value of such vessel, vehicle, merchandise, or baggage as determined under section 606 does not

exceed $10,000," in the first sentence and inserting in lieu thereof the following: "and the article is subject to the provisions of section 607 of this Act,"; and

(3) striking out "If such value of such vessel, vehicle, merchandise, or baggage exceeds $10,000," in the second sentence and inserting in lieu thereof the following: "If the article is not subject to the provisions of section 607 of this Act,".

SEC. 406. Section 613(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1613(a)(3)) is amended to read as follows:

"(3) The residue shall be deposited in the Customs Forfeiture Fund.".

SEC. 407. The Tariff Act of 1930 is amended by adding a new section immediately after section 613 (19 U.S.C. 1613) to read as follows:

"§ 613a. Customs Forfeiture Fund

"(a) There is hereby established in the Treasury of the United States a special fund for the United States Customs Service that shall be entitled the 'Customs Forfeiture Fund' (hereinafter referred to in this section as the 'fund'). This fund shall be available without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the United States Customs Service—

"(1) the payment of all proper expenses of the seizure or detention or the proceedings of forfeiture and sale (not otherwise recovered under section 613(a)) including but not limited to, expenses of inventory, security, maintaining the custody of the property, advertising and sale, and if condemned by the court and a bond for such costs was not given, the costs as taxed by the court; and

"(2) the payment of awards of compensation to informers under section 619 of the Tariff Act of 1930, as amended.

"(b) There shall be deposited in the fund all proceeds from the sale or other disposition of property forfeited under, and any currency or monetary instruments seized and forfeited under, the laws enforced or administered by the United States Customs Service.

"(c) Amounts in the fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(d) The Commissioner of the Customs shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this section.

"(e) The provisions of this section relating to deposits in the fund shall apply to all property in the custody of the United States Customs Service on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(f) For the purposes described in subsection (a), there are authorized to be appropriated from the fund for fiscal year 1984 not more than $10,000,000, for fiscal year 1985 not more than $15,000,000, for fiscal year 1986 not more than $20,000,000, and for fiscal year 1987 not more than $20,000,000. Amounts in the fund in excess of the amounts appropriated at the end of each fiscal year shall be deposited in the General Fund of the Treasury of the United States. At the end of the last fiscal year for which appropriations from the fund are authorized by this Act, the fund shall cease to exist and any amount then remaining in the fund shall be deposited in the General Fund of the Treasury of the United States.".

SEC. 408. A new section 616 is added to the Tariff Act of 1930 (19 U.S.C. 1616) to read as follows:

"§ 616. Disposition of forfeited property

"(a) Notwithstanding any other provision of the law, the Commissioner is authorized to retain forfeited property, or to transfer such property on such terms and conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property.

The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency.

"(b) The Secretary of the Treasury may order the discontinuance of any forfeiture proceedings under this Act in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this Act, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law.

"(c) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials.

"(d) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.".

SEC. 409. Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is amended by—

(a) striking out "$50,000" each time it appears and inserting in lieu thereof "$150,000"; and

(b) adding at the end thereof "In no event shall the Secretary delegate the authority to pay an award under this section in excess of $10,000 to an official below the level of the Commissioner of Customs.".

SEC. 410. The Tariff Act of 1930 is amended by adding a new section 589, to read as follows:

"§ 589. Arrest authority of customs officers

"Subject to the direction of the Secretary of the Treasury, an officer of the Customs Service as defined in section 401(i) of this Act, as amended, may—

"(1) carry a firearm;

"(2) execute and serve any order, warrant, subpena, summons, or other process issued under the authority of the United States;

"(3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; and

"(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.".

(b) Section 7607 of the Internal Revenue Act of 1954 (26 U.S.C. 7607) is repealed.

SEC. 411. Sections 602, 605, 606, 608, 609, 611, 613, 614, 615, 618, and 619 (19 U.S.C. 1602, 1605, 1606, 1608, 1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the Tariff Act of 1930 are amended by inserting the word "aircraft," immediately after the words "vehicle" or "vehicles," wherever they appear.

SEC. 412. Section 644 of the Tariff Act of 1930 (19 U.S.C. 1644) is amended to read as follows:

"§ 644. Application of the Federal Aviation Act and section 1518(d) of title 33

"(a) The authority vested by section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. 1509) in the Secretary of the Treasury, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, shall extend to the application in like manner of any of the provisions of this Act, or of the Anti-Smuggling Act of 1935, or of any regulations promulgated hereunder.

"(b) For purposes of section 1518(d) of title 33, the term 'customs laws administered by the Secretary of the Treasury' shall mean this chapter and any other provisions of law classified to this title.".

SEC. 413. The Tariff Act of 1930 is amended by adding a new section 600 to read as follows:

"§ 600. Application of the customs laws to other seizures by customs officers

"The procedures set forth in sections 602 through 619 of this Act (19 U.S.C. 1602 through 1619) shall apply to seizures of any property effected by customs officers under any law enforced or administered by the Customs Service unless such law specifies different procedures.".

LEVIN (AND OTHERS) AMENDMENT NO. 3392

Mr. LEVIN (for himself, Mr. HUMPHREY, Mr. BINGAMAN, and Mr. BAUCUS) proposed an amendment to the bill H.R. 5798, supra; as follows:

On page 32, strike out lines 18 through 25 and on page 33 strike out lines 1 through 3 and insert in lieu thereof the following:

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND LIMITATION ON AVAILABILITY OF FUNDS

During the fiscal year ending September 30, 1985, not more than $250,000,000 in addition to amounts previously appropriated, all to remain available until expended, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1) and for transportation and other incidental expenses related to such acquisition.

BINGAMAN (AND DECONCINI) AMENDMENT NO. 3393

Mr. BINGAMAN (for himself, Mr. DECONCINI, Mr. DOMINICI, Mr. ARM-

STRONG, Mr. RANDOLPH, and Mr. LEVIN) proposed an amendment to amendment No. 3393 proposed by Mr. LEVIN (and Mr. HUMPHREY) to the bill H.R. 5798, supra; as follows:

An amendment to the Levin amendment, at the end of the language proposed to be added, strike the period after "acquisition" and insert in lieu thereof a colon; and add the following: "Provided, That none of the funds appropriated by this paragraph may be used to purchase any copper for the National Defense Stockpile that is not mined and smelted in the United States."

HAWKINS (AND RANDOLPH) AMENDMENT NO. 3394

Mrs. HAWKINS (for herself and Mr. RANDOLPH) proposed an amendment to the bill H.R. 5798, supra; as follows:

On page 17, line 7, insert after "level" the following: *"Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer".

NOTICES OF HEARINGS

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. JEPSEN. Mr. President, I wish to announce that the Subcommittee on Soil and Water Conservation, Forestry, and Environment of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing on Wednesday, July 25, to receive testimony on S. 2773 (the Georgia Wilderness Act of 1984), S. 2805/H.R. 5121 (the Virginia Wilderness Act of 1984), and S. 2808 (the Mississippi National Forest Wilderness Act of 1984).

The hearing will begin at 10 a.m. in room SR 328-A, Russell Senate Office Building.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. DURENBERGER. Mr. President, the Senate Subcommittee on Intergovernmental Relations, Committee on Governmental Affairs, will hold a joint oversight hearing with the House of Representatives Subcommittee on Intergovernmental Relations and Human Resources, Committee on Government Operations, commemorating the 25th anniversary of the Advisory Commission on Intergovernmental Relations on Wednesday, July 25, 1984, at 10 a.m. in room 2247 of the Rayburn House Office Building. For further information, please contact Mr. Mike Quaranta at 224-4718.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on July 31, 1984, beginning at 9:30 a.m., in Senate Dirksen 366 on House Joint Resolution 158, to make technical corrections in the act of January 12, 1983 (Public Law 97-459).

Those wishing additional information should contact Paul Alexander or Peter Taylor of the committee at 224-2251.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. WEICKER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Conservation and Supply to consider H.R. 5561, to enhance the economic development of Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands, and for other purposes.

The hearing will be held on Thursday, July 26, beginning at 10 a.m. in room SD-366, Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Conservation and Supply, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding this hearing, you may wish to contact Mr. Jim Beirne at 224-2564, or Mr. Al Stayman at 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 24, at 2 p.m., to hold a hearing to consider the nominations of Paul Boecker to be Ambassador of Jordan, and Howard Schaffer to be Ambassador of the Peoples Republic of Bangladesh.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET STATUS REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1984 pursuant to section 311 of the Congressional Budget Act.

Since my last report, the Congress has cleared for the President's signature H.R. 5174, Bankruptcy Amendments of 1984 and House Concurrent Resolution 328, making changes in the tax provisions of the Deficit Reduction Act of 1984 which affect revenue. Congress has also cleared H.R. 5753, Legislative Branch Appropriations, 1985; and H.R. 5950, Federal Contribution for Presidential Nominating Conventions, which affect budget authority and outlays.

The report follows:

[Report No. 84-12]

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 91—REFLECTING COMPLETED ACTION AS OF JULY 20, 1984

[In millions of dollars]

	Budget authority	Outlays	Revenues
Second Budget Resolution level	922,125	852,125	679,600
Current level	920,496	854,533	666,374
Amount remaining	1,629	0	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $1,629 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $0 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $0 million for fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.●

NATIONAL AVIATION HALL OF FAME

● Mr. GOLDWATER. Mr. President, as statutory agent for the National Aviation Hall of Fame, it is part of my duty and my pleasure to offer for the RECORD matters of interest that are customarily made matters of public record.

I ask that this material be made a part of the RECORD.

The material follows:

NATIONAL AVIATION HALL OF FAME

Dedicated to honoring the outstanding pioneers of aviation and space, the National Aviation Hall of Fame was conceived by James W. Jacobs in 1958 to more fully recognize the achievements of the men and women of our nation contributing to the various aspects of successful flight. Through his efforts, and with the support of the Dayton Area Chamber of Commerce, he, Gregory C. Karas, John A. Lombard, Larry E. O'Neill and Gerald E. Weller formed the National Aviation Hall of Fame, a not-for-profit Ohio corporation, in October 1962. The first Enshrinement Ceremonies were held in December 1962.

In response to the wide public acceptance and support of the National Aviation Hall of Fame, a bill was introduced in Congress to form a national organization to be known as the National Aviation Hall of Fame. This bill was passed by Congress as Public Law 88-372 and signed by President Johnson on July 14, 1964.

Today, the National Aviation Hall of Fame is a public foundation and is required to file an annual report to Congress. However, it is supported essentially by tax-deductible individual and organizational membership dues and contributions.

Tonight, as the result of the generous efforts of many members throughout the world, the National Aviation Hall of Fame enshrines four more outstanding aviation pioneers. The one-hundred and one so honored represent the history of flight—and include some who dreamed of its possibilities, some who gave their lives in its cause, some who made it a practical reality, and some who have shown the way to the limitless universe.

JAMES T. STEWART,
President.

1983 NOMINEES FOR ELECTION TO THE NATIONAL AVIATION HALL OF FAME

The following aviation and space pioneers were the Nominees for election to the National Aviation Hall of Fame in 1983. The four honored tonight were selected in accordance with the procedures and guidelines prescribed for the Board of Nominations and the Board of Trustees:

Edmund T. Allen, Orvil A. Anderson, Frank M. Andrews, Harry G. Armstrong, John L. Atwood, Guiseppe M. Bellanca, Patrick N. L. Bellinger, Donavan R. Berlin, Richard I. Bong, Albert Boyd, Mark A. Bradley, Jr., Thomas E. Braniff, Lewis H. Brereton, Walter R. Brookins, George S. Brown, Clayton J. Brukner, Harry A. Bruno, W. Starling Burgess, Marion E. Carl, Washington I. Chambers, Charles deF. Chandler, Godfrey deC. Chevalier, Michael Collins, Frederick C. Crawford.

A. Scott Crossfield, Oliver P. Echols, Carl B. Eielson, Ruth Elder, Henry Ford, Joseph J. Foss, Robert G. Fowler, Jack Frye, Artemus L. Gates, Harvey Gaylord, Harold L. George, Arthur Godfrey, Virgil S. Grissom, Daniel J. Haughton, Frank M. Hawks, Walter Hinton, David S. Ingalls, Clarence S. Irvine, Daniel James, Jr., Alexander Kartveli, Oakley G. Kelly, William E. Kepner, Hugh J. Knerr.

Ezra Kotcher, Emil M. Laird, Jerome Lederer, Thaddeus S. Lowe, Theodore C. Lyster, Henry T. Merrill, John C. Meyer, Thomas deW. Milling, Marc A. Mitscher, William A. Moffet, Thomas H. Moorer, Edwin C. Musick, Erik H. Nelson, Ruth D. Nichols, Emmet O'Donnell, Robert Olds, Clyde E. Pangborn, Will D. Parker, Harold F. Pitcairn, Robert W. Prescott, Alfred M. Pride, Arthur W. Radford, Jennings Randolph, Edwin W. Rawlings.

John Rodgers, Charles E. Rosendahl, Ralph Royce, Walter M. Schirra, Jr., Lowell H. Smith, Apollo Soucek, Lloyd C. Stearman, James B. Stockdale, William B. Stout, John P. Stapp, Lowell Thomas, Hoyt S. Vandenburg, Jesse G. Vincent, Theodore von Kámán, Hans von Ohain, Chance M. Vought, James E. Webb, Edward C. Wells, Thomas D. White, Enis C. Whitehead, Ray P. Whitman, Alford J. Williams, Thornton A. Wilson, Kenneth B. Wolfe, Katharine Wright.

AVIATION AND SPACE PIONEERS ENSHRINED IN THE NATIONAL AVIATION HALL OF FAME, WITH YEAR OF ENSHRINEMENT

William McPherson Allen, 1971; Neil Alden Armstrong, 1979; Henry Harley Arnold, 1967; Bernt Balchen, 1973; Thomas Scott Baldwin, 1964; Lincoln Beachey, 1966; Olive Ann Beech, 1981; Walter Herschel Beech, 1977; Alexander Graham Bell, 1965; Lawrence Dale Bell, 1977; William Edward Boeing, 1966; Frank Borman, 1982; Richard Evelyn Byrd, 1968.

Clyde Vernon Cessna, 1978; Clarence Duncan Chamberlin, 1976; Octave Chanute, 1963; Claire Lee Chennault, 1972; Jacqueline Cochran, 1971; Charles Conrad, Jr., 1980; A. Scott Crossfield, 1983; Alfred Austell Cunningham, 1965; Glenn Hammond Curtiss, 1964; Alexander P. deSeversky, 1970; James Harold Doolittle, 1967; Donald Wills Douglas, 1969; Charles Stark Drapper, 1981.

Ira Clarence Eaker, 1970; Theodore Gordon Ellyson, 1964; Eugene Burton Ely, 1965; Sherman Mills Fairchild, 1979; Reuben Hollis Fleet, 1975; Anthony Herman Gerard Fokker, 1980; Benjamin Delahauf Foulois, 1980; Francis Stanley Gabreski, 1978; John Herschel Glenn, Jr., 1976; George William Goddard, 1976; Robert Hutchings Goddard, 1966.

Barry Morris Goldwater, 1982; Robert Ellsworth Gross, 1970; Leroy Randle Grumman, 1972; Harry Frank Guggenheim, 1971; Albert Francis Hegenberger, 1976; Edward Henry Heinemann, 1981; Howard Robard Hughes, 1973; David Sinton Ingalls, 1983; Clarence Leonard Johnson, 1974; George Churchill Kenney, 1974; Charles Franklin Kettering, 1979; James Howard Kindelberger, 1972; A. Roy Knabenshue, 1965.

Frank Purdy Lahm, 1963; Samuel Pierpont Langley, 1963; William Powell Lear, Sr., 1978; Curtis Emerson LeMay, 1972; Anthony William Levier, 1978; Anne Morrow Lindbergh, 1979; Charles Augustus Lindbergh, 1967; Edwin Albert Link, 1976; Grover Loening, 1969; Frank Luke, Jr., 1975; John Arthur Macready, 1968; Glenn Luther Martin, 1966; James Smith McDonnell, 1977; William Mitchell, 1966; John Joseph Montgomery, 1964; Sanford Alexander Moss, 1976.

John Knudsen Northrop, 1974; William Allan Patterson, 1976; William Thomas Piper, Sr., 1980; Wiley Hardeman Post, 1969; Amelia Earhart Putnam, 1968; Albert Cushing Read, 1965; Robert Campbell Reeve, 1975; Frederick Brant Rentschler, 1982; Holden Chester Richardson, 1978; Edward Vernon Rickenbacker, 1965; Calbraith Perry Rodgers, 1964; Will Rogers, 1977; Claude T. Ryan, 1974.

Bernard Adolf Schriever, 1980; Thomas Etholen Selfridge, 1965; Alan Bartlett Shepard, Jr., 1977; Igor Ivan Sikorsky, 1968; Robert Forman Six, 1980; C. R. Smith, 1974; Carl Andrew Spaatz, 1967; Elmer Ambrose Sperry, Sr., 1973; Lawrence Burst Sperry, Sr., 1981; Charles Edward Taylor, 1965; John Henry Towers, 1966; Juan Terry Trippe, 1970; Roscoe Turner, 1975; Nathan Farragut Twining, 1976.

Wernher von Braun, 1982; Theodore von Karman, 1983; Leigh Wade, 1974; Henry W. Walden, 1964; Thorton Arnold Wilson, 1983; Orville Wright, 1962; Wilbur Wright, 1962; Charles Elwood Yeager, 1973.

1983 ENSHRINEMENT CEREMONIES—JULY 23, 1983, DAYTON CONVENTION CENTER, DAYTON, OHIO CELEBRATING THE 200TH ANNIVERSARY OF MAN'S FIRST BALLOON FLIGHT

Masters of Ceremonies: Audrey Meadows and Robert F. Six.

Ceremonies Narrator: Don Wayne.

Reception: Enshrinement Hall.

Musical Prelude: Air Force Band of Flight, Commander, Lt. Col. Harold C. Johnson, USAF.

Ceremonial Performance: Air Force Honor Guard Drill Team.

Presentation of Colors: Air Force Honor Guard Color Guard.

National Anthem: Sergeant Edward J. Pember, USAF.

Toast To The Wright Brothers: A. G. Liefke, Chairman, Board of Trustees.

DINNER

Dinner Music: The Ron Meyer Orchestra.

ENSHRINEMENT CEREMONIES

Welcome and Introduction of Special Guests: President James T. Stewart.

Prologue to Flight: Audrey Meadows and Robert F. Six.

Presentation to "Double Eagle II" Crew: President James T. Stewart.

Acceptance of "Spirit of Flight" Award: Ben L. Abruzzo.

Greetings from President Ronald W. Reagan: Louis C. Breckenridge, Chairman, Board of Nominations.

Presentation of David Sinton Ingalls: The Honorable Melvyn R. Paisley, Assistant Secretary of the Navy.

Acceptance of Award: Rear Admiral David S. Ingalls, USN (Ret).

Presentation of Theodore von Kármán: The Honorable Verne Orr, Secretary of the Air Force.

Acknowledgement of von Kármán Award: General James P. Mullins, USAF, Commander, Air Force Logistics Command.

Presentation of Thornton Arnold Wilson: Colonel Frank Borman, USAF (Ret), Chairman, President and Chief Executive Officer, Eastern Air Lines.

Acceptance of Award: Thornton A. Wilson, Chairman, The Boeing Company.

Presentation of A. Scott Crossfield: General Bernard A. Schriever, USAF (Ret), Schriever & McKee, Inc.

Acceptance of Award: A. Scott Crossfield.

Epilogue to Flight: "High Flight": Audrey Meadows.

SPECIAL ACKNOWLEDGEMENTS

Special thanks to: The Boeing Company, Mr. and Mrs. Max Isaacson of the Isaacson Foundation and Mr. and Mrs. Ervin J. Nutter of the Elano Corporation for hosting the reception refreshments.

Milton Caniff: The National Aviation Hall of Fame is especially grateful to Milton Caniff for the one hundred and one unique portraits of the enshrined aviation and space pioneers. His artistry, contributed to the National Aviation Hall of Fame over the past twenty-two years, represents the most complete collection of portraits of aviation and space pioneers ever created.

Air Force Museum: Special thanks are extended to Colonel Richard L. Uppstrom and his staff for use of the facilities of the Air Force Museum to hold the National Aviation Hall of Fame President's Reception and Dinner on July 22, 1983.

Air Force Orientation Group: Special thanks are extended to Colonel Paul F. Hayes and his staff for the excellent display on the National Aviation Hall of Fame and the enshrined aviation and space pioneers which serves as the backdrop for tonight's presentation, as well as for the other aviation-related displays.

Dayton Chapter, National Security Industrial Association: Special appreciation is extended to NSIA and its dedicated members for their support of the National Aviation

Hall of Fame's annual Enshrinement Ceremonies during the past two decades, and The American Sportsman, ABC Sports, Air Force Association, Wright Memorial Chapter, American Institute of Aeronautics and Astronautics, The Boeing Company, City of Dayton, Ohio, Coopers & Lybrand, CPA, Dayton Office, A. Scott Crossfield, Dayton Area Chamber of Commerce, Dayton International Airshow & Trade Exposition, Dayton Newspapers, Inc., Dayton Racquet Club, Eastern Air Lines, Inc.

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United States Navy Naval Aviation History Unit, WAVI-AM, WDAO-FM, WDTN-TV, WHIO-AM-FM, WHIO-TV, WING-AM, WKEF-TV, WPTD-TV, Walnut Grove Country Club, Western Reserve Aviation Hall of Fame, Wright "B" Flyer, Inc., Wright Patterson Air Force Base.

The National Aviation Hall of Fame thanks each of the following people and organizations for their contributions to the success of this evening's program:

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Ceremonies Hostess: Sharon Cost.

Ceremonies Host: John E. Purdy.

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Photographers: John Hirschman, Robert Lee Kimmel, John Krinsky, David Witt.

NATIONAL AVIATION HALL OF FAME 1983 ENSHRINED AVIATION PIONEERS

David Sinton Ingalls: Born in Cleveland, Ohio, his interest in aviation blossomed while attending Yale University in 1916-17. There he joined the First Yale Aviation Unit and began flight training at Huntington Beach, Long Island. Just prior to the United States' entry into World War I, he enlisted in the Naval Reserve Flying Forces and completed his flight training at West Palm Beach, Florida as Naval Aviator No. 85. Sailing for Europe in September, 1917, he received additional flight training at Gosport, England, and Turnbury, Scotland, before reporting to the Dunkirk, France, Naval Air Station in March, 1918. After additional training in France, he was temporarily assigned to British Royal Air Force Squadron 213 conducting operations against German submarine bases at Ostend, Zeebrugge, and Bruges, Belgium. In August and September, 1918, he was credited with shooting down at least four enemy airplanes and one or more balloons to become the Navy's only "Ace" in World War I. Relieved of duty with the 213th in October, 1918, he served as a ferry pilot and instructor at Eastleigh, England. For his war efforts he was awarded the American Distinguished Service Medal, the French Legion of Honor and the British Distinguished Flying Cross.

After the war, Ingalls re-entered Yale and received an AB degree in 1920. Then he enrolled in the Harvard Law School and earned his LLB degree in 1923. He joined the law firm of Squire, Sanders and Dempsey in Cleveland and practiced law there until 1929. Meanwhile, he was elected to the Ohio Legislature in 1926 and in 1928, where he co-sponsored the Aviation Code Act of Ohio, a model later adopted by many states. He also helped plan the Cleveland, Ohio, airport. In 1929, his outstanding qualifications came to the attention of President Hoover, who appointed him Assistant Secretary of the Navy for Aeronautics. During the next three years he guided the rapid advancement of the Naval Aviation Test and Development Program, and was also commissioned a lieutenant commander in the Naval Reserves.

During the early years of World War II, he served as vice president and general manager of Pan American Ferries, Inc. Then in 1942 he went on active duty as Assistant Operations Officer on the Staff of the Commander of Air Forces Pacific. He then served as executive officer to the Forward Area and Air Center Commander at Guadalcanal. In 1944 he became Plans Officer with the South Pacific Forces, and later commanded the Pearl Harbor Naval Air Station. Retiring from active duty in 1945, after receiving the Legion of Merit and the Bronze Star, he transferred to the Navy's Retired List in 1959 with the rank of rear admiral.

After the war, he continued his association with Pan Am, and also became president and publisher of the Cincinnati Times-Star Newspaper from 1953 to 1955. He also continued an active interest in law and politics.

Theodore von Kármán: Born in Budapest, Hungary, he first earned a mechanical engineering degree at the Royal Joseph University. He later became an assistant professor at the Technical Institute of Budapest and received his Ph.D. at the University of Gottingen in Germany. In 1911 he discovered aeonautical vortex drag, later known as "Kármán Vortex Street". This led to his accepting the aeronautical chair at the Technische Hochschule in Aachen, Germany. During World War I he set up a department of aviation for the Austro-Hungarian Army and helped develop a tethered reconnaissance helicopter.

After the war, he returned to Aachen as director of the University's Institute of Aeronautics, and became a consultant on Junkers aircraft and also of Zepplin's dirigible, LOS ANGELES.

Fleeing growing anti-semitism in Germany in 1929, von Kármán became director of the Guggenheim Aeronautical Laboratory at the California Institute of Technology and of the Daniel Guggenheim Airship Institute in Akron, Ohio. He also became a consultant on the Navy dirigibles AKRON and MACON, as well as to Northrop on revolutionary aircraft construction and wing fairings to eliminate buffeting.

In 1935, he presented the first theories on air drag at supersonic speeds. His group also initiated the CALCIT Rocket Research Project, which led to the development of JATO rockets to assist aircraft takeoffs, and to the formation of the Aerojet Engineering Company. He also became a consultant to Northrop on flying wing and rocket-powered aircraft; to Boeing on high speed wind tunnels; to Lockheed on aircraft designs; to the Army Air Forces on supersonic aircraft; and to Army Ordnance on long-range missiles.

In 1944, General Arnold asked von Kármán to form and chair an Army Air Forces Scientific Advisory Group to develop a blueprint for air research needed in the next 50 years. The Group's reports, "Toward New Horizons", and "Science, The Key to Air Supremacy", served to guide Air Force developments throughout the next decade. The subsequent Scientific Advisory Board was instrumental in the development of the Atlas ICBM, the formation of the RAND Corporation, and the building of the supersonic X-15 rocket research plane.

Later, he helped establish and chaired the Advisory Group for Aeronautical Research and Development, to assist NATO countries develop mutual defense capabilities. Then in 1960 he was instrumental in forming the International Academy of Astronautics. In 1963 President Kennedy presented von Kármán the nation's first National Medal of Science for his lifetime of contributions, just prior to his death.

Thornton Arnold Wilson: Born in Sikeston, Missouri, and graduated by Iowa State University with a degree in aeronautical engineering, Wilson joined the Boeing Airplane Company in 1943 as a junior engineer. There he worked on the C-97 Stratofreighter and the Model 377 Stratocruiser.

After receiving a Master of Science degree from Cal Tech in 1948, he returned to Boeing, where he worked as an aerodynamicist and later as an Aerodynamics Senior Group Engineer on the B-47 Stratojet, the nation's first multijet bomber. After studying industrial management at M.I.T. on a Sloan Fellowship, he was named a Senior Group Engineer in charge of the preliminary design of supersonic bombers in 1953. His work led to the B-52 Stratofortress, which became the principal strike force bomber of the Strategic Air Command. After managing the design and construction of a new supersonic wind tunnel, he was named Assistant to Boeing's Chief Engineer in 1955. As such, he became involved in the KC-135 tanker for the Air Force, and the 707 jetliner that put Boeing back into the commercial aircraft business and opened a new era of jet travel.

A major challenge came in 1958 when Wilson was named Program Manager of the Minuteman Advance Projects Proposal Team which won the contract assignment to perform the final assembly and tests of the Minuteman ICBM. Later he was elected Vice President of Boeing's Aerospace Division and Manager of its Minuteman Ballistic Missile Branch, which aided the missile becoming operational with the Air Force in 1963.

In 1964, Wilson was named Boeing's corporate Vice President of Operations and Planning and he was involved in the introduction of the Boeing 727 trijet airliner, one of the world's most successful jetliners. Then after serving briefly as Vice President and General Manager of Boeing's Military Airplane Division, he returned to corporate headquarters again as Vice President of Operations and Planning. As such, he was involved in the Boeing 737 short-haul jetliner.

In 1966 he was promoted to Executive Vice President and named to Boeing's board of directors, as the Boeing 747 jetliner was being developed. Then in 1968 he was elected president of Boeing and in 1969 was also named Chief Executive Officer. As such he led the company through a period of severe economic recession in the early '70's, as the 747 was entering commercial service. Then in 1972 he was named Chairman of the Board. In recent years, he led Boeing's efforts that won the MX Cruise Missile Contract and introduced the new technology, fuel efficient 757 and 767 jetliners.

A. Scott Crossfield: Born in Berkeley, California, he began taking flying lessons at the age of twelve. Later he soloed at the age of fifteen. In 1940 he entered the University of Washington and later earned his private pilot license. Withdrawing from the University, he went to work for The Boeing Airplane Company. After Pearl Harbor, he enlisted in the Navy, earned his wings, and served as a flight and gunnery instructor before being assigned to Air Group 51 aboard the carrier Langley.

After the war, he earned a Bachelor and Master degree in aeronautical engineering at the University of Washington. Then he joined NACA at Edwards Air Force Base, where he completed the Experimental Flight Test Pilots School, and began test flights of the Bell X-1 and X-5, the Douglas Skystreak and Skyrocket, and the Northrop X-4. During this period, he made the first Keplerian trajectory flights to test the effects of weightlessness. In 1953, he flew the Douglas Skyrocket at twice the speed of sound, a historic flight milestone.

In 1955, Crossfield joined North American Aviation as a design specialist on the X-15 rocket research plane. As such, he helped develop flight control, display and telemetering systems, and the full pressure flying suit. After he was promoted to Chief Test Pilot, he then became the first pilot to successfully attain the speed of Mach 3 in the X-15 in 1960.

After being named Director of Systems Test of North Americans Space and Information Division, Crossfield was instrumental in the development of the Hound Dog missile. Then named Director of Test and Quality Assurance, he was also involved in the Apollo, Saturn II, and Paraglider programs.

Crossfield joined Eastern Air Lines in 1967 as Division Vice President of Flight Research and Development, and Flight Operations. As such, he developed an area navigation system test study in the Boston-New York-Washington corridor to relieve air congestion. In 1971, as Staff Vice President of Transportation Systems Development for Eastern, he was involved in developing a National Short Haul Transportation Plan, which later became the basis for FAA's current navigation plan.

In 1974, Crossfield became Senior Vice President of Hawker Siddeley Aviation, Inc. and developed specifications for its HS 146 short-haul airliner. Then in 1975 he became a technical consultant to the House of Representatives' subcommittee on Transportation, Aviation and Materials. In 1977 he became a consultant to the House Committee on Science and Technology with extensive interfacing with DOD, Air Force, Navy, NASA and FAA personnel and committees.

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Dr. and Mrs. Russell N. Brown.
Mr. and Mrs. David K. Burnap.
Mr. and Mrs. John Calcott.
Col. and Mrs. Jesse L. Coalter, USAF (Ret).
Continental Airlines, Inc.: Richard M. Adams, Robert F. Six.
Mr. and Mrs. Rayman A. Coy.
Mr. and Mrs. Harry K. Crowl.
Daycom Corporation: Alfred M. Sinder, James H. Kaufenberg, Hans H. J. Hoogendoorn.
Dayton Newspapers, Inc.: Jay R. Smith, Arnold Rosenfeld, John E. Black.
Delco Moraine Division, GMC: Thomas P. Stokes.
Delco Products Division, GMC: Charles J. Rose.
Detroit Diesel Allison Moraine Engine Plant, GMC: Wallace G. Uren.
Mr. and Mrs. Ronald K. Dickerson.

Col. John B. Downs, Sr., USAF (Ret), Airman First Class John B. Downs, Jr., USAF.
Mr. and Mrs. John C. Dussault.
Mr. and Mrs. Jack B. Dubbs.
Elano Corporation: Ervin J. Nutter, Zoe Dell L. Nutter.
Elano-East Corporation: Michael Gopoian.
Enlo, Inc.: Samuel Grice.
Mr. and Mrs. H. O. Evans, Jr.
Fairchild Industries, Inc.: Edward G. Uhl, George S. Attridge, James J. Foody.
Mr. and Mrs. Joseph E. Farrell.
Mr. and Mrs. Harrison B. Favre.
Mr. and Mrs. Eugene F. Felt.
First National Bank of Dayton: Edward J. Gerding.
Lt. Col. and Mrs. Wayne W. Gamble, USAF (Ret).
The Garrett Corporation: Ellis B. Davis, R. J. Wright, Michael Rachlin.
Gates Learjet Corporation: James R. Greenwood, Harry B. Combs, B. S. Stillwell.
General Dynamics: David S. Lewis, Orrie C. Hiett, Jr., Oliver C. Boileau.
General Electric Company: Jesse B. Hearin, Jr., John M. Malloy, George H. Ward.
General Motors Moraine Truck Assembly Plant: Richard E. Acosta.
Mr. George C. Gilfillen, Jr.
Mr. and Mrs. Gary C. Grant.
Mrs. Anne S. Greene.
Mr. John B. Greene.
Grumman Aerospace Corporation: George M. Skurla, Col. Francis S. Gabreski, USAF (Ret), Maj. Gen. Frederick C. Blesse, USAF (Ret).
Dr. and Mrs. G. M. Gumbert, Jr.
Harrison Radiator Division, GMC: David L. Drury, Larry L. Metzley.
Mr. and Mrs. Joseph B. Haverstick.
Maj. Gen. and Mrs. John W. Hepfer, Jr., USAF (Ret)
Mr. Charles A. Hinsch.
Cmdr. and Mrs. Harry J. Huester, USN (Ret).
Hughes Corporation: William R. Lummis, W. E. Rankin, V. C. Olson.
Inland Division, GMC: Leonard P. Roberts.
Mr. and Mrs. Max Isaacson.
Mr. and Mrs. James W. Jacobs.
Mr. and Mrs. Harold L. Johnson.
Mr. and Mrs. Edward F. Kirk.
Mr. and Mrs. Cornell Kovacs.
Mr. and Mrs. Martin C. Kuntz.
Mr. and Mrs. Alexander Latsko.
Mrs. Moya Olsen Lear.
Brig. Gen. and Mrs. Robert E. Lee, USAF (Ret).
Mr. and Mrs. Gerald H. Leland.
Lockheed Corporation: Lawrence O. Kitchen, Roy A. Anderson, Gen. Jack J. Catton, USAF (Ret).
Mr. and Mrs. John A. Lombard.
E. F. MacDonald Company, Carlson Marketing Group: George E. Hochwalt, Jr., P. M. Ousley, R. C. Russell.
Mr. and Mrs. Bruce C. Marshall.
Mr. and Mrs. Thomas O. Mathues.
Mr. and Mrs. G. E. MacDonald.
Mr. and Mrs. H. Talbott Mead.
Mr. and Mrs. John H. Murphy.
NCR Corporation: Donald L. McIntosh, B. Lyle Shafer, Richard F. Beach.
Northrop Corporation: Thomas V. Jones, Welko E. Gasich, Louis C. Breckenridge.
Mr. and Mrs. Larry E. O'Neil.
Mr. and Mrs. David B. Peterson.
Dr. and Mrs Deward D. Peterson.
Piper Aircraft Corporation: John S. McCollom, Robert L. Smith, Brig. Gen. James I. Granger, USAF (Ret).
The Polk Foundation: Louis F. Polk.
Mr. and Mrs. Louis F. Polk.
Dr. and Mrs. David H. Ponitz.
Pratt & Whitney Aircraft Group, Government Products Division, United Technologies Corporation: Frank W. McAbee, Jr., Dan C. Johnson, John S. Carney, Jr.
Mr. and Mrs. Gordon D. Pred.
Mr. and Mrs. John W. Puffer, Jr.
Mr. and Mrs. John E. Purdy.
Dr. and Mrs. William N. Rowley.
Mr. and Mrs. Jack G. Real.
Reeve Aleutian Airways, Inc.: Richard D. Reeve.
Rockwell International Corporation: Robert Anderson, Donald R. Beall, William B. Horner.
Col. and Mrs Wendell H. Shawler, USAF (Ret).
Mr. and Mrs. Ed M. Simpson.
Dr. and Mrs. James R. Simpson.
Mr. and Mrs. Harold H. Singer.
Mr. and Mrs. Daniel L. Smith.
Mr. and Mrs. Gerard A. Smith.
Sperry Corporation: A. B. Martin, Joseph J. Campanella.
Mrs. Katherine N. Stanley.
Lt. Gen. and Mrs. James T. Stewart, USAF (Ret).
TRW, Inc.: Frederick C. Crawford, A. G. Liefke, F. James Rechin.
Third National Bank and Trust Co.: Douglas Hawthorne, John Dale, Joseph Connelly.
United Aircraft Products, Inc.; Nick G. Harris, Henry Cozzolino, Robert R. Pfouts.
United Technologies Corporation: Gen. William J. Evans, USAF (Ret), Edward J. Leach.
Capt. and Mrs. W. Gene Vogel, USAF (Ret).
Mr. and Mrs. Richard A. VanderMeulen.
Mr. and Mrs. Walter B. Voisard.
Mr. and Mrs. John H. Warlick.
Mr. and Mrs. Robert F. Watts.
Mr. and Mrs. George J. Wedekind.
Mr. and Mrs. Paul T. Welch.
Lt. Col. Dorothy K. Welker, C.A.P.
Capt. and Mrs. Richard Wells. WHIO-TV: Neil Pugh, Stanley G. Mouse, Harold Hapner.
Mr. and Mrs. William R. Winger.
Mr. and Mrs. Stephen J. Wolfe.
Mr. and Mrs. David S. Wyse.

NATIONAL AVIATION HALL OF FAME, INC.,
Dayton, OH, June 29, 1984.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, DC.

DEAR SENATOR GOLDWATER: As Statutory Agent for the National Aviation Hall of Fame, Inc., there are attached for your information and file copies of the letters and enclosures this day forwarded to Mr. George Bush and Mr. Peter Rodino, submitted on behalf of the National Hall of Fame and constituting the annual reports that are due pursuant to Public Law 88-372.

We thank you again for your continuing interest in the National Aviation Hall of Fame.

Respectfully yours,

ROBERT V. SPAYD,
Secretary.

NATIONAL AVIATION HALL OF FAME, INC.,
Dayton, OH, June 29, 1984.

Re National Aviation Hall of Fame, Inc.

Hon. GEORGE BUSH,
Vice President of the United States, President of the Senate of the United States, Washington, DC.

DEAR PRESIDENT BUSH: This letter is addressed to you as President of the Senate of the United States of America.

On July 14, 1964, the 88th Congress of the United States adopted Public Law 88-372, and Section 15(b) thereof. In accordance with the provisions thereof, the National Aviation Hall of Fame submits as follows:

(1) That its Statutory Agent is the Honorable Senator Barry Goldwater, U.S. Senate, Washington, D.C. 20510. Senator Goldwater's acceptance as agent has been previously submitted.

(2) Audit Report for the calendar year 1983, as prepared by Coopers & Lybrand, independent auditing firm.

(3) Copy of the program for the 1983 Enshrinement Ceremonies, which includes a current list of officers and trustees.

In the event any further information is required, please advise.

Respectfully submitted,

ROBERT V. SPAYD,
Secretary.

NATIONAL AVIATION HALL OF FAME, INC.,
Dayton OH, June 29, 1984.

Re National Aviation Hall of Fame, Inc.

Hon. PETER W. RODINO, Jr.,
Chairman, U.S. House of Representatives, Committee on the Judiciary, Washington, DC.

DEAR SIR: This letter is addressed to you as Chairman of the House Committee on the Judiciary of the United States of America.

On July 14, 1964, the 88th Congress of the United States adopted Public Law 88-372, and Section 15(b) thereof. In accordance with the provisions thereof, the National Aviation Hall of Fame submits as follows:

(1) That its Statutory Agent is the Honorable Senator Barry Goldwater, U.S. Senate, Washington, DC 20510. Senator Goldwater's acceptance as agent has been previously submitted.

(2) Audit Report for the calendar year 1983, as prepared by Coopers & Lybrand, independent auditing firm.

(3) Copy of the program for the 1983 Enshrinement Ceremonies, which includes a current list of officers and trustees.

In the event any further information is required, please advise.

Respectfully submitted,

ROBERT V. SPAYD,
Secretary.

NATIONAL AVIATION HALL OF FAME, INC., REPORT ON EXAMINATIONS OF FINANCIAL STATEMENTS FOR THE YEARS ENDED DEC. 31, 1983 AND 1982

COOPERS & LYBRAND,
Dayton, OH, June 19, 1984.

To the Board of Trustees, National Aviation Hall of Fame, Inc., Dayton, OH.

We have examined the balance sheets of the National Aviation Hall of Fame, Inc. as of December 31, 1983 and 1982, and the related statements of revenue and expenses, changes in fund balances and changes in financial position for the years then ended. Our examinations were made in accordance with generally accepted auditing standards

and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the financial statements referred to above present fairly the financial position of the National Aviation Hall of Fame, Inc. as of December 31, 1983 and 1982, and the results of its operations and the changes in its financial position for the years then ended in conformity with generally accepted accounting principles applied on a consistent basis.

COOPERS & LYBRAND,
Certified Public Accountants.

BALANCE SHEETS, DEC. 31, 1983 AND 1982

	1983	1982
Assets:		
Cash	$93,972	$48,776
Certificates of deposit	27,449	35,942
Accounts receivable		3,840
Pledges receivable	750	
Prepaid expenses	134	438
Other	80	
Total current assets	122,385	88,996
Furniture, fixtures and equipment, net of accumulated depreciation of $3,141 in 1983 and $2,197 in 1982	4,063	2,513
Copyrights	1	1
Collections (Note 2)		
Total assets	126,449	91,510
Liabilities and fund balances:		
Accounts payable	6,000	2,304
Accrued expenses	236	
Deferred amounts:		
Membership income	14,945	22,648
Restricted biographical research program	20,000	18,000
Restricted enshrinement album program	21,169	
Total current liabilities	62,350	42,952
Fund balances (Note 3):		
Designated by board of trustees:		
Capital expenditures	27,448	23,156
Founders		1,000
Undesignated	36,651	24,402
Total fund balances	64,099	48,558
Total liabilities and fund balances	126,449	91,510

See note at end of table.

STATEMENTS OF REVENUE AND EXPENSES FOR THE YEARS ENDED DEC. 31, 1983 and 1982

	1983	1982
Revenue:		
Individual memberships	$43,372	$39,094
Organizational memberships	20,953	30,724
Enshrinement dinner	18,280	18,960
Sales of medals and other items	735	2,111
Donations	20,123	10,383
Interest and dividends	8,425	9,245
Enshrinement album program	2,293	
Federal grant	13,500	4,500
Total	127,681	115,017
Expenses:		
Management fee	29,625	26,000
Salaries and office help	12,495	12,416
Enshrinement dinner	48,930	49,759
Membership expenses	3,288	10,603
Exhibits	865	
Cost of medals and other items	376	1,352
Office supplies	6,502	4,034
Postage	2,397	1,905
Telephone	889	867
Payroll taxes	1,020	757
Depreciation	944	512
Brochures	1,516	205
Enshrinement album program	2,293	
Miscellaneous	1,000	935
Total	112,140	109,345
Excess of revenues over expenses	15,541	5,672

See notes at end of tables.

STATEMENTS OF CHANGES IN FUND BALANCES FOR THE YEARS ENDED DEC. 31, 1983 AND 1982

	Designated		Undesignated	Total
	Capital Expenditure	Founders		
Balance, Dec. 31, 1981	$19,667	$1,000	$22,219	$42,886
Excess of expenses over revenues			5,672	5,672
Designation (note 3)	3,489		(3,489)	
Balance, Dec. 31, 1982	23,156	1,000	24,402	48,558
Excess of revenues over expenses			15,541	15,541
Designations (note 3)	4,292	(1,000)	(3,292)	
Balance, Dec. 31, 1983	27,448		36,651	64,099

See notes at end of tables.

STATEMENTS OF CHANGES IN FINANCIAL POSITION FOR THE YEARS ENDED DEC. 31, 1983 AND 1982

	1983	1982
Sources:		
Operations:		
Excess of revenues over expenses	$15,541	$5,672
Item which did not require current outlay of cash: Depreciation	944	512
Provided from operations	16,485	6,184
Decrease in prepaid expenses	304	
Decrease in accounts receivable	3,840	
Increase in accounts payable	3,696	
Increase in deferred amounts	15,466	5,235
Increase in accrued expenses	236	
Total	40,027	11,419
Uses of funds:		
Purchase of fixed assets	2,494	828
Increase in pledges receivable	750	
Increase in accounts receivable		3,840
Increase in prepaid expenses		323
Increase in other assets	80	
Decrease in accounts payable		1,108
Decrease in accrued expenses		709
Total	3,324	6,808
Net increase in cash and certificates of deposit	36,703	4,611
Cash and certificates of deposit, beginning of year	84,718	80,107
Cash and certificates of deposit, end of year	121,421	84,718

1. Summary of significant accounting policies: The Corporation was created by an Act of Congress, Public Law 88–372, July 14, 1964, to honor outstanding persons in the field of aviation. The Internal Revenue Service has confirmed the status of the Corporation as a tax-exempt public foundation. On December 18, 1981, the Corporation changed its name from Aviation Hall of Fame to National Aviation Hall of Fame, Inc.

Furniture, fixtures and equipment are recorded at cost when purchased or at estimated values when received as a donation. Depreciation is computed on the straight-line basis over the estimated useful lives of the assets.

Donated materials other than collections are recorded at their estimated value at the date of receipt. No amounts have been reflected in the statements for donated office space and services as no objective basis is available to measure the value of such services. Donated office space consists of an office and storage provided by the City of Dayton. Donated services consists of time donated by the Board of Trustees for the Corporation.

The Corporation offered both one-year and two-year memberships to the public through July 1983. Membership dues received for the current year are recorded as income at the time the membership period commenses. Deferred membership income, representing dues the second year of two-year memberships, is recognized as income during the second membership year. In August 1983, the Corporation discontinued offering two-year memberships.

Biographical research and Enshrinement Album Programs resources are restricted by the donor, grantor, or other outside party for operating the biographical research program, and are deemed to be earned and reported as revenues of the operating fund when the Corporation has incurred expenditures in compliance with the specific restrictions. Such amounts received but not yet earned are reported as restricted deferred amounts.

2. Collections: The Corporation has acquired by purchase or through donations, various models, books and other memorabilia relating to the field of aviation since its founding. Because the value of these items are not readily determinable and they can be considered inexhaustible items, the Corporation has not capitalized them. The value of objects acquired by gift for which the Corporation can make a reasonable estimate is reported as gifts in the statement of revenue, expenses and changes in fund balance.

3. Fund balances: The capital expenditure fund is intended to provide funds for the purchase of a facility for the Corporation. The Board has directed that all donations received from enshrinees or their families and income earned from investments applicable to capital expenditure fund be added to this fund. Additions to the fund amounted to $4,292 and $3,489 in 1983 and 1982, respectively.

In 1981, the Board of Trustees established the Founders Fund for special projects undertaken by the executive director of the Corporation. The Board authorized the transfer of these funds to the undesignated fund during 1983.

4. Management contract: The Corporation contracts with James W. Jacobs & Associates, Inc. and John C. Dussault on an annual basis to provide consultation and professional services to maintain operations, expand membership, sponsor events and any other services required by the Corporation. Management fees expense amounted to $29,000 and $26,000 in 1983 and 1982, respectively.●

ADVANCE NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD–423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, June 29, 1984.

DR. HANS BINNENDIJK,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILIP C. GAST,
Director.●

THE BULGARIAN CONNECTION

● Mr. D'AMATO. Mr. President, I rise today to again bring to the Senate's attention the investigation into the May 31, 1981, attempt on the life of Pope John Paul II. A recent Wall Street Journal article sheds important light on Mehmet Ali Agca's career before he began his role in the conspiracy to kill the Pope.

This article, by David Ignatius, appeared in the July 17, 1984, edition of the Journal. It reports on the contents of a Turkish prosecutor's report, filed in Istanbul on January 16, 1984. The

Turkish prosecutor, Col. Hanefi Ongul, was assigned to reinvestigate the career of Mr. Agca following the release of information gathered by the Italian investigation.

This article is important because it is based upon a translation of this prosecutor's report commissioned by the Journal. This prosecutor's report has received little, if any, notice in the West because of previous lack of an English translation.

A review of the contents of this report corroborates the conclusions the Italian investigation reached regarding Agca's history and background. Most significantly, it once and for all dispels the impression which was created in the immediate aftermath of the attempt on the Pope's life that Mehmet Ali Agca was a "* * * deranged, right-wing assassin acting on his own."

It confirms that Agca was an apolitical hired gun, whose contacts with the Turkish right-wing extremist group, the Grey Wolves, were incidental to his activities and his outlook on the world. It confirms his continuing relationship with the leadership of the Turkish Mafia, including key figures in the attempt on the life of the Pope.

The leader of the Turkish Mafia, Abuzer Ugurlu, and his confederates, Omer Mersan and Oral Celik, are identified in this report as having had previous dealings with Agca. This vital information links the Bulgarian and Turkish drug and gun smuggling network centered on the Bulgarian import-export company Kintex with the plot to kill the Pope. It adds weight and credibility to the Italian investigation.

I commend this article to the attention of my colleagues and I ask unanimous consent that it be printed in the RECORD.

The article follows:

TURKS CLOSER TO LINKING POPE'S ASSAILANT WITH BULGARIA

(By David Ignatius)

WASHINGTON.—A Turkish prosecutor's report provides additional evidence linking Mehmet Ali Agca, the man who shot the pope, with a Bulgarian-based ring of Turkish smugglers.

The Turkish report focuses on Mr. Agca's first known major crime, the 1979 murder of a Turkish journalist, Abdi Ipekci, rather than his 1981 attempt to kill Pope John Paul II. But it corroborates important details of an Italian investigation into Mr. Agca's "Bulgarian connection."

The Turkish prosecutor concludes that Mr. Agca acted in the 1979 killing of Mr. Ipekci as part of a conspiracy headed by a Turkish underworld boss, Abuzer Ugurlu, who operated largely out of Bulgaria. The Turkish report also alleges that Mr. Ugurlu gave "financial assistance to Mr. Agca when he was in Bulgaria."

The report's significance lies mainly in that it adds the official stamp of the Turkish military prosecutor to one element of the complex case prepared by Italians investigating the attempt on the pope's life—the link between Mr. Agca and the Turkish mafia boss, Mr. Ugurlu. The Turkish findings about Mr. Agca's early activities parallel those of the Italian investigation and those of independent researchers such as Claire Sterling and Paul Henze.

BULGARIANS NOT DISCUSSED

The Turkish report is a public legal document but it has received little attention outside Turkey. The report, translated by The Wall Street Journal, provides the clearest picture yet of Mr. Agca's beginnings as a paid assassin. It draws a picture of him as a tough, cynical man without fanatical political views who became an operative in an underworld ring drawn largely from his home area of Malatya in central Turkey.

The Agca of the Turkish report cheated on his university entrance exams, took sole responsibility for the 1979 killing and confidently stonewalled Turkish officials about the role of others in that murder when he was in prison in 1979, and received money from unknown sources in a network of bank accounts opened in his name.

The Turkish report doesn't discuss Mr. Agca's alleged links with the Bulgarian secret service or the relationship, if any, of the Kremlin to the alleged conspiracy to kill the pope. A report by Italian prosecutor Antonio Albano that is expected to be issued formally this month, charges that three Bulgarian intelligence operatives in Rome met with Mr. Agca and plotted a Bulgarian-sponsored attack on the pope.

The Turkish prosecutor's report was filed in Istanbul Jan. 16 by Col. Hanefi Ongul, a senior judge of the Martial Law Prosecutor's office, and his assistant, Tevfik Tunc Onat. The Turkish authorities in December 1982 had asked Col. Ongul to reinvestigate the 1979 Ipekci case, following Mr. Agca's confessions to Italian investigators about his links to Mr. Ugurlu and the Bulgarians.

The Turkish case against Mr. Ugurlu and other members of the alleged conspiracy to kill journalist Ipekci went to trial in March. Some of the report's allegations have been disclosed in testimony; the trial is continuing. According to the Turkish Embassy in Washington, Mr. Ugurlu is being held in a Turkish prison and is also a defendant in several other criminal cases besides the Ipekci murder.

Mr. Ugurlu has denied knowing Mr. Agca or participating in a conspiracy to kill Mr. Ipekci. But he has admitted to Turkish prosecutors that he gave money in 1980 to a man named Metin in Bulgaria; the prosecutor charges that "Metin" was Mr. Agca.

Mr. Ugurlu's role in the Agca case is important because of his links to the Bulgarians, who allegedly aided his drug and weapons-smuggling operations.

RELATIONSHIP SUMMARIZED

A summary of this relationship is provided by Paul Henze, who closely followed Turkish affairs as an official of the high-level National Security Council during the Carter administration. Mr. Henze told a House of Representatives panel this year: "Bulgaria started early to offer protection to Turkish drug smugglers. With Bulgarian help, what came to be called the Turkish mafia set up elaborate networks, lodged in part among Turkish workers in Europe, for moving opium products westward. . . . Fugitives from justice in their own country, these Turkish mafia figures were permitted to buy villas in Bulgaria and were given passports and eased through Bulgarian border and customs controls."

Mr. Henze adds in an interview: "Ugurlu has been known to be involved with the Bulgarians since the 1960s. It is inconceivable that a widely known criminal operative such as Ugurlu could have lived and worked in Bulgaria without the approval of the Bulgarian intelligence service and the rest of Bulgarian Communist Party hierarchy."

The Turkish prosecutor's report suggests that Mr. Agca was drawn into Mr. Ugurlu's network in Istanbul and was involved in petty smuggling operations. In early 1979, the report says, Mr. Ugurlu "proposed the idea of killing Abdi Ipekci," apparently to prevent the publication of stories about Mr. Ugurlu's smuggling activities.

The report quotes Turkish witnesses who say that as the time he was killed Mr. Ipekci was planning to publish an investigation of smuggling in the newspaper he edited, Milliyet.

ESCAPE FROM PRISON

The Turkish report also alleges that Mr. Ugurlu helped Mr. Agca escape from prison in Istanbul in November 1979, after Mr. Agca was arrested and charged with killing Mr. Ipekci, "by providing the money that was given as a bribe to the prison officials."

According to the report, Mr. Ugurlu also provided Mr. Agca with money when the prison fugitive arrived in Bulgaria in July 1980; the money was delivered by Omer Mersan, the report says. Mr. Mersan is believed to have been an associate of Mr. Ugurlu involved in European drug smuggling.

The Turkish report also outlines Mr. Agca's close involvement with Oral Celik, a Turk from Mr. Agca's home town of Malatya, who Italian investigators allege helped plan the attemped assassination of the pope and was present in St. Peter's Square on May 13, 1981, when Mr. Agca fired his gun.

Evidence gathered by the Turkish prosecutors indicates that Mr. Celik helped Mr. Agca plan the February 1979 killing of Mr. Ipekci, visited him in prison in Istanbul after he was arrested in June 1979, helped plan his escape in November 1979, took him by car to Ankara, the Turkish capital, after the escape, sent him to Nevsehir in central Turkey to obtain a false passport, and traveled with him in early 1980 to Erzurum, near the Iranian border in eastern Turkey, and helped him escape into Iran.

One of the Turkish report's interesting aspects is that it undercuts the picture of Mr. Agca, formed by investigators shortly after the attack on the pope, as an ideologically motivated member of the right-wing Turkish Gray Wolves organization. He did have extensive contact with members of the group, such as Mr. Celik. But the earlier view that he killed Mr. Ipekci in a right-wing plot against a liberal newspaper editor now appears to be wrong.

A HIRED GUN

Instead, Mr. Agca emerges in the Turkish report as a petty criminal who evolved into a hired gun. The report claims that he forged a pass to the Istanbul University entrance exams in 1978 and had someone else take the exam for him; that he was involved in petty smuggling in Istanbul; that he robbed a jewelry store in March 1979 and a warehouse the next month; and that in February 1980 he helped murder a Turk who he believed had informed Turkish police of his role in the Ipekci killing.

Adding to this picture of Mr. Agca as a paid assassin is evidence gathered by the Turkish prosecutors about his bank accounts. The Turkish report claims that prior to the killing of Mr. Ipekci, a total of 180,000 Turkish lira, at that time about

$10,000, was deposited in his name in four Istanbul bank accounts. Mr. Agca claimed to Turkish investigators that he obtained the money through smuggling.

The Italian investigation of Mr. Agca continues the story from the point the Turkish report leaves off, after Mr. Agca's flight to Bulgaria. The two reports, taken together, suggest that after becoming a paid gunman for the Bulgarian-based Turkish mafia, and after threatening on his own to kill the pope in November 1979, Mr. Agca was taken up by operatives of the Bulgarian intelligence service.

Neither report sheds light on speculation that the Soviet Union may have cooperated with Bulgarian intelligence services in the papal shooting. Given the difficulty of obtaining evidence about Soviet intelligence operations, that question may never be settled. But the investigations of Mr. Agca have sharply altered the early picture of him as simply a deranged, rightwing assassin acting on his own.●

MAJOR OIL COMPANIES SHOULD STOCKPILE WINTER HEATING OIL

● Mr. LAUTENBERG. Mr. President, it is all to easy to forget the chill of the winter months in the heat of the summer. This time of year is precisely when we should be most concerned about filling our inventories of home heating oil. In the 1970's, the major oil companies stockpiled heating oil in summer fill programs. Over the last few years, these programs have been dropped, with the result that reserves have been precariously low at the start of the heating season, and major oil suppliers companies have raised the price of oil under tight market conditions.

Last winter, the wholesale and retail prices of home heating oil rose sharply by 20 cents per gallon in the Northeast. The effects of the increase were devastating to New Jersey residents, and many families were hardpressed or unable to pay their energy bills.

Earlier this month, I joined with 17 of my Senate colleagues in sending a letter to the chairmen of the major oil companies. We asked the companies to immediately restart their summer fill program and provide us with their plans for meeting next winter's heating needs in the Northeast without shortages or extreme price fluctuations.

The summer fill program is especially important for New Jersey, where more No. 2 oil is consumed than in any other State in the Nation. Northeastern inventories are currently 15 percent lower than they were last year at this time. Slightly over 34 milion gallons are now in reserve compared with 41 million gallons in July 1983. To understand better the implications of these numbers, New Jersey used 960 million gallons of No. 2 oil last year—30 times the amount of oil currently in reserve for the entire Northeast's heating needs next winter.

The real implications of low reserves are not measured in gallons of oil, but in the cost of price instability to New Jersey citizens. Too many of these citizens cannot afford another winter of high heating oil prices. Last year's sudden price increase cost New Jersey residents $100 million in higher heating bills. The 21 cents plus per gallon increase in New Jersey was the largest increase ever recorded in the State, even exceeding periods of supply disruption during the oil embargoes of the early 1970's.

Over 1 million households, or 45 percent of the homes in New Jersey, heat with oil. Hardest hit by high prices are fixed- and low-income citizens, who make up a significant part of this group. In a recent report, "Cold—Not by Choice" the National Consumer Law Center found that last winter energy expenditures for low-income households in New Jersey were $175 per month. This monthly rate was the eighth highest in the Nation. Elderly citizens who rely on supplementary security income are among the hardest hit by high energy costs. Energy bills during the 3 coldest winter months left these New Jersey seniors with only $36 per week, on average, for all of their other living expenses. Because this shocking figures is only an average, there were many who paid higher energy bills, leaving them with even less than $36 per week for their rent, groceries, and other bills.

It is my hope that we will receive a prompt reply to our letter from the major oil companies and that quick action to begin the summer fill program will be taken. Averting last year's shortages and price increases must be a shared responsibility of industry and all levels of Government.

I commend my colleague, Senator HEINZ, for initiating the letter to the major oil companies and ask that the text of the letter be printed in the RECORD. I also ask that a letter sent by New Jersey's Commissioner of Energy, Leonard Coleman, to the Secretary of Energy, Donald Hodel, be printed below. Commissioner Coleman supports the call to increase heating oil stocks to prevent a recurrence of last year's unacceptable price increases in New Jersey.

The material follows:

U.S. SENATE,
Washington, DC, July 3, 1984.

JAMES L. DETELSEN,
Chairman of the Board, Tenneco, Inc., Tenneco Building, Houston, TX.

DEAR MR. DETELSEN: As you know, heating oil prices in the Northeast last winter were extremely volatile, and supplies were precariously low. In fact, wholesale prices rose over 20 cents per gallon during the coldest period of the winter, forcing retail prices to rise by comparable amounts. Federal and state investigations of this price increase indicate several contributing causes, but the principles cause is clear: extraordinarily low inventory levels on hand in the region prior to the beginning of the heating season.

We are seriously concerned that the inventory situation for the coming winter will be as bad, or worses, than last year. Heating oil stocks are now at the lowest level in recent history, below even the Department of Energy's minimum operating levels. Moreover, there is no indication that industry officials are concerned with these depleted heating oil stocks, or taking any action to build stocks to levels higher than last year.

We believe one partial, non-regulatory solution to this problem is reinstitution of your summer fill program, which until recently provided the financing needed to build regional stocks in anticipation of the heating season. Without summer fill, it is not possible for your marketers or their customers to prepare adequately for a cold winter. If this program is not reinstituted, and if other preventive actions not taken, we do not see how severe price instability, and possible local shortages can be avoided.

This problem is a most serious concern, and must be addressed promptly. Planning for the needs of our millions of constituents who depends on oil heat cannot await the onset of winter. We therefore request that you immediately reinstitute your summer fill program, on terms that encourage the building of regional heating oil stocks. We also ask that you provide us with firm's plans for meeting next winter's heating needs in the Northeast without shortages or extreme price fluctuations.

Thank you for your prompt reply.

Sincerely,

Gordon Humphrey, Frank R. Lautenberg, Bill Bradley, Warren B. Rudman, Bill Cohen, John Chafee, Edward Kennedy, John Heinz, Claiborne Pell, Daniel P. Moynihan, Robert T. Stafford, Arlen Specter, George J. Mitchell, Alfonse D'Amato, Patrick J. Leahy, Chris Dodd, Paul Tsongas, Lowell P. Weicker, Jr.

STATE OF NEW JERSEY,
DEPARTMENT OF ENERGY,
Newark, NJ, June 22, 1984.

Hon. DONALD P. HODEL,
U.S. Department of Energy, Washington, DC.

DEAR SECRETARY HODEL: During this past winter, New Jersey's residential heating oil customers experienced the sharpest month-to-month price increase in history. Between the middle of December and the end of January, the wholesale cost of #2 heating oil rose by 21 cents per gallon. This steep increase, coming as it did in the middle of the heating season, caused extreme economic hardships for fixed-income elderly and low-income consumers who heat their homes with oil.

The primary cause of this price increase—according to the oil companies who imposed it—was the sharp drawdown of inventories that occurred during a short spell of cold weather in late December. Although the cold weather snap was not severe enough (in fact, the heating season as a whole was near normal in terms of degree days) nor the drawdown deep enough to actually pose the threat of a fuel shortage, the level of inventories held by the major oil companies was low enough to generate a price shock in the market. This shock was felt most severely in the Northeast, since other areas of the country (including some which had much more severe winters than this area) sustained much smaller price increases.

It is painfully obvious now that better planning in the form of higher pre-season

inventories would have mitigated, if not totally eliminated, last winter's dramatic price increase. If experience is truly the best teacher, one would think that the oil companies would be spending this summer busily stockpiling their heating oil inventories to prevent a recurrence of this situation next winter. I am shocked and dismayed to learn that just the opposite is true.

According to a U.S. Department of Energy report, the major oil companies had 103 million barrels of heating oil in stock as of June 8, 1984. One year ago, these companies had 113.8 million barrels on hand, while in June 1982, they held 123.7 million barrels. In other words, our heating oil reserves this year are about 10% below last year's obviously inadequate level, and about 20% below the level that existed two years ago.

The situation on the East Coast is even more alarming. As of June 8, 1984, inventories on the East Coast amounted to 34.4 million barrels. This compares to 41.1 million barrels last June and 44.2 million barrels in June 1982. Considering that the East Coast bore the brunt of last winter's price increase, I find it unconscionable that our inventory level is actually 15% below the level which created that price hike.

In a letter I wrote on June 2, 1982 to then Energy Secretary James B. Edwards, I cited the level of inventories that month as being well below the levels of previous years. I warned at that time that such low inventories posed "a potentially disastrous situation" in terms of meeting the needs of New Jersey's heating oil customers. In the two years since I wrote that letter, oil company inventories continued to fall. Despite last winter's price debacle, inventories are lower than ever. Any disruption in oil supplies resulting from the ongoing Iran-Iraq war could cause a further deterioration of this condition. It would appear that the major oil companies are lowering their inventories as the Strategic Petroleum Reserve (SPR) is being filled. I do not believe it is the intent of either Congress or the Administration to turn the SPR into a government-financed storage facility for the major oil companies.

The economic impact on New Jersey of last winter's price increase was devastating. We estimated that residential customers alone paid over $100 million more for their heating oil than they would have ordinarily, while additional heating costs for businesses, factories, schools and hospitals amounted to millions more. Last year, New Jersey consumed over 959 million gallons of #2 oil—more than any other state in the nation. Nearly half the homes in New Jersey—over one million residential units—heat with oil. We cannot afford to be placed in the precarious position of entering yet another heating season with inadequate reserves. We are leaving ourselves vulnerable to price increases at best and supply disruptions at worst.

The U.S. Department of Energy must take the initiative to secure commitments from the industry to increase inventory levels for heating oil. Such minimum levels should be set to assure stability in both prices and supplies. The State of New Jersey, and the nation as a whole, cannot afford the social or economic consequences which can result from entering another winter with less than adequate heating oil reserves.

I look forward to your prompt response to this most urgent matter.

Sincerely,

LEONARD S. COLEMAN, Jr.,
Commissioner.●

IN SUPPORT OF A FREE TRADE AGREEMENT WITH ISRAEL

● Mr. D'AMATO. Mr. President, I wish to join as a cosponsor of S. 2746, legislation recently reported by the Committee on Finance to authorize the President to negotiate a free trade area agreement with Israel. This proposal is the result of a meeting last November between President Reagan and Israeli Prime Minister Shamir.

Since enactment of the Reciprocal Trade Agreements Act of 1934, Congress periodically has empowered the President to negotiate and to proclaim reciprocal reductions in tariffs with U.S. trading partners. The most recent grant of such authority occurred in the Trade Act of 1974, which served as the basis of negotiated tariff reductions in the Tokyo round of multilateral trade negotiations from 1975 through 1979. The 1974 act also authorized Presidential negotiations for agreements to reduce or eliminate nontariff barriers as well, subject to subsequent approval by Congress. The Tokyo round was very successful, resulting in congressional approval of 17 nontariff barrier agreements. These tariff and nontariff measures were intended to maintain the longstanding U.S. policy of preserving and promoting economic growth through a strengthening of the international trade system.

The President's basic tariff negotiating authority contained in section 101 of the 1974 act expired on January 2, 1982. Currently, the President is without any tariff proclamation authority.

The Governments of Canada and Israel have expressed an interest in conducting preliminary negotiations to determine the feasibility of concluding traded agreements to eliminate tariffs and other trade-distorting practices affecting products traded between the two countries and the United States. Israel seeks an agreement encompassing all product sectors, while Canada seeks an agreement limited to a few sectors. Such agreements offer substantial new opportunities for U.S. exporters, who have been suffering a substantial loss in world markets recently.

S. 2746 would amend section 102 of the Trade Act of 1974, which authorizes the negotiation of reciprocal trade agreements addressing nontariff barriers, to authorize the negotiation of trade agreements with only Israel and Canada to reduce or to eliminate tariffs and nontariff barriers that unduly burden or restrain the foreign trade of the United States or which adversely affect the U.S. economy. The bill would also prohibit any trade benefits to be extended to any other country by reason of the extension of any trade benefit to Israel or Canada.

The principal purposes of the bill are to provide the President with the authority he requires to negotiate agreements with these countries in good faith and the assurance that the Congress will approve or disapprove of any agreement within a reasonable period of time.

For a decade, Congress has spoken of the need to pursue seriously a bilateral trade agreement with Canada, building on the successful 1965 auto pact. In August of 1983, the Canadian Government proposed the creation of such a limited free-trade arrangement. Although no decisions on negotiations have been made, such sectors as farm machinery, certain communications services, furniture, steel, and Government procurement are of particular interest. Canada and the United States are each others largest trading partners; approximately 70 percent of Canadian trade is with the United States and approximately 20 percent of U.S. trade is with Canada. There are also substantial foreign investments held in each country by citizens of the other. The President should be able to respond affirmatively to initiatives such as that of the Government of Canada. The United States can only benefit by seeking ways to open further Canada's markets to U.S. exporters and to remove barriers to U.S. trade.

Although 90 percent of Israeli exports into this country already enter duty-free, either because of zero duty rates or because of the graduated system of preferences, the United States consistently enjoys a trade surplus with Israel, even excluding military shipments. However 40 percent of U.S. exports to Israel remain subject to tariffs in the range of 10 percent to 15 percent. A mutual elimination of any remaining tariff barriers would greatly benefit U.S. exporters, while not subjecting the U.S. economy to an expanding Israeli export market which currently accounts for approximately one-half of 1 percent of all U.S. imports. The United States is Israel's largest trading partner and that country's export market is critical to the viability of an economy so heavily burdened by enormous defense requirements.

As the U.S. trade deficit increases, we should not ignore means of increasing opportunities for U.S. exporters. In addition, S. 2746 will serve to tighten the close bonds which exist between the United States and Israel, the only stable democratic nation in the Middle East.

I urge speedy adoption of this legislation.●

HONORING NICOLAS ARDITO-BARLETTA

● Mr. D'AMATO. Mr. President, I wish to offer my heartfelt congratulations to the newly elected President of Panama, Nicolas Ardito-Barletta.

President-elect Barletta was elected on May 16, 1984, in the first election after 16 years of military rule. This election represents the triumph of democracy over a system that had been tightly controlled by the military.

President-elect Barletta will be an effective leader. He is honest, capable, and well qualified to be the President of Panama. Barletta's career began as a professor of economics and as adviser to Government agencies in Panama. He then became a key economic adviser to former Panamanian President General Omar Torrijos.

As his reputation grew, he became active in a number of regional organizations involved in economic development. From 1973-78, Mr. Barletta was the Minister of Planning and Economic Policy. In 1978, Mr. Barletta left Panama to become the vice president of the World Bank in charge of Latin America and the Caribbean. He is an accomplished economist with a wide reputation in international finance. Mr. Barletta has both the past experience in government and an important understanding of both domestic and international economics to effect important change in Panama.

This experience and knowledge is essential because Panama currently is faced with many economic problems. Panama is racked with a 14 percent unemployment rate, coupled with little economic growth and a lack of adequate housing and medical care. This is a problem that most Western nations have experienced over the past 4 years. With his background in economic policy, Mr. Barletta possesses the tools to turn the economy around. Having worked in the World Bank and possessing a doctorate in economics, President-elect Barletta is one of the most qualified men to bring economic recovery to Panama.

With several unstable governments hostile to the United States thriving in Latin America today, this election is all the more encouraging. Mr. Barletta promises to move the military out of politics and to consolidate civilian democracy. His election is an important step toward democratic reforms being enacted throughout the region. President-elect Barletta's shining example hopefully will be emulated throughout Central America and will be an example to be followed by all world leaders.

Mr. President, I appreciate the opportunity to express my congratulations to Nicolas Ardito-Barletta. I urge my colleagues to fully support the Panamanian experiment in democracy.●

RELAY '84

● Mr. DANFORTH. Mr. President, I would like to take this opportunity to express my support for a group of individuals taking part in a very special relay race. Relay '84 is being sponsored by the World Runners International Foundation, an international running club dedicated to focussing public attention on the tragedy of world hunger. This race will take world runners from the United Nation steps in Geneva, Switzerland, to the Olympic games in Los Angeles. Along the way, the runners will spread the message that world hunger can and must be overcome.

The runners participating in this relay are making a very visible demonstration of their concern for the problem of world hunger. Individual efforts such as these are instrumental in building public support for the fight against starvation and malnutrition. I commend the world runners for their commitment and determination and wish them a safe journey.●

THE AMERICAN STEEL INDUSTRY: MYTH VS. REALITY: VIII

● Mr. HEINZ. Mr. President, today I present my eighth in a series of brief statements which will appear periodically in an effort to elevate the level of debate on the crisis in the American steel industry.

The U.S. steel industry and its problems cannot be correctly understood without understanding the world market and the factors that dictate the flow of steel within it. Natural comparative advantage—the traditional economic concept upon which the world and U.S. trade philosophy is based—have very little to do with most foreign steel exports. By reviewing the percentages of government ownership, the guiding principles for national steel industries and the policies toward imports in Japan, the European Community [EC] and the Third World, the economic realities of the world steel industry can be better understood.

In order to effectively restore competitiveness to the American steel industry, policymakers must cope with the world trade situation as it exists rather than as they would like it to operate. Therefore, I am offering some further myths and realities about the industry to help provide a common set of facts from which we can all work to restore health to our ailing steel industry. A clear understanding of international trade in steel is crucial to policy recommendations necessary to the American steel industry's recovery.

MYTH

Although foreign governments may be more active in aiding their domestic steel industry, foreign steel producers are essentially as independent as those in the United States.

REALITY

American steel makers are among the few producers in the world subscribing to the traditional economic theory of the profit motive. The Japanese steel industry is orchestrated through administrative guidance from Japan's Ministry of International Trade Industry [MITI] reducing competition among domestic producers in order to maximize gains and minimize problems for the industry as a whole. When operated as a unit, the Japanese steel industry is insured optimum scale economies and efficiency.

In recent years, national steel industries within the EC have become increasingly government owned and operated units. For example, in France, Italy, and the United Kingdom, the Government controls 100 percent of the steel production by integrated producers. In Belgium, the Government controls 78 percent of integrated production. Thus, social and political considerations can receive more attention than what makes good economic sense, which has meant dumping and subsidizing in order to sell steel at any price in order to maintain employment.

Because steel is the necessary material for any industrial economy and its manufacture is a major source of employment, less developed countries [LDC's] desiring an industrial base have sought to develop a steel production capacity, regardless of its profitability. Due to the enormous finds and organizational capacity required to catch up, the Government in an LDC must be the leading force in society for industrialization. Therefore, most steel industries in the Third World are government owned and operated. For example, in Latin America, the Governments of Mexico, Venezuela, and Argentina control 100 percent of their integrated steel production while the powerful Brazilian steel industry is 77 percent government controlled. Other major U.S. competitors such as South Korea and Taiwan are also 100 percent government controlled.

MYTH

Globally, the steel industry continues to be guided by free market principles, similar to those adhered to by U.S. corporations.

REALITY

The U.S. steel industry is one of the last in the world to remain tied to the traditional economic concept of free market trade. The Japanese steel industry was created and defined largely by Government industrial policy which protected it from many of the adverse effects of free market competion. Past Government actions have included bail-outs of large firms facing bankruptcy, encouraging collective investment efforts among producers, forming cartels to prevent price collapses and purchasing excess production. The Japanese steel industry has developed a 142 million net-ton capacity, far more than is needed to meet domestic demand which has not exceeded 69 million tons since its peak in 1973. Thus, producers have pressured the Government to maintain high

export levels when domestic demand is low. The U.S. market has been primary destination for Japanaese steel in the past.

The EC has sustained overall steel production levels through the use of subsidies and formulated policy pursuant to regional employment problems. Subsidies, rather than efficiency or comparative advantage, have become the decisive market force. Prior to the 1982 U.S.-EC arrangements which restricted EC steel exports to the United States, the large volume and price effects of dumped and subsidized steel were found to have caused material injury to the U.S. industry in the several successful 201 petitions filed before the ITC. In 1981, EC surplus steel production capacity was estimated by the EC to be over 50 million net tons, a number equal to 40 percent of the total quantity of raw steel produced in the United States that year.

Steel production and export levels of LDC's have been substantially influenced by each State's requirements for foreign exchange and severe debt problems. Expansion in the 1970's overestimated the volume of domestic demand and by the 1980's coincided with the stagnation of world steel demand which contributed greatly to global excess capacity in steel. LDC's are using these new steel plants to maintain domestic employment and generate foreign exchange needed to continue payments on their foreign debt by producing for export. This determination to exports at any cost led to the export of 6,340,000 net tons of steel to the United States in 1983, an increase of 57 percent over 1982 levels. Subsidized, low-priced steel exports hardly reflect the normal working of a free market.

MYTH

Restricting imports into the U.S. market would be an unheard of action in international steel trade.

REALITY

Import restrictions have been a part of the national policy of most of the major competitors of the American steel industry for many years. The Japanese steel industry was formally protected by the government until the early 1960's and is now protected by structural barriers to imports, notably the refusal of large trading compaines to handle imported steel. In 1982, steel imports rose to 3 percent of apparent domestic consumption, rising to 4 percent by 1983. Import penetration levels of 3 or 4 percent caused largely by imports of Korean Steel are viewed by the Japanese with the same concern presently registered by American producers suffering from import penetration levels over 25 percent. In the future, more formal barriers to imports may return.

The EC has limited imports to a maximum or 12 million net tons or to about 10 percent of apparent EC steel consumption per year. In addition, the community has negotiated a comprehensive array of restrictive bilateral agreements with each of its major foreign steel suppliers. Any products not covered are monitored against minimum import price levels as established by the EC.

The LDC's have limited most steel imports to those products which indigenous producers do not or cannot make in sufficient quantity. During the establishment of production capacity and during periods of expands production or import levels, market forces are severely constrained. Access for foreign steel to LDC markets is nearly universally restricted to satisfying only demand which the domestic industry is unable to satisfy.

Foreign government control of much of the free world's steel production is an established fact which we can neither ignore nor wish away. To expect the American steel industry to compete automatically with foreign competition, organized and operated on a national basis with substantial Government involvement and support is a denial of reality. The American steel industry need Government assistance to restructure and regain the competitiveness necessary to survive in a world steel market which is no longer guided by traditional free market principles.●

SISTERS OF CHARITY COMMEMORATED

● Mr. SARBANES. Mr. President, I am pleased to recognize and pay tribute to the Sisters of Charity of Saint Joseph's at Emmitsburg, MD, on the anniversary of its founding on July 31, 1809, by Elizabeth Ann Bayley Seton. Elizabeth, known as "Mother Seton," based the rule of her foundation on the French Daughters of Charity, with which the Emmitsburg community affiliated 30 years after her death. In commemoration of their 175th anniversary, the Emmitsburg community and six additional American communities, all founded by Mother Seton, will hold an anniversary celebration at Emmitsburg during the weekend of July 28 through July 30 with a Eucharistic liturgy on Sunday, July 29.

Mother Seton is special not only to Marylanders but to Americans for historical, humanitarian and spiritual reasons. Principally, she is noted for having founded the first order of women religious in the United States and for having established the free school at Emmitsburg which was the precursor of the American parochial school system. She is unique in American and church history as the first and, to date, only native of the United States to be canonized by the Roman Catholic Church. More than a century and a half later, tens of thousands of visitors annually retrace her steps, some as tourists to visit her houses as fine examples of colonial architecture, others as pilgrims to her shrines to seek her intercession in their prayers, and still others simply to absorb the peace, serenity and spiritual strength of the land she walked.

The development of the seven religious communities of American Sisters of Charity which today trace their origin to Elizabeth Ann Seton is a continuation of her own story: response to human need, cooperation and dialog with the leaders of the church in America and prayerful discernment of one's personal calling amid the many claims on energy and resources. At the time of Mother Seton's death in 1821, the original community of 5 sisters had grown to 50. Today, from her original founding of the Sisters of Charity of Saint Joseph's in Emmitsburg, the following seven North American religious communities trace their origin and total some 7,500 members: the Daughters of Charity of Saint Vincent de Paul; the Sisters of Charity of Saint Vincent de Paul of New York; the Sisters of Charity of Cincinnati; the Sisters of Charity of Saint Vincent de Paul of Halifax; the Sisters of Charity of Saint Elizabeth, Convent Station, NJ; the Sisters of Charity of Seton Hill, PA; and most recently the Sisters of Charity of the Immaculate Conception, New Brunswick, Canada. In recognition of their mutual heritage, the seven communities have formed the Federation of Elizabeth Seton's Daughters.

When Mother Seton established her community in Emmitsburg she defend its objectives as "works of piety, charity and usefulness, and especially for the care of the sick, the succor of aged, infirm and necessitous persons, and the education of young females." Today the 7,500 individual American Daughters of Charity and Sisters of Charity carry on the work of their founder in the United States, Canada, and in foreign missions.

Mr. President, the compassion and spiritual comfort of the Federation of Elizabeth Seton's Daughters have touched the people of their communities deeply and their programs have benefited the many people they have served. I ask my colleagues to join me in congratulating the Daughters and Sisters of Charity for their outstanding work and in wishing their members continued success in carrying on the noble and necessary work of Elizabeth Ann Seton.●

PRESIDENT ALFONSIN'S SPEECH TO THE NATION

● Mr. KENNEDY. Mr President, last December, Argentina returned to democratic civilian rule after many long years of military government. Since then, President Raul Alfonsin

has worked to consolidate the foundations of freedom there and to strengthen the democratic process. In this task, President Alfonsin and the Argentine people face a tremendous moral, political, and economic challenge, that of nurturing a newborn democracy. Thus far, they have met that challenge.

Now, however, Argentina is confronting a serious financial crisis, which has the potential to undermine the political and economic order. In a time of global economic recession which has been particularly harsh on our neighbors to the south, Argentina is under great pressure to meet the demands of its $45 billion debt. Thanks to rising U.S. rates, the interest owed on this debt has increased 30 percent since January alone. At the same time, austerity measures—taken to meet these financial obligations—threaten to place the burden unjustly on workers' wages and on vital social programs. It is, in short, a narrow, difficult path which Argentina is on; one flanked by financial bankruptcy, political instability and social injustice.

Several weeks ago, President Alfonsin addressed the Argentine people on the precarious economic situation they face. Calling on the Argentine nation to persevere in self-sacrifice, his speech outlined a courageous economic program designed to meet the challenge, reduce fiscal deficits and government waste, stimulate foreign investment, increase exports, and curb tax evasion. Most importantly, it does not place the burden of sacrifice on those least able to bear it; it upholds the government's responsibility to social justice and the country's poor. As President Alfonsin put it:

I am not asking anyone to give anything to his country as a gift, although I know the generosity of the Argentine people; I am rather asking everyone to do something with the government. I am not asking anyone to do it for his government but along with the government.

President Alfonsin and the Argentine people deserve great praise for their courage and determination in maintaining and strengthening their democracy through common effort. I ask that excerpts from the text of President Alfonsin's speech be printed in the RECORD.

The excerpts follow:

EXCERPTS FROM PRESIDENT RAUL ALFONSIN'S SPEECH TO THE NATION FROM OLIVOS PRESIDENTIAL RESIDENCE IN BUENOS AIRES ON JUNE 28, 1984

Allow me tonight to share with all of you a few thoughts. At these crucial times when men and peoples firmly believe that they are facing enormous challenges which demand efforts, discipline, and self-sacrifice, it is necessary to pause and reflect.

We cannot deny the seriousness of the crisis we are experiencing. Nothing will be accomplished by closing our eyes and clenching our fists. We will merely continue deceiving ourselves and refusing to accept a difficult, but not insurmountable, reality.

The first concrete step necessary to overcome this situation is to confront it, define it realistically, and make a joint effort to find solutions. Thus I will explain some of the main ideas, the guidelines, which the constitutional government has been following to cope with the need to rebuild the postwar economy which, as you all know, we have inherited.

Once I outline these guidelines I will call upon each and every one of you to accept your share of responsibility because a joint and equitable effort will be our only guarantee for success.

I am addressing my fellow citizens, asking them to make an exceptional effort capable of repairing current economic imbalances. I am doing so assured that most Argentines, irrespective of their political leanings, will fall in line behind this drive for reconstruction which has already been launched and will now receive a new impulse from the long-term economic and social plan for industrial, financial, and agricultural recovery which the economy minister will soon announce to the nation.

No one can deny that we Argentines are living under severe pressures. These pressures stem from the fact that we have retaken the democratic path and if we draw from our collective memory we will recall that the beginning of military cycles was fraught with much stronger pressures. The truth is that the time when a few made the decisions for the entire community is long past. The beginning of our democratic life has been surrounded by a constellation of problems, many of them distressing. We are burdened by a heavy political, cultural, moral, economic, and financial load, and we are the ones who must rise to the current challenge.

It is true that we have recovered the state of law and that the majority rules with full respect for minorities. However, it is equally true that we feel somewhat lost and that sometimes it seems to us that we lack the necessary strength to overcome obstacles.

Millions of Argentines are experiencing freedom and democracy which youngsters before were not able to enjoy. We have welcomed some superficial disorders to our lives typical of freedom, but we must be aware that the more or less noisy expression of differences is not enough to consolidate a democratic system. As we have said, this system was not established 200 years ago. It is a system which must be zealously protected, just as protected as a newborn baby. It would be highly dangerous for people not to distinguish between a freedom still in its consolidating state and the definitely consolidated freedom achieved in other countries.

Freedom is necessarily linked to reason and in order to be a free man it is necessary to join efforts with other men to defend the democratic system and to make it more just. We are proud of the firmness and courage with which the Argentine people are facing the calamity of a crisis which is violently affecting them. We thank them for their efforts and patience in their struggle against great difficulties.

Not only, however, is this crisis attacking the Argentine people. There is, as in war, a treacherous psychological action aimed at breaking the resistance of the Argentine people through a defeatist skepticism. The Argentine people are better tempered than many of their leaders and many times know by intuition the truth which they are not being told. The Argentine people do not believe those who are to a great extent responsible for the current situation nor do they believe in the frivolous irresponsibility of people who demand magic and immediate solutions.

The world is going through one of the most serious crises in history, worse in some aspects than that of 1930. All nations are affected by this situation, which can be labeled as truly malignant. The underdeveloped countries are bearing the worst part of the crisis. Latin America is a clear example of the mechanisms used, mechanisms which have created an unbearable general indebtedness, worsened by the arrogant impunity which permits increased interest rates.

The Argentine people know that our foreign debt was contracted not to capitalize us but to consolidate our dependence and impose a model disregarding the will of the people. The people also know that this debt is generating enormous and arbitrary interest rates, a situation which if not immediately corrected will increase adverse effects on unemployment and real salaries.

We have already clearly stated: We will pay our legitimate obligations but we will not accept recessive measures or the reduction of workers' salaries.

Can anyone believe that at this stage of our civilization, in a totally interdependent world, whenever there is well-being it is handled so as to benefit the financially affluent, and whenever there is a crisis these very same affluent sectors cast it on the shoulders of the week?

The creditors urge Latin American countries to pay off their debts, to increase their interest rates, to reduce the incomes of their workers, and to stifle their economies. As if all this was not enough they continue to discriminate against imports as the terms of trade deteriorate.

The political will of industrialized nations, of international credit organizations, and of international banking sectors must change so as to find a correction of the conventional principles which have been applied so far, so that each specific case can be negotiated in an equitable manner. Authorized spokesmen of the industrialized world agree with this viewpoint.

The main objectives of the independent economic policy which the Argentine Government has been following and will continue to follow are to increase economic activities, improve income distribution, and curb the rate of inflation. These objectives compel me to call upon all Argentines for a supreme effort because we must realize that an independent policy requires joint efforts from all. It demands a solidarity effort made to the fullest possible extent. Only in this way will we be able to continue repairing Argentina's unbalanced economy and lay the foundation for a sustained process of improvement and growth in the standards of living of all. We know that we have the human and material resources to attain this objective if we act in a coherent and decisive manner when handling the various economic variables.

As I call upon you for this effort I tell you in advance that we will avoid the pitfall of allowing the burden of sacrifice to fall upon the shoulders of those who are the least prepared to bear it. Sacrifices must be shared and borne mainly by those who are better prepared for them.

As far as the government goes, its efforts will be directed toward the reduction of the fiscal deficit and will be based on strict austerity which we propose to make even more rigorous every day. According to the provisions of the national budget, the draft of which has been submitted to Congress, any

expenditure not duly justified and any vacancy not proven indispensable will be frozen.

The example of austerity should begin at the top. Therefore, I exhort all those who hold public positions, whether elected or appointed in organizations or enterprises at the national, provincial, or municipal level, to make sure that the salary for their services does not differ from the average salaries in their area.

Another essential aspect has to do with the productivity of state enterprises. In this regard I have ordered that indicators of the efficiency of these enterprises be established so that they are rigorously managed to ensure the best utilization of the important resources which they have available. We will closely monitor the enterprises of the public sector for their managerial efficiency through the participation of workers and professional associations.

At the same time we will speed up as much as possible the privatization of the numerous enterprises and activities which have been unduly incorporated into the public sector in recent years and which, because of the goods they produce or the services they provide, cannot justifiably be kept within the public sector. The commission which has already been created to that effect will be joined by representatives of the private sector who can contribute with their experience to the prompt implementation of this privatization plan.

Finally, as far as the effort of the government is concerned, the large subsidies which are widely granted without sufficient economic and social reasons will be reviewed.

As for the entrepreneurial sector, and in order to stimulate the growth of the economy, the government will encourage investments in new equipment, machinery, and technology. It will do this by promoting internal savings that will be channeled into productive investments. To this end, the government will resort to measures that will include instruments of credit intended for that specific purpose.

We will make it clear that the financial sector, which provides a public service, should be committed once and for all to production. The Central Bank will step up the task of supervising the banking system to ensure that every last peso is earmarked for production and the creation of social wealth, and that not a single cent is taken out for speculation.

Likewise, stimulus will be given to direct foreign investments to the extent that they bring in technology the country lacks, considering that we are greatly behind in the accumulation of this new resource of production in modern society. These foreign investments will also be encouraged in activities for which there is not sufficient domestic capital.

In this regard, I feel that current international conditions could, and I am not speaking from a utopian point of view, make Argentina attractive for permanent investment of these capitals if, as we plan, the appropriate economic and social atmosphere is created and clear-cut rules of the game, compatible with the autonomy of our development, are established.

Our large foreign debt makes a substantial increase of exports necessary. Argentina has excellent conditions for obtaining constantly growing surpluses in its trade balance because of the favorable difference between our foreign sales and purchases. We plan to make additional headway in this field. We propose to carry out an aggressive drive aimed at increasing exports, for which we must maintain a suitable exchange rate without overvaluing the national currency in which, as everyone knows, the nation has had a painful experience. However, we must also rule out undervaluation because its consequences have been equally negative.

In this regard the best way to establish the most suitable exchange rate will be based on the favorable development of these three variables: exports; current account balance, excluding servicing of foreign debt; and the level of international reserves.

As to the more economically endowed sectors, I find it scandalously immoral that under the present circumstances there could be Argentines who attempt to evade taxes. In just 30 days we will implement exceptional measures to curb tax evasion. This is the deadline I hereby set for taxpayers to put their accounts in order. After this grace period, if you want to call it that, they will find that it is immensely better to fulfill their obligations than face the severe measures which will be enacted. It is only natural for taxes to be applied first to those who are able to pay them. Therefore special emergency taxes will be levied on those persons whose assets or profits exceed certain limits. Provincial and municipal governments are hereby urged to implement, within their jurisdictions, measures in keeping with the crisis which has befallen our country.

As for the labor sectors, we are aware that as far as social benefits go, we must carefully manage what little we have for some time. Being able to reconcile this harsh reality that we have inherited with our heartfelt objectives of social justice is a great responsibility for the government but it is also a challenge for the understanding and cooperation of the various social sectors involved.

There are many shortcomings in health, education, housing, and nutrition. In accordance with the basic principles of justice we must give priority to those who have received the hardest blow during the years when policies against the people were implemented. Whatever has to be postponed should be understood as the contribution of one for the other and not as the violent displacement of one by the other. This is the difference between a distribution struggle, in which the weak are always the losers, and the social solidarity we advocate. This is the basis of the policy we are implementing. This is the basis of the progressive reforms in the programs of health, education, nutrition, and housing for the poor.

Regarding the salary policy, it will be implemented within the general framework of the goals established for a 6- to 8-percent increase in real salaries during 1984. The salary increases will be staggered in accordance with the economic situation and in order to favor the low income sectors.

Salary increases above the established guidelines will be postponed and they will represent savings when granted later with readjustments and interests. Other sectors of society, depending on their capacity to save, will be included in a system for saving part of what they would otherwise spend.

A deviation from the established guidelines would be a severe blow to the economy considering its current situation. The people responsible for these decisions, public employees, businessmen, and workers must understand that by violating the salary guidelines they are showing lack of social solidarity because this results in inflation and unemployment.

We Argentines, if we want our country to survive and if we do not want to play into the hands of the enemies of the fatherland, must understand that to solve our problem we need dialogue and conciliation more than strikes and conflict. We will continue to fully guarantee the constitutional right to strike but we will demand the fulfillment of all the legal steps to resolve them. Only by having a great sense of responsibility can personal interests and the nation's needs be reconciled. For each hour of strike we avoid we will be adding an hour of production and goods to the service of the community.

I have said many times that modern societies need strong and representatives unions. The current situation compels these unions, just as it does the rest of us, to use commonsense. In an unbridled struggle for income distribution it is certain that inflation would thwart any sacrifice.

As I have said before, the effort which the salaried sector is asked to make will be reciprocated by the heavier tax burden which the more economically endowed sectors will bear through a higher cost for displaying wealth and severe measures to curb tax evasion. The implementation of these measures, which constitute the guidelines of the government plan, will be based on an equitable distribution of sacrifices throughout Argentine society and the setting of clear-cut and permanent rules which will free productive sectors from uncertainty during the implementation of the plan.

The constitutional government is the leader and the guarantor, but not an autocratic arbiter, of this fair distribution of benefits and opportunities. Thus it calls for a broad and responsible participation of the people and their intermediate organizations to oversee its implementation.

Pluralism and participation play a concrete and effective role in modern society; lack of consensus leads to clashes and belligerence. We will seek consensus. We will seek proper harmony between demand and supply of commodities. It is pointless to give the workers money if these workers have not produced goods and services to satisfy demands. In February, as we had promised during the electoral campaign, we proposed to various labor organizations a number of measures and mechanisms for participation which we now reiterate in the assurance that our words have been heard.

We said then that one of the essential conditions of a modern state was the ability to find new ways of interpreting social phenomena. We said that in our modern world democracy could not exist without strong and fully participatory unions. We have always said that democracy and participation within the unions mean allowing the members to have their say, while additionally they mean seeking agreements with the employers and the state on essential economic decisions.

The participation of workers and the organizations which represent them must take place through mechanism for public consensus which will study economic and social solutions. The road toward a national consensus is now paved with the set of historic agreements reached by the political parties on 7 June 1984. We are seeking our fellow citizens for an additional effort. Each social sector will make this effort in keeping with its capabilities. This struggle, in which there can be no deserters, will benefit the Republic. The national government must set the example of severe austerity, but those who have more must be the first to join in.

We Argentines accept the challenge and are willing to cope with the situation, drawing upon our moral reserves. It would seem that we are asking each and every citizen for a high quota of heroism. It is true that sometimes one must be a hero to stay free and be a citizen of a nation, but this time we merely want compliance with the law and the effort necessary to strengthen democracy. If the economy were to be destroyed, democracy would die, and some despot would wring dry a people who would no longer defend themselves.

We all know what it cost the country to live without democracy. This is what we are paying for now. I repeat what I said on the bank of the Parana River on Flag Day. This is a common task. It must be done by the government and the people in common agreement, otherwise it will not be done at all.

I am not asking anyone to give anything to his country as a gift, although I know the generosity of the Argentine people; I am rather asking everyone to do something with the country. I am not asking anyone to do it for his government but along with the government. I ask you all to believe that this effort is necessary and to respond to it. I am sure that Argentina will fulfill its destiny. I trust and we trust, I am sure, in the destiny of the nation.●

KEMMONS WILSON—ENTREPRENEUR EXTRAORDINAIRE

● Mr. SASSER. Mr. President, Tennessee has produced many illustrious sons and I rise today to honor an exceptional one. He is Kemmons Wilson, an entrepreneur of rare vision who was born in Memphis and hasn't slowed down yet in all his 71 years.

Thirty-four years ago, Kemmons Wilson opened his first Holiday Inn in Memphis, making him virtually the father of the motel industry. Five years ago, a major heart attack slowed him a bit, but he roared back to found new empires, the Orange Lake Country Club and Wilson World, enterprises of time sharing and hospitality for the 20 million annual visitors to Disney World in Florida.

Mr. President, Kemmons Wilson's story is a fascinating example of the business successes that come to the innovative businessman. I submit in the RECORD the story of Kemmons Wilson which appeared in Florida Trend in March 1984.

KEMMONS WILSON: DREAMING NEW DREAMS AFTER HOLIDAY INNS

(The nation's best-known innkeeper hasn't exactly been dozing in retirement. At age 71 he is set to make a new mark in Central Florida.)

(By William Souder)

The gridlock occurring most days on a cloverleaf in the boonies west of Orlando is enough to give trapped motorists headaches and nervous spines. For Kemmons Wilson, a 71-year-old born-again entrepreneur from Memphis, the traffic jam outside the Magic Kingdom is as bracing as two fingers of good Tennessee sour mash. Wilson takes so much joy from the sight that he occasionally drives the four miles from his villa at Orange Lake Country Club just to watch the cars inching along on Route 192. Having built one empire by the edges of America's freeways, the founder of Holiday Inns has chosen to to start his second as close as he can to the bumper-to-bumper madhouse entrance of Disney World.

"I give full credit to Mickey Mouse," Wilson says. "Where else in the world can you set up a business and be guaranteed that more than 20 million people will drive past your front door every year?"

Where else indeed but turnstile-for-a-heart Central Florida? And who better to seize the opportunity? Kemmons Wilson may well be the only man to have had a greater impact than Walt Disney on the traveling public. In 1952 Wilson, already a successful real estate developer, opened his first Holiday Inn in Memphis. Twenty years later, Holiday Inns Inc. opened a new hotel somewhere on the planet every 72 hours. In 1979, having appeared on the cover of Time magazine and been named one of the most important men of the 20th century by The Times of London, Wilson suffered a major heart attack and retired as chairman of Holiday Inns the following year. Within a few months Wilson had found a new line of business—time sharing. It took him only a split second to decide where he would start it.

"I figured Orlando would be the place to come," he says, "So I started looking for land and bought some."

To be precise, Wilson paid $2.5 million for 357 prime acres on Route 192, four miles west of the Disney main gate, and began planning Orange Lake Country Club, a $100 million golf and tennis time-sharing resort. Just like that. The plan called for a 27-hole golf course, an Olympic-size swimming pool and a tennis complex that would include a 7,000-seat amphitheater for major events—all to be flanked by some 1,000 townhouse-style villas. Anchoring the project would be a sprawling $6.5 million clubhouse featuring a waterfall and an 18-hole artificial putting surface in the atrium, plus an additional 168 time-share efficiency units.

By mid-1981 construction was under way. Sales of the first units began in February 1982. To date, Wilson has sold some 6,500 one-week units in Orange Lake, or about 12% of the total planned for the project. Revenues so far have totaled $40 million, nearly as much as the entire U.S. time-share industry brought in only eight years ago.

Wilson calls Orange Lake his "second dream." But despite having stepped down from Holiday Inns, he didn't exactly come out of a sleepy retirement to start the new project. From his Memphis base, Wilson heads a large, family-owned conglomerate of some 90 companies. Most of his operations are involved in aspects of real estate development and management, though he also owns a company that makes nacho chips and picante sauce—a snack fetish Wilson has indulged in almost daily for years.

Even so, Wilson is the sort of oldline entrepreneur who is at his best doing something new, and it's evident that Orange Lake has become his pet. He flies in from Memphis nearly every Tuesday and stays several days, depending on what needs to be done and whom he can find to play tennis in the evenings. Wilson and his wife stay at a villa identical to all the others in Orange Lane, where, like a Holiday Inn, everything is standardized right down to the bedspreads and the silverware. By day he works at a nondescript desk in a corner of the construction office of the clubhouse. He serves as general contractor on the project, partly because it saves him as much as 10 percent on operating costs, mainly because he just plain likes the work.

"I'm a developer," he says matter-of-factly. "To me there's nothing more fun than to go out and buy a piece of land and build something on it."

He is also a stickler for details, most of which he attends to personally. Wilson surrounds himself with the people who have their hands on his project, draftsmen and plumbers and groundskeepers. He is obsessed with the cost of things, pouring over a garbage collection contract one minute, figuring how many manhours it will take to repair tile on the swimming pool the next.

"He is interested in everything," says George Glover, president of Wilson's hotel management group which runs Orange Lake. "The operational end he delegates. When it comes to construction and purchasing, it's all his."

Beside his attention to detail, the book on Wilson is that he always knows exactly what he wants and how to get it for less.

"You're talking to the world's greatest buyer," he says. "Of course, I always say that anything bought right has only been half-sold."

The story of how he dreamed up the hotel chain that spawned an industry is vintage Wilson. Following a family driving trip to Washington, D.C., in 1951—during which they stayed at a succession of motels that varied in every respect save their willingness to charge extra for children—Wilson came back to Memphis determined to build a string of hotels that would be uniform in design where children could stay free.

Originally he thought he'd build them all himself, figuring 400 hotels stretching coast to coast would about do the job. That turned out to be a little out of reach. Wilson built four Holiday Inns in Memphis and then started franchising to other builders. But it was the details that Wilson had right at the outset. On his trip to Washington Wilson had carefully measured and recorded the dimensions of every room he stayed in, so that by the time he got back to Memphis he had not only an idea for a hotel, but pretty much a finished floor-plan.

"Nobody ever designed anything for me," he says. "I always tell 'em what I want so they can draw it up."

Wilson insists that it was only the heart attack that caused him to retire from Holiday Inns. At the time, however, his critics charged that Wilson was better at starting new companies than running big ones. At any rate, Holiday Inns suffered through severe financial travails during the 1970s, and it became clear that it was time for the company to be turned over to professional managers who could streamline operations and move methodically into parallel businesses like casino gambling. It had become, perhaps, no place for an entrepreneur. Wilson gives at least backhanded credence to that analysis, conceding that line management is not his long suit.

"I'm probably a terrible manager," he says. "A guy who is a good manager has more or less a mechanical brain. A guy like me has a more curious brain."

Wilson says that when he retired from Holiday Inns he didn't even know what time sharing was. But in early 1981, while he was visiting a home-building operation he owns in Sarasota, longtime business associate Billy Springer showed him a time-share unit he had purchased on Sanibel Island. Wilson was fascinated. He asked what Springer had paid for his two weeks, and also what he fig-

ured the unit had cost to build. Wilson worked out the arithmetic and decided time sharing was a business he ought to be in.

Time sharing struck a chord in Wilson's "curious brain" despite the enormous difficulties facing the fledgling industry. Time sharing's high-risk infancy has been a continuous struggle on two fronts, one for respectability and the other for financial health. The industry has seen more than a few flim-flam operators come and go, hustling low-rent projects through quick conversions of hotels coupled with dicey comeons and high-pressure sales tactics. Such practices have already resulted in restrictive legislation in many parts of the country, including Florida, which last year adopted stringent regulations designed to force time-share developers to clean up their marketing acts. Time-share operators have meanwhile slogged through lawsuits, bankruptcies and a host of unresolved questions about fair assessment and taxation, souring many of their customers with undersold and sometimes uncompleted projects.

Probably the biggest problem for the industry has been public uncertainty and skepticism about how time sharing is supposed to work. Even now, polls indicate that only about one in three people knows what time sharing is. Just what one owns in a time-share unit seems a little murky to everybody, since in most projects the management of the development will eventually be turned over to an owners association which must somehow get consensus from hundreds or even thousands of owners on how to run the resort.

But while its critics believe time sharing is already an idea whose time has come and gone, the industry continues to grow—through admittedly more slowly than its promoters thought it would. In 1983 there were 100 new time-share projects opened in the United States. Total industry sales hit $1.5 billion and are expected to climb another 10% to 15% this year. Victor Parra, executive director of the National Time Sharing Council, says time-share developers are becoming more responsible and buyers more sophisticated.

"The average person who buys time share now is a fairly intelligent investor," Parra says. "You're not going to scam them."

Kemmons Wilson remains unfazed by the industry's tarnished image and iffy financial future, and believes as many as one million families may buy time shares over the next three years. To cash in on that opportunity, he plans to play the game differently and better than others in the business. The promotion program for Orange Lake trades heavily on Wilson's personal credibility. The sales pitch never fails to mention that the resort is being developed by the same man who became the nation's innkeeper.

"We try to run a squeaky-clean operation," he says, adding that time sharing is the "only way the average man can own a second home."

There's no question that, done correctly time sharing can be lucrative. Wilson seems clearly on the right track. Along with his three sons, he controls 100% of the stock in Orange Lake. Circumspect and still feverishly competitive at 71, he is intentionally vague about his costs and profits, but both will certainly be substantial. Counting in land, bricks and mortar, it costs him roughly $100,000 to build one villa in Orange Lake. One-week units are currently priced, according to the time of year a buyer selects at between $5,100 and $9,900. The average price paid for a unit so far has been $6,000, which means that even with no price increases, each villa will return about $300,000 in revenues if the project sells out. That adds up to a potential gross of some $300 million on Wilson's $100 million project. Probably more.

The Wilsons stand to make a bundle from Orange Lake, possibly setting a new industry standard for profitability in the process. The project has already achieved an almost unheard-of efficiency in its frugal marketing operation. The cost of sales at Orange Lake is currently running at about 28% of revenues. Most time-share developers have marketing costs of 40% to 50% of revenues. Wilson keeps his costs down by eschewing third-party brokers (who can take as much as a 30% cut) and selling primarily to the tourist trade that Disney delivers to his doorstep each year. And they're buying. Wilson's 60-member sales force closes a deal with one of every five potential customers who walk through the door. Buyers have come from 39 countries and all 50 states.

Wilson attributes much of his quick success with Orange Lake to its prime location and price amenities package. He spent $3 million on the golf course, another $1 million on the tennis stadium and swimming pool.

"We're pretty sure we have the better mousetrap," he says.

Wilson also draws on the enormous financial muscle of his personal resources. In the old days, Wilson sold Holiday Inn franchises for $500 plus five cents a room per night of occupancy. Times change.

"Back then I could show a guy how to borrow everything he needed to open a Holiday Inn," Wilson says. "But if you want to build something like Orange Lake, you'd better have about $30 million in your pocket to start with."

With only 146 of the proposed 1,000 villas completed, Wilson still has some way to go to finish Orange Lake. Naturally he's already thinking about doing another time share project as soon as he finds the right piece of land, which he says will be somewhere other than in Florida. In the meantime, just to keep busy, he's acquired another 480 acres along Route 192. On one parcel adjacent to Orange Lake he plans to develop a residential community. Down the road toward Disney World he's built a 443-room hotel to be called—what else—Wilson World, which is scheduled to open this month. A great believer in all real estate axioms pertaining to location, Wilson enjoys driving past Wilson World whenever he heads down to the cloverleaf to survey the traffic.

"If you've got the right location," he says merrily, "you can do no wrong."

ONCE AN INNKEEPER, ALWAYS AN INNKEEPER

To Kemmons Wilson, the only thing better than opening a business just four miles from the main gate at Walt Disney World is opening one three miles closer. That's just what he'll do later this month when he cuts the ribbon on "Wilson World."

Wilson World is $10 million, 443-room hotel that Wilson has designed to "fit the needs of the average Disney traveler." While a number of new luxury hotels have been opened or are under construction in the area of late, the founder of Holiday Inns has opted for a more moderately priced ($45 to $65 a night) approach. Kemmons Wilson being Kemmons Wilson, however, Wilson World will come with a few new wrinkles.

For one, the hotel will feature a large, domed-in swimming pool in the center of the building. Guests will be able to swim up to a bar and order a drink without drying off.

Then there is the restaurant. "The average family that comes to Disney World ends up spending a small fortune to feed the kids," Wilson observes. To cut those dining costs, Wilson World's restaurant will be a fixed-price buffet.

Described by one company official as "Kemmons Wilson's baby," Wilson World is also another instance of Wilson's refusal to consider retirement. An ardent tennis buff, he could just as easily hang out at Orange Lake Country Club perfecting his lob. Says Wilson:

"Naw, I try to stay busy all the time. Like to read the want ads, especially the business opportunities. After all, tennis is like lovemaking. You can't do it all the time."●

EDUCATIONAL RIGHTS OF HANDICAPPED CHILDREN

● Mr. STAFFORD. Mr. President, the Education For All Handicapped Children Act of 1975 and section 504 of the Rehabilitation Act of 1973 are the primary laws relied upon by those seeking to protect and enforce the education rights of handicapped children. As of 1984, over 2 million children were receiving special education and related services in our public school system. On July 5 the Supreme Court in Smith against Robinson dealt a blow to the protections these laws provide for handicapped school-aged children and young adults.

The Court ruled in a 6-to-3 decision that the awarding of attorney's fees to parents is not allowed under Public Law 94-142, and furthermore, that remedies available under section 504 of the Rehabilitation Act and section 1983 of the Civil Rights Act are not available when the claim is filed under Public Law 94-142.

The Education For All Handicapped Children Act does provide for a detailed and comprehensive administrative system within the statute itself as the primary means for handicapped children to secure their education. The Court is right in assuming that Congress did not want individuals to bypass this system by bringing suits directly to court under section 504 or section 1983. At the same time, Congress never envisioned Public Law 94-142 as limiting or restricting the civil rights of handicapped children.

By denying attorney's fees under Public Law 94-142, the Court is limiting access to the judicial system only to those families who can afford to pay.

In 1978, when Congress approved section 505 of the Rehabilitation Act and addressed the need for attorney's fees, we were concerned for the rights of all handicapped people. No exception was made for school-aged children. As Justice Brennan so aptly stated in his dissent to the July 5 decision:

It is at best ironic that the Court has managed to impose this burden on handicapped children in the course of interpreting a statute wholly intended to promote the educational rights of those children.

I am pleased to join with my colleague Senator WEICKER in cosponsoring this amendment to Education For All Handicapped Children Act. It is a bill that will clarify the intent of Congress to protect and enforce the educational rights of handicapped children.●

UNANIMOUS-CONSENT AGREEMENT—S. 1668, CONTRACTS RETAINING PRIVATE COUNSEL TO FURNISH COLLECTION SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that at 10:30 a.m. on Wednesday, July 25, the Senate temporarily lay aside the pending business, H.R. 5798, the Treasury-Post Office appropriations bill, and proceed to the consideration of Calendar No. 977, S. 1668, the debt collection bill, under a 60-minute overall time limitation, to be equally divided between the Senator from New York [Mr. D'AMATO] and the Senator from Ohio [Mr. METZENBAUM].

I further ask unanimous consent that the following amendments be the only amendments in order: a D'Amato amendment in the nature of a substitute and three Metzenbaum amendments to be considered en bloc—the first to limit attorney contingency fees to current standards, the second to increase competition in the distribution of contracts to law firms, and the third to require an annual GAO audit.

I also ask unanimous consent that it be in order for the majority leader or his designee to withdraw the reported committee amendment.

I also ask unanimous consent that at 11:30 a.m., the Senate proceed to vote on the Metzenbaum amendments en bloc, with one vote, to be followed immediately by a vote on the D'Amato substitute as amended, if amended; that to be followed immediately, without any intervening debate, amendment, motion, appeal, or point of order, by a vote on final passage of S. 1668 as amended, if amended.

Further, I ask unanimous consent that paragraph 4 of rule XII be waived; that following the vote on final passage, the Senate resume consideration of the pending business, H.R. 5798, the Treasury-Post Office appropriations bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

Mr. STEVENS. I thank the Senator from Ohio for his concurrence.

REMOVAL OF INJUNCTION OF SECRECY—TAX CONVENTION WITH ITALY

Mr. STEVENS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Tax Convention with Italy (Treaty Document No. 98-28), which was transmitted to the Senate by the President of the United States on July 3, 1984; and I ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention between the Government of the United States of America and the Government of the Republic of Italy for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fraud or Fiscal Evasion ("the Convention"), together with a supplementary Protocol and exchange of notes, signed at Rome on April 17, 1984. I also transmit the report of the Department of State on the Convention.

Important changes in United States and Italian tax laws and the development of a model tax treaty by the United States made it necessary to replace the existing income tax convention with Italy, which has been in force since 1956.

Among the principal features of the new Convention are the inclusion of the Italian local income tax among the taxes covered by the Convention and a reduction in the tax at source on most dividends. The Convention also introduces a limitation on the taxation at source of interest paid to residents of the other country. It provides a maximum rate of tax at source of 10 percent on royalties.

The protocol provides that the benefits of the Convention are limited to residents of the two countries, and otherwise clarifies and supplements the Convention. The exchange of notes sets out certain understandings between the two governments.

I recommend that the Senate give early and favorable consideration to the Convention, together with the supplementary Protocol and exchange of notes, and give advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *July 3, 1984.*

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. STEVENS. Mr. President, is there an order for the Senate to convene at 10 a.m. tomorrow?

The PRESIDING OFFICER. The time for convening of the Senate tomorrow has not yet been established.

Mr. STEVENS. I ask unanimous consent that when the Senate stands in recess today, it convene at 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow, after the time for the two leaders under the standing order, there be a special order, not to exceed 15 minutes, for the Senator from Wisconsin [Mr. PROXMIRE].

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow, following the time for the special order, there be a period for the transaction of routine morning business, not to extend beyond 10:30 a.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, following the time for the transaction of routine morning business on tomorrow, the Senate will proceed to the consideration of Calendar No. 977, S. 1668, the debt collection bill, under a 60-minute time limitation. A rollcall vote will occur on the Metzenbaum amendments en bloc at 11:30 a.m.

Following consideration of S. 1668, the Senate, under the time agreement, will return to the consideration of H.R. 5798, the Treasury-Post Office appropriations bill.

RECESS UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 6:46 p.m., recessed until tomorrow, Wednesday, July 25, 1984, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 24, 1984:

FARM CREDIT ADMINISTRATION

Crete B. Harvey, of Illinois, to be a member of the Federal Farm Credit Board.

Farm Credit Administration, for a term expiring March 31, 1990, vice John D. Naill, Jr., term expired.

TENNESSEE VALLEY AUTHORITY

John B. Waters, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 1993, vice Simon David Freeman, term expired.

THE JUDICIARY

Andrew Lewis Frey, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals for the term of 15 years, vice John W. Kern III, retired.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. James R. Brickel, [redacted], U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Harry A. Goodall, [redacted] U.S. Air Force.

HOUSE OF REPRESENTATIVES—*Tuesday, July 24, 1984*

The House met at 12 o'clock noon.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Help us, O Lord, to see in our daily tasks that opportunity to do Your work in our world. Enable us to focus on what is important and not only transitory, on what is essential and contributes to our common good. As we acknowledge our creation by Your hand encourage us to help build a better world, where justice and respect and dignity will be the marks of our humanity. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

GERALDINE FERRARO: A POLITICAL PIONEER

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, we have allowed, in this age of information, statistics to masquerade as measurements for every aspect of American life from military power to economic security.

But, Mr. Speaker, it is the things we cannot measure statistically that make us a great people; the lessons of freedom and justice embodied in our Constitution, the hope and love of parents for their children, and the vitality and innovation of our artist and scientists. This is the foundation of our Republic.

Our national spirit knows no index and brooks no poll.

Our spirit and sense of opportunity soared when Walter Mondale chose GERALDINE FERRARO to be his running mate. It has been a long and difficult struggle for the women of our land. Our greatness rests with our ability to confront inequality and set it straight.

We can say with confidence that this daughter of Italian immigrants, self-made in the finest of American traditions, is truly a political pioneer.

Past generations understood the special meaning of the names Abraham, Martin, and John. Future generations will know the importance of GERALDINE, BARBARA, PATRICIA, and LINDY. Their time is now.

As an American, as a Member of this great institution, as a New Yorker and as a proud Italian American, I bear witness to this historic moment—the true beginning of a new political era.

Bellisima, GERRY, bellisima!

REPRESENTATIVE FERRARO WILL CONTINUE TO PURSUE ISSUES OF SPECIAL CONCERN IN THE HOUSE IN COMING WEEKS

(Ms. FERRARO asked and was given permission to address the House for 1 minute.)

Ms. FERRARO. Mr. Speaker, when I last stood on the floor of this House on June 29, little did I know that I would return less than a month later as our party's nominee for Vice President of the United States.

Because I respect the rules and the Members of this House, I have a problem. My problem is: How do I explain in 1 minute what my 6 years in this House, the people's House, has meant to me?

If there is one negative in this immense and exciting challenge that lies before our Democratic ticket, it is that I will have to give up my congressional seat in order to run.

When I arrived in Washington in January 1979, I had so very much to learn and so many wise and experienced men and women to teach me. Last January, when we mourned the death of our friend and colleague, Ben Rosenthal, I spoke of how much he had helped me find my bearings in this august and historic body. There are many, many others like him on both sides of the aisle, and I thank you.

How well I still recall my first major floor appearance. It was a heartfelt speech on behalf of peace in Cyprus. In the midst of my impassioned rhetoric, the wrong word slipped out and I could not go on because I burst out laughing. John Brademas, who was managing the bill, almost slipped under the table because he did not want to look at me. And all of my colleagues were enjoying the laugh as well. This House, I quickly learned, is a place where we take the issues confronting this Nation very, very seriously but take ourselves a little less seriously.

This is not a farewell address. I plan to spend as much time as possible here in the coming weeks pursuing those issues of special concern to me and the people of the Ninth Congressional District in Queens which I still represent. But I did want you, Mr. Speaker, and my colleagues to know how deeply I respect and cherish this institution and the distinguished men and women I have come to know over the past 6 tough, demanding, inspiring, and productive years.

Thank you all from the bottom of my heart.

GERALDINE FERRARO: A RECORD TO BE PROUD OF

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I want to remind our colleagues of the many bills of interest to women and children GERALDINE FERRARO has been pushing here in the House: a private pension reform initiative, child support enforcement, pay equity, insurance discrimination reform, the 1984 Civil Rights Act, and numerous others.

FERRARO has been a leading member of the congressional caucus for Women's Issues. In 1982, she chaired special House Democratic caucus task force on women's issues.

It is a record to be proud of. Certainly GERALDINE FERRARO has done more from her single seat in the House to advance the rights of women and children than the entire Reagan administration put together. No wonder Vice President BUSH is afraid to debate her.

□ 1210

HISTORY IN THE MAKING

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, history was made by Walter Mondale last week when he became the first Presidential candidate to choose a woman as his Vice Presidential running mate. He chose a woman of great quality; a leader in our own House of Representatives, our colleague, our friend, GERALDINE FERRARO.

I am convinced that GERALDINE will help lead our country with a conscience and sense of caring. She will have as her ultimate purpose to bring peace to this global community, fairness to all of our Americans, and tranquility to all.

I especially want to thank GERALDINE for the great work she did on the issue that relates to economic justice for women, pay equity. It was GERAL-

DINE and PAT SCHROEDER, along with the help of myself that brought the issue forward, and this means much to the issue of economic justice, particularly younger women, and of course, older women who experience great hardship. So we are blessed to have known GERALDINE; we wish her well. All of us are pledged to work for her leadership in this country and her election and Walter Mondale's election in November.

THE SPOTLIGHT IS ON ALL OF US

(Ms. MIKULSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MIKULSKI. Mr. Speaker, I rise with my colleagues in the House to join in the acclaim of the nomination of GERALDINE FERRARO for the Vice Presidency of the United States. I would also like to say that when Walter Mondale turned the spotlight on GERALDINE FERRARO, he turned the spotlight on all of us, all of my congressional sisters. We appreciate that. For Congresswoman FERRARO is not an overnight success. She has worked for 48 years to be the woman that stands before us and before the country today. It was the hard work of her mother and her family and those who helped her.

As we pay respect to Congresswoman FERRARO today, I would like in her behalf to pay the respects to those people who made the nomination possible. First of all, for those wonderful women who worked to give us the vote; those wonderful women who will now work to include us in the Constitution as we include ourselves in the White House.

I would like to thank the mothers of the Congresswomen who encouraged us to pursue excellence, and all of those other women who were role models. I know for people like GERALDINE and MARY ROSE and LINDY and BARBARA KENNELLY, the nuns played a very important role in showing us how women could combine femininity and the pursuit of intellectual excellence.

Last but not at all least, I would like to thank the fathers. We know that GERRY's father died before she could reach maturity. My own father supported me in a way that was unusual for a man of his time. He, like my mother, believed girls should have an education and a real chance to pursue the American dream.

It was our parents, the nuns, the Girl Scout leaders, a lot of us that went into shaping a GERALDINE FERRARO in all of us, and we appreciate the fact that Walter Mondale probably finally brought all of us to the world's attention.

God's speed, GERRY, you are going to need it.

A LONG TIME IN THE MAKING

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, history indeed has been made with the nomination of GERALDINE FERRARO as the Democratic Vice Presidential candidate. It was a long time in the making. Two hundred and eight years ago, Abigail Adams cautioned her husband John that when they were writing the Declaration of Independence that they had best remember the ladies, else they would foment a rebellion and grant their own rights to themselves.

Well, Mr. Speaker, the rebellion has arrived, and we indeed have a woman who can head this ticket as the Vice Presidential nominee with grace and integrity and charm, but indeed with a great deal more with her energy and her fine intelligence, and the fact that she is such a good human being. A loving mother, a devoted wife, and a very caring daughter. The very kind of person that a young Member of Congress said to her one day that, "If there are going to be power politics played and great decisions made about the future of our lives, I want to be sure that GERALDINE FERRARO is in that room."

Thank God, Mr. Speaker, she will be in the room. I believe that Abigail Adams would salute the choice!

A STEP FORWARD HAS BEEN MADE

(Mrs. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS. Mr. Speaker, it is a great deal of pride that I felt while I was sitting in San Francisco last week when GERALDINE FERRARO, by acclamation, was named the nominee for the Vice President of the United States.

It has been said here today that she represents women and that we are all very proud of her. I have a special pride for GERALDINE because I know how hard it has been for a woman to get anyplace. Being both black and a woman, I know that it has not been very easy to move forward with one's career. I was extremely happy for GERALDINE FERRARO, because I knew that a step forward had been made in our history.

If GERALDINE is to become our Vice President in 1984—and I believe she will with our help—I truly believe that the times are opening up in America, and that all of us, black and brown and yellow and red, et cetera, can all feel very proud of her because now we also know that our time has come. I pledge my full, active, aggressive support to her and to our Democratic ticket.

A REPRESENTATION OF HOPE

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, Congresswoman FERRARO, GERRY, you represent so much hope to all Americans and not just to women. But, to American women, you represent the equality they deserve and they have earned. To American men, you represent the sharing of the awesome responsibility of governing; a responsibility that should be shared.

To American children, GERALDINE, you represent the knowledge that they can pursue their dreams with an increased sense of optimism.

I want to take a moment to talk to the President, who calls your nomination a token. I want to ask the President if he thought it was a token when GEORGE BUSH cast the tie-breaking vote in the Senate for the MX? Did he think it was a token when GEORGE BUSH cast the tie-breaking vote in the Senate for chemical weapons? I do not think that is a token.

GERALDINE, I wish you were there already. I know you are going to be there, and we are with you all the way.

WHAT CAN HAPPEN IN A FEW WEEKS?

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, is it not wonderful what can happen in a few weeks? We left here on a Friday night quite exhausted, having done our duties as Congressmen and Congresswomen. We return here this morning feeling so good because one of us, one of the Members of the House of Representatives of the United States has become the nominee of the Democratic Party for Vice President of the United States.

Right now, Mr. Speaker, the emphasis is on GERALDINE FERRARO, the woman. But, Mr. Speaker, in a few weeks the focus will be on GERALDINE FERRARO, the individual, the woman we know as an activist on the Public Works Committee and a person who represents her constituency beautifully. A woman on the Budget Committee who understood where we were and where we were going and where we had to go to improve our infrastructure.

This woman is a proud Member of the U.S. Congress. She is now going out on the road, going across America, to explain what we are all about. We who know her best, we who have stood side by side with her, are awfully proud today.

IT IS ABOUT TIME

(Mrs. BURTON of California asked and was given permission to address the House for 1 minute.)

Mrs. BURTON of California. Mr. Speaker, other nations have had women leaders for centuries; now the United States will elect a woman Vice President, and it is about time. Walter Mondale showed his insight and good judgment when he chose someone we all know will thoroughly impress the Nation.

We are so pleased that GERRY FERRARO is the Democrat's nominee. But the House is honored to have one of its own to run in this historic campaign. I am especially pleased that she was nominated in my own city of San Francisco.

Mr. Speaker, I join you and other Members in wishing GERRY the best of luck and success in the coming months and years, and we will all miss you, GERRY.

□ 1220

CONGRATULATIONS AND GOOD LUCK

(Mrs. HALL of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HALL of Indiana. Mr. Speaker, it is indeed a pleasure to be here today and to congratulate my colleague, GERALDINE FERRARO.

I have never enjoyed a convention as much as I did the one in San Francisco, because not only was it refreshing, it strengthened all of the women in this country who truly believe in equality. To have GERALDINE FERRARO nominated as the Vice Presidential candidate certainly is one of the greatest milestones that America has ever made.

I look forward to working very hard to make sure that she is elected and that she serves us well and that America allows a woman to hold the No. 2 spot.

Congratulations; good luck. We all share your future.

GERRY, WE WISH YOU GODSPEED

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, it is with great pride and joy that we welcome back to the House one of our own. Since we recessed, the gentlewoman from New York, GERALDINE FERRARO, our friend GERRY, has transformed American political history and advanced the cause of social justice and equality for all Americans.

As she campaigns across America, all our citizens will come to know her as we do, as one who is compassionate, pragmatic, intelligent, and hard working. She knows what America is all about. She knows about the struggles of the average family. She knows what it means to shop, what utility bills can do to a family budget. She knows the value of a decent education for our children, and the special problems women face in our society. She has a deep and abiding concern for world peace and human rights. She is a tribute to this great body, the House of Representatives, the people's House, the body closest to the people.

GERRY, we wish you Godspeed.

NOT A WOMAN, NOT A MAN, BUT A VICE PRESIDENTIAL CANDIDATE

(Mrs. BYRON asked and was given permission to address the House for 1 minute.)

Mrs. BYRON. Mr. Speaker, let me say to GERRY, we came in this body together. I hope she is leaving me behind as she moves on.

One of the things that she mentioned when she addressed this House today was that it has been 6 short years. They have been short; but they also have been long.

One of the things that we were all asked as we arrived here 6 years ago: what it was like to be a woman in a man's world. One of the things that I have consistently said, and I think GERRY has consistently said, is that we are all Members of Congress. We are not men and we are not women. We are Representatives. I think once and for all the Democratic Party has put that to rest. We have a Vice Presidential candidate—not a woman, not a man, but a Vice Presidential candidate.

WE ARE PROUD OF YOU, GERRY

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I am very happy today to stand here among my colleagues and applaud Mr. Mondale for choosing GERALDINE FERRARO as our candidate for Vice President.

GERALDINE FERRARO is a very hard working, a very articulate, a very capable Member of this body who happens to also be a woman. I think it is important to realize that it is not GERRY's nomination, but the nomination of the Democratic Party bestowed on a candidate who brings enormous talent and ability to this position.

For a long time, when a little boy was born, his parents would say, "You know, he may grow up to be President some day." Now the parents of little girls can also say, "You know, she just may be the first woman President."

It is a great day. I think it has brought a new spirit across America, a spirit that is really capturing the hearts of Americans, that a woman has been chosen. We are proud of you, GERRY.

GERALDINE FERRARO, THE QUEEN OF QUEENS

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. My district adjoins GERRY's.

Mr. Speaker, it is indeed a proud moment for us in the House, and especially for us who live back home with GERRY in Queens, to welcome her here today as Vice Presidential nominee and a Vice President to be, the Queen of Queens, GERALDINE FERRARO.

We in Queens knew the value and the potential of GERRY for many years. We have worked for her elections. It was my privilege as the dean of the New York delegation and a senior Member from Queens to campaign way back in 1978 with GERRY, knowing that she would make a great Representative from Queens, and now the entire Nation will know how great a lady she is, and most important, how great a public servant she is.

GERALDINE FERRARO SHATTERS A MYTH

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I would like to join with my colleagues, those of us from the city of New York, who have so many reasons to be proud, certainly when the House of Representatives knows that we will have somebody not only in the White House that would understand our legislation and understand our constitutional responsibilities, and just as importantly, preside over the other body.

It seems that all of us, Republicans and Democrats, will have a real victory when GERALDINE FERRARO becomes our next Vice President. Of course those of us who have suffered over the years in not having people understand the real problems that we have in the city of New York are going to have a special political joy in knowing that you may not understand it in the House but we will indeed have a friend in the White House who will understand the unique problems that we have in the city.

Certainly from a more important historical view, I think that so many of us in this country who believe that in our own race, our culture, and our backgrounds we have so many citizens who are just born to feel that they

cannot dream and aspire to this high office and that women certainly have been historically put into this group, where sometimes their parents and their friends have counseled them not to be courageous in terms of reaching for the highest political office that we have in this country, that we believe that because GERLADINE FERRARO has so prepared herself for this great honor that when she shatters the myth that there are citizens who, just because of their sex and their backgrounds, will not be able to dream of becoming President, that certainly there are other groups in this country who now know that when she carries the torch for herself and for women, she carries it for so many other people who would like to say that in this great country of ours there is nobody who cannot be considered to be President of the United States if he or she is prepared to assume that great responsibility.

A CREDIBLE AND VIABLE CANDIDATE

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, a few moments ago one of us gave thanks to the people who made GERALDINE's nomination possible. I would like to give thanks to the person who has helped make GERALDINE's nomination credible and viable. Of course, that person is none other than GERALDINE herself.

I have heard remarks, and speeches, and asides, that GERALDINE is not qualified for the office. Frankly, Mr. Speaker, I do not think anybody is qualified to be President of the United States. There is no experience, there is no job training, there are no university courses, that can qualify a person for this awesome responsibility. But I think if one looks at the Presidents who have achieved greatness and distinction one will see that they all have qualities in common, and indeed qualities in common with GERALDINE.

They have greatness of mind, heart, and soul. They have ability to communicate warmly with people. They have decency. They have humanity. They have horse sense. They have common sense. They have ability to make sensible judgments. They have high intelligence. Above all, they have compassion and love for their fellow man, love for their Constitution, and for their country.

I think these qualities of heart and mind and soul, qualities of character and integrity that GERALDINE brings to this candidacy make her preeminently qualified not only for the office for which she is running, but for the office from which, if she succeeds in her quest she will be separated by but a heartbeat.

□ 1230

FERRARO NOMINATION EVOKES PRIDE IN THE HOUSE

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, it is a pleasure to join my colleagues in welcoming Representative GERALDINE FERRARO back to the House. In the past 2 weeks, she had made us all proud—proud to be Americans and proud to be Members of this House from which a colleague can go forth to be the nominee of his or her party for the office of Vice President of the United States.

For women in this country, this has been an especially exciting time. As Representative FERRARO said herself 2 weeks ago in Minneapolis when she was first introduced by Vice President Mondale as his running mate, "there is an electricity in the air, an excitement, a sense of new possibilities and of pride."

Certainly that excitement was present in San Francisco at the convention last week and it is here in the air today. Everyone returning to Washington must have noticed that Representative FERRARO's candidacy remains the No. 1 item of discussion.

As the father of three daughters, I am thrilled by the Ferraro candidacy. It shows them that all things are possible; that indeed their opportunities are endless. Many young women will look back on this candidacy as the one event that led them to think seriously about pursuing a career in politics and Government; that their contributions to this country are real and lasting.

Finally, Representative FERRARO goes forth not only as a trailblazer, proving to all America what many of us have known—that women are up to the job of the Vice Presidency and the Presidency, but proving, too, that Members of the House have the experience and the political savvy to add much to a national ticket.

There are challenging days ahead for our friend and colleague, GERALDINE FERRARO. I am confident that she will duplicate her many successes here in the House on the campaign trail. And as Vice President I know that she will not only keep the faith with her children, but also with us and the American people.

NORTH CAROLINA'S INVITATION TO GERALDINE FERRARO

(Mr. HEFNER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HEFNER. Mr. Speaker, GERALDINE, I knew all along that it was going to be you, and I told you right back then before you went to San Francisco that it was going to be you. There was no doubt about it.

I want to congratulate you, and I want to say this to you and to all the folks in this House: I was in North Carolina at a family day in China Grove, NC. You did not hear a lot about it in the Washington Post, but there were an awful lot of folks from North Carolina there. Folks were saying to me, "What is GERALDINE FERRARO like?"

I said, "Well, we would like to have her come to North Carolina and talk to you folks about family and what this country is all about." And, GERALDINE, I am extending to you an invitation on behalf of the folks from North Carolina to come to China Grove and to Salisbury and let the folks see you and talk to you and let you talk to them about what this American system is all about.

I congratulate you, GERALDINE, and I just want to say to you what we say in North Carolina. We have got an old saying: "You done good."

CONGRATULATIONS TO GERALDINE FERRARO FROM THE DEAN OF THE NEW YORK DELEGATION

(Mr. STRATTON asked and was given permission to address the House for 1 minute.)

Mr. STRATTON. Mr. Speaker, as the dean of the New York delegation and as an early supporter and as one who predicted that GERALDINE would be nominated for Vice President, this is the first time that I have had the opportunity to even come close to her since her designation by Mr. Mondale, even though I was at the convention. The minute that GERALDINE's selection was announced, it was impossible to get through to her on the telephone. And at the convention she was surrounded by Secret Service. Even the Speaker's car was stopped in the San Francisco traffic so that GERALDINE's limousine could get by. So I am delighted to congratulate her now, in person.

We are delighted that she is the nominee, and I will predict that not only the Democrats in New York State but also the Republicans in New York State are going to be voting for the Ferraro-Mondale ticket as a result. She has already added the pizzaz that I predicted she would add to the Democratic ticket.

PIONEER SPIRIT OF TEXAS REKINDLED BY FERRARO NOMINATION

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, the historic selection of GERALDINE FERRARO as nominee for Vice President of the United States certainly comes as no great surprise to those of us who live in the Southwestern part of the United States, and in west Texas particularly, because it is indeed in that same pioneer spirit, which founded our region, that we now will welcome to Texas a new trail blazer in politics and Government.

We in Texas, I think, have been asked perhaps more than some others about how GERALDINE FERRARO will do politically in our region of the United States. Well, the Texas that GERALDINE will find when she goes there will be the same Texas that passed the equal rights amendment as a part of our Constitution over a decade ago. It will be the same State of Texas that elected a statewide candidate named Anne Richards as our current State Treasurer 2 years ago. We are a State, GERALDINE, that will welcome you with open arms because we believe very strongly as Texans that all Americans will vote for candidates based on their ability, not sex, and I for one, GERALDINE, will be more than happy to stand with you in the Southwestern part of the United States and will be proud to escort you all the way from Pecos to El Paso.

GERALDINE FERRARO WELL QUALIFIED AS VICE PRESIDENTIAL NOMINEE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, there is joy in this House and in this Nation this week with the choice of GERALDINE FERRARO as nominee for the office of Vice President. Once again the Democratic Party has reached out to the future and made history and left the Republicans in its wake. The other party may grumble, but they do not know what to say or do, and so what they now are attempting is to attack our Vice-President-nominee for her lack of qualifications.

But let me say to the Members of this House that the fact of the matter is that GERALDINE FERRARO will not only make a great Vice President, she would make a heck of a better President than the current occupant of the White House. GERALDINE FERRARO will not call catsup a vegetable. GERALDINE FERRARO will not regard the arms race as another event in the upcoming Olympics. GERALDINE FERRARO will not favor, in a knee-jerk fashion, the rich over the poor and middle income every time, and the people of this Nation know it.

In my normally politically quiescent district, every day since the nomination of GERALDINE FERRARO we have had at least 15 calls each day asking, how can they help in the Ferraro campaign?

Mr. Speaker, the selection of GERALDINE FERRARO makes us feel good to be Americans.

PRIDE IN AMERICA SURFACES WITH FERRARO NOMINATION

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, we have many problems in this body, we have many problems in Government, but once in a while a person feels compelled to stand up and say, "I am proud to be in this body, and I am proud to be an American." And at this time today I stand up to say that I am proud to see that for the first time in our history we have said that women and men are equal in terms of serving in our Government, and that we can have either a woman or a man serve as Vice President or President in this land of ours.

Of course, one reason for that is because of the qualifications of the young lady who has been selected for this great honor. We are all proud to serve with GERRY FERRARO. My wife and I talked about this some time ago when there was talk that maybe a woman would be chosen, and we said we hoped it would be GERALDINE FERRARO.

During this recent recess, Congressman BARNEY FRANK from Massachusetts came out to my district to visit my farms and to learn about farming, and it has been mentioned that GERALDINE FERRARO comes from New York and the New Yorkers are glad about that. Let me tell you that GERALDINE FERRARO has also been out to the farms of South Dakota to see how our farmers live and what their problems are. That is the type of a leader she would be, a leader for all of us.

GERRY, we are proud of you. We are proud that you have made possible this great step, not just for yourself, but for all of America where the prejudice that has previously existed is no longer there and where we can now say that it does not matter whether you are a boy or a girl or whether you are a man or a woman; we are going to judge, according to the abilities you have, and everyone has equal opportunity to become a leader in this great land of ours.

□ 1240

"A TALE OF TWO CITIES"

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, as the first Republican on my feet this morning and from one New Yorker to another, let me also extend my congratulations to our colleague, the gentlewoman from New York, GERALDINE FERRARO, but at the same time, Mr. Speaker, from one New Yorker to another, let me say that in his keynote address before the Democratic National Convention, Gov. Mario Cuomo called Ronald Reagan's America "A Tale of Two Cities."

Well, Mr. Cuomo, as a fellow New Yorker, your knowledge of Charles Dickens is as weak as your perception of the Reagan record.

Under Carter and Mondale, we had double-digit inflation, economic stagnation, humiliation in Iran. So I would say that Ronald Reagan inherited not two cities but Charles Dickens "Bleak House." After 4 years of Carter and Mondale, America was suffering from another Dickens-style book called "Hard Times."

But then, thanks to Ronald Reagan, inflation cooled, the economy grew, America went back to work, there was more disposable income, more jobs, more opportunity.

That is right. You guessed it, Under Ronald Reagan, America returned to its "great expectations."

So go back and read your Charles Dickens, Mr. Cuomo. You will have plenty of time after November, when Ronald Reagan will take your candidate, Walter Mondale, and beat the dickens out of him (Charles Dickens that is).

THE OLYMPIC SYMBOL

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, yesterday I had one of the most thrilling experiences of my life. In behalf of the Boys' and Girls' Club of Pomona, CA, I had the honor and privilege of carrying this Olympic torch. As we all know, this torch is the symbol of competition, sportsmanship and brotherhood—the qualities civilization has strived for since the beginning.

The crowds that gathered on the streets to watch were a microcosm of our great Nation: young and old; all colors and economic backgrounds. It was an inspiration. The Washington Post has an article this morning that describes how these games have captured the heart and imagination of a

city more usually known for its calm, nonchalant sense of self-control.

Both the city of Los Angeles and the Olympic committee have done what can only be described as a magnificent job of pulling this whole thing together. Despite the unfortunate Soviet boycott, a record number of nations will attend the XXIII Olympiad. Our athletes are ready, the city is ready and the American people are ready. Beginning this Saturday, in Los Angeles the world will witness firsthand that America is standing tall and proud.

THE QUALIFICATIONS OF GERALDINE FERRARO

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, I, too, would like to congratulate my colleague, the gentlewoman from New York, GERALDINE FERRARO, on her selection as the Vice Presidential nominee of the Democratic Party.

While in my home area over the district work period in southern California, I was asked from time to time for my comments on the selection of GERALDINE FERRARO as the Vice Presidential nominee on the Democratic ticket. I told my friends that, well, I think she is as qualified, GERALDINE FERRARO is, to be Vice President, as Rose Byrd is to be Chief Justice of our State Supreme Court. I think there is an interesting analogy. Rose Byrd never practiced law in the private sector, never served as a trial court judge, never served as a district court of appeals judge, and yet there she sits, Chief Justice of the State Supreme Court, and her stewardship has brought that institution to the point of real serious criticism.

I think it is appropriate to examine the qualifications and the voting record of any of us that stand for public office. Sex is irrelevant. We should judge political candidates on their qualifications and on how they vote. GERALDINE FERRARO has not run statewide. She has not occupied a position of leadership in the House.

The big spending voting record of the distinguished gentlewoman from New York, GERALDINE FERRARO, will say to Americans that if she is elected as our Vice Presidential nominee, we can expect more of this big spending practice from this Democratic leadership.

I do not think the American people want that and I think the administration of Ronald Reagan will demonstrate very clearly the contrast for the people to select which course they choose for our country to follow.

MISSING CHILDREN

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, I would also like to offer my congratulations to my colleague, the gentlewoman from New York, on her nomination.

Mr. Speaker, pretty, 8-year-old Christy Luna vanished from near her Greenacres City home in May.

Within 24 hours, this Child Keyppers' poster was in store windows, on telephone poles, and in the hands of police officers in three States.

Within a week the Florida Department of Law Enforcement, through its missing children information clearinghouse, had sent details of Christy's disappearance to police agencies all over the United States.

Christy Luna hasn't been found and intense, cooperative efforts such as this don't always produce results but they sure do increase the chances of finding the Christy Lunas of this world.

Mr. Speaker, for the kids I urge you and my other colleagues to support House Concurrent Resolution 301 which urges States to establish statewide missing children clearinghouses and H.R. 5826 which provides the means to do just that.

Please join me on this important legislation for the Christy Lunas in the world.

A GOOD TIME FOR GERALDINE FERRARO TO BEGIN CAMPAIGNING

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I, too, extend my felicitations to our colleague, the gentlewoman from New York, GERALDINE FERRARO. She is not only a competent lady, but in my mind, she is also a lucky lady, because she begins her travels around the country at a time when the economic news is also at its pinnacle and at its happiest since I have been a Member of Congress; quite a contrast from 1983 when there was a parade of Members of the House who would take this podium to decry the state of the economy and to blame the President of the United States for those conditions.

As GERALDINE begins her campaign now, she can begin her campaign in a day when more people are employed in the United States of America than at any time in the history of our country, when the gross national product is up beyond expectations, when inflation is down beyond the wildest dreams of every American householder. It is a good time for GERALDINE to begin her campaign. She will have a happy country throughout which she can campaign and the problems that remain, we together in the House will help her as Members of the House are supposed to do.

SENIOR CITIZENS WILL BE HAPPY WITH GERALDINE FERRARO

(Mr. PEPPER asked and was given permission to address the House for 1 minute.)

Mr. PEPPER. Mr. Speaker, I know of no group in America who would profit more from having GERALDINE FERRARO in the White House as Vice President than the senior citizens of America.

I was chairman of the House Select Committee on Aging 6 years ago when GERALDINE first came to the House and became a member of that committee. At the same time, she became a member of the Subcommittee on Health and Long Term Care, of which I was then the chairman and still am in the chairman's position.

From the very beginning GERALDINE FERRARO attended the meetings. She was active in the work of the committee. She was very active in the passage of numerous pieces of legislation which that committee sponsored before this House. GERALDINE FERRARO is the author of pension legislation which will help guarantee the economic security of millions of older women in the decades to come.

I shall never forget the way she fought to prevent any cuts in Social Security when that matter was before this House in 1983, nor shall I forget her dedication, her determination to prevent any more payments being required of people covered by medicare or any raising of the age of eligibility, as is now proposed by the administration. No one has fought harder to preserve those programs and the principles which affect the health and well-being of the elderly than GERALDINE FERRARO.

I will always remember an important hearing I attended with GERALDINE in her district on the subject of alcoholism and the elderly. The hearing drew a large crowd and evoked keen interest among the senior citizens. The noted actor Jason Robards was the star witness and he gave a moving testimonial of his own experience as a victim of alcoholism and his struggle to overcome it.

During her 6 years in Congress, GERALDINE FERRARO's devotion to the elderly has set an example and a standard which all of us would be proud to follow. She is one of those dedicated to the cause of the elderly, faithful in pursuit of the means to make life longer and healthier and happier for those deserving people of our population.

□ 1250

I say with pride, no Member of this House or the other body is more faithful to, has served more ably the cause of, and would be more meaningful to the senior citizens of America in a position such as the Vice Presidency than our distinguished and beloved colleague, GERALDINE FERRARO.

NOMINATION OF GERALDINE FERRARO AS VICE PRESIDENT

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, what many people, many pundits, many experts fail to recognize about politics is that each election is a special year, has a special chemistry to it that makes it different from any other election year. So many people are looking at this year and are trying to apply what happened in the 1980 election as though somehow or other it is applicable to this year. It is not.

GERALDINE FERRARO has added a special, magical quality to this political year that makes it different from anything else that has happened in the history of our country. She has the intelligence, she has the toughness, she has the savvy that we have all witnessed here on the floor of Congress.

She is like E.F. Hutton to people here in Congress on women's issues, on issues of the budget. But now, as she begins to speak across this country on the issues of arms control, of the environment, of women's issues, she will also be like E.F. Hutton. When she talks people will listen. When she talks people who have never listened before, will listen.

That is what is different about this year. That is what is magical about this year, and that is why the Democrats are going to win this year in November.

NOMINATION OF GERALDINE FERRARO AS VICE PRESIDENT

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, I rise to join my colleagues in congratulating GERALDINE FERRARO as the Democratic nominee for Vice President of the United States. I have had the opportunity in the 4 years that I have been in this body to office directly across the hall from Mrs. FERRARO and serve on many caucus committees together, and I can personally testify to her competence and ability.

GERALDINE FERRARO will be a superb representative of the American family and of opportunity that only this country provides. As the father of two daughters and the husband of a physician, I am particularly proud to be a Member of this body and to be an American. This is not just a great day for women. This is a great day for all Americans.

NOMINATION OF GERALDINE FERRARO FOR VICE PRESIDENT

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the nomination of GERALDINE FERRARO for Vice President of the United States has cheered the Congress, rallied the Democratic Party, and taken America by storm. In one bold, dramatic stroke, the political landscape has been transformed, never again to be the same.

Her achievement and the savoring of it by Americans of every background and region goes far beyond the political realm.

In expressing their pride in her, the American people are expressing their pride in America itself.

It makes all of us feel good to know that all Americans may now rise as far as their best efforts and ability will lift them. It makes all of us feel good to know that the children of immigrants can rise to the highest offices of the land. Most of all, it makes all of us feel good to be alive at a time when history leaps forward, offering not only women but all Americans newfound hope for the future.

We, her colleagues in Congress, who know her best, know how hard she has worked here and of the intelligence and practical idealism she has brought to the job. We know how superbly qualified she is to be the Vice President of the United States. If America is proud today wait until you see us on Inauguration Day—when the Chief Justice administers the oath of office to President Walter Mondale and Vice President, GERALDINE FERRARO.

NOMINATION OF GERALDINE FERRARO FOR VICE PRESIDENT

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I rise to congratulate our colleague, GERALDINE FERRARO, on being selected as the Democratic nominee for the Vice President. Walter Mondale deserves great credit for an excellent and bold decision. He has opened the door to qualified women seeking the highest offices of our country, and I think he has made a very wise decision.

GERALDINE FERRARO has been an excellent Member of this House. She has done a brilliant job as chair of the Democratic Platform Committee. She has shown, time and time again, her compassion, her care, her sensitivity to the great issues that face this country.

There can be no doubt that she is eminently qualified to be Vice President of the United States, and I think if the high responsibilities of President should fall upon her shoulders, she would be a great President as well.

I have been proud to know her and I was proud to see her family with her on national television. They represent a fine example of an American family with a rich ethnic heritage.

So I take great pride in the selection of GERALDINE FERRARO. I want my colleagues to know that I was in Port Orchard, WA, at a meeting of the local community and there was genuine excitement in the room when the announcement was made that GERALDINE FERRARO would be Mr. Mondale's running mate. The enthusiasm for our future Vice President was no less apparent across my congressional district, and I look forward to having my distinguished colleague, GERALDINE FERRARO, campaign in the State of Washington later this year.

NOMINATION OF GERALDINE FERRARO FOR VICE PRESIDENT

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. GERALDINE, we are very proud of you and we congratulate you on your nomination for this high office. When the President first made the choice I did not know quite what to think. As I talked to various people who felt that your place on the ticket as Vice President might hurt more than it would help, I pointed out that this would depend entirely on you or as a woman of your qualities, and how well you conducted yourself in the campaign.

You have demonstrated that as a wise choice that you can put on an excellent campaign.

I want to give you the following proposition: My district has only voted for two Democrats for President in 120 years, 120 years; in the last 2 years my district has been reappropriated to take away 120,000 people who vote 65 percent Democratic. That is a district in which I have never actively tried to get the Democratic President to come in and support me because I always felt that I had to run on my own.

But this time I feel so strongly that you would be an asset to the ticket that I want to invite you to come into my district during the campaign and I will provide the forum for you to come. I hope you can make it because I am sure that you are going to be a tremendous addition to the ticket and a help to us all in the coming election.

I congratulate you and wish you the best in November and thereafter.

NOMINATION OF GERALDINE FERRARO FOR VICE PRESIDENT

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. I want to add my feeling of deep happiness and joy at the nomination of Ms. FERRARO.

In my district when this was announced it was received with great pleasure and great approval we had once a wonderful woman who represented my congressional district years ago, Ruth Bryan Owen, the daughter of William Jennings Bryan and she made an outstanding record as Congresswoman. So my district realized from a very practical standpoint that here was a great opportunity to have another great woman come to the center of government.

I just think it is long overdue that a woman would be considered for Vice President and for President. I am so happy and I think that my district is so happy with the fact that now this is behind us and we are going forward, and we are going to use the abilities of all American citizens, whatever their gender may be.

It could not happen to a more lovely, more intelligent, more bright and more dedicated American than GERALDINE FERRARO.

NOMINATION OF GERALDINE FERRARO FOR VICE PRESIDENT

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, one of my senior staffers, a woman, said: "It took 200 years to get to the place that a woman is on a national ticket." It occurred to me, as I watched that historical moment when my colleague, GERALDINE FERRARO, accepted her party's nomination for Vice President, it could take only 100 days for her to become the first woman ever to achieve such high office in this country.

I think of my daughter who was with me at the convention in San Francisco. I think of how I'm glad she had the opportunity to be a part of the history of that moment when GERRY accepted her nomination. I think of my son who was also with me at that time. I know that both my children—male and female—know they, too, can be a part of history. Before that night in San Francisco only my son Jon could have really had that sense of being a part of the political process. Now my daughter, Amy, can as well.

NOMINATION OPENS THE PROMISE OF HIGH OFFICE TO EVERYONE IN THE LAND

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, on July 26, 1984, we saw history being made with the selection of our colleague, Representative GERALDINE FERRARO, as the Democratic Vice Presidential candidate. It was a significant, exciting development in American politics, and will long be remembered by all citizens. I would now like to take the time to commend this exceptional woman and the invaluable contributions she has made to this Congress.

Having worked closely with her as a fellow member of the New York delegation, it is apparent that Representative FERRARO exhibits the consideration, diligence, and steadfastness that are essential to successfully representing the people. She is an effective leader tuned to the pulse of our national needs and, as such, has exhibited the capabilities that make the difference between a Vice President and a good Vice President.

Perhaps GERRY's greatest strength is that she is so natural. She can translate the meaning of the Reagan cruelties into terms the average American man and woman can understand and relate to.

The fact that Representative FERRARO is a woman is a significant contribution in itself. Females presently constitute less than 5 percent of this legislative body. Thus, as a Representative, GERALDINE FERRARO has furthered the cause of women in our Government. It is with great enthusiasm that we view her Vice Presidential candidacy. To have a woman nominated by a major party for the second highest office in our Government has opened the door not just for women, but for all Americans, regardless of sex, race, or creed. The nomination of Representative FERRARO gives life to the hope that we may better represent the diverse and multifaceted character of this country.

GERALDINE FERRARO: FULLY QUALIFIED FOR THE HIGHEST OFFICE OF OUR LAND

(Mr. LAFALCE asked and was given permisson to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, as a fellow New Yorker, as a fellow Italian-American Catholic, I naturally take tremendous pride in the selection of GERALDINE FERRARO as the Vice Presidential running mate of Fritz Mondale. I know, also, that every woman in America takes special pride in her selection.

Since I have traveled in my district I have come to realize, in a way I never could before, what a responsive chord her selection has struck, not with feminists alone, but with every female from every walk of life.

But, in my district, individuals have been asking: "Once you bet beyond that background, is GERALDINE FERRARO qualified to become, if need be, President of the United States of America?"

I have responded with two basic answers: First, GERALDINE FERRARO is 10 times more qualified today than Ronald Reagan was 4 years ago today.

Second, there are a number of qualities that you should look to when judging an individual.

A famous Protestant theologian summed them up in a book entitled, "Love, Power and Justice." He says, "The great task of a Christian politician is to reconcile the competing demands of love, the use of power, and the requirements of justice."

Having known GERALDINE FERRARO for 6 years, I do not know of any person in the United States, male or female, Democrat or Republican, who can better reconcile these competing demands: love, power and justice; and that is what she will give us as Vice President of the United States, and if need be, as President of the United States. Thank you.

ON GERALDINE FERRARO: WARMTH, INTELLIGENCE, ALWAYS PREPARED

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, Fritz Mondale's selection of GERALDINE FERRARO as his Vice Presidential running mate was a bold political stroke, one fraught with insight, but, to those of us who know GERALDINE FERRARO, not a surprise.

It has been my pleasure to have GERALDINE serve on the Subcommittee on Economic Development, which I chair, for the past 4 years and I want people throughout this land to know that she selected that subcommittee because of her interest in jobs, in promoting economic growth, in encouraging development of the private sector, in stimulating those areas that have lagged behind the Nation's general prosperity.

I can attest that, as a member of my subcommittee, she has done her homework, been prepared for the committee hearings, sat through long, tedious hours of hearings and markup sessions; she consistently made pertinent observations, showing keen insight into the process and offered suggestions that bore fruit in our hearings and in our markup sessions.

GERALDINE FERRARO comes prepared for this new challenge, she knows her

work, she works hard and is articulate. Those are the qualities that suggest the success of this venture into the Vice Presidential contest. Those are the qualities that will serve her well and would serve well anyone who aspires to, or who may have to assume, the Presidency.

As a fellow Minnesotan, I salute Vice President Mondale for his selection; as dean of the Minnesota delegation, I congratulate GERALDINE FERRARO.

Trust in your own abilities, trust in your experience gained through service in this House and in your competence; you will succeed, you will radiate that goodness and warmth and that intelligence which have been your hallmark in this body.

GERALDINE FERRARO: WELL QUALIFIED AS A NATIONAL LEADER

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, Members of the House, I too wish to join in the commendation of our colleague, GERALDINE FERRARO, as the nominee for Vice President on the Democratic ticket. As I rushed back to my district from the convention in San Francisco, I found a great deal of excitement about GERALDINE's nomination.

There is no question that we in the House know that she is very well qualified for the position not only of Vice President but also as President. Her work in the House has shown this. She has not only considered the concerns of her own district and her own State, but also of other parts of the United States and during her time here has gotten to know the problems not only of the urban areas but also of the rural areas.

There is no question in my mind that my agricultural farmers back in Missouri will be better represented by GERALDINE FERRARO than the present person in the White House and in the Vice Presidency.

I wish to extend to her, as others have done, an opportunity to come to my district and visit during the campaign because I know that the people of my district will be quite impressed as I have been by her activities here in the House.

And I again wish to say congratulations to GERALDINE. I know we will be seeing her next January as Vice President of the United States.

GERALDINE FERRARO: HER NOMINATION HAS OPENED NEW VISTAS FOR MILLIONS OF WOMEN THROUGHOUT THE WORLD

(Mr. SOLARZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLARZ. As a fellow New Yorker, as a fellow member of the Budget Committee, as a fellow Fire Islander, I was pleased as punch with the nomination of GERALDINE FERRARO as Vice President on the Democratic ticket.

We have worked closely together over the course of the last 6 years. During that period of time I have come to develop enormous admiration for her capacities as a Member of Congress, and as a citizen of this country. She has made a great contribution to the work of the Budget Committee, she has been an extraordinarily effective member of the New York delegation and of the Democratic leadership of the House.

Several of my colleagues have spoken about what GERALDINE FERRARO's nomination means to the people of our country. But I would like to say that I was overseas, as fate would have it—I rarely travel but now and then I am out of the country—when news of Congresswomen FERRARO's nomination hit the press.

And I can tell you that in Indonesia, in the Philippines, in Singapore, this was front page news. And I suddenly came to realize that her nomination meant a lot not only to millions of women in our country but to hundreds of millions of women around the world, in small villages in Africa, in Latin America, in Asia who sensed in her nomination for the second highest office in our land the possibilities for human achievement that might one day be open to them as well.

And in that sense, regardless of what happens in this campaign, and I truly hope that we are talking not just about a candidate for Vice President but about the next Vice President, the mere fact of her nomination has opened up vistas of possibility for millions and millions of women throughout the world who sense in her remarkable achievement the possibilities and potentialities for comparable achievements on their part as well.

And in the final analysis our country and this world will obviously be as great as the contribution which all people, men as well as women, of all races and religions, can make.

This has been an enormous step forward, not only for women in America, but for women and for other people all over the world.

□ 1310

APPOINTMENT OF CONFEREES ON H.R. 5712, COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATION, 1985

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5712) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentleman from Iowa?

Mr. O'BRIEN. Mr. Speaker, reserving the right to object, and I do not intend to object, I merely would like to make known to the House that the minority concurs in this request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa? The Chair hears none, and without objection, appoints the following conferees: Messrs. SMITH of Iowa, ALEXANDER, EARLY, DWYER of New Jersey, MRAZEK, CARR, WHITTEN, O'BRIEN, MILLER of Ohio, PORTER, and CONTE.

There was no objection.

COMMUNICATION FROM THE CHIEF OF POLICE OF THE U.S. CAPITOL POLICE

The SPEAKER pro tempore laid before the House the following communication from the Chief of Police of the U.S. Capitol Police:

U.S. CAPITOL POLICE,
Washington, DC, June 29, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to the provisions of House Rule L (50), that James M. Powell, Chief, U.S. Capitol Police, has received a summons from the District Court of Maryland for Prince George's County. In the matter of the *State of Maryland* vs. *Spalding, Robert Leonard,* CR-014725Y4.

After consulting with counsel, I have determined that compliance with the summons is consistent with the privileges and rights of the House.

Sincerely,

JAMES M. POWELL,
Chief of Police.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate on all motions to suspend the rules and after all other legislative business of the day has been concluded.

MERCHANT MARINE ACT AMENDMENTS TO IMPROVE CERTAIN MARITIME PROGRAMS

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5833) to improve certain maritime programs of the Department of Transportation and the Department of Commerce, as amended.

The Clerk read as follows:

H.R. 5833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended as follows:

(1) in section 1103(e), after the last sentence, by adding: "Notwithstanding an assumption of an obligation by the Secretary under section 1105 (a) or (b) of this Act, the validity of the guarantee of an obligation made by the Secretary under this title is unaffected and the guarantee remains in full force and effect.";

(2) in section 1104, by striking subsection (a)(3) and substituting:

"(3) financing the purchase, reconstruction, or reconditioning of vessels or fishery facilities for which obligations were guaranteed under this title that, under the provisions of section 1105:

"(A) are vessels or fishery facilities for which obligations were accelerated and paid;

"(B) were acquired by the Fund; or

"(C) were sold at foreclosure instituted by the Secretary;";

(3) in section 1104(a)(5), by adding "or" at the end;

(4) in section 1104(a)(6), by striking "facilities; or" and substituting "facilities.";

(5) in section 1104, by striking subsection (a)(7);

(6) in section 1104, by striking subsection (d)(1) and substituting:

(d)(1)(A) No commitment to guarantee, or guarantee of, an obligation shall be made by the Secretary of Transportation unless the Secretary finds that the property or project with respect to which the obligation will be executed will be economically sound. In making that determination, the Secretary shall consider—

"(i) the need in the particular segment of the maritime industry for new or additional capacity, including any impact on existing equipment for which a guarantee under this title is in effect;

"(ii) the market potential for the employment of the vessel over the life of the guarantee;

"(iii) projected revenues and expenses associated with employment of the vessel;

"(iv) any charters, contracts of affreightment, transportation agreements, or similar agreements or undertaking relevant to the employment of the vessel; and

"(v) other relevent criteria.

"(B) No commitment to guarantee, or guarantee of, an obligation shall be made by the Secretary of Commerce unless the Secretary finds, at or prior to the time such commitment is made or guarantee becomes effective, that the property or project with respect to which the obligation will be executed will be, in the Secretary's opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources.";

(7) in section 1104(h), after the word "acceleration", by adding, ", assumption,";

(8) in section 1105(a), in the first sentence after the word "demand", by adding: "(unless the Secretary shall, upon such terms as may be provided in the obligation or related agreements, prior to that demand, have assumed the obligor's rights and duties under the obligation and agreements and shall have made any payments in default)";

(9) in section 1105, by striking subsection (b) and substituting:

"(b) In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary, the Secretary may upon such terms as may be provided in the obligation or related agreement, either:

"(1) assume the obligor's rights and duties under the agreement, make any payment in default, and notify the obligee or the obligee's agent of the default and the assumption by the Secretary; or

"(2) notify the obligee or the obligee's agent of the default, and the obligee or the obligee's agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than sixty days from the date of such notice, payment by the Secretary of the unpaid principal amount of said obligation and of the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary shall promptly pay to the obligee or the obligee's agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment.";

(10) in section 1105(c), first sentence, after the word "payment", by adding "or assumption"; and

(11) in section 1105(e), by striking the last sentence and substituting: "In the event that the Secretary shall receive through the sale of property an amount of cash in excess of the unpaid principal amount of the obligation and unpaid interest on the obligation and the expenses of collection of those amounts, the Secretary shall pay the excess to the obligor.".

SEC. 2. Section 214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1124) is amended to read as follows:

"(a) For the purpose of any investigation which, in the opinion of the Secretary of Transportation, is necessary and proper in carrying out this Act, the Secretary may subpena witnesses, administer oaths and affirmations, take evidence, and require the production of books, papers, or other documents that are relevant to the matter under investigation. The attendance of witnesses and the production of books, papers, or other documents may be required from any place in the United States or any territory, district, or possession thereof at any designated place of hearing. Witnesses summoned before the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(b) Upon failure of any person to obey a subpena issued by the Secretary, the Secretary may invoke the aid of any district court of the United States within the jurisdiction in which the person resides or carries on business in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring the person to appear before the Secretary, or an employee designated by the Secretary, there to produce books, papers, or other documents, if so ordered, or to give testimony relevant to the matter under investigation. A failure to obey an order of the court may be punished by the court as a contempt thereof. Process in such a case may be served in the judicial district in which the person resides or may be found.".

SEC. 3. (a) The Shipping Act, 1916 (46 App. U.S.C. 801), is amended as follows:

(1) The first section is amended—

(A) by striking the definitions "common carrier by water" and "common carrier by water in foreign commerce";

(B) in the definition "other person subject to this act", by striking "common carrier by water" in two places and substituting "common carrier by water in interstate commerce"; and

(C) in the definition "carrying on the business of forwarding", by striking "from the United States, its Territories, or possessions to foreign countries, or".

(2) The initial paragraph of section 16 is amended by striking "transportation by water" and substituting "transportation by water in interstate commerce".

(3) Section 21(b) is amended by striking the period following "subject to this Act" and substituting a comma.

(b) The Shipping Act of 1984 (46 App. U.S.C. 1701), is amended as follows:

(1) Section 5(a) is amended by striking "in section 4" and substituting "in section 4(a) or (b)".

(2) Section 11(g) is amended by striking "section 10(c) (1) or (4)" and substituting "section 10(c) (1) or (3)".

(3) The last sentence of section 15 is amended to read as follows: "Whoever fails to file a certificate required by the Commission under this subsection is liable to the United States for a civil penalty of not more than $5,000 for each day the violation continues.".

The SPEAKER pro tempore. Is a second demanded?

Mr. SNYDER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from Kentucky [Mr. SNYDER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5833, a bill that amends the Merchant Marine Act, 1936, to permit the Secretaries of Commerce and Transportation to better handle defaults under the title XI, Ship Financing Guarantee Program. Included in the amendment is a new section 3 which contains purely technical amendments to the recently enacted Shipping Act of 1984 (Public Law 98-237).

This bill, supported by the administration, would permit the Secretaries of Transportation and Commerce to assume an obligor's rights in the event of default on a federally guaranteed obligation, rather than paying, as is required under current law, the entire principal and interest within 30 days of demand by an obligee. The assumption of the debt by the United States as guarantor will relieve the financial burden on the title XI fund at a time when economic conditions have exerted severe pressure on the reserves in the ship mortgage account.

The bill also sets up more stringent criteria for the Secretary of Transportation in the issuance of guarantees, so that the problems of default, mainly due to overtonnaging, may be alleviated. In the case of guarantees for fishing vessels, the Secretary of Commerce, under the terms of this legislation, would measure the obligation by its consistency with the fisheries resources policy of the United States.

This is needed, remedial legislation which I urge my colleagues to support.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may continue.

Mr. Speaker, I rise in strong support of H.R. 5833, a bill to amend certain provisions of title XI of the 1936 Merchant Marine Act and to make technical changes, corrections to the maritime laws necessitated by Congress' enactment of the Shipping Act of 1984 earlier this year.

The title XI ship financing guarantee program of the 1936 act provides Federal guarantees to back the obligations incurred by persons who purchase or pay for the reconditioning of certain types of vessels and facilities set forth in the law. Administration of the program resides within the Maritime Administration of the Department of Transportation, and the National Oceanic and Atmospheric Administration of the Department of Commerce.

In recent years, the number of defaults on title XI-backed obligations has increased markedly, leading to a significant drain on the Federal Treasury as both Departments have been required to pay off in full the guaranteed portion of these obligations. This bill addresses that situation by allowing either Secretary to assume the obligor's periodic payments rather than being required to make an entire lump sum payout.

H.R. 5833 also addresses problems which have resulted from the increasing utilization of title XI-backed financing for speculative, tax-shelter motivated investment in commercial vessels. Nowhere, I submit, has that practice been more rampant than in the inland waterway industry, where investor groups have built barges and towboats without any realistic expectation of operating that equipment for profit. In fact, for tax purposes, profits many well be the last thing that many of those people have had in mind. Backed by MarAd-approved title XI guarantees, these vessels have contributed substantially to the overtonnaging in the industry, with the predictable result that much equipment owned by bona fide operators has been laid up idle or forced to compete for cargoes at less-than-profitable rates. Those conditions, in turn, have contributed to the demise or near-demise of many legitimate operators.

This bill will help halt this practice of providing financing guarantees with minimal regard for the realistic business prospects of a vessel and the effect which its insertion into a trade might have on already established legitimate operators. Modeled closely after provisions in a proposed rule issued by MarAd in August 1983, the bill requires the Secretary of Transportation to take into account certain economic criteria in deciding whether to approve a title XI application, including the extent to which construction or reconstruction of a vessel may contribute to overtonnaging, and the real-world likelihood that the vessel will provide a positive economic return. These criteria are to form the basis of application reviews for all segments of the commercial, nonfishing fleet.

It is not intended that the new language change in any way the procedural means by which MarAd administers the title XI program. By specifying that no commitment to guarantee, or guarantee of, an obligation shall be made without first conducting an economic evaluation based upon those criteria, it is expected that only one such evaluation would be required: prior to MarAd's issuance of a letter of commitment—which is the current practice; or, in the exceptional circumstance, prior to the formal approval of the actual guarantee, where a prior letter of commitment has not been issued. This is also consistent with current title XI program procedures.

Mr. Speaker, H.R. 5833 meets some of the most pressing needs in the administration of the title XI program, and I urge the Members to adopt it.

● Mr. BIAGGI. Mr. Speaker, title XI of the Merchant Marine Act, 1936 authorizes the Secretary of Transportation and the Secretary of Commerce to guarantee obligations to aid in financing the construction or reconstruction of vessels or facilities designed principally for research, or for use in connection with the domestic or foreign commerce of the United States. The Government insures full payment to the lender of the unpaid principal and interest of the mortgage or obligation in the event the vessel or facility owner defaults.

H.R. 5833 amends the Merchant Marine Act of 1936 to allow the Secretaries of Transportation and Commerce to assume a title XI guaranteed loan when an obligor defaults. Current law requires the Secretary to pay off all outstanding principal and interest after a default and within 30 days of an obligee's demand. This bill will relieve the financial burden on the title XI fund and give the Secretary time to make arrangements to deal with the default.

The title XI fund has been self-supporting since its creation. However, recently, because of the serious economic downturn in the maritime and fishing industries, there has been a serious strain on the fund. This bill will ease the immediate pressure on the fund since the Secretaries will not have to tender all the outstanding debt but will merely step into the shoes of the debtor until arrangements can be made for assumption by a new obligor or sale of the property.

The bill also requires the Secretary of Transportation to determine—before a loan guarantee is approved—that the vessel for which the application is made will not contribute to an existing overtonnaging in a particular trade and that there are legitimate business prospects in store for the vessel. These stricter criteria are almost identical to requirements contained in a proposed rule issued by the Department of Transportation.

This legislation would improve the administration of the title XI program. The administration supports it. The Committee on Merchant Marine and Fisheries reported it by unanimous voice vote. I urge favorable action by the House today.●

Mr. SNYDER. I have no further requests for time, and I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 5833, as amended.

The questions was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5833, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

□ 1320

AVIATION DRUG-TRAFFICKING CONTROL ACT

Mr. MINETA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1580) to amend the Federal Aviation Act of 1958 to provide for the revocation of airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Aviation Drug-Trafficking Control Act".

SEC. 2. (a) Section 609 of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new subsection:

"TRANSPORTATION OF CONTROLLED SUBSTANCES

"(c)(1) The Administrator shall issue an order revoking the airman certificates of any person upon conviction of such person, and exhaustion of all direct judicial review of such conviction, for violation of any State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance) if the Administrator determines that (A) an aircraft was used in the commission of the offense, and (B) such person served as an airman in connection with the offense or was on board the aircraft in connection with the offense. The Administrator shall have no authority under this paragraph to review the issue of whether an airman violated any State or Federal law relating to a controlled substance. Before issuing an order revoking a certificate under this paragraph, the Administrator shall provide the holder of such certificate with notice and an opportunity for a hearing on the record. The person whose certificate is revoked by the Administrator's order may obtain judicial review of such order under the provisions of section 1006.

"(2) The Administrator shall issue an order revoking the airman certificates of any person if the Administrator determines that (A) such person has knowingly engaged in an activity which is prohibited by any State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance), (B) an aircraft was used in carrying out such activity, and (C) such person served as an airman in connection with such activity or was on board the aircraft in connection with such activity. The Administrator shall have no authority to revoke a certificate under this paragraph on the basis of any activity if the holder of the certificate is acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity. Before issuing an order revoking a certificate under this paragraph, the Administrator shall provide the holder of such certificate with notice and an opportunity for a hearing on the record. The person whose certificate is revoked by the Administrator's order may obtain judicial review of such order under the provisions of section 1006.

"(3) For purposes of this subsection, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act.".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 609. Amendment, suspension, and revocation of certificates."

is amended by adding at the end thereof

"(c) Transportation of controlled substances.".

SEC. 3. Section 602(b) of the Federal Aviation Act of 1958 is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), the Administrator shall not issue an airman certificate to any person whose airman certificate has been revoked pursuant to subsection (c) of section 609 of this title during the five-year period beginning on the date of such revocation.

"(B) The Administrator may issue an airman certificate to any such person before the end of such five-year period (but not before the end of the one-year period beginning on the date of such revocation) if, in addition to the findings required by paragraph (1), the Administrator determines (i) that revocation of the certificate for such five-year period would be excessive considering the nature of the offense or the act committed and the burden which revocation places on such person, or (ii) that revocation of the certificate for such five-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determination or failure to make such a determination shall not be subject to administrative or judicial review.

"(C) In any case in which the Administrator has revoked the airman certificates of a person under section 609(c)(2) as a result of any activity and such person is subsequently acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity, the Administrator shall issue an airman certificate to such person if such person is otherwise qualified to serve as an airman under this section.".

SEC. 4. Section 501(e) of the Federal Aviation Act of 1958 is amended by inserting "(1)" after "(e)" and by adding at the end thereof the following new paragraph:

"(2)(A) The Administrator shall issue an order revoking the certificate of registration issued to an owner under this section for an aircraft and each other certificate of registration held by such owner under this section, if the Administrator determines that—

"(i) such aircraft has been used to transport a controlled substance, where such transportation is prohibited by any State or Federal law or is provided in connection with any act prohibited by any State or Federal law relating to controlled substances (other than any law relating to simple possession of a controlled substance); and

"(ii) the use of the aircraft was permitted by such owner with the knowledge that the aircraft was intended to be used for transportation described in clause (i) of this subparagraph.

For purposes of this paragraph, an owner of an aircraft who is not an individual shall be considered to have knowledge of an intended use of an aircraft only if a majority of the individuals who control such owner or who are involved in forming the major policy of such owner have knowledge of such intended use. Before issuing an order revoking a certificate under this paragraph, the Administrator shall provide the holder of such certificate with notice and an opportunity for a hearing on the record. Any person whose certificate is revoked under this paragraph may obtain judicial review of such order under the provisions of section 1006. For purposes of this paragraph the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act.

"(B) Except as provided in subparagraph (C), the Administrator shall not issue a certificate of registration to any person who has had a certificate revoked pursuant to subparagraph (A) of this paragraph during the five-year period beginning on the date of such revocation.

"(C) The Administrator may issue a certificate of registration for an aircraft to any such person before the end of such five-year period (but not before the end of the one-year period beginning on the date of such revocation) if the Administrator determines that such aircraft is otherwise eligible for registration under this section and (i) that revocation of the certificate for such five-year period would be excessive considering the nature of the offense or the act committed and the burden which revocation places on such person, or (ii) that revocation of the certificate for such five-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determination or failure to make such a determination shall not be subject to administrative or judicial review.".

SEC. 5. (a) Section 902 of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new subsection:

"TRANSPORTING CONTROLLED SUBSTANCES WITHOUT AIRMAN CERTIFICATE

"(q) Any person who knowingly and willfully violates section 610(a)(2) in connection with the transportation by aircraft of any controlled substance, where (1) such transportation is prohibited by any State or Federal law or is provided in connection with any act prohibited by any State or Federal law relating to controlled substances (other than any law relating to simple possession of a controlled substance), and (2) such person has knowledge of such transportation, shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding five years, or to both such fine and imprisonment. For purposes of this subsection, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act.".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 902. Criminal penalties."

is amended by adding at the end thereof

"(q) Transporting controlled substances without airman certificate.".

SEC. 6. Section 902(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(b)) is amended—

(1) by striking out "(b) Any person who" and inserting in lieu thereof "(b)(1) Except as provided in paragraph (2), any person who";

(2) by striking out "uses or attempts to use" and inserting in lieu thereof "sells, uses, attempts to use, or possesses with the intent to use"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) Any person who violates paragraph (1) of this subsection (other than by selling a fraudulent certificate) with the intent to commit any act prohibited by any State or Federal law relating to controlled substances (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding five years, or both.

"(B) Any person who violates paragraph (1) of this subsection by selling a fraudulent certificate with the knowledge that the purchaser intends to use such certificate in connection with any act prohibited by any State or Federal law relating to controlled substances (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding five years, or both.

"(C) For purposes of this paragraph, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act.".

SEC. 7. This Act and the amendments made by this Act shall apply with respect to acts and violations occurring after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. MINETA] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1580, a bill which can make an important contribution to our fight against illegal drugs.

The bill is designed to combat the use of aviation in drug trafficking. A large portion of the illegal drugs entering this country do so by air. Intelligence estimates presented at our hearing indicated that 77 percent of cocaine entering the country does so by air; 41 percent by private aircraft, and 35 percent by commercial aircraft. Additionally, 60 percent of heroin from Southeast Asia and 53 percent of heroin from Southwest Asia enter the United States by air, primarily by commercial aviation. Overall, it is estimated that 1.3 million pounds of illegal drugs entered the United States by private aircraft in 1983.

This legislation before us focuses on increasing the aviation-related penalties against aircraft owners and airmen who participate in drug trafficking.

We are concerned with these illegal activities for two reasons. First and most obviously, we are concerned with the social and economic problems created by illegal drugs. There are also more specific, aviation-related concerns. Drug smuggling flights create safety problems because of the hazardous maneuvers pilots undertake to avoid detection, such as operating without a flight plan and flying at extremely low altitudes. It is estimated that between 1980 and 1982 there were 491 accidents involving aircraft suspected of carrying drugs. In addition, many aircraft used in drug smuggling are stolen from innocent owners. Between 1980 and 1982 an estimated 180 aircraft were involved in drug-related thefts.

H.R. 1580 substantially increased the aviation-related penalties against airmen and aircraft owners who participate in drug trafficking. Under current law, there are relatively minimal sanctions against aviation licenses, such as a $1,000 civil penalty or suspension of a pilot's license for a year. H.R. 1580 establishes a 5-year revocation of airman licenses and aircraft certificates of registration if there is knowing use of an aircraft in drug trafficking.

The bill also establishes criminal penalties of 5 years imprisonment and a fine of up to $25,000 for persons without airman certificates who operate aircraft in drug trafficking and for persons who sell or use fraudulent aviation licenses or aircraft registration markings in connection with drug trafficking.

H.R. 1580 contains full protection for the rights of airmen and aircraft owners. Before sanctions can be imposed FAA must hold an evidentiary hearing, and FAA's decision is subject to judicial review.

It should be emphasized that the bill is not intended to place the primary responsibilities for enforcing the drug laws in FAA. Rather, the drug enforcement agencies, such as Customs and DEA, will continue to have that mandate. However, we do feel that we have a responsibility to ensure that FAA's existing responsibilities to certificate airmen and aircraft are capable of making an important contribution toward our national effort to reduce illegal drug trafficking and to protect innocent airmen from threats to themselves and their aircraft.

In sum, I believe that H.R. 1580 can make a substantial contribution in the war against illegal drugs. I urge passage of this important legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume, and I yield to the distinguished ranking minority member of the full Committee on Public Works and Transportation, the gentleman from Kentucky [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, H.R. 1580 is designed to complement the many State and Federal criminal laws relating to illegal drug trafficking by imposing more stringent penalties on airmen and other individuals who use airplanes in conducting these illicit activities.

I know that my colleagues are very well aware of the magnitude of the illegal drug problem in this country and I firmly believe that this bill will assist the various Federal agencies in combating this serious problem. According to the Federal Aviation Administration, between 1980 and 1982, 65 individuals had their airman certificates suspended or revoked for drug-related offenses and nearly 300 aircraft were stolen for drug-related reasons. Moreover, illegal drug trafficking also presents serious safety hazards to the public, since those who operate aircraft while engaging in this activity resort to a variety of dangerous tactics to avoid being detected. Along these lines, it has been estimated that nearly 500 accidents occurred between 1980 and 1982 involving aircraft which were suspected of carrying illegal drugs.

The primary intent of the bill is to require, in most cases, a mandatory 5-year revocation of airman and aircraft registration certificates held by those who are convicted or otherwise determined by the Administrator to have used aircraft while violating State or Federal drug laws.

Under existing law, an individual who has committed a drug-related offense is only subject to a 1-year period of revocation before he is eligible to reapply for another certificate. Before revocation of a certificate can occur, however, the Administration must provide the accused airman with an opportunity for a hearing—unless an emergency exists and safety in air commerce requires the revocation to be effective immediately. In such case, a hearing must be held within 60 days, the same time period which applies to all other emergency certificate actions sought by the Administrator.

Another important feature of the bill would preclude the Administrator from revoking an airman's certificate if the individual has been acquitted of all pending criminal charges. Moreover, if the certificate has been revoked prior to such an acquittal, the Administrator is required to reissue the certificate.

In addition to these provisions, the bill also increases the existing criminal penalties against those who knowingly make, use or sell fraudulent FAA certificates with the intention of violating the drug laws by imposing prison terms of up to 5 years and fines of up to $25,000. Similar penalties are also provided for those who act as airmen while transporting controlled substances without a valid airman's certificate.

Mr. Speaker, I firmly believe that this legislation will not only assist in this country's fight against illegal drug trafficking, but will hopefully convince airmen that they not only risk substantial fines and jail terms, but their flying careers as well if they are apprehended while engaging in this activity.

For the foregoing reasons, I urge my colleagues to support H.R. 1580.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 1580, the Aviation Drug-Trafficking Control Act, and urge my colleagues to support this important piece of legislation.

We are all aware of the serious problems caused by the flow of illegal drugs into this country. What should also be of concern is the extent to which private and commercial aircraft are involved in this illegal trafficking.

At our subcommittee hearings, it was revealed that 77 percent of the cocaine entering this country does so by air; 41 percent by private aircraft, and 35 percent by commercial aircraft, and that more than half of the heroin from Asia enters the United States by air, primarily by commercial aircraft.

Action is needed to stem the flow and this bill addresses that need by strengthening the existing authority of the Federal Government to deal with aviation-related aspects of drug smuggling.

Under the provisions of H.R. 1580—

Revocation of one's airman certificate would be mandatory if the person was convicted of or knowingly engaged in a drug-related offense and was either acting as an airman or on board the aircraft in connection with the violation. The revocation could be for as long as 5 years.

A person who knowingly and willfully operated without an airman's certificate in connection with violations of drug trafficking laws would be subject to a $25,000 fine and imprisonment for up to 5 years.

An aircraft owner who knowingly permitted an aircraft to be used for illegal drug transactions would have his certificate of registration revoked for at least 1 and possibly as long as 5 years. This revocation would apply to all the aircraft owned by this person.

The sale of fraudulent certificates and the possession of such certificates with the intent to use them would itself be a criminal violation, and if the violation occurred in connection with illegal drug trafficking, the penalty would be a fine of up to $25,000 and imprisonment for up to 5 years.

Use of fraudulent certificates or fraudulent registration markings on aircraft in connection with an illegal drug transaction would make the perpetrator subject to a fine of up to $25,000 and imprisonment for up to 5 years.

Naturally, all of these penalties would be in addition to those that drug smugglers would be subject to under existing criminal law. I would also like to point out that these tougher Administrative sanctions would be imposed without violating the airman's procedural rights.

This bill provides that an airman must receive an evidentiary hearing before revocation of his certificate can occur. This applies in all but emergency circumstances, in which case a hearing must be held within 60 days after the revocation.

Mr. Speaker, it is apparent that the existing aviation penalties for drug smuggling are not sufficient. For example, persons involved in illegal drug trafficking are now subject to loss of their license for only 1 year. Suspension or revocation of an airman certificate is not mandatory, but is at the discretion of the FAA. If they should continue to operate after their license is suspended, they would still be subject only to a $1,000 fine.

Existing law is also deficient with respect to those who knowingly permit their aircraft to be used for illegal drug operations. Currently, there are no specific provisions authorizing revocation of an aircraft registration certificate in such situations.

In addition, there are no provisions in current law making the selling of fraudulent certificates, or the possession of such certificates with the intent to use them, an offense. And one who does actually use a fraudulent certificate is subject to a fine of only $1,000 and imprisonment of up to 3 years.

Accordingly, H.R. 1580 would address all of these shortcomings in current law by increasing penalties against owners of aircraft and airmen involved in drug trafficking.

Mr. Speaker, I would also like to emphasize that during hearings on this legislation, H.R. 1580 received widespread support from the Drug Enforcement Administration [DEA], the Federal Aviation Administration [FAA], and the U.S. Customs Service. Many others have also called for the sort of tough measures that this bill would adopt.

I think all of my colleagues would agree that H.R. 1580 will act as a credible deterrent to those who are illegally enriching themselves with minimal risk to either their airman certificate or their certificate of registration. It will send a clear message to narcotic source countries that the United States is serious about controlling illegal drug trafficking into this country.

Therefore, I urge my colleagues to support this legislation.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to my very fine colleague, the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. I thank the chairman for yielding, and I want to say that I support him and I support this legislation.

The urgency of the nationwide drug problem compels this body to take substantive action to deter the influx of drugs to this country.

This legislation, increasing aviation penalties against pilots who participate in illegal drug trafficking, will serve as an important reminder that drug smuggling will not be tolerated.

According to a congressional committee investigating the problem, half of the cocaine smuggled into the country is transported by private aircraft. The current aviation laws contain no specific provisions to deal with those who operate aircraft for illegal drug transactions. We must put private aircraft owners and pilots on notice that penalties will be imposed on those who knowingly permit their aircraft to be used for drug transactions, or who create fraudulent licenses to operate aircraft for the use of illegal drug transport.

I appreciate the significance of this bill in curbing the flow of illegal drugs to my own State of Florida and to our Nation. I urge my colleagues to support this measure.

● Mr. RANGEL. Mr. Speaker, as chairman of the Select Committee on Narcotics Abuse and Control I rise in support of H.R. 1580. I salute Chairman MINETA for the fine work he has done on this legislation and I am pleased to note I am joined by nine other members of the select committee in cosponsoring this bill. The importance of the passage of the Aviation Drug Trafficking Control Act, H.R. 1580, cannot be understated. As I stated before the Aviation Subcommittee, Committee on Public Works and Transportation, last year, this bill, if enacted, would greatly enhance our ability to curtail narcotics smuggling by building upon the existing regulatory jurisdiction of the Federal Aviation Administration [FAA] for dealing with drug-related aviation violations. This would be accomplished without creating new jurisdictions for the FAA to enforce. Moreover, the Congressional Budget Office has asserted that enaction of this legislation would create no significant additional costs. This bill recognizes the existing problems that are created by overlapping criminal jurisdictions, especially with regard to drug enforcement, and essentially allows the FAA to assist the Drug Enforcement Administration and the Customs Service by denying the privilege of flying and operating aircraft to those engaged in narcotics trafficking.

Statistics gathered over a number of years demonstrate the severity of the aviation drug trafficking problem. The Customs Service estimates that 41 percent of all cocaine, a drug whose use is experiencing an alarming growth, comes across our borders by private aircraft. At present this 41 percent alone represents $13 billion in street value. Additionally, in 1983, approximately 1.3 million pounds of illegal drugs entered the United States by private aircraft. Further, the incidence of this method of smuggling, once limited to the gulf and southern borders,

is appearing in rapid frequency at all of our border crossings.

The need for new legislation such as the bill before us today becomes apparent upon examination of the present sanctions available to the FAA under Federal law. The huge profits garnered by drug trade must be met with more than a slap on the wrist if we are to provide a sufficient disincentive to would-be air smugglers. Current law includes no specific provisions dealing with airmen who operate aircraft in connection with illegal drug transactions. An airman who presently operates a civil aircraft with the knowledge that narcotics and illegal drugs are being carried in the aircraft usually becomes ineligible for any certificate or rating issued by the FAA for a period of only 1 year. This bill provides that if convicted of a drug-related aviation offense the revocation period may be as long as 5 years, depending on the Administrator's assessment of excessive burden or national interest, and not less than 1 year. Similarly, a certificate may be revoked for up to 5 years if the Administrator determines that the aviator served as an airman in violation of the narcotic laws whether or not there is a conviction. To protect the airman's procedural rights, before license revocation the airman must receive an evidentiary hearing, and standard judicial review procedures are also made available.

To help ensure that those whose license has been revoked stay on the ground—the bill creates a new violation. Any person who knowingly acts as an airman without a certificate in connection with a violation of Federal- or State-controlled substance laws will be subject to a 5-year prison sentence and a $25,000 fine. Present law only provides a penalty of $1,000 for operating an aircraft without an airman's certificate.

H.R. 1580 also extends the period of time an aircraft's registration can be revoked, up to 5 years, if its owners permit it to transport controlled substances illegally. This aspect of the bill has far reaching positive effects. Drug trafficking flights create safety problems because of the hazardous maneuvers smuggler-pilots must undertake to avoid detection; 491 accidents have been attributed to unsafe flying by air drug smugglers alone between 1981 and 1982. Passage of H.R. 1580 will go far in addressing this growing problem.

Mr. Speaker, both the strict enforcement of our laws and introduction of additional sanctions for drug trafficking offenses sends a clear signal to those countries who export illegal drugs to the United States that we are indeed serious about drug trafficking and dedicated to the elimination of drug abuse. Such a message must constantly be reinforced if we are to be successful in obtaining the cooperation of narcotics source and smuggling nations in conquering drug trafficking.

H.R. 1580 is a mechanism to deter illegal drug smuggling and make the skies safer for legitimate aviation. This is achieved with virtually no new costs and guarantees due process protection to those whose flying certificates are placed in jeopardy. It is for these reasons that I urge quick passage of this bill.●

● Mr. BENNETT. Mr. Speaker, I rise today to suport H.R. 1580, which I cosponsor, and which would crack down on aviation drug trafficking. I introduced similar legislation for the past 2 years when the Federal Aviation Administration indicated it did not have the statutory authority to effectively put a stop to pilots and aircraft owners who were using airplanes to smuggle drugs across our borders.

According to the Drug Enforcement Agency estimates, 50 percent of the cocaine, 35 percent of the marijuana, 75 percent of Southwest Asian heroin and 80 percent of the dangerous drugs entering the United States in 1981 are smuggled by air. The Custom Service estimates that 1.3 million pounds of drugs will enter the country by private aircraft this year. Despite the seriousness of this problem, the FAA under current law has only been able to revoke for 1 year the certificate of an airman who is convicted of a drug violation involving use of an aircraft. In addition, an airman who flies without a license is subject only to a $1,000 civil penalty. This is certainly not a significant deterrent to those willing to violate our drug laws. It is clear that more stringent penalties are needed to combat this threat.

This legislation substantially increased the penalties for airmen who participate in drug trafficking by requiring the revocation of an airman's certificate for 5 years if the holder is convicted of violating any law relating to controlled substances—other than a law relating to simple possession—and the FAA Administrator determines that the certificate holder knowingly served as an airman in connection with the violation. The legislation would also increase the fine for airmen flying without a license in drug violations to $25,000 or imprisonment of up to 5 years, or both.

Many important efforts are being made by Congress to halt the difficult problems associated with illict drugs. I am convinced that the provisions contained in this legislation are excellent weapons for continuing the battle against bigtime drug smugglers. We must do everything we can to stop this poisonous injection of illicit drugs into our country and I urge the House to adopt this needed legislation.●

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 1580, the Aviation Drug Trafficking Control Act. This legislation will be an important weapon in our Government's effort to slow the smuggling of illegal drugs into this country.

This bill imposes increased penalties on pilots and aircraft owners who engage in drug smuggling. These penalties will be beyond those already imposed by State and Federal drug laws. The Federal agencies responsible for enforcing the Nation's drug laws testified before the committee that aircraft and pilots play a very significant role in illegal drug smuggling. With these changes in Federal aviation laws, we will strike at that crucial link in the drug smuggling chain.

This bill, by imposing aviation penalties for drug smuggling, will substantially curtail the ability of pilots and aircraft owners convicted of drug smuggling to participate in any aviation activity, legitimate or illegitimate. There is no doubt that the penalties of certificate and registration revocation will discourage many people from getting into the business of smuggling drugs. With these new penalties it will also be more difficult for smugglers to obtain aircraft under legitimate auspices for illegal activity. In short, we will be upsetting a major component of the drug smuggling infrastructure, thereby making it more difficult for the smuggler to operate.

Mr. Speaker, the legislation we bring to the floor today is necessary legislation that enjoys wide support among law and drug enforcement officials. I urge my colleagues to adopt this measure.●

● Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 1580, the Aviation Drug Trafficking Control Act, and urge my colleagues to join me in supporting enactment of this important legislation.

The use of aircraft to smuggle illicit narcotics into this country is reaching epidemic proportions. Recent estimates by the U.S. Customs Service reveal that as much as 41 percent of all cocaine smuggled into the United States comes in through private aircraft. In all 1.3 million pounds of illegal drugs entered the U.S. by private aircraft. The incidence of this type of smuggling is showing dramatic increases at all border crossings.

While the Federal Aviation Administration currently has regulatory authority to deal with drug-related aviation violations, the magnitude of the current problem clearly indicates that increased authority is essential if we are to bring the problem under control. Any increased authority given to the FAA would also provide much needed assistance to the Drug Enforcement Administration [DEA], the Coast Guard, and the Customs Service in these tasks of restricting the inflow of illicit narcotics to our shores.

I am firmly convinced that those who knowingly own and operate aircraft to smuggle drugs to our shores should be more severely dealt with than they are under current law. At the present time the FAA has the authority to revoke a certificate of aircraft registration if the Administrator finds a "cause which renders the aircraft ineligible for registration." H.R. 1580 provides that a certificate of registration must be revoked if the Administrator determines that the owner has knowingly permitted the aircraft to be use to transport a controlled substance. More importantly H.R. 1580 would also require revocation of an airman's certificate if the holder is convicted for violation of any State or Federal law relating to the Controlled Substance Act and the FAA Administrator determines either that the certificate holder knowingly served as an airman or was on board the aircraft in connection with the violation. The period for revocation may be as long as 5 years, and not less than 1 year. In addition, the certificate may be revoked for up to 5 years if the Administrator determines that narcotic laws were violated regardless of whether or not there is a conviction.

Finally, the bill ensures that those who have their licenses revoked stay on the ground by requiring that any pilot who knowingly transports drugs by air without a certificate in violation of Federal or State controlled substances laws can be subject to a 5-year prison sentence and a $25,000 fine.

Mr. Speaker, we can no longer allow the growing problem to go uncorrected, and the Public Works and Transportation Subcommittee on Aviation, under the leadership of Chairman NORMAN MINETA, are to be congratulated for their efforts. Drug trafficking and abuse in this Nation is at epidemic proportions. It is the responsibility of Congress to take effective steps to halt the flood of drugs to our shores and protect the health and well-being of our citizens and our youth. The legislation before us is indicative that this Congress is not going to stand by and watch the scourge of drug trafficking and abuse run wild. It demonstrates our determination to toughen existing laws, punishing those who seek to reap the profits of illicit drugs, while at the same time making the skies safer for legitimate aviation. Accordingly, I urge my colleagues to support passage of this important measure.●

Mr. MINETA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and pass the bill, H.R. 1580, as amended.

The question was taken.

Mr. HAMMERSCHMIDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1330

COUNTERFEIT ACCESS DEVICE AND COMPUTER FRAUD AND ABUSE ACT OF 1984

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5616) to amend chapter 47 of title 18 of the United States Code to provide penalties for fraud and related activities in connection with access devices and computers, and for other purposes; as amended.

The Clerk read as follows:

H.R. 5616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Counterfeit Access Device and Computer Fraud and Abuse Act of 1984".

SEC. 2. (a) Chapter 47 of title 18 of the United States Code is amended by adding at the end thereof the following:

"§ 1029. Fraud and related activity in connection with access devices

"(a) Whoever—

"(1) knowingly and with intent to defraud produces, uses, or traffics in one or more counterfeit access devices;

"(2) knowingly and with intent to defraud traffics in or uses one or more unauthorized access devices during any one-year period, and by such conduct obtains anything of value aggregating $1,000 or more during that period;

"(3) knowingly and with intent to defraud possesses fifteen or more devices which are counterfeit or unauthorized access devices; or

"(4) knowingly, and with intent to defraud, produces, traffics in, has control or custody of, or possesses device-making equipment;

shall, if the offense affects interstate or foreign commerce, be punished as provided in subsection (c) of this section.

"(b)(1) Whoever attempts to commit an offense under subsection (a) of this section shall be punished as provided in subsection (c) of this section.

"(2) Whoever is a party to a conspiracy of two or more persons to commit an offense under subsection (a) of this section, if any of the parties engages in any conduct in furtherance of such offense, shall be fined an amount not greater than the amount provided as the maximum fine for such offense under subsection (c) of this section or imprisoned not longer than one-half the period provided as the maximum imprisonment for such offense under subsection (c) of this section, or both.

"(c) The punishment for an offense under subsection (a) or (b)(1) of this section is—

"(1) a fine of not more than the greater of $10,000 or twice the value obtained by the offense or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) or (a)(3) of this section which does not occur after a conviction for another offense under either such subsection, or an attempt to commit an offense punishable under this paragraph;

"(2) a fine of not more than the greater of $50,000 or twice the value obtained by the offense or imprisonment for not more than fifteen years, or both, in the case of an offense under subsection (a)(1) or (a)(4) of this section which does not occur after a conviction for another offense under either such subsection, or an attempt to commit an offense punishable under this paragraph; and

"(3) a fine of not more than the greater of $100,000 or twice the value obtained by the offense or imprisonment for not more than twenty years, or both, in the case of an offense under subsection (a) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this paragraph.

"(d) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section. Such authority of the United States Secret Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

"(e) As used in this section—

"(1) the term 'access device' means any card, plate, code, account number, or other means of account access that can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds (other than a transfer originated solely by paper instrument);

"(2) the term 'counterfeit access device' means any access device that is counterfeit, fictitious, altered, or forged, or an identifiable component of an access device or a counterfeit access device;

"(3) the term 'unauthorized access device' means any access device that is lost, stolen, expired, revoked, canceled, or obtained with intent to defraud;

"(4) the term 'produce' includes design, alter, authenticate, duplicate, or assemble;

"(5) the term 'traffic' means transfer, or otherwise dispose of, to another, or obtain control of with intent to transfer or dispose of; and

"(6) the term 'device-making equipment' means any equipment, mechanism, or impression designed or primarily used for making an access device or a counterfeit access device.

"§ 1030. Fraud and related activity in connection with computers

"(a) Whoever—

"(1) having devised a scheme or artifice to defraud, knowingly and intent to execute such scheme or artifice, accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of one or more instances of such conduct obtains anything of value (other than the use of the computer) aggregating $5,000 or more during any one year period and affects interests or foreign commerce;

"(2) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend,

and by means of such conduct obtains information that has been determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data, as defined in paragraph r. of section 11 of the Atomic Energy Act of 1954, with the intent or reason to believe that such information so obtained is to be used to the injury of the United States, or to the advantage of any foreign nation;

"(3) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and thereby obtains information contained in a financial record of a financial institution, as such terms are defined in the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.), or contained in a file of a consumer reporting agency on a consumer, as such terms are defined in the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

"(4) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of one or more instances of such conduct obtains anything, or causes a loss, of a value aggregating $5,000 or more during any one year period and affects interstate or foreign commerce; or

"(5) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of such conduct knowingly uses, modifies, destroys, or discloses information in, or prevents authorized use of, such computer, if such computer is operated for or on behalf of the Government of the United States and such affects such operations;

shall be punished as provided in subsection (c) of this section. It is not an offense under paragraph (4) or (5) of this subsection in the case of a person having accessed a computer with authorization and using the opportunity such access provides for purposes to which such access does not extend, if the using of such opportunity consists only of the use of the computer.

"(b)(1) Whoever attempts to commit an offense under subsection (a) of this section shall be punished as provided in subsection (c) of this section.

"(2) Whoever is a party to a conspiracy of two or more persons to commit an offense under subsection (a) of this section, if any of the parties engages in any conduct in furtherance of such offense, shall be fined an amount not greater than the amount provided as the maximum fine for such offense under subsection (c) of this section or imprisoned not longer than one-half of the period provided as the maximum imprisonment for such offense under subsection (c) of this section, or both.

"(c) The punishment for an offense under subsection (a) or (b)(1) of this section is—

"(1)(A) a fine of not more than the greater of $10,000 or twice the value obtained by the offense or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(1) or (a)(2) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) a fine of not more than the greater of $100,000 or twice the value obtained by the offense or imprisonment for not more than twenty years, or both, in the case of an offense under subsection (a)(1) or (a)(2) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(2)(A) a fine of not more than the greater of $5,000 or twice the value obtained or loss created by the offense of imprisonment for not more than one year, or both, in the case of an offense under subsection (a)(3), (a)(4), or (a)(5) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) a fine of not more than the greater of $10,000 or twice the value obtained or loss created by the offense or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(3), (a)(4), or (a)(5) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph.

"(d) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section. Such authority of the United States Secret Service shall be exercised in accordance with an agreement which shall be entered into the Secretary of the Treasury and the Attorney General.

"(e) As used in this section, the term 'computer' means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device.".

(b) The table of sections at the beginning of chapter 47 of title 18 of the United States Code is amended by adding at the end the following new items:

"1029. Fraud and related activity in connection with access devices.
"1930. Fraud and related activity in connection with computers.".

SEC. 3. The Attorney General shall report to the Congress annually, during the first three years following the date of the enactment of this Act, concerning prosecutions under the sections of title 18 of the United States Code added by this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAWYER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. HUGHES] will be recognized for 20 minutes and the gentleman from Michigan [Mr. SAWYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on September 29 and November 10, 1983, and March 28, 1984, the Subcommittee on Crime held hearings on the general issues of credit card and computer fraud and abuse. Generally these hearings documented that our society is increasingly becoming dependent on numerous credit cards and other plastic devices, all of which eventually involve use of computers and other electronic devices which also are subject to criminal attack. For example, there are indications of a growing problem in counterfeit credit cards and unauthorized use of account numbers of access codes to banking system accounts called debit instruments. Financial institutions claim that they lost $128 million from bank card fraud in 1982—an increase of 35 percent over 1981 losses. They further estimate that $40 million of this figure was just from counterfeit credit cards which was a 500-percent increase since 1980. There are also indications that thieves are becoming increasingly sophisticated and in fact are stealing account numbers and using them without even getting physical control of the cards themselves.

As the credit industry and other parts of our society enlarges its capacity in the use of computer technology, for example, in the use of "smart cards" which contain microchips and are themselves a form of "passive" computer, there is every indication that the criminal element is enlarging its capacity in this area also.

One aspect of this new criminal conduct which has received much media attention lately has been the activities of some so-called "hackers" who have been able to access both private and public computer systems without authorization, sometimes with potentially serious results. The relative ease of access by the hacker is due to a corresponding proliferation of computer networking which began during the 1970's. This phenomenon which is predominantly interstate in nature was described in our hearings and brings a new dimension to computer crime. Since the computer industry is itself expanding to the point where it is projected that some 80 million home computers will be in existence by 1990 as compared with 5,000 in 1978, it seems clear that the Congress must not only bring our laws up to date in the credit area, but also give serious consideration to deterring the criminal element from abusing computer technology in future frauds. H.R. 5616 is an attempt to stem the tide of illegal activity in these distinct but interrelated areas.

WHAT H.R. 5616 DOES

In the credit card area H.R. 5616 prohibits use, production and trafficking in counterfeit access devices and device-making equipment with a substantial punishment of up to 15 years

in prison and fines up to twice the value obtained.

It also prohibits use and trafficking in unauthorized access devices which are valid cards that have been lost, stolen, and so forth, if the defendant obtains $1,000 in value in a year or possesses 15 or more unauthorized or counterfeit access devices. These offenses can be punished with up to 10 years in prison and fines of up to twice the value obtained. Repeat offenses in any of these violations call for a substantial increase in maximum prison sentences—20 years—and substantial fines.

In the computer area the bill establishes a specific Federal felony for unauthorized access to computers if the defendant aggregates $5,000 in illegal gains in 1 year—other than from just the use—or the defendant accesses information requiring protection against unauthorized disclosure for reasons of national defense or foreign relations. These offenses can be punished with up to 10 years in prison and fines up to twice the value obtained. Repeat offenses of either of these violations call for a substantial increase in maximum prison sentences, 20 years, and substantial fines.

The bill also creates three misdemeanor crimes of computer abuse. The first involves unauthorized access to information in a computer protected by the Right to Financial Privacy Act or the Fair Credit Reporting Act; the second proscribes the unauthorized access to a computer if there is a gain to the defendant or loss to others that aggregate $5,000 or more in value during a 1-year period and such activity affects interstate or foreign commerce; and third, if the defendant uses, modifies, or discloses information in or prevents authorized use of a computer owned or operated for the U.S. Government regardless of loss or gain. These misdemeanor offenses can be punished with up to 1 year in prison and fines of $5,000 or up to twice the value obtained or loss created by the offense. Repeat offenses of any of these violations call for a substantial increase in maximum prison sentences, 10 years, and substantial fines.

There is hardly a week that goes by when some new incidence of computer fraud is not revealed. Last week it involved access to NASA's Marshall Space Flight Center. Just prior to that there were reports of massive intrusion into TRW's credit histories.

Mr. Speaker, the Judiciary Committee has worked with experts in the credit and computer crime areas, and we believe this legislation combined with active efforts of industry to safeguard property will address the emergence of this new type of criminal in our society.

Protection both through law and technology can and must be developed to protect against these new forms of credit card and computer fraud. I believe H.R. 5616 is a responsible approach to Federal legislation in these areas.

Mr. Speaker, the Subcommittee on Crime has had immeasureable help over the last several months that we have been working on credit card fraud and computer crime legislation, and at the top of the list would have to be the ranking minority member, the ranking Republican on the Subcommittee on Crime, HAL SAWYER. The gentleman has been very actively involved in this area of legislation as well as others affecting the criminal justice system, and I want to thank him for his great work in crafting H.R. 5616.

I also want to mention a colleague of mine from Florida, BILL NELSON, who worked on computer crime legislation when he was a member of the Florida State legislature. It was BILL NELSON'S work that helped craft one of the strongest computer crime bills passed in the Nation. We thank him for his great work.

Mr. Speaker, I reserve the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join Mr. HUGHES, the gentleman from New Jersey, in support of H.R. 5616 today. As consumers have grown to rely on the credit card system and credit cards, so too has grown the creativity of the criminal mind with a profit motive. The sharp criminal no longer needs to hold up a bank or snatch a purse; all he has to do is recite a set of phony credit card numbers on the telephone.

Even more alarming, a simple survey of existing law reveals that many of these activities are not in violation of any Federal law. For example, an individual criminal can counterfeit 50 credit cards at a time and not commit a Federal crime. Consumers pay for this; credit card users bear the cost. The result is the same as if cash were stolen, and I believe the same punishment should also exist.

Credit purchases are a reality upon which our society is dependent, and the cost of credit cards should not include the profits of the credit card con artists. Credit card fraud is no less than stealing and is an inexcusable, profit-motivated, modern-day scam. Flim-flammers at the front of these schemes are sophisticated bankers and they deserve a swift and efficient punishment which will both deter these activities and take the profit out of the crime. This bill addresses these aims and I believe accomplishes them.

□ 1340

This bill also addresses the serious problem of computer crime. As our society grows increasingly dependent upon the computer, it also becomes vulnerable to the equally innovative growth of the computer crime, and even the so-called hackers who are not in for the profit motive but in it just for the devil of it, one might say.

While this may sound amusing, just a recent occasion that came to our attention during the hearings, the Drake University of Iowa had its computer system entered by a group of hackers using telephones. They plowed through the computer at great length. It contained reams and reams of research material being done at the university for many serious objective purposes, as well, of course, as the grade records and everything else of all of its student body. As a result of this, it had to be gone through item by item and rechecked to confirm that various things had not been changed which could have caused great damage had they been put to use in a changed form. This cost the university millions of dollars to do.

So while it may look like a youthful prank, it certainly far exceeds any youthful vandalism we have been used to in the past.

I submit that this invasion of private records via computers is no less an invasion than the invasion of a household or the going through of our own bank statements by some unauthorized person. While we have provided stiff penalties for actual use for theft or going into classified material, because there is much of that on Government computers, we have also provided for dealing with these so-called hackers when they engage in this kind of conduct.

For these reasons, I support H.R. 5616, Mr. Speaker, and I would also like to commend the gentleman from New York, HAMILTON FISH, JR., who has been at the forefront of the credit card fraud problem. His work in this area has been extremely helpful to the committee and is the impetus for much of the bill before us today.

I would also like to compliment Hayden Gregory and Ed O'Connell of the majority legal staff of the committee for their work, and Charlene Vanlier, my own minority counsel on the committee, who basically are the people who technically crafted and put this bill together and researched its background. I commend them, and I know the chairman feels the same way about it.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, I, too, want to commend the minority ranking member and the chairman of the subcommittee for a job well done.

It struck me that an important facet of what you have been able to produce

here is that in monkeying around with computers, as some people are wont to do, that it can become a national security problem as well as a problem in the commercial world. So what has been done here is to take a solid step forward in solidifying our capabilities of fighting those who would intrude with that part of the computer world that deals specifically and directly with the national security.

So it is a twofold weapon that has been crafted here and I commend the subcommittee for producing the bill.

Mr. SAWYER. I thank the gentleman.

Mr. Speaker, I reserve the balance of my time.

Mr. HUGHES. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. I thank the gentleman for yielding this time to me.

Mr. Speaker, there is new kind of criminal that is lurking in the shadows of criminal activity. He is a highly sophisticated criminal. He is a high-technology criminal, and he is one who, when faced by the Nation's prosecutors, often find they do not have the adequate tools to prosecute. The Federal law books need a criminal law that will allow our U.S. attorneys to specifically go after this new type of criminal activity, computer crime.

As computers become ubiquitous in our society, we will hear more and more about this type of crime.

Mr. Speaker, it gives me great pleasure to rise today in support of H.R. 5616, the Counterfeit Access Device and Computer Fraud and Abuse Act.

As the original sponsor of computer crime legislation in this body, I have worked for the past 5 years to bring this important issue to the Nation's attention, and today H.R. 5616 includes some of the provisions of the Federal Computer Systems Protection Act, H.R. 1092, which I sponsored. I congratulate Chairman HUGHES for his extraordinary efforts in this regard, and his ranking member, Mr. SAWYER.

It has been a privilege to work closely with Chairman HUGHES and his staff to develop this legislation which affords warranted protection of our Nation's computer systems.

H.R. 5616 combines significant penalties for computer crime and credit card abuse, new kinds of crimes that have come with the country's technological transformation. We must put on notice those who would be tempted to use these high-tech instruments for fraudulent purposes or to steal valuable economic or national security information.

I believe a Federal law advancing the principle that violating the integrity of computer systems essential to the Federal Government and to the national economy is wrong, and that persons doing so will be presecuted, will serve as a tremendous deterrent to this type of activity.

Daily newspaper headlines chronicle the rising numbers of computer crime. Just recently, the computers at NASA's Marshall Space Flight Center were illegally tapped—destroying valuable computer records.

The TRW computer break-in about 3 weeks ago involved hackers' access to one of the largest confidential data files in the world holding credit histories of 90 million people.

Not too long ago we had the case of a former Federal Reserve Board employee who, upon leaving the employ of the Reserve, employed by a brokerage house in New York, stole a password and tapped into confidential computer files containing sensitive information on the Nation's money supply.

The 414's, a group of teenage hackers in Milwaukee, made incursions into more than 50 business and institutional computers. Among them was the Los Alamos nuclear weapons laboratory.

And last year in my own State of Florida, a health insurance claims agent generated more than $240,000 in fraudulent claims to herself and family members. That case was successfully prosecuted under the comprehensive computer crime law that I sponsored as a State legislator in 1978.

Since we passed the Florida law, over 20 other States have followed suit in adding varying degrees of computer crime laws to the State criminal codes.

But, the fact remains that we must enact legislation to defend our Federal Government computers from unauthorized entry and abuse. We must protect the developing banking by electronic funds transfer system and preserve the integrity of the Federal Reserve System. And we must safeguard business computers in a world where a terminal may be on every desk in every home.

Computer crime is sophisticated bank robbery, trespass, and burglary. It is serious and the losses caused by it are already reaching into the pocketbooks of the country's consumers. Familiarity with computers is becoming common experience of tens of millions of working Americans. But where people work daily with a powerful tool such as a computer, there will be those who overstep the boundaries between legitimate and criminal uses of these high-technology devices.

It is my hope that we will pass this bill today to stand the test of time even in an industry that is advancing and changing everyday.

I urge your support of H.R. 5616.

□ 1350

Mr. SAWYER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], a member of the committee.

Mr. Speaker, let me say first that I want to welcome the gentleman back to the House. As we all know, JIM had a very narrow escape from a very serious house fire and sustained some considerable injuries. This is his first day back, and I am just delighted to see him here.

Mr. SENSENBRENNER. Mr. Speaker, I deeply appreciate the remarks of the gentleman from Michigan [Mr. SAWYER]. As the gentleman knows, I had to jump out of a second-story window of my burning house in order to save my life. There are some who have suggested that I jump out a window quite often, but that is not something I would recommend to anyone.

Mr. Speaker, the information age is upon us. This country is entering a new lifestyle that incorporates great benefits from technology. As we develop reliance upon this new technology, we must also face the inevitable misuse of our advances by the criminal mind.

The computer crime criminal and the credit card counterfeiter are highly sophisticated and intelligent white-collar criminals. They pose a great threat to all people of this Nation. The economic harm caused by these criminals is ultimately paid by all consumers.

The annual loss to the banking community through credit card fraud is far in excess of the proceeds in bank robberies. In 1982, $46.8 million was stolen in bank robberies. By comparison, over $128 million was stolen from banks through credit card fraud in 1982. This increase is appalling and we must rely on our Federal resources to help reduce this trend.

An ambitious and hard working fraud user can use a single card to make $10,000 in fraud transactions. On the black market, these cards can be purchased illicitly for about $200. As long as this highly profitable criminal enterprise exists with little or no risk of stiff criminal penalties, we can be assured of this continuing economic harm to all consumers.

H.R. 5616 provides Federal law enforcement officers with the tools necessary to combat credit card and computer fraud. This bill goes to the heart of these unacceptable practices by squarely addressing computer fraud and credit card fraud with stiff criminal sentences and fines. I believe it is incumbent upon us to recognize and respond to the liabilities of the information age. Our society will gain from this new technology only when we work diligently to prevent its abuses by the criminal mind.

Mr. SAWYER. Mr. Speaker, now that we have heard from the "second-story man," I yield 3 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I want to congratulate the distinguished chairman of the subcommittee and its distinguished ranking minority member for bringing this legislation to the floor today.

Mr. Speaker, I rise today in strong support of H.R. 5616 which is similar to a bill I introduced to establish a Federal penalty for computer crime.

The ever-growing expansion of computer usage has brought with it its own set of criminal abuses. Computers link and store information of immeasurable worth, vital to our citizenry and national security as well as the economic well-being of our Nation. Tampering with stored data, introducing fradulent records and altering, destroying, or stealing assets or data can now be accomplished with a touch of a button. While Federal and State criminal laws provide a framework for dealing with computer abuse or computer-related crime, I believe a specific statute is warranted which would deal solely with the use of a computer as an instrument of crime.

Over the past few years, we have been confronted repeatedly with the occurrence of computer crime. Countless stories have appeared detailing the activities of individuals who have illegally altered computer records for their own personal gain. A recent American Bar Association survey reported a total loss to computer crime of $730 million in 1 year. The extent of this problem is probably underestimated since many businesses fear that if they reveal cases of fraud they will only encourage others to try—so-called copycat crimes.

Moreover, personal computers and networking by telephones allow almost anyone to gain access to computers containing financial accounts, private information about U.S. citizens, and even national-security secrets. Security measures sometimes prevent offenders from obtaining specific information but often leave programs open to the kind of random destruction that is becoming more prevalent.

Last fall, when I testified before the Subcommittee on Civil and Constitutional Rights in favor of computer crime law, I urged the panel to report a measure it felt could most effectively deal with curbing computer crime. I commend the subcommittee and the full House Judiciary Committee for providing the House with today's opportunity to vote on such a bill.

I feel it incumbent upon the U.S. Congress to afford our citizens protection against computer crime. Accessing a computer without proper authorization is not a sport. It is a crime and it deserves punishment. A Federal statute dealing specifically with computer crime will serve, in my opinion, as an effective disincentive to those who commit such offenses because of their relative ease.

H.R. 5616 is such a bill. It is designed to ensure that Federal law prohibits and punishes computer fraud. Although I would support an even stronger measure, I urge the Members of the House to vote in favor of its passage.

Mr. HUGHES. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I rise in support of the bill, and I compliment very much the gentleman from New Jersey [Mr. HUGHES], who has been a great leader in bringing a variety of crime bills to the floor, including this one.

I am pleased to have had a little bit to do with this bill in respect to making it a misdemeanor to basically hack into a person's privacy with respect to financial or credit records. But I would make the point to my colleagues that this only scratches the surface of the problem of the security of computers in this country, whether they be Government computers or private computers. We need a national effort to deal with the issue of protecting information.

With respect to both national security information and financial information and all other sorts of information, we need to have better technological devices on computers to make sure they cannot be broken into in the first place. We need better diligence on the part of operators of computers to make sure they know what they are doing when they feed information in and when they come to changing passwords. A whole assortment of issues is raised by this computer society.

This bill makes a good first start by making it a crime to improperly enter into a computer and to do damage, but with respect to the entire issue of computers in this country, the issue has to be approached from a comprehensive point of view.

Mr. Speaker, I compliment my colleague, the gentleman from New Jersey [Mr. HUGHES], for bringing this very important bill to the floor today.

Mr. HUGHES. Mr. Speaker, I have no more requests for time, and I yield myself such time as I may consume.

Let me just say to my colleague, the gentleman from Kansas [Mr. GLICKMAN], that his contribution was a significant one. I think that his amendment in the full committee strengthened the bill, particularly with regard to protecting the privacy of certain records.

Our Subcommittee on Crime has enacted to date and the President has signed five anticrime measures. We have about eight or nine other crime bills in the works, and I do not think there are any measures that we are working on that will have more of an impact on electronic-age crime as will this particular legislation.

As my colleague, the gentleman from Kansas, has said, this is not the last word. I do think, however, that it is a milestone piece of legislation, particularly in the area of computer crime. It is amazing just how fast this technology is moving and what it takes for us just to stay ahead of those who would abuse the system. All of our criminal statutes are couched in terms of tangible property in terms of trespass as an actual entry. So this new phenomenon of computer trespass is a whole new area of the law that we are going to be wrestling with in the years ahead as the technology evolves.

□ 1400

I do not think that there are any areas that are growing any faster than the area of credit-card use and credit-card fraud, computer use and computer-crime abuse.

This legislation will go a long way in dealing with those that would abuse these new technologies. I would urge my colleagues to support H.R. 5616, the Counterfeit Access Device-Computer Fraud Abuse Act of 1984. It is a good bill.

Mr. SAWYER. Mr. Speaker, I join the chairman in urging support for this bill.

I may say, though, we have a similar situation in computer fraud as we do in copyright. We are really carrying forward very ancient doctrines that in copyright were designed primarily for the printed book and printed material and we are trying to work out applications of them for satellite communications and all kinds of electronic transmissions.

We are in the same problem with the computer taking over from entering physical records or trespassing. It has been a very interesting exercise for me in both subcommittees that are dealing with these problems.

I want to congratulate the chairman for doing a very fine job of pushing this.

I might also say that it is a real pleasure being a minority Republican member serving with a chairman such as the gentleman from New Jersey, BILL HUGHES, who has been very, very generous in sharing authority and participation in the committee and the subcommittee in its activities. I want to let the gentleman know how much I have enjoyed that.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. SAWYER. I yield.

Mr. HUGHES. Mr. Speaker, I do not want it to sound like a mutual admiration society, but I thank my colleague for those comments. We have been afforded a great opportunity with this prime legislation. I have enjoyed work-

ing with my distinguished colleague from Michigan.

My colleague earlier singled out the work of the gentleman from New York, HAMILTON FISH, who has done a great deal of work particularly with regard to credit-card fraud. I want to echo the sentiments of my colleague, because HAM FISH has been of immeasurable help to us. He introduced the first legislation, I might say, dealing with credit-card fraud.

I also want to single out the work of the staff. Hayden Gregory and Charlene Vanlier have been very, very helpful in this, as well as much other legislation that we have dealt with, and Ed O'Connor in particular has done a yeoman's job on this particular bill. Ed has worked on this legislation for over 6 months and has done outstanding work. His contributions are very noteworthy.

Thank you.

● Mr. FISH. Mr. Speaker, H.R. 5616 responds to a serious increase in credit-card fraud. Industry statistics show that losses in 1981 and 1982 were nine times as great as the total for the previous 10 years. In 1983, credit-card counterfeiting resulted in losses of approximately $47 million. This staggering price, which is ultimately paid by American consumers, deserves a Federal response.

I am pleased to support H.R. 5616 since it incorporates, in a substantial way, the provisions of my bill, H.R. 3181, which I introduced on June 1, 1983, and which has more than 50 cosponsors. I am pleased that by introducing the first bill ever to address the rapidly escalating problem of credit- and debit-card counterfeiting and fraud, it was possible to prompt the serious examination of this area and the recognition of the need for credit-card-counterfeiting legislation.

H.R. 5616 is the result of the diligent efforts of Mr. HUGHES, the chairman of the Subcommittee on Crime, Mr. SAWYER, the ranking Republican of the subcommittee, and the other members of the Crime Subcommittee. While I am generally satisfied with the bill in its current form, I continue to have several technical concerns about certain aspects of the bill. Since the other body has addressed these concerns in S. 1870, I urge the consideration of these refinements before we send this measure to the President.

This bill represents a carefully considered effort to deal with the escalating problem of credit- and debit-card counterfeiting and fraud. For that reason, I am pleased to support it, and urge this body to accept this important measure.●

● Mr. RODINO. Mr. Speaker, I rise in support of H.R. 5616, the Counterfeit Access Device and Computer Fraud and Abuse Act of 1984. In so doing, I would like to first commend the chairman of the Subcommittee on Crime, Mr. HUGHES, and the ranking minority member, Mr. SAWYER, for their thorough and bipartisan approach to these new criminal abuses of high technology. I would also like to mention that the ranking minority member of the full committee, Mr. FISH, contributed greatly to this bill and in fact was one of the first to introduce a bill in the credit-card counterfeiting area. I should at this point note that H.R. 5616 in general deals with credit and computer fraud which can be characterized as white-collar crimes and as such often are neglected both at the Federal and State levels. The committee believes that this neglect is a great mistake and in fact an attack on white-collar crime can often be much more productive, economically, to this country than the more publicized emphasis on violent crime.

The prosecution of this type of crime, which silently robs millions of dollars from all of the taxpayers, a few dollars at a time, we believe, must remain a high priority for Federal law enforcement. It is in this perspective we must deal with credit and computer fraud as we begin an era of a cashless society where currency and even checks are becoming a diminishing part of our everyday life.

H.R. 5616 would make it a felony—up to 15 years in prison and substantial fines—to use, produce, or traffic in counterfeit-access device and device-making equipment. It also prohibits use or trafficking in unauthorized access devices if the defendant obtains $1,000 in value in a year or possesses 15 or more unauthorized or counterfeit-access devices—up to 10 years and substantial fines—if such conduct affects interstate or foreign commerce.

It, for the first time, sets up a specific Federal felony—up to 10 years in prison and fines—for unauthorized access to computers if the defendant aggregates $5,000 in illegal gains in 1 year—other than just this use of the computer—if such conduct affects interstate or foreign commerce or unauthorized access to information requiring protection against unauthorized disclosure for reasons of national defense or foreign relations.

The bill also creates misdemeanor crimes—up to 1 year in prison and substantial fines—for unauthorized access to information in computers protected by the right to Financial Privacy Act (12 U.S.C. 3401) and the Fair Credit Reporting Act (15 U.S.C. 1681), and any U.S. Government computer. It also proscribes unauthorized access to any computer if such conduct affects interstate or foreign commerce and if the defendant gains or cause a loss to others that aggregates $5,000 or more in a 1-year period.

In closing, I would like to quote to you some dramatic statistics from a recent "report on computer crime" by a Task Force on Computer Crime of the section on criminal justice of the American Bar Association:

The annual losses incurred as a result of computer crime appear, by any measure, to be enormous. Over 25% (72) of the survey respondents reported "known and verifiable losses due to computer crime during the last 12 months." The total annual losses reported by these respondents fall somewhere between $145 million and $730 million. Thus, the annual losses per respondent reporting losses could be anywhere from $2 million to as high as $10 million. Approximately 28% of the survey respondents reported no available system to monitor or estimate the value of their computer crime losses.

Federal law must keep pace with technology. It is as important today to develop Federal protection for intangible property such as information and high-tech credit transactions as it was to develop Federal law to protect tangible assets in insterstate commerce in the past.●

Mr. HUGHES. Mr. Speaker, I yield back the balance of my time.

Mr. SAWYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 5616, as amended.

The question was taken.

Mr. HUGHES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMISSION TO ASSIST IN THE FIRST OBSERVANCE OF THE FEDERAL HOLIDAY HONORING MARTIN LUTHER KING, JR.

Mrs. HALL of Indiana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5890) to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr., as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) January 20, 1986, is the fifty-seventh anniversary of the birth of Martin Luther King, Jr., and marks the first observance of the Federal legal holiday honoring Martin Luther King, Jr.;

(2) such holiday should serve as a time for Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luther King, Jr.; and

(3) it is appropriate for the Federal Government to coordinate efforts with Americans of diverse backgrounds and with private organizations in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

SEC. 2. There is established a commission to be known as the Martin Luther King, Jr. Federal Holiday Commission (hereinafter in this Act referred to as the "Commission").

SEC. 3. The purposes of the Commission are—

(1) to encourage appropriate ceremonies and activities throughout the United States relating to the first observance of the Federal legal holiday honoring Martin Luther King, Jr., which occurs on January 20, 1986; and

(2) to provide advice and assistance to Federal, State, and local governments and to private organizations with respect to the observance of such holiday.

SEC. 4. (a) The Commission shall be composed of—

(1) four officers from the executive branch, appointed by the President;

(2) four Members of the House of Representatives, appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives;

(3) four Senators, appointed by the President pro tempore of the Senate in consultation with the minority leader of the Senate;

(4) Coretta Scott King and two other members of the family surviving Martin Luther King, Jr., appointed by such family;

(5) two individuals representing the Martin Luther King, Jr. Center for Non-Violent Social Change (a not-for-profit organization incorporated in the State of Georgia), appointed by such organization; and

(6) fourteen individuals other than officers or employees of the United States or Members of Congress, appointed by the members of the Commission under paragraph (1) through (5) of this subsection from among individuals representing diverse interest groups, including individuals representing labor, business, civil rights, and religious groups, and entertainers.

(b) Not more than half of the members of the Commission appointed under each of paragraphs (2), (3), (5), and (6) of subsection (a) shall be of the same political party.

(c) Members shall be appointed for the life of the Commission, and any vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) Members of the Commission shall serve without pay, but may, subject to section 7, be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 5. (a) The Commission shall first meet within 30 days after the date of the enactment of this Act for the purpose of electing a chairperson from among its members and shall meet thereafter at the call of the chairperson.

(b) The Commission may encourage the participation of, and receive donations of money, property, and personal services from, individuals and public and private organizations to assist the Commission in carrying out its responsibilities under this Act.

SEC. 6. (a) The Commission may appoint and fix the compensation of a director and a staff of not more than five persons without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the director may not be paid at a rate in excess of the rate of pay payable for grade GS-18 of the General Schedule, and a staff member may not be paid at a rate in excess of the maximum rate of pay payable for grade GS-13 of the General Schedule.

(b)(1) Upon the request of the Commission, the head of all departments and agencies of the United States may detail, on a nonreimbursable basis, any of the personnel of such departments or agencies to the Commission to assist it in carrying out its responsibilities under this Act.

(2) The heads of such departments and agencies are authorized and requested to cooperate with and assist the Commission in carrying out its responsibilities under this Act.

SEC. 7. All expenditures of the Commission shall be made from donated funds.

SEC. 8. Not later than April 20, 1986, the Commission shall submit a report to the President and the Congress concerning its activities under this Act.

SEC. 9. The Commission shall cease to exist after submitting its report under section 8.

The SPEAKER pro tempore. Is a second demanded?

Mr. COURTER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Indiana [Mrs. HALL] will be recognized for 20 minutes and the gentleman from New Jersey [Mr. COURTER] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Indiana [Mrs. HALL].

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration, H.R. 5890.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

Mrs. HALL of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is to create a national commission to prepare for the first national observance of the national birthday of Martin Luther King, Jr., who was one of the world's greatest humanitarians. The Commission shall consist of 31 members. There shall be four Members from the U.S. House of Representatives, four Members from the U.S. Senate. The President of the United States shall appoint four members. Mrs. Coretta Scott King, who is the widow of the slain civil rights leader and humanitarian, two immediate family members and one person representing the Martin Luther King Center for Non-violence Social Change and an additional 15 members consisting of persons representing every sector of our society shall make up the bipartisan Commission. The Commission shall have a staff not to exceed five persons and it will have the authority to accept donations for the purpose of financing the necessities that will be involved in preparing for that first observance.

I believe that this is very important legislation, because we know that last year we did adopt legislation to create a national holiday, but a holiday in itself is not enough. We would like to have a meaningful holiday, Mr. Speaker, and we believe that in order to do so, we must have adequate preparation. We do believe that this legislation will allow us to have a commission which is designed to prepare and carry out a fulfilling national holiday on the third Monday of January 1986.

I shall point out to you that this Commission shall exist for 20 months and after that period of time it will be sunsetted.

Mr. Speaker, I would like to read the amendments which we would like to have considered today. We have two technical amendments. The first amendment seeks to provide for the Commission to have needed flexibility to hire the staff to operate the Commission for its 20-month duration and exempt it from chapter 51 and subchapter 3 of chapter 53 of title 5, United States Code, relating to classification and general schedule pay rates.

The second committee amendment clarifies the committee's desire to insure that Commission members, while serving without pay, shall be allowed travel expenses, including per diem in lieu of subsistence while away from their homes or regular places of business for the purpose of carrying out the duties and the responsibilities of the Commission.

Mr. Speaker, I would like to add that we would like to ask the House for its support. We do feel that this is very important legislation and we need the support of the House to get it adopted.

We believe that this legislation will not only give us the holiday, but as I said, it will give us a meaningful holiday, so that the life and work of Martin Luther King, Jr., certainly can be reflected in that first national celebration.

Mr. Speaker, I have several Members who would like to speak on behalf of this bill.

First, Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank my chair for yielding.

Mr. Speaker, I consider it a privilege to have cosponsored H.R. 5890 and an honor to rise in support of this bill to establish the Martin Luther King, Jr., Federal Holiday Commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

I strongly support this legislation. It is an appropriate means of guaranteeing that the first holiday marking Dr. Martin Luther King's birthday will pay fitting tribute to a person who did more than any other individual in our lifetime to advance the cause of social justice. The legislation also underscores our national commitment to equality, and to the principles for which Dr. King stood.

Mr. Speaker, nearly 1 year ago, we were all blessed to be able to witness an historic event when the Congress enacted and the President signed H.R. 3345 making Dr. King's birthday a Federal holiday. Yet, our challenge goes beyond recognizing his birth. Now we must ensure that the holiday remains true to what Dr. King represented. The Commission will make certain that it does.

Mr. Speaker, no other holiday serves as a focal point for encouraging improved race relations or for unifying the American people in the spirit of Dr. King's dream of mutual understanding and respect among people. It is my hope that our celebrating his birth each year will cause us to reflect upon his life and the just society of which he dreamed—one in which all women and men would be treated with dignity and equality. Dr. King also felt that this ultimately would lead to world peace.

Mr. Speaker, this Commission is necessary if we are to ensure that the King holiday remains a positive and constructive force in the lives of Americans and people all over the world. Furthermore, the passage of H.R. 5890 will encourage private and public organizations to assume a leadership role in the proper observance of Dr. King's birthday in 1986.

Finally, Mr. Speaker, I would like to pay a special tribute to my good colleague from Indiana, Congresswoman KATIE HALL, for her sponsorship, leadership, and enthusiasm for bringing this bill to the floor today. Without her ceaseless efforts on behalf of this bill, the Martin Luther King, Jr., Federal Holiday Commission would not have been possible. She is to be commended for her foresight and leadership.

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None of us was successful until KATIE HALL came to Congress in passing this bill. So we, all of us, owe her, the American people owe KATIE a special tribute today and we will throughout our lifetime for her ceaseless efforts on behalf of the bill for the Martin Luther King, Jr., Federal Holiday Commission, without whose efforts this particular bill would not have been possible.

I hope that in the future we have enough good wisdom to see KATIE one of the Commissioners. I know my colleague from the other side and I have discussed this in committee. KATIE does not like to see us discuss it publicly, but we really feel that this is something very cherished to her and she would bring forward that kind of feeling and love to the celebration of the Dr. King holiday. It is for that reason that I certainly want to commend my Chair and leader and thank her for all of her good work.

Mr. COURTER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of the legislation establishing a commission to commemorate the birthday of Dr. Martin Luther King, who would be on the first occasion of the public holiday, January 22, 1986, only 57 years of age. We often forget that he indeed during his productive life was a very young man, a person who had a great deal of vision and a great deal of compassion and a great number of accomplishments at a very young age.

We passed legislation commemorating his birthday so that it will take place on his birthday, January 22, 1986. But as was said by the gentlewoman from Indiana [Mrs. HALL] we are not going to have a meaningful celebration unless we have a group of enthusiastic supporters forming a commission that will get together to help commemorate such an occasion.

I would emphasize also that this Commission will be functioning using private donations, private money, as Dr. Martin Luther King would have it, I am quite sure, if he could express his own desire. He was an inspiration to millions of Americans while he lived and he remains an inspiration to millions of Americans long after his death.

He was a person who preached freedom, freedom from hatred, freedom from prejudice, freedom from violence. I can remember very well his beautiful statement during the march in Washington, DC, when he spoke so eloquently from the Lincoln Memorial and when he ended up by saying "Free at last, free at last, thank God Almighty I am free at last."

He was a great American who deserves not only the holiday but a commission to help make it productive, to help make it meaningful, to help make it sacred for millions of Americans for whom he died and for whom he set a magnificent example.

I would like also to parrot the expression of MARY ROSE OAKAR indicating that I personally would love to see the gentlewoman from Indiana, the chairwoman of the subcommittee to be one of those commissioners. She deserves it. This piece of legislation was brought up year after year after year, and it was not until KATIE HALL came to Congress that it actually passed. I think that is a fitting tribute to her measure as a Congresswoman.

As Dr. Martin Luther King's life, Mr. Speaker, cannot be measured by its longevity, he died at a young age, certainly Mrs. HALL's measure of her productivity as a Member of Congress cannot be measured by its longevity. She was here for a short period of time, but by virtue of the passage of this meaningful legislation it was indeed more productive than many of our colleagues who have been here for much longer.

Mr. Speaker, I thus rise in support of H.R. 5890, which would establish a commission to assist in the first observance of the Federal legal holiday honoring Dr. Martin Luther King, Jr.

Mr. Speaker, on August 2, 1983, this body passed legislation designating the third Monday in January of each year, beginning in 1986, as a national holiday commemorating the birthday of slain civil rights leader Dr. Martin Luther King, Jr.

Dr. King was a man whose great vision and determination moved an entire country. Dr. King had a dream of equality, equality of rights and opportunity for all people. It was for this dream that Dr. King lived, and it was for this dream that he died.

The holiday will recognize Dr. King for his service and acknowledge not only our debt to this great man but our national acceptance of his dream, a dream of a society free from hatred, free from prejudice, and free from violence, where there is equal opportunity for all Americans.

January 20, 1986, is the 57th anniversary of the birth of Martin Luther King and marks the first observance of the Federal legal holiday honoring this great man. I feel it is most appropriate for the Federal Government to assist in coordinating efforts with all Americans of diverse backgrounds and with private organizations in the first observance of this Federal legal holiday.

The legislation before us, H.R. 5890, proposes a 31 member commission, to be known as the Martin Luther King, Jr., Federal Holiday Commission. The Commission will serve to encourage appropriate ceremonies and activities throughout the United States relating to the first observance of the holiday.

In closing, Mr. Speaker, I would like to point out one very important provision in H.R. 5890. The King Commission will not use any Federal funds

since all funds for expenditures will be donated by both individuals from the private and public sector. The bill proposed requires a final report from the Commission to the President and the Congress no later than April 10, 1986, at which time the Commission will cease to exist.

Mr. Speaker, I would like to thank the gentlewoman from Indiana [Mrs. HALL] for her leadership on this legislation.

Mr. Speaker, seeing no other Members on our side at this particular moment who would like to speak on this legislation, I yield back the balance of my time.

Mrs. HALL of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentlewoman from Indiana, the chairman of the committee, for yielding to me at this point in time. I rise to join her and many of my colleagues in support of H.R. 5890, legislation establishing a commission to assist in the first observance of a historical and appropriate event, the observance of the Martin Luther King, Jr., birthday.

First, before getting into the merits of this particular piece of legislation, like my colleagues who preceded me, the gentleman from New Jersey [Mr. COURTER] and the gentlewoman from Ohio [Ms. OAKAR], I would like to join them in commending our colleague, KATIE HALL, for her leadership; her effective chairing of the committee that reported out the Martin Luther King holiday bill; for her working with many diverse groups; for her ability to calm concerns about the legislation from an economic standpoint; and to impress upon her colleagues in the House of Representatives and in the other body, and in the country the appropriateness of the step that we took, the historic step that we took, and to join also with them in lamenting the fact that she will not be serving us in an elected capacity in the next session of Congress. That is unfortunate for us. It is unfortunate for the country and, in my opinion, it is unfortunate for the people of her district.

KATIE HALL served in the Indiana Senate for 6 years and was there a leader and has here been a leader. KATIE HALL has been my friend and I am pleased to join her in supporting this most appropriate piece of legislation.

In January 1986 we will be celebrating a holiday, the first observance of the Federal holiday in honor of Dr. Martin Luther King, Jr. It will be the first national recognition of the vision and determination of this great man. And it is right, it is important, it is proper that we encourage ceremonies and activities throughout the United States to mark this important day. Observances which will bring the importance of the life of Martin Luther King and the principles for which he fought to the attention particularly of our young people and also to all of the citizens of this Nation and to people around the world.

H.R. 5890 will establish, as has been said, a commission to provide assistance and advice to both private and public organizations planning events for the King holiday. Because the Commission would receive donations from individuals and public and private organizations, no Federal funds would be required. Yet it would provide an important and needed Federal service.

Twenty-one years ago, Mr. Speaker, Martin Luther King, Jr., led over a half a million people to the Nation's Capital to sound a protest to the injustice that characterized the treatment of blacks in this country, and to offer a challenge and a dream. We have come far in this Nation in righting many of the wrongs of which Dr. King spoke, but there is still, as all of us would observe, and as Dr. King would observe if he were alive today, much that needs to be done.

The observance of this holiday will be a yearly benchmark from which we can measure our actions and be reminded of the higher goals and ideals to which we should all aspire. Goals and ideals that form the basis of this Nation and the philosophy of Dr. Martin Luther King, Jr.

Mr. Speaker, I feel it most appropriate, as has been stated by the gentleman from New Jersey [Mr. COURTER] and the gentlewoman from Ohio [Ms. OAKAR] in a bipartisan fashion, that this body individually and collectively recommend that our colleague KATIE HALL, be added as a member of this important Commission, and I would support wholeheartedly that effort. She has been intimately involved in the passage of this important legislation, setting up this Commission, and previous to that the legislation which was its genesis, the establishment of the Martin Luther King, Jr., holiday. Mr. Speaker, I am pleased to be a cosponsor of this legislation and of the legislation which established the Martin Luther King, Jr., holiday.

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I trust that there will not be a dissenting vote when we move to pass H.R. 5890.

Mr. COURTER. Mr. Speaker, I ask unanimous consent to recapture my time as there are other colleagues who would like to speak for a couple of moments on this side of the aisle.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. COURTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 5890, legislation which would establish a Commission to assist in the first observance of the holiday celebrating the birth of Dr. Martin Luther King, Jr. As one who was a proud sponsor of legislation to establish this national holiday, I am pleased to support this bill.

As we know, the bill creates a 31-member Commission to plan the first celebration. The committee explains that they do not want to make this celebration just another 3-day weekend. And they are right. As we plan for the January 20, 1986, holiday, we should encourage all citizens of America to understand what Martin Luther King meant to this Nation—not just to the black people of America, but all the people of America.

Mr. Speaker, Martin Luther King strove for peaceful solutions to terrible problems facing this Nation in the 1960's. He strove for justice and peace in a nation torn by racial strife. It is important that the Commission established today—established at no cost to the Federal Government—educate the Nation to the work of Martin Luther King so that the first celebration is more than just another 3-day weekend.

Mr. Speaker, I yield back the balance of my time.

Mrs. HALL of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Thank you.

Mr. Speaker, I begin my support for H.R. 5890 by commending our distinguished colleague from Indiana, Congresswoman KATIE HALL. The gentlewoman who has done so much in the management and leadership on this bill which will help preserve Dr. King's dreams and the ideals he stood for. I want to thank her for what can be nothing more than a very logical extension of our commitment to the memory of Dr. King; a commission that will examine the best ways that this country and our citizens can move forward in the celebration of his birthday.

I think that the proposed structuring of the Commission, with particular respect to the appointment of Coretta Scott King as well as other civil rights leaders who will surely be reflected in it's makeup, goes to the very reality of the change that is coming in this country that is now being seen, I think, and being felt by the passage of the holiday bill only so recently. Passage of this bill today, will be yet another step toward translating Dr. King's dreams and ideals into a practical living reality.

Several months before his tragic assassination, King stated with his unique clairvoyance:

> That the struggle for peace and the struggle for civil rights as we call it in America, happen to be tied together * * * I feel that the people who are working for civil rights are working for peace; I feel that the people working for peace are working for civil rights and justice * * * We must not allow our creative protests to degenerate into physical violence (but) we cannot turn back * * * no, no, and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.

King's methods were nonviolent. He took the moral highground relentlessly searching for the ultimate truths. His beacon was civil justice and peace. His dream of this epitomized the most time honored democratic ideals this country was founded upon, demonstrating that we can conquer the endemic racial and sectional strife within the pluralistic framework of the system. He broke the segregationalist walls that were fragmenting our society and built the bridges which help bind us together. In doing so, he renewed our alliance with democracy and reinvigorated the Constitution.

The issue before us today, is how to best keep the dream alive and vital. Why even keep the dream alive if only to do it halfheartedly.

The objective of the commission is to give those leaders, who lived through and who were permanently shaped by the civil rights upheaval, an opportunity to work together to determine how best to perserve the King ideal, how best to enshrine it in our institutions, how best to remember the hope that the dream represented to us all, and most importantly how best to teach it to our children.

I rise in support of this bill and sincerely hope that this body will pass it unanimously.

Mr. HOYER. Mr. Speaker, will the gentleman yield.

Mr. CONYERS. I yield to my colleague from Maryland.

Mr. HOYER. I appreciate the gentleman from Michigan yielding.

Mr. Speaker, I think it ought to be said on this floor that the gentleman from Michigan certainly deserves as much credit as anybody in this body for his steadfast, courageous, and tenacious introduction year after year, in his encouragement to this body and to the Nation that we take the appropriate step with which this commission will deal and that of course is the national celebration of the birthday of Martin Luther King, Jr.

Mr. Speaker, I think the Members of the House would again want to reiterate their admiration and thanks to the gentleman from Michigan for his critical and long standing and essential leadership on this issue. I congratulate the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank my colleague. Without his strong support for and deep appreciation of the contributions of Dr. Martin Luther King, Jr., it might have taken even longer to accomplish our task.

Mrs. HALL of Indiana. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS. Thank you, Mr. Speaker. Thank you, Madam Chairman, for yielding to me.

I rise in full support of the Commission for the appropriate celebration of the Martin Luther King holiday. In a very practical manner, I have served on several commissions to celebrate national holidays. Currently I am on the Truman Centennial Commission and I know how vitally important the work of these commissions are to the celebration of the events, to the proper, appropriate, dignified, and yet joyous celebration of historic events, particularly those that memorialize citizens who represent certain significant changes in the history of the United States.

So it is with great fervor that I would ask the Members of this body to be certain to pass this legislation.

Mr. Speaker, the Commission is composed in a most remarkable manner. It insures that we will encourage full participation at the national, the congressional, the State, and the local levels and yet the private sector will have a great part in arranging for the celebration. It also ensures that Mrs. King, Coretta Scott King, who has, with our colleague the gentleman from Michigan, been so persistent in her hopes for the realization of the holiday set-aside, will be on the Commission as will other members of the King family.

We know that this Commission will pull together all the enthusiasm and the joy and the plans of thousands of organizations, large and small. Because there will be so many plans that will be made we will need a commission which will be able to make certain that the celebration is one of dignity as well as one of joy and entertainment.

It is with great pride that I come before you and ask you to support my colleague, Mrs. HALL, who has been one of the most splendid Members of this House and has shepherded this legislation as she did the earlier legislation for the holiday institution, itself, with care, love, and great persistence.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentlewoman from Indiana.

Mrs. HALL of Indiana. Mr. Speaker, I would like to thank the ranking member of the House Subcommittee on Population and Census, Mr. COURTER, and all of the members of that subcommittee who represent both sides of the aisle for their ideas, their help, and everything they did to make it possible to get this legislation adopted out of the subcommittee by unanimous vote.

Of course we would like to thank Chairman FORD and all the members of the full committee for doing the same.

Today we come asking the consideration of all Members of this house in getting this legislation adopted so that a meaningful celebration can take place in 1986 and that America can indeed be proud to have a national holiday in honor of a person who not only touched this country but many persons throughout the world.

He was a great civil rights leader, a humanitarian, a distinguished member of the clergy, and a Nobel Peace Prize winner and he did many outstanding things to so many people.

We certainly do ask the support of all.

● Mr. FAUNTROY. Mr. Speaker, I rise in support of House Resolution 5890, legislation to establish the Martin Luther King, Jr., Federal Holiday Commission, a Commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr. It is imperative that we support the creation of such a Commission in order to ensure that the celebration honoring Dr. King and his legacy befit the magnitude and essence of his contributions to our Nation and to the rest of the world.

The Commission would consist of 31 members, including 4 appointed by the President, 4 by the Speaker of the House, and 4 by the President pro tempore of the Senate. In addition, the widow of Dr. King, Mrs. Coretta Scott King, two other members of the King family, and two representatives from the Martin Luther King Center for Non-Violent Social Change would serve on the Commission. This group would appoint the 17 other members in a manner which would reflect the diversity of America's population and interests. Together, these individuals would act in an advisory capacity to public and private organizations planning activities for the holiday. For organizational and efficiency purposes the Commission would be allowed to appoint a director and a staff consisting of not more than five people. The Commission would make a final report to the President and to the Congress concerning its activities no later than April 20, 1986, after which it would disband.

This legislation involves no sacrifice by American taxpayers. The bill provides that the Commission be funded by donations from individuals and from public and private organizations. The Congressional Budget Office, thus, estimates no cost to establish the Commission.

I was pleased to be a cosponsor of the bill by which, in passing, our Nation gave formal recognition to the importance of Dr. King's life and death, designating the third Monday in January as a legal public holiday, beginning in 1986. In doing this, we demonstrated an understanding of the need to continually rededicate ourselves to the ideals preached by Dr. King, which included, nonviolent resolution of conflict; reconciliation amongst all men; and commitment to the struggle against poverty, racism, and violence.

Now let us complete the task by ensuring that the ceremonies and activities of January 20, 1986, set a precedent to be followed in years to come. Let us pass H.R. 5890 and establish this Commission to advise and assist the individuals and the private and public organizations participating in the first celebration of this historically and morally significant event.●

● Mr. GARCIA. Mr. Speaker, I rise to speak in support of H.R. 5890, a bill to establish a Commission to assure proper observance of the first official national holiday commemorating Dr. Martin Luther King, Jr.

I wish to commend my esteemed colleague from Indiana for taking the initiative with this significant legislation.

As you know, I previously chaired the Subcommittee on Census and Population and sponsored the bill which established a national holiday to honor the life and work of Dr. King. For this reason, I feel a special responsibility to ensure that the first official observance of this holiday is handled in a manner that reflects the esteem and pride all Americans should feel on this important occasion.

The Commission will be a temporary structure and will disband forever after its work is done. It will require no Government funding and will be supported entirely through private contributions. Thus the bill does not propose a permanent structure that will burden the budget and take scarce resources away from vital areas where they are needed.

I urge my collegues to support this bill. Passage of the legislation will reaffirm the congressional commitment reflected in the act establishing a national holiday. It will send a message to all Americans that the Congress cares enough about the principles Dr. King lived and died for. To ensure that the occasion of the first national holiday in his honor will be marked by appropriate ceremony, seriousness, and support, Mr. Speaker, I know of no better way to make this happen than to establish the Commission called for by this bill.

The Commission will reinforce the intent expressed in the original act, and will demonstrate to all Americans that the Congress continues to care about social justice and healing the wounds inflicted by segregation and discrimination. This important process will not be finished when the Commission ends its work. But establishing the Commission is a concrete way we can show that we want to move forward in the future and build the kind of society in which people are judged by the content of their character and not the color of their skin.

I hope my colleagues find it in their hearts and souls to support this bill. I again wish to thank the gentlewoman from Indiana for her efforts in this regard. Passage of the bill would be a way of thanking her and showing respect for the contributions she has made to this body.●

● Mr. ADDABBO. Mr. Speaker, it is the nature of this body and of the American people, that when we set out to accomplish something we don't just want to get it done, but we want to do it as well as we know how. This past October the Congress passed legislation and the President signed into law a measure designating January 26 a national holiday commemorating the late Dr. Martin Luther King Jr. Before us today is a bill which calls for the establishment of a Commission to assist in the first observance of that holiday. Fundamentally, the purpose of this Commission is to insure that we don't just observe this day of memorial but, in fact, we celebrate it. Because more than a day of remembrance for Dr. King alone, January 26 is to serve as a time for reflection and celebration of the principles which Dr. King lived for and ultimately died for.

Twenty one years ago when Martin Luther King Jr., wrote from his cell in a Birmingham jail that "injustice anywhere is a threat to justice everywhere," he was speaking not only as a leader of the black community but as the conscience of our Nation. So long as anyone was judged by the color of their skin, their gender or the church or synagogue where they prayed, Americans had and continue to have today an obligation to speak out, to protest. Who can doubt that without the accomplishments of Dr. King yesterday we would have had a black Presidential candidate and a woman vice presidential nominee today. These are but a few of Dr. King's legacies.

The bill before us would establish a Commission whose purpose is twofold: First, to encourage appropriate nationwide ceremonies relating to the first observance of the holiday honoring Dr. King and second, to provide, with regard to this observance, advice and assistance to Federal, State and local governments, and to private organizations. The maintenance and expenditures of the Commission are to be made from privately donated funds and therefore represent no further burden on the Federal budget.

We have taken action to honor a man of immeasurable conviction and merit, it is only appropriate that we go one step further and assure that this day of remembrance be commensurate with the great deeds and accomplishments of Dr. Martin Luther King, Jr.●

Mrs. HALL of Indiana. Mr. Speaker, I have no further requests for time, and with that, I yield back the balance of my time.

Mr. COURTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Indiana [Mrs. HALL] that the House suspend the rules and pass the bill, H.R. 5890, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXEMPTING RESTAURANT CENTRAL KITCHENS FROM FEDERAL INSPECTION

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5223) to exempt restaurant central kitchens from Federal inspection requirements, as amended.

The Clerk read as follows:

H.R. 5223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301(c)((2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) is amended by adding the following sentence at the end thereof: "For the purposes of this subparagraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares meat and meat food products that are ready to eat when they leave such facility and are served in meals or entrees only to customers at restaurants owned or operated by the same person, firm, or corporation owning or operating such facility.".

SEC. 2. Section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)) is amended by adding the following sentence at the end thereof: "For the purposes of this subparagraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares poultry products that are ready to eat when they leave such facility and are served in meals or entrees only to customers at restaurants owned or operated by the same person owning or operating such facility.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Vermont [Mr. JEFFORDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

31-059 O-87-21 (Pt. 15)

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5223. This bill would provide an exemption from Federal meat and poultry inspection requirements for restaurant central kitchens that prepare ready-to-eat food for sale to individual consumers at restaurants owned or operated by the same person.

Currently, USDA does not inspect kitchens which distribute products to only one restaurant. If the central kitchen distributes food products to two or more restaurants, though, the central kitchen must be inspected.

Restaurants, per se, are exempt from Federal inspection under the Federal Meat Inspection Act and the Poultry Products Inspection Act. Restaurant central kitchens, however, under USDA requirements, are inspected on the same basis as meatpacking plants and processing operations and must met the same regulatory requirements for sanitation, equipment, and facilities.

In the view of the committee, exempting restaurant central kitchens from Federal inspection would alleviate regulatory burdens upon the industry and minimize taxpayers' expense. At the same time, consumers would continue to be assured that they will receive wholesome, unadulterated, and properly labeled meat and poultry products. The adulteration and misbranding provisions of the Meat and Poultry Inspection Acts would continue to apply, notwithstanding the exemption from the inspection requirements. In addition, operations at central kitchens would continue to be subject to local health inspection. The committee believes that the rationale that served as a basis for exempting restaurants from the Meat and Poultry Inspection Acts should apply as well to central kitchens serving restaurants owned or operated by the same person.

In the past, restaurants purchased raw ingredients for their menu items and prepared them on site at each restaurant—in essence a decentralized food service system. The quality of the product could vary from one restaurant to another depending on the ingredients, personnel, equipment, and so forth. In addition, these decentralized operations were becoming costly in terms of labor and equipment costs. With the use of standardized recipes and new preparation procedures, the food service industry began to centralize its purchasing and preparation of food products.

The advantage of centralized food service systems is that, first, quality of menu items is uniform from one restaurant to another, and second, dollar savings are realized by buying in large bulk quantities and reducing food labor costs.

This is essentially a technical amendment to include the term "restaurant central kitchen" in the exclusion for "restaurants" under the Meat and Poultry Inspection Acts, since they are the same thing.

Since central kitchens were not specifically excluded, USDA expanded its jurisdiction to include them when inspecting meat processors and packing plants. These facilities are not meatpackers nor processors. They are restaurant kitchens differing only in location. They cook with products that have been inspected at several levels in the packing/processing stage, and the kitchens themselves are inspected by State and local health departments the same as any other restaurant kitchen.

Although only about 20 restaurant central kitchens nationwide are currently inspected, the regulations themselves—written for meatpacking and processing plants—prevent small restaurant owner-operators from expanding and competing. Most small operators cannot build kitchens with aisles as wide and counters as high as processing plants. They cannot afford specialized equipment. They cannot provide specials rooms for inspectors and pay their overtime.

In March 1983 the Food Safety Inspection Service of the Department of Agriculture published a study entitled "An Analysis of Exemption Provisions of the Meat and Poultry Inspection Laws." Among the various issues studied was USDA's policy on inspecting central kitchens, and specifically, the question considered was: Should central kitchens which distribute meals or entrees to their owned or operated restaurants be exempt from inspection?

The Food Safety Inspection Service report concluded:

Central kitchens producing food products for their own restaurants encounter many regulatory burdens when under inspection. These central kitchens were established to insure that uniform quality products are served to their clientele regardless of which restaurant serves the product. With the numerous State and local health codes, Federal inspection of these operations has marginal benefits to the consumer. Exempting central kitchens which provide meat/poultry food products to their own restaurants would eliminate the different inspection policies for central kitchens and caterers, and insure a consistent, fairer policy for both. Other adequate considerations, such as local health and inspection requirements, still insure that consumers would receive wholesome, unadulterated products. However, central kitchens offering their products for resale should remain under inspection.

The amendment is strictly limited in scope. It does not exempt any central kitchens that provides any food for a restaurant or facility that is not owned by the owner of the central kitchen, even if most of the meat food products so prepared are served in restaurants owned by the same person that owns the central kitchen. This means, for example, that food prepared in central kitchens for sale to airlines would not be covered by the exemption. Likewise, those central kitchens which cook food to be sold in packaged form would continue to be inspected. The effect of the amendment is that restaurant central kitchen facilities that comport with the foregoing requirements would be exempt from Federal inspection, regardless of whether its operations were intrastate or interstate.

It had been my hope that this matter could be resolved administratively. However, the Office of General Counsel of the U.S. Department of Agriculture issued a legal opinion that an exemption for restaurant central kitchens from Federal inspection can be brought about only through statutory amendment.

My bill will help bring about this much desired reform.

The Department of Agriculture recommends this legislation.

I urge my colleagues to join me in support of this bill.

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5223, a bill to exempt central kitchens from the requirements of the Federal Meat Inspection Act.

Central Kitchens are facilities where a restaurateur prepares food for distribution to other serving sites. Such kitchens are becoming increasingly popular as competition within the industry causes businesses to seek ways of reducing costs.

The Federal Meat Inspection Act in effect now treats such operations as meat packing or processing plants. It did not necessarily intend this; indeed, those who designed the meat inspection program years ago did not forsee the development of central kitchens distributing ready-to-eat foods to satellite serving sites.

This bill will simply cause such central kitchens to be treated as are approximately 500,000 other restaurants where food is prepared and served at the same site. These central kitchens are not meat packing or processing plants, although an interpetation of the Federal Meat Inspection Act now treats them as such. Like the kitchens in virtually all other restaurants, they use State or federally inspected meat products in preparing their meals. As it now stands, these central kitchens are subjected to an unnecessary duplication of inspection, a duplication that is costly and produces little if any benefit for consumers.

Let me reiterate that restaurant kitchens in general are not inspected by State or Federal meat inspectors. They use federally inspected meats and are inspected as to cleanliness by their local or State health depart-

ment. Central kitchens are subject to these same checks on their products and procedures, but are in addition unnecessarily subjected to a second inspection of meat products.

Only this duplicative inspection of meat products will be eliminated by this bill. The protection afforded to consumers by the fact that the meat that these kitchens use is State or federally inspected and that the appropriate health departments inspect and license them will continue.

This bill will exempt central kitchens from these requirements only if the food that they prepare is ready to eat when it leaves the kitchen and if that food is served to customers at restaurants owned or operated by the owner or operator of the central kitchen. In other words, the exemption is rather narrowly drawn so that the line of responsibility is kept quite clear.

In committee there was some controversy over the fact that meat prepared in central kitchens might cross State lines in contravention of the Federal Meat Inspection Act. This bill makes clear that central kitchens exempted from Federal meat inspection may only serve restaurants in the same State.

Mr. Speaker, this bill will bring the Federal Meat Act into conformity with the needs of a rapidly changing industry. It is a narrow exemption that, in my opinion, will not weaken in any way the all-important protection that the Federal Meat Inspection Act provides our citizens.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 5223, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ACT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5358) to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey, as amended.

The Clerk read as follows:

H.R. 5358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Honey Research, Promotion, and Consumer Information Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that:

(1) Honey is produced by many individual producers in every State in the United States.

(2) Honey and honey products move in large part in the channels of interstate and foreign commerce, and honey which does not move in such channels directly burdens or affects interstate commerce.

(3) In recent years, large quantities of low-cost, imported honey have been brought into the United States, replacing domestic honey in the normal trade channels.

(4) The maintenance and expansion of existing honey markets and the development of new or improved markets or uses are vital to the welfare of honey producers and those concerned with marketing, using, and processing honey, along with those engaged in general agricultural endeavors requiring bees for pollinating purposes.

(5) The honey production industry within the United States is comprised mainly of small- and medium-sized businesses.

(6) The development and implementation of coordinated programs of research, promotion, and consumer education necessary for the maintenance of markets and the development of new markets have been inadequate.

(7) Without cooperative action in providing for and financing such programs, honey producers, honey handlers, wholesalers, and retailers are unable to implement programs of research, promotion, and consumer education necessary to maintain and improve markets for these products.

(b)(1) It is, therefore, the purpose of this Act to authorize the establishment of an orderly procedure for the development and financing, through an adequate assessment, of an effective and coordinated program of research, promotion, and consumer education designed to strengthen the position of the honey industry in the marketplace and maintain, develop, and expand markets for honey and honey products.

(2) Nothing in this Act may be construed to dictate quality standards for honey, provide for control of its production, or otherwise limit the right of the individual honey producer to produce honey. This Act treats foreign producers equitably, and nothing in this Act may be construed as a trade barrier to honey produced in foreign countries.

DEFINITIONS

SEC. 3. As used in this Act:

(1) The term "honey" means the nectar and saccharine exudations of plants which are gathered, modified, and stored in the comb by honey bees.

(2) The term "honey products" means products produced, in whole or part, from honey.

(3) The term "Secretary" means the Secretary of Agriculture.

(4) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(5) The term "producer" means any person who produces honey in the United States for sale in commerce.

(6) The term "handler" means any person who handles honey.

(7) The term "handle" means to sell, package, or process honey.

(8) The term "importer" means any person who imports honey or honey products into the United States or who acts as an agent, broker, or consignee for any person or nation that producers honey outside of the United States for sale in the United States.

(9) The term "producer-packer" means any person who is both a producer and handler of honey.

(10) The term "promotion" means any action, including paid advertising, pursuant to this Act, to present a favorable image for honey or honey products to the public with the express intent of improving the competitive position and stimulating sales of honey or honey products.

(11) The term "research" means any type of research designed to advance the image, desirability, usage marketability, production, or quality of honey or honey products.

(12) The term "consumer education" means any action to provide information on the usage and care of honey or honey products.

(13) The term "marketing" means the sale or other disposition in commerce of honey or honey products.

(14) The term "Committee" means the National Honey Nominations Committee provided for under section 7(b) of this Act.

(15) The term "Honey Board" means the board provided for under section 7(c) of this Act.

(16) The term "State association" means that organization of beekeepers in a State which is generally recognized as representing the beekeepers of that State.

(17) The term "State" means any of the several States, The District of Columbia and the Commonwealth of Puerto Rico.

HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER

SEC. 4. To effectuate the declared policy of this Act, the Secretary shall, subject to the provisions of this Act, issue and, from time to time, amend orders applicable to persons engaged in the production, sale or handling of honey and honey products in the United States and the importation of honey and honey products into the United States.

NOTICE AND HEARING

SEC. 5. Whenever the Secretary has reason to believe that the issuance of an order will assist in carrying out the purpose of this Act, the Secretary shall provide due notice of and opportunity for a hearing upon a proposed order. Such hearing may be requested and a proposal for an order submitted by any organization or interested person affected by the provisions of this Act.

FINDINGS AND ISSUANCE OF AN ORDER

SEC. 6. After notice of and opportunity for a hearing has been provided in accordance with section 5 of this Act, the Secretary shall issue an order if the Secretary finds, and sets forth in such order, that, upon the evidence introduced at such hearing, the issuance of such order and all the terms and conditions thereof will assist in carrying out the purpose of this Act.

REQUIRED TERMS OF AN ORDER

SEC. 7. (a) Any order issued by the Secretary under this Act shall contain the terms and conditions described in this section and, except as provided in section 8 of this Act, no others.

(b)(1) Such order shall provide for the establishment and appointment by the Secretary of a National Honey Nominations Committee which shall consist of not more than one member from each State, from nominations submitted by each State association. If a State association does not submit a nomination, the Secretary may provide for nominations from that State to be made in a different manner, except that if a State which is not one of the top twenty honey-producing States in the United States (as determined by the Secretary) does not submit a nomination, such State shall not be represented on the Committee.

(2) Members of the Committee shall serve for three-year terms with no members serving more than two consectutive three-year terms, except that the initial appointments to the Committee shall be staggered with an equal number of members appointed, to the maximum extent possible, to one-year, two-year, and three-year terms.

(3) The Committee shall select its Chairman by a majority vote.

(4) The Members of the Committee shall serve without compensation but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Committee.

(5) The Committee shall nominate the members and alternates of the Honey Board and submit such nominations to the Secretary. In making such nominations, the Committee shall meet annually, except that after the first annual meeting, when determined by the Chairman, the Committee may conduct its business by mail ballot in lieu of an annual meeting. In order to nominate members to the Honey Board, at least 50 per centum of the members from the twenty leading honey producing States must vote. A majority of the National Honey Nominations Committee shall constitute a quorum for voting at an annual meeting. In the case of a mail ballot, votes must be received from a majority of the Committee.

(c)(1) The order described in subsection (a) shall provide for the establishment and appointment by the Secretary of a Honey Board in accordance with this subsection.

(2) The membership of the Honey Board shall consist of—

(A) seven members who are honey producers appointed from nominations submitted by the National Honey Nominations Committee, one from each of seven regions of the United States which shall be established by the Secretary on the basis of the production of honey in the different areas of the country;

(B) two members who are handlers of honey appointed from nominations submitted by the Committee from recommendations made by industry organizations representing handler interests;

(C) two members who are importers appointed from nominations submitted by the Committee from recommendations made by industry organizations representing importer interests;

(D) one member who is an officer or employee of a honey marketing cooperative appointed from nominations submitted by the Committee; and

(E) one member selected by the Secretary from the general public.

The Committee shall also nominate an alternate or alternates for each member of the Honey Board described in subparagraph (A) through (D), and the Secretary shall appoint an alternate for the member described in subparagraph (E). Such alternates shall be appointed in the same manner as members are and shall serve only whenever the member is absent from a meeting or is disqualified.

(3) Members of the Honey Board shall serve for three-year terms with no member serving more than two consecutive three-year terms except that the initial appointments to the Honey Board shall be staggered with an equal number of members appointed, to the maximum extent possible, to one-year, two-year, and three-year terms.

(4) In the event any member of the Honey Board ceases to be a member of the category of members from which the member was appointed to the Honey Board, such person shall be automatically replaced by an alternate.

(5) The members of the Honey Board shall serve without compensation but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Honey Board.

(6) The powers and duties of the Honey Board shall be to—

(A) administer any order, issued by the Secretary under this Act, in accordance with its terms and provisions and consistent with the provisions of this Act;

(B) prescribe rules and regulations to effectuate the terms and provisions of such an order;

(C) receive, investigate, and report to the Secretary, accounts of violations of such an order;

(D) make recommendations to the Secretary with respect to amendments which should be made to such order; and

(E) employ a manager and staff.

(d) The Honey Board shall prepare and submit to the Secretary, for the Secretary's approval, a budget (on a fiscal period basis) of its anticipated expenses and disbursements in the administration of the order, including probable costs of research, promotion, and consumer information.

(e)(1) The Honey Board shall administer collection of the assessment provided for in this paragraph to finance the expenses described in subsections (d) and (f). For the first year in which the plan is in effect, the assessment rate shall be $0.01 per pound, with payment to be made in the manner described in section 9. After the first year, the Honey Board may submit to the Secretary a request for an increase in the assessment rate not to exceed 0.5 cent per year, but at no time may the total assessment rate exceed $0.04 per pound.

(2) A producer or producer-packer who produces, or handles, or produces and handles less than six thousand pounds of honey per year or an importer who imports less than six thousand pounds of honey per year shall be exempt from the assessment. In order to claim such an exemption, a person shall submit an application to the Honey Board stating that their production, handling, or importation of honey shall not exceed six thousand pounds for the year for which the exemption is claimed.

(f) Funds collected by the Honey Board from the assessments shall be used by the Honey Board for financing research, promotion, and consumer information, other expenses as described in subsection (d), such other expenses for the administration, maintenance, and functioning of the Honey Board as may be authorized by the Secretary, any reserve established under section 8(5), and those administrative costs incurred by the Department of Agriculture pursuant to this Act after an order has been promulgated under this Act. The Secretary shall be reimbursed from assessments collected by the Honey Board for any expenses incurred for the conduct of referenda.

(g) No promotion funded with assessments collected under this Act may make any false or unwarranted claims on behalf of honey or its products or false or unwarranted statements with respect to the attributes or use of any competing product.

(h) No funds collected through assessments authorized by this Act may, in any manner, be used for the purpose of influencing governmental policy or action, except for making recommendations to the Secretary as provided for in this Act.

(i) The Honey Board shall develop and submit to the Secretary, for approval, plans for research, promotion, and consumer information. Any such plans or projects must be approved by the Secretary before becoming effective. The Honey Board may enter into contracts or agreements with the approval of the Secretary for the development and carrying out of research, promotion, and consumer information, and for the payment of the cost thereof with funds collected pursuant to this Act.

(j) The Honey Board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be required for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal year.

PERMISSIVE TERMS AND PROVISIONS

SEC. 8. On the recommendation of the Honey Board, and with the approval of the Secretary, an order issued pursuant to this Act may contain one or more of the following provisions:

(1) Providing authority to exempt from the provisions of the order honey use for exporting and providing authority for the Honey Board to require satisfactory safeguards against improper use of such exemption.

(2) Providing that in a State with an existing marketing order with respect to honey, the objectives of which the Secretary determines are comparable to the program established under this Act, there shall be paid to the Honey Board as provided in section 9 that portion of the national assessment which is above the State assessment, if any, actually paid on such honey.

(3) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures.

(4) Providing that the Honey Board may convene from time to time working groups drawn from producers, honey handlers, importers, exporters, members of the wholesale or retail outlets for honey, or other members of the public to assist in the development of research and marketing programs for honey.

(5) Providing for authority to accumulate reserve funds from assessments collected pursuant to this Act to permit an effective and continuous coordinated program of research, promotion, and consumer information, in years when the production and assessment income may be reduced, but the total reserve fund may not exceed the amount budgeted for one year's operation.

(6) Providing for the authority to use funds collected under this Act with the approval of the Secretary for the development and expansion of honey and honey product sales in foreign markets.

(7) Providing for terms and conditions incidental to, and not inconsistent with, the terms and conditions specified in this Act and necessary to effectuate the other provisions of such an order.

COLLECTION OF ASSESSMENT; REFUNDS

SEC. 9. (a) Except as provided by subsections (c), (d), and (e), the first handler of honey shall be responsible for the collection from the producer, and payment to the Honey Board, of assessments authorized by this Act.

(b) The first handler shall maintain a separate record on each producer's honey so handled, including honey owned by the handler.

(c) The assessment on imported honey and honey products shall be paid by the importer at the time of entry into the United States and shall be remitted to the Honey Board.

(d) In any case in which a loan is made with respect to any honey under the Honey Loan Price Support Program, the Secretary shall provide that the assessment shall be deducted from the proceeds of the loan and that the amount of such assessment shall be forwarded to the Honey Board. When such loan is redeemed, the Secretary shall provide the producer with proof of payment of the assessment.

(e) Producer-packers shall pay to the Honey Board the assessment on the honey they produce.

(f) Handlers, importers, and producer-packers responsible for payment of assessments shall maintain and make available for inspection by the Secretary such books and records as are required by the order and file reports at the times, in the manner, and having the content prescribed by the order, so that information and data shall be made available to the Honey Board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of the act or of any order or regulation issued pursuant to this Act.

(g) All information obtained pursuant to subsection (f) shall be kept confidential by all officers and employees of the Department of Agriculture and of the Honey Board. Only such information as the Secretary deems relevant shall be disclosed and only in a suit or administrative hearing brought at the request of the Secretary or to which the Secretary or any officer of the United States is a party involving the order with reference to which the information was furnished or acquired. Nothing in this section prohibits—

(1) issuance of general statements based upon the reports of a number of handlers subject to any order, if such statements do not identify the information furnished by any person; or

(2) the publication by direction of the Secretary, of the name of any person violating any order issued under this Act, together with a statement of the particular provisions of the order violated by such person.

(h) Any producer or importer may obtain a refund of the assessment collected from the producer or importer if demand is made within the time and in the manner prescribed by the Honey Board and approved by the Secretary; except that, during any year, the amount of refunds made to importers, as a percentage of total assessments collected from importers, shall not exceed the amount of refunds made to domestic producers, as a percentage of total assessments collected from such producers. Such refund shall be made by the Honey Board in June and December of each year.

PETITION AND REVIEW

SEC. 10. (a) Any person subject to an order may file, within a period prescribed by the Secretary, a written petition with the Secretary, stating that such order or any provision of such order or any obligation imposed in connection therewith is not in accordance with law and requesting a modification thereof or to be exempted therefrom. Such person shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or carries on business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to the Secretary a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 11 of this Act.

ENFORCEMENT

SEC. 11. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any plan or regulation issued under this Act. The facts relating to any civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action. Nothing in this Act shall be construed as requiring the Secretary to refer to the Attorney General violations of this Act whenever the Secretary believes that the administration and enforcement of any such plan or regulation would be adequately served by administrative action under subsection (b) or suitable written notice or warning to any person committing such violations.

(b)(1) Any person who violates any provision of any plan or regulation issued by the Secretary under this Act, or who fails or refuses to pay, collect, or remit any assessment or fee duly required of such person thereunder, may be assessed a civil penalty by the Secretary of not less than $500 nor more than $5,000 for each such violation. Each violation shall be a separate offense. In addition to or in lieu of such civil penalty the Secretary may issue an order requiring such person to cease and desist from continuing such violations. No penalty shall be assessed or cease and desist order issued unless such person is given notice and opportunity for a hearing before the Secretary with respect to such violation, and the order of the Secretary assessing a penalty or imposing a cease and desist order shall be final and conclusive unless the affected person files an appeal from the Secretary's order with the appropriate United States court of appeals.

(2) Any person against whom a violation is found and a civil penalty assessed or cease and desist order issued under paragraph (1) may obtain review in the court of appeals of the United States for the circuit in which such person resides or carries on business or in the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence.

(3) Any person who fails to obey a cease and desist order after it has become final and unappealable, or after the appropriate court of appeals has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, after opportunity for a hearing and for judicial review under the procedures specified in paragraphs (1) and (2) of nor more than $500 for each offense, and each day during which such failure continues shall be deemed a separate offense.

(4) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

REQUIREMENTS OF REFERENDUM

SEC. 12. For the purpose of ascertaining whether issuance of an order is approved or favored by producers and importers, the Secretary shall conduct a referendum among those producers and importers not exempt under section 7(e)(2) who, during a representative period determined by the Secretary, have been engaged in the production and importation of honey. No order issued pursuant to this Act shall be effective unless the Secretary determines that the issuance of such an order is approved or favored by not less than two-thirds of the producers and importers voting in such referendum or by a majority of the producers and importers voting in such referendum if such majority produced and imported not less than two-thirds of the honey produced and imported during the representative period. The ballots and other information or reports which reveal, or tend to reveal, the vote of any producer or importer of honey shall be held strictly confidential and shall not be disclosed.

SUSPENSION AND TERMINATION

SEC. 13. (a) Whenever the Secretary finds that any order issued under this Act, or any provisions thereof, obstructs or does not tend to effectuate the declared purpose of this Act, the Secretary shall terminate or suspend the operation of such order or such provisions thereof.

(b) Five years from the date on which the Secretary issues an order authorizing the collection of assessments on honey under provisions of this Act, and every five years thereafter, the Secretary shall conduct a referendum to determine if honey producers and importers favor the continuation, termination, or suspension of the order.

(c) The Secretary shall hold a referendum on the request of the Honey Board or when petitioned by 10 per centum or more of the honey producers and importers to deter-

mine if the honey producers and importers favor termination or suspension of the order.

(d) The Secretary shall terminate or suspend such order at the end of the marketing year whenever the Secretary determines that such suspension or termination of the order is favored by a majority of those voting in a referendum and that the producers and importers comprising this majority produce and import more than 50 per centum of the volume of honey produced and imported by those voting in the referendum.

The SPEAKER pro tempore. Is a second demanded?

Mr. JEFFORDS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Vermont [Mr. JEFFORDS] will be reocognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5358. The bill would enable the producers and handlers of honey and honey products to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey and honey products.

The program is purely voluntary. Before it can be implemented, it must be approved in a referendum by two-thirds of the producers and importers voting or by a majority of producers and importers voting if such majority produced and imported not less than two-thirds of the honey produced and imported during the representative period determined by the Secretary. To ascertain the effectiveness and continued acceptance of the program, the Secretary would be required to conduct a referendum every 5 years to determine if producers and importers favor the continuation, termination, or suspension of the program.

The bill essentially provides for a self-help program for honey producers and importers. The program would be financed through assessments paid by persons who produce or import at least 6,000 pounds of honey annually and would be operated at no cost to the Government. Provisions are also included in the bill under which producers and importers could obtain refunds of assessments paid by them.

Honey is produced by many individual producers in every State in the United States and in the Commonwealth of Puerto Rico.

The maintenance and expansion of existing honey markets and the development of new markets or uses are vital to the welfare of honey producers and those concerned with marketing, using, and processing honey. Unfortunately for this important agricultural industry, however, consumer demand for honey and honey products is not as great as it should be.

It has been difficult to develop and implement a coordinated program of research, promotion, and consumer education because the honey production industry is comprised mainly of small- and medium-sized businesses. Without cooperative action in providing for and financing such programs, honey producers, handlers, wholesalers, and retailers are unable to implement badly needed programs of research, promotion, and consumer education.

This legislation would give the honey industry the necessary tools and impetus to launch a national program to this end. All of this would be financed by honey producers and importers at no cost to the Federal Government.

Other agricultural commodity groups have solved similar problems by forming research, promotion, and consumer education programs. The egg, wheat, wool, cotton, and potato industry campaigns have met with much success. These programs bear out the old merchandising proverb: "It pays to advertise." The honey industry, through this legislation, could follow a similar pattern of activity.

Nothing in this act would dictate quality standards for honey, provide for control of its production, or otherwise limit the right of the individual honey producers to produce or market honey.

I urge my colleagues to join me in support of H.R. 5358, as amended.

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5358, the Honey Research, Promotion, and Consumer Education Act. This bill will give the beekeepers of this country the marketing tools that they need to spur consumption of one of the two truly natural sweeteners with which Nature has blessed us.

This is not a controversial idea or bill. Indeed, the honey industry proposed the program and has requested that Congress authorize it. The Secretary of Agriculture, in keeping with his commitment to industry self-help programs, has endorsed it. The Agriculture Committee recommends its passage.

The bill authorizes the Secretary of Agriculture to issue a marketing order for the promotion of honey if two-thirds of those who domestically produce or import honey approve the order in a referendum. It will permit the assessment of up to 4 cents per pound from those who produce more than 6,000 pounds of honey per year. It does not require anyone to contribute if he or she chooses not to, and it exempts small producers who have little impact on the market.

I want to commend the industry for coming forth with this proposal. We have a surplus of honey in this country, largely because of the importation of low-cost honey from abroad. While restricting the inflow of this foreign honey is attractive to some, promoting greater consumption is a more farsighted approach to bringing supply and demand back into balance. Many industries—wheat, cotton, dairy, for example—use promotional programs to market their products. These industries have proven that commodity promotion is effective.

Honey consumption in the United States is only 1.02 to 1.26 pounds per year. Yet, other than pure maple syrup from Vermont, I can think of no other product that functions so well as a sweetener and yet is such a delightful delicacy. I am confident that, if we give the honey industry this tool, they will use it to sweeten us all up a bit.

● Mr. DASCHLE. Mr. Speaker, I rise in support of H.R. 5358, the Honey Research, Promotion, and Consumer Information Act and to compliment the chairman of the committee for his authorship of this legislation. I urge my colleagues to join with me in supporting passage of the Honey Research, Promotion, and Consumer Information Act which will enable the honey industry to finance a national program for expanding existing markets and creating new markets for honey and honey products.

Mr. Speaker, honey producers throughout the Nation and in South Dakota, which ranks sixth nationally in honey production, know well the need for expanding current markets and creating new markets for our honey and honey products. Despite domestic honey production, domestic use, and our exports of honey all remaining relatively constant according to USDA estimates and projections, price depressing honey imports have risen from 49 million pounds in 1980 to 100 million pounds in 1983 resulting in the volume of honey acquired by the Commodity Credit Corporation under the operation of the honey price support program to similarly increase from 6 million to 90 million pounds between 1980 and 1983.

The industry financed program of promotion, consumer information, and research authorized by H.R. 5358, the Honey Research, Promotion, and Consumer Information Act, is not a panacea for the problems now confronting our domestic honey producers caused by price depressing honey import increases. But it will enable domestic honey producers to expand and develop needed new markets for honey. I urge my colleagues to support this leg-

islation and I again encourage the Secretary of Agriculture to make use of the existing authorities available to him to respond to the problems which have been created by increased honey imports.●

● Mr. EVANS of Iowa. Mr. Speaker, this bill would permit producers and handlers of honey and honey products to finance by assessment a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey and honey products.

The general provisions of the bill are similar to those enacted for programs established for the eggs, wheat, wool, cotton, and potato industries.

The bill provides that the program, in order to be established, must be approved by two-thirds of the producers and importers voting in a referendum or by a majority of producers and importers voting if such majority produced and imported not less than two-thirds of the honey produced and imported during the representative period determined by the Secretary. The program would be financed through assessments among those producers and importers who produce or import more than 6,000 pounds of honey within a certain period—a year.

The background in which the need for this promotion and research program arises is that in which during recent years an ever-increasing flow of low-cost imported honey has replaced domestic honey in normal trade channels, forcing honey producers to forfeit large amounts of honey to the Commodity Credit Corporation [CCC] under the honey price support program. Or, producers in certain instances entered agreements for the purchase of their honey by the CCC under such a purchase program.

The marketing order, if adopted, would generally contain the following terms and provisions:

First, establishes a National Honey Nominations Committee composed of members from each State based on recommendations submitted by each State association, members to serve not more than two consecutive 3-year terms;

Second, establishes a Honey Board to administer the act, composed of 13 members selected by the Secretary from nominations from producers, handlers, importers, marketing cooperatives, and one from the general public, to serve not more than two consecutive 3-year terms; members to receive no compensation, just travel expenses to meetings;

Third, authorizes the Honey Board to collect an assessment of at least 1 cent per pound from persons who produce or import a volume of 6,000 or more pounds of honey per year, said moneys to fund administration of orders, functioning of the Honey Board, a reasonable reserve fund, and administrative costs incurred by USDA;

Fourth, authorizes the Board, after the first year, to request the Secretary to increase the assessment rate by not more than one-half cent each year up to a maximum assessment rate of 4 cents per pound of honey;

Fifth, exempts those who produce, handle, or import less than 6,000 pounds of honey per year;

Sixth, prohibits use of funds for false claims on behalf of honey or for influencing governmental policy or action;

Seventh, exempts honey exports from assessment fee;

Eighth, credits against the national assessment State assessments on a comparable program;

Ninth, designates the first handler of honey to collect the assessment from the producer unless the honey is imported, placed under price support loan with the Commodity Credit Corporation, or packed by the producer;

Tenth, allows any producer or importer to request a refund of their assessment;

Eleventh, pegs refunds to importers to an amount not to exceed the amount of refunds made to domestic producers as a percentage of total assessments collected from domestic producers in proportion to total assessments; and

Twelth, provides for the enforcement of orders and regulations through civil penalties and cease-and-desist orders.

Such order, if adopted, would also provide the following terms and conditions with respect to its suspension or termination:

First. Secretary may terminate or suspend an order when he finds such order obstructs or does not carry out the purpose of the act;

Second. Secretary required to hold referendum every 5 years to determine if honey producers and importers favor continuation;

Third. Secretary must hold referendum upon petition of 10 percent or more producers and importers; and

Fourth. Secretary shall terminate or suspend an order when favored by referendum majority compromised of producers and importers who produce or import more than 50 per centum of the volume of honey.

I favor this legislation for the reason that I believe honey producers should be given the opportunity to decide whether or not they can expand their markets by promotion and research.

The consumption of sugar including caloric, noncaloric, low caloric, and honey since 1975 has not increased much. USDA representatives estimate this consumption per capita in the United States as follows:

Year:	Lbs. Consumption
1975	124
1980	132
1981	133
1982	132
1983	133

Meanwhile, as the per capita consumption in the United States is averaging and stabilizing between 1 and 1¼ pounds per year, the per capita consumption in other countries is: Germany, 2.6 lbs.; Russia, 1.3 lbs.; Canada, 2.2 lbs.; and Australia, 1.8 lbs.

It appears that consumption of honey and honey products can be increased if innovative methods are adopted for its promotion and research funds are committed to find products wherein its consumption and use will be enhanced.

If the producers and importers opt to reject the order, then so be it. However, they should keep in mind that the committee adopted the following language without objection as to what action the committee would take with respect to honey in the 1985 farm bill:

> The Committee takes notice of increasing acquisitions of honey by the federal government under the honey price support program. It is the intention of the Committee to consider alternative solutions to such problems during consideration of the 1985 farm bill.

There is a message in this language for both producers and importers.

I also wish to point out a couple of matters in section 9 that I believe merit special discussion in concluding my remarks.

Section 9(h) provides that honey producers and importers may obtain a refund of the assessment under regulations approved by the Secretary except that during any year, the amount of refunds made to importers, as a percentage of total assessments collected from importers, shall not exceed the amount of refunds made to domestic producers, as a percentage of total assessments collected from such producers.

The committee report accompanying this bill in commenting on this provision states as follows:

> For example, if during a six-month period domestic producers request refunds on 10 percent of the volume of honey assessed, then importers may obtain refunds on 10 percent of the volume of imported honey assessed during that period if they so request.

It is my understanding that it is the intent of the committee that if during a 6-month period—refunds are to be made by the Honey Board in June and December of each year—importers request refunds on between 10 to 100 percent of the volume of their honey that was assessed while domestic producers only requested refunds on 10 percent of their volume of honey assessed, then there would be a pro rata refund to the importers based on the 10-percent level established by domestic producers. The principle underlying this rather unique feature of this

promotion program is one of fairness and equity. Inasmuch as domestic producers as well as importers will benefit from the research and promotion, it is only fair that the refunds to importers not be permitted to exceed those to producers otherwise the former might be accorded an unfair competitive price advantage.

Section 9(d) provides that in any case in which a loan is made with respect to honey under the Honey Loan Price Support Program, the Secretary shall deduct from the proceeds of the loan the amount of such assessment that shall be forwarded to the Honey Board. As I understand it, whether the producer forfeits the honey under loan or redeems it by paying off the loan, the refund of the assessment may be applied for by such producer. In the event a producer enters into a purchase agreement with the Secretary obligating the Government to purchase the producer's honey production at the end of the production year—April 30—whether the assessment is collected by checkoff or by direct payment by the producer will be determined by the terms of the order issued by the Secretary under this act, as I again understand it.●

Mr. JEFFORDS. Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 5358, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two bills just previously passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

(Without objection, Mr. HOYER was given permission to address the House for 1 minute and to revise and extend his remarks.)

NANTOU SHIEN GOODWILL MISSION

Mr. HOYER. Mr. Speaker, I would like to take this opportunity to welcome a delegation from the sister county of Prince Georges County, which I represent, Nantou County in the heartland of Taiwan. We are indeed honored to have them as our guests, and enjoy this opportunity to show them our vision of the Capitol.

Nantou County is a place of great natural beauty; its people known for their quiet independence and great affinity for their country. In 1981 then County Executive Lawrence J. Hogan signed an agreement establishing the "sister county" relationship with Nantou. Since that time we have had numerous opportunities to exchange views on trade, cultural, economic, and social possibilities. I look forward to many more years of such constructive interchanges and welcome the members of this delegation today.

My greetings go to magistrate Wu den-Yih, Mrs. Wu and their son, T.W. Wu; speaker Wu Chung-Fa and Mrs. Wu; Mr. and Mrs. Pan Chung; Mr. and Mrs. Tsai Ho-Shien; Mr. and Mrs. Wei Ching-Pin; Mr. and Mrs. Lee Ying-Cheng; Mrs. Lin Chen Tsai-Fong; Mr. Chen Yap-Chuon; Mrs. Lin Chang Wen-Ing; Mr. Hsu Gwo-Bin; Mr. Lin Yu-Shiang; Mr. Chang Chun-Chuan; Mr. Yang Chien-Chung; Mr. Yeh Wei-Jenn; Mr. Tsai Shao-Nan; Mr. Hsu Ching-Tien; and Mr. Wei Lien. These men and women, elected officials, members of the county and local governments, a member of the press, and of the KMT Party, will go far in bringing about a mutual prosperity between our two counties.

PUBLIC BROADCASTING AMENDMENTS ACT OF 1984

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 521 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 521

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5541) to amend the Communications Act of 1934 to extend certain authorizations of appropriations contained in such Act, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only. I yield 30 minutes to the gentleman from Missouri [Mr. TAYLOR] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 521 is a 1-hour open rule providing for the consideration of H.R. 5541, the Public Broadcasting Act Amendments of 1984.

The rule provides that the 1 hour of general debate shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and that it shall be in order to consider the amendment in the nature of a substitute now printed in the bill as original text for purpose of amendment under the 5-minute rule. The rule also provides that each section of that substitute shall be considered as having been read.

In addition, the rule provides that when the bill is reported back to the House, any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. The rule also provides for one motion to recommit. With or without instructions.

Mr. Speaker, H.R. 5541 authorizes appropriations for the Corporation for Public Broadcasting for fiscal years 1987 through 1989. The funding levels recommended by the Committee on Energy and Commerce are higher than those requested by the administration. But the funding levels in the bill are consistent with continued good programming on public broadcasting stations. Over the past few years, public broadcasting has made major efforts to supplement declining Federal revenues through other fundraising activities. Yet, despite these efforts, public broadcasting has experienced substantial funding shortfalls and a number of significant and popular programs have been forced off the air or have been considerably scaled back. Without these increased funding levels, we cannot expect to maintain the level of quality programming we have become accustomed to on the public broadcasting system.

Mr. Speaker, this is an open rule and any germane amendment, including cuts in recommended funding levels, can be entertained under the rule.

I urge adoption of the rule and adoption of H.R. 5541.

□ 1440

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 521 is an open rule under which the House will consider legislation that effectively triples the budget for public broadcasting and offers yet another example of how we are failing to restrain our spending habits.

The legislation made in order by this rule, H.R. 5541, is a classic example of our authorization process gone astray. The bill authorizes $761 million in appropriations for the Corporation for Public Broadcasting for the 1987, 1988, and 1989 fiscal years.

This amount is three times more than the administration's requested budget of $255 million for the 3-year period.

Mr. Speaker, only 3 years ago the Congress reduced the authorizations for the Corporation for Public Broadcasting from $220 million to $130 million each year in 1984, 1985, and 1986.

The Committee on Energy and Commerce is apparently not content to leave well enough alone, even though we enacted a supplemental authorization which raised the appropriations levels for 1984, 1985, and 1986 to $145 million, $153 million, and $162 million, respectively.

Under this rule, the Energy and Commerce Committee substitute will be read for amendment by sections. The committee amendment is open for amendment under the 5-minute rule, and amendments will be necessary if the Congress is do anything about the massive increases in Federal funding authorized in this bill.

Mr. Speaker, despite the controversy over the unrestrained spending in this bill, there is no controversy about this rule. I support the adoption of the rule, and since I have several requests for time, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I have no requests for time on this side.

Mr. TAYLOR. Mr. Speaker, since those who have requested time have not appeared, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 521 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5541.

□ 1444

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5541) to amend the Communications Act of 1934 to extend certain authorizations of appropriations contained in such act, and for other purposes, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Colorado [Mr. WIRTH] will be recognized for 30 minutes and the gentleman from North Carolina [Mr. BROYHILL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 5541 authorizes funds for CPB for fiscal years 1987, 1988, and 1989 at levels of $238 million, $253 million, and $270 million respectively. H.R. 5541 also authorizes the Public Telecommunications Facilities Program for fiscal years 1985, 1986, and 1987 at $50 million, $53 million, and $56 million respectively. These funding levels are identical to those included in Senator GOLDWATER's bill, S. 2436, which was recently passed by voice vote by the full Senate.

Additionally, this bill clarifies CPB's flexibility and responsibility in the use of funds appropriated to it under the allocation formula of existing law. H.R. 5541 also repeals the so-called unrelated business income penalty, which is a clear disincentive to stations developing alternative sources of revenue. Finally, H.R. 5541 eliminates the requirement that a strict 75 percent of Public Telecommunications Facilities Program funding be used for unserved areas of the country, although bringing service to unserved areas will remain a priority of the program.

H.R. 5541 was reported from the Subcommittee on Telecommunications, by a bipartisan vote of 14–2, from the Full Energy and Commerce Committee by voice vote, and as I pointed out, a similar bill sponsored by Senator GOLDWATER was passed by the Senate by a voice vote. Public broadcasting is currently at a critical crossroads—it is striving valiantly to fulfill its mission as a provider of diverse and excellent programming while, at the same time, facing unprecedented financial constraints.

The authorization for the system was slashed some 40 percent in 1981. At that time, we had hoped that diminishing Federal funding could somehow be replaced by other sources. The results have not been very encouraging. State and local funding has been similarly cut. Grants from the National Science Foundation and the Department of Education have all but disappeared. Subscriber support, and corporate contributions have plateaued.

Unfortunately, what we were forced to do in 1981—shrink Federal support—has translated into severe cutbacks in programming and has caused immense strain on the system, because the hoped-for alternative revenue sources have not significantly developed. Federal cuts have resulted in many stations having to reduce staff and programming hours, and eliminate local programming. Even the heart of the public television schedule— "Frontline," "Great Performances," and "Playhouse"—have been forced to cut production by 20 percent. "Latenight America" has been canceled, and even "The Lawmakers" has gone out of production for lack of funding.

Similarly, production of children's programs on public television, which unfortunately is the only real source of enriching programming for youngsters, has been subject to sharp cutbacks. The upcoming "Wonderworks," as well as "Reading Rainbow," have been cut 50 percent and 30 percent respectively. Moreover "Sesame Street," a true educational marvel, must now rely for two-thirds of its programming on reruns of previous segments. Beyond production, many local stations are so financially-strapped that they cannot affort to buy many important programs.

Although we recently authorized a modest cost of living increase for the system, it is still only a band-aid applied to a hemmoraging financial situation.

As the minimum amount of Federal funding necessary to restore the level of programming and services provided by public broadcasting, it is imperative that we adopt the funding levels of $238 million for fiscal year 1987, $253 for fiscal year 1988, and $270 for fiscal year 1989. The final figure represents an average annual increase of only 3.47 percent from the $220 million originally authorized for 1983. Since inflation will probably average this or higher, $270 in fiscal year 1989 is no higher (and possibly less) in real terms than was originally authorized for 1983. Thus, these authorization levels represent a fiscally responsible return to a sound financial foundation which will enable public broadcasting to provide programming of excellence and diversity.

H.R. 5541 also authorizes funding for the Public Telecommunications Facilities Program [PTFP] at $50 million for fiscal year 1985, $53 million for fiscal year 1986, and $56 million for fiscal year 1987. PTFP, administered by the Department of Commerce, provides matching grants for

planning and construction of public broadcasting facilities so that the benefits of our Nation's public broadcasting system can reach more Americans.

In 1981, Congress enacted sharp reductions in PTFP from $40 million authorized in fiscal year 1981 to about $12 million, which is authorized for fiscal year 1984. Consequently, the current level of funding for the program threatens to severely undermine the goal of assuring that all Americans—who pay for the system through their tax dollars—have access to the benefits of the system.

The administration, as it has done every year, has proposed abolishing PTFP, on the grounds that the program has fulfilled its goals. This presupposition totally ignores the facts:

Thirty percent of the country cannot receive public radio signals;

Ten percent of the public and large geographic areas, particularly in rural areas, cannot receive a local public television signal;

There is no local service in the State of Montana and 15 percent of Missourians do not receive public television signals. Similar problems exist in Arizona, Nevada, Hawaii and Alaska, and large areas of the South.

Moreover, a severe problem is developing concerning the preservation and maintenance of existing equipment: many transmitters are so old that stations must go off the air for extended periods of time when they break, or malfunction.

In fiscal year 1984, only $11.88 million was appropriated for PTFP. However, last year's 324 grant applications requested a combined total of $72 million in funds, backed by an impressive commitment of nearly $30 million in local funds. Thus, only 14 percent of the applications could be granted.

The funding authorized here will bring PTFP more in line with the demonstrated need for the program. The levels in this legislation will ensure fairness to all Americans, by making important, and diverse cultural and educational programming available to the entire Nation.

I urge my colleagues to join me in supporting this important funding measure.

□ 1450

Mr. BROYHILL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at the very time that there is so much concern in this Congress and around the country about the size of our Federal budget deficit, this bill proposes to make the problem worse by granting very significant increases—probably unprecedented increases—in Federal support for the Nation's public broadcasting outlets. No matter how you look at the funding levels provided by this bill, the increases are phenomenal. The bill proposes to go from $162 million in 1 year for one particular program, to $238 million for the very next year. That is an increase of almost 50 percent in a single year.

The bill proposes to increase the Federal support for another public broadcasting program from $12 million in 1 year to $50 million in the next year—an increase of more than 400 percent in a single year.

Altogether, this bill authorizes Federal spending which totals $920 million. When we compare the $920 million authorized by this bill with what was spent in the same programs during the most recent period, the comparison is shocking; $920 million in this bill, and $507 million during the most recent period of equal length. That is 81 percent more money.

Just a few months ago, this House passed a budget resolution which stood firmly in favor of exercising restraint in Federal spending. The budget resolution approved by this House recommended an overall increase in domestic Federal spending of only 3.5 percent per year. For public broadcasting, the budget resolution proposed a freeze on current levels of spending.

Compare the budget resolution with this bill. While the budget document urged no spending increase for public broadcasting, this bill recommends massive increases—50 percent in one program from one year to the next, more than 400 percent in another program from one year to the next.

Congress cannot have it both ways. Our Federal Government faces a serious budget problem. It simply will not do for this House to pass a budget resolution that purports to cope with this problem by proposing a freeze on spending and then, when it comes to actually implementing the budget resolution, to pass legislation that proposes massive increased spending authority.

Now let's look a little bit at the purported justification for the big spending increases in this bill. First, public broadcasters claim that their revenues from non-Federal sources are drying up. But that simply is not true according to the public reports that the corporation for public broadcasting has itself made available. The fact is that non-Federal revenues have increased consistently from one year to the next by 12 percent to 16 percent in each of the past 10 years. Moreover, the corporation for public broadcasting has projected that significant additional increases in non-Federal revenues will occur during each year in the foreseeable future.

Public broadcasters also claim that they will have to discontinue broadcasting certain programs unless Congress grants these big funding increases. But, I would venture to say that for every program that public broadcasters will eliminate, they will add a new one. Program schedules always change, reflecting changing tastes. Program schedule changes do not necessarily reflect hard times. It seems to me to be unfair for broadcasters to hold certain programs hostage to substantially higher Federal funding.

I don't mean to suggest that public broadcasting stations could not broadcast more programming if they had substantially more money. Of course they could. All Government programs, theoretically, could do more with more resources.

All I am trying to say is that the massive new funding provided by this bill is too much. It is a bigger increase than almost any other program in the Federal budget.

Moreover, I have got to be honest with you and say that I have some lingering suspicion that public broadcasting stations are not the most efficiently managed entities. If you look closely at the public broadcasting station line-item, expenditures, there is some evidence of inefficient management. For example, recently published statistics show that public broadcasting stations—both radio and television stations—pay their employees higher salaries than commercial radio and television stations. If public broadcasting is in such financial straights, why do they insist upon paying their employees more than their commercial station counterparts?

During the amendments stage of our debate, Congressmen OXLEY and FRENZEL will offer two proposals to restore some responsibility to the funding of public broadcasting. Mr. OXLEY will offer an amendment that would grant public broadcasting a 15 percent increase in Federal spending authority during each of the next 3 years. This is three times the expected inflation rate, and surely it is enough to let public broadcasters squeak by. Mr. FRENZEL will offer an amendment to authorize a smaller increase than that proposed by Mr. OXLEY. I understand that Mr. FRENZEL's amendment will propose a 3.5-percent increase, which after all was in line with the increases recommended by the House for almost all domestic programs in its own budget resolution.

I urge my colleagues to look carefully at both of these amendments. Both amendments allow for significantly increased Federal spending for public broadcasting while restoring a sense of responsibility.

In short, I urge my colleagues to reject the monumental increases in Federal funding provided by this bill and to support amendments that will provide more responsible funding increases.

Mr. Chairman, at this time I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY].

□ 1500

Mr. BLILEY. I thank the gentleman from North Carolina for yielding this time to me.

Mr. Chairman, let me first make it clear that I am not opposed to public broadcasting and Federal funding for public broadcasting. But as my colleague, the gentleman from North Carolina, has pointed out, in this time when we hear so much about Federal deficits, and I pledge to my colleagues that during the course of the next 100 days we will hear even more about massive Federal deficits, this is not the time to be going way over budget in increasing funds for any—for any—activity, and in particular for this one.

How can we look our senior citizens in the eye just after having passed a tax bill which will cut back on medicare payments, and then at the same time, in the next breath, come in and pass this legislation at this funding level. It once again points out, to me at least, the skewed priorities of this body.

I would hope that when the gentleman from Ohio later offers his amendment to reduce the funding for this activity that it will be the pleasure of my colleagues to support that amendment and to pass a public broadcasting bill, but to do so at a more modest funding level.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. WIRTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there has been discussion about this dramatic increase, and there will be, I believe, one amendment offered to this allegedly dramatic increase. and there will be one amendment offered on that situation.

Let me again point out, as I did in my opening statement, what the facts of the matter are. The facts of the matter are that the increase that we are asking for in the authorization level is an average of 3.4 percent, 3.4 percent between 1983 and 1987. That is below the level of inflation.

Let me also point out that the recommendation that this increase be there was initially made by the Temporary Commission on Alternative Financing which, following the 1981 dramatic cuts in public broadcasting, looked very carefully at alternative sources of funding. Those alternative sources of funding have not been found to be available and, therefore, the bipartisan Temporary Commission came back to the Congress and said, "We have to have this increase."

So I would point out to my colleagues, and this will come up again in the debate over the funding levels, the authorization levels, that the funding level is 3.4 percent.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I would be happy to yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, once again, I am pleased to be able to stand in this well in support of an increase in authorization levels for the Corporation for Public Broadcasting. And, once again, attempts are going to be made on the floor to reduce the authorization level below that in the bill. I feel, however, that I must support the committee bill.

Mr. Chairman, funding for the Corporation for Public Broadcasting is a good investment. It is one of the best investments that the Federal Government can make because it helps to educate our people, it provides quality television programming—expanding to all areas of the Nation. But more expanding needs to be done.

Last year, I mentioned that the public broadcasting station in western Massachusetts has 380,000 viewers each week, with 70 percent of the shows devoted to children's television programming. I said that public broadcasting is the only consistent outlet for educational television programming, and the reductions in funding which we enacted in 1981 are jeopardizing the quality of public broadcasting.

If we do not increase these authorization levels, public broadcasting stations will be forced to continue the pattern of reduction and elimination of programs, hours of broadcast, staff and other services. My Labor/Health and Human Services/Education Appropriations Subcommittee received testimony that in one State, 24-hour broadcast days were reduced to 16 hours, local production has been cut in half, Saturday and Sunday morning television programming has been eliminated, and some cannot afford to come on the air until 4 p.m. each weekday. Scheduled decreases of Federal support will require public stations to pursue deeper cuts.

Now, there is much mention made of an alternative financing study for public broadcasting stations. Although the initial studies appeared to be successful, more remains to be done. Even if the studies underway culminate in a long-term plan for alternative financing, implementation of the current schedule of authorization reductions means that irreparable damage will already have been done to public broadcasting before supplemental financing might materialize.

Finally, let me say this to my friends on my side of the aisle who are upset about the funding increases in this bill. The other body has already passed an authorization for the CPB that equals the levels in this bill. Over half of the other body had cosponsored the bill, and it passed by voice vote—no objections—by unanimous consent. I hope that we can support this bill, pass it, and help public broadcasting stations achieve their important goals.

Mr. WIRTH. I thank the gentleman for his valuable support. This is a bipartisan bill. It was reported out of the subcommittee by a 14 to 2 vote, reported out by a voice vote from the full committee.

We have always had for public broadcasting, as the gentleman from Virginia [Mr. BLILEY] suggested, very, very broad support and I would hope that we would not falter today in the support by the House for public broadcasting.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I would be happy to yield to the gentleman from Maryland.

Mr. HOYER. I thank the chairman for yielding.

Mr. Chairman, I want to say a few words while the ranking member of the subcommittee on which I serve on the Committee on Appropriations, the Subcommittee on Health and Human Services and Education is on the floor. I am glad Mr. CONTE is here because he and I share a concern, which I think the chairman of the subcommittee shares as well.

In the gentleman's opening statement, he referenced a number of programs which were being shut down, production was being stopped for lack of further funding. One of those programs which was listed was "The Lawmakers," program that, from my own personal view, is probably one of the most indepth communications to the American public as to what really happens in Congress, as opposed to a 2- or 3-minute news squib.

I am wondering whether or not there is any possibility in the short term and long term for a program like that to survive. I have been told such a program is not the commercially most enthusiastically accepted but I believe nevertheless one that is critically important. What does the gentleman think the prospects are for further funding of that particular program, or similar programs, would be?

Mr. WIRTH. I thank the gentleman for his concern, which I share, and I believe it is shared by many, many of our colleagues. I do not want to speak for the gentleman from Massachusetts, but he has spoken to me about it, the chairman of the appropriations subcommittee has spoken to me about it, and many Members of the Congress on both sides of the aisle, and many members of the leadership have spoken to me about it.

The Congress has got to be, as the gentleman is aware, extremely careful of not placing ourselves in any kind of a position of dictating or line iteming,

or whatever, what kind of programming is on public broadcasting. We went through that, it will be remembered, during the early 1970's when, in fact, there was an attempt politically to punish public broadcasting for various kinds of funding that was going on, which was a direct violation of the first amendment, a direct violation of our long-term commitment to stay out of specific programming.

That is why we advance fund this, so we have that kind of buffer of 2 or 3 years and there is no way of getting a handle on public broadcasting politically.

Having said that, I agree with the gentleman completely that "The Lawmakers" does provide a very sound and indepth coverage. Both the Corporation for Public Broadcasting and WETA, the local station here that is responsible for the production of "The Lawmakers," are committed to the survival of the show and to the coverage of the Congress, and we have all had extensive discussions with them about the overall coverage of this important area.

Because of lack of funding, WETA has taken "The Lawmakers" off the air and hopes now that it will be able to gain sufficient funding in the future from CPB, from other stations, and from underwriters to put the program on sound financial footing and to return it in January. They had felt that with the two conventions and then with the election campaign, and so on, that if they took the program off now, this would give them a 6-month period of time in which to put together the proper financial package for "The Lawmakers." So they are working very hard to attempt to do this.

I think any discussion that we have to encourage in any way possible the funding of that program from outside sources would be good, but again, we have to be extremely careful not to have it appear that there is any political interference in programming, whether it is "The Lawmakers," or news programs, or anything else.

Mr. HOYER. If the gentleman would yield further, I appreciate the gentleman's answer and understand the principle for which he speaks with reference to the relationship of the Congress to the programming aspects of CPB.

At the same time, I think as public officials, in terms of the purpose that public broadcasting serves, one of which is certainly providing a window to the people's Government, to the people's House and to the other body as to exactly what goes on here as we transact the people's business. I think that is a critically important function, and one about which we ought to be concerned, and I know the ranking member shares my view on that.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I will be happy to yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I agree with the gentleman from Maryland, and I also agree with the gentleman from Colorado. That was the reason why when we enacted the public broadcasting we had forward funding in it, because we did not want any political interference in it.

"The Lawmakers" program began in 1980, I believe, and it has been one of the most successful programs. It puts us in a very difficult position as Members of Congress to try to get up here and even speak about it, but I think we have to speak about it. We are not trying to exert our muscle, or anything else. We are saying "The Lawmakers" is an excellent program, it has a tremendous amount of following, and now, with this increased authorization, I hope public broadcasting will take that into consideration. They need about $800,000, I understand, to continue the program until January if this goes through.

□ 1510

Then we can take care of the money part in the Appropriations Committee which we have not put into our subcommittee. But we also hope that they give this very, very serious consideration and give "The Lawmakers" very, very serious consideration and continue that worthwhile program. It is about the only program that I see in public broadcasting or commercial broadcasting which really gives a fair break to the Congress in reaching the American public.

Mr. WIRTH. Mr. Chairman, I appreciate the gentleman's comments. I understand we are saying that we think this is symptomatic of the "Lawmakers" problem and is symptomatic of the funding problems that exist for public broadcasting, for "Sesame Street," "Playhouse," "The Lawmakers," "Reading Rainbow," and the whole series of very good substantive programs that are having a difficult time.

I do not know if I mentioned that the Eastern Education Network, which is a consortium of public broadcasting stations, has passed a resolution committing it to the support of "The Lawmakers." With NETA's commitment and with CPB, we are trying by January to see if that kind of support can be there, and I am very hopeful we will be able to find public support for "The Lawmakers."

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I am happy to yield to the gentleman from Washington.

Mr. SWIFT. Mr. Chairman, I share the gentleman's sensitivity to the need to keeping insulation for public broadcasting from political influence. Having said that and meaning that, I think it is also important to recognize that this legislative process of ours is frequently difficult for us to understand, and the citizen out there, trying to inform himself of the issues of the day, has precious little opportunity to see indepth analyses of what is going on in this institution. "The Lawmakers" has done a superb job of doing precisely that.

Perhaps some lawmakers standing up and saying they should do a program about lawmakers may seem self-serving, but I think what we are all saying is that the public has an extraordinarily difficult time knowing what we are doing, even with all the media covering this institution, sometimes not very well and sometimes with a depth of about a quarter of an inch.

"The Lawmakers" has done an excellent job, and it is a shame that there is not adequate funding so that that kind of program can be continued for the benefit of all the public.

Mr. Chairman, I thank the subcommittee chairman for yielding.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I am happy to yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I thank the chairman of the subcommittee for yielding.

If someone were to be watching this particular dialog today who was not particularly schooled in what was happening, it seems to me the inference may very well be that to make certain that "The Lawmakers" is placed back on the schedule one would have to see this particular bill pass and become law and, therefore, be in the appropriation after that.

I am sure the chairman of the subcommittee did not want to leave the impression with the Members of the House nor with the general public that this is really an ad hominem discussion about the merits of "The Lawmakers" program and certainly not to be tied to the success of this bill in any way.

Mr. WIRTH. Mr. Chairman, if the gentleman will yield back, I think the reference is to "ad programinem" and not to "ad hominem."

I am happy to yield further to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I will let that pass.

But I think we ought to make it very clear that the discussions that the gentleman from Maryland brought up, and I think very adequately, certainly should not be reflected on whether in fact this particular piece of legislation should pass in this House today. I think that we ought to make that very clear on the record.

Mr. WIRTH. Mr. Chairman, I thank the gentleman for his comments, and I would make it very clear on the record that the Congress does not authorize any particular program or suggest we not have any particular program. However, the level of funding we are talking about is symptomatic of the very deep problems that public broadcasting has in programming and in facilities overall, and this happens to be a symptom of the deep problems facing public broadcasting.

I would hope that most of my colleagues would band together in support of public broadcasting, as we have in the past, and would not flag in our commitment to public broadcasting.

Mr. HOYER. Mr. Chairman, would the subcommittee chairman yield for just 1 additional minute?

Mr. WIRTH. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, in following up on what the ranking minority member said and what the subcommittee chairman said in response, it is, of course, true that this is not an issue as to whether or not this bill has merit. I think this bill has merit, and I am going to support it.

Mr. WIRTH. Mr. Chairman, if the gentleman will yield back very briefly, this bill was put together before the problems of "The Lawmakers" came up. Therefore, we would have been considering this bill even had "The Lawmakers" not run into a problem. This is just a further emphasis of the need for this particular legislation.

Mr. Chairman, I thank the gentleman, and I yield further to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, the point of the subcommittee chairman's is accurate and well taken. I would reiterate that there is a 1984 supplemental bill pending which provides $15 million extra for fiscal year 1984, for $23 million extra for fiscal year 1985, and for $32 million for fiscal year 1986, for a total of $70 million additional to that already appropriated to try to meet the problems of shortfalls of which the subcommittee chairman spoke which require this closing down of production levels.

I would hope that because of the moneys we are making available hopefully in the near future, we could move in the direction of trying to reestablish production lines on a definite long-term basis.

Mr. WIRTH. Mr. Chairman, absolutely, the gentleman is correct.

We certainly appreciate the great support of the Appropriations Committee and its distinguished chairman and ranking minority member. We thank them for their support of public broadcasting. They have been extraordinarily helpful in the past. This inflation increase agreed to by the other body and agreed to, I hope, by all of here will be a step toward insuring the stability of public broadcasting.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I am happy to yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, just in closing the discussion, I think it is very important, as I pointed out, to recognize that someone perhaps more cynical than this gentleman would see the timing of the decision to take "The Lawmakers" off the air is some effort at trying to provide some kind of undue pressure.

Mr. WIRTH. Mr. Chairman, if the gentleman will yield back briefly, I do not think any one of us agrees with that view.

Mr. OXLEY. I would certainly hope not, but I think one has to look at when the program started in 1980, and even with the draconian cuts the gentleman from Colorado talked about, the program was able to air through those particular years during those supposed drastic cuts, and I think one has to wonder about the timing of the announcement.

Mr. WIRTH, Mr. Chairman, if the gentleman would yield back, I just think it is inappropriate to suggest that of "The Lawmakers." After all, in this bill, as the gentleman knows, we are talking about a 1987 authorization, with a crisis for some programs for 1984. That is a long, long way away.

The CHAIRMAN. The Chair wishes to point out that the gentleman from Colorado [Mr WIRTH] has 9 minutes remaining.

Mr. WIRTH. Mr. Chairman, I yield such time as he may consume to the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I thank the distinguished chairman of the subcommittee, the gentleman from Colorado [Mr. WIRTH].

Mr. Chairman, I would like to commend my good friend, the gentleman from Colorado, and my distinguished colleagues, the gentleman from Washington [Mr. SWIFT] and the gentleman from Iowa [Mr. TAUKE], who served on the bipartisan Temporary Commission for Alternative Financing for Public Telecommunications. That was a body which did, I think, outstanding work and which made it plain that there is really no way that we can anticipate sufficient increases in funding from private sources to compensate for the cuts in Federal funding for the Corporation for Public Broadcasting and for public broadcasting which have occurred in recent years.

I would observe that the bill that is before the committee today is an excellent one. It has strong bipartisan support. It came from the Committee on Energy and Commerce by voice vote, and it is substantially identical in amount of money authorized to that which one will find in the Senate bill which has already passed the Senate and which has 56 cosponsors, about evenly divided on both sides of the political aisle.

I would observe that the level of funding in this bill will by 1989 not even fully restore this Nation's public broadcasting endeavor to the level of funding which existed for the Corporation for Public Broadcasting in 1982. In real dollars, there is in 1989 no increase in funding for the Corporation for Public Broadcasting.

As the House has already heard, funding for public broadcasting was cut drastically as part of the 1981 Reconciliation Act on the grounds that all programs should share the burden of bringing Federal spending under control. The House agreed with this but did so with an important understanding in mind: That appropriate alternative sources of financing would be available in sufficient amounts to prevent public broadcasting services, programming and coverage from deteriorating significantly. To emphasize this, the Reconciliation Act simultaneously created the bipartisan TCAF to investigate alternative sources of financing and to report back to Congress on the appropriate long-term role of various types of funding, including Federal financing. Last October the TCAF submitted its report to Congress. The Commission concluded that a number of alternative sources of income are or could be useful supplements to traditional financing and should be encouraged; but none, whether separately or combined, has the potential to replace Federal funding or compensate for its reduction. The recommendation was clear and unequivocal: By all means take steps to encourage alternative income sources—but if you really want to ensure a sound, high quality public broadcasting system there must be a solid foundation of Federal financing.

H.R. 5541 is designed to provide just that. The authorization levels are adequate but not excessive—by 1989 they will merely restore public broadcasting to the same level in real dollars originally authorized in 1978 for the fiscal year 1983. As to encouraging alternative sources, some of the TCAF's recommendations have been or are being dealt with at the FCC—such as allowing enhanced underwriting. Another recommendation, repeal of the unrelated income tax penalty, is included in H.R. 5541.

Restoration of public broadcast financing to a sound, responsible footing will, if the House acts today, come none to soon. Since 1981, public broadcasting has been under severe and increasing pressure. Despite enormous effort by public broadcasting, corporate and private donations have not come close to replacing lost Federal

funds. Public broadcasting has been able to avoid complete collapse by living off its existing capital. But this cannot go on much longer. Its equipment is wearing out, its existing stock of programming is exhausted and new programs are being canceled or not even started. It is imperative that we take steps now to restore sound financing for the latter part of the decade or public broadcasting as we have come to know it will simply disappear by the end of the decade.

I would observe that public broadcasting is a necessary and an essential part of our information education, and telecommunications system. It is a part which enriches and lends quality to American life, and I would urge my colleagues to support the legislation.

Mr. Chairman, first, I'd like to compliment the Chairman of the Telecommunications Subcommittee for his fine work on behalf of public broadcasting. Second, I'd like to give special thanks to two Members of this House, Mr. SWIFT and Mr. TAUKE, who served in the bipartisan Temporary Commission on Alternative Financing for Public Telecommunication [TCAF]. This bill is largely based upon the recommendations which the TCAF made after a careful and thorough study of the issues. Last, and perhaps uncharacteristically for me, I'd like to commend the Senate for its strong bipartisan support for sound Federal funding for public broadcasting. S. 2436, which is virtually identical to H.R. 5541 and has the same level of authorization, was introduced by Senator GOLDWATER on March 19, 5 weeks before H.R. 5541. It passed the Senate by voice vote on June 15, by which time it had 56 cosponsors representing the entire spectrum of both parties in the Senate.

The CHAIRMAN. The Chair will state that the gentleman from Iowa [Mr. TAUKE] has 21 minutes remaining, and the gentleman from Colorado [Mr. WIRTH] has 7 minutes remaining.

Mr. TAUKE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I thank the gentleman from Iowa for yielding me this time.

I would simply point out in response to the remarks of the gentleman from Michigan [Mr. DINGELL], the chairman of the full committee, that the financial projections for public broadcasting for the years 1987, 1988, and 1989 show substantial potential increases in non-Federal income. I might quote from those figures that came directly from the Corporation for Public Broadcasting. In 1987 they projected from a source of $640 million in 1982 up to $906 million in 1987, $974 million in 1988, and in 1989 over $1 billion in non-Federal income.

□ 1520

That hardly seems an inadequate amount of non-Federal income from those particular sources. The fact is that over the years, and I have supported public television, I happen to be a subscriber to public television and a member, but the fact remains of the inability of many of the local stations to attract enough membership and to attract enough contributions to keep their non-Federal income increasing over their efforts.

I have seen figures, for example, to indicate, Mr. Chairman, that 1 out of every 10 persons who watches public television actually is a member or actually contributes to that system. I would dare say that is hardly a ringing endorsement for public broadcasting in this country, if you can get only 1 out of 10. In our business, if you only get 1 out of every 10 votes, you are not going to win too many elections; and yet that is exactly what has happened in public broadcasting.

The fact is also, as was demonstrated in the testimony in the subcommittee as well as the committee from the various members that the opportunity for outside income for those stations has basically been ignored. There was an experiment to provide for limited advertising. It worked very well in Chicago. We had a gentleman from the public television station in Chicago tell us that it worked quite well for them and they had raised over $3 million in a 9-month period during that particular time, to give them an opportunity at some alternative ways of funding besides coming back to Uncle Sam and asking the taxpayer to ever increase the amount of money we spend on public television and public radio.

I think the facts really speak for themselves. The leadership of public broadcasting came in and simply said: We reject any opportunity even on an experimental basis to continue the option of getting income from outside sources. We are simply coming to the Congress and asking for this tremendous increase.

Fifty percent in the first year, and if you look at the overall figures for the 3-year period, it is an 81-percent increase in the authorization.

The gentleman from North Carolina [Mr. BROYHILL] was absolutely correct when he said that we have heard a lot of rhetoric, particularly last week about the Federal deficits, and the first thing we do when we come back here to Washington is to increase the authorization level for the Corporation for Public Broadcasting by 81 percent over a 3-year period.

We simply have not recognized what fiscal responsibility is and we are continuing to go on our merry way ignoring the real facts of what lies before us.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I would be glad to yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman for yielding.

We will, I am sure, get into a significant amount of debate on the numbers and the figures and so on which we have done in the subcommittee and in the full committee and I look forward to that.

Right now I just want to take the opportunity to say that the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], had just commented on the need for this legislation and I wanted to just thank the gentleman from Michigan [Mr. DINGELL] for his great help both on the increase, the cost-of-living increase that we did some time ago for public broadcasting to help it out in the short term and for his constant and consistent support over all for the public broadcasting system.

I would hope again that all of my colleagues would help in making that investment in public broadcasting and in our future.

I thank the gentleman for yielding and look forward to extensive discussion of these numbers in the debate on the amendment which I believe the gentleman will be offering.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I thank the gentleman.

I simply wanted to comment on one point raised by the previous speaker, the gentleman from Ohio [Mr. OXLEY].

As a member of TCAF, I am amused that everybody can read the report of the Temporary Commission on Alternative Financing and everybody reads into it what they want. Having been there, I know that the findings of that commission were that there were not adequate resources external to Federal financing to adequately fund public broadcasting. That should not be lost.

One other point that the gentleman made was, if I understood the gentleman correctly, that public broadcasting leadership would not let the experiment continue. That is totally false. As the chairman knows, because he and I were there and wrote it into the law, that experiment ended because Congress insisted that it end, not be continued without us having an opportunity to examine it and move forward. It was not done at the behest of the public broadcasting leadership. It was done at your and my behest in a sense. It was done because Congress felt we needed to be able to examine the entire thing before we made fundamental changes in policy of how to fund public broadcasting.

If that is something the gentleman disagrees with, he disagrees with us, not with the leadership of public broadcasting.

Mr. WIRTH. Mr. Chairman, I thank the gentleman from Washington for clarifying the record and making sure again that the facts about TCAF are on the record.

I should also point out at this point that the projections suggested by the gentleman from Ohio from the projections made by public broadcasting as to what their outside income is are not being met at all by public broadcasting. State funding, other public funding, has decreased rapidly; business support has plateaued. We have not seen the kind of outside support increase in the dramatic fashion that we had all hoped that it might in 1981. It simply has not happened.

Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Texas [Mr. BRYANT], a valuable member of the subcommittee.

Mr. BRYANT. Mr. Chairman, I thank the chairman of our subcommittee and want to identify myself and associate myself with his remarks and with the remarks of the chairman of our full committee, the gentleman from Michigan [Mr. DINGELL] and also offer my congratulations to the gentleman from Washington [Mr. SWIFT] for the leadership that he has offered in this field.

To the Members of the House that have studied this issue, it will come as no surprise to hear any Member of the Congress stand here and complain, as I am about to do, about how disingenuous it is for any other Member of this House to characterize this bill before us today as a 50-percent increase, or whatever they choose to call it, as a major increase in funding for the Corporation for Public Broadcasting, and to somehow raise the issue of fiscal responsibility when it is crystal clear that this Congress under the leadership of the minority and of the gentleman who occupies the White House today engineered a Draconian cut in the budget of the Corporation for Public Broadcasting, allegedly in order to determine whether or not it would be possible for them to obtain funding from another source. That experiment took place. That experiment revealed that it was not possible for them to do so, and if that was their only reason for wanting to cut the budget in those years then I think that reason has been taken away.

I believe, Mr. Chairman, that it is very clear today that the vote that we are about to take is a vote on whether or not we support the broad aims; and goals and the worthy purposes and the very successful purposes of the Corporation for Public Broadcasting or whether we do not. It comes down to that simple choice.

Again, I offer my congratulations to the leadership of our committee for having brought this bill and this debate to the House in the forthright manner with which they have done so.

I urge every Member to cast a vote today for a viable Corporation for Public Broadcasting by casting an "aye" vote in favor of this bill.

Mr. TAUKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I, along with the gentleman from Washington [Mr. SWIFT], have represented this House on the Temporary Commission for Alternative Financing for Public Broadcasting and I was one of the members of that commission who sincerely believed that there would be an opportunity for public broadcasting to obtain much of its financing from private sources. Indeed, public broadcasting does receive much of its financing from non-Federal sources. The Federal Government provides a relatively small share of the total amount of dollars that go to the support of public broadcasting.

When we looked at expanding the amount of money that would come from non-Federal sources and reducing the amount that would come from the Federal Government, we considered a variety of alternatives. We looked, for example, at the possibilities for public broadcasting stations to lease their facilities for commercial projects and other things.

We looked at the possibility of public broadcasting stations providing other services besides broadcast services.

We reviewed the possibilities for expanding the efforts of public solicitation.

We reviewed the possibilities for receiving additional revenues from advertising over public broadcasting stations and in many of these instances we did find that indeed it was possible to extract more dollars for public broadcasting from these non-Federal sources.

□ 1530

But, as the gentleman from Washington and the chairman of our committee and the chairman of the subcommittee suggested earlier, the bottom line was that no matter how much we were able to expand these non-Federal sources of revenue there was still a substantial need for Federal revenues in order to maintain a viable public broadcasting system.

We would like to have found a different conclusion. But the reality was that there was not a possibility to reach a different conclusion.

I think it is important to point out that it was not necessary to have Federal funds to keep the local station afloat. That is not the big problem. The big problem is it takes substantial dollars to produce the programs that the local stations carry.

Most of us represent areas that are served by stations that do not do much of their own production. They rely on some of the other broadcasting outlets across the country such as those in Boston and New York to do their production. If there is a substantial reduction in the Federal funding, the production of that quality program will not be there, and no matter how much support we have for public broadcasting from the friends groups in Iowa, we are not going to be able to have good programming on the air.

That is why it is important for us to recognize the fundamental need for maintaining and enhancing the Federal commitment to this program.

I think it is also important for my colleagues who have been interested in the makeup of our broadcasting, both public and commercial, to spend just a moment to consider what they are doing if they call for a cutback in public broadcasting and in our commitment to public broadcasting, especially a cutback that endangers the quality of public broadcasting.

As many of you know, I have been a supporter of efforts to deregulate the broadcast industry. If we are going to deregulate the commercial broadcast industry it is more vital than ever that we have a good public broadcasting segment. I would like to suggest to those who want to reduce substantially the Federal commitment to public broadcasting that they recognize the potential harm that that does to efforts to deregulate the commercial broadcast industry.

I would much rather that we spend our Federal dollars on providing a good, solid public broadcasting system than that we spend our Federal dollars regulating to death the commercial broadcasting system. That is is part the philosophical basis for my support for this effort to enhance and improve the Federal commitment to the public broadcasting system. I think it is a commitment that is philosophically sound for those of us who want a diverse and active exchange of information and views over our airways. I think it is also fundamentally necessary for those of us who believe that a strong public broadcasting system is in the public interest.

We must continue to push for those other non-Federal sources of funding but we need to recognize that those sources are not adequate to maintain the production of good programming that we want on our public airways.

I will retain the balance of my time.

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. I thank my colleague for yielding.

I would like to engage my friend from Colorado [Mr. WIRTH] in a statement, if he would join with me.

It is my understanding that this bill authorizes funding for fiscal years 1987, 1988, and 1989; is that correct?

Mr. WIRTH. Will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman.

Mr. WIRTH. The gentleman is correct.

Mr. DANNEMEYER. That is puzzling. Last year we passed an authorization for 1984, 1985, and 1986. Having in place an authorization for 3 years prospectively from 1984, what is the policy reason why we are now taking up an authorization measure for 1987, 1988, and 1989?

I do not understand that.

Mr. WIRTH. Will the gentleman yield?

Mr. DANNEMEYER. I will be happy to yield.

Mr. WIRTH. I guess the gentleman probably was not listening to the discussion earlier, nor understanding the concept of public broadcasting, which is that there be advance funding for public broadcasting for the purpose of insulating public broadcasting from the potential of any political influence. That is why we have always advance funded and authorized public broadcasting and are now doing so in 1987, 1988, and 1989.

Mr. DANNEMEYER. I thank my colleague. Would it not make more sense, though, to wait until 1985 or 1986 before we start talking about reauthorization for 1987, 1988, and 1989?

Mr. WIRTH. This has been an agreement on both sides, and in both bodies, to advance funds on a 3-year basis. We have always done that.

If the gentleman wants to change that procedure in some fashion, he can talk to the chairman of the full Commerce Committee or to Senator PACKWOOD. I am sure that they would be interested in hearing the gentleman's comments.

Mr. DANNEMEYER. I know from my colleague from Colorado's viewpoint, the distinguished chairman of the subcommittee, you expect a change in the White House come next January. It would just appear to this Member from California that from your standpoint it would be better to wait until next year to take up this reauthorization because, if I understand the gentleman's platform correctly, the sky is the limit. The increased spending authorized by the Democratic national platform comes to some $153 billion for the next fiscal year for environmental issues alone. Just think how much you could expand the spending for the Corporation for Public Broadcasting if you had a member of your party in the White House. I mean, would that not appear reasonable?

Mr. WIRTH. Will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield.

Mr. WIRTH. I am quite sure that a Democratic administration as opposed to this administration would in fact be a strong supporter of public broadcasting and I say that with significant pride as a Democrat.

Mr. DANNEMEYER. That being the case, it just is puzzling why you would not, suffering, or, rather, working under the joy of expectation, wait until next year and bring this up when you could ask for even a higher level of authorization. It is puzzling as to why we are doing this today, and I yield back the balance of my time.

● Mrs. COLLINS. Mr. Chairman, I rise in support of H.R. 5541, legislation reauthorizing funding for the Corporation for Public Broadcasting. As a consistent and staunch supporter of this program I am all too keenly aware of the need to properly maintain this necessary medium.

During reauthorization hearings before the Subcommittee on Telecommunications, it was brought out that the funding levels requested by CPB were reasonable and justified and that the moneys do not reflect the need for the improved, or expanded levels of service that we would all prefer. Indeed, the money we have authorized is crucial if we are to prevent further erosion of the public broadcast system we have come to enjoy and rely upon so much.

While I might like commercial broadcasters to assume a larger responsibility in providing programming for underserved and underrepresented audiences, that has just not been the case. I have championed public broadcasting because they traditionally have met the need for programs that the commercial marketplace has not provided—that is, programming for children, minorities, women, elderly, and the handicapped. Public broadcasting is also the major source for in-depth coverage of Congress and national and local news. In short, public broadcasting fills a need the American people have relative to creative and sensitive programming that we just do not see on regular televison.

In commending the CPB for their role in providing diverse programing on decreased Federal funds, I must call their attention to a problem I have found need of corrective action. It is my belief that public broadcasting must work harder in ensuring that minorities and women have access to the entire range of benefits and opportunities that Congress have created by this medium. It would appear to me that while the Corporation has done an admirable job in children's programming, much has yet to be done in the way of increasing more training money to minority producers, writers, and increasing the number of minorities hired in decisionmaking positions.

What bothers me about this issue is that legislative report language to public broadcasting has been clear—the Corporation must, given the large amount of Federal funds they receive, be more aggressive in bringing blacks and other minorities into the industry. Only through increased employment of minorities can we begin to really offer diverse ideas, view points, and programming. We can no longer tolerate an entity which exists almost solely on Federal funds to promote program diversity, to ignore congressional direction in the equal employment opportunity area.

In closing, let me urge my colleagues to vote for this legislation. Public broadcasting is a necessary part of our goal to increasing program diversity.●

● Mr. LANTOS. Mr. Chairman, I rise today to give my emphatic support to H.R. 5541, the Public Broadcasting Amendments Act of 1984, and to voice my strenuous objections to any attempts to dilute this fundamental effort to encourage and modernize our Nation's outstanding public television and radio stations.

In H.R. 5541 Congress has the opportunity to redress a series of major budget cuts which have seriously eroded the public broadcasting system's ability to serve its national and local audiences. This opportunity must not be taken lightly, for public broadcasting in the United States has earned a deserved worldwide reputation as a source of diverse, enlightening, and enriching television and radio programming. In recent years the Corporation for Public Broadcasting has fought desperately to maintain this reputation in the face of dramatically reduced Federal support.

In 1981 the Federal funding levels for public broadcasting were slashed by 25 percent, precipitating the dawn of desperately lean years. As a result of these cuts, the Corporation for Public Broadcasting [CPB] was forced to trim supporting grants to its qualified television stations by 23 percent, and similar grants to its public radio stations by 14 percent. On the bottom line, national public television programming was reduced by 12 percent as public broadcasters tried to accommodate the sudden downturn in support.

As if the loss of direct Federal support was not enough, the public broadcasting community was racked by funding cuts from associated Federal departments and agencies. The Department of Education, which had contributed nearly $50 million to development of the landmark "Sesame Street" and "Electric Company" programs, cut its contribution to public TV by 80 percent. The National Science Foundation, a strong contributor to educational programs, was forced to eliminate its financial support.

Finally, local PBS stations were trapped in a catch-22 by the Federal cuts when the lost Federal funds triggered a dramatic reduction in matching funds provided by State and local governments and universities throughout the Nation. These localized funding resources had been fundamental to the ability of public radio and television stations to respond to the unique demands of their local audiences.

Public broadcasters did not sit by and bemoan the loss of funds. In admirable fashion they initiated a grassroots drive among their viewing and listening audiences to secure greater private financial support for public broadcasting. The success of these efforts is testimony to the hard work of the broadcasters, the appreciation of audiences for the quality of public broadcasting, and the generosity of the American people. Between 1978 and 1982, public broadcasters managed to raise six new dollars from private sources for every new Federal dollar appropriated.

These achievements in fundraising have helped to stem the tide of the Federal budget cuts. However, it is abundantly clear that because of the dramatic loss of Federal funds public broadcasters have been unable to keep up with the necessary technological advancements in their fields. Few sectors of American society have experienced the dizzying modernization thrust upon radio and television broadcasting in the past 10 years. Satellites, computerized editing, cameras, transmitters, and quality control mechanisms are just a few of the broadcast technologies that demand stations to keep current, or fall desperately and expensively behind in capabilities. As the printing press is the fundamental tool of the print media, the broadcast technologies are the hammer and nails of radio and television stations. To ignore proper maintenance, construction, and acquisition is to invite certain and rapid deterioration in capabilities.

But far more important than technology acquisition is the need for our Nation to encourage program development by public broadcasters. If not for the public broadcasting system, our Nation would have precious little cultural, musical, educational, or documentary programs on the airwaves. When I think of my grandchildren being introduced to numbers, the alphabet, and common sense by programs such as "Sesame Street" and "Mr. Roger's Neighborhood," I am deeply grateful for PBS. When I am entertained by programs presenting the finest in music and art, I am sure that PBS is contributing to the beauty of our national texture. When my family is informed by programs such as "NOVA," "Frontline," or "National Geographic Specials," I know that PBS is contributing to a better informed American public. By supporting the Corporation for Public Broadcasting, Congress is investing in the cultral, informational, and educational development of our Nation.

I urge my colleagues to remember that public broadcasting in the United States means 177 qualified television stations and 272 qualified radio stations covering every corner of our country. These stations make special and unique contributions to the lives of our constituents. I know that my congressional district has been greatly served by the outstanding public service of television stations KQED in Oakland and KCSM in San Mateo. I've had the opportunity to work closely with the professionals of these stations, and have gained a lasting respect for their commitment to meeting the needs of the thousands of San Francisco Bay area residents who turn daily to the public broadcasting alternative.

In summation, I urge my colleagues to savor the marvelous contribution of public broadcasting to this Nation, and to endorse its continued vitality by passing H.R. 5541, the Public Broadcasting Amendments Act of 1984.●

The CHAIRMAN. Are there any further requests for time?

Mr. TAUKE. Mr. Chairman, I yield back the balance of my time.

Mr. WIRTH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Public Broadcasting Amendments Act of 1984".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC TELECOMMUNICATIONS FACILITIES

SEC. 2. Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended—

(1) by striking out "and" after "1983," and

(2) by inserting after "1984," the following: "$50,000,000 for fiscal year 1985, $53,000,000 for fiscal year 1986, and $56,000,000 for fiscal year 1987,".

AMENDMENTS OFFERED BY MR. OXLEY

Mr. OXLEY. Mr. Chairman, I offer two amendments and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. WIRTH. Mr. Chairman, reserving the right to object, and I think I will not object, but for the purposes of addressing a question to the gentleman from Ohio, these are an amendment on the one hand to the CPB and, on the other hand, to public facilities that you are linking the two together; is that correct?

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I am happy to yield to the gentleman from Ohio.

Mr. OXLEY. That is correct.

Mr. WIRTH. Mr. Chairman, I will not object, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. OXLEY: Page 2, beginning on line 10, strike out "$50,000,000 for fiscal year 1985, $53,000,000 for fiscal year 1986, and $56,000,000 for fiscal year 1987," and insert in lieu thereof "$14,000,000 for fiscal year 1985, $16,000,000 for fiscal year 1986, and $18,000,000 for fiscal year 1987,".

Page 2, beginning on line 21, strike out "$238,000,000 for fiscal year 1987, $253,000,000 for fiscal year 1988, and $270,000,000 for fiscal year 1989" and insert in lieu thereof "$186,000,000 for fiscal year 1987, $214,000,000 for fiscal year 1988, and $246,000,000 for fiscal year 1989".

Mr. OXLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Chairman, the purpose of the amendment is to provide for a reasonable increase for the Corporation for Public Broadcasting and for the facilities therein, while at the same time maintaining a degree of fiscal responsibility as we do so.

If one would look at the numbers that have been enacted compared to what has been proposed in this legislation I think it becomes quite evident of the rapid increase that we see with the authorization levels.

In 1984 it was $145 million; 1985, $153 million authorized; and in 1986, $162 million.

The proposal for 1987 would be fully a 50-percent increase from the 1986 levels. And if one were to look overall at the 3 years that we are talking about here, we are talking about an 81-percent increase in the authorization levels from the base year that we look at from 1986, which again has already been authorized by the Congress.

□ 1540

The facility construction subsidies are even greater and, in fact, the bill provides authorizations from 1975 through 1987, $50 million in 1985 and even more in 1986 and 1987. The 1984 authorization already enacted is $12 million. Thus, the bill increases the authorization for this program by more than 400 percent in a single year.

That is a massive increase by anybody's definition. The bill authorizes a combined total of $920 million for a 3-year period. This is 81 percent more money than the $507 million the Congress has already authorized for the previous 3 years. There is no reason to believe that public broadcasters need such massive increases in Federal funding in such a short period of time.

Just 3 years ago, Mr. Frank Mankiewicz, a high-ranking public broadcasting official at the time, wrote a letter to all members of our committee stating that only $130 million was necessary for 1986. If $130 million is enough for 1986, why is $238 million necessary in 1987, just 1 year later?

Such significant increases are especially undesirable because public broadcasters have opposed being given statutory authority to engage in limited advertising in order to provide additional revenues.

We had some discussion on that during general debate. It was interesting to note that there have been some successes where those particular pilot projects have been tried as I pointed out in Chicago particularly, where they had had actually created some non-Federal funds through limited advertising and it had no serious repercussions among the viewing public, nor by the commission set up to study the alternative financing.

The budget resolution passed a few months ago by this House proposes to limit spending increases for nearly all discretionary Federal spending programs to 3.5 percent above the previous year's spending level for each of the 3 years covered by the budget resolution in order to help reduce the size of the Federal deficit.

In fact, in developing the budget resolution, Chairman JONES assumed that public broadcasting expenditures would be frozen at their current levels without any increase.

I would remind you that my amendment provides for a 15-percent increase in that first year.

The bill before us thus does substantial violence to the budget resolution which this body has already passed. If this bill becomes law, it will be necessary for Congress to make deep cuts in other Federal domestic programs, including food stamps and other aid to individuals in order to meet the deficit reduction targets contained in the House budget reconciliation package.

Mr. Chairman, we are talking now about a substantial increase for the Corporation for Public Broadcasting. All of us know as Members that we are importuned by a various number of groups to increase the level of spending. It has been that way for a long period of time and I suspect it will continue.

But the fact is we simply have to recognize that we have to live within our budget. Again, we have heard a lot of speeches that last several months, particularly last week, about the Federal budget deficit. Yet we are going on merrily ignoring those predictions, ignoring the budget resolution and asking for these kinds of increases to take place.

(By unanimous consent, Mr. OXLEY was allowed to proceed for 3 additional minutes.)

Mr. OXLEY. We are talking about, in my amendment, a reasonable compromise; instead of a 50-percent increase as these increases are, indeed, budget busters. There is no question about it.

Yet we are prepared to increase it by that much. Certainly every program has some positive aspects to it or it would never have got enacted in the first place. I support public broadcasting. I am a member of a public broadcasting station, I watch public broadcasting, I enjoy the broadcasting that takes place.

We also have to recognize that we have to represent the taxpaying public here when we are talking about those kinds of increases in the authorization level. Those people I think have spoken rather clearly at least at this point in their support for public broadcasting by indicating that only 1 out of every 10 people who watch public broadcasting actually contribute or actually are members of public broadcasting stations.

I think that says a lot for the kind of support that they still have to incur among the public.

Well, the fact is, Mr. Chairman, it is a lot easier to come to the Congress to lobby the Congress and ask the Congress to increase their Federal share. It is much easier than going on the air and working on getting Members to their particular cause.

So we continue to see those revenue sources increasing every year while at the same time the outside sources, as I indicated before, have projected to be rather substantial increases.

As a matter of fact, projected in 1989, over a billion dollars of non-Federal income. That is hardly a small amount.

Now the chairman of the subcommittee, my good friend from Colorado [Mr. WIRTH], tells us there are certain areas where public television has not reached, public radio has not reached.

Let me also say that there are a lot of areas in this country where there is a tremendous duplication of public television. I live in a town of 38,000 people and I can get on cable three public television stations in that small town. Yet we see that throughout; the duplication of the public television networks throughout this country.

Yes, there are some holes there, but the fact is there are a lot more duplicative efforts than we find people not being able to reach public television and public radio. So I would ask that this House seriously consider a very reasonable amendment, a 15-percent increase which is obviously much more, about three times more than just about any other program is getting around here these days. I think it is a reasonable compromise.

Mr. Chairman, I would certainly ask the House's support for this very worthwhile amendment and one I think that brings some fiscal sanity to the process while at the same time giving the Corporation for Public Broadcasting the increases they need to increase their programming, not only the quantity but the quality as well.

I thank the Chair.

AMENDMENTS OFFERED BY MR. DANNEMEYER AS A SUBSTITUTE FOR THE AMENDMENTS OFFERED BY MR. OXLEY

Mr. DANNEMEYER. Mr. Chairman, I offer amendments as a substitute for the amendment offered by my colleague, the gentleman from Ohio, if it is appropriate to have those considered.

The Clerk read as follows:

Amendments offered by Mr. DANNEMEYER as a substitute for the amendments offered by Mr. OXLEY:

Page 2, beginning on line 10, strike out "$50,000,000 for fiscal year 1985, $53,000,000 for fiscal year 1986, and $56,000,000 for fiscal year 1987," and insert in lieu thereof "and $11,800,000 for each of the fiscal years 1985, 1986 and 1987."

Page 2, beginning on line 21, strike out "$238,000,000 for fiscal year 1987, $253,000,000 for fiscal year 1988, and $270,000,000 for fiscal year 1989" and insert in lieu thereof "and $130,000,000 for each of the fiscal years 1987, 1988 and 1989".

Mr. DANNEMEYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments offered as a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. The Chair would inquire, does the substitute offered by the gentleman from California go to two sections of the bill?

Mr. DANNEMEYER. It does, Mr. Chairman.

The CHAIRMAN. The gentleman from California is amending basically the two sections the gentleman from Ohio [Mr. OXLEY] is referring to?

Mr. DANNEMEYER. The Chair is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANNEMEYER. Mr. Chairman and Members, this substitute will permit the House to consider, as a policy option, reauthorization for years 1987, 1988 and 1989 in an amount that is consistent with what policy course we chose to follow back in 1981, namely to freeze the authorization level at $130 million for those next 3 fiscal years.

I believe that the experiment which we started back in 1981 of permitting the Corporation for Public Broadcasting to seek alternative sources of revenue to fund its activities should be continued.

For example, under existing law the CPB can lease its FM radio subcarriers for commercial purposes. The Corporation for Public Broadcasting can produce commercials for other broadcasters. And of course it can increase its donations from corporate and foundation donors.

Mr. Chairman, I find it a little puzzling to have the House take up this measure relating to fiscal years 1987, 1988, and 1989 in this year 1984, but of course we on the minority do not control the time; we do not control what bills will come up when. We are here because the majority, the Democratic leadership, decided to bring up this bill.

It appears to this Member from California that if we are to make any serious effort of dealing with the deficit that both parties decry, that is to say an effort to reduce it, rather than stand here mute in the face of it, that we can be constructive with respect to the reduction of that deficit by saying not that we will cut out the funding for the CPB, and there are those who would like to do that, but I think in light of the problems which National Public Radio, a subsidiary of the Corporation for Public Broadcasting, has had, its severe and profound management problems, that the last thing we should be doing, in face of these problems, is increasing its authorization.

□ 1550

Therefore, I think we should limit the authorization to the same level that was established in 1981; namely, $130 million for each of those fiscal years.

Mr. WIRTH. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute and to the amendments.

Mr. Chairman, first of all, to deal with the substitute. It simply is not a serious substitute if one looks at the history of public broadcasting. It is intended simply to gut and destroy public broadcasting and if the gentleman was serious about that he could have pursued the recommendation made initially in 1981 by the administration which, in effect, was to zero out altogether the facilities program and to cut public broadcasting back so dramatically that it would die.

So the debate should occur, I think, on the amendment offered by the gentleman from Ohio [Mr. OXLEY], which is a serious, misguided, but a serious amendment.

Let me, if I might, very briefly respond. Most of the points have been debated already in the general debate on the public broadcasting bill.

First of all, let me point out to my colleagues the very broad bipartisan support that we have for H.R. 5541 and its equivalent bill in the Senate. These numbers were initially proposed by the majority on the Senate side. This bill was reported out, these identical numbers, by a voice vote from the Senate.

On the House side, the support has been from the ranking minority member of the subcommittee and the gentleman from Iowa [Mr. TAUKE], a valuable member of the Temporary Commission. On the majority side by the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], the gentleman from Washington [Mr. SWIFT], the gentleman from California [Mr. WAXMAN], the gentleman from Massachusetts [Mr. MARKEY], the gentleman from New York [Mr. SCHEUER], and the gentleman from Texas [Mr. BRYANT]. We have had that kind of support on both sides of the aisle and in both bodies.

Second, there has been discussion of the deficit and the budget resolution. Let me again remind my colleagues that this is an authorization, not an appropriation. Second, let me remind my colleagues that this is not included in the budget resolution. The budget resolution, and I sit as a member of the Budget Committee as well, the Budget Committee does not go through and develop a budget on a program-by-program basis. And in addition, the authorization, 1987, 1988, 1989, is beyond the reach of the budget resolution.

A fourth point that should be made was reflected by those two valuable members of the Temporary Commission on Alternative Financing, the gentleman from Iowa [Mr. TAUKE] and the gentleman from Washington [Mr. SWIFT]. The Temporary Commission reviewed the results of the attempt to look for alternative sources and unhappily found those alternative sources wanting; came back with the recommendation to the Congress that the stability in the public financing system would be found only with a consistent and steady funding base from the Federal Government. We had all hoped that there would be alternative financing. That has not been the case.

A fifth point that I would ask my colleagues to keep in mind relates to the real percentage increase that we are talking about. If one looks at the history of public broadcasting from the early 1980's to the late 1980's, from 1981, 1982, 1983, to 1987, 1988, 1989, one finds over that period of time a 3.8-percent increase in the authorization for public broadcasting. A 3.8-percent increase across the decade of the 1980's will not even keep public broadcasting up to inflation.

If I had my druthers, I would even further increase the percentage beyond the inflation rate. We have not even done that.

If we go to the Oxley amendment, we are going to dramatically cut the capacity of public broadcasting.

Finally, the facilities program should again be emphasized. As I noted earlier, 10 percent of citizens of the United States cannot receive public television. The gentleman from Ohio mentioned that through cable in his area he is able to receive three public broadcasting stations. That is through the anomalous must-carry requirements that are placed upon cable broadcasting. And I would also point out that less than 50 percent of the American public has access to cable television.

What is important is that 10 percent of the American public has no access to public television. Thirty percent, predominantly rural America, has no access at all to public radio.

If we are going to be fair, all the taxpayers are paying for public broadcasting, let us make sure that all taxpayers have access to this very, very valuable resource both in television and in radio.

So I would hope that my colleagues would recognize that the Dannemeyer substitute is really a throwback to a different set of debate. The serious debate is on the Oxley amendment. We should defeat the Oxley amendment because that does not approach public broadcasting in the constructive bipartisan way with the moderate increases that have been there over a long period of time as found in the initial bill.

So I would urge my colleagues to reject the Oxley amendment.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Iowa.

Mr. OXLEY. I thank the gentleman for yielding.

Mr. Chairman, I will not repeat my support for the gentleman's position on the nonfacilities portion because, as I indicated in my remarks during general debate, I think that we should stick with the committee position.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. WIRTH] has expired.

(At the request of Mr. TAUKE and by unanimous consent, Mr. WIRTH was allowed to proceed for 2 additional minutes.)

Mr. TAUKE. If the gentleman will continue to yield, I think that it is important to amplify a bit on what the gentleman said relating to the facilities portion of this authorization measure.

It is not just that 10 percent of the American people do not have access to public broadcasting via television, but it is that we have a number of facilities that are getting old and we need to continue to replace those facilities and update them and improve them in order to have high quality broadcasting to those who already receive it.

But in addition, this facilities authorization relates to more than just public broadcasting. For example, in my own State of Iowa, it is being used to develop a telecommunication system for the State which saves taxpayers money and provides for more efficient operation and communication among the public facilities within our State.

It also is being used for educational purposes. The community colleges, for example, use money from the facilities fund in order to establish a communications system which allows the teaching of classes in rural communities or the broadcast of classes in rural communities that are being taught in a campus center and two-way communication is established through those new facilities that are funded by this authorization.

So this is much more than just a question of extending public broadcasting services to those who do not receive it yet, although that is important. It is also maintaining services for those who do receive it and providing those new telecommunications advancements for the public in many areas where it can be exceedingly helpful, ranging from Government management, improved Government management, to education.

Mr. WIRTH. I thank the gentleman for his comments on the facilities program in particular. As usual, the gentleman is right on target. I mean absolutely correct about the replacement of facilities and the alternatives provided by public broadcasting.

Again, I would urge my colleagues to vote "no" on the Oxley amendment and to support the initial bill in the bipartisan fashion that it has been presented to the House.

Mr. O'BRIEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Oxley amendments.

Mr. Chairman, when you compare the Oxley amendment with the bill itself, you can hardly contend that we are undernourishing public broadcasting by increasing it a mere 15 percent every year. I take no second place in my belief in public broadcasting with anyone in this room, but it seems to me that we are constantly bumping into the problem of getting too much of a good thing.

If we are ever going to take the term "deficit" seriously, we have to look at it in all its aspects and at all times.

My notion is that the Oxley amendment will increase authorization 15 percent each year, an amount which is well beyond the inflation rate and which will allow significant growth for the industry.

I suspect that a good case can be made for less, but I come down on all fours with the Oxley compromise. I think we should pass it.

□ 1600

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. DANNEMEYER] as a substitute for the amendments offered by the gentleman from Ohio [Mr. OXLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 306]

Ackerman	Britt	Daniel
Addabbo	Brooks	Dannemeyer
Akaka	Broomfield	Darden
Albosta	Brown (CA)	Daschle
Alexander	Brown (CO)	Daub
Anderson	Broyhill	Davis
Andrews (TX)	Bryant	de la Garza
Annunzio	Burton (CA)	Dellums
Anthony	Burton (IN)	Derrick
Applegate	Byron	DeWine
Archer	Campbell	Dickinson
Aspin	Carney	Dicks
Badham	Carper	Dingell
Barnard	Carr	Dixon
Barnes	Chandler	Donnelly
Bartlett	Chappell	Dorgan
Bateman	Chappie	Downey
Bates	Cheney	Dreier
Bedell	Clarke	Duncan
Beilenson	Clinger	Durbin
Bennett	Coats	Dwyer
Bereuter	Coelho	Dymally
Berman	Coleman (MO)	Dyson
Bethune	Coleman (TX)	Early
Bevill	Collins	Eckart
Bilirakis	Conable	Edgar
Blliey	Conte	Edwards (AL)
Boehlert	Conyers	Edwards (CA)
Boggs	Cooper	Edwards (OK)
Boland	Corcoran	Emerson
Bonker	Coughlin	English
Borski	Courter	Erdreich
Bosco	Coyne	Erlenborn
Boucher	Craig	Evans (IA)
Boxer	Crane, Daniel	Evans (IL)
Breaux	Crane, Philip	Fascell
Fazio	Long (MD)	Roe
Feighan	Lott	Roemer
Ferraro	Lowery (CA)	Rogers
Fiedler	Lowry (WA)	Rose
Fields	Lujan	Roth
Fish	Luken	Roukema
Flippo	Lundine	Rowland
Florio	Lungren	Rudd
Foglietta	Mack	Russo
Foley	MacKay	Sabo
Ford (MI)	Madigan	Savage
Frank	Markey	Sawyer
Frenzel	Martin (IL)	Schaefer
Fuqua	Martin (NY)	Schneider
Garcia	Martinez	Schroeder
Gaydos	Matsui	Schulze
Gekas	Mavroules	Schumer
Gephardt	Mazzoli	Seiberling
Gibbons	McCain	Sensenbrenner
Gilman	McCandless	Sharp
Gingrich	McCloskey	Shaw
Glickman	McCollum	Shelby
Gonzalez	McCurdy	Shumway
Goodling	McDade	Shuster
Gore	McEwen	Sikorski
Gradison	McGrath	Siljander
Gramm	McHugh	Simon
Gray	McKernan	Sisisky
Green	McKinney	Skeen
Gregg	McNulty	Skelton
Guarini	Mica	Slattery
Gunderson	Michel	Smith (FL)
Hall (IN)	Mikulski	Smith (IA)
Hall (OH)	Miller (CA)	Smith (NE)
Hall, Ralph	Miller (OH)	Smith (NJ)
Hall, Sam	Mineta	Snowe
Hamilton	Minish	Snyder
Hammerschmidt	Mitchell	Solarz
Hance	Moakley	Solomon
Harkin	Molinari	Spence
Hartnett	Mollohan	St Germain
Hatcher	Montgomery	Staggers
Hayes	Moody	Stangeland
Hefner	Moore	Stark
Hertel	Moorhead	Stenholm
Hightower	Morrison (CT)	Stokes
Hiler	Morrison (WA)	Stratton
Hillis	Murphy	Studds
Holt	Murtha	Sundquist
Hopkins	Myers	Swift
Horton	Natcher	Synar
Howard	Neal	Tallon
Hoyer	Nelson	Tauke
Hubbard	Nichols	Tauzin
Huckaby	Nielson	Taylor
Hughes	Nowak	Thomas (CA)
Hunter	O'Brien	Thomas (GA)
Hutto	Oakar	Torricelli
Hyde	Oberstar	Traxler
Ireland	Obey	Valentine
Jacobs	Olin	Vander Jagt
Jeffords	Ortiz	Vandergriff
Jenkins	Ottinger	Vento
Johnson	Owens	Volkmer
Jones (NC)	Oxley	Vucanovich
Jones (OK)	Packard	Walgren
Kaptur	Panetta	Walker
Kasich	Parris	Watkins
Kastenmeier	Pashayan	Weaver
Kazen	Patman	Weber
Kemp	Patterson	Weiss
Kennelly	Paul	Wheat
Kildee	Pease	Whitehurst
Kleczka	Penny	Whitley
Kolter	Pepper	Whittaker
Kostmayer	Perkins	Whitten
LaFalce	Petri	Williams (MT)
Lagomarsino	Pickle	Williams (OH)
Lantos	Porter	Wilson
Latta	Price	Winn
Leach	Pursell	Wirth
Leath	Quillen	Wise
Lehman (CA)	Rahall	Wolf
Lehman (FL)	Rangel	Wolpe
Leland	Ratchford	Wortley
Lent	Ray	Wright
Levin	Regula	Wyden
Levine	Reid	Wylie
Levitas	Richardson	Yates
Lewis (FL)	Ridge	Yatron
Lipinski	Rinaldo	Young (AK)
Lloyd	Ritter	Young (FL)
Loeffler	Roberts	Zschau
Long (LA)	Robinson	

□ 1610

The CHAIRMAN. Three hundred eighty-nine Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. DANNEMEYER] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 95, noes 298, not voting 40, as follows:

[Roll No. 307]

AYES—95

Archer	Hammerschmidt	Parris
Badham	Hance	Pashayan
Bethune	Hartnett	Patman
Bevill	Hightower	Paul
Bliley	Hiler	Petri
Brown (CO)	Hillis	Pickle
Broyhill	Huckaby	Quillen
Burton (IN)	Hunter	Ray
Campbell	Hutto	Roberts
Carney	Hyde	Robinson
Cheney	Ireland	Roemer
Craig	Jenkins	Roth
Crane, Daniel	Kasich	Rudd
Crane, Philip	Kemp	Sawyer
Daniel	Lagomarsino	Schaefer
Dannemeyer	Latta	Schulze
Darden	Leath	Shumway
Daub	Livingston	Shuster
Dickinson	Loeffler	Siljander
Dreier	Lott	Smith (NE)
Dyson	Lungren	Solomon
Edwards (OK)	Mack	Spence
Emerson	Martin (IL)	Stangeland
Fiedler	McCandless	Stenholm
Fields	McCollum	Taylor
Flippo	McGrath	Thomas (CA)
Frenzel	Michel	Walker
Gilman	Montgomery	Weber
Gradison	Moore	Whittaker
Gramm	Moorhead	Winn
Gregg	Myers	Young (FL)
Hall, Sam	Packard	

NOES—298

Ackerman	Brown (CA)	Dorgan
Addabbo	Bryant	Downey
Albosta	Burton (CA)	Duncan
Alexander	Byron	Durbin
Anderson	Carper	Dwyer
Andrews (TX)	Carr	Dymally
Annunzio	Chandler	Early
Anthony	Chappell	Eckart
Applegate	Chappie	Edgar
Aspin	Clarke	Edwards (AL)
Barnard	Clinger	Edwards (CA)
Barnes	Coats	English
Bartlett	Coelho	Erdreich
Bateman	Coleman (MO)	Erlenborn
Bates	Coleman (TX)	Evans (IA)
Bedell	Collins	Evans (IL)
Beilenson	Conable	Fascell
Bennett	Conte	Fazio
Bereuter	Conyers	Feighan
Berman	Cooper	Ferraro
Bilirakis	Corcoran	Fish
Boehlert	Coughlin	Florio
Boggs	Courter	Foglietta
Boland	Coyne	Foley
Bonior	Daschle	Ford (MI)
Bonker	Davis	Frank
Borski	de la Garza	Fuqua
Bosco	Dellums	Garcia
Boucher	Derrick	Gaydos
Boxer	DeWine	Gekas
Breaux	Dicks	Gephardt
Britt	Dingell	Gibbons
Brooks	Dixon	Gingrich
Broomfield	Donnelly	Glickman
Gonzalez	McCloskey	Schroeder
Goodling	McCurdy	Schumer
Gore	McDade	Seiberling
Gray	McEwen	Sensenbrenner
Green	McHugh	Sharp
Guarini	McKernan	Shaw
Gunderson	McKinney	Shelby
Hall (IN)	McNulty	Sikorski
Hall (OH)	Mica	Simon
Hall, Ralph	Mikulski	Sisisky
Hamilton	Miller (CA)	Skeen
Harkin	Miller (OH)	Skelton
Hatcher	Mineta	Slattery
Hayes	Minish	Smith (FL)
Hefner	Mitchell	Smith (IA)
Hertel	Moakley	Smith (NJ)
Holt	Molinari	Snowe
Hopkins	Mollohan	Snyder
Horton	Moody	Solarz
Howard	Morrison (CT)	St Germain
Hoyer	Morrison (WA)	Staggers
Hubbard	Mrazek	Stark
Hughes	Murphy	Stokes
Jacobs	Murtha	Stratton
Jeffords	Natcher	Studds
Johnson	Neal	Sundquist
Jones (NC)	Nelson	Swift
Jones (OK)	Nielson	Synar
Kaptur	Nowak	Tallon
Kastenmeier	O'Brien	Tauke
Kazen	Oakar	Tauzin
Kennelly	Oberstar	Thomas (GA)
Kildee	Obey	Torricelli
Kindness	Olin	Traxler
Kleczka	Ortiz	Udall
Kolter	Ottinger	Valentine
Kostmayer	Owens	Vander Jagt
LaFalce	Oxley	Vandergriff
Lantos	Panetta	Vento
Leach	Patterson	Volkmer
Lehman (CA)	Pease	Vucanovich
Lehman (FL)	Penny	Walgren
Leland	Pepper	Watkins
Lent	Perkins	Weaver
Levin	Porter	Weiss
Levine	Price	Wheat
Levitas	Pursell	Whitehurst
Lewis (FL)	Rahall	Whitley
Lipinski	Rangel	Whitten
Lloyd	Ratchford	Williams (MT)
Long (LA)	Reid	Williams (OH)
Long (MD)	Richardson	Wilson
Lowery (CA)	Ridge	Wirth
Lowry (WA)	Rinaldo	Wise
Lujan	Ritter	Wolf
Luken	Roe	Wolpe
Lundine	Rogers	Wortley
MacKay	Rose	Wright
Madigan	Roukema	Wyden
Markey	Rowland	Wylie
Martin (NY)	Roybal	Yates
Martinez	Russo	Yatron
Matsui	Sabo	Young (AK)
Mavroules	Savage	Zschau
Mazzoli	Scheuer	
McCain	Schneider	

NOT VOTING—40

Akaka	Hansen (ID)	Regula
Andrews (NC)	Hansen (UT)	Rodino
AuCoin	Harrison	Rostenkowski
Biaggi	Hawkins	Shannon
Boner	Heftel	Smith, Denny
Clay	Jones (TN)	Smith, Robert
Crockett	Kogovsek	Spratt
D'Amours	Kramer	Stump
Dowdy	Lewis (CA)	Torres
Ford (TN)	Marlenee	Towns
Fowler	Marriott	Waxman
Franklin	Martin (NC)	Young (MO)
Frost	Nichols	
Gejdenson	Pritchard	

□ 1620

The Clerk announced the following pairs:

On this vote:

Mr. Denny Smith for, with Mr. Hawkins against.

Mr. Franklin for, with Mr. Young of Missouri against.

So the amendments offered as a substitute for the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The amendments offered by the gentleman from Ohio [Mr. OXLEY] are currently pending. The Chair understands there are a couple of additional speakers.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Ohio [Mr. OXLEY].

Mr. Chairman, I yield to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of H.R. 5541, the public broadcasting amendments, which authorizes funds for the Corporation for Public Broadcasting [CPB] for fiscal years 1987-89 and for the Public Telecommunications Facilities Program [PTFP] for fiscal years 1985-87. I ask my colleagues to support the authorization levels in this bill and to oppose the Oxley amendment.

As my colleagues know, funding for the CPB was severely cut in 1981 as part of the overall Federal spending reduction program. It was hoped that private funding sources would compensate for these revenue losses. However, it soon became apparent that although a substantial amount of private funding was found, the private sector is not able to contribute sufficient amounts to enable CPB to continue its most important programs. Last September, this body passed a supplemental authorization which provided for sufficient funding to cover inflation and the growth in the number of public broadcasting stations.

Today we are considering an authorization level which continues the 1983 level with adjustments for inflation. It seems to me that this is a very reasonable request in light of the quality of services provided by public broadcasting and the unique function they perform. These funding levels have already been approved by our colleagues in the Senate.

The argument is being made that public broadcasting must receive greater funding from the private sector and that the Federal Government should not finance these services to the extent represented by this bill. However, I would like to point out that in my State of Vermont, Federal funding for educational television accounts for only 15 percent of the budget, which is a decrease of 10 percent since 1980. Vermont ETV has made concerted efforts to raise private funding, but private resources are limited. If we were to authorize only the amount requested by the Oxley

amendment, serious cutbacks in essential programming would be inevitable. The recent dramatic increases in viewership prove that such drastic cuts would do a major disservice to the public.

I urge my colleagues to review the history of public broadcast funding before casting their vote on the Oxley amendment. The increase in funding may look substantial if one considers only the amounts approved for fiscal years 1984 through 1986. However, we must remember that these amounts represent deep cuts from the 1983 level, cuts that would spell the demise of much of the valuable work of the CPB and the PTFP if they are allowed to continue beyond 1986. For these reasons I ask your support for H.R. 5541 as it now stands.

Mr. NIELSON of Utah. Mr. Chairman, I rise to speak in favor of the Oxley amendment to the public broadcasting authorization.

Mr. Chairman, I have always been a strong supporter of public broadcasting, both as a State legislator and also as Commissioner of Finance for the State of Utah Higher Education. I was instrumental in the legislature in instituting the translator system to bring public television to all parts of the State of Utah.

The State of Utah has always valued public broadcasting and, therefore, many remote areas of the State can only be reached by that means, so it is very important. We must continue PBS.

This is a serious amendment. I think we need to look at the facts before we vote on this amendment. As my colleagues know, our present authorization, including the supplemental, is $162 million for public broadcasting. The bill would propose to raise that to $238 million in 1987, a 47-percent increase. Actually, it is an 83-percent increase over what we previously passed in 1981.

□ 1630

The Oxley amendment calls for a 15-percent increase each year in 1987, 1988, and 1989, surely a very generous rate of increase, 15 percent per year. In construction it calls for a 16.7-percent increase in the first year, 1985, a 14-percent increase in 1986, and a 12½-percent increase in 1987. Those are very generous increases the gentleman from Ohio [Mr. OXLEY] is recommending.

I would like to suggest that if we are really fiscally responsible, we should be willing to pull our horns in. We do not need the 47-percent increase in the one case and the 400-percent increase in the facilities.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I want to tell my friend, the gentleman from Utah, that I have carried on a series of letters with the President of the Corporation for Public Broadcasting in which I said that I found the additional commercials they are running for companies today deleterious to the integrity of the broadcasting system. And also the salaries they are paying in their star system are as high sometimes as those they are paying in commercial broadcasting—$200,000 a year.

I think what they should do is find the best talent going, not necessarily stars, and pay them a reasonable amount and not just try to emulate the commercial television.

I like public broadcasting. I almost exclusively watch it. Nevertheless, I think they should be sent a message that they should not simply go the way of flagrant expenditures that the commercial television does, and I support the gentleman's amendment.

Mr. NIELSON of Utah. Mr. Chairman, I thank the gentleman, and I will try to plow through this now as quickly as I can.

As a responsible Member of Congress, I must take exception to the massive increases in funding provided in this bill. As I indicated, the bill provides a near 50-percent increase next year for operations and about a 400-percent increase in a single year for facility construction subsidies. This is ridiculous when the recently passed budget resolution only provides a 3½-percent increase for all discretionary programs.

Are we serious about decreasing the deficit or not? The looming Federal deficit is a matter of major concern to the entire Nation. Are we going to pay lip service, or are we going to bite the bullet and control spending?

The Oxley amendment is a very responsible amendment, It does provide a 15-percent increase per year. It is more than four times the amount the budget resolution allows. Any amendment that allows four times the resolution is certainly a responsible amendment and is certainly not a crippling amendment, as was charged earlier. It is not a program-slashing amendment.

There are many other alternatives besides Federal funding for PBS. Let us continue to support PBS, but let us explore alternatives and give the taxpayers a break. We have to get this deficit under control. The only way to do it is to control spending.

Mr. Chairman, I support a reasonable increase in PBS funding, and I urge my colleagues to do the same by voting for the Oxley amendment.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had intended to offer an amendment to the Oxley amendment, but I was late coming to the floor, and my distinguished colleague, the gentleman from California [Mr. DANNEMEYER], offered an amendment that was very similar to mine. His amendment would have frozen at the 1984 level the 1985 authorization for the Corporation for Public Broadcasting.

My amendment, Mr. Chairman, would have increased it by 3.5 percent. I will remind each Member of this Committee that when we voted for the House budget, those Members who voted for it voted for a 3.5-percent increase in this kind of expenditure. If you vote for the committee bill, you will blow that increase into a cocked hat. Even if you vote for the Oxley amendment, which is the best opportunity we will have, you will still be far exceeding the House budget resolution.

Mr. Chairman, I am not going to offer my amendment, which is only slightly higher than the Dannemeyer amendment, in the interest of saving time for the body. It obviously would not prevail. I will say, however, in the interest of preserving the House budget, which I thought was too high anyway, that the Members must support the Oxley amendment or, I think, cause a whole black mark on the budgeting process and on our deliberations here. If we do not support the Oxley amendment, it will certainly look like we did not care about our budget nor do we care about the deficit.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I thank the gentleman from Minnesota for yielding.

This is the first opportunity we have had since the recess to vote against massive deficits. It is as simple as that. The numbers do not lie.

My amendment provides for a 15-percent increase, a very generous increase. The committee amendment involves a 50-percent increase in the first year and an 81-percent increase over 3 years. It is time that we put our money where our mouth is.

When I first got here and before I came here, I always wondered how the Congress over all these years rolled up these kinds of deficits. Now I begin to understand. We have an opportunity here to reverse that trend, and I would simply say that any Member who feels constrained to vote against the amendment presently ought to think twice before he decries budget deficits on the floor of this House.

Mr. Chairman, I appreciate the gentleman's yielding.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his contribution.

Mr. Chairman, voting for the Oxley amendment is the least we should do. Even if that amendment should pass, I will vote against the bill and hope that it proceeds no further. Nevertheless, to cover our shame for having defeated the Dannemeyer amendment, it is imperative that the Oxley amendment be passed.

Mr. BRYANT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

□ 1640

Mr. Chairman, I believe it is critically important for the Members of the House present to recognize some fundamentals about the issue that is before us at this time. One is that we are voting today to appropriate only 20 percent of the systemwide revenue of the Corporation for Public Broadcasting. Eighty percent of it comes from private subscriptions, from businesses or from State and local governments, so those that raise the issue of whether or not we are overappropriating funds to the Corporation for Public Broadcasting or suggest that perhaps in some fashion we should send them a message, should be reminded that we are appropriating only 20 percent today or authorizing the expenditure of only 20 percent of the systemwide revenue of the Corporation for Public Broadcasting.

Additionally, I think it is extremely important for us to understand what in my opinion is a tremendous disingenuousness in presenting to this House the notion that this bill represents a 50-percent increase in funding. It does not represent a 50-percent increase in funding.

In 1981 this Congress under the leadership of the existing occupant of the White House slashed funding for the Corporation for Public Broadcasting from $220 million per year to $130 million per year, ostensibly for the purpose of carrying out an experiment to see whether or not the system could find private sources of funding that would make up the difference. That experiment was carried out. That experiment failed and we are here today to ask the Congress to restore the previously existing level of funding and no more.

In fact, this bill calls for an amount of funding which is itself 15 percent less than what the Corporation for Public Broadcasting presented to our committee as the minimum necessary to sustain its programming agenda.

I think it is very, very important for this House to reject, first of all, what I consider to be a very unfortunate use of the figures, and second, to cease and to reject as representatives of the American public this unceasing assault on public education, unceasing assault on education of the public through television, that continues to come from the leadership of the minority.

We ask that public broadcasting be restored to the minimum survival levels necessary to carry it forward as has been determined by the Bipartisan Temporary Commission on Alternative Public Financing, that was well served by my colleague, the gentleman from Washington [Mr. SWIFT], and by the gentleman from Iowa [Mr. TAUKE] as well.

I call upon the House in my remarks today simply to reject what I consider to be a disingenuous use of the figures, to recognize that this is not a 50-percent increase. This is a restoration to the original levels of funding that is necessary to make this corporation viable and have continued success in terms of educating the public.

Mr. SWIFT. Mr. Chairman, will the gentleman yield.

Mr. BRYANT. I yield.

Mr. SWIFT. Mr. Chairman, I want to thank the gentleman for what he has just pointed out. What is the old phrase? "There are lies, damned lies, and statistics."

We have been tossing numbers around. Let me toss some numbers around. In 1984, the authorization was a 38-percent cut from the previous year and it is from that cut that they are extrapolating their figures. If you take the 1983 appropriation, not the 1984, the point I am making is that these percentages change depending on what you use as your base figures. If you use the authorization of 1983, there has been a 3.8, less than 4 percent increase every year. In fact, the total increase over that period of time is only 9 percent.

What the other side is using, they are using the figures after the Draconian 38-percent cut that occurred in 1984.

Very frankly, the figures in the committee bill, the figures that exist, I think this is very revealing, the figures that are contained in this bill are the figures that have been commonly referred to as we have gone through the legislative process as the Goldwater figures.

Mr. BRYANT. That is correct.

Mr. SWIFT. They are the figures that came out of the Senate in June. These are what we have constantly considered the Goldwater figures. They are hardly radical, particularly coming from the senior Senator from Arizona.

So I completely agree with the gentleman. The figures have been sorely abused here on the floor. We are talking about a very modest increase.

Mr. BRYANT. Mr. Chairman, I thank the gentleman for his remarks and would simply add also that once we have restored the level of funding that was cut in 1981 by passing this bill today unamended, the amount of increase per year after that amounts to only 6 percent a year, again a very rational and very reasonable figure which is I am afraid not well represented, to say the least, by the statements of the proponents of the pending amendment.

I strongly urge the Members of the House to defeat the Oxley amendment and to pass this bill unamended.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(At the request of Mr. NIELSON of Utah, and by unanimous consent, Mr. BRYANT was allowed to proceed for an additional 2 minutes.)

Mr. NIELSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from Utah.

Mr. NIELSON of Utah. Mr. Chairman, in response to the comments that have been made by the two gentlemen who just spoke in reference to the numbers I gave, it is not a question of where we would like to have been and where we were in 1981 when these figures were passed. It is where we are right now. From 162 to 238 is a 47-percent increase, as I indicated.

It is true that if you had continued in 1981 with that same figure, they would be higher now, but that is not where we are now. We are at 162 with the supplemental and this goes to 238 and I think that is an increase that is more than we can stand.

Mr. BRYANT. Well, Mr. Chairman, reclaiming my time, I woud simply say that I would prefer to think in terms of where we would have been today with public broadcasting had it not been for the Draconian cuts that took place in 1981. I prefer to look at it that way. The fact is that we would be today in a situation where we had a strong and viable Corporation for Public Broadcasting instead of one that is stumbling.

Mr. Chairman, I yield back the remainder of my time.

Mr. TAUKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope my colleagues on the Republican side of the aisle will listen briefly, because sometimes things appear differently from what they actually are. In this case, the numbers appear different from what they are.

Over the last 2 years, I spent a good deal of time on the Temporary Commission for Alternative Financing on Public Broadcasting. The members of the Temporary Commission from this House were Congressman SWIFT and myself. We went to that job with the task of trying to figure out how we could finance public broadcasting. Twenty percent of the money comes from the Federal Government, most comes from local governments, State governments and from private solicitation.

Now, people may ask themselves why are we asking for these increases in support for public broadcasting? It is not because anybody wants to come up here and try to defend substantial increases in authorizations for fiscal years 1987, 1988, and 1989. It is because we tried to find alternative ways to finance this system and we came up short. We spent 2 years looking at ways in which we could lease out public broadcasting facilities so that others could come in on commercial enterprises, use those facilities to make commercials or to do some kind of film making.

We looked at ways in which the public broadcasting facilities could provide other services. We looked at advertising. Some of you may recall that I was the primary advocate of some kind of advertising on public broadcasting when we last debated this measure.

We had an experiment during which a number of stations considered advertising, but all those efforts came up short. We could raise some money, additional money for public broadcasting, but not enough to meet the needs.

Now, the bottom line, Mr. Chairman, is that the need is not at your local stations, although they may have some need, but most of them can keep themselves afloat. The need is for the production of the programming that is broadcast on those local stations. In Iowa we have a fine facility. We are able to meet our local needs, but what are we going to put on the air? It is the programs that come from the stations in Boston, in New York, and other places.

□ 1640

Unless we provide some funding, those programs are not going to be produced. I do not care how much your State government or your local government or your friends organizations raise for public broadcasting, they are not going to have the resources to have good programming on the air.

Ladies and gentlemen, that is what this is about. We have made a solid effort in this House to find alternative ways to finance this system after we cut the system 38 percent and we have made a solid effort to do that and we failed to come up with alternative methods.

It is irresponsible, in my judgment, for us now to then turn around and say well, even though we failed to come up with the alternative method, we are still going to maintain the spending cuts because if you do that you are going to have a solid public broadcasting system.

So very truthfully, with all respect to my colleagues who are standing on the principle of fiscal responsibility, which I, too, like to embrace, it is fiscally irresponsible to cut this system in a way which throws out what we have gained so far and which makes the facilities which we have built virtually useless because we do not have the programming to put on them which undercuts the private sector efforts that are needed in order to finance most of this system, which leaves our States hanging high and dry supporting facilities with nothing to broadcast over those facilities.

So if you are interested in having something decent on the air, the small amount of money that we are putting up here is going to keep something decent on the air and make all of that other investment worthwhile. That is why we have to spend a little time arguing about this because you need to understand we cut substantially. We tried it and it did not work. We are now going back to the levels of funding we had before, no big increases, going back to where we were before, and we are at the same time trying to extend and improve this system so that we can use it for educational purposes and use it for the other purposes which have made public broadcasting so widely accepted and ever increasingly accepted in our country.

Mr. WIRTH. Will the gentleman yield?

Mr. TAUKE. I am happy to yield.

Mr. WIRTH. I thank the gentleman for yielding.

The gentleman from Iowa [Mr. TAUKE] has made the case for public broadcasting and against the amendment offered by the gentleman from Ohio [Mr. OXLEY]. I would join with my colleague in urging all Members to vote no on the Oxley amendment and then to vote yes on final passage.

I thank the gentleman for yielding and for his great help.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. TAUKE] has expired.

(By unanimous consent Mr. TAUKE was allowed to proceed for 30 additional seconds.)

Mr. TAUKE. I might just point out one more thing for my colleagues on this side, and that is that the other body has already passed this bill with these figures. These figures were brought to the forefront by Senator GOLDWATER after he, too, looked at this issue. It came out of our subcommittee with strong bipartisan support. It came out of the full committee with strong bipartisan support.

I think people ought to recognize that those who have studied the issue most closely realize that this is not any big increase in funding for public broadcasting, that it is trying to maintain a system with minimal Federal assistance.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio [Mr. OXLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OXLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 217, not voting 40, as follows:

[Roll No. 308]

AYES—176

Albosta	Gregg	O'Brien
Andrews (TX)	Gunderson	Obey
Applegate	Hall, Ralph	Olin
Archer	Hall, Sam	Oxley
Badham	Hammerschmidt	Packard
Barnard	Hance	Parris
Bartlett	Hartnett	Pashayan
Bateman	Hightower	Patman
Bennett	Hiler	Paul
Bereuter	Hillis	Penny
Bethune	Holt	Petri
Bevill	Hopkins	Pickle
Bilirakis	Huckaby	Porter
Bliley	Hughes	Pursell
Bosco	Hunter	Quillen
Broomfield	Hutto	Ray
Brown (CO)	Hyde	Regula
Broyhill	Ireland	Ritter
Burton (IN)	Jenkins	Roberts
Campbell	Johnson	Robinson
Carney	Jones (OK)	Roemer
Carper	Kasich	Rogers
Chappie	Kazen	Roukema
Cheney	Kemp	Rowland
Coats	Kindness	Rudd
Coleman (MO)	Kleczka	Schaefer
Conable	Kolter	Schulze
Corcoran	Lagomarsino	Sensenbrenner
Coughlin	Latta	Shaw
Courter	Leach	Shumway
Craig	Leath	Shuster
Crane, Daniel	Lent	Siljander
Daniel	Levitas	Sisisky
Dannemeyer	Lewis (FL)	Slattery
Darden	Livingston	Smith (NE)
Daub	Lloyd	Smith (NJ)
de la Garza	Loeffler	Snyder
Derrick	Lott	Solomon
DeWine	Lowery (CA)	Spence
Dickinson	Lungren	Stangeland
Dreier	Mack	Stenholm
Dyson	Madigan	Sundquist
Edwards (OK)	Martin (IL)	Tallon
Emerson	McCain	Tauzin
English	McCandless	Taylor
Erdreich	McCollum	Thomas (CA)
Erlenborn	McCurdy	Valentine
Evans (IA)	McEwen	Vander Jagt
Fiedler	McGrath	Vandergriff
Fields	McKernan	Walker
Frenzel	Michel	Watkins
Gekas	Miller (OH)	Weber
Gibbons	Molinari	Whittaker
Gilman	Montgomery	Winn
Gingrich	Moore	Wolf
Glickman	Moorhead	Wylie
Goodling	Murphy	Young (FL)
Gradison	Myers	Zschau
Gramm	Nielson	

NOES—217

Ackerman	Borski	Conyers
Addabbo	Boucher	Cooper
Akaka	Boxer	Coyne
Alexander	Breaux	Crane, Philip
Anderson	Brooks	Daschle
Annunzio	Brown (CA)	Davis
Anthony	Bryant	Dellums
Aspin	Burton (CA)	Dicks
Barnes	Byron	Dingell
Bates	Carr	Dixon
Bedell	Chandler	Donnelly
Beilenson	Chappell	Dorgan
Berman	Clarke	Downey
Boehlert	Clinger	Duncan
Boggs	Coelho	Durbin
Boland	Coleman (TX)	Dwyer
Bonior	Collins	Dymally
Bonker	Conte	Early

Eckart	Lujan	Russo
Edgar	Luken	Sabo
Edwards (AL)	Lundine	Savage
Edwards (CA)	MacKay	Sawyer
Evans (IL)	Markey	Scheuer
Fascell	Martin (NY)	Schneider
Fazio	Martinez	Schroeder
Feighan	Matsui	Schumer
Ferraro	Mavroules	Seiberling
Fish	Mazzoli	Sharp
Flippo	McCloskey	Shelby
Florio	McDade	Sikorski
Foglietta	McHugh	Skeen
Foley	McKinney	Skelton
Ford (MI)	McNulty	Smith (FL)
Frank	Mica	Smith (IA)
Fuqua	Mikulski	Snowe
Garcia	Miller (CA)	Solarz
Gaydos	Mineta	St Germain
Gephardt	Minish	Staggers
Gonzalez	Mitchell	Stark
Gore	Moakley	Stokes
Gray	Mollohan	Stratton
Green	Moody	Studds
Guarini	Morrison (CT)	Swift
Hall (IN)	Morrison (WA)	Synar
Hall (OH)	Mrazek	Tauke
Hamilton	Murtha	Thomas (GA)
Harkin	Natcher	Torricelli
Hatcher	Neal	Traxler
Hayes	Nelson	Udall
Hefner	Nowak	Vento
Hertel	Oakar	Volkmer
Horton	Oberstar	Vucanovich
Howard	Ortiz	Walgren
Hoyer	Ottinger	Weaver
Hubbard	Owens	Weiss
Jacobs	Panetta	Wheat
Jeffords	Patterson	Whitehurst
Jones (NC)	Pease	Whitley
Kaptur	Pepper	Whitten
Kastenmeier	Perkins	Williams (MT)
Kennelly	Price	Williams (OH)
Kildee	Pritchard	Wilson
Kostmayer	Rahall	Wirth
LaFalce	Rangel	Wise
Lantos	Ratchford	Wolpe
Lehman (CA)	Reid	Wortley
Lehman (FL)	Richardson	Wright
Leland	Ridge	Wyden
Levin	Rinaldo	Yates
Levine	Roe	Yatron
Lipinski	Rose	Young (AK)
Long (LA)	Roth	
Lowry (WA)	Roybal	

NOT VOTING—40

Andrews (NC)	Hansen (ID)	Rodino
AuCoin	Hansen (UT)	Rostenkowski
Biaggi	Harrison	Shannon
Boner	Hawkins	Simon
Britt	Heftel	Smith, Denny
Clay	Jones (TN)	Smith, Robert
Crockett	Kogovsek	Spratt
D'Amours	Kramer	Stump
Dowdy	Lewis (CA)	Torres
Ford (TN)	Long (MD)	Towns
Fowler	Marlenee	Waxman
Franklin	Marriott	Young (MO)
Frost	Martin (NC)	
Gejdenson	Nichols	

□ 1700

The Clerk announced the following pairs:

On this vote:

Mr. Franklin for, with Mr. Young of Missouri against.

Mr. Denny Smith for, with Mr. Hawkins against.

Mr. ANDREWS of Texas changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any additional amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC BROADCASTING

SEC. 3. (a) Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)) is amended—

(1) by striking out "and 1986" and inserting in lieu thereof "1986, 1987, 1988, and 1989";

(2) by striking out "and" after "1985,"; and

(3) by inserting before the period at the end thereof the following: ", $238,000,000 for fiscal year 1987, $253,000,000 for fiscal year 1988, and $270,000,000 for fiscal year 1989".

(b) Section 396(k)(3)(A)(i)(II) of such Act (47 U.S.C. 396(k)(3)(A)(i)(II)) is amended by striking out "research, training, technical assistance, engineering, instructional support, payment of interest on indebtedness,".

□ 1710

The CHAIRMAN. Are there any amendments to section 3? If not, the Clerk will designate section 4.

The text of section 4 is as follows:

CRITERIA FOR APPROVAL AND EXPENDITURES BY SECRETARY OF COMMERCE

SEC. 4. Section 393 of the Communications Act of 1934 (47 U.S.C. 393) is amended by striking out subsection (c) and by redesignating subsection (d) as subsection (c).

The CHAIRMAN. Are there any amendments to section 4? If not, the Clerk will designate section 5.

The text of section 5 is as follows:

REPEAL OF THE UNRELATED BUSINESS INCOME TAX PENALTY

SEC. 5. Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by striking out paragraph (8) and by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

The CHAIRMAN. Are there any further amendments?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5541) to amend the Communications Act of 1934 to extend certain authorizations of appropriations contained in such act, and for other purposes, pursuant to House Resolution 521, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that if a rollcall vote is taken on the bill now pending, the votes ordered on suspension of the rules, H.R. 1580 and H.R. 5616, be taken by no more than 5-minute votes.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. LOTT. Reserving the right to object, Mr. Speaker, and I do not intend to object, just to clarify for all the Members what is being requested here, it is just that we have a 5-minute vote on the two suspensions now pending; is that correct?

Mr. FOLEY. That is correct.

Mr. LOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. That is the case if there is a rollcall on this bill.

Is there objection to the request of the gentleman from Washington [Mr. FOLEY]?

There was no objection.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LEVITAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair would remind the Members that this is a 15-minute vote followed by two 5-minute votes.

The vote was taken by electronic device, and there were—yeas 302, nays 91, answered "present" 1, not voting 39, as follows:

[Roll No. 309]

YEAS—302

Ackerman	Clarke	Fascell
Addabbo	Clinger	Fazio
Akaka	Coelho	Feighan
Albosta	Coleman (MO)	Ferraro
Alexander	Coleman (TX)	Fish
Anderson	Collins	Flippo
Andrews (TX)	Conable	Florio
Annunzio	Conte	Foglietta
Anthony	Conyers	Foley
Applegate	Cooper	Ford (MI)
Aspin	Corcoran	Frank
Barnard	Coughlin	Fuqua
Barnes	Courter	Garcia
Bates	Coyne	Gaydos
Bedell	Darden	Gekas
Beilenson	Daschle	Gephardt
Bennett	Davis	Gibbons
Bereuter	de la Garza	Gilman
Berman	Dellums	Glickman
Bevill	Derrick	Gonzalez
Boehlert	Dicks	Goodling
Boggs	Dingell	Gore
Boland	Dixon	Gray
Bonior	Donnelly	Green
Bonker	Dorgan	Guarini
Borski	Downey	Hall (IN)
Bosco	Duncan	Hall (OH)
Boucher	Durbin	Hall, Ralph
Boxer	Dwyer	Hamilton
Breaux	Dymally	Hammerschmidt
Brooks	Dyson	Hance
Brown (CA)	Early	Harkin
Bryant	Eckart	Hatcher
Burton (CA)	Edgar	Hayes
Byron	Edwards (AL)	Hefner
Carper	Edwards (CA)	Hertel
Carr	English	Hightower
Chandler	Erdreich	Horton
Chappell	Evans (IA)	Howard
Chappie	Evans (IL)	Hoyer

Hubbard	Mineta	Sharp
Huckaby	Minish	Shelby
Hughes	Mitchell	Sikorski
Hunter	Moakley	Sisisky
Hutto	Molinari	Skeen
Ireland	Mollohan	Skelton
Jacobs	Montgomery	Slattery
Jeffords	Moody	Smith (FL)
Jenkins	Morrison (CT)	Smith (IA)
Johnson	Morrison (WA)	Smith (NJ)
Jones (NC)	Mrazek	Snowe
Jones (OK)	Murphy	Snyder
Kaptur	Murtha	Solarz
Kastenmeier	Natcher	Spence
Kazen	Neal	St Germain
Kennelly	Nelson	Staggers
Kildee	Nowak	Stark
Kleczka	Oakar	Stokes
Kolter	Oberstar	Stratton
Kostmayer	Obey	Studds
LaFalce	Olin	Sundquist
Lantos	Ortiz	Swift
Leach	Ottinger	Synar
Leath	Owens	Tallon
Lehman (CA)	Panetta	Tauke
Lehman (FL)	Parris	Tauzin
Leland	Patman	Taylor
Lent	Patterson	Thomas (GA)
Levin	Pease	Torricelli
Levine	Penny	Traxler
Levitas	Pepper	Udall
Lewis (FL)	Perkins	Valentine
Lipinski	Pickle	Vander Jagt
Lloyd	Porter	Vandergriff
Long (LA)	Price	Vento
Lowery (CA)	Pritchard	Volkmer
Lowry (WA)	Pursell	Vucanovich
Lujan	Rahall	Walgren
Luken	Rangel	Watkins
Lundine	Ratchford	Weaver
MacKay	Ray	Weiss
Madigan	Reid	Wheat
Markey	Richardson	Whitehurst
Martin (NY)	Ridge	Whitley
Martinez	Rinaldo	Whitten
Matsui	Roe	Williams (MT)
Mavroules	Rogers	Williams (OH)
Mazzoli	Rose	Wilson
McCain	Roth	Wirth
McCloskey	Rowland	Wise
McCollum	Roybal	Wolf
McCurdy	Russo	Wolpe
McDade	Sabo	Wortley
McHugh	Savage	Wright
McKernan	Sawyer	Wyden
McKinney	Scheuer	Wylie
McNulty	Schneider	Yates
Mica	Schroeder	Yatron
Mikulski	Schulze	Young (AK)
Miller (CA)	Schumer	Young (FL)
Miller (OH)	Seiberling	

NAYS—91

Archer	Gradison	Oxley
Badham	Gramm	Packard
Bartlett	Gregg	Pashayan
Bateman	Gunderson	Paul
Bethune	Hall, Sam	Petri
Bilirakis	Hartnett	Quillen
Bliley	Hiler	Regula
Broomfield	Hillis	Ritter
Brown (CO)	Holt	Roberts
Broyhill	Hopkins	Robinson
Burton (IN)	Hyde	Roemer
Campbell	Kasich	Roukema
Carney	Kemp	Rudd
Cheney	Kindness	Schaefer
Coats	Lagomarsino	Sensenbrenner
Craig	Latta	Shaw
Crane, Daniel	Livingston	Shumway
Crane, Philip	Loeffler	Shuster
Daniel	Lott	Siljander
Dannemeyer	Lungren	Smith (NE)
Daub	Mack	Solomon
DeWine	Martin (IL)	Stangeland
Dickinson	McCandless	Stenholm
Dreier	McEwen	Thomas (CA)
Edwards (OK)	McGrath	Walker
Emerson	Michel	Weber
Erlenborn	Moore	Whittaker
Fiedler	Moorhead	Winn
Fields	Myers	Zschau
Frenzel	Nielson	
Gingrich	O'Brien	

ANSWERED "PRESENT"—1

Long (MD)

NOT VOTING—39

Andrews (NC)	Gejdenson	Nichols
AuCoin	Hansen (ID)	Rodino
Biaggi	Hansen (UT)	Rostenkowski
Boner	Harrison	Shannon
Britt	Hawkins	Simon
Clay	Heftel	Smith, Denny
Crockett	Jones (TN)	Smith, Robert
D'Amours	Kogovsek	Spratt
Dowdy	Kramer	Stump
Ford (TN)	Lewis (CA)	Torres
Fowler	Marlenee	Towns
Franklin	Marriott	Waxman
Frost	Martin (NC)	Young (MO)

□ 1720

The Clerk announced the following pairs:

On this vote:

Mr. Young of Missouri for, with Mr. Franklin against.

Mr. Hawkins for, with Mr. Denny Smith against.

Messrs. ROBINSON, SAM B. HALL, JR., and RITTER changed their votes from "yea" to "nay."

Mr. EDWARDS of California changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1730

Mr. WIRTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2436) to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, this Member from California could not hear what the gentleman from Colorado said in connection with his request because the House is not in order, and I would like to just hear what the gentleman is asking be done.

Mr. WIRTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2436) to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes, and ask for its immediate consideration.

I will then move, I say to the gentleman from California [Mr. DANNEMEYER] to strike out all after the enacting clause, substitute the bill we just passed for the Senate bill, and then pass this bill.

Mr. DANNEMEYER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair will not put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 1580, and H.R. 5616, both by the yeas and nays. These will be 5-minute votes.

AVIATION DRUG-TRAFFICKING CONTROL ACT

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 1580, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and pass the bill, H.R. 1580, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 1, not voting 39, as follows:

[Roll No. 310]

YEAS—393

Ackerman	Cheney	Evans (IL)
Addabbo	Clarke	Fascell
Akaka	Clinger	Fazio
Albosta	Coats	Feighan
Alexander	Coelho	Ferraro
Anderson	Coleman (MO)	Fiedler
Andrews (TX)	Coleman (TX)	Fields
Annunzio	Collins	Fish
Anthony	Conable	Flippo
Applegate	Conte	Florio
Archer	Conyers	Foglietta
Aspin	Cooper	Foley
Badham	Corcoran	Ford (MI)
Barnard	Coughlin	Frank
Barnes	Courter	Frenzel
Bartlett	Coyne	Fuqua
Bateman	Craig	Garcia
Bates	Crane, Daniel	Gaydos
Bedell	Crane, Philip	Gekas
Beilenson	Daniel	Gephardt
Bennett	Dannemeyer	Gibbons
Bereuter	Darden	Gilman
Berman	Daschle	Gingrich
Bethune	Daub	Glickman
Bevill	Davis	Gonzalez
Bilirakis	de la Garza	Goodling
Bliley	Dellums	Gore
Boehlert	Derrick	Gradison
Boggs	DeWine	Gramm
Boland	Dickinson	Gray
Bonior	Dicks	Green
Bonker	Dingell	Gregg
Borski	Dixon	Guarini
Boucher	Donnelly	Gunderson
Boxer	Dorgan	Hall (IN)
Breaux	Downey	Hall (OH)
Britt	Dreier	Hall, Ralph
Brooks	Duncan	Hall, Sam
Broomfield	Durbin	Hamilton
Brown (CA)	Dwyer	Hammerschmidt
Brown (CO)	Dymally	Hance
Broyhill	Dyson	Harkin
Bryant	Early	Hartnett
Burton (CA)	Eckart	Hatcher
Burton (IN)	Edgar	Hayes
Byron	Edwards (AL)	Hefner
Campbell	Edwards (CA)	Hertel
Carney	Edwards (OK)	Hightower
Carper	Emerson	Hiler
Carr	English	Hillis
Chandler	Erdreich	Holt
Chappell	Erlenborn	Hopkins
Chappie	Evans (IA)	Horton

Howard	Miller (CA)	Schulze
Hoyer	Miller (OH)	Schumer
Hubbard	Mineta	Seiberling
Huckaby	Minish	Sensenbrenner
Hughes	Mitchell	Sharp
Hunter	Moakley	Shaw
Hutto	Molinari	Shelby
Hyde	Mollohan	Shumway
Ireland	Montgomery	Shuster
Jacobs	Moody	Sikorski
Jeffords	Moore	Siljander
Jenkins	Moorhead	Sisisky
Johnson	Morrison (CT)	Skeen
Jones (NC)	Morrison (WA)	Skelton
Jones (OK)	Mrazek	Slattery
Kaptur	Murphy	Smith (FL)
Kasich	Murtha	Smith (IA)
Kastenmeier	Myers	Smith (NE)
Kazen	Natcher	Smith (NJ)
Kemp	Neal	Snowe
Kennelly	Nelson	Snyder
Kildee	Nichols	Solarz
Kindness	Nielson	Solomon
Kleczka	Nowak	Spence
Kolter	O'Brien	St Germain
Kostmayer	Oakar	Staggers
LaFalce	Oberstar	Stangeland
Lagomarsino	Obey	Stark
Lantos	Olin	Stenholm
Latta	Ortiz	Stokes
Leach	Ottinger	Stratton
Leath	Owens	Studds
Lehman (CA)	Oxley	Sundquist
Lehman (FL)	Packard	Swift
Leland	Panetta	Synar
Lent	Parris	Tallon
Levin	Pashayan	Tauke
Levine	Patman	Tauzin
Levitas	Patterson	Taylor
Lewis (FL)	Pease	Thomas (CA)
Lipinski	Penny	Thomas (GA)
Livingston	Pepper	Torricelli
Lloyd	Perkins	Traxler
Loeffler	Petri	Udall
Long (LA)	Pickle	Valentine
Long (MD)	Porter	Vander Jagt
Lott	Price	Vandergriff
Lowery (CA)	Pritchard	Vento
Lowry (WA)	Pursell	Volkmer
Lujan	Quillen	Vucanovich
Luken	Rahall	Walgren
Lundine	Rangel	Walker
Lungren	Ratchford	Watkins
Mack	Ray	Weaver
MacKay	Regula	Weber
Madigan	Reid	Weiss
Markey	Richardson	Wheat
Martin (IL)	Ridge	Whitehurst
Martin (NY)	Rinaldo	Whitley
Martinez	Ritter	Whittaker
Matsui	Roberts	Whitten
Mavroules	Robinson	Williams (MT)
Mazzoli	Roe	Williams (OH)
McCain	Roemer	Wilson
McCandless	Rogers	Winn
McCloskey	Rose	Wirth
McCollum	Roth	Wise
McCurdy	Roukema	Wolf
McDade	Rowland	Wolpe
McEwen	Roybal	Wortley
McGrath	Rudd	Wright
McHugh	Russo	Wyden
McKernan	Sabo	Wylie
McKinney	Savage	Yates
McNulty	Schaefer	Yatron
Mica	Scheuer	Young (AK)
Michel	Schneider	Young (FL)
Mikulski	Schroeder	Zschau

NAYS—1

Paul

NOT VOTING—39

Andrews (NC)	Gejdenson	Rodino
AuCoin	Hansen (ID)	Rostenkowski
Biaggi	Hansen (UT)	Sawyer
Boner	Harrison	Shannon
Bosco	Hawkins	Simon
Clay	Heftel	Smith, Denny
Crockett	Jones (TN)	Smith, Robert
D'Amours	Kogovsek	Spratt
Dowdy	Kramer	Stump
Ford (TN)	Lewis (CA)	Torres
Fowler	Marlenee	Towns
Franklin	Marriott	Waxman
Frost	Martin (NC)	Young (MO)

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1740

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 1146) to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. McEWEN. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman if he has cleared this with the minority and what arrangements they have agreed to.

Mr. MINETA. Mr. Speaker, if the gentleman will yield, this has been cleared with the minority, and they are well aware of this request.

Mr. McEWEN. As a member of the subcommittee, I regret that I was not informed.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Aviation Drug-Trafficking Control Act".

SEC. 2. (a) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) is amended by adding at the end thereof the following new subsection:

"TRANSPORTATION, DISTRIBUTION, OR OTHER ACTIVITIES RELATED TO CONTROLLED SUBSTANCES

"(c)(1) The Administrator shall issue an order revoking the airman certificates of any person upon conviction of such person for any felony violation of a State or Federal law relating to a controlled substance (other than a law relating to simple possession of a controlled substance) if the Administrator determines that (A) an aircraft was used in connection with the commission of the offense and (B) such person knowingly either served as an airman in connection with the offense or was on board the aircraft in connection with the offense.

"(2) The Administrator shall issue an order revoking the airman certificates of any person if the Administrator determines that—

"(A) the airman has engaged in an activity which he knew, or had reasonable cause to know, was intended to distribute, import, or export a controlled substance;

"(B) an aircraft was used in such activity or to facilitate such activity;

"(C) the airman either served as an airman in connection with such activity or was on board the aircraft in connection with such activity;

"(D) the controlled substance was not part of the legitimate offical supplies of such aircraft;

"(E) the controlled substance was not part of the cargo entered in the manifest of an aircraft engaged in the usual course of business of a common on contract carrier certificated to carry cargo under the provisions of this Act; and

"(F) the airman (or his employer) was not authorized to distribute, import, or export (as the case may be) the controlled substance under any State or Federal law or under the authority of any State or Federal agency.

For the purpose of subparagraph (F) of this paragraph, if the Administrator determines that the airman (or his employer) was not registered to distribute, import, or export (as the case may be) the controlled substance in question pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) or section 1007 of the Controlled Substances Import and Export Act (21 U.S.C. 957), the burden of proof shall be on the airman to establish that he (or his employer) was authorized to distribute, import, or export (as the case may be) such controlled substance under any State or Federal law or under the authority of any State or Federal agency. This paragraph is intended to reach activity occurring within the territorial jurisdiction of the United States, or without the territorial jurisdiction of the United States, or both.

"(3) Prior to revoking an airman certificate under this subsection, the Administrator shall advise the holder thereof of the charges or any reasons relied upon by the Administrator for his proposed action and shall provide the holder of such certificate an opportunity to answer any charges and be heard as to why such certificate should not be revoked. Any person whose certificate is revoked by the Administrator pursuant to this subsection may appeal the Adminstrator's order to the Board and the Board shall, after notice and a hearing on the record, affirm, amend, modify, or reverse the Administrator's order. In the conduct of its hearings, the Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within 60 days after being so advised by the Administrator. A person whose certificate is revoked by the Board's order may obtain judicial review of said order under the provisions of section 1006. The filing of an application for such judicial review shall not stay the effectiveness of the Board's order.

"(4) In any proceeding pursuant to this subsection, the findings of an appropriate State or Federal court as to any element of proof required by this subsection shall be conclusive and neither the Administrator

nor the Board shall have the authority to review such issue.

"(5) In any proceeding pursuant to paragraph (2) of this subsection—

"(A) neither the Administrator nor the Board shall be required, or have the authority, to determine if any activity constitutes a violation of any State or Federal law relating to a controlled substance;

"(B) no part of the record of such proceeding shall be admitted as evidence in any State or Federal criminal proceeding; and

"(C) neither the Administrator nor the Board shall have the authority to revoke the airman certificate of any person who has been the subject of a criminal indictment or information concerning the activity related to a controlled substance and who has been acquitted in a State or Federal court of all charges related to such activity.

"(6) For the purposes of this subsection, the terms 'controlled substance' and 'distribute' shall have the same meaning given such terms by section 102 of the Controlled Substances Act (21 U.S.C. 802) and the terms 'import' and 'export' shall have the same meaning given such terms by section 1001 of the Controlled Substances Import and Export Act (21 U.S.C. 951).".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading:

"Sec. 609. Amendment, suspension, and revocation of certificates."

is amended by adding at the end thereof:

"(c) Transportation, distribution, or other activity related to controlled substances.".

SEC. 3. Section 602(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1422(b)) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), the Administrator shall not issue an airman certificate to any person whose airman certificate has been revoked pursuant to subsection (c) of section 609 of this title during the 5-year period beginning on the date of such revocation.

"(B) The Administrator may issue an airman certificate to any such person before the end of such 5-year period (but not before the end of the 1-year period beginning on the date of such revocation) if, in addition to the findings required by paragraph (1), the Administrator determines (i) that revocation of the certificate for such 5-year period would be excessive considering the nature of the offense or the act committed and the burden which revocation places on such person, or (ii) that revocation of the certificate for such 5-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determination or failure to make such a determination shall not be subject to administrative or judicial review.

"(C) Notwithstanding any other provisions of this paragraph, in any case in which the Administrator has revoked the airman certificate of any person pursuant to section 601(c) (1) or (2) as a result of any activity related to a controlled substance and such person is subsequently acquitted of all charges related to such activity in any criminal indictment or information arising from such activity, the Administrator shall issue a certificate to such person if such person is otherwise qualified to serve as an airman under the provisions of this Act.".

SEC. 4. Section 501(e) of the Federal Aviation Act of 1958 (49 U.S.C. 1401(e)) is amended by inserting "(1)" after "(e)" and by adding at the end thereof the following new paragraph:

"(2)(A) The Administrator shall issue an order revoking the certificate of registration issued to an owner under this section for an aircraft and each other certificate of registration held by such owner under this section, if the Administrator determines that—

"(i) such aircraft has been used in an activity, or to facilitate an activity that is a felony violation of any State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance); and

"(ii) the use of the aircraft was permitted by such owner who knew, or had reasonable cause to know, that the aircraft was intended to be used for activity described in clause (i) of this subparagraph.

For purposes of this paragraph, an owner of an aircraft who is not an individual shall be considered to know, or to have reasonable cause to know, the intended use of an aircraft only is a majority of the individuals who control such owner or who are involved in forming the major policy of such owner knew, or had reasonable cause to have known, of such intended use.

"(B) Prior to revoking any certificate of registration under this subsection the Administrator shall advise the holder thereof of the charges or any reasons relied upon by the Administrator for his proposed action and shall provide the holder of the certificate of registration an opportunity to answer any charges and be heard as to why such certificate should not be revoked. Any person whose certificate of registration is revoked by the Administrator pursuant to this subsection may appeal the Administrator's order to the Board and the Board shall, after notice and a hearing on the record, affirm, amend, modify, or reverse the Administrator's order. In the conduct of its hearings, the Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within 60 days after being so advised by the Administrator. The person whose certificate of registration is revoked by the Board's order may obtain judicial review of said order under the provisions of section 1006. The filing of an application for such judicial review shall not stay the effectiveness of the Board's order.

"(C) In any proceeding under this paragraph—

"(i) the term 'controlled substance' shall have the same meaning given such term by section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(ii) no part of the record of such proceeding shall be admitted as evidence in any State or Federal criminal proceeding;

"(iii) neither the Administrator nor the Board shall have the authority to revoke any certificate of registration if the owner of such aircraft has been the subject of a criminal indictment or information concerning the alleged illegal activity related to a controlled substance and has been acquitted in a State or Federal court of all such charges; and

"(iv) the findings of an appropriate State or Federal court as to any element of proof required by such paragraph shall be conclusive and neither the Administrator nor the Board shall have the authority to review such issue.

"(D) Notwithstanding any other provision of this paragraph, in any case in which the Administrator has revoked the certificate of registration of any person as a result of any activity related to controlled substance and such person is subsequently acquitted of all charges related to such activity in any criminal indictment or information arising from such activity, the Administrator shall issue a certificate of registration to such person if such person is otherwise qualified for such a certificate under the provision of this Act.

"(E) Except as provided in subparagraph (F), the Administrator shall not issue a certificate of registration to any person who has had a certificate revoked pursuant to subparagraph (A) of this paragraph during the 5-year period beginning on the date of such revocation.

"(F) The Administrator may issue a certificate of registration for an aircraft to any such person before the end of such 5-year period (but not before the end of the 1-year period beginning on the date of such revocation) if the Administrator determines that such aircraft is otherwise eligible for registration under this section and (i) that revocation of the certificate for such 5-year period would be excessive considering the nature of the offense or the act committed and the burden which revocation places on such person, or (ii) that revocation of the certificate for such 5-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determinaiton or failure to make such a determination shall not be subject to administrative or judicial review.".

SEC. 5. Section 902(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(b)) is amended—

(1) by striking out "(b) Any person who" and inserting in lieu thereof "(b)(1) Except as provided in paragraph (2), any person who";

(2) by striking out "uses or attempts to use" and inserting in lieu thereof "sells, uses, attempts to use, or possesses with the intent to use"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) Any person who violates paragraph (1) of this subsection (other than by selling a fraudulent certificate) with the intent to commit any act prohibited by the State or Federal felony law relating to controlled substances (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding 5 years, or both.

"(B) Any person who violates paragraph (1) of this subsection by selling a fraudulent certificate with the knowledge that the purchaser intends to use such certificate in connection with any act prohibited by any State or Federal felony law relating to controlled substances (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding 5 years, or both.

"(C) For purposes of this paragraph, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act."

SEC. 6. This Act and the amendments made by this Act shall apply with respect to acts and violations occurring after the date of enactment of this Act.

MOTION OFFERED BY MR. MINETA

Mr. MINETA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MINETA moves to strike out all after the enacting clause of the Senate bill, S. 1146, and to insert in lieu thereof the provisions contained in the bill, H.R. 1580, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1580) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill, S. 1146 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. MINETA, ANDERSON, ROE, SNYDER, and HAMMERSCHMIDT.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

COUNTERFEIT-ACCESS DEVICE AND COMPUTER FRAUD AND ABUSE ACT OF 1984

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 5616, amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 5616, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 311]

YEAS—395

Ackerman	Badham	Bevill
Addabbo	Barnard	Bilirakis
Akaka	Barnes	Bliley
Albosta	Bartlett	Boehlert
Alexander	Bateman	Boggs
Anderson	Bates	Boland
Andrews (TX)	Bedell	Bonior
Annunzio	Beilenson	Bonker
Anthony	Bennett	Borski
Applegate	Bereuter	Boucher
Archer	Berman	Boxer
Aspin	Bethune	Breaux
Britt	Gore	McEwen
Brooks	Gradison	McGrath
Broomfield	Gramm	McHugh
Brown (CA)	Gray	McKernan
Brown (CO)	Green	McKinney
Broyhill	Gregg	McNulty
Bryant	Guarini	Mica
Burton (CA)	Gunderson	Michel
Burton (IN)	Hall (IN)	Mikulski
Byron	Hall (OH)	Miller (CA)
Campbell	Hall, Ralph	Miller (OH)
Carney	Hall, Sam	Mineta
Carper	Hamilton	Minish
Carr	Hammerschmidt	Mitchell
Chandler	Hance	Moakley
Chappell	Harkin	Molinari
Chappie	Hartnett	Mollohan
Cheney	Hatcher	Montgomery
Clarke	Hayes	Moody
Clinger	Hefner	Moore
Coats	Hertel	Moorhead
Coelho	Hightower	Morrison (CT)
Coleman (MO)	Hiler	Morrison (WA)
Coleman (TX)	Hillis	Mrazek
Collins	Holt	Murphy
Conable	Hopkins	Murtha
Conte	Horton	Myers
Conyers	Howard	Natcher
Cooper	Hoyer	Neal
Corcoran	Hubbard	Nelson
Coughlin	Huckaby	Nichols
Courter	Hughes	Nielson
Coyne	Hunter	Nowak
Craig	Hutto	O'Brien
Crane, Daniel	Hyde	Oakar
Crane, Philip	Ireland	Oberstar
Daniel	Jacobs	Obey
Dannemeyer	Jeffords	Olin
Darden	Jenkins	Ortiz
Daschle	Johnson	Ottinger
Daub	Jones (NC)	Owens
Davis	Jones (OK)	Oxley
de la Garza	Kaptur	Packard
Dellums	Kasich	Panetta
Derrick	Kastenmeier	Parris
DeWine	Kazen	Pashayan
Dickinson	Kemp	Patman
Dicks	Kennelly	Patterson
Dingell	Kildee	Paul
Dixon	Kindness	Pease
Donnelly	Kleczka	Penny
Dorgan	Kolter	Pepper
Downey	Kostmayer	Perkins
Dreier	LaFalce	Petri
Duncan	Lagomarsino	Pickle
Durbin	Lantos	Porter
Dwyer	Latta	Price
Dymally	Leach	Pursell
Dyson	Leath	Quillen
Early	Lehman (CA)	Rahall
Eckart	Lehman (FL)	Rangel
Edgar	Leland	Ratchford
Edwards (AL)	Lent	Ray
Edwards (CA)	Levin	Regula
Edwards (OK)	Levine	Reid
Emerson	Levitas	Richardson
English	Lewis (FL)	Ridge
Erdreich	Lipinski	Rinaldo
Erlenborn	Livingston	Ritter
Evans (IA)	Lloyd	Roberts
Evans (IL)	Loeffler	Robinson
Fascell	Long (LA)	Roe
Fazio	Long (MD)	Roemer
Feighan	Lott	Rogers
Ferraro	Lowery (CA)	Rose
Fiedler	Lowry (WA)	Roth
Fields	Lujan	Roukema
Fish	Luken	Rowland
Flippo	Lundine	Roybal
Florio	Lungren	Rudd
Foglietta	Mack	Russo
Foley	MacKay	Sabo
Ford (MI)	Madigan	Savage
Frank	Markey	Sawyer
Frenzel	Martin (IL)	Schaefer
Fuqua	Martin (NY)	Scheuer
Garcia	Martinez	Schneider
Gaydos	Matsui	Schroeder
Gekas	Mavroules	Schulze
Gephardt	Mazzoli	Schumer
Gibbons	McCain	Seiberling
Gilman	McCandless	Sensenbrenner
Gingrich	McCloskey	Sharp
Glickman	McCollum	Shaw
Gonzalez	McCurdy	Shelby
Goodling	McDade	Shumway
Shuster	Sundquist	Weiss
Sikorski	Swift	Wheat
Siljander	Synar	Whitehurst
Sisisky	Tallon	Whitley
Skeen	Tauke	Whittaker
Skelton	Tauzin	Whitten
Slattery	Taylor	Williams (MT)
Smith (FL)	Thomas (CA)	Williams (OH)
Smith (IA)	Thomas (GA)	Wilson
Smith (NE)	Torricelli	Winn
Smith (NJ)	Towns	Wirth
Snowe	Traxler	Wise
Snyder	Udall	Wolf
Solarz	Valentine	Wolpe
Solomon	Vander Jagt	Wortley
Spence	Vandergriff	Wright
St Germain	Vento	Wyden
Staggers	Volkmer	Wylie
Stangeland	Vucanovich	Yates
Stark	Walgren	Yatron
Stenholm	Walker	Young (AK)
Stokes	Watkins	Young (FL)
Stratton	Weaver	Zschau
Studds	Weber	

NAYS—0

NOT VOTING—38

Andrews (NC)	Gejdenson	Pritchard
AuCoin	Hansen (ID)	Rodino
Biaggi	Hansen (UT)	Rostenkowski
Boner	Harrison	Shannon
Bosco	Hawkins	Simon
Clay	Heftel	Smith, Denny
Crockett	Jones (TN)	Smith, Robert
D'Amours	Kogovsek	Spratt
Dowdy	Kramer	Stump
Ford (TN)	Lewis (CA)	Torres
Fowler	Marlenee	Waxman
Franklin	Marriott	Young (MO)
Frost	Martin (NC)	

□ 1750

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 11, EXTENDING AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN EDUCATION PROGRAMS

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-897) on the resolution (H. Res. 550) providing for the consideration of the bill (H.R. 11) to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5973, INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-898) on the resolution (H. Res. 551) waiving certain points of order against consideration of the bill (H.R. 5973) making appropriations for the Department of Inte-

rior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3953, PANAMA CANAL AMENDMENTS ACT OF 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-899) on the resolution (H. Res. 552) providing for the consideration of the bill (H.R. 3953) to amend the Panama Canal Act of 1979 in order that outside-the-locks claims for vessels damaged may be resolved in the same manner as those damaged inside the locks, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5220, DEFENSE SHIPYARD PROTECTION ACT OF 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-902) on the resolution (H. Res. 553) providing for the consideration of the bill (H.R. 5220) to protect the national defense shipyards of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REQUEST TO MAKE IN ORDER ON TOMORROW OR ANY DAY THEREAFTER CONSIDERATION OF SENATE AMENDMENT TO H.R. 1310, EMERGENCY MATHEMATICS AND SCIENCE AND EDUCATION ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that on tomorrow or any day thereafter it shall be in order to consider at any time, any rule of the House to the contrary notwithstanding, the following:

First, a motion to suspend the rules, to discharge the Committees on Education and Labor and the Judiciary from further consideration of the Senate amendment to H.R. 1310, and to concur in title VIII of the Senate amendment, entitled "The Equal Access Act," to said bill, and such motion shall be debatable for not to exceed 1 hour, equally divided and controlled by the proponent of the motion and a Member opposed thereto and shall not be subject to a demand for a second; and

Second, if such motion has been adopted, a motion to suspend the rules and to concur in titles I through VII of the Senate amendment to H.R. 1310, such motion shall not be subject to a demand for a second, and if both such motions to suspend the rules are adopted, the House shall be considered to have agreed to the entire Senate amendment to H.R. 1310.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. PEPPER. Mr. Speaker, reserving the right to object, may I just ask a question of the distinguished gentleman.

It will require a two-thirds vote to pass any of the measures listed by the gentleman?

Mr. PERKINS. That is correct.

Mr. PEPPER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. ACKERMAN. Reserving the right to object, Mr. Speaker, is this the same equal access bill that would allow cults to meet in our public schools?

Mr. PERKINS. This is not the same equal access bill.

Let me say this is the amendment that came over from the Senate that we are proposing to take and no cults anywhere along the line are allowed in this school bill.

Mr. ACKERMAN. Would this be permissive of religious services taking place in the schools?

Mr. PERKINS. That is a hard question to define, religious services taking place. The purpose of it is to give religious students that belong to that high school and no other high school the right to participate in religious services and no outsider is allowed.

Mr. ACKERMAN. Could the chairman describe what a ceremony is?

Mr. PERKINS. If no one but the students are in charge of the service, no official of the school or anyone else except the schools can supervise. If something goes wrong, they will close the meetings out. If an outsider is brought in, he cannot be brought in on a regular basis. The bill makes that perfectly clear.

Mr. ACKERMAN. Insomuch as this would permit school supervision of religious ceremonies taking place——

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I yield.

Mr. GOODLING. The term "religious ceremony" is not a part of this Senate amendment in any way, shape or form. It does not allow religious ceremonies at all.

Mr. ACKERMAN. Does the bill preclude religious services or religious prayers from taking place in the schools?

Mr. GOODLING. It precludes it.

Mr. ACKERMAN. Could the gentleman point out where it might preclude that?

Mr. GOODLING. It basically allows for an activity period before school or after school, as any other activity would be meeting, where a study group would be studying, whatever that may be, whether it is a democratic way of life or whether it is Republican politics or whatever it may be. It does not permit religious ceremonies.

Mr. ACKERMAN. Would the sponsor of the bill be willing to state in a colloquy during the consideration of the bill that this would not permit prayer in school and that this would not permit religious services to take place in public school buildings?

Mr. BONKER. Mr. Speaker, if the gentleman will yield, as the sponsor of the original bill, which this amendment is not, and I might add that I had to ponder long and hard about whether I would support the Senate passed amendment, because I believe that it greatly waters down the original intent of the equal access bill, that it does not allow or prohibit school districts from disallowing the kind of religious activity to which the gentleman refers, but it does provide that a school district can set aside this limited forum for before classes and after classes where students cannot be discriminated against if they so wish to gather for purposes of reading Bible verses or praying; so that kind of activity would be protected under the provisions of this amendment, but it in no way compares to the kind of religious services or the religious activity that I think the gentleman is concerned about.

Mr. ACKERMAN. Let me be specific. If a student organization wanted to conduct a Catholic mass in a public school building, would this prohibit that?

Mr. GOODLING. Mr. Speaker, would the gentleman yield?

Mr. ACKERMAN. I would like to hear the sponsor's answer first.

Mr. BONKER. Well, in my judgment, it would prohibit that kind of activity, whether it be mass or any kind of religious service. The intent of the sponsor of the bill is that if several students want to get together for the purpose of reading the Bible or reading the Koran or any other kind of religious document, they cannot be disallowed from doing so either before the school hours begin or after the school hours.

Mr. ACKERMAN. The gentleman is saying they cannot be disallowed from having it? That means that under this bill that would be permitted?

Mr. BONKER. What I am saying is that I do not think anything in this bill disallows school district authorities from prohibiting that kind of activity.

Mr. GOODLING. Mr. Speaker, would the gentleman yield?

Mr. ACKERMAN. Certainly.

Mr. GOODLING. I would like to quote from the Senate side: "Non-

school persons may not direct, conduct, control or regularly attend activities of student groups."

So of course there is no way you could conduct a mass or direct any religious ceremony, because there would be no priest, no rabbi, no protestant minister, nobody of that nature that could participate in any way, shape or form.

□ 1800

Mr. ACKERMAN. That is presumptuous, I would think.

Mr. GOODLING. How can they have a mass if they are not directed?

Mr. ACKERMAN. I have reserved the right to object. There is certainly the possibility that within student groups, even if it might be completely student run groups, that you might have various leaders of different persuasions. Not every religious group has a requirement that one be a high school graduate in order to conduct services or to have any particular degree.

Mr. BONKER. Will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman.

Mr. BONKER. I would add that the Senate-passed amendment does provide that the meeting cannot materially and substantially interfere with the orderly conduct of educational activities within the school. And I would presume that if you are going to get involved in church-type activity that that may well be disruptive of regular school activity.

Mrs. BURTON of California. Would the gentleman from New York give me a moment?

Mr. ACKERMAN. I will be delighted to yield to my colleague from California.

Mrs. BURTON of California. I thank the gentleman.

I would like to ask the gentleman from Washington [Mr. BONKER] or my chairman of the Committee on Education and Labor, or whoever knows the answer: What is the law today? What can we do in the schools today, prior to this bill being worked on, what can we do?

Mr. BONKER. Will the gentleman from New York yield so that I can respond to the gentlewoman from California?

Mr. ACKERMAN. I will be delighted to yield for that purpose.

Mr. BONKER. I would point out that currently there are no definitive guidelines, at least Federal guidelines, for school districts in this area. The 1962 Supreme Court decision addressed specifically the issue of school prayer. That is where in a classroom school authorities would conduct or instruct in terms of prayer or religious activity. That is what is explicitly disallowed by the Constitution.

The Supreme Court did not address this particular problem; that is, of students coming together for purposes on their own time of having prayer or any kind of Bible reading or whatever. That is one of the reasons why we have the proposal before the Congress, is because school districts have varying policies.

The fact is that most school districts in this country today have a policy of tolerance; that is, they allow this activity. That is in a majority of the school districts today. They allow the kind of activity about which the gentleman is concerned.

What we are trying to do is to build in some consistency not only for the school districts but for the various lower courts who have decided in various ways on this particular issue.

But I think that what we have here is not only a means of establishing definitive guidelines and consistency, but we also have in the draft a number of prohibitions against school instructed or school directed religious activities. So I think in that sense this is a very progressive measure.

Mr. GOODLING. Will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman.

Mr. GOODLING. I would like to echo what the Congressman has just said. The purpose for bringing the legislation before the Congress was specifically the fact that no one seemed to know exactly what they were allowed to do or were not allowed to do.

For instance, in most high school districts there is a Hi-Y club during club activities. I do not know of anyone in the United States that has objected to a Hi-Y club.

In many schools there is Bible club during the activity period.

The Supreme Court ruled that you cannot discriminate on the postsecondary level. They have not had the case before them. Some of the lower courts have ruled on both sides of the issue, which becomes very conflicting. There are conflicting decisions.

We had the Williamsport decision which says, yes. We had the Lubbock which said, no. We had Little Axe and that decision said, yes. We had the Brandon decision that said, no.

So we are trying to clarify that particular issue at this time.

Mr. ACKERMAN. Could I ask you to possibly explain to me why this bill does not specifically prohibit the use of school buildings for religious services and school prayer, if you are interested in setting those guidelines.

Mr. BONKER. Will the gentleman yield for a moment?

Mr. ACKERMAN. I yield.

Mr. BONKER. Many school districts today have a policy of renting out their facilities to various churches that otherwise do not have facilities and that is done on a rental basis and has nothing to do with the curriculum. But if you were to build that provision into this statute it would, indeed, be interfering with local school authorities in trying to make available the space on a Sunday, for instance, that has nothing whatsoever to do with its educational program, but happens to be a nice revenue factor for the school districts.

Mr. PERKINS. Will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Kentucky.

Mr. PERKINS. Let me say one thing to our distinguished colleague from New York. There has been confusion throughout the country, even confusion in adjacent counties in eastern Kentucky about this problem, and it has been brought about because of the Supreme Court decision where college students in the Missouri case has this right of equal access, and this is just trying to give some guidelines to the school people throughout the Nation, not bringing, not trying to bring any specific religion, but where school buildings are used for other activities.

I used a school building in the last week on eight occasions for flood control political meetings. We have school buildings in some of our large counties where you do not have a courthouse within 70 or 80 miles, and it is for the convenience of these youngsters that go to that particular school. And insofar as defining services, that is very hard to do, I would think. Each of us may have a different thought about it.

But we provide, and the gentleman raised the objection in the committee originally, that to reduce the number to two, and they can get in there and conduct a service, and that is what the Senate bill does here. And I think you and I both know when we try to define a service it is almost impossible.

But this thing has a moral value to these youngsters, these high school students, to get together, discuss their religion, and that is I think something that is very worthy.

Mr. ACKERMAN. I think that there is a clear difference between using a public school building for educational purposes and telling people what to do in cases of flood control and other things that are in the public interest. But religion is something that is in one's private interests, and to make a public school building available, and everything that I have heard here today tells me that the intent is to be permissive of having prayer in our schools and tolerating religious services in our schools. I do not think that that is the purpose of public education or public school buildings.

Mr. PERKINS. If we were interfering with public education the gentleman would have a point. But we are not interfering in any way with public education.

These schools are making their rooms accessible to garden clubs, horseback riding clubs, all kinds of civic organizations, political meetings. In my district the school buildings, that is where I held my political meetings. We do not have any problems working it out with the school superintendent in these rural counties where we hold our political meetings in the school buildings. And I do not see a thing in the world wrong here with these high school youngsters being afforded equal access for a good moral purpose, regardless of what our religion happens to be.

Mr. ACKERMAN. Nobody has objections to youngsters doing things for good moral purposes. But there is still a finite, albeit very important difference between studying and teaching about religion and the actual practicing of religion.

Mr. GOODLING. Will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I would just like to assure the gentleman from New York that there is nothing in this bill that does anything differently than public schools have been doing for 100 years. All we are saying is that since the Supreme Court has not acted at this point, since there is controversy in the lower courts, there should be some guidelines for the school district so they know where they stand.

Most of them are continuing to operate today just as this legislation says they are allowed to operate. So we are not asking for anything new. We are not asking for anything more. In fact, we are probably limiting what they have been doing at this particular point for the last 100 years.

Mr. ACKERMAN. I am sure the gentleman would agree there are things we have been doing for 100 years and even 1,000 years that are not just and that are not right and that we would like to see changed. But that really is not the issue.

My question is, Is there anything in this bill that prohibits the use of public school buildings for prayer or for religious services?

Mr. GOODLING. This is strictly a religion tolerance bill, period.

But let me say also I think it passed the other body something like 88 to 11.

Mr. ACKERMAN. That does not mean it is right.

Mr. GOODLING. It has Mr. KENNEDY, for instance, and others, Mr. KENNEDY and Mr. TSONGAS and some of them.

Mr. ACKERMAN. I have heard of them.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. SEIBERLING. Will the gentleman yield to me?

Mr. ACKERMAN. I will be delighted to yield.

□ 1810

Mr. SEIBERLING. I have asked the gentleman to yield because this very issue came up in the school district of the city of Akron, OH, several years ago and the school board, with its counsel, worked out a set of guidelines for allowing students to conduct meetings and have religious discussions on school property, but not part of the regular curriculum, not in school instruction classrooms, but in other parts of the school buildings that were set aside for noninstructional purposes.

The Akron guidelines are very similar to the Senate bill. The two principal differences are that the Akron guidelines do not permit any faculty to be present at such meetings and they also prohibit any outside people from coming to the meetings.

And they also say you cannot have such meetings in the classrooms, themselves.

In looking at the proposed legislation which the Senate bill represents, it seems to me that the Akron guidelines could be continued identically, even under the Senate bill, the only exception being that if other groups are permitted to advertise meetings on school bulletin boards, for example, then religious groups would have to be given the same right, which the Akron guidelines do not allow them to do.

Unless someone can come up with a very clear indication that the bill, as it is proposed, violates the Constitution in some explicit way, I think that this is something that is compatible with practices that have been developed in an actual case by a school board that is very concerned about following constitutional requirements and that it does not interfere with what I conceive to be the proper separation of religion and the State.

And I might add, I voted against the original Perkins-Bonker bill.

Mr. ACKERMAN. There is nothing wrong with individual school districts coming up with their own interpretations without having the will of the Congress forced down their throats. That is exactly in my opinion what we would be doing here.

There is also again the tremendous difference between the study and the practice of a particular subject. This bill would be, and nobody has stated otherwise, absolutely permissive of the Ku Klux Klan claiming they are a religion and meeting on the school grounds and doing a lot of things that some people think objectionable despite the fact that they have been done for 100 years.

Mr. SEIBERLING. If the gentleman will yield, it is my understanding that the bill would sanction the right of any school administration to prohibit activities on their property that they consider are not conducive to good order and to proper exercise of constitutional rights.

So if the Ku Klux Klan wanted to meet in a school building, it seems to me this does not give them any right that the school board could not override.

Mr. GOODLING. Mr. Speaker, would the gentleman yield on that point?

Mr. ACKERMAN. I yield to the gentleman.

Mr. GOODLING. I thank the gentleman for yielding.

As a matter of fact, the legislation specifically says nothing in this act should be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty and to assure the attendance at such meetings voluntary.

Mr. ACKERMAN. I am not suggesting as necessary that the religious groups, the real damage they do is in physical violence, but it is in the kind of violence that they do to human dignity in some of the things they believe in.

Mr. GOODLING. You mentioned Klan and I think violence.

Mr. ACKERMAN. Yes, I did, because I wanted to mention an extreme case, but there are other cases which are more extreme.

Mr. GOODLING. This bill is protected against the Klan and such other groups.

The SPEAKER. Is there an objection?

Mr. ACKERMAN. Yes; there is. Mr. Speaker, I object.

The SPEAKER. The Chair hears an objection.

MAKING IN ORDER ON WEDNESDAY, JULY 25, 1984, OR ANY DAY THEREAFTER, CONSIDERATION OF SENATE AMENDMENT TO H.R. 1310

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 554) making in order on Wednesday, July 25, 1984, or any day thereafter, consideration of the Senate amendment to H.R. 1310.

The Clerk read as follows:

H. RES. 554

Resolved, That it shall be in order on Wednesday, July 25, 1984, or any day thereafter to consider at any time, any rule of the House to the contrary notwithstanding, the following: (1) a motion to suspend the rules, to discharge the Committee on Education and Labor and the Judiciary from further consideration of the Senate amendment to H.R. 1310, and to concur in title VIII of the Senate amendment, entitled "The Equal Access Act", to said bill, and such motion shall be debatable for not to exceed one hour, to be equally divided and

controlled by the proponent of the motion and a Member opposed thereto; and (2) if such motion has been adopted, a motion to suspend the rules and to concur in titles I through VII of the Senate amendment to H.R. 1310. Neither such motion shall be subject to a demand for a second. If both such motions to suspend the rules are adopted, the House shall be considered to have agreed to the entire Senate amendment to H.R. 1310.

The SPEAKER. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second is ordered.

Under the rules, the gentleman from Kentucky [Mr. PERKINS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

For what purpose does the gentleman from Washington [Mr. FOLEY] rise?

Mr. FOLEY. For a unanimous-consent request, Mr. Speaker.

The SPEAKER. The gentleman will state his unanimous-consent request.

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the vote on the motion now pending be postponed until the first order of business tomorrow, July 25.

The SPEAKER. Does the gentleman ask unanimous consent that the debate also be postponed?

Mr. FOLEY. Just the vote, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so just to inquire of the gentleman from Washing whether or not——

Mr. FOLEY. Mr. Speaker, perhaps the gentleman will yield to me and I can clarify it.

Mr. WALKER. Mr. Speaker, I am glad to yield to the gentleman from Washington.

Mr. FOLEY. I would like to revise my unanimous-consent request.

Mr. Speaker, I ask unanimous consent that the debate and the vote on the motion now pending be postponed until the first order of business tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. WALKER. Reserving the right to object, Mr. Speaker, would it be my understanding that this would occur prior to the call of Calendar Wednesday, thereby still preserving the Calendar Wednesday option tomorrow?

Mr. FOLEY. The gentleman is correct.

Mr. WALKER. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER. The matter is postponed to the first order of business of the day tomorrow.

ARKANSAS PAYS TRIBUTE TO GERALDINE FERRARO

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, I just returned from my home State of Arkansas last night where I encountered overwhelming support for the nomination of GERALDINE FERRARO for the position of Vice President on the Democratic ticket. I believe that in my State the pride of our people has been rekindled because it was Arkansas that elected the first woman to the U.S. Senate in 1932, and she was twice reelected. Feature publications such as the following from the Arkansas Democrat about the life of Hattie Caraway, the first woman U.S. Senator, are appearing throughout Arkansas.

We in our State learned a long time ago that women are "half the sky" and they can contribute in medicine, in law, in politics, and in business. We welcome you, GERRY, to Arkansas. I will be standing there to greet you and to introduce you to our wonderful people so that they can know you as we know you here in the House. And you will see in November that they love you.

[From the Arkansas Magazine, July 22, 1984]

HATTIE CARAWAY

A WOMAN'S PLACE IS IN THE HOUSE (AND SENATE)

(By Patrick Kelly)

Above all others, there was one compelling reason for Hattie Wyatt Caraway to run for the Senate:

She needed the money.

Her husband, Sen. Thaddeus Caraway, had died in 1931, leaving her with three sons, a mansion near Washington, and little else. When Gov. Harvey Parnell asked her to serve the year remaining in Thaddeus' term, it was, at least in Parnell's mind, guaranteed that she would not run for election to a full term.

But after a year to mull it over, Miss Hattie changed her mind. Thad had left her virtually bankrupt and she had no marketable skills, so she ran for the Senate and was twice elected—thrice, if you count a special election for the remaining year in Thad's term.

Hattie Caraway was a frumpy woman, about whom it was written that she should be expected to start shelling peas in midconversation. A good, Christian woman—Methodist, to be precise—whose white fudge with walnuts was said to be wonderful.

Yet, unknowingly, she was predecessor of vice presidential candidate Geraldine Ferraro and other modern women in only the mildest way: She was there in the '30s and '40s, and was acceptable to the men of the time with her housewifely, homespun ways. She may not have paved the way for today's feminists in her thinking, but just by being there, and being the first, she created a mold, albeit changed now, that allowed women into Congress.

Born in rural western Tennessee in 1878, Hattie Ophelia Wyatt met Thad Caraway after her graduation from Dickson (Tenn.) Normal College and settled with him near Jonesboro in 1902. He became a thriving young attorney and she became a housewife. Her only legacy from the early days in Jonesboro was the cry of "Mrs. Caraway" on the street. It alerted women to crooked stockings and sagging slips.

In 1912, Thad was elected to the U.S. House of Representatives and in 1920, he became Arkansas' junior senator. He was junior to Joe T. Robinson, the one-time vice presidential candidate who remains one of the state's favorite sons. Upon Caraway's death and Mrs. Caraway's rise to the Senate, there was jest among Arkansans that Mrs. Caraway would become Robinson's other vote in the Senate, but that was not to be.

Caraway died on November 6, 1931. Gov. Parnell quickly organized the Democratic State Committee, and Mrs. Caraway was appointed (actually, elected, in a rubber-stamp sort of way) for the term's remainder. She had some opposition from Frank Pace, who said that a woman had no business serving in the Senate. It was a philosophy Thad Caraway would have held, but that did not stop his widow.

Daisy Rhea Abbott, now 92 and living in Magnolia, was a member of the Democratic State Committee in 1931. She recalled that "the day after Mr. Caraway died, Mr. Parnell called me and said, 'Mrs. Rhea, we want to get this place for Mrs. Caraway. Mr. Caraway was a good senator, but he was not a good businessman. He was in debt.'

"Put my vote down for Mrs. Caraway," she said, and eventually became the deciding vote when a man approached her in the lobby of the Marion Hotel in Little Rock just prior to the committee's meeting.

"When I got to the Marion Hotel and went into the lobby, it was full of people," she recalled. "A man called me to one side and says, 'You're Mrs. Rhea?' I said yes. He said, 'Are you committed? Have you pledged your vote to Mrs. Caraway?' I said yes. He said, 'Any chance of you changing? You're the last one. It hinges on your vote. If Mr. Pace had one more (vote), it'd be his. He would have it.' "

"I said no. I told Mr. Parnell in the beginning that I was for Mrs. Caraway, and I wasn't going to change my vote."

Later, Charles H. Brough, who had been governor of Arkansas from 1917 to 1921, told her she should have said, "What's your price?"

Pace was a lawyer originally from Harrision who had served for a time as that district's prosecutor and as a minor federal bureaucrat tending the railroads. His only mistake in wanting Thad Caraway's seat was in not asking the governor first.

Going into the Senate, Mrs. Caraway had one blessing: Garrett Whiteside, her late husband's secretary, the predecessor to both an administrative and legislative assistant.

"A lot of people said that Garrett Whiteside was really the Senator," said Mrs. Abbott, "that she just did what Garrett Whiteside told her."

"There's no doubt that she consulted with him and depended upon him quite a lot,"

said U.S. District Judge Oren Harris, who served in the House of Representaives while Mrs. Caraway was in the Senate. "But she was a woman of a great deal of independence, and she was stubborn, too."

"Mrs. Caraway Darns Socks When Day In Senate Is Done" read one headline from her early career. To which she added, "last night I hemmed two napkins." It was taken quite seriously, this mother-and-homemaker line, seriously enough that Mrs. Caraway felt the need to publicly thank Fannie, "our colored maid, (who) takes such good care of us that I take little thought of the machinery of running the house."

Her press clippings show that she was very much the lady, albeit an odd one. Most of it is fairly gray, but there are pieces like the one in which she gave a question-and-answer interview on the subject of parachutes in passenger planes.

She introduced a bill to require mandatory parachutes on all commercial aircraft almost every year she was in the Senate.

"Mark my words," she said. "You'll see the day when parachutes will be standard equipment on passenger planes."

The Civil Aeronautics Board and the Department of Commerce came out against the bill with three points: The usefulness of parachutes to untrained people was "somewhat questionable," passenger planes were not well-adapted to the use of parachutes; and the speed and unexpectedness with which accidents occur would make escape impossible.

To which Mrs. Caraway replied, "They've got a door, haven't they?"

She did acknowledge that there was some truth to the CAB's and Department of Commerce's findings, but said, "there have been some crashes were parachutes would have saved lives—particularly when the plane was unable to land because of fog or other conditions and ran out of gas—and there will be other cases of this kind."

The CAB and Department of Commerce won that one, but only after Mrs. Caraway introduced it 12 out of 13 years she served in the Senate. At the very least, it became the longest/lasting bill of her career and, with a few exceptions, the most important one to her.

Mrs. Caraway was not much on introducing legislation. Probably her most noteworthy legislative involvement was in a bill that successfully kept Arkansas from losing congressional representation in 1941. But throughout her career, she made few speeches, averaging about one a year, and introduced just as few pieces of legislation.

Her first year in the Senate was chronicled in a diary, which has been published under the title "Silent Hattie Speaks" (Diane D. Kincaid, editor; Greenwood Press). Although not published until 1979, it's probable that Mrs. Caraway wrote it for publication in a woman's journal, sort of a woman's eye view of the United States Senate.

A major concern in the diary was what people, especially men in the Senate, were wearing. Much of the diary was written on the Senate floor; apparently appearances were foremost in Mrs. Caraway's mind.

"Sen. Lewis is dressed in a tan shirt with green stripes," she began one entry, "green tie, low-cut vest of creame—looks like linen—Beige Spats. His shirt sleeves are very long, cuff buttons of enamel, black ground with red flowers."

She was also concerned with the price of china, following sales all around Washington for a dish or a saucer. Several years later, in a letter to her son Forrest, she asked if he and his wife had received their wedding gift, a set of Lenox china, then told him it cost her $300. "I only got it in 8 of everything and that came to over $300, so you can see why I'm anxious about it," she wrote, asking for confirmation of its receipt.

She was a very price conscious woman, her diary shows. "Went to office et a sandwich and cup of coffee (15 cts.)," she recorded. Apparently, the "et" is written in jest.

When she was bored, when the tedium of the Senate floor got to be too much for her, she would write poetry. Some of it is rather clever. This one is not:

"To run and run and never fret
Is worth it tho you may not get
The breaks you wanted, nor the place
You still may live by God's good grace.
And when your life and work are done
Find tho' you lost—you also won."

She added, "From the 'Jingles of a Jennet,' Written in the Senate."

Sometime during that first year she changed her mind about running for election. In her diary, she said she was doing it for her sons—and to test the waters for women on the national political scene. If this sounded political, whatever fires were burning underneath her were quickly extinguished. There are few references to a movement for women in any of her later letters or speeches.

Virtually everyone back home had expected her to become Joe Robinson's other vote in the Senate. That didn't happen. But neither did she become an extra vote to Sen. Huey Long of Louisiana, who at least once specifically asked for her vote and didn't get it. Nevertheless, she voted along Long's lines more often than along Robinson's.

Long's influence probably did not cause her to run for election, but nevertheless, he became the most influential man, aside from Garrett Whiteside, in her early career. She had become quite enamored with him, if sometimes in a horrified kind of way, as they were assigned seats next to each other in the Senate chamber. He was the bright spot in her day; Mrs. Caraway, in anticipation of his arrival in the Senate, said in her diary that he would "bring color and quite a display of fireworks, I imagine."

Her relationship with Long extended back to her late husband and the friendship they developed as two like-thinkers. Wondering who will escort him to take the Senate's oath of office, Mrs. Caraway wrote that "he had asked Dad (Thad) to do that."

Whatever the reason, he came to Arkansas and helped her win the election, with the understanding that he not publicly trounce Joe T. Robinson from the speaker's dais. He kept his promise. What he had in mind was more a show of strength; he wanted to flex his muscles in a neighboring state to show that his popularity extended past Louisiana, perhaps looking ahead even to the nation in 1936, when President Franklin D. Roosevelt would be up for reelection.

That, of course, was not mentioned. To his followers in Arkansas, Long was there because, he said, "Wall Street interests had their feet on the throat of a defenseless little woman who had the nerve and courage to sit in the Senate and vote against the vested money interests of this nation while the sheriff sold her home because she couldn't pay the mortgage."

The reference was to Calvert Mansion outside Washington, which Thad had bought before his death. It was the most obvious show of Mrs. Caraway's dire financial straits after his death when it was sold at a public auction to pay the mortgage.

Long's "medicine show," as it was called, was a combination revival and political rally—and it worked. It drew an estimated 20,000 people (35,000 by Long's count) at the rally in Little Rock, a smashing windup of what they had done out in the state in 30 other rallies.

Mrs. Caraway was nominated by a landslide. Her six opponents included Charles Brough, the former governor; O. L. Bodenhamer, an El Dorado oil man who had been national commander of the American Legion; William Hutton, the sheriff of Pulaski County and secretary of the state Democratic committee; William Kirby, a former U.S. Senator and, at the time, associate justice of the Arkansas Supreme Court; Vincent Miles, a member of the Democratic National Committee; and Melbourne Martin, a lawyer.

"That Senator Long was invaluable in his efforts on my behalf is well-known," she said following the election. "To him I would deny no need of praise or thanks."

Many considered that an understatement, but Silent Hattie was back in the saddle.

Huey Long fell to an assassin's bullet in 1935. Mrs. Caraway was probably oblivious to what Long really had meant to her in 1932, at least to the degree that she felt she could win an election on her own. This theory wasn't to be tested until 1944, for Homer Adkins stepped in to play election genie for Mrs. Caraway in 1938.

Adkins was then collector of Internal Revenue, which, at that time, meant he was in charge of the Federal Government's operations in Arkansas. He went on to become governor, a later move on the power scale at that time.

Her opponent, John McClellan, then a representative, lambasted Mrs. Caraway for being a do-nothing Senator, acting as the president's rubber-stamp. That held some truth, but it probably helped her as much as hurt her. Roosevelt made a stop in Booneville during the campaign, calling Mrs. Caraway "a friend." That was all that was said, but writers of the day took it to be an endorsement of her senatorial campaign.

McClellan took on the fight with a vengence, sharpening his teeth for later battles. His campaign slogan was "Arkansas needs another man in the Senate," and his campaign schedule was even more grueling than her's had been in those last eight days of the 1932 campaign. In the end, he was hospitalized for exhaustion.

Also in the end, Mrs. Caraway emerged as the victor in name only. Even though she won by some 8,000 votes, it really was Adkins' election, with his control of Arkansas' arm of the federal government.

In a letter to McClellan after his defeat, a supporter wrote, "They knew the only way they could beat you was to steal it, and they had their bunch well-trained, and they did a good (job) of it."

That's not to say, however, that Adkins controlled Mrs. Caraway's vote in the Senate. He may have wanted to, but Mrs. Caraway was just naive enough not to let such a thing enter her mind. The fact that she was a true Roosevelt supporter, whereas McClellan had expressed reservations over some of the president's programs, was apparently enough for Adkins.

On Labor Day, Sept. 5 of 1938, Mrs. Caraway took the time to drop her son, Forrest, a note. Her letters had, in fact, taken the place of her diary, which she didn't bother with after about a year. Before the letters,

though, came a period in which she read the newspaper in the Senate chamber—a brouhaha in the press over whether or not she was reading the comics put an end to that, and a start to her letter writing.

Just after the primaries Mrs. Caraway wrote that "the repercussions from the campaign have gradually died away and all is quiet on the Western front. McClellan is in the hospital for a complete rest. I hear that a cousin of his second wife * * * says McClellan told her that the inside of (his) head burned like fire and that he is afraid it will never be right again I'm usually sympathetic, but you know I'm not worrying about him for a second. That man is poison. There is not a trick he didn't try * * *."

Later in the letter, she mentions an acquaintance who was having a problem with boils. "I wish we could wish them on * * * Mrs. McClellan," she wrote.

In her second term, she had developed a finesse of sorts as a legislator, the finesse of a woman who knew her place. She rarely spoke on the Senate floor, hence her nickname, Silent Hattie. But the nickname evoked more than just passing thoughts of Hattie being quiet; as she said, "I leave the speeches for the 95 men in the Senate, most of whom like to talk." She added that "their talk does not change votes."

She was well-studied on topics of legislation, especially as they applied to Arkansans. Her office was known for being efficient at taking care of the needs of home folks. Largely, the credit for this goes to Garrett Whiteside, but Mrs. Caraway had a hand in it, too.

She was a club woman who would have been best off if left as president of the Twentieth Century Club, a ladies' literary society in Jonesboro. But she was in the Senate, and she did the best she could, in her day, of being an effective member who did not rock the boat.

In the election of 1944, Mrs. Caraway was all but left out. Huey Long was dead, Homer Adkins was running against her, and no one had stepped in to replace the spark they had fired. She was only a nominal candidate in what amounted to a race between U.S. Rep. J. William Fulbright and Adkins. She finished fourth in a field of four candidates.

Her closest friends and advisers urged her not to run, but she was undaunted. She tried to run the campaign with the help of Garrett Whiteside. Describing the campaign as pitiful, one Caraway supporter remembered Whiteside working alone at the campaign headquarters, trying to drum up support.

In a political obituary after the election that had found Fulbright the winner, Time magazine remembered her as being the senator outside whose "door in the mahogany-and-marble Senate Office Building stood a little row of milk bottles." It went on to say that, by the time of the election of 1938, "most housewives in Arkansas had received letters, often enclosing Government canning bulletins. from 'Miss Hattie,'"

Time ended the article by saying, "The political career of Hattie Caraway * * * was over."

After her defeat, she was appointed by Roosevelt to serve on the Federal Employees' Compensation Appeals Board. She resigned shortly before her death from a stroke on Dec. 21, 1950.

She never forgot what happened in 1944. "She was bitter toward many of her best, sincerest friends," recalled one family friend. "She felt they hadn't done enough."

DEBT CRISIS IN THE THIRD WORLD

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, we read very often these days that international bankers are worried about the debt crisis in the Third World.

We've been reading about it in the Wall Street Journal and the New York Times and the Washington Post. And if they tell us that bankers are concerned, I'm sure it's true.

I have only one complaint about this, Mr. Speaker. I think that we ought to be hearing more about this problem outside the boundaries of Wall Street, Washington, and Chicago. We should also be looking at the problem in towns and cities all across this country where agriculture is a vital part of the economy.

The fact is that if we have a serious debt problem in the Third World—and we do—then the fallout could affect more than just a few big international banks. It could affect farmers and others in agriculture in almost every part of this country.

We know that when the Third World is in a debt crisis, we can look for two developments affecting agriculture—and both of them can spell trouble.

First, we can expect developing countries to look for every conceivable chance to increase raw material exports to help earn exchange needed to pay their debts.

I want to emphasize that I am not criticizing the natural development of agriculture in other countries on a sound economic basis. But none of us would want to see cases where other countries push the production of crops which may offer a short-run payoff at the expense of solid, lasting progress in meeting their own development needs.

The second troublesome prospect lies in what a debt crisis abroad can do to our own prospects for expanding exports.

All through the export boom of the 1970's, we found that the fastest-growing markets for American agriculture were in two groups of countries. One was the newly industrial nations like Korea. The second group included many Third World countries which were farther behind in developing their economies—and that includes many countries in Latin-America and Africa.

Now, some of those countries are having trouble making their debt payments, and this has affected agricultural credits as well as other loans. We all know, for example, that the Agriculture Department has had to take over some export credit loans that it had guaranteed in past years—and it has had to make plans for the possibility of taking over additional guaranteed loans.

Credit programs are fine. I support them. We have used them effectively in the past to help maintain agricultural exports—and we will use them again in the future, both in commercial credit programs and in the Food-for-Peace Program.

But we have to face the fact that nations which cannot pay existing debts are going to be trying desperately to improve their balance of payments. They are not likely to want to create new debt in order to expand imports beyond levels of absolute necessity—and this could slow down the expansion of American farm exports we are all hoping for. Where credit is used, we could be seeing a greater demand for concessional terms rather than the commercial, free-market trading that is everybody's long-run goal for the bulk of our exports.

Just a few days ago, the Overseas Development Council issued a report noting that recession and debt problems in the Third World have seriously depressed American exports to many countries. The report said the impact has been most serious on our exports of machinery and other manufactured products. But it added that agricultural exports have also been affected.

The Development Council report says economic recovery in the United States would help move toward a broader recovery. But that won't be enough. American recovery by itself won't help Latin America pay its debts—it won't solve the problems of drought in Africa—and it won't deal with the problem of high American interest rates and the high-priced dollar. We're going to need action on a number of fronts, including steps that will bring interest rates down.

So when I read these days about the debt crisis abroad, I think about more than banks. I think about American agriculture.

When I read about the importance of getting interest rates down so foreign borrowers can afford to make payments to our country, I think about more than banks, I think about the American farmer and the way his income is affected by exports.

I suppose the lesson is that in this problem of Third World debt and international interest rate problems, we are all in the boat together. We had better begin working together to bail out the boat. We may need to restructure not only the debt owed by foreign countries or by foreign borrowers of every kind, but also our policies, rules, and regulations dealing with this problem. Such Mr. Speaker, should be done with full knowledge that what we do may well impact in a most negative way upon our country's agriculture economy if not done prop-

erly and with concern for the most productive sector of our economy which is agriculture and that vast sector known as agribusiness.

GERALDINE FERRARO—A HISTORICAL PIONEER

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, it gives me a great deal of pleasure and pride to join my colleagues in welcoming GERALDINE FERRARO back to the House after her historic selection as the Democratic nominee for Vice President.

GERRY's selection as the Vice Presidential nominee is historic for a number of reasons. First, of course, she is the first woman nominated by a major party for this high office. As such, she is a source of pride to the one-half of our Nation's population which has never had entry to our Nation's highest public offices. It is about time that the changes taking place in our society as women move toward real economic and social equality be reflected in our Nation's leadership.

In addition, it gives me a great deal of personal pride that the Democratic Party has selected the first Italian-American nominee for Vice President. Italian-Americans, who have made such a rich contribution to our Nation's cultural and political history, have now taken another step forward in a country which they have embraced with great patriotism and pride.

Of course, Mr. Speaker, there is also another reason for pride for all of us here in the House. It is unusual for a Member of this body to be selected for the national ticket of either major party. We should all be pleased with the recognition of the skills and experience of Members of this body, which often go unnoticed because of our large numbers.

Again, it is truly a pleasure to congratulate my friend, GERRY FERRARO, on her historical selection as the Democratic Vice Presidential nominee. I feel certain that she will live up to the confidence that has been shown in her and the responsibility which she now carries.

□ 1802

THE DEMOCRATIC PLATFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I thought this evening I might spend some time reviewing a number of the items that were found in the Democratic platform adopted at the Democratic Convention last week. During that period of time, of course, we received a rather uncritical viewpoint of that particular platform and I think that it would be well to review it, taking into account some of the items that I think are out of sync and out of touch with the wishes of the vast majority of the American people.

There are a lot of items in that platform, it seems to me, which belie the claim of the Democratic Party that they have become the party of family, the party of the working people, the party of interests reflecting the broad view of the public and are a party that is dedicated to traditional values.

As you look through their platform you find many items which simply do not reflect those kinds of attitudes. For example, one of the issues most on the minds of the American people at the present time, most on the minds of the world as they look at the United States, is the question of the budgeting practices of the Federal Government, it is the question of how we are going to operate our fiscal affairs here in the House of Representatives, within the Government, in such a way as to bring down massive deficits.

The Democratic Party spent a lot of time at their enclave talking about deficits, talking about the fact that the deficits are attributable to Ronald Reagan, a contention that I would not agree with given the fact that all spending bills start right here in the House of Representatives. The appropriations policy of the Federal Government begins here. Deficits are not Presidential problems, they are congressional problems.

But regardless of that, we have to acknowledge the fact that the Democrats spent a lot of time at their convention talking about deficits.

It is interesting to note, however, that the one thing that the American people say that they want to have done in order to correct the deficit problem; namely, a balanced budget amendment to the Constitution, is specifically rejected by the Democratic Party in their platform. That is something which they say they will not have as a part of the policies that they are willing to implement at the Federal level. I think that speaks plainer than anything else. We all know that all of the promises and all the talk about deficit goes for naught if we do not impose some kind of discipline on this body and on the country as a whole. The discipline needs to be imposed on the Congress, it needs to be imposed on Presidents. That discipline comes in the form of a constitutional amendment to balance the budget.

The Democrats, by saying in their platform that they do not believe that a balanced budget amendment to the Constitution is the right course to take, tell us more about the budgeting practices of that party than nearly any other statement they could make.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Florida who is a member of the Budget Committee.

Mr. MACK. I thank the gentleman for yielding.

I think the wording that is in their platform says something like, "a balanced economic policy." It is interesting the choice of the word "balance" in there to try to, I guess, to give people the impression that what they are working toward is a balanced budget.

But in reality and we see it happen I guess every day here on the floor of the House and today probably is a good example as any. There was an opportunity today to reduce spending, not to eliminate programs, but to just say we ought to hold the line on spending in this country and in fact there were two opportunities. One, there was an amendment offered by Mr. DANNEMEYER, I believe, to hold the level of spending at the same level as last year. Someone else suggested that maybe there ought to be a 15-percent increase. Two different votes. Both of those votes lost.

Mr. WALKER. The gentleman is absolutely correct. Of course, the wording in the Democrats' platform says that what they are going to do is reduce deficits by—they have a whole list of things that they are going to do—but then they say by "cutting other unnecessary expenditures."

Well, what we know from this body is every expenditure is necessary. They do not bring a bill to the floor that is not of great moment, that is absolutely necessary that we spend the money for. So really that is a statement that says that they are not going to cut anything.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I think the gentleman makes a very important point because day after day we have sat here on the floor of the House, most often under the leadership of the gentleman from Pennsylvania, challenging genuinely unnecessary expenditures. And we have found the majority unwilling to shave even a penny off of them.

I am reminded of the attempt of the gentleman to reduce by a small amount the appropriations for the National Science Foundation. The National Science Foundation is a worthwhile organization. I applaud much of its research. But certainly that is an area where we could afford to scale back a little bit, especially in view of

some of the more ludicrous research projects that we all know have been funded by the NSF. Yet, we find an absolute unwillingness to cut number one penny even from the budget of the National Science Foundation.

Mr. WALKER. Well, the gentleman will remember that I raised the point that one of the things that we had spent money on in last year's budget was a study of free-ranging coyotes. Now, they may well be an expenditure of some merit, I do not know, but at times of $200 billion deficits it seems to me that there is one place that we might be able to save a little money.

Mr. WEBER. I also recall our colleague from Colorado [Mr. BROWN] offering an amendment which would have simply deleted funding for elevator operators in the House office buildings that run automatic elevators. We thought that we could not cut that because of the Democratic majority.

But if automatic elevators being run by elevator operators are not an unnecessary expenditure, I do now know what is.

The unwillingness of the Democratic majority in the House to even cut that out of the budget pretty much tells me that they are not going to cut the budget.

Mr. WALKER. The gentleman will remember the other day when our colleague from California [Mr. LUNGREN] came to the floor and described to us a building that was going to be built in his district, a $20 million Federal building, that he said was unneeded. He told us it was unnecessary, that here is something that we do not need, we do not want. "I am offering an amendment to take it out of the budget even though it is in my district. "Now, that was an unusual event to begin with. We do not have many Members of Congress who do that.

This Congress voted to spend the $20 million, even though the Congressman from the district said they did not want it.

When we start talking about the fact we are going to cut deficits by taking out unnecessary spending, this Congress does not have a very good record.

Mr. MACK. If the gentleman would yield, I would like to go back to the point that my colleague raised about eliminating the operators of the automatic elevators. It may be, and I think this is worth exploring, because one of the things that from time to time people will attempt to say about me and other conservatives, I guess, is that we lack compassion.

The real issue here is you are talking about putting people out of work is the line that is usually brought up.

It was interesting though that in this particular amendment that was brought to the floor, the amendment said that we are really not going to put anybody out of a job, it is just when they should happen to decide to leave that position, or for whatever other reason it might become unoccupied, that we are just not going to hire anybody to fill those positions.

Mr. WALKER. We are going to leave that automatic elevator vacant at that point when that person leaves the job. That is exactly what it said.

Mr. MACK. That is correct.

But there again for some reason those who voted against it could not bring themselves to the idea of even cutting spending to that degree.

I just want to build on one more point raised about the balanced budget amendment and the Democratic platform that basically says a balanced economic policy. There is nothing specific in that platform about how to balance the budget other than to refer to what taxes they would raise. Basically they are talking about the same thing they have talked about for the last 18 months. One is to try to figure out some way to cap the third year of the tax cut. The second way is to see if they cannot push indexing back for several years.

I think that is is about time that the American people really had a direct response in that what we will do is we will ask for a balanced budget amendment. We will ask for a line item veto. That is how you are going to control spending.

Mr. WALKER. Let us understand that they did put some things in their budget about how they are going to reduce spending and how they were going to handle this budget.

Here is what they said. They said they were going to reassess defense spending. Now that is in the portion of the platform where they are talking about the budget.

□ 1830

But when you get down to the defense portion of the budget, we find out that they are not going to lower spending; they are in fact going to continue to raise spending, too, though not maybe quite as fast as what the Reagan administration is. So that was one thing.

I just want to go down through a couple of these things so that we understand. They also said they they are going to create an adequate and fair tax system.

The gentleman from Florida is absolutely right. What does that mean? Well, Walter Mondale told us flatly what is meant: They are going to raise taxes, and one of the ways in which they were going to raise taxes is, they are going to eliminate indexing, which means they are going to raise taxes on the average American working family.

They also said they were going to control heath costs. But when you get down to the health cost portion of their platform, you find out that they are committing themselves to the goal of a comprehensive national health insurance system.

Well, that is the most expensive health care policy ever created in the mind of man. So, you know, what they say later on in the plaform belies that.

And then as I say, they say they are going to cut other unnecessary expenditures, and I guess we have already raised the point: What does that mean, if we cannot even begin through the process of attrition to move operators out of automatic elevators?

I will be glad to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding. I would like to refer back to the first point the gentleman made, because I think on the question of defense spending there was more confusion coming out of the Democratic Convention than on just about any other issue.

As I talk to my constituents in my district—and I am sure the same is true of the gentleman from Pennsylvania and our colleague from Florida and others—I find my constituents think that the Democrats are going to balance the budget by reducing the defense budget. I talk to them regularly about it, and that is what they think. That is the sort of image that comes through. And yet it is worth nothing, as the gentleman pointed out, the Democratic platform is not committed to a reduction in the defense budget. It is committed to, I believe, a 3 percent increase in the defense budget.

Mr. WALKER. Let me read from the precise quote from the Democratic platform. It says: They are going to "reduce the rate of increase in defense spending." That is no savings; that is just reducing the rate at which defense spending is increasing.

A lot of us might agree with that, that that may be something that needs to be looked at. But the fact is that we are not going to reduce deficits. We have got current service deficits there that are there despite what you do in defense spending. So that reducing the rate of increase does not lower deficits. It simply means that you are not going to have the budget growing quite as fast as it would otherwise grow. So that is pure nonsense to suggest that that is going to somehow get you massive changes in the deficit problem.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Florida.

Mr. MACK. Well, maybe it would be helpful if we were to put some numbers with the percentages and some of the things we have been talking about, but the gentleman from Minnesota is absolutely correct, the impression that is given that the way you solve the deficit problem in this country is that you really go after defense. And there

was an opportunity, I believe, during the Democratic Convention where they could have gone after the defense. There was a proposal to cut spending by what? Twenty percent?

Mr. WALKER. Jesse Jackson had a proposal on the floor that would have really cut the defense budget.

Mr. MACK. Right.

Mr. WALKER. And they rejected that within the context of the platform debate.

Mr. MACK. By almost a 2-to-1 margin.

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. BRYANT. I thank the gentleman for yielding.

I would just like to ask the gentleman if I hear this correctly. Are you criticizing the Democratic Party because they did not cut defense spending?

Mr. WALKER. No, what I am saying here is that in their budget proposals, where they talk about reducing deficits, one of the things that they say they are going to do is that they are going to reduce deficits by reassessing defense spending. And then when we go down and take a look at the defense portion of their platform, we find out that they are not going to reduce defense spending, they are going to reduce the rate of increase; and so, therefore, what I am saying is that that does not in any way get us down from the current service deficit problem.

Mr. BRYANT. The Democratic platform which I presume you are reading from right there either does or does not call for reduced defense spending. Now, which is it?

Mr. WALKER. It says: "We are going to reduce the rate of increase in defense spending."

Mr. BRYANT. Is that not enough, standing alone?

Mr. WALKER. All I am saying to the gentleman, then, is that they cannot, then, in the budget section of their platform claim that that is the way they are going to fight deficits. You cannot fight deficits by raising spending. You have got to fight the deficits by cutting spending. That is not a cut in spending.

Mr. BRYANT. I think it would be very valuable for the American people to hear exactly what it is that you propose or that the Republican conference or that the President proposes to do to deal with the deficits, when in fact——

Mr. WALKER. If I may reclaim my time, I have been on the floor on a number of occasions proposing across-the-board cuts in appropriations bills.

Mr. BRYANT. If the gentleman will yield, though——

Mr. WALKER. I have specifically, myself, with points of order, knocked out spending that the Democratic controlled committees have brought to the floor that were not properly authorized. We have offered the idea of a constitutional amendment for a balanced budget as a way of ensuring that we impose upon ourselves this discipline. Because every time we offer these cuts, we find that the Democrats almost en masse are voting against those cuts.

Mr. BRYANT. If the gentleman will yield for an intelligent question and give me enough time to frame my question properly, I think what you have to face and what has not been faced by the Republican conference or by the President, either one, is the simple fact that you can either cut defense spending, cut entitlements or raise taxes, or some combination of the three, to deal with the deficits. And all of the time that you all spend after hours on this floor talking about cutting the rest of the budget, waste, fraud and abuse, and so forth, is misleading the American public, in my humble opinion, because of the fact that all the rest of the budget in toto totals only $150 billion. If you eliminated the FBI, if you eliminated the Department of Education, if you eliminated all of those other agencies that you like to talk about the most, you would have cut out only $150 billion from the budget and left still a $50 billion deficit.

Mr. WALKER. But the gentleman misses the point.

Mr. BRYANT. So unless you deal with taxes, unless you deal with defense or unless you deal with entitlements, you are not dealing with the budget, and you do not usually talk about any of the three of them.

Mr. WALKER. Well, if the gentleman will allow me to reclaim my time, the gentleman misses the point of the fact that when we offer to cut even minimal amounts in a lot of those areas——

Mr. BRYANT. Which areas?

Mr. WALKER. The gentleman's party votes against it.

Mr. BRYANT. Which areas?

Mr. WALKER. Well, I have offered across-the-board cuts in nearly all the appropriation bills that have come onto the House floor.

Mr. BRYANT. Let us keep the question before the House here. Defense, entitlements, or tax increases, those are the only three areas——

Mr. WALKER. I am simply saying to the gentleman that when we try to have programs—for example, I offered an across-the-board cut on the agricultural appropriation. That was the one that was adopted.

Mr. BRYANT. But let us talk about defense.

Mr. WALKER. That has an entitlement program in it. The gentleman better keep the facts straight here too. It has an entitlement program in it. The food stamp program is an entitlement program. Through that amendment we were able to cut the food stamp program by a marginal amount.

It seems to me that we ought to do that on a lot of other bills, and that is exactly what I have been trying to do on the floor, and I have been getting voted down time after time after time.

Mr. BRYANT. But if the gentleman would yield——

Mr. WALKER. The gentleman's liberal friends are not willing to vote to cut the defense budget and a lot of these other budgets at all. They even say in their own platform that what they want to do is reduce the rate of increase.

Mr. BRYANT. Will the gentleman yield for a followup?

Mr. WALKER. That does not help for the future. It does not help for $200 billion deficits that are here today.

Mr. BRYANT. Would the gentleman yield for a followup?

Mr. WALKER. Sure, I yield.

Mr. BRYANT. Thank you very much.

I simply want to point out that, once again, as you continue your presentation here, you continue to ignore what I said in the beginning, which is irrefutable, and that is the fact that all of those areas of the budget that you complain the most loudly about amount to $150 billion. If you eliminated all of them, you would still have a $50 billion deficit. The only way you can deal——

Mr. WALKER. The gentleman is not listening. I just pointed out to him an entitlement program that I came to the floor and helped to cut. Now, the gentleman is not listening. I said to him I am willing to have across-the-board cuts in defense, I am willing to cut out money in entitlement programs, I pointed to him an amendment I had that was successful where we cut out some money in entitlement programs.

Mr. BRYANT. I am listening. As I look around the House I am comforted by the fact that I appear to be the only one who is listening.

Thank you very much.

Mr. WALKER. Well, the gentleman does not seem to understand that I have responded precisely to his question; that we need to cut spending in all categories, including entitlements, including defense, and a lot of other areas.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding, and I want to compliment him for taking this special order to talk about the platform, because I think it is important for us to discuss this platform, as it will be with the

platform after our convention has concluded.

In a speech before the Democratic Convention last week, one of the major Presidential candidates kept on uttering and repeating the phrase "Our time has come." Well, I maintain that if you take a look at this platform you will find that everyone's time has come because there is something in this platform for everyone—everyone, that is, except the taxpayer.

Mr. WALKER. The gentleman is right. All of the special interests were taken care of in this platform. There is no doubt about it.

Mr. ROTH. I think it is important for us to start thinking about the taxpayer. After all, it is fine to take a look at the people who are getting the dollars, but someone has to pay the dollars, and that someone is the taxpayer.

□ 1840

I think that we have to keep an equilibrium here in this House when we make value judgments. Yes, we are giving something to someone, but we also are taking something away from someone, because we do not create money here on this floor, we have to collect it from someone. I think it is very important for us to remember that simple fact.

If you take a look at this platform, and what was said at the convention, you would think that we are in the greatest depression since the dawn of history, and yet, I think that our people on the other side of the aisle have lost touch with reality, because that is not the facts that we have today; the empirical evidence is different.

In 1980, candidate Ronald Reagan asked the American people: "Are you better off today than you were 4 years ago?" The American people said no. That is why they changed leadership in 1980. Last week the Democratic Party asked the American people the same question. They evidently feel the answer is going to be "no" again. But I think they are mistaken for these reasons: The fact is, the strength of our economy has been very badly underestimated. In January 1983, when the recovery was just beginning, all the major economic forecasters predicted that unemployment in 1984 would be 9.5 percent. Every major economist predicted 9.5 percent. Today, unemployment stands at 7.1 percent. A third of a point less than when the President took office.

I think we have to talk about the facts. It is fine to have all kinds of rhetoric, but let us get down and start talking about the facts. Where is the foundation of all this discussion? It lies in numbers, and the numbers are here on our side. Since the recovery began, more than 6 million jobs have been created.

Mr. WALKER. Would the gentleman repeat that? The Democrats are big on talking about jobs. How many jobs have been created by this administration?

Mr. ROTH. Since the recovery began, more than 6 million jobs have been created.

Mr. WALKER. Is there any Government make-work program that has ever created 6 million jobs, do you suppose?

Mr. ROTH. Well, that is the question to ask. Is there a public works program that ever created 300,000 jobs, let alone 6 million jobs.

Mr. WALKER. There has not been one since we came to this Congress, anyhow.

Mr. ROTH. Well, I have to agree with the gentleman. If you want to create jobs, you have to get the economy moving. Six million jobs. We have more people employed tonight in America than we have ever had employed in previous history.

Take a look at the gross national product, last month, rather last quarter. The increase was 7.5 percent. No economist a year ago predicted anything that was that optimistic. This improvement follows a 10-percent increase in the previous quarter, and, without increasing inflation, which is something that we always must be concerned about. Inflation has been kept to 3.2 percent.

Now, this is a real achievement. This is an economic miracle, and perhaps, most of all, the real disposable income of Americans has risen nearly 8 percent since 1981. I think when we talk to the American people I think we want to talk about the facts, and the facts are these.

In short, the American people today are better off than they were 4 years ago. Yes, clearly, for some the economic recovery is bad news. There are those who continue to preach that it just cannot last, but we have been listening to that every since the recovery began. Can we believe the pontifications of a political party whose last President brought us 21 percent prime interest rates? Thirteen percent inflation? Inflation which was wiping out financially the senior citizens, the people on fixed income, the middle class of this country.

The Democratic platform is long on criticism of the economy. It finds no fewer than seven threats to economic recovery. It promises a better recovery by promising everything to every single group.

Let me just close by saying this: I want to remind my colleagues of something not that Ronald Reagan said, but that Franklin Roosevelt said 47 years ago, when he said that about heedless self-interest. He said that it makes bad economics. Let me say that I think that it is going to make bad politics too.

I complement the gentleman for taking the floor on this very important topic.

Mr. WALKER. I thank the gentleman from Wisconsin very much. I yield to the gentleman from Florida.

Mr. MACK. Just several points; one, to reflect on what was just said, to put in perspective the comment about the number of jobs. If you take 1983 alone, the number of new jobs created in the country was somewhere around 4.8 or 4.9 million, just under 5 million jobs. That is more jobs than were created in the entire economy of Japan during the entire decade, the entire decade of the 1970's, which was Japan's greatest moment as far as economic growth is concerned.

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. Just to build on that, I believe it is also more jobs than were created in the entire Continent of Europe in the previous 10 years, which is basically an experiment in socialism. So the gentleman's point about Japan is well taken. What our economy has done in the last 2 years is nothing short of extraordinary.

Mr. WALKER. It is being recognized worldwide as being nothing short of extraordinary, because in France today, you have the French Government that had been a socialist Government beginning to change its economic policies to a pattern that sounds almost like Reaganomics in order to try to take on some of the character of the U.S. recovery.

I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding. I am crowding out our friend from Florida here, so I will not go on for a long time. I just had to comment on that point.

Is it not interesting that the socialist leader of France, Francois Miterrand, after years of failing to get his economy moving is now looking at the American experiment and saying, what we are going to do is reduce taxes to get the economy growing and to create jobs, at precisely the same time as the Democratic candidate for President, Mr. Mondale, is pledging to the world, in accepting his party nomination that, what is he going to do? Raise taxes.

Mr. WALKER. Well, he sounds like Francois Miterrand when Miterrand was running for office in France several years ago and got elected on a pledge to raise taxes and socialize the economy. If you read the Democratic platform, listen to their candidate for President, he is promising the American people Miterrand-kind of solutions to the ills that he perceives, and I would suggest that we will get a Miterrand-type of result as well.

I yield to the gentleman from Florida.

Mr. MACK. I wish that our colleague from Texas had not left because a couple of us wanted to make some comments to try to bring back the focus of that debate or that discussion as to what, what I think the gentleman was really trying to say to him, besides all of the various amendments that you have offered day-in and day-out to reduce spending. I think the point is this: That we have heard so much emphasis from the Democratic Party as to how they were going to solve the deficit problem, one of which happened to be the point that he was raising about defense spending.

Now, here is the point: If they rejected actual cuts in defense, and accepted a level of 3 percent real growth, then you have to ask, well, what is the Republican position at this point? I think the Senate's defense number is somewhere around 7 percent. So that means there is a difference in the level of spending between the two parties on defense somewhere around 4 percent. The 3 percent that they say, and the 7 percent that the Senate says. Four percent.

A 1-percent cut in the defense budget, let us use the $300 billion budget authority number, a 1-percent cut is $3 billion. So the difference between the two parties is whether we should spend $12 billion more or $12 billion less annually.

Now, the question I would have asked him if he were here is really cutting 12, or reducing the level of increase $12 billion, is that going to solve the $200 billion deficit problem? The answer is clearly "no."

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. That becomes particularly important in view of the fact, as the gentleman from Pennsylvania has pointed out, that throughout the Democratic platform, as well as throughout the speeches of their candidate for President, Mr. Mondale are various promises to various interest groups to increase spending on virtually every area of the domestic budget. So we have now the Democratic Party on record for an increase in the defense budget, albeit not as large as the President wants, probably a radical increase in the domestic budget if they make good on their promises. For instance, the health plan that the gentleman referred to could well cost tens of billions of dollars in its first year, and so what are we left with in terms of means to deal with the deficit? If you increase domestic spending dramatically and you increase defense spending somewhat, you are left with only one option in terms of dealing with the deficit, and that is a radical tax increase.

I think the point of this discussion is that if you follow through the logic of the promises in the Democratic platform, that is really where we come. That is what we are left with. A massive tax increase to be imposed on the American people.

Mr. WALKER. Let us understand how much of a massive tax increase that would have to be. If you were to try to solve the deficit by raising the income taxes of the American people, you would have to tax away every dime of income in this country over $25,000.

Mr. WEBER. Over $25,000?

Mr. WALKER. Over $25,000. You would have to take every family that was making more than $25,000 and tax away every penny that they earn over $25,000. Absolutely confiscatory taxation in order to get the deficit down to a balanced budget using taxation alone. Now, that is going to have a major impact on every working family in the country.

That does not mean that you would just begin paying taxes at $25,000; that means that everybody would continue to pay the same taxes that they are now paying, and then anything above $25,000 income we would absolutely confiscate every penny above that, because that is what it takes in order to get a balanced budget using taxation alone.

There is no one who believes that $25,000 families in this country are rich. The Democrats keep talking about the fact that what we are going to do is tax the rich. Well, $25,000 families in this country today are not rich. That is middle-class America.

□ 1850

The very idea that you have a Democratic Presidential candidate who is telling us, "I am going to raise your taxes," and telling us that flatly, when you begin to understand the numbers on all of this it really means that it is going to have a devastating impact on working families across this country.

So when we do understand that they are not going to cut defense spending in real terms, they are not going to cut entitlement programs, they have told us that flatly here on the floor, the gentleman from Texas makes a valid point that there is not much else to cut, and certainly they have not been showing any willingness to cut in the other areas.

So they are going to solve the problem by raising taxes. That means raising taxes massively on American working families, and American working families simply cannot afford tax increases of that magnitude.

Mr. WEBER. Mr. Speaker, if the gentleman will yield further, one final point I think needs to be made there and that is that it simply will not work. Even if Walter Mondale were elected with strong Democratic majorities in both Houses of Congress and were to pass through this massive tax increase to balance the budget, it would not work. Why? Because a big tax increase of that kind has a definite effect on the performance of the American economy.

We have seen the deficit reduced from last year's level already from about $195 billion to about $165 billion or $170 billion on an annualized basis. Why? Because of economic growth, because when the economy grows rapidly, more revenues come into the Treasury and we are forced to spend less on programs to help people in need.

So we have seen the budget come down somewhat through economic growth. Now, in calling for a massive tax increase, what the Democrats are really saying is, let us adopt, as the gentleman from Pennsylvania has pointed out, the policies that have failed so miserably in Europe over these last several years. In so doing, one of the things they will do is choke off this economic recovery which will, in itself, dry up revenues coming into the Treasury, force us to spend more money on things like unemployment compensation and welfare and food stamps that help people who are in need, so we will not have the effect of eliminating the deficit even if we do have that massive tax increase because we will throw the economy back into a recession.

Mr. WALKER. What the gentleman is saying is that the Democrats will provide themselves with a self-fulfilling prophecy. They all predicted this was a temporary recovery. Put them in power and it will be a temporary recovery because they will adopt policies that will assure it would be temporary because they will adopt policies that will undercut the recovery and, thereby, eliminate it.

Mr. WEBER. If the gentleman will yield further, the reason they are so sure it will abort the recovery is because they are the exact same policies that they tried under the Carter administration.

Mr. WALKER. That is exactly right. The Carter administration was an economic disaster, and that is precisely the thing that the American people rejected overwhelmingly in 1980, and thereby put into effect a brandnew policy under the Reagan administration.

Let me also point out that the Democrats went beyond talking about budget matters. We have ranged to some other subjects, but one of the things that their platform puts a lot of stress and a lot of emphasis on is the question of jobs. They are sensitive to the fact that unemployment is still too high in the country, even though it is at a level below that which Ronald Reagan inherited from Jimmy Carter.

But the Democrats feel that they, in their platform needed to deal with that jobs issue. It does not acknowledge, really, the fact that job creation

is going on as a result of economic recovery but, rather, what it does is propose Government solutions. It proposes that we substitute Government for growth in the production of jobs. So in paragraph after paragraph in the Democratic platform on the issue of jobs there is discussion of what Government can do to create jobs or to create opportunities for jobs, rather than looking at how we produce an economy growing fast enough that creates the jobs for people and absorbs those people into the totality of the economy.

We have talked a little bit about taxes. The Democratic platform also talks about taxes. It talks about how they are going to raise sufficient revenues "without increasing the burden on average taxpayers." Now, that is nice rhetoric and that sounds very good. I think that is put in there for the very obvious purpose of trying to say to the American people, "We are going to raise taxes, but in the election we do not want to tell you that the taxes that are going to be paid are going to be paid by you."

I have just previously given some figures here that indicate that if we are going to raise taxes enough to reduce the deficits down to a balanced budget, we are in fact going to have to raise taxes massively on the American people, and I do not contend that any Congress would ever pass a bill that would substitute confiscatory taxation for the present tax system on everyone over $25,000. I do not think that is going to happen. Obviously, it is not going to happen.

But then, if we are not willing to confiscate all income over $25,000 in order to balance the budget, the question becomes what are we willing to do in the tax system? Then we have got to begin to lower the amounts of income for taxation if we are not going to confiscate all of it above certain levels. What that means is that we begin, then, to get the income level down to about $15,000, where we begin to raise taxes.

Once, again, I would say that I do not find very many of my constituents who believe that someone earning $15,000 is not an average taxpayer, is a rich taxpayer who should be soaked further by Government to make up for its own over-spending practices. Yet, when we look down through the Democratic budget, we find them talking about increased taxes of all varieties, and my contention would be that those increased taxes are going to have a devastating impact on average American working families.

The Democrats in their platform talk extensively about arms control. It is one of the major items that they have in their platform. It is one of the major items that they claim that they are going to be campaigning across the country on. I hope the American people will take a close look at that section of the platform. I hope that they will ask the Democrats what some of that language means, because if we take language like "that they propose an early summit with regular annual summits to follow with the Soviet leaders," that is one of the major proposals, and then a number of others.

In my view, as I read through it, their whole arms control package is based upon one concept, and that is "Trust the Soviets"; that somehow we can build a trustworthy relationship with the Soviet Union that thereby allows us to reduce our own nuclear arms and do a lot of other wonderful things. But the bottom line is that the policy comes down to "Trust the Soviets."

My own view is that the Soviet Union cannot be dealt with as a trustworthy power; that they have violated our trust in all too many instances; that if we are going to arrive at arms control policies, and I think it is valuable for us to move in that direction, we are going to have to do things which do not trust the Soviets but deal with the Soviets. Dealing is different than trusting in that what you do is that you deal from a hard-nosed basis; that you deal with reality; that you deal from strength; that you make absolutely certain that everything that you do is nailed down; that every agreement is spelled out in detail; that there are no loopholes; that there are no chances for violations of these kinds of things.

That is a policy that gets you real arms control that works. Too much of the Democratic platform and the Democratic promises with regard to arms control do not talk about that kind of tough-minded stance but, rather, talk about the kinds of things which I would contend add up to trusting the Soviets.

The Democrats talk about health care, and I have mentioned previously that they make a commitment to "the long-term goal of comprehensive national health insurance." Not only is that expensive, as I have mentioned before, not only does that belie their deficit-reducing package where they said they were going to reduce the deficit by controlling health costs, but it is also the question of whether or not this country wants to move in the direction of socialized medicine.

□ 1900

A comprehensive national health insurance program is nothing short of that which has been tried in a number of European countries. It comes down to being socialized medicine. I would contend that is expensive. I would contend, moreover, it is a policy which reduces substantially the quality of health care and results in a two-tiered health system, one paid for in massive amounts by the taxpayer, another which provides most of the health care and is still paid for privately by individuals, such as what we have found to be the experience in places like Great Britain. That is not movement toward doing something meaningful to change what are the legitimate health care problems in this country, what people are legitimately concerned about when they go to the hospital or go to their doctors. That will not overcome those problems. In fact, in many ways it will aggravate those problems.

Well, there are a number of other items and I intend to review those at some point in the future, Mr. Speaker, but I think at this point I will stop with this particular discourse on the Democratic platform, pick it up at a later day, and yield back the balance of my time.

FEDERAL CHARTER FOR THE POLISH LEGION OF AMERICAN VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on July 23, the President signed into law my legislation granting a Federal charter to the Polish Legion of American Veterans, U.S.A., and I rise to congratulate this outstanding organization on this momentous achievement.

The members of the Polish Legion of American Veterans have been waiting for more than 35 years for this recognition, and I would like to take this opportunity to express my gratitude to the many Members of the House of Representatives and the Senate who supported the Polish Legion of American Veterans in this effort. I would especially like to express my gratitude to Senator FRANK MURKOWSKI, who successfully steered this legislation through the U.S. Senate, and to thank the distinguished chairman of the House Judiciary Committee, the Honorable PETER RODINO, and the distinguished chairman of the Subcommittee on Administrative Law and Governmental Relations, the Honorable SAM HALL, for their expeditious consideration of this bill during the first session of the 98th Congress.

Most importantly, my bill could not have gone forward without the tireless efforts of Norman A. Lelo, the national commander of the PLAV, and the many officers and members of the Polish Legion of American Veterans, whose hard work made this Federal charter a reality. Last October when the Subcommittee on Administrative Law and Governmental Relations of the House Judiciary Committee held hearings on this legislation, Commander Lelo led an outstanding group

of witnesses to testify in support of granting a charter and the testimony of these dedicated individuals contributed mightly to obtaining this charter. Wanda Swiecki, the national president of the ladies auxiliary gave a detailed report on the auxiliary's activities, and Ralph Wozniak, the national veterans administration volunteer service director of the PLAV, provided the subcommittee with valuable data on the volunteer services of the organization. From my own State of Illinois, Fred Skowronski, national treasurer, made an invaluable contribution to moving this legislation, not only by testifying at this hearing, but also by first bringing the organization's desire to obtain a Federal charter to my attention. Aloysius Mazewski, the national president of the Polish National Alliance and of the Polish American Congress, also appeared before the subcommittee, and helped mobilize support for this legislation.

Other team players who contributed to the strength of the presentation before the subcommittee included: Gene Hentkowski, national finance director; John Wierzba, national public relations officer, and Frank Tadrzynski, past national commander. Without the actions of all of these individuals, this legislation could not have become public law, and I am proud to have worked with the many members and officers of the Polish Legion of American Veterans, in their efforts to obtain a Federal charter for their fine organization. Polish-American war veterans have had a long history of service to the United States, both in war and in peace, and I know of no group which is more worthy of this recognition.

Organized in 1921 by Polish-American veterans of World War I, the Polish Legion of American Veterans has almost 14,000 members and maintains posts in Connecticut, Florida, Illinois, Indiana, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin. These volunteers perform valuable volunteer services in some 45 Veterans' Administration hospitals throughout the United States.

In addition to providing voluntary community and hospital services, the Legion sponsors a yearly national scholarship contest to assist worthy students in obtaining their education, and for the last 25 years has also sponsored a yearly Americanism essay contest to inspire the young people. Members of the Polish Legion of American Veterans conduct an aid to the blind program, provide gifts to men and women in the armed services at Christmastime, and contribute food and medicine relief for the hard-pressed people of Poland.

The granting of a Federal charter finally gives these veterans the recognition they richly deserve, and this chapter will help the Polish Legion of American Veterans expand their volunteer services, which are provided without charge to the American taxpayers. When we encourage organizations like the Polish Legion of American Veterans, we strengthen America's tradition of volunteer action which is vital to the continued well-being of all of our country's citizens.

Mr. Speaker, I again congratulate the Polish Legion of American Veterans on meriting this recognition, and I extend to them my best wishes for continued success in all further charitable and volunteer efforts on behalf of America's veterans and their families.●

FRANCIS HEISLER—A GREAT DEFENDER OF CIVIL LIBERTIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am sad to report to the House on the death of a great citizen of Monterey County, CA, Francis Heisler. Mr. Heisler had a 50-year career as an attorney in which he championed civil liberties and represented the needy. He died of cancer at the age of 88. He was a friend as well as an example to me and many others of what dedication to justice is all about.

Mr. Heisler was born in Hungary in 1895. In 1921, he went to work as a design engineer for German General Electric in Berlin but came to this country in 1924 after a dispute with his employer about his union activities.

Working in Chicago during the 1920's as an engineer for utility companies, at night Mr. Heisler taught history at Chicago City College and studied at John Marshall Law School. In 1930, he was admitted to the Illinois bar.

In Chicago during the Depression, Mr. Heisler defended poor people in disputes with banks, landlords, and utility companies and represented workers in union-related cases. He also became a civil liberties lawyer for the American Civil Liberties Union and won a landmark free-speech case before the Supreme Court. He also defended between 1,500 and 2,000 conscientious objectors during World War II.

In 1948, Mr. Heisler opened up law offices in Carmel, CA, although he retained his Chicago practice as well. He won a number of important civil liberties cases in the area.

Mr. Heisler was also committed to helping end the nuclear arms race. In 1958, and again in 1962, he filed suit in both the United States and the Soviet Union seeking a ban on nuclear testing on behalf of international figures such as Linus Pauling, Bertrand Russell, James Baldwin, Joan Baez, and Erich Fromm. Eventually, both nations signed a treaty ending atmospheric nuclear testing.

Mr. Heisler received a number of awards during his long career, including the first Ralph M. Atkinson Award by the Monterey ACLU chapter in 1977 and the Earl Warren Civil Liberties Award from the ACLU Foundation of Northern California in the same year. The Monterey chapter created a similar award in Mr. Heisler's honor this year.

Francis Heisler's career was devoted to the protection and enhancement of individual rights in our country. While the issues may have changed from the 1930's to the present, his commitment never wavered, and his victories and even his defeats in court helped to strengthen our constitutional rights and liberties. For these accomplishments, our Nation and we as individuals owe Mr. Heisler a debt of gratitude. His work will live for many decades to come.

I am proud to say that Francis Heisler was my friend. He inspired others to fight when retreat was easy, to speak out when silence was comfortable, to seek justice when injustice was accepted, to find freedom when bondage was tolerated, and to do all of this regardless of the popularity of each cause. He was the definition of a defender of civil liberties.

I hope my colleagues will join me in expressing sympathy to Mr. Heisler's wife, Dr. Friedy Heisler, and the rest of his family at this very difficult time.●

THE HEALTH EFFECTS OF RADIATION RESEARCH ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. WIRTH] is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, since the beginning of this century, Government has recognized that one of its most important functions is ensuring the safety of our Nation's workers. Substantial progress has been made since the days of Upton Sinclair's "The Jungle" in providing a safer and healthier work environment. No longer are manufacturing plants dens of torture. No longer do we turn our backs on the black lung and brown lung plight facing our miners. Our Nation can be proud of the progress that has been made in providing a healthy working environment, although further efforts are necessary in many industries.

The nuclear industry, however, faces a different situation. There are approximately 80,000 men and women employed in nuclear facilities across the country who are exposed to heavy amounts of radiation every day. Since

the early tests of nuclear weapons, there has been disagreement and controversy over the health hazards posed by heavy radiation exposure. Because of this uncertainty, efforts have been made to ensure the safety of workers through regulations and safety precautions. At the same time, research has been encouraged to determine the magnitude of the health hazards facing workers. It is imperative that this research be done in the most objective and unbiased manner possible. Yet, the Federal agency performing the bulk of this research is the same agency which has responsibility for operating and promoting nuclear facilities: the Department of Energy. This is akin to allowing the plant manager in the meatpacking plant in "The Jungle" to determine what is safest for the plant's workers.

The Department of Energy is currently responsible for approximately 60 percent of the Federal research into the health effects of radiation. At the same time, this agency operates and maintains our nuclear production facilities. This conflict of interest casts doubts on the objectivity of their research and on their interest in worker safety and health.

Research into the health effects of radiation must be continued. We must not relent in the search for answers. However, it is critical that this research be conducted objectively, in a manner in which workers and the public can place the highest confidence. The quality of the research conducted by the Department of Energy and the validity of its conclusions is not in question. Instead, the issue is whether the workers and the industry can have confidence in the work. No Federal agency which manages the facilities it studies can meet this concern.

For this reason I am introducing legislation to transfer the authority for these studies from the Department of Energy to the Department of Health and Human Services [HHS]. There are several reasons why HHS makes a better choice. Intuitively, it makes more sense to have health research conducted by an agency responsible for health issues, not one responsible for operating energy and defense programs. Moreover, HHS and several agencies within the Department have studied the health effects of radiation extensively. These include the National Cancer Institute, the Bureau of Radiation Health in the Food and Drug Administration, the National Institute for Occupational Safety and Health, the National Institute of Environmental Health Sciences and the Centers for Disease Control. The Secretary of HHS, under this legislation, would consult with the heads of all of these agencies in conducting the research. Finally, an advisory panel would be established to provide advice and assistance in conducting this research.

Mr. Speaker, this legislation is long overdue. There have been numerous attempts in recent years to shift research responsibility from DOE to public health agencies, but we always seem to end up where we started, with DOE performing most of the work and public health agencies performing very little. Task forces and advisory panels have been created, but they are short-lived. Congress must enact legislation specifically mandating the transfer of this function. It is my hope that it will not take a disaster like one which occurred at the Sunshine Silvermine disaster before this action is taken. Prior to that tragedy, responsibility for miner's health and safety lay with the Department of the Interior, the same agency interested in promoting coal production. Only after more than 90 people were killed did Congress realize that you can't have both worker safety and production under the same leadership and transferred mine safety and health out of the Department of the Interior. Let us act now before a similar disaster occurs in the nuclear industry.●

THE DEATH OF GEN. "BEBY" TURNAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, on June 30 Mississippi lost one of its finest leaders. Evan Albert "Beby" Turnage died at his home in Monticello, MS, following a lengthy illness. "Beby" Turnage was perhaps best known for his work on behalf of the Mississippi National Guard, in which he served 30 years.

He was adjutant general of the Mississippi National Guard under former Governor William Waller and retired from the Guard in 1980. He attained the rank of major general.

In addition to his outstanding military service to our State and this Nation, he also had a distinguished career as an attorney, chancery judge, and professor at the Mississippi College School of Law. He was dean of the law school from 1980 to 1982.

I am proud to have worked with and served with "Beby" Turnage. He was a great American and we will all miss him.

I want to share this account of his accomplishments which appeared in the Lawrence County, MS, Press on July 5:

[From the Lawrence County Press, July 5, 1984]

GEN. E.A. TURNAGE DIES AT 66

Funeral services were held at Monticello Baptist Church Monday afternoon for Evan Albert "Beby" Turnage, former Monticello mayor and former three-star general and commander of the Mississippi National Guard. Gen. Turnage died last Saturday afternoon at his home in Monticello following a long battle with cancer. He was 66.

Gen. Turnage was well-known throughout Mississippi. He was adjutant general in charge of the Mississippi National Guard under former Gov. William Waller. He later acquired the rank of major general.

Gen Turnage was a graduate of New Hebron High School and Copiah-Lincoln Junior College. He was Co-Lin Alumnus of the Year in 1972. Before entering the U.S. Army to serve in North Africa and Europe during World War II. Turnage worked as county engineer in walthall County. Following WWII, he was awarded the purple heart and was discharged at the rank of captain.

After his stint in the Army, he enrolled at the University of Mississippi and graduated from the Ole Miss Law School in 1948. He was elected County Attorney here his first year out of law school. He was also attorney for the Lawrence County Board of Supervisors.

In 1950, he organized and commanded Company "D" 106 Construction Engineers of the 31st Dixie Division of the Mississippi National Guard headquartered in Monticello.

The local guard unit went into active duty on Jan. 16, 1950, and he served as lieutenant colonel. He was later elected chancery judge of the 13th District Court, a position he held until appointed adjutant general by Gov. Waller.

He retired from the Guard in 1980, and then began serving as professor at the Mississippi College School of Law, where he was instrumental in helping the school obtain accreditation. He served as dean of the law school from 1980 to 1982, when he retired.

After his retirement, Gen. Turnage returned to a limited law practice in Monticello.

Other involvements included four years as mayor of Monticello and a term in the Mississippi House of Representatives. He helped organize South Central Bank, and helped establish Lawrence County Insurance and Realty.

Gen. Turnage was honored by the Lawrence County Chamber of Commerce recently with the annual E.M. Graham Award of Excellence. He received the award at the chamber's annual banquet last April. It was also announced at the banquet that the Chamber is establishing a scholorship at Copiah-Lincoln Junior College for a Lawrence County ROTC student to be awarded each year.

Also at the Chamber Banquet, representatives from the Mississippi National Guard presented Gen. Turnage with the Mississippi Magnolia Cross—the state's highest personal award; the Chief's Eagle Award—the state Guard's highest award; and an award presented by the State Guard Officers Association.

Gen. Turnage was a member of the Monticello Lions Club, the New Hebron Masonic Lodge, a deacon of the Monticello Baptist Church, and a former Sunday School teacher there, a member of the state Oil and Gas Board, director of the Pearl River Basin Development District, director of Southern Pine Election Power Association, and served on the board of directors for First Bank.

He is survived by his wife, Ethyln Dale "Tera" Turnage'; a son, Thomas Albert Turnage of Monticello; a daughter, Lynn Dale Turnage Raynolds of Monticello; a sister,

Mrs. O.M. Lela Victoria Anderson of Jackson; and three grandchildren.

Burial was in the New Habron Cemetery, where he was honored with the traditional 21 gun salute by the Mississippi National Guard.

Active pallbearers were; Sonny Turnage, James Jones, Pat Shivers, James Ray Benson, Lloyd Powell, Jack Parkman, Simp Lambert, and Julius Stapleton.

Honorary pallbearers were; Don Druger, Bill McCallus, Gus Wall, Roger Martin, Don Stormo, Dr. J.W. Waller, Dr. B.B. Pace, Glyn Hughes, Billy Harvey, Frank Allen, Jim Miles, Bobby Moore, Jerry McLean, Tommy Jolly, Rep. Wayne Dowdy, former Gov. Willam Waller, former Gov. William Winter, Judge Neville Patterson, and Rep. G.V. Montgomery.●

RECOVERY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, as I said yesterday, I will continue to speak out on the basic issue that, until resolved, will be the undoing of our prideful American standard of living which has indeed and in fact eroded already.

Now, we hear much talk about economic recovery, but I think that we lose sight of what it is the people talking about economic recovery are talking about and what they really mean. We must remember that we are really in 1984 and the Orwellian use of words is rampant.

The economy has recovered all right to about what it was in 1981, so when these good folks talk about recovery, they are not talking about recovery to some pristine period of time, but to 1981, the year these same folks talk about as a devastating year, as a year that must be turned and changed.

Now, maybe even this return to the 1981 level could continue except for the fact of the constant presence of usurious and extortionate and insidious interest rates that are truly robbing the American people of any kind of economic security. Certainly it has already cheated a generation or so of the dream of such things as homeownership, not with these present usurious, extortionate, wrongful interest rates, because they are slowly but inexorably choking us to death.

With respect to the so-called gross national product improvement of the economy and again which is a hair above what it was in 1981, which is considered by everybody as a terrible year now, not as bad as 1982, not as bad as 1983, but bad enough to have swept Jimmy Carter out of the White House, so we are back to where we started almost 4 years ago. Is that reason for cheer and elation?

The unemployment rate is slightly less than it was in 1981, but there are more people out of work today than there were then. Today there are better than 8 million people officially listed out of work—officially. That does not count from 1 to 2½ million that have simply dropped out of the counting list, but are unemployed.

Well, this is the same as it was in 1981. What is so good about that?

The industrial production index, which is something not mentioned here, is at almost 82 percent. Yes; much better than last year, thank goodness, but not one whit better than it was in 1981.

Housing starts are better off than they were at the beginning of this year than they were in 1981, but they are not a whit better or they were not just a few months ago than they were a year ago, and mortgage rates are again climbing because interest rates are climbing, coming very close to what they were in 1981. Mortgage rates today are 14.6 percent at least and more if you throw in the points and everything in the real world, which in real terms is higher than ever before. Is that progress?

The balance of trade—and at this point I would like to insert into the RECORD an article appearing in today's July 24 Dallas Morning News, entitled "Trade Deficit Could Double, Report Predicts."

[From the Dallas Morning News, July 24, 1984]

TRADE DEFICIT COULD DOUBLE, REPORT PREDICTS

WASHINGTON.—The United States, which posted its worst foreign trade performance in 1983, could nearly double the red ink this year and run abnormally high deficits for the forseeable future, the government predicted Monday.

The Commerce Department, in a bleak assessment of U.S. trading prospects, said the merchandise trade deficit for 1984 could well be in the range of $120 billion to $130 billion.

In 1983, the country, posted a $69.4 billion trade deficit, far surpassing the previous record of $42.7 billion set in 1982.

In a new report, the Commerce Department said the trading gap "should not be expected to narrow quickly."

The huge trade gap has been blamed primarily on two factors. A strong U.S. dollar has made imports relatively cheap and U.S. exports relatively expensive. Also, the U.S. economy recovered from the 1981–82 recession much faster than the rest of the world, spurring strong consumer demand in this country while demand in other countries remained flat.

The dollar is expected to weaken in coming months, and economic growth in foreign nations is expected to pick up steam.

These two factors, while helping alleviate the trade imbalance, will not erase it overnight, the report said.

"A reduction of the U.S. trade deficit to even the $40 billion levels of 1977–82 can only be gradual, even with a favorable movement of the dollar," the report said.

One of the problems, the report said, is growing competition with U.S. exports from newly industrialized countries such as Brazil, Mexico, South Korea and Taiwan, who are beginning to penetrate world markets for heavy industry and high-technology products.

In 1983, the surplus high-technology trade—traditionally a source of U.S. trading strength—declined 23 percent from $22 billion the year before to $17 billion, the report said.

In the largest high-technology category, communication equipment and electronic components, imports of $19.1 billion in 1983 were 70 percent higher than exports of $11.1 billion.

I might mention that the trade deficit of last year exceeded tremendously any trade deficit in the history of our country. These are things that we cannot sneeze off. We must face them.

The continuation of this trade deficit is the biggest single menace confronting our Nation today, confronting the ins, confronting the outs, and all those that really know, the experts who kind of hold their breath hoping that the thing will hold together until November 6, it may not; so the balance of trade today is at a record deficit. That deficit is twice what it was in 1981 and it is getting worse every minute that I am speaking here today.

Now, that may sound dull and dry, as most significant things do, but what that means is that we are losing jobs, exporting jobs. Millions of jobs have disappeared because our industrial goods are no longer competitive with the rest of the world. Why?

Well, interest rates not only kill sales here, but they kill sales abroad. The administration's unwillingness to fight against unfair trade practices contributes to the outflow of jobs and this is a deficit that worsens each day, each hour, draining jobs away with every turn of the tide.

Interest rates are not going down. They are going up, as I have said repeatedly, because the notion is loose in the land, propagated by the very instigators of high interest rates, those that justify high interest rates and try to say that interest rates are like an act of God, nobody can do anything about them, which of course is untrue.

Now, is this progress? Is this recovery?

The prime rate is up to more than 13 percent—the prime rate, which is a 30-percent rise in the past year alone, and rising. Is that progress?

Treasury bill rates are ballooning upward, so much so that the so-called deficit reduction over which the Congress heaved and moaned just a few weeks ago before we quit for the recess; so-called deficit reduction actions have been canceled out just in the intervening weeks because of the increased cost of interest charges for servicing the national debt.

Interest rates again, is that recovery?

Municipal bond rates are up. Mortgage rates are at record heights. That is not recovery. That is a threat of devastation.

□ 1900

Yes; we have a rosy glow, but it is the glow of a fevered economy, a sick economy. It is the same rosy glow that you see that a fevered patient has. It may look good to the inexperienced eye but it is frightening to anyone who knows what is really happening.

And at the bottom of it all is this same question that has plagued mankind since written history of human activity, usurious, extortionate, unjust, unconscionable rates of interest.

I yield back the balance of my time.

GOVERNOR CUOMO'S KEYNOTE ADDRESS TO THE 1984 DEMOCRATIC NATIONAL CONVENTION IN SAN FRANCISCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, the keynote address of New York Gov. Mario M. Cuomo to the 1984 Democratic National Convention has been hailed by many as one of the most outstanding keynote addresses in history.

As the dean of the New York delegation, I wish to bring to the attention of my colleagues this keynote address. Therefore, I include here with my remarks the prepared text of the address as printed in the New York Times of July 17, 1984.

The text follows:

TEXT OF KEYNOTE ADDRESS BY GOVERNOR CUOMO TO CONVENTION

On behalf of the Empire State and the family of New York, I thank you for the great privilege of being allowed to address this convention.

Please allow me to skip the stories and the poetry and the temptation to deal in nice but vague rhetoric.

Let me instead use this valuable opportunity to deal with the questions that should determine this election and that are vital to the American people.

Ten days ago, President Reagan admitted that although some people in this country seemed to be doing well nowadays, others were unhappy, and even worried, about themselves, their families and their futures.

The President said he didn't understand that fear. He said, "Why, this country is a shining city on a hill."

The President is right. In many ways we are "a shining city on a hill."

But the hard truth is that not everyone is sharing in this city's splendor and glory.

A shining city is perhaps all the President sees from the portico of the White House and the veranda of his ranch, were everyone seems to be doing well.

But there's another part of the city, the part where some people can't pay their mortgages and most young people can't afford one, where students can't afford the education they need and middle-class parents watch the dreams they hold for their children evaporate.

In this part of the city there are more poor than ever, more families in trouble. More and more people who need help but can't find it.

Even worse: There are elderly people who tremble in the basements of the houses there.

There are people who sleep in the city's streets, in the gutter, where the glitter doesn't show.

THERE IS DESPAIR, MR. PRESIDENT

There are ghettos where thousands of young people, without an education or a job, give their lives away to drug dealers every day.

There is despair, Mr. President, in faces you never see, in the places you never visit in your shining city.

In fact, Mr. President, this nation is more a "Tale of Two Cities" than it is a "Shining City on a Hill."

Maybe if you visited more places, Mr. President, you'd understand.

Maybe if you went to Appalachia where some people still live in sheds and to Lackawanna where thousands of unemployed steel workers wonder why we subsidized foreign steel while we surrender their dignity to unemployment and to welfare checks; maybe if you stepped into a shelter in Chicago and talked with some of the homeless there; maybe, Mr. President, if you asked a woman who'd been denied the help she needs to feed her children because you say we need the money to give a tax break to a millionaire or to build a missile we can't even afford to use—maybe then you'd understand.

Maybe, Mr. President.

But I'm afraid not.

Because, the truth is, this is how we were warned it would be.

President Reagan told us from the beginning that he believed in a kind of social Darwinism. Survival of the fittest. "Government can't do everything," we were told. "So it should settle for taking care of the strong and hope that economic ambition and charity will do the rest. Make the rich richer and what falls from their table will be enough for the middle class and those trying to make it into the middle class."

The Republicans called it trickle-down when Hoover tried it. Now they call it supply side. It is the same shining city for those relative few who are lucky enough to live in its good neighborhoods.

But for the people who are excluded—locked out—all they can do is to stare from a distance at that city's glimmering towers.

It's an old story. As old as our history.

COURAGE AND CONFIDENCE

The difference between Democrats and Republicans has always been measured in courage and confidence. The Republicans believe the wagon train will not make it to the frontier unless some of our old, some of our young and some of our weak are left behind by the side of the trial.

The strong will inherit the land!

We Democrats believe that we can make it all the way with the whole family intact.

We have. More than once.

Ever since Franklin Roosevelt lifted himself from his wheelchair to lift this nation from its knees. Wagon train after wagon train. To new frontier of education, housing, peace. The whole family aboard. Constantly reaching out to extend and enlarge that family. Lifting them up into the wagon on the way. Blacks and Hispanics, people of every ethnic group, and Native Americans—all those struggling to build their families claim some small share of America.

For nearly 50 years we carried them to new levels of comfort, security, dignity, even affluence.

Some of us are in this room today only because this nation had that confidence.

It would be wrong to forget that.

TO SAVE THE NATION

So, we at this convention to remind ourselves where we come from and to claim the future for ourselves and for our children.

Today, our great Democratic Party, which has saved this nation from depression, from fascism, from racism, from corruption, is called upon to do it again—this time to save the nation from confusion and division, from most of all from a fear of a nuclear holocaust.

In order to succeed, we must answer our opponent's polished and appealing rhetoric with a more telling reasonableness and rationality.

We must win this case on the merits.

We must get the American public to look past the glitter, beyond the showmanship—to reality, to the hard substance of things. And we will do that not so much with speeches that sound good as with speeches that are good and sound.

Not so much with speeches that bring people to their feet as with speeches that bring people to their senses.

We must make the American people hear our "tale of two cities."

We must convince them that we don't have to settle for two cities, that we can have one city, indivisible, shining for all its people.

We will have no chance to do that if what comes out of this convention, what is heard throughout the campaign, is a babel of arguing voices.

To succeed we will have to surrender small parts of our individual interests, to build a platform we can all stand on, at once, comfortably, proudly singing out the truth for the nation to hear, in chorus, its logic so clear and commanding that no slick commercial, no amount of geniality, no martial music will be able to muffle it.

THE LUCKY AND THE LEFT OUT

We democrats must unite so that the entire nation can. Surely the Republicans won't bring the convention together. Their policies divide the nation: into the lucky and the left-out, the royalty and the rabble.

The Republicans are willing to treat that division as victory. They would cut this nation in half, into those temporarily better off and those worse off than before, and call it recovery.

We should not be embarrassed or dismayed if the process of unifying is difficult, even at times wrenching.

Unlike any other party, we embrace men and women of every color, every creed, every orientation, every economic class. In our family are gathered everyone from the abject poor of Essex County in New York, to the enlightened affluent of the gold coasts of both ends of our nation. And in between is the heart of our constituency. The middle class, the people not rich enough to be worry-free but not poor enough to be on welfare, those who work for a living because they have to. White collar and blue collar. Young professionals. Men and women in small business desperate for the capital and contracts they need to prove their worth.

We speak for the minorities who have not yet entered the mainstream.

For ethnics who want to add their culture to the mosaic that is America.

For women indignant that we refuse to etch into our governmental commandments the simple rule "thou shalt not sin against

equality," a commandment so obvious it can be spelled in three letters: e.r.a.!

For young people demanding an education and a future.

For senior citizens terrorized by the idea that their only security, their Social Security, is being threatened.

For millions of reasoning people fighting to preserve our environment from greed and stupidity. And fighting to preserve our very existence from a macho intransigence that refuses to make intelligent attempts to discuss the possibility of nuclear holocaust with our enemy. Refusing because they believe we can pile missiles so high that they will pierce the clouds and the sight of them will frighten our enemies into submission.

PROUD OF DIVERSITY

We're proud of this diversity. Grateful we don't have to manufacture its appearance the way the Republicans will next month in Dallas, by propping up mannequin delegates on the convention floor.

But we pay a price for it.

The different people we represent have many points of view. Sometimes they compete and then we have debates, even arguments. That's what our primaries were.

But now the primaries are over, and it is time to lock arms and move into this campaign together.

If we need any inspiration to make the effort to put aside our small differences, all we need to do is to reflect on the Republican policy of divide and cajole and how it has injured our land since 1980.

The President has asked us to judge him on whether or not he's fulfilled the promises he made four years ago. I accept that. Just consider what he said and what he's done.

Inflation is down since 1980. But not because of the supply-side miracle promised by the President. Inflation was reduced the old-fashioned way, with a recession, the worst since 1932. More than 55,000 bankruptcies. Two years of massive unemployment. Two-hundred-thousand farmers and ranchers forced off the land. More homeless than at any time since the Great Depression. More hungry, more poor—mostly women—and a nearly $200 billion deficit threatening our future.

The President's deficit is a direct and dramatic repudiation of his promise to balance our budget by 1983.

That deficit is the largest in the history of this universe; more than three times larger than the deficit in President Carter's last year.

It is a deficit that, according to the President's own fiscal advisor, could grow as high as $300 billion a year, stretching "as far as the eye can see."

It is a debt so large that as much as one-half of our revenue from the income tax goes to pay the interest on it each year.

MORTGAGE ON CHILDREN'S FUTURE

It is a mortgage on our children's futures that can only be paid in pain and that could eventually bring this nation to its knees.

Don't take my word for it—I'm a Democrat.

Ask the Republican investment bankers on Wall Street what they think the chances are this recovery will be permanent. If they're not too embarrassed to tell you the truth, they'll say they are appalled and frightened by the President's deficit. Ask them what they think of our economy, now that it has been driven by the distorted value of the dollar back to its colonial condition, exporting agricultural products and importing manufactured ones.

Ask those Republican investment bankers what they expect the interest rate to be a year from now. And ask them what they predict for the inflation rate then.

How important is this question of the deficit?

Think about it: What chance would the Republican candidate have had in 1980 if he had told the American people that he intended to pay for his so-called economic recovery with bankruptcies, unemployment and the largest Government debt known to humankind? Would American voters have signed the loan certificate for him on Election Day? Of course not! It was an election won with smoke and mirrors, with illusions. It is a recovery made of the same stuff.

And what about foreign policy?

They said they would make us and the whole world safer. They say they have.

By creating the largest defense budget in history, one even they now admit is excessive * * * to discuss peace with our enemies. By the loss of 279 young Americans in Lebanon in pursuit of a plan and a policy no one can find or describe.

We give monies to Latin American governments that murder nuns, and then lie about it.

We have been less than zealous in our support of the only real friend we have in the Middle East, the one democracy there, our flesh and blood ally, the state of Israel.

Our policy drifts with no real direction, other than an hysterical commitment to an arms race that leads nowhere, if we're lucky. If we're not—could lead us to bankruptcy or war.

Of course we must have a strong defense!

Of course Democrats believe that there are times when we must stand and fight. And we have. Thousands of us have paid for freedom with our lives. But always, when we've been at our best, our purposes were clear.

OUR ALLIES ARE CONFUSED

Now they're not. Now our allies are as confused as our enemies.

Now we have no real commitment to our friends or our ideals to human rights, to the refusenicks, to Sakharov, to Bishop Tutu and the other struggling for freedom in South Africa.

We have spent more than we can afford. We have pounded our chest and made bold speeches. But we lost 279 young Americans in Lebanon and we are forced to live behind sand bags in Washington.

How can anyone believe that we are stronger, safer or better?

That's the Republican record.

That its disastrous quality is not more fully understood by the American people is attributable, I think, to the President's amiability and the failure by some to separate the salesman from the product.

MAKE THE CASE TO AMERICA

It's now up to us to make the case to America.

And to remind Americans that if they are not happy with all the President has done so far, they should consider how much worse it will be if he is left to his radical proclivities for another four years unrestrained by the need once again to come before the American people.

If July brings back Anne Gorsuch Burford, what can we expect of December?

Where would another four years take us?

How much larger will the deficit be?

How much deeper the cuts in programs for the struggling middle class and the poor to limit that deficit? How high the interest rates? How much more acid rain killing our forests and fouling our lakes?

What kind of Supreme Court? What kind of court and country will be fashioned by the man who believes in having government mandate people's religon and morality?

The man who believes that trees pollute the environment, that the laws against discrimination go too far. The man who threatens Social Security and Medicaid and help for the disabled.

How high will we pile the missiles?

How much deeper will be the gulf between us and our enemies?

Will we make meaner the spirit of our people?

This election will measure the record of the past four years. But more than that, it will answer the question of what kind of people we want to be.

We Democrats still have a dream. We still believe in this nation's future.

A CREDO FOR THE DEMOCRATS

And this is our answer—our credo:

We believe in only the government we need, but we insist on all the government we need.

We believe in a government characterized by fairness and reasonableness, a reasonableness that goes beyond labels, that doesn't distort or promise to do what it knows it can't do.

A government stong enough to use the words "love" and "compassion" and smart enough to convert our noblest aspirations into * * *

We believe in encouraging the talented, but we believe that while survival of the fittest may be a good working description of the process of evolution, a government of humans should elevate itself to a higher order, one which fills the gaps left by chance or a wisdom we don't understand.

We would rather have laws written by the patron of this great city, the man called the "world's most sincere Democrat," St. Francis of Assisi, than laws written by Darwin.

We believe, as Democrats, that a society as blessed as ours, the most affluent democracy in the world's history, that can spend trillions on instruments of destruction, ought to be able to help the middle class in its struggle, ought to be able to find work for all who can do it, room at the table, shelter for the homeless, care for the elderly and infirm, hope for the destitute.

PEACE IS BETTER THAN WAR

We proclaim as loudly as we can the utter insanity of nuclear proliferation and the need for a nuclear freeze, if only to affirm the simple truth that peace is better than war because life is better than death.

We believe in firm but fair law and order, in the union movement, in privacy for people, openness by government, civil rights, and human rights.

We believe in a single fundamental idea that describes better than most texbooks and any speech what a proper government should be. The idea of family. Mutuality. The sharing of benefits and burdens for the good of all. Feeling one another's pain. Sharing one another's blessings. Reasonably, honestly, fairly, without respect to race, or sex, or geography or political affiliation.

We believe we must be the family of America, recognizing that at the heart of the matter we are bound one to another, that the problems of a retired school teacher in Duluth are our problems. That the future of the child in Buffalo is our future. The struggle of a disabled man in Boston to

survive, to live decently in our struggle. The hunger of a woman in Little Rock, our hunger. The failure anywhere to provide what reasonably we might, to avoid pain, is our failure.

For 50 years we Democrats created a better future for our childern, using traditional democratic principles as a fixed beacon, giving us direction and purpose, but constantly innovating, adapting to new realities; Roosevelt's alphabet programs; Truman's NATO and the GI Bill of Rights; Kennedy's intelligent tax incentives and the Alliance For Progress; Jonhson's civil rights; Carter's human rights and the nearly miraculous Camp David peace accord.

Democrats did it,—and Democrats can do it again.

We can build a future that deals with our deficit.

Remember, 50 years of progress never cost us what the last four years of stagnation have. We can deal with that deficit intelligently, by shared sacrifice, with all parts of the nation's family contributing, building partnerships with the private sector, providing a sound defense without depriving ourselves of what we need to feed our children and care for our people.

We can have a future that provides for all the young of the present by marrying common sense and compassion.

We know we can, because we did it for nearly 50 years before 1980.

WE CAN DO IT AGAIN

We can do it again. If we do not forget. Forget that this entire nation has profited by these progressive principles. That they helped lift up generations to the middle class and higher: gave us a chance to work, to go to college, to raise a family, to own a house, to be secure in our old age and, before that, to reach heights that our own parents would not have dared dream of.

That struggle to live with dignity is the real story of the shining city. It's a story I didn't read in a book, or learn in a classroom. I saw it, and lived it. Like many of you.

I watched a small man with thick calluses on both hands work 15 and 16 hours a day. I saw him once literally bleed from the bottoms of his feet, a man who came here uneducated, alone, unable to speak the language, who taught me all I needed to know about faith and hard work by the simple eloquence of his example. I learned about our kind of democracy from my father. I learned about our obligation to each other from him and from my mother. They asked only for a chance to work and to make the world better for their children and to be protected in those moments when they would not be able to protect themselves. This nation and its government did that for them.

And that they were able to build a family and live in dignity and see one of their children go from behind their little grocery store on the other side of the tracks in south Jamaica where he was born, to occupy the highest seat in the greatest state of the greatest nation in the only world we know, is an ineffably beautiful tribute to the democratic process.

And on Jan. 20, 1985, it will happen again. Only on a much grander scale. We will have a new President of the United States, a Democrat born not to the blood of kings but to the blood of immigrants and pioneers.

We will have America's first woman Vice President, the child of immigrants, a New Yorker, opening with one magnificent stroke a whole new frontier for the United States.

It will happen, if we make it happen.

I ask you, ladies and gentlemen, brothers and sisters,—for the good of all of us, for the love of this great nation, for the family of America, for the love of God. Please make this nation remember how futures are built.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. BRITT] is recognized for 5 minutes.

● Mr. BRITT. Mr. Speaker, I missed the vote taken on a motion to suspend the rules and pass H.R. 4280, the Retirement Equity Act of 1984, on May 22, 1984. Had I been present, I would have voted "yea" as a strong supporter of this much-needed pension reform.●

GOURMET FOODS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 5 minutes.

● Mr. DE LA GARZA. Mr. Speaker, that flamboyant entrepreneur of cuisine, Mrs. Julia Child, once exclaimed "I'm a red meat eater! I feel I need red meat to keep my blood circulating, my color good, and my energy up."

Because red meat is rich in iron and protein, I agree with Mrs. Child and want to bring to the attention of my House colleagues the following article which appeared in the January 1984 edition of Reader's Digest.

The article helps lay to rest the dubious assertion that meat is not really necessary in a good diet—the myth put forward by some folks who prefer bean sprouts to T-bone steaks. Mr. Speaker, people can eat whatever they want and whatever they feel is right for them—but as the article states, Americans are getting a bum steer about beef from a nutritional and health aspect. I, for one, will not give up my mesquite charcoal grilled beef! Following is the complete text of this fine article:

In "A Tramp Abroad" Mark Twain wrote of a homesick American traveler in Europe: "Imagine an angel suddenly swooping down and setting before him a mighty porterhouse steak an inch-and-a-half thick, hot and sputtering from the griddle; dusted with fragrant pepper; enriched with melting bits of butter; the precious juices of the meat trickling out and joining the gravy."

Few of us require such a description to whet our appetites for "the most royal of meats." Beef has long been king on millions of our outdoor grills, its tantalizing sizzle over rosy charcoal sending an unforgettable scent into the summer air. And can anyone come up with a more "noble" sight than a standing rib carved at the table, its pink slices falling succulently upon the platter?

Not surprisingly, Americans consume 77.2 pounds of beef per capita each year—some 18 billion pounds in all.[1] Every day a single famous fast-food chain grills ten million hamburgers, America's favorite sandwich.

Despite this popularity, a number of respected nutritionists have placed beef on their hit list, claiming that Americans consume too much animal fat, which may be a cause of cancer and heart disease. Perhaps the best-known of these critics is Tufts University president Jean Mayer, member of numerous national and world committees on nutrition. He points out that many cuts of beef are high in fat—predominantly saturated fat. Mayer also notes that fat is high in calories and that both saturated fat and dietary cholesterol tend to raise the level of blood cholesterol. A number of prominent scientists agree.

But Rodney L. Preston, a nutrition professor at Texas Tech University, raises an important point. Because a high blood-cholesterol level is a risk factor in the development of coronary vascular disease, he says, some have concluded that foods containing cholesterol should be avoided. This conclusion ignores the fact that the normal human body needs cholesterol—about 1000 milligrams each day—and that the difference between the amount required and the amount consumed will be produced by the body itself. In any event, a three-ounce serving of beef contains just 75 mgs. of cholesterol. In fact, the average daily U.S. diet, including eggs, milk and meat, contains only 300 to 550 mgs. of cholesterol.

George M. Briggs, professor of nutrition at the University of California at Berkeley, former president of the American Institute of Nutrition and a member of the research team that discovered vitamin B-12, points out that three ounces of lean beef have no more cholesterol than three ounces of chicken. In a normal 2400-calorie diet for an adult male, he says, those three ounces of lean beef supply only 8 percent of calorie needs, but 45 percent of the recommended daily allowance of protein, 79 percent of vitamin B-12, 38 percent of zinc, 26 perent of iron, 19 percent of niacin.

What fueled the animal-fat controversy anyway? In 1977, concerned over the high level of heart and other killer diseases, the Senate Select Committee on Nutrition and Human Needs recommended that our daily caloric intake should comprise 12 percent protein, 30 percent fat (it was then about 40 percent) and 58 percent carbohydrates. The committee's report also warned that eating too many fats, especially saturated fats—from meats, egg yolks, butter and lard—could cause cancer, heart disease, high blood pressure and other serious illnesses. A 1980 government publication, in more general terms, encouraged moderate consumption of foods high in fat and cholesterol. In 1982, a 13-member scientific committee, sponsored by the National Academy of Sciences' National Research Council, released its own report, "Diet, Nutrition and Cancer." It suggested that Americans might reduce the risk of breast and colon cancers by lowering their daily intake of fat from 40 to 30 percent of the total calories in the diet.

But another group of scientists, reviewing the 1982 report for the Council for Agricultural Science and Technology, felt that there was not enough evidence to infer that the American diet was unsafe with respect

[1] For contrast Japan's per capita consumption of beef is only 8 pounds a year, while in Argentina, the per-capita figure is 146 pounds—almost double the U.S. consumption.

to cancer risks. They noted that "a nutritionally adequate diet must include as much fresh meat relative to other foods as Americans are consuming now."

One of those critical scientists, Dr. Joseph J. Vitale, professor of pathology and director of Nutrition Education Programs at Boston University School of Medicine, stated simply: "There is no evidence to suggest that lowering one's fat intake from 40 to 30 percent of the total calories will have any effect on cancer rates."

As for heart disease, Alfred Harper, former chairman of the National Academy of Sciences' Food and Nutrition Board, writing in the April 1983 issue of the American Journal of Clinical Nutrition, maintained that those people who are susceptible to coronary heart disease should be identified for comprehensive treatment instead of changing the diet of the general population. And after questioning more than a million Americans, the American Cancer Society stated, "A preliminary study of dietary factors showed no higher rates of coronary heart disease and stroke in people who ate a high-fat diet than in those who did not."

Actually, only 36 percent of the fat in the U.S. food supply comes from beef, pork, poultry and fish, while 42 percent comes from vegetable sources, such as oils, shortening and margarine. There is reason to believe that by substituting vegetable fats and oils for beef fat in our diets, we could be doing ourselves more harm than good. Recent research on animals suggests that high amounts of polyunsaturates may suppress the body's natural immune responses, possibly increasing the risk of cancer.

Dr. Richard J. Jones, secretary of the American Medical Association's Council on Scientific Affairs, commenting on vegetable oils in our diets, says, "They have been shown in some studies on experimental animals to be more potent promoters of known carcinogens than are animal fats."

Where modern lean beef itself is concerned, these nutritional facts alone should be heeded:

Fact: Beef is highly nutritious and digestible—more so even than vegetables. Beef's healthful ingredients are 96 percent digested, and its many nutrients almost completely used by the body.

Fact: Three ounces of lean beef contain less fat than is assumed—about nine grams. And only about 48 percent of the fat is saturated.

Fact: Red meat is a leading source of iron; one three-ounce serving of beef supplies 26 percent of the recommended daily allowance for an adult male. And this is "heme iron," a type that is three to five times more easily absorbed by the body. Heme iron also has a booster effect on iron in other foods eaten with the meat. (Much of the iron in spinach, for instance, is not available unless eaten in combination with another food.)

Fact: Three ounces of lean roast beef contain 169 calories; the same amount of lean chicken without skin has 174 (dark) and 147 (light); broiled salmon steak has 167.

How much beef should we eat? Nutritionists generally advise that a daily diet should include two three-ounce servings from the meat-poultry-fish-beans group, which includes beef, veal, lamb, pork, poultry, fish, shellfish, dry beans, eggs, seeds, nuts and peanut butter. Although you don't need to eat beef to get a full complement of protein, vitamins and minerals, red meat unquestionably offers important, high-quality nutrients in a relatively low-calorie package that is tasty and satisfying. Variety, of course, is also important in diet, since each food in the four food groups—including also the fruit-vegetable, bread-cereal and milk-cheese groups—offers its own unique pattern of essential nutrients.

By showing us how to use this variety in a common-sense manner, Julia Child has become America's leading lady of food. Between takes of her new TV show "Dinner at Julia's" the star was asked what her favorite entrée was. "Beef!" she exclaimed. "I'm a red-meat eater. I feel I need red meat to keep my blood circulating, my color good and my energy up."

Most Americans would agree.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

● Mrs. SCHROEDER. Mr. Speaker, I was absent the evening of June 27. Had I been present, I would have voted as follows:

Rollcall, No. 249; "No."
Rollcall, No. 250; "Yes."
Rollcall, No. 251; "Yes."
Rollcall, No. 252; "No."
Rollcall, No. 253; "Yes."
Rollcall, No. 254; "Yes."
Rollcall, No. 255; "Yes."●

THE MEGACORPORATE WORLD OF RONALD REAGAN

(Mr. WEISS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WEISS. Mr. Speaker, following are the remarks of Ralph Nader at the National Press Club, Washington, DC, on June 6, 1984:

THE MEGACORPORATE WORLD OF RONALD REAGAN

Many years ago when some of our Nation's political leaders were wise, Thomas Jefferson said that the purpose of representative government was to curb "the excesses of the monied interests." Many decades later, in 1936, Franklin D. Roosevelt, one of the last Presidents to hold corporations accountable for the state of the economy, promised that while "the malefactors of great wealth" had met their match in the previous four years, they would meet their master in the following four years.

Ronald Reagan thinks and acts to the contrary. During Mr. Reagan's first term, the malefactors of great wealth, now described as big business or multinational corporations, have regularly met their obedient servant in the White House. And the power of "the monied interests" has become ever more focused on turning representative government into a versatile accounts receivable for too many mismanaged, speculating, negligent, avaricious, unsafe or downright criminal companies. This Reagan-corporatist revolution, whereby business regulates government in pursuit of private profit at the expense of the legitimate interests of Americans as taxpayers, consumers and citizens, has little to do with being conservative. It has everything to do with building a government of the Exxons, by the General Motors and for the DuPonts.

So systematic, recurrent and widespread are these retrograde policies against basic, Historic American values, as shall be noted shortly, that political commentators have wondered aloud how Mr. Reagan can still be so much in the running for re-election. The implication in their observations is proper: Presidents should be judged for what they do, not for what they say, or what they say they do. These commentators still expect a framework of accountability around the White House that includes the departments and agencies of the executive branch directed largely by Presidential appointees or schedule C personnel.

"The teflon President,"—one of those very apt descriptions by Democrats that ironically serves mainly to encourage their discouragement about November—has a strategy for irresponsible power that invites closer scrutiny.

Rule one is never get openly involved in the details. He who rises by details falls by details could be his motto. Stay abstract, preferably using heroic phrases of reassurance and national pride.

Rule two is amiability—especially in "aw shucks" demeanor with lots of even-toned voice, pendant smiles and head shrugs. Remember Reagan in China. When asked by American reporters what he thought of Peking censoring his remarks on Chinese television, he replied with a slight smile: "You fellows do it all the time." Imagine how Nixon would have been treated had he tried that one.

Rule three is to insulate the President from impromptu media exposure. Have your aides even joke about it, as Lyn Nofziger did on the campaign trail in 1980 when he told reporters "I've got Ronnie under house arrest from you guys."

Rule four is to induce condescension. If people think they are so much smarter than you, then they don't expect much and they forgive more.

Rule five is to create a banality of wrongdoing, of cruelty, of hypocrisy, of selling the country short. Banality avoids the constant search for novelty by media and helps opposing politicans throw up their hands in despair. Any president whose administration can incite the response of the jaded—"so what else is new"—is already almost out of the woods. Banality is nourished by frequency, a numbing frequency of abuses whose very quantity depreciate their provocative impact.

Rule six is to seize the semantics and make the symbols into one's own political ideology.

Rule seven is to be blessed by an opposition party that has largely surrendered the basic contention of politics—namely that of challenging the mal-distribution of power between the haves and have nots. The formula which used to win again and again for the Democrats—that they were the party of the people and the Republicans were the party of the rich—is no longer used in these times of massive campaign finance beggary and the giant corporate lock on an economy increasingly within their prerogative to transfer operations overseas or close down plant by plant. People see this overlap by the two parties in currying the favor of business interests. Deprived of distinct political choice, citizens begin to doubt the credibility of the out of office party when it claims it will be different. The candidates, who can convince that there will be a difference on concrete policy after concrete policy, will move people's minds.

The radical regime of Ronald Reagan does provide a background against which there indeed can be significant choices affecting the perceived needs and rights of citizens. Here are some of the directions pursued by the Reagan-big business axis:

1. The concentration of power within government and business has increased in both political and economic manifestations. The corporate merger movement, given the green light by Reagan, is moving from rabid to frenzied. Nine of the ten largest mergers in U.S. history have occurred under the permissive reign of Reagan. It is difficult to know what limits Reagan would put on mergers, most of which promise no greater efficiencies, no economies of scale, no market discipline of bad management (sans golden parachutes) and no new jobs. His former Justice Department antitrust chief, William Baxter said: "there is nothing written in the sky that says the world would not be a perfectly satisfactory place if there were only 100 companies, provided each had one percent of every product and service market." Nothing written in the sky, but there is much written in the anti-monopoly laws, their legislative history and judicial decisions that would give pause to such a concentrated political economy. Corporate bigness makes its demands on small business and the consumer in prices, in political manipulation and in being too big to fail without a bailout. And the loss of the family farm in the tens of thousands each year to agribusiness and banks receives no attention from this former rural Illinois native who extolls this way of life when he wants votes and then forgets after the election.

Over at the Federal Communications Commission, with Mr. Reagan's full support, his appointees want to eliminate the few viewer's rights under the fairness and equal time doctrines. They want to repeal 7-7-7 limitation (7 AM, 7 FM and 7 TV) stations which can be under a single owner and allow a vastly greater concentration of electronic media ownership.

There is greater concentration of power from many agencies to one—the office of management and budget—within the federal government. OMB makes political judgments, invites back door ex parte meetings with business lobbyists, excludes the public from its right to know and respond under the administrative procedures act, and generally translates unilateral White House dictates in violation of fair play, and by some expert opinion, in violation of administrative laws as well. The Reagan government also keeps Americans out of its decision-making processes by ending legal aid for poorer petitioners before regulatory agencies such as the Federal Trade Commission, by using every technical objection to deny citizens legal standing to challenge their government and by giving early preferential notice of proposals to their industrial and commercial friends. If there is any company on the fortune 100 list that objects to these anti-democratic powerplays, it has kept a very low visibility.

2. There is a wholesale repudiation of the historic role of American governments to protect or expand the public's health and safety. Health and safety laws go unenforced or underenforced below even laggard levels of the past. The food and drug administration's enforcement level is down, so are the enforcement actions against dirty meat and poultry plants and violators of motor vehicle regulations. The enforcement record at OSHA—the job safety agency—is a disgrace made worse by Reaganite reductions in real inspections and redrawing of what constitutes sanctionable violations. Since taking office, Reagan has not issued a single new worker health standard to limit any chemical or gas, though dozens in January 1981 were nearly ready to be issued to reduce cancer, emphysema, and other diseases in the workplace that claim about 100,000 American lives a year. Only one motor vehicle standard has emerged—that dealing with rear mounted lights on automobiles, while several critical lifesavers were revoked or shunted aside. The list can go on and on to demonstrate that Mr. Reagan has very little interest in saving American lives when that objective inconveniences the wishes of his corporate masters.

With the stroke of Transportation Secretary Drew Lewis' pen, a lifesaving, crash protection standard was illegally repealed (according to a 9-0 decision by the U.S. Supreme Court) and thousands of Americans are now dying or being seriously injured every year in frontal collisions by their non-crashworthy cars. Mr. Reagan campaigned against this humane and economical engineering system right along with General Motors which pressed upon him this Macabre position. The same pattern recurs in one industry after another. What do the pesticide companies want? Just follow the Reagan trail of waivers and exceptions for dangerous pesticides, the absence of regulatory action against suspected farm chemicals, the virtual cessation of testing foods for pesticide residues and the reduction of research for non-toxic ways of controlling pests.

The sordid behavior of Reagan's environmental protection agency in bowing to corporate polluters on demand has been reported many times. But Mr. Reagan's responsibility needs to be made clearer. EPA chief, Ann Gorsuch, did the President's bidding. It was the Reagan White House that stopped the new EPA Chief, William Ruckelshaus, from doing anything to reduce the sources of acid rain. It is Mr. Reagan and the corporate polluters who oppose overdue implementation of stricter safety standards for America's drinking water—now so contaminated with heavy metals and cancer-causing chemicals. The corporate polluters want the air and water pollution laws severely weakened. Many polls conclude that the overwhelming majority of people want them strengthened. Ronald Reagan joins with his corporate patrons on these issues as well. Even in the field of toxic waste dumps, scarring and poisoning the America that he professes to revere, Mr. Reagan exerts no leadership. For the great communicator, there is no time for compassionate recognition of victims of corporate abuses, corporate cancer and other forms of industrial violence. It is as if there needed to be proof that the contamination of America's air and water were the products of an international Communist conspiracy before Mr. Reagan would leap into action. Alas, for those sick or dying under Reagan—the real king of the special interests, as a Washington Post headline put it—there is no such relief ahead.

But Mr. Reagan's insensitivity seems at times to go beyond taking orders from business. It reaches to unchartable realms of indifference and irresponsibility that congeal to form a type of intellectual incontinence. Some may call his hard line determination against law and order for corporations and his softness on corporate crime to be totally the result of an ideologically indentured mind perfectly attuned to his political creators—the multimillionaires of the southern California kitchen cabinet who, like a sure winner horse, selected, groomed, trained and financed him for Sacramento and finally for Washington. It is all that but more.

How else can anyone explain why Mr. Reagan would so mistreat the most vulnerable in our society when he could so easily defend their right to live in health, safety, and dignity? Infants and children surely cannot be expected "to vote with their feet," Mr. Reagan. Yet, in 1981, he pushed to drop requirements that gasoline refiners reduce the amount of lead in gasoline. Too many little children in this country already have the devastating symptoms of lead poisoning for more lead violence to be allowed in their bodies. What of asbestos in thousands of school buildings? Despite visible protests from concerned parents, Mr. Reagan and Mr. Stockman refused to ask Congress to appropriate any money to help seal or remove exposed asbestos surfaces spinning off deadly microscopic particles into those young lungs. This commander in chief, who has never met a weapons system he didn't like, wanted to abolish the Consumer Product Safety Commission—a tiny agency with a major mission of protecting children from household and other product hazards. With an annual budget less than two hours of Pentagon expenditures the CPSC did not fit within Mr. Reagan's definition of defense in depth. Fortunately Congress disagreed so just the budget was cut. There is more. After mothers of brain damaged infants lobbied through Congress a bill to have the food and drug administration establish quality control standards for commercial infant formula, Mr. Reagan's White House delayed the issuance of these regulations for eighteen months. Without press exposure, the delay may have been longer. Because of the lack of care and compassion so characteristic of this administration three million additional cans of deficient formula were sold to unsuspecting parents.

Two years ago, health officials at the Food and Drug Administration wanted to require aspirin makers to place a label on their product warning about Reye's Syndrome, a disease causing convulsions and sometimes death in some children who take aspirin when they have chicken pox or the flu. The White House's OMB intervened on behalf of aspirin manufacturers and blocked both the move and a half million copies of pamphlets cautioning parents which were to be distributed through supermarkets. Again there was wide publicity of this intra-government struggle but Mr. Reagan let the aspirin industry prevail.

It was said about Woodrow Wilson that he disliked individuals but loved humanity. The reverse seems to apply to Mr. Reagan with the qualification that individuals are those who are his friends or politically useful symbols during photo opportunities. He brought back, with calculated media exposure, two Korean children who needed operations. Would that he wield his great powers as President on behalf of America's infants and children instead of reducing special nutrition programs for pregnant women who are poor and their newly born.

He must know by now that consistently polls are showing sizable majorities of people dislike his policies though they think he is a nice fellow. As long as that anomaly continues, he has little incentive to sensitize himself by meeting with active victim groups such as the disabled, whom he could help. He has little incentive to ask his

speech writers for genuine declarations of his compassionate recognition of their plight and determination to alleviate pain and prevent further trauma and disease.

Recently a young pediatrician took a long unpaid leave of absence from his California practice to crusade for a reinstatement of the crash protection standard (commonly called the airbag rule). He has received some mass media coverage of his efforts. He held a well prepared vigil of physicians at Lafayette Park one Saturday afternoon and delivered a "visual letter" on video tape to the President. The White House, I subsequently learned, did not even bother to do the routine thing and forward it to the Secretary of Transportation. The doctor wondered why he and his fellow physicians could not see the President on a matter that public health specialists have called the single most effective domestic life saving decision that the Administration is in a position to make this year and perhaps for many years. I could have told the physician, recalling the list of past visitors to the President, that he did not qualify for a meeting since he had not won a boxing championship, performed a decisive slam-dunk or won an Emmy.

Mr. Reagan is consistent with his pitiless deregulatory generalities. Had Congress not stopped him, he would have abolished many crucial health and safety requirements imposed on the heavily tax-supported nursing home industry. Instead of firmer enforcement efforts and more adequate standards, he was content to leave defenseless the more than one million elderly in nursing homes.

3. So extreme is the President's corporatism that he is finding more genuine conservative groups taking sharp issue with his policies. In a little reported evolution that may change the future complexion of American politics, organizations who call themselves conservative populists are teaming up with their progressive counterparts to oppose corporate bailouts. Last year this coalition defeated the breeder reactor boondoggle—a high Reagan priority. In 1981 it nearly defeated the legislation regarding the Alaska gas pipeline that would coerce consumers into paying for the pipeline even if they did not receive any natural gas because the project was not completed. The synfuel industry's welfare project is under similar pressure, though its predicted mismanagement and awful economics appear to be self-dismantling. This new coalition put up a strong fight against the Reaganite bailout of the big U.S. banks that made such imprudent loans at skyhigh interest rates to foreign countries. Reagan, who spent years lecturing around the country for General Electric on the virtues of sink or swim free enterprise, has become the most prominent advocate of big business bailouts in American history. If this all goes against his philosophic grain, it demonstrates the contrary power of giant business over his government. His formerly strong belief in states rights is surrendered when companies want his backing for a weaker federal law replacing the adaptable common law in the fifty states that gives people injured by dangerous products rights to sue and recover compenstion from manufacturers. It is surrendered when the banks demand that his agencies preempt stronger state regulations designed to protect depositors and borrowers. It is surrendered again when the nuclear industry wants him to strip state and local governments of their police power over the transportation of radioactive materials throughout their communities. Corporatizing the ex-conservative Ronald Reagan is a routine matter these days, even when Wall Street's economic and tax policy demands result in placing main street, with its small businesses, at a comparative disadvantage.

The simplest of international decencies are rejected by the Reagan administration in obeisance to the multinationals. Mr. Carter's executive order, issued to restrain the export from this country of hazardous products illegal for domestic sale but not for export (e.g. certain drugs, pesticides) or to stop outright illegal exports, was revoked early in this Republican administration. And now with Mr. Reagan's knowledge and support, a clutch of global corporations, state and commerce department officials and this government's UN mission is working to stop the United Nation's draft guidelines on consumer protection. These principles of consumer safety and economic rights, the freedom to form consumer associations and the like are drawn heavily from U.S. law and practice. They are just principles, having no force of authority but meant to have a moral impact on many countries and companies. Suggesting that the world has something to learn from U.S. consumer protection achievements over the past century is apparently too provocative for the corporate statists in the Reagan camp. They seem unmindful of the disasters that have occurred in Third World countries, not a few generated by western corporations taking advantage of the absence of indigenous consumer safeguards.

Such unmindfulness has become a habit. The Reagan government is the only member of the United Nations to vote against a UN resolution seeking to deter the kind of dumping of hazardous materials as occurred with the export of tris-treated (a carcinogen) children's pajamas from the U.S. All our allies voted the other way. The World Health Organization, with just one dissent, that of Ronald Reagan, approved a code for better marketing practices for infant formula promotion. This code was stimulated by the death of millions of Third World babies during the seventies linked to over-promotion of infant formula through scare techniques and other deceptions in conjunction with unsanitary village water sources. This tragedy has been reported in the context of the Nestle boycott that was recently settled with international children's defense groups.

5. Every President has a unique mission of trust imposed upon him by certain conservation laws, some of them enacted by Republican-dominated Congresses and Presidents early in this century. I refer to the Federal lands onshore and offshore with those glorious wildernesses and natural resources for present and future generations of Americans to enjoy and preserve. These lands comprise one-third of our Nation from the pristine wilds of Alaska to the Barren deserts of Arizona (a prime solar energy region someday). Does Mr. Reagan use his communications skills to graphically etch in the minds of more Americans the grandeur and permanence of his public trust? No, although he no longer talks about his support of the sagebrushers who want the States to have these lands on their way to private ownership and exploitation. Instead, he launched, through his agent James Watt, the biggest giveaway program to corporations in modern American history. The Reagan-Watt team wanted to lease billions of acres of offshore lands so fast that the oil company beneficiaries-to-be has to say "Whoa, we can't absorb that rapid a transfer." So they settled for merely massive leaseholds on public lands whose oil and gas potential the Government could not independently verify. In a glutted market of declining prices, Reagan-Watt proposed to lease as much coal in fifteen months as eleven administrations have done in the 63 years since the Government began to lease its coal-bearing lands. These men knew that the coal and oil companies were sitting on existing Federal coal leases without producing any coal. What these companies want is not to produce but to control huge reserves of the people's resources at giveaway prices obtained in a depressed market. Reagan was all too eager to deliver, until organized civic oppositon retired Watt and cooled off an election-sensitive President.

One would at the very least expect Mr. Reagan to want to give taxpayers (that majority of the taxpayers who will pay more in total taxes in 1984 than in 1980) value for what they paid Government contractors to develop. Not at all. By presidential directive, agencies are urged to turn over to companies exclusive patent rights to Government-financed discoveries to the fullest extent permissible. This is one of many areas of corporate privilege to which the Reaganites neglect to apply their cost-benefit formula. But then how can a formula so often rigged to cater to corporations be applied against them?

6. The curtain around Reagan's corporate state is one of intense secrecy whose function of excluding the public's participation and monitoring is nourished by a rising base of zero data. This is an administration that does not want to know what corporations do; it has stopped collecting much data about the large oil companies. It has stopped collecting data about line of business reporting by conglomerates. Referring to across-the-board cuts in Federal statistical gathering services, university of Chicago Dean William Kruskal wrote: "When a vessel is in stormy seas, it is foolhardy to cut corners on radar, navigational equipment, good maps, and ample, well-trained crews." Coupled with not wanting to know, the Government has defined as trade secrets whatever information supplied the Government that companies want withheld from the public. The price of Government reports and pamphlets has skyrocketed to levels reachable only by the affluent or desperate. Look at the Government Printing Office's price list and you will see pamphlets of only a few pages selling for over $2 each. Price hikes have driven the number of publications requested from the Government's consumer information center in fiscal 1984 to half of what they were in fiscal 1982. Many publications, such as the popular car book have been discontinued. Citizens wanting to be placed on mailing lists of the FCC or the ICC for agency press releases are referred to private contractors who will sell you this service. The principle of the broadest possible distribution of information about what the Government is doing and deciding has been destroyed. The pretext is that the user should pay and as printing volume declines the prices go up in a vicious circle of exclusion. The Government pays almost $100 million a year for marching bands. (twice as much as the cost of administering the Freedom of Information Act) and there are no viewer fees charged there.

To top off Reagan's darkness at noon, the basic research and development which elevates awareness of hazards to be averted and opportunities to be developed have been

severely weakened due to industry demands. Thus, the experimental safety vehicle program and the fuel economy research program have been closed down. Sharply reduced are research undertakings in energy conservation, cancer prevention, drug safety, toxic chemicals and consumer product safety. Such inquiries could lead to stronger future safety standards—a prospect companies usually like to cut off at the pass. What is so deplorable about Mr. Reagan is that his supine relations with business brings out the worst in corporate behavior. Executives see that they do not have to do safety research or be concerned about compliance with laws that are not about to be enforced. General Motors' chairman, Roger Smith, disbanded the company's crack air bag technology development section unit in April 1981 after learning that Transportation Secretary Drew Lewis was going to scrap the automatic crash protection regulation. Companies that stretch to advance the cause of safety, as have State Farm and Allstate, receive no plaudits, no medals, no encouragement from the man in the White House. If anything, these firms think they may be inviting resentment for their efforts.

All in all, the Reagan Government is the consummate promoter of the rich and powerful when the latter are arrayed against the interests of the rest of America. We must not forget that it is not just Reagan who occupies that eminent political office. It is the network of collegial business interests who have learned so well that the essence of privilege in America's marketplace today requires control over the Government's powers and its public wealth. Subsidies, monopolistic licenses, protectionism, selective enforcement, lucrative contracts, loan guarantees, bailouts, and the free results of expensive research and development are among the dispensations of modern uncle sugar in Washington, D.C. Together these goodies make a bustling bazaar of corporate welfare and largess that requires nurturing and enlargement. Toward this objective it helps to have your own business agent in the White House. It helps to have someone who does not raise the expectation levels among Americans.

Americans have every right to expect some solutions to their everyday afflictions, some value for their everyday tax dollars and some voice for their everyday concerns, Some remedies for their everyday injustices, and some civic mechanism for building their futures.

Citizenship—its empowerment and widespread excercise is a prerequisite for a sound, democratic society. Leadership that empowers more people, that reduces the severe concentration of power and information, and that lifts a nation into missions of accomplishment which will increase justice, happiness and opportunity—that is the leadership for citizens, involving themselves in a national political campaign, to demand. And so too should the media rise to its higher responsibilities in reporting the White House and not mimeographing its rhetoric.

Our history has demonstrated that the well-being of society springs from the growth of daily, active citizenship that provides an enabling environment for good leaders to come forth. Put in today's terms, citizens in our country need to spend more time being citizens. That is the real bottom line.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MARTIN of New York) to revise and extend his remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. WIRTH, for 5 minutes, today.
Mr. MONTGOMERY, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. STRATTON, for 5 minutes, today.
Mr. BRITT, for 5 minutes, today.
Mr. DE LA GARZA, for 5 minutes, today.
Mrs. SCHROEDER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WEISS, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,455.

(The following Members (at the request of Mr. MARTIN of New York) and to include extraneous matter:)

Mr. MCKERNAN.
Mr. PHILIP M. CRANE.
Mr. WORTLEY in two instances.
Mr. HAMMERSCHMIDT.
Mr. PORTER.
Mr. MICHEL in two instances.
Ms. SNOWE.
Mr. GEKAS.
Mr. RUDD.
Mr. GILMAN.
Mr. HYDE.
Mr. MILLER of Ohio in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MAZZOLI.
Mr. LEHMAN of Florida.
Mr. BREAUX.
Mr. ANNUNZIO.
Mr. LANTOS in four instances.
Mr. DE LA GARZA in 10 instances.
Mr. HAMILTON in three instances.
Mr. MOODY.
Mr. DINGELL in two instances.
Mr. YATRON.
Mr. OBEY.
Mr. OTTINGER.
Mr. EVANS of Illinois.
Mr. WON PAT.
Mr. SAM B. HALL, JR.
Mr. RAHALL.
Mrs. SCHROEDER.
Mrs. COLLINS.
Mr. FLORIO.
Mr. DYSON.
Mr. OBERSTAR.
Mr. WEISS.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 11 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 25, 1984, at 10 a.m.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3781. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-175, "Parentage and Support Proceedings Reform Act of 1984", and Report, pursuant to Public Law 93-198, section 602(c), to the Committee on the District of Columbia.

3782. A letter from the Secretary of Education, transmitting final regulations for the Regional Education Laboratories and Research and Development Centers Program scheduled for publication in the Federal Register, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3783. A letter from the Secretary of Transportation, transmitting a copy of a proposed Federal motor vehicle safety standard for occupant crash protection, pursuant to Public Law 89-563, section 125(c) (88 Stat. 1482); to the Committee on Energy and Commerce.

3784. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14,000,000 or more (Transmittal No. MC-24-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3785. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Leon Jerome Weil, Ambassador-designate to the Kingdom of Nepal, pursuant to Public Law 96-465, section 304(b)(2): to the Committee on Foreign Affairs.

3786. A letter from the Secretary of the Interior, transmitting a notification of leasing systems for the Diapir Field, sale 87, scheduled to be held in August, 1984, pursuant to the Act of August 7, 1953, chapter 345, section 8(a)(8) (92 Stat. 640); to the Committee on Interior and Insular Affairs.

3787. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for the emergency appointment of bankruptcy judges; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUGHES: Committee on the Judiciary. H.R. 5616. A bill to amend chapter 47 of title 18 of the United States Code to provide penalties for fraud and related activities in connection with access devices and computers, and for other purposes; with an amendment (Rept. No. 98-894). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5818. A bill to amend the Federal Hazardous Substances Act to apply the notice and repair, replacement, and refund provisions of that act to defective toys and other articles intended for use by children. (Rept. No. 98-895). Referred to the Committee of the Whole House on the State of the Union.

Mr. ALBOSTA: Committee on Post Office and Civil Service. H.R. 5917. A bill to amend the Ethics in Government Act of 1978 to provide for programs designed to inform Federal employees of applicable standards of conduct, to improve the administration of ethics programs in the Federal Government, and for other purposes (Rept. No. 98-896, Pt. I). Ordered to be printed.

Mr. WHEAT: Committee on Rules. House Resolution 550. Resolution providing for the consideration of H.R. 11, a bill to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes. (Rept. No. 98-897). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 551. Resolution waiving certain points of order against H.R. 5973, a bill making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes. (Rept. No. 98-898). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 552. Resolution providing for the consideration of H.R. 3953, a bill to amend the Panama Canal Act of 1979 in order that outside-the-locks claims for vessels damaged may be resolved in the same manner as those damaged inside the locks, and for other purposes. (Rept. No. 98-899). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 553. Resolution providing for the consideration of H.R. 5220, a bill to protect the national defense shipyards of the United States, and for other purposes. (Rept. No. 98-900). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 5872. A bill to amend title 18 of the United States Code with respect to certain bribery and related offenses; with amendments (Rept. No. 98-901). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5526. A bill to amend title 18 of the United States Code with respect to escape from custody resulting from civil commitment; with an amendment (Rept. No. 98-902). Referred to the Committee of the While House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5946. A bill to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservaton Service; with an amendment (Rept. No. 98-903). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A BILL INITIALLY REFERRED UNDER TIME LIMITATION

Under clause 5 of rule X, the following action was taken by the Speaker:

Consideration of H.R. 5640 by the Committee on Public Works and Transportation extended for an additional period ending not later than July 27, 1984.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DYMALLY (for himself and Mr. BLILEY):

H.R. 6007. A bill to establish certain procedures regarding the judicial service of retired judges of District of Columbia courts, and for other purposes; to the Committee on the District of Columbia.

By Mr. DELLUMS (for himself, Mr. FAUNTROY, Mr. GRAY, and Mr. SEIBERLING) (by request):

H.R. 6008. A bill to increase the rate of compensation of citizen members of the National Capital Planning Commission from $100 per day to the daily equivalent of the rate established for positions at level V of the Executive Schedule; to the Committee on the District of Columbia.

By Mr. APPLEGATE (by request):

H.R. 6009. A bill to amend title 38, United States Code, to improve veterans' benefits for former prisoners of wars; to the Committee on Veterans' Affairs.

By Mr. ARCHER:

H.R. 6010. A bill to amend title 5, United States Code, to establish a limit on the retirement pay and annuities for retired Federal civilian and military personnel which is based on the rate of pay payable for those in active service; jointly, to the Committees on Armed Services and Post Office and Civil Service.

H.R. 6011. A bill to establish a commission to review Federal retirement systems; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. CONYERS:

H.R. 6012. A bill to amend title 18, United States Code, with respect to sentencing, and for other purposes; to the Committee on the Judiciary.

By Mr. MITCHELL:

H.R. 6013. A bill to amend the Small Business Act; to the Committee on Small Business.

By Mr. MURPHY (for himself, Mr. SIMON, Mr. WILLIAMS of Montana, and Mr. BIAGGI):

H.R. 6014. A bill to amend the Education of the Handicapped Act to authorize the award of reasonable attorneys' fees to certain prevailing parties, and to clarify the effect of the Education of the Handicapped Act of rights, procedures, and remedies under other laws relating to the prohibition of discrimination; to the Committee on Education and Labor.

By Mr. OTTINGER:

H.R. 6015. A bill to abolish the National Advisory Committee on Oceans and Atmosphere; to the Committee on Merchant Marine and Fisheries.

By Mr. PAUL:

H.R. 6016. A bill to amend the National Flood Insurance Act of 1968 to permit participating communities to exempt certain property from land use and control measures, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DASCHLE:

H.R. 6017. A bill to allow the city of Aberdeen, SD, to retain easements in certain lands after the abandonment of certain railroad rights-of-way by the Chicago & Northwestern Transportation Co.; to the Committee on Interior and Insular Affairs.

By Mr. MAZZOLI:

H.J. Res. 627. Joint resolution designating the week of October 7-13, 1984, as "National Cheeseburger Week"; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H. Res. 554. Resolution providing for the consideration of the Senate amendment to H.R. 1310; considered and postponed until July 25, 1984.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

438. By the SPEAKER: Memorial of the House of Representatives of the State of Louisiana, relative to the concept of "High Frontier" technology; to the Committee on Armed Services.

439. Also, memorial of the legislature of the State of California, relative to persons with disabilities; to the Committee on Education and Labor.

440. Also, memorial of the legislature of the State of California relative to POW/MIA Recognition Day; to the Committee on Foreign Affairs.

441. Also, memorial of the legislature of the State of Louisiana, relative to the participation of the Soviet Union in the 1984 Olympic games; to the Committee on Foreign Affairs.

442. Also, memorial of the legislature of the State of California, relative to designating the Los Angeles Memorial Coliseum a national historic landmark; to the Committee on Interior and Insular Affairs.

443. Also, memorial of the senate of the State of Michigan, relative to creating additional wilderness areas in Michigan's upper peninsula; to the Committee on Interior and Insular Affairs.

444. Also, memorial of the legislature of the State of California, relative to hazardous waste incineration; to the Committee on Merchant Marine and Fisheries.

445. Also, memorial of the legislature of the State of Louisiana, relative to the construction of an interstate highway between Denver, CO, Oklahoma City, OK, and New Orleans, LA; to the Committee on Public Works and Transportation.

446. Also, memorial of the legislature of the State of California, relative to the Cal-Vet farm and home loan program; to the Committee on Ways and Means.

447. Also, memorial of the legislature of the State of California, relative to Social Security; to the Committee on Ways and Means.

448. Also, memorial of the legislature of the State of California, relative to the tuna industry; to the Committee on Ways and Means.

449. Also, memorial of the legislature of the State of Louisiana, relative to innovative welfare reform programs; to the Committee on Ways and Means.

450. Also, memorial of the legislature of the State of Texas, relative to the Federal regulation of State and local pension systems; jointly, to the Committee on Education and Labor and Ways of Means.

451. Also, memorial of the legislature of the State of Texas, relative to the Public Employee Retirement Income Security Act; jointly, to the Committee on Education and Labor and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LIVINGSTON introduced a bill (H.R. 6018) for the relief of Ernst B. Coumou; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 881: Mr. JENKINS.

H.R. 1200: Mr. HOWARD.

H.R. 1676: Mr. BONER of Tennessee, Mr. FLIPPO, Mr. FASCELL, Mr. JACOBS, Mrs. JOHNSON, Mr. ROBINSON and Mr. WYLIE.

H.R. 1800: Mr. BENNETT, Mr. BEDELL, Mr. BILIRAKIS, Mr. BOSCO, Mr. DARDEN, Mr. GREGG, Mr. HORTON, Mr. JONES of Oklahoma, Mr. WALKER, Mr. MCCAIN, Mr. MCCLOSKEY, Mr. MICA, Mr. MCKERNAN, Mr. MOLINARI, Mr. NICHOLS, Mr. ROWLAND, Mr. RICHARDSON, and Ms. SNOWE.

H.R. 1815: Mr. AKAKA.

H.R. 1937: Mr. HARTNETT.

H.R. 1952: Mr. BEREUTER, Mr. DYMALLY, and Mr. TORRICELLI.

H.R. 2053: Mr. BOUCHER and Mr. PATTERSON.

H.R. 2116: Mr. LAFALCE, Mr. WEISS, Mr. COURTER, Mrs. KENNELLY, Mr. ORTIZ, Mr. MOODY, Mr. WAXMAN, and Mr. WOLPE.

H.R. 2276: Mr. OWENS.

H.R. 2902: Mr. MONTGOMERY and Mr. TAUKE.

H.R. 2996: Mr. MARTINEZ, Mr. MICA, Mr. CAMPBELL, Mr. VOLKMER, Mr. RINALDO, Mr. MCHUGH, Mr. NELSON, and Mr. JONES of North Carolina.

H.R. 3277: Mr. RANGEL.

H.R. 3361: Mr. JENKINS.

H.R. 3502: Mr. LEWIS of Florida, Mr. MICA, Mr. PENNY, Mr. MORRISON of Washington, and Mr. LAGOMARSINO.

H.R. 3750: Mr. VOLKMER and Mr. OTTINGER.

H.R. 4039: Mr. PATMAN.

H.R. 4078: Mr. OWENS.

H.R. 4272: Mr. ADDABBO, Mr. MRAZEK, and Mr. HUTTO.

H.R. 4273: Mr. ADDABBO, Mr. MRAZEK, Mr. KOSTMAYER, and Mr. HUTTO.

H.R. 4274: Mr. ADDABBO, Mr. MRAZEK, Mr. KOSTMAYER, and Mr. HUTTO.

H.R. 4356: Mr. COUGHLIN.

H.R. 4402: Mr. JEFFORDS.

H.R. 4440: Mr. GUARINI, Mr. HAYES, Mrs. KENNELLY, Mr. RATCHFORD, and Mr. WHEAT.

H.R. 4447: Mr. CONTE.

H.R. 4459: Mr. KLECZKA.

H.R. 4549: Mr. DARDEN.

H.R. 4571: Mr. BEILENSON, Mr. CHANDLER, Mr. CONYERS, Mr. LENT, and Mr. MCHUGH.

H.R. 4617: Mr. VENTO.

H.R. 4629: Mr. IRELAND.

H.R. 4760: Mr. FOGLIETTA.

H.R. 4877: Mr. GRAMM.

H.R. 4901: Mr. TORRICELLI.

H.R. 4966: Mr. DICKINSON, Mr. KASICH, and Mr. MURTHA.

H.R. 5015: Mr. BORSKI, Mr. DREIER of California, and Mr. BRITT.

H.R. 5176: Mr. MITCHELL, Mr. ROBERTS, Mr. MRAZEK, Mr. JONES of North Carolina, Mr. WILLIAMS of Montana, Mr. NEAL, Mr. CONYERS, Mr. SPRATT, Mr. WHITTAKER, Mr. WHITLEY, Mr. STANGELAND, Mr. DERRICK, Mr. WILSON, Mr. FORD of Tennessee, Mr. BRITT, and Mr. BOUCHER.

H.R. 5232: Mr. COOPER, Mr. CROCKETT, Mr. DASCHLE, Mrs. SCHROEDER, Mr. ADDABBO, Mr. MACKAY, Mr. YOUNG of Alaska, Mr. ORTIZ, and Mr. RICHARDSON.

H.R. 5305: Mr. KOSTMAYER and Mr. DORGAN.

H.R. 5310: Mr. EMERSON, Mr. JACOBS, Mr. DANNEMEYER, Mr. PACKARD, Mr. MOORHEAD, Mrs. HALL of Indiana, Mr. PATMAN, Mr. CRAIG, and Mr. SWIFT.

H.R. 5381: Mr. MCNULTY, Mr. DIXON, Mr. LANTOS, Mr. MCHUGH, Mr. LUNDINE, and Mr. LEHMAN of Florida.

H.R. 5386: Mr. BIAGGI, Mr. MINETA, Mr. STRATTON, Mr. SEIBERLING, Mr. MAVROULES, Mr. FRANK, and Mr. BILIRAKIS.

H.R. 5411: Mr. BATES, Mr. LAGOMARSINO, Mr. FRANK, Mrs. BOXER, Mr. VANDERGRIFF, Mr. WEISS, Mr. FOGLIETTA, Mr. WON PAT, Mr. ROE, Mr. HAYES, Mr. ORTIZ, and Mr. RICHARDSON.

H.R. 5479: Mr. DURBIN.

H.R. 5529: Mr. COLEMAN of Missouri and Mr. FRANKLIN.

H.R. 5569: Mr. ADDABBO, Mrs. BURTON of California, Mr. BRYANT, Mr. CORRADA, Mr. FAZIO, Mr. HARRISON, Mr. LOWERY of California, Mr. PATTERSON, Mr. PORTER, Mr. ROWLAND, and Mr. SWIFT.

H.R. 5616: Mr. TORRICELLI.

H.R. 5621: Mr. WIRTH.

H.R. 5638: Mr. ROBINSON, Mr. MONTGOMERY, and Mr. DEWINE.

H.R. 5640: Mr. MACKAY, Mr. RANGEL, and Mr. MRAZEK.

H.R. 5647: Mr. HORTON, Ms. OAKAR, and Mr. CONYERS.

H.R. 5649: Mr. ZSCHAU.

H.R. 5656: Mr. TORRICELLI.

H.R. 5664: Mr. FRANK.

H.R. 5675: Mr. KLECZKA, Mr. SPRATT, Mr. WALGREN, and Mr. WEAVER.

H.R. 5737: Mr. ALBOSTA.

H.R. 5754: Mr. BENNETT.

H.R. 5791: Mr. WHITTEN, Mr. OLIN, and Mr. TAYLOR.

H.R. 5838: Mr. MARTINEZ.

H.R. 5845: Mr. ANDREWS of Texas, Mr. AUCOIN, Mr. BARTLETT, Mr. CLINGER, Mr. CONYERS, Mr. DAVIS, Mr. DERRICK, Mr. GREGG, Mr. HANSEN of Utah, Mr. HILER, Mrs. HOLT, Mr. MACKAY, Mr. MCKERNAN, Mr. MICA, Mr. ORTIZ, Mr. PATTERSON, Mrs. ROUKEMA, Mr. ROBERT F. SMITH, Mr. SKELTON, Mr. WILLIAMS of Montana, Mr. WINN, Mr. YOUNG of Florida, and Mr. ZSCHAU.

H.R. 5920: Mr. STANGELAND, Mr. OWENS, Mr. SIMON, Mr. SOLARZ, Mr. DARDEN, Mrs. BOXER, Mr. MCHUGH, Mr. MARTINEZ, and Mr. FISH.

H.R. 5937: Mr. SIMON, Mr. WYDEN, Mr. LEVINE of California, Mr. HORTON, Mr. HUGHES, Mr. BATES, and Mr. WILLIAMS of Montana.

H.R. 5940: Mr. FRANK, Mr. FUQUA, Mr. HYDE, Mr. KINDNESS, Mr. HORTON, Mr. DEWINE, Mr. YATRON, Mr. PORTER, Mr. FISH, Mr. LEWIS of Florida, and Mr. FRENZEL.

H.R. 5946: Mr. OTTINGER and Mr. DINGELL.

H.J. Res. 319: Mr. PATTERSON.

H.J. Res. 469: Mr. ALBOSTA, Mr. BATES, Mr. BEREUTER, Mr. FRANKLIN, Mr. HAMILTON, Mr. KILDEE, Mr. LAGOMARSINO, Mr. NATCHER, Mr. OWENS, Mr. PERKINS, Mr. PRITCHARD, Mr. ST GERMAIN, Mr. SCHAEFER, Mr. SHELBY, Mr. DENNY SMITH, Ms. SNOWE, Mr. SNYDER, Mr. SWIFT, Mr. VOLKMER, Mr. WYDEN, and Mr. YOUNG of Florida.

H.J. Res. 489: Mr. GAYDOS, Mr. HANSEN of Utah, Mr. STAGGERS, Mr. DARDEN, Mr. MCHUGH, Mr. VOLKMER, and Mr. LIVINGSTON.

H.J. Res. 491: Mr. FOLEY, Mr. JENKINS, Mr. MATSUI, Mr. PACKARD, and Mr. RUDD.

H.J. Res. 499: Mr. KOSTMAYER, Mr. LUNGREN, Mr. YATES, Mr. HUTTO, Mrs. BYRON, Mr. DARDEN, Mr. HAMMERSCHMIDT, Mr. ST GERMAIN, Mr. LEWIS of California, Mr. HEFNER, Mr. CORCORAN, Mr. WEBER, Mr. FLIPPO, Mrs. SCHNEIDER, Mr. GREGG, Mr. SYNAR, Mr. MARTIN of New York, Mr. NELSON of Florida, Mr. STUMP, Mr. STRATTON, Mr. MONTGOMERY, Mr. DONNELLY, Mr. JONES of North Carolina, and Mr. DANNEMEYER.

H.J. Res. 505: Mr. MRAZEK, Mr. RITTER, Mr. ROSE, Mr. WILSON, and Mr. YATRON.

H.J. Res. 522: Mr. EMERSON and Mr. HUNTER.

H.J. Res. 525: Mr. GREGG, Mr. DAUB, Mr. CONYERS, and Mr. MAVROULES.

H.J. Res. 529: Mr. BETHUNE, Mr. EMERSON, Mr. OLIN, and Mr. MOORE.

H.J. Res. 545: Mr. HUCKABY, Mr. WRIGHT, Mr. SUNIA, Mr. LEVIN of Michigan, Mr. KOLTER, Mr. DE LA GARZA, Mr. NEAL, Mr. MCEWEN, Mr. KASICH, Mr. ROEMER, Mr. LEVITAS, Mr. MARKEY, Mr. MURTHA, Mr. CONTE, Mr. EDWARDS of Oklahoma, Mr. QUILLEN, Mr. MORRISON of Connecticut, Mr. KOSTMAYER, Mr. MATSUI, Mr. HAMMERSCHMIDT, Mr. SABO, Mr. GEKAS, Mr. TAUKE, Mr. MOLLOHAN, Mr. MOORE, Mr. TORRICELLI, Mr. REGULA, Mr. PACKARD, Mr. FROST, Mr. MARTIN of North Carolina, Mr. ALEXANDER, Mr. ANDERSON, Mr. BADHAM, and Mr. HILER.

H.J. Res. 546: Mr. BENNETT, Mr. BOLAND, Mr. RALPH M. HALL, Mr. HEFNER, Ms. KAPTUR, Mr. KAZEN, Mr. KOGOVSEK, Mr. RODINO, Mr. ROGERS, Mr. SWIFT, Mr. SYNAR, Mr. TALLON, Mr. TORRICELLI, Mr. WATKINS, Mr. HOYER, Mr. WILLIAMS of Ohio, Mr. APPLEGATE, Mr. COOPER, Mr. ANDREWS of Texas, Mr. WINN, Mr. FLIPPO, Mr. FOLEY, Mr. UDALL, Mr. PRICE, Mr. SCHEUER, Mr. FISH, Mr. EMERSON, Mr. PANETTA, Mr. BARNES, Mr. VOLKMER, Mr. HARRISON, Mr. HAWKINS, Mr. MAVROULES, Mr. MOLINARI, Mr. LOWRY of Washington, Mr. MOAKLEY, Mr. GRAMM, Mr. LUNDINE, Mr. HERTEL of Michigan, Mr. HAMMERSCHMIDT, Mr. JONES of North Carolina, Mr. KOLTER, Mr. TAUKE, Mr. HALL of Ohio, Mr. DWYER of New Jersey, Mr. SMITH of Iowa, Mr. HOWARD, Mrs. JOHNSON, Mr. MURTHA, Mr. OLIN, Mr. MADIGAN, Mr. MINETA, Mr. BILIRAKIS, Mr. GORE, Mr. SAM B. HALL, JR., Mr. FOWLER, Mr. EDWARDS of Alabama, Mr. HIGHTOWER, Mr. MCCAIN, Mr. MORRISON of Washington, Mr. STARK, Mr. STOKES, Mr. WHITTAKER, Mr. KOSTMAYER, Mr. LEVINE of California, Mr. PERKINS, Mr. DOWNEY of New York, Mr. GEJDENSON, Mr. EVANS of Iowa, Mr. MCCLOSKEY, Mr. JACOBS, Mr. KEMP, Mr. STRATTON, and Mr. BROWN of California.

H.J. Res. 547: Mr. RODINO, Mr. BROWN of California, Mr. ROE, and Mr. DWYER of New Jersey.

H.J. Res. 560: Mr. CONTE, Mr. MRAZEK, Mr. ERDREICH, and Mr. PAUL.

H.J. Res. 578: Mr. ANDREWS of Texas, Mr. BADHAM, Mr. BARNARD, Mr. BARNES, Mr. BATES, Mr. BERMAN, Mr. BEVILL, Mr. COELHO, Mrs. COLLINS, Mr. CONYERS, Mr. CORRADA,

Mr. COUGHLIN, Mr. CROCKETT, Mr. DAUB, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DEWINE, Mr. DIXON, Mr. DWYER of New Jersey, Mr. EARLY, Mr. EDGAR, Mr. EDWARDS of Alabama, Mr. EMERSON, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FLORIO, Mr. FORD of Michigan, Mr. FRANK, Mr. GREEN, Mr. GUARINI, Mr. HEFTEL of Hawaii, Mr. HERTEL of Michigan, Mr. HORTON, Mr. HOWARD, Mr. HUGHES, Mr. HYDE, Mr. JACOBS, Ms. KAPTUR, Mr. KASICH, Mr. KOLTER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LOWERY of California, Mr. MCGRATH, Mr. MADIGAN, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MINETA, Mr. MINISH, Mr. MOAKLEY, Mr. NEAL, Mr. O'BRIEN, Mr. PERKINS, Mr. RANGEL, Mr. RATCHFORD, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBERTS, Mr. ROBINSON, Mr. ROE, Mr. ROGERS, Mr. ROWLAND, Mr. SAWYER, Mr. SCHAEFER, Mr. SHELBY, Mr. SISISKY, Mr. SMITH of Florida, Mr. SOLARZ, Mr. STOKES, Mr. SUNIA, Mr. TORRICELLI, Mr. VANDER JAGT, Mr. WHITTAKER, Mr. WINN, Mr. WOLF, Mr. WON PAT, Mr. WORTLEY, Mr. ANDERSON, Mr. APPLEGATE, Mr. BEDELL, Mr. BOEHLERT, Mr. BOLAND, Mrs. BOXER, Mr. CORCORAN, Mr. DANIEL, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. HAMMERSCHMIDT, Mr. HARRISON, Mr. HATCHER, Mr. HIGHTOWER, Mr. HOYER, Mr. HUTTO, Mr. JONES of North Carolina, Mr. KEMP, and Mr. KOGOVSEK.

H.J. Res. 580: Mr. BRITT, Mr. FEIGHAN, Mr. FRENZEL, Mr. RATCHFORD, Mr. STOKES, Mr. HORTON, Mr. STENHOLM, Mr. LEVIN of Michigan, and Mr. ANDREWS of Texas.

H.J. Res. 587: Mr. VANDERGRIFF, Mr. WEBER, Mr. HEFNER, Mr. MARKEY, Mr. HUGHES, Mr. YOUNG of Alaska, Mr. LENT, Mr. ANDERSON, Mr. DONNELLY, Mr. MOAKLEY, Mr. NELSON of Florida, Mr. ROBINSON, Mr. KEMP, Mr. FISH, Mr. CORCORAN, Mr. SIMON, Mr. TALLON, Mr. JONES of North Carolina, Mrs. HOLT, Mr. HARTNETT, Mr. DANIEL, Mr. BERMAN, Mr. CHAPPELL, Mr. BONER of Tennessee, Mr. NEAL, Mr. BEVILL, Mr. BARNARD, Mr. WALGREN, Mr. MARTIN of New York, Mr. WIRTH, Mr. LAFALCE, Mr. BATEMAN, Mr. RICHARDSON, and Mr. HUTTO.

H.J. Res. 591: Mr. GORE, Mr. HORTON, Mr. NELSON of Florida, Mr. FRANKLIN, Mr. FISH, Mr. REGULA, Mr. HATCHER, Mr. KILDEE, Mr. THOMAS of Georgia, Mr. CORCORAN, Mr. DOWDY of Mississippi, Mr. ROWLAND, Mr. VOLKMER, Mr. BARNARD, Mr. FORD of Michigan, Mr. OLIN, Mr. YATES, Mr. MAZZOLI, Mr. ROBINSON, Mr. SAWYER, Mr. CARR, Mr. MAVROULES, Mr. MRAZEK, Mr. KOLTER, Mr. DE LA GARZA, Mr. MINETA, Mr. CLINGER, and Mr. NATCHER.

H.J. Res. 592: Mr. CONYERS and Mr. WOLPE.

H.J. Res. 595: Mr. ARCHER, Mr. BERMAN, Mr. BOLAND, Mr. BRITT, Mr. CONYERS, Mr. DEWINE, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. FISH, Mr. FLORIO, Mr. GORE, Mr. GREEN, Mr. HANSEN of Idaho, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. KASICH, Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mr. MCNULTY, Mr. O'BRIEN, Mr. OWENS, Mr. RICHARDSON, Mr. ROE, Mr. SIMON, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. WALGREN, Mr. WEISS, and Mr. WOLF.

H. Con. Res. 58: Mr. BATES.

H. Con. Res. 251: Mr. OWENS, Mr. PATTERSON, and Mr. WALGREN.

H. Con. Res. 271: Mr. HORTON, Mr. GREGG, Mr. HEFTEL of Hawaii, Mrs. COLLINS, Mr. FISH, Mr. SHAW, Mrs. VUCANOVICH, Mr. CHAPPELL, Mr. HUTTO, and Mr. ROBINSON.

H. Con. Res. 305: Mr. PORTER, Mrs. MARTIN of Illinois, Mr. DEWINE, Mr. LANTOS, and Mr. PATTERSON.

H. Con. Res. 312: Mr. SCHAEFER, Mr. NEAL, Mr. ARCHER, and Mr. MRAZEK.

H. Con. Res. 315: Mr. BATEMAN, Mr. FEIGHAN, Mr. JEFFORDS, and Mr. LUNGREN.

H. Con. Res. 324: Mr. MARTINEZ, Mr. MCHUGH, Mr. RICHARDSON, Ms. KAPTUR, and Mr. WILLIAMS OF MONTANA.

H. Res. 518: Mr. PARRIS and Mr. MARRIOTT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

397. By the SPEAKER: Petition of the council of the County of Hawaii, Hilo, HI, relative to losses and damages suffered by native Hawaiians; to the Committee on Interior and Insular Affairs.

398. Also, petition of the Third Congress of the Federated States of Micronesia, relative to the Compact of Free Association; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3953

By Mr. CARNEY:

Amendment in the nature of a substitute.

—Strike out all after the enacting clause and insert in lieu thereof the following:

That section 1401 of the Panama Canal Act of 1979 (22 U.S.C. 3761) is amended—

(1) in subsection (a) by inserting immediately before the period the following: ", other than claims arising by reason of the presence of vessels in the Panama Canal, or waters adjacent thereto";

(2) in subsection (b) by striking out "subchapter" and inserting in lieu thereof "chapter";

(3) in subsection (c) by striking out "The acceptance by the claimant of the award" and inserting in lieu thereof "The award"; and

(4) by amending subsection (d) to read as follows:

"(d) No action for damages on claims cognizable under this chapter shall lie against the United States or the Commission, and no such action shall lie against any officer or employee of the United States. This section shall not preclude actions against officers or employees of the United States for injuries resulting from their acts outside the scope of their employment or not in the line of their duties, or from their acts committed with the intent to injure the person or property of another.".

SEC. 2. (a) Subchapter II of chapter 4 of title I of the Panama Canal Act of 1979 (22 U.S.C. 3771-3778), and the items relating to such subchapter in the table of contents of the Panama Canal Act of 1979, are repealed.

(b) Subchapter I of such chapter is amended by striking out

"SUBCHAPTER I—GENERAL PROVISIONS".

(c) The table of contents of the Panama Canal Act of 1979 is amended in the items relating to chapter 4 of Title I by striking out

"SUBCHAPTER I—GENERAL PROVISIONS".

SEC. 3. Notwithstanding the amendments made by this Act, the Panama Canal Commission is authorized to adjust and pay, in accordance with sections 1411 and 1412 of the Panama Canal Act of 1979, as in effect before the enactment of this Act, any claim for injuries filed with the Commission before October 1, 1984, except that the Commission may adjust and pay any such claim for injuries outside the locks of the Canal even if the amount of the claim exceeds $120,000. The provisions of section 1416 of the Panama Canal Act of 1979, as in effect before the enactment of this Act, shall apply to any claim for injuries which the Commission is authorized under this section to adjust and pay in accordance with section 1411 of the Panama Canal Act of 1979.

H.R. 5220

By Mr. JONES of North Carolina:

(Amendment in the nature of a substitute.)

—Strike all after the enacting clause and insert in lieu the following:

"That this Act may be cited as the "National Defense Shipbuilding Act of 1984".

SEC. 2. Section 601 of title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171 et seq.) is amended by adding at the end the following new subsection:

"(c) Notwithstanding the restrictions in this section relating to United States construction requirements and subject to amounts provided in appropriations laws, an operator may receive an operating differential subsidy under this title for a vessel constructed in a foreign shipyard if the capitalized cost to the owner of that vessel is not more than the capitalized cost to that owner of a vessel or vessels constructed by that owner in the United States after January 1, 1984, that are eligible for operating differential subsidy.".

SEC. 3. Title VII of the Merchant Marine Act, 1936 (46 App. U.S.C. 1191 et seq.) is amended:

(1) in section 701, strike "under the provisions of titles V and VI," and substitute "under titles V, VI, and XIV of this Act,";

(2) in section 703(b), strike "title V" and substitute "title XIV";

(3) in section 705, strike ", exclusively serving the foreign trade of the United States,"; and strike the words "and essential" in the first sentence;

(4) in section 713, insert "(a)" after "713." and at the end add the following new subsection:

"(b) The Secretary shall set the amount charged for a charter of a vessel constructed with amounts under this title—

"(1) when there is foreign competition, at an annual rate that enables the charterer to operate the vessel competitively with foreign vessels; or

"(2) when there is not foreign competition, at an annual rate that is ½₅th of the cost of the vessel to the United States Government (including interest), minus a defense utility allowance determined by the Secretary.";

(5) in section 714—

(A) insert "(a)" after "714.";

(B) strike the first parenthetical phrase;

(C) strike "under title V and VI" and substitute "under titles V, VI, and XIV"; and

(D) strike the second paragraph and substitute the following:

"(b)(1) A vessel constructed under this title only may operate on a voyage—

"(A) in the foreign commerce of the United States;

"(B) in foreign to foreign commerce;

"(C) round-the-world;

"(D) from the Pacific coast of the United States to a port in Europe that includes intercoastal ports of the United States; or

"(E) from the Atlantic coast of the United States to a port in the Orient that includes intercoastal ports of the United States.

"(2) If the charter vessel is operated in the domestic commerce on any voyage allowed under paragraph (1) of this subsection, the charterer shall pay annually to the Secretary, interest and ½₅ of the difference between the domestic and foreign cost of that vessel, multiplied by the proportion that the gross revenue derived from the domestic voyage bears to the gross revenue derived from the voyages completed during the previous year.

"(c) If a vessel constructed under this title is sold, the price must be competitive with the price of comparable foreign-built vessels."; and

(6) by repealing section 716

SEC. 4. The Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.) is amended by adding at the end the following new title:

"TITLE XIV

"SEC. 1401. SHIPYARD REQUIREMENTS

"A shipyard is qualified to receive a shipyard incentive payment under this title if the shipyard—

"(1) is capable of constructing in the United States—

"(A) seagoing vessels of not less than 450 feet in length over all, that meet the requirements of the Secretary of Transportation; and

"(B) simultaneously, at least 3 vessels of the type for which payment application is made; and

"(2) has been designated by rule by the Secretary of Transportation, in consultation with the Secretary of the Navy, as one of the shipyards to which an incentive payment would be in the national interest in order to maintain a sufficient shipyard mobilization base.

"SEC. 1402. VESSEL DESIGN

"(a) On application of a shipyard proposing to build a vessel, the Secretary of Transportation, in consultation with the Secretary of the Navy, shall—

"(1) review the vessel design; and

"(2) publish in the Federal Register the general characteristics of the vessel and a request for other shipyards to submit, within a reasonable time, applications for building a similar vessel.

"(b) The final vessel design proposal must be submitted to the Secretary of Transportation for approval, in consultation with the Secretary of the Navy, to insure it meets the national defense requirements of the United States.

"(c) After a proposal is selected under section 1403 of this Act, changes in the vessel design made by the shipbuilder or person contracting to purchase the vessel resulting in increased costs must be submitted to the Secretary of Transportation for approval before those additional costs may be included in the incentive payment under this title.

"(d) For vessel material and components, the Secretary may not prohibit the use of foreign built components or assemblies or materials used in the components or assemblies except—

"(1) for major components of the hull and superstructure, and materials used in the construction of the hull and superstructure; or

"(2) when the Secretary determines, by rule, that the national interest requires the use of identified United States built components or assemblies and that this use will not adversely affect the competitive position of United States shipbuilders.

"SEC. 1403. CONSTRUCTION PROPOSALS

"The Secretary of Transportation—

"(1) shall require that proposals submitted under section 1402 of this Act include both the base cost of construction and profit (in dollars) for the construction of the vessel approved under section 1402(b) of this Act;

"(2) shall review the proposal by each bidding shipyard;

"(3) shall reject bids considered collusive;

"(4) may select from among the bidders the lowest qualified proposal; and

"(5) may reopen bids if construction is not contracted for within 6 months of approval.

SEC. 1404. SHIPYARD INCENTIVE PAYMENTS

"(a) The Secretary of Transportation may pay an amount equal to 50 percent of the bid amount to a shipyard qualified to receive a shipyard incentive payment under this title for the construction of a vessel approved by the Secretary under this title. The Secretary shall pay this amount in full when the construction contract is signed.

"SEC. 1405. FINANCIAL INCENTIVES AND PENALTIES

"(a) If the final amount expended by the shipyard is less than the base cost provided in the approved bid—

"(1) the shipyard may retain 50 percent of the difference between those amounts;

"(2)(A) the person, if any, contracting to purchase the vessel, shall receive 30 percent of that difference; or

"(B) if there is not a person contracting to purchase the vessel, the shipyard shall receive an additional 30 percent of that difference; and

"(3) the Secretary of Transportation shall receive 20 percent of that difference, which shall be credited to the defense shipyard account.

"(b) The Secretary shall pay 20 percent of the first 10 percent of the final amount expended by the shipyard that is more than the base cost in the approved bid.

"(c) If the final amount expended by the shipyard is more than 10 percent above the base cost provided in the approved bid, the shipyard is responsible for the amount above the 10 percent increase.

"SEC. 1406. RESTRICTIONS ON COMMERCE

"(a) A vessel constructed in a shipyard with the aid of a shipyard incentive payment under this title only may operate on a voyage—

"(1) in the foreign commerce of the United States;

"(2) in foreign to foreign commerce;

"(3) round-the-world;

"(4) from the Pacific coast of the United States to a port in Europe that includes intercoastal ports of the United States; or

"(5) from the Atlantic coast of the United States to a port in the Orient that includes intercoastal ports of the United States.

"(b) If the vessel constructed with the aid of a shipyard incentive payment under this title is operated in the domestic commerce on any voyage allowed under subsection (a) of this section, the owner shall pay annually to the Secretary, interest and ½₅ of the difference between the cost of the vessel to the owner and the cost of the vessel if an incentive payment was not made to the shipyard, under this title, multiplied by the proportion that the gross revenue derived from the domestic voyage bears to the gross revenue derived from the voyages completed during the previous year.

"SEC. 1407. SHIPYARD INCENTIVE PAYMENT ACCOUNT

"The shipyard incentive payment account is an account in the Treasury of the United States used by the Secretary of Transportation for the payment for the construction of vessels under this title and title VII of this Act. The account is made up of amounts, including interest—

"(1) appropriated to the account by law;

"(2) paid to the account under section 1405(a)(3) of this Act;

"(3) paid to the Secretary under sections 506, 714(b)(2), and 1406(b) of this Act; and

"(4) received for the charter or sale of vessels under title VII of this Act.

"SEC. 1408. REGULATIONS

"The Secretary of Transportation shall prescribe regulations to implement this title not later than 180 days after the effective date of this section.".

SEC. 5. (a) In fiscal year 1985—

(1) $200,000,000 may be appropriated to the shipyard incentive payment account for the construction of vessels under titles VII and XIV of the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.);

(2) $50,000,000 may be appropriated for the purchase of vessels under section 510 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1160).

(b)(1) In fiscal year 1985, a person receiving money from a trade-in, or money from the sale of a vessel traded-out, under section 510 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1160) shall—

(A) use that money to construct vessels in the United States; and

(B) contract for that construction within 3 months from the date of payment.

(2) When the vessels being acquired by the Secretary of Transportation under section 510 was constructed with the aid of a construction differential subsidy and the vessel constructed under paragraph (1)(A) of this subsection is to be operated in the domestic commerce, then the Secretary shall reduce the basis of the vessel being acquired by the amount of the subsidy (including interest).

H.R. 5345

By Mr. ACKERMAN:

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Protestant Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Southern Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Reformed Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Old Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Anglican Orthodox Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by North American Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Free Protestant Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Russian Church Outside of Russia.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Carpatho-Russian Orthodox Greek Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Orthodox Church in America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Orthodox Church in America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Patriarchal Parishes of the Russian Orthodox Church in the U.S.A.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Old Believers.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Greek Orthodox Archdiocese of North and South America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Molokans.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Albanian Orthodox Church in America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Hellenic Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bulgarian Eastern Orthodox Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Romanian Orthodox Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Serbian Orthodox Church in the U.S.A.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Macedonian Orthodox Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Autocephalous Slavonic Orthodox Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Byelorussian Orthodox Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Finnish Orthodox Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Estonian Orthodox Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Turkish Orthodox Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by African Orthodox Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Divine Life Society.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Integral Yoga Institute.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by True World Order.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Holy Shankaracharya Order.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by International School of Yoga and Vedanta.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Yasodhara Ashram Society.

(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Siddha Yoga Dham of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Shree Gurudev Rudrananda Yoga Ashram.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Free Primitive Church of Divine Communion (Dawn Horse Fellowship).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Kripalu Yoga Ashram.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Subramuniya Yoga Order.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Blue Mountain Center of Meditation.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Divine Light Mission.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by International Society of Krishna Consciousness.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by S.A.I. Foundation.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Sri Aurobindo's Followers.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Yogiraj Sect (Swanandashram).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Church of the Living God.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Yoganta Meditation Center.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Yogi Gupta Association.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Sri Chinmoy Centers.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Krishnamurti Foundation of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Temple of Cosmic Religion (Keshavashram International Center).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by International Babaji Kriya Yoga Sangam.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Damascus Christian Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Latin-American Council of the Pentecostal Church of God of New York, Inc.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Assembly of Christian Churches, Inc.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Church of God with Signs Following.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Concilio Olazaba de Inglesias Latino Americano.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Defenders of the Faith.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by African Universal Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Original Pentecostal Church of God.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by True Fellowship Pentecostal Church of God of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Alpha and Omega Pentecostal Church of God of America, Inc.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by United Holy Church of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Latter House of the Lord for All People and the Church of the Mountain, Apostolic Faith.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by True Grace Memorial House of Prayer.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United House of Prayer for All People.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Mt. Sinai Holy Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Universal Christian Spiritual Faith and Churches for All Nations.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The House of God Which Is the Church of the Living God, the Pillar and the Ground of Truth.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Missionaries of the New Truth.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Calvary Grace Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Calvary Grace Christian Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Mazdaznan Movement.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Metropolitan Community Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Brotherhood of Peace and Tranquillity.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Humanity Benefactor Foundation.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by People's Institute of Applied Religion.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Ecumenical Institute.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church for the Fellowship of All People.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Free Church of Berkeley.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of What's Happening Now.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Faith.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Association Brotherhood of Christians.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Assemblies of the Lord Jesus Christ, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Pentecostal Assemblies of the World.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Church of Jesus Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Jesus Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Overcoming Holy Church of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of Our Lord Jesus Christ of the Apostolic Faith.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of the Lord Jesus Christ of the Apostolic Faith.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bible Way Church of Our Lord Jesus Christ World Wide, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by New Bethel Church of God in Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Pentecostal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by the Apostolic Gospel Church of Jesus Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by God's House of Prayer for all Nations, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bethel Ministerial Association.

(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Church of God in Christ.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Church of God in Christ, Congregational.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Apostolic Faith.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Assemblies of God.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Independent Assemblies of God, International.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Independent Assemblies of God.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Full Gospel Evangelical Association.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by International Church of the Foursquare Gospel.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Filipino Assemblies of the First Born.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Open Bible Standard Churches, Inc.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Calvary Pentecostal Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Lamb of God Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Pentecostal Church of God of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Pentecostal Church of Zion.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Seventh Day Pentecostal Church of the Living God.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Elim Missionary Assemblies.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Gospel of the Kingdom Churches Movement.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The General Assembly and Church of the First Born.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Anchor Bay Evangelistic Association.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Christian Church of North America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Neverdies.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Apostolic Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Bethel Temple.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Free Gospel Church, Inc.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by American Indian Evangelical Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by United Fundamental Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by International Deliverance Churches.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Full Gospel Fellowship of Churches and Ministries International.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Miracle Life Revival, Inc.
Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Church of Universal Brotherhood.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Eucharistic Catholic Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Orthodox Episcopal Church of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Gay Synagogues.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by People's Church-Community of the Love of Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Universal Life Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Crown of Life Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Hilltop House Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Life Science Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Omniune Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Universal Free Life Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Christian Church of the United States and Canada.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Assembly of Christian Crusade.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Fellowship of Christian Men.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Catholic Church (Syro-Antiochean).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Polish National Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christ Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Polish Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Polish Old Catholic Church in America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Christ Orthodox Catholic Exarchate of Americas and Eastern Hemisphere.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Traditional Christian Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Orthodox Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by North American Old Roman Catholic Church.

(Amerdment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Archdiocese of the Old Catholic Church in America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Old Catholic Church in America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by orthodox Old Roman Catholic Church, II.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Orthodox Church in America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Old Roman Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Old Roman Catholic Church in the U.S.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Catholic Life Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Orthodox Catholic Synod of the Syro-Chaldean Rite.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by North American Old Roman Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Universal Christian International Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Roman Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Reformed Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Universal Christian Apostlic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Renovated Church of Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Old Catholic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Way of the Cross Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by House of the Lord.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Fire Baptized Holiness Church of God of the Americas.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of God in Christ, International.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Sought Out Church of God in Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Berean Fundamental Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Ministers and Churches, International, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The International Ministerial Federation, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of Christian Liberty.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Cathedral of Tomorrow.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Evangelical Christian Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Moody Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Fellowship of Independent Evangelical Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bethany Bible Church and Related Independent Bible Churches of the (Arizona) Area.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Associated Gospel Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Ohio Bible Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Independent Fundamentalist Bible Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Independent Fundamental Churches of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Plymouth Brethren (Exclusive: The Tunbridge Wells Brethren).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Plymouth Brethren (Exclusive: Ex-Taylor Brethren).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Plymouth Brethren (Exclusive: Taylor Brethren).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Plymouth Brethren (Exclusive: Ames Brethren).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Plymouth Brethren (Exclusive: Booth-Continental).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Churches of God in the British Isles and Overseas (Needed Truth).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Plymouth Brethren (Open).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Unamended Christadelphians.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Amended Christadelphians.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by National Association of Free, Autonomous Christian Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Churches of Christ (Non-Instrumental).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by North American Christian Convention.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Churches of Christ (Non-Instrumental—Non-Sunday School).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Churches of Christ (Non-Instrumental—Conservative).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Churches of Christ (Non-Instrumental—One Cup).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Churches of Christ (Non-Instrumenal—Premilliennial).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Churches of Christ (Non-Instrumental—Liberal).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Churches of Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Tioga River Christian Conference.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christian Congregation.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Christian Church (Disciples of Christ).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Seventh-Day Baptist General Conference.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Seventh-Day Baptists (German).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by General Six-Principle Baptists.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by General Conference of the Original Free Will Baptist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Free Will Baptist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Primitive Baptist Conference of New Brunswick, Maine and Nova Scotia.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Baptist General Conference.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by General Association of General Baptists.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Baptists.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by National Association of Free Will Baptists.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Fundamental Baptist Fellowship Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Progressive National Baptist Convention, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by National Baptist Evangelical Life and Soul Saving Assembly of the U.S.A.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by National Baptist Convention of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by National Baptist Convention of the U.S.A., Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Alexandrians.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Klu Klux Klan.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The American Nazi Party.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by National Renaissance Party.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The 1 Percenters.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of God With Signs Following.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Original Pentecostal Church of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of All Nations.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Neo-American Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Native American Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of the Awakening.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of the Tree of Life.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Adamski Group.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Mark-Age.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Brotherhood of the Seven Rays.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Star Light Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Universarium Foundation.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Ministry of Universal Wisdom.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by White Star.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Understanding, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Aetherius Society.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offer[illegible] by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Solar Light Center.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Unarius—Science of Life.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Cosmic Star Temple.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Cosmic Circle of Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Last Day Messengers.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Spiritualist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by New-Age People.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Arising Sun IFO's.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Order of the Red.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Ancient Amethystine Order.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Yoruba Religion.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Religious Order of Witchcraft.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Afro-American Vodoun.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by New England Coven of Welsh Traditional Witches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Hollywood Coven.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Cymry Wicca.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of the Wyccan Rede.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Delphic Coven.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by New York Coven of Welsh Traditionalist Witches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Dianic Wicca.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Witches International Craft Associates.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Order of the Brotherhood of Witches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by First Wiccan Church of Minnesota.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Alantion Wicca.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Order of Osirus.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Gardnerian Witchcraft.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Algard Wicca.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of Wicca of Bakersfield.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Georgian Wicca.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by New Reformed Orthodox Order of the Golden Dawn.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Open Goddess.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Circle.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of Wicca.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Holy Order of Briget.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Congregation of Set.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Our Lady of Endor Coven.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Ophite Satanas.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Brotherhood of the Ram.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Satanic Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of Satanic Brotherhood.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Ordo Templi Satanas.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Order of the Black Ram.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Thee Satanic Orthodox Church of Nethilum Rite.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Thee Satanic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Children of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by New Convenant Apostolic Order.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by World Christain Liberation Front.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by International Christian Ministries.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christian Foundation.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Way Biblical Research Center.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Voice of Elijah, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Avalon.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Harvest House Ministries.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Self Realization Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Hare Krishna.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by People's Temple Christian Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of Scientology.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Institute of Ability.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Unification Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Foundation Faith of the Millennium Institute for Cosmic Wisdom.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Seax-Wicca.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Mental Science Institute.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by ESP Laboratory.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Astral Coven.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of Aphrodite.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Ordo Templi Astarte.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Fereferia.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Fellowship of Hesperides.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Dancers of the Sacred Circle.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of All Worlds.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Pagan Way.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Uranus Temple.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Neo-Dianic Faith.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Nemeton.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Reformed Druids of North America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Delphic Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of Eternal Source.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Pristine Egyptian Orthodox Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Congregation of Aten.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Lady Sara's Coven.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Viking Brotherhood.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Teutonic Temple.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Runic Society.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Sabaean Religious Order of Am'n.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Psychedelic Venus Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Shiva Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Discordian Society.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Temple of Set.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Fraternity of the Goat.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Leroy Jenkins Evangelistic Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Miracle Revival Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by First Revival Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by First Deliverance Church of Atlanta.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Kathryn Kuhlman Foundation.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Mita Movement.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Hall Deliverance Foundation.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Hall Deliverance Foundation.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Church of Jesus.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by International Ministerial Association, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Moncado Foundation of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bible Methodist Connection of Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Churches of God (Independent Holiness People).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Moncado Foundation of America. Church of the Nazarene.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Holiness Christian Church of the United States of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Metropolitan Church Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christian and Missionary Alliance.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christian Nation Church, U.S.A.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Missionary Christian and Soul Winning Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Missionary Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bible Fellowship Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Peniel Missions.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of Christ (Holiness) U.S.A.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Associated Churches of Christ (Holiness).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God (Sanctified Church).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Original Church of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Churches of God, Holiness.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Mr. Calvary Holy Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Rationalist Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of Universal Triumph/The Dominion of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Triumph the Church and Kingdom of God in Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Kodesh Church of Immanuel.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Lumber River Annual Conference of the Holiness Methodist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Oriental Missionary Society Holiness Conference.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Churches of Christ in Christian Union.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of the Gospel.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Pillar of Fire.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Gospel Mission Corps.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Wesleyan Tabernacle Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Grace and Hope Mission.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Holiness Gospel Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Kentucky Mountain Holiness Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christian Pilgrim Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Sanctified Church of Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Holiness Church of God, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Church of North America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Megiddo Mission.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Calvary Holiness Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bible Missionary Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of the Bible Covenant.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Wesleyan Church.

(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Voice of the Nazarene Association of Churches.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Pilgrim Holiness Church of New York.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Pilgrim Holiness Church of the Midwest.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Bible Methodist Connection of Tennessee.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Bible Holiness Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The American Catholic Church Archdiocese.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by American Holy Orthodox Catholic Eastern Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Orthodox Catholic Church of America (Hyde).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The American Orthodox Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Holy Orthodox Church in America (Eastern Catholic and Apostolic).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by American Orthodox Catholic Church, Archdiocese of N.Y.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by American World Patriarchs, Inc.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Eastern Orthodox Catholic Church in America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Universal Shrine of Divine Guidance.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by American Eastern Orthodox Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Nestorians/The Church of the East.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Armenian Church of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Armenian Apostolic Church of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Syrian Jacobite Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Syrian Orthodox Church of Malabar.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Coptic Orthodox Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Ethiopian Orthodox Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Ethiopian Orthodox Coptic Church South America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Lutheran Church in America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by American Lutheran Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Association of Free Lutheran Congregations.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Lutheran Church—Missouri Synod.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Concordia Lutheran Conference.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Lutheran Churches of the Reformation.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Federation for Authentic Lutheranism.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Association of Evangelical Lutheran Churches.

(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Synod of Evangelical Lutheran Churches.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Wisconsin Evangelical Lutheran Synod.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Protestant Conference.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Church of the Lutheran Confession.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Evangelical Lutheran Synod.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Evangelical Lutheran Church in America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Church of the Lutheran Brethren of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Apostolic Lutheran Church (Old Laestadians).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Apostolic Lutherans (Church of the First Born).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Apostolic Lutherans (New Awakening).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Apostolic Lutherans (Evangelicals No. 1).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Apostolic Lutherans (Evangelicals No. 2).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Apostolic Lutherans (The Heidemans).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Reformed Church in America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Christian Reformed Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Protestant Reformed Churches of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Orthodox Reformed Church (Unaffiliated).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Free and Old Christian Reformed Church of Canada and America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Netherlands Reformed Congregations.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Reformed Church in the United States.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Hungarian Reformed Church in America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Church of the Golden Rule.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by United Presbyterian Church in the United States of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Orthodox Presbyterian Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Bible Presbyterian Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Westminster Biblical Fellowship.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Wesleyan Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Faith Mission Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Reformed Presbyterian Church, Evangelical Synod.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Associate Reformed Presbyterian Church (General Synod).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Reformed Presbyterian Church of North America.
(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Cumberland Presbyterian Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Upper Cumberland Presbyterian Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Second Cumberland Presbyterian Church in the United States and Africa.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Presbyterian Church in the United States.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Presbyterian Church in America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Ukrainian Evangelical Alliance of North America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Moravian Church in America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Unity of the Brethren.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Convenant Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Free Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Methodist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Congregational Methodist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by First Congregational Methodist Church of the U.S.A.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by New Congregational Methodist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bible Protestant Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Methodist Protestant Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Fundamental Methodist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Methodist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Southern Methodist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by People's Methodist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of Daniel's Band.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by John Wesley Fellowship and the Francis Asbury Society of Ministers.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Asbury Bible Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Association of Independent Methodists.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Filipino Community Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Church of Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Midwest Congregational Christian Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Conservative Congregational Christian Conference.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by National Association of Congregational Christian Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Unitarian Universalist Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Christian Universalist Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Goddian Organization.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Ethical Union.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Confraternity of Deists, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of the Humanitarian God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Humanist Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Association for the Advancement of Atheism.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Free Thinkers of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Secularists of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Atheists, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Americans First, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Methodist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Evangelical Methodist Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The African Methodist Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Reformed Methodist Union Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Reformed Zion Union Apostolic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The African Methodist Episcopal Zion Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Free Christian Zion Church of Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The African Union First Colored Methodist Protestant Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christian Methodist Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Union American Methodist Episcopal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Christian Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Brethren in Christ (Old Constitution).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Congregation Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Primitive Methodist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Wesleyan Methodist Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Churches of God in North America (General Eldership).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God (Anderson, Indiana).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Association of Fundamental Ministers and Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God (Guthrie, Oklahoma).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The New Testament Church of God, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Undenominational Church of the Lord.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Missionary Methodist Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Emmanuel Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Free Methodist Church of North America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Standard Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Salvation Army.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by American Rescue Workers.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Volunteers of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bible Holiness Movement.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christ's Sanctified Holy Church (South Carolina).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christ's Sanctioned Holy Church (Louisiana).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Baptized Holiness Church (Wesleyan).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God (Holiness).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The House of David.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Epiphany Bible Students Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Back to the Bible Way.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Jehovah's Witnesses.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christian Believers Conference.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Philanthropic Assembly.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Laymen's Home Missionary Movement.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Laodicean Home Missionary Movement.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christian Israelites.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Remnant Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by House of Prayer for All People.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Star of Truth Foundation.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Shiloh True Light Church of Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christian Bible Students Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bible Students Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Shiloh True Light Church of Christ (Braswell).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The End Time Body—Christian Ministries, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Allegheny Wesleyan Methodist Connection.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by God's Missionary Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Lower Lights Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by National Association of Holiness Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Holiness Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Wesleyan Holiness Association of Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christian Kingdom Centers.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Catholic Apostolic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God (Cleveland, Tennessee).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by (Original) Church of God, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of God of Prophecy.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of God (World Headquarters).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of God (Jerusalem Acres).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of God of the Original Mountain Assembly.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by New Apostolic Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Full Gospel Fellowship of Churches and Ministers International.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by International Deliverance Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Miracle Life Revival, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Leroy Jenkins Evangelistic Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Miracle Revival Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by First Deliverance Church of Atlanta.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Kathryn Kuhlman Foundation.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Mita Movement.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Hall Deliverance Foundation.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God (Apostolic).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Church of Jesus.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by International Ministerial Association, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Faith (Hawaii).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Associated Brotherhood of Christians.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Assemblies of the Lord Jesus Christ, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Pentecostal Assemblies of the World.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Church of Jesus Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Jesus Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Overcoming Holy Church of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of Our Lord Jesus Christ of the Apostolic Faith.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of the Lord Jesus Christ of the Apostolic Faith.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bible Way Church of Our Lord Jesus Christ World Wide, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by New Bethel Church of God in Christ (Pentecostal).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Pentecostal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Apostolic Gospel Church of Jesus Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by God's House of Prayer for All Nations, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Scripture Research Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Workers Together with Elohim.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God (Jerusalem).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Assemblies of Yahweh (Michigan).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Assemblies of Yahweh.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Assembly of Yahvah (Oregon).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Missionary Dispensary Bible Research.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Assemblies of Yah.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Fire Baptized Holiness Church of God of the Americas.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by House of the Lord.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Ways of the Cross Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of the Living God (CWFF).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The House of God Which Is the Church of the Living God, the Pillar and Ground of Truth.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Universal Christian Spiritual Faith and Churches for All Nations.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Mt. Sinai Holy Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United House of Prayer for All People.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United House of Prayer for All People.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by True Grace Memorial House of Prayer.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Latter House of the Lord for All People and the Church of the * * *.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Mountain, Apostolic Faith.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Holy Church of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Alpha and Omega Pentecostal Church of God of America, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by True Fellowship Pentecostal Church of God of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by African Universal Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Light House Gospel Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of the Little Children.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Association of Seventh-Day Pentecostal Assemblies.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Romanian Apostolic Pentecostal Church of God of North America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by World Renewal, Incorporated.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Alpha and Omega Christian Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by ————.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Bible Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Body of Christ Movement.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The International Christian Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Full Gospel Defenders Conference of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The American Evangelistic Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God by Faith.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Grace Gospel Evangelistic Association International, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Gospel Harvesters Evangelistic Association (Atlanta).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Gospel Harvesters Evangelistic Association (Buffalo).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Glad Tidings Missionary Society.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Evangelical Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by International Evangelism Crusades.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The United Christian Ministerial Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Universal World Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christ Faith Mission.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Universal Church, the Mystical Body of Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Full Gospel Minister Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Mennonite Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Reformed Mennonite Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Old Order (Wisler) Mennonite Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Old Order (Wenger) Mennonites.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Weaverland Conference Old Order (Horning or Black Bumper).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Mennonites.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Old Order (Reidenbach) Mennonites.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Stauffer Mennonite Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Weaver Mennonites.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of God in Christ, Mennonite.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Congregational Bible Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Conservative Mennonite Fellowship (Non-Conference).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Old Order Amish Mennonite Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Conference of the Evangelical Mennonite Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Conservative Mennonite Conference.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Beachy Amish Mennonite Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Mennonite Church (Kleine Gemeinde).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Mennonite Brethren Conference.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by General Conference Mennonite Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Mennonite Brethren Church of North America (Bruedergemeinde).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of the Brethren.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Brethren Church (Ashland, Ohio).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by National Fellowship of Brethren Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Old German Baptist Brethren.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Association of Fundamental Gospel Churches.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Fundamental Brethren Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Emmanuel's Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Brethren in Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Old Order (or Yorker) River Brethren.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Zion Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Schwenckfelder Church in America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Friends United Meeting.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Religious Society of Friends (Conservative).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Rocky Mountain Yearly Meeting.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Religious Society of Friends (Kansas).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Religious Society of Friends (General Conference).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Central Yearly Meeting of Friends.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Evangelical Friends Church, Eastern Division.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Southeastern Yearly Meeting.

(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Southern Appalachian Association of Friends.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Missouri Valley Friends Conference.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Lake Erie Association/Yearly Meeting.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Northwest Yearly Meeting of Friends Church.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Pacific Yearly Meeting of Friends.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Social Brethren.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by American Baptist Churches in the U.S.A.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Southern Baptist Convention.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Association of Evangelicals for Italian Missions.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The New England Evangelical Baptist Fellowship.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Regular Baptists.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The Kyova Association of Regular Baptists.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Separate Baptists in Christ.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Regular Baptists (Predestinarian).
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by American Baptists Association.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Baptist Missionary Association of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by World Baptist Fellowship.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Baptist Bible Fellowship.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Sovereign Grace Movement.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by the Mayo Association.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Christian Unity Baptist Association.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Duck River (and Kindred) Association of Baptists.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by General Association of Regular Baptist Churches.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Conservative Baptist Association.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Fundamental Baptist Fellowship.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Minnesota Baptist Convention.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by New Testament Association of Independent Baptist Churches.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by the South Carolina Baptist Fellowship.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Southwide Baptist Fellowship.
(Amendment to Mr. Bonker's amendment)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by The North American Baptist General Conference.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:
Nothing in this act shall grant a right of access to school facilities by Independent Baptist Church of America.
(Amendment to Mr. Bonker's amendment.)
—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Russian/Ukrainian Evangelical Baptist Union of the U.S.A., Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Ukranian Evangelical Baptist Convention.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Primitive Baptists—Regulars.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Primitive Baptists—Absolute Predestinarians.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Primitive Baptists—Progressive.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Black Primitive Baptists.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The National Primitive Baptist Convention of the U.S.A.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Central District Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Independent Primitive Baptist Associations.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Round Lick Primitive Baptist Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Hiwassee Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Buffalo River Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Sandlick/Spencer Associations.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Regular Baptist Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Old Elkhorn Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Two-Seed-in-the Spirit Predestinarian Baptists.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of God, the Eternal.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by True Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Foundation for Biblical Research.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God International.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by SDA Reform Movement.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by United Seventh-Day Brethren.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God (Sabbatarian).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Apostolic Church of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by A Candle.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God, Body of Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Branch SDA's.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Associated Churches of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Seventh Day Church of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Worldwide Church of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Concordant Publishing Concern.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Seventh-Day Adventist Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Twentieth Century Church of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God (Seventh-Day, Salem, West Virginia).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by General Conference of the Church of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by General Council of the Churches of God.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Grace Gospel Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Berean Bible Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by People's Christian Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Berean Bible Fellowship (Chicago).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Seventh-Day Christian Conference.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Timely Messenger Fellowship.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Unification Association of Christian Sabbath Keepers.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Prophetic Herald Ministry.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Christian Research, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Calvary Fellowships, Inc.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Anglo-Saxon Federation of America.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Advent Christian Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Primitive Advent Christian Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God (Abrahamic Faith).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bible Churches (Classics Expositor).

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Truth for Today.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Two-by-Two's.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by This Testimony.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The (Local) Church.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church Which Is Christ's Body.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Bethel Ministerial Association.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God in Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Church of God in Christ, Congregational.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Free Church of God in Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Sought Out Church of God in Christ.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by The Church of God in Christ, International.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Last Day Messenger Assemblies.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by Pastoral Bible Institute.

(Amendment to Mr. Bonker's amendment.)

—Add to the end of the amendment offered by Mr. Bonker a new section to read as follows:

Nothing in this act shall grant a right of access to school facilities by New Creation Bible Students.

H.R. 5345

By Mr. SCHUMER:

(Amendment to the amendment in the nature of a substitute offered by Mr. Bonker.)

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Non-school persons may not attend meetings of student religious groups and may not directly or indirectly sponsor, conduct, control or direct activities of student religious groups."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to limit the authority of the school, its agents or employees to deny access to those groups which, in its judgment, sponsor activities which are potentially dangerous to the security of the schools."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to limit the authority of the school, its agents or employees to deny access to those groups which, in its judgment, sponsor activities which are tied to the recruitment of new members."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to limit the authority of the school, its agents or employees to deny access to those groups which, in its judgment, sponsor activities which interfere with the orderly administration of the schools."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to limit the authority of the school, its agents or employees to deny access to those groups which, in its judgment, sponsor activities which are damaging to the health and welfare of its students."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to abridge the rights of any person under the First or Fourteenth Amendments of the Constitution of the United States."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Agasha Temple of Wisdom."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Pyramid Church of Truth and Light."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Spiritual Prayer Home, Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by National Spiritual Aid Association, Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Church of Revelation."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Metropolitan Spiritual Churches of Christ, Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Superet Light Center."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by National Spiritual Alliance of the U.S.A."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Church of the Four Leaf Clover."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Progressive Spiritual Church."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Church of the Gnosis (Pre-Nicene Christianity)."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Aryo-Christian Church of St. George of Cappadocia."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the I AM."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Bridge to Freedom."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Summit Lighthouse."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Sacred Society of the Eth, Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Sologa, Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Sanctuary of the Master's Presence."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Church of Essential Science."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Foundation for Science of Spiritual Law."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Universal Christ Church Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Lotus Ashram."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by The Holy Grail Foundation."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Universal Church of Psychic Science."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Churches of Spiritual Revelation Association."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Christian Spirit Center."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Society of Christ, Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Aquarian Fellowship Church."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Univeral Harmony Foundation."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Universal Religion of America."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by National Federation of Spiritual Science Churches."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by National Spiritual Science Center."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Spiritual Science Mother Church."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Temple of Universal Law."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by United Spiritualist Church."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Universal Spiritualist Association."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by National Colored Spiritualist Association of Churches."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Independent Spiritualist Association."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Spiritualist Episcopal Church."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Universal Church of the Masters."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by International Spiritualist Alliance."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by General Assembly of Spiritualists."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by International General Assembly of Spiritualists."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Independent Associated Spiritualists."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the T.O.M. Religious Foundation."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Church of Ageless Wisdom."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Hallowed Grounds Fellowship of Spiritual Healing and Prayer."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the St. Paul's Church of Aquarian Science."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Church of Cosmic Science."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Church of Metaphysical Christianity."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Eclesia Catolica Cristiana."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Church of Tzaddi."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the University of Life Church".

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Roosevelt Spiritual Memorial Benevolent Association."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Order of St. Germain/Ecclesia Catholica Liberalis".

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Church of Antioch".

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by School of Light and Realization (Solar)."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Aquarian Educational Group."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Liberal Catholic Church: Province of the United States of America."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Liberal Catholic Church (Miranda, California)."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the International Liberal Catholic Church."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:
—Add the following new section: "Nothing in this Act shall be construed to grant

access to a school facility by the Christ Ministry Foundation."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Kingdom Yahweh."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Institute of Metaphysics."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Coptic Fellowship of America."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Chirothesian Church of Faith."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Sabian Assembly."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Holy Order."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Stelle Group."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Church of Light."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Lumerian Fellowship."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Soulcraft, Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Philosophical Research Society."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Mayan Order."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Brotherhood of the White Temple."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Societas Rosicruciana in America."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Fratermitas Rosae Crucis."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Open Way."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Agni-Yoga Society."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Lighted Way."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Philo-Polytechnical Center."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Bodha Society of America, Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Oasis Fellowship."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Ann Ree Colton Foundation of Niscience."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the White Lodge."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Christward Ministry."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Church of Cosmic Origin and School of Thought."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Amica Temple of Radiance."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Association for Research and Enlightenment."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Ontological Society."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Hunan Religion."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Church of Basic Truth."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Huna Research Associates."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Quimby Center."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by National Spiritualist Association of Churches."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by The Lord's New Church Which Is Nova Hierosolyma."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by General Church of the New Jerusalem."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Margaret Laird Foundation."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Infinite Way."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by General Convention of the New Jerusalem in the United States of America."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Mountain Brook Studies."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by International Metaphysical Association."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Church of Christ, Scientists."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Independent Christian Scientists."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by School of Truth."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Inner Powers Society."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Church of Inner Wisdom."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Antioch Association of Metaphysical Science."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by First Church of Divine Immanence."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by Church of the Science of Religion."

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Institute of Cosmic Wisdom."

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Arcana Workshops."

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Meditation Group of the New Age."

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the School of Esoteric Studies."

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Arcane School."

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the International Group of Theosophists."

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the United Lodge of Theosophists."

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Theosophical Society of America."

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Theosophical Society (Hartley)."

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Theosophical Society (Long)".

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Fellowship of the Inner Light."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Cosmerism."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Association for the Understanding of Man."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Circle of Inner Truth."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Radiant School of Seekers and Servers."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the International Organization of Awareness."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Organization of Awareness."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Anthropological Research Foundation."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Servants of Awareness, Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Cosmic Awareness Communications."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Universal Brotherhood of Faithists."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Divine Word Foundation, Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Foundation Church of the New Birth."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Fellowship of Universal Guidance."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Robin's Return."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Lorain Association."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the New Age Teachings."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Spiritual Research Society."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Father's House."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Sisters of the Amber."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Morse Fellowship."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Word Foundation."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Urantia Foundation."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Light of the Universe."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the American Grail Foundation."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Martinus Institute of Spiritual Science."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the Inner Circle Kethra E'Da Foundation, Inc."

Amendment by Mr. Schumer to the amendment in the nature of a substitute offered by Mr. Bonker to H.R. 5345:

—Add the following new section: "Nothing in this Act shall be construed to grant access to a school facility by the School of Natural Science."

H.R. 5602

By Mr. GREEN:

—Page 14, insert after line 22 the following:

(d) Section 788 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

"(f) The Secretary may make grants to schools of veterinary medicine for (1) the development of curriculum for training in the care of animals used in research, the treatment of animals while being used in research, and the development of alternatives to the use of animals in research, and (2) the provision of such training.".

Page 14, line 14, strike out "and (e)" and insert in lieu thereof "(e), and (f)" and in line 23 strike out "(d)" and insert in lieu thereof "(e)".

H.R. 5973

By Mr. WOLPE:

—Page 52, after line 2, insert the following new item:

SYNTHETIC FUELS CORPORATION

(Recission)

Of the funds appropriated in the Energy Security Reserve for the use of the United States Synthetic Fuels Corporation, $10,250,000,000 is rescinded.

By Mr. CONTE:

—Page 47, after line 2, insert the following:

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

(Rescission)

Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126), $9,000,000,000 are rescinded.

H.R. 5973

By Mr. FRENZEL:

—After line 2, page 72 add the following new section:

"SEC. . Notwithstanding any other provision of this Act, all funds appropriated by this Act, except those funds appropriated under:

(1) Title I, Department of Interior, Bureau of Land Management, for Range Improvement;

(2) Title I, Department of Interior, Bureau of Land Management, for Miscellaneous Trust Funds;

(3) Title I, Department of Interior, Bureau of Indian Affairs, for Tribal Trust Funds;

(4) Title II, Department of Agriculture, Forest Service, for that portion of Construction made available for obligation for the construction of forest roads by timber purchasers;

(5) Title II, Department of Energy, for the SPR Petroleum Account; are hereby reduced by 3.3 percent.".

H.R. 5973

By Mr. GILMAN:

—Page 72, after line 2, add the following section:

SEC. 314. None of the funds provided by this Act to any department or agency may be obligated or expended to purchase land or interests in land for purposes of the segment of the Upper Delaware River designated under section 3(a)(19) of the Wild and Scenic Rivers Act.

By Mr. WEAVER:

—Page 42, line 11: Strike out "$234,048,000", and insert in lieu thereof "$222, 548,000".

Page 40, line 23: Strike out "$120,710,000", and insert in lieu thereof "$132,210,000".

EXTENSIONS OF REMARKS

AN AMENDMENT TO H.R. 3678 TO AUTHORIZE CORPS OF ENGINEERS DISPOSAL OF HOPPER DREDGING EQUIPMENT

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. BREAUX. Mr. Speaker, Congress in 1978 enacted Public Law 95-269. One of the primary purposes of this legislation was to induce the private dredging industry to build modern, technologically advanced equipment instead of having the Government expend large sums of public funds to build new Government-owned dredges.

The private dredging industry has responded by investing hundreds of millions of dollars in new hopper dredges and other new dredging equipment. Not only has private industry provided the funds for construction of a new dredging fleet but it has also established in the marketplace that it can do the work at a substantially lower cost than was previously done by corps-owned equipment.

Industry's response to Public Law 95-269 and its performance in carrying out the national dredging requirements for the Corps of Engineers, is a classic case of the great virtues of our free enterprise system.

The amendment which I have offered will promote and protect the investment by private industry in its new dredging fleet and equipment. If the corps' retired dredges were offered for sale for use in the United States at a fraction of the cost of construction of new modern equipment, it would discourage contractors from building new dredges and defeat the purpose of Public Law 95-269.

The Corps of Engineers needs this authorizing language in order to proceed with their plans to dispose of their old dredges at the earliest possible time. The cost to the corps to retain these retired dredges has grown significantly. It has cost the corps over $3 million during the last few years to retain these old dredges.

The corps is anxious to dispose of its retired or excess dredges with the exception of the hopper dredges *Hains* and the *Markham* which will be retained in a standby readiness status at its facilities in Cleveland, OH, until the Chief of Engineers determines there is no longer any need to retain these dredges on the Great Lakes and notifies Congress accordingly.

The U.S. Army Corps of Engineers and the administration both strongly support this amendment which would authorize the Corps of Engineers to dispose of inactive, retired, or excess dredges which are under its control.

Such disposal shall be through sale or lease to governments under the Corps of Engineers foreign technical assistance program, to Federal or State maritime academies for training purposes, or through sale of such vessels or equipment solely for scrap to foreign or domestic interests. The corps' contracts for sale or lease of its retired dredges shall also contain a condition that such dredges shall not be resold for use within the United States for the purpose of dredging.●

THE SPECIAL INTEREST TAX ACT OF 1984

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. OTTINGER. Mr. Speaker, I would like to bring to my colleagues' attention an article "Tax Dodgers Finding Shelter on Capitol Hill" from the July 2 Washington Post which roots out only one of the dozens of special interest tax breaks included in the final version of the Deficit Reduction Act of 1984. This bill, designed to reduce the $200 billion deficits by raising $50 billion over the next 3 years, is riddled with designer tax exemptions specifically tailored for some of the wealthiest corporations and individuals in the Nation. At a time when the deficits are threatening the financial stability of our Nation, it is unconscionable that Congress' tax writing committees can justify including such goodies which will cost the Federal Treasury billions of dollars.

The article's author, Mr. Jerry Knight, focused on a tax dodge for the constituents of members of the House Ways and Means Committee. This tax break has been afforded to 200 or so commodity traders in Chicago at a cost of $300 million to the Government. While this may seem like peanuts relative to the size of the Federal deficit, it translates into million dollar breaks for these individuals.

Yet while the wealthy Americans with friends on the tax writing committees are able to dodge taxes, most Americans will find themselves saddled with greater IRS bills. For instance, the extension of vital programs which promoted energy independence the solar and conservation tax credits were denied. Medicaid benefits, which provides health care for many of the Nation's needy, were tightened.

I urge my colleagues to read this article. Congress will no doubt have to draft another law in the 99th Congress to reduce the deficit by a greater amount. Will this mean yet another box of goodies for the privileged of this Nation?

The article follows:

TAX DODGERS FINDING SHELTER ON CAPITOL HILL

(By Jerry Knight)

In the wee hours one morning a few days ago, when Congress was struggling to reduce the federal deficit, a bunch of millionaire tax dodgers proved that taxes are not as inevitable as death.

Not if you have friends who are writing the tax law.

With most of Congress and the media asleep, House Ways and Means Committee Chairman Dan Rostenkowski slipped into the tax bill a provision that gives a small group of accused tax cheaters—most from Rostenkowski's home state—privileges enjoyed by no other taxpayers.

The law of this land is that every taxpayer must bear the responsibility of proving the deductions claimed on the annual Form 1040 are legitimate. If the Internal Revenue Service questions the deduction you took for medical expenses, you have to prove you were sick.

But that rule of law will not apply to some 200 wealthy commodity traders who have been accused by the Internal Revenue Service of perpetrating one of the most costly tax dodges ever discovered.

For these privileged individuals, there will be a presumption that certain deductions they have claimed are legitimate. Only if the IRS can prove otherwise will the deductions be denied.

Outraged IRS and Treasury Department officials say that never before has Congress turned the tax law upside down for the benefit of a special-interest group.

Rostenkowski's midnight amendment could force the government to throw out court cases that took five years to prepare and that the IRS was all but certain to win. These are not small potatoes cases. The IRS says one Chicago commodity broker owes about $8 million and many of the 200 owe more than $1 million apiece. If all the cases have to be dropped, it will cost the government $300 million.

Worse yet, Rostenkowski's bailout means that two taxpayers who arranged virtually identical commodity deals to avoid paying taxes will be treated differently.

Ordinary investors will have to show they were trying to make money, not simply create losses to claim as tax deductions. But thanks to Rostenkowski, "professional commodity traders and persons who regularly trade commodity futures contracts" will be presumed to have a profit motive.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

In many cases that distinction will mean the brokers who invented this tax dodge will get away with using it, but their clients will have to pay taxes.

The transactions at issue are so transparently designed only to avoid taxes that the IRS has won virtually every case it has taken to court challenging the deals known as "commodity tax straddles."

It takes a legal brief and a couple of charts to explain the details of even a simple straddle, but the basic idea is easy: At the end of the year you set up two parallel deals by simultaneously buying and selling commodity futures contracts. On one deal you will make money; on the other you will lose about the same amount. You do the losing deal in December and claim your losses on this year's taxes. You complete the profitable deal in January and recover all the money you lost. Of course you owe taxes on your January profits, but if you repeat the straddle every year, you can avoid paying indefinitely.

Structuring the straddle so you don't lose more money than you want to and are sure to regain your profits is not easy, but Chicago commodity traders long ago mastered a virtually foolproof method known as the butterfly straddle.

The IRS caught wind of it and in 1977 issued a ruling casting doubt on all straddle deductions. In 1981 Congress closed the loophole tighter by requiring investors to report their December losses and their January profits as one transaction—whose net tax effect was zero.

By that time, the IRS had begun targeting returns claiming large commodity trading losses, turning up billions of dollars of dubious deductions. Pending in tax court are $2 billion worth of straddle cases—$300 million against professional traders, the remainder from their clients.

One by one, the IRS has taken the taxpayers to court and ordered them to prove the commodity trades where made with a profit motive or pay up. Only last week Tax Court Judge Arthur Nims gave the government another major victory by ruling there was no profit motive in government securities investments arranged by a tax shelter promoter.

But while Judge Nims was nailing the barn door shut, Rostenkowski opened the way for the professional traders to escape without paying.

The tax committee's actions dismayed and demoralized government attorneys who spent years building their case against commodity tax cheating only to have their efforts destroyed by a political fix.

There is no doubt that Rostenkowski's amendment is a fix, but it is a legal fix. The way the game is played in Washington, you can do anything you want for your friend as long as you don't get caught taking a briefcase full of cash. Campaign contributions don't count.

Campaign cash routinely flows to influential tax writers from Chicago commodity traders. Local boy Rostenkowski gets their money even when he has no serious opposition. Ways and Means member Marty Russo—another Illinois Democrat—is among the industry's leading advocates in the House. Democratic fund raiser Tony Coelho cultivates the Chicago crowd like prize tomato plants.

And this was a bipartisan fix. Bob Dole—representing Senate Republicans in the smoke-filled room—endorsed the bailout. Illinois Republican Sen. Charles Percy—running scared in his reelection campaign—gladly carried water for the mistreated millionaires among his constituents.

To their credit, Reagan administration representatives from the Treasury objected to the fix. But with a multibillion-dollar deficit bill at stake, they could not afford to publicly challenge the powerful committee chairmen over a pet loophole.

The commodity straddle fix is an indictment not only of the people who pass tax laws but also of the entire tax-writing process. So long as tax laws are drafted in midnight madness, these sordid little paragraphs will proliferate like Steven Spielberg's Gremlins. Shake some money on them and they multiply.

The incident also is an embarrassing example of the way the press covers the legislative process. The $300 million fix was reported as routine tax-writing by most media, including this newspaper. Only the Wall Street Journal warned in advance of the raid on the Treasury, and committee aides assured other reporters the warnings were needless because the provision would not be included. The New York Times decided the news was not fit to print, treating it not as a scandal but as a joke about "commodes" and "twaddle" on its Washington Talk page. Twaddle indeed.●

A TRIBUTE TO MAINE EAGLE SCOUTS

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. McKERNAN. Mr. Speaker, I would like to join my colleagues in honoring Scott Bolduc, from Troop 312 in North Berwick, and Prem Thomas from Troop 124 in Lisbon, both of whom have been chosen to receive the coveted Eagle Scout Award.

Scott Bolduc, the son of Dale and Dolly Bolduc of North Berwick, became a Scout in November 1979. Since that date, Scott has worked his way from the rank of Tenderfoot to the rank of Life. He finished his Eagle Scout project this past February. This project established child identification folders for each child residing in North Berwick, from kindergarten to grade six. This study included dental, medical, and fingerprint charts. Scott, with the aid of North Berwick police, spent many hours fingerprinting and gathering information to attain his goal.

Scott is also active in soccer, baseball, band, show choir, and the barbershop quartet at Noble High School. He is a member of the National Junior High Honor Society, and is a deacon in the First Congregational Church in North Berwick.

Prem, the son of Rev. C.V. and Jessy Thomas of Lewiston, maintains a high honors average at Philips Academy in Andover, MA. While ranking among the top five students in his class, Prem is also on the academy's swim team. He began his Scouting career 5 years ago. In 1979, he was Scout of the Year for his troop. He is a member of Order of the Arrow, and has earned his Boy Scout life guard medal.

I would like to commend the parents, Scout leaders, and friends of these two young men for encouraging them in their pursuit of excellence. I wish to congratulate Scott and Prem and wish them continued success in the future.●

DON'T NEGLECT THE PORTS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. ANDERSON. Mr. Speaker, as you will recall, just prior to recessing for the Independence Day/Democratic National Convention district work period, the House overwhelmingly adopted H.R. 3678, the Water Resources, Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983.

In light of the fact that the Congress has not adopted a comparable water development bill since 1970, it is important that the Senate quickly follow the House's lead on this matter.

Unfortunately, I continue to read reports that the administration—for various reasons—is strongly opposed to H.R. 3678 and is hardly thrilled with the Senate's omnibus water development bill.

We all know that time is rapidly running out on this 98th Congress. Thus, it is imperative that the President and his key advisors end talk of vetoing H.R. 3678—or a comparable measure—and, instead, concentrate their efforts on getting a water development bill out of the Senate.

If a water development bill is not signed into law by the President this year, it would be another serious blow to our Nation's ports. Even though our foreign trade is at record levels, the President has so far refused to make the commitment that is needed to develop our ports allowing them to accept a new generation of containerships. And, it goes without saying that the U.S. Customs Service collects billions of dollars annually in duties, taxes, and fees from commercial cargo arriving in our ports.

In short, our ports produce tremendous revenue for the Treasury, provide millions of jobs, and promote our national defense. It is in the Nation's best interest that the Federal Government renew its longstanding commitment to port development and improvement. An excellent editorial which appeared in the July 10, 1984 edition of the Journal of Commerce on this important topic follows. I urge all of my colleagues to read it.

DON'T NEGLECT THE PORTS

The U.S. House of Representatives made commendable progress late last month when it overwhelmingly passed a long-delayed and badly needed port development bill.

Unfortunately, a bill with the same goal (but a somewhat different path) is stalled in the Senate Finance Committee because backers fear amendments attached to it will kill it.

And the White House, departing drastically from its advocacy of increased trade opportunities for the United States, is staunchly opposed to the House bill and hardly thrilled with the Senate version.

So it looks now as if port development will be put back on the shelf it has occupied for a decade or more—while the dredging problems of the nation's ports continue to fester. It is a true pity—and a real danger.

The steady growth of the United States into a world power was fueled by commerce. Throughout America's history, the federal government realized that it was in the nation's interest to accept responsibility for developing and maintaining the nation's navigable waters—deepening, widening, extending and maintaining the channels that allow merchant ships to use the ports.

Because of disputes, politicking and tight finances, port development languished during the 1970s. The list of unfinished projects and proposals that were authorized but not funded swelled past the $50-billion mark.

Then Mr. Reagan took over as president and brought with him a new concept: that ocean commerce mainly benefits those involved in it, and that those involved thus should pay for the cost of federal services like port development through some form of user fees.

The legistative efforts and battles that resulted eventually spawned a bill authored by Rep. Robert A. Roe, D-N.J., which basically would use U.S. Customs revenues to pay for full construction and maintenance of channels under 45 feet deep and half the cost of work on big port's 45-foot and deeper channels; and the one authored by Sen. James Abdnor, R-S.D., which makes much greater use of user fees. The former was passed by the House 259-33; the latter is bottled up in committee.

Now, the pundits say, with barely two months left to this session of Congress there is little likelihood of the Senate bill being passed, the differences between it and the Roe bill being ironed out by a conference committee, and a threatened veto avoided.

Meanwhile, however, the international ocean-shipping industry is moving forward with a new generation of containerships that offer new economics of scale, a generation that's sure to grow in number just as it ships have increased greatly in size over those that until now have represented the norm.

There's only one problem: the ships are so big, U.S. ports will have difficulty handling them—to say the least—without new dredging.

It is ironic that an administration that claims to be so devoted to the economics of trade is so blind to the mechanics of trade. Indeed, one would think that an administration that wants to increase trade would be willing to support the cost of the physical work needed to handle increased trade.

Unfortunately, that doesn't appear to be the case. Nor does all of Congress appear able to accept the need for port-development resolution and act. And that's not only too bad, it's downright dangerous economically.

Just as the primary users of the nation's port facilities aren't the only ones to benefit from them, neither will the primary users be the only ones hurt when those facilities are allowed to languish in neglect. Someone else will hurt, too, as the limited size of American ports hampers American trade with the world: the nation.●

NATIONAL CHEESEBURGER WEEK

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. MAZZOLI. Mr. Speaker, today I am introducing a resolution proclaiming the week of October 7-13, 1984 as "National Cheeseburger Week" in honor of the 50th anniversary of the creation of the cheeseburger.

I have offered this resolution because the cheeseburger was "created" in October 1934 at Kaelin's Restaurant in my hometown of Louisville, KY. My family and I ate often at Kaelin's over the years and always cheeseburgers were the main fare.

Today cheeseburgers are as much a part of American tradition as baseball, hot dogs, and apple pie. Cheeseburgers go with families and picnics and barbeques. Cheeseburgers are a part of our daily vocabulary, and they provide a well-balanced and inexpensive meal in this era of eating on the run.

I hope my colleagues will join me in supporting this resolution.●

NEW MERGER GUIDELINES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. PORTER. Mr. Speaker, I rise today to commend the Justice Department on its efforts to revise the merger guidelines so that they more accurately reflect current international market conditions. By reviewing the provisions of the Sherman and Clayton Antitrust Acts, the Justice Department has created new merger guidelines that will help boost the international competitive posture of domestic industries while retaining the original nature of those acts, which were designed to protect consumers from anticompetitive behavior. The review of these two basic antitrust laws, which are 94 and 70 years old respectively, is a necessary and important step toward the creation of a legal climate which promotes competition and innovation.

Our domestic industry is faced with economic competition that is both assertive and inventive. Alexander Trowbridge of the National Association of Manufacturers has stated that roughly 70 percent of everything we make in this country must compete with foreign products, adding that our high tech industry, which now accounts for nearly 44 percent of manufactured exports, is especially susceptible to foreign market innovation. In light of this pressure on our domestic industry, I admire the efforts of the Justice Department to clarify the treatment of foreign competition in merger analysis.

J. Paul McGrath, in his remarks before the New York Roundtable, stated that the Justice Department will not include existing imports in defining markets and calculating the Herfindahl Indices, and also will consider the effects of such trade restraints as a separate factor in interpreting the significance of market concentration and market share data.

I applaud the work of J. Paul McGrath and the Justice Department in a time when our domestic industries are under fire from foreign competition. Furthermore, I encourage and support additional work that will continue to take strides toward improved domestic competition.●

TERRORISM AT THE GAMES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, according to the Soviets, their decision to withdraw from the Olympic games this summer in Los Angeles was based on their concern over inadequate security measures. Many in this country have since speculated that their decision may, in fact, have been based more on political motivations than anything else. Perhaps they were willing to sacrifice the glory of the Olympics in order to damage President Reagan's reelection chances this fall. Or maybe they were still fuming over President Carter's 1980 boycott. These and many other reasons have been suggested to explain their rather flimsy excuse of "security threats" to their Olympic contingent. Interestingly enough, they have continued to send teams to this country to participate in other sporting events.

But in a recent editorial, Mr. Emanuel Winston raises another, much more sinister possible reason for the Soviet boycott. It may be that the Soviets are aware of some imminent terrorist activity that will take place at the games. It may even be that they are behind the activities of some terrorist group. Either way, they will be pleased with the results. Their athletes will be safely at home, and their boycott will apparently be justified.

We need to be aware of this possibility and prepare accordingly. If we do not, we can be sure that attempts will be made to disrupt the games, and the results might very well be tragic. The Olympics pose an almost irresistible target to a terrorist, and the Soviets, of course, have been in the terrorist business long enough to know that. I hope each of you will take a few moments and read Mr. Winston's timely thoughts on this matter.

[From the Chicago Sun-Times, July 3, 1984]

TERRORISM THREAT HANGS OVER GAMES

(By Emanuel A. Winston)

The Soviet decision to withdraw from the Summer Olympics was certainly not rash and was undoubtedly the result of months of contemplation by the Communist Party leadership. The Soviets simply do not act in haste; thus, such a decisive action must have been planned long ago.

Soviet athletes have been participating in Western competitions for years and have never reacted in such a manner to security arrangements. True, fear of defections and steroid detections are real concerns but are problems with which the Soviets could contend.

Other answers to the boycott include retaliation for the American 1980 boycott, and to put political pressure on Ronald Reagan and diminish his chances for reelection in November.

However, the sacrifice of abandoning the Olympic quest seems to be too great for them to act upon that reasoning. Enter another hypothetical explaining withdrawal: the prospect of a major act of terrorism at the Los Angeles Games.

Indeed, the Olympics afford the terrorist a most sought after world showcase to inflict violence and create hysteria. The pathological personality searches for public events to call attention to their "causes."

Similarly, extremist mentalities such as those Iranians who occupied the U.S. Embassy or the Moslem fanatics who engage in kamikaze terrorist acts are likely suspects for wanton exploitation of the Games.

But aside from the "crazies" who are a real threat because of their irrational and perfidious behavior, Olympic security will have to prepare for an even greater peril; organized international terrorism. This also may be the ultimate reason for Soviet withdrawal.

Five years ago. Sen. Henry Jackson summed up the Soviet role in international terror: "While there is still debate over the extent to which the Soviet government, either directly or through its allies and satellites exercises central control over certain terrorist organizations, the view of the majority is that Soviet bloc weapons constitute an important element in the scale and success of terrorism.

"Whatever the ideological or nationalistic aspirations of individual terrorist groups, they have a common interest, which they share with the Soviet Union, in destroying the fabric of democratic, lawful societies all over the world."

Since Jackson made this analysis, the State Department has released intelligence data that confirms Soviet support for large-scale terrorist activities in Latin America and the Mideast. The Israeli invasion of Lebanon also uncovered an elaborate training network in which terrorists from all over the globe receive instruction from Soviet advisers on demolitions and weapons.

The Soviet Ministry of Defense even awarded Palestine Liberation Organization terrorists graduation certificates after they completed training at camps in the U.S.S.R.

Terrorists also received training in Bulgaria, Vietnam, Czechoslovakia, Hungary and other communist bloc satellites. In short, incontrovertible proof has been supplied to link Soviet control over terrorism in what Clauswitz would term as an instrument of policy.

The Soviets constantly test and probe the United States for strategic and political opportunities. They have succeeded in masking their covert role in terror and they are probably surprised at the lack of effective reactions from the Free World to their activities.

The disgust over the downing of the KAL 007 civilian aircraft was shortlived. It is hardly mentioned anymore. Similarly, the Soviet role on the attack on the pope was played down despite the fact Mahmet Ali Agca admitted he cooperated with the Bulgarian secret police and received training in a PLO course.

The Soviets have also escaped criticism over their connections and support of the Red Brigades, Sandanistas, IRA and the terrorist Islamic groups who with Syrian (a Soviet proxy) support attacked the Marine compound and murdered 241 Americans with impunity.

The reasons for the communist bloc having escaped an uproar over the use of terrorist measures is twofold: the West is simply reluctant to confront the U.S.S.R. in the name of detente.

The killer of Lord Mountbatten got Soviet training in Libya, and terrorists worldwide boast of their relationship with the communists, yet there is the myopic belief by the majority that to call a spade a spade will only exacerbate superpower relations.

Against the backdrop of Soviet behavior and motives, it is logical to conclude the Kremlin may have knowledge of a major terrorist operation planned for the Olympics.

They may wish to undermine the U.S. claim for adequate security, but it is much more likely that they pulled out to lift the restraints of several of the many organizations who have been planning incidents at the Games.

Although the Soviets are the major sponsors for terrorism, they are not in complete control of the activities of the individual groups. Moslem fanatics or the Puerto Rican FALN have in the past acted on their own. But perhaps the most likely suspects are the Libyans.

Last November, the State Department indicated it had evidence of a plot by Moammar Khadafy to assassinate the president, vice president and the secretaries of defense and state. Khadafy has made no secret about his vendetta for the United States and threatened war on our 6th Fleet after the Gulf of Sidra incident in 1981 where American planes downed Libyan fighters in a short-lived dogfight.

Now, with the announcement of Libyan hit squads sent across the globe to eliminate dissenters, the United States will have to increase its surveillance on those extremists.

In a worst-case scenario, it could be that the Soviets have knowledge of a planned nuclear or biological act of terror.

However, despite all the precautions and comprehensive arrangements, it is almost impossible to prevent a few individuals from carrying out an act of sabotage with sophisticated weaponry capable of massive destruction.

In a nutshell, a terrorist attack upon the Olympics may be a component of the general offensive against the West described by KGB defector "Maj. Korolyuk" in 1981 to West German debriefers.

The Soviets are aware that they can escape direct responsibility and they have proved that inciting domestic hysteria and fomenting instability are successful means of influencing events. The U.S. capitulation to Syrian-Soviet sponsored terrorism in Lebanon and the growing trend torward American isolationism, even in our own backyard, lend credence to their strategy.

Whatever the true motivations of the Soviet Union for boycotting the Olympics, the United States must react to the nefarious behavior of the Soviet leadership that has for the most part gone unchecked.

The Free World must take a united stance against state-supported terrorism or live with the dangerous consequences of even wider spread cowardly violence.

Andrei Sakharov, in a letter smuggled to the New York Times several years ago, instructed us on this notion: "The world is facing very critical times and cruel cataclysms because the West and developing countries do not show the required firmness, unity and consistency in resisting the totalitarian challenge. . . . It is critically important that the common danger be fully understood and then everything else will fall into place."

Perhaps the Soviet decision to abandon the Games will be conducive to a Western attitude of coherent circumspection. It is time to pay heed to Sakharov's words and recognize our worst fears for the Los Angeles Olympic Games.●

CAPTIVE NATIONS WEEK

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. ANNUNZIO. Mr. Speaker, I rise to commemorate the 26th annual observance of Capitive Nations Week and to remind the world of the many nations suffering under the burdensome oppression of the Soviet Union. During Captive Nations Week we take time to reflect on the many freedoms and liberties that we in America often take for granted, and to rededicate ourselves to the support of those millions living in captive nations who can only dream about the day when they too will know freedom.

On several recent occasions, we have been painfully reminded of the little regard that the Soviet Union holds for human rights. The culmination of Communist atrocities occurred in September 1983 when the Soviet Union shot out of the sky a Korean jetliner, killing 269 innocent victims, including a Member of Congress.

More recently, the Soviet Union decided to boycott the 1984 summer Olympic games in Los Angeles. The athletes from the Soviet Union, and from many other captive nations who have been forced to go along with this boycott, have been deprived of one of

the few opportunities to express themselves by competing against other athletes of the world. This is only because the Kremlin fears that their own athletes may choose to defect, after experiencing a taste of freedom in this country.

In the 26 years since President Eisenhower first designated the third week in July as Captive Nations Week, although the Communists have been ruthless in their attempts to destroy the culture, the national identity, and the religion of the many peoples of the captive nations, their individuality remains, and their desire to achieve self-determination continues. A list of the captive nations follows:

Established captive nations list (CNL), country, people, and year of Communist domination	
Armenia [1]	1920
Azerbaijan [1]	1920
Byelorussia [1]	1920
Cossackia [1]	1920
Georgia [1]	1920
Idel-Ural [1]	1920
North Caucasia [1]	1920
Ukraine [1]	1920
Far Eastern Republic [1]	1922
Turkestan [1]	1922
Mongolia	1924
Estonia [1]	1940
Latvia [1]	1940
Lithuania [1]	1940
Albania	1946
Bulgaria	1946
Yugoslavia (Serbs, Croats, Slovenians, etc.)	1946
Poland	1947
Rumania	1947
Czecho-Slovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960
Cambodia	1975
South Vietnam	1975
Laos	1975
Afghanistan	1980

[1] Countries absorbed into U.S.S.R.

So long as the heroic people of the captive nations are committed to the principles of freedom and self-determination, the spark of liberty will be kept alive, and one day those nations under the captivity of the Communists will be able to throw off their chains of bondage and become free. During Captive Nations Week, millions of Americans who trace their origin to these Captive Nations, and to other lands, join in reflection and prayer, to express their support for policies which will free these captive nations.

At this point in the RECORD, I would like to incude the President's Captive Nations Week Proclamation.

The proclamation follows:

[From the Federal Register, July 18, 1984]

PRESIDENTIAL DOCUMENTS, PROCLAMATION 5223 OF JULY 16, 1984 CAPTIVE NATIONS WEEK, 1984

(By the President of the United States of America)

A PROCLAMATION

Once each year, all Americans are asked to pause and to remember that their liberties and freedoms, often taken for granted, are forbidden to many nations around the world. America continues to be dedicated to the proposition that all men are created equal. If we are to sustain our commitment to this principle, we must recognize that the peoples of the Captive Nations are endowed by the Creator with the same rights to give their consent as to who shall govern them as those of us who are privileged to live in Freedom. For those captive and oppressed peoples, the United States of America stands as a symbol of hope and inspiration. This leadership requires faithfulness toward our own democratic principles as well as a commitment to speak out in defense of mankind's natural rights.

Though twenty-five years have passed since the original designation of Captive Nations Week, its significance has not diminished. Rather, it has undeniably increased—especially as other nations have fallen under Communist domination. During Captive Nations Week we must take time to remember both the countless victims and the lonely heroes; both the targets of carpet bombing in Afghanistan, and individuals such as imprisoned Ukrainian patriot Yuriy Shukhevych. We must draw strength from the actions of the millions of freedom fighters in Communist-occupied countries, such as the signers of petitions for religious rights in Lithuania, or the members of Solidarity, whose public protests require personal risk and sacrifice that is almost incomprehensible to the average citizen in the Free World. It is in their struggle for freedom that we can find the true path to genuine and lasting peace.

For those denied the benefits of liberty we shall continue to speak out for their freedom. On behalf of the unjustly persecuted and falsely imprisoned, we shall continue to call for their speedy release and offer our prayers during their suffering. On behalf of the brave men and women who suffer persecution because of national origin, religious beliefs, and their desire for liberty, it is the duty and the privilege of the United States of America to demand that the signatories of the United Nations Charter and the Helsinki Accords live up to their pledges and obligations and respect the principles and spirit of those international agreements and understandings.

During Captive Nations Week, we renew our efforts to encourage freedom, independence, and national self-determination for those countries struggling to free themselves from Communist ideology and totalitarian oppression, and to support those countries which today are standing face-to-face against Soviet expansionism. One cannot call for freedom and human rights for the people of Asia and Eastern Europe while ignoring the struggles of our own neighbors in this hemisphere. There is no difference between the weapons used to oppress the people of Laos and Czechoslovakia, and those sent to Nicaragua to terrorize its own people and threaten the peace and prosperity of its neighbors.

The Congress, by joint resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to designate the third week in July as "Captive Nations Week."

Now, Therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim the week beginning July 15, 1984, as Captive Nations Week. I invite the people of the United States to observe this week with appropriate ceremonies and activities toi reaffirm their dedication to the international principles of justice and freedom, which unite us and inspire others.

In Witness Whereof, I have hereunto set my hand this 16th day of July, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN.

Mr. Speaker, we must continue to condemn the Soviet Union for its numerous human rights violations, and we must renew our efforts on behalf of millions of men, women, and children, enslaved against their will, in order that they may obtain the freedoms that are rightfully theirs. On the occasion of the 26th observance of Captive Nations Week, I am proud to join with my constituents in the 11th Congressional District of Illinois which I am honored to represent, and all Americans, in praying that one day the courageous people who suffer under Communist totalitarianism will know the blessings of self-determination and a free homeland. As the strongest democracy in the world, we must set the example, and increase our efforts, to combat Communist oppression wherever it appears on this Earth, and to work toward that day when the captive nations can join their rightful place among free nations of the world.●

A GREAT AMERICAN FAMILY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, I am proud to have in my congressional district the family of Bob and Myriam Wolf. The Wolfs were recently honored as a "Great American Family."

Only nine families across the United States were chosen to receive this award. On June 27, the Wolf family came to Washington to be honored at the White House by First Lady Nancy Reagan, who chaired the award program.

I was particularly pleased to have the youngest of the Wolf children, Ken, as an LBJ intern during the month of June. A few years ago, the eldest, Caryn, was also a summer intern in our office.

The Wolf family is a family dedicated to community service, and I believe their record of service leaves no doubt as to their deserving this award. The

following articles will tell my colleagues more about this remarkable family:

[From the Miami Herald, May 24, 1984]

FAMILIAL BLISS: NMB CLAN RECEIVES BIG HONOR

(By Keith L. Thomas)

It's all in the family, especially for Dr. Robert and Myriam Wolf of North Miami Beach.

The entire Wolf clan will be honored by First Lady Nancy Reagan as one of the "Great American Families," June 27 at the White House.

"It's really exciting," Mrs. Wolf said Monday.

Some 200 families around the country were nominated for the honor, said K. Wayne Scott, president of the American Family Society and program coordinator.

Nine families were chosen winners. The Wolfs were selected for their family teamwork and community service.

They are best known as leaders and developers of a community support system that enables mentally handicapped adults to live as independently as possible in the community.

"Our work has involved our entire family," Mrs. Wolf said. She said their four children, Caryn, Eric, Joanne, Kenneth and son-in-law Tony all have worked hard.

It was the Wolf's 24-year-old son, Eric, a victim of cerebral palsy, who inspired the family to start the Association for the Advancement of the Mentally Handicapped six years ago. The association has provided help and service to the mentally handicapped for three years.

"The nine Great American Families are representative of all the truly outstanding single-parent, two-parent, foster and adoptive families in this country," Scott said.

[From the Miami News, May 18, 1984]

DADE "GREAT AMERICAN FAMILY" SPOTLIGHTED

(By Adrienne Sylver)

The Wolf family is great and they can prove it. The North Miami Beach family has been chosen from about 200 families nationwide as a "great American family" in the second annual award program, chaired by First Lady Nancy Reagan.

Bob and Myriam Wolf and their four children will travel to Washington June 27 to accept their award at a White House ceremony. Eight other families around the country will also receive the honors, said Mary Ann Beahon, director of community relations for United Family and Children Services in Miami.

Bob, Myriam, Ken, Jody, Eric and Caryn have all worked over the years establishing support groups for the handicapped; Eric is mentally handicapped. They also help raise funds for other families.

"We all stuck together, worked together and acted as a support group for each other," said Bob, a Hialeah dentist. "Families must remember that their own family is the biggest most supportive group they can have. And we've always been good communicators."

[From the Miami Herald]

ERIC'S HANDICAP IS FAMILY'S BOND

(By Ellen Livingston)

The kids are all grown and gone, now. Caryn, 25, is married, Ken, 19, and Jody, 21, are away at college and Eric, 24, just moved into a house in Hollywood. But they're still a traditional family, say Bob and Myriam Wolf: There will always be ties that bind.

The Wolf family's strongest bond is Eric, their mentally handicapped son. Eric is the reason all the Wolf children spent the better part of their December vacations making checklists and packing furniture for a brother about to move into his own home for the first time.

Eric is the reason Ken helped develop a newspaper for handicapped adults while he was at North Miami Beach High School, and helped organize a peer-support group for students with handicapped siblings in his freshman year at Brandeis University.

But most of all, Eric is the reason Bob and Myriam Wolf of North Miami Beach have spent the past five years working to establish a Dade County chapter of the Association for the Advancement of the Mentally Handicapped (AAMH).

The amazing thing about the Wolfs, say friends and associates, is that they've taken the kind of situation that wrenches most families apart and turned it into a benefit not only for themselves, but for the community at large.

Not that it's been an easy path. There were times when the kids were growing up that they resented Eric for the extra attention he got, says Myriam, 47. When Eric was a child, the parents turned the special gym equipment he needed into a family play center with all the children and their friends invited to play along—and help the therapy.

And then there was the decision to "go public" with AAMH: "We're very private people. We agonized over that. We could have done just what we needed to do for Eric alone. But we didn't want him just functioning in a vacuum."

When Eric came home after four years of boarding school in 1978, the Wolfs realized that there are few resources for high-functioning handicapped adults. But instead of looking for a place for Eric alone, they decided to take on everyone else who was in the same boat.

So the first weekend Eric was home, they organized a social club that has been going strong ever since. When Bob Wolf read about an AAMH group in New Jersey, he knew he had found the answer.

Wolf convinced the group's director, Arthur Rittmaster Jr., to give a seminar at Barry University. Bob and Myriam, who manages her husband's Hialeah office, used the publicity techniques they had mastered in their years of work for Soviet Jewry to ensure that the meeting was a success.

The Wolfs would much rather talk about AAMH's accomplishments than their own. They've just helped four clients, including Eric, move into apartments of their own. Another client, Debbie Phillips, 30, not only lives on her own, but as a steady job and plans to get married in May.

Helping people like Debbie and Eric live their own lives benefits their families as well, says Myriam Wolf. Too often, she says, the strain of caring for a handicapped family member breeds resentment. Helping them gain independence fosters love.

"I was very aware of it in December," she says, recalling when the whole family was together. "I was just glowing. They love each other and are really interested in each other. They're good friends."●

JUDGE MILES LORD STRIKES A BLOW FOR COMMON DECENCY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. OBEY. Mr. Speaker, on February 29 Federal District Court Judge Miles W. Lord, in a case involving a product liability against the A.H. Robins Co., delivered from the bench an eloquent statement about the necessity for corporations in this society to meet their moral as well as bottom-line business obligations.

Apparently angered by the judge's statement, the company has since sought an official reprimand of Judge Lord before a five-judge investigative panel. Apparently, the Robins Co. seeks to have his statement in effect stricken from the record. They would evidently like to have the judge's conduct punished and the judge's comments suppressed in much the same manner that they would undoubtedly like to see suppressed the publicity about the harm that their Dalkon Shield intrauterine device has apparently caused to so many women.

Mr. Speaker, the Federal Judiciary should not be censuring Judge Lord—it should be giving him a medal. He is one of too few jurists in this country with enough guts to consistently demonstrate fairness, morality, and legality in our judicial system.

In his remarks, Judge Lord appealed to the decency of Robins executives, asking them to help seek out those women still using the intrauterine device so that they may be spared the agony so many others have already endured. Nearly 3 million Dalkon Shields were originally sold. More than 6,700 claims have been settled so far, and another 3,000 lawsuits are pending.

Judge Lord's statement should serve both as a guide for our actions and as an example of the standards that should be followed by decent people in this society.

I am proud of Judge Lord and would hope that all of my colleagues will carefully consider the very fitting and moral statement he made from the bench to executives of the A.H. Robins Co.

I am inserting the full text of Judge Lord's comments in the RECORD so that regardless of the company's intentions, a small piece of the public record will contain the judge's on-the-button comments about the obligation that all of us have to each other in this society.

In a moral society it is not enough for companies to make economic decisions solely on the basis of business judgements. There is an obligation to do more than that in both public life and in the private business world.

That is what Judge Lord's statment is all about and that is why it belongs in the public's record—the CONGRESSIONAL RECORD of the proceedings in the Congress of the United States.

The material follows:

SPEECH TO E.C. ROBINS, JR., WILLIAM FORREST, AND DR. LUNSFORD

Mr. Robins Jr., Mr. Forrest and Dr. Lunsford: After months of reflection, study and cogitation—and no small amount of prayer—I have concluded it perfectly appropriate to make to you this statement, which will constitute my plea to you to seek new horizons in corporate consciousness and a new sense of personal responsibility for the activities of those who work under you in the name of the A.H. Robins Company.

It is not enough to say, "I did not know," "It was not me," "Look elsewhere." Time and time again, each of you has used this kind of argument in refusing to acknowledge your responsibility and in pretending to the world that the chief officers and the directors of your gigantic multinational corporation have no responsibility for the company's acts and omissions.

In a speech I gave several years ago, (In the document which I have just asked you to read,) I suggested to the hundreds of ministers of the gospel who constitute the Minnesota Council of Churches that the accumulation of corporate wrongs is in my mind a manifestation of individual sin.

You, Mr. Robins Jr., have been heard to boast many times that the growth and prosperity of this company is a direct result of its having been in the Robins family for three generations. The stamp of the Robins family is upon it. The corporation is built in the image of the Robins mentality.

You, Dr. Lunsford, as director of the company's most sensitive and important subdivision, have violated every ethical precept to which every doctor under your supervision must pledge as he gives the oath of Hippocrates and assumes the mantle of one who would help and cure and nuture unto the physical needs of the populace.

You, Mr. Forrest, are a lawyer, one who upon finding his client in trouble should counsel and guide him along a course which will comport with the legal, moral and ethical principles which must bind us all. You have not brought honor to your profession, Mr. Forrest.

Gentlemen, the results of these activities and attitudes on your part have been catastrophic. Today as you sit here attempting once more to extricate yourselves from the legal consequences of your acts, none of you has faced up to the fact that more than 9,000 women have made claims that they gave up part of their womanhood so that your company might prosper. It is alleged that others gave their lives so you might so prosper. And there stand behind them legions more who have been injured but who have not sought relief in the courts of this land.

I dread to think what would have been the consequences if your victims had been men rather than women, women who seem through some strange quirk of our society's mores to be expected to suffer pain, shame and humiliation.

If one poor young man were by some act of this—without authority or consent—to inflict such damage upon one woman, he would be jailed for a good portion of the rest of his life. And yet your company, without warning to women, invaded their bodies by the millions and caused them injuries by the thousands. And when the time came for these women to make their claims against your company, you attacked their characters. You inquired into their sexual practices and into the identity of their sex partners. You exposed these women—and ruined families and reputations and careers—in order to intimidate those who would raise their voices against you. You introduced issues that had no relationship whatsoever to the fact that you planted in the bodies of these women instruments of death, of mutilation, of disease.

I wish to make it absolutely clear that I am specifically directing and limiting my remarks to that which I have learned and observed in these consolidated cases before me. If an incident arises involving another product made by the A.H. Robins Company, an independent judgment would have to be made as to the conduct of your company concerning that product. Likewise, a product made by any other company must be judged upon the individual facts of that case.

Gentlemen, you state that your company has suffered enough, that the infliction of further punishment in the form of punitive damages will cause harm to your ongoing business, will punish innocent shareholders and could conceivably depress your profits to the point where you could not survive as a competitor in this industry. When the poor and downtrodden in this country commit crimes, they too plead that these are crimes of survival and that they should be excused for illegal acts which helped them escape desperate economic straits. On a few occasions when these excuses are made and a contrite and remorseful defendant promises to mend his ways, courts will give heed to such a plea. But no court would heed this plea when the individual denies the wrongful nature of his deeds and gives no indication that he will mend his ways. Your company in the face of overwhelming evidence denies its guilt and continues its monstrous mischief.

Mr. Forrest, you have told me that you are working with members of the Congress of the United States to ask them to find a way of forgiving you from punitive damages which might otherwise be imposed. Yet the profits of your company continue to mount. Your last financial report boasts of new records for sales and earnings, with a profit of more than $58 million in 1983. And all the while, insofar as this court is able to determine, you three men and your company still engage in the self-same course of wrongdoing in which you originally commenced. Until such time as your company indicates that it is willing to cease and desist this deception and to seek out and advise victims, your remonstrances to Congress and to the courts of this country are indeed hollow and cynical. The company has not suffered, nor have you men personally. You are collectively being enriched by millions of dollars each year. There is as yet no evidence that your company has suffered any penalty whatsoever from these litigations. In fact, the evidence is to the contrary.

The case law indicates that the purpose of punitive damages is to make an award which will punish a defendant for his wrongdoing. Punishment traditionally involves the principles of revenge, rehabilitation and deterrence. There is no evidence I have been able to find in my review of these cases to indicate that any one of these factors has been accomplished.

Mr. Robins Jr., Mr. Forrest, Dr. Lunsford: You have not been rehabilitated. Under your direction your company has in fact continued to allow women, tens of thousands of them, to wear this device—a deadly depth charge in their wombs, ready to explode at any time. Your attorney Mr. Alexander Slaughter denies that tens of thousands of these devices are still in the bodies of women. But I submit to you that Mr. Slaughter has no more basis for his denial than the plaintiffs have for stating it as truth, because we simply do not know how many women are still wearing these devices and your company is not willing to find out. The only conceivable reasons you have not recalled this product are that it would hurt your balance sheet and alert women who already have been harmed that you may be liable for their injuries. You have taken the bottom line as your guiding beacon and the low road as your route. This is corporate irresponsibility at its meanest. Rehabilitation involves an admission of guilt, a certain contrition, an acknowledgment of wrongdoing and a resolution to take a new course toward a better life. I find none of this in the instance of you and your corporation. Confession is good for the soul, gentlemen. Face up to your misdeeds. Acknowledge the personal responsibility that you have for the activities of those who work under you. Rectify this evil situation. Warn the potential future victims and recompense those who already have been harmed.

Mr. Robins, Jr., Mr. Forrest, Dr. Lunsford: I see little in the history of this case that would deter others from partaking of like acts. The policy of delay and obfuscation practiced by your lawyers in courts throughout this country has made it possible for you and your insurance company, Aetna Casualty and Surety Company, to delay the payment of these claims for such a long period that the interest you earn in the interim covers the cost of these cases. You, in essence, pay nothing out of your pocket to settle these cases. What other corporate officials could possibly learn a lesson from this? The only lesson could be that it pays to delay compensating victims and to intimidate, harass and shame the injured parties.

Mr. Robins Jr., Mr. Forrest, Dr. Lunsford: You gentlemen have consistently denied any knowledge of the deeds of the company you control. Mr. Robins Jr., I have read your deposition. Many times you state that your management style was such as to delegate work and responsibility to other employees in matters involving the most important aspects of this nation's health. Judge Frank Theis, who presided over the discovery of these cases during the multidistrict litigation proceedings, noted this phenomenon in a recent opinion. He wrote, "The project manager for Dalkon Shield explains that a particular question should have gone to the medical department, the medical department representative explains that the question was really the bailiwick of the quality control department, and the quality control department representative explains that the project manager was the one with the authority to make a decision on that question." Under these circumstances, Judge Theis noted, "it is not at all unusual for the hard questions posed in Dalkon Shield cases to be unanswerable by anyone from Robins."

Your company seeks to segment and fragment the litigation of these cases nationwide. The courts of this country are now burdened with more than 3,000 Dalkon Shield cases. The sheer number of claims and the dilatory tactics used by your company's attorneys clog court calendars and con-

sume vast amounts of judicial and jury time. Your company settles those cases in which it finds itself in an uncomfortable position, a handy device for avoiding any proceeding which would give continuity or cohesiveness to this nationwide problem. The decision as to which cases to try rests almost solely at the whim and discretion of the A.H. Robins Company. In order that no plaintiff or group of plaintiffs might assert a sustained assault upon your system of evasion and avoidance, you time after time demand that able lawyers who have knowledge of the facts must as a price of settling their cases agree to never again take a Dalkon Shield case nor to help any less experienced lawyers with their cases against your company.

Minnesota lawyers have filed cases in this jurisdiction for women from throughout the United States. The cases of these women have waited on the calendar of this court for as many as three years. The evidence they will present at trial is predominantly generic evidence concerning the company's actions, which is as easy to produce in Minnesota as anywhere else. Yet your company's attorneys persist in asking that these cases be transferred to other jurisdictions and to other judges unfamiliar with the cases, there to wait at the bottom of the calendars for additional months and years before they they have their day in court.

Another of your callous legal tactics is to force women of little means to withstand the onslaught of your well-financed, nationwide team of attorneys, and to default if they cannot keep pace. You target your worst tactics for the meek and the poor.

(I should point out that the Faegre & Benson law firm, local counsel for your company in the consolidated cases before me, has a high reputation for fair play, integrity and fidelity to the court. Faegre & Benson, and other local firms retained for trials across the country, are not responsible for the overall strategic decisions of your company).

Despite your company's protestations, it is evident that these thousands of cases cannot be viewed in isolation, one at a time. The multidistrict litigation panel of the federal court system found these cases to have sufficient similarity on issues of fact and law to warrant their reference to a single judge who, for varying periods of time, conducted discovery, depositions and proceedings designed to devise an efficient method of handling these cases. In each of these thousands of cases, the focal point of the inquiry is the same: the conduct of your company through its acts and omissions. Indeed, Judge Gerald Heaney of the Court of Appeals for the Eighth Circuit recently urged judges in Minnesota to work together to devise a coordinated system for dealing with all of their Dalkon Shield cases.

These litigations must be viewed as a whole. Were these women to be gathered together with their injuries in one location, this would be denominated a disaster of the highest magnitude. The mere fact that these women are separated by geography blurs the total picture. Here we have thousands of victims—present and potential whose injuries arise from the same series of operative facts. You have made no effort whatsoever to locate them and bring them together to seek a common solution to their plight.

If this were a case in equity, I would order that your company make an effort to locate each and every woman who still wears this device and recall your product. But this court does not have the power to do so. I must therefore resort to moral persuasion and a personal appeal to each of you. Mr. Robins Jr., Mr. Forrest and Dr. Lunsford: You are the people with the power to recall. You are the corporate conscience.

Please in the name of humanity lift your eyes above the bottom line. You, the men in charge, must surely have hearts and souls and consciences. If the thought of facing up to your transgressions is so unbearable to you, you might do as Rogger Tuttle did and confess to your maker, beg forgiveness and mend your ways.

Please, gentlemen, give consideration to tracing down the victims and sparing them the agony that will surely be theirs.●

"VALLEY OF DESTROYED COMMUNITIES" WILL ENHANCE YAD VASHEM MONUMENT HONORING VICTIMS OF THE HOLOCAUST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. LANTOS. Mr. Speaker, several impressive changes are being made which will both expand and enhance Israel's memorial to the Holocaust, Yad Vashem. This significant addition to the memorial is designated the "Valley of Destroyed Communities." It will commemorate those villages destroyed by the Nazis when their Jewish inhabitants were annihilated. The 4,500 communities represented in this undertaking symbolize to Jew and non-Jew the horror and inhumanity of World War II.

Dr. Yitzhak Arad, chairman of the Yad Vashem Directorate, conceived of this unique memorial. It will be located adjacent to the Mount of Rememberance and will contain a huge map-like structure built from the engravings of stone onto rock formations. This map of Europe will illustrate the locations of the destroyed communities.

The director of this project is Eli Zborowski, a Holocaust survivor who found refuge in the United States and has since focused his energies and commitment upon a national and international campaign for its construction.

Mr. Zborowski's other important activities include the establishment of the American Federation of Jewish Fighters, and Camp Inmates and Nazi Victims, of which he was made honorary president in 1976. In 1980 he was appointed by President Jimmy Carter to serve as a member of the U.S. Holocaust Memorial Council. Through his activity in these organizations, as well as his involvement in the resistance movement against the Nazis during World War II, Zborowski has demonstrated his intense commitment to preserve the memory of this tragic moment in human history.

Mr. Speaker, I would also like to acknowledge the significant efforts of my good friend, Norman Belfer, who currently serves as international secretary of Yad Vashem, and who is responsible for bringing this project to my attention. Mr. Belfer's wife, Elinor, is presently the Florida State chairman of the American Society for Yad Vashem, and has also contributed much to American awareness of this important undertaking.

The expansion of Yad Vashem is an appropriate way to commemorate the magnitude of the horror that was carried out against these communities. Equally symbolic is the location of this great memorial in Jersualem—a city that symbolizes peace, not just as an ideal, but as a reality for the many different religions of the world which coexist there. Set in the heart of the Holy Land, this memorial speaks to all who cherish humanity.●

RELIGION AND ETHNIC OPPRESSION IN THE USSR

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. YATRON. Mr. Speaker, on May 16, 17, and 18 of this year, the Research Center for Religion and Human Rights in Closed Societies held a conference at Marymount College in Virginia entitled, "Religion and Ethnic Oppression in the U.S.S.R." The conference featured scholars and former victims of persecution who detailed and documented Soviet efforts to eradicate religion and suppress ethnic identity.

One of the most moving presentations was by Ayshe Seytmuratova, who recounted the atrocities perpetrated by the Soviet regime in the ruthless expulsion of the Crimean Tatars from their native land. Forty years have passed since this tragic and nefarious Soviet action. However, we must not forget the severity of the expulsion, which resulted in unimaginable suffering and substantial loss of life. I think every Member of this Chamber should have the opportunity to read Ms. Seytmuratova's presentation, which, I hope, will serve to intensify our commitment to help oppressed and abused peoples everywhere.

Ms. Seytmuratova's statement follows:

RCDA CONFERENCE ON RELIGIOUS AND ETHNIC OPPRESSION IN THE U.S.S.R.

(By Ayshe Seytmuratova)

DEPORTATION OF THE CRIMEAN TATAR NATION ON MAY 18, 1944

On May 18th, 1984, 40 years have passed since the expulsion of the entire nation of Crimean Tatars from their native land. The facts speak for themselves:

During the night from the 17th to 18th of May 1944 the whole nation—young and old, children, women and the elderly—were roused from their beds and at gunpoint of the NKVD [KBG] troops expelled from Crimea. In the homes of the Tatars the NKVD officers announced: "In the name of the Soviet government, the whole nation of Crimean Tatars is banished from Crimea forever because of their treason committed against our Fatherland. It is forbidden to assemble and search for one's family and relatives. All Crimean Tatars will be exiled, wherever they may be found. They must be prepared for departure within 15 minutes."

Our people were never informed of the route by which they would be deported. The whole nation was arrested, shoved into cattle wagons—veritable crematoria on wheels—and under strict escort sent to the place of execution—to Central Asia, Kazakhstan and the Urals.

For weeks the people had to travel without food, water and medical assistance. The representatives of Crimean Tatars in Moscow wrote a necrolog in their Information Bulletin No. 69 of May 6, 1968:

"On May 18, 1944, the hungry, hastily clad people were taken in sealed freight cars, in a convoy of troops armed with submachine guns, to concentration centers. Those were defenseless children, women, aged and disabled persons whose fathers, husbands and sons were at that time giving their lives and blood on the battlefields in the Great Patriotic War [World War II] or serving in labor forces rebuilding factories destroyed by war actions. How could we ever forget the horror and nightmares of the almost 3 week long journey to the places of our exile, during which the people became swollen from starvation, infested with lice, and the sick and starving travelers were confined with the decomposing corpses of those who died on the way. The troops escorting the train would not remove the dead immediately, nor would they permit the families and relatives of the deceased to bury them even along the railroad tracks. People were fainting from lack of air and from the stench in the cars; many lost their mind."

The year of 1944 was difficult for all the people in the USSR but for the deported and exiled nations it was a year of mass destruction. During World War II 14 small, mostly Moslem nations in the USSR were banished from their lands and brutally relocated by the government; in 18 months diseases and starvation took the lives of more than 110,000 Crimean Tatars alone, i.e., more than 46 percent of our nation perished. Those dry figures include the corpses left behind in the houses, the bodies of those who died on the journey, the persons who lost their sanity, the mothers who lost all their children in a single day, the lament and tears of the poor victims.

It is impossible to find the words that would describe what took place in the resettlement centers. The people were housed in dugouts, barns, horse stables, barracks and even left under the skies. The most crucial problem for us was the total lack of any means of survival.

We, the founders of the Crimean Tatar national movement, conducted a census of our people, both the survivors and the deceased, which provided us with the following data:

Deported were 99,400 children under 16 years of age; 13,300 teenagers under 18 years of age; 93,200 women 18 years old or older; 32,600 men over 18 years of age.

According to the data of the census, a total of 238,500 Crimean Tatars were expelled from Crimea, 205,900 of them women and children, i.e., 86.4% of all expellees.

Dr. Sulamif Prakhye witnessed the annihilation of Crimean Tatars of which she later wrote:

"As a young physician I was assigned to provide 'medical aid to the resettled' who were left out in the open in the marketplace. What could I do with only a meager supply of pills? I could not even communicate with them properly—many of them could not speak Russian.

"There were hardly any men among them—most were elderly, women and children. The most distressful developments began to take place later. Children, either emaciated, as they say—skin and bones, or on the contrary, all swollen from malnutrition, began appearing at the hospital doors. We would put two or three of them together on every free and even occupied cot. If there were any Tatar women in the hospital, they would share their beds with those children. If some of the children happened to survive on hospital rations, I would bring it up to the attention of the hospital administration that nobody had visited them, so that they be sent to orphanages. The official diagnosis was PDE—protein-deficiency edema. Of course, everybody knew what that meant. I cannot recall when exactly the orphaned children began to come to the hospital. Most of them were 6 to 13 years old. I worked in the district hospital in Irgut, a settlement in the province of Samarkand, from 1942 to 1948."

The Crimean Tatars submitted many similar testimonies to higher instances of the USSR. For example, in 1957 the Crimean Tatar writer Shamil Aliadin said at a reception in Moscow to the members of the CPSU Central Committee:

"At 2 AM in the night from the 17th to the 18th of May 1944 the NKVD [KGB] agents armed with submachine guns suddenly burst into the homes of the Tatars, dragged the sleeping women, children and old people from their beds, and pointing their guns at the people's chests they ordered them to leave their homes in 10 minutes flat . . . They would not permit the people to get properly dressed, nor would they let them take their clothes, money and household goods. Soldiers armed with machine guns and agents [of the NKVD] freely rummaged in the houses and confiscated the owner's money, valuables and whatever struck their fancy. They addressed the Tatars as "you damn traitors," etc. The scantily dressed, hungry people left for a month-long journey: in the sealed, stifling railway cars typhoid fever was rampant and children and old people were dying of starvation and infection. The KGB troops would grab the corpses and toss them out through the windows of the cars."

I shall quote another letter addressed to the 23rd CPSU Congress by Tenzine Poragimova:

"Our expulsion was extremely brutal. At 2 AM, when the people were fast asleep, soldiers entered with the order for us to get ready in 5 minutes to leave our homes. We were not permitted to take with us clothes and food. We were treated so roughly that we were convinced that we would be executed. The hungry children wailed pitifully. At that time my husband was in military service and I was left with three children. Of the 30 families in our village only 5 survived, but not with all of their members—one or two members of those families were left and the rest succumbed to famine and disease. Our men served in the army and no one was left to bury our dead. The corpses were often left for days with the living."

Tens of thousands of victims were brutally destroyed according to a well planned method.

From 1957 to the mid-1970's we, the representatives of Crimean Tatars in Moscow, submitted thousands of such testimonies written by Crimean Tatars concerning the expulsion and annihilation of our nation; the documentation was addressed to the Central Committee of the CPSU, the Supreme Soviet and the Council of Ministers of the USSR. It described the taunts by the special detachment and the inhuman conditions of our life in the places of resettlement. To understand the whole scope of the national tragedy experienced by the Crimean Tatars, I quote here at least the data on those who died during the deportation or during the first year of our exile: of 112,700 children and teenagers, 52,066 died; of 92,200 women, 43,085 died; of 32,600 men, 15,061 died. Thus, without a shot being fired, more than 110,000 Crimean Tatars were killed.

If 10-11% of the Crimean Tatar population were lost in the military action of World War II, then the barbarous deportation of our whole nation on May 18, 1944, from Crimea resulted in the death of 46.2% of Crimean Tatars—or almost one half of our nation—in 18 months!

While we were being physically liquidated far from our native land, the barbarians of the 20th century were using hatchets, axes and picks, bulldozers and tractors to destroy our ancient culture in Crimea—our landmarks, our Muslim cemeteries and mosques. The invaluable architectural treasures of Bakhchisarai—Gazi-Mansur and Aziz-Dzhami—were razed. Books in the language of Crimean Tatars and the holy scriptures of the Moslems, Koran, were burned in town squares.

After the deportation of Crimean Tatars from their native land the Tatar names of our communities, mountains and streams were changed to Russian names; for example, the town Karasubazar to Byelogorsk, the town of Eski-Krym to Stary Krym, the village of Besh-Terek to Donskoye, etc.

Thus, in one stroke everything that our nation had created and built over 15 centuries was destroyed. However, we see the beginning of our cultural genocide in the seizure of Crimea by Russia in 1783. No one could express the tragedy of Crimean Tatars after Russia's occupation of Crimea more poignantly than the poet Maximilian Voloshin:

There, in those folds of sea and land,
Life was protected by the span of centuries,
Until we—Russians—came.
For hundred and fifty years—since Catherine the Great—
We have exploited the Moslem paradise,
Cut down its woods, shattered its relics,
Plundered and ravaged the country.

The deportation of Crimean Tatars from Crimea robbed them not only of their native land, their national, economic and material wealth and their statehood but also of their language, literature and cultural heritage. Their nation was deprived of its customs and way of life, its national art, of the opportunity to educate its people in their own language and to teach them their own history, and of the right to celebrate their national and religious holidays.

History knows few such atrocities. For 40 years the Soviet government has been trying to persuade not only the people in

the USSR but the whole world that the nation of Crimean Tatars no longer exists. If there is no nation, then there can be no national problem of Crimean Tatars.

The policy of genocide of small nations must serve as a warning not only to ethnic groups in the USSR but to every nation in the world.

Nevertheless, the brutality committed against the Crimean Tatars in 1944 could not induce them to abrogate their native land—Crimea. On the contrary, the tragedy of our nation compelled us, Crimean Tatars, to unite and fight for the categorical imperative of our national self-preservation, which means the preservation of our language, our culture and our history, our customs and traditions, our religion—Islam—and our national identity, our statehood.

From the first days of its existence the Soviet government has conducted a campaign against religion. However, its struggle against Islam had always been—and still is—even more vicious than its campaign against Christianity, as Prof. Alexandre Bennigsen notes in his book "The Muslims in the USSR." Thus, for example, fewer than 500 of the 26,000 mosques have been left, and there are fewer than 1,000 Islamic clergymen and religious workers who once numbered 50,000.

The number of Muslims in the USSR is estimated as 50 million and thus, the 500 mosques and 1,000 clergymen are a mere drop in the ocean. The anti-Islamic policy is evident not only from these data but mainly from Soviet laws. I shall mention one of them, "The Law on Religious Cults of the Uzbek Soviet Socialist Republic"—Decree of the Council of Ministers of the Uzbek SSR No. 65 of February 7, 1969, which states:

"The Council of Ministers of the Uzbek Soviet Socialist Republic herewith decrees:

(1) that a census of all currently active religious congregations and of clergy be made prior to June 1, 1969; that the conditions of vacant mosques and other houses of prayer be surveyed and steps taken in accordance with the established procedure to assign them for industrial and cultural use, or to demolish the buildings that are damaged;

(2) to intensify the efforts to curtail the pilgrimages to the so called 'holy shrines'; to investigate prior to June 1, 1969, every such place and to prepare specific programs for preventing pilgrimages to such localities;

(3) to authorize the Ministry of Internal Affairs of the Uzbek SSR to take steps in order to intensify the efforts to investigate and prevent crimes perpetrated on religious grounds; to curtail the sales and distribution of religious literature (photocopies of sermons, excerpts from the Koran, tapes and recordings of religious poetry, hymns, etc.); to prevent employment of able-bodied individuals in houses of prayer and the activities of parasitic elements among the clergy and leaders of sectarian organizations."

The decree contains a total of 11 such paragraphs.

The campaign against Islam has been stepped up recently in Muslim republics of the USSR, especially after the Islamic revolution in Iran, as confirmed by the trials in Tashkent in 1982. As an example I should like to mention the court action against Samarkad Azimov, Ruzyev, Rakhimov and others who were charged with illegal organization of schools for teaching of Islam and with illegal copying and dissemination of a booklet entitled "The Islamic Faith."

Where is the pledge triumphantly announced to the Muslims in Russia and the East at the dawn of the Soviet regime: "From this day on your beliefs and customs, your national and cultural institutions shall be free and inviolable!"?●

THE VETERAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, July 4, 1984, into the CONGRESSIONAL RECORD:

THE VETERAN

The United States has the world's most comprehensive system of benefits for its 28.2 million veterans and their 56.4 million dependents and survivors. The nation owes veterans a debt of gratitude for their service, and it can express that gratitude best by maintaining and improving responsible programs for them. We generally spend more on our veterans than we spend fighting wars, trying to make up for the losses that they suffered and helping them readjust to civilian life. Only the Department of Defense and the Department of Health and Human Services have budgets larger than the $25.8-billion budget of the Veterans' Administration (VA). Yet there is a threat to future benefits on the horizon: as a group, veterans are growing older.

As a result of a 1971 law, all veterans aged 65 years or more are eligible for free health care, regardless of their need. The cost of that general promise is finally becoming evident as the nation's largest group of veterans, those who served in World War II, nears retirement. In 1980, 10.6% of all veterans were 65 or older. By 1990, 26.4% of our veterans will be, so half of all men in this age group will be eligible for free health care provided by the VA. VA outlays for health care tripled between 1973 and 1983, and may double again to $15.4 billion by 1990. The number of veterans turning to the VA for this benefit could be larger than expected if further cuts are made in medicare or if more than the 20% of retired veterans who now use VA medical facilities become aware of their eligibility. In our present budget predicament, the aging of our veterans poses a real challenge.

The 1971 law does not guarantee that all elderly veterans must receive free health care. It only establishes their eligibility for it where it is available. By law, only veterans with service-connected disabilities have the guarantee. Because so much of the VA's health care budget goes to veterans for the treatment of conditions not connected to service, Congress could close most of the VA health care system tomorrow and still live up to the letter of its commitment. However, the spirit of the commitment is another matter, and Congress has tried to accommodate all veterans. Public support for veterans continues as strong as ever.

Many of the proposals to deal with the problem of aging veterans involve cutting back benefits, especially to those whose disabilities are not connected to service. One option would be to institute a means test, providing free health care to these veterans only if they have limited incomes. Likewise, the VA could require veterans without service-connected conditions to share in the cost of their treatment through deductibles and co-payments. Supporters of such proposals argue that there is no reason why a millionaire businessman who served only a few months of desk duty should have taxpayers picking up the tab for all of his health care when he retires. They also point to a recent survey which found that veterans as a group are better off economically and socially than are non-veterans of the same age.

Congress is more interested in proposals emphasizing the economies that may be realized if the VA health care system is administered better. These economies could lessen the need to cut back benefits later on. Suggestions along this line include:

Making VA hospitals more efficient (the VA can lower its construction costs, handle its inventories better, and improve its computer system);

Recovering costs from private insurance (about 35% of all patients at VA hospitals have private insurance that could help cover the costs of their treatment);

Linking up VA programs with existing health care services (efforts are under consideration in the VA to end overlap and upgrade coordination of its services with health care already available in the community);

Putting more emphasis on less costly types of health care (the trend toward outpatient treatment and home health care should be encouraged to continue);

Providing vouchers to veterans seeking health care outside the VA system (payment by the VA for health care rendered elsewhere could prevent building of facilities that would be used for a few years at most);

Boosting preventive strategies (like any health care system, the VA's should be putting more emphasis on detecting and preventing illnesses and disabling conditions);

Improving allocation of VA facilities across the country (hospitals in some areas are stretched to the breaking point while those in other areas sit empty);

Pooling the health care resources of the VA and the Department of Defense (these agencies' hospitals are often close to each other, so there is an opportunity to share resources);

Converting acute care facilities to nursing homes (because the biggest need of veterans in future years will be space in nursing homes, it may be much cheaper for the VA to drop construction plans and convert underutilized hospital wards);

Revising hospitals' incentives (instead of basing the budget of the VA's health care system on the past year's spending, the cost-saving incentives that are part of a medicare-type scheme of fixed payments for services might be tried).

Providing excellent health care to our aging veterans clearly will be one of the more difficult issues on Congress's domestic agenda in the years ahead. With foresight, planning, and willingness to meet the challenge directly, we should be able to preserve a strong VA health care system without reducing the benefits or raising the costs to veterans.●

ASIAN-INDIANS AND IMMIGRATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. GARCIA. Mr. Speaker, I would like to include for the RECORD a statement made by Dr. Joy Cherian, president of the Indian-American Forum for Political Education, on the Simpson-Mazzoli immigration bill. I believe Mr. Cherian's statement gives yet another perspective on this issue.

I would also like to point out the growing importance of this Nation's Asian-Indian community. There are approximately 500,000 Asian-Indians in this country. They are becoming a political and economic force. Although there is diversity within their community, I believe that they too recognize that their strength lies in forging a real sense of unity.

On May 26 and 27, the third annual convention of Asian-Indians was held in Washington, DC. The conference covered a wide range of topics, from cultural to political. Although, Dr. Cherian's statement is concerned with immigration reform, the forum is interested in a variety of subjects.

I hope that my colleagues will take a moment to read Dr. Cherian's remarks. I also hope that they will take the opportunity to better acquaint themselves with the Asian-Indian community.

The remarks follow:

FAMILY REUNIFICATION PROVISIONS IN THE IMMIGRATION REFORM AND CONTROL ACT OF 1983

On February 25, 1983, leaders of the Indian-American Forum for Political Education, representing the Indian American Community of a half million legal residents and U.S. Citizens, testified before the Senate Subcommittee on Immigration and Refugee Policy on the Senate Immigration bill, S. 529. We stated at that time that we appreciate the efforts of Congressional leaders to reform the present immigration process in order to protect the national interests of the United States. However, we strongly opposed certain proposed restrictions introduced by Senator Alan Simpson on family reunification provisions under the second and fifth preferences of the existing immigration law. Those restrictions would eliminate the special consideration granted to the immigration of adult children of U.S. permanent residents and siblings of U.S. citizens under the present law.

Although Senator Alan Simpson and other members of the Subcommittee agreed to revise one of their original proposals which would have eliminated the fifth preference system, the Senate passed version of the bill which would admit only unmarried siblings, is not at all satisfactory to American citizens of Asian Indian origin. We hope that the Senate-House Conference Committee will not accept the Senate bill's provisions which would restrict family reunification rights of U.S. permanent residents and U.S. citizens.

We defer taking a position on this bill until we see the final form of the conference report. If the conference report disappoints us, we will join with all Asian Americans and request the President of the United States to veto this legislation.●

SMALL BUSINESSES AND THE FEDERAL DEFICIT

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. DYSON. Mr. Speaker, I have heard from small businesses throughout my district about the need to reduce the deficit. Their message is clear. We must cut the Federal deficit, because higher deficits push up interest rates. Small businesses can't finance inventory or expansion out of operating profits. They can't sell stocks or bonds. For small businesses to grow, they must borrow. But if the Federal Government continues to soak up nearly $200 billion each year from credit markets, small businesses will face severe credit shortages. And for what they can borrow, they will have to pay prohibitive rates of interest.

While small businesses are acutely vulnerable to interest rates, they can also be victimized by tax rates. Major corporations and large conglomerates can often turn losses into profits simply by manipulating their taxes. For big firms, the Tax Code is a catalog of tax breaks. Smaller business and families get stuck with the Federal tab.

I have joined several of my colleagues in calling for a bipartisan assault on the deficit. Every aspect of the Federal budget—with the sole exception of Social Security—should be on the table for review. This includes entitlements, defense expenditures, and taxes.

There is a growing sentiment among my constituents that we do not need more taxes or higher tax rates but a different, simpler, and more efficient tax system. Other calls can be heard for comprehensive tax reform. I urge my colleagues, as we push forward with deficit-reduction strategies, to bring all proposals for comprehensive tax reform center stage. We can no longer pile tax upon tax, but must restore rational order and fairness to the tax structure.

Mr. Speaker, an editorial comment, published in the Washington Post on Monday, July 23, provides a clear statement of the linkage between tax reform and deficit reduction. I offer it now for my colleagues to consider. If the deficit makes tax increases unavoidable, it makes tax reform an urgent priority.

[From the Washington Post, July 23, 1984]

. . . SPECIFICALLY ON TAXES

Concerning Mr. Mondale's acceptance speech statement that both he and Ronald Reagan would have to raise taxes next year, Mr. Reagan says he would not raise taxes—not, at least, unless Congress met further large and implausible conditions regarding spending cuts. So there you have a choice between two positions—sharply defined, substantial and urgent.

Mr. Reagan has adroitly moved to avoid the whole subject by initiating a study of tax reform in general, with all questions and answers to be postponed until the study is completed after the election. But it's possible to lay out a few tests by which you can judge all the proposals that will be floated between now and November.

First, how much money? What's required is something more than $100 billion a year. But how much more? That depends on how much you want to cut out of present social spending. If, like ourselves, you think it unwise to go after more large reductions in the health and welfare programs, you had better use a figure of $125 billion a year as the minimum needed for new revenue in the next presidential term.

Next, which tax? The simplest would be a surtax on your present income tax. But that would only perpetuate and magnify all the present inequities in the income tax law. As for closing loopholes and abolishing preferences in the present law, one by one, that's not realistic. You have only to consider the vast amount of effort it took to get through Congress the very modest bill that Mr. Reagan signed last week, raising $50 billion in additional taxes over the next three years. The politics of piecemeal tax reform is the legislative equivalent of World War I—trench warfare, in which the defensive weapons are much more effective than the offensive ones. The real choice probably comes down either to a national sales tax—a rate of 10 percent would suffice—or a sweeping and fundamental revision of the income tax like the Bradley-Gephardt plan.

That leads to the final test: what's fairer? The income tax is a great deal fairer than a sales tax. But either would be preferable to the consequences of letting the deficit keep rolling along.

The deficit is pushing up interest rates—and Mr. Reagan's Treasury Department is flatly and absurdly wrong in continuing to quibble about it. But if the deficit is making trouble now, it is going to make much more trouble over the next several years. There's a circular process operating here. The deficit not only pushes up interest rates, but also adds to the federal debt on which the government pays interest. The rising interest costs then increase the deficit, and so on around again. Federal interest payments have doubled since 1980, which is to say that they have been rising much faster than either defense spending or Social Security. To say that it can't be sustained is simple arithmetic.

The issue isn't whether you like paying taxes. The real issue is what you're willing to pay to avoid the highly unappealing alternative, and in what form you prefer to pay it. The Reagan administration has ruled the whole subject unmentionable for the duration. Mr. Mondale is discussing it with his listeners as a responsibility that, as both he and they know, is unavoidable.●

1984 ANNUAL OPINION SURVEY RESULTS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. RUDD. Mr. Speaker, each year I take the opportunity to conduct a survey of my constituents in Arizona's Fourth Congressional District in an effort to seek their views on key issues which will be facing the House of Representatives throughout the year.

Thousands of Arizonans in the Fourth District responded to this year's survey. Their advice is invaluable.

I wish to share the results of the 1984 survey with my colleagues and insert them in the RECORD at this point:

1984 ANNUAL OPINION SURVEY RESULTS

1. Do you approve or disapprove of President Reagan's job performance thus far?
a. Approve, 70%.
b. Disapprove, 18%.
c. Not sure, 11%.

2. In your opinion, the best way(s) to reduce federal budget deficits is (are) to: (check one or more)
a. increase taxes, 13%.
b. reduce the rate of increased spending for social programs, 40%.
c. reduce the rate of foreign aid, 53%.
d. reduce the rate of increase for national defense, 19%.
e. reduce the growth of all federal spending, 74%.

3. One proposal to exert greater control over federal spending is to give the President authority to veto specific portions of government spending bills, rather than having to accept or reject an entire bill. Do you favor or oppose this "Line-Item Veto?"
a. Favor, 80%.
b. Oppose, 12%.
c. Undecided, 7%.

4. Do you favor or oppose Congress enacting tougher laws, such as fining employers who knowingly hire illegal aliens, to stop illegal immigration?
a. Favor Tougher Immigration Laws, 81%.
b. Oppose Tougher Immigration Laws, 9%.
c. Not Sure, 9%.

5. Do you favor or oppose granting amnesty to the millions of illegal aliens currently in the United States as part of a comprehensive program of immigration reform?
a. Favor Amnesty, 18%.
b. Oppose Amnesty, 66%.
c. Undecided, 15%.

6. In your opinion, has President Reagan's economic program been a success or failure?
a. Success, 66%.
b. Failure, 15%.
c. Not Sure, 18%.

7. A proposal calling for merit pay for teachers has been suggested as a way to reward the outstanding teachers whose work upgrades educational quality. Do you favor or oppose merit pay for teachers?
a. Favor Merit Pay, 71%.
b. Oppose Merit Pay, 18%.
c. Undecided, 10%.

8. When Congress debates the defense for the next fiscal year, there are likely to be a series of votes on attaining a defense posture sufficient to assure our defenses. Do you believe that our national security requires us to be stronger than our adversaries, or not?
a. Yes, 75%.
b. No. 18%.
c. Undecided, 6%.

9. Investment decisions must be made soon if industrial and commercial activity in outer space is to be an important source for economic growth and new jobs for the future. Would you favor or oppose government encouragement of space commercialization?
a. Favor Space Commercialization, 61%.
b. Oppose Space Commercialization, 18%.
c. Not Sure, 19%.

10. The recent Bi-partisan Commission Report on Central America has recommended increased U.S. economic and military aid to the region over the next five years. Do you favor or oppose increased aid to the region?
a. Favor Increased Aid, 51%.
b. Oppose Increased Aid, 33%.
c. Not Sure, 14%.

11. Do you favor or oppose legislation to authorize the death sentence for federal crimes of treason, espionage, and homicide?
a. Favor Death Sentence, 85%.
b. Oppose Death Sentence, 7%.
c. Undecided, 6%.

12. Should the U.S. Constitution be amended to require a balanced federal budget, except in time of national emergencies, or not?
a. Favor Balanced Budget Amendment, 73%.
b. Oppose Balanced Budget Amendment, 12%.
c. Undecided, 12%.

13. In your opinion, the best way(s) to prevent the bankruptcy of the Medicare program is (are): (check one or more)
a. Stricter controls on Medicare reimbursements, 81%.
b. Increasing Medicare taxes, 11%.
c. Shifting more costs to beneficiaries, 22%.
d. Raising the age for Medicare eligibility, 22%.

14. The U.S. currently bears 25 percent of the total cost of operating the 158-nation United Nations. Should the U.S. limit the contrbuition to our share of the population represented in the organization—about 5 percent, or not?
a. Yes, 83%.
b. No, 11%.
c. Undecided, 5%.

15. Do you support a Constitutional Amendment to declare English the official language of the United States, or not?
a. Yes, 80%.
b. No, 16%.
c. Undecided, 3%.●

THE CONGRESS MUST ACT TO ENSURE PAY EQUITY FOR WOMEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. LANTOS. Mr. Speaker, last week in San Francisco, on the very doorstep of my own congressional district, the Subcommittee on Compensation and Employee Benefits held hearings on the Pay Equity Act of 1984. On that occasion, I made a statement strongly supporting this important piece of legislation.

I now place in the RECORD that statement.

TESTIMONY OF THE HONORABLE TOM LANTOS, MEMBER OF CONGRESS, BEFORE THE SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS ON H.R. 5029—"THE PAY EQUITY ACT OF 1984" SAN FRANCISCO, CA, JULY 17, 1984

Madam Chairperson, as a professional economist I am deeply concerned about the consequences to our society when we continue to permit enormous inequalities in pay for work of equal value solely because of sex. The price our society pays for such discrimination is the cost of the quality of life for women and children. Indeed, we have reached the point that the slogan, "the feminization of poverty," is not only widely used but it accurately reflects actual conditions in our nation.

Women have entered the workforce in growing numbers in recent decades. Today, more than half of the women in the United States are employed, while only 30 years ago that number was 30 percent. Today's working women are concentrated in low-paying dead-end jobs. Nearly 80 percent work in clerical, service, and semi-skilled or unskilled occupations. Nationally, women earn only 57 cents for every dollar earned by a man. The small size of the Susan B. Anthony dollar, which has been discontinued by the U.S. Mint, was an ironic symbol of the worth of the woman's dollar!

Adding to the serious implication of these statistics is the fact that 9.4 million families, one of every six families, is a household headed by a single woman. More than half of all children living in poverty are in families headed by women. For black children, the proportion is two-thirds. Single female heads of household have an average income of $10,000 compared to nearly $30,000 for a two-parent household with both parents working.

This problem is further compounded by the fact that retirement and social security benefits are based on previously earned income. With years of low income elderly women are left in even greater poverty when they can no longer work. Of the 4.4 million elderly who live below the poverty level in our nation, 72 percent of them are women.

What serious social problems fester in our society when children grow up in homes with hard-working but inadequately paid mothers? These women struggle to make ends meet but all too often they are unable to provide a financially secure environment. The expectations and aspirations, as well as the potential for their children are crushed. The hope and optimism of the mothers dies as well. This death of human spirit is insidious but indisputable. It is tragic, but I feel anger—not dispair. We can and must do something about it.

I am fighting to see women receive equal economic treatment. The issue is not only one of poverty, but equally important, it is one of principle. I have two intelligent and beautiful daughters, both are well educated professionals—and yet both of them face the prospect of being treated as "women" in the work force. Their training and experience will simply not be considered "equal" to that of men with similar backgrounds.

The phenomenon of sex inequality is not new. In the Old Testament the book of Leviticus puts the value of a women at 30 shekels but that of a man is 50. Margaret

Mead reported: "There are villages in which men fish and women weave, and in which women fish and men weave. But in either type of village, the work done by the men is valued higher than the work done by the women."

The gender gap persists, but surely it is not inevitable. Two decades ago the Equal Pay Act and the Civil Rights Act were passed prohibiting employers from paying women less than men when the work was similar and required equal skill or training. These laws have not been enforced, however, as is evident from the statistics.

We must make a frontal attack on such lethargic enforcement of our laws. I give my commitment here today to continue to fight for these issues, to join my colleagues in the House to build a strong coalition to enact essential legislation assuring women an equal partnership in our economy and in our society.

I fully support H.R. 5092 as a much-needed step toward more effective oversight of laws which prohibit discrimination in compensation. Madam Chairperson, I commend you and the subcommittee for your work on this legislation and your holding this public hearing today. I appreciate the opportunity to participate with you today.●

CONGRESS AND TECHNOLOGY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 11, 1984 into the CONGRESSIONAL RECORD:

CONGRESS AND TECHNOLOGY

Not long ago, a few colleagues and I attended a meeting with the Speaker of the House. As we reviewed the congressional schedule, the Speaker commented, "Most of these bills wouldn't have been on Congress' legislative agenda ten years ago." One factor that explains the truth of his remark is the relentless advance of technology in medicine, warfare, agriculture, and many other fields. Keeping up with technological change has become a formidable challenge for Congress.

Information technology above all is changing the world and setting bold challenges before Congress. Whole new industries making and selling microchips and software have sprung up around the country. One third of the nation's households are connected to cable television systems that use satellites to transmit programs from thousands of miles away, and videocassette recorders allow people to tape these programs for viewing whenever they wish. Thousands of firms use computers to do business, the military relies on state-of-the-art communications to defend us, and nearly all people have some information about them stored in vast data banks. Personal computers soon may be as common as telephones and typewriters.

Faced with basic laws written decades ago in a much less technologically sophisticated day, members of Congress are beginning to see that they must grapple with the consequences of explosive technological growth. In many cases, information technology simply leapfrogs over these laws and renders them ineffective or irrelevant. Problems of copyright law, computer crime, national security, and personal privacy suddenly have jumped to the top of the nation's agenda.

While Congress accepts the benefits promised by the new information technology, it should not hesitate to look hard at the problems. Congress must realize that the technology is moving so rapidly that laws enacted as little as four years ago are already outdated. Indeed, the pace of change is such that some legislation is obsolete even before it is enacted. The job of keeping up is most difficult because members of Congress, most of whom have little technical background, are being asked not only to understand the workings of computers, satellites, and the like, but also to make decisions on the regulation of these devices.

Take copyright law, for example, the area that may be most affected by the new information technology. The last major overhaul of the law (which prohibits the copying of books or films without the consent of the authors or makers) took place in 1976, but change left the amendments behind almost before they went into effect in 1978. Questions have arisen about how to protect new creations, such as microchips, from pirates who would copy them without the consent of the makers. Are these microchips like books or films, or are they machines better protected by patent law? Other questions have to do with new ways to copy old forms of information. Should extra royalties be paid to the makers when materials under copyright, such as movies and television programs, are transmitted by cable and satellite, or when viewers employ their own equipment to tape the materials for private use? How will the copyright holder's right be enforced? Congress now has before it legislation technology.

Equally difficult issues revolve around the security of computers and the data that they contain, whether they are located in a military command center or in the offices of a large corporation. Breaking into computers is easier, and has become more common, then has been generally believed. With enough determination and time and a good computer, anyone can hook into a growing international web of military and commercial data banks. This fact dramatically increases the chance of minor disruption, and also the risk of espionage, fraud, larceny, extortion, embezzlement, and sabotage. The ease of invasion and the prospect that the situation may worsen as millions of computers are hooked onto telephone lines have fueled demands that Congress act. It is considering legislation that would create clear-cut penalties for tampering with data.

Concerns about individual freedom are as pervasive as concerns about the security of military and commercial information. Advances in information technology that allow data banks to communicate with one another have outstripped the development of laws that could protect individual freedom. Such services as electronic mail, for instance, transmit vast amounts of data on people instantaneously, greatly expanding the opportunity for electronic eavesdropping. Equally important is the nature of the data exchanged. The federal government maintains an average of 15 files on each citizen, and state governments are not lagging too far behind. outside government, banks, insurance companies, and schools amass computerized information on customers, clients, and students. Information on people's habits, health problems, religion, political associations, and finances are there for the curious to see, and the incentive to misuse the information is growing. The Privacy Act of 1974 has become ineffective, and so we must address again how we will defend the constitutional right to privacy, the presumption of innocence, and the prohibitions against self-incrimination and unreasonable searches and seizures.

It seems to me that Congress ought to take two steps before all else. First, it must forge a better relationship with the scientific and engineering communities. Such a relationship may not have been necessary in the past; today, it is urgently needed. Congress must seek from the technicians the guidance it needs to develop public policy for all kinds of new technology. Also, members of Congress must do all they can to keep up with the technological revolution. The Congressional Research Service, the Office of Technology Assessment, and other agencies that assist Congress can make a contribution in this regard, perhaps by joining forces to prepare continuing studies of the ways in which Congress might legislate more efficiently and effectively for the future. My feeling is that Congress had better begin to improve its capacity to deal with the explosion of technology now occurring.●

A SAFE ENVIRONMENT DOES NOT THREATEN CHEMICAL INDUSTRY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. FLORIO. Mr. Speaker, as my colleagues are well aware, the concern of the American people regarding the disposal of toxic waste has been intense. As a result, considerable legislative attention has been focused on this problem. Although the need to enact a comprehensive reform of the Nation's laws governing hazardous waste management remains urgent, the progress that the chemical industry is accomplishing on its own should not be obscured.

Recently, the Du Pont Co. announced that its plant in Pennsville Township, NJ, will provide wastewater treatment and waste incineration services to other companies. This is not an act of charity: Du Pont can expect to profit from this venture. Nevertheless, it represents a significant step toward the goal of a safer, cleaner environment. The Du Pont Co., which is to be commended for its efforts in this area, has proven that protection of health and the environment is in fact compatible with a secure and prosperous chemical industry.

A recent editorial in the Gloucester County Times, Woodbury, NJ, provides an excellent summary of the benefits offered by Du Pont's involvement in proper hazardous waste management.

The editorial, which appeared on June 12, 1984, follows:

DU PONT HAS SKILLS FOR TOXIC WASTE JOB

It's a good sign for those concerned about the environment that the Du Pont Co. is getting into the industrial waste disposal business.

The company announced last week it had formed a unit at its Deepwater chemical plant in Pennsville Township to provide wastewater treatment and waste incineration services to other companies. The Du Pont Environmental Services Group will use wastewater treatment capacity at the plant to purify liquid waste and a special furnace to treat contaminated metal.

Du Pont enjoys a superb reputation as a pioneer in the chemical industry, having invented many of the fibers used to produce an endless number of the products we take for granted today. You can find the Du Pont trademark on everything from kitchen counter tops to the clothing on our backs.

So it's reassuring that a company with the resources and knowledge to invent Decron and Teflon is getting involved in cleaning up the environment.

It's also reassuring in our own area, because we know the company has to care what happens in our environment because all of its workers and managers live here.

We can't expect to make meaningful strides in the quest to eliminate pollution in our environment unless big business gets behind the move. You can't get much bigger than Du Pont, and that's why this new endeavor is so important to all of us.

Certainly the Du Pont Co. is getting involved because there is profit to be made. It's also true also that the company works with and disposes of many chemicals that can pollute the environment if not handled properly.

So it has a financially vested interest in this endeavor. And that's good. That's what makes the project believable and, to use a business phrase, "doable."

As group manager Nicholas J. DiMurino put it, "Regulations to reduce waste and protect groundwater have produced an opportunity for Du Pont to use its resources in solving environmental problems. We believe Du Pont management, safety experience and technical capabilities can be marshaled to help solve waste disposal problems that may seem unsolvable.

Such nightmare as the contaminated oil that fills lagoons at the Bridgeport Rental and Oil Services Co. site in Logan Township could be treated at a facility such as Du Pont's.

Maybe if other major chemical and petroleum industries get involved along with Du Pont, we can rid the environment of all of these man-made nightmares that plague us worldwide.

In the meantime, Du Pont's entry into this field is indeed welcomed.●

THE AMERICAN COMMUNITY: WHOSE VISION WILL PREVAIL?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. MICHEL. Mr. Speaker, the idea of community was mentioned many times during the recent Democratic Convention. But the world can have radically different meanings, depending upon the speaker. If Walter Mondale is correct, then the people of the United States should be trying to build one big community called the United States. But if Ronald Reagan is correct, we have one Nation but many, many communities, out of which we draw diversity, innovation and resiliency. Mondale's vision of community is one that leads inevitably to centralization; President Reagan's is one that takes the diverse strengths of America and uses them. This election is going to be one that presents those competing visions to the American people.

Long before Mondale gave us his vision of community, scholar William A. Schambra of the American Enterprise Institute had been doing scholarly work on the two concepts of community. Recently he distilled the essence of that work into an article for the Wall Street Journal. I believe this article accurately portrays the major issue of this election. I urge our colleagues to read this important article.

At this point, I wish to insert into the RECORD, "Cuomo's Sense of Community Is a Political Hand-Me-Down" by William A. Schambra, in the Wall Street Journal, Tuesday, July 24, 1984.

CUOMO'S SENSE OF COMMUNITY IS A POLITICAL HAND-ME-DOWN

(By William A. Schambra)

"America is one, indivisible community," Walter Mondale asserted as he introduced Geraldine Ferraro to the nation. "We believe we must be the family of America, recognizing that at the heart of the matter we are bound to one another," added Gov. Mario Cuomo of New York in his stirring keynote address at last week's Democratic convention. It appears that this notion—the vision of America as one, great national community or family—will be at the heart of the Democrats' message this year. But the Democratic vision of community is seriously flawed, and President Reagan must put forth his own ideals of community or risk conceding the moral high ground to Mr. Mondale.

Democratic presidents since Franklin Roosevelt have built their programs and rhetoric around an image of national community, calling upon Americans to substitute for their traditional self-interested individualism the compassion, concern and willingness to share benefits and burdens that are usually to be found only within families and tightly knit communities. Roosevelt, for instance, described his New Deal as "extending to our national life the old principle of local community." Twenty years ago this summer, Lyndon Johnson—the prophet of national "consensus," or unity—called upon America to come together in a "Great Society" that would serve "not only the needs of the body and the demands of commerce, but the desire for beauty and the hunger for community." And now, in speech after speech, Walter Mondale lovingly describes the sense of mutual concern and community to be found in his boyhood home, Elmore, Minn., and urges the nation as a whole to embrace those virtues. This Democratic vision of national community has manifested itself over the years in a powerful central government whose programs have been designed to "integrate" marginal groups into the broader national society, and to ameliorate material inequalities and other differences that might disrupt national oneness.

The solid truth in this Democratic vision is that there *are* moments when we can and must become one, indivisible community—primarily in times of great national crises, such as depressions and wars. The difficulty is that such events are (happily for the republic) not always available. The Democrats therefore turn to dynamic, articulate presidents who try rhetorically to recreate in ordinary times the extraordinary circumstances of crisis. A favorite device for doing so is the "moral equivalent of war," which was Jimmy Carter's method of handling the energy crisis. President Johnson used the image of a "war on poverty," he said, because the "military image" would "rally the nation" and "sound a call to arms which will stir the people." Gov. Cuomo, in his bleak portrayal of modern America as a "tale of two cities," may have been testing a new version of this device—the moral equivalent of the Great Depression.

The extraordinary sense of community created in crisis cannot be sustained, however, even by the most skillfully crafted moral equivalent of war or depression. For a people with a deep tradition of individualism, the self-forgetting public spiritedness this requires is too strenuous. Not that Americans are selfish or mean-spirited; it is just that, as Alexis de Tocqueville observed 150 years ago, Americans satisfy these desires for belonging and community within smaller, sub-national groups, like the family, neighborhood, church, and voluntary and ethnic associations. Within such small groups close bonds can truly form, inspiring, without elaborate evocations of national crisis, the sort of sharing of benefits and burdens Gov. Cuomo would like to see. The ultimate irony of the attempt to extend this community-mindedness to the national level is that the massive federal programs undertaken in its name crowd out the social-welfare functions formerly performed by such smaller groups, thereby weakening them and undermining the true basis for community in America. When we try to transfer the town of Elmore's virtues to the entire country, we not only fail to create a national Elmore, we also make it more difficult for Elmore itself to retain its community values.

Nonetheless, the vision of national community remains a powerful symbol for Democrats. They are clearly hoping that it will permit them to retain the moral high ground in this election. They will succeed if the Republicans confine their response to a celebration of economic recovery and entrepreneurial individualism. Nothing could suit the Democrats better; they have decades of experience in making this appear instead as a mean-spirited commitment to Social Darwinism and "survival of the fittest." They could not do this in 1980, when Ronald Reagan built his campaign around the themes of family, neighborhood and local community. He persuasively made the case that a powerful central government does not facilitate but, in fact, undermines the cause of community in America. The outcome of this election may turn on President Reagan's ability to make that argument again.●

PERSONALLY, I AM OPPOSED TO ABORTION, BUT . . .

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. HYDE. Mr. Speaker, one of the most frequently heard moral evasions of the responsibility of legislators to protect innocent preborn life is the remark: "Personally I'm opposed to abortion, but I would not impose my beliefs on anyone else." If one sincerely believes it is wrong to want abortions done, it is surely wrong to want them done by means of public funding. Imagine applying that same logic to the question of slavery.

A most learned article on this very important topic appears in the July 1984 issue of Homiletic and Pastoral Review written by Prof. Germain Grisez of Mount Saint Mary's College, Emmitsburg, MD. I commend it to all who are interested in this subject:

The article follows:

A CRITIQUE OF TWO THEOLOGICAL PAPERS

(By Germain Grisez)

In November 1983, the Secretariat of the Leadership Conference of Women Religious distributed a packet of papers bearing upon the handling of the case of Agnes Mary Mansour. This packet included two theological papers, one by Charles E. Curran and one by Richard McCormick, S.J. Because these papers have been widely circulated and their central arguments are often used in other contexts, I offer the following critical reflections.

In his paper, "The Differences between Personal Morality and Public Policy," Curran tries to show the relationship between morality and law. He thinks he shows with respect to the public funding of abortion that while bishops can take a position on the matter, "They must realize that they are not teaching here in the same way they teach on faith and morals. They are dealing with the much more complex case of law and public policy."

Curran invokes John Courtney Murray, Jacques Maritain, St. Thomas Aquinas, and Vatican II in support of a distinction between the "personal moral order and the legal order." To confirm his opinion, he appeals to the U.S. bishops' support of the Hatch amendment and to statements in "The Challenge of Peace" regarding the distinction between principles and applications.

Not all the sources Curran uses are of equal weight; one could criticize some of them. One also could point out defects in Curran's use of every one of them. For example, summarizing the position of St. Thomas on the relationship between the moral and the legal orders, Curran says: "Civil laws should suppress only the more grievous vices from which the majority of human beings can abstain (I-II, q. 97, a. 2)." Actually, Thomas says:

"Law is laid down for a great number of people, of which the majority have no high standard of morality. Therefore it does not forbid all the vices, from which upright men can keep away, but only those grave ones which the average man can avoid, and chiefly those which do harm to others and have to be stopped if human society is to be maintained, such as murder and theft and so forth (S.t., 1-2, q. 96, a. 2)."

But no detailed critique of Curran's paper is necessary, because his argument is beside the point. Support of public abortion funding is not simply a case of law and public policy. It is a personal moral act whose object is direct abortion.

While one must recognize the difference between law and morality, the choices by which laws are made and carried out are themselves personal choices which are morally good or bad. Neither the teaching authority of the Church nor any sound Catholic theologian ever has granted that public officials may adopt and execute as public policy what is intrinisically immoral—a program of killing the innocent.

Obviously, a legislator who really opposed abortion might vote for a bill including abortion funding, since that item could be inseparable from many others which deserve support. Likewise a clerk might process checks paying for abortions without choosing that any abortion be done. One could have supported or voted for the Hatch amendment to prevent the abortions which would have been prevented by its adoption, only reluctantly accepting (as an unwanted side effect) those other abortions which it would not have prevented.

However, one cannot erect a wall of separation between personal morality and public policy. The public funding of abortions is not simply a system of reimbursing poor women for their medical bills; rather, it is a system of procuring abortions for poor women in order to reduce public welfare expenditures. Anyone who advocates or supports public funding of abortions understands that fact and wills that abortions be done with these public funds. This willing of abortion is a personal moral act, of the advocate or supporter of public funding.

As the point of departure for his paper, "The Magisterium," Richard A. McCormick, S.J., cites an instance of the asserted position of many politicians and other public figures, who say they are morally opposed to abortion but favor funding of abortions. In view of the preceding, what are we to think of this position? I think it can be interpreted and evaluated in several different ways.

Many people regard the expression of this position by politicians as a typical example of professional insincerity. Rather cynically, people assume that those who say they personally oppose abortion but practically want abortions done with public funds are simply lying in an inept attempt to mollify proponents of the right to life of the unborn. But while this interpretation may be accurate in some cases, it is not the only possible one.

The politician who expresses moral opposition to abortion but supports government funding also could be confused. Prior to 1973, when laws against abortion were the issue, some politicians—sincerely or insincerely—opposed certain methods of legal control of abortion without falsifying their claim to oppose abortion itself. That was possible because moral opposition to abortion does not necessarily entail any particular legal method of controlling it. Thus, there was a policy problem on which even sincere proponents of the right to life could disagree.

Once the 1973 decisions of the U.S. Supreme Court removed virtually all legal restrictions on abortion, the new issue of public funding of abortions emerged. The issue of funding is not a question of government reaction to abortion but of government participation in doing abortions.

However, some politicians continued to talk as though the distinction valid in the earlier situation were still relevant. In some cases, then, the inherently inconsistent position perhaps has been maintained without insincerity through confusion. Curran's paper both reflects such confusion and shows how it can be engendered.

FUNDING IS PARTICIPATING

Those who say they morally oppose abortion but support public funding also can be expressing a sincere view, but one which assigns "moral" a much narrower significance than it has in Catholic teaching. Thinking that the moral domain is that of personal feelings about action, their moral opposition is a genuine attitude of repugnance. But on their view, moral criteria cannot be ultimate in practical decision making. In actual practice, morality must be subject to realistic compromises.

Curran's effort to restrict the moral sphere to that of private life has something of this view. It is very different from the traditional teaching that the immorality of direct abortion is a truth to which everyone's actual choices should conform, not simply a personal attitude of limited practical relevance.

There also is a hint of subjectivism in Curran's argument when he claims that there can be differing judgments resulting in different legitimate positions within the Catholic Church on public funding of abortions:

"On the public funding question, it is quite easy to see how those opposed to abortion could be opposed to public funding of abortion. However, others could argue that poor people should not be discriminated against either in respect to more affluent people or in respect to medical procedures which they might want for themselves."

Curran ignores the fact that these differing positions logically follow from the opposed judgments they embody on the morality of direct abortion.

Those who regard direct abortion as a morally grave matter must, if they are consistent, reject public funding, for to approve it is to want abortions to be done. They will not consider refusal of public funds discrimination against the poor, for there is no discrimination in refusing to eliminate poverty by eliminating poor people and refusing to help the poor kill their children so that they might share more fully in the self-indulgence of wealthier members of society.

However, those who regard direct abortion as morally acceptable may well want abortions done with public funds, so that the poor will neither be a burden to the wealthy nor be deprived of their fair share in the liberty to kill enjoyed by the wealthy.

In "The Challenge of Peace," the American bishops do distinguish, as Curran and McCormick say, between moral principles and their application to particular policy choices. However, the bishops make it clear that the common moral teaching of the Church belongs on the side of principles. For example, the pastoral says (in 9):

"In this pastoral letter, too, we address many concrete questions concerning the arms race, contemporary warfare, weapons sytems, and negotiating strategies. We do not intend that our treatment of each of these issues carry the same moral authority as our statement of universal moral principles and formal Church teaching."

In other words, the option for one current policy choice among several, all compatible with the moral principles taught by the Church, does not have the same moral authority as the reaffirmation of these principles in continuity with the entire Catholic tradition.

MORAL PRINCIPLES OUTWEIGH OTHERS

That direct abortion is always gravely excluded is a matter of universal moral principle and formal Church teaching. The issue of public funding involves no abstruse problem of application. All that is required is the specification of the general principle by referring to the method of paying for the abortions: Since it is wrong to want abortions done, it is wrong to want them done by means of public funding. This specification is just as straightforward as: Since it is wrong to want abortions done, it is wrong to want them done by D & C, by saline, or by some other method.

In The Challenge of Peace: (105) the American bishops affirm: "We know, of course, that no end can justify means evil in themselves, such as the executing of hostages or the targeting of non-combatants," and (332): "In simple terms, we are saying that good ends (defending one's country, protecting freedom, etc.) cannot justify immoral means (the use of weapons which kill indiscriminately and threaten whole societies." Any attempt to justify public funding of abortion is an argument that some good end (reducing welfare costs and giving the poor services available to the wealthly) justifies an immoral means (procuring the death of the unborn).

From the preceding, it is clear that McCormick is mistaken in thinking that someone who favors government funding of abortion holds a position consistent with that of the magisterium. Subjectively, such as a person may be sincere. He or she may think morality is only a matter of private feelings or may be confused into overlooking the fact that wanting public funding of abortions is wanting abortions to be done with public funds. But objectively, anyone who tries to justify public funding of abortion takes a position contrary to that of the magisterium's absolute rejection of direct abortion.

Nor is McCormick making adequate distinctions when he claims: "Implied in the phrase 'contrary to the magisterium' is the notion that one may not, within the canons of Catholic loyalty, hold positions that diverge from those of the magisterium." For McCormick, and the theological materials he invokes in his argument, ignore a vital distinction among the teachings proposed by the ordinary magisterium.

As Lumen gentium, 25, makes clear, these are of two sorts. Some, although never defined by any pope or council, are proposed infallibly by the universal, ordinary magisterium:

"Although the bishops individually do not enjoy the prerogative of infallibility, they nevertheless proclaim the teaching of Christ infallibly, even when they are dispersed throughout the world, provided that they remain in communion with each other and with the successor of Peter and that in authoritatively teaching on a matter of faith and morals they agree in one judgment as that to be held definitely."

Obviously, teachings which are proposed infallibly leave no room for dissent on the part of faithful Catholics.

However, other teachings of the ordinary magisterium can be mistaken, even though they may require and deserve religious submission of mind and will. Such teachings can deserve acceptance inasmuch as they are the magisterium's current best judgment of what God's word requires of Christians. However, that judgment, on the leading edge of developing doctrine and in truly prudential matters, can be mistaken, and faithful Christians can be led by superior claims of faith itself to withhold their submission to it.

Catholic teaching that direct abortion is always gravely wrong has been proposed down the centuries by Catholic bishops, in communion with one another and the popes, all teaching authoritatively and agreeing in the same judgment as absolutely binding on every conscience. Generally, this teaching on abortion has been proposed as part of the revealed truth that innocent human life ought never to be taken by human authority. Thus, although there is no solemn definition of the grave immorality of abortion, faithful Catholics have rightly accepted this truth as part of their faith in God's law: "Thou shalt not kill"; "The innocent and just thou shalt not slay."

HOW CAN YOU RATIONALIZE KILLING?

It follows that a bishop makes no mistake when he implies that there is no room for dissent against the teaching of the ordinary magisterium on abortion. Moreover, in excluding dissent on a teaching such as this, he by no means absolutely excludes dissent from those teachings of the ordinary magisterium which are not proposed infallibly. Conversely, a bishop or body of bishops who allow for dissent from teachings not proposed infallibly do not thereby approve dissent on the morality of abortion.

The samples of theological opinion McCormick offers all ignore the vital distinction between teachings infallibly proposed by the ordinary magisterium and those which could be mistaken. Yves Congar, O. P., in criticizing the teaching on the magisterium in Humani generis, makes it clear that even Pius XII did not always attend sufficiently to this distinction.

McCormick cites passages from Karl Rahner, S. J., André Naud, and Bernard Häring, C.SsR. These passages show only that other theologians who ignore the status of the teachings from which they dissent agree with McCormick in claiming both that their dissent is justified and that the teaching of Vatican II summarized above has been nullified by dissenting theological opinion.

This line of argument by dissenting theologians is question begging, for by it they try to ground their authority in their own opinion and consensus. One might call this line of argument a strategy of theological boot-strapping.

Rahner argues that the magisterium's toleration of dissent from Humanae vitae falsifies the teaching of Lumen gentium, 25. This argument is fallacious. As Rahner and other theologians long urged, disciplinary and legal measures to enforce theological assent to teaching are of little use and only drive errors underground. For that reason, since Vatican II the magisterium has used such methods very sparingly.

But in the doctrinal field itself, the magisterium has by no means yielded to dissenting opinions. Familiaris consortio, for example, not only reaffirms the doctrine to which Rahner refers, but clarifies it, calls for further theological effort to explain it, and directs that pastoral practice uniformly conform to it.

André Naud says of *Lumen gentium*, 25: "The thought of the Church has, therefore, advanced in this matter." Thus, he preempts for himself and theologians who agree with him the claim not only to speak for the Church but be the Church.

Vatican II rightly ended the self-identification of the heirarchy with the Church. Now some theologians presume to omit from the Church the pope, the bishops who teach in union with him, the many theologians who firmly reject dissenting theologians opinions, and the faithful who continue to try to live by traditional Christian moral teaching.

If those public figures who express moral opposition to abortion but support public funding had lived in Nazi Germany, would they have said: "Personally, I am morally opposed to killing Jews, but I support the government's final solution to this problem?" Undoubtedly, they would vehemently reject this analogy. But what is the difference? Surely, in Nazi Germany they also could have found learned persons to argue in their defense.

"What is at stake here is not a matter of universal moral principle—the morality of killing human innocent beings—but a particular public policy for dealing with the Jewish problem. The magisterium has never addressed this particular matter, and what is true in the personal moral order is not by that fact necessarily to be incorporated into law. In any case, there is nothing contrary to the magisterium in favoring the government's final solution, because reputable theologians agree that the magisterium might well be wrong on this complex question."

That line of argument surely would have appealed to antisemites, but it is transparently fallacious to us. We ought not to allow current prejudice against the unborn to blind us to the moral truth about public programs of abortion.●

FIGHTING HUNGER IN THE WORLD

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. RAHALL. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues a letter written by a constituent of mine in Huntington, WV, which appeared in the Herald-Dispatch on July 4, 1984. I commend these dedicated people on their commitment to fighting hunger in the world and urge my colleagues to take heed of the following letter stating the goals of this fine organization, the World Runners.

The letter follows:

ANTI-HUNGER MANIFESTO

To the editor:

The following excerpts are from the message that is being carried from Geneva, Switzerland, to Los Angeles, Calif., and will be carried across West Virginia July 10-11 by the local chapter of World Runners, including runners from Huntington, Chesapeake, Point Pleasant, Romney, Clarksburg and Parkersburg.

MANIFESTO AGAINST HUNGER

(This Manifesto was issued in Geneva, at the United Nations headquarters in New

York, and in six other cities on June 24, 1981. It has been signed by 80 Nobel Prize Laureates and will be carried in the Baton by Relay '84 runners.)

"We appeal to all men and women of goodwill . . . to bring back to life the millions who, as victims of the political and economic upheavals of the world today, are suffering from hunger and privation.

"Their situation has no precedent. In a single year, more people suffer than all those who died in the holocausts of the first half of the century. Every day spreads the outrage further, an outrage that assaults both the world around us and our own spirit and conscience.

"Everyone who denounces this tragic state of affairs and seeks to remedy it knows that its causes are primarily political.

"So what we need, urgently, is a new political will, a determination to deal with the causes of the situation and to mitigate its effects; and this must be found at once. . . .

"We must see that the great international organizations take action, together with states and with their peoples, to combat and overcome the starvation that is overwhelming a large part of the human race today.

"Each and everyone of us must support measures to save the living. We must not let them die through our inertia, through our failure to act, through our indifference. . . .

"If only people are told what is happening, then the world's dark future, which now seems to threaten everyone in it, may be changed.

"But only if we take action.

"Now is the time to act, now is the time to create, now is the time for us to live in a way that will give life to others."

DON MEGA,
Huntington, WV.●

INDIVIDUALS OF IMMENSE TALENT

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. RUDD. Mr. Speaker, every so often we encounter individuals of immense talent and sense of duty to their country, and I recently encountered such an individual in Albert E. Savoy, age 89. Mr. Savoy introduced himself to me at a Civil Air Patrol function in Phoenix, AZ, recently.

As a lieutenant colonel in the Civil Air Patrol, Albert Savoy remains active in training prospective pilots who are pursuing a career in the Armed Forces. He has and continues to be a practicing lawyer, a licensed pilot, an engineer, active in multiple philanthropies and organizations, and first and foremost, a patriotic and devoted citizen. Of interest is the fact that he, at age 82, was the oldest man to ever receive his private pilot's license and was so recognized in the "Guinness Book of World Records." Of course, longevity for the Savoy family is nothing unusual since his great-grandfather lived to be 108, his grandfather 95 and his father to 96 years of age.

His motto is "live life to the fullest."

Albert Savoy, a descendant of the Royal House of Savoy, whose ancestor was a French general who served on the general staff of Napoleon Bonaparte, is a truly impressive individual. I urge my colleagues to read the attached article from the June 1982 Ohio State University Alumni magazine.

FOREVER YOUNG

He's always been involved in activities, but Albert Savoy, Eng'22, has no intention of slowing down his pace. In fact, at the age of 87, Savoy has his fingers in so many pies that sometimes he loses track.

For example, he's been practicing law in Columbia and Lancaster (O.) for 55 years. He belongs to the Elks, the American Legion, and several professional organizations, too. He's also extremely proud of his three sons with whom he keeps in close contact. But what sets him apart from his contemporaries today is his avocation for flying.

According to the Guinness Book of World Records, Savoy at the age of 82, was the oldest man every to receive his private pilot's license. Even though this was his first official license, flying is anything but new to him.

He says that he first became fascinated with aviation in 1911 when he was a sophomore in high school, and an aviator visited his hometown. "His plane was the most primitive thing you could imagine," recalls Savoy. "He packed parts in the back of a truck and put it together in the field. Then he flew from one end of a racetrack to the other."

A few years later, Savoy decided to take up the sport on his own. "In those days, you learned by being a nosy kid who flew with someone who had a plane," he remembers. He received further training by observing pilots at McCook Field in Dayton, where he later became a flight instructor. At that time, there weren't any governmental restrictions on pilots and no licenses were required. The Air Force took him on as a civilian flight instructor during World War II, but he quit that assignment and enlisted in the Army as a "rookie doughboy."

"I love flying because I can think a lot when I get into the air," adds Savoy. "When detached from an annoying environment, I can philosophize and work out problems. But it's a demanding avocation, I have to be constantly alert," he contends.

As a lieutenant colonel in the Civil Air Patrol, Savoy remains active training aspiring pilots. through ground schools, camping practice drills, and other activities, Savoy is one of several veteran volunteers who also encourages young people interested in pursuing a career in the Armed Forces. Additionally, Savoy serves as the Ohio Legislative liaison officer for the Ohio Wing of the Air Patrol, where he lobbies for State funding for the air cadet program.

He maintains that he doesn't plan on stopping any of his activities in the near future, and despite his age, Savoy's law practice continues to thrive. Right now, he's involved in a $1 million case that he's confident of winning.

Savoy admits that he works all of the time. "I have no idea of how many hours a week I put in," he says. "Clients just keep coming and going. This makes it difficult to estimate how many cases I'm working on at once."

Longevity runs in Savoy's family. His great grandfather lived to be 108, his grandfather to 95, and his mother to 96 years of age. But Savoy has his own prescription for a long, happy life to pass along:

"I keep my brain active by always keeping myself interested in everything going on; I read all the time, and my body is in good condition. I have a diversity of interests, too. This brings a wide variety of stimulating people into my circle of friends." Ultimately, he advises, "Live life to the fullest!"●

THE 1984 SESSION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, July 18, 1984, into the CONGRESSIONAL RECORD:

THE 1984 SESSION

When the second session of the 98th Congress began in January, few expected major results. Election-year sessions traditionally have been marked more by partisan bickering than by legislative initiative. With the House and the Senate under the leadership of different parties, and with an incumbent President up for reelection, even the Senate Majority Leader was predicting that Congress would take care of little more than the bare necessities. Yet when Congress adjourned at the end of June for its mid-year recess, it had compiled a surprising, even remarkable, record: a big deficit-reduction bill, greater progress on the 13 major appropriations bills than in earlier Congresses, and enactment of 226 laws, 61 more than it produced in 1983. Due to a rare ability to reach bi-partisan solutions in a political season, Congress was more active in the first six months of the second session than during any comparable period since 1978.

A basic shift in election-year politics in Congress made this record possible. Pressures not to ruffle feathers normally make it safer for Congress to avoid issues during an election year. This year, however, with wide dissatisfaction over deficits, with interest rates on the rise, and with awareness growing that Congress could be accused of doing nothing, pressures were right for significant legislative accomplishments. Although many pieces of legislation are still pending, the record to date is solid.

The major legislative accomplishment was passage of the Deficit Reduction Act of 1984. To address huge deficits, Congress approved part of its "down payment," easing the budget imbalance by $63 billion over the next three years through revenue increases and spending cuts. Revenue would be raised through restrictions on industrial development bonds and tax-motivated leasing transactions, curbs on abusive tax shelters, delays in future tax reductions, and an increase in the building depreciation period. Spending reductions would be made through changes in medicare (including a 15-month freeze on physicians' fees, increases in premiums paid by beneficiaries, and tighter limits on payments to hospitals), as well as through implementation of various recommendations of the Grace Commission.

With deficits expected to reach $600 billion during the next three years, this "down payment" does not solve the problem. Yet it

is a good start, more than was expected six months ago. The tax increases, spending reductions, and reductions in domestic benefit programs complete key elements of Congress' attack on deficits. Another element, a limit on the growth of defense spending, remains to be negotiated but could represent up to one half of the package. Overall, the House is seeking to cut deficits by $183 billion over three years, while the Senate is seeking $138 billion in cuts.

Major bills in many other areas passed both the House and the Senate. Some were signed into law, and others are awaiting conference to iron out differences. These measures include: the first immigration reform in 30 years, containing sanctions against employers who knowingly hire illegal aliens and an amnesty for otherwise law-abiding aliens who immigrated illegally before 1982; a defense bill that would cut back on MX missiles and reject chemical weapons; bankruptcy reform that would restore the bankruptcy courts, curb consumer abuse, restrict the ability of companies to cancel labor agreements through bankruptcy, and protect farmers who stored grain in bankrupt elevators; important farm legislation to freeze federal price supports for various crops, expand surplus control programs, liberalize terms for federal loans to farmers, expand agricultural export programs, and make farmers who plow up fragile land ineligible for federal farm aid; a bill to help organ transplant agencies and patients in need of costly drugs; traffic safety legislation to encourage child restraints in vehicles and restrict federal highway funds to states with drinking ages under 21; a bill to bolster enforcement of court-ordered child support payments; legislation to begin development of a permanent manned space station; bills to reform procedures for removing social security disability beneficiaries from the rolls, as well as reform pension laws to make them fairer to women; legislation to upgrade education in mathematics and science; and a bill to broaden presidential control of security-related exports.

In foreign policy, Congress pushed hard for a withdrawal of the marines from Lebanon. Also, it boosted pressure on the administration for serious arms control, blocked funds for the covert war in Nicaragua, and condemned the mining of Nicaraguan ports by U.S. intelligence agencies.

Not all has gone smoothly. Other pieces of legislation that were taken up now appear to be stalled. Among these is a bill allowing student-initiated religious groups equal access to school facilities. Others are domestic content in imported cars, the Equal Rights Amendment, the youth subminimum wage, tax-free "enterprise zones" in inner cities, the Balanced Budget Amendment, amendments to the Clean Air Act, banking deregulation, parts of an anti-crime program, and a ban on sex discrimination in insurance.

Before the session draws to a close, Congress is likely to devote much of its time to the bills awaiting conference and the 13 appropriations bills. However, it may also begin looking at bills to reform natural gas pricing, clean up additional hazardous waste sites, broaden the clean water program, reform the bail law, impose sanctions against countries that engage in unfair trading practices, and revise cable television regulations. It is too early to say the all the accomplishments of this session are past.

Despite the solid record, my feeling is that Congress deserves the highest credit for laying next year's legislative foundation. There is a growing consensus that more action on deficits will be needed, and this will include action on popular entitlements and tax breaks. In a way, the easy work has been done, and the issues facing Congress next year promise to be among the most important and difficult in recent memory.●

IMPACT OF REAGAN CUTS ON CHILDREN, YOUTH, AND FAMILIES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mrs. SCHROEDER. Mr. Speaker, in recent years we have seen an upsurge of interest in the American family. Although the debate about the family—its role and future—is often heated, there is general agreement that the family is the central institution in our society and must be protected and strengthened. There is also little disagreement that the family is affected by broad changes occurring in our society: The phenomenal growth in single parent-families, a declining birth rate, the increasing labor force participation of women, the high rate of inflation and its impact on families, and the effect of record high unemployment on families, with loss of both income and health insurance.

This concern about the family culminated in the 1980 White House Conference on Families and more recently in the creation of the Select Committee on Children, Youth, and Families, on which I serve. It has been the task of this select committee to assess the status of children, youth, and families, to gather information about problems confronting them, and look at both public and private efforts to remedy these problems and enhance the well-being of families.

The picture that the select committee has gleaned from its 22 hearings—12 in Washington and 10 in other regions of the country—is that parents are finding it increasingly difficult to provide for the basic needs of their children.

Essential family household expenses—food, clothing, shelter, utilities, transportation, and health care—rose faster between 1972 and 1981 than the Consumer Price Index as a whole. Consequently, the portion of family income not required for essential purchases has shrunk.

Experts reported that declining discretionary income make it more and more difficult for families to buy a home or to afford the cost of higher education for their children, even though these are part of the American dream.

The number of families who own their own home has declined. Families who want to buy a home have serious financial hurdles to jump. Interest rates have soared, and there is a declining pool of capital available to finance home mortgages since housing capital has been squeezed out by record high Federal budget deficits. Another housing barrier is the "affordability gap." Witnesses estimated that the gap between the cost of available housing and the price potential homeowners can afford to pay is about $14,000 apart. Another witness reported that 2 or 3 million households are doubling up because of the lack of housing, not only in the inner cities, but also in classic suburban neighborhoods.

Witnesses told the select committee about enormous increases in homelessness, hunger, child abuse, and infant mortality.

Although the national data reveal an apparent decline in infant mortality from 26 per 1,000 live births in 1960 to 12.8 per 1,000 in 1980, this data is misleading. The infant mortality rate is much higher in certain cities and States, especially in minority and low income communities. In 1950, the black infant death rate (43.9 per 1,000 live births) was 16 percent higher than the white rate (26.8 per 1,000 live births). By 1979, the black rate (21.8) was 91 percent higher than the white rate (11.4).

We found that more women in poor communities are not getting the prenatal care they need to ensure that their babies are born healthy. Even more alarming, the percentage of women getting early care is going down and the percentage getting no care is going up.

Witnesses reported evidence that low-income parents are increasingly being forced to choose between keeping their children and placing them in foster homes because they simply cannot afford to keep them at home. Father Thomas Harvey, executive director of the National Conference of Catholic Charities, the largest social service agency in the Nation, told the members of the select committee:

> High rates of long-term unemployment, frequent evictions, and spousal desertion can also mean parting with one's children. Our New Orleans agency and Galveston-Houston agency reported their experience with women facing the agonizing experience of deciding whether or not to give their children up for short-term crisis housing or for longer term foster care placement. Sometimes this is necessary to enable the mother to try to find employment and stabilize her situation.

Another witness suggested that poor mothers choose foster care because AFDC benefits are too low to adequately support a child. In some States, AFDC pays $264 per month for a single mother and three children. This does not go far in paying for rent, gas, electricity, water bills, transportation, food, and clothing for a family of four. AFDC benefits are low because

they are not increased as the cost of living rises.

One witness reported that between 1974 and 1982, average payments for foster care children increased from $111 to $197 a month, while AFDC payments rose from only $35 to $49 per child per month. This decreased the average ratio of AFDC to foster care payments from 32 percent to 25 percent.

HOW HAVE FAMILIES AND THEIR CHILDREN FARED UNDER THE REAGAN ADMINISTRATION?

As Chair of the Economic Security Task Force of the Select Committee, I have prepared a table that shows Presidential budget requests and congressional appropriations for fiscal years 1982, 1983, and 1984 for the areas of education, health, nutrition, social services, youth, housing, and entitlements. It also shows fiscal year 1981 appropriations, before the new administration took office, and Congressional Budget Office (CBO) forecasts of reductions in outlays for fiscal year 1982–85 due to legislative changes since January 1981. The CBO figures are based on services provided under 1980 law before the changes in eligibility requirements and benefit levels instituted during the Reagan administration.[1]

I have also prepared a series of tables that track fiscal year 1982–84 budget requests and appropriations for major programs that benefit children, youth, and families, and compare them with fiscal year 1981 appropriations for these programs.

While President Reagan extolls the value of the American family, his policies have been devastating to families. The Reagan budget cuts have had a crippling effect on programs for families. CBO projects that the programs that serve children, youth, and families will be cut by $62 billion in outlays during fiscal year 1982–85. The harm done by these cuts would have almost doubled if Congress had not rejected an additional $52 billion in appropriations cuts proposed by the Reagan administration during fiscal year 1982–84.

High unemployment and cuts in Government social spending have pushed families deeper into poverty, unable to find jobs because of economic conditions and ineligible for public programs because of cutbacks.

Increasing poverty rates show that the safety net has not been adequate to protect families. Both two-parent families and single parent homes have suffered under this administration.

Over one-half of the two million children pushed into poverty between 1980 and 1982 live in two-parent families and almost 90 percent of the children are white.

Black families are also hard hit by the domestic spending cuts. One out of four black children in two-parent families live in poverty, largely due to the high unemployment rates. In black families, 46 percent of which are single parent homes, one out of two children live in poverty.

Of all children in female-headed households, 56 percent live in poverty, but 70 percent of black children and more than 70 percent of Hispanic children in female-headed households live in poverty.

The Reagan budget cuts represent a step back from this country's commitment to high-risk children and families. It is disheartening that in many instances these cuts have interrupted basic programs that have been proven cost effective.

STATE AND LOCAL EFFORTS TO FILL THE GAP

The Federal spending cutbacks during the Reagan years have shifted a heavy burden onto State and local governments which are struggling to provide services to the truly needy with diminished Federal assistance. Lester Salamon of the Urban Institute told the select committee that when States have not been able to offset Federal cutbacks with either State funds or by shifting expenses among programs, they have responded by introducing fee systems, reducing the quality of care provided, and/or by shifting resources into shorter term emergency needs at the expense of longer term prevention activities.

With State and local government resources strained to their limits, there have been increased demands on private charitable organizations to provide these basic services. Salamon told the committee that the Federal budget cuts have already cost nonprofit organizations $8.6 billion for social service activities, and he estimated that nonprofits would lose $32 billion in revenues between 1982 and 1986 under measures already enacted or proposed. Salamon concluded that private giving cannot make up for this lost revenue, telling the committee:

If we take into account the level of private giving as of 1981, the anticipated rate of inflation, and the revenue losses that nonprofit organizations would sustain as a result of the budget changes already enacted or proposed, private giving would have to grow by at least 22 percent in 1982, 24 percent in 1983, and in excess of 30 percent in 1984, 1985, and 1986 to allow nonprofit organizations to maintain their 1980 level of activity. This represents a rate of increase in private giving that is two to three times greater than any that has been recorded in recent memory.

1984 AND BEYOND

The 1985 budget proposals continue the administration's efforts to reshape and limit the role of the Federal Government and reorder national priorities, shifting more responsibility to the private sector and State and local governments.

In sharp contract to the steep cuts in social programs has been increased military spending and larger tax cuts. Between 1981 and 1985 spending for national defense increased by 35 percent, a hefty $78 billion in constant dollars. The tax cuts enacted since January 1981 have reduced Federal revenues by an estimated $187 billion for fiscal year 1982–1984. Most of the cuts have decreased individual income taxes, primarily aiding middle- and upper-income people. Both increased military spending and the tax cuts have contributed to the growing Federal deficit.

CBO estimates that the budget deficit under policies now in place will rise from $190 billion in 1984 to $326 billion in 1989. The CBO reported that while the recession accounted for about half of the 1983 deficit, most of the deficits in future years will be the result of budget policies.[2] Most economists agree that deficits of this size will push up interest rates. There is also growing alarm about the extremely rapid growth in the outlays necessary to pay the interest on the national debt which CBO expects to rise from $90 billion in fiscal year 1983 to $218 billion in fiscal year 1989. Since outlays for interest on the debt are sensitive to interest rates, the costs of the debt will rise considerably if the interest rate increases.

There should be great concern that the burden of the Reagan spending cuts has been unevenly distributed. Programs for poor families have borne a disproportionate share of the cuts contained in the administration's budget proposals. Even though State and local governments, as well as private charities, have strained to meet the increased demand for human services, their resources have been inadequate to fill the gap caused by diminished Federal funding.

Children are generally given a low priority in our society. That is one of the reasons we find one out of every five children in the United States lives in poverty. Yet children are a precious resource that we cannot afford to waste. If the young are ignored or ill-treated, society will pay the price in the long run. It is important that we invest in preventive programs that help our disadvantaged grow into good citizens.

It is crucial that the Congress reject the President's 1985 budget proposals which adversely affect families, as it has done in the past. Otherwise, poor

[1] Congressional Budget Office, *Major Legislative Changes in Human Resources Programs Since January 1981*, August 1983. The CBO figures are literal estimates of reductions in outlays based on 1980 law before the legislative changes that were instituted under the Reagan administration. The CBO baseline data assumes price growth with some inflation and adjustment, in addition to adjustments for changes in eligible population and cost-of-living adjustments for entitlement programs.

[2] Congressional Budget Office, *The Economic Outlook: A Report to the Senate and House Committees on the Budget*, February 1984.

families themselves, those who are the least able, who will be forced to absorb the burden of the Reagan budget cuts.

There is a growing concern about the skyrocketing Federal deficit, and rightfully so. Policymakers are looking for solutions to the deficit problem. But in our efforts to lower the Federal deficit, we must examine the policy options before us carefully in terms of their impact on the families of this Nation. We must adopt policies that strengthen families, not weaken them, whether it be in social spending or by changes in the Tax Code. Both branches of Government, executive and legislative, must make policy as if families matter, because they do.

Highlighted below are some of the changes since 1981 that have affected children, youth, and families:

EDUCATION

Despite enormous gains that have been made in providing educational opportunity for all children, disparities in resources, quality, and access remain. Although education is primarily funded at the State and local level, the Federal Government has created programs to improve the educational performance of disadvantaged children and youth.

During the Reagan administration, the Congressional Budget Office [CBO] estimates that education programs have been cut by $9.1 billion in outlays, compared with the eligibility requirements and benefit levels existent under 1980 law. The attached tables show that in fiscal years 1982, 1983, and 1984 Congress restored $8 billion in reductions proposed by the administration.

Compensatory education (chapter 1) provides supplemental reading and math to 4.8 million children who are educationally disadvantaged, handicapped, neglected or delinquent. According to CBO projections based on 1980 law before the Reagan changes, the program was cut by $2.6 billion in outlays during this administration. The reductions in this program would have been even greater if Congress had accepted another $2.3 billion in proposed budget cuts.

Handicapped education increased with the 1975 enactment of the Education for All Handicapped Children Act which required a "free, appropriate public education for all handicapped children ages 3-21." In 1983, it served 4 million handicapped children.

In fiscal year 1982 the administration proposed abolishing the Education for All Handicapped Act and replacing it with a block grant with $241 million less in funding. In fiscal year 1983 Reagan proposed a $223 million cut in funding and only a 2 percent overall reduction in handicapped education in fiscal year 1985.

The Vocational Education Act of 1963 focused Federal attention on children with special educational handicaps. Some 16.9 million students are enrolled in federally supported vocational education programs.

During this Administration, the Vocational Education Program has been cut by $600 million in outlays, based on CBO assumptions about program costs under 1980 law. Congress rejected $574 million in additional cuts proposed by the administration.

Guaranteed student loan (GSL) is a program that guarantees and subsidizes loans at a rate of 8 percent interest for students who must demonstrate financial need if the family income exceeds $30,000 per year. In addition, the Federal Government pays the lender an additional interest subsidy adjusted quarterly according to the Treasury bill rate.

CBO reported that during the Reagan administration the GSL Program was cut by $3.8 billion in outlays compared with spending under the 1980 law. Congress rejected another $1.5 billion in cuts proposed in fiscal year 1982-84.

In fiscal year 1985, the administration proposed a $584 million increase in the program. This reflects an anticipated drop in interest rates, which reduced the Government subsidy to lenders, not an expansion of the program.

Student financial assistance consists of 6 student aid programs which have been cut by $2.1 billion during the Reagan administration, according to CBO baseline data that reflects the program under 1980 law. The Congress rejected $4.7 billion in additional budget cuts proposed for the Student Financial Assistance Program.

The fiscal year 1985 budget proposal would abolish two student aid programs: Supplemental Educational Opportunity Grants which currently serves 545,000 students with exceptional financial need and the State Student Incentive Grants which provides awards to States to encourage them to establish student assistance programs. It serves 1.5 million students. The administration would also cut back the National Direct Student Loan Program from $184 million to $4 million, providing no new budget authority to make loans. In fiscal year 1983 this program provided 5 percent loans to 883,000 students who demonstrated financial need.

HEALTH

CBO reported that health programs have been cut back by $1.4 billion in outlays since January 1981. Congress rejected $500 million in additional cuts for health and handicapped programs.

In fiscal year 1982 the administration proposed consolidating 25 Federal health programs into two block grant programs, with greatly reduced funding. Congress rejected this proposal and instead established four block grants with $223 million less funding. In fiscal year 1983 and 1984 Congress restored some of the cuts made in the health block grants in 1982.

The maternal and child health care block grant was created in fiscal year 1982. Its funding was cut back from $454 million in fiscal year 1981 to $399 million in fiscal year 1984. Congress rejected another $269 million in additional cuts proposed between fiscal year 1982 and 1984.

The primary care block grant supports community health centers which were funded at $324 million in fiscal year 1981, and reduced to $281 million in appropriations the following year. The funding has since been increased to $337 million. The administration in fiscal year 1985 proposed for the 4th year in a row to incorporate family planning, migrant health centers, and black lung clinics into the primary care block grant, a move which would dismantle the programs at the Federal level. Congress has rejected this block grant proposal in the past.

The alcohol, drug abuse, and mental health block grant was created in fiscal year 1982. Funding for these programs was cut from $518 million in fiscal year 1981 to $432 million in fiscal year 1982. The Congress in fiscal year 1983 and 1984 restored some of the cuts made in 1982.

NUTRITION

Hunger has been rising in this country. The committee has found that children in certain areas are exhibiting signs of malnutrition and anemia. Poor economic conditions and Federal cutbacks have forced an alarming number of families to seek food at soup kitchens and food pantries. Nutrition programs have been cut by $5 billion according to the CBO, based on funding of the programs under the 1980 law, unchanged by the Reagan administration. The Congress rejected $2.7 billion in cuts proposed in fiscal years 1982-84, which would have devastated food programs even more.

Women, Infants, and Children's Supplemental Feeding Program [WIC]. Even though the impact of good nutrition on infant mortality and low-birth-weight babies is well known, the Reagan administration proposed deep cuts in the program in 1982 and 1983. However, Congress rejected $754 million in cuts proposed by the administration during fiscal years 1982-84. These cuts were proposed even though an estimated 70-75 percent of the women and children who are eligible for WIC are unserved because of the program's limited funding.

The Child Nutrition Program has suffered heavy cuts under this administration. Since 1981 the School Lunch Program, Child Care Food Program, the Summer Food Service Program, and the School Breakfast Program have been cut substantially. The CBO reported that child nutrition programs have been reduced by $5.2 billion com-

pared with program benefit levels and eligibility requirements under 1980 law. The President's fiscal year 1985 budget would completely eliminate three of the six child nutrition programs—Child Care Food, Summer Food, and Nutrition Education and Studies.

SOCIAL SERVICES

Children with special needs and troubled families have suffered greatly as a result of the Reagan budget cuts. CBO projects that social services programs have been reduced by $3.9 billion in outlays since January 1981, compared with prior law. Congress rejected $2.7 billion in cuts proposed in fiscal year 1982-1984.

The title XX/social services block grant was created in fiscal year 1982, at the administration's request. Its funding was cut by $532 million in fiscal year 1982. The conversion of title XX to a block grant eliminating targeting of low-income families, dropped the requirements that States match Federal funds with State dollars, and terminated Federal reporting requirements so that little is known at the Federal level about State spending for day care, child protective services, elderly programs, legal services, and family planning.

Child abuse has increased sharply as a consequence of high unemployment and the worsening economic conditions of families. In spite of the increase in the proportions of the problem, for 4 years in a row the administration has proposed block granting the child abuse program and reducing its funding. Congress rejected the block grant proposal and responded in 1984 by passing H.R. 1904, which reauthorizes the Child Abuse Treatment and Prevention Act, raising its funding from $17 million to $30 million in fiscal year 1984, with 5-percent increases for the next 3 years. The Senate's child abuse bill, S. 1003, was reported by committee but has not yet gone to the Senate floor for a vote.

The Runaway Youth Act was passed in 1974 to provide assistance to youth who have left their homes voluntarily because of abuse, or conflict, or were forced out. In fiscal year 1982 the administration proposed that the program be included in the social services block grant, with reduced funding. The 1983 proposal recommended that its budget be cut from $11 million to $7 million. Congress rejected the block grant proposal and increased its funding to $22 million in fiscal year 1983 and $23 million in fiscal year 1984.

The President's fiscal year 1985 budget proposal would cut the program by more than half, from $23.3 million to $10.5 million.

Child welfare services and adoption assistance are programs that have been successful in keeping troubled youth in their own homes or returning them home as expeditiously as possible. In fiscal years 1982 and 1983 the Reagan administration proposed including both programs in the social services block grant program, with reduced funding. Congress rejected the block grant proposal, but funding for child welfare services fell from $164 million in fiscal year 1981 to $156 million for fiscal year 1982 and 1983. Congress increased its funding to $165 million in fiscal year 1984. Funding for Adoption Assistance has remained at $5 million for 4 years. Witnesses told the committee that lack of adequate State and Federal funding has left many children lingering in the foster care/child welfare system rather than being returned to their homes or legally adopted.

YOUTH

An expert has called adolescent youth one of the most poorly served populations subgroups in the United States—in terms of education, physical and mental health, vocational training, social services, foster care, and criminal justice programs. In spite of this, the Reagan administration has proposed drastic cuts in the few youth programs that have been put into place to serve this population.

The Juvenile Justice and Delinquency Prevention Act provides grants to public and private agencies to improve juvenile delinquency prevention. Although prevention programs, as alternatives to incarceration, have been shown to be highly cost effective and to reduce rates of offender recidivism, the administration for 4 years in a row has requested no funding for this program. The committee was told about the trend in the country toward punishment and incarceration, rather than investment in treatment, a move which is costly both in dollars and in human terms. For instance, in some States funding available for youth programs is being used to construct secure facilities, while treatment programs are weakened. The committee learned that in Florida all community-based treatment programs were filled beyond capacity so that juveniles were frequently put into training schools at a cost of $12,000 per youth for each year.

Employment and Training. Youth unemployment and school drop out rates have reached staggering proportions. In March 1984, the unemployment rate for teenagers (16-19) was 19.9 percent, while unemployment for black teenagers was 46.7 percent, more than twice that of white teens. A conservative estimate indicates that 700,000 youth leave school each year without graduating. According to the National Center for Educational Statistics, 28 percent of the Nation's ninth graders will drop out of high school before their senior years.

In spite of the dimensions of the youth problem, in 1982, at the President's request, Congress repealed the Comprehensive Employment and Training Act (CETA). Congress enacted the Job Training Partnership Act (JTPA), with half the funding, since it eliminated public service employment. Both programs provided employment and training opportunities for low-income teenagers and adults. In contrast to CETA, JTPA does not include stipends for jobs, a factor some think will limit the participation of low-income youth. JTPA also practically eliminates child care and other supportive services which enable teenage parents to participate in job training programs.

The CBO estimates that employment programs have been reduced by almost 60 percent compared to spending under the 1980 law before the Reagan changes. According to CBO, the Reagan administration cut employment and training programs by $25 billion in outlays compared to the 1980 program. In spite of high youth unemployment, by fiscal year 1984, Jobs Corps funding has only increased by $17 million since 1981, while funding for the Summer Youth Program has decreased from $838 million in fiscal year 1981 to $725 million in fiscal year 1984.

Work Incentive Program (WIN). The Reagan administration, for 3 straight years has requested no funding for the Work Incentive Program (WIN). Since 1967, WIN has provided job counseling, training, placement, and support services for AFDC recipients who are working their way off welfare through paid employment. Funding has fallen from $365 million in fiscal year 1981 to $271 million in fiscal year 1984. However, Congress has rejected the administration's proposal for the past 2 years to eliminate the program entirely.

HOUSING

Low-income housing has suffered greater cuts than any other human needs program. Federally assisted housing is important for low-income families who cannot afford adequate housing. Two major programs comprise assisted housing. Public housing projects provide low rent and standard quality housing, primarily to low-income families with children. Approximately half of all residents in public housing projects are children under age 18, about 1,817,000 children. The Section 8 Rental Assistance Program was established to help low-income households occupy privately owned, modest quality housing without excessive rent payment. Of the occupants of the Section 8 Rental Assistance Program, 42 percent are under age 18 (approximately 1,373,000 children).

The Reagan administration's housing policies have been devastating to low-income housing programs. The 1981 Omnibus Budget and Reconcilia-

tion Act (OBRA) cut budget authority for assisted housing (both public housing and the rental assistance programs) from $25 billion to $13.3 billion. Funding for assisted housing reached a low of $8.7 billion in fiscal year 1983, the year the President asked no new budget authority for assisted housing. Funding was increased by Congress to $9.9 billion in fiscal year 1984.

A number of the actions taken in fiscal year 1982 made subsidized housing more expensive for the poor. OBRA increased assisted housing rents from 25 percent to 30 percent of income for all tenants with incomes over 50 percent of the local median income. The 1981 law gave the Secretary of Housing and Urban Development authority to issue regulations designating allowable deductions from gross income. Although there was an agreement between Congress and HUD in the conference report that child care costs would continue to be deductible, the final HUD regulations eliminated the child care deduction. In 1983 Congress restored the deduction for child care when it enacted the Housing and Urban-Rural Recovery Act. Another change made in 1981 permitted States to subtract the value of housing assistance from a family's AFDC grant which further reduced the incomes of needy families.

The administration's fiscal year 1985 budget would reduce funding for assisted housing from $9.9 billion to $6.2 billion. It also proposed a voucher system as a replacement for the Section 8 Rent Subsidy Program. Congress approved an experimental voucher program for 15,000 units for fiscal year 1984 and 87,000 units for fiscal year 1985.

HUD's programs helped about 3.7 million low-income households in 1983 providing 400,000 units of subsidized housing. But the most recent census survey found 13.8 million very-low-income households with housing problems, 4.7 million in physically inadequate or overcrowded quarters and 9.2 million paying burdensome amounts of income for standard shelter. So despite 50 years of Federal aid, housing needs of low-income people remain large, relative to available assistance.

ENTITLEMENTS

The Food Stamp Program has been cut by 13 percent or $7 billion in outlays according to CBO data based on Food Stamp Law in 1980. This means that $7 billion less has been spent than benefits under the pre-Reagan law. Because of unemployment the need for food stamps has increased. As a result, the cuts are not evident in the annual appropriations levels. Because of these budget cuts, an estimated 2 million recipients have been dropped from the Food Stamp Program and nearly 20 million others have had their benefits reduced.

The fiscal year 1985 budget request ignored the recommendations of the President's Task Force on Food Assistance which called for modest increases in food assistance to deal with the hunger problem and for adjustments in the food stamps assets limits so that more unemployed families could receive food stamp assistance. The fiscal year 1985 budget would cut the Food Stamp Program by $100 million and institute a mandatory workfare program—without assuring adequate day care.

Medicaid is the largest Federal health program for poor mothers and children. It has been cut by more than $3.9 billion in outlays since January 1981, according to the CBO. This was accomplished both by decreasing the Federal payment to each State and by giving States greater flexibility in determining which medical services and individuals medicaid should cover. To cope with reduced Federal funding, most States has reduced benefits and restricted medicaid eligibility.

Aid to Families with Dependent Children [AFDC] provides cash assistance primarily to needy children in single parent families. Only 23 States offer AFDC to two-parent families under the AFDC-Unemployed Parent Program. Approximately 70 percent of the 10.4 million AFDC recipients are children.

CBO reported that this program has been cut by $4.8 billion in outlays during this administration compared with the program under prior law. The 1981 Omnibus Budget and Reconciliation Act tightened eligibility requirements which caused an estimated 408,000 families to lose their AFDC benefits entirely and 299,000 families to have their benefits reduced.

The 1982 law removed the work incentive that since 1969 permitted working AFDC recipients to deduct $30 from earnings per month and one-third of their wages, plus all work expenses and child care costs, before reducing the AFDC Grant by the amount of earnings. After 1982, the $30 and one-third of wages could be deducted only during the first 4 months of employment. After the fourth month on the job, the AFDC recipient can only take a standard deduction of $75 per month in addition to child care expenses, which are capped at $160 a month. With these two exceptions, there is a dollar-for-dollar reduction in AFDC benefits by earned income.

The 1982 changes also instituted a gross-income limit. Anyone above 150 percent of the State needs standard, is automatically ineligible for AFDC. The State needs standards vary, ranging from $168 for a family of 3 in Texas to $816 for the same family in Vermont.●

ENERGY CONSERVATION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. OTTINGER. Mr. Speaker, I want to alert my colleagues to the release of an important publication of the American Council for an Energy Efficient Economy. What Works: Documenting energy conservation in buildings, is a compilation of the best papers presented at a conference in 1982 convened to review practical experiences with energy conservation efforts in buildings. A similar conference is scheduled for this August which promises to be even more productive and timely.

What works includes subjects ranging from superinsulated homes to behavorial science, from income distribution to building instrumentation. The work demonstrates that research on energy conservation issues, which is still barely a decade old, has raised pressing social and scientific questions to challenge all of us in the years ahead.

The American Council for an Energy Efficient Economy deserves our praise for its commitment to finding new solutions to this Nation's and the world's inefficient use of scare and expensive energy. I insert the table of contents of what works: Documenting energy conservation in buildings, in the RECORD at this time:

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TRIBUTE TO GERALDINE FERRARO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. BIAGGI. Mr. Speaker, I am proud to join in paying tribute to my friend and distinguished colleague from New York City—GERALDINE FERRARO, the nominee of the Democratic Party to be Vice President of the United States.

With her selection—GERRY FERRARO makes so many different groups of people proud. She, of course, makes all of her colleagues in the House proud. She makes millions of women in America proud. She makes millions of Italian Americans proud.

However, for those of us who live in and serve on the New York congressional delegation—we can be a little selfish and confess to a special parochial pride today as the Congresswoman from Queens takes her place in the annals of American political history.

When Walter Mondale and later the full Democratic Party made their selection of GERALDINE FERRARO, they were choosing a special woman—a woman who has proven herself in all of her career endeavors—as a teacher, an assistant district attorney, a three-term Member of this House and, of course, as a wife and mother.

Yet GERALDINE FERRARO is in a special place in history now—a woman of destiny—a political pioneer. Those who know her know full well that her tremendous personal energy, commitment, compassion, and rapport with the people will serve her so well as she embarks on this national campaign.

The Democratic Party was showcased in its best light before millions of Americans last week at the convention. Yet the event that produced the most excitement among the delegates was the selection of GERRY FERRARO as the nominee for Vice President. This excitement has spread across this Nation and will continue as the campaign continues.

The words of Aristotle seem appropriate: "If liberty and equality as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost." GERALDINE FERRARO has the potential to share in the utmost, and I wish her well in the pursuit.●

RUBE GOLDBERG IS BACK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. DINGELL. Mr. Speaker, it now appears that the U.S. Department of Transportation [DOT] has proven that the legacy of Rube Goldberg is alive and well in our Nation's Capital. After several months of hearings and thousands of pages of documents, Secretary Dole, on July 11, decided it was far better to require automakers and consumers to pay millions of dollars to equip new cars with passive restraints or air bags than to encourage individuals to buckle up with existing seat belt equipment in order to reduce highway deaths. This Rube Goldberg rule will require automobile manufacturers to install air bags or passive restraints in all new cars beginning September 1, 1986. The rule applies to 10 percent of the automakers' production in the first year, increasing to 25 percent of all cars built after September 1, 1987, and 40 percent of those produced after September 1, 1988. All automobiles manufactured after September 1, 1989, will have to be equipped with automatic crash protection. Some automakers estimate that the rule provides insufficient lead time for compliance since planning for model year 1987 cars (which will come out in September 1986) is already well underway.

In crafting its rule, DOT has provided an option which will let automakers off the hook if States representing two-thirds of the U.S. population pass mandatory seat belt use laws. I commend Secretary Dole for recognizing that mandatory seat belt use laws enacted by the States would accomplish the same, if not better, safety objectives than the more onerous and costly requirement of installing passive restraints or air bags. However, forcing auto manufacturers to install costly crash protection equipment to motivate States to enact seat belt use laws will not accomplish the desired objective.

If Secretary Dole truly wishes to create an incentive for States to enact seat belt use laws, DOT should embrace and endorse legislation I introduced last year to provide incentive grants to the States to enact mandatory seat belt use laws. the "Motor Vehicle Passenger Safety Act" (H.R. 4175) authorizes $15 million in 1985, $30 million in each year from 1986 to 1990, and $20 million for each year from 1991 to 1996 to be distributed to States for the purpose of enacting and implementing mandatory seat belt use laws. States failing to enact such laws by 1989 would lose future grant moneys.

Secretary Dole has a shining opportunity to transform DOT's Rube Goldberg rule into a progressive policy to provide tangible incentives for States to move forward with seat belt legislation to save thousands of lives and millions of dollars.

Public opposition to the recent DOT rulemaking decision is just beginning to build and Secretary Dole should act expeditiously to take further action to form good policy, not just bad precedent. I commend my colleagues to read an editorial entitled, "Mrs. Dole's Compromise," which appeared in the July 12 issue of the Detroit News.

MRS. DOLE'S COMPROMISE

The long-awaited air bag decision was greeted by Sen. John Danforth, R-Mo., a leading bagman, as a welcome bang, not the whimper he feared. We're afraid he's correct. Despite frantic calls from Grand Boulevard to the White House, Transportation Secretary Elizabeth Dole has announced what seems to be an odd compromise between requiring air bags on cars as demanded by the Naderites and seeking other safety options as begged by the auto industry. In the end, however, this "compromise" really amounts to a capitulation to the anti-auto fanatics.

Ten percent of 1987 model year cars must have air bags or other passive restraints, going up in steps to 100 percent by 1990, unless the manufacturers can come up with some other means of improving passenger protection in crashes, or unless states with two-thirds of the national population pass compulsory seat belt use laws.

Well, the two "unlesses" are obviously stale crumbs thrown to the industry. Recently GM pulled the "friendly interior" option out of its hat as a desperation ploy to thwart the hated air bag. Interior design of cars to reduce damage in crashes has been subject to government standards since the beginning of the great auto safety crusade in the 1960s. If GM has not been able to achieve high performance by now, the chances of doing it in the next three to six years are nil.

As for compulsory seat belt laws, these are blatantly unpopular. Remember that the public wouldn't even tolerate the ignition interlock system a decade ago; and most car owners simply disconnect today's nasty warning buzzers. The proposed standard will make the passage of seat belt laws even more difficult. Each state will pass the buck, preferring to let the other states make up the two-thirds. And state politicians, knowing the unpopularity of mandating such controls on their constituents, will prefer to leave the problem to the auto companies. Mrs. Dole's apparent compromise is a coy cosmetic way of bashing the automobile industry.

The Washington lawyer and lobbyist Ralph Nader has claimed that the Dole edict actually is a clever plot cooked up by the Reagan administration and the murderous auto industry to put the air bag in storage. By his reasoning, permitting state law to override implementation of a federal regulation is bound to generate litigation over its constitutionality. Indeed, one insurance company already is challenging the Dole solution in court. According to the conspiracy theorists, such litigation could go on for years, or at least until the Reaganauts are out of office and no longer have to face the wrath of the motorist. Meanwhile, the Reaganauts can claim credit with the safety nuts for giving it the old college try.

We have serious doubts whether anybody involved is that cunning. In any event, the manufacturers cannot wait for legislative fights in dozens of states. the 1987 models are being firmed up now. It looks like the only way out for the manufacturers is to fit automatically deploying seat belts—such as the carload of snakes that VW had a few years ago. These are an annoyance, but are much cheaper and more reliable than air bags, and have the advantage that we can cut them away easily.

But once again Detroit and the consumer will have to pay the freight for political chicanery. We don't need this kind of hassle from Washington. We had hoped the Reagan administration, of all administrations, would protect us with active restraints against additional regulatory costs.●

NATIONAL POW/MIA DAY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. OBERSTAR. Mr. Speaker, on July 20, 1984, the Nation paid tribute to American prisoners of war, servicemen still missing in action, and their families. As a cosponsor of the legislation which designated July 20 as National POW/MIA Recognition Day, I believe that we owe these people a great debt and that we must continue doing everything we can to account for every American serviceman still missing in action.

National POW/MIA Recognition Day served as a reminder to the American people that there are still American servicemen in Southeast Asia who have not been accounted for. While the Vietnam era was a painful chapter in our recent history, we must not forget those who served their country so valiantly and courageously when called to duty.

Of the nearly 2,500 American servicemen still missing in action in Southeast Asia, 1,394 are reported missing in Vietnam, 574 in Laos or Kampuchea, 4 in Thailand, 6 in China, and 422 servicemen were reportedly shot down while over water.

While many of those servicemen still missing in action are listed as killed in action, there have been numerous reports which indicate that there are Americans who are still alive and being held in captivity in Southeast Asia. It is essential that we conduct exhaustive investigations of such reports. The only hope nurtured by those Americans who may still be alive is that their country has not forgotten them.

The recent return of the remains of eight U.S. servicemen who were killed in Vietnam is a clear example that the effort to account for American MIA's is not made in vain. It is a necessary and humane mission which we have an obligation to fulfill.

We must not bury the POW/MIA issue with one unknown soldier from the Vietnam war; rather, we must intensify our efforts to account for his missing brothers. The families of these servicemen continue to face the awful pain and agony of uncertainty. A full accounting of these brave men deserves our highest priority. We must be unrelenting in our commitment to the goal of accounting for every MIA and securing the return of the bodies of those killed in action and the release of those who may still be alive.●

"LOUIS KARIEL: THE LORD HAS BEEN GOOD TO ME"

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. SAM B. HALL, JR. Mr. Speaker, one of the most distinguished citizens it has ever been my privilege to know is Mr. Louis Kariel, Sr., a citizen of Marshall, TX, which is also my hometown. This month marks his 88th birthday, and by every conceivable measure of a man, it has been 88 years of service to his fellow humans.

It would take literally thousands of words to describe his career and involvement in public affairs. As a young man in 1918, he volunteered for duty in World War I, and that same enthusiasm and devotion to family, community, and the Nation is just as strong today.

He served as mayor of Marshall for some 12 years and just recently he was honored upon the occasion of the 50th anniversary of his election to the Marshall City Commission. For over 40 years he operated a very prominent business in Marshall, and to this very day he is still involved in the business with his son, Louis Kariel, Jr.

It was Oliver Wendell Holmes who remarked on his 90th birthday that as long as the will to work remains, then the work remains to be done. That statement sums up the career and life of Louis Kariel, Sr. To know him is to admire him. To have the privilege of knowing him serves as an inspiration to me and countless others.

Mr. Kariel has not only been very active in political and business endeavors, but his civic work is legend. He has a 38 year perfect attendance record in the Rotary Club, and has held just about every office one can think of in the American Legion. His religious activities serve as an inspiration to all of us. He is a member of Temple Emanuel in Longview, TX, and among his contributions to the Jewish community include president of Moses Montefiore Congregation and president and secretary of B'nai Brith.

Mr. Louis Kariel, Sr. is truly a "man for all seasons." Just recently the Marshall City Commission honored him on the occasion of his initial election to the commission 50 years ago. It was a wonderful event for a wonderful person. In typical fashion on that occasion he responded to the secret of long life by saying, "The Lord has been good to me." A story from the Marshall News Messenger describes the event and contains some great anecdotes about his career. I commend this article to the attention of my colleagues and the Nation as follows:

[From the Marshall News Messenger, April 12, 1984]

LOUIS KARIEL MARKS GOLDEN ANNIVERSARY OF HIS CITY ELECTION

(By Sandra Cason)

The date was April 10, 1934, and Louis Kariel Sr. attended the city commission meeting. His purpose—to be seated as the Place 1 representative.

Tonight, Kariel will attend another commission session. His purpose—to celebrate the golden anniversary of that evening 50 years ago.

While the commission will not honor Kariel with what might be an appropriate gift of gold, they will present him with a piece of paper bearing a resolution in tribute to his service.

For Kariel the meeting is a personal celebration, one that was not afforded any of his peers.

Kariel, who will celebrate his 88th birthday in July, served 14 years as a city commissioner and held the post of mayor for all but two years of his tenure.

He served with 16 different men and only one of them, J.M. Oliphant, is still alive. Kariel knows of no other Marshall commissioner who has seen the 50th anniversary of his election.

He recalled that elections were "not such a political situation" in the 1930's. "In those days, people were asked to run—some still are. The ones who were asked to run didn't have opponents."

Newspaper accounts substantiate Kariel's remarks. The *News Messenger* for April 3, 1934, notes:

"Two city commissioners will be elected formally today as Marshall citizens go to the polls in the regular city election.

"Citizens Party primary nominations, tantamount to election, were held March 15 and today's balloting is a matter of legal form.

"No independent candidates have announced against the Citizens Party nominees Edwin J. Ryan, for re-election for Place 2 and Louis Kariel . . . for Place 1."

On April 4, the paper reported 30 votes having been cast and said official totals would not be revealed until the commission meeting of April 10.

Reporting on the local election took a back seat to banner headlines marking law enforcement's chase of Depression-era bank robber Clyde Barrow through Texas, Missouri and Kansas.

While elections may have changed over the years, problems facing the city commission have not.

"The things that were done were the same as they are today, Kariel said. "Water was one of our main concerns." It was during Kariel's administration that Marshall residents approved a bond issue for a pipeline to Caddo Lake.

"Our water was supplied by a number of deep wells on the Jefferson Highway. I remember we drilled another one in what is now City Park.

"We had a survey made and determined there was not enough water available in wells. We decided to hold a bond issue to build the pipeline to Caddo.

"A lot of streets were paved during the time I was on the commission because of the WPA." Works Progress Administration was implemented by President Franklin D. Roosevelt to offset unemployment created during the Depression.

"There were probably more streets paved then that at any other one time since," Kariel said.

Also during his tenure, City Park, another WPA project, was built and Marshall got a public swimming pool, a facility the city can no longer claim.

Kariel said he will have no advice to offer commissioners during the brief remarks he will make tonight. "I'm not going to try to tell them how to do it. I never have. The only suggestion I ever made was that the square should be named for (William B.) Travis."

Kariel said he noted years ago that Marshall had streets named after all other important figures in the state's early history.

He said the historical society disagreed wanting to name the square for Peter Whetstone, the Marshallite who gave the land. The group decided instead to rename Border Street in Travis' honor.

Kariel can remember when Marshall's mayor was paid a salary of $150 per month and the two commissioners each received $50 monthly.

That was before the city manager form of government was implemented in 1924. "There was an article put in the charter that the city manager could be paid no more than $5,000 per year," Kariel said.

Considering the value of the dollar, Kariel said the current city manager's salary is probably not in violation of that article.

A Marshall native, Kariel was the owner of Hub Shoe Store for many years. He still keeps books for the store although he sold the business to his son, Louis Kariel Jr., in 1969.

Kariel is a World War I veteran, signing on with the Army two months before the end of the war.

Before going into the shoe business in 1924, Kariel worked as a chemist for sugar plants in Colorado, Cuba and Sugarland, Texas.

He has been active in the local Rotary Club, Masonic Lodge and American Legion, holding leadership posts in those organizations.

Kariel has also been an active member of the Jewish congregation. He was president of the local Moses, Montefiore congregation and now attends Temple Emanu-El in Longview.

While he was Marshall mayor, Texas celebrated its centennial. In conjunction with the event, Kariel sat on a platform with President Roosevelt during Cotton Bowl activities in Dallas.

In 1986, the state will celebrate its sesquicentennial, or 150th birthday. Kariel said he hadn't given that event much thought.

Asked his secret to long life, he said: "The Lord has been good to me."●

H. CLIFFORD BOWMAN: SELECTED TO ATTEND RICKOVER SCIENCE INSTITUTE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to bring to the attention of my colleagues a very gifted young man from my district who has recently earned the honor of being one of only 60 students selected to attend the first summer session of the prestigious Rickover Science Institute, sponsored by the Admiral H.G. Rickover Foundation.

The Rickover Science Institute is the only program of its kind which combines theoretical training with practical experience, accomplished through individual hands-on research projects with Government agencies, academic institutions, and private corporations.

H. Clifford Bowman of Russellville, AR, while only 17, has already distinguished himself academically and in his community.

This fall, Clifford will be a senior at Russellville High School, where he is enrolled in the honors program and carries a perfect 4.0 grade point average. In addition, Clifford has already embarked on his college education, having earned perfect marks in college physics and trigonometry classes at Arkansas Tech University. At Russellville High School, he is a student senator, model United Nations delegate, science club officer, first chair violinist in the orchestra, and also participated in the Arkansas Close Up Program. Yet he also finds time to be involved in his church choir and youth group, and unselfishly serves as a volunteer at St. Mary's Hospital.

I had the honor of having this fine young man intern in my Washington office for 4 weeks this summer before he went on to Leesburg, VA, for the Rickover Science Institute, and he proved himself to be a most capable staff member.

In these times when we hear much about the negative side of youth, Clifford can certainly stand out as an example of the positive qualities that many of this Nation's teenagers possess. His accomplishments bring honor not only to himself, but to his parents, Leo and Michiko Bowman, as well. I wish him well at the Rickover Institute, and believe that he will distinguish himself further in whatever career path he chooses.●

REFUGEE VICTIMS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. MOODY. Mr. Speaker, as you may be aware, the newest figures on the number of refugee victims are shocking. These boat people, the women in particular, are subjected to a whole spectrum of crimes difficult to imagine.

Roger Winter, the director of the U.S. Committee for Refugees, has written an article which recently appeared in the Washington Times. As most of us were not in Washington during the last few weeks, I wanted to alert my colleagues to this tragedy and would urge them to read the following closely:

[From the Washington Times, June 21, 1984]

OPEN SEASON ON REFUGEES

(By Roger Winter)

A season of death has befallen refugees half a world away.

The season, the good weather months of February through June in the Gulf of Thailand, has been especially deadly this year. In a recent two-month period, for example, more than 100 Vietnamese boat people who were escaping on the Gulf of Thailand from their homeland are said to have been killed by Thai pirates.

Their deaths inflate an already sickening total. According to a February report by the United Nations High Commissioner for Refugees, 1,400 boat people have perished at the hands of pirates since 1980. Many more have been robbed, raped, abducted, not only during the February-through-June time of good weather and high boat flows, but also in other months. The victims apparently are overwhelmingly women.

Although the death counts should be chilling in themselves, they mask the brutality. Imagine in recent weeks, boat people, many perhaps former allies of the United States who weren't fortunate enough to make it out of Vietnam before Saigon fell, reportedly have had gasoline poured on them and been burned or have been tied and tossed into the sea before the eyes of loved ones, or watched as pirates rammed their rickety boats, sinking them with children aboard.

The world's answer to the crushing finality of these attacks has been less than resounding. This month, for example, a dozen nations met in Geneva under U.N. auspices to consider extending an international anti-piracy program that has been largely known for its ineffectiveness.

My own organization took a firsthand look at the situation, too, and issued a report last February. Though its findings are generally similar to those of others, they are distinctive in one respect—the conclusion that resources and technical expertise are important to saving the boat people from horrible ends, but the will to do something to improve things is crucial.

As the greatest contributor to the $26 million anti-piracy program and the richest and most powerful of Western nations, the United States is in the best position to bring that will to bear. To a small degree, it has. President Reagan raised the piracy issue during discussions with visiting Thai Prime Minister Prem Tinsoulanonda last month. However, going into the recent meeting in Geneva, the United States had failed to extract any assurances from Thailand that the Thais would monitor the piracy vigorously. Animosity between Thais and Vietnamese is age-old, and according to critics, has contributed to Thailand's taking a mild approach at best to the plight of the boat people.

The meeting in Geneva had another disturbing aspect, too. News of the recent round of brutal attacks was suppressed. Apparently, the suppression was supposed to make diplomatic sense, the rationale being that a careful look at the program, rather than a public scolding of the Thais for their patrols' insufficiencies, would be the best use of attendees' time.

Though such a scolding rarely serves any useful purpose, neither does incomplete information. It would seem that not only statistics about attacks but also a discussion of them are necessary if realistic decisions are to be forthcoming for the third year of the international anti-piracy program, which could begin as early as next month.

Still, the Geneva session bore some encouraging signs. For example, the Americans succeeded in having a proposal for providing the Thais with a $3 million patrol boat tabled, a development that could leave funds for less expensive but innovative anti-piracy approaches, and also quell concern that the anti-piracy program has succeeded only in outfitting the Thais with vessels and aircraft.

Thailand has yet to agree to this development, however, and it is an understatement, to say the least, that it remains to be seen whether the final plan for the next year of the international anti-piracy program will make the Gulf's waters safer for boat people, who now are leaving Vietnam at a rate of 21,000 annually.

What is not an understatement came from the American representative at Geneva. Referring to the severity of the piracy problem, Ambassador Gerald P. Carmaen told participants at the May meeting that ". . . people's lives are at stake."

Of all that has been said by observers, it would serve nations well to ponder that assessment as they continue to search for results in the battle against piracy.

Otherwise, yet another season of death will befall boat people, and haunt the civilized world.●

CLARENCE L. JORDAN: THE MAN WHO IS DEDICATED TO HELPING OTHERS

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. WORTLEY. Mr. Speaker, it is with great pleasure that I bring to the attention of my colleagues in the Congress an outstanding humanitarian and a dedicated civic leader who, on Wednesday, July 25, will be honored by my friends in the greater Syracuse community.

I am speaking about a man whom I am proud to represent, my constituent

Mr. Clarence L. Jordan, the executive director of the Syracuse Rescue Mission.

For a quarter of a century, Clarence Jordan, with seemingly tireless energy and unique talent, has devoted his life to bringing hope to our people who had despaired, shelter for our homeless and food to our hungry.

Clarence Jordan began his service to the mission and the people of our community as a lodging house manager in 1959. Within a short period of time, he was appointed executive director. From the beginning of his tenure and to this day, his commitment to the mission's goal of "putting God's love into action" has been an inspiration to the countless people he has helped and to all of us who are privileged to know him.

Under Clarence Jordan's innovative leadership, the Syracuse Rescue Mission has emerged as a model for not only other cities in New York State but for cities throughout our Nation.

The mission's comprehensive alcohol rehabilitation program, involving short- and long-term care, and nutritional, counseling and work therapy, has enabled alcoholics to climb from the chasm of despair onto the ladder of health and opportunity.

The mission provides 40 to 200 beds and meals for the destitute and transportation for the street people in need of shelter and care.

The mission's network of collection centers, seven retail thrift stores and a workshop warehouse provide work and training for the disadvantaged and alcoholics receiving treatment as well as jobs for other citizens in our community. The mission operates an inner city family center which offers recreation and counseling by trained staff personnel, in addition to a day camp for youth.

The mission's annual budget has grown from $60,000 to a present level of $2.4 million which supports a staff of more than 120 persons as well as the mission's varied and worthy programs.

Mr. Speaker, Mr. Clarence Jordan personally epitomizes America's tradition of service to our country's less fortunate citizens.

I am honored to share the commemoration of his 25 years of dedication to his fellow citizens with my colleagues.●

ATTORNEY'S FEES

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. MURPHY. Mr. Speaker, today I am introducing legislation which will maintain the access of low and middle income parents to our Nation's judicial system as they seek to enforce Federal civil rights protections designed to ensure that their handicapped children receive a free and appropriate public education. When Congress passed the Education of the Handicapped Act in 1975, parents of handicapped children were given administrative remedies as well as a right to private action as a means toward realizing the goals for their children in special education. Today there are over 4 million handicapped children in special education and the gains that have been made in the quality of their education are remarkable. These gains can be attributed in part to parents' ability to shape various educational components of their child's programming.

In the overwhelming number of instances when parents and educators conference to design an appropriate educational program for a handicapped child, they work cooperatively toward common goals. In some instances, however, parents and educators disagree and require a third party to resolve their differences. Congress foresaw this in 1975 and incorporated the elaborate administrative procedures as well as a private right of action into the act. Parties are required to exhaust their administrative remedies prior to filing suit, and in an overwhelming number of cases, disagreements are resolved at the due process level and litigation is not pursued. When litigation is pursued and parents or the legal representatives of a handicapped child prevail, courts have awarded attorney's fees in a number of instances, when litigants have filed for relief under the Rehabilitation Act of 1973 and the Civil Rights Attorney's Fee Awards Act of 1976 as well as under the Education of the Handicapped Act.

On July 5, 1984 the U.S. Supreme Court ruled, 6 to 3, that awards of attorney's fees are not permitted to prevailing parties that are in essence brought to enforce the Education of Handicapped Act. The Court opined that because the Education of the Handicapped Act is silent on the question of attorney's fee, parents who had successfully proven that public schools had unlawfully denied their handicapped children the free and appropriate public education guaranteed by both the Education of the Handicapped Act and the Rehabilitation Act of 1973, as amended, were not allowed to recover attorney's fees even though secton 505 of the Rehabilitation Act provides for recovery for prevailing parties.

Congress has authorized award of attorney's fees in virtually all civil rights actions brought under Federal law. Attorney's fees may be recovered for civil rights violations under the Civil Rights Act of 1964, the Fair Housing Act of 1968, the Fair Labor Standards Act, the Age Discrimination in Employment Act, the Age Discrimination Act of 1975, the Equal Credit Opportunity Act, the Voting Rights Act of 1965, the post-Civil War Acts, title IX, the Rehabilitation Act of 1973, the State and Local Fiscal Assistance Act of 1973, the Civil Service Reform Act of 1978, and the Civil Rights of Institutionalized Persons Act.

The July 5 decision was clearly misguided and will result in disastrous consequences for low and middle income parents of handicapped children, if Congress does not act. My office received a call from a single working mother in San Antonio shortly after the Smith against Robinson decision was handed down. Just the month before a district court in western Texas had ruled in her favor that her son who has cerebral palsy, is mentally retarded, is unable to walk without assistance, and has no verbal language, should receive summer school in order to preserve the progress that he had made during the regular school year. This single parent had prevailed through every administrative procedure, again in district court, and the judge was in the process of awarding a reasonable attorney fee when Smith against Robinson was handed down. Not surprisingly, the school system had filed a motion to reconsider and the award of the attorney's fee of many thousands of dollars for 4 years worth of litigation is in jeopardy. If Congress does not act then this parent of a handicapped child and many like her will face a debt that will plague her family for years to come. Other parents who are considering litigation will be unnecessarily stifled by the prospects of tremendous indebtness and will not seek the legal redress that Congress had intended to allow them. The economic resources of parents should not be the critical factor in their ability to protect their children's rights under the Education of the Handicapped Act.

The legislation that I am introducing today will not alter the act's requirement that administrative remedies be exhausted before a lawsuit is brought. The legislation allows for the recovery of reasonable attorney's fees for the prevailing parent or legal representative, and will therefore not encourage frivolous litigation.

The legislation will also clarify the relationship between the Education of the Handicapped Act, the Rehabilitation Act, and other Federal statutes. This clarification will serve to signal our intention that the Education of the Handicapped Act is intended to complement and not preempt other Federal statutes that affect handicapped children in elementary and secondary education.

The dissent in Smith against Robinson concluded that, and I quote:

With today's decision coming as it does after Congress has spoken on the subject of attorney's fees, Congress will now have to take the time to revisit the matter. And until is does, the handicapped children of this country whose difficulties are compounded by discrimination and by other deprivations of constitutional rights will have to pay the costs. It is at best ironic that the Court had managed to impose this burden on handicapped children in the course of interpreting a statute wholly intended to promote the educational rights of those children.

I am happy to note that as I drop this important piece of legislation in the hopper today, my distinguished colleague in the Senate, Mr. WEICKER, is dropping in an identical piece of legislation. Our staffs have worked cooperatively on the drafting of this bill, signaling our intentions to correct this injustice as soon as possible.●

NEED FOR SOIL CONSERVATION

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. EVANS of Illinois. Mr. Speaker, farmers are by nature independent thinkers. However, one topic which brings a quick consensus is the need for soil conservation. Agricultural columnist Charles Hallam pointed out the need for cooperation between the Federal Government and farmers to address the problem in a recent article for the Rock Island Argus. I commend this article to your attention:

LEGISLATORS AGREE ON NEED FOR CONSERVATION

(By Charles E. Hallam)

Preliminary discussions leading up to eventual adoption of the 1985 Farm Bill has produced a panoply of disagreement among farmers who must live with the new legislation for the next four years, but one matter on which there is little controversy is the need to participate in federal benefits to conservation practices.

For years government assistance programs have tended to reward the improvident use of farm land by using base acres as the criteria for participation. The base acres assigned to each individual farm often grew at a reckless pace during the 1970s when agricultural exports encouraged farmers to plant from one fence row to the next.

We all know how wrong the so-called experts were, but learned the lesson slowly and at the cost of mistakes. So much marginal land was put under cultivation during the prosperous years of the last decade that the biggest problem agriculture faces today is not, as some say, the disappearance of family farms, but the disappearance of the land itself through erosion.

It is high time that the federal government and farmers cooperate in correcting as much as possible of the damage already done and take steps to insure it will not happen again.

Probably the best way to achieve the conservation goals that everyone claims to favor is for the government to stop rewarding the infrugality of wasteful land management. Doing so will not be easy, given the generosity of our political system in an election year and the greed of so many farmers who insist on taking all they can get from the government.

If you are in an optimistic frame of mind, you can find a few encouraging signs that at least some farmers are ready to admit their past mistakes and take some of their most erodible land out of production.

The idea was tried on a limited scale this year under what Secretary of Agriculture John Block called the Acreage Conservation Reserve Program. A total of 264,000 acres in the U.S., including 12,807 in Illinois, were placed in new program initiative which offered land owners 90 percent of the cost of planting grass or trees on highly erodible land in exchange for agreement to keep the land out of crop production for six years.

The program was publicized so little that it may have been the USDA's best kept secret of 1984 and the fact that a quarter million acres were enrolled shows that farmers are searching for ways to save their land from further damage.

At least Jerry Sierra, Rock Island County Agricultural Stabilization and Conservation Service office manager is convinced that if the program had been more vigorously promoted participation in his county would have been substantially better than the four farmers who signed up 60 acres for long term conservation.

In writing the new farm bill, the U.S. Congress must seriously consider the extent to which farm commodity and credit programs encourage row-crop production on erodible land.

No farmer ought to be subsidized unless he is in compliance with provisions of existing laws which mandate a reduction of soil loss to a tolerable level—usually no more than five tons per acre—by the year 2000.●

DEFICIT REDUCTION ACT OF 1984

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. WEISS. Mr. Speaker, the Deficit Reduction Act of 1984 contains numerous provisions which are of great value, both in the area of tax reform and in the area of human services. In many ways, this conference report is superior to the bill passed by the House of Representatives in April. However, the conferees have seen fit to include unwarranted and unconscionable spending cutbacks that will severely impact the elderly, Federal retirees, and veterans. These groups have already been asked to sacrifice far too much in the effort to bring our massive budget deficit under control, and it is extraordinarily unfair to ask them to sacrifice further. It is primarily because of the negative impact on our Nation's senior citizens, Federal retirees and veterans, who are struggling to get by in uncertain times, that I cannot support the Deficit Reduction Act of 1984.

There is much that is highly attractive in this legislation. On the tax side, there is an increase in the earned income tax credit for the working poor of our Nation and an extension of the mortgage subsidy bond program which helps Americans to afford their homes.

On the benefit side, there are important changes in the medicare program that will force physicians to accept part of the burden of keeping the medicare system solvent. The conference agreement imposes a 15-month freeze on fees charges by physicians for treating medicare patients, and it provides incentives for doctors to accept the charges allowed by medicare as payment in full for health care services. While medicare beneficiaries and hospitals have already been asked to make considerable sacrifices to keep medicare solvent, physicians have not shared fully in this burden.

The conference agreement also establishes a new program of expanded medicaid coverage for low-income children and pregnant women. This essential program will extend the protections of medicaid to a forgotten segment of our society that is in substantial need of improved health care services.

Finally, the conference agreement provides for important add-ons in the medicaid program, the Aid to Families with Dependent Children [AFDC] program, and the Supplemental Security Income (SSI) program.

All of these provisions are highly important for the poor, disabled, and the elderly members of our society. However, they exist side-by-side with other provisions that will make further cuts in programs of historic importance to our Nation. These proposed cuts in the medicare program, the Federal retirement system, and veterans programs are not defensible by any means. They amount to an assault on groups that have already been assaulted year after year, and they should be forcefully rejected.

The conferees have agreed to a 2-year extension of the temporary requirement that premiums for medicare part B be set so as to cover 25 percent of program costs. This provision will cause part B premiums to rise to an estimated $21.30 per month by 1987. Without this requirement, it is estimated that the premium for 1987 would be $18.60 per month.

Premiums for medicare part B have risen substantially in recent years. These added costs are borne by an elderly population that can little afford them. Already, health care is costing older Americans almost 3.5 times the amount it cost them just 14 years ago. Due to escalating medical costs as well as legislative changes during the past several years, the average older American is spending 15 percent of his or her income on health care, the same percentage as in 1966, before medicare

was fully implemented. The further erosion of the medicare program will force many older Americans to suffer hardship in order to pay for medical care or to forego needed health care because they cannot pay.

The conference agreement also includes a change in Government retirement systems that will result in eliminating one monthly payment to military retirees in 1985. This change, which will save the Government $1.62 billion over 3 years, seeks to balance the Federal budget on the backs of military retirees. Finally, the agreement calls for major cuts in programs that benefit our Nation's veterans. These include changes in the Veterans' Administration Home Loan program and in nonservice connected disability pensions that will reduce outlays by $721 million over 3 years.

All of these groups—medicare recipients, Federal retirees, and veterans—have already sacrificed for the sake of reducing our budget deficits, and they cannot be fairly asked to do so once again. Moreover, we are already hearing rumblings about the administration's plans for massive spending cuts after the upcoming elections. It is my judgment that the $200 billion Reagan deficits stretching into the foreseeable future did not happen by accident. Rather, they have been created deliberately to frighten the American people into turning their backs on programs of historic importance like medicare, medicaid, and Social Security. If we begin to succumb to this argument now and allow our commitment to these programs to become a hostage to the massive Reagan deficits, we will be opening the door to much larger and more devastating cutbacks which the Reagan administration will seek to push through in the future.

Rather than lending validity to the notion that spending for domestic and entitlement programs is responsible for the massive deficits we are experiencing, we must firmly draw the line now. We must establish once and for all that medicare, medicaid, Social Security, and other programs can never be subject to the Reagan budget ax. And we must shift our attention to the true causes of our staggering debt—the extravagant tax giveaways of 1981 and the continued upward spiral of military expenditures. Only by substantially reordering our national priorities will we be able to protect the human needs of our citizens while assuring our continued survival into the next century.

The continued cuts envisioned by the Deficit Reduction Act represent an unconscionable attack on those who are already struggling, and they will open the door more devastating attacks in the future. I urge my colleagues to join me in fending off this attack by forcefully rejecting the Deficit Reduction Act.●

GUAM PROUD TO HAVE MONDALE-FERRARO ON DEMOCRATIC TICKET

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. WON PAT. Mr. Speaker, on behalf of the people of Guam, I am proud to join with my colleagues here today to congratulate Congresswoman GERALDINE FERRARO of New York for her history-making role at the Democratic Convention. I can think of no one more qualified to be the first woman in American history to be part of a national party ticket for the office of President and Vice-President than this talented woman. Vice President Mondale is to be commended for his profound judgment and wisdom in his selection of GERALDINE FERRARO to be his Vice-Presidential nominee. This is a historic first and it is my hope that the trend established by Mr. Mondale to incorporate women totally in the selection of who will be our Chief Executive and Vice-President will not stop here.

Congresswoman FERRARO is the right person at the right time in history to take on this awesome responsibility. She has the skills, public experience and temperament to undertake the job of Vice-President and I believe that the Mondale-FERRARO ticket will have an electrifying impact upon the electorate, particularly among the women voters. GERALDINE FERRARO will serve this Nation with the dignity and pride she has shown in her terms here in Congress.

As a woman, GERALDINE FERRARO is politically in the minority and as such, she has much in common with her fellow Americans in Guam who are also a distinct political minority. We who live in U.S. territories understand what it means to be denied full participation in the American political scene. During the convention, we displayed our concern by placards which clearly stated that we are loyal Americans but cannot vote in Presidential elections.

I hope that this historic action will lead to passage of my legislation extending the right to vote in Presidential elections to residents of the territories. This proposal is now part of the Democratic platform plank and I hope one day to be part of U.S. law. Again, we salute Congresswoman FERRARO for truly being the "First Lady" on the Presidential ticket and I wish her and Mr. Mondale success in November.●

LEGISLATION INTRODUCED TO ABOLISH THE NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERES

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. OTTINGER. Mr. Speaker, I am today introducing legislation which will abolish the National Advisory Committee on Oceans and Atmosphere. I am doing this because I am horrified at the prospect of Ann Burford affecting oceanic policy of this country, and because the House determined more than a year ago that a new commission should be established to deal with these critical issues.

Like most of the Members of Congress today, I am totally appalled that President Reagan has appointed Mrs. Burford to a position of authority in this administration, considering her horrendous record as Administrator of the Environmental Protection Agency. Her appointment now to the National Advisory Committee on Oceans and Atmospheres is an abomination—a slap in the face at all Americans who care about protecting our environment.

The House of Representatives approved an amendment to Senate bill 1098 last year that would establish an oceans and atmospheres commission. I think that we should go forward with that idea and at the same time inform the President that Congress and the American people expect the environment to be protected by appointees who have demonstrated a clear record of concern for the environment.

This new commission would have as its charge the development of a comprehensive national oceans policy within a specified time period. It has an elaborate appointment process whereby each House will contribute 14 names for appointment and the President must choose no less than seven from each list. The President then will have three appointments to name independently. The chair and vice-chair of the commission will be agreed upon by the President, the Speaker of the House and the majority leader of the Senate.

This legislation has been languishing in the Senate for over a year, but I hope that the appointment of Ann Burford to be chair of the advisory committee will encourage our colleagues in the other body to move on this legislation with all due speed.

Meanwhile, we are faced with an impossible situation. President Reagan has insulted the American people by reappointing this person to his administration in an environmentally sensitive position, after she was forced to resign her previous appointment by

the overwhelming public outrage over her actions as Administrator of EPA.

We are not dissolving a committee that this administration has permitted to function. We are, in fact, allowing oceans policy to continue uninterrupted, without the potentially damaging influence of Mrs. Burford. I think that we will be better off with no committee than with a committee controlled by the person who brought us Rita Lavelle and the almost total destruction of the Superfund Program.

I hope my colleagues, on both sides of the aisle, in both Houses of Congress will support this legislation.●

TRIBUTE TO TED MOSIER, PARAMOUNT CIVIC LEADER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. ANDERSON. Mr. Speaker, on Friday evening, July 27, Ted Mosier, five-time mayor of Paramount, CA, will be honored at a reception to be held at Progress Park in Paramount. This gala event is intended to pay tribute to Ted's many years of public service.

Mr. Mosier arrived in Paramount from Missouri in 1938. After spending 2 years in college and a few years in the Navy during World War II, Ted returned to the community and began his own successful business. His activities were not just confined to the business community, as he became active in civic and local organizations such as the United Way, Salvation Army, Boy Scouts, Elks Club, Lions Club, and the Masonic Lodge.

He first entered public life when he was elected to the city council in 1968. Ted was a councilman for 16 years, 6 of those years as mayor, and was a founding member of the Paramount Redevelopment Agency.

One of the highlights of Ted's career has been his role in the city's redevelopment program. Ted was instrumental in helping to obtain passage of special redevelopment legislation which allowed Paramount, alone of all California cities, to use redevelopment agency funds beyond project boundaries. This allowed the city to proceed with projects that otherwise would never have been attempted. As a result, residents are now able to enjoy new lighted baseball diamonds, new parks, and well maintained streets.

Another achievement was his efforts to improve the fragmented and poor water delivery system that used to serve city residents. Ted provided direction for consolidating 14 separate water companies into a single city system. By consolidating approximately 90 percent of all the city residents into a single city-owned system, water quality, pressure, and fire protection have been substantially improved.

In his role as an official of the Paramount Chamber of Commerce, Ted has helped to maintain and develop an attractive business environment essential to a successful community.

Throughout all of his activities, Ted has had the unending active support of Mary, his wife of 34 years.

I join with my wife, Lee, in wishing Ted Mosier, Mary, and their four children, Jim, Valarie, Pat, and Pam, all the best in years to come and much success in future endeavors.●

TRIBUTE TO HOPE SKIPPER OF NACOGDOCHES, TX

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. WILSON. Mr. Speaker, the responsibilities connected with local public office are often as important and frustrating as those faced here in Washington. Therefore, being honored for outstanding achievement in the office of county clerk and possessing a longstanding reputation on the job as well as in the community for hard work and inspired leadership deserves recognition.

Mrs. Hope Skipper, who is currently serving her fifth consecutive term as Nacogdoches County Clerk, was named the 1984 Outstanding County Clerk for the State of Texas earlier this month. She shines as one of the best in a group of over 200 dedicated local public servants.

Her record of civic and community activity spans 40 years in east Texas. This is a woman who has never been afraid to "get involved" and work toward a better way, for her neighborhood, her city, her county and her State.

Local community leaders were a motivating force behind the formation of the first 13 United States of America 200 years ago. They continue to constitute a vital and influential group in our Nation's governing machinery. I am pleased to have the opportunity to call attention to the fine work of Mrs. Skipper. In praising her efforts, we should recognize the contributions made by all local public officials in this country, and offer our gratitude.●

ROCKY JENSEN'S CONTRIBUTIONS TO HAWAIIAN FINE ARTS

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. AKAKA. Mr. Speaker, I rise today to bring to my colleagues' attention the outstanding accomplishments and dedication of one of my constituents, Rocky Ka'iouliokahihikolo'ehu Jensen. His contributions to the fine arts arena in Hawaii, for over a decade, are most commendable.

Over the years, Rocky has played an active leadership role in advancing the public awareness of Hawaiian art and its significance to today's Hawaiians. I hasten to say that Rocky is at the forefront of artists who are concerned ultimately with the pursuit of truth and preservation of Hawaiian art. At a time in Hawaii's history when a renaissance is actually taking place, Rocky is doing his part to create a link between past and future, and to give permanence to the present.

As a child, Rocky displayed his artistic talent when he won a scholarship to the prestigious Honolulu Academy of Arts, and since that time, Rocky's interest in the beaux-arts has only intensified. In 1973, he seriously pursued an artistic career when he illustrated and published a hallmark of Hawaiian cultural works, "Men of Ancient Hawaii." From that point on, Rocky's creative career was set in flight.

On February 1, 1976, Rocky formally founded the Hale Naua III, Society of Hawaiian Arts, conceived with the notion of perpetuating the Hawaiian culture, religion and history through individualistic knowledge of the Hawaiian artists within the society. Since its inception, Hale Naua III has given countless exhibits, lectures and demonstrations, continually offering the public an opportunity to become reacquainted with Hawaiian values and traditions. Today, Hale Naua III is a prominent and well-respected society, whose record of accomplishment will be recognized on August 3, 1984 by John D. Waihee, III, Hawaii's Lieutenant Governor.

Rocky has gained both statewide, national, and international recognition, in producing more than 100 exhibits and lecturing throughout the country. In addition, he organized the first contemporary Hawaiian art display at Hawaii's Bishop Museum. This same exhibit was then sent to the Museum Fur Vulkerkunde in Vienna, Austria, the first of its kind in two centuries.

In 1945, Lionel Venturi wrote that what ultimately matters in art is not the canvas, the hue of oil or tempera, the anatomical structure, and all the other measurable items, but its contribution to our life, its suggestions to our sensations, feeling and imagination. Rocky Jensen, the artiste, is certainly fulfilling Venturi's notions through his works. As he feverishly pursues his self-imposed responsibility to carry on where his multitalented family left off, to fill that link, Rocky is presenting his gift to his culture, his artforms from the heart, in his undy-

ing pursuit of the perpetuation of the Hawaiian culture.

I congratulate Rocky for his invaluable achievements thus far made, and I look forward to his outstanding contributions in the future.●

REAUTHORIZATION OF THE OLDER AMERICANS ACT

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. DYSON. Mr. Speaker, in the next few weeks we will be taking up a measure to reauthorize and amend the Older Americans Act. Along with Social Security and medicare, the Older Americans Act [OAA] lies at the foundation of the Federal Government's commitment to the elderly. First enacted in 1965, the act is dedicated to protecting the health, honor, and dignity of senior citizens and serves as the primary vehicle for providing critically important community services.

I have heard from seniors across the country, and from many in my home district. Their message is clear. Reauthorizing the bill is an urgent priority. As an original cosponsor of the reauthorization bill, I rise today to request that my colleagues give their full and unhesitating support to this measure.

Several improvements are put forward in the reauthorization. Funding for OAA programs has been frozen since 1979. This year the Education and Labor Committee recommends increasing the programs' authority by 5 percent over current spending levels. It has also accelerated the program's research into aging related illnesses. A growing commitment to finding suitable treatment for victims of Alzheimer's disease is reflected in amendments to title IV of the act.

Funding for programs designed to assist the elderly in maintaining their economic and personal independence will also be increased by a significant 11 percent under the reauthorization amendments. This increase is especially important for seniors in Maryland's First Congressional District, which I am proud to represent. Mine is a predominantly rural district. Senior support groups, such as the MultiService Area Centers, are often the vital core of the senior community in rural areas. MAC's provide transportation services, so that convalescing medicare patients can have access to outpatient clinics. MAC's provide congregate and in-home nutrition programs and offer valuable legal aid services to seniors.

It would be a mistake, however, for my colleagues to consider the OAA as simply a vehicle for providing social services to the elderly. It also serves as a means for enabling the elderly to provide valuable services to the community. Title V of the OAA provides for job training and employment for the elderly. During the 1983–84 program year, almost 63,000 positions were funded by the program, most of these relating to service to the general community. Such service is vitally important to the health, honor, and dignity of seniors, for the elderly have a lifetime's worth of experience to give their younger neighbors. This act provides them the opportunity to continue sharing themselves and their experience with the community. It gives the community the opportunity to learn from its elders.

Let us in this Chamber reaffirm our commitment to the health, honor, and dignity of senior citizens. I call upon my colleagues to bring the reauthorization legislation to the floor at the earliest possible opportunity, and to give their unanimous approval to the Older Americans Act Amendments of 1984.●

LORRAINE J. CARON, GOLD STAR MOTHERS' COLOR GUARD/HISTORIAN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. GEKAS. Mr. Speaker, recently, Lorraine J. Caron of Millersburg, PA, returned from the American Gold Star Mothers' 47th annual convention held at the Radisson Hotel in Houston, TX.

I am happy to note in the CONGRESSIONAL RECORD today that Mrs. Caron returned to Millersburg as the newly elected color guard/historian of the National Gold Star Mothers. As color guard/historian, Mrs. Caron will carry the American flag when the Gold Star Mothers meet this September in Washington, DC, for their annual board meeting, including on November 11, when the Vietnam memorial statue will be unveiled.

Mrs. Caron has distinguished herself in Pennsylvania by being named department president of Pennsylvania's American Gold Star Mothers Harrisburg chapter. She attends to the needs of the Harrisburg chapter and the department of Pennsylvania, attends many veterans' functions, and board meetings. The department of Pennsylvania's 37th annual convention board will meet October 7 and May 5, 6, and 7 in the greater Harrisburg area.●

SENATE—*Wednesday, July 25, 1984*

(Legislative day of Monday, July 23, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"Praise God from whom all blessings flow."

Righteous God, we are amazed at the profusion of variety, with its beauty and balance, which Thou hast built into life. We accept with profound gratitude the diversity among human beings and the special propensity America has had of accepting, absorbing, and honoring this diversity without destroying the identities of culture, language, and ethos.

Help us Lord, to guard this heritage and never violate it.

But Father in Heaven, may we not allow pluralism to degenerate into valuelessness, mediocrity, and monotony. Help us to understand that tolerance is not a virtue to one who has no convictions. Spare us the meaninglessness which is indiscriminating in all its judgments and like a garbage can accept anything. Deliver us from a way of life which quantifies everything and qualifies nothing and help us to realize that without standards, values, and rules, society is anarchy. In His name who is truth incarnate. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

PARLIAMENTARY ELECTIONS IN ISRAEL

Mr. STEVENS. Mr. President, on Monday, the State of Israel celebrated an important holiday. That holiday was the occasion of its parliamentary elections. It is appropriate for all of the Members of the Senate to celebrate with the State of Israel its renewal of faith in the democratic process which we all hold so dear. For 35 years, since its founding, Israel has remained a strongly democratic state and America's staunchest ally in its region. As chairman of the Defense Appropriations Subcommittee, I am pleased to join all Members of the Senate in applauding our Israeli friends for their steady adherence to the democratic principles upon which the State of Israel was founded. Our defense goals of the region are heavily dependent on Israel's strength. The United States has a real stake in Israel and values its friendship highly.

At this moment, there is no certainty as to which of Israel's leading political parties, the Labor Alignment or the Likud Coalition, will be successful in forming a new government. There are differences between the two major parties and the shape of the new government will not be known for several days. Amidst this uncertainty, one thing is sure. No matter which party forms the new government, the American-Israeli friendship will continue to grow and to prosper. Our two countries share similar values and interests. We both strive for peace in the Middle East and work together to achieve that peace. There is a special relationship between the United States and Israel which I will work to strengthen.

I have visited Israel a number of times and have always been struck by the industriousness of Israeli society and citizens and the ability of Israel to cope with all of the problems and concerns which have beset it since its birth. The strength of Israel remains its people and that strength was once again shown by their enthusiasm for and participation in the democratic election process which took place in Israel this week.

It is my belief that as Members of the Senate we all have duty and responsibility to encourage and foster the democratic process not only in our Nation but throughout the world. It is particularly appropriate that we recognize the triumph of this process, wherever it may be. I am therefore pleased to request that I be added as a cosponsor of S. 2746, a bill which would establish a free trade relationship between Israel and the United States. This bill has strong support throughout the Congress. If passed, the bill would encourage trade between Israel and the United States and benefit both countries.

Israel is one of the most loyal allies and deserves this relationship. I urge other Members of the Senate, who have not yet cosponsored this bill, to join me at this time in sponsorship of the legislation in recognition of the State of Israel's continuing support of democratic principles and its continued friendship with the United States.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, today, after the recognition of the two leaders under the standing order and one special order in favor of the Senator from Wisconsin [Mr. PROXMIRE], there will be a period for the transaction of routine morning business to extend not past 10:30 a.m., during which Senators may speak for not more than 5 minutes each.

At 10:30 this morning, the Senate will temporarily lay aside the pending business, which is the Treasury-Postal appropriations bill, in order to consider Calendar No. 977, the debt collection bill, under a time agreement.

Under that agreement there is a limitation of 60 minutes equally divided between the Senator from New York [Mr. D'AMATO] and the Senator from Ohio [Mr. METZENBAUM].

At 11:30 a.m. a rollcall vote will occur on three Metzenbaum amendments en bloc. It will be one vote on the three amendments, which will be followed immediately by a vote on the pending D'Amato substitute as amended if amended, and final passage will occur immediately thereafter.

I invite Members' attention to that time agreement.

There will be no intervening debate, amendment, motion, appeal, or points of order to the final passage of the bill following the votes that I have mentioned.

After that, the Senate will return to the Treasury-Postal appropriations bill.

And on behalf of the leadership, I wish to say we are hopeful that this bill will be finished today.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER [Mr. WILSON]. Under the standing order, the acting minority leader is recognized.

VITIATION OF ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. FORD. Mr. President, I do not believe there is anything on our side that needs to be done this morning. I wish to make two unanimous-consent requests, one to vitiate the time of the distinguished Senator from Wisconsin [Mr. PROXMIRE] who will not be here.

So I ask unanimous consent that that time be vitiated.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I also ask unanimous consent that the time allocated to the Democratic leader be reserved for his use at anytime during the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I reserve the remainder of our time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for a period not to extend beyond 10:30 a.m. with statements therein limited to 5 minutes each.

A MOST GLORIOUS PLACE TO LIVE

Mrs. HAWKINS. Mr. President, one of the greatest misnomers in the English language today is referring to cocaine as a recreational drug. This description creates the impression that this drug is a harmless one. I would like to focus on a small community in Washington, DC, to show just how recreational and harmless cocaine really is.

A formerly quiet and peaceful neighborhood in our Nation's Capital was invaded by cocaine dealers. Elderly citizens had lived there for years, had reared their children there, had referred to it as the most glorious place they had ever lived.

This has all changed with the invasion of the cocaine dealers.

Now there is only murder and fear in Hanover Place.

The police remark that Hanover Place is different from other drug dealing blocks because of the high cost of cocaine—$50 packets of the drug is the smallest amount sold, and because the customers tend to be middle-class suburbanites. But the dealers and pushers of the drug occupy Hanover Place by day and by night, terrorizing its residents and bringing ruin to the individuals who buy what they have to sell.

Mr. President, the police spend more time on Hanover Place than anywhere in Washington, and still it remains the city's No. 1 market for street sales of cocaine, and one of the city's deadliest places. When the police leave the block, the dealers just ooze back out from under their rocks and return to their work.

Mr. President, we must not let up in our efforts to eradicate drug abuse. As the attached article depicts, lives are being lost, neighborhoods are being destroyed, and futures are being ruined; all by the recreational drug, cocaine.

Recently the subcommittee I chair, the Senate Subcommittee on Alcoholism and Drug Abuse, conducted hearings on the impact of drugs on crime. While this seems to be a self-evident relationship, specific questions needed to be addressed and specific answers needed to be given in trying to break up this relationship. Testifying at this hearing were the U.S. attorneys for the southern districts of Florida and New York; criminologists from Temple University and the University of Maryland; and a group of recovering narcotics addicts. What came out of this hearing were horrifying revelations of just how great is the impact of drugs on crime.

For example, testimony stated that heroin addicts pale in comparison with the next generation of unpredictably violent criminals hooked on PCP and cocaine; that the power of drug dollars to corrupt civic integrity cannot be overestimated; that death is an appropriate penalty for major drug traffickers because successful large scale drug operations cannot be conducted without engaging in murder. Statistics provided by witnesses were chilling in their numerical depiction of the impact of drugs on crime: The average heroin addict in California commits 177 property crimes a year; over a 9-year period, 234 heroin addicts in Baltimore committed half a million crimes; in Texas a drug addict is expected to commit 190 crimes.

But this hearing was not just about numbers. It was also about the vital, personal dimension that has been depicted in the article I have attached. And this personal dimension, in terms of the survival of our citizens, must be considered if we are to try and solve the problems of drug abuse.

I respectfully request that the article entitled "Combat Zone: Cocaine, Killings Terrorize Hanover Place," dated May 17, 1984, in the Washington Post, be printed in the RECORD.

COMBAT ZONE: COCAINE, KILLINGS TERRORIZE HANOVER PLACE

(By Linda Wheeler)

Nobody on Hanover Place NW really wants to talk about the murders and the drug dealing that are part of life on this littered, deadend street just off busy North Capitol Street.

The little street of two-story brick row houses is now the Number One market for street sales of cocaine in the city, according to police. And it is rapidly becoming one of the city's deadliest places as well, with at least three homicides this year on or just off the block-long street, along with several other stabbings and shootings.

Questions about the cocaine business are turned away by the young men lining the street unless interest is shown in buying the $50 packets of white powder called "the lady."

Questions about the murders on or near the block are just shrugged off. The most recent killing was last Thursday evening, when 24-year-old Walter Turner was shot to death at the end of the block. "I looked out the door and when I saw what it was, I closed that door," said one man who lives on the street and declined to identify himself. "It's bad here, lady. Don't come back here alone."

Hanover Place hasn't always been such a tough block. Police say marijuana has been sold on the block for nearly 20 years, but there was little trouble until the dealers added heroin and cocaine to their inventory.

Leroy and Mable Harris moved to Hanover Place 22 years ago. Mable Harris remembers when the street was "clean and nice and quiet. It was a wonderful place to live." But things changed about two years ago, she says. "People started throwing trash on the street. And there's a lot of traffic and a lot of people who don't live here out on the street. The police be out there, but nothing changes."

Leroy Harris, a former advisory neighborhood commissioner, says the block used to be "the most glorious place I ever lived. Now it's terrible. People stand in front of your gate all night long, and out back of your house in the alley. It is awful."

Hanover Place is a busy street by day and by night. Shifting groups of men lounge against the walls of vacant houses, shoot craps on the sidewalk or crisscross the street, pausing to lean into car windows. At night the little street resembles a long dark tunnel, punctuated by street lights that barely illuminate the crowds below.

Tuesday night the police blocked several of the labyrinthine alleys leading out of Hanover Place and questioned everyone driving into the block. Most of the drivers were turned away, leaving the block unexpectedly empty and quiet.

Down at the end of the block, at one of two car-repair shops on the street, an autobody mechanic leaned against the garage door of his shop, his white protective mask dangling around his neck. He said he was afraid to give his name.

"We heard the cops were here so we came out. Glad to see them here. They ought to burn those guys, those drug dealers, and not let them back on the street. It's like a rubber band, they just keep snapping back to Hanover," he said.

The man said he has owned the repair shop for two years and found that running a legal business on Hanover Place presents peculiar problems.

"I can't get anyone to deliver parts here," he said. "I tell them the address and they say, 'no way, you will have to come here and get them.' And my customers won't come in here. I have to do pickup and delivery."

When the man saw the police cars leave the block, he decided to close the big garage door and go back to work. He said he regretted shutting out the daylight and fresh air, but "I like working in the dark where it's safe. We never open up this door."

The police left, the garage door closed and suddenly the block filled with men who stepped into the street from several vacant houses and out of the back alleys.

Sgt. Al Marshall, head of the narcotics squad for the police department's 1st District, said, "We're devoting a lot of time to Hanover, more than to anywhere else. We go in there on a warrant and we get more than drugs. Recently we got a sawed-off shotgun, a .45 automatic, a rifle with a telescope, a .38 and a lot of drugs from just one house."

Marshall said Hanover Place is different from other drug-dealing blocks because of the relatively high cost of cocaine and because the customers tend to be middle-class

suburbanites driving Volvos and Mercedes. "We find people trading for cocaine, and that's why you have so much stolen property up there. Most of the stuff seems to be new. Some of it has price tags."

As Hanover Place became a tough street over the past few years, the neighboring blocks changed in a different way. Houses along N and O streets have been renovated, and an old warehouse at 52 O St. NW was transformed into studio space for 20 artists.

Eric Rudd, a sculptor who owns the renovated warehouse, said Hanover Place is the busiest block in the area. "On O Street we have a mixture of homeless people eating at SOME [So Others May Eat, a soup kitchen], a school for nurses, oldtime residents and the artists. All of that is calm compared to Hanover. Hanover is like a third world country."

Former ANC commissioner Harris, 76, would like Hanover Place to be a quiet street again. But he is a realist about how much change he can bring to his block, and settles for the area in front of his own house.

"I don't allow them to sell no dope in front of my place, or I will have to get involved," He said. "They give me that respect. They don't want me raising sam out there. It can be a terrible problem knowing too much. Down here, if you start knowing too much, you get yourself dead."

TRIBUTE TO SENATOR FRANK LAUTENBERG

Mr. BRADLEY. Mr. President, the Newark Star Ledger recently took note of the outstanding contributions of my colleague, the junior Senator from New Jersey, FRANK LAUTENBERG. I want to share with my colleagues this well-deserved tribute, and I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the Newark Star Ledger, July 1, 1984]

FAST LEARNER

After he was sworn in as a U.S. Senator, Frank Lautenberg reflected on the office he had just assumed and admitted to being "overwhelmed." But, that understandable sense of awe apparently was fleeting. In his short incumbency, the New Jersey Democrat has shown he is a quick learner, not only in the rudimentary parliamentary and procedural functions but also in the intricate inner workings of that traditionally clubby legislative body.

For a freshman senator, Sen. Lautenberg has been an unusually active legislator, involved in a broad array of legislation and issues of importance to his home state and the nation.

He moved into elective politics at an age when many of his corporate peers were more attracted by a leisurely style of living, or even early retirement. The move has turned out to be a rewarding one for his New Jersey constituency, judging from his legislative record. He has been involved, too, in a broader foreign affairs perspective, making trips to troubled Central America and war-ravaged Lebanon.

Recently, he sharply criticized New York City for its excessive pollution of the Hudson River and its adverse environmental impact on the Jersey coast. He joined with two other Garden State Democratic congressmen—Reps. James Howard and James Florio—in pushing for a national 21-year-old drinking law, a matter of particular concern for this state.

While he has been acutely aware of the nation's nagging economic problems associated with record high budget deficits and trade imbalances, Sen. Lautenberg also has shown a sensitivity to social issues affecting the poor and the elderly, and the palpable academic shortcomings of urban school districts.

Almost at the outset of his Senate service, Sen. Lautenberg introduced legislation to provide $600 million in federal funding to finance computer education in poorer city school systems. It was an effort to avoid opening a wider gap between opportunities afforded poor and wealthy children in their access to computer-based instruction.

Months before the implementation of the breakup of the American Telephone and Telegraph monopoly, he sponsored a measure to subsidize basic phone service for the poor and elderly, in anticipation of higher rates that would ensue after the divestiture.

For a Senate newcomer, the Lautenberg legislative record has been highly auspicious—a record that augurs well for his home state, and in broader dimension, for the country.

ILLINOIS CONFERENCE ON SMALL BUSINESS

Mr. DIXON. Mr. President, in May, more than 400 Illinois small businesses gathered in our State capitol of Springfield for the Illinois Conference on Small Business. This conference, sponsored by the Illinois Small Business Association and the Illinois Department of Commerce and Community Affairs, was modeled after the 1980 White House Conference on Small Business. The Springfield Conference focused on the opportunities available to small businesses at the national and State levels and reviewed some of the problems facing small businesses in our State, in particular.

More than 97 percent of all businesses in Illinois have fewer than 100 employees. This conference, under the leadership of the Lieutenant Governor of our State, George Ryan, developed an agenda of 55 recommendations, with issues covering Federal, State and private sector initiatives.

Mr. President, I am pleased that my State has taken the initiative to hold this conference and to seek the participation and the views of the small business community in Illinois. The recommendations that were developed there should be a guide to the policymakers of our State and Federal Government on the issues that are important to our small businesses. The delegates to that conference developed their own theme: "We've only just begun speaking out for small business in Illinois."

Two months ago, the Congress approved legislation (Public Law 98-276) directing the President to reconvene the White House Conference on Small Business by no later than September 1986. I was honored to join with Chairman WEICKER and our ranking Member on the Senate Small Business Committee, Senator BUMPERS, in cosponsoring that legislation in the Senate. Under that new law, the reconvened conference is to be preceded by State conferences. Our Illinois conference clearly puts our State in the lead in preparing for, and encouraging the participation in, that next national conference.

Mr. President, I ask unanimous consent to insert in the RECORD a letter to me from Lieutenant Governor Ryan and the chairman's final report of the 1984 Illinois Conference on Small Business.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS,
OFFICE OF THE LIEUTENANT GOVERNOR,
July 12, 1984.

Hon. ALAN J. DIXON,
U.S. Senate, Hart Building, Washington, DC.

DEAR AL: I am pleased to enclose a copy of the Chairman's Report on the 1984 Illinois Conference on Small Business.

In October 1983, the Governor's Small Business Advisory Commission called for the convening of an Illinois Conference on Small Business. The purpose of the Conference was to formalize recommendations for strengthening the economic base for small business and improving the overall economic climate and vitality of the state from now through the year 2000. On May 15-16, 1984, approximately 450 delegates representing small businesses across the state convened in Springfield to accomplish this purpose.

I believe the 1984 Illinois Conference on Small Business was successful in identifying and highlighting the unique contributions, concerns and needs of small business in Illinois. Much work remains to be done, however, to ensure that the recommendations of the Conference are implemented. Many of the recommendations will require federal action to implement.

Small business is the most significant contributor toward new job creation. It is, therefore, imperative that we in the public sector, both at the state and federal level, continue to work with the private sector to assist the establishment, survival and growth of this important segment of our economy.

Sincerely,

GEORGE H. RYAN,
Lieutenant Governor.

Enclosure.

STATE OF ILLINOIS,
OFFICE OF THE LIEUTENANT GOVERNOR,
July 6, 1984.

Hon. JAMES R. THOMPSON,
Governor, State of Illinois, Springfield, IL.

DEAR GOVERNOR THOMPSON: I am pleased to submit the Chairman's Report on the 1984 Illinois Conference on Small Business.

In October, 1983, the Governor's Small Business Advisory Commission called for the convening of an Illinois Conference on Small Business. The purpose of the Conference was to formalize recommendations for strengthening the economic base for small business and improving the overall economic climate and vitality of the state from now through the year 2000. On May 15-16, 1984, approximately 400 delegates representing small businesses across the state convened in Springfield to accomplish this purpose.

During the two days of intensive meetings, the delegates adopted 55 recommendations designed to assist the establishment, survival and growth of small business in Illinois. This report outlines the process involved in achieving the Conference's purpose and the policy expressed in the delegates' work. A final report detailing the recommendations made by the Conference will be issued later this summer.

I believe the 1984 Illinois Conference on Small Business was successful in identifying and highlighting the unique contributions, concerns and needs of small business in Illinois. Because small business is the most significant contributor towards new job creation, it is imperative that we in the public sector give careful consideration to the recommendations made by the Conference, and continue to work with the private sector in making Illinois a better state in which to do business.

Sincerely,

GEORGE H. RYAN,
Lieutenant Governor, Chairman, Illinois Conference on Small Business.

ILLINOIS CONFERENCE ON SMALL BUSINESS

INTRODUCTION

The 1984 President's Report on the State of Small Business noted that in 1982 small firms comprised 99.7 percent of total enterprises, employed 47.8 percent of total nongovernment, non-farm employees and contributed approximately 38 percent of the Gross National Product of the United States. In Illinois, there are over 240,000 small businesses which produce approximately $60 billion in goods and services and have a productivity rate 10 percent higher than the nation's average. Most importantly, it is estimated the small firms will generate between 50 and 80 percent of all new jobs.

Research sponsored by MIT, Brookings Institute and the Heller Institute all indicate that small businesses are the major source of the new jobs and products. While figures on the importance of small business to the economy vary, they all indicate that this sector is a major factor in growth, development and innovation.

To say that small business is important to our economy is an understatement, at best. In the past, the United States has been relatively free from foreign competition, but today, we see ourselves being beaten on many different economic fronts. Our best weapon against this competition is innovation. Small firms are inherently more creative, innovative, flexible and resourceful. According to the National Science Foundation, small companies develop new products faster and bring them to market faster than larger companies. Studies show that small businesses produce 24 times more innovations per dollar than large businesses. It is this type of efficiency that will provide the shot in the arm to revitalize our economy and put the United States back on top.

The advantages of promoting and nurturing the development of small business are clear. A sound, well conceived small business development policy will help modernize and diversify our economy, provide jobs for our citizens, raise our standard of living, and help us better compete in the world marketplace.

In forming this development policy, we in government can learn a valuable lesson about resourcefulness from the small businesses of our nation. In Illinois, we are fortunate to have a group of entrepreneurs who are willing to donate their time and energies in helping the state become more resourceful in its small business development efforts.

The fruition and subsequent success of the Illinois Conference on Small Business is directly attributable to the talents of the small business people who participated. Over 400 representatives of the small business community have come together through the Illinois Conference on Small Business to help us shape our policy toward small business development.

The Conference has provided a foundation upon which to build our policy. All of us, the delegates, elected officials, and business leaders from throughout the state must now work hard to uphold this policy and ensure that the recommendations from the Conference are implemented.

This report briefly describes how the Illinois Conference on Small Business came about, what the general results of the Conference were, and where we may go from here to help improve our small business climate.

THE PROCESS

In February of 1983, Governor Thompson appointed the Governor's Small Business Advisory Commission (GSBAC) and asked Lieutenant Governor Ryan to serve as Chairman.

In discussing its mission the GSBAC decided that it could be most effective as a private sector advisory group. The Lieutenant Governor therefore asked the Commission to elect a private sector Chairman. The Lieutenant Governor continues to serve as the public-sector Chairman and Ex-Officio member.

The GSBAC believes that this structure is fundamental in the ultimate success of its stated mission: "to assist the establishment, survival and growth of small business in Illinois for improving the economic environment of the state".

During its first six months of meetings, the GSBAC discussed, at length, the problems facing small businesses and how these problems can best be solved. First, the GSBAC needed to confirm what they were assuming to be the major problems confronting small business. Second, the GSBAC needed to develop solutions to those problems. Finally, the GSBAC needed to develop a state-wide network to help refine and implement the solutions to those problems.

The Illinois Conference on Small Business was the mechanism selected to fulfill these needs. Specifically, the Illinois Conference on Small Business was designed to "formalize recommendations for strengthening the economic climate and vitality of the state from now through the year 2000".

The activities of the Illinois Conference on Small Business were coordinated by the Lieutenant Governor, the Governor's Small Business Advisory Commission, the Illinois Department of Commerce and Community Affairs, the U.S. Small Business Administration and several trade associations and private sector resources. The Conference represented a watershed in public-private sector relations to help the business climate.

Fact Finding Meetings—Two public fact finding meetings were held in December of 1983, one in Chicago and one in Springfield. These meetings, conducted by the Governor's Small Business Advisory Commission, provided an opportunity for trade, business and labor associations, as well as other interested groups, to identify the concerns facing small businesses. This framework of concerns was further developed and refined in a series of regional meetings.

Regional Meetings—Eleven Regional Meetings were held throughout the State during March. The purpose of these Regional Meetings was to generate preliminary recommendations to address the issues identified at the Fact Finding Meetings. In addition, the Regional Meetings were designed to identify issues of particular concern within each region.

In order to stimulate interest in the meetings, informational brochures were mailed to over 200,000 small businesses throughout the state. To ensure consistent and quality results from each Regional Meeting, a detailed training session was held for the Regional Meeting coordinators. Each Regional Meeting ran from four to six hours and ended with the election of seventeen delegates and two alternates.

REGIONAL MEETINGS

Date, location, coordinators

March 5, Kankakee, Area Jobs Development Assn.

March 6, Harvey, South Suburban Chamber of Commerce and the Harris-Hub Co.

March 8, Champaign, Albert Griffiths, Commission Member.

March 9, Quad Cities, Chamber of Commerce of Upper Rock Island County.

March 10, Chicago, Chicago Association of Commerce and Industry.

March 13, Mt. Vernon, Stan Koziara, Commission Member.

March 13, Carbondale, Phillip Gillespie, Commission Member.

March 14, East St. Louis, East St. Louis Chamber of Commerce.

March 15, Rockford, Rockford Area Chamber of Commerce.

March 15, Peoria, Peoria Chamber of Commerce.

March 15, Quincy, Quincy Chamber of Commerce.

In April, delegates were provided with a three ring binder containing each recommendation developed at the Regional Meetings. The recommendations were divided into topic areas and each was supported with detailed background information. This book of recommendations served as the focal point of the delegates work during the May 15 and 16 Conference.

Delegates—In order to assemble a responsible and enthused Conference body, the Lieutenant Governor asked each Illinois member of Congress and each member of the Illinois General Assembly to delegate one individual from their respective districts to the Conference.

In addition, delegates were elected at each of the eleven regional meetings. The Governor and the Lieutenant Governor jointly appointed twenty-two delegates. Each member of the Governor's Small Business Advisory Commission also served as a delegate to the Conference which brought the delegate total to 435.

THE CONFERENCE

The Illinois Conference on Small Business was held on May 15 and 16, 1984, in Springfield. The conference marked unprecedented cooperation among the state and federal governments and the private sector to make Illinois a better place for small firms to do business. The Conference was attended by approximately 450 small business people and business representatives. The Conference staff was provided by the Lieutenant Governor's Office, the Illinois Department of Commerce and Community Affairs, the

U.S. Small Business Administration, L.R. Nelson, Inc., Ann Becker and Associates, NFIB/Illinois, and the University of Illinois.

The objective of the Conference was to discuss, refine and formalize the recommendations resulting from the Regional Meetings. Each of the final recommendations was prioritized in order of importance.

During the two day Conference, each delegate attended two issue discussion sessions. Each session was led by trained discussion leaders who acted as moderators and facilitators in determining the five to six priorities of each issue area. The issue areas included:

Capital Formation and Retention.
Government Imposed Costs on Employment.
Government Procurement.
International Trade.
Regulatory and Legislative Reform.
Small Business Development Incentives.
Taxation.
Tourism.
Women and Minorities.

The top priorities from each of these issue areas were presented to the full conference delegation on the afternoon of the second day. The presentations were followed by questions and comments from the floor. The delegates were then asked to vote for their top twenty priorities. The results were announced at the end of the Conference.

At the close of the Conference, delegates were asked to evaluate the Conference. Overall, it received a very positive evaluation.

SUMMARY OF RECOMMENDATIONS

The delegates to the Illinois Conference on Small Business developed, refined and prioritized fifty-five recommendations ranging from reducing government imposed regulations and costs to establishing tax incentives for investing in small business.

The wide scope of recommendations reaffirms the conclusion made in Alvin D. Star's article "Small Business and Midwest Economic Revitilization":

"The way to stimulate small business formation and expansion appears to be through the creation of the proper overall environment in which they are to exist, rather than through simple tax and financial incentives."

Costs—A recurrent theme in the recommendations is the need to reduce costs and particularly, government imposed costs. Generally, reducing government imposed costs on businesses was the highest priority of the Small Business Delegation.

Of the fifty-five recommendations, fourteen would help small businesses reduce their costs. Eight of those fourteen recommendations dealt with government imposed costs and were generally ranked higher in priority than recommendations in other topic areas. Several recommendations would provide direct labor cost relief by lowering unemployment insurance and worker compensation costs and liberalizing various other labor laws. Some of the indirect cost relief measures made it easier for small businesses to fulfil' certain governmental requirements in the areas of taxation.

The number one priority resulting from the Conference was to make Illinois' Workers Compensation System competitive with contiguous states. Another of the top ten recommendations would require state government to pay all litigation costs incurred by small business arising out of litigation brought by the state in which the small business prevailed.

A majority of the recommendations in this area were not specifically aimed at small businesses but rather at improving the overall business climate of the State.

Financial and Technical Assistance—Another major area of concern for the delegates was the need for government assistance. Without this assistance, they argued, small businessmen would not have the information or the capital to compete with multi-national corporations or not-for-profit monopolies.

MIT Professor, David Birch, noted in his book, *The Job Generation Process*, that "small businesses need, use well, and cannot easily get capital."

Several of the recommendations made in this topic area addressed Birch's conclusion by proposing tax incentives and credits for investing in small businesses. Specially, it was recommended that investors be allowed to defer capital gain taxes for the roll-over of investments from one small business to another. Another recommendation called for legislation to create a state check-off on income taxes to create an investment insurance pool.

A majority of the recommendations in the area of financial assistance were directed specifically at small businesses. This confirms the fact that small businesses have a much harder time securing capital at acceptable interest rates than larger businesses. While there were only five recommendations in the area of Capital Formation and Retention, overall, these recommendations were the number two priority for the delegation.

In the area of information services available to small business, the delegates advocated that the Department of Commerce and Community Affairs establish a clearinghouse of professional research studies relating to small business and provide information and analyses on pending legislation. They also recommended the expansion of the Small Business Development Center program and in particular the expansion of services to small exporters.

The delegates further suggested that the government insure small business input in the formation of state policy. To this end, they recommended the creation of a cabinet level position in Illinois government which would exclusively represent small business.

In the area of procurement assistance, the priority recommendation called for greater dissemination of information on government procurement opportunities through weekly publications and timely uniform notification procurements.

Legislative and Regulatory Reform—The delegates expressed a general belief that state and federal laws pertaining to small business are often ill considered or out of date. Accordingly, they offered several suggestions for eliminating these needless drains on small business.

To insure that state laws do not become irrelevant or counter productive, the delegates suggested legislation which would require all state laws, rules, regulations and agency enabling acts to automatically expire after five years unless reviewed and renewed by the General Assembly.

Similarly, they urged the state to require economic impact studies on all new state laws or amendments. The delegates were also concerned that state laws are often indecipherable to all but lawyers or legislators.

The recommendations in this topic area were aimed at streamlining Illinois' regulatory system. Many of the recommendations in this area would provide cost relief to businesses by making it easier to deal with government red tape.

The regulatory and legislative reform recommendations, as a group were ranked third in the delegates' list of important issues.

Taxation—While recognizing that taxes may be the price of a free society, the delegates to the Conference advocated both a more equitable and streamlined tax system.

The number five recommendation called for the Illinois Department of Revenue to respond more quickly to taxpayers' problems and to simplify the tax filing requirements. The delegates also recommended that the Illinois Tax Code remain coupled to the federal system. Further, the delegation urged legislators to reduce the Illinois Corporate Personal Property Replacement Tax and to avoid an increase in the Illinois Hotel/Motel tax.

Based on the priority of the nine recommendations in the area the issue of taxation was considered the fourth most important.

International Trade—Although the issue of small business exports is a relatively new and unexplored area, the delegates recognized the vast potential for growth of Illinois' small businesses through export opportunities. Many of the delegates were not sure how to go about tapping this vast potential and, therefore, recommended that more information on foreign trade requirements, customs and opportunities be provided to potential exporters. They also urged that export assistance be expanded through the services provided by Small Business Development Centers throughout the state.

The delegation also called upon the U.S. Export-Import Bank and the Illinois Export Development Authority to provide greater incentives to local banks in export financing for smaller businesses.

Through these recommendations, the Department of Commerce and Community Affairs, the Illinois Export Council and the Illinois Export Development Authority can help small businesses explore this new potential for growth and vitality.

Women and Minorities—During the Illinois Conference on Small Business, Governor Thompson and the Small Business Administration announced that delegate Ronald Thompson, a minority business owner, would receive a million dollar minority federal defense contract.

The need for more women and minorities to receive a fair share of such government contracts and business in the private sector was cited as another priority by the Conference.

Women and minorities often face special problems in doing business. Therefore, several of the recommendations in this issue area called for special assistance to help solve those problems. Specifically, it was recommended that the Department of Commerce and Community Affairs establish local business assistance centers with programs targeted to female and minority business owners.

The recommendations from this topic area are important in the equitable development of our economy and should be further refined and developed to insure they are properly addressed.

Tourism—On the second day of the Conference, immediately following Governor Thompson's keynote address, the Small Business delegation received an excellent tourism development presentation from Barbara Proctor, President of Proctor and Gardner Advertising, Inc. (a minority small

business in Chicago), and Donald DePorter, Regional Vice President of the Hyatt Regency Chicago.

The highest priority in this topic area, and one of the more controversial recommendations, was to elevate the Office of Tourism to cabinet-level status separate from the Department of Commerce and Community Affairs. Removing the Office of Tourism from DCCA and giving it Department status would highlight the state's commitment to tourism as an important segment of Illinois' economy.

A vast majority of businesses in the tourism sector are, by nature, small businesses. Because of this unique relationship between the tourism industry and small businesses, special attention should be provided to further research and refine the recommendations of the topic area.

Conclusion—Only through aggressive recommendations such as those outlined above can Illinois insure the prosperity of its small business sector. The recommendations set forth by the 1984 Illinois Conference on Small Business are just the beginning and can only be implemented through cooperation and the consistent efforts of both the public and private sectors.

FOLLOW UP

As previously stated, the Governor's Small Business Advisory Commission determined that in order to be effective they had to have grass roots support for their efforts. The delegates to the Illinois Conference on Small Business will provide that deep-line of support.

The Illinois Conference on Small Business considered hundreds of issues and recommendations and put forth a list of top priorities. The many recommendations that did not make the final list are still important issues. Priorities and issues change and the future work of the small business community will not only involve implementing priority recommendations, but also refining and developing new priorities.

The work of the Small Business Conference must evolve and adapt in order to make progress. Therefore, subsequent regional and statewide meetings on small business issues should build upon the ground work laid by the 1984 Illinois Conference on Small Business.

Many issues were brought up but not addressed in sufficient detail to make the final recommendation list. One such issue of special interest to the Lieutenant Governor's Office is the issue of declining productivity associated with substance abuse. A further examination of assistance programs to help small business owners deal with employees whose personal problems affect job performance should be initiated. This type of follow up will ensure the continuation of the efforts put forth at the Conference.

Subsequent to the Conference, the Governor's Small Business Advisory Commission has held planning meetings to develop ways to ensure the implementation of the fifty-five Conference recommendations. This planning, of course, will utilize the talents and enthusiasm of the Small Business Delegation.

Successful Conference follow up will require administrative action by the Executive branch and legislative action by the Illinois General Assembly. The Lieutenant Governor, as a small business spokesman for the Governor, will do everything possible to ensure cooperation from the Executive branch.

Major recommendations which can be implemented administratively:

1. The fifth most important recommendation called for the Department of Revenue to streamline administrative procedures to reflect legislative intent of tax laws and to respond to taxpayer problems.

2. Recommendation number fifteen urges the Governor to create a cabinet level position to serve as the state's small business advocate.

3. The twenty-fifth most important recommendation advocated expanded dissemination of information on state procurement programs and opportunities.

4. A similar recommendation called for the Illinois Department of Commerce and Community Affairs, the Illinois Congressional Delegation and others to establish a comprehensive procurement assistance plan.

5. The delegation also thought it important that the state agencies be required to respond to all written inquiries within thirty days.

6. The twenty-eighth recommendation urges DCCA to establish specific business development programs which include greater access to information on resources available and legislation impacting small businesses.

7. Another recommendation called for greater availability of information on international trade requirements, customs and opportunities.

The complete set of recommendations requiring administrative action are contained in Appendix A.

Recommendations already enacted.—In order to meet the goals set at the Small Business Conference, legislative action is also required. The delegates will be pleased to learn that as a result of their coming to Springfield in May, some legislation addressing their recommendations has already passed.

House Bill 3161 would address some of the concerns regarding prompt payment of tax refunds. This bill permits a taxpayer to notify the Department of Revenue when an overpayment is made. If the Department does not respond within twenty days the taxpayer may deduct the amount of overpayment on his next tax payment.

House Bill 3239 helps small businesses with their utility bills. Specifically, it requires utilities to charge small businesses the same deposit as residential users are charged (⅙ of their annual bill). Presently small businesses are charged ⅓ of their annual bill.

House Bill 2950 relieves some of the burdensome government regulations. Last year, legislation was enacted that allowed employees to inspect their personnel records. House Bill 2950 would provide that very small employers (5 or less full-time employees or 10 or less part-time employees) are exempted from this access records law.

Finally, House Bill 3091 is a direct result of the Small Business Conference. The bill does several things, including: 1) creating a business assistance office in the Illinois Department of Commerce; 2) prescribing methods to help reduce/eliminate "red tape" and burdensome paperwork; 3) strengthening the Regulatory Flexibility Act for small business; 4) assisting in state and federal procurement opportunities; and 5) improving prompt payment from the State of Illinois to businesses.

These changes are only small steps in the right direction in helping the State's small business sector. Many more legislative and administrative changes must be made before Illinois has the proper overall environment in which small businesses can do what they do best—create new products, jobs and opportunities. These changes cannot take place by themselves. They will require steady and unrelenting pressure from small businesses throughout the state.

CONCLUSION

The 1984 Illinois Conference on Small Business was indeed productive. The Conference provided an invaluable forum for cooperation among the public and private-sectors to improve Illinois' economy. Although productive, the ultimate success of the Conference can only be measured by the extent to which the Conference recommendations are implemented.

The Conference represented the culmination of many months of planning and hard work. The Conference also represented the beginning of another long and arduous task. The construction of a favorable business climate will not take place overnight. The Conference has, however, provided a solid foundation upon which to build.

The importance of small business to our economy is well established. It is now incumbent upon both the public and private-sector to continue cooperative efforts to assist the establishment, survival and growth of this important segment of our economy. I am confident that with this joint effort we can make Illinois a better place to do business and improve prosperity for all citizens.

APPENDIX A

Recommendations Requiring State Administrative Action:

Recommendation No. and recommendation:

5—Direct the Illinois Department of Revenue to streamline administrative procedures to reflect the legislative intent of tax laws and to respond to taxpayer problems.—Require prompt payment of income and sales tax refund claims and impose an interest penalty for late payment.—Establish a problem resolution office within the Department of Revenue.

15—Create a cabinet level position within state government to serve as an advocate for small business.

20—Elevate the Department of Tourism to a cabinet-level position because of its economic/industrial development importance. The mission of the Department of Tourism shall be to coordinate State efforts to promote tourism, including study and development of new attractions, providing education opportunities to communities regarding tourism and providing annual reports on the status of tourism in the State of Illinois. Funding for the Department of Tourism shall be transferred from existing funds within the Department of Commerce and Community Affairs marked for tourism promotion, and from current Hotel/Motel tax receipts.

25—Require expanded dissemination of information regarding State procurement opportunities to Illinois businesses. Create a weekly publication (similar to the Commerce Business Daily), providing information regarding state contracts and purchases for all state agencies. Require timely uniform notification of procurement opportunities, preferably 30 days. Use private sector channels, i.e. banks, chambers and local industrial committees as conduits for state procurement information.

26—Require that all state agencies respond to written inquiries regarding administrative interpretations of rules, regulations or policy within 30 calendar days.

27—Create a comprehensive plan involving the Executive branch, DCCA, the private sector and Illinois' Congressional delegation to help small businesses become more competitive on federal contracts. Establish an advocate within Illinois to assist small firms in efforts to secure federal government contracts. Establish a program within the Department of Commerce and Community Affairs (DCCA) to promote awareness of federal government procurement mechanics, prime contracting opportunities and subcontracting opportunities. Promote the use of Small Business Administration programs designed to help firms interested in federal procurement opportunities (i.e. financing for equipment, bonding guarantees, etc.). Establish a program within DCCA to inform the private sector of opportunities to do business with the federal government. Develop a list of Illinois businesses interested in federal contracting. Recognize procurement as a significant economic development tool. Establish a tax credit for expenditures of Illinois firms seeking government contracts for the first time. Support Congressional action to increase competition in federal contracting through reduction in the use of sole source contracts and by increasing the breakout of small component parts from larger purchases. Seek the cooperation of labor in efforts to secure government contracts by urging increased productivity.

28—DCCA should establish specific business development programs. Establish a central location (clearinghouse) for a computer-based data bank containing user friendly professional research studies, relating to small businesses and other small business resources. The program should be linked to each SBDC. Provide information regarding pending legislation which affects various categories of small business. Identify the economic impact of proposed legislation on small businesses. Provide a mechanism for small business input into proposed legislation.

30—Recommend that the support and expansion of the Small Business Development Center (SBDC) program continue as proposed, or with possible acceleration of implementation. Form local advisory boards to work with each local SBDC. Provide funds to do local needs analysis. Communicate local service delivery plans for each SBDC to local small businesses. Hold each SBDC accountable to their service delivery plan. Establish and support an interactive SBDC computer-based data clearinghouse through the Department of Commerce and Community Affairs (DCCA).

31—Devise a new tourism marketing and promotional strategy to include small business participation in both development and implementation.

37—Create a task force, comprised of small minority and female business owners, representatives of the banking community, and representatives of the Small Business Administration and the Department of Commerce and Community Affairs. The purpose of this task force shall be to explore and develop unique and innovative sources of capital. Establish state and federal legislation specifically to provide tax incentives for investments in minority and female-owned and operated small businesses. Establish direct loan and guarantee programs specifically for minority and female-owned and operated businesses. Support establishment of local venture capital funds by banks and larger businesses for minority and female-owned small businesses.

41—Improve the availability of information on international trade requirements, techniques, and opportunities for the benefit of entry level companies. Make information available through sources such as the Small Business Development Centers, local Chambers of Commerce, and the media regarding programs and assistance available to firms on exporting. Through state and federal agencies, publicize existing sources for potential export sales and foreign customers. Encourage foreign language and cross-cultural training at all levels of education.

42—Through the Department of Commerce and Community Affairs, establish local business assistance centers to provide technical assistance specifically targeted to female and minority small business owners. These centers should offer services including management counseling, information and assistance regarding government procurement opportunities, information and assistance regarding various financial programs, and listings of minority and female-owned businesses. These centers should be established in locations that are easily accessible to minority and female enterprenuers, such as community colleges, local chambers of commerce, and offices of other business organizations. The business assistance centers should be developed as part of existing programs with no additional funding required and activities should be directed by local user boards.

45—Establish legislation that will create an advocate within the Office of the Lieutenant Governor to establish, enforce and monitor a 25-40% set-aside of state contracts for Illinois small businesses.

48—Expand export assistance to small business through programs within the Small Business Development Centers. Encourage participation of business associations in export programs, and expand trade show and trade mission efforts.

50—Develop a mechanism for small business input in state policy and foster local public/private partnerships (i.e. local business, labor, and chamber of commerce and task forces) to improve the small business climate.

52—Monitor and enforce the Illinois Small Business Purchasing Act to define small business set-asides and to expand such set-asides to all goods and services for all state agencies.

53—Establish an independent, non-political tourism advisory committee involving individuals from the visitor industry.

THE FEDERAL DEFICIT

Mr. BOREN. Mr. President, many of my colleagues were returning to Washington this weekend and may have missed an article in Sunday's Washington Post by writer John M. Berry. However, the information contained in the Berry article is of such extraordinary importance that I wanted to bring it to the attention of the Senate quickly.

Many of us voted for the deficit reduction package with the reservation that it was too little to even qualify as a downpayment. But it was obvious that it was all that the Congress was willing to do at this time and so we accepted it, even though we supported and voted for more significant measures.

The points contained in the Post article are these:

The deficit reduction package will not in fact lower the deficit because its savings will be eaten up by rising interest costs.

The increase in interest costs alone, I add emphasis of my own that we are talking not about the total cost of interest, but only about the increase in these costs, will be as large as the total combined costs of Federal welfare payments to the elderly, aid to families with dependent children, and all housing assistance programs.

The fundamental problem is not the level of interest rates, but the size of the deficit itself.

Each year the Government has to borrow still more to pay the interest due on the money borrowed the year before. This is the Government equivalent of compound interest and is a highly unstable situation—a situation in which there is no limit on future interest payments.

Older securities are maturing all the time and often carry lower rates than the newly borrowed money that is used to pay them off.

The offset of returns of revenue by the Federal Reserve is of diminishing importance because those repayments are rising far more slowly than the total debt.

Finally, there was a CBO warning issued in February that "without change in budget policies, the cost of financing the deficit could become a severe burden, to the point that huge spending cuts or tax increases might be necessary just to prevent an explosive increase in outlays for interest payments."

There is more to contemplate in this article, Mr. President, and I ask unanimous consent that the entire article appear at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOREN. Mr. President, it is small comfort that the deficit and interest cost picture would be worse if we had not done even the small amount we have done. I remind my colleagues that a good deal of work yet remains if we are to meet even the modest goals of the total deficit reduction package. An agreement on a realistic defense spending level must yet be reached and if that is not done the damage, real and perceived, will be great.

Many among us seem to be willing to wait until next year to pursue real deficit reduction. At the same time, Mr. President, there is certainly no consensus today on either what a real reduction is or on how it can be achieved in pragmatic terms.

If we are unprecedented in our actions and pass a significant reduction

package by midsession in 1985, its effects will not be fully felt until 1986 or beyond.

Mr. President, I ask my colleagues to think about that and read this article and then decide: Can we really afford to wait? I think not.

EXHIBIT 1

[From the Washington Post, July 22, 1984]

BORROWING COSTS THWART DEFICIT REDUCTION

(By John M. Berry)

The big tax increase and spending cut that President Reagan signed into law last week will not mean lower federal budget deficits in the next two years because its savings will be eaten up by rising interest costs.

The Deficit Reduction Act, so painfully passed by Congress, is the long-promised "down payment" on moving the federal budget back toward balance. It will boost federal taxes an estimated $10.6 billion in 1985 and $16.9 billion in 1986, while cutting spending by about $4 billion each year.

But this year the government will borrown about $175 billion, more than $1 out of every $5 that it spends, and its net interest bill will reach about $110 billion. If interest rates keep climbing as most private forecasters expect, the $110 billion could easily jump by $25 billion in 1985 and $35 billion in 1986, even with the "down payment" legislation.

The rise in interest payments, which must be paid, will be about as big as the increase in defense spending in 1985 and probably would exceed it substantially in 1986. The increase in interest costs alone will be as big as the total combined cost of federal welfare payments to the elderly, aid to families with dependent children (AFDC) and all housing assistance programs.

In other words, all of the deficit-reducing provisions of the bill Reagan just signed will offset not much more than half the higher interest bill for the next two years. Add all the other spending cuts Congress contemplates making for 1985 as it passes various appropriations bills and the entire "down payment" on deficit reduction is no bigger in 1985 than the increase in interest costs, and in 1986 it will be considerably smaller.

Without passage of the Deficit Reduction Act, deficits in coming years would have been even larger.

The fundamental problem, analysts at the Office of Management and Budget and the Congressional Budget Office stress, is not the level of interest rates but the continuing large budget deficits. Borrowing to cover this year's deficit and that of some off-budget agencies will increase the national debt held by the public by about $175 billion to more than $1.3 trillion.

The increase in the publicly held debt would be greater except that the Treasury started the year with an unusual amount of cash on hand and is using about $15 billion of it to help finance the deficit. The rise in the debt in 1985 probably will be more than $190 billion for a total of about $1.5 trillion.

Once the debt goes up, the government is stuck with paying interest on the increment. If the debt is rising faster than the economy is growing, interest payments will go up steadily relative to the gross national product. And each year, the government has to borrow still more to pay the added interest due on the money borrowed to pay interest the previous year.

This is the budget equivalent of compound interest, analysts such as CBO Director Rudy Penner point out. They regard this as a highly unstable situation in which there is no limit on future interest payments.

If the federal government paid only an average of a 10 percent interest rate to borrow the additional $190 billion, it would mean an additional interest payment of about $10 billion 1985 and $19 billion in 1986. The cost in 1985 is less because the money will be borrowed over the course of the year rather than at the beginning of the year.

But older securities are maturing all the time, and often they carry lower rates than the newly borrowed money that is used to pay them off. Thus, the longer rates stay high, the greater the cost of rolling over existing debt. For instance, OMB estimates that a 1 percentage point rise in rates now, if sustained, will add about $10 billion to the interest bill by 1986.

The federal government, with the best credit in the land, is now paying more than a 10 percent interest rate to borrow money for just three months. The last time it borrowed 30-year money it paid about 13.3 percent.

Wharton Econometric Forecasting Associates predicts that the rate on three-month Treasury securities will average 12.4 percent in 1985, with longer-term rates substantially higher. Wharton expects rates to decline somewhat in 1986 as the economy slows or moves into a recession.

Such a path for rates would mean net interest payments in 1986 at least $35 billion higher than the administration indicated in its April budget revisions, which showed a steadily declining course for rates.

Privately, some administration economists do not challenge such a forecast, with rates going up as strong economic growth generates a rapid increase in private credit demand at the same time the federal government continues to finance its big deficits by borrowing.

Officially, however, a midyear budget and forecast update scheduled to be released by the administration early next week will show the three-month Treasury rate dropping to 9 percent by the end of 1985, sources said. The forecast issued in April showed that rate averaging 8 percent in 1985.

In some ways, rising rates are more of a burden to the government than to private borrowers. U.S. businesses can count almost all interest payments as a business cost, which lowers their reported profits and therefore their tax bills. The millions of American households that itemize deductions on their personal income tax returns also can deduct almost all of the interest they have paid.

But the government has only one such offset—the Federal Reserve.

For budget purposes, the central bank is counted as part of the public, and the interest paid on the approximately $160 billion in government securities it holds is regarded as an expense. But after paying its expenses, the Fed returns most of that to the Treasury, which records it as a miscellaneous receipt.

Thus, the true impact of interest payments on the government's overall budget position is smaller than it might appear. Last year, for instance, the Fed sent about $14.5 billion back to the Treasury. However, the Fed's holdings of securities and its repayments are rising far more slowly than the total debt, so this offset is of diminishing importance, budget analysts say.

As recently as 1980, net interest payments on the federal debt were $52.5 billion, less than half what they will be this year. At $52.5 billion, the payments were equal to 2 percent of gross national product and 9.1 percent of total budget outlays.

If the Wharton Forecast is correct—and it is similar to several other private forecasts—net interest payments in 1985 will be about $135 billion, nearly 3.5 percent of GNP and nearly 15 percent of total outlays. Both as a share of GNP and of total spending, the increases are comparable to those in the much more visible defense budget.

Adjusted for the fact of the Fed's annual repayment of most of the interest it receives, all of these figures are slightly smaller. But the increase over the four-year period relative to GNP or total spending is even greater.

In February, the CBO warned, "Without a change in budget policies, the cost of financing the deficits could become a severe burden, to the point that huge spending cuts or tax increases might be necessary just to prevent an explosive increase in outlays for interest payments."

Even with this year's attempt to change budget policies, as embodied in the Deficit Reduction Act, the arithmetic indicates that such an explosion is occurring.

THE NEED FOR FEDERAL GOVERNMENT

Mr. BOREN. Mr. President, I wish to share with my colleagues an article on the future of the Democratic Party, written by the distinguished Senator from South Carolina, FRITZ HOLLINGS.

In my opinion, it is one of the best articles written in recent times about the path that should be followed by the party.

I share it with my colleagues not for any partisan political purpose, but because the maintenance of a strong and viable two-party system is of vital importance to all of the American people.

The vast majority of Americans, Mr. President, are reasonable moderates. This moderate majority is being disenfranchised as a result of the increasing polarization of our two parties.

All too often the American voters are left to select between the lesser of two evils instead of giving this moderate majority a choice about which they can be genuinely enthusiastic.

The Senator from South Carolina is known by all of us to be among the most able and thoughtful Members of this body, and what he has to say transcends party lines.

Mr. President, I ask unanimous consent that the text of the Hollings article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE DEMOCRATS COULD WIN, BUT WE WON'T—BASHING REAGAN ISN'T WHAT THE COUNTRY WANTS, BUT IT'S ALL WE SEEM TO DO

(By Ernest F. Hollings)

The good news is that we Democrats can win in November. We can defeat Ronald Reagan. We can put an end to his mismanagement of the resources of this great

nation—its people, its treasure, its government.

The bad news is that on the present course, we won't. We won't because we are too bemused with defeating Ronald Reagan personally and equally bemused with ignoring the majority of America. We chase around like a bunch of script writers for "Laugh-In" zapping the president with one-liners—totally oblivious to the distance between real America and Democratic rhetoric.

The first order of business during these next few weeks—weeks which will decide our fate—is to disenthrall ourselves.

We must disenthrall ourselves from the idea that the election of Ronald Reagan was an aberration, a momentary political blip until the voters regain their better judgment. Reagan's election ensued from the voters' loss of confidence in Democrats' ability to manage the economy and provide a strong national defense. Government had grown too big. It needed to be cut. Our defenses had declined. They needed to be rebuilt. It wasn't a purloined briefing book or an old actor's virtuoso performance that did us in. Democrats met the enemy in 1980—and it was us.

We must disenthrall ourselves from the idea that the route to Democratic victory in 1984 is just doing a little more than we did four years ago with this group or that. The vast majority of Americans look on this country as one nation. They see its resources and its people as one nation. They see the problems, the opportunities, the responsibilities as those of one nation. But in 1980, we Democrats were running the government by political poll and appealing to the one issue groups on the 7 o'clock news.

We packaged our worthiest causes—feeding programs, education, women's rights, minority rights, arms control—in single-interest wrappings rather than as advancements for the nation as a whole. We took the issues where Democrats hold the high ground and presented them as sops to organized interests rather than as building blocks for the common good.

At our 1980 convention, the people watched as one-issue group after one-issue group told our party to take it or leave it. We took it. And the people left us.

We must disenthrall ourselves from the idea that President Reagan is amnesiac, insincere and ineffective. President Reagan is intentional, since and successful. During the '30s and '40s, the Republican Party veritably dissolved by attacking Franklin Roosevelt's personality. Now the Democratic Party is mimicking that mistake by charging that Ronald Reagan is out of touch with reality.

President Reagan has the frontier mentality. He believes the wild and woolly West was settled without any food stamps, without Social Security or a federal government and he feels all the country needs is to get rid of the federal government. Other than a strong defense, all we need is incentive for the rich to invest and America will grow strong. He knows exactly why he came to Washington. He came to dismantle government—good programs as well as bad—and he's doing it.

He came to dry up the revenues of government so it cannot sustain itself—and his $200 billion deficits are proof that it's working. And he came determined not to control but to win a new arms race with the Soviets.

Of course, President Reagan's history is wrong. It was the East that was developed without a federal government. And after 100 years of trying it without a federal government, we organized the government by mutually pledging each other our lives, our fortunes, our sacred honor. It was the federal government that opened the West and settled the frontier with the Land Ordinance in 1785. It was the federal government that laid out the transcontinental railroad; that changed the Midwest desert into the breadbasket of the world with water and reclamation projects.

In recent years when the free market forces thrust this country into the Depression, it was the federal government and President Roosevelt that provided the programs not only for economic recovery but a more equitable society. When challenged by Sputnik, it was the federal government that correlated science, industry and labor into a team to put a man on the moon.

We need a federal government today. The modern industrial world is locked in a competition for air and water, for food and ideas. A hungry man is not a free man. Capturing the hearts and minds of the hungry with communism is not difficult. The Soviet Union on the prowl has found its prey in Angola, Afghanistan, Nicaragua, El Salvador. Urbanization and industrialization level the wilderness and shower down a rain of acid. A trade war that has ensued for the past 20 years now threatens to turn the United States into a colony exporting our food and raw materials and importing finished goods. Our standard of living is on the line. Our capacity as a world power is in jeopardy. Devastating deficits threaten a depression. Devastating debt threatens to sink the Third World. An arms race will soon bankrupt us all. This puts the government of the United States on its mettle in 1984.

The people's will in 1984 is no great mystery. Americans want their country competing and their country committed. We want our government disciplined enough to live within its means and competitive enough to protect our standard of living. We want good programs in feeding, health and education, and we want the kind of can-do, hands-on management of those programs that we have in our best-run companies. We want to open wider the doors of economic opportunity and social justice for all our citizens. We want a government strong enough to commit in the defense of freedom and smart enough to get itself and its adversaries talking about arms control and talking about peace.

The policies of this administration make a mockery of the people's will. A government living within its means? Two hundred billion dollar budget deficits each year for as far as the eye can see.

A government competitive enough to protect our standard of living? One hundred billion dollar trade deficits close down plants and wipe out jobs by the hundreds of thousands each year. And while other countries use government to compete and put America at a disadvantage, our president insists on closing government down.

Good programs in feeding, health and education? We all know what the Reagan administration has done for them. And if you think you've seen it all, wait 'til you see what they have in store if they win in November. I'm not nearly so worried about Reagan pulling some kind of "October surprise" to influence the election as I am about the "December surprise" he will spring on us once he doesn't have to worry about elections.

Opening the doors of economic opportunity and social justice? Ronald Reagan and his minions have been busy slamming them shut each day, every day, since Jan. 20, 1981.

Defending freedom? Like our Marines hunkered down at the end of the runway in Beirut, we are hunkered down trying to project America's strength with MX missiles and gunboat diplomacy, while our conventional military erodes and our commitment is questioned.

As for dealing with the Soviets, we've regressed 25 years to the Cold War. The rest of the world thinks we're more to blame for the breakdown of arms talks than the Soviets are. The real tragedy—tragic because it's so unnecessary—is that many Americans think so too.

Yet Ronald Reagan goes on. The pundits, the odds-makers, conventional wisdom—all are one in predicting a Ronald Reagan victory in 1984.

In the light of the Reagan debauchery of government, the president's continued popularity must come from our unpopularity. A political party is the instrument of the people's will. It exists not just to win elections but to move a country. Its purpose is not to placate a cacophony of strident voices, but to attract diverse groups to a common purpose. It is built not on television, but on a national vision. And when that party is out of power, its charge is to provide an alternative.

More than anything, the lack of an alternative is what sustains Ronald Reagan. As one who would fight fire with fire, we insist on trying to beat the Reagan extremes with Democratic extremes. And as a result, the only thing Democrats have to fear is fear of the Democrats.

The emphasis on extremes was particularly evident in the primary season. As candidates we appealed to a minority of minorities. In Iowa, 85 percent of the Democrats didn't vote. And studying the less than 15 percent who participated, it was either those interested in the domestic content bill, those interested in the nuclear freeze, those interested only in arms control, or agriculture or education. So the candidates addressed these issues in the extreme. It came down to who endorsed the nuclear freeze proposal first, who was more committed to teachers, who really was for arms control and who was wavering. A military build-down proposal became a buildup; and if one candidate was elected, America's youth would be sent to be killed in Latin America. If the other was elected, his inexperience would blow up the world.

Our task is not to reconcile Hart, Jackson and the Mondale forces. The task is to reconcile the Democratic Party with a majority of Americans. There is a majority out there. It's not armbands and alphabet groups. It's individuals and families. America's majority has been searching for a generation now for balance. Each election they are told there will be balance in the economy and in defense. But all they get is a swing from one extreme to the other.

We have to do something. We must do it because it's right. If we are going to win in November, we Democrats must make clear what that something is. For given the choice between Reagan's extreme of no-government and the Democrats' extreme of nothing but govenment, Reagan will prevail again.

This election is not about domestic content laws or moving our embassy in Israel. It's not about who voted for the Chrysler loan or what the latest Federal Election Commission ruling prohibits or allows. It is,

or ought to be, about great and fundamental decisions facing America at a crossroads of its existence.

Difficult days, some of the most difficult in our nation's history, lie ahead. There is no quick fix, no magical set of new ideas, no cluster of all-powerful interest groups. There is just work and discipline and sacrifice. The people of this land, I am convinced, understand that. They will do whatever needs to be done—and more—if we as a party and then as a government work and discipline and sacrifice.

Ronald Reagan doesn't believe in government. He never has and he never will. If Lincoln's government of the people, by the people, for the people shall not perish from this earth, then it will be because of the Democratic Party. Here is our challenge; here is our opportunity.

PAY EQUITY: FEDERAL GOVERNMENT NEEDS TO TAKE ACTION

Mr. CRANSTON. Mr. President, on June 28, the House of Representatives took a major step forward in the long overdue effort to eliminate wage-setting practices that discriminate against women in the workforce. The House approved, by an overwhelming vote of 413 to 6, H.R. 5680, the proposed Federal Pay Equity and Management Improvement Act of 1984. Title I of that legislation contains provisions requiring a review of the Federal wage-classification system for the purpose of identifying discriminatory wage-setting practices and proposing ways to eliminate such practices.

I was particularly delighted to see the House action on title I of H.R. 5680 since the provisions relating to the review of the Federal wage classification system in that title are very similar to the provisions of the legislation, S. 1900, the proposed Pay Equity Act of 1983, which I introduced in the Senate on September 28, 1983. S. 1900 was the first legislation dealing with the issue of pay equity, or comparable pay as it is sometimes called, introduced in either the House or the Senate.

Both S. 1900 and H.R. 5680, which was introduced on May 17, 1984, would require an examination of the Federal wage-classification system for the purpose of determining whether the rates of pay in positions which are held predominantly by female employees are lower than the rates of pay for positions held predominantly by male employees, although the work performed as to each position involves comparable duties, responsibilities, and qualification requirements and is performed under comparable working conditions. Both measures also would require the identification of appropriate measures for eliminating such discriminatory practices, including proposals for the development of equitable job evaluation techniques which provide an objective method of determining the comparative value of different jobs utilizing a system which rates numerically the basic features and requirements of a particular job, including such factors as education, training, skills, experience, effort, responsibility, and working conditions.

The House-passed bill also contains an explicit provision excluding remedies which would result in a reduction in the wages paid for any position. This provision is similar in intent to that contained in the Federal Equal Pay Act which also prohibits reduction in pay as a remedy for violation of that act.

Because of the substantial concerns about the ability or willingness of any agency under this administration to fulfill adequately the congressional mandate, the House bill was amended on the floor to provide that the mandated review be done by an independent consultant, rather than by the Office of Personnel Management [OPM] as the reported bill would have required. S. 1900 would require the study of the OPM system be done by the Equal Employment Opportunity Commission [EEOC]. Given the track record of this administration with respect to all equal employment concerns, I think the judgment of the House to require that an outside consultant be selected to perform the work is fully justified. The House-bill also contains provisions to establish a Pay Equity Study Council, which would include representatives from various employee organizations. This Council would make recommendations to OPM for the selection of the consultant and would assist in the design and methodology used in conducting the study.

Mr. President, I fully support the provisions of H.R. 5680 as they have modified and perfected the approach originally proposed in S. 1900 and strongly urge that the Senate conferees accept the House-passed provisions. I am writing to the Senate conferees to urge this result.

PAY EQUITY ISSUE

At the time I introduced S. 1900, I discussed in great detail the importance of the Federal Government assuming a leadership role in combatting what is one of the most serious problems facing women in the workforce seeking to attain economic equity and security. That statement appeared in the CONGRESSIONAL RECORD at S. 13095 on September 28, 1983. I do not intend to reiterate that entire discussion here. Briefly, the concept of pay equity or comparable pay for work of comparable worth stands for the relatively simple notion that the wages a worker earns should be based upon the value of the work performed, not the sex of the employees. Unfortunately, it is widely recognized that the wages paid in jobs and occupational fields dominated by female workers are lower than the wages paid in those jobs and occupational fields dominated by male workers that require comparable education, skills, training, effort, responsibilities, and working conditions.

It is generally agreed that the practice of paying lower wages in jobs and occupational fields dominated by female workers is the major factor contributing to the enormous gap between the average earnings of female workers and the average earnings of male workers. Despite slight improvements in the last statistics reported by the Department of Labor, the gap between the average earnings of male and female workers is greater today than it was three decades ago. In the 1950's, full-time female workers earned 64 cents on the average for every dollar earned by a full-time male worker. Today, they earn about 62 cents of the average for every dollar earned by males. The gap for minority women is even wider: The ratio is about 59 percent for black women and 55 percent for Hispanic women as compared to the earnings of white males.

Mr. President, the wage gap between male and female workers has been closely and repeatedly studied by researchers. Variables such as attachment to the workforce, level of experience, education, job commitment, and similar factors have been examined in various studies. These studies have attempted to explain the difference in earnings between male and female workers, but they have generally been able to account for less than one-fourth and never more than one-half of the earnings differentials on the basis of different labor force participation patterns of male and female workers. Virtually every research study has concluded that there remains a large gap which can be explained only by the existence of discriminatory employment practices.

FEDERAL LEADERSHIP NEEDED

Mr. President, the current administration has expressed its strong opposition to the pay equity study legislation. However, public officials at the State and local level have already begun an impressive effort to develop programs of self-evaluation and corrective action with respect to pay inequities. It is reported that over 20 States have already taken the initiative and begun efforts to examine their wage classification systems in order to uncover any sex-based bias. A number of private employers and local governmental entities have begun similar efforts. There is simply no excuse for continued inaction at the Federal level.

CONCLUSION

Mr. President, I strongly hope that the Senate conferees will accept the House-passed provisions. I also want to congratulate the House sponsors of title I, particularly Representative MARY ROSE OAKAR, the chief sponsor,

for their success in moving this important initiative through the House of Representatives. It is now time for the Senate to respond appropriately.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, earlier I had a special order for 15 minutes. I was unable to be here because I was at a hearing. I would appreciate it if I could be given the opportunity to speak for 15 minutes on a subject related to what I was going to say.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE TRILLION-DOLLAR COST OF THE NUCLEAR STAR WARS PROGRAM

Mr. PROXMIRE. Mr. President, this is the second in a series of speeches I am giving in response to Gen. Daniel Graham's protest against my opposition to the administration's antimissile program. In this speech I will respond to General Graham's contention that the antimissile program would not be excessively costly. First, here is the General's response to the contention that "It would be enormously costly."

I ask unanimous consent that the section of General Graham's argument on the cost of the antimissile or strategic defense initiative be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2. IT WOULD BE ENORMOUSLY EXPENSIVE

Answer. This is really part and parcel of the "can't be done" argument. Once again a perfect or almost perfect system is postulated, and once again it is possible to speculate about enormous costs to achieve it.

The arguments about costs of the simpler, less-than-perfect systems such as High Frontier are manageable because we can ascertain what the component pieces of the system would cost from the companies that would make them and add them up. For instance, we know that a High Frontier-type satellite would cost about $36 million including its transportation to space. (That is about one-tenth the cost of one MX missile deployed in Jimmy Carter's "Racetrack" system.) Thus we can state with conviction that the High Frontier defenses can be had for less than $5 billion per year expended over the next 10 years.

That is about 2.5% of the current DOD budget and should be offset by cancelling expensive programs no longer needed when strategic defenses are in place.

Perhaps the most telling argument about costs is this: Even if High Frontier cost $100 billion, it would, if deterrence ever failed, save the lives of 100 million Americans and we are surely worth $1,000 a head!"

Mr. PROXMIRE. From somewhere out of the blue, without giving one line of documentation or authority, General Graham tells us that an antimissile satellite can be built and deployed in space for $36 million. Leaping from that figure again with no documentation or data he asserts "with conviction" that a full antimissile system can be in place for an expenditure of "less than $5 billion per year over the next 10 years." That adds up to $50 billion. Mr. President, General Graham could have stated just as convincingly that the production and deployment of the antimissile system could, in total, have cost $2 billion, or $10 billion, or $1 trillion, or some multiple of a trillion. The fact is that General Graham has no more idea what such a system would cost than my 6-year-old grandson. This is not to demean General Graham. He is a retired lieutenant general with a fine record, but he has plucked his figures right out of the blue. The man in the Defense Department who is in the best position to know the cost of a nationwide antimissile defense is Under Secretary DeLauer. DeLauer is in charge of research and development and has been sent by Secretary of Defense Weinberger to testify before the Congress as the Defense Department's leading expert on this program and the estimated cost of the program.

Mr. President, the Defense Department wants this program. They are proponents of the program. Would they send their outstanding expert on the program up to the Hill to testify that the program would cost an immense amount of money if they did not believe that it would cost at least as much as they estimate? You do not have to be in the Senate for 27 years—and on the Appropriations Committee and the Defense Appropriations Subcommittee for almost all of that time as I have been—to understand that the Defense Department never, I repeat never, ever overestimates the cost of a program that they favor. Whether it is the C5A, the Trident submarine, an aircraft carrier, you name it, they will come in with a cost far below what we end up paying for it.

So what estimate did Under Secretary of Defense make for the cost of this antimissile program? Just listen. He testified: "When the time comes that you deploy any one of these technologies, you'll be staggered by the cost they will involve." DeLauer further estimated that the antimissile program could cost what we are now spending on nuclear forces every year. That translates into $45 billion a year for 10 years or nearly half a trillion dollars. To be fair to Secretary DeLauer, he resisted strenuously making any hard estimates. The Defense Department has argued that they will not be able to make any serious estimates of cost until well after the Congress has appropriated $25 billion for research and development alone over the next 5 years—not production, not deployment, but simply research and development will have to continue until 1992 with at least $50 billion for research and development on the program alone before we begin any production or deployment program and before we begin to get any nearly reliable estimates of the cost of the program in place. Until then, we will not know what the program will cost, we guess. But this Senator, who has closely observed military spending programs for more than a quarter century, would be astonished if the antimissile program would come under a trillion dollars.

Now Mr. President, this may shock some people, but this Senator, who has devoted much of his time in this body to fighting costly military programs, could and would enthusiastically vote for this program if there were any kind of real chance that it would achieve its objective. If there were any credible testimony that a defensive antimissile system would have any real chance to stay ahead of the dynamic technology of an offensive system or even the sheer numbers that the Soviets could build in offensive missiles, then I would vote to buy it. But what does the record show? In testimony before our Defense Appropriations Subcommittee, I have heard Defense Department officials concede that the system could be overwhelmed at will by the Soviets if they simply multiplied their offensive missiles.

These military experts have told us that this could be done at a far lower cost to the Soviets than out cost in building the antimissile defense. What answer do they have to this? It has been suggested by former President Nixon that we could "give the Soviet Union our immensely expensive antimissile technology" as the quid pro quo for their agreeing to an arms control treaty limiting offensive missiles on both sides. Of course, at this point all those who do not believe in arms control get off the train, joined by the considerable numbers who could not bear to spend $50 billion or so on military security research and development and then turn the results over to the Soviet Union.

What is left? Arms controllers. But arms controllers would then ask the very logical question: Why go through this fabulously expensive antimissile routine? Why not simply negotiate an offensive missile reduction agreement with the Soviet Union? We could get precisely the same result without spending a trillion dollars.

General Graham argues for the antimissile system, contending that by

spending $100 billion we could save 100 million American lives at a cost of $1,000 per person. The general's saving depends upon an arms control agreement as well as spending $1 trillion—he says $100 billion—for the defensive arms buildup. Why not simply try arms control? We save lives. We also save a trillion dollars.

STATE DEPARTMENT: "NO ARMENIAN GENOCIDE"

Mr. PROXMIRE. Mr. President, I am very disappointed with the U.S. Department of State, which recently made public its opposition to congressional resolutions on the Armenian genocide and refrained from referring to the virtual annihilation of 1½ million Armenian people in 1915 as genocide.

On June 30, Assistant Secretary of State for Europe and Canadian Affairs Richard Burt testified in front of the House Subcommittee on Europe and the Middle East. He cited three reasons for the administration's opposition to House Resolution 171, which affirms U.S. policy on the Armenian genocide, and House Joint Resolution 247, which, as amended, designates April 24, 1985, as a National Day of Man's Inhumanity to Man, a National Day of Remembrance. This day coincides with the 70th anniversary of the Armenian genocide in 1915.

The first reason is that the State Department "sees no value in characterizing the events of 1915." The Assistant Secretary referred to the Armenian genocide three times not as genocide, but as "the events of 1915."

The second reason is that, according to the State Department, the congressional resolutions would have "adverse implications on U.S. relations with Turkey."

According to the Assistant Secretary, "The Turkish Government views demands by Armenian groups for reparations and even territory to some kind of recompense for the events of 1915 as threatening the integrity of the Turkish State."

Subcommittee Chairman LEE HAMILTON disagrees with the State Department's claims, and observes that the resolutions "do not include anything about compensation to the victim."

The Assistant Secretary's third reason for opposition is that passage of the resolutions would promote terrorism. He maintained terrorist groups "could use such resolutions to argue that their campaigns are somehow paying off; that there is a heightened sensitivity and concern about the Armenian issue."

HAMILTON pointed out that the supporters of the congressional resolutions, and most in the Armenian community, are not terrorists.

Many label the Armenian genocide as the "forgotten genocide" of the 20th century. The tragic event is little known and seldom recognized.

In this age of mass communications, it is difficult to understand how the world could have taken so little notice of a crime of this enormity.

It is even more unfortunate that such ignorance continues to this day. The documentation of the Armenian genocide is clear and irrefutable. It is an historical fact, one which we cannot overlook for diplomatic expediency.

Mr. President, in light of the State Department's recent statements, it is more important than ever that the Senate ratify the Genocide Convention.

Ratification of this treaty would be the best reminder we could give to the State Department and the highest tribute we could give to the memory of the Armenian martyrs. The Genocide Convention would affirm our commitment to the right of all national, ethnic, racial, and religious groups to live free from fear of destruction. It would firmly establish in international law the principle that criminals who attempt such crimes will be severely punished.

Mr. President, I urge my colleagues to join me in sending a clear message to the State Department by ratifying the Genocide Convention.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

COLLECTION OF FEDERAL DEBTS BY PRIVATE CONTRACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1668, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1668) to amend Chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 3718 of title 31, United States Code, is amended by inserting "or (e)" after "subsection (a)".

(b) Such section is further amended by adding at the end thereof the following new subsection:

"(e)(1) The Attorney General may make contracts retaining private counsel to furnish collection services, including representation in negotiation, compromise, settlement, and litigation, in the case of any claim of indebtedness owed the United States and referred to the private counsel under paragraph (2) of this subsection. Each such contract shall include such terms and conditions as the Attorney General considers necessary and appropriate, including a provision specifying the amount of the fee to be paid to the private counsel under such contract or the method for calculating such fee.

"(2) The head of an executive or legislative agency may refer to a private counsel retained under paragraph (1) of this subsection claims of indebtedness owed the United States arising out of activities of such agency. A referral under the preceding sentence may be made directly from the executive or legislative agency or from a collection agency which is under contract with the executive or legislative agency to provide collection services.

"(3) Notwithstanding sections 516, 518(b), 519, and 547(2) of title 28, United States Code, a private counsel retained under paragraph (1) may represent the United States in litigation in connection with collection services furnished pursuant to a contract entered into under paragraph (1) of this subsection.

"(4) A contract under paragraph (1) of this subsection shall include—

"(A) a provision permitting the Attorney General to terminate such contract if he finds that termination of such contract is in the public interest;

"(B) a provision permitting the head of any executive or legislative agency which refers a claim under such contract to resolve a dispute regarding such claim, to compromise such claim, or to end a collection action on such claim; and

"(C) a provision requiring the private counsel to transmit monthly to the Attorney General and the head of the executive or legislative agency referring a claim under such contract a report on the services relating to such claim rendered under such contract during the month and the progress made during such month in collecting such claim under such contract.

"(5) Notwithstanding the fourth sentence of section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)), a private counsel performing collection services pursuant to a contract made under paragraph (1) of this subsection shall be considered a debt collector for the purposes of such Act.

"(6) The Attorney General shall transmit to the Congress an annual report on the activities of the Department of Justice to recover indebtedness owed the United States and referred to the Department of Justice for collection. Each such report shall include a list of all uncollected indebtedness referred to the Department of Justice for collection, shall separately specify any uncollected indebtedness which was covered by a contract terminated by the Attorney General under paragraph (4)(A) of the subsection, and shall describe the progress made by the Department of Justice in collecting the indebtedness during the period covered by the report.".

SEC. 2. Not later than sixty days after the date of enactment of this Act, the Attorney General of the United States shall transmit to the Congress a report on the actions taken under section 3718(e) of title 31, United States Code (as added by subsection (b) of the first section of this Act).

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I be author-

ized to control the time for this side of the aisle.

The PRESIDING OFFICER. Under the previous order, the time agreement has been unanimously agreed to. The Senator from New York controls the time.

AMENDMENT NO. 3395

Mr. D'AMATO. Mr. President, pursuant to the order, I withdraw the reported committee substitute and send an amendment to the desk in the nature of a substitute to S. 1668 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 3395.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 3718 of title 31, United States Code, is amended—

(1) by striking out subsection (d);

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) in subsection (d), as redesignated by paragraph (2), by inserting "or (b)" after "subsection (a)";

(4) in subsection (e), as redesignated by paragraph (2), by striking out "(b)" and inserting in lieu thereof "(d)"; and

(5) by inserting after subsection (a) the following new subsection:

"(b)(1) The Attorney General may make contracts retaining private counsel to furnish legal services, including representation in negotiation, compromise, settlement, and litigation, in the case of any claim of indebtedness owed the United States. Each such contract shall include such terms and conditions as the Attorney General considers necessary and appropriate, including a provision specifying the amount of the fee to be paid to the private counsel under such contract or the method for calculating that fee.

"(2) The head of an executive or legislative agency may refer to a private counsel retained under paragraph (1) of this subsection claims of indebtedness owed the United States arising out of activities of that agency.

"(3) Notwithstanding sections 516, 518(b), 519, and 547 (2) of title 28, a private counsel retained under paragraph (1) of this subsection may represent the United States in litigation in connection with legal services furnished pursuant to the contract entered into with that counsel under paragraph (1) of this subsection.

"(4) A contract made with a private counsel under paragraph (1) of this subsection shall include—

"(A) a provision permitting the Attorney General to terminate the contract if the Attorney General finds that termination of the contract is in the public interest;

"(B) a provision permitting the Attorney General to have any claim referred under the contract returned to the Attorney General if the Attorney General finds such action to be in the public interest;

"(C) a provision permitting the head of any executive or legislative agency which refers a claim under the contract to resolve a dispute regarding the claim, to compromise the claim, or to terminate a collection action on the claim; and

"(D) a provision requiring the private counsel to transmit monthly to the Attorney General and the head of the executive or legislative agency referring a claim under the contract a report on the services relating to the claim rendered under the contract during the month and the progress made during the month in collecting the claim under the contract.

"(5) Notwithstanding the fourth sentence of section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)), a private counsel performing legal services pursuant to a contract made under paragraph (1) of this subsection shall be considered a debt collector for the purposes of such Act.

"(c) The Attorney General shall transmit to the Congress an annual report on the activities of the Department of Justice to recover indebtedness owed the United States which was referred to the Department of Justice for collection. Each such report shall include a list, by agency, of the total number and amounts of collected and uncollected claims of indebtedness which were referred to the Department of Justice for collection, shall separately specify any uncollected claim of indebtedness which was covered by a contract (1) which was terminated by the Attorney General under subsection (b)(4)(A) of this section or (2) under which the claim was returned to the Attorney General under subsection (b)(4)(B) of this section, and shall describe the progress made by the Department of Justice in collecting uncollected claims of indebtedness during the one-year period covered by the report.".

SEC. 2. Not later than sixty days after the date of the enactment of this Act, the Attorney General of the United States shall transmit to the Congress a report on the actions taken under section 3718 (b) of title 31, United States Code (as added by paragraph (5) of the first section of this Act).

Mr. D'AMATO. Mr. President, I rise today in support of S. 1668, the Federal Debt Recovery Act, introduced on July 21, 1983. This legislation will permit the Justice Department to contract with private law firms for legal services in connection with the recovery of debts owed the Federal Government.

I have a noncontroversial amendment, in the nature of a substitute, to offer to this bill. It has been cleared with the Government Affairs Committee and is designed to match, as closely as possible, legislation currently under consideration by the House of Representatives.

Before I discusss some of the aspects of this measure, I should like to thank my good friend and distinguished colleague, Senator PERCY, who cosponsored this bill with me. He has demonstrated his unwavering commitment to the improvement of the Federal Government's ability to reduce the staggering amount of delinquent debt now owed it.

The fine staff of the Subcommittee on Energy, Nuclear Proliferation, and Government Processes is also to be congratulated for their excellent work, particularly Elaina Newport. Alan Mertz, of Senator PERCY's staff, also made significant contributions to this bill. And Rick Nasti, formerly of my office, and now a regional administrator of the Urban Mass Transportation Administration, played a pivotal role in the development of this bill.

Passage of S. 1668 will enable the Federal Government to significantly improve its efforts to collect the enormous amount of delinquent debt now owed the U.S. Treasury. According to the Office of Management and Budget, there are now more than $40 billion in defaulted debts, including $25 billion in defaulted loans, owed the Government.

Under current law, the Justice Department is responsible for litigating most Federal debt collection cases. However, the Justice Department is not adequately staffed or equipped to handle the tremendous volume of cases referred to it by other Federal departments and agencies, including the Departments of Education, Housing, and Urban Development, Agriculture, and the Small Business Administration.

A recent survey conducted by the Education Department of claims referred by it to collection agencies in metropolitan areas revealed that over 26,000 claims now are ripe for litigation by the Justice Department, but Justice lacks the capacity to handle them in a reasonable amount of time. The computer system at Justice is not sufficient to process the huge numbers of outstanding debt collection cases, and recalcitrant debtors know that refusal to repay their loans or other Federal debts is unlikely to result in legal action being brought against them.

Effective debt collection depends on debtors' certainty that a creditor will seek legal remedies in the case of nonpayment. Otherwise, there is little motivation for stubborn debtors to meet their obligations. The Federal Government currently faces a large obstacle to successful debt collection because many debtors, including many of these with the ability to pay, choose not to do so because they believe that no legal remedies will be pursued. Unfortunately, in tens of thousands of cases they are right.

The measure I am submitting today for approval by the Senate is the product of extensive discussion and deliberation with the Justice Department, the House of Representatives, the Department of Education, and many others interested in attacking the colossal problem of uncollected Federal debt. This amendment substitutes lan-

guage similar to the text of H.R. 5196 for the text of S. 1668.

The House version contains a preferable provision regarding the details to be included in the required annual report to Congress by the Justice Department with respect to cases referred to private counsel. It also includes a provision stating that Justice may recall any claim referred to private counsel if such action is in the public interest. The latter provision is expected to be used when necessary. However, it is intended to be reserved for exceptional, rather than routine, cases. Other changes in the House version are technical or stylistic.

My substitute also changes the term "collection" services to "legal" services each time it appears in S. 1668. This change is agreeable to Congressmen MOODY and HALL, who have provided important leadership on this measure in the House. It is also acceptable to Senator PERCY. It is our intention to clarify that the role of collection agencies in helping to recover debts owed to the Federal Government is not to be replaced by litigation of such claims, except where litigation is necessary.

The substitute amendment will pave the way for more efficient, cost-effective debt collection by the Federal Government. It will also help to restore the good faith and integrity which should be present in successful debtor-creditor relationships.

Finally, Mr. President, with regard to S. 1668, the Committee on Governmental Affairs does not intend that this measure authorizes any additional budget authority for fiscal year 1984 than that already available to the Department of Justice. The committee intends that any fiscal year 1984 costs incurred from the bill will be absorbed from existing funds.

Mr. President, I know my good friend and colleague from Ohio is going after three amendments, to which I have no objection. Indeed, I think it sets the record clear that we intend to see to it that we do not simply give a reward to attorneys and put them to work on debt collection cases but, rather, that we intend to attack this problem prudently. We simply cannot allow people who borrow money from the Federal Government to walk out on their obligations.

The fact is that there is little, if anything, currently being done to collect these moneys. We talk about the deficits of the United States. Yet, we continue to lend money out without making serious efforts to collect delinquent debts. We literally give money away; we say to debtors: "Don't worry about it. No one is going to come after you to collect. If a collection agency calls you, hang up, because there will be no pursuance of legal remedies against you."

What U.S. attorney's office, inundated with substantial and serious Federal criminal and civil cases such as narcotics offenses, fraud, or tax evasion, has the time to pursue a debt collection case involving $1,000 or $2,000 or a student loan? That is why thousands of professionals borrow tens of thousands of dollars from the Federal Government and do not pay back. It was estimated at one time that 5,000 doctors had not paid back their student loans. That makes it possible for critics of the student loan program to say that it is not a loan program, rather it is a giveaway program. Particularly with respect to those who have the financial means to repay, it is shameful that we are simply encouraging them not to pay by our failure to enforce these debts.

Unfortunately, the attitude of the Federal bureaucracy responsible for collecting delinquent debt is rather shocking. The Justice Department has had referred to it many more than 100,000 delinquent cases which are now awaiting litigation; however, Justice cannot even begin to handle these cases. Justice's most recent attitude is one of: "No, we do not need to hire private law firms; we can handle this." They do not want to delegate authority. They would prefer that debtors beat the Government while the statute of limitations runs out; meanwhile, Justice does not have the computer capability or the technical ability to litigate this huge volume of cases. Can we afford to burden down assistant U.S. attorneys with thousands of collection cases that sometimes merely involve small dollar amounts. Should the Justice Department neglect essential tasks like fighting organized crime, narcotics trafficking, and income tax evasion, and apply more of their limited resources to debt collection? I think not.

As a result of the tens of thousands of failures to repay, we now have at least $16 billion of nontax debt owed to the Federal Government and no reasonable effort is being made to collect it. Let's look at the dollar volume of cases referred to the Justice Department by just a few agencies: Agriculture, $5.5 billion; Education, $3.4 billion; Small Business Administration, $2.5 billion; HUD, $1.7 billion. These four agencies are responsible for 85 percent of the delinquent debt owed to the Government. And the story goes on and on. Every year we are talking about more and more delinquent debt cases.

I suggest that this bill provides the Justice Department with ample authority to implement procedures—in terms of collection, in terms of which attorneys are retained, in terms of law firm competition, in terms of reasonable legal compensation—to greatly benefit the taxpayer. The Justice Department then can pursue the kinds of significant Federal cases that we want them to pursue. They will have more opportunity to handle their criminal case backlogs and civil case backlogs. This bill will help to ensure that people do not borrow from the Federal Government with the certainty that they will never be called upon to repay because the U.S. attorneys' offices do not have the capacity and motivation to sue them.

Mr. President, I hope this bill will give us the ability to say to people: "When you borrow from the Government, you have to make a good faith, reasonable effort to repay; and if you don't, we are going to pursue it and collect those moneys, because they are due and owing to the American taxpayer." This is one way to begin to deal with the massive deficit that has taken place.

Mr. PERCY. Mr. President, I wholeheartedly support this substitute amendment to S. 1668, and I commend my colleague, Senator D'AMATO, for his role in sponsoring S. 1668 with me, as well as this amendment. The concept of allowing the Justice Department to contract its debt collection litigation with private counsel in one which I have advocated for some time, and I believe that this amendment represents the best legislative means to accomplish this goal. It is the result of many months of consultation with the House of Representatives, as well as the Justice Department, the Department of Education, the Department of Health and Human Services, and other Federal agencies involved in collecting the tremendous amounts of debt owed the Federal Government. I also commend Congressman MOODY and Congressman HALL for their leadership in the House.

Even as we speak, Mr. President, the Justice Department has tens of thousands of student loan cases and other Federal debts backlogged in U.S. attorneys' offices throughout the country. The Justice Department is simply not equipped to handle this volume. One might even question whether it should be the Justice Department's mandate to go after every small student loan. Certainly, the Department is juggling a variety of priorities, such as prosecution of serious Federal crimes such as narcotics offenses, fraud, income tax evasion, and antitrust violations. No one expects our U.S. attorneys to drop their major drug cases and go after $500 student loans.

At a legislative hearing I chaired last July, the Justice Department indicated their wholehearted support for the legislative authority to contract their debt collection litigation. They have assured me that they intend to use this authority extensively, and I would expect that they do so promptly. When the Debt Collection Act of 1982 was passed, giving the Federal Govern-

ment authority to contract with private collection agencies, among other provisions, it took the Justice Department and the General Accounting Office a year and a half to promulgate regulations implementing the act. During that year and a half, clearly collectable Federal dollars were lost forever to the statute of limitations. I believe I speak for my colleague, Senator D'AMATO, and my other Senate colleagues, when I say that this type of delay will simply not be tolerated when this amendment becomes law. I expect that regulations to implement this bill will be published within 60 days from the time this amendment is signed into law. I believe this is a practical goal, and I intend to follow through on this point, and to see that this authority is used promptly and extensively.

This amendment will substitute for S. 1668, which was reported favorably and unanimously from the Senate Governmental Affairs Committee on June 12 with the full support of the chairman, Senator ROTH. It is very similar to S. 1668, with four minor changes which I would like to briefly mention at this point. These are changes which are based on conversations with Members of the House of Representatives and Federal agencies involved in debt collection. Not only do I believe that these changes will make this bill completely acceptable to the House of Representatives, I believe these changes clarify and improve the legislation.

First, this amendment changes the word "collection" services to "legal" services each time it is used in S. 1668. The reason for this is that it has always been, and still is, our intent that Federal agencies not bypass the cost-effective use of collection agencies in the collection process. Litigation is intended to be a tool of last resort.

Second, this amendment deletes a provision in S. 1668 which gave collection agencies the explicit authority to send claims directly to private counsel. This provision was deleted so that the Federal agencies involved would have the option to decide, when making a contract with a collection agency, whether or not that contract would give the collection agency authority to make direct referrals. Nothing in this bill is intended to preclude the possibility of such a contract being written.

Third, the amendment adds a provision permitting the Attorney General to have any claim under the contract returned to the Attorney General if the Attorney General finds such action to be in the public interest. This provision acknowledges the fact that the Attorney General will continue to be the final authority on litigation of claims owed the Federal Government, but it is our intention that this authority to ask that a case be returned be used sparingly—it is to be the exception rather than the rule. Additionally, it is expected that if the Attorney General asks for a claim to be returned to the Attorney General, the Justice Department will act swiftly on the claim. We certainly do not think it is "in the public interest" for the Justice Department to pull back a case only to have it sit in a backlogged U.S. attorney's office.

A fourth change which this amendment makes is that it adopts the reporting requirement language included in its House counterpart, H.R. 5196. I believe that the House reporting requirement provision is superior to that which is found in S. 1668, and I enthusiastically support this change.

In summary, Mr. President, I urge the Senate to adopt this amendment. In doing so, we will tell the American taxpayer that we are dead serious about collecting the billions of dollars in delinquent debt owed the Federal Government. The real, credible threat of timely litigation is a necessary tool toward that end.

Mr. D'AMATO. Mr. President, I know that my colleague from Ohio would like to offer some amendments. As I have indicated, I think his amendments clarify this bill and give assurance that this program will be of benefit to our taxpayers.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I commend the Senator from New York, a cosponsor, for bringing this measure to the floor.

It is almost amazing that we have taken so long to get to this point in our Nation's history, where the Government is owed billions of dollars—$25 billion in actual loans and $40 billion if you include other obligations—and it is not collected, and we have never authorized the Government to go forward with private counsel in order to collect those funds.

One wonders how this could be, when everybody is talking about balancing the budget and operating more efficiently and doing business as business does business. How could we get to this point with respect to doctors who are making good incomes, lawyers who are making good incomes, farmers who are in a position to repay, and business people who have made SBA loans to keep themselves afloat, and many others—even in HUD—without collections being made? No collections are made because no lawyers are there to bring the suits, and the debtors know that the suits are not going to be brought.

As the Senator from New York has pointed out, you cannot expect the U.S. attorney, who is involved in prosecuting criminal cases or major antitrust cases or matters of that nature, to become involved in collecting $400, or $4,000, or even $40,000, or $400,000.

So this measure goes in the right direction. It is one of the very positive steps in conducting Government as business might conduct it, more efficiently and more effectively.

So I commend the authors of the bill for having introduced it and sponsored it and for bringing it to the floor today.

I will shortly offer three amendments and ask for their immediate consideration. I offer those amendments not to detract from the bill but to make the measure tighter.

AMENDMENTS NOS. 3396, 3397, AND 3398

Mr. METZENBAUM. At this time, Mr. President, I send to the desk three amendments and ask for their immediate consideration.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes amendments numbered 3396, 3397, and 3398, en bloc.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 3396

On the first page, line 19, after "States.", insert the following: "If the Attorney General makes a contract for legal services to be furnished in any judicial district of the United States under the first sentence, the Attorney General shall use his best efforts to retain, from among attorneys regularly engaged in the private practice of law in such district, more than one private counsel to furnish such legal services in such district.".

AMENDMENT No. 3397

On page 2, line 2, after the period, insert the following: "The amount of the fee payable for legal services furnished under any such contract may not exceed the fee that counsel engaged in the private practice of law in the area or areas where the legal services are furnished typically charge clients for furnishing legal services in the collection of claims of indebtedness, as determined by the Attorney General, considering the amount, age, and nature of the indebtedness and whether the debtor is an individual or a business entity.".

AMENDMENT No. 3398

On page 3, line 6, insert "(1)" after "(C)".

On page 3, line 15, strike out "(1)" and insert in lieu thereof "(A)".

On page 3, line 16, strike out "(2)" and isnert in lieu thereof "(B)".

On page 3, line 21, strike out the end quotation marks and the period after the end quotation marks.

On page 3, between lines 21 and 22, insert the following:

"(2)(A) The Comptroller General of the United States shall carry out an annual audit of the actions taken by the Attorney General under subsection (b) of this section during the preceding twelve months. The Comptroller General shall determine the extent to which there is competition among

private counsel to obtain contracts awarded under such subsection, the reasonableness of the fees provided in such contracts, and the results of the debt collection efforts of private counsel retained under such contracts.

"(B) After completing each audit under subparagraph (A), the Comptroller General shall transmit to the Congress a report on the findings and conclusions resulting from the audit.".

Mr. METZENBAUM. Mr. President, these amendments are not to do harm to this bill but, rather, to strengthen it, to see that the Government receives full value for its dollar, and that this measure not become known as the lawyers' enrichment bill but, rather, as the taxpayers' benefit bill.

They are designed to prevent potential abuse of the authority granted to the Federal Government to use private attorneys to litigate Government debt cases. The problem is there. It is an enormous problem: $40 billion of defaulted debt to the Federal Government; and of that amount, $25 billion is in the form of defaulted loans.

It is a fact that, for the past 2 years, the Federal Government has been able to use the services of private debt collection agencies, but that has not worked, and they have not been authorized to bring suit. As a consequence, we have hardly made a dent in this mountain of bad debt. If a debtor knows that the collecting agency or the collector can go only so far and then is precluded from going any further, that debtor, who is a deadbeat to begin with, in all likelihood is going to use every tactic available to him or her to keep from paying his or her obligation to the Government. Dunning by the collection agencies will not work with that kind of debtor.

Some of the most egregious cases in this country revolve around doctors, who are making very handsome incomes at the moment, who borrow the money in order to go through medical school and who have become rich in their profession, but who have not seen fit to meet their obligations to the U.S. Government.

They are not alone. There are many others as well. Thousands of debtors have flatly refused to pay the money that they owe to the Federal Government.

The Department of Justice, it is known, does not have the personnel and worse yet does not have the inclination to take a large number of debtors to court.

Let me share with you the statistics because the statistics tell the story. As of August 1982, the Justice Department had on file 65,000 debt cases worth $937 million. But by that date only 7 percent, only 7 percent, $73 million out of the $937 million, had actually been collected; $864 million remained outstanding.

The bill before us will strengthen our ability to collect by permitting the Justice Department to contract with private law firms to litigate some of these debt cases. The Justice Department would simply pay these firms a contingency fee based on the actual money collected.

On the face of it that is a constructive solution, and I support it. I support the thrust, but I believe that the bill falls short in two very important areas.

First, the bill does nothing to insure that the Justice Department will enter into contracts with private law firms on a competitive basis. And second, nothing in the bill prevents private law firms from charging the Justice Department exorbitant contingency fees for the successful litigation of debt cases.

As it is currently written, in other words, this bill could make one or two private law firms very, very, very wealthy and at the expense of the taxpayers of this country.

In other words, if the Attorney General were to see fit under the present bill as it is written to give one law firm all of this business and authorize that law firm to subcontract it out around the country, that would be legal and that would be permissible, and, knowing how politics works, that very well might be probable. I am not saying Republicans or Democrats; I am just saying it might be probable in any kind of an administration.

So I am offering three amendments which I believe will help guard against such abuses. The amendments are simple. They are straightforward. One will encourage competition in this area by requiring the Attorney General to use his or her best efforts to retain more than one private counsel within each geographical area within which a U.S. Attorney's office has jurisdiction. By that we are saying that assume we are talking about New York, where the proponent of the amendment lives, or Cleveland, where I live, the Attorney General would not alone designate one law firm but could designate 2, 3, 4, 6, 8, 10, 12, because there is not any question that there is going to be a sufficient volume of work for many more than one law firm to handle it all in each area.

We are talking about $25 billion in debt. And if the Attorney General finds, that, for example, in Cleveland, where I live, that it is appropriate to go into Toledo, or Youngstown, or Akron, or Canton, and choose separate counsel in those areas, that would be the right thing to do, as I see it.

The idea is to get as many lawyers as are necessary in order to do the job. And let us not kid ourselves there are two reasons to do it.

One is the statute of limitations runs on these obligations day in and day out and if the cases are not brought within a certain period of time the statute of limitations will outlaw them. So time is very much of the essence.

But the second thing is that you are going to get better service because no one law firm can handle a multitude of cases at the same time. It just would become bogged down.

Mr. President, unless this amendment is adopted, we would find total concentration in certain areas of all of the collection business of the U.S. Government. That would be wrong. That would be inappropriate and it would be a disservice to the U.S. Government.

Imagine the political favoritism that would come into play as one well-connected law firm after the next came knocking on the Justice Department's door for this lucrative contract.

Let me say that the law firms have already started to move. There is no secret about it. The law firms are calling and have indicated their interest in connection with this legislation. I do not fault them for that. It is purely legitimate business and I can well understand their wanting to get the business in order that they can go out and earn the fees involved. I am perfectly willing to have them earn the fees provided that the Federal Government profits as a consequence, and that comes to the next point.

According to the Congressional Budget Director, under this bill contingency fees for such legal services could go as high as 45 percent.

Mr. President, I practiced law all of my adult life prior to coming to the Senate, and I tell you that is not the going rate. That should not be the rate. And that is the kind of a rate that I am concerned could result if we do not adopt the amendments that I offer today.

Let me give you an example. The Justice Department currently has $1 billion worth of pending debt cases. Forty-five percent of that is $450 million. That is a hefty sum of money for one, two, three, or six law firms.

So, Mr. President, as I see it the Senate cannot permit this unwarranted and unprecedented giveaway to occur.

So I believe that it is necessary that the Attorney General go out and obtain a sufficient number of attorneys to do the job and not just select some favored few.

My second amendment goes to the question as to the amount of the contingency fees, as to the 45 percent that I previously mentioned, a 45-percent figure which on its face is preposterous, but I do want to point out that we did not make it up. It came from the Congressional Budget Director who indicated that these fees could run from 25 to 45 percent.

It is my view that they should not run in those areas, that that would be far too much and that it would be irre-

sponsible if the Attorney General were to see fit to pay such fees except for the very smallest amounts collected.

Our amendment would require the Attorney General to set limits on contingency fees based on the local prevailing rates which private law firms charge for commercial debt cases.

That makes sense. Let the Government, not private law firms, reap the benefits of an improved collection system.

What we are talking about is an accepted reality in the business community. It is known what law firms charge for collection matters. It is not a figment of someone's imagination. You can find these figures by going to Dun & Bradstreet or going to the Commercial Law League or going to other debt collection agencies or lawyers associations and they are pretty much accepted figures and they are not 25 to 45 percent.

As a matter of fact, the Commercial Law League, I am told, has a figure of 8 percent when there are very large amounts being collected. I am not certain as to the accuracy of that figure but we have been informed to that effect.

As a matter of fact, Dun & Bradstreet is a good source to determine what are typical charges for attorney debt collection services. Their service agreement is what they use in the collection activities that it does on behalf of its commercial subscribers. In other words, Dun & Bradstreet is hiring lawyers for its commercial subscribers.

In addition to specifying the fees for charges of debt collection, the Dun & Bradstreet portfolio states as follows:

> Attorney's charges vary, but as a guideline, the following contingent charges are typical. Twenty percent on collections of $125 to $300, 18 percent of the next $1,700, and 13 percent in excess of $2,000. The minimum charges are $25 on collections of $75 to $125 and 33⅓ percent of the collection of less than $75.

Mr. President, I do not intend, and I know that the author of this legislation does not intend, to stand here on the floor and tell the Attorney General exactly what fees should be paid. But I do think we join in saying to the Attorney General—whether it is the one who is presently in office or some future one—that: "We expect you to conduct the business of government as a business. We expect you to pay lawyers that amount of fees which is the minimum that you can pay getting consistently good, high quality legal services. That is your responsibility."

But I am frank to admit not every Attorney General will accept that responsibility and some Attorneys General may see fit to play some favorites and to pay more than they should be paid.

So my third amendment would insure the soundness of the entire program by requiring the GAO to conduct an annual audit of contracts and fees that the Attorney General lets.

In addition to examining into those fees and reporting back, they are going to indicate whether or not the Attorney General has been responsible in not giving out term contracts. There should be no term contracts given out. When you turn over a certain collection matter to an attorney, that attorney will be judged upon his or her success or failure. And there is no reason to give out a contract for attorney's fees for 6 months, 1 year, 2 years, or 5 years. To do so would be the kind of thing that would not reflect well upon the Attorney General who did it.

(Mr. DANFORTH assumed the chair.)

Mr. D'AMATO. Mr. President, will my colleague yield at this point so I might raise a question?

Mr. METZENBAUM. Yes.

Mr. D'AMATO. Mr. President, as the Senator knows, we have thoroughly discussed his amendments regarding this bill. I will be supportive of the Senator's amendments because I think that they assure the American public that we are interested in seeing that there is collection of these moneys and not the enrichment of lawyers, et cetera. However, lawyers have to be paid, obviously, for their work, and the use of flexible guidelines reflecting typical fees for similar work sets the proper standard.

I agree with my colleague that there are a number of measures to clarify regarding appropriate fees for the kind of cases being undertaken. In the cases involving smaller sums of money, obviously, the percentage should be higher as opposed to cases involving the collection of larger sums where, obviously, the percentage should be lower. Local standards and customs in the industry, et cetera, all govern these.

I support the three amendments because I think they are good. I think that they say to the Justice Department, "You have total control. There are reasonable standards to follow."

One question still concerns me. The question is whether or not we can get the Justice Department to do what they are supposed to do. Every Member of Congress, I believe, understands that there is a crying need to address the problem of delinquent debt owed to the Government and that the Justice Department has neglected to pursue these cases. You simply cannot demand that a U.S. attorney undertake the collection of a debt of $200 or, as the Senator from Ohio has indicated, even $40,000 where there are many, many more pressing matters with which the U.S. attorney is involved. Given the limited resources of the Justice Department, et cetera, they are not equipped for these kinds of matters.

I am wondering if the Senator would consider an amendment or expand his amendment to require the GAO to make a study with respect to how comprehensive, thorough or diligent the Justice Department has been in hiring outside attorneys pursuant to this legislation. I am afraid that we are going to pass this bill and that it will be signed into law and then the Justice Department will fail to implement it by noncommitment. I am concerned that the Justice Department may totally disregard legitimate legislative efforts, and defeat the will of the Congress by refusing to take prompt steps to devise and implement the necessary regulations. It is clearly just a matter of turf that they are reluctant to give up.

Mr. METZENBAUM. I think the author of the bill makes a very good suggestion. I am not certain what the parliamentary posture is, but I am in accord with him. I think what we very well might do is take a moment to have a quorum call and, in the interim, take a look at the pending amendment and see whether or not I can amend it. I certainly have the right to modify it while it is at the desk.

I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time of the Senator from Ohio has now expired.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I be allowed 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that in my third amendment there be inserted in line 1 on page 2 after the word "contracts" and the comma the following additional wording: "the diligence and efforts of the Attorney General to retain counsel in accordance with the provisions of this act," comma and then continue on with the language as present.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator will please send the modification to the desk.

The amendment, as modified, is as follows:

On page 3, line 6, insert "(1)" after "(c)".

On page 3, line 15, strike out "(1)" and insert in lieu thereof "(A)".

On page 3, line 16, strike out "(2)" and insert in lieu thereof "(B)".

On page 3, line 21, strike out the end quotation marks and the period after the end quotation marks.

On page 3, between lines 21 and 22, insert the following:

"(2)(A) The Comptroller General of the United States shall carry out an annual audit of the actions taken by the Attorney General under subsection (b) of this section during the preceding twelve months. The Comptroller General shall determine the extent to which there is competition among private counsel to obtain contracts awarded under such subsection, the reasonableness of the fees provided in such contracts, the diligence and efforts of the Attorney General to retain counsel in accordance with the provisions of this act, and the results of the debt collection efforts of private counsel retained under such contracts.

"(B) After completing each audit under subparagraph (A), the Comptroller General shall transmit to the Congress a report on the findings and conclusions resulting from the audit.".

Mr. METZENBAUM. Mr. President, my view is, as suggested by the author of the bill, that the Comptroller General should indeed be required to advise the Congress as to the diligence and efforts of the Attorney General in doing that which we are by this legislation directing him or her to do. So I feel with this we make a good bill, a better bill, we make the three amendments that I have offered better amendments, and I appreciate the cooperation of the Senator from New York in connection with this matter. I think this is good legislation. I think it is a good amendment.

At this time, Mr. President, I ask for the yeas and nays in connection with the three amendments, which it is my understanding by unanimous consent has been agreed upon will be voted on en bloc.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. I thank my distinguished colleague from Ohio for amendments which I believe tightens this bill and make it more effective while setting out clearly the Congressional intent. Our intent today is to undertake the proper collection of those funds which are due and owing to the American taxpayer, and to clearly state for the record that when someone borrows from the Government that they, in fact, are borrowing and must repay those funds. People expect loans to be repaid, and indeed the Government is not going to shirk its responsibility.

In addition, Senator PERCY, I understand, is on his way to the floor to offer his comments. My distinguished colleague from Illinois has labored for 2 years in attempting to bring about a consensus on this issue. In hearing after hearing, he has worked diligently to get the Justice Department, the Education Department, and others to coordinate their efforts on debt collection. We have the Debt Collection Act of 1982, and today we reach the point where I think we will finally put some teeth in our efforts to collect moneys due and owing. I commend Senator, PERCY for his longstanding interest and efforts to improve Federal debt collection.

Mr. PERCY. Mr. President, I would like to speak in support of the amendments offered by the Senator from Ohio. As he does, I want to make sure the taxpayers get a fair bargain out of this arrangement. But there should be no doubt in anyone's mind that delinquent debts collected by private litigators are "found money" for the taxpayers. As we decide what a reasonable fee may be, we must all keep in mind that—if the fee is large enough to provide an incentive for collection—the taxpayer can only come out ahead.

I have no objection to the conclusion of the Dun & Bradstreet guidelines for the record, but I would like to state very clearly for the benefit of those who may someday implement this act that I consider these guidelines to err on the modest side in delineating fees. I suspect that Dun & Bradstreet is referring to commercial accounts, for which fees of this size may be reasonable, and I also suspect that the Dun & Bradstreet figures do not include percentages for processing and handling which are typical in the private sector. For delinquent Federal loans, many of which are quite old and are owed by individuals of diverse circumstances, fees of this size may be too small to provide an incentive for collection.

I am sure the Senator from Ohio would agree with me that the fees should be large enough to get the job done, but no larger. Therefore, I strongly support the language in his amendment which specifies that those who are establishing "typical charges" consider the amount, age, and nature of the indebtedness, as well as the private practice in the area. It may be that, based on these criteria, the fees specified in the Dun & Bradstreet guidelines will not be typical, and will be too small to encourage collection.

With that caveat, I have no objection to the adoption of those amendments and the inclusion of the Dun & Bradstreet guidelines in the RECORD.

May I also say that I recall the hearings that the distinguished Senator from New York and I conducted on this very issue. He was in the forefront, pointing out the absolute necessity of going out and getting private sector help in collecting these accounts.

I began work on debt collection years ago, and I was thrilled when President Reagan and David Stockman saw the great virtue in this. I sat there with the President and with a board of directors meeting of the American Medical Association to point out the disgraceful situation that existed when doctors, who have had their entire medical expenses paid—in some cases $70,000 grants—refused to serve in an impacted area where they needed doctors even though they had agreed to do so when accepting the grant. I held hearings where Harvard Medical School testified regarding the high default rate among its graduates, and they have since shown tremendous improvement.

Since the enactment of the debt collection legislation using outside collectors, certainly we have done a much better job. But the number of cases in the Justice Department has risen substantially. Going to outside litigators to get that caseload down means that as soon as we collect that money we start getting interest on it.

Already the Comptroller General of the United States has reported that we have about $5 billion of brandnew money under this legislation that never would have been paid, and we are getting interest on that money today. The sooner we can get this money in, the better. So this outside assistance and help will be invaluable in bringing to the Treasury the funds that are needed.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I have just been advised by legislative counsel that in the modification that I sent to the desk I used the term "this act." I should have said "this section." I therefore ask unanimous consent that that change made in the modification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified, is as follows:

On page 3, line 6, insert "(1)" after "(c)".

On page 3, line 15, strike out "(1)" and insert in lieu thereof "(A)".

On page 3, line 16, strike out "(2)" and insert in lieu thereof "(B)".

On page 3, line 21, strike out the end quotation marks and the period after the end quotation marks.

On page 3, between lines 21 and 22, insert the following:

"(2)(A) The Comptroller General of the United States shall carry out an annual audit of the actions taken by the Attorney General under subsection (b) of this section during the preceding twelve months. The Comptroller General shall determine the extent to which there is competition among private counsel to obtain contracts awarded under such subsection, the reasonableness of the fees provided in such contracts, the diligence and efforts of the Attorney General to retain counsel in accordance with the provisions of this section, and the results of the debt collection efforts of private counsel retained under such contracts.

"(B) After completing each audit under subparagraph (A), the Comptroller General shall transmit to the Congress a report on

the findings and conclusions resulting from the audit.".

Mr. D'AMATO. Mr. President, I would like to thank my distinguished colleague, Senator METZENBAUM, for offering these amendments. The Senator from Ohio has authored three perfecting amendments which have been cleared by both the majority and the minority members of the Committee on Governmental Affairs.

Senator METZENBAUM's proposals will help ensure that this measure is implemented in a fair and competitive manner and will help protect the public interest by keeping legal fees paid to firms with whom the Justice Department has signed contracts, at reasonable levels. I commend the Senator for his input on this issue.

I would also like to note that it is essential that attorney fees be kept reasonable under this legislation. I firmly believe that the prevailing industry standard in the relevant geographic area should establish proper and fair guidelines. Legal fees should reflect typical fees for the same type of work in various parts of this country.

Attorney fee schedules, such as those published by Dun & Bradstreet, while relevant for some commercial legal services, should not be used as an absolute measuring stick for services rendered under this bill. Some flexibility in negotiating fee arrangements with law firms will certainly be desired by the Justice Department to enable them to hire law firms to litigate the more difficult or ancient debt collection cases and, therefore, must be allowed. With the understanding that arbitrary fee schedules, such as that prepared by Dun & Bradstreet, are not explicitly incorporated in this legislation, I wholeheartedly support my distinguished colleague's amendments to my perfecting amendment to S. 1668 and urge their adoption.

Thank you, Mr. President.

Mr. METZENBAUM. Mr. President, I believe it is time for us to proceed to vote.

The PRESIDING OFFICER. Under the previous order the Senate will now vote on three Metzenbaum amendments en bloc. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Texas [Mr. TOWER] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. BYRD], the Senator from Colorado [Mr. HART], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—95

Abdnor	Garn	Mitchell
Andrews	Glenn	Moynihan
Armstrong	Gorton	Murkowski
Baker	Grassley	Nickles
Baucus	Hatch	Nunn
Bentsen	Hatfield	Packwood
Biden	Hawkins	Pell
Bingaman	Hecht	Percy
Boren	Heflin	Pressler
Boschwitz	Heinz	Proxmire
Bradley	Helms	Pryor
Bumpers	Hollings	Quayle
Burdick	Huddleston	Randolph
Chafee	Humphrey	Riegle
Chiles	Inouye	Roth
Cochran	Jepsen	Rudman
Cohen	Johnston	Sarbanes
Cranston	Kassebaum	Sasser
D'Amato	Kasten	Simpson
Danforth	Kennedy	Specter
DeConcini	Lautenberg	Stafford
Denton	Laxalt	Stennis
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Long	Thurmond
Domenici	Lugar	Trible
Durenberger	Mathias	Wallop
Eagleton	Matsunaga	Warner
East	Mattingly	Weicker
Evans	McClure	Wilson
Exon	Melcher	Zorinsky
Ford	Metzenbaum	

NAYS—1

Goldwater

NOT VOTING—4

Byrd	Tower
Hart	Tsongas

So amendments Nos. 3396, 3397, and 3398, as modified, were agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I rise to thank my able staff assistant Ellen Bloom for all of her assistance in connection with this measure. She helped to make this bill a far better one.

Mr. DECONCINI. Mr. President, I rise in support of S. 1668, a bill which will increase the ability of the U.S. Government to collect the overwhelming debt that it is owed. At this time, over $18 billion of debt owed this country is outstanding. This is an outrage. And I applaud this bill which will provide one more tool in the fight to collect this debt.

Beginning in February 1981, I introduced legislation calling for the collection of $1.75 billion of this debt. In addition, I have repeatedly offered amendments to reduce the deficit by means of debt collection. Most recently my amendment to collect an additional $2.1 billion of debt was overwhelmingly approved as a part of the Deficit Reduction Act of 1984.

This bill will provide an additional tool for the collection of this mountain of debt. Clearly the branches of the Government currently charged with collecting much of the debt do not have the resources to do so. The Justice Department is hard pressed to put a priority on debt collection when it must battle the ever growing drug trade. We cannot ask the Attorney General to give precedence to pursing a $500 or $5,000 unpaid debt when he could be better using his time to prosecute criminals.

Let me close in commending the sponsors of this bill for bringing the bill to the floor. Additionally, I would like to commend Senator METZENBAUM's effort to tighten the provisions of this bill and to make sure that the Government is getting the best bang for its buck. Senator METZENBAUM has taken the time to closely review this legislation and more importantly made the effort to amend the language to make a good bill a better bill.

Mr. D'AMATO. Mr. President, I ask for the yeas and nays on final passage of S. 1668, as amended by my substitute bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the D'Amato substitute, as amended.

The substitute amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Texas [Mr. TOWER] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. BYRD] and the Senator from Colorado [Mr. HART] are necessarily absent.

The PRESIDING OFFICER [Mr. BOSCHWITZ]. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—96

Abdnor	Cochran	Exon
Andrews	Cohen	Ford
Armstrong	Cranston	Garn
Baker	D'Amato	Glenn
Baucus	Danforth	Goldwater
Bentsen	DeConcini	Gorton
Biden	Denton	Grassley
Bingaman	Dixon	Hatch
Boren	Dodd	Hatfield
Boschwitz	Dole	Hawkins
Bradley	Domenici	Hecht
Bumpers	Durenberger	Heinz
Burdick	Eagleton	Helms
Chafee	East	Hollings
Chiles	Evans	Huddleston

Humphrey	Melcher	Rudman
Inouye	Metzenbaum	Sarbanes
Jepsen	Mitchell	Sasser
Johnston	Moynihan	Simpson
Kassebaum	Murkowski	Specter
Kasten	Nickles	Stafford
Kennedy	Nunn	Stennis
Lautenberg	Packwood	Stevens
Laxalt	Pell	Symms
Leahy	Percy	Thurmond
Levin	Pressler	Trible
Long	Proxmire	Tsongas
Lugar	Pryor	Wallop
Mathias	Quayle	Warner
Matsunaga	Randolph	Weicker
Mattingly	Riegle	Wilson
McClure	Roth	Zorinsky

NAYS—1

Heflin

NOT VOTING—3

Byrd	Hart	Tower

So the bill (S. 1668), as amended, was passed, as follows:

S. 1668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3718 of title 31, United States Code, is amended—

(1) by striking out subsection (d);

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) in subsection (d), as redesignated by paragraph (2), by inserting "or (b)" after "subsection (a)";

(4) in subsection (e), as redesignated by paragraph (2), by striking out "(b)" and inserting in lieu thereof "(d)"; and

(5) by inserting after subsection (a) the following new subsection:

"(b)(1) The Attorney General may make contracts retaining private counsel to furnish legal services, including representation in negotiation, compromise, settlement, and litigation, in the case of any claim of indebtedness owned the United States. If the Attorney General makes a contract for legal services to be furnished in any judicial district of the United States under the first sentence, the Attorney General shall use his best efforts to retain, from among attorneys regularly engaged in the private practice of law in such district, more than one private counsel to furnish such legal services in such district. Each such contract shall include such terms and conditions as the Attorney General considers necessary and appropriate, including a provision specifying the amount of the fee to be paid to the private counsel under such contract of the method for calculating that fee. The amount of the fee payable for legal services furnished under any such contract may not exceed the fee that counsel engaged in the private practice of law in the area or areas where the legal services are furnished typically charge clients for furnishing legal services in the collection of claims of indebtedness, as determined by the Attorney General, considering the amount, age, and nature of the indebtedness and whether the debtor is an individual or a business entity.

"(2) The head of an executive or legislative agency may refer to a private counsel retained under paragraph (1) of this subsection claims of indebtedness owed the United States arising out of activities of that agency.

"(3) Notwithstanding sections 516, 518(b) 519, and 547(2) of title 28, a private counsel retained under paragraph (1) of this subsection may represent the United States in litigation in connection with legal services furnished pursuant to the contract entered into with that counsel under paragraph (1) of this subsection.

"(4) A contract made with a private counsel under paragraph (1) of this subsection shall include—

"(A) a provision permitting the Attorney General to terminate the contract if the Attorney General finds that termination of the contract is in the public interest;

"(B) a provision permitting the Attorney General to have any claim referred under the contract returned to the Attorney General if the Attorney General finds such action to be in the public interest;

"(C) a provision permitting the head of any executive or legislative agency which refers a claim under the contract to resolve a dispute regarding the claim, to compromise the claim, or to terminate a collection action on the claim; and

"(D) a provision requiring the private counsel to transmit monthly to the Attorney General and the head of the executive or legislative agency referring a claim under the contract a report on the services relating to the claim rendered under the contract during the month and the progress made during the month in collecting the claim under the contract.

"(5) Notwithstanding the fourth sentence of section 803 (6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)), a private counsel performing legal services pursuant to a contract made under paragraph (1) of this subsection shall be considered a debt collector for the purposes of such Act.

"(c)(1) The Attorney General shall transmit to the Congress an annual report on the activities of the Department of Justice to recover idebtedness owed the United States which was referred to the Department of Justice for collection. Each such report shall include a list, by agency, of the total number and amounts of collected and uncollected claims of indebtedness which were referred to the Department of Justice for collection, shall separately specify any uncollected claim of indebtedness which was covered by a contract (A) which was terminated by the Attorney General under subsection (b)(4)(A) of this section or (B) under which the claim was returned to the Attorney General under subsection (b)(4)(B) of this section, and shall describe the progress made by the Department of Justice in collecting uncollected claims of indebtedness during the one-year period covered by the report.

"(2)(A) The Comptroller General of the United States shall carry out an annual audit of the actions taken by the Attorney General under subsection (b) of this section during the preceding twelve months. The Comptroller General shall determine the extent to which there is competition among private counsel to obtain contracts awarded under such subsection, the reasonableness of the fees provided in such contracts, the diligence and efforts of the Attorney General to retain counsel in accordance with the provisions of this section, and the results of the debt collection efforts of private counsel retained under such contracts.

"(B) After completing each audit under subparagraph (A), the Comptroller General shall transmit to the Congress a report on the findings and conclusions resulting from the audit.".

SEC. 2. Not later than sixty days after the date of the enactment of this Act, the Attorney General of the United States shall transmit to the Congress a report on the actions taken under section 3718(b) of title 31, United States Code (as added by paragraph (5) of the first section of this Act).

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, 1985

The PRESIDING OFFICER. The question now recurs on the Treasury appropriations bill, H.R. 5798, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5798) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office to the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes.

The Senate resumed consideration of the bill.

Mr. ABDNOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, third reading; vote.

The PRESIDING OFFICER. Are there further amendments?

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, when we were ready to leave last night, the Senator from Florida had an amendment which he was ready to propose. I was told at that time that there would not be time to take it up, and that I would be scheduled sometime today.

I do not know where the ranking Democrat is, and usually it is appropriate before a bill moves too far to allow the ranking minority Member to be on the floor to have something to say. I came over because I want to be timely. It looks like it is a nice time to be timely. I am here. I am getting my materials.

Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. CHAFEE]. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, in a very short moment I hope to offer an amendment to the bill now before us having to do with the appointment by the President, with the advice and consent of the Senate, of the two public members to the Board of Trustees of the Social Security Administration that Congress provided for early in 1983.

In April 1983, the Social Security Reform Act was passed which was the first major restructuring of the system in a very long while. It put the long-term finances of the Social Security Administration in adequate condition such that Robert J. Myers, for a long while the Chief Actuary of the Social Security Administration, and the chief adviser under President Reagan of the President's Commission on Social Security Reform, recently attested in a very formal address that the 75-year prospects for the retirement system funds indicate that they are in excellent condition and should achieve all of the objectives that had been hoped for and that we hopefully have provided for in the 1983 legislation. As we look at the record of the present Congress, it will be clear to us that surely among the very most important things we have done in this Congress was to restructure the finances of the Social Security program such that the actuaries in their most recent annual report find the situation quite satisfactory in all save the most pessimistic of the forecasts.

We recognize that we have a fairly narrow margin in the trust funds—a situation that will continue for the remainder of this decade. Then the trust funds go very rapidly into a considerable surplus. It may be that the only real prospect for dealing with the Federal deficit is the surplus in the retirement funds of the 1990's, and it takes hold with extraordinary rapidity and, if memory serves, the fund accumulates by the year 2025 a reserve of $13 trillion. This $13 trillion will be a lesser sum than now due to inflation, but it will be a very considerable sum in either event.

This longrun surplus is something we have anticipated for a long while. It is built into the demography of the system, assuming that our economy continues at a reasonable rate of growth and productivity.

In any event, the change in the condition of the funds has been such that even though Mr. Stockman of the Office of Management and Budget 3 years ago was predicting the largest bankruptcy in history for the first of October 1983, and even though as recently as this spring, the Secretary of the Treasury described the funds as somehow being inadequate and indicated that some major changes would have to be made in the next 4 years if the administration is reelected, nonetheless in his press conference yesterday, the President stated a happily new found confidence in the security of these funds, in the solvency of these funds. He has every right to take a full measure of credit; the bill was signed by him. It was negotiated with his staff in the White House—Mr. Baker, Mr. Darman, Mr. Stockman—in a series of meetings at Blair House in which the distinguished Senator from Kansas, the chairman of the Finance Committee, and I were present, along with Members of the House of Representatives. The President said yesterday, it will be recalled, that he would ask Congress to adjust the benefits by whatever change there has been in the price index even if the Consumer Price Index does not exceed the 3-percent cutoff point for which the reform measures of April last year provide. Members will recall that the provision states that unless the CPI grows by more than 3 percent in the relevant period there will be no adjustment in Social Security payments.

Now, the simple idea was that if we wanted the payments, insurance payments, under Social Security to be responsive to price changes, we felt that in the interest of preserving the solvency of the fund, it was desirable that we not respond to every change that takes place, when the price changes were basically minimal.

The President said yesterday in his press conference that should the price level change not be sufficient to trigger the change in benefit payments, he would ask the Congress, if he has been reelected, to make the change to adjust the benefits by whatever change there has in fact been in the price index.

Now that surely is a measure of confidence by the President in the condition of these funds which certainly will reassure this body and Americans generally. I remind my colleagues of the extraordinary finding of a series of commissions and studies in the late 1970's that a majority of the American people did not think they were going to receive their Social Security benefits. This was a skewed majority. Persons very young did not think so. As the persons got older, and perhaps had very little option otherwise, they began to believe the system would in fact provide benefits for them, which invariably and without exception it has done for almost one-half century.

There is something the matter in a society where something as basic as the social insurance system is not trusted by a majority of the population. And part may be ascribed, without rancor, I say at this some distance from the events, to the constant harping on the insolvency and the impending bankruptcy and the inadequate return and the private initiatives which would be superior, that came from a certain part of the political spectrum which I do not have to identify here.

In July 1981, the President spoke on Social Security and taxes in a nationwide address, and it fell to me to respond. I had originally been given to understand the address would be on the subject of Social Security and so addressed myself principally to the question of Social Security and made the assertion, which was not mine but rather the collective judgment of persons who had been involved with the system for a very long time that, yes, there was a very short-term problem, the result of a period which was unprecedented in economic history during which prices had risen faster than wages. For about a 4-year period at the end of the 1970's we had this experience.

The result very simply was that benefits being tied to prices grew faster than the revenues in the system which were tied to wages. To be more explicit, the outlays which were being tied to prices grew faster than the income of the system. Indeed there was an imbalance and it had to be set right by setting the economy right. And that has happened, in the sense that wages again are rising faster than prices, which has been the historic experience in the country for two centuries. But even so, we built mechanisms into the payment systems for Social Security which ensured that this situation would not happen again, and minimized the adjustments for small price increases such as are occurring in this year, which is a year of near deflation, at least in some sectors of the economy.

Mr. President, I said that if we can make the few changes necessary to address the short-term problems, and the President will accept them, he will be entitled to his full share of credit for those changes made. In effect, I think the President accepted that credit at his news conference yesterday. The President's remarks are a happy, though somewhat belated, expression of confidence in the solvency of the Social Security funds. In effect, he has said the funds are strong enough to provide benefit increases beyond those required by law. Perhaps now, the constant harping we have heard about the failings and possible demise of the Social Security retirement system is at an end.

To repeat, we provided that under 3 percent there would be no change simply because we regarded the change as de minimis. The President is now sufficiently comfortable with the solvency of the fund that regardless of whether the CPI is below 3 percent, benefits will be adjusted to take account of any change.

I think we can welcome that. I suggest that we welcome the President to our view that a good bill was passed.

He thought it was a good bill, and said so when he signed it. There is no disagreement among us on that score. However, Mr. President, the members of his administration continue to need to be persuaded. The President is of the view that we have a solvent fund. The Secretary of the Treasury is not of that view at all.

On May 6 of this year for example, in an interview on "Meet the Press" Secretary Regan while praising the Social Security reform which we adopted in April 1983 as "good for the time" said that the Government would have to revisit the issue sometime in the late 1980's, went on to talk about "mammoth costs," and questioned whether the persons in the higher income ranges—which is a very small proportion of beneficiaries—should continue to receive benefits.

Why do I raise these questions? Mr. President, it is because in the Social Security Reform Act of 1983 we specifically provided for the addition of two public trustees for the Social Security funds. The current trustees are, of course, as they have been: the Secretary of the Treasury, the Secretary of Health and Human Services, and the Secretary of Labor. The managing trustee is the Secretary of the Treasury, whose duty it is to invest the trust funds. These funds are invested in Treasury securities. That is as it should be, and that certainly works well.

But, Mr. President, it is unsettling to this Senator, who worked hard on that legislation, to know that 15 months after we provided for the appointment of two public trustees, these trustees have not been appointed. Their appointment was to be confirmed by the Senate, of course. And they were to be, as you would expect, a member each from the two major political parties. That some time would pass before the appointments would be made was totally to be expected. Indeed no one was troubled when 1983 passed and no appointments were made. But the year 1984 commenced, and the issue arose as to whether the administration was responding in a good-faith manner to the requirements of statute. The statute is not an advisory option. These are not advisory provisions. This is not an optional provision. There is to be the appointment of two public members to serve as full and equal trustees of the Social Security system.

There have emerged two candidates for this position who are both logical and worthy candidates. I do not make a claim that they are exclusively so. But it was thought by many of us that the Honorable Wilbur J. Cohen, former Secretary of HEW, could be an admirable choice for a Democratic trustee. Wilbur Cohen, who is a friend of a generation in my case, was a staff member of the committee which drafted the original legislation.

Among his colleagues at that time was Mr. Robert J. Myers, the distinguished Chief Actuary and staff director of the National Commission on Social Security Reform. Robert Myers could also be a choice, a Republican trustee. So we would have two persons not only immensely learned in the system, but absolutely present throughout its development.

On February 24, Mr. President, I wrote the President suggesting these appointments might be made. I wrote in February and I received a courteous reply from Mr. M.V. Oglesby, the assistant to the President, thanking me for these suggestions and saying "Please know that your supportive comments are being shared with the appropriate officials within the Office of Presidential Personnel for careful consideration."

On the very day that Mr. Oglesby wrote me, Mr. John O'Shaughnessy, Assistant Secretary for Health and Human Services, appeared before the Senate Finance Committee. I asked him about these appointments. He said the nominations would be made without delay.

On May 22 Mr. O'Shaughnessy called our office to say that the President would be proposing these nominations within the month. Yet, here it is July, and we have not heard from him.

Therefore, Mr. President, I am sending to the desk an amendment which very simply states that:

"None of the funds appropriated for salaries and expenses of the Office of the Secretary of the Treasury shall be expended after October 3, 1984, that do not include appointed officials for all the positions as public members of the board of trustees of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund, as provided under the amendments made by section 341 of the Social Security Amendments of 1983.".

AMENDMENT NO. 3399

(Purpose: Relating to the appointment of the public members of the boards of trustees of the social security trust funds)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], proposes an amendment numbered 3399.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, at the end of line 21, add the following: "None of the funds appropriated for salaries and expenses of the Office of the Secretary of the Treasury shall be expended after October 3, 1984, that do not include appointed officials for all the positions as public members of the board of trustees of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund, as provided under the amendments made by section 341 of the Social Security Amendments of 1983.".

Mr. MOYNIHAN. Mr. President, I have a final statement.

Mr. ABDNOR. Mr. President, I would like to hear it. I did not quite catch that. This is the first I have known about this. The Senator from New York, for whom I have great respect, has made a very eloquent speech.

You are one of the real authorities. But I would like to know. I do not have a copy. As a matter of fact, I could not determine whether you were offering an amendment or making some good points here.

Mr. MOYNIHAN. I offer my apologies to the manager of the legislation. It was my understanding that this was discussed with their respective staffs. I could be wrong.

Mr. ABDNOR. I do not think so.

Mr. MOYNIHAN. Can we discuss it here?

Mr. ABDNOR. I did earlier. If the Senator will continue to yield, I did know that there was some concern about the appointment of a couple of positions on the Commission. I had the understanding that maybe we could get together, that the Senator from Arizona, the ranking member of the subcommittee, myself and you and write a letter to the Secretary of the Treasury requesting something along this line.

Mr. MOYNIHAN. Mr. President, is there other business of some urgency that the distinguished chairman would like to get to so that this could be set aside so we might discuss it?

Mr. ABDNOR. I wish we could. Yes. Senator CHILES was getting ready, and working out some details.

Mr. MOYNIHAN. If we could do that with the understanding that this would be the pending business.

Mr. ABDNOR. Fine. Then we can see a copy of the amendment, too.

Mr. MOYNIHAN. I do not want to delay, but I feel certain that the distinguished manager will find this a wholly acceptable measure. It simply says that the law should be complied with here.

Mr. ABDNOR. It probably will. It would be great, if we can do that.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the measure I have pending at the desk be tem-

porarily laid aside, but that it be the pending business following the matters to be handled by the managers of the legislation and the distinguished Senator from Florida, and that I be recognized at that time.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

AMENDMENT NO. 3400

Mr. CHILES. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is offered on behalf of Mr. ROTH, Mr. PRYOR, and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. CHILES], for himself, Mr. ROTH, and Mr. PRYOR, proposes an amendment numbered 3400.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 60, beginning with line 22, strike out through line 2 on page 61 and insert the following:

"(3) Former Presidents and their spouses, widows, widowers, or minor children, in accordance with sections 731 and 732 of the Treasury, Postal Service and General Government Appropriations Act, 1985.

"(4) Former Vice Presidents, in accordance with section 733 of such Act.".

On page 64, after line 22, insert the following:

TITLE VII—FORMER PRESIDENTS

PART A—GENERAL PROVISIONS

SEC. 701. For purposes of this title, the term "former President" means an individual—

(1) who has held the office of President of the United States of America;

(2) whose service in such office has terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

(3) who does not currently hold such office.

PART B—PRESIDENTIAL LIBRARIES

SEC. 711. (a) The first paragraph of section 2101 of title 44, United States Code, is amended by inserting before the semicolon a comma and "and may include research facilities and museum facilities in accordance with this chapter".

(b) Section 2108(a) of such title is amended to read as follows:

"(a)(1) When the Administrator of General Services considers it to be in the public interest he may, in accordance with the provisions of this subsection, accept for and in the name of the United States, land, buildings, and equipment offered as a gift to the United States for the purpose of creating a Presidential archival depository, take title to the land, buildings, and equipment on behalf of the United States, and maintain, operate, and protect them as a Presidential archival depository and as a part of the national archives system.

"(2) The Administrator, in consultation with the Archivist of the United States and the Commissioner of the Public Buildings Service, shall promulgate architectural and design standards applicable to Presidential archival depositories in order to ensure that such depositories (A) preserve Presidential records subject to chapter 22 of this title and papers and other historical materials accepted for deposit under section 2107 of this title and (B) contain adequate research facilities.

"(3) The Administrator shall accept and take title to only such land, buildings, and equipment under paragraph (1) as are necessary to establish, for each President or former President, a single Presidential archival depository in one building not in excess of sixty thousand square feet in one geographic location, in the case of a President or a former President who served as President for not more than one term of four years, or not in excess of seventy thousand square feet in one geographic location in the case of a President or a former President who served as President for more than one term of four years, including museum space.

"(4) The Administrator may make agreements, in accordance with the provisions of this paragraph and paragraph (5) and upon such other terms and conditions he considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use as a Presidential archival depository land, buildings, and equipment of the State, subdivision, university, or other organization, to be made available by it without transfer of title to the United States. Any such agreement shall provide that any such Presidential archival depository shall comply with the requirements of paragraph (3).

"(5)(A) Prior to accepting and taking title of any land, buildings, and equipment under paragraph (1), and prior to entering into any agreement under paragraph (4) or any other agreement to accept or establish a Presidential archival depository, the Administrator shall submit a prospectus for the proposed Presidential archival depository to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives. The prospectus shall include—

"(i) a description of the land, buildings, and equipment offered as a gift or to be made available without transfer of title;

"(ii) a statement of the terms of the proposed agreement, if any;

"(iii) a general description of the types of records, papers, documents, or other historical materials proposed to be deposited in the Presidential archival depository so to be created, and of the terms of the proposed deposit;

"(iv) a statement of the additional improvements and equipment, if any, necessary for the satisfactory operation of the depository, together with an estimate of the cost of such improvements;

"(v) an estimate of the annual cost to the United States of maintaining, operating, and protecting the depository; and

"(vi) a statement indicating whether or not a proposed Presidential archival depository complies with the architectural and design standards promulgated pursuant to paragraph (2).

"(B) The Administrator may not take title to land, buildings, and equipment or make an agreement, until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the report is transmitted.

"(6) No physical or material changes in or additions to a Presidential archival depository may be made unless—

"(A) the Presidential archival depository, after any such change or addition, complies with the architectural and design standards established pursuant to paragraph (2);

"(B) the Presidential archival depository, after any such change or addition, is one building not in excess of sixty thousand square feet in one geographic location, including museum space; and

"(C) the Administrator has submitted a prospectus to the Congress describing any such change or addition and a period of sixty calendar days of continuous session of the Congress has expired after the date on which the prospectus was submitted.

"(7) For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

"(8)(A) The Administrator may provide technical assistance to any private organization of institution establishing a museum or memorial for a President or former President and may provide such institution with microfilm copies of historically significant Presidential and personal records contained in a Presidential archival depository.

"(B) For purposes of this paragraph—

"(i) the term 'Presidential records' has the same meaning as in section 2201(2) of this title; and

"(ii) the term 'personal records' has the same meaning as in section 2201(3) of this title.".

SEC. 712. Section 2203(c) of title 44, United States Code, is amended to read as follows:

"(C) During his term of office, the President shall substantially complete the disposal of his Presidential records which no longer have administrative, historical, informational, or evidentiary value. Prior to disposing of any such records, the President shall obtain the written views of the Archivist concerning the proposal disposal of such Presidential records and may not dispose of any record with respect to which the Archivist notifies the President that the Archivist intends to take action under subsection (e).".

SEC. 713. The amendments made by this part shall take effect on January 20, 1985 and shall not apply to any President who leaves office on or before such date.

PART C—FORMER PRESIDENTS

SEC. 721. Subsection (e) of the first section of the Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (72 Stat. 838; 3 U.S.C. 102 note) is amended to read as follows:

"(e) The spouse of a deceased former President shall be entitled to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to two-thirds of the rate which is payable under subsection (a) to a former President. The monetary allowance of such spouse—

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such spouse—

"(A) dies; or

"(B) remarries before becoming sixty years of age; and

"(3) is not payable for any period during which such spouse holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.".

SEC. 722. (a) Subsections (b) and (c) of the first section of the Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (72 Stat. 838; 3 U.S.C. 102 note) are amended to read as follows:

"(b)(1) The Administrator of General Services (hereinafter referred to as the 'Administrator') is authorized to provide to each former President, upon request, necessary services and facilities, including—

"(A) one suitable office, not to exceed four thousand square feet in area, appropriately equipped with furniture, furnishings, office machines and equipment, and office supplies, as determined by the Administration, after consultation with the former President or his designee provided for in subsection (c), at such place within the United States as the former President shall designate;

"(B) payment of the compensation of members of an office staff designated by the former President at rates determined by the former President which are not in excess of the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, except that notwithstanding any other provision of law, persons receiving compensation as members of an office staff of a former President under this subsection shall not be considered to be employees of the Federal Government except for purposes of chapters 81, 83, 87, and 89 of title 5, United States Code;

"(C) payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the former President, as authorized for persons employed intermittently or for persons serving without compensation under section 5703 of such title;

"(D) when authorized by the President, the use of Government aircraft or Government chartered aircraft by a former President solely for the purpose of completing the affairs of his office and otherwise as required incidentally for protective purposes. The costs allocable to the use of such aircraft under this Act shall be paid with funds authorized under the Former President's Act and any collections from the Secret Service or others for the use of space on Government aircraft or Government chartered aircraft deposited to the credit of the Former President's Act appropriation;

"(E) communications services found necessary by the former President;

"(F) except as provided in subsection (f) and notwithstanding the provisions of section 501 of title 44, United States Code, payment of expenses for necessary printing and binding;

"(G) movement of the personal effects and household goods of a former President and his family from Executive Residence in Washington, D.C., to a location in the United States selected by such former President; and

"(H) movement of the personal effects and household goods of a former Vice-President and his family from their residence at the seat of Government to a location in the United States selected by him.

"(2) Any Federal employee may be detailed to the office staff of a former President on a reimbursable basis with the consent of the head of the agency involved. Any such detail shall not extend beyond the eight months and ten days beginning on the date on which the former President leaves office. An employee detailed to the office of a former President shall be responsible only to the former President for the performance of his duties during the period of such detail. An employee detailed under this subsection is deemed, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed, and he is entitled to pay, allowances, and benefits from funds available to that agency. The authorization and payment of such allowances and other benefits from appropriations available therefor is deemed to comply with section 5536 of title 5, United States Code.

"(c) Each former President may designate to the Administrator an assistant authorized to make on his behalf such designations or findings of necessity as may be required in connection with the services and facilities to be provided under subsection (b).".

(b)(1) Subsection (f) of such section is redesignated as subsection (1).

(2) Such section is amended by inserting immediately before subsection (1) the following new subsections:

"(f) Funds provided for necessary services and facilities for a former President under this Act shall be used for activities which are the direct result of such former President having held the office of President. Such funds may not be used for partisan political activities or income generating activities, except that a former President may use such funds for the preparation of his memoirs if the former President signs an agreement with the Administrator of General Services which provides that such memoirs will only be printed and distributed by the Public Printer in accordance with section 1345 of title 44, United States Code.

"(g)(1) The Administrator is authorized to provide necessary services and facilities to a former Vice President for use in connection with winding up the affairs of his office. Such services and facilities shall be of the same general character as the services and facilities provided to a former President under subsection (b). Each former Vice President shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by him under his written autograph signature in connection with his preparations for winding up of his official duties as Vice President.

"(2) No funds for necessary services and facilities provided to a former Vice President under this Act shall be used for partisan political activities or income generating activities, as determined under standards established by the Administrator.

"(h) The Administrator shall expend no funds for the provision of services and facilities under this Act with respect to a former President at any time beyond ninety days after the date on which such former President dies.

"(i) Except for expenditures from an imprest fund consisting of such amounts as the Administrator shall determine any expenditure of funds under this Act may be made only with the prior approval of the Administrator or his designee.

"(j) By March 1 of each year, each former President shall prepare and transmit to the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives a report concerning activities carried out with the assistance of the funds for necessary services and facilities provided under this Act.

"(k)(1) To carry out the provisions of subsections (b) and (q), there are authorized to be appropriated with respect to a former President and former Vice President a total of $750,000 for the fiscal year in which the term of a former President expires, except that no funds appropriated pursuant to this clause shall be available for expenditure until the day on which such term expires.

"(2) Except as provided in paragraphs (3) to carry out the provisions of subsection (b) with respect to each former President, there are authorized to be appropriated to the Administrator of General Services—

"(A) $300,000 for each of the first four fiscal years beginning after the fiscal year in which the term of a former President expired;

"(B) $250,000 for the fifth and each of the three succeeding fiscal years beginning after the fiscal year in which the term of a former President expired; and

"(C) $200,000 for the ninth and each of the succeeding fiscal years beginning after the fiscal year in which the term of a former President expired.

"(3) To carry out the provisions of subsection (b) with respect to any individual who is a former President on the date of enactment of this subsection, there are authorized to be appropriated to the Administrator of General Services—

"(A) $300,000 for each of the four fiscal years beginning after the fiscal year in which this subsection is enacted;

"(B) $250,000 for the fifth and each of the three succeeding fiscal years beginning after the fiscal year in which this subsection is enacted; and

"(C) $200,000 for the ninth and each succeeding fiscal year beginning after the fiscal year in which this subsection is enacted.

"(4) The provisions of paragraphs (2) and (3) shall lapse ten years after the date of enactment of this paragraph.".

(c) Section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is repealed.

(d) Section 5 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5. There are hereby authorized to be appropriated to the Administrator such funds as may be necessary for carrying out the purposes of this Act, except that with respect to any one Presidential transition not more than $2,000,000 may be appropriated for the purposes of providing services and facilities to the President-elect and Vice-President-elect under section 3. The President shall include in the budget transmitted to Congress, for each fiscal year in which his regular term of office will expire, a proposed appropriation for carrying out the purposes of this Act.".

SEC. 723. (a) Chapter 13 of title 44, United States Code, is amended by adding at the end thereof the following new section:

"§ 1345. Presidential memoirs

"The Public Printer shall cause to be printed as many copies of the memoirs of a former President who has entered into an agreement with the Administrator of General Services under subsection (1) of the first section of the Act of August 25, 1958

(72 Stat. 838), as may be necessary for the distribution and sale of such memoirs. Such memoirs shall be distributed and sold by the Superintendent of Documents in accordance with chapter 17 of this title.".

(b) The table of sections for such chapter is amended by adding at the end thereof the following:

"1345. Presidential memoirs.".

PART D—PROTECTION OF FORMER PRESIDENTS, FORMER VICE PRESIDENTS, AND THEIR FAMILIES

SEC. 731. (a) On or after the effective date of this part, no Secret Service protection shall be provided to a former President or to the spouse, widow, widower, or minor child of any such former President, unless such protection is authorized by subsection (b) or is extended or reinstated by the Secretary of the Treasury or the President in accordance with section 732.

(b) The Secret Service is authorized to protect the person of a former President after the effective date of this part for a period of five years beginning on the effective date of this part or on the date on which such individual becomes a former President, whichever is later, and for such additional periods as the Secretary of the Treasury may authorize under section 732. The Secret Service is authorized to protect the person of the spouse or minor child of any former President after the effective date of this part to the extent that such protection is incidental to the protection of such former President or if such protection is authorized by the Secretary of the Treasury or the President under section 732. The Secret Service is authorized to protect the person of any individual who becomes a widow or widower of a former President after the effective date of this part for a period of six months after the date on which such former President dies and for such additional periods as the Secretary of the Treasury may authorize under section 732.

SEC. 732. (a)(1) After the expiration or termination of Secret Service protection to a former President or the spouse or minor child of a former President, the Secretary of the Treasury may authorize the reinstatement of such protection—

(A) in the case of a former President, for one one-year period; and

(B) in the case of the spouse or minor child of a former President, for one six-month period,

upon a finding that a serious threat warranting such protection exists to the individual.

(2) The Secretary may extend Secret Service protection reinstated under paragraph (1) or provided under section 3056 of title 18, United States Code, prior to the effective date of this part or under section 731 after the effective date of this part—

(A) in the case of a former President, for additional consecutive one-year periods; and

(B) in the case of a spouse or minor child of a former President, for additional consecutive six-month periods,

upon the written request of the person eligible for such protection.

(b) No extension of Secret Service protection under subsection (a)(2) shall become effective unless the Secretary of the Treasury submits the request for such extension to the Congress and a period of sixty calendar days of continuous session of the Congress has expired after the date on which the request is submitted. For purposes of this subsection, continuity of session is broken only by an adjournment sine die, but the days on which either House is not in session because of adjournment of more than three days to a day certain are excluded.

(c) The President is authorized to direct the United States Secret Service to protect a former president, spouse, widow, widower, or minor child upon a determination that a threat warrants emergency action. The President shall notify Congress of any such action. Such authorization shall not extend beyond sixty calendar days or, in the case of the submission by the Secretary of Treasury for extension under subsection (b) within such sixty day period, not beyond the time needed for sixty calendar days of continuous session of Congress to expire.

SEC. 733. (a) The Secret Service is authorized to protect the person of a former Vice President if such protection is authorized by the Secretary of the Treasury in accordance with subsection (b).

(b) The Secretary of the Treasury may authorize the provision of Secret Service protection to a former Vice President upon written request of such former Vice President and upon a finding that a threat warranting such protection exists to such former Vice President. The Secretary of the Treasury may authorize the provision of such protection for a period beginning on the date on which the Vice Presidential term of such former Vice President expired and ending on the last day of the fiscal year in which such term expired.

SEC. 734. This part shall take effect on October 1, 1984.

Mr. CHILES. Mr. President, the amendment I, Senator ROTH, the distinguished chairman of the Governmental Affairs Committee, and Senator PRYOR offer amounts to the Former Presidents Facilities and Services Reform Act of 1983. That bill, which has been reported out by the Committee on Governmental Affairs has 22 cosponsors.

As Senators ROTH, PRYOR, and myself made known on the Senate floor last June 13, Senator HATFIELD, the chairman of the Appropriations Committee had placed a hold on the legislation at the request of the White House.

Before the recent recess we followed up on the floor statements we made expressing our disappointment with the hold with a letter to the President asking for any suggested amendments which would make the bill more acceptable to the administration.

The response from Mr. Oglesby, the Director of Legislative Affairs for the White House, does not contain any suggested amendments. My conclusion is the administration remains uninterested in seeing any further action on this legislation.

Mr. President, I ask unanimous consent that the correspondence I have referred to between the White House and myself be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, June 14, 1984.

Hon. RONALD REAGAN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On Wednesday of this week Senators ROTH, PRYOR, and I spoke on the Senate floor and expressed our disappointment over the "hold" that has been placed on S. 563, "The Former Presidents Facilities and Services Reform Act of 1983." This legislation redefines the benefits to be provided former Presidents.

Senator HATFIELD indicated to us he has placed the hold on the legislation on request from the White House. Our question, Mr. President, is whether the purpose of the request to Senator HATFIELD is to prevent the legislation from being voted upon by the Senate, or whether there are specific problems in the bill you want to highlight and bring to the Senate's attention for modification?

We are aware of Director Stockman's comments on the bill prior to the Committee on Governmental Affairs mark-up of the legislation. Several of the concerns he made known have been accommodated. We would like to know what outstanding issues remain that led to the White House request for a hold.

Our mail indicates the public is deeply concerned about excessive, unnecessary spending and recognizes this legislation applies needed restraint. We urge you to work with us to pave the way for Senate action.

Given the likelihood this session of Congress will be abbreviated, we would appreciate hearing from you at your earliest convenience.

Sincerely yours,

LAWTON CHILES.
WILLIAM ROTH.
DAVID PRYOR.

THE WHITE HOUSE,
Washington, June 28, 1984.

Hon. LAWTON CHILES,
Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CHILES: On the President's behalf, I would like to thank you for your June 14 letter concerning S. 563, the "Former Presidents Facilities and Services Reform Act of 1983."

As you know, the Administration has, during both the 97th and 98th Congresses, consistently opposed legislation, such as S. 563, that would impinge in any major way on the perquisites that are afforded former Presidents under current law. In our view, the benefits conferred upon former Presidents are reasonable, sensible, and necessary and cannot accurately be described as either excessive or extravagant.

David Stockman's letter of November 16, 1983, to Chairman Roth set forth the Administration's specific objections to S. 563 in some detail. Our broad, underlying objection to the bill—that it unwisely and unnecessarily restricts the privileges and prerogatives of former Presidents—has not been adequately addressed.

I do want to stress that the Administration does support efforts to encourage the participation of the private sector in the development and operation of the libraries of former Presidents. You are probably aware that H.R. 5584, concerning the management and preservation of Presidential materials, passed the House on June 25. We believe that bill would, if enacted, provide us with a useful tool to encourage greater public par-

ticipation in the contruction and operation of Presidential libraries and to help defray day-to-day operating costs. Accordingly, the Administration supports early Senate consideration and passage of H.R. 5584.

Thank you for taking the time to apprise the President of your views.

With best wishes,

Sincerely,

M.B. OGLESBY, Jr.,
Assistant to the President.

Mr. CHILES. However, today, as we were proposing talking about offering this amendment, we have been in touch with Senator HATFIELD. He, in turn, tells us that he has been in touch with the White House. Senator HATFIELD has now said that he will withdraw his hold on the legislation, which has been worked on for three separate Congresses, has been reported by the Committee on Governmental Affairs, this Congress and which has, as a principal cosponsor, the distinguished chairman of the Committee on Governmental Affaris. On that basis I am prepared, as I think my distinguished cosponsor is, to say that we will not pursue putting this amendment on the appropriations bill. That was not our first choice. It would amount to legislating on an appropriations bill. We felt that we were forced to do that because we did not know how else to turn, when the distinguished chairman of the Appropriations Committee had placed a hold on the bill that we had on the calendar.

I hope, and I am confident my cosponsor does, too, that this means that the White House is withdrawing its objection, that we can then get this bill scheduled, and bring it up in the regular process.

I now yield to my distinguished colleague, Senator ROTH, who has been so helpful in this legislation and in helping shape this legislation.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I thank the distinguished Senator from Florida. As he well knows, I think this is a very important piece of legislation which has been reported by our committee. It deserves to be brought up on the floor as a separate bill.

I, too, felt strongly that since there was a hold on the legislation by the chairman of the Appropriations Committee, that we had to use the only vehicle that appeared to be available to us and, therefore, was ready to proceed with offering it as an amendment to the appropriations bill now before the Senate. This is something I ordinarily do not like to do because I think the practice of offering authorizations in the appropriations process is not a desirable one and one that we should resist doing.

However, when the procedural situation developed that one has no alternative, it seemed to be it was important that we would go ahead. I must confess that this piece of legislation I have found has strong support among my constituency, as I know it has from the constituency of the Senator from Florida.

I would say to those who have any questions about the provisions, and that would include the White House, we would be very willing to listen to any specific proposals or amendments. I think it is a safe statement to say that both of the principal sponsors feel very strongly that we want former Presidents to be treated generously and with dignity, but that in these times of critical financial problems, we must use restraint and good sense, just as we must in other areas.

So it is my intent, and I know it is the intent of the Senator from Florida, that we will proceed very agressively in trying to raise this bill, hopefully before the next recess. But in any event, it is a matter which must be brought to the floor before we adjourn for the year. I join my colleague in agreeing not to bring it forth at this time.

● Mr. PRYOR. Mr. President, taxpayers spent $27 million in fiscal year 1983 taking care of former Presidents and maintaining the libraries which are constructed in their honor. The legislation which Senator CHILES and I have introduced, S. 563, the Former Presidents Facilities and Services Reform Act, tightens constraints for such expenditures. From the mail my office has been receiving, I would say the bill has the support of the people of my home State of Arkansas, and across the Nation.

I have worked on this issue since I came to the Senate in 1979. Bills have been introduced during each Congress since then, and concern has increased as the public has become more aware of the problem which we seek to correct. Numerous articles in national magazines and newspapers have focused attention on the expanding costs to taxpayers associated with former Presidents. These articles, as well as congressional hearings, have indicated that at least three types of expenditures for former Presidents need immediate reform.

First, and most expensive, is the Presidential library program. Under current law, these libraries are built with private funds. Problems occur, however, because there are no statutory size limits for these libraries. The practical effect of this can be to give the Federal Government a structure, which because of its excessive size, is unreasonably costly to maintain. Since upkeep and maintenance of these facilities is the responsibility of the Federal Government, we have incorporated language into the bill which would limit the size of all new Presidential libraries to 60,000 square feet, with a 70,000 square feet limit for a two-term President. We believe this restriction will allow ample space for excellent libraries and at the same time will reduce Government expenditures by millions of dollars for future years.

Secret Service protection for former Presidents and their families cost more than $12 million during fiscal year 1983. Under current law, this protection is extended to a former Chief Executive for life, regardless of whether a threat exists to his or her safety. Our bill replaces lifetime protection with automatic 5-year protection, and provides for emergency and extended protection in excess of 5 years if such protection is necessary.

Finally, the bill implements a staff allowance of $300,000 a year, to be reduced to $200,000 over the course of 9 years. It also makes clear the restrictions on the use of Federal funds. This provision adds much-needed certainty into the budget of a former President and will help reduce costs in the future.

Mr. President, this proposal has broad bipartisan support, with 21 cosponsors. I urge my colleagues to support this important proposal. Taxpayers are demanding that we take action on this matter, and I hope the Senate will act expeditiously.●

● Mr. ZORINSKY. Mr. President, I am pleased today to cosponsor this amendment to regain control of the funds American taxpayers must pay to support the activities of our former Presidents. I would like to extend my sincere congratulations to the principal sponsors of the amendment, my good friends, the Senators from Florida and Delaware, for their fine work in developing this legislation.

Mr. President, I have been a longtime supporter of S. 563, the bill that contains the essence of this amendment. As my friends have noted in the past, the current state of the law justifies the charge that we have created an "imperial former Presidency." The costs of supporting our former Presidents have skyrocketed in recent years, from $65,000 in 1955 to over $27 million per year today, Mr. President, how can we ask the man on the street, the farmer in the fields, or the employees of the Government to bite the bullet for our budget deficits when we spend such enormous sums to support the activities of only three men?

What kind of example does this set? I think we all agree that the status of a President of the United States of America requires that we provide a dignified retired life. But does a dignified retired life for three people require over $27 million per year? I do not think so, and I know that the many constituents who have written to me on this matter agree that we are spending too much on our former Presidents.

In adopting this amendment, I do not believe we would be unduly restricting our former Presidents and we

certainly would not be pushing them into the poorhouse. We would simply be restricting the costs associated with staff and office allowances, Presidential libraries, and Secret Service protection. For example, the original staff allowance would be set at $300,000 per year, and would be reduced over a 9-year period to a ceiling of $200,000 per year. I am certain that a person with enough drive and resourcefulness to become President of the United States can develop the means to "squeeze by" on a staff allowance in the neighborhood of a quarter of a million dollars per year. Correspondingly, the provisions affecting libraries and Secret Service protection limit spending in ways that demonstrate our commitment to equity in controlling these costs without diminishing the stature of a former President.

Mr. President, I will not belabor the points made by the other supporters of this amendment. I will finish by saying that issues such as these have a very real symbolic importance to the people of this country. It is true that the savings achieved by this amendment may seem small to us when we speak too casually about millions and billions of dollars as a matter of course in our daily routine. Perhaps that is part of the problem. We find it too easy to think in terms of billions of dollars, overlooking the numerous small spending issues that can "nickel and dime" us to death. I can guarantee my colleagues this: The numbers contained in this amendment do not seem small to the people of this country, and they are looking to the distinguished Members of this body to correct a situation that they believe to be clearly inequitable.

Mr. President, I would like to commend again the sponsors of the amendment for their fine work on this measure, and I hope we may have an opportunity to vote up or down on this matter very soon. I yield the floor.●

Mr. CHILES. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. ABDNOR. Mr. President, I must say to the Senator from Florida and the Senator from Delaware that, as chairman of the subcommittee, I am very pleased that they are doing it this way, because this is the right way. I did not want to discuss a bill which I have not even looked at. It is good to know that we can work problems out without taking almost unfair advantage of another committee, a term I do not like to use. I thank them for their action today and wish them good luck on their legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3399

Mr. MOYNIHAN. Mr. President, a parliamentary inquiry. I believe that the pending business is the amendment I offered earlier concerning the appointment of public trustees to the Social Security fund.

The PRESIDING OFFICER. The Senator is correct.

Mr. MOYNIHAN. Mr. President, we have had a very helpful discussion of this matter in the interim. I see my distinguished friend from South Dakota on the floor, and I am happy to yield to him.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABDNOR. I thank the Senator from New York for yielding.

Mr. President, after checking with the chairman of the Senate Finance Committee, Senator DOLE, I am willing to accept the amendment offered by the Senator from New York. The amendment forces action on the appointment of public trustees for the Social Security trust funds. These public trustees were required by the 1983 Social Security bill, but no appointments have been forthcoming. I understand that these appointments are in the works, and I believe that the amendment of the Senator from New York will move these appointments along a little more quickly.

Mr. MOYNIHAN. Mr. President, I thank my distinguished friend for his statement. If the amendment is acceptable to him, I believe it is acceptable to the Senator from Arizona.

Mr. ABDNOR. It is acceptable.

Mr. MOYNIHAN. Mr. President, since the Senator has been so generous as to suggest that this might encourage the nominating process, which I suspect has been stopped in the glue factory, I ask unanimous consent to have printed in the RECORD my letter of February 24 to the President, suggesting that Wilbur J. Cohen and Robert J. Myers might be admirably suited for this task, together with a response from Mr. M.B. Oglesby, Jr., assistant to the President, in response to my letter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 24, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to recommend two distinguished persons, Wilbur J. Cohen and Robert J. Myers, for appointment as the public members of the Boards of Trustees of the Federal Old Age and Survivors Insurance and Disability Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund. Both men have dedicated much of their lives to the Social Security system.

Wilbur Cohen, currently Professor of Public Affairs at the University of Texas, spent more than twenty years with the Social Security Administration, including service as Director of the Division of Research and Statistics. He was chairman of President Eisenhower's Task Force on Health and Social Security and the Secretary of the Department of Health, Education, and Welfare under President Johnson. He also has served as President of the American Public Welfare Association.

Robert Myers spent more than thirty-five years with the Social Security Administration, including service as the Chief Actuary. More recently, he served as your Deputy Commissioner of Social Security for Programs and Policy, and as Executive Director of the Commission on Social Security Reform.

As a former member of that Commission, and ranking minority member of the Subcommittee on Social Security and Income Maintenance Programs of the Senate Finance Committee, I am pleased to urge you to appoint these two fine public servants to serve as public members of the Boards of Trustees of the trust funds of the Social Security system.

Respectfully,

DANIEL P. MOYNIHAN.

THE WHITE HOUSE,
Washington, DC, March 15, 1984.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: Thank you for your recent letter to the President indicating your interest in the appointments of Wilbur J. Cohen and Robert J. Myers as public members of the Federal Old Age and Survivors Insurance and Disability Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund.

We appreciate your contacting us and we welcome receiving your recommendations for these positions. Please know that your supportive comments are being shared with the appropriate officials within the Office of Presidential Personnel for careful consideration.

With best wishes,

Sincerely,

M. B. OGLESBY, Jr.,
Assistant to the President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3399) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ABDNOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABDNOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. ARMSTRONG]. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

AMENDMENT NO. 3401

(Purpose: To limit the use of funds appropriated for Presidential archival depositories)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 3401.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, between lines 20 and 21, insert the following:

SEC. 406. (a) A portion of the funds appropriated by this Act for the operation, maintenance, and protection of Presidential archival depositories shall be used by the Administrator of General Services to establish in the National Archives Trust Fund a separate endowment for the maintenance, operation, and protection of each Presidential archival depository, to which shall be credited any gifts or bequests received under section 2108(g) of title 44, United States Code, that are offered for such depository. Income to each such endowment shall be available to cover the cost of maintenance, operation, and protection of such depository, but not the cost of the performance of archival functions under such title.

(b) Funds appropriated by this Act may not be used by the Administrator of General Services to accept or take title to any land, building, or equipment under section 2108(a) of title 44, United States Code, or to make any agreement to use any land, building, or equipment under such section, for the purpose of creating a Presidential archival depository, unless the Administrator determines that there is available, by gift or bequest for deposit under subsection (a) in an endowment with respect to that depository, an amount to cover, or insure sufficient income to cover—

(A) the total cost of acquiring or constructing the buildings and of acquiring and installing the equipment for such depository;

(B)(i) if title to the land is to be vested in the United States, the cost of acquiring the land upon which such buildings are situated, or such other measure of the value of such land as is mutually agreed upon by the Administrator and the donor; or

(ii) If title to the land is not to be vested in the United States, the cost to the donor of any improvements (other than such buildings and equipment) to the land upon which such buildings are situated; and

(C) the costs of maintaining, operating, and protecting such depository in each fiscal year, but not of performing the archival functions under title 44, United States Code, for such depository in each fiscal year.

(c) A portion of the funds appropriated by this Act for the operation, maintenance, and protection of Presidential archival depositories shall be used by the Administrator of General Services to negotiate and enter into an agreement, for each Presidental archival depositor in existence on the date of enactment of this Act, which provides that, within 10 years after the date of enactment of the Act—

(1) the General Services Administration will be reimbursed for the costs of maintaining, operating, and protecting such depository in each fiscal year but not the costs of performing the archival functions under title 44, United States Code, for such depository for each fiscal year;

(2) the endowment established under subsection (a) for such depository will contain an amount of funds to cover, or to insure sufficient income to cover, the costs of reimbursing the General Services Administration under paragraph (1) for each fiscal year, but these costs shall not include archival costs.

(d) A portion of the funds appropriated by this Act shall be used by the Administrator of General Services to conduct a study to plan for the establishment, in the General Services Administration, of a National Archival Center for Presidential Papers, in which may be deposited all Presidential records and historical materials of former Presidents who leave office after 1989. The Administration of General Services shall transmit such study to the Congress within one year after the date of enactment of this Act.

Mr. CHAFEE. Mr. President, the amendment that I have sent to the desk is a modification of amendment No. 3390 which I submitted yesterday. I will explain the modification in due course.

Mr. President, the amendment which I am offering; that is, the amendment that has just been read, would fundamentally change the method by which Presidential libraries are now created and funded.

At the present time former Presidents, with the aid of foundations or friends, raise money to build libraries to serve as repositories for their official papers and their memorabilia.

When built, these libraries are then deeded to the Federal Government—to the General Services Administration—for eternal maintenance at public expenses.

The result to date has been the creation of seven such libraries. This is a relatively recent phenomenon. We do not have a Presidential library for Washington, Adams, Jefferson, Madison, Monroe, and so forth, all of the Presidents of the 19th century. There are no libraries in their memory. The library of Franklin D. Roosevelt was the first; the Herbert Hoover Library was established after Roosevelt's. There are a total now of seven, stretching across the country from Hyde Park, NY, to Austin, TX, West Bend, IA, and there are three more that plans are underway for, one for Mr. Nixon in San Clemente, one for Mr. Carter in Atlanta, and one for President Reagan in Palo Alto.

Mr. President, let us look briefly at these libraries and the functions that they actually perform. They were intended to be such as the name describes, libraries, repositories for the papers of the Presidents—research centers dedicated to advancing scholarship.

Instead, the libraries are not research centers but museums and exhibition halls serving mainly as tourist attractions. To be accurate, they are really Government-supported monuments to the memory of former Presidents. They are not primarily or to a major degree research centers.

Just to back up that statement, Mr. President, let me illustrate: fewer than 1 percent of the visitors to the seven existing libraries are researchers. In 1983 there were 8,800 research visits; that is, a researcher coming in the door for 1 day, a total of 8,800 of those visits to all seven libraries. But there are nearly 1½ million museum visitors, in other words, visitors who came in to see the chair that the President sat in, to see a replica of his office, to see the present that the King of Morocco gave him, or the Shah of Iran, or what was given to him by the Queen of England, or the Emperor of Japan.

A further example: The Johnson Library in Austin, TX, received 1,800 research visits in 1983; 1,800 researchers spent 1 day in the library compared to 409,000 museum visitors.

The Ford museum had less than 500 researcher visits and 182,000 museum visitors.

The seven Presidential libraries average 70,000 square feet and only about 20,000 of that, on average, 20,000 of the 70,000 is needed for research and storage.

If the cost to the public of operating these institutions were prorated to each researcher visit the cost would be $1,700 per research visitor. Now we are just talking about operating expenses because, Mr. President, as I pointed out, the construction of these institutions comes from bequests, gifts, endowments, foundation grants that the President or his friends have arranged. The total construction of the libraries typically is paid by private funds. When they are built, they are turned over to the Federal Government and the Federal Government then operates them.

Now as a result of the proliferation of libraries, the cost of their maintenance in the current fiscal year has reached an estimated $15 million. That does not seem too much when you are running an $800 billion budget. But compare it to what it was when these libraries started, just 30 years ago: The cost then was $63,000 a year. Now it has risen to $15 million. Because the Federal Government has the responsibility for the papers and for the archival functions, there are

now 149 employees who are devoted to those activities in the seven libraries and those activities cost about $5 million.

The costs of the libraries are increasing and will continue to increase, in part because the Government has actually spent $6.5 million making capital improvements to four of the existing libraries. So it has become well established that the Government will not only operate but also make capital improvements to the libraries. In fact, in the Treasury/Postal bill, that has passed the House, there is an appropriation for $5 million for an addition to the Kennedy Library in Boston.

In 1955, it was estimated, based on the cost of the Roosevelt Library that each additional library would cost $100,000 a year for operation. But by 1978 the seven libraries did not cost $100,000 a year but they cost over $1 million apiece to operate and now they cost over $2 million apiece to operate.

A GSA study in 1980 estimated that in the coming 100 years we will create a new Presidential library once every 5 years. This is based on the GSA calculation that the average term of past Presidents was 5 years.

Three more libraries are already on stream, as I mentioned, one for President Nixon, one for President Carter, and one for President Reagan.

It seems to me that there is a serious question as to whether it makes sense to have Presidential archives scattered across the country. Forget the memorabilia, forget the Presidential chair, and the gifts, and all the rest. Does it make sense to have the archives, the research material spread all over the map?

Is it a good system and does it really advance historic research and scholarship to have each President have his library, his records, in a separate place, instead of being able to go to one central point to see how a President or a series of Presidents have handled our relations, for example, with NATO or how a series of Presidents have dealt with the problem of youth unemployment, or how a series of Presidents have dealt with the growing number of senior citizens who are unemployed and what can be done about them?

Instead of having those records in one central place now, a researcher has to go to West Bend, IA, or to Boston, MA, or to Hyde Park, NY, or way out to California.

But I am not going to argue about that. That is where the Presidents seem to want their papers to be, and scholars can travel there, although I am not sure that is a very good system.

But what I am asking in this amendment, Mr. President, is that those activities in the libraries that are not devoted to scholarly or archival functions—that those activities that are solely to operate a museumlike attraction, they should be paid for by sources other than the Federal Government. When the new libraries come on stream and are presented to the Federal Government I ask that there be sufficient private endowment to cover the costs of operating that portion of the library that is devoted to the general public's use of it. The Federal Government would continue to assume the financial burden of those activities which are devoted to the records of the President for research purposes.

Now why do I divide this up, Mr. President? I think it would be a genuine shame if the records of the President were scattered and lost, in somebody's barn or indeed destroyed for lack of a place to store them. This was the problem, indeed, before Roosevelt. So, therefore, I think that is a proper governmental function to provide for maintenance of Presidential records. Just as we have the Federal Archives that maintain records of the activities of the various departments, just as we have in the Defense Department records of every soldier, marine, Navy man that served the defense of our Nation, so it seems to me we should, as a people, preserve the records of our Presidents.

But I do not believe that it is a proper financial burden for the taxpayers of the country to preserve all the memorabilia, the plaques, the chairs, the office furniture, the gifts that were given to a President during his term of office.

Now this is a burden that can properly be carried either by those who set up the library or through admissions fees to the library or by support from the community or the State that benefits from it.

For example, if in Austin, TX, as the records show, over 400,000 people visited the Johnson Library, or in effect, museum, then obviously Austin, TX, got something out of it. People came and they stayed in the hotels, people used the restaurants, people enjoyed the other activities in Austin and spent money there. And so, therefore, the city of Austin, or it might be the county, or perhaps the State of Texas or the University of Texas where the library is located, should carry the burden of responsibility for housing the memorabilia in the museum part of that library.

What my amendment does, Mr. President, is provide that for new libraries there would have to be sufficient endowment to cover the nonarchival functions of the library. For the seven existing libraries, at the end of 10 years—we give them a phase-in time—sufficient endowment or sufficient revenues from admission fees, or whatever it might be, must be available to carry the nonarchival functions of these museums.

Now that is hardly an unreasonable requirement. And for some peculiar reason some of the museums do not now charge admission while others do. Some libraries charge an admission of $1.50, and they have special arrangements for tour groups of schoolchildren and so forth, while others choose to charge nothing. Well, that is all right if they want to do it, but let us not have the taxpayers of the United States footing the bill. If the Johnson Library chooses to charge nothing, then they will not raise sufficient funds under this legislation unless they raise it from gifts or elsewhere to provide for the carrying of the nonarchival functions of the library.

So, Mr. President, this is striking a small blow for the taxpayer of the United States. I know that the amendment that Senator CHILES and Senator ROTH has goes far deeper into the perquisites of former Presidents. I think we have all seen examples of the taxpayers providing, in my opinion, somewhat lavishly for former Presidents, all sorts of Secret Service protection that I think is beyond necessity. But I am not going to get into that. If the Senators want to deal with that when the Chiles-Roth amendment comes to the floor, that is up to them. And I presume that that amendment will come forward sometime either in this session or when we come back after Labor Day in September.

My amendment solely deals with the libraries. It solely deals with the nonarchival or museum portion of those libraries. It solely says that other than the taxpayers will provide for the maintenance and operation of that portion of those libraries devoted to nonarchival functions.

You might say it is impossible to make the distinction. That is not so. As an example, I will cite to you the Kennedy Center. It is supported partly by revenues and partly by Federal appropriations. That portion of the Kennedy Center that is devoted to the public coming just to see the center is carried by the GSA. That portion of the Kennedy Center that is devoted to the opera house and to the symphony hall, the smaller performing arts centers, that cost is required to be carried by the admissions to those functions. And those of us who serve on the Environment and Public Works Committee are quite familiar with this because this constantly comes up.

But there is a distinction made. It is imprecise, surely. And so the division between the archival functions and the museum functions and these Presidential libraries will be somewhat imprecise. But it can be arrived at with some accuracy, accuracy based perhaps on the floor space devoted to the archival functions, versus the floor space devoted to the museum. Some

logical way can be arrived at just like a system is arrived at for the Kennedy Center today, and which operates rather happily up to the present time.

Mr. President, I urge my colleagues to support this amendment.

Mr. BURDICK. Mr. President, we are today considering the Treasury, Postal Service, and general Government appropriations bill which contains approximately $29 million in funding for Presidential libraries, allowances and office staff for three former Presidents and one Presidential widow in fiscal year 1985.

I am a cosponsor of legislation, S. 563, currently being held at the desk at the request of the President, to trim this spending to more reasonable levels. As many of you may know, spending on ex-Presidents has grown from a mere $64,000 in 1955 to $29 million in the current fiscal year. Our ex-Presidents are not poor men. They do not need this money. This spending is out of control.

I, therefore, rise in support of Senators CHILES and ROTH's efforts to dislodge the hold on this bill and offer it as an amendment to the Treasury, Postal Service appropriations bill. We have already wasted too much time merely talking about reducing this area of the budget. The time to act is now. I urge my colleagues to support Senators CHILES and ROTH in this effort.

Mr. ABDNOR. Mr. President, let me say, I am not any authority on the Senator's amendment. I have great, great respect for him. I work closely with Senator CHAFEE on the Environmental and Public Works Committee, and I know of the great ability he has. So I have to assume this is good legislation. I guess it is difficult for any of us to oppose something that could be a savings to our U.S. Government and the taxpayers of this country.

But let me say from the very outset, as I have said on a number of occasions since this bill has come to the floor. This is not authorizing legislation. We are working an appropriations bill. Here we are apparently changing the concept for the Presidential libraries of this Nation. I do not know a great deal about how they operate; whether they operate good or bad. I am sure there is probably a lot of question on this. Some have come to my mind. First, has this sort of thing ever had a hearing?

Mr. President, could I ask the Senator who offered the amendment? Have you had hearings on this?

Mr. CHAFEE. No, we have not on this specific amendment, but we, of course, have dealt with the Kennedy Center, and there have been Governmental Affairs Committee hearings on the problem.

Mr. ABDNOR. I would suggest something. Today, about an hour ago, with Senator CHILES and Senator ROTH, we had a similar situation. Here we are about to go into a whole new program on perks for former Presidents. There is much needed review and change. This could well be. But it should not be done by the five-man committee that deals with appropriations, and knows nothing about the library. We can put it to a vote, have it soon come to the floor, everybody will wonder what we are voting on, and not really know what they are voting on when the time comes.

It would seem to me we were able to work out an agreement with the sponsors—Mr. CHILES and Mr. ROTH were able to persuade the administration and Chairman HATFIELD of the Appropriations Committee to withdraw the hold on the bill—so they could proceed with it. Evidently there is going to be a hearing on that because I think they also agreed to some changes. That would be a good time to put this proposal and that one together. Both amendments deal with libraries. They are both dealing with members of the committee that are familar with the problem.

I do not want to put down my staff at all. But I do not think the authorizing committee staff has a great deal of experience when it comes to Presidential libraries.

I think that is where it belongs. I think because we do have the opportunity to work with the Governmental Affairs Committee that that is the place to do it. I have to oppose it as much as I hate to.

Again, I say I have the greatest respect for the Senator and his ability. Any time we can save money, I suppose I ought to grab it. But I would like to see the proper committee that looks over it make sure that we are going in the right direction to come forth not only with this part of the measure that the Senator is interested in but the entire review of past President's perks, if I can call it that.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to pursue the suggestion made by the distinguished manager of this legislation. He indicated that the Chiles-Roth legislation will come before the Senate when? Is there some suggestion that it would come up in September?

Mr. ABDNOR. I have not gotten that far. I was relieved to find that they must have thought so. They withdrew their amendment, and will vote on the bill itself in committee. I would have to believe they think it will. The chairman of the committee was a part of the discussion. But I must confess that I could not tell the Senator, nor can I give him the assurance it is going to come up. It is true there are a lot of bills yet to come up. But the point I did make is that they ought to go hand in hand, and be worked out together because they are closely related; that is, your proposal on libraries and Senator CHILES' proposal on libraries. I guess you two gentleman must have discussed this so one does not interfere with the other. I do not know. But it looks to me like they ought to be intermeshed and it would be better if they had it before the committee that fully understood the subject, and bringing up one bill out of the two will do the job we want done. That is all.

I can assure you. To have a piece of legislation dealing with Presidential libraries here of all places on an appropriation bill runs counter to our wishes. The basic proposal we think may pass some day. Apparently the administration and Mr. HATFIELD think it has a great prospect for passage now that they have agreed to go along with certain conditions. It can all be brought together. That is where it belongs. That is the only point I make. But I cannot tell you whether or not they have had the assurances that it is going to come up. You might ask the majority leader. I see he walked on the floor.

Mr. DECONCINI. Would the Senator from Rhode Island yield?

Mr. CHAFEE. Yes.

Mr. DECONCINI. The Senator has a good idea. I think the majority leader is on the floor right now. Maybe he can give us the answer to the question.

Mr. Leader, the question has been asked regarding the Chiles-Roth bill that was withdrawn as an amendment to this appropriation bill, whether or not there was some commitment to bring it up and when?

Mr. BAKER. Mr. President, would the Senator yield? I do not know. [Laughter.] I just walked through the Chamber.

I am caught unaware. But I can promise my friend I will look at it and see. As he knows, the time we have remaining before the Republican Convention—which is about 2½ weeks—is pretty well spoken for by appropriation bills, and then other matters that we can move in between appropriations bills. But I will be glad to try to do that. You know there is always the time after Labor Day when we can attempt to schedule it.

Mr. DECONCINI. Mr. President, will the majority leader yield?

Mr. BAKER. Yes.

Mr. DECONCINI. Am I correct in assuming that the Senator from Oregon withdrew his hold on that bill so there is no known opponent or opposition that would delay that bill coming forward?

Mr. BAKER. Mr. President, we only have one hold on the calendar at this time. If it comes off, I can give no guarantee there will not be another one. But as of this moment, I do not

know of another one. Let me do this. I have not given a very satisfactory answer. But I just do not know yet. Let me check into that, and I will find out.

Mr. DECONCINI. Will the Senator from Rhode Island yield?

Mr. CHAFEE. I yield.

Mr. DECONCINI. With the amendment that is before us now, what happens if after 10 years these existing libraries fail to raise the fold-in money?

It is up to them to curtail and manage within whatever they raise, or make a decision to close them? Does the Senator have any escape hatch, any emergency provisions, or something assuming the library cannot raise the money logically?

Mr. CHAFEE. I thought of that question. I thought the keenminded Senator from Arizona might raise that point. It seems to me that at the end of 10 years—after all we are sending out the signal—either those libraries would have to be carried themselves through admission or that portion of the library devoted to the museum-like functions would have to be vastly reduced. In other words, the Federal Government is just going to get out of that business. We have wrestled with the Kennedy Center for many, many years and ever since I have been on the committee for some 7 years the Kennedy Center, the parking garage, the leaking roof have been before us.

We seem to always relent and come up with the money.

So I will just have to finesse in answer to that specific question and hope that the fear, if you would, that something drastic might happen would encourage the existing seven libraries to get hustling, and some of the libraries are far more museum-like than others. For example, the Hoover Library, I have not visited it, but it is my understanding that it is primarily a research center. Hyde Park is much the same, whereas the Johnson Library, as I understand it, is much more of a museum-like edifice than archival.

Mr. DECONCINI. I thank the Senator from Rhode Island. Let me say that I think the Senator has a good point, and something that ought to be looked at. I do have that concern. But dropping the ax even after 10 years—because I think these are of a national nature—there ought to be a way to fund them. Hopefully they could be funded from revenues charged to admission and what have you. But I hate to see it.

The other point is that I agree with the chairman of the subcommittee. Does the Senator from Rhode Island have a problem of putting this on the Chiles bill? It seems as if, particularly if we wait a little bit here, we might get some very encouraging news; that that bill is going to come up for a vote, and will be at least brought up here without any strong opposition that would indicate a delayed tactic.

Would the Senator be satisfied to put that on there if, in fact, that bill was coming forward before we adjourned sine die?

Mr. CHAFEE. I think the Senator makes a good suggestion. I am tempted by that.

The majority leader said he might look into this.

Let me inquire of the manager of the bill. Perhaps we could set this aside. Are there other matters that could be considered?

Mr. DECONCINI. The chairman advises that we are prepared to set this aside temporarily and go to the Levin amendment.

Mr. CHAFEE. I then ask unanimous consent, Mr. President, that I might temporarily set this aside and have it come up after the Levin amendment.

Mr. ABDNOR. That will be the last amendment.

Mr. CHAFEE. Well, we might know something better by that time.

Would that be the correct parliamentary method of proceeding?

The PRESIDING OFFICER. The Chair understands the request is to temporarily lay aside the pending amendment, to recur after the disposition of the Levin amendment.

Mr. CHAFEE. That is correct. I so ask.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3402

(Purpose: To express the Sense of the Congress that the use of the ZIP Code of a person's place of residence or work should not be used in the determination of such person's credit worthiness; and to request a report to the Congress on what statutory and regulatory measures are needed to prohibit such practice)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 3402.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, after line 12, add the following new section:

REDLINING STUDY

It is the sense of the Congress that the use of the ZIP Code of a person's place of residence or place of work should not be used in the determination of such person's credit worthiness. The Federal Trade Commission, the four Federal financial supervisory agencies specified in section 803 of the Community Reinvestment Act of 1977 (12 U.S.C. 2902), and the United States Postal Service are requested to consider and report to the Congress by March 31, 1985, what statutory and regulatory measures are needed to prohibit such practice.

Mr. LEVIN. Mr. President, this amendment simply expresses the sense of the Congress that the ZIP code where a person happens to live should not be used to determine a person's creditworthiness. The amendment also requests that a report be made to the Congress by March 31, 1985, on what statutory and regulatory measures are needed to prohibit such a practice.

The stereotyping of people based on where they live is a social evil with very negative social consequences. The Congress has been instrumental in formulating legislation that insures equal credit opportunity. As long as a creditworthy person can be rejected on account of his or her place of residence, our work is incomplete.

When people in a neighborhood or other geographical area are told that the place where they live is the reason or a reason for their being denied credit, that neighborhood or that other geographical area is hurt as well as the people living in it.

Credit applicants should be considered on the basis of their individualized creditworthiness and not on the basis of spurious statistical correlations which a few companies have decided to utilize as part of a point system in establishing whether or not somebody gets credit. The resulting stereotyping and generalizing about certain regions of the country and particular neighborhoods contribute to a vicious cycle which adds to further decay of our cities and communities.

Mr. President, the Postal Service has no objection to this amendment. I hope we will hear something similar at this point from my friend from Alaska, Senator STEVENS. I have not heard back from him on this. What I would like to do, if I could, with the manager of the bill, is the following:

I do not believe that Senator STEVENS will have an objection, though I do not want to speak for him because we have not heard back officially. Something similar to this was adopted in the Governmental Affairs Committee a few years ago.

If the managers have no objection to this sense-of-the-Congress resolution, as I understand they do not, I would be happy, if Senator STEVENS has an objection later, that the matter be dropped in conference.

Mr. ABDNOR. I appreciate the offer of the Senator from Michigan because Senator STEVENS, I know, feels strongly about this. We have had problems in the past which have arisen concerning postal matters, and I feel we need his input.

With that understanding, if Senator STEVENS does not have an objection, I am happy to go along with this. We

will drop it in conference if Senator STEVENS objects.

With that understanding, I would be more than happy to move adoption of the amendment.

Mr. LEVIN. I appreciate that. I would not want to make any representation I did not know was representing the opinion of the Senator from Alaska.

I would also like to thank Jackie Parker of my staff for all her work on this issue over the past several years.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. DECONCINI. Mr. President, we are prepared to accept the amendment on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 3402) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ABDNOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question now recurs on the amendment of the Senator from Rhode Island.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the Chafee amendment be temporarily laid aside to allow me to send an amendment to the desk.

Mr. SYMMS. Will the Senator yield?

The PRESIDING OFFICER. If the Senator will withhold, does the Senator ask unanimous consent that the Chafee amendment be temporarily laid aside?

Mr. ABDNOR. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3403

Mr. ABDNOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. SYMMS. Mr. President, does the Senator from South Dakota have the floor?

The PRESIDING OFFICER. The Senator from South Dakota has the floor. He has sent an amendment to the desk. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. ABDNOR] proposes an amendment numbered 3403.

Strike section 107 and strike section 110 of the bill, renumber the remaining sections as appropriate.

Mr. ABDNOR. Mr. President, I am proposing an amendment that simply strikes redundant language contained in H.R. 5798 as reported by the Committee on Appropriations. The language deals with matters within the jurisdiction of the Finance Committee.

Mr. President, I would strike both section 107 and section 110 of H.R. 5798. Section 107 attempts to repeal the capitalization limitation contained in 31 U.S.C. section 332 for the capital fund in the Office of the Secretary of the Treasury. This is essentially a housekeeping matter for the Treasury Department, but it has already been achieved by enactment of section 442 of H.R. 4170, which the President signed into law last week. That section also repeals the capitalization limit, so there is no need for the present section 107.

Section 110 of H.R. 5798 prohibits use of funds to carry out any regulation taxing or collecting a tax under the Superfund program on certain copper, lead, and zinc compounds. Again, the purpose of this section has already been achieved, because section 1019 of H.R. 4170 made clear that these compounds are not taxed when they are in a transitory state during the process of smelting, refining, or otherwise extracting. The language is not identical, but the intent is the same. So again we have a redundant provision in section 110, and I move to strike both section 107 and section 110.

I move adoption of the amendment.

The PRESIDING OFFICER. Is there further discussion on the amendment?

The amendment (No. 3403) was agreed to.

Mr. ABDNOR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, yesterday my colleagues from the State of Washington and the distinguished floor manager of the bill [Mr. ABDNOR] expressed some concern about the interest in our State for redistricting the customs district in the Northwest area to include southern Idaho in the Portland, OR, district, which would have a material impact on the number of Customs Service personnel in the Seattle Customs Service office. I think Senator BAUCUS also expressed a similar concern with regard to the Great Falls, MT, Customs Service office when this issue was discussed in the Senate Finance Committee.

Mr. President, I appreciate the concern of my colleagues. We are not going to offer any amendment on this bill. But I would like to assure my colleagues that it is not the intention of those of us who are seeking redistricting to cause any changes in the services that are now being provided in the Seattle or the Great Falls offices. There would probably be no diminution of the staff in Great Falls, and there would probably be no necessity for increasing the staff in Portland. I think it is important to recognize that our concern in Idaho is the port of Lewiston; everything that comes out of southern Idaho flows naturally into Portland. It is all down the Snake River—the transportation system, the communications system—to Portland. We have a great deal of paper products, wood pulp, and grain shipped out of Lewiston. It is just so much more natural for the people in southern Idaho to clear it through Portland, OR, than it is for us to clear it through Great Falls, MT, which is now the case.

As I said, Mr. President, we are not going to offer an amendment on this bill, but we would like Senators from the neighboring States to be aware of this fact. Senator PACKWOOD and I have discussed it at great length in the Finance Committee and elsewhere. We are not trying to diminish the available customs services for those people who use Seattle and Great Falls. But it would be a great convenience to the people in the Snake River Basin, which drains into the Columbia Basin, to have their customs work transferred from Great Falls, MT, to Portland, OR.

That is what the people in my State would like to have. I assure my colleagues that is our intent.

Mr. ABDNOR. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3401, AS MODIFIED

Mr. CHAFEE. Mr. President, I send to the desk an amendment to the amendment I have at the desk.

The PRESIDING OFFICER. The Chair advises the Senator from Rhode Island that until the Senator has lost the right to modify his amendment, which he may do as a matter of right, he may not offer an amendment to his own amendment.

Mr. CHAFEE. I ask that I may modify my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. CHAFEE. I so ask.

The PRESIDING OFFICER. The initial amendment of the Senator is modified by the language sent to the desk at this time.

Mr. CHAFEE. Mr. President, I ask that the clerk read the modification.

The PRESIDING OFFICER. The modification will be stated.

The legislative clerk read as follows:

Delete current subsection (c) and replace it with a new subsection as follows:

The terms of this amendment shall not apply to the libraries built or to be built by the incumbent or past Presidents of the United States.

Mr. CHAFEE. Mr. President, I ask that that modification be accepted.

The PRESIDING OFFICER. The amendment has been modified as the Senator has requested.

Mr. CHAFEE. Mr. President, it is my understanding that my amendment is acceptable to the managers of the bill, and if that is so, I will be extremely gratified.

Mr. DECONCINI. Mr. President, I thank the Senator from Rhode Island for making his modification. I think it is a much better perspective, and so far as we are concerned on this side, we are ready to accept the amendment.

Mr. ABDNOR. Mr. President, I also thank the sponsor of the legislation for the modification. I think it helps the legislation considerably. I still question whether it belongs in this bill, but we are happy to accept it and go along with it.

Mr. CHAFEE. Mr. President, we will not get bogged down in trivia like that.

Let us move on.

Mr. President, I move adoption of my amendment as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 3401), as modified, was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ABDNOR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. I thank all parties.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3404

(Purpose: To strike legislating language)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 3404.

Strike all of section 106, beginning on page 12, line 10 through page 13, line 8.

Mr. DANFORTH. Mr. President, this amendment strikes section 106 of the bill for the reason that section 106 includes in the bill, which, of course, is an appropriations bill, certain legislative matter which is within the jurisdiction of the Finance Committee. The provision is obscure, and in fact the Finance Committee staff has been trying to ascertain precisely what the meaning and the effect of the provision is. It relates to the liquidation of imported articles and practices of the U.S. Customs Service with respect to entry procedures for certain articles.

We believe that this is especially a case where the Finance Committee should take a look at a provision which does have some substantive significance so that we can better understand what is involved in this provision of the law. So basically it is a matter of committee jurisdiction, and for our purpose of trying to understand exactly what is involved in this provision, we would move to strike it from the bill.

Mr. ABDNOR. Mr. President, I have to agree that this section is legislation. But I do want to make a note here that we included this particular language in the bill because we were asked to do so by the Secretary of the Treasury. It was included in the fiscal year 1985 budget at the request of the administration.

I do know it is very necessary. I do know that Treasury and Customs need it. So I would certainly urge the passage of this in the Finance Committee as quickly as possible. And with that I, do accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Missouri [Mr. DANFORTH].

The amendment (No. 3404) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHILES. I move to lay that motion on the table.

● Mr. DOLE. Mr. President, I wish to clarify that the statement of the Committee on Appropriations, regarding the broker reporting regulations under the Tax Equity and Fiscal Responsibility Act of 1982, does not reflect the statutory provisions adopted in 1982, and does not reflect the understanding of the Committee on Finance or the House and Senate conferees in approving the provision.

The statute gives broad authority to the IRS to require brokers to file returns, including returns regarding gross proceeds of sales effected for the broker's customers. The term broker is defined broadly to include dealers, barter exchanges, and any other person who, for consideration, regularly acts as a middleman with respect to property or services.

The report of the Committee on Finance explaining this provision states quite clearly that—

A broker or commodity dealer would be subject to the broker reporting requirement whether the sales effectuated for a customer were sales between the customer and a third party in which the broker acted as a middleman or sales between the broker and the customer in which the broker acted as a principal for its own account.

The Treasury regulations that require brokers to report their own purchases from their customers are entirely consistent with the statute and the congressional intent. Indeed, given the explicit statement in the Finance Committee report, the Treasury would be derelict in its duty if it failed to include this requirement.

The effect is simply not to exclude from gross proceeds reporting sales made through a broker or dealer that happen to be made to the broker or dealer for his or her own account. Since the purpose of the gross proceeds reporting requirement is to improve capital gains reporting by sellers of stock and commodities who sell through a broker or dealer, an exception for sales to a broker or dealer for his or her own account would make little sense, and could become a loophole that could be exploited by unscrupulous taxpayers.

I believe the rule adopted in 1982 makes sense. But if members of the Committee on Appropriations, or other members, are committed to modifying the provision, I believe the only appropriate course of action would be to seek a legislative change.

Despite the explicit statement in the Finance Committee report to which I referred, it is my understanding that some taxpayers have been advised that this requirement of the regulations is likely to be invalidated as being inconsistent with congressional intent. Taxpayers and tax advisers should be aware that they are proceeding at their own peril if they violate a requirement of the regulations which is both reasonable and clearly consistent with the congressional intent in enacting the provision.●

CUSTOMS SERVICE REORGANIZATIONS

● Mr. BAUCUS. Mr. President, it is important that we continue to tighten our rein on the Customs Service, by requiring that customs notify the appropriate congressional committees before it closes customs stations, reassigns customs officers, or otherwise reorganizes customs operations. After that haphazard reorganization schemes Customs has hatched over the past few years, we need to keep Customs under control.

I am glad that the Appropriations Committee report contains language requiring that Customs notify Congress, and receive our approval, before undertaking any significant reorgani-

zation plans. I intend to monitor the Customs Service closely to make sure that the report language is adhered to, and I hope that other concerned Senators will do the same.

BACKGROUND

Mr. President, the Customs Service performs many important trade-related functions. These functions are especially important in Montana, which has a 300-mile border with Canada, our major trading partner. Customs operates 21 border stations in Montana, which process all kinds of imports, including ore concentrates, roofing materials, fertilizer, farm machinery, and oil field equipment. Many of these imports are critical to Montana's economy.

As a result, we are very concerned about the organization and operation of the Customs Service.

REORGANIZATION

Over the past few years, Customs has shifted resources from import processing to drug interdiction. To accomplish this, it's tried to reorganize some of its import-processing operations. For example, last year Customs undertook a so-called centralized appraisement plan that supposedly would have increased efficiency.

But it backfired. For Montana, centralized appraisement meant that two import specialists were moved from a city of 80,000 served by five commercial airlines and a bus system, to a city of 600 served by no commerical transportation whatsoever. What's more, the import specialists were moved to an entirely different customs district located hundreds of miles away from the district director who ostensibly supervises them.

This confusing shift was not isolated. A GAO report found that:

"Customs officials * * * have not prepared an official cost/benefit study for the proposed centralization," that "Customs has not prepared an official estimate of savings," that "the total cost of Government will be unknown until a cost/benefit study is prepared," that "the impact of centralized appraisement activities is unknown," and that Customs "did not conduct an analysis regarding the impact of removing import specialists from a given location."

THE BAUCUS AMENDMENT

Given these programs, we must keep a tight rein on Customs, to prevent more haphazard reorganizations.

To accomplish this, last year I offered an amendment to the Finance Committee's Customs Service authorization bill, requiring that Customs notify the appropriate congressional committees 3 months before it makes any significant reorganization.

The Finance Committee adopted my amendment. Subsequently, similar provisions were included in last year's Treasury appropriations bill and continuing resolution. This year, I offered the amendment again, and it is included in the Customs Service authorization bill that is pending on the calendar.

THIS YEAR'S APPROPRIATIONS BILLS

At the same time, the appropriations committees have reemphasized their own concern about Customs reorganization plans.

The House appropriations bill contains a provision prohibiting the use of appropriated funds to reorganize regions, districts, and stations or to centralize duty assessment or appraisement functions.

The bill we are considering today also places limits on Customs' reorganization authority. The Appropriations Committee report says that before Customs undertakes any significant reorganization, it should notify the Appropriations Committee, notify and consult with the affected Congressmen, and receive final approval from the Appropriations Committee.

This report language essentially assures that the Congress will be notified of, and approve, any significant reorganizations before they occur.

That's what we must continue to do if we are to prevent haphazard Customs Service reorganization plans from impairing the operation of our border ports and impeding the free flow of trade.

I thank the distinguished floor managers and other members of the Appropriations Committee for their work on this issue. I look forward to working further with them, to maintain strict oversight of the Customs Service, in the future.●

● Mr. DOLE. Mr. President, the statement of the Committee on Appropriations regarding the Tax Code's penalty for frivolous returns is in accord with the intent of Congress when the penalty was added to the law by the Tax Equity and Fiscal Responsibility Act of 1982. Indeed, the statutory language of section 6702 of the Internal Revenue Code is clear on its face in this regard. The penalty only applies to a tax return or purported tax return, that "does not contain information on which the substantial correctness of the self-assessment may be judged, or contains information that on its face indicates that the self-assessment is substantially incorrect."

Writing a comment in the margins of the tax return, or including a protest with the return, is not within the scope of the provision unless the writing or protest itself indicates that the return is substantially incorrect. For example, a marginal comment or protest stating that the taxpayer had intentionally omitted wage income from the return as a protest would be information indicating on its face that the tax return is substantially incorrect. However, a comment merely protesting the income tax, a specific provision of the income tax or its administration by the IRS, could not give rise to the penalty. Moreover, this penalty is not applicable to a return indicating the correct tax where the taxpayer refuses to pay the tax.

Moreover, I am pleased to report that the Commissioner of Internal Revenue has assured me that the IRS has already established procedures to ensure that the IRS applies the provisions of section 6702 in accord with this understanding of Congress' intent.●

● Mr. DOMENICI. Mr. President, I support the Treasury, Postal Service, and General Government appropriation bill as reported by the committee.

I would like to commend the distinguished chairman, Senator HATFIELD, and the subcommittee chairman, Senator ABDNOR, for reporting this bill so expeditiously after House action.

H.R. 5798 provides $12.7 billion in budget authority for the Department of the Treasury, the Postal Service, the Executive Office of the President, and other Government agencies, such as the Office of Personnel Management and the General Services Administration.

With outlays from prior-year budget authority and adjustments to conform mandatory programs to budget resolution assumptions, fiscal year 1985 outlays associated with this bill would be $12.9 billion.

The Senate Appropriations Committee has not yet made its 302(b) allocations to subcommittees under a first budget resolution.

When Appropriations Committee subcommittee allocations are available, I will insert into the RECORD tables comparing the spending in this bill to this subcommittee's allocation.

Nondefense discretionary spending in the bill is consistent with the guidance of $7 billion in budget authority given to the subcommittee by the full Senate Appropriations Committee on June 14, 1984. Mr. President, I ask that a table showing this relationship be inserted into the RECORD at the conclusion of my remarks.

Again, Mr. President, I support this bill as reported by the committee.

The table follows:

Treasury, Postal Service, and General Government Subcommittee—Fiscal year 1985 non-defense discretionary budget authority

	In billion of dollars
Senate-reported bill (H.R. 5798)	7.0
Subcommittee total	7.0
Committee guidance [1]	7.0
House-passed level [2]	6.9
President's request	6.6
Subcommittee total compared to:	
Committee guidance [1]	

	In billion of dollars
House-passed level [2]	+0.1
President's request	+0.4

[1] Non-defense discretionary cap guidance approved by the Appropriations Committee on June 14, 1984.

[2] Adjusted for possible later requirements.●

Mr. ABDNOR. Mr. President, I know of no other amendment, and I would therefore move to third reading.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. ABDNOR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee [Mr. BAKER], the Senator from Florida [Mrs. HAWKINS], the Senator from Georgia [Mr. MATTINGLY], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "nay."

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. BYRD] and the Senator from Colorado [Mr. HART] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 78, nays 15, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—78

Abdnor	Ford	Melcher
Andrews	Garn	Metzenbaum
Armstrong	Glenn	Mitchell
Bentsen	Goldwater	Moynihan
Biden	Gorton	Murkowski
Bingaman	Hatfield	Nunn
Boschwitz	Hecht	Packwood
Bradley	Heflin	Pell
Bumpers	Heinz	Percy
Burdick	Hollings	Pressler
Chafee	Huddleston	Pryor
Chiles	Inouye	Quayle
Cochran	Jepsen	Randolph
Cohen	Johnston	Riegle
Cranston	Kassebaum	Rudman
D'Amato	Kasten	Sarbanes
Danforth	Kennedy	Sasser
DeConcini	Lautenberg	Simpson
Denton	Laxalt	Specter
Dixon	Leahy	Stafford
Dodd	Levin	Stennis
Dole	Long	Stevens
Domenici	Lugar	Trible
Durenberger	Mathias	Tsongas
Eagleton	Matsunaga	Warner
Evans	McClure	Weicker

NAYS—15

Baucus	Hatch	Roth
Boren	Helms	Symms
East	Humphrey	Wallop
Exon	Nickles	Wilson
Grassley	Proxmire	Zorinsky

NOT VOTING—7

Baker	Hawkins	Tower
Byrd	Mattingly	
Hart	Thurmond	

So the bill (H.R. 5798), as amended, was passed.

Mr. ABDNOR. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ABDNOR. Mr. President, I move that the Senate insist upon its amendments and that the Senate ask for a conference with the House of Representatives on the disagreeing of the two Houses thereon and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer [Mr. COCHRAN] appointed Mr. ABDNOR, Mr. LAXALT, Mr. MATTINGLY, Mr. HATFIELD, Mr. DECONCINI, and Mr. STENNIS conferees on the part of the Senate.

Mr. ABDNOR. Mr. President, the action just taken by the Senate represents a red letter day. It marks the first time since September 1979 that the Senate has passed a Treasury-Postal Service appropriation bill on its own. It is good to know that it is not going to be part of a continuing resolution. I hope the passage of this bill will set the tone for future Treasury-Postal Service bills and we continue to receive their passage.

Mr. President, again I thank Senator DECONCINI for his assistance. We work extremely well together. I think that is one of the reasons we were able to get this bill passed. He is the most cooperative gentleman I have ever had to work with on the committee, and I thank him from the bottom of my heart. He certainly deserves the highest accolades for his indepth knowledge of the agencies funded in this bill. Of course, we could not have gotten along without him.

I also thank the subcommittee staff, Bobby Mills and Olga Trollinger, and Chuck Parkinson. They are the ones who have had to iron out the wrinkles as we went along. They did a great job, devoting long and dedicated hours to producing what I think is a great piece of legislation.

Mr. DECONCINI. Will the Senator yield?

Mr. ABDNOR. Yes.

Mr. DECONCINI. Mr. President, I thank the distinguished chairman. I think credit goes to the staff. They did a lot of work. They spent a lot of time before the chairman and I got into it. But, quite frankly, this would not have happened without Senator ABDNOR's willingness to take the leadership role and insist that we move expeditiously in bringing this bill before the full committee and, with Chairman HATFIELD's backing, to the floor.

The chairman is a bit modest in passing around the applause, but he is that type of individual. I thank him very much. It is a pleasure to work with him on his committee.

Mr. President, it is a red-letter day that we passed the bill. I hope this is a precedent for the future. I thank the chairman and the staff.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I take this opportunity to congratulate the distinguished Senator from South Dakota [Mr. ABDNOR] for his capable management of the bill and his colleagues on the other side of the aisle, especially the Senator from Arizona [Mr. DECONCINI]. They managed one of the regular appropriations bills in the record time, and I thank them and congratulate them. I also express my appreciation to Senator HATFIELD, chairman of the full Appropriations Committee.

This is the first Treasury-Post Office appropriations bill to pass the Senate, I am told, in the last 3½ years. The last time a postal bill was passed was in fiscal year 1980. I think that is another measure of the diligence and success of the distinguished managers of the bill.

Mr. President, as has been widely advertised and announced previously, it is the intention of the leadership on this side to ask the Senate to proceed to the consideration of the RCRA bill, so-called, at the conclusion of the Treasury-Postal bill.

Mr. SYMMS. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. SYMMS. Mr. President, I should like to join in the commendation for the fine job Senator ABDNOR did as chairman of that committee. The reason why I voted against the bill was strictly because of the language in the bill dealing with Mrs. Burford. But I certainly feel that the Senator from South Dakota did an excellent job in bringing the bill to the Senate and to final passage, and he deserves our commendation.

Mr. BAKER. I agree with the Senator, and I thank him for his remarks.

SOLID WASTE DISPOSAL ACT AMENDMENTS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 500.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 757) to amend the Solid Waste Disposal Act to authorize funds for fiscal years 1983, 1984, 1985, 1986, and 1987, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Solid Waste Disposal Act Amendments of 1983".

AUTHORIZATION

SEC. 2. Section 2007(a) of the Solid Waste Disposal Act is amended by striking "and" immediately following "1981," and by inserting immediately before the period at the end thereof ", $43,628,000 for the fiscal year ending September 30, 1983, $45,000,000 for the fiscal year ending September 30, 1984, $47,000,000 per fiscal year for the fiscal years ending September 30, 1985, September 30, 1986, and September 30, 1987".

SEC. 3. Section 3011(a) of the Solid Waste Disposal Act is amended by striking "and" immediately following "1981" and by inserting immediately following "1982" the following: "$45,000,000 for the fiscal year 1983, $47,000,000 for the fiscal year 1984, $50,000,000 for fiscal year 1985, and $52,500,000 per fiscal year for fiscal years 1986 and 1987".

SMALL QUANTITY GENERATOR REGULATION AND STUDY

SEC. 4. Section 3002 of the Solid Waste Disposal Act is amended by inserting "(a) STANDARDS.—" after "SEC. 3002." and by adding the following new subsection:

"(b) HAZARDOUS WASTE FROM SMALL QUANTITY GENERATORS.—(1) Beginning two hundred and seventy days after the enactment of the Solid Waste Disposal Act Amendments of 1983, any hazardous waste listed or identified under section 3001 which is part of a total quantity generated by a generator generating greater than one hundred kilograms but less than one thousand kilograms during one calendar month and which is shipped off the premises on which such waste is generated shall be accompanied by a copy of the Environmental Protection Agency uniform hazardous waste manifest form signed by the generator. This form shall contain the following information:

"(A) the name and address of the generator of the waste;

"(B) the United States Department of Transportation description of the waste, including the proper shipping name, hazard class, and identification number (UN/NA), if applicable;

"(C) the number and type of containers;

"(D) the quantity of waste being transported; and

"(E) the name and address of the facility designated to receive the waste.

If subparagraph (B) is not applicable, in lieu of the description referred to in such subparagraph (B), the form shall contain the Environmental Protection Agency identification number, or a generic description of the waste, or a description of the waste by hazardous waste characteristic. Additional requirements related to the manifest shall apply only if determined necessary by the Administrator to protect human health and the environment. The Administrator is authorized to apply the requirements of this paragraph to hazardous waste which is part of a total quantity generated by a generator generating less than one hundred kilograms during one calendar month.

"(2)(A) Any hazardous waste identified in accordance with section 3001 on the basis of the characteristic of ignitability, reactivity, or corrosivity or listed under section 3001, which is part of a total quantity generated by a generator generating greater than one hundred kilograms but less than one thousand kilograms during one calendar month when such waste is transported off the premises on which such waste is generated, shall be placed in suitable, sound, nonleaking containers as follows:

"(i) off-specification materials, residual materials, and materials from spill cleanup may be placed in the original containers of such materials, or in equivalent containers labeled with the same information as the original containers and suitably constructed to contain such materials;

"(ii) a waste may be placed in a Department of Transportation specification hazardous material container with prescribed labeling in compliance with the Hazardous Materials Transportation Act; and

"(iii) other wastes may be placed in a container or otherwise handled by a method (including a method of identification or labeling consistent with this subparagraph) mutually agreed by the generator and the transporter of such wastes.

Wastes that are not incompatible may be aggregated in such suitable containers. For the purpose of this subparagraph, aggregation means the mixing of two or more types of wastes within the innermost container.

"(B) Except as provided in paragraph (7) or under State law, a generator generating waste subject to this paragraph shall not be subject to additional requirements for manifesting, recordkeeping, or reporting beyond those in regulations promulgated prior to January 1, 1983.

"(3) Until the effective date of regulations promulgated under paragraph (7), or as specified in paragraph (7)(C), any hazardous waste identified or listed under section 3001 generated by any generator during any calendar month in a total quantity less than one thousand kilograms, which is not treated, stored, or disposed of at a hazardous waste treatment, storage, or disposal facility with a permit under section 3005, shall be disposed of only in a facility which is permitted, licensed, or registered by a State to manage municipal or industrial solid waste.

"(4) The provisions of paragraphs (2) and (3) shall take effect on the date two hundred and seventy days after the enactment of the Solid Waste Disposal Act Amendments of 1983.

"(5) Requirements under section 3004 for storage of hazardous waste identified or listed under section 3001 which is generated by any generator during any calendar month in a total quantity less than one thousand kilograms shall provide for onsite storage in tanks and containers of such hazardous waste for up to one hundred and eighty days, unless the generator must ship or haul such waste over two hundred miles in which case such requirements shall provide for onsite storage for up to two hundred and seventy days of up to six thousand kilograms of such hazardous waste.

"(6) Nothing in this subsection shall be construed to affect, modify, or render invalid any requirements applicable to any acutely hazardous waste identified or listed under section 3001 which is generated by any generator during any calendar month in a total quantity less than one thousand kilograms, in regulations promulgated prior to January 1, 1983. Any additional acutely hazardous waste listed under section 3001 after January 1, 1983, shall be subject to all regulations applicable to acutely hazardous wastes.

"(7)(A) The Administrator in cooperation with the States shall conduct a study of hazardous waste identified or listed under section 3001 of this Act which is generated by individual generators in total quantities for each generator during any calendar month of less than one thousand kilograms. The Administrator may require from such generators information as may be necessary to conduct the study. Such study shall include a characterization of the number and type of such generators, the quantity and characteristics of hazardous waste generated by such generators, State requirements applicable to such generators, the individual and industry waste management practices of such generators, the potential costs of modifying those practices and the impact of such modifications on national treatment and disposal facility capacity, and the threat to the protection of human health and the environment and the employees of transporters or others involved in solid waste management posed by such hazardous wastes or such management practices. Such study shall specifically address whether the requirements of paragraph (2) should apply to hazardous wastes identified on the basis of the characteristic of extraction procedure toxicity or additional characteristics promulgated under section 3001(b)(5). Such study shall be submitted to the Congress not later than March 31, 1985.

"(B) Based upon the study required by subparagraph (A) and other information available to the Administrator and after consultation with the States, the Administrator shall promulgate not later than March 31, 1986, additional regulations establishing such requirements under this section and sections 3003, 3004, and 3005 of this Act for hazardous waste identified or listed under section 3001 which is generated by a generator during any calendar month in a total quantity less than one thousand kilograms, as may be necessary to protect human health and the environment. Such requirements may supplement the requirements of paragraphs (1) through (5) of this subsection and may distinguish among classes and categories of generators or waste, and may vary from the requirements applicable to hazardous waste generated in quantities greater than one thousand kilograms during any calendar month, to the extent the Administrator determines such standards are adequate to protect human health and the environment. The Administrator shall consider State requirements applicable to generators of hazardous wastes which generate such wastes in a total quantity less than one thousand kilograms per month in promulgating such regulations and shall explain differences between State requirements and regulations promulgated

under this subparagraph. Except as provided in paragraph (5), regulations promulgated under this paragraph shall provide that treatment, storage, or disposal of a hazardous waste identified or listed under section 3001 generated by a generator during any calendar month in a total quantity less than one thousand kilograms occur only at a treatment, storage, or disposal facility with a permit under section 3005. The Administrator may establish in such regulations a total quantity of wastes generated by a generator during any calendar month, not to exceed one hundred kilograms, for which disposal may occur in compliance with paragraph (3) rather than the preceding sentence, if the Administrator determines that such compliance will be adequate to protect human health and the environment. Such quantity may vary for different wastes or classes of wastes.

"(C) In the case no regulations in accordance with subparagraph (B) of this paragraph have been promulgated prior to March 31, 1986, after such date—

"(i) all treatment, storage, or disposal of any hazardous waste identified or listed under section 3001 generated by a generator during any calendar month in a total quantity greater than one hundred kilograms but less than one thousand kilograms shall occur only at a treatment, storage, or disposal facility with a permit under section 3005;

"(ii) generators of such waste shall file manifest exception reports as required of generators producing quantities greater than one thousand kilograms per month except that such reports shall be filed by January 31, for any waste shipment occurring in the last half of the preceeding calendar year, and by July 31, for any waste shipment occurring in the first half of the calendar year; and

"(iii) generators of such waste shall retain for three years a copy of the manifest signed by the designated facility that has received the waste.

"(D) The Administrator shall undertake activities to inform and educate waste generators of their responsibilities under this section during the period after enactment to help assure compliance.".

LAND DISPOSAL LIMITATIONS

SEC. 5. (a) Section 3004 of the Solid Waste Disposal Act is amended by inserting "(a) STANDARDS.—" after "SEC. 3004." and by adding the following new subsections:

"(b) LAND DISPOSAL LIMITATIONS.—(1) The Congress finds that certain classes of land disposal facilities are not capable of assuring long-term containment of certain hazardous wastes, and that to avoid substantial risk to human health and the environment, reliance on land disposal should be minimized and land disposal, particularly landfill and surface impoundment, should be the least favored method for managing hazardous wastes. Therefore, the Administrator shall, after notice and opportunity for hearings and after consultation with appropriate Federal and State agencies, promulgate regulations prohibiting the land disposal of hazardous wastes, except for methods of land disposal of one or more such wastes which the Administrator determines will be protective of human health and the environment. If the Administrator determines that a method of land disposal of a hazardous waste will be protective of human health and the environment, he shall promptly publish in the Federal Register notice of such determination together with an explanation of the basis for such determination. The Administrator shall take into account the persistence, toxicity, mobility, and propensity to bioaccumulate of such hazardous waste, and the potential effect of such waste on the integrity of containment mechanisms.

"(2) For the purposes of this subsection, if a specified waste contains significant concentrations of one or more hazardous constituents that is highly toxic, highly mobile, or has a strong propensity to bioaccumulate, a method of land disposal may not be determined to be protective of human health and the environment for such specified hazardous waste, unless upon application by an interested person it has been demonstrated to the Administrator, to a reasonable degree of certainty, that there will be no migration of such constituents from the disposal unit or injection zone for as long as the wastes remain hazardous.

"(3) A prohibition in regulations under this subsection shall be effective immediately upon promulgation, unless the Administrator establishes another effective date with respect to a specific hazardous waste on the basis of the earliest date on which adequate alternative treatment, recovery, or disposal capacity which protects human health and the environment will be available, which shall in no event be later than two years after the date of promulgation. The Administrator, after notice and opportunity for comment and after consultation with appropriate State agencies in all affected States, may grant an extension of such effective date on a case-by-case basis for up to one year, renewable for no more than one additional year, where the applicant demonstrates that there is a binding contractual commitment to construct or otherwise provide such alternative capacity but due to circumstances beyond the control of such applicant such alternative capacity cannot reasonably be made available by such effective date.

"(4) Not later than July 1, 1985, the Administrator shall promulgate regulations in accordance with paragraph (1) for dioxin-containing hazardous wastes and those hazardous wastes numbered F001, F002, F003, F004, and F005 in regulations promulated by the Administrator under section 3001 (40 C.F.R. 261.31), as those regulations are in effect on July 1, 1983;

"(5) Not later than thirty-two months after the enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall promulgate regulations in accordance with paragraph (1) for the following hazardous wastes:

"(A) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l.

"(B) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing the following dissolved metals (or elements) or compounds of these metals (or elements) at concentrations greater than or equal to those specified below:

"(i) arsenic and/or compounds (as As) 500 mg/l;

"(ii) cadmium and/or compounds (as Cd) 100 mg/l;

"(iii) chromium (VI and/or compounds (as Cr VI)) 500 mg/l;

"(iv) lead and/or compounds (as Pb) 500 mg/l;

"(v) mercury and/or compounds (as Hg) 20 mg/l;

"(vi) nickel and/or compounds (as Ni) 134 mg/l;

"(vii) selenium and/or compounds (as Se) 100 mg/l; and

"(viii) thallium and/or compounds (as Th) 130 mg/l.

"(C) Liquid hazardous waste having a pH less than or equal to two (2.0).

"(D) Liquid hazardous wastes containing polychlorinated biphenyls at concentrations greater than or equal to 50 ppm.

"(E) Hazardous wastes containing halogenated organic compounds in total concentration greater than or equal to 1,000 mg/kg.

When necessary to protect human health and the environment, the Administrator shall substitute more stringent concentration levels than the levels specified in subparagraphs (A) through (E).

"(6)(A) Not later than twelve months after the enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall publish a schedule for deciding whether or not to prohibit in accordance with paragraph (1) the land disposal of each hazardous waste listed under section 3001. Such schedule shall require that the Administrator must make such decisions for at least one-third of all such listed wastes by the date thirty-two months after the date of such enactment, for at least two-thirds of all such listed wastes by the date forty-two months after the date of such enactment, and for all such listed wastes by the date fifty-two months after the date of such enactment.

"(B) Not later than the date specified in subparagraph (A) for each waste on the schedule published under such subparagraph, the Administrator shall promulgate regulations in accordance with paragraph (1) for each such waste.

"(C) Not later than fifty-two months after the enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall promulgate regulations in accordance with paragraph (1) for each hazardous waste identified on the basis of any toxicity characteristics.

"(D) Not later than thirty-two months after the listing of a hazardous waste listed after the enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall promulgate regulations in accordance with paragraph (1) for such waste.

"(7) Simultaneously with the promulgation of regulations under paragraph (1) prohibiting one or more methods of land disposal of a particular hazardous waste, and as appropriate thereafter, the Administrator shall, after notice and an opportunity for hearings and after consultation with appropriate Federal and State agencies, promulgate regulations specifying those methods of treatment, if any, which are necessary before such method or methods of disposal of such hazardous waste would be protective of human health and the environment. Notwithstanding the provisions of subsection 3010(b), immediately upon the promulgation of regulations under this paragraph, the disposal of such hazardous waste by such method or methods is allowed if such hazardous waste has first been treated by a method specified in regulations promulgated under this paragraph.

"(8)(A) Any hazardous waste prohibited under this subsection from disposal in a surface impoundment may be treated or stored in a surface impoundment only if that impoundment is equipped with at least one liner.

"(B) For the purposes of this section, 'disposal' shall include the placement of hazardous waste in a surface impoundment or a waste pile for a period of more than six months, regardless of whether it is intended

that the hazardous waste will be removed before closure of the facility.

"(9) If the Administrator fails to promulgate regulations under paragraph (1) with respect to a waste referred to in paragraph (4) or in paragraph (5) by the deadline specified in such paragraph, effective six months after such deadline, and until the Administrator promulgates regulations under paragraph (1), such waste may be disposed of in a landfill or a surface impoundment only if such facility is in compliance with the requirements of section 3004(f)(1) of this Act. This paragraph shall not apply to contaminated soil and debris from the cleanup or removal of any release of a hazardous substance.

"(c) LIQUIDS IN LANDFILLS.—Not later than one year after the enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall promulgate final regulations which minimize the disposal of liquid containerized hazardous waste in landfills (including the minimization of free liquids by other means than the addition of absorbent material, where technologically feasible), and which prohibit the disposal of bulk or noncontainerized liquid hazardous wastes in landfills. Prior to the promulgation of such final regulations, the requirements in regulations under this section respecting the disposal of landfills of liquid hazardous waste and free liquids contained in hazardous waste in effect as of October 1, 1982, shall remain in effect.

"(d) BAN ON DUST SUPPRESSION.—The use of waste or used oil or other material, which is contaminated or mixed with dioxin or any other hazardous waste identified or listed under section 3001 (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment is prohibited.

"(e) BAN ON CERTAIN WELLS.—Effective one hundred and eighty days after the enactment of the Solid Waste Disposal Act Amendments of 1983, no hazardous waste may be disposed of by underground injection into or above any formation which contains, within one-half mile of the well used for such underground injection, an underground source of drinking water.".

(b) Section 3005(e) of the Solid Waste Disposal Act is amended by adding the following: "The owner or operator of a waste pile qualifying for the authorization to operate under this subsection shall be subject to the same requirements for liners and leachate collection systems or equivalent protection provided in regulations promulgated by the Administrator under section 3004 before October 1, 1982, or revised under section 3004(f), for new facilities receiving individual permits under subsection (c) of this section, with respect to each new unit, replacement of an existing unit, or lateral expansion of an existing unit that is within the waste management area identified in the permit application submitted under this section, and with respect to waste received beginning six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1983. The owner or operator of a landfill or surface impoundment qualifying for the authorization to operate under this subsection shall be subject to the requirements of section 3004(f), with respect to each new unit, replacement of an existing unit, or lateral expansion of an existing unit that is within the waste management area identified in the permit application submitted under this section, and with respect to waste received beginning six months after such date of enactment. The owner or operator of each such unit shall notify the Administrator (or the State, if appropriate) at least sixty days prior to receiving waste. The Administrator (or the State) shall require the filing of a completed permit application within six months of receipt of such notice, for each facility submitting such notice. In the case of any unit in which the liner and leachate collection system has been installed pursuant to the requirements of this subsection and in good faith compliance with the Administrator's regulations and guidance documents governing liners and leachate collection systems, no liner or leachate collection system which is different from that which was so installed pursuant to this subsection shall be required for such unit by the Administrator when issuing the first permit under this section to such facility. The Administrator may, under section 3004, amend the requirements for liners and leachate collection systems required under this subsection as may be necessary to provide additional protection for human health and the environment.".

(c) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(g) The standards concerning ground water monitoring, unsaturated zone monitoring, and corrective action, which are applicable under section 3004 to new landfills, surface impoundments, land treatment units, and waste-pile units required to be permitted under subsection (c) shall also apply to any landfill, surface impoundment, land treatment unit, or waste-pile unit qualifying for the authorization to operate under subsection (e) which receives hazardous waste after July 26, 1982.".

MINIMUM TECHNOLOGICAL REQUIREMENTS AND PERMIT LIFE

SEC. 6. (a) Section 3004 of the Solid Waste Disposal Act is amended by adding the following additional new subsection:

"(f) MINIMUM TECHNOLOGICAL REQUIREMENTS.—The regulations under subsection (a) of this section shall be revised from time to time to take into account improvements in the technology of control and measurement. At a minimum, such regulations shall require, and a permit issued after the date of enactment of the Solid Waste Disposal Act Amendments of 1983 by the Administrator or a State shall require—

"(1) for each new landfill or surface impoundment, each new landfill or surface impoundment unit at an existing facility, each replacement of an existing landfill or surface impoundment unit, and each lateral expansion of an existing landfill or surface impoundment unit, for which a completed application for a permit under section 3005(c) is received after the date of enactment of the Solid Waste Disposal Act Amendments of 1983, with respect to all waste received after the issuance of such permit, the installation of two or more liners and a leachate collection system above (in the case of a landfill) and between such liners (unless the owner or operator demonstrates to the Administrator, and the Administrator finds for such landfill or surface impoundment, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents into the ground water or surface water at least as effectively as such liners and leachate collection systems), together with ground water monitoring; and

"(2) for each incinerator which receives a permit under section 3005(c) after the date of enactment of the Solid Waste Disposal Act Amendments of 1983, the attainment of the minimum destruction and removal efficiency required by regulations in effect on June 24, 1982.

In addition, such regulations shall specify criteria for the acceptable location of new and existing treatment, storage, or disposal facilities as necessary to protect human health and the environment. The Administrator shall determine whether to modify the requirements of paragraph (1) for liners and leachate collection systems in the case of landfills or surface impoundments receiving solid waste from the extraction, beneficiation or processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore, if such solid waste is subject to regulation under this subtitle, and shall, if he so determines, so modify such requirements to the extent such modified requirements assure protection of human health and the environment.".

(b) Section 3005(c) of the Solid Waste Disposal Act is amended by adding the following: "Any permit under this section shall be for a fixed term, not to exceed ten years in the case of any land disposal facility, incinerator or other treatment facility. Each permit for a land disposal facility shall be reviewed five years after date of issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of this section and section 3004. Nothing in this subsection shall preclude the Administrator from reviewing and modifying a permit at any time during its term. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations. Each permit issued under this section shall contain such terms and conditions as the Administrator (or the State) determines necessary to protect human health and the environment.".

CONTINUING RELEASES AT PERMITTED FACILITIES

SEC. 7. Section 3004 of the Solid Waste Disposal Act is amended by adding the following additional new subsection:

"(g) CONTINUING RELEASES AT PERMITTED FACILITIES.—Standards promulgated under this section shall require, and a permit issued after the date of enactment of the Solid Waste Disposal Act Amendments of 1983 by the Administrator or a State shall require, corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage, or disposal facility seeking a permit under this subtitle, regardless of the time at which waste was placed in such unit. Permits issued under section 3005 shall contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.".

LISTING/DELISTING MODIFICATIONS

SEC. 8. Section 3001(b) of the Solid Waste Disposal Act is amended by adding at the end thereof the following new paragraphs:

"(4)(A) The regulations promulgated under paragraph (1) shall provide that, when evaluating a petition to exclude a waste generated at a particular facility from being regulated as a hazardous waste, the Administrator shall consider criteria, constituents, or other related factors, other than those for which the waste was listed, if the

Administrator has a reasonable basis to believe that such additional criteria, constituents, or other related factors could cause such waste to be listed as a hazardous waste. The Administrator shall grant or deny such petitions only after notice and opportunity for public hearing. If the basis for denial of such petition is the presence of additional constituents which could cause such waste to be hazardous, the Administrator shall amend the basis for the listing of such waste to indicate the additional constituents.

"(B) The temporary granting of such a petition prior to the enactment of the Solid Waste Disposal Act Amendments of 1983 without the opportunity for public comment and the full consideration of such comment shall not continue for more than twelve months after the date such petition is granted or six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1983, whichever is later. If a final decision to grant or deny such a petition has not been promulgated after notice and opportunity for public comment within the time limit prescribed by the preceding sentence, any such temporary granting of such petition shall cease to be in effect.

"(C) Any petition to exclude from regulation a waste generated at a particular facility shall be accompanied by adequate information to evaluate such petition, including information on samples of such waste determined to be representative on the basis of guidelines for the development and submission of such information published by the Administrator. Such information shall be certified by a responsible official of such facility (as determined under regulations promulgated under section 3005) to be accurate, complete, and representative, within the knowledge of employees or contractors of such facility.

"(5) For the purpose of assuring the timely completion of regulations identifying the characteristics of hazardous waste and the listing of additional particular hazardous wastes, as required by paragraph (1) of this subsection, the Administrator shall—

"(A) not later than six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1983, identify those particular wastes for which the Agency intends to decide whether to list as hazardous waste within two years after such date of enactment, and those particular wastes for which the Agency intends to decide within five years after such date of enactment;

"(B) not later than six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1983, promulgate regulations listing chlorinated dioxin- and dibenzofuran-containing wastes as hazardous wastes in accordance with paragraph (1) of this subsection; and

"(C) not later than two years after the date of enactment of the Solid Waste Disposal Act Amendments of 1983, (i) promulgate regulations identifying additional characteristics of hazardous waste, including measures or indicators of toxicity; and (ii) reach decisions on all wastes identified in accordance with subparagraph (A) for decision within two years and for each such waste either promulgate regulations listing such particular hazardous waste or publish a statement as to why such waste should not be listed as hazardous waste; and

"(D) not later than six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1983, determine the appropriateness of using the extraction procedure toxicity characteristic for evaluating petitions to exclude a waste generated at a particular facility from being regulated as a hazardous waste, and, not later than two years after such date of enactment, make such changes as are necessary in the extraction procedure toxicity characteristic to predict the leaching potential of wastes upon exposure to leaching media more aggressive than the media utilized in the regulation in effect as of such date of enactment.

"(6) The Administrator, in cooperation with the Agency for Toxic Substances and Disease Registry and the National Toxicology Program, shall also identify or list those hazardous wastes which shall be subject to the provisions of this subtitle solely because of the presence in such wastes of certain constituents (such as identified carcinogens, mutagens, or teratogens) at levels in excess of levels which endanger human health.".

BURNING AND BLENDING OF HAZARDOUS WASTES

SEC. 9. (a) NOTICE.—(1) Section 3010 of the Solid Waste Disposal Act is amended by inserting the following after the first sentence thereof: "Not later than twelve months after the date of the enactment of the Solid Waste Disposal Act Amendments of 1983—

"(1) the owner or operator of any facility which produces a fuel (A) from any hazardous waste identified or listed under section 3001, (B) from such hazardous waste identified or listed under section 3001 and any other material, (C) from used oil, or (D) from used oil and any other material;

"(2) the owner or operator of any facility (other than a single- or two-family residence) which burns for purposes of energy recovery any fuel produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001; and

"(3) any person who distributes or markets any fuel which is produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001

shall file with the Administrator (and with the State in the case of a State with an authorized hazardous waste program) a notification stating the location and general description of the facility, together with a description of the identified or listed hazardous waste involved and, in the case of a facility referred to in paragraph (1) or (2), a description of the production or energy recovery activity carried out at the facility and such other information as the Administrator deems necessary. For purposes of the preceding sentence, the term 'hazardous waste listed under section 3001' also includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (i) produced for use as (or as a component of) a fuel, (ii) distributed for use as a fuel, or (iii) burned as a fuel. Notification shall not be required under the second sentence of this subsection in the case of facilities (such as residential boilers) where the Administrator determines that such notification is not necessary in order for the Administrator to obtain sufficient information respecting current practices of facilities using hazardous waste for energy recovery. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). Nothing in this subsection shall affect regulatory determinations under section 3014 (as amended by the Used Oil Recycling Act of 1980).".

(2) Section 3010 of such Act is amended by striking out "the preceding sentence" each place it occurs and substituting "the preceding provisions".

(b) STANDARDS.—(1) Section 3004 of such Act is further amended by adding the following at the end thereof:

"(h) HAZARDOUS WASTE USED AS FUEL.—(1) Not later than two years after the date of the enactment of the Solid Waste Disposal Act Amendments of 1983, and after notice and opportunity for public hearing, the Administrator shall promulgate regulations establishing such—

"(1) standards applicable to the owners and operators of facilities which produce a fuel, (A) from any hazardous waste identified or listed under section 3001, or (B) from any hazardous waste identified or listed under section 3001 and any other material;

"(2) standards applicable to the owners and operators of facilities which burn, for purposes of energy recovery, any fuel produced as provided in paragraph (1) or any fuel which otherwise contains any hazardous waste identified or listed under section 3001; and

"(3) standards applicable to any person who distributes or markets any fuel which is produced as provided in paragraph (1) or any fuel which otherwise contains any hazardous waste identified or listed under section 3001

as may be necessary to protect human health and the environment. Such standards may include any of the requirements set forth in paragraphs (1) through (7) of subsection (a) as may be appropriate. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). For purposes of this subsection, the term 'hazardous waste listed under section 3001' includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (A) produced for use as (or as a component of) a fuel, (B) distributed for use as a fuel, or (C) burned as a fuel.

"(2)(A) This subsection, subsection (i), and subsection (j) shall not apply to petroleum refinery wastes containing oil which are converted into petroleum coke at the same facility at which such wastes were generated, unless the resulting coke product would exceed one or more characteristics by which a substance would be identified as a hazardous waste under section 3001.

"(B) The Administrator may exempt from the requirements of this subsection, subsection (i), or subsection (j) facilities which burn de minimis quantities of hazardous waste as fuel, as defined by the Administrator, if the wastes are burned at the same facility at which such wastes are generated; the waste is burned to recover useful energy, as determined by the Administrator on the basis of the design and operating characteristics of the facility and the heating value and other characteristics of the waste; and the waste is burned in a type of device determined by the Administrator to be designed and operated at a destruction and removal efficiency sufficient such that protection of human health and environment is assured.".

"(i) LABELING.—(1) Notwithstanding any other provision of law, until such time as the Administrator promulgates standards under subsection (h) specifically superceding this requirement, it shall be unlawful for any person who is required to file a notification in accordance with paragraph (1) or (3) of section 3010 to distribute or market any fuel which is produced from any hazardous waste identified or listed under section 3001, or any fuel which otherwise contains any hazardous waste identified or listed under

section 3001 if the invoice or the bill of sale fails—

"(A) to bear the following statement: 'WARNING: THIS FUEL CONTAINS HAZARDOUS WASTES', and

"(B) to list the hazardous wastes contained therein.

Beginning ninety days after the enactment of the Solid Waste Disposal Act Amendments of 1983, such statement shall be located in a conspicuous place on every such invoice or bill of sale and shall appear in conspicuous and legible type in contrast by typography, layouts, or color with other printed matter on the invoice or bill of sale.

"(2) Unless the Administrator determines otherwise as may be necessary to protect human health and the environment, this subsection shall not apply to fuels produced from petroleum refining waste containing oil if (A) such materials are generated and reinserted onsite into the refining process; (B) contaminants are removed; and (C) such refining waste containing oil is converted along with normal process streams into petroleum-derived fuel products at a facility at which crude oil is refined into petroleum products and which is classified as a number SIC 2911 facility under the Office of Management and Budget Standard Industrial Classification Manual.

"(3) Unless the Administrator determines otherwise as may be necessary to protect human health and the environment, this subsection shall not apply to fuels produced from used oil, resulting from normal petroleum refining production and transportation practices, if (A) contaminants are removed; and (B) such used oil is converted along with normal process streams into petroleum-derived fuel products at a facility at which crude oil is refined into petroleum products and which is classified as a number SIC 2911 facility under the Office of Management and Budget Standard Classification manual.

"(j) RECORDKEEPING.—Not later than twelve months after the enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall promulgate regulations requiring that any person who is required to file a notification in accordance with subparagraph (1), (2), or (3), of paragraph 3010(a) must maintain such records regarding fuel blending, distribution, or use as may be necessary to protect human health and the environment.".

(2) Section 3003 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(c) FUEL FROM HAZARDOUS WASTE.—Not later than two years after the date of the enactment of the Solid Waste Disposal Act Amendments of 1983 and after opportunity for public hearing, the Administrator shall promulgate regulations establishing standards, applicable to transporters of fuel produced (1) from any hazardous waste identified or listed under section 3001, or (2) from any hazardous waste identified or listed under section 3001 and any other material, as may be necessary to protect human health and the environment. Such standards may include any of the requirements set forth in paragraphs (1) through (4) of subsection (a) as may be appropriate.".

MANDATORY INSPECTIONS

SEC. 10. Section 3007 of the Solid Waste Disposal Act is amended by inserting the following new subsection after subsection (a) and by redesignating succeeding subsections accordingly:

"(b) MANDATORY INSPECTIONS.—(1) Beginning twelve months after the enactment of the Solid Waste Disposal Act Amendments of 1983, every facility for the treatment, storage, or disposal of hazardous waste for which a permit is required under section 3005 of this title shall be thoroughly and regularly inspected no less often than every two years as to its compliance with this subtitle and the regulations promulgated thereunder. The Administrator shall, after notice and opportunity for public comment, promulgate regulations governing the minimum frequency and manner of such inspections, including the manner in which records of such inspections shall be maintained. The Administrator may distinguish between classes and categories of facilities commensurate with the risks posed by each class or category.

"(2) Not later than six months after the enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall submit to the Congress a report on the potential for inspections of hazardous waste treatment, storage, or disposal facilities by nongovernmental inspectors as a supplement to inspections conducted by officers, employees, or representatives of the Environmental Protection Agency or States having authorized hazardous waste programs or operating under a cooperative agreement with the Administrator. Such report shall be prepared in cooperation with the States, insurance companies offering environmental impairment insurance, and independent companies providing inspection services, and other such groups as appropriate. Such report shall contain recommendations on provisions and requirements for a program of private inspections to supplement governmental inspections.".

FEDERAL FACILITIES

SEC. 11. (a) Section 3007 of the Solid Waste Disposal Act, as amended by section 10 of this Act, is further amended by adding the following new subsections:

"(d) FACILITIES OPERATED BY A FEDERAL AGENCY.—Beginning twelve months after enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall, and the State, in the case of a State with an authorized hazardous waste program, may undertake no less often than every two years a thorough inspection of each facility for the treatment, storage, or disposal of hazardous waste which is operated by a Federal agency as to its compliance with this subtitle and the regulations promulgated thereunder. The records of such inspections shall be available to the public as provided in subsection (c).

"(e) STATE-OPERATED FACILITIES.—The Administrator shall undertake a thorough inspection of every facility for the treatment, storage, or disposal of hazardous waste which is operated by a State or local government for which a permit is required under section 3005 of this title. The records of such inspection shall be available to the public as provided in subsection (c).".

(b) Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section:

"INVENTORY OF FEDERAL AGENCY HAZARDOUS WASTE FACILITIES

"SEC. 3015. (a) FEDERAL AGENCY INVENTORY.—Each Federal agency shall, within one year after the enactment of the Solid Waste Disposal Act Amendments of 1983, undertake a continuing program to compile, publish, and submit to the Administrator and the State (in the case of States having an authorized hazardous waste program) an inventory describing the location of each site which the Federal agency owns or operates where hazardous waste has at any time been treated, stored or disposed of. Such inventory shall contain—

"(1) a description of the location of the sites at which any such treatment, storage, or disposal has taken place before the date on which permits are required under section 3005 for such storage or disposal;

"(2) such information relating to the amount, nature, and toxicity of the hazardous waste at each such site as may be practicable to obtain and as may be necessary to determine the extent of any health hazard which may be associated with such site;

"(3) the name and address and responsible agency for each such site, determined as of the date of preparation of the inventory;

"(4) an identification of the types or techniques of waste treatment, storage, or disposal which have been used at each site; and

"(5) information concerning the current status of the site, including information respecting whether or not hazardous waste is currently being treated, stored, or disposed of at such site (and if not, the date on which such activity ceased) and information respecting the nature of any other activity currently carried out at such site.

"(b) ENVIRONMENTAL PROTECTION AGENCY PROGRAM.—If the Administrator determines that any Federal agency under subsection (a) is not adequately providing information respecting the sites referred to in subsection (a), the Administrator shall notify the chief official of such Agency. If within ninety days following such notification, the Federal agency has not undertaken a program to adequately provide such information, the Administrator shall carry out the inventory program for such agency.".

FEDERAL ENFORCEMENT

SEC. 12. (a) Section 3008(d) of the Solid Waste Disposal Act is amended as follows:

(1) in paragraph (1)—

(A) insert after "knowingly transports" the following: "or causes to be transported", and

(B) strike out "section 3005 (or 3006 in the case of a State program)" and substitute "this subtitle";

(2) in paragraph (2)—

(A) strike out "either";

(B) strike out "section 3005 (or 3006 in the case of a State program)" and substitute "this subtitle"; and

(C) strike out subparagraph (B) and substitute:

"(B) in knowing violation of any material condition or requirement of such permit; or

"(C) in knowing violation of any material condition or requirement of any applicable interim status regulations or standards;"; and

(3) strike out all after paragraph (2) and substitute:

"(3) knowingly omits material information or makes any false material statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance with regulations promulgated by the Administrator (or by a State in the case of an authorized State program) under this subtitle;

"(4) knowingly generates, stores, treats, transports, disposes of, exports, or otherwise handles any hazardous waste (whether such activity took place before or takes place after the date of the enactment of this paragraph) and who knowingly destroys, alters, conceals, or fails to file any record, application, manifest, report, or other document required to be maintained or filed for pur-

poses of compliance with regulations promulgated by the Administrator (or by a State in the case of an authorized State program) under this subtitle;

"(5) knowingly transports without a manifest, or causes to be transported without a manifest, any hazardous waste required by regulations promulgated under this subtitle (or by a State in the case of a State program authorized under this subtitle) to be accompanied by a manifest

shall upon conviction, be subject to a fine of not more than $50,000 for each day of violation, or imprisonment not to exceed two years (five years in the case of a violation of paragraph (1) or (2)), or both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.".

(b) Section 3008(e) of the Solid Waste Disposal Act is amended to read as follows:

"(e) KNOWING ENDANGERMENT.—Any person who knowingly transports, treats, stores, disposes of, or exports any hazardous waste identified or listed under this subtitle in violation of paragraph (1), (2), (3), (4), or (5) of subsection (d) of this section who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than fifteen years, or both. A defendant that is an organization shall, upon conviction of violating this subsection, be subject to a fine of not more than $1,000,000.".

EXPORT OF HAZARDOUS WASTE

SEC. 13. (a) Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section:

"EXPORT OF HAZARDOUS WASTE

"SEC. 3016. (a) GENERAL.—Beginning twenty-four months after the date of enactment of the Solid Waste Disposal Act Amendments of 1983, no person shall export any hazardous waste identified or listed under this subtitle unless (1) such person has provided the notification required in subsection (c) of this section, (2) the government of the receiving country has consented to accept such hazardous waste, (3) a copy of the receiving country's written consent is attached to the manifest accompanying each waste shipment, and (4) the shipment conforms with the terms of the consent of the government of the receiving country required pursuant to subsection (e), or (5) the United States and the government of the receiving country have entered into an agreement as provided for in subsection (f).

"(b) REGULATIONS.—Not later than twelve months after the date of enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall promulgate the regulations necessary to implement this section. Such regulations shall become effective one hundred and eighty days after promulgation.

"(c) NOTIFICATION.—Any person who intends to export a hazardous waste identified or listed under this subtitle beginning twelve months after the date of enactment of the Solid Waste Disposal Act Amendments of 1983, shall, before such hazardous waste is scheduled to leave the United States, provide notification to the Administrator. Such notification shall concern the following information:

"(1) the name and address of the exporter;

"(2) the types and estimated quantities of hazardous waste to be exported;

"(3) the estimated frequency or rate at which such waste is to be exported; and the period of time over which such waste is to be exported;

"(4) the ports of entry;

"(5) a description of the manner in which such hazardous waste will be transported to and treated, stored, or disposed in the receiving country; and

"(6) the name and address of the ultimate treatment, storage or disposal facility.

"(d) PROCEDURES FOR REQUESTING CONSENT OF THE RECEIVING COUNTRY.—Within thirty days of the Administrator's receipt of a complete notification under this section, the Department of State, acting on behalf of the Administrator, shall—

"(1) forward a copy of the notification to the government of the receiving country;

"(2) advise the government that United States law prohibits the export of hazardous waste unless the receiving country consents to accept the hazardous waste;

"(3) request the government to provide the Secretary with a written consent or objection to the terms of the notification; and

"(4) forward to the government of the receiving country a description of the Federal regulations which would apply to the treatment, storage, and disposal of the hazardous waste in the United States.

"(e) CONVEYANCE OF WRITTEN CONSENT TO EXPORTER.—Within thirty days of receipt by the Department of State of the receiving country's written consent or objection (or any subsequent communication withdrawing a prior consent or objection), the Administrator shall forward such a consent, objection, or other communication to the exporter.

"(f) INTERNATIONAL AGREEMENTS.—Where there exists an international agreement between the United States and the government of the receiving country establishing notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous wastes, only the requirements of subsection (g) shall apply.

"(g) REPORTS.—After the date of enactment of the Solid Waste Disposal Act Amendments of 1983, any person who exports any hazardous waste identified or listed under this subtitle shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year.

"(h) OTHER STANDARDS.—Nothing in this section shall preclude the Administrator from establishing other standards for the export of hazardous wastes under section 3002 or section 3003 of this subtitle.".

(b) PENALTIES.—Section 3008(d) of the Solid Waste Disposal Act, as amended by section 12(a) of this Act, is amended by adding after paragraph (5) ", or" and the following new paragraph:

"(6) knowingly exports a hazardous waste identified or listed under this subtitle without the consent of the receiving country".

SUBTITLE D IMPROVEMENTS

SEC. 14. (a) Section 4004(a) of the Solid Waste Disposal Act is amended by inserting "(1)" after "LANDFILLS.—" and by adding the following new paragraph:

"(2) Not later than twenty-four months after the enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall promulgate revisions of the criteria promulgated under paragraph (1) and section 1008(a)(3) to reflect improvements in the state of control and measurement technology and the need to protect human health and the environment. Such revisions shall take into account the potential receipt by such facilities of hazardous waste in household waste and from small quantity generators under section 3002(b), and the possibility of illegal dumping of hazardous wastes in such facilities. At a minimum such revisions for facilities potentially receiving such wastes should require groundwater monitoring, and provide for corrective action as appropriate.".

(b) Section 4004(c) of the Solid Waste Disposal Act is amended by striking all after "subsection (a)" through "later".

(c) Section 4005 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(c) CONTROL OF HAZARDOUS DISPOSAL.—Not later than forty-two months after the enactment of the Solid Waste Disposal Act Amendments of 1983, each State shall adopt and begin to enforce a permit program or other system of prior approval and conditions, to assure that each solid waste management facility within such State which may receive hazardous waste in household waste or due to the provisions of section 3002(b) for small quantity generators (otherwise not subject to the requirement for a permit under section 3005 of this Act) will comply with the criteria revised under section 4004(a)(2). In any State which does not adopt such a program for such facilities by the date forty-two months after the enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall use the authorities available under sections 3007 and 3008 of this title to enforce the prohibition in subsection (a) of this section with respect to such facilities. For purposes of this paragraph, the term 'requirement of this subtitle' in section 3008 shall be deemed to include criteria promulgated by the Administrator under sections 1008(a)(3) and 4004(a) of this title, and the term 'hazardous wastes' in section 3007 shall be deemed to include solid wastes received at such facilities.".

BIENNIAL REPORT

SEC. 15. Section 2006 of the Solid Waste Disposal Act is amended by inserting "(a) ACTIVITIES OF THE OFFICE.—" after "SEC. 2006." and by inserting at the end thereof the following new subsection:

"(b) HAZARDOUS WASTE.—(1) The Administrator shall transmit to the Congress and the President, periodically but no less often than every two years a report describing quantities and types of hazardous waste generated, stored, treated, and disposed of. The Administrator shall compile and update such information comparable to that required under section 3002(a)(6) and section 3004(a) (1) and (2).

"(2) States with authorized programs under section 3006 shall make available those reports they have received or compiled to assist the Administrator in preparing such report for Congress. The first such report shall cover calendar year 1983 and shall be transmitted to the Congress no later than March 31, 1985.

"(3) The authority of section 3007 of this Act shall be available in the implementation of this subsection.".

AWARD OF FEES

SEC. 16. Section 7002(e) of the Solid Waste Disposal Act is amended by inserting "prevailing or substantially prevailing" before "party" in the first sentence thereof.

JUDICIAL REVIEW

SEC. 17. Section 7006 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 7006. (a) REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.—A petition for review of the promulgation of final regulations under this Act and the Administrator's denial of any petition for the promulgation, amendment, or repeal of any regulation under this Act may be filed in the United States Court of Appeals for the District of Columbia or in any United States Court of Appeals for a circuit in which the petitioner resides or transacts business which is directly affected by such promulgation or denial, and such petition shall be filed within one hundred and twenty days from the date of such promulgation or denial, unless such petition is based solely on grounds arising after such one hundred and twentieth day. Any action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement.

"(b) REVIEW OF CERTAIN ACTIONS UNDER SECTIONS 3005 AND 3006.—A petition for review of the Administrator's action (1) in issuing, denying, modifying, or revoking any permit under section 3005, or (2) in granting, denying, or withdrawing authorization or interim authorization under section 3006, may be filed by any interested person in the United States Court of Appeals for a circuit in which the petitioner resides or transacts business which is directly affected by such action, and such petition shall be filed within one hundred and twenty days from the date of such issuance, denial, modification, revocation, grant, or withdrawal, or after such date only if such petition is based solely on grounds which arose after such one hundred and twentieth day. Any action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement.

"(c) In any judicial proceeding brought under this section in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

"(d)(1) If petitions for review of the same agency action have been filed in two or more United States Courts of Appeals and the Administrator has received written notice of the filing of the first such petition more than thirty days before receiving written notice of the filing of the second petition, then the record shall be filed in that court in which the first petition was filed. If petitions for review of the same agency action have been filed in two or more United States Courts of Appeals and the Administrator has received written notice of the filing of one or more petitions within thirty days or less after receiving written notice of the filing of the first petition, then the Administrator shall promptly advise in writing the Administrative Office of the United States Courts that petitions have been filed in two or more United States Courts of Appeals, and shall identify each court for which he has written notice that such petitions have been filed within thirty days or less of receiving written notice of the filing of the first such petition. Pursuant to a system of random selection devised for this purpose, and within three business days after receiving such notice from the Administrator, the Administrative Office thereupon shall select the court in which the record shall be filed from among those identified by the Administrator. Upon notification of such selection, the Administrator shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the Administrator, the record shall be filed in the United States Courts of Appeals which remanded such action.

"(2) Where petitions have been filed in two or more United States Courts of Appeals with respect to the same agency action and the record has been filed in one of such courts pursuant to paragraph (1), the other courts in which such petitions have been filed shall promptly transfer such petitions to the United States Courts of Appeals in which the record has been filed. Pending selection of a court pursuant to subsection (1), any court in which a petition has been filed may postpone the effective date of the agency action until fifteen days after the Administrative Office has selected the court in which the record shall be filed.

"(3) Any court in which a petition with respect to any agency action has been filed, including any court selected pursuant to subsection (d)(1), may transfer such petition to any other United States Courts of Appeals for the convenience of the parties or otherwise in the interest of justice.

"(e) In any judicial proceeding under this section, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party whenever it determines that such award is appropriate.".

CITIZEN SUITS

SEC. 18. (a) Section 7002(a)(1) of the Solid Waste Disposal Act is amended by—

(1) inserting "prohibition," immediately after "requirement,";

(2) inserting "(A)" immediately after "(1)"; and

(3) inserting the following at the end thereof:

"(B) against any person, including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution, and including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility, who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment; or".

(b) Section 7002(a) of the Solid Waste Disposal Act is amended by—

(1) inserting "or the alleged endangerment may occur" immediately after "the alleged violation occurred" in the first sentence following paragraph (2); and

(2) striking "to enforce such regulation or order, or to order the Administrator to perform such act or duty as the case may be" in the portion following paragraph (2) and inserting in lieu thereof the following: "to enforce the permit, standard, regulation, condition requirement, prohibition, or order, referred to in paragraph (1)(A), to restrain any person who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste referred to in paragraph (1)(B), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 3008 (a) and (g).".

(c) Section 7002(b) of the Solid Waste Disposal Act is amended to read as follows:

"(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

"(1) prior to sixty days after the plaintiff has given notice of the violation or prior to one hundred and twenty days after the plaintiff has given notice of the endangerment (A) to the Administrator; (B) to the State in which the alleged violation occurs or in which the alleged endangerment may occur; and (C) to any alleged violator of such permit, standard, regulation, condition, requirement, prohibition, or order, or any person alleged to have contributed or to be contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste referred to in subsection (a)(1)(B) of this section, except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of subtitle C of this Act; or

"(2) with respect to an action under subsection (a)(1)(A) of this section, if the Administrator or State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States or a State to require compliance with such permit, standard, regulation, condition, requirement, prohibition, or order: Provided, however, That in any such action in a court of the United States, any person may intervene as a matter of right; or

"(3) with respect to an action under subsection (a)(1)(B) of this section, if the Administrator has commenced and is diligently prosecuting an action under section 7003 of this Act or has settled such action to restrain or abate acts or conditions which may have contributed or are contributing to the activities which may present the alleged endangerment, or if the State has commenced and is diligently prosecuting an action under subsection (a)(1)(B) of this section: Provided, however, That in any such action in a court of the United States, any person may intervene as a matter of right when the applicant claims an interest relating to the subject of the action and he is so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest, unless the Administrator or the State shows that the applicant's interest is adequately represented by existing parties. No action may be commenced under subsection (a)(1)(B) by any person (other than a State or local government) with respect to the siting of a hazardous waste treatment, storage, or a disposal facility, nor to restrain or

enjoin the issuance of a permit for such facility".

IMMINENT HAZARD

SEC. 19. Section 7003(a) of the Solid Waste Disposal Act is amended by—

(1) inserting "past or present" after "evidence that the";

(2) striking "to immediately restrain any person" and inserting in lieu thereof "against any person (including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility) who has contributed or who is";

(3) striking "to stop" and inserting in lieu thereof "to restrain such person from"; and

(4) striking "or to take such other action as may be necessary" and substituting ", to order such person to take such other action as may be necessary, or both".

PUBLIC PARTICIPATION IN SETTLEMENTS

SEC. 20. Section 7003 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(c) Whenever the United States or the Administrator proposes to covenant not to sue or to forbear from suit or to settle any claim arising under this section, notice, and opportunity for a public meeting in the affected area, and a reasonable opportunity to comment on the proposed settlement prior to its final entry shall be afforded to the public. The decision of the United States or the Administrator to enter into or not to enter into such Consent Decree, covenant or agreement shall not constitute a final agency action subject to judicial review under this Act or the Administrative Procedure Act.".

COMPATIBILITY OF RECYCLING AND ENERGY RECOVERY

SEC. 21. (a) Section 4001 of the Solid Waste Disposal Act is amended by adding the following at the end thereof: "In developing such comprehensive plans, it is the intention of this Act that in determining the size of the waste-to-energy facility, adequate provision shall be given to the present and reasonably anticipated future needs of the recycling and resource recovery interest within the area encompassed by the planning process.".

(b) Section 4003 of such Act is amended by adding the following new subsection at the end thereof:

"(d) SIZE OF WASTE-TO-ENERGY FACILITIES.—Notwithstanding any of the above requirements, it is the intention of this Act and the planning process developed pursuant to this Act that in determining the size of the waste-to-energy facility, adequate provision shall be given to the present and reasonably anticipated future needs of the recycling and resource recovery interest within the area encompassed by the planning process.".

CLARIFICATION OF HOUSEHOLD WASTE EXCLUSION

SEC. 22. (a) Section 3001 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(d) CLARIFICATION OF HOUSEHOLD WASTE EXCLUSION.—A resource recovery facility recovering energy from the mass burning of municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this subtitle, if such facility—

"(1) receives and burns only (A) household waste (from single and multiple dwellings, hotels, motels, and other residential sources) and (B) solid waste from commercial or industrial sources that does not contain hazardous waste identified or listed under this section, and

"(2) such facility does not accept hazardous wastes identified or listed under this section and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.".

REQUIREMENTS IN AUTHORIZED STATES

SEC. 23. Section 3006 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(f) IMMEDIATE IMPLEMENTATION.—The requirements of sections 3002(b)(1), 3002(b)(7)(C), 3004 (b), (d), (e), (f), (g), and (i), 3005 (c) and (e), and 3007(b)(1) shall apply directly in all States, including each State with a program authorized under this section, until the program of such State is authorized to operate in lieu of the Federal program with respect to such requirement.".

AIR EMISSIONS FROM LAND DISPOSAL FACILITIES

SEC. 24. Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(k) AIR EMISSIONS.—Not later than thirty months after the date of enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall promulgate such regulations for the monitoring and control of air emissions at hazardous waste treatment, storage, and disposal facilities, including but not limited to open tanks, surface impoundments, and landfills, as may be necessary to protect human health and the environment.".

GROUND WATER MONITORING

SEC. 25. Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(l) GROUND WATER MONITORING.—The standards under this section concerning ground water monitoring which are applicable to surface impoundments, waste piles, land treatment units, and landfills shall apply to such a facility whether or not—

"(1) the facility is located above the seasonal high water table;

"(2) two liners and a leachate collection system have been installed at the facility; or

"(3) the owner or operator inspects the liner (or liners) which has been installed at the facility.".

WASTE MINIMIZATION

SEC. 26. (a) Section 1003 of the Solid Waste Disposal Act is amended by adding "AND NATIONAL POLICY" to the title, by inserting "(a) OBJECTIVES.—" after "SEC. 1003.", and by adding the following new subsection:

"(b) NATIONAL POLICY.—The Congress hereby declares it to be the national policy of the United States that, wherever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible. Waste that is nevertheless generated should be treated, stored, or disposed of so as to minimize the present and future threat to human health and the environment.".

(b) Section 3002 of the Solid Waste Disposal Act is amended as follows:

(1) by adding the following new subsection:

"(c) WASTE MINIMIZATION.—Effective September 1, 1984, the manifest required by subsection (a)(5) shall contain a certification by the generator that—

"(1) the generator of the hazardous waste has a program in place to reduce the volume or quantity and toxicity of such waste to the degree determined by the generator economically practicable; and

"(2) the proposed method of treatment, storage, or disposal is that practicable method currently available to the generator which minimizes the present and future threat to human health and the environment."; and

(2) by amending subsection (a)(6) to read as follows:

"(6) submission of reports to the Administrator (or the State agency in any case in which such agency carries out a permit program pursuant to this subtitle) at least once every two years, setting out—

"(A) the quantities and nature of hazardous waste identified or listed under this subtitle that he has generated during the year;

"(B) the disposition of all hazardous waste reported under subparagraph (A);

"(C) the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and

"(D) the changes in volume and toxicity of waste actually achieved during the year in question in comparison with previous years, to the extent such information is available for years prior to enactment of this subparagraph.".

(c) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(h) WASTE MINIMIZATION.—Effective September 1, 1984, it shall be a condition of any permit issued under this section for the treatment, storage, or disposal of hazardous waste on the premises where such waste was generated that the permittee certify, no less often than annually, that—

"(1) the generator of the hazardous waste has a program in place to reduce the volume or quantity and toxicity of such waste to the degree determined by the generator to be economically practicable; and

"(2) the proposed method of treatment, storage, or disposal is that practicable method currently available to the generator which minimizes the present and future threat to human health and the environment.".

(d)(1) Section 8002 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(r) MINIMIZATION OF HAZARDOUS WASTE.—The Administrator shall compile, and not later than October 1, 1986, submit to the Congress, a report on the feasibility and desirability of establishing standards of performance or of taking other additional actions under this Act to require the generators of hazardous waste to reduce the volume or quantity and toxicity of the hazardous waste they generate, and of establishing with respect to hazardous wastes required management practices or other requirements to assure such wastes are managed in ways that minimize present and future risks to human health and the environment. Such report shall include any recommendations for legislative changes which the Administrator determines are feasible and desirable to implement the national policy established by section 1003.".

(2) Section 301(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "four years" and inserting in lieu thereof "forty-two months".

TECHNICAL CORRECTIONS

SEC. 27. (a) Section 3012 of the Solid Waste Disposal Act, entitled "Restrictions on Recycled Oil," shall be redesignated as section

3014 of such Act, together with all references thereto, and relocated after section 3013 of such Act.

(b) Subsection (b) of section 4003 of the Solid Waste Disposal Act, entitled "Discretionary Plan Provisions Relating to Recycled Oil," shall be redesignated as subsection (c) of such section, together with all references thereto.

(c) Section 303 of Public Law 96-510, 94 Stat. 2808, is amended by inserting after "conferred by this Act" the phrase "(other than under section 4681 of the Internal Revenue Code"). Section 232(c) of such public law is amended by inserting after "223" the phrase "(other than section 223(c)(2)(D))".

REPORT TO CONGRESS

SEC. 28. Part C of the Safe Drinking Water Act is amended by adding at the end thereof a new section as follows:

"UNDERGROUND INJECTION OF HAZARDOUS WASTE

"SEC. 1426. (a) The Administrator, in cooperation with the States, shall compile and, not later than March 15, 1984, submit to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives, an inventory of all wells in the United States which inject hazardous wastes. The inventory shall include the following information:

"(1) the location and depth of each well;

"(2) engineering and construction details of each, including the thickness and composition of its casing, the width and content of the annulus, and pump pressure and capacity;

"(3) the hydrogeological characteristics of the overlying and underlying strata, as well as that into which the waste is injected;

"(4) the location and size of all drinking water aquifiers penetrated by the well, or within a one-mile radius of the well or within two hundred feet below the well injection point;

"(5) the location, capacity, and population served by each well providing drinking or irrigation water which is within a five-mile radius of the injection well;

"(6) the nature and volume of the waste injected during the one-year period immediately preceding the date of the report;

"(7) the dates and nature of the inspections of the injection well conducted by independent third parties or agents of State, Federal, or local government;

"(8) the name and address of all owners and operators of the well and any disposal facility associated with it; and

"(9) such other information as the Administrator may, in his discretion, deem necessary to define the scope and nature of hazardous waste disposal in the United States through underground injection.

"(b) In fulfilling the requirements of subsections (a)(3)-(5), the Administrator need only submit such information as can be obtained from currently existing State records and from site visits to at least twenty facilities containing wells which inject hazardous waste.

"(c) The States shall make available to the Administrator such information as he deems necessary to accomplish the objectives of this section.".

COMMUNITY RELOCATION

SEC. 29. (a) The second sentence of paragraph (23) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510) is amended by inserting after "not otherwise provided for," the phrase "costs of permanent relocation of residents where it is determined that such permanent relocation is cost effective or may be necessary to protect health or welfare," and by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: "In the case of a business located in an area of evacuation or relocation, the term may also include the payment of those installments of principal and interest on business debt which accrue between the date of evacuation or temporary relocation and thirty days following the date that permanent relocation is actually accomplished or, if permanent relocation is formally rejected as the appropriate response, the date on which evacuation or temporary relocation ceases. In the case of an individual unemployed as a result of such evacuation or relocation, it may also include the provisions of the assistance authorized by sections 407, 408, and 409 of the Disaster Relief Act of 1974;".

(b) Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510) is amended by inserting before "authorized by subsection (b) of this section," the phrase "for permanent relocation or".

Mr. BAKER. Mr. President, I see that the distinguished managers on both sides are here, and it is my hope that this bill can be finished very promptly.

I inquire of them especially of the chairman of the Committee on Environment and Public Works, if there is a likelihood that he could finish this bill today, say, by the normal recess hour of 6 o'clock, or if it is likely that we will have to go until tomorrow to do that.

Mr. STAFFORD. If the Senate could suffer a temporary case of lockjaw, we could do it in the next hour. I am very optimistic that we can complete it by 6 o'clock, from reports on both sides of the aisle.

Mr. BAKER. I thank the Senator.

In view of that, I announce that we will try to finish; and if it is necessary to stay a little past 6 o'clock, the leadership on this side is prepared to ask the Senate to do that.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BAKER. I yield the floor, and I hope the Chair will then recognize the distinguished Senator from West Virginia.

Mr. RANDOLPH. I thank the Senator.

Mr. President, I have just come into the Chamber, and I did not hear all that was said, except that I understand there will be an effort to pass this bill in approximately 1 hour. Is that correct?

Mr. BAKER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. BAKER. Mr. President, I have not been privy to the conversations between the two managers, but the question I put was whether or not the manager on this side thought it possible that we could finish the bill this afternoon, by 6 or thereabout, and the answer was in the affirmative.

The leadership on this side is prepared to devote whatever reasonable time is required in order to complete this measure.

Mr. RANDOLPH. I say to the majority leader and the chairman of our committee that Senator MITCHELL, who will handle the measure on behalf of the minority, will be most cooperative in doing what the majority leader desires, as will others. However, it is my understanding that if we cannot complete it by 6 o'clock, it is to go over. Is that so?

Mr. BAKER. Yes. I announced that I would be willing to ask the Senate to stay a little past 6 in order to finish. Otherwise, it is the intention to go over until tomorrow.

Mr. RANDOLPH. All of us on the minority will work closely with the able chairman of our committee.

Mr. BAKER. Mr. President, the Senator from West Virginia always does that, and I am always grateful.

He was once chairman of the Environment and Public Works Committee. I have often said that my first exposure to Senate procedure and the essence and substance of Senate deliberations was while he was chairman. I learned a great deal from him, and I continue to do so. I never tire of expressing my appreciation to him for his good service to the Senate.

Mr. President, I yield the floor.

Mr. RANDOLPH. The majority leader is very kind.

Mr. STAFFORD. Mr. President, I should like to echo what the majority leader has said.

During the early years I served on the Committee on Environment and Public Works, the Senator from West Virginia [Mr. RANDOLPH] was an exceptionally able chairman; and whatever I have learned of committee work I learned at his side. So I am also grateful for all the guidance he has given to our committee and to me over the years in the work of the committee.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. STAFFORD. I yield.

Mr. RANDOLPH. I could speak at greater length to the majority leader and to my friend the present excellent chairman, but I will say only this: Thanks very much.

Mr. STAFFORD. Mr. President, the manager on our side for this bill will be Senator CHAFEE. If the Senator will indulge me for a moment, I will turn over that task to him. Senator CHAFEE is the chairman of our Subcommittee on Pollution, which has handled this measure, and it is appropriate that he be the manager for this side of the aisle, just as Senator MITCHELL, the ranking minority member, will be the manager on the minority side. Senator RANDOLPH and I will be here for whatever backup we can offer.

Mr. President, the Solid Waste Disposal Act Amendments of 1984 have been a long time in the making.

The Committee on Environment and Public Works began work on these amendments in the 97th Congress. We reported S. 757, the pending bill, on October 28, 1983. Refinements and adjustments have continued to be made since then and will be part of the committee's proposals today.

The bill reflects intensive deliberation by the committee, extensive consultations with current officials at the Environmental Protection Agency, with the whole spectrum of outside interests, and with Members of the Senate who are not on the Environment and Public Works Committee.

The product of this exhaustive process is a balanced bill that will enhance protection of public health and the environment against harm from the toxic wastes so pervasive in our society.

By clarifying existing law in several respects, the bill closes some major gaps in the Nation's hazardous waste disposal program—gaps created, in some instances, by overly lenient regulatory interpretations.

It sets realistic—and I emphasize the word "realistic"—schedules according to which both regulators and those who generate or handle hazardous waste must take specific, protective actions.

The distinguished chairman of the Environmental Pollution Subcommittee, Mr. CHAFEE, has outlined what we know at this time to be the dimensions of the hazardous waste problem in this country. I would like simply to note that the more we learn, the bigger we find the problem to be.

In this bill we are putting into place measures to reduce the likelihood of future tragedies such as those at Love Canal, Times Beach, and Woburn, MA. Investments made as a result of this legislation will, I believe, not only reduce future human suffering but also the tremendous costs of responding to releases of toxic substances into the environment after they have occurred.

The statement by the distinguished subcommittee chairman has also provided a clear and comprehensive description of the bill before us. There is only one section of the bill I would like specifically to discuss.

Section 26, the waste minimization provision, amends the Solid Waste Disposal Act in several ways. First, it sets out as national policy that hazardous wastes are to be reduced or eliminated as expeditiously as possible and that wastes that are nonetheless generated are to be disposed of in the most environmentally sound manner.

Second, it requires generators of hazardous waste to certify that they are reducing the quantity or toxicity of their wastes to the maximum extent they determine is economically practicable. Generators must also certify that they are employing those practicable methods of disposal that minimize threats to health and the environment and must report every 2 years on their production and management of hazardous wastes.

Finally, the bill requires the Administrator to submit to Congress a report on methods in addition to those in current law to reduce the quantity and toxicity of wastes generated in this country and to assure that the wastes that are generated are managed so as to minimize their threats to human beings and the environment.

Mr, President, I believe we are making some headway in protecting this Nation from the harm caused by hazardous wastes. But the fact remains that neither existing law nor S. 757 guarantees anything like truly safe disposal of the vast quantities of hazardous waste generated in this Nation.

We need to find ways to greatly reduce the amount of harmful wastes. At the Federal level we must look for ways to encourage the development of alternative production processes, the substitution of less hazardous materials for more toxic ones, and other means to reduce both the quantity and toxicity of wastes.

We must also provide incentives for development of treatment and disposal practices that minimize threats from those hazardous wastes that continue to be produced.

The waste minimization provisions in S. 757 are a step in that direction. They represent a starting point, not the last word.

It is my hope that the certification required of hazardous waste generators will elicit from them serious and successful reduction efforts.

It is my expectation that the report required from EPA, together with information from the biennial reports submitted by generators, will provide the basis for sound future changes in the direction and emphasis of a national hazardous waste program. Those changes will, I believe, emphasize waste reduction, with the goal of eliminating disposal of hazardous wastes where they might in any way harm public health or the environment.

Mr. President, as I said at the start of my remarks, action on S. 757 is needed now. The bill is a good and balanced one. I urge my colleagues to pass it quickly so that conference with the House can proceed and a bill can be sent to the President before summer's end.

Mr. President, I ask unanimous consent that the following staff members be granted floor privileges:

Steve Shimberg, Bob Hurley, Curtis Moore, Vic Maerki, Phil Cummings, Charlene Sturbitts, Jimmie Powell, Bill Fay, Boyd Hollingsworth, Brent Erickson, Jim Curtiss, and Jon Jewett.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I yield the floor to the manager on this side, Mr. CHAFEE.

Mr. CHAFEE. Mr. President, I am pleased to present an amendment to S. 757, the Solid Waste Disposal Amendments of 1984.

The Committee on Environment and Public Works has been working on legislation to amend the Solid Waste Disposal Act and as part of that law the so-called RCRA, the Resource Conservation and Recovery Act, we have been attempting to do this for the past 4 years. We have held numerous hearings, meetings, and markups in an effort to perfect this important measure, and I can now confidently and wholeheartedly recommend it to my colleagues.

On July 28, which was nearly a year ago, the Committee on Environment and Public Works reported this measure favorably and recommended by a vote of 14 to 1 that the full Senate pass this bill.

Mr. President, let me begin by noting that the title of this bill and the law that is the primary focus of these amendments to RCRA are to some degree misleading.

Yes, there are provisions dealing with solid waste, and, yes, there are provisions dealing with resource conservation and recovery. But that is not the focus of this bill.

What we are really talking about today is the control of hazardous wastes.

In 1976 RCRA was enacted as an amendment to the Solid Waste Disposal Act.

Subtitle C of RCRA established this Nation's basic hazardous waste management system.

That law and the amendments we are considering today are designed to assure the people of this Nation that the generation, handling, storage, treatment, transportation, and disposal of hazardous wastes in this country is regulated and controlled in a manner that protects both the human health and the environment.

We are getting down to a pretty fundamental matter here. We are dealing with hazardous wastes in every aspect of them, not only the generation but, as I said, the handling, the storage, the treatment, the transportation, and disposal of them.

Obviously the public of this Nation believes in this. The importance of this law and the need for such assurances can only be fully accomplished after we examine just how much hazardous waste is being generated each year in the United States. The numbers are staggering.

When the EPA developed its regulatory program and when we first began working on this legislation, it was estimated that 11 billion gallons, that is 400 million metric tons of hazardous waste are produced in the United States each year.

In August 1983, a year ago, EPA upped this estimate to roughly 40 billion gallons, 1,500 million metric tons, almost four times the previous estimate.

On April 20 of this year, the EPA released the results of the national survey of hazardous waste generators and treatment, storage, and disposal facilities regulated under RCRA in 1981. This will be referred to as the national survey.

It is now estimated that there are not 11 billion gallons nor 40 billion gallons; it is now estimated that more than 71 billion gallons of hazardous waste are generated in the United States every year. That is 264 million metric tons. It just staggers the imagination.

According to news reports, that is enough to flood the District of Columbia to the depth of 5 feet.

Mind you, this is annual, annual disposal, enough to supply every man, woman, and child in the Nation with six 55-gallon drums of hazardous waste every year.

Sadly, the actual number we believe even exceeds the 71-billion-gallon estimate.

EPA's national survey that I just referred to did not include mining wastes, some of which is clearly hazardous. It did not include household hazardous wastes such as discarded pesticides, paint thinners, and cleaning solvents. It did not include hazardous waste generated by individual businessmen that produce less than 1,000 kilograms of waste a month.

A thousand kilograms, by the way, is no tiny amount. That is 2,200 pounds, over a ton of such waste a month, and that is what we call small quantity generators. It did not include hazardous waste that is discharged through sewers into publicly owned wastewater treatment works. It did not include hazardous waste that is illegally generated or managed. And it did not include those hazardous wastes destined for cycling.

The survey and estimate only included those wastes and activities that are regulated under the existing RCRA program.

There is no question, Mr. President, that we have given the EPA an enormous responsibility. In 1981, EPA received nearly 60,000 notices from generators of hazardous waste. The agency has roughly 8,500 applications on file for permits for treatment, storage, and disposal facilities.

This just gives you some idea of the tremendous job that EPA has under this program.

The permit applications and sources of hazardous waste come from a wide variety of industries. Each one of these industries poses a separate problem.

Add to the problem of household waste and waste from the truly small quantity generator. All of that you put together and we can conclude that EPA's task is indeed a difficult one. It is almost absolutely essential that it be done right and that it be done soon.

This program is closely related to the much talked about Superfund program. What this program is meant to do is assure the public that although we may be discovering some new Superfund sites on a daily basis, at the least we are taking steps to prevent the creation of new Superfund sites.

In other words, as you know, there are some 6,000 Superfund sites, some sites that are needing of the Superfund cleanup in the Nation, and there they are. We are working on those through the Superfund. But the whole purpose of this bill we are considering today is to prevent the creation of new such sites.

Hazardous waste can and must be handled in a manner that is safer than it was in the past. That is what RCRA is supposed to be about.

Now, we often hear the refrain from those who were responsibile for disasters like Love Canal, the Stringfellow acid pits in California, and in my home State the Western Sand & Gravel, and the so-called Potello dump, that we should not hold them responsible because what they did was legal at the time.

Well, using the word "legal" to mean not specifically prohibited by RCRA or by regulations under RCRA, let us see what they mean, let us look at what is legal under our current RCRA program.

Now it is true under the existing laws, prior to these amendments we are considering today, it is legal to produce 2,000 pounds of hazardous waste each month and to dispose it in the town dump as if it were normal trash. This was what we were talking about previously, what I referred to as the small-quantity generator. The small-quantity generator who is not regulated under present law is that person or business that produces 1 metric ton, 2,200 pounds or less a month. Now as I mentioned before, that is 1 ton and that can be disposed of in the normal trash heap.

It is legal under the current law to use waste oil containing dioxin as a dust suppressant on roads as was done in Times Beach, MO. It is legal under the existing law to avoid regulation by blending hazardous waste with other fuel and to burn it for energy and to sell it to unsuspecting customers.

So what I am saying here, Mr. President, is the current RCRA law is riddled with loopholes. And those were enacted at the time and undoubtedly recognized at the time when the legislation was passed, because when we first work on legislation, we cannot achieve perfection. And what this legislation we have before us today, S. 757, is all about is trying to plug those loopholes and that is why we believe it is so important. We have identified a number of gaps in the regulatory program and have attempted to fill them under this legislation. Even with this bill, there will be some gaps still existing. The scope of the problem is such that we cannot reasonably be expected to address it comprehensively with legislation. We have got to continue to rely to a large extent on Federal and State common law and State statutory law to fill the gaps. Nevertheless, we must do as much as we can to assure the public that hazardous wastes are being handled in a safe manner and this bill is important to that.

Now, there are several key provisions that will come up. I am not going to dwell on those in detail, but I will just mention some of them. The small-quantity generator, which I talked about before. We had long discussions on what to reduce that to, whether we should reduce it from the current 1,000 kilograms amount down to de minimis. We finally settled on 100 kilograms a month. There are 9 months allowed before we get into enactment of the requirement for the small-quantity generators of less than 1,000 kilograms a month, namely the 2,200 pounds. They have 9 months to get adjusted to the new definition of small-quantity generator which, as I say, is 100 kilograms a month.

We have limitations on the land disposal which we will be discussing further, if anybody would like to raise questions in connection with those. That is a very important part.

We have minimum technological requirements in permit life. We have continuing releases on permitted facilities, and we have a provision to listing and delisting. We modify that from the existing law.

Then also we touch on the burning and blending matter which I mention in my statement.

We have problem matters dealing with mandatory inspections in Federal facilities, Federal enforcement, and the export of hazardous waste. We have a provision dealing with imminent hazard citizens' suits. Those are the principal provisions of this act.

Mr. President, the most important sections of this bill, the sections on land disposal limitations and minimum technological requirements, warrant additional discussion.

USE OF LANDFILLS

Henceforth, the use of landfills will be circumscribed by strict rules governing, first, under section 5, what kinds of materials may be landfilled,

and second, under section 6, what the physical character of the landfills themselves will be.

The minimum technological requirements under section 6 for new and, eventually, for existing landfills will start with double liners, a leachate collection system, and a monitoring system—as a modicum of protection and integrity. But it is necessary to do more. In its section 5 technical evaluations, EPA will match certain wastes to certain land disposal technologies or determine that no match is feasible. Within the framework of those evaluations, Congress under the terms of this legislation is additionally directing EPA to take into account certain locational characteristics with respect to all land disposal facilities in the country in order to establish a performance range for landfills. The locational characteristics to be factored into EPA's analyses include, among others, the hydrogeology of the site, and climatological and demographic effects. Landfills thus will be able to be assessed according to their hydrogeologic performance and classified as fully acceptable, acceptable for certain limited uses, and unacceptable. With a phaseout of unacceptable landfills and a highly analytic evaluation of the remainder according to their highest and best uses, I anticipate that the comfort level of the American people will be significantly enhanced regarding their potential exposure to harmful toxics in the environment.

OTHER ISSUES

Several other issues have been considered in the course of developing S. 757 and merit comment. These include the issues of mixed wastes; RCRA's application to Federal facilities; permitting of mobile treatment units; and the distinction between on-site and off-site facilities.

MIXED WASTE

RCRA's definition of solid waste (section 1004(27)), of which hazardous waste is a subset, specifically excludes "source, special nuclear, and byproduct material as defined by the Atomic Energy Act." That definition does not exclude hazardous wastes that are mixed with such radioactive materials. The exclusion of Atomic Energy Act [AEA] materials applies only to the radioactive materials themselves and not to any other wastes with which the AEA material may be associated. RCRA applies to hazardous wastes that are mixed with radioactive materials. Otherwise, the mixing of small amounts of radioactive materials with hazardous wastes could transform the entire waste stream into an AEA material exempt from RCRA.

Section 1006(a) of RCRA does not in any way exempt mixed hazardous and AEA wastes from RCRA. Under section 1006(a), RCRA applies to mixed hazardous and AEA wastes except to the extent that application of RCRA would be inconsistent with specific requirements of the AEA. Thus, only in the rare case where compliance with both RCRA and the requirements of the AEA would be physically impossible, are these materials exempt from the requirements of RCRA.

Facilities managing mixed wastes are subject to and must comply with all substantive and procedural requirements of RCRA, including substantive requirements for closure and cleanup and procedural requirements for permits and reporting.

RCRA'S APPLICATION TO FEDERAL FACILITIES

There is a controversy regarding whether the Department of Energy [DOE] nuclear weapons facilities must comply with RCRA and State regulations for hazardous waste management. There should be no controversy. RCRA unequivocally requires all Federal facilities, including DOE nuclear weapons facilities, to comply with RCRA and State regulations.

Section 1006 of RCRA does not exempt DOE nuclear weapons facilities from having to comply with RCRA nor does it insulate them from State enforcement. Section 1006 is not in any way a blanket exemption for facilities subject to the Atomic Energy Act [AEA]. It provides an extremely limited exemption only where the application of RCRA would interfere with specific requirements of the AEA. Since RCRA is compatible with the protection of radioactive hazards and national security measures at DOE facilities, there are no such inconsistencies. State regulation of DOE facilities is explicitly provided for in RCRA and is not affected by section 1006.

Section 11 of S. 757 will mandate a yearly inspection of all Federal facilities, including DOE facilities, either by the EPA or a State, if a State has an authorized hazardous waste program. This will insure that RCRA is enforced fully by either the EPA or the States at DOE and other Federal facilities.

The February 22, 1984, memorandum of understanding signed by DOE and EPA does not constitute compliance with RCRA, since it deletes any State role in permitting, inspection and enforcement; omits any citizen suit provisions; and itself can be modified or terminated at any time.

PERMITTING OF MOBILE TREATMENT UNITS

The EPA, in order to fulfill its legislative mandate should continually be looking at innovative, advanced technological methods to effectively and safely treat and handle hazardous wastes. Legislative and regulatory initiatives are necessary to discourage the use of landfills and land disposal generally as a disposal option of first resort.

For many waste generators, the availability of mobile treatment units would make proper waste handling and treatment economically feasible and remove the growing financial incentive for "cutting corners" or for midnight dumping. Clearly, the long-term tightening of EPA's current "small generator" exemption will mean a significant increase in the number of regulated facilities which could handle their wastes more safely and effectively through use of mobile treatment technology, either through a "circuit rider" approach where the unit periodically visited a facility—or where a unit periodically visited a "satellite treatment area" where waste from several firms was aggregated and stored pending treatment.

EPA currently has legislative authority to develop a permit procedure for mobile treatment units, however, current permit regulations, as promulgated, have stymied the development of MTU technology. I have reviewed the work completed in September 1983 by EPA's RCRA Permit Advisory Committee and believe the MTU permit procedure outlined therein merits further consideration by the Agency.

DISTINCTION BETWEEN ON-SITE AND OFF-SITE FACILITIES

According to the National Survey, 84 percent of those who generate hazardous wastes ship their wastes off-site for treatment, storage or disposal. That fact seems to support the notion that our regulatory effort should be focused on these off-site facilities. Some people allege that the off-site treatment and disposal industry has, in fact, been subject to much greater scrutiny, regulatory control and enforcement than those who generate hazardous wastes and manage them in-house or on-site. If this is true, it is without justification. On-site facilities should be regulated at least as vigorously as off-site facilities.

Although off-site facilities manage a significant amount of hazardous wastes, they represent a small portion of the total volume. Using EPA's numbers, which are conservative, 96 percent of the hazardous waste disposed of is disposed of on-site. That is 96 percent by volume.

Off-site facilities are providing a service to small businesses and to households generating hazardous wastes. Why should we devote a disproportionate amount of our enforcement effort to off-site facilities? The issue is not just one of fairness but it is also one of safety. Let's focus on the problem. We should continue to scrutinize, regulate, and enforce against off-site operators but we should also be focusing on the high volume private sites that are behind the company fence. There is no reason to assume that in-house operations are run any better than the off-site commercial facilities. With history as our guide, we must not let any facility that is man-

aging hazardous waste escape our regulatory and enforcement efforts.

CONCLUSION

Mr. President, the need for action is rarely as clear as it is today. We have a law that was designed to assure the people of this Nation that the generation, handling, storage, treatment, transportation, and disposal of hazardous wastes in this country is regulated and controlled in a manner that protects both human health and the environment. Unfortunately, the regulatory program is riddled with loopholes and, as such, the assurances we sought when we first passed RCRA in 1976 are still empty promises.

We cannot afford to delay any longer. Even if out of sight is out of mind for some, we must not be so foolish as to believe that the status quo is good enough. We must do as much as we can to assure the public that hazardous wastes are being handled in a safe manner and that steps will be taken to reduce the amount and danger of those hazardous wastes that are generated in the future.

The amendments that we are considering today are designed to do that. They will translate the promises of 1976 into action. They recognize new areas of promise and pursue them. For these reasons, S. 757 deserves your support and your vote of approval.

Working with us on the committee and a very valuable member was the ranking member, the junior Senator from Maine [Senator MITCHELL] and he did an excellent job.

Does the Senator have an opening statement?

Mr. MITCHELL. I do, Mr. President, but I yield to the ranking member of the full committee, the former chairman [Senator RANDOLPH].

Mr. RANDOLPH. I thank the able Senator from Maine very much.

Mr. President, as a principal author and sponsor of S. 757, amendments to the Solid Waste Disposal Act, I strongly support this measure. S. 757 is perhaps the most significant public health and environmental proposal to be debated by the Senate since the passage of the Comprehensive Environmental Response, Compensation, and Liability Act, or Superfund, in 1980.

Senate consideration of this measure follows 2 years of dedicated work by members of the Environment and Public Works Committee and other interested Senators. Waste management is a nonpartisan issue, and S. 757 is the result of a bipartisan effort to assure that hazardous and other wastes are properly disposed of.

The Solid Waste Disposal Act Amendments of 1984 refine and expand the scope of the solid waste program originated nearly 20 years ago. The first Solid Waste Disposal Act, Public Law 89-272, established a modest research effort and technical assistance program to States and localities to improve management and conservation practices with respect to municipal waste. This was the first step in developing a national policy to encourage recycling of usable materials and discourage disposal practices which threaten public health and scar the land.

Subsequent amendments began to distinguish the levels of threat posed by land disposal of various materials. The Resource Recovery Act of 1970, which I authored, mandated a national disposal sites study. That bill embodied the first references to categories of hazardous waste separate from the broader solid waste designation.

In 1976, the landmark legislation known as the Resource Conservation and Recovery Act was signed into law. The provision I proposed, which became subtitle C of the current law, established the concept of "cradle to grave" management of hazardous waste. Three distinct sets of standards and responsibilities were applied to hazardous waste generators, transporters, and owners and operators of disposal facilities. Concurrently, the act established a program for comprehensive management planning for municipal waste and called for closure of open dumps.

Modifications have been made to the 1976 act, but the structure and objectives have remained the same. S. 757 continues this refinement process as experience in implementing the program outlines deficiencies and oversights in existing law.

Several provisions of S. 757 address problems that have been identified as the Superfund program has been implemented. The origins of Superfund sites, the degree and extent of contamination, and the technological capabilities and limitations for corrective action are better defined. The information that has accrued over the past several years enables us to strengthen the protective features of the solid and hazardous waste regulatory program.

S. 757 contains important new initiatives and expands existing mandates to provide for improved comprehensive waste management. I will comment on several issues, including the small generator amendment, and discuss an amendment I intend to offer at the appropriate time modifying subtitle D of the Solid Waste Disposal Act.

One of the more difficult issues to resolve in committee consideration of S. 757 was the definition of small generators of hazardous waste and the appropriate level of regulation to apply to this category of generators.

Current law requires the Administrator to promulgate regulations applicable to generators of hazardous waste "as may be necessary to protect human health and the environment." The law does not authorize distinctions between large and small generators as a criterion for regulation. In promulgating standards, however, the Environmental Protection Agency virtually exempted generators of less than 1,000 kilograms per calendar month of hazardous waste from regulation. Thus, purely for administrative convenience and without authority in the statute, the Agency exempted up to 1 ton of hazardous waste per month, from a small generator of waste. This exemption has been under litigation.

The bill requires EPA to close out this illegal exemption for small quantity generators. The Agency is directed to undertake a comprehensive study to characterize generators of hazardous waste in quantities less than 1,000 kilograms per month and their disposal practices. Actually, the Agency already has this study underway. At the conclusion of this study the Administrator is required to promulgate appropriate regulation governing the handling of all hazardous waste produced in quantities less than 1,000 kilograms per month.

The bill specifies a minimum content for those regulations. They must require that the disposal of all such waste be in facilities with permits under subtitle C. In fact, if the regulator process does not yield these regulations by March 31, 1986, this minimum requirement goes into effect by operation of the statute, for all generators producing more than 100 kilograms per month, together with a limited manifesting system to assure compliance.

Another element of the minimum regulatory content provided in S. 757 for small quantity generators is the requirement that all hazardous wastes from generators producing more than 100 kilograms in 1 month be accompanied by a manifest. This will provide notice of the hazardous nature of the waste to transporters and disposal facilities.

Originally in the committee's deliberations, a cutoff point of 25 kilograms per month was the threshold for this requirement. This level would accomplish the purpose of curtailing random disposal practices by generators exempted from EPA regulation while providing a more practical and enforceable definition than if all wastes, regardless of quantity, were covered.

As the committee debated this measure, an amendment was discussed to increase this threshold to 100 kilograms per month for compliance with containerization and off-site transport recordkeeping requirements. In the spirit of compromise, I offered an amendment to relax some of the containerization requirements but preserve other standards applying to generators of hazardous waste in quanti-

ties above 25 kilograms per month. The committee, however, adopted the higher threshold. I opposed this approach since it permits continued disposal of large amounts of hazardous waste into municipal landfills, sewers, and other inappropriate places, without any notice to those receiving the waste.

I believe, however, that the broader objectives of the small generator provision merit support. This provision will go far in correcting the current situation and improve management of waste from small generators.

A related issue concerns facilities such as sanitary landfills and open dumps covered under subtitle D. These facilities are recipients of unknown quantities of defined hazardous waste and other dangerous materials through household waste, unregulated small quantity generator waste disposal, and illegal dumping. Since construction, siting, and monitoring standards for these facilities are far less restrictive than those governing hazardous waste disposal facilities, a number of environmental problems are occurring. A high proportion of sites listed on the National Priority List under the Superfund are municipal landfills. If we give inadequate attention to these general solid waste facilities, it will only serve to create additional Superfund sites.

A key provision of S. 757 requires EPA to review and revise criteria for municipal subtitle D facilities, including ground water monitoring standards and provisions for corrective action. States are required to establish enforcement programs to assure that all facilities are in compliance with revised criteria.

To complement this effort, I will offer an amendment to authorize funding to support increased States responsibilities and for EPA regulatory support. For the past several years, funds have not been available to support any subtitle D activities. Against the recommendations of EPA's solid waste program office, the Office of Management and Budget has determined that States have the resources and responsibility to carry out this program. In fact, States are channeling limited resources almost exclusively to hazardous waste management activities. The Association of State & Territorial Solid Waste Management officials recently conducted a survey of State subtitle D activities. Preliminary results show that of 43 responding States, only 7 have completed the open dump inventory. Furthermore, based on responses from the 43 States, it is estimated that 10,399 solid waste landfills are operating throughout the country. Adequate enforcement and monitoring is imperative to assure that these facilities are not allowed to operate if they are substandard.

There are important policies advanced in S. 757 that I emphasize for future consideration of amendments to the Solid Waste Disposal Act. This measure calls for minimizing the amount and kind of hazardous waste that is generated. This Nation is in the forefront of technological innovation, and waste reduction of this kind is not only worthy but possible. Technology should be guided by prudent use and protection of resources. Minimizing the amount of hazardous waste generated and continued research into alternative waste neutralization and treatment techniques are necessary steps in diminishing threats to public health and the environment.

Mr. President, I have been involved with legislation relating to solid waste management and control for more than 20 years. This bill incorporates the latest amendments to the Solid Waste Disposal Act and greatly enhances our ability to address the issues associated with both hazardous and nonhazardous wastes. While great advances have been made, however, it assuredly will be necessary to maintain our oversight of these programs and to consider additional legislation in the future.

This measure represents a substantial commitment of time and effort by members of the Committee on Environment and Public Works. I acknowledge particularly the dedicated leadership of our able chairman, Senator STAFFORD, and of the chairman and ranking minority member of the Subcommittee on Environmental Pollution, Senator CHAFEE and Senator MITCHELL.

In developing this legislation, we have been greatly aided by the committee staff which has brought its knowledge and experience to bear on this subject. I express appreciation for their work on this bill to members of the minority staff: Philip T. Cummings; John W. Yago, Jr.; Stephanie Clough; Lee Fuller; Helen Kalbaugh; Elizabeth Thompson; and Margie Wright.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I thank the distinguished Senator from West Virginia who has contributed significantly not only to this bill but to virtually every major environmental law that is now on the books of the United States.

I thank also the distinguished chairman of the subcommittee and manager of the bill, Senator CHAFEE, whose leadership has made this legislation possible as well as other members of our committee, the distinguished chairman, Senator STAFFORD of Vermont, Senator BURDICK, and Senator LAUTENBERG for whom this is such an important matter in New Jersey.

Mr. President, today we consider legislation which will affect the health and well-being of literally every person in these United States. S. 757, a bill to amend the Resource Conservation and Recovery Act, marks yet another milestone in our efforts to protect ourselves from the ubiquitous byproduct of our highly industralized society—hazardous waste.

In 1976, the Congress enacted the Resource Conservation and Recovery Act. It was an ambitious, far-reaching statute. It conferred on the Environmental Protection Agency broad general authorities to regulate the generation, transportation, storage, and disposal of hazardous waste.

Standards for the transportation of hazardous waste were mandated.

Standards for the storage of hazardous waste were mandated.

Standards for the disposal of hazardous waste were mandated.

Enforcement authorities were mandated.

Citizen participation in regulatory and enforcement proceedings was mandated.

The underlying goal of all of these activities was protection of public health and the environment. Indeed, the statutory standard by which the mandated regulations were and continue to be measured is protection of public health and the environment.

The statute established a framework for the prevention of harm to human beings and natural resources.

Today, we propose a series of amendments to the basic statute.

The preventive framework of the Resource Conservation and Recovery Act is sound. Today we propose modifications based on the knowledge acquired since 1976. All of the changes we are recommending to the Senate will strengthen the ability of the Federal Government to protect public health and the environment from hazardous wastes. They are designed to give EPA more specific guidance, based on our experience with implementation of the law's general authorities since 1976.

What have we learned in 7 years?

We have learned that the magnitude of the problem is far greater than believed. We now know that over 264 million metric tons of hazardous waste are generated in this country each year; this estimate is more than four times greater than previously thought.

We have learned that there are thousands of waste sites across this country which present potential or actual threats to human health or well-being. EPA now estimates that there may be 22,000 sites in need of some type of cleanup; 546 of these sites have been designated as priorities for cleanup. The Superfund law enacted in 1980 was a necessary response

to our past inattention to the careful disposal of hazardous wastes.

Simply put, past practices have left us a legacy of chemical contamination which has poisoned our air, our water, and our land. The price of our ignorance has been high, in human terms and in dollar value. Present practices, unless modified, can only multiply those costs.

The average cost of cleaning up a hazardous waste site is esimated to be $6 million, according to EPA. If just the priority sites, known to present a health hazard, were cleaned up, the cost would be billions of dollars. No matter who pays the bill, whether it be the responsible party or the Federal Government, that figure is too high. We cannot afford the status quo.

We also know now that the generation of hazardous waste continues to grow and that most of that waste—80 percent—is currently disposed of on or in the land.

It has become evident that a strong congressional expression of disapproval of EPA's slow and timid implementation of the existing law is necessary, as well as a clear congressional directive mandating certain bold, preventive actions by EPA which will not be taken otherwise, despite the existing, broad authorities contained in RCRA.

EPA has not implemented the Resource Conservation and Recovery Act aggressively. The Agency has missed deadlines, proposed inadequate regulations, and even exacerbated the hazardous waste problem by suspending certain regulations.

It has become evident that this slow, plodding course will be continued in the absence of a clear congressional directive. This is not acceptable. Accordingly, S. 757 provides more specific guidance to EPA as to how the broad grants of authority of the existing RCRA law should be used.

The bill declares as congressional policy that—

> To avoid substantial risk to human health and the environment, reliance on land disposal should be minimized and land disposal, particularly landfill and surface impoundment, should be the least favored method for managing hazardous wastes.

It specifically reaffirms the Administrator's authority to prohibit land disposal methods that cannot be shown to be protective of human health and the environment, and directs the Administrator to use that authority. Deadlines are established by which EPA must evaluate all wastes listed as hazardous and subject to RCRA regulation, as to the appropriateness of their disposal on land.

The bill establishes minimum technological standards for land disposal facilities and incinerators to insure that EPA requires the use of the best technology available at hazardous waste disposal facilities.

Henceforth, the use of landfills will be circumscribed by strict rules governing, first, under section 5, what kinds of materials may be landfilled, and, second, under section 6, what the physical character of the landfills themselves will be.

The minimum technological requirements under section 6 for new and, eventually, for existing landfills will start with double liners, a leachate collection system, and a monitoring system—as a modicum of protection and integrity. But it is necessary to do more. In its section 5 technical evaluations, EPA will match certain wastes to certain land disposal technologies or determine that no match is feasible. Within the framework of those evaluations, Congress under the terms of this legislation is also directing EPA to take into account certain locational characteristics with respect to all land disposal facilities in the country in order to establish a performance range for landfills. The locational characteristics to be factored into EPA's analyses include, among others, the hydrogeology of the site, and climatological and demographic effects. Landfills thus will be able to be assessed according to their hyrogeologic performance and classified as fully acceptable, acceptable for certain limited uses, and unacceptable. With a phaseout of unacceptable landfills and a highly analytic evaluation of the remainder according to their highest and best uses, I anticipate that the health and safety of the American people will be significantly enhanced with respect to their potential exposure to harmful toxics in the environment.

The bill expands the coverage of the law to those who generate between 100 and 1,000 kilograms of waste a month. In 1980, EPA exempted all generators of less than 1,000 kilograms, solely on the basis of its workload, and stated that it intended to initiate rulemaking to expand the law's coverage within 2 to 5 years.

This has not occurred. Accordingly, the committee proposes to implement EPA's 1980 commitment. This will bring into the regulatory system an additional 15 million tons of hazardous waste.

The bill strengthens significantly the role of citizens in enforcing the law. As the sponsor of this provision, I believe that it will provide an important and necessary supplement to EPA's efforts.

The bill expands the law to prevent the export of hazardous waste to foreign countries without the receiving country's consent.

I would like to discuss in greater detail two provisions of S. 757 which I sponsored.

CITIZEN SUITS

The citizen suit amendments contained in S. 757 provide an important supplement to the efforts of the Federal and State Governments to abate the most serious kinds of hazardous waste situations: Those that may present an imminent and substantial endangerment to human health or the environment.

I reiterate: These amendments are a supplement to, not a substitute for Government action.

Under current law, a citizen may bring suit to enforce a permit or other similar RCRA requirement if EPA fails to do so. However, citizens are not now authorized to sue to abate an "imminent and substantial endangerment" to health or the environment. Only EPA can sue to abate an imminent hazard under current law. If EPA does not act, the endangerment continues.

In light of the thousands of known hazardous waste sites across this country, this simply does not make sense.

The Environmental Protection Agency clearly does not have the resources to deal with all of these sites, nor do the States.

Citizen suits to abate imminent hazards can expand the national effort to minimize these very real threats to our well-being.

This bill authorizes citizens to bring imminent hazard suits in the absence of EPA action. The provision is structured carefully in the following ways to ensure that citizen suits do not interfere with ongoing Federal or State enforcement efforts:

Citizen action cannot occur until 120 days after EPA, the affected State and the alleged defendant have been given notice of intent to sue.

If EPA or the State is pursuing an enforcement action, administratively or judicially, citizens cannot bring suit, but can intervene in the Federal or State action; and

If EPA or the State has settled an action to abate an activity which may present an imminent and substantial endangerment, citizen suit is barred with respect to that activity.

Two safeguards against frivolous suits have been added to the bill, in response to concerns expressed by committee members. First, attorneys fees are authorized to be awarded by a court only to a "substantially prevailing" party. A citizen who brings a suit which has little or no merit does so only at his own expense, which may be considerable.

Second, citizens are prohibited from bringing an imminent hazard suit to challenge the siting of a hazardous waste treatment, storage or disposal facility. This precludes the use of this new authority solely as a delaying tactic. Concerns about the proposed siting of such facilities are more appropriately raised in the context of the law's permitting process.

The citizen suit amendments to S. 757 also clarify the intent of the cur-

rent law that citizens do have a statutory right to intervene in imminent hazard cases brought by EPA. This right of intervention has been an important mechanism for insuring citizen involvement in litigation and proposed settlements between EPA and defendant companies.

However, recent court opinions have held to the contrary. There is now a conflict in statutory interpretation which needs to be resolved.

It is important that the statutory intent with respect to intervention in imminent hazard cases be clarified for a number of reasons.

First, the citizens of a community in which a hazardous waste site is located are the persons most affected by the health and environmental hazards it presents. The citizens of that community therefore have the most at stake in the adequacy of the Government's litigation efforts in court or in a settlement agreement between the two parties. It is an issue of fundamental fairness that those most affected should be permitted to participate in the judicial resolution of such important problems without the burden and expense of seeking permissive intervention by showing that the Government is not adequately representing the citizens' interest.

Second, citizen involvement provides an important set of checks and balances in the enforcement process. By overseeing the Government's efforts, citizens can assure themselves and the public at large that all views are represented in the process, and that the outcome is based on all available knowledge. This gives the outcome additional credibility, which is particularly needed after the events of recent years.

Third, a statutory right of intervention is not a unique concept in enviromental law. It is explicitly conferred by RCRA for cases brought by EPA to enforce RCRA permits and regulations. The right also exists in enforcement cases brought under the Toxic Substances Control Act, the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act.

EXPORT OF HAZARDOUS WASTES

The hazardous waste export provision in S. 757 seeks to substitute a tightened export control process for the notification procedure which has been in effect since 1980.

The section is based on the belief that foreign nations which receive U.S. hazardous wastes should give their consent before the shipments occur. At the present time, only an annual notice is provided to receiving countries prior to the initial shipment. This notice does not give the receiving nation any indication of the quantity of the waste proposed for export, or of the frequency of shipments. Moreover, it does not indicate where the waste is to be treated or disposed.

If I were the environmental minister of a foreign nation, I would want to know as much as possible about the hazardous waste coming into my country. If I were the U.S. Secretary of State, I would want to be sure that no American ally or trading partner is saddled with U.S. wastes it does not want or does not have the capacity to handle in an environmentally sound manner.

The export provision will guarantee that the wishes of foreign states are considered and that U.S. international interests are safeguarded. It establishes a more comprehensive and responsible waste export policy with a minimum of additional regulatory burden on U.S. generators.

The proposed permit system is quite simple. In the absence of a bilateral agreement between the United States and the government of the receiving country setting forth specific notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of wastes, no person shall export hazardous wastes unless—

First. Such person has notified the Administrator of the plan to export;

Second. The Government of the receiving country has agreed, in writing to the plan;

Third. A copy of the receiving country's written consent is attached to the manifest accompanying each waste shipment; and

Fourth. The shipment conforms with the terms of such receiving country's consent.

When this program becomes effective, it will at long last become possible for the executive branch to determine the amounts and ultimate destination of U.S.-generated hazardous waste which are exported each year. Once this information is available, EPA and the Congress will be able to gauge whether the export right is being abused and whether further controls are necessary or desirable.

This important new provision incorporates suggestions made by EPA and industry. It will, I believe, ensure that the right to export does not become a right to circumvent RCRA.

CONCLUSION

Mr. President, we have worked long and hard on this package of amendments. I believe that we have achieved a workable balance between two conflicting considerations:

First. The recognition that unless the status quo with respect to the handling of hazardous wastes is altered radically, we will be condoning the eventual chemical contamination of all elements of our natural life-support system—air, water, and land; and

Second. The reality that because the pervasive nature of the hazardous waste problem is largely a result of a successful industralized society, the ultimate solution is a basic change in the operation of large segments of our industries—a course that should be charted carefully and brought about at a deliberate but measured pace.

S. 757 represents a mandate for change in the status quo. It also represents a mandate for informed regulation which does not threaten precipitous disruptions which could ultimately doom our legislative strategy to failure.

The bill before us is a compromise in the best sense of that term. It attempts to accommodate the many varied concerns expressed by hundreds of persons over the past years. It is also a compromise in the sense that probably no one person or interest supports every single element of the legislation.

We have had to make difficult judgments as to how the results we desire can be best achieved. S. 757 represents that judgment. I urge my colleagues to support the legislation before the Senate. If approved it will be another significant achievement by this body in assuring a safe environment for all persons of this country.

Mr. BENTSEN. Mr. President, when the Committee on Environment and Public Works considered amendments to the Solid Waste Disposal Act, it was confronted with the increasingly difficult problem of legislating in a complex technical arena. When the committee first developed the landmark Resource Conservation and Recovery Act of 1976, it recognized that quick solutions to the problem of environmentally harmful waste disposal would not be possible. There are millions of tons of waste generated in the United States, much of which is considered hazardous under the criteria created by the Resource Conservation and Recovery Act. Eliminating this waste or assuring its disposal in the most environmentally protective manner depends upon a regulatory approach that alters the cost and availability of improper alternatives. Regulatory development and implementation has been slower than expected, in part due to the difficulties of assuring the availability of disposal or treatment alternatives.

Over the years, evidence has been presented to the committee that certain types of land disposal techniques do not constitute sound long-term disposal options. In particular, landfills and surface impoundments will ultimately leak no matter how secure their original construction, no matter how well they are initially lined. In this context, the committee was faced with considering whether landfills and surface impoundments should be allowed to receive certain types of waste. It is a troubling dilemma when Congress must address detailed technical problems as a matter of public policy. Unfortunately, we do not have the ex-

pertise to acquire and assess the information on these problems in the same fashion as a regulatory agency. Generally, we are not scientists, we are not engineers, we do not have the detailed experience in the design, construction, and operation of various technical alternatives. Nevertheless, when public policy demands it, Congress must be prepared to squarely confront these difficult decisions.

Within this legislation the committee compels the EPA Administrator to determine whether certain wastes should continue to be deposited in land disposal facilities. The bill provides a rigorous time schedule for these decisions. If the Administrator fails to adhere to the schedule, the bill requires that the waste be deposited in the most technologically advanced land disposal facilities until a decision is made. In adopting this approach, the committee rejected arguments that failure of EPA to make a timely judgment should result in the prohibition of placement of these wastes in land disposal sites.

It makes little sense to create a forcing mechanism which, if it fails to work, would drastically disrupt the fundamental waste disposal system. There is too much reliance on land disposal and too long a leadtime to get adequate alternatives into commercial operation to believe that the prohibition of land disposal as a penalty for EPA failing to conclude a regulatory study for unknown reasons is a proper environmental result. Consequently, the committee acted to assure that, if EPA could not meet the ambitious decision schedule included in this bill, wastes would be deposited in the most advanced disposal facility to enhance environmental protection.

Although the committee bill places a difficult test for the Administrator to meet in making a decision to allow a waste to continue land disposal, it recognizes that certain types of land disposal can be appropriate and environmentally sound. For example, land treatment may be an acceptable disposal alternative for those hazardous wastes which can be biodegraded or transformed directly by the land treatment process or, if hazardous substances remain after land treatment, where the hazardous substances can be immobilized.

Similarly, in requiring a showing that there is no migration of a waste, as long as the waste remains hazardous, from the disposal unit or the injection zone, the bill recognizes that underground injection of hazardous wastes can be safe environmental technology. Underground injection of hazardous wastes is regulated through the Safe Drinking Water Act. These regulations require so-called class I wells to inject below drinking water sources and to assure that no migration will occur from the injection zone. This bill specifically refers to the term "injection zone" as it is used in the Safe Drinking Water Act and its regulations.

Thus, operators who can demonstrate that their wells meet the underground injection control regulations would be able to show that the waste that they dispose of would not migrate from the injection zone. Similarly, States that operate approved underground injection control programs could make such a demonstration for all approved wells within the State. This is an important element of the bill. While there is considerable anxiety over the use of the land for the disposal of hazardous waste, it is equally important that the law provide an adequate distinction between those techniques that can be environmentally sound and those that cannot. This distinction is provided for class I underground injection wells that meet existing regulations which require no migration from the injection zone; it is a proper distinction.

Mr. CHAFEE. Mr. President, we have some housekeeping details, but I would just taken one of them and then I know Senator BURDICK, Senator BRADLEY, and Senator LAUTENBERG have amendments.

Let me just take this one first:

Mr. President, on October 28, 1983, the Committee on Environment and Public Works favorably reported S. 757 with an amendment in the nature of a substitute.

Mr. President, I ask unanimous consent that the committee amendment be agreed to and that all subsequent amendments be to the text of S. 757 as reported on October 28, 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. Does the Senator from Rhode Island request that the amendment agreed to be considered as original text for the purpose of amendment?

Mr. CHAFEE. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3405

(Purpose: This amendment instructs the Administrator of EPA to study methods for extending the useful life of sanitary landfills and to explore more efficient ways to use filled or closed landfills)

Mr. BURDICK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. BURDICK] proposes an amendment numbered 3405.

Mr. BURDICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

S. 757 is amended by adding the following new section:

SEC. . Section 8002 of the Solid Waste Disposal Act is amended by inserting after subsection (p) the following new subsection, and redesignating succeeding subsections accordingly:

"(q) EXTENDING LANDFILL LIFE AND REUSING LANDFILLING AREAS.—The Administrator shall conduct detailed, comprehensive studies of methods to extend the useful life of sanitary landfills and to better use sites in which filled or closed landfills are located. Such studies shall address—

"(1) methods to reduce the volume of materials before placement in landfills;

"(2) more efficient systems for depositing waste in landfills;

"(3) methods to enhance the rate of decomposition of solid waste in landfills, in a safe and environmentally acceptable manner;

"(4) methane production from closed landfill units;

"(5) innovative uses of closed landfill sites, including use for energy production such as solar or wind energy and use for metals recovery;

"(6) potential for use of sewage treatment sludge in reclaiming landfilled areas; and

"(7) methods to coordinate use of a landfill owned by one municipality by nearby municipalities, and to establish equitable rates for such use, taking into account the need to provide future landfill capacity to replace that so used.

The Administrator is authorized to conduct demonstrations in the areas of study provided in this subsection. The Administrator shall periodically report on the results of such studies, with the first such report submitted not later than October 1, 1986.".

Mr. BURDICK. Mr. President, I am introducing an amendment to S. 757, the Resource Conservation and Recovery Act. This amendment instructs the Administrator of EPA to study methods for extending the useful life of sanitary landfills and to explore more efficient ways to use filled or closed landfills.

In North Dakota and all over the country there are thousands of municipalities with landfills that are filled or nearly filled to capacity. Finding sites to replace these landfills is becoming increasingly more difficult and expensive. Cities in my State can't find or afford to buy more landfill sites. The city fathers have thrown up their hands in frustration because they don't know where to turn for help.

EPA has not studied this problem in sufficient detail for over a decade. As a consequence, EPA officials currently are unable to assist those municipalities who need help and guidance.

I propose that it is time for EPA to refocus its efforts in this area. Time marches on and it is essential now that the Agency reexamine the studies it conducted, in some cases, 10 to 15

years ago. Once the Agency has fulfilled this task, it is imperative that it share the information with those State and local officials who desperately need it.

I want to stress to my colleagues that this problem will not go away, it will only persist and cause greater problems for future generations unless something constructive is done. If North Dakota can't find sufficient landfill sites, consider the difficulties facing heavily populated urban States.

Now is the time to direct EPA to concentrate on this growing problem of garbage disposal. I am asking them to study the following areas:

First, methods to reduce the volume of garbage before it is placed in landfills;

Second, more efficient systems of depositing waste in landfills;

Third, ways to make solid waste decompose faster;

Fourth, the possibility of producing methane from closed landfill units;

Fifth, innovative uses of closed landfill sites, including solar or wind energy production and metals recovery; and

Sixth, methods to coordinate use of a landfill owned by one municipality by nearby municipalities, and to establish equitable rates for such use, taking into account the need to provide future landfill capacity to replace that so used.

The Administrator is authorized to conduct demonstrations in the areas of study provided in the amendment. I suggest a good place to consider a demonstration project of this kind would be in Fargo, ND. Because their landfill is nearly filled to capacity, they would value any assistance and guidance EPA could give them.

Mr. CHAFEE. Mr. President, as far as this side is concerned, the amendment is a good one, and we accept it.

Mr. MITCHELL. The amendment is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 3405) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3406

(Purpose: To provide for State credits for Superfund work and extend the natural resource damage deadline)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself, Mr. LAUTENBERG, Mr. BAUCUS, and Mr. ABDNOR, proposes an amendment numbered 3406.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end thereof add the following new section:

"STATE-FEDERAL RELATIONS UNDER THE SUPERFUND ACT"

SEC. . (2)(1) Section 104(d)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by adding the following new sentence: "For the purposes of the last sentence of subsection (c)(3) of this section, the President may enter into a contract or cooperative agreement with a State under this paragraph under which such state will take response actions in connection with releases listed pursuant to section 105(8)(B), using non-Federal funds for such response actions, in advance of and without any obligation by the President of amounts from the Fund for such response actions.".

(2) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by adding the following sentence: "The President shall grant the State a credit against the share of costs for which it is responsible under this paragraph for any reasonable, documented, direct out-of-pocket non-Federal funds expended or obligated by the State under a contract agreement under the last sentence of subsection (d)(1).".

(b) Section 112(d) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended to read as follows:

"(d) No claim may be presented, nor may an action be commenced, under this title—

"(1) for the costs of response, unless that claim is presented or action commenced within three years after the date of completion of the response action;

"(2) for damages under subparagraph (C) of section 107(a), unless that claim is presented or action commenced within three years after the date on which final regulations are promulgated under section 301(c); or

"(3) for any other damages, unless that claim is presented or action commenced within three years after the date of the discovery of the loss or within three years after the date of enactment of this Act, whichever is later: *Provided, however,* That the time limitations contained in this paragraph shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.".

Mr. BRADLEY. Mr. President, I ask unanimous consent that Senator LAUTENBERG, Senator BAUCUS, and Senator ABDNOR also be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY Mr. President, this is the State credit and natural resources damage amendment that I have discussed with the two floor managers.

The amendment has two parts; the first would allow a State with EPA approval to clean up a Superfund site using State funds and then receive credit for its expenditures. The credit would be used at any Superfund site in the State.

Mr. President, this is not a new concept. We used it in the original Superfund law passed in 1980. Section 104(c) of the Superfund law allows EPA to give States credit for State expenditures at approved Superfund sites. As the Superfund law was being written, we recognized that States ought to be allowed to begin the cleanup at particularly threatening Superfund sites even before Superfund money was available. The State credit provision included in the Superfund law thus allowed EPA to repay States for their early cleanup efforts. This mechanism was a good one and should be used again now as Superfund money begins to dry up pending reauthorization.

This State credit provision would enable States to pay for site cleanup with their own funds and then receive credits for these expenditures for other Superfund work. This will allow us to maintain the cleanup momentum. While we wait for additional funds to be earmarked for the Superfund, we must not allow the feasibility and design studies that have already been completed to sit idle. The State of New Jersey for example is prepared to spend as much as $130 million of its own funds to start the cleanup process at the most severe sites. But how can we expect them to make this commitment without some assurance that they will receive credit for the work they do? Without such as assurance we are telling States like New Jersey to sit on their hands—and their drums of toxic wastes—until the EPA gets around to doing something or until Congress and the President get around to reauthorizing Superfund. From an environmental health standpoint and, more importantly from a public creditibility standpoint, the cleanup must begin without delay.

Each day the sites in New Jersey and in other States are slowly worsening—continuing to pollute the water, continuing to create victims. We can enable States to proceed without delay by allowing States to use their own funds and then allowing EPA to give them credit for other Superfund work. States would be limited to approved sites on the national priorities list and would be subject to the terms of a specific EPA/State agreement. This amendment is crucially important and time sensitive.

Allow me to describe the mechanics of this process. EPA has a list of 546 Superfund sites that are eligible for Superfund cleanup funds. These sites are ranked in order of the severity of the threat to public health. The worst

sites, those at the top of the list, are first in line for funds. Indeed, several of the worst sites have already been cleaned up and we are working our way down the list.

The problem arises when a State is ready to clean up a site before EPA is ready to fund that clean up. EPA's reason for delay may be lack of available funds, for example. If allowed to occur, delays can render feasibility studies obsolete. More troubling, delays generate cynicism and anger on the part of citizens waiting for cleanup of neighborhood sites. If this amendment is adopted the State would negotiate with EPA an agreement whereby the State agrees to clean up a site further down on the priority list using its own funds. The State/EPA agreement would specify the method and extent of cleanup and would allow EPA to exercise the necessary control over the overall Superfund program just as if Federal funds were to be used. As the State obligates funds for this site, it would be accruing credit that could be used toward its share of the costs of other Superfund sites being cleaned up in the regular order.

Mr. President, this amendment will allow Superfund to proceed uninterrupted. It will allow States to bridge the funding gap that would otherwise delay cleanup and disappoint citizen's expectations. Citizens have been disappointed by the pace of the program for the past 4 years. We must not disappoint them again.

The second part of this amendment would resolve a catch-22 that has stymied one important provision of the Superfund law. A portion of the Superfund was made available to clean up damage to natural resources: rivers, lakes, streams. A statute of limitations of 3 years from date of enactment was established. The administration was to issue regulations implementing this provision. Many States were waiting for the regulations to be issued so that they could file claims. Other States, such as New Jersey, filed claims without the benefit of the implementing regulations.

The implementing regulations were never issued and last December the statutory deadline for filing claims expired.

The amendment I am now offering would extend the deadline for filing natural resource damage claims to 3 years from the date the Department of Interior publishes final regulations.

Mr. President, the two managers and their able staffs have been most helpful and supportive in the preparation of this amendment. I believe they are willing to accept the amend. They agreed to accept these Superfund amendments now rather than on the Superfund reauthorization because of the time sensitivity of both parts. I have agreed to work my remaining Superfund amendments—regarding operation and maintenance costs and preemption—into the Superfund reauthorization.

I thank the managers for their support and for accepting the amendment.

Mr. LAUTENBERG. Mr. President, I am pleased to join with my colleague from New Jersey [Mr. BRADLEY] in offering an amendment to the pending Resource Conservation and Recovery Act extension to make changes in the Superfund program. I am hopeful that the Senate Environment and Public Works Committee, on which I serve, will complete its comprehensive reauthorization of the Superfund program quickly, and that the Senate will revise and renew Superfund this year.

However, we rise today to offer this amendment to Superfund as an insurance policy. It deals with time sensitive issues of great importance to New Jersey.

One of the greatest challenges we face to day is protecting the public and our environment from the hazards of toxic waste. In Newark, NJ, and Times Beach, MO, at Love Canal, NY, and Globe, AZ, citizens experienced fear and illness associated with exposure to dioxin, benzene, asbestos, and other highly toxic chemicals.

We are only now beginning to gauge the magnitude of exposure to toxic chemicals in our environment. There are currently 546 abandoned hazardous waste sites on the Superfund's national priority list. The Environmental Protection Agency expects this number to quadruple over the next decade. There is no State whose citizens are free from the threat of toxic waste exposure. The responsibility to protect the public from hazardous waste exposure is shared by Federal, State, and local governments.

The amendment Senator BRADLEY and I offer today is intended to strengthen the effectiveness of the Federal-State partnership established by the Superfund program. The first part of our amendment is designed to remove disincentives under the existing Superfund program for States with aggressive hazardous waste programs to move faster than can currently be accommodated by Superfund. It would permit States to use their own funds to clean up sites, according to plans approved by EPA, without permanently foregoing Federal funds to which they would be entitled if they delayed action.

Under our amendment, States would receive a credit for cleaning up Superfund sites with their own funds, which can be applied against expenses for subsequent clean ups at other Superfund sites as they become eligible for Superfund money. This cost credit provision provides assurances to States that they will eventually receive the Federal funds for which they are eligible and that they will not be punished for early action.

This cost credit provision is critical to New Jersey, where an ambitious cleanup program is planned for next year. New Jersey's management plan for fiscal year 1985 calls for action on 69 separate major sites. It involves 150 design, engineering, or construction projects at a cost of $108 million in Federal Superfund. In 1986, $123 million will be needed to keep this program moving. New Jersey is willing to advance funding for these projects to expedite cleanup plans; the credit amendment we offer today will assure that New Jersey and other States that move quickly to clean up hazardous waste sites with their own funds will not be penalized by losing Federal funds to which they would be entitled under Superfund if they waited.

Eighty-five Superfund sites await cleanup in New Jersey. By the end of this summer, EPA may add another 15 sites which are candidates for Superfund listing. Not one site has been cleaned up in our State since Superfund was enacted 4 years ago. Our amendment will free New Jersey to start the critical work of reducing the number of sites on the list. The communities surrounding these dangerous sites should be free from exposure to toxic chemicals as quickly as possible.

Mr. President, the amendment Senator BRADLEY and I are offering today would also extend the statute of limitations for filing claims against the Superfund for natural resource damage. The natural resources claim provisions of Superfund provide that the Federal Government or any State may act as a public trustee and seek compensation for damages to forests, fish, wildlife, and surface and ground water, including polluted water supplies. Funds gained from claims, whether granted by the Superfund or reimbursed from responsible parties, are to be used to restore or replace damaged resources around Superfund sites.

When the statute of limitations expired in December 1983, 57 claims had been filed against the fund; 26 were from New Jersey. A month after the statute of limitations deadline, all claims were rejected by the Environmental Protection Agency for being improperly filed.

The rejection of these claims can be traced directly to the fact that EPA and the Department of the Interior failed to promulgate specifications for filing claims as required by Superfund.

Our amendment would clear up this catch-22 situation by extending the statute of limitations to 3 years following promulgation of the Federal specifications. It is my hope that EPA and the Department of the Interior will move swiftly to promulgate these specifications.

Substantial damage has been done to the environment around New Jersey's 85 Superfund sites. The funds received in response to natural resources claims would be used for restoring the environment around these sites as the Congress intended when it enacted the Superfund Program in 1980.

In closing, Mr. President, I express my appreciation to the managers of this bill for working with us on this amendment. They have been most cooperative.

I urge the adoption of the amendment.

Mr. BAUCUS. Mr. President, I rise as a cosponsor to the amendment to CERCLA section 112D to extend the statute of limitations regarding natural resource damage claims until EPA and the Department of the Interior has carried out the intent of Congress. The Committee on Environment and Public Works is preparing to review the Superfund Program but the statute of limitations for natural resource claims cannot wait.

CERCLA was enacted in December 1980. An important part of that legislation is a provision which allows States to make claims against Superfund for natural resource damages.

In my own State of Montana, mining and mine wastes have severely impacted the upper Clark Fork of the Columbia River drainage. National priority sites extend from Butte to Anaconda to the Milltown Dam just outside of Missoula. Mining near Butte along Silver Bow Creek has severely impacted the headwaters of the river. Further downstream in the town of Anaconda, the smelter has been identified as a major source of arsenic pollution. And then even further downstream, where the first dam stops the flow of the river, at Milltown, arsenic wastes have collected and polluted public drinking water supplies.

Now all of these sites are being addressed and response actions as required by Superfund are moving forward. They are being cleaned up. The Environmental Protection Agency, State of Montana, and the Anaconda Co. are cooperating. But that is not our problem.

THE PROBLEM

The problem is that these hazardous wastes have impacted not just these sites but the entire river drainage. Damage beyond the immediate sites is just as serious a problem as pollution from these sites.

Congress recognized the importance of natural resource damages when it enacted Superfund, yet not a single claim for damages from any State has been accepted by EPA.

FAILURE OF EPA AND THE DEPARTMENT OF THE INTERIOR

The statute of limitations on section 112, the section dealing with natural resource damages, expired last December without either rules defining what is a natural resource damage or identifying how to file a natural resource damage claim being developed. States were left in the untenable position of either prematurely filing damage claims or forever losing their opportunity to be compensated for these damages.

Montana filed a $50 million suit against Anaconda Mineral Co. This action was premature. It jeopardized the cooperation that had been developed and is ongoing. They were forced to take this action not because they felt that Anaconda was being unreasonable. Rather, they were forced to take this action because both EPA and the Department of the Interior failed to carry out their responsibilities under the Superfund bill. EPA has done too little too late.

FAILURE OF EPA AND DEPARTMENT OF THE INTERIOR TO ACT

The failure of the Environmental Protection Agency to develop rules and regulations on how to file a claim and the inaction of the Department of the Interior to determine what constitutes natural resource damage forced Montana to prematurely act.

Montana chose to preserve its rights by filing suit against Anaconda Minerals Co. for up to $50 million for damages resulting from operation of its Berkley Pit and other facilities at Butte. Make no mistake, this is not the strongest suit Montana has ever filed. It was filed at the last moment trying to beat a deadline against a statute of limitations which was about to run out without the Department of the Interior and EPA ever exercising its responsibilities.

The suit alleged injury to land, surface and ground water, drinking water, fish, plants and animals in the general vicinities of the pit and related facilities, particularly Silver Bow Creek and the upper reaches of the Clark Fork River.

This was clearly premature but Montana and other States around the Nation were put in a position of either acting prior to December 11 or forever losing their opportunity to be compensated.

A total of 57 claims for over $2.7 million were filed with EPA These were all denied. I will ask unanimous consent that letters of rejection of their claims be entered in the RECORD at the conclusion of my remarks.

This amendment will preserve the rights of Montana and other States to legitimately seek damages to their natural resources caused by hazardous waste. By ensuring that the statute of limitations will not dictate who they can assess damages against, but rather, ensuring that a State will have 3 years after the Department of the Interior defines what constitutes natural resource damage and EPA has promulgated rules and regulations to determine whether or not damages have occurred.

Mr. President, I ask unanimous consent that the letters I referred to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, January 27, 1984.

(Certified Mail—Return Receipt Requested)
Re NR-CERCLA-84-4.
Mr. THOMAS P. LOOBY,
Acting Assistant Director, Colorado Department of Health, State of Colorado, Denver, CO.

DEAR MR. LOOBY: This letter is in response to your letters, dated December 9, 1983, to William D. Ruckelshaus, Administrator of the U.S. Environmental Protection Agency. By those letters, twenty-two in all, you intended to present Colorado's claims, pursuant to sections 111 and 112 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), for damages against the Hazardous Substance Response Trust Fund for injury to, loss or destruction of natural resources.

To submit a valid natural resource claim against the Fund pursuant to section 112 of CERCLA, the requirements of sections 111 and 112 of CERCLA must be fulfilled. Section 112(a) provides:

"All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment."

Thus, in order to file a claim to the Fund, the State must have presented the claim to the persons described in section 112(a). The Agency interprets this condition to be satisfied if the person or persons to whom the claim has been presented has refused to pay the claim or if the sixty-day period has elapsed without payment—whichever occurs sooner.

Section 111(i) provides:

"Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment."

The Agency interprets section 111(i) to require trustees of natural resources to have completed and submitted to the Agency a plan that satisfies the requirements of sec-

tion 111(i) and to have received prior approval ("preauthorization") of that plan from the Agency's Assistant Administrator for Solid Waste and Emergency Response before a claim for injury to a natural resource may be presented to the Fund.[1]

The claims you presented do not satisfy the requirements of section 112(a). Where responsible parties were identified, sixty days had not elapsed between the date of your notice and the date of your filing against the Fund. Where no responsible parties were identified, you did not indicate the steps taken to identify such parties, nor the period of time over which you searched for the party or parties. For this reason, it does not appear that you have satisfied the requirements of section 112(a).

In addition, it is clear that the second precondition, preauthorization, has not been satisfied. Your letter does not discuss a situation requiring action to avoid an irreversible loss or similar need for emergency action, nor has the State completed and received EPA's approval of a plan for restoring, rehabilitating, or acquiring equivalent natural resources.

Because the preconditions of Section 112(a) and 111(i) have not been met, you have not submitted a valid claim against the Fund.

Even if you had met the necessary preconditions for proper submission of claims, the agency would be unable to evaluate the claims' merits because many relevant facts are missing. As noted previously, several claims do not provide information on your efforts to identify and obtain satisfaction of your claim from responsible parties to satisfy the requirements of section 112(a). Your submission also provides insufficient factual descriptions of the injury, loss or destruction of natural resources. That is, there is no explanation of the nature or extent of the damage. Finally, your submissions do not state when the damage and release occurred, although you certify that the release and damages did not occur wholly before enactment of CERCLA.

If you have any questions with respect to submitting natural resource claims to the CERCLA Trust Fund, please call William O. Ross, who may be reached at (202) 382-4642.

Sincerely yours,

JACK W. MCGRAW,
Acting Assistant Administrator.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, January 27, 1984.

(Certified Mail—Return Receipt Requested)

Re NR-CERCLA-84-5.

Mr. STEPHEN V. GODDARD,
Deputy Attorney General, State of Idaho, State Office Tower, Boise, ID.

DEAR MR. GODDARD: This letter is in response to your letter, dated December 12, 1983, to William D. Ruckelshaus, Administrator of the U.S. Environmental Protection Agency. By this letter, you intended to present the State of Idaho's claim, pursuant to sections 111 and 112 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), for damages against the Hazardous Substance Response Trust Fund for injury to, loss or destruction of Deep Creek on the Snake River.

To submit a valid natural resource claim against the Fund pursuant to section 112 of CERCLA, the requirements of sections 111 and 112 of CERCLA must be fulfilled. Section 112(a) provides:

"All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment."

Thus, in order to file a claim to the Fund, the State must have presented the claim to the persons described in section 112(a). The Agency interprets this condition to be satisfied if the person or persons to whom the claim has been presented has refused to pay the claim or if the sixty-day period has elapsed without payment—whichever occurs sooner.

Section 111(i) provides:

"Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment."

The Agency interprets section 111(i) to require trustees of natural resources to have completed and submitted to the Agency a plan that satisfies the requirements of section 111(i) and to have received prior approval ("preauthorization") of that plan from the Agency's Assistant Administrator for Solid Waste and Emergency Response before a claim for injury to a natural resource may be presented to the Fund.[1]

The claim you presented attempts to address the requirements of the first precondition. You indicate that the Secretary of State and the County Clerk do not have a record of the owner of the Red Ledge Mine. The owner is not the only person who may be liable under section 107 of CERCLA. You do not indicate further steps to identify present or past owners or efforts to identify other potentially liable parties. For this reason, it does not appear that you have satisfied the requirements of section 112(a).

In addition, it is clear from your submission that the second precondition, preauthorization, has not been satisifed. Your letter does not discuss a situation requiring action to avoid an irreversible loss or a similar need for emergency action, nor has the State completed and received EPA's approval of a plan for restoring, rehabilitating, or acquiring equivalent natural resources.

Because the preconditions of section 112(a) and 111(i) of CERCLA have not been met, you have not submitted a valid claim to the Fund.

Even if you had met the necessary preconditions for proper submission of claims, the Agency would be unable to evaluate the merits of your submission because relevant facts are missing. As noted previously, you do not provide information on your efforts to identify all responsible parties. Further, the submission provides insufficient factual description of the injury, loss or destruction of Deep Creek. That is, there is no explanation of the nature or extent of the damage. Nor does the submission identify the current status of hazardous substances which caused the damage. Finally, your submission does not state when the damage and release occurred, facts that are necessary to establish that section 111(d) does not bar the claims submission. If the damage and the release occurred "wholly before the enactment" of CERCLA, such claims are not compensable under the statute.

If you have the questions with respect to submitting natural resource claims to the CERCLA Trust Fund, please call William O. Ross, who may be reached at (202) 382-4642.

Sincerely yours,

JACK W. MCGRAW,
Acting Assistant Administrator.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, January 27, 1984.

(Certified Mail—Return Receipt Requested)

Re NR-CERCLA-84-1.

Mr. JOHN J. HOCKBERGER,
Deputy Attorney General, State of Idaho, Health and Welfare Division, State Office Tower, Boise, ID.

DEAR MR. HOCKBERGER: This letter is in response to your letter, dated December 8, 1983, to William D. Ruckelshaus, Administrator of the U.S. Environmental Protection Agency. By this letter, you intended to present the State of Idaho's claims, pursuant to sections 111 and 112 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), for damages against the Hazardous Substance Response Trust Fund for injury to, loss or destruction of natural resources.

To submit a valid natural resource claim against the Fund pursuant to section 112 of CERCLA, the requirements of sections 111 and 112 of CERCLA must be fulfilled. Section 112(a) provides:

"All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment."

Thus, in order to file a claim to the Fund, the State must have presented the claim to the persons described in section 112(a). The Agency interprets this condition to be satisfied if the person or persons to whom the claim has been presented has refused to pay

[1] In addition, to the extent these claims can be properly classified as "response" claims, they are subject to the preauthorization requirement set out in 40 CFR § 300.25(d).

[1] In addition, to the extent these claim can be properly classified as "response" claims, they are subject to the preauthorization requirement set out in 40 CFR § 300.25(d).

the claim or if the sixty-day period has elapsed without payment—whichever occurs sooner.

Section 111(i) provides:

"Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment."

The Agency interprets section 111(i) to require trustees of natural resources to have completed and submitted to the Agency a plan that satisfies the requirements of section 111(i) and to have received prior approval ("preauthorization") of that plan from the Agency's Assistant Administrator for Solid Waste and Emergency Response before a claim for injury to a natural resource may be presented to the Fund.[1]

The claims you presented attempt to address the requirements of the first precondition. For both claims you indicate that the determination of responsibility and ownership is not possible. You do not indicate further steps to identify past or present owners or efforts to identify other potentially liable parties. For this reason it does not appear that you have satisfied the requirements of section 112(a).

In addition, it is clear from your submission that the second precondition, preauthorization, has not been satisfied. Your letter does not discuss a situation requiring action to avoid an irreversible loss or a similar need for emergency action, nor has the State completed and received EPA's approval of a plan for restoring, rehabilitating, or acquiring equivalent natural resources.

Because the preconditions of section 112(a) and 111(i) have not been met, you have not submitted a valid claim against the Fund.

Even if you had met the necessary preconditions for proper submission of claims, the Agency would be unable to evaluate the claims' merits because relevant facts are missing. Your submission provides no factual descriptions of the injury, loss or destruction of the various natural resources. That is, there is no explanation of the nature or extent of the damage. Finally, your submissions do not state when the damage and release occurred, facts that are necessary to establish that section 111(d) does not bar the claims submission. This is essential in the case of your claim for Blackbird Creek-Meadow Creek-Panther Creek where you report "drainage since the 1890's." If the damage and the release occurred "wholly before the enactment" of CERCLA, such claims are not compensable under the statute.

If you have any questions with respect to submitting natural resource claims to the CERCLA Trust Fund, please call William O. Ross, who may be reached at (202) 382-4642.

Sincerely yours,

JACK W. MCGRAW,
Acting Assistant Administrator.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, January 27, 1984.

(Certified Mail—Return Receipt Requested)

Re NR-CERCLA-84-2.

Mr. ROBERT E. HUGHEY,
Commissioner, State of New Jersey, Department of Environmental Protection, Trenton, NJ.

DEAR MR. HUGHEY: This letter is in response to your letters, dated December 9, 1983, to William D. Ruckelshaus, Administrator of the U.S. Environmental Protection Agency. By those letters, twenty-six in all, you intended to present the State of New Jersey's claims, pursuant to sections 111 and 112 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), for damages against the Hazardous Substance Response Trust Fund for injury to, loss or destruction of natural resources.

To submit a valid natural resource claim against the Fund pursuant to section 112 of CERCLA, the requirements of sections 111 and 112 of CERCLA must be fulfilled. Section 112(a) provides:

"All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or quarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment."

Thus, in order to file a claim to the Fund, the State must have presented the claim to the persons described in section 112(a). The Agency interprets this condition to be satisfied if the person or persons to whom the claim has been presented has refused to pay the claim or if the sixty-day period has elapsed without payment—whichever occurs sooner.

Section 111(i) provides:

"Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agenices and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment.

The Agency interprets section 111(i) to require trustees of natural resources to have completed and submitted to the Agency a plan that satisfies the requirements of section 111(i) and to have received prior approval ("preauthorization") of that plan from the Agency's Assistant Administrator for Solid Waste and Emergency Response before a claim for injury to a natural resource may be presented to the Fund.[1]

The twenty-six claims you presented may meet the requirements of the first precondition, if the claims were presented prior to October, or if the parties to whom they were presented refused to pay them prior to the expiration of the sixty-day period. The claims state, in each case, that the responsible parties "have previously been presented with this claim and have not remitted any monies to the State in satisfaction thereof." To determine whether this precondition has been satisfied, however, the Agency would need to know the names of the responsible parties and the date on which the claim had been initially presented and the nature of the responsible parties' responses (if any).

The second precondition, however, has not been satisfied. Although your letters refer to section 111(i) and agree that "no claim funds will be used by the State prior to its development and adoption of such a plan," this does not satisfy the requirement that the planned activities be preauthorized. Accordingly, you have not submitted valid claims against the Fund.

Because the preconditions of sections 112(a) and 111(i) of CERCLA have not been met, you have not submitted a valid claim to the Fund.

Even if you had met the necessary preconditions for proper submission of claims, the Agency would be unable to evaluate the merits of your submissions because many relevant facts are missing. As noted previously, you do not identify any responsible parties or the dates on which the claims were presented to them. The submissions do not sufficiently identify the natural resources (e.g., wildlife, biota) damaged, or the basis by which the trustee has authority over them. Further, the submissions provide no factual description of the injury, loss or destruction of the various natural resources. That is, there is no explanation of the nature or extent of the damage or the time period of the occurrence. Nor do you identify the hazardous substances which caused the damage. Finally, your submissions do not state when the damage and release occurred, facts that are necessary to establish that section 111(d) of CERCLA does not bar the claims' submission. (If the damage and the release occurred "wholly before the enactment" of CERCLA, such claims are not compensable under the statute.)

If you have any questions with respect to submitting natural resource claims to the CERCLA Trust Fund, please call William O. Ross, who may be reached at (202) 382-4642.

Sincerely yours,

JACK W. MCGRAW,
Acting Assistant Administrator.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, January 27, 1984.

(Certified Mail—Return Receipt Requested)

Re NR-CERCLA-84-3.

Mr. ROBERT B. VROOMAN,
Assistant Attorney General, Natural Resources Section, State of South Dakota, Pierre, SD.

DEAR MR. VROOMAN: This letter is in response to your letters, dated December 8, 1983, to William D. Ruckelshaus, Adminis-

[1] In addition, to the extent these claims can be properly classified as "response" claims, they are subject to the preauthorization requirement set out in 40 CFR § 300.25(d).

[1] In addition, to the extent these claims can be properly classified as "response" claims, they are subject to the preauthorization requirement set out in 40 CFR § 300.25(d).

trator of the U.S. Environmental Protection Agency. By those letters, six in all, you intended to present South Dakota's claims, pursuant to sections 111 and 112 of the Comprehensive Environmental Response, Compensaton and Liability Act (CERCLA), for damages against the Hazardous Substance Response Trust Fund for injury to, loss or destruction of natural resources.

To submit a valid natural resource claim against the Fund pursuant to section 112 of CERCLA, the requirements of sections 111 and 112 of CERCLA must be fulfilled. Section 112(a) provides:

"All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment.

Thus, in order to file a claim to the Fund, the State must have presented the claim to the persons described in section 112(a). The Agency interprets this condition to be satisfied if the person or persons to whom the claim has been presented has refused to pay the claim or if the sixty-day period has elapsed without payment—whichever occurs sooner.

Section 111(i) provides:

"Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment."

The Agency interprets section 111(i) to require trustees of natural resources to have completed and submitted to the Agency a plan that satisfies the requirements of section 111(i) and to have received prior approval ("preauthorization") of that plan from the Agency's Assistant Administrator for Solid Waste and Emergency Response before a claim for injury to a natural resource may be presented to the Fund.[1]

The claims you presented attempt to address the requirements of the first precondition. For both claims you indicate that the determination of responsibility and ownership is not possible. You do not indicate further steps to indentify past or present owners or efforts to identify other potentially liable parties. For this reason it does not appear that you have satisfied the requirements of section 112(a).

In addition, it is clear from your submission that the second precondition, preauthorization, has not been satisfied. Your letter does not discuss a situation requiring action to avoid an irreversible loss or a similar need for emergency action, nor has the State completed and received EPA's approval of a plan for restoring, rehabilitating, or acquiring equivalent natural resources.

Because the preconditions of section 112(a) and 111(i) of CERCLA have not been met, you have not submitted a valid claim to the Fund.

Even if you had met the necessary preconditions for proper submission of claims, the Agency would be unable to evaluate the merits of your submission because many relevant facts are missing. As noted previously, your submissions do not provide complete information on your efforts to identify all responsible parties. The submissions provide insufficient factual description of the injury, loss or destruction of natural resources. That is, there is no explanation of the nature or extent of the damage. Finally, your submissions do not state when the damage and release occurred, although you certify that the release and damages did not occur wholly before enactment of CERCLA.

If you have any questions with respect to submitting natural resource claims to the CERCLA Trust Fund, please call William O. Ross, who may be reached at (202) 382-4642.

Sincerely yours,

JACK W. MCGRAW,
Acting Assistant Administrator.

Number	Claim date	Claimant	Claim name/site	NPL	Removal	Claim (thousands)	Injury, loss, destruction of natural resources	Hazardous substance	Discovery date	Responsible party
REGION X—IDAHO										
1A	12-8-83	Att. Gen.	South Fork/Bunker Hill (Kellog).	Y	N	$50,000	Damage to river, river beds, groundwater, fish, waterfowl.	Flouride, heavy metals.	None	Bunker Hill Co., others, no claim presented.
1B	12-8-83		Meadow Creek, etc. (Lemhi County).	N	N	25,000	Damage to creeks, groundwater, aquatic life, biota.	Heavy metals	Fish kills 1954, aquatic life 1950s, 1960s, spawning reduction 1954-1977.	Noranda Mining, Inc., others, no claim presented.
5A	12-21-83		Deep Creek, Snake River	N	N	100	Damage to Deep Creek, trout and other aquatic life.	Mining effluent	Water sample 1973, trout surveys 1973, 1983.	None identified.
REGION III—NEW JERSEY										
NR-Cercla-84-2M	12-9-83	Commissioner, Dept. of Environ. Protection.	Ventron (Wood-Ridge)	Proposed	N	65,000	Ground water, surface water, land, air, wetlands, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2A	12-9-83		Lone Pine Landfill (Freehold Township).	Y	N	65,000	Ground water, surface water, land, air, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2B	12-9-83		Blue Spruce International, Inc. (Bound Brook).	N	Y	43,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2C	12-9-83		Chemical Control Corporation	Y	N	40,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2D	12-9-83		Asbestos Dump Site (Passaic Township).	Y?	N	52,000	Surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2E	12-9-83		Combe Fill South Landfill (Chester/Washington Townships).	Y	N	43,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2F	12-9-83		Burnt Fly Bog (Marboro/Old Bridge Townships).	Y	Y	34,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2G	12-9-83		Kin-Buc Landfill (Edison)	Y	Y	37,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2H	12-9-83		Chemical Insectiside Corporation (Edison Township).	N	N	27,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2I	12-1-83		Hamm's Sanitary Landfill (LaFayette Township).	N	N	42,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2J	12-12-83		Goose Farm (Plumstead Township).	Y	Y	47,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2K	12-9-83		Pijak Farm (Plumsted Township).	Y	N	49,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2L	12-9-83		Woodland Township Dump (Woodland Township).	Y	N	83,000	Surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.

Number	Claim date	Claimant	Claim name/site	NPL	Removal	Claim (thousands)	Injury, loss, destruction of natural resources	Hazardous substance	Discovery date	Responsible party
2N	12–9–83		GEMS Landfill (Gloucester Township).	Y	Y	59,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2O	12–9–83		High Point Sanitary Landfill (Franklin Township).	N	N	36,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2P	12–9–83		Jones Industrial Service Landfill (S. Brunswick Township).	Y	N	45,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2Q	12–9–83		Toms River Chemical Co. (Dover Township).	Y	N	67,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2R	12–9–83		Witco Chemical (Perth Amboy).	N	N	30,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2S	12–9–83		Woodland Township Dump (Rte. 72) (Woodland Township).	Y	N	84,000	Ground water, surface water, land, air, bogs, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2T	12–9–83		U.S. Radium Corporation (Orange).	Y	N	33,000	Ground water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2U	12–9–83		Spence Farm (Plumsted)	Y	N	50,000	Ground water, surface water, land, air, wetlands, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2V	12–9–83		Scientific Chemical Processing (Carlstadt).	Y	N	49,000	Ground water, surface water, land, air, wetlands, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2W	12–9–83		Lipari Landfill (Mantua)	Y	Y	63,000	Ground water, surface water, land, wetlands, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2X	12–9–83		Landfill & Development Co. Landfill (Mount Holly).	Proposed	N	43,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2Y	12–9–83		Friedman Property (Upper Freehold).	Y	N	41,000	Ground water, surface water, land, air, wetlands, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
2Z	12–9–83		Combe North Landfill (Mount Olive).	Y	N	42,000	Ground water, surface water, land, air, fish, wildlife, biota.	Not named	None	Identified, not named. Claim presented, no date.
			REGION VIII—COLORADO							
	12–9–83	Director, Dept. of Health, State of Colorado.	Rocky Mountain Arsenal (Adams County).	N	N	50,000	Soils, aquifer	List included	None	Shell Oil Co., Army. Claim presented. 12–2–83.
	12–9–83		Uravan Mill (Uravan)	N	N	50,000	Soils, air, surface and ground water.	List included	None	Union Carbide, Co. Claim presented, 12–2–83.
	12–9–83		Eagle Mine (Gilman)	N	N	50,000	Surface and ground water	List included	None	Gulf & Western, Inc.; New Jersey Zinc, Co.; Claim presented, 12–2–83.
	12–9–83		Yak Tunnel (Lake County)	N	N	50,000	Surface and ground water	List included	None	Asarco, Inc.; Resurrection Mining. Claim presented, 12–2–83.
	12–9–83		Globe Plant (Denver)	N	N	50,000	Soils, ground water, air, surface water.	Arsenic, Lead, Cadmium, Silenium.	None	Asarco, Inc. Claim presented. 12–2–83.
	12–9–83		Idarado Mining Co. (San Miguel & Ouray Co.).	N	N	50,000	Ground and surface water	List included	None	Idarado Mining Co., Newmont Claim presented. 12–2–83.
	12–9–83		Hill Petroleum Building	N	N	50,000	Soil	Radium, etc.	None	Not identified.
	12–9–83		Boulder City Park	N	N	50,000	Ground water, soil	Radium, etc.	None	Not identified.
	12–9–83		Dept. of Energy (San Miguel County).	N	N	50,000	Soil, ground water	Uranium, Radium, Vanadium.	None	Dept. of Energy Claim presented. 12–2–83.
	12–9–83		Dept. of Energy (Mesa County.	N	N	50,000	Soil, ground water	Uranium, Radium, Thorium, Vanadium.	None	Dept. of Energy Claim presented, 12–9–83.
	12–9–83		Carbonero Mine (Old Ophir)	N	N	50,000	Soil, ground and surface waters.	Cadmium, Lead, Cooper, Zinc.	None	Not identified.
	12–9–83		Rawley Mine (Bonanza)	N	N	50,000	Soil, ground and surface waters.	Cadmium, Lead, Cooper, Zinc.	None	Not identified.
	12–9–83		Silver Belle Mine (Telluride)	N	N	50,000	Soil, ground and surface waters.	Cadmium, Lead, Cooper, Zinc.	None	Not identified.
	12–9–83		Carribeau Mine (Old Ophir)	N	N	50,000	Soil, ground and surface waters.	Cadmium, Lead, Cooper, Zinc.	None	Not identified.
	12–9–83		Rico Argentine Mine (Rico)	N	N	50,000	Soil, ground and surface waters.	Cadmium, Lead, Cooper, Zinc.	None	Anaconda Mining; Atlantic Richfield. Claim presented, 12–9–83.
	12–9–83		Pennsylvania Mine (Keystone).	N	N	50,000	Soil, ground and surface waters.	Cadmium, Lead, Cooper, Zinc.	None	Pennsylvania Mining. Claim Presented, 12–9–83.
	12–9–83		Central City-Idaho Springs (Gilpin County).	N	N	50,000	Surface ground water	Cadmium, Lead, Cooper, Zinc.	None	Not identified.
	12–9–83		Sweeney Mining Corp. (Boulder County).	N	N	50,000	Soil, surface and ground waters.	Uranium, Thorium, Radium.	None	D.O.E., Sweeney Mining; Teledyne, Inc. Claim presented 12–9–83.
	12–9–83		Hendricks Mining (San Miguel County).	N	N	50,000	Soil, ground water	Radium, etc.	None	Hendricks Mining; Allied Corp. Claim presented, 12–9–83.
	12–9–83		Dept. of Energy (San Miguel County).	N	N	50,000	Soil	Uranium, Radium, Vanadium.	None	Dept. of Energy. Claim presented, 12–9–83.
	12–9–83		Dept. of Energy (San Miguel County).	N	N	50,000	Soil, ground water	Uranium, Radium, Vanadium.	None	Dept. of Energy. Claim presented, 12–9–83.
	12–9–83		Dept. of Energy (Mesa County).	N	N	50,000	Soil, wildlife, surface and ground water.	Uranium, Radium, Thorium, Vanadium.	None	Dept. of Energy. Claim presented, 12–9–83.
			SOUTH DAKOTA							
NR-Cercla-84–3A	12–8–83	Att. Gen. Dept. of Water & Natural Resources.	Crevier Mine	N	N	$50,000	Vegetation, forage plants, surface water, animal life, ground water.	Molybaenum, Uranium, Arsenic, Copper.	None	Clarence Crevier. Claim presented, 12–8–83.
3B	12–8–83		Whitewood Custom Treaters (Whitewood).	N	N	50,000	Ground water, surface water, aquatic system, land.	Chromium, Arsenic, Copper, etc.	Spring, 1982	Whitewood Custom Treaters. Claim presented 12–8–83.

Number	Claim date	Claimant	Claim name/site	NPL	Removal	Claim (thousands)	Injury, loss, destruction of natural resources	Hazardous substance	Discovery date	Responsible party
3C	12-8-83		St. Regis Corp. (Whitewood).	N	N	50,000	Ground water, surface water, aquatic system, land.	Chromium, Arsenic, Copper, Pentachlorophenal.	None	St. Regis Corp. Claim presented, 12-8-83.
3D	12-8-83		Homestake Mining Co. (Lead).	N	N	50,000	Ground water, surface water, aquatic system, land.	Arsenic, Mercury	None	Homestake Mining. Claim presented, 12-8-83.
3E	12-8-83		American Oil Co. Mine (Black Hills Meridian).	N	N	50,000	Surface water, acquatic system, riparian habitat, domestic use.	Arsenic, Cadmium, Chromium, Copper, Iron, Lead, etc.	None	American Oil Co. Claim presented, 12-8-83.
3E	12-8-83		Double Rainbow Mines, Inc. (Lawrence County).	N	N	50,000	Surface water, aquatic system, ground water.	Lead Sulfide, Sulfuric Acid, Ferrous Sulfide.	None	Double Rainbow Mines. Claim presented 12-8-83.

Mr. CHAFEE. Mr. President, in connection with the amendment of Senator BRADLEY, it is a good amendment and makes sense. It is acceptable to this side.

Mr. MITCHELL. Mr. President, I have reviewed the amendment with Senator BRADLEY, Senator LAUTENBERG, and Senator CHAFEE. It is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 3406) was agreed to.

Mr CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3407

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. BRADLEY, proposes an amendment numbered 3407:

On page 93, after line 20, add the following new section:

CLARIFICATION OF CRIMINAL LIABILITY

SEC. 30. Section 3008(d)(2)(A) of the Solid Waste Disposal Act is amended by striking out "having obtained."

Mr. LAUTENBERG. Mr. President, I ask, unanimous consent that my senior colleague [Mr. BRADLEY] be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise today to offer an amendment to S. 757, to strengthen the criminal enforcement provisions of the Resource Conservation and Recovery Act. I originally introduced this amendment as S. 2741, the Criminal Liability Clarification Act, on June 7, 1984. My colleague from New Jersey [Senator BRADLEY] joins me as a cosponsor of this amendment, which was sponsored in the House of Representatives by Congressman JIM FLORIO.

The purpose of my amendment is to clarify that the criminal provisions in RCRA extend to any individual who knowingly and illegally disposes of hazardous waste. It will close a dangerous loophole created by a recent Federal district court decision that could let many midnight dumpers of hazardous waste off the hook.

Over 240 million tons of hazardous wastes are generated per year in our country—1 ton for every man, woman, and child in this country. Official estimates indicate that the majority of these wastes are disposed of improperly or in violation of Federal laws.

In the face of continuing threats posed by illegal dumping of hazardous wastes, the Justice Department has recently moved to grant police powers, including the right to bear firearms, to Environmental Protection Agency criminal investigators. An astounding one-half of all criminal investigations currently carried out by EPA involve violations of toxic-waste transportation and disposal regulations. Granting EPA the right to conduct searches and make arrests should result in more effective enforcement efforts and provide an additional deterrent to those who would engage in these unpardonable acts.

I am concerned that Federal enforcement efforts may be seriously compromised by a Federal district court decision. This decision, rendered in September of last year, could prevent a substantial percentage of those apprehended for illegal dumping from being prosecuted and punished.

In United States against Johnson and Towers, the Federal District Court of New Jersey dismissed from criminal liability two plant supervisors who were routinely ordering the dumping of thousands of gallons of acetone and other chemicals into a trench behind their factory and a nearby stream. The dismissal in the case was based on a misreading of congressional intent and could undermine the effectiveness of Federal programs for regulating hazardous-waste disposal.

Under RCRA, an owner or operator of a facility producing hazardous wastes must apply for a disposal permit. The illegal disposal in this case was ordered by the plant's supervisors, and not the owners or operators of the company in question. The owners and operators were technically responsible for acquiring a disposal permit under RCRA. Therefore, the court ruled that the supervisors could not be held liable under RCRA for knowingly disposing of hazardous waste "without having obtained a permit."

Mr. President, the interpretation of RCRA in United States against Johnson and Towers is not a fair reading of congressional intent. The practice of midnight dumping was of deep concern in 1980 when Congress amended RCRA. In 1980, RCRA enforcement procedures were improved and penalties toughened in order to put a stop to midnight dumping. The language in the law is clear and unambiguous. It imposes a criminal penalty on any person who, lacking a permit, knowingly and illegally treats, stores, transports, or disposes of any hazardous material. It was not the intent of Congress that criminal liability extend only to the owners and operators of facilities, who are responsible for obtaining a RCRA permit. This, however, is the way the district court interpreted RCRA.

The Justice Department has appealed the decision in United States against Johnson and Towers to the Third Circuit Court of Appeals. While I am hopeful that this appeal will be successful, the impact of the decision is now being felt from New Jersey to California. The amendment I offer today, with my colleague from New Jersey, would clarify congressional intent to extend the criminal penalty provisions in RCRA to any person who knowingly engages in illegal dumping practices. I hope it will also send a clear signal to midnight dumpers that they cannot continue to dispose of toxic wastes in our backyards, sewer systems, rivers, and streams with impunity.

Noncompliance with the RCRA program has been a tremendous problem across this country. We must work to improve compliance. Effective criminal provisions, that provide strong disincentives for illegal disposal of wastes, are an important step toward safe management of hazardous wastes under RCRA. I appreciate the support of the committee for this amendment and urge its adoption.

Mr. BRADLEY. Mr. President, I am pleased to join my distinguished colleague from New Jersey in this very important amendment. It sends a message to midnight dumpers that when they are caught, they will be prosecut-

ed and they will be punished. No more loopholes will be available.

I hope the Senate will adopt the amendment.

Mr. CHAFEE. Mr. President, I commend the Senators from New Jersey for coming up with this amendment.

I must say that I do not know how the Federal judge ever arrived at his conclusion. We know from intimate contact with Federal judges, both present and past, that their wisdom is usually unexcelled. How this could have occurred leaves me dumbfounded. Nonetheless, it did happen, and it seems wise to correct it.

I think the Senators from New Jersey have done a fine public service by proposing this amendment, and it is certainly acceptable to this side.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I join Senator CHAFEE in commending Senators LAUTENBERG and BRADLEY. The amendment is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3407) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3408

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER], for himself and Senators MOYNIHAN, LAUTENBERG, BRADLEY, COHEN, HUMPHREY, and HEINZ poses an amendment numbered 3408.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. without objection, it is so ordered.

The amendment is as follows:

At the end thereof add the following new section: (a) the Safe Drinking Water Act (title XIV of the Public Health Service Act) is amended by adding a new Part F as follows:

"PART F—REGULATION OF UNDERGROUND STORAGE TANKS CONTAINING SUBSTANCES OTHER THAN HAZARDOUS WASTE

"DEFINITIONS

"SEC. 1451. For the purposes of this part, the term—

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) 'regulated substance' means (A) any substance defined in section 101(14) of Public Law 97-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including substances regulated as hazardous wastes under the Solid Waste Disposal Act), and (B) petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute);

"(3) 'owner' means (A) in the case of an underground storage tank in use on the date of enactment of this part or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances, and (B) in the case of any underground storage tank previously in use but no longer in use on the date of enactment of this part, any person who owned such tank immediately prior to discontinuation of use;

"(4) 'operator' means any person in control of or having responsibility for the daily operation of the underground storage tank for the storage, use, or dispensing of regulated substances;

"(5) 'person' means an individual, firm, corporation, association, partnership, trust, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

"(6) 'release' means any actual spilling, leaking emitting, discharging, escaping, leaching, or disposing from an underground storage tank into ground water, surface water or subsurface soils;

"(7) 'underground storage tank' means any tank, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances and which is substantially or totally beneath the surface of the ground. This term does not include (i) aboveground storage tanks which are in compliance with national consensus codes and for which ninety (90%) or more of the tank volume is above the ground surface, (ii) farm or residential underground storage tanks of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes, (iii) underground storage tanks used for storing heating oil for consumptive use on the premises where stored, (iv) septic tanks, (v) pipeline facilities regulated under the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671, et seq.) or the Hazardous Liquid Pipeline Act of 1978, as amended (40 U.S.C. 2001, et seq.), (vi) surface impoundments, pits, ponds or lagoons (vii) storm water and waste water collection systems, or (viii) flow-through process tanks;

"(8) 'nonoperational underground storage tank' means any tank which has been used for the storage, use, or dispensing of regulated substances which will not have regulated substances deposited or dispensed from the storage tank after the date of enactment of this part;

"(9) 'national consensus code' means any safety or fire standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization, including National Fire Protection Association Standard Number 30, "Flammable and Combustible Liquids Code," and Western Fire Chiefs Association Uniform Fire Code Article Number 79, "Flammable and Combustible Liquids".

"NOTIFICATION AND CERTIFICATION

"SEC. 1452. (a)(1) UNDERGROUND STORAGE TANKS.—Within eighteen months of the date of enactment of this part, any owner of an underground storage tank shall notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of such tank, specifying the age, size, type, location, and uses of such tank.

"(2) NONOPERATION UNDERGROUND STORAGE TANKS.—For any underground storage tank taken out of operation after January 1, 1974, the owner of such tank shall, within eighteen months of the date of enactment of this part, notify the State or local agency, or department designated pursuant to subsection (b)(1) of the existence of such tanks (unless the owner knows the tank subsequently was removed from the ground). Notice under this subsection shall specify to the extent known the date the tank was taken out of operation, the age on the date taken out of operation, the size, type and location of the tank, and the type and quantity of substances left stored in such tank on the date taken out of operation. This subsection shall not apply to tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

"(3) Any owner which brings into use an underground storage tank after the initial notification under subsection (a)(1), shall notify the designated State or local agency or department within thirty days of the existence of such tank, specifying the age, size, type, location and uses of such tank.

"(4) Beginning thirty days after the Administration prescribes the form of notice pursuant to subsection (b)(2) and for eighteen months thereafter, any person who deposits regulated substances in an underground storage tank shall reasonably notify the owner or operator of such tank of the owner's notification requirements pursuant to this subsection.

"(5) Beginning thirty days after the Administrator issues new tank performance standards pursuant to subsection 1453(d) of this part, any person who sells a tank intended to be used for the storage, use, or dispensing of regulated substances shall notify the purchaser of such tank of the owner's notification requirements pursuant to this subsection.

"(b)(1) Within one hundred and eighty days of enactment of this part, the Governors of each State shall designate the appropriate State agency or department or local agencies or departments to receive the notifications under subsection (a)(1), (2), or (3).

"(2) Within twelve months of enactment of this part, the Administrator in consultation with State and local officials designated pursuant to subsection (b)(1), and after notice and opportunity for public comment, shall prescribe the form of the notice and the information to be included in the notifications under subsection (a)(1), (2), or (3). In issuing the form of such notice, the Administrator shall take into account the effect on small businesses and other owners and operators.

"RELEASE DETECTION, PREVENTION, AND CORRECTION REGULATIONS

"SEC. 1453. (a) The Administrator, after notice and opportunity for public comment, shall promulgate release detection, prevention and correction regulations applicable to all owners and operators of underground storage tanks used for storing regulated substances, as may be necessary to protect human health and the environment.

"(b) In issuing regulations under this section, the Administrator may distinguish between types, classes, and ages of under-

ground storage tanks. In making such distinctions, the Administrator may take into consideration the following factors, including, but not limited to: location of the tanks, soil and climate conditions, uses of the tanks, history of maintenance, age of the tanks, current industry recommended practices, national consensus codes, hydrogeology, water table, size of the tanks, quantity of regulated substances periodically deposited in or dispensed from the tank, the technical and managerial capability of the owners and operators, and the compatibility of the regulated substance and the materials of which the underground storage tank is fabricated.

"(c) The regulations promulgated pursuant to this section shall include, but need not be limited to, the following requirements respecting all underground storage tanks—

"(1) maintaining a leak detection system or maintaining a comparable system or methods or inventory control system and performing tank testing designed to identify releases;

"(2) maintaining records of any monitoring or leak detection system or inventory control system or tank testing or comparable system:

"(3) reporting of any releases and corrective action taken in response to a release from an underground storage tank;

"(4) taking corrective action in response to a release from an underground storage tank;

"(5) taking underground storage tank out of operation.

"(d) The Administrator shall promulgate regulations for maintaining evidence of financial responsibility and he deems necessary and desirable for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank.

"(c) The Administrator shall issue performance standards for underground storage tanks brought into use on or after the effective date of such standards. The performance standards for new underground storage tanks shall include, but need not be limited to, design, construction, installation, notification, compatibility and release detection standards.

"(f) Regulations issued pursuant to subsection (c) of this section and standards issued pursuant to subsection (d) of this section for underground storage tanks containing regulated substances defined in section 1451 (2)(B) (petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure) shall be effective not later than thirty months after the date of enactment of this part.

"(g) Until the effective date of the standards promulgated by the Administrator under subsection (d) of this section, and after ninety (90) days of enactment of this part, no person shall install an underground storage tank for the purpose of storing regulated substances unless such tank is installed and brought into use in accordance with an enforced national consensus code(s). Not later than six months after the date of enactment of this part, the Administrator shall report to the Senate and the House of Representatives of the United States his views on the national consensus code(s).

"APPROVAL OF STATE PROGRAMS

"SEC. 1454. (a) Any State may thirty months after the date of enactment submit an underground storage tank release detection, prevention, and correction program for review and approval by the Administrator. The State must demonstrate that the State program includes the following elements and provides for adequate enforcement of compliance with such requirements.

"(1) maintaining a leak detection system or inventory control system and performing tank testing designed to identify releases;

"(2) maintaining records of any monitoring or leak detection system or inventory control system or tank testing system;

"(3) reporting of any releases and corrective action taken in response to a release from an underground storage tank;

"(4) standards of performance for new underground storage tanks;

"(5) taking corrective action in response to a release from an underground storage tank;

"(6) taking underground storage tanks out of operation; and

"(7) maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank.

"(b) A State's new tank standards submitted for approval under subsection (a)(4) shall be no less stringent than the performance standards promulgated by the Administrator pursuant to subsection 1453(c).

"(c) Corrective action and compensation programs financed by fees on tank owners and operators and administered by State or local agencies or departments may be submitted for approval under subsection (a)(7) as evidence of financial responsibility.

"(d)(1) Within one hundred and eighty days of the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, make a determination whether the State's program includes the requirements identified in subsection (a) and provides for adequate enforcement of compliance with such requirements.

"(2) If the Administrator determines that a State program includes the requirements identified in subsection (a) and provides for adequate enforcement of compliance with such requirements, he shall approve the State program in lieu of the Federal program and the State shall have primary enforcement responsibility with respect to requirements related to control of underground storage tanks used to store regulated substances.

"(3) Any State may submit and the Administrator shall approve an underground storage tank release, detection, prevention, and correction program for underground storage tanks containing regulated substances defined in section 1451(2)(B) (petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure) but does not include tanks containing other regulated substances, if the Administrator, after notice and opportunity for public comment, makes a determination that the State's program includes the requirements identified in subsection (a) and provides for adequate enforcement of compliance with such requirements. If a State program shall be approved under this subsection, the State program shall be in lieu of a Federal program for underground storage tanks containing regulated substances defined in section 1451(2)(b) and the State shall have primary enforcement responsibility with regard to such tanks.

"(e) Whenever the Administrator determines after public hearing that a State is not administering and enforcing a program authorized under this part in accordance with the requirements of this section, he shall so notify the State, and, if appropriate action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw authorization of such program and reestablish enforcement of Federal regulations pursuant to this part.

"INSPECTIONS, MONITORING, AND TESTING

"SEC. 1455. (a) For the purposes of developing or assisting in the development of any regulation, conducting any study, or enforcing the provisions of this part, any owner or operator of an underground storage tank or any tank subject to study under section 1459 that is used for storing regulated substances shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee, or representative of a State with an approved program, furnish information relating to such tanks, their associated equipment, their contents, conduct monitoring or testing, and permit such officer at all reasonable times to have access to, and to copy all records relating to such tanks. For the purposes of developing or assisting in the development of any regulation, conducting any study, or enforcing the provisions of this part, such officers, employees, or representatives are authorized—

"(1) to enter at reasonable times any establishment or other place where an underground storage tank is located;

"(2) to inspect and obtain samples from any person of any such regulated substances and conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water or ground water. Each such inspection shall be commenced and completed with reasonable promptness.

"(b)(1) Any records, reports, or information obtained from any persons under this section shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or a particular part thereof, to which the Administrator (or the State, as the case may be) or any officer, employee, or representative thereof has access under this section if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this act, or when relevant in any proceeding under this Act.

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(3) In submitting data under this Act, a person required to provide such data may—

"(A) designate the data which such person believes is entitled to protection under this subsection, and

"(B) submit such designated data separately from other data submitted under this Act.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

"(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained, by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee (including records, reports, or information obtained by representatives of the Environmental Protection Agency).

"FEDERAL ENFORCEMENT

"SEC. 1456. (a)(1) Except as provided in paragraph (2), whenever on the basis of any information, the Administrator determines that any person is in violation of any requirement of this part, the Administrator may issue an order requiring compliance within a reasonable specified time period or the Administrator may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this part where such violation occurs in a State with a program approved under section 1454, the Administrator shall give notice to the State in which such violation has occurred prior to issuing an order or commencing a civil action under this section.

"(3) If such violator fails to comply with the order within the time specified in the order, he shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance.

"(b) Any order shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) Any order issued under this section shall state with reasonable specificity the nature of the violation, specify a reasonable time for compliance, and assess a penalty, if any, which the Administrator determines is reasonable taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

"(d) Any owner who knowingly fails to notify or submits false information pursuant to section 1452(a) to a State or local agency or department designated pursuant to section 1452(b)(1) shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or false information is submitted.

"(e) Any owner or operator of an underground storage tank used for storing a regulated substance who fails to comply with the release detection, prevention, and correction regulations as promulgated by the Administrator or a State program approved pursuant to section 1454, shall be subject to a civil penalty not to exceed $10,000 for each tank for each day of violation.

"(f) Any owner or operator of an underground storage tank used for storing regulated substances who fails to comply with the provisions of section 1453(g) shall be subject to a civil penalty not to exceed $10,000 for each tank and for each day of violation.

"FEDERAL FACILITIES

"SEC. 1457. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government having jurisdiction over any underground storage tank as defined in section 1451(7) and used for the purpose of storing regulated substances as defined in subsection 1451(2), shall be subject to and comply with all Federal, State, interstate, and local requirements, both substantive and procedural in the same manner, and to the same extent, as any person is subject to such requirements, including payment of reasonable service charges. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal court with respect to the enforcement of any such injunctive relief. The President may exempt from any process or sanction of any State or Federal court with respect to the enforcement of any such injunctive relief. The President may exempt any underground storage tanks of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriations. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"STATE AUTHORITY

"SEC. 1458. Nothing in this part shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement or standard of performance respecting underground storage tanks that is more stringent than a regulation, requirement, or standard of performance in effect under this part.

"STUDY OF UNDERGROUND STORAGE TANKS

"SEC. 1459. (a) Not later than twelve months after the date of enactment of this part, the Administrator shall complete a study of underground storage tanks used for the storage of regulated substances defined in section 1451(2)(B). Not later than thirty-six months after the date of enactment, the Administrator shall complete a study of all other underground storage tanks. Such study shall include an assessment of the ages, types (including methods of manufacture, coatings, protection systems, and compatibility of the construction materials and the installation methods) and locations (including the climate of the locations) of such tanks; soil conditions, water tables, and the hydrogeology of tank locations; the relationship between the foregoing factors and the likelihood of releases from underground storage tanks; the effectiveness and costs of inventory systems, tank testing, and leak detection systems; and such other factors as the Administrator deems appropriate.

"(b) Not later than thirty-six months after the date of enactment of this part, the Administrator shall conduct a study regarding the underground storage tanks exempted in subsection 1451(7)(ii) and (iii). Such study shall include estimates of the number and location of such tanks and an analysis of the extent to which there may be releases or threatened releases from such tanks into the environment.

"(c) Upon completion of the studies authorized by this section, the Administrator shall submit reports to the President and to the Congress containing the results of the studies and recommendations respecting whether or not such tanks should be subject to the preceding provisions of this part.

"(d)(1) If any owner or operator (excepting an agency, department, or instrumentality of the United States Government, a State or a political subdivision thereof) shall incur costs, including the loss of business opportunity, due to the closure or interruption of operation of an underground storage tank solely for the purpose of conducting studies authorized by this section, the Administrator shall provide such person fair and equitable reimbursement for such costs.

"(2) All claims for reimbursement shall be filed with the Administrator not later than ninety (90) days after the closure or interruption which gives rise to the claim.

"(3) Reimbursements made under this section shall be from funds appropriated by the Congress pursuant to the authorization contained in subsection 1460(a) of this part.

"(4) For purposes of judicial review, a determination by the Administrator under this subsection shall be considered final agency action.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1460. (a) There are authorized to be appropriated to the administrator for the purpose of carrying out the provisions of this part, $10,000,000 for each of the fiscal years ending September 30, 1985, 1986, 1987, and 1988.

"(b) There is authorized to be appropriated $25,000,000 for each of the fiscal years ending September 30, 1985, 1986, 1987, and 1988 to be used to make grants to the States for purposes of assisting the States in the implementation of approved State underground storage tank release detection, prevention, and correction programs.".

(b) Section 1448(a)(1) of the Safe Drinking Water Act is amended by inserting after the words "any regulation for State underground injection control programs under section 1421," the following: "any regulation for underground storage tanks under section 1453".

Mr. DURENBERGER. Mr. President, I offer an amendment to the Resource Conservation and Recovery Act amending the Safe Drinking Water Act to protect ground water resources from leaking underground storage tanks. This amendment is cosponsored by Senators MOYNIHAN, LAUTENBERG, BRADLEY, COHEN, and HUMPHREY.

It is my pleasure to offer this amendment, which will assist the States in establishing effective programs for the prevention, detection, and correction of contamination of ground water from the pervasive source of underground storage tanks containing petroleum and other chemical products. This represents a major step in assuring the public that the Nation's vital ground water resources,

which supply drinking water for 50 percent of the country's population, does not contain health-threatening chemicals.

The Environmental Protection Agency first identified leaking underground storage tanks as a potential major source of ground water contamination in November 1983 in a hearing before the Committee on Environment and Public Works. Since that time, we have become aware of the dimensions and severity of this real threat. No one knows precisely how many tanks currently exist but estimates of the number of underground storage tanks, containing both petroleum and other chemical products, range from 2.8 to 5 million. As many as 85 percent of these may be constructed of bare steel, with no corrosion protection. The life of a typical tank is about 15 to 20 years. Figures of the numbers of gasoline tanks which are now leaking vary from 75,000 to 350,000. Some experts predict that due to the common old age of the tank population, that as many as 75 percent of the existing tanks will begin to leak over the next 10 years.

These figures indicate the dimensions of the threat and the fact that this is a problem we all share with thousands of storage tanks found in every State in the country. To make matters worse, according to the Environmental Protection Agency only 1 gallon per day leaking into an underground source of water is sufficient to pollute the water supply of a community of 50,000 persons to a level of 100 parts per billion. An underground tank leaking 2 drops a second will release 1.2 gallons per day or 36 gallons a month. A tank leaking a ¼-inch stream will release 931 gallons per day or 27,936 gallons per month. Clearly, it does not take much to produce an enormous contamination problem for a locality. Once the damage is finally detected it is extremely difficult and costly to clean up. Therefore, we must establish a program now to prevent future damage to the public health and environment from leaking tanks.

This legislation is particularly timely—with the growing awareness of the problem, detection of gasoline and other synthetic organic contaminants has increased threefold in some States. Incidences of contamination from tanks have been reported in all 50 States. Increasing concern on the part of the States is also indicated by the fact that 32 States have now enacted or initiated legislation to regulate underground storage tanks.

The purpose of this amendment is to establish a constructive Federal role to aid the States in establishing programs to safeguard their water supplies. Passage of this program will help to ensure consistency between State programs and tank standards and measured progress toward our goal of protecting ground water from this ubiquitous source of contamination.

The role designated for the Environmental Protection Agency is a traditional one—that of issuing standards for design, construction, and installation of new tanks and criteria for sound tank programs capable of prevention, detection, and correction of leaks. States which are attempting to move on this problem are now looking to EPA for this information. EPA's timely standard-setting function will eliminate the need for reinvention of the wheel.

States will submit their programs to EPA for approval. If these programs meet the general designated program criteria and reflect new tank performance standards at least as stringent as those of the Agency they will be eligible for grant moneys for the purpose of program implementation. The amount of money available for this purpose would be $25 million a year through 1988. This is a small amount of money compared to after-the-fact cleanup costs which have been known to range as high as this at a single site. A State must demonstrate that its program includes the following elements and provides for adequate enforcement of compliance with these requirements:

First, maintaining a leak detection system or inventory control system and performing tank testing designed to identify releases;

Second, maintaining records of any monitoring or leak detection system or inventory control system or tank testing system;

Third, reporting of any releases and corrective action taken in response to a release from an underground storage tank;

Fourth, standards of performance for new underground storage tanks;

Fifth, taking corrective action in response to a release from an underground storage tank;

Sixth, taking underground storage tanks out of operation; and

Seventh, maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank.

Exempted from this program are tanks that are less than 1,100 gallons capacity used for storing motor fuel for noncommercial purposes or and tanks for storing heating oil for consumptive use.

This amendment will assure that all other new tanks are built and installed as they should be and that old tanks are operated and maintained so that the possibility of leaks is minimized.

We must take this sensible and reasonable action in order to avoid nationwide contamination of our precious ground water resources. I ask my distinguished colleagues to join with me in support of this program which provides essential protection to the public's drinking water.

● Mr. MOYNIHAN. Mr. President, I rise to cosponsor with the Senator from Minnesota [Mr. DURENBERGER] an amendment that will close a major gap in environmental control.

We are all aware by now of the serious problem of ground water contamination. Those who draw their drinking water from the water-bearing geologic formations known as aquifers count on a supply free of toxic pollutants. Yet many of man's activities on or below the land surface introduce contaminants to underground supplies of drinking water. We have only recently realized the gravity of the problem with the discovery of high concentrations of pollutants in many aquifers used by millions of people.

A variety of environmental laws serve to partially control ground water contamination, but much more must be done. Some types of sources are not regulated under any Federal law. Perhaps the most significant category of unregulated source is the underground storage tank.

Underground storage tanks are ubiquitous in our society. They are most commonly used to store petroleum products such as gasoline, but many tanks also contain industrial chemicals. Nobody knows how many million tanks exist in the United States or what proportion of the tanks leak, but that should not stop us from acting promptly to reduce the threat to ground water. We do know that the majority of tanks are made of bare steel and that many have been in the ground for decades. The basic principles of chemistry lead to the conclusion that many of these tanks are leaking.

More direct evidence of the phenomenon derives from the many incidents of ground water contamination that have been traced to leaking underground storage tanks. In some cases, leaks occurred for many years before they were detected. Sometimes the contamination is detected only when pollutants reach a drinking water supply.

For example, a most amazing episode has unfolded in Brooklyn, New York City's most populous borough. Quite by accident, the pilot of a Coast Guard helicopter noticed in 1978 what appeared to be an oil slick in Newtown Creek, which separates the Boroughs of Brooklyn and Queens. The slick is now known to be seepage from a 17 million gallon, 52-acre lake of petroleum floating on the aquifer beneath the streets of Brooklyn. Hydrologists have traced the origin of the spill to an array of gasoline storage tanks.

Even more astonishing than the magnitude of the spill is the fact that the leakage might have started as long ago as 1948, escaping detection for 30 years.

How can we prevent large, undetected leaks of hazardous and toxic chemicals into soils and aquifers? The amendment we are proposing today will move us in the right direction. It would establish sensible practices aimed at preventing, detecting, and correcting leaks from underground storage tanks. First, owners of tanks would provide the States with some basic information about their tanks, leading to the compilation of tank inventories. The Environmental Protection Agency would promulgate regulations to improve the management of tanks. The regulations would require such practices as inventory control, a simple method for detecting leaks soon after they start. The EPA would also issue performance standards for new tanks in order to reduce the future incidence of leaks.

The need for better control of underground storage tanks has been recognized by many States and local communities. For example, the New York State Legislature recently enacted a law applicable to the bulk storage of petroleum. Suffolk County, NY, which has experienced serious pollution of its sole-source aquifer, passed a strict local ordinance.

It is now time for Congress to act. There is no question that toxic chemicals are leaking from storage tanks to aquifers. Yet no clear Federal authority is currently available to tackle this threat.●

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I wish to thank Senator CHAFEE, Senator DURENBERGER, and also, of course, our distinguished chairman and distinguished ranking minority member of the subcommittee, and others who have worked on this for their cooperation.

I wish to make a few comments here. I will be as brief as possible. I know the floor managers of the bill are anxious to move on with this project and I think it is important.

Mr. President, reauthorization of the Resources Conservation and Recovery Act has been a long, complex, and arduous task. It began during the 97th Congress, when, in September 1982, the Senate Environment and Public Works Committee passed a simple reauthorization of the act. That, in itself, shows what a strong statute RCRA is. The committee originally intended to keep it on the books as it was.

In this Congress, the committee changed direction, partly because of the problems that occurred at EPA, and began searching for more comprehensive language to the act. With that effort, more and more discretionary authority was yanked from EPA. The Senate was not only reauthorizing the act, it was establishing EPA's regulatory programs as well. When S. 757 came out of the committee last November, I opposed its passage, and outlined five major concerns that I felt had to be addressed before the bill was palatable to me. Those points were:

First, deadlines for EPA action must be attainable;

Second, a provision to consider mining waste differently than other waste because it is, by nature, high volume waste with low toxicity;

Third, a provision to exempt secondary and tertiary ponds from the double liner requirements of the bill;

Fourth, opposition to the House amendment requiring landfills to conduct risk assessment surveys that are too expensive and questionable in value; and

Fifth, support for EPA's current study of underground storage tanks and opposition to efforts to tie the Agency's hands with requirements that are unnecessary and which presuppose the outcome of the study now underway.

First, I wish to say that without the cooperation of Senator CHAFEE, it would not have been possible, as far as this Senator is concerned, that I could be here on the floor supporting this legislation. And on these criticisms, which I think have been corrected, he certainly deserves a lot of commendation for his able leadership and his able staff to make these corrections and work these things out.

Let me address these points individually. Although they are not the only problems I have with S. 757, they do constitute the lion's share of those concerns.

First, the committee bill originally established some 35 deadlines for EPA. Now all of us know that EPA has never seen a deadline it could not miss. The problem is that oftentimes, EPA's resources are limited, and their priorities are not always in harmony with the demands of Congress. The result is that the moment EPA misses a deadline, they are in litigation, and the court mandates timetables or makes decisions that are not always in the best interests of good rulemaking. When EPA originally proposed the deadlines in the bill, they were acting under the assumption that they had unlimited resources. When those deadlines were incorporated into the bill, EPA realized how very unrealistic they were. I joined the battle in their support, and the result of those efforts is the committee amendment revising those deadlines. I feel that it is important for this body to be deliberative, especially in the case of highly emotional issues like this one. The committee amendment does that in this case—it substitutes deadlines that are workable for deadlines that were simply unattainable. It is my sincere hope that even these deadlines are not overly optimistic, because if they are the courts will make the decisions EPA is directed to make. Nonetheless, the House bill retains deadlines that are more unrealistic than those in the Senate bill. This body should adopt the more reasonable deadlines of the committee amendment, and it must stand firm with the House to see that the deadlines that find their way into law will result in deliberative and supportable rulemaking by the Agency.

I think this is most critical that this happen and that all Senators understand the critical nature of this and that the Senate be able to stand by its position on this particular issue.

Second, the bill as passed by the committee contains provisions that relate to banning certain land disposal practices. During committee consideration, Senator SIMPSON and I proposed an amendment to recognize that, for the purposed of this amendment, mining waste is not the same and should not be treated as the same as other wastes covered under RCRA. By its nature, mine waste must be disposed of in surface impoundments because of the sheer volume of waste rock, mill tailings, slag, and overburden generated on a daily basis in the extraction, beneficiation, and processing of ores and minerals. The double liner requirement of S. 757 is impracticable for these surface impoundments, and the effect of this requirement could be to shut down certain parts of the mining industry altogether. Although the language that the committee adopted originally left ambiguity in its application to the mining community, the committee has since agreed to offer an amendment to rectify that ambiguity, and I urge the adoption of this very important committee amendment.

In a related issue, my third concern revolved around the imposition of double liner requirements on secondary and tertiary treatment facilities. By nature, these facilities are also very large, often acres and acres in size. Double lining these ponds would be impractical, and most companies would simply opt to close them down altogether. This concerned me primarily because the ponds are usually used for secondary treatment of water which is close to being clean, and containing few of the hazardous wastes

that this bill is designed to address. Tertiary ponds are often used only to cool the water before it is discharged into the receiving waters or to control the flows of those discharges. In either event, it is simply unnecessary to double line these facilities. Again, I commend Senator CHAFEE and Senator STAFFORD for their efforts in resolving this concern. The committee amendment would waive the double liner requirements if the NPDES permit requirements were being met by the facility.

My fourth concern revolved around an amendment that was passed by the House relating to risk assessment surveys. This amendment would require each of 450 landfill operators in the United States to choose and pay contractors to perform complete health risk assessments at their sites, within 1 year. The assessment would have to include comprehensive air and water monitoring and the taking of medical histories of all persons living or working within 2.5 miles of the site. It is doubtful whether EPA and all private contractors combined could perform these amendments. In addition, the studies would be highly questionable because of the small size of the samples, the lack of any consistent exposure at the site, and the lack of any meaningful control group. In short, what seems to be a good concept, is severely flawed. The risk assessments would be expensive—at least $300,000 a piece—and since the operator pays for the study, it is questionable whether anyone would believe the results. Senators HUMPHREY and CRANSTON have come up with an amendment that is satisfactory to me, and I hope the Senate will adopt it and stick to it in conference.

My final concern was one which was only resolved today. It deals with underground storage tanks.

First, EPA is currently doing a study to determine the extent of this problem. The Agency testified to the committee that it had the authority to establish a regulatory program if it deemed it to be necessary.

Second, the Agency and I opposed initial efforts to go beyond that, and I still have concerns over the extent of the Durenberger amendment. Nonetheless, I want to commend the Senator for his accommodations to the concerns we raised. Although his amendment still binds EPA to a regulatory program that is specific, he has come a long way to resolve the concerns I had over this problem.

Third, the amendment is not yet complete or reviewed by me or the committee. Consequently, I ask the indulgence of the Senate and the floor leaders that we have an opportunity to review it for its technical accuracy.

Fourth, in addition, since the language was only agreed to this afternoon, and I feel that a legislative history accompanying the amendment is essential, I hope the RECORD could remain open for a period of time adequate so that the Senate could clarify the legislative record as to exactly what is intended if there is no problem.

I thank the Senator very much.

I commend my colleagues on the Environment and Public Works Committee for their hard work and perseverance on this piece of legislation. It is a highly technical piece of legislation. I think we made substantial improvements from where we were 6 months ago with this. I thank all my colleagues.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Senator from Pennsylvania [Mr. SPECTER] be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Yesterday, Mr. President, on a vote of something like 72 to 19, a majority of this body chose to criticize the administration, and indirectly the EPA for going in the wrong direction in the area of the environment. And I think it is fitting today that the committee and members of this committee—particularly the Senator from Rhode Island, the Senator from Maine, who have been leaders, the chairman of the committee, Senator STAFFORD, and the ranking member, Mr. RANDOLPH, who has been the leader in this Congress in moving the country toward a sound environmental policy—are moving this particular bill. The Senator from Idaho has wisely pointed out a couple of potential problems while he is moving in a positive direction, one being overloading the EPA with work. I know this is a concern of those on this side of the aisle as it is on the other side of the aisle. We have tried carefully through the area of the work requirements, as well as in one case the rather open-ended deadlines that have been put in this bill, to take that under consideration.

The second point the Senator from Idaho makes that I think is important—that I make, too, as the author of this amendment—is that it could use some improvement in the legislative history. I hope that in the course of the next day or so the committee will be together for a markup, and that during the occasion of that markup on another piece of legislation all of us who have been in one way or another involved since November of last year in dealing with the subject of leaking underground storage tanks will come equipped to that markup to develop a piece of legislative history that can then be added to this bill.

I thank my colleague from Idaho for his sensitivity not only to the issue, the concerns that are expressed regarding the ground water, but for the practicality of dealing with those issues, and the sources of contamination which vary as much as they do across this wonderful land of ours.

I thank you very much for your help.

I move the passage of the amendment, Mr. President.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, we have had a fine explanation of this amendment from the Senator from Minnesota, from the Senator from Idaho, who had some severe reservations about it, and who has worked closely with the Senator from Minnsota and the EPA. We had a chance to talk with the authorities from the EPA on this subject. While they see some problems with it, nonetheless they are amenable to it going ahead.

It seems to me this is a matter that is of great concern to the Nation—these underground storage tanks. They are a matter that we are going to have to deal with sooner or later.

I had some reservations because we gave EPA a pretty full plate here. Anybody who studies these amendments to RCRA will acknowledge that we are making some very, very bold steps forward. I think the Senator from Minnesota quite accurately said that this will be the most significant piece of environmental legislation that we have passed this year, and indeed last year. We do not want to overburden EPA so they cannot get things done. I think the quote that the Senator from Idaho made that EPA has never had a deadline that it did not fail to meet is true. It is not because of negligence or ineptitude on the part of EPA.

It is just that these are very, very technical matters. They are difficult to handle. But with the assurance we have received and with the extended deadlines that have been placed in this bill, we are happy to proceed with it. It may be that there will be some further refinements necessary.

The Senator from Idaho mentioned that he would like the RECORD kept open for additional remarks or views. The train is leaving the station. So there is no more time for additional views and remarks. It is our hope to finish this in a half an hour. So if the Senator has something he wants to insert in the RECORD, now would be the time.

Mr. DURENBERGER. Mr. President, if the Senator would yield, I think the request by the Senator from Idaho is for a more elaborate legislative history. That does not have to take place here this afternoon before

final passage of the bill. My suggestion was that we consider developing that legislative history next week when we are engaged in the markup on the Superfund. Am I correct in that?

Mr. SYMMS. The Senator from Minnesota is correct in that. I say to my colleague from Rhode Island that what I was thinking about was the language in the text, the technical aspects of the amendment, and the highly technical nature of this. If we could finally get this—we think we have it the way we want it, and if it is written into the legislative history—established as to what our intention is, I certainly think we should move right ahead with it.

Mr. CHAFEE. Fine. As far as this side goes, the amendment is acceptable, and we congratulate the Senators involved in it.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I commend the Senator from Minnesota for his leadership in this area, consistent with his leadership in many areas of environmental policy. As the distinguished Senator from Rhode Island has just indicated, this is a complex and technical area. Pursuant to the discussions that we had within the past hour, it is my expectation that we will continue to make refinements in this area between now and the time of the conference, so that the ultimate product may not be identical to that which is being enacted here. But it is a very good beginning in a very difficult area, and under those circumstances the amendment is acceptable.

Mr. DURENBERGER. Mr. President, I wonder if I might yield to the Senator from Mississippi for a statement.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Minnesota. I support this legislation, and I commend the managers of the bill, and the leadership for bringing it to the floor.

Mr. President, I support S. 757, the Solid Waste Disposal Act Amendments. I am pleased that this very important legislation is receiving consideration by the Senate, and I commend the leadership for bringing the bill to the floor.

The problem of hazardous waste disposal in our country is reaching unacceptable proportions. While we have made some progress since 1976 with the enactment of the Resource Conservation and Recovery Act, it is imperative that we take further action now.

In August 1983, the Environmental Protection Agency released a report which let us know the full extent of the problems we face with disposal of hazardous waste, and these problems were worse than anticipated. What was assumed to be the amount of hazardous waste generated in the United States was in fact four times as great as assumed—150 million metric tons of hazardous waste; less than 25 percent of the 60,000 identified hazardous waste generators were subject to disposal regulation. The need for reauthorization of the act is clear.

The legislation before us today will strengthen and clarify the Federal role to ensure that public health and safety is protected from toxic or hazardous contamination. The bill contains new requirements on generators of hazardous waste; establishes deadlines by which the Environmental Protection Agency must complete regulatory tasks; and stiffens criminal penalties for violators.

I was one of the Senators requesting that S. 757 be considered by the Senate during these 3 weeks. I did this, Mr. President, both as an expression of my strong interest in protecting the environment generally throughout the country, and for more parochial interests concerning the healthy environment of my State of Mississippi.

The Mississippi Department of Natural Resources has pending before its Bureau of Pollution Control an application to locate a hazardous waste disposal site in Noxubee County. In my opinion, this bill provides the needed revisions and restrictions on hazardous waste disposal that more fully protect the lives and well-being of the public. The bill provides the necessarily strengthened framework which establishes guidelines that take the "guesswork" out of hazardous waste disposal. If property administered, this should prevent disastrous and tragic environmental contamination.

This bill will also aid us in our efforts to control mismanagement of hazardous waste. We have Superfund, which is a remedial solution to past mismanagement, and is in markup right now for its reauthorization. Mississippi has, until recently, been lucky enough to have only one site which needed to call on Superfund for cleanup. I am sad to report today that we have another potential chemical waste mess on our hands.

By passage of this legislation, we take another step toward wiping out the violators of hazardous waste disposal regulations. By tightening the monitoring of hazardous waste generators, we take preventive measures which will work with those remedial measures already in place. Mississippi will benefit from passage of this bill; the people of the United States will benefit from passage; and, future generations are protected from current abuses and mistakes.

I commend the managers of S. 757 and the members of the Committee on Environment and Public Works for their work in fashioning this consensus environmental protection legislation. I am pleased to support its passage.

● Mr. LEVIN. Mr. President, I rise in support of the amendment offered by Senator DURENBERGER to regulate most commercial underground storage tanks.

According to the General Accounting Office [GAO] report on Federal and State efforts to protect ground water, published in February 21, 1984, Michigan State officials believe that ground water contamination is a significant problem. An assessment of ground water contamination in July 1982 showed that there were 441 known contamination sites in Michigan, 456 suspected sites, and thousands of potential sites. Of those 441 contamination sites, 171 or 38.8 percent are contaminated by petroleum products storage, including underground gasoline storage tank leakage. Surprisingly, fewer of these sites are contaminated by industrial waste than by leaking petroleum products.

While the bill before us today addresses many problems with the current law, it can be strengthened by accepting the Durenberger amendment. Ground water is the primary source of drinking water for about 50 percent of the population in Michigan. Acceptance of this amendment can assure the citizens in Michigan that the Federal Government is concerned about their ground water contamination and will do something about it. EPA should have the authority to require owners and operators to monitor the leakage in these tanks and require proper cleanup. It is the responsible action to take. The amendment grants EPA wide discretion to deal with this problem and allows the EPA to tailor its regulations to different categories of tanks depending on the location and size. The amendment also gives special consideration to small businesses and special problems they may encounter with the new regulations.

I urge Senate adoption of this worthwhile amendment.●

Mr. DURENBERGER. Mr. President, I move approval of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Minnesota [Mr. DURENBERGER].

The amendment (No. 3408) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NOS. 2794, 2795, 2796, 2797, 2800, 2801, 2802, 2805, AND 2806

Mr. CHAFEE. Mr. President, I see no more Senators on the floor that have amendments. We have some committee amendments. The Senator from Alabama has an amendment.

Mr. President, I send amendment Nos. 2794, 2795, 2796, 2797, 2800, 2801, 2802, 2805, and 2806 to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island, Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. RANDOLPH, and Mr. MITCHELL), proposes amendments numbered 2794, 2795, 2796, 2797, 2800, 2801, 2802, 2805, and 2806, en bloc.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 2794

(Purpose: To make conforming amendments to title and short title)

AMENDMENT TO TITLE

Amend the title to read as follows:

"To amend the Solid Waste Disposal Act to authorize funds for fiscal years 1985, 1986, 1987, 1988, and 1989, and for other purposes.".

SHORT TITLE

Strike the phrase "Solid Waste Disposal Act Amendments of 1983" each place it appears and insert in lieu thereof "Solid Waste Disposal Act Amendments of 1984".

AMENDMENT No. 2795

(Purpose: To make conforming amendments to change years and amounts of authorizations for appropriations)

AUTHORIZATION

Amend S. 757 by striking sections 2 and 3 and inserting in lieu thereof the following:

"SEC. 2. Section 2007(a) of the Solid Waste Disposal Act is amended by striking 'and' immediately following '1981', and by inserting immediately before the period at the end thereof ', $70,000,000 for the fiscal year ending September 30, 1985, and $80,000,000 per fiscal year for fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989'.

"SEC. 3. Section 3011(a) of the Solid Waste Disposal Act is amended by striking 'and' immediately following '1981', and by inserting immediately following '1982' the following: ', $55,000,000 for the fiscal year 1985, and $60,000,000 per fiscal year for fiscal years 1986, 1987, 1988 and 1989'."

AMENDMENT No. 2796

On page 35, line 8, strike "standards are" and insert in lieu thereof "variation is necessary by reason of the smaller size and the technical and managerial capability of such generators, and is".

AMENDMENT No. 2797

(Purpose: To clarify which dioxin-containing wastes are included in the first category of hazardous wastes to be considered by the Administrator for land disposal limitations)

On page 39, line 13, insert "(Proposed EPA Hazardous Waste Nos. F020, F021, F022, and F023)" immediately after "dioxin containing hazardous wastes".

AMENDMENT No. 2800

(Purpose: To make technical and clarifying amendments to Section 13 regarding export of dangerous waste)

On page 68, line 22, insert "and the shipment conforms with the terms of such agreement" immediately after "(f)".

Page 69, line 10, strike "concern" and insert in lieu thereof "contain".

Page 71, line 2, strike "subsection" and insert in lieu thereof "subsections (a)(5) and".

Page 71, line 19, insert "(A)" immediately before "without".

Page 71, line 20, insert "or, (B) where there exists an international agreement between the United States and the government of the receiving country establishing notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous wastes, in a manner which is not in conformance with such agreement" immediately after "country".

AMENDMENT No. 2801

(Purpose: To make miscellaneous technical and clarifying amendments)

On page 33, line 4, insert "without a permit" immediately before the comma.

On page 46, line 10, insert "; *Provided* That the Administrator "shall not be precluded from requiring" installation of a new liner when the Administrator has reason to "believe that any liner installed pursuant to the requirements of this subsection is leaking" immediately after "such facility".

AMENDMENT No. 2802

(Purpose: To clarify authority of Administrator to enter into cooperative agreements with States to assist in the administration of new requirements and prohibitions)

On page 85, line 18, insert immediately after "requirement." the following new sentence: "Pending authorization under this section of a State program which reflects the amendments made by the Solid Waste Disposal Act Amendments of 1984, the Administrator may enter into an agreement with the State under which the State may assist in the administration of the requirements and prohibitions which take effect pursuant to such amendments.".

AMENDMENT No. 2805

(Purpose: To grant interim status to facilities not previously required to have a permit under Section 3005 of the Act)

Amend S. 757 by adding the following new section:

INTERIM STATUS

SEC. . Section 3005 of the Solid Waste Disposal Act is amended by amending paragraph (1) of subsection (e) to read as follows:

"(1) owns or operates a facility required to have a permit under this section—

"(A) which facility was in existence on November 19, 1980, or

"(B) which facility is in existence on the effective date of statutory or regulatory changes under this Act that render the facility subject to the requirement to have a permit under this section; *Provided*, That the facility has not been previously denied a permit under this section and authority to operate the facility under this section has not been previously terminated.".

(Purpose: To extend deadline for expiration of interim authorization of State hazardous waste programs)

Amend S. 757 by adding the following new section:

INTERIM AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

SEC. . Section 3006(c) of the Solid Waste Disposal Act is amended by striking "twenty-four month period beginning on the date six months after the date of promulgation of regulations under Section 3007 through 3005" and inserting in lieu thereof "period ending no later than January 31, 1986".

The PRESIDING OFFICER. Is the Senator asking for consideration of those amendments en bloc?

Mr. CHAFEE. The answer is yes. I move the adoption of those amendments en bloc.

Mr. President, I ask unanimous consent that the following explanations of amendments No. 2794, 2795, 2796, 2797, 2800, 2801, 2802, 2805, and 2806 be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the explanations will be included in the RECORD.

There being no objection, the explanations of the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 2795

(To make conforming amendments to change years and amounts of authorizations for appropriations)

As introduced in March 1983 and reported in October 1983, S. 757 authorized funds for fiscal years 1983, 1984, 1985, 1986, and 1987 at levels based upon the administration's budget requests for fiscal years 1983 and 1984.

To account for the delay in Senate consideration of the bill, this amendment will retain the 5-year reauthorization cycle that was envisioned by the Committee and authorize funds for fiscal years 1985 through 1989. The amounts authorized are also increased to reflect the fact that both actual 1984 appropriations and Administrator Ruckelshaus' fiscal year 1985 budget submission to the Office of Management and Budget exceed the figures in S. 757. The Administrator's budget submission is the best estimate of funds needed for this program and, as such, form the basis for the amounts set forth in this amendment to sections 2 and 3 of S. 757.

There are no "implied authorizations" in S. 757. Agency actions that are directed by this bill, including reports to Congress, are to be carried out with funds that are available under the authority of other existing laws or are explicitly authorized by this bill.

AMENDMENT No. 2796

(To clarify authority of Administrator to promulgate regulations for small quantity generators that differ from those applicable to large quantity generators)

As reported, the bill explicitly provides that the requirements that are to be promulgated by March 31, 1986 for small quantity generators "may vary from the requirements applicable to hazardous waste generated in quantities greater than one thousand kilograms during any calendar month, to the extent the Administrator determines such standards are adequate to protect human health and the environment." That phrase is explained on page 11 of the Committee Report.

Concern has been expressed that retention of the law's underlying requirement and ultimate standard that RCRA regulations assure protection of human health and the environment might undercut the explicit authority to vary for small quantity generators the requirements applicable to hazardous waste generated in quantities greater than one thousand kilograms per month. Such a concern is based upon an improper reading of the law. It is based upon a mistaken belief that the Administrator is required by law to select a single regulatory approach that is applicable to all hazardous wastes and generators of hazardous waste. Having promulgated a regulatory program for large generators of chemical hazardous wastes, a program that EPA contends is protective of human health and the environment and is necessary to assure such protection, it is argued that the same regulatory program must be used whenever EPA is directed to promulgate regulations that assure protection of human health and the environment from hazardous wastes. The notion is that if EPA is authorized and capable of developing different regulations for different situations, then the existing regulations for large generators are not "necessary" to protect human health and the environment and are, therefore, not legally defensible.

Such an argument assumes that use of the word "necessary" in Section 3004 imposes upon EPA a responsibility to select and promulgate only regulations that are "essential", "vital" or "indispensable". However, "necessary" denotes that which fills an urgent need, but not invariably an all-compelling need. The stronger "essential" and "vital" are applied to that without which something, by its nature, cannot exist. "Indispensable" even more specifically denotes that which cannot be sacrificed; frequently it is applied to part of a whole. There are undoubtedly portions of existing regulations that are "indispensable" and cannot be varied when faced with a requirement to "protect human health and the environment". To recognize that there are portions of existing regulations that are not "indispensable", however, does not in any way suggest that those portions are not "necessary" and, therefore, unlawful.

This amendment is a clarification of the Administrator's existing authority. As with mining wastes, the Administrator is able to choose from a range of regulatory options that will satisfy the mandate that protection of human health and the environment be assured. When faced with a specific problem, the Administrator can often identify several options, each of which would protect human health and the environment. The Administator is not required to select the option that would satisfy the statutory mandate in the most simple or most cost-effective manner. He has a responsibility to protect human health and the environment and, as such, may choose among several approaches. The selection of a particular approach shall be lawful provided it satisfies the statutory mandate and is not an arbitrary or capricious decision. Distinctions often can be and are made on the basis of waste characteristics, waste management practices and locational criteria. This amendment will simply clarify the Administrator's existing authority to make such distinctions in the specified instances and to consider whether variation is necessary by reason of the smaller size and the technical and managerial capability of small quantity generators.

It is recognized that many small quantity generators may be small businesses that may be adversely affected if the full set of subtitle C regulations are required. Nevertheless, these quantities of wastes from smaller individual generators may cause potential harm if they are improperly managed. Given these considerations, the Agency should determine whether requirements for small quantity generators can be varied from those applicable to other generators while assuring protection of human health and the environment. In particular, the Administrator should examine whether it is possible to simplify, reduce the frequency of, or eliminate the existing reporting and record keeping requirements and still provide adequate protection of human health and the environment. Distinctions may be made from requirements for larger generators, and among classes of small quantity generators or of wastes produced by them.

AMENDMENT No. 2797

(To clarify which dioxin-containing wastes are included in the first category of hazardous wastes to be considered by the Administrator for land disposal limitations)

In hearings before the Committee, EPA stated that it planned to begin to promulgate land disposal limitation regulations and would initially review dioxin-containing hazardous wastes and hazardous wastes numbered F001, F002, F003, F004, and F005 in regulations promulgated pursuant to Section 3001. Recognizing that such wastes are properly candidates for early review, the bill specifies that these wastes have been selected to be reviewed first and on a "fast-track" basis.

On February 15, 1984, the Agency published an Advanced Notice of Proposed Rulemaking to announce the Agency's current activities to develop regulations to restrict or prohibit the land disposal of hazardous wastes (49 FR 5854). On page 5858, the Agency stated that the dioxin-containing hazardous wastes included in the "fast track" study are those identified and proposed to be added to 40 CFR 261.13 in an April 4, 1983, Federal Register notice. Those are proposed EPA Hazardous Waste Nos. F020, F021, F022 and F023. This amendment clarifies the reference to "dioxin-containing hazardous wastes" in this section of the bill by adding specific reference to the proposed hazardous waste numbers that are set forth in the April 4, 1983, Federal Register notice and cited in the February 15, 1984, notice.

It is noted that by including hazardous wastes numbered F003, the universe of wastes selected by the Congress for a "fast-track" review under this section is somewhat larger than that identified in the February 15, 1984, Federal Register notice.

AMENDMENT No. 2800

(To make technical and clarifying amendments to Section 13 regarding export of hazardous waste)

This amendment does not change the meaning or original intent of the provision. As stated on page 48 of the Committee Report "(s)hipments must conform with the terms of the (international) agreement to satisfy the requirements of this section." The language added by this amendment clarifies and codifies that original intent.

AMENDMENT No. 2801

(To make miscellaneous technical and clarifying amendments)

This amendment makes two clarifying amendments and one technical amendment to correct a typographical error.

This first clarifying amendment relates to on-site storage by small quantity generators and the second relates to preservation of the Administrator's authority, in the context of permit issuance or otherwise, to order new liners at landfills or surface impoundments which installed liners during interim status.

AMENDMENT No. 2802

(To clarify authority of Administrator to enter into cooperative agreements with States to assist in the administration of new requirements and prohibitions)

This amendment ratifies the current practice of using State-EPA agreements to enable States to participate as much as possible in the implementation of RCRA prior to authorization of a State program under Section 3006. For example, States that do not yet have adequate authority to obtain authorization may still have sufficient State authority to be able to enter into agreements to conduct inspections and draft permits for EPA. Other States may have made the necessary statutory and regulatory changes to implement an independent State regulatory program for small quantity generators between 100 and 1,000 kilograms that EPA can acknowledge in an agreement. In those cases, the Administrator may well wish to arrange to devote his priorities and resources to other areas where there is not already considerable State activity and/or to other States.

The agreement or existence of an operating State program does not mean that the Administrator relinquishes his authority or responsibility. Until a State receives interim or final authorization for a program component, the Administrator alone is charged with the legal responsibility under subtitle C. We do not intend agreements to be viewed as a de facto, more lenient type of authorization.

AMENDMENT No. 2805

(To grant interim status to facilities not previously required to have a permit under Section 3005 of the Act)

New paragraph (1)(B) amends RCRA Section 3005(e) to allow facilities in existence subsequent to November 19, 1980 to qualify for interim status if those facilities become subject to the subtitle C requirements as a result of amendments to the RCRA statute or regulations issued pursuant thereto. Facilities subject to this provision include facilities in existence subsequent to November 19, 1980 which treat, store or dispose of newly listed hazardous wastes, including mobile treatment units, and facilities which treat, store or dispose of hazardous wastes

which were previously exempted from certain RCRA requirements but subsequently became subject to these requirements as a result of legislative amendments (i.e., small quantity generator wastes). Facilities for which RCRA permits have been previously denied or interim status has been previously terminated would not be able to qualify for interim status pursuant to this provision under any circumstances.

AMENDMENT No. 2806

(To extend deadline for expiration of interim authorization of State hazardous waste programs)

This amendment will assure that the States have adequate time to fulfill the necessary requirements to become fully authorized under Section 3006. Without this amendment, the States' interim authorizations will expire on January 26, 1985. It is my understanding that approximately 7 to 14 States will not be able to meet this deadline, and so would lose their interim authorizations. Therefore, this amendment gives the States until January 26, 1986 to fulfill their requirements before they lose their interim status.

The PRESIDING OFFICER. Is there further debate on the committee amendments?

Mr. CHAFEE. Mr. President, I withdraw amendment No. 2794.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I move adoption of those amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 2795, 2796, 2797, 2800, 2801, 2802, 2805, and 2806) were agreed to en bloc.

AMENDMENT NO. 3409

Mr. CHAFEE. Mr. President, I send a series of 18 committee amendments to the desk and ask for their immediate consideration. I ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 3409, en bloc.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT No. 3409

(Purpose: To extend deadlines in various sections of the bill)

Proposed by Mr. CHAFEE (for himself and Senators STAFFORD, RANDOLPH, and MITCHELL).

SECTION 5 LAND DISPOSAL LIMITATIONS

On page 39, line 11, strike "July 1, 1985" and insert in lieu thereof "twenty-four months after the enactment of the Solid Waste Disposal Act Amendments of 1984".

On page 41, line 11, strike "twelve" and insert in lieu thereof "twenty-four".

On page 41, line 18, strike "thirty-two" and insert in lieu thereof "forty-eight".

On page 41, line 20, strike "forty-two" and insert in lieu thereof "sixty".

On page 41, line 21, strike "fifty-two" and insert in lieu thereof "seventy-two".

On page 41, line 22, immediately following "enactment" add the following new sentence: "The Administrator shall base the schedule on a ranking of such listed wastes considering their intrinsic hazard and their volune such that decisions whether or not to prohibit the land disposal of high volume hazardous wastes with high intrinsic hazard shall, to the maximum extent possible, be made by the date 42 months after the enactment of the Solid Waste Disposal Act Amendments of 1984 and decisions regarding low volume hazardous wastes with lower intrinsic hazard shall be made by the date 72 months after the date of such enactment.".

On page 43, line 23, strike "one year" and insert in lieu thereof "fifteen months".

SECTION 8 LISTING/DELISTING MODIFICATIONS

On page 51, lines 12 and 13, strike "twelve months after the date such petition is granted or six" and insert in lieu thereof "twenty-four".

On page 51, line 15, strike ", whichever is later".

On page 53, line 22, strike "two years" and insert in lieu thereof "twenty-eight months".

SECTION 9 BURNING AND BLENDING OF HAZARDOUS WASTES

On page 54, line 16, strike "twelve" and insert in lieu thereof "fifteen".

On page 60, line 12, strike "twelve" and insert in lieu thereof "fifteen".

SECTION 24 AIR EMISSIONS FROM LAND DISPOSAL FACILITIES

On page 85, line 22, strike "thirty" and insert in lieu thereof "thirty-six".

SECTION 28 REPORT TO CONGRESS

On page 90, line 24 and 25, strike "March 15, 1984" and insert in lieu thereof "June 15, 1984".

AMENDMENT No. 3409

(Purpose: To clarify Administrator's authority to require a permit to construct a hazardous waste treatment, storage, or disposal facility)

Amend S. 757 by adding the following new section:

SEC. . Section 3005(a) of the Solid Waste Disposal Act is amended by—

(1) Striking "a" immediately after "owning or operating" in the first sentence and inserting in lieu thereof "an existing facility or planning to construct a new";

(2) Inserting in the second sentence "and the construction of any new facility for the treatment, storage, or disposal of any such hazardous waste" immediately after "any such hazardous waste"; and

(3) Striking the period after "permit" and inserting in lieu thereof the following: "; *Provided*, however, that no permit shall be required under this section in order to construct a facility if such facility is constructed pursuant to an approval issued by the Administrator under section 6(e) of the Toxic Substances Control Act for the incineration of polychlorinated biphenyls and any person owning or operating such a facility may, at any time after operation or construction of such facility has begun, file an application for a permit pursuant to this section authorizing such facility to incinerate hazardous waste identified or listed under this subtitle.".

AMENDMENT No. 3409

(Purpose: To authorize the Administrator to issue interim status corrective action orders)

Proposed by Mr. CHAFEE (for himself and Senators STAFFORD, RANDOLPH, MITCHELL, and MOYNIHAN).

Amend S. 757 by adding the following new section:

"INTERIM STATUS CORRECTIVE ACTION ORDERS

"SEC. . (a) Section 3008 of the Solid Waste Disposal Act is amended by adding the following new subsection:

" '(h) INTERIM STATUS CORRECTIVE ACTION ORDERS.—(1) Whenever on the basis of any information the Administrator determines that there is or has been a release of hazardous waste into the environment from a facility qualifying for authorization to operate under Section 3005(e) of this subtitle, the Administrator may issue an order requiring corrective action or such other respone measure as he deems necessary to protect human health or the environment or the Administrator may commence a civil action in the United States district court in the district in which the facility is located for appropriate relief, including a temporary or permanent injunction.

" '(2) Any order issued under this subsection may include a suspension or revocation of authorization to operate under section 3005(e) of this subtitle, shall state with reasonable specificity the nature of the required corrective action or other response measure, and shall specify a time for compliance. If the person or persons named in an order fails to comply with the order, the Administrator may assess and such person or persons shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each day of noncompliance with the order.' "

(b) Subsection (b) of section 3008 of the Solid Waste Disposal Act is amended by inserting 'issued under this section' immediately after 'Any order'.

AMENDMENT No. 3409

(Purpose: To clarify the Administrator's authority to require evidence of financial responsibility for corrective action)

Proposed by Mr. CHAFEE (for himself and Senators STAFFORD, RANDOLPH, MITCHELL, and MOYNIHAN).

Amend S. 757 by adding the following new section:

"FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION

"SEC. . Section 3004(a) of the Solid Waste Disposal Act (as redesignated by this Act) is amended by inserting '(including financial responsibility for corrective action)' immediately after 'and financial responsibility' in paragraph (6).".

AMENDMENT No. 3409

(Purpose: To clarify and perfect the financial responsibility and direct action provisions contained in RCRA and CERCLA)

Proposed by Mr. CHAFEE (for himself and Senators STAFFORD, RANDOLPH, and MITCHELL).

Amend S. 757 by adding at the end thereof the following new section:

DIRECT ACTION AMENDMENTS

SEC. . (a) Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(m) FINANCIAL RESPONSIBILITY PROVISIONS.—(1) Financial responsibility required by subsection (a) of this section may be es-

tablished in accordance with regulations promulgated by the Administrator by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the Administrator is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this Act.

"(2) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in any State court of the Federal Courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this section may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(3) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this Act: *Provided*, That nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim; *Provided further*, That nothing in this subsection shall be construed to diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law.

"(4) For the purpose of this subsection, the term 'guarantor' means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under the section.".

(b)(1) Section 108(c) and (d) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended to read as follows:

"(c) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in the Federal courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim authorized by section 107 or 111 may be asserted directly against the guarantor providing evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(d) The total liability under this Act of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this Act: *Provided*, That nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim, *Provided further*, That nothing in this subsection shall be construed, interpreted or applied to diminish the liability of any person under sections 107 or 111 of this Act or other applicable law.".

(2) Section 108(b)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by adding the following: "Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the President is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this Act.".

AMENDMENT No. 3409

(Purpose: To provide funds for State programs enforcing solid waste management facility criteria and to modify the provisions of the bill dealing with such criteria)

Proposed by Mr. CHAFEE (for himself and Mr. RANDOLPH).

On page 73, after line 16, insert the following:

"(d) Section 4008(a)(2) of the Solid Waste Disposal Act is amended by adding the following new subparagraph:

" '(D) There are authorized (i) to be made available $15,000,000 out of funds appropriated for fiscal year 1985 and (ii) to be appropriated $20,000,000 for each of fiscal years 1986, 1987, 1988, and 1989, for grants to States and, where appropriate, to regional, local, and interstate agencies to implement programs requiring compliance by solid waste management facilities with the criteria promulgated under section 4004(a) and section 1008(a)(3) and with the provisions of section 4005. To the extent practicable, such programs shall require such compliance no later than thirty-six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984.'."

On page 72, strike lines 1 through 14 and insert in lieu thereof the following:

"(2) Not later than March 31, 1988, the Administrator shall promulgate revisions of the criteria promulgated under paragraph (1) and section 1008(a)(3) for facilities that may receive hazardous household wastes or hazardous wastes from small quantity generators under section 3002(b). The criteria shall be those necessary to protect human health and the environment and may take into account the practicable capacity of such facilities. At a minimum such revisions for facilities potentially receiving such wastes should require groundwater monitoring as necessary to detect contamination, establish criteria for the acceptable location of new or existing facilities, and provide for corrective action as appropriate.".

On page 72, beginning line 20, strike all through page 73, line 16, and insert in lieu thereof the following:

"(c) CONTROL OF HAZARDOUS DISPOSAL.—(1)(A) Not later than thirty-six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, each State shall adopt and implement a permit program or other system of prior approval and conditions to assure that each solid waste management facility within such State which may receive hazardous household waste or hazardous waste due to the provision of section 3002(b) for small quantity generators (otherwise not subject to the requirement for a permit under section 3005) will comply with the applicable criteria promulgated under section 4004(a) and section 1008(a)(3).

"(B) Not later than eighteen months after the promulgation of revised criteria under subsection 4004(a)(2), each State shall adopt and implement a permit program or other system or prior approval and conditions, to assure that each solid waste management facility within such State which may receive hazardous household waste or hazardous waste due to the provision of section 3002(b) for small quantity generators (otherwise not subject to the requirement for a permit under secion 3005) will comply with the criteria revised under section 4004(a)(2).

"(C) The Administrator shall determine whether each State has developed an adequate program under this paragraph. The Administrator may make such a determination in conjunction with approval, disapproval or partial approval of a State plan under section 4007.

"(2) In any State that the Administrator determines has not adopted an adequate program for such facilities under paragraph (1)(B) by the date provided in such paragraph, the Administrator may use the authorities available under sections 3007 and 3008 of this title to enforce the prohibition in subsection (a) of this section with respect to such facilities. In no event shall the Administrator or any other person be authorized to bring a civil action under paragraph (a) of this section against any person subject to a compliance schedule issued by the State under a program that the Administrator has determined to be adequate under this paragraph. For purposes of this paragraph, the term 'requirement of this subtitle' in section 3008 shall be deemed to include criteria promugated by the Administrator under sections 1008(a)(3) and 4004(a) of this title, and the term 'hazardous wastes" in section 3007 shall be deemed to include solid waste at facilities that may handle hazardous household wastes or hazardous wastes from small quantity generators.".

AMENDMENT No. 3409

(Purpose: To clarify when common carriers by rail are subject to citizen suits)

Proposed by Mr. CHAFEE (for himself and Senator RANDOLPH).

On page 82, line 25, strike out "and".

On page 83, line 4, strike out the period and insert in lieu thereof "; and".

On page 83, after line 4, insert the following:

"(5) inserting after the first sentence thereof the following:

"A transporter shall not be deemed to have contributed or to be contributing to such handling, storage, treatment, or disposal taking place after such solid waste or hazardous waste has left the possession or control of such transporter, if the transportation of such waste was under a sole contractual arrangement arising from a published tariff and acceptance for carriage by common carrier by rail and such transporter

has exercised due care in the past or present handling, storage, treatment, transportation and disposal of such waste.".

On page 80, line 10, insert immediately after "(g)." the following:

"A transporter shall not be deemed to have contributed or to be contributing to such handling, storage, treatment, or disposal, taking place after such solid waste or hazardous waste has left the possession or control of such transporter, if the transportation of such waste was under a sole contractual arrangement arising from a published tariff and acceptance for carriage by common carrier by rail and such transporter has exercised due care in the past or present handling, storage, treatment, transportation and disposal of such waste.".

AMENDMENT No. 3409

(Purpose: To clarify the Uniform Manifest requirements)

Proposed by Mr. CHAFEE (for himself and Mr. RANDOLPH).

On page 30, line 18, after "manifest" insert "promulgated under this Act".

On page 31, beginning line 1, strike all through page 32, line 9.

On page 32, line 10, strike "(3)" and insert in lieu thereof "(2)".

On page 32, line 11, strike "(7)" each place it occurs and insert in lieu thereof "(6)".

On page 32, line 20, strike "(4)" and insert in lieu thereof "(3)" and strike "paragraphs (2) and (3)" and insert in lieu thereof "paragraph (2)".

On page 32, line 24, strike "(5)" and insert in lieu thereof "(4)".

On page 33, line 9, strike "(6)" and insert in lieu thereof "(5)".

On page 33, line 18, strike "(7)" and insert in lieu thereof "(6)".

On page 34, line 10, strike all after "practices." through line 14.

On page 35, line 15, strike "(5)" and insert in lieu thereof "(4)".

On page 35, line 25, strike "(3)" and insert in lieu thereof "(2)".

AMENDMENT No. 3409

(Purpose: To make a clarifying amendment on the use of absorbents)

Proposed by Mr. CHAFEE (for himself and Senators STAFFORD, RANDOLPH, and MITCHELL).

On page 44, beginning on line 2, strike "(including the minimization of free liquids by other means than the addition of absorbent material, where technologically feasible),".

On page 44, line 6, insert immediately after "landfills." the following new sentence: "Such regulations shall also prohibit the disposal in landfills of liquids that have been absorbed in materials that biodegrade or that release liquids when compressed as might occur during routine landfill operation.".

On page 44, line 8, strike "of" immmediately after "disposal" and insert in lieu thereof "in".

AMENDMENT No. 3409

(Purpose: To substitute the phrase "oily materials" for the more narrowly defined term "used oil")

Proposed by Mr. CHAFEE (for himself and Senators STAFFORD, RANDOLPH, and MITCHELL).

On page 60, lines 4 and 6, strike "used oil" each place it appears and insert in lieu thereof "oily materials".

On page 60, line 4, insert a comma immediately after "refining".

AMENDMENT No. 3409

(Purpose: To delete deadline for EPA to determine appropriateness of using extraction procedure toxicity characteristics for evaluating delisting petitions)

Proposed by Mr. CHAFEE (for himself and Senators STAFFORD, RANDOLPH, and MITCHELL).

On page 53, strike lines 15 through 22 and insert in lieu thereof the following:

"(D) not later than twenty-eight months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, make".

AMENDMENT No. 3409

(Purpose: To make locational criteria applicable if Administrator fails to meet land disposal limitation deadlines)

Proposed by Mr. CHAFEE (for himself and Senators STAFFORD, RANDOLPH, and MITCHELL).

On page 43, lines 19, strike "(1)" immediately after "3004(f)".

AMENDMENT No. 3409

(Purpose: To clarify authority of Administrator to establish treatment standards applicable to land disposal practices)

Proposed by Mr. CHAFEE (for himself and Senators STAFFORD, RANDOLPH, and MITCHELL).

On page 38, line 7, insert "(other than paragraph (7)" immediately after "subsection".

On page 42, line 19, insert "levels or" immediately after "those".

On page 42, lines 19 to 22, strike "are necessary before such method or methods of disposal of such hazardous waste would be protective of human health and the environment" and insert in lieu thereof "substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized".

On page 42, lines 22 to 25, and on page 43, lines 1 and 2, strike all after "environment." and insert in lieu thereof the following:

"If such hazardous waste has been treated to the level or by a method specified in regulations promulgated under this paragraph, such waste or residue thereof shall not be subject to any prohibition promulgated under paragraph (1) of this subsection and may be disposed of in a land disposal facility which meets the requirements of this subtitle. Any regulation promulgated under this paragraph for a particular hazardous waste shall become effective on the same date as any applicable prohibition promulgated under paragraph (1) of this subsection."

AMENDMENT No. 3409

(Purpose: To clarify application of requirement to conduct ground water monitoring)

Proposed by Mr. CHAFEE (for himself and Senators BENTSEN, STAFFORD, RANDOLPH, and MITCHELL).

On page 86, line 18, strike the quotation marks and final period, and after line 18 insert the following:

"This subsection shall not be construed to affect other exemptions or waivers from such standards provided in regulations in effect on the date of enactment of the Solid Waste Disposal Act Amendments of 1984 or as may be provided in revisions to those regulations, to the extent consistent with this subsection. The Administrator is authorized on a case-by-case basis to exempt from ground water monitoring requirements under this section (including subsection (f)) any engineered structure which the Administrator finds does not receive or contain liquid waste (nor waste containing free liquids), is designed and operated to exclude liquid from precipitation or other runoff, utilizes multiple leak detection systems within the outer layer of containment, and provides for continuing operation and maintenance of these leak detection systems during the operating period, closure, and the period required for post-closure monitoring and for which the Administrator concludes on the basis of such findings that there is a reasonable certainty hazardous constituents will not migrate beyond the outer layer of containment prior to the end of the period required for post-closure monitoring.".

AMENDMENT No. 3409

(Purpose: To clarify scope of new section 3004(e) ban on certain wells)

Proposed by Mr. CHAFEE (for himself and Senators STAFFORD, RANDOLPH, and MITCHELL).

REINJECTION OF TREATED GROUND WATER

On page 44, line 23, after "water." insert the following: "This subsection shall not apply to the injection of contaminated ground water into the aquifer from which it was withdrawn, if such injection is a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or part of corrective action required under this title intended to clean up such contamination and such contaminated ground water is treated to substantially reduce hazardous constituents prior to such injection.".

AMENDMENT No. 3409

(Purpose: To clarify authority of Administrator to modify application of certain requirements to some mining wastes)

Proposed by Mr. CHAFEE (for himself and Senators SIMPSON and RANDOLPH).

MINING WASTE AMENDMENT

On page 48, beginning on line 18, through line 2 on page 49, strike the sentence following "the environment.".

At the end of S. 757, add the following new section:

"SEC. . Section 3004 of the Solid Waste Disposal Act is amended by adding at the end thereof the following new subsection:

"'( ) If solid waste from the extraction, beneficiation or processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore, is subject to regulation under this subtitle, the Administrator is authorized to modify the requirements of subsections (b), (f)(1) (other than the requirement for ground water monitoring), and (g), in the case of landfills or surface impoundments receiving such solid waste, to take into account the special characteristics of such wastes, the practical difficultues associated with implementation of such requirements, and site-specific characteristics, including but not limited to the climate, geology, hydrology and soil chemistry at the site, so long as such modified requirements assure protec-

tion of human health and the environment.'."

AMENDMENT No. 3409

(Purpose: To assure that the Solid Waste Disposal Act Amendments of 1984 do not affect, modify, or amend the Uranium Mill Tailings Radiation Control Act of 1978, as amended)

Proposed by Mr. CHAFEE (for himself and Senator SIMPSON).

Amend S. 757 by adding the following new section:

"URANIUM MILL TAILINGS

"SEC. . Nothing in the Solid Waste Disposal Act Amendments of 1984 shall be construed to affect, modify, or amend the Uranium Mill Tailings Radiation Control Act of 1978, as amended.".

AMENDMENT No. 3409

(Purpose: To establish minimum technological requirements for existing surface impoundments)

Proposed by Mr. CHAFEE (for himself and Senators BENTSEN, STAFFORD, RANDOLPH, and MITCHELL).

On page 49, after line 19, insert the following:

(c)(1) Section 3005(e) of the Solid Waste Disposal Act is amended by inserting "(1)" after "Interim Status. ", by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and by adding the following new paragraph:

"(2)(A) Except as provided in subparagraph (C), each surface impoundment in existence on the date of enactment of the Solid Waste Disposal Act Amendments of 1984 and qualifying for the authorization to operate under paragraph (1) of this subsection, which—

"(i) does not have at least one liner, for which there is no evidence that such liner is leaking, or

"(ii) is located in an area of vulnerable hydrogeology as defined in subparagraph (G) or as determined by criteria or guidance for the acceptable location of facilities issued in accordance with section 3004(f),

shall not receive, store, or treat hazardous waste after the date four years after such date of enactment unless such surface impoundment is in compliance with the requirements of seciton 3004(f) which would apply to such impoundment if it were new. For the purposes of clause (i) of this subparagraph, the term "liner" means a liner meeting the requirements of regulations for new surface impoundments in effect as of such date of enactment, and that the surface impoundment is in compliance with generally applicable ground water monitoring requirements for facilities with permits under subsection (c) of this section.

"(B) The Administrator (or the State, in the case of a State with an authorized program), after notice and opportunity for comment, may modify the requirements of subparagraph (A) for any surface impoundment if, not later than 24 months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, the owner or operator demonstrates that such surface impoundments is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into ground water or surface water at any time during the period hazardous waste remains in such surface impoundment. Within 12 months after the receipt of evidence submitted under this subparagraph and not later than 36 months after such date of enactment, the Administrator (or, if appropriate, the State) shall advise such owner or operator as to whether and, if so, how the requirements of subparagraph (A) shall be modified and applied to such surface impoundment.

"(C) Subparagraph (A) of this paragraph shall not apply to any surface impoundment which (i) contains treated waste water during the secondary or tertiary phase of an aggressive biological treatment facility subject to a permit issued under section 402 of the Clean Water Act (or which holds such treated waste water after treatment and prior to discharge), (ii) is in compliance with generally applicable ground water monitoring requirements for facilities with permits under subsection (c) of this section, and (iii) is part of a facility in compliance with section 301(b)(2) of the Clean Water Act, or, in the case of a facility for which no effluent guidelines required under section 304(b)(2) of the Clean Water Act are in effect and no permit under section 402(a)(1) of such Act implementing section 301(b)(2) of such Act has been issued, is part of a facility in compliance with a permit under section 402 of the Clean Water Act which is achieving significant degradation of toxic pollutants and hazardous constituents contained in the untreated waste stream and which has identified those toxic pollutants and hazardous constituents in the untreated waste stream to the appropriate permitting authority. The Administrator shall study and report to the Congress on the number, range of size, construction, likelihood of hazardous constituents migrating into ground water, and potential threat to human health and the environment of existing surface impoundments excluded by this subparagraph from the requirements of subparagraph (A). Such report shall address the need, feasibility, and estimated costs of subjecting such existing surface impoundments to the requirements of subparagraph (A). In the case of any existing surface impoundment or class of surface impoundments from which the Administrator (or the State, in the case of a State with an authorized program) determines hazardous constituents are likely to migrate into ground water, the Administrator (or, if appropriate the State) is authorized to impose such requirements as may be necessary to protect human health and the environment, including the requirements of section 3004(f) which would apply to such impoundments if they were new.

"(D) The owner or operator of any surface impoundment potentially subject to subparagraph (A) of this paragraph who has reason to believe that on the basis of subparagraph (A)(i) or (ii) or subparagraph (C) such surface impoundment is not required to comply with the requirements of subparagraph (A) shall apply to the Administrator (or the State, in the case of a State with an authorized program) not later than 24 months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984 for a determination of the applicability of subparagraph (A) to such surface impoundment. Such owner or operator shall provide evidence pertinent to such decision, including evidence as to compliance with ground water monitoring requirements and all reasonably ascertainable evidence on whether such surface impoundment is leaking. As part of such evidence an owner or operator relying on subparagraph (A)(i) or (ii) shall provide a certification by a registered professional engineer with academic training and experience in ground water hydrology that (i) such surface impoundment is not located in an area of vulnerable hydrogeology, (ii) the liner of such surface impoundment is desinged, constructed and operated in accordance with the requirements of regulations, and (iii) based on a review of ground water monitoring information and other available information, there is no evidence such liner is leaking. As part of such evidence an owner or operator relying on subparagraph (C) shall provide a certification by a registered professional engineer with academic training and experience in ground water hydrololgy that such surface impoundment satisfies the conditions set forth in clauses (i), (ii), and (iii) of subparagraph (C), based on analysis of those toxic polluntants and hazardous constituents that are likely to be present in the untreated waste stream, and that hazardous constituents are not likely to migrate from the impoundment into ground water. Within twelve months after the receipt of such evidence and not later than 36 months after such date of enactment, and after notice and opportunity for comment, the Administrator (or, if appropriate, the State) shall advise such owner or operator on the applicability of subparagraph (A) to such surface impoundment.

"(E) In any case in which a surface impoundment is initially determined to be excluded from the requirements of subparagraph (A) but due to a change in condition subsequently becomes subject to subparagraph (A), the period for compliance in subparagraph (A) shall be two years after the date of discovery of such change of condition. In any case in which a surface impoundment becomes subject to subparagraph (A) after the date of enactment of the Solid Waste Disposal Act Amendments of 1984 due to the promulgation of additional listings or characteristics for the identification of hazardous wastes under section 3001, the period for compliance in subparagraph (A) shall be four years after the date of such promulgation, the period for demonstations under subparagraph (B) and for submission of evidence under subparagraph (D) shall be not later than 24 months after the date of such promulgation, and the period for the Administrator (or, if appropriate, the State) to advise such owners or operators under subparagraphs (B) and (D) shall be not later than 36 months after the date of promulgation.

"(F) In the case of any surface impoundment is which the liners and leak detection system have been installed pursuant to the requirements of this paragraph and in good faith compliance with section 3004(f) and the Administrator's regulations and guidance documents governing liners and leak detection systems, no liner or leaf detection system which is different from that which was not installed pursuant to this paragraph shall be required for such unit by the Administrator when issuing the first permit under this section to such facility. Nothing in this subparagraph shall preclude the Administrator from requiring installation of a new liner when the Administrator has reason to believe that any liner installed pursuant to the requirements of this paragraph is leaking.

(G) For the purposes of subparagraph (A)(ii), a surface impoundment is located in an area of vulnerable hydrogeology if the impoundment is over or hydrologically connected to—

"(i) a sole source aquifer, or

"(ii) a formation which contains an underground source of drinking water if such formation or the unsaturated soils hydrologi-

cally connected to such formation are characterized by high hydraulic conductivity of permeability (including karst formations, and medium-to-course-grained materials or fractured rock) or are geologically unstable, and there is no intervening natural barrier formamtion that would significantly restrict migration of waste constituents.".

On page 49, line 2, before the quotation marks insert the following:

"The Adminstrator shall promulgate regulations or issue guidance documents implementing the requirements of paragraph (1) within two years after such date of enactment. Until the effective date of such regulations or guidance documents, the requirement for the installation of two or more liners may be satisfied by the installation of a top liner designed, operated, and constructed of materials to prevent the migration of any constituent into such liner during the period such facility remains in operation (including any post-closure monitoring period), and a lower liner designed, operated and constructed to prevent the migration of any constituent through such liner during such period. For the purpose of the preceding sentence, a lower liner shall be deemed to satisfy such requirement if it is constructed of at least a three-foot thick layer of recompacted clay or other natural material with a permeability of no more than 1×10^{-7} centimeter per second.".

On page 43, line 7, strike "section" and insert in lieu thereof "subsection".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3409) was agreed to.

Mr. CHAFEE. Mr. President, I send to the desk a series of explanations of the amendments which have just been agreed to. These explanations are in the same sequence as the amendments sent to the desk and considered en bloc and can be identified by the title at the top. I ask that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT TO EXTEND DEADLINES IN VARIOUS SECTIONS OF THE BILL.

S. 757 contains numerous statutory deadlines for various actions and decisions by EPA. Since reporting the bill, we have met on several occasions with representatives of EPA to assure that the deadlines are reasonable and attainable. EPA requested several deadline extensions and assured us that they could meet the new deadlines we have agreed to. This amendment will make those changes.

As modified by this amendment, new section 3004(b)(6)(A) requires EPA to publish, not later than 24 months after enactment, a schedule for deciding whether or not to restrict the land disposal of wastes listed under Section 3001. This schedule must provide for review and decision on at least one-third of the listed wastes within 48 months after enactment, for at least two thirds of the listed wastes within 60 months after enactment, and all listed wastes not later than the date 72 months after enactment. These fractions refer to the number of wastes listed, and not the volume of wastes listed.

The schedule mandated by subsection (b)(6)(A) must be based on environmental considerations and objectives. It is not expected that EPA will know which wastes it intends to propose to ban prior to publication of the schedule, therefore we do not expect EPA to place in the first third wastes which will be restricted and in the last third wastes which will not be restricted. However, in establishing the schedule, EPA must consider factors such as the intrinsic hazard of a waste. In evaluating the intrinsic hazard of a waste, EPA should consider a waste's toxicity and may consider other factors such as mobility, persistence and propensity to bioaccumulate. In addition, EPA must consider the volume of a waste generated or managed in land disposal. Accordingly, large volume wastes with a high intrinsic hazard shall be placed in the first third and so on, with low hazard, low volume wastes in the last third. Because of the relatively short time frame for publication of the schedule, we expect EPA to rely on existing data for determining waste volumes.

As introduced on March 15, 1984, amendment number 2804 would have simply extended the deadlines in section 5 on land disposal limitations. Concern was expressed that, without the imposition of a statutory standard, pressure would be placed on EPA to establish a schedule that would place high-volume wastes and wastes with high intrinsic hazard in the last third and that decisions whether to prohibit the land disposal of such wastes would not occur for 72 months. Such a result would be unacceptable. Therefore, the amendment was modified to include a mandatory, judicially enforceable, statutory standard for the schedule.

AMENDMENT TO CLARIFY ADMINISTRATOR'S AUTHORITY TO REQUIRE A PERMIT TO CONSTRUCT A HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITY

On May 19, 1980, EPA promulgated regulations establishing procedures for permitting hazardous waste management facilities. Among other things, these regulations prohibit the construction of new facilities before the issuance of a RCRA permit. See 40 C.F.R. §270.10(f)(1). This amendment will clarify the Administrator's authority to require a RCRA permit to construct a hazardous waste treatment, storage, or disposal facility and codify that portion of the May 19, 1980 regulations.

One purpose of this provision is to provide the Agency with an opportunity to review the choice of location for such facilities before there has been a significant commitment of resources. Recent studies have concluded that locational characteristics and requirements are at least as important to protection of human health and the environment as are minimum technological characteristics and requirements. For example, although double liners and leak detection systems are an improvement over the current most widely used technology, the fact that double liners are known to eventually leak means that even such double-lined facilities may not be protective of human health and the environment if they are located in areas of vulnerable hydrogeology. The need for EPA to establish and enforce locational criteria is as essential to protection of human health and the environment as is the need for periodic revision of technological standards.

As introduced on March 15, 1984, this amendment revealed an inconsistency between the EPA regulations under the Toxic Substances Control Act (TSCA) and the regulations under RCRA affecting the construction and operation of land-based incinerators. Under RCRA, no construction may begin prior to receipt of a final RCRA permit. Under TSCA, the process for obtaining EPA approval of an incinerator is generally to construct the facility, seek approval of a trial burn plan, conduct the trial burn and then receive a final TSCA "approval" (the analogue of a RCRA permit). Thus, a company seeking to construct an incinerator capable of burning PCB's and other hazardous wastes regulated under RCRA is placed in the anomolous position of being forced to choose between *either* seeking a RCRA permit for the facility, awaiting conclusion of the RCRA permit proceeding, then beginning construction and the start of the TSCA approval process *or* abandoning its plans to use the facility for RCRA wastes, beginning construction of the incinerator and seeking TSCA approval. Where the primary purpose in building the incinerator is to establish or augment PCB disposal capability, the company will choose the "fast track" second alternative. A decision to forgo plans to incinerate RCRA wastes at such a facility would enable a company to achieve their primary goal in a greatly expedited time frame but would be at odds with the congressional policy of encouraging the development of alternatives to land disposal of hazardous wastes.

For this reason, the original amendment is modified to correct this inconsistency. Where an incinerator has been constructed and approved pursuant to TSCA for the burning of PCBs, the owner or operator shall not be precluded from applying for a RCRA permit solely because a RCRA permit was not obtained prior to constuction. The EPA regulation being codified by this amendment was designed to assure that, when it has been unable to influence the location, design and construction chosen by the applicant, the permitting agency would not face a choice between approving an incinerator or "forcing the abandonment or devaluation of the premature investment." Here, however, if a company proceeded with construction, obtained TSCA approval and then sought a RCRA permit, the company would not have to abandon or suffer a devaluation of its investment if it was ultimately denied a RCRA permit for the incinerator. The company would still have a PCB incinerator.

AMENDMENT TO AUTHORIZE THE ADMINISTRATOR TO ISSUE INTERIM STATUS CORRECTIVE ACTION ORDERS

Section 3005(e) of the Solid Waste Disposal Act authorizes certain facilities that are required to have a permit to operate, on an interim status basis, pending the review and issuance of a final permit. In May of 1980, the Environmental Protection Agency (EPA) issued standards and minimum requirements for the operation of interim status facilities.

As of December 1983 there were approximately 8,000 interim status facilities. It has been estimated that it will take ten years to make final permit determinations on all of the interim status facilities.

The EPA estimates that between 50 and 60 percent of the interim status land disposal facilities have leaked or are leaking and will require corrective action. However, there is no current requirement that corrective action be taken at interim status facilities. Instead, when the EPA determines that there has been or is a leak at an interim status facility, the agency immediately brings such a facility under its permit

review process and requires corrective action as a condition of issuing a final permit. However, it now takes the EPA over a year to go through the process of permit review and issuance. As a result, there are likely to be a number of leaks at interim status facilities that will go uncorrected for some time.

This amendment is designed to correct that situation. It adds a new subsection (h) to Section 3008 to provide the Administrator with authority to issue an administrative order requiring corrective action or such other response measures as he deems appropriate at interim status facilities where there is or has been a release of hazardous waste. The Administrator is also authorized to commence a civil action in federal district court for appropriate relief, including a temporary or permanent injunction. The Administrator has similar authority now under other subsections of section 3008 to require corrective action at permitted facilities. The amendment directs that an administrative order shall specify the nature of the corrective action and a time for compliance. Civil penalties of up to $25,000 per day may be assessed when there is noncompliance with the order. In addition, any order issued under this new subsection may include a suspension or revocation of the authority to operate as an interim status facility without a final permit. The procedures set forth in subsection (b) are made applicable to orders issued under this new subsection.

This amendment provides the Administrator with a mechanism for protecting human health and the enviornment at interim status facilities similar to that which is presently available with respect to permitted facilities. Since there are some 8,000 interim status facilities, compared to 115 permitted facilities, it is most appropriate and necessary to extend the corrective action requirement to interim status facilities and to provide the Administrator with the authority to impose such requirements quickly.

● Mr. RANDOLPH. The deadline for required notification under the provisions for the control of burning or blending hazardous wastes has been modified. The Agency is authorized to determine administratively which entities must give notification, and the Administrator has asked that the notification deadline be postponed until the regulatory pattern is determined. In this way, notification can generally be required from those the Agency proposes to regulate.

Since petroleum coke is exempted from regulation under these provisions, the Agency would not be requiring notification from purchasers or consumers of petroleum coke.●

INTERIM STATUS CORRECTIVE ACTION ORDERS

● Mr. MOYNIHAN. Mr. President, I join my distinguished colleagues, Senators CHAFEE, STAFFORD, RANDOLPH, and MITCHELL, in offering an amendment to S. 757 to provide the Administrator of the Environment Protection Agency [EPA] with authority to issue an administrative order, or to commence a civil action in the U.S. district court, to require corrective action at interim status facilities where there is or has been a release of hazardous waste. This amendment adds a new subsection (h) to section 3008 of the Resource Conservation and Recovery Act [RCRA]. The Administrator has the authority currently under other subsections of 3008 to take the same steps to require corrective action at permitted facilities.

The amendment also provides that the administrative order shall specify the nature of the corrective action and a time for compliance, as well as for civil penalties of up to $25,000 per day when there is noncompliance with the order. In addition, any order issued under this new subsection may include a suspension or revocation of the authority to operate an interim status facility.

Section 3005(e) of the RCRA statute provides that any facility for the treatment, storage, or disposal of hazardous waste that is required to have a permit to operate, in accordance with section 3005, and has made an application for such a permit, shall be deemed to have a permit to operate, on an interim status basis, pending the review and issuance of a final permit.

As of December 1983, there were 8,000 interim status facilities. In May 1980, the EPA issued standards and minimum requirements for the operation of interim status facilities. As a result, some 2,000 of the interim status facilities are required to perform ground water monitoring because they conduct activities capable of polluting ground water.

As of February 1984, only 115 final RCRA permits had been issued by the EPA. It will take an estimated 10 years to make final permit determinations on the remaining interim status facilities.

The EPA estimates that between 50 and 60 percent of the interim status land disposal facilities are leaking and will require corrective action. However, there is no current requirement that corrective action be taken at interim status facilities. Instead, when the EPA determines that there has been or is a leak at an interim status facility, the agency immediately brings such a facility under its permit review process and requires corrective action as a condition of issuing a final permit. However, it now takes the EPA over a year to go through the permit review and issuance process. As a result, there are likely to be a number of leaks at interim status facilities that will go uncorrected for some time.

This amendment simply provides the Administrator with the same mechanism for protecting human health and the environment at interim status facilities as is now provided for permitted facilities. Since there are some 8,000 interim status facilities, compared to 115 permitted facilities, it is most appropriate and necessary to extend the corrective action requirement to interim status facilities.

AMENDMENT TO CLARIFY THE ADMINISTRATOR'S AUTHORITY TO REQUIRE EVIDENCE OF FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION

Section 3004 of the Solid Waste Disposal Act directs the Administrator to establish performance standards for the owners and operators of hazardous waste treatment, storage and disposal facilities. The statutory language includes a requirement for evidence of "financial responsibility as may be necessary or desirable." Current EPA regulations require financial responsibility assurances for closure and post-closure maintenance costs for RCRA facilities. There is, however, no requirement for financial responsibility assurances for corrective action.

In instances where corrective action may be required, cleanup costs could be substantial, especially if groundwater is contaminated. Such costs could far exceed the costs of closure or post-closure maintenance. Many companies faced with large corrective action costs may choose or be forced into bankruptcy. In such cases, it is likely that the sites would have to be cleaned up using Superfund monies.

This amendment is designed to avoid that eventuality. It modifies paragraph (7) of section 3004 to provide that in setting financial responsibility requirements for owners and operators of hazardous waste facilities, the EPA should, to the maximum extent feasible, include a requirement that owners and operators provide evidence of financial responsibility for corrective action that may become necessary at some future time.

FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION

Mr. President, I join my distinguished colleagues, Senators CHAFEE, STAFFORD, RANDOLPH, and MITCHELL, in offering an amendment to S. 757 to require the EPA to include financial responsibility assurances for corrective action in the performance standards that the agency sets for the owners and operators of hazardous waste facilities. Section 3004 of the RCRA statute provides for the administrator to establish performance standards for the owners and operators of hazardous waste treatment, storage and disposal facilities. The statutory language includes a requirement for "financial responsibility as may be necessary or desirable." Current EPA regulations require financial responsibility assurances for closure and post-closure maintenance costs for RCRA facilities. There is, however, no requirement for financial responsibility assurances for corrective action.

In instances where corrective action may be required, cleanup costs could be substantial especially if ground water is contaminated. Such costs could well far exceed the costs of closure or post-closure maintenance. Many companies, faced with large corrective action costs, may choose, or be forced into, bankruptcy. In such cases, it is likely that the sites would have to be cleaned up using Superfund moneys.

This amendment is designed to avoid that eventuality. It does so by modifying paragraph (7) of section 3004 to provide that in setting performance

standards for owners and operators of hazardous waste facilities, the EPA should include financial assurances for corrective action, as may be necessary.

AMENDMENT TO CLARIFY AND PERFECT THE FINANCIAL RESPONSIBILITY AND DIRECT ACTION PROVISIONS CONTAINED IN RCRA AND CERCLA

This amendment will clarify and perfect the financial responsibility and direct action provision contained in the Resource Conservation and Recovery Act ("RCRA") and in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"). A primary purpose of the clarification is to make uniform the provisions in both RCRA and CERCLA that deal with financial responsibility and direct action. The objective of the amendment is to achieve the protection of the public that the financial responsibility provisions are designed to provide, while fostering the development of a vigorous, competitive market for insurance certified as evidence of financial responsibility.

The uniform financial responsibility system proposed in this amendment (1) provides claimants in appropriate circumstances with the right of direct action against so-called guarantors (defined in both RCRA and CERCLA as persons who provide evidence of financial responsibility to an owner or operator), (2) permits a guarantor when subject to a direct action suit to invoke as a defense, among other things, the terms and conditions contained in the guarantor's policy of insurance with the owner or operator and (3) confirms, without diminishing any other statutory, contractual or common law liability of a guarantor, that the total liability of a guarantor is limited to the aggregate amount that the guarantor has provided as evidence of financial responsibility to a particular owner or operator.

Direct action

The amendment provides claimants with a limited right of direct action against a guarantor. (With respect to CERCLA, this is a modification of an existing right of direct action.) With direct action, a claimant may file a lawsuit naming an insurance company or other entity serving as guarantor as a defendant in the case. Absent the right of direct action, an injured party would file an action only against the person who allegedly had caused the injury, and it is that person's liability which is litigated in the action. The insurer's initial obligation is to its insured, with whom the insurer has a contract. If the insured is found liable, then the insurer is obligated to make payment to the insured in accordance with and subject to the terms of the contract.

In some instances, however, an injured party, who is the intended beneficiary of the financial responsibility requirements in RCRA and CERCLA, may not be able to bring an action against the owner or operator to recover from that owner or operator or their guarantor. There are two specific circumstances where this may occur. First, it is possible that a claimant may not be able to obtain court jurisdiction over the owner or operator. Second, and perhaps more likely, the owner or operator either voluntarily or involuntarily may be a debtor in bankruptcy. These two circumstances include cases where an owner or operator may be identified and subject to court jurisdiction, but clearly unlikely to be solvent (i.e., capable of paying the judgment) at the time the litigation is resolved. The amendment would afford a claimant the right of direct action in both instances.

Policy terms and conditions

In a direct action lawsuit, the amendment permits the guarantor to invoke not only the defenses that would have been available to the owner or operator, i.e., acts of God, acts of war, unrelated third party acts in limited circumstances, but also the terms and conditions that the insurer had agreed upon with the insured in their policy of insurance. By authorizing a guarantor to invoke these rights and defenses, this amendment should foster the development of a competitive marketplace for insurance certified as evidence of financial responsibility. A competitive marketplace should lead to the greater availability of reasonably priced insurance certified as evidence of financial responsibility. This, in turn should encourage increased compliance with RCRA's and CERCLA's financial responsibility provisions (and the availability of direct action) which will ultimately benefit the claimants by providing them with greater financial protection.

In addition, a major goal of the financial responsibility requirements is to enlist insurers to provide additional policing and incentives to monitor the behavior of their insureds. The preservation of an insurer's policy terms and conditions vis-a-vis its insured may assist in meeting this objective. It is often policy terms and conditions, as well as inspection and rate-making, that form the basis of the insurer's ability to influence the insured to act carefully and responsibly.

At the time of enactment of RCRA and CERCLA, there are some concern that a guarantor may use its policy terms and conditions to diminish the risk it was undertaking, and therefore the value of the financial responsibility it had provided. We hope the cause for this concern will be minimized by several factors. One factor is the intensely competitive nature of the property-casualty insurance market. Owners and operators should have little incentive to purchase insurance certified as evidence of financial responsibility that does not provide meaningful coverage when insurance that would provide valid protection for their assets is readily available. Moreover, insurance companies are subject to comprehensive regulation at the State level so that, if this problem ever did arise, there would be an available procedure to correct it promptly. Nevertheless, as a further safeguard the amendment authorizes the Environmental Protection Agency to specify policy or other contractual terms, conditions or defenses which EPA deems to be necessary or to be unacceptable in establishing evidence of financial responsibility.

Liability limits

The amendment also clarifies and defines more precisely the ultimate liability of a guarantor when providing evidence of financial responsibility. As written, present section 108(d) of CERCLA could be interpreted so as to expose an insurer to the full amount of the risk regardless of the insurer's policy limits should an insurer be found to have acted not in good faith. Section 108(d) does not define the term "good faith" nor does it specify to whom the guarantor must act in good faith. To cure this uncertainty, the amendment specifies that a guarantor's policy limits shall be binding, but that nothing in either RCRA or CERCLA is intended to limit any other statutory, contractual or common law liability of a guarantor, including an insurer's traditional common law obligation to act in good faith toward its insured. Moreover, the amendment also makes explicit that the liability limit of a guarantor in any specific instance is to be determined by the aggregate amount which the guarantor has provided as evidence of financial responsibility to the particular owner or operator involved in the matter.

Evidence of financial responsibility

Finally, the amendment makes explicit and uniform how evidence of financial responsibility is to be provided. First, the amendment requires that evidence of financial responsibility is to be provided in accordance with regulations promulgated by the Administrator of EPA. Thus, for example, the mere purchase of insurance by an owner or operator is not sufficient, in and of itself, to meet the financial responsibility provisions of RCRA and CERCLA. Rather, in order to meet the statutes' requirements, an owner or operator must obtain from a guarantor insurance or some other form of financial guarantee that qualifies as evidence of financial responsibility pursuant to the EPA's regulations. Second, the amendment provides that evidence of financial responsibility may be provided by any one, or any combination, of the following: insurance, letter of credit, guarantee, surety bond or qualification as self-insurer.

AMENDMENT TO CLARIFY WHEN COMMON CARRIERS BY RAIL ARE SUBJECT TO CITIZEN SUITS

New section 7002(a)(1)(B), added by S. 757, allows citizens to sue any persons who are contributing to the transportation or disposal of hazardous waste which may present an imminent and substantial endangerment to health or the environment. Under this section, transporters performing mere transportation functions potentially may be sued for dangers presented by hazardous waste at hazardous waste facilities. Common carrier transporters of hazardous waste must accept for transport shipments of hazardous waste. They cannot choose which shippers or consignees they would like to serve. However, under section 7002(a)(1)(B), such transporters may be sued even though they properly transported the hazardous waste and had no other role. This amendment would correct this inequity.

This amendment would be consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLA provides that a transporter may be liable for damages resulting from the release of hazardous waste from a facility, which the carrier transported to that hazardous waste facility—but only if the carrier actually selected that facility. Under new section 7002(a)(1)(B), however, a citizen could bring an action against the transporter for contributing to the past transportation of this hazardous waste even though it did not select the site. The action could include a claim that an innocent transporter should undertake or contribute to site cleanup. CERCLA recognizes that such a transporter should not be liable under those circumstances. With this amendment section 7002(a)(1)(B) will also deal with transporters in the same manner.

AMENDMENT TO CLARIFY THE UNIFORM MAINFEST REQUIREMENTS

Since the Committee reported S. 757 the Uniform Hazardous Waste Manifest regulations have been promulgated, in March of this year. The Department of Transportation has indicated that several conforming changes to the bill would be desirable, particularly to the small quantity generator provisions.

This amendment responds to the concerns raised by the Department, principally by striking new section 3002(b)(2). This will avoid confusion about the applicability of the Hazardous Materials Regulations as to containerization of wastes. Also, it will eliminate the suggestion that States can impose manifesting requirements other than those consistent with the Uniform Hazardous Waste Manifest regulations.

Under those regulations, however, there are a number of regulatory options relating to manifest requirements that are available to the States and that are not preempted by the rules.

Although no other form may be required by a State to accompany a waste shipment, the Uniform Manifest form contains space to allow the entry of certain optimal State information items in addition to the federally-required items. These items include State manifest numbers; State identification numbers for generators, transporters, and treatment, storage, or disposal (TSD) facilities; telephone numbers for the transporter and TSD facility, EPA or State hazardous waste numbers; additional waste descriptions; and handling codes. States may require generators to complete any of the informational items included in the optional State section of the form prior to the transportation of the hazardous waste, and may require owners or operators of facilities to complete any of these State information items as a condition of the acceptance of waste at TSD facilities.

States may also require generators or TSD facilities to send the Uniform Manifest or other information related to the shipment under separate cover (e.g., by mail), as long as this does not interfere with the actual movement of the waste. By this means, States in which hazardous waste disposal facilities are located may obtain information from all generators using those facilities, including generators located in other States.

These requirements may be imposed both by the State in which the generator is located and the State in which the designated facility is located. States may impose sanctions against generators for failing to provide required State information.

In addition to shipments that are subject to the Federal manifest requirements, States may require the Uniform Manifest to accompany shipments of waste that are not subject to the Federal requirements. For example, States may require the Uniform Manifest for shipments of wastes that are defined as hazardous wastes under State law, but not under Federal law. Furthermore, States may require the Uniform Manifest for shipments by generators qualifying for the Federal small generator exemption.

In addition to the additional information which States may require, a State may also require, with some limitations, generators to use forms printed by the State; and the State may print its name, State-assigned document number, and other information on the required form. For example, a State may print on its form a notice to generators that they are required to submit copies of the Uniform Manifest to the State.

AMENDMENT TO MAKE A CLARIFYING AMENDMENT ON THE USE OF ABSORBENTS

The regulations to be promulgated under new §3004(c), "Liquids In Landfills," shall prohibit the disposal of liquids in landfills that have been absorbed in material that biodegrades or releases liquids when compressed as might occur in routine landfill operations. The use of absorbents should be consistent with the purposes and objectives of this Act and particularly with the finding that land disposal in general is the least desirable form of waste management because of the problems associated with assuring long-term containment of hazardous wastes.

The bill's current language regarding "minimization of free liquids by other means than the addition of absorbent material, where technologically feasible" does not clearly state the intent of the provision. In addition, the language only refers to containerized liquids. This amendment will clarify the intent and make the provision applicable to containerized as well as bulk or noncontainerized liquid hazardous wastes.

The goal of minimizing liquids is to reduce the ready migration of liquid wastes and the potential for subsidence. To this end, the preferred liquids waste management methods are: (1) reduction in liquid waste generation by process design changes (e.g., using less liquid or recirculating rinse water) and by not mixing hazardous wastes with liquids, (2) recycling and recovery (e.g., solvent extraction), (3) treatment by destruction (e.g., incineration), (4) treatment to render the waste or liquid fraction nonhazardous (e.g., coagulation and precipitation), (5) treatment by removing liquids (e.g., decanting, centrifuge, vacuum drum or conveyor, filter press, distillation, reverse osmosis) and (6) treatment by mixing with agents (e.g., chemical reagents and certain absorbents) that remove "free liquids."

Chemical reagents solidify and stabilize liquid wastes by such reactions as encapsulation, ion exchange, precipitation and chemical transformations. They also tend to reduce the leachability of chemical constituents. Examples of chemical reagents include cement—or lime-based materials, pozzolanic materials, and thermoplastic or organic binders. By contrast, absorption is primarily a physical process governed mainly by capillary action, surface tension, and filling void space. Absorption does, however, also involve chemical and electromagnetic reactions, and includes many chemical reagents.

Some absorbents are unacceptable for treating liquids before landfill disposal because they either biodegrade or fail to provide structural stability. Absorbents that biodegrade (e.g., sawdust, municipal waste and shredded paper) are unacceptable because when they biodergrade they collapse and release free liquids. Absorbents that fail to provide structural stability (e.g., sawdust, shredded paper and certain vermiculites) are also unacceptable because of their sponge-like behavior; i.e., they absorb liquids but readily release them under pressures that may occur in landfills. Examples of absorbents that are likely to be found to be acceptable are the chemical reagents discussed above and fine-grained earthen materials (e.g., bentonite, montmorillionite, kaolinite, and Fuller's earth). Fine-grained materials have a large-capillary potential when unsaturated, and may be acceptable if they provide structural stability as well as removal of "free liquids." The ability of absorbent materials to retain liquids under pressure is a function of the amount of pressure, the percent of void space filled with liquids, and the structural strength of the material (i.e., the percent of void space retained under pressure).

EPA is expected to develop and formulate criteria distinguishing between acceptable and unacceptable absorbents. A list of unacceptable mixing agents (e.g. biodegradable materials and materials that readily release water) or unacceptable characteristics may be developed to exclude certain absorbents altogether from use in hazardous waste management practices. Absorbents not listed as unacceptable, e.g., fuller's earth, would have to pass specific performance standards or test criteria to be proven acceptable. Each material from each source projected for use would have to be subjected to testing to determine that it will perform adequately during transport and in the landfill environment. Such criteria might also be applied to specific hazardous wastes and specified absorbents to determine compatibility on a case by case basis under controlled pressure and temperature test conditions simulating the in-use environment.

In addition to performance criteria, EPA is expected to develop operating guidelines for use on a case by case basis to control management and disposal practices. For example, even an acceptable absorbent may become unacceptable if used in limited quantities for absorbing a relatively large quantity of hazardous waste. The material could then become saturated with the liquid waste and subject to readily releasing fluids. Use of a larger quantity of absorbent would be needed in this case to prevent the absorbent from yielding free liquids. Hence, the quantity of absorbent per unit quantity of hazardous waste used in determining that the material is acceptable on the basis of performance tests should be also be used. The operating guideline pertaining to the relative quantities would, therefore, be directly based on test results used to evaluate performance.

EPA should specify standards for performing and evaluating tests for absorbent evaluation and acceptability. As experience and correlations with performance are developed with time on given products, the specific surface area of the absorbent and degree of saturation or fluid content which control soil suction may be used in lieu of actual tests to produce and, hence, evaluate performance.

AMENDMENT TO SUBSTITUTE THE PHRASE "OILY MATERIALS" FOR THE MORE NARROWLY DEFINED TERM "USED OIL"

The statutory definition of "used oil" in RCRA makes use of that phrase in this section of the bill inappropriate. The defined term is, for the purposes of this section, too narrow and use of it would result in less recycling of valuable petroleum materials.

Several types of oily materials are recovered but would not be included in the term "used oil". For example:

On off-shore platform's crude is sometimes spilled and caught in a waste water system. This is skimmed and put into the crude line to the refinery;

Gas pipelines have liquid condensates which may be drawn off and put into the crude line; and

A well may be treated or flushed with water or oil and the oily material can be recovered and sent to the refinery via a crude line.

Use of the term "oily materials", in combination with the existing restrictions ("resulting from normal petroleum refining, production, and transportation practices") would be broad enough to encompass the recycling of appropriate materials and yet restrictive enough to prevent undersirable practices.

AMENDMENT TO DELETE DEADLINE FOR EPA TO DETERMINE APPROPRIATENESS OF USING EXTRACTION PROCEDURE TOXICITY CHARACTERISTIC FOR EVALUATING DELISTING PETITIONS

S. 757 adds a new paragraph (5)(D) to section 3001(b) of the Solid Waste Disposal Act. New subparagraph (D) requires EPA to evaluate, within 6 months, the appropriateness of using the extraction procedure toxicity characteristic (EP) when determining whether to exclude a waste generated at a particular facility from regulation as a hazardous waste. The new subparagraph also requires EPA to modify, within 2 years, the EP.

A statutory requirement that EPA evaluate the appropriateness of using the EP within 6 months after enactment is no longer necessary, particularly in light of the recently announced Agency position to request additional information from petitioners prior to taking action on petitions to exclude, or delist, a waste generated at a particular facility. The Agency now recognizes that the EP should only be used in evaluating exclusion petitions to the extent the procedure is totally appropriate. In those cases where, for example, the oily nature of a waste might impair the effectiveness of the EP, another procedure is used that measures the metals in the waste. For inorganic wastes that are treated to retard the mobility of inorganic constituents, a multiple extraction procedure is applied to simulate the potential for release that might occur over thousands of years. For the organic-containing wastes where the EP may not be an effective tool, the Agency uses the total concentration of the contaminant in the waste, rather than in the extract, when considering the petition. EPA's recent adoption of a policy to request information on additional constituents in the waste, a policy codified in this bill, assures that the Agency will base its decision on all potentially harmful constituents. Finally, because each petition must be separately evaluated on the merits and data from each facility, looking at such things as volume of waste and planned disposition, the Agency must go beyond looking at just the wastes' constituents and mobility in reaching its decision.

This amendment will, therefore, delete the requirement that EPA evaluate, within 6 months, the appropriateness of using the EP when determining whether to exclude a waste generated at a particular facility from regulation as a hazardous waste. The requirement that EPA make such changes as are necessary in the EP to predict the leaching potential of wastes upon exposure to leaching media more aggressive than the media currently utilized is retained in the bill. The only change this amendment would make to that requirement is an extension of the deadline from not later than 2 years after enactment to not later than 28 months after enactment. The extension was requested by EPA with assurances from the Agency that 28 months is a reasonable and adequate amount of time to complete the task.

AMENDMENT TO MAKE LOCATIONAL CRITERIA APPLICABLE IF ADMINISTRATOR FAILS TO MEET LAND DISPOSAL LIMITATION DEADLINES

New subsection (b)(9) of section 3004 provides that if the Administrator fails to promulgate regulations establishing land disposal limitations within the time frames established by subsection (b) for certain wastes, the wastes in question may continue to be land disposed pending promulgation of such regulations, provided that disposal of such wastes in landfills or surface impoundments occurs only at landfills or surface impoundments that are in compliance with the requirements of new section 3004(f)(1). New section 3004(f)(1) establishes minimum technologies requirements for new landfills and surface impoundments. As such, only landfills and surface impoundments that are equipped with the technology required for new facilities can be used to satisfy new subsection (b)(9) of section 3004.

A key component of new section 3004(f) is the mandate that EPA specify criteria for the acceptable location of new and existing facilities. Adding technology to land disposal facilities is not the cure-all many would have us believe. All liners will eventually leak and, as such, locational criteria are a much more important and effective method to protect human health and the environment. Indeed, such criteria are a necessary component of any program designed to assure such protection.

This amendment will modify new subsection (b)(9) of section 3004 to make it clear that a facility fitted with double liners and leachate collection systems, or some approved alternative technology, will not necessarily satisfy new subsection (b)(9). In addition to being equipped with acceptable technology, such landfills and surface impoundments must satisfy EPA's locational criteria.

As stated in the Committee Report at page 21, this provision is intended to provide temporary protection against the migration of particularly dangerous wastes. However, it should not be considered a substitute for the land disposal prohibitions intended by Section 5 of the bill. The Agency is expected and required to meet its statutory deadlines.

AMENDMENT TO CLARIFY AUTHORITY OF ADMINISTRATOR TO ESTABLISH TREATMENT STANDARDS APPLICABLE TO LAND DISPOSAL PRACTICES

Under S. 757, land disposal of hazardous wastes, particularly in landfills and surface impoundments, should be the management method of last resort. New section 3004(b) provides for the prohibition of land disposal of certain hazardous wastes unless it is determined to be protective of human health and the environment.

For certain wastes, such as metals and inorganics, there are no practical treatment technologies at this time that permanently eliminate their toxicity. Also, residues of other treatment processes must be land disposed. S. 757 makes Congressional intent clear that land disposal without prior treatment of these wastes with significant concentrations of highly persistent, highly toxic, highly mobile and highly bioaccumulative constituents is not protective of human health and the environment. Under paragraph (7) of new section 3004(b) as revised by this amendment, in order to allow land disposal of these restricted wastes with metals and inorganics, EPA is authorized to specify levels or methods of treatment to assure that when the treated wastes is placed in the ground, its toxicity or mobility, or both, are substantially minimized.

Pre-disposal treatment standards are necessary for wastes containing metals and other inorganic constituents because known treatment technologies cannot destroy these hazardous constituents. The migration of metal finishing and other hazardous inorganic wastes may be prevented or minimized through treatment processes that immobilize the constituents. Hazardous wastes that are organic which have significant concentrations of organics in combination with significant concentrations of inorganics that are highly toxic or highly mobile should be treated so that land disposal involves predominantly inorganic constituents, and only those for which mobility is substantially reduced.

Treatment should substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized. This test cannot be satisfied through the use of absorbent material as a sole means of treatment prior to land disposal. Treatment is required not only for purposes of protecting against the short-term or acute risks associated with the land disposal of hazardous wastes, but more importantly focuses on the long-term hazards associated with migration of the wastes and subsequent contamination of ground or surface water.

The requisite levels of methods of treatment established by the Agency should be the best that has been demonstrated to be achievable. This does not require a BAT-type process as under the Clean Air or Clean Water Acts which contemplates technology-forcing standards. The intent here is to require utilization of available technology in lieu of continued land disposal without prior treatment. It is not intended that every waste receive repetitive or ultimate levels of methods of treatment, nor must all inorganic constituents be reclaimed. In establishing particular levels or methods of treatment, EPA may, for example, establish a performance standard for leachability of inorganic constituents. EPA should also require the maximum reduction of certain toxic constituents, for example, the reduction of hexavalent chromium to its less toxic form of trivalent chromium. Destruction of total cyanides should be required as a precondition to land disposal. For wastes with a high organic content, incineration should be required in lieu of land disposal, and incinerator residues with small amounts of inorganic hazardous wastes may be land disposed without further treatment.

Determinations for treatment requirements prior to land disposal do not have to be on a waste-by-waste basis. The Administrator is not required to wait for the schedule established under paragraphs (4), (5), and (6) of new section 3004(b) to make determinations for wastes with similar constituents. The Administrator may make "generic" determinations of appropriate levels or methods of treatment for similar wastes.●

CERTAIN LAND DISPOSAL PRACTICES

● Mr. JOHNSTON. My question concerns the scope of paragraph (7) of the land-disposal provisions as modified by amendment 2798. For example, the drycleaning industry has developed new treatment technology and techniques which reduce the perchloroethylene content of its wastes below 2.8 percent. Preliminary testing indicates that leachate from such wastes contains very little perc. Would paragraph (7) be applicable to this type of treatment?●

● Mr. CHAFEE. Yes; one objective of amended paragraph (7) is to give EPA the discretion to authorize the land disposal of wastes which have been treated. The focus of the amended language is the protection of health and

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the environment by diminishing toxicity of wastes or reducing migration of hazardous constituents in wastes. Thus, if wastes treated as you describe are of low toxicity or if leachate from them contains safe levels of hazardous constituents, EPA may, in its discretion, promulgate regulations specifying the circumstances in which land disposal is authorized. In considering such questions, EPA will almost assuredly take into account whether vast quantities or only small amounts of such wastes are generated. I would anticipate that EPA will promptly determine whether such wastes meet the criteria in paragraph (7) and then promulgate the necessary regulations within the specified time. In making this determination, EPA will certainly use the best information available to it at the time.

AMENDMENT TO CLARIFY APPLICATION OF REQUIREMENT TO CONDUCT GROUND WATER MONITORING

This amendment will provide an incentive for the development of safer and more protective land disposal methods for hazardous waste. It would do so by giving the Administrator of EPA the authority, under certain limited circumstances, to exempt facilities from the groundwater monitoring requirement now included in S. 757.

The requirement for groundwater monitoring at conventional landfills, surface impoundments, and other treatment, storage or disposal facilities as set forth in the Bill, is retained. This amendment would authorize waiver of these requirements only when EPA can find that they are unnecessary. In order to make this finding, the Administrator would have to conclude that the facility would, in essence, be designed to incorporate the functional equivalent of groundwater monitoring within its self-contained structure. EPA could not make such a finding for a conventional land disposal facility.

A facility which could qualify for the exemption under this amendment must first of all be an engineered structure which receives only waste that is in solid form, such as contaminated soil or debris, or has been solidified. A facility accepting liquid waste, or waste containing free liquids, would be disqualified from further consideration for the exemption. A qualifying structure would also have to be engineered to have inner and outer layers of containment enclosing the waste.

The facility would also have to meet an additional series of stringent protective standards. It must be designed and operated to keep out water from precipitation or runoff. This means that the intrinsic engineering of the structure must keep water away from the waste. A conventional clay or synthetic cap would not be good enough. The facility would also have to incorporate internal leak detection and leachate collection systems. These systems, which would be built into the structure at each internal containment layer would provide the functional equivalent of groundwater monitoring. In the unlikely event that any leachate did form, the detection systems would signal the operator before any leachate reached the outer layer of containment.

An example of such a structure could be an above grade concrete bunker or vault within which waste would be placed, totally surrounded by multiple liners, and which would include internal leak detection systems above, between, and below the internal liners. An above grade bunker can be designed so that rainfall would run off the structure away from the waste. This would be in contrast to traditional below grade landfills where the rainwater can penetrate through the surface above the waste and move down through the waste, carrying leachate to groundwater.

Finally, the Administrator could not exempt any structure unless he was reasonably certain that no hazardous constituents from the facility would get out of the structure and reach ground, groundwater, or surface water. In other words, he would have to be sure, under reasonably foreseeable circumstances, that the structure would safely contain the waste and its constituents. Thus, the amendment does not give the EPA Administrator unbridled discretion to ignore the basic intent of the Bill. It does give him the authority to exempt groundwater monitoring when he finds that such monitoring would be unnecessary or redundant. It also gives the hazardous waste disposal industry an incentive to design facilities which are inherently safer and more protective.

AMENDMENT TO CLARIFY SCOPE OF NEW SECTION 3004(e) BAN ON CERTAIN WELLS

New Section 3004(e) as added by S. 757 would preclude the injection of ground water contaminated with hazardous waste into or above formations containing underground sources of drinking water even where such injection is part of a clean-up action under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) or RCRA. This amendment will clarify the intent of that provision and give EPA the discretion to allow the use of Class IV wells in certain limited circumstances to conduct clean-up operations

The injection of hazardous waste into or above drinking water sources is an inherently dangerous disposal practice that poses an unacceptable risk to human health and the environment. This amendment does not alter the intent that such injection facilities be properly closed in short order and that new facilities not be allowed in the future.

While we seek to establish a complete prohibition on such injection as a disposal technique, we recognize the potential value of such injection practices as an integral part of some clean-up actions at hazardous waste sites. The pumping, treatment and re-injection of already contaminated water may be the preferred removal or remedial technique to assure adequate clean-up in a cost effective manner. We do not intend to bar such injections when they are environmentally beneficial and conducted solely as a means of clean-up, rather than as a form of initial disposal. The prohibition, therefore, is not intended to extend to those situations where injection into or above drinking water sources is used as a method to clean-up contaminated aquifiers at hazardous waste sites and the clean-up plan has been approved under the procedures established under this Act or under the Comprehensive Environmental Response, Compensation and Liability Act.

AMENDMENT TO CLARIFY AUTHORITY OF ADMINISTRATOR TO MODIFY APPLICATION OF CERTAIN REQUIREMENTS TO SOME MINING WASTES

This amendment would modify and expand a provision of Section 6(a) of S. 757, as reported, concerning the authority of the Administrator of EPA to modify certain requirements that might become applicable to some mining wastes under Subtitle C of the Solid Waste Disposal Act.

The amendment provides that, if certain mining wastes become subject to regulation as hazardous wastes, the Administrator of EPA has the authority to modify the requirements of new subsections (b), (f)(1), and (g) of section 3004 regarding land disposal limitations, minimum technological requirements for new landfills and surface impoundments (other than the groundwater monitoring requirement), and corrective action for releases of hazardous waste, as they apply to landfills and surface impoundments receiving such mining wastes, to take into account the special characteristics (e.g. high-volume, low-toxicity) of the mining wastes, the practical difficulties associated with the implementation of such requirements, and various site-specific factors. The modified requirements would continue to be subject to and must satisfy the law's underlying requirement and ultimate standard that RCRA regulations assure protection of human health and the environment. Practical or economic considerations can only be used to select among alternative requirements which assure protection of human health and the environment.

The purpose of this amendment is simply to assure that if the Administrator of EPA decides to regulate mining wastes under Subtitle C, he is not limited to the regulatory framework or standards that are developed under section 3004(b), (f)(1), and (g) for hazardous chemical wastes. The Committee Report (at p. 28-29) includes a description of some mining wastes and some of the reasons it may be inappropriate to subject them to the same requirements which apply to other types of waste.

Retention of the requirement that protection of human health and the environment be assured is not intended to invoke a specific technical standard of containment, such as a "no migration" standard. Such an interpretation would in fact completely frustrate the purpose of the amendment. In this context the phrase is used in a broad, overarching, nontechnical sense, which can only be translated into technical standards after careful consideration of all of the factors enumerated in the amendment.

This amendment is a clarification of the Administrator's existing authority. As with chemical and other hazardous wastes, the Administrator is able to choose from a range of regulatory options that will satisfy the mandate that protection of human health and the environment be assured. When faced with a specific problem, the Administrator can often identify several options, each of which would protect human health and the environment.●

MINING WASTE AMENDMENT

● Mr. SIMPSON. Mr. President, I wish to comment briefly on the mining waste amendment which is included in the package of committee amendments.

After S. 757 was reported it came to my attention that some high-volume, low-toxicity mining wastes might become subject to regulation under RCRA. This would not necessarily be inappropriate, but what did concern me was the possibility that such wastes might become subject to standards and regulations developed in an

entirely different context solely for the purpose of containing highly toxic chemical wastes.

This amendment was designed to ensure that the law will not require that mining wastes simply be lumped together with hazardous chemical wastes.

The amendment provides that if certain mining wastes become subject to regulation as hazardous wastes the Administrator of EPA will have the authority to modify the requirements of the act regarding land disposal limitations, minimum technological requirements for new landfills and surface impoundments—other than the ground water monitoring requirement—and corrective action for releases of hazardous waste, as they apply to such mining wastes, to take into account the special characteristics of the mining wastes, the practical difficulties associated with the management of such wastes, and various site-specific factors. The modified requirements would continue to be subject to the underlying requirement that they always assure protection of human health and the environment, which is, of course, the goal of all of the major environmental laws.

I think that it is important to point out that protection of public health and the environment is a broad, overarching goal, which is only given precise meaning within the context of a specific regulatory decision. Consequently, the Administrator would not be bound by a decision made in a different factual context in determining the appropriate manner in which to regulate mining wastes.

I wish to extend my gratitude to the floor manager of S. 757, Senator CHAFEE, for recognizing this problem and working closely with me to resolve it with this amendment.●

AMENDMENT TO CLARIFY AUTHORITY OF ADMINISTRATOR TO MODIFY APPLICATION OF CERTAIN REQUIREMENTS TO SOME MINING WASTES

● Mr. RANDOLPH. I am pleased to join as a sponsor of this amendment, and I agree with the description of the intent and need for this amendment given by the distinguished floor manager [Mr. CHAFEE].

This amendment is a clarification of the Administrator's existing authority. As we have made clear in the report and with other amendments, the Administrator is able to choose from a range of regulatory options that will satisfy the mandate that protection of human health and the environment be assured. When faced with a specific problem, the Administrator can often identify several options, each of which would protect human health and the environment. The Administrator is not required to select the option that would satisfy the statutory mandate in the most simple or most cost-effective manner. He has a responsibility to protect human health and the environment and, as such, may choose among several approaches. The selection of a particular approach is consistent with the law if it satisfies the statutory mandate and is not an arbitrary or capricious decision. Distinctions often can be and are made on the basis of waste characteristics, waste management practices and locational criteria. This amendment will simply clarify the Administrator's existing authority to make such distinctions in the specified instances. A letter from Administrator Ruckelshaus to Senator SIMPSON dated April 26, 1984, sets forth the Administrator's interpretation of EPA's existing authority to make such distinctions, and I ask to have it included in the RECORD at this point.

The letter follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, April 26, 1984.

Hon. ALAN K. SIMPSON,
U.S. Senate, Washington, DC.

DEAR ALAN: This responds to your letter of April 11, 1984, requesting clarification of EPA's authority to modify the Subtitle C standards for mining wastes subject to regulation under RCRA. As you know, mining wastes are temporarily excluded from regulation under Subtitle C of RCRA by Section 3001(b)(3)(A), pending completion of a study mandated by Sections 8002 (f) and (p) of the Act. Our current plan is to submit this report to Congress in the summer of 1985. Section 3001(b)(3)(C) of RCRA requires EPA within six months of submitting the study to determine (after notice and comment) whether to promulgate regulations for these wastes. If regulations are deemed warranted, the rulemaking process will be initiated. This process generally takes two years to complete.

EPA's mandate under Subtitle C is to write regulations for hazardous waste that protect human health and the environment. This does not preclude the Agency from taking into account the special characteristics of the waste when writing regulations. Thus, if a design standard is technically infeasible, or there are other methods to achieve the same protection at a lower cost, the Agency is allowed to modify the Subtitle C standards for the particular waste. EPA is not authorized, however, to tailor the standards if the sole reason for doing so is the high cost of the prescribed technology.

The Senate bill provides detailed direction on how to modify the existing hazardous waste rules, but does not prevent the Agency from designing special standards for mining waste within the framework of this directive. Two provisions in the bill appear to be generating particular concern. The first requires a double liner and leachate collection under new or extensions of existing disposal units. The bill allows the use of alternative design and operating practices that provide equivalent protection of groundwater and surface water. This variance could be applied, for example, where installing such a liner and leachate collection system is infeasible or ineffective. The second provision of concern is the prohibition on land disposal of hazardous wastes that contain significant concentrations of highly toxic, highly mobile and highly bioaccumulative constituents. EPA has not developed the criteria for determining which wastes to ban, or completed the mining waste study discussed above. We have difficulty, therefore, predicting the effect of the provision on the mining industry. We would note, however, that, even if some mining wastes were banned, a pending amendment to the bill authorizes EPA to prescribe pretreatment standards that allow disposal of such wastes where the mobility or toxicity of the constituents can be substantially minimized.

The desirability of increasing EPA's flexibility when writing standards for mining wastes can be better assessed after the Section 8002 mining waste study is completed, and the public has been given an opportunity to comment on it. As noted above, mining wastes will likely not become subject to regulation until at least 1988. It may be better to allow EPA to gather additional information on these wastes before amending the statute to provide EPA further discretion.

Sincerely,

WILLIAM D. RUCKELSHAUS.

Mr. President, of course, we recognize that under the ongoing reexamination of what wastes the mining waste suspension should apply to, some wastes—including previously listed wastes—may be regulated earlier than 1988 or even earlier than the conclusion of the study.

In adopting this clarifying amendment, we strike from the bill the mining waste waiver provisions of section 3004(f)(1) as no longer needed. The description of those provisions in the committee report, however, are a good description of our understanding and intent for the amendment we are adopting, and I ask that the appropriate portion of the report on S. 757 be included in the RECORD at this point.

The material follows:

MINING WASTES

Also included in this amendment is a provision which authorizes the Administrator to promulgate an exception to the double liner-leachate collection system requirement for certain wastes generated by the mining industry. The 1980 amendments to the Solid Waste Disposal Act (section 3001(b)(3)(A)(ii)) deferred from coverage under subtitle C, solid wastes from the extraction, beneficiation and processing of ores and minerals including phosphate rock, and overburden from uranium mining, pending completion of the studies mandated under section 8002 (f) and (p). Those EPA studies have not been completed. When the studies are completed, the EPA is required to determine which of those wastes should be regulated under subtitle C.

Solid wastes from mining and mineral beneficiation and processing are primarily waste rock from the extraction process and crushed rock, commonly called tailings, produced from concentrating steps such as grinding, crushing, sorting, sizing, classification, washing, dewatering, amalgamation, gravity treatment, flotation, agglomeration and cyanidation. The 1980 amendments covered wastes from the initial stages of mineral processing, where concentrations of minerals of value are greatly increased through physical means, before applying secondary processes such as pyrometalurgical or electrolitic methods. Smelter slag might also be included. Massive volumes of this waste ore are produced annually at mining and miner-

al processing facilities—roughly estimated by the American Mining Congress (AMC) to be approximately 1.75 billion tons in a typical year, which is clearly significantly greater in volume than the solid waste generated by all other industries combined. These wastes were considered "special wastes" under the 1978 proposed regulations as being of large volume and relatively low hazard.

On an individual mine basis, past AMC estimates for a typical lead/zinc underground mine producing 50,000 tons of metal per year requires removal of as much as 5,000-6,000 tons per day of rock. That tonnage breaks down as follows: roughly 1,000 tons per day of development rock, which is the rock that has to be removed to reach the ore, and 4,000 to 5,000 tons of mineral bearing ore. Of that 4,000-5,000 tons of ore, 150 to 200 tons of mineral concentrate are produced. Because of such large volumes of waste and rock tailings, mine surface impoundments and landfills typically cover large areas close to the mine. These land disposal facilities, unlike those of other industries, often cannot be dredged, bulldozed or dug out of the earth, and cover very large areas where the corresponding natural features, such as boulders, trees, stumps, depressions, and elevations, cannot always be reasonably cleared or excavated in connection with disposal. Maintaining the integrity of a liner with the massive weight of typical mining waste would be extremely difficult. Consequently, lining such areas may be impractical in many cases.

If landfills and surface impoundments containing mining and mineral processing wastes are determined by the Administrator to be appropriate for regulation under subtitle C after conclusion of the studies mandated under sction 8002 (f) and (p) of the Act, new section 3004(f) requires groundwater monitoring at the site and whatever other requirements are necessary for the landfill or impoundment to assure the protection of human health and the environment. The Administrator must determine, however, whether to modify the statutory double liner-leachate collection system requirement for such mining wastes, and if he determines that requirement is not necessary to protect human health and the environment, he may promulgate substitute requirements. The amendment, therefore, preserves the performance standards of subtitle C but provides the Agency with the flexibility it needs to determine the most appropriate approach to manage the particular hazardous waste at the site. The amendment does not preclude EPA from requiring double lining of landfills or surface impoundments for mining and mineral processing wastes in those cases where it is appropriate to do so.

In making a determination on whether or not an exception to the double liner requirement for mining waste is appropriate, EPA is to consider whether the modified requirements assure protection of human health and the environment. Practical or economic considerations can only be used to select among alternative requirements which assure protection of human health and the environment.

The mining waste modification authority of this amendment does not cover wastes specifically listed as hazardous wastes prior to the 1980 legislation because of their hazardous nature.

AMENDMENT TO ASSURE THAT THE SOLID WASTE DISPOSAL ACT AMENDMENTS OF 1984 DO NOT AFFECT, MODIFY, OR AMEND THE URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978, AS AMENDED

This amendment is designed to assure that the Solid Waste Disposal Act Amendments of 1984 do not affect, modify, or amend the Uranium Tailings Radiation Control Act of 1978, as amended.

S. 757, as it was reported from Committee, includes a number of provisions which, if adopted in their present form, may have a significant impact on the regulatory program established by the Congress for uranium mill tailings. That program is now underway pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended (UMTRCA)—the statute that establishes the basic framework and the underlying legal authority for uranium mill tailings regulation.

A question was raised during the Committee's consideration of this bill as to whether the restrictions on land disposal contained in section 5 are intended to apply to uranium or thorium tailings subject to regulation under UMTRCA. As stated in the Committee Report at page 21, section 5 is not intended to affect the statutory program that has been established by Congress in UMTRCA.

In addition to section 5 of the bill, it appears that there are other provisions of S. 757 which may, in the absence of further clarification, also have an impact on the regulatory program for uranium mill tailings. Although S. 757 does not directly amend UMTRCA, it does change, in a number of respects, the Solid Waste Disposal Act. And because UMTRCA requires that certain standards promulgated pursuant to UMTRCA "shall provide for the protection of human health and the environment consistent with the standards required under subtitle C of the Solid Waste Disposal Act, as amended, which are applicable to such hazards", it does, in fact, appear that the potential exists for construing S. 757 as requiring changes in the uranium mill tailings regulatory program, in order to ensure continuing "consistency" with the standards of the Solid Waste Disposal Act, as amended.

This is not the Committee's intent, and this amendment is intended to clarify that nothing in S. 757 is intended to affect, modify, or amend UMTRCA—the basic statutory authority for the regulation of mill tailings. Similarly, the Committee did not intend to alter, amend, repeal, ratify, or suspend any of the regulations or standards of the Nuclear Regulatory Commission or the Environmental Protection Agency, if they were lawfully promulgated in accordance with the requirements of UMTRCA.

S. 757 is not intended, and should not be construed, to require changes in the regulatory program for mill tailings that is now underway, in order to satisfy the statutory requirement of UMTRCA that certain standards promulgated under that Act for the regulation of uranium mill tailings should be "consistent" with the standards of the Solid Waste Disposal Act, as amended. To the extent that S. 757 adds to, or modifies the provisions of, the Solid Waste Disposal Act, as amended, this amendment would clarify that the uranium mill tailings regulatory program need not be changed to meet these new or modified requirements for the purpose of satisfying the statutory requirements of UMTRCA that certain standards promulgated pursuant to UMTRCA shall be consistent with the standards of the Solid Waste Disposal Act, as amended.

The regulatory program promulgated pursuant to UMTRCA is a controversial program that is being challenged in the courts by both environmental groups and industry. Both the standards promulgated by EPA and the regulations promulgated by NRC are in question. By adopting this amendment, Congress is neither endorsing nor criticizing the existing regulatory program.

I should like to emphasize that this amendment would not limit or otherwise affect in any way the Administrator's authority or flexibility to treat uranium mill tailings wastes in a fashion similar to the approach taken for all other mining wastes that are subject to regulation under RCRA. Indeed, if the Administrator should decide to exercise his authority to tailor the requirements of RCRA to address the special characteristics of mining wastes, in general—an authority which, in a separate amendment, we have confirmed the current law provides—then the Administrator shall, if he deems it appropriate, pursue a similar approach for uranium mill tailings wastes.

I would also note that, in several instances, this bill either endorses or repeals existing portions of EPA's RCRA regulatory program. By doing so, and by being silent on other portions of that program, we do not intend to tacitly endorse portions of the RCRA regulations. The volume and complexity of these regulations makes such an assumption unreasonable.●

URANIUM MILL TAILINGS AMENDMENT

● Mr. SIMPSON. Mr. President, I am most grateful for the efforts of the Senator from Rhode Island and of his staff to assist us in the resolution of this complex issue, and I am pleased to join him as a cosponsor of this amendment. I trust that this provision will serve to clarify much of the confusion that might otherwise have arisen over the applicability of the various new or amended provisions included in S. 757, and thereby we can enable the Uranium Mill Tailings Regulatory Program to move forward. In addition, I am pleased to have the important assurances of the Senator from Rhode Island that the Administrator of EPA has the broad latitude to treat uranium mill tailings wastes in a fashion similar to the approach that he takes for all other mining wastes covered by RCRA, and that he is agreeable to confirming this broad discretionary authority in a separate amendment agreed to by the Senate on this bill. Indeed, since uranium mill tailings wastes are similar in nature to other mining wastes because of their high-volume, low-toxicity nature, such an approach makes a great deal of sense and it would satisfy the requirement of UMTRCA that EPA's generally applicable standards for nonradiological hazards shall provide for the protection of human health and the environment consistent with the standards required under subtitle C of the Solid Waste Disposal Act, as amended, which are applicable to such hazards, while at the same time ensuring ap-

propriate and uniform treatment of all mining wastes.

AMENDMENT TO ESTABLISH MINIMUM TECHNOLOGICAL REQUIREMENTS FOR EXISTING SURFACE IMPOUNDMENTS

This amendment establishes a minimum technological retrofit requirement (double liners or equivalency) for certain existing surface impoundments as an interim status requirement, and provides statutory guidance on what qualifies as a liner.

Surface impoundments in interim status must come into compliance with the minimum technological double liner and leak detection requirements of new section 3004(f) within 4 years after enactment, or stop receiving hazardous waste. Permit action is not required.

Surface impoundments with one or more intact liner that meets current EPA requirements, as set forth in 40 CFR 264.221(a), are not subject to this requirement, unless located in an area of vulnerable hydrogeology as defined in subparagraph (G) or as determined by criteria or guidance issued by EPA. One condition of this exclusion is compliance with those portions of the groundwater monitoring requirements contained in 40 CFR Part 264 that are not dependent upon issuance of a permit.

Surface impoundments which contains treated waste water during or after the secondary or tertiary phase of an aggressive biological treatment facility subject to a permit issued under section 402 of the Clean Water Act are not subject to this requirement if those portions of the groundwater monitoring requirements contained in 40 CFR Part 264 that are not dependent upon issuance of a permit are being complied with and if the impoundment is part of a facility that is compliance with best available technology effluent guidelines issued under the Clean Water Act. For those facilities for which no BAT guidelines are in effect and no Clean Water Act permit implementing such guidelines has been issued, the facility must be in compliance with a Clean Water permit, and must have identified to the appropriate permitting authority the toxic pollutants and hazardous constitutents contained in the untreated waste stream and be achieving significant degradation of those pollutants and constituents.

EPA or an authorized State may waive the section 3004(f) technology requirements for existing impoundments if the operator demonstrates the facility is located, designed and operated so as to assure no migration of a hazardous constituent into ground or surface water while waste remains in the impoundment.

All of the provisions of section 3004(f) apply for existing surface impoundments; that is, operators may demonstrate that alternative technologies prevent migration at least as effetively as double liners, and certain mining wastes may be exempted from the double liner requirements.

Surface impoundments that retrofit in compliance and good faith reliance on the statutory definition and EPA guidance documents, could not be required to do nore at the time of their first permit unless there is evidence of leakage.

Until EPA regulations or guidance documents are published, a satisfactory upper liner is defined as one which prevents migration into the liner during the operating and post-closure monitoring period, and a satisfactory lower liner is one which prevents migration through the liner in such period. Three feet of 10-7 cm/second permeability clay constitutes an adequate lower liner.

One variance from the double liner requirement allows a single liner, that meets the current 40 CFR 264.221(a) liner requirements, provided that there is no evidence that such liner is leaking. Evidence that the liner is leaking includes: (1) contaminants from the impoundment detected in ground water; (2) seeps and leaks observed coming out of the impoundment dike; and (3) a sudden or unexplained drop in the fluid level in the impoundment. Any one of these three conditions is evidence that the liner is leaking. To make these determinations, the impoundment owner and operator must: (1) monitor ground water downgradient and upgradient of the impoundment and compare these for significant differences; (2) periodically inspect the whole outside perimeter of the dike for seeps and leaks; and (3) monitor the fluid level in the impoundment and do a liquid balance (i.e., compare the level expected based on a calculation of inflow, outflow, and percipitation/evaporation with the actual fluid level). Of course, a sudden drop in liquid level in an impoundment without an outflow of essentially equivalent volume is an indication of a major leak. The variance does not apply whenever such evidence of a leak exists.

This amendment is meant to provide only a minimum level of protection during interim status. EPA can require higher level of protection and is free to require more sophisticated liner systems and/or compliance with locational criteria as part of a corrective action order or as a permit requirement.

Since the early 1900s, liquid industrial wastes or wastes containing liquids have been dumped into "surface impoundments"—natural ponds, pits and lagoons, or shallow excavated depressions in the ground above the water table. Surface impoundments of chemial wastes are used to separate, through evaporation, solid wastes from the water in which they are suspended and for the disposal, temporary storage, and treatment of industrial wastes.

The use of surface impoundments poses a threat to public health an the environment because the wastes deposited in them escape. The pressure of the liquids forces hazardous contents to flow downward into the surrounding soils where even dilute concentrations of toxic substances can, over time, pollute the ground water. Heavy rainfall can cause ponds to overflow into surrounding areas, resulting in contamination of nearby streams and, eventually, contamination of subsurface waters. Many of the most dangerous contamination sites in the nation have been caused by hazardous materials escaping from surface impoundments. Almost one-third of the federal "Superfund" sites were a result of leaking surface impoundments. Ten of the 15 dump sites identified for maximum priority cleanup in California were contaminated by unlined impoundments.

Under present federal laws and regulations, hazardous waste impoundments constructed after January 26, 1983, must be double lined, have leak detection systems, and comply with standards regulating where these facilities may be located. However, the hundreds of ponds built before 1983 are exempt from preventive safety features. Instead, these ponds are only required to have four ground water monitoring wells—one "upgradient" from the impoundment and three "downgradient."

Current law does not ensure that hazardous wastes in surface impoundments will not contaminate underground water supplies.

Facilities built before January 26, 1983, are not required to have construction features that impede or prevent wastes from escaping, nor are they required to have leak detection systems. Regulation of these impoundments relies on monitoring procedures which require technologies that have not been fully developed and are difficult to implement. Further, these regulations have not been complied with nor enforced. Present federal and state regulations fail to prevent contaminants from entering ground water supplies because they rely on timely, effective corrective action which is extremely costly and generally ineffective.

Reliance on ground water monitoring to regulate facilities built before January 26, 1983, will neither preserve drinking water quality nor protect public health for the following reasons:

(1) Monitoring ground water is difficult, complex and does not often produce accurate, reliable results. To detect hazardous substances, monitoring must be: (a) located near the toxic pond; (b) constructed and drilled properly; (c) designed to detect the constituents placed in the pond; (d) placed properly to intercept the flow of hazardous contaminants in underground basins and streams; and (e) operated pursuant to a reliable sampling plan.

(2) Monitoring is useful only to the extent that effective, timely corrective action can be taken on the basis of information derived from the monitoring. Corrective actions, such as removing contaminated soils or pumping out contaminated ground waters, are always expensive, but seldom effective, in preventing the spread of contamination.

Waiting until pollution occurs and then attempting to contain the contamination is extremely costly. The U.S. Office of Technology Assessment estimates that it costs 10 to 100 times more to clean up a contaminated site and compensate victims than to prevent pollution migration through adequate waste containment. A thousand pounds of waste generated today can mean one million to 10 million pounds of contaminated soil in three or four years and millions of gallons of contaminated water later.●

SURFACE IMPOUNDMENTS

● Mr. RANDOLPH. Mr. President, I agree with the distinguished floor manager's description of our amendment establishing certain requirements for existing surface impoundments. I would like to ask for additional clarification of one point. As I understand one provision in the committee's amendment, a surface impoundment which does not qualify to continue to receive or store hazardous waste after 4 years after enactment may, however, receive nonhazardous waste after that date for storage or disposal. Is that correct?

● Mr. CHAFEE. Yes, the amendment provides for this.

● Mr. RANDOLPH. I thank the Senator. This is important to West Virginia, and I believe to other States. In my State there is at least one surface impoundment that receives waste for disposal which is primarily ash from the combustion of West Virginia coal; but also includes sludge from a city-owned sewage treatment plant, sludge from

an industrial waste water treatment plant that is a RCRA hazardous waste facility and which is thus a hazardous waste, and some other nonhazardous wastes that are solids. These solid materials are all conveyed to the impoundment in a water slurry form through a pipeline system. The solids settle out in the impoundment to remain there permanently, while the carriage water is decanted and returned to the city sewage plant for treatment prior to discharge. When the impoundment is full, it will be covered and closed out.

Since such an impoundment and pipeline system represents a major capital investment of between $20 and $30 million and has many years of useful life remaining, it would be a serious matter if it could no longer be used. The development and construction of a new site would not only be extremely costly, but could involve significant environmental problems, since this is an area which does not have large parcels of land available for disposal sites.

As I understand the committee amendment, if hazardous wastes were no longer received at the impoundment after the 4-year date in the amendment, the impoundment could otherwise continue to operate as it has. Does the Senate agree that this is within the intent of the committee amendment?

● Mr. CHAFEE. Yes, Senator, I do. It would not be proper to require that impoundment to be closed out permanently prematurely if it can handle wastes that are not hazardous wastes while being protective of human health and the environment.

● Mr. RANDOLPH. I thank the Senator.●

WASTEWATER TREATMENT FACILITIES

Mr. BENTSEN. Mr. President, during the development of the amendment to control the use of surface impoundments, there were a number of issues raised with regard to the specific language on the subsection addressing wastewater treatment facilities. I would like to discuss a number of these items with my colleague from Rhode Island.

Mr. CHAFEE. I would be pleased to discuss these issues with my colleague from Texas.

Mr. BENTSEN. The amendment refers to wastewater during the secondary or tertiary phase of treatment. Questions have been raised regarding the distinction between primary treatment and secondary or tertiary treatment of wastewater. It is my understanding that primary treatment at wastewater treatment facilities are largely mechanical or chemical treatment. These include operations such as oil/water separation, neutralization ponds, and equalization ponds. Secondary and tertiary treatment operations are largely biological in nature. They include both aerated and natural ponds. These are distinctions that are well known and recognized. The exclusion provided for wastewater treatment surface impoundments applies only to secondary or tertiary phases. It does not apply to primary treatment operations. The exclusion would not apply to primary treatment operations which someone would attempt to make appear to be secondary treatment, such as putting an aerator in a primary operation in the hope that some biological activity would take place. Is this an accurate delineation of the distinction between primary and secondary or tertiary treatment?

Mr. CHAFEE. The Senator presents an accurate description of the differences.

Mr. BENTSEN. There has also been some concern that the use of the words "secondary" and "tertiary" are intended to mean the second and third ponds of a multi-impoundment system. This is clearly not the case. These terms refer to the type of waste water treatment.

Mr. CHAFEE. The Senator is correct. There can be systems where the first pond is a secondary treatment operation and there will be systems where there will be more than three ponds, all of which will be secondary or tertiary treatment operations.

Mr. BENTSEN. Another issue which has been raised is what constitutes an "aggressive biological treatment facility". This term is used to describe a facility which has biological treatment as a planned and primary function of its operation. An example would be an impoundment system in which some or one of the ponds would include aeration. The use of the word "aggressive" is included to distinguish between these types of facilities and impoundment systems where biological activity is an incidental rather than primary purpose of the impoundment system. An example of where a biological activity is an incidental purpose would be evaporation ponds that rely upon extended retention periods during which some biological activity will occur. It is not intended to suggest that all elements of the impoundment wastewater treatment system must include aeration. It this description accurate?

Mr. CHAFEE. The Senator is correct.

Mr. BENTSEN. The amendment, for certain situations, requires the facility to demonstrate it is part of a facility—

. . . which is achieving significant degradation of toxic pollutants and hazardous constituents contained in the untreated waste stream. . . .

This phrase is intended to apply to the waste water treatment facilities as a whole. It does not require that each impoundment of a multi-impoundment system must achieve a significant degradation. It does not require that the impoundment system taken as a whole must achieve a significant degradation where other components of the waste water treatment system have significantly degraded the toxic pollutants or hazardous constituents in the untreated waste stream. For example, in some instances it is more effective and appropriate to remove contaminants from waste streams prior to sending them to the biological waste water treatment system. Thus, the test required in this amendment is intended to look at the entire wastewater treatment operations at a facility. Is this the Senator from Rhode Island's understanding of the terms in the amendment?

Mr. CHAFEE. The Senator from Texas has accurately described the intent of this phrase.

Mr. BENTSEN. In the instance where the facility has no effluent guidelines required under section 304(b)(2) of the Clean Water Act in effect and no permit under section 402(a)(1) of the Clean Water Act implementing section 301(b)(2) of the Clean Water Act has been issued, it must be in compliance with a permit under section 402 of the Clean Water Act and it must, among other requirements, identify—

. . . those toxic pollutants and hazardous constituents in the untreated waste stream to the appropriate permitting authority.

Is it the intent of this requirement that the operator of the facility make a positive identification of only those toxic pollutants and hazardous constituents which appear in its wastewater?

Mr. CHAFEE. Yes, this requirement is designed to assure that the permitting authority knows of these substances. Because the list of hazardous constituents under the Solid Waste Disposal Act can be large, it is not the intent that the operator make a determination regarding the absence of all constituents which are not present. Rather, the operator is expected to know which substances are present and make an identification of those substances.

Mr. BENTSEN. A condition of obtaining the exception for wastewater treatment facilities provided in this amendment is the compliance with a permit under section 402 of the Clean Water Act. Because the process of developing effluent guidelines for the purposes of implementing sections of the Clean Water Act or permits under the Clean Water Act requires a statistical assessment of the effectiveness of wastewater treatment facilities, there is a statistical certainty that a small percentage of the time permit limits will be exceeded. Consequently, it would not be realistic to require absolute permit compliance as a condition to receive the exception provided in

this amendment. Is this the intent of the amendment?

Mr. CHAFEE. The language of the amendment is intended to recognize the realities of permit and effluent guideline development. EPA is well aware of the limitations of its wastewater treatment permitting process and the Administrator should view the exception for wastewater treatment surface impoundments in the context of these realities.

Mr. BENTSEN. I appreciate the opportunity to discuss these issues with the manager of the bill.

Mr. CHAFEE. Mr. President, that completes it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I am pleased that the Senate is today turning to consideration of S. 757, the Solid Waste Disposal Act Amendments of 1983. This important piece of legislation will strengthen our Nation's system of hazardous waste management, thereby providing greater assurance of protection of human health and the environment. I supported this bill in committee, and urge my colleagues to support it today.

This comprehensive 5-year reauthorization of the Solid Waste Disposal Act is based on two essential premises with which I believe all Americans will agree: first, wherever feasible, the generation of hazardous waste should be reduced or eliminated as expeditiously as possible, and; second, waste that is nevertheless generated should be treated, stored, or disposed of so as to minimize the present and future threat to human health and the environment.

Among its major sections, the bill directs the Environmental Protection Agency [EPA] to promulgate regulations prohibiting land disposal of certain hazardous wastes, brings generators of small quantities of hazardous wastes into the reporting system, establishes minimum technological requirements for landfills, surface impoundments and incinerators, gives EPA full authority to regulate the burning and blending of hazardous wastes for energy and heating purposes, improves enforcement of hazardous waste provisions, increases controls over hazardous waste exports, takes a first step toward minimization and reduction of the generation of hazardous wastes, and requires EPA to promulgate regulations for monitoring and control of air emissions from hazardous waste facilities as may be necessary to protect human health and the environment.

This last provision is one which I offered during committee markup of the bill. Although the bill as reported included a 30-month deadline for promulgation of these regulations, EPA subsequently asked that this deadline be extended to 42 months. I am pleased that Senators CHAFEE and MITCHELL have agreed not to grant this extension in its entirety, but rather to compromise on a 36-month deadline. Promulgation of these regulations is already several years overdue; if we are to close a significant loophole and ensure that liquid hazardous wastes are actually treated and rendered nonhazardous rather than merely shifted to surface impoundments or other forms of land disposal, then these regulations are essential. Accordingly, I urge EPA to move rapidly and diligently to address this requirement.

Mr. President, I am also delighted that the distinguished manager of this bill, Senator CHAFEE, has agreed to accept an amendment I authored with Senator CRANSTON, which will address the many concerns raised about the threat to public health posed by operating an abandoned hazardous waste treatment, storage, and disposal facilities. By conducting health assessments and studies at such sites and facilities, we will not only be able to respond to immediate public health concerns, but will also build a comprehensive body of data that will help us better understand the threat that exposure to hazardous wastes may pose to human health. In the long term, greater knowledge of the human health effects of exposure to toxic substances will improve the prevention and control strategies required to protect and improve the health of the citizens of this country.

Mr. President, it is my strong hope that we will enact this reauthorization before the year is out. Finally, I wish to express my sincere thanks and congratulations to Senators CHAFEE, MITCHELL, STAFFORD, and RANDOLPH, as well as to the dedicated staff of the Environment and Public Works Committee, for their hard work and persistence in getting this bill reported and to the Senate floor.

AMENDMENT NO. 3410

(Purpose: To amend the Comprehensive Environmental Response, Compensation, and Liability Act and the Solid Waste Disposal Act to provide for health assessments to determine potential risks to human health resulting from exposure to releases of hazardous substances from landfills and surface impoundments)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk on behalf of Senator CRANSTON, Senator STAFFORD, Senator RANDOLPH, and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY], for himself, Mr. STAFFORD, Mr. CRANSTON, and Mr. RANDOLPH, proposes an amendment numbered 3410.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

USE OF FUND FOR HEALTH ASSESSMENTS, REGISTRY OF EXPOSED INDIVIDUALS, AND DIAGNOSTIC SERVICES

SEC. . (a) Section 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by inserting "in accordance with subsection (m)," after "(4)"; and

(2) by striking "epidemiologic studies" and inserting in lieu thereof "epidemiologic and laboratory studies and health assessments".

(b) Section 111 of such Act is amended by adding at the end thereof the following new subsection:

"(m)(1) For fiscal year 1985, not less than $18,000,000 shall be used for the purpose of carrying out activities described in subsection (c)(4), including any such activities related to hazardous waste stored, treated, or disposed of at a facility having a permit under section 3005 of the Solid Waste Disposal Act.

"(2) The activities described in subsection (c)(4), including any such activities related to hazardous waste stored, treated or disposed of at a facility having a permit under section 3005 of the Solid Waste Disposal Act, shall be carried out by the Agency for Toxic Substances and Disease Registry established by section 104(i), either directly, or through grants to the State (or political subdivisions thereof) in the case of States (or political subdivisions) which the Administrator of such Agency determines are capable of carrying out such activities. Such activities shall include conducting health assessments, including those required under section 3005(j) of the Solid Waste Disposal Act.

"(3) In determining sites at which to conduct health assessments under this subsection, the Administrator of the Agency for Toxic Substances and Disease Registry shall give priority to those facilities or sites at which there is documented evidence of release of hazardous constituents, at which the potential risk to human health appears highest, and for which in the judgment of the Administrator of such Agency existing health assessment data is inadequate to assess the potential risk to human health as provided in paragraph (5).

"(4) Any State or political subdivision carrying out an assessment shall report the results of the assessment to the Administrator of such Agency, and shall include recommendations with respect to further activities which need to be carried out under this subsection or section 104. The Administrator of such Agency shall include the same recommendations in a report on the results of any assessment carried out directly by the Agency, and shall issue periodic reports which include the results of all the assess-

ments carried out under this paragraph. Such assessments or other activities shall be reported after appropriate peer review.

"(5) For the purposes of this subsection and subsection (c)(4), the term 'health assessments' shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities subject to this subsection, based on such factors as the nature and extent of contamination, the existence of potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size and potential susceptibility of the community within the likely pathways of exposure, the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants, and the comparison of existing morbidity and mortality data on diseases that may be associated with the observed levels of exposure. The assessment shall include an evaluation of the risks to the potentially affected population from all sources of such contaminants, including known point or nonpoint sources other than the site or facility in question. A purpose of such preliminary assessments shall be to help determine whether full-scale health or epidemiological studies and medical evaluations of exposed populations shall be undertaken.

"(6) In any case in which a health assessment performed under this subsection (including one required by section 3005(j) of the Solid Waste Disposal Act) discloses the exposure of a population to the release of a hazardous substance, the costs of such health assessment may be recovered as a cost of response under section 107 of this Act from persons causing or contributing to such release of such hazardous substance or, in the case of multiple releases contributing to such exposure, to all such releases.".

(c) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(j) EXPOSURE INFORMATION AND HEALTH ASSESSMENTS.—(1) Beginning on the date nine months after the enactment of the Solid Waste Disposal Act Amendments of 1984, each completed application for a permit under subsection (c) for a landfill or surface impoundment shall be accompanied by information reasonably ascertainable by the owner or operator on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address:

"(A) reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

"(B) the potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subparagprah (A); and

"(C) the potential magnitude and nature of the human exposure resulting from such releases.

The owner or operator of a landfill or surface impoundment for which a completed application for a permit under subsection (c) has been submitted prior to such date shall submit the information required by this paragraph to the Administrator (or the State, in the case of a State with an authorized program) no later than the date nine months after such date of enactment.

"(2) The Administrator (or the State, in the case of a State with an authorized program) shall make the information required by paragraph (1), together with other relevant information, available to the Agency for Toxic Substances and Disease Registry established by section 104(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Whenever in the judgment of the Administrator of such Agency, the Administrator, or the State (in the case of a State with an authorized program), a landfill or a surface impoundment poses a substantial potential risk to human health, due to the existence of releases of hazardous constituents, the magnitude of contamination with hazardous constituents which may be the result of a release, or the magnitude of the population exposed to such release or contamination, the Administrator of the Agency for Toxic Substances and Disease Registry shall conduct a health assessment in connection with such facility in accordance with section 111(m) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and take other appropriate action with respect to such risks as authorized by section 104(b) and (i) of such Act.

"(3) Any member of the public may submit evidence of releases of or exposure to hazardous constituents from such a facility, or as to the risks or health effects associated with such releases or exposure, to the Administrator of the Agency for Toxic Substances and Diseases Registry, the Administrator, or the State (in the case of a State with an authorized program).".

Mr. HUMPHREY. Mr. President, on behalf of myself, Senator CRANSTON, and Senator RANDOLPH, I am offering an amendment that addresses the vital issue of the potential health effects of operating and abandoned hazardous waste sites. In recent years, the possibility that releases of hazardous substances into the environment may pose a direct threat to public health has received increasing attention and concern. In particular, in the case of both operating and abandoned hazardous waste treatment, storage, and disposal facilities, many members of the public, as well as the scientific community, have suggested these sites may be having an effect on the health of nearby residents due to releases of hazardous substances from the sites into the air, land, or water and subsequent human exposures.

This possibility raises two primary needs: First, to respond to the immediate necessity of assessing the potential effects these sites may be having on the health of community residents, and to provide advisories for the protection of human health, and second, to build a comprehensive body of consistently gathered and analyzed data from a large number of sites in order to better understand the overall nature and extent of the problem and to help determine the magnitude of the threat these sites and facilities may pose to human health.

The amendment we are offering today is based on the observation that generally the same kinds of public health concerns are raised by currently licensed and operated hazardous waste treatment, storage, and disposal facilities—regulated under the Resource Conservation and Recovery Act [RCRA], and the Solid Waste Disposal Act—as by closed or abandoned sites—usually regulated by the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA], or Superfund. Hence, while our proposal is offered as an amendment to the Solid Waste Disposal Act, it also amends both RCRA and CERCLA.

In enacting CERCLA in 1980, Congress recognized the need to address these public health concerns, for it included in the law two important provisions: Section 104(i) mandating establishment of the Agency for Toxic Substances and Disease Registry [ATSDR], to which various responsibilities were assigned, and; section 111(c)(4) allowing moneys from the hazardous substances response trust fund to be used to fund the activities of the ATSDR. Our amendment builds on this existing authority by further defining the nature of the work to be undertaken by the ATSDR and by directing the ATSDR to oversee health effects studies at RCRA as well as CERCLA sites.

The amendment amends section 111(c)(4) of CERCLA to clarify that laboratory—including toxicological—studies, as well as health assessments and epidemiological studies are eligible and allowable expenses under the hazardous substances response trust fund.

The amendment provides an authorization for appropriation for fiscal year 1985 for the ATSDR of not less than $18,000,000, such funds to be taken from the hazardous substances response trust fund. To implement its authorities, the ATSDR must be provided with adequate personnel, but no fewer that 100 full-time equivalent employees [FTE's]. At the current time, ATSDR has 47 FTE's, which is an inadequate level. It is the intent of this amendment to provide increased personnel for the ATSDR without forcing a concomitant reduction in FTE's in other components of the Department of Health and Human Services. Furthermore, this authorization shall not preclude the ATSDR from seeking and receiving additional funds from the Environmental Protection Agency [EPA] under separate interagency agreements for the implementation of health studies.

The amendment grants authority to the ATSDR to enter into cooperative agreements with States or political subdivisions thereof for the purpose of delegating any or all of the functions of the ATSDR under this subsection and providing funding for the delegated functions, which may include the conduct of health assessments of RCRA and CERCLA sites. This coop-

erative agreement authority is modeled after similar authority provided under section 104(d) of CERCLA, except that it is the amendment's purpose to allow such cooperative agreements to cover any or all of, but not necessarily limited to, the following: Health assessments, health and epidemiological studies, health referral systems, data collection systems, disease registries, and establishment of ongoing environmental health risk assessment programs—including personnel and overhead expenses. Other activities may also be delegated through cooperative agreements at the discretion of the Administraton of the ATSDR.

The Administrator of the ATSDR is directed to establish a priority system for determining at which RCRA and CERCLA sites health assessments shall be conducted. Highest priority shall be given to those sites at which all three of the following criteria apply: First, there exists documented evidence of release of hazardous constituents into the environment; second, the potential risk to human health as a result of the documented risk appears highest, and third, in the Administrator's judgment, existing health survey data gathered at the given site and other similar sites are inadequate to assess the potential risk to human health posed by the site. The existence of these criteria, however, is not intended to require the ATSDR to first survey the entire universe of RCRA and CERCLA sites in order to establish a ranking before choosing to conduct health assessments or other studies at individual sites.

The amendment makes implicit reference to a standard four-step approach to site-specific health studies developed by the ATSDR. As described in testimony by Dr. James O. Mason, Administrator, ATSDR, before the Senate Committee on Environment and Public Works on May 24, 1984, the first step is to assess the potential health hazard of a site on the basis of the results of environmental sampling.

These "health assessments" are defined in the amendment to include a broad overall examination of the site or facility and to assess its potential risk to the health of the nearby population. Health assessments should include: First, a determination of the nature and extent of the release or contamination—that is, what the hazardous constitutents are and in what amounts and concentrations have they been released; second, information on existing or potential pathways of human exposure to the release—including contaminated ground or surface water, air emissions, and contamination of the food chain; third, the size and potential susceptibility of the community within the existing or potential pathways of human exposure—that is, how many people, and of what age and fitness could possibly be affected; fourth, a comparison of observed—measured—or expected human exposure levels at the site with known short-term and long-term—acute and chronic—health effects associated with the identified contaminants and any available recommended exposure or tolerance limits for such contaminants; fifth, analysis of available existing morbidity and mortality data for the population under study on diseases that may be associated with the observed levels of exposure, including comparison of observed versus expected morbidity and mortality rates where appropriate, and sixth, an evaluation of the risks to the potentially affected population from all sources of the contaminants, including known point or nonpoint sources other than the site or facility in question—that is, the assessments should not assume a priori that the site or facility in question is the sole source of the contaminant included in the release, and therefore should also consider whether any suspected or observed health problems may be related to sources other than the site or facility in question.

All health assessments at CERCLA and RCRA sites shall include recommendations as to whether further activities should be carried out under sections 104 or 111 of CERCLA. On the basis of a health assessment, recommendations should also be made as to whether any immediate actions should be taken to protect human health—that is, health advisory information should be provided.

If, on the basis of a health assessment, potential for a serious health hazard is deemed to exist, and if the Administrator of the ATSDR concurs, the second step would be to conduct a pilot epidemiologic study—cross-sectional or retrospective—of a group of those people identified as being the most highly exposed. If the pilot study appears to validate the presence of excess morbidity or mortality, the third step will be to conduct a health study, including medical evaluations where indicated, of the entire potentially affected population. The fourth step is to establish a registry of exposed individuals for extended follow-up when scientifically justified and feasible.

It is the intent of the amendment to require peer review of any and all such studies prior to their release to the public. We recognize that time may not always permit, and the Administrator of the ATSDR may not always find it necessary or appropriate to conduct peer reviews of each individual site health assessment. Whenever conducted, the peer review shall be performed by panels consisting of no fewer than three and no more than seven disinterested scientific experts, selected by the Administrator of the ATSDR on the basis of their reputation for a lack of advocacy and a lack of institutional ties with any person involved in the conduct of the study under review. The support staff for the review panels shall come from the ATSDR. Peer reviewers shall remain anonymous until such time as their findings are made known. After completion of the peer review process, the ATSDR will make the significance of the results known to the study participants. The background data, calculations, results, interpretations and conclusions of any and all studies conducted under this authority shall be published as appropriate in peer reviewed scientific journals. In addition, summaries will be periodically published as supplements to the Morbidity and Mortality Weekly Report.

These peer review and reporting requirements are necessary in order to ensure that sound and valid scientific work is performed and reported to the public, as well as to ensure the objectivity and credibility of the ATSDR. In addition, the ATSDR is expected to publish periodic reports of the results of health assessments and other studies which it conducts or oversees in order to provide further information on the overall extent and nature of the potential threat to public health posed by hazardous waste sites.

The costs of any health assessments or further health studies conducted at CERCLA or RCRA sites under this authority may be recovered under the provisions of section 107 of CERCLA from the owner or operator of such site or others physically contributing to the release. If sources other than the RCRA or CERCLA site under study also contributed to the release, they would have to bear their share of liability.

The amendment adds a new section 3005(j) to subtitle C. It requires that owners/operators of landfills and surface impoundments submit to the Agency—or authorized State—an assessment of the potential for the public to be exposed to hazardous substances released from these units. The assessment must address reasonably foreseeable potential releases from both normal operations and accidents. The former includes the steady release of small quantities of volatile chemicals into the air, and the seepage of waste constituents through clay liners. The latter results from abnormal operating conditions and includes fires, explosions, and major liner failures, as well as transportation accidents. Owners/operators are required to obtain reasonably ascertainable information on both types of releases, the potential pathways of human exposure, the magnitude of the exposed population, and the nature and toxicity of the hazardous substances.

Owner/operators should already have access to most of the information required under this section. Regarding accident data, there are many reasons why such information should already have been compiled. Concern for worker safety, avoidance of plant shutdowns, and a desire to keep insurance premiums at a minimum all create an existing incentive for owners/operators to identify sources of potential accidents at their facilities and to take preventive measures to correct them. Thus, for example, it is a common practice for plant operators to identify existing hazards with the "standard checklist" method—see, for example, American Institute of Chemical Engineers, Fire and Explosion Index Hazard Classification Guide, 1980. Where such assessments have been conducted, all that owners/operators need further do to comply with section 3005(j) is identify the potential pathways—for example air, surface water—for hazardous substances released during an accident, and the nature and magnitude of the release and the potentially exposed population.

Similarly, owners/operators should already have access to data on routine releases from their facilities. In order for insurance carriers to compute premiums for nonsudden liability coverage—as required under 40 CFR part 264—they often survey their client's facility to determine the risk of exposure of third parties to anticipated releases. Where insurance carriers provide this information to their clients, this should largely relieve owners/operators of the burden of developing the data required under section 3005(j).

The assessment must be submitted to the Agency—or an authorized State—either with the part B application or, for facilities for which a complete part B application has already been submitted, 9 months after enactment. However, submission of an adequate exposure assessment is not a condition for permit issuance; noncompliance with section 3005(j) is a separate violation of RCRA and should not be viewed as a vehicle to delay the permitting process. Furthermore, owners/operators should not postpone conducting the assessment in section 3005(j) in anticipation that EPA will subsequently promulgate regulations interpreting the statutory requirement. Congress believes that exposure assessments at facilities handling hazardous substances have become fairly routine and, therefore, the requirement in section 3005(j) needs no implementing regulation. Of course, EPA is not precluded from publishing an interpretive rule if it chooses to do so.

The EPA shall make all information collected under section 3005(j) available to the ATSDR. If, in the judgment of the Administrator of the ATSDR, the Administrator of the EPA, or a State—in the case of a State with an authorized program—conditions exist which warrant a health assessment at a particular landfill or surface impoundment, such assessment shall be conducted by the ATSDR in accordance with the provisions of section 111(m) of CERCLA. Further appropriate actions may be taken under the authorities of section 104(b) and (i) of CERCLA. A health assessment at a RCRA landfill or surface impoundment would be appropriate if the facility posed a substantial potential risk to human health for any one of a variety of reasons: The existence of actual releases of hazardous constituents; the magnitude of contamination with hazardous constituents which may be the result of a release, or the magnitude of the population exposed to such release or contamination.

Members of the public may submit to the Administrator of ATSDR, the Administrator of EPA, or an authorized State, evidence of releases of or exposure to hazardous constituents from RCRA landfills and surface impoundments. In light of this information, ATSDR, EPA, or the State may choose to take further actions in accordance with section 3005(j)(2).

In summary, Mr. President, the amendment Senator CRANSTON and I are offering today deals comprehensively, fairly and responsibly with the difficult issue of health concerns raised by past, present and future storage, treatment, and disposal of hazardous wastes. We believe it is crucial for Congress to take steps to build our knowledge of the effects of exposures to hazardous materials, so that we may better respond to public health concerns raised by people living near sites where hazardous wastes have been disposed as well as to concerns raised by the general public. As structured, the amendment makes clear that such advances will best be made on the basis of a Federal/State partnership, and will be greatly enhanced by the provision of adequate personnel and resources for the lead Federal agency, the Agency for Toxic Substances and Disease Registry.

Mr. President, I urge support for, and adoption of, our amendment.

Mr. President, this amendment has been carefully worked out and agreed to by both sides. It does not need very extensive discussion. There is unanimous agreement with the amendment.

Mr. President, I yield to the Senator from California [Mr. CRANSTON].

Mr. CRANSTON. Mr. President, I am pleased to join my colleague, Mr. HUMPHREY, in offering this amendment which will begin to resolve the serious problem of potential health effects posed by hazardous waste sites around the country.

As I have traveled around California and the rest of the country over the past 2 years, I have personally heard from large numbers of people who are increasingly concerned about the risks posed by hazardous waste facilities in their communities. I am convinced the level of concern is just as great in States as far away as Massachusetts as it is in California. The public wants to know—and I believe deserves to know—what are the effects on the health of residents near operating and abandoned hazardous waste treatment, storage, and disposal facilities due to the release of hazardous substances from the sites into the air, land, or water.

During House consideration of H.R. 2867, the Hazardous Waste Control and Disposal Act of 1983, Congressman ESTEBAN TORRES of California, whose district includes the BKK landfill, raised this vital issue and offered an amendment requiring that health effects studies be conducted for all operating landfills. The amendment was adopted.

The amendment Senator HUMPHREY and I are offering today addresses the same concerns raised by Congressman TORRES—but is broader in scope. It is not limited to landfills. The amendment recognizes that the same kinds of public health concerns are raised by currently operating surface impoundments as well as by landfills regulated under the Resource Conservation and Recovery Act [RCRA] and the Solid Waste Disposal Act and abandoned hazardous waste sites generally regulated by the Comprehensive Environmental Response, Compensation and Liability Act [CERCLA or Superfund]. Thus, our amendment to S. 757 amends both RCRA and Superfund.

With the enactment of Superfund in 1980, Congress established the Agency for Toxic Substances and Disease Registry [ATSDR] to deal with health concerns. Our amendment expands existing authority by giving ATSDR the responsibility to oversee health effects studies at both RCRA and Superfund sites. The amendment clarifies that laboratory studies as well as health assessments and epidemiological studies are eligible expenses under the Hazardous Substances Response Trust Fund. The amendment authorizes $18 million for fiscal year 1985 to conduct such studies with the moneys coming from the Hazardous Substances Response Trust Fund.

Under the amendment, the Administrator of ATSDR is directed to establish priorities for determining at which RCRA and Superfund sites health assessments shall be conducted. Highest priority is to be given to those facilities or sites at which there is documented evidence of the release of hazardous chemicals, at which the potential risk to human health appears highest, and for which, in the judgment of the Administrator of ATSDR,

existing health assessment data gathered at the site is inadequate to assess the potential threat to human health posed by the site.

The preliminary assessments of the potential risk posed are to cover the nature and extent of contamination, the existence of potential pathways for human exposure—including ground or surface water contamination, air emissions, and food chain contamination—the size and potential susceptibility of the population likely to be exposed, the comparison of expected human exposure levels to the short-term and long-term health effects associated with the contaminants released, and the comparison of existing morbidity and mortality data on diseases associated with levels of exposure.

All health assessments at RCRA and Superfund sites are to include recommendations as to whether further activities should be carried out—such as health advisories and full-scale health or epidemiological studies and medical evaluations.

With respect to currently operating landfills and surface impoundments, the amendment requires that beginning 9 months from the date of enactment, operators or owners of such facilities who submit applications to EPA for operating permits must provide information regarding the potential for public exposure to hazardous substances from releases from these facilities or sites. For those operating landfills and surface impoundments for which a completed permit application has already been submitted, the owner or operator will have 9 months to provide such information. The requirement for health risk information to accompany permit applications is not intended to delay—and should not delay—the permitting process. But it will provide EPA and ATSDR with more complete information on health effects posed by landfills and surface impoundments.

The amendment provides that whenever, in the judgment of the Administrator of EPA, the Administrator of ATSDR, or the State in the case of a State with an authorized program, a landfill or surface impoundment poses a substantial potential risk to human health due to releases of hazardous substances, the magnitude of contamination with hazardous substances which may be from a release, or the magnitude of the population exposed, the Administrator of ATSDR shall conduct a health assessment. Finally, the amendment provides that any member of the public may submit evidence of releases or exposure to hazardous substance from a landfill or surface impoundment regarding the risks or health effects associated with the release or exposure.

It is my expectation that with passage of this amendment residents of West Covina, CA, will seek a health assessment of the potential risk to human health posed by the landfill operating in their community. Recent releases of methane gas and vinyl cloride from the site itself, ground water contamination at a monitoring well outside the landfill and transportation spills strongly suggest that a health assessment is warranted.

Mr. President, our amendment responds to two very serious needs—the immediate need to assess the potential effects hazardous waste sites may be having on the health of the American people and to take appropriate follow-up action, and second, to compile a comprehensive body of consistently gathered information from a large number of sites to understand better the overall nature and extent of the problem posed by hazardous waste facilities. It merits support. I urge my colleagues to approve the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 3410) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3411

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON] proposes an amendment numbered 3411.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 40, line 3, strike the word "dissolved".

Mr. CRANSTON. Mr. President, S. 757 as reported by the Senate Environment and Public Works Committee contemplates that certain hazardous wastes would henceforth be prohibited from land disposal. The bill further contains a list of hazardous wastes the Administrator of EPA must review and consider for land disposal prohibition. The list is based on the experience of the State of California. California has conducted a rulemaking procedure and begun implementing restrictions on these hazardous wastes at the specified concentration levels. One of the prohibitions involves liquid hazardous wastes continuing certain "dissolved" metals. But by specifying "dissolved" metals, California has unintentionally created a major loophole in its law. By tracking California law, the committee bill perpetuates this loophole. My amendment would close it.

California intended certain metals be removed from liquid hazardous waste and disposed of as solids in a secure landfill. The ban was originally limited to "dissolved" metals on the theory that suspended metals would not migrate as quickly as "dissolved" metals do. But since the ban is on "dissolved" metals and not on metals in suspension in otherwise liquid form, operators can continue to dispose of heavy metals in landfills by precipitating the metals and putting them into suspension. This is accomplished by raising the pH by adding lime or some other alkaline substance.

In retrospect the California prohibition has several deficiencies. First, enforcement is a problem. I'm told there is no good field test for determining the difference between dissolved and suspended metals. Thus, there is no viable way to determine whether a specific liquid going into an impoundment consists of "dissolved" metals or metals in suspension. Second, there is no ban on codisposing suspended metals with wastes that have a pH of 2.1 or more. This disposal of such an acidic waste with suspended metals will redissolve the metals and allow them to migrate easily, especially at the very high concentrations specified in the bill. Third, complete precipitation is very difficult to achieve outside a scientific laboratory setting. Dissolved metals likely will be the liquid residue. Thus, some of these metals may still find their way to ground water.

The solution to the problem is straightforward and simple—delete the word "dissolved" from the bill. This will permit a ban on landfill disposal of liquid wastes containing certain highly toxic metals in specified concentrations whether in dissolved or suspended form. I urge my colleagues in joining me in correcting this deficiency in the bill. I ask for adoption of my amendment.

Mr. CHAFEE. Mr. President, the amendment is acceptable to this side. It is a fine one. I commend the Senator for it.

Mr. MITCHELL. Mr. President, the amendment is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 3411) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I thank the distinguished handlers of the bill very much for their cooperation on both amendments.

AMENDMENT NO. 3412

(Purpose: To add a provision regarding the use of recycled materials by Federal agencies)

Mr. CHAFEE. Mr. President, I have a series of amendments submitted by Senators. The first is an amendment on behalf of Senator KASTEN. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. KASTEN, proposes an amendment numbered 3412.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Redesignate sections 22 through 29 as sections 23 through 30, and insert after section 21 the following new section:

USE OF RECOVERED MATERIALS BY FEDERAL AGENCIES

SEC. 22. (a) Section 6002 of the Solid Waste Disposal Act is amended by adding at the end thereof the following new subsections:

"(h) DEFINITION.—As used in this section, in the case of paper products, the term 'recovered materials' includes—

"(1) post consumer materials such as—

"(A) paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and similar establishments, after they have passed through their end-usage as a consumer item, including (but not limited to) used corrugated boxes, newspapers, magazines, mixed wastepaper, tabulating cards, and used cordage; and

"(B) all paper, paperboard, and fibrous wastes which enter and are collected from municipal solid waste; and

"(2) manufacturing wastes, forest residues, and other wastes such as—

"(A) dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including—

"(i) envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations;

"(ii) bag, box, and carton manufacturing wastes; and

"(iii) butt rolls, mill wrappers, and rejected unused stock;

"(B) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

"(C) fibrous byproducts of harvesting, manufacturing, extractive, or wood-cutting processes, flax, straw, linters, bagasse, slash, and other forest residues;

"(D) wastes generated by the conversion of goods made from fibrous material (that is, waste rope from cordage manufacture, textile mill waste, and cuttings); and

"(E) fibers recovered from waste water which otherwise would enter the waste stream.

"(i) PROCUREMENT PROGRAM.—(1) Within one year after the date of publication of applicable guidelines under subsection (e), each procuring agency shall develop an affirmative procurement program which will assure that items composed of recovered materials will be purchased to the maximum extent practicable, consistent with applicable provisions of Federal procurement law.

"(2) Each affirmative procurement program required under this subsection shall, at a minimum, contain—

"(A) a recovered materials preference program;

"(B) an agency promotion program to promote the preference program adopted under subparagraph (A);

"(C) a program for requiring (i) estimates of the total percentage of recovered material utilized in the performance of a contract, (ii) certification of minimum recovered material content actually utilized, where appropriate, and (iii) reasonable verification procedures for estimates and certifications; and

"(D) annual review and monitoring of the effectiveness of an agency's affirmative procurement program.

In the case of paper, the recovered materials preference program required under subparagraph (A) shall provide for the maximum use of the post consumer recovered materials referred to in subsection (h)(1).

"(3) In developing the preference program, the following options shall be considered for adoption:

"(A) Case-by-case policy development.—Subject to the limitations of subparagraphs (A) through (C) of subsection (c)(1), a policy may be established for awarding contracts to the vendor offering an item composed of the highest percentage of recovered materials practicable (and in the case of paper, the highest percentage of the post consumer recovered materials referred to in subsection (h)(1)). Subject to such limitations, agencies may make an award to a vendor offering items with less than the maximum recovered materials content.

"(B) Minimum content standards.—Minimum recovered materials content specifications may be set in such a way as to assure that the recovered materials content (and in the case of paper, the content of post consumer materials referred to in subsection (h)(1)) required is the maximum available without jeopardizing the intended end use of the item, or violating the limitations of subparagraphs (A) through (C) of subsection (c)(1).

Procuring agencies shall adopt one of the options set forth in subparagraphs (A) and (B), or a substantially equivalent alternative, for inclusion in the affirmative procurement program.".

(b) Section 6002(c)(1) of such Act is amended by inserting after "highest percentage of recovered materials practicable" the following: "(and in the case of paper, the highest percentage of the post consumer recovered materials referred to in subsection (h)(1) practicable)".

(c) Section 6002(d)(1) of such Act is amended by striking out "five years after the date of enactment of this Act" and inserting in lieu thereof "18 months after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984".

(d) Section 6002(e) of such Act is amended—

(1) in paragraph (1), by inserting after "section" the following: ", and in the case of paper, provide for maximizing the use of post consumer recovered materials referred to in subsection (h)(1)"; and

(2) in the matter following paragraph (2), by striking out "for at least three product categories" and all that follows through "1982", and inserting in lieu thereof "for paper within 180 days after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984, and for three additional product categories (including tires) by October 1, 1984".

(e) Section 6002(g) of such Act is amended—

(1) by striking out "the policy expressed in" and inserting in lieu thereof "the requirements of"; and

(2) by inserting before the period at the end thereof the following: ", and to report to the Congress every two years, beginning in 1984, on actions taken by Federal agencies and the progress made in the implementation of this section, including agency compliance with subsection (d)".

(f)(1) Section 4003(d) of such Act (as added by section 21(b) of this Act) is amended by inserting ", including those needs created by thorough implementation of section 6002(h)," after "adequate provision shall be given to the present and reasonably naticipated future needs".

(2) Section 1006(b) of such Act is amended by inserting "(1)" after "(b) Integration With Other Acts.—" and by adding the following new paragraph at the end thereof:

"(2) Notwithstanding any other provision of law, in developing solid waste plans, it is the intention of this Act that in determining the size of a waste-to-energy facility, adequate provisions shall be given to the present and reasonably anticipated future needs, including those needs created by thorough implementation of section 6002(h), of the recycling and resource recovery interests within the area encompassed by the solid waste plan.".

Mr. KASTEN. Mr. President, the amendment I am offering today encourages the Federal Government to use recycled paper. Each year the Federal Government consumes 472,065 tons of paper. Yet it does not have a program to encourage the use of recycled paper.

Increasing the use of recycled materials is a wise use of our resources. Not only do we reduce the consumption of raw materials, but recycling reduces energy consumption and the volume of solid waste that must be disposed of.

I am concerned that we use our natural resources well. The Federal Government should lead the way in using our financial and natural resources well.

All too often we see materials that can be economically recycled used for other purposes. For example, approximately 65 percent of the volume of municipal waste is paper. Instead of converting this material into a new consumer item. It has become a part of our solid waste problem.

In other cases, paper is burned as a heat source in electrical generation.

While this alternative may be better than simply putting paper in a landfill, it is still not the highest and best use of wastepaper as a resource.

The amendment I am offering today is very simple. It does not add to the cost of Government. Bids of potential paper suppliers are currently evaluated on the basis of two criteria: (1) Does the paper meet the required specification, and (2) price. This amendment simply adds a third criteria. That is that preference be given to the paper which contains the highest percentage of recycled material. Most simply stated this means that of substantially equal low bids meeting product specification the paper which contains the highest percentage of recycled materials would be selected.

In developing this amendment, I have worked closely with the paper industry, conservation groups, and my colleagues in the Senate. Senator MATHIAS and I have communicated several times on this issue. As vice chairman of the Joint Committee on Printing, he is especially concerned about any changes in Federal policies for purchasing paper. Senator MATHIAS and I have entered into a colloquy on this amendment which I would like included in the RECORD at this time.

Mr. MATHIAS. Mr. President, as vice chairman of the Joint Committee on Printing with oversight responsibility for the Nation's printer and paper procurer, the Government Printing Office, I have a duty to ensure that the paper products purchased by GPO are of the highest quality for the money. The Joint Committee on Printing has the statutory responsibility to fix the standards of paper for the variety of needs of the Federal Government. For this reason, I take more than a passing interest in the pending amendment by my colleague from Wisconsin [Mr. KASTEN].

Mr. President, I wish to make it clear that the amendment being offered by the Senator from Wisconsin simply adds a third criterion to the current guidelines for Federal paper procurement. This amendment does not change existing JCP specifications nor the requirement that low price prevail before a paper products contract is awarded.

Mr. KASTEN. The Senator from Maryland [Mr. MATHIAS] is correct. Under my amendment, all paper products purchased by the Federal Government must continue to meet JCP specifications, and, most importantly, lowest price continues to be the determining factor in awarding these contracts. My amendment simply adds another criterion to JCP and GPO paper products contract decisions, namely that priority consideration be given to recycled paper.

The amendment proposes several options for buying recycled paper products. Each Federal agency authorized by law to procure paper products from commercial paper suppliers may proceed on a case-by-case basis or it may prescribe a minimum-content standard for all purchases or it may develop another plan consistent with congressional intent and EPA guidelines.

Mr. MATHIAS. Are we to understand, for example, that if GSA establishes a 25-percent-minimum-content standard for "post consumer waste product" and one supplier can meet that requirement at a cost of $20 per given amount and another supplier can offer the same amount of virgin paper for $15, then GSA is obligated to buy the virgin paper?

Mr. KASTEN. The Senator is correct. This amendment only adds a third criterion to Federal paper product purchases. All other things being equal, this amendment states that recycled paper will be purchased by the Federal Government. The purpose of this amendment is to send a message that the Federal Government supports and encourages efforts to recycle paper.

Mr. CHAFEE. Mr. President I also ask unanimous consent there be added the following cosponsors to the Kasten amendment: Senators PELL, SARBANES, and DECONCINI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I urge and move passage of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 3412) was agreed to.

Mr. CHAFEE. Mr. Pesident, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3413

(Purpose: To amend the listing/delisting modifications provision of the Solid Waste Disposal Act)

Mr. CHAFEE. Mr. President, I now send to the desk an amendment on behalf of Senator SPECTER and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE), for Mr. SPECTER, proposes an amendment numbered 3413.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 8. LISTING/DELISTING MODIFICATIONS

On page 50, line 23, insert "information that provides" immediately before "a reasonable basis".

On page 51, line 3, immediately after "hearing." add the following new sentence: "To the maximum extent practicable the Administrator shall publish in the Federal Register a proposal to grant or deny such a petition within twelve months after receiving a complete application to exclude a waste generate at a particular facility from being regulated as a hazardous waste and shall grant or deny such a petition within twenty-four months after receiving a complete application.".

On page 51, line 3, strike "hearing" and insert in lieu thereof "comment".

On page 51, line 6, insert ", after notice and opportunity for public comment," immediately after "shall".

● Mr. SPECTER. Mr. President, the amendment provides that when reviewing a petition to exclude a waste generated at a particular facility from being regulated as a hazardous waste, the Administrator should consider factors or constituents not originally considered in the decision to list the waste initially only if he has information that provides a reasonable basis to believe that such factors could cause it to be listed.

It also provides that to the maximum extent possible EPA shall publish their proposal to deny or to grant the petition within 12 months after receiving the application and shall grant or deny the petition within 24 months.

In addition, it provides for public comment rather than hearing, and provides for EPA amendment of the basis for lifting the amendment only after public comment.●

Mr. CHAFEE. Mr. President, this amendment on behalf of Senator SPECTER deals with setting time limits, to the maximum extent possible, on EPA consideration of listing and delisting petitions. It also provides for a public comment and provides for clarifying the basis on which factors not orginally considered in the decision to list can be considered in the decision whether to delist.

Mr. President, I move passage of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 3413) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3414

(Purpose: To provide that funding for remedial action for a release at a facility owned by a State or political subdivision but operated privately shall be the same as funding for remedial action for a release at a privately owned facility)

Mr. CHAFEE. Mr. President, on behalf of Senator LUGAR, for himself

and Mr. BRADLEY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], on behalf of Mr. LUGAR and Mr. BRADLEY, proposes an amendment numbered 3414.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

FUNDING OF REMEDIAL ACTION AT FACILITY OWNED BY A STATE OR POLITICAL SUBDIVISION BUT OPERATED PRIVATELY

SEC. 30. Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—(1) by amending section 104(c)(3) to read:

"(ii) 50 per centum (or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision for the release) of the capital, future operation, and future maintenance costs of the response action relating to a release at a facility, primarily used for treatment, storage, or disposal, that was owned and operated by the State or a political subdivision thereof at the time of any disposal of hazardous substances in such facility. For the purpose of subparagraph (c)(ii) of this paragraph, the term "facility" does not include navigable waters or the beds underlying those waters.", and

(2) by adding at the end thereof the following: "In the case of any State which has paid, at any time after the date of the enactment of the Solid Waste Disposal Act Amendments of 1983, in excess of 10 percent of the costs of remedial action at a facility owned but not operated by such State or by a political subdivision thereof, the President shall use money in the Fund to provide reimbursement to such State for the amount of such excess.".

Mr. LUGAR. Mr. President, I rise to offer an amendment to provide for a more equitable State and local share requirement for the cleanup of hazardous-waste facilities which are owned but not operated by a State or local political subdivision. My amendment would add the words "and operated" after the word "owned" in section 104(c)(3)(C) of the 1980 Superfund law. Under my amendment, only those facilities which are operated as well as owned by a State or by one of its political subdivisions would be subject to the special 50-percent minimum-share requirement for a Superfund cleanup. Sites like the Seymour site, which are owned but not operated by a State or by one of its political subdivisions would be subject only to the regular 10-percent share requirement.

Because the Seymour Recycling Corp. site was located on land owned by the aviation board of the city of Seymour, the Environmental Protection Agency has treated the SRC site as being subject to the special 50-percent minimum-share requirement of section 104(c)(3)(C). But I do not believe that this is equitable.

A brief review of the history of the Seymour recycling facility will help to judge the degree of responsibility which the State of Indiana and the city of Seymour should bear for what happened there.

The Seymour recycling facility was a 13-acre site located within Freeman field, an industrial park near the city of Seymour. The land on which the industrial park is located was originally federally owned, but was deeded to the board of aviation commissioners of the city of Seymour for use as an airport and for industrial development. There are dozens of industries located on Freeman field. The board of aviation commissioners rents properties to them and the city provides police, fire protection, and other services to these industries. The Seymour Recycling Corp. was just one of many industries located within the industrial park.

The Seymour recycling facility was owned by the Seymour Manufacturing Corp., a company which has manufactured hand tools and fireplace accessories in Seymour since 1872. The Seymour recycling facility began operation on Freeman field in 1970. In 1976, the Seymour Recycling Corp. was formed, but it remained under the same ownership as Seymour Manufacturing until 1978, when the Seymour Recycling Corp. was sold to the Environmental Processing Corp. The Environmental Processing Corp. was also the owner of the Chem Dyne facility in Hamilton, OH.

Seymour Recycling's initial activities consisted of redistilling solvents generated by the firm's manufacturing activities. However, it began to accept other wastes and it installed additional distillation equipment, two incinerators, and a cyanide treatment system. However, over a period of time, large amounts of waste began accumulating at the site. And most of this waste could not be processed with SRC's equipment. What was supposed to be a recycling center turned into a very large hazardous-waste facility at which tens of thousands of drums of hazardous waste were improperly stored.

In 1978, the State of Indiana asked that the site be closed and its owners forced to clean it up. An agreed order was issued by the Jackson circuit court allowing the operation to continue with the intent of providing adequate revenues to reduce the waste stored on the site and to turn it into a viable recycling operation. At about the same time, the Seymour Recycling Corp. was sold to the Environmental Processing Corp. Repeated attempts by the State of Indiana to force the owners of the SRC site to comply with the terms of the agreed order were unsuccessful. In 1980, the owners abandoned the site. A receivership was appointed and the site was closed.

In hindsight, one can certainly question the adequacy of the supervision of the SRC facility by all levels of government. But the Seymour recycling facility problem arose at a time when there was a very inadequate appreciation of the toxic-waste problem at all levels of government. Neither State nor Federal hazardous-waste regulations were well designed to address the indiscriminate accumulation of waste that occurred at the SRC site. Both State and Federal regulations needed to be strengthened. Since the 1970's, these regulations have been strengthened and they will be further strengthened by this bill.

There is good reason for assigning to the State of Indiana and the city of Seymour only the regular degree of responsibility for financial participation in any Superfund clean up of the Seymour Recycling Corp. site rather than special 50-percent minimum-share requirement. A city does not normally regulate industrial safety and health or industrial pollution more strictly merely because that industry is located within an industrial park or publicly owned land. The industry or business itself is liable for any accidents, health, or environmental problems that result from its operations. The Seymour Recycling Corp. was privately owned and privately operated. The operator of a site has a much greater degree of responsibility for and knowledge of any mismanagement that may occur. The gross mismanagement of waste that was supposed to be recycled was the responsibility of the operators of the facility, not the Board of Aviation Commissioners. While I do not deny that a city should closely monitor the activities of all the waste-disposal facilities within its border, that is true whether or not these facilities are located on publicly owned land.

Thus, I would contend that it is not equitable for the city of Seymour and the State of Indiana to have to meet a special 50-percent minimum cost-sharing provision for any Superfund cleanup of the Seymour Recycling Corp. site. In addition to this consideration, I do not believe that the State of Indiana would be able to afford a 50-percent minimum-share requirement for the cleanup of the SRC site if Superfund moneys do have to be used for the remainder of the cleanup.

In 1982, the State of Indiana's hazardous waste disposal tax went into effect. This law places a tax on every ton of hazardous waste which is land disposed in a hazardous waste disposal facility. Revenues from this tax have been far less than the State anticipat-

ed. In February 1984, the Indiana General Assembly acted to increase revenues from this tax. But there are currently 17 sites in Indiana on the national priority list for Superfund cleanup. The State board of health estimates that the average Superfund cleanup in Indiana will cost $6 million. In addition to these 17 sites, there are several hundred sites in Indiana under investigation in the EPA's emergency response and remedial inventory system. Even with the recent change in State law, it would be difficult for the State to meet a 50-percent share requirement for the SRC without seriously delaying State efforts to clean up other sites in Indiana.

I am very pleased with the progress which has been made so far at the SRC site. All of the approximately 50,000 barrels and over 100 storage tanks have been removed. The sludges have been taken out of the lagoon and the buildings cleaned out. A foot of topsoil has been removed and replaced with clean fill material.

With the surface cleanup virtually complete, the EPA is now able to study the nature and extent of the subsurface problems at the SRC. Old monitoring wells will be continuously sampled and new ones have been installed. Soil borings and remote-sensing techniques are being used to examine the subsurface. A court has ordered that the extension of city water lines to the Snyde Acres subdivision and to other nearby residences be funded out of moneys collected from responsible waste generators. A 1982 preliminary study indicated contamination of the aquifer and confirmed that the ground water is flowing in the direction of these homes. I hope that whatever cleanup of the subsurface may be required can begin expeditiously. But the EPA does not presently know the extent of the subsurface contamination, if indeed there is significant underground contamination. It will then determine what remedies best address any subsurface problems that may be identified.

The surface cleanup was accomplished through a 1982 settlement with a group of waste generators whom the EPA estimated were responsible for half of the hazardous waste disposed of at the site. At that time, the EPA estimated that in the worst case the surface cleanup might cost $15 million and the subsurface cleanup might cost another $15 million. So far other groups of generators have agreed to contribute over $5 million to the cost of the subsurface cleanup until the new studies are completed. If the cost of cleaning up the subsurface exceeds the amount available from settlements with waste generators, Superfund moneys would have to be used for the subsurface cleanup. The State of Indiana would then be liable for half of those costs under current law.

In sum, my amendment would eliminate the 50-percent minimum-share requirement for a site which is owned but not operated by a State or by one of its political subdivisions. Only the 10-percent cost-sharing requirement would apply in such a case. While I believe that State cost sharing is desirable, a heavier burden should fall on the State only when it or one of its political subdivisions actually operates a site where hazardous waste was stored.

I believe that my amendment would make the cost-sharing provisions of the Superfund law more equitable. The Seymour problem arose at a time prior to the recognition of the need for stronger hazardous-waste regulation. Neither the State of Indiana nor the city of Seymour had any special responsibility for supervising its management merely because it happened to be located within an industrial park on land leased to the facility's owners by the Aviation Board of the city of Seymour. To impose a 50-percent cost-sharing requirement in this case could interfere with the expeditious cleanup of the SCR site and with the cleanup of other sites in Indiana in a rational and expeditious manner.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 3414) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3415

(Purpose: To delay the effective date of certain statutory deadlines applicable to halogenated organic compound wastes if the Administrator fails to promulgate certain regulations)

Mr. CHAFEE. Mr. President, on behalf of Senator JOHNSTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Rhode Island, for Senator JOHNSTON, proposes an amendment numbered 3415.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, line 12, strike "If" and insert in lieu thereof "Except as provided in paragraph (10), if";

On page 43, line 20, insert "and paragraph (10)" immediately after "This paragraph"; and

On page 43, following line 22, insert the following new paragraph:

"(10) If the Administrator fails to promulgate regulations under paragraph (1) with respect to non-liquid hazardous wastes containing halogenated organic compounds in total concentration greater than or equal to 1,000 mg/kg by the date thirty-two months after the enactment of the Solid Waste Disposal Act Amendments of 1984, effective twenty-four months after such date, and until the Administrator promulgates such regulations under paragraph (1), such wastes from the refurbishment of textiles and apparel containing halogenated organic compounds in total concentration less than 28,000 mg/kg may be disposed of in a landfill or surface impoundment only if such facility is in compliance with the requirements of section 3004(f) of this Act. All other such wastes shall be subject to the provisions of paragraph (9).".

Mr. JOHNSTON. Mr. President, I have been contacted by a number of drycleaners who have expressed considerable concerns about S. 757. This industry has always used recycling and has recently developed new technology and techniques to reduce the hazardous constituents of its wastes. Further, the Laundry Cleaning Council has been actively pursuing additional recycling measures. Since dry cleaners have made and are making sincere efforts to reduce any hazards presented by their wastes, they should be entitled to additional time to comply with the bill's land disposal provisions if, and only if, EPA fails to promulgate regulations in a timely manner. Accordingly, I am offering an amendment which would give dry cleaners additional compliance time if EPA does not act, and if the wastes in question are reduced below 2.8 percent in perc content. In such circumstances, my amendment would give drycleaners 24 months beyond the period specified for promulation of regulations before they would have to ship their wastes to a facility which meets the requirements of section 3004(f).

Mr. CHAFEE. Let me ask the Senator from Louisiana about his amendment. Is it his intention to provide that if the Administrator fails to take action within the prescribed period of time, that wastes from dry cleaning facilities which are reduced to concentrations of less then 28,000 mg/kg may continue to be disposed of under current methods for a period of 24 months?

Mr. JOHNSTON. Yes, that is the intent of the amendment. Reductions to 28,000 kg/mg would continue to qualify for current disposal methods. At the end of the 24-month period these and all other halogenated organic compounds for which the Administrator has not acted must go to an upgraded facility.

Mr. CHAFEE. I thank the Senator for his explanation, and his amendment is acceptable to me.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 3415) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEEPWELL INJECTION

Mr. BENTSEN. Mr. President, I should like to seek clarification of the intent of section 5(b) of this bill with regard to the use of deepwell injection in disposing of hazardous wastes from the distinguished Senator from Rhode Island. In section 5(b) of the bill, limitations on the use of certain classes of land disposal facilities—specifically landfills and surface impoundments—can occur, if the EPA Administrator fails to determine whether such disposal facilities will be protective of human health and the environment for certain hazardous wastes by the specified deadlines in the bill.

The terms "landfills" and "surface impoundments" for the purposes of section 5(b) are not defined, but it appears from the provisions of this section that disposal of hazardous wastes in class I injection wells would not be prohibited if EPA should fail to act by the specified deadlines. Is this correct?

Mr. CHAFEE. The interpretation of my colleague from the State of Texas regarding section 5(b) of this bill is correct. Under this section, land disposal methods for certain hazardous wastes, other than landfills or surface impoundments, are not prohibited if EPA should fail to act by the specified deadlines. Properly permitted class I injection wells would be allowed to continue receiving hazardous wastes if EPA does not act within the specified time.

Mr. BENTSEN. I thank my colleague for clarification of this matter.

Mr. DECONCINI. Mr. President, the amendment sponsored by Senator KASTEN and myself requires the EPA to establish procurement guidelines for Federal agencies in the acquisition of recycled materials, when economically feasible. That section not only relates to paper products but tires as well. I interpret the provision to include scrap and retreaded tires. I believe for clarification sake, we should include language in the conference report further defining the term "tires" and additional language giving guidance to the Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council in carrying out the purposes of this section. When this legislation goes to conference committee, will the chairman support the inclusion of language on scrap and retreaded tires and accompanying interpretive language on tire/asphalt materials for road construction and maintenance?

Mr. CHAFEE. I believe the procurement section on the procurement of recycled materials is quite explicit in its inclusion of tires. However, I agree that we should further define what the Congress intended to include in this provision and will support language in the conference report on the development of a preference program including scrap and retreaded tires. This section builds on existing law and redirects the Administrator of EPA, after consultation with the Administrator of General Services, the Secretary of Commerce, and the Public Printer, to establish guidelines for the use of all Federal procuring agencies in the cost-effective acquisition of recycled materials. Certainly, the agencies should consider the use of those materials and combinations of materials like asphalt and rubber for road construction purposes. If the Senator would like additional clarification in the conference report, I will be happy to work out appropriate language.

Mr. DECONCINI. I thank the chairman. I think clarification is necessary, and I hope he will work with me and my staff on the proper language.

COMMUNITY RELOCATION

Mr. DANFORTH. Mr. President, the Committee on Environment and Public Works saw fit to include in this bill, at the request of the Senators from Missouri, an amendment to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. This amendment clarifies the Environmental Protection Agency's authority and flexibility in dealing with situations such as that presented by dioxin contamination in Missouri.

Specifically, the amendment provides that the Agency can move immediately to permanently relocate the residents of a contaminated site if such a step is found to be cost effective or may be necessary to protect health or welfare. For example, in some cases it may make more sense—economically and socially—to buy up and seal off a highly contaminated residential area immediately, rather than locate the residents indefinitely in temporary housing during a protracted, possibly impractical cleanup.

The amendment also gives the Agency the authority to pay the interest and principal on business debt during a period of temporary relocation. Temporary relocation is intended to protect the residents of a contaminated area, but when a community is evacuated, businesses are cut off from their customers. Their income abruptly ceases, while their obligations continue unabated. Thus, they are not protected but are harmed. This amendment seeks to hold them harmless with respect to business debt only. There is no intent to make up for lost income.

To cite but one example of the need for this authority, the Quail Run Mobile Home Park in Franklin County, MO, was found to be contaminated with dioxin at levels up to 1,000 times the amount deemed acceptable in a residential area. The families living at the trailer park were offered temporary relocation. But the owners of the park, who were in no way responsbile for the contamination of the soil, then found themselves with no way to meet their financial obligations. This amendment provides the Agency with a way to hold such people harmless with respect to business debt, and business debt alone, until the situation is resolved.

Our amendment also gives the Agency specific authority to provide special assistance to individuals unable to work as a result of such an evacuation. In effect, the same assistance would be available as is already available in natural disasters—unemployment and reemployment assistance, food stamps, and grants to meet necessary expenses or serious needs not covered by other aid programs. As under the Disaster Relief Act, this assistance would be provided by Federal agencies with appropriate programs and expertise, using money from the Superfund, and not directly by the Environmental Protection Agency.

Mr. President, I would like to express the appreciation of the Senators from Missouri for the committee's consideration of this matter. However, I must note that similar legislation approved by the other body does not contain comparable language, and I fear that this provision, so important to our State, might get overlooked in the process of seeking a compromise. Can the distinguished manager of the bill offer me any assurances in this regard?

Mr. CHAFEE. Mr. President, the Senator from Missouri has my assurance that the provision he refers to will not be overlooked in Conference Committee. He has worked long and hard with the members of our committee to craft this important amendment.

The situation presented by dioxin contamination in Missouri established the need for the amendment. However, it should be recognized that the provision is of interest not just to residents of that State. The interests of all citizens are served by this amendment, and I am confident that our colleagues in the House will agree.

Mr. SARBANES. Mr. President, I should like to engage the managers of this legislation in a brief dialog regarding the recovery of used motor oil and lubricants. There is a discrepancy between the House-passed version of this

legislation and the bill which is before us today.

Mr. CHAFEE. We would be happy to respond to the Senator's questions.

Mr. SARBANES. Section 27 of H.R. 2867 encourages the recovery of waste oil. It recognizes the fact that waste oil is profitably collected and recycled and provides a simple means by which service stations and other small businesses can continue to recover waste oil with minimum regulatory burden and at the same time protect the environment.

In my home State of Maryland, the service station operators several years ago agreed to join the State government in promoting proper disposal and recycling of waste oil. The service stations serve as collection centers for anyone wishing to dispose of waste oil.

In turn, there are commercial collectors who pick up the accumulated waste oil and pay the dealers for it. The oil then goes to commercial rerefiners or reprocessors.

We are very pleased with the way this program has run, and I know similar efforts to encourage waste oil recycling are underway in many other States.

My colleague from Maryland, Representative BARBARA MIKULSKI, added language to H.R. 2876 which takes into account the special nature of waste oil collection. Her amendment provides that service stations and other collection points for waste oil shall be required only to keep track of how much waste oil they take in, how much is picked up for recycling, and how much is used on premises. Of course, this applies only if the waste oil generator can show, as required in H.R. 2867, that he turns the material over only to licensed and regulated collectors or haulers who are responsible for its proper disposition in a manner consistent with protection of human health and the environment.

This provision was accepted by voice vote in committee and included without objection in the bill as it was approved by the House.

Have the managers of this legislation here in the Senate considered the Mikulski amendment? I am concerned, because we do not seem to have any comparable provision in the legislation that is before us.

Mr. CHAFEE. We are familiar with the Mikulski amendment. It respresents a careful effort to balance the stringent environmental protection requirements of this legislation against the practical experience of businesses that are already engaged in successfully recycling material that otherwise would be harming the environment.

While there have been some isolated problems, in general the waste oil industry has demonstrated how a potentially hazardous substance can be safely collected and profitably recycled into new, useful products. We do not want to upset an industry that already is doing voluntarily what we now are requiring others to do.

Mr. SARBANES. Can we assume then, that the Senate conferees on this legislation will be able to accept the basic principles of the Mikulski amendment?

Mr. CHAFEE. As the Senator is aware, there are often a number of different approaches, different but equally effective means to an end. Each such approach has strengths and weaknesses. The amendment the Senator refers to represents one approach to the problem. After further analysis, it may turn out to be the best approach. At this time, however, I would prefer to address the issue in conference committee. The problem clearly warrants a legislative solution; and I am confident that, in consultation with our House colleagues, my colleague from Maryland, representatives of EPA, the environmental community, and interested members of the affected industries, a solution to this problem can be agreed to.

The Mikulski amendment should not pose a problem in conference.

Mr. SARBANES. I am pleased to hear that. Based upon those assurances, I will refrain from offering specific language at this time.

CITIZEN SUIT PROVISION OF RCRA

Mr. WILSON. Mr. President, will the Senator yield for a moment?

Mr. CHAFEE. I yield to my good friend, the Senator from California.

Mr. WILSON. Mr. President, one important provision provided by this bill is the citizen suits provision in section 18(a). It is my understanding that this section will allow any citizen to seek relief in instances where the past or present handling, storage, treatment, transportation, or disposal of any hazardous or solid waste may present an imminent and substantial endangerment to health or the environment. Is this a proper reading of the provision?

Mr. CHAFEE. The Senator is correct.

Mr. WILSON. The need for this provision is clear and immediate. During testimony before the Environmental Pollution Subcommittee, one witness stated that this provision was unnecessary due to protections already granted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, better known as Superfund. However, earlier this year, a Federal district court in California held that a private party, under Federal law, does not have a right of action that would allow it to secure a cleanup order.

If the distinguished Senator will allow me to continue for a moment, I believe the circumstances in this situation will show it to be the type of situation Congress intends to be covered by Federal law. In 1942, a tract of land was bought by the Federal Government for the war effort and facilities were built on the site for the manufacture of synthetic rubber. The facilities were then leased to several companies until 1955 when the Federal Government sold the property to one of the companies. In 1972, the company decided to get out of the synthetic rubber business and sold the land to a developer who in 1976 sold the land to the plaintiff in the case. Between 1976 and 1980, the plaintiff developed the property into commercial and light industrial property. In 1981, the plaintiff negotiated a sale to a third party. Portions of this purchase were mutually rescinded when unknown hazardous wastes were discovered on the site.

Subsequently, the plaintiff investigated the problem and determined that the wastes were migrating towards an aquifer that supplies water to communities downstream. The plaintiff notified the companies that had leased the facilities and the General Services Administration—successor to the Government agency that had originally purchased the land—of the problem and requested that they take action. No party would agree to abate the problem. In December of last year, the plaintiff filed suit to force the responsible parties to clean up the site. In March of this year, the court ruled that the plaintiff did not have a right of action to secure a cleanup order.

My understanding, Mr. President, is that Congress intended the Superfund law to include an implied right for private parties to obtain a cleanup order. Under the Cort against Ash doctrine, authorization for private parties to bring an action to force cleanup of a hazardous waste site is implied when Congress intended to allow such a result. The Federal district judge in California erroneously ruled that the Congress had not intended to authorize such actions.

Mr. CHAFEE. The Senator's understanding is correct.

Mr. WILSON. The citizen suits provision included in this legislation clearly states the intent of Congress that this right exists in Federal law. Under RCRA, the right is made explicit. There have been adequate safeguards placed on such suits to ensure that they will not interfere with Federal regulatory and enforcement programs. The provision is intended to allow citizens the same substantive and procedural claim to relief as is already available to the United States. By creating an explicit right of action under RCRA, we are in no way altering the implied right that exists under Superfund.

If the Senator will yield further, I feel that this citizen's suit provision will rededicate our commitment to eliminate the dangers to the public health and environment which haz-

ardous wastes pose. It is my sincere hope that any language compiled for the legislative history of this bill will show our strong belief that private citizens have the right to go to court to secure cleanup of hazardous waste sites.

I thank my good friend for yielding to me for this discussion.

Mr. CHAFEE. Mr. President, as always, the Senator from California makes his points sincerely and concisely. Let me assure him that I will seek to have the conference report show the importance we attach to this provision.

AMENDMENT NO. 2809 TO THE REAUTHORIZATION OF RCRA

Mr. KASTEN. Mr. President, I understand the committee would prefer that I withhold offering amendment No. 2809 to S. 757. I appreciate the committee's concern.

At the same time, I am sure the committee recognizes that there is a need to encourage innovation in the treatment of hazardous wastes. The committee has led the way in establishing a new national policy that will rely less on land disposal of hazardous wastes. If we are to rely less on landfills, we must have methods of treating this material. The amendment I am offering encourages the development of new treatment technologies.

The House version of the reauthorization of the Resource Conservation and Recovery Act contains a provision that is similar to amendment 2809. There are, however, two significant differences between the House version and this amendment. Those differences are as follows: First, this amendment specifies that research development and demonstration permits are to be effective for 365 operating days. The House version does not specify operating days, and could be interpreted to mean 1 calendar year. Second, this amendment provides that research permits may not be renewed after it has expired. The House version has no such provision.

While these are minor differences, they are important to conservation and industry groups. For this reason, I believe amendment 2809 is superior to the provision in the House bill.

Mr. CHAFEE. I recognize the concerns of the Senator from Wisconsin. He is correct that there are important differences between the House version and his amendment.

I appreciate the Senator's efforts to expedite action on this bill. He has been most helpful in considering withholding his amendment.

Let me assure the Senator that I recognize the importance of his amendment. I agree that we need to encourage innovation in the treatment of hazardous wastes.

If the Senator will agree not to offer his amendment, I will do my best to have the House language on this issue modified to clarify that the permits run for 365 operating days, and that the permits are not renewable.

Mr. KASTEN. I thank the Senator. He is most gracious in his offer. With his assurances that every effort be made to address this issue in conference, I will not offer this amendment.

Mr. ROTH. Mr. President, many of us in coastal States see the disposal of sewerage sludge as among the most important solid waste issues facing the country. The problem is most critical because many municipalities and authorities continue to dump tons of this waste into the ocean daily with little regard to the effects on our marine environment.

I believe that it is somewhat regrettable that we must even discuss this issue today. The Congress has spoken very clearly by providing in the 1977 ocean dumping amendments that harmful dumping would be ended by December 31, 1981. Along the Delaware River, municipalities took us seriously and developed safe and efficient land based disposal alternatives.

In other areas the practice continues. It continues in an atmosphere of legal uncertainty caused by a Federal district court decision which we believe inaccurately interprets the 1977 amendments.

It has also come to my attention that there is an ongoing debate within the administration over the development of a policy on the use of the oceans for waste disposal. The lack of a defined policy can only mean that decisions are made on a case-by-case basis without consistency.

Mr. President, we in Delaware believe that the ocean disposal of harmful wastes should be ended. We believe that the atmosphere of legal and administrative uncertainty can only be cleared by the Congress once again reviewing this matter and clearly defining a national policy that will insure the preservation of our valuable marine resources.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. ROTH. I yield.

Mr. BIDEN. Mr. President, I rise in support of and to reiterate the views that have been expressed by my senior colleague from Delaware on ocean dumping and on the pressing need to end the practice. I also agree with his view that it is high time that the Senate and Congress take affirmative steps to end the confusion that EPA and the courts have created concerning the permissability of sludge dumping in the ocean.

Mr. President, as most Delawareans already know, the issue of ocean dumping is not at all partisan in our State. Not only do the senior Senator and I agree on this issue, but also our sole Member of the House, Mr. CARPER, and the Governor, and countless other public officials throughout the State. Our message is simple, very clear, and unyielding, we want stopped any plans and activity to dump harmful sewage sludge off the Delaware coast.

For those unfamiliar with the activity of ocean dumping the issue can be summarized briefly. For some years, the Environmental Protection Agency has continued to allow the practice of ocean dumping of sludge in coastal waters off the east coast. But when Congress passed the Marine, Protection, Research and Sanctuaries Act and later amended the law in 1977, it was generally believed that all ocean dumping would cease by the end of 1981. What happened to change that belief was a challenge by the city of New York to plans by the EPA to end dumping. The current EPA not only lost that case, but failed to appeal a decision that many have argued was erroneous.

Mr. President, I do not wish to repeat the statements made by my colleague from Delaware, and it would take too long to detail all the public policy and technical reasons to oppose ocean dumping. Suffice it to say, that we find—all Delawareans find unacceptable, and vehemently oppose EPA's acquiescence to the sludge dumpers over the past 3 years. We will continue to work together to get harmful sludges out of the oceans and to stop the apparent EPA practice of simply looking for the most "out of sight, out of mind" solution to difficult problems.

Mr. President, I would note that for the last two Congresses, the Merchant Marine and Fisheries Committee of the House has acted to consider legislation that would amend the Ocean Dumping Act and address many of our concerns. I look forward to working further with the senior Senator from Delaware and with the chairman of the Environment Committee and the chairman of the Environmental Pollution Subcommittee on hearings and legislation that will follow suit in the Senate.

Mr. ROTH. Mr. President, if my colleague will yield I would like to address a question to the distinguished chairman of the Environmental Pollution Subcommittee, the Senator from Rhode Island, and the chairman of the Environmental and Public Works Committee.

I would ask my two colleagues; in light of the situation that exists with regard to ocean waste disposal, is it not timely for the Committee on Environment and Public Works to be considering this issue and is it possible that the committee will be conducting hearings and considering legislation in the near future.

Mr. CHAFEE. Mr. President, the Senators from Delaware have raised some very important questions.

Rhode Island is the ocean State and we in Rhode Island share their concern for the ocean and depend on the same economic and recreational marine resources that our friends in Delaware enjoy.

I assure them that consideration of ocean dumping legislation has the highest priority on the Environmental Pollution Subcommittee's agenda and it is my intention to conduct hearings and report an ocean dumping bill to the Senate for consideration early next year.

Mr. STAFFORD. Mr. President, I should just like to indicate that I concur with my colleagues about the importance of this matter and assure them of my commitment ot the schedule and agenda proposed by the chairman of the Subcommittee on Environmental Pollution.

Mr. ROTH. I thank my friends for their consideration and commend them for their exceptional leadership in environmental matters.

AMENDMENT NO. 3416

Mr. HEFLIN. Mr. President, I send to the desk an amendment on behalf of myself and Senator DENTON.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama [Mr. HEFLIN], for himself and Mr. DENTON, proposes an amendment numbered 3416.

Mr. HEFLIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, after line 2, add the following: "Any permit under this subsection which is issued for a landfill located within the State of Alabama shall require the installation of two or more liners and a leachate collection system above and between such liners, notwithstanding any other provision of this Act".

Mr. HEFLIN. Mr. President, I send an amendment to the desk which deals with an exception to the double liner requirement described in section 6 of this bill, on pages 47 and 48.

We have a peculiar situation in Alabama with regard to this issue: My amendment is an effort to see that the exception contained in the subject provision of the bill, known as the Simpson amendment, would not apply to a certain hazardous waste landfill located in Emelle, AL.

In effect, the amendment which I am offering would require the installation of two liners with leachable collection systems between them in the Emelle landfill. The adoption of my amendment would mean that the exception—this is, of other technology and or other methods—would not apply to commercial landfills in Alabama.

I think that in conference we can clarify the language of this amendment such that it would apply only to this particular landfill in Alabama.

I have discussed this amendment with, both the minority and the majority committee staff. In fact, I believe that the language was even written by certain staff members of the Committee on Environment and Public Works in an effort to rectify this particular problem that we have in Alabama.

Senator DENTON joins me as an original cosponsor of this amendment. It is my understanding that he will submit a statement in support thereof in tomorrow's RECORD.

Again, Mr. President, I have discussed this amendment generally with both floor managers and their staffs, and I believe it is acceptable to them. I also believe that it is acceptable to Senator SIMPSON, as well as to the landfill owner in Emelle.

Mr. CHAFEE. Mr. President, we have consulted with the distinguished Senator from Alabama, and the amendment he has submitted is acceptable to this side. As he has pointed out, we will straighten out in conference whatever problems exist in this amendment.

Mr. MITCHELL. Mr. President, I commend the Senator from Alabama for his diligence in this matter. It is my understanding that this amendment seeks to insure that double liners will be installed at the expansion of the Emelle facility.

It is an existing facility which comes within section 6 of the bill by virtue of its expansion. As presently drafted, the bill requires double liners for expansions of facilities but provides an exception for that requirement upon application to and approval by the Administrator of EPA. It is that exception which the Senator seeks to have rendered inapplicable to this facility, which the State is requiring to install a double liner.

The owner of the facility intends to install double liners for those cells of the landfill which contain PCB's, which is the principal aspect of the problem, and is exploring the possibility of the installation of double liners at any other cells.

The amendment as drafted exempts from the exception provision of the bill any landfill located within the State of Alabama. It is the understanding of all concerned that that language will be refined at the conference, to make clear that whatever description accurately describes the facility at Emelle, this provision applies only to that facility.

Is that the Senator's understanding?

Mr. HEFLIN. That is correct.

Mr. MITCHELL. Accordingly, Mr. President, the amendment is acceptable.

Mr. SIMPSON. Mr. President, this is a correction of an amendment I previously applied to this legislation. I have no objection to the amendment of the Senator from Alabama; but, frankly, I do not feel it is necessary. Apparently, the chap in Alabama who wrote letters to the editors around the country has confused it thoroughly.

The Senator from Alabama has always been most helpful. I have visited with some of the citizens of Alabama, and if this amendment allays their fears, it is acceptable to me. It has never been my intention to prevent the people of Alabama or any other State from imposing whatever regulations they wish upon their facilities.

We have different geological situations in Wyoming and in Alabama and different sites and different levels of toxicity, and I think this is appropriate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3416) was agreed to.

Mr. HEFLIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I would like to take this opportunity to discuss for a moment the regulatory program promulgated pursuant to the Uranium Mill Tailings Radiation Control Act—a program that has been quite controversial.

In 1978, when Congress passed the Uranium Mill Tailings Radiation Control Act [UMTRCA], the Environmental Protection Agency was directed to promulgate "standards of general application" in order to protect the public health, safety, and the environment from the radiological and nonradiological hazards associated with uranium mill tailings. For nonradiological hazards, EPA's standards were to provide for the protection of human health and the environment consistent with the standards required under subtitle C of the Solid Waste Disposal Act which are applicable to such hazards.

The Nuclear Regulatory Commission, in turn, was directed to come up with a detailed regulatory program for its licensees who operated uranium mines, incorporating EPA's standards and prescribing the steps that NRC licensees would be required to take to meet the general environmental standards established by EPA. NRC was also charged with the responsibility for all implementation and enforcement.

In October of last year, EPA promulgated its "standards of general application." The EPA standards resulted in instant controversy. The NRC swiftly objected, arguing that, rather than

promulgating a "general environmental standard," EPA had really established detailed prescriptive engineering requirements that intruded on the NRC's jurisdiction. Lawsuits were filed by both the uranium industry and the environmentalists—virtually within minutes of promulgation of EPA's standards—challenging their adequacy. Numerous Members of Congress expressed grave concerns about the approach taken by EPA, questioning EPA's interpretation of its jurisdiction, as well as EPA's decision to apply the highly prescriptive RCRA requirements—which were originally established for low-volume, high-toxicity wastes, to the high-volume, low-toxicity wastes that result from uranium mining. An absurd result.

Of particular concern to me is the dispute that has now developed between EPA and NRC over the jurisdictional responsibilities of each agency. This problem appears to be most acute in—but is by no means limited to—the area of ground water protection, where EPA, pressed to meet a statutory deadline to promulgate its standards, has simply applied the detailed and highly prescriptive regulatory requirements of RCRA. This process gives little recognition of the jurisdictional difficulties that such an approach has created for the NRC, and very little, if any, flexibility to tailor the RCRA requirements—which were initially intended for high-toxicity, low-volume wastes—to the unique situation posed by the high-volume, low-toxicity uranium mining wastes.

Unfortunately, the regulatory program for uranium mill tailings is now at a total impasse as a result of the disagreement that has emerged over the EPA standards, with no clear resolution now in sight. Deadlines established by Congress have come and gone. Some of the States that are responsible for the regulation of the uranium mining industry are wholly confused over what direction to take. And the NRC licensees are left in limbo.

At this point, Mr. President, I ask unanimous consent to insert in the RECORD a number of letters from various individuals, groups, and agencies describing the confusion that we now have as a result of the standards promulgated by EPA.

It is absolutely essential that the agencies get this regulatory program back on track and do so promptly. If these problems are not resolved in a timely fashion, Mr. President, it is my intention to ask the chairman of the Environment and Public Works Committee, the Senator from Vermont, to schedule hearings early next session for the purpose of considering whether the authority that has been conferred upon EPA to promulgate various standards for nuclear activities is necessary, in light of the poor performance of EPA in this arena and in light of the broad authority that the NRC already has to regulate these activities.

Finally, before I yield the floor, Mr. President, I should like to discuss just briefly one other important consideration that has led me to conclude that perhaps the time has come for us in the Congress to reexamine the NRC-EPA relationship.

This particular jurisdictional question that is now dividing the NRC and EPA over uranium mill tailings regulation is not a new question. In fact, the entire question of where the jurisdiction of the EPA stops and the jurisdiction of the NRC begins has been the subject of extensive discussion over the years, and there is now a considerable body of precedent, developed since 1970, to guide these two agencies in the exercise of their respective responsibilities.

Because of that substantial body of precedent, Mr. President, I must say that I am truly frustrated, chagrined, and awfully disappointed that we find these two agencies at increasing odds over their respective jurisdiction over nuclear matters—an issue that I thought we had settled a long time ago and on which the Congress has already provided clear and consistent guidance to each of these two agencies.

Mr. RANDOLPH. Mr. President, the able Senator from Wyoming [Mr. SIMPSON] correctly brings a serious situation to the attention of the Senate.

I fully agree that we should not have two important Federal agencies arguing with each other over the extent of their jurisdictions. This situation is unsatisfactory and must be resolved.

I will be pleased to work with Senator SIMPSON to bring about a reasonable and precise solution to a problem that should never have developed and certainly cannot be allowed to continue.

The Senator has asked for hearings on this subject, and I will join in the arrangement of this inquiry. I also believe that we, and hopefully others, should contact EPA and NRC to urge and help facilitate an end to the difference of opinion that exists.

Again, I commend the Senator from Wyoming for his interest and his work on this problem.

Mr. SIMPSON. I thank the Senator from West Virginia.

AMENDMENT NO. 3417

Mr. ABDNOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. ABDNOR], for himself, Mr. LAUTENBERG, Mr. DURENBERGER, and Mr. MITCHELL, proposes an amendment numbered 3417.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 93, after line 20, add the following new section:

SEC. 30. Study of the problems associated with disposal of hazardous wastes generated by educational institutions.

(a) The Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Education, the States, and appropriate educational associations, conduct a comprehensive study of the problems associated with the accumulation, storage and disposal of hazardous wastes from educational institutions. The study shall include an investigation of the feasibility and availability of environmentally sound methods for the treatment, storage or disposal of hazardous waste from such institutions, taking into account the types and quantities of such waste which are generated by these institutions, and the non-profit nature of these institutions.

(b) Not later than twelve months after the date of the enactment of this Act, the Administrator shall submit a report to the Congress containing the findings of the study carried out under subsection (a).

(c) For purposes of this section—

(1) the term "hazardous waste" means hazardous waste which is listed or identified under Section 3001 of the Solid Waste Disposal Act;

(2) the term "educational institution" includes, but shall not be limited to,

(A) secondary schools as defined in Section 198(a)(7) of the Elementary and Secondary Education Act of 1965; and

(B) institutions of higher education as defined in Section 1201(a) of the Higher Education Act of 1965.

Mr. ABDNOR. Mr. President, on behalf of myself, Mr. LAUTENBERG, Mr. DURENBERGER, and Mr. MITCHELL, I send an amendment to the desk.

It requires the Administrator of the Environmental Protection Agency to conduct a study of the problems associated with the disposal of hazardous waste which is generated by educational institutions.

Mr. President, I know of no problem on either the majority or the minority side with this amendment. I urge adoption of this amendment which addresses the concerns expressed by several educational associations, including the National Education Association and the National PTA. Additionally, I am advised that the distinguished chairman of the House Subcommittee on Commerce, Transportation, and Tourism, Mr. FLORIO, has expressed his desire to address this issue in the upcoming conference on these amendments to the Solid Waste Disposal Act.

Mr. President, I trust this study will help Congress and EPA ensure that educational agencies which generate hazardous wastes—often in very small amounts—will be regulated in an appropriate manner. I do not believe that we wish to impose an unwarrant-

ed degree of burden on these nonprofit institutions.

Mr. President, before the vote I ask unanimous consent to add the names of Senator DURENBERGER and Senator MITCHELL, who are not listed on my amendment, as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, this has been submitted to us and it seems like an excellent one on this side. We support it.

We commend the distinguished Senator from South Dakota for his excellence in pursuing this matter.

Mr. ABDNOR. I thank the Senator.

Mr. MITCHELL. Mr. President, this amendment is acceptable.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 3417) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REAUTHORIZATION OF THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Mr. PERCY. Mr. President, the generation of hazardous waste is not new—yet it has only been in the last few decades, with the use of new industrial processes and the development of synthetic materials, that we have discovered how widespread the harm to the public and the environment could be. Only very recently have we discovered the problem to be as large as it is.

New studies released this year by the Environmental Protection Agency (EPA) quadruple earlier estimates of the amount of hazardous waste produced annually. The EPA now believes that 150 million metric tons or 40 billion gallons of hazardous waste are generated each year. This means that, every year, close to 1 ton of hazardous waste is added to the environment for every person in the Nation.

People in my own State of Illinois have particular reason to take the hazardous waste problem seriously. Because of our large industrial base, we, along with five other Midwestern States, produce more hazardous waste than any other region in the country. A day does not pass by that I do not hear from a constituent in Illinois concerned about a hazardous waste site in the State.

In 1976, I supported the Resource Conservation and Recovery Act, the first major piece of legislation dealing with hazardous waste disposal. The bill established a cradle-to-grave system for tracking hazardous waste, from generation to final disposal. New technical information, and EPA's experience to date in implementing the Resource Conservation and Recovery Act, make it clear that the law should be strengthened. For instance, we are just now coming to understand the problems associated with disposing of certain hazardous wastes in landfills.

That is why I am supporting the passage of the Solid Waste Disposal Act Amendments of 1983 (S. 757). The bill reported by the Committee on Environment and Public Works is not perfect, but it goes far in addressing many weaknesses of existing law. It expands the number of generators covered by Federal law. It minimizes the landfilling of liquid hazardous wastes and establishes land disposal as the least favored method for managing hazardous waste. It provides a method for listing such new types of hazardous waste as dioxin and makes the delisting procedure more stringent. It addresses the problem of the burning and blending of fuels.

I am particularly pleased that the bill increases the penalties for criminal violations of hazardous waste laws. At a hearing of the Permanent Subcommittee on Investigations, of which I am a member, it became clear that, while we require every company and individual to comply with the rules and regulations established by the EPA, this does not always occur. It touches a raw nerve to hear about the crimes the witnesses described—knowingly mixing toxic substances with other sewage and selling the result as fertilizer, which then contaminates our farmland and our food—or mixing oil with flammable toxic substances and reselling it to unsuspecting customers. Some of the culprits may have existing criminal records; others may just be greedy businessmen in search of an easy profit. They are all threats to our society.

Proper disposal of hazardous waste is sometimes costly. If penalties are small and enforcement inadequate—which may now be the case—some companies may resort to midnight dumping rather than proper hazardous waste treatment. Under such circumstances, crime may pay. Now is the time to remedy this situation.

Currently, these crimes are misdemeanors. This does not begin to match the penalty to the crime. The monetary cost to society of cleaning up improperly disposed of waste can be up to 100 times the cost of disposing of it properly in the first place. The cost in human suffering can barely be imagined. The bill before us today toughens Federal enforcement ability and raises the maximum penalty for serious violations of the hazardous waste laws from a maximum fine of only $25,000 per day of violation and 1 year imprisonment to $250,000 per day of violation and imprisonment for as long as 15 years. By enacting this law, we will ensure that crime does not pay.

With renewed emphasis on criminal enforcement in the bill, I expect that the Environmental Protection Agency will devote sufficient resources to criminal investigation and enforcement. Currently, for instance, EPA has only four field criminal investigators located in Chicago for the 10-State region which generates the most hazardous waste in the Nation. And these investigators are responsible for investigating criminal violations of all Federal environmental laws, not just hazardous waste. I recently wrote to Administrator Ruckelshaus urging him to increase resources for this effort. In many respects, highly visible criminal prosecutions can provide a more effective deterrent to future illegal hazardous waste disposal than numerous reprimands or penalties for minor violations of the Resource Conservation and Recovery Act.

There are a number of hazardous waste issues, beyond the scope of the legislation before us, which still must be addressed. While today's legislation deals with the critical areas of generation and disposal of hazardous waste, it does not deal with the cleanup of existing waste sites. This is why the Superfund was established in 1980, as a fund available for cleanup of the worst sites across the country. I welcome the President's support for a 56-percent increase in the amount of Superfund dollars available for cleanup of hazardous waste sites next year. Yet the number of sites awaiting cleanup far exceeds the currently available resources.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the bill establishing the Superfund, must be reauthorized with a fee system providing incentives to minimize waste generation, and adequate to meet the continuing needs across the country.

Today's reauthorization of the Resource Conservation and Recovery Act, combined with future action on Superfund legislation, will go a long way toward remedying the problems associated with hazardous waste in Illinois, and across the Nation.

● Mr. GLENN. Mr. President, I am pleased to vote for the passage of S. 757. These amendments contain several needed reforms in the existing hazardous waste management system. For the first time, EPA will have the authority to regulate small generators of hazardous waste. According to congressional testimony, as much as 15 million metric tons of hazardous waste from small generators is not subject to regulation.

S. 757 will also discourage land disposal and will impose tighter require-

ments on wastes that are land disposed. Currently, nearly 80 percent of the hazardous wastes being generated is disposed of in, or on, the land. RCRA's promise to provide environmental and health protection from the dangers of hazardous waste has not been fulfilled. It is imperative that we enact S. 757 and start to aggressively enforce a cradle to grave management system for hazardous waste.

In addition, S. 757 sets up deadlines for completion of regulatory decisions by EPA. Further delay in issuing regulations is unconscionable in view of the environmental and health threat posed by unsafe disposal.

It is extremely shortsighted to think that hazardous wastes we fail to control now can be taken care of later. The tragedies of Love Canal and Times Beach are only the beginning of the consequences of past failure to monitor and control toxic substances. Unfortunately, we do not yet know the dimensions of the problems created by previously uncontrolled wastes. Moreover, by failing to act now, we will be subjecting future generations to possibly tragic risks. We took the first step toward controlling hazardous waste by enacting RCRA in 1976; now we must finish the task by closing loopholes and strengthening the existing regulations.●

SECTION 8 OF S. 757 REGARDING INFECTIOUS WASTE

● Mr. DODD. Mr. President, in response to S. 346, which I introduced and testified on before the Senate Environment and Public Works Committee, section 8 of S. 757 directs the Administrator to identify within 6 months of enactment those wastes for which a decision whether to list as a hazardous waste will be made within time periods of 2 and 5 years. The Agency is also to promulgate regulations identifying additional characteristics of hazardous waste within 2 years of enactment. The committee report states: "Where technical questions cannot yet be definitively answered, EPA should not delay but should make reasonable assumptions based on the need to protect human health and the environment."

A particular concern I have is over EPA's inactivity in establishing regulations and final guidelines for infectious waste management. Infectious waste is a category of waste which includes isolation wastes, cultures and stocks of disease-causing agents, blood and blood products, pathological wastes, residues of and materials contaminated with chemotherapy drugs, wastes from surgery and autopsy, contaminated laboratory wastes, needless and other sharp objects, dialysis unit wastes, animal carcasses and body parts, animal bedding and other wastes from animal rooms, discarded biological matter, contaminated food products, and contaminated equipment.

Infectious waste can be treated by incineration. Technology is available, as is capacity. Treatment is not being utilized because it is more expensive than improper disposal, and because it is not required. Ineffective and improper management of infectious waste represents a growing problem for which Federal regulation is necessary to protect human health and the environment.

At this time there is no final Federal definition of infectious waste. EPA has not established an infectious waste characteristic or listed infectious wastes. Consequently, it is not regulated as a hazardous waste. More than 7 years after RCRA was enacted, there are no Federal management requirements, no regulations for proper storage, transportation, treatment, and disposal of infectious wastes. Some States have adopted regulations requiring treatment of all infectious waste. But like other hazardous wastes, the health and environmental consequences of improper management of infectious waste knows no State boundaries. A national program is necessary. Otherwise, we may be facing a new round of Superfund sites, only this time with infectious waste.

EPA apparently does not consider infectious waste a priority issue so that no further regulatory action is anticipated in the near future. This is unacceptable.

Infectious wastes therefore clearly are intended to be regulated in accordance with the schedule under section 8 of S. 757. More than enough time has elapsed to enable EPA to have made the basic decisions for minimum regulation of infectious waste. One of the purposes of the Solid Waste Disposal Act is to prevent releases of hazardous wastes, including infectious waste. EPA should therefore give infectious waste a much higher priority than it has received, placing it on the fastest regulatory track, including listing well within the 2-year regulatory period. Toward this end, EPA should provide the necessary technical guidance to affected institutions and States by publishing long-delayed final regulations.●

● Mr. MOYNIHAN. Mr. President, I support S. 757, a bill to reauthorize and amend the Resource Conservation and Recovery Act [RCRA]. RCRA—the Nation's hazardous waste management law—was enacted in 1976 as an amendment to the Solid Waste Disposal Act of 1965. The statute directs the Environmental Protection Agency [EPA] to regulate the transportation, storage, treatment, and disposal of hazardous waste.

The EPA estimates that some 264 million metric tons of RCRA-defined hazardous waste are generated in this country each year—this is over 1 metric ton per person. Hazardous waste is defined as garbage, refuse or other discarded material that can cause mortality or serious illness, or pose a substantial hazard to human health and the environment when improperly managed. There are 8,000 hazardous waste treatment, storage, and disposal facilities; 13,000 transporters; and 54,000 waste generators that fall under the RCRA regulatory scheme.

As such, hazardous waste management has proven to be a very large task. Unfortunately, the implementation of RCRA has lagged. RCRA regulations that were to be completed in 1978 were instead not issued until 1980 and 1981, and in one case not until 1982.

RCRA requires that an operating permit be issued for each hazardous waste treatment, storage, and disposal facility. Yet only a handful of operating permits have been issued, and the remainder of the 8,000 treatment, storage, and disposal facilities are operating under interim status guidelines. These guidelines are not as stringent as the standards for fully permitted facilities. At the current rate, EPA estimates that it will take 10 years to complete the permit process for all interim status facilities.

The bill before us amends and strengthens RCRA in a number of significant ways. The bill includes new requirements for small quantity hazardous waste generators, requires tighter restrictions on the land disposal of hazardous waste, ends the unregulated burning of hazardous waste blended with fuel oil, accelerates the process for reviewing and listing substances as hazardous wastes, establishes minimum technology standards for hazardous waste treatment, storage, and disposal facilities, stiffens criminal penalties for violators of RCRA regulations, and establishes deadlines for EPA to complete various regulatory tasks. Taken together these provisions should improve the implementation of RCRA and extend regulatory coverage in ways that will provide additional protection for human health and the environment.

I am pleased particularly that this bill includes a provision that I sponsored in the Environment and Public Works Committee to address the problem of uncontrolled burning of hazardous wastes blended with fuels. The EPA does not currently regulate hazardous wastes that are burned for the primary purpose of "recovering usable energy." Recent estimates are that some 4 million tons of hazardous waste are being burned in boilers and furnaces not subject to EPA regulation. In my State of New York, hazardous wastes have been blended surreptitiously with fuel oil and burned unwittingly in apartment boilers in

New York City. This unregulated burning of hazardous waste exposes the surrounding population to potentially hazardous air pollutants.

Section 9 of this bill directs the EPA to develop and implement a regulatory program that establishes requirements, as may be necessary to protect human health and the environment, for the burning and blending of hazardous waste for energy recovery. Under the new provision, facilities that blend hazardous waste with fuel, or those persons who distribute or market fuel blended with hazardous waste must notify EPA of those activities within 1 year. Within 2 years, EPA must set standards governing hazardous-waste-derived fuel production, distribution, marketing, and burning.

I am pleased also to have cosponsored two floor amendments to this bill that I believe will help close existing loopholes in the RCRA law. These amendments were developed to address two problems identified by the Office of Technology Assessment [OTA] in an April 6, 1984, staff memorandum on ground water protection standards for hazardous waste land disposal facilities.

The first amendment requires the EPA to include financial responsibility assurances for corrective action in the performance standards that the Agency sets for the owners and operators of hazardous waste disposal facilities. Current EPA regulations require owners and operators to provide financial responsibility assurances for the costs of closure and post-closure maintenance of hazardous waste disposal facilities. However, financial responsibility assurances are not now required for corrective action that might have to be taken to clean up any contamination caused by such facilities. In instances where corrective action is necessary, cleanup costs could be substantial, especially if ground water has been contaminated. Some companies, faced with large corrective action costs, may choose, or be forced into, bankruptcy. In such cases, it is likely that cleanup would have to be accomplished using Superfund moneys. The financial responsibility amendment that I have cosponsored is designed to avoid this eventuality by making sure that those who own and operate disposal sites have adequate resources to clean up any contamination that might occur.

The second amendment provides the EPA with authority to issue an administrative order, or to commence a civil action in the U.S. district court to require corrective action at interim status hazardous waste treatment, storage, or disposal facilities where there is or has been a release of hazardous waste. The EPA currently has authority to require such corrective action at permitted hazardous waste treatment, storage, and disposal facilities. However, as of February 1984, only 115 facilities had full RCRA permits. The remaining facilities, close to 8,000, were operating under interim status. It will take an estimated 10 years to make permit determinations on the remaining interim status sites. The EPA estimates that between 50 percent and 60 percent of the interim status land disposal facilities are leaking and will require corrective action. Providing the EPA with the authority to use administrative orders to require corrective action at interim status facilities, is, therefore, most important. The Agency should have the same mechanism for protecting human health and the environment at interim status facilities as is now available for permitted facilities.

Mr. President, the provisions I have mentioned, along with others in the bill, provide for a strengthened hazardous waste management law. As such, I urge the adoption of S. 757.●

Mr. SIMPSON. Mr. President, the consideration of the Resource Conservation and Recovery Act today marks the end of a long and laborious process that began several years ago in the Senate Environment and Public Works Committee. I am pleased the bill that is before us today is not perfection. It does not represent all of the answers to the hazardous waste problems that plague some areas of the country. The bill does represent a significant step forward in the regulation of hazardous waste disposal methods and waste handling. During the course of debate on RCRA the bill has grown in length and has in some places we have written regulations into law and I am concerned about that trend. However, the EPW committee has also made changes in the bill that will make it more practical in "the real world." We must do all that is possible to minimize hazardous waste generation and we must continue to carefully protect the public health and the environment—and that is the key to RCRA—the standard of protecting the public health and environment—we find that phrase through out the bill and that is then what this action is all about.

I must say I often tire of hearing the press and some public interest groups harangue about the lack of concern of the environment by Republicans. All types and forms of Republicans care about the environment and work diligently to protect it. New England Republicans have their point of view, southern Republicans have their idea of protecting the environment and western Republicans hold protection of the environment as a very high objective. We may not always agree how this protection is to be accomplished—but one thing is most certain—we are all sensitive to the needs of the public and the bountiful natural resources that all of us enjoy. So I find it pleasing that we are considering this bill today and I am confident that we can pass this bill and that with a bipartisan effort we can see the law enacted this year. And assuredly that can only be a positive development for the American people.

Senator CHAFEE and Senator STAFFORD have worked long, tough and hard on this legislation and have tried to work with all members of the Environment and Public Works Committee in order to formulate a bill that does protect the environment—but in a practical and reasonable manner. This bill has undergone considerable refinement during subcommittee and full committee meetings and even beyond that. We have continued to seek ways to make RCRA a more workable piece of legislation.

The RCRA bill has been improved in many areas. The small quantity generator provisions have been altered to take into account conditions that exist in many States—like my own—that are rural or semirural. We have allowed additional time for on-site storage of wastes for those who would experience hardships by complying with regulations that were meant for urban environments.

We have directed the EPA Administrator to initiate a small quantity generator study to determine just how wide ranging the small generator problem is in different parts of the country.

The RCRA bill contains comprehensive land disposal provisions that should revolutionize practices of disposing of hazardous wastes in land fills. We have provided for alternate land disposal technologies only where it can be demonstrated that such alternate technologies will be at least as effective as double liners and yet continue to protect human health and the environment. In addition, the bill would direct the Administrator of EPA to promulgate regulations concerning the disposal of dioxin containing wastes.

I feel the Environment and Public Works Committee has made other positive changes in this legislation. The committee altered the provision for the award of attorney's fees in order that only "prevailing or substantially prevailing" parties may collect fees. This is a commonsense change that should be made in every environmental statute.

The committee also worked out compromise language on the citizen suit provision. So—there are many areas in this bill that have been amended to reflect reason and logic—and that is so important for Congress to recognize how things work out there in the real world—down in the trenches where local public officials have to deal with hazardous waste on a daily basis. The same cannot be said for the House RCRA bill.

The important thing to consider is that any changes to the bill that would make it conform more to real on-the-ground conditions were made based upon the central theme and standard set forth in the bill—the singular standard of protecting human health and the environment. This standard has always been instilled in sight and mind and it provides the backbone of this bill. EPA and Congress cannot retain the public trust and confidence unless the public is adequately protected—and we have set out to make certain that protection is provided.

One last item I would wish to discuss involves a committee amendment that Senator CHAFEE and others worked with me to formulate. This amendment is designed to allow the EPA Administrator to treat high volume, low toxicity mining waste in a different manner than low volume, high toxicity industrial wastes. This amendment represents another successful attempt to bring good sense to this bill while continuing to afford full protection of the enviroment. I would thank Senators CHAFEE and RANDOLPH and other Senators that have worked so hard on this issue. It has been quite an interesting process for me to grind this bill out and I think we have all learned a great deal by having participated in it. All of us have tried to bring a thoughtful approach to this arena and overall objectiveness has been maintained. I do look forward to seeing this bill enacted and know that the able and personable Bill Ruckelshaus and his fine crew will set out on a new and comprehensive path that will prevent the occurrence of future Superfund sites. That old trite expression—"an ounce of prevention is worth a pound of cure" fits right here and as I assure you RCRA is much more than an ounce.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The bill clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I move third reading of S. 757 as amended.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. ABDNOR]. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 2867.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2867.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island?

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I move to strike all after the enacting clause and insert in lieu thereof the text of S. 757, as amended.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. CHAFEE. Mr. President, I ask for the yeas and nays on final passage of H.R. 2867, as amended.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Florida [Mrs. HAWKINS], the Senator from Georgia [Mr. MATTINGLY], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mr. TOWER], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from South Carolina [Mr. THURMOND] would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—93

Abdnor	Ford	Metzenbaum
Andrews	Garn	Mitchell
Armstrong	Glenn	Moynihan
Baker	Goldwater	Murkowski
Baucus	Gorton	Nickles
Bentsen	Grassley	Nunn
Biden	Hatch	Packwood
Bingaman	Hatfield	Pell
Boren	Hecht	Percy
Bradley	Heflin	Pressler
Bumpers	Heinz	Proxmire
Burdick	Helms	Pryor
Byrd	Hollings	Quayle
Chafee	Huddleston	Randolph
Chiles	Humphrey	Riegle
Cochran	Inouye	Roth
Cohen	Jepsen	Rudman
Cranston	Johnston	Sarbanes
D'Amato	Kassebaum	Sasser
Danforth	Kasten	Simpson
DeConcini	Kennedy	Specter
Denton	Lautenberg	Stafford
Dixon	Laxalt	Stennis
Dodd	Leahy	Stevens
Dole	Levin	Symms
Domenici	Long	Trible
Durenberger	Lugar	Tsongas
Eagleton	Mathias	Wallop
East	Matsunaga	Warner
Evans	McClure	Wilson
Exon	Melcher	Zorinsky

NOT VOTING—7

Boschwitz	Mattingly	Weicker
Hart	Thurmond	
Hawkins	Tower	

So the bill (H.R. 2867), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2867) entitled "An Act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes", do pass with the following amendments: Strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Solid Waste Disposal Act Amendments of 1984".

AUTHORIZATION

SEC. 2. Section 2007(a) of the Solid Waste Disposal Act is amended by striking "and" immediately following "1981," and by inserting immediately before the period at the end thereof ", $70,000,000 for the fiscal year ending September 30, 1985, and $80,000,000 per fiscal year for fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989".

SEC. 3. Section 3011(a) of the Solid Waste Disposal Act is amended by striking "and" immediately following "1981," and by inserting immediately following "1982" the following: ", $55,000,000 for the fiscal year 1985, and $60,000,000 per fiscal year for fiscal years 1986, 1987, 1988 and 1989".

SMALL QUANTITY GENERATOR REGULATION AND STUDY

SEC. 4. Section 3002 of the Solid Waste Disposal Act is amended by inserting "(a)

STANDARDS.—" after "SEC. 3002." and by adding the following new subsection:

"(b) HAZARDOUS WASTE FROM SMALL QUANTITY GENERATORS.—(1) Beginning two hundred and seventy days after the enactment of the Solid Waste Disposal Act Amendments of 1984, any hazardous waste listed or identified under section 3001 which is part of a total quantity generated by a generator generating greater than one hundred kilograms but less than one thousand kilograms during one calendar month and which is shipped off the premises on which such waste is generated shall be accompanied by a copy of the Environmental Protection Agency uniform hazardous waste manifest form signed by the generator. This form shall contain the following information:

"(A) the name and address of the generator of the waste;

"(B) the United States Department of Transportation description of the waste, including the proper shipping name, hazard class, and identification number (UN/NA), if applicable;

"(C) the number and type of containers;

"(D) the quantity of waste being transported; and

"(E) the name and address of the facility designated to receive the waste.

If subparagraph (B) is not applicable, in lieu of the description referred to in such subparagraph (B), the form shall contain the Environmental Protection Agency identification number, or a generic description of the waste, or a description of the waste by hazardous waste characteristic. Additional requirements related to the manifest promulgated under this Act shall apply only if determined necessary by the Administrator to protect human health and the environment. The Administrator is authorized to apply the requirements of this paragraph to hazardous waste which is part of a total quantity generated by a generator generating less than one hundred kilograms during one calendar month.

"(2) Until the effective date of regulations promulgated under paragaph (6), or as specified in paragraph (6)(C), any hazardous waste identified or listed under section 3001 generated by any generator during any calendar month in a total quantity less than one thousand kilograms, which is not treated, stored, or disposed of at a hazardous waste treatment, storage, or disposal facility with a permit under section 3005, shall be disposed of only in a facility which is permitted, licensed, or registered by a State to manage municipal or industrial solid waste.

"(3) The provisions of paragraph (2) shall take effect on the date two hundred and seventy days after the enactment of the Solid Waste Disposal Act Amendments of 1984.

"(4) Requirements under section 3004 for storage of hazardous waste identified or listed under section 3001 which is generated by any generator during any calendar month in a total quantity less than one thousand kilograms shall provide for onsite storage in tanks and containers of such hazardous waste for up to one hundred and eighty days without a permit, unless the generator must ship or haul such waste over two hundred miles in which case such requirements shall provide for onsite storage for up to two hundred and seventy days of up to six thousand kilograms of such hazardous waste.

"(5) Nothing in this subsection shall be construed to affect, modify, or render invalid any requirements applicable to any acutely hazardous waste identified or listed under section 3001 which is generated by any generator during any calendar month in a total quantity less than one thousand kilograms, in regulations promulgated prior to January 1, 1983. Any additional acutely hazardous waste listed under section 3001 after January 1, 1983, shall be subject to all regulations applicable to acutely hazardous wastes.

"(6)(A) The Administrator in cooperation with the States shall conduct a study of hazardous waste identified or listed under section 3001 of this Act which is generated by individual generators in total quantities for each generator during any calendar month of less than one thousand kilograms. The Administrator may require from such generators information as may be necessary to conduct the study. Such study shall include a characterization of the number and type of such generators, the quantity and characteristics of hazardous waste generated by such generators, State requirements applicable to such generators, the individuals and industry waste management practices of such generators, the potential costs of modifying those practices and the impact of such modifications on national treatment and disposal facility capacity, and the threat to the protection of human health and the environment and the employees of transporters or others involved in solid waste management posed by such hazardous wastes or such management practices. Such study shall be submitted to the Congress not later than March 31, 1985.

"(B) Based upon the study required by subparagraph (A) and other information available to the Administrator and after consultation with the Administrator shall promulgate not later than March 31, 1986, additional regulations establishing such requirements under this section and sections 3003, 3004, and 3005 of this Act for hazardous waste identified or listed under section 3001 which is generated by a generator during any calendar month in a total quantity less than one thousand kilograms, as may be necessary to protect human health and the environment. Such requirements may supplement the requirements of paragraphs (1) through (5) of this subsection and may distinguish among classes and categories of generators or waste, and may vary from the requirements applicable to hazardous waste generated in quantities greater than one thousand kilograms during any calendar month, to the extent the Administrator determines such variation is necessary by reason of the smaller size and the technical and managerial capability of such generators, and is adequate to protect human health and the environment. The Administrator shall consider State requirements applicable to generators of hazardous waste which generate such wastes in a total quantity less than one thousand kilograms per month in promulgating such regulations and shall explain differences between State requirements and regulations promulgated under this subparagraph. Except as provided in paragraph (4), regulations promulgated under this paragraph shall provide that treatment, storage, or disposal of a hazardous waste identified or listed under section 3001 generated by a generator during any calendar month in a total quantity less than one thousand kilograms occur only at a treatment, storage, or disposal facility with a permit under section 3005. The Administrator may establish in such regulations a total quantity of wastes generated by a generator during any calendar month, not to exceed one hundred kilograms, for which disposal may occur in compliance with paragraph (2) rather than the preceding sentence, if the Administrator determines that such compliance will be adequate to protect human health and the environment. Such quantity may vary for different wastes or classes of wastes.

"(C) In the case no regulations in accordance with subparagraph (B) of this paragraph have been promulgated prior to March 31, 1986, after such date—

"(i) all treatment, storage, or disposal of any hazardous waste identified or listed under section 3001 generated by a generator during any calendar month in a total quantity greater than one hundred kilograms but less than one thousand kilograms shall occur only at a treatment, storage, or disposal facility with a permit under section 3005;

"(ii) generators of such waste shall file manifest exception reports as required of generators producing quantities greater than one thousand kilograms per month except that such reports shall be filed by January 31, for any waste shipment occurring in the last half of the preceding calendar year, and by July 31, for any waste shipment occurring in the first half of the calendar year; and

"(iii) generators of such waste shall retain for three years a copy of the manifest signed by the designated facility that has received the waste.

"(D) The Administrator shall undertake activities to inform and educate waste generators of their responsibilities under this section during the period after enactment to help assure compliance.".

LAND DISPOSAL LIMITATIONS

SEC. 5. (a) Section 3004 of the Solid Waste Disposal Act is amended by inserting "(a) STANDARDS.—" after "SEC. 3004." and by adding the following new subsections:

"(b) LAND DISPOSAL LIMITATIONS.—(1) The Congress finds that certain classes of land disposal facilities are not capable of assuring long-term containment of certain hazardous wastes, and that to avoid substantial risk to human health and the environment, reliance on land disposal should be minimized and land disposal, particularly landfill and surface impoundment, should be the least favored method for managing hazardous wastes. Therefore, the Administrator shall, after notice and opportunity for hearings and after consultation with appropriate Federal and State agencies, promulgate regulations prohibiting the land disposal of hazardous wastes, except for methods of land disposal of one or more such wastes which the Administrator determines will be protective of human health and the environment. If the Administrator determines that a method of land disposal of a hazardous waste will be protective of human health and the environment, he shall promptly publish in the Federal Register notice of such determination together with an explanation of the basis for such determination. The Administrator shall take into account the persistence, toxicity, mobility, and propensity to bioaccumulate of such hazardous waste, and the potential effect of such waste on the integrity of containment mechanisms.

"(2) For the purposes of this subsection (other than paragraph (7)), if a specified waste contains significant concentrations of one or more hazardous constituents that is highly toxic, highly mobile, or has a strong propensity to bioaccumulate, a method of land disposal may not be determined to be

protective of human health and the environment for such specified hazardous waste, unless upon application by an interested person it has been demonstrated to the Administrator, to a reasonable degree of certainty, that there will be no migration of such constituents from the disposal unit or injection zone for as long as the wastes remain hazardous.

"(3) A prohibition in regulations under this subsection shall be effective immediately upon promulgation, unless the Administrator establishes another effective date with respect to a specific hazardous waste on the basis of the earliest date on which adequate alternative treatment, recovery, or disposal capacity which protects human health and the environment will be available, which shall in no event be later than two years after the date of promulgation. The Administrator, after notice and opportunity for comment and after consultation with appropriate State agencies in all affected States, may grant an extension of such effective date on a case-by-case basis for up to one year, renewable for no more than one additional year, where the applicant demonstrates that there is a binding contractual commitment to construct or otherwise provide such alternative capacity but due to circumstances beyond the control of such applicant such alternative capacity cannot reasonably be made available by such effective date.

"(4) Not later than twenty-four months after the enactment of the Solid Waste Disposal Act Amendments of 1984, the Administrator shall promulgate regulations in accordance with paragraph (1) for dioxin-containing hazardous wastes (Proposed EPA Hazardous Waste Nos. F020, F021, F022, and F023) and those hazardous wastes numbered F001, F002, F003, F004, and F005 in regulations promulgated by the Administrator under section 3001 (40 C.F.R. 261.31), as those regulations are in effect on July 1, 1983;

"(5) Not later than thirty-two months after the enactment of the Solid Waste Disposal Act Amendments of 1984, the Administrator shall promulgate regulations in accordance with paragraph (1) for the following hazardous wastes:

"(A) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l.

"(B) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing the following metals (or elements) or compounds of these metals (or elements) at concentrations greater than or equal to those specified below:

"(i) arsenic and/or compounds (as As) 500 mg/l;

"(ii) cadmium and/or compounds (as Cd) 100 mg/l;

"(iii) chromium (VI and/or compounds (as Cr VI)) 500 mg/l;

"(iv) lead and/or compounds (as Pb) 500 mg/l;

"(v) mercury and/or compounds (as Hg) 20 mg/l;

"(vi) nickel and/or compounds (as Ni) 134 mg/l;

"(vii) selenium and/or compounds (as Se) 100 mg/l; and

"(viii) thallium and/or compounds (as Th) 130 mg/l.

"(C) Liquid hazardous waste having a pH less than or equal to two (2.0).

"(D) Liquid hazardous wastes containing polychlorinated biphenyls at concentrations greater than or equal to 50 ppm.

"(E) Hazardous wastes containing halogenated organic compounds in total concentration greater than or equal to 1,000 mg/kg.

When necessary to protect human health and the environment, the Administrator shall substitute more stringent concentration levels than the levels specified in subparagraphs (A) through (E).

"(6)(A) Not later than twenty-four months after the enactment of the Solid Waste Disposal Act Amendments of 1984 the Administrator shall publish a schedule for deciding whether or not to prohibit in accordance with paragraph (1) the land disposal of each hazardous waste listed under section 3001. Such schedule shall require that the Administrator must make such decisions for at least one-third of all such listed wastes by the date forty-eight months after the date of such enactment, for at least two-thirds of all such listed wastes by the date sixty months after the date of such enactment, and for all such listed wastes by the date seventy-two months after the date of such enactment. The Administrator shall base the schedule on a ranking of such listed wastes considering their intrinsic hazard and their volume such that decisions whether or not to prohibit the land disposal of high volume hazardous wastes with high intrinsic hazard shall, to the maximum extent possible, be made by the date forty-two months after the enactment of the Solid Waste Disposal Act Amendments of 1984 and decisions regarding low volume hazardous wastes with lower intrinsic hazard shall be made by the date seventy-two months after the date of such enactment.

"(B) Not later than the date specified in subparagraph (A) for each waste on the schedule published under such subparagraph, the Administrator shall promulgate regulations in accordance with paragraph (1) for each such waste.

"(C) Not later than fifty-two months after the enactment of the Solid Waste Disposal Act Amendments of 1984, the Administrator shall promulgate regulations in accordance with paragraph (1) for each hazardous waste identified on the basis of any toxicity characteristics.

"(D) Not later than thirty-two months after the listing of a hazardous waste listed after the enactment of the Solid Waste Disposal Act Amendments of 1984, the Administrator shall promulgate regulations in accordance with paragraph (1) for such waste.

"(7) Simultaneously with the promulgation of regulations under paragraph (1) prohibiting one or more methods of land disposal of a particular hazardous waste, and as appropriate thereafter, the Administrator shall, after notice and an opportunity for hearings and after consultation with appropriate Federal and State agencies, promulgate regulations specifying those levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized. If such hazardous waste has been treated to the level or by a method specified in regulations promulgated under this paragraph, such waste or residue thereof shall not be subject to any prohibition promulgated under paragraph (1) of this subsection and may be disposed of in a land disposal facility which meets the requirements of this subtitle. Any regulation promulgated under this paragraph for a particular hazardous waste shall become effective on the same date as any applicable prohibition promulgated under paragraph (1) of this subsection.

"(8)(A) Any hazardous waste prohibited under this subsection from disposal in a surface impoundment may be treated or stored in a surface impoundment only if that impoundment is equipped with at least one liner.

"(B) For the purposes of this subsection, 'disposal' shall include the placement of hazardous waste in a surface impoundment or a waste pile for a period of more than six months, regardless of whether it is intended that the hazardous waste will be removed before closure of the facility.

"(9) Except as provided in paragraph (10), if the Administrator fails to promulgate regulations under paragraph (1) with respect to a waste referred to in paragraph (4) or in paragraph (5) by the deadline specified in such paragraph, effective six months after such deadline, and until the Administrator promulgates regulations under paragraph (1), such waste may be disposed of in a landfill or a surface impoundment only if such facility is in compliance with the requirements of section 3004(f) of this Act. This paragraph and paragraph (10) shall not apply to contaminated soil and debris from the cleanup or removal of any release of a hazardous substance.

"(10) If the Administrator fails to promulgate regulations under paragraph (1) with respect to nonliquid hazardous wastes containing halogenated organic compounds in total concentration greater than or equal to 1,000 mg/kg by the date thirty-two months after the enactment of the Solid Waste Disposal Act Amendments of 1984, effective twenty-four months after such date, and until the Administrator promulgates such regulations under paragraph (1), such wastes from the refurbishment of textiles and apparel containing halogenated organic compounds in total concentration less than 28,000 mg/kg may be disposed of in a landfill or surface impoundment only if such facility is in compliance with the requirements of section 3004(f) of this Act. All other such wastes shall be subject to the provisions of paragraph (9).

"(c) LIQUIDS IN LANDFILLS.—Not later than fifteen months after the enactment of the Solid Waste Disposal Act Amendments of 1984, the Administrator shall promulgate final regulations which minimize the disposal of liquid containerized hazardous waste in landfills, and whcih prohibit the disposal of bulk or noncontainerized liquid hazardous wastes in land fills. Such regulations shall also prohibit the disposal in landfills of liquids that have been absorbed in materials that biodegrade or that release liquids when compressed as might occur during routine landfill operation. Prior to the promulgation of such final regulations, the requirements in regulations under this section respecting the disposal in landfills of liquid hazardous waste and free liquids contained in hazardous waste in effect as of October 1, 1982, shall remain in effect.

"(d) BAN ON DUST SUPPRESSION.—The use of waste or used oil or other material, which is contaminated or mixed with dioxin or any other hazardous waste identified or listed under section 3001 (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment is prohibited.

"(e) BAN ON CERTAIN WELLS.—Effective one hundred and eighty days after the enactment of the Solid Waste Disposal Act

Amendments of 1984, no hazardous waste may be disposed of by underground injection into or above any formation which contains, within one-half mile of the well used for such underground injection, an underground source of drinking water. This subsection shall not apply to the injection of contaminated ground water into the aquifer from which it was withdrawn, if such injection is a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or part of corrective action required under this title intended to clean up such contamination and such contaminated ground water is treated to substantially reduce hazardous constituents prior to such injection.".

(b) Section 3005(e) of the Solid Waste Disposal Act is amended by adding the following: "The owner or operator of a waste pile qualifying for the authorization to operate under this subsection shall be subject to the same requirements for liners and leachate collection systems or equivalent protection provided in regulations promulgated by the Administrator under section 3004 before October 1, 1982, or revised under section 3004(f), for new facilities receiving individual permits under subsection (c) of this section, with respect to each new unit, replacement of an existing unit, or lateral expansion of an existing unit that is within the waste management area identified in the permit application submitted under this section, and with respect to waste received beginning six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984. The owner or operator of a landfill or surface impoundment qualifying for the authorization to operate under this subsection shall be subject to the requirements of section 3004(f), with respect to each new unit, replacement of an existing unit, or lateral expansion of an existing unit that is within the waste management area identified in the permit application submitted under this section, and with respect to waste received beginning six months after such date of enactment. The owner or operator of each such unit shall notify the Administrator (or the State, if appropriate) at least sixty days prior to receiving waste. The Administrator (or the State) shall require the filing of a completed permit application within six months of receipt of such notice, for each facility submitting such notice. In the case of any unit in which the liner and leachate collection system has been installed pursuant to the requirements of this subsection and in good faith compliance with the Administrator's regulations and guidance documents governing liners and leachate collection systems, no liner or leachate collection system which is different from that which was so installed pursuant to this subsection shall be required for such unit by the Administrator when issuing the first permit under this section to such facility: Provided, That the Administrator shall not be precluded from requiring installation of a new liner when the Administrator has reason to believe that any liner installed pursuant to the requirements of this subsection is taking. The Administrator may, under section 3004, amend the requirements for liners and leachate collection systems required under this subsection as may be necessary to provide additional protection for human health and the environment.".

(c) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(g) The standards concerning ground water monitoring, unsaturated zone monitoring, and corrective action, which are applicable under section 3004 to new landfills, surface impoundments, land treatment units, and waste-pile units required to be permitted under subsection (c) shall also apply to any landfill, surface impoundment, land treatment unit, or waste-pile unit qualifying for the authorization to operate under subsection (e) which receives hazardous waste after July 26, 1983.".

MINIMUM TECHNOLOGICAL REQUIREMENTS AND PERMIT LIFE

SEC. 6. (a) Section 3004 of the Solid Waste Disposal Act is amended by adding the following additional new subsection:

"(f) MINIMUM TECHNOLOGICAL REQUIREMENTS.—The regulations under subsection (a) of this section shall be revised from time to time to take into account improvements in the technology of control and measurement. At a minimum, such regulations shall require, and a permit issued after the date of enactment of the Solid Waste Disposal Act Amendments of 1984 by the Administrator or a State shall require—

"(1) for each new landfill or surface impoundment, each new landfill or surface impoundment unit at an existing facility, each replacement of an existing landfill or surface impoundment unit, and each lateral expansion of an existing landfill or surface impoundment unit, for which a completed application for a permit under section 3005(c) is received after the date of enactment of the Solid Waste Disposal Amendments of 1984, with respect to all waste received after the issuance of such permit, the installation of two or more liners and a leachate collection system above (in the case of a landfill) and between such liners (unless the owner or operator demonstrates to the Administrator, and the Administrator finds for such landfill or surface impoundment, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents into the ground water or surface water at least as effectively as such liners and leachate collection systems), together with ground water monitoring; and

"(2) for each incinerator which receives a permit under section 3005(c) after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, the attainment of the minimum destruction and removal efficiency required by regulations in effect on June 24, 1982.

In addition, such regulations shall specify criteria for the acceptable location of new and existing treatment, storage, or disposal facilities as necessary to protect human health and the environment. The Administrator shall promulgate regulations or issue guidance documents implementing the requirements of paragraph (1) within two years after such date of enactment. Until the effective date of such regulations or guidance documents, the requirements for the installation of two or more liners may be satisfied by the installation of a top liner designed, operated, and constructed of materials to prevent the migration of any constituent into such liner during the period such facility remains in operation (including any post-closure monitoring period), and a lower liner designed, operated and constructed to prevent the migration of any constituent through such liner during such period. For the purpose of the preceding sentence, a lower liner shall be deemed to satisfy such requirement if it is constructed of at least a three-foot thick layer of recompacted clay or other natural material with a permeability of no more than 1×10^{-7} centimeter per second. Any permit under this subsection which is issued for a landbill located within the State of Alabama shall require the installation of two or more liners and a leachate collection system above and between such liners, notwithstanding any other provision of this Act.".

(b) Section 3005(c) of the Solid Waste Disposal Act is amended by adding the following: "Any permit under this section shall be for a fixed term, not to exceed ten years in the case of any land disposal facility, incinerator or other treatment facility. Each permit for a land disposal facility shall be reviewed five years after date of issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of this section and section 3004. Nothing in this subsection shall preclude the Administrator from reviewing and modifying a permit at any time during its term. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations. Each permit issued under this section shall contain such terms and conditions as the Administrator (or the State) determines necessary to protect human health and the environment.".

(c)(1) Section 3005(e) of the Solid Waste Disposal Act is amended by inserting "(1)" after "INTERIM STATUS.—", by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and by adding the following new paragraph:

"(2) (A) Except as provided in subparagraph (C), each surface impoundment in existence on the date of enactment of the Solid Waste Disposal Act Amendments of 1984 and qualifying for the authorization to operate under paragraph (1) of this subsection, which—

"(i) does not have at least one liner, for which there is no evidence that such liner is leaking, or

"(ii) is located in an area of vulnerable hydrogeology as defined in subparagraph (G) or as determined by criteria or guidance for the acceptable location of facilities issued in accordance with section 3004(f),

shall not receive, store, or treat hazardous waste after the date four years after such date of enactment unless such surface impoundment is in compliance with the requirements of section 3004(f) which would apply to such impoundment if it were new. For the purposes of clause (i) of this subparagraph, the term liner means a liner meeting the requirements of regulations for new surface impoundments in effect as of such date of enactment, and that the surface impoundment is in compliance with generally applicable ground water monitoring requirements for facilities with permits under subsection (c) of this section.

"(B) The Administrator (or the State, in the case of a State with an authorized program), after notice and opportunity for comment, may modify the requirements of subparagraph (A) for any surface impoundment if, not later than twenty-four months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, the owner or operator demonstrates that such surface impoundment is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into ground water or surface water at any time during the period hazardous waste remains in such surface impoundment. Within twelve months after the re-

ceipt of evidence submitted under this subparagraph and not later than thirty-six months after such date of enactment, the Administrator (or, if appropriate, the State) shall advise such owner or operator as to whether and, if so, how the requirements of subparagraph (A) shall be modified and applied to such surface impoundment.

"(C) Subparagraph (A) of this paragraph shall not apply to any surface impoundment which (i) contains treated waste water during the secondary or tertiary phase of an aggressive biological treatment facility subject to a permit issued under section 402 of the Clean Water Act (or which holds such treated waste water after treatment and prior to discharge), (ii) is in compliance with generally applicable ground water monitoring requirements for facilities with permits under subsection (c) of this section, and (iii) is part of a facility in compliance with section 301(b)(2) of the Clean Water Act, or, in the case of a facility for which no effluent guidelines required under section 304(b)(2) of the Clean Water Act are in effect and no permit under section 402(a)(1) of such Act implementing section 301(b)(2) of such Act has been issued, is part of a facility in compliance with a permit under section 402 of the Clean Water Act which is achieving significant degradation of toxic pollutants and hazardous constituents contained in the untreated waste stream and which has identified those toxic pollutants and hazardous constituents in the untreated waste stream to the appropriate permitting authority. The Administrator shall study and report to the Congress on the number, range of size, construction, likelihood of hazardous constituents migrating into ground water, and potential threat to human health and the environment of existing surface impoundments excluded by this subparagraph from the requirements of subparagraph (A). Such report shall address the need, feasibility, and estimated costs of subjecting such existing surface impoundments to the requirements of subparagraph (A). In the case of any existing surface impoundment or class of surface impoundments from which the Administrator (or the State, in the case of a State with an authorized program) determines hazardous constituents are likely to migrate into ground water, the Administrator (or, if appropriate the State) is authorized to impose such requirements as may be necessary to protect human health and the environment, including the requirements of section 3004(f) which would apply to such impoundments if they were new.

"(D) The owner or operator of any surface impoundment potentially subject to subparagraph (A) of this paragraph who has reason to believe that on the basis of subparagraph (A) (i) or (ii) or subparagraph (C) such surface impoundment is not required to comply with the requirements of subparagraph (A) shall apply to the Administrator (or the State, in the case of a State with an authorized program) not later than twenty-four months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984 for a determination of the applicability of subparagraph (A) to such surface impoundment. Such owner or operator shall provide evidence pertinent to such decision, including evidence as to compliance with ground water monitoring requirements and all reasonably ascertainable evidence on whether such surface impoundment is leaking. As part of such evidence an owner or operator relying on subparagraph (A) (i) or (ii) shall provide a certification by a registered professional engineer with academic training and experience in ground water hydrology that (i) such surface impoundment is not located in an area of vulnerable hydrogeology, (ii) the liner of such surface impoundment is designed, constructed and operated in accordance with the requirements of regulations, and (iii) based on a review of ground water monitoring information and other available information, there is no evidence such liner is leaking. As part of such evidence an owner or operator relying on subparagraph (C) shall provide a certification by a registered professional engineer with academic training and experience in ground water hydrology that such surface impoundment satisfies the conditions set forth in clauses (i), (ii), and (iii) of subparagraph (C), based on analysis of those toxic pollutants and hazardous constituents that are likely to be present in the untreated waste stream, and that hazardous constituents are not likely to migrate from the impoundment into ground water. Within twelve months after the receipt of such evidence and not later than 36 months after such date of enactment, and after notice and opportunity for comment, the Administrator (or, if appropriate, the State) shall advise such owner or operator on the applicability of subparagraph (A) to such surface impoundment.

"(E) In any case in which a surface impoundment is initially determined to be excluded from the requirements of subparagraph (A) but due to a change in condition subsequently becomes subject to subparagraph (A), the period for compliance in subparagraph (A) shall be two years after the date of discovery of such change of condition. In any case in which a surface impoundment becomes subject to subparagraph (A) after the date of enactment of the Solid Waste Disposal Act Amendments of 1984 due to the promulgation of additional listings or characteristics for the identification of hazardous wastes under section 3001, the period for compliance in subparagraph (A) shall be four years after the date of such promulgation, the period for demonstrations under subparagraph (B) and for submission of evidence under subparagraph (D) shall be not later than twenty-four months after the date of such promulgation, and the period for the Administrator (or, if appropriate, the State) to advise such owners or operators under subparagraphs (B) and (D) shall be not later than 36 months after the date of promulgation.

"(F) In the case of any surface impoundment in which the liners and leak detection system have been installed pursuant to the requirements of this paragraph and in good faith compliance with section 3004(f) and the Administrator's regulations and guidance documents governing liners and leak detection systems, no liner or leak detection system which is different from that which was so installed pursuant to this paragraph shall be required for such unit by the Administrator when issuing the first permit under this section to such facility. Nothing in this subparagraph shall preclude the Administrator from requiring installation of a new liner when the Administrator has reason to believe that any liner installed pursuant to the requirements of this paragraph is leaking.

"(G) For the purposes of subparagraph (A)(ii), a surface impoundment is located in an area of vulnerable hydrogeology if the impoundment is over or hydrologically connected to—

"(i) a sole source aquifer, or

"(ii) a formation which contains an underground source of drinking water if such formation or the unsaturated soils hydrologically connected to such formation are characterized by high hydraulic conductivity or permeability (including karst formations, medium-to-coarse-grained materials or fractured rock) or are geologically unstable, and there is no intervening natural barrier formation that would significantly restrict migration of waste constituents.".

CONTINUING RELEASES AT PERMITTED FACILITIES

SEC. 7. Section 3004 of the Solid Waste Disposal Act is amended by adding the following additional new subsection:

"(g) CONTINUING RELEASES AT PERMITTED FACILITIES.—Standards promulgated under this section shall require, and a permit issued after the date of enactment of the Solid Waste Disposal Act Amendments of 1984 by the Administrator or a State shall require, corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage, or disposal facility seeking a permit under this subtitle, regardless of the time at which waste was placed in such unit. Permits issued under section 3005 shall contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.".

LISTING DELISTING MODIFICATIONS

SEC. 8. Section 3001(b) of the Solid Waste Disposal Act is amended by adding at the end thereof the following new paragraphs:

"(4)(A) The regulations promulgated under paragraph (1) shall provide that, when evaluating a petition to exclude a waste generated at a particular facility from being regulated as a hazardous waste, the Administrator shall consider criteria, constituents, or other related factors, other than those for which the waste was listed, if the Administrator has information that provides a reasonable basis to believe that such additional criteria, constituents, or other related factors could cause such waste to be listed as a hazardous waste. The Administrator shall grant or deny such petitions only after notice and opportunity for public comment. To the maximum extent practicable the Administrator shall publish in the Federal Register a proposal to grant or deny such a petition within twelve months after receiving a complete application to exclude a waste generate at a particular facility from being regulated as a hazardous waste and shall grant or deny such a petition within twenty-four months after receiving a complete application. If the basis for denial of such petition is the presence of additional constituents which could cause such waste to be hazardous, the Administrator shall, after notice and opportunity for public comment, amend the basis for the listing of such waste to indicate the additional constituents.

"(B) The temporary granting of such a petition prior to the enactment of the Solid Waste Disposal Act Amendments of 1984 without the opportunity for public comment and the full consideration of such comment shall not continue for more than twenty-four months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984. If a final decision to grant or deny such a petition has not been promulgated after notice and opportunity for public comment within the time limit prescribed by the preceding sentence, any

such temporary granting of such petition shall cease to be in effect.

"(C) Any petition to exclude from regulation a waste generated at a particular facility shall be accompanied by adequate information to evaluate such petition, including information on samples of such waste determined to be representative on the basis of guidelines for the development and submission of such information published by the Administrator. Such information shall be certified by a responsible official of such facility (as determined under regulations promulgated under section 3005) to be accurate, complete, and representative, within the knowledge of employees or contractors of such facility.

"(5) For the purpose of assuring the timely completion of regulations identifying the characteristics of hazardous waste and the listing of additional particular hazardous wastes, as required by paragraph (1) of this subsection, the Administrator shall—

"(A) not later than six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, identify those particular wastes for which the Agency intends to decide whether to list as hazardous waste within two years after such date of enactment, and those particular wastes for which the Agency intends to decide within five years after such date of enactment;

"(B) not later than six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, promulgate regulations listing chlorinated dioxin- and dibenzofuran-containing wastes as hazardous wastes in accordance with paragraph (1) of this subsection; and

"(C) not later than two years after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, (i) promulgate regulations identifying additional characteristics of hazardous waste, including measures or indicators of toxicity; and (ii) reach decisions on all wastes identified in accordance with subparagraph (A) for decision within two years and for each such waste either promulgate regulations listing such particular hazardous waste or publish a statement as to why such waste should not be listed as hazardous waste; and

"(D) not later than twenty-eight months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, make such changes as are necessary in the extraction procedure toxicity characteristic to predict the leaching potential of wastes upon exposure to leaching media more aggressive than the media utilized in the regulation in effect as of such date of enactment.

"(6) The Administrator, in cooperation with the Agency for Toxic Substances and Disease Registry and the National Toxicology Program, shall also identify or list those hazardous wastes which shall be subject to the provisions of this subtitle solely because of the presence in such wastes of certain constituents (such as identified carcinogens, mutagens, or teratogens) at levels in excess of levels which endanger human health.".

BURNING AND BLENDING OF HAZARDOUS WASTES

SEC. 9. (a) NOTICE.—(1) Section 3010 of the Solid Waste Disposal Act is amended by inserting the following after the first sentence thereof: "Not later than fifteen months after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984—

"(1) the owner or operator of any facility which produces a fuel (A) from any hazardous waste identified or listed under section 3001, (B) from such hazardous waste identified or listed under section 3001 and any other material, (C) from used oil, or (D) from used oil and any other material;

"(2) the owner or operator of any facility (other than a single- or two-family residence) which burns for purposes of energy recovery any fuel produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001; and

"(3) any person who distributes or markets any fuel which is produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001

shall file with the Administrator (and with the State in the case of a State with an authorized hazardous waste program) a notification stating the location and general description of the facility, together with a description of the identified or listed hazardous waste involved and, in the case of a facility referred to in paragraph (1) or (2), a description of the production or energy recovery activity carried out at the facility and such other information as the Administrator deems necessary. For purposes of the preceding sentence, the term 'hazardous waste listed under section 3001' also includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (i) produced for use as (or as a component of) a fuel, (ii) distributed for use as a fuel, or (iii) burned as a fuel. Notification shall not be required under the second sentence of this subsection in the case of facilities (such as residential boilers) where the Administrator determines that such notification is not necessary in order for the Administrator to obtain sufficient information respecting current practices of facilities using hazardous waste for energy recovery. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). Nothing in this subsection shall affect regulatory determinations under section 3014 (as amended by the Used Oil Recycling Act of 1980).".

(2) Section 3010 of such Act is amended by striking out "the preceding sentence" each place it occurs and substituting "the preceding provisions".

(b) STANDARDS.—(1) Section 3004 of such Act is further amended by adding the following at the end thereof:

"(h) HAZARDOUS WASTE USED AS FUEL.—(1) Not later than two years after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984, and after notice and opportunity for public hearing, the Administrator shall promulgate regulations establishing such—

"(1) standards applicable to the owners and operators of facilities which produce a fuel, (A) from any hazardous waste identified or listed under section 3001, or (B) from any hazardous waste identified or listed under section 3001 and any other material;

"(2) standards applicable to the owners and operators of facilities which burn, for purposes of energy recovery, any fuel produced as provided in paragraph (1) of any fuel which otherwise contains any hazardous waste identified or listed under section 3001; and

"(3) standards applicable to any person who distributes or markets any fuel which is produced as provided in paragraph (1) or any fuel which otherwise contains any hazardous waste identified or listed under section 3001

as may be necessary to protect human health and the environment. Such standards may include any of the requirements set forth in paragraphs (1) through (7) of subsection (a) as may be appropriate. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). For purposes of this subsection, the term 'hazardous waste listed under section 3001' includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (A) produced for use as (or as a component of) a fuel, (B) distributed for use as a fuel, or (C) burned as a fuel.

"(2)(A) This subsection, subsection (i), and subsection (j) shall not apply to petroleum refinery wastes containing oil which are converted into petroleum coke at the same facility at which such wastes were generated, unless the resulting coke product would exceed one or more characteristics by which a substance would be identified as a hazardous waste under section 3001.

"(B) The Administrator may exempt from the requirements of this subsection, subsection (i), or subsection (j) facilities which burn de minimis quantities of hazardous waste as fuel, as defined by the Administrator, if the wastes are burned at the same facility at which such wastes are generated; the waste is burned to recover useful energy, as determined by the Administrator on the basis of the design and operating characteristics of the facility and the heating value and other characteristics of the waste; and the waste is burned in a type of device determined by the Administrator to be designed and operated at a destruction and removal efficiency sufficient such that protection of human health and environment is assured.".

(i) LABELING.—(1) Notwithstanding any other provision of law, until such time as the Administrator promulgates standards under subsection (h) specifically superceding this requirement, it shall be unlawful for any person who is required to file a notification in accordance with paragraph (1) or (3) of section 3010 to distribute or market any fuel which is produced from any hazardous waste identified or listed under section 3001, or any fuel which otherwise contains any hazardous waste identified or listed under section 3001 if the invoice or the bill of sale fails—

"(A) to bear the following statement: 'WARNING: THIS FUEL CONTAINS HAZARDOUS WASTES', and

"(B) to list the hazardous wastes contained therein.

Beginning ninety days after the enactment of the Solid Waste Disposal Act Amendments of 1984, such statement shall be located in a conspicuous place on every such invoice or bill of sale and shall appear in conspicuous and legible type in contrast by typography, layouts, or color with other printed matter on the invoice or bill of sale.

"(2) Unless the Administrator determines otherwise as may be necessary to protect human health and the environment, this subsection shall not apply to fuels produced from petroleum refining waste containing oil if (A) such materials are generated and reinserted onsite into the refining process; (B) contaminants are removed; and (C) such refining waste containing oil is converted along with normal process streams into petroleum-derived fuel products at a facility at which crude oil is refined into petroleum products and which is classified as a number SIC 2911 facility under the Office of Management and Budget Standard Industrial Classification Manual.

"(3) Unless the Administrator determines otherwise as may be necessary to protect human health and the environment, this subsection shall not apply to fuels produced from oily material, resulting from normal petroleum refining, production and transportation practices, if (A) contaminants are removed; and (B) such oily materials is converted along with normal process streams into petroleum-derived fuel products at a facility at which crude oil is refined into petroleum products and which is classified as a number SIC 2911 facility under the Office of Management and Budget Standard Classification manual.

"(j) RECORDKEEPING.—Not later than fifteen months after the enactment of the Solid Waste Disposal Act Amendments of 1984, the Administrator shall promulgate regulations requiring that any person who is required to file a notification in accordance with subparagraph (1), (2), or (3), of paragraph 301(a) must maintain such records regarding fuel blending, distribution, or use as many be necessary to protect human health and the environment.".

(2) Section 3003 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(c) FUEL FROM HAZARDOUS WASTE.—Not later than two years after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984, and after opportunity for public hearing, the Administrator shall promulgate regulations establishing standards, applicable to transporters of fuel produced (1) from any hazardous waste identified or listed under section 3001, or (2) from any hazardous waste identified or listed under section 3001 and any other material, as may be necessary to protect human health and the environment. Such standard may include any of the requirements set forth in paragraphs (1) through (4) of subsection (a) as may be appropriate.".

MANDATORY INSPECTIONS

SEC. 10. Section 3007 of the Solid Waste Disposal Act is amended by inserting the following new subsection after subsection (a) and by redesignating succeeding subsections accordingly:

"(b) MANDATORY INSPECTIONS.—(1) Beginning twelve months after the enactment of the Solid Waste Disposal Act Amendments of 1984, every facility for the treatment, storage, or disposal of hazardous waste for which a permit is required under section 3005 of this title shall be thoroughly and regularly inspected no less often than every two years as to its compliance with this subtitle and the regulations promulgated thereunder. The Administrator shall, after notice and opportunity for public comment, promulgate regulations governing the minimum frequency and manner of such inspections, including the manner in which records of such inspections shall be maintained. The Administrator may distinguish between classes and categories of facilities commensurate with the risks posed by each class or category.

"(2) Not later than six months after the enactment of the Solid Waste Disposal Act Amendments of 1984, the Administrator shall submit to the Congress a report on the potential for inspections of hazardous waste treatment, storage, or disposal facilities by nongovernmental inspectors as a supplement to inspections conducted by officers, employees, or representatives of the Environmental Protection Agency or States having authorized hazardous waste programs or operating under a cooperative agreement with the Administrator. Such report shall be prepared in cooperation with the States, insurance companies offering environmental impairment insurance, and independent companies providing inspection services, and other such groups as appropriate. Such report shall contain recommendations on provisions and requirements for a program of private inspections to supplement governmental inspections.".

FEDERAL FACILITIES

SEC. 11. (a) Section 3007 of the Solid Waste Disposal Act, as amended by section 10 of this Act, is further amended by adding the following new subsections:

"(d) FACILITIES OPERATED BY A FEDERAL AGENCY.—Beginning twelve months after enactment of the Solid Waste Disposal Act Amendments of 1984, the Administrator shall, and the State, in the case of a State with an authorized hazardous waste program, may undertake no less often than every two years a thorough inspection of each facility for the treatment, storage, or disposal of hazardous waste which is operated by a Federal agency as to its compliance with this subtitle and the regulations promulgated thereunder. The records of such inspections shall be available to the public as provided in subsection (c).

"(e) STATE-OPERATED FACILITIES.—The Administrator shall undertake a thorough inspection of every facility for the treatment, storage, or disposal of hazardous waste which is operated by a State or local government for which a permit is required under section 3005 of this title. The records of such inspection shall be available to the public as provided in subsection (c).".

(b) Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section:

"INVENTORY OF FEDERAL AGENCY HAZARDOUS WASTE FACILITIES

"SEC. 3015. (a) FEDERAL AGENCY INVENTORY.—Each Federal agency shall, within one year after the enactment of the Solid Waste Disposal Act Amendments of 1984, undertake a continuing program to compile, publish, and submit to the Administrator and the State (in the case of States having an authorized hazardous waste program) an inventory describing the location of each site which the Federal agency owns or operates where hazardous waste has at any time been treated, stored or disposed of. Such inventory shall contain—

"(1) a description of the location of the sites at which any such treatment, storage, or disposal has taken place before the date on which permits are required under section 3005 for such storage or disposal;

"(2) such information relating to the amount, nature, and toxicity of the hazardous waste at each such site as may be practicable to obtain and as may be necessary to determine the extent of any health hazard which may be associated with such site;

"(3) the name and address and responsible agency for each such site, determined as of the date of preparation of the inventory;

"(4) an identification of the types or techniques of waste treatment, storage, or disposal which have been used at each site; and

"(5) information concerning the current status of the site, including information respecting whether or not hazardous waste is currently being treated, stored, or disposed of at such site (and if not, the date on which such activity ceased) and information respecting the nature of any other activity carried out at such site.

"(b) ENVIRONMENTAL PROTECTION AGENCY PROGRAM.—If the Administrator determines that any Federal agency under subsection (a) is not adequately providing information respecting the sites referred to in subsection (a), the Administrator shall notify the chief official of such Agency. If within ninety days following such notification, the Federal agency has not undertaken a program to adequately provide such information, the Administrator shall carry out the inventory program for such agency.".

FEDERAL ENFORCEMENT

SEC. 12. (a) Section 3008(d) of the solid Waste Disposal Act is amended as follows:

(1) in paragraph (1)—

(A) insert after "knowingly transports" the following: "or causes to be transported", and

(B) strike out "section 3005 (or 3006 in the case of a State program)" and substitute "this subtitle";

(2) in paragraph (2)—

(A) strike out "either";

(B) strike out "section 3005 (or 3006 in the case of a State program)" and substitute "this subtitle"; and

(C) strike out subparagraph (B) and substitute:

"(B) in knowing violation of any material condition or requirement of such permit; or

"(C) in knowing violation of any material condition or requirement of any applicable interim status regulations or standards;"; and

(3) strike out all after paragraph (2) and substitute:

"(3) knowingly omits material information or makes any false material statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance with regulations promulgated by the Administrator (or by a State in the case of an authorized State program) under this subtitle;

"(4) knowingly generates, stores, treats, transports, disposes of, exports, or otherwise handles any hazardous waste (whether such activity took place before or takes place after the date of the enactment of this paragraph) and who knowingly destroys, alters, conceals, or fails to file any record, application, manifest, report, or other document required to be maintained or filed for purposes of compliance with regulations promulgated by the Administrator (or by a State in the case of an authorized State program) under this subtitle;

"(5) knowingly transports without a manifest, or causes to be transported without a manifest, any hazardous waste required by regulations promulgated under this subtitle (or by a State in the case of a State program authorized under this subtitle) to be accompanied by a manifest

shall upon conviction, be subject to a fine of not more than $50,000 for each day of violation, or imprisonment not to exceed two years (five years in the case of a violation of paragraph (1) or (2)), or both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.".

(b) Section 3008(e) of the Solid Waste Disposal Act is amended to read as follows:

"(e) KNOWING ENDANGERMENT.—Any person who knowingly transports, treats, stores, disposes of, or exports any hazardous waste identified or listed under this subtitle in violation of paragraph (1), (2), (3), (4), or (5) of subsection (d) of this section who knows at that time that he thereby places

another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than fifteen years, or both. A defendant that is an organization shall, upon conviction of violating this subsection, be subject to a fine of not more than $1,000,000.".

EXPORT OF HAZARDOUS WASTE

SEC. 13. (a) Subtitle C of the solid Waste Disposal Act is amended by adding the following new section:

"EXPORT OF HAZARDOUS WASTE

"SEC. 3016. (a) GENERAL.—Beginning twenty-four months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, no person shall export any hazardous waste identified or listed under this subtitle unless (1) such person has provided the notification required in subsection (c) of this section, (2) the government of the receiving country has consented to accept such hazardous waste, (3) a copy of the receiving country's written consent is attached to the manifest accompanying each waste shipment, and (4) the shipment conforms with the terms of the consent of the government of the receiving country required pursuant to subsection (e), or (5) the United States and the government of the receiving country have entered into an agreement as provided for in subsection (f) and the shipment conforms with the terms of such agreement.

"(b) REGULATIONS.—Not later than twelve months after the date of enactment of the Solid Waste disposal Act Amendments of 1984, the administrator shall promulgate the regulations necessary to implement this section. Such regulations shall become effective one hundred and eighty days after promulgation.

"(c) NOTIFICATION.—Any person who intends to export a hazardous waste identified or listed under this subtitle beginning twelve months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, shall, before such hazardous waste is scheduled to leave the United States, provide notification to the administrator. Such notification shall contain the following information:

"(1) the name and address of the exporter;

"(2) the types of estimated quantities of hazardous waste to be exported;

"(3) the estimated frequency or rate at which such waste is to be exported; and the period of time over which such waste is to be exported;

"(4) the ports of entry;

"(5) a description of the manner in which such hazardous waste will be transported to and treated, stored, or disposed in the receiving country; and

"(6) the name and address of the ultimate treatment, storage or disposal facility.

"(d) PROCEDURES FOR REQUESTING CONSENT OF THE RECEIVING COUNTRY.—Within thirty days of the Administrator's receipt of a complete notification under this section, the Department of State, acting on behalf of the Administrator, shall—

"(1) forward a copy of the notification to the government of the receiving country;

"(2) advise the government that United States law prohibits the export of hazardous waste unless the receiving country consents to accept the hazardous waste;

"(3) request the government to provide the Secretary with a written consent or objection to the terms of the notification; and

"(4) forward to the government of the receiving country a description of the Federal regulations which would apply to the treatment, storage, and disposal of the hazardous waste in the United States.

"(e) CONVEYANCE OF WRITTEN CONSENT TO EXPORTER.—Within thirty days of receipt by the Department of State of the receiving country's written consent or objection (or any subsequent communication withdrawing a prior consent or objection), the Administrator shall forward such a consent, objection, or other communication to the exporter.

"(f) INTERNATIONAL AGREEMENTS.—Where there exists an international agreement between the United States and the government of the receiving country establishing notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous wastes, only the requirements of subsection (a)(5) and (g) shall apply.

"(g) REPORTS.—After the date of enactment of the Solid Waste Disposal Act Amendments of 1984, any person who exports any hazardous waste identified or listed under this subtitle shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year.

"(h) OTHER STANDARDS.—Nothing in this section shall preclude the Administrator from establishing other standards for the export of hazardous wastes under section 3002 or section 3003 of this subtitle.".

(b) PENALTIES.—Section 3008(d) of the Solid Waste Disposal Act, as amended by section 12(a) of this Act, is amended by adding after paragraph (5) "; or" and the following new paragraph:

"(6) knowingly exports a hazardous waste identified or listed under this subtitle (A) without the consent of the receiving country or, (B) where there exists an international agreement between the United States and the government of the receiving country establishing notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous wastes, in a manner which is not in conformance with such agreement".

SUBTITLE D IMPROVEMENTS

SEC. 14. (a) Section 4004(a) of the Solid Waste Disposal Act is amended by inserting "(1)" after "LANDFILLS.—" and by adding the following new paragraph:

"(2) Not later than March 31, 1988, the Administrator shall promulgate revisions of the criteria promulgated under paragraph (1) and section 1008(a)(3) for facilities that may receive hazardous household wastes or hazardous wastes from small quantity generators under section 3002(b). The criteria shall be those necessary to protect human health and the environment and may take into account the practicable capacity of such facilities. At a minimum such revisions for facilities potentially receiving such wastes should require groundwater monitoring as necessary to detect contamination, establish criteria for the acceptable location of new or existing facilities, and provide for corrective action as appropriate.".

(b) Section 4004(c) of the Solid Waste Disposal Act is amended by striking all after "subsection (a)" through "later".

(c) Section 4005 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(c) CONTROL OF HAZARDOUS DISPOSAL.—(1)(A) Not later than thirty-six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, each State shall adopt and implement a permit program or other system of prior approval and conditions to assure that each solid waste management facility within such State which may receive hazardous household waste or hazardous waste due to the provisions of section 3002(b) for small quantity generators (otherwise not subject to the requirement for a permit under section 3005) will comply with the applicable criteria promulgated under section 4004(a) and section 1008(a)(3).

"(B) Not later than eighteen months after the promulgation of revised criteria under subsection 4004(a)(2), each State shall adopt and implement a permit program or other system or prior approval and conditions, to assure that each solid waste management facility within such State which may receive hazardous household waste or hazardous waste due to the provision of section 3002(b) for small quantity generators (otherwise not subject to the requirement for a permit under section 3005) will comply with the criteria revised under section 4004(a)(2).

"(C) The Administrator shall determine whether each State has developed an adequate program under this paragraph. The Administrator may make such a determination in conjunction with approval, disapproval or partial approval of a State plan under section 4007.

"(2) In any State that the Administrator determines has not adopted an adequate program for such facilities under paragraph (1)(B) by the date provided in such paragraph, the Administrator may use the authorities available under sections 3007 and 3008 of this title to enforce the prohibition in subsection (a) of this section with respect to such facilities. In no event shall the Administrator or any other person be authorized to bring a civil action under paragraph (a) of this section against any person subject to a compliance schedule issued by the State under a program that the Administrator has determined to be adequate under this paragraph. For purposes of this paragraph, the term 'requirement of this subtitle' in section 3008 shall be deemed to include criteria promulgated by the Administrator under sections 1008(a)(3) and 4004(a) of this title, and the term 'hazardous wastes' in section 3007 shall be deemed to include solid waste at facilities that may handle hazardous household wastes or hazardous wastes from small quantity generators.".

(d) Section 4008(a)(2) of the Solid Waste Disposal Act is amended by adding the following new subparagraph:

"(D) There are authorized (i) to be made available $15,000,000 out of funds appropriated for fiscal year 1985 and (ii) to be appropriated $20,000,000 for each of fiscal years 1986, 1987, 1988, and 1989, for grants to States and, where appropriate, to regional, local, and interstate agencies to implement programs requiring compliance by solid waste management facilities with the criteria promulgated under section 4004(a) and section 1008(a)(3) and with the provisions of section 4005. To the extent practicable, such programs shall require such compliance no later than thirty-six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984.".

BIENNIAL REPORT

SEC. 15. Section 2006 of the Solid Waste Disposal Act is amended by inserting "(a) ACTIVITIES OF THE OFFICE.—" after "SEC. 2006." and by inserting at the end thereof the following new subsection:

"(b) HAZARDOUS WASTE.—(1) The Administrator shall transmit to the Congress and the President, periodically but no less often than every two years a report describing quantities and types of hazardous waste generated, stored, treated, and disposed of. The Administrator shall compile and update such information comparable to that required under section 3002(a)(6) and section 3004(a) (1) and (2).

"(2) States with authorized programs under section 3006 shall make available those reports they have received or compiled to assist the Administrator in preparing such report for Congress. The first such report shall cover calendar year 1983 and shall be transmitted to the Congress no later than March 31, 1985.

"(3) The authority of section 3007 of this Act shall be available in the implementation of this subsection.".

AWARD OF FEES

SEC. 16. Section 7002(e) of the Solid Waste Disposal Act is amended by inserting "prevailing or substantially prevailing" before "party" in the first sentence thereof.

JUDICIAL REVIEW

SEC. 17. Section 7006 of the Solid Waste Disposal Act is amended to read as follows:

"SEC. 7006. (a) REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.—A petition for review of the promulgation of final regulations under this Act and the Administrator's denial of any petition for the promulgation, amendment, or repeal of any regulation under this Act may be filed in the United States Court of Appeals for the District of Columbia or in any United States Court of Appeals for a circuit in which the petitioner resides or transacts business which is directly affected by such promulgation or denial, and such petition shall be filed within one hundred and twenty days from the date of such promulgation or denial, unless such petition is based solely on grounds arising after such one hundred and twentieth day. Any action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement.

"(b) REVIEW OF CERTAIN ACTIONS UNDER SECTIONS 3005 AND 3006.—A petition for review of the Administrator's action (1) in issuing, denying, modifying, or revoking any permit under section 3005, or (2) in granting, denying, or withdrawing authorization or interim authorization under section 3006, may be filed by any interested person in the United States Court of Appeals for a circuit in which the petitioner resides or transacts business which is directly affected by such action, and such petition shall be filed within one hundred and twenty days from the date of such issuance, denial, modification, revocation, grant, or withdrawal, or after such date only if such petition is based solely on grounds which arose after such one hundred and twentieth day. Any action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement.

"(c) In any judicial proceeding brought under this section in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if a party seeking review under this Act applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings and his recommendations, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

"(d)(1) If petitions for review of the same agency action have been filed in two or more United States Courts of Appeals and the Administrator has received written notice of the filing of the first such petition more than thirty days before receiving written notice of the filing of the second petition, then the record shall be filed in that court in which the first petition was filed. If petitions for review of the same agency action have been filed in two or more United States Courts of Appeals and the Administrator has received written notice of the filing of one or more petitions within thirty days or less after receiving written notice of the filing of the first petition, then the Administrator shall promptly advise in writing the Administrative Office of the United States Courts that petitions have been filed in two or more United States Courts of Appeals, and shall identify each court for which he has written notice that such petitions have been filed within thirty days or less of receiving written notice of the filing of the first such petition. Pursuant to a system of random selection devised for this purpose, and within three business days after receiving such notice from the Administrator, the Administrative Office thereupon shall select the court in which the record shall be filed from among those identified by the Administrator. Upon notification of such selection, the Administrator shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the Administrator, the record shall be filed in the United States Courts of Appeals which remanded such action.

"(2) Where petitions have been filed in two or more United States Courts of Appeals with respect to the same agency action and the record has been filed in one of such courts pursuant to paragraph (1), the other courts in which such petitions have been filed shall promptly transfer such petitions to the United States Courts of Appeals in which the record has been filed. Pending selection of a court pursuant to subsection (1), any court in which a petition has been filed may postpone the effective date of the agency action until fifteen days after the Administrative Office has selected the court in which the record shall be filed.

"(3) Any court in which a petition with respect to any agency action has been filed, including any court selected pursuant to subsection (d)(1), may transfer such petition to any other United States Courts of Appeals for the convenience of the parties or otherwise in the interest of justice.

"(e) In any judicial proceeding under this section, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party whenever it determines that such award is appropriate.".

CITIZEN SUITS

SEC. 18. (a) Section 7002(a)(1) of the Solid Waste Disposal Act is amended by—

(1) inserting "prohibition," immediately after "requirement,";

(2) inserting "(A)" immediately after "(1)"; and

(3) inserting the following at the end thereof:

"(B) against any person, including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution, and including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility, who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment; or".

(b) Section 7002(a) of the Solid Waste Disposal Act is amended by—

(1) inserting "or the alleged endangerment may occur" immediately after "the alleged violation occurred" in the first sentence following paragraph (2); and

(2) striking "to enforce such regulation or order, or to order the Administrator to perform such act or duty as the case may be" in the portion following paragraph (2) and inserting in lieu thereof the following: "to enforce the permit, standard, regulation, condition requirement, prohibition, or order, referred to in paragraph (1)(A), to restrain any person who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste referred to in paragraph (1)(B), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 3008 (a) and (g). A transporter shall not be deemed to have contributed or to be contributing to such handling, storage, treatment, or disposal, taking place after such solid waste or hazardous waste has left the possession or control of such transporter, if the transportation of such waste was under a sole contractural arrangement arising from a published tariff and acceptance for carriage by common carrier by rail and such transporter has exercised due care in the past or present handling, storage, treatment, transportation and disposal of such waste.".

(c) Section 7002(b) of the Solid Waste Disposal Act if amended to read as follows:

"(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

"(1) prior to sixty days after the plaintiff has given notice of the violation or prior to one hundred and twenty days after the plaintiff has given notice of the endangerment (A) to the Administrator; (B) to the State in which the alleged violation occurs or in which the alleged endangerment may occur; and (C) to any alleged violator of such permit, standard, regulation, condition, requirement, prohibition, or order, or any person alleged to have contributed or to be contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste referred to in subsection (a)(1)(B) of this section, except that such action may be brought immediately after such notification

in the case of an action under this section respecting a violation of subtitle C of this Act; or

"(2) with respect to an action under subsection (a)(1)(A) of this section, if the Administrator or State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States or a State to require compliance with such permit, standard, regulation, condition, requirement, prohibition, or order: *Provided, however,* That in any such action in a court of the United States, any person may intervene as a matter of right; or

"(3) with respect to an action under subsection (a)(1)(B) of this section, if the Administrator has commenced and is diligently prosecuting an action under section 7003 of this Act or has settled such action to restrain or abate acts or conditions which may have contributed or are contributing to the activities which may present the alleged endangerment, or if the State has commenced and is diligently prosecuting an action under subsection (a)(1)(B) of this section: *Provided, however,* That in any such action in a court of the United States, any person may intervene as a matter of right when the applicant claims an interest relating to the subject of the action and he is so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest, unless the Administrator or the State shows that the applicant's interest is adequately respresented by existing parties. No action may be commenced under subsection (a)(1)(B) by any person (other than a State or local government) with respect to the siting of a hazardous waste treatment, storage, or a disposal facility, nor to restrain or enjoin the issuance of a permit for such facility".

IMMINENT HAZARD

SEC. 19. Section 7003(a) of the Solid Waste Disposal Act is amended by—

(1) inserting "past or present" after "evidence that the";

(2) striking "to immediately restrain any person" and inserting in lieu thereof "against any person (including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility) who has contributed or who is";

(3) striking "to stop" and inserting in lieu thereof "to restrain such person from";

(4) striking "or to take such other action as may be necessary" and substituting ", to order such person to take such other action as may be necessary, or both"; and

(5) inserting after the first sentence thereof the following: "A transporter shall not be deemed to have contributed or to be contributing to such handling, storage, treatment, or disposal taking place after such solid waste or hazardous waste has left the possession or control of such transporter, if the transportation of such waste was under a sole contractual arrangement arising from a published tariff and acceptance for carriage by common carrier by rail and such transporter has exercised due care in the past or present handling, storage, treatment, transportation and disposal of such waste.".

PUBLIC PARTICIPATION IN SETTLEMENTS

SEC. 20. Section 7003 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(c) Whenever the United States or the Administrator proposes to covenant not to sue or to forbear from suit or to settle any claim arising under this section, notice, and opportunity for a public meeting in the affected area, and a reasonable opportunity to comment on the proposed settlement prior to its final entry shall be afforded to the public. The decision of the United States or the Administrator to enter into or not to enter into such Consent Decree, covenant or agreement shall not constitute a final agency action subject to judicial review under this Act or the Administrative Procedure Act.".

COMPATIBILITY OF RECYCLING AND ENERGY RECOVERY

SEC. 21. (a) Section 4001 of the Solid Waste Disposal Act is amended by adding the following at the end thereof: "In developing such comprehensive plans, it is the intention of this Act that in determining the size of the waste-to-energy facility, adequate provision shall be given to the present and reasonably anticipated future needs of the recycling and resource recovery interest within the area encompassed by the planning process.".

(b) Section 4003 of such Act is amended by adding the following new subsection at the end thereof:

"(d) SIZE OF WASTE-TO-ENERGY FACILITIES.—Notwithstanding any of the above requirements, it is the intention of this Act and the planning process developed pursuant to this Act that in determining the size of the waste-to-energy facility, adequate provision shall be given to the present and reasonably anticipated future needs of the recycling and resource recovery interest within the area encompassed by the planning process.".

USE OF RECOVERED MATERIALS BY FEDERAL AGENCIES

SEC. 22. (a) Section 6002 of the Solid Waste Disposal Act is amended by adding at the end thereof the following new subsections:

"(h) DEFINITION.—As used in this section, in the case of paper products, the term 'recovered materials' includes—

"(1) post consumer materials such as—

"(A) paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and similar establishments, after they have passed through their end-usage as a consumer item, including (but not limited to) used corrugated boxes, newspapers, magazines, mixed wastepaper, tabulating cards, and used cordage; and

"(B) all paper, paperboard, and fibrous wastes which enter and are collected from municipal solid waste; and

"(2) manufacturing wastes, forest residues, and other wastes such as—

"(A) dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including—

"(i) envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations;

"(ii) bag, box, and carton manufacturing wastes; and

"(iii) butt rolls, mill wrappers, and rejected unused stock;

"(B) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

"(C) fibrous byproducts of harvesting, manufacturing, extractive, or wood-cutting processes, flax, straw, linters, bagasse, slash, and other forest residues;

"(D) wastes generated by the conversion of goods made from fibrous material (that is, waste rope from cordage manufacture, textile mill waste, and cuttings); and

"(E) fibers recovered from waste water which otherwise would enter the waste stream.

"(i) PROCUREMENT PROGRAM.—(1) Within one year after the date of publication of applicable guidelines under subsection (e), each procuring agency shall develop an affirmative procurement program which will assure that items composed of recovered materials will be purchased to the maximum extent practicable, consistent with applicable provisions of Federal procurement law.

"(2) Each affirmative procurement program required under this subsection shall, at a minimum, contain—

"(A) a recovered materials preference program;

"(B) an agency promotion program to promote the preference program adopted under subparagraph (A);

"(C) a program for requiring (i) estimates of the total percentage of recovered material utilized in the performance of a contract, (ii) certification of minimum recovered material content actually utilized, where appropriate, and (iii) reasonable verification procedures for estimates and certifications; and

"(D) annual review and monitoring of the effectiveness of an agency's affirmative procurement program.

In the case of paper, the recovered materials preference program required under subparagraph (A) shall provide for the maximum use of the post consumer recovered materials referred to in subsection (h)(1).

"(3) In developing the preference program, the following options shall be considered for adoption:

"(A) CASE-BY-CASE POLICY DEVELOPMENT.—Subject to the limitations of subparagraphs (A) through (C) of subsection (c)(1), a policy may be established for awarding contracts to the vendor offering an item composed of the highest percentage of recovered materials practicable (and in the case of paper, the highest percentage of the post consumer recovered materials referred to in subsection (h)(1)). Subject to such limitations, agencies may make an award to a vendor offering items with less than the maximum recovered materials content.

"(B) MINIMUM CONTENT STANDARDS.—Minimum recovered materials content specifications may be set in such a way as to assure that the recovered materials content (and in the case of paper, the content of post consumer materials referred to in subsection (h)(1) required is the maximum available without jeopardizing the intended end use of the item, or violating the limitations of subparagraphs (A) through (C) of subsection (c)(1).

Procuring agencies shall adopt one of the options set forth in subparagraphs (A) and (B), or a substantially equivalent alternative, for inclusion in the affirmative procurement program.".

(b) Section 6002(c)(1) of such Act is amended by inserting after "highest percentage of recovered materials practicable" the following: "(and in the case of paper, the highest percentage of the post consumer recovered materials referred to in subsection (h)(1) practicable)".

(c) Section 6002(d)(1) of such Act is amended by striking out "five years after the date of enactment of this Act" and in-

serting in lieu thereof "18 months after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984".

(d) Section 6002(e) of such Act is amended—

(1) in paragraph (1), by inserting after "section" the following: ", and in the case of paper, provide for maximizing the use of post consumer recovered materials referred to in subsection (h)(1)"; and

(2) in the matter following paragraph (2), by striking out "for at least three product categories" and all that follows through "1982", and inserting in lieu thereof "for paper within 180 days after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984, and for three additional product categories (including tires) by October 1, 1985".

(e) Section 6002(g) of such Act is amended—

(1) by striking out "the policy expressed in" and inserting in lieu thereof "the requirements of"; and

(2) by inserting before the period at the end thereof the following: ", and to report to the Congress every two years, beginning in 1984, on actions taken by Federal agencies and the progress made in the implementation of this section, including agency compliance with subsection (d)".

(f)(1) Section 4003(d) of such Act (as added by section 21(b) of this Act) is amended by inserting ", including those needs created by thorough implementation of section 6002(h)," after "adequate provision shall be given to the present and reasonably anticipated future needs".

(2) Section 1006(b) of such Act is amended by inserting "(1)" after "(b) INTEGRATION WITH OTHER ACTS.—" and by adding the following new paragraph at the end thereof:

"(2) Notwithstanding any other provision of law, in developing solid waste plans, it is the intention of this Act that in determining the size of a waste-to-energy facility, adequate provisions shall be given to the present and reasonably anticipated future needs, including those needs created by thorough implementation of section 6002(h), of the recycling and resource recovery interests within the area encompassed by the solid waste plan.".

CLARIFICATION OF HOUSEHOLD WASTE EXCLUSION

SEC. 23. (a) Section 3001 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(d) CLARIFICATION OF HOUSEHOLD WASTE EXCLUSION.—A resource recovery facility recovering energy from the mass burning of municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this subtitle, if such facility—

"(1) receives and burns only (A) household waste (from single and multiple dwellings, hotels, motels, and other residential sources) and (B) solid waste from commercial or industrial sources that does not contain hazardous waste identified or listed under this section, and

"(2) such facility does not accept hazardous wastes identified or listed under this section and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.".

REQUIREMENTS IN AUTHORIZED STATES

SEC. 24. Section 3006 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(f) IMMEDIATE IMPLEMENTATION.—The requirements of sections 3002(b)(1), 3002(b)(7)(C), 3004 (b), (d), (e), (f), (g), and (i), 3005 (c) and (e), and 3007(b)(1) shall apply directly in all States, including each State with a program authorized under this section, until the program of such State is authorized to operate in lieu of the Federal program with respect to such requirement. Pending authorization under this section of a State program which reflects the amendments made by the Solid Waste Disposal Act Amendments of 1984, the Administrator may enter into an agreement with the State under which the State may assist in the administration of the requirements and prohibitions which take effect pursuant to such amendments.".

AIR EMISSIONS FROM LAND DISPOSAL FACILITIES

SEC. 25. Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(k) AIR EMISSIONS.—Not later than thirty-six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, the Administrator shall promulgate such regulations for the monitoring and control of air emissions at hazardous waste treatment, storage, and disposal facilities, including but not limited to open tanks, surface impoundments, and landfills, as may be necessary to protect human health and the environment.".

GROUND WATER MONITORING

SEC. 21. Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(l) GROUND WATER MONITORING.—The standards under this section concerning ground water monitoring which are applicable to surface impoundments, waste piles, land treatment units, and landfills shall apply to such a facility whether or not—

"(1) the facility is located above the seasonal high water table;

"(2) two liners and a leachate collection system have been installed at the facility; or

"(3) the owner or operator inspects the liner (or liners) which has been installed at the facility. This subsection shall not be construed to affect other exemptions or waivers from such standards provided in regulations in effect on the date of enactment of the Solid Waste Disposal Act amendments of 1984 or as may be provided in revisions to those regulations, to the extent consistent with this subsection. The Administrator is authorized on a case-by-case basis to exempt from ground water monitoring requirements under this section (including subsection (f)) any engineered structure which the Administrator finds does not receive or contain liquid waste (nor waste containing free liquids), is designed and operated to exclude liquid from precipitation or other runoff, utilizes multiple leak detection systems within the outer layer of containment, and provides for continuing operation and maintenance of these leak detection systems during the operating period, closure, and the period required for post-closure monitoring and for which the Administrator concludes on the basis of such findings that there is a reasonable certainty hazardous constituents will not migrate beyond the outer layer of containment prior to the end of the period required for post-closure monitoring.".

WASTE MINIMIZATION

SEC. 27. (a) Section 1003 of the Solid Waste Disposal Act is amended by adding "AND NATIONAL POLICY" to the title, by inserting "(a) OBJECTIVES.—" after "SEC. 1003.", and by adding the following new subsection:

"(b) NATIONAL POLICY.—The Congress hereby declares it to be the national policy of the United States that, wherever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible. Waste that is nevertheless generated should be treated, stored, or disposed of so as to minimize the present and future threat to human health and the environment.".

(b) Section 3002 of the Solid Waste Disposal Act is amended as follows: (1) by adding the following new subsection:

"(c) WASTE MINIMIZATION.—Effective September 1, 1984, the manifest required by subsection (a)(5) shall contain a certification by the generator that—

"(1) the generator of the hazardous waste has a program in place to reduce the volume or quantity and toxicity of such waste to the degree determined by the generator economically practicable; and

"(2) the proposed method of treatment, storage, or disposal is that practicable method currently available to the generator which minimizes the present and future threat to human health and the environment."; and

(2) by amending subsection (a)(6) to read as follows:

"(6) submission of reports to the Administrator (or the State agency in any case in which such agency carries out a permit program pursuant to this subtitle) at least once every two years, setting out—

"(A) the quantities and nature of hazardous waste identified or listed under this subtitle that he has generated during the year;

"(B) the disposition of all hazardous waste reported under subparagraph (A);

"(C) the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and

"(D) the changes in volume and toxicity of waste actually achieved during the year in question in comparison with previous years, to the extent such information is available for years prior to enactment of this subparagraph.".

(c) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(h) WASTE MINIMIZATION.—Effective September 1, 1984, it shall be a condition of any permit issued under this section for the treatment, storage, or disposal of hazardous waste on the premises where such waste was generated that the permittee certify, no less often than annually, that—

"(1) the generator of the hazardous waste has a program in place to reduce the volume or quantity and toxicity of such waste to the degree determined by the generator to be economically practicable; and

"(2) the proposed method of treatment, storage, or disposal is that practicable method currently available to the generator which minimizes the present and future threat to human health and the environment.".

(d)(1) Section 8002 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(r) MINIMIZATION OF HAZARDOUS WASTE.—The Administrator shall compile, and not later than October 1, 1986, submit to the

Congress, a report on the feasibility and desirability of establishing standards of performance or of taking other additional actions under this Act to require the generators of hazardous waste to reduce the volume or quantity and toxicity of the hazardous waste they generate, and of establishing with respect to hazardous wastes required management practices or other requirements to assure such wastes are managed in ways that minimize present and future risks to human health and the environment. Such report shall include any recommendations for legislative changes which the Administrator determines are feasible and desirable to implement the national policy established by section 1003.".

(2) Section 301(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "four years" and inserting in lieu thereof "forty-two months".

TECHNICAL CORRECTIONS

SEC. 28. (a) Section 3012 of the Solid Waste Disposal Act, entitled "Restrictions on Recycled Oil," shall be redesignated as section 3014 of such Act, together with all references thereto, and relocated after section 3013 of such Act.

(b) Subsection (b) of section 4003 of the Solid Waste Disposal Act, entitled "Discretionary Plan Provisions Relating to Recycled Oil," shall be redesignated as subsection (c) of such section, together with all references thereto.

(c) Section 303 of Public Law 96-510, 94 Stat. 2808, is amended by inserting after "conferred by this Act" the phrase "(other than under section 4681 of the Internal Revenue Code"). Section 232(c) of such public law is amended by inserting after "223" the phrase "(other than section 223(c)(2)(D))".

REPORT TO CONGRESS

SEC. 29. Part C of the Safe Drinking Water Act is amended by adding at the end thereof a new section as follows:

"UNDERGROUND INJECTION OF HAZARDOUS WASTE

"SEC. 1426. (a) The Administrator, in cooperation with the States, shall compile and, not later than June 15, 1984, submit to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives, an inventory of all wells in the United States which inject hazardous wastes. The inventory shall include the following information:

"(1) the location and depth of each well;

"(2) engineering and construction details of each, including the thickness and composition of its casing, the width and content of the annulus, and pump pressure and capacity;

"(3) the hydrogeological characteristics of the overlying and underlying strata, as well as that into which the waste is injected;

"(4) the location and size of all drinking water aquifiers penetrated by the well, or within a one-mile radius of the well or within two hundred feet below the well injection point;

"(5) the location, capacity, and population served by each well providing drinking or irrigation water which is within a five-mile radius of the injection well;

"(6) the nature and volume of the waste injected during the one-year period immediately preceding the date of the report;

"(7) the dates and nature of the inspections of the injection well conducted by independent third parties or agents of State, Federal, or local government;

"(8) the name and address of all owners and operators of the well and any disposal facility associated with it; and

"(9) such other information as the Administrator may, in his discretion, deem necessary to define the scope and nature of hazardous waste disposal in the United States through underground injection.

"(b) In fulfilling the requirements of subsections (a)(3)-(5), the Administrator need only submit such information as can be obtained from currently existing State records and from site visits to at least twenty facilities containing wells which inject hazardous waste.

"(c) The States shall make available to the Administrator such information as he deems necessary to accomplish the objectives of this section.".

COMMUNITY RELOCATION

SEC. 30. (a) The second sentence of paragraph (23) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510) is amended by inserting after "not otherwise provided for," the phrase "costs of permanent relocation of residents where it is determined that such permanent relocation is cost effective or may be necessary to protect health or welfare," and by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: "In the case of a business located in an area of evacuation or relocation, the term may also include the payment of those installments of principal and interest on business debt which accrue between the date of evacuation of temporary relocation and thirty days following the date that permanent relocation is actually accomplished or, if permanent relocation is formally rejected as the appropriate response, the date on which evacuation or temporary relocation ceases. In the case of an individual unemployed as a result of such evacuation or relocation, it may also include the provisions of the assistance authorized by sections 407, 408, and 409 of the Diseast Relief Act of 1974;".

(b) Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510) is amended by inserting before "authorized by subsection (b) of this section," the phrase "for permanent relocation or".

EXTENDING THE USEFUL LIFE OF SANITARY LANDFILLS

SEC. 31. Section 8002 of the Soild Waste Disposal Act is amended by inserting after subsection (p) the following new subsection, and redesignating succeeding subsections accordingly:

"(q) EXTENDING LANDFILL LIFE AND REUSING LANDFILLED AREAS.—The Administrator shall conduct detailed, comprehensive studies of methods to extend the useful life of sanitary landfills and to better use sites in which filled or closed landfills are located. Such studies shall address—

"(1) methods to reduce the volume of materials before placement on landfills;

"(2) more efficient systems for depositing waste in landfills;

"(3) methods to enhance the rate of decomposition of solid waste in landfills, in a safe and environmentally acceptable manner;

"(4) methane production from closed landfill units;

"(5) innovative uses of closed landfill sites, including use for energy production such as solar or wind energy and use for metals recovery;

"(6) potential for use of sewage treatment sludge in reclaiming landfilled areas; and

"(7) methods to coordinate use of a landfill owned by one municipality by nearby municipalities, and to establish equitable rates for such use, taking into account the need to provide future landfill capacity to replace that so used.

The Administrator is authorized to conduct demonstrations in the areas of study provided in this subsection. The Administrator shall periodically report on the results of such studies, with the first such report submitted not later than October 1, 1986.".

CLARIFICATION OF CRIMINAL LIABILITY

SEC. 32. Section 3008(d)(2)(A) of the Solid Waste Disposal Act is amended by striking out "having obtained".

STATE-FEDERAL RELATIONS UNDER THE SUPERFUND ACT

SEC. 33. (a)(1) Section 104(d)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by adding the following new sentence: "For the purpose of the last sentence of subsection (c)(3) of this section, the President may enter into a contract or cooperative agreement with a State under this paragraph under which such state will take response actions in connection with releases listed pursuant to section 105(8)(B), using non-Federal funds for such response actions, in advance of and without any obligation by the President of amounts from the Fund for such response actions."

(2) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by adding the following sentence: "The President shall grant the State a credit against the share of costs for which it is responsible under this paragraph for any reasonable, documented, direct out-of-pocket non-Federal funds expended or obligated by the State under a contract agreement under the last sentence of subsection (d)(1).".

(b) Section 112(d) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended to read as follows:

"(d) No claim may be presented, nor may an action be commenced, under this title—

"(1) for the costs of response, unless that claim is presented or action commenced within three years after the date of completion of the response action;

"(2) for damages under subparagraph (C) of section 107(a), unless that claim is presented or action commenced within three years after the date on which final regulations are promulgated under section 301(c); or

"(3) for any other damages, unless that claim is presented or action commenced within three years after the date of discovery of the loss or within three years after the date of enactment of this Act, whichever is later: *Provided, however,* That the time limitations contained in this paragraph shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.".

INTERIM STATUS

SEC. 34. Section 3005 of the Solid Waste Disposal Act is amended by amending paragraph (1) of subsection (e) to read as follows:

"(1) owns or operates a facility required to have a permit under this section—

"(A) which facility was in existence on November 19, 1980, or

"(B) which facility is in existence on the effective date of statutory or regulatory changes under this Act that render the facility subject to the requirement to have a permit under this section: *Provided*, That the facility has not been previously denied a permit under this section and authority to operate the facility under this section has not been previously terminated,".

INTERIM AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

SEC. 35. Section 3006(c) of the Solid Waste Disposal Act is amended by striking "twenty-four month period beginning on the date six months after the date of promulgation of regulations under sections 3002 through 3005" and inserting in lieu thereof "period ending no later than January 31, 1986".

USE OF FUND FOR HEALTH ASSESSMENTS, REGISTRY OF EXPOSED INDIVIDUALS, AND DIAGNOSTIC SERVICES

SEC. 36. (a) Section 111(c)(4) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 is amended—

(1) by inserting "in accordance with subsection (m)," after "(4)"; and

(2) by striking "epidemiologic studies" and inserting in lieu thereof "epidemiologic and laboratory studies and health assessments".

(b) Section 111 of such Act is amended by adding at the end thereof the following new subsection:

"(m)(1) For fiscal year 1985, not less than $18,000,000 shall be used for the purpose of carrying out activities described in subsection (c)(4) including any such activities related to hazardous waste stored, treated, or disposed of at a facility having a permit under section 3005 of the Solid Waste Disposal Act.

"(2) The activities described in subsection (c)(4), including any such activities related to hazardous waste stored, treated or disposed of at a facility having a permit under section 3005 of the Solid Waste Disposal Act, shall be carried out by the Agency for Toxic Substances and Disease Registry established by section 104(i), either directly, or through grants to the State (or political subdivisions thereof) in the case of States (or political subdivisions) which the Administrator of such Agency determines are capable of carrying out such activities. Such activities shall include conducting health assessments, including those required under section 3005(j) of the Solid Waste Disposal Act.

"(3) In determining sites at which to conduct health assessments under this subsection, the Administrator of the Agency for Toxic Substances and Disease Registry shall give priority to those facilities or sites at which there is documented evidence of release of hazardous constituents, at which the potential risk to human health appears highest, and for which in the judgment of the Administrator of such Agency existing health assessment date is inadequate to assess the potential risk to human health as provided in paragraph (5).

"(4) Any State or political subdivision carrying out an assessment shall report the results of the assessment to the Administrator of such Agency, and shall include recommendations with respect to further activities which need to be carried out under this subsection or section 104. The Administrator of such Agency shall include the same recommendations in a report on the results of any assessment carried out directly by the Agency, and shall issue periodic reports which include the results of all the assessments carried out under this paragraph. Such assessments or other activities shall be reported after appropriate peer review.

"(5) For the purposes of this subsection and subsection (c)(4), the term 'health assessments' shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities subject to this subsection, based on such factors as the nature and extent of contamination, the existence of potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size and potential susceptibility of the community within the likely pathways of exposure, the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants, and the comparison of existing morbidity and mortality data on diseases that may be associted with the observed levels of exposure. The assessment shall include an evaluation of the risks to the potentially affected population from all sources of such contaminants, including known point or nonpoint sources other than the site or facility in question. A purpose of such preliminary assessments shall be to help determine whether full-scale health or epidemiological studies and medical evaluations of exposed populations shall be undertaken.

"(6) In any case in which a health assessment performed under this subsection (including one required by section 3005(j) of the Solid Waste Disposal Act) discloses the exposure of a population to the release of a hazardous substance, the costs of such health assessment may be recovered as a cost of response under section 107 of this Act from persons causing or contributing to such release of such hazardous substance or, in the case of multiple releases contributing to such exposure, to all such releases.".

(c) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(j) EXPOSURE INFORMATION AND HEALTH ASSESSMENTS.—(1) Beginning on the date nine months after the enactment of the Solid Waste Disposal Act Amendments of 1984, each completed application for a permit under subsection (c) for a landfill or surface impoundment shall be accompanied by information reasonably ascertainable by the owner or operator on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address:

"(A) reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

"(B) the potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subparagraph (A); and

"(C) the potential magnitude and nature of the human exposure resulting from such releases.

The owner or operator of a landfill or surface impoundment for which a completed application for a permit under subsection (c) has been submitted prior to such date shall submit the information required by this paragraph to the Administrator (or the State, in the case of a State with an authorized program) no later than the date nine months after such date of enactment.

"(2) The Administrator (or the State, in the case of a State with an authorized program) shall make the information required by paragraph (1), together with other relevant information, available to the Agency for Toxic Substances and Disease Registry established by section 104(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Whenever in the judgment of the Administrator of such Agency, the Administrator, or the State (in the case of a State with an authorized program), a landfill or a surface impoundment poses a substantial potential risk to human health, due to the existence of releases of hazardous constituents, the magnitude of contamination with hazardous constituents which may be the result of a release, or the magnitude of the population exposed to such release or contamination, the Administrator of the Agency for Toxic Substances and Disease Registry shall conduct a health assessment in connection with such facility in accordance with section 111(m) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and take other appropriate action with respect to such risks as authorized by section 104 (b) and (i) of such Act.

"(3) Any member of the public may submit evidence of releases of or exposure to hazardous constituents from such a facility, or as to the risks or health effects associated with such releases or exposure, to the Administrator of the Agency for Toxic Substances and Diseases Registry, the Administrator, or the State (in the case of a State with an authorized program).".

STUDY OF THE PROBLEMS ASSOCIATED WITH DISPOSAL OF HAZARDOUS WASTES GENERATED BY EDUCATIONAL INSTITUTIONS

SEC. 37. (a) The Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Education, the States, and appropriate educational associations, conduct a comprehensive study of problems associated with the accumulation, storage and disposal of hazardous wastes from educational institutions. The study shall include an investigation of the feasibility and availability of environmentally sound methods for the treatment, storage or disposal of hazardous waste from such institutions, taking into account the types and quantities of such waste which are generated by these institutions, and the nonprofit nature of these institutions.

(b) Not later than twelve months after the date of the enactment of this Act, the Administrator shall submit a report to the Congress containing the findings of the study carried out under subsection (a).

(c) For purposes of this section—

(1) the term "hazardous waste" means hazardous waste which is listed or identified under Section 3001 of the Solid Waste Disposal Act;

(2) the term "educational institution" includes, but shall not be limited to,

(A) secondary schools as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965; and

(B) institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965.

AUTHORITY FOR PERMIT TO CONSTRUCT HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITY

SEC. 38. Section 3005(a) of the Solid Waste Disposal Act is amended by—

(1) striking "a" immediately after "owning or operating" in the first sentence and inserting in lieu thereof "an existing facility or planning to construct a new";

(2) inserting in the second sentence "and the construction of any new facility for the treatment, storage, or disposal of any such hazardous waste" immediately after "any such hazardous waste"; and

(3) striking the period after "permit" and inserting in lieu thereof the following: "*Provided, however,* That no permit shall be required under this section in order to construct a facility if such facility is constructed pursuant to an approval issued by the Administrator under section 6(e) of the Toxic Substance Control Act for the incineration of polychlorinated biphenyls and any person owning or operating such a facility may, at any time after operation or construction of such facility has begun, file an application for a permit pursuant to this section authorizing such facility to incinerate hazardous waste identified or listed under this subtitle.".

INTERIM STATUS CORRECTIVE ACTION ORDERS

SEC. 39. (a) Section 3008 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(h) INTERIM STATUS CORRECTIVE ACTION ORDERS.—(1) Whenever on the basis of any information the Administrator determines that there is or has been a release of hazardous waste into the environment from a facility qualifying for authorization to operate under section 3005(e) of this subtitle, the Administrator may issue an order requiring corrective action or such other response measure as he deems necessary to protect human health or the environment or the Administrator may commence a civil action in the United States district court in the district in which the facility is located for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued under this subsection may include a suspension or revocation of authorization to operate under section 3005(e) of this subtitle, shall state with reasonable specificity the nature of the required corrective action or other response measure, and shall specify a time for compliance. If the person or persons named in an order fails to comply with the order, the Administrator may assess and such person or persons shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each day of noncompliance with the order.".

(b) Subsection (b) of section 3008 of the Solid Waste Disposal Act is amended by inserting "issued under this section" immediately after "Any order".

FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION

SEC. 40. Section 3004(a) of the Solid Waste Disposal Act (as redesignated by this Act) is amended by inserting "(including financial responsibility for corrective action)" immediately after "and financial responsibility" in paragraph (6).

DIRECT ACTION AMENDMENTS

SEC. 41. (a) Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(m) FINANCIAL RESPONSIBILITY PROVISIONS.—(1) Financial responsibility required by subsection (a) of this section may be established in accordance with regulations promulgated by the Administrator by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the Administrator is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this Act.

"(2) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in any State court of the Federal Courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this section may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(3) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this Act: *Provided,* That nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim; *Provided further,* That nothing in this subsection shall be construed to diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law.

"(4) For the purpose of this subsection, the term 'guarantor' means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this section.".

(b)(1) Section 108 (c) and (d) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended to read as follows:

"(c) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in the Federal Courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim authorized by section 107 or 111 may be asserted directly against the guarantor providing evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(d) The total liability under this Act of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this Act: *Provided,* That nothing in this subsection shall be construed to limit any other State or Federal Statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim: *Provided further,* That nothing in this subsection shall be construed, interpreted or applied to diminish the liability of any person under sections 107 or 111 of this Act or other applicable law.".

(2) Section 108(b)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by adding the following: "Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the President is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this Act.".

URANIUM MILL TAILINGS

SEC. 42. Nothing in the Solid Waste Disposal Act Amendments of 1984 shall be construed to affect, modify, or amend the Uranium Mill Tailings Radiation Control Act of 1978, as amended.

MINING WASTE

SEC. 43. Section 3004 of the Solid Waste Disposal Act is amended by adding at the end thereof the following new subsection:

"( ) If solid waste from the extraction, beneficiation or processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore, is subject to regulation under this subtitle, the Administrator is authorized to modify the requirements of subsections (b), (f)(1) (other than the requirement for ground water monitoring), and (g), in the case of landfills or surface impoundments receiving such solid waste, to take into account the special characteristics of such wastes, the practical difficulties associated with implementation of such requirements, and site-specific characteristics, including but not limited to the climate, geology, hydrology and soil chemistry at the site, so long as such modified requirements assure protection of human health and the environment.".

FUNDING OF REMEDIAL ACTION AT FACILITY OWNED BY A STATE OR POLITICAL SUBDIVISION BUT OPERATED PRIVATELY

SEC. 44. Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by amending section 104(c)(3)(C)(ii) to read as follows:

"(ii) 50 per centum (or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision for the release) of the capital, future operation, and future maintenance costs of the response action relating to a release at a facility, primarily used for treatment, storage, or disposal, that was owned and operated by the State or a political subdivision thereof at the time of any disposal of hazardous substances in such facility. For the

purpose of subparagraph (c)(ii) of this paragraph, the term 'facility' does not include navigable waters or the beds underlying those waters."; and

(2) by adding at the end thereof the following: "In the case of any State which has paid, at any time after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984, in excess of 10 percent of the costs of remedial action at a facility owned but not operated by such State or by a political subdivision thereof, the President shall use money in the Fund to provide reimbursement to such State for the amount of such excess.".

UNDERGROUND STORAGE TANKS CONTAINING OTHER THAN HAZARDOUS WASTE

SEC. 45. (a) The Safe Drinking Water Act (title XIV of the Public Health Service Act) is amended by adding a new part F as follows:

"PART F—REGULATION OF UNDERGROUND STORAGE TANKS CONTAINING SUBSTANCES OTHER THAN HAZARDOUS WASTE

"DEFINITIONS

"SEC. 1451. For the purposes of this part, the term—

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) 'regulated substance' means (A) any substance defined in section 101(14) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including substances regulated as hazardous wastes under the Solid Waste Disposal Act), and (B) petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute);

"(3) 'owner' means (A) in the case of an underground storage tank in use on the date of enactment of this part or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances, and (B) in the case of any underground storage tank previously in use but no longer in use on the date of enactment of this part, any person who owned such tank immediately prior to discontinuation of use;

"(4) 'operator' means any person in control of or having responsibility for the daily operation of the underground storage tank for the storage, use, or dispensing of regulated substances;

"(5) 'person' means an individual, firm, corporation, association, partnership, trust, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

"(6) 'release' means any actual spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank into ground water, surface water or subsurface soils;

"(7) 'underground storage tank' means any tank, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances and which is substantially or totally beneath the surface of the ground. This term does not include (i) aboveground storage tanks which are in compliance with national consensus codes and for which ninety per centum or more of the tank volume is above the ground surface, (ii) farm or residential underground storage tanks of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes, (iii) underground storage tanks used for storing heating oil for consumptive use on the premises where stored, (iv) septic tanks, (v) pipeline facilities regulated under the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671, et seq.) or the Hazardous Liquid Pipeline Act of 1978, as amended (40 U.S.C. 2001, et seq.), (vi) surface impoundments, pits, ponds or lagoons (vii) storm water and waste water collection systems, or (viii) flow-through process tanks;

"(8) 'nonoperational underground storage tank' means any tank which has been used for the storage, use, or dispensing of regulated substances which will not have regulated substances deposited or dispensed from the storage tank after the date of enactment of this part;

"(9) 'national consensus code' means any safety or fire standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization, including National Fire Protection Association Standard Number 30, 'Flammable and Combustible Liquids Code,' and Western Fire Chiefs Association Uniform Fire Code Article Number 79, 'Flammable and Combustible Liquids'.

"NOTIFICATION AND CERTIFICATION

"SEC. 1452. (a)(1) UNDERGROUND STORAGE TANKS.—Within eighteen months of the date of enactment of this part, any owner of an underground storage tank shall notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of such tank, specifying the age, size, type, location, and uses of such tank.

"(2) NONOPERATION UNDERGROUND STORAGE TANKS.—For any underground storage tank taken out of operation after January 1, 1974, the owner of such tank shall, within eighteen months of the date of enactment of this part, notify the State or local agency, or department designated pursuant to subsection (b)(1) of the existence of such tanks (unless the owner knows the tank subsequently was removed from the ground). Notice under this subsection shall specify to the extent known the date the tank was taken out of operation, the age on the date taken out of operation, the size, type and location of the tank, and the type and quantity of substances left stored in such tank on the date taken out of operation. This subsection shall not apply to tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

"(3) Any owner which brings into use an underground storage tank after the initial notification under subsection (a)(1), shall notify the designated State or local agency or department within thirty days of the existence of such tank, specifying the age, size, type, location and uses of such tank.

"(4) Beginning thirty days after the Administrator prescribes the form of notice pursuant to subsection (b)(2) and for eighteen months thereafter, any person who deposits regulated substances in an underground storage tank shall reasonably notify the owner or operator of such tank of the owner's notification requirements pursuant to this subsection.

"(5) Beginning thirty days after the Administrator issues new tank performance standards pursuant to subsection 1453(d) of this part, any person who sells a tank intended to be used for the storage, use, or dispensing of regulated substances shall notify the purchaser of such tank of the owner's notification requirements pursuant to this subsection.

"(b)(1) Within one hundred and eighty days of enactment of this part, the Governors of each State shall designate the appropriate State agency or department or local agencies or departments to receive the notifications under subsection (a)(1),(2), or (3).

"(2) Within twelve months of enactment of this part, the Administrator in consultation with State and local officials designated pursuant to subsection (b)(1), and after notice and opportunity for public comment, shall prescribe the form of the notice and the information to be included in the notifications under subsection (a)(1), (2), or (3). In issuing the form of such notice, the Administrator shall take into account the effect on small businesses and other owners and operators.

"RELEASE DETECTION, PREVENTION, AND CORRECTION REGULATIONS

"SEC. 1453. (a) The Administrator, after notice and opportunity for public comment, shall promulgate release detection, prevention and correction regulations applicable to all owners and operators of underground storage tanks used for storing regulated substances, as may be necessary to protect human health and the environment.

"(b) In issuing regulations under this section, the Administrator may distinguish between types, classes, and ages of underground storage tanks. In making such distinctions, the Administrator may take into consideration the following factors, including, but not limited to: location of the tanks, soil and climate conditions, uses of the tanks, history of maintenance, age of the tanks, current industry recommended practices, national consensus codes, hydrogeology, water table, size of the tanks, quantity of regulated substances periodically deposited in or dispensed from the tank, the technical and managerial capability of the owners and operators, and the compatibility of the regulated substance and the materials of which the underground storage tank is fabricated.

"(c) The regulations promulgated pursuant to this section shall include, but need not be limited to, the following requirements respecting all underground storage tanks—

"(1) maintaining a leak detection system or maintaining a comparable system or methods or inventory control system and performing tank testing designed to identify releases;

"(2) maintaining records of any monitoring or leak detection system or inventory control system or tank testing or comparable system;

"(3) reporting of any releases and corrective action taken in response to a release from an underground storage tank;

"(4) taking corrective action in response to a release from an underground storage tank;

"(5) taking underground storage tanks out of operation.

"(d) The Administrator shall promulgate regulations for maintaining evidence of financial responsibility as he deems necessary and desirable for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank.

"(e) The Administrator shall issue performance standards for underground storage tanks brought into use on or after the

effective date of such standards. The performance standards for new underground storage tanks shall include, but need not be limited to, design, construction, installation, notification, compatibility and release detection standards.

"(f) Regulations issued pursuant to subsection (c) of this section and standards issued pursuant to subsection (d) of this section for underground storage tanks containing regulated substances defined in section 1451(2)(B) (petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure) shall be effective not later than thirty months after the date of enactment of this part.

"(g) Until the effective date of the standards promulgated by the Administrator under subsection (d) of this section, and after ninety days of enactment of this part, no person shall install an underground storage tank for the purpose of storing regulated substances unless such tank is installed and brought into use in accordance with an enforced national consensus code(s). Not later than six months after this date of enactment of this part, the Administrator shall report to the Senate and the House of Representatives of the United States his views on the national consensus code(s).

"APPROVAL OF STATE PROGRAMS

"SEC. 1454. (a) Any State may thirty months after the date of enactment submit an underground storage tank release detection, prevention, and correction program for review and approval by the Administrator. The State must demonstrate that the State program includes the following elements and provides for adequate enforcement of compliance with such requirements—

"(1) maintaining a leak detection system or inventory control system and performing tank testing designed to identify releases;

"(2) maintaining records of any monitoring or leak detection system or inventory control system or tank testing system;

"(3) reporting of any releases and corrective action taken in response to a release from an underground storage tank;

"(4) standards of performance for new underground storage tanks;

"(5) taking corrective action in response to a release from an underground storage tank;

"(6) taking underground storage tank out of operation; and

"(7) maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank.

"(b) A State's new tank standards submitted for approval under subsection (a)(4) shall be no less stringent than the performance standards promulgated by the Administrator pursuant to subsection 1453(c).

"(c) Corrective action and compensation programs financed by fees on tank owners and operators and administered by State or local agencies or departments may be submitted for approval under subsection (a)(7) as evidence of financial responsibility.

"(d)(1) Within one hundred and eighty days of the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, make a determination whether the State's program includes the requirements identified in subsection (a) and provides for adequate enforcement of compliance with such requirements.

"(2) If the Administrator determines that a State program includes the requirements identified in subsection (a) and provides for adequate enforcement of compliance with such requirements, he shall approve the State program in lieu of the Federal program and the State shall have primary enforcement responsibility with respect to requirements related to control of underground storage tanks used to store regulated substances.

"(3) Any State may submit and the Administrator shall approve an underground storage tank release, detection, prevention, and correction program for underground storage tanks containing regulated substances defined in section 1451(2)(B) (petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure) but does not include tanks containing other regulated substances, if the Administrator, after notice and opportunity for public comment, makes a determination that the State's program includes the requirements identified in subsection (a) and provides for adequate enforcement of compliance with such requirements. If a State program shall be approved under this subsection, the State program shall be in lieu of a Federal program for underground storage tanks containing regulated substances defined in section 1451(2)(b) and the State shall have primary enforcement responsibility with regard to such tanks.

"(e) Whenever the Administrator determines after a public hearing that a State is not administering and enforcing a program authorized under this part in accordance with the requirements of this section, he shall so notify the State, and, if appropriate action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw authorization of such program and reestablish enforcement of Federal regulations pursuant to this part.

"INSPECTIONS, MONITORING, AND TESTING

"SEC. 1455. (a) For the purposes of developing or assisting in the development of any regulation, conducting any study, or enforcing the provisions of this part, any owner or operator of an underground storage tank or any tank subject to study under section 1459 that is used for storing regulated substances shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee, or representative of a State with an approved program, furnish information relating to such tanks, their associated equipment, their contents, conduct monitoring or testing, and permit such officer at all reasonable times to have access to, and to copy all records relating to such tanks. For the purposes of developing or assisting in the development of any regulation, conducting any study, or enforcing the provisions of this part, such officers, employees, or representatives are authorized—

"(1) to enter at reasonable times any establishment or other place where an underground storage tank is located;

"(2) to inspect and obtain samples from any person of any such regulated substances and conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water or ground water. Each such inspection shall be commenced and completed with reasonable promptness.

"(b)(1) Any records, reports, or information obtained from any persons under this section shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or a particular part thereof, to which the Administrator (or the State, as the case may be) or any officer, employee, or representative thereof has access under this section if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(3) In submitting data under this Act, a person required to provide such data may—

"(A) designate the date which such person believes is entitled to protection under this subsection, and

"(B) submit such designated date separately from other data submitted under this Act.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

"(4) Nothwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained, by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee (including records, reports, or information obtained by representatives of the Evironmental Protection Agency).

"FEDERAL ENFORCEMENT

"SEC. 1456. (a)(1) Except as provided in paragraph (2), whenever on the basis of any information, the Administrator determines that any person is in violation of any requirement of this part, the Administrator may issue an order requiring compliance within a reasonable specified time period or the Administrator may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this part where such violation occurs in a State with a program approved under section 1454, the Administrator shall give notice to the State in which such violation has occurred prior to issuing an order or commencing a civil action under this section.

"(3) If such violator fails to comply with the order within the time specified in the order, he shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance.

"(b) Any order shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the produc-

tion of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) Any order issued under this section shall state with reasonable specificity the nature of the violation, specify a reasonable time for compliance, and assess a penalty, if any, which the Administrator determines is reasonable taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

"(d) Any owner who knowingly fails to notify or submits false information pursuant to section 1452(a) to a State or local agency or department designated pursuant to section 1452(b)(1) shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or false information is submitted.

"(e) Any owner or operator of an underground storage tank used for storing a regulated substance who fails to comply with the release detection, prevention, and correction regulations as promulgated by the Administrator or a State program approved pursuant to section 1454, shall be subject to a civil penalty not to exceed $10,000 for each tank for each day of violation.

"(f) Any owner or operator of an underground storage tank used for storing regulated substances who fails to comply with the provisions of section 1453(g) shall be subject to a civil penalty not to exceed $10,000 for each tank and for each day of violation.

"FEDERAL FACILITIES

"SEC. 1457. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government having jurisdiction over any underground storage tank as defined in section 1451(7) and used for the purpose of storing regulated substances as defined in subsection 1451(2), shall be subject to and comply with all Federal, State, interstate, and local requirements, both substantive and procedural in the same manner, and to the same extent, as any person is subject to such requirements, including payment of reasonable service charges. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal court with respect to the enforcement of any such injunctive relief. The President may exempt from any process or sanction of any State or Federal court with respect to the enforcement of any such injunctive relief. The President may exempt any underground storage tanks of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriations. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"STATE AUTHORITY

"SEC. 1458. Nothing in this part shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement or standard of performance respecting underground storage tanks that is more stringent than a regulation, requirement, or standard of performance in effect under this part.

"STUDY OF UNDERGROUND STORAGE TANKS

"SEC. 1459. (a) Not later than twelve months after the date of enactment of this part, the administrator shall complete a study of underground storage tanks used for the storage of regulated substances defined in section 1451(2)(B). Not later than thirty-six months after the date of enactment, the Administrator shall complete a study of all other underground storage tanks. Such study shall include an assessment of the ages, types (including methods of manufacture, coatings, protection systems, the compatibility of the construction materials and the installation methods) and locations (including the climate of the locations) of such tanks; soil conditions, water tables, and the hydrogeology of tank locations; the relationship between the foregoing factors and the likelihood of releases from underground storage tanks; the effectiveness and costs of inventory systems, tank testing, and leak detection systems; and such other factors as the Administrator deems appropriate.

"(b) Not later than thirty-six months after the date of enactment of this part, the Administrator shall conduct a study regarding the underground storage tanks exempted in subsection 1451(7) (ii) and (iii). Such study shall include estimates of the number and location of such tanks and an analysis of the extent to which there may be releases or threatened releases from such tanks into the environment.

"(c) Upon completion of the studies authorized by this section, the Administrator shall submit reports to the President and to the Congress containing the results of the studies and recommendations respecting whether or not such tanks should be subject to the preceding provisions of this part.

"(d)(1) If any owner or operator (excepting an agency, department, or instrumentality of the United States Government, a State or a political subdivision thereof) shall incur costs, including the loss of business opportunity, due to the closure or interruption of operation of an underground storage tank solely for the purpose of conducting studies authorized by this section, the Administrator shall provide such person fair and equitable reimbursement for such costs.

"(2) All claims for reimbursement shall be filed with the Administrator not later than ninety days after the closure or interruption which gives rise to the claim.

"(3) Reimbursements made under this section shall be from funds appropriated by the Congress pursuant to the authorization contained in subsection 1460(a) of this part.

"(4) For purposes of judicial review, a determination by the Administrator under this subsection shall be considered final agency action.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1460. (a) There are authorized to be appropriated to the Administrator for the purpose of carrying out the provisions of this part, $10,000,000 for each of the fiscal years ending September 30, 1985, 1986, 1987, and 1988.

"(b) There is authorized to be appropriated $25,000,000 for each of the fiscal years ending September 30, 1985, 1986, 1987, and 1988 to be used to make grants to the States for purposes of assisting the States in the implementation of approved State underground storage tank release detection, prevention, and correction programs.".

(b) Section 1448(a)(1) of the Safe Drinking Water Act is amended by inserting after the words "any regulation for State underground injection control programs under section 1421," the following: "any regulation for underground storage tanks under section 1453"

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This involves amending the title of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Amend the title so as to read: To amend the Solid Waste Disposal Act to authorize funds for fiscal years 1985, 1986, 1987, 1988, and 1989, and for other purposes.

Mr. CHAFEE. I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to amend the title.

The amendment was agreed to.

Mr. CHAFEE. I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the phrase "Solid Waste Disposal Act of 1984" be substituted for the phrase "Solid Waste Disposal Act of 1983" wherever it appears.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHAFEE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer [Mr. ABDNOR] appointed Mr. STAFFORD, Mr. CHAFEE, Mr. SIMPSON, Mr. SYMMS, Mr. RANDOLPH, Mr. MITCHELL, and Mr. LAUTENBERG conferees on the part of the Senate.

Mr. STAFFORD. Mr. President, as chairman of the full committee, I congratulate the managers of the bill on both sides, Senator CHAFEE and Senator MITCHELL, and the staff for the tremendous work it has done, all of which has contributed to our being able to pass this bill in one afternoon. I think it is an outstanding performance by staff and by the managers. I feel very happy for them and for the entire committee of the Senate be-

cause they were able to do it this expeditiously.

Mr. RANDOLPH. Will the chairman of the committee yield to me?

Mr. STAFFORD. I am delighted to yield to my friend.

Mr. RANDOLPH. The comments made by the able chairman of our committee [Mr. STAFFORD] I think are not just pleasant to hear but there has been in a sense today, with a 93 to nothing vote, an indication within this body that we desire very much to place our imprint upon strong environmental measures for the welfare of the people of this country.

Perhaps it is not interesting, but I remember the first vote that I cast here on March 9, 1933. We had before us the Emergency Banking Act. As some will recall from reading, the President of the United States had closed all of the banks of the country only 3 days previous. But I do remember that the President, I have always felt, used sometimes unorthodox methods but he always preserved orthodox institutions.

As I look back, it was without a dissenting vote that we passed the Emergency Banking Act on that day.

This is not the same type of measure, to be sure, but once again the Senate has acted with a vote of 93 to nothing. I join the able chairman of the committee again in saying to Senators CHAFEE and MITCHELL, and to all members of the committee and the staff, but particularly to the Senate as a body, the approval given is a further definite demonstration to the people of America that the Congress of the United States has taken some steps that perhaps some thought were a little too quickly taken to plant our feet firmly on a strong environmental program not just for the Nation but for the benefit of the men and women and children of this good land.

Mr. STAFFORD. I thank my dear friend for his comments.

Mr. CHAFEE. Mr. President, I ask unanimous consent that Calendar No. 500, S. 757, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I take this opportunity to thank the distinguished chairman of the committee and the ranking member, Senators STAFFORD and RANDOLPH, and, of course, my colleague on the subcommittee, Senator MITCHELL, for their splendid help on this bill. This is the most significant piece of environmental legislation passed in the last 2 years. People say, "Well, isn't it wonderful; it passed in 2½ hours."

Mr. President, that is not happenstance. It happens because, first of all, there was a lot of work done in the subcommittee and the full committee by, most of all, the staff, Steve Shimberg and Charlene Sturbitts, who worked so hard in meeting with those who had problems and trying to iron them out. Thus, we did not have amendments on which we had to vote in connection with this difficult piece of legislation.

Also, I want to thank Phil Cummings and Kathy Cudlipp for their help. We really are grateful. I think we have achieved a significant step forward today in the passage of this legislation.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I merely want to add that none of this would have been possible without the leadership, the dedication and the hard work of Senator CHAFEE who once again demonstrated that he is, in fact, one of the outstanding leaders of our Nation in protecting the very basics of human life in our Nation: clean air, clean water, and unpoisoned land.

For his efforts, I thank him in behalf of all those concerned.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, for just a moment, this is my committee perhaps more than any other committee on which I serve. I would feel remiss if I did not express my congratulations as well to the Senators and the staffs, to Senator RANDOLPH, and all concerned. This is a big piece of legislation.

Mr. President, I can remember when we first put it on the list. I had a string of "notifies" and "holds" and other carryings on like that that stretched half way down the page. But in the tradition of this committee, the Environment and Public Works Committee, on both sides of the aisle, both Republicans and Democrats, and the administration, issues were resolved and good legislation resulted. I congratulate all.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3553. A communication from the chairman of the National Credit Union Administration Board transmitting, pursuant to law, NCUA's annual report on activities of the Depository Institutions Deregulation Committee; to the Committee on Banking, Housing, and Urban Affairs.

EC-3554. A communication from the Secretary of Commerce transmitting, pursuant to law, the annual report on the activities of the National Climate Program; to the Committee on Commerce, Science, and Transportation.

EC-3555. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into within the 60 days previous to July 12, 1984; to the Committee on Foreign Relations.

EC-3556. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-165; to the Committee on Governmental Affairs.

EC-3557. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-164; to the Committee on Governmental Affairs.

EC-3558. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-174; to the Committee on Governmental Affairs.

EC-3559. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-173; to the Committee on Governmental Affairs.

EC-3560. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-170; to the Committee on Governmental Affairs.

EC-3561. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-171; to the Committee on Governmental Affairs.

EC-3562. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-161; to the Committee on Governmental Affairs.

EC-3563. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-172; to the Committee on Governmental Affairs.

EC-3564. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-162; to the Committee on Governmental Affairs.

EC-3565. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-175; to the Committee on Governmental Affairs.

EC-3566. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-159; to the Committee on Governmental Affairs.

EC-3567. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-160; to the Committee on Governmental Affairs.

EC-3568. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-166; to the Committee on Governmental Affairs.

EC-3569. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-168; to the Committee on Governmental Affairs.

EC-3570. A communication from the chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-169; to the Committee on Governmental Affairs.

EC-3571. A communication from the Deputy Assistant Secretary for Health Operations and Director, Office of Management, Department of Health and Human Services, transmitting, pursuant to law, a report on the Department's government pension plan; to the Committee on Governmental Affairs.

EC-3572. A communication from the Secretary of the Postal Rate Commission transmitting, pursuant to law, an errata relative to a notice of prehearing conference on special fourth-class mail; to the Committee on Governmental Affairs.

EC-3573. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, a proposed plan for the use and distribution of funds of the Fort McDermitt Paiute and Shoshone Tribe; to the Select Committee on Indian Affairs.

EC-3574. A communication from the Executive Secretary of the Office of Secretary of Defense transmitting, pursuant to law, a report on DOD procurement from small and other business firms for October-April 1984; to the Committee on Small Business.

EC-3575. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on three new deferrals of budget authority and five revisions to previous deferrals of budget authority; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, the Committee on Energy and Natural Resources, and the Committee on Armed Services.

EC-3576. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a secret notice of intention to exclude from a contract with a foreign government for acquisition of a reconnaisance system the right of the Comptroller General to examine records; to the Committee on Armed Services.

EC-3577. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a foreign military assistance sale to Egypt; to the Committee on Armed Services.

EC-3578. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a secret report on a foreign military assistance sale to Jordan; to the Committee on Armed Services.

EC-3579. A communication from the General Counsel of the Department of Defense transmitting, pursuant to law, two executive orders prescribing the Manual for Courts-Martial, 1984; to the Committee on Armed Services.

EC-3580. A communication from the chairman of the Federal Deposit Insurance Corporation transmitting, pursuant to law, the Corporation's annual report for 1983; to the Committee on Banking, Housing, and Urban Affairs.

EC-3581. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, indicating the Commission will be unable to issue a decision on time in the case of Canadian National Railway Co. and Canadian Pacific Ltd.-Acquisition-Interests of Consolidated Rail Corp. in Canada Southern Railway Co. and Detroit River Tunnel Co., and a related proceeding, Canadian National Railroad Co. and Canadian Pacific Ltd.-Application for Trackage Rights Over Consolidated Rail Corp. Trackage in Detroit, MI; to the Committee on Commerce, Science, and Transportation.

EC-3582. A communication from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payments to Mobil Oil Co.; to the Committee on Energy and Natural Resources.

EC-3583. A communication from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting, pursuant to law, a report on 13 refunds of excess royalty payments to various oil companies; to the Committee on Energy and Natural Resources.

EC-3584. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the State Energy Conservation Program, 1983; to the Committee on Energy and Natural Resources.

EC-3585. A communication from the Secretary of Energy transmitting, pursuant to law, a revision of the Comprehensive Ocean Thermal Technology Application and Market Development Plan; to the Committee on Energy and Natural Resources.

EC-3586. A communication from the Secretary of the Interior transmitting, pursuant to law, notice of a lease sale for the Diapir Field, Outer Continental Shelf; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2796. A bill to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes (Rept. No. 98-565).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MELCHER:

S. 2860. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to increase the authority of the Secretary of Agriculture to refuse to provide, or withdraw, inspection service; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABDNOR (for himself and Mr. PRESSLER):

S. 2861. A bill to authorize the Secretary of the Interior to make available the Pick-Sloan Missouri basin program pumping power to the Hilltop and Gray Goose irrigation projects; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI:

S. 2862. A bill to declare that the United States holds certain lands in trust for the Cocopah Indian Tribe; to the Select Committee on Indian Affairs.

By Mr. GRASSLEY:

S. 2863. A bill to suspend the duty on acetylsulfaguanidine until the close of December 31, 1986; to the Committee on Finance.

By Mr. SPECTER:

S. 2864. A bill to amend chapter 47 of title 18, United States Code, to provide penalties for fraud and related activities in connection with computers, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE:

S. 2865. A bill authorizing the President to proclaim modifications in the rates of duty for certain articles in trade in civil aircraft; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. BURDICK, Mr. PRYOR, and Mr. HOLLINGS):

S. 2866. A bill to authorize the Attorney General of the United States to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances; to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, treatment, and rehabilitation; and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2867. A bill to refund the duty paid on the entry of two mass spectrometers which should have been admitted duty-free; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. BRADLEY):

S. 2868. A bill to provide that there will be a cost-of-living increase in social security and SSI benefits for 1985 without regard to whether the three percent threshold is met; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. SASSER, Mr. PRESSLER, Mr. ABDNOR, Mr. BAKER, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. DANFORTH, Mr. DENTON, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. GOLDWATER, Mr. HATCH, Mr. HATFIELD, Mrs. HAWKINS, Mr. HECHT, Mr. HEFLIN, Mr. HEINZ, Mr. HELMS, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JEPSEN, Mr. LAXALT, Mr. LEVIN, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MATTINGLY, Mr. MURKOWSKI, Mr. NUNN, Mr. PACKWOOD, Mr. PROXMIRE, Mr. PRYOR, Mr. RANDOLPH, Mr. SPECTER, Mr. STAFFORD, Mr. THURMOND, Mr. TRIBLE, Mr. TSONGAS, Mr. WILSON, and Mr. MOYNIHAN):

S.J. Res. 335. Joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MELCHER:

S. 2860. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to increase the authority of the Secretary of Agriculture to refuse to provide, or withdraw, inspection service; to the Committee on Agriculture, Nutrition, and Forestry.

MEAT AND POULTRY INSPECTION IMPROVEMENT ACT

● Mr. MELCHER. Mr. President, today I am introducing the "Meat and Poultry Inspection Improvement Act," a bill to protect consumers, the packing industry and poultry and livestock producers by enhancing the Secretary of Agriculture's authority to refuse to provide, or withdraw, meat and poultry inspection services from slaughter and processing plants that operate with disregard for Federal inspection laws. A very few plants have butchered dead or diseased animals with poor sanitation that could endanger consumers. A very few have threatened, harassed or bribed Government inspectors. I am not a lawyer but I am a veterinarian. These few bad apples cannot cause me to be in doubt that the meat on the table is good and wholesome.

The U.S. Department of Agriculture requires greater authority to efficiently and effectively deal with those who violate inspection laws and, even after convictions, exploit current administrative and judicial processes to circumvent sanctions imposed for their offenses. This bill would enable the Secretary of Agriculture to take expeditious action and employ appropriate measures to safeguard the public health, as well as the integrity of the Federal inspection program.

Several recent occurrences involving serious violations of the Federal Meat Inspection Act graphically illustrate the necessity for this legislation to ensure that the Federal inspection program continues to effectively protect consumers and to ensure a strong market for the livestock producer.

Late last year, a report on an NBC investigative news show alleged that the Cattle King Co., a meat packing plant in Denver operated by Rudolph G. "Butch" Stanko, Jr. and Henry Stanko, had consistently ignored Federal law by slaughtering dead cattle without inspection. Because this company produced one-fourth of the ground beef used in the national school lunch program, the Secretary of Agriculture called for an immediate halt to its distribution. USDA has since determined that the meat could not be used for human food.

A complaint has now been brought by USDA to withdraw inspection services from all Stanko-affiliated plants. This complaint is based on a consent order stemming from previous convictions related to handling food that required these companies to adhere to all provisions of the meat inspection act. Although the Cattle King plant has since voluntarily closed and several individuals involved in the case have pleaded guilty to various violations of the Federal meat inspection law, under current law it could have remained in operation until the resolution of the administrative hearing and the appeals process, actions that could have taken several years.

In another case deserving of its notoriety, Weyandt & Sons in Pennsylvania operated a clandestine slaughter operation over an extended period of time that provided meat from diseased cattle for retail sale in the Philadelphia area. For a period of almost 1 year, from the time of the raid on the plant by Federal agents that stopped the illegal operation, to the indictments and subsequent convictions, to the eventual removal from the company of the owner, the plant was able to continue to operate under Federal inspection.

USDA must contend not only with those who secretively carry out their illicit activities, but also with those who flaunt their disregard for the law with impunity. Leopold Koppel, the owner of the Fort Plain Packing Co. of New York, pleaded guilty last October in a U.S. District Court to felony charges of conspiracy to defraud the Government and to violate meat inspection laws. Koppel admitted that over several years he violated numerous inspection regulations by consistently and methodically harassing and intimidating meat inspectors in order to prevent them from carrying out official duties.

Despite Koppel's blatant attempts to ignore Federal inspection laws, USDA lacked authority under current law to effectively and quickly respond to his calculated strategy to interfere with the inspection program. Not until evidence of wrongdoing had been gathered, presented in court and a conviction handed down could the Department take the necessary steps to remove inspection from the Koppel plant. Following that conviction, USDA requested that inspection be withdrawn, and an administrative hearing began in June. Pending the outcome of that hearing and appeal options, Fort Plain Packing is continuing its operations—under Mr. Koppel's direction.

The delays inherent in the system as a result of administrative hearings and judicial appeals often work to the advantage of those who violate the law. In one case involving a Michigan meat packer, the hearing and appeals processes have continued for 7 years. USDA brought a complaint to withdraw inspection from David Fenster of Utica Packing Co. based on his conviction for attempted bribery of a Federal inspector. The case has gone through four reviews by administrative law judges and is presently in its third appeal in the courts.

Incidents like these—perpetrated by only a small segment of the packing industry—bring significant harm to credible packers who conscientiously adhere to Federal inspection law and seriously impair consumer confidence in our country's meat and poultry supply. Moreover, they result in damaging economic pressures on ranchers and farmers—including those in my own State of Montana—who depend on a sound inspection system and suffer when adverse publicity concerning the meat and poultry industries surfaces.

Mr. President, the Meat and Poultry Inspection Improvement Act represents one element of a five-point program USDA designed to further strengthen the Federal inspection program and maintain consumer confidence in meat and poultry products. That five-point program also includes a National Academy of Sciences review of the effectiveness of inspection approaches, more intensive regulation of plants with a poor history of compliance with inspection regulations, tighter eligibility requirements for plants selling meat and poultry to the Federal Government and active pursuit, in cooperation with the Department of Justice, to vigorously pursue criminal prosecutions and sanctions for food safety offenses.

The legislative proposal I am introducing today complements the other four components of that program by incorporating an integral factor necessary to ensure its success. It provides the statutory basis necessary to counter those who by violating the inspection laws potentially negate all other efforts to make certain only safe and wholesome products receive USDA approval.

Current enforcement authorities provided under the meat and poultry inspection laws all too frequently inhibit USDA's timely response to serious meat act violations. For example, the Secretary of Agriculture can withdraw inspection only for felony, or multiple misdemeanor convictions, related to the handling of food, and then only after an administrative hearing and judicial appeals process that can take many months, and sometimes years, to exhaust. He has no specific authority to withdraw inspection in cases where his inspectors are threatened or assaulted while carrying out official duties, although under the Department's general rulemaking authority inspection can be withheld in such instances until steps have been taken to prevent recurrences. In addition, the Secretary cannot effectively respond to recurring sanitation or inspection violations since these do not

contitute a legal basis under the present law for anything more than a temporary withholding of inspection services until a particular problem has been corrected.

The bill I am introducing today would increase the Secretary of Agriculture's authority to withdraw or refuse inspection services when a determination is made that an individual is unfit to engage in any business requiring inspection because of a conviction for any violation of law involving transactions in food, or of any felony. The Secretary also could determine an individual unfit for inspection if that person, or anyone responsibly connected with a company, threatened, assaulted or in any way interfered with a Federal inspector performing official inspection duties. Finally, the bill would permit the Secretary to withdraw inspection if an individual has recurringly failed to comply with sanitation or other requirements of inspection laws.

The Meat and Poultry Inspection Improvement Act, in addition, would permit the Secretary to summarily withdraw Federal inspection services, pending an expedited hearing, in cases where an immediate response is imperative to protect the public health and welfare or to guarantee that Federal inspectors can safely and effectively execute their duties. However, those slaughter and processing plants that consistently fail to abide by certain sanitation or other inspection requirements, sanitation, for example, would first be notified of their failure to comply with USDA regulations and afforded an opportunity to demonstrate that any deficiency had been corrected and would not recur.

This proviso would negate any arbitrary or capricious action by the Secretary against any company, and would allay concerns voiced by some segments of the packing industry about the potential for abuse of the summary withdrawal authority for recurring violations. More importantly, what should be recognized is that no company operating within the Federal Government's inspection guidelines need fear that the authority would ever be used against them.

The industry has also questioned whether due process rights might be infringed upon by this added authority. Because such authority represents a critical part of this legislation, both USDA's own general counsel and the Department of Justice have carefully studied the matter and have issued legal opinions supporting the constitutionality of this provision, assuring the Secretary that he does indeed have such authority when the health and welfare of the public is endangered.

Mr. President, all parties concerned with this issue have much to gain from this bill. Consumers would benefit from the further assurance of safe and wholesome meat and poultry and would demonstrate their faith in that assurance at the marketplace. Ranchers and farmers would find ready and profitable markets for their livestock and poultry. Reputable packers would be protected from the unfair economic advantages others in their industry gain by attempting to circumvent inspection laws. All who have an interest in this Nation's meat and poultry supply—the most plentiful and the safest in the world—should support this bill's purpose, recognize its necessity and urge its enactment.

Mr. President, I ask unanimous consent that the bill and explanatory material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Meat and Poultry Inspection Improvement Act."

FEDERAL MEAT INSPECTION ACT AMENDMENTS

SEC. 2. Section 401 of the Federal Meat Inspection Act (21 U.S.C. 671) is amended to read as follows:

"SEC. 401. (a) The Secretary may (for such period, or indefinitely, as the Secretary deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under title I of this Act with respect to any establishment if the Secretary determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under title I because—

"(1) the applicant or recipient, or any person responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, of (A) any violation of law based upon the acquiring, handling, or distributing of adulterated, misbranded, or deceptively packaged food or upon fraud, bribery, or extortion in connection with transactions in food or (B) any felony, or

"(2) the applicant or recipient, any person responsibly connected with the applicant or recipient, or any employee or agent of the applicant or recipient acting within the scope of such employment or agency, has threatened to forcibly assault, resist, oppose, impede, intimidate, or interfere with or has forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with any person while engaged in or on account of the performance of official duties under this Act:

"Provided, That, the Secretary may direct that, pending opportunity for an expedited hearing and the final determination and order under paragraph (a) and any judicial review thereof, inspection service shall be denied or suspended if the Secretary deems such action necessary in the public interest in order to protect the health or welfare of consumers or to assure the safe and effective performance of official duties under this Act and so notifies the affected applicant for or recipient of such service.

"(b)(1) The Secretary may (for such period, or indefinitely, as the Secretary deems necessary to effectuate the purposes of the Act) refuse to provide, or withdraw, inspection service under title I of this Act with respect to any establishment if the Secretary determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that the applicant or recipient, or any person responsibly connected with the applicant or recipient, has recurringly failed to comply with sanitation or other requirements of this Act or the regulations promulgated thereunder.

"(2) The Secretary may direct that, pending opportunity for an expedited hearing with respect to any refusal or withdrawal of inspection service and the final determination and order under paragraph (b) and any judicial review thereof, inspection service shall be denied or suspended if the Secretary deems such action necessary in the public interest in order to protect the health or welfare of consumers or to assure the safe and effective performance of official duties under this Act:

"Provided, That, before such action is taken, the applicant for, or recipient of, such service has been given notice of such violations and an opportunity to demonstrate that compliance with the Act and the regulations promulgated thereunder has been achieved and will be maintained, and the applicant or recipient has failed to so demonstrate, as determined by the Secretary.

"(c) For the purpose of this section (1) the term "person" means any individual, partnership, corporation, association, or other business unit, and (2) a person shall be deemed to be responsibly connected with the applicant or recipient if such person is or was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

"(d) The determination and order of the Secretary with respect to withdrawal or refusal of inspection service under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order; and inspection service shall be withdrawn or refused as of the effective date of such order pending any judicial review thereof unless the Secretary directs otherwise. Judicial review of any such order shall be in the United States Court of Appeals for the circuit in which the applicant for, or recipient of, inspection service has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit and shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

"(e) The provisions of this section shall be in addition to and not derogate from any other provision of this Act for refusal or withdrawal of inspection service under title I.".

SEC. 3. Section 404 of the Federal Meat Inspection Act (21 U.S.C. 674) is amended by deleting the words "section 7(e)" and inserting in lieu thereof "sections 7(e) and 401".

POULTRY PRODUCTS INSPECTION ACT AMENDMENTS

SEC. 4. Section 18(a) of the Poultry Products Inspection Act (21 U.S.C. 467(a)) is amended to read as follows:

"SEC. 18. (a)(1) The Secretary may (for such period, or indefinitely, as the Secretary deems necessary to effectuate the purposes

of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if the Secretary determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under this Act because—

"(A) the applicant or recipient, or any person responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, of (i) any violation of law based upon the acquiring, handling, or distributing of adulterated, misbranded, or deceptively packaged food or upon fraud, bribery, or extortion in connection with transaction in food or (ii) any felony, or

"(B) the applicant or recipient, any person responsibly connected with the applicant or recipient, or any employee or agent of the applicant or recipient acting within the scope of such employment or agency, has threatened to forcibly assault, resist, oppose, impede, intimidate, or interfere with or has forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with any person while engaged in or on account of the performance of official duties under this Act:

"Provided, That, the Secretary may direct that, pending opportunity for an expedited hearing and the final determination and order under paragraph (a)(1) and any judicial review thereof, inspection service shall be denied or suspended if the Secretary deems such action necessary in the public interest in order to protect the health or welfare of consumers or to assure the safe and effective performance of official duties under this Act and so notifies the affected applicant for or recipient of such service.

"(2)(A) The Secretary may (for such period, or indefinitely, as the Secretary deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if the Secretary determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that the applicant or recipient, or any person responsibly connected with the applicant or recipient, has recurringly failed to comply with sanitation or other requirements of this Act or the regulations promulgated thereunder.

"(B) The Secretary may direct that, pending opportunity for an expedited hearing with respect to any refusal or withdrawal of inspection service and the final determination and order under paragraph (2)(A) and any judicial review thereof, inspection service shall be denied or suspended if the Secretary deems such action necessary in the public interest in order to protect the health or welfare of consumers or to assure the safe and effective performance of official duties under this Act:

"Provided, That, before such action is taken, the applicant for or recipient of, such service has been given notice of such violations and an opportunity to demonstrate that compliance with the Act and the regulations promulgated thereunder has been achieved and will be maintained, and the applicant or recipient has failed to so demonstrate, as determined by the Secretary.

"(3) For the purpose of this subsection a person shall be deemed to be responsibly connected with the applicant or recipient if such person is or was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

"(4) The provisions of this subsection shall be in addition to and not derogate from any other provision of this Act for refusal or withdrawal of inspection service under this Act.".

SEC. 5. Section 18(c) of the Poultry Products Inspection Act (21 U.S.C. 467(a)) is amended—

(1) by inserting immediately before the period at the end of the first sentence: "; and where such determination and order is pursuant to subsection (a) of this section, inspection service shall be withdrawn or refused as of the effective date of such order pending any judicial review thereof unless the Secretary directs otherwise"; and

(2) by deleting "Packers and Stockyards Act of 1921, as amended" and inserting in lieu thereof "Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194),".

SEC. 6. Section 6(c) of the Poultry Products Inspection Act (21 U.S.C. 455(c)) is amended by inserting immediately before the period at the end thereof ", and the Secretary may remove inspectors from any establishment which fails to destroy any condemned carcass, part, or other poultry product".

ANALYSIS OF DRAFT LEGISLATIVE PROPOSAL TO INCREASE AUTHORITY TO REFUSE TO PROVIDE OR TO WITHDRAW INSPECTION SERVICE

Sections 401 and 18(a) of the FMIA and PPIA, respectively, currently authorize the Secretary, after opportunity for a hearing, to refuse to provide or to withdraw inspection service based upon a determination that the applicant or recipient is unfit to engage in any business requiring inspection because the applicant or recipient (or anyone responsibly connected) has been convicted in court of any of various violations of law. The proposal would amend these sections by expanding the grounds on which inspection service could be refused or withdrawn and the Secretary's authority to respond to various circumstances.

The existing provisions would be modified to provide a consistent and somewhat broader set of violations of law by the applicant or recipient or any person (defined to include any business unit) responsibly connected therewith (proposed sections 401(a)(1) and 18(a)(1)(A), respectively). The Secretary also would be able to refuse or withdraw inspection service based on a determination that the applicant or recipient is unfit to engage in any business requiring inspection when the applicant or recipient, any person responsibly connected with the applicant or recipient, or its employees or agents has threatened to or has forcibly assaulted, intimidated, or in other ways interferred with persons performing official duties (proposed sections 401(a)(2) and 18(a)(1)(B), respectively). As regards either of these grounds for refusal or withdrawal, the proposal would authorize the Secretary, if such action is deemed necessary in the public interest in order to protect the health or welfare of consumers or to assure the safe and effective performance of official duties and so notifies the affected applicant or recipient, to deny or suspend inspection service pending opportunity for an expedited hearing and the final determination and order and any judicial review thereof (proviso to proposed sections 401(a) and 18(a)(1), respectively).

In addition, the proposal would authorize the Secretary, after opportunity for a hearing, to refuse to provide or withdraw inspection service when the applicant or recipient, or any person responsibly connected with the applicant or recipient, has recurringly failed to comply with sanitation or other requirements of the Act or regulations (proposed sections 401(b) and 18(a)(2), respectively). These proposed provisions also would authorize the Secretary to deny or suspend inspection service if such action is deemed necessary in the public interest in order to protect the health or welfare of consumers or to assure the safe and effective performance of official duties; however, before taking such action, the applicant or recipient would have to be notified of such violations and given an opportunity to demonstrate that compliance with the Act and regulations has been achieved and will be maintained, and have failed to so demonstrate, as determined by the Secretary (proviso to proposed sections 401(b) and 18(a)(2), respectively).

The proposal would further amend sections 401 and 18 of the FMIA and PPIA, respectively, by providing that when the Secretary directs that inspection service be withdrawn or refused, inspection service would be withdrawn or refused as of the effective date of the Secretary's order pending any judicial review thereof unless the Secretary directs otherwise (proposed section 401(c) and proposed amendment to section 18(c), respectively). Finally, the proposal would clarify when a person is deemed to be "responsibly connected" with an applicant or recipient; it would amend section 401 of the FMIA to provide for judicial review in the United States Courts of Appeal of the refusal or withdrawal of inspection service (as the PPIA currently provides) (see also the amendment to section 404 of the FMIA); and it would clarify the Secretary's existing authority under other sections of the FMIA and the PPIA (see section 18(b)) by explicity stating in section 6(c) of the PPIA that inspectors may be removed from establishments that fail to destroy condemned carcasses, parts, or other poultry products.

MEAT AND POULTRY INSPECTION IMPROVEMENT ACT—SECTION-BY-SECTION ANALYSIS

SECTION 2

Section 401 of the Federal Meat Inspection Act (FMIA) currently authorizes the Secretary, after opportunity for a hearing, to refuse to provide or to withdraw inspection service based upon a determination that the applicant or recipient is unfit to engage in any business requiring inspection under the FMIA because the applicant or recipient (or anyone responsibly connected) has been convicted in court of any of various violations of law. Section 2 of the proposed Act amends this section by expanding the grounds on which inspection service could be refused or withdrawn.

The existing provision would be modified to include a set of violations of law by the applicant or recipient or any person (defined to include any business unit) responsibly connected therewith that is somewhat broader and consistent with the Poultry Products Inspection Act (PPIA) (proposed section 401(a)(1)). This section of the proposed Act also authorizes the Secretary to refuse or withdraw inspection service based on a determination that the applicant or recipient is unfit to engage in any business requiring inspection when the applicant or recipient, any person responsibly connected with the applicant or recipient, or its employees or agents has threatened to or has

forcibly assaulted, intimidated, or in other ways interfered with persons performing official duties (proposed section 402(a)(2)). Section 2 further amends section 401 by authorizing the Secretary, if such action is deemed necessary in the public interest in order to protect the health and welfare of consumers or to assure the safe and effective performance of official duties and so notifies the affected applicant or recipient, to deny or suspend inspection service pending an expedited hearing and the final determination and order and any judicial review thereof (proviso to proposed section 401(a)).

As is the case under the current provisions of the FMIA, a conviction of a felony or other specified crimes would not, in itself, result in the refusal or withdrawal of inspection service. The conviction must be shown to make the applicant or recipient "unfit" to engage in business requiring inspection under the FMIA. In this connection, the Court of Appeals for the 6th Circuit recently held that mitigating circumstances were material and relevant to a determination by the Secretary as to whether inspection should be denied or withdrawn under section 401 of the FMIA. (*Utica Packing Company and David Fenster* v. *Bergland, et al.*, No. 811383 (6th Cir. Sept. 2, 1982).) However, as the Court noted, "The more closely the conduct strikes to the policies of the Federal Meat Inspection Act, the more likely it alone will support a determination of unfitness regardless of the mitigating facts present". The position of the Court of Appeals in that case has been adopted by the Department for all cases arising under section 401. It is not the intent to revise the Department's policy in this regard.

With respect to the denial or withdrawal of inspection service for threats to and forcible assaults, etc., it is noted that the Department currently has no specific authority in either the FMIA or PPIA for withdrawal of inspection for such actions. However, in consultation with the Department of Justice, the Department has issued regulations under the general rulemaking authority in the FMIA and PPIA (9 C.F.R. 305.5(a) and 381.29(d), respectively) concerning this matter. Those regulations provide that if a program employee has been threatened with forcible assault, or has been forcibly assaulted, intimidated or interfered with, in or on account of the performance of official duties, by an operator of an establishment of any official, employee, or agent thereof, inspection may be temporarily suspended until the establishment satisfactorily justifies the incident, takes effective steps to prevent a recurrence, or provides acceptable assurance that there will not be any recurrances. The proposed amendment would provide explicit authority to take action and protect employees of the Department and avoid impairment of proper inspection.

With respect to the denial or suspension of inspection service by the Secretary pending opportunity for an expedited hearing and any judicial review of the final determination and order, it is the intent to limit such actions to convictions that strike at the heart of the FMIA, such as convictions relating to the intentional distribution of unwholesome or otherwise adulterated or misbranded product which could endanger the public health or welfare or convictions involving intent to defraud or bribery of an inspector or other employee of the Department or extortion. Also, it is the intent that such action be taken where an inspector or other program employee has been threatened with or has been forcibly assaulted, intimidated, or otherwise interfered with in such a manner that inspection must be suspended so as to assure the safe and effective performance of duties by program employees.

In practice, when situations such as the use or threatened use of physical violence occur, inspectors assigned to the affected plant are instructed by their supervisor to leave the premises. This has the effect of shutting down the plant's operations since the company may not operate unless there is an assigned inspector on site. The company is immediately notified of the action and given the opportunity to present its views at an expedited, informal hearing before a Department official. This usually occurs within 8 to 24 hours, and in the vast majority of cases leads to resolution of the matter. Many times, resolution is achieved by removing or isolating a company employee. In other cases, mitigating circumstances obviate the need for any change at all. When the company is not satisfied with the changes desired to regain the assignment of inspectors, a short-term solution may be agreed upon and a subsequent formal hearing held before an administrative law judge. However, it is extremely rare that these situations reach that level. Here again, it is the Department's intent to continue current practices in this regard.

In addition, Section 2 of the proposed Act amends section 401 of the FMIA to authorize the Secretary to refuse to provide or withdraw inspection service when the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has recurringly failed to comply with sanitation or other requirements of the Act or regulations (proposed sctions 401(b)). Under this new authority, a decision by the Secretary to refuse to provide or withdraw inspection would not require a determination of unfitness. The authority to initiate a complaint would be delegated no lower than the Administrator of the Food Safety and Inspection Service.

Inspectors in carrying out their duties may, overtime, point out a number of plant deficiencies that need correction. This alone would not constitute a basis for refusing or withdrawing inspection service as provided in this section. In taking such action, these conditions coupled with a confirmed disregard and failure to make needed corrections on a continuing or repeated basis or a pattern of neglect would be considered.

Recurring failures would have to be documented over a period of time (anywhere from a number of months to years) and could include sanitation failures such as rodent infestation or use of filthy equipment in processing, removal of abnormal tissues to mask disease, use or substitution of unapproved or unlisted ingredients, and/or practices leading to economic deception. Documentation of recurring failures would arise from record such as in-depth plant reviews, sanitation histories, laboratory product sampling results, product handling violations, warning letters and other records prepared by the FSIS Compliance Division, convictions, delistments by foreign governments, reports from the Office of the Inspector General or General Accounting Office, import/export records, and consumer and "whistleblower" complaints.

Finally, as with other bases for refusal or withdrawal, the Secretary is authorized under this proposed subsection to deny or suspend inspection service for recurring failures. However, before taking such action in these cases, the applicant or recipient has to be notified of such violations and given an opportunity to demonstrate that compliance with the Act and regulations has been achieved and will be maintained, and fail to so demonstrate, as determined by the Secretary (proviso to proposed section 401(b)).

Section 2 further amends section 401 of the FMIA by providing that when the Secretary, after opportunity for a hearing, directs that inspection service be withdrawn or refused, such action will be taken as of the effective date of the Secretary's order pending any judicial review thereof unless the Secretary directs otherwise (proposed section 401(d)). Finally, the proposed Act clarifies when a person is deemed to be "responsibly connected" with an applicant or recipient (proposed section 401(c)); and it provides for judicial review in the United States Courts of Appeal of the refusal or withdrawal of inspection service (as the PPIA currently provides) (proposed section 401(d)) (see also the conforming amendment in Section 3).

SECTION 3

Section 3 of the proposed Act amends section 404 of the FMIA to exclude section 401, consistent with a change made by Section 2 (see proposed section 401(d) of the FMIA).

SECTION 4

Section 4 of the proposed Act amends section 18(a) of the PPIA to include the same authority to refuse to provide or withdraw inspection service (with provisions for denying or suspending such service) as Section 2 of the proposed Act provides under section 401 of the FMIA (see proposed section 401 (a)-(c) and (e)).

SECTION 5

Section 5 of the proposed Act amends section 18(c) of the PPIA to include the same provision regarding withdrawal or refusal of inspection service as of the effective date of the order pending any judicial review, unless the Secretary directs otherwise, as Section 2 of the proposed Act provides under section 401 of the FMIA (see proposed section 401(d)).

SECTION 6

Section 6 of the proposed Act clarifies the PPIA by amending section 6(c) to state explicitly that inspectors may be removed from establishments which fail to destroy condemned carcasses, parts, or other poultry products (see section 18(b) of the PPIA).●

By Mr. ABDNOR (for himself and Mr. PRESSLER):

S. 2861. A bill to authorize the Secretary of the Interior to make available the Pick-Sloan Missouri basin program pumping power to the Hilltop and Gray Goose irrigation projects; to the Committee on Energy and Natural Resources.

HILLTOP AND GRAY GOOSE IRRIGATION PROJECTS

● Mr. ABDNOR. Mr. President, today, along with Senator PRESSLER, I am introducing legislation to provide for delivery of a small portion of South Dakota's allocation of Pick-Sloan Missouri basin program pumping power to the Hilltop and Gray Goose irrigation projects. Congressman DASCHLE is introducing identical legislation in the House of Representatives.

Mr. President, each of these projects is organized as a public irrigation district under State law; each is financed by the Federal Government, through the Farmers Home Administration; and each is in very difficult financial straits due to large and rapid increases in pumping power costs.

The Hilltop and Gray Goose irrigators have discussed this matter with their power supplier, East River Electric Cooperative, Inc.; and following intense and extended deliberations, East River's board of directors voted narrowly not to oppose the introduction of legislation on behalf of Hilltop and Gray Goose. The board is cognizant of the importance of reasonable pumping power costs and does not want to contribute to the demise of these projects.

According to former Deputy Assistant Secretary of the Interior Dan Beard, over 170 megawatts of power and over 310 million kilowatt-hours of energy are allocated to irrigation development in our State; but as of this year not one, single kilowatt-hour has been delivered as promised.

At long last we are on the verge of seeing the Federal commitment honored to some small extent, however. Under the provisions of section 5 of Public Law 97-273, irrigation pumping power will be delivered to several Indian projects, and the bill my colleagues and I have introduced today will make power available to two small non-Indian projects as well.

As I said, these projects are in dire straits due to escalating pumping costs, and the provision of a small portion of South Dakota's low-cost Missouri basin program irrigation pumping power will help to ensure their survival.

Mr. President, section 5 of Public Law 97-273 states that Pick-Sloan Missouri basin program pumping power "* * * shall also be made available to such additional irrigation projects as may be subsequently authorized to receive such power by act of Congress."

The measure I have introduced today, in accord with the provisions of section 5 of Public Law 97-273, simply would add to the list of projects contained therein the names of the Hilltop and Gray Goose projects.

Mr. President, I sincerely hope my colleagues will support the prompt enactment of this measure so that the Federal Government can begin to honor its commitment to my State under the Pick-Sloan program, so that irrigators in South Dakota can begin to have access to a portion of the power designated for their use, and, finally, so that the Hilltop and Gray Goose irrigators can avoid financial ruin.

Finally, Mr. President, various forces have conspired, figuratively speaking, to prevent South Dakota from realizing the irrigation benefits promised us under the Pick-Sloan Missouri basin program. If I have anything to say about it, that is going to change; commitments are going to be honored; everyone is going to play by the rules of the game as they have been set forth under the program; and South Dakota irrigators are going to be allowed the use not only of the water but also the pumping power to which they are entitled.

Obviously, Mr. President, I alone cannot cause those who are working against my State's interests to change their ways and be fair to us. I do want to incorporate in the record a table which shows the great disparity in irrigation benefits among the 17 reclamation States, however. My colleagues and interested others will note the Dakotas are far at the bottom, both in terms of the percentage of our cropland irrigated and total acres irrigated. Those who care little for the best interests of South Dakota can be expected to continue to fight against us, but the following table gives some indication—even without taking into account the half million acres we gave up for the Pick-Sloan program—just how unfair they have been to us:

Mr. President, I ask unanimous consent that the text of the bill and the table mentioned earlier be printed in the RECORD.

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 2861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of Public Law 97-273 (96 Stat. 1182) is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a comma and "and the Hilltop and Gray Goose irrigation projects.".

NONIRRIGATED AND IRRIGATED CROPLAND, IN 17 WESTERN STATES, 1977

State	Nonirrigated (000 acres)	All cropland irrigated (000 acres)	Percent of total cropland irrigated
Great Plains:			
North Dakota	26,835	78	<1
Kansas	25,631	3,175	11
Texas	22,510	7,929	26
South Dakota	17,684	472	3
Nebraska	13,794	6,905	33
Oklahoma	11,073	710	6
Mountain region:			
Montana	13,294	2,061	13
Colorado	7,699	3,394	31
Idaho	2,743	3,547	56
Wyoming	1,320	1,650	56
New Mexico	1,203	1,079	47
Utah	655	1,160	64
Arizona	145	1,167	89
Nevada	4	1,103	100
Pacific region:			
Washington	6,179	1,772	22
Oregon	3,139	2,009	39
California	1,920	8,153	81
Total, 17 Western States	155,828	46,364	23
Total, 48 States	357,027	55,594	13

By Mr. DECONCINI:

S. 2862. A bill to declare that the United States holds certain lands in trust for the Cocopah Indian Tribe; to the Select Committee on Indian Affairs.

LANDS IN TRUST FOR THE COCOPAH INDIAN TRIBE

Mr. DECONCINI. Mr. President, I am introducing legislation to provide the Cocopah Tribe of Arizona with additional land by authorizing the transfer of 3,930 acres of Bureau of Land Management land in Yuma County, AZ into trust for use by the tribe for its tribal members. While the Cocopah Tribe has historically occupied the lands all along the Colorado River, most of its members now live on about 1,700 acres of reservation land in southwestern Yuma County. This land is now being utilized to the maximum capacity by the tribe and it has become necessary for the tribe to seek augmentation of its reservation if it is to substantially improve the quality of life for the tribe members. The demand for increased housing, community facilities, commercial, and industrial development requires the additional land. The proposed transfer of the 3,930 acres will quicken the speed with which the Cocopah tribal government can move toward its goal of building the needed housing, developing a more diverse economic base and accommodating the needs of the growing reservation population. The tribe has worked closely with Federal and State agencies, the county and municipal governments and individual land users in making its selection. The lands proposed for transfer are adjacent to existing reservation lands and located in the proximity of the town of Yuma, AZ. The bill will protect any preexisting rights or interests held by any party in the selected lands.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (b), all rights, title, and interests of the United States in the following lands (including all improvements thereon and appurtenances thereto) located in Yuma County, Arizona, are hereby declared to be held by the United States in trust for the benefit and use of the Cocopah Tribe and are hereby declared to be part of the reservation of the Cocopah Tribe:

(1) As part of the West Cocopah, Gila and Salt River Base and Meridian, Arizona, containing 1,784 acres more or less:

T.9S, R.24.W.
Sec. 18: lot 17
Sec. 19: lots 24, 25
Sec. 30: lots 19, 25
T.9S, R.25.W.
Sec. 24: lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Sec. 34: lots 1, 2

Sec. 35: all within the United States; and
T.10S, R.25.W.
Sec. 2: lots 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27
Sec. 10: lots 1, 2
Sec. 11: lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
Sec. 14: lots 8, 9
Sec. 15: lots 5, 6, 7.

(2) As part of East Cocopah, Gila and Salt River Base and Meridian, Arizona, containing 1,570 acres more or less:

T. 9S, R.23.W.
Sec. 30: within S/2 along bluff, excluding, lot 5, approximately 50+ acres
Sec. 31: NW/4 160+ acres, NE/4 160+ acres, W/2, SW/4 80+ acres, N/2, E/2, SW/4 40+ acres, W/2, SE/4 80+ acres, N/2, E/2, SE/4 40+ acres; and
T. 10S, R.24.W.
Sec. 1: E/2 meandering along east main canal approximately 320+ acres
Sec. 12: NW/4 meandering along east main canal approximately 60+ acres, NE/4 160 acres, E/2, SE/4 80 acres
Sec. 13: E/2, NE/4 80 acres, SE/4 160 acres, S/2, SW/4 meandering along east main canal approximately 80+ acres.

(3) As North Cocopah, San Bernardino Base and Meridian, Arizona, containing 576 acres more or less:

T. 16S, R.21.E.
Sec. 25: lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
Sec. 24: lot 1; and
T.16S, R.22.E.
Sec. 19: lot 11
Sec. 30: lots 11, 12, 13, 19, 20, 22, & S ½, SW ¼.

(b) Nothing in this Act shall deprive any person of any right-of-way, mining claim, grazing permit, water right, or other right or interest which such person may have in the lands described in subsection (a) on the date preceding the date of enactment of this Act.

(c) Notwithstanding any other provision of law, the provisions of Executive Order 11988 (42 U.S.C. 4321, note) shall apply to the lands described in subsection (a).

By Mr. SPECTER:

S. 2864. A bill to amend chapter 47 of title 18, United States Code, to provide penalties for fraud and related activities in connection with computers, and for other purposes; to the Committee on the Judiciary.

COMPUTER FRAUD AND ABUSE ACT

Mr. SPECTER. Mr. President, I am introducing today the proposed Computer Fraud and Abuse Act of 1984, to help combat the alarming increase in computer crime. I introduce this bill as a companion measure to the computer provisions contained in Congressman Hughes' H.R. 5616, the proposed Counterfeit Access Device and Computer Fraud and Abuse Act of 1984, which was reported by the House Judiciary Committee on June 26, 1984, and was passed by the full House under suspension of the rules just yesterday. The Senate has already passed legislation—S. 1870, on April 25 of this year—containing counterfeit access device provisions comparable to those contained in the first half of the House bill.

Mr. President, with the advent of the computer age has come a new breed of criminal and a new brand of crime: computer fraud. With the use of a personal computer and a telephone, unauthorized access can be gained to another computer system, where information and financial data can be manipulated to accomplish a broad range of unlawful ends. The growing magnitude of this problem becomes evident when we consider that in 1978 there were an estimated 5,000 desk top computers, that there are more than 5 million today, and 80 million projected by 1990.

This legislation would provide Federal criminal penalties, in the form of both substantial fines and imprisonment, for computer fraud—defined as knowingly gaining access to a computer without authorization, or using a computer for purposes beyond those authorized, to obtain anything of value aggregating $5,000 or more in a 1 year period, or to obtain classified information or to tamper with information maintained in a Federal Government computer. The act would also cover attempts and conspiracies to commit computer fraud.

Mr. President, the introduction of this legislation today arises out of the activities of the Congressional Crime Caucus, which I am privileged to co-chair together with my distinguished colleague and good friend, Congressman BILL HUGHES. At our most recent meeting, the caucus set an agenda for the enactment of a number of important and achievable bills. Prominent among those, in addition to the present bill, were three bills which have already passed both Houses in the last Congress, in H.R. 3963, but were vetoed primarily on the basis of an unrelated provision establishing a drug czar—the Justice Assistance Act, S. 53; the Armed Career Criminal Act, S. 52; and the Comprehensive Drug Penalty Act of 1984, S. 948. In the coming months, the caucus will be actively working toward final passage of each of these important measures, and we welcome the support of all of our colleagues in this vital endeavor.

Mr. President, I ask unanimous consent that the text of the proposed Computer Fraud and Abuse Act of 1984, and the recent letter from myself and Mr. HUGHES to the members of the Congressional Crime Caucus be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2864

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That this Act may be cited as the "Computer Fraud and Abuse Act of 1984".

SEC. 2. (a) Chapter 47 of title 18 of the United States Code is amended by adding at the end thereof the following:

"§ 1030. Fraud and related activity in connection with computers

"(a) Whoever—

"(1) having devised a scheme or artifice to defraud, knowingly and with intent to execute such scheme or artifice, accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of one or more instances of such conduct obtains anything of value (other than the use of the computer) aggregating $5,000 or more during any one year period and affects interstate or foreign commerce;

"(2) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of such conduct obtains information that has been determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data, as defined in paragraph r. of section 11 of the Atomic Energy Act of 1954, with the intent or reason to believe that such information so obtained is to be used to the injury of the United States, or to the advantage of any foreign nation;

"(3) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and thereby obtains information contained in a financial record of a financial institution, as such terms are defined in the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.), or contained in a file of a consumer reporting agency on a consumer, as such terms are defined in the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

"(4) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of one or more instances of such conduct obtains anything, or causes a loss, of a value aggregating $5,000 or more during any one year period and affects interstate or foreign commerce; or

"(5) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of such conduct knowingly uses, modifies, destroys, or discloses information in, or prevents authorized use of, such computer, if such computer is operated for or on behalf of the Government of the United States and such conduct affects such operation;

shall be punished as provided in subsection (c) of this section. It is not an offense under paragraph (4) or (5) of this subsection in the case of a person having accessed a computer with authorization and using the opportunity such access provides for purposes to which such access does not extend, if the using of such opportunity consists only of the use of the computer.

"(b)(1) Whoever attempts to commit an offense under subsection (a) of this section

shall be punished as provided in subsection (c) of this section.

"(2) Whoever is a party to a conspiracy of two or more persons to commit an offense under subsection (a) of this section, if any of the parties engages in any conduct in furtherance of such offense, shall be fined an amount not greater than the amount provided as the maximum fine for such offense under subsection (c) of this section or imprisoned not longer than one-half the period provided as the maximum imprisonment for such offense under subsection (c) of this section, or both.

"(c) The punishment for an offense under subsection (a) or (b)(1) of this section is—

"(1)(A) a fine of not more than the greater of $10,000 or twice the value obtained by the offense or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(1) or (a)(2) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) a fine of not more than the greater of $100,000 or twice the value obtained by the offense or imprisonment for not more than twenty years, or both, in the case of an offense under subsection (a)(1) or (a)(2) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(2)(A) a fine of not more than the greater of $5,000 or twice the value obtained or loss created by the offense or imprisonment for not more than one year, or both, in the case of an offense under subsection (a)(3), (a)(4), or (a)(5) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) A fine of not more than the greater of $10,000 or twice the value obtained or loss created by the offense or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(3), (a)(4), or (a)(5) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph.

"(d) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section. Such authority of the United States Secret Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

"(e) As used in this section, the term 'computer' means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device.".

(b) The table of sections at the beginning of chapter 47 of title 18 of the United States Code is amended by adding at the end the following new item:

"1030. Fraud and related activity in connection with computers.".

SEC. 3. The Attorney General shall report to the Congress annually, during the first three years following the date of the enactment of this Act, concerning prosecutions under the section of title 18 of the United States Code added by this Act.

CONGRESS OF THE UNITED STATES,
Washington, DC.

DEAR CONGRESSIONAL CRIME CAUCUS COLLEAGUE: At the meeting of the Congressional Crime Caucus on June 19, 1984, discussion centered on the broad range of significant crime legislation presently pending in the 98th Congress. Of the individual measures pending, a number were identified as meriting priority treatment and as being most likely to achieve prompt passage.

The following three measures should be afforded highest priority inasmuch as the substance of each has already been approved by both Houses in the last Congress, even though the omnibus bill that contained them was pocket vetoed by the President, primarily on the basis of an unrelated provision establishing a "Drug Czar":

Justice Assistance Act (H.R. 2175, S. 53)—a bill to provide Federal matching funds to carry out state and local anticrime programs. Passed House; pending in Senate. Chairman Thurmond is considering offering a substitute to S. 53 on the floor consisting of Justice Assistance, the Missing Children's Assistance Act (S. 2014), and a reauthorization of the Juvenile Justice Act.

Armed Career Criminal Act (H.R. 1627, S. 52)—to provide Federal jurisdiction over certain state crimes committed by armed repeat offenders. Passed Senate; House hearings on June 28, 1984.

Comprehensive Drug Penalty Act of 1984 (H.R. 4901, S. 948)—to increase fines and expand forfeiture provisions in drug cases. Passed Senate; in House, reported by Judiciary but awaiting action by Ways and Means (no action is expected there until the conclusion of the conference on the tax portion of the pending deficit-reduction package).

A complete listing of important "achievable" measures must also include the following:

Bail Reform Amendments Act (H.R. 3005, S. 215)—to alter guidelines for determining bail. Passed Senate; reported by House Courts Subcommittee on June 13, 1984, awaiting full Committee action.

Sentencing Reform (H.R. 4827, S. 668)—to reform federal criminal sentencing procedures. Passed Senate; reported by House Criminal Justice Subcommittee on June 21, 1984, awaiting full Committee action.

Counterfeit Access Device & Computer Fraud and Abuse Act (H.R. 5616, S. 1870)—to provide criminal penalties for counterfeiting access devices and for computer fraud and abuse. Passed Senate (but with no computer provisions); ordered reported by House Judiciary on June 26, 1984. Senator Specter will introduce a computer measure in Senate comparable to the provisions reported by the full House Committee.

Insanity Defense Reform (H.R. 3336, S. 56)—to shift burden of proof to defendant. House and Senate bills very similar. Reported by House Judiciary, rule requested by Mr. Conyers. S. 56 is pending in Criminal Law Subcommittee, but comparable provisions were approved by the Senate in the omnibus crime bill (S. 1762).

Law Enforcement Officers Protection Act (H.R. 5835, S. 2776)—to limit availability and use of handgun bullets capable of penetrating body armor. Both bills introduced quite recently, in mid-June, in consultation with interested private organizations, including the Fraternal Order of Police and the NRA, which had been primarily responsible for opposition to the bills introduced earlier in both Houses. House Crime Subcommittee hearings held on June 27, 1984. S. 2776 is currently pending on full committee calendar.

Organized Crime Commission (H.J. Res. 548, S.J. Res. 233)—to give the President's OCC certain powers, including the authority to compel the attendance of witnesses and the production of information. Passed both Houses; relatively minor differences to be resolved.

Extradition Act (H.R. 3347, S. 220)—to reform U.S. extradition procedures. Reported by House Judiciary; in Senate, extradition provisions were severed from S. 1762 and placed on Senate Calendar, as S. 2236, while S. 220 remains pending in Criminal Law Subcommittee.

Victims of Crime Assistance Act (H.R. 3498, S. 2423)—to provide certain asistance to victims of crime. Hearings under way in House Criminal Justice Subcommittee; reported by Senate Judiciary.

Note also was taken of the following four major crime bills enacted to date in the 98th Congress:

Federal Anti-Tampering Act (the so-called "Tylenol bill" providing increased penalties for tainting or mislabeling consumer products such as drugs, food, cosmetics and medical devices), P.L. 98-127, signed October 13, 1983.

Drug Dependent Federal Offenders Act (reauthorizing a program of drug abuse treatment and monitoring for certain Federal offenders), P.L. 98-236, signed March 20, 1984.

Child Protection Act of 1984 (governing the interstate production and distribution of child pornography), P.L. 98-292, signed May 21, 1984.

Controlled Substances Registrants Protection Act of 1984 (making pharmacy robbery or burglary a Federal crime), P.L. 98-305, signed May 31, 1983.

We seek the cooperation and support of all Caucus members in carrying out this vital agenda. If you have any suggestions or additions, please let us know. If we do not hear from you by July 15, we will finalize this list as the formal position of the Caucus. The task is great, yet the time is so short. Let's get cracking!

Sincerely,

WILLIAM HUGHES,
Co-Chairman.
ARLEN SPECTER,
Co-Chairman.

By Mr. DOLE:

S. 2865. A bill authorizing the President to proclaim modifications in the rates of duty for certain articles in trade in civil aircraft; to the Committee on Finance.

EXPANSION OF TRADE IN CIVIL AIRCRAFT

● Mr. DOLE. Mr. President, today I am introducing S. 2865, a bill to authorize the President to proclaim modifications in tariffs on certain articles used in civil aircraft. The authority, if exercised, would be used to implement an agreement the administration has undertaken to expand the existing agreement on Trade in Civil Agreement, which was negotiated under the auspices of the General Agreement on Tariffs and Trade and approved by the Congress in the Trade Agreements Act of 1979.

The existing agreement has three principal features: First, reducing Governments' involvement in aircraft procurement; second, reducing or eliminating subsidies in this sector; and three, eliminating tariff barriers to trade in aircraft and aircraft parts. Among other obligations, the 20 signatory nations undertake to avoid directing procurement of aircraft from particular sources, and to refrain from requiring sellers to engage in offset production or support contracts. Duties were eliminated on civil aircraft and engines, many parts and pieces of equipment, and flight simulators. The parties also agreed to negotiate after 3 years on expansion of the agreement's scope.

Last October, the parties to the agreement tentatively agreed to broaden the tariff coverage of the agreement to encompass certain other items. These include such articles as automatic door closers, compressor parts, air-conditioning machines, and pumps. Before these changes become effective, however, the Congress must authorize the President to proclaim them. Further, the authority must be discretionary, so that the President can refrain from ratifying the agreement in the event he determines that the other principal parties to it—Canada, the EC, and Japan—are not also implementing it on a reciprocal basis.

U.S. producers of civil aircraft lead the world in production and technological innovation, and the United States enjoys a substantial trade surplus in the sector; in 1983, our producers exported $10.3 billion in items covered by the aircraft agreement, while about $3 billion of comparable articles were imported. I am proud that Kansas firms and workers make our State a leader in this field.

The interference by other governments in trade in civil aircraft is well-known and is a constant threat to U.S. export efforts. The aircraft agreements does not guarantee that no such trade distortions will occur, but it does mark a significant acknowledgment by other major U.S. competitors of the need to minimize the unfairness sometimes associated with this trade. Given the competitive lead of U.S. producers, I believe that an expansion of the agreement will benefit this country's trade interests. I therefore am pleased to sponsor this bill on behalf of the President, and I invite my colleagues to consider this bill favorably as well, after the Committee on Finance has completed its work on it.●

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. BURDICK, Mr. PRYOR, and Mr. HOLLINGS):

S. 2866. A bill to authorize the Attorney General of the United States to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances; to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug-abuse prevention, treatment, and rehabilitation, and for other purposes; to the Committee on the Judiciary.

STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE ACT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce the State and Local Narcotics Control Assistance Act of 1984. I am pleased to have Senators D'AMATO, BURDICK, PRYOR, and HOLLINGS join me in introducing this bill. Our legislation is a companion measure to H.R. 5990, introduced on June 29, 1984, by my distinguished colleague from New York, Representative CHARLES RANGEL, chairman of the House Select Committee on Narcotics Abuse and Control. We are offering this legislation in response to a drug epidemic that is no better, and perhaps considerably worse, than in the later 1960's—when I first became involved with this issue.

It was in 1969 that I agreed to serve as President Nixon's Special Assistant for Urban Affairs. I did so with an expressed intention of concentrating on the international aspects of urban affairs—namely, the French connection. By August 1969, I had embarked on a mission that would take me to Calcutta, Istanbul, and Paris. The purpose of these missions was to discuss the flow of heroin into the United States—harvested from poppies in Turkey, manufactured in Marseille, and finally consumed by Americans.

In ongoing consultations with American and foreign officials, I made clear that our problem with heroin might soon become theirs. The many trips that followed convinced these foreign governments to help us break the French connection. This was a large, but predictably temporary, victory in the battle against drug trafficking and abuse. Supplies dried up, prices rose, and soon only the most addicted users—not the new or experimental ones—were pursuing their heroin fixes.

But new routes, new connections if you will, soon emerged. Mexico became a major supplier of heroin, until a similar diplomatic effort broke that connection. Pakistan and Afghanistan now supply much of the Nation's heroin. And have no doubt that other countries quickly will fill any void, should we successfully eliminate the Southwest Asian connection.

Supplies of illegal drugs will always be out there. We continue our efforts, as we should—for not to do so would constitute a surrender that would redouble the number of suppliers. But we also must recognize that an effective antidrug campaign must also involve considerable efforts within the United States. This legislation is based on such a recognition, and would be part of such an effort.

The Drug Enforcement Agency has just released its annual "Narcotics Intelligence Estimate" for 1983. This was to be the year that we had turned the tide on drug abuse. The storied successes of the President's South Florida Task Force and other Federal initiatives had led many of us to believe that our interdiction programs were working. But this year's annual estimate tells a more sobering story. The consumption of heroin jumped 4 percent in 1983. Cocaine use, the new wonder drug of the 1980's, grew by 12 percent last year. Marijuana use increased as well, by 5 percent. The number of deaths from PCP—"Angel dust" in the vernacular—jumped by 50 percent. Across the board, the Reagan administration's vaunted antidrug campaign has done little to reduce the use of controlled substances.

In New York State, according to Julio Martinez, the director of the New York State Division of Substance Abuse Services, an estimated 22 percent of the State's population, or 3.2 million citizens, have become recent abusers of cocaine, marijuana, heroin, PCP, and pills. Of these, an estimated 1.5 million are regular users of narcotic and nonnarcotic drugs. Mr. Martinez expects the number of nonnarcotic abuses to increase by 20 percent by 1988; the number of narcotic abuses by 10 percent.

It would be instructive to review just why this explosion in drug use and abuse should concern us. Too often, we think of drug abuse in the most vague terms, more as a sin than as a real threat to the Nation's physical and mental health: Drugs are illegal, and therefore we are outraged over the use of them. But the costs are real, and they pose a greater threat to the viability of our society than practically anything I can think of—save nuclear war or totalitarian rule.

The health risks to users are obvious and well documented. The threat to the victims of drug-related crimes is equally great. Some 60 percent of New York State prisoners have a history of serious drug abuse. This suggests two things: individuals on a high are more likely to commit crimes; and individuals in need of a fix are more likely to steal to support their habits. Both suggestions are borne out by experience. The New York State Department of Substance Abuse Services estimates that the average daily user of heroin accounts for $55,000 of crime each year. On May 10, 1984, Stanley Marcus, the U.S. attorney for the southern district of Florida, testified before the Senate Subcommittee on Alcoholism and Drug Abuse that one-

half of all jail and prison inmates regularly used drugs before committing their offenses. He also estimated that one in four homicides in Miami is drug related—murderers high on drugs, killing to obtain drugs, or killing while selling someone else drugs.

And so it is that an imperative exists for this legislation. My bill would provide $750 million annually to assist States and localities in enforcing their drug laws, and to provide adequate drug treatment, prevention, and rehabilitation services. The program would be authorized initially for fiscal years 1986-1990, with $125 million each year available for the following programs:

First, apprehension of violators of State laws relating to the production, possession, and transfer of controlled substances;

Second, prosecution of such violators;

Third, adjudication of cases involving State drug violations;

Fourth, expansion and construction of correctional facilities for the detention of drug-law violators;

Fifth, eradication of wild or illegally grown drug crops; and

Sixth, expansion of prevention, treatment, and rehabilitation programs.

The Department of Justice would administer the grants for the first five programs, and the Department of Health and Human Services would administer the treatment, prevention, and rehabilitation program. The grants would be targeted to those States with the most severe drug problems, although all States would be eligible for assistance.

This bill will not solve the Nation's drug problem. I have chosen to focus on the one element that is often overlooked—the administration of justice once interdiction and undercover operations have captured or exposed drug law violators. This bill also would assist in the most effective long-term approach to drug abuse and the prevention and reform of drug habits. Too often we overlook the necessity of going beyond punishment. Until we do more to reduce the demand for drugs, we will face constant challenges from traffickers seeking the enormous profits of illegal-drug trade.

This measure represents an important element in what I hope will be a more comprehensive approach to drug abuse and trafficking. I urge all of my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "State and Local Narcotics Control Assistance Act of 1984".

AUTHORITY TO MAKE GRANTS

SEC. 2. (a) The Attorney General of the United States may make grants to States which apply under section 3, for the purpose of assisting States and units of local government—

(1) to provide additional personnel, equipment, facilities, personnel training, and supplies for more widespread apprehension of persons who violate State laws relating to the production, possession, and transfer of controlled substances and to pay operating expenses (including the purchase of evidence and information) incurred as a result of apprehending such persons,

(2) to provide additional personnel, equipment, facilities, personnel training, and supplies for more widespread prosecution of persons accused of violating such State laws and to pay operating expenses in connection with such prosecution,

(3) to provide additional personnel (including judges), equipment, personnel training, and supplies for more widespread adjudication of cases involving persons accused of violating such State laws, to pay operating expenses in connection with such adjudication, and to provide quickly temporary facilities in which to conduct adjudications of such cases,

(4) to provide additional correctional facilities (including the expansion of existing prisons) for the detention of persons convicted of violating State laws relating to the production, possession, or transfer of controlled substances, and to establish and improve treatment and rehabilitative counseling provided to drug dependent persons convicted of violating State laws, and

(5) to conduct programs of education aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

(b) The Attorney General shall make grants under subsection (a) based on the relative needs of the States, taking into consideration—

(1) the nature and extent, throughout the State involved or in any part of such State, of problems arising in the enforcement of State laws relating to the production, possession, and transfer of controlled substances, and

(2) the availability of State and local resources to resolve such problems.

APPLICATIONS TO RECEIVE GRANTS

SEC. 3. To request a grant under section 2, the chief executive officer of a State shall submit to the Attorney General an application at such time and in such form as the Attorney General may require by rule.

(1) Such application shall include a Statewide strategy for the enforcement of State laws relating to the production, possession, and transfer of controlled substances. Such strategy shall be prepared after consultation with State and local officials whose duty it is to enforce such laws. Such strategy shall include a description of—

(A) the level of current State and local expenditures directly attributable to the enforcement of State laws relating to the production, possession, and transfer of controlled substances,

(B) the kinds and extent of problems arising in the enforcement of such State laws, and

(C) the manner in which a grant received under section 2 will be expended to alleviate such problems.

(2) The chief executive officer of such State shall designate and identify in such application a single State agency which will distribute to appropriate State and local government entities, as determined by such State, any grant received under section 2.

(3) Such application shall identify each of the 5 general purposes specified in section 2(a) for which such grant is requested and, with respect to each such purpose, the amount of funds requested for such purpose and the specific uses for which a grant received for such purpose will be expended.

(4) The chief executive officer of such State shall agree, in such application and on behalf of such State, to comply with the requirements of sections 4, 5, and 6 as a condition of receiving a grant under section 2.

STATE AND LOCAL PARTICIPATION

SEC. 4. (a) No part of a grant made under section 2 may be used to supplant State or local funds that would be available to such State or unit of local government in the absence of such grant.

(b) A grant made under section 2 may not be expended for more than 90 percent of the cost of the identified uses, in the aggregate, for which such grant is received to carry out any one of the 5 general purposes specified in section 2(a). The non-Federal portion of the expenditures for such uses shall be paid in cash.

(c) Not more than 10 percent of a grant made under section 2 may be used for costs incurred to administer such grant.

REPORTS

SEC. 5. (a) Each State which receives a grant under section 2 shall submit to the Attorney General, for each year in which any part of such grant is expended by a State or local government entity, a report which contains—

(1) information specifying—

(A) the number of arrests made for violations of State law relating to the production, possession, and transfer of controlled substances,

(B) the number of convictions resulting from such arrests,

(C) the quantity and kinds of controlled substances seized in connection with such arrests, and

(D) the value of property forfeited to the State in connection with the enforcement of such laws,

(2) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 3(1), and

(3) such other information as the Attorney General may require by rule.

Such report shall be submitted in such form and by such time as the Attorney General may require by rule.

(b) Not later than 90 days after the end of each fiscal year for which grants are made under section 2(a), the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

(1) the aggregate amount of such grants made to such State for such fiscal year,

(2) the amount of such grants expended for each of the 5 general purposes specified in section 2(a), and

(3) a summary of the information provided in compliance with subsection (a)(2).

EXPENDITURE OF GRANTS; RECORDS

SEC. 6. (a) The aggregate amount of a grant shall be obligated not later than 2 years after such grant is received by a State. Any part of such grant which is not so obligated shall be repaid by such State to the Attorney General upon the expiration of such 2-year period.

(b) If any part of a grant made under section 2 is used for any purpose other than the purpose for which such part is received by a State, or by a State or local government entity, then the State which received such grant shall promptly repay to the Attorney General an amount equal to such part.

(c)(1) Each State which receives a grant under section 2 shall keep, and shall require units of local government which receive any part of such grant to keep, such records as the Attorney General may require by rule to facilitate an effective audit.

(2) The Attorney General and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of States which receive grants, and of State and local government entities which receive any part of a grant, made under section 2 if, in the opinion of the Attorney General or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

DRUG ABUSE PREVENTION AND TREATMENT

SEC. 7. (a) The Secretary of Health and Human Services may make grants to States for planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs and activities to deal with the abuse of controlled substances.

(b) For purposes of making grants under subsection (a), the Secretary shall take into consideration—

(1) the nature and extent, throughout the State involved or in any part of such State, of the need for more effective prevention, treatment, and rehabilitation programs and activities to deal with the abuse of controlled substances,

(2) the availability of State and local resources to satisfy such need, and

(3) the recommendations of the Attorney General regarding those populations, areas, and localities in a State which have or are likely to have, as a result of increased law enforcement efforts, an exceptional need for such programs and activities.

(c) To request a grant under subsection (a), the chief executive officer of a State shall submit an application to the Secretary at such time and in such form as the Secretary may require by rule. Such application shall include a description of—

(1) the level of current State and local expenditures for prevention, treatment, and rehabilitation programs and activities relating to the abuse of controlled substances,

(2) the kinds and extent of the need for such programs and activities, and

(3) the manner in which a grant received under subsection (a) would be expended to satisfy such need.

(d) As a condition of receiving a grant under subsection (a), the chief executive officer of the State involved shall agree on behalf of such State—

(1) to designate a single State agency which will distribute such grant to appropriate State and local government entities, or to private nonprofit entities, to carry out the purposes specified in such subsection,

(2) to be accountable for the expenditure of such grant, and

(3) with respect to such grant, to prepare and submit reports and audits in a manner consistent with the requirements of subsection (a) and subsection (b)(1)-(4) of section 1916 of the Public Health Service Act (42 U.S.C. 300x-5).

(e)(1) No part of a grant made under this section may be used to supplant State or local funds that would be available to such State or unit of local government in the absence of such grant.

(2) Not more than 10 percent of a grant made under this section may be used for costs incurred to administer such grant.

DEFINITIONS

SEC. 8. For purposes of this Act—

(1) the term "Attorney General" means the Attorney General of the United States,

(2) the term "controlled substance" has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)),

(3) the term "correctional facility" means any place for the confinement of persons convicted of violating State law,

(4) the term "drug dependent person" has the meaning given such term in section 2(q) of the Public Health Service Act (42 U.S.C. 201(q)),

(5) the term "Secondary" means the Secretary of Health and Human Services,

(6) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands,

(7) the term "State law" means a State law the violation of which is punishable by a term of imprisonment exceeding one year or by death, and

(8) the term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, any agency of the District of Columbia government or the United States Government performing functions in and for the District of Columbia, or an Indian tribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. (a) There are authorized to be appropriated for each of the fiscal years 1986, 1987, 1988, 1989, and 1990—

(1) $125,000,000 to carry out paragraph (1) of section 2(a),

(2) $125,000,000 to carry out paragraph (2) of such section,

(3) $125,000,000 to carry out paragraph (3) of such section,

(4) $125,000,000 to carry out paragraph (4) of such section,

(5) $125,000,000 to carry out paragraph (5) of such section.

(b) Not to exceed 10 percent of the amount appropriated for a fiscal year to carry out any paragraph of section 2(a) may be expended by the Attorney General for such fiscal year to carry out any other paragraph of such section, except that the aggregate amount expended by the Attorney General for such fiscal year to carry out such other paragraph may not exceed 110 percent of the aggregate amount appropriated for such fiscal year to carry out such other paragraph.

(c) There is authorized to be appropriated $125,000,000 for each of the fiscal years 1986, 1987, 1988, 1989, and 1990 to carry out section 7.●

● Mr. D'AMATO. Mr. President, I am pleased to join today as an original cosponsor of the State and Local Narcotics Control Assistance Act of 1984. This legislation authorizes the Attorney General to make grants to States to increase enforcement of State laws relating to the production, illegal possession, and sale of illicit drugs. It authorizes the Secretary of Health and Human Services to make grants to States to enable them to provide more drug abuse prevention, treatment, and rehabilitation services.

I applaud my colleagues, Senator MOYNIHAN and Congressman RANGEL, for introducing this important legislation.

There is no greater threat to the safety and health of our people than drug abuse and addiction. A heroin addict commits 200 crimes per year to support his habit. The cancer of heroin addiction is spreading throughout our society as supplies become more plentiful and prices fall.

Cocaine use is also on the rise. Once limited to the wealthy, cocaine is now being used in ever increasing quantities by the middle class and the poor. In the State of New York, for example, cocaine use has tripled in the last 5 years. This explosion in the use of heroin, cocaine, and other drugs has overwhelmed local law enforcement, prevention, treatment, and rehabilitation programs. They need our help and they need it now.

Operation Pressure Point, a major drug crackdown on the lower east side of New York, has shown that a massive commitment of Federal, State, and local resources to drug law enforcement can succeed. Robberies in that area are down 50 percent; burglaries are down 35 percent. Also as a result of this crackdown, the number of persons seeking treatment and rehabilitation has swelled dramatically.

This bill seeks to apply the lessons of Operation Pressure Point on a national scale. It authorizes appropriations of $750 million for each of fiscal years 1986 through 1990. It authorizes $125 million per year for each of the six following programs:

First. Apprehension of violators of State laws relating to the production, possession, and transfer of controlled substances;

Second. Prosecution of such violators;

Third. Adjudication of narcotics cases;

Fourth. Expansion and construction of correctional facilities for incarceration of drug law violators;

Fifth. Eradication of wild or illegally grown drug crops; and

Sixth. Prevention, treatment, and rehabilitation programs.

To succeed, the approach represented by this legislation must become part of a coordinated and comprehen-

sive Federal, State, and local antidrug campaign.

We need to educate our children in the earliest grades regarding the dangers of drug use. We must demand international cooperation, not only to eradicate drugs at their source, but also to interrupt international trafficking in them and to apprehend drug law fugitives.

We need an interdiction effort that deters drug trafficking and disrupts the smuggling networks. We must seize the profits and proceeds of the illicit drug industry and effectively combat money laundering.

The revolving door criminal justice system must be overhauled. Today's system favors the criminal. It releases thousands of poor bail risks prior to trial. There are hundreds of thousands of bench warrants outstanding in New York City alone against those who have failed to keep their court dates. At the Federal level, there are more drug law fugitives than there are drug enforcement administration agents to track them down.

According to the Justice Department's report on Federal drug law violators, only 55 percent of all drug law defendants are incarcerated for their crimes, and their actual time served is on the average only about 3 years.

The enactment of the Comprehensive Crime Control Act, already passed by the Senate and now pending in the House, would be a major step forward in our war on drug-related crime. The Senate acted in February. It is time for the House leadership to bring this bill to the floor for action.

When we enact these measures, we will be able to say, for the very first time, that we do have the will and the commitment to win the war on drugs and crime. I urge my colleagues to give the State and Local Narcotics Control Assistance Act their full support.●

By Mr. BAUCUS:

S. 2867. A bill to refund the duty paid on the entry of two mass spectrometers which should have been admitted duty-free; to the Committee on Finance.

REFUND OF IMPORT DUTIES ON TWO MASS SPECTROMETERS

● Mr. BAUCUS. Mr. President, today I am introducing a traiff bill that would refund import duties that Montana State University overpaid because of paperwork mistakes.

The Education, Scientific, and Cultural Material Importation Act, 19 U.S.C. 1202, provides that nonprofit institutions may import scientific equipment duty-free, as long as no equivalent U.S.-manufactured equipment is available.

In 1982, Montana State University needed two mass spectrometers for its Chemistry Department. The spectrometers weren't available from any U.S. manufacturers, so MSU bought them from a manufacturer in Manchester, England.

MSU imported the spectrometers through New York. When they came in, there apparently was some confusion about just what paperwork was needed. Since the paperwork wasn't complete, MSU had to pay a duty of at least $19,000.

As it turns out, a duty that's paid under those circumstances is refundable as long as the importation meets the requirements of 19 U.S.C. 1202 and the importer files a protest with the Customs Service within 90 days and applies for a refund from the Department of Commerce.

MSU formally applied for a refund. But for a year and a half, neither the broker MSU had retained to import the spectrometer, nor the Commerce Department officials MSU checked with about the status of its application ever indicated that a protest had to be filed or that anything else was amiss.

Early this year, Commerce finally notified MSU that Commerce had "ceased processing this application because entry of the instrument to which it relates was liquidated as dutiable on August 27, 1982, and no protest has been lodged to this date. Accordingly duty-free entry is unattainable and a decision by us would be pointless."

Needless to say, MSU was startled to learn this. Repeatedly, the MSU chemistry professor responsible for the spectrometers had checked with Commerce about the status of the refund application; repeatedly, he had been told that everything was in order and the application was being processed. Now, when he learned otherwise, it was too late to file a protest; procedurally, the application was dead.

Mr. President, it appears that there were plenty of mistakes in this case. But I am not concerned about blaming anybody. I just want to get MSU the refund it is rightfully owed.

Consequently, I am introducing legislation to require the Treasury Secretary to "refund the duty paid on the entry of the two mass spectrometers which were imported into the United States in 1982 for the use of Montana State University."

Mr. President, MSU only purchased its spectrometers overseas because it had been unable to obtain them here. Although no formal determinations has ever been made as to whether the relevant standards of 19 U.S.C. 1202 have been met, MSU believes that they have. If that's true, then MSU is being unfairly penalized because of other people's mistakes. Therefore, this legislation provides justified relief. I hope that my colleagues agree and will help me enact this legislation into law as soon as possible.●

By Mr. WARNER (for himself, Mr. SASSER, Mr. PRESSLER, Mr. ABDNOR, Mr. BAKER, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. DANFORTH, Mr. DENTON, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. GOLDWATER, Mr. HATCH, Mr. HATFIELD, Mrs. HAWKINS, Mr. HECHT, Mr. HEFLIN, Mr. HEINZ, Mr. HELMS, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JEPSEN, Mr. LAXALT, Mr. LEVIN, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MATTINGLY, Mr. MURKOWSKI, Mr. NUNN, Mr. PACKWOOD, Mr. PROXMIRE, Mr. PRYOR, Mr. RANDOLPH, Mr. SPECTER, Mr. STAFFORD, Mr. THURMOND, Mr. TRIBLE, Mr. TSONGAS, Mr. WILSON, and Mr. MOYNIHAN):

S.J. Res. 335. Joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week"; to the Committee on the Judiciary.

NATIONAL TOURISM WEEK

Mr. WARNER. Mr. President, today Senator SASSER, Senator PRESSLER, and I, along with 44 of our colleagues, are introducing a Senate joint resolution designating the week of May 19, 1985, "National Tourism Week."

The year 1984 marked the first time National Tourism Week was observed, and by all accounts it was an overwhelming success.

Throughout our land, in all 50 States and in hundreds of communities in the States, Americans turned out to celebrate our most perfect freedom—the freedom to travel.

And in recognizing the personal importance of travel, Americans also took note of the tremendous contribution the travel and tourism industry make to our Nation's economy.

On February 1 of this year, about 100 leaders from the travel and tourism industry gathered with the Members of Congress and representatives of the administration to observe the President signing the 1984 Tourism Week proclamation.

During the ceremony the President credited the travel and tourism industry with helping to "bring about one of the best economic recoveries in decades."

In addition to our strength as an export, tourism's major contribution to the recovery is employment opportunities.

Travel and tourism generated 4.6 million jobs in 1983, or 5 percent of total payroll employment.

Minority workers hold 13 percent of all jobs in the industry—a higher percentage than their share of total U.S. employment.

Women hold over half of all travel industry jobs—54 percent—proportion-

ately one-quarter higher than their overall share.

In our view, there can be little debate that this represents a more tangible and more effective commitment to economic equity than all the existing job training and public assistance programs combined.

The industry also employs, by far, more of our Nation's youth than any other industry.

While only 7 percent of total U.S. employment is represented by youth, it has been estimated that 24 percent of food service workers are teenagers, as well as 75 percent of amusement park workers.

Unfortunately, detailed data is not available on the number of young workers for whom a college education—and ultimately a higher standard of living and a better life—was made possible because of summer travel industry employment.

However, we believe these numbers would be substantial enough to qualify travel and tourism as perhaps the largest private student assistance program in the Nation.

According to the U.S. News & World Report, for example, the New Orleans World's Fair hired over 11,000 young workers this summer.

Additional thousands are being hired by hotels, restaurants, and retail businesses outside the exposition grounds.

Disney World will make some 4,000 jobs available to teenage workers this summer.

Clearly, the travel industry is doing more than its share in providing not only income but training and experience for the young people of this country.

Part of the reason that all this is possible is tourism's ability to create new jobs faster than the rest of the economy, even during recession periods.

The travel industry added 39,000 new jobs in the recessionary year 1982, while overall U.S. employment dropped by 1.6 million jobs.

Despite five recessions since 1958, the industry has produced successively more jobs in each of those intervening 25 years, contributing nearly 11 percent of the 38 million new jobs created.

According to the U.S. Department of Labor, payroll jobs in travel-related businesses have increased 183 percent since 1958, or considerably more than twice as fast as the growth in total U.S. payroll employment during the same period.

As recently as 1979, travel and tourism was responsible for creating 35 percent of all new jobs.

In 1980 it provided 28 percent of the new employment generated that year.

Given the justifiable concern regarding some of our hard industries, it also would seem significant that the wage and salary income from tourism surpassed that of the Nation's steel and automobile manufacturing industries combined in 1982.

Moreover, the increase in employment since 1973 in eating and drinking places alone is greater than the total employment in the automobile and steel industries combined.

While we obviously cannot turn our backs on our so-called basic industries, it is equally foolish to ignore, in a policy sense, industries with truly exceptional employment growth potential.

Tourism can hasten the transition from aging basic industries to a predominantly high technology future while retaining the same commercial viability and imperviousness to technological obsolescence it has always enjoyed.

In a large sense, however, tourism to and within the United States from abroad has an intangible, if perhaps more significant value.

In the words of President Reagan:

Travel and tourism goes far beyond economics.

Experiencing America firsthand provides outstanding educational opportunities and is terrific for personal growth * * * there's no better way to promote international understanding and good will, or to explain freedom and democracy, than through travel and tourism.

Travel and tourism is an important industry.

It's good business and it's great for America.

And why not?

You're selling the best product in the world.

And so, Mr. President, it is with these factors in mind, and the words of the President still ringing in our ears, that my colleagues and I are pleased to offer this resolution today.

We urge its expeditious consideration and swift passage.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 335

Whereas tourism is vital to the United States, contributing to economic prosperity, employment, and international balance of payments;

Whereas travelers from the United States and other countries spent $255,000,000,000 in the United States during 1982, directly producing four million five hundred thousand jobs, $41,000,000,000 in wages and salaries, and over $20,000,000,000 in Federal, State, and local tax revenues:

Whereas, if viewed as a single retail industry, the travel and tourism sector of the economy constituted the second largest retail industry in the United States in 1982, as measured by business receipts;

Whereas tourism contributes substantially to personal growth, education, and intercultural appreciation of geography, history, and people of the United States;

Whereas tourism enhances international understanding and good will; and

Whereas, as people throughout the world become more aware of the outstanding cultural and recreational resources available across the United States, travel and tourism will become an increasingly important aspect of the daily lives of the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the week beginning on May 19, 1985, hereby is designated as "National Tourism Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. SASSER. Mr. President, I am very pleased today to join in the sponsorship of the joint resolution calling for designation of May 19–26, 1985, as "National Tourism Week," with the hope that this week will become what it deserves to be: A national institution which each year sparks in every American an awareness and an appreciation of one of the most important industries in our economy.

When I joined my colleague and cochairman of the Senate tourism caucus, Senator WARNER, in introducing a National Tourism Week resolution a year ago—on June 29, 1983—I said then that "A National Tourism Week will encourage all those concerned with the future and the health of the vital travel and tourism industry to appreciate and understand the real, tangible benefits this industry provides."

Toward that end, National Tourism Week 1984 was enormously successful. The success of its observance warrants the observance of a National Tourism Week next year and every year.

Just how can one measure the success of the week of May 29–June 2, this year's National Tourism Week?

Donna Tuttle, the Department of Commerce Under Secretary for Travel and Tourism, a key figure in the coordination of this week, recently released a report on the way in which National Tourism Week 1984 was observed across the country.

Based on the evidence outlined in the report, she said, "National Tourism Week was a highly successful promotion which met with very gratifying and tangible results."

Secretary Tuttle said that upon reviewing the report, one would agree "that the earlier we begin our planning the more impressive the results will be next year."

I do indeed agree with Secretary Tuttle, and this is one of the reasons I support early consideration of, and action on this resolution. I am confident that my colleagues and others will agree once they, too, review the report on Tourism Week activities, so I ask unanimous consent that the contents of the report be printed in the

RECORD at the conclusion of my remarks.

Travel and tourism is perhaps the most important U.S. business. It is, in fact, either the first, second or third largest industry in 41 of our States. Travel and tourism generate a $41 billion payroll in our country.

It employs 4.5 million Americans directly, and another 2.5 million in supporting jobs.

The industry means $20 billion in tax revenues for Federal, State, and local governments.

Because the industry is so vast, people may not realize that this business is actually thousands of small businesses. In fact, 99 percent of the industry consists of small businesses. As a member of the Small Business Committee, I am especially sensitive to this fact, as small businesses constitute the backbone of our Nation's economy.

As a cochair of the Senate tourism caucus, I take great satisfaction in noting that the past several years have witnessed a growing awareness in the Congress of the importance of travel and tourism to our Nation and its economic well-being.

The congressional travel and tourism caucus, under the direction of Representative BILL BONER of Tennessee, also plays a significant role in promoting greater awareness of the importance of travel and tourism among our Nation's lawmakers.

So, too, does the work of the Travel and Tourism Government Affairs Council. Organized 2 years ago, this travel industry organization has taken great strides in helping not only government at all levels, but the industry itself, to understand the great common interests of the many diverse components within travel and tourism.

All of us can take some degree of satisfaction in knowing that National Tourism Week 1984 was a success, and all of us can look forward to an even more successful National Tourism Week next year.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NATIONAL TOURISM WEEK—MAY 27-JUNE 2, 1984—WRAP-UP REPORT

"Despite our late start, I believe the signs are encouraging that as a government we are beginning to appreciate the national importance of travel and tourism, and beginning to act accordingly. One of the most significant reasons for this change in government attitude is the travel industry itself. So it is the men and women in the industry who should be recognized during National Tourism Week, and it is their effort which should be celebrated."—Statement by Sen. Daniel Inouye CONGRESSIONAL RECORD, May 24, 1984.

This inspiring message from long-time supporter of the travel and tourism industry Senator Daniel Inouye (D-Hawaii) was only one of many inserted into the CONGRESSIONAL RECORD during National Tourism Week 1984, but it sums up the optimistic feeling of all the participants that this special event was a highly successful promotion which should become an annual opportunity to highlight the contributions of America's travel and tourism industry.

National Tourism Week got off to an attention-getting start with the "kick-off" in Washington, D.C. on May 22. Three U.S. Senators and seven Congressmen attended the joint U.S.T.T.A.-American Bus Association sponsored breakfast on Capitol Hill. The unveiling of the U.S. Postal Service aerogramme was an impressive ceremony and the presentation of a "Travel . . . The Perfect Freedom" T shirt to Vice President Bush focused the attention of the White House on the week's events. With the Southeast Tourism Society in town, their "hoedown" on the Mall was the most sought after invitation in the Nation's Capital. Representatives of the handicapped aired their views on what can be done to help the disabled traveler and the nation's media developed a new awareness of the importance of travel as a story to be covered on TV, radio, and in print.

Major media coverage included my appearance, along with the mascots from the Worlds' Fair and Summer Olympics, on the May 31 edition of ABC's *Good Morning America;* interviews on the CBS radio national show *Crosstalk;* NBC Sunday Night News (for June or early July airing); the Satellite Business Network; San Francisco Business Journal; and major articles in the *Chicago Tribune, USA Today,* and the *New York Times.* In addition, the respected *Congressional Quarterly* issued a special report on travel and tourism and the Commerce Department's widely read magazine *Business America* highlighted U.S.T.T.A. as their cover story. Copies of the National Tourism week media coverage are attached to this report.

U.S.T.T.A. conducted a familiarization tour to Washington, D.C. for six leading journalists from the major international markets. The journalists received a VIP view of Washington through the assistance of the Washington, D.C. Convention and Visitors Bureau.

The Department of Commerce in Washington, D.C. flew a banner saluting National Tourism Week. The busy main lobby offered a special exhibit of new state travel posters with signs reminding people of the economic impact of tourism in America.

U.S.T.T.A.'s regional offices celebrated NTW overseas:

U.S.T.T.A. Mexico held a reception at the residence of Ambassador John Gavin with guests including top airline and agency representatives. A video tape of President Reagan's special message and another on the Louisiana World Exposition were highlights of the event.

U.S.T.T.A. Frankfurt held a reception on May 22 for 50 travel industry offici als from all parts of Germany.

U.S. Consul General, Winnepeg officially opened the U.S. pavilion at the 7th Annual National Conference and Trade Show of the Association of Canadian Travel Agents May 30 to commemorate National Tourism Week.

Ambassador Galbraith in France hosted a reception celebrating National Tourism Week and honoring the French travel industry and press on May 24. More than 100 travel industry leaders, French government representatives, travel editors, television and embassy officials attended.

U.S. Deputy Chief of Mission in Tokyo, William Clark, received 200 leading Japanese travel executives at his residence in observance of National Tourism Week.

I was especially pleased by the turnout of more than 100 Congressional aides for the National Tour Association-United Bus Owners sponsored breakfast, followed by a briefing on U.S.T.T.A. programs and policies. This agency clearly accomplished its goals of increasing awareness of the economic impact of tourism and encouraging cities, states, and industry to make National Tourism Week an effective vehicle to promote the contributions of travel and tourism to America. The following "wrap-up" report briefly summarizes the major activities carried-out nation-wide:

The city of Mobile, Alabama and the Mobile Area Chamber of Commerce and Convention and Visitors Council hosted a luncheon commemorating NTW, using U.S.T.T.A.'s slogan "Travel . . . The Perfect Freedom." Governor George C. Wallace proclaimed Tourism Appreciation Week in conjunction with National Tourism Week.

Alaska celebrated NTW by proclaiming "Tourism Month" and programs hosting international tour operators and press were planned for the entire month of May. An inspection tour for 20 Japanese travel writers was followed by a group of 12 top German editors and publishers. Anchorage held hospitality seminars for the 5500 residents who work directly with visitors.

Governor Bruce Babbitt of Arizona signed a state proclamation for National Tourism Week at a news conference for the travel and tourism industry.

A "River Fest" kicked-off Arkansas' tourism week with a wide range of arts, crafts, bands and childrens' displays. Governor Bill Clinton issued a state tourism proclamation.

California cities jumped on the bandwagon to commemorate NTW. Palm Springs Mayor Frank Bogert signed a city tourism week proclamation. The Palm Springs Convention and Visitors Bureau hosted a program designed to acquaint community members with the profession of special events planning. Mayor William Gissler proclaimed Santa Clara Tourism Week urging the people of the Mission City to observe it with appropriate activities and ceremonies. Anaheim Area Visitor and Convention Bureau planned a tourism salute during a California Angels baseball game at Anaheim Stadium and a media campaign featuring public service announcements on local radio and TV stations. Highlights also included: proclamations from the Anaheim City Council and the Orange County Board of Supervisors, distribution of a fact sheet highlighting economic statistics on tourism in the weekly pay envelopes of all hotel employees, and the unfurling of marquee signs recognizing tourism week throughout the city. Sacramento hosted an International Summer Festival and its Mayor issued a city tourism week proclamation.

Colorado State Patrolmen and the Colorado Division of Tourism joined together to promote safe travel. Each day during National Tourism Week a motorist was pulled over and crowned. "Tourist of the Day" receiving a complimentary tourist package. Governor Richard Lamm joined with the travel industry to host a reception at his mansion in honor of major league baseball franchise owners and executives. Over 20 executives flew in from across the country. The Governor also took this opportunity to issue a state tourism proclamation.

Connecticut highway information centers opened during the week of May 27 commemorating National Tourism Week. The

Governor's Annual Travel Achievement Awards Ceremony was held followed by a signing ceremony for a state tourism week proclamation.

Governor du Pont proclaimed May 27-June 2 Delaware State Tourism Week and their first special event was a "Steam Salute to Veterans" in the Brandywine Valley. Brandywine College's Travel and Tourism department offered an evening seminar series open to the public and Brandywine Valley celebrated NTW with a series of cultural, historical and travel oriented displays. Milford Chamber of Commerce held its annual World Weakfish Tournament; in Dover there was a childrens' show on the green and Delaware State Parks made visitors aware of the important role tourism plays through their regular programs.

Washington, D.C. issued a tourism proclamation and Gallaudet College initiated a publication entitled "Travel Resources for the Deaf."

Florida Governor Bob Graham commemorated NTW with the announcement of a fall conference on tourism accompanied by an effort to increase awareness of the economic importance of tourism.

Governor Joe Frank Harris of Georgia issued a state tourism proclamation and honored The Georgia Hospitality Employee of the Year. The Georgia Department of Industry and Trade put out two NTW kits, one geared for public service organizations and the other for television and newspapers. In addition, a state tourism policy was adopted.

Governor George Ariyoshi proclaimed the week of May 27 Hawaii Tourism Week and encouraged the state to celebrate with appropriate activities.

The Chicago Convention and Tourism Bureau served coffee to visitors in the Water Tower Visitor Center and handed out map/guide brochures that people might send to friends or relatives interested in visiting Illinois. The Illinois Office of Tourism worked with the news media on public service announcements and editorials, and with the Chicago Cubs and White Sox to flash NTW announcements on their scoreboards. The 1984 Governor's Conference on Tourism addressed the need for the Illinois legislature to increase the State's tourism advertising budget to compete with neighboring states and issued a state tourism proclamation.

The state tourism office in Indiana issued a series of press releases and utilized local attractions to bring attention to National Tourism Week.

Governor Terry Branstad of Iowa signed a state tourism proclamation as well as Kansas Governor John Carlin, both generating many news articles on the economic impact of tourism.

Kentucky Governor Martha Layne Collins hosted a National Tourism Week luncheon in the Executive Mansion for seventy members of the travel and tourism industry. A state tourism week proclamation was also issued.

"*Louisiana* Tourism Day" was celebrated at the Louisiana World Exposition with travel and tourism industry leaders from across the state invited to attend a special reception/aquacade show and a private viewing of the Louisiana exhibit at the fair. Governor Edwin Edwards proclaimed Louisiana Tourism Day in conjunction with NTW.

Governor Joseph Brennan held a reception at his Mansion May 29 for members of the *Maine* Vacation Travel Commission to thank them for the contributions the travel industry makes to the economy. The highlight of the day was a singing ceremony proclaiming Maine Tourism Week. Information personnel across the state were divided into four groups and escorted on familiarization trips acquainting them with various regions of the state.

Governor Hughes of *Maryland* issued a state proclamation and city proclamations were issued by the Mayors of Ocean City, Baltimore and Annapolis.

Massachusetts Governor Michael Dukakis signed a proclamation declaring "Tourism Week" and hosted a special State House ceremony and reception on May 30.

Governor James Blanchard held Michigan's First Annual Governor's Conference on Tourism and issued a proclamation for state tourism week.

The Minneapolis Convention and Visitor Commission sponsored a second annual Super FAM and trade fair. NTW also marked the commencement of *Minnesota's* new horse and carriage livery service and the "Artsfest" sponsored by Walker Art Center. These events were promoted through news releases sent to national trade magazines. Minnesota Tourism Week was launched with a Twins baseball game.

The *Missouri* Highway Patrol and the Division of Tourism joined forces to sponsor "Operation: Thank you." During NTW, troopers served as goodwill ambassadors, greeting out-of-state motorists and presenting them a bag of Missouri souvenirs, brochures and travel discounts.

Governor Ted Schwinden issued a state tourism proclamation and *Montana* participated in the Tri-State Travel Forum.

A state proclamation was issued with the slogan "*Nebraska* Tourism Week . . . Celebrate Nebraska" and the week was kicked-off with a carnival to welcome visitors. Major rest areas offered refreshments and local entertainment. The Mayor of Omaha issues a city tourism proclamation with all posters and press releases featuring the slogan "Travel . . . The Perfect Freedom". The Mayor also hosted a luncheon in honor of the travel and tourism industry and special mention was made of the economic impact of the travel industry.

Governor Bryan of Nevada held proclamation signing ceremonies in Carson City and Las Vegas, presenting international tourism marketing awards to Frontier Travel & Tours of Carson City and Desert Inn Country Club and Spa of Las Vegas.

Albuquerque, New Mexico distributed "Host Survival Kits" containing maps and promotional discounts.

In the Big Apple, New York City, they honored their Courtesy Awards Winner in a special ceremony on May 23. Just in case people missed their public service messages on radio and tv, the New York Convention and Visitors Bureau arranged for a NTW salute to be flashed on Diamondvisions giant new video screen at 47th Street and Broadway. NTW information centers received NTW commemorative buttons.

North Carolina Governor Jim Hunt declared the week of May 27, North Carolina Tourism Week and an economic awareness campaign was initiated to educate the public on the importance of tourism. Several front page stories on tourism appeared in the business sections of major newspapers.

A two-day Governor's Conference on Tourism kicked-off North Dakota Tourism Week and the highlight was the issuance of official tourism week proclamations by the state and 12 cities.

The tourism community of Greater Cincinnati celebrated NTW with its "Invite a Friend" event on Fountain Square, May 29. Fifty attractions, hotels and restaurants had booths on the Square promoting their properties and giving out post cards to Cincinnatians to invite a friend to vacation there. A bank of six telephones were set up for long distance calls to invite friends to Ohio.

"On to Oklahoma! America's Frontier Lake State" slogan was developed to promote Oklahoma's abundance of water and water based recreational opportunities available to visitors.

Oregon Governor Atiyeh used National Tourism Week to hold a news conference and announce winners of their statewide tourism photo and poster contest.

"Travel Month" was organized by Pennsylvania featuring hospitality seminars, a travel writers familiarization tour, a million dollar campaign with Coca-Cola utilizing the state slogan "You've Got A Friend in Pennsylvania", and a series of press releases generating tourism story ideas. Pennsylvania also promoted the slogan "Greet a Visitor, Make a Friend."

Blackstone Valley, Rhode Island joined with the U.S. Department of Interior to hold meetings on ways to upgrade the tourist areas, i.e., bicycle trails and parks.

South Carolina Governor Richard Riley issued a state proclamation while welcome visitors centers distributed 5,000 National Tourism Week buttons. The Peedee tourism area conducted two workshops on how to sell the tourism market.

South Dakota issued a state tourism proclamation and Kay Riordan Steuerwald, President of Mountain Company, printed 5,000 large NTW buttons for local distribution. South Dakota utilized NTW to promote their National High School Rodeo finals and launched a new set of tourism information boards throughout the state.

Governor Pedro P. Tenorio of Saipan declared the week of May 27 tourism week for the Commonwealth of the Northern Marianas. It was highlighted with an art exhibition, skits by students, sports events and training programs covering the impact of tourism on the CNMI economy.

For the folks in Nashville, free lemonade was provided at rest stops and some advice for motorists highlighted Tennessee Tourism Week.

Texans emphasized their state motto "Friendship" during Texas Tourism Week. The Dallas Convention and Visitors Bureau hosted a siminar and luncheon for travel industry leaders celebrating Mayor Starke Taylor's proclamation of Dallas Tourism Week.

Salt Lake City, Utah Mayor Ted Wilson issued a city-wide proclamation for tourism week.

Vermont Governor Richard A. Snelling proclaimed May 27 "Vermont Tourism Day" and encouraged commercial attractions to offer special discount prices or free gifts. The Vermont Society of Travel Agents, in conjunction with Vermont Transit, sponsored a promotional contest whose winners received a free bus tour package.

Governor Juan Luis of the Virgin Islands prepared a NTW proclamation. A water carnival with boat races and a boat parade featured the hundreds of charter boats located in the Virgin Islands; school children were involved in preparing arts and crafts suitable for "Made in the Virgin Islands" labels for sale to tourists; and the business community was involved in a public awareness

campaign dealing with the impact of tourism on the lives of the Virgin Islanders.

Governor Robb of Virginia signed a Certificate of Recognition for Virginia Tourism Week, with leaders of the Virginia tourism industry on hand. Statewide television and radio public service announcements, press releases, and fact sheets highlighting tourism's economic contribution to Virginia were also made available. The Richmnd Convention and Visitors Bureau organized a "Riches of Richmond Treasure Hunt" special tour; Washington County Chamber of Commerce and the City of Alexandria issued local resolutions commemorating NTW; and tent card displays were printed and distributed to local and regional toursim centers, leaders, highway welcome centers and state chambers of commerce. Historic Lexington Visitor Center presented certificates to all visitors, making them honrary citizens for the city.

Governor John Spellman of Washington proclaimed "May Tourism Month" and the state busied itself with TIA's 1984 International Pow Wow.

West Virginia kicked-off their NTW celebration with the Governor's Travel Fair, May 6-11.

Governor Earl proclaimed "Wisconsin Tourism Week" and the state advertised with a public service announcement narrated by Lt. Governor Flynn using the U.S.T.T.A. slogan "Travel . . . The Perfect Freedom." The Wisconsin Association of Convention and Visitors Bureaus released "Escape to Wisconsin" music for radio and tv spots and the Turner Broadcasting Systems' "American Heritage Series" Wisconsin segment pretelecast screening and reception was held May 30.

Wyoming Governor Ed Herschler signed a state tourism proclamation and the state participated in the Tri-State Travel Conference.

INDUSTRY CONTRIBUTIONS

The American Bus Association hosted their Las Vegas "Bus Bash" May 27, and at the same time kicked-off their NTW Traveling Billboard Program. ABA also sponsored a Buscade on may 22 making its way from the Virginia suburbs to the U.S. Capitol.

The American Recreation Coalition hosted a conference in Jackson Hole, Wyoming may 2-3, highlighting the relationship between recreation and international marketing.

The American Society of Travel Agents co-sponsored a half-hour cable television program, along with other travel industry organizations. The program, The Travel Journal, was shown on the CBN Cable Network, May 28. ASTA distributed 48,000 of their NTW buttons.

In addition to publishing a new U.S. Travel Industry Fact Book to be distributed to the nation's media, the Travel Industry Association of America devoted the central panel of the Information Booth at its 16th Annual Discover America International Pow Wow to National Tourism Week.

The new J. W. Marriott hosted the U.S.T.T.A. visiting journalists during their stay in Washington, D.C.

A Pennsylvania bus company, Capitol International Tours, Inc. has adopted the U.S. Travel and Tourism Administration's NTW slogan "Travel . . . The Perfect Freedom" as the official name of their newsletter.

The *National Campground Owner's Association*, the *Recreational Vehicle Industry Association* and the *Recreation Vehicle Dealers' Association* sponsored a special campaign "Go Camping America." They sent their members a special press kit with facts on the benefits of camping, information sources, and a special logo.

National Tour Association President Hal Mischnick sent a mailing to all members including NTW logo sheets, radio public service announcements, economic impact data, a sample letter to the editor and other ideas for publicizing the week locally. 18,000 NTA National Tourism Week posters were sold.

The Commerce Department's *National Oceanic and Atmospheric Administration's* newsletter, *Marine Recreational Fisheries Highlights*, gave NTW front page coverage in its May 17 issue.

Westpark Hotels of Virginia hosted a National Tourism Week reception at their Tyson's Corner hotel for travel agents, tour operators, airline officials and government representatives.

The *Southeast Tourism Society* secured more than 250 billboards in four states for use in an awareness campaign to highlight the importance of travel to the economy.

Two hundred and fifty *Hilton Hotels* utilized red, white and blue seals featuring the promotional slogan "Tourism is Everybody's Business" along with a recap of the industry's benefits "Creates Jobs . . . Generates Tax Revenues . . . Benefits the Entire Community."

The *Air Transport Association* asked 23,000 travel agencies to tie in National Tourism Week in planning tour programs and other promotional activities for their clients. ATA contacted editors of airline inflight magazines and house organs for possible feature stories, as well as senior airline marketing people, to request in-flight announcements by pilots and/or flight attendants promoting National Tourism Week.

The Hotel Washington in the Nation's Capital displayed a NTW banner and arranged for a special National Tourism Week message on the closed-circuit television information station which serves guests in the downtown hotels.

The *American Hotel & Motel Association* prepared a tourism insert for the May 27 issue of *Time* magazine. In addition, *Time* transportation display posters were set up in major locations throughout the country. AH&MA created a series of radio, public service announcements and one TV spot saluting tourism for national distribution. They also provided a runner in the Olympic Torch Relay, May 27 under the tourism banner.

DONNA TUTTLE,
Under Secretary for Travel and Tourism.

U.S.T.T.A. does not intend to infer that this listing is all inclusive. It is simply a compilation of information that has been collected and/or received by this agency.

Mr. PRESSLER. Mr. President, I am pleased to join my distinguished colleague from Virginia and others in introducing this important resolution designating the week of May 19-25, 1985, as National Tourism Week. This valuable industry deserves recognition for its valuable economic and social contribution to our Nation. And, as importantly, the people deserve to know how this industry affects their lives.

The U.S. Travel and Tourism Administration [USTTA], under the dynamic leadership of Under Secretary Tuttle, has done a great job in implementing the 1984 National Tourism Week. With the support of the industry, we have made great strides toward educating the American public about the major role travel and tourism plays in our everyday lives. As chairman of the Senate Subcommittee on Business, Trade, and Tourism, I have fought for many years to gain for this important industry the recognition it deserves. I am pleased to see we are finally making substantive progress toward that end.

Tourism is of vital economic importance to our Nation. In 1983 alone, it generated $20 billion in tax revenue for our Federal coffers through international and domestic travel. It is the third largest retail industry in the United States. Conservative estimates show that it employs, directly and indirectly, over 6.7 million Americans in this country. Over one-half of those jobs are held by women, and 13 percent are minorities.,

In my home State of South Dakota, tourism is our second largest industry; 45 other States also have tourism ranking among their top three industries. Promotion of this industry through National Tourism Week spurs economic growth throughout the States and promotes the advancement of the 1.4 million tourism-related small businesses. Tourism is an essential industry in America with a vast amount of potential for even greater expansion.

The United States is far behind almost every foreign nation—developed and Third World—in tourism promotion efforts. I was very proud to have sponsored the National Tourism Policy Act which established our first national tourism policy and created the USTTA. But we are far from realizing our fullest potential in competitively promoting the United States as an international travel destination. The need for a strong central agency to coordinate Federal and State efforts for tourism promotion should be more fully recognized and acted upon for the benefit of the entire Nation.

National Tourism Week provides all Americans and foreign visitors the opportunity to discover the wealth that lies within the infinite variety of this country. We are rich with breathtaking scenery of every type. My home State of South Dakota possesses wide, open prairie, the beautiful Black Hills, the majestic Mount Rushmore, and Crazy Horse Mountain, and a fascinating history of the Old West. Every State has its own unique attractions just waiting to be shared and enjoyed. All we need to do is open the door and invite travelers to partake.

I strongly urge my colleagues to join me in support of this important resolution and other efforts to strengthen our travel and tourism industry.

Mr. LAXALT. Mr. President, it is with great pleasure that I join in sponsoring this joint resolution designating

May 19-25, 1985, as National Tourism Week. It seems fitting and proper that we commemorate this occasion and pay tribute to what is one of the most important industries in the United States today.

The travel and tourism industry not only plays a vital role in the economy of my home State of Nevada, but in the rest of the Nation as well. I hope that in designating National Tourism Week, we can bring to light the importance of the tourism industry in this country and demonstrate our commitment to ensuring the health and well-being of this vibrant industry.

The facts speak for themselves when one considers the importance of this industry. The business of travel generated $210 billion in revenue last year and supported, directly and indirectly, 6.8 million jobs for Americans. Over $50 million are realized daily from travel-generated taxes, contributing greatly to the coffers at all levels of government.

Even more importantly, as we observe National Tourism Week, we should be grateful that we are free to enjoy all of the great things this country has to offer. We should continue to extend a warm welcoming hand to our friends overseas. Overseas visitors to the United States contribute to better understanding between peoples and nations.

In short, it is altogether fitting that we celebrate the successes of the travel industry and focus on its many benefits by designating May 19-25, 1985, as National Tourism Week. I urge my colleagues to support this effort.

Mr. PACKWOOD. Mr. President, I am very pleased to join my colleagues today in introducing legislation to designate the week of May 19-26, 1985, as National Tourism Week.

This year, the importance of travel and tourism was officially recognized for the first time by President Reagan's proclamation of the week beginning May 27, 1984, as National Tourism Week. This recognition was long overdue. After all, the travel and tourism industry is the second largest in the United States, generating over $200 billion per year and directly supporting 4.6 million jobs.

While our Federal commitment to this industry is still not what it should be, it is improving dramatically. The U.S. Travel and Tourism Administration [USTTA], our agency for international tourism promotion, has a fiscal year 1984 budget of $12 million. This represents a significant increase over recent USTTA budgets, but is still less than half of what other Western nations, our chief competitors for the international tourism dollar, spend on tourism promotion. Small wonder that our share of the international travel market has dropped from 13 percent in 1976 to about 10.6 percent. This drop is particularly dramatic when one considers that each percent of this market represents over $1 billion.

As chairman of the Committee on Commerce, Science, and Transportation, which has jurisdiction over travel and tourism, I have a great interest in the relationship between the tourism industry and the Government. I have seen many signs in recent years that this relationship is improving.

One important step toward improving our Federal commitment to travel and tourism was passage of the National Tourism Policy Act of 1981 [Public Law 97-63], which created the USTTA. The act also created an industry Travel and Tourism Advisory Board to the Department of Commerce and an interagency Tourism Policy Council to coordinate Federal tourism policy.

Of course, the Congress has been working closely with the travel and tourism industry for several years. The first official industry advisory group in Washington was the Travel and Tourism Industry Advisory Council, to the Senate Commerce Committee formed in 1979. Senate support for tourism has since reached the point where the vast majority of us are members of the Senate Tourism Caucus.

The creation of National Tourism Week is the most recent legislative effort to increase public awareness of the significance of travel and tourism. I hope that this year's and next year's National Tourism Week will help convince State and local governments of the value of tourism promotion. I am very proud that my home State of Oregon is one of nine States to have already legislated a State tourism policy. The Oregon State Legislature created a State tourism policy in 1981 and upgraded it last year with the creation of a Tourism Policy Council.

We Oregonians have always been very proud of the natural beauty of our State. We feel that Oregon has as much to offer visitors as any State does, yet many States have attracted more visitors than Oregon has. We cannot blame this on remoteness, as our neighbor to the south, Califorina, is the most-visited State in the United States.

A more likely reason is that Oregan has never before had a sufficient commitment to tourism promotion. With a State tourism policy in place. Oregonians can expect travel and tourism to generate more than the $2 billion annual expenditures and 54,000 jobs that the industry already accounts for in Oregon.

Let me conclude, Mr. President, by urging my colleagues to join me in supporting this resolution. Promotion of tourism is one activity that Senators from all parts of the Nation and both sides of the aisle can wholeheartedly support, and I ask my colleagues to join me in doing so by cosponsoring this legislation.

Mr. INOUYE. Mr. President, I am pleased to be a cosponsor of the Senate joint resolution which designates May 19-26, 1985, as "National Tourism Week." As one of the top three industries in the United States, an employer of over 6.7 million men and women, and a contributor of $200 billion to our economy, the tourism industry has a very important story to tell the American people. As we know from last year's experience, celebration of National Tourism Week is an excellent vehicle for telling it.

So that our cities, States, and the entire industry have adequate leadtime to plan for this most worthwhile celebration I urge the Congress and the President to act expeditiously on this resolution.

Mr. DURENBERGER. Mr. President, I want to take this opportunity to join Senator WARNER, Senator SASSER, and a number of our colleagues in cosponsoring a joint resolution designating the week of May 19, 1985, as "National Tourism Week."

Tourism ranks as one of the top three industries in over 40 States. In all, travel and tourism generate nearly $41 billion in wages and salaries each year, directly employing 4.5 million Americans and indirectly affecting another 2.5 million workers.

Mr. President, tourism is the second largest industry in my State, Minnesota. Travelers spent almost $4 billion there during 1982, about $960 per resident. During that year, an estimated 103,500 Minnesotans derived a livelihood from travel-related enterprises, making about $862 million in the process. Quite clearly, Mr. President, the travel industry provides tremendous economic benefits to Minnesota and most other States.

However, we should applaud the American tourism industry for yet another reason. Freedom to experience abundant natural resources and explore a rich national heritage is not a luxury enjoyed universally throughout the world. The American tourist industry has opened up valuable educational opportunities for millions of Americans and visitors from abroad by providing access to the many diverse treasures this Nation has to offer.

I hope my colleagues will join us in saluting the American tourism industry by taking timely action on this legislation.

Mr. MATSUNAGA. Mr. President, I am happy to join in the introduction of legislation providing for the observance of National Tourism Week in May 1985. A similar observance this year proved to be highly successful and helped to spread the word that tourism is one of our Nation's foremost economic endeavors.

Although many people know that Hawaii is one of our Nation's leading tourist destinations, few realize that tourism is also the first, second or third most important business in 40 other States. Among retail and service industries, tourism is second in size only to the food industry, employing nearly 7 million people directly or indirectly. About one new job is created in this country for every 59 new foreign visitors.

In recent years, the travel industry has generated $30 million in Federal tax revenue every single day—about $11 billion annually. State and local governments also benefit to the tune of nearly $10 billion a year.

Although domestic travel accounts for most of these revenues, the number of foreign visitors to the United States has continued to increase; 21.6 million such visitors arrived in the United States in 1983, traveling for business purposes or pleasure. Each of these foreign visitors spent over $500 while in this country.

Mr. President, we in Hawaii have benefited greatly from tourism, especially with the guidance of the Hawaii Visitors Bureau since we achieved statehood 25 years ago. This year some 5 million visitors are expected in Hawaii from abroad and from other States in the United States. We have concentrated on building a high quality tourism industry which provides about 55,000 jobs for island residents—a large number when one considers that Hawaii is one of the Nation's smallest States. For many visitors from abroad, Hawaii is the gateway to the United States. It is where the visitors gets his first impression of our country, and Hawaii's travel industry takes pride in providing a warm welcome. Travel, for foreign visitors especially, but also for Americans traveling in the United States, provides an opportunity to get to know other peoples and other cultures, and it can help strengthen the ties of friendship which exist between this country and its neighbors in Latin America, Europe, the Far East and elsewhere.

In closing, I wish to commend the U.S. Travel and Tourism Administration in the Department of Commerce for its efforts to promote understanding and appreciation of America's travel industry. I urge the Senate to take prompt action on this resolution providing for the observance of National Tourism Week next year.

Mr. LEVIN. Mr. President, I am pleased to join my colleagues in supporting the resolution to designate the week of May 19-26, 1985, as "National Tourism Week."

Tourism is one of Michigan's most vital and important industries and a key element in Michigan's long-term economic growth. Tourism contributes about $11 billion to Michigan's economy and employs about a quarter of a million people. Tourism ranks only behind manufacturing and agriculture in its impact on our economy.

In the last year more than 40 million tourists have visited our Great Lakes State. They enjoyed the Traverse City Cherry Festival, the Holland Tulip Festival, and the Grand Haven Coast Guard Festival. They came by bus, train, boat, plane, and automobile to see the Detroit Tigers win yet another game, cheer at a Saturday afternoon football game at one of our outstanding universities, or take a fall color tour. They came to our beaches and wonderful weather and waters.

Anyone who has had the pleasure to visit our magnificent State understands the beauty and splendor. I am constantly reminded as I travel from the northern tip of the Keweenaw Peninsula to the western shoreline of Lake Erie how fortunate I am to see so much of this beautiful territory. I wish everyone in this Chamber could know the joy of catching a trout in one of Michigan's great lakes, sampling a piece of fudge while spending a quiet afternoon on Mackinac Island, visiting Flint's AutoWorld, skiing one of our numerous ski slopes, and enjoying a convivial evening with family and friends in Detroit's Greektown or at its unique Renaissance Center.

This year National Tourism Week was a big success for small businesses because 99 percent of the tourism industry is made up of small businesses. Tourism means jobs. A thriving industry means more job opportunities and job stability for millions of small businesses. Tourism is a labor-intensive industry. Nationwide, the industry is the chief employer of minorities, females, unskilled, and semiskilled workers. Tourism is vital to our economy.

I am happy to take this opportunity to support the National Tourism Week resolution and to salute the people who work in the tourism industry in my State. I will also seize this opportunity to invite all to visit Michigan—get to know the friendly citizens and the many attractions we are so proud of.

Mr. PRYOR. Mr. President, I join my colleagues in the Senate tourism caucus in urging the Senate to approve a joint resolution designating May 18-26, 1985, "National Tourism Week." I understand that the tourism industry, which employs 4.5 million individuals across the Nation, has endorsed this resolution, based on the positive impact which a similar resolution had on tourism in 1984.

The Arkansas Department of Parks and Tourism, under the able leadership of Jo Luck Wilson, has sought to maximize the economic benefits of tourism for our State. Among other projects, the department has solicited information from Arkansas travelers as they have stopped at tourist information centers [TIC] across our State. The information recorded as a result of this survey is helpful to the department and to our businesses, since it gives us a picture of who the Arkansas traveler is and what has brought him or her to the land of opportunity.

Statistics emphasize the importance of tourism to our State. In 1983, almost 14 million visitors journeyed across our borders, spending about $1.6 billion, contributing over $58 million in State taxes and more than $15 million in local taxes. The travel and tourism industry—composed primarily of small business people—provided jobs for almost 45,000 Arkansans, with a payroll amounting to $291.1 million.

As I indicated, statistics are a very tangible and helpful way to demonstrate what tourism means to the State of Arkansas. Although statistics can fail to convey the reasons why tourism is such a thriving industry in Arkansas, I think all Arkansans are well aware of the many attractive travel opportunities which our State has to offer. From the picturesque Ozark Mountains of northwest Arkansas, to the world famous Hot Springs National Park to the Murfreesboro Diamond Mine, just to name a few—the lure is there, radiating from the land and the friendly people who inhabit it.

In short, Arkansas is a refreshing place for people who want to get away for a day, a week or for months to fish, to hike or hunt, to dig diamonds or take healthful mineral baths, to trace history or get lost in the clean air of our mountains. Should any of my colleagues like any further information on the merits of travel to our State, they need only ask.

Today we seek to recognize the many good things that tourism means for all of our home States. In that spirit, I call upon the Senate to adopt this significant resolution, calling attention to the virtues of an industry which deserves our strongest support and praise.

ADDITIONAL COSPONSORS

S. 905

At the request of Mr. MATHIAS, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 905, a bill entitled the "National Archives and Records Administration Act of 1983".

S. 1128

At the request of Mr. LEAHY, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1128, a bill entitled the "Agricultural Productivity Act of 1983."

S. 1841

At the request of Mr. THURMOND, the names of the Senator from Georgia [Mr. MATTINGLY] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 1841, a bill to promote research and development, encourage

innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 2735

At the request of Mr. NICKLES, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2735, a bill to rescind funds appropriated to the Energy Security Reserve by the 1980 Department of the Interior and Related Agencies Appropriations Act, and for other purposes.

S. 2744

At the request of Mr. HEINZ, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of S. 2744, a bill to amend the Social Security Act to protect beneficiaries under health care programs of that act from unfit health care practitioners, and to otherwise improve the antifraud provisions of that act.

S. 2794

At the request of Mr. THURMOND, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 2794, a bill to prohibit the Postal Service from purchasing, erecting, or installing any mail receptacle, mailbox, neighborhood delivery and collection box, or parcel locker for the purpose of providing, with or without charge, any such receptacle, box, or locker to any person.

SENATE JOINT RESOLUTION 272

At the request of Mr. MURKOWSKI, the names of the Senator from Iowa [Mr. JEPSEN] and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 272, a joint resolution recognizing the anniversaries of the Warsaw Uprising and the Polish resistance to the invasion of Poland during World War II.

SENATE JOINT RESOLUTION 304

At the request of Mr. HELMS, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. MATTINGLY], the Senator from Illinois [Mr. DIXON], and the Senator from North Carolina [Mr. EAST] were added as cosponsors of Senate Joint Resolution 304, a joint resolution to designate the month of October 1984 as "National Quality Month".

SENATE JOINT RESOLUTION 308

At the request of Mr. NUNN, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Alabama [Mr. DENTON], the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. LUGAR], and the Senator from West Virginia [Mr. RANDOLPH] were added as cosponsors of Senate Joint Resolution 308, a joint resolution to designate the week beginning on September 9, 1984, as "National Community Leadership Week".

At the request of Mr. TOWER, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of Senate Joint Resolution 308, supra.

SENATE JOINT RESOLUTION 309

At the request of Mr. BENTSEN, the names of the Senator from Vermont [Mr. STAFFORD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Oklahoma [Mr. NICKLES], the Senator from Maryland [Mr. SARBANES], the Senator from Connecticut [Mr. DODD], the Senator from California [Mr. CRANSTON], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 309, a joint resolution authorizing and requesting the President to designate January 1985 as "National Cerebral Palsy Month."

SENATE JOINT RESOLUTION 323

At the request of Mr. MURKOWSKI, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Illinois [Mr. DIXON], the Senator from Iowa [Mr. JEPSEN], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 323, a joint resolution designating August 1984 as "Polish American Heritage Month."

SENATE JOINT RESOLUTION 327

At the request of Mr. KASTEN, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Florida [Mr. CHILES], the Senator from Mississippi [Mr. STENNIS], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 327, a joint resolution to designate the week beginning September 2, 1984, as "Youth of America Week."

SENATE JOINT RESOLUTION 333

At the request of Mr. HELMS, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Indiana [Mr. LUGAR], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. THURMOND], the Senator from Florida [Mr. CHILES], the Senator from Arizona [Mr. DECONCINI], the Senator from Mississippi [Mr. COCHRAN], the Senator from Virginia [Mr. WARNER], the Senator from Virginia [Mr. TRIBLE], the Senator from Georgia [Mr. NUNN], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Wisconsin [Mr. KASTEN], the Senator from Washington [Mr. GORTON], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Nevada [Mr. LAXALT], the Senator from Arizona [Mr. GOLDWATER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from South Dakota [Mr. PRESSLER], the Senator from California [Mr. WILSON], the Senator from Indiana [Mr. QUAYLE], the Senator from Iowa [Mr. JEPSEN], the Senator from North Carolina [Mr. EAST], the Senator from Oklahoma [Mr. NICKLES], the Senator from Nevada [Mr. HECHT], the Senator from Utah [Mr. HATCH], the Senator from Idaho [Mr. SYMMS], the Senator from Idaho [Mr. MCCLURE], the Senator from Tennessee [Mr. BAKER], the Senator from Colorado [Mr. ARMSTRONG], the Senator from South Dakota [Mr. ABDNOR], the Senator from Utah [Mr. GARN], the Senator from Maine [Mr. COHEN], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 333, a joint resolution to designate September 21, 1984, as "World War I Aces and Aviators Day".

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. D'AMATO, the names of the Senator from California [Mr. WILSON], the Senator from South Dakota [Mr. PRESSLER], the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Iowa [Mr. JEPSEN] were added as cosponsors of Senate Concurrent Resolution 101, a concurrent resolution to commemorate the Ukrainian famine of 1933.

SENATE CONCURRENT RESOLUTION 116

At the request of Mr. Dodd, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Concurrent Resolution 116, a concurrent resolution expressing the sense of the Congress that the Reagan administration and succeeding administrations express to the People's Republic of China, as a continuing concern, the importance the American people attach to religious freedom, and to strongly urge that Government to release from prison the five elderly Roman Catholic priests, a number of Protestant pastors and layworkers, and others of various faiths, reportedly being held on charges related to religious activities.

AMENDMENT NO. 3389

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of amendment No. 3389 proposed to H.R. 5798, a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1985, and for other purposes.

AMENDMENTS SUBMITTED

DEBT COLLECTION ACT

D'AMATO AMENDMENT NO. 3395

Mr. D'AMATO proposed an amendment to the bill (S. 1668) to amend chapter 37 of title 31, United States Code, to authorize contracts retaining

private counsel to furnish collection services in the case of indebtedness owed the United States; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 3718 of title 31, United States Code, is amended—

(1) by striking out subsection (d);

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) in subsection (d), as redesignated by paragraph (2), by inserting "or (b)" after "subsection (a)";

(4) in subsection (e), as redesignated by paragraph (2), by striking out "(b)" and inserting in lieu thereof "(d)"; and

(5) by inserting after subsection (a) the following new subsection:

"(b)(1) The Attorney General may make contracts retaining private counsel to furnish legal services, including representation in negotiation, compromise, settlement, and litigation, in the case of any claim of indebtedness owed the United States. Each such contract shall include such terms and conditions as the Attorney General considers necessary and appropriate, including a provision specifying the amount of the fee to be paid to the private counsel under such contract or the method for calculating that fee.

"(2) The head of an executive or legislative agency may refer to a private counsel retained under paragraph (1) of this subsection claims of indebtedness owed the United States arising out of activities of that agency.

"(3) Notwithstanding sections 516, 518(b), 519, and 547 (2) of title 28, a private counsel retained under paragraph (1) of this subsection may represent the United States in litigation in connection with legal services furnished pursuant to the contract entered into with that counsel under paragraph (1) of this subsection.

"(4) A contract made with a private counsel under paragraph (1) of this subsection shall include—

"(A) a provision permitting the Attorney General to terminate the contract if the Attorney General finds that termination of the contract is in the public interest;

"(B) a provision permitting the Attorney General to have any claim referred under the contract returned to the Attorney General if the Attorney General finds such action to be in the public interest;

"(C) a provision permitting the head of any executive or legislative agency which refers a claim under the contract to resolve a dispute regarding the claim, to compromise the claim, or to terminate a collection action on the claim; and

"(D) a provision requiring the private counsel to transmit monthly to the Attorney General and the head of the executive or legislative agency referring a claim under the contract a report on the services relating to the claim rendered under the contract during the month and the progress made during the month in collecting the claim under the contract.

"(5) Notwithstanding the fourth sentence of section 803 (6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a (6)), a private counsel performing legal services pursuant to a contract made under paragraph (1) of this subsection shall be considered a debt collector for the purposes of such Act.

"(c) The Attorney General shall transmit to the Congress an annual report on the activities of the Department of Justice to recover indebtedness owed the United States which was referred to the Department of Justice for collection. Each such report shall include a list, by agency, of the total number and amounts of collected and uncollected claims of indebtedness which were referred to the Department of Justice for collection, shall separately specify any uncollected claim of indebtedness which was covered by a contract (1) which was terminated by the Attorney General under subsection (b)(4)(A) of this section or (2) under which the claim was returned to the Attorney General under subsection (b)(4)(B) of this section, and shall describe the progress made by the Department of Justice in collecting uncollected claims of indebtedness during the one-year period covered by the report.".

SEC. 2. Not later than sixty days after the date of the enactment of this Act, the Attorney General of the United States shall transmit to the Congress a report on the actions taken under section 3718(b) of title 31, United States Code (as added by paragraph (5) of the first section of this Act).

METZENBAUM AMENDMENTS NOS. 3396 THROUGH 3398

Mr. METZENBAUM proposed three amendments to the bill S. 1668, supra; as follows:

AMENDMENT NO. 3396

On the first page, line 19, after "States.", insert the following: "If the Attorney General makes a contract for legal services to be furnished in any judicial district of the United States under the first sentence, the Attorney General shall use his best efforts to retain, from among attorneys regularly engaged in the private practice of law in such district, more than one private counsel to furnish such legal services in such district.".

AMENDMENT NO. 3397

On page 2, line 2, after the period, insert the following: "The amount of the fee payable for legal services furnished under any such contract may not exceed the fee that counsel engaged in the private practice of law in the area or areas where the legal services are furnished typically charge clients for furnishing legal services in the collection of claims of indebtedness, determined by the Attorney General, considering the amount, age, and nature of the indebtedness and whether the debtor is an individual or a business entity.".

AMENDMENT NO. 3398

On page 3, line 6, insert "(1)" after "(c)".

On page 3, line 15, strike out "(1)" and insert in lieu thereof "(A)".

On page 3, line 16, strike out "(2)" and insert in lieu thereof "(B)".

On page 3, line 21, strike out the end quotation marks and the period after the end quotation marks.

On page 3, between lines 21 and 22, insert the following:

"(2)(A) The Comptroller General of the United States shall carry out an annual audit of the actions taken by the Attorney General under subsection (b) of this section during the preceding twelve months. The Comptroller General shall detemine the extent to which there is competition among private counsel to obtain contracts awards under such subsection, the reasonableness of the fees provided in such contracts, and the results of the debt collection efforts of private counsel retained under such contracts.

"(B) After completing each audit under subparagraph (A), the Comptroller General shall transmit to the Congress a report on the findings and conclusions resulting from the audit.".

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1985

MOYNIHAN AMENDMENT NO. 3399

Mr. MOYNIHAN proposed an amendment to the bill (H.R. 5798) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1985, and for other purposes, as follows:

On page 2, at the end of line 21, add the following: "None of the funds appropriated for salaries and expenses of the Office of the Secretary of the Treasury shall be expended after October 3, 1984, that do not include appointed officials for all the positions as public members of the board of trustees of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund, as provided under the amendments made by section 341 of the Social Security Amendments of 1983.".

CHILES (AND OTHERS) AMENDMENT NO. 3400

Mr. CHILES (for himself, Mr. ROTH, Mr. PRYOR, Mr. HOLLINGS, Mr. BOREN, and Mr. ZORINSKY) proposed an amendment to the bill H.R. 5798, supra; as follows:

On page 60, beginning with line 22, strike out through line 2 on page 61 and insert the following:

"(3) Former Presidents and their spouses, widows, widowers, or minor children, in accordance with sections 731 and 732 of the Treasury, Postal Service and General Government Appropriations Act, 1985.

"(4) Former Vice Presidents, in accordance with section 733 of such Act.".

On page 64, after line 22, insert the following:

TITLE VII—FORMER PRESIDENTS

PART A—GENERAL PROVISIONS

SEC. 701. For purposes of this title, the term "former President" means an individual—

(1) who has held the office of President of the United States of America;

(2) whose service in such office has terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

(3) who does not currently hold such office.

PART B—PRESIDENTIAL LIBRARIES

SEC. 711. (a) The first paragraph of section 2101 of title 44, United States Code, is amended by inserting before the semicolon a comma and "and may include research facilities and museum facilities in accordance with this chapter".

(b) Section 2108(a) of such title is amended to read as follows:

"(a)(1) When the Administrator of General Services considers it to be in the public interest he may, in accordance with the provisions of this subsection, accept for and in the name of the United States, land, buildings, and equipment offered as a gift to the United States for the purpose of creating a Presidential archival depository, take title to the land, buildings, and equipment on behalf of the United States, and maintain, operate, and protect them as a Presidential archival depository and as a part of the national archives system.

"(2) The Administrator, in consultation with the Archivist of the United States and the Commissioner of the Public Buildings Service, shall promulgate architectural and design standards applicable to Presidential archival depositories in order to ensure that such depositories (A) preserve Presidential records subject to chapter 22 of this title and papers and other historical materials accepted for deposit under section 2107 of this title and (B) contain adequate research facilities.

"(3) The Administrator shall accept and take title to only such land, buildings, and equipment under paragraph (1) as are necessary to establish, for each President or former President, a single Presidential archival depository in one building not in excess of sixty thousand square feet in one geographic location, in the case of a President or a former President who served as President for not more than one term of four years, or not in excess of seventy thousand square feet in one geographic location in the case of a President or a former President who served as President for more than one term of four years, including museum space.

"(4) The Administrator may make agreements, in accordance with the provisions of this paragraph and paragraph (5) and upon such other terms and conditions he considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use as a Presidential archival depository land, buildings, and equipment of the State, subdivision, university, or other organization, to be made available by it without transfer of title to the United States. Any such agreement shall provide that any such Presidential archival depository shall comply with the requirements of paragraph (3).

"(5)(A) Prior to accepting and taking title of any land, buildings, and equipment under paragraph (1), and prior to entering into any agreement under paragraph (4) or any other agreement to accept or establish a Presidential archival depository, the Administrator shall submit a prospectus for the proposed Presidential archival depository to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives. The prospectus shall include—

"(i) a description of the land, buildings, and equipment offered as a gift or to be made available without transfer of title;

"(ii) a statement of the terms of the proposed agreement, if any;

"(iii) a general description of the types of records, papers, documents, or other historical materials proposed to be deposited in the Presidential archival depository so to be created, and of the terms of the proposed deposit;

"(iv) a statement of the additional improvements and equipment, if any, necessary for the satisfactory operation of the depository, together with an estimate of the cost of such improvements;

"(v) an estimate of the annual cost to the United States of maintaining, operating, and protecting the depository; and

"(vi) a statement indicating whether or not a proposed Presidential archival depository complies with the architectural and design standards promulgated pursuant to paragraph (2).

"(B) The Administrator may not take title to land, buildings, and equipment or make an agreement, until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the report is transmitted.

"(6) No physical or material changes in or additions to a Presidential archival depository may be made unless—

"(A) the Presidential archival depository, after any such change or addition, complies with the architectural and design standards established pursuant to paragraph (2);

"(B) the Presidential archival depository, after any such change or addition, is one building not in excess of sixty thousand square feet in one geographic location, including museum space; and

"(C) the Administrator has submitted a prospectus to the Congress describing any such change or addition and a period of sixty calendar days of continuous session of the Congress has expired within the date on which the prospectus was submitted.

"(7) For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than three to a day certain are excluded in the computation of a period of time in which Congress is in continuous session.

"(8)(A) The Administrator may provide technical assistance to any private organization or institution establishing a museum or memorial for a President or former President and may provide such institution with microfilm copies of historically significant Presidential and personal records contained in a Presidential archival depository.

"(B) For purposes of this paragraph—

"(i) the term 'Presidential records' has the same meaning as in section 2201(2) of this title; and

"(ii) the term 'personal records' has the same meaning as in section 2201(3) of this title.".

SEC. 712. Section 2203(c) of title 44, United States Code, is amended to read as follows:

"(c) During his term of office, the President shall substantially complete the disposal of his Presidential records which no longer have administrative, historical, informational, or evidentiary value. Prior to disposing of any such records, the President shall obtain the written views of the Archivist concerning the proposed disposal of such Presidential records and may not dispose of any record with respect to which the Archivist notifies the President that the Archivist intends to take action under subsection (e).".

SEC. 713. The amendments made by this part shall take effect on January 20, 1985 and shall not apply to any President who leaves office on or before such date.

PART C—FORMER PRESIDENTS

SEC. 721. Subsection (e) of the first section of the Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (72 Stat. 838; 3 U.S.C. 102 note) is amended to read as follows:

"(e) The spouse of a deceased former President shall be entitled to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to two-thirds of the rate which is payable under subsection (3) to a former President. The monetary allowance of such spouse—

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such spouse—

"(A) dies; or

"(B) remarries before becoming sixty years of age; and

"(3) is not payable for any period during which such spouse holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.".

SEC. 722. (a) Subsection (b) and (c) of the first section of the Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (72 Stat. 838; 3 U.S.C. 102 note) are amended to read as follows:

"(b)(1) The Administrator of General Services (hereinafter referred to as the 'Administrator') is authorized to provide to each former President, upon request, necessary services and facilities, including—

"(A) one suitable office, not to exceed four thousand square feet in area, appropriately equipped with furniture, furnishings, office machines and equipment, and office supplies, as determined by the Administrator, after consultation with the former President or his designee provided for in subsection (c), at such place within the United States as the former President shall designate;

"(B) payment of the compensation of members of an office staff designated by the former President at rates determined by the former President which are not in excess of the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, except that notwithstanding any other provision of law, persons, receiving compensation as members of an office staff of a former President under this subsection shall not be considered to be employees of the Federal Government except for purposes of chapters 81, 83, 87, and 89 of title 5, United States Code;

"(C) payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the former President, as authorized for persons employed intermittently or for persons serving without compensation under section 5703 of such title;

"(D) when authorized by the President, the use of Government aircraft or Government chartered aircraft by a former President solely for the purpose of completing the affairs of his office and otherwise as required incidentally for protective purposes. The costs allocable to the use of such aircaft under this Act shall be paid with funds authorized under the Former President's Act and any collections from the Secret Service or others for the use of space on Government aircraft or Government chartered aircraft deposited to the credit of the Former President's Act appropriation;

"(E) communications services found necessary by the former President;

"(F) except as provided in subsection (f) and notwithstanding the provisions of section 501 of title 44, United States Code, payment of expenses for necessary printing and binding;

"(G) movement of the personal effects and household goods of a former President and his family from Executive Residence in Washington, DC., to a location in the United States selected by such former President; and

"(H) movement of the personal effects and household goods of a former Vice-President and his family from their residence at the seat of Government to a location in the United States selected by him.

"(2) Any Federal employee may be detailed to the office staff of a former President on a reimbursable basis with the consent of the head of the agency involved. Any such detail shall not extend beyond the eight months and ten days beginning on the date on which the former President leaves office. An employee detailed to the office of a former President shall be responsible only to the former President for the performance of his duties during the period of such detail. An employee detailed under this subsection is deemed, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed, and he is entitled to pay, allowances, and benefits from funds available to that agency. The authorization and payment of such allowances and other benefits from appropriations available therefor is deemed to comply with section 5536 of title 5, United States Code.

"(c) Each former President may designate to the Administrator an assistant authorized to make on his behalf such designations or findings of necessity as may be required in connection with the services and facilities to be provided under subsection (b).".

(b)(1) Subsection (f) of such section is redesignated as subsection (1).

(2) Such section is amended by inserting immediately before subsection (1) the following new subsections:

"(f) Funds provided for necessary services and facilities for a former President under this Act shall be used for activities which are the direct result of such former President having held the office of President. Such funds may not be used for partisan political activities or income generating activities, except that a former President may use such funds for the preparation of his memoirs if the former President signs an agreement with the Administrator of General Services which provides that such memoirs will only be printed and distributed by the Public Printer in accordance with section 1345 of title 44, United States Code.

"(g)(1) The Administrator is authorized to provide necessary services and facilities to a former Vice President for use in connection with winding up the affairs of his office. such services and facilities shall be of the same general character as the services and facilities provided to a former President under subsection (b). Each former Vice President shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by him under his written autograph signature in connection with his preparations for winding up of his official duties as Vice President.

"(2) No funds for necessary services and facilities provided to a former Vice President under this Act shall be used for partisan political activities or income generating activities, as determined under standards established by the Administrator.

"(h) The Administrator shall expend no funds for the provision of services and facilities under this Act with respect to a former President at any time beyond ninety days after the date on which such former President dies.

"(i) Except for expenditures from an imprest fund consisting of such amounts as the Administrator shall determine any expenditure of funds under this Act may be made only with the prior approval of the Administrator or his designee.

"(j) By March 1 of each year, each former President shall prepare and transmit to the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives a report concerning activities carried out with the assistance of the funds for necessary services and facilities provided under this Act.

"(k)(1) To carry out the provisions of subsections (b) and (g), there are authorized to be appropriated with respect to a former President and former Vice President a total of $750,000 for the fiscal year in which the term of a former President expires, except that no funds appropriated pursuant to this clause shall be available for expenditure until the day on which such term expires.

"(2) Except as provided in paragraphs (3), to carry out the provisions of subsection (b) with respect to each former President, there are authorized to be appropriated to the Administrator of General Services—

"(A) $300,000 for each of the first four fiscal years beginning after the fiscal year in which the term of a former President expired;

"(B) $250,000 for the fifth and each of the three succeeding fiscal years beginning after the fiscal year in which the term of a former President expired; and

"(C) $200,000 for the ninth and each of the succeeding fiscal years beginning after the fiscal year in which the term of a former President expired.

"(3) To carry out the provisions of subsection (b) with respect to any individual who is a former President on the date of enactment of this subsection, there are authorized to be appropriated to the Administrator of General Services—

"(A) $300,000 for each of the four fiscal years beginning after the fiscal year in which this subsection is enacted;

"(B) $250,000 for the fifth and each of the three succeeding fiscal years beginning after the fiscal year in which this subsection is enacted; and

"(C) $200,000 for the ninth and each succeeding fiscal year beginning after the fiscal year in which this subsection is enacted.

"(4) The provisions of paragraphs (2) and (3) shall lapse ten years after the date of enactment of this paragraph.".

(c) Section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is repealed.

(d) Section 5 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5. There are hereby authorized to be appropriated to the Administrator such funds as may be necessary for carrying out the purposes of this Act, except that with respect to any one Presidential transition not more than $2,000,000 may be appropriated for the purposes of providing services and facilities to the President-elect and Vice-President-elect under section 3. The President shall include in the budget transmitted to Congress, for each fiscal year in which his regular term of office will expire, a proposed appropriation for carrying out the purposes of this Act.".

SEC. 723. (a) Chapter 13 of title 44, United States Code, is amended by adding at the end thereof the following new section:

"§ 1345. PRESIDENTIAL MEMOIRS

"The Public Printer shall cause to be printed as many copies of the memoirs of a former President who has entered into an agreement with the Administrator of General Services under subsection (f) of the first section of the Act of August 25, 1958 (72 Stat. 838), as may be necessary for the distribution and sale of such memoirs. Such memoirs shall be distributed and sold by the Superintendent of Documents in accordance with chapter 17 of this title.".

(b) The table of sections for such chapter is amended by adding at the end thereof the following:

"1345. Presidential memoirs.".

PART D—PROTECTION OF FORMER PRESIDENTS, FORMER VICE PRESIDENTS, AND THEIR FAMILIES

SEC. 731. (a) On or after the effective date of this part, no Secret Service protection shall be provided to a former President or to the spouse, widow, widower, or minor child of any such former President, unless such protection is authorized by subsection (b) or is extended or reinstated by the Secretary of the Treasury or the President in accordance with section 732.

(b) The Secret Service is authorized to protect the person of a former President after the effective date of this part for a period of five years beginning on the effective date of this part or on the date on which such individual becomes a former President, whichever is later, and for such additional periods as the Secretary of the Treasury may authorize under section 732. The Secret Service is authorized to protect the person of the spouse or minor child of any former President after the effective date of this part to the extent that such protection is incidental to the protection of such former President or if such protection is authorized by the Secretary of the Treasury or the President under section 732. The Secret Service is authorized to protect the person of any individual who becomes a widow or widower of a former President after the effective date of this part for a period of six months after the date on which such former President dies and for such additional periods as the Secretary of the Treasury may authorize under section 732.

SEC. 732. (a)(1) After the expiration or termination of Secret Service protection to a former President or the spouse or minor child of a former President, the Secretary of the Treasury may authorize the reinstatement of such protection—

(A) in the case of a former President, for one one-year period; and

(B) in the case of the spouse or minor child of a former President, for one six-month period,

upon a finding that a serious threat warranting such protection exists to the individual.

(2) The Secretary may extend Secret Service protection reinstated under paragraph (1) or provided under section 3056 of title 18, United States Code, prior to the effec-

tive date of this part or under section 731 after the effective date of this part—

(A) in the case of a former President, for additional consecutive one-year periods; and

(B) in the case of a spouse or minor child of a former President, for additional consecutive six-month periods,

upon the written request of the person eligible for such protection.

(b) No extension of Secret Service protection under subsection (a)(2) shall become effective unless the Secretary of the Treasury submits the request for such extension to the Congress and a period of sixty calendar days of continuous session of the Congress has expired after the date on which the request is submitted. For purposes of this subsection, continuity of session is broken only by an adjournment sine die, but the days on which either House is not in session because of adjournment of more than three days to a day certain are excluded.

(c) The President is authorized to direct the United States Secret Service to protect a former President, spouse, widow, widower, or minor child upon a determination that a threat warrants emergency action. The President shall notify Congress of any such action. Such authorization shall not extend beyond sixty calendar days or, in the case of the submission by the Secretary of the Treasury for extension under subsection (b) within such sixty day period, not beyond the time needed for sixty calendar days of continuous session of Congress to expire.

SEC. 733. (a) The Secret Service is authorized to protect the person of a former Vice President if such protection is authorized by the Secretary of the Treasury in accordance with subsection (b).

(b) The Secretary of the Treasury may authorize the provision of Secret Service protection to a former Vice President upon the written request of such former Vice President and upon a finding that a threat warranting such protection exists to such former Vice President. The Secretary of the Treasury may authorize the provision of such protection for a period beginning on the date on which the Vice Presidential term of such former Vice President expired and ending on the last day of the fiscal year in which such term expired.

SEC. 734. This part shall take effect on October 1, 1984.

CHAFEE AMENDMENT NO. 3401

Mr. CHAFEE proposed an amendment, which was subsequently modified, to the bill H.R. 5798, supra; as follows:

On page 36, between lines 20 and 21, insert the following:

SEC. 406. (a) A portion of the funds appropriated by this Act for the operation, maintenance, and protection of presidential archival depositories shall be used by the Administrator of General Services to establish in the National Archives Trust Fund a separate endowment for the maintenance, operation, and protection of each Presidential archival depository, to which shall be credited any gifts or bequests received under section 2108(g) of title 44, United States Code, that are offered for such depository. Income to each such endowment shall be available to cover the cost of maintenance, operation, and protection of such depository, but not the cost of the performance of archival functions under such title.

(b) Funds appropriated by this Act may not be used by the Administrator of General Services to accept or take title to any land, building, or equipment under section 2108(a) of title 44, United States Code, or to make any agreement to use any land, building, or equipment under such section, for the purpose of creating a Presidential archival depository, unless the Administrator determines that there is available, by gift or bequest for deposit under subsection (a) in an endowment with respect to that depository, an amount to cover, or insure sufficient income to cover—

(1) the total cost of acquiring or constructing the buildings and of acquiring and installing the equipment for such depository;

(2)(A) if title to the land is to be vested in the United States, the cost of acquiring the land upon which such buildings are situated, or such other measure of the value of such land as is mutually agreed upon by the Administrator and the donor; or

(B) if title to the land is not to be vested in the United States, the cost to the donor of any improvements (other than such buildings and equipment) to the land upon which such buildings are situated; and

(3) the costs of maintaining, operating, and protecting such depository in each fiscal year, but not of performing the archival functions under title 44, United States Code, for such depository in each fiscal year.

(c) The terms of this amendment shall not apply to the libraries built or to be built by the incumbent or past presidents of the United States.

(d) A portion of the funds appropriated by this Act shall be used by the Administrator of General Services to conduct a study to plan for the establishment, in the General Services Administration, of a National Archival Center for Presidential Papers, in which may be deposited all Presidential records and historical materials of former Presidents who leave office after 1989. The Administrator of General Services shall transmit such study to the Congress within one year after the date of enactment of this Act.

LEVIN AMENDMENT NO. 3402

Mr. LEVIN proposed an amendment to the bill H.R. 5798, supra; as follows:

On page 17, after line 12, add the following new section:

REDLINING STUDY

It is the sense of the Congress that the use of the ZIP Code of a person's place of residence or place of work should not be used in the determination of such person's credit worthiness. The Federal Trade Commission, the four Federal financial supervisory agencies specified in section 803 of the Community Reinvestment Act of 1977 (12 U.S.C. 2902), and the United States Postal Service are requested to consider and report to the Congress by March 31, 1985 what statutory and regulatory measures are needed to prohibit such practice.

ABDNOR AMENDMENT NO. 3403

Mr. ABDNOR proposed an amendment to the bill H.R. 5798, supra; as follows:

Strike section 107 and strike section 110 of the bill, renumber the remaining sections as appropriate.

DANFORTH AMENDMENT NO. 3404

Mr. DANFORTH proposed an amendment to the bill H.R. 5798, supra; as follows:

Strike all of section 106, beginning on page 12, line 10 through page 13, line 8.

SOLID WASTE DISPOSAL ACT AUTHORIZATIONS

BURDICK AMENDMENT NO. 3405

Mr. BURDICK proposed an amendment to the bill (S. 757) to amend the Solid Waste Disposal Act to authorize funds for fiscal years 1983, 1984, 1985, 1986, and 1987, and for other purposes; as follows:

S. 757 is amended by adding the following new section:

"SEC. . Section 8002 of the Solid Waste Disposal Act is amended by inserting after subsection (p) the following new subsection, and redesignating succeeding subsections accordingly:

"(q) EXTENDING LANDFILL LIFE AND REUSING LANDFILLED AREAS.—The Administrator shall conduct detailed, comprehensive studies of methods to extend the useful life of sanitary landfills and to better use sites in which filled or closed landfills are located. Such studies shall address—

"(1) methods to reduce the volume of materials before placement in landfills;

"(2) more efficient systems for depositing waste in landfills;

"(3) methods to enhance the rate of decomposition of solid waste in landfills, in a safe and environmentally acceptable manner;

"(4) methane production from closed landfill units;

"(5) innovative uses of closed landfill sites, including use for energy production such as solar or wind energy and use for metals recovery;

"(6) potential for use of sewage treatment sludge in reclaiming landfilled areas; and

"(7) methods to coordinate use of a landfill owned by one municipality by nearby municipalities, and to establish equitable rates for such use, taking into account the need to provide future landfill capacity to replace that so used.

The Administrator is authorized to conduct demonstrations in the areas of study provided in this subsection. The Administrator shall periodically report on the results of such studies, with the first such report submitted not later than October 1, 1986.".

BRADLEY (AND OTHERS) AMENDMENT NO. 3406

Mr. BRADLEY (for himself, Mr. LAUTENBERG, Mr. BAUCUS, and Mr. ABDNOR) proposed an amendment to the bill S. 757, supra; as follows:

At the end thereof add the following new section:

"STATE-FEDERAL RELATIONS UNDER THE SUPERFUND ACT

"SEC. . (a)(1) Section 104(d)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by adding the following new sentence: "For the purposes of the last sen-

tence of subsection (c)(3) of this section, the President may enter into a contract or cooperative agreement with a State under this paragraph under which such state will take response actions in connection with releases listed pursuant to section 105(8)(B), using non-Federal funds for such response actions, in advance of and without any obligation by the President of amounts from the Fund for such response actions.".

"(2) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by adding the following sentence: "The President shall grant the State a credit against the share of costs for which it is responsible under this paragraph for any reasonable, documented, direct out-of-pocket non-Federal funds expended or obligated by the State under a contract agreement under the last sentence of subsection (d)(1).".

(b) Section 112(d) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended to read as follows:

"(d) No claim may be presented, nor may an action be commenced, under this title—

"(1) for the costs of response, unless that claim is presented or action commenced within three years after the date of completion of the response action;

"(2) for damages under subparagraph (C) of section 107(a), unless that claim is presented or action commenced within three years after the date on which final regulations are promulgated under section 301(c); or

"(3) for any other damages, unless that claim is presented or action commenced within three years after the date of the discovery of the loss or within three years after the date of enactment of this Act, whichever is later: *Provided, however,* That the time limitations contained in this paragraph shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.".

LAUTENBERG (AND BRADLEY) AMENDMENT NO. 3407

Mr. LAUTENBERG (for himself and Mr. BRADLEY) proposed an amendment to the bill S. 757, supra; as follows:

On page 93, after line 20, add the following new section: CLARIFICATION OF CRIMINAL LIABILITY

SEC. 30. Section 3008(d)(2)(A) of the Solid Waste Disposal Act is amended by striking out "having obtained."

DURENBERGER (AND OTHERS) AMENDMENT NO. 3408

Mr. DURENBURGER (for himself, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. COHEN, Mr. BRADLEY, Mr. SPECTER, and Mr. HEINZ) proposed an amendment to the bill S. 757, supra; as follows:

At the end thereof add the following new section: (a) the Safe Drinking Water Act (title XIV of the Public Health Service Act) is amended by adding a new Part F as follows:

"PART F—REGULATION OF UNDERGROUND STORAGE TANKS CONTAINING SUBSTANCES OTHER THAN HAZARDOUS WASTE

"DEFINITIONS

"SEC. 1451. For the purposes of this part, the term—

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) 'regulated substance' means (A) any substance defined in section 101(14) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including substances regulated as hazardous wastes under the Solid Waste Disposal Act), and (B) petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute);

"(3) 'owner' means (A) in the case of an underground storage tank in use on the date of enactment of this part or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances, and (B) in the case of any underground storage tank previously in use but no longer in use on the date of enactment of this part, any person who owned such tank immediately prior to discontinuation of use;

"(4) 'operator' means any person in control of or having responsibility for the daily operation of the underground storage tank for the storage, use, or dispensing of regulated substances;

"(5) 'person' means an individual, firm, corporation, association, partnership, trust, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

"(6) 'release' means any actual spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank into ground water, surface water or subsurface soils;

"(7) 'underground storage tank' means any tank, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances and which is substantially or totally beneath the surface of the ground. This term does not include (i) aboveground storage tanks which are in compliance with national consensus codes and for which ninety (90%) or more of the tank volume is above the ground surface, (ii) farm or residential underground storage tanks of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes; (iii) underground storage tanks used for storing heating oil for consumptive use on the premises where stored, (iv) septic tanks, (v) pipeline facilities regulated under the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671, et seq.) or the Hazardous Liquid Pipeline Act of 1978, as amended (40 U.S.C. 2001, et seq.), (vi) surface impoundments, pits, ponds or lagoons, (vii) storm water and waste water collection systems, or (viii) flow-through process tanks;

"(8) 'nonoperational underground storage tank' means any tank which has been used for the storage, use, or dispensing of regulated substances which will not have regulated substances deposited or dispensed from the storage tank after the date of enactment of this part;

"(9) 'national consensus code' means any safety or fire standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization, including National Fire Protection Association Standard Number 30, "Flammable and Combustible Liquids Code," and Western Fire Chiefs Association Uniform Fire Code Article Number 79, "Flammable and Combustible Liquids".

"NOTIFICATION AND CERTIFICATION

"SEC. 1452. (a)(1) UNDERGROUND STORAGE TANKS.—Within eighteen months of the date of enactment of this part, any owner of an underground storage tank shall notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of such tank, specifying the age, size, type, location, and uses of such tank.

"(2) NONOPERATION UNDERGROUND STORAGE TANKS.—For any underground storage tank taken out of operation after January 1, 1974, the owner of such tank shall, within eighteen months of the date of enactment of this part, notify the State or local agency, or department designated pursuant to subsection (b)(1) of the existence of such tanks (unless the owner knows the tank subsequently was removed from the ground). Notice under this subsection shall specify to the extent known the date the tank was taken out of operation, the age on the date taken out of operation, the size, type and location of the tank, and the type and quantity of substances left stored in such tank on the date taken out of operation. This subsection shall not apply to tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

"(3) Any owner which brings into use an underground storage tank after the initial notification under subsection (a)(1), shall notify the designated State or local agency or department within thirty days of the existence of such tank, specifying the age, size, type, location and uses of such tank.

"(4) Beginning thirty days after the Administrator prescribes the form of notice pursuant to subsection (b)(2) and for eighteen months thereafter, any person who deposits regulated substances in an underground storage tank shall reasonably notify the owner or operator of such tank of the owner's notification requirements pursuant to this subsection.

"(5) Beginning thirty days after the Administrator issues new tank performance standards pursuant to subsection 1453(d) of this part, any person who sells a tank intended to be used for the storage, use, or dispensing of regulated substances shall notify the purchaser of such tank of the owner's notification requirements pursuant to this subsection.

"(b)(1) Within one hundred and eighty days of enactment of this part, the Governors of each State shall designate the appropriate State agency or department or local agencies or departments to receive the notifications under subsection (a) (1), (2), or (3).

"(2) Within twelve months of enactment of this part, the Administrator in consultation with State and local officials designated pursuant to subsection (b)(1), and after notice and opportunity for public comment, shall prescribe the form of the notice and the information to be included in the notifications under subsection (a) (1), (2), or (3). In issuing the form of such notice, the Administrator shall take into account the effect on small businesses and other owners and operators.

"RELEASE DETECTION, PREVENTION, AND CORRECTION REGULATIONS

"SEC. 1453. (a) The Administrator, after notice and opportunity for public comment, shall promulgate release detection, prevention and correction regulations applicable to all owners and operators of underground storage tanks used for storing regulated substances, as may be necessary to protect human health and the environment.

"(b) In issuing regulations under this section, the Administrator may distinguish between types, classes, and ages of underground storage tanks. In making such distinctions, the Administrator may take into consideration the following factors, including, but not limited to: location of the tanks, soil and climate conditions, uses of the tanks, history of maintenance, age of the tanks, current industry recommended practices, national consensus codes, hydrogeology, water table, size of the tanks, quantity of regulated substances periodically deposited in or dispensed from the tank, the technical and managerial capability of the owners and operators, and the compatibility of the regulated substance and the materials of which the underground storage tank is fabricated.

"(c) The regulations promulgated pursuant to this section shall include, but need not be limited to, the following requirements respecting all underground storage tanks—

"(1) maintaining a leak detection system or maintaining a comparable system or methods of inventory control system and performing tank testing designed to identify releases;

"(2) maintaining records of any monitoring or leak detection system or inventory control system or tank testing or comparable system;

"(3) reporting of any releases and corrective action taken in response to a release from an underground storage tank;

"(4) taking corrective action in response to a release from an underground storage tank;

"(5) taking underground storage tanks out of operation.

"(d) The Administrator shall promulgate regulations for maintaining evidence of financial responsibility as he deems recessing and desirable for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank.

"(e) The Administrator shall issue performance standards for underground storage tanks brought into use on or after the effective date of such standards. The performance standards for new underground storage tanks shall include, but need not be limited to, design, construction, installation, notification, compatibility and release detection standards.

"(f) Regulations issued pursuant to subsection (c) of this section and standards issued pursuant to subsection (d) of this section for underground storage tanks containing regulated substances defined in section 1451(2)(B) (petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure) shall be effective not later than thirty months after the date of enactment of this part.

"(g) Until the effective date of the standards promulgated by the Administrator under subsection (d) of this section, and after ninety (90) days of enactment of this part, no person shall install an underground storage tank for the purpose of storing regulated substances unless such tank is installed and brought into use in accordance with an enforced national consensus code(s). Not later than six months after the date of enactment of this part, the Administrator shall report to the Senate and the House of Representatives of the United States his views on the national consensus code(s).

"APPROVAL OF STATE PROGRAMS

"SEC. 1454. (a) Any State may thirty months after the date of enactment submit an underground storage tank release detection, prevention, and correction program for review and approval by the Administrator. The State must demonstrate that the State program includes the following elements and provides for adequate enforcement of compliance with such requirements:

"(1) maintaining a leak detection system or inventory control system and performing tank testing designed to identify releases;

"(2) maintaining records of any monitoring or leak detection system or inventory control system or tank testing system;

"(3) reporting of any releases and corrective action taken in response to a release from an underground storage tank;

"(4) standards of performance for new underground storage tanks;

"(5) taking corrective action in response to a release from an underground storage tank;

"(6) taking underground storage tanks out of operation; and

"(7) maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank.

"(b) A State's new tank standards submitted for approval under subsection (a)(4) shall be no less stringent than the performance standards promulgated by the Administrator pursuant to subsection 1453(c).

"(c) Corrective action and compensation programs financed by fees on tank owners and operators and administered by State or local agencies or departments may be submitted for approval under subsection (a)(7) as evidence of financial responsibility.

"(d)(1) Within one hundred and eighty days of the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, make a determination whether the State's program includes the requirements identified in subsection (a) and provides for adequate enforcement of compliance with such requirements.

"(2) If the Administrator determines that a State program includes the requirements identified in subsection (a) and provides for adequate enforcement of compliance with such requirements, he shall approve the State program in lieu of the Federal program and the State shall have primary enforcement responsibility with respect to requirements related to control of underground storage tanks used to store regulated substances.

"(3) Any State may submit and the Administrator shall approve an underground storage tank release, detection, prevention, and correction program for underground storage tanks containing regulated substances defined in section 1451 (2) (B) (petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure) but does not include tanks containing other regulated substances, if the Administrator, after notice and opportunity for public comment, makes a determination that the State's program includes the requirements identified in subsection (a) and provides for adequate enforcement of compliance with such requirements. If a State program shall be approved under this subsection, the State program shall be in lieu of a Federal program for underground storage tanks containing regulated substances defined in section 1451 (2) (b) and the State shall have primary enforcement responsibility with regard to such tanks.

"(e) Whenever the Administrator determines after public hearing that a State is not administering and enforcing a program authorized under this part in accordance with the requirements of this section, he shall so notify the State, and, if appropriate action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw authorization of such program and reestablish enforcement of Federal regulations pursuant to this part.

"INSPECTIONS, MONITORING, AND TESTING

"SEC. 1455. (a) For the purposes of developing or assisting in the development of any regulation, conducting any study, or enforcing the provisions of this part, any owner or operator of an underground storage tank or any tank subject to study under section 1459 that is used for storing regulated substances shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee, or representative of a State with an approved program, furnish information relating to such tanks, their associated equipment, their contents, conduct monitoring or testing, and permit such officer at all reasonable times to have access to, and to copy all records relating to such tanks. For the purposes of developing or assisting in the development of any regulation, conducting any study, or enforcing the provisions of this part, such officers, employees, or representatives are authorized—

"(1) to enter at reasonable times any establishment or other place where an underground storage tank is located;

"(2) to inspect and obtain samples from any person of any such regulated substances and conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water or ground water. Each such inspection shall be commenced and completed with reasonable promptness.

"(b)(1) Any records, reports, or information obtained from any persons under this section shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or a particular part thereof, to which the Administrator (or the State, as the case may be) or any officer, employee, or representative thereof has access under this section if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and will-

fully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(3) In submitting data under this Act, a person required to provide such data may—

"(A) designate the data which such person believes is entitled to protection under this subsection, and

"(B) submit such designated data separately from other data submitted under this Act.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

"(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained, by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee (including records, reports, or information obtained by representatives of the Environmental Protection Agency).

"FEDERAL ENFORCEMENT

"SEC. 1456. (a)(1) Except as provided in paragraph (2), whenever on the basis of any information, the Administrator determines that any person is in violation of any requirement of this part, the Administrator may issue an order requiring compliance with a reasonable specified time period or the Administrator may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this part where such violation occurs in a State with a program approved under section 1454, the Administrator shall give notice to the State in which such violation has occurred prior to issuing an order or commencing a civil action under this section.

"(3) If such violation fails to comply with the order within the time specified in the order, he shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance

"(b) Any order shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) Any order issued under this section shall state with reasonable specificity the nature of the violation, specify a reasonable time for compliance, and assess a penalty, if any, which the Administrator determines is reasonable taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

"(d) Any owner who knowingly fails to notify or submits false information pursuant to section 1452(a) to a State or local agency or department designated pursuant to section 1452(b)(1) shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or false information is submitted.

"(e) Any owner or operator of an underground storage tank used for storing a regulated substance who fails to comply with the release detection, prevention, and correction regulations as promulgated by the Administrator or a State program approved pursuant to section 1454, shall be subject to a civil penalty not to exceed $10,000 for each tank for each day of violation.

"(f) Any owner or operator of an underground storage tank used for storing regulated substances who fails to comply with the provisions of section 1453(g) shall be subject to a civil penalty not to exceed $10,000 for each tank and for each day of violation.

"FEDERAL FACILITIES

"SEC. 1457. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government having jurisdiction over any underground storage tank as defined in section 1451(7) and used for the purpose of storing regulated substances as defined in subsection 1451(2), shall be subject to and comply with all Federal, State, interstate, and local requirements, both substantive and procedural in the same manner, and to the same extent, as any person is subject to such requirements, including payment of reasonable service charges. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal court with respect to the enforcement of any such injunctive relief. The President may exempt from any process or sanction of any State or Federal court with respect to the enforcement of any such injunctive relief. The President may exempt any underground storage tanks of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriations. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"STATE AUTHORITY

"SEC. 1458. Nothing in this part shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement or standard of performance respecting underground storage tanks that is more stringent than a regulation, requirement, or standard of performance in effect under this part.

"STUDY OF UNDERGROUND STORAGE TANKS

"SEC. 1459. (a) Not later than twelve months after the date of enactment of this part, the Administrator shall complete a study of underground storage tanks used for the storage of regulated substances defined in section 1451(2)(B). Not later than thirty-six months after the date of enactment, the Administrator shall complete a study of all other underground storage tanks. Such study shall include an assessment of the ages, types (including methods of manufacture, coatings, protection systems, the compatibility of the construction materials and the installation methods) and locations including the climate of the locations) of such tanks; soil conditions, water tables, and the hydrogeology of tank locations; the relationship between the foregoing factors and the likelihood of releases from underground storage tanks; the effectiveness and costs of inventory systems, tank testing, and leak detection systems; and such other factors as the Administrator deems appropriate.

"(b) Not later than thirty-six months after the date of enactment of this part, the Administrator shall conduct a study regarding the underground storage tanks exempted in subsection 1451(7) (ii) and (iii). Such study shall include estimates of the number and location of such tanks and an analysis of the extent to which there may be releases or threatened releases from such tanks into the environment.

"(c) Upon completion of the studies authorized by this section, the Administrator shall submit 2 reports to the President and to the Congress containing the results of the studies and recommendations respecting whether or not such tanks should be subject to the preceding provisions of this part.

"(d)(1) If any owner or operator (excepting an agency, department, or instrumentality of the United States Government, a State or a political subdivision thereof) shall incur costs, including the loss of business opportunity, due to the closure or interruption of operation of an underground storage tank solely for the purpose of conducting studies authorized by this section, the Administrator shall provide such person fair and equitable reimbursement for such costs.

"(2) All claims for reimbursement shall be filed with the Administrator not later than ninety (90) days after the closure or interruption which gives rise to the claim.

"(3) Reimbursements made under this section shall be from funds appropriated by the Congress pursuant to the authorization continued in subsection 1460(a) of this part.

"(4) For purposes of judicial review, a determination by the Administrator under this subsection shall be considered final agency action.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1460. (a) There are authorized to be appropriated to the Administrator for the purpose of carrying out the provisions of this part, $10,000,000 for each of the fiscal years ending September 30, 1985, 1986, 1987, and 1988.

"(b) There is authorized to be appropriated $25,000,000 for each of the fiscal years ending September 30, 1985, 1986, 1987, and 1988 to be used to make grants to the States for purposes of assisting the States in the implementation of approved State underground storage tank release detection, prevention, and correction programs.".

(b) Section 1448(a)(1) of the Safe Drinking Water Act is amended by inserting after the words "any regulation for State underground injection control programs under section 1421," the following: "any regulation for underground storage tanks under section 1453".

CHAFEE (AND OTHERS) AMENDMENT NO. 3409

Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. RANDOLPH, and Mr. MITCHELL) proposed an amendment to the bill S. 757, supra, as follows:

SECTION 5 LAND DISPOSAL LIMITATIONS

1. On page 39, line 11, strike "July 1, 1985" and insert in lieu thereof "twenty-four months after the enactment of the Solid Waste Disposal Act Amendments of 1984".

2. On page 41, line 11, strike "twelve" and insert in lieu thereof "twenty-four".

3. On page 41, line 18, strike "thirty-two" and insert in lieu thereof "forty-eight".

4. On page 41, line 20, strike "forty-two" and insert in lieu thereof "sixty".

5. On page 41, line 21, strike "fifty-two" and insert in lieu thereof "seventy-two".

6. On page 41, line 22, immediately following "enactment." add the following new sentence: "The Administrator shall base the schedule on a ranking of such listed wastes considering their intrinsic hazard and their volume such that decisions whether or not to prohibit the land disposal of high volume hazardous wastes with high intrinsic hazard shall, to the maximum extent possible, be made by the date 42 months after the enactment of the Solid Waste Disposal Act Amendments of 1984 and decisions regarding low volume hazardous wastes with lower intrinsic hazard shall be made by the date 72 months after the date of such enactment.".

7. On page 43, line 23, strike "one year" and insert in lieu thereof "fifteen months".

SECTION 8 LISTING/DELISTING MODIFICATIONS

8. On page 51, lines 12 and 13, strike "twelve months after the date such petition is granted or six" and insert in lieu thereof "twenty-four".

9. On page 51, line 15, strike ", whichever is later".

10. On page 53, line 22, strike "two years" and insert in lieu thereof "twenty-eight months".

SECTION 9 BURNING AND BLENDING OF HAZARDOUS WASTES

11. On page 54, line 16, strike "twelve" and insert in lieu thereof "fifteen".

12. On page 60, line 12, strike "twelve" and insert in lieu thereof "fifteen".

SECTION 24 AIR EMISSIONS FROM LAND DISPOSAL FACILITIES

13. On page 85, line 22, strike "thirty" and insert in lieu thereof "thirty-six".

SECTION 28 REPORT TO CONGRESS

14. On page 90, line 24 and 25, strike "March 15, 1984" and insert in lieu thereof "June 15, 1984".

Amend S. 757 by adding the following new section:

SEC. . Section 3005(a) of the Solid Waste Disposal Act is amended by—

(1) Striking "a" immediately after "owning or operating" in the first sentence and inserting in lieu thereof "an existing facility or planning to construct a new";

(2) Inserting in the second sentence "and the construction of any new facility for the treatment, storage, or disposal of any such hazardous waste" immediately after "any such hazardous waste"; and

(3) Striking the period after "permit" and inserting in lieu thereof the following: "; *Provided,* however, that no permit shall be required under this section in order to construct a facility if such facility is constructed pursuant to an approval issued by the Administrator under section 6(e) of the Toxic Substances Control Act for the incineration of polychlorinated biphenyls and any person owning or operating such a facility may, at any time after operation or construction of such facility has begun, file an application for a permit pursuant to this section authorizing such facility to incinerate hazardous waste identified or listed under this subtitle.".

Amend S. 757 by adding the following new section:

"INTERIM STATUS CORRECTIVE ACTION ORDERS

"SEC. . (a) Section 3008 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"'(h) INTERIM STATUS CORRECTIVE ACTION ORDERS.—(1) Whenever on the basis of any information the Administrator determines that there is or has been a release of hazardous waste into the environment from a facility qualifying for authorization to operate under Section 3005(e) of this subtitle, the Administrator may issue an order requiring corrective action of such other response measure as he deems necessary to protect human health or the environment or the Administrator may commence a civil action in the United States district court in the district in which the facility is located for appropriate relief, including a temporary or permanent injunction.

"'(2) Any order issued under this subsection may include a suspension or revocation of authorization to operate under section 3005(e) of this subtitle, shall state with reasonable specificity the nature of the required corrective action or other response measure, and shall specify a time for compliance. If the person or persons named in an order fails to comply with the order, the Administrator may assess and such person or persons shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each day of noncompliance with the order.'

"(b) Subsection (b) of section 3008 of the Solid Waste Disposal Act is amended by inserting 'issued under this section' immediately after "Any order'.".

Amended S. 757 by adding the following new section:

"FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION

"SEC. . Section 3004(a) of the Solid Waste Disposal Act (as redesignated by this Act) is amended by inserting '(including financial responsibility for corrective action)' immediately after 'and financial responsibility' in paragraph (6).".

Amend S. 757 by adding at the end thereof the following new section:

DIRECT ACTION AMENDMENTS

SEC. . (a) Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(m) FINANCIAL RESPONSIBILITY PROVISIONS.—(1) Financial responsibility required by subsection (a) of this section may be established in accordance with regulations promulgated by the Administrator by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the Administrator is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this Act.

"(2) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jursidiction in any State court of the Federal Courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this section may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(3) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this Act: *Provided,* That nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim; *Provided further,* That nothing in this subsection shall be construed to diminish the liability of any person under sections 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law.

"(4) For the purpose of this subsection, the term 'guarantor' means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator, who provides evidence of financial responsibility for an owner or operator under this section.".

(b)(1) Section 108 (c) and (d) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended to read as follows:

"(c) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in the Federal Courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim authorized by section 107 or 111 may be asserted directly against the guarantor providing evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(d) The total liability under this Act of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this Act: *Provided,* That nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim; *Provided further,* That nothing in this subsection shall be construed, interpreted or applied to diminish the liability of any person under sections 107 or 111 of this Act or other applicable law.".

(2) Section 108(b)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by adding the following: "Financial responsibil-

ity may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, letter or credit, or qualification as a self-insurer. In promulgating requirements under this section, the President is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this Act.".

On page 73, after line 16, insert the following:

"(d) Section 4008(a)(2) of the Solid Waste Disposal Act is amended by adding the following new subparagraph:

"'(D) There are authorized (i) to be made available $15,000,000 out of funds appropriated for fiscal year 1985 and (ii) to be appropriated $20,000,000 for each of fiscal years 1986, 1987, 1988, and 1989, for grants to States and, where appropriate, to regional, local, and interstate agencies to implement programs requiring compliance by solid waste management facilities with the criteria promulgated under section 4004(a) and section 1008(a)(3) and with the provisions of section 4005. To the extent practicable, such programs shall require such compliance no later than thirty-six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984.'."

On page 72, strike lines 1 through 14 and insert in lieu thereof the following:

"(2) Not later than March 31, 1988, the Administrator shall promulgate revisions of the criteria promulgated under paragraph (1) and section 1008(a)(3) for facilities that may receive hazardous household wastes or hazardous wastes from small quantity generators under section 3002(b). The criteria shall be those necessary to protect human health and the environment and may take into account the practicable capacity of such facilities. At a minimum such revisions for facilities potentially receiving such wastes should require groundwater monitoring as necessary to detect contamination, establish criteria for the acceptable location of new or existing facilities, and provide for corrective action as appropriate.".

On page 72, beginning line 20, strike all through page 73, line 16, and insert in lieu thereof the following:

"'(c) CONTROL OF HAZARDOUS DISPOSAL.—(1)(A) Not later than thirty-six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, each State shall adopt and implement a permit program or other system of prior approval and conditions to assure that each solid waste management facility within such State which may receive hazardous household waste or hazardous waste due to the provision of section 3002(b) for small quantity generators (otherwise not subject to the requirement for a permit under section 3005) will comply with the applicable criteria promulgated under section 4004(a) and section 1008(a)(3).

"'(B) Not later than eighteen months after the promulgation of revised criteria under subsection 4004(a)(2), each State shall adopt and implement a permit program or other system or prior approval and conditions, to assure that each solid waste management facility within such State which may receive hazardous household waste or hazardous waste due to the provision of section 3002(b) for small quantity generators (otherwise not subject to the requirement for a permit under section 3005) will comply with the criteria revised under section 4004(a)(2).

"'(C) The Administrator shall determine whether each State has developed an adequate program under this paragraph. The Administrator may make such a determination in conjunction with approval, disapproval or partial approval of a State plan under section 4007.

"'(2) In any State that the Administrator determines has not adopted an adequate program for such facilities under paragraph (1)(B) by the date provided in such paragraph, the Administrator may use the authorities available under section 3007 and 3008 of this title to enforce the prohibition in subsection (a) of this section with respect to such facilities. In no event shall the Administrator or any other person be authorized to bring a civil action under paragraph (a) of this section against any person subject to a compliance schedule issued by the State under a program that the Administrator has determined to be adequate under this paragraph. For purposes of this paragraph, the term 'requirement of this subtitle' in section 3008 shall be deemed to include criteria promulgated by the Administrator under sections 1008(a)(3) and 4004(a) of this title, and the term "hazardous wastes" in section 3007 shall be deemed to include solid waste at facilities that may handle hazardous household wastes or hazardous wastes from small quantity generators.'."

On page 82, line 25, strike out "and".

On page 83, line 4, strike out the period and insert in lieu thereof "; and".

On page 83, after line 4, insert the following:

"(5) inserting after the first sentence thereof the following: "A transporter shall not be deemed to have contributed or to be contributing to such handling, storage, treatment, or disposal taking place after such solid waste or hazardous waste has left the possession or control of such transporter, if the transportation of such waste was under a sole contractural arrangement arising from a published tariff and acceptance for carriage by common carrier by rail and such transporter has exercised due care in the past or present handling, storage, treatment, transportation and disposal of such waste.".

On page 80, line 10, insert immediately after "(g)." the following:

"A transporter shall not be deemed to have contributed or to be contributing to such handling, storage, treatment, or disposal, taking place after such solid waste or hazardous waste has left the possession or control of such transporter, if the transportation of such waste was under a sole contractural arrangement arising from a published tariff and acceptance for carriage by common carrier by rail and such transporter has exercised due care in the past or present handling, storage, treatment, transportation and disposal of such waste.".

On page 30, line 18, after "manifest' insert "promulgated under this Act".

On page 31, beginning line 1, strike all through page 32, line 9.

On page 32, line 10, strike "(3)" and insert in lieu thereof "(2)".

On page 32, line 11, strike "(7)" each place it occurs and insert in lieu thereof "(6)".

On page 32, line 20, strike "(4)" and insert in lieu thereof "(3)" and strike "paragraphs (2) and (3)" and insert in lieu therof "paragraph (2)".

On page 32, line 24, strike "(5)" and insert in lieu thereof "(4)".

On page 33, line 9, strike "(6)" and insert in lieu thereof "(5)".

On page 33, line 18, strike "(7)" and insert in lieu thereof "(6)".

On page 34, line 10, strike all after "practices." through line 14.

On page 35, line 15, strike "(5)" and insert in lieu thereof "(4)".

On page 35, line 25, strike "(3)" and insert in lieu thereof "(2)".

On page 44, beginning on line 2, strike "(including the minimization of free liquids by other means than the addition of absorbent material, where technologically feasible),".

On page 44, line 6, insert immediately after "landfills." the following new sentence: "Such regulations shall also prohibit the disposal in landfills of liquids that have been absorbed in materials that biodegrade or that release liquids when compressed as might occur during routine landfill operation.".

On page 44, line 8, strike "of" immediately after "disposal" and insert in lieu thereof "in".

On page 60, lines 4 and 6, strike "used oil" each place it appears and insert in lieu thereof "oily materials".

On page 60, line 4, insert a comma immediately after "refining".

On page 53, strike lines 15 through 22 and insert in lieu thereof the following:

"'(D) not later than twenty-eight months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, make.".

On page 43, line 19, strike "(1)" immediately after "3004(f)".

On page 38, line 7, insert "(other than paragraph (7)" immediately after "subsection".

On page 42, line 19, insert "levels or" immediately after "those".

On page 42, lines 19 to 22, strike "are necessary before such method or methods of disposal of such hazardous waste would be protective of human health and the environment" and insert in lieu thereof "substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized".

On page 42, lines 22 to 25, and on page 43, lines 1 and 2, strike all after "environment." and insert in lieu thereof the following:

"If such hazardous waste has been treated to the level or by a method specified in regulations promulgated under this paragraph, such waste or residue thereof shall not be subject to any prohibition promulgated under paragraph (1) of this subsection and may be disposed of in a land disposal facility which meets the requirements of this subtitle. Any regulation promulgated under this paragraph for a particular hazardous waste shall become effective on the same date as any applicable prohibition promulgated under paragraph (1) of this subsection.".

On page 86, line 18, strike the quotation marks and final period, and after line 18 insert the following:

"This subsection shall not be construed to affect other exemptions or waivers from such standards provided in regulations in effect on the date of enactment of the Solid Waste Disposal Act Amendments of 1984 or as may be provided in revisions to those regulations, to the extent consistent with this subsection. The Administrator is authorized on a case-by-case basis to exempt from ground water monitoring requirements under this section (including subsection (f))

any engineered structure which the Administrator finds does not receive or contain liquid waste (nor waste containing free liquids), is designed and operated to exclude liquid from precipitation or other runoff, utilizes multiple leak detection systems within the outer layer of containment, and provides for continuing operation and maintenance of these leak detection systems during the operating period, closure, and the period required for post-closure monitoring and for which the Administrator concludes on the basis of such findings that there is a reasonable certainty hazardous constituents will not migrate beyond the outer layer of containment prior to the end of the period required for post-closure monitoring.".

On page 44, line 23, after "water." insert the following: "This subsection shall not apply to the injection of contaminated ground water into the aquifer from which it was withdrawn, if such injection is a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or part of corrective action required under this title intended to clean up such contamination and such contaminated ground water is treated to substantially reduce hazardous constituents prior to such injection.".

On page 48, beginning on line 18, through line 2 on page 49, strike the sentence following "the environment.".

At the end of S. 757, add the following new section:

"SEC. . Section 3004 of the Solid Waste Disposal Act is amended by adding at the end thereof the following new subsection:

"'( ) If solid waste from the extraction, beneficiation or processing of ores and minerals, includng phosphate rock and overburden from the mining of uranium ore, is subject to regulation under this subtitle, the Administrator is authorized to modify the requirements of subsections (b), (f)(1) (other than the requirement for ground water monitoring), and (g), in the case of landfills or surface inpoundments receiving such solid waste, to take into account the special characteristics of such wastes, the practical difficulties associated with implementation of such requirements, and site-specific characteristics, including but not limited to the climate, geology, hydrology and soil chemistry at the site, so long as such modified requirements assure protection of human health and the environment.'."

Amend S. 757 by adding the following new section:

"URANIUM MILL TAILINGS

"SEC. . Nothing in the Solid Waste Disposal Act Amendments of 1984 shall be construed to affect, modify, or amend the Uranium Mill Tailings Radiation Control Act of 1978, as amended.".

On page 49, after line 19, insert the following:

(c)(1) Section 3005(e) of the Solid Waste Disposal Act is amended by inserting "(1)" after "Interim Status.—", by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and by adding the following new paragraph:

"(2)(A) Except as provided in subparagraph (C), each surface impoundment in existence on the date of enactment of the Solid Waste Disposal Act Amendments of 1984 and qualifying for the authorization to operate under paragraph (1) of this subsection, which—

"(i) does not have at least one liner, for which there is no evidence that such liner is leaking, or

"(ii) is located in an area of vulnerable hydrogeology as defined in subparagraph (G) or as determined by criteria or guidance for the acceptable location of facilities issued in accordance with section 3004(f),

shall not receive, store, or treat hazardous waste after the date four years after such date of enactment unless such surface impoundment is in compliance with the requirements of section 3004(f) which would apply to such impoundment if it were new. For the purposes of clause (i) of this subparagraph, the term "liner" means a liner meeting the requirements of regulations for new surface impoundments in effect as of such date of enactment, and that the surface impoundment is in compliance with generally applicable ground water monitoring requirements for facilities with permits under subsection (c) of this section.

"(B) The Administrator (or the State, in the case of a State with an authorized program), after notice and opportunity for comment, may modify the requirements of subparagraph (A) for any surface impoundment if, not later than 24 months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984, the owner or operator demonstrates that such surface impoundment is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into ground water or surface water at any time during the period hazardous waste remains in such surface impoundment. Within 12 months after the receipt of evidence submitted under this subparagraph and not later than 36 months after such date of enactment, the Administrator (or, if appropriate, the State) shall advise such owner or operator as to whether and, if so, how the requirements of subparagraph (A) shall be modified and applied to such surface impoundment.

"(C) Subparagraph (A) of this paragraph shall not apply to any surface impoundment which (i) contains treated waste water during the secondary or tertiary phase of an aggressive biological treatment facility subject to a permit issued under section 402 of the Clean Water Act (or which holds such treated waste water after treatment and prior to discharge), (ii) is in compliance with generally applicable ground water monitoring requirements for facilities with permits under subsection (c) of this section, and (iii) is part of a facility in compliance with section 301(b)(2) of the Clean Water Act, or, in the case of a facility for which no effluent guidelines required under section 304(b)(2) of the Clean Water Act are in effect and no permit under section 402(a)(1) of such Act implementing section 301(b)(2) of such Act has been issued, is part of a facility in compliance with a permit under section 402 of the Clean Water Act which is achieving significant degradation of toxic pollutants and hazardous constituents contained in the untreated waste stream and which has identified those toxic pollutants and hazardous constituents in the untreated waste stream to the appropriate permitting authority. The Administrator shall study and report to the Congress on the number, range of size, construction, likelihood of hazardous constituents migrating into ground water, and potential threat to human health and the environment of existing surface impoundments excluded by this subparagraph from the requirements of subparagraph (A). Such report shall address the need, feasibility, and estimated costs of subjecting such existing surface impoundments to the requirements of subparagraph (A). In the case of any existing surface impoundment or class of surface impoundments from which the Administrator (or the State, in the case of a State with an authorized program) determines hazardous constituents are likely to migrate into ground water, the Administrator (or, if appropriate the State) is authorized to impose such requirements as may be necessary to protect human health and the environment, including the requirements of section 3004(f) which would apply to such impoundments if they were new.

"(D) The owner or operator of any surface impoundment potentially subject to subparagraph (A) of this paragraph who has reason to believe that on the basis of subparagraph (A) (i) or (ii) or subparagraph (C) such surface impoundment is not required to comply with the requirements of subparagraph (A) shall apply to the Administrator (or the State, in the case of a State with an authorized program) not later than 24 months after the date of enactment of the Solid Waste Disposal Act Amendments of 1984 for a determination of the applicability of subparagraph (A) to such surface impoundment. Such owner or operator shall provide evidence pertinent to such decision, including evidence as to compliance with ground water monitoring requirements and all reasonably ascertainable evidence on whether such surface impoundment is leaking. As part of such evidence an owner or operator relying on subparagraph (A) (i) or (ii) shall provide a certification by a registered professional engineer with academic training and experience in ground water hydrology that (i) such surface impoundment is not located in an area of vulnerable hydrogeology, (ii) the liner of such surface impoundment is designed, constructed and operated in accordance with the requirements of regulations, and (iii) based on a review of ground water monitoring information and other available information, there is no evidence such liner is leaking. As part of such evidence an owner or operator relying on subparagraph (C) shall provide a certification by a registered professional engineer with academic training and experience in ground water hydrology that such surface impoundment satisfies the conditions set forth in clauses (i), (ii), and (iii) of subparagraph (C), based on analysis of those toxic pollutants and hazardous constituents that are likely to be present in the untreated waste stream, and that hazardous constituents are not likely to migrate from the impoundment into ground water. Within twelve months after the receipt of such evidence and not later than 36 months after such date of enactment, and after notice and opportunity for comment, the Administrator (or, if appropriate, the State) shall advise such owner or operator on the applicability of subparagraph (A) to such surface impoundment.

"(E) In any case in which a surface impoundment is initially determined to be excluded from the requirements of subparagraph (A) but due to a change in condition subsequently becomes subject to subparagraph (A), the period for compliance in subparagraph (A) shall be two years after the date of discovery of such change of condition. In any case in which a surface impoundment becomes subject to subparagraph (A) after the date of enactment of the Solid Waste Disposal Act Amendments of 1984 due to the promulgation of additional listings or characteristics for the identifi-

cation of hazardous wastes under section 3001, the period for compliance in subparagraph (A) shall be four years after the date of such promulgation, the period for demonstrations under subparagraph (B) and for submission of evidence under subparagraph (D) shall be not later than 24 months after the date of such promulgation, and the period for the Administrator (or, if appropriate, the State) to advise such owners or operators under subparagraphs (B) and (D) shall be not later than 36 months after the date of promulgation.

"(F) In the case of any surface impoundment in which the liners and leak detection system have been installed pursuant to the requirements of this paragraph and in good faith compliance with section 3004(f) and the Administrator's regulations and guidance documents governing liners and leak detection systems, no liner or leak detection system which is different from that which was so installed pursuant to this paragraph shall be required for such unit by the Administrator when issuing the first permit under this section to such facility. Nothing in this subparagraph shall preclude the Administrator from requiring installation of a new liner when the Administrator has reason to believe that any liner installed pursuant to the requirements of this paragraph is leaking.

"(G) For the purposes of subparagraph (A)(ii), a surface impoundment is located in an area of vulnerable hydrogeology if the impoundment is over or hydrologically connected to—

"(i) a sole source aquifer, or

"(ii) a formation which contains an underground source of drinking water if such formation or the unsaturated soils hydrologically connected to such formation are characterized by high hydraulic conductivity or permeability (including karst formations, medium-to-course-grained materials or fractured rock) or are geologically unstable, and there is no intervening natural barrier formation that would significantly restrict migration of waste constituents.".

On page 49, line 2, before the quotation marks insert the following:

"The Administrator shall promulgate regulations or issue guidance documents implementing the requirements of paragraph (1) within two years after such date of enactment. Until the effective date of such regulations of guidance documents, the requirement for the installation of two or more liners may be satisfied by the installation of a top liner designed, operated, and constructed of materials to prevent the migration of any constituent into such liner during the period such facility remains in operation (including any post-closure monitoring period), and a lower liner designed, operated and constructed to prevent the migration of any constituent through such liner during such period. For the purpose of the preceding sentence, a lower liner shall be deemed to satisfy such requirement if it is constructed of at least a three-foot thick layer of recompacted clay or other natural material with a permeability of no more than 1×10^{-7} centimeter per second.".

On page 43, line 7, strike "section" and insert in lieu thereof "subsection".

HUMPHREY (AND OTHERS) AMENDMENT NO. 3410

Mr. HUMPHREY (for himself, Mr. CRANSTON, Mr. RANDOLPH, and Mr. STAFFORD) proposed an amendment to the bill S. 757, supra; as follows:

At the end of the bill, add the following new section:

USE OF FUND FOR HEALTH ASSESSMENTS, REGISTRY OF EXPOSED INDIVIDUALS, AND DIAGNOSTIC SERVICES

SEC. . (a) Section 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by inserting "in accordance with subsection (m)," after "(4)"; and

(2) by striking "epidemiologic studies" and inserting in lieu thereof "epidemiologic and laboratory studies and health assessments".

(b) Section 111 of such Act is amended by adding at the end thereof the following new subsection:

"(m)(1) For fiscal year 1985, not less than $18,000,000 shall be used for the purpose of carrying out activities described in subsection (c)(4), including any such activities related to hazardous waste stored, treated, or disposed of at a facility having a permit under section 3005 of the Solid Waste Disposal Act.

"(2) The activities described in subsection (c)(4), including any such activities related to hazardous waste stored, treated or disposed of at a facility having a permit under section 3005 of the Solid Waste Disposal Act, shall be carried out by the Agency for Toxic Substances and Disease Registry established by section 104(i), either directly, or through grants to the State (or political subdivisions thereof) in the case of States (or political subdivisions) which the Administrator of such Agency determines are capable of carrying out such activities. Such activities shall include conducting health assessments, including those required under section 3005(j) of the Solid Waste Disposal Act.

"(3) In determining sites at which to conduct health assessments under this subsection, the Administrator of the Agency for Toxic Substances and Disease Registry shall give priority to those facilities or sites at which there is documented evidence of release of hazardous constituents, at which the potential risk to human health appears highest, and for which in the judgment of the Administrator of such Agency existing health assessment data is inadequate to assess the potential risk to human health as provided in paragraph (5).

"(4) Any State or political subdivision carrying out an assessment shall report the results of the assessment to the Administrator of such Agency, and shall include recommendations with respect to further activities which need to be carried out under this subsection or section 104. The Administrator of such Agency shall include the same recommendations in a report on the results of any assessment carried out directly by the Agency, and shall issue periodic reports which include the results of all the assessments carried out under this paragraph. Such assessments or other activities shall be reported after appropriate peer review.

"(5) For the purposes of this subsection and subsection (c)(4), the term 'health assessments' shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities subject to this subsection, based on such factors as the nature and extent of contamination, the existence of potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size and potential susceptibility of the community within the likely pathways of exposure, the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants, and the comparison of existing morbidity and mortality data on diseases that may be associated with the observed levels of exposure. The assessment shall include an evaluation of the risks to the potentially affected population from all sources of such contaminants, including known point or nonpoint sources other than the site or facility in question. A purpose of such preliminary assessments shall be to help determine whether full-scale health or epidemiological studies and medical evaluations of exposed populations shall be undertaken.

"(6) In any case in which a health assessment performed under this subsection (including one required by section 3005(j) of the Solid Waste Disposal Act) discloses the exposure of a population to the release of a hazardous substance, the costs of such health assessment may be recovered as a cost of response under section 107 of this Act from persons causing or contributing to such release of such hazardous substance or, in the case of multiple releases contributing to such exposure, to all such releases.".

(c) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(j) EXPOSURE INFORMATION AND HEALTH ASSESSMENTS.—(1) Beginning on the date nine months after the enactment of the Solid Waste Disposal Act Amendments of 1984, each completed application for a permit under subsection (c) for a landfill or surface impoundment shall be accompanied by information reasonably ascertainable by the owner or operator on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address:

"(A) reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

"(B) the potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subparagraph (A); and

"(C) the potential magnitude and nature of the human exposure resulting from such releases.

The owner or operator of a landfill or surface impoundment for which a completed application for a permit under subsection (c) has been submitted prior to such date shall submit the information required by this paragraph to the Administrator (or the State, in the case of a State with an authorized program) no later than the date nine months after such date of enactment.

"(2) The Administrator (or the State, in the case of a State with an authorized program) shall make the information required by paragraph (1), together with other relevant information, available to the Agency for Toxic Substances and Disease Registry established by section 104(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Whenever in the judgment of the Administrator of such Agency, the Administrator, or the State (in the case of a State with an authorized program), a landfill or a surface impoundment poses a substantial potential risk to human health, due to the existence of releases of hazardous constituents, the

magnitude of contamination with hazardous constituents which may be the result of a release, or the magnitude of the population exposed to such release or contamination, the Administrator of the Agency for Toxic Substances and Disease Registry shall conduct a health assessment in connection with such facility in accordance with section 111(m) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and take other appropriate action with respect to such risks as authorized by section 104(b) and (i) of such Act.

"(3) Any member of the public may submit evidence of releases of or exposure to hazardous constituents from such a facility, or as to the risks or health effects associated with such releases or exposure, to the Administrator of the Agency for Toxic Substances and Diseases Registry, the Administrator, or the State (in the case of a State with an authorized program).".

CRANSTON AMENDMENT NO. 3411

Mr. CRANSTON proposed an amendment to the bill S. 757, supra; as follows:

On page 40, line 3, strike the word "dissolved".

KASTEN (AND OTHERS) AMENDMENT NO. 3412

Mr. CHAFEE (for Mr. KASTEN, for himself, Mr. PELL, Mr. SARBANES, and Mr. DECONCINI) proposed an amendment to the bill S. 757, supra; as follows:

Redesignate sections 22 through 29 as sections 23 through 30, and insert after section 21 the following new section:

USE OF RECOVERED MATERIALS BY FEDERAL AGENCIES

SEC. 22. (a) Section 6002 of the Solid Waste Disposal Act is amended by adding at the end thereof the following new subsections:

"(h) DEFINITION.—As used in this section, in the case of paper products, the term 'recovered materials' includes—

"(1) post consumer materials such as—

"(A) paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and similar establishments, after they have passed through their end-usage as a consumer item, including (but not limited to) used corrugated boxes, newspapers, magazines, mixed wastepaper, tabulating cards, and used cordage; and

"(B) all paper, paperboard, and fibrous wastes which enter and are collected from municipal solid waste; and

"(2) manufacturing wastes, forest residues, and other wastes such as—

"(A) dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including—

"(i) envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations;

"(ii) bag, box, and carton manufacturing wastes; and

"(iii) butt rolls, mill wrappers, and rejected unused stock;

"(B) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

"(C) fibrous byproducts of harvesting, manufacturing, extractive, or wood-cutting processes, flax, straw, linters, bagasse, slash, and other forest residues;

"(D) wastes generated by the conversion of goods made from fibrous material (that is, waste rope from cordage manufacture, textile mill waste, and cuttings); and

"(E) fibers recovered from waste water which otherwise would enter the waste stream.

"(i) PROCUREMENT PROGRAM.—(1) Within one year after the date of publication of applicable guidelines under subsection (e), each procuring agency shall develop an affirmative procurement program which will assure that items composed of recovered materials will be purchased to the maximum extent practicable, consistent with applicable provisions of Federal procurement law.

"(2) Each affirmative procurement program required under this subsection shall, at a minimum, contain—

"(A) a recovered materials preference program;

"(B) an agency promotion program to promote the preference program adopted under subparagraph (A);

"(C) a program for requiring (i) estimates of the total percentage of recovered material utilized in the performance of a contract, (ii) certification of minimum recovered material content actually utilized, where appropriate, and (iii) reasonable verification procedures for estimates and certifications; and

"(D) annual review and monitoring of the effectiveness of an agency's affirmative procurement program.

In the case of paper, the recovered materials preference program required under subparagraph (A) shall provide for the maximum use of the post consumer recovered materials referred to in subsection (h)(1).

"(3) In developing the preference program, the following options shall be considered for adoption:

"(A) CASE-BY-CASE POLICY DEVELOPMENT.—Subject to the limitations of subparagraphs (A) through (C) of subsection (c)(1), a policy may be established for awarding contracts to the vendor offering an item composed of the highest percentage of recovered materials practicable (and in the case of paper, the highest percentage of the post consumer recovered materials referred to in subsection (h)(1)). Subject to such limitations, agencies may make an award to a vendor offering items with less than the maximum recovered materials content.

"(B) MINIMUM CONTENT STANDARDS.—Minimum recovered materials content specifications may be set in such a way as to assure that the recovered materials content (and in the case of paper, the content of post consumer materials referred to in subsection (h)(1)) required is the maximum available without jeopardizing the intended end use of the item, or violating the limitations of subparagraphs (A) through (C) of subsection (c)(1).

Procuring agencies shall adopt one of the options set forth in subparagraphs (A) and (B), or a substantially equivalent alternative, for inclusion in the affirmative procurement program.".

(b) Section 6002(c)(1) of such Act is amended by inserting after "highest percentage of recovered materials practicable" the following: "(and in the case of paper, the highest percentage of the post consumer recovered materials referred to in subsection (h)(1) practicable)".

(c) Section 6002(d)(1) of such Act is amended by striking out "five years after the date of enactment of this Act" and inserting in lieu thereof "18 months after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984".

(d) Section 6002(e) of such Act is amended—

(1) in paragraph (1), by inserting after "section" the following: ", and in the case of paper, provide for maximizing the use of post consumer recovered materials referred to in subsection (h)(1)"; and

(2) in the matter following paragraph (2), by striking out "for at least three product categories" and all that follows through "1982", and inserting in lieu thereof "for paper within 180 days after the date of the enactment of the Solid Waste Disposal Act Amendments of 1984, and for three additional product categories (including tires) by October 1, 1985".

(e) Section 6002(g) of such Act is amended—

(1) by striking out "the policy expressed in" and inserting in lieu thereof "the requirements of"; and

(2) by inserting before the period at the end thereof the following: ", and to report to the Congress every two years, beginning in 1984, on actions taken by Federal agencies and the progress made in the implementation of this section, including agency compliance with subsection (d)".

(f)(1) Section 4003(d) of such Act (as added by section 21(b) of this Act) is amended by inserting ", including those needs created by thorough implementation of section 6002(h)," after "adequate provision shall be given to the present and reasonably anticipated future needs".

(2) Section 1006(b) of such Act is amended by inserting "(1)" after "(b) Integration With Other Acts.—" and by adding the following new paragraph at the end thereof:

"(2) Notwithstanding any other provision of law, in developing solid waste plans, it is the intention of this Act that in determining the size of a waste-to-energy facility, adequate provisions shall be given to the present and reasonably anticipated future needs, including those needs created by thorough implementation of section 6002 (h), of the recycling and resource recovery interests within the area encompassed by the solid waste plan.".

SPECTER AMENDMENT NO. 3413

Mr. CHAFEE (for Mr. SPECTER) proposed an amendment to the bill S. 757, supra, as follows:

SEC. 8. LISTING/DELISTING MODIFICATIONS

On page 50, line 23, insert "information that provides" immediately before "a reasonable basis".

On page 51, line 3, immediately after "hearing." add the following new sentence: "To the maximum extent practicable, the Administrator shall publish in the Federal Register a proposal to grant or deny such a petition within twelve months after receiving a complete application to exclude a waste generated at a particular facility from being regulated as a hazardous waste and shall grant or deny such a petition within twenty-four months after receiving a complete application.".

On page 51, line 3, strike "hearing" and insert in lieu thereof "comment".

On page 51, line 6, insert, "after notice and opportunity for public comment," immediately after "shall".

LUGAR (AND BRADLEY) AMENDMENT NO. 3414

Mr. CHAFEE (for Mr. LUGAR, for himself and Mr. BRADLEY) proposed an amendment to the bill S. 757, supra; as follows:

At the end of the bill add the following new section:

FUNDING OF REMEDIAL ACTION AT FACILITY OWNED BY A STATE OR POLITICAL SUBDIVISION BUT OPERATED PRIVATELY

SEC. 30. Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—(1) by amending section 104(c)(3)(C)(ii) to read as follows:

"(ii) 50 per centum (or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision for the release) of the capital, future operation, and future maintenance costs of the response action relating to a release at a facility, primarily used for treatment, storage, or disposal, that was owned and operated by the State or a political subdivision thereof at the time of any disposal of hazardous substances in such facility. For the purpose of subparagraph (c)(ii) of this paragraph, the term "facility" does not include navigable waters or the beds underlying those waters.", and

(2) by adding at the end thereof the following: "In the case of any State which has paid, at any time after the date of the enactment of the Solid Waste Disposal Act Amendments of 1983, in excess of 10 percent of the costs of remedial action at a facility owned but not operated by such State or by a political subdivision thereof, the President shall use money in the Fund to provide reimbursement to such State for the amount of such excess.".

JOHNSTON AMENDMENT NO. 3415

Mr. CHAFEE (for Mr. JOHNSTON) proposed an amendment to the bill S. 757, supra; as follows:

On page 43, line 12, strike "If" and insert in lieu thereof "Except as provided in paragraph (10), if";

On page 43, line 20, insert "and paragraph (10)" immediately after "This paragraph"; and

On page 43, following line 22, insert the following new paragraph:

"(10) If the Administrator fails to promulgate regulations under paragraph (1) with respect to non-liquid hazardous wastes containing halogenated organic compounds in total concentration greater than or equal to 1,000 mg/kg by the date thirty-two months after the enactment of the Solid Waste Disposal Act Amendments of 1984, effective twenty-four months after such date, and until the Administrator promulgates such regulations under paragraph (1), such wastes from the refurbishment of textiles and apparel containing halogenated organic compounds in total concentration less than 28,000 mg/kg may be disposed of in a landfill or surface impoundment only if such facility is in compliance with the requirements of section 3004(f) of this Act. All other such wastes shall be subject to the provisions of paragraph (9).".

HEFLIN (AND DENTON) AMENDMENT NO. 3416

Mr. HEFLIN (for himself and Mr. DENTON) proposed an amendment to the bill S. 757, supra, as follows:

On page 49, after line 2, add the following: "Any permit under this subsection which is issued for a landfill located within the State of Alabama shall require the installation of two or more liners and a leachate collection system above and between such liners, notwithstanding any other provision of this Act".

ABDNOR (AND OTHERS) AMENDMENT NO. 3417

Mr. ABDNOR (for himself, Mr. LAUTENBERG, Mr. DURENBERGER, and Mr. MITCHELL) proposed an amendment to the bill S. 757, supra, as follows:

On page 93, after line 20, add the following new section:

SEC. 30. Study of the problems associated with disposal of hazardous wastes generated by educational institutions.

(a) The Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Education, the States, and appropriate educational associations, conduct a comprehensive study of problems associated with the accumulation, storage and disposal of hazardous wastes from educational institutions. The study shall include an investigation of the feasibility and availability of environmentally sound methods for the treatment, storage or disposal of hazardous waste from such institutions, taking into account the types and quantities of such waste which are generated by these institutions, and the non-profit nature of these institutions.

(b) Not later than twelve months after the date of the enactment of this Act, the Administrator shall submit a report to the Congress containing the findings of the study carried out under subsection (a).

(c) For purposes of this section—

(1) the term "hazardous waste" means hazardous waste which is listed or identified under Section 3001 of the Solid Waste Disposal Act;

(2) the term "educational institution" includes, but shall not be limited to,

(A) secondary schools as defined in Section 198(a)(7) of the Elementary and Secondary Education Act of 1965; and

(B) institutions of higher education as defined in Section 1201(a) of the Higher Education Act of 1965.

NOTICES OF HEARINGS

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STAFFORD. Mr. President, the Committee on Environment and Public Works has scheduled a hearing on the nomination of John B. Waters to be a member of the Tennessee Valley Authority Board of Directors for Tuesday, July 31, at 2 p.m.

Because of the importance of TVA as a national leader in many areas of energy, environment, agriculture, and economic development, we consider this nomination to be of great significance not only to the Tennessee Valley region but also to the whole Nation.

I would, therefore, urge any of my colleagues who are interested to provide the committee with their views in the form of oral and/or written testimony. Those interested should contact me directly or the staff of the Committee on Environment and Public Works.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. ABDNOR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 25, 1984, in order to receive testimony concerning the following nominations:

ASSISTANT ATTORNEY GENERAL

Harold J. Lezar, Jr., of Texas, to be an Assistant Attorney General, vice Jonathan C. Rose, resigned.

UNITED STATES DISTRICT JUDGE

Anthony J. Scirica, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ABDNOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, at 9:30 a.m., to hold a hearing to consider the nomination of Paul Gardner, to be Ambassador to Papua, New Guinea, and to be Ambassador, simultaneously, to the Solomon Islands.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, at 2 p.m., to hold a hearing to consider the nomination of Robert J. Ryan, to be Ambassador to the Republic of Mali; and Alan Wood Lukens, to be Ambassador to the Peoples Republic of the Congo.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, at 10:30 a.m., to consider the nomination of Jorge L. Mas, to be a Member of the Advisory Board for Radio Broadcasting to Cuba; Diana Lady Dougan, to be Coordinator for International Communications and Information Policy with rank of Ambassador; and Maynard W. Glitman, to be Representative of the United States of America for Mutual and Balanced Force Reductions Negotiations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL RELATIONS

Mr. ABDNOR. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 25, to hold a hearing on relations between the Congress and the Executive and Foreign Relations and Implementation of Foreign Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. ABDNOR. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs, and the House Subcommittee on Intergovernmental Relations and Human Resources of the House Committee on Government Operations, be authorized to hold a joint hearing during the session of the Senate on Wednesday, July 25, to discuss the Advisory Commission on Intergovernmental Relation's 25th anniversary.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. ABDNOR. Mr. President, I ask unanimous consent that the Subcommittee on Soil and Water Conservation, Forestry, and Environment, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, July 25, at 10 a.m., to hold a hearing to receive testimony on S. 2773, the Georgia Wilderness Act of 1984; S. 2805/H.R. 5121, the Virginia Wilderness Act of 1984; and S. 2808, the Mississippi National Forest Wilderness Act of 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CREAM OF THE CROP

● Mr. KENNEDY. Mr. President, as a member of the Congressional Board of the Office of Technology Assessment, I was pleased to see several of OTA's recent reports acclaimed in Energy Users News as among the "cream of the crop" of "top-notch Government reports".

OTA has served the Congress most effectively in its brief but productive 11-year history. It has established a record of producing authoritative, evenhanded assessments on the social, environmental, economic and political impact of technological innovation and application. These reports are receiving increasingly favorable attention, not only from Members of Congress, but also from other Government and nongovernment organizations, private enterprise, the press and foreign countries.

I would like to draw to the attention of my colleagues Mitch Betts' article, "Cream of the Crop" and ask that it be reprinted in its entirety.

CREAM OF THE CROP

(By Mitch Betts)

WASHINGTON.—Have I got a deal for you: nine top-notch government reports on conservation, nuclear, natural gas and cogeneration issues, all for a grand total of $55.50. These are publications I've collected and judged to be the best government energy reports published in the past two years. They are useful, comprehensive, readable and objective.

It is my strongest hope that this concise listing will help you to fill your bookshelf with the best of the government reports at a modest cost, and at the same time help you to battle that affliction commonly called "information overload."

I maintain that the information in these reports will help you not only in a general, educational sense, but also in your day-to-day operations. For example, the "Energy Efficiency of Buildings in Cities" report contains pages of conservation ideas and financing strategies. In any case, this information belongs in your hands as a U.S. citizen, not in some dusty warehouse. The research and publishing costs were financed by your tax dollars.

GENERAL

Energy Information Directory. This is a valuable telephone directory of state and federal energy experts, fully indexed, in a slim, 68-page report. You can locate Energy Department personnel as well as state energy officials—including the very helpful state Energy Extension Service agents. It's free from the Energy Information Administration. (Published semi-annually as EIA-0205. Telephone the National Energy Information Center, 202-252-8800.)

CONSERVATION

Energy Efficiency of Buildings in Cities. This is an excellent primer on building energy conservation—the cost-effective technologies and financing. Published by Congress' Office of Technology Assessment, it explores decisions about conservation measures. (This report can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, for $9, as stock number 052-003-00871-8.)

Industrial Energy Use. This is a primer on industrial energy consumption and conservation efforts, with special attention given to investment behavior in the energy-intensive industrial sectors: paper, oil-refining, chemicals and steel.

It, too, is published by Congress' Office of Technology Assessment. (This report can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, for $6 as stock number 052-003-00915-3.)

NATURAL GAS

If you're trying to follow and understand this complex natural gas market, but can't find objective analysis, try these reports from the U.S. Energy Information Administration:

Natural Gas: Use and Expenditures. Read this report first for a basic understanding of the natural gas market, including commercial and industrial consumption patterns. (This is EIA-0382, which costs $5.50.)

Structure and Trends in Natural Gas Wellhead Contracts. Take-or-pay contracts, price escalator clauses, market-out clauses and the like are all explained in this volume. (This is EIA-0419, which costs $5.)

Recent Market Activities of Major Interstate Pipeline Companies. As the title says, the report describes pipeline actions that attempt to deal with the present gas "surplus" and marketing difficulties, including industrial discounts. (This is EIA-0440, which costs $6.)

(These reports can be obtained from the National Energy Information Center, EI-20, Forrestal Building, Room IF-048, Washington, DC 20585. Make checks payable to Superintendent of Documents.)

COGENERATION

Industrial and Commercial Cogeneration. This is a comprehensive and objective look at the technical, financial and political issues surrounding cogeneration, published by Congress' Office of Technology Assessment. (This report can be obtained from the Superintendent of Documents, U.S. Government Printing Office, for $8.50, as stock number 052-003-00899-8.)

NUCLEAR

Nuclear Power in an Age of Uncertainty. A tough, objective report on the present state and future of nuclear power has been published by Congress' Office of Technology Assessment. It rates utilities, discloses their construction costs and charts a reasonable path for the future. (This report can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, for $10, as stock number 052-003-00941-2.)●

DC ASSOCIATION FOR RETARDED CITIZENS ESSAY CONTEST

● Mr. WEICKER. Mr. President, in June of this year the District of Columbia Association for Retarded Citizens, in collaboration with the Riggs National Bank, sponsored the fourth annual DC/ARC Scholarship Program. This program consists of an essay competition with this year's topic being the right of mentally retarded persons to live in the community. The two recipients of this year's award for outstanding essays on this subject were John Shea of Gonzaga High School and second place winner, Geoffery Nwachukwu of Macklin Catholic High School. Each essay stresses the importance of public understanding of mentally retarded persons, and both articulate genuine respect for the mentally retarded. In addition, each essay accounts actual observations of successful integration of retarded individuals in the community, and expresses hope for future acceptance of retarded citizens across the country. As Geoffery so eloquently stated: "We all have some mountain to climb. One thing is certain, we can't climb it alone." The words of these youths are both inspiring and encouraging and hopefully a reflection of a growing awareness of mentally retarded persons in today's society. Only through such endeavors as John's and Geoffery's can widespread realization

of intended community placement of mentally retarded persons and their aspirations for independent living materialize.

Mr. President, I urge my colleagues to read these two outstanding essays which I ask to be printed in today's CONGRESSIONAL RECORD at the conclusion of these remarks. The words are important for all of us, most particularly for disabled persons themselves who can only benefit from a community setting as stated by John Shea:

Mentally retarded persons in small family-like groups and under the caring supervision of the house counselors, can enjoy their lives to the fullest—a far cry from the stagnant and isolated atmosphere of institutions which, for too many years housed mentally retarded.

The essays follow:

(First Place Winner: John Shea, Gonzaga College High School)

NEIGHBORHOODS ARE FOR EVERYONE

The beautiful old house stood stately in the Long Island moonlight, looking over the wooded yard that would soon echo with happy sounds. Within a few days the now empty house would be home to several mentally retarded persons, most of whom had spent years living in dreary institutions.

Suddenly a spark, and before long tongues of fire, fed by trails of an arsonist's gasoline, were racing through the newly decorated rooms. Soon the proud home was reduced to ruins and with it, seemingly, the hope for a better life of my uncle and several others who were scheduled to enter the home.

In defiance of the arsonists, a new home for the retarded has now risen from the ashes of the old. After almost two years in operation there is now greater community acceptance of, and even a slowly growing appreciation for, the mentally retarded in their midst.

While, fortunately, this is an extreme example of community opposition to group residences for the mentally retarded, the fears and hostilities it illustrates are present in varying degrees whenever such residences are proposed. I have seen it even in my own neighborhood when a proposal for a group home for the retarded aroused fierce opposition several years ago. Much of this melted away when the nearby residents found that these were harmless, loving people whose presence was not endangering them or their property values. Hostility turned to resigned acceptance and finally, for some, a genuine appreciation for these fine human beings who are limited only in their ability to learn.

I believe mentally retarded persons belong in the community. Here they can reach their fullest potential by learning to care for themselves, to behave in socially acceptable ways, to help others, and to develop the skills that may enable some to become self-sufficient and make greater contributions to the community. Here, in small family-like groups and under the caring supervision of the house counselors, they can enjoy their lives to the fullest—a far cry from the stagnant and isolated atmosphere of the institutions which for too many years housed many mentally retarded.

From an economic standpoint the costs of maintaining a retarded person in a community setting are also significantly lower than in an institution. But the greatly improved quality of life for them, and the inspiration they provide to their "normal" neighbors who are able to witness what the retarded can do when given a chance, are probably the most important reasons of all why our mentally retarded friends belong with us here in the community.

With greater help from our community and church leaders and the understanding and assistance of all citizens, hopefully community residences will soon be available to all who need them.

(Second Place Winner: Geoffery Nwachukwu, Macklin Catholic High School)

I believe that mentally retarded people belong in the community because that could be the one step that leads them to a full productive life, one all human beings are entitled to live.

When the words mentally retarded are spoken people get a certain chill through their body. The first thing that they think of is a useless individual who is a threat and a disgrace. They invision someone who does nothing for themselves or society, and is incapable of doing anything constructive or productive. To say this concept is wrong would be putting it mildly. Nothing could be further from the truth. Not only can these people learn to do for themselves and others but they can and are capable of becoming very productive members of society. Through Supervised homes, Specialized Foster Care, Intermediate Care facilities, and public awareness and concern mentally retarded persons can become the best they can be. The true handicap is the apathy and ignorance of people.

It's one thing to say, "Hey why don't I help" and quite another to actually get up and make a difference, to actually give a damn. But it can and is being done.

There is no way that I can know how it feels or what it is like to be mentally retarded because I'm not. I can only have sympathy for the mentally retarded, never empathy. My sympathy, however, runs a little deeper than others because I have a brother whom I love very much who is mentally retarded. When I look at my brother I don't see "mentally retarded." I see a six year old boy who laughs and plays and cries like any normal six year old. He may have to try a little harder to do and understand things but he gets by just the same.

The dictionary defines mental retardation as abnormally slow physical, intellectual, and emotional development. In that sense we all have something that retards us. We all have some mountain to climb. One thing is certain, we can't climb them alone.

Help someone climb their mountain, help someone reach their peek. The trip up is a lot easier when there's somebody to hold on to.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. Any portion which is classified information has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 23, 1984.

In reply refer to: I-03259/84ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-54, concerning the Department of the Air Force's proposed Letter of Offer to Kuwait for defense articles and services estimated to cost $78 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.

Attachments.

[Transmittal No. 84-54]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Kuwait.

(ii) Total Estimated Value: Major Defense Equipment,[1] $0 million; Other, $78 million; Total, $78 million.

(iii) Description of Articles or Services Offered: English language training, undergraduate pilot training, and advanced flying training for 150 trainees.

(iv) Military Department: Air Force (TBL).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: July 23, 1984.

POLICY JUSTIFICATION

KUWAIT—PILOT TRAINING

The Government of Kuwait has requested the purchase of English language training, undergraduate pilot training (UPT), and advanced flying training for 150 trainees at an estimated cost of $78 million.

This sale is consistent with the stated U.S. policy of assisting other nations to provide for their own self-defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the United States to support the Kuwaiti effort to improve the security of the country and thereby increase the stability of the Persian Gulf region.

Currently the Kuwait Air Force is unable to provide UPT to a large cadre of students.

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[1] As defined in Section 47(6) of the Arms Export Control Act.

This has resulted in a shortfall of qualified pilots for operational units. Through the USAF UPT program Kuwait expects to relieve the pilot shortfall and provide a better balance in its pilot-to-aircraft ratio for operational units.

The sale of this support will not affect the basic military balance in the region.

There will be no prime contractor for this sale since the USAF will provide the majority of the requested training. However, the USAF contractor for the flight screening portion of the UPT is Doss Aviation, Incorporated of Livingston, Texas.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Kuwait.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 23, 1984.

In reply refer to: I-03144/84ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-55, concerning the Department of the Army's proposed Letter of Offer to Jordan for defense articles and services estimated to cost $70 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.

Attachments.

[Transmittal No. 84-55]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Jordan.

(ii) Total Estimated Value: Major Defense Equipment,[1] $0 million; Other, $70 million; Total, $70 million.

(iii) Description of Articles or Services Offered: Product Improvement Program (PIP) modification kits to include hardware for the Improved (I)-HAWK missile system with installation, technical and logistical engineering assistance, concurrent spare parts, related support equipment, support, publications, and training.

(iv) Military Department: Army (VIP).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: July 23, 1984.

POLICY JUSTIFICATION

JORDAN—I-HAWK PRODUCT IMPROVEMENT PROGRAM MODIFICATION KITS

The Government of Jordan has requested the purchase of Product Improvement Program (PIP) modification kits to include hardware for the Improved (I)-HAWK missile system with installation, technical and logistical engineering assistance, concurrent spare parts, related support equipment, support, publications, and training at an estimated cost of $70 million.

This sale is consistent with the stated U.S. policy of assisting other nations to provide for their own self-defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the United States to support the Jordanian effort to improve the security of the country and thereby increase the stability of the region.

The articles and services being offered are a continuation of support which has been provided to the Government of Jordan since its acquisition of its fixed-site HAWK air defense system in 1971. The I-HAWK PIP modification kits will be used to provide follow-on support in upgrading the HAWK air defense system employed by the Government of Jordan. Acquisition of the PIP is essential to maintaining configuration commonality with I-HAWK systems employed by U.S. forces, thereby permitting continued logistical support. These PIP modifications will not provide the Jordanian I-HAWK systems with a mobility capability.

The sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be the Raytheon Company of Andover, Massachusetts, and the Northrop Corporation of Anaheim, California.

Implementation of this sale is expected to require the assignment of 12 additional U.S. Government personnel for 40 days and 29 contractor representatives for 16 months to Jordan.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 23, 1984.

In reply refer to: I-03145/84ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-56, concerning the Department of the Army's proposed Letter of Offer to Egypt for defense articles and services estimated to cost $63 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.

Attachments.

[Transmittal No. 84-56]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Egypt.

(ii) Total Estimated Value: Major Defense Equipment,[1] $0 million; Other, $63 million; Total, $63 million.

(iii) Description of Articles or Services Offered: Product Improvement Program (PIP) modification kits to include hardware for the Improved (I)-HAWK missile system with installation, technical and logistical engineering assistance, concurrent spare parts, related support equipment, support, publications, and training.

(iv) Military Department: Army (UFN).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: July 23, 1984.

POLICY JUSTIFICATION

EGYPT—I-HAWK PRODUCT IMPROVEMENT PROGRAM AND MODIFICATION KITS

The Government of Egypt has requested the purchase of Product Improvement Program (PIP) modification kits to include hardware for the Improved (I)-HAWK missile system with installation, technical and logistical engineering assistance, concurrent spare parts, related support equipment, support, publications, and training at an estimated cost of $63 million.

This sale is consistent with the stated U.S. policy of assisting other nations to provide for their own self-defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the United States to support the Egyptian effort to improve the security of the country and thereby increase the stability of the region.

The articles and services being offered are a continuation of support which has been provided to the Government of Egypt since its acquisition of the HAWK air defense system in 1979. The I-HAWK PIP modification kits will be used to provide follow-on support in upgrading the HAWK air defense system employed by the Government of Egypt. Acquisition of the PIP is essential to maintaining configuration commonality with I-HAWK systems employed by U.S. forces, thereby permitting continued logistical support.

The sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be the Raytheon Company of Andover, Massachusetts, and the Northrop Corporation of Anaheim, California.

Implementation of this sale is expected to require the assignment of 28 additional U.S. Government personnel for 40 days and 25 contractor representatives for two years to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 23, 1984.

In reply refer to: I-03146/84ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-57 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Korea for defense articles and services estimated to cost $58 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.

Attachments.

[1] As defined in Section 47(6) of the Arms Export Control Act.

[1] As defined in Section 47(6) of the Arms Export Control Act.

[Transmittal No. 84-57]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Korea.

(ii) Total Estimated Value: Major Defense Equipment,[1] $50 million; Other, $8 million; Total, $58 million.

(iii) Description of Articles or Services Offered: A quantity of 12 AN/TPQ-36 mortar locating radar systems with ancillary equipment, field replacement spares, and support.

(iv) Military Department: Army (X00).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: July 23, 1984.

POLICY JUSTIFICATION

KOREA—AN/TPQ-36 MORTAR LOCATING RADARS

The Government of Korea has requested the purchase of a quantity of 12 AN/TPQ-36 mortar locating radar systems with ancillary equipment, field replacement spares, and support at an estimated cost of $58 million.

This sale will contribute to the foreign policy objectives of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for modernization and progress in eastern Asia. The sale of this equipment and support will enhance deterrence and contribute to the preservation of peace and stability on the Korean peninsula.

The purchase of the radars and support will provide the Korean Army an automated capability for locating hostile mortars. As such, it will enhance the effectiveness of Korean counter-mortar fire. Korean military personnel have the technical capability to operate these systems.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Hughes Aircraft Corporation of Fullerton, California.

Implementation of this sale will require the following additional assignments to Korea: four additional U.S. Government personnel, two for 20 days and two for four months; and one additional contractor representative for four months.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 23, 1984.

In reply refer to: I-03907/84ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-59, concerning the Department of the Air Force's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $207 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.

Attachments.

[Transmittal No. 84-59]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Thailand.

(ii) Total Estimated Value: Major Defense Equipment,[1] $0 million; Other, $207 million; Total, $207 million.

(iii) Description of Articles or Services Offered: Equipment and Services required for the modernization and upgrade of the Royal Thai Air Force (RTAF) Central Air Defense Sector Command, Control, and Communications System; replacement of the existing Air Operations Center and the collocated Sector Operations Center; modification of the radar equipment located at five radar posts; and provision of up to 11 radar extractors, a data link capability for interoperability with U.S. forces, spare parts, support equipment, support, tools, test equipment, technical data, and training.

(iv) Military Department: Air Force (DEH).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Included in report for quarter ending December 31, 1983.

(viii) Date Report Delivered to Congress: July 23, 1984.

POLICY JUSTIFICATION

THAILAND—MODERNIZATION OF AIR DEFENSE COMMAND, CONTROL, AND COMMUNICATIONS SYSTEMS

The Government of Thailand has requested the purchase of equipment and services required for the modernization and upgrade of the Royal Thai Air Force (RTAF) Central Air Defense Sector Command, Control, and Communications System; replacement of the existing Air Operations Center and the collocated Sector Operations Center; modification of the radar equipment located at five radar posts; and provision of up to 11 radar extractors, a data link capability for interoperability with U.S. forces, spare parts, support equipment, support, tools, test equipment, technical data, and training at an estimated cost of $207 million.

This sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly, moderate nation which is an important force for peace and regional stability in Southeast Asia. Recent events have underscored the need for the Thai armed forces to maintain well-equipped military units to deter hostile forces operating from neighboring countries.

Sale of the equipment and services for modernizing and upgrading the RTAF air defense system will strengthen Thai air defenses and thereby reduce the possibility of armed aggression against Thailand. Much of the equipment in the Thai air defense system is reaching the end of its useful life and is no longer maintainable. The supporting communications network also contains equipment which is obsolete and many of the communications links perform marginally.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be determined at a later date on a competitive basis through standard procurement procedures. The MITRE Corporation of Bedford, Massachusetts, will provide system engineering support.

Implementation of this sale will require the assignment of four additional U.S. Government personnel for two and one-half years and 17 contractor representatives for up to seven years to Thailand.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

[1] As defined in Section 47(6) of the Arms Export Control Act.

[1] as defined in Section 47(6) of the Arms Export Control Act.

THE AMERICAN STEEL INDUSTRY: MYTH VERSUS REALITY: IX

● Mr. HEINZ. Mr. President, today I am presenting my ninth in a series of brief statements that will appear periodically in an effort to elevate the level of debate on the crisis in the American steel debate.

I would like to discuss the major findings of a preliminary "Survey of Likely Voters in Nine Industrial States on Trade Issues" as prepared by Fingerhut/Granados Opinion Research for the United Steelworkers of America. Between June 22 and 26, 1984, 524 likely voters in Pennsylvania, Ohio, Illinois, Texas, Michigan, Indiana, Kentucky, Alabama, and Missouri were surveyed; States able to provide 162 of the 270 electoral votes needed by a winning Presidential candidate. Currently, Fingerhut/Granados is working on a more in-depth survey with State by State results forthcoming. The preliminary survey demonstrates the support of a strong majority for more aggressive U.S. trade policies limiting steel imports. Lynn Williams, president of the United Steelworkers of America stated that—

The poll confirms that the general public shares the opinions I hear our own union members express every day. The problem of jobs and the issue of trade are inseparable.

These findings have become increasingly important now that the President has received a positive injury finding and remedy recommendations of a combination of tariffs and quotas for the U.S. steel industry from the ITC. As both the administration and Congress consider steel import quotas for this beleaguered American industry, it is important that the views of the American public also be considered.

MYTH

Most Americans oppose more aggressive U.S. trade policies, including limits on steel imports.

REALITY

According to the Fingerhut/Granados opinion survey, of likely voters asked their views on Government policies toward foreign imports, 76 percent felt they should be tougher, that is, that tighter controls of foreign im-

ports into this country should be instituted. Only 13 percent favored allowing more foreign products into our country. Sixty-five percent of the same voters favored quotas or tariffs on steel imports while only 20 percent opposed such measures. The majority of Democrats, Republicans, and Independents voted with the majority.

MYTH

The recent economic recovery and falling national unemployment rate has lessened the average worker's concern about the security of his job.

REALITY

Despite a falling unemployment rate, jobs continue to be a priority concern for workers. In the Fingerhut/Granados survey, 29 percent of likely voters in the selected States are somewhat concerned that a member of their family may lose their job during the next year or so. Another 29 percent of likely voters are very concerned. As a result, 78 percent of all voters and 90 percent of those supporting import limits believe that a lot of American workers are losing their jobs from imports and it's time to put a stop to that.

MYTH

The American people have not tied their support of steel import limits to job-creating reinvestment within the industry.

REALITY

The survey shows a large majority of those questioned favor import limits on steel to promote job-creating investment within the industry. Seventy-seven percent of surveyed voters support requiring American steel companies to reinvest profits in modernization of their plants. Eighty-eight percent of the same voters see subsidized imports as being unfair to American workers who lose their jobs because of it. In the voter's minds, steel import relief is tied directly to job-creating reinvestment in the basic steel industry. The ITC also tied import relief to job-creating reinvestment in its recent recommendation.

MYTH

Unfair trade practices in foreign countries are not a major cause of the U.S. steel industry's problems.

REALITY

Almost 9 out of 10 surveyed agreed that it was unfair for American workers to lose their jobs because of subsidized foreign imports. Foreign competitors who bar U.S. products, use cheap labor, and subsidize exports are of particular concern to over 75 percent of those questioned. In fact, 86 percent of those surveyed felt "it's wrong to allow foreign products into the United States from a country which doesn't allow equal entrance of U.S. product into their country. That's just not fair and we should not allow it." Most voters correctly link unfair trade practices with the negative effects registered in the steel industry's performance.

MYTH

The Reagan administration will continue to enjoy the support of voters regardless of how it handles the trade issue generally and steel import limits specifically.

REALITY

Although personally popular and leading former Vice President Mondale by 44 to 37 percent in the surveyed States at the time of the poll, President Reagan remains vulnerable on both jobs and trade issues. With 58 percent of surveyed voters fearing unemployment in their families within the near future, the President is rated negatively on keeping unemployment down by a 65- to 34-percent margin.

As far as trade policy, Mondale led Reagan by 39 to 35 percent as being more likely to support trade policies good for people like you. Sixty-three percent of all voters said that if Reagan fails to limit imports on foreign steel it'll show he cares more about corporate profits than working people's jobs. Voters also were concerned about possible administration actions which would weaken proposals to limit imports or allow the Japanese and other importers to enter the American market at will.

Mr. President, I ask that the complete text of the Fingerhut/Granados Opinion Research poll of "Major Findings of Survey of Likely Voters in Nine Industrial States on Trade Issues" be printed in the RECORD.

The text follows:

UNITED STEELWORKERS
OF AMERICA, AFL-CIO-CLC,
Washington, DC, July 18, 1984.

WASHINGTON.—In a recent survey of likely voters in nine key industrial states, a strong majority has expressed support for more aggressive U.S. trade policies limiting steel imports.

Almost nine out of ten surveyed agreed that it was unfair for American workers to lose their jobs because of subsidized foreign imports.

The survey by Fingerhut/Granados Opinion Research of Washington, D.C., an independent polling firm, was conducted late last month among likely voters in Pennsylvania, Ohio, Illinois, Texas, Michigan, Indiana, Kentucky, Alabama and Missouri.

Of those taking part in the survey, 76 percent said government policies toward foreign imports should be "tougher," while only 13 percent said the government should allow more foreign products into this country.

Jobs continue to be the primary concern among voters. Some 78 percent of those responding—including 90 percent of those expressing support for import limits—expressed a belief that "a lot of American workers are losing their jobs from imports and it's time to put a stop to that."

By a margin of 65 percent to 20 percent, voters endorsed restraints on steel imports, with the majority opinion shared by Democrats, Republicans and Independents.

The nine states in which the survey was conducted account for far more than half of the 270 electoral votes required to elect a U.S. president.

Generally, three reasons were cited for voter support of steel import limits:

To protect workers' jobs.

Job-creating reinvestment in the (domestic) steel industry.

Opposition to unfair trade practices by foreign countries.

The same survey showed that a heavy majority of those questioned favor import limits to promote job-creating investment in the American steel industry. For example, 77 percent expressed support for requiring American steel companies to reinvest profits in modernization of their plants.

Lynn Williams, President of the United Steelworkers of America, stated: "The poll confirms that the general public shares the opinions I hear our own union members express every day. The problem of jobs and the issue of trade are inseparable."

[NOTE.—The survey was commissioned by the United Steelworkers of America.]

MAJOR FINDINGS OF SURVEY OF LIKELY VOTERS IN NINE INDUSTRIAL STATES ON TRADE ISSUES

BACKGROUND

Between June 22 and 26, 1984, Fingerhut/Granados Opinion Research surveyed 524 likely voters in Pennsylvania, Ohio, Illinois, Texas, Michigan, Indiana, Kentucky, Alabama, and Missouri. These states provide 162 of the 270 electoral votes needed by a winning presidential candidate. The interviews were conducted by telephone. The margin of error for the full sample is ±4-6%.

MAJOR FINDINGS

1. A strong majority of likely voters support more aggressive U.S. trade policies, including limits on steel imports.

Asked their views on government policies toward foreign imports, 76% of all likely voters say they should be "tougher," that is keeping tighter control over foreign goods coming into our country. Only 13% say the government should allow "more foreign products into our country." By 65% to 20%, voters endorse "quotas or tariffs" on steel imports. While opposition is somewhat stronger among high income households (26% among $30,000 + households), majorities of a demographic groups endorse steel import limits. Supporters include majorities of Democrats, Republicans, and Independents.

2. The major reasons for voter support of steel import limits are:

Concern to protect workers' jobs;

Concern for job-creating reinvestment in the steel industry;

Opposition to unfair trade practices by foreign countries.

Despite the falling national unemployment rate, 58% of all likely voters in these states say they are at least "somewhat concerned" that a member of their family may "lose their job during the next year or so." 29% of all likely voters are "very concerned." Among those in their 40's and 50's, two age groups that vote in heavy numbers, 43% and 36%, respectively are "very concerned" about family unemployment.

As a result, saving jobs and helping working people are the major reasons cited by supporters of steel import limits. Likewise, 78% of all voters, including 90% of supporters of import limits, believe "a lot of American workers are losing their jobs from imports and it's time to put a stop to that."

Beyond that, heavy majorities favor action to promote job-creating investment in the steel industry. For example, 77% of all voters support "requiring American steel companies to reinvest profits in modernization of their plants." 88% of all voters agree that:

"Foreign governments are destroying American industry by subsidizing the costs of manufacturing with government funding—and that's not fair to American industry or to American workers who lose their jobs because of it."

These results underline the importance voters attach to tying import limits to job-creating investment in basic industry.

Finally, voters are particularly concerned about unfair foreign competitors that bar U.S. products, use cheap labor, and subsidize exports. Here are the percentages of all voters who agree with the following statements regarding competitive practices:

Statement	Percent of voters agreeing
It's wrong to allow foreign products into the U.S. from a country which doesn't allow equal entrance of U.S. products into their country. That's just not fair and we should not allow it	86
Foreign countries are taking advantage of America; they flood us with cheap products which cost American jobs, and then they do everything they can to keep American made products out of their markets	77
In contrast, only 40 percent of voters agree that: The reason that foreign products are doing so well in the American market is that they are less expensive and a better value, so it's wrong to control or limit foreign imports	

3. The trade issue in general and steel import limits specifically pose political dangers for the Reagan Administration.

While President Reagan remains personally popular and leads Mondale by 44–37% in these states, he is vulnerable on both the jobs and trade issues. With 58% fearing unemployment in their families in the next year or so, he is rated negatively overall on "keeping unemployment down" by a 65–34% margin. Among undecided voters, his rating on this issue is 72% negative and among "soft" Reagan supporters it is 54% negative.

The President's vulnerability is even more pronounced when the jobs issue is given a regional and class spin. For example, 69% of all voters in these states say he has done "only fair" or "poor" in "looking out for the economic well-being of this part of the country." 64% give him a similar negative rating on "representing you and people like you." Consider these figures for "soft" Reagan voters:

How good a job is Reagan doing:	Percent [1]
As President	41
Handling the economy	26
Keeping unemployment down	54
Representing you and people like you	59
Looking out for the economic well-being of this part of the country	61

[1] Percent of "soft" Reagan voters saying "only fair" or "poor."

On trade issues specifically, which, as noted above, voters see largely in terms of jobs, Reagan is just as vulnerable *if* he is perceived as being weak in his response to foreign imports. When this survey was conducted, Mondale led him modestly (39–35%) as "more likely to support trade policies good for people like you." Significantly, 26% were not sure which candidate was better on this issue. Asked to predict how Reagan would respond, 48% said he "cares about working people and that's why he'll limit imports on foreign steel." But if he fails to do so, 63% of all voters said "it'll show he cares more about corporate profits than working people's jobs." Among "soft" Reagan supporters, that number rises to 68%.

Asked how they would react if Reagan "weakened" proposals to limit imports, 31% of undecided voters and 39% of "soft" supporters said they would be less inclined to support him. 47% of undecideds and 53% of "soft" Reagan voters said the same about their reaction if Reagan supported "allowing the Japanese and other importers to enter the American market at will."

TABLE A

Now that you've heard some of the arguments on both sides of the imports issue, would you say you were now inclined to support or oppose quotas or tariffs on steel imports?

	Support quotas/ tariffs	Oppose quotas/ tariffs	Don't know/not sure/it depends
Total (n=520)	65	20	14
Party Identification:			
Democrat	75	12	12
Independent lean Democrat	63	30	7
True Independent	53	22	24
Independent lean GOP	51	34	15
Republican	56	26	18
Age:			
18 to 30	66	25	8
31 to 40	60	22	18
41 to 50	70	18	12
51 to 60	65	23	12
61 and over	63	14	23
Income:			
Under $10,000	67	17	16
$10,000 to $15,000	68	19	12
$15,001 to $20,000	66	21	13
$20,001 to $30,000	72	19	9
Over $30,000	64	26	10
Education:			
Less than high school graduate	60	17	23
High school graduate	71	17	12
Some college	69	18	13
College graduate plus	56	29	15
Blacks	75	12	12
Occupation:			
Executive	64	25	11
Professional	65	22	12
Clerical	72	15	12
Blue collar	72	18	10
Union:			
Household	73	17	11
Member	73	17	10
Self-identified social class:			
Poor	62	21	17
Working class	71	16	12
Middle class	64	22	14
Gender:			
Male	64	26	10
Female	66	15	18

TABLE B

What in your view is the most important problem facing you and people like you today?

	Percent	
Economy	30	(n=158)
Jobs/unemployment	28	(n=146)
Inflation	13	(n=70)
Medicare/medicaid	8	(n=43)
Housing	7	(n=37)
Unconcerned leaders	5	(n=25)
Taxes	4	(n=23)
Social Security	4	(n=22)
World peace	3	(n=15)
Nuclear war	2	(n=13)

Looking ahead for the next year or so, do you think the economy in your part of the country will improve a lot, improve a little, stay about the same, or get worse?

	Percent
Improve a lot	9
Improve a little	28
Stay the same	41
Get worse	16
Not sure	5

How concerned are you that you or someone in your family may lose their job in the next year or so?

	Percent
Very concerned	29
Somewhat concerned	29
Not at all concerned	42

How important is the health of the following industries to your state?

	Very important	Somewhat important	Not at all important	Not sure
Steel industry	66	26	5	3
Auto industry	60	29	9	2

How much do these industries affect you and your family?

	A lot	A little	Not at all	Other
Auto industry	35	34	30	1
Steel Industry	35	34	30	1

Thinking about the economy in this part of the country, do you think the issue of foreign imports is very important to it, somewhat important, or not at all important?

	Percent
Very important	43
Somewhat important	42
Not at all important	10
Not sure/don't know	5

Should the U.S. position on foreign imports be tougher or less controlled?

	Percent
Tougher	76
Less controlled	13
Don't know/not sure	11

Do you agree, disagree, strongly agree, strongly disagree, that:

	Index	Strongly agree	Agree	Strongly disagree	Disagree
Reagan cares about working people and that's why he'll limit imports	+50	18	45	4	23
If Reagan does not put limits on imports, it'll show he cares more about corporate profits than working people's jobs	−1	8	40	14	39

Q. 75—What if you found out that President Reagan made the proposal to require tariffs or quotas on imports weaker—would that make you more inclined to support him for re-election, somewhat less inclined to support him for re-election, much less inclined to support him, or would that make little difference to you?

	Percent
More inclined	10
Somewhat less inclined	16
Much less inclined	20
Make little difference	43
Don't know/Not sure	10

Q. 76—What if you found out that President Reagan supported a position allowing the Japanese and other importers to enter the American market at will—would that make you more inclined to support him for re-election, somewhat less inclined to sup-

port him for re-election, much less inclined to support him, or would that make little difference to you?

	Percent
Much more inclined	3
Somewhat more inclined	6
Somewhat less inclined	23
Much less inclined	32
Make little difference	25
Don't know/Not sure	9

Q. 78—Who do you think is more likely to support trade policies good for people like you?

	Percent
Reagan	35
Mondale	39
Not sure	26

APPENDIX C.—A WORD OF EXPLANATION ON THE "STRENGTH OF ARGUMENTS INDEX"

We tested a series of questions in which we asked respondents to tell us whether they strongly agreed, agreed, disagreed, or strongly disagreed with some statements about the imports issue. Then, we created an "index" which allows us to calculate relatively how persuasive these test arguments, or themes, are. Using this methodology, we can then determine exactly which arguments are most persuasive to certain key subgroups—like union members, Democrats, undecided voters, age groups, and so on.

In the "Strength of Arguments Index" below, the most persuasive arguments are those which stress reinvestment of profits into the steel industry, fairness, and employment arguments. And, it is also important to note that all of the pro-quota arguments we tested show some degree of persuasiveness (the lowest with an index of +42).

TABLE C

Strength of Arguments Index

	Index	Strongly ageee	Agree	Strongly disagree	Agree
The real problem is that the steel companies should invest more in the steel business. Limits on imports are a good idea if the companies are required to reinvest in creating jobs for working people	+112	30	58	1	4
It's wrong to allow foreign products into the United States from a country which doesn't allow equal entrance of American products into their country. That's just not fair and we should not allow it	+111	38	48	2	9
If we allow foreign imports to destroy an industry in our state or local community even if some member of our family is not employed in that industry, it is still dangerous, because sooner or later many of the rest of us will be affected by it	+102	30	55	2	9
One reason foreign goods can undersell American products is that cheap labor is used; and that's not fair to America or the American worker	+86	24	55	1	15

TABLE C—Continued

Strength of Arguments Index

	Index	Strongly ageee	Agree	Strongly disagree	Agree
Foreign governments are destroying American industry by subsidizing the costs of manufacturing with government funding—and that's not fair to American industry or to American workers who lost their jobs because of it	+86	24	53	1	13
First, a lot of American workers are losing their jobs from imports and it's time to put a stop to that	+85	29	49	3	16
Foreign countries are taking advantage of America: They flood us with cheap products which cost American jobs, and then they do everything they can to keep American-made products out of their markets	+81	30	42	2	17
If we don't limit imports—we'll end up buying all of our steel from foreigners. That may be cheap now, but one day, they'll all get together like the Arab oil countries did, and the ordinary working family will pay for it in the end	+71	22	52	4	17
The big steel companies don't care where they make the steel. In fact, they'd rather pay low wages to foreigners. It's American working people that need government quotas to stop the imports and protect jobs	+69	20	51	2	18
It's time to get tough with big corporations that buy foreign steel and put Americans out of work. Import quotas would tell big business to spend their money in the United States where their customers are	+69	20	51	2	18
We have seen the impact of foreign imports destroying traditional American industries and communities: and if we don't stop that from happening, not only will many of us be hurt, but our children's future will be seriously threatened	+67	22	49	3	20
If American industry is weakened by foreign imports particularly basic industries like steel, America as a whole, including American national security, will be weakened	+54	12	55	3	19
If we allow foreign industry to keep selling into our country and destroying our jobs, we'll end up with a society without middle class workers—just the rich and the poor	+42	19	40	5	26

[1] Two times strongly agree plus agree minus two times strongly disagree minus disagree.●

THE EQUAL ACCESS TO JUSTICE ACT

● Mr. PRYOR. Mr. President, there is an old adage which states, "you can't fight city hall." Through the years a courageous few have taken up the battle, and ultimately prevailed, but at what cost? The Equal Access to Justice Act, which has provided individuals and small businesses an opportunity to "fight city hall," will expire on September 30 of this year. This measure states that in those instances where an individual prevails against the Federal Government, that citizen is entitled to recover all legal expenses incurred as a result of the proceedings, providing the Government cannot substantially justify its purpose in persuing the litigation. I strongly support S. 919, the bill which reauthorizes this important piece of legislation.

Prior to the enactment of the Equal Access to Justice Act, individuals who brought suit against Government agencies often negotiated inequitable settlements out of court. Such action was deemed the only practical solution for those who were without the substantial resources necessary for extended, expensive litigation. The Equal Access to Justice Act has given the average American citizen not only the encouragement to fight against arbitrary regulation, but also satisfaction in the knowledge that if the battle is won it will be at no cost.

This measure makes it clear that Government agencies should be certain their cases are justified, or, as this bill mandates, be held responsible for the costs of the proceedings on both sides. As a result, Government agencies have adopted a much more cautious attitude toward litigation involving average citizens.

As the September 30 expiration date draws nearer, I ask that my colleagues join with me in supporting S. 919, the reauthorization of the Equal Access to Justice Act. Immediate consideration is necessary for this crucial and time-sensitive piece of legislation.●

ALPHA KAPPA ALPHA SORORITY CELEBRATES 75TH ANNIVERSARY

● Mr. TSONGAS. Mr. President, 2 years ago the members of the Alpha Kappa Alpha Sorority came to Boston for their biannual covention. This year they have come to the place of their birth, Washington, DC, to celebrate their 75th anniversary and I would like to welcome them to the Nation's Capital.

Alpha Kappa Alpha Sorority, Inc., was found in 1908 at Howard University, Washington, DC. More than 10,000 women of Alpha Kappa Alpha and their families are visiting the Nation's Capital of their diamond jubilee boule.

The Mayor has proclaimed July 22-29, 1984, as Alpha Kappa Alpha week.

Alpha Kappa Alpha Sorority, Inc., is a service-oriented organization of college women working in education, the arts, sciences, the media, and homemaking.

Currently, the national programs for Alpha Kappa Alpha focus on programs of service, organizational impact and collaboration, women involved in global concerns, economic development and renewal. Alpha Kappa Alpha Sorority provides scholarships to undergraduate members who will take their place among tomorrow's leaders. The scholarship program includes: The domestic travel grants, foreign travel tour, and the Hanes/Barbara K. Phillips Scholarship.

The service record of Alpha Kappa Alpha chapters across the country includes programs for the aged, Job Corps for young women, academic support for high school students and health care for preschool children. Locally, chapters support Washington area commitments to community service.

One of the major activities of the sorority is the Alpha Kappa Alpha connection, a mechanism which is designed to mobilize the membership in an effective manner to influence political, social, and economic changes in the 1980's.

Throughout its long and productive history, Alpha Kappa Alpha Sorority has recognized and responded to the needs of institutions and organizations designed to protect and improve the quality of life among black people.

Alpha Kappa Alpha has a continuing involvement with, and support of, such organizations as the United Negro College Fund; the NAACP; the National Urban League; National Pan-Hellenic Council; Southern Christian Leadership Conference; Push; Leadership Conference on Civil Rights; Black Women's Agenda; Operation Big Vote; and the NAACP Legal Defense and Education Fund, Inc.

Many local chapters and/or members contribute to groups that address the problems and issues within their communities. Twelve chapters in Washington, Maryland, and Virginia, representing nearly 2,000 active members have united to plan the 1984 boule. Mrs. Carolyn H. Troupe, a retired principal of the DC public schools and well-known reading specialist and training workshop consultant, is boule chairman.

The hostess chapters are Xi Omega, Washington, DC; Zeta Chi Omega, Alexandria and Arlington, VA; Theta Omega Omega, Montgomery County, MD; Iota Gamma Omega, Prince Georges County, MD; Xi Zeta Omega, Washington, DC; Lambda Kappa Omega, Fairfax, VA; Alpha, Howard University; Eta, Bowie State College; Beta Lambda, University of the District of Columbia; Theta Nu, University of Maryland; Lambda Zeta, American University; and Mu Delta, George Washington University.

Again, Mr. President, we welcome them.●

NEW VIEW OF OFFSHORE DRILLING

● Mr. GOLDWATER. Mr. President, I would like to submit for the record an editorial which appeared in the July 8, 1984, Arizona Republic. During fiscal years 1982 through 1984, the amount of acreage in the Outer Continental Shelf [OCS] placed in moratoria by the Congress and therefore prohibited from being included in the Department of the Interior's oil and gas leasing program, increased from 736,000 acres to 52 million acres. This has been an alarming trend, particularly in the face of continued instability in the Middle East. The United States must move forward to lease, develop and produce its vast resources offshore in an orderly and systematic manner. As the editorial points out, Congress appears to be slowly recognizing this need. In recent action, the House Appropriations Committee, while not eliminating moratoria language entirely from Interior's fiscal year 1985 appropriations bill, did not increase the amount and allowed a ban off the Florida gulf coast to lapse. However, I believe we must act decisively and I urge each member of this legislative body to join with me in opposing any attempt to restrict or prohibit activity on the OCS this year.

The editorial follows:

[From the Arizona Republic, July 8, 1984]

NEW VIEW OF OFFSHORE DRILLING

Although the process has been slow, Congress seems to have been gradually changing its attitude toward offshore oil drilling.

However, a general ban on offshore drilling will probably not be lifted until a new Congress convenes next year, since the months ahead will be devoted to political conventions and then the fall election.

There are reasons for the change of attitude:

The nation's vulnerability to oil-import disruptions, particularly increasing risks caused by the Iran-Iraq war.

The patient work of Interior Secretary William Clark who has made domestic energy development a top priority.

The United States has reduced its dependence on Persian Gulf imports. But the possibility of American military intervention in the area remains because U.S. allies in Western Europe and Japan are still highly dependent on Arab oil.

Americans spent $52 billion on imported oil last year. That was three-fourths of the nation's total trade deficit in 1983. The total deficit may soar to $130 billion this year.

This should not be. The federal government has 4 billion acres available for leasing where oil might be located. Only 20 million acres has been leased.

Moreover, Congress ordered the interior secretary in both 1953 and 1978 to make such offshore oil and gas deposits productive. However, in the past two years, Congress reversed itself and prohibited production on 52 million acres containing an estimated 2.2 billion barrels of oil.

The House Appropriations Committee recently approved renewed drilling bans off both Massachusetts and California. But it allowed a ban off the Florida Gulf Coast to lapse and decided not to prohibit drilling off Alaska's Bristol Bay.

Clark, who believes the attitude in Congress is starting to swing his way, argues that after more than two decades of talk about producing offshore oil, the country still does not have a producing oil or gas well in federal waters off Alaska or the Atlantic Coast.

He also cites how Interior consults far more with state and local governments in choosing or rejecting development and production sites, and Clark says no environmentally sensitive areas will be leased.

Congress has been talking one way and acting another for more than 20 years. It has ordered Interior to produce more domestic energy while placing one barrier after another in its way.

A reversal of this attitude cannot come too soon.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Ms. Ann McKinney, of the staff of Senator RICHARD LUGAR, to participate in a program in Taipei, Taiwan, sponsored by the Tunghai University, from July 16-24, 1984.

The committee has determined that participation by Ms. McKinney in the conference in Taipei, Taiwan, at the expense of Tunghai University, is in the interests of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Margaret Webber of the staff of Senator ARMSTRONG, to participate in a program in Taipei, Taiwan, sponsored by Tunghai University, from July 15-24, 1984.

The committee has determined that participation by Ms. Webber in the program in Taiwan, at the expense of Tunghai University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.●

IN COMMEMORATION OF THE 10TH ANNIVERSARY OF THE LEGAL SERVICES CORPORATION ACT

● Mr. KENNEDY. Mr. President, 10 years ago today, the Legal Services Corporation Act was enacted into law marking the new beginning of poor people's rights and access to justice. In spite of the difficulties, attacks, and funding cuts which have confronted the program in the past 3½ years, I am happy to pronounce that the legal services movement is strong, healthy, and successful in its mission to help poor people redress their legal problems in civil matters. This is possible thanks to the extreme dedication of a corps of legal services staff who are willing to serve their indigent clients under trying circumstances, at below-average wages, and often with very little recognition. Yet, these are the people who, in hundreds of storefront offices in neighborhoods around the country, work daily to reduce the suffering of poor people's loss of shelter, loss of jobs, loss of health, loss of possessions, loss of income, loss of children, loss of an education, loss of civil rights, loss of their dignity and self-respect at the hands of people, institutions, and government agencies in violation of the law.

Even while we are praising the high-quality work and immense contributions of the attorneys, paralegals, and support staff in local legal services programs, what we are truly praising and want to reiterate is the notion of equal justice for all.

Twenty years ago, Lewis Powell, now Associate Justice of the U.S. Supreme Court, gave substance to the meaning of equal justice when, as president of the American Bar Association, he said:

> Equal justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists. It is fundamental that justice should be the same, in substance and availability, without regard to economic status.

Ten years ago, with the passage of the Legal Services Corporation Act, that idea was embodied in our laws. Today, commemorating the first decade of the LSC Act, let us renew our commitment to that notion, and pledge that the burning light of justice will never dim in the lives of our countrymen and countrywomen regardless of their status, income, race, and beliefs.●

10TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

● Mr. TSONGAS. Mr. President, July 20 marked the 10th anniversary of the Turkish invasion of Cyprus. Yet in those 10 years, through the placing and lifting of a United States embargo on Turkey, through diplomatic negotiations, through meeting after meeting between the Greek and Cypriot negotiators, no settlement of the Cyprus problem has been reached. In fact, progress has taken a step backward due to the November 1983 action of the Turkish Cypriot community, which issued a universal declaration of independence.

Obviously, the Turkish Government was totally secure in participating in the decision as well as recognizing the new government, as they were the only country in the world to do so.

This administration has continually fostered the notion that Turkey, by accident of geography, is of paramount importance to the United States. Meanwhile, the unstable situation in Cyprus continues to jeopardize our security interests in the Eastern Mediterranean and is a major impediment to restoring friendly relations between our NATO allies Greece and Turkey.

I urge my colleagues to support the Senate Foreign Relations action which will place conditions on military aid to Turkey, thus reducing tensions and insuring the return of stability in the region.

We must send a clear message to both Turkey and our own administration—that Cyprus will not and cannot be forgotten. A settlement on Cyprus is essential to its humanitarian and economic goals, as well as to United States foreign policy objectives in the Aegean. I remain committed to working for a peaceful resolution to this tragic problem.●

"SAFE RIDES" PROGRAM IN DARIEN, CT

● Mr. DODD. Mr. President, in their eagerness to attack the problem of alcohol-related traffic deaths, many individuals and organizations are treating the proposed 21 drinking age as a solution in itself. A 21 drinking age should help to reduce these tragic fatalities, but it will not attack the full dimensions of what in reality is a much more complex problem. What congressional legislators on down to community leaders must do is begin to educate the population and provide disincentives, both moral and legal, to driving under the influence of alcohol. The measure we passed here a few weeks ago makes a strong move in that direction, but, at the same time, we should be encouraging other means of combating drunk driving.

A town in my State of Connecticut experienced a series of fatal teenage accidents between 1978 and 1981 as a result of drunk driving. However, in the town of Darien today there is a preventive program called Safe Rides. During the 3 years of its existence, it has cut the number of deaths to zero. Parents, high school students, and school officials took the lead in doing something about the problem. They came up with this completely volunteer-run organization where anyone may call in if they, or someone they are out with, is too drunk to drive. They receive a free ride home, no questions asked. Using largely donated radio equipment and a small office space, the program has achieved such success that it has been copied in 130 other communities nationwide. Recently, Safe Rides in Darien also benefited from corporate interest in the form of a $1,000 donation from the Exxon Corp. for a new radio system to enable more efficient service.

This preventive program in Darien is but one community-based way of dealing effectively with the problem of drunk driving. It did not require any outside money. It required only caring, and cooperation, and involvement by the teenagers themselves, who donate their time as drivers on Friday and Saturday nights.

My fear is that in our current attempt to encourage States to enact a 21 drinking age, we will become complacent and assume that we have made a good-faith effort. Lack of alcohol education, lack of community involvement, and simply lack of an alternative to driving oneself home after a night of overconsumption will continue to cause these preventable deaths. Our goal as legislators should not be to grab for quick, stopgap measures, but instead to support programs which will provide realistic, workable solutions.

With model programs like Safe Rides in Darien, I think that communities can begin to come to grips with drunk driving at a direct level—where they can be effective. State-mandated drinking laws should always be enforced to the best of the abilities of local police, but we should not kid ourselves that the 21 drinking age by itself is going to stop drunk driving.

At best, programs like Safe Rides can stop teenagers from drinking and driving. At the very least, they can serve as a constant reminder that alcohol should be consumed only in moderation; and that when it is abused, there is an alternative to staggering to one's car, turning the key, and jeopardizing one's own life and the lives of others.

Mr. President, I ask that articles from the Darien News-Review and the New York Daily News describing the Safe Rides Program be printed in the RECORD.

The articles follow:

[From the Darien (CT) News-Review, Aug. 26, 1982]

SAFE RIDES: KIDS HELPING KIDS MAKE IT BACK HOME

(By Chris Elsberry)

Friday night, 10 p.m.

In a back room in the shadowy recesses of the Union Trust Bank Building, five teen-

agers and an adult advisor sit by a telephone, waiting . . . hoping for a call that might save someone's life.

For nearly four months now, Safe Rides—a student-organized and operated program designed and developed by young people who care about the health and safety of their peers—has been providing rides for anyone who is under the influence of alcohol or drugs and cannot drive safely, or for any one who does not want to ride with a driver in that condition.

Safe Rides was created from the continuing concern of Students, parents and school personnel over an increasing number of senseless teenage deaths. During the past three years, seven Darien High School students have been killed in automobile accidents; and in every case, the person or persons involved were either drunk or had been drinking.

"Kids drink," says current president Doug Cavett, "They are going to drink whether we (Safe Rides) are out there or not. We're not condoning drinking, but we recognize that it's a reality. People seem to think that since we're out there, they can drink; no way. We'll continue to pick them up and take them home and if we save one kid, then the whole project's worthwhile."

If saving one kid is Safe Rides' goal, the fledgling project must be worth its own weight in gold. Excluding August, Safe Rides has given rides to 188 people, answered 95 calls—for an average of three-and-a-half calls a night—over a 29-night period since the program was initiated.

Currently there are about 60 people involved in the Safe Rides project that operates from 10 p.m. to 3 a.m. on Fridays and Saturdays (and Thursday during August).

"We have plenty of volunteers right now," says Cavett. "Individuals are on duty only once a month. We don't want to hamper that by adding more kids to the group; we'll just wait and see what happens."

During its first few weeks, Safe Rides was an enigma to most people; even Cavett admits to calling the number while at parties simply to draw attention to the project.

"I did that in the beginning," says Cavett slyly. "People would come up to me and say, 'You're calling Safe Rides?' and would look shocked. But now we don't have to do that anymore. Since Safe Rides started, there are a lot more people taking the keys away from drivers at parties . . . they may not call Safe Rides but they are becoming more aware of the possible dangers and are thinking about safety."

According to an adult advisor, Sue Geery, it's not just intoxicated kids who need rides, but the "innocent victims" (as Geery calls them). "They're people who can't rely on their parents for a ride home. It doesn't matter if they are drunk or not. Safe Rides will take care of those people as well," she says.

[From the New York Daily News, July 4, 1982]

TEENS FINDING ROAD TO SAFETY

(By Clint Roswell)

Most authorities concede that not even raising the drinking age to 19, a law which took effect in Connecticut last Thursday and is slated for New York in 1983, can stop underage teens from drinking.

Many believe that law enforcement loses its cutting edge when it attempts to counteract a problem which is more social than legal in nature. Teenage drinking, say the reports, is more than a localized or regional problem, but a cultural malaise that in many circles raises as many eyebrows as jaywalking.

The question of how society can protect itself and its young from the perilous extensions of drinking—namely drunken driving which often results in death, destruction of property and the infliction of harm on innocent people—has been examined without much success by government, police and community organizations.

While tougher state laws, such as raising the drinking age, are considered by many to be the best overall deterrent to teenage drinking, the intangible social aspects are more local in nature since every community has its own set of economic and cultural conditions.

The Town of Darien, an affluent municipality in Fairfield County, plagued with a chronic teenage drinking problem, has developed a plan which it hopes will put to rest an endless nightmare of drunken-driving incidents.

What makes the Darien program unique, and effective, is that high school students conceptualized, organized and run the program. But most of all, they accept the program.

Less than two months old, the program has attracted the attention of other towns in Fairfield County, Westchester County, television documentary producers, and has brought inquiries from as far away as Ohio and California.

The program is called "Safe Rides" and it has the entire town of Darien thinking something can be done to prevent the senseless destruction due to drunken driving.

It works this simply: two boys and two girls form coed teams of drivers in cars outfitted with CB radios and are stationed from 10 p.m. to 3 a.m. on weekend nights at the Union Trust Bank, right across the street from the Darien train station.

A parent advisor is also stationed at the bank along with a dispatcher.

Someone calls. "Hi, I'm a little drunk, can you help me?" The caller might say, or "I'm afraid to drive with this guy/girl who's drunk, can you give me a lift home?"

The answer most often is yes. Armed with training from the police department and the Greenwich Alcoholism Council, the coed teams ask several questions to make certain the caller is legit.

"We've only had two prank phone calls out of about 150," said Doug Cavett, the 16-year-old student president of Safe Rides. "The kids realize this is something for them, to help them avoid a potential disaster, and they accept it."

The 35 members of Safe Rides don't preach or lecture to the kids who often are their friends or neighbors. They keep each ride home confidential so neither the teenager nor his parents are subject to gossip or reprisal.

"We keep it confidential so no one will be afraid to call, but all the kids talked about it in school anyway," said Cavett, who says Safe Rides is averaging about 30 calls a weekend since it began in May.

"We wouldn't be doing this if the kids reacted negatively to it. We all realize there's been too much tragedy in the town of Darien," Cavett explained.

It was a near-tragic driving incident involving Cavett that inspired him to take a leading role in formulating Safe Rides. He admits to driving with a few drinks in him on a dark and winding road in Darien when the headlights of an oncoming car blinded him.

He swerved, his car ran off the road and rolled over two times before it stopped. He needed medical attention to stitch the wound in his head but the haunting memory of the incident stayed with him well after the wound healed.

"I was lucky," said Cavett, "but I realized how close to death I was and that thought scared me enough to stop me from drinking and driving. I knew a lot of my friends who had been less lucky, two of them died in car accidents in Darien in the last year. It was time to do something."

It was Darien High principal Donald Robbins who set the ball into motion when he organized a town committee on drugs and alcohol.

One of the parents, Jane Handley, a member of the committee, at a meeting last winter suggested that some sort of escort service be created for kids.

The students on the committee responded by formulating a questionnaire that all 1,100 Darien High students answered about their thoughts on the Safe Rides matter. They responded overwhelmingly in the positive.

"I got involved because I have four teenage daughters who go to Darien High," Handley, the group's advisor said, "I've been very encouraged by the positive nature and impact it's had on everyone involved and it is a new rallying point to combat this problem.

"For some reason, Darien is more susceptible to the teenage drinking problem because there's little to do in town and the kids are very socially oriented. Their parents, too, do a lot of drinking and the kids have just grown up in this kind of environment.

"They all have cars and drinking is accepted social behavior. But the whole community has been saddened by all the accidents and deaths over the years and pitched in the best way they knew."

The Safe Rides group is sponsored by the local Boy Scouts Explorer Post 655 which has assumed insurance coverage for the group. They are assisted by the Post 53 Emergency Ambulance Corps who are available in case of medical emergencies.

"The program has gone so far without a hitch," said Handley. "We're really pleased because we feel we're dealing with a problem that was seemingly unresolvable."

The Safe Rides program now is in the process of training another set of 35 students who will be ready to join the group within two weeks. The possibility of extending the venture to six nights a week during the summer months is being discussed, but manpower, finances and insurance liability may be too big a barrier for the volunteer group.

"Even if it stays at the current two days a week, I think we proved the point that something can be done," said Cavett. "Drinking is a problem, it always will be, but maybe we have found a way to make it less dangerous by keeping the kids who drink out of the car and more aware that they don't have to risk their lives."

[From the Darien News-Review, Jan. 6, 1983]

DARIEN SAFE RIDES SPAWNS NATIONWIDE GROUPS

(By Mark Seavy)

Since Darien Safe Rides began operation nine months ago as the only program of its kind in the country, similar organizations have sprung up nationwide.

"I have had 200 letters from 35 states asking about the program," said Jane Handley, advisor for Darien Safe Rides. "Last

week I had a call from a man in Davidsonville, Maryland who was beginning a program December 17 and had asked President Reagan to come for the opening ceremonies."

Safe Rides, which offers transportation to students or adults who have drunk or smoked too much, has begun or will begin in nine towns in Fairfield County, according to Handley. The towns include: Trumbull, Ridgefield, New Canaan, Greenwich, Stamford, Wilton, Weston and Westport.

Greenwich Safe Rides, which has been operating out of its office in the Red Cross building on East Putnam Avenue since December 17, is in service Friday and Saturday nights from 10 p.m. to 3 a.m., according to Cathy Strachan, adult coordinator and advisor for the program.

Strachan says the Greenwich organization, which is cosponsored by the Red Cross and Putnam Bank and Trust, involves 120 students from the town's five high schools and 60 adult advisers.

"There is a drinking problem in Greenwich and not all parents are willing to acknowledge it," Strachan says. "When we began thinking about having this program last April, we weren't aware of the one in Darien. I became involved this summer through my work at St. Catherine's High School."

The use of Greenwich Safe Rides has been increasing slowly. The organization received two calls the first night and six December 31, but Strachan recalls one which pretty much sums up the group's efforts.

"A girl called up because she wasn't sure whether the person she would be riding with had been drinking or not," Strachan recalls. "This is the type of call we want."

In Weston, 50 students and 30 adults are beginning their third of four training sessions this week and hope to begin service, January 15, according to Adviser Marilyn Kirchner.

Similar to the Darien program in format, with five students and one adult adviser on duty for each shift, the Weston program received many ideas from Darien Adviser Jane Handley, according to Kirchner.

"Handley has helped us a great deal," Kirchner says. "She told us how the Darien program was set-up and how it got started."

Sponsored by the Kiwanis Club and housed in the Weston Recreation Commission office, the program will be in service from 10 p.m. to 3 a.m. on Friday and Saturday nights. Kirchner says it has been well received in Weston.

"There has been an excellent response," Kirchner says. "The only problem that I can see is communication because of the size of the town."

New Canaan, like Weston, is still in the organizational stages, but hopes to begin operations January 21, according to Adviser Peter Deane. He added that unlike Darien, the New Canaan program will have seven students and one adult advisor for each shift.

"Several of the officers from Darien Safe Rides have come and talked with us," Deane says. "We are using more people because New Canaan is larger than Darien."

Deane says 84 students and 26 adults will be involved, which he hopes will represent a broad cross-section of the community.

"We want to have a broad base and avoid cliques," Deane says. "There won't be any freshmen involved mainly because they are unable to drive. The breakdown will be 35 seniors, 29 juniors and 20 sophomores."

Sponsored by the Red Cross, Alcohol Awareness Community Telephone (TACT) and the New Canaan Parents for Drug Awareness (NCPDA), New Canaan Safe Rides will be located on Main Street.

Designated Explorer Post 966, the New Canaan program is currently under the direction of a 12-person board of directors, but will soon elect permanent officers, Deane says.

Ultimately, Deane sees the Darien and New Canaan organizations working in conjunction rather than opposition.

"There are parties which Darien kids attend in New Canaan," Deane says. "Thus if a Darien kid needs a ride, we can give the person a ride to the Darien/New Canaan border and Darien Safe Rides can take it from there. This is done for insurance purposes."

Darien Adviser Handley expresses one fear about the expansion of Safe Rides.

"I worry about the people who will be running the programs," Handley says. "The Greenwich kids have been very enthusiastic, although some adults seem to be dragging their feet. The only problem I can see is the students involved will be from several schools not just one like in Darien."

Darien Safe Rides was busy over the holidays, providing transportation for 50 students New Year's Eve. Yet, while this is impressive, Weston Adviser Kirchner has another view.

"I hope we go out of business, because nobody will need us," Kirchner says. "Because then kids won't be driving after they've been drinking."●

ORDERS FOR TOMORROW

ORDER FOR RECESS UNTIL TOMORROW AT 11 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS

Mr. STEVENS. Mr. President, after the time for the two leaders under the standing order, I ask unanimous consent that there be special orders for Senators PROXMIRE and LEAHY for a period not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, following the special orders, I ask unanimous consent that there be a period for the transaction of routine morning business during which Senators may speak therein for not to exceed 5 minutes each, the period not to extend beyond the hour of 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, following that time at 12 noon, the Senate will turn to the consideration of either the Wilkinson nomination, S. 1003, which is the child abuse bill, or S. 268, the hydroelectric powerplants bill, which is at the desk with a House message.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. STEVENS. Mr. President, may I inquire of my good friend from West Virginia if he has any further business he wishes to bring before the Senate?

Mr. BYRD. Mr. President, I thank the assistant Republican leader. I have none.

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, and I hear none, I move, in accordance with the order previously entered, that the Senate now stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and the Senate, at 6:43 p.m., recessed until Thursday, July 26, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 1984:

DEPARTMENT OF STATE

Larry C. Williamson, of California, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

DEPARTMENT OF THE INTERIOR

Robert N. Broadbent, of Nevada, to be an Assistant Secretary of the Interior, vice Daniel N. Miller, Jr., resigned, to which position he was appointed during the last recess of the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Donald Ian Macdonald, of Florida, to be Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, vice William E. Mayer, to which position he was appointed during the last recess of the Senate.

Dodie Truman Livingston, of California, to be Chief of the Children's Bureau, Department of Health and Human Services, vice Clarence Eugene Hodges, to which position she was appointed during the last recess of the Senate.

CONSUMER PRODUCT SAFETY COMMISSION

Carol Gene Dawson, of Virginia, to be a commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 1985, vice Samuel D. Zagoria, resigned, to which position she was appointed during the last recess of the Senate.

COPYRIGHT ROYALTY TRIBUNAL

Marianne Mele Hall, of New Jersey, to be a commissioner of the Copyright Royalty Tribunal for the unexpired term of 7 years from September 27, 1982, vice Katherine D. Ortega, resigned, to which position she was appointed during the last recess of the Senate.

FARM CREDIT ADMINISTRATION

Melvin A. Ensley, of Washington, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1990, vice George Warren Lacey, term expired, to which position he

was appointed during the last recess of the Senate.

FEDERAL RESERVE SYSTEM

Martha R. Seger, of Michigan, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1984, vice Nancy Hays Teeters, term expired, to which position she was appointed during the last recess of the Senate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

William Barclay Allen, of California, to be a member of the National Council on the Humanities for a term expiring January 26, 1990, vice Charles V. Hamilton, term expired, to which position he was appointed during the last recess of the Senate.

Mary Joseph Conrad Cresimore, of North Carolina, to be a member of the National Council on the Humanities for a term expiring January 26, 1990, vice Louis J. Hector, term expired, to which position she was appointed during the last recess of the Senate.

Leon Richard Kass, of Illinois, to be a member of the National Council on the Humanities for a term expiring January 26, 1990, vice M. Carl Holman, term expired, to which position he was appointed during the last recess of the Senate.

Kathleen S. Kilpatrick, of Connecticut, to be a member of the National Council on the Humanities for a term expiring January 26, 1990, vice Harriet Morse Zimmerman, term expired, to which position she was appointed during the last recess of the Senate.

Robert Laxalt, of Nevada, to be a member of the National Council on the Humanities for a term expiring January 26, 1990, vice Sister Joel Read, term expired, to which position he was appointed during the last recess of the Senate.

James V. Schall, of California, to be a member of the National Council on the Humanities for a term expiring January 26, 1990, vice Leon Stein, term expired, to which position he was appointed during the last recess of the Senate.

Helen Marie Taylor, of Virginia, to be a member of the National Council on the Humanities for a term expiring January 26, 1990, vice Mary Beth Norton, term expired, to which position she was appointed during the last recess of the Senate.

NATIONAL SCIENCE FOUNDATION

Erich Bloch, of New York, to be Director of the National Science Foundation for a term of 6 years, vice Edward A. Knapp, resigned, to which position he was appointed during the last recess of the Senate.

NUCLEAR REGULATORY COMMISSION

Lando W. Zech, Jr., of Virginia, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1989, vice Victor Gilinsky, term expired, to which position he was appointed during the last recess of the Senate.

DEPARTMENT OF LABOR

Robert A. Rowland, of Texas, to be an Assistant Secretary of Labor, vice Thorne G. Auchter, resigned, to which position he was appointed during the last recess of the Senate.

HOUSE OF REPRESENTATIVES—*Wednesday, July 25, 1984*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

It is good to give thanks to the Lord, to sing praises to Thy name, O most High.—Psalm 92:1.

We laud Your name, O God, for all the treasures of Your creation that we have been given for our enjoyment. We offer praise for family and friends, for food and sustenance, for labor and leisure, for challenges and opportunities. Above all else, we thank You for the gifts of love and life, for each new day of grace. In all we do help us, O God, to use our time and talents in ways that glorify You and serve those about us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 332. Concurrent resolution expressing the sense of the Congress that the Union of Soviet Socialist Republics should provide the signatories of the Helsinki Final Act with specific information as to the whereabouts, health, and legal status of Andrei Sakharov and Yelena Bonner.

MIDDLE-INCOME PEOPLE, GRAB YOUR WALLETS

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker and my colleagues, last night in his Presidential press conference, the President was unusually halting and surprisingly difficult to understand. I expect it is because he wanted the real meaning of his words to be hidden behind what he was actually saying.

For example, he quickly noted that there will not be a tax increase next year but then he launched into an almost impossible explanation about gross national product and how that compares to revenue and expenditures, indicated he might raise taxes.

What it really means is there is going to be a tax increase next year. The President is going to call it tax reform. And translated, that means: Middle-income people, grab your wallets.

The President said in a rather halting manner that he thought that the current recovery was because of his tax cut for the rich of 3 years ago. He actually said that last night. Translated, that means that he still believes that trickle-down economics works. Middle-income folks, grab your wallets.

The President went on to say that he was going to try to buy some votes from the Social Security recipients, whom he has scared half to death in the last 3½ years, by changing the law to get them a cost-of-living increase even if inflation does not rise 3 percent. He did not say how he was going to pay for it. I assume he is going to borrow the money, the way he has done with all of the other expenditures.

Somebody has to pay for it. Middle-income people, grab your wallets.

THE FISCAL MESS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I congratulate the President for conducting his 26th news conference last evening and encourage him to conduct more news conferences before the November election. The American people need to see our President attempting to explain the fiscal mess in which our Nation is involved because of Reaganomics.

While the President was unable to explain his own budget dilemma, U.S. News & World Report, in its February issue, does a good job. On the front cover it says: "Drowning in debt, the impact of another $180 billion deficit."

The fact remains that Government costs $2 billion a day to operate, while revenues received are $1.5 billion a day. Even the first grade students living near Carson Lake, AR, understand that means a deficit, Mr. President.

PRESIDENT URGED TO WITHDRAW NOMINATION OF ANNE BURFORD AS CHAIRMAN OF NACOA

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, today, with Representatives UDALL, FLORIO, WAXMAN, D'AMOURS, WIRTH, and GORE, I have introduced a resolution which urges President Reagan to withdraw the appointment of Anne M. Burford to be the chairperson of the National Advisory Committee on Oceans and Atmosphere [NACOA]. The resolution expresses the strong disapproval of the House of Representatives of this highly inappropriate appointment.

For over a decade, Presidential appointments have respected NACOA's nonpartisan and independent nature. Each of the five prior chairpersons have had distinguished academic careers and doctoral degrees in their fields. Among them, they have belonged to more than 20 professional and scientific associations and served on more than 60 governmental and scientific bodies. NACOA has carried out its duties and provided advice on sensitive environmental issues in a professional and nonpartisan manner.

Unfortunately, the appointment of Mrs. Burford to chair NACOA is not subject to confirmation by the Senate. That fact, however, should not prevent Congress from expressing its sincere opposition to this unfortunate appointment, and to express our deep concern for the President's disregard of the clear congressional intent to keep NACOA an independent and nonpartisan body of expertise on marine and atmospheric issues.

Yesterday, the Senate approved by a lopsided 74-to-19 vote the identical resolution introduced by Senator KENNEDY. I urge my colleagues to join with us and the Senate in disapproving the Burford nomination and requesting that the President withdraw the nomination before Mrs. Burford takes office on August 2, 1984.

EDUCATION: AMERICA'S BEST DEFENSE FOR THE FUTURE

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, H.G. Wells observed that human history becomes more and more a race between education and catastrophe. If we are to hold off catastrophe, we must take steps to see that education wins the race.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Today the House can give American education a boost by approving H.R. 11, which would extend 10 important education programs, including bilingual education, women's educational equity, and adult education. Last year, the House passed the emergency math and science bill, and the American Defense Education Act has just been reported out of committee; both of these pieces of legislation will contribute greatly to the education of our young people.

America's best defense for the future is education. It is time that we stop throwing dollars at defense and instead spend wisely on textbooks and teachers. The security and future of the United States lie in well-educated young people, not with MX missiles.

Mr. Speaker, I urge my colleagues to continue to aid education as an essential component of our national defense.

□ 1010

LET US DEFEAT THE RULE ON INTERIOR APPROPRIATIONS

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, I rise this morning to strongly urge my colleagues to defeat the rule that will be offered later today for the consideration of the Interior appropriations bill. I do not make this recommendation lightly, but unfortunately, this may be the only way that the House will be able to express itself on the most blatant example of nonmilitary waste in the Federal budget. I am speaking of the Synthetic Fuels Corporation.

There is not a Member of this House that is not aware of the enormous mismanagment, the incompetence, the absolute lack of performance that has characterized the operation of the Synthetic Fuels Corporation. We want the opportunity to offer amendments that will provide for substantial reductions in the Corporation's appropriation, so that we might both make a contribution to the reduction of the Federal deficit, and put our energy policy into some kind of rational form.

I urge my colleagues to vote no on the rule on the Interior appropriations bill so that this House can express itself on what has been the most publicized example of nonmilitary waste in the Federal budget. It may be our only opportunity to do so.

INTELLECTUAL DISHONESTY

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, it is sad when the President of the United States seeks deliberately to mislead the American people, as he did last night, into the expectation that we can have increases in military spending of the degree that he asks and balance the budget without some additional revenues. Now, everyone familiar with the budget knows that is not possible. The President knows that is not possible.

The President indicates that he has some secret plan that will be divulged in December. It reminds me of the secret plan which Richard Nixon announced while he was running for President in 1968. After the election, he promised, he would announce his secret plan to end the war in Vietnam. That war continued throughout his term of office.

The President knows that it is not possible to spend $1 trillion in the next 3 years on military spending, as he demands, and to achieve any substantial reduction in these enormous budget deficits that are increasing interest rates to an unlivable level, without some additional revenues. He knows that is true.

For a long while, I tried very hard to believe that the President was being honestly unintellectual about this subject. Now, the facts disclose without per adventure that he is being intellectually dishonest.

DECEMBER SURPRISE

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, for years in politics, people have talked about "October surprises"—last minute tricks to win elections. But now President Reagan is planning a "December surprise"—a postelection surprise in the form of a secret plan to reduce the deficit.

Last night, Ronald Reagan refused to disclose his deficit plan. And he promised to reduce the deficit without a tax increase, unless of course he changes his mind and decides that a tax increase is needed.

So what will it be, Mr. President? Social Security cuts? Fewer school lunches? Less health care for the elderly? More taxes for working people? Higher and higher interest rates to choke off the American economy? We know that you have refused cuts in your bloated Defense budget, and you resisted our Democratic proposal to limit the tax giveaway for those making more than $50,000.

So how will you do it? And will you tell us before the election, or will you hide your December surprise in the Rose Garden until it is too late for the American people to have their say?

Mr. President, it is time to reveal your secret deficit reduction plan. It is time to be honest about your program for after the election. It is time to show your true colors as they have always been and always will be: more budget cuts for working people, and more tax cuts for the wealthy.

THE PRESIDENT SHOULD SUPPORT HOUSE-PASSED DISABILITY LEGISLATION

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, last night, President Reagan in his press conference again spoke about his plans for Social Security, and I find his remarks confusing. For the past several months the President has repeatedly said that we will have to reexamine all our entitlement programs, and that the Social Security trust funds may not be adequate to pay benefits to the young people entering the workforce today. Yet last night without even mentioning how we are to pay for such an increase, President Reagan supported paying new Social Security benefits which amount to nearly $6 billion next year alone. This means the wage tax base will be raised.

At the same time, this administration still refuses to support legislation which will allow disabled American workers to receive the disability benefits which they have already earned. I find it ironic that the administration, using its own budget numbers, would argue that we don't have enough money for the totally disabled, but at the same time we can spend additional billions in new and unplanned benefits.

I would hope that the President could find it in himself to change his position on disability legislation and support the House-passed disability legislation which protects the benefits and rights of the least among us.

GOOD LUCK, GERRY

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, first, my congratulations to our colleague, Representative FERRARO, and some sympathy for the hectic pace she will endure for the next 3 months. She has rescued the Democratic ticket from what looked like terminal blandness.

But there is one more thing she, all women, and indeed all Americans deserve, and that is respect—respect for the office the nominee seeks. It may be true, as she says, were her name Gerald Ferraro, she would not have been considered for the job. But she was and now is no longer just GERALDINE FERRARO, but the candidate. And when the enjoyable and expected 2-

week canonization passes, legitimate questions must be asked. To do less would be both patronizing and wrong.

For instance, it is not immoral to be a big-city Democrat, but it may not be what America had in mind. It is not immoral to favor bigger spending, bigger deficits, and bigger taxes, but it may be wrong for Americans. It is not immoral to have a spouse in business, but ethical questions are not just legitimate but an absolute necessity for a Vice Presidential candidate.

I like GERALDINE FERRARO; I also think that the tired, liberal economic philosophy of the Democratic ticket would be a disaster for America. To not challenge, to not correct, to not contend—because she is a woman—would debase the goal of true equality we both share.

So good luck, GERRY; I hope you are a front runner for the Presidential nomination of your party in 1988—after the reelection of President Reagan.

THE SPOUSAL IRA

(Mr. DAUB asked and was given permission to address the House for 1 minute.)

Mr. DAUB. Mr. Speaker, I enjoyed the President's news conference last night. I thought his comments to the country and to the press assembled were pensive and thoughtful. I was particularly taken by his comments with respect to the spousal IRA. It is a classic Ways and Means problem that I think he seeks to address, and I think his leadership ought to be respected by the House and the Senate.

The means or objectives are four: Financing on a long-term basis at more stable and lower interest rates; financing growth from savings and equity, rather than from debt; creating long-term thrifty incentives; and allowing the possibility for workers to save so that they are less reliant in the long term at their point of retirement on public assistance.

The classic solution, the way, is the doubling of the spousal IRA, which the President has proposed. It is fair, it reverses an unintended amount of discrimination when we passed the first spousal legislation in 1981, because we do not otherwise treat that housewife who works and washes and cooks and cleans and cares for the family in the conventional ways like giving a W-2 or Social Security credits for their hard work.

It is a small amount of short-term Treasury loss for a long-term policy that will save billions of dollars in public assistance in the long term. I ask my colleagues to consider sponsoring H.R. 5940 to that end.

□ 1020

REPUBLICANS' PARTY OF WORKING MEN AND WOMEN

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, as I listened to the thunder of the Democrat Convention, I was struck by the awesome silence about one indispensable group in the Nation. The Democrats reached into their political grab bag and promised something for almost every conceivable constituency it is attempting to woo. Yet, to me and millions of others watching, there was one glaring omission. The Democrats never promised anything to the working men and women of the country.

If the thought, in fact, is the mother of the deed, then the workers of America have been shamefully neglected by the Democrats in convention. And they will continue to be ignored. Indeed, as President Reagan emphasized last night, it is the Republican Party that cares about the working men and women of America—and the retired working men and women of America.

I am reminded of the interesting and analytical speech by a Democrat Member of the other body who said the problem with Democrats is that they spend all their time worrying about how to distribute the golden eggs without concerning themselves about the health of the goose.

It is the Republican Party that cares about the health of the goose that dispenses the golden eggs—the economy of the Nation. It is a healthy economy that provides jobs for working men and women and security for retired working men and women.

It is a healthy economy that provides the jobs and the jobs that provide the taxes to aid the poor and elderly.

It is the Republican Party that cares about taxes and inflation. The Democrats in San Francisco did not have much to say about these issues except that they would increase taxes. Time sure does not change much about the Democrats.

Yet, it is the working men and women of America and the retired working men and women who care about taxes and inflation. They know from experience how much both taxes and inflation can hurt.

By their own rhetoric, the Democrats have demonstrated their insensitivity to the working men and women, who pay more than their fair share of taxes. That they have so obviously ignored these millions of Americans speaks volumes about their preoccupation with gathering in all their diverse and contradictory constituencies and their preoccupation with the distribution of the golden eggs flowing out of Washington.

The Republican Party has demonstrated—by far more than mere rhetoric—that it does care for the working men and women of America and the retired working men and women of America—the latter who serve as targets of Democrat scare tactics.

Unlike the hyperbole bouncing off the walls of the Moscone Center, rank-and-file Republicans were not born with silver spoons in their mouths. I used to work on a production line hustling auto bodies. I spent some time in the Marine Corps and went to law school at night.

I learned that Republicans do not come automatically endowed with a stock portfolio or a grant from the Federal Government. President Reagan comes from a working class family. As he has remarked, the Reagan family was poor but the Government just didn't let them know about it.

President Reagan was a Democrat and a union leader, but he came to believe that it was, in fact, the Republican Party that understood the hopes and aspirations of working men and women throughout the country.

This is the strength of the Republican Party. So long as it remains true to the constituency of the working men and women, and the retired workers, then the Republican Party will retain its inherent appeal. While we must take care of the less fortunate and more needy, to neglect the working men and women of our country would, in the end, betray the best interests of all Americans.

A SMALL, BUT IMPORTANT, STEP

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, last week while the Democrats were in San Francisco blasting away at what they perceive to be President Reagan's intransigence on arms discussions with the Soviet Union, a small but very important first step was taken right here in Washington.

On July 17 the United States initialed an agreement with the Soviet Union to update and modernize our hotline communications system. This agreement will allow for a facsimile transmission capability to be added to the current 67-word-per-minute teletype. This will allow the transmission of full texts or maps and graphs.

Last year the gentleman from California [Mr. STARK] and I introduced legislation which called on the President to seek negotiations with the Soviet to modernize our communica-

tions. The Soviets rejected American proposals to link our embassies and military commands, but I am still hopeful that future progress can be made on the establishment of a joint center to house the newly updated system. In the meantime a positive step has been taken.

FEMA REGULATIONS SHOULD BE MORE FLEXIBLE

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, on April 27 a northern Wisconsin area was devastated by fierce tornadoes, and after literally months of examination, the Federal Emergency Management, [FEMA], granted disaster aid.

Although I am very pleased that aid was granted, I am equally appalled at the lack of organization which surrounded FEMA's decisionmaking process. FEMA failed to consider the unique characteristics germane to the area; that is, our travel and tourism industry, as well as our logging business.

The fact is that FEMA regulations should be more flexible to deal with extenuating and unique situations. After all, no disaster is usual, and FEMA and this Congress, I feel, should recognize this fact.

Today I am contacting the appropriate committees here in Congress and FEMA itself to review several concerns expressed by my constituents and I hope that we can make FEMA more responsive to disasters.

HYPOCRISY FOR SENIOR CITIZENS

(Ms. OAKAR asked and was given permission to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, President Reagan has indicated he may recommend a COLA for seniors on Social Security. I agree with this, but senior citizens will not be fooled. This is too little, too late.

I believe honestly it is a subtle form of hypocrisy when the President has done more to clobber senior citizens. Let us look at the record.

In his first budget, he recommended cutting Social Security by $29 billion, and who was most affected? Elderly women between 75 and 90 years old. He has had more cuts in medicare than any other President, which meant not cost containment but more out-of-pocket expenses for the elderly. He has gutted the housing program for the elderly, cuts in nutrition programs, and recommended the only jobs program for the elderly, title V, under the Older Americans Act.

I think it is hypocrisy and I do not think senior citizens will be fooled.

WALTER MONDALE, SEND US A MESSAGE

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker and Members of the House, Walter Mondale, in his acceptance speech, made reference to a challenge to Congress, and I quote: "We must cut spending and pay as we go."

This is what Walter Mondale said. We have been saying this at least since the first day that I came to the Congress. As a matter of fact, this Member has introduced on several different occasions a pay-as-you-go amendment on new spending programs, only to have those plans beaten down by Walter Mondale's fellow Democrats on the floor of the House.

I would ask Walter Mondale today to issue a statement to tell us how he plans, and not to keep it secret any longer, to pay as you go on the various spending concepts that are presented on the floor of this House.

He further stated, "If you do not hold the line," he said to the Congress, "I will. That is what the veto is for."

To me, that sounds like the possibility that he is advocating the line-item veto. If that is so, let us make it clear. Do not keep it secret, Mr. Mondale. Send us a message. Tell us how you would ask your fellow Democrats on the floor of the House to support a line-item veto or something akin to it. Do not keep these messages secret, these plans secret. We want to know now, because we have plenty of time between now and October 1 to implement cuts and plans for a line-item veto.

SYNFUELS CORPORATION FUNDING SHOULD BE CUT

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I rise today to alert my colleagues about an opportunity that we were denied yesterday to reduce Federal spending. Yesterday, I and several other Members asked the Rules Committee for permission to offer several amendments to the fiscal year 1985 Interior and Related Agencies appropriations bill to rescind $9 billion from the Synfuels Corporation. The Rules Committee denied our request. In this time of $200 billion deficits, we should not leave the Synfuels Corporation with excess levels of funding when they have shown us to be less prudent in spending hard-earned taxpayers' dollars.

A GAO study was released yesterday which concludes that Union Oil Co. will be paid up to $1 million a day in price subsidies between 1989 and 1995 for price supports for synfuels produced at their Parachute, CO, plant. This multimillion dollar subsidy is in addition to an estimated $3.4 billion in tax breaks Union will receive for plant construction.

Now we all know that Union Oil is not on the brink of bankruptcy, and it is crazy to pay $92 for a barrel of oil that sells for less than $30 on the open market.

Several bills have been introduced which would modify, cut back, or abolish the Synfuels Corporation. A majority of our colleagues have cosponsored one or another of these bills. Therefore, I am going to fight this rule later today. I urge my colleagues to support my efforts to allow the full House of Representatives the opportunity to express its will on this matter.

It was said at the Democratic Convention in San Francisco that the Republican Party is a party of the Cadillacs and the private airplanes. If you vote for that rule today, you are voting for the big limousines, the big Cadillacs, and the private planes. This is a chance for you to put or shut up.

CIVILITY, COMITY AND RHETORIC

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, a few moments ago the distinguished majority leader referred to the President as "intellectually dishonest."

Mr. Speaker, on July 19, 1984, United Press International reported that the Speaker of the House said the following things about the President of the United States—and I quote:

> The evil is in the White House at the present time * * * and that evil is a man who has no care and no concern for the working class * * * He's cold. He's mean. He's got ice water for blood.

In almost 30 years in the House, I have never heard such abusive language used by a Speaker of the House about the President of the United States.

To refer to the President in such terms is to deliberately step outside the bounds of civility and comity.

This is not the first time the Speaker has spoken of the President in personal terms. It is only the most disturbing such incident.

There are precedents in our House rules forbidding personal abuse of a President on the floor of the House.

Surely the spirit of these rules ought to be adhered to by the Speaker off the floor as well as on the floor.

Mr. Speaker, as a long-time friend and colleague and one who reveres your high office, I implore you to stop this continuing personal abuse of the President of the United States. It is

beneath the dignity of your office and is causing many of your friends to worry and wonder why you are acting this way.

□ 1030

A REPORT TO CRITICISM OF STATEMENTS MADE BY THE SPEAKER

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, I had not come here intending to do this, but I am very disturbed by the implications of the remarks of the gentleman from Illinois when he suggests that we should be bound by the rules of the House off the floor of the House.

I would find it very awkward to walk around addressing my friends as "the gentleman from" such-and-such and the "gentlewomen from" so-and-so. I would find it very awkward to always be talking in the third person. I would find it kind of a deprivation off the floor not to be able to refer to the other body in any terms other than "the other body."

I find it hard to believe that my friend, the gentleman from Illinois, really thinks that the rules of the House which are set up to conduct business here in the House ought to carry afterwards, and the notion that the Speaker is somehow always carrying the floor around with him and is to be bound always by those rules cannot be meant seriously, and I think it is just a sign that the election is approaching.

A "NEW REALISM" VERSUS "OLD FANTASIES"

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, while some are talking about a "New Realism" in American politics, our President demonstrated last night that the fiscal policies of his administration would continue to be guided by "old fantasies."

The President stated flatly that he has no plans to raise taxes on the wealthy. He also made it abundantly clear that he has no plans for lowering the skyrocketing deficits his tax-and-borrow policies have produced. The President said these policies will lead to long-term economic growth. The reality is that these policies are only leading to long-term high interest rates and a staggering national debt which has doubled during his 4 years in office. The President said that the solution to the deficit question is for Congress to pass a constitutional amendment to balance the budget. The reality is that Mr. Reagan could have submitted a balanced budget to the Congress anytime during the past 4 years and we would have done all we could to enact it into law.

Mr. Speaker, we all know the Presidential role model is Calvin Coolidge, who is reported to have slept through most of his administration. Last night Mr. Reagan must have been sleepwalking through his news conference. Unfortunately, the deficits he is talking about are not a dream—they are a nightmare.

AN EASY CHOICE—REELECTION OF THE PRESIDENT

(Mr. MACK asked and was given permission to address the House for 1 minute.)

Mr. MACK. Well, the race is on, Mr. Speaker. The stage is set. The campaign is going forward. The Democrats are going to resort to their old policies of name-calling, character assassination, fear-mongering, and, yes, more taxes and more spending.

The choice is clear. You can choose the Democrats, more Government, more taxes, more fear, or you can choose the Republicans, more growth, more jobs, more opportunity. The American people believe that America is back, so the choice will be easy. President Reagan will return for another 4 years.

PERMISSION FOR SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY AND TOMORROW DURING THE 5-MINUTE RULE

Mr. WALGREN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Science, Research and Technology of the Committee on Science and Technology be permitted to sit today and tomorrow, July 25 and July 26, 1984, while the House is in session under the 5-minute rule for the markup of two bills: specifically, H.R. 5503 and S. 1286.

This request has been cleared with minority.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1310, EMERGENCY MATHEMATICS AND SCIENCE EDUCATION AND JOBS ACT

The SPEAKER. Pursuant to the order of the House of Tuesday, July 24, 1984, the first order of business is the unfinished business on the motion offered by the gentleman from Kentucky [Mr. PERKINS] to suspend the rules and agree to House Resolution 554.

The gentleman from Kentucky [Mr. PERKINS] has 20 minutes of debate remaining and the gentleman from Pennsylvania [Mr. GOODLING] has 20 minutes of debate remaining.

The Chair recognizing the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, on the resolution pending at the desk, I yield back the 20 minutes, the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky [Mr. PERKINS] that the House suspend the rules and agree to the resolution, House Resolution 554.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

TITLE VIII OF SENATE AMENDMENT TO H.R. 1310, EMERGENCY MATHEMATICS AND SCIENCE AND EDUCATION AND JOBS ACT

Mr. PERKINS. Mr. Speaker, pursuant to the resolution just adopted, I have a motion at the desk which I offer.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. PERKINS moves to suspend the rules, to discharge the Committee on Education and Labor and the Committee on the Judiciary from further consideration of the Senate amendment to the bill, H.R. 1310, and to concur in title VIII of the Senate amendment.

The SPEAKER. Pursuant to House Resolution 554, a second is not required on this motion.

Under the rule, the gentleman from Kentucky [Mr. PERKINS] will be recognized for 30 minutes and a Member who is opposed to the legislation will be recognized for 30 minutes.

Is there any gentleman on the Republican side who is opposed to the resolution?

Hearing none, the Chair will inquire, is there a Member on the Democratic side who is opposed to the legislation?

Mr. SCHUMER. Mr. Speaker, I am opposed to the legislation.

The SPEAKER. The gentleman from New York [Mr. SCHUMER] will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I thank the chairman of the Committee on Education and Labor for yielding me this time.

Mr. Speaker, I opposed the last version of the equal access bill, I spoke against it, and I voted against it. I intend to vote in favor of the motion the gentleman from Kentucky [Mr. PERKINS] has offered today.

The bill as it initially came before us had some flaws. Those flaws that bothered me have been corrected. The bill that we have before us now does not discriminate among different types of groups. It offers protection for the right of students to have meetings of their own choice open to religious, political and philosophical groups, all groups.

The original bill would have given the force of law to the right of students to meet during the school day. The bill we have before us now deals with before school and after school. As to during the school day, that is left up to the local schools to do as they wish.

The bill also has some guarantees for minorities. In other words, all of the specific defects people had problems with in the original bill have been cleared up, and we are left with the basic point.

There are friends of mine whom I respect greatly who say that somehow we ought never to allow religious-oriented activities to take place on public property, particularly with regard to the schools. I think that is in error. I think that the coercive aspect of school prayers led by teachers is wrong, undercuts fundamental freedoms, and ought not to be allowed, but wholly voluntary activities where outsiders can be prevented from coming in, as under this bill, after school, initiated by the students themselves, whether for religious, political, or philosophical purposes, seems to me legitimate.

Indeed, Mr. Speaker, I regard this as a very auspicious day in many ways in regard to those of us who think we ought not infantilize teenagers. This is a bill which recognizes the rights of teenagers in the high schools to say that if any group is allowed to meet, then all groups, as long as they do not break either the laws or the furniture, should be allowed to meet in the school buildings. It is an empowerment in my judgment of teenagers so that the school boards and the school authorities can no longer pick and choose for these teenagers. They can no longer say,"If you have a meeting of this club, you can't have a meeting of that one."

It is a piece of legislation which says, if we are going to allow access to the schools for the young Republicans and the young Democrats, then all political opinions are going to be in and all social opinions are going to be in. If you are going to have this group in, you can have that group in. I do not see the objection. It is noncoercive, and it keeps out outsiders. It is not during the school day.

I do not see any damage that comes to the fabric of this society from the fact that some teenagers might decide to have a meeting of a radical political group while others might decide to have a meeting of a particular religious society. I think those of us who think teenagers ought to be treated with some respect for their individuality ought to welcome this bill, and I commend the gentleman from Kentucky and the gentleman from Washington. They have done a great deal of work on this bill. They have accommodated the wishes of the House. They had a version that did not pass. They sat with people and they met with people, they have negotiated, and I think they have done a good job.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. PERKINS. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

I have listened with great interest to the gentleman's remarks. He has expressed more articulately than I could my feelings about the bill in its present form. I commend the gentleman for his statement, I associate myself with his remarks, and I urge adoption of the legislation.

Mr. FRANK. Mr. Speaker, I thank my friend, the gentleman from Georgia, and I yield back the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may require.

□ 1040

Mr. Speaker, I think that certainly as the gentleman from Massachusetts has stated, this bill is an improvement over the previous bill that was before us; but nonetheless, this bill creates major, major problems, and reverses a 200-year tradition in this country that many of our forefathers died for, and that is the separation of church and state and no state establishment of a religion.

In fact, Mr. Speaker, if this bill passes, we will add a fourth "R" to the curriculum of our schools. There will be reading, 'riting, 'rithmetic and religion, because there is nothing, not even in this new improved version of the bill, that prevents religious services in the schools before and after classes.

There are two major arguments against this bill and I would ask my colleagues to listen to them carefully, because they represent major issues and major changes in our governmental view. It is unfortunate that we have so little time to debate them.

The first is the establishment clause. Should school property be used to foster or aid religion in any way? The supporters of the bill, for instance, ask what is wrong with two students while on a schoolbus on its way to school discussing the Bible? Nothing, and our Constitution protects that kind of speech today without any legislation. We need no new legislation to ensure that. But let us say that at a student's request the back half of the bus was reserved for a Bible discussion. That is wrong, and would probably most certainly be allowed under this bill.

The gentleman from Massachusetts said there is no coercion in this bill. Would an 11-year-old—and some 11-year-olds are covered by this bill—feel coercion if three-quarters of the students sitting in the back of the bus discussed the Bible, one particular version of the Bible, and that student had to sit somewhere else? I submit that that student would indeed feel coerced.

The second point is that this bill requires school administrators to decide what is religion and what is not. School officials will have to spend innumerable hours determining whether or not various groups represent legitimate religions, because if they are, this bill allows them to meet. School administrators will also have to decide what is conducting a meeting, because there is a provision in the bill to prevent outsiders from conducting meetings. But is giving a sermon conducting? I submit it is not. Should the school administrator have to decide?

Could a different outsider come in each week to school and participate in a prayer service or class sermon? Yes, by this bill, he indeed could.

Additionally, Mr. Speaker, in my opinion, nothing in this bill prohibits a student-initiated catechism or baptism or other religious services from occurring in our classrooms.

Is that what we want? Is that what the Founding Fathers died for when they were seeking freedom of religion?

I share the anguish of many of my colleagues who have firm religious beliefs and do not want to see students prohibited from discussing religion among themselves in the lunchroom or on the bus or during recess. I submit that our Constitution already protects them; but this bill goes much further in terms of the establishment clause by allowing religious services in the school.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I will yield when I am finished.

Mr. EDWARDS of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Does the gentleman move a call of the House?

CALL OF THE HOUSE

Mr. EDWARDS of California. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 312]

Ackerman	Derrick	Horton
Addabbo	DeWine	Howard
Akaka	Dickinson	Hoyer
Albosta	Dicks	Hubbard
Alexander	Donnelly	Huckaby
Anderson	Dorgan	Hughes
Andrews (TX)	Downey	Hunter
Annunzio	Dreier	Hutto
Anthony	Duncan	Hyde
Archer	Durbin	Ireland
Badham	Dwyer	Jacobs
Barnard	Dyson	Jeffords
Barnes	Eckart	Johnson
Bartlett	Edgar	Jones (NC)
Bateman	Edwards (CA)	Jones (OK)
Bates	Edwards (OK)	Kaptur
Bedell	Emerson	Kasich
Beilenson	English	Kastenmeier
Bennett	Erdreich	Kazen
Bereuter	Erlenborn	Kemp
Berman	Evans (IA)	Kennelly
Bethune	Evans (IL)	Kildee
Bevill	Fascell	Kindness
Biliirakis	Fazio	Kleczka
Bliley	Feighan	Kogovsek
Boehlert	Fiedler	Kolter
Boggs	Fields	Kostmayer
Boland	Fish	Kramer
Boner	Flippo	LaFalce
Bonior	Florio	Lagomarsino
Bonker	Foglietta	Lantos
Borski	Foley	Latta
Bosco	Ford (MI)	Leach
Boucher	Ford (TN)	Leath
Boxer	Fowler	Lehman (CA)
Breaux	Franklin	Lehman (FL)
Britt	Frenzel	Leland
Brooks	Fuqua	Lent
Broomfield	Garcia	Levin
Brown (CA)	Gaydos	Levine
Brown (CO)	Gejdenson	Levitas
Broyhill	Gekas	Lewis (FL)
Bryant	Gephardt	Lipinski
Burton (CA)	Gibbons	Livingston
Burton (IN)	Gilman	Lloyd
Byron	Gingrich	Loeffler
Campbell	Glickman	Long (LA)
Carney	Gonzalez	Lott
Carper	Goodling	Lowry (WA)
Carr	Gore	Lujan
Chandler	Gradison	Luken
Chappell	Gray	Lundine
Chappie	Green	Mack
Cheney	Gregg	MacKay
Clarke	Guarini	Markey
Clinger	Gunderson	Marlenee
Coats	Hall (IN)	Martin (IL)
Coelho	Hall (OH)	Martin (NC)
Coleman (MO)	Hall, Ralph	Martin (NY)
Coleman (TX)	Hall, Sam	Martinez
Collins	Hamilton	Matsui
Conable	Hammerschmidt	Mavroules
Conte	Hance	McCain
Cooper	Hansen (UT)	McCandless
Coughlin	Harkin	McCloskey
Courter	Hartnett	McCollum
Coyne	Hatcher	McCurdy
Craig	Hawkins	McDade
Crane, Daniel	Hayes	McEwen
Crane, Philip	Hefner	McGrath
Daniel	Hertel	McHugh
Dannemeyer	Hightower	McKernan
Darden	Hiler	McNulty
Daub	Hillis	Mica
Davis	Holt	Michel
de la Garza	Hopkins	Miller (CA)
Miller (OH)	Regula	Spratt
Mineta	Reid	St Germain
Minish	Richardson	Staggers
Mitchell	Ridge	Stangeland
Moakley	Rinaldo	Stenholm
Molinari	Ritter	Stratton
Mollohan	Roberts	Studds
Montgomery	Robinson	Sundquist
Moody	Rodino	Swift
Moore	Roe	Synar
Moorhead	Roemer	Tallon
Morrison (CT)	Rogers	Tauke
Morrison (WA)	Rose	Tauzin
Mrazek	Roth	Taylor
Murphy	Roukema	Thomas (CA)
Murtha	Rowland	Thomas (GA)
Myers	Roybal	Torres
Natcher	Rudd	Torricelli
Nelson	Russo	Valentine
Nichols	Sabo	Vander Jagt
Nielson	Sawyer	Vandergriff
Nowak	Schaefer	Vento
O'Brien	Scheuer	Volkmer
Oakar	Schneider	Vucanovich
Oberstar	Schroeder	Walgren
Obey	Schulze	Walker
Olin	Schumer	Watkins
Ortiz	Seiberling	Weaver
Oxley	Sensenbrenner	Weber
Packard	Sharp	Weiss
Panetta	Shaw	Wheat
Parris	Shumway	Whitehurst
Pashayan	Sikorski	Whitley
Patman	Siljander	Whittaker
Patterson	Sisisky	Whitten
Paul	Skeen	Williams (MT)
Pease	Skelton	Williams (OH)
Penny	Slattery	Wirth
Perkins	Smith (FL)	Wise
Petri	Smith (IA)	Wolpe
Pickle	Smith (NE)	Wortley
Porter	Smith (NJ)	Wyden
Price	Smith, Denny	Wylie
Pursell	Smith, Robert	Yates
Quillen	Snowe	Yatron
Rahall	Snyder	Young (AK)
Rangel	Solarz	Young (FL)
Ratchford	Solomon	Zschau
Ray	Spence	

□ 1100

The SPEAKER. On this rollcall, 374 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

TITLE VIII OF SENATE AMENDMENT TO H.R. 1310, EMERGENCY MATHEMATICS AND SCIENCE EDUCATION AND JOBS ACT

The SPEAKER. For the Members who were not present, the Chair will state that the time has been equally divided between the gentleman from Kentucky [Mr. PERKINS] and the gentleman from New York [Mr. SCHUMER].

When the call of the House was moved, the gentleman from New York [Mr. SCHUMER] was at the microphone.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the Speaker.

As I was arguing before the quorum call, the first major argument against this piece of legislation is that it may indeed allow, and it certainly does not explicitly prohibit, prayer services, baptisms, catechisms, on school property.

The second argument is a different argument. And I would ask my colleagues once again to pay attention to it. It is not what the bill purports to do but what it might do.

Neither under this legislation nor under our Constitution can we say that certain religions that we like can have time in school buildings and other religions cannot. Under this legislation, any number of students could get together and ask that a school classroom be used for a religion that they were interested in. That does not just mean Christianity, Judaism, Islam, the major religions; it means any religion or any cult could be allowed into our schools.

People in our schools could be invited in to address students on such things as the Neo-American Church, one of the religions in the American Encyclopedia of Religion.

The Neo-American Church, reading from the Encyclopedia, was formed in 1964 by Arthur Kelps, the son of a Lutheran minister. One of his supporters, Timothy Leary, called him an authentic American anarchist conformist itinerant preacher.

The target of this diatribe and praise, Arthur Kleps, calls himself Chief Boo Hoo, primate of the East and proponent extraordinaire of the sacramental use of psychedelic substances.

That gentleman, Chief Boo Hoo, could be invited by an unwitting group of students into any school in America after this legislation passes and lead discussions, conduct meetings, teach the use of psychedelics, et cetera.

I believe in the first amendment, my colleagues. But we have a question to ask ourselves here: Do we believe that 11-, 12-, 13-, and 14-year-olds should have complete first amendment rights to do whatever they wish in school buildings?

Mr. HYDE. Would the gentleman from New York yield?

Mr. SCHUMER. I will yield at the end of my time or yield later to the gentleman on his time.

This is a question that is before us. Once again, ladies and gentlemen, once again any religion or anything that calls itself a religion will be in our classrooms if this legislation passes.

I daresay that the proponents of this bill will rue the day they pushed it through the House, given the consequences of this legislation. So, my colleagues, in conclusion, I ask you to think twice about this bill.

Mr. HYDE. Would the gentleman yield?

Mr. SCHUMER. I will not yield.

First, you should reject this bill on the basis of the establishment clause. It was said by none other than Jerry Falwell why "our supporters" are backing this bill. Mr. Falwell said the real reason is to get prayer back into the schools, but he said, "We knew we couldn't win on school prayer but

equal access gets us what we wanted all along."

The second reason to oppose this bill is that it would allow any group of students—two or more—to invite anything that calls itself a religion, a cult, or whatever, into the classroom to use school facilities. This would give implicit sanction to that religion in that the use of those school facilities means that this religion is OK.

Yes, we want to end certain abuses; no, we do not need an overly widely drawn equal access bill that will do far more than its proponents say it will.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the author of the bill the gentleman from Washington [Mr. BONKER].

Mr. HYDE. Mr. Speaker, as the gentleman approaches the well, would he consider yielding to me?

Mr. BONKER. I yield to the gentleman from Illinois.

Mr. HYDE. I thank my friend for yielding.

Mr. Speaker, I just want to say I cannot believe that I have heard what I have just heard. I take it that the gentleman would accept an approved list of religions that we could properly call religions, the rest we would call cults. We would accept Christianity, Judaism, and Islam and then any others would be a cult and as those who oppose this bill would have it, we are not to have freedom for everybody, especially students; there is a certain age they must attain when they are entitled to exercise freedom.

I thought one of the remarkable things about the past week was there was such diversity of expression on the streets of San Francisco. If Sister Boom-boom wants to head a religion, she, he/she ought to be tolerated as someone who can exercise free speech. It ought to apply for those you disagree with as well as those you agree with.

I am concerned that the gentleman has a diminished understanding of what free speech and the free exercise thereof means. These expressions of intolerance are both surprising and sad.

Mr. Speaker, I thank my friend for yielding.

Mr. BONKER. I thank the gentleman.

Mr. Speaker, I think it would be wise to remind Members of the status of this legislation. The House deliberated the equal access bill last month under suspension and it lost by 11 votes, 11 votes short of the two-thirds required.

Meanwhile, the Senate has added an equal access to the math and science bill as an amendment which passed by a vote, I believe, of 88 to 11. The proposal has now come back over here, and we are taking up the issue under suspension.

I would remind my colleagues that the bill has been greatly modified in the Senate. There have been adopted a number of changes which have now made this proposal more acceptable to many Members who previously had concerns.

□ 1110

In fact, many of the questions which were raised in the earlier debate are now accommodated by the Senate passed amendment.

The ACLU and the NEA, which strongly opposed the measure in the last round of debate, now officially are neutral on the equal access bill that is before us.

I would personally say that the new proposal is not what I would like to see. I think the changes in the Senate have greatly watered down our original intent. It is a compromise, but I think it is an acceptable compromise.

I would urge the Members to join the chairman and the gentleman from Pennsylvania [Mr. GOODLING] and myself in supporting the equal access amendment to the math and science bill.

Let me make a few points about the original bill which are still valid today.

Constitutional rights are being denied students who want any kind of religious activity. Lawrence Tribe, the nationally acknowledged constitutional attorney, has said to deny these students an opportunity to meet on school premises either before school hours or after school hours is to deny them their constitutional rights.

The gentleman from New York raised the issue of the establishment clause. Let me read what the first amendment says. It states:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

There is nothing in this bill that has Congress establishing a religion. Indeed, what we are trying to do is to address the other two clauses in the first amendment; that we do not prohibit the free exercise of religion, nor are we abridging the freedom of speech. That is precisely the point Lawrence Tribe makes, that we are denying people an opportunity to exercise their freedom of speech.

The 1962 court ruling on school prayer did not address their particular issue. This has resulted in a great deal of confusion in the school districts and among the various courts that have ruled on the matter.

The 1981 Widmar decision in Missouri is an important case to remember. That court had found that equal access was being denied college students because they were disallowed from meeting on the campus.

The SPEAKER. The time of the gentleman from Washington [Mr. BONKER] has expired.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. BONKER].

Mr. BONKER. I thank the gentleman.

Let us keep in mind that this proposal will maintain Government neutrality. Government cannot mandate or prescribe prayer, but it also must not ban voluntary assembly of individuals for religious reasons.

My colleagues will hear a lot of farfetched tales from the other side. Let me say that we have accommodated all the concerns that were raised earlier. They have now come back with a whole new set of concerns.

If you are for the freedoms that are prescribed in the Constitution, if you want to allow students an opportunity to meet for religious purposes outside the classroom, if you want to make sure that everybody receives their constitutional rights, please vote for this amendment.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

The SPEAKER. Without objection, the gentlewoman from New Jersey [Mrs. ROUKEMA] is recognized for 1½ minutes.

There was no objection.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 1310, the Education for Economic Security Act, and urge my colleagues to vote aye on both motions before the House.

H.R. 1310, as passed by the Senate, addresses two problems which have been near the top of the agenda during this Congress. First, it authorizes $425 million in fiscal year 1984 and $540 million in fiscal year 1985 to address our alarming shortage of qualified math and science teachers at a time when the international marketplace demands that our students be highly skilled in these areas. The number of unqualified math and science teachers in secondary school classrooms has been estimated as high as 50 percent and this bill, combined with the necessary State and local efforts will help reduce that percentage.

The other important reason to pass this bill is because it contains the Equal Access Act, which makes it unlawful for a high school to deny use of its buildings to religious, political and other student groups while granting access to other student-initiated groups.

I wish to commend the distinguished chairman of the Education and Labor Committee, Mr. PERKINS, for literally moving mountains in bringing this bill to the House floor today. In addition, my colleague and good friend from Pennsylvania, Mr. GOODLING, has brought to this issue the commonsense and sound judgment that always characterize his leadership on education issues.

This bill is needed to end the confusion surrounding the free speech and assembly rights of students and to end the costly legal battles and needless confrontation between parents, students, and local school officials.

To understand the need for this legislation, consider the following recent situation: In 1981, Lisa Bender and some of her classmates at Williamsport High School in Pennsylvania decided to form a club which would meet during the school's activity period. That's not unusual because Williamsport High School, like many high schools, permitted students to organize clubs and informal meetings as their interests developed. This would include, for example, a group to raise money for a local charity or maybe a Young Republicans or Young Democrats Club.

Lisa's group, however, differed from the others because it was to be a nondenominational prayer fellowship. The group was entirely student-inspired and was to involve no school officials or faculty members, except for purposes of supervision.

After first allowing the group to meet, the school board later reversed its decision—after considerable review and discussion with its lawyers—for fear of violating the first amendment's prohibition against the establishment of an official religion. (The "Establishment Clause.") As a result, Lisa and her friends could not meet during activity periods while other student groups could.

This ruling by the school board occurred 1 month after the Supreme Court had ruled in another case that a university's refusal to allow such student groups was a violation of the "fundamental principle that a State regulation of speech should be content-neutral." In other words, the university could allow student groups to meet on their premises, whether they were religion oriented or not.

Although the rationale behind that decision appeared equally applicable to secondary school situation, the Williamsport School Board took what it believed to be the safe course by refusing permission for Lisa's group.

Over the next 2 years, Lisa Bender and her classmates, and the taxpayers of Williamsport spent a considerable amount of money fighting this matter in the courts—only to have the U.S. district court confirm what already seemed apparent: that the Constitution did not merely allow the school district to let Lisa's group meet, it required it.

If this were an isolated case, there would probably be no need for the Congress to become involved. Unfortunately, this is happening in school districts throughout the country, resulting in considerable expenditures of legal fees and, more unfortunately, a denial of constitutional rights.

Some have claimed that allowing religious groups to meet in the school under any circumstances will have the effect of advancing religion because of the impressionability of high school students. This assumption ignores studies of adolescent psychology which have shown that it is a time of increased cognitive capacity, marked by an ability of the adolescent to differentiate himself from authority figures he depended upon as a younger child. Adolescence, almost by definition, is a crucial stage of development where it is important that one be exposed to different viewpoints and become aware of the variety of ideas which characterize our society.

The Supreme Court has been aware of this need for many years, as it formed the crucial underpinning of the landmark 1969 ruling which held that the first amendment's free speech guarantee extends to public school students. That decision, roundly applauded by civil libertarians, assumed a degree by maturity on the part of students that is clearly recognized by this bill.

In closing, I would like to quote from Prof. Laurence Tribe, who stated in his landmark treatise on American constitutional law that the establishment clause entails "a notion of accommodation—recognizing that there are necessary relationships between government and religion; that government cannot be indifferent to religion in American life; and that, far from being hostile or even truly indifferent, it may, and sometimes must, accommodate its institutions and programs to the religious interests of the people."

Mr. Speaker, this bill, contrary to what some critics have said, is not a back door way of getting prayer into the schools. It is a law which permits freedom of speech and expression to students like Lisa Bender who want to use their activity time for religious meetings or political debates or aerobics or whatever. The bill does nothing more than this and is therefore both legally acceptable and necessary in a free society under our Constitution.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. LOTT], one of my distinguished leaders.

The SPEAKER. Without objection, the gentleman from Mississippi [Mr. LOTT] is recognized for 2 minutes.

There was no objection.

Mr. LOTT. Mr. Speaker, this is a proud and happy day for me, and I am sure that President Reagan shares my joy. Early last year, I introduced the original equal access bill into this House. The administration stood foursquare behind the proposal. Chairman PERKINS was kind enough to hold a hearing on that bill almost exactly 1 year ago. The serious need for equal access legislation first became apparent at that hearing. Since that time, the equal access legislation has gone through many versions, received much press, and been vigorously debated in both Houses of Congress.

Throughout this process, the underlying principle has remained cleared and unchanged. High school student groups wishing to meet together for religious purposes have been denied the equal opportunity afforded for other student groups. This denial has often been based on misunderstanding and confusion rather than malice on the part of school administrators. Nonetheless, it is wrong, and should be corrected by congressional action. Congress is charged by the 14th amendment with protecting constitutional liberties, and that is precisely what this equal access legislation does.

President Reagan has recognized the need for equal access legislation. He has spoken out on this issue several times, bringing attention to the abridgment of individual religious freedom in many public schools. Just yesterday, the President publicly reaffirmed his support for this measure. The Presidency is indeed a "bully pulpit," as Theodore Roosevelt once noted, and President Reagan has used his bully pulpit to arouse the conscience of this country about the need to protect religious liberty. Freedom of religion is indeed the foundation of all our other rights.

Many Members of Congress also deserve credit for promoting this legislation. Congressmen BONKER, GOODLING, and CHANDLER stand out as fellow cosponsors in the House; Senators DENTON, LEAHY, and HATFIELD as cosponsors in the Senate; and, most of all, Mr. PERKINS as chairman of the Education and Labor Committee. This has truly been a bipartisan effort, but then the protection of constitutional freedom knows no partisan lines.

I urge all my fellow Members of Congress to vote for this bill. Our children and America's high school students need this protection of their freedom of speech and religion.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

The SPEAKER. Without objection, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 1 minute.

There was no objection.

Mr. GEKAS. Mr. Speaker, the unique feature of the legislation that is before us here today is that it was not born of an initiative of us adults who purportedly know best how to help our youngsters. This idea came from the youngsters themselves.

□ 1120

We are not forcing anything upon these young people. In Williamsport, PA, a group of youngsters demanded

equal access to form a Bible study club and were refused that opportunity by the school district officials. It is these youngsters who took the matter to court; they are the ones who have come to us public officials and have said, "Give us equal access, or whatever amounts to equal access."

It is one principle and one principle alone: The freedom of speech that these youngsters want to exercise.

That does not collide with the freedom of religion or the establishment of religion clause in the other part of the freedoms that we enjoy in this country.

I urge support of the amendment.

Mr. SCHUMER. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Speaker, the history of this equal access bill is that it passed the other body as an amendment to a House-passed math and science bill on June 27. The science and math bill is a good bill. But the Senate had no hearings, none whatsoever on the equal access amendment. The bill was written entirely on the floor. It came to the House shortly before our July recess. This equal access bill, written on the floor of the other body, came to the House shortly before the recess attached to the math/science bill and was appropriately referred both to the Judiciary Committee and to the Education and Labor Committee, pursuant to the rules of the House.

No committee has had any opportunity to have hearings or any kind of study on this bill written on the floor of the other body, and yet there are important constitutional questions involved. The Judiciary Subcommittee that I chair had planned 2 weeks of in-depth hearings but we found out, on our return from the recess, that the bill was scheduled today under the seldom used Calendar Wednesday procedure.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The staff persons on the floor are here by courtesy, and they will take seats.

Mr. EDWARDS of California. There were no hearings in the Committee on Education and Labor, no hearings in the Committee on the Judiciary. Take it or leave it; take the other body's bill written on the floor of the Senate, passed with no hearings over there, or leave it. And your Judiciary Committee has had no opportunity to report to you in a careful and orderly manner.

Member after Member has come up to me and said, "What is in this Senate bill? What is it all about?"

Well, we have studied it, we have read it carefully and have studied the debate in the other body and have solicited opinions from constitutional scholars. And here is what the bill is all about, here is what you are going to be voting on today:

First of all—and this is the heart of the bill—for the first time in our history Federal law will license, indeed encourage, religious services in your public high schools. Under any definition, this is Government sponsorhip of religion. Students who want to hold religious services, or prayer meetings, on public school property are guaranteed the right to do this. And I might point out, under this bill, one of the authors of the bill in the other body has said, a sealed door has had its seal broken, we can probably get it in to grade schools.

If a principal says no to these student groups wanting to hold religious services in the public high schools, it is a violation of Federal law, subject to costly litigation and all the power of the Federal Government. And this, Mr. Speaker, at a time when our public high schools are in such trouble: The San Jose Union School District, San Jose, that I represent, is in bankruptcy. We are going to Germany to get math and science teachers, and here we are considering this bill.

I have a letter from a New York school superintendent. He said: "This will open a Pandora's box of explosive emotionally charged or potentially destructive forces likely to inflict critical damage on public education in this Nation."

Mr. Speaker, the school districts themselves are going to be inundated by demands from students for religious meetings of various types of cults, fringe groups, and allegedly religious movements. The school administrators are going to have to spend innumerable hours determining whether or not various groups represent legitimate religious, political, or philosophical interests and are therefore eligible to use the school property. Schools will spend taxpayers' funds to pay teachers to perform the so-called custodial task of attending these meetings. And as outside groups multiply, this new cost to the taxpayer will escalate.

Now, I assure you, Mr. Speaker, that just because a student must initiate the request, this is not going to hinder many religious cults and organizations whose aggressive proselytizing of children is a major objective of their existence. They will simply make one of their student members request the use of the school facility.

Administrators and teachers whose chief charge is to give learning and achievement the highest priority will be asked to divert their time and energy from this goal in order to spend hours reviewing, monitoring, patrolling and refereeing relationships between the groups the Senate bill would bring into the schools.

Lastly, Mr. Speaker, the Judiciary Subcommittee I chair has joint jurisdiction over the Senate bill until August 6. We need until that date to study the Senate bill, to hold public hearings, to learn more about the grave constitutional implications of this bill sent to us by the other body as a nongermane attachment to a splended education bill, and I request respectfully, Mr. Speaker, that this is not a responsible course of action by this body and I urge a no vote.

Finally, Mr. Speaker, I would like to bring to my colleagues' attention today's editorials in the New York Times and the Washington Post which reinforce my view that this bill is both unwise and unconstitutional.

The editorials follow:

[From the Washington Post, July 25, 1984]

EQUAL ACCESS REVISED

Today the House is due to consider the so-called equal access legislation passed by the Senate last month. The bill is admittedly a great improvement over a similar measure considered by the House last spring. That proposal would have cut off funds to all secondary schools that refused to allow student religious groups to meet on school time and on school property. It would have allowed visiting adults to conduct and control the meetings and would have given school officials power to deny meeting rooms to religious groups that didn't have a large number of members. The House refused to suspend the rules to consider that bill, and it was withdrawn. The Senate version, which is now up for a vote, does not contain these objectionable features of the earlier proposal, but the basic purpose of the bill remains the same: to require schools to allow youngsters to hold religious meetings in public school facilities.

Why is the concept of keeping public schools completely separate from sectarian religious activity so hard for some legislators to accept? Having lost the battle for formal prayer in the classroom, many of the supporters of this equal access bill see student religious meetings as the next best alternative. But it is bad policy. Public schools have enough to do without providing space, teacher supervision and general approval for religious meetings involving children in the 7th grade and older. State schools should be a unifying force, emphasizing the characteristics that our children have in common rather than those by which they are separated.

Prayer groups, worship services and religious instruction belong in the home and in churches where complete religious freedom—including the freedom to belong to unpopular cults and socially controversial groups—is protected. It would be an unfortunate precedent for Congress to require that they be conducted and sanctioned under the auspices of the public schools.

[From the New York Times, July 25, 1984]

SCHOOLHOUSE FREE-FOR-ALL

Bending itself out of shape to accommodate the pressure for prayer in schools, the Senate has now acted to admit a little prayer before or after classes, but in a perversely liberal way: it would also admit some atheism, politics and perhaps even homosexual agitation on an equal basis. And in thus maneuvering around the constitutional

issues raised by prayer in schools, the Senate exposes the underlying question of whether Congress has any business defining the rights of high school students.

The Senate bill, which passed by a lopsided vote of 88 to 11, sought to meet constitutional objections to the Religious Speech Protection Act that failed to carry in the House in May. The House bill would have denied Federal funds for school districts that refuse to let high school students hold extracurricular meetings "on the basis of the religious content of the speech at such meetings."

The new Senate bill proposes instead to forbid any district to prevent school gatherings on the basis of "the religious, *political, philosophical or other* content of the speech at such meetings." The few extra words make a big difference. But like the old bill, the new one would authorize an unprecedented Federal invasion of local control over education policies.

Congress has never before written a High School Student Equal Rights Act or Bill of Extracurricular Rights.

Under the Senate bill, a school system that uniformly provides for voluntary, student-initiated meetings before or after the school day would be staging a "limited public forum" open to any religious or nonreligious group, whatever its size.

This would surely permit some forms of prayer in some public school buildings if students choose the prayers and religious readings. Ministers could not "direct, conduct, control or regularly attend"—but they could attend.

Senator Jeremiah Denton of Alabama has reason to rejoice at this religious foot in the door. "A sealed door has had its seal broken," he said. "We can probably get it to grade schools."

Yet Senator Denton and his allies should ask themselves whether they really want equal access for all types of meetings. They may think they're putting God in the classroom, but atheists, too, would have their hour. So would socialists, homosexuals and vegetarians.

Thus legislating for the schoolhouse from Washington is a clear case of a cure that is more dangerous than the disease. It is the Federal foot that's really in the door, and it will next step on the curriculum itself.

The SPEAKER. The gentleman from New York [Mr. SCHUMER] has 17 minutes remaining, the gentleman from Kentucky [Mr. PERKINS] has 11 minutes, and he yielded time to the gentleman from Pennsylvania [Mr. GOODLING] who has 4½ minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KASTENMEIER], a distinguished member of the subcommittee.

Mr. KASTENMEIER. Mr. Speaker, I am pleased to see that the equal access proposal before us today is a significant improvement over a similar proposal defeated by this body on May 15. I would like to commend Senator HATFIELD and others who labored to produce a piece of legislation that better expresses the noble purposes of its sponsors. They accomplished this by curing many of the problems of the earlier bill, including unlimited access by outsiders and the exclusion of students belonging to religious minorities unable to meet a numerical minimum.

Despite these laudable efforts, however, I believe that several important problems are still outstanding. First, although both the House and Senate sponsors of this legislation have stated that their amendment does not sanction religious services or similar activities in the schools, the language itself remains somewhat ambiguous, open to interpretation and, I fear, misinterpretation.

Also unclear in the matter of when the activities authorized by the legislation may take place. In both the House and Senate, colloquy has suggested that these activities are not to take place during the school day, but before and after school only. Again, this meaning may be clear to some legislators, but not to the thousands of school administrators who will be trying to interpret the law and to others who may mean to challenge it.

A third area for disagreement is over that kind of groups may meet. School administrators have traditionally had authority to "maintain order and discipline on school premises," as stated in this bill. But groups that may not be physically violent or disruptive may be clearly antisocial in nature. I—and school administrators—are concerned that groups such as the Ku Klux Klan or the Nazis may for the first time be able to claim access to secondary schools.

Although I strongly support free speech, courts have properly distinguished between audiences of adults and children. I fear that the authority of school administrators to restrict access may be vitiated under this bill.

I am convinced that this legislation will mean enormous problems for school administrators. I know that the sponsors want to be helpful, and would prefer to minimize the meddling of the Federal Government in local school affairs. Nevertheless, I believe this legislation will end up adding to the burdens of school administrators, who already have to contend with Federal case law and State statutes on this subject. We would be better off not adding another layer of Federal law that can only complicate the duties of school administrators.

Rather than clarifying the law, this legislation, with all it ambiguities, is likely to create more litigation. The meaning of every word in this bill will be contested. While I know that is not the intention of the sponsors, nevertheless, I fear that will be the result.

These reservations lead me to once again vote no on equal access, notwithstanding the improvements in this version. While I applaud the efforts of the sponsors in trying to fine-tune their proposal, their inability to resolve these important questions convinces me that this may be an area in which we would do best not to legislate.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Washington.

Mr. BONKER. I would like to respond to a comment made by the gentleman from California.

The SPEAKER. The time of the gentleman from Wisconsin [Mr. KASTENMEIER] has expired.

□ 1130

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. RATCHFORD].

Mr. RATCHFORD. Mr. Speaker, as someone who opposed the earlier version of this bill, I stand here today and say that what we now are offered deserves our support. This bill is distinguished dramatically from the legislation which we were called upon to consider earlier this year.

First of all, it limits activities to before and after school hours, and we do not get into the very gray question of what is noninstructional time. Second, and importantly, it clearly keeps out nonschool personnel. I know there was great concern about who would come into the schools, and who would conduct the meetings. Third, also very important, it clearly allows the school personnel to maintain discipline. There was a great concern for order and the possibility of violence; that is resolved by the language of the bill.

Fourth, finally, and very important, there is no attempt to tie this bill to the cutoff of Federal funds. I was deeply concerned that any form of religious issue would be tied to the potential cutoff of Federal funds. This bill responds to the criticism; it formalizes the current process in most school districts; and it deserves our support.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this motion. The end result of this bill is simply to circumvent the Constitution and reinterpret it in such a manner as would permit so-called religious groups to use school facilities. If the sponsors and those concerned about this issue would simply let the Constitution work, we would be better served by the policy that would flow from it rather than a policy which tries to flow around and compromise the Constitution.

After all, what we are doing with this legislation is mandating that school districts across America must provide the use of their facilities for religious meetings. Congress sitting in Washington is pretending to know better than all the school districts and school boards that are elected to deal

with the activities and policy fundamental to public schools operation. The argument here is not over freedom of religion or diversity; we all believe in that and in fact the free pursuit of these beliefs is a tenet of the Constitution. The argument that we now are coming to grips with is the utilization of locally controlled public school physical facilities.

Congress would be pulling the rug out from under school administrators and school boards across the country with the proposed policy action before this House. That is really what the argument and debate is about. Congress is proposing that local school districts provide facilities, buildings, staffing—the entire framework dedicated for public education, would be stood on its head and devoted to religious use and without reservation to any group of students.

Who has the liability? Well, the public school district, of course, will retain the liability, and we in Washington are shoving this policy down their throats. This proposal mandates that, and if the local school district doesn't follow this policy, the Department of Education must withdraw all Federal aid.

This policy is trying to circumvent, simply, the meaning of the Constitution. This is a rather transparent effort to superimpose our views without qualification, without guidance, or limitations on school boards the use of their physical facilities. Congress will not be present to take the flak when the community descends on the school boards, and indeed they will because as certain as the sun rises in the morning, religious differences in our society and throughout human history have engendered controversy. Certainly that is why the success of the public school system in this Nation has attempted to proscribe a separation from religious activities.

Indeed, this model may not be perfect, but this policy will simply embroil our Nation's public schools in yet another controversy which is not necessary. Clearly, most organized religious groups have physical facilities; is it asking too much that they be utilized.

Some that pursue this policy clearly have a different agenda, that of forcing a specific theological point of view, of engendering controversy, dissension, and acrimony into the educational process of our Nation's public schools. This Congress should not be a sounding board for such purposes and defeat this motion now before the House.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. JEFFORDS].

The SPEAKER. Without objection, the gentleman from Vermont [Mr. JEFFORDS] is recognized for 1 minute.

There was no objection.

Mr. JEFFORDS. Mr. Speaker, I support this bill. First, I am a strong proponent of the constitutional status quo. The Constitution was drafted during a period of extreme religious fervor. The drafters correctly concluded that the Government should not actively work to pick or establish a religion. This has been correctly interpreted to include either direct or official, yet subtle, peer pressure methods.

Yet, the founders were fundamentally religious. There was no intent to discriminate against religious groups in the context we are discussing here today. I was attorney general of Vermont at the end of the 1960's. This was a time when efforts were being made to try to help parochial schools to stay open, to meet rising costs, to the rental of public buildings, et cetera. Thus, I am aware of the maze of confusing and conflicting opinions in this area.

I have studied this bill; it is narrowly drafted. All this bill attempts to do is to give constitutional guidance in this confusing area to prevent essentially reverse discrimination. I urge the Members to support this bill.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Utah [Mr. NIELSON].

The SPEAKER. Without objection, the gentleman from Utah [Mr. NIELSON] is recognized for 1 minute.

There was no objection.

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Speaker, on every dollar bill are inscribed the words "In God We Trust." Every newly elected President ends his sacred oath of office with the words "so help me God." Schoolchildren learn the Pledge of Allegiance which includes the words "One nation under God." Even our House proceedings begin with a prayer. Religion does prevail in every aspect of our Nation, even in the Federal Government.

Where then lies the separation of church and state? If we as elected officials may pray before our sessions, cannot young men and women hold religious meetings in public schools after the schoolday has ended? If the President, resting his hand on the Bible, may utter the profound words "so help me God," cannot responsible high school students be allowed to study their Bibles on public premises? And ladies and gentlemen, if all American currency is inscribed with the words "In God We Trust," then must we unconstitutionally deny the rights of adolescents to express their beliefs in the same buildings that permit French and photography clubs?

We must strive to keep these facts in mind. Religion and the belief in God helped to shape and mold our great Nation. The proof is in our art, our literature, and in our Government institutions. Must we now, as political descendants of our devoutly religious Founding Fathers, ignore the rights of individuals to religious freedom?

Please, I strongly urge you to vote for the equal assess resolution today. If you may have trouble deciding, reach into your pockets and grab a coin, for on that coin are four simple words which tell the whole story of our proud Nation. Those are the words "In God We Trust." If this Nation truly believes that, then surely in God we Americans do trust.

Mr. NIELSON of Utah. Mr. Speaker, the equal access amendment does not give new or additional rights to anyone or any group. It would merely clarify the situation in which some religious student clubs across the country are being told they cannot meet on the same basis as other student clubs.

Some examples of the problem are as follows:

The county counsel for Los Angeles has concluded that a school district may not allow any group of students to use facilities during the schoolday for the purpose of reading and discussing the Bible.

A Youth for Christ group in Clayton, GA, was told that it could not hold an Easter egg hunt for handicapped children.

Students have been told that they cannot write compositions with religious content in English class.

Students have been told they could not carry their own Bibles on school grounds.

These are but some of the examples of confusion.

Groups supporting the bill include: United States Catholic Conference, National Council of Churches, Americans United for Separation of Church & State, the Baptist Joint Committee on Public Affairs, the Christian Legal Society.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I have always had my children in public schools. I am a total believer in public schools. Let me bring some practical observations to this debate. I want the public schools to focus on basic educational skills. I want my children to be well grounded in math, science, English, history, and foreign languages. There are only so many teaching hours in a day and only so many teaching days in a year.

Every year more good ideas surface to include in the school curriculum than there are hours to accommodate them all. Let's review some of the additions over the years to the public school curriculum. We have added physical fitness, nutrition courses, swimming proficiency, music, art and drama appreciation, first aid informa-

tion, personal hygiene, sex education, vocational education, typing, driver education, cultural programs, patriotism, computers, breakfast programs, lunch programs, drug and alcohol abuse information programs. All of these are great ideas but again there are now more ideas then time. We all know how hard it is for public schools to keep their score up in national tests and part of the reason is they have less and less time to focus on the basics.

Here we have a math and science bill that is so needed but we are trying to shoe horn in even more things into the school day.

I also must remind people that the age group we are talking about is so vulnerable to peer pressure. Being popular is an all powerful goal; as the mother of teenagers I deal with that pressure every day.

My great grandfather came from Ireland. He was a Protestant and couldn't stand the religious stuff in Ireland 1 more minute. He went to Philadelphia planning to settle. He was turned off by the use of public schools in Philadelphia to convert poor Catholic Irish children who couldn't afford parochial school to Protestantism. He felt that was the same situation he was fleeing and moved west. So I was raised to keep religion out of the schools, period. Schools should educate. We should have a moratorium on adding anything to school curriculum until national scores go back up. Taxpayers should get full value for their tax dollars collected for public schools. They pay for education and that's what they should get.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Mrs. BURTON].

Mrs. BURTON of California. Mr. Speaker, I am amazed that when the schools have problems with disciplining children, the schools have problems with teaching the three R's, the schools have problems, as Mrs. SCHROEDER said, teaching children, we want to add another burden, to have religion in the schools.

As a parent and grandparent, let me tell you, religion belongs in the home. It is the parents and grandparents who ought to take care of religion.

Mr. EDGAR. Mr. Speaker, will the gentlewoman yield?

Mrs. BURTON of California. I yield to the gentleman.

Mr. EDGAR. I would like to commend the gentlewoman in the well and to say as, not only a Member of Congress, but as a United Methodist minister, and someone who has served 11 years in local churches, I strongly believe that this is the wrong direction for us to go, and that we should defeat this particular bill at this time.

I think that it is unequal access to our schools, and I think our churches and our families and our homes, our synagogues, our pastors, our rabbis ought to take responsibility for the moral teaching of our children. We ought to go back to the schools with a strong commitment toward education. I hope that we will reject this amendment.

Mrs. BURTON of California. I urge defeat of the bill.

Mr. GOODLING. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. COATS].

The SPEAKER. Without objection, the gentleman from Indiana [Mr. COATS] is recognized for 30 seconds.

There was no objection.

Mr. COATS. Mr. Speaker, Members were handed a handout as they entered the floor quoting the New York Times editorial against this bill. It says the proponents of this say they are putting God in the classroom, but atheists too, would have their hour. So would socialists, homosexuals, and vegetarians. That is the issue. Socialists, homosexuals, and vegetarians already have their hour under the court interpretation. We are simply trying to add the right of students after hours to meet for religious purposes as these others have the right.

If they cannot meet, religious people cannot meet. If they can, they ought to be able to do it. It is a matter of equity and fairness and I urge support for the bill.

□ 1140

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS of Montana. I thank the gentleman for yielding this time to me.

Mr. Speaker and my colleagues, I voted against the original equal access bill for several reasons.

First, it required a cutoff of Federal funds for any school district that violated the act. It is important to know this bill does not do that.

The objectionable bill protected only the freedom of religious speech. This bill does not do that. It applies to all forms of speech.

The original bill allowed a gathering for religious purposes during the school day. This bill does not do that. It does not allow interruption of the schoolday.

The early bill allowed outsiders to direct the religious meetings. This bill does not.

Finally, the bill which I voted against and which was defeated provided no control to the school administrators to determine time, place or manner of the religious meeting. This bill does not do that.

This equal access legislation is an appropriate attempt to place parameters, with a minimum of interference by the State, around the right of students to discuss religion while on public school property.

I urge my colleagues to support this legislation.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. MITCHELL].

Mr. MITCHELL. I thank the gentleman for yielding this time to me.

Mr. Speaker, serving in this body has taught me the efficacy of prayer and to respect it even more. I would support this piece of legislation save for one thing. It opens it up to so-called philosophical discussions.

In a major urban area some years ago there was a group that conducted philosophical discussions and they used young people to proselytize those philosophical discussions. The result of those philosophical discussions happened to be the celebrated Zebra murder cases in which some 13 or 14 people were killed because of the indoctrination that they had received in terms of these philosophical discussions.

Insofar as I can determine, there is nothing in this legislation to have prevented one of those young people who were so indoctrinated to request of a school to have a meeting to conduct the campaign of hatred that resulted in the Zebra killings.

In addition to that, if a school personel is there to supervise and "the students" are denied the right to discuss their kind of philosophical orientation, those students then have the right to say, "You are denying me freedom of speech."

I would go along with the bill except for that wide-open area of philosophical discussion. Let us defeat it.

Mr. SCHUMER. Mr. Speaker, I only have three more speakers left. I believe the gentleman from Kentucky has many more.

The Speaker, I yield 1 minute to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the gentleman for yielding this time to me.

Mr. Speaker and my colleagues, first we had a bad bill. Now we have a better bill. But the best bill is no bill at all.

Will someone tell me how we improve the education of our children by this bill? If we allow the Moonies into school, if we allow the Ku Klux Klan into school, if we allow a Nazi club into school, if we let fanatics into the school in the name of religion, how does this improve the education of your children and mine?

My good friend, the gentleman from Massachusetts [Mr. FRANK] says this bill is good because it will not make infants of our children. I am a mother of two teenage children and they are far from infants. They already have to deal with many, many choices and many responsibilities.

So I say to my colleagues, let kids be kids. Let schools be schools. Let churches and synagogues teach prayer. That is where it belongs. It does not belong in our schools. Let us look at the Constitution and let us let it stand strong, and let us let our Founding Fathers rest in peace.

Mr. PERKINS. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, let us not get this bill all mixed up with the education of our young children, because what this bill does is allow access to basically a community facility. We passed a Community Facility Schools Act at one point to open up the schools after school and before school to all kinds of organizations.

I want to see programs for latch-key children after school. Other people want to see the YWCA, the YMCA, religious organizations. We are not talking about interfering here. That is the difference between this bill and the past bill. We are talking about before school and after school.

Probably one of the tragic effects of this bill will be that school boards will decide that nobody will use these facilities, but the fact of the matter is, as the bill is now designed, it is not to engage, interrupt, or determine the educational portion of the day under control by the school board.

The SPEAKER. The gentleman from Pennsylvania [Mr. GOODLING] has 2 minutes remaining.

Mr. PERKINS. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania [Mr. GOODLING] now has 3 minutes remaining.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Kentucky for yielding me this additional time.

Mrs. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentlewoman from Tennessee.

Mrs. LLOYD. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Equal Access Act.

Mr. Speaker, as a cosponsor of the original House version of the equal access bill, I'm glad we have the opportunity again today to consider the rights of students to voluntary participate in extracurricular religious activity. And I'm heartened by the support which is being expressed for the Senate language. Like the House bill the Senate amendment requires that meetings be voluntary and student initiated, not sponsored by the school. It extends to students interested in religious study or activities the same privileges accorded to those interested in debate, for example. Supporters of this legislation seek an opportunity for any and all religions and in no way attempt to deny any religious group access to school facilities. The Senate amendment clarifies this intent by specifying that small groups of students cannot be discriminated, that all groups should have the same privileges of meeting voluntarily.

I am hopeful that our efforts today will be successful and that the House will approve the Senate language on equal access.

Mr. GOODLING. Mr. Speaker, let me quickly respond to some of the comments that were made, since most were emotional and not very factual.

First of all, to assure the gentleman from Maryland [Mr. MITCHELL] that that cannot happen in his school, "Nothing in this act shall be construed to limit the authority of the school, its agents or employees to maintain order and discipline on school premises to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary," which will take all the hate groups out. They are not allowed to participate under this act.

This bill does not reverse a tradition in this great country. It continues a great tradition, and that tradition protects all types of speech. It does not reverse a tradition. It continues a tradition of allowing students to organize and run activities in public schools. One of the areas that students truly need more experience in is in the area of free speech, this bill facilitates giving that experience.

This bill is to help local administrators by clarifying some of the conflicting lower court decisions. As has been mentioned, Harvard law professor Lawrence Tribe pointed out that only religious speech has sometimes been singled out for undue restrictions. This bill corrects that abuse.

There are some who say the bill makes school administrators decide what is religion. That is totally wrong. This bill does not create such entanglement with religion. This bill applies to all noncurricula meetings, regardless of whether religious or not. So there is no entanglement with religion because school administrators will make their decisions governing such meetings for all noncurricula-related activities and meetings, religious or otherwise.

So I would hope, Mr. Speaker, that we will eliminate all the emotion that has been thrown into something that is really not an emotional issue. If we carefully study the legislation, it is carefully crafted to make sure that each youngster has equal access to freedom of speech. I cannot think of any group, any organization, more than the Congress of the United States that should be concerned with the fact that we allow equal speech, equal opportunity for speech, in this great Nation. That is what it is all about.

This bill, some critic here today said, licenses religious services in public high schools for the first time. That is totally false. The bill only provides equal access to all groups, not special treatment for religion. The bill only applies if the school voluntarily creates a limited open forum. Everything is left to the local option. Everything is left to the local administrators and the local school board.

So I ask my colleagues to support this legislation.

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Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, will the gentleman kindly tell me whether the student groups that may have this access are limited to the students of the particular school, or may students come in from other schools?

Mr. GOODLING. It is very definitely limited to the students in the school. The administration determines that. They do not allow students to come in from other schools.

Mr. PEPPER. The language of the legislation does not say that.

Mr. GOODLING. I am sorry. I did not hear the gentleman.

Mr. PEPPER. The language of the legislation does not say that.

Mr. GOODLING. The language of the legislation says that all these decisions are local school board decisions. I do not know of any board that says that anybody who wants to come in from all over the world can just come in. We do not do that. We say that the local school district makes that decision and that determination, and that is protected.

If we had had the time, for a further colloquy, Mr. BONKER was going to ask me the following question: One of the terms in the equal access amendment which needs clarification is "noncurriculum-related student groups," which would trigger the equal access policy of this legislation. I would like to ask the gentleman from Pennsylvania [Mr. GOODLING], as a former teacher and school administrator and principal cosponsor of the legislation how he would define "noncurriculum-related student groups" for purposes of this measure.

In answer to that question, I would say as follows: I would interpret "noncurriculum related" to encompass those student activities which are either of a type which schools usually do not sponsor or those activities which the school might sponsor but has not. Thus, there would be a two-step inquiry to determine whether a meeting is noncurriculum related.

First, is the subject matter of the meeting of a type which a public school could sponsor? In other words, the meeting must be academic, athletic, or musical to be curriculum related. A Latin club, a soccer team, and a school band would all clearly fall within this category. A young Democrat or Republican Club, private social organizations, or religious groups would not be of the type which a school could sponsor.

Second, does the school or a schoolteacher require or directly encourage student participation in such group in connection with curriculum course work?

If both elements of this two-part analysis are satisified, the meeting would be considered curriculum related and the equal access policy would not be triggered.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ACKERMAN].

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I am delighted to yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, today we have before us legislation which has come to be known as the Equal Access Act. I am certain that the authors and supporters of this legislation are well-meaning and have at heart, as I do, the interests of our children and their religious formation. However, I am fearful that in attempting to give equal access to religious groups, we would be allowing an open forum for self-styled religions such as the cults which serve to transform negatively the minds of our young people. Many of these groups are known to practice mind control and practices aimed at converting the very young and impressionable. Is this what we want for our children?

Mr. Speaker, I must point out that I take great offense at the consideration of this legislation under suspension thereby denying the Members of this body the opportunity of amending the language of the bill. This is the second time that this Chamber has considered the issue of equal access under suspension.

Supporters of this legislation state that the revised version of the bill will provide access to school facilities before and after school. The legislation permits use of school buildings during noninstructional hours which I interpret to mean nonclass periods. This does not limit these relgious meetings to before and after school but to periods when actual instruction is not taking place.

Also, the bill misleads us to believe that religious groups will not have the rights equal to those now given to other nonreligious groups. This is not the case. The bill gives preferred status of religious groups.

The number of issues in the legislation which are unclear goes on and on. I would, however, like to focus my attention on the one concern which I find to be the most distressing.

As I mentioned before, it is my contention that in passing this legislation we would be providing an open forum for self-styled religions as well. I don't think any one of us wants to be held accountable for the infiltration of so-called religious cults into our schools. It was only 6 short years ago that we, as Members of Congress, experienced firsthand what the infiltration of cults can do to a family. Have we already forgotten the devastation that the so-called Rev. Jim Jones brought to the Ryan family and to the Members of this body?

Those of us who concern ourselves with the elimination of child abuse and child pornography and the pernicious mind control cults are aware that there are cults in existence today that use the name of God in their titles and at the same time are notorious for the distribution of pornographic literature. These same "religions" are guilty of urging their female converts to prostitute themselves to encourage young male converts. Is this what we want for our children?

Let's take a closer look at this legislation before we cast our votes. There are appropriate forums for our children to learn about religion—to give a blanket invitation to anyone to preach anything to our youth—particularly during the formative teen and preteen years is unconscionable. I urge my colleages to vote "no" on this legislation.

Mr. ACKERMAN. Mr. Speaker, first we had the school prayer amendment. When those who would destroy the wall between church and state found they could not blatantly force organized prayer into the classroom, we thought the measure had died. But it was born again in the equal access bill known as the son of school prayer.

That effort, too, died, but it was reincarnated with this new, supposedly softer measure, a sort of "godson of school prayer." But to paraphrase the words of the very perceptive child who refused to eat his sugar-coated vegetables, this bill looks like school prayer, it tastes like school prayer, and it smells like school prayer.

To those of my colleagues who see this bill as a way to infuse morality into the public schools, they are missing the point of my opposition to this very dangerous legislation. God does not need a two-thirds vote of this Congress to go into our schools. It has lately become politically very chic to flaunt one's religion. Everyone from Jesse Jackson to Ronald Reagan speaks of bringing Christian values and traditions to Government. As a Member of Congress who is not a Christian but who is nonetheless very proud of his religion, this troubles me. As a person whose grandparents and ancestors were persecuted throughout recorded history because their religious beliefs did not jibe with the mainstream, this trend frightens me. As a citizen of the greatest country in the world that was founded by the religious rejects of every country on this planet, the flotsam and jetsam that was not accepted anywhere because they were religious minorities, this trend greatly troubles me.

This is not some knee jerk, archtypical liberal cause that I plead. This Member of Congress is deeply troubled by this movement in American society to shove religion down the throats of everyone, true believers and infidels alike.

A scant few days ago we as a body declared that we no longer trust 18- and 19-year-olds or even 20-year-olds to exercise a rational and careful judgment not to drive after they drink. The peer pressure would be too strong, we said. Yet today we are on the verge of declaring that young children, some as young as 11 and 12 and 13 years, in our junior high schools have the courage and the wisdom and the maturity to stand up to the peer pressure that would be exerted on them to practice and participate in the religious beliefs of their friends in their own public school building.

Is that the type of people we have become—one Nation under God, as long as it is my God and not yours? I pray not.

Mr. Speaker, if I may, for the record I would like to engage the gentleman from Washington [Mr. BONKER], the sponsor of the legislation, in a colloquy.

I understand the gentleman is not here at the moment, so may I ask the committee chairman if I could engage him in a colloquy?

Mr. PERKINS. Yes, of course, if the gentleman will yield.

Mr. ACKERMAN. I thank the gentleman.

Mr. Speaker, section (d) (1) and (2) says that:

> Nothing in this title shall be construed to authorize the United States or any State or political subdivision thereof to influence the form or content of any prayer or other religious activity;
>
> (2) to require any person to participate in prayer or other religious activity;

Does this not presume that we are then allowing prayer and religious activity in the schools?

Mr. PERKINS. The gentleman was talking yesterday so long about religious services that I intended to ask the gentleman what his idea was of religious services. But by no means does this coerce. Everything is voluntary.

Mr. ACKERMAN. But this would permit religious services in the schools?

Mr. PERKINS. What is the gentleman's definition of "religious services?"

Mr. ACKERMAN. Something that should take place in a religious institution.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. Yes, I yield to the gentleman from Washington.

Mr. BONKER. Mr. Speaker, would the gentleman consider, if two or three students gathered together for the purpose of sharing Bible verses, that that constitutes a religious service in his definition?

Mr. ACKERMAN. If they wanted to have a discussion for educational purposes, it does not. There is a difference between preaching and teaching.

Mr. BONKER. I am asking the gentleman, if two or three students get together for the purpose of praying together or to share Bible verses, does he consider that a religious service?

Mr. ACKERMAN. If they are conducting an actual prayer service, yes. If they are reading the Bible or discussing the Bible, then I do not.

Mr. PERKINS. Well, does the gentleman consider that when the Chaplain is reciting a prayer at the beginning of the session of Congress, that is a religious service?

The SPEAKER. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

Mr. ACKERMAN. Mr. Speaker, may I ask for an additional minute?

The SPEAKER. Does the gentleman from Kentucky [Mr. PERKINS] desire to yield time to the gentleman from New York [Mr. ACKERMAN]?

Mr. PERKINS. I do not have the time, Mr. Speaker.

The SPEAKER. The gentleman does have time.

Mr. ACKERMAN. Mr. Speaker, I urge all of my colleagues, in the interest of fairness and justice and what the American Constitution really stands for, to defeat this bill.

The SPEAKER. The Chair will state that the gentleman from Kentucky [Mr. PERKINS] has 7½ minutes remaining, the gentleman from New York [Mr. SCHUMER] has 4 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has no time remaining.

The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mrs. SMITH of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. PENNY. I yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I supported Mr. BONKER's equal access bill when it was considered by this House on May 15, and I rise in even stronger support of the improved equal access provisions we have before us today as title VIII of H.R. 1310, the important Mathematics and Science Education Act.

We in Congress took an oath to uphold the Constitution, and with this bill we are simply saying to the students in our secondary public schools that, yes, you have a constitutional right to freely speak your thoughts on religion, just as you voice your thoughts on politics, civic responsibilities, the recent football game, next week's dance, or other currently popular subjects. I cannot understand how opponents of equal access can argue that it is permissible for a school to allow a chess club to meet in a classroom after the schoolday and deny that right to students wanting to study the Bible.

When this body first debated the principle of equal access nearly 2 months ago, opponents focused their objections and criticism on what they considered to be loopholes in the language of the Bonker's bill—loopholes that they thought elevated religious speech above all other forms of speech by cloaking religion, and religion alone, in the protective mantle of Federal fund termination—loopholes they thought would result in discrimination against religious minorities because the bill allowed minimum attendance levels to be set before a group qualified for equal access—loopholes they thought would allow crazies and fanatics into the schools to convert our sons and daughters—loopholes they thought would allow the normal schoolday to be disrupted with club meetings and activities—and loopholes they thought would end local control of the public schools.

So, what are the arguments against the equal access provisions before us today? The objections and criticism of the original bill, H.R. 5345, have been met and this bill now deserves the support of the entire House.

The Senate version of equal access actually only resembles the original House bill in principle and intent to make it unlawful for a high school receiving Federal funds to deny use of its facilities to any extracurricular group while granting such access to other extracurricular groups.

We have before us a bill that no longer can be charged with giving special preference to religious speech, for it applies to "religious, political, philosophical, or other speech." And there are no provisions for terminating Federal financial assistance to any schools.

This improved equal access language places no minimum limit on the size of student groups ensured equal access; it specifies that outsiders may not "direct, conduct, control, or regularly attend activities of student groups"; and it applies only to groups meeting before or after school.

And most importantly, we are voting on an equal access bill that will preserve local control. School principals and administrators and local school boards will retain their right to "maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meeting is voluntary."

There is clearly overwhelming support in my district for this constitutionally sound and evenhanded means of protecting the first amendment rights of students. I have no doubts that nationwide there is the same degree of support, and I urge my colleagues to listen to their constituents, to put aside the emotional and incorrect arguments that this is a school prayer bill, and to join me in supporting the principle of equal access. Vote yes on accepting title VIII of H.R. 1310, vote yes to approve titles I through VII to improve math and science education, and let's get this important education bill to the President's desk.

Thank you.

Mr. PENNY. Mr. Speaker, I would ask, what is wrong with the equal access proposal? Nothing. Equal access simply means that if other student groups are allowed access to public school buildings, then so must we allow that access to student religious groups.

Equal access protects our constitutional freedoms of speech and religion. What, then, is wrong with this specific equal access proposal? Again, nothing.

All of the objections and criticisms that were leveled against the equal access bill brought to the House floor a few weeks back have been resolved by the current version before us today.

Mr. Speaker, I urge my colleagues to vote for equal access. It is a vote for our constitutional freedoms.

The SPEAKER. The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. ECKART].

Mr. MCEWEN. Mr. Speaker, will the gentleman yield?

Mr. ECKART. I am happy to yield to the gentleman from Ohio.

Mr. MCEWEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the equal access substitute to H.R. 5345, which would allow public secondary school students the simple freedom to meet and express their faith on school premises, outside of school hours.

Equal access legislation will protect the first amendment rights of student groups and restore fairness in our public schools. Our Nation's students should be permitted to meet voluntarily for religious expression in the same way that they are currently allowed to meet for other purposes.

Not only is equal access legislation a question of fundamental fairness, but it is a matter of upholding the basic human liberties guaranteed by our Constitution. Freedom of speech, freedom of religion, freedom of assembly are rights which must be preserved. These are the ideals on which our great Nation was founded and which are the unique trademark of our free society.

Let us not forget for a moment how vital to our Nation freedom of expression is and this includes freedom of religious expression as well.

As it stands now, the rights of our students are being flagrantly violated. Examples abound: In Boulder, CO, a group of two or more students may not sit together for the purpose of spiritual or religious discussion. In Philadelphia, several students were reprimanded because they discussed their faith and shared a booklet with Bible verses in it with other students. In Minnesota, a fourth grade student was reprimanded by her supervisor for bowing her head to pray before her meal.

These violations of student rights must be stopped. Examples such as these are un-American and more akin to an authoritarian system rather than a free society such as ours.

Our students should not grow up learning religious intolerance. To exclude or prohibit one form of expression over another is unconstitutional and unworthy of our public institutions. American students must be taught tolerance and respect for other beliefs and opinions. This is as important a part of their education as is grammar and arithmetic.

Equal access legislation will ensure that free speech is protected, not just selected free speech. I urge my colleagues to uphold our Nation's basic human liberties and vote for passage of the equal access substitute.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. ECKART. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, I am pleased to rise in strong support of the equal access legislation which we are today considering. We have here yet another opportunity to make a significant stride toward protecting the religious freedoms of our secondary school students. If we fail to pass this legislation, we will have again neglected our responsibility to ensure our students' constitutionally guaranteed right to freedom of speech.

I am deeply concerned that the right to express religious beliefs has been totally removed from our public schools over the years. I am equally distressed that mature, young adults in my congressional district of Kentucky are unable to participate in certain extracurricular activities solely because school administrators may fear that those meetings violate our constitutional doctrine of separation of church and state. Equal access, however, is not an issue of Government-sponsored religion. The issue at hand is nondiscrimination, and the equal access concept resolves that issue. This equal access legislation simply ensures that schools which permit student-initiated groups to meet and use school facilities during noninstructional periods cannot deny student-initiated religious groups the right to meet on the same basis.

We are not talking about granting special treatment to religious groups; we are not talking about allowing schools to sponsor religious activities; and we certainly are not talking about imposing upon our school systems by requiring that they allow any extracurricular activities at all. We are stating the clear intent of our Founding Fathers by clarifying what is already in our Constitution—the right to freely express religious beliefs in an open, non-Government-sponsored forum.

So far, our courts have been unable to allay the fears of local school boards with regard to the constitutionality of religious meetings in our schools. By enacting this legislation, we are once and for all letting our schools know that they can grant the same treatment to the Bible club that they have long afforded all other student organized groups.

Mr. Speaker, our Nation has long awaited this kind of action by the Congress. The vast majority of Americans recognize the importance of religion in all our daily lives. Our children are taught from early on that they enjoy the freedoms of speech and religious expression. Yet over the years that lesson has been contradicted by court decisions which have served to undermine free religious expression in the name of preserving constitutional liberties.

The only way we can fully preserve and protect the constitutional freedoms which are so vital to the well-being of our children is to ensure that our constitutional doctrines are construed in ways which will not discourage the expression of religious beliefs.

Mr. Speaker, the equal access legislation before us does not alter our Constitution; it carries on the traditions of free expression which are intrinsic to that document, and so very important for the proper development of our youth.

Many of the people of my Fifth District of Kentucky have let me know that they want equal access to our public schools. The preservation of the values they hold so dearly—family, faith, morality—depend on our commitment to guarantee freedom of religious expression for our children. This equal access legislation will carry out that commitment, and I strongly urge its passage on behalf of the rights of all our children.

Mr. ECKART. Mr. Speaker, I say to the Members of the House that this issue is the most serious student free speech initiative to come before this Congress in many years. By extending the equal access principle to meet the serious and well-taken objections of the opponents the first time around, we have extended to all voluntary student groups, political, philosophical, and other nonreligious groups in their orientation, the free-speech opportunity for young adults, people who we all hope to see mature and to become viable parts of our society.

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As much as the three "R's" are part of growing up in our society, so is the appreciation of divergent viewpoints in our society as well, and to raise the artificial bogeyman about what schools are capable or incapable of doing today by further excluding the free and open discussion of alternative views in our society hampers a real true diverse education.

We need freedom. We need diversity. We need an opportunity for our young people to grow and appreciate every educational opportunity. This legislation will grant that.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. NELSON].

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. NELSON of Florida. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of this legislation.

I certainly strongly support this equal access bill.

We let other groups be invited on the public school grounds and talk about any subject they like. Yet those who want to come on the grounds to talk about religion during noninstructional hours are handicapped and encouraged not to come on the premises because it could be violating the no prayer in public schools Supreme Court ruling.

I hope my colleagues would support this bill and not punish those who would like to have religious discussions at noninstructional times. The great majority of the people of this country want this legislation and let's let them have their wish.

Mr. NELSON of Florida. Mr. Speaker, I yield to my friend, the gentleman from the State of Washington.

Mr. BONKER. Mr. GOODLING was going to ask the following question:

One of the things I have been concerned about is the right of student groups to meet during the schoolday as part of an activities period. Many schools currently permit student-initiated, noncurriculum-related groups to meet during the schoolday—whether these groups are religious, political, philosophical, or affiliated with some outside group like the Key Club or the Hi-Y. It is certainly not my intention, in cosponsoring this substitute, to prohibit such groups from meeting during the schoolday if it is the policy of the school to permit noncurriculum-related student meetings during noninstructional time.

My interpretation of the legislation is that the equal access policy is required before and after the schoolday, but not during the schoolday—that it is up to the school and the courts to determine what activities may take place during the schoolday in terms of student meetings. Is that correct?

My answer to this question is as follows:

That is exactly right. The Senate compromise on this point is that the measure is silent with respect to student meetings during the schoolday. It is within the discretion of the school administration, in keeping with district and circuit court opinions, as to whether noncurriculum related student groups may meet in noninstructional time during the schoolday.

It is also up to the school to define the regular "school day" and what constitutes "noninstructional time," so long as the school does not define "school day" in such a way as to intentionally defeat the purpose of this legislation.

This legislation is not a step backward in terms of the local school district's authority to permit student groups to meet during the schoolday. It would merely mandate that before and after school, the equal access policy would be required.

For example, in your State of Pennsylvania, a U.S. district recently ruled, in the Bender against Williamsport case, that a school may not deny equal access to a student Bible club which wishes to meet during an activities period on the same terms as other student groups. In that district, the school would have the choice of granting all legitimate student groups the right to meet during the activities period, or the school could do away with the activities period for noncurriculum-related student groups.

Mr. NELSON of Florida. Mr. Speaker, the confusion in the debate illustrates the confusion as to what is a religious service and what is not.

The issues that have been raised in this debate as to what is a religious service and what is not, what is a prayer service and what is not, underscores the confusion that has arisen out of the Supreme Court decision of 22 years ago. The Supreme Court said that there is a constitutional right to separation of church and state, but the Supreme Court did not say that there should be the separation of the state and of God. That is an inherent part of our constitutional right of religious freedom.

We ought to then by passing this legislation eliminate the confusion among school administrators, eliminate the hostility that in an unwarranted way has built up over the last 22 years, hostility between government and religion, and let us return to our constitutional rights.

Mr. PERKINS. Mr. Speaker, can the gentleman from New York [Mr. SCHUMER] consume part of his time at this time?

The SPEAKER. The gentleman from Kentucky [Mr. PERKINS] has 4½ minutes remaining; and the gentleman from New York [Mr. SCHUMER] has 4 minutes remaining. The Chair will reserve as much time as the gentleman wants to be the concluding speaker.

Mr. SCHUMER. Mr. Speaker, I appreciate the kind offer of the chairman of the committee, the gentleman from Kentucky, and I yield 1 minute to the distinguished gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Speaker, I am not opposed to prayer in schools, but I do not understand what this bill does. This bill says:

(b) A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

What does that mean?

I do not understand why the proponents of this measure do not simply say that any time any students of a particular school get authority from the school people in authority to have a meeting at a certain place on the school grounds and talk about any religious subject they want to, that they are permitted to do so.

Then there would be no students outside of that school, students from perhaps across the Nation, perhaps they are talking about any school that has an open forum. Well, I did not think schools generally had open forums. So there will be a disappointment on the part of a lot of people that expect they are going to get prayer from this bill who will not get it.

The SPEAKER. The gentleman from New York [Mr. SCHUMER] has 3 minutes remaining.

Mr. SCHUMER. Mr. Speaker, I yield my remaining time to the gentleman from New York [Mr. FISH], a distinguished member of the committee.

Mr. FISH. Mr. Speaker, a few short months ago I spoke on the floor about my concerns over the equal access bill as passed by our Education and Labor Committee. Acknowledging the laudable intentions of the sponsors, I spoke against it on content, and on procedure.

At that time I brought up the fact that 6 months prior I was on the floor in opposition to a proposed constitutional amendment that was brought to the floor under suspension. Abuse of the suspension calendar was not to stop there. Since that date we have seen a major bill reauthorizing a vital and popular program, Head Start, but which also included unnecessary and expensive reauthorization of other programs, come up under suspension. There was some talk of bringing up the Civil Rights Act of 1984 under suspension, until sanity prevailed and the major sponsors of the bill recognized the necessity of full and open debate and opportunity for amendment. Certainly the potential implications of this legislation are no less weighty than those of the Civil Rights Act. The difference is on civil rights we had 2 days of consideration, several amendments offered, along with detailed and considered legislative history.

Mr. Speaker, are we afraid of full and open debate? Of the opportunity to amend our language? Are we afraid that we might possibly improve the bills before us, or are we afraid that if we took the time to carefully look at some of these bills, they might not stand the close scrutiny?

A few short months ago H.R. 5345, the House version of the Equal Access Act was before us. I spoke about my concerns over this bill. I was prepared to debate the merits of the bill.

I am ashamed to say that we cannot fully debate the merits today. At 6 o'clock yesterday evening, the decision to bring this bill to the floor was made. This bill's language was passed by the Senate on June 27, 2 days before we recessed. Now on our second day back, we have this bill before us. I wonder how many of my colleagues have had their staff read the almost 40 pages of Senate debate in the CONGRESSIONAL RECORD? How many of us know what this language means? Even the House and Senate sponsors don't.

We have no clear answer whether religious ceremonies and school prayer are permitted. We have no clear answer whether such activities are prohibited. We have no clear definition of religious speech. The record shows the sponsors disagree. The debate today shows these disagreements continue. The confusion is real.

Just as the sponsors are confused over the interpretation of the equal access bill, they have created a great

deal of consternation and confusion over the procedure for consideration of the bill. A "Dear Colleague" letter dated July 24 asked for Republican Members' support for the bill under Calendar Wednesday, allowing 2 hours of general debate and opportunity for amendment. This morning, we received a "Dear Colleague" addressed to all Members urging support of the legislation under suspension of the rules, so that the time-consuming Calendar Wednesday procedure may be avoided. The obvious question is, Why were amendments touted yesterday and today we are being asked to expedite the process? I think the answer is the sponsors of the bill are not on a firm, substantive, or procedural grounds. And what are the substantive issues?

Have the various House committees with jurisdiction over this bill held hearings on this language? No.

Mr. Speaker, does the House have a committee report on this language detailing the various ramifications of this bill? No.

Are we abdicating our responsibilities as legislators by rushing through such an important piece of legislation without thought to its consequences? Yes.

Mr. Speaker, once again we are being asked to abrogate our responsibility to our constituents and to the Constitution of the United States, by acquiescing without murmur to the ramrodding of legislation through this House.

Whether or not you agree with the intent of the equal access bill, I am sure you will agree that our duties as Members of Congress require that we do not legislate in a vacuum. Full and open debate should be the rule, not the exception. We are here to legislate, not to placate. I urge my colleagues to consider the consequences of our actions today. I urge a no vote.

Mr. HYDE. Mr. Speaker, would the gentleman yield?

Mr. FISH. Of course, I yield to my colleague.

Mr. HYDE. Mr. Speaker, I agree with my friend that it is a shame that important issues have to be debated in a pressure cooker under stringent time limitations, but there is a difference between forcing this legislation out under these conditions or not getting it on the floor at all. This may provide the only opportunity available. You either forget this legislation or you get it under these very limited difficult circumstances.

Now, ERA was debated because the Speaker chose to bring it to the floor under these circumstances, but the choice here is either vote on it with the limited time available, or do not get a chance to vote on it at all.

Mr. ACKERMAN. Mr. Speaker, will the gentleman yield?

Mr. FISH. I will be happy to yield to my friend, the gentleman from New York.

Mr. ACKERMAN. Mr. Speaker, the gentleman would be pleased to realize that if he is really interested in fully debating this, all he has to do is convince a few of his colleagues to vote no and this will be brought up on Calendar Wednesday.

Mr. HYDE. We are told the Speaker does not want to bring it up under Calendar Wednesday.

Mr. ACKERMAN. It is the prerogative of the chairmen of the various committees to bring it up on Calendar Wednesday, and while I cannot give the gentleman assurance for any chairman, I would be willing to bet this would be provided for on Calendar Wednesday.

Mr. HYDE. Providing nobody brings anything else up, or seeks to delay consideration by a maneuver such as the large amount of amendments you have filed.

Mr. FISH. Mr. Speaker, may I reclaim my time?

The SPEAKER. The time of the gentleman has expired. There are 4 minutes remaining to the gentleman from Kentucky [Mr. PERKINS], and the gentleman from Kentucky is recognized.

Mr. PACKARD. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from California.

Mr. PACKARD. Mr. Speaker, I rise in strong support of the equal access provisions of H.R. 1310 as amended by the other body. While I would have preferred to see us consider again the House equal access bill, I believe that the version before us accomplishes the most important goals that we have been pursuing.

Those of us who have long supported equal access have been primarily concerned about the protection of the free speech rights of voluntary, non-school sponsored, high school student groups as well as the preservation of the integrity of the Constitution in regard to separation of church and State. The measure before us achieves both parts of this goal.

* This legislation does not represent an establishment of religion or interfere with the free exercise of religion. No student will be coerced to join any particular religious group. All we are trying to do is ensure that a group of high school students who wish to meet in school to discuss religious matters may do so during noninstructional time.

I urge my colleagues to vote in favor of this important measure.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, after years of "officially sanctioned" discrimination against student religious groups, it is time that this Congress send a message to the Nation's young people that it is all right for them to practice their religious beliefs.

Our courts have been so aggressive in recent years in their efforts to keep religion out of our public schools that we have now reached a point at which school administrators, teachers, and students are understandably skittish about allowing any vestige of religious expression on school property. As a result, in many of our schools, virtually the only organizations that cannot use school facilities for meetings or other activities are those of a religious nature.

Indeed, political clubs, chess clubs, athletic clubs, and many others are often allowed to use school facilities with no hesitation; however, if the same students voluntarily organize a Bible club, they may find their schools' doors closed to them.

Mr. Speaker, this is absurd. While Government does have an obligation to prevent any kind of state-sponsored or mandatory religious activity in our schools, it does not have the right to discriminate against students who wish to meet to discuss religion instead of chess or politics.

Granting equal access does not mean placing religion in our schools, it simply means placing equity in our schools. We are not talking about teaching religion; we are talking about respecting religious rights. And we are not mandating policies for schools and communities; we are simply allowing them to use their own judgment without fearing ridiculous lawsuits.

Equal access will go a long way toward ending the official hostility that has come to dominate the Government's attitude toward the free and voluntary practice of religious beliefs. By merely stating that a school with a policy of allowing student-organized clubs to meet and use school facilities must grant the same privilege to student-organized religious clubs, this legislation will move us in the direction of Government neutrality toward religion—which the Founding Fathers intended, and away from the discrimination against religion that they so diligently worked to prevent.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I am one of those who voted against the original bill, but as I understand it almost every objection has been met in this bill that most of us had to the original bill and that there is really no longer similarity between this bill and the original bill.

For example, this bill forbids the cutoff of Federal funds to a school district or State as a penalty for a violation. The school will have complete control during school hours over their meetings and it is only after school hours they can either deny a group the right to meet, but, if they deny or grant a right to meet to any group of students, they must treat all the same, is that right?

Mr. PERKINS. That is correct.

Mr. DARDEN. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Speaker, I rise today to add my support to the equal access bill. This legislation is strongly supported by a majority of the residents of the Seventh District of Georgia, just as it was supported by a majority of the Members of this House when it was considered earlier this year. Although it did not pass at that time, I voted for it then and I will vote for it again today. I hope that the House will accept what I believe to be the will of a majority of the American people and pass this bill.

It is unfortunate that a great deal of confusion and controversy has entered the debate over equal access legislation. I would like to remind my colleagues that this is a bipartisan bill with broad support from many important religious and nonreligious groups. Although the issue of equal access is a relatively simple and straightforward issue, it is based on important constitutional principles.

The issue is whether or not religious groups should have the same access to public school facilities that many secular groups have. Several Federal court rulings have given conflicting answers to this question and have caused a great deal of confusion for public school authorities over what their policies should be. As a result, many school districts are permitting the use of school facilities for nonreligious activities, but denying such use for religious activities. This is fundamentally unfair and may even be unconstitutional. While I am generally opposed to Federal intervention in local affairs, this problem was created by Federal court rulings, and I believe that action by Congress is necessary to clarify and correct the situation.

The purpose of the equal access bill is simply to end the discrimination against religious groups that has taken place in some areas and to give voluntary student-initiated groups the same right to use secondary school facilities for extracurricular meetings as other student-initiated groups. This legislation would allow voluntary meetings to be judged on an equal basis without discrimination.

The bill carefully and adequately maintains the separation of church and state by prohibiting any official sponsorship or involvement in student religious activity, and by prohibiting any outside groups from initiating, organizing, or controlling student religious meetings. It retains local school board control over school activities by allowing local officials to decide whether, when, and how all groups may use school facilities without a religious distinction.

Mr. Speaker, the first amendment to the Constitution says that:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech.

An eminent constitutional scholar, Prof. Lawrence Tribe, has said that:

> For public school authorities, or the local or state agencies responsible for public school policies and practices, to discriminate on the basis of the religious content of the speech at such meetings would constitute a violation of the right of free speech and free exercise of religion of the students involved.

I agree with Professor Tribe, and I support the equal access bill because it will restore, protect, and expand religious freedom and the right to free speech. It also ends discrimination, protects minority group rights, and ensures government neutrality by prohibiting the State from either promoting or prohibiting religious activity.

In his Farewell Address, President George Washington said that:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.

I strongly agree with this statement, and while I do not think that Government should promote religious activity, the equal access bill does neither. It simply restores fairness and equality of treatment for all groups. Therefore, Mr. Speaker, I urge my fellow Members of the House of Representatives to vote for this bill.

Mr. SLATTERY. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Speaker, I rise in support of the equal access legislation we are considering today, and urge my colleagues to join me. The Senate has already approved this legislation, which is a substantial improvement over an earlier Equal Access Act debated in this Chamber. I did not support the earlier Equal Access Act. I support this amendment because I feel it addresses a problem that is very real to many Americans. Many local school boards and school administrators have misinterpreted the Supreme Court decisions handed down over the past 35 years with respect to religion in the public schools. The boundaries of activities that can and cannot take place on school grounds need to be defined more carefully so the constitutional rights of students can be protected properly. Instances have been reported in which students were prohibited from carrying Bibles, from praying in lunchrooms, and even from discussing religion while in a school parking lot. Such prohibitions clearly violate existing law. I hope that enactment of the equal access legislation we are considering here today will prevent such abuses in the future.

The earlier version of the Equal Access Act provided that school districts would lose Federal funds if they refused to give student-initiated religious groups the same right to meet during noninstructional periods as nonreligious student groups. I thought the loss of Federal funds was an unfair penalty. The amendment we are considering today explicitly prohibits the withholding of Federal funds as punishment for failing to allow equal access.

In addition, I could not support the earlier version of the Equal Access Act because I felt that its provisions contained tremendous potential for abuse. That bill did not require that student-initiated religious meetings be held before or after the schoolday. I believe that the Senate debate on this amendment makes it clear that religious meetings cannot take place side by side with other school activities where attendance would be compulsory. The earlier version of the Equal Access Act also did not make clear whether student groups would be allowed to bring in outside religious leaders and clergy to participate in and to lead the student religious meetings. The amendment before us addresses this problem by stating, "nonschool persons may not direct, conduct, control or regularly attend activities of student groups." This restriction should ensure that the meetings are truly voluntary and student initiated.

The amendment before us also contains several other improvements concerning areas that were not addressed in the earlier legislation. This legislation protects all student speech in secondary schools, not just religious speech. Students will be able to meet and discuss political and philosophical topics, as well as religious concerns. The proper separation of church and state is maintained by prohibiting school employees from promoting or taking part in the student meetings. Schools are given clear authority to ensure that attendance at the meetings will be voluntary, to maintain order and discipline on school premises, and to prevent unlawful meetings from taking place. Finally, this amendment protects the rights of small groups of students by providing that a school may not refuse to allow a meeting because a group does not contain a certain number of students.

This amendment will not be a cure-all for problems involving the equal access rights of secondary school students. But I am hopeful that it will

clarify existing law in this area and eliminate the need for lawsuits to protect individual religious liberties. When this body debated the first version of the Equal Access Act, I stated that I would support legislation in this area that was carefully written and contains a fair penalty, and I am pleased that we have such a proposal before us today.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. Mr. Speaker, I rise in support of the amendment.

Mr. PERKINS. Mr. Speaker, this Nation was founded on the belief in a diety. In fact, the Declaration of Independence, which I have here, refers to "our Creator," "To nature's God" and to "the Supreme Judge of the World."

Now, how can anyone say that we are departing from the founding principles of our country by passing this amendment?

Furthermore, court decisions have said that all sorts of student groups are entitled to use public school premises for the free speech discussion of opposition to the war in Vietnam, of support for gay rights, and of support for Communists and the Ku Klux Klan activities.

□ 1210

All this legislation does is to say that students wishing to discuss religious belief among themselves are given the same right. This is no prayer bill.

But I would think that we would not want to relegate the rights of high school students attending a school below the rights of other people in that same building.

The U.S. Catholic Conference stated a few months ago in urging Congress to enact equal access legislation, "This support stems from the concerns of the Catholic Church for the moral and civil responsibility of all Americans."

Let me briefly describe the provisions of this amendment, quite different from the original bill. Before I do, I want to say if we have to go to Calendar Wednesday that we could go to midnight tonight. I say that to the gentleman from New York [Mr. ACKERMAN], and the gentleman from New York [Mr. SCHUMER]. If you notice the CONGRESSIONAL RECORD for today, for dilatory tactics they put in about 500 amendments in the RECORD, and we would have to get back on it Wednesday a week and then the following Wednesday unless the House voted to cut the time off. That is the reason we are here today, to expedite this business.

The Senate bill that we have before us now protects not only religious speech but also all political, philosophical, and other free speech. There is no cutoff of funds for any violation. No outsider may conduct, control, or regularly attend meetings. No numerical limit may be placed on the membership of a student group. Local school authorities control the place, manner, and time of meeting so as not to endanger educational functions. And only meetings before and after instructional periods are fully protected.

I support this substitute, although it is not what I would have preferred, nor is it what the opponents would have preferred. However, it reflects the best results that we can get; that is, the give and take of the legislative process.

Therefore, Mr. Speaker, I urge its adoption.

● Mr. HALL of Ohio. Mr. Speaker, once again I rise in support of the exercise of free speech as it relates to religion, particularly in our public schools. Over the last few weeks we have heard much speculation that the equal access measure erodes the separation of church and state. This is simply untrue.

The equal access bill is a carefully crafted piece of legislation that addresses seemingly conflicting constitutional guarantees in a straightforward and simple way. It maintains Government neutrality in religion while assuring that student religious groups have the same opportunity to express their beliefs as other voluntary student groups enjoy. It says that voluntary groups can meet in classrooms during off-hours.

It was my opinion when the House passed its original bill that it simply provided religious groups with the same opportunities available to other nonschool-sponsored, student-initiated groups and clubs. Our colleagues in the other body, have further spelled out that equal access applies to all types of voluntary student groups—political, philosophical, and other nonreligious groups. We see clearly that this is a free speech issue and not a backdoor approach to the establishment of religion.

Mr. Speaker, it is my opinion that the measure before us also allays fears that religious minorities could be discriminated against. The language specifically prohibits discrimination against small groups of students. It also maintains the local school's authority to keep order and discipline, thereby alleviating fears about outsiders' ability to take over meetings.

Mr. Speaker, I must emphasize again that we want to look at what this measure does and stop speculating about what is not there. We are making a decision about free speech. We are talking about access to classrooms and facilities by voluntary groups in nonclassroom hours. We are not looking at State-sponsored religion.

I urge my colleagues to join me in voting for the equal access amendments.●

● Mr. SYNAR. Mr. Speaker, I am glad to have the opportunity today to support a true equal access bill—one that gives religious speech the same protection as other forms of speech, does not endanger the rights of minority religions, and assures that religious meetings are student led and only occur before and after school hours.

The equal access bill which came before the House in May would have been more appropriately called the unequal access bill. It would have provided special status to religious groups. The Constitution provides equal status for religion, but does not allow for the special protection this bill would have provided. The bill would have allowed school administrators to set minimum numbers for religious group activities. Outsiders could have entered our schools to lead regular prayer meetings during classroom hours. And the bill would have cut off Federal funds to entire school districts which denied access—even unintentionally—to one group. It was a bad bill.

I believe the bill before us today specifically addresses each of these concerns. However, I sympathize with those groups who still oppose this legislation. Many school administrators may be placed in the difficult position of deciding whether to allow all groups to meet, or simply to bar all student activities. And there may be cases of overzealous school administrators actively promoting or prohibiting one type of religion. But I believe these instances will be isolated and easily remedied.

It's important to remember why this bill is before us in the first place. Many school officials have concluded that they are prohibited from allowing religious groups to meet in school facilities. It is clear that the Constitution does not allow for this type of selective discrimination against religious speech—just as it does not allow for special protection of that speech.

The first amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This legislation strikes the appropriate middle ground and guarantees religious groups the same right to meet as any other group.●

● Mr. BIAGGI. Mr. Speaker, as a member of the House Education and Labor Committee I am pleased to join in support of the pending bill which would target new funds for math and science education in our Nation's schools.

As a cosponsor of the House bill, H.R. 1310, which was the first education bill approved by this body during last session, I am pleased that we have agreed to move forward with the

Senate bill in order to assure the adoption of these programs this year.

In light of the national debate calling for an improved educational system, it is both fitting and necessary that we adopt this bill. The reports that have been issued over the past year, from "A Nation at Risk" by the National Commission on Excellence in Education, the report to the President from the business-higher education forum entitled "America's Competitive Challenge: A National Response" and the "Action for Excellence" report by the Task Force for Economic Growth have sent us a strong message. This bill before us is an appropriate—first step—response to that message.

The $425 million provided for in the first year of this bill is a small contribution to our efforts to provide our young people with the technological edge so that we can effectively compete in a world market. Our national security is at stake—at no time since Sputnik have we been challenged to respond in such a bold fashion.

In the field of engineering, for example, the Soviet Union has graduated five times the number of electronic engineers than we do each year. For every million of their citizens, the Soviets graduate 260 electronic engineers—while the United States graduates 67 and Japan graduates 163 per million by comparison. If for every 10,000 people in the United States, 70 are engineers, and Japan has almost 6 times that number, how can we ever hope to compete as a technologically advanced and industrial-based society?

The field of engineering is but one example of the problem. The private sector has secured a critical number of qualified individuals in a rapidly growing brain drain. Consider the fact that only 55 percent of the graduates prepared to teach math actually enter the teaching profession. What we should be most fearful of is the fact that we could end up with a net loss of 35 percent of the number of qualified math and science teachers by the year 1992.

This bill addresses many of these concerns and should be viewed as a first step toward attacking the problem. Clearly the more generous funding levels in H.R. 1310 would be a more complete response to this problem. In this instance, it is not merely a question of throwing money at a problem as some might believe. A major, national training and retraining effort in the areas of math and science to improve the quality of education in this country will cost money. Let us be clear about that fact. The $750 million in H.R. 1310 is a more realistic response to the need but I believe that $450 million in the bill before us is a good starting point.

I am particularly supportive of the higher education programs which will reward the best of our schools and their teacher training programs. Under title II, 30 percent of the State funds would go to the State agency for higher education and 75 percent would be distributed as competitive grants to colleges and universities for math/science trainee programs. Twenty percent of these programs will be on a cooperative basis among industry, schools, universities and libraries. In addition to the higher education portion, the bulk of funding under this bill, $315 million in fiscal year 1984, will be targeted to States through formula grants based on the number of school-age children.

This bill also gives special consideration to special populations, including women and minorities, who have been traditionally underrepresented in the math and science fields. This will assure that math, science and engineering job opportunities remain accessible to those who have had difficulties in securing such access in the past.

Finally, I am glad that there is a requirement for improved coordination of these programs with the National Science Foundation. We should encourage other agencies and organizations to work closely with the NSF to assure the most appropriate and comprehensive programs and policies are adopted.

In sum, Mr. Speaker, while I regret that H.R. 1310 is not receiving full and fair consideration under this process, I nonetheless laud this legislation and urge our colleagues to join with us in support of this historic and bold initiative. We cannot afford to short-change the educational futures of our children today—for such shortsightedness will surely render tomorrow's problems.●

● Mr. FRENZEL. Mr. Speaker, today we have another opportunity to provide access to school facilities for voluntary religious student groups on the same basis as they are made available to other noncurricular groups.

Although I voted in favor, I expressed reservations about the equal access legislation which came before this body in May. This new Senate legislation is a great improvement, particularly with respect to the penalty provisions. In addition, it places more of the decisionmaking responsibility in the hands of local communities and local officials. In my judgment, that is the appropriate place to make such decisions.

In this bill we are upholding the authority of local officials and educators to maintain order and discipline as well as to protect the well-being of students and faculty. We do not order schools to support or even to allow any particular religious meetings. We simply state that voluntary student religious groups are to be treated in the same manner as other voluntary groups which are allowed to meet in the same facilities.

Schools are public buildings which are built and maintained by taxpayers' dollars. Those same taxpayers, or in this case their children, should have the right to use these buildings in reasonable circumstances for reasonable purposes as determined by local authority.

I supported equal access in May. I will vote for this bill more enthusiastically. It is based on the same concept of equality as it predecessor, the Bonker bill, but it provides more safeguards, better enforcement, and more local decisionmaking.●

● Mrs. SCHNEIDER. Mr. Speaker, the equal access provision before us today represents a vast improvement over the measure considered by the House last May. Like many of my colleagues, I had several grave reservations about the earlier bill which were not addressed either in committee or on the floor of the House. First of all, it would have permitted outside individuals to address or run student religious groups during noninstructional periods during the schoolday. Second, if a school were to deny the use of buildings for such a group, its Federal funding would have been terminated. This, I felt, was too severe a remedy. And finally, the bill provided no access to the courts for students who wished to challenge the decision of school personnel. These items raised grave concerns in my mind about the legislation, leading me to vote against it. As we are all aware, that measure fell 11 votes short of passage in the House.

Today we are considering a new equal access bill which the Senate added to their version of the math-science education bill. After reviewing the changes made by the Senate, I feel that my original reservations have been met, and I will now be able to support the bill. The sanction of fund termination has been removed; student-initiated meetings can now take place only before and after school hours; and restrictions have been placed on the participation and attendance of outside individuals in these student meetings. In addition, the bill provides judicial review for students who have grievances. And finally, the measure before us today extends the principle of equal access to all student groups, including those with religious, political, or philosophical content. This is legislation that I can now support, and I would urge my colleagues who share my previous reservations to vote in favor of this bill.●

● Mr. SHANNON. Mr. Speaker, once again I am afraid that I must rise in opposition to the passage of an equal access bill.

There is no question that the legislation that is before us today is a substantial improvement over the version that we considered back in May. It does not focus exclusively on religious

organizations but tries to ensure that other types of student groups have access to school facilities, as well. It does not contain the harsh funding cutoff that was of such concern in H.R. 5345. I believe that the sponsors of this legislation are sincere in their efforts to protect student's rights to assemble and to freely discuss whatever is on their minds. I would like to be able to support them in that effort.

I regret to say, however, that I cannot. Even with this new legislation, there are still too many points that trouble me. For one thing, I still have doubts about the constitutionality of legislation that permits organized religious groups in a publicly owned building. Even if such legislation were ultimately found to be constitutional, I would still be deeply concerned at the precedent that this bill would set. It is my firm belief that we must maintain a strict and absolute separation between church and state and that our Founding Fathers, who knew all too well what happens when the Government becomes involved in religious matters, intended such an absolute separation when they wrote the first amendment to the Constitution. To allow religious organizations to meet on school grounds would be the first small breach in the wall of separation that our Founding Fathers established.

I sympathize with students who wish to get together and discuss their religious beliefs. But it is neither wise nor necessary for this to occur on the grounds of a public school. They can gather before or after school in each others' homes, at their church or synagogue, or in any one of the many places outside the school grounds that young people gather. These places are far more appropriate for religious discussion, especially organized discussion, than facilities that are paid for by taxpayers of widely varying religious beliefs.

I also remain troubled by the burden that this legislation places on local school officials. Indeed, it is somewhat ironic that many of the same people who oppose Federal involvement in education and cry for local control are now asking that the Federal Government be authorized to interfere with local school officials' decisions on the use of their facilities. These decisions, which were once based on their own best judgment, must now be made with an eye toward avoiding trouble with the feds. School systems will have to divert already scarce resources toward evaluating student groups in light of the Federal requirements and providing the monitoring of student religious groups that is required under this bill. If we were to place such a heavy Federal hand on school systems' selection of textbooks or hiring of teachers, these parents would be raising the roof. Why is this type of interference any more acceptable?

In short, public schools are a place for education. The place for religious training and discussion is in the family and at church. The Federal Government should not be in the position of requiring public school systems to play a role that they do not want and were never intended to assume. I do not want to place that responsibility on these school systems, and I therefore must oppose this bill.●

● Mr. PERKINS. Mr. Speaker, our colleague, Congressman PAUL SIMON, is one of the most outstanding Members we have in the House of Representatives. He always attempts to thoroughly analyze legislation and reach an intellectually sound position before he votes.

Therefore, I am very pleased that Mr. SIMON has decided after long and careful analysis to support the amendment we are voting on today, the Senate-passed equal access amendment. For the information of the Members, I would like to insert in the RECORD Mr. SIMON's thoughtful comments on this bill and his reasons for supporting it:

COMMITTEE ON EDUCATION AND LABOR, SUBCOMMITTEE ON POSTSECONDARY EDUCATION, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 1984.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, Washington, DC.

DEAR CARL: I understand that "equal access" legislation, as passed as part of the Senate Math-Science bill (S. 1285) may be considered by the House on Wednesday. Because I will not be present on Wednesday, I am writing to convey my strong support of the Hatfield Amendment, as incorporated in the Senate version of the Math-Science bill.

Although I was an early co-sponsor of H.R. 4996, I offered an amendment in the Education and Labor Committee to H.R. 5345, a clean bill incorporating improvements made by your Subcommittee. During Committee debate on H.R. 5345, I offered an amendment, which I firmly believe would have placed a proper prospective on the whole "access" question and avoided the constitutional questions raised by the bill as it was reported by the Committee. As a co-sponsor of H.R. 4996, I share the view of several of my Colleagues in the House, that if a school board permits its facilities to be used by one religious group for a meeting or for meeting purposes after school hours or by student groups for meeting purposes during school—that the facilities must be made available to all (on a presumably first come, first served basis). I strongly disagree that providing access for the Spanish Club or the Girl Scouts requires the school board to also provide access to school facilities for student religious groups.

What is the basis for the difference? The Constitution makes no provision affecting the status of nonprofit groups or civic associations as it does with respect to religion. The First Amendment question, in regard to "equal access" legislation, becomes increasingly difficult if school facilities are to be used during school hours for religious purposes. I do not believe that the Congress, because of constitutional provisions providing for separation of church and State, should force school boards to permit religious meetings in their schools or to choose between religious groups who wish to meet in their schools. My amendment to H.R. 5345 would have allowed Federal funding to continue to go to school districts that have policies in which no religious schools were allowed to meet, but would have required that any school district that allowed one religious group to meet could not refuse to allow all other religious groups to meet in the school.

I was even more concerned, however, by the potential for Federal intrusion contained in the Committee's bill. Decisions concerning the use of local buildings should be left to the school administrators and board of education. Using termination of Federal funding as a lever to force local authorities to decide who should use local school buildings is improper. The threat of fund termination is used, almost exclusively, in the enforcement of civil rights laws and then very rarely. H.R. 5345 proposed to condition receipt of Federal financial assistance on compliance with Washington's notion of "access". What H.R. 5345 did was to give the Federal Government control over the school buildings themselves. I believe that decision concerning who uses school buildings should be left to those closest to the situation, unless they grant access to one religious group and deny it to another. My amendment would simply have ensured access by all religious groups, if permission was granted to any one religious group.

My principal concerns with the Committee reported bill are resolved in the Equal Access provisions contained in S. 1285. My concerns have been resolved by:

Substantially reducing the constitutional question by modifying the requirement that a school district or principal's decision to provide meeting space for any student group, forced the principal or district to accord the same privilege to all, by requiring that "equal access" only be made available if noncurriculum student groups are permitted to meet on school premises during noninstuctional time.

Eliminating the Federal interference by including language which prohibits the withholding of Federal funds, if a local school district or principal fails to comply with this law, by the Federal Government.

This bill is not perfect. It is still open to constitutional question and will require school officials to decide whether to exclude all non-instructional groups. It is by far a better bill than H.R. 5345, which was defeated in the House on May 15, 1984.

I support the Hatfield "equal access" amendment.

Cordially,

PAUL SIMON,
Chairman.●

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky [Mr. PERKINS] that the House suspend the rules, to discharge the Committee on Education and Labor and the Committee on the Judiciary from further consideration of the Senate amendment to H.R. 1310, and to concur in title VIII of the Senate amendment to H.R 1310.

The question was taken.

Mr. SCHUMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

Mr. SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 337, nays 77, not voting 19, as follows:

[Roll No. 313]

YEAS—337

Albosta	Eckart	Lent
Alexander	Edwards (OK)	Levitas
Anderson	Emerson	Lewis (CA)
Andrews (NC)	English	Lewis (FL)
Andrews (TX)	Erdreich	Lipinski
Anthony	Erlenborn	Livingston
Applegate	Evans (IA)	Lloyd
Archer	Evans (IL)	Loeffler
Aspin	Fazio	Long (LA)
AuCoin	Fiedler	Lott
Badham	Fields	Lowery (CA)
Barnard	Flippo	Lujan
Bartlett	Foley	Luken
Bateman	Ford (TN)	Lundine
Bedell	Fowler	Lungren
Bennett	Frank	Mack
Bereuter	Franklin	MacKay
Bethune	Frenzel	Madigan
Bevill	Frost	Marlenee
Bilirakis	Fuqua	Martin (IL)
Billey	Gaydos	Martin (NC)
Boehlert	Gekas	Martin (NY)
Boggs	Gephardt	Martinez
Boland	Gibbons	Matsui
Boner	Gingrich	Mavroules
Bonker	Glickman	Mazzoli
Boucher	Goodling	McCain
Breaux	Gore	McCandless
Britt	Gradison	McCloskey
Brooks	Gregg	McCollum
Broomfield	Guarini	McCurdy
Brown (CA)	Gunderson	McDade
Brown (CO)	Hall (OH)	McEwen
Broyhill	Hall, Ralph	McGrath
Bryant	Hall, Sam	McKernan
Burton (IN)	Hamilton	McKinney
Byron	Hammerschmidt	McNulty
Campbell	Hance	Mica
Carney	Hansen (UT)	Michel
Carper	Harkin	Mikulski
Carr	Harrison	Miller (CA)
Chandler	Hartnett	Miller (OH)
Chappell	Hatcher	Moakley
Chappie	Hefner	Molinari
Cheney	Hertel	Mollohan
Clarke	Hightower	Montgomery
Clinger	Hiler	Moore
Coats	Hillis	Moorhead
Coelho	Holt	Morrison (CT)
Coleman (MO)	Hopkins	Morrison (WA)
Coleman (TX)	Horton	Mrazek
Conable	Howard	Murphy
Conte	Hoyer	Murtha
Cooper	Hubbard	Myers
Corcoran	Huckaby	Natcher
Courter	Hughes	Neal
Craig	Hunter	Nelson
Crane, Daniel	Hutto	Nichols
Crane, Philip	Hyde	Nielson
D'Amours	Ireland	Nowak
Daniel	Jacobs	O'Brien
Dannemeyer	Jeffords	Obey
Darden	Jenkins	Olin
Daschle	Johnson	Ortiz
Daub	Jones (NC)	Oxley
Davis	Jones (OK)	Packard
de la Garza	Kaptur	Panetta
Derrick	Kasich	Parris
DeWine	Kazen	Pashayan
Dickinson	Kemp	Patman
Dicks	Kildee	Patterson
Dingell	Kindness	Paul
Donnelly	Kleczka	Pease
Dorgan	Kolter	Penny
Downey	Kramer	Perkins
Dreier	LaFalce	Petri
Duncan	Lagomarsino	Pickle
Durbin	Latta	Price
Dwyer	Leach	Pritchard
Dyson	Leath	Pursell
Early	Lehman (CA)	Quillen
Rahall	Shuster	Torres
Ratchford	Sikorski	Traxler
Ray	Siljander	Udall
Regula	Sisisky	Valentine
Reid	Skeen	Vander Jagt
Richardson	Skelton	Vandergriff
Ridge	Slattery	Volkmer
Rinaldo	Smith (IA)	Vucanovich
Ritter	Smith (NE)	Walker
Roberts	Smith (NJ)	Watkins
Robinson	Smith, Denny	Weaver
Rodino	Smith, Robert	Weber
Roe	Snowe	Whitehurst
Roemer	Snyder	Whitley
Rogers	Solomon	Whittaker
Rose	Spence	Whitten
Roth	Spratt	Williams (MT)
Roukema	St Germain	Williams (OH)
Rowland	Staggers	Winn
Rudd	Stangeland	Wise
Russo	Stark	Wolf
Sabo	Stenholm	Wolpe
Sawyer	Stratton	Wortley
Schaefer	Sundquist	Wright
Schneider	Swift	Wyden
Schulze	Synar	Wylie
Seiberling	Tallon	Yatron
Sensenbrenner	Tauke	Young (AK)
Sharp	Tauzin	Young (FL)
Shaw	Taylor	Zschau
Shelby	Thomas (CA)	
Shumway	Thomas (GA)	

NAYS—77

Ackerman	Foglietta	Mitchell
Addabbo	Ford (MI)	Moody
Akaka	Garcia	Oakar
Annunzio	Gejdenson	Oberstar
Barnes	Gilman	Ottinger
Bates	Gonzalez	Owens
Beilenson	Gray	Pepper
Berman	Green	Porter
Bonior	Hall (IN)	Rangel
Borski	Hawkins	Roybal
Bosco	Hayes	Savage
Boxer	Kastenmeier	Scheuer
Burton (CA)	Kennelly	Schroeder
Collins	Kogovsek	Schumer
Coughlin	Kostmayer	Smith (FL)
Coyne	Lantos	Solarz
Crockett	Lehman (FL)	Stokes
Dellums	Leland	Studds
Dixon	Levin	Torricelli
Dymally	Levine	Vento
Edgar	Long (MD)	Walgren
Edwards (CA)	Lowry (WA)	Weiss
Fascell	Markey	Wheat
Feighan	McHugh	Wirth
Fish	Mineta	Yates
Florio	Minish	

NOT VOTING—19

Biaggi	Hansen (ID)	Stump
Clay	Heftel	Towns
Conyers	Jones (TN)	Waxman
Dowdy	Marriott	Wilson
Edwards (AL)	Rostenkowski	Young (MO)
Ferraro	Shannon	
Gramm	Simon	

□ 1220

The Clerk announced the following pair:

On this vote:

Mr. Biaggi and Mr. Gramm for, with Mr. Waxman against.

So (two-thirds having voted in favor thereof) the rules were suspended, the Committee on Education and Labor and the Committee on the Judiciary were discharged from further consideration of the Senate amendment to H.R. 1310, and title VIII of the Senate amendment to the bill was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1230

TITLES I THROUGH VII OF SENATE AMENDMENT TO H.R. 1310, EMERGENCY MATHEMATICS AND SCIENCE EDUCATION AND JOBS ACT

Mr. PERKINS. Mr. Speaker, pursuant to the resolution previously adopted, I have a motion at the desk which I offer.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. PERKINS moves to suspend the rules and to concur in titles I through VII of the Senate amendment to the bill (H.R. 1310) to provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs; and for other purposes.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Kentucky [Mr. PERKINS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I yield myself 6½ minutes.

Mr. Speaker, the legislation before us, the math and science education bill, H.R. 1310, as passed by the Senate, is very similar to the House passed version of the bill.

The legislation would improve mathematics and science education at the elementary, secondary and postsecondary levels. Both bills include the following features—the Members will hear from the gentleman from Florida [Mr. FUQUA] in a few moments—an authorization of $425 million for the first year, a program of formula grants to school districts to improve teacher training and other areas of need in math and science for elementary and secondary students, a program administered by the National Science Foundation to support scientific, mathematical and engineering education, higher education programs including scholarships to encourage students to become math and science teachers and training institutes to upgrade the skills of those who are already teaching.

All of the evidence before the House and the Senate hearings has indicated a dire need for strengthening instruction and increasing the number of teachers in these vital areas. We waited over a year for the Senate to pass this legislation. We cannot afford to wait any longer to make these grants available to the school districts

and institutions that will help us meet the demand of the technological age.

Although these bills contain some minor differences, for all practical purposes, they are the same.

Let me discuss the Senate bill in more detail.

Most of the funding, $350 million, would be used for formula grants to local educational agencies to improve instruction and teacher training in their school districts and for grants to higher education institutions to improve teacher training in this area.

Another title of the bill sets up a program administered by the National Science Foundation for partnerships between local educational agencies and other public and private agencies to improve instruction in mathematics, science, and computer science and engineering. This legislation also authorizes scholarships to college students who will make a commitment to teach mathematics and science and for summer institutions to improve the skills of persons who are already teachers.

I would like to commend the gentleman from Florida [Mr. FUQUA] for his cooperation in developing this legislation. As chairman of the Committee on Science and Technology, he contributed valuable expertise and worked well with our committee.

I would also like to highlight some of the other titles in this bill.

In addition to the equal access provision, the bill authorizes $75 million for each of the fiscal years, 1984, 1985, and 1986 for grants to local educational agencies to establish and operate magnet schools to help implement desegregation plans. The bill establishes a program within the Environmental Protection Agency for grants to States for abatement of hazardous asbestos materials in schools. For this purpose $50 million is authorized for fiscal years 1984 and 1985 and $100 million for each of the following 5 years.

I believe that it will be beneficial to have the EPA involved in this activity, since they have the technical expertise to abate health hazards and since they have already issued regulatory guidance and requirements on this subject.

Finally, the Senate bill contains a small authorization of $16 million for each of the fiscal years 1984 and 1985 for grants to schools which demonstrate successful techniques for improving educational quality.

Mr. KILDEE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Michigan.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, I would like to engage in a colloquy.

I would just like to clarify one point in the section of H.R. 1310, as amended by the Senate, relating to magnet schools. The bill contains three conditions for eligibility for this magnet schools assistance. Is it your understanding that a school district can meet any one of these conditions, but need not meet all three, in order to be eligible?

Mr. PERKINS. That is correct, I wish to say to the gentleman.

Mr. KILDEE. One other question on behalf of the gentleman from Pennsylvania [Mr. GRAY] and myself.

Another question on the magnet schools portion of H.R. 1310 as amended by the Senate. Section 702(3) makes voluntary desegregation plans in school systems which have adopted or are implementing a desegregation plan without having been required to do so eligible for funds. Is it your understanding that the term "voluntary plan" can mean plans that were not necessarily initiated by the courts and could include such voluntary plans as exist in the cities of Flint, MI; Rochester, NY; Seattle WA; and Philadelphia, PA; but that are otherwise meeting guidelines established under title VI of the Civil Rights Act of 1964?

Mr. PERKINS. The gentleman is correct.

Mr. KILDEE. One further question on behalf of myself, the gentleman from New York [Mr. NOWAK] and the gentleman from Pennsylvania [Mr. GRAY] relating to the magnet schools portion of H.R. 1310 as amended by the Senate. Section 702(1) of the bill states that a school system would be eligible for funds if it had lost at least $1 million following the repeal of the old Emergency School Aid Act. Is it your understanding, Mr. Chairman, that this $1 million loss applies to the total funding received by a school system under all chapter 2 antecedent categorical programs in the year immediately preceding the implementation of chapter 2 when compared to total funding received in the first year of chapter 2?

Mr. PERKINS. That is correct, likewise.

Mrs. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from California.

Mrs. BURTON of California. Mr. Speaker, I would like to ask the chairman whether section 709 of the Senate bill prohibits school districts from using their magnet schools assistance under title VII for courses the subject of which is secular humanism. First of all, I want to know what that means. I thought I understood English. I might have an accent, but I do not know what secular humanism means.

□ 1240

Mr. PERKINS. Well, let me state that since there is no definition of secular humanism, the Department of Education is not authorized to promulgate any definition of this term. And, furthermore, since the Secretary is not authorized to define this term, a determination of which courses are or are not secular humanism shall be left purely up to the judgment of the local educational agencies. That is the essence of it.

Mrs. BURTON of California. Mr. Chairman, I do not understand the terminology. I do not know why we need it in the bill.

Mr. PERKINS. The local educational agencies will make that determination.

The SPEAKER. The time of the gentleman from Kentucky [Mr. PERKINS] has expired.

Mr. PERKINS. Mr. Speaker, I yield myself 1 additional minute.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield for the purpose of a question on this subject?

Mr. PERKINS. Yes; I yield to the gentleman from Ohio.

Mr. SEIBERLING. I am not sure what is meant by the term "secular humanism," but if this bill is intended to start regulating the content of teachers' subject matter in such vague terms, it seems to me that it is a real invasion of academic freedom, and I am equally concerned with the gentlewoman from California. Can the gentleman give us further assurances as to what the effect of this provision is?

Mr. PERKINS. Well, let me say to the gentleman, as I understand it, that there is no intent to bring into play any Federal interference, that teachers and the local boards will make the decision exclusively of everybody else. So I see no harm here.

Mr. SEIBERLING. Could I just ask one other question of the distinguished chairman?

The SPEAKER. The time of the gentleman from Kentucky [Mr. PERKINS] has again expired.

Mr. PERKINS. Mr. Speaker, I yield myself 30 additional seconds.

Mr. SEIBERLING. If the gentleman will yield further, is the theory of evolution and natural selection secular humanism, as the gentleman understands it?

Mr. PERKINS. That decision is to be made locally, I will say to the gentleman, by your local boards and your teachers.

Mr. SEIBERLING. I thank the gentleman.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from Ohio.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the legislation as proposed. As the ranking minority member on the Science and Technology Committee which has the

responsibility for this math-science education bill, I think it is appropriate that we move it at this time. This bill addresses what we have all recognized here in the House to be a critical problem, and that is that we have an abysmal situation occurring in our math and science education, especially at the elementary and secondary school level. We are finding that we are short of qualified teachers, that those qualified teachers which we do have are difficult to retain because of the competition from the private sector and that we do not have adequate materials and adequate instrumentation in order to teach math and science at the elementary and secondary school level.

The role of the National Science Foundation under this bill has been significantly increased, and I think it can be an effective tool in addressing the need to educate our children in math and science. There are a number of programs under this bill which are really excellent in concept and which I hope will be promoted aggressively. We have a program which would allow teachers to go to summer institutions and be retrained by the National Science Foundation. We have a program which would encourage people to go into the teaching profession. We now find, unfortunately, that people going into the teaching profession are sometimes not at the top of their class. This program would encourage people to go into the teaching program and would retain and attract extremely qualified teachers.

We have a program in here which would identify the top students and the top teachers throughout the country and would reward them on the basis of the quality and the expertise of their experience and their educational activities.

This is an excellent bill. The issue of secular humanism is really a red herring in this bill. It is a minor line item in the bill which will not affect the vast amount of money which would be appropriated and spent under this bill and which has been approved by the Senate.

In fact, this bill would significantly reduce the strings which this Congress applies to educational activity, as the majority of the funds under the bill are block granted for the specific purpose of math-science education but the actual decision as to how the math-science education will be promoted is left at the local and the State school board level.

So it is a positive bill and it is the type of bill which those of us who have been talking about we need to do something in the area of math and science education should be willing to support.

Mr. PERKINS. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Florida [Mr. FUQUA].

Mr. FUQUA. Mr. Speaker I rise in support of the request of the gentleman from Kentucky, my good friend Mr. PERKINS, to suspend the rules and discharge the committee from further consideration of H.R. 1310 and to agree with a Senate amendment.

The Committee on Science and Technology joins with the Committee on Education and Labor in supporting this bill, H.R. 1310, proposing a broad and comprehensive bill to deal with what has been termed a crisis in science and math education.

Back when we considered this bill on the floor of this House, on March 2, 1983, one of the first pieces of major legislation passed in this Congress, we stated at that time that this bill was comprehensive in nature, it was not seen by either of our committees as a solution to all of the problems confronting our education system in science and math and engineering and technology. Rather it should be viewed as a first step, although a very, very important one, Mr. Speaker, in a series of steps to be taken collectively by the Federal Government with State government and with academia and business and other elements of concern in the private sector.

A true resolution of the problem will require a protracted effort on everyone's part to reverse the present trends in our education system and to meet our human resource needs of tomorrow.

I have provided a brief summary and discussion of several key provisions of the bill that particularly pertain to the Committee on Science and Technology, and that is the Congressional Merit Scholarship Program, which will be a program administered by the National Science Foundation for students with outstanding potential in math, science and engineering, and it would be for around $5,000 per academic year, one that has already begun to be instituted this summer. I have had the privilege of visiting some of these, the teacher institutes, where we bring teachers back in for workshops in institutions of higher education, for workshops in science and math and in other critical foreign languages. This is a very important program that is contained in this bill and one that I think adds considerable merit to it.

Furthermore, the mathematics and science education development program is one to develop and disseminate material for training in math and science and computer learning and research and developing and disseminating elementary and secondary math, science and computer learning course material, a very, very important thing in the period of time in this century that we live in.

There is also an NSF program for partnerships in education for mathematics, science and engineering. This is a national policy, Mr. Speaker, for technical engineering and scientific personnel training for job creation, a very, very important facet of this.

I urge the adoption of this. I want to commend to members of our committee, particularly my friend from New Hampshire, Mr. GREGG, who has worked very hard in our committee and on the floor to bring this about, and my colleague from Kentucky, the chairman of the Education and Labor Committee, and my friend from Pennsylvania, Mr. GOODLING, for all of the work that they have done, and the staff, in bringing this about. I think it is a milestone in what we are doing.

As I said, it is only a step in the right direction. We have many other steps down the road. But this is a step in the right direction, and I hope in the beginning of the next Congress that we can start addressing a more long-term solution to some of these very difficult problems that we have.

Mr. WALGREN. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Pennsylvania [Mr. WALGREN], the chairman of the subcommittee and also a very distinguished supporter of this bill.

Mr. WALGREN. I thank the gentleman for yielding.

Mr. Speaker, I would just like to add my support to the remarks of the gentleman from Florida, and also urge passage of this bill.

I think it is important to note that the Senate is in complete agreement with the levels of funding that this House, passed over a year ago. The administration, as usual, has been way behind on this issue, orginally proposing something in the range of $50 million, compared to the $500 million effort called for in this bill. Clearly the crisis that we face in education merits that kind of effort on our part.

We ought to underscore the partnerships for education in math and science and engineering provided in this bill. This is an area which was of particular interest to the gentleman from Florida and the House Science and Technology Committee. These partnerships show the advantage of being extremely flexible, able to take different forms in different circumstances to best adapt to the variety of strengths on the local level.

This bill also increased funding for scholarships and the teacher institutes, the best ideas that we have yet developed to improve present education.

I regret that the Senate bill does not include a provision similar to the one I added to the House bill to provide matching grants to community colleges for model technician training programs. Economist Pat Choate projected future jobs needs this way:

The speed and force of change will be awesome. Consequently, millions of jobs and

workers will become obsolete. * * * In this decade virtually all of the Nation's workers will need to be retrained or have their skills sharpened.

Community colleges are in an excellent position to be this training ground. Though the Senate did not agree with a community college initiative, I intend to continue to press for it. Community colleges have strong ties to local labor markets and are probably the largest source of advanced training outside of industry. My amendment would have helped community colleges establish model instructional programs, improve faculty development, and upgrade equipment and instrumentation for technician training.

I am also surprised that the Senate did not include some requirement of redeployment of student grants when an individual takes Government training in education and then fails to contribute their skills to improve our educational system, but rather uses their education for some other private pursuit. Although most who will take tax money for teacher training will stay in teaching, a number will not. Without a repayment requirement, I am apprehensive that individual abuse of this program could undermine essential future public support.

But there are details. We should accept this bill today.

I thank the gentleman for yielding to me.

Mr. FUQUA. I want to say again, Mr. Speaker, that I was looking the other way and I should have been looking around for my friend from Pennsylvania because I cannot in any way take away from the outstanding work that he did as chairman of the subcommittee within the Science and Technology Committee, that did all the hearings and brought this bill to where it was in our committee, and I want to commend the gentleman for all the work that he did. Overlooking him was certainly not intentional and it was an oversight on my part and I apologize.

The material referred to follows:

CONGRESSIONAL MERIT SCHOLARSHIPS

The House bill authorizes a program of National Teaching Incentive Scholarships administered by the Secretary of Education and to be awarded to up to 5,000 persons for FY 1984 and 10,000 persons for FY 1985. Scholarships may not exceed the tuition and fees for two academic years and require proof of satisfactory achievement. The Senate amendment authorizes a 4-year Congressional Merit Scholarships program administered by the National Science Foundation for higher education students with outstanding potential for teaching in math, science and engineering. Each scholarship is to be $5,000 per academic year and awarded only when the student is maintaining satisfactory progress on a full-time basis.

Discussion: The major difference is in the lead agency designated to administer the program. The Senate amendment makes no provision for foreign languages, but calls for some formulated geographical distribution and engineering scholarships for "post secondary" teaching.

TEACHER INSTITUTES

The House bill provides that the Secretary of Education and the Director of the National Science Foundation are to make grants to higher education institutions for summer teacher institutes and workshops in math, science, and critical foreign languages. Under section 107 of the House bill $20,000,000 a year for FY 1984 and FY 1985 is authorized for these activities by the Secretary; and one-half of the National Science Foundation's annual authorization (set at $30,000,000; section 107(b)(1) a year for FY 1984 through FY 1988 is authorized for these activities by the Director. The Senate amendment authorizes the National Science Foundation to fund joint applications from State and local educational agencies and higher education institutions for teacher training institutes in math, physical and life sciences. The Senate amendment authorizes $20,000,000 a year for FY 1984 and FY 1985 (section 164).

The Senate amendment, but not the House bill, requires an equitable distribution of teacher training institutes among and within States, with at least 1 per State if any proposals meeting requirements are filed from such State.

The Senate amendment limits a single grant to not more than $200,000 in any fiscal year. No comparable House provision.

Discussion: In the Senate amendment all grants made by the National Science Foundation require the institutions of higher education to apply jointly together with local educational agencies and requires full continuing consultations with State educational agencies. Since each state is authorized at least one institute, fifty institutes at $200,000 per will account for one-half of the annual authorization. The sharing of responsibility between the Department of Education and the National Science Foundation contained in the House bill was changed by placing all responsibility in the NSF.

MATHEMATICS AND SICENCE EDUCATION DEVELOPMENT PROGRAMS

The Senate amendment, but not the House bill, authorizes the National Science Foundation to assist higher education institutions or local educational agencies in developing and disseminating material for teacher training in math, science and computer learning; and in researching; developing and disseminating elementary and secondary math, science and computer learning course materials.

Discussion: The House bill provides for research to be conducted by NSF and NIE whereas dissemination of the results are basically left to the formula grant programs in ED. The Senate amendment states specifically that the Foundation will enter into agreements with institutions of higher education or local educational agencies for developing *and* disseminating programs and materials for teacher in-service training, as well as instructional materials for students.

NSF PROGRAMS FOR PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE AND ENGINEERING

Both the House bill and the Senate amendment propose new National Science Foundation programs to support scientific, mathematical and engineering education. The House bill proposes a national policy for technical, engineering and scientific personnel training and job creation. The Senate amendment focuses on support for partnerships among businesses, higher education institutions, and elementary and secondary schools.

The Senate amendment, but not the House bill, includes detailed requirements for grant applications.

Discussion: The basic concept of the House initiative for a special matching fund to maintain an adequate supply of properly trained technical, scientific, and engineering personnel is retained. The traditional role of NSF working directly with the applicant is changed by the Senate amendment so that State and local educational agencies are involved. However, there is considerable flexibility in what constitutes the partnership. Also, more flexibility is retained for the overall program since the House passed floors for specific areas of concern were not included. One major advantage of the Senate language is the awarding of scholarships to students of higher education in the fields of mathematics, science, computer science, and engineering. All of this is based on 50% cost-sharing. The Senate has eliminated the House concept for recruitment and retention of new engineering faculty which the Science and Technology Committee believes to be a very important initiative.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. I guess the first statement I should make is to make sure that all of my colleagues understand these two pieces of legislation are tied together; equal access and math and science. We need a two-thirds vote on math and science in order to uphold what we just recently approved in relationship to equal access.

In this math and science bill as it comes back to us from the Senate, the amount of money has been increased, but the amount of money for the math and science program is approximately the same as it was when it left the House. The increases came as a result of the things that were added by the other body. One of which I am a cosponsor which is excellence in education. Another addition to this on the Senate side was the Hatch Magnet School amendment and another important one is the Asbestos Abatement Program.

We have kicked this around for a long time; it was we in the Congress of the United States that got all of the people all over the country upset and excited about asbestos. The only thing is we did not send them any money to do anything about it. We just got them into a lot of trouble. There are a lot of poor school districts out there who, as a matter of fact, cannot do anything about their asbestos problem because they do not have any money to do anything about it.

So the Senate has included the asbestos legislation in this particular package. Those three issues, it seems to me, are the issues that have increased the spending beyond where it was when it left the House. Basically,

the math and science bill focuses on teacher retraining, on upgrading, on scholarships for promising students, on creative arrangements with the private sector, the schools, and the post-secondary institutions, and on summer institutes and inservice training.

So I would suggest to my colleagues that we have a bill that all should be able to vote for and I would encourage them to do that.

Mr. Speaker, I yield back the balance of my time.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. I thank the gentleman for yielding me this time.

Mr. Speaker, at this time I would like to commend the chairman of the Education and Labor Committee, Mr. PERKINS, and the ranking member, Mr. GOODLING, for the work they have done, and certainly for the chairman of the Science and Technology Committee, of which I am a member, Mr. FUQUA, for the excellent leadership that he was provided on this issue. I think also there should be a warm recognition for Mr. SIMON, who worked very vigorously to include language skills in this bill, which I think has become a very vital portion of it.

I rise in support of this motion, as one who has worked on math and science legislation for the past 4 years. I am glad that today we finally have the opportunity to send this much-needed measure directly to the President. The House passed H.R. 1310 with strong bipartisan support in March of last year. Now the Senate has finally broken the deadlock that delayed this legislation for nearly 1½ years.

I am disappointed in some of the Senate provisions that have been added, but believe that this bill is the best that we can hope for at this time, and it is absolutely essential that we pass it.

During committee deliberations, we heard from literally hundreds of experts who stated the great need for improved instruction in science, math, and foreign languages. This initiative will go a long way toward attracting new teachers and upgrading skills of those now instructing our children.

Our educational system is the key to maintaining scientific and economic leadership in the world. It is our hope, and our best hope, for a secure and prosperous future. Time is short in this, the 98th Congress, to deal with important issues, and I urge support for this legislation.

Mr. NELSON of Florida. Mr. Speaker, I am pleased to have this opportunity to speak in strong support of H.R. 1310. I am a cosponsor of this legislation which is a combination of two bills—the Emergency Mathematics and Science Education Act and the National Engineering and Science Personnel Act. I was originally a cosponsor of each of these vital bills also. This hearing today is an important step in securing a speedy enactment of this important legislation.

The global economy of the 1980's will be one of high technology in homes, schools, businesses, and Government services. Today, the United States is a world technological leader primarily as the result of our national resource of skilled scientists, technologists, engineers, and technicians. This leadership is essential for our economic and national security.

U.S. technological supremacy has eroded as other industrial countries have developed and implemented programs for expanding their technological capability. Our technological edge is threatened by a shortage of skilled engineers and scientists and, even more seriously, by the lack of general scientific and mathematical literacy necessary for the majority of citizens who provide the technical and consumer support of our economy. Technological literacy is also becoming increasingly important for full participation in our society and for individual personal development.

Our future national economic and social well-being is written by our schools and their ability to prepare youth for effective participation in a technological, information society. There is increasing evidence that the mathematical and scientific literacy of our youth and adults is being neglected.

If we are to respond effectively it is essential that we:

Establish the improvement of education and mathematical and scientific literacy as a priority for action;

Increase and improve the pool of qualified teachers of mathematics and science who can adequately prepare our youth for the emerging technological society;

Restructure and revise the mathematics and science curriculum to prepare the nonspecialist as well as the specialist and to modify the sequencing of curriculum to match the stages of intellectual development and ability;

Increase the amount of time students spend on academic studies and increase the availability of scientific equipment and facilities; and

Develop comprehensive programs that can further general computer literacy, including computer applications that will lead to increased mathematical and scientific literacy.

This legislation is an important first step in addressing our current crisis. Our leadership in technology for the world is at stake. We cannot afford to wait any longer.

I commend Mr. PERKINS, Mr. SIMON, and Mr. GOODLING from the Education and Labor Committee and my chairman, Mr. FUQUA, Mr. WALGREN, and Mr. MCCURDY for their insight in bringing this legislation before us in such a timely manner. I urge its passage as soon as possible.

● Mr. CONTE. Mr. Speaker, I am glad to see that H.R. 1310, the math and science education bill, has returned to this floor for our consideration. And I am pleased to rise in support of this important measure.

Mr. Speaker, this initiative to strengthen mathematics and science education in this country is long overdue. Deficiencies in math and science curricula and equipment have seriously injured the morale of this country's teachers and the capabilities of our students. The National Science Foundation [NSF] has reported that math and science teachers have had serious difficulty in obtaining information concerning new instructional materials, thereby hampering the Nation's efforts to improve curriculum. Additionally, the National Association of Secondary School Principals has reported that only 45 percent of all secondary schools possess some sort of science equipment. These are disturbing facts demonstrating serious, widespread problems in our country's ability to educate our children.

Fortunately, H.R. 1310 defines immediate Federal, State, and local roles for improving math and science education and teacher preparation. The bill provides incentives to encourage future generations of teachers to enter these fields, and to help improve the skills of current teachers. Additionally, the problems of student preparation and achievement are addressed by authorizing educational agencies and institutions to develop methods to improve, strengthen, expand, and modernize math and science education.

Moreover, H.R. 1310 addresses the serious problems of underrepresentation of women and minorities in these disciplines by requiring grant recipients to take concrete action to ensure equal educational opportunity. I strongly support this provision and salute the committee's continued efforts to improve opportunities for all Americans.

Mr. Speaker, in considering the bill before us today, however, I am concerned over one amendment added by the other body to provide funding for magnet schools which are part of an approved desegregation plan. My reservations about supporting this amendment stem from its heavy bias toward the larger school districts, while appearing to shun the smaller but equally needy districts. I understand from the colloquy on this debate, however, that the eligibility criteria set forth in the amendment do not preclude those smaller desegregating districts, and therefore I withdraw my reservations. Further I would hope that, this being the case, the Secretary will give close consideration to the

needs of those smaller districts when considering awards under this program.●

Mr. PERKINS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Kentucky [Mr. PERKINS] that the House suspend the rules and concur in titles 1 through 7 of the Senate amendment to H.R. 1310.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GREGG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 393, nays 15, not voting 25, as follows:

[Roll No. 314]

YEAS—393

Addabbo	Cheney	Foley
Akaka	Clarke	Ford (TN)
Albosta	Clinger	Fowler
Alexander	Coats	Frank
Anderson	Coelho	Franklin
Andrews (NC)	Coleman (MO)	Frenzel
Andrews (TX)	Coleman (TX)	Frost
Annunzio	Collins	Fuqua
Anthony	Conable	Garcia
Applegate	Conte	Gaydos
Archer	Cooper	Gejdenson
Aspin	Corcoran	Gekas
AuCoin	Coughlin	Gephardt
Badham	Courter	Gibbons
Barnard	Coyne	Gilman
Barnes	Craig	Glickman
Bartlett	Crockett	Gonzalez
Bateman	D'Amours	Goodling
Bates	Daniel	Gore
Bedell	Darden	Gradison
Beilenson	Daub	Gray
Bennett	Davis	Green
Bereuter	de la Garza	Gregg
Berman	Derrick	Guarini
Bethune	DeWine	Gunderson
Bevill	Dickinson	Hall (IN)
Bilirakis	Dicks	Hall (OH)
Billey	Dingell	Hall, Ralph
Boehlert	Dixon	Hall, Sam
Boggs	Donnelly	Hamilton
Boland	Dorgan	Hammerschmidt
Boner	Downey	Hance
Bonior	Dreier	Hansen (UT)
Bonker	Duncan	Harkin
Borski	Durbin	Harrison
Bosco	Dwyer	Hartnett
Boucher	Dymally	Hatcher
Boxer	Dyson	Hawkins
Breaux	Early	Hayes
Britt	Eckart	Hefner
Brooks	Edgar	Hertel
Broomfield	Edwards (OK)	Hightower
Brown (CA)	Emerson	Hiler
Brown (CO)	English	Hillis
Broyhill	Erdreich	Holt
Bryant	Erlenborn	Hopkins
Burton (CA)	Evans (IA)	Horton
Burton (IN)	Evans (IL)	Howard
Byron	Fascell	Hoyer
Campbell	Fazio	Hubbard
Carney	Feighan	Huckaby
Carper	Fiedler	Hughes
Carr	Fields	Hunter
Chandler	Fish	Hutto
Chappell	Flippo	Hyde
Chappie	Foglietta	Ireland
Jacobs	Mineta	Schulze
Jeffords	Minish	Sensenbrenner
Jenkins	Mitchell	Sharp
Johnson	Moakley	Shaw
Jones (NC)	Molinari	Shelby
Jones (OK)	Mollohan	Shuster
Kaptur	Montgomery	Sikorski
Kasich	Moody	Siljander
Kastenmeier	Moore	Sisisky
Kazen	Moorhead	Skeen
Kemp	Morrison (CT)	Skelton
Kennelly	Morrison (WA)	Slattery
Kildee	Mrazek	Smith (FL)
Kindness	Murphy	Smith (IA)
Kleczka	Murtha	Smith (NE)
Kogovsek	Myers	Smith (NJ)
Kolter	Natcher	Smith, Denny
Kostmayer	Neal	Smith, Robert
Kramer	Nelson	Snowe
LaFalce	Nichols	Snyder
Lagomarsino	Nowak	Solarz
Lantos	O'Brien	Solomon
Latta	Oakar	Spence
Leach	Oberstar	Spratt
Leath	Obey	St Germain
Lehman (CA)	Olin	Staggers
Lehman (FL)	Ortiz	Stangeland
Leland	Ottinger	Stark
Lent	Owens	Stenholm
Levin	Oxley	Stratton
Levitas	Packard	Studds
Lewis (CA)	Panetta	Sundquist
Lewis (FL)	Parris	Swift
Lipinski	Pashayan	Synar
Livingston	Patman	Tauke
Lloyd	Patterson	Tauzin
Loeffler	Pease	Taylor
Long (LA)	Penny	Thomas (CA)
Long (MD)	Pepper	Thomas (GA)
Lott	Perkins	Torres
Lowery (CA)	Petri	Torricelli
Lowry (WA)	Pickle	Traxler
Lujan	Porter	Valentine
Luken	Price	Vander Jagt
Lundine	Pritchard	Vandergriff
Lungren	Pursell	Vento
Mack	Quillen	Volkmer
MacKay	Rahall	Vucanovich
Madigan	Rangel	Walgren
Markey	Ratchford	Walker
Marlenee	Ray	Watkins
Martin (IL)	Regula	Weaver
Martin (NC)	Reid	Weber
Martin (NY)	Richardson	Weiss
Martinez	Ridge	Wheat
Matsui	Rinaldo	Whitehurst
Mavroules	Ritter	Whitley
Mazzoli	Roberts	Whittaker
McCain	Robinson	Whitten
McCandless	Roe	Williams (MT)
McCloskey	Roemer	Williams (OH)
McCollum	Rogers	Winn
McCurdy	Rose	Wirth
McDade	Roth	Wise
McEwen	Roukema	Wolf
McGrath	Rowland	Wolpe
McHugh	Rudd	Wortley
McKernan	Russo	Wright
McKinney	Sabo	Wyden
McNulty	Savage	Wylie
Mica	Sawyer	Yates
Michel	Schaefer	Yatron
Mikulski	Scheuer	Young (AK)
Miller (CA)	Schneider	Young (FL)
Miller (OH)	Schroeder	Zschau

NAYS—15

Ackerman	Dellums	Roybal
Conyers	Edwards (CA)	Schumer
Crane, Daniel	Ford (MI)	Seiberling
Crane, Philip	Nielson	Shumway
Dannemeyer	Paul	Stokes

NOT VOTING—25

Biaggi	Hansen (ID)	Stump
Clay	Heftel	Tallon
Daschle	Jones (TN)	Towns
Dowdy	Levine	Udall
Edwards (AL)	Marriott	Waxman
Ferraro	Rodino	Wilson
Florio	Rostenkowski	Young (MO)
Gingrich	Shannon	
Gramm	Simon	

□ 1310

Mr. CONYERS changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) titles I through VII of the Senate amendment to H.R. 1310 were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HARRISON). Pursuant to the provisions of House Resolution 554, the entire Senate amendment to H.R. 1310 is considered as having been agreed to.

The text of the Senate amendment to H.R. 1310 is as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Education for Economic Security Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to improve the quality of mathematics and science teaching and instruction in the United States.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) The term "area vocational education school" has the same meaning given that term under section 195(2) of the Vocational Education Act of 1965.

(2) The term "Director" means the Director of the National Science Foundation.

(3) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "Governor" means the chief executive of a State.

(5) The term "Foundation" means the National Science Foundation.

(6) The term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965.

(7) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(8) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(9) The term "Secretary" means the Secretary of Education.

(10) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(11) The term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

(12) The term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

TITLE I—NATIONAL SCIENCE FOUNDATION MATHEMATICS AND SCIENCE PROGRAMS

PART A—TEACHER INSTITUTES

GRANTS FOR TEACHER INSTITUTES AUTHORIZED

SEC. 101. The Foundation is authorized, in accordance with the provisions of this part, to make grants to State and local educational agencies and institutions of higher education, applying jointly, for the establishment and operation of teacher institutes for the enhancement of the subject matter skills of public and private elementary and secondary school teachers of mathematics and physical and life sciences.

APPLICATIONS

SEC. 102. (a) Each local educational agency and institution of higher education, and each State educational agency and institution of higher education desiring to receive a grant under this part shall submit a joint application at such time, in such manner, and containing or accompanied by such information as the Director may require. One or more local educational agencies may apply jointly with one or more institutions of higher education under the provisions of this section. A State educational agency may apply jointly with one or more institutions of higher education.

(b) Each such application shall—

(1) describe the establishment and operation of a teacher institute for elementary and secondary school teachers of mathematics and physical and life sciences, including—

(A) the designation of the institute as a full-time summer or part-time school year, or both;

(B) a description of the courses of study to be offered at the institute;

(C) an estimate of the number of teachers, including the number of teachers from private elementary and secondary schools, to attend the institute and describe the selection procedures;

(D) the nature and location of existing facilities to be used in the operation of the institute;

(E) the teaching and administrative staff for the institute;

(F) the academic credits, if any, to be awarded for the completion of the courses of study to be offered at the institute; and

(G) a schedule of stipends to be paid teacher participants in the institute, including (i) allowances for subsistence and other expenses for teachers attending the institute and their dependents and (ii) provisions assuring that there will be no duplication of Federal benefits paid to participants;

(2) provide assurances that the design and operation of the institute will involve the participation of both the subject matter departments or divisions of each institution of higher education making application as well as the teacher education department or division, if any, of each such institution;

(3) provide for prior and continuing consultation with the State educational agency in the formulation and operation of the institute; and

(4) provide such additional assurances as the Director deems essential to assure compliance with the requirements of this part.

DISTRIBUTION OF ASSISTANCE

SEC. 113. (a) In approving applications under this part, the Director shall assure that there is an equitable distribution of institutes established and operated under approved applications among States and within States. The Director shall award not less than one institute in each State, except that the Director may waive the requirements of this sentence if there is no proposal from a State that meets the requirements of this part.

(b) No grant to a single applicant may exceed $200,000 in any fiscal year.

COOPERATION WITH BUSINESS CONCERNS

SEC. 114. Institutes assisted under this part may, to the extent possible, involve the cooperation of advanced technology business concerns and other business concerns which are able to supply assistance in the teaching of mathematics and science.

SPECIAL CONSIDERATION OF UNDERREPRESENTED AND UNDERSERVED POPULATIONS

SEC. 115. In providing financial assistance under this part the Foundation shall make every effort to ensure that consideration is given to applications which contain provisions designed to meet the needs of underrepresented and underserved populations.

PART B—MATHEMATICS AND SCIENCE EDUCATION DEVELOPMENT PROGRAMS

PROGRAM AUTHORIZED

SEC. 121. The Foundation is authorized, in accordance with the provisions of this part, to enter into agreements with institutions of higher education or local educational agencies for—

(1) developing and disseminating programs and materials for training, retraining, and inservice training for elementary and secondary school teachers in the fields of mathematics, science, including physical and life sciences, computer learning; and

(2) the research, development, and dissemination of instructional programs and materials for courses of study in elementary and secondary schools in the fields of mathematics, science, including physical and life sciences, and computer learning.

APPLICATIONS

SEC. 122. (a) No grant may be made under this part unless an eligible applicant, at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Each application shall contain assurances—

(1) that (A) in the case of an institution of higher education, the institution will enter into a cooperative agreement with one or more local educational agencies, (B) in the case of a State or local educational agency, the agency will enter into a cooperative agreement with one or more institutions of higher education in the case of a profession of a society or association described in subsection (b)(3) the association or society will enter into a cooperative agreement with one or more local educational agencies and one or more institutions of higher education, for the purpose of furnishing the activities authorized by this part;

(2) that the planning and implementation of the cooperative agreement will involve the participation of both the subject matter departments or divisions of each institution of higher education as well as the teacher education department or division, if any, of each such institution; and

(3) that the applicant has consulted with, as appropriate, the State agency for higher education or the State educational agency in the development of the program for which assistance is sought, and will assure appropriate participation of such agencies in the program.

(b) For the purpose of this part an eligible applicant means—

(1) an institution of higher education,

(2) a State or local educational agency, and

(3) a professional society or association, in the fields of mathematics, physical or biological sciences, or engineering.

SPECIAL CONSIDERATION OF UNDERREPRESENTED AND UNDERSERVED POPULATIONS

SEC. 123. In providing financial assistance under this part, the Foundation shall make every effort to ensure that consideration is given to applications which provide for the development and improvement of instructional programs and materials designed to meet the needs of underrepresented and underserved populations.

PART C—CONGRESSIONAL MERIT SCHOLARSHIPS

SHORT TITLE

SEC. 131. This part may be cited as the "Congressional Merit Scholarships in Mathematics, Science, and Engineering Education".

MERIT SCHOLARSHIPS ESTABLISHED

SEC. 132. (a) The Foundation is authorized, in accordance with the provisions of this part, to award scholarships to individuals who are enrolled in institutions of higher education and who demonstrate outstanding potential for, and who plan to pursue, a career in teaching in the fields of mathematics, science, and engineering.

(b) Scholarships under this part shall be awarded for such period as the Foundation may prescribe, but for not to exceed four academic years.

(c)(1) A student awarded a scholarship under this part may attend any institution of higher education offering courses of study designed to prepare them for teaching careers. Such awards shall be available for periods of study commencing not sooner than the third undergraduate year.

(2) In order to be eligible for a scholarship under this part, each individual shall—

(A) concentrate, at the undergraduate level, in mathematics or science, and indicate a serious intent to teach at the elementary school level; or

(B) concentrate, at the undergraduate level, in mathematics or science, and indicate a serious intent to teach mathematics or science at the secondary school level; or

(C) concentrate, at the undergraduate level, in engineering and indicate a serious intent to teach at the postsecondary level, in an engineering discipline in which the Foundation has determined a shortage of qualified teachers.

(d) Not to exceed 25 per centum of the scholarships available under this part shall be available for students meeting the criteria of subsection (c)(2)(C).

SELECTION OF MERIT SCHOLARS

SEC. 133. (a) The Foundation shall establish criteria for the selection of merit scholars under this part.

(b) The Foundation shall adopt selection procedures which are designed to assure that—

(1) the number of individuals to be selected will not exceed the product of the number of Members of Congress for each State, multiplied by two, and that the individuals will be selected from among the residents of each State (and in the case of the District of Columbia and the Commonwealth of Puerto Rico, not to exceed ten individuals will be selected); and

(2) each recipient of a merit scholarship will enter into an agreement with the Foundation under which the recipient will agree—

(A) to comply with provisions of paragraph (2) of section 142(c) relating to concentration of study; and

(B) to pursue a career in teaching, as prescribed in section 142(c) for not less than two years for each academic year in which a merit scholarship award is received.

STIPENDS AND SCHOLARSHIP CONDITIONS

SEC. 134. (a) Each student awarded a merit scholarship under this part shall receive an award of $5,000 for each academic year of study.

(b) Each student awarded a merit scholarship under the provisions of this part shall continue to receive payments provided under this part for such scholarship only during such period as the Foundation determines that the student is maintaining satisfactory progress in, and devoting full time to, the course of study for which the scholarship is awarded.

(c) The Foundation is authorized to require reports containing such information in such form and to be filed at such time as the Foundation determines to be necessary from any student awarded a merit scholarship under the provisions of this part. Such reports shall be accompanied by a certificate from any appropriate official of the institution of higher education, approved by the Foundation, stating that such student is making satisfactory progress in, and is devoting essentially full time to, the study described in subsection (b).

PART D—DISCRETIONARY FUNDS OF THE DIRECTOR

AUTHORIZATION

SEC. 141. (a) From funds available for this part, the Director is authorized to make grants to and to enter into contracts with any public agency or any private organization to carry out any activity authorized by this title. In addition, from such funds, the Director is authorized, directly or by way of grant or contract, to conduct—

(1) a faculty exchange program between institutions of higher education (particularly institutions having established and nationally recognized research facilities) and eligible institutions; and

(2) programs of national significance promoting the improvement of instruction in the fields of mathematics, science, and engineering.

In carrying out the provisions of this part, the Director shall give special consideration to programs and activities for women in science and minorities in science which have been assisted by the Foundation prior to the date of enactment of this Act.

(b) For the purpose of this section the term "eligible institution" means an institution of higher education in any State which—

(1)(A) has an enrollment which includes a substantial percentage of students who are members of a minority group or who are economically or educationally disadvantaged; or

(B) is located in a community that is not within commuting distance of a major institution of higher education; and

(2) demonstrates a commitment to meet the special educational needs of students who are members of a minority group or are economically or educationally disadvantaged.

PART E—GENERAL PROVISIONS

ADMINISTRATIVE PROVISIONS

SEC. 161. (a) In order to carry out the provisions of this title, the Foundation is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case shall employees be compensated at a rate to exceed the rate provided for employees in grade GS-18 of the General Schedule set forth in section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 of section 5332 of such title;

(3) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property for the purpose of carrying out the functions of the Foundation under this Act;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the National Science Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(7) make advances, progress, and other payments which the Board deems necessary under this title without regard to the provisions of section 3324 of title 31, United States Code; and

(8) make other necessary expenditures.

(b) The Foundation shall submit to the President and to the Congress an annual report of its operations under this title.

PARTICIPATION OF TEACHERS FROM PRIVATE SCHOOLS

SEC. 162. The Foundation shall, after consultation with appropriate private school representatives, make provision for the benefit of teachers in private elementary and secondary schools in the programs authorized by this title, in order to assure equitable participation of such teachers.

PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

SEC. 163. The provisions of section 432 of the General Education Provisions Act, relating to prohibition against Federal control of education, shall apply to each program authorized by this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 164. (a) There are authorized to be appropriated $20,000,000 for each of the fiscal years 1984 and 1985 to carry out the provisions of part A of this title.

(b) There are authorized to be appropriated $20,000,000 for the fiscal year 1985 to carry out the provisions of part B of this title.

(c) There are authorized to be appropriated $5,000,000 for the fiscal year 1984 and $15,000,000 for the fiscal year 1985 to carry out the provisions of part C of this title.

(d) There are authorized to be appropriated $3,000,000 for the fiscal year 1985 to carry out the provisions of part D of this title.

(e) There are authorized to be appropriated to the Foundation $20,000,000 for the fiscal year 1984 and $21,000,000 for the fiscal year 1985 to carry out the graduate fellowship program under the National Science Foundation Act of 1950.

TITLE II—EDUCATION FOR ECONOMIC SECURITY

STATEMENT OF PURPOSE

SEC. 201. It is the purpose of this title to make financial assistance available to State and local educational agencies, and to institutions of higher education, to improve the skills of teachers and instruction in mathematics, science, computer learning, and foreign languages, and to increase the access of all students to such instruction, and thereby contribute to strengthening the economic security of the United States.

DEFINITION

SEC. 202. As used in this title, the term "junior or community college" means an institution of higher education—

(1) that admits as regular students individuals who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

(2) that does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree); and

(3) that—

(A) provides an educational program of not less than two years that is acceptable for full credit toward such a degree, or

(B) offers a two-year program designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

PROGRAM AUTHORIZED

SEC. 203. (a) The Secretary is authorized to make grants to States and to make discretionary grants, in accordance with the provisions of this title, for strengthening the skills of teachers and instruction in mathematics, science, computer learning, and foreign languages.

(b) There are authorized to be appropriated $350,000,000 for the fiscal year 1984, and $400,000,000 for the fiscal year 1985 to carry out the provisions of this title.

ALLOTMENT TO STATES

SEC. 204. (a)(1) From 90 per centum of the amount appropriated to carry out this title for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such 90 per centum as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all States, except that no State shall receive less than one-half of 1 per centum of the amount available under this subsection in any fiscal year.

(2) The Secretary shall reserve the remaining 10 per centum to carry out section 212, relating to discretionary grants of national significance.

(3) For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(4) The number of children aged five to seventeen, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(b) The amount of any State's allotment under subsection (a) for any fiscal year to carry out this title which the Secretary de-

termines will not be required for that fiscal year to carry out this title shall be available for reallotment from time to time, on such dates during that year as the Secretary may fix, to other States in proportion to the original allotments to those States under subsection (a) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that State needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year shall be deemed a part of its allotment under subsection (a) for that year.

(c) There are authorized to be appropriated for each fiscal year for the purpose of this subsection amounts equal to not more than 1 per centum of the amount appropriated for such year under this title. The Secretary shall allot the amount appropriated pursuant to this subsection among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year the Secretary shall allot from not less than one-half of such amount, to such agency as the Secretary deems appropriate, for programs authorized by this title for children in elementary and secondary schools operated for Indian children by the Department of the Interior. The terms upon which payments are made under the previous sentence shall be determined by such criteria as the Secretary determines will best carry out the purpose of this title.

IN-STATE APPORTIONMENT

SEC. 205. (a) For each of the fiscal years 1984 and 1985, 70 per centum of each State's allotment under section 204 of this title shall be used for elementary and secondary education programs in accordance with section 206.

(b) For each of the fiscal years 1984 and 1985, 30 per centum of each State's allotment under section 204 of this title shall be used for higher education programs in accordance with section 207.

ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

SEC. 206. (a) The amount apportioned under section 205(a) from each State's allotment under this title shall be used by the State educational agency to strengthen elementary and secondary education programs in accordance with the provisions of this section.

(b)(1) Not less than 70 per centum of the amount available under this section shall be distributed to local educational agencies within the State. Each local educational agency shall use funds distributed under this paragraph for—

(A) the expansion and improvement of in-service training and retraining of teachers and other appropriate school personnel in the fields of mathematics and science, including vocational education teachers who use mathematics and science in the courses of study the teachers teach; or

(B) if the local educational agency determines that the agency has met its need for such training and retraining and subject to the provisions of section 210(c), computer learning and instruction, foreign language instruction, and instructional materials and equipment related to mathematics and science instruction.

Such training and instruction may be carried out through agreements with public agencies, private industry, institutions of higher education, and nonprofit private organizations, including museums, libraries, educational television stations, professional science, mathematics and engineering associations, and other appropriate institutions. A local educational agency may carry out the activities authorized by this paragraph with one or more other local educational agencies within the State, or with the State educational agency, or both. Each local educational agency shall assure that programs of inservice training and retraining will take into account the need for greater access to and participation in mathematics, science, and computer learning programs and careers of students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the handicapped, and migrants.

(2)(A) The State educational agency shall distribute 50 per centum of the funds available under this subsection to local educational agencies within the State according to the relative number of children enrolled in public and nonpublic schools within the school districts of such agencies.

(B) The State educational agency shall distribute 50 per centum of the funds available under this subsection based on the relative number of children aged five to seventeen who—

(i) are from families below the poverty level as determined under section 111(c)(2)(A) of the Elementary and Secondary Education Act of 1965; and

(ii) are from families above the poverty level as determined under section 111(c)(2)(B) of the Elementary and Secondary Education Act of 1965;

in the public schools of the local educational agencies within the State.

(3) The State educational agency shall renew payments to local educational agencies under this subsection based upon the criteria set forth in paragraph (2) of this subsection and a determination by the State educational agency that the local educational agency is implementing the program assisted under this title so that a substantial number of teachers in the public and private schools in the school district of such agency are served and several grade levels of instruction in such schools are involved in the program.

(c)(1) If a local educational agency is spending funds under subsection (b)(1)(B), not to exceed 30 per centum of the funds available to the local educational agency under subsection (b) may be used for the purchase of computer and computer-related instructional equipment.

(2) If a local educational agency is spending funds under subsection (b)(1)(B), not to exceed 15 per centum of the funds available to the local educational agency under subsection (b) may be used to strengthen instruction in foreign languages.

(d) Not less than 20 per centum of the amount available under this section shall be used by the State educational agency for demonstration and exemplary programs for—

(1) teacher training and retraining and inservice upgrading of teacher skills in the fields of mathematics and science, foreign language instruction, and computer learning,

(2) instructional equipment and materials in such fields and necessary technical assistance,

(3) special projects for historically underrepresented and underserved populations and for gifted and talented students, and

(4) the dissemination of information to all local educational agencies within the State relating to the exemplary programs in the fields of mathematics, science, foreign languages, and computer learning.

In providing financial assistance for such demonstration and exemplary programs, the State educational agency shall reserve not less than 20 per centum of the amount available under this subsection for special projects in mathematics and science, foreign languages, and computer education to historically underrepresented and underserved populations of students, including females, minorities, handicapped individuals, individuals with limited-English proficiency, and migrant students, and to programs for gifted and talented students. The programs for gifted and talented students may include assistance to magnet schools for such students.

(e) Not less than 5 per centum of the amount available under this section may be used by the State educational agency to provide technical assistance to local educational agencies, institutions of higher education, and nonprofit organizations, including museums, libraries, and educational television stations, in the conduct of programs specified under subsection (b).

(f) Not to exceed 5 per centum of the amount available under this section may be used by the State educational agency for—

(1) the State assessment required by section 208 of this title; and

(2) the costs of administration and evaluation of the program assisted under this title.

HIGHER EDUCATION PROGRAMS

SEC. 207. (a) The amount apportioned under section 205(b) from each State's allotment under this title shall be used by the State agency for higher education for higher education programs in accordance with the provisions of this section.

(b)(1)(A) Not less than 75 per centum of the amount available for this section shall be used by the State agency for higher education for grants to institutions of higher education in accordance with the provisions of this subsection.

(B) The State agency for higher education shall make funds available on a competitive basis to institutions of higher education in the State which apply for payments under this section. The State agency for higher education shall make every effort to ensure equitable participation of private and public institutions of higher education.

(2) The amount available under this subsection shall be used for—

(A) establishing traineeship programs for new teachers who will specialize in teaching mathematics and science at the secondary school level;

(B) retraining of secondary school teachers who specialize in disciplines other than the teaching of mathematics and science to specialize in the teaching of mathematics, science, or computer learning, including provision of stipends for participation in institutes authorized under title I; and

(C) inservice training for elementary, secondary, and vocational school teachers and training for other appropriate school personnel to improve their teaching skills in the fields of mathematics and science, and computer learning, including stipends for participation in institutes authorized under title I.

Each institution of higher education receiving a grant under this subsection shall assure that programs of training, retraining, and inservice training will take into account the need for greater access to and participation in mathematics, science, and computer learning and careers of students from historically underrepresented and underserved groups, including females, minorities, individuals with limited-English proficiency, the handicapped, migrants, and the gifted and talented.

(3) No institution of higher education may receive assistance under paragraphs (2) (B) and (C) of this subsection unless the institution enters into an agreement with a local educational agency, or consortium of such agencies, to provide inservice training and retraining for the elementary and secondary school teachers in the public and private schools of the school district of each such agency.

(c)(1) Not less than 20 per centum of the amount available under this section shall be used by the State agency for higher education for cooperative programs among institutions of higher education, local educational agencies, State educational agencies, private industry, and private nonprofit organizations, including museums, libraries, educational television stations, and professional mathematics, science, and engineering societies and associations for the development and dissemination of projects designed to improve student understanding and performance in science, mathematics, and critical foreign languages. In carrying out this subsection, the State agency for higher education shall give special consideration to programs involving consortial arrangements which include local educational agencies.

(2) For the purpose of paragraph (1) of this subsection, critical foreign languages include foreign languages designated by the Secretary pursuant to section 211(d).

(d) Not to exceed 5 per centum of the amount available under this section may be used by the State agency for higher education for—

(1) the State assessment required by section 208 of this title; and

(2) the costs of administration and evaluation of the program assisted under this title incurred by the State higher education agency.

STATE ASSESSMENT OF MATHEMATICS, SCIENCE, FOREIGN LANGUAGES, AND COMPUTER LEARNING

SEC. 208. (a) Each State which desires to receive grants under this title shall prepare not later than nine months following the date for which funds under this title become available, a preliminary assessment of the status of mathematics, science, foreign language, and computer learning within the State. Such preliminary assessment shall be made available to all local educational agencies within the State to assist the local educational agencies to carry out the requirements of section 210. A final version of such assessment shall be submitted to the Secretary not later than the end of the first year for which funds under this title are made available. Each first assessment shall be prepared after an examination of the local assessments submitted under section 210. Each such assessment shall include a description and a five-year projection of—

(1) the availability of qualified mathematics, science, foreign language, and computer learning teachers at the secondary and postsecondary education levels within the State;

(2) the qualifications of teachers in mathematics, science, foreign languages, and computer learning at the secondary and postsecondary education levels, and the qualifications of teachers at the elementary level to teach mathematics, science, foreign languages, and computer learning;

(3) the State standards for teacher certification, including any special exceptions currently made, for teachers of mathematics, science, foreign languages, and computer learning;

(4) the availability of adequate curricula, instructional materials and equipment, in mathematics, science, foreign languages, and computer learning; and

(5) the degree of access to instruction in mathematics, science, foreign languages, and computer learning of historically underrepresented and underserved individuals and of the gifted and talented.

(b) Each such assessment shall also describe the programs, initiatives, and resources committed or projected to be undertaken within the State to—

(1) improve teacher recruitment and retention;

(2) improve teacher qualifications and skills in the fields of mathematics, science, foreign languages, and computer and computer learning;

(3) improve curricula in mathematics, science, foreign languages, and computer learning including instructional materials and equipment; and

(4) improve access for historically underrepresented and underserved populations, and for the gifted and talented, to instruction in mathematics, science, foreign languages, and computer learning.

(c)(1) Each State assessment shall be developed in consultation with the Governor, the State legislature, State Board of Education, local educational agencies within the State, and representatives of—

(A) vocational secondary schools and area vocational education schools,

(B) public and private institutions of higher education,

(C) teacher organizations,

(D) private industry,

(E) other public organizations, including libraries, museums, and educational television stations, and professional scientific and mathematics associations, and

(F) private elementary and secondary schools,

within the State.

(2) Each State assessment shall be submitted jointly by the State educational agency and the State agency for higher education.

STATE APPLICATION

SEC. 209. (a) Each State which desires to receive grants under this title shall file an application with the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) Each such application shall—

(1) designate the State educational agency for the purpose of programs described in section 206, and the State agency for higher education for programs described in section 207 as the agency or agencies responsible for the administration and supervision of the programs described in sections 207 and 208, as the case may be;

(2) describe the programs for which assistance is sought under the application;

(3) provide assurances that payments will be distributed by the State in accordance with the provisions of sections 207 and 208, as the case may be;

(4) provide procedures—

(A) for submitting applications by local educational agencies, institutions of higher education, junior or community colleges, and other organizations for programs described in section 206 for distribution of payments under this title within the State, and

(B) for approval of applications by the appropriate State agency, including appropriate procedures to assure that the appropriate State agency will not disapprove an application without notice and opportunity for a hearing;

(5) provide assurances that—

(A) the State will prepare and submit the assessment required under section 208;

(B) in the second year for which funds are available under this title, the State will use funds for purposes consistent with the findings of the State assessment under section 208;

(C) for programs described in section 206, the provisions of sections 210 and 211 will be carried out; and

(D) to the extent feasible, evaluations of the program assisted under this title will be performed;

(6) provide assurances that Federal funds made available under this title for any fiscal year will be so used as to supplement, and to the extent practicable, to increase the level of funds that would, in the absence of such funds, be available for the purposes described in sections 207 and 208, and in no case supplant such funds; and

(7) provide such fiscal control and accounting procedures as may be necessary (A) to ensure proper accounting of Federal funds paid to the applicant under this title, and (B) to ensure the verification of the programs assisted under the application.

(c) The Secretary shall expeditiously approve any State plan that meets the requirements of this section.

LOCAL EDUCATIONAL AGENCY ASSESSMENT

SEC. 210. (a) Each local educational agency which desires to receive a payment from the State educational agency pursuant to section 206 shall provide to the State educational agency an assessment of the local educational agency's need for assistance in—

(1) teacher training, retraining, and inservice training and the training of appropriate school personnel in the areas of mathematics, science, foreign languages, and computer learning, including a description of the availability and qualifications of teachers in the areas of mathematics, science, foreign language and computer learning, including the qualifications of teachers at the elementary level to teach in such areas;

(2) improving instructional materials and equipment related to mathematics and science education; and

(3) Improving the access to instruction in mathemactics, science, foreign languages, and computer learning of historically underserved and underrepresented individuals and of the gifted and talented, and an assessment of the current degree of access to such instruction of such individuals.

(b) Such assessment shall also describe the types of services to be provided pursuant to the program assisted under section 206, a description of how the services assisted will meet the program needs of the local educational agency, and in the second year for which funds under this title are made available, a description of how the services assisted will address unmet needs described under section 208.

(c) If a local educational agency determines, pursuant to section 206(b)(1), that

the agency has met its teacher retraining and inservice training needs in mathematics and science and desires to expend its funds on other activities prescribed in section 206(b)(1)(B), the local educational agency may request the State educational agency to waive such training requirements. If the State educational agency determines that the local educational agency has met such teacher training needs, the State educational agency shall grant the waiver.

PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE SCHOOLS

SEC. 211. (a) To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this title.

(b) To the extent consistent with the number of children in the State or in the school district of a local educational agency who are enrolled in private elementary and secondary schools, such State, State educational agency, or State agency for higher education shall, after consultation with appropriate private school representatives, make provision, for the benefit of such teachers in such schools, for such inservice and teacher training and retraining as will assure equitable participation of such teachers in the purposes and benefits of this title.

(c) If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation of children or teachers from private schools as required by subsections (a) and (b), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers which shall be subject to the requirements of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with sections 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

SECRETARY'S DISCRETIONARY FUND FOR PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 212. (a) From 10 per centum of amounts appropriated under section 203(b), the Secretary shall make grants in accordance with this section.

(b)(1) From 75 per centum of the amount available under this section in each fiscal year, the Secretary shall make grants to State and local educational agencies, institutions of higher education, and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations for programs of national significance in mathematics and science instruction, computer learning, and foreign language instruction in critical languages. The Secretary shall give special consideration to provide assistance to local educational agencies, or consortia thereof, to establish or improve magnet schools for gifted and talented students. In awarding of grants the Secretary shall give special consideration to local educational agencies, institutions of higher education, and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations providing special services to historically underserved and underrepresented populations in the fields of mathematics and science.

(2) The Secretary, from the amount available under paragraph (1) for each fiscal year, shall reserve not to exceed $3,000,000 in each such year for the Director of the National Institute of Education for the purpose of conducting evaluation and research activities. Such evaluation and research activities shall include—

(A) a policy analysis of alternative methods to improve instruction in mathematics and science;

(B) an annual evaluation of the programs assisted under this title; and

(C) research on improving teacher training, retraining, inservice training, and retention, as well as the development of curriculum and materials in the fields of mathematics and science.

One-half of the funds reserved under this paragraph shall be used for the research activities described in clause (C).

(c) From 25 per centum of the amount available in each fiscal year, the Secretary shall make grants to institutions of higher education for the improvement and expansion of instruction in critical foreign languages.

(d) In determining which languages are critical to national security, economic, and scientific needs, the Secretary shall consult with the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Director of the National Science Foundation. The Secretary shall publish in the Federal Register a list of critical foreign languages.

PAYMENTS

SEC. 213. (a) From the amounts appropriated under section 203(b), the Secretary shall pay, in accordance with the provisions of this title, the costs of the programs and activities described in the application approved under section 209, and the costs of programs of national significance under section 211.

(b) Payments under this title shall be made as soon after approval of the application as practicable.

TITLE III—NATIONAL SCIENCE FOUNDATION PROGRAM FOR PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

SHORT TITLE

SEC. 301. This title may be cited as the "Partnerships in Education for Mathematics, Science, and Engineering Act".

STATEMENT OF PURPOSE

SEC. 302. It is the purpose of this title to supplement State and local resources to—

(1) improve the quality of instruction in the fields of mathematics, science, and engineering in the State;

(2) furnish additional resources and support for research, student scholarships, and faculty exchange programs in the fields of mathematics, science, and engineering; and

(3) encourage partnerships in education between the business community, institutions of higher education, and elementary and secondary schools in the community.

DEFINITIONS

SEC. 303. As used in this title—

(1) the term "applicant" means with respect to activities described in section 305(a) an institution of higher education and the other participants described in paragraph (3) of section 305(a), and with respect to activities described in section 305(b) a local educational agency and the other participants described in paragraph (3) of section 305(b);

(2) the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials;

(3) the term "Foundation" means the National Science Foundation;

(4) the term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965;

(5) the term "States" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(6) the term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

PROGRAM AUTHORIZED

SEC. 304. (a) The Foundation is authorized, in accordance with the provisions of this title, to make grants to applicants to pay the Federal share of the costs of the activities described in section 305.

(b) There are authorized to be appropriated $30,000,000 for the fiscal year 1984, and $60,000,000 for the fiscal year 1985, to carry out the provisions of this title.

AUTHORIZED ACTIVITIES

SEC. 305. (a)(1) An applicant may use payments received under this title in any fiscal year for higher education programs and activities described in this subsection.

(2) Grants under this subsection may be used for partnership in education programs—

(A) for the improvement of instruction in mathematics, science, computer science, and engineering education at the postsecondary level;

(B) for awarding scholarships to students at institutions of higher education in the fields of mathematics, science, computer science, and engineering;

(C) for the operation of faculty exchange programs by the institutions of higher education and business concerns within the State;

(D) for research in the fields of mathematics, science, computer science, and engineering;

(E) for the acquisition, rehabilitation, and renovation of equipment and instrumentation for use in instruction in the fields of mathematics, science, computer science, and engineering; and

(F) to promote public understanding of science, mathematics, and computer science.

(3) Education partnerships under this subsection may include institutions of higher education, business concerns, nonprofit private organizations, local educational agencies, professional mathematic and scientific associations, museums, libraries, education-

al television stations, and if the State so desires, appropriate State agencies.

(b)(1) An applicant may use payments received under this title in any fiscal year for programs and activities described in this subsection.

(2) A local educational agency may carry out an elementary and secondary school partnership in education program under which—

(A) elementary and secondary school teachers in the schools of local educational agencies who teach mathematics, science, or computer science are made available to local business concerns and business concerns with establishments located in the community to serve in such concerns or establishments;

(B) personnel of local business concerns and business concerns with establishments located in the community serve as consultants, lecturers, teaching assistants, or teachers of mathematics, science, or computer science in the elementary and secondary schools within the State;

(C) training and retraining is furnished to elementary and secondary school teachers of mathematics, science, and computer science under a cooperative arrangement between the State or local educational agency and appropriate business concerns;

(D) secondary school students observe, participate, and work in local business concerns and business concerns with establishments located in the community; and

(E) computer clubs and extracurricular activities involving modern technologies are established in elementary and secondary schools.

(3) Partnerships under this subsection may include local educational agencies, business concerns, nonprofit private organizations, institutions of higher education, professional mathematic and scientific associations, museums, libraries, educational television stations, and, if the State so desires, appropriate State agencies.

APPLICATION

SEC. 306. (a) Any applicant which desires to receive a grant under this title shall submit an application approved under section 307 to the Foundation, at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require. Each such application shall—

(1) describe the activities for which assistance under this title is sought;

(2) provide assurances that not more than 5 per centum of the amount received by the applicant in any fiscal year may be expended on administrative expenses;

(3) with respect to each program for which assistance is sought, provide assurances that—

(A) 30 per centum of the funds for each such project will be furnished by business concerns within the community;

(B) 20 per centum of the funds will be supplied by—

(i) the State,

(ii) the institution of higher education or the local educational agency, as the case may be, participating in the program; and

(iii) the other parties participating in the program;

(C) no stipend will be paid directly to employees of a profitmaking business concern; and

(D) teachers participating in the exchange program may not be employed by the participating business concern with which the teacher served within three years after the end of the exchange program unless the teacher repays the full cost of the exchange program to the State and local educational agency, as the case may be; and

(4) provide assurances that whenever the program for which assistance is sought includes scholarships, the scholarships be awarded to undergraduate students at institutions of higher education within the State who wish to pursue a course of study in mathematics or science, engineering or computer science, and that each student awarded a scholarship under this title will receive a stipend which shall not exceed the cost of tuition at the institution of higher education plus a stipend of not to exceed $750 for each academic year of study for which the scholarship is awarded;

(5) set forth policies and procedures to assure that whenever the application includes a local educational agency, to the extent consistent with the number and location of children in the school district of such agency who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted under this title;

(6) provide assurances that consideration is given to programs and activities designed to meet the needs of underrepresented and underserved populations;

(7) provide assurances that in the consideration of applications submitted under section 307(a) that equitable consideration is given to applications submitted by private and public institutions of higher education; and

(8) provide such additional assurances as the Foundation determines essential to ensure compliance with the requirements of this title.

(b) A regional consortium of applicants in two or more States may file a joint application under the provisions of subsection (a) of this section.

INSTITUTIONAL AND LOCAL APPLICATIONS

SUBMISSION OF APPLICATIONS

SEC. 307. Each applicant within a State which desires to receive a grant under this title shall submit the application prepared in accordance with section 306 to the State agency on higher education or the State educational agency, as the case may be, for approval and shall submit the approved application to the Foundation under section 306. Each such application shall be submitted jointly by the local educational agency in the case of activities described in section 305(a), or an institution of higher education in the case of activities described in section 305(b), and each business concern or other party that is to participate in the program for which assistance is sought.

APPROVAL OF APPLICATIONS

SEC. 308. (a)(1) The Foundation shall establish criteria for approval of applications under this title.

(2) No application may be approved by the Foundation unless the State educational agency or the State agency for higher education, as the case may be, determines that the application is consistent with State plans for elementary and secondary education or State plans for higher education, as the case may be, in the State.

(b) The Foundation shall adopt approval procedures designed to assure that there is equitable distribution of grants among the States.

PAYMENTS; FEDERAL SHARE; LIMITATION

SEC. 309. (a)(1) The Foundation shall pay, to each applicant having an application approved under section 308, the Federal share of the cost of the program described in the application.

(2) The Federal share for each fiscal year shall be 50 per centum.

(3) The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Not more than 15 per centum of the funds appropriated under this title in any fiscal year may be paid to applicants in any single State.

TITLE IV—PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN MATHEMATICS AND SCIENCE

PRESIDENTIAL AWARDS

SEC. 401. (a) The President is authorized to make Presidential Awards for Teaching Excellence in Mathematics and Science to elementary and secondary school teachers of mathematics or science who have demonstrated outstanding teaching qualifications in the field of teaching mathematics or science.

(b) Each year the President is authorized to make one hundred awards under subsection (a) of this section. In selecting elementary and secondary school teachers for the award authorized by this section, the President shall select at least one elementary school teacher and one secondary school teacher from each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

ADMINISTRATIVE PROVISIONS

SEC. 402. The President shall carry out the provisions of this title, including the establishment of the selection procedures, after consultation with the Secretary of Education, the Director of the National Science Foundation, and other appropriate officials of Federal agencies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 403. (a) There are authorized to be appropriated $1,000,000 for the fiscal year 1985 to carry out the provisions of this title.

(b) Amounts appropriated pursuant to subsection (a) shall be available for making awards under this title, for administrative expenses, for necessary travel by teachers selected under this title, and for special activities related to carrying out the provisions of this title.

TITLE V—ASBESTOS SCHOOL HAZARD ABATEMENT

SEC. 501. This title may be cited as the "Asbestos School Hazard Abatement Act of 1984".

FINDINGS AND PURPOSES

SEC. 502. (a) The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be dislodged into the air, and (B) asbestos concentration far exceeding

normal ambient air levels have been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this title to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) It is the purpose of this title to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

ASBESTOS HAZARD ABATEMENT PROGRAM

SEC. 503. (a)(1) There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this title referred to as "Program").

(b) The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

(C) the means of abating the threat posed by asbestos and asbestos containing materials;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to State and local agencies and to other institutions for the purpose of carrying out activities described in this title;

(3) the development within forty-five days of enactment of this title of an interim or final application form, which shall be distributed promptly to local educational agencies; and

(4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 505.

STATE PLANS

SEC. 504. (a) Not later than three months after the date of enactment of this title, the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on—

(1) the presence of asbestos materials in school buildings of local educational agencies;

(2) the asbestos detection and abatement activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials);

(3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in subparagraph (B) were undertaken.

(b)(1) Not later than six months after the date of enactment of this title, and annually thereafter, the Governor of each State shall:

(A) submit to the Administrator and the Secretary of the Department of Education a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement;

(B) forward to the Administrator and the Secretary of the Department of Education for each candidate for abatement all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of section 503(b)(3) and section 505; and,

(C) forward to the Secretary of the Department of Education a copy of all information submitted to the Administrator in accordance with subsection (b)(3).

(2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.

(3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.

(4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:

(A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income and resource base.

(D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.

(E) The borrowing capacity of the local educational agency.

(F) Any other factor that demonstrates that the local educational agency has limited financial resources.

(c) Not later than nine months after the submission of the plan described in subsection (a), and each twelve months thereafter, the Governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.

FINANCIAL ASSISTANCE

SEC. 505. (a) There is hereby established within the Environmental Protection Agency an Asbestos Hazards Abatement Assistance Program (hereinafter in this Act referred to as the "Assistance Program"), which shall be administered in accordance with this section.

(b)(1) Applications for financial assistance shall be submitted by a local educational agency, to the Governor, or the Governor's designee, who shall establish a priority list based on the criteria of section 504 (b)(2).

(2) Pursuant to section 504, applications shall be submitted, together with the Governor's report and priority list, to the Administrator who shall review and rank such applications pursuant to section 505(c)(2) and propose financing pursuant to the criteria of section 504(b)(4).

(3) Within sixty days of receipt of the information described in section 504(b)(1), the Secretary of the Department of Education shall review such information and, in the Secretary's discretion, provide to the Administrator comments and recommendations based upon the needs of local educational agencies for financial assistance. Within sixty days of receipt of the Secretary's report, or expiration of the time allowed for such report, the Administrator shall approve or disapprove applications for financial assistance.

(c)(1) The Administrator shall provide financial assistance on a school-by-school basis to local educational agencies in accordance with other provisions of this section to carry out projects for—

(A) abating the threat posed by materials containing asbestos to the health and safety of children or employees;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring school buildings to conditions comparable to those existing before abatement activities were undertaken pursuant to this section.

(2) The Administrator shall review and list in priority order applications for financial assistance. In ranking applications, the Administrator shall consider—

(A) the priority assigned to the abatement program by the Governor pursuant to section 504(b)(2);

(B)(i) the likelihood of release of asbestos fibers into a school environment;

(ii) any other evidence of the risk caused by the presence of asbestos including, but not limited to, situations in which there is a substantial quantity of dry loose asbestos-containing material on horizontal surfaces or asbestos-containing material is substantially deteriorated or damaged, and there is asbestos-containing material in an air plenum or in a high traffic area, confined space or within easy reach of a passerby;

(iii) the extent to which the corrective action proposed by the applicant will reduce the exposure of school children and school employees; and

(iv) the extent to which the corrective action proposed by the applicant is cost-effective compared to other techniques including management of material containing asbestos.

(3) In determining whether an applicant is eligible for assistance, and the nature and amount of financial assistance, the Administrator shall consider—

(A) the financial resources available to the applicant as certified by the Governor pursuant to section 504(b)(4); and

(B) the report, if any, of the Secretary of Education pursuant to section 504(b)(5).

(d) In no event shall financial assistance be provided under this title to an applicant if the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.

(e)(1) An applicant for financial assistance may be granted a loan of up to 100 per centum of the costs of an abatement program or, if the Administrator determines the applicant is unable to undertake and complete an asbestos materials abatement program with a loan, such applicant may also receive a grant (alone or in combination with a loan) not to exceed 50 per centum of the total costs of abatement, in the amount which the Administrator deems necessary.

(2) In approving any grant, the Administrator shall state with particularity the reasons why the applicant is unable to undertake and complete the abatement program with loan funds.

(f) Loans under this section shall be made pursuant to agreements which shall provide for the following:

(1) the loan shall not bear interest;

(2) the loan shall have a maturity period of not more than twenty years (as determined by the Administrator) and shall be repayable during such period at such times and in such amounts as the Administrator may specify in the loan agreement;

(3) repayment shall be made to the Secretary of the Treasury for deposit in the general fund; and

(4) such other terms and conditions that the Administrator determines necessary to protect the financial interest of the United States.

(g)(1) No financial assistance may be provided under this section unless an application has been submitted to the Administrator within the five-year period beginning on the effective date of this title.

(2) The Administrator shall not approve an application unless—

(A) the application contains such information as the Administrator may require, including but not limited to information describing—

(i) the nature and extent of the asbestos problem for which the assistance is sought;

(ii) the asbestos content of the material to be abated;

(iii) the methods which will be used to abate the asbestos materials;

(iv) the amount and type of financial assistance requested;

(v) a description of the financial resources of the local educational agency; and

(vi) a justification for the type and amount of the financial assistance requested.

(B) the application contains a certification that—

(i) any employee engaged in an asbestos material abatement program will be trained and equipped pursuant to section 506(b)(2)(B); and

(ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity;

(C) the application contains assurances that the local educational agency will furnish such information as is necessary for the Administrator to make the report required by section 507 of this title.

(3) No financial assistance may be provided by the Administrator under this section for projects described in subsection (a)(2) on which abatement action was completed prior to January 1, 1984.

(B) Except as provided in section 512(b)(1) in approving applications the Administrator shall provide assistance to the local educational agencies having the highest priority among applications being considered in order of ranking until the appropriated funds are expended.

SEC. 506. (a) The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this title.

(b) The Administrator shall also establish—

(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 505 for—

(A) abating asbestos materials in school buildings;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

(2) within ninety days, standards for determining—

(A) which contractors are qualified to carry out the activities referred to in paragraph (1), and

(B) what training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

(3) Nothing contained in this title shall be construed, interpreted or applied to diminish in any way the level of protection required under State or federal worker protection laws.

(c) In order to effectuate the purposes of this title, the Administrator may also adopt such other procedures, standards and regulations as the Administrator deems necessary, including—

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this title.

ANNUAL REPORT

SEC. 507. During each of the ten calendar years after the year in which this title is enacted, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 505 of this title. The report shall—

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance.

SEC. 508. (a)(1) As a condition of the award of any financial assistance under section 505, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit) shall be used to repay to the United States, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by a commercial lender at prevailing interest rates (as determined by the Administrator).

(b) The Attorney General shall, where appropriate, proceed in an expeditious manner to recover the amounts expended by the United States to carry out this title from the persons identified by the Attorney General as being liable for such costs.

SEC. 509. No State or local educational agency receiving assistance under this title may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

SEC. 510. Except as otherwise provided in section 508, nothing in this title shall—

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights of any party under any other law.

SEC. 511. For purposes of this title—

(1) the term "asbestos" means—

(A) chrysotil", amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite;

(2) the term "Attorney General" means the Attorney General of the United States;

(3) the term "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within each reach of students or employees or otherwise susceptible to damage (including damage from water or air circulation) which could result in the dispersal of asbestos fibers into the school environment;

(4) the term "local educational agency" means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and

(B) the governing authority of any nonprofit elementary or secondary school;

(5) the term "nonprofit elementary or school" means—

(A) any elementary or secondary school as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and

(B) any school of any agency of the United States;

(6) the term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term "Administrator" means the Administrator of the Environmental Protection Agency, or the Administrator's designee;

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

SEC. 512. (a)(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than $50,000,000 for the fiscal year ending on September 30, 1984, $50,000,000 for the fiscal year ending on September 30, 1985, and $100,000,000 for each of the five succeeding fiscal years.

(2) The sums appropriated under this title shall remain available until expended.

(b)(1) A State with qualified applicants shall receive no less than one-half of 1 per centum of the sums appropriated under this title or the total of the amounts requested by such applicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this title, up to 10 per centum shall be reserved during the fiscal year ending September 30, 1984, and up to 5 per centum for the fiscal year ending September 30, 1985, for the administration of this title and for programs including, but not limited to, the following:

(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

(C) the development of rules and regulations regarding inspection, reporting and record-keeping; and

(D) the development of a comprehensive testing and technical assistance program.

TITLE VI—EXCELLENCE IN EDUCATION PROGRAM

SHORT TITLE

SEC. 601. This title may be cited as the "Excellence in Education Act".

STATEMENT OF PURPOSE

SEC. 602. It is the purpose of this title to make awards to local educational agencies, after a competitive selection process, in order to carry out programs of excellence in individual schools of such agencies designed to achieve excellence in education, which—

(1) demonstrate successful techniques for improving the quality of education,

(2) can be disseminated and replicated, and

(3) are conducted with the participation of school principals, schoolteachers, parents, and business concerns in the locality.

DEFINITIONS

SEC. 603. For the purpose of this title—

(1) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(2) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(3) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "State educational agency" has the same meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

SCHOOL EXCELLENCE AWARDS AUTHORIZED

SEC. 604. (a) The Secretary is authorized, in accordance with the provisions of this title, to make awards to local educational agencies for school excellence programs which are consistent with the purpose of this title.

(b)(1) There are authorized to be appropriated $16,000,000 for each of the fiscal years 1984 and 1985 to carry out the provisions of this title.

(2) From the amount appropriated in each fiscal year, the Secretary shall reserve $3,000,000 in each fiscal year to carry out the provisions of section 607.

(3) From the amount appropriated in each fiscal year, the Secretary shall reserve $1,000,000 in each fiscal year to carry out the provisions of section 608.

SELECTION OF SCHOOLS FOR AWARDS

SEC. 605. (a)(1) The Secretary is authorized to establish, in accordance with the provisions of this section, criteria for the selection of schools to receive awards under this title. Each local educational agency desiring to participate in the awards program authorized by this title shall submit a proposal nominating each specific school of that agency for school improvement activities designed to carry out the purpose of this title. Each such submission shall be made to the chief State school officer of the State in which the local educational agency is located.

(2) The criteria required by paragraph (1) of this subsection shall include standards for each local educational agency to nominate schools of that agency—

(A) which have the potential to experiment with standards of quality; and

(B) which show promise of demonstrating that the school will carry out well-planned, creative, or innovative activities designed to carry out the purposes of this title in a successful manner.

(3) Each proposal submitted under this subsection shall contain—

(A) a description of the activities which will be conducted in the school nominated,

(B) assurances that the school to be nominated will carry out the activities so described, and

(C) such other information as may be necessary to carry out paragraph (2) of this subsection.

(b)(1)(A) The chief State school officer of each State shall in each fiscal year from the proposed nominations made pursuant to subsection (a) select twenty-five schools for submission to the Secretary.

(B) In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the chief educational officer of such jurisdiction shall nominate five schools in accordance with this subsection.

(2) In selecting schools from proposed nominations submitted under subsection (a), the chief State school officer shall assure a fair and equitable distribution of schools within the State, after considering—

(A) all categories of elementary and secondary schools within the State, including elementary schools, junior high schools, secondary schools, vocational-technical schools, or any combination of two or more of the schools;

(B) socioeconomic conditions in the State;

(C) geographic distribution within the State;

(D) school size;

(E) the size and location of the community in which the school is located;

(F) the local governmental arrangements between the government and the local educational agency making the nomination;

(G) the potential for the proposed project to successfully demonstrate techniques for improving the quality of education which can be disseminated and replicated; and

(H) such other relevant factors as the Secretary may prescribe.

(3) Each State shall submit to the Secretary the school nominations made in accordance with this subsection. Each such submission may include such additional information as the chief State school officer (the chief educational officer as prescribed in paragraph (1)(B)), and the local educational agency concerned deem appropriate.

(c)(1) The Secretary shall select not more than five hundred schools from among the nominations submitted pursuant to subsection (b) of this section. The selection under this subsection shall be made by the Secretary after an impartial review panel has considered each submission. The review and selection shall be based upon the factors described in subsection (b) (2) and in accord-

ance with uniform criteria developed by the Secretary.

(2) In making the selections under paragraph (1), the Secretary shall give priority to proposals which have the highest potential for successfully demonstrating techniques to improve the quality of education and which can be disseminated and replicated. In addition the Secretary shall give priority to proposals which have as their purposes—

(A) modernization and improvement of secondary school curricula to improve student achievement in academic or vocational subjects, or both, and competency in basic functional skills;

(B) the elimination of excessive electives and the establishment of increased graduation requirements in basic subjects;

(C) improvement in student attendance and discipline through the demonstration of innovative student motivation techniques and attendance policies with clear sanctions to reduce student absenteeism and tardiness;

(D) demonstrations designed to increase learning time for students;

(E) experimentation providing incentives to teachers, and teams of teachers for outstanding performance, including financial awards, administrative relief such as the removal of paperwork and extra duties, and professional development;

(F) demonstrations to increase student motivation and achievement through creative combinations of independent study, team teaching, laboratory experience, technology utilization, and improved career guidance and counseling; or

(G) new and promising models of school-community and school-to-school relationships including the use of nonschool personnel to alleviate shortages in areas such as math, science, and foreign language instruction, as well as other partnerships between business and education, including the use of equipment.

AMOUNT AND CONDITIONS OF AWARDS

SEC. 606. (a)(1) A school award made to a local educational agency pursuant to this title may not exceed $25,000 in any fiscal year or a total of $40,000.

(2) The amount of each individual school award made pursuant to this title shall be determined by the Secretary based upon the size of the school, the number of students enrolled in the school, and the number of teachers teaching in the school.

(b) Awards made under this title may not be made for more than two school years. No individual school may be eligible for any additional award under this title.

SPECIAL SCHOOL AWARDS

SEC. 607. (a) From the amount reserved under section 604(b)(2) in any fiscal year, the Secretary is authorized to make awards to schools nominated in accordance with the provisions of section 605 to pay the Federal share of the activities described in the proposal if the local educational agency provides further assurances that funds from the private sector will be contributed for carrying out the activities for which assistance is sought.

(b) For purposes of this section, the Federal share for each fiscal year shall be not less than 67½ per centum nor more than 90 per centum. The Secretary shall set the Federal share for categories of school awards based upon uniform criteria established by the Secretary.

RESEARCH, EVALUATION, DISSEMINATION, AND MONITORING ACTIVITIES

SEC. 608. (a) From the amount set aside under section 604(b)(3), the Secretary shall conduct research, evaluation, and dissemination activities to assure that exemplary projects and practices which are developed with assistance provided under this title are made available to local educational agencies throughout the United States.

(b) The Secretary shall use such amount of the funds reserved pursuant to section 604(b)(3) as is necessary to carry out the provisions of this subsection. The Secretary shall establish an independent panel to monitor the success of the programs assisted by this title in achieving the national objectives in improving instruction and the achievement of the students.

TITLE VII—MAGNET SCHOOLS ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 701. There are authorized to be appropriated $75,000,000 for each of the fiscal years 1984, 1985, and 1986 to carry out the provisions of this title.

ELIGIBILITY

SEC. 702. A local educational agency is eligible to receive assistance under this title if the local educational agency—

(1) has received $1,000,000 less in the first fiscal year after the repeal of the Emergency School Assistance Act by section 5 of the Omnibus Budget Reconciliation Act of 1981 as a result of the repeal of that Act; or

(2) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or

(3) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

STATEMENT OF PURPOSE

SEC. 703. It is the purpose of this title—

(1) to provide financial assistance to eligible local educational agencies to enable such agencies to establish and operate magnet schools;

(2) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(3) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(4) to encourage the development of courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

PROGRAM AUTHORIZED

SEC. 704. The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible local educational agencies for use in magnet schools which are part of an approved desegregation plan and which are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

DEFINITION

SEC. 705. For the purpose of this title the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

USES OF FUNDS

SEC. 706. (a) Grants made under this title may be used by eligible local educational agencies for the planning for, and conduct of, programs in magnet schools, including—

(1) courses of academic instruction offered at magnet schools;

(2) courses of instruction in magnet schools offering secondary education or vocational education which is designed to increase the tangible and marketable skills of secondary school students and vocational school students;

(3) the purchase of books, materials, and equipment including computers, which directly contribute to academic excellence and the purposes of this title; and

(4) the payment of or subsidization of the compensation of elementary and secondary school teachers in magnet schools who are certified or licensed by the State and who are necessary to carry out the courses of instruction for which assistance is sought.

APPLICATIONS AND REQUIREMENTS

SEC. 707. (a) Each eligible local educational agency which desires to receive assistance under this title shall submit an application to the Secretary. Each such application shall be in such form as the Secretary may reasonably require. Each such application shall contain assurances that the local educational agency will meet the conditions enumerated in subsection (b).

(b) As part of the annual application required by subsection (a), each eligible local educational agency shall certify that the agency agrees—

(1) to use funds made available under this title for the purposes specified in section 703;

(2) to employ teachers in the courses of instruction assisted under this title who are certified or licensed by the State to teach the subject matter of the courses of instruction;

(3) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, or national origin in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(4) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in the mandatory assignment of students to schools or to courses of instruction within schools of such agency except to carry out the approved plan;

(5) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in designing or operating extracurricular activities for students; and

(6) to provide such other assurances as the Secretary determines necessary to carry out the provisions of this title.

(c) No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances contained in clauses (3), (4), and (5) will be met.

SPECIAL CONSIDERATION

SEC. 708. In approving applications under this title the Secretary shall give special consideration to—

(1) the recentness of the implementation of the approved plan or modification thereof;

(2) the proportion of minority group children involved in the approved plan;

(3) the need for assistance based on the expense or difficulty of effectively carrying out an approved plan and the program or projects for which assistance is sought; and

(4) the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

PROHIBITION

SEC. 709. Grants under this title may not be used for consultants, for transportation, or for any activity which does not augment academic improvement, or for the courses of instruction the substance of which is secular humanism.

LIMITATION ON PAYMENTS

SEC. 710. (a) No local educational agency may receive a grant under this title for more than one fiscal year unless the Secretary determines that the program for which assistance was provided in the first fiscal year is makng satisfactory progress in achieving the purposes of this title.

(b) No local educational agency may expend more than 10 percent of the amount that the agency receives in any fiscal year for planning.

(c) No State shall reduce the amount of State aid with respect to the provision of free public education or the amount of assistance received under chapter 2 of the Education Consolidation and Improvement Act of 1981 in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title, except that a State may reduce the amount of assistance received under such chapter 2 if the amount is attributable to clause (3) of section 577 (as in effect prior to the date of enactment of section 502 of the Education for Economic Security Act) but only to the extent the amount is so attributable. The Secretary may waive the prohibition against the reduction of assistance received under chapter 2 and permit such a reduction if the State demonstrates that the assistance under such chapter 2 is not necessary to the local education agency concerned.

PAYMENTS

SEC. 711. (a) The Secretary shall pay to each local educational agency having an application under this title the amount set forth in the application. Payments under this title for a fiscal year shall remain available for obligation and expenditure by the recipient until the end of the succeeding fiscal year.

(b)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by this title, the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title. The services to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application.

(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools, the Secretary shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

WITHHOLDING

SEC. 712. The provisions of sections 453 and 454 of the General Education Provisions Act, relating to withholding and cease and desist orders, shall apply to the program authorized by this title.

TITLE VIII—THE EQUAL ACCESS ACT

SHORT TITLE

SEC. 801. This title may be cited as "The Equal Access Act".

DENIAL OF EQUAL ACCESS PROHIBITED

SEC. 802. (a) It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

(b) A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

(c) Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—

(1) the meeting is voluntary and student-initiated;

(2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;

(3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;

(4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

(d) Nothing in this title shall be construed to authorize the United States or any State or political subdivision thereof—

(1) to influence the form or content of any prayer or other religious activity;

(2) to require any person to participate in prayer or other religious activity;

(3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

(5) to sanction meetings that are otherwise unlawful;

(6) to limit the rights of groups of students which are not of a specified numerical size; or

(7) to abridge the constitutional rights of any person.

(e) Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this title shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

(f) Nothing in this title shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

DEFINITIONS

SEC. 803. As used in this title—

(1) The term "secondary school" means a public school which provides secondary education as determined by State law.

(2) The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

(3) The term "meeting" includes those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum.

(4) The term "noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

SEVERABILITY

SEC. 804. If any provision of this title or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the title and the application to other persons or circumstances shall not be affected thereby.

CONSTRUCTION

SEC. 805. The provisions of this title shall supersede all other provisions of Federal law that are inconsistent with the provisions of this title.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, if they so desire, on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

THE INSIDER TRADING SANCTIONS ACT OF 1984

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 559) to amend the Securities and Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. This Act may be cited as "The Insider Trading Sanctions Act of 1984".

SEC. 2. Section 21 of the Securities Exchange Act of 1934 is amended by redesignating subsection (d) as subsection (d)(1), and adding at the end thereof the following new paragraph:

"(2)(A) Whenever it shall appear to the Commission that any person has violated any provision of this title or the rules or regulations thereunder by purchasing or selling a security while in possession of material nonpublic information in a transaction (i) on or through the facilities of a national securities exchange or from or through a broker or dealer, and (ii) which is not part of a public offering by an issuer of securities other than standardized options, the Commission may bring an action in a United States district court to seek, and the court shall have jurisdiction to impose, a civil penalty to be paid by such person, or any person aiding and abetting the violation of such person. The amount of such penalty shall be determined by the court in light of the facts and circumstances, but shall not exceed three times the profit gained or loss avoided as a result of such unlawful purchase or sale, and shall be payable into the Treasury of the United States. If a person upon whom such a penalty is imposed shall fail to pay such penalty within the time prescribed in the court's order, the Commission shall refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court. The actions authorized by this paragraph may be brought in addition to any other actions that the Commission or the Attorney General are entitled to bring. For purposes of section 27 of this title, actions under this paragraph shall be actions to enforce a liability or a duty created by this title. The Commission, by rule or regulation, may exempt from the provisions of this paragraph any class of persons or transactions.

"(B) No person shall be subject to a sanction under subparagraph (A) of this paragraph solely because that person aided and abetted a transaction covered by such subparagraph in a manner other than by communicating material nonpublic information. Section 20(a) of this title shall not apply to an action brought under this paragraph. No person shall be liable under this paragraph solely by reason of employing another person who is liable under this paragraph.

"(C) For purposes of this paragraph 'profit gained' or 'loss avoided' is the difference between the purchase or sale price of the security and the value of that security as measured by the trading price of the security a reasonable period after public dissemination of the nonpublic information.

"(D) No action may be brought under this paragraph more than five years after the date of the purchase or sale. This paragraph shall not be construed to bar or limit in any manner any action by the Commission or the Attorney General under any other provision of this title, nor shall it bar or limit in any manner any action to recover penalties, or to seek any other order regarding penalties, imposed in an action commenced within five years of such transaction.".

SEC. 3. Section 32 of the Securities Exchange Act of 1934 is amended by striking "$10,000" from subsection (a) and inserting in lieu thereof "$100,000".

SEC. 4. Section 15(c)(4) of the Securities Exchange Act of 1934 is amended to read as follows:

"(4) If the Commission finds, after notice and opportunity for a hearing, that any person subject to the provisions of section 12, 13, 14, or subsection (d) of section 15 of this title or any rule or regulation thereunder has failed to comply with any such provision, rule, or regulation in any material respect, the Commission may publish its findings and issue an order requiring such person, and any person who was a cause of the failure to comply due to an act or omission the person knew or should have known would contribute to the failure to comply, or take steps to effect compliance, with such provision of such rule or regulation thereunder upon such terms and conditions and within such time as the Commission may specify in such order.".

SEC. 5. Section 20 of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following:

"(d) Wherever communicating, or purchasing or selling a security while in possession of, material nonpublic information would violate, or result in liability to any purchaser or seller of the security under any provision of this title, or any rule or regulation thereunder, such conduct in connection with a purchase or sale of a put, call, straddle, option, or privilege with respect to such security or with respect to a group or index of securities including such security, shall also violate and result in comparable liability to any purchaser or seller of that security under such provision, rule, or regulation.".

SEC. 6. (a) Section 3(a)(39) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)) is amended—

(1) by inserting before the semicolon at the end of subparagraph (A) the following: ", contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7), or futures association registered under section 17 of such Act (7 U.S.C. 21), or has been and is denied trading privileges on any such contract market";

(2) by inserting before the semicolon at the end of subparagraph (B) the following: ", or is subject to an order of the Commodity Futures Trading Commission denying, suspending, or revoking his registration under the Commodity Exchange Act (7 U.S.C. 1 et seq.)"; and

(3) by inserting after "municipal securities dealer," in subparagraph (C) the following: "or while associated with an entity or person required to be registered under the Commodity Exchange Act,".

(b) Section 15(b)(4) of such Act (15 U.S.C. 78o(b)(4)) is amended—

(1) by striking out "or fiduciary" in subparagraph (B)(ii) and inserting in lieu thereof "fiduciary, or any entity or person required to be registered under the Commodity Exchange Act (7 U.S.C. 1 et seq.)";

(2) in subparagraph (C)—

(A) by inserting "entity or person required to be registered under the Commodity Exchange Act," before "or municipal securities dealer"; and

(B) by inserting "entity or person required to be registered under such Act," before "or insurance company"; and

(3) by inserting "the Commodity Exchange Act," after "Investment Company Act of 1940," each place it appears in subparagraphs (D) and (E).

SEC. 7. The amendments made by this Act shall become effective immediately upon enactment of this Act.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BROYHILL. Mr. Speaker, reserving the right to object, and I shall not object, this is a House-passed bill with a Senate amendment which has been agreed to by the House principals, and what this action does is just to pass the bill without having to go through the time and expense of going to conference.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I am glad to yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman is correct.

Mr. BROYHILL. Mr. Speaker, does the gentleman want to take a moment to explain the Senate amendment?

Mr. DINGELL. I will be happy to do so, if the gentleman desires.

Mr. BROYHILL. It has to do with the disclosure of information that is available to insiders to those who are trading in options.

Mr. DINGELL. Mr. Speaker, the gentleman raises a point which I know is of special concern.

The bill, as the gentleman knows, clarifies that insider trading in stock derivative instruments such as stock options is illegal, just as in the underlying stock. That was a matter of special concern to my dear friend, the gentleman from North Carolina.

Mr. BROYHILL. This is a loophole that we thought ought to be closed, and the Senate amendment takes care of that?

Mr. DINGELL. Mr. Speaker, the gentleman is correct. The gentleman and I both agree with that, and we applaud that consequence.

Mr. Speaker, I wish to express my support for H.R. 559, the Insider Trading Sanctions Act of 1984. Final congressional action on this legislation is long overdue. Insider trading is becoming commonplace in our markets and threatens to undermine investor confidence and the integrity of our securities markets.

On Monday of this week, it was revealed that the Securities and Ex-

change Commission had served more than two dozen subpoenas in an investigation of what appears to be the largest insider trading ring ever. The SEC is believed to have identified illegal trading activity involving well over $40 million in trading profits, in more than two dozen takeover target stocks and options over a period extending from the late 1970's to the present. More than 20 Wall Street individuals, law firms and securities firms are behind the suspect trades which appear to have been run through several accounts at the Zurich-based brokerage-concern affiliate of a major Swiss bank.

In May, the SEC filed a complaint against a former Wall Street Journal reporter, his roommate, two Kidder, Peabody brokers and a lawyer in connection with a scheme to profit by trading in stocks on the basis of advance knowledge of market-sensitive articles in the Journal's "Heard on the Street" column. This month, one of the brokers, Peter Brant, pleaded guilty to one charge of criminal conspiracy and two charges of securities fraud brought by the U.S. attorney. These criminal charges carry with them a total maximum sentence of 15 years imprisonment and $30,000 in fines. In connection with the SEC civil charges, without admitting or denying any wrongdoing, he consented to a permanent injunction barring him from future securities-law violations and to being permanently barred from the securities business. He also agreed to disgorge $454,437, his share of the profits from the alleged scheme.

An therein lies the critical issue.

In the absence of criminal charges, which are very rare, there is no disincentive. The huge profits that can be made, especially in the options markets, weigh the risk/reward ratio heavily in favor of the crime. Those who engage in insider trading are thieves and the current law is the equivalent of making a bank robber return the loot and then proceed on his merry way after signing a promise not to steal any more—without having to admit he stole in the first place.

This has generated a scoff-law attitude that now has even reached high into the counsels of this administration.

Former Deputy Defense Secretary Paul Thayer was forced to resign from the No. 2 spot at the Pentagon after the SEC filed a complaint against Thayer and eight codefendants who made $1.9 million in profits on inside information passed on to them by Thayer while he was chairman of LTV Corp.

In another case, Thomas C. Reed, a national security adviser to President Reagan, left the White House staff amid charges that he made a profit in the securities of Amax, Inc., as a result of secret information. His father was on the board of Amax, Inc., and the son atypically bought $3,000 in out-of-the-money Amax calls in the name of a private company he headed, right before a tender offer by Standard Oil Co., of California. The calls were suddenly worth more than $427,000. It didn't take Sherlock Holmes to notice someone also named Reed on the Amax board and then to trace the fishy long-distance calls between the two Reeds and the son's California stockbroker.

Mr. Speaker, believe that the broad bipartisan support in the House and the Senate for the Insider Trading Sanctions Act speaks volumes. We strongly disagree with those who would seek to permeate our markets with this type of fraud. The arguments in favor of insider trading are rubbish. Bevis Longstreth, a member of the Securities and Exchange Commission from 1981 to 1984, forcefully laid the pro-insider trading view to rest in an April 12, 1984, New York Times article which I include at the end of my remarks.

The House passed H.R. 559, without objection on September 19, 1983. On June 29, 1984, the Senate Banking Committee was discharged from further consideration of H.R. 559, and the bill was passed by the Senate, after striking all after the enacting clause and inserting in lieu thereof the text of S. 910, Senate companion bill, after agreeing to certain amendments. I commend our colleagues in the Senate for their work on this important legislation.

First, the legislation amends section 21(d) of the Securities and Exchange Act of 1934 to give the Securities and Exchange Commission authority to seek from a court a civil money penalty of up to three times the amount of profit gained or loss avoided by a person who violates, or aids and abets a violation of, the Federal securities laws by purchasing or selling a security while in possession of material nonpublic information.

Second, the legislation amends section 32 of the Exchange Act to increase the maximum fine for a criminal violation from $10,000 to $100,000.

Third, the legislation amends section 15(c)(4) of the Exchange Act to give the Commission authority to bring an administrative proceeding against persons who violate section 14 of the act.

Fourth, the bill clarifies that insider trading in stock derivative instruments such as stock options is illegal, just as it is in the underlying stock.

Finally, the Insider Trading Sanctions Act of 1984 empowers the Securities and Exchange Commission to bar or suspend the registration of a broker who has been disciplined by the Commodity Futures Trading Commission for violations of the Commodity Exchange Act. Currently, market professionals who have violated the Federal securities laws may be barred from performing similar functions in the commodities markets. In extending comparable protection to the securities markets, the bill would rectify this unintended anomaly.

Sections 1 through 4 of the bill, but for technical and clarifying amendments, remain substantially unchanged from the version passed by the House and will be governed by House Report No. 98-355 to accompany H.R. 559. The provisions added by the Senate were explained by Senator D'AMATO in his floor statement which appears at pages 20107-20109 of the June 29, 1984, CONGRESSIONAL RECORD.

In the absence of a report by the Senate Banking Committee or a House-Senate conference report, some questions have arisen in connection with the Senate amendments. In the interests of achieving maximum certainty for those who must comply with the legislation just considered, the following explanation is provided to clarify the Senate amendments:

1. REGARDING SENATE CONSIDERATION OF A DEFINITION OF INSIDER TRADING

Although some commentators recommended that the legislation define the conduct which would be subject to the penalty action, both Houses of the Congress have determined not to adopt a statutory definition of insider trading. By the use of the language "[w]henever it shall appear to the Commission that any person has violated any provision of this title or the rules or regulations thereunder by purchasing or selling a security while in possession of material nonpublic information," the Congress intends that the civil penalty shall apply to any violation under the Securities Exchange Act that entails the communication of, or the purchase or sale of a security while in possession of, material nonpublic information. This language is not intended to define the elements of the underlying violation, or to restrict the existing flexibility of the courts in determining what constitutes a violation of Section 10(b) of the Act, Rule 10b-5, thereunder, or any other provision.

The application of the penalty remedy will continue to rely upon an independent violation of the underlying substantive law of insider trading, as administrative and judicial decisions have construed and continue to construe it. We anticipate that the courts in applying Section 10(b) of the Act and Rule 10b-5 thereunder will be mindful of the necessity, in light of the substantial penalty herein imposed, to avoid unduly inhibiting traders from generating and acting upon valid research information of the sort upon which efficient markets necessarily depend.

2. REGARDING THE NATURE OF THE PENALTY ACTION

Payment of a civil penalty by any person does not extinguish the liability of any other person. The Commission may, in its discretion, seek a penalty from any or all persons covered by this provision.

3. REGARDING INTENDED LIMITS ON PRIMARY LIABILITY FOR THE PENALTY

The legislation is not intended to impose unreasonable compliance burdens on investment companies that would ultimately be borne by shareholders. If an investment ad-

viser to an investment company, without the company's knowledge or approval, directs trades on behalf of the investment company while in possession of material nonpublic information, the investment company and consequently its shareholders should not be subject to the triple penalty.

4. REGARDING THE CLARIFICATION OF ONE ASPECT OF THE PROHIBITION ON INSIDER TRADING

The Senate amendment contains a provision intended to clarify one aspect of the prohibition of insider trading under the Securities Exchange Act of 1934. This provision would make clear that it is not possible to insulate ones self from the prohibition of insider trading by restricting activity to securities that are derivative of the securities to which the material nonpublic information relates. Thus, the provision clarifies that tipping or trading in respect to derivative securities is unlawful to the same extent as tipping or trading in respect to the underlying security. For example, if, in a given set of circumstances, a corporate officer would violate the antifraud provisions by purchasing any securities issued by his employer, subjecting himself to liability to selling shareholders, then he would violate the antifraud provisions to the same extent by purchasing options with respect to these securities, and subject himself to comparable liability to selling option holders and other similarly situated persons in the derivative market. He would also be subject to any other comparable relief, including a Commission injunctive action or, in appropriate circumstances, an action for the civil penalty.

This amendment clarifies the principle that persons under a duty to make public disclosure or abstain from tipping or trading are not free to circumvent such obligations by trading, or tipping others reasonably likely to trade, in the derivative market. The misuse of material nonpublic information in the derivative markets threatens the integrity of, and public confidence in, the nation's securities markets in the same manner as any other abuse of confidential information.

5. REGARDING THE SENATE AMENDMENT TO SECTION 15(C)(4)

In addition to authorizing the Commission to institute administrative proceedings based on violations of Section 14 of the Securities Exchange Act of 1934, the Senate amendment also clarifies the Commission's authority under Section 15(c)(4) to proceed administatively against officers or directors or other individuals who are a cause of a failure to comply with Section 12, 13, 14, or 15(d).

This amendment would eliminate unnecessary burdens, costs, and possible inequities, resulting from the potential bifurcation of proceedings in cases where a Section 15(c)(4) proceeding is the appropriate forum for dealing with violations on the part of an issuer, and it is also appropriate to take enforcement action against the individuals responsible for the violation. The Commission's experience demonstrates that individual corporate officials or others may bear responsibility for untimely or inaccurate filings, or other violations, by an issuer. This amendment is consistent with the Commission's current practice of proceeding against such persons.

6. REGARDING THE SENATE AMENDMENT TO SECTION 3(A)(39)

The Senate amendment expands the definition in Section 3(a)(39) of the Securities Exchange Act of 1934, specifying the conduct that would subject a person to a "statutory disqualification," to include misconduct relating to the commodities markets. Currently, market professionals who have violated the federal securities laws may be barred from performing similar functions in the commodities markets. In extending comparable protection to the securities markets, the amendment would rectify this unintended anomaly. Among other things, this change would make it possible to bar persons who have violated the Commodity Exchange Act from acting as broker-dealers. It would also restrict the ability of such persons to participate in certain public offerings. The amendment would also amend Section 15(b)(4) of the Securities Exchange Act to authorize the Commission to bring administrative proceedings to sanction or restrict the activities of broker-dealers and associated persons, based on misconduct relating to the commodities markets.

[From the New York Times, Apr. 12, 1984]

HALTING INSIDER TRADING

(By Bevis Longstreth)

Over the last three decades, the Securities and Exchange Commission has successfully discouraged most professional stock traders from capitalizing on inside information. Through a combination of rule-making, monitoring, lecturing and enforcing, the agency has bent the norms of business behavior toward the "disclose or refrain from trading" rule.

Yet, as the commission's recent, highly visible campaign against insider trading makes plain, the Government still lacks adequate tools to deter risk takers—those who believe that the potential rewards outweigh the probability of getting caught and the magnitude of the penalty.

The agency's chief deterrents are a civil injunction against further violations, as well as disgorgement of the ill-gotten gains. But how much deterrence can one expect from a sanction that simply compels the thief to return the stolen goods?

Recognizing this inadequacy, the commission asked Congress in 1982 to legislate a civil penalty of up to three times insiders' trading profits. A bill, the Insider Trading Sanctions Act of 1983, was approved by the House and now awaits action by the Senate Subcommittee on Securities, headed by Senator Alfonse M. D'Amato, Republican of New York. The bill (which, in light of the recent S.E.C. investigation of a Wall Street Journal reporter, may be broadened to include those who breach any fiduciary or contract duty) should be enacted swiftly.

The prohibition against insider trading rests principally on the notion of fairness—both specifically, in the operation of the marketplace, and generally, as an ethical concept. Insider trading upsets the notion of a fair securities market in which all investors have substantially equal access to material information and securities are promptly and accurately valued on the basis of all relevant information. More broadly, insider trading offends basic ideas of fairness; in short, as every other nation to consider the matter has also concluded, it is simply wrong.

Nonetheless, a small but highly vocal group—largely free-market economists—argues that prohibitions against insider trading are misconceived and counterproductive. There are two principal points in support of this argument.

First, insider trading hurts no one, because the innocent sellers and buyers who indirectly trade with the insider come to the transaction voluntarily. Since the price was right for them anyway, they have no reason to complain. And, since the market impact of insider trading is always in the direction of more accurate pricing, it serves the goal of pricing efficiency.

Second, capitalism depends on creating high incentives for entrepreneurs who, through skill, energy or foresight, increase the value of the business enterprise that they serve. Insider trading is the only effective way of rewarding them.

Let's look at these points.

Is anyone hurt by insider trading? It is true that people will make independent buy or sell decisions while unaware of confidential information. But it doesn't follow that they should be deprived of the fair value of their investments. Misappropriation of profits is no less wrong because the profits were not anticipated.

Other market participants are also harmed by insider trading. Corporations, for example, may find it more expensive to raise capital if insiders are siphoning off secret profits through informational advantages. Specialists who write stock options have been bankrupted by honoring commitments to insiders. Finally, the markets themselves may suffer. Many believe that rampant insider trading would destroy public confidence in the securities markets, discouraging investors from using securities and, ultimately, impairing capital formation.

Is insider trading an appropriate reward for entrepreneurs? This theory has several flaws:

How do you identify the individual responsible for a given price rise in the stock and restrict the resulting benefit to him?

How do you control the size of this "reward," related, as it is, to the size of the entrepreneur's investment rather than to the quality of his contribution?

Why permit the absurd situation in which an insider—through short selling, options trading or accepting a friendly take-over by someone who sees that better advantage can be made of the corporate assets—benefits as much from bad as from good management?

The arguments in favor of insider trading are, in short, rubbish. But there is a legitimate and widely shared concern about whether the battle against insider trading can be waged effectively. In truth, it cannot be unless penalties are strengthened. The Senate should see that they are.—Bevis Longstreth, a member of the Securities and Exchange Commission from 1981 to 1984, is a partner with Debevoise & Plimpton.

● Mr. WIRTH. Mr. Speaker, capital formation and our Nation's economic growth and stability depend on investor confidence in the fairness and integrity of our capital markets. Insider trading threatens these markets by undermining the public's expectations of honest and fair securities markets where all participants play by the same rules. Insider trading is destructive and cannot be tolerated.

But, under current law, insider trading is virtually a no-risk practice. Under the Federal securities laws, the only remedy available to the SEC is an injunction against further violations of the securities laws and disgorgement of illicit profits. This merely restores an unscrupulous trader to his

original position without extracting a real penalty for his illegal behavior. The risk of simply giving up profits fails to outweigh the temptation to convert illicit information into enormous profits.

Insider trading has become a more widespread problem in recent years, with the increase in mergers and tender offers, which often result in immediate and dramatic price movements in the stock of a target company. With the growth of the options market, a small investment in options can yield enormous profits if the underlying stock increases in value as a result of a tender offer announcement or other news. This potential for immense profits is a powerful lure to this illegal activity.

As we have seen by the increased incidences of insider trading, even the SEC's stepped up enforcement program against insider trading has failed to halt the abuses. The SEC simply must have the tools to deal with this problem effectively.

Passage of H.R. 559 is a critical step in curbing insider trading. This legislation gives the Securities and Exchange Commission authority to seek from a court a civil penalty of up to three times the amount of profit gained or loss avoided by a person who trades while having inside information. Passage of this legislation is long overdue.

H.R. 559 was first considered in hearings of the Subcommittee on Telecommunications, Consumer Protection and Finance on April 13, 1983. The bill was reported by the subcommittee in July 1983. The full committee took it up in early August, and it was passed by a unanimous voice vote. In September of last year, it passed the House.

A number of my colleagues worked exceptionally hard in the effort to move the legislation. EDWARD MARKEY, AL SWIFT, MICKEY LELAND, JOHN BRYANT, JIM BATES, HENRY WAXMAN, MATTHEW RINALDO, JAMES BROYHILL, CARLOS MOORHEAD, MICHAEL OXLEY, BILLY TAUZIN, and GERRY SIKORSKI joined Chairman DINGELL and me in sponsoring the bill.

I want to acknowledge the work of Senator D'AMATO in passing the bill. Although the bill, as amended and passed by the Senate, is virtually identical to the House bill in most respects, the changes made by the Senate are, in my view, good additions. Senator D'AMATO spent much time struggling with the issue of defining insider trading, but decided, as we did, to leave that issue to the evolving case law under section 10(b) of the Securities Exchange Act of 1934 and rule 10b-5.

The House report on the legislation (No. 98-355) explains its provisions in some detail. It is a strong report, intended to give guidance to the Securities and Exchange Commission and the courts. To the extent that the Senate amendments differ from the House bill, Mr. DINGELL has submitted a statement explaining the purpose of those amendments.

While the bill is intended to provide an increased penalty for insider trading, and is not intended to change the sustantive law, the report makes clear the congressional intent that the courts construe the antifraud provisions of the Federal securities laws broadly, to remedy insider trading abuses.●

Mr. BROYHILL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Michigan?

There was no objection.

A motion to reconsider was laid on the table.

□ 1320

CORRECTING TECHNICAL ERRORS IN ENROLLMENT OF H.R. 559, TRADING SANCTIONS ACT OF 1983

Mr. DINGELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 340) to correct technical errors in the enrollment of the bill H.R. 559.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 340

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 559) to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 1 of the bill, strike out "'The Insider" and insert in lieu thereof "'the Insider".

(2) In section 15(c)(4) of the Securities Exchange Act of 1934 (as contained in section 4 of the bill—

(A) strike out "to comply, or take steps" and insert in lieu thereof "to comply, or to take steps"; and

(B) strike out "such provision of" and insert in lieu thereof "such provision or".

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the concurrent resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered and agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON H.R. 1492, CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE ACT

Mr. GARCIA. Mr. Speaker, I call up the conference report on the bill (H.R. 1492) to establish the Christopher Columbus Quincentenary Jubilee Commission.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 28, 1984.)

The SPEAKER pro tempore. The gentleman from New York [Mr. GARCIA] will be recognized for 30 minutes and the gentleman from California [Mr. DANNEMEYER] will be recognized for 30 minutes.

The Chair now recognizes the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Speaker, I yield to myself whatever time I may consume.

Mr. Speaker, in support of H.R. 1492, the Christopher Columbus Quincentenary Jubilee Act has already been agreed to by the other Chamber. The differences in the two versions of the bill, for the most part, were primarily technical. The conference proceeded without difficulty, and as far as we are concerned on this side of the aisle, this is a good piece of legislation, and I might add that it has already been passed by this body. So, in essence, what we are essentially doing is reaffirming our support for H.R. 1492.

The bill establishes a commission to help organize and coordinate activities celebrating the voyages of discovery by Christopher Columbus. It is a very important event. Indeed, it is one of the most important events in the history of this hemisphere. In the relatively short period of time since Columbus made his first voyage 500 years ago, the history of the world has changed dramatically. Our role in that process began with the courageous voyages of Columbus and those who supported him.

H.R. 1492 gives us an opportunity to not only celebrate Columbus' achieve-

ment, but to explore the many cultural expressions which have evolved from the migrations and development following Columbus' voyage.

All Americans owe an enormous debt not only to the Mediterranean cultures which Columbus represented, but also to the cultures which were brought here or that further evolved after his voyage. The diversity of these cultures continue to bind us together in many different ways, Mr. Speaker, from Canada in the north to Tierra del Fuego in the south. I hope, therefore, that the Commission members will use the jubilee year of 1992 to encourage a wide range of artistic and cultural activities which will enhance our knowledge and understanding of these cultures so as to accomplish what Columbus literally tried to do with his voyages: To make the world small enough so that a single person can encompass it.

This event deserves to be commemorated. A moderate sum of money has been included in this legislation to ensure that the commemoration is successful. It is not an—and I repeat, Mr. Speaker—it is not an excessive amount, and I believe that this funding ensures that the commemoration will be successful. I urge my colleagues to adopt this conference report.

Mr. Speaker, with that I would like to yield to my colleague—before I yield to my colleague, the gentleman from New Jersey, I will reserve the balance of my time, and now I will yield to my colleague, the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, I rise to wholeheartedly support this legislation. This proposal, which was shepherded by the gentleman from New York [Mr. GARCIA] so ably over a long and sometimes difficult course for a period of time is finally before this body for decision. And I want to commend him for his leadership and his efforts in support of this legislation.

I also want to applaud the gentleman from Illinois, my good friend and colleague [Mr. ANNUNZIO] for his leadership in sponsoring this legislation assuring that this proposal would come to the floor of the House for action.

Mr. Speaker, I urge our speedy approval of the conference report on H.R. 1492, to establish the Christopher Columbus Quincentenary Jubilee Commission.

Eight years from this coming October will mark the 500th anniversary of Columbus' historic landing in the New World. It is imperative that the Commission be expeditiously established, for 8 years is little time to prepare for our celebration of this landmark event. Plans are already underway in other nations, and in particular in Spain and Italy, to participate in events to honor Columbus' great accomplishment.

The Commission will develop, encourage, and coordinate plans for appropriate ceremonies, commemorations, and educational activities to pay tribute to the courageous and dedicated Genovese navigator whose voyages of discovery were a milestone in the history of mankind. Christopher Columbus heroically braved the myth and mysteries of the unknown Western seas to open the New World to civilization and colonization. So he is very rightly called the father of immigration.

But I envision, Mr. Speaker, that in 1992 we will do much more than celebrate Columbus' bold and daring venture. For the quincentenary year will give our Nation a truly national celebration, similar to our bicentennial in 1976. It will offer an opportunity for all Americans to reaffirm our faith in the future and our willingness to face with courage and confidence the grave challenges that confront our Nation.

In 1992 we will commemorate a magnificent human achievement. But we will also have a year to reflect on what problems can be overcome, what progress can be made, if we guide ourselves by the same virtues of determination, courage, faith, and vision that brought Columbus successfully through that long, dark and lonely first voyage into an unknown world.

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from the State of Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I want to pay tribute to the gentleman from New York [Mr. GARCIA] for his diligence in shepherding this legislation not only through the House, but through the conference committee meetings where he made a tremendous contribution in bringing the conferees together so that we could have this excellent legislation before us today. I want to urge my colleagues in the House to vote for and pass this legislation, because it is an historic event. The quincentennial of the discovery of America is something that all Americans, regardless of their nationality, their religion or their creed, can be proud of, because this great continent has withstood the test of time.

H.R. 1492 is a strong step toward planning and coordinating local, national, and international observances, to take place in 1992, in honor of the discovery of America by Christopher Columbus 500 years ago. In 1892, the 400th anniversary of the discovery of America was celebrated in the United States with Chicago's world-renown Columbian Exposition, and Chicagoans have been planning and preparing for several years to bring a World's Fair to Chicago in 1992 to coincide with the Columbus Quincentenary Jubilee.

The Christopher Columbus Quincentenary Jubilee Commission's work will complement the work already being done in my own city of Chicago in preparation for this historic occasion, and should be of great assistance in bringing to the attention of the Nation and the world to Chicago's grand world fair celebration.

Mr. Speaker, H.R. 1492 will ensure that our country's Christopher Columbus Quincentenary Jubilee celebration can be adequately planned in a thoughtful, dignified, and creative way, and again, I strongly urge my colleagues in the House of Representatives to support the conference report on this legislation.

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding. I rise in support of H.R. 1492.

This bill will establish a Christopher Columbus Quincentenary Commission to plan and coordinate the celebration of the 500th anniversary of the discovery of the New World.

In 1492, when Columbus first set eyes on the New World, the course of history was irrevocably changed.

The New World embodies not merely a place on the map, but an ideal of adventure and a state of mind.

The New World represents new thoughts, new challenges, and new dreams.

Who could have known, as those explorers first approached our shores, that a new civilization would emerge, binding the hemispheres, creating new possibilities for culture, cooperation, and commerce?

Who could have predicted the birth of American democracy?

Who could have foreseen the growth of new nations, their impact on world events, their contributions to the worlds of art and ideas?

Mr. Speaker, as we approach the 500th anniversary of this great discovery, it is appropriate and fitting that we create a commission to plan the celebrations.

We have an opportunity, between now and 1992, to think about the Americas, who we are, where we came from, what we share, and the future we can build together.

We have an opportunity, between now and 1992, to remember the common threads of Western civilization, and to rethink and revitalize our relationship with our brothers and sisters to the south.

I want to thank those who have labored to pass this bill, particularly the distinguished Member from New York [Mr. GARCIA] and the distinguished Senator from Maryland [Mr. MATHIAS].

I believe their work will support a grand celebration, which we and our children and people throughout the New World will long remember.

I would also pay tribute to the Mundus Novus Foundation and its founder, Mr. Henry Raymont, who I consider a good friend and an important and provocative thinker.

The Mundus Novus Foundation is a private group, formed to stimulate and coordinate a decade of observance of the discovery.

The foundation seeks to harness our century's channels of learning and expression into a search for new ways of looking at the discovery and the half millenium that followed.

In a statement of purpose the foundation eloquently describes the cause for the celebration:

Since Columbus' voyage of 1492 linked together the two hemispheres of our planet, a new civilization emerged, alliances were made and broken, new doctrines and philosophies were proclaimed, denounced, and embraced—and yet in spite of this surge of growth, decay and transformation, the western world remained an enduring spiritual concept as well as a practical reality.

Mr. Speaker, when I think of H.R. 1492, and when I think of the Mundus Novus Foundation, I am reminded of the end of the "Great Gatsby," where Scott Fitzgerald imagines the feelings of the first explorers who laid eyes on the New World:

Its vanished trees, the trees that had made way for Gatsby's house, had once pandered in whispers to the last and greatest of human dreams; for a transitory enchanted moment Man must have held his breath in the presence of this continent, compelled into an aesthetic contemplation he neither understood nor desired, face to face, for the last time in history, with something commensurate to his capacity for wonder.

Mr. Speaker, I urge support for H.R. 1492, so the people of the New World can celebrate and better understand and cherish this important moment in history.

I commend the following articles for the consideration of my colleagues:

[From the New York Times, Oct. 10, 1983]

COLUMBUS CAN MEAN A STILL NEWER WORLD

(By Henry Raymont)

WASHINGTON.—How do we in the United States celebrate Columbus Day?

In the nation's capital, schools and Federal workers enjoy a long weekend with scarcely any public recognition that Oct. 12 was the day in 1492 when Christopher Columbus, a Genoese navigator, and his three Spanish caravels reached the New World.

In New York and other major cities, public officials tend to mark the anniversary by honoring Italy or Spain, depending on the size of the Hispanic and Italian American communities—as if the epic journey was something less than a joint enterprise involving both Italian knowledge and Iberian navigational skills, all inspired by the questing spirit of the Renaissance.

What happened to the perception that made our forefathers view Columbus Day as the symbol of the key that unlocked the golden door to the New World? Was not Columbus' marvelous voyage the event that linked hemispheres and, in the words of the Harvard historian John Fiske "mingled the two streams of human life which had flowed for countless ages apart"?

That the significance of Columbus Day should elude most children in the United States and more than a few educated adults is not surprising. It can be attributed partly to the appalling neglect of world history in our primary and secondary schools and partly to the confusion that surrounds Christopher Columbus' voyage and its consequences.

First, there are the familiar disputes over who really discovered America: Columbus? Amerigo Vespucci? The Chinese? The Norsemen? The Irish? The Africans? All of this obscures the incontrovertible fact that not until 1492 was significant contact established between the Eastern and Western halves of our planet.

More divisive than these academic disputes are the rival interpretations of the conquest and settlement that followed and the influence they continue to exert. What Spain saw as its divinely ordained civilizing mission, its imperial enemies—Britain, France, the Netherlands and later the United States—assailed as cruel, wanton and driven by the lust for gold, Spanish historians responded by denouncing the Anglo-American colonies as godless, materialistic and crude. Since the 16th century, it has been difficult for any historian to approach the subject of the New World without any emotional bias.

The controversy surfaced last December during a United Nations debate in which Ireland, Scandinavia, Africa and Asia succeeded in blocking a Spanish-Latin America-United States resolution calling for a worldwide celebration of the 500th anniversary of the Columbian enterprise in 1992.

What remains, however, is the sobering reality that as the quincentennial approaches, neither the Old World nor the New is quite sure if it is facing disaster to civilization or a new phase of human understanding. No new light, however, will illuminate human understanding if each society clings to its pet historical truth. A great Mexican poet, Octavio Paz, always alive to the large philosophical implications of what is going on in the world, said recently: "We in the 20th century have discovered pluralistic man, different in all places. . . . I believe that the civilization of the future will either be a dialogue of national cultures or there will be no civilization."

This is wise counsel, particularly when we begin to despair over troublesome times that are made to appear all the more intractable for lack of historical perspective. There can scarcely be a more appropriate occasion then the years leading to the 500th anniversary to take a new, more understanding and compassionate look at 1492 and the events that flowed from it.

Perhaps we need to again gasp and take pride in what might be called the storybook truth about the New World: That the Americans were settled by peoples seeking new frontiers and status in a hemisphere free of the oppressiveness of the old European order. The fact that the New World's two hemispheres are physically far apart and were developed by two predominant cultures—Iberian Roman Catholicism and Northwest European Protestantism—should not obsure, as it frequently does, the common striving for freedom, democracy and justice that is the miracle of the new American man.

A "dialogue of national cultures" is the theme we need to celebrate on Columbus Day: We need to take stock of the heritage that the New World received from the Old, and from the American Indians and Africa and Asia. We need to transcend parochial biases and thus make possible a fuller understanding of self and others.

MUNDUS NOVUS' STATEMENT OF PURPOSE

A man of clear ideas errs grievously if he imagines that whatever is seen confusedly does not exist; it belongs to him, when he meets with such a thing, to dispel the mist, and fix the outlines of the vague form which is looming through it—John Stuart Mill.

Others had reached the Western Hemisphere before. The landing of Christopher Columbus on 12 October 1492 was different: it dispelled the mists that had kept the Old and New Worlds for countless centuries apart and beckoned a westward movement that has continued into our age.

It was as if the Renaissance sent Columbus onto the stage of history on a mission that would provide the framework for the West's new energies that could now be released. The hopes and trials it brought the world then is the embryonic form of our hopes and trials today.

In a time very much like our own—of urban expansion, scientific discovery, the threat of war, social turmoil, evolving economies and new frontiers of art and education—the leaders, scholars, artists and thinkers of the Renaissance achieved a very discernible unity. It was not perfect. It did not abolish the afflictions of war, famine or the ambitions of states.

But it did succeed in persuading the disparate cultures of 15th and 16th century Europe that they shared common ways of thinking and understanding the world around them. Under the impact of that revelation, a new society, a new age of art, thought, science and concept dawned in the shadowed corridors of history. We are its heirs.

In the commemoration of the Columbus Quincentennial, the Mundus Novus Foundation will use the experience of the Renaissance as its guide. It will emulate an era which harnessed philosophy, poetry, history, graphic arts, science, music and commerce to promulgate the ideals which lay at the heart of its humanistic culture. It will combine celebration with reassessment and renewal.

With many nations planning observances, the Quincentennial is bound to be the largest secular celebration in modern history, magnified in the glare of electronic communication. But unless the message of 1492 is distinct, the anniversary is in danger of being rendered into a passing moment of national exaltations.

We believe that a strong argument can be made that its outstanding significance is to civilization as such, rather than to this or that national culture: that 12 October 1492 gave birth not merely to a new phenomenon of geography but to a spiritual and political concept synonymous with what today we know as the western world.

There can scarcely be a more appropriate occasion for serious public reflection about the origins, present state and drift of the West—how its dreams of democracy, equality, tolerance and justice, although never fully realized, have endured as a powerful and influential force not only in the shared

values of the Old and New Worlds but eventually for all humanity.

Like the Renaissance, the New World knew no bounds to curiosity, no limits to versatility. New in nature, new in experience and new in the rich convergence of Indo-American, European, African and Asian peoples, it fixed the outlines of a looming new presence in history—the miracle of the American man, the new Adam—which in turn helped the Old World rejuvenate itself.

The whole face of the planet has now been knit together physically by the unprecedented advances of science and technology already set to conquer space. But there has been no corresponding advance in understanding for the way in which human beings in another cultural setting feel, think and plan. It may therefore be more important than ever for a western civilization nurtured by the belief in its inexorable progress, to the point where it paid relatively little attention to its humanistic past, to rediscover that past.

Toward this end, Mundus Novus will devote the years remaining until 1992 to work with other concerned private and official institutions, propounding and coordinating an incremental program of study and commemorative events that will be international in scope and conception and present an open-minded picture of the variety and creative effort of our interrelated cultures. Our theme, inspired by Octavio Paz, is to observe the Quincentenary as "a dialogue between men and cultures."

We conceive our essential function to be that of cultural translator—not only of languages but the more difficult one of making values and concepts of one society intelligible to other societies, of acquiring a feeling for diversity so that we may consult other answers to common problems. For translation introduces a different language and a different language means a different way of thinking about and perceiving the world.

Just as the Columbus enterprise conquered medieval myths and the physical barriers of the Great Ocean Sea, so the enterprise of its Quincentenary must be made to challenge the barriers of ignorance, prejudice and fear that still obstruct the fulfillment of western ideals. We may need to recognize that not all conflicts of values can be finally resolved by a Hegelian synthesis but can, perhaps, become adjusted through compromise and accommodation so that they reinforce, enrich and sustain, rather than convert, combat or destroy each other.

The Columbus Quincentennial, approaching at a time of pervasive pessimism about the future of the West, should be cast as a unique opportunity for taking stock of our condition and to encourage a new Renaissance of culture, thought and human understanding. For we know the importance of learning from the past, particularly when we begin to despair over troublesome times—made to appear all the more intractable for lack of historical perspective.

The Advisory Board: Octavio Paz, Chairman; German Arciniegas, Leonard Bernstein, John Brademas, Masha Dichter, Helen Escobedo, Carlos Fuentes, Inmaculade de Habsburgo, Pedro Lain Entralgo, Jaime Laredo, Roderick MacLeish, Juan Marichal, Eduardo Mata, Richard M. Morse, Gay Talese, Eduardo Terrazas, Victor Urquidi, Ramon Xirau—Tepostlan, Mexico, March 11, 1984.

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in full support of H.R. 1492, the conference report establishing the Christopher Columbus Quincentenary Jubilee Commission. It is only appropriate that our Nation develop a program to commemorate the deeds of this courageous voyageur who discovered the New World. The history of our Nation and that of the world would be very different indeed if Columbus had not had the courage and persistence to set sail on his perilous journey of discovery. All Americans, but particularly Americans of Italian ancestry, have much to take pride in this historic voyage. They have played a vital role in all stages of America's growth. Indeed, it can be said that Italian Americans discovered, named, and helped to build America.

As this legislation indicates, this commemorative Commission would be known as the Christopher Columbus Quincentenary Jubilee Commission and will plan and execute appropriate activities marking the 500th anniversary of the voyages of discovery of Christopher Columbus.

The Commission would consist of 30 members appointed by the President, the Speaker, and the Senate majority leader. The President would be authorized to invite participation by the Governments of Italy and Spain in a nonvoting capacity.

In an effort to minimize overcommercialization in the U.S. Bicentennial Celebration, this bill limits the amount of individual and corporate contributions. Also, the Commission's focus, as stipulated in the bill, will be educational, not commercial. Activities may include conferences and seminars, the production of books, films, pamphlets, and other educational materials, the development of libraries, museums, and exhibits. The Commission will also conduct appropriate ceremonies and celebrations honoring specific events and issue commemorative stamps, coins, and medals. All these activities will be conducted at a minimum expense to the taxpayer and for the benefit of all Americans.

Mr. Speaker, the 500th anniversary of the journey that planted the seed that grew into America as we know it today, is not very far away. In order to properly honor the birth of our great Nation and the voyage of the courageous adventurer Christopher Columbus, we should start our planning now. Accordingly, I urge my colleagues to support H.R. 1492.

□ 1330

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from California [Mr. COELHO].

Mr. COELHO. I would like to inquire about some language in the Senate report, not found in the House report. As the chairman knows, this legislation authorizes the President to invite the Italian and Spanish Governments to appoint nonvoting members to the Commission. It also authorizes the Secretary of State to invite the participation of other nations in events planned and conducted by the Commission. However, the Senate report goes on to say that "Portugal, given its large role in the life of Columbus, should be given special consideration by the Secretary of State in extending any such invitations."

As my colleagues may know, Christopher Columbus, although born in Italy, lived on the Island of Madeira, Portugal, beginning in 1476. His first wife, Felipa Moniz, was the daughter of a Portuguese navigator, and it is here that he learned the skills which would ultimately take him on that now famous maiden voyage to find the westward passage to the Orient. The Portuguese were the great navigators of the day, and it is said that Columbus studied under the watchful eye of the renowned Prince Henry the Navigator.

As a Portuguese American, I am proud of the special role Portugal played not only in the life of Christopher Columbus, but in the heritage and culture of our entire hemisphere. The Portuguese explorer, Pedro Alvares Cabral, was the first European to reach Brazil. That was in 1500. And as a Californian, I am especially proud that Juan Rodrigues Cabrillo, known as the "discoverer" of California, was born in Portugal.

In view of the important role that Portugal played in those voyages which are so much a part of the heritage of this Nation and this hemisphere, I would ask the chairman if he would have any objection to accepting the language of the Senate report in recommending that Portugal be invited to participate in the events planned and conducted by the Commission. I might add here, Mr. Chairman, that I have discussed this matter with our colleague, BILL DANNEMEYER, and he indicated that he would have no objection.

Mr. GARCIA. Will my colleague yield back to me?

Mr. COELHO. I am happy to yield.

Mr. GARCIA. The answer is we would have no problem with it. There is no question in my mind that not only the Italian peninsula but the Iberian peninsula played a major role in this discovery of the Americas. So if that is what the Secretary of State wishes and desires, I would second that motion.

Mr. DANNEMEYER. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of the conference report for H.R. 1492, the 500th anniversary of

Christopher Columbus' voyages to America and congratulate Congressman GARCIA for his help in making this a reality.

I encourage my colleagues to approve this conference report so that timely preparation may be made for this jubilee celebration; 1992 seems a long way off to us, but for those who will be preparing for this celebration, each day of these 7½ years is needed. For a project of this scale, the year 1992 is approaching rapidly.

I realize that there have been objections to Federal spending for this program, but the sacrifice is small in this case for the benefits which we will reap. We are only talking about $220,000 per year through 1992, for a total of $2 million. And this bill provides for a very limited staff of 22 people in addition to the noncompensated commission members—this hardly creates a new bureaucracy. Finally, the program will be coordinated so as not to conflict with other key anniversary celebrations—such as the Chicago Fair—in 1992.

I would also like to bring to the attention of my colleagues the importance of the Bahamas to this jubilee celebration. I have said during House consideration of this legislation that all Americans should participate in the celebration. I also believe that peoples who share our heritage of Christopher Columbus should share in this. Consider if you will the case of San Salvador, a small island on the eastern side of the chain of Bahamian Islands. Regardless of the historical debate over Columbus' first landing, the fact is that he did land on the island of San Salvador, and this marked the first landfall in the New World. Ignorance of this historical fact would be inappropriate to the intent of this legislation. San Salvador shares with the United States the importance of Columbus' voyages, and the participation of Bahamians or American Bahamians will enhance this celebration immensely.

For these reasons, I propose that we encourage the Secretary of State to allow the full participation of Bahamians. The language of H.R. 1492 clearly allows for—even encourages—such participation. Under this bill, the President, the majority leader of the Senate, and the Speaker of the House have the authority to appoint members to the commission at their discretion. I believe that outstanding Americans of Bahamian descent should be considered for these positions. I ask my colleagues to keep in mind the intent of this legislation to provide for joint participation of Western Hemisphere nations which share the Columbian heritage with the United States. At the very least, then, we should allow the Bahamas observer status on the Commission.

Mr. Speaker, the Bahamian people join us in looking forward to the 500th anniversary celebration of Columbus' landing. As Mr. Philip Smith, a Bahamian Member of Parliament, has said:

> We need to explore with the peoples of the Americas the areas of commonality and thereby establish closer ties.

Those of us behind this bill have worked to assure its smooth passage, and this House has already agreed about the importance of this event. I now ask my colleagues to join me in supporting this sound conference report.

Mr. DANNEMEYER. I yield to myself such time as I may consume.

Mr. Speaker, I rise in opposition to this conference report reflecting in a sense the views of 123 of our colleagues who voted against this measure when it was on the Suspension Calendar on June 21 of last year. I regret to take this position, quite frankly, because I support the concept of a commission being established for the purpose of recognizing the contribution of Christopher Columbus in the history of America. I support the commission.

But what we seek to do with this legislation today really plows new ground. You have to admire the proponents of this legislation because they really have watched out for some folks whom they hope to place as chairman or on the commission staff when it gets organized.

Listen to this. This bill will authorize 20 staff positions at a maximum of GS-18 at $66,400 a year; one at level 5, $66,400, and then, of course, the director, he or she gets the most at level 4, $69,900. That staff is going to work over the course of next 8 years figuring out how to precisely direct and plan and commemorate the contribution of Christopher Columbus to the history of America.

That is almost a dream world for any staff person to get involved in because I really do not think it is going to take them 8 years to do it. And I really wonder if that is a good use of the taxpayers' money.

When you add up the cost of this bill before us, I will remind my colleagues, it comes to $2 million. But when you extrapolate the salaries that will be available for these staff people over the course of the next 8 years, you find the cost is a minimum of $13,147,200. That is the cost if people are hired at the maximum. I do not think there are many Members around here who believe that these job slots are going to be filled at less than the maximum.

So if we say that it is a $2 million bill we can see additional applications for appropriations in future years to flesh out the need for this commission to really work its will.

I would like to comment on other commissions that have been organized in the course of the last 4 or 5 years, that really makes a very interesting contrast.

□ 1340

For instance, the Vietnam Veterans Memorial was built in America, built right here in Washington, DC, with not a dime of taxpayers' money. We did not have any commission staff paid out of the Federal purse for them to do their work. They just organized, the Congress of the United States created that commission, but we did not put in any Federal money.

Also the German people who had a little bit to do with the development of America celebrated their tricentennial celebration in 1983 called the German American Tricentennial Celebration, and we did not use any Federal money in that effort.

They organized, a Federal commission was created, no Federal money was involved in that.

So I question really whether we should be going down the road of authorizing these sinecures, which is what they are, these Federal slots of employment.

And there is another feature of this employment that should be mentioned: The bill provides, interestingly enough, that the people who get these jobs are exempt from civil service requirements, meaning they do not have to take an examination. All they have to do is pass the examination by the one person that counts; that is the head of the commission.

And of course he will reward his friends; that is politics in America, we do not deny that. They do not have to take the examination. But wait a minute: the bill provides that even though they do not have to pass or take an examination under civil service requirements, now get this, staff are going to be eligible for civil service retirement as a result of their 8 years of public service laboring in the trough, I mean in the work of this commission to determine how we are going to honor Christopher Columbus.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Nebraska.

Mr. DAUB. On that point, are you saying that those hired could have the entitlement of the Ramspeck Act and then bump other Federal employees after their 8 years of employment and take a job without ever having had to take a test in the first place?

Mr. DANNEMEYER. Now, I cannot answer that question. Maybe our esteemed colleagues on the majority side can answer that. I do not know the answer to that.

Mr. GARCIA. Will my colleague yield?

Mr. DANNEMEYER. I would be glad to yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

If I may respond to my colleague from Nebraska [Mr. DAUB], I think our colleague from California is painting a picture that in terms of its accuracy I was hoping to let him finish so that I would be able to respond, because when you take $69,000 as an annual salary and you divide into $220,000, which is the total number of dollars that we are getting annually, I do not see how you can get more than three employees.

Mr. DAUB. That was not my question. My question was, would any or all of those employees, if employed more than 5 years under this commission, would they be entitled to bump into the system under the Ramspeck Act as if they were a Hill employee?

Mr. GARCIA. I would respond to my colleague from Nebraska, I am not prepared to respond to that. I would say to him I will try to get the answer. It seems unlikely, but there is a possibility that may exist, but let us see if we can clarify it for you.

Mr. DAUB. I thank the gentleman.

Mr. DANNEMEYER. I thank my colleague for that contribution, but I would like to carry this thought of civil service retirement a little further. Each of the staff would be entitled on eligibility for civil service retirement to obtain $9,628 each year for a lifetime annuity. In other words, if you know the chairman of this commission and get one of these jobs, you are going to get up to about $66,000 a year for the next 8 years and then on your retirement, $9,600 a year; not a bad deal if you can pull it off; all at taxpayers' expense.

I just do not think in view of our deficit situation that this is something we should be talking seriously about.

I want to remind my distinguished colleagues here that last week we saw some of our friends in San Francisco celebrating the Democratic Convention. And let me quote from Mr. Mondale in some of the things that he said in his acceptance speech:

> So tonight we come to you with a new realism, ready for the future and recapturing the best in our tradition. . . . We know that government must be as well-managed as it is well-meaning. . . . One last word to those who voted for Mr. Reagan, you did not vote for $200 billion deficit. . . . Here is the truth about the future. We are living on borrowed money and borrowed time. These deficits hike interest rates, clobber exports, stunt investment, kill jobs, undermine growth, cheat our kids and shrink our future. . . . To the Congress, my message is we must cut spending and pay as we go. If you don't hold the line, I will. That is what the veto is for.

That is what Mr. Mondale said last week in San Francisco. Now, this week in Washington, DC, I wonder how many of my colleagues of the House will give life to those high-sounding principles uttered by Mr. Mondale, the Democratic nominee for President.

And then lest we leave anybody out, Ms. FERRARO had these things to say about these same ideas of deficit spending: "The rules say we must not leave our kids a mountain of debt." Let me comment that here we have the opportunity to remove one rock from this mountain. If we don't remove rocks how can we move mountains? Ms. FERRARO also stated:

> It isn't right that every year the share of taxes paid by individual citizens is going up.

My response to those words are: Are not the taxes of those in Queens and those in Elmore going to pay for this commission's staff when other commissions have been paid by the benevolence of the American public without being taxed for it?

Do we trust the generosity of the American people to give to this worthy cause or do we not trust the generosity of the American people and feel we have to authorize this level of spending?

Members, I think the responsible thing for us to do is to vote down this conference report today. We should be able under the rules of the House, if the procedure permitted, which it did not, to offer an amendment to strike out the money appropriated for this effort. This commission should stand on its own feet just like the German Tricentennial Commission stood, just like the Vietnam Memorial Commission stood; there is no reason or principle why we have to appropriate Federal money. But unfortunately, as we all know on the Suspension Calendar this Member or any Member was precluded from offering an amendment to take out that money.

For that reason, I ask for your "no" vote.

Mr. GARCIA. There are a couple of points I would like to make to set the record straight.

No. 1, there will be an annual appropriation of $220,000 for the seed money for this commission. What we are hoping to do is similar to what we did in 1976, when we went out to the corporate world and were able to get contributions from the private sector, from individuals as well as corporations.

The only difference this time is that we do not want any one corporation to dominate the quincentenary. We ask corporations to contribute up to $50,000 to this commission. There is a cap of $25,000 for individuals who want to contribute. The bulk of the money to support this commission is going to come from the private sector, which my colleague from California is so concerned about.

It is important to understand that when he talks about maximum salaries of $66,400 with seed money of $220,000, we would only end up with three employees to run a commission. That is not the purpose.

Another point, the employees of this commission would not, let me repeat that, would not be under civil service retirement if they have temporary or term appointments or are employed intermittently. The overwhelming majority of the people who will be working at this commission will fall into that category.

It is important that we set the record straight.

Finally, now that we are approaching the 500th birthday of the discovery of the Americas even poor Christopher Columbus has been injected into the campaign; the Presidential campaign of 1984. I would hope that the spirit of Christopher Columbus understands that this is the nature of the hemisphere he discovered.

We are now partisan in determining whether in fact we should have a quincentenary celebration. So I say to my colleague from California that I have all due respect for him. I think he has been consistent because of his votes against the MX missile and the funding for that type of program. It is consistent what he is doing today.

□ 1350

I would, like many of my colleagues, like to see reductions in large appropriations, particularly for defense programs.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

I would say that I voted against this bill when it was on suspension because I had hoped we would have a chance to amend it along the lines the gentleman from California had outlined.

But I think I am now going to vote in favor of this conference report because I think it is very important that we do take this step to begin to establish the commission that will help us celebrate the 500th year anniversary of the discovery of America.

I would like the gentleman from California [Mr. DANNEMEYER] to recall the words he quoted to the Members of this House from Vice President Mondale's remarks to the Democratic Convention in his acceptance speech. He ended up by saying that if the Congress would not exercise the necessary restraints then he would exercise a veto.

I would say to my friend from California that in the event this bill passes, perhaps we will see whether the President will veto it or not. If the President does not choose to veto it, then we will know where he stands on the issue and if he does, I would certainly, as one Member, give very seri-

ous consideration to voting to sustain the veto which I suspect we will not get a chance to have a vote on.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I would yield so the gentleman may respond to our colleague.

Mr. DANNEMEYER. I thank the gentleman for yielding.

I am just curious of my friend from Georgia [Mr. LEVITAS] if he would care to speculate as to what Mr. Mondale would do on this bill relative to the exercise of a veto were he in the White House and the bill were presented to him.

Does the gentleman think he would veto this bill?

Mr. LEVITAS. If the gentleman would yield further, I cannot speculate. I had no idea he was going to ask our colleague from New York [Ms. FERRARO] to run, so I certainly could not speculate how he would act on a matter of this sort.

I simply make the point that if the President wants to use a veto, because this is excessive spending, I think we ought to give him that opportunity. And I, for one, pledge to the gentleman and to the President that I would give very serious consideration to upholding that veto for the reasons that the gentleman mentioned.

I would have liked to have seen the President, for example, veto $8½ million for the International Monetary Fund to bail out some of the big banks in this country or some of the other programs.

If the President will exercise the necessary discipline and send us a balanced budget, I would like to vote for that, too, as I know the gentleman from California would.

Mr. DANNEMEYER. If the gentleman will continue to yield, I would hope, as long as we are talking about a collateral matter, that this House, rather than sending this President a continuing resolution which will cover the funding of the Federal Government for the next year, the balance of the year, that we would have the political courage to send this President individual appropriation bills so that the reality of the existence of the veto could in fact be considered by this President.

As it is, we have sent a continuing resolution downtown that, for all practical purposes, denies the President the veto.

Mr. LEVITAS. If the gentleman will yield further, I would simply like to express my appreciation for the opportunity to vote. I wish we had had the chance to strike the funding, but since that is not possible, I think it is important that we adopt this conference report and then begin to focus on some of the other important issues that still face the Congress during the last days of this session.

Mr. GARCIA. Mr. Speaker, in response to my colleague from Nebraska on his question dealing with the Ramspeck provisions. They will not—and let me repeat that again—they will not have the benefit of this provision which applies primarily to congressional employees.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Speaker, what I would first like to do is to congratulate my good friend, BOB GARCIA, from across the river, who was very much instrumental in working out the compromises on this piece of legislation which I rise definitely in support of.

I know that we spend a great deal of time in this body talking about the expenditures of money. I do not think I have to take a backseat to too many Members of this House in my desire to act prudently and responsibly when it comes to the expenditures of taxpayers' money. Indeed, often we spend too much. We spend money without really looking at the issue. It is simply theory that we sometimes adopt here that we solve all problems by throwing a few dollars at them hoping that they will go away. But they do not.

We are talking about, in this particular commission, a small sum of money, which Commission is designed to celebrate a crucially important event in the history of our country, 500 years, 500th anniversary of the voyage of Christopher Columbus.

I know that when people from this country go to Europe they marvel at churches that are 600 years old, 800 years old, 1,000 years old. They look at history that goes back 1,000 years, 2,000 years. We do not have that. I suppose the oldest thing we have in this country is this 500th year anniversary. I think it would be a terrible shame and I think it would be a sincere mistake because of the expenditures of a modest sum of money over a 6-year period or an 8-year period that we do not go forward to commemorate a historical event that we ought to be deeply proud of.

As I mentioned before, I would like to thank Members on both sides of the aisle for their cosponsorship. I urge all Members, if there is a recorded vote as some Members indicate there will be, that they vote in favor of establishing this commission so we can move on to saving real money.

● Mr. CLAY. Mr. Speaker, I rise in support of the conference report on H.R. 1492, to establish a multimember commission for the purpose of planning, coordinating, and conducting activities commemorating the 500th anniversary of the voyages of discovery of Christopher Columbus. The legislation represents our Nation's response to those voyages—voyages that formed the roots of our national existence.

The House Post Office and Civil Service Committee's report (98-150) states that appointments to the Commission are to be divided between Congress and the executive branch to ensure the broadest representation of the American people, especially women and minorities.

During committee consideration of this legislation I offered an amendment to add the words "black people" to the language of the bill since the bill as originally considered had specific references that Italians and Hispanics should take pride in the accomplishment of Christopher Columbus but neglected to include blacks. My amendment was to take note of the fact black people served with Columbus in varying and important capacities. Indeed, a black man, Vincente y Pinzon, served as captain of the *Nina*.

In lieu of citing the accomplishments of certain groups, the committee decided in favor of language citing "all Americans"—a move which I supported and which was unanimously adopted by the committee. It was my intention, and the committee agreed, that this language should emphasize that "all Americans" in this country should take special pride in the accomplishments of their ancestors with respect to Columbus' voyages. To this end, we need to be reminded of the significant role black people played in this historic event as well as the development of the Western Hemisphere in general and the United States in particular.

I raise this issue today to ensure that once this legislation is enacted that: First, blacks be appointed to the commission; and second, when the commission begins planning the celebrations it should include the contributions made by blacks to the voyages we are commemorating.●

● Mrs. SCHNEIDER. Mr. Speaker, though academics may differ as to who should receive recognition for having discovered America, none can argue the important role that Christopher Columbus played in opening up the New World. Today we are voting to establish a commission to commemorate the 500th anniversary of the arrival of the *Nina*, the *Pinta*, and the *Santa Maria* on the shores of Santo Domingo, an historic occasion which marked the beginning of the Americas as we know them today. This lonely Italian seafarer had the courage and tenacity to stake his life on his firm conviction that there was indeed a passage to the east through the west. Only through the foresight of Queen Isabella could his dream come true. We Americans owe a great debt of gratitude to this first Italo-American.

A great tradition was started that day in 1492, which lives on today. Since that time, millions of Italians

have come to the shores of the New World to seek a new life filled with opportunities for freedom, and the chance for a better life. In my own State of Rhode Island, the Italian community has participated in, and improved, every aspect of life. Italians have made major contributions in education, the arts, and public service. Such a man was John O. Pastore, an Italo-American who served Rhode Islanders and the Nation with dedication, integrity, and distinction. He is but one of many Italo-Americans who have helped make this Nation what it is today. Other Italo-Americans such as Enrico Fermi, Fiorello LaGuardia, and Arturo Toscanini have all left their mark on American society.

I urge my colleagues to join me today in supporting H.R. 1492. This bill will provide the essential organization and coordination so that we may pay tribute to this Italian sea captain who set out on a sea of disbelief destined to return as the discoverer of the New World.●

Mr. MORRISON of Connecticut. Mr. Speaker, I urge the adoption of the conference report. The 500th anniversary of the journey of Christopher Columbus to the New World will be an occasion for celebrating what our country is all about.

The story of our Nation is the story of immigrants, a story of journeys from the old to the new, from the past to the future. Christopher Columbus led the way for the millions who followed, and in celebrating his journey we celebrate the American experience.

I would like to share with my colleagues the story of two of those who followed the path of Christopher Columbus: My constituents Steve and Margie Cenotti. Their story is told by their granddaughter, Jennifer Butler, of Hamden, CT, in a book which she wrote and published called "A Legacy of Love."

Steve Cenotti's parents, Angelo and Maria Cenotti, left their native village, near Naples, early in this century, and settled in New Haven, CT, where Steve was born. Angelo shoveled coal for $1 a day. When he found work building highways, a job which kept him away from home for months at a time, Maria and the children returned to Italy, where they lived as sharecroppers with nine other families on a communal farm.

Steve returned to New Haven when he was 13. He began school—6 months of kindergarten, the second grade, the fourth grade, then sixth grade, all in 2 years. He went to work as a farm laborer, as a water boy on a road crew with his father, as a delivery truck driver, and then, in 1931, a operator of a gas station.

Margie's parents, Frank and Nancy Testa, had met and married in Italy. They immigrated to Woodbridge, CT, where Frank became a farm laborer and Nancy a maid for "wealthy Yankees." Soon they were able to rent a small farm, where Margie was born. Margie attended a one-room school in Woodbridge—where she graduated first in her class—and then Hillhouse High School in New Haven. By the time she was a teenager, Frank and Nancy had saved enough to purchase their own small farm.

Margie and Steve married in 1933. At her mother's suggestion, Margie began to sell fruits and vegetables from the family farm at the gas station that Steve was running. Steve and Margie were soon able to buy the gas station, and built a house on the property. Over the years, "Margie's Open Air Market" became a New Haven institution. Like so may others in the greater New Haven area, I always knew that I could find the best fruits and vegetables at Margie's.

Margie and Steve worked from sunup to sundown, 7 days a week, until they reluctantly retired and sold their business in 1983. To the greater New Haven community, they left a legacy of 50 years of service to their children and grandchildren, in the works of their granddaughter, "an outstanding example of sharing, hard work, and a legacy of love."

When we celebrate the legacy of Christopher Columbus, we celebrate the legacy of Steve and Margie Cenotti and the generations of immigrants and their sons and daughters who have made this country what it is. In the words of our distinguished colleague from New York, GERALDINE FERRARO:

> America is the land where dreams can come true for all of us. * * * Our faith that we can shape a better future is what the American dream is all about. The promise of our country is that the rules are fair. If you work hard and play by the rules, you can earn your share of America's blessings.

When we celebrate the anniversary of Columbus' journey, we celebrate the achievements of the past and the promise of the future. We celebrate the American dream.

I hope all my colleagues will join me in supporting the creation of the Christopher Columbus Quincentennial Commission to plan for an appropriate, fitting celebration in 1992.

Mr. DANNEMEYER. Mr. Speaker, I yield back the balance of my time.

Mr. GARCIA. Mr. Speaker, repeating once again to my colleagues of Italian ancestry, many of whom have placed the Christopher Columbus bill before us, I just want to remind everybody, especially because this is the Year of the Woman, that it was a Spanish woman who gave Christopher Columbus the money to get here.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 279, nays 130, not voting 24, as follows:

[Roll No. 315]

YEAS—279

Ackerman	Feighan	Martin (NC)
Addabbo	Fish	Martin (NY)
Albosta	Florio	Martinez
Alexander	Foglietta	Matsui
Anderson	Foley	Mavroules
Andrews (NC)	Ford (MI)	Mazzoli
Annunzio	Ford (TN)	McCloskey
Applegate	Fowler	McCollum
Aspin	Frank	McDade
AuCoin	Frost	McEwen
Barnard	Fuqua	McGrath
Barnes	Garcia	McHugh
Bateman	Gaydos	McKernan
Bates	Gejdenson	McKinney
Beilenson	Gephardt	McNulty
Bennett	Gibbons	Mica
Berman	Gilman	Michel
Boehlert	Glickman	Mikulski
Boggs	Gonzalez	Miller (CA)
Boland	Gray	Mineta
Boner	Green	Minish
Bonior	Guarini	Mitchell
Bonker	Hall (IN)	Moakley
Borski	Hamilton	Mollohan
Bosco	Harkin	Moody
Boucher	Harrison	Morrison (CT)
Boxer	Hawkins	Morrison (WA)
Britt	Hayes	Mrazek
Brooks	Hefner	Murphy
Brown (CA)	Hertel	Murtha
Broyhill	Hightower	Myers
Bryant	Horton	Natcher
Burton (CA)	Howard	Neal
Carney	Hoyer	Nelson
Carr	Huckaby	Nichols
Chandler	Hughes	Nowak
Chappell	Hutto	O'Brien
Clarke	Hyde	Oakar
Clinger	Jeffords	Oberstar
Coelho	Johnson	Obey
Coleman (MO)	Jones (NC)	Ortiz
Coleman (TX)	Kaptur	Ottinger
Collins	Kastenmeier	Owens
Conable	Kemp	Panetta
Conte	Kennelly	Parris
Conyers	Kildee	Pashayan
Coughlin	Kindness	Patterson
Courter	Kleczka	Pease
Coyne	Kogovsek	Pepper
D'Amours	Kolter	Perkins
Darden	LaFalce	Pickle
Daub	Lantos	Porter
Davis	Lehman (CA)	Price
de la Garza	Lehman (FL)	Quillen
Dellums	Leland	Rahall
Dickinson	Lent	Rangel
Dicks	Levin	Ratchford
Dingell	Levine	Regula
Dixon	Levitas	Reid
Donnelly	Lewis (CA)	Richardson
Dowdy	Lewis (FL)	Ridge
Downey	Lipinski	Rinaldo
Durbin	Long (LA)	Ritter
Dwyer	Long (MD)	Rodino
Dymally	Lott	Roe
Early	Lowry (WA)	Rose
Eckart	Lujan	Roth
Edgar	Luken	Roukema
Edwards (CA)	Lundine	Rowland
Erlenborn	MacKay	Roybal
Evans (IL)	Madigan	Russo
Fascell	Markey	Sabo
Fazio	Martin (IL)	Savage

Sawyer	Spratt	Walgren
Scheuer	St Germain	Weaver
Schneider	Staggers	Weiss
Schroeder	Stark	Wheat
Schulze	Stokes	Whitley
Schumer	Stratton	Whitten
Seiberling	Studds	Williams (OH)
Shaw	Swift	Winn
Shelby	Tallon	Wirth
Shuster	Taylor	Wise
Sikorski	Thomas (GA)	Wolf
Sisisky	Torres	Wolpe
Skelton	Torricelli	Wortley
Smith (FL)	Towns	Wright
Smith (IA)	Traxler	Wyden
Smith (NJ)	Udall	Wylie
Smith, Robert	Valentine	Yates
Snowe	Vandergriff	Yatron
Solarz	Vento	Young (AK)
Solomon	Volkmer	Young (FL)

NAYS—130

Akaka	Gore	Olin
Andrews (TX)	Gradison	Oxley
Archer	Gunderson	Packard
Badham	Hall (OH)	Patman
Bartlett	Hall, Ralph	Paul
Bedell	Hall, Sam	Penny
Bereuter	Hammerschmidt	Petri
Bethune	Hance	Pursell
Bevill	Hansen (UT)	Ray
Bilirakis	Hartnett	Roberts
Bliley	Hiler	Robinson
Breaux	Hillis	Roemer
Broomfield	Holt	Rogers
Brown (CO)	Hopkins	Rudd
Burton (IN)	Hubbard	Schaefer
Byron	Hunter	Sensenbrenner
Carper	Ireland	Sharp
Chappie	Jacobs	Shumway
Cheney	Jenkins	Siljander
Coats	Jones (OK)	Skeen
Cooper	Kasich	Slattery
Corcoran	Kazen	Smith (NE)
Craig	Kostmayer	Smith, Denny
Crane, Daniel	Kramer	Snyder
Crane, Philip	Lagomarsino	Spence
Daniel	Latta	Stangeland
Dannemeyer	Leach	Stenholm
DeWine	Leath	Sundquist
Dorgan	Livingston	Synar
Dreier	Lloyd	Tauke
Duncan	Loeffler	Tauzin
Dyson	Lowery (CA)	Thomas (CA)
Edwards (OK)	Lungren	Vander Jagt
Emerson	Mack	Vucanovich
English	Marlenee	Walker
Erdreich	McCain	Watkins
Evans (IA)	McCandless	Weber
Fiedler	McCurdy	Whitehurst
Fields	Miller (OH)	Whittaker
Flippo	Molinari	Williams (MT)
Franklin	Montgomery	Wilson
Frenzel	Moore	Zschau
Gekas	Moorhead	
Goodling	Nielson	

NOT VOTING—24

Anthony	Ferraro	Marriott
Biaggi	Gingrich	Pritchard
Campbell	Gramm	Rostenkowski
Clay	Gregg	Shannon
Crockett	Hansen (ID)	Simon
Daschle	Hatcher	Stump
Derrick	Heftel	Waxman
Edwards (AL)	Jones (TN)	Young (MO)

□ 1410

Messrs. DYSON and SHARP changed their votes from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5973, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1985

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 551 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 551

Resolved, That during the consideration of the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, lines 1 through 15; beginning on page 3, line 23 through page 6, line 10; beginning on page 9, line 15 through page 10, line 5; beginning on page 11, line 9 through page 12, line 6; beginning on page 14, lines 3 through 6; beginning on page 25, line 21 through page 26, line 20; beginning on page 43, lines 7 through 16; beginning on page 47, line 3 through page 49, line 9; beginning on page 52, line 3 through page 53, line 12; beginning on page 56, line 8 through page 57, line 10; beginning on page 63, lines 15 through 21; and beginning on page 65, lines 1 through page 4; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6, rule XXI, are hereby waived: beginning on page 17, line 19 through page 18, line 9; and beginning on page 47, lines 3 through 22.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 551 is a simple rule which waives points of order against certain provisions of H.R. 5973, the Department of the Interior and related agencies appropriation bill for fiscal year 1985, for failure to comply with the provisions of clause 2 and clause 6 of rule XXI.

Clause 2 of rule XXI prohibits a general appropriation bill from containing appropriations for unauthorized purposes or language which has the effect of changing existing law. Waivers of this rule are necessary for 21 appropriating paragraphs of this bill because fiscal year 1985 authorizations for the programs appropriated for in these paragraphs have not been finally enacted, and because some of the paragraphs contain legislative language. I should point out that bills authorizing the programs appropriated for in these provisions are at various stages in the legislative process. Many have been reported by committee and some have been passed by the House or by the Senate, but, until the authorizing legislation is actually signed into law, a waiver of clause 2 of rule XXI is needed to allow consideration of these provisions.

Clause 6 of rule XXI prohibits a general appropriation bill from containing a reappropriation of previously appropriated funds. A waiver of this rule is necessary for two paragraphs of H.R. 5973 because these provisions provide that unexpended balances of funds appropriated for one purpose in a previous fiscal year are made available for a different purpose in fiscal year 1985.

Mr. Speaker, this rule contains no provision for consideration of H.R. 5973. As a general appropriation bill, it has privileged status and may be brought up for consideration without any such provision in a rule. The terms of general debate on the bill will be set by a unanimous consent request by the manager of the bill. Amendments will be considered under the regular rules of the House. Any amendment which is not in violation of those rules will be in order.

Mr. Speaker, H.R. 5973 appropriates $8.5 billion for the Department of the Interior and related agencies in fiscal year 1985. These funds will support such diverse activities as the operation of our National Park and National Forest Systems, energy research and development and conservation efforts, Indian health services, leasing of mineral and timber rights on federally owned lands, historic preservation, support for the arts and humanities, and establishment of a U.S. Holocaust Memorial Council. All of our districts are touched by these activities. The quality of life for our constituents is improved as a result of these expenditures.

Mr. Speaker, we have a very limited number of legislative days left in our schedule this session. If we are to avoid relying on a massive continuing resolution to fund our Government—and I think that method of establishing fiscal policy is irresponsible and undermines the authority of Congress and its Members—it is absolutely necessary that we move ahead quickly with consideration of the remaining regular appropriation bills. Therefore, I urge the adoption of this rule so that we may proceed to the immediate consideration of the Interior and related agencies appropriation bill.

□ 1420

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the rule has been ably explained. We all admit that there is controversy in regard to the Synthetic Fuels Program. The program was created for a very good reason, and it is no fault of this Congress that the program is not working as well as it should. We should jerk it up, pull some hair, and get the program working. That is what we must do.

It is a matter of national security that we must pass this rule and get down to the business of passing the Department of the Interior appropriations bill. If something should happen in the Persian Gulf, we could be denied the oil that we get from that region. We would then have a tremendous crisis, and it would be because we cannot create synthetic fuels on instant notice.

We must go forward with the program as envisioned in the beginning. If it is cut, in fact, some $9 billion, it does not mean that $9 billion is going to go to the reduction of the deficit. It means that some other agency is going to grab back that $9 billion and spend it. So what we must do, with reason and with caution, is do what is necessary to move the synthetic fuels program forward.

In this Nation we have enough coal to last for centuries. We must be able to convert it with coal gasification and other techniques. We must do whatever is necessary to develop that ability.

I urge adoption of the rule.

Mr. Speaker, I yield 8 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to the rule, and urge my colleagues to vote against the rule.

I do so not because of what this rule contains—the routine waivers of points of order against unauthorized appropriations—or because I oppose the Interior appropriations bill. In fact, I will support the Interior bill. I am opposing this rule because of what it does not contain.

Despite the desire of more than 230 of our colleagues to reform the Synthetic Fuels Corporation's Program, this rule does not permit an amendment to be offered to rescind funds from that bloated and wasteful corporation. I had proposed, and printed in the RECORD, an amendment providing for a $9 billion synfuels rescission; Congressmen WOLPE and SYNAR had proposed a $10.2 billion rescission. Whatever the amount, the important thing is that the synthetic fuels program has been like an unguided missile, with too much money landing on too many ill-conceived projects. We need to defeat this rule so that an amendment can be offered to cut back on this disgraceful waste of taxpayers' money.

Mr. Speaker, synthetic fuels were the wave of the future back in 1980. But since then, oil scarcity has turned to glut and the price of imported crude has dropped more than 25 percent. Oil imports are down 33 percent, and the strategic petroleum reserve contains over 410 million barrels of oil. Circumstances have changed, but the Synthetic Fuels Corporation has not.

To my friends who want to see a continued synthetic fuels program, I say that the only way a quorum can be restored on the Board of Directors is with a significantly scaled back corporation. The current stalemate between Congress and the administration will continue unless the program is cut back to a more reasonable level. The only way to save the Synfuels Program is to cut it back.

Just look at the list of projects funded by the Synfuels Corporation and you see a consistent pattern of waste and abuse. You see sweetheart deals, outdated technologies, shaky private support, and obscene price supports. A GAO report released yesterday revealed that the Union Oil shale project will be getting $1 million a day in price supports for 6 years. And that's not all! It's also getting $3.4 billion in tax breaks!

That's the kind of obscenity you expect from Penthouse, but it can't be tolerated from a Federal corporation.

The time has come to stop bailing out the pet projects of the big oil companies. The Synthetic Fuels Corporation has about $13.3 billion left; my $9 billion rescission will still leave enough money for the truly worthy projects—more than enough to demonstrate the synfuels technology.

Mr. Speaker, the choice is clear. Even the supporters of synfuels aren't trying to justify the corporation's actions.

My colleagues over on this side of the aisle are going to campaign this year on the question of fairness, on the question of corporate welfare, on the question of balancing the budget, and on the question of environmental protection. Well, as I said this morning, now is the time to put up or shut up!

People who vote for this rule are voting for the big black Cadillacs and the private airplanes, for the vested interests in this country, and against the poor people.

Are you going to flush another $9 billion down the corporate rat hole while the Democratic Presidential candidate talks about raising taxes?

Are you going to keep subsidizing the big oil companies to the tune of $1 million a day—$1 million a day for 6 years—to build environmentally harmful projects, or are you going to worry about that poor constituent back home going to work every day, 40 hours a week, sweating like hell and paying taxes?

This is going to be one of the most crucial issues that you will vote on this year. If we don't stop this, it's going to be another scandal. Vote no on this rule.

□ 1430

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I rise, as I rarely do, in support of a rule.

Now, my colleagues will remember that some years ago when the Synthetic Fuels Corporation legislation was before this body, I was about as unpopular as an illegitimate child at a family reunion. That was because I felt that the bill at that time went too far and that it unwisely afforded access to the public treasury for enormous sums of money to people who would not spend it correctly. Those expectations have been realized, but still I urge my colleagues to support this rule—for a very special reason. I urge them to support it because when you are out to do in something as irresponsible and as evil as the Synthetic Fuels Corporation, you should do it thoroughly, and you should do it all the way. You should not do it by halves. You should not do it by thirds.

Now, my colleagues here know that I have spent considerable time, in the Subcommittee on Investigations and Oversight of the Energy and Commerce Committee investigating the Synthetic Fuels Corporation and the way that its Board of Directors and officers have behaved. Their behavior has been both shameful and shameless. They have been exceedingly careless with the public money, but they have been extraordinarily careful to live very well at the public expense, while contributing nothing to the public wealth.

Now, these rescissions which would be offered by my good friends and colleagues, and I commend them for their concern, would cut the amount of money that can be spent by the Synthetic Fuels Corporation back to $2 billion, or to some slightly larger sum of money. That is probably a desirable thing, but those rescissions will still leave in place the Synthetic Fuels Corporation.

Now, the Board of Directors and the employees of the Synthetic Fuels Corporation remind me of a very highly pampered congregation of well fed, well cared for hogs. They have slopped exquisitely well at the public trough and they needed apparently very little in the way of instruction on how it is

that they should live well at the public expense.

Let me share with my colleagues just a few of the extraordinary excesses we have uncovered at the Synthetic Fuels Corporation.

Salaries. In an unrestrained orgy of spending, Synfuels officials have lavished money on themselves in high salaries, outrageously generous fringe benefits and luxurious headquarters. Eight Synfuels officials earn more than Cabinet secretaries. Five others are paid at the $69,000 Cabinet level, and 55 of the agency's 177 employees make more than $50,000 a year. The Synfuels Corporation president earns $135,000 a year, and one vice president makes $108,000!

Fringe benefits. All Synfuels employees are allowed to sock away 6 percent of their salaries in a savings-retirement plan, to which the Federal Government contributes 50 percent more. The SFC also pays the full cost of medical and dental insurance, and vests employees 50 percent with retirement benefits within 6 months of their employment—and fully vests them within 1 year. These benefits are unheard of in other Government agencies or for that matter in the private sector.

Luxury accommodations. The SFC is headquartered in four floors of prime office space in downtown Washington. The building is equipped with saunas, as well as squash and racquetball courts. Synfuels officials signed a 5-year $10 million lease! To achieve the appropriate degree of splendor, $522,919 was spent by the SFC to refurbish their headquarters. The costs included $14,661 for the services of an interior decorator, $374,739 for furniture, and $83,260 for carpeting the executive suites.

Travel. Synfuels executives have been diligently exploring golf courses, sauna baths and night clubs around the world. The Corporation's travel expenses amounted to almost $600,000 in 1981-82. The vice president for technology is clearly the Marco Polo of Synfuels. Some months he is away from his office for more than 10 working days. He flies to energy industry meetings in such posh resort areas as Palm Springs, Aspen, London, Bermuda, Brussels, and Dusseldorf.

If the rule is rejected and if the amendments are accepted, you will have eliminated potentially a few projects, but you will have left this well-bred congregation of fatted and well-living hogs slopping well and comfortably at the public trough.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I will yield to the gentleman in just a minute, and I do apologize to the gentleman. I have the spirit in me and I have to let it forth.

The hard fact of the matter is that the Board of Directors of the Synthetic Fuels Corporation and all of their friends, cronies, and relatives will continue to build the most extraordinary group of retirement benefits, the most splendid offices, the most delightful vacation programs and the most extraordinary salaries within the power of the Federal Government to give. They will live extremely well at the public expense.

My plea to the body here today is a very simple one. The Synthetic Fuels Corporation is not going to give up in the absence of an adequate number of members for a quorum and there is no prospect that they will get one. And it is unlikely that, in the foreseeable future, there will be any new projects.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. FROST. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. DINGELL. Mr. Speaker, what I would urge my colleagues to do is let us be like the old bull and the young bull. The young bull said, "There are cows in the other field. Let us run down and entertain one." The old bull said, "Son, let us walk down and entertain them all."

My counsel is, let us be patient. Let us wait. Let us attend to the Synthetic Fuels Corporation in a proper way when we can.

In the meantime, they are as ineffectual as they can be. We can attend to them properly through the legislative process instead of through an inadequate mechanism that simply cuts back on the amount of money they can spend on projects. If we were to take that course, we could deal with the absolutely splendid style of living to which they would like to become permanently accustomed rather than merely reducing their overall budget.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, let me ask the gentleman, and we appreciate this assurance, I happened to have been a supporter of the program up to this point.

Mr. DINGELL. I was really not.

Mr. DICKS. But I think it should be reformed. Now, I know it is investigation and oversight, but can we expect substantive changes in the program?

Mr. DINGELL. Oh, let me tell the gentleman this: I have never given my word on this floor that I am going to do somebody in that I did not do so.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to begin by yielding to the gentleman from Iowa. I understand he has a question he would like to address to the chairman of the committee.

Mr. TAUKE. Mr. Speaker, I thank the gentleman for yielding.

If I could have the attention of the distinguished chairman of the Energy and Commerce Committee before the gentleman leaves, I was listening to his comments and I get the strong impression that the gentleman is willing to bring forth a measure which would abolish the Synthetic Fuels Corporation.

I wonder if the gentleman could tell us when we might mark up this bill in committee to get rid of the Synthetic Fuels Corporation, and I am sure the gentleman from Mississippi will yield so he can answer that question.

Mr. LOTT. Mr. Speaker, I would be glad to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, just as soon as we have the proper substance and the proper opportunity, I assure the gentleman that that will be my goal.

Mr. LOTT. Mr. Speaker, I rise in strong opposition to this rule. I wish it were possible to simply defeat the previous question here and amend the rule to make in order the Conte and Wolpe-Synar amendments to rescind $9 billion and $10.25 billion for the Synthetic Fuels Corporation. But unfortunately, the precedents indicate that it is not in order to amend a rule on the floor to make in order a nongermane amendment, so our only recourse is to send this back to the Rules Committee and let them put those amendments in order with the necessary waivers. We lost it on a 4-to-7 vote yesterday.

Mr. Speaker, I am not one who is enamored with waiving rules or making in order nongermane amendments. Ordinarily our plate is full enough without having to introduce additional courses. But I am convinced in this instance the waivers are necessary because we're really not talking about piling more on our plates—we're talking about trimming some fat—$9 to $10 billion in Federal fat to be precise. We're talking about going on a little fiscal diet around here which is long overdue given our deficit situation. We're not talking about a crash diet that will starve the Synthetic Fuels Corporation to death. Even with the rescissions provided in the Conte and Wolpe amendments we're still left with about a $9 billion synthetic fuels program.

Back on June 27 of this year I joined with my leadership colleagues on this side of the aisle in writing to the President in support of the synthetic fuels policy he announced on May 14. In that letter we expressed our agreement with the need to rethink the level of Federal subsidies available for the Synfuels Program. We said, and I quote, "Especially in light of the need to eliminate unnecessary Federal

spending, continuing massive subsidies to the corporate sponsors of uneconomic synfuels projects are indefensible." We went on to indicate that the President's proposal to rescind half the moneys available to the Corporation is, and I quote, "a good compromise that all of us can support."

In a June 26 letter to the author of one of the rescission amendments, Mr. CONTE, OMB Director Stockman expressed the administration's strong support for his attempt to offer the rescission amendment to the Interior appropriations bill. In response to those who argue that no outlays will result from the $19 billion in budget authority available for synfuels subsidies, Mr. Stockman wrote, and I quote:

Virtually every dollar committed to a project by the Synthetic Fuels Corporation will lead to a dollar of outlays. The prudent adjustment proposed by the President and embodied in your amendment recognizes this changed reality and would protect the deficit from a synthetic fuels outlay hemorrhage while preserving a program that in total is equal to nearly forty times the annual DOE Fossil Energy research budget.

Mr. Speaker, if there was ever a time for us to waive the rules to help restore some fiscal sanity around this place, this is it. This is not a half-baked proposal. The Conte amendment to rescind $9 billion narrowly lost in the Appropriations Committee by a vote of 17 to 23, while another Conte amendment to rescind $5 billion lost on a vote of 19 to 22. Over 230 of our colleagues have cosponsored H.R. 4098, the Synthetic Fuels Corporation Fiscal Accountability Act which calls for a reform of the program. I have received a letter signed by some 13 national organizations urging that these rescission amendments be made in order—groups that include the Sierra Club, the Wilderness Society, Friends of the Earth, Environmental Action, and the National Audubon Society.

While this vehicle may not be the most perfect one to carry out this policy, we should understand that realistically it's the last train leaving the station this year. You can talk about rules violations and committee jurisdictions until you are blue in the face, but the fact remains that this is the only way we are going to get a vote on this issue and have a chance to save some $9 to $10 billion in one fell swoop. Both of our party platforms will be long on rhetoric about deficits this year, but here's an opportunity to put our votes where our platitudes are.

Let's vote down this rule, send it back to the Rules Committee and bring back a rule that gives us this last chance to strike a major blow for fiscal responsibility in this Congress.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the distinguished chairman of the subcommittee.

Mr. YATES. I think that there is the opportunity to consider it if OMB would send a Presidential rescission request to the Congress, which it has not done. OMB has professed to be opposed to further funding of synthetic fuels projects, and yet it has not yet sent down an appropriate rescissions request. If that request were sent down here, it could be considered within 1 week, at the longest 25 days need go by before it can come to the floor as a matter of highest privilege.

The fault here lies at the doorstep of OMB.

I would hope, speaking for myself and for the Interior bill, that the rule were sustained, because I would not want the same fate for the Interior bill that befell the Transportation bill. I would not want it wound up in the Transportation Subcommittee.

Mr. LOTT. Mr. Speaker, if I could reclaim my time, I really think that by defeating this rule now and making these other amendments in order we might help the gentleman in his effort to pass this bill. There is opposition to the bill now because of not having this opportunity that might not be there if given the opportunity of at least debating it.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield on that point?

Mr. LOTT. I would be glad to yield to the gentleman from North Carolina.

Mr. BROYHILL. I would like the attention of the gentleman from Michigan, because my understanding is on that very point that the legal counsel for OMB said that this could not be done legally and that the Congress would have to take the initiative to change the law in order to rescind this.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Michigan.

□ 1440

Mr. WOLPE. I thank the gentleman for yielding.

I simply would like to indicate that a number of members of the House Budget Committee did approach the administration with a letter requesting precisely the action of their initiative for rescission. We received back a letter in response saying they did not believe they had the authority because of the unique manner in which the SFC was created in the first place and that is the nub of the problem.

Mr. YATES. Will the gentleman yield?

Mr. LOTT. I am happy to yield to the gentleman from Illinois.

Mr. YATES. The problem was OMB did not send down a pure rescission request. It sent down a multiple request, and under the Rules of the House that was referred to a legislative committee.

Mr. LOTT. I urge my colleagues to vote against this rule.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished chairman of the Committee on Science and Technology, the gentleman from Florida [Mr. FUQUA].

Mr. FUQUA. Mr. Speaker, I think we need to look back in the 1970's and around 1980 when those of us who were here were experiencing gas lines and people were demanding that something be done about it. I think we have to go back, and my good friend from North Carolina and many of the others, the distinguished majority leader, were here. If you go back and look at the circumstances that existed back in that period of time and ask yourselves has that changed, are we energy sufficient: no, we are not energy sufficient. We are in a temporary glut and prices have been depressed.

But we have no assurances that that is going to continue year after year when just recently we saw almost daily that some barge tanker in the Persian Gulf was burning afire, and that could happen again today. Other disruptions could happen to the world's supply of oil.

Next week, with the concurrence of the leadership, we hope to bring up the authorization bill for the Department of Energy and at that time I plan to offer an amendment that would transfer some approximately $2 billion from the SFC into the Department of Energy to be used over a period of years for small demonstration projects, not commercial size and not laboratory size, that could demonstrate nonnuclear technology, could be energy conservation, solar, geothermal, fossil, preparation of fossil fuel, all manners of types that could be utilized for that so that when we do need this technology, whether it be the SFC or SFC, Jr., or whatever, that we will have the better expertise in order to make technical decisions about the important issues that we will be facing.

I hope we will not use a meat ax today and try to remove all of this money. I have not been pleased at the SFC. I am disappointed. But let us not wreck the whole program just because we do not like somebody that is in there or somebody's mismanagement that may have taken place.

So I urge that we support this rule and support the bill. It comes from the Appropriations Subcommittee on Interior. Many other programs, all of the energy programs with the exception of weatherization, will be subject to a point of order, and I do not think we in this House want to assume the responsibility of having the other body write our energy legislation.

We have a responsibility in this House. I think we can do that.

The gentleman from Michigan has indicated his interest in trying to work to improve and make functional the Synthetic Fuels Corporation. I hope we can do that, and I hope that we can approve this rule, we can act in a responsible fashion and try to move to solve our energy problems.

My friends, listen to me. Our problems are only temporary right now as far as thinking they are solved. They are a long way from being solved in this country, and this country is even more dependent on oil today than we have ever been before. We have had problems with acid rain. We have problems with our nuclear industry. Our solar industry, opportunist as it may be, has not been able to achieve what we would like it to do.

We have a lot of problems facing us and I hope we can move this rule and get on with the business of trying to solve our energy problems.

Mr. RUDD. Will the gentleman yield?

Mr. FUQUA. I will be delighted to yield.

Mr. RUDD. I hope the wisdom of the gentleman in the well's remarks will not go over the heads of the people here because the synthetic fuels industry in South Africa, which I recently visited, has proved that we can have synthetic fuels at the rate of about $2.50 a gallon for gasoline.

Mr. Speaker, twice during the 1970's this Nation found itself grossly unprepared to deal with a serious energy crisis. Nevertheless, once the waiting lines cleared at the gas pumps, we quickly forgot the pain. We forgot how vulnerable we really are to manipulation of our energy supplies from abroad.

It is only a matter of time before our own oil and gas reserves are depleted. By the next decade, the United States will likely import between 40 and 45 percent of its petroleum, up from the current one-third. By the year 2010, it is projected that domestic oil reserves will be only 44 percent of their 1982 level representing less than 5 years' production; gas reserves will decline by 60 percent during the same time period, representing less than 6 years' production in 2010.

There is no question that the United States will have to develop a synfuels industry to meet the energy requirements necessary for strong economic growth and national security.

However, the high capital costs and technical risks now required to design, construct and operate synthetic fuels projects are acting as a barrier to involvement by even the largest energy companies.

True, synfuels now cost more than conventional energy resources. The purpose of the Synthetic Fuel Program, however, is simply to provide the know-how, experience and fair amount of plant—with some Government support—so that the United States would not be left helpless in the event of another energy emergency.

I recently had the opportunity to visit South Africa which has been very successful in synfuels production. The South Africans' Sasol II and III plants consume some 32 million tons of coal per year and in turn provide that country with 40 to 60 percent of its transportation fuel needs. The cost of fuel there is about $2.50 per gallon, or about $50 per barrel.

The estimated average international price of crude oil as of mid-July is $28.65 per barrel.

There is obviously a difference in price, but not so large a difference that synfuels could not become a viable option should we again be faced with the sort of energy crisis we experienced twice during the 1970's.

It is also true that the Synfuels Corporation's Board no longer has enough members left to make a quorum and conduct business. The answer, however, is not to abandon the Corporation and its objectives, but to appoint a board of quality individuals and get on with the business of ensuring our Nation's energy self-sufficiency.

I urge my colleagues to vote for the rule. Let's not forget the severe energy crises we experienced during the last decade by abandoning this effort to develop a viable, economical synfuels industry that will help us cope with any future energy crises that may arise.

Mr. QUILLEN. Mr. Speaker, I would like to remind the Members that in the shale areas of this Nation there are 1.8 trillion barrels that are available if we develop it properly. Let us imagine that we allocate $1 a barrel to apply against our national debt. It would wipe it out completely.

Now, what is wrong with going forward with a program that has so much potential?

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, I am delighted to join with my colleagues to try to correct a mistake that we in Congress made a couple of years back, and I am delighted to join in this effort to curb what is undoubtedly the biggest corporate welfare project that we endorse here in Congress.

I think it is interesting to look at what is being said in response to this effort to save $9 billion. The first thing that has been said is that we should do the whole job, that instead of just trying to save $9 billion we should wipe out the Synthetic Fuels Corporation.

As a member of the Energy and Commerce Committee I was delighted to hear the chairman of that committee offer that as a response. But it is not a very effective response because for the last year and one-half there have been members of our committee, including the ranking member, the gentleman from North Carolina [Mr. BROYHILL], who have tried to get the Synthetic Fuels Corporation dissolved.

But what has happened? Has there been a committee meeting to discuss the issue? No. Has there been a subcommittee markup on the bill? No. Has there been a subcommittee hearing on the legislation? No.

It is very interesting that the chairman of the committee comes here and tells us that we ought to get rid of the Synthetic Fuels Corporation when for the last year and one-half a majority of the members of the committee have wanted to do that and we cannot get any action.

The bottom line is that when we get down to talking about taking action on this issue the leadership on the other side of the aisle circles the wagons to protect this corporate welfare. That is the bottom line. And I think that the Members of this House should realize that despite the rhetoric we have been unable to move on this issue, and this is an opportunity to do it.

The second thing the opponents of our effort say is that we ought not throw out the baby with the bathwater. There is some good that can come from the Synthetic Fuels Corporation, they say, so we do not want to destroy it.

Mr. Speaker, this amendment does not destroy it. It essentially does one thing. It leaves enough money for the research to continue and for the demonstration projects to continue, but it stops the subsidization of commercial production of synthetic fuels. That is an important policy change—a change that is needed.

When Congress established the SFC in 1980, making available $19 billion for related activities, oil prices were projected to reach $75 to $124 per barrel by 1990; America was dependent on imported oil for 18 percent of its energy supply; and the memories of gas lines were fresh in the minds of millions of Americans. Today, since the President took office, the price of imported crude oil has declined more than 25 percent, and oil imports are down 33 percent compared to 1980 levels.

As a consequence of these changes, the presumptions that underlie the current Synfuels Program are inconsistent with the realities of today's marketplace and with the realities of today's Federal budget deficit. It is apparent that continuing the Synfuels Program at the pace envisioned in 1980 will require enormous budget outlays that would not be offset by any economic benefits. A rule should be granted which will enable us to discuss this issue and to debate the level of

Federal funding—if any—that is required by the synfuels program. I urge my colleagues to vote against the rule and to support effort to reduce the funding for the SFC.

The SPEAKER pro tempore. The Chair would observe that at this point the gentleman from Texas [Mr. FROST] has 18 minutes remaining and the gentleman from Tennessee [Mr. QUILLEN] has 16 minutes remaining.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, this is the first time in the 6 years that I have been in this body that I have risen to oppose a rule. I do not do so lightly. I would not be here if I felt there was not so much at stake, and if there was any reasonable procedural alternative.

But the fact of the matter is that the manner in which the Synthetic Fuels Corporation was created in the first instance has made it totally exempt from the normal appropriations and authorization process that takes place annually.

We are told that simply the desire to reduce the appropriation constitutes legislation on an appropriation bill. But then we are told we cannot even amend the annual authorization bill unless the authorization committee itself acts on the Synfuels Corporation provisions of the current law.

This is the core of the problem: the Synthetic Fuels Corporation, when it was created, was designed to be insulated from congressional oversight. The argument was advancd that it was important to allow some continuity in the development of a Synfuels Program, and the Corporation needed to be insulated from capricious actions of the Congress.

But the purpose of the insulation was to protect us from the exercise of commonsense. There is not a Member of this body that is not aware that there is no more highly publicized example of waste in the entire Federal budget than the Synthetic Fuels Corporation.

□ 1450

And it is not solely a question of management incompetence and conflicts of interest. What is also at issue is the simple fact the technologies that the SFC seeks to commercialize are not yet sufficiently mature. The corporations that are involved simply do not know what they are doing.

Let me emphasize that the issue is not whether one is pro or con synfuel development. I for one believe we ought to have a very significant synfuels research and development effort. I think more funds should be put into the research and development of synthetic fuel. What is at issue in the Synthetic Fuel Corporation debate is whether or not we should be throwing subsidies at corporations not for research and development but for the premature commercialization of synthetic fuels.

The oil and coal interests want those subsidies so that they can avoid the cost and the risk of synfuels development. They would love to have the American taxpayers assume the full cost and the full risk, and that is the issue before us now.

If you are going to support this rule, you are saying that you are prepared to allow the taxpayers to assume the risk and the burden and the cost that should properly be assumed by the corporations.

Let me say one last thing. To those of you who have suggested we should let the normal legislative process run its course, I would point out that last year I introduced legislation that 230 Members of this body cosponsored that would prohibit the Synfuels Corporation from making any further allocations until the Congress had an opportunity to review and approve its spending plan.

Not only did a majority of the Members of this body cosponsor that legislation, but a majority of the members of all three committees to which that bill was referred lent their names as cosponsors. Yet that legislation simply has not moved. This floor vote is the only chance we will have to vote against the wasteful spending of the Synthetic Fuels Corporation. I urge a "no" vote on the rule.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. MCKINNEY].

Mr. MCKINNEY. We are having fun here today in this election process. I have been fascinated. We have managed to bring it into everything from Christopher Columbus to synthetic fuels and God knows where we will go. But let us put November 1984 behind us for a moment, ladies and gentlemen, and let us take a look at a few basic facts; do not anybody go home and say that by rescinding this money you are going to save the taxpayers not one single dime.

You are not going to save any more money than if you rescinded FHA allowances for underwriting mortgages.

Now, that is fact one.

Fact two, are you going to save money? No. Because you do not even have a quorum on the board of the Synthetic Fuels Corporation. They cannot do anything. The money is needed for an expression, however, of our commitment. Think about it for just a moment.

I agree with my good friend from Michigan that the Synthetic Fuels Corporation needs a swift kick somewhere in the barnyard that he was discussing. But what has really happened? You have a Director of OMB, Mr. Stockman, and you have an administration, unfortunately mine, that has seen fit to put members on that Board who wish to destroy the Corporation, who have seen fit to hire a counsel, no longer with them, who saw fit to destroy the Corporation. No wonder the Corporation does nothing, as my friend from Michigan would say, but live high.

However, how soon you forget. My good friend from Massachusetts who I have known for some of the best years of my life said, "Pity the poor working man."

Well, I pity the poor working men when my working men could not get to work because there was no gas, they could not get to work; and their factories were greyed out in Bridgeport down to 40 percent of delivery. So they went home, even if they could get to work, without work.

How quickly we forget.

And have things improved in the Persian Gulf? My God, they are worse. We have a war going on between Iran and Iraq that will make the 100 Years' War look like a simple thing. We have a powder keg of the crazies and looney-bins throughout the entire world in charge of our energy.

The very same people who say we are going to save money, which is not true at this point, are turning around and saying to me, which I will not do; that we should spend hundreds of millions of dollars on defense, sophisticated weapons and so on and so forth, when this Nation is indefensible if it does not have energy independence.

This Nation's foreign policy and its defense posture in the long run are going to be totally controlled by this Nation's ability to produce an independent energy market. It was why in 1977 I came to you on this floor and we outlawed the exportation of Alaskan oil. That is why the majority leader and myself and several others sat for 18 months trying to put some commitment on the part of the greatest Nation in the world to be independent from the crazies and crackpots who, by an act of God, sit on top of the energy in this world.

Think about it. You are asking your people to suffer the greatest budget deficit in the history of this country to sacrifice for weapons and armies which have no sustainability whatsoever without energy independence. We have 80 days, 80 days' worth of fuel in the strategic petroleum reserve; 80 days, think about it.

I have not yet found a fighter plane that will fly with solar power.

My friend, Mr. SYNAR, who I greatly respect, in September 1983, to the Washington Post said, and I quote: "I believe in the free market but I am a pragmatist. Reality dictates that something more than the free market is going to be necessary in a crisis."

Are we so incompetent that through this back door stupid way of trying to

limit this corporation, are we so incompetent that we cannot—

Mr. CONTE. Will the gentleman yield?

Mr. McKINNEY. I have no time.

I spent 4 years; we must have this authorizing committee bring the Synthetic Fuels Corporation to a sensible stance; we need it.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, over the last 2 years I have had the responsibility as chairman of the subcommittee on Environment, Energy and Natural Resources of the Committee on Government Operations to have oversight over the Synthetic Fuels Corporation. I have also served as ranking member of the Subcommittee on Fossil and Synthetic Fuels of the Committee on Energy and Commerce, where we have authorization over this same corporation.

It is over this last 2 years that I come to you today with the realization that we must do something now. What I would ask you to do today is cut through the rhetoric which we are going to hear in the next hour with respect to this rule.

This issue does not involve energy security. If it does then I think the Arabs are going to find it very interesting that we are prepared to spend $92 a barrel for oil and we are inviting them to raise the price to that level.

This is simply a question of corporate welfare. I did not say it, the gentleman from Iowa did not say it, Getty Oil said it when they reviewed the Synthetic Fuels Corporation.

Very simply what we have here is the failure by the Synthetic Fuels Corporation, plain and simple.

We cannot and we will not meet the goals this Congress set for this corporation.

But more importantly, synthetic fuels are not commercially viable now. They are not commercially viable now. If they were, the industry would be embracing this corporation. But in reality they are running from it.

The issue here today is, Mr. Speaker, very simple; what are the priorities of this Congress going to be? This year alone 3 million children will be without a school lunch program, 300,000 families off welfare, 1 million people less receiving food stamps, and yet we are about to put $2.7 billion into one corporation, $1 million a day for 6 years.

That is not the type of priorities I think this Congress wants. If you are from Texas and Oklahoma, I want you to go home after this vote and I want you to tell your oil producer that you are prepared to pay $92 a barrel for oil when all they can get is $25 a barrel.

□ 1500

And I want you to go to your gas producer and say you are prepared to pay them only $3, but you are willing to buy from the Synfuels Corporation for $12.50. Not priorities I think that producing State Congressmen can rally around.

What we are doing by this simple rule is this: We are not killing this Corporation because all of us who are concerned about it are commited to the synfuel development in this country. But we have made a commitment of $3 billion up to this point and whichever amendment is allowed to come on this rule will still allow $3 billion more. If $6 billion is not a commitment to synthetic fuels, I do not know what is.

In conclusion, let me say very simply, if you believe in energy security you can support the defeat of this rule because what we are saying is that we do not want energy security at any cost.

If you believe that we must hold the line and set priorities in this Congress, then you can support the defeat of this rule.

But most importantly, if you believe in fairness and equity, you can do no less than to defeat this rule.

Mr. Speaker, I rise in strong opposition to the proposed rule. I do so reluctantly because I have great respect for the chairman and the committee. But I do so adamantly because there is an injustice in this rule, and there is an injustice in the Federal Government that is going to cost the American taxpayer billions of hard-earned dollars if we don't act now. We must cut money from the Synthetic Fuels Corporation and, to do so, we must defeat this rule.

Quite frankly, Mr. Speaker, I will stand second to none in concern for this Nation's energy security. I have devoted the lion's share of my time here in Congress to energy issues—in particular the security of this Nation's energy supplies. The issue before us today, however, is not an issue of energy security. It is an issue of how that energy security is most productively achieved at the lowest possible cost to the taxpayer. The question is not whether we need an insurance policy, the question is what kind of coverage that policy provides and how much that policy costs. In my view the Synthetic Fuels Corporation represents little more than marginal security—at best—but at a staggering and mostly unnecessary cost.

As chairman of the Environment, Energy and Natural Resources Subcommittee and ranking majority member of an authorizing subcommittee, I believe that I have followed the Corporation's trials and tribulations as closely as any other Member of Congress. There can be little argument that the SFC's 4-year history has been fraught with incompetence, mismanagement and cronyism. And throughout this period I have often been a vocal critic of the program's direction, or lack thereof. Yet I refrain from supporting specific synfuels legislation, intent on assessing the merits of the program on its substance rather than its reputation. But now, after 4 years, we know precisely what the program is all about. We know what projects the SFC intends to support, what they offer and what they will cost the taxpayers of this Nation. And, most important perhaps, we know what the SFC has been unable to do and what this program will never achieve. The simple fact is, synthetic fuels will not be commercially viable for the foreseeable future. When they are industry will do it—and without billions of dollars in Federal handouts.

Yet we sit here today with no control over this program. At any time, an operating quorum of directors can be reinstated and billions of taxpayer dollars in contracts rushed out the door.

If you consider nothing else today, I urge you to go beyond the traditional rhetoric surrounding this issue, to go beyond the image of the Ayatollah, beyond the image of Persian Gulf strife, and focus on the substance of this program—the projects themselves. It's the projects that make the program.

My Government Operations Subcommittee recently received a GAO report culminating a 6-month investigation into the SFC's proposed assistance to the Union Oil Co. Not long ago, the Union phase II oil shale project was awarded a $2.7 billion letter of intent representing the SFC's largest and most costly project. I will not dwell on all of the questions raised by this report other than to say that the American taxpayer will be paying Union Oil Co. an average of roughly $1 million each and every day for 6 years beginning in 1989 if the SFC finalizes this contract as it intends to do. And what are we buying? We are buying Union Oil a 20-percent rate of return to expand a facility that Union so far has made 20 unsuccessful attempts to operate; $1 million a day to the tune of $2.7 billion. This is exactly what the vote is all about today—priorities and equity. By shutting the door on our opportunity to address this issue now, as the present rule does, we are opening the door for Union Oil Co. and others like it. A vote for the rule is not less than a vote to hand over $2.7 billion to Union Oil.

Should we be concerned now about billions of dollars that won't be paid out of the Treasury until 1989? I think the answer is obvious, since we are looking at outyear budget expenditures every day. Moreover, it is estimated that a 1-percent rise in interest rates now will add $10 billion to interest payments due in 1986; this will

cause us to borrow more money and push rates up higher. Where will we be in 1989?

This is a question I was repeatedly asked over the recent recess. During the 3-week period I visited 80 towns in my district and met with thousands of my constituents. Time and time again the message was clear: cut the deficits, bring interest rates down and stop mortgaging our future and our children's future. We all know that we must reduce our deficits, both those we have now and those we are still creating. But, I ask you, where are our priorities? In the last 3 years we have stripped 300,000 families of welfare benefits, 1 million Americans of food stamp assistance, and cut 3 million children from the School Lunch Program. In Oklahoma alone, 7,000 families—mostly workingwomen with dependent children—have been told they are no longer eligible for Federal assistance. And the elderly remain in fear of further Social Security cuts and rising health care expenses—to which the Government responds we can no longer help with. I ask you, where are our priorities?

We now know that the SFC is not merely providing incentives for synfuels development, it is guaranteeing lucrative profit margins that will result in billions of dollars in additional budget outlays. The program has become, as the chairman of Getty Oil warned it would in 1980, nothing more than corporate welfare.

In conclusion, I ask only for the opportunity for the House to reassess the wisdom and merits of the present synfuels program before it's too late. It is after all a $13 billion responsibility, it is our responsibility and it deserves our immediate attention. Yet the Rules Committee has said that we cannot address this issue. We cannot address whether it makes sense to pay Union Oil $1 million a day—because, they say, it is not germane. I would suggest that perhaps there is nothing more germane than precisely this issue. It is an issue of priorities. It is an issue of equity.

The amendment Mr. WOLPE and I wish to offer does not gut the Synfuels Program. The Government has already committed over $3 billion to synfuels projects—leaving $3 billion available under our proposal provides a $6 billion commitment. Hardly gutting the program. Our rescission—a $10.25 billion rescission—would make a clear and responsible fiscal statement. A statement that says: At a time when Congress must hold the line on lunches for schoolchildren and health care for the elderly, we will not stand idly by while Union Oil is guaranteed payments of $1 million a day. This is what we are voting on today. I urge you to vote for fiscal responsibility and against billion dollar corporate handouts. I urge you to vote "No" on the rule.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL. Mr. Speaker, it is time to stop squandering the billions of dollars that have been made available for the Synthetic Fuels Program. Anyone who has followed the continued debate on this issue must come to the inescapable conclusion and that is that billions of dollars are being poured down a rathole.

Now, the gentleman from Connecticut and others have referred to the energy security and they asked whether or not we should be developing an energy supply source that would contribute to the Nation's energy security.

Mr. Speaker, in order to contribute to energy security the technologies that we develop must be, No. 1, reliable, they must be cost effective, they must be environmentally sound. In addition, the industry that we develop must be able to sustain itself and grow on its own.

To date, not one single project that has been put before the SFC has met this criteria. In fact, what we have is a long list of dropouts. Exxon has dropped out, Westinghouse has dropped out, Ashland Oil has withdrawn from their project, SOHIO has dropped out, Mobil has dropped out, Panhandle Eastern, and the list goes on and on.

In other words, if these projects are not economically viable and we cannot sustain them without massive amounts of Federal subsidies, let us not start them. If an energy industry cannot survive, how in the world can it contribute to energy security?

Mr. Speaker, the SFC has before it a number of projects and they project that the product that they will get from these projects will amount to only 135,000 barrels a day. That is if they work. In fact, the Union Oil, phase 1 project, they cannot even get to work.

All I am saying to my colleagues is that by continuing to pump billions of dollars into a program that you are going to have continued billions of dollars to operate is no way to create energy security. All we are doing is just ending up bankrupting ourselves.

Mr. Speaker, all we are asking for is an opportunity to debate this issue. The 1980 Interior appropriations bill included appropriations for this program. They now have $13.3 billion in uncommitted funds. All we are asking is that the Members vote to rescind a little part of this.

The administration's position is that we rescind $9 billion and require that the other projects that are funded from the amounts left, the subsidy, have some relationship to the price of competing fuel.

So join us in voting down this rule so we can get the Rules Committee to bring back a rule that we can live with.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. Mr. Speaker, I have known the chairman of the Energy Conservation and Power Subcommittee of the Committee on Energy and Commerce, a very close friend and I greatly respect my chairman, but I have got to disagree with him on this issue.

The Synthetic Fuels Corporation, established with the best of intent, has proved to be a total failure. It simply is not time in terms of technology or in terms of cost to commercialize synthetic fuels.

I totally support the proposal of my other chairman, the gentleman from Florida [Mr. FUQUA] to create a fund to transfer funds from this Corporation and to use them for research and development so we can get this technology and price to a point where the oil companies, who have ample resources, can take it over and it would become a commercially viable option for us.

But to try to commercialize something that is not subject to commercialization, to put money, as the Synthetic Fuels Corporation is proposing to do, in a Union Oil project that the projected product cost will be $92 a barrel and therefore will be totally unsalable, just does not make any sense at all.

I do not think that the gentleman from Michigan [Mr. WOLPE] and the gentleman from Oklahoma [Mr. SYNAR] have gone far enough. I think that we ought to do away with the Synthetic Fuels Corporation, put the money back into research and development authorized by the Science and Technology Committee and proceed on that basis. We ought to be developing the technology for synthetic fuels. We ought not to be commercializing it.

The scandals that have arisen in the operation of this Corporation are just outrageous. Of some dozen projects of commitments made only one small project has gone forward and that project, according to its sponsors, would have gone forward without Federal money.

So that the Corporation, after having spent $3 billion of the taxpayers' money or committed it, has not done a thing worth while.

I would urge defeat of this rule.

Mr. QUILLEN. Mr. Speaker, it is easy to forget the past. My mind goes back to 1973 when we did not have the gasoline, when we did not have the means to get to work and we would have paid most any price per gallon because it is a necessity.

Today we are arguing about a reduction of a program that has great possibilities. I do not just mean producing oil from oil shale, I mean from coal, and from other synthetic energy possibilities.

If we should gut the Synthetic Fuels Program, then we would be making a terrible mistake.

If we have a corporation in the private enterprise system and we have a bad board of directors and bad managers, it does not mean that you scuttle the Corporation, it means that you scuttle the directors and the managers.

That is what we should do to the SFC. But now let us get down to the business of passing a rule and doing whatever is necessary for the people of this Nation, for our national security. Let us not defeat the rule over a difference of opinion on the means, when we agree on the end—a reliable oil supply for America. Let us work out our differences in conference.

Mr. Speaker, to close debate, I yield 5 minutes to the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Speaker, I rise to request my colleagues not to vote down the rule for the Interior appropriations and related agencies bill for fiscal year 1985.

I am pleased to join with my chairman in doing that, the chairman of the Committee on Energy and Commerce in doing that; the chairman of the Committee on Science and Technology, the gentleman from high on my subcommittee, the distinguished gentleman from Tennessee, who is the ranking member on the Rules Committee, the gentleman from Texas on my subcommittee.

Let me say to my colleagues it has been said here today that we tend to have short memories and I am afraid that is true.

□ 1510

This is a piece of legislation that I have worked on for quite some time, and I agree that there are problems with its management. But the way to solve that kind of a problem is to fire the managers, not to kill the program. The way to take care of a poorly managed program is to get rid of the people managing it.

And I have heard my friend from Florida, I heard my friend from Michigan say that they were going to have hearings. And that is the way to do it. Not by killing the rule for this bill.

I do not know how many of my colleagues came to me and talked to me about matters of great importance to them and to their districts and to their States that we are trying to take care of in this appropriation bill. We have done our best, and we have talked to many of you since we marked up. You are all aware of what is in this appropriation bill. And I do fear that if you vote down this rule today we may never see this bill again. We may end up with some kind of a continuing resolution. Is it a secret to anybody that the clock is ticking, the session is coming to an end? I hope not, my friends. It is.

But I want to try to put something else in perspective for you, too. And it is important that we think about it and remember it. Our yearly transfer of wealth for imported oil from this Nation to the exporting oil nations of the world—the Saudis, the sheiks, the shahs, and the rest of them—is $60 billion a year, $60 billion a year of our wealth being transferred out of this Nation.

That figure is pretty much what it was in 1973 when the oil embargo hit. And I hope you remember what my friend from Connecticut said, my distinguished colleague who spent so much of his time working on this side of the aisle to prevent a reoccurrence of that problem. You bet, gas lines; you bet, soaring prices; you bet, economic disruption in this country and around the world.

The International Energy Agency just did a 2-month crisis scenario asking what would happen if there were a "partial"—please note the word—partial disruption of oil supplies in the Persian Gulf—not total, not like the last embargo, a partial embargo. Their scenario produced a world price figure of $98 per barrel of oil with a partial disruption. Think of it.

Call the Library of Congress. We fund them. We asked them to tell us on hypothetical situations what the impact on our Nation is if something happens. Well, I will tell you what they concluded. They concluded that there would be a "catastrophic"—that is their word, not mine—catastrophic drop in the GNP of this Nation, as much as possibly 30 percent of the GNP of this Nation.

Do you want to talk about unemployment? Do you want to talk about inflation? Crank $98 a barrel in the economy of this Nation and see what kind of inflation you have got in this Nation. Look at the unemployment lines that will occur then.

My friends, I try to bring that to you for one reason. That is where all this started. That is where we were in 1980 when this Congress and succeeding Congresses decided not that we need a new market crowd to develop synthetic fuels. Obviously, that is not what we were looking for. We decided in the national interest of this Nation, in the interest of our security, our global security, our economic security, our national security, that we had to embark upon a program that would attempt to insulate us from those parts of the world, as my friend from Connecticut said so ably, which can cause disruption tomorrow—tomorrow. That is the reason that we set this organization up. That is the reason we did not tie it to a commercial reaction. It is not supposed to be competing with the private enterprise in this country.

Let me say to my colleagues, this is a most important issue and I hope that you will think about what we have said here and vote for this rule.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. McDADE] has expired.

Mr. QUILLEN. I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. McDADE. I thank my distinguished colleague for yielding additional time. I will not try to take it all. I tried to make the point I think that needed to be made, and I hope that when you walk into the door to vote in the Chamber, when you think about your vote, you remember those gas lines, you remember that we are the one Nation of the world that today has aircraft carriers operating in the Persian Gulf. We are the Nation in the world again that has your young men and your sons and your daughters exposed to death and destruction in the Persian Gulf. And it could happen tomorrow. Why are we there? We are there because of this thing called energy, we are there because of our reliance and the free world's reliance on energy supplies around this world. We are there because perhaps the best analogy I have heard is that the world oil pool is rather like a swimming pool and if you pull the stopper, it all flows out.

Remember, my friends, if you want to see this Nation have some kind of independence of its own, security of its own, if you would like to see us in a position where we are not bound to events that may occur in the Middle East, vote for this rule.

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Colorado [Mr. KOGOVSEK].

Mr. KOGOVSEK. Mr. Speaker, I rise to support the rule on H.R. 5973, the Interior Department appropriations for fiscal year 1985.

I am particularly concerned about efforts that would allow a premature floor vote that might cripple the U.S. synfuels program.

Mr. Speaker, this synfuels amendment was rejected by both the full Appropriations Committee and the Subcommittee on Interior Appropriations. The Committee on Rules also rejected this. To allow this action now, would be an extreme circumvention of regular procedures.

Currently, the House Energy and Commerce Committee, chaired by Representative JOHN DINGELL is conducting hearings and considering comprehensive legislation dealing with the U.S. Synfuels Program. A waiver of rules for this rescission of previous

years appropriations would be an end run around this committee of jurisdiction especially since, as I understand it, the proposed recission would contain specific language for some type of "market value" or "cost per barrel" test. I believe this proposal would be vague and difficult to implement. We should not consider this on the floor without hearings by the Energy and Commerce Committee.

The bottom line is that this amendment has been offered at least three times and defeated. There is comprehensive legislation pending to address this issue and we should follow our own procedures and rules.

Mr. Speaker, I urge my colleagues to support the Interior Committee appropriation bill.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I rise in support of the rule, and I would like to make two points. The gentleman from Oklahoma mentioned earlier that synthetic fuels are not commercially viable now. I think we are all agreed on that point. Is that not the reason the Synthetic Fuels Corporation was created? Is that not the reason the Synthetic Fuels Corporation was created? Is not this agency in existence to help markets be developed, to help the development of products that we are going to need in the long term?

The gentleman from Massachusetts calls it corporate welfare. Let me tell you of a coal gasification plant that may come to my area. The welfare it creates is 2,000 construction jobs a year for 3 years and 800 full time jobs, to take our dirty high sulfur Illinois coal and turn it through an environmentally clean process into anhydrous ammonia fertilizer for our farmers. Is that corporate welfare? I think not. That is helping the economy and jobs.

The job that we have before us today is not to excoriate and find some way to eviscerate this agency but rather put the blame where it lies, in the personnel of the agency. I did not hear my colleagues arguing to cut the appropriation for the Environmental Protection Agency. Well, let us not do it for synfuels. Let us vote for the rule.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 7 minutes to the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, I rise in support of the rule. I think it would be a gross mistake for us to signal, only 5 years following the Arab oil embargo and the long gas lines of 1979, that we have forgotten all about that and that we are now in retreat from our bold commitment to energy independence.

Just think what signal that would sent to the Qadhafi's and the Khomeini's of this world—that we no longer are serious about making this Nation of ours invulnerable to their pressures.

Let me show you what we are talking about. Synthetic fuels are the way in which the United States can make itself invulnerable and independent of those nations which wish us less than well. By God's grace we have enough resources in this country, if we have the wit and the will to develop them on our own, that we can be energy independent.

We are going to run out of oil and gas. Experts do not disagree. They may disagree on how long. But within one generation, or two at the most, the experts in geology tell us that our voracious appetite for energy and power will have exhausted all those resources that it took nature some millions of years to lay down under the Earth in the form of oil and gas deposits.

□ 1520

But what do we have? Out in the Rockies of Colorado on the western slope, we have as much oil in the shale rock as exists in the Persian Gulf. Think about it. These four vials that I hold in my hand offer a clear demonstration of what has been developed under this Synthetic Fuels program.

Here in the first vial we see rock cracked from the shale on the western slope of the Rockies. In the second vial, that cracked rock has been retorted; it has been subjected to a high-pressure, high-intensity heat, and reduced to an ash.

The third vial shows the crude oil which that crushed ash yields. In the final vial, we have the pure golden distillate from the refined crude oil.

There is enough of this in the Colorado Rockies to replace all the oil in the Persian Gulf. Are we foolish enough not to develop efficient means of extracting it before we run out of oil and gas reserves?

Let us think about coal. The United States could be the Middle East of the world in coal. We have about one-third of all the world's known coal reserves. This little lump of coal which I hold in this second display contains every property of crude oil. This vial contains crude oil gained from crushing and exposing coal to a high-pressure process; hydrocoal. The liquid in that little vial is a high-grade, low-sulfur content oil. This was produced 12 years ago.

It is not that we do not have the technology; it is not that we need research. We need to develop it. Is it too early? There are those who say, "We do not have time to develop a commercial product." Well, the Germans developed a commercial product as long ago as World War II. They kept the Luftwaffe and the Weirmacht operating for many, many months after they would have been out of business had it not been for their very crude processes of using that soft, brown coal from the Ruhr Valley, and making high-octane aviation gasoline out of it. It is not anything new.

We were warned as early as 1952 by the Paley Commisssion that we were going to run out of oil and gas, and if we had had any vision, we would have begun then developing commercially useable synthetic fuels. We did not do it but South Africa did.

With only one forty-fourth of our gross national product, that little country already has developed commercially viable synthetic fuels from coal. They make gas, butane, propane, plastics, fertilizer. They make everything that we can make out of crude oil. They do not have any crude oil, but they are not vulnerable to the Arabs. Have we less vision than they?

I agree that those who have been appointed to the Synthetic Fuels Corporation have not behaved in the way that they should. Their sin has not been that they spent too much; but that they have done too little. They were commissioned by this Congress with a mandate to develop actual production of not less than 500,000 barrels a day by 1985, and not less than 2 million barrels a day by 1990. Their sin is that they have not prosecuted the program vigorously enough. Their sin is that they have ignored the congressional mandate.

Someone said, oh, we have allowed $6 billion to go forward in loan guarantees. Now, to rescind loan guarantee money is not to reduce the deficit by one thin dime, any more than if we were to rescind the money for FHA loan guarantees. You would not save any money; you would build fewer houses. That would be the result of this. We would not save money, we would stretch the time getting to our goal of energy independence.

If you think that $6 billion available in loan guarantees is too much, stop to think that we are being drained by $60 billion every year because of our vulnerability to Arab oil.

In 1941, we had vision. We ran out of rubber. The Japanese took over our rubber supplies. Franklin Roosevelt called Bernard Baruch and Bill Jeffers together and said we must develop synthetic rubber. Nobody knew how to do it; we did it because we gave it enough priority. We made a crash program out of it, and 3½ years later, when the Allies rolled into Berlin, they rolled on rubber tires made from an indigenous American synthetic rubber industry.

We can be that Nation again. That is the message that we need to send to the Khomeini's and the Qadhafi's of the world. Not that we are so penurious that we worry about a little bit of money in loan guarantees and quail at

the relatively small cost of becoming energy independent.

They are not afraid of our weapons; they might be afraid of our energy independence. And in the long run, our independence as a nation depends as much upon that as it does upon the weapons.

Mr. FROST. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 148, nays 261, not voting 24, as follows:

[Roll No. 316]

YEAS—148

Addabbo	Flippo	Natcher
Akaka	Foley	Nelson
Albosta	Frost	Nichols
Alexander	Fuqua	Nielson
Andrews (TX)	Gaydos	Nowak
Annunzio	Gibbons	Oberstar
Applegate	Gonzalez	Parris
Aspin	Gray	Patman
AuCoin	Guarini	Patterson
Badham	Hall, Ralph	Pepper
Bellenson	Hall, Sam	Perkins
Bennett	Hance	Pickle
Bevill	Harrison	Price
Boggs	Hatcher	Quillen
Boland	Hawkins	Rahall
Boner	Hefner	Ratchford
Bonior	Hightower	Ray
Boucher	Hubbard	Regula
Breaux	Huckaby	Reid
Britt	Hutto	Rodino
Brooks	Jenkins	Rogers
Bryant	Jones (NC)	Rose
Byron	Kazen	Roth
Carper	Kogovsek	Rowland
Carr	Kolter	Rudd
Chappell	Kramer	Sabo
Clinger	LaFalce	Schulze
Coelho	Lantos	Shuster
Coleman (TX)	Leath	Skelton
Cooper	Lehman (FL)	Smith (IA)
Coyne	Leland	Snowe
Crockett	Levitas	Staggers
Daniel	Lloyd	Torres
Dannemeyer	Loeffler	Traxler
Darden	Long (LA)	Valentine
Daschle	Long (MD)	Vandergriff
de la Garza	Lundine	Volkmer
Derrick	Matsui	Watkins
Dingell	Mavroules	Wheat
Dixon	Mazzoli	Whitley
Donnelly	McDade	Whitten
Dorgan	McKinney	Winn
Duncan	Mica	Wirth
Durbin	Mineta	Wise
Dwyer	Moakley	Wright
Early	Mollohan	Wyden
Edwards (CA)	Montgomery	Yates
Edwards (OK)	Murphy	Yatron
Fascell	Murtha	
Fazio	Myers	

NAYS—261

Ackerman	Berman	Brown (CO)
Anderson	Bethune	Broyhill
Andrews (NC)	Bilirakis	Burton (CA)
Archer	Bliley	Burton (IN)
Barnard	Boehlert	Carney
Barnes	Bonker	Chandler
Bartlett	Borski	Chappie
Bateman	Bosco	Cheney
Bates	Boxer	Clarke
Bedell	Broomfield	Coats
Bereuter	Brown (CA)	Coleman (MO)
Collins	Jones (OK)	Rangel
Conable	Kaptur	Richardson
Conte	Kasich	Ridge
Conyers	Kastenmeier	Rinaldo
Corcoran	Kemp	Ritter
Coughlin	Kennelly	Roberts
Courter	Kildee	Roe
Craig	Kindness	Roemer
Crane, Daniel	Kleczka	Roukema
Crane, Philip	Kostmayer	Roybal
D'Amours	Lagomarsino	Russo
Daub	Latta	Savage
Davis	Leach	Sawyer
Dellums	Lehman (CA)	Schaefer
DeWine	Lent	Scheuer
Dickinson	Levin	Schneider
Dicks	Levine	Schroeder
Dowdy	Lewis (CA)	Schumer
Downey	Lewis (FL)	Seiberling
Dreier	Lipinski	Sensenbrenner
Dymally	Livingston	Sharp
Dyson	Lott	Shaw
Eckart	Lowery (CA)	Shelby
Edgar	Lowry (WA)	Shumway
Emerson	Lujan	Sikorski
English	Luken	Siljander
Erdreich	Lungren	Sisisky
Erlenborn	Mack	Skeen
Evans (IA)	MacKay	Slattery
Evans (IL)	Madigan	Smith (FL)
Feighan	Markey	Smith (NE)
Fiedler	Marlenee	Smith (NJ)
Fields	Martin (IL)	Smith, Denny
Fish	Martin (NC)	Smith, Robert
Florio	Martin (NY)	Snyder
Foglietta	Martinez	Solarz
Ford (MI)	McCain	Solomon
Ford (TN)	McCandless	Spence
Fowler	McCloskey	Spratt
Frank	McCollum	St Germain
Franklin	McCurdy	Stangeland
Frenzel	McEwen	Stark
Garcia	McGrath	Stenholm
Gejdenson	McHugh	Stokes
Gekas	McKernan	Studds
Gephardt	McNulty	Sundquist
Gilman	Michel	Swift
Glickman	Mikulski	Synar
Goodling	Miller (CA)	Tallon
Gore	Miller (OH)	Tauke
Gradison	Minish	Tauzin
Green	Mitchell	Taylor
Gregg	Molinari	Thomas (CA)
Gunderson	Moody	Thomas (GA)
Hall (IN)	Moore	Torricelli
Hall (OH)	Moorhead	Towns
Hamilton	Morrison (CT)	Udall
Hammerschmidt	Morrison (WA)	Vander Jagt
Hansen (UT)	Mrazek	Vento
Harkin	Neal	Vucanovich
Hartnett	Oakar	Walgren
Hayes	Obey	Walker
Hertel	Olin	Weaver
Hiler	Ortiz	Weber
Hillis	Ottinger	Weiss
Holt	Owens	Whitehurst
Hopkins	Oxley	Whittaker
Howard	Packard	Williams (MT)
Hoyer	Panetta	Williams (OH)
Hughes	Pashayan	Wolf
Hunter	Paul	Wolpe
Hyde	Pease	Wortley
Ireland	Penny	Wylie
Jacobs	Petri	Young (AK)
Jeffords	Porter	Young (FL)
Johnson	Pursell	Zschau

NOT VOTING—24

Anthony	Hansen (ID)	Rostenkowski
Biaggi	Heftel	Shannon
Campbell	Horton	Simon
Clay	Jones (TN)	Stratton
Edwards (AL)	Marriott	Stump
Ferraro	O'Brien	Waxman
Gingrich	Pritchard	Wilson
Gramm	Robinson	Young (MO)

□ 1540

The Clerk announced the following pairs:

On this vote:

Mr. Anthony for, with Mr. Horton against.

Mr. Young of Missouri for, with Mr. O'Brien against.

Messrs. COURTER, SOLARZ, HOYER, and PANETTA changed their votes from "yea" to "nay."

Messrs. SOLARZ, EDWARDS of Oklahoma, and HANCE changed their votes from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ROBINSON. Mr. Speaker, I missed the last vote because I was in a meeting room where the voting lights did not come on. If I had been present, I would have voted against the rule on the Interior appropriation bill.

EDUCATION AMENDMENTS OF 1984

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 550 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 550

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11) to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

After the passage of H.R. 11, the Committee on Education and Labor shall be discharged from the further consideration of the bill S. 2496, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 11 as passed by the House, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. After the passage of S. 2496, it shall be in order to move that the House insist upon its amendment to the said Senate bill and to request a conference with the Senate thereon.

□ 1550

The SPEAKER pro tempore. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield myself such time as I may consume.

Mr. WHEAT. Mr. Speaker, House Resolution 550 is an open rule providing for the consideration of H.R. 11, the Education Amendments of 1984. The rule provides 2 hours of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Education and Labor. Section 402(a) of the Congressional Budget Act is waived against consideration of the bill.

The rule makes in order the Education and Labor Committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment. The amendment in the nature of a substitute is to be considered by titles, instead of by sections, with each title considered as read. Clause 7 of rule XVI is waived against the substitute. One motion to recommit with or without instructions is provided.

After passage of H.R. 11, the Education and Labor Committee is discharged of further consideration of S. 2496. The rule makes in order a motion to strike out all after the enacting clause of S. 2496 and to insert the text of H.R. 11 as passed by the House. Clause 7 of rule XVI is waived against the House amendment to the Senate bill and a motion is in order for the House to insist upon its amendment to the Senate bill and to request a conference with the Senate.

Mr. Speaker, the rule waives section 402(a) of the Congressional Budget Act which requires authorizing legislation to be reported by May 15 prior to the beginning of the fiscal year. This technical waiver is necessary because certain programs which are receiving appropriations for fiscal year 1984 are currently unauthorized. The bill merely authorizes programs that are already funded by fiscal year 1984 appropriation acts. But a violation of the Budget Act still occurs.

The rule also waives clause 7 of rule XVI, germaneness, against the Education and Labor Committee amendment in the nature of a substitute. This waiver is necessary because the original bill was a straight reauthorization of several education programs and the committee amendment is broader in scope than the original bill. Among other things, the committee amendment also contains a substantial revision of the Bilingual Education Program which was not included in H.R. 11, as introduced.

The rule also waives clause 7 of rule XVI, germaneness, against the House amendment to the Senate bill, S. 2496, because the Senate bill only deals with adult education and, again, the House amendment is broader in scope than the Senate bill.

H.R. 11 reauthorizes 11 education programs that expire at the end of fiscal year 1984. The programs extended are: the Adult Education Act; the Bilingual Education Act; the Impact Aid Program; the Women's Educational Equity Act; the Indian Education Act; the Asbestos School Hazards Detection and Control Act; the Emergency Immigrant Education Program; the National Assessment of Educational Progress; the National Center for Educational Statistics; general assistance to the Virgin Islands; and, the Territorial Teacher Training Program. These programs are reauthorized for 5 years, through fiscal year 1989, except adult education, which is extended for 2 years through fiscal year 1986.

Mr. Speaker, the bill substantially revises the Bilingual Education Program and makes clarifying changes in the Indian Education Programs, the Women's Education Equity Act, and the National Assessment of Educational Progress. The other programs are extended without significant changes.

Mr. Speaker, House Resolution 550 is an open rule. While there may be controversy surrounding specific provisions of the bill, the rule provides Members the opportunity to offer amendments. I know of no opposition to the rule and I urge its adoption.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 550 is a rule that provides three waivers of the rules of the House in order to permit consideration of a hastily drawn, haphazard package of amendments to various education programs.

The rule is an open rule and it provides for 2 hours of general debate. Those are the noncontroversial aspects of this rule. The waivers in this rule, as well as the provisions of the bill itself, deserve a closer look.

The rule waivers a basic element of the Budget Act, and it includes two waivers of the germaneness rule for the substitute reported from the Committee on Education and Labor.

Mr. Speaker, the Budget Act waiver in this rule is of section 402(a) of the act. That section requires a committee to report authorization bills in advance of the fiscal year for which they create new budget authority. In this case, the bill authorizes new budget authority for fiscal year 1984, but was not reported prior to May 15, 1983.

As a matter of fact, this bill was not reported from the Committee on Education and Labor until May 15, 1984, 1 full year past the deadline contained in the Budget Act.

Now what do these circumstances indicate to my colleagues, one might ask. They indicate that the Committee on Education and Labor did not consider the elements of this bill, H.R. 11, to be necessary for inclusion in the budget resolution for the current fiscal year, fiscal 1984.

Mr. Speaker, it might be argued that the Budget Act waiver in this rule is a technical matter, because all the bill does is authorize programs not previously enacted for fiscal year 1984.

That is the reason the waiver is provided, because the committee did not meet its reporting deadline in 1983.

But that is not the only Budget Act problem with this bill. During our consideration of the rule in the Committee on Rules, we were told that this bill is $725 million over the amount contained in the first budget resolution passed by this House for fiscal 1985.

The Members will surely recall that budget debate, and remember the comments made that the budget was going to be a pay-as-you-go budget, with only modest increases for necessary defense and health programs.

This rule paves the way for consideration of a bill that is being brought up outside of that pay-as-you-go process. If the Members who supported that first budget resolution are serious about their concept of pay-as-you-go, they will surely want to defeat this bill.

The rule provides a waiver of the House rule governing germaneness, not just once but twice. First, the committee substitute is made germane to the original bill. Then, the committee substitute is made germane to the Senate-passed bill, now resting on the Speaker's table.

The rule also makes in order a motion that the House insist upon whatever is left of H.R. 11 following our amendment process, so that the managers can move directly to a conference with the other body.

Mr. Speaker, the members of the Committee on Education and Labor are once again up to their old tricks. They want to repeal portions of the Budget Reconciliation Act of 1981 that placed caps on the rate of spending growth for some of these programs. They want to take a simple, 3-page re-

authorization bill and turn it into a 95-page omnibus education package. Their package, which is the committee substitute, not only makes substantive changes in existing law but also creates entirely new programs not contemplated during our earlier budget deliberations.

Mr. Speaker, I make these comments merely to warn the Members that we will have lengthy, protracted debate on this bill.

If the Members thought our debate on the Rehabilitation Act extension was quarrelsome, then I suggest they brace themselves for yet another conflict on this legislation.

Mr. Speaker, since the rule allows for amendments to H.R. 11, and since there will be responsible amendments offered, I am not going to oppose this rule.

I sincerely hope, however, that this rule does not further widen the breach between our ability to gain control of Federal spending and our proclivity to engage in politically partisan program building.

□ 1600

Mr. WHEAT. Mr. Speaker, as I previously stated, this is a straightforward and open rule providing for 2 hours of general debate on the educational amendments of 1984.

I have no further requests for time. I know of no controversy on the rule, and I urge its adoption.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 550 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 11.

The Chair designates the gentleman from New York [Mr. McHUGH] as Chairman of the Committee of the Whole and requests the gentleman from Indiana [Mr. SHARP] to assume the chair temporarily.

□ 1605

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11) to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes, with Mr. SHARP (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Kentucky [Mr. PERKINS] will be recognized for 1 hour, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 1 hour.

The Chair now recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, H.R. 11, the Education Amendments of 1984, reauthorizes 11 education programs that contribute to our national commitment to promote equity and improve quality in education. Most of these programs expire at the end of fiscal year 1984, so we must act favorably upon this legislation to ensure their uninterrupted funding.

H.R. 11 extends and amends the following education programs: adult education, impact aid, Indian education, bilingual education, women's educational equity, asbestos school hazard detection and control, emergency immigrant education, the National Assessment of Educational Progress, the National Center for Education Statistics, general assistance for the Virgin Islands, and territorial teacher training. Thus, it is an omnibus education bill, encompassing large formula and small discretionary programs. Current appropriations for these programs range from $585 million for impact aid to $1 million for territorial training.

The legislation extends all of these programs for 5 years, through fiscal year 1989, except adult education, which is extended for 2 more years.

The reason we have packaged all of these programs together in an omnibus bill goes back to the passage of Gramm-Latta II, the Omnibus Budget Reconciliation Act of 1981. At the same time it made budget cuts, that law extended the programs in this bill and many other elementary and secondary education programs through fiscal year 1984, regardless of their expiration dates. Thus, the committee was confronted with the unique situation of having most of our major authorization laws come up for renewal at the same time. Given the limited amount of floor time in the congressional schedule this year, it would simply not have been feasible to attempt to bring separate reauthorization bills for all of these programs to the floor.

The programs in the bill have undergone scrutiny by the Subcommittee on Elementary, Secondary, and Vocational Education during 21 days of hearings this Congress. The bill is the product of open discussion and compromise and has bipartisan support.

All of these programs augment our efforts to provide access to individuals who might otherwise be overlooked by our educational system and to generally enhance excellence in education. The amendments in H.R. 11 seek to strengthen these programs and address problems we have uncovered in their administration through the oversight process.

We took care in committee to keep the cost of this bill reasonable. For most of the larger programs—including impact aid, adult education, bilingual education, and immigrant education—we authorize such sums as may be necessary. This will enable Congress to annually determine, through the appropriations process, a suitable funding level for each of these programs, taking into account current economic conditions. For the Indian Education Program, Congressman KILDEE will be offering an amendment later to ensure that the committee's intent of authorizing a modest amount for that program is carried out. For the Asbestos School Hazard Detection and Control Program, the bulk of the authorization—$75 million for loans to school districts to remove and abate asbestos—will be paid back to the Federal Government. The remainder of the programs, the smaller, discretionary programs, do contain specific authorizations, but they are not excessive; the largest is the $50 million authorized for women's educational equity. I would like to highlight some of the major provisions of the bill.

IMPACT AID

Among the major provisions of H.R. 11 are those related to impact aid. This program, which reimburses school districts whose revenues and costs are affected by the presence of federally connected children and Federal property, took a 39-percent cut between fiscal years 1980 and 1982. We are still well below the 1980 level of appropriations, not even counting inflation. The quality of education has eroded in many impacted school districts because of these cuts. Some have been forced to try to charge tuition to military families, to borrow funds, to ask the Department of Defense to take over the responsibility for operating their schools.

H.R. 11 extends this program in order to guarantee high quality education for dependents of military personnel, Indian children, and other federally connected children. The bill reauthorizes the payments for category "B" children, whose parents either live or work on Federal property, but not both. Although the "B" payments were scheduled to expire under the provisions of the 1981 Reconciliation Act, the committee believes these students, and the loss of commercial property tax related to the presence of Federal property associated with these children, continue to place a burden upon local school districts. Let me emphasize that we are not proposing full funding of category "B," but are merely proposing to continue these "B" payments at the same authorization as last year, which is one-third of full funding.

A second impact aid amendment in H.R. 11 raises from $20 million to $21 million the ceiling for section 2 payments to school districts experiencing a partial loss of tax base due to the Federal acquisition of property.

BILINGUAL EDUCATION

In the bilingual education program, after long and arduous discussion, we have arrived at a bipartisan compromise. Under this compromise, we retain the basic focus of the program, to teach English language skills to children of limited English proficiency, but we permit a specified amount of funding to be used to support some programs which are alternatives to the bilingual education method. These alternative programs do not have to include instruction in the students' native languages; 4 percent of all funds up to an appropriation of $140 million and 50 percent of any new money above the current appropriation of $140 million, but not to exceed 10 percent of the total Federal funding, may be used to support these alternative programs.

We have also incorporated a number of amendments into the bilingual program to tighten up the accountability and improve the quality of the projects. These provisions would reward excellent programs with special grants, improve evaluation criteria, support research on effective techniques for educating youngsters of limited English proficiency, and make information about successful practices more readily available.

The bill attempts to update bilingual education by establishing new programs for integrating English-speaking children into the bilingual classes to help them learn foreign languages while the other children learn English; for training parents and other family members of children of limited English proficiency; and for bilingual preschool, gifted and talented, and special education programs.

The legislation also continues the emphasis in current law on training persons to fill the shortages of qualified teachers of bilingual education.

ADULT EDUCATION

The Adult Education Act of 1966 distributes funds to States to establish and support programs to help educationally disadvantaged adults acquire basic skills and obtain high school equivalency. Although evaluations show this program to be enormously successful, we are only reaching 2 million adults each year of the over 20 million adults who are functionally illiterate. Therefore, the committee bill extends the program without amendments for 2 more years, authorizing such sums as may be necessary for fiscal years 1985 and 1986. We extended this program for a shorter period than the other programs so that the committee might have more time to study the impact of several pending amendments to this act.

WOMEN'S EDUCATIONAL EQUITY

The Women's Educational Equity Act provides discretionary grants to public and private nonprofit organizations and agencies for projects to promote quality education for women and girls at all levels of education. With a limited appropriation of less than $6 million, the program has been successful in such areas as developing new curriculums, increasing access of females to educational programs, and establishing model training programs for educational personnel. The committee bill continues this program and makes several clarifying changes to ensure that it is administered as intended.

ASBESTOS SCHOOL HAZARD DETECTION AND CONTROL

Although there has been a Federal program on the books since 1980 authorizing funding for detection and removal of hazardous asbestos materials in elementary and secondary schools, this program has never been funded. The authorization is due to expire this year. Since the extent of the problem has not diminished—with as many as 14,000 schools around the country containing hazardous asbestos materials requiring removal—the committee bill extends this authorization so that we might continue to seek appropriations.

OTHER PROGRAMS

H.R. 11 extends the Indian Education Act and also makes needed improvements in the manner in which the Bureau of Indian Affairs administers the Indian education program.

The bill also extends without substantial change the Emergency Immigrant Education Program created by Public Law 98-151, to help school districts heavily impacted with immigrant children. The one-time appropriation of $30 million for immigrant children is clearly inadequate to address the educational needs of approximately 1.1 million legal and illegal immigrant children in this country.

Other programs extended without major revision include the National Center for Education Statistics—the Federal agency responsible for collecting and disseminating educational information—and two small programs of special assistance to the outlaying areas. The National Assessment of Educational Progress, a Federal program which provides data on the achievement of students in basic skills and other vital areas, is extended with a provision encouraging data to be made available on a State-by-State basis.

The committee also adopted amendments to reform the manner in which audit disputes are resolved within the Department of Education and to place certain education programs under more appropriate divisions within the Department of Education.

Thus, H.R. 11 is a broad but well-balanced package of necessary improvements and extensions in education law. With the growing enthusiasm for educational improvement and educational support all around the country, we cannot afford to let our constituents down and fail to reauthorize these vital programs this year. We ask each Member of this body to join with us and cast an affirmative vote for education this year.

□ 1610

Mr. GOODLING. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. I thank the gentleman for yielding and I thank him for his leadership on the subcommittee that approved most of H.R. 11.

Mr. Chairman, many of us on the committee including the ranking member from Pennsylvania attempted to improve H.R. 11 in its omnibus form, but we were unsuccessful in many ways in doing so.

Mr. Chairman, as I rise in opposition to H.R. 11 in its present form, I take note that this is being offered under an open rule and I would note to this House that this bill severely needs an open rule. I would also note we have waived the Budget Act.

I would note this bill not only waives the Budget Act but, in fact, it throws out and waives the entire budget that the majority of this House adopted last spring.

Indeed, what is wrong with H.R. 11 is, H.R. 11 is an omnibus bill containing a series of unrelated categorical grants, joined only because they have some impact on education and in addition, are all being reauthorized. But there is no need to reauthorize these grants this year and even if there were a need, there is no need to reauthorize these categoricals in an omnibus form, in a comprehensive form.

I support certain programs which are important. I support bilingual education, but if they are important, they are important enough to consider each on its own merits and not lump them together in an omnibus form.

What these programs have in common is the vast increases in the spending that is authorized, spending that has been estimated by the Congressional Budget Office because most of the programs are authorized for such sums. The spending has been estimated by the Congressional Budget Office to go from $900 million a year in fiscal year 1984 to over $2.7 billion for fiscal year 1985 and upward from there.

Now I understand that my friend, the gentleman from Michigan [Mr. KILDEE], will be offering an amendment to reduce that amount in the

Indian programs by $1 billion. I would note perhaps that is a good first step. It is clarifying the intent of the committee.

But that still increases the authorization levels of this one bill by almost 100 percent over this House's budget resolution that we have adopted, by increasing the authorization levels by $700 million in this one bill.

I would suggest to the House that the key amendment that will be offered after all others are offered and considered will be offered by the ranking member of the subcommittee from Pennsylvania which will reduce the funding back to the budget levels adopted by this House.

Many of us on this side of the aisle did not vote for that budget. All we are asking the House to do is to at least live within its own budget and reduce the spending levels back to the budgeted levels. I think that is fair; I think that is reasonable. I do believe that this House should not go on record in its very first week back after recess, after passing resolution after resolution at our conventions and townhall meetings that we are opposed to the deficit, this House should not go on record as breaking apart and destroying the budget, by adopting this $700 million increase, an increase of almost 100 percent in the first year.

Now on the subject of bilingual education, Mr. Chairman, I would tell the House that I support the section on bilingual education. It is a very special part, it is very special to my part of the country as it is I think to all sections of the country. I support the bill's present format for bilingual education and the intent of bilingual education.

Mr. Chairman, this Congress had allowed, in prior bilingual education Federal law, the Federal curriculum to become very rigid. In many States, school districts from Texas, and elsewhere had gone ahead of Congress in adopting more flexible curriculum in the classroom to find new ways to use bilingual education for the purpose of helping students acquire proficiencies in English.

Until bilingual education in this form is adopted, that is not in the current Federal law.

There is a compromise. You have heard about the compromise. The compromise is better than the status quo; it is a substantial improvement over the current Federal bilingual education law; it is a substantial improvement over anything the committee had considered previously.

The compromise consists of several parts. First, for the very first time in Federal aid to bilingual education, we have stated the acquisition of English to be the purpose of bilingual education. That is important, that is what parents are asking for, that is what students need in the classroom.

Second, we have adopted for the first time flexibility in curriculum. We have adopted flexibility so that school districts can, as they are doing around the country, use Federal assistance to design new types of curriculums, including structured immersion, fast track transition, English as a second language to design the curriculum that is best for that school district and for the students in that classroom. I think that is important.

Compromise includes some limited funding for these forms of alternative instruction. It would be my preference, and I worked for it, that funding should have been more. I would point out to the House that the funding amount for alternative instruction is not nearly so important, the amount is not as important as the fact that for the first time we have legislated in Federal law the alternative instruction of new kinds of curriculums, such as structured immersion and English as a secondary language, and fast track transition.

I commend my colleague from Michigan, Mr. KILDEE, and my colleague from Puerto Rico, Mr. CORRADA, and my colleague from Arizona, Mr. MCCAIN for their work in reaching this compromise, reaching this new and improved bill on bilingual education. And I do hope that the House passes that section of the bill.

It is my belief that H.R. 11 ultimately is not going to be passed into law. It is my hope with the good sense and good will on both sides of the aisle on bilingual education, that at some point in this session of the Congress we can bring the bilingual section of this bill back to the floor of the House and pass it as a freestanding piece of legislation.

I thank the gentleman for yielding.

Mr. PERKINS. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I rise in strong support for H.R. 11, the Education Amendments of 1984. I support extension of all the programs in H.R. 11. However, I would like to call particular attention to title II of the bill which extends the Bilingual Education Act.

The purpose of bilingual education is to enable the student to achieve proficiency in English. The native language is used to assure that in the meantime students are able to meet promotion and graduation requirements. Limited English proficient youth comprise 10 percent of the U.S. student population. This means that 1 in every 10 students comes from a non-English-speaking home with English language skills limited to the extent that they cannot benefit from the education they receive in an all English classroom unless their English language skills are improved. Bilingual programs currently operate in over 80 languages and serve a diverse group of students including Hispanics, Asians, Indian Eskimos, Italian, French, and Portuguese speakers, along with recent immigrants from Poland, Greece, and the Arab countries. However, in spite of the gains which have been made since the original enactment of the Bilingual Education Act in 1968, less than 10 percent of limited English proficient children are getting the bilingual education services they need.

The bilingual provisions of H.R. 11 represent a carefully crafted, bipartisan compromise developed through the efforts of myself, Mr. CORRADA, Mr. BARTLETT, and Mr. MCCAIN. The compromise expands the scope and flexibility of the Federal bilingual effort through the creation of new grant programs and, for the first time, allows Federal dollars to be spent in support of alternative instructional approaches. At the same time, it allows for the continuation of the proven transitional method of instruction. Even where the transitional methods are used, local school districts design the programs and determine the extent to which instruction will be provided in native languages.

As is the case with all true compromises, this is a fragile one reached after a long negotiation process. It has the support of the Congressional Hispanic Caucus and many prominent groups in the area of bilingual education and education generally.

Limited-English-proficient students are a Federal constituency in the same way as handicapped children, disadvantaged children, and other special-needs groups of children. Improving the quality of education available to the Nation's 3.6 million children of limited English proficiency is especially important because they have been found to be one of the most under educated of all groups of American children. The bilingual provisions of H.R. 11 provide instructional flexibility while improving the program to ensure these children receive the necessary services which will allow them to fully benefit from the education they receive.

I also would like to call attention to the title V provisions which are a continuation of congressional efforts to improve the education opportunities of native American students. The provisions of title V are a result of 5 years of oversight activity by the Education and Labor Committee involving hearings, meetings with administration and Indian education professionals, and my own visits to Indian schools located on reservations. It has the strong support of the Indian education and tribal community. Title V involves no new authorization or costs. It simply refines current law to see that con-

gressional mandates of the past are carried out.

I urge the adoption of H.R. 11.

□ 1620

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am rather disappointed with the manner in which this bill has been brought before us. First of all, I think it is important to say that none of the bill had to be reauthorized with one exception, impact aid, and that is being handled separately in the DOD authorization bill. But, actually, all of these pieces of legislation that are included here did not have to—I repeat—did not have to be reauthorized at this particular time.

In other words, we had plenty of time to do something that we should have done for a long time and that is come up with a comprehensive program dealing with education.

We have the public interested now in education improvement and so we should take the time that we need in order to find out what we are doing, whether we are doing something that is good for education, whether it is bad, whether there are ways to improve it. But the important point is we had time to do that. We did not have to extend these bills at this particular time.

However, we decided to go ahead. When we started, it appeared to be something that most of us could support because we were just talking about an extension, a simple extension. But as time went on, with only 1 day's hearing on every area of this piece of legislation, we decided in many instances to rewrite some very complicated and comprehensive legislation.

Today we find ourselves supporting many areas of the bill, but are faced with one vote because we have lumped them all together, which means that we do not have an opportunity to support those areas where we know we are doing well.

But again my major concern is that we are passing a comprehensive piece of legislation that did not have to be reauthorized at this particular time. We had plenty of time to think through it. We had plenty of time to rewrite it in an orderly and timely fashion.

Let me give my colleagues several examples. I am a strong supporter of bilingual education, for instance. But in bilingual education we do something that we do not do in any other piece of legislation. We mandate a method of instruction. I am not questioning how good or how bad that method of instruction may be. I am merely saying that it is certainly a questionable practice that we on the Federal level mandate a method. We do not do that, and I hope we will never ever do it, in any other program, but we do it in this particular bill.

So my problem with the bilingual title in this bill is that we are mandating a teaching method.

Second, I am afraid that we have added enough things to that particular title even though the appropriation is relatively modest that we are really taking money away from those who are most in need for a bilingual education program.

We have added several things to that bill. As I said, with a small amount of money. It seems to me we are not going to target those who are truly in need.

Now in another astounding move which I do not understand, which takes away this responsible partnership in search for a way to curb excesses of the past, the committee has now authorized programs that are $1.7 billion above the budget that this House passed, that the majority presented to the House, and the House accepted. It does not sound very fiscally responsible to me and both sides of the aisle are guilty of spending a great deal of time talking about fiscal responsibility. But here we are talking about a program that will be $1.7 billion above the budget that this House, under the majority leadership, passed.

Now, to Mr. KILDEE's credit, he will be offering an amendment that will reduce part of the bill by $1 billion and we will then still be over $700 million above the budget.

I will offer an amendment which will give every program in this bill an increase and, at the same time, remain within the majority budget that was adopted here on the floor of the House.

For instance, it would give adult education a $3.5 million increase over present spending. It would give bilingual education a $4.6 million increase over present spending.

□ 1630

It would give impact aid a $20.5 million increase over present spending Indian education, a $2.4 million increase, and on and on down through the list. It will give an increase to every area that we are dealing with in this bill and still will remain within the budget that again I mention was presented by the majority and adopted by the House of Representatives.

And I am talking about a 1-year situation only. If things are much better next year, we will have a golden opportunity, then, to increase what I am already increasing considerably.

So again let me say there are two problems I find with this piece of legislation. One is the fact that we did not have to reauthorize. We could have taken the kind of time that we needed to do a good job, with one exception, which was impact aid. That is being taken care of by the DOD authorization bill. And, second, we are talking about $1.7 billion over the House budget resolution when we adopt H.R. 11 if we do not pass some of the amendments that will be offered. The one that I am most concerned about is the one that I will offer that I said will give all of these programs an increase and still remain within the budget that the House adopted.

Mr. Chairman, I reserve the balance of my time.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from New York.

Mr. GARCIA. I thank my colleague, the gentleman from Illinois.

Mr. Chairman, I rise in support of H.R. 11, and specifically the section in the measure pertaining to bilingual education. This portion of the bill extends the Bilingual Education Act for such sums as may be necessary. The bill, as reported by the Education and Labor Committee, represents a bipartisan compromise, which allows Federal dollars to be spent in support of alternative instructional approaches to bilingual education while continuing support for the basic transitional method. This compromise represents a sensible and cautious approach to exploring the effectiveness of alternative methodologies, and provides flexibility to school districts serving large numbers of language minority students.

Mr. Chairman, for too long equality of educational opportunity for disadvantaged children has come in for particularly heavy attack. The section of H.R. 11 dealing with bilingual education will allow us to begin the process of evaluating different methodological approaches for teaching limited English proficient children.

Mr. Chairman, bilingual education is an instructional tool that has developed over the past decades to help students whose first language is not English overcome their linguistic and academic difficulties and perform as well as their English-speaking peers in school. The theory is that, by enabling students to master cognitive skill in the language they know best before making the transition to English, bilingual classes will prevent academic retardation.

My colleagues, there are an estimated 3.6 million pupils in the country judged to be in need of some form of special language assistance to enable them to cope with the regular school curriculum. The Federal Government began funding demonstration programs in bilingual education in the late 1960's and now reach roughly 315,000 children. It is safe to say that the total amount of money spent in

the field, would scarcely make a dent in the national budget for compensatory education programs. Over $3 billion, for example, was appropriated in 1980 just for title 1, the largest of such federally supported programs of special assistance to educationally deprived children in low-income areas.

Of all linguistic minority groups, Hispanic Americans, by virtue of their numbers in the population if for no other reason, would seem to have the most at stake in the survival of bilingual education. School enrollments of Hispanic children in some of our major cities alone tell a vivid story; in New York City, they currently comprise 30 percent of the school population: in Los Angeles 45 percent; in San Antonio 52 percent; in Miami 32 percent; in Denver 31 percent; in Hartford 35 percent. In the face of these figures, the question of how best to meet the educational needs of the children, a large proportion of whom speak only Spanish, or are not sufficiently proficient in either English or Spanish, becomes one of paramount importance for the country in the years ahead.

Unfortunately, Hispanic children as a whole have not fared well in the public education system. Typically they are two to three grade levels behind other students. A mere 30 percent manage to complete high school nationwide. In urban ghetto areas, the school dropout rate for Hispanics reaches as high as 85 percent. Less than 7 percent have completed college. In 1975–76, Hispanics received only 2.8 percent of the B.A. degrees awarded, 2 percent of masters degrees, 2.6 percent of the law degrees, 2.3 percent of the medical degrees, and 1.2 percent of all doctorates.

Not surprising, the income figures for Hispanics are very low. In 1978, Hispanic Americans in general had a median annual family income of $12,600 compared with $17,600 for the Nation as a whole. Puerto Ricans were the worst off, with a median family income of only $8,300 and 30 percent living in poverty. Only 8 percent of Hispanics held professional and technical positions, compared with 16 percent of non-Hispanics. Most were found in low-paying jobs in the service and manufacturing industries and in agriculture.

Mr. Chairman, as for minority children, their education is far too important a matter to be left to chance, vague hopes, rhetoric, or politics. All of us have an undeniable stake in their induction into the larger American society and their preparation to be effective, productive citizens. They are an inescapable part of the Nation's future and therefore of all our futures. I urge your support for H.R. 11.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the bill, H.R. 11. Education has always been the fundamental cornerstone of a nation. It is the building block that America as a nation has prided herself in. The ability to provide an excellent and equitable education to various sectors of the population and to meet the special needs of each sector is a unique asset of this country. H.R. 11, the Education Act Amendments of 1984, reinforces that cornerstone by reauthorizing several important programs including: the Adult Education Act, the Bilingual Education Act, the Impact Aid Program, the Women's Educational Equity Act, the Indian Education Programs, the Asbestos School Hazard Detection and Control Act, and the Emergency Immigrant Education Program.

Of particular concern to me is the Bilingual Education Program, which has been rewritten after heated debates at the subcommittee and committee level. The new version of the Bilingual Education Act represents a fair compromise from those on both sides of the issues. Most importantly it insures the continuance of a vital and necessary component on our educational agenda.

According to a National Institute of Education [NIE] study, there are currently an estimated 3.6 million children in the United States with limited English proficiency. The Bilingual Education Act was enacted in an effort to meet the needs of these children. Since it was initiated in 1969 the program has grown from that of 76 basic programs with 26,521 participants to 565 programs in 1980 with 350,000 participants. In the 16th Congressional District of Texas alone, bilingual programs reach approximately 27,000 students ranging from kindergarden to the 12th grade. Even with this tremendous growth, many limited English proficient children still remain underserved or completely unserved. At best, the figures show that only 10 percent of the children in need of bilingual education are receiving it.

Despite the obvious need for bilingual education, the Reagan administration cut the program by 20 percent in 1982 and sought to cut funding to $94.5 million in fiscal year 1983. Congress was able to retain the $138 million that had been previously appropriated, enabling the program to continue at skeletal levels. The administrations intent has been to phase out the Bilingual Education Program, as is evidenced by its fiscal year 1984 budget proposal of $95 million.

I find it ironic that after the President's Commission on Education published "A Nation at Risk," the administration chooses to address the problem by ignoring the educational needs of 3.6 million children. It is not accidental that the President's Commission found that "functional illiteracy among minority youth may run as high as 40 percent," when one considers that a significant number of our minority youth's native language is one other than English. The Commission's call to take up the challenge is not being responded to by this administration in the area of bilingual education. The words to the student in the Commission's report "You forfeit your chance for life at its fullest when you withhold your best effort in learning. When you give only the minimum to learning, you receive only the minimum in return" are frustrating to those students who are not able to receive even the minimum in education because of language difficulties. They cannot give their best effort in learning because we as a nation are not providing them our best effort in instruction.

The Bilingual Education Program embodied in H.R. 11 is an attempt to provide our best in instruction and maximize the best in education for our children. Because of the continued debate among educators regarding the best method to instruct limited English-proficient students, a new provision has been added to the Bilingual Education Act. H.R. 11 allows 4 percent of current moneys and up to 50 percent of new moneys to be used in alternative approaches to bilingual education in which the use of the native language is not required. With this provision, flexibility and exploration into alternative approaches for teaching students are encouraged, without jeopardizing existing programs.

The National Commission on Education concluded by stressing that the national interest is best served by a literate and informed public and challenged us to strive for academic excellence. Bilingual education is a crucial component in the strategy to rescue our nation at risk. It will become increasingly more important as the United States attempts to deal with the recent influx of immigrants from Asia and Central America. Ignoring this reality could result in the formation of a large underclass of language minority citizens excluded from full membership in society. Clearly there is no doubt that the cost of ignorance done away with by this program would far outweigh its absence. As a policy maker and a former educator, I am prepared to take up the challenge by supporting H.R. 11, and encourage my colleagues to join me.

Mr. ORTIZ. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Texas.

Mr. ORTIZ. Mr. Chairman, it is with great pleasure that I rise to offer my strong support for the bilingual educa-

tion program, which is included in the education amendments of 1984.

This vital program authorizes the allocation of much needed additional funds for bilingual programs, teacher training and retraining, research, and evaluation commensurate with the growth of the population of children who require bilingual education. Of even greater importance, this bill significantly increases the amount of available data on children of limited English proficiency and provides for additional information regarding the characteristics and outcomes of the bilingual programs designed to serve them through an increased emphasis on data collection, evaluation, and monitoring.

Improving the quality of education available to the Nation's 3.6 million children of limited English proficiency is especially important because they have been found to be one of the most undereducated of all groups of American children. Prior to 1968, when bilingual education programs were begun, the dropout rate among non-English-speaking students was spectacularly high. In some ethnic groups, fewer than 20 percent of the students completed high school. Since 1968, however, participants in bilingual education programs are four times as likely to finish high school and the number entering college has increased.

This bill does not call for special treatment for people with limited English skills. It simply provides them the opportunity to compete on an equal basis with other members of our society.

Mr. Chairman, H.R. 11 is essential if we are to continue providing an opportunity for children of limited English proficiency and equal chance for succeeding in, and contributing to, this great Nation.

I urge my colleagues to join with me and vote for this most important legislation.

Mr. HAYES. Mr. Chairman, I rise to join my colleagues in support of H.R. 11, the Education Amendments of 1984. First however, I would like to commend Education and Labor Committee chairman, CARL D. PERKINS, and his staff, on their tireless efforts in preparing this measure for floor consideration. Mr. Chairman, as we well know, any measure reauthorizing 11 programs not only merits a considerable amount of staff time but also merits a considerable amount of time and attention of the chairman of the authorizing committee. Both Chairman PERKINS and his staff deserve the praise of every Member of this Chamber.

The bill before us, H.R. 11, is a vital component in our Federal commitment to promoting equity and improving the quality of education offered to our citizens. The programs which this bill reauthorizes are due to expire at the end of the current fiscal year. They include: The Adult Education Act; Bilingual Education Program; the Impact Aid Program; the Women's Education Equity Act; the Indian Education Program; the Asbestos School Hazard Detection and Control Act; the Emergency Immigrant Education Progress Act; the National Center for Education Statistics; general assistance for the Virgin Islands and the Territorial Teachers Training Programs. H.R. 11 extends all of these programs for 5 fiscal years through fiscal year 1989, with the exception of the Adult Education Act which is extended through fiscal year 1986.

The programs incorporated in the bill are people-based programs that aim at helping individuals become productive members of our society. Education is our country's greatest resource and we must not hesitate to make a short-term investment that in turn will yield long-term results beneficial to the entire Nation. I urge my colleagues on both sides of the aisle to support this legislation in order to allow all Americans the chance to improve themselves through educational advancement and hard work. By doing so they will give hope and optimism to millions of Americans who without such assistance will view the American dream of self sufficiency as a dream deferred.

H.R. 11 continues a variety of programs that seek to address the needs of millions of Americans by providing them with the basic skills necessary for survival in our present society. One of the aims of this measure is to achieve educational parity for individuals who have special needs that can only be met through special attention. In that regard, the reauthorization of the Bilingual Education Act is particularly noteworthy.

With the ever increasing number of limited English proficient children entering our school systems, a strong bilingual education program is essential to bringing them fully into the American mainstream. The National Center for Education Statistics estimates that the limited English proficient population aged 5 to 14 will increase by 400,000 in this decade and by another 600,000 in the 1990's. The number of Hispanic children by some projections may double by the year 2000. Unfortunately, the current Federal Bilingual Education Program is only addressing a small portion of the total number of students in need of bilingual attention. H.R. 11 not only attempts to increase the number of students who are included in bilingual education programs, it also rewards quality programs and allows for the exploration of other approaches for teaching children of limited English proficiency.

Mr. Chairman, while all the programs reauthorized by H.R. 11 are extremely important, I would like to close my remarks by discussing the merits of the Impact Aid Program contained in the bill. The Impact Aid Program provides financial assistance to school districts in federally affected areas which include military bases, governmental offices, Indian lands, and public low rent housing projects. Established in 1950, the Impact Aid Program has assisted school districts in meeting the financial burden of educating children when there is a shortfall in the local tax base due to Federal ownership of property.

Unfortunately, year after year the program is slated to receive reduced funding and even termination. For example, allocations for the Nation's largest school districts have dropped from $62.4 million in fiscal year 1980 to $18 million in school year 1983–84. Many of the children affected by these cuts are disadvantaged, including poor children in low rent housing and children on Indian land. Given the economic condition of many of our school systems and the financial restraints imposed on them by State and local governments, the need for the Impact Aid Program is as vital today as it was when it was first established in 1950.

Mr. Chairman, by passing H.R. 11, the Members of this Chamber will strongly reaffirm the Federal committment to the partnership between local and State government in the area of education. Education must be accessible to all citizens regardless of race, sex, religion and national origin. I strongly urge my colleagues to support passage of the bill so that all our citizens may have the chance to improve themselves and realize the American dream.

Mr. PERKINS. Mr. Chairman, I want to take a minute to answer the gentleman from Pennsylvania [Mr. GOODLING]. He asked the question: Why do we need to reauthorize this year if these programs can be automatically extended?

While it is true that the General Education Provisions Act allows for an automatic 1-year extension of expiring education programs, the Appropriations Committee is already making appropriations in their bill for fiscal year 1985. So, in a sense, they are already using that authority. But if we wait until next year, by the time we could get a bill out committee, passed by the House, passed by the Senate, and signed by the President, several months, if not most of the year, will have elapsed and the Appropriations Committee would have no authority to put any money for fiscal year 1986 in the bill. They will undoubtedly start working on that next spring or early summer.

Mr. GOODLING. Mr. Chairman, will the gentleman yield on that statement?

Mr. PERKINS. Yes; I yield to the gentleman.

Mr. GOODLING. Is that why we had to reauthorize for 5 years, because it would take us so long to get around to doing anything?

Mr. PERKINS. Let me say to the gentleman that we always want stability in all these programs. And if we never let anyone know where we are going, we will always be up in the air and we will just cause unrest throughout the educational communities of the country. We have got to give some stability. We ought to authorize ahead of time. The only logical thing to do is to go ahead with this authorization.

Mr. GOODLING. Will the gentleman yield?

Mr. PERKINS. Yes; I yield.

Mr. GOODLING. It seems to me that we have some oversight responsibility, too. We should look a little more closely to see whether they are doing what we want them to do. Perhaps we should be making some changes. We might even come up with some new ideas. Wouldn't that be a surprise?

Mr. PERKINS. Let me state that we always look very closely and very carefully, and we do not authorize hastily, as the gentleman stated.

□ 1640

Let me state that the hearings on the oversight that the gentleman has referred to, you say we did not take enough time on H.R. 11: Bilingual education, June 7, June 28, August 3, August 4, 1984, May 28, 1984; adult education, oversight, May 13, May 14, 1983; in Kentucky also on asbestos, I think the gentleman was with me, H.R. 11, March 22, 1984; asbestos in schools, oversight, April 27, 1983; H.R. 11, April 3, 1984; Indian education, oversight, February 22, June 21, June 24, 1983; H.R. 519, April 9, 1984; women's educational equity, April 5, and we go on and on on all these programs. Impact aid, March 27, 1984.

I just want to point out that no committee has ever, in my opinion, more thoroughly considered or I do not think the Education and Labor Committee has more thoroughly considered all these programs. They have been considered in committee.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I just want to remind the gentleman from Pennsylvania and others that the department starts working on a 1986 bill the first of October. If you do not have a 1986 authorization in place, they submit whatever they want in the way of an appropriation without being restricted to any guidelines whatever. They can block everything into one block if they want to, and say, this is our proposal. Then you get an appropriation proposal that is not worth considering hardly.

Really, you have got to have a 1986 authorization in place by October 1, or you are tardy.

Mr. PERKINS. I want to thank the gentleman from Iowa [Mr. SMITH] for his contribution. If we had not taken this action, I think we could have been accused of being derelict in responsibility, and we are moving now and we are doing, I think, what should be done.

Mr. Chairman, at this time I yield to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. I thank the chairman for yielding.

Mr. Chairman, I rise in support of the emergency immigrant education section of the bill, the Emergency Immigrant Education Act. This section was originally introduced by the honorable majority leader and myself in March, and has since been incorporated into this bill. As one who represents some of the poorest school districts in our Nation, those which reside along the United States-Mexico border, where such legislation and Federal assistance is most warranted, I know the necessity of this bill. And, I know the long fight this Congress has been through to get this assistance. For those who do not remember, the legislation was originally included as an amendment offered by the majority leader to the continuing resolution last November.

Following its passage, and the signature of the President, the administration sought a rescission of the funds. Several months later, the General Accounting Office ruled that the funds for the purpose of the Emergency Immigrant Education Act had been properly authorized and appropriated by the Congress and there could be no rescission under the Congressional Budget Act; 9 months after the signature of the President and 4 months after the GAO ruling, the Department of Education finally came out with the regulations for application for funds for the 1983-84 school year. Published in the Federal Register on June 28, 1984, the Department of Education gave the Nation's school districts a mere 44 days, until August 10, 1984, to comply with the regulations and submit their applications for assistance.

This administration, which has opposed this necessary assistance all the way down the road, has thrown yet another obstacle in the path of the starving school districts' efforts to survive. And what is odd is that this administration, which cannot control our borders, does not believe it shares any responsibility for its own inability to control the borders.

Mr. Chairman, I would now like to engage in a colloquy with the distinguished chairman of the Education and Labor Committee, Mr. PERKINS.

Mr. Chairman, in the legislation which passed the Congress last year, and became law, and in this legislation we discuss today, there is a section which deals with the estimation of the number of immigrant students a State education agency counts in its local education agencies, or school districts. In section 706(c) (1) and (2), the bill states that "Determinations by the Secretary under this section for any period with respect to the number of immigrant children shall be made on the basis of data or estimates provided * * * by each State educational agency * * *" and that "No such determination with respect to the number of immigrant children shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlements * * *."

My question, Mr. Chairman, is whether this section is to be interpreted to mean that State education agencies will be allowed to revise those applications with incorrect estimations, and will not be denied aid—especially in light of the forthcoming deadline which might cause inadequate preparation of information because of the complexity of the regulations?

Thank you for the clarification, Mr. Chairman.

Mr. PERKINS. Let me state to the distinguished gentleman that I agree fully with the gentleman's explanation of this provision. You would have the opportunity to revise.

Mr. COLEMAN of Texas. I thank you very much, Mr. Chairman.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to our leader on the Subcommittee on Elementary, Secondary, and Vocational Education, the gentleman from Illinois [Mr. ERLENBORN].

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, on another subject, not the subject that the gentleman from Illinois is going to discuss, but for purposes of clarifying the record, I would like to address my good friend and colleague from Texas, on immigration education. In fact, there is a good deal of controversy over immigrant education. I support immigrant education as does the gentleman from El Paso. But the President of the United States signed that appropriation into law, appropriated the funds and expended the money on May 16 together with the support of the senior Senator from the State of Texas, and a number of others who are closely allied with the administration. It was the President who in fact expended the funds. I did want to take the op-

portunity to set the record straight at this point.

Mr. ERLENBORN. I thank the gentleman for his contribution.

Mr. Chairman, H.R. 11 as reported by the Committee on Education and Labor is a seriously flawed piece of legislation and I would hope that this body will, in its wisdom, adopt a series of amendments that will be offered by me and my colleagues from the committee.

The Congressional Budget Office has estimated the cost of the bill in fiscal year 1985 to be $2.7 billion and rising to $3.1 billion in fiscal year 1989. It should be noted that largely because of the 1981 budget reconciliation authorization caps placed on the same programs that are contained in H.R. 11, current—fiscal 1984—spending is less than $945 million.

In addition to the funding issue, Mr. Chairman, H.R. 11 goes well beyond the simple three-page bill that was originally introduced by Chairman PERKINS. During committee consideration of H.R. 11, many substantive changes in law were made to existing programs and entirely new programs were created as well. The bill, when reported, had grown to over 95 pages. This was in spite of the fact that the spring hearing schedule allowed Members usually only 1 day of consideration for each title of the bill—many of which have become extremely complex and highly controversial.

There are other specific provisions of the bill to which I object. For example, the current Adult Education Act would be extended for 2 years. Such an extension is unnecessary in light of the automatic extension provided under existing law. Further, in cooperation with the administration, I have introduced an adult education proposal which allows greater flexibility for States and localities and participation of young adults below the age of 16.

Another concern I have is over the Women's Educational Equity Act Program [WEEA] which is currently funded at $5.67 million. H.R. 11 authorizes $50 million per year for 5 years. For fiscal year 1985 this represents a potential tenfold increase. The bill provides $250 million for fiscal year 1985–89.

Furthermore H.R. 11 takes the unprecedented step of mandating a reorganization of the Education Department by establishing separate offices for migrant education and equity training. WEEA, currently situated in the Office of Elementary and Secondary Education, would be transferred to the Office of Educational Research and Improvement. Such an action would undermine the authority of the agency head and transfer what has previously been an executive role to the Congress. I plan to address that issue with an amendment to delete this provision from H.R. 11 at the appropriate time.

H.R. 11 extends the impact aid program and includes a continuation of category "b" payments to schools for children whose parents either work or live on Federal property. In the Reconciliation Act of 1981 we achieved the goal of curtailing this program which had eluded every President from Eisenhower through Carter, although all of them tried. In this bill we provide for the continuation of category "b" payments which are due to be phased out at the end of fiscal year 1984, effectively destroying this hard-won reform. Importantly, school officials have known for 3 years that "b" payments are to end this year.

In title II of H.R. 11, the committee rewrote the entire Bilingual Education Act and missed a golden opportunity to truly reform this program. The changes in H.R. 11 reflect the continuing emphasis on transitional bilingual education as the method of instruction endorsed by the Federal Government. It is unfortunate that the Education and Labor Committee does not put enough trust in the process of local decisionmaking to allow local needs, priorities, and concerns to dictate how students of limited English language proficiency can best learn to read and write English. I fear that the Bartlett-McCain compromise incorporated in the bill does not do nearly enough in this regard. I plan to address some of these concerns with amendments which would ensure that parents have the final say in whether or not their children participate in bilingual programs and would ensure that these limited resources are targeted to those most in need of instruction.

H.R. 11 includes a wholesale adoption of H.R. 5190, a bill not even introduced until March 20, 1984. It would make significant changes in the way the Bureau of Indian Affairs administers various education programs. Only one hearing was held and inadequate time was allowed for consideration of this legislation known as the Indian Education Amendments of 1984. This is not an emergency; no expiring authorization is at issue here. There is no way to justify H.R. 5190 being attached to H.R. 11.

Finally, the committee's action in removing any authorization cap on the Indian Education Program administered by the Department of Education is totally irresponsible. The program, which is currently funded at $68 million and which has never received more than $86 million, is estimated by CBO to be authorized at $1.46 billion in fiscal year 1985 under the provisions of H.R. 11. These figures speak for themselves regarding the lack of concern our committee gave to H.R. 11 and lack of concern that the committee always, with the actions of the majority, shows to any restraint in a fiscal sense.

I understand that even the majority members of the committee are embarrassed by these figures at this time, and that they will offer an amendment to reduce the Indian education authorization by $1 billion. Even if they do, H.R. 11 would still be $725 million above the projections derived from the House-passed first concurrent budget resolution.

In this regard, I urge the House to adopt an amendment that will be offered by my colleague from Pennsylvania [Mr. GOODLING] that would have the effect of making H.R. 11 consistent with the budget resolution.

I would like to emphasize that no program in H.R. 11 is in danger of being discontinued at the end of the current fiscal year. Under the General Education Provisions Act, education programs expiring at the end of fiscal year 1984 are automatically extended for 1 additional year. For all of these reasons, I find it impossible to support H.R. 11 in its present form and hope that the Members favorably consider my amendments and those of my colleagues which would vastly improve this bill.

□ 1650

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I would be happy to yield to the gentlewoman from New Jersey at this point.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Chairman, I particularly want to associate myself with the remarks of the gentleman from Illinois on the Bilingual Education Program. I will be supporting the gentleman's amendments. I think we are doing a grievous harm to those students who most need this kind of educational help and assistance by building in the rigidity in this program under this law. The gentleman's amendments will open the process up and give far more beneficial educational advantages to the students who need them.

Mr. Chairman, H.R. 11, the Education Amendments of 1984, is one of the first major education bills to be acted upon by Congress since the flood of troubling education reports issued last year. A recurring theme in those reports was that there is a Federal responsibility to provide leadership to the States and localities in addressing education needs. I rise to point out that in one key aspect of the bill—reauthorization of the Bilingual Education Act—we have missed an opportunity to provide such leadership and have given the American public good reason to believe that we are incapable of doing so.

Listen to the following story which represents something that is happen-

ing all over America: Xavier Mancias has just finished first grade in McAllen, TX; 2 short years ago, when beginning kindergarten, Xavier could only speak Spanish. Since that time, he has been one of several students involved in a pilot project that teaches students English by immediately immersing them in the language from the start—teaching all subjects to them in English. This contrasts with the school's previous program—the so-called transition method—which used Spanish to teach the students while gradually teaching them how to speak English.

McAlister's previous program would generally run through the second grade before students would finally receive all of their instruction in English. Compare the new immersion program: By the end of kindergarten, Xavier and his classmates were speaking entire sentences in English and were ready to start reading in English, which is what they did this past year.

At a time when we are struggling with a serious immigration question, this is indeed good news to hear that this program seems to be working. Here's the bad news: The McAllen School District is prohibited from using Federal bilingual education funds for this project—funds which are supposedly intended to eliminate the language barrier between our society and those with limited or no English-speaking ability.

One of the most prestigious reports last year—that of the Twentieth Century Fund Task Force—recommended that Federal funds now going to bilingual programs be used to teach non-English speaking children how to speak, read, and write English.

Consequently, I find it baffling that in this area we are not only failing to provide leadership to the States, but we are actually being left behind as they have given up on the Federal Government and adopted progressive approaches of their own, such as the McAlister project.

The Twentieth Century Fund Task Force has stated an obvious goal. We are the only Nation in the world that is made up almost exclusively of immigrants or their descendants. The so-called melting pot, which has incorporated the best elements of all other cultures, is the very foundation for our social and economic success. But, in order to achieve this synthesis, we must be united on certain things, with a common language at the core.

Our diverse origins have created serious strains on our system. As an example, only 11 States now print drivers tests in English only; 10 States print the tests in both English and Spanish; 21 States print the tests in at least three languages. My own State of New Jersey prints its tests in the following languages: English, Spanish, French, Italian, Vietnamese, Greek, Portuguese, Korean, Polish, and Romanian. In a melting pot, a certain amount of this is to be expected, but we must recognize that the fabric of human relationships is built by communication, and this is simply impossible if we aren't speaking the same language.

This value is clearly recognized at the State and local level. In my own State of New Jersey, Governor Kean has taken dramatic steps toward increasing English fluency by requiring English proficiency for high school graduates.

I do not suggest that the proponents of the current bilingual education program minimize the importance of learning English. I am confident that is a value that we all share. But I believe that goal is being seriously undermined by the fact that, for one reason or another, we have fixed upon one method of instruction—the transition method—while ignoring the total lack of any statistical support for its success.

I could stand up here and make a strong case for the use of the so-called immersion technique, which I have described in the McAlister situation and which is being used in various forms throughout the country. However, for me to attempt to set this technique up as the ultimate preferred method would miss the entire point of the findings of the various bilingual education studies—that there is no tried and true method. Reliable statistics are simply not there to make the convincing case for any single approach.

In 1980, the Department of Education under the previous administration conducted an evaluation of the various studies of the effectiveness of bilingual education. Bear in mind that this was the same Department that was attempting to require schools to use transitional methods, even if they received no bilingual education funds.

The authors of that evaluation recently summarized their findings:

[Transitional education] has had mixed success. Although it has worked in some settings, it has proved ineffective in others and has had negative effects in some places. Furthermore, alternative instructional methods have been found to succeed—even to be superior to [transitional methods]—in some schools.

A great deal has been said about the forward steps taken by this bill in recognizing alternative approaches to bilingual education. Indeed, it is a positive step forward to allow some of the funds to be used for alternative methods. Anything, however slight, is an improvement over the rigidity of the present law. But let us not overstate the case. We are talking about a mere 4 percent of the current funding level to be used for alternative methods. This contrasts with the administration's proposal to allow school districts to select the approach they consider best for their students, as long as they provide evidence in their grant application that the method selected is the most desirable for the children served.

At a time when all sides seem to agree that the one role the Federal Government can play in education is to provide leadership, I find this bill a regrettable missed opportunity. Instead, I see the leadership taking place in States like New Jersey and Texas, where creative approaches are being applied without the benefit of Federal funds. We are not even following the States in this, we are simply being left behind. If one wanted to make the case that the Federal Government is incapable of fulfilling a strong leadership role in education, he need look no further than this bill for an example.

Mr. ERLENBORN. I thank the gentlewoman for her support and her contribution.

The CHAIRMAN. The gentleman from Illinois [Mr. ERLENBORN] has consumed 8 minutes. The gentleman from Pennsylvania [Mr. GOODLING] has 39 minutes remaining and the gentleman from Kentucky [Mr. PERKINS] has 34 minutes remaining.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Puerto Rico [Mr. CORRADA].

Mr. CORRADA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 11, which would extend a series of education programs through fiscal year 1989. I commend my colleague, Chairman CARL PERKINS, for his leadership in moving this complex bill through the Education and Labor Committee, and for his unwavering concern for the quality and character of education in this country.

H.R. 11 includes reauthorization of many vital programs, such as the Women's Educational Equity Act, Adult Education, the Impact Aid Program, and the Bilingual Education Act. I would like to speak particularly about the provisions it contains to extend Federal efforts to educate language minority students.

At the current time, there are more than 3.6 million limited-English-proficient [LEP] students in the United States. These students live in every State of the Union. Many LEP students attend schools in Puerto Rico. Approximately two-thirds of these students are Hispanic. A smaller but significant percentage of LEP students are of Asian ancestry or are descendants of America's first inhabitants. A large and growing number of LEP students have come to this country recently, often to escape armed conflict or the denial of fundamental political rights in their native lands. In all, limited-English-proficient students come from homes and communities where

over 90 languages other than English are dominant.

Although local school districts and States are making an effort, schools in general are not meeting the need of LEP children. Only about one-third of the 2.64 million children aged 5 to 14 identified in a 1978 study are receiving either bilingual education or English as a second language instruction, according to the Department of Education. This means 1.8 million LEP students currently go without any bilingual aid at all, and are left to sink or swim in an educational system based on a language they do not understand. Between now and the end of the century, the number of language-minority students will increase dramatically. According to a report prepared for the Department of Education, the total school age population is expected to increase by 16 percent between now and the year 2000. During this same period, the language-minority student population and the number of LEP students is expected to increase by approximately 40 percent.

The Nation continues to pay the price for its past educational neglect of language-minority students. Hispanics, for example, complete a median of 10.4 years of schooling, 2 years less schooling than that completed by the white, non-Hispanic population; 40 percent of the Hispanic population between the ages of 18 to 24 leaves high school without receiving a diploma compared with 14 percent of the white, non-Hispanic population.

The educational merit of bilingual education has already been documented at the State level. Recently, the New Jersey State Department of Education released a report based upon pre- and post-test scores of students enrolled in that State's bilingual program. The report concluded that in all grades tested, results consistently showed that third-year bilingual students significantly outscored first and second year students in English language skills. More importantly, the study also demonstrated that bilingual students had made significant gains relative to English-speaking children in 8 of the 12 grades tested.

In 1982, the Michigan State Board of Education released results of a statewide study of bilingual education. During the 1980–81 school year, 31,991 Michigan students were identified as having limited English-speaking ability. Of these, 19,528 students were in groups large enough to require bilingual education under State law. The Michigan study showed the achievement in both English reading and mathematics of students in bilingual education programs grew at a faster rate than the average rate for comparable students. According to the State Superintendent of Public Instruction Phillip E. Runkel "almost one-third of the students—31.5 percent—improved so much that they became ineligible for the program at the end of the year."

In Puerto Rico, the bilingual education programs supported by title VII have proven to be successful in equipping English-speaking students with the language skills they need to succeed in our classrooms where instruction is generally provided in Spanish.

The Bilingual Education Act is the only Federal mechanism in place today to assist State and local education agencies in the capacity-building activities they must undertake to fulfill their obligations under Federal civil rights statutes. Contrary to what I have heard from many so-called experts, I believe that expenditures for bilingual education programs will help to decrease future budget deficits. In fiscal terms, it is self-defeating to reduce expenditures for vital and effective education programs such as title VII. Language-minority students need bilingual education programs to succeed in school and to become economically productive members of our society.

Without a specific bilingual education program to address their needs, countless language-minority students would drop out of school. Most of the language-minority students who continue in school would graduate without the skills they need for survival in our increasingly competitive economy. This, in turn, would deprive the Federal Government of future tax revenues and, at the same time, increase future Federal outlays for public assistance and unemployment compensation.

Bilingual education is an effective method for developing the English language skills language-minority students need for academic success. Furthermore, it addresses the educational needs of a growing population whose labor market difficulties are more severe than that of other groups. The roots of disproportionate employment figures are not clearcut, but a recent study by the National Commission for Employment Policy stated that "a lack of fluency in English is the major source of the labor market difficulties" faced by Hispanics. For this reason, bilingual education takes on central importance for the economic future of our people.

I would also note that bilingual education can be used to serve the Nation's international interests. Although the primary purpose of title VII is to ensure that language-minority students receive equal educational opportunities, bilingual education programs also preserve and expand our Nation's inadequate linguistic resources. This year, the House passed legislation to promote national security and economic growth through foreign language improvement. During the hearings on this bill, military leaders, intelligence officials, and corporation directors testified that America's shortage of bilingual personnel jeopardized the successful conduct of foreign affairs and international trade. The Department of Defense, for example, presented statistics which showed that in 1980 it was able to fill only 58 percent of the DOD positions which required fluency in Spanish. Bilingual education can be a useful tool in correcting our current linguistic deficiencies, and improving the Nation's capabilities in maintaining a strong defense, effective diplomacy, and meaningful international trade.

The reauthorization of the Bilingual Education Act contained in H.R. 11 continues the funding priority for transitional bilingual education, but allows also for programs of academic excellence, adult literacy, and development bilingual education. In response to a continuing concern expressed in hearings on bilingual education, H.R. 11 would significantly increase the amount of available data on LEP children and provide for additional information about the characteristics and outcomes of the bilingual programs designed to serve them through an increased emphasis on data collection, evaluation, and monitoring.

Currently, only programs which employ transitional bilingual education methods—that is, those which use the child's native language to some extent in delivering the regular curriculum content—can receive funding under the Bilingual Education Act. Many believe this to be the best approach to educating the language-minority child, because it does not sacrifice cognitive development for rapid acquisition of spoken English. However, we are largely bereft of objective evaluations comparing TBE with other methodologies such as English as a second language [ESL] and immersion, which have been useful in certain situations around the country.

H.R. 11, however, includes, for the first time, a provision which would allow Federal dollars to be spent for alternative approaches. The language included in the committee bill came after long negotiations between myself and my colleagues DALE KILDEE, STEVE BARTLETT, and JOHN MCCAIN, and represents a careful and thoughtful approach to examining the effectiveness of the various methodologies.

As vice chairman of the congressional Hispanic caucus, I would like to note that the compromise language contained in H.R. 11 has the support of groups such as the Mexican-American Legal Defense & Education Fund [MALDEF], the National Council of La Raza, the League of United Latin American Citizens, the National Associaton for the Bilingual Education [NABE], the National Puerto Rican Coalition, the Joint National Commission of Languages, the National Asso-

ciation for Asian & Pacific American Education, the National Congress of American Indians, and the National Association for Vietnamese American Education. Additionally, the National Education Association [NEA] and the National School Board Association [NSBA] have indicated their endorsement for the bilingual education provisions of H.R. 11.

I strongly urge my colleagues to support the adoption of H.R. 11.

Mr. Chairman, I can tell my colleagues definitely that this bill improves significantly and makes more efficient current law on bilingual education, and I urge colleagues to support this bill in all of its parts and commend again, of course, Chairman PERKINS for his excellent work, and those on the minority side for bringing this bill to the House.

□ 1700

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I want to congratulate my colleagues who have worked so hard in drafting this compromise language affecting bilingual education, and I support this compromise.

The Bilingual Education Act was enacted in order to provide a method of teaching those children who have a limited proficiency for the English language. There are two main reasons why title VII of this bill deserves our full support.

First, it provides for State and local boards of education, a considerable degree of flexibility in determining what type of bilingual program best serves their local needs.

And, second, it allows continued support for the traditional transition method. I know this method is preferred by many of my constituents from the Hispanic community. In either case, the final decision is left up to local boards of education. Thus keeping decisionmaking authority as close to local school officials as possible.

More and more families are entering the United States each year from foreign countries. I believe it is the responsibility of the Federal, State and local governments to teach these students the English language and American cultural values. By insuring that these new students learn English proficiently, we are not only helping them adjust to their new homeland, but we are ensuring that they will adapt to the American way of life and in turn contribute to its economy.

Mr. PERKINS. Mr. Chairman. I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS of Montana. Mr. Chairman, I rise in support of H.R. 11. It is omnibus legislation which has much to commend it. I am particularly in support of the Women's Educational Equity Amendments of 1984, and the 2-year extension of the Adult Education Act.

Women are equally represented in the primary, secondary, and higher educational institutions of America. Why then do we still need WEEA? WEEA is intended to make sure that when girls and women participate in the educational process, they will not be underrepresented in courses in math, science, computer science, and other fields that have been traditionally labeled "for men only" in the minds of students. By encouraging girls and women to enroll in courses in math and science, WEEA has helped to ensure that all students in our Nation will reach their full potential and be eligible for the jobs that interest them. WEEA has been especially helpful as a source of funding for projects that help minority women and handicapped women who want to participate fully in the educational process and the labor force.

WEEA provides grants for programs and projects that encourage girls and women to learn subjects that their older sisters and mothers did not have the opportunity to learn. These projects can serve as a model to educators all over our country.

This year, members of the Education and Labor Committee voted to improve the WEEA program in several ways. The purpose of WEEA is clarified, the activities that it supports are specified more clearly, and the funding level for the small grants program is increased to keep pace with the inflation that has occurred since the bill's previous levels were established in 1978. H.R. 11 also clarifies the role of the National Advisory Council on Women's Educational programs, and specifies the kinds of expertise needed by the members of the Advisory Council. This description of the criteria for members of the Advisory Council is especially important for two reasons: First, several members that were appointed in recent years had political experience but no expertise in education; and second, since 1978, the number of citizens with special expertise in educational equity has increased dramatically, so that we can now choose from a large number of citizens who have the kinds of backgrounds most appropriate and helpful for the Advisory Council.

Why is WEEA still important? There are several reasons:

First, girls continue to do more poorly than boys in certain high school subjects. Even when they demonstrate equal ability on aptitude tests;

Second, men and women remain relatively segregated in many technical college and university courses, particularly in math, science, engineering, nursing, and teacher education; and

Third, men still far outnumber women in many graduate and professional schools, even though recent studies have indicated that college educated women and men have increasingly similar educational goals.

These are the kinds of problems that WEEA has successfully addressed in the past, and can address in the future. WEEA has funded programs aimed at helping all girls and women, and has especially improved the educational opportunities of minority, handicapped, and low-income women and girls. For these reasons, WEEA deserves to be reauthorized and strengthened, by making several changes that reflect the successes and shortcomings of the original WEEA legislation.

I am also in support of the limited 2-year extension of the Adult Education Act.

We have witnessed much concern during this Congress for education. Much of this concern was sparked by evidence that our competitive economic edge was becoming blunted. Declines in productivity and international economic superiority were attributed, in part, to the detrimental effects of poorly educated workers. As a consequence of this concern about educational quality, the Congress has been working to develop suitable legislative solutions.

Most of the solutions being proposed are aimed at correcting problems that exist in elementary and secondary education, but it is not only our youngsters who are experiencing educational difficulties. Conservative estimates place the number of adult illiterates at about 23 million, with an additional 2.3 million adults joining that number annually.

These millions of adults are functionally illiterate: They do not possess the skills and the essential knowledge that would enable them to carry out important social, economic, and civic responsibilities. These millions of adult illiterates are caught in low-skilled jobs or they are unable to secure employment because literacy is essential to obtaining and retaining a job, as well as advancing in the work force. It is impossible to know exactly the costs of this high degree of illiteracy, but some recent estimates indicate that the benefits of literacy outweigh its costs by a factor of 5. It may be, then, that what we spend on efforts to obliterate illiteracy will yield a return on the investment of five times the cost.

Adult education is an important component of our national educational effort because literate functioning is a prerequisite to personal and economic success. Adult education is important because our rapidly changing industrial marketplace requires workers who are sufficiently literate to respond ef-

ficiently and effectively to the demands of their jobs.

Because quality education is so essential, I am pleased to support passage of H.R. 11. Just as importantly, however, because adult education is so important, I am pleased that the committee accepted my amendment to only reauthorize this act for 2 years.

The Adult Education Act was established in 1966. While some changes were made in 1978, there has not been a critical examination of the programs created by this act in nearly 20 years. Adult education is just too important to be slighted this way. The 2-year extension will enable existing programs to continue to receive funding through 1987 and will also allow the Congress sufficient time to hold hearings to examine the effectiveness of the Adult Education Act and to plan responsibly for needed change.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Chairman, I wish to commend the chairman of the committee, the gentleman from Kentucky [Mr. PERKINS], for the excellent work he has done on this legislation, and I commend all the members of this committee.

Mr. Chairman, I rise in support of H.R. 11 which proposes to reauthorize a number of important educational programs. Of special concern to me are two provisions specifically regarding education in the U.S. Virgin Islands: reauthorization of general assistance to the Virgin Islands and teacher training for all of the territories.

General assistance to the Virgin Islands was intended to partially compensate the Virgin Islands for problems created by Congress through the passage of Federal legislation—Public Law 91-225—and a subsequent U.S. district court ruling—Hosier against Evans—which added 7,000 noncitizen students into the territory's public schools.

Since 1979, only $10.54 million of the originally authorized $25 million have been made available to improve public school education in the U.S. Virgin Islands. The intent of Congress was to correct the problems caused by the tremendous increase in the Virgin Islands school population, but frankly, we are still struggling to get on our feet.

While public education has experienced declining enrollments nationally, the Virgin Islands school enrollment has been growing steadily. Presently, over one-third of the territory's estimated 100,000 population is of school age.

Our academic concerns are also increased by the return to public schools of a large number of children previously attending nonpublic schools. Over 20 percent of Virgin Islands children, as compared to a composite national average of 8 percent, attend nonpublic schools. However, the downturn of the economy and the resulting increase in unemployment in the last 3 years has caused many families to transfer their children from private schools to public schools, placing an even greater demand on the public school system.

Since 1970, the Government of the Virgin Islands has committed between 25 to 33 percent of its operating budget to support public education. Currently, the Department receives approximately $64 million of the $233 million general fund appropriations. The Government of the Virgin Islands is nonetheless committed to the improvement of education and supports and recognizes the needs of its Department of Education.

In spite of financial constraints, previous capital improvement projects have added a total of 13 schools since 1970 that are serving 10,808 children. Additional construction projects have resulted in the completion of 99 classrooms at previously existing schools. The Government of the Virgin Islands has spent close to $100 million to deal with the physical needs caused by the increased enrollment.

Past expenditures have not been sufficient to meet the physical demands, and, at the present time overcrowded conditions still exist.

The U.S. Virgin Islands consists of three major islands and a number of smaller islets and cays separated by 40 miles of open sea. The 35 public schools administered by the Virgin Islands Department of Education are located on the three major islands. Because of this physical separation, a duplication of services, personnel, materials, and equipment is necessary and results in increased costs. The distance from the U.S. mainland also results in increased costs to purchase materials, supplies, and equipment. On most of our purchases an additional 15 to 20 percent is expended for transportation charges. These additional charges also apply to the purchase of building materials which are used for the construction of new schools and renovations and alterations of existing facilities. As a result of these factors, the dollar does not go as far in the Virgin Islands as it would on the mainland. This amplifies our need for this assistance.

I ask you to consider the Virgin Islands' position in the Caribbean, especially in light of the recently enacted Caribbean Basin Initiative. Virgin Islanders are proud of their U.S. identity. Part of that identity is our relation to the mainland school systems and its standards. We are located in the midst of islands newly independent, some leaning toward Communist ideologies. From this perspective we consider it important to assert a strong U.S. model. A direct indicator is the care we take in the education of our children.

The funds provided under general assistance will be used to upgrade our physical facilities through classroom renovation and construction, develop curricula and expand remedial efforts. This plan will serve as the catalyst to effect mandatory changes in our public school system. It is designed to provide additional tangible educational benefits to our children and to develop changes in our current educational curriculm practices.

The Territorial Teacher Training Program is beneficial to all of the territories. This program has helped the offshore possessions to acquire a more stable teaching force.

The territories have been forced to recruit large numbers of teachers from the continental United States. Many leave after very short tenures. The teacher training programs provide effective teaching methods and techniques for our own people to use, and have been an important first step in attempting to fill the demand for elementary and secondary school teachers.

While each territory has devised varying programs to meet its individual situation, these plans have the common goals of training recruited teachers, specialists, and administrators to understand and cope with the unique cultural and social aspects of the community, and to improve teaching methodology. This has resulted in an increase in teacher effectiveness and a decrease in the high teacher turnover rates. In addition, the Departments of Education in the respective territories have identified highly qualified teacher aides, paraprofessionals, and gifted secondary students and encouraged them to pursue careers in the teaching field.

A total of 160 individuals have been involved in the Teacher Training Program in the Virgin Islands; 28 have received degrees, 16 of whom received their degrees in June of this year. This fall, 140 students are expected to enroll in the program.

While major steps have been taken, there is still a need for additional funding to complete the job of training local teachers in the territories. I urge you to reauthorize these two programs, both of which have a vital impact on the ability of the U.S. Virgin Islands to educate its children.

In closing, I wish to join my colleagues of the Hispanic Caucus in endorsing the bilingual education provisions of this bill. I am particularly pleased by the set-aside in this program for a flexible instruction approach.

This is a good bill, a necessary one. I urge its passage. In particular, I urge that we guarantee the education of

the children of the Virgin Islands, so that they may rightfully embark into the future alongside all other children of America.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in strong support of this legislation to reauthorize a number of important education programs. Of particular importance to my home State of New Mexico is the reauthorization of programs under the Indian Education Act and the Bilingual Education Act.

While H.R. 11 extends programs under the Indian Education Act for 5 years, the bill also makes a number of changes in the laws governing Indian schools including the establishment of procedures to be followed before closing schools. This is an important and long overdue change in light of the recent BIA ordered closing of the Sanostee Boarding School in Sanostee, NM. This school is a focal point for community activities in Sanostee and its sudden closure has caused great concern among the students who don't know where or if they will be attending school next year. H.R. 11 would require the BIA to report to Congress 1 year in advance of any proposed school closing and to thoroughly examine student needs and provide for alternative facilities prior to the closing. I would hope that the Bureau will apply these standards retroactively with respect to the Sanostee Boarding School and make every effort to reopen the school or provide for an alternative site acceptable to the Sanostee community.

Mr. Chairman, I also want to express my strong support for the reauthorization of the Bilingual Education Act.

My district in New Mexico is 40 percent Hispanic. The first language of many of our children is Spanish; the Spanish language is an integral part of our culture and heritage, of which we are all very proud.

You can well imagine the problems a young Spanish-speaking child, 5 or 6 years of age, faces when he or she starts school and cannot understand the instructions of the teacher, cannot keep pace with the class, cannot understand the stories being read. Before the Bilingual Education Act became law in 1968, more than 80 percent of these students dropped out of school. Achievement test scores for students with limited proficiency in English were 2 years below the expectancy norms. Limited familiarity with English made it extremely difficult for these children to attempt reading and writing and to develop conceptual skills. Implicit in English-only instructions was nonacceptance of the child's culture, heritage, and ethnicity. Extraordinarily high dropout rates meant low paying jobs for many, many children simply because they were raised speaking a different language than mainstream America.

Bilingual education programs have reduced the school dropout rates of Hispanic students by more than 50 percent. Bilingual education ensures that a child receives uninterrupted instruction while learning English as a second language. It increases the feeling of acceptance and self esteem which, in turn, leads to an improved self-concept and more successful performance. Most importantly, bilingual education programs increase the child's capacity for learning as the transition to a new language is made.

The need for continuing bilingual education in our schools is indisputable. Les ruego a mis colegas que se junten conmigo para asegurar todas oportunidades educacionales a cada hijo Americano. I urge my colleagues to join with me in ensuring full and educational opportunity for all of America's children.

I urge Members to support H.R. 11.

● Mr. MATSUI. Mr. Chairman, I rise today in strong support of H.R. 11, the Education Amendments Act of 1984. This bill will reauthorize 11 important education programs, programs such as Adult Education, Bilingual Education, and the Women's Educational Equity Act, that are vital to our Federal commitment to promoting equity and improving quality in education.

I recently received a letter from Mr. Bill Honig, the superintendent of public education for the State of California, in which he praised this legislation and urged the House's favorable consideration of the passage of this bill. Mr. Honig cited section 809 of the bill as particularly vital to the State of California. This provision will provide urgently needed improvements in educational auditing procedures. This mere codification of the intent of Congress will provide at least 60 California school districts from an audit claim totaling $28 million.

I particularly praise the reauthorization and extension of the Emergency Immigrant Education Program and the Bilingual Education Act. In addition, I commend Representatives BARTLETT, CORRADA, KILDEE, and MCCAIN for their outstanding efforts in improving the Bilingual Education Act which includes alternative instructional approaches while continuing support for the traditional transitional methods.

My State of California alone is home for nearly 50 percent of all refugees that immigrate to the United States. Our school districts are burdened by a continuing influx of immigrant children, whose education involves increased costs. Without funding through such programs as the Emergency Immigrant Education Act and the Bilingual Education Act, we would be unable to provide our new residents with much-needed educational services to assist them in assimilating and participating in our society.

Children of limited-English proficiency are a Federal constituency in the same way as handicapped children, disadvantaged children, and other special-needs groups. A student's right to intelligible instruction is a fundamental right that is protected by Federal law. As the number of students of limited-English proficiency increases daily, it becomes evident that we are losing the full depth of our Nation's potential by failing to utilize their talents and capabilities. It is through such programs as the Emergency Immigrant Education Program and the Bilingual Education Act that we can prevent academic retardation and negative self-concepts and can effectively enhance the student's whole future capability for learning. Our investment in these programs today can only reap benefits for our Nation tomorrow.

I urge my colleagues to join me in supporting the Education Amendments Act of 1984. If we are serious about our commitment to promoting equity and improving quality in education, it is crucial that we pass this important legislation. Inequality in education cannot be tolerated, for our Nation's national security, economic strength, and quality of life is dependent upon the literacy of all its citizens.●

● Mr. GAYDOS. Mr. Chairman, in 1962, then-President John F. Kennedy, speaking on the importance of education in this Nation's efforts to stay a world leader in the space race, said: "A child miseducated is a child lost. The damage cannot be repaired. Civilization, ran an old saying, is a race between education and catastrophe."

Things really haven't changed much since 1962. We are still racing to stay a world leader, except that today our concern is not so much the space race as it is the technology race. And the importance of education is even more certain.

This Nation is changing. We still are the world's melting pot. We are still a Nation made up of Americans from other nations, of other languages. But our national needs are still the same: skilled people to fill skilled jobs.

H.R. 11, the 1984 education amendments, is a key element in our Nation's ability to compete in the present-day battle to keep from becoming a second class power.

H.R. 11 extends the lives of 11 educational programs, from bilingual education to emergency immigration education assistance, from women's educational equity to Indian education, from asbestos school hazard detection and control to the national assessment of educational progress and adult education.

Two of these programs, in my mind, rank foremost in importance: Bilingual education and adult education.

Last year, some 216,000 children—of the estimated 1 to 3 million eligible for bilingual education—received instruction in some 80 different languages.

There are those who argue against bilingual education programs, suggesting that earlier immigrants didn't receive this special training and adjusted quite well. To these critics, I say that those were different times: Life was simpler; work was simpler; it was easier to find a niche in society even if you didn't have a complete command of the English language or American customs.

Today, as we all know, life is much more complex. We are a mobile society. The new immigrants to our shores find it more difficult to adjust to American life, and America needs this human resource more quickly because we, as a nation, are in a war for survival. The new technology requires minds that can adapt.

To quote President Kennedy once more:

When the youngest child alive today has grown to manhood, our position in the world will be determined first of all by what provisions we make today—for his education, his health, and his opportunities for a good home and a good job and a good life.

I contend, Mr. Chairman, that the bilingual education programs to be extended until 1989 in H.R. 11, with the changes proposed by the House Education and Labor Committee, will help us achieve what John Kennedy had hoped we would.

The second vital part of this bill deals with adult education. It is no secret in this country that we are living longer. It is also no secret that Americans are staying in the work force longer, and changing jobs more often—some for personal achievement; others because of necessity such as those steelworkers who have been laid off with little prospect for ever returning to work in the steel industry.

We in this Nation must provide an opportunity for those citizens who have either dropped out of high school or seek training in new areas because of necessity to return to school and pick up the pieces of their lives.

It is critical to the future of America that those who left early or need new skills as well as those just entering school get the kind of education that will enable them to become solid, working citizens, contributing to this country.

For, without this skilled resource, our people, America certainly will not be able to compete in today's or tomorrow's world.●

● Mr. ROYBAL. Mr. Chairman, I strongly support H.R. 11, as reported out of the Education and Labor Committee, and oppose attempts to weaken the compromise reached with regard to the extension of the Bilingual Education Program.

Title II of H.R. 11, which provides for revisions of the Bilingual Education Act, represents a well-crafted bipartisan compromise. This compromise, while retaining the effective aspects of the current law, provides for greater program flexibility in assisting students with limited English proficiency to acquire English language skills and academic achievement.

First of all, title II continues support for the current transitional bilingual education programs which use English language instruction, in combination with the student's native language, to improve academic performance and English proficiency. Further, it strengthens those programs by requiring "structured English language instruction" together with the student's native language.

In addition, title II of H.R. 11 provides for the use of alternative instruction such as English as a second language or structured immersion in the English language. It also specifies that research will be conducted on the use of alternative methods of acquiring English language proficiency under the Bilingual Education Act. It further opens up funding of alternative instruction methods within the teacher training and technical assistance components of the act.

This bipartisan compromise goes even further in strengthening the English language objective by authorizing English literacy programs for the parents and out-of-school members of the family. This is a substantial improvement over the earlier act, for it clearly outlines the importance of the family in providing an English proficiency setting for the student and in providing needed language skills for employment and job advancement.

Finally, this compromise authorizes a new program, called developmental bilingual education, which allows English-speaking students as well as non-English-speaking students to acquire a second language. This new program is especially important in light of the failure of our school system to provide for the study of foreign languages. I would like to point out that Secretary of Education Terrel Bell also affirmed the need to improve language instruction for all students, regardless of their language background. He called the study of foreign languages a national priority and an integral part of our push for academic excellence.

It is for these reasons that I rise in strongest support of H.R. 11 as a well-developed approach to bilingual education, and urge opposition to any weakening amendment to this effort.●

● Mr. SMITH of Florida. Mr. Chairman, today this body considers H.R. 5231, the Academic Equity and Excellence through Bilingual Education Act of 1984, which forms part of H.R. 11, the omnibus reauthorization bill for several education programs.

Bilingual education—an education by which the student becomes proficient in the English language—is necessary to our Nation's future. Children with limited English proficiency have been found to be one of the most undereducated groups of all American children. It is to our advantage to assist these children as early as possible in their education. It is an investment in our Nation's future. As students become proficient in English, they will be better able to take a more active part in the economic and social life of this Nation. In turn, future generations will benefit from those students who take part in bilingual education.

In all, limited-English-proficient students come from homes where over 90 languages other than English predominate. Only about one-third of the 2.64 million children aged 5 to 14 identified in a 1978 study are receiving either bilingual education or English as second language according to the Department of Education. This means that approximately 1.8 million children nationally go without bilingual education and are left to survive in an education system based on a language they do not understand.

Department of Education statistics show that while the total school-age population is expected to increase between now and the year 2000 by 16 percent, the expected increase in limited-English-proficient students in the same time is 40 percent. The need for this legislation, therefore, is quite evident.

By passing this legislation, we will reaffirm the commitments Congress has made to all the children of this Nation.●

● Mr. SIMON. Mr. Chairman, as an original sponsor of H.R. 5231, legislation reauthorizing the Bilingual Education Act, I rise in strong support of the pending legislation, H.R. 11, which revises and extends the authorizations for several important education programs including title VII, the Bilingual Education Program.

All of these programs are critical to maintaining the current Federal role in education and continuing Federal support for proven programs which demonstrate Congress' commitment to educational excellence. In the past year, the Nation's public schools, its teachers and many Federal programs have been subjected to criticism. We have been judged a nation at risk and much name calling and blame placing have characterized our struggle to provide quality and equity for all students in our public schools. Amidst this name calling and blame placing, some of us in this House have continued the difficult and often thankless task of assuring that the foundation pro-

grams, at the Federal level, which assure to all of America's schoolchildren and some adults equality of educational opportunity and a quality education, are continued. H.R. 11 represents the final products of one of those efforts.

I would like to pay special tribute to the chairman of our full Committee on Education and Labor, my distinguished friend from Kentucky, and to my colleague and friend from Pennsylvania, Mr. GOODLING. These two gentlemen, more than any others, have fought the good fight for education and defended our foundation programs against budget cutters and conservative policymakers who would abandon this Nation's commitment to the expansion of educational opportunity and the quest for quality in elementary, secondary, vocational and higher education.

I am especially pleased that my four colleagues on the committee, Mr. KILDEE and Mr. CORRADA, who will be leaving the House soon, as well as Mr. BARTLETT and Mr. MCCAIN, have joined together—in a bipartisan fashion—to support a compromise on the bilingual educational provision. The bilingual education provisions should be supported by all Members because they are important to education, to international understanding and world peace, and to our national security.

Language minority students comprise about 14 percent of the 39 million U.S. public school population, or about 1 in 7 students. Their numbers are growing rapidly in relationship to the declining student population. Bilingual education takes on even greater importance as the number of students able to benefit from or requiring bilingual instruction grows. In Chicago, IL, for example, 23 percent of the district's 434,042 students are language minority or lack English proficiency sufficient to function in the classroom. Current projections of language minority by the National Center for Education Statistics [NCES] indicate that their numbers could reach 101.8 million by the year 2000—up from 78.3 million in 1980. No matter what kind of program approach is adopted, increasing numbers of language minority students in the classroom pose important issues for educators: First, availability and competencies of bilingual teachers and other personnel; second, certification standards for selection and retention of bilingual teachers; and, third, inservice and community support services for teachers and principals.

At a time when the national need dictates that we should be increasing the exposure of our citizens to other languages and cultures, that exposure is declining. Cultural isolation is a luxury America can no longer afford. Cultural pride should not be continued with regionalism. Let's look at the facts:

Of those who graduate from public high school today, fewer than 4 percent have more than 2 years of a foreign language. By comparison, France, which we sometimes criticize for cultural isolation—or arrogance—requires all students to take at least 4 years of a foreign language starting in the sixth grade. In 1974, there were one-half million fewer U.S. high school students enrolled in foreign languages than in 1968 despite the growth in total student enrollment during those years. Of 22,737 secondary schools in the Nation, 4,344 do not teach any foreign language, and the number of schools that do teach foreign languages is declining.

The United States continues to be the only nation where you can graduate from college without having had 1 year of a foreign language during any of the years of schooling. It is even possible to earn a doctorate here without studying any foreign language.

Because of our rich ethnic mix, the United States is home to millions whose first language is not English; 1 of every 50 Americans is foreign-born. We are the fourth largest Spanish-speaking country in the world. Yet almost nothing is being done to preserve the language skills we have or to use this rich linguistic resource to train people in the use of a language other than English.

Of the 11 million U.S. students seeking graduate and undergraduate degrees, fewer than 1 percent are studying the languages used by three-fourths of the world's population, and only a small number of that small number will ever achieve a reasonable degree of competence. For example, there are 300 million people who speak Hindi, but fewer than 300 Americans are studying that language.

Forty-four percent fewer students enrolled in college foreign-language programs between 1963 and 1974, despite the fact that during that same period the Nation became much more dependent upon exports for jobs.

One-fifth of the Nation's 2-year colleges offer no foreign language. For 2 years—1973 and 1974—I taught at Sangamon State University in Illinois, in most respects a fine school. But not a single foreign language course is taught there. By contrast, most of the developed nations—and many of the developing nations—offer every elementary school student the chance to learn a foreign language.

In 1915, 85 percent of the Nation's colleges required that a student pass a competency test in a foreign language before he or she could enter. As of 1975, only 10 percent of the Nation's colleges or universities even required that the school record show that the student had taken a foreign language.

Language study is an essential part of personal growth, international understanding and our Nation's national security. For these reasons, I have long supported bilingual education and foreign language study in elementary, secondary and postsecondary schools. Jack Anderson's Washington Post column of July 15, 1984, "The CIA's Bilingual Education" makes a critical point—in a somewhat humorous fashion—a Mexico City-based CIA agent had to take along an interpreter when he met with an important Mexican party official to obtain secret information because the agent could not speak Spanish. Former CIA Deputy Director Administrator Bobby Inman made the point more cogently in testimony on my Foreign Language Assistance Act:

> I spent the last 4 years as Director of the National Security Agency. I was for a year in the job that General Larkin has and, before that, 2 years as the Director of Naval Intelligence. Throughout all of those assignments, the importance of foreign language capabilities has been brought home steadily, first the need for foreign language capabilities to exploit open source unclassified information available to us. Much is available which we never get translated, to sift through the huge volume for its potential use in educating this country on political and economic areas of concern to us or technical concerns developed in what are currently nonadversarial countries.
>
> In our human intelligence needs it is not just an ability to understand the language that is important, but rather there must be the ability to converse with total fluency, to understand the nuances of conversation, and to be able to persuade others in their own language why they should give help to the United States in understanding events in their own countries or in other areas of the world where they can provide us assistance.

While the bilingual education provisions of this bill won't solve all of America's economic, social and national defense problems, it will, along with H.R. 2708, the Foreign Language Assistance for National Security Act, begin to improve language instruction and cultural understanding.

The compromise worked out by my colleagues on the committee is an excellent one. It:

Would allow use of Federal funds for alternative instruction, such as English as a second language [ESL] or structured immersion;

Specifies that 4 percent of the current level of funding plus 50 percent of new funding will be reserved for alternative instruction, up to 10 percent of the total appropriation;

Establishes funding for alternative instruction at various appropriations levels:

$140 million: $5.6 million for alternative programs;

$150 million: $10.6 million for alternative programs;

$165 million: $16.5 million for alternative programs;

Recognizes that the primary purpose of bilingual education programs is to teach students English;

Specifies that research will be done into alternative methods to teach children English, as well as into traditional bilingual education;

Encourages States and local school districts to develop and implement appropriate instructional programs for limited English-proficient students, and

Allows the Secretary to give funding priority to school districts which find it impracticable to implement traditional bilingual education or which already have such programs and want to try new approaches.

I urge my colleagues to support H.R. 11.

Mr. Chairman, I also rise today in support of the amendment offered by my colleague, Mr. FORD of Michigan, that modifies certain provisions of H.R. 11, regarding Department of Education audits of State and local agencies conducting educational activities with Federal program funds.

I am aware of problems in Illinois and elsewhere that have been created by the audit procedures administered by the Department of Education. Specifically, the Illinois State Board of Education has charged that the appeals process for violations determined by the Department through the education appeals board has violated due process rights guaranteed by Congress. In order to correct this, the provisions of H.R. 11 allow the right of discovery under the Federal Rules of Civil Procedure to apply to the process for appeal of audit findings. It also provides that the Department of Education must support a case with actual evidence rather than a mere conclusionary statement contained in a letter of final audit determination.

The amendment offered by Representative FORD clarifies several of the requirements of section 809, while preserving the intent of this important section.

I commend my colleague for working diligently to provide protections for States and local school districts, while assuring that Federal moneys are expended appropriately. I urge approval of this amendment.●

● Mr. SHUMWAY. Mr. Chairman, while I am opposed to H.R. 11 overall, largely due to the excessive authorizations called for in the legislation, I am particularly concerned with title II of the bill relating to bilingual education. Although H.R. 11 earmarks for the first time Federal funds for instructional methods other than bilingual education for students of limited-English proficiency, the legislation essentially continues the one-sided reliance on a single approach, bilingual education, for the instruction of these special students.

Few would disagree that proficiency in English is essential to educational, professional, and social opportunities for America's newcomers. Certainly there are difficulties in providing adequate instruction to those of limited-English proficiency and special programs may be needed. The education of the estimated 1.7 to 3.6 million school-aged children with limited English ability is a problematic task which must take into account a variety of unique linguistic, educational, and social factors.

Despite the diversity of limited-English-proficient students throughout America, for almost a decade we have highlighted bilingual education as the method for increasing limited-English-proficient students' proficiency in English; H.R. 11 continues this one-sided reliance on the bilingual approach through fiscal year 1989. However, although bilingual education has been the teaching strategy utilized to the virtual exclusion of alternative instructional approaches, largely due to the "Lau remedies" developed in 1975 by the Department of Health, Education and Welfare, little conclusive evidence has been produced which supports the effectiveness of bilingual education. One of the most recent and comprehensive reviews of bilingual education conducted by the Department of Education in 1980, concluded, "the case for the effectiveness of transitional bilingual education is so weak that exclusive reliance on this instructional method is clearly not justified."

Mr. Chairman, with so little evidence available to support bilingual education's effectiveness in promoting English language learning among limited-English-proficient students, it makes little sense, in my view, to continue expending millions of Federal dollars each year on this one approach. With the need for restraint and frugality in all areas within the Federal budget, it hardly strikes me as prudent policy to devote scarce Federal dollars, as the legislation before us does, to an instructional approach which has not been proven to be the most effective method in encouraging English proficiency among limited-English-proficient students.

Moreover, I have serious reservations about the Federal Government prescribing to school districts a specific approach to remedy the problem of educating America's LEP students. Clearly, local school districts are in a stronger position than the Federal Government to identify and meet the unique needs of students. As in most areas of education, the need is for less, not more, Federal control of what goes on in the classroom. Federal policy should give States and local school districts more flexibility to decide which programs best meet not only the specific needs and circumstances of their students, but which meet their budget priorities as well.

The legislation before us today fails to recognize this, allowing just 4 percent of the funds authorized to be used for projects which use instructional methods other than bilingual education for teaching their limited-English-proficient children. H.R. 11's continued emphasis on the bilingual approach reflects, in my view, Congress' inability to address the disturbing questions surrounding this instructional method and to broaden the educational methods used to instruct our Nation's special limited-English-proficient students. Mr. Chairman, to continue to rely on an approach which does not necessarily facilitate the learning of English, and thus which may actually impede the assimilation of our Nation's linguistic minority children into the American mainstream, will tragically serve to keep many of America's linguistic minorities forever on the fringes of America's English-speaking mainstream.●

● Ms. KAPTUR. Mr. Chairman, H.R. 11, the bill before us today, would reauthorize 11 education programs that are vital to continuing the Federal Government's commitment to promoting equity and improving quality in education. These programs represent a significant investment in our Nation's future. In order to ensure the fullest return, they must have the strongest support and backing that this Congress can give.

I am particularly pleased to see provisions in this legislation which address two very important issues facing our country. One is title IV which reauthorized the Women's Educational Equity Act at $50 million a year for fiscal years 1985 through 1989. The other is the extension of the Asbestos School Hazard Detection and Control Act through fiscal year 1989 at an authorization level of $22.5 million for grants to local school districts for asbestos detection activities and $75 million for interest-free loans to districts for asbestos abatement projects.

The Women's Educational Equity Act is the only Federal grants program addressing sex equity at every level of education. Grants are made available to public agencies, nonprofit organizations and individuals for projects of national, general or statewide significance in advancing educational opportunities for women. A second-tier system of grants for projects of local significance has never been implemented due to insufficient funding. I hope that the modest increase over current funding represented by this legislation will allow adequate money to encourage this second set of WEEA goals.

Since its inception, WEEA has supported projects to increase educational opportunities for disabled women and

girls, to expand access of women to positions in school administration and to promote the enrollment of women in mathematics, science, and nontraditional vocational courses. In 1970, boys outnumbered girls 13 to 1 in interscholastic sports. Today, that difference has been reduced to 2 to 1. In 1972, women comprised 43 percent of 4-year college student bodies. In 10 years, that proportion had increased to 52 percent.

Despite a record of progress, there is still much to be done to eliminate inequities and discrimination that remain in the educational system. In 1972, women held only 10 percent of the full-time professorships at public and private institutions. Since then, there has been no increase. Women occupy only 25 percent of administrative and policymaking positions at the State and local educational levels although they make up 66 percent of all school teaching positions. The Bureau of Labor Statistics estimates that 90 percent of today's girls will be employed outside the home. Without a strong educational background, they will be directed toward lower paying jobs.

Clearly, the Federal commitment to educational equity for women and girls must be preserved and strengthened. The reauthorization of WEEA is a cornerstone of this commitment.

I also applaud the committee's inclusion in H.R. 11 of provisions which speak to a very grave and serious danger that threatens millions of schoolchildren and educational employees. A Department of Education report has estimated that 14,000 schools may contain asbestos hazards requiring removal. Each schoolday, our Nation's children and teachers are exposed to this deadly substance which could result in a massive future health problem in increased incidences of cancer and other fatal diseases.

The Asbestos School Hazard Detection and Control Act was passed in 1980 to promote the detection and removal of asbestos from our Nation's schools. Tragically, repeated efforts to secure appropriations have failed, with the administration refusing to request funding in the budget every year since this bill's enactment. Last year, an amendment to the Health and Human Services appropriations bill was made in this body to include funding for this program. Regrettably, the Senate eliminated this money in conference committee.

The reauthorization of this law through fiscal year 1989 is imperative. Funding of this program is a matter that Congress can no longer ignore. All the advances in education and expansion of learning opportunities are worth very little if, in the process, our children's health is destroyed. Let us support this extension and insist on its complete funding.●

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Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

Mr. PERKINS. Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Education Amendments of 1984".

The CHAIRMAN. Are there any amendments to section 1? If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—ADULT EDUCATION ACT AMENDMENTS

GENERAL EXTENSION OF AUTHORIZATION

SEC. 101. (a) Section 311(b) of the Adult Education Act (20 U.S.C. 1208a(b)) is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1986".

(b) Section 313(b) of such Act is amended by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1986".

(c) Section 315(a) of such Act is amended to read as follows:

"SEC. 315. (a) There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1985 and 1986 to carry out the provisions of this title.".

(d) Section 318(f) of such Act is amended by striking out "four" and inserting in lieu thereof "seven".

The CHAIRMAN. Are there any amendments to title I? If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—REVISION OF THE BILINGUAL EDUCATION ACT

SEC. 201. The Bilingual Education Act (20 U.S.C. 3221 et seq.) is amended to read as follows:

"TITLE VII—BILINGUAL EDUCATION PROGRAMS

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Bilingual Education Act'.

"POLICY; APPROPRIATIONS

"SEC. 702. (a) Recognizing—

"(1) that there are large and growing numbers of children of limited English proficiency;

"(2) that many of such children have a cultural heritage which differs from that of English proficient persons;

"(3) that the Federal Government has a special and continuing obligation to assist in providing equal educational opportunity to limited English proficient children;

"(4) that the Federal Government has a special and continuing obligation to assist language minority students to acquire the English language proficiency that will enable them to become full and productive members of society;

"(5) that a primary means by which a child learns is through the use of such child's native language and cultural heritage;

"(6) that, therefore, large numbers of children of limited English proficiency have educational needs which can be met by the use of bilingual educational methods and techniques;

"(7) that in some school districts, establishment of bilingual education programs may be administratively impractical due to the presence of small numbers of students of a particular native language or because personnel who are qualified to provide bilingual instructional services are unavailable;

"(8) that States and local school districts should be encouraged to determine appropriate curricula for limited English proficient students within their jurisdictions and to develop and implement appropriate instructional programs;

"(9) that children of limited English proficiency have a high dropout rate and low median years of education;

"(10) that the segregation of many groups of limited English proficient students remains a serious problem;

"(11) that both limited English proficient children and children whose primary language is English can benefit from bilingual education programs, and that such programs help develop our national linguistic resources;

"(12) that research, evaluation, and data collection capabilities in the field of bilingual education need to be strengthened so as to better identify and promote those programs and instructional practices which result in effective education;

"(13) that parent and community participation in bilingual education programs contributes to program effectiveness;

"(14) that because of limited English proficiency, many adults are not able to participate fully in national life, and that limited English proficient parents are often not able to participate effectively in their children's education,

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children and to promote educational excellence (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, (B) to encourage the establishment of special alternative instructional programs for students of limited English proficiency in school districts where the establishment of bilingual education programs is not practicable or for other appropriate reasons, and (C) for those purposes, to provide financial assistance to local educational agencies, and, for certain related purposes, to State educational agencies, institutions of higher education, and community organizations. The programs assisted under this title include programs in elementary and secondary schools as well as related preschool and adult programs which are designed to meet the educational needs of individuals of limited English proficiency, with particular attention to children having the greatest need for such programs. Such programs shall be designed to enable students to achieve full competence in English. Such programs may additionally provide for the development of student competence in a second language.

"(b)(1) For the purposes of carrying out the provisions of this title, there are authorized to be appropriated for fiscal year 1985 and each of the four succeeding years such sums as may be necessary.

"(2) There are further authorized to be appropriated to carry out the provisions of section 732, such sums as may be necessary for fiscal year 1985 and each of the four succeeding fiscal years.

"(3) From the sums appropriated under paragraph (1) for any fiscal year which do not exceed $140,000,000, the Secretary shall reserve 4 percent for special alternative instructional programs and related activities authorized under this Act. From the sums appropriated under paragraph (1) for any fiscal year in excess of $140,000,000, the Secretary shall reserve 50 percent for special alternative instructional programs and related activities authorized under this Act, except that the amount of funds reserved for special alternative instructional programs and related activities pursuant to this paragraph shall not exceed 10 percent of the funds appropriated under paragraph (1).

"(4) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 60 percent for the programs carried out under part A of this Act; and of this amount, at least 75 percent shall be reserved for the programs of transitional bilingual education carried out under section 721(a)(1).

"(5) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 25 percent for training activities carried out under part C.

"(6) The Secretary shall reserve from the amount not reserved pursuant to paragraphs (4) and (5) of this subsection such amount as may be necessary, but not in excess of 1 percent thereof, for the purposes of section 752.

"DEFINITIONS; REGULATIONS

"SEC. 703. (a) The following definitions shall apply to the terms used in this title:

"(1) The term 'limited English proficiency' when used with reference to individuals means—

"(A) individuals who were not born in the United States or whose native language is a language other than English,

"(B) individuals who come from environments where a language other than English is dominant, as further defined by the Secretary by regulation, and

"(C) individuals who are American Indian and Alaskan Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, subject to such regulations as the Secretary determines to be necessary;

and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(2) The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

"(3) The term 'low-income' when used with respect to a family means an annual income for such a family which does not exceed the poverty level determined pursuant to section 111(c)(2) of title I of the Elementary and Secondary Education Act of 1965.

"(4)(A) The term 'program of transitional bilingual education' means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, which provides, with respect to the years of study to which such program is applicable, structured English language instruction, and to the extent necessary to allow a child to achieve competence in the English language, instruction in the child's native language. Such instruction shall incorporate the cultural heritage of such children and of other children in American society. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(B) In order to prevent the segregation of children on the basis of national origin in programs of transitional bilingual education, and in order to broaden the understanding of children about languages and cultural heritages other than their own, a program of transitional bilingual education may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 percent. The program may provide for centralization of teacher training and curriculum development, but it shall serve such children in the schools which they normally attend.

"(C) In such courses or subjects of study as art, music, and physical education, a program of transitional bilingual education shall make provision for the participation of children of limited English proficiency in regular classes.

"(D) Children enrolled in a program of transitional bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of transitional bilingual education shall seek to insure that each child is provided with instruction which is appropriate for his level of educational attainment.

"(5)(A) The term 'program of developmental bilingual education' means a full-time program of instruction in elementary and secondary schools which provides, with respect to the years of study to which such program is applicable, structured English-language instruction and instruction in a second language. Such programs shall be designed to help children achieve competence in English and a second language while mastering subject matter skills. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(B) Where possible, classes in programs of developmental bilingual education shall be comprised of approximately equal numbers of students whose native language is English and limited English proficient students whose native language is the second language of instruction and study in the program.

"(6) The term 'special alternative instructional programs' mean programs of instruction designed for children of limited English proficiency in elementary and secondary schools. Such programs are not transitional or developmental bilingual education programs, but have specially designed curricula and are appropriate for the particular linguistic and instructional needs of the children enrolled. Such programs shall provide, with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.

"(7) The term 'family English literacy program' means a program of instruction designed to help limited English proficient adults and out-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the student's native language. Where appropriate, such programs may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title.

"(8) The term 'programs of academic excellence' means programs of transitional bilingual education or developmental bilingual education which have an established record of providing effective, academically excellent instruction and which are designed to serve as models of exemplary bilingual education programs and to facilitate the dissemination of effective bilingual educational practices.

"(9) The term 'Office' means the Office of Bilingual Education and Minority Language Affairs.

"(10) The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs.

"(11) The term 'Council' means the National Advisory and Coordinating Council on Bilingual Education.

"(12) The term 'Secretary' means the Secretary of Education.

"(13) The term 'other programs for persons of limited English proficiency' when used in this title means any programs within the Department of Education directly involving bilingual education activities serving persons of limited English proficiency, such as the programs carried out in coordination with the provisions of this title pursuant to subpart 3 of part B of the Vocational Education Act of 1963, and section 306(a)(11) of the Adult Education Act, and programs and projects serving areas with high concentrations of persons of limited English proficiency pursuant to section 6(b)(4) of the Library Services and Construction Act.

"(b) In prescribing regulations under this title, the Secretary shall, through the National Advisory and Coordinating Council on Bilingual Education, consult with State and local educational agencies, organizations representing persons of limited English proficiency, and organizations representing teachers and other personnel involved in bilingual education.

"(c) Parents of children participating in programs assisted under this title shall be informed of the instructional goals of the program and the progress of their children in such program.

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS

"BILINGUAL EDUCATION PROGRAMS

"SEC. 721. (a) Funds available for grants under this part shall be used for the establishment, operation, and improvement of—

"(1) programs of transitional bilingual education;

"(2) programs of developmental bilingual education;

"(3) special alternative instructional programs for students of limited English proficiency;

"(4) programs of academic excellence;

"(5) family English literacy programs;

"(6) bilingual preschool, special education, and gifted and talented programs preparatory or supplementary to programs such as those assisted under this Act; and

"(7) programs to develop instructional materials in languages for which such materials are commercially unavailable.

"(b)(1)(A) A grant may be made under subsection (a) (1), (2), (3), or (4) of this section only upon application therefor by one or more local educational agencies or by institutions of higher education, including junior or community colleges, applying jointly with one or more local educational agencies.

"(B) A grant may be made under subsection (a) (5) or (6) only upon application therefor by one or more local educational agencies; institutions of higher education, including junior or community colleges; and private nonprofit organizations, applying separately or jointly.

"(c)(1) Any application for a grant authorized under subsection (a) of this section shall be made to the Secretary at such time, and in such manner, as the Secretary deems appropriate.

"(2) Applications for grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section, shall contain information regarding—

"(A) the number of children enrolled in programs conducted by the local educational agency;

"(B) the number of children residing in the area served by the local educational agency who are enrolled in private schools;

"(C)(i) the number of children enrolled in public and private schools in the area served by the local educational agency who are limited in their English proficiency; (ii) the method used by the applicant to make this determination; and (iii) evidence of the educational condition of the limited English proficient students, such as reading, mathematics, and subject matter test scores, and, where available, data on grade retention rates, rates of referral to or placement in special education programs, and student dropout rates;

"(D) the number of limited English proficient children who are enrolled in instructional programs specifically designed to meet their educational needs, as well as descriptions of such programs;

"(E) the number of limited English proficient children enrolled in public or private schools in the area served by the local educational agency who need or could benefit from education programs such as those assisted under this title;

"(F) the number of children who are to receive instruction through the proposed program and the extent of their educational needs;

"(G) a statement of the applicant's ability to serve children of limited English proficiency, including an assessment of the qualifications of personnel who will participate in the proposed project and of the need for further training of such personnel;

"(H) the resources needed to develop and operate or improve the proposed program;

"(I) the activities which would be undertaken under the grant and how these activities will improve the educational attainment of students and expand the capacity of the applicant to operate programs such as those assisted under this Act when Federal assistance under this section is no longer available; and

"(J) the specific educational goals of the proposed program and how achievement of these goals will be measured.

"(3) Applications for grants authorized under subsection (a)(3) of this section from applicants who desire to obtain priority in the awarding of such grants may contain information regarding (A) the administrative impracticability of establishing a bilingual education program due to the presence of small number of students of a particular native language, (B) the unavailability of personnel qualified to provide bilingual instructional services, or (C) the applicant's current or past efforts to establish a bilingual education program.

"(4) Applications for grants authorized under subsection (a)(4) shall contain information regarding—

"(A) the number of children served by the existing bilingual education program and evidence of their educational condition prior to enrollment in the program;

"(B) a description of the existing program as well as the educational background and linguistic competencies of program personnel;

"(C) the extent to which the program has promoted student academic achievement as indicated by objective evidence, such as improvements in language, mathematics, and subject matter test scores; grade retention rates; rates of referral to or placement in special education programs; student dropout rates; and, where appropriate, postsecondary education and employment experiences of students;

"(D) the extent of parent involvement in and satisfaction with the existing bilingual education program; and

"(E) how the activities carried out under the grant would utilize and promote programs of academic excellence which employ bilingual educational practices, techniques, and methods.

"(5) Applications for grants authorized under subsection (a)(5) shall contain information regarding—

"(A) the number of limited English proficient parents and out-of-school family members of limited English proficient students who would be served by the English literacy program;

"(B) the activities which would be undertaken under the grant and how these activities will promote English literacy and enable parents and family members to assist in the education of limited English proficient children;

"(C) the extent to which the persons to be served by the program have been involved in its development;

"(D) applicant's prior experience and performance in providing educational programs to limited English proficient adults and out-of-school youth;

"(E) with respect to applications by a local educational agency, the extent to which limited English proficient students enrolled in the educational agency are served by programs specifically designed to meet their needs; and

"(F) with respect to other applicants, a description of how the applicant will coordinate its program with a local education agency to ensure that the program will help limited English proficient family members promote the academic progress of limited English proficient children.

"(d)(1)(A) Grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section shall be for three years.

"(B) During the first six months of grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section, an applicant shall engage exclusively in preservice activities. Such activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children. This subparagraph may be waived by the Secretary if he determines that an applicant is prepared to successfully operate the proposed instructional program.

"(C) Upon reapplication, grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall be renewed for two additional years unless the Secretary determines that—

"(i) the applicant's program does not comply with the requirements set out in this title;

"(ii) the applicant's program has not made substantial progress in achieving the specific educational goals set out in the original application; or

"(iii) there is no longer a need for the applicant's program.

"(2) Grants made pursuant to subsections (a)(4) and (a)(5) shall be for three years.

"(3) Grants made pursuant to subsections (a)(6) and (a)(7) shall be for a period of one to three years.

"(e) An application for a grant authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall—

"(1) be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in such programs, in accordance with criteria prescribed by the Secretary;

"(2) be accompanied by documentation of such consultation and by the comments which the Council makes on the application;

"(3) contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served; and

"(4) include evidence that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

"(f) An application for a grant under subsections (a)(1) and (a)(2) of this section may be approved only if the Secretary determines—

"(1) that the program will use qualified personnel, including only those personnel who are proficient in the language or languages used for instruction;

"(2) that in designing the program for which application is made, the needs of the children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials; and consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels

are of a similar type which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

"(3) that the program will be evaluated in accordance with a plan that meets the requirements of section 733 of this title;

"(4) that Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of those Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant such State and local funds, except that nothing in this clause shall—

"(A) preclude a local education agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children, or

"(B) authorize any priority or preference to be assigned by the Secretary to the funding of the activities under this title;

"(5) that the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program, similar to that proposed for assistance, on a regular basis which will be of sufficient size, scope, and quality to promise significant improvement in the education of children of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;

"(6) that the applicant will provide or secure training for personnel participating, or preparing to participate, in the program and that, to the extent possible, college or university credit will be awarded for such training; and

"(7) that the provision of assistance proposed in the application is consistent with criteria established by the Secretary, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, taking into consideration—

"(A) the geographic distribution of children of limited English proficiency,

"(B) the relative need of persons in different geographic areas within the State for the kinds of services and activities authorized under this title,

"(C) and with respect to grants to carry out programs described in subsections (a)(1), (a)(2), and (a)(3) of this section, the relative ability of particular local educational agencies within the State to provide such services and activities, and

"(D) with respect to such grants, the relative numbers of persons from low-income families sought to be benefited by such programs.

"(g) An application for a grant under subsection (a)(3) of this section may receive priority based upon the information provided by the applicant pursuant to clause (A), (B), or (C) of subsection (c)(3) of this section.

"(h) In the consideration of applications from local educational agencies to carry out programs authorized under this section, the Secretary shall give priority to applications from local educational agencies which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of such children in the schools of such local educational agencies and the relative need for such programs. In approving such applications, the Secretary shall, to the extent feasible, allocate funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out such programs and the relative numbers of persons from low-income families sought to be benefited by such programs.

"(i) Programs authorized under this title in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, research, evaluation and testing designed to improve the English proficiency of children, and may also make provision for serving the needs of students of limited proficiency in Spanish.

"(j) If the Secretary determines that an applicant for assistance under this title is unable or unwilling to provide for the participation in the program for which assistance is sought of children of limited English proficiency enrolled in nonprofit, nonpublic schools, as required by subsection (f)(2) of this section, the Secretary shall—

"(1) withhold approval of such application until the applicant demonstrates that it is in compliance with those requirements; or

"(2) reduce the amount of the grant to such applicant by the amount which is required for the Secretary to arrange (such as through a contract with a nonprofit, nonsectarian agency, organization, or institution) to assess the needs of the children in the area to be served for programs of the type authorized in this title and to carry out such programs for the children.

"INDIAN CHILDREN IN SCHOOLS

"SEC. 722. (a) For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or postsecondary schools operated predominantly for Indian or Alaskan Native children, an Indian tribe or a tribally sanctioned educational authority may be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:

"(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 Stat. 688) which is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) The term 'tribally sanctioned educational authority' means any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe, as well as any nonprofit institution or organization which is chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee delivery of educational services to members of that tribe and which is approved by the Secretary for the purposes of this section.

"(b) From the sums appropriated pursuant to section 702(b), the Secretary is authorized to make payments to the applicants to carry out programs of bilingual education for Indian children on reservations served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

"(c) The Assistant Secretary of the Interior for the Bureau of Indian Affairs shall submit to the Congress, the President, and the Secretary by September 30 of each year an annual report which provides—

"(1) an assessment of the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

"(2) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

"PART B—DATA COLLECTION, EVALUATION, AND RESEARCH

"USE OF FUNDS

"SEC. 731. Funds available under this part shall be used for (1) collecting data on the number of limited English proficient persons and the educational services available to such persons, (2) evaluating the operation and effectiveness of programs assisted under this title, (3) conducting research to improve the effectiveness of bilingual education programs, and (4) collecting, analyzing, and disseminating data and information on bilingual education.

"GRANTS FOR STATE PROGRAMS

"SEC. 732. (a) Upon an application from a State educational agency, the Secretary shall make provision for the submission and approval of a State program for the collection, aggregation, analysis, and publication of data and information on the State's population of limited English proficient persons and the educational services provided or available to such persons.

"(b) State programs under this part shall provide for the annual submission of a report to the Secretary containing data and information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purposes of this title, including the matters specified in section 721(c)(2). Such reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation. State programs shall provide for the dissemination of information regarding these matters to the public, and particularly to persons of limited English proficiency.

"(c) State programs authorized under this section may also provide for—

"(1) the planning and development of educational programs such as those assisted under this title;

"(2) the review and evaluation of programs of bilingual education, including bilingual education programs that are not funded under this title;

"(3) the provision, coordination, or supervision of technical and other forms of nonfinancial assistance to local educational agencies, community organizations, and private elementary and secondary schools that serve limited English proficient persons;

"(4) the development and administration of instruments and procedures for the assessment of the educational needs and competencies of persons of limited English proficiency;

"(5) the training of State and local educational agency staff to carry out the purposes of this title; and

"(6) other activities and services designed to build the capacity of State and local educational agencies to serve the educational needs of persons of limited English proficiency.

"(d) Except as provided in the second sentence of this subparagraph, the Secretary shall pay from the amounts appropriated for the purposes of this section pursuant to section 702(b)(2) for each fiscal year to each State educational agency which has a State program submitted and approved under subsection (a) of this section such sums as may be necessary for the proper and efficient conduct of such State program. The amount paid by the Secretary to any State educational agency under the preceding sentence for any fiscal year shall not be less than $50,000 nor greater than 5 percent of the aggregate of the amounts paid under section 721 for programs within such State in the fiscal year preceding the fiscal year to which this limitation applies.

"(e) Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"PROGRAM EVALUATION REQUIREMENTS

"SEC. 733. (a) The Secretary shall issue, within six months of the date of enactment of this section, regulations which set forth a comprehensive design for evaluating the programs assisted under part A of this title. Such regulations shall be developed by the Director in consultation with the National Advisory and Coordinating Council on Bilingual Education. Such regulations shall provide for the collection of information and data including—

"(1) the educational background, needs, and competencies of the limited English proficient persons served by the program;

"(2) the specific educational activities undertaken pursuant to the program; the pedagogical materials, methods, and techniques utilized in the program; and with respect to classroom activities, the relative amount of instructional time spent with students on specified tasks;

"(3) the educational and professional qualifications, including language competencies, of the staff responsible for planning and operating the program; and

"(4) the extent of educational progress achieved through the program measured, as appropriate, by (A) tests of academic achievement in English language arts, and where appropriate, second language arts; (B) tests of academic achievement in subject matter areas; and (C) changes in the rate of student grade-retention, dropout, absenteeism, referral to or placement in special education classes, placement in programs for the gifted and talented, and enrollment in postsecondary education institutions.

"EVALUATION ASSISTANCE CENTERS

"SEC. 734. The Secretary shall establish through competitive grants to institutions of higher education at least two evaluation assistance centers which shall provide, upon the request of State or local educational agencies, technical assistance regarding methods and techniques for identifying the educational needs and competencies of limited English proficient persons and assessing the educational progress achieved through programs such as those assisted under this title. Grants made pursuant to this section shall be for a period of three years.

"RESEARCH

"SEC. 735. (a) The Secretary shall, through competitive contracts under this section, provide financial assistance for research and development proposals submitted by institutions of higher education, private for-profit and nonprofit organizations, State and local educational agencies, and individuals.

"(b) Research activities authorized to be assisted under this section shall include—

"(1) studies to determine and evaluate effective models for bilingual education programs;

"(2) studies which examine the process by which individuals acquire a second language and master the subject matter skills required for grade-promotion and graduation, and which identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language proficiencies other than English;

"(3) longitudinal studies to measure the effect of this title on the education of students who have language proficiencies other than English, and the effect of this title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this title;

"(4) studies to determine effective and reliable methods for identifying students who are entitled to services under this title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

"(5) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs;

"(6) studies to determine effective methods of teaching English to adults who have language proficiencies other than English;

"(7) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students; and

"(8) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students.

"(c) In carrying out his responsibilities under this section, the Secretary may delegate his authority to the Director, and in any event, shall consult with the Director, the National Advisory and Coordinating Council on Bilingual Education, representatives of State and local educational agencies, and appropriate groups and organizations involved in bilingual education.

"(d) The Secretary shall publish and disseminate all requests for proposals in research and development assisted under this title.

"COORDINATION OF RESEARCH

"SEC. 736. Notwithstanding section 405(b)(1) of the General Education Provisions Act, the Director of the National Institute of Education shall consult with the Director and the National Advisory and Coordinating Council on Bilingual Education to insure that research activities undertaken pursuant to section 405(b)(2)(C) of the General Education Provisions Act complement and do not duplicate the activities conducted pursuant to this part.

"EDUCATION STATISTICS

"Sec. 737. (a) Notwithstanding section 406 of the General Education Provisions Act, the National Center for Education Statistics shall collect and publish as part of its annual report on the condition of education data for States, Puerto Rico, and the Trust Territories with respect to the population of limited English proficient persons, the special educational services and programs available to limited English proficient persons, and the availability of educational personnel qualified to provide special educational services and programs to limited English proficient persons.

"(b) In carrying out its responsibilities under this section, the National Center for Education Statistics shall utilize, to the extent feasible, data submitted to the Department of Education by State and local educational agencies and institutions of higher education pursuant to the provisions of this title.

"PART C—TRAINING AND TECHNICAL ASSISTANCE

"USE OF FUNDS

"SEC. 741. (a) Funds available under this part shall be used for—

"(1) the establishment, operation, and improvement of training programs for educational personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education or special alternative instructional programs for limited English proficient students, which shall emphasize opportunities for career development, advancement, and lateral mobility, and may provide training to teachers, administrators, counselors, paraprofessionals, teacher aides, and parents;

"(2) the training of persons to teach and counsel such persons;

"(3) the encouragement of reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school faculties, as related to bilingual education;

"(4) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education or special alternative instructional programs for limited English proficient students; which may include summer programs designed to improve the instructional competence of educational personnel in the languages used in the program; and

"(5) the provision of inservice training and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs for limited English proficient students.

"(b)(1) A grant or contract may be made under subsection (a) (1), (2), or (3) of this section upon application of an institution of higher education.

"(2) A grant or contract may be made under subsection (a)(4) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges) and private for-profit or nonprofit organizations which apply, after consultation with, or jointly with, one or more local educational agencies or a State educational agency; (B) local educational agencies; or (C) a State educational agency.

"(3) A grant or contract may be made under subsection (a)(5) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges), (B) private for-profit or nonprofit organizations, or (C) a State educational agency.

"(c) An application for a grant or contract for preservice or inservice training activities described in subsection (a)(1) of this section shall be considered an application for a program of bilingual education for the purposes of section 721(e) of this title.

"(d) In making a grant or contract for preservice training programs described in subsection (a)(1) of this section, the Secretary shall give preference to programs which contain coursework in—

"(1) teaching English as a second language;

"(2) use of a non-English language for instructional purposes;

"(3) linguistics; and

"(4) evaluation and assessment;

and involving parents in the educational process. Preservice training programs shall be designed to ensure that participants become proficient in English and a second language of instruction.

"MULTIFUNCTIONAL RESOURCE CENTERS

"SEC. 742. (a) Pursuant to subsection (a)(5) of section 741, the Secretary shall establish through competitive grants or contracts at least 16 multifunctional resource centers (hereafter in this section referred to as 'centers'). Grants and contracts shall be awarded with consideration given to the geographic and linguistic distribution of children of limited English proficiency.

"(b) In addition to providing technical assistance and training to persons participating in or preparing to participate in bilingual education programs or special alternative instructional programs for limited English proficient students, each center shall be responsible for gathering and providing information to other centers on a particular area of bilingual education, including (but not limited to) bilingual special education, bilingual education for gifted and talented limited English proficient students, bilingual vocational education, bilingual adult education, bilingual education program administration, literacy, education technology in bilingual programs, mathematics and science education in bilingual programs, counseling limited English proficient students, and career education programs for limited English proficient students.

"FELLOWSHIPS

"SEC. 743. (a) Pursuant to subsection (a)(2) of section 741, the Secretary is authorized to award fellowships for advanced study of bilingual education or special alternative instructional programs for limited English proficient students in such areas as teacher training, program administration, research and evaluation, and curriculum development. For the fiscal year ending September 30, 1985, not less than 500 fellowships leading to a graduate degree shall be awarded under the preceding sentence. Such fellowships shall be awarded, to the extent feasible, in proportion to the needs of various groups of individuals with limited English proficiency. In awarding fellowships, the Secretary shall give preference to individuals intending to study bilingual education or special alternative instructional programs for limited English proficient students in the following specialized areas: vocational education, adult education, gifted and talented education, special education, education technology, literacy, and mathematics and science education. The Secretary shall include information on the operation of the fellowship program in the report required under section 751(c) of this title.

"(b) The Secretary shall undertake an ongoing longitudinal study of the impact of recipients of such fellowships on the field of bilingual education and alternative instructional programs for students of limited English proficiency and shall, through the clearinghouse established pursuant to section 735(b)(5) of this title, disseminate research undertaken by recipients of such fellowships.

"(c) Any person receiving a fellowship under this section shall agree either to repay such assistance or to work for a period equivalent to the period of time during which such person received assistance, and such work shall be in an activity related to programs and activities such as those authorized under this Act. The Secretary may waive this requirement in extraordinary circumstances.

"PRIORITY

"SEC. 744. In making grants or contracts under this part, the Secretary shall give priority to eligible applicants with demonstrated competence and experience in programs and activities such as those authorized under this Act.

"STIPENDS

"SEC. 745. The Secretary shall include in the terms of any arrangement described in this part for the payment, to persons participating in training programs so described, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"PART D—ADMINISTRATION

"OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

"SEC. 751. (a) There shall be, in the Department of Education, an Office of Bilingual Education and Minority Languages Affairs (hereafter in this section referred to as the 'Office') through which the Secretary shall carry out his functions relating to bilingual education.

"(b)(1) The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all of his delegable functions relating to bilingual education. The Director shall also be assigned responsibility for coordinating the bilingual education aspects of other programs administered by the Secretary.

"(2) The Office shall be organized as the Director determines to be appropriate in order to enable him to carry out his functions and responsibilities effectively, except that there shall be a division, within the Office, which is exclusively responsible for the collection, aggregation, analysis, and publication of data and information on the operation and effectiveness of programs assisted under this title.

"(c) The Secretary, in consultation with the Council, shall prepare and, not later than February 1 of 1986, 1988, and 1990, shall submit to the Congress and the President a report on the condition of bilingual education in the nation and the administration and operation of this title and of other programs for persons of limited English proficiency. Such report shall include—

"(1) a national assessment of the educational needs of children and other persons with limited English proficiency and of the extent to which such needs are being met from Federal, State, and local efforts;

"(2) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

"(3) a report on and evaluation of the activities carried out under this title during the preceding two fiscal years and the extent to which each of such activities achieves the policy set forth in section 702(a);

"(4) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities;

"(5)(A) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English proficiency;

"(B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

"(C) the number of other educational personnel needed to carry out programs of bilingual education in the States; and

"(6) an estimate of the number of fellowships in the field of training teachers for bilingual education which will be necessary for the two succeeding fiscal years.

"(d) In order to maximize Federal efforts aimed at serving the educational needs of children of limited English proficiency, the Secretary shall coordinate and closely cooperate with other programs administered by the Department of Education, including such areas as teacher training, program content, research, and curriculum. The Secretary's report under subsection (c) shall include demonstration that such coordination has taken place.

"(e) The Secretary shall ensure that the Office of Bilingual Education and Minority Languages Affairs is staffed with sufficent personnel trained, or with experience in, bilingual education to discharge effectively the provisions of this title.

"NATIONAL ADVISORY AND COORDINATING COUNCIL ON BILINGUAL EDUCATION

"SEC. 752. (a) Subject to part D of the General Education Provisions Act, there shall be a National Advisory and Coordinating Council on Bilingual Education composed of twenty members appointed by the Secretary, one of whom he shall designate as Chairman. Members of the Council shall be persons experienced in dealing with the educational problems of children and other persons who are of limited English proficiency. Five members of the Council shall be State directors of bilingual education programs, at least three of whom shall represent States with large populations of limited English proficient students. Two members of the Council shall be experienced in research on bilingual education or evaluation of bilingual education programs. One member of the Council shall be experienced in research on methods of alternative instruction for language minority students or evaluation of alternative methods of instruction for such students. One member of the council shall be a classroom teacher of demonstrated teaching abilities using bilingual methods and techniques. One member of the Council shall be a classroom teacher of demonstrated teaching abilities using alternative instructional methods and techniques. One member of the Council shall be experienced in the training of teachers for programs of bilin-

gual education. One member of the Council shall be experienced in the training of teachers for programs of alternative instruction. Two members of the Council shall be parents of students whose language is other than English, and one member of the Council shall be an officer of a professional organization representing bilingual education personnel. The members of the Council shall be appointed in such a way as to be generally representative of the significant segments of the population of persons of limited English proficiency and the geographic areas in which they reside. Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until October 1, 1989.

"(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 446(a) of the General Education Provisions Act, not less often than four times in each year.

"(c) The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this title, including the development of criteria for approval of applications and plans under this title, and the administration and operation of other programs for persons of limited English proficiency. The Council shall prepare and, not later than March 31 of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title, including those items specified in section 751(c), and the administration and operation of other programs for persons of limited English proficiency.

"(d) The Secretary shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 445, of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.".

AMENDMENTS OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer two amendments to title II, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. ERLENBORN: Page 6, line 11, insert after the period the following new sentences: "Such programs are not for students whose usual or dominant language is English. Such programs may utilize the child's existing non-English language as the language of instruction in various subjects but are not to teach non-English languages as a subject.".

Page 9, line 9, insert "whose dominant language is a language other than English" after "secondary schools".

Mr. ERLENBORN. Mr. Chairman, the sole purpose of these two amendments, which I offer en bloc, is to ensure that bilingual education is focused on those language minority students most in need of special transitional language services—not on those whose usual language already is English.

My first amendment would add to the definition of a program of transitional bilingual education designed for children of limited English proficiency the following words: "whose dominant language is a language other than English."

My second amendment—and, as I said, I am offering them en bloc—my second amendment would add language to the declaration of policy making it clear that the Congress does not intend transitional bilingual education programs to be used for students whose usual or dominant language is English.

I believe this restoration of the original purpose of the program is necessary for two reasons: One, research has shown that approximately two-thirds of the students meeting the definition of program eligibility contained in H.R. 11 speak English as their major language. Two, the rationale provided by this committee to support reauthorization of the Emergency Immigration Reauthorization Act, as well as projections for future growth in the number of limited English proficient students, point up the need to make sure that Federal assistance for teaching the English language is targeted on persons who are in fact limited English proficient and not on those who already know the language.

Mr. Chairman, I could cite a number of studies that have found that more than one-half the students in certain bilingual classes were predominately English speaking. The Department of Education's Inspector General, for example, reported that in one Texas school district 91 percent of the students were English speaking.

The children who customarily speak English still may need instruction that takes into account their language difficulties, but they usually have less need for immediate services than children who speak little or no English at all. I believe we should focus our support where it is needed most. My amendments would do that. I urge my colleagues to support the very sensible proposition that we give priority to helping those who most need the help.

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this has been discussed many times before, the concept being those who would qualify for bilingual education. In every instance it has been rejected and I will tell you why.

I think the limited English proficiency has borne the test of time. It has been used well by those who have delivered the bilingual services. Those who have been receiving bilingual services. I think they have been better served by that.

Let me tell the gentleman that when we use the language he suggests, "whose dominant language is other than English," that is rather vague. Having taught school for a number of years and having taught students who at that time needed bilingual education, but which was not being provided either by the State of Michigan or funded by the Government of the United States, I found it difficult to determine in students what the dominant language was. Their language on the street might be one language. Indeed, their language in the classroom might be another language. Their language in the hall could be another language and then you might even find the language at home to be another language. It would be difficult to determine under the gentleman's definition then what their dominant language was; but in every instance these students did have limited English proficiency and they benefited, I know, when bilingual education finally came in, benefited by using that definition, rather than the definition the gentleman would use.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I am happy to yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I can understand the gentleman's concern. You cannot with very great definition determine who is better than 50 percent proficient in English, let us say, and there certainly are going to be those gray areas in the middle.

The whole purpose of my amendment is not to be that specific and say we are going to have a cutoff point here. It is rather to say if we have children who are proficient in English, even though not totally proficient, it is better that the funds not be used for that group of students and rather that we use the limited funds for a group of students who obviously cannot converse or learn or cannot understand English.

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It is to just set priorities, and I think the gentleman would agree with me that if in a school you can only serve a portion of those whose dominant language may be other than English, that the funds be used for those who cannot learn in the English-speaking classes rather than to take those who are already fairly proficient in English and put them into a Spanish or other than English class.

Rather, they should be in some sort of a class that would improve the English proficiency that they already have.

So it is merely a matter of setting priorities and seeing that the limited funds go to those most in need.

Mr. KILDEE. I think it goes beyond setting priorities. It is changing, really, the thrust of the bilingual program that has worked well.

Having taught before bilingual education, and having visited bilingual schools now, I know that using that LEP definition, limited English proficiency, has worked well and I think it is more than just setting priorities. It is changing the thrust of bilingual education and I would oppose the amendment.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the gentleman's amendment.

I have a great deal of respect for, and I work with, the gentleman from Illinois. He is the ranking member of my committee and we have worked together on every bill including this one.

But I must oppose this amendment because I think that the amendment is both unnecessary and exceedingly cumbersome for school districts.

In the first place, in terms of being unnecessary, I do not know of what school district the gentleman or the school the gentleman referred to, but I have some knowledge of Texas schools. In Texas, schools use bilingual education primarily with local funding, primarily State and school district funding, and they use bilingual education to assist students in the acquisition of English proficiency. So I do not know of any Texas schools that are using either local funding or Federal funding for predominantly English-speaking students.

I think this amendment would take away the flexibility that we all seek to give to school districts and to parents. The fact is that school districts ought to be encouraged to design new types of curriculum that would find new ways of teaching limited English proficient students. Some school districts may design a curriculum that would involve, with the parents' consent, some small portion of that classroom or some portion of the school day, in fact, with a period in which the limited English proficient students and the English-speaking students would be in the same classroom taking the same course subject and doing very well at it.

In addition to that, I would suggest that there are parents, and there are increasing numbers of parents in Texas, who may well choose bilingual education for their children for various reasons. Many of these parents may have children who already speak English and are proficient in English. I do not think the Federal Government should be in the role of prohibiting those parents from choosing that curriculum for those students.

I think one of the reasons a parent might well choose bilingual education for an English-speaking student, and this is not a very large number, is the value to those students of being multilingual, of being bilingual. In fact, immersion does work and a bilingual program for English-speaking students is one form of immersion and it would work both ways.

I do think that there are problems with definitions. I think that any time we cavalierly add some new Federal regulation as to which student's usual or dominant language is English, I think we do have severe problems with definitions.

So I would oppose the amendment, although I support my friend. I would oppose the amendment because of the need to keep that flexibility for school districts, recognizing that 90 percent of the money, perhaps 95 or 99 percent of the money is local school district money and State money, and they should be allowed to design their own curriculum.

Mr. ERLENBORN. Will the gentleman yield?

Mr. BARTLETT. I am happy to yield.

Mr. ERLENBORN. I want to thank the gentleman for yielding and say my colleague from Texas is most persuasive. I like the rhetoric that I hear from him about giving the most flexibility to local school districts. I am just sorry the gentleman did not have that in mind in committee when he voted against my amendment that would have given total flexibility to the school districts to utilize the bilingual teaching methods of their choice rather than having them dictated from Washington.

Mr. BARTLETT. Reclaiming my time. I appreciate the gentleman's point because in fact this bill puts into Federal law flexibility in curriculum for the first time in the history of bilingual education. As the gentleman knows, I advocated that flexibility at the subcommittee hearings, at the subcommittee markup, and at the full committee markup, and was able to achieve a compromise which provides for flexibility for school districts. They may choose and design alternative instruction for the first time in the history of bilingual education.

We disagree about how much money would be spent on it, but it legitimizes alternative instruction and flexibility which is important.

Mr. ERLENBORN. Will the gentleman yield further?

Mr. BARTLETT. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I will not further pursue that with the gentleman. As he knows, I do not believe that giving a small percentage of only that additional money that might be appropriated over the current level, I do not believe that is sufficient. But let me go to another element.

I heard the gentleman talking about parental discretion as well, and I hope that the gentleman and expect that he probably will support the next amendment that I offer that will provide that the schools not place children in these bilingual education programs without the permission of the parents. I think the parents ought to have a say in this.

Mr. BARTLETT. Reclaiming my time, I believe not only should parents have a say in the curriculum that is given to them in their classroom but parents in fact, in Texas and in most of the States, do have a say in that curriculum.

I do have and will offer a clarifying amendment to the gentleman's amendment. But I do support the intent of the gentleman's amendment on parental discretion.

Again, I would not impose new burdens on the school districts, but I would seek to achieve flexibility.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois [Mr. ERLENBORN].

The question was taken; and on a division (demanded by Mr. ERLENBORN) there were—ayes 4, noes 10.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: Page 20, after line 25, insert the following new subparagraph:

"(D) Parents or legal guardians of students identified for enrollment in bilingual education programs shall be informed of (i) the reasons for the selection of their child as in need of bilingual education, (ii) what alternative educational programs are available, and (iii) the nature of the bilingual education program and of the instructional alternatives. Before any student may be enrolled in any bilingual education program funded under this title, the school shall request and receive parental approval for any such enrollment.

Mr. ERLENBORN. Mr. Chairman, I realize that the last amendments I offered were highly controversial and that caused the outpouring of Members on the floor so that we had that division of 10 against and 4 in favor. But I think that the amendment I am now offering will probably calm the waters and I think will be acceptable, I think it should be acceptable to everyone.

Mr. Chairman, I rise to offer an amendment to allow parents to decide whether their children should participate in a program of bilingual education.

H.R. 11, current law and regulations permit the schools to place children into bilingual programs without consulting with the students' parents. This amendment would require the school to obtain parental permission before enrolling students in a bilingual education program.

Some parents want bilingual education for their children, others do not. As the Washington Post pointed out in April, large numbers of Mexican-American parents living along the Mexican border in Texas are unhappy

with bilingual education. They want their children taught in English. Parents must be given a voice, and a major voice, in any decision that so affects their child's future. Parents should have the opportunity to decide whether or not they want their children in a bilingual education program.

Too few Federal bilingual programs now involve parents in this decision. In a study of 60 bilingual programs, it was reported that only 37 of the projects involved parents in the decision to any degree.[1] And far too often the parental involvement is only an opportunity to exercise a veto over the school's decision. Real parental involvement, which this amendment would provide, requires the school to present the parent with the choice, and then let the parent decide.

□ 1730

AMENDMENT OFFERED BY MR. BARTLETT TO THE AMENDMENT OFFERED BY MR. ERLENBORN

Mr. BARTLETT. I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT to the amendment offered by Mr. ERLENBORN: In the matter proposed to be inserted by the amendment of the gentleman from Illinois, strike out the last sentence and insert in lieu thereof the following: "Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose.".

Mr. BARTLETT. Mr. Chairman, I believe this amendment to the amendment clarifies the intent of the gentleman's amendment. It is the gentleman's intent, and I support that intent, to support parental rights: To give parents the choice of the curriculum for their children.

I would note that many, and so far as I know all school districts, at least all of them in Texas, are already doing this. Schools already informing parents of their children's participation in bilingual education, and giving them the right to withdraw.

I would submit the way the amendment is now drafted it is entirely too cumbersome. The amendment would impose a new Federal law or Federal regulation that would tell school districts precisely how much consent they have to get. It would lead to a whole new set of Federal regulations to require that positive assent.

Mr. Chairman, school districts are already doing this. I have visited with a number of them in Texas. In fact, I brought to the House floor a copy of notification of English as a second language program entry form from K through 12, from the Dallas Independent School District. This is not unique to DISD, it is widespread, in California, Michigan, Texas, Arizona, and other States.

I would like to submit to the House this parental consent form, which is sent home to every student where English is the second language and also bilingual education, the opening day of class.

It says:

DALLAS INDEPENDENT SCHOOL DISTRICT,
Dallas, TX, October 14, 1983.

NOTIFICATION OF ENGLISH AS A SECOND LANGUAGE PROGRAM ENTRY—K–12

Date ————, 19——

DEAR PARENT OR GUARDIAN: The Dallas Independent School District is committed to provide a program of instruction for students who are not proficient in English and would have difficulty with their schoolwork. The English as a Second Language (ESL) Program has been developed to give such students help in speaking, reading and writing English. It is a pleasure to inform you that —— will be receiving ESL instruction. In addition to ESL, your son/daughter is also receiving instruction in the regular English curriculum depending on the level of English proficiency.

If you have any questions, I will be happy to meet with you.

Sincerely,

LINUS WRIGHT,
General Superintendent.

_____

Principal

_____

Please sign and return this letter within 10 days to indicate that you have been informed and support the school's decision regarding your son/daughter. Parental consent shall be assumed if the letter is not returned to the school.

_____

Parent/Guardian

_____

Date

The last is the key sentence that would be made possible by my amendment to the gentleman's amendment: "Parental consent shall be assumed if the letter is not returned to this school."

I do think we should give schools some flexibility in sending out the parental consent form and not require some new burden.

I do support the intent. I think this amendment to the amendment accomplishes that.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I would be happy to yield.

Mr. ERLENBORN. Let me first ask the gentleman, and this is a serious question, is this letter of which I have a copy, the one you just read, is this sent to the parents in this English form only or do they send it in Spanish?

Mr. BARTLETT. Reclaiming my time, I am glad the gentleman asked. I also have a copy of that form in Spanish and in Vietnamese. My Spanish is a little rusty so I did not try to read it in Spanish to the House, and my Vietnamese is nonexistent. It is sent in the child's native language.

Mr. ERLENBORN. My first reading of your amendment led me to believe that I would support it. I did not notice that you were striking out the last sentence of my amendment.

The very definitive difference we have between the gentleman's approach and mine could probably be illustrated in one of two ways. First, we have had in the past in some of our schools student activity fees program where at one time Ralph Nader and his supporters in the universities were able to have support for some of his activities included as student fees, and a checkoff system.

So they would take the money from the student's fees that he paid to the university unless the student affirmatively signed a statement saying he did not want Ralph Nader to get the money.

I really never saw that as a very fair way of approaching that sort of situation. An automatic checkoff, many students were not aware of it, or forget to exercise their rights to not have their student fees sent to Ralph Nader. This has that same sort of aspect to it.

Mr. BARTLETT. Reclaiming my time, I understand the gentleman's concern but I do not approach bilingual education as some sort of a malevolent fee that goes to Ralph Nader or is in any way comparable.

The fact is parents in this country are universally concerned with the education of their children, particularly parents whose native language is not English.

In all the schools using this, the schools have a very high rate of return, and they do have parents come and ask that their student child is taken out of the program.

I think it works well. I think the gentleman's amendment to require that positive assent in fact would in many circumstances be too cumbersome to carry out.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ERLENBORN and by unanimous consent, Mr. BARTLETT was allowed to proceed for 3 additional minutes.)

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman.

Mr. ERLENBORN. I thank the gentleman.

What bothers me about this, Mr. Chairman, is that it does take the other tack, that the school officials know best and that the school officials may make a decision wholly without consultation with the parents, then give the parents merely a veto.

Now the approach in my amendment is to say that this is too serious a deci-

[1] Development Associates, Inc. A Descriptive Study of the Classroom Instruction Component of the ESEA Title VII Bilingual Education Program. Arlington, VA 1983.

sion to be taken in a vacuum, apart from parental consent, parental involvement. Mere inaction on the part of the parent here after a decision has already been made without consultation, would enroll the student.

I think the parents should be brought in in consultation and should participate in the decisionmaking.

Mr. BARTLETT. Reclaiming my time, I would make two points in rebuttal: No. 1, in fact the first part of gentleman's amendment is intact and it is a good amendment insofar as it goes. The first part states that the parents be informed of the reasons for the selection of their child, what alternative educational programs are available, the nature of bilingual education program and the instructional alternatives.

So there is preconsultation because the gentleman's amendment is intact. That is point No. 1. The gentleman's amendment with my amendment does require consultation.

No. 2, I suppose, is that I do believe that it is an amendment that would be agreed to by at least this cosponsor of the bilingual bill and I believe by the other side as well, with this amendment.

So if parental consent is what the gentleman is after, as we are all, I would think it would be a good way to achieve it by accepting this amendment.

Mr. ERLENBORN. Just one very quick observation, if the gentleman will yield: The gentleman's amendment combined with mine does not really involve any discussions with the parent, any joint decisionmaking.

The decision can be made by the school and then they merely send out a form advising them, "This is what we intend to do, these are some alternatives and then if you do not take action, your student is going to be enrolled."

It does not really involve consultation, merely information. Mine would require consultation.

Mr. BARTLETT. Whatever consultation is in the gentleman from Illinois' amendment, my amendment has exactly the same language.

Mr. MARTIN of New York. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from New York.

Mr. MARTIN of New York. The gentleman from Texas I understand what he is trying to do is to remove some of the burden and paperwork on the local school district, in some instances perhaps having to chase down parents or guardians to get this affirmative input from them.

But let me ask the gentleman as a practical matter, under your amendment, if for whatever reason the parent or guardian did not respond or did not get the mail or did not understand, and some time after that found out that perhaps they did not want their child in this program, is there anything on earth to prohibit them from saying so?

Mr. BARTLETT. I appreciate the gentleman's question. My amendment is specific. It says the parents shall be informed that they have the option of choosing enrollment of their children in such programs and given an opportunity to do so if they choose so. There is no time limit on it. The parents simply have the option.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BARTLETT was allowed to proceed for 1 additional minute.)

Mr. BARTLETT. Federal law states very clearly a concept that we sometimes fail to enforce here in either Congress or sometimes in school districts. This one enforces it.

□ 1740

Federal law states: "Parents have the primary responsibility for the education of their children."

I believe that my amendment, combined with the amendment of the gentleman from Illinois, would accomplish that.

There is no time limit in answer to the gentleman's question.

Mr. MARTIN of New York. What we are trying to do, I am sure, is make sure that the parent has the maximum input, that if there were such a situation perhaps that they would change their mind during the course of a semester. There is nothing to keep them from coming in and raising the objection and then the child would no longer be objecting to this.

Mr. BARTLETT. The gentleman is correct. My amendment states very clearly that the parents have the option, and that is the key word, the option.

Mr. MARTIN of New York. I thank the gentleman.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment to the amendment and in opposition to the original amendment.

Mr. Chairman, title VII, like chapter 1, like migrant education and all other Federal programs, does not confer upon parents the right to determine whether their children shall be in, say, chapter 1 or not.

But, however, it does not preclude school officials from giving parents such a choice.

That is the case in most instances where bilingual education is being offered. I know in California the parents are given that option. In Texas, New York, Illinois, Connecticut, and Florida.

But I do think that since the Federal Government now is trying to get involved in how this option shall be exercised rather than leaving it exclusively up to the States, as is the case now under present law, that I think the Bartlett amendment does make the gentleman's amendment better.

I would be willing to accept the Bartlett amendment.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

As the gentleman well knows under the handicapped law, the Federal handicapped program, we require that the handicapped be given the full educational opportunity. We also require that before a program is undertaken that a program be designed, put in writing, and that there be consultation with the parents.

Now, I do not see why the parents of the predominantly Spanish speaking should be treated any more shabbily than the parents of the handicapped. I think they should also be taken into consultation, should have an opportunity to sit down with the school officials and find out what this program is and to exercise some discretion.

But it seems to me you have a double standard here. You say the handicapped, you are going to consult the parents, but those who are handicapped, not physically, but because they do not happen to speak English as well, are not going to be treated quite the same, you are merely going to give them an opportunity to veto, if they understand the chance that they have to veto.

Mr. KILDEE. If I may say, I do not think they should be treated shabbily at all and I do recall I fought 3 years ago to keep the parental advisory committee in for chapter 1. But the gentleman did not support me on that. I wish the gentleman had supported me on that.

As a matter of fact, let me tell the gentleman from Illinois, that in most cases parents are involved. Bilingual education in Michigan involves the parents to a great degree. I think this is the case in most areas. It is a chance where you can bring the parents into the school probably more than any other program.

But I do wish the gentleman had supported me on chapter 1.

Mr. ERLENBORN. If the gentleman would yield further. I could not support the gentleman on that because I think the parents are too important to turn over to some committee, some advisory committee, the rights that each parent should exercise over their own children.

Mr. KILDEE. Mr. Chairman, I would hope that we would adopt the Bartlett admendment to the Erlenborn amendment.

The CHAIRMAN. The question is on the amendment offered by the gentle-

man from Texas [Mr. BARTLETT] to the amendment offered by the gentleman from Illinois [Mr. ERLENBORN].

The question was taken, and on a division (demanded by Mr. BARTLETT) there were—ayes 14, noes 4.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ERLENBORN], as amended.

The amendment, as amended, was agreed to.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all debate on all amendments to the bill and on the bill close at 6:30.

The CHAIRMAN. The Chair will advise the gentleman that the entire bill has not been open to amendment as yet. Only title II has been designated for amendment.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the bill be open to amendment at any point, and that all debate on all amendments that are offered close at 6:30.

The CHAIRMAN. Is there objection to the first part of the request of the gentleman from Kentucky that the entire bill be open to amendment at any point?

Mr. BARTLETT. Mr. Chairman, reserving the right to object, does this protect the right of the gentleman to offer a new title at the end of the bill? I believe the gentleman from Pennsylvania [Mr. GOODLING] and others may have amendments that may go on past 6:30.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

It would, as I understand, yes.

Mr. BARTLETT. With those rights to offer amendments, would those amendments be offered after 6:30, that is, tomorrow, or between now and 6:30?

Mr. PERKINS. They would be offered after 6:30 immediately. And then they would be voted on.

Mr. BARTLETT. Further reserving the right to object, Mr. Chairman, I yield to the gentleman from Illinois [Mr. ERLENBORN].

Mr. ERLENBORN. Mr. Chairman, let me suggest to my committee chairman that I do not think anyone has been dilatory. We have been moving along rather rapidly. We are still on the first title that we have taken under consideration. We have been on it much less than an hour, and that probably was the most controversial.

I do not believe Members would have anticipated debate being cut off on this bill, and probably amendments have not been printed in the RECORD.

Mr. PERKINS. Mr. Chairman, I withdraw my unanimous-consent request. I wanted to accommodate some of my friends on that side.

AMENDMENT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KILDEE: On page 22, line 4, strike "and (a)(2)" and insert in lieu thereof ", (a)(2), and (a)(3)".

Mr. KILDEE. Mr. Chairman, my amendment is technical in nature and would clarify that grants for programs of special alternative instructions authorized under section 721(a)(3) are subject to the same general requirements, including the evaluation requirements, applicable to transitional bilingual and developmental bilingual programs. The minority has seen the amendment and I am aware of no objections.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

These are technical amendments and I do support the amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KILDEE].

The amendment was agreed to.

Mr. McCAIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage my colleague from Michigan [Mr. KILDEE] in a very brief colloquy to clarify a technical point.

I would like to clarify that the 10-percent set-aside for special alternative programs is to be available for all the programs in the bill including those of demonstrated effectiveness such as authorized under section 721(a)(4).

Does the gentleman agree this is the intent?

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Michigan.

Mr. KILDEE. I thank the gentleman for yielding.

Yes, this is clearly the intent.

Mr. McCAIN. I thank my colleague.

I would just like to make a few remarks concerning title II of the bill that we are now considering.

The bill is a product of long hours of negotiations and compromise. Local curriculum flexibility in federally funded bilingual education programs is allowed for the first time by this legislation. I believe this is a vital concept which should be instituted in this bill.

As my colleague from Pennsylvania [Mr. GOODLING] has stated, this authority has mandated a specific form of instruction in the past. Transitional bilingual education calls for instruction in a student's native language and is not always workable, practical, or possible.

□ 1750

However, as a result of this agreement, funds have been set aside for alternative programs of instruction. Local school boards will be able to determine the best form of instruction for their areas.

For instance, in my district there is one school that has students whose native language is Spanish, others who speak English and others who are Yaqui Indians. A strict form of transitional bilingual education under this school system would not be possible. It would be even more difficult to make transitional bilingual education work in a large urban area with students from Vietnam, Cambodia, Central America, and other parts of the world. It would be next to impossible to find instructors to teach in all of the languages and dialects that are available.

In rural areas or parts of the country with a small language minority population, transitional bilingual education would also be unworkable.

Finally, a number of school districts have not been pleased with transitional bilingual education and have wanted to try something different. This title of H.R. 11 would allow those districts to implement bilingual education programs and to meet their individual community's needs.

For those Members who doubt the goals of this program, I want to point out once again that this legislation recognizes that the goal of bilingual education is to teach students English. Unfortunately, some groups have raised the unfounded concern that bilingual education will institute and perpetuate a two-language system. Nothing could be further from the truth. We must teach all students English without destroying their ethnic heritage and we must make sure that limited-English-proficient students are not left behind their English-speaking peers.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I am happy to hear the comments that the gentleman just made, because I was going to offer an amendment because I felt there was apparently an omission in the bill, because in our discussion, and as we put the bill together in committee, I am sure that we said that of the several grant programs authorized by title II of this bill, they would be grants for academic excellence programs, and we did not tie them down to any one way to bring about excellence in those programs. If they are excellent programs using various methods, we would then give grants for that purpose. And I hope that everybody understands on both sides of the aisle that that is what was meant as a matter of fact, and I would be

very happy to hear the gentleman from Michigan comment on that statement.

Mr. McCAIN. Reclaiming my time, I appreciate the comments of the gentleman from Pennsylvania. I guess it might be helpful if there were any further comments of the gentleman from Michigan as to his agreement as to the intent of this legislation.

I yield to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Will the gentleman just briefly rephrase his question? I was occupied with someone else at the time.

Mr. McCAIN. The programs of academic excellence will be eligible for the funds set aside for special alternative programs. That was not clear in the way the legislation is presently written.

Mr. KILDEE. That is my intent.

Mr. McCAIN. Beyond transitional programs.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words, and I only do so because now I am not quite sure whether I should be offering this amendment or not.

Let me make my statement, and then I will determine whether I should offer an amendment or not.

As I understood it, when this bill left our committee the several grant programs authorized in title II of this bill would include grants for academic excellence programs. These grants are designed to help identify, strengthen and disseminate exemplary programs as models for other developing programs.

The definition of "programs of academic excellence" in the bill mentioned programs of transitional bilingual education and developmental bilingual education but failed to include special alternative instructional programs. It is my understanding that this is an omission, it was an oversight. If I offered an amendment, my amendment would merely permit alternative instructional programs to be also considered as candidates for model demonstration programs. These are model demonstration programs. We certainly do not want to limit them to only one or two methods of instruction, I would think, at least that is not what I understood when it left the committee.

Mr. KILDEE. What I would prefer to do at this point, if that problem does indeed exist, I will be happy to work with the gentleman and Mr. McCAIN in conference to resolve that problem, and I will give the gentleman my commitment on that.

Mr. GOODLING. Well, there is no question the way the bill is written at the present time, with that omission, you clearly say that only bilingual education programs with established records of providing effective academically excellent programs are eligible for the fourth class of grants, academically excellent programs.

Here you very definitely say that it is transitional and developmental bilingual education. That is not what I understood——

Mr. KILDEE. You want to include the new 10-percent——

Mr. GOODLING. I want to include alternative programs.

Mr. KILDEE. Yes. I again would be willing to work that language out with the gentleman in the conference committee.

Mr. GOODLING. Does the gentleman object to my offering this particular amendment at this time?

Mr. KILDEE. I do not have a copy.

Mr. GOODLING. As I said, we really should clarify this now because the understanding when it left committee was that you are talking about exemplary programs.

Mr. KILDEE. If you have your language ready to achieve that, let me take a look at the language here.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. BARTLETT. As I heard the colloquy by Mr. McCAIN and Mr. KILDEE and as I heard Mr. GOODLING's statement, and my own feelings as one of the sponsors of this, I believe that we are all saying the same thing, that we concur.

Mr. KILDEE. Having looked at your language here, I find the amendment acceptable.

Mr. GOODLING. Then I will offer that amendment.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 12, line 18, strike out "or" and insert in lieu thereof a comma, and on line 19, insert ", or special alternative instruction" after "education".

Mr. GOODLING. Mr. Chairman, I already gave my argument for this amendment. Would the other side like to at this time say that it is an acceptable amendment?

Mr. KILDEE. Yes. Mr. Chairman, if the gentleman will yield, I still keep my word of acceptance on that, yes.

Mr. GOODLING. We are very happy to accept this amendment on this side of the aisle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II? If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—AMENDMENTS TO FEDERAL IMPACT AID LAWS

GENERAL EXTENSIONS OF AUTHORIZATIONS

SEC. 301. (a)(1) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 236) is amended by striking out "October 1, 1983" each place it appears in sections 2(a), 3(b), 4(a), and 7(a)(1) and inserting in lieu thereof "October 1, 1989".

(2) Section 3(d)(2)(E) of such Act is amended—

(A) by striking out "fiscal year 1983 or 1984" in division (ii) and inserting in lieu thereof "any of the fiscal years 1983 through 1989"; and

(B) by striking out division (iii).

(3) The Omnibus Education Reconciliation Act of 1981 is amended—

(A) by striking out section 504;

(B) by striking out subsections (a) and (b) of section 505 and inserting in lieu thereof the following:

"SEC. 505. (a) Of the amount appropriated to make payments under the Act of September 30, 1950 (Public Law 874, 81st Congress) for any fiscal year, $21,000,000 shall be available for payments under section 2 of such Act."; and

(C) by redesignating subsections (c)(1), (2), and (3) as subsections (b), (c), and (d), respectively.

(b) The Act of September 23, 1950 (Public Law 815, Eighty-first Congress; 20 U.S.C. 631) is amended—

(1) by striking out "September 30, 1983" in section 3 and inserting in lieu thereof "September 30, 1989"; and

(2) by striking out "October 1, 1983" in section 16(a)(1)(A) and inserting in lieu thereof "October 1, 1989".

COLLECTION OF OVERPAYMENTS

SEC. 302. In the case of any local educational agency which the Secretary of Education determines has received, for any fiscal year after fiscal year 1976, an overpayment under section 2 of the Act of September 30, 1950 (20 U.S.C. 237) as a consequence of a recomputation of need based on revised data, the Secretary shall not require more than 10 percent of the amount of the overpayment to be repaid (or deducted from current payments) in any fiscal year.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD of Michigan: Page 49, after line 19 insert the following new section:

AMENDMENTS TO IMPACT AID PROGRAM

SEC. 303. (a)(1) Section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by inserting at the end thereof the following new sentence: "In carrying out the provisions of this subparagraph, the Secretary shall not prorate the amounts computed under this subparagraph attributable to the number of children determined under subsection (a) or (b), or both.".

(2)(A) The second sentence of section 3(d)(2)(B) of such Act is amended by striking out "The" and inserting in lieu thereof "Subject to the provisions of subsection (h) of this section, the".

(B) Section 3 of such Act is amended by adding at the end thereof the following new subsection:

"SPECIAL PROVISIONS

"(h) Any local educational agency for which the boundaries of the school district of such agency are coterminous with the boundaries of a military installation and which is not eligible to receive payments under subsection (d)(2)(B) shall receive 100 percent of the amounts to which such agency is entitled under subsection (a) of this section.".

(b)(1) The last two sentences of section 5(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) (as added by section 23 of Public Law 98-211 (97 Stat. 1419)) are redesignated as subsection (h) of section 5 of that Act.

(2) The amendment made by paragraph (1) of this subsection shall be effective December 8, 1983.

Mr. FORD of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD of Michigan. Mr. Chairman, this amendment deals with three specific situations in the impact aid program which require legislative remedy. The amendment ensures that payments made under section 3(d)2(B) of the statute will not be prorated and provides no less than 100 percent of entitlement for "A" students for districts which are coterminous with military installations.

The so-called 3(d)2(B) districts are those where the Federal impact is so great that even after using all available sources of funds the local educational agency still cannot provide an adequate level of education. Specifically, section 3(d)2(B) provides that if a local education agency: First, has 50-percent enrollment of federally connected students; second, cannot provide a level of education equivalent to that of comparable districts in the State using its impact aid funds plus State and local revenues; third, is making a reasonable tax effort; and, fourth, is being treated no less favorably than any other district in the State with respect to State aid, then the Secretary of Education shall increase the district's impact aid funds to the extent necessary to enable it to provide a level of education equivalent to other comparable districts. There were 12 school districts that received 3(d)2(B) payments in fiscal year 1983. There have only been a handful of school districts that have consistently received 3(d)2(B) payments including Bellevue, NE; Fort Leavenworth, KS; and Douglas, SD. The amendment provides that the payments to these extremely needy districts will not be prorated.

Similarly, the amendment provides that school districts which are coterminous with military installations will receive 100 percent of their entitlement for their "A" students. Since there is no local tax base at all, these districts are also extremely reliant on impact aid funds to sustain quality education. This provision will affect six school districts: three in Texas, two in Arizona, and one in Kansas.

Finally, this amendment places a provision enacted last year for the State of Hawaii as part of the Education Consolidation and Improvement Act technical amendments in a separate section of the law. Since the Hawaii provision was attached to a section of Public Law 874 that appropriations language usually waives, this amendment places the Hawaii provision in its own section to ensure that it is not inadvertently waived.

This amendment is identical to provisions included in the legislation in the other body to extend the impact aid program, and it has been endorsed by the National School Boards Association, the National Education Association, the American Association of School Administrators, and the National Association of Federally Impacted Schools.

This amendment clearly stands on its own merits and, in addition, its inclusion in H.R. 11 will facilitate a conference with the Senate.

□ 1800

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding.

As I understand these amendments, there is no increase in cost?

Mr. FORD of Michigan. No; there is a reallocation of funds with the Hawaiian amendment, but it does not add any authorization.

Mr. GOODLING. Mr. Chairman, we accept those amendments on this side.

Mr. FORD of Michigan. Mr. Chairman, I thank the gentleman.

Mr. AKAKA. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Hawaii.

Mr. AKAKA. I thank the gentleman for yielding, and I want to especially thank the gentleman for his efforts here.

Mr. Chairman, I rise in support of H.R. 11, the Education Amendments of 1984. At the end of this fiscal year, the authorization for 11 major Federal education programs is set to expire. H.R. 11 extends the statutory authority for these programs to allow for their continued operations.

As a former educator in Hawaii's public school system, I believe it is extremely important that the House pass H.R. 11, thereby maintaining the Federal role and assistance provided to State and local school districts in important areas such as impact aid, adult education, and women's equity. Category B under the impact aid program, adult education and the women's equity programs, for example, will expire by the end of this fiscal year. Other sections of the impact aid program are scheduled for expiration by fiscal year 1985.

Impact aid is essential to the State of Hawaii. It is a program which helps compensate the State's public school system for educating Hawaii's share of federally connected children. I am especially concerned over the elimination of category B of the impact aid program, and the effect this phaseout will have on military parents and their children.

In Hawaii, many people in the military do not live in base facilities. Because of the limited supply of on-base housing, military personnel have no choice but to rely upon off-base housing. Military families living off-base usually find housing in areas close to the facility to which they are assigned, and in most instances, they send their children to the public schools within that vicinity. The elimination of category B will remove this classification; namely, children of parents in the armed services living off base, from recognition under the impact aid program.

The State of Hawaii has a high concentration of military-connected students. This is attributable to our country's significant defense activity in the Pacific. For example, the Commander-in-Chief Pacific [CINCPAC], the command for all U.S. forces in the Pacific, the Far East, and Southeast Asia, is headquartered on the island of Oahu. My State also has the largest permanent military establishment in the entire Pacific region.

The Congress must not overlook the problems or needs of military families in my State and in other parts of our country. Military parents, like all parents, want the very best in education for their children. One major difference, however, is that military personnel are constantly subject to reassignments and changes in duty stations. While Hawaii would apparently be an ideal duty station, many military parents are troubled that basic needs such as housing and education are not being satisfactorily met.

The Hawaii public school system like other impact aid eligible school districts have struggled to continue to serve their students despite the severe reductions made in the impact aid program. To compensate for the loss of assistance from this program, various proposals have been considered by the Hawaii State Legislature, including legislation to charge the Department of Defense an education fee for the cost of educating children of military parents attending Hawaii's public schools. This legislation further sought to bar these children from at-

tending the State's public schools if this fee was not paid.

While this legislative proposal was not adopted, this action illustrates the taxpaying public's view that the educational needs of children of military parents should not receive equal attention from the State of Hawaii if the Federal Government continues to ignore the financial needs of Hawaii's public school system. I sincerely believe that the phaseout of category B coupled with continued reductions of impact aid funding would be a clear signal that the Federal Government is turning its back to the needs of impact aid eligible host States; this will, in turn, further alienate military families from the local communities in which they reside.

I urge the Members in this House to join my colleagues and I who have risen to support H.R. 11. The impact aid program and the several other education programs in this bill should be maintained in keeping with our Government's commitment to quality and fairness in education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. FORD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WYDEN

Mr. WYDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYDEN: Page 48, after line 15, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

(3) Section 3(c)(2)(A) of such Act is amended—

(A) by striking out division (i); and

(B) by redesignating divisions (ii) and (iii) as divisions (i) and (ii), respectively.

Mr. WYDEN. Mr. Chairman, I rise today to offer a simple amendment to H.R. 11 with regard to impact aid.

As you know, this worthwhile program has helped out school districts nationwide for years by providing schools with funds to pay for the education of children whose parents live and work or live or work on Federal property.

I would like to tell the Members briefly about a problem that a small school district in my congressional district is experiencing. The Bonneville School District presently has eight students who qualify for impact aid—six for the A program and two for the B program.

As the Members know, impact aid money is allocated on a formula which allows districts to receive funds if there are at least 400 students and 3 percent of their student population qualifies for this aid. However—and this is where the problem lies—despite the percentage of the number of students who qualify, if the number of students is less than 10, a school district is dropped from the program.

Because the Bonneville School District has only eight eligible students, the district was dropped from the program, even though it meets the formula criteria. Without the aid, the district is having to educate these children for free. The current tuition for high school students in the district is $4,700 per student per year. For Bonneville, the loss of these funds is a substantial one.

Under my amendment, we would drop the ceiling level of 10 students so that smaller school districts may still be eligible for this worthwhile program. My amendment deletes the ceiling level but keeps the percentage formula intact.

According to a Congressional Research Service study, only eight other school districts in the Nation will be affected by this amendment so the cost is negligible. I would appreciate the Members support to help smaller school districts keep their impact aid moneys.

Finally, I particularly want to thank the gentleman from Michigan, Chairman FORD, the gentleman from Kentucky, Chairman PERKINS, and the gentleman from Pennsylvania, Mr. GOODLING, for their generous assistance in the development of this amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the chairman of the committee, and I thank him for his help.

Mr. PERKINS. Mr. Chairman, let me state that we have these situations occasionally coming up in the construction of reservoirs and dams throughout the Nation and when people are fenced off. These are emergency cases, and I see nothing wrong with lowering the requirements.

So, I would suggest that we accept the gentleman's amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, we would be happy to accept the amendment on this side.

Mr. WYDEN. I thank the gentleman; both of them have been most helpful.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. WYDEN].

The amendment was agreed to.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute, beginning with title IV, is as follows:

TITLE IV—WOMEN'S EDUCATIONAL EQUITY

SHORT TITLE; REFERENCE

SEC. 401. (a) This title may be cited as the "Women's Educational Equity Amendments of 1984".

(b) Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Women's Educational Equity Act of 1978 (20 U.S.C. 3341 et seq.).

(c) Such Act is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary of Education".

FINDINGS AND PURPOSE

SEC. 402. (a) Section 931(b)(1) is amended by adding at the end thereof the following: "The Congress finds and declares that excellence in education cannot be achieved without equity for women and girls.".

(b) Section 931(b)(2) is amended by adding at the end thereof the following: "It is also the purpose of this part to provide educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on sex, and on race, ethnic origin, disability, or age.".

GRANT AND CONTRACT AUTHORITY

SEC. 403. Section 932(a) is amended by adding at the end thereof the following: "The Secretary shall ensure that at least 1 grant or contract is available during each fiscal year for the performance of each of the activities described in paragraph (1) of this subsection.".

CHALLENGE GRANTS

SEC. 404. Section 934 is amended to read as follows:

"CHALLENGE GRANTS

"SEC. 934. (a) In addition to the authority of the Secretary under section 932, the Secretary shall carry out a program of challenge grants (as part of the grant program administered under section 932(a)(1)), not to exceed $40,000 each, in order to support projects to develop—

"(1) comprehensive plans for implementation of equity programs at every educational level;

"(2) innovative approaches to school-community partnerships;

"(3) new dissemination and replication strategies; and

"(4) other innovative approaches to achieving the purposes of this part.

"(b) For the purposes described in clauses (1) through (4) of subsection (a), the Secretary is authorized to make grants to public and private nonprofit agencies and to individuals.".

CRITERIA AND PRIORITIES

SEC. 405. Section 935 is amended—

(1) by inserting "separate" after "Secretary shall establish"; and

(2) by inserting "under sections 932(a)(1) and 932(a)(2)" after "priorities for awards".

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

SEC. 406. Section 936 is amended—

(1) by striking out "Office of Education" in subsection (a) and inserting in lieu thereof "Department of Education";

(2) by striking out paragraph (1) of such subsection and inserting in lieu thereof the following:

"(1) seventeen individuals, some of whom shall be students, and who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals, broadly representative of the general public and including (A) individuals who are experts in a wide range of issues of educational equity for women at all levels of education, including preschool, elementary and secondary education, higher education, vocational and adult education; (B) individuals who are representative of and expert in the educational needs of racial and ethnic minority women, older women, and disabled women; and (C) both women and men who have demonstrated commitment to and expertise in the purposes of this part;";

(3) by striking out "advise" and all that follows through "on matters" in subsection (c)(1) and inserting in lieu thereof "advise the Secretary and the Congress on matters";

(4) by inserting "selection of funding priorities and" before "allocation of any funds" in subsection (c)(2); and

(5) by striking out subsection (c)(3) and inserting in lieu thereof the following:

"(3) advise all Federal agencies which have education programs concerning those aspects of the programs which relate to the educational needs and opportunities of women;".

REPORT OF THE SECRETARY

SEC. 407. Section 937 is amended—

(1) by striking out the heading of such section and inserting in lieu thereof the following:

"REPORTS, EVALUATION, AND DISSEMINATION";

(2) by striking out ", 1980, 1982, and 1984" and inserting in lieu thereof "of each of the years 1985 through 1989";

(3) by striking out "shall evaluate" in the last sentence and inserting in lieu thereof "shall oversee the evaluation of";

(4) by striking out "include such evaluation" in such sentence and inserting in lieu thereof "report on such evaluation"; and

(5) by inserting "(a)" after "SEC. 937." and by adding at the end thereof the following new subsection:

"(b) The Office of Women's Educational Equity shall evaluate and disseminate (at low cost) all materials and programs developed under this part.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 408. Section 938 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 938. For the purpose of carrying out this part there are authorized to be appropriated $50,000,000 for fiscal year 1985 and each of the four succeeding fiscal years.".

TITLE V—AMENDMENTS TO TITLE XI OF THE EDUCATION AMENDMENTS OF 1978

SHORT TITLE; REFERENCE

SEC. 501. (a) This title may be cited as the "Indian Education Amendments of 1984".

(b) Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.).

STANDARDS

SEC. 502. (a) Section 1121(b)(2) is amended by adding at the end thereof the following: "Such standards shall include a requirement, developed in coordination with Indian tribes, the affected local school boards, the Indian Health Service of the Department of Health and Human Services, the State health departments, and the Federal Center for Disease Control, on immunization for childhood diseases, including provisions for in-school immunization, where necessary.".

(b) The first sentence of section 1121(d) is amended by striking out everything after "ill-conceived" and inserting in lieu thereof a period and the following: "The tribal governing body or designated school board shall thereafter submit to the Secretary a proposal for alternative standards that takes into account the specific needs of the tribe's children.".

(c) Section 1121(e) is amended—

(1) by inserting "(1)" after "(e)";

(2) by striking out the second sentence thereof; and

(3) by adding at the end thereof the following new paragraphs:

"(2) Within two years of the initial contract for the provision of educational services under Indian Self-Determination and Education Assistance Act each such school shall (A) be in compliance with the standards prescribed under subsection (a), or (B) have obtained accreditation, or be a candidate for accreditation, with one of the accrediting agencies recognized by the Secretary of Education or the State in which it is found.

"(3) Within one year of the date of enactment of this paragraph, the Bureau shall, through contract with a national Indian organization, establish uniform fiscal control and fund accounting procedures for all contract schools which yield data results comparable to those used by Bureau schools.".

(d) Section 1121(f) is amended by adding at the end thereof the following: "Failure to implement or meet such standards shall not serve as the basis for taking any personnel action against any individual if (1) the failure is related to inadequate resources (as determined under sections 1128 and 1129 of this title), and (2) the Secretary has not submitted the information required by this subsection and has not requested sufficient funds to cover the cost (as determined under such sections) of meeting such standards at the school concerned.".

(e) Section 1121 is further amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g)(1) Except as specifically required by statute, no school operated by the Bureau of Indian Affairs on January 1, 1984, may be closed or the program curtailed unless done according to the requirements of this subsection, except that in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, these provisions shall not apply.

"(2) The Secretary shall, by regulation, promulgate standards and procedures for the closing or consolidation of Bureau schools in accordance with the requirements of this subsection.

"(3) Such standards and procedures shall require that, whenever closure or consolidation of a school is under consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, designated local school board, and parents will be notified as soon as such consideration or review begins and kept fully and currently informed with respect to such consideration or review. Copies of any such notices and information shall be transmitted promptly to the Congress and published in the Federal Register.

"(4) Prior to ordering any such school closing or consolidation, the Secretary shall insure that a study is made of each Indian child's educational and (where applicable) social needs and that adequate alternative services are guaranteed. Such a study shall include a description of the consultation conducted between the potential service provider, current service provider, parents, tribal representative of the tribe involved, and the Director of the Bureau of Indian Affairs, Office of Indian Education Programs with regard to such child.

"(5) Prior to taking any action to close or consolidate any such school, the Secretary shall make a full report to Congress describing the plans made (including schedules and plans for follow-up studies on the students affected), and the study and consultations undertaken pursuant to paragraph (4) of this subsection. No action may be taken in furtherance of any such proposed school closing or consolidation (including any action which would prejudice the personnel or programs of such school) until the end of the academic year following the academic year in which such report is made.".

SCHOOL BOUNDARIES

SEC. 503. Section 1124 is amended to read as follows:

"SCHOOL BOUNDARIES

"SEC. 1124. (a) The Secretary shall, in accordance with this section, establish separate geographical attendance areas for each Bureau school.

"(b) No attendance area shall be established with respect to any such school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been given one year from the date of enactment of the Indian Education Amendments of 1984 to propose such boundaries. Such proposed boundaries shall be accepted unless the Secretary finds, after consultation with such body or board, that such boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the programs affected.

"(c) In any case where there is only one Bureau operated program located on an Indian reservation, the attendance area for the program shall be the boundaries of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(d) In any case where more than one school operated by the Secretary is located on an Indian reservation, the attendance areas established under this section—

"(1) in the case of nonresidential programs, shall not overlap and shall, together, cover the entirety of such reservation;

"(2) shall be established after due consideration of relevant transportation costs;

"(3) shall, to the greatest extent possible, permit a student to continue his or her education at a single school; and

"(4) with respect to dormitory programs, may be established to cover a nonexclusive area, as required by reason of such factors as social or educational need or isolation, or both.

"(e) In establishing school attendance areas under this section, the Secretary shall, in the following order—

"(1) determine attendance areas for Bureau operated programs with respect to the entire geographic area where potential students reside, considering the factors in subsection (a) and the specific educational needs of the students to be served, taking into account the wishes of the tribal governing body and local school boards concerned;

"(2) coordinate such attendance areas with those determined by schools funded under contract with the Bureau;

"(3) preserve current or historical service patterns, to the greatest extent possible; and

"(4) coordinate such school attendance areas with the school attendance areas of public schools in the vicinity, but such public school attendance areas shall not be regarded as exclusive where historical service patterns and current social, educational, or geographic (including transportation) factors show that Indian students will benefit by Bureau programs, taking into account the wishes of the tribal governing body and local school boards concerned.

"(f) In no case shall the Secretary regard a public school attendance area as being exclusive if the Secretary determines, on the basis of past practices or reasonable evidence concerning future practices, that a local school district is unable or unwilling to provide full and equal service (as provided to all of its students for all activities) throughout the year or to provide programs that meet students' particular needs.

"(g) With respect to multitribal boarding schools located off reservation, the Secretary shall establish nonexclusive major attendance areas. The Secretary may also establish by regulation supplemental attendance criteria based on special programs or services which exceed the basic academic programs. The Secretary shall provide procedures for recognizing and respecting parental choice concerning the special educational or social needs for students residing outside such areas, to the extent consistent with the best interest of the student. In those instances where a tribe requests attendance for a student residing outside the major attendance areas, the Secretary shall honor such request.".

BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS

SEC. 504. (a) Section 1126(a) is amended by adding at the end thereof the following: "The Director of the Office (whether permanent or acting) shall report directly and solely to the Assistant Secretary for Indian Affairs".

(b) Section 1126(b) is amended by striking the second sentence and inserting in lieu thereof the following: "All contract functions relating to education (including those pursuant to the Indian Self-Determination and Education Assistance Act) shall be supervised and directed by the Director of the Office.".

(c) Section 1126(b) is further amended by striking out "Nothing" in the last sentence and inserting in lieu thereof: "Subject to the provisions in subsection (c), nothing".

(d) Section 1126(c) is amended by striking out "and" at the end of paragraph (1), and by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) provide all services and support functions for education programs—

"(A) with respect to procurement actions of $25,000 or less; and

"(B) with respect to personnel matters involving staffing actions and functions, and

"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum.".

(e) Section 1126 is further amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Office shall be responsible for—

"(A) planning for school facilities to be constructed under the system required by section 1125(c); and

"(B) establishing a system for prioritizing projects and developing an annual plan for the improvement and repair of education facilities, which together shall form the basis for the distribution of appropriated funds.

"(2) The Director of the Office shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include, but not be limited to—

"(A) a method of computing the amount necessary for each education facility;

"(B) similar treatment of all Bureau and contract schools; and

"(C) the allocation of appropriated funds from the Director of the Office directly to the agency superintendents for education, or to the area education program administrators in the case of multitribal boarding schools located off reservation.

The agency superintendents for education, or the area education program administrator in the case of multitribal boarding schools located off reservation, shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made in this regard by the agency superintendents for education and by the area education program administrators, except that no funds from this program may be expended or transferred by an agency superintendent for education or by an area education program administrator unless he is assured that the necessary maintenance has been, or will be, provided in a reasonable manner. Subject to the requirements of subsection (b) of this section, nothing in this Act shall be construed to require the provision of separate operations and maintenance personnel for the Office.

"(3) The Director of the Office shall have control over all Bureau education facilities, including local Bureau housing constructed for the purpose of housing Bureau personnel at the school site.

"(4) The requirements of this subsection shall be implemented within 270 days following the date of enactment of the Indian Education Amendments of 1984.".

ALLOTMENT FORMULA

SEC. 505. (a) Section 1128(a)(2) is amended—

(1) by striking out subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (D); and

(3) by adding at the end thereof the following new subparagraphs:

"(E) special transportation and other costs of isolated and small schools;

"(F) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated local school board;

"(G) costs associated with greater lengths of service by educational personnel;

"(H) special programs for gifted and talented students; and

"(I) costs associated with operating education and recreational programs on a 12-month basis.".

(b) Section 1128(c) is amended by inserting "(1)" after "(c)", redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by adding at the end thereof the following:

"(2) All Bureau and contract schools receiving funds under this section shall receive an equal amount as an allowance for local school board training and activities including, notwithstanding any other provision of law, meeting expenses and the cost of membership in or support of organizations engaged in activities on behalf of Indian education.

"(3) The Secretary shall, subject to appropriations, provide to all contract schools an amount for administrative and indirect costs which is at least equal to the amount which would be expended by the Secretary if such school were directly operated by the Secretary. The Secretary shall take such actions as are necessary to provide contract schools with the full amount as determined by this paragraph without reducing funds available under subsection (a) of this section.".

(c) Section 1128 is further amended by adding at the end thereof the following new subsection:

"(e) The Director of the Office shall establish a separate fund from which monetary awards and quality step increases for employees shall be paid. Such payments shall not affect school allotments under this section.".

UNIFORM DIRECT FUNDING

SEC. 506. (a) Section 1129(a) is amended—

(1) by striking out "section 1128," and all that follows in the second sentence and inserting in lieu thereof "section 1128.";

(2) by inserting "(1)" after "(a)" and adding at the end thereof the following:

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by this section, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which they are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year. In order to effect a transition to the forward funding method of distribution described in the preceding sentence, there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations for such allotments, the first of which shall not be subject to the preceding sentence.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, on July 1 preceding the fiscal year for which the funds are appropriated, allotments to each affected school made under this section of 85 percent of such appropriation; and

"(ii) publish, no later than September 30 of such preceding fiscal year, the allotments to be made under this section of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.

"(3) Notwithstanding any law or regulation governing procurement by Federal agencies, the supervisor of each school receiving funds under this section shall, subject to school board approval, have the au-

thority to expend no more than 10 percent of the funds allotted by this section to procure supplies and equipment, with or without competitive bidding.".

(b) Section 1129(c) is amended by inserting at the end thereof the following: "The Secretary shall institute a program for funding tribal divisions of education and the development of tribal codes of education.".

APPEALS FROM ACTIONS OF SCHOOL BOARDS

SEC. 507. (a) Section 1129(b) is amended by striking out the last sentence and inserting in lieu thereof the following: "The supervisor of the school may appeal any such action of the local school board to the superintendent for education of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the action of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.".

(b) Section 1131(d) is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2)(A) The supervisor of a school may appeal to the appropriate agency superintendent for education any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the determination of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

"(B) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.

"(3) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.".

MANAGEMENT INFORMATION SYSTEM

SEC. 508. Section 1132 is amended—

(1) by striking out "the Bureau," and inserting in lieu thereof "the Office,";

(2) by striking out "this Act" and inserting in lieu thereof "the Indian Education Amendments of 1984"; and

(3) by striking out "to all agency and area offices of the Bureau and".

AUDITS

SEC. 509. Section 1136 is amended by inserting "(a)" after "SEC. 1136." and by adding at the end thereof the following new subsection:

"(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of the Bureau, the Office, and each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1129.".

REGULATIONS

SEC. 510. Section 1138 is amended by adding at the end thereof the following: "Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.".

VOLUNTARY SERVICES

SEC. 511. Title XI of the Education Amendments of 1978 is further amended by adding after section 1139 the following new section:

"VOLUNTARY SERVICES

"SEC. 1140. Notwithstanding section 1342 of title 31, United States Code, an officer or employee of the Bureau or the Office may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau and contract schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.".

EMPLOYEE BENEFITS

SEC. 512. Title XI of the Education Amendments of 1978 is further amended by adding after section 1140 the following new sections:

"PRORATION OF PAY

"SEC. 1141. (a) Notwithstanding any other provision of law, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school-year over the entire twelve month period. Each educator employed for the academic school-year shall annually elect to be paid on a twelve month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits because of such election.

"(b) During the course of such year the employee may change election once.

"(c) That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

"(d) For the purposes of this section the terms 'educator' and 'education position' have the meaning contained in section 1131(n)(1) and (n)(2) of this title. This section applies to those individuals employed under the provisions of section 1131 of this title or title 5, United States Code.

"EXTRACURRICULAR ACTIVITIES

"SEC. 1142. (a) Notwithstanding any other provision of law, the Secretary shall provide a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(b) The amount of such stipends shall be determined at the area level.

"(c) If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5, United States Code, shall apply.

"(d) This section applies to all Bureau employees, whether employed under section 1131 of this title or title 5, United States Code.

"HOUSING

"SEC. 1143. (a) The Secretary shall continue to apply rental rates for employee housing in accordance with all applicable laws and regulations. Proceeds from rental receipts shall be used for the improvement and repair of employee quarters.

"(b) Notwithstanding any other provision of law, the agency superintendent for education, or for boarding schools located off-reservation the area education program administrator, shall have the authority to waive up to 90 percent of the rental rate for educators on school-wide basis to aid the school in recruiting and retaining educators. Decisions on rent waivers will be made after consultation with the appropriate level school board and the employees. Such superintendent's or administrator's decision (as the case may be) on the need for this assistance in recruitment and retention is final and not reviewable.

"(c) During periods when schools are not in session and educators have been placed in non-pay status, all rents paid by those educators shall be waived.

"(d) For the purposes of this section the term 'educator' has the meaning contained in section 1131(n)(1) of this title. This section applies to those individuals employed under both the provisions of section 1131 of this title and title 5, United States Code.".

EXTENSIONS OF AUTHORIZATION OF OTHER INDIAN EDUCATION PROGRAMS

SEC. 513. (a)(1) Section 303(a)(1) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(a)(1)) is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1989".

(2) Section 303(b) of such Act is amended—

(A) by inserting "(1)" after "(b)"; and

(B) by striking out all after "financial assistance" and inserting in lieu thereof the following:

"in accordance with the provisions of this title to schools which—

"(A) are located on or near reservations;

"(B) are not local educational agencies; and

"(C) have not been local educational agencies for more than three years.

"(2) the requirements of clause (A) of paragraph (1) shall not apply to any school serving Indian children in California or Oklahoma.".

(3) Section 305(b)(2)(B)(ii) of such Act is amended by inserting "written" before "approval of a committee".

(b)(1) Sections 422(c), 423(a), and 442(a) of the Indian Education Act (20 U.S.C. 3385a(c), 3385b(a), 1221g(a)) are each amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1989".

(2) Section 423(a) of such Act is amended—

(A) by striking out "not to exceed two hundred" in the first sentence;

(B) by inserting "psychology," after "medicine," in the second sentence; and

(C) by striking out the last sentence and inserting in lieu thereof the following: "The Commissioner may, if a fellowship is vacated prior to the end of the period for which it was awarded, award an additional fellowship for the remainder of such period.".

(c) Section 1005(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3385(g)) is amended by striking out "October 1, 1983" each place it appears and inserting in lieu thereof "October 1, 1989".

(d) Section 316(e) of the Adult Education Act (20 U.S.C. 1211a(e)) is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1989".

TITLE VI—AMENDMENTS TO THE ASBESTOS SCHOOL HAZARD DETECTION AND CONTROL ACT OF 1980

GENERAL EXTENSION OF AUTHORIZATION

SEC. 601. (a) Section 5(a)(1)(A) of the Asbestos School Hazard Detection and Control Act of 1980 (20 U.S.C. 3604(a)(1)(A)) is amended by striking out the last sentence.

(b) Section 12(a)(1)(A) of such Act is amended by striking out "the succeeding fiscal year" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to October 1, 1989".

(c) Section 12(a)(1)(B) of such Act is amended by striking out "the fiscal year ending September 30, 1982" and inserting in lieu thereof "each of the fiscal years ending prior to October 1, 1989".

(d) Section 12(a)(2) of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "the end of the fiscal year following the fiscal year for which appropriated".

(e)(1) Section 6(b)(1) of such Act is amended by striking out "except as otherwise provided under paragraph (5)".

(2) Section 6(c)(1) of such Act is amended by striking out ", within the two-year period beginning on the effective date of this Act".

TITLE VII—EMERGENCY IMMIGRANT EDUCATION ASSISTANCE

SHORT TITLE

SEC. 701. This title may be cited as the "Emergency Immigrant Education Act of 1984".

DEFINITIONS

SEC. 702. As used in this title—

(1) The term "immigrant children" means children who were not born in any State and who have been attending schools in any one or more States for less than three complete academic years.

(2) The terms "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given such terms under section 198(a) of the Elementary and Secondary Education Act of 1965.

(3) The term "elementary or secondary nonpublic schools" means schools which comply with the applicable compulsory attendance laws of the State and which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(4) The term "Secretary" means the Secretary of Education.

AUTHORIZATIONS AND ALLOCATION OF APPROPRIATIONS

SEC. 703. (a) There are authorized to be appropriated for fiscal year 1985 and each of the four succeeding fiscal years such sums as may be necessary to make payments to which State educational agencies are entitled under this title and payments for administration under section 704.

(b)(1) If the sums appropriated for any fiscal year to make payments to States under this title are not sufficient to pay in full the sum of the amounts which State educational agencies are entitled to receive under this title for such year, the allocations to State educational agencies shall be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amounts so appropriated.

(2) In the event that funds become available for making payments under this title for any period after allocations have been made under paragraph (1) of this subsection for such period, the amounts reduced under such paragraph shall be increased on the same basis as they were reduced.

STATE ADMINISTRATIVE COSTS

SEC. 704. The Secretary is authorized to pay to each State educational agency amounts equal to the amounts expended by it for the proper and efficient administration of its functions under this title, except that the total of such payments for any period shall not exceed 1.5 per centum of the amounts which that State educational agency is entitled to receive for that period under this title.

WITHHOLDING

SEC. 705. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirements of any provision of this title, the Secretary shall notify that agency that further payments will not be made to the agency under this title, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this title to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this title, or payments by the State educational agency under this title shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

STATE ENTITLEMENTS

SEC. 706. (a) The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1985, 1986, 1987, 1988, and 1989 for the purpose set forth in section 707.

(b)(1) Except as provided in paragraph (3) and in subsections (c) and (d) of this section, the amount of the grant to which a State educational agency is entitled under this title shall be equal to the product of (A) the number of immigrant children enrolled during such fiscal year in elementary and secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, and in any elementary or secondary nonpublic school within the district served by each such local educational agency, multiplied by (B) $500.

(2) The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this title, is equal to—

(A) at least five hundred; or

(B) at least 3 per centum of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever number is less.

(3)(A) The amount of the grant of any State educational agency for any fiscal year as determined under paragraph (1) shall be reduced by the amounts made available for such fiscal year under any other Federal law for expenditure within the State for the same purpose as those for which funds are available under this title, but such reduction shall be made only to the extent that (i) such amounts are made available for such purpose specifically because of the refugee, parollee, asylee, or other immigrant status of the individuals served by such funds, and (ii) such amounts are made available to provide assistance to individuals eligible for services under this title.

(B) No reduction of a grant under this title shall be made under subparagraph (A) for any fiscal year if a reduction is made, pursuant to a comparable provision in any such other Federal law, in the amount made available for expenditure in the State for such fiscal year under such other Federal law, based on the amount assumed to be available under this title.

(c)(1) Determinations by the Secretary under this section for any period with respect to the number of immigrant children shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

(2) No such determination with respect to the number of immigrant children shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

(d) Whenever the Secretary determines that any amount of a payment made to a State under this title for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appro-

priation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

USES OF FUNDS

SEC. 707. (a) Payments made under this title to any State may be used in accordance with applications approved under section 708 for supplementary educational services and costs, as described under subsection (b) of this section, for immigrant children enrolled in the elementary and secondary public schools under the jurisdiction of the local educational agencies of the State described in section 706(b)(2) and in elementary and secondary nonpublic schools of that State within the districts served by such agencies.

(b) Financial assistance provided under this title shall be available to meet the costs of providing immigrant children supplementary educational services, including but not limited to—

(1) supplementary educational services necessary to enable those children to achieve a satisfactory level of performance, including—

(A) English language instruction;

(B) other bilingual educational services; and

(C) special materials and supplies;

(2) additional basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(3) essential inservice training for personnel who will be providing instruction described in either paragraph (1) or (2) of this subsection.

APPLICATIONS

SEC. 708. (a) No State educational agency shall be entitled to any payment under this title for any period unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

(1) provide that the educational programs, services, and activities for which payments under this title are made will be administered by or under the supervision of the agency;

(2) provide assurances that payments under this title will be used for purposes set forth in section 707;

(3) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of children counted with respect to such local educational agency under section 706(b)(1), adjusted to reflect any reductions imposed pursuant to section 706(b)(3) which are attributable to such local educational agency;

(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this title without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

(5) provide for making such reports as the Secretary may reasonably require to perform the functions under this title; and

(6) provide assurances—

(A) that to the extent consistent with the number of immigrant children enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children;

(B) that the control of funds provided under this title and the title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property; and

(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds.

(b) The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educational agency except after reasonable notice and opportunity for a hearing on the record to such agency.

PAYMENTS

SEC. 709. (a) Except as provided in section 703(b), the Secretary shall pay to each State educational agency having an application approved under section 708 the amount which that State is entitled to receive under this title.

(b) If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 708(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this title. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

TITLE VIII—GENERAL ADMINISTRATION AND ORGANIZATION

AMENDMENTS TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT

SEC. 801. (a) Section 204 of the Department of Education Organization Act (20 U.S.C. 3418) is amended by adding at the end thereof the following new sentence: "There shall be within the Office of Elementary and Secondary Education and directly under the supervision of the Assistant Secretary for Elementary and Secondary Education, an Office of Migrant Education, which shall be responsible for the administration of programs established by subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 and by subpart 5 of part A of title IV of the Higher Education Act of 1965.".

(b) Section 204 of the Department of Education Organization Act is further amended by adding at the end thereof the following new sentence: "There shall be within the Office of Elementary and Secondary Education and directly under the supervision of the Assistant Secretary for Elementary and Secondary Education, an Office of Equity Training and Technical Assistance, which shall be responsible for the administration of programs established by sections 403, 404, 405, and 406 of the Civil Rights Act of 1964.".

(c) Section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by adding at the end thereof the following new sentence: "There shall be within the Office of Educational Research and Improvement and directly under the supervision of the Assistant Secretary for Educational Research and Improvement, an Office of Women's Educational Equity, which shall be responsible for the administration of programs established by part C of title IX of the Elementary and Secondary Education Act of 1965.".

(d) For the purposes of section 413(a) of the Department of Education Organization Act (20 U.S.C. 3473), the Office of Migrant Education, the Office of Equity Training and Technical Assistance, and the Office of Women's Educational Equity shall be considered to be organizational entities established by such Act and shall not be subject to the reorganizational authority of the Secretary of Education under that section or any other provision of law.

EXTENSION OF AUTHORIZATIONS UNDER THE GENERAL EDUCATION PROVISIONS ACT

SEC. 802. (a) Section 405(k)(7) of the General Education Provisions Act (20 U.S.C. 1221e(k)(7)) is amended by striking out "$10,500,000 for each fiscal year ending prior to October 1, 1983" and inserting in lieu thereof "$11,000,000 for fiscal year 1985, and $10,800,000 for each succeeding fiscal year ending prior to October 1, 1989".

(b) Section 406(g) of such Act (20 U.S.C. 1221-1(g)) is amended by striking out "October 1, 1983" each place it appears and inserting in lieu thereof "October 1, 1989".

NATIONAL INSTITUTE OF EDUCATION

SEC. 803. (a) Section 405(k)(1) of the General Education Provisions Act (20 U.S.C. 1221e(k)(1)) is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and", and by inserting after such subparagraph the following:

"(E) with respect to each State which voluntarily participates in accordance with paragraph (5), provide for a statement of information collected by the National Assessment for each such State.".

(b) Section 405(k)(3) of such Act is amended by adding at the end thereof the following: "The appropriateness of all cognitive, background, and attitude items developed as part of the National Assessment shall be the responsibility of the Assessment Policy Committee. Such items shall not be subject to review or approval by either the Department of Education or the Office of Management and Budget.".

COLLECTION OF DATA

SEC. 804. (a) Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is further amended by adding at the end thereof the following new subsection:

"(l) For purposes of this section, the terms 'United States' and 'State' include the District of Columbia and Puerto Rico.".

(b) Section 406 of such Act (20 U.S.C. 1221-1) is amended by adding at the end thereof the following new subsection:

"(j) For purposes of this section, the terms 'United States' and 'State' include the District of Columbia and Puerto Rico.".

ANNUAL EVALUATION REPORTS

SEC. 805. Section 417(a) of the General Education Provisions Act (20 U.S.C. 1226c(a)) is amended by striking out "November 1" and inserting in lieu thereof "December 31".

PROTECTION OF PUPIL RIGHTS

SEC. 806. Section 439 of the General Education Provisions Act (20 U.S.C. 1232h) is amended by adding at the end thereof the following new subsection:

"(c) The regulations in effect on January 1, 1984, for handling complaints that arise under this section, and those procedures in effect on that date that are used to implement other provisions of this section, shall remain in force and shall not be amended or revised.".

CONFLICT-OF-INTEREST

SEC. 807. (a) Section 435(b) of the General Education Provisions Act (20 U.S.C. 1232d(b)) is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by inserting after such paragraph the following new paragraph:

"(8) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.".

(b) Section 436(b) of the General Education Provisions Act (20 U.S.C. 1232e(b)) is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(3) by inserting after such paragraph the following new paragraph:

"(9) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.".

REMOVAL OF ADVISORY COUNCIL MEMBERS

SEC. 808. Section 443 of the General Education Provisions Act (20 U.S.C. 1233b) is amended by adding at the end thereof the following new subsection:

"(c) The members of any advisory council whose terms of office are established by this section or by any other applicable statute shall not be removed from membership on such council except for cause. The President shall communicate the reasons for any such removal to both Houses of the Congress.".

COMPLIANCE PROCEDURES

SEC. 809. (a) Section 452(a) of the General Education Provisions Act (20 U.S.C. 1234b(a)) is amended by adding at the end thereof the following: "If no fraud is involved, the Secretary may seek recovery of funds paid to a State or local educational agency only in those final audit determinations pending on or made after the date of enactment of this sentence in which the disputed expenditures are not allowable under current law and such expenditures are not in substantial compliance with the law.".

(b) Section 452(b) of such Act is amended by adding at the end thereof the following: "In all final audit determinations before the Board pending on or made after the date of enactment of this sentence, the burden of proof shall be on the Secretary, and discovery shall be available to all parties under procedures provided under Rules 26 through and including 37 of the Federal Rules of Civil Procedures.".

(c) Section 452(f) of such Act is amended to read as follows:

"(f)(1) Notwithstanding any other provision of law, the Secretary may, subject to the notice requirements of paragraph (3)—

"(A) compromise any claim established under this section for which the initial determination was found to be not in excess of $50,000, where the Secretary determines that (i) the collection of any or all of the amount thereof would not be practical or in the public interest, and (ii) the practice which resulted in the claim has been corrected and will not recur; or

"(B) whenever a State or local educational agency is subject to a final audit determination, enter into a compliance agreement of not more than three years duration with such agency in satisfaction of the final audit determination, whereby additional monitoring, additional reporting, or in kind contributions will provide program enhancement and will ensure program compliance.

"(2) Whenever a disputed expenditure of a subgrantee is considered under paragraph (1), the subgrantee shall be a party to any such action of the Secretary.

"(3) Not less than forty-five days prior to entering into a compromise, or agreement pursuant to paragraph (1), the Commissioner shall publish in the Federal Register a notice of his intention to do so. Such notice shall provide interested persons an opportunity to comment on any proposed action under this subsection through the submission of written data, view, or arguments.".

(d) Section 456(a) of such Act (20 U.S.C. 1234e(a)) is amended—

(1) by striking out "program, he may consider" and inserting in lieu thereof "program and if no fraud is involved, he shall consider";

(2) by striking out "may arrange" and inserting in lieu thereof "shall arrange"; and

(3) by striking out "not to exceed".

EFFECTIVE DATE AMENDMENT

SEC. 810. Section 25(b) of Public Law 98-211 (97 Stat. 1419) is amended by striking out "June 30, 1983" and inserting in lieu thereof "June 30, 1984".

EDUCATION AMENDMENTS OF 1978: ASSISTANCE TO TERRITORIES

SEC. 811. Sections 1524 and 1525 of the Education Amendments of 1978 are each amended by striking out "1979" and inserting in lieu thereof "1985".

CONTRACT AUTHORITY

SEC. 812. Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

EFFECTIVE DATE

SEC. 813. This Act and the amendments made by this Act shall take effect on the date of enactment of this Act or October 1, 1984, whichever occurs later.

AMENDMENT OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD of Michigan: Page 93, beginning on line 14, strike out all of section 809 through page 95, line 18, and insert in lieu thereof the following:

COMPLIANCE PROCEDURES

SEC. 809. (a)(1) Subsection (a) of section 452 of the General Education Provisions Act (20 U.S.C. 1234a) is amended by inserting at the end thereof the following new sentence: "If no fraud is involved, the Secretary may seek recovery of funds paid to a State or local educational agency in those final audit determinations pending on or made after the date of enactment of this sentence only if the disputed expenditures do not comply substantially with the law.".

(2) Subsection (b) of such section is amended to read as follows:

"(b)(1) A State or a local educational agency that has received written notice of a final audit determination and that desires to have such determination reviewed by the Board shall submit to the Board an application for review not later than thirty days after receipt of notification of the final audit determination. The application for review shall be in the form and contain the information specified by the Board.

"(2) The Board shall return to the Secretary for such action as he deems appropriate (A) any final audit determination which, in the judgment of the Board, contains insufficient detail to identify with particularity those expenditures which are not allowable, and (B) any such audit determination for which the Secretary has not established a prima facie case by introduction of evidence in support of the final audit determination. Failure by a State or local educational agency to maintain adequate records pertaining to expenditures that the agency is required to maintain, or failure by a State or local education agency to allow the Secretary access to such records, shall constitute a prima facie case.

"(3) Unless the Board returns a final audit determination to the Secretary pursuant to clause (A) or (B) of paragraph (2), the burden of going forward shall be upon the State or local educational agency. The ultimate burden of proof to sustain the case by a preponderance of the evidence shall be upon the Secretary.

"(4) In all final audit determinations pending before the Board on, or brought before the Board after, the date of enactment of this paragraph, discovery shall be available to all parties in accordance with the procedures provided under Rules 26, 28 through 34, and 36 of the Rules of Civil Procedure of the United States district courts. The period for the conduct of discovery shall not exceed six months (commencing on the date on which a panel of Board members is designated to conduct the review), except that such period may be extended for an additional three months if the Board, in its discretion, determines that exceptional circumstances warrant such an extension. At the request of any party, the Board may establish a specific schedule for the conduct of discovery (subject to the limitations contained in the preceding sentence).".

(3) Subsection (f) of such section is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Whenever a disputed expenditure of a subgrantee is considered under paragraph (1), the subgrantee shall be a party to any such action of the Secretary.".

(4) In any final audit determination pending before the Secretary of Education or the Education Appeals Board on or made after the date of enactment of this Act pursuant to section 452 of the General Education Provisions Act (20 U.S.C. 1234b), the provisions of sections 122(a)(1) and 132 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2732(a)(1), 2752) shall be considered to apply with respect to expenditures made before October 1, 1978, in the same manner that such provisions apply to expenditures made on or after that date, without regard to the provisions of subsections (b)(2), (e), and (f) of section 131 of such Act (20 U.S.C. 2751) requiring that certain determinations be made in advance.

(b) Section 453 of such Act (20 U.S.C. 1234b) is amended by adding at the end thereof the following new subsection:

"(e)(1) With respect to chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801 et seq.) the Secretary may suspend the initiation or continuation of his withholding action under this section during any period there is in effect a compliance agreement with the State or local educational agency under this subsection. Such an agreement shall be deemed to be in effect for the period specified therein, except that if the State or local educational agency fails to comply with the terms agreed to, such an agreement shall no longer be in effect and such withholding under this section shall be resumed. In implementing this section, the Secretary shall take into account any partial compliance by such agency under such agreement.

"(2) For the purpose of this subsection, the term 'compliance agreement', means an agreement which—

"(A) sets forth the terms and conditions to which the State or local educational agency has agreed in order to comply with the requirements of the applicable statute and regulations promulgated thereunder;

"(B) addresses all the matters that formed the basis for the initiation of the withholding action by the Secretary; and

"(C) may consist of a series of agreements that in the aggregate dispose of all such matters.

"(3) In any case in which a State or local educational agency desires to enter into a compliance agreement, but alleges that full compliance with the requirements of the applicable statute or regulations promulgated thereunder is genuinely not feasible until a later date, the Secretary shall hold a hearing at which that agency shall have the burden of demonstrating that immediate compliance is not feasible. The Secretary shall provide an opportunity for parents, their representatives, and other interested parties to participate in that hearing. If the Secretary determines, on the basis of all the evidence presented, that immediate compliance is genuinely not feasible, the Secretary shall make written findings to that effect before entering into such a compliance agreement with that State or local educational agency.

"(4) A compliance agreement under this subsection shall not be exempt from disclosure under any provision of section 552 of title 5, United States Code. Within fifteen days after the execution of any compliance agreement under this subsection, the Secretary shall send a copy thereof to each organization or person who filed a complaint with respect to any failure to comply which is covered by that agreement.".

(c) Section 456(a) of such Act (20 U.S.C. 1234e(a)) is amended—

(1) by striking out "program, he may consider" and inserting in lieu thereof "program and if no fraud is involved, he shall consider";

(2) by striking out "may arrange" and inserting in lieu thereof "shall arrange"; and

(3) by striking out "not to exceed 75 percent" and inserting in lieu thereof "at least 75 percent".

(d) Such Act is further amended by adding at the end thereof the following new section:

"STATE COMPLIANCE AGREEMENTS

"SEC. 457. (a) In addition to other enforcement methods that may be available to States, a State educational agency may enter into a compliance agreement with a local educational agency if the State finds that the local educational agency has violated assurances contained in such agency's application or the requirements of the applicable statute or regulation under which a grant was accepted from the Secretary. Such an agreement shall be deemed to be in effect for the period specified therein.

"(b) For purposes of this section, the term 'compliance agreement' means an agreement which—

"(1) sets forth the terms and conditions to which the local educational agency has agreed in order to comply with the assurances contained in such agency's application or the requirements of the applicable statute or regulation promulgated thereunder, and with the applicable rules, regulations, procedures, guidelines, criteria or other requirements adopted by the State educational agency; and

"(2) may consist of a series of agreements that in the aggregate dispose of all such matters.

"(c) Within fifteen days after the execution of any compliance agreement, the State educational agency shall send a copy thereof to each organization or person who filed a complaint with respect to any failure to comply which is covered by that agreement.".

Mr. FORD of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD of Michigan. Mr. Chairman, I rise today, with the support of my distinguished colleague from Pennsylvania, Mr. GOODLING, to offer a substitute amendment for section 809 of H.R. 11, which deals with the auditing process for Federal education programs.

State and local education agencies have complained for some time that the auditing process for Federal programs is stacked in favor of sustaining the initial judgments of the Department of Education's auditors. They also feel that the process frequently produces results focusing on narrow technicalities rather than the goals of the programs, that it ignores congressional intent and that it is burdensome on the State and local education agencies. The Education and Labor Committee has heard of these problems frequently in hearings over the past several years, but our admonitions to the Department have been to no avail.

The difficulties in the auditing process were succinctly stated in November 1980 hearings before the Subcommittee on Elementary, Secondary, and Vocational Education by Dr. W.N. Dirby, executive assistant to the Commissioner of Education in Texas:

> . . . we (the state educational agencies) are guilty until proven innocent and denied the very tools necessary to prove our innocence . . . We want the Congress to send a message to the Department of Education to get their act together. . . . The Congress already has ample provisions in Public Law 95-561 for the Department to work with States in arriving at mutually satisfactory resolutions of problems. But the Department has chosen a rigid legalistic approach that denies true justice and early resolution of disagreements.

Over an extended period of time the State and local educational agencies produced a package of proposed legislative changes to remedy the problems they preceived in the auditing process. This spring, representatives from several of those agencies approached me with their package of audit amendments and urged that a hearing be held on the provisions and that they be included in H.R. 11.

We set up a hearing on this subject for April 10, 1984, during which four witnesses from the States of Illinois, Michigan, and Pennsylvania testified. They outlined their problems with the current auditing process and supported the proposed package of legislative changes.

In one case, which was cited at the hearing, in East St. Louis, IL, two schools burned down in 1 year and the children from those schools were placed in other schools as an emergency measure. As a result, the teacher-pupil ratio was increased sufficiently to violate the comparability requirements of title I of the Elementary and Secondary Education Act of 1965. The programs were maintained and the services were delivered, but the Department of Education demanded that $500,000 be returned to the Federal Government. This amount represented all of the title I moneys received by the school district, although the actual amount covered in the lack of comparability was only $18,000. East St. Louis is one of the poorest areas in the country. The schools are run with over 90 percent State and Federal money. It was certainly never the intention of the Congress in enacting title I legislation that this school district be denied funds or be required to repay funds because of unavoidable emergencies.

Based on the information presented in the hearing, and the previous prob-

lems with the audit process, on April 25, when the Subcommittee on Elementary, Secondary, and Vocational Education marked up H.R. 11, the audit process changes were accepted without dissent or extended discussion as an amendment offered by me with the support of Congressman GOODLING.

However, section 809 in its current form simply goes too far. Shortly after it was added to the bill, representatives of civil rights groups approached us with serious concerns that the mechanism for enforcing compliance with existing laws and regulations would be severely undermined. The Secretary of Education, on the behalf of the Department's Inspector General, also contacted the committee expressing similar concerns. As a result, we held a series of meetings over the past 2½ months to draft more precise legislative language that will continue to provide relief to educational agencies but at the same time will ensure that those children targeted by the Congress to receive services from Federal programs will, in fact, receive those benefits.

Our substitute amendment contains the following provisions to satisfy the concerns of the civil rights groups as well as clarifications on several other points in section 809 which more precisely specify the intent of our amendment.

H.R. 11 as reported by the Committee on Education and Labor on May 2, 1984, provides that recovery of funds by the Secretary of Education will be sought after a final audit determination only in those cases "in which the disputed expenditures are not allowable under current law." The proposed substitute deletes the current law standard. Both the civil rights groups and the Department of Education Inspector General took strong exception to this provision. Such a standard would violate the basic principle that grantees should be held accountable for the expenditures of funds under the law as it was when they received the funds. A current law standard would treat differently grantees who received funds at the same time. Depending on when they were audited, grantees would be held to different program requirements based upon the state of the law when they were audited. A grant might be made on the basis of one set of standards, an audit conducted on a second, an administrative appeal heard on a third, and judicial review sought on a fourth.

H.R. 11 also amends section 452 of the General Education Provisions Act [GEPA] to require that recovery of funds by the Secretary will be sought after a final audit determination only in those cases "in which the disputed expenditures * * * are not in substantial compliance with the law." The proposed substitute changes the wording slightly to provide that recovery of funds will be sought only in those cases "in which the disputed expenditures do not comply substantially with the law." This change conforms the legislative language of the amendment to that used in other sections of GEPA. It is our intention that this provision apply to all final audit determinations currently pending before the Secretary or the Education Appeals Board and to all future final audit determinations made after the date of enactment of H.R. 11.

A crucial dimension to the "comply substantially" issue came to light during our negotiations. The Sixth Circuit Court of Appeals, in the case of Kentucky against Secretary of Education, decided that Kentucky need not repay allegedly misspent title I funds because: First, the statutory and regulatory requirements were ambiguous; second, the State was granted discretion in developing and administering a title I program; third, there was no evidence that the State acted in bad faith; and, fourth, and the State's program complied with a reasonable interpretation of the law. In sum, the court found that Kentucky had not failed to comply substantially with the law. The Department of Education has requested and been granted a review of the case by the Supreme Court.

While the comply substantially standard is reasonable in general, it is not the intention of the Congress to affect the pending case before the Supreme Court. Rather the Congress remains neutral on the merits of the Kentucky case, leaving it to the Court to decide.

The concept of comply substantially becomes particularly complex in terms of the supplement not supplant requirements of chapter 1 of the Education Consolidation and Improvement Act of 1981. In order to comply totally with the supplement not supplant provision, a program would have to be provided after school because any program provided during the school day is technically supplanting instruction that would have otherwise been paid for from State and local funds. Certainly, the Congress never intended such a result.

The following example for chapter 1, issued by the Department of Education in June 1983, explicate strategies for providing instructional services for chapter 1 program participants that, from Congress' point of view, constitutes substantial, although less than full, compliance with the supplement not supplant provisions:

EXAMPLE 1

A local educational agency wishes to provide a special program of remedial instruction using a teacher aide for ten high school juniors assigned to one business math class, and for five high school sophomores in a separate compensatory math class which meets at the same time. The teacher aide spends half of each class period in each class, working individually with Chapter 1 participants to provide tutorial assistance on an as-needed basis. Such a project satisfies the supplement not supplant requirement if the classroom teacher, who would be responsible for providing instruction to the participating children in each case, continues to be responsible for tasks such as lesson planning and basic instruction, and meets with the teacher aide on a regular basis to ensure that the Chapter 1 participants are receiving a program of instruction which meets their individual needs.

EXAMPLE 2

Fifty third graders participate in a Chapter 1 project designed to help them improve their reading skills. All the children receive instruction in reading from their classroom teacher as part of their regular program of instruction. Under the Chapter 1 project, a special resource center is staffed by personnel paid with Chapter 1 funds; Chapter 1 participants are pulled out of class for one-half hour, five days per week to receive special assistance at the resource center. The time spent in the resource center totals 2.5 hours, or 12.5 percent of the 20 hours of instructional time the 50 participating children spend with their classroom teacher as part of their regular program of instruction. This project does not violate the supplement, not supplant requirement so long as the classroom teacher whose instruction the Chapter 1 project is designed to supplement continues to remain responsible for the program of instruction which is provided to the participating children and performs regular planning, instructional, and evaluative duties associated with those children. The classroom teacher must also work closely with the resource center personnel to ensure that a coordinated program of instruction is provided so as to meet the special needs of Chapter 1 participants.

EXAMPLE 3

It is possible for a replacement project to meet the supplement not supplant requirements under substantial compliance. A replacement project is one in which Chapter 1 services are provided to participating children in a different classroom setting or at a different time than would be the case if these children were not participating in the Chapter 1 project. The Chapter 1 project must also provide services which replace all or part of the course of instruction regularly provided to Chapter 1 participants with a distinct, self-contained Chapter 1 program which is particularly designed to meet participants' special education needs.

In order for such a project to meet the supplement not supplant requirement the agency must allocate to the Chapter 1 project the full-time equivalent number of non-Chapter 1 staff that—in the absence of the Chapter 1 service—would have been used to provide the non-Chapter 1 funded instructional service that is replaced with the Chapter 1 funded service or the agency can allocate to the Chapter 1 project an amount of non-Chapter 1 funds required to provide the number of non-Chapter 1 funded staff referred to above.

The proposed substitute further provides that section 122(a)(1) of title I of the Elementary and Secondary Education Act be applied retroactively to all audit reviews made or pending on the date of enactment of this amendment. Section 122(a)(1), enacted in 1978, allows local educational agencies to

designate any school attendance area in which "25 per centum of the children are from low-income families as an eligible school attendance area" if certain maintenance of effort requirements are met. In enacting this provision Congress was seeking to clarify that if an area were significantly low income, as demonstrated by 25 percent low income families, it would be allowed to be considered an eligible attendance area.

Similarly, our amendment provides that, for audit purposes, section 132 of title I be applied retroactively. This section, also enacted in 1978, provides an exemption from the requirement that Federal funds must supplement not supplant State and local funding. If the combination of State, local, and Federal funds in an area is sufficient to fund programs for educationally deprived children at the full level authorized, the local education agency may use any additional State and local funds for special programs and projects for educationally deprived children outside of the designated project area.

Applying sections 122(a)(1) and 132 retroactively to title I expenditures made prior to 1978 cures two of the most important problems that the current law standard proposed by the States was intended to address. In both cases, the theory justifying retroactivity is that in 1978 Congress was clarifying what it had assumed policy was prior to 1978. Therefore, the amendments should apply to expenditures made prior to 1978.

H.R. 11 requires that in appeals of final audit determinations to the Education Appeals Board the burden of proof shall be on the Secretary and that the Secretary must establish a prima facie case in issuing a final audit determination letter. By a prima facie case we mean that the Secretary must establish by a preponderance of the evidence that there is probable cause to believe that the disputed expenditure is not allowable. Additionally, the proposed amendment states that failure of the State or local educational agency to maintain adequate records or failure to allow the Secretary access to its records constitutes a prima facie case for the Secretary.

The proposed substitute spells out shifts in the burden of proof in a step-by-step process. While the proposed language regarding the appeals board process may seem unusually prescriptive, such specification is necessary because of the undisciplined manner in which appeals have been heard in the past, and the fact that the burden of proof has always rested on the States although their position is analogous to that of a defendant in civil proceedings.

Section 809 of H.R. 11 also provides that in appeals of final audit determination to the Education Appeals Board "discovery shall be available to all parties under procedures provided under rules 26 through and including 37 of the Federal Rules of Civil Procedures." During our discussions on the amendment, it became clear that some of the discovery rules cited were irrelevant to education audits. Our amendment specifies more precisely which rules of discovery should be available. It also seeks to prevent unnecessary delays by providing that: "The period for the conduct of discovery shall not exceed 6 months—commencing on the date on which a panel of Board members is designated to conduct the review—except that such period may be exended for an additional 3 months if the Board, in its discretion, determines that exceptional circumstances warrant such an extension." Finally, the substitute allows the Board, at the request of any party, to establish a specific schedule for the conduct of discovery, subject to the time limitations previously specified.

In the case of a current and ongoing violation of the terms of an educational program, the Secretary is authorized by current law to withhold funds from the program. The proposed substitute provides that with respect to chapter 1, the Secretary may enter into a compliance agreement with the offending State or local educational agency in lieu of withholding funds. While this issue is not addressed in H.R. 11, all of the parties involved in our negotiations felt that this was a useful addition to GEPA because it gives the Secretary a positive alternative to withholding and because withholding is such a severe remedy that it is almost never used.

Both H.R 11 and the proposed amendment provide that the Secretary "shall" repay funds recovered following a final audit determination to the State or local educational agency if the agency submits a plan to spend the funds in accordance with the program requirements. However, current law which, was not changed by section 809, provides that the payback may not "exceed 75 percent" of the funds recovered. The proposed substitute provides that the Secretary shall repay "at least 75 percent" of these funds. The payback of 75 percent or more is contingent upon the Secretary's satisfaction with the State or local educational agency's plan. Specifically, the Secretary must, under the mandates of section 456 of GEPA, determine that:

(1) The practices or procedures of the State or local agency that resulted in the audit determination have been corrected, and that the State or the local agency is in all other respects in compliance with the requirement of that program;

(2) The State or local agency has submitted to the Secretary a plan for the use of those funds pursuant to the requirements of that program and, to the extent possible, for the benefit of the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(3) The use of those funds in accordance with that plan would serve to achieve the purposes of the program under which the funds were originally granted.

. . . Any payments by the Secretary under this section shall be subject to such other conditions as the Secretary deems necessary to accomplish the purposes of the affected programs, including—

(1) The submission of periodic reports on the use of funds provided under this section; and

(2) Consultation by the State or local agency with parents or representatives of the population that will benefit from the payments.

The amendment we are offering also allows the States to enter into compliance agreements with local educational agencies found to be misusing Federal program funds. This tool for ensuring program compliance was contained in title I legislation, but was repealed by the 1981 Omnibus Budget Reconciliation Act. It is a useful mechanism which allows States to stop program abuses and thereby prevent auditing problems. H.R. 11 did not address this provision.

Finally, H.R. 11 provides that in lieu of repayment of misused funds following a final audit determination, the Secretary may enter into a compliance agreement with the offending State or local educational agency to ensure program compliance. Our proposed substitute deletes this provision. A compliance agreement is not relevant as a cure for a misuse of funds which occurred in the past and which was discovered through an audit. The requirements of repayment of misused funds are the only teeth in the auditing process. This provision, as it currently exists in section 809, would render largely meaningless the entire process of ensuring program compliance through audits.

We urge our colleagues to support this amendment and once and for all end the serious problems that have plagued the audit process over the past several years. This is not a partisan amendment, nor a partisan problem. The problem has existed for many years under administrations of both parties.

This solution is long overdue and deserves our attention and your support.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I would like to compliment the gentleman from Michigan [Mr. FORD] and his staff for the fine job they have done over the past few months to perfect and improve this complicated audit procedure. I am proud to have played some role in this improvement. As my colleague has stated, this amendment achieves a balance be-

tween needed relief for State and local education agencies and the concern presented by the Secretary of Education and various civil rights groups.

I would hope we would accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. FORD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KILDEE: Page 75, strike out lines 5 through 23 and insert in lieu thereof the following:

SEC. 513. (a)(1) Section 302(b) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241aa(b)) is amended by striking out "entitled to" and inserting in lieu thereof "eligible to receive".

(2) Section 303(a)(1) of such Act is amended by striking out "For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to October 1, 1983," and inserting in lieu thereof "For any fiscal year ending prior to October 1, 1989,".

(3) Section 303(a)(2)(A) of such Act is amended to read as follows:

"(2)(A) From the sums appropriated under section 307(a) for any fiscal year, the Secretary shall allocate to each local educational agency which has an application approved under this title an amount which bears the same ratio to such sums as the product of (i) the number of eligible Indian children (as determined under paragraph (1)), multiplied by (ii) the average per pupil expenditure per agency (as determined under subparagraph (C)), bears to the sum of such products for all such local educational agencies.".

(4) Section 303(a)(2)(B) of such Act is amended by striking out "entitled to receive" and inserting in lieu thereof "eligible to receive".

(5) Section 303 of such Act is further amended—

(A) by inserting "(1)" after "(b)" in subsection (b);

(B) by striking out "on the basis of entitlements computed" each place it appears in subsections (b) and (c); and

(C) by striking out all after "financial assistance" in subsection (b) and inserting in lieu thereof the following:

"in accordance with the provisions of this title to schools which—

"(A) are located on or near reservations; and

"(B)(i) are not local educational agencies; or

"(ii) have not been local educational agencies for more than three years.

"(2) The requirements of clause (A) of paragraph (1) shall not apply to any school serving Indian children in California or Oklahoma.".

(6) Section 305(b)(2)(B)(ii) of such Act is amended by inserting "written" before "approval of a committee".

(7) Section 307 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS; ADJUSTMENTS

"SEC. 307. (a) For the purpose of making payments under this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years ending prior to October 1, 1989.

"(b) The Secretary may reallocate, in such manner as will best assist in advancing the purposes of this title, any amount which the Secretary determines, based upon estimates made by local educational agencies, will not be needed by any such agency to carry out its approved project.".

(8) Such Act is further amended by striking out "commissioner" each place it appears and inserting in lieu thereof "Secretary.".

Mr. KILDEE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Mr. Chairman, I am offering this amendment to the Indian Education Act to remedy a situation which has developed around the projected cost level for this program. When the Congressional Budget Office gave its cost estimate of this program for the committee's report on H.R. 11, it gave a figure of over $1 billion for each of the next 5 years. The Congressional Budget Office arrived at this estimate by assuming full funding of the statutory authorization, which is phrased in terms of number of students times the average per pupil expenditure for the State involved. As those of us who work with this program, the Indian education in general know, this figure has no relationship at all to the actual state of the funding for this program. Funding for this program has never exceeded $81.68 million, in fiscal year 1980, and for the current fiscal year, it stands at $68.78 million. In other words, the funding for this program has never equaled 10 percent of its authority and there is no reason to believe that this state of affairs will change in the near future. The language of the authorization has only served to set out a basis for proration of the funds appropriated.

However, regardless of these facts, a question has arisen surrounding this Congressional Budget Office projection. For purposes not related to the merits of the program, the authorization for this program has been challenged as not "responsible", and as a "cruel hoax on our Indian population." This attack has caused unnecessary controversy. It has caused an otherwise blameless and noteworthy program to be challenged. In fact, it has placed it in some jeopardy.

Such debate is counterproductive. We need to stop wasting our time debating philosophical points or "what ifs" and move ahead with the programs needed to provide education services to Indian students. Indian people have not been misled by either false expectations or false interest expressed on their behalf. They know the true state of affairs and they want the program reauthorized and protected. To this end, I offer this amendment which will change the authorization to "such sums as are necessary." According to the Congressional Budget Office review of this proposal, this will reduce the Congressional Budget Office cost estimate to about $100 million. I want to be sure that it is understood that this amendment has no practical effect on the level of funding for this program. It will still be up to the annual appropriations process to determine the amount of money available for title IV. Also, this amendment carries with it no implications with respect to past or future patterns. It is offered solely to insulate this program from needless controversy and to move this program forward.

I have shared and discussed this amendment with a number of Indian organizations and representatives and they have agreed with the concerns expressed and the remedy which I am proposing. I have also shared and discussed the amendment with the gentleman from Pennsylvania and he has agreed to support it.

I urge its adoption.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman.

Mr. GOODLING. First of all, I would like to congratulate the gentleman from Michigan for his fiscal responsibility. He has now whacked $1 billion off, which I think got there primarily because there was some confusion as to how you arrived at the figure.

But I am correct in saying that you certainly have not hurt the program, have you, because I believe you have increased the budget over this year's spending by $80 million?

Mr. KILDEE. I think the gentleman knows that I would not hurt this program which is very near and dear to me. I think you and I both agree, and your voting record has always supported this, that we do have both moral, legal, and treaty obligations to the Indians of this country.

This amendment really clarifies the intent and clarifies the record of appropriations for this bill.

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So, while technically it does remove the $1 billion which the Congressional Budget Office gave as the cost estimate for this, never has it ever approached in expenditure that figure. As a matter of fact, the largest amount ever spent for the Indian education in general has been $81.68 million in 1980, and in the current fiscal year it is $68.78 million.

Mr. GOODLING. So you are going to spend $30 million more.

Mr. KILDEE. I would hope that maybe we could get $100 million out of that, which would be an increase, but we are, in effect, lowering the authorization from the $1 billion down to "such sums."

Mr. GOODLING. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KILDEE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: On page 88, beginning on line 3, strike out all of section 801 through page 89, line 18, and redesignate the succeeding sections accordingly.

Mr. ERLENBORN. Mr. Chairman, I rise to offer this amendment to strike section 801 of the bill. Section 801 reverses the reorganization of the Department of Education effected by Secretary Bell in August 1983.

This action not only undoes the lawful action of the Secretary of Education, but it ties the hands of any future Secretary. No matter how well intended the motives may have been, this does not excuse bad law, and I would like to address the philosophy of governmental reorganization just for a moment.

I have served on the Committee on Government Operations the whole of the 20 years that I have been in Congress, and most all of them, practically 19½ of those years, I have served on the subcommittee that has jurisdiction over the executive branch reorganization. I have, of course, studied over the course of the years in that committee the Hoover Commission report and other reports of various commissions over the course of many decades that gave the philosophy of government organization.

What we should do, and traditionally have done in the Congress, is to authorize a department or agency to vest the Secretary of that department or the head of the agency with the authority to organize the department and reorganize the department from time to time to best carry out the functions that are delegated to the department or agency.

It is considered, and I think for good reason, a bad way to organize government for us to specify legislatively how each of these departments and agencies are to be organized, down to the detail of how many sub-Cabinet officers, and what the jurisdiction of the sub-Cabinet officers might be. We do designate the number. We do have to have control of that. But the jurisdiction of the various sub-Cabinet officers is rightly left to the head of the agency or department.

What this amendment in the bill does is to reverse the exercise, the lawful exercise, by Secretary Bell of this authority to organize as he sees best to carry out the functions of his department, to specify in permanent law the organization with the Department of Education. I think that is bad policy, and I hope the amendment will be adopted.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman is attempting to strike the section that I put in the bill in the committee, and we debated this in the subcommittee and in the full committee. The gentleman took the position that he has a duty to protect the existing bureaucracy over there from meddling by the Congress.

Very frankly, it is our duty to prevent them from changing the priorities that we establish by legislation, by simply reorganizing in a different way. If this was simply a minor inconvenience to somebody over there, I would not bother, but this is an argument that did not start with the Reagan administration. It is an argument that we have had with preceding administrations about the failure of some bureaucrats to be able to understand the real nature of specific programs.

For example, the migrant education program is, in the theory of some people, an elementary and secondary compensatory program so it really ought to be under the office administering the chapter 1 compensatory program.

In any event, the gentleman knows this because he was on the committee that wrote the legislation, when the Department of Education was created. At that time a number of us who were concerned about this pattern that we had had in the past of tinkering each time there was a change in secretaries or commissioners insisted as a condition to supporting that reorganization bill for the creation of the Department that we have these three areas of responsibility maintain some identity that would keep them from being submerged and become secondary in the minds of the bureaucracy over there. We did not want them to get lost and fall through the cracks. The three are migrant education, women's equity, and civil rights.

All three of those have been, by just drawing new boxes on a chart, changed from the position they had, which had them reporting to an assistant secretary, to becoming subordinate pieces of a much larger shop. They have been reduced in size and, indeed, they have been buried in the bureaucracy. There is very little confidence by the people who are contacting the Department for reactions in those three areas, that they are contacting the right people or that they are contacting people who are indeed spending very much of their time concerned with the importance of these programs.

So it is not just merely a matter of quibbling with the Department on how they ought to organize themselves; it is the fact that, by what they call a reorganization and streamlining, they take areas like civil rights that we consider important and priority items for them to be working on and bury them in the backroom. This is designed to return to where we were prior to the reorganization last year. This is not aimed at a particular administration, and it is not unusual.

□ 1820

The gentleman says it is not good policy for us to legislate positions. Well, I want to suggest that I am the chairman of the Post Office and Civil Service Committee and every committee in this House is legislating new positions and new titles for me all the time, and no matter how hard my staff tries to keep track of it, everybody has a new idea. Somebody is doing something in the Defense Department and another committee is doing something in Interior and I have got to pick up the mess over there in the Committee on Post Office and Civil Service afterward and figure out how to meet all the requirements. Every piece of legislation that comes through here that means anything puts somebody in charge and says where they are going to be in the bureaucracy and then we have to unscramble it later.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. FORD of Michigan was allowed to proceed for 2 additional minutes.)

Mr. FORD of Michigan. In the old days, we used to have the help of H.R. Gross, the great gentleman from Iowa, who you will recall used to get on the floor when bills were going through and call your attention to the fact that we had something called a limit on supergrades and every committee kept giving us more supergrades all the time. Then we have to find some way to take them away from somebody else and shift them around.

So the idea of an authorizing committee determining where in a department a program should be administered is not new. That is, as a matter of fact, more of a tradition than an exception.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

I just wanted to suggest that the gentleman said a few minutes ago that the other authorizing committees are always designating new offices and

new titles, and so forth, and that is all dumped on the gentleman from Michigan and he has to make some sense out of the mess.

I just wanted to encourage the gentleman not to add to the mess that he has to manage.

Mr. FORD of Michigan. Let me just point out to the gentleman that last September we had joint hearings between the Committee on Post Office and Civil Service, which properly has jurisdiction over these people as Federal employees, and the Committee on Education and Labor. In 2 days of hearings, we made it very clear that we were dealing with not only the problem for the programs created, but the problem for the career employees created by this precipitous movement of their positions. Their salaries are protected, but they have just been put in the backroom with not much opportunity to worry about women's equity, civil rights, or migrant education.

So I urge a vote against the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ERLENBORN].

The amendment was rejected.

AMENDMENT OFFERED BY MR. PACKARD

Mr. PACKARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PACKARD: Page 91, beginning on line 15, strike out all of section 806 through line 23 and redesignate the succeeding sections accordingly.

Mr. PACKARD. Mr. Chairman, I yield to the chairman of the committee.

Mr. PERKINS. Mr. Chairman, I would suggest the gentleman go ahead and state the substance of the amendment, and then we will discuss it.

Mr. PACKARD. Mr. Chairman, the 1978 Hatch amendment to the General Education Provisions Act provided for inspection by parents of "all instructional material which will be used in connection with any research or experimentation program or project."

The Department of Education recently proposed regulations under the Hatch amendment.

The gentleman from Texas [Mr. BARTLETT] and I offered section 806 as an amendment to H.R. 11 in committee because we were concerned that the proposed regulations did not require that a parent or student who had a complaint under the Hatch amendment must first pursue local and State remedies before appealing to the Department of Education.

The Department has added this requirement to the regulations it proposes and, therefore, our amendment becomes redundant and unnecessary.

Since we have no further objection to the Department's actions, we are offering this amendment to strike section 806.

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me?

Mr. PACKARD. I will be happy to yield to the chairman.

Mr. PERKINS. Mr. Chairman, let me state that we are thoroughly in accord with the gentleman's amendment, but the Department has not yet issued the regulations. Could the gentleman give us any assurance that those regulations are going to be issued?

Mr. PACKARD. I have spoken to the Department today. They have read the regulations to me and I can assure the chairman that we will work with the Secretary of Education to make certain that they are published and, when they are, we will certainly be informing the gentleman.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I will be happy to yield to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

I have also spoken with the Department and the Department has assured me, and I assure the gentleman, that they will hold to their word and publish the regulations.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, under those circumstances, we accept the amendment.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I will be happy to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I do support the gentleman's amendment and believe it is a good addition to this bill and thank the gentleman for offering it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PACKARD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CRAIG

Mr. CRAIG. Mr. Chairman, I offer an amendment.

The Clerk read as follows: Page 91, after line 14, insert the following new section (and redesignate the succeeding sections accordingly):

MERIT PAY

SEC. 806. Part B of the General Education Provisions Act is amended by inserting after section 420 (20 U.S.C. 1228) the following new section:

"PROHIBITION AGAINST THE USE OF FEDERAL FUNDS TO PAY SALARIES NOT BASED ON JOB PERFORMANCE

"SEC. 420A. No funds expended under any applicable program may be used to pay the salaries of educational personnel unless such salaries are based predominantly on job performance.".

Mr. CRAIG. Mr. Chairman, I will be brief because it is a brief amendment, but a most important one that I think speaks very clearly to the issue of pay, being recognized as meritorious, based on educational job performance dealing, of course, with the education dollars of the Federal Government that we are dealing with here in H.R. 11.

The amendment mandates that any Federal education funds spent on salaries must be based on job performance.

The amendment would allow federally assisted salaries to be paid on other criteria as well, including but not limited to seniority, education or other training, and market demand.

It excludes no other salary criteria. It only demands that merit or job performance be predominant.

The amendment mandates no particular merit pay system. They want the flexibility of the individual States in this decision.

We only believe that it is important to elevate the quality of performance in the classrooms of our Nation, that we recognize the value of job performance pay.

The term "educational personnel" essentially means classroom teachers. This is not directed at research, administrative, clerical, maintenance, or construction personnel paid wholly or partially by Federal education funds, but only those classroom instructors that may have a part or some of their salary paid for through the Federal dollar.

We believe this is consistent dealing with the General Educational Provisions Act, 20 United States Code 1232-B, and I am primarily referring to Federal dollars that go into construction of educational facilities where the Department of Labor deals with prevailing wages in determining certain salary limits beyond the ability of the local entities to make those determinations.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

An amendment of this nature has never been offered before the Committee on Education and Labor. It requires considerable study to determine all its ramifications, but let me state at the outset that it would destroy the morale of thousands of teachers and thousands of administrators that are involved in the Federal programs. It would just ignore seniority completely.

It is curious if we adopt an amendment of this type why we are not asking to apply this same requirement to measuring the job that we are doing here in the Congress, pay some Congressmen so much money, other Congressmen so much money, so much less.

An amendment of this type will just destroy the morale of all of our Federal programs of the people who are participating in the Federal programs.

I would hope that no one would vote for this amendment. If an amendment of this type is ever needed to a certain specific group, it should be studied thoroughly in committee.

I hope everybody will oppose this amendment.

Mr. CRAIG. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Yes, I yield.

Mr. CRAIG. The chairman referred just a moment ago in his discussion to the question of seniority. I think the wording of the amendment and my opening remarks addressed the question or the issue of seniority. The word "predominantly," I think, speaks, of course, to the question not of job performance, but clearly allows the flexibility that a State ought to have and certainly my intent is not to bind local or State control in this area.

□ 1830

But offers that question of seniority as part of the total package in considering the pay issue. It only says that job performance must be part of it; would the chairman not agree with that?

Mr. PERKINS. Let me ask the gentleman who would make judgment here as to how much a Congressman should be paid if we adopted the amendment similar to what you are proposing that will affect administrators and supervisors and teachers involved in the Federal programs? Who would make that judgment?

Mr. CRAIG. Mr. Chairman, I would suggest that maybe some of us would be paid more and some of us would be paid less based on our job performance.

Mr. PERKINS. Mr. Chairman, I suggest that we all vote against this amendment.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words and to oppose the amendment.

The amendment appears on its face not to really do very much. But, indeed, it raises a very troublesome problem for me. If you picture people working in programs in schools with Federal funds as being wholly paid by the Federal Government, then this amendment starts to make some sense. But, indeed, that does not happen. That rarely, if ever, actually occurs.

If you go into your area you will find that a vocational education teacher at a high school, for example, would be in a program receiving some of its money from your State funds, some of it from Federal funds, and they may indeed, if it is a target school, be receiving some title I money. And if it is a person teaching the handicapped in vocational education it could be receiving another type of education money.

By applying this limitation to the GEPA provisions of the act, it applies to all Federal education programs. A Head Start teacher might be teaching 1 hour a day in Head Start and the rest of the day teaching kindergartners. Or, a language teacher might be teaching 1 hour a day in a title I program for slow readers, and teaching the rest of the day in the regular program.

We would tell that school district that because they are going to use some Federal money to pay a teacher for some part of the day they have to adopt a pay system that satisfies the Secretary of Education that no funds will be expended under any applicable program to pay the salaries of the educational personnel whose salaries are not based predominantly on job performance.

When you write a simple little provision like this in the act you have to think of what the regulation is going to look like to implement it. It means that the Department will have to write a definition for what "predominant job performance" pay systems are, and then a school district will have to certify in some form of audit that they are paying each teacher who gets paid directly or indirectly with Federal funds predominantly on that basis.

I do not know what that is an alternative to in the real world because I was under the impression that teachers are now paid predominantly on job performance.

Job retention is where seniority becomes a problem. It does not have anything to do with pay except for the early stages of a teacher's career when they are getting in-grade raises because of a teacher contract that provides some seniority adjustments. But for the most part those are not really very substantial.

I really think that the gentleman has an idea that is worth exploring, to find some carrot to put at the end of the stick to attract people. Some Governors have already taken the initiative to do this, to taking a different look at how they attract and encourage the retention of the best in the teaching profession.

But I think that it could be very difficult for us now to impose on the thousands of school districts in the country some kind of a system of trying to figure out what they are going to have to do and what kind of books they will have to keep to make the Federal auditors happy when they come around in 2 years and ask them if they were complying with the law.

So I think that the amendment really ought to be withdrawn. If not, it should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAIG].

The question was taken; and on a division (demanded by Mr. CRAIG) there were—ayes 15, noes 17.

So the amendment was rejected.

Mr. COATS. Mr. Chairman, I offer an amendment.

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. HARRISON], having assumed the chair, Mr. MCHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11) to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes, had come to no resolution thereon.

REQUEST TO MAKE IN ORDER ONLY CERTAIN AMENDMENTS TO H.R. 11 IN TOMORROW'S SESSION

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that when we reconvene tomorrow, only the following amendments will be in order:

Two Goodling amendments to limit the authorizations; and, second, a prayer amendment to be offered by the gentleman from Indiana [Mr. COATS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. FRENZEL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

NATIONAL TOURISM WEEK, 1985

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RITTER. Mr. Speaker, today I am pleased to announce that I am introducing a new House joint resolution designating the week beginning on May 19, 1985, as "National Tourism Week." Earlier this year we celebrated the first National Tourism Week during the week of May 27–June 2 and it was a resounding success. Here in Washington and all across the country, national and State celebrations took place honoring the breadth of our cultural and natural heritages and the freedom we have in the United States to explore these treasures through our leisure time and our business and professional travel in activities.

It is fitting that we again set aside a week to focus on the contribution of the travel and tourism industry to this Nation's economy, employment, and goodwill throughout the world. When viewed as a single industry, it constituted the second largest retail industry in 1982. Our latest sources show that it generated 4.5 million jobs, paying $41 billion in wages and salaries, and producing $20 billion in Federal, State, and local tax revenues. Then there are all the jobs related to creating the facilities, the transportation systems, the communications and,

in general, the physical dimensions of the travel and tourism industry.

I am pleased to say that I am introducing this bill with 145 original cosponsors and would like to urge my colleagues who have not done so to cosponsor this bill to help celebrate an industry which directly benefits every congressional district in the country. More importantly, it is an industry which contributes substantially to personal growth and education and to intercultural appreciation of the geography, history, and people of the United States.

I also want to take this opportunity to express my appreciation to the distinguished Member from Tennessee, BILL BONER, for his leadership in chairing the Congressional Travel and Tourism Caucus which strongly supports this bill and was instrumental in promoting National Tourism Week 1984.

Mr. Speaker, I would like to include the text of the bill for the RECORD:

H.J. RES. 629

Joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week"

Whereas tourism is vital to the United States, contributing to economic prosperity, employment, and international balance of payments;

Whereas travelers from the United States and other countries spent $255,000,000,000 in the United States during 1982, directly producing four and one-half million jobs, $41,000,000,000 in wages and salaries, and $20,000,000,000 in Federal, State, and local tax revenues;

Whereas, if viewed as a single retail industry, the travel and tourism sector of the economy constituted the second largest retail industry in the United States in 1982, as measured by business receipts;

Whereas tourism contributes substantially to personal growth and education and to intercultural appreciation of the geography, history, and people of the United States;

Whereas tourism enhances international understanding and good will; and

Whereas, as people throughout the world become more aware of the outstanding cultural and recreational resources available in the United States, travel and tourism will become an increasingly important aspect of the lives of the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on May 19, 1985, is designated as "National Tourism Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

ORIGINAL COSPONSORS

Representatives Addabbo, Akaka, Alexander, Anderson, Badham, Barnes, Bateman, Bates, Bevill, Bilirakis, Boggs, Boner, Boxer, Britt, Campbell, Carney, Chandler, Chappie, Cheney, Clarke, Collins, Corcoran, Corrada, D'Amours, Daniel, Dannemeyer, Daschle, de Lugo, Derrick, Duncan, Durbin, Dymally, Emerson, Erdreich, Fauntroy, Fish, Flippo, Florio, Foley, H. Ford, Frank, Frenzel, Gilman, Gore, Gregg, K. Hall, R. Hall, Hammerschmidt, J. Hansen, Hartnett, Hatcher, Heftel, Holt, Horton, Hutto, Ireland, Jeffords, Kaptur, Kogovsek, Lagomarsino, Lantos, Leland, Lent, J. Lewis, T. Lewis, Lloyd, Lowery, Lujan, Lungren, McCollum, McDade, McGrath, McHugh, McNulty, Marriott, D. Martin, Matsui, Mavroules, Mineta, Mollohan, Montgomery, Moorhead, Murtha, Natcher, Nelson, Nielson, Oakar, Oberstar, O'Brien, Olin, Ottinger, Owens, Panetta, Parris, Pepper, Rahall, Regula, Reid, Richardson, Ridge, Ritter, Roberts, Robinson, Roe, Rostenkowski, Roth, Russo, Sawyer, Scheuer, Shelby, Siljander, Simon, Skeen, Skelton, C. Smith, L. Smith, Snowe, Spratt, Staggers, Stangeland, Stokes, Sundquist, Sunia, Tallon, Tauke, Tauzin, Taylor, Thomas, Traxler, Vandergriff, Vucanovich, Walgren, Walker, Weber, Wolf, Won Pat, Yatron, R. Young, Dyson, LaFalce, Quillen, Vander Jagt, and Conte.

● Mr. BONER of Tennessee. Mr. Speaker, I rise in support of the measure introduced by the distinguished gentleman from Pennsylvania. I do so to explain that when the first National Tourism Week resolution was introduced, we hoped to increase awareness of what tourism means to the U.S. economy, to honor the men and women who supply the services for the traveling public and to praise the travel businesses that employ over 4.5 million Americans.

I can tell you that even though this Congress passes many commemorative weeks each year, rarely have I seen the excitement and enthusiasm that was generated by National Tourism Week 1984. States and cities launched campaigns to explain the benefits of tourism to their communities and to welcome new travelers to their areas. Folk festivals, craft shows, welcome centers, and billboards across the country proclaimed National Tourism Week as their own. On a larger scale, national advertising campaigns extolled the worldwide events our country is hosting this year, the World's Fair and the summer Olympics.

Virtually everyone got in on the act; 38 Governors signed their States' version of National Tourism Week and all of the States used the national campaign to promote travel advantages and destinations in their areas.

Although tourism is our country's second largest employer, it is not like other large industries in this country. Because the travel and tourism industry is made up of about 1 million individual businesses, it tends to be fragmented. The overriding accomplishment of this legislation was that it helped pull together all parties involved in tourism and to unify their efforts to promote their product—travel.

Mr. Speaker, I would like to insert for the RECORD a listing compiled by the U.S. Travel and Tourism Administration which shows how each State celebrated with special week, so that each Member of this Chamber can see why they should join us in support of National Tourism Week 1985.

It gives me great pleasure to join the 145 original cosponsors of this legislation, today, which will designate the week beginning May 19, 1985, as our second commemoration in honor of tourism. If this legislation can be passed before we adjourn this year, we believe we will give the States, cities, and tourism industry the time they need to plan appropriate ceremonies around the event. I urge all Members of the House to join me today in support of this resolution.

At this point in the RECORD I include the following:

The city of Mobile, Alabama and the Mobile Area Chamber of Commerce and Convention and Visitors Council hosted a luncheon commemorating NTW, using U.S.T.T.A.'s slogan "Travel . . . The Perfect Freedom." Governor George C. Wallace proclaimed Tourism Appreciation Week in conjunction with National Tourism Week.

Alaska celebrated NTW by proclaiming "Tourism Month" and programs hosting international tour operators and press were planned for the entire month of May. An inspection tour for 20 Japanese travel writers was followed by a group of 12 top German editors and publishers. Anchorage held hospitality seminars for the 5500 residents who work directly with visitors.

Governor Bruce Babbitt of Arizona signed a state proclamation for National Tourism Week at a news conference for the travel and tourism industry.

A "River Fest" kicked-off Arkansas' tourism week with a wide range of arts, crafts, bands and childrens' displays. Governor Bill Clinton issues a state tourism proclamation.

California cities jumped on the bandwagon to commemorate NTW. Palm Springs Mayor Frank Bogert signed a city tourism week proclamation. The Palm Springs Convention and Visitors Bureau hosted a program designed to acquaint community members with the profession of special events planning. Mayor William Gissler proclaimed Santa Clara Tourism Week urging the people of the Mission City to observe it with appropriate activities and ceremonies. Anaheim Area Visitor and Convention Bureau planned a tourism salute during a California Angels baseball game at Anaheim Stadium and a media campaign featuring public service announcements on local radio and tv stations. Highlights also included: proclamations from the Anaheim City Council and the Orange County Board of Supervisors, distribution of a fact sheet highlighting economic statistics on tourism in the weekly pay envelopes of all hotel employees, and the unfurling of marquee signs recognizing tourism week throughout the city. Sacramento hosted an International Summer Festival and its Mayor issued a city tourism week proclamation.

Colorado State Patrolmen and the Colorado Division of Tourism joined together to promote safe travel. Each day during National Tourism Week a motorist was pulled over and crowned "Tourist of the Day," receiving a complimentary tourist package. Governor Richard Lamm joined with the travel industry to host a reception at his mansion in honor of major league baseball franchise owners and executives. Over 20 executives flew in from across the country. The Governor also took this opportunity to issue a state tourism proclamation.

Connecticut highway information centers opened during the week of May 27 commemorating National Tourism Week. The Governor's Annual Travel Achievement Awards Ceremony was held followed by a signing ceremony for a state tourism week proclamation.

Governor du Pont proclaimed May 27-June 2 Delaware State Tourism Week and their first special event was a "Steam Salute to Veterans" in the Brandywine Valley. Brandywine College's Travel and Tourism department offered an evening seminar series open to the public and Brandywine Valley celebrated NTW with a series of cultural, historical and travel oriented displays. Milford Chamber of Commerce held its annual World Weakfish Tournament; in Dover there was a children's show on the green and Delaware State Parks made visitors aware of the important role tourism plays through their regular programs.

Washington, D.C. issued a tourism proclamation and Gallaudet College initiated a publication entitled "Travel Resources for the Deaf."

Florida Governor Bob Graham commemorated NTW with the announcement of a fall conference on tourism accompanied by an effort to increase awareness of the economic importance of tourism.

Governor Joe Frank Harris of Georgia issued a state tourism proclamation and honored the Georgia Hospitality Employee of the Year. The Georgia Department of Industry and Trade put out two NTW kits, one geared for public service organizations and the other for television and newspapers. In addition, a state tourism policy was adopted.

Governor George Ariyoshi proclaimed the week of May 27 Hawaii Tourism Week and encouraged the state to celebrate with appropriate activities.

The Chicago Convention and Tourism Bureau served coffee to visitors in the Water Tower Visitor Center and handed out map/guide brochures that people might send to friends or relatives interested in visiting Illinois. The Illinois Office of Tourism worked with the news media on public service announcements and editorials, and with the Chicago Cubs and White Sox to flash NTW announcements on their scoreboards. The 1984 Governor's Conference on Tourism addressed the need for the Illinois legislature to increase the State's tourism advertising budget to compete with neighboring states and issued a state tourism proclamation.

The state tourism office in Indiana issued a serious of press releases and utilized local attractions to bring attention to National Tourism Week.

Governor Terry Branstad of Iowa signed a state tourism proclamation as well as Kansas Governor John Carlin, both generating many news articles on the economic impact of tourism.

Kentucky Governor Martha Layne Collins hosted a National Tourism Week luncheon in the Executive Mansion for seventy members of the travel and tourism industry. A state tourism week proclamation was also issued.

"Louisiana Tourism Day" was celebrated at the Louisiana World Exposition with travel and tourism industry leaders from across the state invited to attend a special reception/aquacade show and a private viewing of the Louisiana exhibit at the fair. Governor Edwin Edwards proclaimed Louisiana Tourism Day in conjunction with NTW.

Governor Joseph Brennan held a reception at his Mansion May 29, for members of the Maine Vacation Travel Commission to thank them for the contributions the travel industry makes to the economy. The highlight of the day was a signing ceremony proclaiming Maine Tourism Week. Information personnel across the state were divided into four groups and escorted on familiarization trips acquainting them with various regions of the state.

Governor Hughes of Maryland issued a state proclamation and city proclamations were issued by the Mayors of Ocean City, Baltimore and Annapolis.

Massachusetts Governor Michael Dukakis signed a proclamation declaring "Tourism Week" and hosted a special State House ceremony and reception on May 30.

Governor James Blanchard held Michigan's First Annual Governor's Conference on Tourism and issued a proclamation for state tourism week.

The Minneapolis Convention and Visitor Commission sponsored a second annual Super FAM and trade fair. NTW also marked the commencement of Minnesota's new horse and carriage livery service and the "Artsfest" sponsored by Walker Art Center. These events were promoted through news releases sent to national trade magazines. Minnesota Tourism Week was launched with a Twins baseball game.

The Missouri Highway Patrol and the Division of Tourism joined forces to sponsor "Operation: Thank You." During NTW, troopers served as goodwill ambassadors, greeting out-of-state motorists and presenting them a bag of Missouri souvenirs, brochures and travel discounts.

Governor Ted Schwinden issued a state tourism proclamation and Montana participated in the Tri-State Travel Forum.

A state proclamation was issued with the slogan "Nebraska Tourism Week . . . Celebrate Nebraska" and the week was kicked off with a carnival to welcome visitors. Major rest areas offered refreshments and local entertainment. The Mayor of Omaha issued a city tourism proclamation with all posters and press releases featuring the slogan "Travel . . . The Perfect Freedom". The Mayor also hosted a luncheon in honor of the travel and tourism industry and special mention was made of the economic impact of the travel industry.

Governor Bryan of Nevada held proclamation signing ceremonies in Carson City and Las Vegas, presenting international tourism marketing awards to Frontier Travel & Tours of Carson City and Desert Inn Country Club and Spa of Las Vegas.

Albuquerque, New Mexico distributed "Host Survival Kits" containing maps and promotional discounts.

In the Big Apple, New York City, they honored their Courtesy Awards Winner in a special ceremony on May 23. Just in case people missed their public service messages on radio and tv, the New York Convention and Visitors Bureau arranged for an NTW salute to be flashed on Diamondvision's giant new video screen at 47th Street and Broadway. NTW information centers received NTW commemorative buttons.

North Carolina Governor Jim Hunt declared the week of May 27, North Carolina Tourism Week and an economic awareness campaign was initiated to educate the public on the importance of tourism. Several front page stories on tourism appeared in the business sections of major newspapers.

A two-day Governor's Conference on Tourism kicked off North Dakota Tourism Week and the highlight was the issuance of official tourism week proclamations by the state and 12 cities.

The tourism community of Greater Cincinnati celebrated NTW with its "Invite a Friend" event on Fountain Square, May 29. Fifty attractions, hotels and restaurants had booths on the Square promoting their properties and giving out post cards to Cincinnatians to invite a friend to vacation there. A bank of six telephones was set up for long distance calls to invite friends to Ohio.

"On to Oklahoma! America's Frontier Lake State" slogan was developed to promote Oklahoma's abundance of water and water based recreational opportunities available to visitors.

Oregon Governor Atiyeh used National Tourism Week to hold a news conference and announce winners of their statewide tourism photo and poster contest.

"Travel Month" was organized by Pennsylvania featuring hospitality seminars, a travel writers familiarization tour, a million dollar campaign with Coca-Cola utilizing the state slogan "You've Got A Friend in Pennsylvania", and a series of press releases generating tourism story ideas. Pennsylvania also promoted the slogan "Greet a Visitor, Make a Friend."

Blackstone Valley, Rhode Island joined with the U.S. Department of Interior to hold meetings on ways to upgrade the tourist areas, i.e., bicycle trails and parks.

South Carolina Governor Richard Riley issued a state proclamation while welcome visitors centers distributed 5,000 National Tourism Week buttons. The Pee Dee tourism area conducted two workshops on how to sell the tourism market.

South Dakota issued a state tourism proclamation and Kay Riordan Steuerwald, President of Mountain Company, printed 5,000 large NTW buttons for local distribution. South Dakota utilized NTW to promote their National High School Rodeo finals and launched a new set of tourism information boards throughout the state.

Governor Pedro P. Tenorio of Saipan declared the week of May 27 tourism week for the Commonwealth of the Northern Marianas. It was highlighted with an art exhibition, skits by students, sports events and training programs covering the impact of tourism on the CNMI economy.

For the folks in Nashville, free lemonade was provided at rest stops and some advice for motorists highlighted Tennessee Tourism Week.

Texans emphasized their state motto "Friendship" during Texas Tourism Week. The Dallas Convention and Visitors Bureau hosted a seminar and luncheon for travel industry leaders celebrating Mayor Starke Taylor's proclamation of Dallas Tourism Week.

Salt Lake City, Utah Mayor Ted Wilson issued a city-wide proclamation for tourism week.

Vermont Governor Richard A. Snelling proclaimed May 27 "Vermont Tourism Day" and encouraged commercial attractions to offer special discount prices or free gifts. The Vermont Society of Travel Agents, in conjunction with Vermont Transit, sponsored a promotional contest whose winners received a free bus tour package.

Governor Juan Luis of the Virgin Islands prepared an NTW proclamation. A water carnival with boat races and a boat parade featured the hundreds of charter boats located in the Virgin Islands; school children were involved in preparing arts and crafts

suitable for "Made in the Virgin Islands" labels for sale to tourists; and the business community was involved in a public awareness compaign dealing with the impact of tourism on the lives of the Virgin Islanders.

Governor Robb of Virginia signed a Certificate of Recognition for Virginia Tourism Week, with leaders of the Virginia tourism industry on hand. Statewide television and radio public service announcements, press releases, and fact sheets highlighting tourism's economic contribution to Virginia were also made available. The Richmond convention and Visitors Bureau organized a "Riches of Richmond Treasure Hunt" special tour; Washington County Chamber of Commerce and the City of Alexandria issued local resolutions commemorating NTW; and tent card displays were printed and distributed to local and regional tourism centers, leaders, highway welcome centers and state chambers of commerce. Historic Lexington Visitor Center presented certificates to all visitors, making them honorary citizens for the city.

Governor John Spellman of Washington proclaimed "May Tourism Month" and the state busied itself with TIA's 1984 International Pow Wow.

West Virginia kicked off their NTW celebration with the Governor's Travel Fair, May 6-11.

Governor Earl proclaimed "Wisconsin Tourism Week" and the state advertised with a public service announcement narrated by Lt. Governor Flynn using the U.S.T.T.A. slogan "Travel . . . The Perfect Freedom." The Wisconsin Association of Convention and Visitors Bureaus released "Escape to Wisconsin" music for radio and TV spots and the Turner Broadcasting Systems' "American Heritage Series" Wisconsin segment pretelecast screening and reception was held May 30.

Wyoming Governor Ed Herschler signed a state tourism proclamation and the state participated in the Tri-State Travel Conference.●

GENERAL LEAVE

Mr. RITTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore. [Mr. HARRISON]. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AGENDA FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. I thank the Speaker.

Mr. Speaker, last evening the President of the United States went before the American people and suggested that this House ought to try to enact some major legislation prior to our adjournment this year. The President suggested, I think truthfully, that there are many items before this House that need to be acted on before Congress can really regard its work as done, items that have the support of the vast majority of the American people, that have support in virtually every region of the country, that has support by many of us in this country, who are thwarted by the leadership of this House in terms of debating those issues in the House.

Items, for example, like the balanced budget amendment to the Constitution. The President recognizes, as many of us did, that in order to have the kind of fiscal discipline that will get us to a balanced budget, we are going to have the kind of constitutional amendment that exists in over 40 States of the Union that are able to maintain balanced budgets because they impose such a fiscal device.

Items such as the IRA's for housewives, the President suggested that individual retirement accounts ought to be available to women who choose to stay at home and take care of their children, to men who choose to stay at home to take care of their children.

So to these people who have decided not to go out in the working world, but rather to stay at home, the President suggested we ought to have IRA accounts made available to them through legislation brought before this House before we adjourn.

The President also suggested last evening that we need to act on the tuition tax credit issue to assure that our parochial schools are adequately funded not by money coming out of the public trough but by money that comes from the people of the country who then would be able to get a tax break for that contribution that they make to their own children's education.

The President suggested that we ought to move ahead on his crime-fighting package. Across the length and breadth of this country people are concerned about the fact that they are experiencing crime in their neighborhoods and in their cities and towns. They want something done about it.

The President has put together a multifaceted crime package that passed the Senate by 91 to 1 and yet this House has not seen fit to act on that crime package.

The President suggested that that is something that we need to act on.

The President put forward, in other words, a major kind of agenda. I may have left out an item or two inadvertently here. But in other words, it is a kind of agenda that we need to be acting on and I think that it was right that the President said to Congress, "OK, you are getting down toward the end, it is now time to go to work on behalf of the American people."

And I found within the President's remarks precisely the kind of agenda that this House can do if we are simply willing to get to work.

Another item that the President mentioned, for example, was enterprise zones; that would assure we would have economic betterment in some of the worst areas of our cities. It would assure economic opportunity for some of the poorest of our citizens.

The President suggested we ought to get to work and get that done in this last few weeks of the Congress.

I yield to the gentleman from Idaho.

Mr. CRAIG. I appreciate my colleague from Pennsylvania yielding. I was very pleased that our President last night in the press conference mentioned some of the key issues that Congress had been less than responsive in dealing with.

First on that list was the whole issue of the constitutional amendment to balance the Federal budget. It was also interesting this morning that on the front page of the Wall Street Journal was an article about an effort that is underway in the State of California at this moment in an initiative drive that I and others of this body were involved in through Congressional Leaders United for a Balanced Budget, the CLUBB organization that I chair here in the House; that Senator PETE WILSON chairs over on the Senate side.

I talked about the kind of momentum that is beginning to build in the State of California to potentially bring that 33d State on board in petitioning this Congress to respond to the wishes of the American people.

One of the latest polls that has been taken by a national polling firm shows that 83 percent of the American public are now having their wish stopped by this Congress to be responsive in issuing forth an amendment that would bring revenues and expenditures into line, that is, a balanced budget, and limit taxation.

Just as we went out on recess the State of Montana, which has been actively involved in a similar initiative drive to force the issue of the petition in which that State legislature; that is, the citizens of the State of Montana, would request of Congress to issue forth an amendment to deal with the balanced budget, qualified, or I should say submitted over 60,000 signatures to the secretary of state in Helena, when only 34,000 signatures are required.

The point I am making and I am pleased that my colleague from Pennsylvania would take this special order tonight to reiterate these points, is that if Congress does not respond before the end of this session, by the November election, this Congress, by its inaction, could well force a major constitutional crisis upon this Nation, because the citizens have called, by the two-thirds or the 34 States required, that this Congress issue forth that amendment and it will have refused to at that time.

I hope that this Congress, that the chairman of the House Committee on the Judiciary, that the Speaker of this

House is not so less than responsive to the citizenry that it would deny them the opportunity for this most important constitutional debate that would take place in our body responded by issuing forth that amendment.

I thank my colleague.

Mr. WALKER. I thank the gentleman.

I think it is apparent that the problem does rest in the legislative branch of Government. It is obvious across this country there are many people very much in favor of moving on the balanced budget amendment in a great number of our States.

It is obvious the executive branch of Government wants to move on it.

The problem is here in the legislative branch. That is the reason the President has asked us to act. I think it is apparent from the gentleman's very cogent remarks why we should act.

I yield to the gentleman from Tennessee.

PERMISSION FOR SUBCOMMITTEE ON ENERGY RESEARCH AND PRODUCTION OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO MEET DURING THE 5-MINUTE RULE ON TOMORROW, THURSDAY, JULY 26, 1984

Mrs. LLOYD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Energy Research and Production of the Committee on Science and Technology be permitted to sit for the purpose of receiving testimony while the House is reading for amendment under the 5-minute rule on Thursday, July 26, 1984.

Since the gentleman in the well, the gentleman from Pennsylvania, is the ranking minority member of the subcommittee, it is my understanding he has no objection to this provision.

Mr. WALKER. Mr. Speaker, I would agree with the gentlewoman. I have no objection to the unanimous-consent request.

Mrs. LLOYD. Mr. Speaker, I thank the gentleman from Pennsylvania.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

□ 1850

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I just want to commend the gentleman for taking this time again to discuss the agenda which now the President of the United States has indicated as one of his top priorities or at least his agenda for the work of this Congress for the remainder of this session.

The gentleman from Pennsylvania has gone through that list, but I would like to again identify the six major issues that the President in his press conference last night specifically called upon the House of Representatives to act upon.

First of all, the constitutional amendment that would require a balanced budget.

Second of all, the provision that would permit nonworking spouses to establish individual retirement accounts.

Third, a bill providing for tuition tax credits for parents sending their children to nonpublic schools.

Fourth, enterprise zone legislation.

Fifth, the President's crime control package.

And, sixth, the equal access bill.

Now I mentioned the equal access bill last because, of course, just a few hours ago today this House did pass, finally, the equal access bill.

I would point out and I guess the reason I bring that one up is because we have to look at how much pressure and effort it took to get that one piece of legislation, which I would think would be fairly noncontroversial, to the floor of this House for a vote. First of all, it was put on the Suspension Calendar by the Speaker. Now what does that mean? It means that it must pass with a two-thirds vote, rather than the simple majority that every other piece of legislation can pass by. Therefore, in essence, the majority used its power to kill the bill even though a majority of the Members of this body favored the equal access bill. Because a majority voted for it, but not the two-thirds majority that is required under that special procedure.

We were able then to bring it back onto the floor again today again with a fairly complicated parliamentary procedure. After watering down some of its provisions finally passed that bill into law.

But if it is going to be this kind of footdragging and this kind of parliamentary maneuvering that is going to be used to kill all the legislation that is on the President's agenda, then I think the President has a very valid case to take to the American people in saying, progress for America's future is being held up right here in the Democratic-controlled House of Representatives.

I think the gentleman has identified those issues correctly and I thank him for taking out this special order.

Mr. WALKER. I thank the gentleman for making the point because I think what the success with the equal access bill says today is the President has given us a very legitimate kind of schedule. It is an agenda that we have been talking about for some weeks on this House floor. There is nothing in the President's proposals of last night that Members of this House have not heard before from many of us suggesting from almost day one when this session of Congress opened that these items ought to be acted upon.

We were saying back when the House was meeting for a half an hour a day or back when we were doing 1- and 2-day weeks that these are some of the things that the House could be acting upon at that time. At that point we were told that we simply were asking too much of the House of Representatives to expect action on those measures.

Nevertheless, we have been saying day after day that these items need to be acted upon. Now the President comes forward and he says, yes, those are items that have to be acted on, that this is something which I believe the country wants and I think any reading of the country would suggest that the President is correct.

But just the fact that we were able to take one of those measures about 12 hours after the President suggested that we move and bring it to the floor and get action on it today suggests that the President has presented a very realistic legislative schedule and that there is no reason why, in the next several weeks, that the rest of the items that are on the President's agenda could not be brought to this House floor, debated, and hopefully passed so that the American people would have the Congress completing work on things that they regard as the vital agenda facing this country.

Mr. WEBER. If the gentleman would yield further, I think that the gentleman is right. I think that the American people have to understand the President has not suggested items of legislation here that are brandnew ideas that nobody has really talked about before or items that have no bipartisan support at all. For instance, look at the President's crime control package. This is basically a package of legislation that passed the U.S. Senate on a vote of 91 to 1 several months ago. There is no reason why that legislation could not be brought to the floor of the House of Representatives right now and acted on.

Again, if the House chooses in its wisdom to vote that package down, that is fine. But then at least the American people will know how their Representative voted on legislation to get a handle on the crime problem in this country. The problem is now there is no accountability because Members are not called upon to vote on these issues and in essence in this body are able to duck those issues.

Mr. WALKER. Let us understand how realistic it is, too. The enterprise zone concept was before the House-Senate conference committee just a couple of weeks ago, was rejected by that conference committee, but it is an item that has been debated in the Congress, that is well known to the membership. For the President to suggest that we ought to get a vote on it here in the House of Representatives

is totally logical, totally appropriate, and something that needs to be moved forward.

In other words, the President has come forward with a package that is realistic, that is wholly in line with what he thinks the mandate should be for this Congress. I do not see any reason why if we will apply ourselves why we cannot complete work and at least get votes on every one of those items.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

He is bringing up an eloquent point. The President has not offered an agenda which is unachievable, as is pointed out by the balanced budget amendment, as has been pointed out regarding the crime bill.

I would like to point out one aspect dealing with the urban enterprise zone idea. The gentleman is correct. On the conference report on 4170, the tax bill, the Senate did in fact pass in their tax bill version enterprise zone bill. However, in the House-Senate conference committee, once again, not the Republican leadership but the Democratic leadership decided not to receive the Senate and to pull out the urban enterprise zone bill.

But let me point out something else. This is not the first time the Senate has passed urban enterprise zones. This is the second time. A bill which has over 155 cosponsors has been defeated in the House-Senate conference committee by the House Democratic leadership.

Mr. WALKER. There are 155 cosponsors of that bill in the House of Representatives?

Mr. SILJANDER. At least, probably more than that. There are white cosponsors, black cosponsors, Democrat liberals, Democrat conservatives, Republican liberals, Republican conservatives, urban/rural, north, south, east, west, every philosophical bent, every geographic location has cosigned a very important bill. And yet, two people, the chairman of the Ways and Means Committee and the Speaker of the House, have bilaterally, the two of them, decided that this bill is not worth it, for whatever motivations they may possess.

□ 1900

Let me bring up one other point, if I may, if the gentleman will yield further.

Mr. WALKER. Well, I think the gentleman makes an important point, because it builds on what the gentleman from Minnesota and I were saying, that once again this is a bill that has very, very broad support in the House of Representatives. It is not something which is new and novel. The President is not suggesting something that his administration has just written. He is suggesting something which is wholly within the realm of possibility and something which really ought to be acted on with that kind of cosponsorship and that kind of broad base.

I will be glad to yield further to the gentleman.

Mr. SILJANDER. The point I want to make, I represent a town called Benton Harbor, MI. It has been sugject to "60 Minute" specials, it has been on front pages of major newspaper magazine sections and articles because Benton Harbor, MI, suffers probably with 70-percent unemployment. The statistics from the Department of Labor are lower, but the reality is 70 to 80 percent of those people are not working. The people in Benton Harbor are suffering from drugs and crime. It is a blighted area. It was a once prosperous town, so prosperous—I do not mean this facetiously—that Al Capone drove from Chicago to Benton Harbor because it was a beautiful town on Lake Michigan, it was a town to which people from all over the country came to enjoy themselves, it was a tourist town of great attraction.

Mr. WALKER. The gentleman does not suggest that the enterprise zones are going to bring Al Capone back, does he?

Mr. SILJANDER. It might be an accusation, it might be the only reason why the Democrat leadership in this House has twice refused to bring it up in the conference committee after passing the Senate.

Mr. WALKER. We ought to watch it. They may use that as a reason not to bring it up.

Mr. SILJANDER. I hope they will not.

The point is very clear, I think, to the membership, that Benton Harbor, MI, a once prosperous, vivacious tourist attraction, is now only an attraction for the media because of the devastation and the human blight in that city.

What is the only hope that the people of that town have had for the last 4 or 5 years? Their hope is that an urban enterprise zone could be implemented in Benton Harbor, affording opportunity for the people who are now unemployed, who are on some form of aid, the vast majority of people, who want to work. They do not desire aid, they do not desire unemployment. But there is not opportunity in a town from which most industry has left, and the downtown area looks as though a bomb of some sort has struck.

The point is very simple. Benton Harbor's hope and glimmer for their future, their vision for human compassion, the change, the crisis, the economic crisis in that community, has been snuffed out not once, but twice. It has been snuffed out by the leadership on this side of the Congress, not the Senate side. The Senate gave them temporary hope. The Senate passed it twice. Two times the House leadership, the Democrat leadership, decided, no, we will not include urban enterprise zones on either of the two bills, when there was clear opportunity to do so.

I am just so happy for the gentleman from Pennsylvania in his ability to articulate clearly, and the President of the United States, who last night also mentioned in a very comprehensive way the need for America to rise up with great anger and look at blighted areas like Benton Harbor, MI, with compassion in their hearts for people, human beings who desire opportunity, who seek opportunity, and that opportunity, because of inactive, zealous, politically motivated, politically manipulative Congress, Democrat-leadership Congress, has defeated twice that bill in committee.

I thank the gentleman for yielding and I thank him for the opportunity to let the people of this country know, to let the membership of this Congress know that it is not the Senate or the President who is holding urban enterprise zones but it is rather the Speaker of the House and apparently the chairman of the Ways and Means Committee, who both wield incredibly awesome power.

Mr. WALKER. I thank the gentleman for pointing out the problem, and that is a problem, of course, which is repeated in towns and cities all over the country. There are many, many urban areas that suffer the same kinds of problems that the gentleman has revealed as being a problem in his district, and that is the reason why the urban enterprise zone concept is so important. It is a way in which we can show that private enterprise has the ability to move into blighted areas and provide jobs, provide opportunities for people who today have no hope and have no opportunity. That is, in large part, what we have been all about in talking about some of these issues on the floor up until now. It is disappointing that we have had to press and prod, and bully almost, to suggest that some of these things need to be debated, and it is disappointing that we have to come this late in the session and have the President of the United States suggest that these are items still left on the agenda. But indeed they are left on the agenda, and once again we need to point out the President is absolutely correct in suggesting that if we do not do those things before this Congress finishes, that this Congress will have failed in its duty to the American people.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota, and then I will yield to the gentleman from California.

Mr. WEBER. I thank the gentleman for yielding, and I would just like to make a point. What the President was really doing in a very real sense was calling the Democrats' bluff in terms of the rhetoric that we heard flowing out of their convention from San Francisco last week.

Let us review a little bit of that. What did we hear from the Democrats for that whole week in San Francisco?

Well, we heard probably more about deficits than just about anything else.

So the President says, "Well, good, let us act on the balanced budget constitutional amendment and get rid of deficits in America's future."

We heard an awful lot from the Democrats about families; we heard that word more often than the Democrats have probably used it in the last 20 years.

Well, among the President's proposals are IRA's for nonworking spouses, tuition tax credits, items that are specifically aimed at problems felt by certain American families.

We heard an awful lot of rhetoric about the poor from the Democrats at their convention. As we have been talking about here for the last few minutes, one of the President's proposals is enterprise zones, which is probably one of the best, most well-proven devices for combating poverty in inner-city areas in recent years.

And we heard an awful lot from the Democrats about values, traditional values. Well, again, the equal access bill, the crime bill address problems that are value related in our culture.

And all of these items, in the President's words, should come to the floor of the House for action quickly. But none of them will come, with the exception of equal access, which we finally dynamited onto the floor of the House, because the Democratic leadership wants to talk about deficits and families and the poor and values but they do not want to act on any of this legislation.

I think the President really summed it up real well. Mr. Mondale talked a lot about new realism. That seemed to be one of the catchwords at the Democratic Convention. The President said, "It is time to test the new realism and see if the Democratic leadership will move from words to action."

I think the President hit the nail on the head. I hope we can force them to move from words to action. But it will not be because they want to. It will only be because they feel the heat from the American people.

Mr. WALKER. I thank the gentleman.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I think the gentleman from Minnesota makes a number of excellent points. I was amazed to see that Mr. Mondale is demanding some six debates with President Reagan, because we do not have here two spring chickens, two new candidates. We have in President Reagan and candidate Mondale two leaders, one presently a leader of the United States, our President, and the other one formerly a Vice President under the Jimmy Carter administration, who have records. And it occurred to me that we have in President Reagan a leader who is presently executing a record that is far superior to the record, not the rhetoric, of candidate Mondale.

I was just thinking the other day—and perhaps the gentleman from Minnesota can help me with my figures—but as I recall, there were some 98 million jobs in this country in 1981, when President Reagan took over. Today there are 105 million new jobs, for a net gain of 7 million new jobs. Is that accurate?

Mr. WEBER. That is roughly correct. I am not really good at the numbers, but I will tell you that we have created more jobs in America in the last year and a half than the entire continent of Europe has created in the last 10 years.

There are two statistics you can look at. You can look at the unemployment statistics, or you can look at the percentage of the workforce that is employed, which is another way of measuring it. We are fast approaching a point where we will have a larger percentage of the American workforce employed than ever in American history. And that will indeed be a watershed, and it will be due to the sound economic policies of this administration.

Mr. WALKER. We already have a historic high number of women who are employed percentagewise in this economy. The economy has been particularly beneficial to women who want to join the workforce.

Mr. WEBER. If the gentleman will yield for one more minute, in addition, if you look at the figures on business creation in the last few years, we have had roughly five times as many female-headed businesses formed during the years of the Reagan administration as in any previous year, which again has to be attributed to the kinds of economic policies that would produce an economic climate in which you can form record numbers of businesses, whether you be male or female, black or white, rich or poor.

Mr. WALKER. We often hear a lot of talk about the bankruptcies that are taking place across the country. No one puts with that the statistics of the number of business formations. Of course, you have a number of businesses which are going bankrupt because you have so many more businesses that are starting up in the first place. The fact is that in any kind of business climate, you are going to have a fairly large percentage of opening businesses, of first-time businesses, that fail. Many, many of those bankruptcies are not as a result of poor economic conditions as they are the result of good economic conditions which have caused people to go out and take the risk in the first place. Not all the risks pay off. And that shows up in those bankruptcy figures. But the fact is, there have been a startling number of new businesses created which are thereby creating the new jobs. Those new jobs are thereby contributing to economic growth and it is contributing to the kind of economic growth that is confounding the experts when they see 7½ percent real growth in the second quarter of this year. No one predicted that.

□ 1910

The reason why no one predicted that is because no one is really taking a close look at what is really happening in the economy in terms of the formation of small businesses. Once again, the President understands all of those things. The President takes a look and says, OK, there are certain things that we need to have happen to keep all of this going. He outlined six of them last evening, and if this Congress really wants to see the country continue to move forward, it will act on that package of six. The gentleman mentions the six debates, I was just about to suggest that maybe we could have a debate on the six items that the President outlined last evening among the candidates. However, we have already passed the one thing, so maybe we will have to limit it to five debates now.

I yield to the gentleman from California.

Mr. HUNTER. Since we are talking about accomplishments of the past administration, the now fallen Carter-Mondale administration and the Reagan administration, I wonder if my colleagues could help me make a calculation here that I think is a relevant one.

As I recall, Mr. Mondale and Mr. Carter used to talk about the misery index, and to my recollection, the misery index was a combination of the unemployment rate, the inflation rate, and the prime interest rate.

Mr. WALKER. No, just the first two.

Mr. HUNTER. He used the unemployment rate.

Mr. WALKER. The prime misery rate is what the gentleman is talking about. There is a prime misery rate which adds in the prime interest as well.

Mr. HUNTER. Well, let us take the first two for purposes of calculating out what kind of a job Mr. Mondale did and what type of a job Mr. Reagan has done. Now if the unemployment rate is 7.1 percent today, it was 7.4 percent under Mr. Carter, immediately before the commencement of the Reagan administration, and the inflation rate today as I recall is 4.1 percent.

Mr. WALKER. 4.1 percent annualized off the figures of yesterday. If you do the first 6 months of this year was a 4.1-percent annualized rate.

Mr. HUNTER. So let us say 4 percent; 4 percent and 7.1 percent is 11.1 percent; that is the misery index under the Reagan administration. The unemployment rate was 7.4 and the inflation rate under Mr. Carter was what?

Mr. WEBER. About 13.5 percent.

Mr. WALKER. Well, it was about 12.7 percent when they left office.

Mr. HUNTER. Shall we make it 12.7 to be fair?

Mr. WALKER. Make it 12.7.

Mr. HUNTER. Let us be fair with Mr. Mondale. I have got a misery index for the Mondale-Carter administration of 20.1, compared to a misery index under the Reagan administration of 11.1. So, roughly the misery index that was composed by Mr. Mondale and Mr. Carter as an indicator upon which the American people should use to judge their Chief Executive's performance along with his Vice President of 20.1. That is misery; 20.1 points of misery under Mr. Carter as opposed to 11.1 under President Reagan.

I wonder if Mr. Mondale really thinks that six debates can make the American people forget about that record?

Mr. WALKER. Well, the gentleman is absolutely correct, and it takes a good deal of chutzpah, as some people at the Democratic Convention did, got up and talked about the misery index, and talked about the misery index of the Reagan administration. Also there was a good deal of talk at that convention or I should say in the platform about the misery index. It takes a lot of chutzpah for a party that had a misery index, as the gentleman calculates it, 20.1, and is now criticizing an administration that has brought that down to just over 11. It is apparent to the American people that there has been a major improvement. The figures show there has been a major improvement. It is only the liberal Democrats who met together in San Francisco who cannot see where the country has gone.

Mr. WEBER. The thing that should concern everybody about the point that the gentleman from California has been bringing up is that throughout that entire Democratic Convention, there was, of course, no credit given to the President for the decline of the inflation rate or for the decline of unemployment, mainly because it came about as a result, I believe, of private sector expansion rather than Government jobs. What that says to us is something about the way in which the Democrats would govern.

It says to us, first of all, I think, that they do not care any more about inflation than they ever have historically as a party, and so we have the American people rightly concerned about that. If that were not the case, we would have heard somewhere in the course of that Democratic Convention someone talking about the fact that it was not good to have inflation. Good for poor people, old people, or in-between people, if you will.

Beyond that, we might have heard something about the necessity of maintaining the health of the private sector of the economy, since it is that health of the private sector of the economy that has drawn down the unemployment rate, of course, in the Reagan administration.

Instead of hearing that kind of rhetoric, what did we hear? A pledge for a big tax increase from Mr. Mondale which will attack directly those very expansionary economic policies that have brought down the unemployment rate through the expansion of the private sector.

Mr. WALKER. I yield to the gentleman from California.

Mr. HUNTER. I think it is ironic that just as Mr. Reagan has convinced Francois Mitterrand, the French leader, that perhaps the policies of socialism and some of his liberal economic policies are not working, and in fact I think if the French commence to move toward a more private enterprise-oriented economy, they are going to see their economy, which is now in the doldrums, actually pick up and begin to improve.

I think it is ironic that just as our President has convinced the leader of France to start moving to an expansion economy and an economy that is more productive, apparently we have a political leader in our own country who wants to take us back to the failed policies of the Mondale-Carter administration that produced this 13-percent inflation rate and high unemployment and high interest rates.

Mr. WALKER. Well, the gentleman is absolutely correct. What we know is that the President was right on economics; he was right on the program he put forward. He is absolutely right on the program that he put forward last night. This Congress would contribute greatly to the forward movement of this country by passing the 6-point program put forward by the President last night.

I hope that the Democratic liberal leadership of this Congress will recognize what is in the best interests of the American people and put aside their special interest concerns for a moment. They could not put them aside at the convention, but put them aside for a moment when it relates to the American here in this body and pass the President's program.

REPRISALS AGAINST LAWYERS IN POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, it is common knowledge that the Government of Poland recently declared an amnesty for some of the political prisoners in that country. However, one must question the true motivation of this action. In the past, the policies of the Polish People's Republic have been twofold—to convince the United States to lift economic sanctions, and to break the Solidarity movement once and for all.

This most recent declaration of amnesty does not appear to deviate from these policy objectives, and seems only to divert attention from the flagrant human rights violations occurring daily in Poland. Many share my hope that this declaration is a first step in changing the present government's repressive policies, but unfortunately, our hopes are in vain, for despite this grant of amnesty, the Polish People's Republic is still actively working to crush the Solidarity movement.

Independent Western observers have been barred from the trial of four prominent dissidents who helped form the outlawed Solidarity labor movement. Solidarity leaders are still being arrested on trumped-up charges, and just last week a Warsaw court acquitted two policemen charged in the beating death of a 19-year-old Solidarity supporter. I would like to share with my colleagues an editorial, appearing in the July 19, 1984, edition of the Chicago Tribune, which outlines the repressive policies that persist despite the granting of amnesty. The article follows:

POLAND'S TWO-FACED AMNESTY

Those who guard the ramparts of human rights generally view an amnesty of political prisoners by any government as a welcome development. But before standing in line to congratulate the Polish government on its decision to grant amnesty to some of Poland's 660 political prisoners, consider these development:

Independent Western observers have been barred from the trial of four prominent dissidents who helped form the outlawed Solidarity labor movement in 1980. Lech Walesa himself has been denied entry to the courtroom, where all extra seats are filled by officials from the Ministry of Internal Affairs.

In another case that has inflamed the passions of many Poles, a Warsaw court on Monday acquitted two policemen charged in the beating death of a 19-year-old Solidarity

supporter whose funeral last year drew 20,000 mourners. Instead, two ambulance drivers were convicted of negligence when driving him to a medical clinic after his detention.

On Tuesday, Bogdan Bujak, whose brother is part of Solidarity's underground leadership, was sentenced to 18 months in jail upon conviction on charges he led an antistate demonstration last December marking the death of 50 workers in antigovernment demonstrations in 1970.

Elsewhere, the jailed former Solidarity president of Lodz, Andrzej Slowik, has gone on trial on charges that he insulted a prison warden. In other cases, Rev. Henryk Jankowski, Mr. Walesa's parish priest, has been charged with delivering sermons that incited "public unrest," and authorities have announced trials for Rev. Jerzy Popieluszko, a pro-Solidarity priest accused of preaching against the state, and Maciej Bednarkiewicz, a lawyer who often defended Solidarity activists.

It isn't clear if any of the above prisoners will be released in the amnesty planned to coincide Sunday with the 40th anniversary of Poland's communist rule. What is clear is that after 40 years, Poland's Communist Party and its Kremlin masters can provide neither an adequate economic system nor peace of mind to a troubled people begging for relief. Like his political brethren in Eastern Europe, Gen. Wojciech Jaruzelski depends on force and fear of arrest as the primary motivating factor behind his suppressive regime.

Recently, Mr. Aloysius Mazewski, president of the Polish American Congress, contacted me to express his organization's deep concern about the systematic efforts of the Polish People's Republic to break the resistance of the Polish people to the Communist regime and to outline several specific instances where the government has taken reprisals against Polish lawyers for their attempts to defend their clients effectively in political cases. Some of these lawyers have been arrested, and others have been suspended from the practice of law. These actions have made a travesty of liberty and justice, and are designed solely to demonstrate the total supremacy and control of the Communist regime over the police force and the judicial process. These actions must be condemned in the strongest possible terms.

A copy of the statement on this subject by the Polish American Congress follows:

POLISH AMERICAN CONGRESS DENOUNCES ATTACKS AGAINST POLISH LAWYERS AND POLITICAL TRIALS OF SOLIDARITY ADVISORS

Recent reports from Poland indicate that the government of the Polish People's Republic has significantly stepped-up its efforts to break down the broadly-based resistance of the Polish people to the arbitrary and ruthless rule by the Communist regime.

Over the past several months a determined attack has been mounted against Polish lawyers in reprisal for their attempts to defend their clients vigorously and effectively in political cases. The attack focuses on the twenty or thirty lawyers who bear the brunt of providing legal representation for thousands of their fellow citizens who have been interned or imprisoned since the declaration of martial law in December, 1981. The victims include several of the country's most prominent lawyers, thereby serving notice to their less well-known colleagues that no lawyer is safe from reprisals for providing effective legal representation and holding the military regime accountable to the Polish law.

On February 17, 1984 the official Communist Party newspaper, Trybuna Ludu published an article on "The Civic and Professional Responsibility of Lawyers". The article singled out by name four defense lawyers in Political cases: Maciej Bednarkiewicz, Wladyslaw Sila-Nowicki, Piotr Andrzejewski and Jan Olszewski. It accused them of "at all costs attempts to have the defendants not guilty" and asserted that "the functioning of defense attorneys should as a matter of principle serve society and its highest organizational formation, the state", which the Trybuna parlance is synonymous with the Party. Trybuna Ludu also attacked the Lawyers Council, an organization representing most of the country's lawyers which was formed at a national congress of the legal profession in October, 1983 to replace the Lawyers Association which the government dissolved during the martial law period.

While the other three have been suspended from legal practice, Maciej Bednarkiewicz was arrested early in 1984 after a search of his apartment in which documents relating to the political cases he was handling were seized. He is charged with having offered a man, who claimed to be a ZOMO (special riot police) deserter, money to deliver to him a police radio transmitter. Several months earlier Bednarkiewicz told other lawyers that he had been approached for representation by a man who claimed to be a ZOMO deserter, but he did not believe the man's story and declined to take his case.

Currently the authorities have set a July 13 trial date for four top Solidarity advisors, former leaders of the Social Self-Defense Committee—KOR, who are charged with plotting to overthrow Poland's Communist political system. If convicted they face maximum terms of 10 years imprisonment. They are Jacek Kuron, Adam Michnik, Henryk Wujec and Zbigniew Romaszewski.

Charges brought against them, as well as against attorney Maciej Bednarkiewicz constitute thinly disguised acts of political vengeance not only against them personally, but against the entire democratic human rights movement in Poland. The whole process is intended to demonstrate total supremacy of the regime and its Party controlled police and judicial apparatus over the independent, democratic opposition to its totalitarian rule, and therefore the futility of further resistance.

We protest and denounce these new flagrant attempts to terrorize the people of Poland into total submission to the Communist rule. Americans of Polish descent pledge their utmost support for the brave people of Poland in their valiant struggle for freedom.

Aloysius A. Mazewski, President; Helen Zielinski, Vice President; Kazimierz Lukomski, Vice President; Harriet Bielanski, Secretary; and Joseph A. Drobot, Treasurer.

Mr. Speaker, so long as these totalitarian tactics of terror persist, a grant of amnesty to some political prisoners by itself is a hollow and inadequate gesture. I join with the many Polish-Americans in the 11th Congressional District of Illinois which I am honored to represent, and with Americans of Polish descent throughout the United States, in condemning the repressive policies of the Polish Government and its subversion of the legal system and in the hope that the people of Poland may one day be able to live in freedom without the fear of repression and persecution.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TORRES] is recognized for 5 minutes.

● Mr. TORRES. Mr. Speaker, I was not present during House proceedings on Tuesday, July 24, due to personal illness. Had I been present on the House floor, I would have cast my votes in the following manner:

Rollcall No. 307: Dannemeyer amendment to H.R. 5541 to reduce funding for the CPB for fiscal years 1987-89; "no."

Rollcall No. 308: Oxley amendment to H.R. 5541 to reduce funding for the CPB and the Public Telecommunications Facilities Program; "no."

Rollcall No. 309: Final passage of H.R. 5541, Public Broadcasting Amendments Act; "yea."

Rollcall No. 310: Final passage of H.R. 1580, Aviation Drug Trafficking Control Act; "yea."

Rollcall No. 311: Final passage of H.R. 5616, Credit Card and Computer Fraud Act; "yea."●

RECOVERY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, What I am saying tonight, and I think I might say by way of explanation, that ever since I came to the House of Representatives I looked upon this privilege of addressing the House after all legislative business and all hereinbefore entered into special orders had been completed, with the stated purpose and intent that this facility, this forum, was made available for that purpose. Therefore, I have never injected a partisan matter for I feel that is for the stump back home, not for the forum here.

Second, I address the House. I am not addressing an absent and invisible audience. I came here to this Congress 22½ years ago and had not been a Member 3 weeks before I made use of this, and certainly there was no thought then of having any kind of television coverage.

What I speak of, and I am impelled to do so because what I consider to be the continuing intense issue that is at the heart of the problem, it does not

do any good at this point to blame and find blame for the essential malady that is affecting us. I think what the American people, at least the constituents that I come in contact with, are interested in is: What are you going to do about it?

Of course, the big issue, as I have pointed out for several years, is the continuing acceptance of usurious rates of interest, unconscionable rates of interest, which cannot tolerate true progress in any economy. All the written history of mankind shows clearly that never has a society endured coexistent with usurious interest rates, the reason being that interest rates are the mechanism by which the wealth of a nation are transferred.

The Nation's economy is in fine fettle, we are told by the image-makers. And indeed there are more people at work—though there are still as many unemployed as there were 3 years ago. Inflation is running at a rate of only thrice what was once thought intolerable, so there is relative improvement on that score. But despite the rosy glow, there is no way that we could say that the country is enjoying a healthy economic recovery.

Consider interest rates. By any modern measure, interest rates should be about 3 percent above the rate of inflation. In other words, if this were an economy that anyone considered stable, or of the situation were one that could be considered strong by the usual experience, interest rates today should be at about 9 percent, or maybe less. And by any standard of decency, rates should be less than that. But for the sake of argument, a reasonable mind would conclude that today's conditions should result in interest rates of about 9 percent. But what is the fact? The fact is that the highest grade corporate bonds today are paying close to 14 percent—almost exactly the rate that prevailed in 1981, when the economy was going to hell in a handcart. Municipal bond rates today are at 11.14 percent and going up—just the same rate as prevailed in 1981, which was supposed to be the nadir of the Nation's despair. Treasury bonds, the 10-year variety, are also back at the 1981 level—having gone up by 2 percent since January. Home mortgage rates today are the same as they were in 1981. Where is the recovery in any of those figures? Nowhere.

The prevailing trend of high and rising interest rates can only spell trouble. It spells trouble for the Federal budget. Just before the recess, Congress completed action on its much-touted deficit reduction program. But every cent of that program will be consigned to just one thing: increased interest costs on the debt. That's right: for all the labor and all the rhetoric, the deficit will remain as high as ever, because higher interest costs are shoving debt service expenses through the roof. Already, in fact, one-third of all personal income taxes goes toward that one thing: interest on the debt. Rising interest rates are a disaster for the Federal budget, and therefore a great and growing problem for economic management as well.

Rising interest rates threaten the health of the Nation's savings and loan industry, which almost sank in the interest rate crunch of 1982. Last year, when rates moderated, savings and loan associations had a hard time—maybe a third of them lost money. The whole savings and loan industry last year had profits of less than AT&T's most recent quarter. And today, with rates going up, there is the familiar crunch—savings and loans have relatively low-earning assets, but must pay top dollar for deposits. With each notch upward in rates, the business gets weaker, and its ability to support home mortgage loans gets progressively worse.

We are experiencing the greatest number of bank failures ever. And the failures are bigger. Witness the downfall of Continental Illinois Bank—a giant so great that not even the biggest of the Nation's financial whales can swallow its carcass up. The taxpayers have already had to inject billions into that bank, and the Federal Deposit Insurance Corporation is likely to end up as its owner. The reason: In the deregulated, cutthroat world of financial services that we have today, and in the demented world of hot money, megabuck overnight deposits, banking has become a much more risky business. The volatility of interest rates contributes mightily to the problem of keeping a bank healthy and profitable, and many are not up to the task. And so we have more and more failures.

We have a situation in which the economy is volatile, not healthy. It is shaky, not strong. That is why interest rates are rising. It is also why stock prices are falling. And it is why everyone looks to the Fed, week after week, for a sign that the party may be over—a signal that would come in the form of higher interest rates.

Few are frightened at the moment. After all, there are more jobs around. There are new cars on the streets. But when you look behind the facade, you see real tension, real fear, and no genuine faith that the good times will last—just a kind of fond hope that things won't get worse. And if interest rates continue going up, there will not likely be any alarming, stupendous results. There will only be that long, slow slide downhill.

Despite the brave talk, we should be concerned. We should be concerned about a trade deficit that is stupendously bad, that robs us of millions of jobs. We should be concerned about conditions that keep a decent home out of reach of all but the most fortunate. We should be worried about interest rates that kill off small business, or any business that is sensitive to interest rate movements. We should be fearful of conditions that place the money market at higher real rates than existed 3 years ago—real rates that are the highest in history, rates that will produce pain and suffering and economic weakness. We do not have recovery on our hands. We have the makings of a very damaging economic wreck.

MISSING CHILDREN

The SPEAKER pro tempore [Mr. HARRISON]. Under a previous order of the House, the gentleman from Oklahoma [Mr. EDWARDS] is recognized for 60 minutes.

GENERAL LEAVE

Mr. EDWARDS of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of my special order today, and to include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDWARDS of Oklahoma. Mr. Speaker, the remarks that have been made by the previous speakers tonight are important and address important concerns that face the people in this country, but we have other concerns that are not political, that transcend daily politics and that really speak to the soul of this country and to some things that we care a great deal about.

Last month, Mr. Speaker, I launched a project to use the televised proceedings of the House of Representatives to help find some of the 160,000 children who each year are reported kidnaped, either by strangers or by their own parents who do not have custody. At that time, I discussed the case of Charlotte June Kinsey of Oklahoma City, who was reported kidnaped from the State Fair of Oklahoma 3 years ago.

Since then, more than 60 of my House colleagues have agreed to deliver speeches on the House floor and to display the pictures of children who have been reported kidnaped from their districts. I am pleased that some of them are joining me today in this special order and hope that their efforts may help to locate these children.

Mr. Speaker, this is Cinda Leann Pallett. Cinda Leann Pallett is another one of the tens of thousands of children who have been kidnaped. She was reported missing from the State Fair of Oklahoma on September 26, 1981. She was then 13 years old. She was 5 feet tall, weighed 88 pounds, had

dark brown eyes and dark brown shoulder-length hair.

I would hope that if anyone has seen Cinda Leann Pallett or knows where she is would take the time to do so, they might call the Oklahoma City Police Department or call the police departments in their own cities to help locate another one of these missing children.

Mr. Speaker, since the problem of missing children came to national attention a few years ago, Congress has taken steps to help deal with it, and I just urge all of the people who watch these proceedings and who join us here in the House Chamber to join in this effort, because there is nothing more tragic than a child taken from its home.

Mr. Speaker, I would be glad to yield at this time. This is a bipartisan effort, people of all political and philosophical persuasions joining in this effort to locate these missing children. I would be glad to yield at this time to the gentlewoman from California, Mrs. BOXER.

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Oklahoma for his excellent work and hard work on this crucial issue, and I want to tell him that if just one solid lead comes out of this presentation and the others that the gentleman will be organizing, we should do this indefinitely, absolutely.

This is the beautiful boyish face of Kevin Collins of San Francisco.

"Not knowing where he is; that's what leaves the deep, hollow feeling that can never be filled." These are the words of Mrs. Ann Collins, mother of Kevin Collins, age 10, missing since February 10, 1984. Kevin who is 4 feet, 10 inches tall, weighs 70 pounds, has brown hair and gray/green eyes, left for school on the morning of the 10th as usual. He had basketball practice after school; therefore, he was not expected home until 6:30 p.m. Kevin left the St. Agnes Church gym in the Haight-Ashbury section of San Francisco in my district at 6 p.m. to take the bus home. He was last seen at a bus stop, one block from the church.

That night, the police conducted an immediate search of the neighborhood. Later, scores of volunteers canvassed the area, going door to door and searching every inch of the surrounding parks and lots. These searches have yielded nothing. Not then, and not since, although every lead is checked. Even Kevin's picture on the cover of Newsweek has so far led to nothing, but we are still trying.

Kevin's mom and dad are daily volunteers at the Kevin Collins Foundation established to handle the calls that have now been reduced to a trickle. The foundation is pursuing legislative initiatives, mounting a publicity campaign to disseminate facts about missing children, and coordinating resources for reporting and locating missing children. Until this tragedy struck the Collins family, they did not realize that thousands of children are reported missing each year.

Although we in Congress have passed some legislation to assist parents and police to locate missing children, we must continue our efforts in order to alleviate the pain and suffering of families like the Collins. Kevin has eight brothers and sisters who miss him terribly. Today's program is an important step. If we are successful in finding just one child, our efforts have been worthwhile. Kevin could be anywhere. He could be in the East, the West, the South or the North. That is why this is so important. Again, I want to commend the gentleman from Oklahoma.

Anyone having any information about Kevin should contact the Kevin Collins Foundation at (415) 863-6333 or toll free (800) 272-0012.

Mr. EDWARDS of Oklahoma. I thank the gentlewoman from California. BARBARA BOXER is a Democrat and I am a Republican. This is one of those issues where we are all just Americans caring about our children. I appreciate your participation in this special order.

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Mr. Speaker, I am going to try to go through this in the order in which the people came to the floor and I would like to yield to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, I want to congratulate my colleague from Oklahoma for holding this special order on missing children. The tragedy that befalls thousands of children in America is horrifying. The very thought that more than 50,000 children in America are abducted by strangers and over 100,000 are snatched by noncustodial parents each year tears apart the fibers of the American family.

Congressman EDWARDS stands very tall in the well of the House tonight. His special order is not being used by Republicans to attack Democrats or by Democrats to attack Republicans. His special order is an attempt to reunite families in America which have been torn apart by the loss of a child.

In my opinion, this is one of the finest hours of Congress. We are here to do something very good. We are here to offer what help we can to bring back a son or daughter to their rightful parent. And we are here because our hearts tell us we must try.

Although we cannot physically hear the children's plea for help, nor see the tears they shed, or feel the fear they experience, we know we must do all we can to locate them and get them home.

Among the thousands of missing children is this 10-year-old boy of Sagle, ID. Jason Amini was abducted over 2 years ago while visiting California.

I received a letter from Jason's mother about 2 months ago concerning Jason. I would like to read a small portion of that letter:

> Somewhere in the world, I hope, is a ten-year-old boy, my son. I have not seen or heard from him in over two years. In spite of an intensive search, I have no clues as to his whereabouts. He is one of the thousands of children who disappear every year in the United States.

We contacted Jason's mother and informed her of this special order. We asked her permission to use Jason's case and she obviously agreed. In a followup letter to us she wrote:

> I know that you were not aware that my son was kidnaped by his father when you approached me concerning this opportunity, but I hope that that will not deter you from entering our case in this presentation. The number of serious parental kidnaping cases which occur each year is staggering and the effects of the child and on the family left behind are not benign. Parental kidnapers do not steal their children for love: it cannot be considered love to tear a child from his or her home, away from the custodial parent, grandparents and other loved ones, to move the child often, change the child's name, and often not be able to support the child while living outside the law. A great number of parental kidnapers have a history of child abuse. Even without physical abuse, this crime must be considered a subtle form of child abuse itself.
>
> People often ask me, "Don't you feel better knowing that your son is with his father and safe?" No. I only know that he was with his father over two years ago; I don't know if he is alive, if he is healthy, and I certainly don't know whether or not he is happy. I will probably never see him again.

Mr. Speaker, I do not think I have to say much more. Jason's mother has stated all that need to be said.

Jason Amini is now 10 years old. He has blond hair and light brown eyes, he speaks in an unusually low voice and has a very slight scar on his lower lip and the left side of his jaw. And as with most American young boys, he loves to build models.

There is a good possibility that Jason is somewhere in the Silicon Valley in California. His father has a background in computers and electronics which could mean he is working in one of the high-technology firms located in that valley. It is my hope, that someone somewhere will recognize this photo of Jason. If they do I would encourage them to immediately contact their local police authorities or to call the toll-free number of Child Find, Inc. That number is 1-800-431-5005. Child Find will then notify the proper authorities in Idaho.

Once again, let me thank my colleague, the gentleman from Oklahoma, tonight for taking out this most important special order and as my col-

league from California said earlier, if there is one lead or possibly if one child is found, all the time and all the effort we have put into this will make it certainly worthwhile.

Let me once again thank my colleague.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman from Idaho.

This is a good time to interject this thought. The case the gentleman has just described is one of a young boy who was kidnaped by his own father. I think it is important for people to understand, just as this mother explained, that when a parent who does not have custody steals a child from the parent who does have custody, we can be talking about a very traumatic experience, not only for the parent who was supposed to have custody, but for the child as well.

In an attempt to try to do something about this tremendous number of parental child stealing cases across the country, I have introduced legislation, which is the only time in this little presentation that I will get into legislation, but I have introduced legislation which would permit Federal prosecution and 1- to 5-year prison sentences for those who snatch children away from a parent or spouse and who cross State lines for the purpose of evading court order custody decisions.

I think it is important that the Federal Government step in and make it a Federal crime because a child who is kidnaped by a parent is a child kidnaped and we ought to do something about it.

Mr. CRAIG. Mr. Speaker, will my colleague yield?

Mr. EDWARDS of Oklahoma. Certainly.

Mr. CRAIG. Let me applaud my colleague, not only for the introduction of that legislation, but for bringing up the very important and rather difficult kind of issue to balance in the mind. I think that Jason's mother came to that point when many of her friends said, "Well, but your son is safe. He is with his father."

She does not know that. The courts in their settlement decided that in this instance the mother was the rightful parent for this child to be with, that there were cooperative arrangements arrived at and while Jason was visiting his father in that cooperative arrangement, Jason's mother received a letter from the father saying, "You will not see your son any longer. I have decided to keep him," and that was the last Jason was heard from.

Those are difficult things to deal with but of course, the kind of legislation we are talking about, and we know that the courts are very flexible today, but they do recognize and they must recognize that one of those parents has to be the responsible and legal guardian of the child.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman.

I yield to our colleague, the gentleman from Ohio [Mr. DEWINE], who comes to the Congress with a background in law enforcement and who has personally dealt with matters like this in the past.

Mr. DEWINE. Mr. Speaker, I thank the gentleman very much.

I would also like to thank and congratulate my colleague and friend, the gentleman from Oklahoma, for this special order on what really is a national tragedy. We use the term "tragedy" sometimes lightly, but this is certainly a tragedy. I cannot think of anything that is more frightening to a parent than the thought of losing one of your children. There is just nothing that could be more scary to think about or nothing that could be more tragic than to have that happen.

I think we are on the right track in this country. This special order tonight is going to focus more public attention on this particular problem. The TV shows that have been on in the last few months also are going to contribute to that.

I would like to talk tonight also, as my colleague just has, about the situation where you have a parent, a natural parent who takes illegally a child and takes that child out of the State. There is a tendency I think for people to say, "Oh, well, that doesn't really fall in the same category as the child who has been abducted by a total stranger."

I would agree. It is different, but it is equally tragic and it is equally or can be equally tragic for that particular child.

□ 1940

Our courts are designed to adjudicate problems and in most States, I think probably every State, the law provides that when there is a divorce, when there is a custody problem, that the court is to take into consideration, No. 1, what is in the best interest of that child and after hearing all of the evidence the court does make a decision and chooses to put the custody of the child in one of the parents' hands, usually, almost inevitably allowing visitation with the other parent.

The tragedy is when a parent overrides that and a parent takes the law into his or her own hands and takes that child away, never to be seen again by the other parent. It is wrong. It is illegal. But it is also a tragedy for that child to deny that child the right to see his or her parent, which is clearly wrong and clearly a tragedy for that child.

We are told that approximately 85 percent of all of the missing children in this country are missing because they have been taken by a parent and taken out of the State.

I would like to talk tonight about a particular case, a case that came from Chillicothe, OH. That is not in my congressional district but the father does happen to live in my congressional district in Circleville. This is a picture of Bobbie Jo Steely. Bobbie Joe was taken from Chillicothe, we believe by her mother, on June 27, 1980. She has not been seen by her father since that time.

We believe and have reason to believe that she may be in southern Florida at this time. The description of her obviously cannot be complete because her father has not seen her for the last 3½ years. She was born on November 18, 1977. She has medium build, blonde, red-cast hair, blue eyes, fair complexion, white, is right handed and has no birthmarks or scars on her.

It is a tragedy that this child has been denied the right to see her natural father.

I would ask that anyone who is watching this who may know anything about the whereabouts of this child to please either call my congressional office or call her father. The telephone number is area code 614-474-5020. I will repeat that again. The father's name is Robin Steely. He lives in Circleville, OH. His telephone number is 614-474-5020. Or you can call your local law enforcement agency.

It is very important I think that this child know her father and that this child be granted the rights that a court gave, and that was that she would know her father and reside with her father.

I yield back to my colleague from Oklahoma.

Mr. EDWARDS of Oklahoma. I thank the gentleman.

Under the rules of the House I think we are supposed to speak only to our colleagues in the House, and I appreciate the fact that the colleagues in the House are looking so intently at these pictures and listening to this information. I would just, in case anybody is eavesdropping on what we are doing here, if anybody else around the country just happens to see what we are doing, that they will take seriously this effort to find these children and that they will make note of these phone numbers and what the children look like and if it is possible that they may know where one of these children is they will notify the local police or, in fact, even notify my office, Congressman MICKEY EDWARDS in Washington, and we will try to help.

Mr. LEWIS of Florida. Will the gentleman yield?

Mr. EDWARDS of Oklahoma. I now yield to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, I can think of no more tragic commentary on our great Nation than its high

number of runaway and abducted children.

It speaks poorly of us all that we have allowed the moral fiber that our forefathers used as a foundation to establish this great country to slip to a point where we have bred a generation of unfeeling paranoids and schizophrenics who drive their children away or misfits who do ghastly, ugly things to our children.

Tragic is the only word that clearly depicts the brutal murder of 10-year-old Yolanda Santa who was last seen leaving the Palm View Elementary School in West Palm Beach with an unknown man posing as her uncle in the spring of 1983.

Tragic is the only word that clearly depicts the grief Yolanda's loving family will feel the rest of their lives, the grief that reached a gruesome climax last Friday when police positively identified the skeletal remains of a young girl still clutching her rosary beads as those of Yolanda Santa.

Tragic is the only word that clearly depicts the bizarre abduction and murder of Adam Walsh and the emptiness his loss brought to his mama an daddy, John and Reva.

Tragic is the only word that clearly depicts the loneliness and desperation Jeannie Luna will feel as long as she does not know what happened to her little girl, Christy, who disappeared without a trace in the little Palm Beach County town of Greenacres City in May.

We can't sit idly by and let this happen to our kids or to ourselves.

We are not helpless.

There are resources at our disposal.

Unfortunately these resources are not being used to their maximum capacity or efficiency.

In 1982, the Florida Department of Law Enforcement established its own statewide missing children information clearinghouse, the first of its kind initiated under a centralized law enforcement department to search for and locate missing children and provide education materials and expertise to protect children.

Since the inception of Florida's Missing Children Clearinghouse there has been and continues to be impressive communication and cooperation between law enforcement personnel, private organizations like Child Keyppers, educators, legislators, and parents.

I went to Florida's State Capitol in Tallahassee in May to take a first hand look at the magnificent work being done by the department of law enforcement through its missing children clearinghouse.

The clearinghouse maintains a central, computerized file on missing children for parents and local police.

Additionally Florida's clearinghouse provides the following vital services:

A directory of State resources such as hospitals, shelters, and private organizations that are available to help parents and local police;

A 24-hour, toll-free WATS line to handle all calls concerning missing children;

And the distribution of emergency flyers containing physical and situational descriptions of missing children.

Florida's program convinced me that statewide clearinghouses operated under the direction of a centralized law enforcement department are essential if we are to locate missing children and must be implemented in all States if we are to successfully combat this tragic problem.

The U.S. Justice Department recently opened its national center for missing and exploited children.

I fully support the existence of a national center but its success depends solely on how extensively State and local law enforcement official use it.

An important first step to coordinate the efforts now being undertaken at the national center is the establishment of State clearinghouses.

An information clearninghouse in every State would provide parents and local police with an invaluable resource, a complete communication loop, if you will.

A telecommunication loop that would allow police to pass information on missing children almost instantaneously throughout the Nation.

For these reason, for the future health and well-being of our country, but most of all, for the kids, I urge all my colleagues to join with me in supporting House Concurrent Resolution 301 which urges States to establish statewide missing children clearinghouses under centralized law enforcement agencies and H.R. 5826, which provides the financial means to do just that.

For the Yolanda Santas, the Adam Walshes, the Christy Lunas, and all the other children who have been or will be victimized, let all of us, politicians, policemen, businessmen, clergymen, teachers and parents join hands and do all we can to put an end to the horrifying tragedies that otherwise lie ahead for more American families.

□ 1950

One last thing to each and every one: If you notice someone acting strangely with a child, do not be afraid to summon a law enforcement officer or yourself ask the child if he or she is all right, because you may save the life of that child.

Mr. EDWARDS of Oklahoma, I thank you for having this special order and certainly appreciate the opportunity to have the time yielded to me to express my views on this.

Mr. EDWARDS of Oklahoma. I thank the gentleman for helping us. The gentleman stressed in his remarks the universality of this concern. I think it is something all of us feel strongly about regardless of philosophical considerations or anything else.

I thank the gentleman.

I now yield to a friend, from the Democratic side of the aisle, TOM HARKIN of Iowa.

Mr. HARKIN. I, too, want to thank my friend and colleague, the gentleman from Oklahoma [Mr. EDWARDS], for taking this time today for this special order and to echo the sentiments of those who have spoken before me that this is something that cuts across all ideological and party boundaries.

And when it comes to the missing children of this country we are neither Democrats nor Republicans, conservatives or liberals; we are concerned parents all, trying to find those children who have been abducted, who have been taken from one or more of their parents and never to be found again.

So again I want to congratulate my colleague from Oklahoma for taking this special order.

I want to follow up if I might, MICKEY, just for a minute on what Congressman LEWIS said. Like most parents, I guess I had never really thought much about a missing child until I saw the television on Adam Walsh and I guess what really struck me in watching that and in later talking to his father, John Walsh, was that his mother had left him for just a few minutes in a store at a place I guess where they play these little games and things and he had gone off, thinking "just a couple of minutes and I will be back," and it occurred to me that up to that time I had left my young daughter, now 8 years old, some times in a grocery store in a different aisle, taking my shopping cart and going down a different aisle thinking, "She is only two aisles down, that is no problem."

Maybe turning my back in a department store, not keeping my eyes on her and turning around and finding that I do not see her right away and perhaps she is someplace else and wandered off as little kids will do.

I can only say that after watching the program on Adam Walsh and talking to his parents, I will tell you, I do not go anywhere with my kids now; I have one who is 8 and one who is 2½; I keep my eyes on them constantly.

Just as Congressman LEWIS was saying, if you see someone acting strangely with children, do not be afraid to do something, to call a law enforcement officer, to call the store manager or to do something; don't be afraid to do that.

I would also maybe just expand on that one point further: When you take your children to a store, a grocery store, a department store, a shopping

center, do not let them out of your sight; do not ever let them out of your sight. You know how kids are. They see a gumball machine and they will take off for the gumball machine.

You might think, "It is only 20 or 30 feet away and I will go down this aisle and pick them up on the way back." In that split second, those 2 or 3 minutes, the same could happen that happened to Adam Walsh.

Mr. EDWARDS of Oklahoma. I think that is a very important point you are making, TOM. I know men and women who obviously would not think of leaving a shopping cart, for example, leaving a billfold or leaving their purse in the shopping cart, but who would routinely walk off an aisle or two away leaving their child in the cart, saying "Well, I have admonished my daughter or son not to talk to strangers." And you cannot count on that.

It is our responsibility as the parents to watch those children, not let them out of our sight. I think you are making a very good point.

Mr. HARKIN. It has such an effect on me. I know how my kids act.

Another thing, when your kids are with a babysitter, if your babysitter is taking them out for ice cream or maybe they are going to a movie or something like that, the best instruction you can give is: Never let them out of your sight, even for 10 seconds. Don't ever let them out of your sight. If you are in a movie theater, don't ever let those kids go to the bathroom by themselves, never. Always go with them; don't ever let them go to the bathroom by themselves, even if they are 10 or 12 years old, don't let that happen. Make sure you are with them at all times.

I just wanted to follow up on that point that Congressman LEWIS made. Last April, we established the National Center for Missing & Exploited Children which the gentleman mentioned in his opening remarks, with a grant from the Justice Department. It is too bad all of this had to happen before we came to the realization that we had to have something like this national center. Now it is underway and functioning.

Hopefully we can begin to cut down drastically on the number of missing children and we can begin to find those children who are missing from their homes. I want to take just a few minutes, if I may, Mr. EDWARDS, to talk about one specific child who has been missing from his parents now for nearly 23 months. This is a young child whose parents I have become acquainted with, gotten to know over the intervening months, parents I have worked with in my office to try to do all we can to help them find their missing child.

Let me briefly tell the story of how this one happened. You know when I delivered newspapers, when I was a kid, I will bet you did, too, MICKEY; you think your kid goes out in your neighborhood, your neighbors all know him, what possible hurt could come from a kid delivering newspapers?

Well on September 5, 1982, 12-year-old Johnny Gosch set out to deliver papers in his suburban neighborhood in West Des Moines, IA. It was a Sunday morning about a quarter to 6.

As he approached the corner, according to witnesses, he was stopped by a man in a blue car who asked the boy for directions. The man then sped away, made a U-turn, and returned to the corner and asked for directions again.

In front of two witnesses, Johnny Gosch said, "That guy is weird. I am leaving to finish my route and go home." As Johnny walked down the block, the man in the blue car flicked the ceiling light in his car on and off three times. At that precise moment, another man on foot came out from behind some trees and stopped Johnny Gosch. The second man then walked down the block, around the corner and out of sight. Moments later, two other paper boys approached from another direction and they saw Johnny slumped over his wagon as though he had been drugged or was sick. Then all the witnesses heard a car door slam and saw the blue car speed out of town. John David Gosch was gone by 6:05 a.m., only 20 minutes after he first left home.

Johnny Gosch, age 12, delivering his newspapers on a Sunday morning in his suburban neighborhood, has now been missing for 23 months.

Twenty-three months later, Johnny Gosch, now age 14, is still missing. Twenty-three months later, his parents, John and Noreen Gosch, are still selling candy bars and having garage sales to finance the long and painful search for their son; 23 months later, John and Noreen Gosch are educating Americans to be on the defense for their children. And 23 months later, Iowans are aware that children are being taken every day, snatched from their own backyards.

John and Noreen Gosch received three short phone calls that they believe were from their son on February 22, 1984. They hope and pray that he is still alive.

John David Gosch was born November 12, 1969. He is approximately 5 feet, 7 inches and weighs around 145 pounds. He has light brown hair and blue eyes. He also has freckles and a gap between his front teeth.

□ 2000

Now, John David Gosch was last seen with this man—who has been described and this is a composite picture drawn of different witnesses who have seen him—described as about 5 feet 9 inches in height, weighing somewhere in the neighborhood of 175 pounds. He has been described as having dark eyes and black hair which is combed straight back, in his middle age, about 40 years old. Probably has a mustache or a heavy complexion. He may be driving a two-tone blue car, dark on the top and light blue on the bottom, a rather later model car, 1979 to 1981 model car.

If you have any information, if anyone has any information, about John David Gosch's whereabouts, I would ask that they please call his parents, John and Noreen Gosch, at 515-225-7456 or the National Clearing House on Missing Children at 202-634-9821. If you cannot remember those numbers and you think you have found Johnny Gosch or you have seen the man that has been described as being around in that area that may have abducted him, if you cannot remember the numbers just call me, call Congressman TOM HARKIN, Washington, DC. The operator will put you through. And I will make sure that the Gosches get that information.

I might also say that due to the friends and neighbors of Johnny Gosch in Des Moines, the Help Find Johnny Gosch Fund has offered a $90,000 reward for his safe return and they have offered a $10,000 reward for information leading to his whereabouts.

So, again I ask if anyone should have information to please let us know the whereabouts of John David Gosch.

Again, I want to thank Congressman EDWARDS for taking this special order today. I think you are to be highly complimented for doing this. As Congresswoman BOXER said, if we just get the lead on one person, if we help one family find their missing child, you will have done a great service to this Nation.

Mr. EDWARDS of Oklahoma. I thank you, TOM.

We are in a political world and because we feel things very strongly, a lot of us spend time pointing fingers at each other about issues of a different kind. I think that it is important that we work together on these things where we do have very strong common interests.

As TOM pointed out, Mr. Speaker, in 1982, we passed into law the Missing Children Act which established a national clearinghouse for information using the FBI's crime information computer to assist law enforcement officials in finding missing children.

That measure allowed parents, for the first time, to contact the FBI directly to determine if a missing child is listed on the national computer system.

Recently the House passed the Missing Children's Assistance Act and we

have sent it on to the Senate now for its consideration. And that act, if approved by the Senate, would establish and maintain a national resource center for missing children, set up a toll-free telephone line where individuals may report information regarding the location of missing children or where children can call in, and provide $10 million a year for the next 3 years for grant assistance to public agencies or nonprofit organizations that work with missing children.

Last April, the National Center for Missing Children and Exploited Children was established on a $3.3 million grant from the Justice Department's Office of Juvenile Delinquency Prevention. That Center has the primary task of shoring up the volunteer groups and law enforcement agencies which are seeking to find missing children.

They have also agreed to serve as a source for information on missing children cases reported in the districts of the various Members of Congress.

As I mentioned earlier in an attempt to help stem this increasing number of parental child-stealing cases across the country, I have introduced legislation which would permit Federal prosecution and 1- to 5-year prison sentences for those who snatch children away from a parent or spouse and cross State lines for the purpose of evading a court-ordered custody decision.

Under current law the FBI cannot help find and return parental abductors unless that State has classified child stealing as a felony, and that is something that not all States have done.

So by making child stealing a Federal crime and providing stiff prison sentences, Congress can make it clear that the Federal Government stands ready and willing to protect the rights of not just the parent who has legal custody of the child, but the rights and welfare of the young victims as well.

Mr. Speaker, we have come a very long way since the problem of kidnaped children has surfaced. And we have taken some important steps to make it easier for children to be found by their parents. But we cannot afford to stop there. There are still things which can and must be done, such as the final passage of the Missing Children's Assistance Act.

But most important of all we must find the 160,000 children who have been kidnaped each year. I want to thank my 60 colleagues, Democrat and Republican, who in the future will be giving speeches about cases in their districts as my friends have here today. They are making a very important and valuable contribution to these efforts.

I thank them not just as a Member of Congress, but also as a parent. I am sure that millions of other parents around the country will appreciate their help as well.

Finally, remember, you can help if you know where Cinda Leann Pallett is, you can help by calling the police department in Oklahoma City or in your city. I know that Cinda's parents and the parents of all of the other children who have been reported missing will very much appreciate the help of all of you.

Mr. SILJANDER. Mr. Speaker, my heart was very much turned as I listened and watched on the television in the back of the cloakroom the photographs of so many young people who are missing.

The statistics imply even more than the pictures we saw here on the floor. The statistics imply that 1 million children a year are lost and of that million children a year, over 50,000, between 42,000 and 50,000, are never found again. Dividing that into 435 congressional districts that is nearly 100 children missing on the average in each congressional district. That really brings it close to home.

So many will say in war and wearing seatbelts, "I will never get shot in war," or "I will never get in an accident. I don't need to wear my seatbelt." That old attitude usually proves violently and unfortunately tragically wrong.

So often it does happen to us. So often it can happen to our loved ones.

I do not have children. I have not been blessed with children as yet, as I was married 7½ months ago. However, I have several nieces and nephews and loved ones and friends with little children. After listening to this special order I would just like to commend Congressman EDWARDS of Oklahoma wholeheartedly for his real courage and taking his time and the other Members who participated in this order to present those that they are concerned with who are missing and let people in this country know and the membership know that 100 missing, never to be found again, per congressional district, on the average, is a very, very startling statistic.

● Mr. HERTEL of Michigan. Mr. Speaker, "My child is missing" is perhaps the most devastating statement a parent can utter. Each year, this traumatic reality is faced by the parents of hundreds of thousands of children. When a child is reported missing, the whole family suffers. For the parents, there is the agony, the frustration, and the anxiety of not knowing the whereabouts and status of their child; for the child, there is a high probability of sexual exploitation, physical and emotional abuse, and in some cases death.

In 85 percent of the cases, the child is abducted by the noncustodial parent. Here, revenge replaces the emotional and physical well-being of the child as the primary motive. The child becomes a pawn in the custody battle between the warring parents. Studies indicate that 50 percent of the men and women who abduct their children have prior assault and child-abuse records. A majority are emotionally immature, incapable of providing the nurturance needed for healthy growth and development. The American Bar Association reports that 7 out of 10 children taken by a parent never see the other parent again. Yet these children are among the more fortunate; for the 20,000 to 50,000 youngsters snatched by strangers, the picture is much grimmer.

It is estimated that more than 3,000 missing children are murdered annually. Many are subjected to physical torture, prostitution, and pornography. Even for those who are freed, the emotional scars may take years to heal.

In Michigan, where there are currently 1,396 children reported missing, parental child snatching is a misdemeanor—punishable by as many as 45 days in jail and a $500 fine—if an adoptive or natural parent abducts a child under 14 for more than 24 hours from another parent or legal guardian who has court-ordered custody of the child or visitation rights. If the child is kidnaped and taken outside of Michigan, the adoptive or natural parent can be found guilty of a felony, which carries a 1-year maximum prison sentence and a $2,000 fine.

In principle, this law is a necessary deterrent to a tragic problem. However, in actual practice, it often falls short of accomplishing its goal: to return the child to the legal parent. According to Wayne County's Office of Appeals and Special Services, there are several problems involved in executing parental child abduction laws. First, due to case overload, police will not investigate a report of a missing child unless foul play is suspected or the child is under 12 years of age, especially if an ex-spouse is the kidnaper. Second, States do not have sufficient funds to cover the expenses of an extradition in cases where the parent has crossed State lines. In Michigan's Wayne County, for example, only $40,000 is allotted annually to handle all extraditions. The limitation of funds necessitates that a priority judgment be rendered. As a policy matter, Wayne County will only extradite in instances of first- and second-degree murder, first-, second-, and third-degree criminal sexual misconduct and armed robbery. It will not extradite in parental child abduction cases, since the penalty is too minor to be considered worthwhile.

While recent laws have increased the involvement of the Federal Government in locating the child, the State is left to pay the expenses of bringing the offender back to the State where the abduction occurred

for trial. Third, even if an extradition order is issued, the child is usually not released by local police. Rather, he is made a ward of the State to which he has been taken. Stiffer penalties and increased Federal funding are required if parental child snatching laws are to be effective.

Despite advances in missing children laws and investigative resources, the incidence of child abduction continues to rise. Increased preventive measures, awareness, and involvement by the public and private sectors are desperately needed. The Adam Walsh Child Resource Center, a nonprofit organization dedicated to protecting children, advocates the use of a password known only by the parent and child, fingerprinting of the child, presentation of a slide show, "Safety With Strangers", role playing of safety precautions in classrooms, and court monitoring of child molesting cases. I urge parents, teachers, law enforcers, and others interested in the well-being of our children to make use of the materials put out by the Adam Walsh Center.

Among the statistics cited here, only one is heartening: 40 percent of missing children are found through media publicity. It is my hope that our efforts today and our continued focus on missing children will result not only in the reuniting of abducted children and their families, but in a safer environment for American youth, as well. As John and Reva Walsh so poignantly stated, "The greatest resource of this country is our children. If you care about the future * * * please help us to help them."●

EQUAL ACCESS LEGISLATION

The SPEAKER pro tempore [Mr. HARRISON]. Under a previous order of the House, the gentleman from Michigan [Mr. SILJANDER] is recognized for 60 minutes.

Mr. SILJANDER. Mr. Speaker, this topic was dealt with on the floor of the Congress not too many hours ago. It deals with the concept called equal access. Equal access deals also with children, but in a much happier light and a much more positive viewpoint, from their standpoint.

Equal access simply suggests that children in a school, students at a public institution, have a right, a constitutional right, to meet for philosophical, religious, or other type of activities in noninstructional times, such as clubs, language clubs, clubs of all types, from card clubs, and yes, now according to the equal access, religious groups as well.

I think it is very important that our young people not be denied their constitutional right to meet and to assemble during noninstructional times under their own initiative.

However, on the floor of the Congress there is often debate centered around the bill that it was not, in fact, needed, that this bill was unnecessary.

□ 2010

I think that bill is necessary. The bill is very important to America. The bill is crucial to continuing constitutional rights and civil rights for our young people.

I would like to point out some reasons why I believe that. And before I do, many of the Members watching in their offices may wonder, when the wide-angle lens is initiated, where is everyone? The Chambers are essentially vacant. I have stood on this floor many times explaining exactly why the Chambers are vacant. We are now on special order time. Special orders are typically after normal voting sessions of Congress. We are still officially in session, but most Members are in their offices, writing letters or at meetings. There are no more votes. Tonight, likely a lot of them are doing other types of duties or activities.

So why have special orders? Well, many of us feel somewhat frustrated, to be frank—and I will get to equal access, incidentally, but I think it is important that people realize why the Chamber is empty. I think the Members also realize the frustration that many of us feel. I am a Republican. I do not have afforded to me the forums and committees, subcommittees, or select committees to speak out our minds, our opinions on a host of issues, such as equal access, balanced budget amendments, voluntary prayer in school, the crime package, and so many other issues that we consider important to the American agenda. Since the Democrats control Congress, the Democrats have the chairmanships of all committees, subcommittees, and select committees, and since the Democrat leadership thereby chooses and determines thereby exactly what bills will or will not be brought up in committee, needless to say, the issues that some of us feel are very important to the American people are never addressed in committee, subcommittee, or select committee.

Then comes the floor. And again the same is true. The liberal Democrat leadership, for good or for worse, chooses not to bring up certain issues that we consider, some of us, important to the American agenda, for this country; 82 percent of the American people support a balanced budget amendment. And 65 times, 65 times we have stood on this floor asking the Democrat leadership to please bypass the committee with this amendment, which is dead in committee, and bring it to the floor for an honest vote and debate. The Republican leadership has allowed us to do that. The rules say that if both leaderships give an OK, any particular given bill may be brought to the floor for amendment, for debate, and for a vote. And 65 times we have been turned down by the Democrat leadership, and 65 times it has been approved for an honest debate, an open forum, so the American people can, through C-SPAN, and the Members, in their offices and on the floor, can participate and view the debate regarding issues such as the balanced budget tax limitation amendment.

So we are just frustrated, frankly, because there is not an opportunity for a forum. But according to a recent poll, C-SPAN is connected to 18 million households; 3½ people a month, according to further studies, view C-SPAN on a regular basis.

So while the Chambers are empty—and technically to the membership I am referring to; we are not allowed to speak to the C-SPAN audience—nonetheless, 3½ million people may be watching our special orders that we participate in day in, day out, to bring our agenda, what we consider the American agenda, the American people's agenda, to those membership that might be watching in their offices. And certainly I welcome any Member on the Republican or Democrat side to participate, to indulge in colloquy, if they so desire, after I finish presenting my case. And as you can well see, there is no one in the Chambers at this point in time, and it is 8:15 Washington time.

I was referring earlier to equal access. I was referring earlier to an issue that, thank goodness, passed Congress. Even though there were shenanigans in Congress, several weeks ago the issue was brought up, equal access. It was brought up under a special rule which requires not a simple majority vote, as it ought to and as most bills do, but required, rather, a two-thirds vote. So equal access, the opportunity for students at noninstructional times, at their own initiatives, to use public facilities for ideological or religious activities, was voted down.

We had far more than the majority, but not two-thirds of the vote, as required under the special order.

The Speaker of the House had the option of bringing it up under normal circumstances and under normal rules to allow a straight up or down majority vote, as every other issue ought to be brought up under a normal rule. But no, not this time, because it was not an item that the Democrat liberal leadership wanted. So, as a result, there was manipulation.

Well, they gave us a vote indeed. And, thank goodness, we even had a chance to speak on the issue for once. But again the shenanigans of the two-thirds vote defeated the equal access bill.

So back to committee it went. And then it required whom? It required Members of the Democrat Party

themselves, a minor rebellion of sorts, demanding that this bill be brought up once again, and it was, but guess what. The bill was brought up under the same old rule requiring another two-thirds vote, but his time the membership of this Congress—I give them credit for it—decided, in great wisdom, in my opinion, to pass equal access legislation, at least the amendment to the bill, and they passed it by an overwhelming number, over two-thirds vote this time.

So even with the shenanigans of the liberal Democrat leadership, it required their own internal rebellion and enough votes on both sides of the aisle to finally put into action, into a bill, equal access.

Now, as also alluded to earlier, many have suggested equal access is not really needed, that people have complete freedom, the students have complete freedom to meet presently and discuss religious activities if they so desire and this bill is unnecessary.

I would like, if I may, to point out several citings of court rulings and specific examples as to why equal access is important and why equal access is necessary.

There was a case in 1981 by the Supreme Court called Widmar against Vincent. In the Widmar against Vincent case, the Supreme Court ruled that students may in fact—and this is what the opponents of equal access point out to us—that students may in fact meet and congregate and talk about religion if they so desire. However, that ruling dealt only with college-level students and not secondary students in kindergarten through 12 schooling atmospheres and environments.

Later on, in Brandon against Guilderland Board of Education ruling in 1982, the Second Circuit Court of Appeals ruled a little bit differently and more specifically. They said: "* * * Even the mere appearance of a secular involvement in religious activities might indicate that the state has placed its imprimatur on a particular religious creed. The symbolic inference is too dangerous to permit * * *"

So what the Brandon against Guilderland Board of Education decision said, essentially, is that, while it is all right for college students to meet, it is not all right for high school students to meet.

And the same decision went on with their three reasons why it was decided that high school students should not meet for religious activity. They said, No. 1, that high school students are too immature and could be unduly influenced. No. 2, the court argued that teachers' presence and acting as supervisors inevitably would become involved in a particular activity. And, No. 3, that students might be required by compulsion to attend the particular function.

So based on this decision—and I think some reasonable criteria for why they decided what they did—it certainly makes it clear that students, by the court ruling, this court's ruling, makes it clear they cannot in fact meet as has been advocated on the floor of the Congress.

In Civil Liberties Union against Lubbock Independent School District (1982) the Fifth Circuit Court of Appeals ordered the school district to ban student groups meeting for religious purposes, such as prayer or Bible reading, even though the school had adopted a policy allowing students to form a wide range of campus organizations, such as, to be included with others, religious ones.

The court also stated that allowing voluntary student religious clubs was in and of itself aiding religion and "excessively entangling the State with religion," another ruling that makes it clear that school districts do not now have the option if they so desire locally to allow students in their own initiative, their own time, to meet and discuss the Bible, the Koran, the Torah, or whatever religious documents or religious theology they care to read or discuss at their own time in a public school.

In the early 1960's, the Supreme Court ruled two different rulings which I think are very pertinent to discussions dealing with equal access. The Engel against Vitale ruling in 1962 by the Supreme Court declared it unconstitutional for the Government to compose prayers or require public schools to recite prayers.

□ 2020

That is clear enough. In a second decision in 1963, Arbington School District against Shemp and Murray against Culette, said the Supreme Court again declared that reading of the Bible passages and to recite the Lord's Prayer in public school was also unconstitutional.

These decisions, whether you agree with them or not, have been made. These decisions, seemingly, with the debate on the floor earlier this day, in any event, make it very confusing to most school districts. Can we or can we not allow students to meet and talk about religion? There is a deep sense of confusion among school boards. Letters to our offices certainly indicate that. They want to be responsible. Local school boards want to abide by the law; they want to abide by decisions made by the courts, but they really are confused because we have many court decisions.

As I mentioned, one saying students may meet, others saying they may not meet and one meant college students, others meant high school students. Some say you can pray and some say you cannot. Some say you may not read the Bible and others say you may. It is very, very confusing and I do not blame anyone at the local level.

Many of us in Congress are lawyers; I am not. My chief of staff, however, is. I have asked him to study and look at this; he is a lawyer. Many of my colleagues who are lawyers who I have talked with cannot really give me a clear word if I were a school board president or a member of a school board ready to vote on whether or not we want to allow our students to meet if they want to. I would not know what to do legally, and they would not know what advice to give to me. If the lawyers cannot figure it out, I would certainly think, fellow colleagues, that I do not think most Americans could figure it out and certainly not this Member, MARK SILJANDER.

Students' rights are being violated, they are being violated in five areas: Freedom of excercise of religion is No. 1; No. 2, freedom of speech; No. 3, freedom of assembly; No. 4, freedom of a public forum; and, No. 5, constitutional equal protection principles. These are five specific areas where the present court rulings, in my opinion, have clearly left students in a very, very diabolically inferior position in terms of their constitutional rights that all peoples certainly have a right to benefit from.

Others say these are only specific examples of problems. They say you have only cited one or two. Allow me to finish my special order by citing some examples, further examples, specific local examples of problems in the confusion as I have outlined earlier, that these court rulings have led to in the grassroots. Then I would like to finish by explaining specifically what we passed, and try to address some of the questions about the Ku Klux Klan and the Moonies coming to the schools. All this emotional rhetoric that we have heard in my opinion, is outlandish.

Now to the examples: According to the assistant superintendent in the Boulder, CO, schools, a group of two or more may not sit together for the purpose of spiritual or religious discussion. That is a little bit extreme, is it not? Colorado's Jefferson County School District is considering a policy that would put an end to any baccalaureate services or any school function if there is a prayer at that service.

In Indianapolis, IN, students are not allowed to get into a car or be picked up at the end of the schoolday by a youth pastor or by a worker. In Philadelphia, several students were reprimanded because they discussed their faith, shared a booklet with Bible verses in it with other students. In Minnesota, a fourth-grade student was reprimanded by her supervisor for bowing her head and praying before her meal. A fourth-grade student. They say that equal access is unneces-

sary. In Philadelphia a teacher was told to remove the wreath from his classroom door because it represented Christmas, and that is religious. In the Denver area, at a high school, three teachers were warned that their jobs may be in danger if they participated in a Bible study activity even if it was at night and held off campus. Now, that is pretty extreme in anyone's book, in any mainstream moderate American's viewpoint of the world, I am sure.

A teacher in the Boulder schools was reprimanded for handing out private invitations to a Christmas party because the invitations contained the word Christmas, and the policy of the school is to refer to the season simply as winter holidays. We are getting a little bit extreme.

Last, in Cincinnati, a principal issued a statement that it is illegal to even mention God, even mention God in the public schools. Now, ladies and gentlemen, it certainly seems ridiculous that in the public schools a student could not at least mention the word "God," but up at this podium each and every day before session begins and so much so in the Supreme Court and equally so in the Senate, the day begins with a prayer. The day begins with a prayer. And lo and behold, the name of God and many other prophets including Moses, whose picture is facing me on the wall of the Chamber, are mentioned in this taxpayer-funded establishment in edifice.

So, yes, indeed, clarity is needed. The equal access bill is important, and this equal access bill, as watered down as I think it is, is at least a compromise. It is at least, and I thank God, a step in the right direction. The equal access amendment that passed today in the House says very simply that any students who wish to conduct a meeting within the limit of an open forum, which means an open environment, on the basis of religious, political, or philosophical, or the content of the speech at such meetings, is legal. That is all it says.

If those words are too confusing, it is very simple. It just says that students that want to gather and talk about philosophy may do so legally in public schools. Students that wish to gather and talk about politics like we do here every day, they may legally do so as well. And, yes, if students so determine they wish to talk about religion of any kind, the students may do so as well.

Let me emphasize according to the amendment that was passed today, this is only during noninstructional times, when school is not normally in session. Before school, after school, or when school is on break. Is this so radical? Is this so unfounded; is this so rightwing to simply suggest that students may have free access during noninstructional times to talk about philosophy, politics, or religion? I think not. I do not think the average American really believes that allowing public school facilities to be used as such is unreasonable.

The bill even goes on to clarify this and make things so succinct and so clear that any rational-minded person could hardly think anything but supporting this bill. It says that schools shall be deemed to offer fair opportunity to students who wish to conduct a meeting within this limited open forum if such school uniformly provides that.

Now, understand, this is very important, five points: No. 1, that the meeting is voluntary student initiated. It must be voluntary. It must be student initiated; it cannot be done by teachers or deans or principals or parents or outsiders, it must be students, and they must initiate it and it must be voluntary, if they want to meet after school or before school.

No. 2, there can be no sponsorship of the meeting by anyone except for the students themselves. So the accusation of, oh, the Ku Klux Klan and the Moonies, they are going to raid our schools and be selling flowers and burning crosses in the halls is a vicious distortion of what this bill and what this amendment does.

Students will not burn crosses. You cannot have a member of the KKK or the Moonies hold a forum; that is not what the bill says. It must be student related. No sponsorship.

□ 2030

In fact, point 3 says that employees or agents of the school or Government that are present at a religious meeting can only be there in a nonparticipatory capacity. They cannot even participate if they happen to be in the room or the area.

The fourth point: If the meeting does not materially and substantially interfere with the orderly conduct and educational activities within the school. So you cannot have Moonies rushing in and crosses being burned in the halls. Even if the students were Moonies, even if the students were KKK members, they cannot disrupt the orderly process of the educational institution.

Is that not clear enough?

And the fifth point: Nonschool persons may not direct, conduct, control, or regularly attend the activities of student groups. Now, then, how can all these fanatical groups and cults, as we have heard on this floor, that made my stomach turn, all this emotional oratory, how in the world can these cults come in with this clear language that sets up very clear barriers and parameters by which this bill would take effect?

"Nothing in this title," it says in the bill, "shall be construed to authorize the United States or any State or any political subdivision," meaning local school districts, "to influence the form or content of any prayer or religious activity." So the school cannot influence a prayer. The school cannot write a prayer. If the students want to meet at their own initiative in a noninstructional time, they can formulate their own prayers, but no one else or subdivision can have a State-decided or State-written prayer. That is not allowed under the bill.

No. 2: To require any person to participate in prayer or religious activity. No one is required or forced or overly encouraged or undue pressure can be applied to a student to participate in a prayer during noninstructional time with groups of other students in the educational institution.

Keep in mind, we are not talking about voluntary school prayer in this issue. This is just equal access for students to use facilities for religious, political, or philosophical discussions. That is all. And in the context of those discussions, if the students decide they want to pray, then they cannot be mandated.

I mentioned several court rulings that said, "Oh, we cannot have equal access because students will be forced to pray and the State could formulate prayers, or the local school board or the teacher, or there could be undue influence on these young, impressionable minds," as the court ruled, but that is not so. It is not so in this bill.

This clarifies and makes specific that the school and the institutions, the Government, may not do any of those specific citings that I have mentioned.

They cannot extend public funds beyond the incidental cost of providing the space for student-initiated meetings. So the school cannot take their money to fund buying Bibles, or Torahs or Korans. That is not allowed.

They cannot compel any school or agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee. So the school cannot force teachers or administrators or deans or principals or the janitors or anyone to participate, to attend or in any way involve themselves in this after-school activity.

They cannot sanction meetings that are otherwise unlawful, like burning of crosses by the KKK, or the Moonies selling flowers in the halls, the same old rhetoric we have heard all day.

And last, they cannot limit the right of groups of students which are not a specified numerical size or to abridge the constitutional rights of any person.

How much more clear does one need to be to explain the details of simply allowing, not prayer in school, but equal access of students to our taxpaid edifices and facilities across the country.

The other argument is, "Oh, but what if a school district decides if this amendment is passed," which it did pass today and likely will go through the entire legislative process within the next several weeks, I am very optimistic of that, "What if a school district decides not to allow students to meet at noninstructional times on their own initiation? Will we cut off Federal funds to schools or to the community or to the county or to the State?"

No; it says that nothing in this title shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school. It says so right there in the bill.

So what is the due process? All it does is say that if you are a student or a club or a group and you want to meet to talk about philosophy, politics or religion, and you are denied that equal access, we simply give that student or that group of students due process, legal due process, to take their concerns through the judicial system. The same if you are discriminated against as an adult, as a white, as a black, as a Hispanic, as an Asian. If you are discriminated against, the present law allows you to take that person or group or agency or institution that discriminated against you to court—the same thing.

I hope this special order makes abundantly clear that this legislation, the equal access bill, the amendment that, thank God, passed today by an overwhelmingly majority of votes, is so balanced that the membership bent over backward to make sure that every concern by the courts and concerns by many Members of Congress about the misuse or abuse of utilizing school public facilities by students will not be abused.

I am just thrilled to say that this bill was successful and will be successful, and for the first time that I know of, students soon will have the right to meet, to discuss, to deliberate political, philosophical, and theologically religious views if they want to before or after school or during any time the school is not in official session.

It is a step in the right direction. Does it answer the hopes of those who want to allow voluntary prayer in public schools? It does not. It does not. However, it certainly is a victory for many of the millions of Americans across the country who have been praying, who have been writing letters to their House and Senate Members, pleading with them, "If you will not pass prayer in school, voluntary prayer, then please at least allow our students to meet and talk and discuss without any undue influence or pressure," and we have done exactly that.

So, my colleagues, I appreciate the time that you have taken, those of you who are in your offices listening, because as many of us can see, there is no one else on the floor. A lot of people might be wondering, who have tuned in, the Members in their offices, "Well, where is everyone?" I alluded to this earlier in my presentation and will repeat it one more time before closing out my special order.

As a Republican, as someone who believes in the American Opportunities Society view of the world versus the old liberal society, liberal welfare society, views of the past, our views are not heard in committees because the Democrat leadership runs the committees. Our views are not heard on the floor during normal sessions because they run all bills and decide what will or will not come up, and they determine how long the debate in fact will be.

The other element is, is it not interesting that the wide-angle lens is used to try to embarrass some of us? I am not embarrassed a bit. I know that C-SPAN is hooked up to 18 million households. That is certainly more Super Bowls full of people than I could ever hope to speak to. I am not embarrassed at all because I know there is hypocrisy behind it, because when we began talking about the American agenda, about a balanced budget amendment, about voluntary school prayer, about equal access, about the crime package, about so many issues on special orders, our only forum as those who believe in American opportunity, our only time to discuss the issues without being gaveled out of order, this is our only forum we have, special orders, when normal business is completed, when most Members are gone, doing their thing elsewhere, and for good reason, because there will not be any more votes.

□ 2040

But the House is still technically in session.

Why is there a wide-angle lens only on special orders? Why? Because most of us are the ones that tend to dominate special orders. The intention in my opinion was to embarrass those of us in front of the many millions that are watching C-SPAN, to embarrass us, to make it look like we are talking to virtually no one, but we are talking to many millions of people and those in their offices that are listening to C-SPAN, the Members themselves.

I ask one last question. Why if the wide-angle lens is used for our special orders, why is it not used gavel to gavel throughout the day? Why not have the wide-angle lens during normal session hours when we do vote and we are in active debate?

Well, I will tell you why in my opinion, because the House Chamber looks about the same. The House Chamber looks about the same because there are committee functions. We are at meetings and hearings and we can watch it again on our own television in our offices.

I think there should be uncensored C-SPAN. That is my opinion. That is the opinion of the American Opportunities Society. As part of their organization, I am excited to support total openness of C-SPAN, gavel to gavel, allow the cameras, wide angle, tight angle, whatever they desire, gavel to gavel. Let us not just limit it to when we happen to be speaking.

Sure, they do it with Democrats, that is true, if Democrats are speaking on special orders, but how many do speak on special orders? Very few; so the object is to embarrass one or two Democrats and embarrass dozens of Republicans, especially considering the hours that we take versus what the Democrats take—I should say the liberal Democrats that believe in the liberal welfare society, that we in the American Opportunities Society have been fighting and trying to change the course of America with a new vision of the country, a new vision of opportunity for our futures.

So I am just closing to suggest that I hope the membership will agree and support the resolution of the Republican Caucus that says from gavel to gavel there should be open, uncensored opportunity for all the C-SPAN cameras to show exactly what is happening during normal business hours and during votes. Do not blank the screen out during votes to show how many votes. Superimpose that over with the wide-angle lens to show exactly what happens during the votes.

I am sure the 18 million households that are hooked up to C-SPAN knows and would be very fascinated to see exactly what happens on this floor during votes, to see the arm twisting and to see the chaos and the beehives that disappear. Maybe then there could be more order instilled in the House if we knew that the wide-angle lens could be on us any time gavel to gavel.

So we as the Republican party, we as the American Opportunities Society, believe in uncensored, open, free press, and C-SPAN which has a great effect as a great educational tool for 18 million potential households should not be censored, should be open to all people, should be allowed to go wide-angle lens from gavel to gavel, not just during the times that Republicans tend to have special orders for the most part, to try to embarrass us.

I thank the Speaker very much for the time and the opportunity to share my viewpoint and use this forum in a special order to talk about equal access, missing children and, yes, fairness in terms of the usage of the C-SPAN cameras in this House Chamber.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MARTIN of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mr. SILJANDER, for 60 minutes, on August 1.

Mr. SILJANDER, for 60 minutes, on August 2.

(The following Members (at the request of Mr. COLEMAN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ANNUNZIO, for 30 minutes, on July 26.

Mr. MCHUGH, for 60 minutes, on July 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. NELSON of Florida, prior to the vote on titles I through VII of the Senate amendment to H.R. 1310.

Mr. MORRISON of Connecticut, to revise and extend immediately prior to vote on conference report.

(The following Members (at the request of Mrs. MARTIN of Illinois) and to include extraneous matter:)

Mr. YOUNG of Florida in four instances.

Mr. GREEN.

Mr. RITTER.

Mr. SMITH of New Jersey.

Mr. DICKINSON.

Mr. BEREUTER.

Mr. GEKAS.

Ms. SNOWE.

Mr. COURTER.

Mr. SCHULZE.

Mr. MCKERNAN.

Mr. FIELDS.

Mr. MCCAIN.

(The following Members (at the request of Mr. COLEMAN of Texas) and to include extraneous matter:)

Mr. HAMILTON.

Mr. SKELTON.

Mrs. BOXER in two instances.

Mr. HOWARD.

Mr. FUQUA.

Mr. SMITH of Florida.

Mr. DASCHLE in five instances.

Mr. ROYBAL.

Mrs. LLOYD.

Mr. YATRON.

Mr. ORTIZ.

Mr. ROE.

Mr. RODINO.

Mr. GORE in two instances.

Mr. HARRISON.

Mr. MOODY.

Mr. LEVINE of California.

Mr. TORRES.

Mrs. SCHROEDER.

Mr. KOSTMAYER.

Mr. CORRADA.

Mr. FRANK.

Mr. MORRISON of Connecticut.

ADJOURNMENT

Mr. SILJANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, July 26, 1984, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the second quarter of calendar year 1984 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ADVANCE TRIP FOR DELEGATION TO SPAIN, KENYA, GREECE, AUSTRIA, AND IRELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 21 AND APR. 2, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
James C Healey, Jr.	3/23	3/24	Spain	11,392	75.00					11,392	75.00
	3/24	3/26	Kenya	2,027.30	150.00					2,027.30	150.00
	3/26	3/28	Greece	15,267	150.00					15,267	150.00
	3/28	3/30	Austria	3,803.6	202.00					3,803.6	202.00
	3/30	3/31	Ireland	144	170.00					144	170.00
	3/31	4/2	Spain	22,125	150.00						
Commercial air carrier							2,864.66				
Committee total							3,377.71				897.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES C. HEALEY, JR., May 4, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ICELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 5 AND APR. 8, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brooks, J.	4/6	4/8	Iceland	9091.70	312.00		163.40				475.40
Military transportation							3,204.00				3,204.00
Brady, J.J.	4/6	4/8	Iceland	9,091.70	312.00		163.40				475.40
Military transportation							3,204.00				3,204.00
Abbruzzese, P.A.	4/6	4/8	Iceland	9,091.70	312.00		163.40				475.40
Military transportation							3,204.00				3,204.00
Committee total				81,825.30	936.00		10,102.00				11,038.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. BROOKS, May 3, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE SOVIET UNION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 21, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon Patricia Schroeder	4/14	4/16	West Germany		158.00						
	4/16	4/20	Soviet Union		150.00						
Hon. Mary Rose Oakar	4/15	4/16	West Germany		158.00						
	4/16	4/22	Soviet Union		250.00						
Mildred Vinicor	4/15	4/16	West Germany		158.00						
	4/16	4/22	Soviet Union		250.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAT SCHROEDER, May 22, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, KENYA, GREECE, AUSTRIA, AND IRELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 29, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas P. O'Neill, Jr.	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/21	Greece	11,147	108.00	9,666.60	90.12	13,375	127.60	34,188.60	325.82
	4/21	4/25	Germany	625.68	237.00					625.68	237.00
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Dan Rostenkowski	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Silvio Conte	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Joseph Minish	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Joseph McDade	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
Military air transport (round trip)							[3] 4,674.00				
Jack Edwards	4/14	4/16	Spain	22,590	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,966.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
Military air transport (round trip)							[3] 4,674.00				
J. Kenneth Robinson	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Charles B. Rangel	4/14	4/16	Spain	22,500.00	150.00	28,590.00	190.60	26,775.00	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375.00	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100.00	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Marty Russo	4/14	4/16	Spain	22,500.00	150.00	28,590.00	190.60	26,775.00	178.80	77,865.00	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375.00	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100.00	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
George Miller	4/14	4/16	Spain	22,500.00	150.00	28,590.00	190.60	26,775.00	178.80	77,865.00	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591.00	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100.00	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							[4] 5,328.30				
Tony Coelho	4/14	4/16	Spain	22,500.00	150.00	28,590.00	190.60	26,775.00	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375.00	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100.00	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Kirk O'Donnell	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/22	Greece	22,294	216.00	9,666.60	90.12	13,375	127.60	45,335.60	433.72
	4/22	4/25	Germany	417.12	158.00					417.12	158.00
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
James C. Healey, Jr.	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, KENYA, GREECE, AUSTRIA, AND IRELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 29, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Military air transport (round trip)							4,491.00				
Dr. Freeman Cary	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/21	Greece	11,147	108.00	9,666.60	90.12	13,375	127.60	34,188.60	325.82
	4/21	4/25	Germany	625.68	237.00					625.68	237.00
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Mary-Alyce Jones	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Virginia Fletcher	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Charles Wollerton	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Michelle Tessier	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Donn Anderson	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Joe Donoghue	4/14	4/16	Spain	22,500	150.00	28,590	190.60	26,775	178.80	77,865	519.40
	4/16	4/20	Kenya	7,371.10	540.00	7,318.31	536.14	1,571.12	115.10	16,260.53	1,191.24
	4/20	4/25	Greece	44,591	432.00	9,666.60	90.12	13,375	127.60	67,632.60	649.72
	4/25	4/28	Austria	7,569.70	402.00	1,786.21	94.86	1,314.33	69.80	10,543.54	559.66
	4/28	4/29	Ireland	100	118.00	117.80	139.00			217.80	257.00
Military air transport (round trip)							4,491.00				
Harold Sawyer											
Military air transport							[5] 923.00				
Committee total					32,372.00		112,682.70		9,826.00		217,675.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Includes cost of commercial air travel from Vienna, Austria to Washington.
[4] Includes cost of commercial air travel from New York to Tenerife, Spain.
[5] Ireland to Washington.

Note: This report has been delayed because of difficulties in receiving expenditure information from the U.S. embassies in the countries the delegation visited.

THOMAS P. O'NEILL, JR., June 27, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HONDURAS, PANAMA, AND COLOMBIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 26 AND MAY 1, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bill Alexander	4/26	4/28	Honduras		192.00		[3]		[3]		192.00
	4/28	4/30	Panama		150.00		[3]		[3]		150.00
	4/30	5/1	Colombia	16,393.30	172.00		[3]		[3]		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Ralph Regula	4/26	4/28	Honduras		192.00		[3]		[3]		192.00
	4/28	4/29	Panama		150.00		[3]		[3]		150.00
Commercial air transportation							720.00	[3]	[3]		720.00
Military Air Transportation							2,897.60				2,897.60
Wyche Fowler	4/26	4/28	Honduras		192.00		[3]		[3]		192.00
	4/28	4/30	Panama		150.00		[3]		[3]		150.00
	4/30	5/1	Colombia	16,393.30	172.00		[3]		[3]		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Steve Skardon	4/26	4/28	Honduras		192.00		[3]		[3]		192.00
	4/28	4/30	Panama		150.00		[3]		[3]		150.00
	4/30	5/1	Colombia	16,393.30	172.00		[3]		[3]		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Brent Budansky	4/26	4/28	Honduras		192.00		[3]		[3]		192.00
	4/28	4/30	Panama		150.00		[3]		[3]		150.00
	4/30	5/1	Colombia	16,393.30	172.00		[3]		[3]		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Dorothy Thomas	4/26	4/28	Honduras		192.00		[3]		[3]		192.00

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/28	4/30	Panama		150.00		([3])		([3])		150.00
	4/30	5/1	Colombia	16,393.30	172.00		([3])		([3])		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Connie Jones	4/26	4/28	Honduras		192.00		([3])		([3])		192.00
	4/28	4/30	Panama		150.00		([3])		([3])		150.00
	4/30	5/1	Colombia	16,393.30	172.00		([3])		([3])		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Bill Johnstone	4/26	4/28	Honduras		192.00		([3])		([3])		192.00
	4/28	4/30	Panama		150.00		([3])		([3])		150.00
	4/30	5/1	Colombia	16,393.30	172.00		([3])		([3])		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20
Richard Pena	4/26	4/28	Honduras		192.00		([3])		([3])		192.00
	4/28	4/30	Panama		150.00		([3])		([3])		150.00
	4/30	5/1	Colombia	16,393.30	172.00		([3])		([3])		172.00
Military Air Transportation	4/26	5/1					5,785.20				5,785.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Amounts unavailable from State Department. They will be included in a following report.

BILL ALEXANDER, July 24, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MADONNA KOLBENSCHLAG, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 22 AND MAY 26, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kolbenschlag, Madonna	5/22	5/26	El Salvador				668.12		179.00		847.12
									100.00		100.00
Committee total							668.12		279.00		947.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARY ROSE OAKAR, May 31, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. E. LEVITAS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND MAY 28, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Levitas, E	5/26	5/29	France		285.00						285.00
Commercial transportation							1,466.00				1,466.00
Committee total					285.00						1,751.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ELLIOTT H. LEVITAS, June 22, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. R. GARCIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 28 AND MAY 29, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Garcia, R	5/28	5/29	Norway		118.00						118.00
Military transportation							1,322.84				1,322.84
Committee total											1,440.84

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT GARCIA, June 14, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JACK RUSS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 2 AND JUNE 10, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Russ, Jack	6/2	6/5	France		492.00						492.00
	6/5	6/10	Israel		500.00		1,609.00				2,109.00
Committee total					992.0		1,609.00				2,601.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK RUSS, June 14, 1984.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3788. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notification of a proposed new record system submitted by the Department of the Air Force, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3789. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the annual report on the number of waivers granted to refugees under the provisions of the Immigration and Nationality Act for fiscal year 1984, pursuant to INA, section 207(c)(3) (94 Stat. 103); to the Committee on the Judiciary.

3790. A letter from the Administrator of Veterans Affairs, Veterans' Administration, transmitting a report on the activities of the Veterans' Administration for the fiscal year ending September 30, 1983, pursuant to 38 U.S.C. 214, 221(c), 1521 and 4001(c)(3); to the Committee on Veterans' Affairs.

3791. A letter from the Secretaries of Agriculture and of the Interior, transmitting the biennial report on the administration of the Wild Free-Roaming Horse and Burro Act, pursuant to Public Law 92-195, section 11 (90 Stat. 2775); jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5540. A bill to provide for restoration of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, to institute for such Tribe those Federal services provided to Indians who are recognized by the Federal Government and who receive such services because of Federal trust responsibility, and for other purposes; with an amendment (Rept. No. 98-904). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5873. A bill to amend chapter 93 (relating to public officers and employees) of title 18 of the United States Code to forbid the recording by Federal officers and employees of telephone conversations without the consent of all parties to such conversations (Rept. No. 98-905). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5846. A bill to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes; with an amendment (Rept. No. 98-906). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5919. A bill to amend title 18 of the United States Code with regard to the admissibility of business records located in foreign nations, and for other purposes; with amendments (Rept. No. 98-907). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5910. A bill to amend chapter 87 of title 18, United States Code, to improve provisions imposing criminal penalties for contraband and riots in Federal prisons; with an amendment (Rept. No. 98-908). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia H.R. 5951. A bill to change the appointment process for judges of District of Columbia courts, and for other purposes; with an amendment (Rept. No. 98-909). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 6007. A bill to establish certain procedures regarding the judicial service of retired judges of District of Columbia courts, and for other purposes with amendments (Rept. No. 98-910). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONABLE:

H.R. 6019. A bill to amend title II of the Social Security Act to eliminate the 3-percent trigger for cost-of-living increases in benefits under the Old-Age, Survivors, and Disability Insurance Program; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 6020. A bill to prohibit use of amounts from the Presidential election campaign fund for foreign travel and to limit receipt of foreign gifts by candidates for Federal office and their campaign staff members; to the Committee on House Administration.

By Mr. ARCHER (for himself, Mr. AUCOIN, Mrs. BOXER, Mr. DANIEL B. CRANE, Mr. PHILIP M. CRANE, and Mr. WOLF):

H.R. 6021. A bill to repeal the changes made by the Tax Reform Act of 1984 with respect to the tax treatment of debt instruments issued for property; to the Committee on Ways and Means.

By Mr. DASCHLE:

H.R. 6022. A bill to authorize the Secretary of the Interior to make available the Pick-Sloan Missouri Basin program pumping power to the Hilltop Irrigation District and the Gray Goose Irrigation District; to the Committee on Interior and Insular Affairs.

By Mr. FRENZEL:

H.R. 6023. A bill to amend the Trade Act of 1974 to renew the authority for the operation of the generalized system of preferences, and for other purposes; to the Committee on Ways and Means.

By Mr. GORE:

H.R. 6024. A bill to strengthen the statutory protection provided to owners of registered U.S. patents, trademarks, and copyrights, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. MINISH:

H.R. 6025. A bill to amend title 31, United States Code, to improve enforcement provisions relating to records and reports on monetary instruments transactions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Ms. SNOWE:

H.R. 6026. A bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework in the knitted outerwear industry, and for other purposes; to the Committee on Education and Labor.

By Mr. DICKINSON:

H.J. Res. 628. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 6 years; to the Committee on the Judiciary.

By Mr. RITTER (for himself, Mr. AKAKA, Mr. ALEXANDER, Mr. BADHAM, Mr. BONER of Tennessee, Mr. LELAND, Mr. LENT, Mr. NELSON of Florida, Mr. REID, Mr. ROTH, Mr. RUSSO, Ms. SNOWE, Mr. TALLON, Mrs. VUCANOVICH, Mr. YOUNG of Missouri, Mr. ADDABBO, Mr. ANDERSON, Mr. BARNES, Mr. BATEMAN, Mr. BATES, Mr. BEVILL, Mr. BILIRAKIS, Mrs. BOGGS, Mrs. BOXER, Mr. BRITT, Mr. CAMPBELL, Mr. CARNEY, Mr. CHANDLER, Mr. CHAPPIE, Mr. CHENEY, Mr. CLARKE, Mrs. COLLINS, Mr. CORCORAN, Mr. CORRADA, Mr. D'AMOURS, Mr. DANIEL, Mr. DANNEMEYER, Mr. DASCHLE, Mr. DE LUGO, Mr. DERRICK, Mr. DUNCAN,

Mr. DURBIN, Mr. DYMALLY, Mr. EMERSON, Mr. ERDREICH, Mr. FAUNTROY, Mr. FISH, Mr. FLIPPO, Mr. FLORIO, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FRANK, Mr. FRENZEL, Mr. GILMAN, Mr. GORE, Mr. GREGG, Mrs. HALL of Indiana, Mr. RALPH M. HALL, Mr. HAMMERSCHMIDT, Mr. HANSEN of Utah, Mr. HARTNETT, Mr. HATCHER, Mr. HEFTEL of Hawaii, Mrs. HOLT, Mr. HORTON, Mr. HUTTO, Mr. IRELAND, Mr. JEFFORDS, Ms. KAPTUR, Mr. KOGOVSEK, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEWIS of California, Mr. LEWIS of Florida, Mrs. LLOYD, Mr. LOWERY of California, Mr. LUJAN, Mr. LUNGREN, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Mr. MCNULTY, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MATSUI, Mr. MAVROULES, Mr. MINETA, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MURTHA, Mr. NATCHER, Mr. NIELSON of Utah, Ms. OAKAR, Mr. OBERSTAR, Mr. O'BRIEN, Mr. OLIN, Mr. OTTINGER, Mr. OWENS, Mr. PANETTA, Mr. PARRIS, Mr. PEPPER, Mr. RAHALL, Mr. REGULA, Mr. RICHARDSON, Mr. RIDGE, Mr. ROBERTS, Mr. ROBINSON, Mr. ROE, Mr. ROSTENKOWSKI, Mr. SAWYER, Mr. SCHEUER, Mr. SHELBY, Mr. SILJANDER, Mr. SIMON, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. SPRATT, Mr. STAGGERS, Mr. STANGELAND, Mr. STOKES, Mr. SUNDQUIST, Mr. SUNIA, Mr. TAUKE, Mr. TAUZIN, Mr. TAYLOR, Mr. THOMAS of California, Mr. TRAXLER, Mr. VANDERGRIFF, Mr. WALGREN, Mr. WALKER, Mr. WEBER, Mr. WOLF, Mr. WON PAT, Mr. YATRON, Mr. DYSON, Mr. LAFALCE, Mr. QUILLEN, Mr. VANDER JAGT, and Mr. CONTE):

H.J. Res. 629. Joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week" to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H. Con. Res. 340. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 559; considered and agreed to.

By Mr. SCHEUER (for himself, Mr. UDALL, Mr. FLORIO, Mr. WAXMAN, Mr. D'AMOURS, Mr. WIRTH, Mr. GORE, Mr. KASTENMEIER, Ms. MIKULSKI, Mr. SCHUMER, Mr. MOAKLEY, Mr. DORGAN, Mr. MARTINEZ, Mr. OBERSTAR, Mr. FOWLER, Mr. FAZIO, and Mr. MRAZEK):

H. Res. 555. Resolution expressing the sense of the House of Representatives that it disapproves the appointment of Anne M. Burford as Chairperson of the National Advisory Committee on Oceans and Atmosphere and that the President should withdraw her appointment to that position; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

452. By the SPEAKER: Memorial of the Senate of the State of Illinois, relative to the Joliet Arsenal; to the Committee on Armed Services.

453. Also, memorial of the Legislature of the State of California, relative to cable television; to the Committee on Energy and Commerce.

454. Also, memorial of the Senate of the State of Illinois, relative to National POW/MIA Recognition Day; to the Committee on Foreign Affairs.

455. Also, memorial of the General Assembly of the State of Maryland, relative to the Washington Metropolitan Area Transit Authority Compact; to the Committee on the Judiciary.

456. Also, memorial of the General Assembly of the State of Maryland, relative to the Susquehanna River Basin Compact; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 991: Mr. HOWARD.

H.R. 1517: Mr. LOWRY of Washington, Mr. BROWN of California, and Mr. MCCURDY.

H.R. 1797: Mr. CONYERS.

H.R. 1981: Mr. YOUNG of Florida.

H.R. 2126: Mr. BIAGGI, Mr. REID, and Mr. CARR.

H.R. 2127: Mr. BIAGGI, Mr. MARKEY, and Mr. REID.

H.R. 2568: Mr. OWENS and Mr. FORD of Michigan.

H.R. 4112: Mr. RATCHFORD, Mrs. BOXER, Mr. MINETA, Mr. BEDELL, and Mr. OWENS.

H.R. 4478: Mr. STENHOLM, Mr. DE LA GARZA, Mr. STUMP, Mr. Gramm, Mr. HOPKINS, Mr. SAM B. HALL, JR., Mr. PICKLE, Mr. SILJANDER, Mr. KAZEN, Mr. VANDERGRIFF, Mr. ROSE, Mr. WHITLEY, Mr. NOWAK, Mr. COLEMAN of Texas, Mr. ORTIZ, Mr. DINGELL, Mr. FIEDLER, Mr. DANNEMEYER, Mr. HYDE, Mr. SHUMWAY, Mr. COATS, Ms. SNOWE, Mr. BROYHILL, Mr. RITTER, Mr. OTTINGER, Mr. WATKINS, Mr. BROOMFIELD, Mr. GREGG, Mr. MILLER of California, Mr. LOEFFLER, Mr. MOLINARI, Mr. FISH, Mr. MCKERNAN, Mr. BREAUX, Mr. WILSON, Mr. SLATTERY, Mr. STRATTON, Mr. WYDEN, Mr. BROWN of California, Mr. JONES of North Carolina, Mrs. KENNELLY, Mrs. JOHNSON, Mr. FRANK, Mr. HUBBARD, Mr. JONES of Tennessee, Mr. HUCKABY, Mr. GINGRICH, Mr. DOWDY of Mississippi, Mr. NATCHER, Mr. LEWIS of California, Mr. PATMAN, Mr. LAGOMARSINO, Mr. GORE, Mr. ENGLISH, Mr. RAHALL, Mr. HANCE, Mr. SISISKY, Mr. MCCURDY, Mr. COYNE, Mr. SIMON, Mr. GIBBONS, Mr. BROOKS, Mr. ANNUNZIO, Mrs. BURTON of California, Mr. SHARP, Mr. HIGHTOWER, Mr. JONES of Oklahoma, Mr. DAVIS, Mr. PETRI, Mr. TAYLOR, Mr. LATTA, Mr. JENKINS, Mr. BARNARD, Mr. LUKEN, Mr. CHANDLER, Mr. PATTERSON, Mr. MCEWEN, Mr. HATCHER, Mrs. BOXER, Mr. VOLKMER, Mr. SYNAR, Ms. KAPTUR, Mr. NIELSON of Utah, Mr. HANSEN of Utah, Mr. COELHO, Mr. LEATH of Texas, Mr. GEJDENSON, Mr. MCNULTY, Mr. HEFNER, Mr. WRIGHT, Mr. BATEMAN, Mr. FUQUA, Mrs. LLOYD, Mr. CHAPPELL, Mr. SUNDQUIST, Mr. ANDERSON, Mr. LUNDINE, Mr. MATSUI, Mr. DANIEL, Mr. HUTTO, Mr. RUSSO, Mr. LONG of Louisiana, Mr. FAZIO, Mr. WIRTH, Mr. RICHARDSON, Mr. LONG of Maryland, Mr. IRELAND, Mr. FIELDS, Mr. BARTLETT, Mr. KRAMER, Mr. SKEEN, Mr. SEIBERLING, Mr. STANGELAND, Mr. KEMP, Mr. LUJAN, and Mr. MILLER of Ohio.

H.R. 4512: Mr. MCNULTY.

H.R. 4571: Mr. APPLEGATE and Mr. FIELDS.

H.R. 4594: Mr. GORE.

H.R. 4966: Mr. JACOBS.

H.R. 5006: Mr. SILJANDER and Mr. MOLLOHAN.

H.R. 5017: Mr. ACKERMAN, Mr. BARNES, Mr. BEILENSON, Mr. ECKART, Mr. FAZIO, Mr. FROST, Mr. GUARINI, Mr. KOSTMAYER, Mr. MATSUI, Mr. MCNULTY, Mr. MINETA, Mr. RAHALL, Mr. RICHARDSON, Mr. ROE, and Mr. SWIFT.

H.R. 5166: Mr. WEISS, Mr. JEFFORDS, Mr. CROCKETT, and Mr. STAGGERS.

H.R. 5370: Mr. CONYERS, Mr. RIDGE, and Mrs. HOLT.

H.R. 5423: Mr. LUKEN.

H.R. 5446: Mr. MORRISON of Connecticut and Mr. MARTIN of North Carolina.

H.R. 5581: Mr. MITCHELL, Mr. FAZIO, Mr. CONYERS, Mr. FISH, and Mr. MAVROULES.

H.R. 5608: Mr. PRICE and Mr. KOSTMAYER.

H.R. 5627: Mr. SOLARZ.

H.R. 5704: Mr. HIGHTOWER, Mr. FRANK, Mr. OWENS, Ms. MIKULSKI, Mrs. HALL of Indiana, and Mr. MRAZEK.

H.R. 5754: Mr. RATCHFORD.

H.R. 5874: Mr. MITCHELL, Mr. WILLIAMS of Ohio, and Mr. CONYERS.

H.R. 5937: Mr. SCHEUER, Mr. DYMALLY, and Mr. CONYERS.

H.R. 5981: Mr. WHEAT, Mr. YATES, Mr. OWENS, Mr. FRANK, Mr. SIMON, Mr. STARK, Mr. MINETA, and Mr. STOKES.

H.J. Res. 239: Mr. ADDABBO, Mr. ROE, Mr. MRAZEK, and Mr. SOLARZ.

H.J. Res. 247: Mr. DAUB and Mr. MCCOLLUM.

H.J. Res. 491: Mr. FROST and Mr. GINGRICH.

H.J. Res. 496: Mr. CHAPPIE, Mr. NIELSON of Utah, Mr. LAGOMARSINO, Mr. DENNY SMITH, Mr. HUTTO, Mr. VANDER JAGT, Mr. SILJANDER, and Mr. SENSENBRENNER.

H.J. Res. 512: Mr. AUCOIN, Mr. GILMAN, Mr. DYSON, Mrs. BOXER, Mr. UDALL, Mrs. BURTON of California, and Mr. MOODY.

H.J. Res. 554: Mr. LOEFFLER, Mr. GORE, Mr. HUCKABY, Mr. SIMON, Mr. OXLEY, Mr. THOMAS of Georgia, Mr. BERMAN, Mr. ORTIZ, Mr. WHITTAKER, Mr. ANDREWS of Texas, Mr. FOGLIETTA, Mr. ADDABBO, Mr. SHANNON, Mr. RODINO, Mr. SUNIA, Mr. HUGHES, Mr. WIRTH, Mr. HERTEL of Michigan, Mr. NEAL, Mr. CARR, Mr. LEHMAN of Florida, Mr. BEREUTER, Mr. MCKERNAN, Mr. KEMP, Mr. PEPPER, Mrs. HOLT, Mr. YATES, Mr. BENNETT, Mr. SYNAR, Mr. BREAUX, Mr. BONER of Tennessee, Mr. ERDREICH, Mr. BURTON of Indiana, Mr. FLORIO, Mr. STARK, Mr. UDALL, Mr. HEFTEL of Hawaii, Mrs. JOHNSON, and Mr. OBERSTAR.

H.J. Res 599: Mr. MARTINEZ, Mr. WON PAT, Mr. HUGHES, Mr. MCHUGH, Mr. HORTON, Mr. LEVINE of California, Mr. FRENZEL, Mr. RITTER, Mr. WAXMAN, Mr. LANTOS, Mr. MRAZEK, Mr. SIMON, Ms. KAPTUR, Mr. SOLARZ, Mr. HYDE, Mr. FISH, Mr. BARNES, Mr. CARNEY, and Mr. MAVROULES.

H.J. Res 606: Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ANNUNZIO, Mr. BEDELL, Mr. BERMAN, Mr. BRITT, Mr. CLINGER, Mr. DICKINSON, Mr. FORD of Tennessee, Mr. FRANKLIN, Mr. HORTON, Mr. HUGHES, Mr. LENT, Mrs. LLOYD, Mr. MCNULTY, Mr. MATSUI, Mr. O'BRIEN, Mr. OWENS, Mr. RICHARDSON, Mr. SCHEUER, Mr. SKELTON, Mr. DENNY SMITH, Mr. TORRES, Mr. WHEAT, and Mr. WISE.

H.J. Res. 609: Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON, Mr. ANNUNZIO, Mr. BADHAM, Mr. BEDELL, Mr. BEVILL, Mr. DARDEN, Mr. DAUB, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FAUNTROY, Mr. FAZIO, Mr. GEPHARDT, Mr. GREEN, Mr. HORTON, Mr. HUGHES, Mr. KOLTER, Mr. MARKEY, Mr. MARTIN of North Carolina, Mr. MARTINEZ, Mr. MAVROULES, Mr. MINETA, and Mr. OWENS.

H. Con. Res. 260: Mr. PHILIP M. CRANE, Mr. BURTON of Indiana, Mr. CARPER, Mr. OTTINGER, Mr. TOWNS, and Mr. MATSUI.

H. Con. Res. 311: Mr. FIELDS, Mr. MOLLOHAN, Mr. SOLOMON, Mr. STANGELAND, Mr. RUDD, Mr. TRAXLER, Mr. DICKINSON, Mr. BLILEY, and Mr. GRAMM.

H. Con. Res. 322: Mr. BLILEY.

H. Con. Res. 333: Mr. NEAL, Mr. MINETA, Mrs. MARTIN of Illinois, Mr. BATEMAN, Mr. SOLOMON, and Mr. CONTE.

H. Res. 119: Mr. WEISS.

PETITIONS, ETC.

Under clause 1 of rule XXII,

399. The SPEAKER presented a petition of the Southern Baptist Convention, Nashville, TN, relative to the appointment of a U.S. Ambassador to the Vatican; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under a clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 11

By Mr. ACKERMAN:

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Ministry of Universal Wisdom.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Universarium Foundation.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Star Light Fellowship.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Brotherhood of the Seven Rays.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Mark-Age.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Adamski Group.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Church of the Tree of Life.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Church of the Awakening.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Native American Church.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Neo-American Church.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Church of All Nations.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The Original Pentecostal Church of God.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The Church of God With Signs Following.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The 1 Percenters.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to National Renaissance Party.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The American Nazi Party.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The Klu Klux Klan.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to The Ancient Amethystine Order.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Order of the Red.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Arising Sun IFO's.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to New-Age People.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Spiritualist Church.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Last Day Messengers.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Cosmic Circle of Fellowship.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Cosmic Star temple.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Unarius—Science of Life.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Solar Light Center.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Aetherius Society.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Understanding, Inc.

Amendment to Mr. Coats' amendment.
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to White Star.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Order of Osirus.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Alantion Wicca.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to First Wiccan Church of Minnesota.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to American Order of the Brotherhood of Witches.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Witches International Craft Associates.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Dianic Wicca.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to New York Coven of Welsh Traditionalist Witches.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Delphic Coven.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Church of the Wyccan Rede.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Cymry Wicca.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Hollywood Coven.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to New England Coven of Welsh Traditional Witches.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Afro-American Vodoun.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Religious Order of Witchcraft.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:
Nothing in this provision shall apply to Yoruba Religion.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Holy Order of Briget.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Wicca.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Circle.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Open Goddess.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to New Reformed Orthodox Order of the Golden Dawn.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Georgian Wicca.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Wicca of Bakersfield.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Algard Wicca.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Alexandrians.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Gardnerian Witchcraft.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Christian Foundation.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to International Christian Ministries.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to World Christian Liberation Front.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to New Covenant Apostolic Order.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Children of God.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Thee Satanic Church.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Thee Satanic Orthodox Church of Nethilum Rite.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Order of the Black Ram.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Ordo Templi Satanas.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Satanic Brotherhood.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Satanic Church of America.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Brotherhood of the Ram.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Ophite Satanas.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Our Lady of Endor Coven.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Congregation of Set.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Ordo Tempi Astarte.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Aphrodite.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Astral Coven.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to ESP Laboratory.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Mental Science Institute.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Seax-Wicca.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Foundation Faith of the Millennium Instititue for Cosmic Wisdom.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Unification Church.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Institute of Ability.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Scientology.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to People's Temple Christian Church.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Hare Krishna.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Self Realization Fellowship.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Harvest House Ministries.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Avalon.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Voice of Elijah, Inc.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Way Biblical Research Center.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Shiva Fellowship.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Psychedelic Venus Church.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Sabaean Religious Order of Am'n.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Runic Society.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Teutonic Temple.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Viking Brotherhood.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Lady Sara's Coven.

(Amendment to Mr. Coats' amendment.)
—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Congregation of Aten.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Pristine Egyptian Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Eternal Source.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Delphic Fellowship.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Reformed Druids of North America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Nemeton.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Neo-Dianic Faith.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Uranus Temple.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Pagan Way.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of All Worlds.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Dancers of the Sacred Circle.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Fellowship of Hesperides.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Fereferia.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Fraternity of the Goat.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Temple of Set.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Discordian Society.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to North American Old Roman Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to United Old Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Universal Christian International Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Roman Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Reformed Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Universal Christian Apostlic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Renovated Church of Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Moncado Foundation of America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Protestant Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Southern Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Stolin Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Monastritsh Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Lubavitch Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Sighet Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Satmar Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Bratslav Hasidism.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Christ Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to American Orthodox Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Traditional Christian Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to North American Old Roman Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Old Catholic Church In America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Orthodox Old Roman Catholic Church, II.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Evangelical Orthodox Church in America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Old Roman Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Old Roman Catholic Church in the U.S.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Catholic Life Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Christian Church of the United States and Canada.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Universal Brotherhood.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Missionaries of the New Truth.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Calvary Grace Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Calvary Grace Christian Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Mazdaznan Movement.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Metropolitan Community Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Brotherhood of Peace and Tranquility.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Humanity Benefactor Foundation.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to People's Institute of Applied Relition.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Ecumenical Institute.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church for the Fellowship of All People.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Free Church of Berkeley.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of What's Happening Now.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Assembly of Christian Crusade.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Fellowship of Christian Men.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to American Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to American Catholic Church (Syro-Antiochean).

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Polish National Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Polish Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Polish Old Catholic Church in America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Christ Orthodox Catholic Exarchate of Americas and Eastern Hemisphere.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Free Gospel Church, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Bethel Temple.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Neverdies.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Christian Church of North America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Anchor Bay Evangelistic Association.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The General Assembly and Church of the First Born.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Gospel of the Kingdom Churches Movement.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Elim Missionary Assemblies.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Seventh Day Pentecostal Church of the Living God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Assemblies of the Lord Jesus Christ, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Association Brotherhood of Christians.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Faith.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to International Ministerial Association, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Church of Jesus.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Hall Deliverance Foundation.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Mita Movement.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Kathryn Kuhlman Foundation.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to First Deliverance Church of Atlanta

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to First Revival Fellowship.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Miracle Revival Fellowship.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Leroy Jenkins Evangelistic Association.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Independent Assemblies of God, International.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Assemblies of God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Full Gospel Evangelical Association.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Faith.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Free Church of God in Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of God in Christ, Congregational.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of God in Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Bethel Ministerial Association.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to God's House of Prayer for All Nations, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Apostolic Gospel Church of Jesus Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to United Pentecostal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to New Bethel Church of God in Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Bible Way Church of Our Lord Jesus Christ World Wide, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of the Lord Jesus Christ of the Apostolic Faith.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Church of Our Lord Jesus Christ of the Apostolic Faith.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Overcoming Holy Church of God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Jesus Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Church of Jesus Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Pentecostal Assemblies of the World.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Pentecostal Church of Zion.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Pentecostal Church of God of America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Lamb of God Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Calvary Pentecostal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Filipino Assemblies of the First Born.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Open Bible Standard Churches, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to International Church of the Foursquare Gospel.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Independent Assemblies of God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Universal Free Life Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Omniune Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Life Science Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Hilltop House Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Crown of Life Fellowship.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Universal Life Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to People's Church—Community of the Love of Christ.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Gay Synagogues.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Orthodox Episcopal Church of God.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Eucharistic Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Miracle Life Revival, Inc.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to International Deliverance Churches.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Full Gospel Fellowship Churches and Ministries International.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to United Fundamental Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to American Indian Evangelical Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Byelorussian Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Autocephalous Slavonic Orthodox Catholic Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Finnish Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Estonian Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Turkish Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to African Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Divine Life Society.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Integral Yoga Institute.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to True World Order.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Orthodox Church in America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Orthodox Church in America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Old Believers.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Molokans.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Hellenic Church of America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Albanian Orthodox Church in America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Bulgarian Eastern Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Romanian Orthodox Church of America.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Serbian Orthodox Church in the U.S.A.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to The Macedonian Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Apostolic Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Reformed Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Old Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Anglican Orthodox Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to American Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to North American Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Free Protestant Episcopal Church.

(Amendment to Mr. Coats' amendment.)

—At the end of Mr. Coats' amendment insert:

Nothing in this provision shall apply to Russian Church Outside of Russia.

(Amendment to H.R. 5151, as reported.)

By Mr. MORRISON of Connecticut:

Page 8, after line 5, insert the following new paragraph:

(3) in the eighth sentence, by striking out "exclusive of special diets," in clause (A) and inserting "including any additional expenses resulting from physician-prescribed special dietary programs," in lieu thereof.

Page 8, after line 5, insert the following new paragraph:

(3) in the eighth sentence, by striking out "$35 a month" in clause (A) and inserting "5 per centum of household income" in lieu thereof.

Page 3, after line 9, insert the following new section:

PREPARED MEALS FOR THE ELDERLY AND DISABLED

SEC. 102. Section 3(g) of the Food Stamp Act of 1977 (7 U.S.C. 2012(g)) is amended by striking out "contract with the appropriate agency of the State to offer meals for such persons at concessional prices" in clause (3) and inserting in lieu thereof "offer meals to such persons at low or concessional prices under such terms and conditions as may be prescribed by the Secretary."

Redesignate sections 102 through 115 as sections 103 through 116.

Page 3, after line 9, insert the following new section:

DEFINITION OF HOUSEHOLD

SEC. 102. Section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended by striking out ", if the income (as determined under section 5(d) of the others, excluding the spouse, does not exceed the poverty line, as described in section 5(c)(1), by more than 65 per centum" in the second sentence.

Redesignate sections 102 through 115 as sections 103 through 116.

Page 3, after line 9, insert the following new section:

OUTREACH FOR HOUSEHOLDS WITH ELDERLY, DISABLED OR YOUNG MEMBERS

SEC. 102. Section 11(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)) is amended by inserting after the word "activities" in subparagraph (A) the following: ", except those activities directed at households that include at least one member who is elderly or disabled or under six years of age,".

Redesignate sections 102 through 115 as sections 103 through 116.

EXTENSIONS OF REMARKS

PICK-SLOAN MISSOURI BASIN PROGRAM

HON. THOMAS A. DASCHLE
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. DASCHLE. Mr. Speaker, I am today introducing legislation to amend section 5 of Public Law 97-273 to authorize the Secretary of the Interior to make available Pick-Sloan Missouri Basin Program pumping power to the Hilltop and Gray Goose Irrigation Districts in South Dakota.

Since passage of the Flood Control Act of 1944, the people of South Dakota have been awaiting fulfillment of the irrigation development envisioned by the Pick-Sloan Missouri Basin Program. As compensation for the permanent loss of more than 520,000 acres of South Dakota's richest and most productive agricultural lands due to the construction of the Oahe, Fort Randall, Gavins Point, and Big Bend Dams on the main stem of the Missouri River in South Dakota, the development of irrigation for more than 960,000 acres in South Dakota was slated under the Pick-Sloan program. After more than four decades, this development has not yet occurred.

In 1982, with the passage of H.R. 4347 which became Public Law 97-273, Congress recognized the continuing obligation to assist irrigation development in South Dakota by authorizing the Secretary of the Interior, in cooperation with the Department of Energy, to make available Pick-Sloan Missouri Basin Program pumping power to the Grass Rope irrigation project in South Dakota. In addition, section 5 also authorized the Secretary of the Interior to make available Pick-Sloan Missouri Basin Program pumping power to other irrigation projects subsequently authorized by Congress to receive this power. The legislation which I am introducing today to authorize the Secretary of the Interior to make available Pick-Sloan Missouri Basin Program pumping power to the Hilltop and Gray Goose Irrigation Districts further recognizes the continuing obligations to support irrigation development in South Dakota and was anticipated by the Congress in 1982.

Because of reoccurring drought, the Gray Goose and Hilltop Irrigation Districts were organized to provide needed increased economic stability. Today, however, the economic viability and future of the Hilltop and Gray Goose Irrigation Districts and their individual family farm members are threatened because of the combined effects of high farm operating costs including energy costs and low market prices.

The importance of making available Pick-Sloan pumping power to the Hilltop and Gray Goose Irrigation Districts and the need for speedy consideration of this legislation has already been presented in detail to Congress in testimony submitted to the Subcommittee on Water and Power Resources by representatives of both irrigation districts. I ask that a portion of this testimony be printed in the RECORD at this point for the benefit of my colleagues.

WRITTEN TESTIMONY OF THE HILLTOP IRRIGATION DISTRICT, CHAMBERLAIN, SD

ORGANIZATION AND BACKGROUND

Hilltop Irrigation District was organized as a statutory irrigation district in 1976. Under South Dakota law, irrigation districts are political subdivisions, and have some taxing powers, as well as other general powers usually associated with such entities.

The District is located about three miles northeast of Chamberlain, South Dakota, and is entirely within the boundaries of Brule County. There are seven farm family members. It encompasses approximately 2,000 acres, and no operator irrigates in excess of the maximum 960 acres. The cost of the project was $925,000.00, of which the District members contributed $75,000.00 and the other $850,000.00 was financed through a bond purchased by the Farmers Home Administration (FmHA). It is a forty year bond at 5% interest. No Grant moneys were involved in the project.

The project was engineered by Benjamin, Kasl and Associates of McCook, Nebraska, a nationally recognized engineering firm with extensive experience in irrigation projects.

Environmental impact studies at the beginning of the project showed that the soil is well suited for sprinkler irrigation, the quality of the water was and is good for irrigation, and that the over-all impact of the project was very advantageous to the environment and the community.

DISTRIBUTION METHODS

The project is all electric. The District entered into a contract with Tri-County Electric Cooperative for 2,500 horsepower for ten (10) years, with a minimum cost of the demand charge and any overage subject to adjustment by the cooperative annually.

The project utilizes 3-phase underground distribution and equipment provided by Tri-County Electric Cooperative, as well as overhead lines and substations provided by East River (SD) Electric. Actual pumping and distribution is effectuated by a main pumping plant on the Missouri River impoundment (Lake Francis Case) using 1,600 horsepower, a district booster station using 275 horsepower, and individual booster motors at each of the districts 13 individually owned electric drive center pivots.

Water is distributed through an enclosed pipeline system, utilizing flow meters at all tap offs. The system is considered by nationally recognized standards to be of modern, efficient and economical design. It has a maximum capacity of 10,000 gallons per minute with 385 feet of lift.

FEASIBILITY

The District-financed feasibility study was done dated August 30, 1976, by Benjamin, Kasl and Associates. The study projected a net profit of $38.15 per acre based upon a corn crop with a yield of 125 bushels per acre and a market price of $2.50 per bushel. The projected pumping cost was $30.08 to apply 18.72 inches of water per acre, or 2,638 acre/feet of water for the entire district. During its operation the district has never used that amount of water.

Today's reality makes operating within the District at a profit almost impossible. The operators, in a continuing effort to continue to increase the efficiency of the project, hired a professional consultant, Agricultural Technology Company, to provide scientific and technical expertise to the District and its operators. Based upon the experience within the district during its operation, the professional consultant projects a total cost per acre to operate within the district of $468.26! Breakeven point under those circumstances is 150 bushels per acre corn yield and a market price of $3.12 bushel. According to ASCS figures, the yield in the district has never reached 150 bushels per acre, and during the past five years has had an ASCS average of 129.4 bushels per acre. These projections do not take into consideration the cost of transporting the crop from the field to the dryers, nor from the farm storage to market.

This projection further presumes that there will be no 1984 increase in the cost of electrical power. Projections of a $3.12 per bushel market price for corn, and no increase in electrical power rates, both appear at present to be very unlikely.

PROPOSAL

Hilltop Irrigation District proposes that P.L. 97-273 be amended to include Hilltop Irrigation District and Gray Goose Irrigation District (which has similar experiences and similar problems) as eligible for low rate power.

JUSTIFICATION

The District feels that the inclusion of these two relatively small districts in the low rate power authorization has more than sufficient justification. The major points are as follows:

1. Electrical power suppliers have made it quite clear that increases in rates can be anticipated for the future. Even without continued increases in the cost of electrical power to the Districts, the continued ability to operate appears questionable at best. There is presently land in both Districts in some state of foreclosure proceedings. Although an irrigation district is a political subdivision, its taxing power is so limited that it is totally dependent upon collecting water and power fees from its members.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

When these can no longer be collected, the districts are broke.

2. Because of the demand charge, the District cannot rely on periodic years in which rainfall is sufficient to offset the dry years in which there is a loss. Even if the District does not pump a drop of water, it is obligated to pay the demand charge of $25,000.00!

3. Power costs have been one of the largest single expense of operating the irrigated acres in the district, and based upon the projections will probably be the largest single expense in 1984.

4. Power rates have increased nearly 300% since 1977 (more than 300% since the feasibility study was done).

5. Both Tri-County Electric and East River Electric have significant investments made in the facilities necessary to provide power to Hilltop. Failure of the District means both the loss of revenue and the inability to use the facilities by both.

6. Failure of Hilltop or Gray Goose or both would have a negative impact on the future of irrigation projects in South Dakota and elsewhere.

7. Failure of Hilltop would mean that FmHA would have to "foreclose" on the equipment of Hilltop, which has little or no actual value, which in turn would mean significant monetary loss for FmHA.

8. Low rate power has been favorably treated for many Tribal projects. Including Hilltop and Gray Goose would help to equalize the treatment of off-reservation producers.

9. Inclusion of these districts in the low rate power authorization would help fulfill the commitment Congress made to provide low cost power to irrigation projects, which commitment was made when the Pick-Sloan Act was passed several years ago.

10. Irrigation is one of the most effective weapons against the drought, which in turn is one of the most common reasons for the expenditure of huge sums of money for drought relief programs on the part of Congress.

11. Irrigation stabilizes the cash flow in the area, benefitting both operators and support businesses, such as agricultural product outlets, financial institutions, and area retail stores.

12. Economic dictates that in exchange for small investment in low cost power, there is a larger reduction in farm relief program expenditures, less aid to rural electric co-ops, less low income assistance to rural and community families, and increased revenues through income taxes.

SUMMARY

Based upon present rates, costs, and farm prices, it appears likely, perhaps inevitable, that Hilltop and Gray Goose Irrigation Districts will go under without low rate power. Admittedly, other factors have an impact upon financially stable operations, but the fact remains that electric power is rapidly becoming the single most expensive item in the operation, it is the item which has had the largest increase in cost during the period 1977-1983, and it is the one item about which something can be done and at the same time fulfill the long-time commitment of the Pick-Sloan provisions for irrigation.●

YOUNG IDEAS

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mrs. BOXER. Mr. Speaker, I wish to inform my colleagues of an extraordinary organization, the Media Explorer Post 400 in San Francisco. In collaboration with video professionals, these student members of the Explorer Scouts of America produce a weekly cablevision show, "Young Ideas." They design the show content and operate the equipment. Episodes feature good news, brief performances, and serious interviews with guests from the corporate, political, or social service communities. One of their recent programs featured an interview with the Collins family whose son, Kevin, age 10, has been missing since February 10. This program was designed not only to help the Collins family, but other families who suffer the same loss. The following article best describes their efforts to locate missing children like Kevin Collins:

MY CHILD IS MISSING! CAN YOU HELP?

(By Keith St. Clare and Michael Krische)

February 15th: By eight o'clock that Wednesday night, the Post had just finished putting away or returning equipment used weekly to tape "Young Ideas." I had just gotten home. The phone rang. It was a viewer. He was now a volunteer working with the Collins family and eager to know if we could interview the father, David Collins in hopes of alerting our public to their plight—the loss of Kevin Collins.

An Explorer Post is organized for action, and a community access program is designed to serve viewers who are committed to your topic area. Within minutes the Post Leader, Marc Kennedy and show host, Eric Ward were on the "phone-tree" alerting twenty-two scouts and developing a production plan that included parents, other advisors, and the local business community. During school the next day, they would reach out to their teachers and fellow students. We were going to do our best to help the Collins find Kevin!

By Friday, a circle of concern had developed. With the assistance of the The Public Eye, Inc. we were able to identify a number of corporations that might help us in post production and distribution of this important message. The matter was urgent. That weekend the Post Public Relations intern, Malanie Ramos and I worked up a series of press releases, and target letters designed to seek aid from businesses that provided video services, communications, and bulk mailing. I also wrote a request for funds suitable for charitable foundations. While Ms. Ramos met with the editors of The San Francisco Independent, who were known to be good friends of scouting and to have a son involved—Mathew Fontes.

Monday and Tuesday calls, letters, articles and releases went out to those selected. We were committed. Some jobs were given to a Scout, some to an advisor, some shared by a committee. The San Francisco police department was eager to help, supplying a file tape re-enactment of the crime. The Foundation for Community Service Cable Television provided a detailed list of all the access channels in California as well as invaluable encouragement and consultation about state-wide distribution. The Collin's volunteers contacted every possible source of new or used video tape. None of the vendors would help, but several advertising agencies, KTVU, KPIX, and ATT were generous with used and some new stock. KPIX agreed to cover the actual taping and place it on the news prior to air time. The San Francisco Independent put out of a front page article on the eve of the playback. The goal: to reach the widest possible local audience and then to collect up to one hundred tapes to use for distributing the Collin's interview. By Wednesday morning we had seventy five units. We were prepared to record.

All of our tapings are remote. We meet at the Golden Gate Chapter of the American Red Cross, which also loans us equipment, provides occasional consultation and space for a make-shift studio. Usually a guest arrives at 3:30 pm and then some youth conduct a pre-interview, while others work on tech or various clerical aspects of the production. This one would not be different—except that we were planning for a substantial post production period. Ours is a one-camera show, 1½ inch, color, with a graphics credits tape made with the assistance of our Post sponsor, Viacom Cablevision of San Francisco.

The Collins family arrived, we taped the interview and begun the awesome task of editing, making multiple copies, packaging and distribution. Without the assistance of Breene Kerr, Penderson and Associates and Blue Stone Video, we could never have produced as viable an edited edition. In turn, many access channels could not have shown the work on their station. There was still the problem of copying, packaging and postage—but by now faith was very real to us all. We knew that it was just a matter of finding persons who could identify with the situation from Kevin's point of view.

Curtis Corum of ATT heard of our need and helped move the request up the corporate ladder. Everyone we talked to understood and was sympathetic. It was just a matter of reaching a general understanding, and finding the right office or department. Because of the recent moves in the company, some matters, such as corporate charity, are unsettled.

Within a week following the interview, the program had been competently edited, noise reduction and time-code had been applied. Just as we were beginning to wonder what to do next, ATT called. They would provide postage! Almost immediately afterward, Russ Quon called to say that his company, Opinion Relay in Oakland, would be happy to computerize the list and to package the copies episodes. It seemed to be too good to be true—until One Pass capped the day. Iris from the Duplication Department had received a letter from us seeking copies or funds for copying. They could not provide a cash grant, but would seventy-five copies help?

The unity we felt—the Post, the Collins family, those concerned persons from local businesses, the cable system representatives could not have been described that weekend as we worked to do all that would make the next three weeks of actual distribution go smoothly. One hundred and fifty copies were made in all. They were sent to a hundred and twenty-five California systems; twenty-five in several states. The packaging was designed to "piggy back—bicycle" from station to station. A primary targeted sta-

tion would receive the copy and a package designed to receive that or another copy for sending on to another station. We have continued to edit and update the interviews with supplemental information, and to recycle the copies returned to us back out into the cable community. Some have estimated that as many as 43 million people will eventually see this message.

The need for preparation, proper identification of children and quick action on the part of authorities and responsible community groups is very real. Post 400 of the Explorer Scouts of America is proud to serve. We hope that not only will YOUNG IDEAS help to bring Kevin home someday soon, but that the advice and example given by the Collins family will aid parents and children who might otherwise suffer the same loss—if they are not better prepared.●

OCTOBER AS "SCIENCE AND TECHNOLOGY AWARENESS MONTH"

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. FUQUA. Mr. Speaker, we are living in a progressively more technological era. That technology depends on the basic research that is done by our Nation's scientists. Nevertheless, most of our citizens accept the material changes that occur without recognizing effort, the planning, and the financial support that underlies these advances.

Dr. Alvin W. Trivelpiece, Director of the Office of Energy Research, Department of Energy, has proposed that October be designated as "Science and Technology Awareness Month." I concur in that suggestion. For the RECORD, I include the letter which Dr. Trivelpiece has written to various science and engineering journals and to service organizations urging that knowledgeable individuals address the service clubs on the role of science and technology in today's society. A well-informed public is as crucial in this area as it is in any arena of public concern.

SCIENCE AND TECHNOLOGY AWARENESS MONTH

During the past 3 years I have been director of the Office of Energy Research, I have testified before several congressional committees on various aspects of some of the Department of Energy's (DOE's) science and technology programs. A recurrent theme of the questions asked by the members of these committees has been, "What are we getting for our money by supporting basic research?" In reply, I have used what I now call the "standard argument." I usually cite some of the federally supported basic and applied research conducted 10 or 20 years ago. I then point out how many of our present goods, services, products, health care benefits, and so forth can be traced to that support. For DOE it is an impressive list that includes nuclear power, nuclear medicine, and radiation processing. It is clear that some substantial portion of our gross national product comes from this kind of activity. Unfortunately, this explanation is not particularly useful to a representative or sentor seeking ways to explain to the nonscientist constituent why the present levels of government support for basic and applied research are essential for the future economic growth in certain technical areas where the United States must remain among the leaders. Without such support, we could easily lose our ability to compete internationally in these areas.

The importance of having members of Congress informed on this issue cannot be underestimated. Those of us who testify help in the process of keeping them informed. But they are busy, and science and technology are not always their highest priority. For this reason, I believe that in the final analysis it may be more important for a substantial number of our citizens to have a better appreciation of the fact that virtually everything that they eat, drive, fly, view, take, wear, and so forth exists in its present form in part due to past government support of basic and applied research. Industrial support of applied research and development is also essential to this process and needs to be encouraged. However, at the moment, I am more concerned with the government role in the basic end of the activities.

I have a suggestion on how to improve this situation of public understanding of the role of science and technology in our lives. I believe that it is time for scientists and engineers to take more responsibility for explaining science and technology in ways the rest of our citizens can understand and appreciate. That is, we need to convince them that science and technology are important to our nation's future. How to accomplish this? Pamphlets, television, radio, and other media events help. Traveling lecturers who give excellent views of technical subjects in entertaining ways help. However, in my opinion there is no substitute for person-to-person contact between scientists and engineers and members of the rest of the community in which they live.

Therefore, I propose that October be designated "Science and Technology Awareness Month." What this means is that members of the AAAS, the American Institute of Aeronautics and Astronautics, the Society for Industrial and Applied Mathematics, the Institute of Electrical and Electronics Engineers, the American Physical Society, the American Physical Society, the American Nuclear Society, the American Chemical Society, and so forth volunteer to give a simple, jargon-free talk on what they do and why they believe it is important to our nation. They should give these talks to their local chapter of the Lions, Kiwanis, or Rotary clubs; Chamber of Commerce; or any other appropriate civic or service organization. Far from being put off, the public I come in contact with is fascinated by science and technology and is willing to learn about them and the benefits they produce. It helps if things are put in terms that they understand and the explanation comes from a friend or neighbor.

My objective is to cause the greatest possible mixing of those who earn a living as scientists or engineers with those who do not. If this kind of interaction is to occur, it needs to be stimulated but need not be too highly organized. In my attempt to try to stimulate this activity, I am sending this same letter to several civic service clubs and booster organizations in the hope that they will contact the various local or national technical professional societies to make arrangements to have volunteers talk to them. Those who believe that a better informed public is important for the health of U.S. science and technology should volunteer to help make conditions better by giving such talks to their local service club, high school PTA, or civic clubs. Mayors, councilmen, representatives, and senators should also be invited. They might enjoy the talk and add some thoughts of their own. Since this is being suggested in the spirit of volunteerism, I will give a talk on DOE's basic research programs to the first service or civic club that invites me.

ALVIN W. TRIVELPIECE.●

LENDING POLICIES OF THE WORLD BANK

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a correspondence I had with Mr. A.W. Clausen, president of the World Bank, concerning an article which appeared in the Christian Science Monitor on June 25, 1984.

That article claimed that the lending policies of the World Bank had shifted dramatically, from programs designed to help the underprivileged to programs designed to enhance the value of private investment and bailout insolvent governments and their imprudent creditors. Mr. Clausen addressed himself to those disturbing charges in a letter dated July 20. The Monitor article, and the ensuing correspondence follow:

THE WORLD BANK AND WORLD POVERTY

(By Robert F. Wasserstrom)

While public attention has been focused on the growing debt burdens of Latin American countries, the World Bank has quietly revised its longstanding policy to assist the disadvantaged in developing areas. Early in May, senior bank officials gathered in Bedford Springs, Pa., to hear a special report from Paul Volcker, chairman of the Federal Reserve Board, and to dismantle the barriers that have traditionally insulated development aid from the politics of international finance.

Since the bank was created in 1946, underdeveloped nations have borrowed large sums to build roads, dams, ports, irrigation works, factories, and power systems. Much of this money was raised in the international capital markets, where the bank's assets, supplied by such donors as the United States, France, Britain, and Japan, made it an attractive customer. This capital was re-lent with a modest markup to developing countries which could not obtain adequate credit. In cases of extreme need, such countries were even allowed to take out loans at virtually no interest for up to 50 years. The justification for these loans arose from the view that poor countries sometimes required a little extra help in laying the groundwork for self-sufficient economic growth.

Under President Robert McNamara, who took office in 1968, the World Bank adopted its much-acclaimed "poverty orientation" and expanded its involvement in health, nutrition, education, agricultural credit, land

reform, and population control. It also devised procedures to measure how many people lived below the poverty line in underdeveloped areas. At McNamara's insistence, lending officers were then required to ensure that these people received substantial benefits from every project the bank supported. Finally, he set up a special office of environmental affairs to suggest how bank staff might improve techniques for managing natural resources and protecting the rights of ethnic minorities.

When McNamara departed in 1981, he left a unique legacy and a highly proficient technical staff whose reputation for competence and fairness set the standard for other international organizations. Unfortunately, this legacy has not been maintained. Under McNamara's successor, A. W. (Tom) Clausen, the bank's most cherished asset, its relative independence from partisan interference, appears to have eroded. In the past three years priorities have shifted from projects designed to benefit the underprivileged and now factor large-scale capital ventures which enhance the value of private investment. Programs in health, education, and rural development have been curtailed. Even agriculture has suffered.

What has brought about these changes? Pressure from the Reagan administration has played a primary role in altering the bank's fundamental commitments. Such pressure underlay the public controversy that erupted briefly last year over US contributions to IDA, the bank's special fund for disadvantaged nations. The message this controversy conveyed was reinforced by the administration's decision to abrogate previous understandings and reduce support for the fund. Simultaneously, as countries like Mexico, Brazil, Argentina, and the Philippines have fallen farther behind in payments to private lenders, US officials at the bank insisted on blurring the line between development assistance and so-called structural-adjustment loans; i.e., loans that may be used to pay external debts. The effect of this arrangement has been disturbing: Instead of stimulating economic progress, the world's largest source of public capital is now being used to bail out insolvent governments and their imprudent creditors.

Implementing the new order will involve considerable alterations in bank procedures. No longer will project officers be required to demonstrate that people below the poverty line will benefit from major investments. Lending to some financially troubled nations will be accelerated, with the paradoxical effect that the size of their external debt, not the technical merits of their investment program, may determine how much money they receive. Bank staff have been told they will have less opportunity to focus on project design and will spend less time monitoring compliance with the loan agreements. Finally, as if to ensure that supervision will become a mere formality, senior officials plan to permit more "front-ending" among favored borrowers; that is, loan funds will be disbursed in one lump sum rather than in a series of payments as development milestones are reached.

Clearly, such modifications spell the end of McNamara's strategy to alleviate world poverty, preserve the global environment, and further the embattled cause of ethnic and racial minorities. They also signal a new stage in the bank's history, when technical decisions may be subordinated to the political agenda of whoever happens to hold public office in the US. Most troubling of all, such policies appear to have been formulated behind closed doors without wider discussions or review. Surely, a transformation of this magnitude must undergo full congressional scrutiny before it is allowed to proceed any further than it already has.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 28, 1984.

Mr. A.W. CLAUSEN,
President, World Bank,
Washington, DC.

DEAR MR. CLAUSEN: As you may know, an article by Robert F. Wasserstrom, of World Resources Institute, appeared in the Christian Science Monitor earlier this week concerning the World Bank and its policies.

Mr. Wasserstrom's article, which is enclosed, is very critical of certain changes which have taken place in the bank's overall strategy and programs since your tenure began. In particular, the author attacks the bank's shift away from focusing on basic human needs in developing countries to concentrating on structural adjustment lending to the major debtor countries of Latin America. Mr. Wasserstrom also is critical of what he believes to be the excessive influence of the Reagan Administration over bank policy.

As a strong supporter of the Bretton Woods institutions, I found the article disturbing. I understand that the exigencies of the debt problem require a certain shift in policies by the bank if it is to be effective in helping to resolve this difficult problem. However, I do not believe that the bank, the single largest source of development finance, should turn its back on the needs of the poorest in the developing countries.

Accordingly, I would very much appreciate it if you would respond to the charges leveled at your institution by Mr. Wasserstrom. At a minimum, we should clear the air on this matter.

I look forward to hearing from you,

Sincerely,

LEE H. HAMILTON,
Member of Congress.

THE WORLD BANK,
Washington, DC, July 20, 1984.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, DC.

DEAR LEE: Thank you for your June 28 letter enclosing the recent article in The Christian Science Monitor alleging that the Bank has revised its policy of trying to alleviate poverty in our developing member countries.

I too was disturbed by the article but I assure you it is based on a misunderstanding, or ignorance, of what the Bank has been doing, and continues to try to do, on this important issue.

You will recall that in the early 1970s the Bank began to focus increasingly on the question of equity and how development strategies and investment programs could be designed to improve more rapidly the lives of millions of desperately poor by increasing their ability to produce more. It involved a major shift in our lending in agriculture to emphasize smallholder farmers, an expansion of our lending to small- and medium-scale industrial enterprises and a major effort to redirect public services—ranging from extension services to potable water supplies—from the relatively rich to the neglected.

We have had some false starts, we have made mistakes but we have also achieved success and learned much. Today we can say with confidence that this increased concern for equity, for improved opportunities and living standards for the poorest has not come at the expense of growth. To the contrary, increases in agricultural production in many countries have resulted from the provision of inputs and technical know-how to small farmers, stimulated by adequate prices to produce more. In country after country, the adoption of more appropriate standards for low-income housing, for health service delivery, for water supply, has dramatically increased the share of the population serviced at no, or modest, increases in expenditure.

Lending commitments of the Bank and the International Development Association (IDA) to low-income countries (with per capita incomes below $680 in 1979) increased from 37 percent of the total program before 1968 to 58 percent in the 1979–83 lending program. IDA now lends only to this group; indeed more than 90 percent of IDA resources go to countries in Sub-Saharan African and Asia with per capita incomes of less than $400 a year. Details of our experience with poverty alleviation, including specific country and project examples, are contained in the enclosed booklet, "Focus on Poverty", which we issued early last year.

The Monitor article implies that the difficult external environment for developing countries has forced the Bank, more recently, to de-emphasize our fundamental commitment to poverty alleviation and to relax internal procedures on poverty monitoring. There is no doubt that our member countries face enormous immediate problems such as large debt repayments, high energy costs and the necessity of undertaking difficult structural adjustments in their economies. These are urgent priorities and, understandably, there is an impulse to defer longer-term objectives such as the reduction of poverty, especially given the scarcity of external financing, and particularly concessional financing such as is available through IDA.

Nonetheless, we feel that this is a temptation that must be resisted. Necessary short-term adjustments should not distort longer-term development programs that pursue growth and the alleviation of poverty. We are most sensitive to this and you might be interested in some recent decisions of Bank management and our Board of Executive Directors that reflect this concern:

In Brazil, where we are assisting with a major economic restructuring effort, the Board in May approved a second health project that will directly benefit some of the poorest people in the city of Sao Paulo; there have been many such projects recently in other countries.

Throughout Sub-Saharan Africa we are working closely with scores of countries to reorient and readjust public investment programs with a view to sustaining basic programs in education, training and health that directly affect lowest-income groups while, at the same time, sustaining or rehabilitating productive activities.

Poverty alleviation remains a centerpiece of our economic and sector work and in the continuing dialogue we have with member countries on long-range development strategy and objectives. The latest World Development Report, issued earlier this month, and also enclosed, concentrates on the problem of excessive population growth and how it affects the world's poorest peoples.

Non-project lending, which incidentally accounts for a small percentage of the total,

is not necessarily devoid of poverty alleviation impact simply because it is fast-disbursing or may be focused on, say, export promotion. The policy framework within which such lending is made can have significant consequences—for example, increased producer prices designed to boost productivity can be enormously beneficial to poor smallholders.

Internally, we have recently appointed special coordinators for reporting and monitoring poverty alleviation work and we have updated our methodology. Among other things, these new methods are designed to provide a system of country-level reporting of all Bank work with significant poverty relevance; we are particularly interested in assessing the experience with poverty alleviation in countries that have been implementing austere stabilization programs.

I apologize for this lengthy response, but I was particularly concerned that you, who have so diligently supported the Bank and IDA over the years, should know that despite constraints on the Bank and the very difficult economic environment that confronts our members, we are not wavering in our central aim to help alleviate poverty in the developing nations.

Thank you for writing and please let me know if you require clarification or additional information.

Sincerely,

A.W. CLAUSEN,
President.●

A SINGLE MILITARY COMMANDER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. SKELTON. Mr. Speaker, as the debate over the reform of the Joint Chiefs of Staff continues, I ask my colleagues to read the following editorial which appeared in the Chicago Tribune. It clearly describes the efforts of those of us who are trying to establish a more efficient military command.

The article follows:

[From the Chicago Tribune, July 3, 1984]

A SINGLE MILITARY COMMANDER

It may be obscured by the size of this year's hardware-laden defense bill, but there is legislation now alive in Congress that would significantly improve America's military capability—even though it doesn't procure a single bullet.

Sponsored by Rep. Ike Skelton [D., Mo.] and other reformers, it would give the military what it has not had for 35 years—a military commander. The chairman of the Joint Chiefs of Staff would cease to be an unheeded adviser to the service chiefs. Instead, the chairman would be placed directly in the chain of command—subservient to the president but superior to the individual chiefs.

Responsible for the welfare of the entire military, he would be empowered to suppress the interservice rivalries that have done so much to drive up defense costs and decrease military efficiency. To aid him in this mission, the JCS staff would be made into a more elite, homogenous and professional body, dedicated to providing the best possible advice and decision-making for all the military.

American defense has become a bloated creature with three bodies and no head—for all practical purposes, three independent militaries at war with one another. The loudest argument against changing this system comes from those like Navy Secretary John Lehman, who say it would lead to a loss of civilian control. But, of course, civilians would remain in control; the services secretaries' role might be diminished, but the authority of the president and secretary of defense would remain unchanged. A centralized system is used by Britain and other democracies—as it was by the U.S. during World War II. Mr. Skelton's measure is supported by former defense secretaries James Schlesinger and Harold Brown, as well as by retired Generals Maxwell Taylor, Andrew Goodpaster and David Jones.

The chaotic existing arrangement contributed to the U.S.' losing of the space race with the Soviets after World War II. The stakes now are much higher. Members of Congress who fear an eventual fiscal catastrophe in defense spending ought to support this measure.●

CONGRESS MUST MONITOR THE NCPSSM

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. PORTER. Mr. Speaker, today I join a number of my colleagues who have already expressed concern with Mr. James Roosevelt and the activities of his National Committee to Preserve Social Security and Medicare [NCPSSM].

As you may know, James Roosevelt is the son of the late Franklin Delano Roosevelt and is an 11-year veteran of the House of Representatives. Currently he is the chairman of the NCPSSM, an organization which concerns itself with the Social Security and medicare systems. In order to raise funds for the group Mr. Roosevelt initiated a direct mail campaign in 1982. Since that time over 20 million elderly Americans have received this letter, which is pitted with misleading and false statements and asks for a $10 contribution to help save Social Security and medicare. In fact, less than 10 percent of the $5 million which Roosevelt has raised has gone toward lobbying efforts on behalf of NCPSSM's members. The other 90 percent has been used for research, publications, advertisements and administrative costs. Unfortunately, the letter also paints an exaggeratedly grim picture of the future of Social Security and medicare and implies that unless seniors immediately contribute to NCPSSM the system could go bankrupt.

Mr. Roosevelt goes on to describe the Congress as a bunch of "fat cats" who don't have a care for the elderly or for the less fortunate. He claims in his solicitation, and unfairly so in my judgment, that some Congressmen would say "Let the retired widow go without a decent meal or enough heat or health care. Let her live in an unsafe neighborhood and wear shabby clothes. But please, not 1 less gallon of gasoline for my limousine."

In fact, Mr. Roosevelt's original mailing contains a number of other incorrect and misleading statements.

He claims that the 1983 Social Security legislation was only a "stop-gap measure." In fact, following the enacted reforms of the President's National Bipartisan Commission on Social Security reform $165 billion was provided in new funding for Social Security. For the first time in a decade the system is taking in more money than it is paying out. In the first 5 months of fiscal year 1984, the fund took in $11 billion more than it paid out. A recent report by the system's board of trustees says that the fund should be financially solvent well into the next century.

Mr. Roosevelt had come under investigation by the Postmaster because of the misleading markings on the envelope he used in his mailings. These were marked "Official Documents," and "Urgent! Important Social Security and Medicare Information Enclosed." These markings are similar to those used by the Social Security Administration and appear to connect the mailing to a Government agency.

In addition the Roosevelt letter of solicitation implies that the enclosed petition would carry greater weight with a Congressman than a first-class letter from a constituent. To this date, only one-third of these petitions have actually been delivered to Washington as promised. Also, Roosevelt claims that he will send his members important Social Security information that only he can provide. In fact, the information provided is only available through the Social Security Administration and will be sent, for free, to anyone who requests it.

Finally, he claims involvement in victories on past legislation. He does not reveal that these actions took place before his group began to lobby on Capitol Hill, only earlier this year.

As a result of investigations by the Social Security Administration and the Postmaster, Roosevelt has made slight changes in his subsequent mailings. However, in my judgment, the mailings continue to mislead elderly Americans into believing that they must send in $10 to stave off Social Security collapse. Many of these elders have been so confused and frightened by Roosevelt's mailings that they have voluntarily walked into offices of the Social Security Administration to offer their $10 contribution to protect their benefits. Although his intentions may be different, Jim Roosevelt appears to be leaving the impression on the elderly that the system is on the

brink of collapse and that the $10 contribution will be directly applied to the system, rather than to the Roosevelt lobby organization. Neither of these impressions is accurate.

Mr. Speaker, Congressman PICKLE, the chairman of the Subcommittee on Social Security, Representative BOEHLERT and other Members are actively monitoring the activities of the NCPSSM. I, too, will continue to carefully watch this group and am hopeful that further congressional intervention in this matter will be unnecessary. All lobby groups need to maintain funding levels, but I do not believe that such groups should prey on the fears of the elderly to raise money.

I urge Mr. Roosevelt to correct all inaccurate statements made in his mailings and to present his organization in a fair light which makes his case without frightening the Nation's senior citizens into making contributions to NCPSSM.●

GERALDINE FERRARO ON PUBLIC WORKS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. HOWARD. Mr. Speaker, as chairman of the Committee on Public Works and Transportation, of which Ms. FERRARO has been a member since she came to Congress, I would like to highlight some of her outstanding contributions to the work of the committee.

Ms. FERRARO has been an extremely valuable and important member of the committee. She has taken the initiative on a wide range of issues, especially those of concern to her New York constituents, but many times with an eye to the overall national impact.

She has been closely involved with many of the important pieces of legislation that have been considered by the committee in recent years. She has taken an active role in the committee on several water-related issues, on economic development, on aviation, and especially on surface transportation issues.

From a wider perspective, Ms. FERRARO's initiatives have centered on reorienting Federal programs to help New York City and other older urban areas. To do this, she has attempted to increase the Federal role in providing funding for rehabilitation and repair of our infrastructure problems although not to the point of neglecting the new construction needs in other parts of the country.

For example, Ms. FERRARO has been a strong supporter of title VIII of H.R. 3678, the Water Resources Development Act of 1984, which creates an $800 million a year loan program for decaying urban water systems.

In another instance of that policy, Ms. FERRARO earlier this year introduced H.R. 4367 to establish a formula for distribution of funds under section 3 of the Urban Mass Transportation Act. She proposed a formula to meet the needs of those areas pursuing rail modernization while at the same time recognizing the need for funds for new starts. Her legislation was an important contribution in the debate on the formula that was eventually adopted by the House on June 5.

Ms. FERRARO has been a strong supporter of adequate funding for our Nation's transportation and aviation programs—a claim that not every Member can make. She supported and worked for the 5-cent-a-gallon gas tax in 1982 which can also be described as a user fee to pay for highway and mass transit needs. She worked for that increased funding for one of the Nation's most pressing needs and she worked to include new formulas in the bill to apportion the money where it was needed.

At the same time she has been one of the leading advocates on the committee on highway safety issues. She has introduced H.R. 5568 which would allow local officials a voice in routes that could be used by tandem trailers through heavily congested urban areas that might not be suitable for larger trucks. It is Ms. FERRARO's bill that would allow local officials to have that input and it is the Reagan administration's Federal Highway Administration that originally set the routes for the double trucks without consultation with local officials.

It is no secret that the Congresswoman from New York and I have had our disagreements on issues affecting the New York-New Jersey area. In the metropolitan area, such conflicts are not extraordinary. There is not one Member of the House who does not put priority on the protection of his or her constituents' interests—which is exactly what Ms. FERRARO has been doing.

Our disagreements on these issues were not personal or vindictive. They were strictly on the issues and Ms. FERRARO was always a strong adversary. She has been an extremely effective advocate for the interests of New York City on the Committee on Public Works and Transportation. She has served her constituents in Queens well and I expect that she will serve the entire Nation as well as Vice President.●

TRIBUTE TO RAQUEL MARQUEZ FRANKEL

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. GARCIA. Mr. Speaker, I rise in tribute today because the Hispanic community has lost a good friend and leader. Raquel Marquez Frankel, a woman of great strength and character who played a pivotal role in the founding of the Congressional Hispanic Caucus died on Sunday, March 11, 1984, and her presence within the national Hispanic community will be sorely missed.

Raquel was the first director of the Congressional Hispanic Caucus and served from 1977 to 1980. She helped to create an organization that will hopefully endure for years to come and we are forever in her debt. She was an inspiration to us all. She helped the national Hispanic community begin its own process of politicalization. Raquel was always working to empower those with less opportunity, or less education. She leaves behind a legacy of national Hispanic organizations that she cultivated in their infancy.

Born on May 14, 1923, in Albuquerque, NM, Raquel's early years were spent in the mining region of northern New Mexico. Her parents, Jesus Pable "J.P." and Constanza Marquez were activists who taught their children how to involve themselves in solutions to public problems. Mr. Marquez was a long-time community organizer. After raising a family of 12 children—all college graduates with advanced degrees—he joined a Catholic order dedicated to serving the poor.

Raquel used to say that her earliest memories were of dancing in jail among miners and their families arrested during strikes. When the miners went on strike, their families joined them on the picket lines. They and their families were rounded up en masse and sent to jail. A movie was made years later, called the "Salt on the Earth" depicting those unfortunate days of labor history. These early events and family commitment prepared her for a life dedicated to serving others.

Raquel graduated from St. Mary's Catholic High School in Albuquerque, NM. She then came back to Washington, DC, and attended the Western School for Private Secretaries and worked at the Pentagon during World War II. She returned to New Mexico, enrolled at St. Joseph's College and completed her undergraduate studies within 3 years while working as a local radio broadcaster. She was the first woman admitted to the University of New Mexico Law School but decided

instead to pursue a career in social work. Raquel transferred to Northwestern University and completed her masters in social work at Loyola in Chicago.

She began to work as a social worker in Chicago's famous Hull House and quickly went on to form her own Mexican American organization serving the local migrant population. It was during this time that she met Dr. Hyman "Hy" Frankel. They met in jail. Raquel was protesting loudly because her client was denied his constitutional rights, and Hy was the young Ph.D. conducting a study on prison reform. They sent Hy in to try to rectify the situation.

The result of this meeting was a marriage that all admired and emulated. Hy and Raquel joined their creative forces in a lifetime of building bridges between people.

Raquel Frankel had an amazing capacity for work. And she recognized the profound need for institutions dedicated to improving the quality of life for the Hispanic community. The legacy she leaves behind is astounding. She was instrumental in creating several national Hispanic organizations, including the congressional Hispanic caucus, the National Association of Latino Elected & Appointed Officials, Mujeres en Accion, and the Mexican-American National Women's Organization. Her community contributions included: The Multicultural Career Internship Program, the Spanish Education Development Center, GALA Bilingual Theater, the Washington Urban League, the Hispanic Women's Center. This year she was nominated a Washingtonian of the year by Washingtonian magazine.

At her untimely death, she was in the midst of working actively within the John Glenn for President campaign, and she was creating a new board of directors to help fund Amigos del Centro Catolico, an organization dedicated to helping the Hispanic refugee community in Washington.

Today a very special event is taking place at the Peruvian Embassy. Friends of Raquel are gathering together to pay tribute to this great woman by continuing her work within the Hispanic community. Today, her friends are continuing to honor her memory by working together to enable the Spanish Catholic Center to continue its work within the greater Washington area. The primary purpose of the Spanish Catholic Center is to help Hispanic newcomers make the difficult adjustment to American life and to full participation in their new cultural environment. Founded in 1967, the center has two offices serving over 20,000 clients a year without regard for color, creed, ethnic background or religious affiliation. It delivers critical services not available through local or Federal agencies to clients throughout the Washington metropolitan area.

The center's health programs include a range of family medical and dental services provided by a staff of volunteer physicians and dentists who work with the center's paramedical staff. Educational and job-related training programs offer literacy, English as a second language, GED, bilingual secretarial skills, word processing and computer languages. El Pregonero, a free weekly Spanish-language newspaper published by the center provides news and public information not otherwise available.

Raquel Frankel was truly a Mujer en Accion. She possessed creativity, endurance, and leadership, those qualities that we all seek in serving our communities. Most of all, Raquel was giving of herself. She served her community unselfishly and she gave unselfishly of her time, her understanding, her knowledge, her laughter, and her enthusiasm for life. She is irreplaceable. Raquel will be missed deeply by her family and friends, but we are all much richer for having known her.●

MISSING CHILDREN

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. GREEN. Mr. Speaker, summer is usually considered a time to relax and enjoy spending time with one's family. Yet, one of America's great tragedies is the number of children who disappear each day from our Nation's families.

All of us who are parents, grandparents, or relatives or children, or who have seen the increasing number of documentaries and stories about missing children, are very disturbed. We hear about too many children who are victims of kidnapings and exploitation, or who just run away out of feelings of discontent.

Yet, accurate statistics are hard to come by. The National Center for Missing and Exploited Children, established last April with a grant from the Department of Justice, has not yet compiled all the statistics necessary for an accurate national picutre. From a quick call to the New York Police Department, however, it appears that fewer children have been reported missing this year than last year, possibly due to their increased public awareness of the problem. According to the NYPD, 47 children under the age of 10 from New York City have been reported missing so far this year.

Because the National Center is finding that the compilation of this data is an arduous task, the Congress should take more clear and decisive steps toward committing the Federal Government to take an even more active role in finding missing children.

For this reason, I urge the Senate to pass H.R. 4971, the Juvenile Justice, Runaway Youth, and Missing Children's Amendments of 1984. Passage of this legislation would do a number of things, including: The establishment of a national toll-free telephone line for gathering tips about the whereabouts of missing children; the establishment of a national resource center giving technical help to State and local governments while spreading the word about successful new approaches; helping public and nonprofit agencies launch research, demonstration, or service programs such as stranger awareness instruction for youngsters or voluntary fingerprinting efforts; requiring the first periodic national incidence studies of this national tragedy. In addition, it would provide a renewal of U.S. juvenile justice and delinquency programs, which help support 200 centers for runaway youths across the United States, and provide other important aid and prevention efforts.

Summer is a time to be with one's family, not to be worried sick about a missing child. As Members of Congress, we must do our utmost to ensure that the Federal Government plays an important and efficient role in finding missing children. For this reason, I urge my colleagues to work with their local police departments and nonprofit organizations and agencies in an attempt to locate our missing children, and to urge the Senate to pass H.R. 4971.●

STEEL PROTECTIONISM

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. PORTER. Mr. Speaker, today I submit for the RECORD a letter I recently received from a constituent, William H. Rentschler, chairman and C.E.O. of Medart, Inc. Medart, Inc., is a 110-year-old manufacturing company based in Lake Forest, IL. It maintains five small steel fabricating units in Michigan, Tennessee, Georgia, and Mississippi.

Mr. Rentschler's letter provides accurate insight into the implications of granting wholesale protectionism to major domestic steel manufacturers. I hope that my colleagues will read this letter recognizing current pressures on Congress and the administration to provide protectionist measures for the steel industry.

DEAR CONGRESSMAN PORTER: I am writing you and a few other Congressmen and Senators I know and respect to provide a small

business perspective on an issue of great significance to the Nation.

Specifically, it is the question of whether our Government should give protection to various segments of the U.S. steel industry against imports, especially from Europe, Latin America, and the Far East. The principle is applicable on a far wider scale than steel alone.

My insights are based directly on my present role as chief executive officer of five small steel fabricating companies located in Michigan, 130 employees; Tennessee, 95 employees; Georgia, 105 employees; and Mississippi, 2 companies, 265 employees. We use variously in considerable quantities sheet, coil, bar, and structural steel.

With its highly effective lobbying apparatus, Big Steel has made its case to Congress and the public. In certain respects, it is highly distorted. What damage imports may do to the steel industry is more than offset by the benefits of hundreds of fabricators of steel, like ourselves; thousands of their employees, and millions of consumers, who buy countless products made from steel.

Let me cite a specific example. In Jackson, MI, our company, Jackson Forge Corp., make custom forgings for such major companies as Chrysler, Mack Truck, Clark Equipment, Cummins Engine (Atlas Crankshaft Division), and others.

During the recent deep and prolonged recession, our sales declined by 50 percent. We took aggressive steps to beef up our marketing in preparation for the inevitable economic upturn. But when it came, we found ourselves frozen out in the early stages, largely because of excessive domestic steel prices. Our main suppliers include Republic, United States Steel, and Bethlehem. We were high on quote after quote to our customers and prospects because of their relatively high steel prices, which were critical to us as a maker of material-intensive forgings.

We were completely unsuccessful in getting them to give us prices which would enable us to compete with imported forgings and with competitors buying foreign steel.

This forced a hard decision on us. We, too, would buy some foreign steel. With the arrival of our first shipment from Brazil, our domestic suppliers came flocking to our door, suddenly "discovering" for the first time they could make certain price concessions. Our decision to buy some steel from abroad—even though it represented only 30 percent of our total requirements—literally saved our life.

Since then, with a competitive price mix on steel, our sales are up nearly 100 percent over the past 9 months. There is not the slightest doubt in my mind that our imported steel gave us the bargaining clout we needed to buy at reasonably competitive prices from the big domestic producers.

Their problems do not stem from foreign competition, but far more from their own long-term arrogance, complacency, and shortsightedness. While some visionary companies like General Electric were resisting excessive union demands some years ago, Big Steel (and the auto companies as well) was giving away the store, taking the easy way out, and creating impossible future conditions. Now they want a Government bailout.

I respectfully submit that small and mid-sized companies, their employees, and the American consumer should not be penalized and perhaps driven out of business and out of work to atone for the past sins of Big Steel. It is inevitable that the major steel companies will immediately raise their prices the minute foreign competition is curtailed, inflicting severe, even lethal, damage on defenseless smaller companies with limited alternatives.

Let me add that the unwarranted strength of the dollar worldwide and the absence of any genuine zeal by the administration to press major deficit reduction initiatives also are contributing to a dangerous scenario for our economic future.

Sincerely,

WILLIAM H. RENTSCHLER.●

THE ST. PETERSBURG TIMES CELEBRATES A CENTURY OF SERVICE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. YOUNG of Florida. Mr. Speaker, an active and free press is one of our Nation's most important and basic rights and there is no newspaper that better symbolizes that freedom than the St. Petersburg Times, which today proudly celebrates its 100th anniversary of service to the people of Pinellas County and many areas in Florida.

The first issue of the Times was published July 25, 1884 from its offices in the backroom of a small drugstore. From its humble beginning, the Times has grown to be the second largest newspaper in the Southeastern United States with a daily circulation in excess of 260,000 and a Sunday circulation of 330,000. In contrast to its early years, when five people produced the newspaper, the Times today is a major employer in Pinellas County with more than 1,300 full-time and 1,400 part-time staffers. The newspaper has expanded from its original backroom offices to now include two main building and its bureaus scattered throughout Florida. The Times also has an active bureau here in Washington.

The Times has received national recognition and numerous awards and honors from its peers including two Pulitzer Prizes for distinguished public service and a Time magazine rating in April as one of our Nation's top 10 daily newspapers. The Times is in particular noted for its state-of-the-art production facilities and its outstanding staff of artists and photographers who provide attractive and informative graphics that are an excellent supplement to the stories they accompany.

In addition to being a major source of information in Pinellas County, the Times Publishing Co. has sought through public service projects to improve Pinellas County. The Times has also established the Poynter Institute to provide young aspiring journalists and experienced professionals with a place to learn and grow.

The St. Petersburg Times has made many important contributions to Pinellas County and the field of journalism during its first century of service, and I join today in wishing the newspaper's staff success in continuing to grow during its second "Century of Service."●

LEGISLATION TO AMEND THE FAIR LABOR STANDARDS ACT TO ALLOW HOMEWORKERS TO KNIT AT HOME

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Ms. SNOWE. Mr. Speaker, 50 years ago, Congress enacted the Fair Labor Standards Act to establish certain minimum employment standards to protect all working Americans. The single, most important purpose of the act was to eliminate the substandard labor conditions commonplace in the late 1930's. We are all familiar with these conditions—the sweatshops cramped with countless immigrants, small children, and women. With passage of the act, Congress extinguished these conditions forever, and safeguarded the minimum wage.

Today, the protections set out by the FLSA are prohibiting thousands of Americans from working in their homes. I am speaking specifically of the home knitter. Knitters may again be subject to the outdated restrictions on homework encompassed in the act, as the freedom to knit at home continues to be the focus of court and regulatory actions. In my view, reapplying the ban would be an unnecessary and unfair burden on these workers. Thus, I firmly believe we must challenge the opponents so that Americans may be allowed to knit at home.

A final decision on regulations proposed by the Labor Department to lift FLSA restrictions is still pending—with the outcome unclear. Because of my commitment to eliminating the restrictions so that American entrepreneurs will not be inhibited, I believe it is time to initiate legislative remedies to protect knitters at home.

In 1980, questions were raised about the effectiveness of the homework restrictions in safeguarding the minimum wage during an extensive review of the FLSA on industrial homework. Participants concluded that knitters, specifically, were being deprived of employment alternatives because of the act. Consequently, the ban on knitting was lifted with the promise that the industry would be carefully monitored by the Department of Labor for inconsistencies. I am gratified to report that no instances of abuse in the home knitting industry have been reported since that time.

Because the future remains uncertain for these homeworkers, I am introducing legislation to amend the Fair Labor Standards Act to permanently permit knitting at home. This bill would rescind the provisions of the FLSA restricting home knitting. My action is based on my belief that the FLSA has failed to conform to our changed society, and has been unable to stay in stride with the broad reforms evolving in the American workplace. Simply put, knitters should be allowed to work at home free from the burdensome restrictions of the FLSA.

Cottage industries play a vital role in the economy of the State of Maine, large parts of New England, and other areas of the Nation. Home knitting is an old, established industry in my home State and has been part of Maine's culture for many years. The independent nature of homework, and the unavailability of alternative employment opportunities make working at home ideal.

Knitting at home makes sense. It is time to safeguard the freedom to choose to work at home. To this end, I intend to continue my efforts to guarantee the right of Americans to choose to knit at home. Americans want to work at home, and I urge all of you to join me to ensure that their right to knit in their homes is protected.●

ARMS CONTROL AND COMPLIANCE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. COURTER. Mr. Speaker, I submit for the RECORD a statement I delivered today in a hearing before the Foreign Affairs Committee.

The hearing was held to examine current arms control issues, and my statement focuses on the Soviet compliance record with existing arms control agreements, and on the implications of this poor compliance record for future negotiations.

The statement follows:

STATEMENT OF CONGRESSMAN JIM COURTER BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE, JULY 25, 1984

Mr. Chairman, Members of the Committee, I thank you for this opportunity to testify on the future of arms control and I commend you for holding this important series of hearings.

I would like to focus on an issue which is of critical importance to the future of arms control: the issue of Soviet compliance with existing arms control agreements and commitments.

Without compliance, arms control agreements can't serve the interest of national security, which is their highest objective. In fact, it can be argued that agreements which are routinely violated can actually be detrimental to security to the extent to which they create the illusion of mutual military restraint and reduced political tensions between the signatory parties.

A nation's compliance record also reflects on the prospects for new arms control agreements, because it is a direct indicator of a nation's trustworthiness. In negotiating new treaties with a nation that has violated existing agreements, it becomes necessary to account for the possibility that the new treaty may be violated as well, and to plan for a response in the event that a violation does occur.

If, as a result of the current diplomatic activity, the United States and the Soviet Union enter negotiations on antisatellite weapons and other weapons in space, several of these compliance issues will come into play.

On June 20, 1984, Assistant Secretary of Defense Richard Perle appeared before this Committee and confirmed that the Soviet Union has used electronic interference to, in effect, "jam" the electronic intelligence satellite that the U.S. uses to monitor missile telemetry. This is a vital element of SALT verification, and the Soviet interference is a clear violation of the SALT II treaty's ban on interference with national technical means of verification. I have been briefed in detail on this subject and I can attest to the gravity of this pattern of Soviet conduct.

What does this mean in the context of the ASAT negotiations? First, it gives a distinctly hollow ring to Soviet statements of peaceful intentions in space. Second, it imposes the requirement that ASAT talks encompass earth-based actions which disable or destroy satellites. Lastly, as a violation of a SALT II obligation, this raises the question of whether the Soviets would comply with a future agreement to protect communications and intelligence satellites from harm.

Mr. Chairman, satellite interference is one aspect of Soviet noncompliance which happened to be confirmed before your Committee. Two reports available to your Committee show that there is a broad pattern of Soviet violations of arms control agreements.

One is the report issued by the President on January 23, 1984. It lists seven initial areas in which violations or probable violations of arms control agreements have occurred. The violated agreements range from the Biological and Toxin Weapons Convention of 1972, to the Helsinki accords' provisions on notification of military exercises, to the SALT and ABM treaties.

The second is the report of the President's General Advisory Committee on Arms Control and Disarmament, entitled "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958–1983." This report has been made available to Congress in the form of oral briefings only, and numerous briefings have taken place before Members, Committees and cleared staff of the House and Senate.

The value of this report is its historical perspective. It focuses on patterns of Soviet behavior, not just on incidents, both in negotiations and in military development. After being briefed by the General Advisory Committee, I was left with the conclusion that in some instances the Soviet Union has planned to violate agreements even as they were being negotiated.

Another valuable element of this report is its excellent treatment of the Soviet program of strategic camouflage, concealment and deception, which transcends in both purpose and effect any concept of military secrecy that we know in the West.

I would strongly recommend that this Committee be briefed on this report.

Mr. Chairman, the patterns of Soviet violations is clear. What do they mean, and what purposes do they serve?

The ABM radar at Krasnoyarsk, which violates the ABM Treaty of 1972, has a clear purpose: to give the Soviet Union a strategic edge through a missile defense system. This fact is best appreciated when one looks at this radar in the context of overall Soviet ABM development, and understands the important role it fills.

Other violations seem to carry relatively little military significance or purpose. The failure to provide notification of the 1981 Soviet military exercise, which violated the Helsinki Final Act, is one example. It signals a disregard for the letter and spirit of agreements and acts as a minor irritant in East-West relations.

In yet other cases, such as the encryption of missile telemetry, it is difficult to ascertain the military significance of the violation, because we are denied information on the missiles being tested, and are prevented from knowing whether they violate SALT limits. The denial of this information is in itself a very serious violation of SALT II. In June of 1979, referring to the possibility that a violation of this type could occur, President Carter said: "A violation of this part of the agreement—which we would quickly detect—would be just as serious as a violation of the limits on strategic weapons themselves."

It is clear to me that the entire pattern of Soviet violations poses the single greatest threat to the arms control process today.

It also poses two challenges, one often stated, one seldom stated. We often hear that we need to negotiate new treaties which are absolutely verifiable. That is of course true, but it isn't enough for us to merely ensure proper verification in future agreements. If we take these agreements seriously, we must also answer the question: How will we respond when we verify that existing agreements are being violated by the Soviet Union? How have we responded to date?

To try to answer this question is to reveal that the United States has no clear policy of response.

Look at the situation from the Soviet perspective: the violations can serve many purposes. One is to gain military advantage. Another is to test U.S. intelligence capabilities, by seeing which actions elicit responses and inquiries from the State Department. Political resolve can also be tested in the same manner, as the Soviets wait to see how far their actions will be tolerated by the United States.

It is often argued that ironclad verification provisions in treaties will act as a deterrent to violations. That is true, if you assume that a verified violation will elicit a response from the offended party. If no response is forthcoming, the entire deterrent effect of our elaborate and expensive verification apparatus is forfeited.

Today, our failure to respond to the broad pattern of Soviet violations risks sending a very dangerous signal to the Soviet Union: that we take compliance as lightly as they do. If the now beleaguered arms control process is to perish, it is surely this attitude that will deliver the fatal blow.

If we all agree that compliance is essential to arms control, let's consider a hypothetical situation. Suppose that none of the doubts about verifying any provision of an ASAT ban, a START agreement or a nuclear freeze existed. Assume universal agreement that these treaties would be complete-

ly verifiable. Then assume that we reach agreement with the Soviets in each of these three areas. Given the lack of a U.S. response to violations to SALT, ABM, the Threshold Test Ban Treaty, the Geneva Protocol of 1925, the 1972 Biological and Toxin Weapons Convention, the Helsinki accords and other important agreements, what would provide the Soviet Union with an incentive to comply with any new treaty?

Looking to the future, Mr. Chairman, it is clear to me that our attitudes toward arms control must change.

First, our body politic must learn to come to terms with the issue of Soviet violations. The difficulty in doing so is often a bipartisan phenomenon, and it must change.

It is demonstrated by the Administration's reluctance to deal with the issue except when prodded by Congress.

It is demonstrated by the widely held perception that arms control is more threatened by public discussion of violations than by the violations of the treaties themselves.

It is demonstrated by the relative absence of the compliance issue in the House's recent defense authorization debate, which was largely focused on arms control questions.

It is demonstrated by statements that these compliance concerns are overstated and based on vague treaty language. These statements ignore the many clearcut violations, such as the chemical and biological weapons matter, or the telemetric encryption, about which there is no ambiguity at all.

And it is most clearly demonstrated by the widespread adherence to the notion that arms control agreements have an intrinsic value, almost without regard to compliance concerns, and by the general abhorrence of the idea that Soviet violations of arms agreements may one day render these agreements inoperative from the American perspective as well. This is despite the accepted principle of international law that an agreement breached on one party is no longer binding on the other party.

The United States should not relish the idea of being released from treaty commitments when the treaties have been broken by the Soviet Union. All efforts should be made to bring the Soviet Union into a posture of compliance, and keep the agreement in force. The classified version of the President's January report details the unsuccessful record of United States diplomatic efforts, in the Standing Consultative Commission and in other channels, in resolving compliance issues. But common sense dictates that if the Soviet Union violates a treaty and the violation dictates that if the Soviet Union violates a treaty and the violation bears on U.S. security, then the defense of the United States should not be constrained by unilateral observation of a treaty.

The jury is still out on this question—in fact, it has barely begun to deliberate. The Administration and Congress need to evaluate the full range of Soviet-American agreements and negotiations in light of Soviet violations of arms control agreements, and evaluate the strategic impact these violations have had. We should pay particular attention to studying Soviet advances in ballistic missile defense and the wisdom of maintaining the Anti-Ballistic Missile Treaty of 1972 as an element of U.S. security policy.

In fact, Mr. Chairman, we would do well to rid the arms control issue of all emotion, tense expectation and apocalyptic rhetoric, and to view arms control as one of several available instruments of United States security policy. It can be an effective counterpart to deterrence and diplomacy, and it is highly desirable, but if arms control doesn't work as expected and is not the centerpiece of defense policy, we needn't be alarmed. Above all, in the interest of arms control, we should stop basing our judgment of the entire U.S.-Soviet relationship on the state of arms talks; in a world of global superpower competition, this is too large a burden for the arms control process to bear.

In today's political arena, there is much questioning of whether we are "serious about arms control." Given the fact that arms control is only one element of our security policy, and given the mounting evidence of the shortcomings of the major U.S.-Soviet arms control agreements, we should focus our concern on our ability to face the objective facts about arms control, and on the question of whether the U.S. Congress has been sufficiently serious about American security and all its requirements.●

SUPPORTERS OF THE HUNGER RELIEF ACT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. PANETTA. Mr. Speaker, in the near future the House of Representatives will consider H.R. 5151, the Hunger Relief Act of 1984.

This legislation represents a bipartisan approach to help alleviate the serious problem of hunger in the United States. It would provide what I have called a downpayment on domestic hunger. Many of the provisions included in the bill are based upon recommendations of the President's Task Force on Food Assistance.

I would like to include in the RECORD today a list of organizations supporting H.R. 5151.

GROUPS SUPPORTING H.R. 5151

American Association of Retired Persons, American Jewish Congress, Bread for the World, Center for Community Change, Center on Budget and Policy Priorities, Child Welfare League, Children's Defense Fund, Coalition on Block Grants and Human Needs, Commodity Supplemental Food Program Operators, Community Nutrition Institute, Council of Jewish Federations, Interfaith Action for Economic Justice, League of United Latin American Citizens [LULAC], Lutheran Council of the USA, National Association of Social Workers, National Congress of Parents and Teachers [PTA], National Council of Churchs of Christ in the USA, National Council of Senior Citizens, National Farmers Union, National Grocers Association, National Milk Producers Federation, National Urban League, Public Voice, Society for Nutrition Education, The Food Marketing Institute, United Church of Christ, U.S. Catholic Conference, and U.S. Conference on Mayors.●

RECOGNITION FOR ANTHONY R. RICIGLIANO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, I rise today to pay tribute to a distinguished resident of the Fourth District of New Jersey, Mr. Anthony R. Ricigliano, on the occasion of his retirement from the New Jersey Department of Environmental Protection. Mr. Speaker, it is not uncommon to honor someone for outstanding service to one's community, State or country. However, it is truly rare, and indeed a real honor to recognize an individual who had dedicated his efforts to all three areas of public service. Mr. Speaker, Anthony Ricigliano is such a man.

During the Korean war, Mr. Ricigliano and many other fine, brave men recognized their duty as U.S. citizens and served this country with distinction from 1951 to 1953. As a member of the Army Corps of Engineers, Mr. Ricigliano proved his technical competence and leadership abilities as he was promoted to sergeant first class of his platoon of Army combat engineers and later received a Commendation Medal for Meritorious Services. It is always a pleasure, Mr. Speaker, to honor an individual who has made such an outstanding contribution to his country.

Returning to civilian life, Mr. Ricigliano began a career in the service of the people of New Jersey which spanned 10 years with the New Jersey Department of Health and 16 years with the department of environmental protection. During his career with the health department and the EPA, Mr. Ricigliano distinguished himself in several professional capacities. Apart from his title of assistant director for the division of water resources, he has been a member of several professional organizations and committees. Most notably, Mr. Ricigliano served as president of the New Jersey Water Pollution Control Federation. Mr. Ricigliano's dedication, energy and level of professionalism have left their mark on both the private and public sectors in the field of environmental protection. His colleagues and the residents of our State owe him a well deserved thanks.

Aside from his professional career, Anthony Ricigliano has also found time to serve his community. For several years, Mr. Ricigliano has been actively participating in youth baseball in Lawrence Township, NJ. As in his military and professional career, Mr. Ricigliano did not shy away from positions of leadership and responsibility. He has served as president of the Law-

rence Township Junior Baseball Association and was a member of the township's recreation advisory committee.

Last, Mr. Speaker, Anthony Ricigliano is a dedicated family man who recently celebrated his 40th wedding anniversary and is the father of three children. Mr. Ricigliano's dedication as a husband and father is a fitting complement to his professional achievements.

In all of Mr. Ricigliano's endeavors we see a level of commitment that has surpassed the ordinary, the routine, the expected. This kind of commitment and caring is what has distinguished Mr. Ricigliano throughout his career with the State of New Jersey and in his service to his community, country and family. Mr. Speaker, today it is with great pleasure that I add my name to those gathered to honor Anthony R. Ricigliano on his retirement and for the love and respect he has fostered among his colleagues, friends, and family.●

TIGERSHARK JET FIGHTER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. LEVINE of California. Mr. Speaker, the F-20 Tigershark is a unique jet fighter. It was privately financed and designed. It is both inexpensive and extraordinarily reliable. Its manufacturer, Northrop Corp., provides purchasers with a comprehensive workmanship and performance warranty. It may well be the equal of any other fighter in the world. Experienced figher pilots who have flown the F-20 have great praise for both its design and performance.

At a time when many nations are finding it increasingly difficult to afford complex, failure prone, and expensive fighter aircraft, one would assume that sales of the F-20 would be booming. Surprisingly, this is not the case. The slow sales of the F-20 have nothing to do with the merits of the airplane, however.

In an editorial titled "Beached Tigershark" the Wall Street Journal places the blame squarely on the Reagan administration for the F-20's lagging sales. Rather than encourage sales of this remarkable airplane, the administration has actually gone out of its way to torpedo the project. For example, the administration refused to allow Taiwan to buy the F-20. In addition, it has encouraged other countries to by more expensive, less reliable, and potentially more destabilizing aircraft like the F-15 and F-16.

The Military Establishment in this country has traditionally been skeptical about any plane designed by outsiders. The Wall Street Journal editors summed up the situation best in their editorial when they wrote:

The Tigershark's real problem is that it wasn't built by a committee, and its success would be an embarrassment to the procurment process. Northrop showed the Pentagon that it's possible to build a high-performance, reliable, easily maintainable aircraft without cost overruns or development delays or taxpayer subsidies.

The people at the Northrop Corp. who have been involved in the design of the F-20 have reason to be proud of their accomplishment. It is sad that the Reagan administration has allowed itself to be bullied by some people in the Pentagon whose pride would be damaged because someone outside of official channels has managed to design a better airplane.

I ask that the complete text of the Wall Street Journal be reprinted for our colleagues' information.

[From the Wall Street Journal, July 2, 1984]

BEACHED TIGERSHARK

Despite some good work by the Reagan administration in rebuilding inventories and the like, military procurement is still a mess. Laying aside the tales of cost overruns and $100 hammers and the like, many of our weapons systems seem ill-designed and we often seem slow to exploit our technological advantages. Something seems to be wrong with the whole procurement system.

So perhaps we can learn something by looking at the problems of the Tigershark. Northrop Corp.'s F-20 fighter plane. The Tigershark, which is now ready for production, came in on time and on budget and performs far better than expected. In flight tests, it has had a 97% reliability record and is very easy to maintain. An Air Force pilot called the plane "outstanding."

One characteristic that sets the Tigershark apart from even the U.S. Air Force's first-line aircraft, such as the F-15 and F-16, is its amazingly quick "scramble" time. This is especially important for countries that need a periphery air defense that can be deployed rapidly against a sneak, close-range attack (such as Saudi Arabia, Taiwan and even NATO's central front). For instance, the F-20 can, in less than four minutes from a cold engine start, intercept another aircraft at 40,000 feet and 50 miles from the base, achieving a speed of Mach 1.6.

More important from a technical viewpoint, the plane's development costs of $750 million have already been paid by Northrop itself. And the company is ready to supply the aircraft and spare parts at a fixed price, thus alleviating the problem of cost overruns. The only problem is that, except for the three planes being flight tested at Edwards Air Force Base in California, no Tigersharks have been sold.

The plane has been intended for the export market; the Pentagon estimates our allies will need over 2,500 new fighters in the coming years to meet our mutual security needs. The Carter administration realized that our non-NATO allies would need a new fighter to replace the widely owned, but aging F-5 series (also made by Northrop). Fearful of exacerbating the arms race, the Carter White House insisted that the new plane have limited capability below that of the U.S. front-line fighter, the F-16. Northrop went ahead on its own to invest $50 million in a new version of the F-5.

Shortly after taking office, the Reagan administration expressed more forcefully its determination to enhance our mutual security arrangements with our allies. "The United States cannot defend the Free World's interests alone," it said. The administration wanted a low-cost, high-performance aircraft other than our own front-line planes to sell to our allies. Northrop responded by investing an additional $700 million of its own money in the Tigershark. The plane quickly turned into a far superior craft to the F-5 series and the Air Force therefore awarded the Tigershark the new designation F-20.

Given an outstanding performance record and secure financial terms, why hasn't Northrop been able to sell any Tigersharks? It's a problem that even Northrop's top-notch salesmen can't handle because the fault lies with the administration. In 1982, the Reagan White House kowtowed to Peking's protestations and refused to let Taiwan buy the F-20. China falsely argued that the plane would be a threat to the mainland. In fact, the F-20 would have been ideally suited to Taiwan's defense needs without posing much, if any, direct threat of attack to mainland China.

More recently, the administration hasn't boosted the F-20 in talks with countries in the Mideast, notably Saudi Arabia, or Latin America. Instead, the administration, with the support of much of the Air Force brass who don't have any vested interest in the Tigershark, keeps hyping the F-15 and F-16 fighters, which are more sophisticated, much more expensive and difficult to maintain.

After investing $750 million and getting such back-of-the-hand treatment from the administration, it's small wonder that Northrop chief Thomas V. Jones is miffed. "The F-20 provides a higher level of military security for [our smaller allies] than any other fighter in the world, at less cost to them and to us," Mr. Jones told a recent shareholders meeting. "In the absence of official U.S. information, foreign countries simply ask for the same fighter the U.S. flies, even if advancing technology has created a better aircraft and a better solution for their special defense needs."

Our own view is somewhat more cynical. The Tigershark's problem is that it wasn't built by a committee, and its success would be an embarrassment to the procurement process. Northrop showed the Pentagon that it's possible to build a high-performance, reliable, easily maintainable aircraft without cost overruns or development delays or taxpayer subsidies. Now who wants to buy a plane like that?●

A TRIBUTE TO RAQUEL MARQUEZ FRANKEL

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. ORTIZ. Mr. Speaker, when I was thinking back on Raquel's life of service and accomplishments, I was reminded of a beautiful prayer. It asks God to: "Make me an instrument of Thy peace; where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where

there is darkness, light; and where there is sadness, joy." It is a wonderful guide for life and provides us with inspiration as we overcome life's obstacles. Throughout her life, Raquel Frankel used this prayer's sentiment to act as a channel of God's peace.

Raquel's greatness lies in her approach to life and in her service as a peacemaker. As outlined in the Peace Prayer, she saw problems and created solutions. She saw poverty and enriched others. She saw barriers and created opportunities. She saw unhappiness and brought joy. She saw despair and offered hope. And most of all, she saw God in the faces of all she met and accepted his admonition to "love one another as I have loved you."

A peacemaker is called upon to make many sacrifices and to soothe troubled waters. Raquel rose above the crowd and displayed qualities that set her apart from the rest. She devoted herself to promoting the public good, sacrificed personal rewards for the rewards of serving many, and accomplished what others could not even envision achieving. She made a lifetime commitment to improving the quality of life for all.

And, most important of all, she did all this selflessly. She sought no publicity or notoriety for herself. Raquel believed in working quietly, behind the scenes, to accomplish what she believed must be done. She persisted when perseverance was required, and sought accommodation from the intransigent. Raquel sought peace and harmony among people, not confrontation or hostility. She was, throughout her life, a channel of God's peace.

Her memory lives on in the thousands she has served. Raquel gave them dignity, hope, and opportunity. And, she gave them the gift of herself—a gift beyond measure and one that lives on in those she served.

Raquel rose from humble beginnings and became an inspiration to all who knew her. What a combination for any person to have. But all the more for a woman and an Hispanic, for she overcame obstacles society created because of her sex and race. Raquel's examples inspired and challenged a generation of Hispanic men and women who were touched by her service. Her accomplishments in organizing and founding Hispanic political and cultural organizations are famous.

Raquel's accomplishments live on in the organizations she founded and in the work her successors carry out in her name. But, most of all, her spirit, her enthusiasm, and her joy for living remain a part of all who knew her. Our memory of her comforts and reassures us as we face life's obstacles.●

IN MEMORY OF RAQUEL FRANKEL

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. ROYBAL. Mr. Speaker, it is with deep personal sadness, and with great admiration and respect that I rise today to pay tribute to Raquel Frankel.

Raquel was a remarkable human being. As an esteemed activist, a social worker, a patron of the arts, and a mother of two children, she dedicated her life to social justice and fostered a timely consciousness about the concerns of the Hispanic community in this country and in Latin America.

Raquel was especially concerned about the difficult and unique problems facing women and children. She worked not for personal recognition, but for recognition of and solution to the acute economic hardships affecting women and children throughout the world.

As the first executive director of the Hispanic Caucus, Raquel helped to organize Hispanic Members of Congress into a cohesive group. Under her direction, the caucus defined the issues to be addressed by the Congress and developed a series of effective strategies for congressional action. She worked tirelessly to promote Hispanic unity and raise national awareness of Hispanic issues.

Raquel was a unique leader, full of life, energy, and hope. She was rarely without a smile, or a kind word and a helping hand for someone. She was a loving, caring, compassionate person and we will miss her very much.●

EAST NORRITON TOWNSHIP—75 YEARS RICH IN HISTORY

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. SCHULZE. Mr. Speaker, East Norriton Township, an area of Pennsylvania that reflects the best of the American spirit, is celebrating its 75th anniversary this year, and I am pleased to recognize this momentous occasion.

Since its incorporation in 1909, East Norriton has grown from a farming community to a diverse modern suburb of Philadelphia. Although benefiting culturally from its proximity to Philadelphia, East Norriton has not lost its hold on its traditional, rural values. The residents maintain strong family and religious ties. These attitudes carry over into every aspect of life and manifest themselves in a great degree of community pride, as well as in numerous community-sponsored activities and charitable causes.

East Norriton residents were highly active supporters of America's Bicentennial celebration in 1976. That community endeavor provided the impetus to individual residents to pitch in to research their own historical backgrounds and unearth previously unknown local lore, historical landmarks and events. Through their efforts they have managed to piece together a record of their proud heritage from the days of the Revolutionary War. This stands as a reminder of the dedication and support the community has given to our Nation over the years, even before they were the township of East Norriton. They perpetuate these proud traditions as they actively participate in our unique system of democracy—faithfully exercising their privilege to vote for the candidates of their choice.

I am proud to represent this township in the House of Representatives and commend the township supervisors and residents for the pride they take in themselves, for their adherence to the traditions they hold dear, and for their interest in their local history. To know the past is to appreciate the present and to prepare for the future.●

TRIBUTE TO TROOP 106, GIRL SCOUT GOLD AWARD RECIPIENTS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. GEKAS. Mr. Speaker, today I would like to recognize the achievements of Yvonne Haffling, Michelle Noecker, Donna Rissinger, Wendy Schreffler, and Gwendolyn Witmer, constituents of mine from Rebuck, PA. These young ladies will be awarded the Girl Scout Gold Award, the highest achievement in Girl Scouting.

As young citizens, they have displayed their energetic capabilities by participating in many different projects and community services which have won them special merits of honor.

I am proud to congratulate these ladies for their outstanding contributions to the community. Their unselfish attitudes toward others have set an example for the rest of us to follow. I am honored to have individuals like these living in my district.●

THE SANDINISTA CAMPAIGN TO SUPPRESS FREEDOM OF RELIGION IN NICARAGUA

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. YOUNG of Florida. Mr. Speaker, more than 80 percent of the Nicaraguan people are Catholic, yet the ruling Sandinista government has intensified its campaign to discredit the Catholic Church and discourage the people of Nicaragua from exercising their God-given right of freedom of religion.

The church is one of the last remaining organized forces of any size protesting the Sandinista government and its legacy of broken promises. The rest of the organizations have been disbanded or frightened off by government forces.

In their latest attempt to undermine the Cathloic Church, the Sandinistas earlier this month deported 10 priests who participated with 300 other Nicaraguans in a march protesting the government's house arrest of their colleague Rev. Luis Amado Pena. Reverend Pena is one of many Catholic priests who the Sandinistas have attempted to discredit through their disinformation campaign.

Earlier this year, in a similar propaganda campaign aimed at undermining Catholic leaders, the Sandinistas tried to link Managua's Roman Catholic Archbishop Obando y Bravo to former Nicaraguan President Anastasio Somoza through false headlines and reprints of old photographs.

In April, a pastoral letter was read on Easter Sunday asking that all Nicaraguans enter into negotiations for peace. The Sandinista's Interior Minister Tomas Borge promptly denounced the priests and their call for peace by saying it was a criminal suggestion.

It was the same Sandinista leaders who 1 year earlier organized protests to humiliate Pope John Paul II during his March 1983 visit to Managua. Sandinista followers were ordered to interrupt an outdoor mass given by the Pope and to heckle him as he passed through the city streets.

Freedom of religion is just one of the many basic human rights the Sandinista government promised the Nicaraguan people 5 years ago, but have failed to deliver. This is despite the fact that, in 1979, the Catholic Church supported the Sandinista rise to power.

As is the case throughout Nicaragua, it is the disenchantment with the Sandinista government and its long list of empty promises that is prompting people to rise up in opposition to the government. The rebellion of the Nicaraguan people is not being instigated by another nation, it is being generated and led by the Nicaraguan people themselves who seek to gain the freedoms and rights they were promised 5 years ago.●

ANNIVERSARY OF FIRST NATIONAL BANK OF LEESPORT, PA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. YATRON. Mr. Speaker, this year marks the 75th anniversary of the First National Bank of Leesport, PA. Founded on August 16, 1909, by Samuel Deck, the First National Bank of Leesport has built an ever-expanding foundation of service to the community, of which all those responsible can indeed feel proud.

The bank was started with $25,000 and today it has assets of over $70 million. Its growth over the years has indeed been impressive and today 47 individuals are employed by the bank, and they service 4,600 checking and savings accounts, 600 mortgage loans, and 1,900 installment loans. Among the bank's commendable achievements are the 1961 opening of a Blandon branch office and the recent renovation of the bank's main office, which will be celebrated at an open house on Saturday, August 18, 1984.

Congratulations are indeed in order for Mr. John T. Connelly, president of the First National Bank of Leesport, for the staff of the bank, and for the community of Leesport. I am honored to have had this opportunity to bring to the attention of my colleagues the laudable achievements of the First National Bank of Leesport by those who have worked to make this financial institution what it is today. It is certainly my hope that this bank will continue to grow and prosper. Today, I ask my colleagues to join in a salute to this exceptional bank and to send all concerned our best wishes for another thriving 75 years of service.●

FARMERS AND TRADERS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. BEREUTER. Mr. Speaker, I would like to draw the attention of my colleagues to an editorial which appeared in the July 21 edition of the Washington Post. The editorial makes a poignant comment on the danger of closing our doors to foreign trade.

The farmers I represent in Nebraska depend heavily upon their ability to compete in foreign markets and sell to our foreign trading partners. Open foreign trade is literally the lifeblood of agriculture in the Midwest. Last year, America's farmers exported one-third of its corn, 60 percent of its wheat, and one-half of its soybeans. This year agricultural exports for the United States are projected to top $39 billion. There is no question that agriculture is one industry in the United States which through its efficiency of production can compete effectively on world markets.

But what is competition without access to markets? The competitiveness of American agriculture has been under attack during the past 10 years—not just from our foreign trading partners, but from our domestic industries too. On two occasions, this body has passed domestic content legislation which supposedly would protect the American automobile industry and American jobs. The majority of this body, however, has apparently been blind to the fact that such policy, if ever it were implemented, would jeopardize billions of dollars of agricultural sales—nearly $7 billion to Japan and over $4 billion to the European Economic Community alone. The recent limitation against Chinese textiles has already cost America's farmers $500 million of agricultural sales.

The biggest self-inflicted wound, however, occurred in 1980 when President Carter imposed the last grain embargo against the Soviet Union in retaliation for its invasion of Afghanistan. While American farmers deplored the Soviet's action as much as any American, it was America's farmers who bore the brunt of this unwise, unnecessary and ineffective trade embargo. The Carter grain embargo cost the United States $11.4 billion in national output and hundreds of thousands of jobs. The impact on our balance of trade payments was staggering. And worst of all, the Carter grain embargo did not prevent the Soviet Union from getting the grain they needed. The last embargo encouraged the Soviet Union to establish new trading relations with other grain exporting nations, relationships which flourish today to the detriment of our Nation, and especially our Nation's farmers.

In the next few days, the House will debate H.R. 4784, the Trade Remedies Act. If this legislation is passed, it could be another severe blow which will deprive the farmers of their ability to compete internationally and to sell in foreign markets. American agriculture is the pride of this Nation in efficiency of production. I am not asking my colleagues to promote agriculture; its efficiency will do that. I do, however, implore my colleagues not to sacrifice our agriculture exports in a vain effort to prop up industries which long ago failed to remain competitive. I urge my colleagues to read and consider the following editorial, to consid-

er the impact and the consequences of the Trade Remedies Act, and to reject the notion that protectionism and closed trading doors somehow and in someway benefit our Nation.

[From the Washington Post, July 21, 1984]

FARMERS AND TRADERS

By coming to the defense of free trade, American farmers are serving the national interest as well as their own. In recent years the politics of foreign trade has belonged generally to the industries—textiles, cars, steel—that have been having trouble competing and that wanted protection from imports. But now other American producers, those that compete successfully on world markets, are beginning to react to the threat that protectionism raises to their own prosperity.

Describing the farmers' increasingly active role, Stuart Auerbach of this newspaper's staff quoted the other day an Iowa soybean producer who said, "There isn't any such thing as a nonagricultural trade issue." By that he meant that every change in trade rules sooner or later affects the exports on which he and most of the American agricultural economy depend.

Half of this country's wheat, soybean and cotton crops are now sold abroad. When the Reagan administration tried last year to hold down imports of Chinese textiles, China stopped buying American agricultural products in retaliation—and the farm organizations say they lost half a billion dollars worth of sales. That's greater than any possible benefit to the textile industry. It was the Chinese decision to stop buying American farm products that has brought the farmers' campaign against protectionism to its present intensity.

Farmers are hardly the only Americans with a stake in maintaining export markets. Last year agricultural goods were slightly less than one-fifth of this country's exports. What's the rest? All sorts of things, but above all machinery and aircraft. Why don't the people who make those products join the campaign against the protectionists? Some of them don't know that they are producing for export. Perhaps others think that trade policy doesn't make any difference to them personally, or to their jobs. But the farmers, after much harsh experience over many years, know better.

One day last month there was a small celebration of a great event: it was the 50th anniversary of the signing of the Reciprocal Trade Agreements Act. That was the first step away from the disastrous tariff legislation of a few years earlier, and it was pushed through Congress by people who knew that the desperately depressed farm economy could not recover without open markets abroad. That extraordinary piece of legislation set a principle that, over the following generation, guided this country and its allies through the most remarkable surge of economic growth any of them had ever seen. That principle now seems to be in danger. It would be shocking to think that, of all the lobbies in Washington, only the farmers could remember what happened half a century ago.●

RECONFIRMATION OF FEDERAL JUDGES

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. DICKINSON. Mr. Speaker, as you know, at the present time, Federal district judges, circuit judges, and Supreme Court Justices serve life terms. There is no effective procedure available to remove dishonest, disabled, alcoholic, senile, or otherwise unfit members of the Federal judiciary or prevent them from performing the duties of their office short of going through the impeachment process. The impeachment process is a long and cumbersome process, and as a result, only a couple of jurists have been removed from office in more than 100 years.

Under these circumstances, there is a serious threat to the quality of justice which the people of this Nation will receive in the future from the Federal Judiciary. Accordingly, I believe this is an appropriate time to give strong consideration to my proposal requiring reconfirmation of Federal judges.

Today, I am introducing legislation which proposes an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 6 years. I believe that this bill will make judges more responsive to the people through their elected representatives, and I invite my colleagues to cosponsor. My bill would not require renomination, which is political, but would simply require that every 6 years the Senate look over the list and reconfirm—or not—all sitting Federal judges based on performance and ability.●

EMPLOYEE STOCK OWNERSHIP PLANS

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. BOSCO. Mr. Speaker, the remarkably successful and innovative concept of Employee Stock Ownership Plans [ESOP's] received a major boost with the enactment of H.R. 4170, the Deficit Reduction Act of 1984. Thanks to the foresight and diligence of Representative CHARLES RANGEL and the rest of the conferees, H.R. 4170 contains four key changes in tax law which will greatly encourage the implementation of ESOP's, a proven method of uniting labor and management in the common goals of efficiency and profit.

Basically, ESOP's enable average working people to acquire a part ownership of their workplace, thus allowing them to produce through their ownership of productive capital and their own labor. ESOP's provide a unique relationship whereby what is good for the capital side of the company is good for the labor side, because those who perform the labor also own the stock: labor benefits from the successes of the company.

There are over 5,000 firms today that have instituted some form of ESOP, in which employees have purchased stock and become part owners of the company that employs them. I would like to share with you the following ESOP success stories:

Lowe's Co. is a major home center chain in the Southeast, with about 9,000 employees and $1.3 billion in sales. They are listed in America's 100 best companies to work for, just published, primarily because of their ESOP. Their ESOP has full employee-shareholder voting rights, and employee votes are typically even more promanagment than outside shareholder votes.

The Mad Butcher is the largest retail grocery chain in central Arkansas, employing about 500 people. The percentage of employee ownership grew gradually during the 1970's and reached 100 percent in a final transaction last year. They did not have employee-shareholder voting rights originally, but voluntarily decided to do so after becoming 100 percent ESOP owned.

Bofors Lithographers is a 100-percent employee owned printing firm in San Mateo. While Bofors does not have employee-shareholder voting rights, they do stress heavily employee shop-floor participation is decisionmaking, and keeep their books open to all employees.

Weirton Steel is the well publicized West Viginia ESOP that saved 7,000 jobs earlier this year. In their first quarter of operation as an independent employee-owned firm, they brought back 600 laid-off workers and earned a profit of $9.7 million. Not only was this their first profitable quarter since 1981, but it was the biggest first quarter profit of any American steel company this year—including Weirton's former parent, National Steel. The Weirton plan includes extensive employee involvement in shop floor decisionmaking, and voting rights will pass to employees as the loan is paid off.

Prior to Weirton Steel, Hyatt-Clark Industries was the biggest ESOP buyout in a plant-closing situation. It has been a GM plant losing $1 million a month; now it is 100 percent employee-owned and making $1 million a month. As is the case in Weirton, voting rights are scheduled to pass to employees as their loans are paid down.

Up-Right, Inc. is a scaffolding and farm equipment manufacturer in Berkeley about 40 percent ESOP owned, and with full employee-shareholder voting rights. The two industries they serve are in depressed conditions, so they are not presently making a substantial sum of money, but management is confident they are doing much better than they would have been without the ESOP.

Fastner Industries, an Ohio manufacturer of nuts and bolts, is 100 percent employee owned and has a highly democratic management structure including not only employee-shareholder voting rights but immediate 100-percent vesting and a strong commitment to employee participation in decisionmaking.

Old Stone Bank in Providence is 33-percent employee owned and is thus no longer afraid of the bank takeover boom expected to accompany deregulation. Their employees like their ESOP so much that management is confident they would use their employee shareholder voting power to resist a takeover.

ComSonics Corp. is a Virginia cable TV equipment producer and a high ranking member of Inc. magazines' list of the 500 fastest growing private companies. Employees own 20 percent of its stock and will ultimately own 100 percent; the majority owners is an outspoken advocate of what he calls "participative management" and the firm is one of three finalists for a Virginia Productivity Award.

The four major changes in tax law that should encourage many more ESOP success stores are:

1. Lenders that make loans to ESOP companies can now exempt from taxation 50 percent of the interest earned from such loans. Reducing capital gains by 50 percent should greatly encourage investing in ESOP companies.

2. Dividends of ESOP companies passed on to employees will now be tax deductible for ESOP employers.

3. A sale of a 30-percent interest to an ESOP will now be a tax-free exchange similar to a sale to a larger company.

4. Finally, an estate may now transfer its estate liability to an ESOP by transferring an equivalent amount of stock to the ESOP.

I commend the fine work of the tax bill conference committee and am proud to have played a part in the enactment of these important changes to our Tax Code.●

TRIBUTE TO MONSIEUR BERTRAND BARRE

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mrs. LLOYD. Mr. Speaker, Monsieur Bertrand Barre will be returning to France this month after having served nearly 4 years as nuclear attaché to the Embassy of France. During his tenure, Mr. Barre has been an eloquent spokesman for the French nuclear energy program, and I have regarded his expertise on nuclear matters both here and abroad with great admiration. He was the first foreign national to present his Government's viewpoint on nuclear energy and breeder reactor technology before our subcommittee hearing on the Clinch River breeder reactor last year.

As many colleagues know, France is a leading proponent of breeder reactors among our allies, and has assumed a position of world leadership in developing this technology for comercial use. The 1,200-MWe Superphenix reactor will be the largest operating breeder reactor in the free world when it goes on line next year. Mr. Barre has always counseled the Energy Research and Production Subcommittee that the United States must participate in a substantive way in this worldwide enterprise. In his testimony before my subcommittee last September, he stated that, "The world needs a U.S. breeder program, as [the U.S.] needs a European and Japanese program." He went on to say, "If you give up, I don't think that will doom the breeder programs elsewhere in the world, but we will certainly miss you."

Well, we will certainly miss you, Mr. Barre. On behalf of myself, the subcommittee, and the staff, we bid you a fond "au revoir," and wish you well in your future assignments.●

SOVIET MASSACRES OF INNOCENT AFGHAN PEOPLE CONTINUE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. YOUNG. Mr. Speaker, the ruthless Soviet Army has massacred thousands of innocent Afghan villagers in the 5 years since the Kremlin directed the invasion of Afghanistan.

It is a record so repulsive that many Soviet officers and soldiers have defected and given themselves up rather than continue to obey their orders to slaughter the Afghan people. Afghan refugees crossing into Pakistan recently told of Soviet massacres in three villages near Qandahar. Jonathan Broder of the Chicago Tribune has written of their horrifying recollections of one day last fall when Soviet troops killed 360 Afghan civilians.

Survivors described in detail how the Soviets entered in tanks, armored personnel carriers and on foot, cutting down old people, women and small children where they stood. They said some villagers were lined up against walls and shot; others were gunned down in their homes.

Bloody and inhumane scenes such as this have been repeated time and again by Soviet troops throughout the world. Unlike the Soviet Union, we have never used our military to slaughter innocent men, women, and children as the Soviets have done in Afghanistan. We have never used our powerful military strength to eliminate the national identities of nations as the Soviet Union has done in the Ukraine and the Baltic States of Estonia, Latvia, and Lithuania. We have never used our military power to oppress the rights of people as the Soviets have done in Hungary, Poland, and Czechoslovakia. We have never created surrogate hoodlums to roam and terrorize the world as the Soviets have done with Cuba and Vietnam.

Instead, our Nation has sought to preserve freedom and liberty for ourselves and our allies. Our military has been a deterrent force to those who would seek to deny those freedoms and has proven to be ready to respond to aggression by our enemies. Never has our military been ordered to deny the freedom of a nation or randomly slaughter people as the Soviets have done.

Following my remarks is one of many stories of the Afghan refugees. It is a stirring reminder of the great differences that exist between the Soviet Union and our own Nation.

The article follows:

[From the Chicago Tribune, July 17, 1984]

SURVIVORS SAY SOVIETS MASSACRED CIVILIANS IN AFGHAN VILLAGES

(By Jonathan Broder)

QUETTA, PAKISTAN.—Soviet troops killed at least 360 civilians in three villages near the southern Afghan city of Qandahar last fall, then doused the bodies with a chemical that promotes rapid decomposition, according to witnesses and survivors.

The massacre in the villages of Bala Karz, Mushkizi and Kulchabad, clustered on the outskirts of Qandahar, occurred Oct. 12 after two days of fierce fighting between Soviet troops and Moslem mujaheddin fighters.

The killings appeared to have been committed in revenge for heavy Soviet casualties, said survivors who have become refugees in this dusty Pakistani border city 140 miles south of Qandahar.

There have been repeated claims of massacres by Soviet troops since Soviet forces

invaded Afghanistan in December 1979, but the stories have been difficult to confirm because of secrecy and poor communications.

Last fall western diplomats in New Delhi gave sketchy reports of large numbers of civilians killed near Qandahar. But the first details from witnesses emerged only last week after survivors crossed Afghanistan's southern border into Pakistan.

More than a dozen survivors and witnesses were interviewed through independent Pathan-speaking interpreters in hospitals and refugee camps in Pakistan.

All spoke of heavy Soviet reliance on helicopter gunships and artillery in the preliminary battles against the Afghan guerrillas. The effectiveness of such tactics and the retreat of the mujaheddin into the surrounding fields left the civilians defenseless when Soviet armored columns rumbled into the three hamlets on the morning of Oct. 12.

Survivors described in detail how the Soviets entered in tanks, armored personnel carriers and on foot, cutting down old people, women and small children where they stood. They said some villagers were lined up against walls and shot; others were gunned down in their homes.

Survivors said the Soviets doused the corpses with a chemical that accelerates decomposition to a matter of hours. They said the Soviets were aware of the widely held Afghan superstition that the bodies of mujaheddin fighters decompose more slowly than those of the enemy, thereby proving the superiority of their religious struggle.

Survivors said the three villages are deserted. Before the reported massacre, the population in each had swollen to 3,000 because of the influx of squatters from the countryside.

In reconstructing the events, Abdul Wassi, 25, an Afghan guerrilla commander, said that two days before the massacre he led 200 fighters of the Jamiat-i-Islami guerrilla group, one of six major rebel organizations in Afghanistan, in a successful ambush against a Soviet armored column about four miles northeast of the three villages.

The next afternoon, on Oct. 11, Wassi said he learned that about 500 Soviet soldiers had regrouped and were moving with about 50 tanks and 50 armored personnel carriers toward the Khalki bridge intersection, which commands the western approach to the hamlets.

"We fought them at the bridge for several hours," Wassi said. "Then . . . we retreated to the orchards and fields around the villages after sundown and from there staged hit-and-run attacks against the Soviets during the night."

Survivors said the people of Bala Karz, Mushkizi and Kulchabad could hear the fighting in the orchards that dot the slopes about two miles from the villages. But they said it was not until dawn on Oct. 12, when a few guerrillas managed to slip back into the hamlets, that some people learned that Soviet and Afghan Army troops were about to enter the villages. Some villagers fled to the surrounding fields, survivors said, but many awoke that morning not knowing of the danger.

In Bala Karz, Gul Bebe, a widow in her 40s with four children, said she awoke early that day to lend a hand at a village wedding. She said she was visiting the groom's house when she heard shooting and explosions in Mushkizi, 300 yards down the road.

"I started to run home to fetch my children," she said. "A dozen women came running toward me and said the Russians had entered Mushkizi and killed many people. We began to run the other way, toward Kulchabad, when another group of women came running from that direction, warning us to turn back because the Russians had entered Kulchabad from that side. So we ran into the nearest house."

Gul Bebe said the 25 women watched from the windows as 50 Soviet soldiers appeared suddenly on the street, firing wildly and then fanning out to conduct house-to-house searches. One of the soldiers kicked open their door, and 10 Soviets entered the house, she said.

"The first thing the Russians did was start looking for food," Gul Bebe said. "They found some bread and began stuffing it into their mouths. They were very hungry. . . . Then they ordered us outside to another house."

Inside the second house, Gul Bebe said, they joined five other women. She said the Soviets began taking their jewelry and money.

"We told them to take everything but don't touch us," she said. At that point, Gul Bebe added, a few Afghan Army soldiers entered the house. Lowering her voice in shame, Gul Bebe then said, "There was an attempt on us. A few Russians took two girls, about 15 or 16 years old, and separated them from the rest of us. They tried to remove their chadors (full-length Moslem veils).

"One of the old women took out some money she was hiding in her dress and offered to the Russians to leave the girls alone. The Russians took the money and kept on handling the girls and trying to tear off the front of their dresses. Then I heard an Afghan soldier shouting at the Russians in their own language. I looked at him, and he was trembling with anger.

"I was not worried about the girls anymore. I was very frightened for myself, and I was looking for a hiding place. Then I heard a long burst of gunfire, and I saw three Russians fall down. Then there was a silence, and I ran away as fast as I could. As I was running, I heard more explosions and shooting, and then I felt a hot pain in my leg. I fell into a hole and passed out."

At the same time that the Soviets were sweeping through Bala Karz, witnesses said, other units attacked Mushkizi and Kulchabad, which flank Bala Karz on the east and west.

Sardar Mohammed, 55, a Kulchabad farmer, said he was among about 30 elderly men who had gathered in front of the Kulchabad village mosque to await the Soviets.

"We had several instances before when the *mujaheddin* retreated, and Russian and Afghan soldiers came in to search the village. Sometimes the old people even used to accompany them," he said. "But this time we heard shooting and explosions, and I ran to my house."

Sardar Mohammed said he reached his home just ahead of a group of Soviet soldiers who stormed into the house of Issa Jan, his neighbor.

"My daughter and I looked over the wall and saw 10 or 12 Russians and one Afghan soldier in Issa Jan's house," Sardar Mohammed said. "We could hear Issa Jan say to them, 'If you want to search, please come in.' Then the soldiers shot him."

Sardar Mohammed said his daughter fled to another neighbor's home while he hid in the house's grain bin.

"I stayed in the granary for hours. I could hear footsteps and smashing when the Russians entered and searched the house and then left," he said. "All the time I was hiding, I could hear shooting and explosions, then silence and screaming outside."

Meanwhile, in Mushkizi, Rai Mahmad, 20, a farmer and guerrilla sympathizer, stood on the roof of his home in the morning and saw armored personnel carriers advancing over the Khalki bridge into his village.

He said he ran through the streets, shouting, "The Russians are coming!" and then dashed home, where he and his father hid in a concealed tunnel under the floor.

"When we finally came out of the tunnel, it was almost dusk. Everything was charred and burned. Then we heard wailing and cries for help and went outside. The Russians had gone. The first thing we saw was four old men lying dead in the street, and they were just the first bodies we saw."

In Kulchabad, Sardar Mohammed said, the same sudden eerie silence, punctuated by wailing, prompted him to climb out of his grain bin and walk outside. "I came out in the late afternoon and went to the house of my friend, Ahadar Mohammed," he said.

"Everyone was dead. Ahadar, his wife and his baby were lying on the floor covered with blood. His 9-year-old daughter was hanging over the window, half in the house, half out. It looked like she was shot as she tried to run away.

Sardar Mohammed said other survivors joined him as he went from house to house in Kulchabad, searching for relatives, neighbors and friends. "I saw with my own eyes 60 bodies altogether that day, and when we buried all the dead, I stopped counting after 150," he said.

Together with about 60 other fighters, a young rebel who got his family out in time, Lal Mohammed, 25, entered his village of Mushkizi to find Rai Mahmad, his father and other survivors dragging corpses into the center square.

"We went from house to house and found everyone dead. Even the animals—the cows, the donkeys, the cats and dogs—were shot dead," he said. "Outside in the street, we found nine dead children. All were shot in the head. Some of them still had their toys in their hands."

Meanwhile, in Bala Karz, Gul Bebe regained consciousness at the bottom of a 3-foot-deep ground oven, unable to move her right leg where a bullet had shattered her shin.

"The first thing I heard was a small baby crying," she said. "After a while, I heard footsteps above and shouted for help. The person who took me out of the oven was my husband's cousin. He put me down in the middle of the courtyard and wrapped his turban around my leg.

"I looked around the courtyard and saw many bodies of dead women and children and old people lying there. My husband's cousin went over and picked up the baby, which was trying to suck the breast of his dead mother. He carried the baby over to me and asked me to keep it until the rest of the villagers could come and identify their dead relatives.

The villagers spent the night burying the dead in a mass grave, survivors said. Sardar Mohammed said 360 victims were buried. Lal Mohammed, who also helped bury the bodies, estimated that 100 people died in Bala Karz, another 100 in Mushkizi and between 160 and 170 in Kulchabad.

The morning after the massacre, Gul Bebe said, she was wrapped in a blanket along with the infant and placed atop a camel for a 60-mile journey with armed guerrilla escorts across the desert to the Pakistani border town of Chaman, where the International Committee of the Red Cross maintains a clinic for wounded Afghans. There, Red Cross officials put them on a train to Quetta, she said.

Most of the other survivors interviewed said they remained in their villages until a few months ago to harvest their crops, then moved to Qandahar to join relatives. But on June 28, the survivors said, Soviet warplanes heavily bombed the guerrilla-controlled quarter of Qandahar, killing at least 200 people.

Sardar Mohammed, Rai Mahmad, Abdul Wassi and their families were among those who crossed into Pakistan last week after the Qandahar bombing, according to records of the United Nations High Commission for Refugees in Pakistan.●

FAMILY PROGRAMS HURT BY BUDGET CUTS

HON. PATRICIA SCHROEDER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mrs. SCHROEDER. Mr. Speaker, I have prepared for my colleagues an analysis of the impact of the budget cuts on children, youth, and families.

The Select Committee on Children, Youth, and Families, on which I serve as chair of the Economic Security Task Force, has held extensive hearings which reveal that families have suffered as a result of the budget cuts during the last 3 years. These cuts represent a step back from this country's commitment to children and their families.

Programs that serve children, youth, and families will be cut by almost $62 billion during the Reagan administration. These figures are based on projections of the Congressional Budget Office. They are literal estimates of reductions in outlays based on 1980 law before the legislative changes instituted under the Reagan administration.

The damage done by these cuts would have almost doubled if Congress had not rejected an additional $52 billion in cuts proposed by the Reagan administration during fiscal years 1982-84.

The tables below are based on official administration budget requests and actual congressional appropriations for major programs that serve children, youth, and families:

FUNDING OF PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES, FISCAL YEARS 1981–85

[Administration requests and actual appropriations, in billions of dollars]

Programs	Fiscal year 1981 appropriations	Fiscal years 1982–84 budget requests	Fiscal years 1982–84 appropriations	Fiscal years 1982–84 congressional restorations	Total outlay changes resulting from legislative changes enacted since January, 1981 [1] (in billions of dollars, current)
Education	12.3	29.2	39.3	+10.1	−9.1
Nutrition	4.7	11.3	14.0	+2.7	−5.0
Health and handicapped	1.7	4.0	4.5	+.5	−1.4
Social services	4.0	9.0	10.6	+1.6	−3.9
Youth and employment	8.1	9.6	11.5	+1.9	−25.0
Housing	26.1	13.1	36.2	+23.1	−1.8
ENTITLEMENTS (budget authority)					
Food stamp	11.4	32.9	35.8	+2.9	−7.0
Medicaid	16.2	49.8	57.6	+7.8	−3.9
AFDC [2]	7.1	19.6	21.4	+1.8	−4.8
Totals	91.6	178.5	230.9	+52.4	−61.9

[1] Congressional Budget Office, "Major Legislative Changes in Human Resources Programs Since January 1981," p. vi, August 1983.
[2] Aid to Families with Dependent Children.

FUNDING OF PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES, FISCAL YEARS 1981–85

[Administration requests and actual appropriations, in millions of dollars]

Program	Recipients	Fiscal year 1981 actual	Fiscal year 1982		Fiscal year 1983		Fiscal year 1984		Fiscal year 1985 request
			Request	Actual	Request	Actual	Request	Actual	
EDUCATION									
Compensatory (chapter I)	4,800,000	2,952	2,474	3,034	1,942	3,200	3,014	3,480	3,480
Handicapped	4,000,000	1,025	[1] 784	1,069	846	1,199	1,110	1,239	1,214
Bilingual	207,000	161	127	138	95	138	95	139	139
Vocational	16,900,000	682	[1] 549	656	500	729	500	738	738
Guaranteed student loan	2,927,253	2,535	2,410	3,074	2,485	3,101	2,047	2,257	2,841
Student financial aid	6,238,000	3,801	1,151	3,569	1,800	3,618	3,568	3,987	3,654
Refugee children	143,207	22	21	20	0	17	0	17	13
Indian education	363,156	345	363	341	308	367	241	329	345
Head Start	390,000	820	836	912	912	912	975	995	995
HEALTH									
Maternal and child health (block grant)		454	[3] 374	374	[4] BG	478	373	399	407
Alcohol, drug abuse, and mental health (block grant)		518	[3] 432	432	432	469	439	462	472
Primary care (block grant)—community health centers	4,600,000	324	[3] 281	281	[5] BG	360	[5] BG	337	[5] BG
Migrant health	394,000	44	[3] 38	38	[5] BG	38	[5] BG	42	[5] BG
Family planning	3,300,000	166	[3] 124	124	[5] BG	125	[5] BG	140	[5] BG
Preventive care (block grant)		93	79	79	83	86	85	87	89
HANDICAPPED									
Developmental disabilities	500,000	59	61	59	32	61	41	62	64
NUTRITION									
Women, Infants, and Children (WIC) [6]	2,700,000	900	703	904	[6] BG	1,160	1,060	[7] 1,227	1,254
Commodity supplental food	126,000	27	22	29	[6] BG	33	20	[7] 40	23
Child nutrition [8]		3,791	2,316	3,170	3,153	3,613	3,245	[7] 3,862	3,975
School lunch	23,100,000	2,373	1,772	2,045	2,221	2,354	2,278	[7] 2,556	2,668
School breakfast	3,400,000	323	299	319	0	345	0	[7] 373	393
Child care food	965,000	295	242	270	0	335	0	[7] 357	0
Summer food	1,400,000	149	0	89	0	92	0	[7] 105	0
Nutrition education and studies		19	3	8	0	7	0	[7] 7	0
Commodity assistance [10]	25,000,000	632	0	439	444	480	432	[7] 464	470
Proposed block grant					488		535		444
SOCIAL SERVICES									
Title XX/social services block grant	7,000,000	2,992	[1] 2,460	2,460	1,974	2,675	2,560	2,675	2,700
Child welfare services	1,200,000	164	[11] 156	156	[12] BG	156	156	165	169
Foster care	98,000	328	[11] 300	300	[13] BG	395	440	440	460
Child abuse		23	[11] 16	16	[14] BG	16	[14] 6	17	[14] 7

FUNDING OF PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES, FISCAL YEARS 1981–85—Continued

[Administration requests and actual appropriations, in millions of dollars]

Program	Recipients	Fiscal year 1981 actual	Fiscal year 1982		Fiscal year 1983		Fiscal year 1984		Fiscal year 1985 request
			Request	Actual	Request	Actual	Request	Actual	
Runaway youth	177,000	11	[11] 11	11	7	22	11	23	11
Community services block grant		526	[12] 390	366	112	386	0	352	0
YOUTH									
Juvenile justice		100	0	69	0	70	0	70	0
CETA/JTPA [15]		7,638	3,238	3,071	2,387	3,871	[16] 3,573	3,606	3,611
Job Corps		561	734	590	387	618	586	578	600
Summer youth program		838	674	676	0	825	725	725	638
Work Incentive Program (WIN)	1,000,000	365	385	281	0	271	0	271	0

[1] September budget revisions contained block grant proposals and line item estimates.
[2] Proposed consolidation of vocational education and adult education.
[3] Although the administration originally proposed consolidation of categorical health programs into two health block grants, funding levels for fiscal year 1982 were established by the Omnibus Budget and Reconciliation Act of 1981, the provisions of which were worked out by the White House and the House Republicans.
[4] The administration proposed combining maternal and child health with the WIC program, to be funded at $1 billion $278 million less than fiscal year 1982 funding levels. It is assumed that if passed the reductions would have been shared equally.
[5] The administration proposed combining migrant health, family planning, and black lung clinics with the primary care block grant in fiscal years 1983, 1984 and 1985. It is assumed that if passed the reductions would have been shared equally.
[6] Based on amount appropriated. Does not include unspent funds from a previous fiscal year.
[7] Includes supplemental appropriations requested by the administration to complete funding for the full fiscal year. Current WIC appropriation expires on July 10, 1984, and the administration's supplemental would provide $167 million. For child nutrition programs, which run out of funds on August 15, 1984, the administration requests a supplemental of $545.5 million.
[8] Reflects administration proposal to fold WIC into the maternal and child health care block grant, with funding $278 million less than 1982. It is assumed that if passed the reduction would have been shared equally.
[9] Does not include State administrative funds, or food service equipment assistance, which was terminated at the end of fiscal year 1981 under the 1981 Budget Reconciliation Act.
[10] Includes all commodities needed to meet the entitlement. Bonus commodities are not included.
[11] Administration proposed consolidating various categorical programs into a social services block grant. Although Congress created the social services block grant, it maintained some of the programs separately. Although earlier budgets were proposed by the administration, funding levels were agreed upon by the White House and House Republicans and established by the Omnibus Budget and Reconciliation Act of 1981.
[12] The community services block grant replaced antipoverty activities previously conducted by the Community Services Administration, which was abolished by the Omnibus Budget and Reconciliation Act, effective October 1, 1981. Although the administration originally proposed to consolidate these activities into the social services block grant, Congress rejected this proposal and created two block grants.
[13] Administration proposed consolidation of these programs into expanded block grants; funding for child welfare services at $161 million and foster care at $245 million.
[14] In fiscal year 1983 the administration proposed consolidating the child abuse discretionary, adoption opportunities, and child welfare research and demonstration programs with funding at $5 million. In fiscal year 1984, the administration proposed a single amount, $6 million, for the 3 programs and in fiscal year 1985 requested $7 million.
[15] Comprehensive Employment Training Act/Job Training Partnership Act.
[16] JTPA is funded by program year (July 1–June 30) rather than by fiscal year.

FUNDING OF PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES, FISCAL YEARS 1981–85

[In billions of dollars]

Program	Recipients	Fiscal year 1981 budget authority actual	Fiscal year 1982 budget authority		Fiscal year 1983 budget authority		Fiscal year 1984 budget authority		Fiscal year 1985 budget authority request
			Request	Actual	Request	Actual	Request	Actual	
HOUSING									
Assisted housing (section 8 rental assistance and public housing)	[1] 3,100,000	25.0	[2] 8	[3] 13.3	[4] −2.4	8.7	3.6	9.9	6.2
Operating subsidies for public housing		1.1	1.2	1.5	1.1	1.4	1.6	1.4	1.1

[1] 42 percent all residents of section 8 rental housing assistance are under age 18 (1.3 million children). 50 percent all residents of public housing are under age 18 (1.8 million children).
[2] The administration requested $17.4 billion which was later reduced to $8 billion when a rescission of $9.4 billion was requested.
[3] Congress appropriated $17.4 billion which was reduced when Congress agreed to a $4.1 billion rescission.
[4] The administration proposed funding by recaptures and rescissions of $2.4 billion, with no new budget authority.

FUNDING OF PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES, FISCAL YEARS 1981–85

[Administration requests and actual appropriations, in billions of dollars]

Program	Recipients	Fiscal year 1981 actual	Fiscal year 1982		Fiscal year 1983		Fiscal year 1984		Fiscal year 1985 request
			Request	Actual	Request	Actual	Request	Actual	
ENTITLEMENTS									
Food stamp	[1] 21.6 [2] 47 percent	11.4	10.8	11.3	10.4	12.8	11.7	11.7	11.6
Medicaid	9,600,000	16.2	12.2	18.0	12.9	19.0	20.7	20.6	22.1
Aid to Families with Dependent Children (AFDC)	[3] 10,400,000	7.1	7.1	6.9	6.1	7.2	6.4	7.3	6.6

[1] Million. [2] Percent children. [3] Children—70 percent of AFDC participants.

FUNDING OF PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES, FISCAL YEARS 1981–85

[Administration requests and actual appropriations, in millions of dollars]

Program	Fiscal year 1981 appropriations	Fiscal years 1982–84 budget requests	Fiscal years 1982–84 appropriations	Fiscal years 1982–84 congressional restorations
EDUCATION				
Compensatory education (chapter I)	2,952	7,430	9,714	2,284
Handicapped education	1,025	2,740	3,507	767
Bilingual education	161	317	415	98
Vocational education	682	1,549	2,123	574
Guaranteed student loan	2,535	6,942	8,432	1,490
Student financial assistance	3,801	6,519	11,174	4,655
Refugee children	22	21	54	33
Indian education	345	912	1,037	125
Head Start	820	2,723	2,819	96
NUTRITION				
Women, Infants, and Children (WIC)	900	2,537	3,291	754
Commodity supplemental food	27	62	102	40
Child nutrition	3,791	8,714	10,645	1,931
HEALTH				
Maternal and child health	454	982	1,251	269
Alcohol, drug abuse, and mental health	518	1,303	1,363	60
Primary care-community health centers	324	892	978	86

FUNDING OF PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES, FISCAL YEARS 1981–85—Continued

[Administration requests and actual appropriations, in millions of dollars]

Program	Fiscal year 1981 appropriations	Fiscal years 1982–84 budget requests	Fiscal years 1982–84 appropriations	Fiscal years 1982–84 congressional restorations
Migrant health	44	84	118	34
Family planning	166	343	389	46
Preventive care	93	247	252	5
Developmental disabilities	59	134	182	48
SOCIAL SERVICES				
Title XX/social services block grant	2,992	6,994	7,810	816
Child welfare services	164	473	477	4
Foster care	328	985	1,135	150
Child abuse	23	27	49	22
Runaway youth	11	25	56	31
Community services block grant	526	502	1,104	602
YOUTH				
Juvenile justice	100	0	209	209
CETA/JTPA [1]	7,638	9,198	10,548	1,350
Work incentive program	365	385	823	438
HOUSING				
Assisted housing	[3] 25,000	[3] 9,200	[3] 31,900	[3] 22,700
Operating subsidies	[3] 1,100	[3] 3,900	[3] 4,200	[3] 300
ENTITLEMENTS				
Food stamp	[3] 11,400	[3] 32,900	[3] 35,800	[3] 2,900
Medicaid	[3] 16,200	[3] 49,800	[3] 57,600	[3] 7,800
AFDC [2]	[3] 7,100	[3] 19,600	[3] 21,400	[3] 1,800

[1] Comprehensive Employment Training Act/Job Training Partnership Act. [2] Aid to Families with Dependent Children. [3] Budget authority.●

NEW VIEW OF OFFSHORE DRILLING

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. McCAIN. Mr. Speaker, when the House considers H.R. 5973, the Interior and related agencies appropriations bill for fiscal year 1985, that bill will contain prohibitions against Outer Continental Shelf [OCS] leasing off the coast of both Massachusetts and California. An amendment to strike these restrictive provisions during the Appropriations Committee markup failed by the narrow vote of 20 to 21. More and more, the public is beginning to recognize that these offshore drilling moratoriums are counterproductive and shortsighted.

In fact, U.S. oil imports during the first 6 months of 1984 surpassed last year's levels by 25 percent. The U.S. remains dependent upon foreign sources for nearly one-third of our crude oil and oil product requirements. The cost of imported oil in 1983 was $55 billion, an amount nearly equivalent to our total trade deficit for the year.

In the face of these figures, we face growing pressure to replace our declining domestic reserves with new discoveries. These discoveries take time, and sometimes a decade or more is required before newly discovered oil and gas can be brought onstream.

In light of these facts, the last thing we need is a on-again/off-again policy toward exploration and production on offshore Federal lands, where the largest new discoveries are likely to be made.

A recent editorial appearing in the Arizona Republic highlights these concerns. I commend it to the attention and review of my colleagues.

NEW VIEW OF OFFSHORE DRILLING

Although the process has been slow, Congress seems to have been gradually changing its attitude toward offshore oil drilling.

However, a general ban on offshore drilling will probably not be lifted until a new Congress convenes next year, since the months ahead will be devoted to political conventions and then the fall election.

There are reasons for the change of attitude:

The nation's vulnerability to oil-import disruptions, particularly increasing risks caused by the Iran-Iraq war.

The patient work of Interior Secretary William Clark who has made domestic energy development a top priority.

The United States has reduced its dependence on Persian Gulf imports. But the possibility of American military intervention in the area remains because U.S. allies in Western Europe and Japan are still highly dependent on Arab oil.

Americans spend $52 billion on imported oil last year. That was three-fourths of the nation's total trade deficit in 1983. The total deficit may soar to $130 billion this year.

This should not be. The federal government has 4 billion acres available for leasing where oil might be located. Only 20 million acres has been leased.

Moreover, Congress ordered the interior secretary in both 1953 and 1978 to make such offshore oil and gas deposits productive. However, in the past two years, Congress reversed itself and prohibited production on 52 million acres containing an estimated 2.2 billion barrels of oil.

The House Appropriations Committee recently approved renewed drilling bans off both Massachusetts and California. But it allowed a ban off the Florida Gulf Coast to lapse and decided not to prohibit drilling off Alaska's Bristol Bay.

Clark, who believes the attitude in Congress is starting to swing his way, argues that after more than two decades of talk about producing offshore oil, the country still does not have a producing oil or gas well in federal waters off Alaska or the Atlantic Coast.

He also cites how Interior consults far more with state and local governments in choosing or rejecting development and production sites, and Clark says no environmentally sensitive areas will be leased.

Congress has been talking one way and acting another for more than 20 years. It has ordered Interior to produce more domestic energy while placing one barrier after another in its way.

A reversal of this attitude cannot come too soon.●

TRIBUTE TO NORMAN GILL

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. MOODY. Mr. Speaker, I would like to take a moment to express my gratitude for the work of one member of the community of Milwaukee, WI, whose life has been one of selfless dedication to the public good. That person is Norman Gill.

On July 1, 1945, when some of the current public officials in Milwaukee were still children, and many were not yet born, Mr. Gill became the founding father of the Citizens Governmental Research Bureau. This organization, funded through donations by private industry in Milwaukee, has since been synonymous with Mr. Gill's tireless inspection of public policy and social trends in the Greater Milwaukee area. That its voice has been one of dispassionate and respected analysis has been exemplified by the long list of community leaders that have served on its board of directors.

But beyond the strength of his organization, Mr. Gill's own personal presence has served as a dynamic to foment solid public policy at all levels in Milwuakee's decisionmaking bodies. He has tirelessly given of his time and expertise whenever called upon, and his words and insights have been the bedrock of many of the policies which guide our city today.

Although Mr. Gill has chosen to retire at this time from the Citizens Governmental Research Bureau, he intends to remain highly visible and active in his new position in the Political Science Department at Marquette University. Upon this new endeavor I wish Mr. Gill well, and look forward to his words of wisdom for many years to come.●

TRIBUTE TO DR. JOHN F. BRENSIKE

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. GORE. Mr. Speaker, on July 1, 1984, this Nation lost a selfless public servant and one of our greatest leaders in the field of preventive health care—Dr. John F. Brensike. Dr. Brensike, only 41 when he died, was the founder and president of the National Health Screening Council for Volunteer Organizations, a nonprofit organization which provided health education and screening services to millions of Americans through a nationwide system of health fairs.

It is impossible to overstate Dr. Brensike's contribution to the public health and his enduring legacy in the health fair organization. John Brensike was a dreamer. Nine years ago he dreamed of an organization that would make available free health screenings for the entire population of the United States. He envisioned senior citizen health fairs, student health fairs, minority health fairs, employer initiated health fairs, and government health fairs. He wanted screenings to be made available to everyone free of charge, not as a substitute for a physical, but as a yardstick to make decisions about one's health and lifestyle. He didn't want to preach, he wanted the health fair screenings to speak for themselves. He had a deeply felt belief that people properly informed, would make the correct decisions about their health.

Now, nearly a decade later, his organization has accomplished all this and more. Operating in nearly every State in the country and several countries overseas, the NHSCVO has provided hundreds of millions of dollars of free health screening services to millions of Americans. Dr. Brensike perhaps did more than any single individual in promoting our awareness of our health risks and how we can promote better health. He helped give Americans a reason to hope and the courage to change. He saved literally thousands of lives.

This is no small measure of a man but it doesn't begin to tell you the level of his sacrifice. The health fair organization rested entirely on his shoulders. He was its visionary, its fundraiser, its administrator and its conscience. Nine years ago there were but one or two employees, today there are more than 150. He was a cardiologist who worked 24-hour stints in the emergency rooms of hospitals to feed his family. But he spent every other waking minute devoted to health fairs. What is remarkable is that Dr. Brensike never took a cent for his work. Health fairs were his hobby, his love, his dream and to be paid somehow seemed wrong to him. Those of us who knew Dr. Brensike were humbled by his selflessness, his caring and his devotion.

John was persistent and enormously persuasive, driven to show you the underlying logic of his idea. A meeting with him was exhausting but thought provoking and exhilerating. John told me before his death that his next project was to end world hunger without the use of Federal funds. He laid out a credible vision of how his world hunger plan would work, but the idea seemed impossible. One person to coordinate all those resources with private money and volunteer services and without government funding? But on further reflection it occurred to me that as fantastic as his concept was and as devastating as the problem is, it would be Dr. John Brensike that could make it happen.

Many of my colleagues had not had a chance to meet Dr. Brensike before his death, yet they, their staffs and their constituents were touched by him. For 4 years he organized the House-Senate health fairs—a service we have almost begun to take for granted. Several years ago when I asked if he would bring his program to Tennessee, he was on the phone the next day. His personal energy was enormous, his commitment unshakeable.

John left a loving wife, Linda, and five children, John Scott, Doreen, Eve, Karl, and Julie. They were his reason to pursue his dreams and the strength of his success.

Two weeks ago a funeral service was held for Dr. Brensike. He was eulogized by noted health educator Dr. Tim Johnson. I would like to preserve Dr. Johnson's remarks as a tribute to this remarkable man. Dr. Brensike's energy and vision will remain a challenge to all who knew him.

EULOGY BY DR. JIM JOHNSON

There are many among you this morning who knew John more intimately than did I, but it is not inappropriate that I stand here on behalf of those many he touched in the public sector, because that was such a large part of his work and time, and I am honored to speak on their behalf. In one way, it is not difficult to remember John, because, as the cliché goes, what you saw was what you got. He was not subtle in either appearance or style. Indeed, when one thinks of his appearance, one has to smile inwardly if not outwardly. The holes in the shoes, the ancient labels in the suits, the hairstyle from another era. John was, I think, the only man or woman that I have known who truly did not care about unimportant things. Nor was his style one of subtlety. His persistence, his refusal, to accept "no" as an answer on behalf of his dream, the late night phone calls when most of us were heading for bed, or already in bed. The pushing for "just one more consideration", one more vision. But to judge John Brensike just on his style or appearance would be to miss the point, because those were merely symbols of the greater truth about John, namely that he was one of those very rare individuals who not only had a dream but who lived it out, who was a true believer in his dream. And who among us this morning would dare to suggest that John could have or should have lived any differently than he did, because he followed his dream, he explored depths in himself and caused others to feel depths in themselves that otherwise would have been missed. John's dream required that he use the vast resources of his intelligence, and make no mistake about it, John Brensike was a very bright man. A quick study, a sponge. His dream required that he explore the depths of his own commitment to the welfare of others. His dream required a willingness to stir up the establishment, to cause government bureaucracy and corporate structure to do things which they otherwise would never have done. John's dream required so much of him and his family. But who is to say that what he accomplished in his all too brief 41 years is not worth far more than what most of us will accomplish in a so-called "full" lifetime. Now, John was not always easy to live with, and those of you who worked with him on a day-to-day basis know that better than I do. There were times that I dreaded a phone call from John, because I knew he was going to talk me into something that I really didn't want to do. And even as I came down yesterday instead of departing on vacation as I was scheduled to do, as I said to Linda last night, I couldn't help but smiling and saying "Well, John got me again." But I'm sure I speak for all of you when I say that I wouldn't have missed him for the world. And that I am a better person because I knew him. Now, finally, I want to say a very personal word about my own faith and convictions, especially to the family. I do believe that our personhood does not end with the death of the physical body, even though there is great evidence of evil and injustice and unfairness in the world, I think if we take the time, we find greater evidence of power of love and intelligence that will call us. And it will surely call someone like John who gave himself to others, to their betterment, and to their welfare. I believe that John this day is with the God who created us and will one day call us unto Himself. May God bless his memory among us all.●

IN MEMORY OF RAQUEL MARQUEZ FRANKEL

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. TORRES. Mr. Speaker, I would like to pay homage to a dear and trusted friend of mine who recently passed away. Raquel Marquez Frankel was truly an inspirational force in my life and in the life of this Nation's Hispanic community. She was a friend who I could always turn to for counseling and support.

Raquel's steadfast commitment to helping others is probably best exemplified in the founding of the Spanish Catholic Center in Washington, DC. One of her most enduring contributions, the center exists to help Hispanic immigrants make the difficult adjustment to American life. The center's services, which are provided to clients without regard for color, ethnic background, or religous affiliation, include everything from medical help to educational and job-related programs.

It is with great pride that I remember Raquel's capacity for work, demonstrated in her tremendous contribution to the Congressional Hispanic Caucus, since its inception in 1977. Raquel worked tirelessly with my friend, Congressman EDWARD ROYBAL, in founding the Hispanic Caucus. She served as its first director from 1977 until 1980 and was instrumental in its incorporation in 1978. The Hispanic Caucus is an institution that all Americans can be proud of because it has expanded the scope of this House of Representatives.

With her untimely death, Americans lost an individual who was always working to enrich the lives of those with little opportunity. She realized that in order to improve the quality of life for Hispanics, institutions dedicated to people were a necessity. The Hispanic Caucus and the Spanish Catholic Center are a part of the grand legacy Raquel left behind. As many of my colleagues have pointed out, Raquel was instrumental in the creation of several other national and community Hispanic organizations, including the National Association of Latino Elected & Appointed Officials, Mujeres en accion, the Spanish Education Development Center, GALA Bilingual Theater.

Raquel's commitment to her work and to her friends, will surely be missed. She epitomized vision, hard work, and endurance. These are all qualities that not only brought her tremendous admiration from those who knew her, but especially from those, like myself, who are eternally grateful for her ceaseless help.

There will be countless memorials for Raquel Frankel because she possessed qualities we need to respect and to emulate, and qualities essential to serve our communities. She will be remembered because she was an exceptional leader, one who rather than working to make people think highly of her, worked to make people think highly of themselves. For this I am proud to remember her as my friend.●

INTERNATIONAL FAMILY PLANNING PROGRAMS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. KOSTMAYER. Mr. Speaker, earlier this week the Philadelphia Inquirer joined those expressing their opposition to the administration's efforts to abandon America's commitment to International Family Planning programs.

The Inquirer editorial makes the case against the administration and for the continuation and in fact, the expansion of one of America's most worthwhile foreign aid programs.

I recommend the editorial to my colleagues.

[From the Philadelphia Inquirer, July 23, 1984]

WORLD POPULATION BOMB MUST BE DEFUSED NOW

For domestic consumption, to please a single-issue crowd, the Reagan administration is threatening to fan the fuse of the global population bomb. If there aren't guarantees that U.S. birth control funds won't go to international groups that subsidize or counsel abortion, the administration says, millions of American dollars—perhaps more than $50 million—might just stay at home.

Congress has forbidden since 1974 the use of federal funds for foreign abortion-related activity, but the Reagan proposal would go farther by cutting off funds to family planning groups that may subsidize abortions using other resources.

One prime recipient has been the United Nations Fund for Population Activities. And the administration will lower the boom at a U.N. World Population Conference in Mexico City on Aug. 6. The so-far prevailing White House view? World population growth isn't as bad as it's cracked up to be. And, if it was, free enterprise is a better way to combat it than birth control.

While the birth rates of developed countries, in fact, have been declining, the poorer nations—and especially cities—of the Third World are showing no such trend. Former World Bank president Robert McNamara makes a convincing case that, unchecked, the birth rates in India, El Salvador, Nigeria and other African and Asian states will bring on an ugly future: Massive unemployment, disease-infested urban jungles, food shortages, denuded environments and crushing poverty.

Consequence? Mr. McNamara predicts in Foreign Affairs magazine that poor families will be driven increasingly to the crudest means of birth control—abortion and infanticide—simply to survive.

That is the ultimate irony of the Reagan proposal developed by the Office of Policy Development and National Security. In the end—and long after the Reagan era—it will exacerbate what it purports to cure. In the interim, former Sens. Robert Taft Jr. and Joseph Tydings warned in a letter to Congress, its "fundamentalist, knownothing" political philosophy is likely to cause the U.S. serious foreign policy embarrassment.

While Mr. Reagan plays to his right wing, the realities of world politics continue to spin out their own grim scenario.

New evidence has come to light of massive starvation in China during the late 1950s when that nation attempted to readjust its industry and agriculture to serve an expanding population. Even currently in China there are widespread reports of the killing of female infants. Unfettered population growth is also likely to deepen the international debt crisis, strengthen the hand of authoritarian regimes and trigger a new wave of protectionism.

Former Delaware Gov. Russell W. Peterson, president of the National Audubon Society, has warned that the $240 million the U.S. has allocated for international family planning "is the best antidote to abortion" the U.S. can buy.

Yet, at home Mr. Reagan has pursued the same strategy—cutting funding and support for the Family Planning Services and Population Research Act, which since 1970 has been the backbone of national efforts at reducing unintended pregnancy and the need for abortion.

Economic expansion alone is not enough to defuse the population bomb. In fact, in a speech in Nairobi, Kenya, World Bank president A. W. Clausen insisted that population growth stalls the very economies that Mr. Reagan sees as saviors.

"Poverty and rapid population growth reinforce each other," Mr. Clausen said. "Therefore the international community has no alternative but to cooperate, with a sense of urgency, in an effort to slow population growth if development is to be achieved."

That's no news to the Agency for International Development, the U.S. State Department or a host of other economic experts in and out of the government who called on Mr. Reagan's inner-circle to drop the threat to defund world family-planning programs.

Their concern is palpable: Under the distracted gaze of America, they see hunger and disease expanding in the poor nations of the world. And they see the United States being further isolated and surrounded by a sea of humanity oblivious to the tub-thumping of domestic politics. Talk about a march of folly.●

NEW JERSEY ANNUAL PUERTO RICAN STATEWIDE PARADE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. RODINO. Mr. Speaker, this Sunday, July 29, as I have done for the past two decades, I will have the pleasure of attending the 21st annual Puerto Rican statewide parade. It is indeed a day of celebration for the many citizens of our Puerto Rican community. And it is a time when we

pay tribute to the Puerto Rican people of our State of New Jersey for their outstanding contributions to our society. It is a time when we celebrate the rich cultural heritage and traditions of Puerto Rican people. And it is a time when all of us—of every ethnic background—salute our friends in the Puerto Rican community and join with them in this spirit of celebration.

The parade's theme is register and vote. This theme is especially significant now in this important election year. Our political system can only grow in greatness with the greater participation of its citizens. The parade will, therefore, provide all of our citizens with a vivid and forceful reminder of the importance of the right to vote.

The statewide parade caps a week of festivities, including the opening of a Puerto Rican cultural exhibit which will be on display at Newark's city hall rotunda through August 3. The show features paintings, artifacts, and photographs by Puerto Rican artists, along with a musical program.

Newark's Mayor Kenneth Gibson will host a preparade breakfast on Sunday morning. This year's parade is appropriately dedicated to its founders: Marie Gonzalez, Antonio Perez, Ramon S. Velez, Ana Ateca, and Dr. Jose Rosario.

The grand marshal for this year's parade is Johnny Torres. The invocation will be given by Bishop David Arias. Among the many dignitaries participating will be Maribel Crespo, who was crowned Miss Puerto Rico of New Jersey for 1984.

The Puerto Rican statewide parade committee works year round to ensure the parade's success, and there are many people responsible for this mammoth undertaking. Most important is this year's president, Luz Miriam Hernandez Sanchez, who is also a staff member of the Newark Human Rights Commission. Her dedication and hard work are second to none.

The honorary members of the Puerto Rican statewide parade committee are Mayor Kenneth Gibson; Carlos Romero Barcelo, Governor of Puerto Rico; New Jersey Gov. Thomas Kean; and Dr. Jose Rosario, a founder and past president. The officers of the committee are Juan Antonio Rivera, first vice president; Juan "Johnny" Cossio, second vice president; Leslie Zayas, third vice president; Eddie Vega, fourth vice president; Luis Rodriguez, fifth vice president; Hilda Negron, sixth vice president; Iriz Ruiz, executive secretary; Marie Ruiz and Juanita Giordano, secretaries; Julio Matos, recording secretary; Freddy Soto, treasurer; Gaspar Colon, subtreasurer; William Rivera, sergeant at arms; and Miguel Rodriguez, adviser. The members at large are Matilde Baretto, Frank Rosario, Olex Heredia, Gerardo Toledo, Tony Maldonado, Ruben Rivera, and Rosin Vega. The coordinators are William Sanchez, Mariano Colon, and Sixto Lopez. Finally, the following people served as committee chairpersons: Luis Lopez [annual running marathon]; Ana Floes [Miss Puerto Rico of New Jersey pageant]; Matilde Barreto [annual yearbook]; and Miguel Rodriguez [annual banquet].

It will indeed be a privilege and pleasure to join once again with my many friends in the Puerto Rican community in this year's outstanding celebration of the statewide Puerto Rican parade.●

THE TUOLOMNE RIVER AND ENVIRONMENTAL POLICY

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mrs. BOXER. Mr. Speaker, this administration has failed to name even one addition to the Federal Wild and Scenic River System.

I invite the President and his Environmental Agency people to do what I did last weekend—to take a raft trip down the magnificent Tuolomne River near Yosemite—and then to make their first addition—the Tuolomne River.

When I completed the overnight raft trip the press asked me what I had learned. I explained that it wasn't so much what I learned but what I felt.

As I looked around the setting of this river, the rushing whitewater, the magnificent mountains, the beautiful natural beaches, the waterfalls—I realized that there would be no way for humankind to improve on nature—no way.

The Tuolomne River is God's gift to us: we owe it to our generation and to future generations not to destroy this wonder of nature.

"We have not inherited the Earth, we are borrowing it from our children." So said David Brower. I say Amen.●

MASSACHUSETTS REJECTS CRISIS RELOCATION PLANNING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. FRANK. Mr. Speaker, even as President Reagan's defense policies have reduced the response time for a nuclear attack to fewer and fewer minutes, and even as the evidence mounts that there is no possible way to localize the effects of even a small nuclear exchange, the Reagan administration continues to pursue the Federal Emergency Management Agency's crisis relocation plan. Crisis relocation is a plan to move millions of Americans from urban areas into rural areas in anticipation of nuclear attack.

I do not believe that it is constructive to deal with the nuclear threat in this way. In the first place, the plan is highly impractical. Every major city in our Nation is faced with traffic problems that reduce car travel to a standstill during rush hours. It is inconceivable that an exodus such as that envisioned by FEMA could be carried out in any sort of logical way free of hysteria. Furthermore, it is becoming more and more clear that there is nowhere to run. The so-called nuclear winter, which is gaining credibility even among the Defense Establishment, affects both urban and rural areas with equal devastation. Finally, crisis relocation planning is the kind of preparing for nuclear war that has caused people around the world to doubt the Reagan administration's commitment to nuclear disarmanent. For these reasons and more, many States and localities have strongly resisted FEMA's offices in this area.

The State of Massachusetts has, I believe, responded in a responsible and rational way to FEMA's misguided strategy. Gov. Michael Dukakis has signed an executive order that restores emergency management to those areas where assistance can be effective. Massachusetts has properly determined that precious resources to aid victims of both manmade and natural disasters will not be expended for an absurd effort to make nuclear conflict seem less horrific than it is.

I applaud Governor Dukakis for his reasonable response to an unreasonable Federal program. And I commend Massachusetts' Executive Order No. 242 to all my colleagues:

EXECUTIVE ORDER No. 242

(By His Excellency Michael S. Dukakis, Governor)

Whereas, every community across the Commonwealth is exposed to multiple hazards, all of which have the potential to disrupt the community, damage property and cause loss of life; and

Whereas, such emergencies come in many categories: technological and man-made hazards caused by the production, transportation, use and disposal of chemicals, radioactive materials and fuels; urban fires; nuclear power plant accidents; natural disasters such as hurricanes, tornadoes, floods, earthquakes, drought, blizzards, extreme cold, and sea surges; internal disturbances such as riots, demonstrations, prison breaks, strikes leading to violence or lack of human services, acts of terrorism; energy and material shortages from weather, strikes, price wars, labor problems and resource scarcity; and finally, the ultimate emergency, attack by a hostile power, whether nuclear, conventional, terrorist, chemical or an attack accomplished through biological warfare; and

Whereas, from time to time circumstances require that we reevaluate the direction and

goals of agency programs, including close examination of the nature of evacuation plans being developed under Executive Order 31 and dealing solely with the threat of nuclear war; and

Whereas, the decreased warning time of nuclear attack makes evacuation impracticable; and

Whereas, evidence and analyses establish that there are no safe havens from a potential nuclear attack, since rural areas could be hit by design or by error, and even so-called "limited attacks" confined to military or economic targets could contaminate vast areas of the country with hazardous levels of radiation; and

Whereas, nuclear weapons do exist and until they are eliminated could affect the population of the Commonwealth in the form of limited or full scale enemy attack, terrorist activities, accidental launch or detonation; and

Whereas, the existing and potential strength of nuclear weapons is such that nuclear war can neither be won nor survived, it can only be prevented; and

Whereas, the only effective defense against the horrors of nuclear weapons lies in their elimination and in the prevention of nuclear war or attacks; and

Whereas, emergency planning should concentrate on broad ranges of hazards, with particular emphasis on those catastrophes for which planning can provide realistic opportunity for mitigating impact.

Now, Therefore, I, Michael S. Dukakis, Governor of the Commonwealth acting in the authority of Acts of 1950, Chapter 639, as amended, and in particular Sections 4, 6, 7, 8, 16, and 20 thereof, and all other authority vested in me by law, hereby rescind Executive Order No. 31 of 1956 and order as follows:

1. Henceforth, the Commonwealth will continue to develop the concept of Comprehensive Emergency Management to deal with major disasters or emergencies in the Commonwealth, with the qualification that the Commonwealth shall not engage in crisis relocation planning in preparation for nuclear war.

2. The purpose of Comprehensive Emergency Management is to develop a comprehensive emergency management program which seeks to mitigate the effects of a hazard, to prepare for measures to be taken which will preserve life and minimize damage, to respond during emergencies and reduce the impact of the emergency, and to establish a recovery system to channel financing and other resources in order to restore the governance and other essential functions of the community.

3. A Comprehensive Emergency Management Program will identify public and private resources and direct and encourage the application of such resources in the most productive manner, in order to coordinate disaster activities.

4. The Commonwealth shall seek to ensure the safety of its citizens by pursuit of policies reflecting a serious commitment to prevention of nuclear war. Such policies shall include education of citizens concerning the real nature of nuclear war and efforts to influence national policy towards negotiation of an end to the nuclear arms race.

5. No funds shall be expended by the Commonwealth for crisis relocation planning for nuclear war.●

TRIBUTE TO DANIEL B. WESTAWSKI

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. HARRISON. Mr. Speaker, on August 5, 1984, an outstanding young man from Plains, PA, will be awarded the highest distinction in Boy Scouts.

Daniel B. Westawski will receive the "Eagle Scout Court of Honor" at a ceremony to be held in his honor. Daniel is a member of Troop 100, Plains, PA. This represents an outstanding achievement and one in which all of us can take justifiable pride.

We all know that the youth of today represent the leaders of tomorrow, and in this case, Daniel is so duly honored.

Mr. Speaker, I join with Daniel's family and friends in paying tribute to this outstanding young person.●

CONGRESSIONAL SALUTE TO HIS EXCELLENCY MAXIMOS V. HAKIM

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. ROE. Mr. Speaker, on Sunday, July 29, the diocese of Paterson, my congressional district and State of New Jersey will be the focal gathering place for visitors throughout our Nation to welcome his excellency, Maximos V. Hakim, patriarch of Antioch, Alexandria and Jerusalem, Syria, and Peroya of Arabia, Messopitomia, of Ethiopia, Egypt, Palestine and all the East. This highly revered patriarchal visit of his beatitude, Maximos V. Hakim, the esteemed leader of the Melkite church worldwide, is an occasion of great joy for St. Ann's Melkite Catholic Church of West Paterson, host of the patriarchal visit, and a great honor to have with them their "shepherd of shepherds" and "father of fathers."

Mr. Speaker, at the outset may I commend to you the dedication, diligence and hard work that is being extended by Father Nick Samra, pastor; Father Nick Antiba, associate pastor; deacon, Basil Samra; the clergy, officers and members of St. Ann's Byzantine Melkite Church and the patriarchal visit committee who have been working with the Melkite diocese of Newton under the quality leadership of Archbishop Joseph Tawil, in devising an outstanding program and seeking full citizens participation in this most important commemorative visit of his beatitude, Maximos V.

It is also important to point out that this highly unique honor of the patriarchal visit is further blessed with the celebration of the feast of St. Ann and the eighth anniversary of the dedication of the icon of Our Lady of America.

Mr. Speaker, with your permission I would like to insert at this point in our historic journal of Congress a brief history and background of the Melkite Catholic Christian Community. Let me preface it with the following description of the spiritual leader, nationally and internationally, of the Melkite Church as related to me by Father Nick Samra, pastor of St. Ann's Melkite Church:

Our patriarch bears the title: "Patriarch of Antioch and all the East, of Alexandria and Jerusalem." He is the direct successor of the apostles, mainly Peter, who was the first bishop of Antioch. As patriarch, he is the head of a particular church, sharing authority over the church with his bishops who form with him a holy synod. Presiding over this synod is the patriarch.

A profile on the early beginnings of the Melkite Catholic Christian Community is, as follows:

HISTORY AND BACKGROUND, MELKITE CATHOLIC CHRISTIAN COMMUNITY

The Melkite Catholic Christian Community is scattered throughout the United States, and has its origins in the countries of the Middle East. They use the Byzantine Rite for their worship and theology. Their Christian ancestory grows out of the ancient cities of Jerusalem, Antioch and Alexandria. In the Ecumenical Council of Chalcedon in 451 A.D., those who followed the king (Melak) who was faithful to the united Catholic faith at that time, were nicknamed Melkites.

In the 11th century, when the church was divided between East and West, the predominant Rite used in the East was the Byzantine Rite. In the 18th century, several Bishops retaining their Eastern theology and striving for unity of the separated churches, created a union with the See of Rome.

Melkites in the United States of America number about 23,000 with approximately 3500 Melkites scattered through New Jersey. There are 27 Melkite Churches throughout the United States.

Shortly after the turn of the century, large numbers of Syrian immigrants began to arrive in the United States, mostly from Aleppo, Damascus and Lebanon. They were attracted to this area, the then textile center of the world, to pursue employment in their ancient craft, weaving and textile merchandising.

With a constant devotion to their ancestry and tradition they were served in the early days of their migration by visiting Melkite priests who held services in Paterson and in Union City and this status continued until December of 1919.

At that time, a young priest, Father Cyril Anid, who had just arrived in New York from Lebanon, was invited to serve the Christmas liturgy in Paterson. He celebrated the first Divine Liturgy for them in the Chapel of Saint John's Church, which is now the present Cathedral of the Paterson Diocese. The success of this early mission was apparent, when, within a very short time the facilities at St. John's Chapel

proved inadequate to accommodate the crowds that responded to this unique "ritual pattern" of the Eucharistic Liturgy of St. John Chrysostom. The Reverend Father Carlo Cianci, then the Pastor of Saint Michael's (Italian) Parish, apprised of the situation, graciously offered the use of his Church and the emerging Melkite Community began to meet here for worship in January of 1920.

The first census showed 350 families—200 belonged to the Melkite Rite, and the other 150 to the Armenian, Syrian, and Maronite Rites. The need for a more permanent house of worship arose and a committee was delegated to undertake the responsibility of establishing a formal parish in the City of Paterson. The Most Reverend John O'Connor, then Bishop of Newark, consented to appoint Father Anid as permanent pastor and the new Parish of Saint George's Melkite Rite was launched, and concurrently, immediate plans were undertaken for the construction of a church of their own.

Mr. Speaker, I appreciate the opportunity to call this most noteworthy historic event to the attention of you and our colleagues and seek this national recognition of the Melkite Catholic Christian Community and the patriarchal visit of their world-renowned leader. As a Nation of people of all nationalities and religious beliefs, their commemorative program in celebration of the patriarchal visit of his beatitude, Maximos V, helps assure all of us that the faith, courage and perseverance inherent in the original settlers of our land is still infused in the hearts and minds of the families of today's society where man's religious beliefs and aspirations tend to seem obscured by the modern and so-called sophisticated world of time and space.

We do indeed extend our heartiest congratulations and best wishes to his beatitude, Maximos V, Hakim, and all of the clergy and members of the Melkite Rite and St. Ann's Byzantine Melkite Church on the outstanding contribution they are making, in service to God and to our people, toward the spiritual, cultural and educational endeavors of our community, State and Nation—so vitally important to the quality of life and way of life here in America.●

ONE HUNDRED CLUB OF HOUSTON

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. FIELDS. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues the outstanding achievements in law enforcement made by the One Hundred Club of Houston.

The One Hundred Club of Houston came into being in 1953 when 100 citizens established an organization to assist law enforcement efforts. The club adopted the following goals:

To provide assistance to dependents of certified peace officers who have lost their lives in the line of duty while protecting our lives and our property; to provide life protecting equipment that cannot be secured through regular channels for lack of funds; and to provide law enforcement with education and life saving programs.

The One Hundred Club of Houston has contributed millions of dollars in Harris County, TX, in support of these goals.

Law enforcement is important in the United States today in guaranteeing the rights and privileges of all law-abiding citizens. The efforts of private citizens and neighborhood groups are crucial in our constant efforts to provide high quality and equitable law enforcement measures. The One Hundred Club of Houston epitomizes the type of community organizations needed in our Nation.

The One Hundred Club of Houston was the first organization dedicated to law enforcement that formed in our Nation. Their generous monetary contributions, growing membership, now totaling over 6,000 members, and successful policies have made the club the model for similar organizations forming across the country.

I ask my distinguished colleagues to join with me in honoring the members of the One Hundred Club of Houston for their dedicated and distinguished service to law enforcement and the community. I applaud their efforts and encourage them to continue to support their praiseworthy goals.

ROBUST ECONOMIC GROWTH ACCOMPANIED BY LOW RATE OF INFLATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1984

● Mr. YOUNG of Florida. Mr. Speaker, the most recent economic good news simply makes the point that President Reagan's economic program has done all that it promised by stimulating the economy while restraining inflation.

The Commerce Department reported yesterday that the gross national product, the measure of American economic growth, increased 7.5 percent during the second quarter of 1984, well above the 5.7-percent figure predicted by the administration midway through the quarter. While the economy continues to grow, the Department of Labor reported today that growth has not been accompanied by rising prices as the Consumer Price Index increased in June just two-tenths of 1 percent. Calculated on an annual basis, prices for the first 6 months of the year have risen just 4.1 precent.

The economic figures of this week, combined with those released earlier in the month, show our economy is in the midst of a boom that is unequaled in more than 30 years. Earlier this month, the Department of Labor reported that unemployment fell in June to 7.1 percent, the lowest figure since April 1980. Unemployment in Pinellas County, FA, which I represent, earlier this year fell to 3.9 percent, the lowest mark in 10 years.

All of these facts and figures mean that our economy is stronger than it was 4 years ago and a key component to our economic recovery has been President Reagan's tax reduction plan. In terms of dollars and cents, the strong economy, lower inflation, and tax cuts mean more spending dollars in the pockets of American workers. Disposable income, the amount of spendable after-tax income, has risen 8 percent since President Reagan took office in 1981. The tax cuts also mean more money is available for business expansion. During the second quarter of this year, business fixed investment rose 20.7 percent, and housing starts increased 9.4 percent.

An article in today's Wall Street Journal, simply asks, "Are you better off than you were 4 years ago?" The article's answer is "Yes." The Journal's reporter Ashok Chandrasekhar writes:

Economists from both sides of the political spectrum agree that for an overall picture of the country, real per-capita disposable income indicates that the living standard is far higher today than it was when Mr. Reagan began his term.

Clearly our Nation's economy is better off than it was at the turn of the decade when we were plagued with double-digit inflation and interest rates in excess of 20 percent. Our goal now is to sustain the current economic growth through a steady economic program that emphasize keeping inflation to a minimum. In this way we can assure American workers that our economy is healthy again which translates for them to mean an increasing number of jobs, more money in their pockets, and a dollar that goes further and buys more.

[From the Wall Street Journal, July 24, 1984]

ARE WE BETTER OFF?—GAUGING LIVING STANDARDS IN 1984

(By Ashok Chandrasekhar)

"Are you better off than you were four years ago?"

Sound familiar? Well, it should. Four years ago come November, Ronald Reagan swept into the White House on a landside, to a great extent because he convinced voters that the answer to that question was, "No."

This time events have been different, and judging by what many economists deem the best rough yardstick of economic well-being, the answer to the question is a resounding, "Yes." Per-capita disposable income—measured in 1972 dollars to factor out inflation—

rose nearly 8% since President Reagan took office in January 1981. At $4,933 in May 1984, the living-standard gauge shows the average amount of spendable after-tax income for each American. The measure includes wages and salaries, interest income, and so-called transfer payments, such as welfare and social security.

Economists regard the disposable-income measure as a reliable gauge of living standards because "it's an indicator of the command of people over resources," says Joel Popkin, president of Joel Popkin & Co., a Washington forecasting firm. John Gorman, a career economist at the Commerce Department's Bureau of Economic Analysis, calls it "the only yardstick."

REAGAN'S GOOD FORTUNE

As the graph indicates, the standard of living is much higher than four years ago based on this figure. Some forecasters estimate that the income measure will rise about another percentage point by the end of the year, meaning a total increase of 9 percent under Mr. Reagan.

Spending power per capita also rose during the Carter years, though by a smaller 6 percent. But most of the income growth took place in the first two years of Mr. Carter's term, then was partially eroded when a recession occurred in his final two years—just in time to be fresh in voters' minds on Election Day. Mr. Reagan had the good fortune to suffer a recession at the start of his term, and living standards have risen briskly since then. Thus, the timing isn't right for Walter F. Mondale, the Democratic presidential candidate, to emphasize this barometer, suggests Lester C. Thurow, an economist and an informal adviser to the Mondale campaign.

Another living-standard gauge some economists follow is dubbed, somewhat facetiously, the misery index. As its name suggests, it's an attempt to gauge the levels of economic misery in the country. Misery is said to increase as the index goes up; economic well-being supposedly rises when the index drops. The index is simply the sum of the inflation and unemployment rates. Just over 10%, the index has fallen nearly one-half since just before Mr. Reagan's term began. Conversely, during Mr. Carter's term, the misery index rose by about one-third.

Ironically, the misery index was devised by the late Arthur Okun, a noted Democratic economist who might not have been pleased to find that his invention shed a positive light on a Republican administration's performance. Mr. Okun half-seriously called 9% the "discomfort" level, above which the country becomes "quite unhappy." Although the index is still over that level, it's much closer than at the end of Mr. Carter's term—within one point as opposed to within 10.

The reliability of the misery index as a living-standard yardstick is implicit in its two components. Inflation expresses the dollar's declining purchasing power. So, a low inflation rate suggests a high living standard, because the consumer's dollar isn't losing value so rapidly. And, a low unemployment rate is a sign of high living standards because it indicates that more people are working, and because on the whole, people with jobs are less fearful of being laid off during periods of low unemployment.

The misery index has been criticized by some analysts for blurring the distinction between inflation and joblessness. While inflation can cause some pain for much of the population, unemployment is a devastation for the unemployed. In a recent congressional study, Harvey Brenner, a researcher at Johns Hopkins University, found a link between unemployment, increased mortality, suicide, crime, and mental illness.

Although unemployment is 7.1% and inching lower, it reached double-digit levels during the last recession in the Reagan administration's early years. "As the country experiences a recovery period, those seriously damaged by the recession, but not participating in the national recovery, experience maximum psychological deprivation stress," Mr. Brenner says.

A COMPLEX QUESTION

Economists caution that the living-standard question is far more complex than one figure can adequately illustrate. Some criticize the disposable-income guage because it doesn't take income distribution into account. While the measure shows the average income for 211 Americans, these economists say it may not reflect certain demographic groups whose incomes may have remained steady or fallen. They contend that the rich are getting richer and the poor poorer.

In an April 1984 report, the Congressional Budget Office presented figures which can be read to suggest that tax changes since 1981 have been substantially more advantageous for higher-income groups. Meanwhile, other economists have testified before Congress that the tax changes have benefited the lower-income groups, and increased the tax burden of the higher-income groups.

Of course, the economy is just one of numerous factors that will influence voters in November. But generally, economists from both sides of the political spectrum agree that for an overall picture of the country, real per-capita disposable income indicates that the living standard is far higher today than it was when Mr. Reagan began his term.●

PATENT, TRADEMARK, AND COPYRIGHT PROTECTION ACT OF 1984

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. GORE. Mr. Speaker, I am introducing today the Patent, Trademark, and Copyright Protection Act of 1984. This legislation is intended to strengthen the statutory protection provided to owners of American patents, trademarks, and copyrights and to curb the unauthorized use of these valuable intellectual properties by foreign trade competitors.

Violations of U.S. intellectual property laws by foreign manufacturers have increased dramatically in recent years. Not content with the edge they already enjoy because of low labor costs and other factors, foreign firms are robbing American businesses of tens of billions of dollars each year by illegally using patents, trademarks, and copyright material owned by U.S. companies. Each billion-dollar loss jeopardizes the jobs of an estimated 20,000 American workers, undermines the ability of U.S. firms to compete effectively at home and abroad, and exacerbates a U.S. trade deficit that has already devastated many sectors of our economy.

Intellectual property theft may involve the sale of foreign-made counterfeit goods that are passed off as the genuine brand-name merchandise of reputable American companies. It may involve importation of patent-infringing products or the theft of costly, advanced computer technology. In each case, the result is the same. Foreign competitors are illegally reaping the rewards of American ingenuity and are damaging our country's economic interests.

American businesses and workers are not the only victims, however. American consumers who buy goods illegally manufactured by foreign firms find themselves stuck with merchandise that is usually inferior in quality and may even pose serious health and safety risks.

As long as intellectual property theft remains a low-risk, high-profit venture, we will continue to be plagued by this problem. The legislation I am sponsoring focuses on halting the sale of infringing merchandise in this country and making would-be violators think twice before ignoring the laws of our country. Specifically, the bill:

First, allows a patent owner who wins a civil infringement suit to recover actual damages plus any profits of the defendant attributable to the infringement;

Second, provides for the exclusion from the United States of products made overseas using a process covered by a U.S. patent;

Third, eliminates the need for a U.S. patent owner to prove injury when petitioning the International Trade Commission to order the exclusion of patent-infringing imports;

Fourth, establishes criminal sanctions and stiffer civil penalties for persons or companies found guilty of knowingly trafficking in counterfeit goods and services;

Fifth, expands the definition of computer software for purposes of copyright coverage; and

Sixth, establishes stiffer criminal and civil penalties for computer software piracy.

Ultimately, intellectual property theft is an international problem that will require joint action with other countries. If we ourselves do not act to strengthen our own laws, however, it is unlikely we will persuade other governments we are serious about promoting greater respect for these valuable proprietary rights. I urge my colleagues to examine my bill and to join with me in halting this damage to our Nation.●

GERALDINE FERRARO: A HISTORIC CHOICE

HON. GARY L. ACKERMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. ACKERMAN. Mr. Speaker, as you know, many of this century's most distinguished leaders have come from my home, the Empire State. From Martin Van Buren to Franklin Delano Roosevelt, New Yorkers have led this Nation through rough times to peace and prosperity. The most recent addition to this long and proud tradition is GERALDINE FERRARO, from my adjoining district in Queens. Her selection as Vice Presidential nominee of the Democratic Party is more than a significant advance for women: We all benefit by having someone in the White House with solid values and good common sense.

The people of Queens are proud of their neighbor and friend, GERRY FERRARO. I am pleased to insert her acceptance speech into the CONGRESSIONAL RECORD.

[From the Congressional Quarterly, July 21, 1984]

NOMINATION BY ACCLAMATION ACCEPTED BY FERRARO

Ladies and gentleman of the convention: My name is Geraldine Ferraro. I stand before you to proclaim tonight: America is the land where dreams can come true for all of us.

As I stand before the American people and think of the honor this great convention has bestowed upon me, I recall the words of Dr. Martin Luther King Jr., who made America stronger by making America more free.

He said: "Occasionally in life there are moments which cannot be completely explained by words. Their meaning can only be articulated by the inaudible language of the heart."

Tonight is such a moment for me.

My heart is filled with pride.

My fellow citizens, I proudly accept your nomination for vice president of the United States.

And I am proud to run with a man who will be one of the great presidents of this century, Walter F. Mondale.

THE FUTURE

Tonight, the daughter of a woman whose highest goal was a future for her children talks to our nation's oldest party about a future for us all.

Tonight, the daughter of working Americans tells all Americans that the future is within our reach—if we're willing to reach for it.

Tonight, the daughter of an immigrant from Italy has been chosen to run for [vice] president in the new land my father came to love.

Our faith that we can shape a better future is what the American dream is all about. The promise of our country is that the rules are fair. If you work hard and play by the rules, you can earn your share of America's blessings.

Those are the beliefs I learned from my parents. And those are the values I taught my students as a teacher in the public schools of New York City.

At night, I went to law school. I became an assistant district attorney, and I put my share of criminals behind bars. I believe: If you obey the law, you should be protected. But if you break the law, you should pay for your crime.

When I first ran for Congress, all the political experts said a Democrat could not win in my home district of Queens. But I put my faith in the people and the values that we shared. And together, we proved the political experts wrong.

In this campaign, Fritz Mondale and I have put our faith in the people. And we are going to prove the experts wrong again.

We are going to win, because Americans across this country believe in the same basic dream.

ELMORE, MN, AND QUEENS

Last week, I visited Elmore, Minn., the small town where Fritz Mondale was raised. And soon Fritz and Joan will visit our family in Queens.

Nine hundred people live in Elmore. In Queens, there are 2,000 people on one block. You would think we would be different, but we're not.

Children walk to school in Elmore past grain elevators; in Queens, they pass by subway stops. But, no matter where they live, their future depends on education—and their parents are willing to do their part to make those schools as good as they can be.

In Elmore, there are family farms; in Queens, small businesses. But the men and women who run them all take pride in supporting their families through hard work and initiatives.

On the Fourth of July in Elmore, they hang flags out on Main Street; in Queens, they fly them over Grand Avenue. But all of us love our country, and stand ready to defend the freedom that it represents.

PLAYING BY THE RULES

Americans want to live by the same set of rules. But under this administration, the rules are rigged against too many of our people.

It isn't right that every year, the share of taxes paid by individual citizens is going up, while the share paid by large corporations is getting smaller and smaller. The rules say: Everyone in our society should contribute their fair share.

It isn't right that this year Ronald Reagan will hand the American people a bill for interest on the national debt larger than the entire cost of the federal government under John F. Kennedy.

Our parents left us a growing economy. The rules say: We must not leave our kids a mountain of debt.

It isn't right that a woman should get paid 59 cents on the dollar for the same work as a man. If you play by the rules, you deserve a fair day's pay for a fair day's work.

It isn't right that—that if trends continue—by the year 2000 nearly all of the poor people in America will be women and children. The rules of a decent society say, when you distribute sacrifice in times of austerity, you don't put women and children first.

It isn't right that young people today fear they won't get the Social Security they paid for, and that older Americans fear that they will lose what they have already earned. Social Security is a contract between the last generation and the next, and the rules say: You don't break contracts. We're going to keep faith with older Americans.

We hammered out a fair compromise in the Congress to save Social Security. Every group sacrificed to keep the system sound. It is time Ronald Reagan stopped scaring our senior citizens.

It isn't right that young couples question whether to bring children into a world of 50,000 nuclear warheads.

That isn't the vision for which Americans have struggled for more than two centuries. And our future doesn't have to be that way.

CHANGES IN THE AIR

Change is in the air, just as surely as when John Kennedy beckoned America to a new frontier; when Sally Ride rocketed into space and when Rev. Jesse Jackson ran for the office of president of the United States.

By choosing a woman to run for our nation's second highest office, you sent a powerful signal to all Americans. There are no doors we cannot unlock. We will place no limits on achievement.

If we can do this, we can do anything.

Tonight, we reclaim our dream. We're going to make the rules of American life work fairly for all Americans again.

To an Administration that would have us debate all over again whether the Voting Rights Act should be renewed and whether segregated schools should be tax exempt, we say, Mr. President: Those debates are over.

On the issue of civil, voting rights and affirmative action for minorities, we must not go backwards. We must—and we will—move forward to open the doors of opportunity.

To those who understand that our country cannot prosper unless we draw on the talents of all Americans, we say: We will pass the Equal Rights Amendment. The issue is not what America can do for women, but what women can do for America.

To the Americans who will lead our country into the 21st century, we say: We will not have a Supreme Court that turns the clock back to the 19th century.

To those concerned about this strength of American family values, as I am I say: We are going to restore those values—love, caring, partnership—by including, and not excluding, those whose beliefs differ from our own. Because our own faith is strong, we will fight to preserve the freedom of faith for others.

To those working Americans who fear that banks, utilities, and large special interests have a lock on the White House, we say: Join us; let's elect a people's president; and let's have government by and for the American people again.

To an Administration that would savage student loans and education at the dawn of a new technological age, we say: You fit the classic definition of a cynic; you know the price of everything, but the value of nothing.

To our students and their parents, we say: We will insist on the highest standards of excellence because the jobs of the future require skilled minds.

To young Americans who may be called to our country's service, we say: We know your generation of Americans will proudly answer our country's call, as each generation before us.

This past year, we remembered the bravery and sacrifice of Americans at Normandy. And we finally paid tribute—as we should have done years ago—to that unknown soldier who represents all the brave young Americans who died in Vietnam.

Let no one doubt, we will defend America's security and the cause of freedom around the world. But we want a president

who tells us what America is fighting for, not just what we are fighting against. We want a president who will defend human rights—not just where it is convenient—but wherever freedom is at risk—from Chile to Afghanistan, from Poland to South Africa.

To those who have watched this administration's confusion in the Middle East, as it has tilted first toward one and then another of Israel's long-time enemies and wondered, "Will America stand by her friends and sister democracy?" We say: America knows who her friends are in the Middle East and around the world.

America will stand with Israel always.

Finally, we want a President who will keep America strong, but use that strength to keep America and the world at peace. A nuclear freeze is not a slogan: It is a tool for survival in the nuclear age. If we leave our children nothing else, let us leave them this Earth as we found it—whole and green and full of life.

I know in my heart that Walter Mondale will be that president.

THE GIFT OF LIFE

A wise man once said, "Every one of us is given the gift of life, and what a strange gift it is. If it is preserved jealously and selfishly, it impoverishes and saddens. But if it is spent for others, it enriches and beautifies."

My fellow Americans: We can debate policies and programs. But in the end what separates the two parties in this election campaign is whether we use the gift of life—for others or only ourselves.

Tonight, my husband, John, and our three children are in this hall with me. To my daughters, Donna and Laura, and my son, John Jr., I say: My mother did not break faith with me . . . and I will not break faith with you. To all the children of America, I say: The generation before ours kept faith with us, and like them, we will pass on to you a stronger, more just America.

Thank you●

DORNEY PARK'S 100TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. RITTER. Mr. Speaker, the year of 1984 marks the 100th anniversary of the founding of one of America's great amusement parks: Dorney Park, in Allentown, PA. It is an establishment that was founded on the principles of good, clean, wholesome family fun, and it is a company that has adhered to those principles for a full century.

Solomon Dorney founded Dorney Park on a 279-acre tract of land along the Cedar Creek in Allentown, land which had been in the family since 1774. In 1884, Solomon Dorney added a number of mechanical amusement rides to his property, giving the name Dorney Park to the land which he had successfully operated for many years as a trout fishery.

In 1903, Jacob Plarr, an immigrant from Alsace-Lorraine, brought to Dorney Park an incredible device that fascinated adults and thrilled children. It was Dorney Park's first merry-go-round, and large numbers flocked to ride it. They came from New York, New Jersey, Delaware, Maryland, and all over Pennsylvania. The merry-go-round literally revolutionized the park.

Jacob Plarr's son, Robert L. Plarr, grew into the business, and when Dorney Park was incorporated on 1923, he became the company's first president. He soon acquired the park outright, and his descendants have managed it ever since: his son, Stephen, his son-in-law, Robert F. Ott, and now his grandsons, Robert S. Ott and Robert W. Plarr.

Dorney Park takes a unique reputation into its 100th anniversary season: it is known as an amusement park with the most up-to-date facilities and attractions, but also as a park with a special charm and orientation toward the family. It is also a park with a special sense of community responsibility, involved with the March of Dimes, cystic fibrosis research, the Multiple Sclerosis Society, the Arthritis Foundation, and many other organizations. Dorney Park has been a leader in the development of Pennsylvania ride-safety regulations, and regards the safety of its guests and employees as its primary responsibility.

Dorney Park has celebrated its 100th anniversary by spending over $4 million on improvements, and expects that it will continue to offer the enticing combination of 20th century thrills with turn-of-the-century pace and family values. Although there are many larger parks in this country, Dorney Park has shown the character and ability to proudly bear the title of "One of America's Great Amusement Parks."●

TRIBUTE TO RAQUEL MARQUEZ FRANKEL

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. CORRADA. Mr. Speaker, I rise today with my colleagues from the Hispanic Caucus to pay tribute to the memory of a good friend and distinguished leader, Raquel Marquez Frankel, who died on Sunday, March 11, 1984.

As present vice chairman and a founding member of the Congressional Hispanic Caucus, I worked closely with her when she was the executive director of the Hispanic Caucus.

While the Hispanic Caucus has steadily grown in membership and capability as a national force, this advancement would not have been possible without the solid foundation and reputation for credibility and professional expertise that Raquel gave the caucus. She was always committed to improving the quality of life for Hispanic Americans. She worked with every segment of the country in building a coalition that has been a national force in American politics.

In addition, to the Hispanic Caucus, she was one of the driving forces behind such Hispanic organizations as the National Association of Latino Elected & Appointed Officials [NALEO] and Mujeres en Acción and achieved national recognition for her steadfast devotion to the cause of social advancement of Hispanic Americans in every part of the country.

But she will overwhelmingly be remembered and admired for the simple fact that she never forget the goal of her work, and her commitment shone through every simple organizational and political task she was involved in.

Raquel taught all of us who knew her and worked with her a lot. She reminded us that being a politician in a time of some public cynicism about the political process was a high calling, one which called for continued enthusiasm, and the glow from her own dedication was infectious. She enriched our lives, and we have all grown a little more from knowing her and from working with her.

It was symbolic of her career when she passed away suddenly that she was working to raise money for the District of Columbia Spanish Catholic Center, an organization aimed at providing newly arrived immigrant Hispanics with the most basic needs of shelter, food and clothing, as well as counseling to help them in their newly adopted country, and to give them a start in sharing in our American dream.

Raquel will long be remembered for her great work, her selfless dedication to Hispanic causes, and for the historical role in helping us arrive at a position of increasing national prominence.

Raquel will be missed by all of us.●

ACCOMPLISHMENTS OF LT. GEN. WALTER ULMER, JR.

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. McKERNAN. Mr. Speaker, I rise today to commend to the House of Representatives Lt. Gen. Walter Ulmer, Jr., whose photograph appeared on the cover of the July 9 edition of Newsweek magazine, in connection with an article entitled, "The Top Brass: Can They Fight A Modern War?" I am proud to claim Lieutenant General Ulmer as a constituent of mine; his hometown, Winthrop, ME, is in my district.

The general's background and credentials are impressive. As an advisor to South Vietnamese forces, he fought with distinction and courage during the seige of An Loc. Later, he was commandant of cadets at West Point when a major cheating scandal broke out. Despite considerable pressure to readmit the 151 students who were implicated in the scandal, Lieutenant General Ulmer refused to bend principle on the matter, and the students were permanently suspended.

As commander of the 3d Armored Division in Germany, and in his present position as commander of the Army's III Corps, Lieutenant General Ulmer has established a reputation as a "No Nonsense General." In his efforts to provide his men with a sense of purpose and direction, he has cut through the mountains of red tape and regulations that are often the bane of the serviceman's existence. As he himself has put it, "The essence of a general's job is to assist in developing a clear sense of purpose * * * to keep the junk from getting in the way of important things."

America is well served by Lt. Gen. Walter Ulmer, Jr., and the many other fine men and women in this Nation's Armed Forces. I am proud to have this opportunity to congratulate the general before this forum, and I would like to extend to him our best wishes for the future.●

COMMEMORATING THE 10TH ANNIVERSARY OF THE LEGAL SERVICES CORPORATION

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, today, July 25, 1984, is the 10th anniversary of the enactment of the Legal Services Corporation Act, marking the first decade of congressional commitment to Federal funding for legal services to the poor.

The past 4 years have been very difficult ones for local legal services programs. We have seen an LSC Administration and an unconfirmed LSC Board of Directors attempt to wrest control of local programs away from their local boards and undo 10 years of progress.

But I want to assure the more than 30 million poor people who are eligible for legal assistance under the act that this Congress has made it clear that it will not stand by while this successful program is destroyed.

People who care about equal access to justice owe a debt of gratitude to the leaders of the effort to preserve the principles of the Legal Services Corporation: the distinguished chairman of the Judiciary Committee [Mr. RODINO], the distinguished chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice [Mr. KASTENMEIER], the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Appropriations Committee [Mr. SMITH], and the distinguished ranking minority member of the Judiciary [Mr. FISH].

I also want to pause today to salute the men and women who are working and have worked in the more than 1,600 Legal Services offices all over the country. To them I say: through your dedication, your idealism, and your professionalism, you have brought justice closer to millions of poor people. Often you are the only person who stands between poor people and disaster for themselves and their families. You enforce the law when clients' rights are violated; you represent their interests in obtaining changes in the law where its effect is unjust; you inform clients of their legal rights and responsibilities so that they can help themselves.

For your clients, you can make the difference between having the basic necessities of life and going without them, between hope and despair. I pledge to you that I will do everything in my power as a Member of Congress to ensure that the Legal Services Corporation will remain a strong and independent agency, sufficiently funded, and that clients of Legal Services programs will be afforded full representation for all their legal problems in the same way that others are represented by their private attorneys.

We cannot commemorate the 10th anniversary of the Legal Services Corporation Act without acknowledging the immense contribution to and support for the program by practitioners in the private sector, as well as the organized bar, including the American Bar Association [ABA], and other State and local bar associations—all partners in the Legal Services movement. Pro bono work is on the rise and the relationship between private attorneys and Legal Services staff programs has never been better. As we commemorate the first decade of this successful joint venture, let us look forward to a continuation of that relationship for the benefit of people who are unable to afford attorneys.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, July 26, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 27

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To continue hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.
SD-215

10:00 a.m.
Conferees
Closed, on H.R. 5167, authorizing funds for fiscal year 1985 for military procurement programs of the Department of Defense.
S-407, Capitol

10:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
Business meeting, to mark up the provisions of H.R. 5973, appropriating funds for fiscal year 1985 for the Department of the Interior and related agencies.
SD-192

JULY 30

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To resume hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.
SD-215

10:00 a.m.
Joint Economic
To hold a midyear review of the national economy.
SD-106

2:00 p.m.
Judiciary
Constitution Subcommittee
To hold hearings on certain Immigration and Naturalization Service issues.
SD-226

JULY 31

9:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1985 for the Department of Defense.
SD-192

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the conduct of monetary policy.
SD-538

Governmental Affairs
To resume hearings to review the relationship between Congress and the executive in the formulation and implementation of foreign policy.
SD-342

Select on Indian Affairs
To continue hearings on House Joint Resolution 158, to make a technical amendment to the Indian Land Consolidation Act (Public Law 97-459).
SD-366

10:00 a.m.
Armed Services
Business meeting, to consider S. 2713, authorizing funds for fiscal year 1985 for the intelligence community, and to hear and consider the nominations of Robert S. Cooper, of Virginia, to be Assistant Secretary of Defense for Research and Technology, James Paul Wade, Jr., of Virginia, to be Assistant Secretary of Defense for Development and Support, Everett Pyatt, of Virginia, to be Assistant Secretary of the Navy for Shipbuilding and Logistics, Charles G. Untermeyer, of Texas, to be Assistant Secretary of the Navy for Manpower and Reserve Affairs, Donald C. Latham, of Virginia, to be Assistant Secretary of Defense for Command Control, Communications, and Intelligence, and routine military nominations.
SR-222

Environment and Public Works
Business meeting, to mark up proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (Public Law 96-510).
SD-406

*Judiciary
Business meeting, to consider pending calendar business.
SD-226

Judiciary
Patents, Copyrights and Trademarks Subcommittee
Business meeting, to mark up S. 1535, to strengthen the U.S. patent system and streamline certain procedures for securing a patent, S. 1990, to clarify the circumstances under which a trademark may be cancelled or abandoned, and S. 2171, to revise the patent law to establish uniform policies and procedures for patent rights in inventions developed with Federal assistance.
SD-226

Labor and Human Resources
Handicapped Subcommittee
To hold hearings to review recommendations to improve services for the mentally retarded.
SD-430

Temporary Select Committee to Study the Senate Committee System
To hold hearings on the reform of the Senate committee system as authorized by section 3 of Senate Resolution 127.
SR-301

Joint Economic
To continue a midyear review of the national economy.
SD-G50

1:00 p.m.
Finance
Health Subcommittee
To hold oversight hearings on the implementation of the Utilization and Quality Control Peer Review Organization (PRO) program.
SD-215

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 2846, authorizing funds for fiscal years 1984 and 1985 for the Nuclear Regulatory Commission, focusing on section 201, relating to nuclear waste policy, and to discuss the Department of Energy's mission plan for the Civilian Radio Act waste management program.
SD-366

Environment and Public Works
To hold hearings on the nomination of John B. Waters, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority.
SD-406

AUGUST 1

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men.
SD-562

Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on activities of the Office of Juvenile Justice and Delinquency Prevention, Department of Justice.
SD-226

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to mark up proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (Public Law 96-510).
SD-406

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 2821, to improve protections for former spouses of Government officers and employees under the Civil Service retirement system and the Federal employees health benefits program.
SD-342

Joint Economic
To continue a midyear review of the national economy.
SD-106

2:00 p.m.
Environment and Public Works
Transportation Subcommittee
To hold hearings on buy-America restrictions use of foreign made cement in Federal-aid-highway projects.
SD-406

Judiciary
To hold hearings on pending nominations.
SD-226

AUGUST 2

9:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 817, S. 1069, and H.R. 555, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on House Concurrent Resolution 321, to express the sense of the Congress with respect to the adverse impact of early projections of election results by the news media.
SR-253

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to examine whether certain international terrorist activities are funded by the sale of illegal drugs.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to mark up proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (Public Law 96-510).
SD-406

Judiciary
Business meeting, to mark up pending calendar business.
SD-226

Temporary Select Committee to Study the Senate Committee System
To resume hearings on the reform of the Senate committee system as authorized by section 3 of Senate Resolution 127.
SR-301

Joint Economic
To continue a midyear review of the national economy.
SD-562

AUGUST 3

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on a proposed amendment (Merchant Marine Promotion Act of 1984) to S. 1234, to grant a charter to the vessel *Norden* to be documented as a vessel of the United States entitled to engage in coastwise trade (pending on Senate calendar).
SR-253

Finance
Taxation and Debt Management Subcommittee
To hold hearings on certain provisions of the Tax Reform Act (Public Law 98-369) affecting the treatment of interest on deferred payment sales of property.
SD-215

AUGUST 6

10:00 a.m.
Commerce, Science, and Transportation
National Ocean Policy Study
To hold oversight hearings on contracting out certain functions of the National Oceanic and Atmospheric Administration, Department of Commerce.
SR-253

AUGUST 7

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on H.R. 89, to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign-flag vessels when U.S.-flag service for such transportation is not available.
SR-253

Finance
To hold hearings on flat-rate and other major tax reform proposals.
SD-215

Judiciary
Security and Terrorism Subcommittee
To resume hearings on S. 2771, to protect the internal security of the United States against international terrorism by making it a Federal felony for a foreign diplomat in the United States to use a firearm to commit a felony.
SD-628

AUGUST 8

10:00 a.m.
Finance
Health Subcommittee
To hold hearings on proposed adjustments to the diagnosis-related group (DRG) relative weights used to compute Federal payment rates under medicare's prospective payment system.
SD-215

Labor and Human Resources
Business meeting, to mark up S. 2748, to revise the procedures for new drug applications by abbreviating certain generic drugs approved after 1962, and to provide for the extension of patents for certain regulated products, and proposed legislation to permit the export of drugs not approved in the United States.
SD-430

AUGUST 9

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2850, to designate certain National Forest System lands in the State of Montana for inclusion in the National Wilderness Preservation System.
SD-366

10:00 a.m.
Finance
To resume hearings on flat-rate and other major tax reform proposals.
SD-215

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

CANCELLATIONS

JULY 26

10:00 a.m.
Environment and Public Works
Business meeting, to mark up proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (Public Law 96-510).
SD-406

SENATE—*Thursday, July 26, 1984*

(Legislative day of Monday, July 23, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer will be offered by Dr. Don Benton, pastor of Lovers Lane United Methodist Church, Dallas, TX. He is sponsored by Senator LLOYD BENTSEN.

PRAYER

The Reverend Doctor Don Benton, pastor, Lovers Lane United Methodist Church, Dallas, TX, offered the following prayer:

God of each of us and to all of us, God of our Nation and of all peoples in all the world, we bow humbly to claim and to acknowledge Your presence with us and to contemplate Your mystery and majesty.

You are one. We are many. You have chosen, therefore, to be in our lives and to work through us to fulfill Your purposes in the world. We are not our own. We are Yours. Grant us humility to claim that and to see ourselves in proper perspective. Grant us grace and power to be faithful.

Especially for these upon whom great responsibility rests and to whom many doors of opportunity are open, we pray for vision to see Your will for each of their lives, for those of us who trust them, and for the world. Give them courage for that which is right in Your sight and in the inner confirmation of peace that they have sought it rather than what is expedient, popular, or temporary.

In the unfinished task of freedom, may they pass laws and create opportunities which may increasingly free us and all peoples of the world to know the limitless blessings of liberty and justice for all.

Hear us, then, as we claim Your presence; thank You for all Your blessings in the past and as we report for duty for the future which unfolds to us, for Your glory and the fulfillment of each of our lives. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair. Mr. President, I yield to the acting minority leader.

Mr. BENTSEN. I thank the distinguished majority leader.

REV. DON BENTON

Mr. BENTSEN. Mr. President, I am delighted to have Dr. Benton with us this morning to deliver the prayer. After listening to the message and the content of it, I know that feeling is shared by all of us. Dr. Benton is not only my good friend; he happens to be married to a very beloved cousin of mine. He is a graduate, as I am sure the majority leader would be interested, of the Presbyterian seminary, he was reared in a Baptist family, and he received his doctorate from Southern Methodist University. So he is somewhat ecumenical.

He is not a flamboyant preacher, but he is a man of deep and sincere convictions. He is articulate, and he is persuasive. I think his messages are inevitably thought provoking; they are very sincere and to the point.

But he is much more than a sermonizer. He does not just stand on the pulpit on Sunday and talk good works. This man performs them. He does not just talk about helping the poor, the meek, and the heavy hearted. He puts out a helping hand.

For several years he has been pastor of the United Methodist Church in Dallas. It is one of the largest Methodist congregations in our Nation—in fact, the third largest in the entire world. Under Don's leadership for these many years, the church has been actively involved not only in spreading the word of God but also in reaching out to the community to help those in need, to help those who are less fortunate.

Don is a man of great compassion, with a concern for children. Don Benton helped start one of the very early homes for runaway children. He has been very active in it and has been very helpful in doing what can be done for these troubled young people, in many cases helping reunite them with their families. He is an officer of the International Board of the Methodist Church for Refugee Relief. He has filled a major role in assuring that the money raised for this program gives the most good to the greatest number of those seeking to escape oppression. I am very proud of Don, of his wife and his children. Rose Marie Benton is a very invaluable member of this team. She has filled a difficult role of preacher's wife with charm and patience and enthusiasm.

Mr. President, I am very honored that Dr. Benton has shared this time with us, and I am most appreciative of the majority leader yielding me time.

Mr. BAKER. Mr. President, I thank the Senator from Texas, who is one of our most valued Members on either side of the aisle, and we express our gratitude to him for giving us the opportunity to pray with Dr. Benton today.

Dr. Benton perhaps does not know, but Senator BENTSEN does, that I find it almost irresistible after the prayers of our good Chaplain and frequently of our visiting chaplains, to make comments always flattering and complimentary because they are always good, and this is no exception. It was an excellent prayer, and I thank him for it. I cannot resist the temptation of pointing out that the Methodist Church which he pastors in Dallas must be one of the most straightforward, practical groups I ever saw to put a church right there on Lovers Lane. I cannot also resist saying I am a Presbyterian, my mother was a Baptist, and my father was a Methodist, so I understand fully the business of cross-affiliations. I have always felt in my family that it was in the nature of taking no chances.

I thank the distinguished clergyman who is with us this morning. I congratulate him on his prayer, and I express the gratitude, I am sure, of the entire Senate to Senator BENTSEN for making it possible for us to participate with him in this service this morning.

SENATE SCHEDULE

Mr. BAKER. Mr. President, may I say, in the nature of the agenda of business today, that after the special orders are executed—there are two of them—there will be a period for the transaction of routine morning business until noon. After that, Mr. President, there is no unfinished business and we have not laid down any other measure, but it is the intention of the leadership on this side to ask the Senate to go into executive session for the purpose of considering the nomination of Judge Wilkinson to be a judge of the Fourth Circuit Court of Appeals.

Mr. President, I have no illusions about finishing that matter today, but I do anticipate that a cloture petition will be filed. I have advised the minority leader of that situation.

After that, Mr. President, it is possible that the leadership on this side will ask the Senate to resume legislative session and we may consider a number of measures, but three come

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

to mind at the moment: The child abuse bill, the hydroelectric powerplants bill, and perhaps the antitrust R&D bill. These matters are not cleared, and I make the announcement now so that all Members will be aware of the possibility and that the leadership on this side is attempting to prepare these matters for consideration.

Mr. President, there is a small possibility that we might get another appropriation bill today or tomorrow. I am told that the Milcon bill and the D.C. bill may come out of committee without a report. I do not know that yet. However, as Members know, the leadership on this side is anxious to do as many appropriation bills as soon as possible. So now I do not add that to the list of things I would like to see us do today, but I urge Senators to consider that if we can qualify another appropriation bill this week, the leadership on this side will attempt to do so.

We will be in session tomorrow. I do not expect the Senate to be in session on Saturday.

Mr. President, I ask unanimous consent that the time for the minority leader under the standing order may be reserved for his use at any time during the course of this calendar day.

The PRESIDING OFFICER [Mr. MATTINGLY]. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the acting minority leader. Does he have any further remarks to make at this time?

Mr. BENTSEN. I have no further remarks.

Mr. BAKER. Mr. President, I do not see the special order recipients on the floor. I ask unanimous consent that it may be in order for me to suggest the absence of a quorum, without the time being charged against their special orders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for 15 minutes.

YES, "STAR WARS" WILL CARRY NUCLEAR WAR INTO SPACE

Mr. PROXMIRE. Mr. President, this is the third in my series of speeches in response to Gen. Daniel Graham's letter to me supporting the administration's strategic defense initiative or "Star Wars." General Graham has phrased his support of "Star Wars" in the form of rebuttals of the arguments be considers the most significant against this administration program. Mr. President, I ask unanimous consent that General Graham's third rebuttal in support of "Star Wars" be printed in the RECORD at this point.

There being no objection, the rebuttal was ordered to be printed in the RECORD, as follows:

3. IT MILITARIZES SPACE: CREATES A SPACE ARMS RACE

Answer. Space is already "militarized." 85% of all Soviet satellites are military and 50% of ours are also. If there ever were a nuclear war, space would be full of the most awesome of military machines going in both directions. Further, the Soviets have already developed two generations of space weapons, antisatellite systems.

As far as "arms race" in space is concerned, High Frontier would indeed change the nature of the strategic competition between the superpowers. Today the competition is in the field of more and better offensive nuclear weapons. High Frontier would shift that competition to non-nuclear defensive systems in space, designed to kill weapons, not people. Who can say that would not be an improvement?

Mr. PROXMIRE. General Graham argues that extending the nuclear arms race into space would be "nothing new"—that "space is already militarized." Is General Graham right? Is space already militarized? If so, have there been documented charges that either of the superpowers have violated the Anti-Ballistic Missile Treaty? One purpose of that treaty is to prevent the militarization of space. This Senator is not aware that the Soviet Union has made any charges of violation against the United States that have been documented or have persuaded neutral observers that we have failed to observe that treaty. It is true that we have challenged the Soviet Union to defend a new Siberian radar that is not located on the periphery of the U.S.S.R. as required by the ABM Treaty. The Soviets claim that their radar does not meet the treaty definition as any part of an ABM system because its purpose is to detect hostile aircraft penetration, not missile activity.

Of course, we can and should pursue this potential violation thoroughly. But General Graham does not even raise this question. Nor does the general in his argument recognize the treaty agreed to by both superpowers prohibiting placing in orbit or in outer space any nuclear weapons or weapons of mass destruction. We have not challenged any Soviet activity as a violation of this treaty—if there has been such a violation, General Graham does not cite it. If he cannot show any violation of a treaty that has been in force for years prohibiting the deployment of nuclear weapons in outer space, what happens to his argument that space is already militarized?

General Graham supports his sweeping generalization that "space is already militarized" by a single assertion, again back up with no documentation whatsoever. He contends that 85 percent of all Soviet satellites and 50 percent of all American satellites are military. What he fails to say is that these satellites are the basis for our arms control verification. These are arms control satellites. They carry no nuclear warheads. They carry no conventional munitions or military projectiles of any sort. They have a single purpose: To determine the military activities, especially the strategic that is nuclear military activities of the adversary. In this sense, they are, indeed, military satellites, absolutely essential to enable this country and the Soviet Union to have any reliance on arms control. These satellites are designed to limit military weapons. And for many years to come they will constitute the absolutely essential sentinels of verifiable arms control agreements. To call them a militarization of space turns their purpose on its head.

General Graham offers one other argument to rebut the contention that Star Wars would create a space race. He contends it would shift the competition from offensive nuclear weapons designed to kill people to defensive weapons designed to kill offensive nuclear weapons and save lives.

What is wrong that? That certainly sounds good. It has only two defects. It almost certainly will not work. As I have said previously, if I were convinced that this would work, would save lives, would give us an effective defense against offensive missiles, I would be willing to spring for $1 trillion to pay for it. But the odds that it will work are overwhelmingly against it.

The second defect goes to the heart of the problem. General Graham contends that Star Wars will shift the arms race from offensive to defensive missiles. That is a nice dream, but only a dream. Under General Graham's plans the defensive arms race would move ahead. But why would the offensive arms race stop? Indeed, why wouldn't the offensive arms race move ahead even faster? After all, offensive missiles would face a brand new challenge. That challenge is, how do they match and overcome the new defensive technology? Neither the United States nor the Soviet military establishment could resist the challenge. On the basis of all past experience, as the defense becomes more efficient

and more complex, the offense becomes not only more efficient and more complex but also far more expensive and far more effective. The offensive technology will not up and disappear. It will rush ahead like gang busters, costing hundreds of billions along the way. But will "Star Wars" advance our security? Will it make nuclear war less likely? No. It will raise the possibility that deterrence may not work. It will, therefore, tempt our adversary to take the supreme chance. We will not hammer down or defeat our adversary this way. We will certainly hammer down and defeat our Treasury and our taxpayers.

THE ULTIMATE HOLOCAUST

Mr. PROXMIRE. Mr. President, for over a year I have been rising on the floor of the Senate to talk about the overwhelming danger of the nuclear arms race and about the steps we must take to stop it. Hundreds of billions of dollars have been devoted to building our nuclear arsenal and we plan to spend hundreds of billions more in the next few years. At the same time the Soviet Union speeds along with the same nuclear buildup.

Many proposals have been introduced to restrain or even reverse this insane march toward nuclear armageddon. I have repeatedly called for a comprehensive, mutual, verifiable United States-Soviet freeze on the testing, production, and deployment of nuclear weapons. But, for a variety of reasons, we seem to always run into a dead end when it comes to actually taking action on the most important challenge facing man today—the survival of the human species on this planet.

There is no more dangerous threat to the survival of our Nation and of civilization itself than the possibility of nuclear war. A nuclear war would be the ultimate holocaust involving all mankind.

But for the last 17 years, every day on the Senate floor, I have also been urging my colleagues to take action against another threat to humankind. It is called genocide, the systematic extermination in whole or in part a national, racial, ethic, or religious group.

There are no quick and easy answers to diminishing the threat of nuclear war or to halting the practice of genocide throughout the world. But that should not stop us from doing all we can to prevent such holocausts.

One obvious step that the Senate has refused to take for over 35 years concerning the crime of genocide is the ratification of the Genocide Convention.

Thank heaven that a thermonuclear war has not occurred in this world. But unfortunately the same cannot be said of the atrocities associated with genocide. When it comes to the practice of genocide, the 20th century has undoubtedly been the most bloody and ruthless. And the potential for it still exists today.

This is why it is so important for the United States to join the 97 other nations of the world that have already ratified the Genocide Convention. The treaty makes the crime of genocide not just a violation of the international norms of decency but also a violation of international law.

The threat of nuclear war and the crime of genocide must be resolved. We cannot afford to further our delay in finding the solutions to these two crucial issues. The time to act is now. The Senate must begin by ratifying the Genocide Convention.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR LEAHY

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized for not to exceed 15 minutes.

Mr. LEAHY. I thank the Chair.

S. 2869—TO PROVIDE A TAX CREDIT FOR TELEVISION SUBTITLE EQUIPMENT FOR USE BY HEARING-IMPAIRED INDIVIDUALS

Mr. LEAHY. Mr. President, I rise today to introduce legislation to aid those with hearing impairments to acquire television captioning decoder equipment by providing a tax credit toward the expense of purchasing the equipment. I am introducing this important legislation concurrent with a House companion bill introduced by Congressman BONIOR and others.

This is an age in which television has become the most popular information medium in the world. Yet for many of the more than 15 million Americans who are either deaf or hearing impaired, that world is still mute. For them, television has sight, but no voice.

New technology can open up this world through "closed captioning," a method of translating the spoken dialogue into a running script appearing on the television screen. But the words can be seen only on sets equipped with captioning decoders. The cost of these devices is such that many hearing impaired individuals, and their families cannot afford them.

A captioning decoder costs about $250. Television sets equipped with built-in decoders run as high as $500. For the hearing impaired, whose incomes are generally 15 to 20 percent below the incomes of other Americans, these costs are prohibitive. The price of decoder equipment is an obstacle which continues to isolate these Americans from the mainstream of society.

The legislation I introduce today, amends the Internal Revenue Code of 1954, providing a 50-percent tax credit for the purchase of the decoders, with a maximum tax credit of $250. All three commercial networks, ABC, NBC, and CBS; the Public Broadcasting System; the National Association of the Deaf; the National Captioning Institute; and Gallaudet College acknowledge that this legislation would be of great service to those with hearing impairments and have pledged their support.

Today, only 85,000 households have captioning decoders. Only these few have access to the nearly 60 hours of captioned television provided each week by the National Captioning Institute. To reemphasize, Mr. President, that means if one watches a television program without the decoder, it looks and sounds like any other television program. But if the decoder switch is turned on a line appears showing the dialog as it is being spoken. So quite often, any one of us watching television at home in the evening has probably seen these closed-captioned programs without realizing it. If we had a decoder attached to the television, we would see subtitles appearing on the bottom of the screen. I do not believe there is anyone in this body who needs this special equipment.

But there are still an estimated 3.7 million households with hearing impaired members, which do need these decoders. With decoders, these people can enjoy a privilege which the rest of us often take for granted. I find it unacceptable that the technology is available but not accessible to families with hearing impaired members.

Many of these people are elderly, and the shut-in whose only access to the outside world is often through television. With decoders, these people can enjoy the privilege which the rest of us often take for granted. It is unfortunate that this technology is available but not accessible to families with hearing impaired members.

In my home State of Vermont, the third smallest State in the Union, there are 31,000 hearing impaired citizens who do not have full access to this Nation's airwaves. To them, television has only provided further isolation and estrangement from the surrounding community.

I hope you will join me in supporting this legislation. Let's break the barriers which stand in the way of a fuller

life for hearing impaired individuals across the country. The time has come to make the Nation's airwaves available and accessible to the entire population. Would it not really be good if we did just that?

We first started talking about this legislation with CBS, ABC, and NBC officials 4, 5, or 6 years ago. I recall each one of the major networks was unwilling to even try it at that time. Now all three networks are involved. I find more and more producers telling me, both in New York and in Hollywood, that they are perfectly willing to involve themselves in the really minor cost of captioning a program. But all of them have expressed the wish that there were more people receiving the program once it has been captioned. This can go a long way toward helping them.

Mr. President, I ask unanimous consent that this legislation be introduced, appropriately referred, and printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered, and without objection, the bill will be received and appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR TELEVISION SUBTITLE EQUIPMENT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting before section 45 the following new section:

"SEC. 44I. TELEVISION SUBTITLE EQUIPMENT FOR USE BY HEARING-IMPAIRED INDIVIDUALS.

"(a) CREDIT ALLOWED.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the television subtitle equipment expenses paid or incurred by the taxpayer during the taxable year.

"(b) MAXIMUM DOLLAR AMOUNT LIMITATION.—The amount of the credit allowed under subsection (a) for any taxable year shall not exceed $250 ($125 in the case of a married individual filing a separate return).

"(c) DEFINITIONS.—For purposes of this section—

"(1) TELEVISION SUBTITLE EQUIPMENT EXPENSES.—The term 'television subtitle equipment expenses' means any amount paid or incurred by the taxpayer for the purchase and installation of any television subtitle equipment for use by any hearing-impaired individual who is an individual described in any paragraph of section 152(a) with respect to the taxpayer.

"(2) TELEVISION SUBTITLE EQUIPMENT.—The term 'television subtitle equipment' means equipment—

"(A) which is used in connection with a television,

"(B) which permits subtitles (which, but for such equipment, would not appear on the television screen) to appear on the television screen, and

"(C) the original use of which commences with the hearing-impaired individual referred to in paragraph (1).

"(3) HEARING-IMPAIRED INDIVIDUAL.—The term 'hearing-impaired individual' means an individual whose audible, aural perception is not functional at 70 decibels or lower in the better ear without a hearing aid."

(b) CONFORMING AMENDMENT.—The table of sections for subpart A or part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44H the following new item:

"Sec. 44I. Television subtitle equipment for use by hearing-impaired individuals."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred after December 31, 1983, in taxable years beginning after such date.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a time for the transaction of routine morning business, not to extend beyond the hour of 12 noon, with statements therein limited to 5 minutes each.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I believe the distinguished majority leader reserved my time under the standing order.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

WHICH SOVIET POLICY?

Mr. BYRD. Mr. President, today's news reports carry the story of a White House decision to lift the ban on Soviet fishing in American waters. Apparently, this is part of an election year push to improve relations with the Soviets.

In fact, this decision is in keeping with existing administration policy toward the Soviets—or, at least, one half of that policy. I say this because the past 3 years have convinced me that there are two administration programs with respect to the Kremlin. The first of these is a highly visible and vocal policy of dangerous rhetoric and provocation. This is the evil empire policy that encourages a war of words with the Soviets—trading bellicosity for bellicosity.

But there is another track to the policy. This one is much less conspicuous, and often goes unnoticed. It might be referred to as the policy of business as usual. It manifested itself in the decision to rescind the Soviet grain embargo imposed by President Carter following the Soviet invasion of Afghanistan.

That was the policy that hurt the Soviets, and then President Brezhnev stated before the world that the agricultural policies of the Soviet Union were not working and that the Soviet Union had very real problems in agriculture. The administration, nevertheless, proceeded to lift the grain embargo and not only did not secure any quid pro quo for lifting it but also apparently did not even ask for a quid pro quo. To the contrary, the administration proceeded to conclude a major grain deal with the Soviet which ties the United States into higher sales levels.

In March of this year, business as usual meant approving the sale of $40 million in oil and gas equipment to the Soviets.

As Members will recall, the administration was quite visible in beating our European friends over their heads in the effort to get them to restrain themselves in connection with the sale of oil and gas equipment to the Soviets.

Oil and gas exports account for more than half of all Soviet foreign exchange earnings, so this meant that we were financing the most important sector of the Soviet economy. Nonetheless, business as usual required that the sale be made.

Now, we learn that the administration is prepared to allow the Soviets to resume fishing in American waters. This may seem a strange decision, given the Soviets' peculiar and deadly fixation for the integrity of borders. Coming less than a year after the brutal and senseless destruction of Korean Air Line flight 007, some of my colleagues might wonder why we are opening our territory to Soviet commercial exploitation.

Perhaps some have forgotten that the Soviets refused to let our ships and the ships of other nations into the waters where it was believed the Korean airliner went down. The Soviets would not let us into that area to look for bodies and the little black box from the ill-fated plane. But now we are going to open our waters to Soviet fishing fleets.

What kind of message does this send? Does this lend certainty and predictability to our policy with the Soviets?

I am sure there are those in the Kremlin who find themselves confused by these very mixed signals. But, after nearly four years, I am sure that many have reached the same conclusion I have reached about our policy. They understand that this administration draws a sharp line between what it says and what it does. And once they understand this approach, the

Soviets can afford to take some satisfaction in what it means for them.

The business as usual policy permits a Soviet economy dependent upon foreign sources for its food supply to rely upon regular grain shipments and a commitment to allow fishing in U.S. waters. Access to vital Western technology will allow the expansion of Soviet oil and gas production, with a resulting increase in foreign exchange earnings to finance Soviet adventurism and a military buildup.

At the same time, the public diplomacy that decries the evil empire will permit the Soviets to make a credible claim that this American administration is insincere about limiting nuclear arms. This gives the Soviets the cover they need to back out of arms talks and accomplish a major goal of their foreign policy; avoiding a mutual, verifiable arms control agreement that restrains Soviet military expansion and development.

Thus, the two policies seem to be giving us the worst of both worlds. They provide the Soviets with dependable and regularized economic relations with the United States, while the Soviets are able to deny us the mutual, verifiable arms limitation agreement that is in America's interests, and in the interest of the Soviet Union as well, for that matter.

I appreciate that there are some Americans who stand to benefit from business as usual, and they are understandably pleased with the grain deal, the gas equipment deal, and the fishing agreement, which requires the Soviets to purchase from the United States an amount of fish equal to their catch. I am not eager to deny those Americans a business opportunity. But I am deeply concerned that a commitment to provide the Soviets with what they most want and need from our food and grain resources is a policy that benefits a few at the cost of interests which we all share.

Finally, I wonder what the people of Afghanistan think as they see one sanction after another lifted against their Soviet oppressors. Much of the economic restraint that characterized our relations with the Soviet Union came about in response to the 1979 invasion of Afghanistan. The Soviets have not left Afghanistan. There is no indication that they will leave soon. There are still some 105,000 Soviet troops in that war-torn country, and the people there continue their brave resistance. Does the situation in Afghanistan now warrant the economic favors we bestow on the Soviets? What does business as usual say about our commitment to the struggle of the Afghan people?

Mr. President, I yield back the remainder of my time and I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. KASTEN]. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD OF HEROIN AND COCAINE CHANGING PATTERNS OF DRUG USE

Mrs. HAWKINS. Mr. President, it has been said about drug abuse in our Nation that the worst is yet to come.

But, I ask you, how can it be worse than is reported in the article reprinted below?

When cocaine use reaches every level of our society; when the number of cocaine addicts increases by one-third in 1 year; when the supply of cocaine and heroin becomes so extensive the price drops 60 percent in 1 year; when drug-related murders increase 50 percent in 1 year; when the increased purity level of the cocaine on the streets causes strokes and seizures in its unsuspecting young users; it is time to put a stop to it.

Personal histories of those whose lives were devastated by drugs are included in the first of this series of articles on drug abuse. To see a young man ruin a promising career on Wall Street and decimate his savings because of cocaine; to see a young woman fall victim to cocaine addiction thereby losing her job and her husband; to see a ghetto-escapee turn to crime to feed his narcotics addiction; to see a young immigrant break his family's heart by dropping out of school and turning to crime to support his need for drugs; it is time to put a stop to it.

Mr. President, the amount and accessibility of cocaine and heroin in this country have increased to such an extent that law enforcement officials have virtually ceased large-scale investigations into marijuana trafficking to turn their attention to these "more dangerous" drugs. Cocaine and heroin are available in such quantity that former users of only one type of narcotic are turning into "garbage heads"—the street term for users of more than one drug.

It is not as if efforts are not being made to put a stop to this situation. Numerous crackdowns against drug traffic, both on the part of New York City drug enforcement officials and Federal authorities, have been made, as have many seizures of drug and arrests of dealers.

But there is so much money to be made, and so many drugs available, that the dealers who do escape these raids just move to another place to ply their trade. There is another phenomenon that is occuring in New York right now, and that is that average middle-class people, once only intermittent users of drugs, are becoming dealers of cocaine and heroin. Again, the risk is worth it to them because of the tremendous amount of money to be made. The use of heroin and cocaine thus rises in the areas outside the city, as these new kinds of pushers take their wares home with them to the suburbs.

While the situation that is described in this article about drug abuse in New York is particularly horrifying, I think we would be making a mistake to think that these problems are limited to our Nation's largest city. In my home State of Florida, many urban areas are as affected by increased supply and use of drugs as is New York City. The problem drug abuse is our Nation's No. 1 problem, and articles like the one reprinted below point this out in graphic terms.

Mr. President, it is time to put a stop to it.

I ask unanimous consent that the article entitled, "Drug Flood Altering Patterns of Use," of the New York Times, dated May 20, 1984, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRUG FLOOD ALTERING PATTERNS OF USE

(By Selwyn Raab)

Supplies of illegal heroin and cocaine have grown so plentiful in the New York City area that drug experts see a dissolving of the traditional lines between people who use the two drugs as well as between people who sell them.

Heroin addiction, while still more prevalent among the poor, has recently risen among members of the white middle class, rehabilitation experts say. And cocaine appears to be contributing to the increase. A state study has found that some cocaine abusers have become addicted to heroin after experimenting with that drug to overcome the mental anxieties created by cocaine.

At the same time, cocaine, once the exclusive preserve of wealthy drug users, has become a popular street drug. High-priced cocaine with a purity level as high as 40 percent is still sold for $100 a gram and $1,000 an ounce to affluent users. But for the first time, the drug, with purity levels of 5 to 10 percent, is being widely sold in small units called bags or tins for as little as $10.

Dozens of cocaine and heroin addicts, from all segments of society, from bank executives to admitted shoplifters, described in interviews how with little difficulty they managed to get both drugs. Wealthy cocaine users, whose habits cost more than $50,000 a year, told of using the telephone to arrange direct deliveries to their East Side apartments.

And in the Bronx, a longtime heroin addict who tells of financing his $100-a-day habit by shoplifting and burglaries said that "the dope situation has never been better." He said the recent flood of cocaine at low prices had allowed him to "speedball"—or inject a combination of heroin and cocaine.

Moreover, the difficulties in combating two hard-core drugs have severely strained the police and rehabilitation agencies. And because heroin and cocaine are so much

more health-threatening than marijuana, law-enforcement agencies have virtually ceased large-scale investigations into marijuana trafficking, although the drug is openly sold on street corners.

Until several months ago, few dealers handled both heroin and cocaine. But with the surge in illegal use and trafficking in the New York metropolitan area, officials say the two drugs are now being offered together in abundant quantities. New York dealers have coined a name for multiple drug customers—"garbage heads."

GOING INTO DRUG DEALING

"There is so much money to be made that average middle-class people are going into coke and heroin dealing," said Sterling Johnson, Jr., the city's special narcotics prosecutor. "They know the odds are on their side, that most dealers who take care of friends and neighbors don't get caught."

The surge has occurred despite crackdowns by the city's Police Department and Federal authorities against trafficking on the Lower East Side and in Harlem, two of the most notorious areas in the city for narcotics sales. Most officials, including Police Commissioner Benjamin Ward, say that in the wake of the police campaigns many of the dealers have simply moved their operations indoors or to other neighborhoods.

Deaths attributed to narcotics overdoses—mainly heroin—have more than doubled since 1978, to about 500 in the city last year. And the Police Department's last homicide analysis in 1981 estimated that at least 393 slayings in the city, or 24 percent of the total, were drug-related, principally involving heroin or cocaine users and dealers.

"Coke and heroin are probably at an all-time high," said the director of the state's Division of Substance Abuse Services, Julio A. Martinez. "Previously, coke and heroin dealers dealt to different classes of people. Now what you have is a department store—you can get all types of drugs from any one dealer."

The recent police drives seem to have had little effect on experienced heroin users.

"Even if they clean up Avenue D, it doesn't matter," the Bronx addict said of the notorious drug-selling on the Lower East Side. "There's always somewhere else—in East Harlem, College Avenue in the Bronx, Bed-Stuy and Williamsburg. They can't stop it. Too many junkies, too much money. Nobody's worried about it."

With the changing patterns of heroin and cocaine use in the New York area have come other significant trends, according to Federal and local law enforcement agents, rehabilitation counselors, drug addicts and former drug addicts, and public and confidential reports on narcotics problems.

The experts cited these key changes in cocaine abuse:

Use of the drug is rising in the city and the suburbs, according to a study by the state's Substance Abuse Services Division. The study estimated that at least 750,000 of the state's residents have used cocaine, almost double the number in a 1981 survey. About 400,000 people in the state are believed to use cocaine at least once a week.

More patients in drug-treatment programs are citing cocaine as their major problem. Last year, a record number of patients cited cocaine abuse problems when applying for admission to state-financed drug treatment programs. Outside of the city, about 9 percent of the patients who sought help listed cocaine as their major problem, compared with 4 percent in 1981. In the city, the proportion of patients with cocaine problems in state-financed programs rose to 9 percent last year from 6 percent in 1981.

Cocaine is making inroads among low-income populations. For example, a state study found that 26 percent of the residents in the city's single-room-occupancy hotels—many of whom are on welfare—are users of cocaine.

As many women as men are using cocaine, Dr. Arnold M. Washton, a psychologist and drug researcher, said a recent survey of cocaine abusers in the metropolitan area had found that about half were women, up from one-third a year ago. The growing rate among women, Dr. Washton said, stemmed partly from the changing roles of women in society and increased stress faced by those who work.

"Women also are being introduced to cocaine through courtships," Dr. Washton added. "Instead of candy or roses, men bring cocaine as a gift."

Because of apparently abundant supplies, the price of cocaine for large-scale dealers has fallen in New York. According to officials of the Federal Drug Enforcement Administration, in the last year importers have dropped their price to middle-level distributors from $40,000 a kilogram, or 2.2 pounds, to $30,000.

The lower prices have also made it easier for teen-agers in the city and the suburbs to purchase and to try cocaine, drug counselors said.

Many drug experts are concerned that the increasing use of high-purity or more potent cocaine may lead to medical as well as psychological problems among abusers. Because large-scale cocaine use is relatively new, reliable studies on the possible long-term physical side effects have not been made. But Dr. Robert B. Millman, director of drug research at New York Hospital, said there are "ominous signals."

"We are getting a large number of anecdotal reports of young people who use cocaine and who are having seizures, strokes and premature heart attacks," he said.

With heroin, the picture is somewhat different.

The number of heroin addicts in New York State has risen slightly in the last year to about 247,000, Federal and state officials estimate. Most—190,000—live in the city. About 32,000 heroin users live in Long Island and the northern New York suburbs. About 20,000 come from northern New Jersey.

Heroin addicts are still believed to be more heavily involved in violent crime than are cocaine users, who generally are more affluent. Researchers said about 20 percent of frequent cocaine users admitted having committed crimes to support their habits. Most crimes were white-collar offenses, such as embezzlement and theft.

The typical, or daily, heroin addict in the city, in addition to buying, selling and using drugs, commits 209 nondrug crimes each year, according to a study recently completed by the state's Substance Abuse Services Division.

Based on interviews with 201 addicts, the study found that the average addict, who spends between $50 and $100 a day on heroin, had been involved in 12 robberies, 34 burglaries and 91 other types of thefts each year. The typical crime netted $41, the report said.

MOST CRIMES WERE NONVIOLENT

Dr. Bruce D. Johnson, a sociologist who was in charge of the study, said the vast majority of crimes committed by heroin addicts were nonviolent, such as shoplifting, check forgeries and prostitution.

Another sign of heroin use and its link to crime has been noted by officials through a sharp increase in the number of newly arrested inmates in city jails who require detoxification or medical aid for withdrawal symptoms. From 1980 to 1983, the number of inmates who underwent detoxification rose from 7,679 to 13,046.

The proportion of blacks addicted to heroin in the city and the state appears to be falling. Since 1980, black patients in state-supported treatment programs dropped from 48 percent to 38 percent. Meanwhile, the number of Hispanic patients rose from 32 percent to 35 percent and the number of whites from 20 percent to 27 percent.

Experts attributed the drop among blacks partly to vigorous anti-heroin educational programs directed at black youths. The rise in use among Hispanics, the experts said, may have resulted from the easy availability of heroin in Hispanic neighborhoods, including the Lower East Side, Williamsburg, East Harlem and the South Bronx

An increase in heroin use by whites—mainly men and women in their 30's—resulted largely from a relapse problem, rehabilitation experts said. Many former addicts, they said, stopped using the drug in the mid-1970's when it was hard to get but had been lured back by its greater availability and purity.

In the 1970's, purity was usually below 2 percent. Recent Police Department laboratory tests have shown purity, especially on the Lower East Side, as high as 17 percent.

Cocaine, which pharmacologically is not a narcotic but a stimulant of the central nervous system, has also been blamed for an increase in the use of heroin. Heroin is a narcotic that numbs the senses. A state study of new heroin users found a large number who said they had turned to the drug in an attempt to relieve psychological stresses caused by cocaine.

"They get so wired, so hyper-stimulated by chronic cocaine use that, they can't sleep or function," explained Dr. Douglas S. Lipton, research director in the state's Substance Abuse Services Division. "They resort to heroin to avoid the depression which normally happens when cocaine is cut off, only to become addicted to heroin."

In analyzing the recent trends, Dr. Mitchell S. Rosenthal, the president of the Phoenix House Foundation, which runs the largest private drug rehabilitation program in the metropolitan area, said that 20 years ago less than 4 percent of the population had used any illicit drug.

"Today, more than 35 percent of the population has used an illicit drug," Dr. Rosenthal said. "It is no longer a phenomenon of the minority poor, the underclass. Over 20 years, there has been a de facto decriminalization of drug use. Our culture, in effect, has said, you want to get high, then get high."

Dr. Washton, who is director of substance abuse research and treatment at Regent Hospital in Manhattan, said: "What we have is the baby boom generation of post World War II that has shifted from marijuana to cocaine. Many of them got comfortable with the idea of so-called recreational drugs in the 60's and 70's and they are smack dab in the middle of life, dealing with problems they never thought they would have to deal with."

DRUG USERS, RICH AND POOR, TELL OF THE COST AND THE ANGUISH

Some grew up in wealth and comfort in New York City, the suburbs and upstate. They went to private schools and Ivy League universities before moving almost effortlessly into well-paid executive jobs in finance or the fashion industry.

Their lives in New York City involve business deals in the garment district and Wall Street, fashionable Gramercy Park apartments, expensive restaurants and parties.

Others grew up in middle-class Brooklyn and shabby inner-city neighborhoods. Most of them are school dropouts who worked briefly as teen-agers. Now they support themselves and their families by mugging, shoplifting and selling illicit drugs.

All of them—the wealthy, the blue-collar workers and the criminals—are heroin or cocaine addicts.

Some affluent addicts began using drugs, mainly cocaine, often because it was considered a harmless diversion. They could afford it, even if it cost $50,000 a year.

For poorer addicts, cocaine and heroin are sometimes an escape mechanism, a way, they say, of temporarily forgetting their daily plights. And crime is the only way they know of supporting addictions that can cost more than $100 a day.

They described their experiences with drugs and the consequences in taped interviews on the condition that their names be withheld. Whether rich or poor, they spoke of an easy availablity of drugs in the city and often of misplaced confidence that they could occasionally use cocaine or heroin without becoming addicted.

"A DIFFERENT WORLD"

He is a 29-year-old investment banker, a native of upstate New York who graduated from an Ivy League college and moved to the city six years ago. He recently entered a private rehabilitation program.

Like most people of my generation, I started with pot in high school. I experimented with cocaine in college, but it was too expensive then. When I got to the city, a lot of people in my social and business lives were doing it.

I was part of being accepted, like drinking. It was there, and I did it along with everyone else.

It was a form of release at the end of the day. It didn't trouble me because it was illegal. As long as I wasn't selling it, I didn't feel I was committing a crime.

The first couple of years, I was snorting two or three grams a week, costing me $200 or $300, but I could afford it. I was making $50,000 in my job, and I have a considerable outside income, another $50,000.

The people I know are deep into six-and seven-figure incomes. When you make half a million a year, you can afford a cocaine life style. After a deal, you say, 'Let's celebrate, get a couple of suites in a hotel, girls from an escort service, a couple of limos, a case of Dom Perignon and an ounce of cocaine.' It's just part of that good life.

In 1982, I had a lot of business pressures. I wanted to leave the company I was with and start my own investment-consulting company. I was unhappy at work, and at the same time I became friendly with a group of people in the commodities exchange who do it in massive quantities.

I stopped buying a gram or two from friends and started to meet with real hardcore dealers. I needed larger and larger quantities—$2,000 a week. I could afford it, but it was hitting my savings, not coming out of my paychecks.

Last year, I also got married, and there was the pressure of work, and a fight with my landlord. Coke put me in a different world. I didn't care anymore. I was going downhill at work. All I was looking forward to was the next high.

I thought I was concentrating, but I wasn't. I'd go to Lutece for a business luncheon and not eat a thing. There were a couple of deals that I definitely blew.

Last October, I confessed to my wife I was doing it in large quantities. I went to a psychiatrist and stopped for two months. Then it started again, worse then ever. I felt wired, but not in a frenzied condition. My hands shake, and you're always blowing your nose; it's like having a chronic cold.

I was spending money faster than I was making it. In the last year and a half, it cost me more than $100,000. Emotionally, it was tearing me apart. I was losing my temper, losing my shrewdness. I was talking too much when I should have been discreet. I tortured my wife—started fights with her just for the fun of it.

Sometimes I was so high I'm lucky I didn't kill myself by stepping in front of a bus.

"A JOB ONCE A WEEK"

A 35-year-old who grew up in Little Italy and the East Bronx.

I come from a good family. My father was a postman; my brothers and sisters all have good jobs.

When I was 13, a friend had some heroin. He asked if anyone wanted to get high. It was a big thing back then. I said, 'I'll try.' I mainlined, and I've been screwing up ever since.

My parents were immigrants. They didn't know anything about drugs, and they didn't realize I was screwing around until I got arrested for burglary when I was 16.

All in all, I spent about 10 years in prison, for robberies and burglaries. I used to push drugs, and I made $1,000 a week. But I would spend it all on heroin.

I'm married and have two sons, 12 and 7. My wife doesn't know what I'm doing. I never go into the house high, and she never sees my arms. She thinks I'm straight and that I'm a cabby.

I got out of prison about a year ago, after four years for armed robbery. Heroin is costing me about $60 a day. I'm shooting five or six bags.

I pay for it, I pull a job once a week, usually a stickup. Most of the time I don't even know what I'm doing. I wake up and find I have $3,000 or $4,000 in my pocket. Then the picture would come back to me that I stuck somebody up.

My parole officer never looks at my arms. He asks if I'm working and says keep looking. They don't care, as long as you come in and keep the appointments.

It's a bitch out there, getting a job. Certain jobs you have to be bonded. With my record, I can't even get a super's job. I want to stop, but I don't know how. I've been trying to get into a methadone program, but they say come back in three or four weeks, and they still ain't got no room.

It's a hell out there. I get so depressed that instead of looking for a job, I buy a bag of that poison.

"TAKES THE TENSION OFF"

A 35-year-old woman with two children who has always lived in Harlem.

I started messing with drugs when I was 15. It was the last day of school in Washington Irving High School, and a friend gave me a snort of heroin. 'Take a blow, you're going to love the high,' she told me. And she was right.

When I was 17, I dropped out of high school and got a job in the post office. I worked there for about a year, when I found another way of making money—bagging heroin.

You can make about $100 a day in one of the mills. And the bosses always have some cocaine to keep you perky and to stop you from dozing off because of the heroin fumes.

It's hard to get those jobs in the mills, and it cost me $100 to $150 a week to get heroin. I'm on welfare, but that's not enough. I get money in various ways, sell pills, make a heroin run for someone else and get paid by the customer. The one thing I won't do is prostitute myself. I also won't sell drugs to any children.

I've only been arrested once, I was with three other people when the cops caught us shooting up in a hallway. I've tried going cold turkey, but it doesn't work. I have a lot of problems, pressures, finding enough money to raise my kids. If I can't handle something, I have to get high. It takes the tension off of me.

I have this fantasy that someday there will be detoxification centers where you can kick the habit and get good medical attention and then they help you find a good job. That's why so many of us hang out on the streets—because we have no jobs.

"ALL GONE UP MY NOSE"

A 22-year-old fruit and produce wholesaler in Brooklyn. He is married and has two children, and he says he is planning to seek help in a therapeutic program.

My first contact with drugs was while I was a student at Madison High School. Back then it was pot and ludes. After I graduated and started making some money, I had friends in business and in nightclubs who had cocaine connections.

All the rich people, the politicians and the show-biz people were using coke. I was just a working kid, so it was a big thing for me to try something that was a rich man's high.

About a year and a half ago, it got to be a habit for me. I had extra money and time to do it. If there was pressure at work, I'd run and get a gram of coke. I never cheated on my wife, but cocaine became my lover.

In the last six months, it's become unbearable. I've become paranoid. I can't go out of my house without looking behind me to see if I'm being followed. I break out in a cold sweat. I think people are watching me in my living room, that someone will jump through the window and take my cocaine.

I smoke an occasional joint, but nothing helps. I can hardly sleep. I go to work without sleeping, come home to get more cocaine to wake myself up.

The general situation with coke is very bad. You can get it in Flatbush, Bensonhurst, all over Brooklyn, not just Manhattan. Kids are copping half a gram for $40. It's cheaper than it's ever been. Maybe it started out as a rich man's high, but gradually it will be a welfare high.

I make about $30,000, but over the last year I spend about $50,000 on cocaine. I've gone through most of my savings and borrowed from all the people I know. It's all gone up my nose and through my brain.

"INTO TOTAL REVERSE"

A 26-year-old secretary who grew up in Tenafly, N.J., attended a junior college and has been living in Manhattan for the last six years.

I was going out with an older man, about 35, and his entire group was into coke. We used to go to bars on the East Side. They'd hand you a vial, you'd go to the ladies room and snort out of the vial. My boyfriend was paying for it, but when we broke up, I got in touch with his dealer.

At first, I was able to handle it recreationally, only on weekends, and I didn't have constant cravings. Then it got worse. I needed a gram a day. I was paying $100 a gram, but I was such a good customer my dealer lowered the price to $90. My net pay was $260 a week, and I was spending $110 a day. I used a credit card to draw $2,500 from a bank and sold jewelry left to me by my grandmother for $7,000.

In the beginning, it was social. I'd love to go out, gab away, meet people. It made me feel confident, euphoric, that I could conquer the world.

Then it went into total reverse. I couldn't go out, I couldn't walk in the street. I felt everyone was looking at me through the window in my apartment, that the neighbors were spying on me. I really became a wackadoo.

I've lived in the Gramercy Park area and the Upper East Side, and coke is all over. I'm living with someone now, and I'm in a therapy program, and I hope I've licked the problem. But most of the tenants in my building, all they talk about is drugs. They say my floor has got the best drugs in the building. Now that I'm off drugs, I've probably got dealers living right next to me.

"CENTER OF EVERYTHING"

A 32-year-old buyer in the garment center. She attended private schools while growing up in Brooklyn and in Mercer County, N.J., and graduated from the University of Miami. Trying to relieve the anxieties of cocaine use, she suffered an overdose of sedatives and entered a rehabilitation program.

In 1981, everybody started doing coke—in homes, in limousines on the way to theater. The first time I tried it was on July 4, 1981, while watching the fireworks on the West Side. It's strange to say it now, but at first I didn't like it.

Six months later I was in Florida, and all my dates were using it. I tried it again, and what I did like about it was that it gave me the energy to dance until 4 in the morning.

The next time I danced with cocaine was in June 1982, when I met my future husband. We used it once a month, on the anniversaries of our first meeting. My husband had been a cocaine dealer for many years. He started selling coke when he needed money to complete his doctorate, but once he saw how easy it was to make money selling coke, he dropped out of the doctoral program.

When we decided to get married, he got a legitimate job. But as I starting using it more and more, I enjoyed the high. I'm a very up person, and it sped me up. It gave me more security—an 'I don't give a damn' attitude.

By March 1983, I was using it every day. When we got married in September, I stopped. My husband said, 'I'm not in the business; I don't want you involved in it.' As a substitute; I started drinking, but I missed coke. I had been used to living alone, total independence, never having to answer to anybody. Now here somebody was invading my space.

Last November, I made connections with people in the garment center. I couldn't resist the high coke gave me. When I did coke, I was the center of everything. I put everything on the back burner. I forgot about everybody and everything. In one month, I did $4,600 worth, two to four grams a week. I'd phone a dealer, and the coke was delivered to my door. Because I paid out of my savings, my husband had no idea what I was up to.

But my life was becoming totally uncontrollable. It was an effort to get up in the morning to do a food shop. I always had dinner on the table when my husband came home. But those last few hours before he came home, when I stopped using coke, were the most horrible of my life. That crash was the worst thing I've ever been through.

"DEAD TIRED"

A 42-year-old who was paroled last October after serving six years in prison for shooting a man during a quarrel in a bar. He is living in the Yorkville section of Manhattan.

When I was 19, I was a doorman on Park Avenue and doing fairly well. A friend bought a $5 bag of heroin, and four of us tried it. We all thought we could handle it. We all thought we were pretty clever. Once I started using it, it got heavier and heavier, and I didn't know I was hooked.

I lost my job and started stealing little things, first $5 from my mother or from someone else in the family. When I was 20, I got arrested for armed robbery and served four years.

Since then, I've also been arrested for breaking into cars and boosting out of supermarkets. I've never been able to hold a full-time job, because getting enough money for heroin is a full-time occupation. I'd occasionally spend 60 or 90 days in jail, and clean up my habit for a brief time.

When I got out of prison last October, three days after I got home I started using heroin again. I was bored. There was nothing to do and I couldn't resist it. I told my parole officer, and he said go into a methadone program or go back to prison for four years.

I've been on methadone since December, and that takes care of my heroin problem. But I still need something, so I'm using coke. I'm shooting it. Coke allows me to escape momentarily. It's not a habit. It's something to do, instead of sitting around, thinking of my miseries.

Coke cost me $100 sometimes as much as $300. I get $108 every two weeks from welfare.

I pay for it by breaking into cars. I don't want to do anything violent. I walk around town at night, looking for cars with open doors. I'll take a tape cassette, a radio or whatever is there.

I wouldn't be doing this if I could get a decent job and there was no coke around. I know my head is in garbage can, but I can't stop.

THE READINESS AND SUSTAINABILITY OF THE UNITED STATES ARMED FORCES

Mr. GOLDWATER. Mr. President, last week the Defense Subcommittee of the House Appropriations Committee included, as a part of its report, the results of an Appropriations investigative staff study critical of the readiness and sustainability of the U.S. Armed Forces. The release and attendent coverage by the media given what is, I consider, a biased and outdated study, does a serious disservice to the efforts of this administration and is a slap in the face of the military services. In my view, and those of every military expert I know, by virtually every measure, the U.S. Armed Forces are substantially better off today than in 1980. The efforts of this administration to correct the longstanding and well-documented problems caused by the neglect of the previous administration have clearly started to pay off. We are not out of the woods yet, by a long shot, but I am absolutely convinced we have made great strides toward correcting those deficiencies and if we continue the programs now in being, we will see even greater improvements in the near future. Problems still exist and they are being addressed and the most important need right now is continued support from the Congress. There are entirely too many self-styled military experts here in the Congress who, for their own parochial reasons, just love to criticize the military in order to discredit the administration's program. They are wrong and those who prepared this study, the data of which is at least a year or more old, simply followed directions.

Mr. President, I would like to quote some of our commanders in chief, those who are directly responsible for fighting in a war we may become involved in and are vitally concerned with readiness and sustainability on a daily basis on this issue. These military leaders understand the problem far better than anyone in Washington and their remarks underscore the inaccuracy of this report.

General Rogers, Commander in Chief, U.S. European Command:

There is no question that USEUCOM, across the board, is more capable today than it was in 1980.

General Ryan, Commander in Chief, Military Airlift Command:

I appreciate your concern over allegations that the substantial investments in our defense establishment over the past three years have gone for naught and that somehow we are less capable militarily than we were in 1980. I want to assure you that is not the case in the Military Airlift Command.

We have made substantial progress along an ever-steepening, upward curve and are better off today than we were three years ago.

General Gorman, Commander in Chief, Southern Command:

The American people have indeed received proper return on defense investments since 1980. Among the improvements I have observed, the following are salient: better people, better training, better materiel, better strategic mobility, better joint command communication and control, better integration of the reserve components, and better sustainability.

I am convinced that readiness, a function of personnel, equipment, training, doctrine and commitment has never been higher.

Admiral McDonald, Commander in Chief, U.S. Atlantic Fleet:

A principal reason for this increased readiness status has been the retention and procurement of better qualified personnel.

I am firmly convinced that the U.S. military's war fighting capability has increased steadily during this period and personal observations of units within my command assure me of this conviction and reinforce my subjective judgment that our readiness has increased across the board in areas difficult to evaluate objectively.

General Nutting, Commander in Chief, U.S. Readiness Command:

In my view, we have a substantially greater war fighting capability today than we had in 1980. Our personnel are of higher quality; individual and units are better trained. Morale of our troops in the field is high and they have much better equipment. The M-1 tank, Bradley Fighting Vehicle, the Blackhawk helicopter, F-15 and F-16 fighter aircraft, to name a few, have made us a much more capable fighting force.

General Davis, Commander in Chief, Strategic Air Command:

Our real war fighting capability has improved substantially as a result of defense investment provided by Congress in the force structure modernization and sustainability accounts.

Mr. President, I can add to the testimony by these commanders by testifying of my personal visits around the world to different commands. I know a little bit about what I am talking about because I spent 37 years of my life in and out of the uniform. I have never known the forces of our country to be in better shape.

And, finally, Mr. President, I feel the real reason for the timing of this release smacks of nothing more than blatant, partisan politics. For the very committee in Congress that has cut defense spending the most in recent years to come out with a report of this nature is not only hypocritical but nearly criminal. I think that the comments of the commanders in chief that you have just heard obviously point this out.

ORDER EXTENDING MORNING BUSINESS UNTIL 12:45 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that morning business be extended until 12:45 p.m., under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there are negotiations and deliberations going on now on the arrangement of the schedule for the balance of today, tomorrow, and perhaps the first part of next week. While we try to complete that, unless some other Senator is seeking recognition—and I see none—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF JAMES HARVIE WILKINSON III

Mr. KENNEDY. Mr. President, if there is an opportunity to work out a satisfactory time agreement on the consideration of the nomination of Mr. Wilkinson for the fourth circuit, I ask unanimous consent that my statement on that particular nomination be printed in the RECORD at that particular time as if given. I am prepared to take the time to go through the statement, but I am quite prepared, if the arrangements are worked out, to have this statement appear in the RECORD for reference of my colleagues stating my position in opposition. And then I will look forward to working out with the leader an appropriate opportunity for a limited but hopefully important debate on the issue.

So I ask unanimous consent that, if there is such an agreement that is worked out by the majority leader, subsequent to that agreement in the RECORD my full and complete statement in opposition to Mr. Wilkinson's nomination also be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, if the Senator from Massachusetts wants me to go into executive session now, I can assure him I will not file a cloture motion until we resolve our negotiations if he wishes to speak at this point.

Mr. KENNEDY. I can speak on it if there is no other business before the Senate. I would be glad to have the opportunity under the agreement to do whatever the leader suggests.

Mr. BAKER. Mr. President, I do not think I need to stir troubled waters, so I will just refrain from that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR MORNING BUSINESS UNTIL 1 P.M.

Mr. BAKER. Mr. President, it is going to take a few more minutes than I had thought to locate Members who have to clear a proposed agreement.

I ask unanimous consent that time for morning business be extended until 1 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—WILKINSON NOMINATION

Mr. BAKER. Mr. President, I am advised by the minority leader that the request I am about to put has been cleared, I believe. It has been on this side. I will now state it. As in executive session, I ask unanimous consent that during the session of the Senate today it be in order for me to file a cloture motion on the nomination of James Harvie Wilkinson III, to be a U.S. circuit judge.

I further ask unanimous consent that the cloture vote pursuant to that motion occur on Tuesday, July 31, at 3 p.m., and that the mandatory quorum required by rule XXII be waived.

Finally, Mr. President, I ask unanimous consent that the Senate resume consideration of the Wilkinson nomination in executive session at 2 p.m., Tuesday, July 31, and that the control of the time between 2 p.m. and 3 p.m. be equally divided between the Senator from Massachusetts [Mr. KENNEDY] and the chairman of the Judiciary Committee [Mr. THURMOND] or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I will not object. This agreement meets with the suggestions by Mr. KENNEDY earlier to me. Mr. KENNEDY and I subsequently discussed it with the distinguished majority leader, and being sure that Mr. KENNEDY has no objection, and having had our telephones in the cloakroom activated so as to contact other Senators, and hearing no objection on this side, I have no objection.

Mr. BAKER. I thank the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. BAKER. Mr. President, pursuant to the authority granted under the order just entered, I send to the desk a cloture motion and ask that it be stated by the clerk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James Harvie Wilkinson III, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Jeremiah Denton, Pete Wilson, Alphonse D'Amato, Jesse Helms, John Danforth, Roger W. Jepsen, Dave Durenberger, Chic Hecht, Paul Laxalt, William Armstrong, Bob Kasten, Thad Cochran, Bob Dole, Alan Simpson, John East, Paul Trible, Don Nickles, Dan Quayle, Orrin G. Hatch, Steve Symms, Slade Gorton, James Abdnor, Paula Hawkins, Jake Garn, Mark Hatfield, Nancy Landon Kassebaum, Frank H. Murkowski, James A. McClure, Malcolm Wallop, Pete Domenici, Rudy Boschwitz, Edward Zorinsky, Gordon Humphrey, Daniel J. Evans, and Chuck Grassley.

Mr. BAKER. Mr. President, I remind Senators now that because this motion is filed today, the vote ordinarily would occur on Monday, but by unanimous consent it is set for 3 p.m. on Tuesday.

STATEMENT IN OPPOSITION TO NOMINATION OF JAMES HARVIE WILKINSON III TO BE U.S. CIRCUIT JUDGE

(The following statement is printed at this point in the RECORD pursuant to unanimous consent order entered earlier today:)

Mr. KENNEDY. Mr. President, I strongly oppose Senate action on the nomination of J. Harvie Wilkinson to the fourth circuit.

More than 4 months have passed since I joined other Senators from both sides of the aisle in requesting a further hearing on this nomination in the Judiciary Committee.

More than 2 months have passed since my colleagues and I raised significant questions on the Senate floor about the qualifications of Mr. Wilkinson to be a Federal judge. And during all that time, no hearing has been held. The Senate has a right to know why Mr. Wilkinson has not been invited back to the Judiciary Committee to set the record straight on the numerous questions that have been raised. These questions are no less troubling today than they were 2 months ago or 4 months ago.

It is true that two hearings were held on this nomination—one in November 1983, and another in February 1984. But these two hearings were entirely pro forma—until major allegations against Wilkinson's qualifications and ethics were suddenly made at the second hearing.

There are numerous allegations against Wilkinson; they are serious allegations; and they deserve serious answers.

In my view, the stonewalling attitude of the Judiciary Committee with respect to these allegations is indefensible. The persistent refusal of the chairman of the Judiciary Committee to hold another hearing on this nomination strongly suggests that the nominee has no satisfactory answers.

The Senate should not vote to confirm a judicial nominee who has been under a dark cloud of allegations of impropriety for months, and has done absolutely nothing to dispel the serious doubts about his fitness to serve on the Federal bench.

Mr. Wilkinson presents a formidable combination of inadequacies.

He is the least qualified nominee ever submitted for an appellate court vacancy. Many academics have been appointed to the Federal appellate bench in the past, but all have had at least limited—and often substantial—practical legal experience. Wilkinson has zero experience—no clients, no trial court experience, no appellate court experience, no clinical legal courses in his teaching.

Mr. Wilkinson's lack of qualifications stand in sharp contrast to other Virginians who are on the fourth circuit. If confirmed, Wilkinson would take the seat once held by John Butzner, who has taken senior status. At the time of his appointment, Judge Butzner had 5 years experience as a U.S. district court judge, 4 years experience as a State circuit judge, 17 years of legal experience in private practice, and had been a member of the bar for 26 years.

Senior Judge Albert Bryan died recently after 23 years of service on the fourth circuit. At the time of his nomination, Judge Bryan had served 14 years as a U.S. district judge, and 19 years as a Commonwealth's attorney. He had been a member of the bar for 41 years.

The only Virginian currently on the fourth circuit is H. Emory Widener. When he was appointed to the appellate bench, Judge Widener had been a judge on the U.S. district court for 3 years, had spent 16 years in the private practice of law, and had been a member of the bar for 21 years.

Mr. Wilkinson, who was admitted to the bar in 1972, in fact has fewer years as a member of the bar than any circuit court nominee from the creation of the circuit courts of appeal in 1891 through the end of 1980. And 3 of those years were actually spent outside the field of law, as an editorial writer for the Norfolk Virginian-Pilot newspaper. And in an editorial of July 29, 1983, the Virginian-Pilot, his own newspaper, opposed the nomination.

In addition to his lack of experience, Mr. Wilkinson's one brief foray into public service at the Department of Justice during this administration was a source of serious embarrassment and concern. For example, as reported in the June 1984 issue of Commonwealth magazine of Virginia, while serving as Deputy Assistant Attorney General for Civil Rights, Wilkinson's ignorance of court procedures resulted in the Department of Justice having to pay court fines because Wilkinson caused the Department to miss a court deadline for responding to interrogatories. The article quotes a former Justice Department attorney's observation that "It's sort of unheard of for Department attorneys to be fined for not answering interrogatories."

In another case reported by Commonwealth, involving treatment of inmates and prison conditions, the Justice Department objected to a county's plans for housing only 30 percent of the jail population in single cells. Suspecting that more than 30 percent of the inmates were high risk and should be in single cells, Justice Department attorneys wanted to request that the county conduct a professional study to determine what percentage of the inmates were high risk. Instead, Wilkinson arbitrarily ordered the Department attorneys to use 55 percent as the recommendation for the inmate population that should be in single cells. There was no evidence to support the 55-percent figure. Wilkinson persistently refused requests by staff attorneys to drop the unsupportable 55-percent recommendation. He finally abandoned the phony number—but only after his special assistant intervened.

In yet another matter, Wilkinson defended Assistant Attorney General Bradford Reynolds' refusal to cite a key Supreme Court precedent that was directly on point in a Department of Justice brief on rights for the handicapped. Wilkinson explained to an attorney on the case that the precedent was ignored because "Brad doesn't like that case." And then Wilkinson added: "Besides, you're lucky you got what you did. Some people appointed by this administration don't think section 504—of the Civil Rights Act—requires any affirmative obligations at all."

It is true that a number of law professors with limited trial experience have been appointed to the Federal appellate courts in recent years. But each of them clearly met at least the minimum standards of the ABA on trial experience. There is no comparison between Wilkinson's zero experience and the obvious qualifications of other academics who had at least limited—and often substantial—trial experience and who have been approved by the ABA for appellate judgeships.

The ABA guidelines recommend at least 12 years in law. Wilkinson had 8 at the time he was nominated. The ABA guidelines also recommend "substantial trial experience" or "similar experience" for both trial and appellate judges. Wilkinson has gone.

Other nominees have had less than 12 years at the bar, and other academics have had limited trial experience. But no nominee has had Wilkinson's unique combination of less than 12 years at the bar and zero practical experience.

In the case of Professor Stephen Breyer, for example, who was nominated by President Carter to the First Circuit Court of Appeals in 1980, the nominee so clearly met the experience standard that the issue for the ABA evaluation committee was whether to give Breyer the minimum rating of "Qualified" or to give him the higher rating of "Well Qualified." He received a rating of "Qualified," but in its letter of approval, the ABA committee informed the Senate:

> As a result of our investigation, a majority of our committee is of the opinion that Stephen G. Breyer is qualified for this appointment. A substantial minority found him well qualified.

By contrast, in the case of Wilkinson, the initial ABA evaluation found him "Unqualified." A "Qualified" rating was achieved only after the confidential results of the negative evaluation were leaked to Wilkinson, who then orchestrated an intensive and unprecedented lobbying campaign against the members of the ABA committee before they cast their votes. Subsequently, the committee informed the Senate:

> A substantial majority of our committee is of the opinion that Mr. Wilkinson is qualified for this appointment. The minority found him to be not qualified.

At the time he was nominated, Breyer had written numerous appellate court briefs; he had presented the oral argument personally in at least one case in a court of appeals; he had interviewed witnesses, questioned potential defendants, and prepared criminal grand jury and trial materials as Assistant Special Prosecutor in the Watergate Special Prosecution Force; he had participated, including testifying as an expert witness, in administrative hearings; he had served as chief counsel of the Senate Judiciary Committee and conducted major sets of Senate hearings; he had represented numerous private clients, including a major steel company seeking to merge with a failing steel firm, a chain of supermarkets trying to cut their prices, tenants organizations challenging rent control regulations, and a grocery chain seeking to sell milk; he had prepared briefs and trial materials for the law firms of Wilmer, Cutler & Pickering in Washington; Brown, Rudnick, Freed & Gesmer in Boston; and Cahill, Gordon in New York City; and he had taught courses in the law of evidence and in administrative law at Harvard Law School.

Wilkinson has nothing comparable in his background—no trial court experience, no appellate court experience, no administrative law experience, no associations with law firms, no trial-related courses in his teaching. His experience is zero—and as the article in Commonwealth makes clear, his lack of experience was a continuing series of embarrassments in the year he spent in the Department of Justice attempting to supervise practicing attorneys.

Extraordinary allegations have also been raised that Wilkinson conducted an unethical and excessive lobbying campaign aimed at the American Bar Association Committee on the Federal Judiciary, in order to secure a "qualified" rating from the committee.

Officials of the Justice Department obtained and improperly divulged the results of the confidential preliminary ABA investigation to the nominee, informing him that the ABA Investigation Committee members were in disagreement, that a vote was about to be taken, and that his approval by the committee was in jeopardy.

Wilkinson used the information improperly obtained from Justice Department officials to organize an intensive and unprecedented lobbying campaign to persuade the ABA Committee to rate him "qualified."

Officials of the Justice Department who were supporters of Mr. Wilkinson conducted their own high pressure lobbying campaign to secure enough votes for a rating of "qualified" by the ABA Committee.

Even Supreme Court Justice Lewis F. Powell, Jr., was part of the lobbying campaign. And from legal experts I have talked to, it seems likely that Justice Powell violated judicial ethics by his direct lobbying for Wilkinson. He has been a family friend of Wilkinson's father for many years, and Wilkinson served as a law clerk to Justice Powell in the 1970's. But the incident does illustrate the extreme lengths to which Wilkinson was prepared to go in abusing Justice Powell and the ABA Investigating Committee.

Powell had initially been contacted by the two ABA Committee investigators. The second investigator told Powell that the first investigator was compiling a negative report on Wilkinson. Powell then initiated a contact with a third member of the committee whom Powell knew, and lobbied him for Wilkinson.

His relationship with Justice Powell was not the only relationship that Wilkinson misused in approaching the ABA.

Wilkinson also unfairly and unethically pressured his own students at the University of Virginia Law School. Some of the students refused. But Wilkinson succeeded in persuading a black student to lobby the black member of the ABA Committee on Wilkinson's behalf. At the time, the student had taken a course from Wilkinson, and Wilkinson had written recommendations for him for his future career.

The ABA Committee was concerned enough about the lobbying campaign for Wilkinson, that it summoned Justice Department officials to the ABA midwinter meeting in Las Vegas to reprimand them. The chairman of the committee admitted that "it was the timing of these calls which was objectionable."

Notwithstanding the ABA Committee's written guidelines which recommend substantial trial experience and specify at least some trial experience as a minimum requirement for approval, the committee found Wilkinson to be qualified. The committee has never before given a qualified rating to such a nominee.

Finally, in addition to his improper activities during his confirmation process, Mr. Wilkinson, while at the Justice Department, participated in interviewing at least one candidate for the fourth circuit vacancy he has been nominated to fill, after he himself expressed interest in being nominated to fill that vacancy.

These allegations raise serious questions which the Senate needs answered before it votes on Wilkinson's nomination. Many of us raised these questions in the Senate Judiciary Committee months ago. Yet we have received absolutely no response on these serious issues, including the following:

Why was Wilkinson's nomination in trouble with the ABA Committee before the intensive lobbying campaign was launched by Wilkinson and others?

Why did Justice Department officials violate the trust of their special position as liaison between the Federal Government and the ABA Committee to provide Wilkinson with confidential inside information about the deliberations of the ABA Committee?

What else did Mr. Wilkinson do with the information that his nomination was in trouble, which he obtained improperly from Justice Department officials?

Whom else did Mr. Wilkinson ask to contact ABA Committee members?

What effect did the boiler room operation conducted by Mr. Wilkinson and Justice Department officials have on the ABA decision to find Mr. Wilkinson qualified?

What do Wilkinson's actions in furtherance of his nomination reveal about his suitability and temperament to be a Federal appellate judge?

What effect did lobbying by Justice Powell have on the decision of the ABA to find Mr. Wilkinson qualified?

Why did the ABA discard its guidelines concerning trial experience to find Mr. Wilkinson qualified?

How would the ABA have rated Mr. Wilkinson absent the lobbying campaign?

Can it be fairly said that Mr. Wilkinson is qualified to be a Federal judge?

Why is the Senate Judiciary Committee unwilling to conduct a complete investigation of this matter?

Why is the chairman of the Judicary Committee stonewalling this nomination?

Why hasn't Mr. Wilkinson, in the months since these issues came to light, been willing to appear before the Judiciary Committee and tell us his side of the story?

Why does the nominee need to be protected from questioning under oath by committee members about these allegations?

What is Wilkinson trying to hide?

The integrity of the judicial selection process is fundamental to the integrity of our judicial system. We must not abdicate our responsibility to assure that the Senate confirmation proceedings are full, fair and unbiased. I urge the Senate to delay action on this nomination until the Senate Judiciary Committee does its job, and conducts an adequate hearing to address these questions. In its present posture, the Wilkinson nomination is an embarrassment to the State of Virginia, to the fourth circuit, to the Supreme Court, and to the U.S. Senate, and Wilkinson should not be confirmed.

Mr. President, I ask unanimous consent that the following materials relating to this nomination be printed in the RECORD:

First, qualifications of other circuit court nominees who have been described as lacking trial experience.

Second, letter dated May 23, 1984, from the Leadership Conference on Civil Rights to each Senator urging that the nomination be recommitted to the Judiciary Committee for further hearings.

Third, letter dated June 1, 1984, from Senators KENNEDY and METZENBAUM to Senator THURMOND renewing their request for additional hearings on the nomination, with the following attachments:

Washington Post article dated May 27, 1984, "Judge Candidate Enlisted Student To Lobby for Him";

"J. Harvie Wilkinson's Judgment Day," by Lisa M. Antonelli, Commonwealth Magazine of Virginia, June 1984.

Fourth, "Dear Colleague" letter dated May 17, 1984 urging that the nomination be recommitted to the Judiciary Committee for further hearings with the following attachments:

Allegations of questionable activities relating to the Wilkinson nomination and unanswered questions on the Wilkinson nomination;

Editorials: Asheville (North Carolina) Citizen, Norfolk (Virginia) Virginian-Pilot;

ABA letter rating Wilkinson;

Excerpts from ABA "Guidelines for Judicial Nominees."

Fifth, letter dated March 5, 1984, from Senators KENNEDY, METZENBAUM, and BIDEN to Frederick G. Buesser, Chairman, Standing Committee on Federal Judiciary, ABA, expressing concern about the procedures used by the ABA to rate Wilkinson, and response from Mr. Buesser, dated March 12, 1984.

Sixth, letter dated March 9, 1984, from Senators KENNEDY, METZENBAUM, and BIDEN to Hon. Lewis F. Powell, Jr., requsting information about his contacts with ABA committee members regarding this nomination, and response from Justice Powell dated March 12, 1984.

Seventh, the following news articles:

"Wilkinson, Racing for Top, Reaches Key Hurdle Today," from the Washington Post, February 28, 1984;

"Bar Association's Standards Disputed," from the Washington Post, March 8, 1984;

"Senators Want ABA Word on Judge Choice," from the Washington Post, March 9, 1984;

"Powell Says He Lobbied Member of ABA Panel for Wilkinson," from the Washington Post, March 13, 1984;

"ABA Panel Complained Justice Aides Lobbied for Wilkinson," from the Washington Post, March 15, 1984;

"Senate Panel Approves Wilkinson for U.S. Judgeship," from the Washington Post, March 16, 1984;

"Critics Question Experience of Reagan's Choice for Judgeship," from the New York Times, April 1, 1984;

"Senate Gets Hung Up on a Would-Be Judge's Ambition," from the Baltimore Sun, June 17, 1984.

Eighth, letter dated September 9, 1983, from Kathy Wilson, national chair, National Women's Political Caucus, to Senator JOHN WARNER.

Ninth, testimony at a hearing of the Senate Judiciary Committee on the Nomination of James Harvie Wilkinson III, February 22, 1984:

Edythe C. Harrison of the National Women's Political Caucus;

Elaine R. Jones of the NAACP Legal Defense Fund;

Bobby B. Stafford, President of the Old Dominion Bar Association;

Helen C. Gonzales, Associate Counsel, Mexican-American Legal Defense and Educational Fund;

Joseph Michael Trevino, Director of Legislation, League of United Latin American Citizens (LULAC);

Armand Derfner.

Tenth, news article from Washington Post, July 17, 1980, on Republican Senate opposition to further proceedings on nominations by President Carter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUALIFICATIONS OF OTHER CIRCUIT COURT NOMINEES WHO HAVE BEEN DESCRIBED AS LACKING TRIAL EXPERIENCE

STEPHEN G. BREYER BACKGROUND

Sixteen years out of law school when appointed to the first circuit.

As a lawyer in the Antitrust Division of the Department of Justice, he prepared the brief, argued the case and won a favorable antitrust decision in the sixth circuit.

Acting Chief of appellate section in Antitrust Division for 1 year; in charge of all appeals

Two years interviewing witnesses, preparing criminal cases on the staff of Watergate Special Prosecutor Archibald Cox.

While professor at Harvard Law School, consultant on antitrust matters with Wilmer, Cutler & Pickering law firm in the District of Columbia.

Chief Counsel to Senate Judiciary Committee for 2 years.

RICHARD POSNER BACKGROUND

Nineteen years out of law school when appointed to the seventh circuit.

Clerked for U.S. Supreme Court Justice William Brennan.

Served for 2 years as legal assistant to the Commissioner of the Federal Trade Commission.

Two years as an attorney at the Department of Justice in the Office of the Solicitor General.

General Counsel to the President's Task Force on Communications Policy

Faculty at Stanford Law School for 1 year, followed by 12 years at the University of Chicago Law School.

RALPH WINTER BACKGROUND

Twenty-one years out of law school when appointed to the Second Circuit.

Clerk at district court level and then for Second Circuit Court of Appeals Judge Thurgood Marshall.

Professor at the Yale Law School for 19 years.

Along with his teaching duties at Yale, Judge Winter was a senior fellow of the Brookings Institution for 2 years and an adjunct scholar at the American Enterprise Institute for 9 years.

Lead counsel in Buckley against Valeo litigated up to Supreme Court.

PATRICIA WALD BACKGROUND

Twenty-eight years out of law school when appointed as U.S. Circuit Judge for the District of Columbia.

Clerked for the Second Circuit Court of Appeals.

As an attorney she had worked at the Justice Department, the National Council on Bail and Criminal Justice, the Neighborhood Legal Services law reform unit, and the Center for Law and Social Policy.

Codirector of the Ford Foundation drug abuse research project.

Served as legal consutant to the National Conference on Law and Poverty, the President's Commission on Crime in the District of Columbia, the President's Commission on Law Enforcement and the Administration of Justice, National Advisory Commission on Civil Disorders, and the National Commission on the Causes and Prevention of Violence.

Four years working for mental health law project as well as the Council for the Mentally Impaired.

Returned to Justice Department in 1977 to be the Assistant Attorney General, a post she held until her appointment to the bench, in 1979.

RUTH BADER GINSBURG BACKGROUND

Twenty-seven years out of law school when appointed to the Court of Appeals for the District of Columbia.

Clerked at Federal district court.

Faculty of Rutgers Law School for 1 year and at Columbia Law School for 10 years.

While teaching, she also engaged in extensive litigation promoting the cause of equal justice for both men and women.

LOUIS POLLAK BACKGROUND

Thirty years out of law school when appointed to the Eastern District of Pennsylvania.

Served as clerk to Supreme Court Justice Wiley Rutledge and as special assistant to Ambassador-at-Large Philip Jessup.

Spent 2 years as assistant counsel with the Amalgamated Clothing Union.

Nineteen years as a professor at Yale Law School, including 5 years as the dean of Yale Law School.

Served as visiting professor of law at Columbia Law School, Howard Law School, and the University of Michigan Law School.

Dean of the University of Pennsylvania Law School, where Mr. Pollak was also the Albert Greenfield Professor of Human Relations.

Over 30 year career, authored over 30 articles on American legal system which appeared in major legal and scholarly journals.

KENNETH STARR BACKGROUND

Ten years out of law school when appointed to the District of Columbia circuit.

Clerked at both the U.S. Court of Appeals and the Supreme Court.

Four years at the Los Angeles law firm of Gibson, Dunn & Crutcher.

Two years at the U.S. Department of Justice as Counsellor to the Attorney General.

ANTONIN SCALIA BACKGROUND

Twenty-two years out of law school when appointed to District of Columbia Circuit.

Associate for 3 years at Jones, Day, Cockley & Reavis.

Professor of law for 4 years at the University of Virginia Law School and 5 years at the University of Chicago Law School.

Visiting professor at both Georgetown and Stanford Law Schools.

General counsel in the Executive Office of the President for Telecommunications Policy.

Two years as chairman of the Administrative Conference of the United States.

Three years as an Assistant Attorney General at the Office of Legal Counsel in the Department of Justice.

Harvard University Sheldon Fellow—1 year; resident scholar American Enterprise Institute—1 year.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, May 23, 1984.

DEAR SENATOR: We strongly urge you to vote to recommit the Wilkinson nomination to the Senate Judiciary Committee for further hearings. Important questions, questions that have been raised since the last day of hearings, which bear directly on the nomination must be addressed and answered before the full Senate exercises its advise and consent responsibilities.

With warm regards,

Sincerely,

BENJAMIN L. HOOKS.
Chairperson.
RALPH G. NEAS,
Executive Director.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 1, 1984.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to renew our request for an additional day of Judiciary Committee hearings on the Wilkinson nomination in light of two recent articles which raise serious new questions about the nomination and the qualifications of Mr. Wilkinson to be a federal appellate judge.

The first article, from the Washington Post of May 27, 1984, adds another disturbing and highly questionable incident to the accumulating story of the improper lobbying campaign directed by Wilkinson at the ABA. According to this report, Wilkinson pressured a third year black law student at the University of Virginia Law School to make an urgent call to the black member of the ABA screening committee just before the critical ABA committee vote last fall. If the facts as set out in this article are correct, it seems clear that Mr. Wilkinson's action violated the proper boundaries of the faculty-student relationship, and he does not deserve to be confirmed. At the very least, the Committee should investigate this incident to determine the full circumstances involved.

The second article, from the June, 1984 issue of Commonwealth Magazine, raises serious questions about Wilkinson's impartiality and judicial temperament, based on repeated examples of arbitrary conduct during his year as Deputy Attorney General in the Civil Rights Division of the Department of Justice. These allegations require further investigation by the Committee if we are to fulfill our responsibility to the Senate on this nomination. Among the most disturbing of these allegations are the following:

(1) Wilkinson's inexperience in legal procedure caused the Department of Justice to miss deadlines in litigation and to be fined by the courts for unwarranted delays in answering pleadings. According to one allegation relating to litigation over the rights of handicapped persons at Baylor Medical Center, Wilkinson did not understand basic pleadings and complained that Justice lawyers were harassing defendants by filing interrogatories in the case, when in fact the Department attorneys were merely—but necessarily—responding to interrogatories served by the defendants. An attorney in the Department is quoted in the article as saying "It's sort of unheard of for Department attorneys to be fined for not answering interrogatories. The other part of that is that he didn't understand what was going on."

(2) Wilkinson's anti-civil rights bias prevented him from objectively dealing with important legal issues before the Civil Rights Division. The article cites two cases from Ohio and Texas involving prisoners' rights in which Wilkinson arbitarily attempted to force Department attorneys to draw unsubstantiated conclusions in order to deny such rights, regardless of the evidence in the case.

(3) The article refers to "thirty to forty instances" where Wilkinson participated in refusals to enforce civil rights laws in cases involving allegations of discrimination because of race, sex, or handicap. In one egregious case on rights of the handicapped, a Department lawyer was ordered to delete a citation to a controlling Supreme Court precedent in a friend of the court brief the lawyer was drafting.

In light of these new allegations and information, the full Senate should not be asked to vote on Wilkinson until the many questions surrounding this nomination are asked and answered by the Committee.

Sincerely,

EDWARD M. KENNEDY.
HOWARD M. METZENBAUM.

Attachments to Kennedy, Metzenbaum letter:

1. "Judge Candidate Enlisted Student to Lobby for Him," (from the Washington Post, May 27, 1984)

2. "J. Harvie Wilkinson's Judgment Day," by Lisa M. Antonelli, Commonwealth Magazine of Virginia, June 1984, p. 44.

[From the Washington Post, May 27, 1984]

JUDGE CANDIDATE ENLISTED STUDENT TO LOBBY FOR HIM

(By Philip Smith)

University of Virginia law professor J. Harvie Wilkinson III enlisted a black student to lobby the only black member of an American Bar Association committee last fall on the eve of a confidential ABA vote on Wilkinson's qualifications to become a federal appeals judge.

Melvin (Butch) Hollowell, head of the law school's black student association before his recent graduation, said last week that Wilkinson, a conservative Republican, summoned him to his office and asked him to help by calling the black ABA member, a Michigan attorney.

"Jay told me time was of the essence," Hollowell said in an interview. "He knew the vote was the next day, or maybe that I had a day [to make the call]." Hollowell, who contacted the lawyer, said "Jay told me three days later that it had helped."

Wilkinson last week declined comment. The lawyer, Stuart J. Dunnings, Jr., said yesterday that he "did receive such a call from a black student" but could not recall the student's name. Asked if he was influenced by the call, Dunnings said, "My mind was already made up. And nothing changed it." Dunnings declined to elaborate, citing ABA rules on confidentiality.

Allegations of improper lobbying on behalf of Wilkinson's nomination for a seat on the 4th U.S. Circuit Court of Appeals in Richmond are now the focus of a bitter fight on the floor of the Senate, where the nomination was debated for several hours last week. The Senate defeated 54 to 36 a move to send the nomination back to committee and is generally thought likely to approve it when it comes back up for a vote June 4.

Supreme Court Justice Lewis F. Powell Jr. has acknowledged that he contacted an ABA member in New Orleans to support Wilkinson, a family friend and one of Powell's former law clerks. A former deputy attorney general also said that he and a second senior Justice Department official had contact with ABA panel members on behalf of Wilkinson, who had worked under both men at Justice.

Wilkinson, who was found unqualified by one ABA investigator, but qualified by a second, ultimately was rated qualified by the 14-member ABA panel. The rating is

considered crucial for candidates for the federal bench.

Several members of the Republican-controlled Senate Judiciary Committee, including Sen. Edward M. Kennedy (D-Mass.), maintained last week that the Wilkinson episode illustrates that the ABA process, on which the Senate normally relies heavily in confirming judgeship candidates, is neither impartial nor confidential.

Kennedy and others, including three Republican senators, argued in floor speeches that the incident raises questions about whether Wilkinson, who is 39 and has no trial exerience, might have been rejected by the ABA without extensive private lobbying.

Republican defenders of the Reagan nominee, notably Sens. Paul S. Trible of Virginia and Judiciary chairman Strom Thurmond, scoffed last week at charges the contacts were improper. Trible said such conversations with ABA screening committee members is "routine."

Senate foes of the nomination also have charged that Wilkinson benefited from inside information, allegedly furnished by the senior officials at Justice, that his candidacy might be in trouble in the ABA committee and that he was improperly kept abreast of the timing of the confidential ABA vote.

Hollowell, who started a new job as an associate of a Detroit law firm last week, said he was asked by Wilkinson last fall whether he "had any familiarity" with the ABA committee member from Michigan. Wilkinson also solicited Hollowell's opinion about how Wilkinson dealt with minority students in his classes.

Hollowell, who said he had "participated pretty vigorously" in Wilkinson's class on constitutional law a year earlier, said he told Wilkinson he regarded him as "fair" to minorities. "Jay said would I mind calling [Dunnings] and telling him that."

Hollowell, who said he saw a piece of paper on Wilkinson's desk with what appeared to be the names of the ABA committee members, said that Wilkinson was eager for him to make the call—"no doubt about it." Asked whether he believed that Wilkinson had targeted some ABA members for lobbying, Hollowell said: "I would say yes."

Hollowell said his conversation with Dunnings lasted about 15 minutes, less than 10 of it on the subject of Wilkinson. "The first thing he said was, 'What's he going to do for black people?' " Hollowell said last week. "He said that regarding blacks and women, [Wilkinson] was not very favorable at Justice, and I said I knew that was a problem."

Wilkinson was a deputy assistant attorney general in the civil rights division of Justice from 1982 to 1983.

Hollowell said that Dunnings seemed eager to talk to him about Wilkinson, in part because the time to vote was so close. The former student said he told Dunnings that he had found Wilkinson, whom he described last week as "a personable guy, very likable," to be "fair" in his dealings with black students.

"Jay had a very good knowledge of what the [nomination] situation was," Hollowell said. "He knew [the ABA vote] was going to be close, that every vote would count." He said Wilkinson told him that making the call "would mean a great deal to me."

Although he made the call as a favor to a friend, Hollowell said, he also had "strong disagreements with things Wilkinson did as a deputy assistant attorney general" in the Reagan Justice Department. "I had deep philosophical differences of opinion regarding his judicial politics," he said.

Last fall, after Reagan sent Wilkinson's name to the Hill, Hollowell said Wilkinson approached him again and asked him to testify on his behalf at his Senate confirmation hearings—"to be ready to go." Hollowell said he declined.

When Wilkinson asked him a few days later to reconsider, Hollowell said he refused. "I didn't think it would be in his interest or in my interest," he said. "I could say he was fair in class, but I would also have to say that I disagreed with things he'd done at Justice" regarding minorities.

Hollowell said he saw no conflict of interest in being asked by a faculty member to support his judgeship. Hollowell was not enrolled in Wilkinson's courses at the time, he said. "Pretty much everything was cemented for me, job-wise, by then," he added.

He said that a year earlier, Wilkinson had written a three-paragraph recommendation for him in connection with a possible summer job as an intern in the office of Atlanta Mayor Andrew Young. The job was offered to him, Hollowell said, but he went elsewhere.

Former assistant attorney general Jonathan Rose, one of the two senior Justice officials who, foes charge, helped in the lobbying for Wilkinson, last week said he did not recall doing so. "Although I wouldn't have been embarrassed" to support Wilkinson, he said.

"This idea that the ABA is some judicial body with whom ex parte contacts are inappropriate is a novel concept invented by opponents of Wilkinson," Rose said.

While at Justice, Rose was involved in handling dozens of Reagan administration candidates for the federal bench, all of whom required ABA screening.

"If we thought there were facts favorable to an administration candidate, we tried to get it to [the ABA committee]," Rose said. "Or if they were not favorable. We didn't view the ABA as a separate tribunal."

"We tried to be as protective as we could," he added, "at keeping the committee from getting a lot of super pressure."

J. HARVIE WILKINSON'S JUDGMENT DAY

(By Lisa M. Antonelli)

He breezes into the University of Virginia Law School at 9:10 a.m., nearly an hour before his first class. An umbrella might make him look more his age, the shy side of 40. Instead, he opts for a baseball cap and a royal blue Windbreaker with yellow and red racing stripes. He shuns professorial tweeds and corduroy in favor of a sleeveless blue and pink cardigan with a ski design over a white shirt and striped tie, and gray pants that hit just above the ankle, U.Va.-style.

Zipping noiselessly down the carpeted corridor, heels first, he turns into his office and swings shut the door, but not in time to muffle a "goddawgit." He might have just missed a phone call from the White House. Or his current favorite baseball team might have just lost a game. Either would be cause for despair, close friends say.

When a person has run as hard and fast as J. Harvie Wilkinson III, one might expect to see some signs of road wear. He has run for Congress, published three books, been a Supreme Court clerk, a newspaper editor, a Justice Department official and three-time professor. But not only does he still look like one of the Hardy Boys, he also shows no signs of slacking the pace.

Since November, he has been embroiled in more than the normal share of headaches that accompany landing a Federal judgeship. He has been accused of using family connections and lobbying to gain the American Bar Association's lowest rating—"qualified"—necessary for appointment to the United States Circuit Court of Appeals for the Fourth District in Richmond. He has been attacked publicly by three prominent members of the United States Senate who declare that his nomination to the Federal bench is evidence of a double standard in judicial appointments.

And while his quest for the judgeship was still mired in confirmation battles in mid-May, friends were quick to note that the Federal bench is likely just another supporting role in Wilkinson's quest for real stardom. In the next script, many believe Wilkinson plans to be playing the role of the United States Supreme Court Justice.

Says one confidant: "Jay's a person who has a very clear sense of his long-range goals and a single-mindedness in pursuit of those goals. He's an ambitious and somewhat restless person who gets tired of doing the same thing, so he is regularly motivated to try something else. At the same time, he has a very clear timetable, a very clear sense of what he wants and what he needs to do to get it."

Robert Smith, a former editorial writer under Wilkinson at The Virginian-Pilot, is more succinct: "Jay has tried to position himself for the Supreme Court. He felt that if he were in the right place at the right time, along with his connections to Justice [Lewis F.] Powell, he'd have a good shot at an appointment. By getting on the Fourth Circuit Court of Appeals, he'll have that shot."

At just a hairbreadth over 5-foot-8 and not an ounce over 140 pounds, J. Harvie Wilkinson appears a man who would be easy to dismiss. On the stage where he teaches Federal Courts class, the short and wispy professor seems dwarfed by his larger students. A true Virginia blue blood, he is deferential, self-deprecating about accomplishments and goals. He has the kind of face that new acquaintances are likely to forget in 30 seconds. That fact has served him well.

Notes one close friend: "He's neither charismatic nor intimidating. Part of the reason that Jay is so successful is that people repeatedly underestimate him."

To underestimate the real Jay Wilkinson is to commit serious error. Behind the gosh-golly, aw-shucks facade is a man close observers call "calculating." Genuine graciousness is certainly his most striking feature, the kind of gentlemanly charm on which Rhett Butler built a gunrunning business. And onlookers say that the similarities don't end there, that Wilkinson, like the ambitious Captain Butler, is willing to mash a few toes if they tend to be standing in the way.

"Jay does tend to evaluate people, not only in terms of common interests, but in terms of his own orientation," says one friend. "He's quite subtle about it. He's not a sycophant in any sense of the word, but he's almost instinctively aware of who can help him and who can't."

Those who can't had better mind their toes. Consider the track record:

In 1970, at the age of 25 and while still enrolled in law school, Wilkinson ran for Congress against David E. Satterfield III (D-3rd), a man he had worked to elect just six years earlier. Wilkinson had been persuaded into the Republican camp by former Republican Gov. Linwood Holton, only to be mer-

cilessly crushed by Satterfield in the election.

Following graduation from law school, Wilkinson accepted the invitation of a family friend, Supreme Court Justice Lewis F. Powell Jr., to a spot as a Supreme Court clerk, a position normally reserved for law graduates who have clerked in the lower courts.

In 1978, Wilkinson allegedly parlayed another friendship into the position of editorial page editor for The Virginian-Pilot in Norfolk, a powerful seat that allowed him to remold the paper's moderately liberal editorial philosophy to his own conservative bent. He not only lacked a professional newspaper background, he couldn't even type.

In 1982, while a deputy assistant attorney general in the U.S. Department of Justice, Wilkinson's critics charged that he engineered cases to bolster his conservative world view.

Now that Wilkinson is up for a Federal judgeship, his critics are quick to point out that he's never even practiced law.

Jay Wilkinson does indeed have a penchant for sticking his nose where others think it doesn't belong, of winding up in places where he has no prior experience and where experience is a must 99 time out of 100.

But where experience fails, Wilkinson has the brilliance, the Southern charm and the savvy to pull him through. "I set a great deal of store by intelligence and education," says Robert Mason, his predecessor at The Virginian-Pilot. "Certainly, Jay abounds in both."

Men like Jay Wilkinson, those who are both brilliant and brilliantly successful, gather detractors almost as quickly as they gather new challenges. What irks Wilkinson's critics even more is the fact that he generally performs well under fire. But a Federal court judgeship is not a deanship of a law school. The U.S. Circuit Court of Appeals is just one step removed from the Supreme Court, and it is a place where constitution law is molded and life-and-death decisions are made. Wilkinson's judicial quest has brought him under a scrutiny that court clerks and newspaper editors rarely feel, and as a potential launching pad for the Supreme Court, the hot seat grows even warmer.

"At this point, only a select number of people [within the Fourth Circuit] are concerned" about his nomination, says Chan Kendrick, executive director of the Virginia chapter of the American Civil Liberties Union. "If he were to be considered for the Supreme Court, [his record] would be of concern across the board, across the country."

Longtime friends like Linwood Holton flatly dispute any contentions that Wilkinson is plotting a path to the Nation's highest court. "Apointment to the Federal bench is a lifetime appointment," Holton says. "Anybody who goes on the Court of Appeals at his age has a chance to be placed on the Supreme Court, but that is a very remote possibility with anybody. There are only nine every generation. In the sense of being a candidate, I can't imagine anybody would go on the Court of Appeals with 'aspirations' for candidacy for the Supreme Court. You're just not candidates for the Supreme Court. That's not the way it's done."

But Jay Wilkinson never backsteps, does not play bit parts and is rarely satisfied with one achievement for very long. If he wins the seat on the Court of Appeals, it probably will not be his final curtain call. Suddenly, it dawns why Professor Wilkinson looks so out of place in his University of Virginia classroom. The state is too small. Yes, much too small.

The U.S. Department of Justice is a staggering bureaucracy of 4,416 attorneys that both tantalizes with its promise of power and terrifies with the threat of instant anonymity for those haplessly buried by its power maze. Jay Wilkinson was just one more forgettable face when he first appeared at the Justice Department two summers ago. He was on leave from the U.Va. law school, having been named a deputy assistant attorney general in the civil rights division under Assistant Attorney General William Bradford Reynolds. David Vanderhoof, a senior trial attorney in Justice at the time, has trouble recalling his first meeting with Wilkinson: "He made such a small impression on me that when I encountered him again later that same day I didn't know who the hell he was," Vanderhoof says. "He was blah."

He was also Vanderhool's new boss. The senior attorney and others at Justice would soon come to realize that of the many things they might call Jay Wilkinson, blah would not be one of them.

Though Wilkinson's stay in Justice was relatively brief (he left in August 1983), it was memorable. In fact, several cases that came under Wilkinson's jurisdiction are now legend in the department. They also are the source of complaints that the law became a tool to suit Wilkinson's philosophical preferences and political ambitions.

Says Timothy Cook, an attorney whose liberal views often clashed with Wilkinson's when the two worked at Justice, "He writes decisions based on how he thinks a case should turn out politically, not on the basis of the law."

One afternnon, Cook was in his office busily researching a case that grew out of a dispute over services provided to handicapped patients at Baylor University Medical Center when he received an urgent call to report to Wilkinson's office for a group discussion on the case.

In his hand, Wilkinson waved a fistful of paper, "Why are we doing this?" Cook says Wilkinson demanded of his attorneys. "Why are we serving interrogatories on them? Why are we harassing defendants like this?"

Cook exchanged a disbelieving glance with the other attorneys gathered in Wilkinson's office. Wilkinson had failed to note that he was reviewing his own department's answers to interrogatories filed by the other side.

"He didn't understand that the other side had filed the interrogatories on us, and that we had to answer them," says Cook. "On his qualifications to be a judge? He doesn't understand basic pleadings."

According to Cook, Wilkinson's naivete resulted in court fines to the department for the delay in answering the interrogatories. "It's sort of unheard of for department attorneys to be fined for not answering interrogatories," says Cook. "The other part of that is that he didn't understand what was going on."

"There were a number of situations where there would be a court deadline imposed and, in effect, it was of no concern to Wilkinson," says Vanderhoof. "I'm not sure what the reasons were. A portion of it may have been inability to manage time.

"It did not carry well with court officials, and the respect that we may have attained in the past by our pleadings or by our motions was somewhat lost as a result."

If Wilkinson's seeming naiveté about court proceedings frustrated some of his Justice colleagues, they were even more nonplused by his particular style of reasoning. More than an attorney, more than a professor, Wilkinson is a philosopher, a theoretician. Theory is his governing inner voice. When life demands an answer, it is the theoretician in Wilkinson that responds. the trouble, his critics say, is that he reasons from the bottom up. He doesn't decide what the questions should be until he already has decided the answers.

Wilkinson and Reynolds took the Reagan Administration's anti-Federalist policies into their Justice posts, angering other attorneys, many of whom had been in Justice through less conservative administrations, with a blatant reluctance to involve the government in civil rights cases. "These were the same types cases, raised similar issues, in which the Jusitce Department historically participated in the past," noted Vanderhoof. "Not only did Reynolds and Wilkinson avoid venturing into new areas, they ran backwards, reusing to participate in cases that the Administration normally would've taken."

Stephen A. Whinston, former senior trial attorney now in private practice in Philadelphia, says: "The bottom line would always be the most restrictive interpretation possible, one that would afford people that we were supposed to be representing the least rights possible. It was their very philosophical view that the government shouldn't be involved in civil rights enforcement," when in fact, civil rights enforcement was their department's raison d'detre, Whinston says.

"It's hard to know who was really the source," Whinston continues. "They took a very specific philosophical viewpoint on various civil rights issues and tailored arguments and briefs to be consistent with that."

Perhaps one of the most notable examples involved the San Antonio, Texas, jail case, revolving around the treatment of inmates and jail conditions, including the number of single cells provided.

The county's plans called for housing 30 percent of the jail population in single cells, the minimum requirement under Texas jail standards. Suspecting that a much higher percentage of the San Antonio inmates were high risk and should be in single cells, Justice Department attorneys wanted to request that county officials conduct a professional study to determine a valid percentage. Wilkinson ignored their suggestion, instructing the attorneys to use 55 percent—an arbitrary number—as the department's recommendation. The trial attorneys didn't want to be responsible for defending Wilkinson's figure in court, since it basically had been plucked out of thin air. When such a number is chosen, explains one former Justice Department attorney now employed in the private sector, it usually is based on a piece of solid information—a prior case, an expert opinion, a state statute or a consent decree, which, in this case, stated that only low-risk inmates could be placed in multi-inmate housing. "But Jay pulled that number [55] off the top of his head," the attorney aruged, "and the trial attorneys were expected to back it up."

Said another, "It would've been difficult for the Administration to support Wilkinson's fifty-five percent figure."

According to a number of sources employed in the civil rights division at the time, the trial attorneys asked Wilkinson to omit the 55 percent recommendation as being unfounded. Wilkinson refused to bend. Only when the attorneys persuaded

Wilkinson's youthful legal assistant, Frank Atkinson, to intervene did Wilkinson back down. No numerical recommendation was offered.

Wilkinson refused to be interviewed, as he has refused all interviews since the confirmation proceeding began for the Federal judgeship. (He had also earlier refused to defend himself against criticism at Senate confirmation hearings.)

Atkinson does not deny the incident, but his recollection of it, he says, "is clouded."

In still another case, Stewart v. Rhodes, an Ohio case regarding prison overcrowding, the initial memo prepared by the Justice Department declared the double-celling of prisoners in less than 50 square feet unconstitutional.

"The cells in this prison happened to be 48 square feet," recalls Whinston, "so under that initial memo, the prison would have been unconstitutional. But Jay crossed out 'fifty' and penciled in 'forty-five.' By changing it, it was obvious to me that he simply didn't want to argue that the prison was unconstitutional."

It should be noted that the ruling precedent in this case was Rhodes v. Chapman, a Supreme Court decision handed down in 1981, which rejects setting a specific floor-space requirement per inmate. It does, however, require that overall prison conditions be considered when determining if prisoners' rights are being violated. But in Stewart v. Rhodes, Ohio officials wanted to know what the Justice Department would consider permissible in terms of space.

Whinston was rankled. "Both numbers—forty-five and fifty—were arbitrary," he explains. When viewed in the context of the case, a different picture of the department's stance on prisoners' rights emerges. "The first arbitrary designation, 'fifty,' would say that double-celling in that prison was unconstitutional. The second arbitrary designation, 'forty-five' would say that the double-celling was unconstitutional. Therefore, it is logical to draw the conclusion that his arbitrary figure of 'forty-five' was not based on a study of the law. Rather it was what is known as 'result-oriented.' Wilkinson wanted to make a certain argument, and he shaped his reasoning based on the conclusion that he wanted to come to rather than logically reasoning the case and finding out where that reasoning would lead. In other words, he worked from the bottom up."

Although attorneys were unsure in other cases whether the source of restriction was Wilkinson or Reynolds, Wilkinson is severely chastised by colleagues for going to bat for his boss at times when Reynolds clearly appeared to be throwing sticks into the spokes of the wheels of justice.

In one case involving rights for the handicapped, Nelson V. Thornburgh, the department was expected to file a "friend of the court" brief. Reynolds argued that the case could not be reviewed in time to file within the court deadline. Anxious for some statement of views from the department, the court allowed for a late filing. Cook drafted the brief and submitted it to Reynolds.

"It was edited beyond recognition," charges Cook. The most obvious and disturbing deletion was a ruling decision of the Supreme Court.

"It appeared to me that he was once again attempting to throw a case," Cook later stated in a lengthy resignation letter. Dismayed, Cook confronted Wilkinson. "That was Reynold's order," Cook says Wilkinson responded. "Brad doesn't like that case."

"You mean to tell me that we've left out a decision of the U.S. Supreme Court, never overruled, directly on point, merely because Mr. Reynolds doesn't agree with it?" Cook exploded.

Wilkinson defended his superior. "Brad thinks it's too broad," he replied, according to Cook. "Besides, you're lucky you got what you did. Some people appointed by this Administration don't think Section 504 [of the Civil Rights Act] requires any affirmative obligations at all."

Cook became so disgruntled he resigned from the department, but not before he submitted a letter to Attorney General William French Smith citing what he considered extreme laxness in enforcement—"thirty to forty instances where Reynolds and Wilkinson refused to enforce civil rights laws, mostly relating to the rights of the handicapped, because that was my area," says Cook, now director of the Western Law Center for the Handicapped, located at Loyola University. "But I also spoke to a good number of lawyers in the department and learned that it went on in other areas such as in suits involving sex and race discrimination as well."

Still, Vanderhoof does not believe what he considers "improprieties," such as the changes in the San Antonio jail case, will affect Wilkinson's chances for a Federal judgeship. "In this Administration, if you do well and don't cause much of a problem, you may be considered for judicial appointment," says Vanderhoof.

No one is exactly sure how the name of J. Harvie Wilkinson III made its way to the sanctity of the White House, but it was on the tip of the President's tongue when time came for a Presidental recommendation for the seat on the U.S. Circuit Court of Appeals, Fourth District, which encompasses Virginia, West Virginia, North and South Carolina and Maryland. "He was pleased," notes one observer, "but obviously not surprised."

As much as his meteoric rise surprised some observers, it never surprised Wilkinson or those who watched him grow up. In Richmond, there is a West End, that ever-growing expanse extending toward Goochland and populated by the upwardly mobile, and then there is *the* West End, a much smaller, exclusive, confined, refined area that lies just north of the James River and includes Windsor Farms and Westmoreland Place. Wilton and the E. Claiborne Robins estate. The elder of two sons of a bank president, Jay Wilkinson grew up on Richmond's most sacred breeding ground, that West End recognized by multigeneration Richmonders.

(Eventually, he married from within the area. Lossie Noell spent her early years in the West End, attending St. Catherine's School before going off to the all-female Mary Baldwin College.)

When Jay and his brother, Lewis, were ready for school, St. Christopher's was the logical choice. Both grew up with a cultivated interest in sports for which Lewis credits his mother. Country clubbers often caught glimpses of Letitia Wilkinson batting balls to her boys on the tennis courts on summer mornings. While Lewis diversified his sports skills, taking up baseball and other sports, Jay bore down and developed a mean game of tennis, playing on school teams through college and serious social games thereafter.

By his sophomore year, Wilkinson had done just about all there was to do at St. Christopher's. As a freshman, his extracurricular activities included Student Council, Honor Council, Missionary Society and president of the Lee Literary Society. Clearly, it was time to move on, so Jay went to board at Lawrenceville School in New Jersey.

In the early 60's, when seeds of revolution were sprouting in Ivy League colleges and large universities alike, the prep school counterparts were as yet untouched. Lawrenceville boys wore coats and ties to class, went to sports in the afternoons and looked forward to the three or four tea dances spaced through the school year.

In Boarding school, only the strong survive. When you're small for your age and smarter than most of your classmates, like Wilkinson, it can be a harrowing experience—unless you're extremely charming and an all-around good guy, that is.

At Lawrenceville, Wilkinson emerged as a quiet leader, excelling in tennis and academics, eventually becoming editor of the school newspaper.

"Jay was a great success at school," says Richard Quintal, a New York banker who shared a six-bed suite with Wilkinson for three years in Lawrenceville's Griswold House.

"He was bright, but not a jerk," adds former classmate John H.W. Crinell of Washington. "He was one of the few people I knew who wasn't that way. He was quiet in an outgoing way. Not boisterous and crazy, but bright, easy to get along with."

Wilkinson picked up speed at Yale. Although he claims that his undergraduate grades showed room for improvment, he managed to be elected to Phi Beta Kappa and to graduate magna cum laude.

His senior year, Wilkinson was named one of 14 Scholars of the House, a distinction which carries with it the latitude to refuse all classes in the fourth year to pursue one avenue of study. Wilkinson's choice was to write a paper on the Byrds and Virginia politics. What was initially completed as a 50-page manuscript entitled "Harry Byrd and the Changing Face of Virginia Politics" was soon published into a 12-chapter documentary and analytical history of state politics spanning the 22 years of the Byrd reign between the mid-40's and mid-60's. By the age of 23, Jay Wilkinson had published his first book. It caught the eye of Linwood Holton, then soon-to-be Governor Holton.

"I looked him up specifically because he sounded like a bright young man who was ready to break out of the Democratic establishment, which I knew he was bound to be with his family background, and into something new, the Republican competitive system of two parties, that I was working on," Holton says. "He sounded from his book like he would be open to new ideas."

When Holton first contacted him, Wilkinson was serving a year in the Army reserves. "As soon as he was out of the service and back in law school, I went up to Charlottesville and had dinner with him," Holton says. That was the start of a long-term friendship.

It was through that friendship that Holton met Jay's father, United Virginia Bank president J. Harvie Wilkinson Jr. As governor, it was Holton's job to appoint the University of Virginia Board of Visitors of which the elder Wilkinson was a member. "I had gotten to know Harvie Junior pretty well," recounts Holton. "I suggested to him that if he did not want to be reappointed to the board that I was going to consider appointing Jay in his place." It was unprecedented to appoint a law student to the Board of Visitors, but Holton did not hesitate: He appointed J. Harvie Wilkinson III.

The governor nurtured the mentor-protégé relationship. Wilkinson was a major draftsman of Holton's 1970 inaugural address, and later that same year, Holton convinced the 25-year-old student to run against Satterfield for the third Congressional seat. Just six years earlier, in 1964, Wilkinson had worked to elect Satterfield, a longtime family friend, and the following summer, Wilkinson was an intern in Satterfield's office.

Now, the Congressman discovered that his intern was opening up a campaign office and digging in to do battle against him. "Clearly, this one is one we're going to write up as a win," a confident Holton was quoted as saying.

"He was a personable young man," Holton said recently. "He obviously had potential in politics. That was certainly evidenced in his book, in his participation in my campaign as an advisor and speechwriter. I felt that with his background in Richmond, he probably could win."

Satterfield claims he was somewhat surprised. "I didn't think he'd be running against me, but you don't think about those things. I did feel like he was being pushed rather rapidly."

Wilkinson was crushed under Satterfield's landslide victory. One political analyst called it "the biggest misstep of Jay's career." Concurs Satterfield, "I thought he had a future in politics. I'm afraid he got pushed faster than he should have been. Who was pushing him? The Governor of Virginia, Linwood Holton."

Perhaps it was the congressional defeat that led Wilkinson to replace his fervor for politics with a fascination and obsession with the Supreme Court. In his final year of law school, he applied for clerk positions with Justices Byron White and Potter Stewart and was invited along with a handful of other applicants to come to Washington for interviews. He was not chosen by either.

Shortly thereafter, President Richard M. Nixon announced on national television that Lewis Powell had been chosen to fill the vacancy left by the death of Justice Hugo Black.

Jay was jubilant. "Lewis Powell!" he wrote in Serving Justice, his 1974 book reflecting on his year at the Supreme Court. "The Supreme Court had, I felt, been saved and along with it, I could not help thinking, my chances for clerkship." Justice Powell was confirmed in December 1971.

"'Dear Jay,' his letter to me began," wrote Wilkinson. "'I have ascertained that one of Mr. Justice Black's three clerks will not remain at the Court after the first of the year. Accordingly. . . .' Already, I had begun writing my acceptance."

It appeared that family connections had once again paved the way. Unlike most Supreme Court law clerks, Wilkinson had never clerked at any court. "It's ordinarily a two-step process," notes Larry Hammond, another of Justice Powell's clerks at the time. "Jay came straight to the Supreme Court. He may have been the only person to do that, or maybe there was one other. Basically, he had no experience base of his own to rely upon from having been a law clerk."

But once in position, Wilkinson responded true to form. Says Justice Powell, "Of my forty-five law clerks, Jay was certainly among the best." Notes Hammond: "Even with that very modest handicap [no experience], he did quite a splendid job. Of course, he knew Lewis Powell, and Powell knew him and his family, so he had no difficulty getting to know the Justice or developing a rapport. But one of the things that I most admired Justice Powell for was that he never drew any lines of demarcation among his clerks. he treated all of us as if we were part of his family," even, Hammond recalls, when it came to gently chiding Wilkinson to take home the basketball shoes and running shorts that had stayed a bit too long under his desk.

Hammond says Wilkinson took no liberties or advantages of his personal ties to Powell." Indeed, there were some cases where I felt the temptation to have Jay involved in looking at a particular question, or trying to decide how it ought to come out, just because I had the mistaken notion that if Jay were persuaded that it was right, then maybe the Justice would be. It never turned out to be true or to make any difference one way or the other."

Wilkinson returned to Charlottesville after the clerkship to begin the first of three professional stints at U.Va.'s law school. He stayed the first time for five years, until 1978 when he took a leave of absence to join the staff of The Virginian-Pilot. If it seemed an odd detour for someone with judicial aspirations, it was a perfect grandstand and one that allowed Wilkinson to hone his conservative philosophies and share them with thousands of daily readers, including periodic railings against forced busing to achieve racial desegregation.

It was yet another foray into the unknown, and it was immediately obvious to those around him that the Pilot was just one more stopover. "He couldn't even type," remarks Smith. worse yet, he refused to learn.

"It became a cynical joke in the newsroom," says one former editor. "He had no understanding of how a newspaper works. He'd write his piece and go home."

Wilkinson had another habit that sometimes irked co-workers. He would take off in the middle of the day for a jog. "It didn't matter what was happening in the world," recalls former editorial writer Smith.

Perhaps he was using the time to think. In the evenings of that first year at the Pilot, Wilkinson turned his attention back to the court, completing his third book, From Brown to Bakke, focusing on the Supreme Court and school integration from 1954–78.

Not untypically, his entree to the Pilot reportedly was a friend. Attorney John O. Wynne, then on the corporate staff of Landmark Communications, is thought to be responsible for Wilkinson's emergence as an editorial page editor.

"I do not think Jay would have come to the Pilot as editor if not for Wynne," said one former Pilot news executive. "Wynne became his champion. He backed him to [then-publisher] Perry Morgan and [Landmark chairman] Frank Batten."

It was a grand match. Before long, Wilkinson was beating Morgan and Batten in tennis at Princess Anne Country Club. He apparently was also very persuasive off the court. Under Wilkinson's flourish, many of the paper's long-held editorial stands were overthrown. In one such change, its long-standing opposition to the death penalty was reversed. The overall position of the editorial page policy went from moderately liberal to conservative. But such changes, radical as they may seem, are within the domain of the editorial page editor, which Wilkinson was.

Not everyone, Smith included, agreed with the stands suggested by Wilkinson. "All of us editorial writers were expected to express our opinions in a rational, persuasive way," Smith comments. "Having been reporters at some time in our careers, we were trained to analyze things objectively and then to draw conclusions based on where the facts led us. I felt that Jay came at it from a different discipline: partisan politics. I felt that he always couched his opinions in such a way that would protect his political future."

"He showed a lack of compassion in his editorial positions," said his predecessor Robert Mason. "I thought Jay lacked sensitivity about the poor and downtrodden."

But it is Wilkinson's editorials on political influence and experience that add a touch of irony to his quest for the Fourth Circuit judgeship. During Wilkinson's Pilot tenure, an editorial entitled "Choosing Judges on Merit" was published, which criticized the politics involved in the selection of Virginia judges. A later editorial, which Wilkinson either wrote or at least approved, began: "Judges ought to be selected on the basis of merit, not on the basis of political ties."

His most assertive maneuvering came when William Rehnquist was named to the Supreme Court leaving Rehnquist's job as the Justice Department counsel vacant. "When they were filling all the slots in the Justice Department, Jay picked out the job he wanted," says Smith. "It was the one Rehnquist had held. His theory was that it was a good launching pad for the Supreme Court."

According to Smith, Wilkinson was told that the spot as Assistant Attorney General had been filled. "He came back and told me that they'd offered him two other jobs. He said he'd turned them both down because he wasn't sure that either would be advantageous down the road."

The following summer, 1982, Wilkinson took the deputy's job in Justice. Less than a year later, he was jockeying for the Fourth Circuit seat. He made his desires known "to several people," including Rep. G. William Whitehurst (R-2nd), as early as last summer. In a conversation with the Congressman, he indicated that "he wanted it," says David Bushnell, a Whitehurst aide. "The Congressman informed him that he respected that, but that he was supporting someone else."

Whitehurst's was not the last opposition Wilkinson would face in his court bid. Civil rights groups launched salvos against his candidacy based on Wilkinson's lack of legal experience, saying he was no more qualified to be a judge than some of their own counterparts who had been overlooked. In February, a handful of witnesses argued before the Senate Judiciary Committee that his approval would be unfair when blacks, women and other minorities have been denied Federal court appointments for lack of legal experience.

Their hue and cry was later taken up by three United States senators who tried to block Wilkinson's confirmation. In March, when the committee ended three months of speculation over the confirmation by voting to recommend him, Senator Edward M. Kennedy, D-Mass., protested. "By ramming this through, you're sending a message to millions of women in our society, women with better recommendations and experience than Mr. Wilkinson has. It's a dual standard, my friends," he shouted.

What Senators Kennedy, Joseph R. Biden Jr. (D-Del.) and Howard M. Metzenbaum (D-Ohio) most stridently objected to was the American Bar Association's rating of "qualified." Although the rating is normally

awarded to those who have been admitted to the bar for 12 years or more, exceptions have been made. Wilkinson hit the 12-year mark on Feb. 1, three months after his nomination. ABA president Frederick G. Buesser Jr. responded to their protests in a letter pointing out that several candidates have been found qualified with fewer years at the bar than Wilkinson, including two women and one Hispanic male.

More dust was raised when it was revealed that Justice Powell, in what has been described as an unusual move for a sitting justice, had personally contacted an ABA committee member and friend and put in a good word for Wilkinson. Justice Powell denied any wrongdoing. At the ABA's request, he also had written a letter of evaluation to Democratic members of the Senate Judiciary Committee in which he called Wilkinson "an exceptionally gifted legal scholar and a compassionate and thoughtful human being."

There are some who believe that politics has had a role in delaying confirmation, that if Democrats can stall a vote until after the election, there might be a new President, with a different preference. For, while liberals rail against Wilkinson's lack of experience, what really frightens them are his philosophies.

Chan Kendrick, of the American Civil Liberties Union, says his group hasn't taken an official stand. However, notes Kendrick, "If I were among the people opposing his nomination who believe he is bright enough and articulate enough to be appointed to the Supreme Court, I would oppose it now and every step of the way. The record [of opposition] should be built now; the controversy should be created now."

For now, it is still Federal Courts class, not the Federal court, that is occupying Wilkinson's attention.

To watch Wilkinson here is to see him at home base, the stage he has returned to three times since he first took up teaching in 1973. To watch him here also is to see a bit of the relentless quality, the dogged pursuit that has driven Wilkinson these nearly 40 years.

"He's lively and aggressive," says one third-year student who's glad to be getting out of Wilkinson's class. "He goes after students for their ideas. And if they're unprepared, he lets them know, in front of the class, that they'd better be prepared next time. Other professors don't do that in third year classes."

Federal court class has let out for the summer. The auditorium is empty, his students having gone on to permanent jobs. Permanence: It's a value lacking in Jay Wilkinson's life. Perhaps a lifetime appointment to the Federal bench would harness him. Perhaps not. It's a new stage, a bigger stage. Another opening, another show.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 17, 1984.

DEAR COLLEAGUE: We are writing to express our concern over the nomination of J. Harvie Wilkinson III of Virginia to be a judge of the U.S. Court of Appeals for the Fourth Circuit. Mr. Wilkinson is currently Associate Professor of Law at the University of Virginia Law School, and briefly served as a deputy attorney general in the Civil Rights Division of the Department of Justice during this administration.

The nomination was reported favorably to the Senate by the Judiciary Committee by a vote of 11-5 on March 15 and is now on the Senate calendar. The Majority Leader has announced his intention to proceed to the consideration of the nomination shortly.

This nomination is not ready for action by the Senate.

The nomination was submitted to the Senate on November 10, 1983. A Judiciary Committee hearing was held on November 16, at which Wilkinson was the only witness. The nomination lapsed at the end of the First Session of the 98th Congress, and was resubmitted to the Second Session on January 30, 1984. A further hearing was held on February 22, 1984, at which Wilkinson also appeared and at which numerous public witnesses testified in opposition to his nomination.

At the second hearing and in subsequent published reports, substantial and disturbing questions were raised for the first time about the nomination, including the procedures used by the American Bar Association's Standing Committee on Federal Judiciary to evaluate Mr. Wilkinson, and the role of the Justice Department, the nominee himself and others in the evaluation process.

The initial confidential in-depth investigation of Wilkinson by the ABA Committee member for Virginia assigned to carry out the investigation raised serious concerns about his qualifications. Under the Committee procedures, a second member was then named to assist in the investigation. A single formal report was prepared for the 14-member Committee, with the first investigator concluding that Wilkinson was "Unqualified" and the second investigator finding him "Qualified."

Wilkinson has zero trial experience. If confirmed, he would become the first judge to take a seat on a Circuit Court of Appeals with no trail experience.

A double standard is being applied by the ABA Committee for the benefit of Wilkinson. During the previous Administration, the Committee guidelines on trial experience were enforced inflexibly to disqualify women and minority candidates who actually had substantial trial experience. Two cases illustrate the point:

(1) Carin A. Clauss was the Department of Labor Solicitor responsible for supervising the litigation of the Department's three hundred attorneys. In a preliminary finding, she was rated "Unqualified" by the ABA to be a federal district judge and her nomination was not submitted.

(2) Joan Krauskopf, a member of the bar for 20 years, had been in private practice in Colorado, had supervised a legal aid clinic in Missouri, and had handled cases as a court-appointed attorney and in a pro bono capacity. After an initial investigation, she was rated "Unqualified" by the ABA to be a federal appellate judge for the Eighth Circuit, and her nomination was not submitted.

Wilkinson, who was admitted to the bar in 1972, in fact has fewer years as a member of the bar than any Circuit Court nominee from the creation of the Circuit Courts of Appeal in 1891 through the end of 1980. And three of those years were actually spent outside the field of law, as an editorial writer for the Virginian-Pilot newspaper. In an editorial of July 29, 1983, the Virginian-Pilot opposed the nomination.

Numerous requests by several Senators for an additional Judiciary Committee hearing on the nomination to clear up these allegations have been unsuccessful. A proposed hearing on ABA procedures, tentatively scheduled for May 17, 1984, by the Judiciary Subcommittee on Courts, was indefinitely postponed on May 10 to avoid addressing the Wilkinson nomination prior to consideration of the nomination by the full Senate.

The Senate has a responsibility to have the full record on this nomination before it, in advance of the vote on whether Wilkinson should be confirmed as a judge with life tenure on the Fourth Circuit Court of Appeals. Also, the nominee has the right to refute the allegations and answer the questions—set out fully in the attachment hereto—which have been raised about his qualifications and fitness since the Committee hearing. It would be extremely embarrassing if negative answers to the questions surrounding this nomination were revealed after the nominee is sitting on the federal appellate bench. We believe that the record can be completed by a one day hearing at which Wilkinson, ABA Committee members, and Justice Department officials would be invited to testify.

There is no doubt that J. Harvie Wilkinson III, who is 39 years old, is a bright young lawyer and a popular professor at the University of Virginia Law School. But the unanswered questions that have been raised about his nomination cast grave doubts on his fitness, maturity, and temperament to serve as a judge of the Fourth Circuit Court of Appeals.

The Senate's duty to advise and consent means more than rubber-stamping a nominee. The Senate should not be bound by the investigation or the recommendation of the ABA. Until the many questions surrounding the Wilkinson nomination are responsibly addressed, the Senate should withhold action on the nomination.

For these reasons, when and if the Senate turns to the consideration of the Wilkinson nomination, we intend to offer a motion to recommit the nomination to the Judiciary Committee for the purpose of holding another hearing.

The integity of the judicial selection process is fundamental to the integrity of our judicial system. We must not abdicate our responsibility to assure that the Senate confirmation proceedings are full, fair and unbiased. We urge you to join us in supporting the motion to recommit the Wilkinson nomination to the Judiciary Committee.

Sincerely,

EDWARD M. KENNEDY.
JOSEPH R. BIDEN, JR.
HOWARD M. METZENBAUM.

ATTACHMENTS TO KENNEDY, BIDEN, AND METZENBAUM LETTER

1. Allegations of Questionable Activities Relating to the Wilkinson Nomination and Unanswered Questions on the Wilkinson Nomination.
2. Editorals—Asheville (North Carolina) Citizen, Norfolk (Virginia) Virginian-Pilot.
3. ABA Letter Rating Wilkinson.
4. Excerpts from ABA Guidelines for Judiciary Nominees.

ALLEGATIONS OF QUESTIONABLE ACTIVITIES RELATING TO THE WILKINSON NOMINATION

Officials of the Justice Department obtained and improperly devulged the results of the confidential investigation to the nominee, informing him that the ABA investigating committee members were in disagreement, that a vote was about to be taken by the Committee, and that his approval by the Committee was in jeopardy.

The nominee used the information improperly obtained from Justice Department officials to organize an intensive lobbying

campaign on his behalf to persuade the ABA Committee to rate him "Qualified."

Officials of the Justice Department who were supporters of Wilkinson conducted their own lobbying campaign to secure enough votes for a rating of "Qualified" by the ABA Committee.

Supreme Court Justice Lewis F. Powell, Jr. was also part of the lobbying campaign. Wilkinson served in the 1970's as a law clerk to Powell, who had known the Wilkinson family well for many years. Powell has initially been contacted by the two ABA Committee investigators. The second investigator told Powell that the first investigator was compiling a negative report on Wilkinson. Powell then contacted a third member of the Committee whom Powell knew, and lobbied for Wilkinson.

Key votes on the ABA Committee were changed because of the lobbying campaign and telephone calls directed by the nominee and others. The Chairman of the Committee stated that "it was the timing of these calls which was objectionable."

The ABA Committee was concerned enough about the lobbying campaign on Wilkinson, that it summoned Justice Department officials to the ABA midwinter meeting in Las Vegas in February, 1984 to reprimand them.

Notwithstanding the ABA Committee's written guidelines which recommend substantial trial experience and specify at least some trial experience as a minimum requirement for approval, the ABA Committee found Wilkinson to be "Qualified." The Committee has never before given a "Qualified" rating to such a nominee.

Other academics nominated for federal appellate judgeships and found "Qualified" by the ABA Committee in fact had far more distinguished credentials than Wilkinson, far more years at the bar, and at least limited trial experience.

In addition to his improper activities during his confirmation process, Wilkinson participated in interviewing at least one candidate for the Fourth Circuit vacancy he has been nominated to fill, after he expressed interest in being nominated to fill that vacancy.

UNANSWERED QUESTIONS OF THE WILKINSON NOMINATION

The questions which the Senate needs answered before it votes on the Wilkinson nomination include the following:

What did Wilkinson do with the information that his nomination was in trouble, which he obtained improperly from Justice Department officials?

Whom did Wilkinson ask to contact ABA Committee members?

What effect did Wilkinson's lobbying have on the ABA Committee decision to find him qualified?

What do Wilkinson's actions in furtherance of his nomination reveal about his suitability to be a federal appellate judge?

Why was Wilkinson's nomination in trouble with the ABA Committee before the intensive lobbying campaign was launched by Wilkinson and others?

What effect did lobbying by Justice Department officials and Justice Powell have on the decision of the ABA to find Wilkinson qualified?

Why did the ABA discard its guidelines concerning time at the bar and trial experience to find Wilkinson qualified?

How would ABA have rated Wilkinson absent the lobbying campaign?

Can it be fairly said that Wilkinson is qualified to be a federal judge?

[From the Asheville (N.C.) Citizen, Apr. 3 1984]

REAGAN COURT CHOICE LACKS QUALIFICATIONS

One of the enduring measurements of a president is the quality of his judicial appointments. So if President Reagan's choice of J. Harvie Wilkinson III to fill a vacancy on the 4th Circuit Court of Appeals is indicative of this chief executive's record, then he and the public are in deep trouble. The court hears cases from the Carolinas, the Virginias and Maryland.

Wilkinson, a University of Virginia law professor, should not have been appointed. He lacks the basic credentials of an appeals court judge.

His lack of qualifications is staggering. He has no judicial experience. He has never had a private client. He has yet to argue a case in court. He has never drafted a legal brief by himself. He has been in the law for only eight years. He is not even entitled to practice before either the appeals court or any of the trial courts it supervises.

What happened to the American Bar Association standards that appointees to the appellate courts have at least 12 years of legal experience and "substantial" trial experience?

Some powerful people are asking that question. They should ask it.

Fact is, there is just enough evidence available to believe the ABA, self-appointed guardian of the nation's courts and law, caved in to political pressure on the Wilkinson nomination. ABA screening committee members now admit to being contacted by two of Wilkinson's friends prior to the panel's vote on the nomination. The committee decided to waive the requirements cited above regarding legal and trial experience.

What do you think would have happened if a woman or black with Wilkinson's lack of legal credentials had come before the august ABA? The ABA would have found the woman or black unqualified. The Senate Judiciary Committee would have balked. The President would have been forced to withdraw the nomination.

A double standard is at work in this case. There is one standard imposed for women, blacks, and most white nominees to appellate courts. There is another standard for nominees in the Reagan ideological mold. A Washington lawyer did not exaggerate much when he said: "This nomination is symbolic of a con game. The administration talks of merit selection, but Mr. Wilkinson is probably the least experienced appellate nominee ever seen."

Wilkinson's nomination brings to mind the story involving House Speaker Sam Rayburn's visit to the Kennedy White House and his introduction to "the best and brightest."

Mr. Sam returned to his protege, Lyndon Johnson, and offered, "Lyndon, I'd feel a lot better if one of those fellas had run for sheriff."

If Wilkinson becomes a member of the 4th Circuit bench, some lawyers and clients appearing before him may harbor thoughts similar to Mr. Sam's: "If only this guy had tried a case . . ."

A scholarly temperament indeed is a necessary requirement for an appellate judge. Wilkinson, because he teaches law, may possess that ability. But his lack of judicial experience disqualifies him for this position. President Reagan should withdraw the nomination, or the Senate Judiciary Committee should reject it. This man has no business on a court that is one heartbeat away from the Supreme Court, and one heartbeat away from a trial court to which he is a stranger.

[From the (Norfolk) Virginian Pilot, July 29, 1983]

WILKINSON AS JUDGE?

News reports indicate that the Reagan administration is going to nominate J. Harvie Wilkinson III, a former editor of The Virginian-Pilot, for the vacant judgeship on the U.S. 4th Circuit Court of Appeals. If so, it is further evidence that the administration, in selecting federal judges, does not place judicial experience high on its list of criteria.

What should those criteria be? Certainly an administration would want to consider a potential judge's (1) judicial philosophy, (2) age, (3) intellect and (4) experience.

As far as the Reagan administration is concerned, Mr. Wilkinson fits categories (1), (2) and (3) perfectly. He is a conservative. He is young enough, 38, to serve on the bench for many years and thus inject his philosophy into the federal judiciary. And he has shown a powerful intellect in his years as author, law-school professor and editorial writer.

On experience, however, Mr. Wilkinson comes up short. As a law clerk at the U.S. Supreme Court and as a professor of law, he has learned the legal process. But that is not the same as actually participating in trials.

This is the same drawback that faced the administration's first choice for the judgeship, Kenneth W. Starr, who was opposed by Virginian Sen. John W. Warner and now has been nominated for a seat on U.S. Court of Appeals for the District of Columbia.

In March, writing about the possibility of the Starr nomination, we noted his limited experience and added: "Obviously, he is a bright young man in a hurry, and no doubt his time will come—but what's the rush?

The same question applies to Mr. Wilkinson. His credentials are substantial. Without a doubt, the Reagan administration could make a far worse choice. The question that should be considered, however, is whether the administration can find a judge with all Mr. Wilkinson's attributes—plus experience in the courtroom.

AMERICAN BAR ASSOCIATION, STANDING COMMITTEE ON FEDERAL JUDICIARY, 33 WEST MONROE STREET, 7TH FLOOR, CHICAGO, IL. 60603,
January 31, 1984.

Re James Harvie Wilkinson III, C.A., Fourth.

Hon. STROM THURMOND,
Chairman, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR THURMOND: Thank you for affording this Committee an opportunity to express an opinion pertaining to the nomination of James Harvie Wilkinson for appointment as Judge of the United States Court of Appeals for the Fourth Circuit.

A substantial majority of our Committee is of the opinion that Mr. Wilkinson is qualified for this appointment. The minority found him to be not qualified.

With kind regards, I am

Sincerely,

FREDERICK G. BUESSER, Jr.,
Chairman.

AMERICAN BAR ASSOCIATION—STANDING COMMITTEE ON FEDERAL JUDICIARY

Chairman and Member-at-Large: Frederick G. Buesser, Jr., 4190 Telegraph Road, Bloomfield Hills, MI 48013.

John M. Harrington, Jr., 225 Franklin Street, Boston, MA 02110.

Robert B. Fiske, Jr., One Chase Manhattan Plaza, New York, NY 10005.

Lewis H. Van Dusen, Jr., 1100 Philadelphia, National Bank Bldg., Broad & Chestnut Streets, Philadelphia, PA 19107.

James A. Howard, Sr., 1700 First Virginia Bank Tower, 101 St. Paul's Blvd., Norfolk, VA 23510.

Gene W. Lafitte, One Shell Square, 50th Floor, New Orleans, LA 70139.

Stuart J. Dunnings, Jr., Duncan Building, 530 South Pine Street, Lansing, MI 48933.

Steven E. Keane, Suite 3800, 777 E. Wisconsin Avenue, Milwaukee, WI 53202.

James W. Hewitt, P.O. Box 80268, Lincoln, NE 68501.

Victor E. Chavez, Suite 575, Beneficial Plaza Building, 3700 Wilshire Boulevard, Los Angeles, CA 90010.

John Gavin, P.O. Box 2249, 120 N. Naches Ave., Yakima, WA 98907.

John S. Pfeiffer, 1200 American Natl. Bank Bldg., 818 17th Street, Denver, CO 80202.

M. Roland Nachman, Jr., P.O. Box 668-8 Commerce St., Montgomery, AL 36101.

John D. Lane, 1666 "K" Steet, N.W., Washington, D.C. 20006.

Board of Governors Liaison: Marion Edwyn Harrison, 6th Floor, 1000 Thomas Jefferson St., NW., Washington, DC. 20007.

Staff Assistant: Diane Livingston, 33 W. Monroe Street, 7th Floor, Chicago, IL 60603, 312/621-9576.

EXCERPTS FROM EVALUATION CRITERIA OF THE AMERICAN BAR ASSOCIATION ON APPOINTMENTS TO THE DISTRICT COURTS, THE COURTS OF APPEALS AND THE OTHER LOWER FEDERAL COURTS

* * * * *

As to experience, the Committee believes that ordinarily a prospective appointee to the federal bench should have been admitted to the bar for at least twelve years. Substantial trial experience (as a lawyer or a trial judge) is important for prospective nominees to both the appellate courts and the trial courts. Additional experience which is similar to court trial work—such as appearing before or serving on administrative agencies or arbitration boards, teaching trial advocacy or other clinical law school courses, etc.—is considered in evaluating a prospective nominee's trial experience qualifications. In exceptional cases, when there is significant evidence of distinguished accomplishment in the field of law, an individual with limited trial experience may be found qualified.

In evaluating experience, the Committee recognizes that women and members of certain minority groups have entered the profession in large numbers only in recent years and that their opportunities for advancement in the profession may have been limited.

The Committee believes that political activity and public service are valuable experience, but that such activity and service are not a substitute for significant experience in the practice of law.

* * * * *

Recognizing that an appellate judge deals primarily with records, briefs, appellate advocates and colleagues (in contrast to witnesses, parties, jurors, live testimony and the theater of the courtroom), the Committee may place somewhat less emphasis on the importance of extensive trial experience as a qualification for the appellate courts. This same contrast in day-to-day experience may also cause the Committee to evaluate temperament for the appellate courts in slightly different terms.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington. DC, March 5, 1984.

Mr. FREDERICK G. BUESSER,
Chairman, Standing Committee on Federal Judiciary, American Bar Association, 1800 M Street, NW., Washington, DC.

DEAR MR. BUESSER: We are writing as members of the Senate Judiciary Committee to inquire about the method by which the Standing Committee on Federal Judiciary has interpreted the American Bar Association's guidelines in assessing the qualifications of Mr. J. Harvie Wilkinson III, who has been nominated to be a member of the United States Court of Appeals for the Fourth Circuit.

As we understand it, the ABA guidelines suggest that nominees for federal appellate courts should have been admitted to the bar for at least 12 years and should have substantial trial experience. We are concerned about two issues relating to the application of these guidelines in the Wilkinson case.

First, there is the appearance that the Standing Committee's action in this case is unprecedented, and that the committee has applied a double standard in rating Mr. Wilkinson "qualified." We are particularly concerned about testimony that, on numerous occasions in recent years, the committee has applied the guidelines inflexibly, and has advised Administrations that women and minority nominees who do not meet the twelve year/trial experience tests would not be found "qualified" by the ABA, with the result that such candidates were not even considered for nomination to the federal judiciary.

Second, we are concerned about published reports of lobbying activities designed to influence members of the Standing Committee in their application of the ABA guidelines and in their assessment of Mr. Wilkinson's qualifications.

We would appreciate your detailed response to these concerns, so that as we consider Mr. Wilkinson's nomination, we may have a complete understanding of the procedures followed by the Standing Committee.

Sincerely,

EDWARD M. KENNEDY.
JOSEPH R. BIDEN, JR.
HOWARD M. METZENBAUM.

AMERICAN BAR ASSOCIATION, STANDING COMMITTEE ON FEDERAL JUDICIARY, 33 WEST MONROE STREET, 7TH FLOOR,
Chicago, IL, March 12, 1984.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: I respond to the March 5 letter from Senators Kennedy, Biden and Metzenbaum with reference to the pending nomination of Mr. James Harvie Wilkinson, III. In doing so, it may be helpful to review the Committee's standard operating procedures.

The process begins when the Justice Department asks the Chairman that a candidate be investigated for a particular vacancy. Ordinarily the matter is referred to the Committee member for the circuit in which the vacancy exists, assuming that such member is readily available and nor already overburdened. At the same time the Justice Department sends the Personal Data Questionnaire to the candidate with instructions to complete it and furnish a copy to the Chairman, the circuit member and the Justice Department.

The circuit member conducts an in-depth investigation. If in the course of that investigation concerns develop, he advises the Chairman and suggests that a seconds Committee member become involved to assist in the investigation. This is not an uncommon occurrence.

Such was the case in the Wilkinson matter and a second Committee member was designated to assist in the investigation. The two members worked together and interviewed the candidate. A single report on his qualifications was prepared. It was accompanied by separate statements of the two investigators in which each cited the conclusions he had reached. One member found the candidate qualified. The other found him not qualified. The report was circulated to all members together with the differing opinions of the two circuit members. A substantial majority of the Committee found Mr. Wilkinson qualified; a minority found him not qualified. When Mr. Wilkinson was nominated both the Senate Judiciary Committee and the candidate were advised of the ratings. The Committee does not reveal how its members voted but the term "subsantial majority" has been adopted to indicate that the candidate has strong, but not unanimous, endorsement.

It must be understood that when a Formal Report has been prepared by one or more circuit members and circulated to the entire Committee, each circuit member considers the matter privately and makes his own decision as to the rating he believes appropriate. Such ratings are promptly conveyed to the Chairman and tabulated. Decisions are a matter of individual judgment and it is impossible to know the precise rationale which prompted each one.

Our guidelines provided "that *ordinarily* a prospective appointee to the federal bench should have been admitted to the bar for at least twelve years" (emphasis added). Our records indicate that Mr. Wilkinson was admitted to the Bar of the State of Virginia on February 1, 1972. When his name was sent to us for investigation at the end of July of 1983, he then had virtually, and certainly by now, satisfied the 12 year requirements.

Your letter states that "We are particularly concerned about testimony that, on numerous occasions in recent years, the Committee has applied the guidelines inflexibly, and has advised The Administration that women and minority nominees who do not meet the twelve year/trial experience tests would not be found 'qualified' by the ABA. . . ." Several years ago the Committee, in recognition of the relatively recent influx of substantial numbers of women and minorities into the legal profession, amended its standards to provide:

"In evaluating experience, the Committee recognizes that women and members of certain minority groups have entered the profession in large numbers only in recent years and that their opportunities for advancement in the profession may have been limited."

The suggestion that in recent years the Committee "has applied the guidelines inflexibly" to the detriment of women and minority nominees is not borne out by the

facts. Of the eleven candidates with less than twelve years at the bar who were rated qualified or better by our Committee during the Carter Administration, time at the bar ranged from five years in one instance to eleven years in six instances. Two candidates had been admitted eight years, one nine years and another ten years. These included four women, one of whom was a member of a minority; five men who were members of minorities and two Caucasian men.

During the Reagan Administration there have been five candidates admitted to the bar less than twelve years who the Committee found qualified. Two of these were women, one was an Hispanic male and two were Caucasian males.

Our evaluation criteria further provide:

"Substantial trial experience (as lawyer or a trial judge) is important for a prospective nominee to both the appellate courts and the trials courts. Additional experience which is similar to court trial work. . . ., *teaching trial advocacy* or other clinical law school courses, etc.—is considered in evaluating a prospective nominee's trial experience qualifications. *In exceptional cases, when there is significant evidence of distinguished accomplishment in the field of law, an individual with limited trial experience may be found qualified.*" (emphasis added).

Our records, indicate that Mr. Wilkinson taught at the University of Virginia Law School from 1973 to 1978 and again in 1981/82 and that he regularly taught the following courses:

Federal Courts—Subjects covered include case or controversy, federal question jurisdiction, implied remedies and rights of action, federal common law, pendent jurisdiction, abstention, adequate and independent state grounds, section 1983, and federal habeas corpus.

Criminal Procedure—Topics covered are Fourth, Fifth and Sixth Amendment rights at different stages of the criminal process—search, arrest interrogation and line-up, bail and preliminary hearings, grand jury proceedings, and trial.

Constitutional Law—Subjects included the reach of congressional authority under Article I, Section 8, substantive and procedural due process, the equal protection clause, state action, and the speech and religion clauses of the First Amendment.

In addition thereto the experience of clerking for a Justice of the United States Supreme Court has to be given much weight, and in the opinion of prominent appellate justices, makes up for a lack of practice experience. A clerk to an appellate judge sees the best and the worst briefs and listens to some of the finest and some of the poorest arguments. In this process he should learn quickly to distinguish those things that are important and critical to the decisional process.

The guidelines further state—

"Without demeaning the scholarly qualities necessary for the trial courts, the Committee nonetheless looks for an especially high degree of scholarship and academic talent in prospective nominees for the appellate courts. The abilities to write lucidly and persuasively, to harmonize a body of law and to give guidance to the trial courts in future cases are matters of great concern for the evaluation of prospective nominees for the appellate courts.

Recognizing that an appellate judge deals primarily with records, briefs, appellate advocates and colleagues (in contrast to witnesses, parties, jurors, live testimony and the theater of the courtroom) *the Committee may place somewhat less emphasis on the importance of extensive trial experience as a qualification for the appellate courts.*" (emphasis added).

Mr. Wilkinson's extensive writings were furnished to the Committee and show him to be an unusually able writer and legal scholar with the apparent capacity to become an outstanding appellate judge. A number of law professors were among those whose views were solicited with respect to this nomination, and they were uniformly of the view that his legal scholarship was of a very high order.

It is apparent that all of the criteria set forth in the Standing Committee's brochure were taken into account by a substantial majority of the Committee in reaching the decision that Mr. Wilkinson was qualified. I want to assure you that I do not personally believe the Committee applied a double standard in rating Mr. Wilkinson nor that its action was unprecedented. In support thereof we have reviewed recent nominees to the various courts of appeal whom we have found qualified or better who had very limited trial experience. At least four of these had teaching backgrounds and had demonstrated intellectual accomplishment and writing ability. I believe that the action of a substantial majority of the Committee in finding Mr. Wilkinson qualified was entirely consistent with our action in the cases of the academics referred to above.

You have also expressed concern about reports of lobbying activities on behalf of Mr. Wilkinson. It is important to know that in this case there was only one vote taken. At about the time the Former Report was circulated to the Committee, several Committee members called me in accordance with our practice to advise that they had received telephone calls on behalf of the candidate. I was personally concerned that it had apparently become known that the investigating Committee members were not in agreement and that vote was being taken. I took up that concern with the Justice Department. I'm convinced that such calls made on behalf of the candidate did not influence any vote in his favor. It is not unusual for individuals with special information about a candidate under investigation to voluntarily supply this to the investigating Committee members. The members of the Committee are experienced in the handling of this kind of information and indeed welcome it. In this particular case, it was the timing of these calls which was objectionable.

It should be made clear that the investigating Committee members sought the views of several members of the Supreme Court, including Justice Powell for whom Mr. Wilkinson had clerked. These gentlemen had a unique opportunity to judge his performance and his abilities. The Justices contacted were uniformly enthusiastic.

In closing, let me say on behalf of the Committee that for more than thirty years it has sought to bring the independent good judgment of knowledgeable lawyers to the judicial selection process. We never have candidates. Our sole responsibility is to evaluate those names sent to us. The integrity of the process depends upon the integrity of each Committee member, and I am proud to be associated with thirteen people of great character.

Respectfully,

FREDERICK G. BUESSER, Jr.,
Chairman.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 9, 1984.

Hon. LEWIS F. POWELL, Jr.,
Associate Justice, U.S. Supreme Court, Washington, DC.

DEAR MR. JUSTICE POWELL: We are writing as members of the Senate Judiciary Committee, which is currently considering the nomination of one of your former law clerks, Mr. J. Harvie Wilkinson III, to be a judge of the United States Court of Appeals for the Fourth Circuit.

According to published reports, you were contacted by two members of the ABA Standing Committee on Federal Judiciary in the course of its review of Mr. Wilkinson's qualifications, and you in turn contacted a third member of the ABA committee.

In light of the issues raised about Mr. Wilkinson's nomination and the procedures followed by the ABA committee in applying its guidelines to this case, we would appreciate your assistance in informing us of the specific contacts in circumstances of those contacts.

We are enclosing for your information a copy of the letter we sent earlier this week in the ABA committee.

Respectfully,

EDWARD M. KENNEDY.
JOSEPH R. BIDEN, Jr.
HOWARD M. METZENBAUM.

SUPREME COURT OF THE UNITED STATES, CHAMBERS OF JUSTICE LEWIS F. POWELL, Jr.,
Washington, DC, March 12, 1984.

Senators KENNEDY, BIDEN, and METZENBAUM,
Committee on the Judiciary, U.S. Senate, Washington, DC.

GENTLEMEN: This is in response to your letter of March 9, received by me at about 4:30 p.m.

The press reports I have seen are substantially accurate as to my conversations with three members of the ABA Judiciary Committee. It also is true that Mrs. Powell and I have known the Wilkinson family well for many years.

Mr. James Howard, a Committee member from my State of Virginia, called me last summer and asked my opinion as to the qualifications of J. Harvie Wilkinson, III, who clerked for me here. I responded favorably, noting the difference in the qualifications appropriate for a District Court judge and those for a Circuit Court Judge.

Mr. Lane, the Committee member for DC, called me later (in November, I believe). As I recall, he stated he was calling me as a Virginian, and because of the negative report from Mr. Howard, I repeated the substance of what I had said to Mr. Howard. Also, responding to Mr. Lane's inquiry, I agreed that my name could be used. I wrote Mr. Howard informing him of Mr. Lane's call.

I was concerned by what Mr. Lane had said about the report from my State. This prompted me to call Gene W. Lafitte, of New Orleans, on my own initiative. Mr. Lafitte is a Committee member and friend with whom I have been associated in the America College of Trial Lawyers. In a brief conversation with him, I told him of Mr. Lane's call, and repeated my view as to the qualifications of Mr. Wilkinson. I did not inquire where he stood; nor do I know how he voted.

I have had no other occasion to speak to members of the Committee. It is, of course, not unusual for federal judges to be asked their opinion as to the qualifications of per-

sons under consideration for appointment to the federal bench.

In view of your inquiry and your proper interest in Mr. Wilkinson's qualifications. I can say with confidence that of the some 45 fine clerks I have had in my 12 years on the Court, J. Harvie Wilkinson, III, ranks among the best. he is an exceptionally gifted legal scholar, and a compassionate and thoughtful human being. In my opinion, he is fully qualified to serve on a Court of Appeals.

Sincerely,

LEWIS F. POWELL, Jr.

[From the Washington Post, Feb. 28, 1984]

WILKINSON, RACING FOR TOP, REACHES KEY HURDLE TODAY

(By Philip Smith)

When J. Harvie Wilkinson III was editorial page editor of The Virginian-Pilot in Norfolk, his colleagues noted that Wilkinson wrote his articles longhand on legal pads and had a secretary type them into the newspaper's computer system.

That practice led some to conclude that a man who did not type also did not intend to stay long in the newspaper business. "He had no experience as a newspaper editor and seemed disinclined to learn it," says former Virginian-Pilot editorial writer A. Robert Smith.

Indeed, Smith says, Wilkinson once confided to him a desire to succeed his old Richmond family friend, Justice Lewis F. Powell, Jr., on the Supreme Court—"in no uncertain terms."

The impression that the 39-year-old Wilkinson is a young lawyer in a hurry is likely to be reinforced today when the Senate Judiciary Committee is expected to approve President Reagan's nomination to make Wilkinson one of the youngest federal appeals court judges in the nation.

Driven by social ties, wealth, educational distinction and old family connections that reach with ease into the Supreme Court itself, Wilkinson's campaign for a seat on the 4th Circuit Court of Appeals in Richmond is likely to clear the GOP-controlled Senate Judiciary Committee.

It appears unlikely that a host of bitter complaints by spokesmen for minorities and women—that Wilkinson's premier qualities are that he is bright, rich, Republican, white and male—will do more than dent Wilkinson's prospects.

"He's a wonderful teacher," says fellow University of Virginia law professor Steven Salzberg, "and a fine, traditional constitutional scholar." Wilkinson's boss, law school dean Richard A. Merrill, said, "Students berate us when we move him into a smaller classroom. His leaving would be a major loss for us."

Wilkinson's critics concede his intellect—he graduated magna cum laude from Yale—but they have protested that he falls short of the American Bar Association's guideline that federal appeals court judges should have at least 12 years' experience in law-related activities. Wilkinson, who won the ABA's backing anyway, has nine.

"It is a formidable combination of inadequacies," testified Elaine Jones, an NAACP Legal Defense Fund lawyer and former law school classmate of Wilkinson, at Senate hearings last week. "If a minority or a woman, with the amount of experience Mr. Wilkinson has, had been interested in an appellate judgeship, she/he would not have gotten to first base."

Since graduating in 1972 from law school in Charlottesville, he has clerked for Powell in Washington; served three years at The Virginian-Pilot; taught law at Virginia for six years and served a year in the Reagan Justice Department as deputy assistant attorney general in the Civil Rights Division. In 1970 he ran for Congress as the GOP's nominee in the conservative Richmond-area district, but was overwhelmed by incumbent Rep. David Satterfield, a Democrat.

He wrote speeches for Republican Linwood Holton's successful 1969 campaign for governor, and as recently as 1982 he worked with a Virginia group promoting former Fairfax County legislator Wyatt B. Durrette, another Republican, for governor in the state's 1985 elections.

Still, his bid for the appeals court lacks the strong endorsement of Sen. John W. Warner, Virginia's senior Republican, who initially supported older and more judicially experienced candidates for the position.

Warner said last week that if the Judiciary Committee backs Wilkinson, he will vote for his confirmation. The senator has said the White House wanted Wilkinson because it has wanted to name young lawyers to appeals court seats.

In a 1979 Virginian-Pilot editorial being circulated by his critics, who say it demonstrates hypocrisy, Wilkinson wrote that "the [Virginia] Bar Association took the correct position when it insisted . . . that merit should rule judicial selections . . . It is never too soon to begin stressing merit over connections. . . ."

When it came time for Wilkinson's bid for the bench, his opponents note, connections, including Powell, were not entirely absent. Powell—a wealthy ex-Richmond lawyer and longstanding friend of Wilkinson's father, a former chairman of United Virginia Bank—acknowledges that he told two members of the ABA rating committee who called him that he "strongly favored Jay." When asked by one of the callers to contact a third committee member, Powell did so.

Wilkinson ultimately won a luke-warm rating of "qualified."

[From the Washington Post, Mar. 8, 1984]

BAR ASSOCIATION'S STANDARDS DISPUTED

(By Philip Smith)

Three Senate Democrats, accusing the American Bar Association of a double standard in rating judicial nominees, have asked the ABA to explain why it found a University of Virginia law professor qualified for a federal appeals court judgeship.

Sens. Edward M. Kennedy of Massachusetts, Howard M. Metzenbaum of Ohio and Joseph R. Biden, Jr. of Delaware said in a letter to the ABA they were concerned that J. Harvie Wilkinson III was rated qualified even though he does not have 12 years' legal experience, the standard that the organization recommends for appellate judges.

"We are particularly concerned about testimony that, on numerous occasions in recent years, the [ABA] committee has applied the guidelines inflexibly and has advised . . . that women and minority nominees who did not meet the [standard] would not be found 'qualified,'" the legislators said.

The three senators also said that they were "concerned about published reports of lobbying activities designed to influence members" of the ABA's Standing Committee on the Federal Judiciary, which investigates and rates White House nominees for the bench.

Supreme Court Justice Lewis F. Powell Jr. told The Washington Post recently that he had been approached about Wilkinson by two ABA committee members and assured them that he "strongly favored Jay." Powell said that he was asked by one of the callers to contact a third committee member and did so.

"I have no apologies whatsoever for supporting [Wilkinson]," Powell told The Post.

Powell is a longtime family friend of Wilkinson, 39, a wealthy Republican attorney and teacher whose father is a former chairman of United Virginia Bank in Richmond.

It was unclear whether the Democrats' request for more details on Wilkinson's ABA endorsement would delay a Senate vote on his nomination by President Reagan to a vacancy on the 4th U.S. Circuit Court of Appeals.

The GOP-controlled Senate Judiciary Committee, of which Kennedy, Metzenbaum and Biden are members, is to take up the Wilkinson nomination today. Detroit attorney Frederick G. Buesser Jr., chairman of the ABA committee, said yesterday that it will take at least a week to reply to the letter.

[From the Washington Post, Mar. 9, 1984]

SENATORS WANT ABA WORD ON JUDGE CHOICE

The Senate Judiciary Committee won't vote on the nomination of University of Virginia law professor J. Harvie Wilkinson III to a judgeship on the 4th U.S. Circuit of Appeals until the American Bar Association explains why it found Wilkinson qualified for the post, congressional aides say.

Three Democrats on the panel—Sens. Edward M. Kennedy of Massachusetts, Joseph Biden of Delaware and Howard M. Metzenbaum of Ohio—have asked why Wilkinson apparently was not held to the ABA's standard that nominees for federal appeals courts have substantiated trial experience.

Wilkinson has no trial experience.

The Virginia State Bar Association pronounced Wilkinson "qualified" for the nomination, despite the fact that he does not meet the ABA's minimum standard for federal judicial nominees of 12 years of legal experience.

[From the Washington Post, Mar. 13, 1984]

POWELL SAYS HE LOBBIED MEMBER OF ABA PANEL FOR WILKINSON

(By Philip Smith)

Supreme Court Justice Lewis F. Powell, Jr., acknowledge yesterday that he telephoned a member of an American Bar Association investigating committee last fall to voice support for the controversial nomination of his former law clerk, J. Harvie Wilkinson III, to a federal appeals court judgeship.

The action is considered unusual for a sitting judge and is likely to become an issue Thursday when the Senate Judiciary Committee is scheduled to vote on the nomination of Wilkinson, a University of Virginia law professor, to the 4th Circuit Court of Appeals.

Separately, a Capitol Hill source said yesterday that Reagan administration lobbying on Wilkinson was so intense that it angered some members of the ABA committee and later drew an apology from a former senior Justice Department official.

The source said Jonathan C. Rose, former assistant attorney general in the Reagan administration, delivered a "semi-mea culpa" at the ABA's midwinter convention in Las Vegas last month to irritated members of

the organization Standing Committee on the Federal Judiciary.

Rose could not be reached yesterday for comment. Wilkinson declined to comment.

Sources also said that a surge of last-minute lobbying by Wilkinson backers in the Justice Department, where Wilkinson once worked, may have cost the 39-year-old former newspaper editor some votes among ABA committee members who were annoyed by the administration's telephone campaign.

Spokesmen for women's and minority groups have charged that Wilkinson lacks sufficient legal experience to meet the ABA's guidlines for appellate Judges and have accused the ABA of employing a double standard for white male nominees.

Powell's statement yesterday came in response to a request for details about his role from three Democratic members of the GOP-controlled Senate Judiciary Committee. It is common for ABA investigators to contact judges who know a nominee, but it is considered questionable practice for a sitting judge to initiate such contacts, according to several lawyers.

In a letter to Sens. Edward M. Kennedy (D-Mass.), Howard M. Metzenbaum (D-Ohio,) and Joseph R. Biden Jr. (D-Del.), Powell called press reports that he had initiated such a call "substantially accurate."

Powell said he became concerned about the prospects for Wilkinson, a family friend from Richmond, after he learned that an ABA investigator, lawyer James Howard of Norfolk, was compiling a "negative report."

"This prompted me to call Gene W. Lafitte of New Orleans [another ABA committee member] on my own initiative," Powell said, "in a brief conversation with him, I . . . repeated my view as to the qualifications of Mr. Wilkinson. I did not inquire where he stood, nor do I know how he voted."

Powell said he had been queried last year by Howard and another ABA investigator, District Lawyer John D. Lane, about Wilkinson's qualifications before he contacted Lafitte.

The 14-member ABA committee, which investigates and rates judicial nominees, subsequently found Wilkinson "qualified" to fill the 4th Circuit vacancy. The vote tally that led to that rating has not been disclosed.

The ABA committee chairman, Frederick G. Buesser Jr. of Michigan, confirmed yesterday that Rose attended last month's convention at the committee's invitation.

[From the Washington Post, Mar. 15, 1984]

ABA Panel Complained Justice Aides Lobbied for Wilkinson

(By Philip Smith)

An American Bar Association screening committee complained to the Justice Department last fall after two senior Justice officials pressured committee members to rate a former colleague "qualified" for a federal appeals court judgeship.

The ABA said this week the complaint came after the two officials—former deputy attorney general Edward C. Schmults and former assistant attorney general Jonathan C. Rose—divulged details of a confidential ABA investigation of J. Harvie Wilkinson III during their contacts with committee members.

Some committee members found the timing of the officials' lobbying—on the eve of balloting on Wilkinson—objectionable, the ABA said. The committee subsequently rated Wilkinson qualified.

Supreme Court Justice Lewis F. Powell Jr. said earlier this week that, in an unusual action for a sitting judge, he also contacted a member of the ABA committee to encourage a favorable vote on Wilkinson, his former law clerk.

Details of the lobbying efforts are likely to fuel attempts by Democrats on the GOP-controlled Senate Judiciary Committee to scuttle the White House's nomination of Wilkinson, 39, a conservative University of Virginia law professor, for a vacancy on the 4th U.S. Circuit Court of Appeals in Richmond. The committee has the nomination on its agenda today.

Sens. Edward M. Kennedy (D-Mass.), Howard M. Metzenbaum (D-Ohio) and Joseph R. Biden Jr. (D-Del.) have held up Wilkinson's nomination pending explanations of the lobbying from Powell and Frederick G. Buesser Jr. of Michigan, chairman of the ABA's Standing Committee on the Federal Judiciary.

Wilkinson was investigated last year by two members of the ABA committee. One, James Howard of Norfolk, submitted a negative recommendation. The other, John D. Lane of the District, rated him qualified.

Those confidential findings were circulated in a 75-page report to the 14 ABA committee members nationwide prior to balloting.

In a letter this week to the three Democrats, Buesser said he became "personally concerned that it had apparently become known that the investigating committee members were not in agreement and that a vote was being taken. I took up the concern with the Justice Department."

Buesser said he also complained to Justice that several committee members had received telephone calls, timed to coincide with the secret ballot, urging approval of Wilkinson. "In this particular case, it was the timing of these calls which was objectionable," Buesser said.

Former deputy attorney general Schmults said yesterday that he was the Justice official to whom Buesser complained. Schmults also acknowledged that he and Rose had made calls to several committee members, mentioning the fact that Howard and Lane were split on Wilkinson's qualifications for the bench.

"I regretted that and I wrote that to Buesser," Schmults said. "How they [the two investigators] were leaning should be confidential."

Schmults said he and Rose made the telephone calls because they had not been consulted by the ABA investigators on Wilkinson's qualifications. Wilkinson served from 1982 to 1983 as deputy assistant attorney general under the two men.

"We were surprised," Schmults said. "We had worked with Jay a long time and had a good idea of his qualifications. . . . We did no more than give [the committee] additional information so they could make a better decision."

One former Justice official, who asked not to be identified, said yesterday that there was "a rather inbred Virginia view" that the judgeship should be filled by a member of the Virginia bar. That would have excluded Wilkinson, whose nomination has been attacked because he lacks courtroom experience.

Schmults yesterday praised Wilkinson as someone who would make "a fine federal judge." The ABA's Buesser also said that several judges, including members of the Supreme Court, were "uniformly enthusiastic" about Wilkinson.

In a letter to the Democratic members of the Judiciary Committee, Justice Powell said he had found Wilkinson, an old family friend from Richmond, "an exceptionally gifted legal scholar and a compassionate and thoughtful human being."

[From the Washington Post, Mar. 16, 1984]

Senate Panel Approves Wilkinson for U.S. Judgeship

(By Philip Smith)

The Senate Judiciary Committee approved the embattled nomination of J. Harvie Wilkinson III to a federal appeals court judgeship yesterday amid renewed complaints by Democrats that the 30-year-old Virginia law professor is unqualified for the post.

The 12-to-4 vote followed unsuccessful attempts by Sen. Edward M. Kennedy (D-Mass.) to persuade the committee's Republican majority to reopen hearings on Wilkinson, who has been attacked by minority and women's groups in Virginia as much less experienced than some female and black lawyers.

"What's very clear is that there's a dual standard," Kennedy said angrily. "[Wilkinson] has never had one client, never. By ramming this through, you're sending a message to women in this society, as well as countless minorities. It's a dual standard, my friends."

If the chairman, Sen. Strom Thurmond (R-S.C.), "wants to hammer this through," Kennedy added, "he has the ability to do it."

Thurmond rejected Kennedy's request for further delay, noting that Wilkinson has been waiting for Senate confirmation since November. The nomination, for a vacancy on the 4th U.S. Circuit Court of Appeals in Richmond, now goes to the Senate floor. Once approved by the Judiciary Committee, such nominations are rarely rejected by the Senate.

Wilkinson, on the faculty at the University of Virginia law school, is a former newspaper editorial writer and served from 1982 to 1983 as deputy assistant attorney general in the Justice Department's civil rights division. He declined to comment yesterday.

One of Wilkinson's harshest critics, Edythe Harrison of Norfolk, an official of the National Women's Political Caucus, blamed Sen. John W. Warner (R-Va.) for yesterday's pro-Wilkinson vote. Harrison is a Democratic candidate for the seat held by Warner, who is up for reelection this fall.

"I don't admire Senator Warner's lack of courage," Harrison said. "His silence was consent. As long as he gave tacit approval [of Wilkinson], the die was cast."

Warner, the state's senior Republican, has had no comment on the Wilkinson controversy and has said he would vote for Wilkinson if the nomination reached the Senate floor.

The fight over Wilkinson has centered on charges he was found qualified by an American Bar Association screening committee even though, his critics say, he does not meet ABA standards for appeals judges. The ABA recommends a minimum of 12 years' experience. Wilkinson joined the bar in 1972, but spent three years as editorial page editor of The Virginian-Pilot in Norfolk.

"The bar obviously changed the rules for Mr. Wilkinson," Harrison said yesterday. "If we [women's groups] had put forward such a candidate, you can imagine the outcry."

Kennedy yesterday cited the cases of two female attorneys who he said were more

qualified than Wilkinson but who were rated as unqualified by the ABA for other court seats. "It would appear there is one set of standards in this case," Kennedy said, "and a different set with regard to women."

In his request for more hearings, Kennedy also recalled recent statements by Supreme Court Justice Lewis F. Powell Jr. and former deputy attorney general Edward C. Schmults that they contacted ABA committee members on Wilkinson's behalf before the voting.

Sen. Arlen Specter (R-Pa.), saying he was concerned about those actions, called on Thurmond yesterday to hold hearings on the ABA's procedures in investigating and rating federal judicial candidates. Thurmond promised to do so.

Sen. Orrin G. Hatch (R-Utah) joined in the criticism of the ABA, accusing the organization of waging a "vendetta" against the late Sherman E. Unger. The ABA rated Unger unqualified in his bid last year for a seat on the U.S. Court of Appeals for the Federal Circuit, touching off a bitter fight in the Judiciary Committee.

"Senator Kennedy's point was well taken against the ABA," Hatch said yesterday. "It was not well taken against this nominee," referring to Wilkinson.

The 4th Circuit has jurisdiction over Virginia, West Virginia, Maryland and North and South Carolina.

[From the New York Times, Apr. 1, 1984]

CRITICS QUESTION EXPERIENCE OF REAGAN'S CHOICE FOR JUDGESHIP

(By David Margolick)

WASHINGTON, March 31.—J. Harvie Wilkinson 3d, President Reagan's choice to fill a Federal appellate court vacancy in Virginia, is in many ways an unorthodox candidate for the bench.

Mr. Wilkinson, a 39-year-old law professor at the University of Virginia, has worked in jobs related to his profession for only eight years. He has never had a private client, argued a case in court or written a legal brief by himself. He has no judicial experience and is not entitled to practice before either the court he hopes to join or any of the trial courts it supervises.

An American Bar Association screening committee, despite sharp internal disagreements, found Mr. Wilkinson, a onetime law clerk for Justice Lewis F. Powell, Jr., of the Supreme Court, "qualified" for the seat.

Earlier this month the Senate Judiciary Committee voted 11 to 5 in favor of the appointment of Mr. Wilkinson to the United States Court of Appeals for the Fourth Circuit, which hears cases from Virginia, West Virginia, Maryland and the Carolinas.

CRITICISM OF THE NOMINATION

Normally, the Senate would ratify the Judiciary Committee's choice. But in the past few weeks, criticism of the nomination has both intensified and broadened beyond groups representing women and minorities who are critical of what they perceive as his limited legal experience, insensitivity and parochialism.

In a brief appearance before the Judiciary Committee last November, Mr. Wilkinson cited a yearlong stint in the Justice Department under Mr. Reagan, scholarly activities and three years as editorial page editor of a Norfolk newspaper as experiences that qualified him for the appellate bench. Other law professors, he observed, had been named to the bench and made "marvelous" contributions despite their limited legal practice.

At least two Senators, Edward M. Kennedy of Massachusetts and Howard M. Metzenbaum of Ohio, both Democrats, have temporarily blocked a vote by the full Senate on the nomination. In addition, Mr. Kennedy, joined by Senators Charles McC. Mathias Jr., Republican of Maryland, and Patrick J. Leahy, Democrat of Vermont, have called on Senator Strom Thurmond, a South Carolina Republican who is chairman of the Judiciary Committee, to hold additional hearings on the nomination bench.

The senators critical of the Wilkinson nomination hope to scrutinize his performance as a Deputy Assistant Attorney General as well as the role played by the Justice Department and Mr. Wilkinson's former mentor, Justice Powell, in lobbying for his nomination.

At the same time, they want to examine the role of the bar group's standing committee on the Federal judiciary, which screens candidates for Federal judgeships. Critics of the nomination have charged that the criteria normally used, notably that candidates be lawyers for at least 12 years and have "substantial" trial experience, were unjustifiably waived for Mr. Wilkinson. The critics say the same criteria sometimes disqualify women and members of minority groups.

"This nomination is symbolic of a con game," said Armand Derfner, a Washington lawyer who testified against the nomination. "The Administration talks of merit selection, but Mr. Wilkinson is probably the least experienced appellate nominee ever seen."

While the Republican-controlled Senate still seems likely to confirm Mr. Wilkinson, some people are hedging their bets.

It's too early to say what the final outcome of the Wilkinson nomination will be," said Peter Loomis, press secretary to Senator John W. Warner, Republican of Virginia. "It could dangle for a month or two and die on the vine."

Mr. Warner, whose own choices for the vacancy were rejected by the White House in favor of Mr. Wilkinson, has offered him only token support.

But a Reagan Administration spokesman, who requested anonymity, said, "We're confident that he'll be confirmed after this thing plays out."

BORN TO AFFLUENT SURROUNDINGS

The term most frequently used to describe Mr. Wilkinson is "to the manner born." His father, J. Harvie Wilkinson, Jr., was president of one of Virginia's largest banks, and he grew up in Richmond's affluent West End, long a seat of power in the state.

A graduate of Lawrenceville School and Yale University, Mr. Wilkinson harbored political ambitions, and while a student at the University of Virginia Law School in 1970 he ran unsuccessfully for Congress.

Two years later, however, he won a clerkship with Justice Powell, also from Richmond and a longtime friend of the Wilkinson family. Mr. Wilkinson spent the next five years teaching law at the University of Virginia in Charlottesville, when he left to become the editorial page editor of The Norfolk Virginian-Pilot. He served as Deputy Assistant Attorney General in the civil rights division of the Justice Department from 1982 to 1983, when he returned to teaching.

At hearings in February, witnesses from the NAACP Legal Defense and Educational Fund, the National Women's Political Caucus and several other groups said Mr. Wilkinson was insensitive to minority concerns and had less experience than some women and minority candidates that the bar screening committee had found unqualified.

"If a minority or a woman with the amount of experience Mr. Wilkinson has had been interested in an appellate judgeship she/he would not have gotten to first base," Elaine R. Jones of the legal defense fund testified.

Senator Kennedy and others have suggested that in finding Mr. Wilkinson "qualified" the bar screening committee may have bowed to political pressure. The other designations are "exceptionally well qualified," "well qualified" and "not qualified."

Two former high-ranking Justice Department officials, Edward C. Schmults and Jonathan C. Rose, made telephone calls to committee members before the vote on Mr. Wilkinson. The two admit, moreover, that they divulged details of a confidential negative, preliminary report on Mr. Wilkinson to others. They said they had hoped that, by demonstrating the nomination might be in jeopardy, they could enlist supporters of Mr. Wilkinson to petition the committee on his behalf.

Frederick G. Buesser Jr. of Bloomfield Hills, Mich., chairman of the bar screening panel, said Mr. Schmults and Mr. Rose "used poor judgment on behalf of a friend." He asserted, however, that "not one vote" had been altered by their action.

Moreover, earlier, this month, Justice Powell acknowledged that he had grown concerned over Mr. Wilkinson's prospects and called one committee member on his own initiative. He has described his former clerk as "an exceptionally gifted legal scholar and a compassionate and throughtful human being" who is "fully qualified" for the court seat.

Mr. Wilkinson's critics have based their judgments largely on the editorials he wrote for The Virginian-Pilot. Last July the newspaper, which had been one of the state's more liberal organs before Mr. Wilkinson's tenure, came out against his appointment. Mr. Wilkinson, it said, "came up short" on experience.

"Obviously, he is a bright young man in a hurry, but what's the rush?" it said in an editorial titled "Wilkinson as Judge?"

[From the Baltimore Sun, June 17, 1984]

SENATE GETS HUNG UP ON A WOULD-BE JUDGE'S AMBITION

(By Ernest B. Furgurson)

Someday soon the Senate may vote on a nomination that involves several serious issues, but turns on point unaddressed by the Founding Fathers: Should overweening ambition disqualify a citizen from service as a high federal judge?

The nominee is 39-year-old J. Harvie Wilkinson III—bight, brash law professor, son of a prominent Virginia banker, family friend and former clerk of Justice Lewis F. Powell, Jr., briefly deputy assistant for civil rights in Ronald Reagan's Justice Department.

Although he has never practiced law a day in his life, the administration put him up for a seat on the Fourth U.S. Circuit Court of Appeals, which covers Maryland, Virginia, West Virginia and the Carolinas.

The circuit court, of course, is the next thing to the Supreme Court itself. Last year the circuits decided nearly 29,000 cases, and fewer than 1 percent of those will ever be reviewed by the Supreme Court. The Fourth Circuit decided nearly 2,300, and

during that year only 21 of its decisions were granted review by the Supreme Court.

Thus this nomination is of weighty importance to people in this part of the nation.

But long ago, before his name was ever mentioned for the Fourth Circuit, young Jay Wilkinson already was looking beyond it, telling friends with characteristic immodesty that he was aiming at the highest court in the land.

This and much more has seeped out since last fall when Mr. Wilkinson appeared unexpectedly before a Judiciary Committee hearing chaired by Maryland's Charles McC. Mathias, Jr., sitting in for chairman Strom Thurmond.

That day went smoothly, but rather superficially. After interested parties had time to learn about the nomination, another committee session in February heard a series of opponents, mostly objecting to the Virginian's inexperience. Despite them, the committee reported out the nomination.

Only after that did allegations arise that Mr. Wilkinson himself had inspired a lobbying campaign that brought him a barely favorable recommendation from the American Bar Association after the first lawyer assigned to check his background found him unqualified.

Also since the hearings, further concerns have been voiced about his strongly conservative political record. As Justice Department aide and newspaper editorialist, he created fears that he would come to the bench with his mind already made up in civil rights and other cases.

Citing all this, a group of senators from both parties has pressed for another hearing, to focus on the "possible undue influence" brought to bear when Mr. Wilkinson learned his nomination was in danger. But Mr. Thurmond, while willing for his committee to look into the overall ABA judiciary recommendation process separately, is against linking it to the Wilkinson case. He insists on a vote first by the full Senate, before the July 2 recess.

What happened is that when officials in the Justice Department learned that the bar association committee was undecided on the nomination, they improperly told Mr. Wilkinson about it.

Former Deputy Attorney General Edward Schmults and former Assistant Attorney General Jonathan Rose both made calls to ABA committee members boosting Mr. Wilkinson. So did Justice Powell, whose old Richmond law firm represented Mr. Wilkinson's father's bank.

How many others joined this effort is uncertain, but it was conspicuous enough for the ABA committee chairman to reprimand the Justice Department officials about it. Mr. Powell acknowledged that he not only had responded to inquiries from the ABA but had initiated contact with another member of that committee.

Senators Mathias and Arlen Specter (Pa.) both want to know more about this. Senator Warren Rudman (N.H.) and Majority Whip Ted Stevens (Alaska) spoke against confirmation. All these are Republicans. But predictably, it is a Democrat, former Judiciary chairman Ted Kennedy (Mass.), who has used the strongest language.

He called the Wilkinson lobbying a "boiler room" operation, as if it were in an election campaign. "Did the Justice Department officials violate the trust of their special position as liaison between the judiciary and the ABA?" he asked. "Why is not the Senate of the United States permitted to know whether this nominee was found 'qualified' on the basis of a lobbying effort or on the basis of his own merits?"

Conservatives like Mr. Thurmond (R, S.C.), John P. East (R, N.C.) and Jeremiah Denton (R, Ala.) have carried most of Mr. Wilkinson's Senate defense. Virginia's freshman Republican Paul Trible has spoken for him but John W. Warner, some of whose own candidates were passed over in favor of Mr. Wilkinson, has been quiet.

The nominee's friends note that despite the ABA committee chairman's displeasure at the lobbying, he wrote that "I'm convinced that such calls . . . did not influence any vote in his favor."

They also argue that although the ABA's judiciary guidelines call for extensive trial experience, it is less necessary in an appellate judge reviewing decisions of lower courts. Mr. Wilkinson's demonstrated scholarship and writing talent offset his lack of practical legal background, they say.

But some of the most interesting input into the debate has come from outside the Senate. The Norfolk Virginian-Pilot, where Mr. Wilkinson was editorial page editor briefly before joining the Reagan administration, has come out against his confirmation.

While there, Mr. Wilkinson wrote about how "Judges ought to be selected on the basis of merit, not on the basis of policital ties. . . ." He not only had a kind word for experience, he said "It is never too soon to begin stressing merit over connections."

One opponent said his style "has the forensic tone of a campaigning politician or an adversary lawyer before a jury, not the mediating tone of an impartial judge." She quoted his editorial asserting that compulsory school busing is "madness."

A former Justice Department lawyer documented how enthusiastically Mr. Wilkinson implemented the policy of Bradford Reynolds, head of the civil rights division, in cutting government's role in trying those cases.

What will happen when the Wilkinson nomination comes to a showdown roll call is unclear. When opponents tried to send it back to committee last month, they lost 54-36. But if Majority Leader Howard H. Baker, Jr. (Tenn.) seeks cloture to cut off debate, it will be close: he needs 60 votes.

Frequently, when a judicial confirmation becomes this uncertain, the name is withdrawn. But the White House may issue a party call on this one, because if Mr. Wilkinson's ambition is realized, an aggressively conservative new judge will be positioned to ascend to the Supreme Court and stay for generations—to become the next William H. Rehnquist.

Whatever the outcome, the closeness of the Senate situation grows out of the controversy over inexperience, lobbying and use of outside influence. And all those grew out of the brilliance, the impatience and the ego of J. Harvie Wilkinson III.

NATIONAL WOMEN'S POLITICAL CAUCUS,
Washington, DC, September 9, 1983.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I am writing to express the National Women's Political Caucus' serious concern over the probable nomination of J. Harvie Wilkinson III to the U.S. Fourth Circuit Court of Appeals.

Mr. Wilkinson's lack of experience in the legal arena is well known. In the 11½ years since graduating from law school, he has never practiced law, and has been involved in legal matters for only about eight years. This background falls short of the minimum 12 years experience recommended by the American Bar Association. Surely you will agree that this country, and the State of Virginia, deserves better than that.

In November, 1982, the National Women's Political Caucus forwarded to the Justice Department the names and résumés of four highly qualified women for this position. Each of our recommended nominees has broad experience in the court system, and any one would be an admirable choice for the position under consideration.

It is unfortunate that not one of these women, nor any other of the many equally qualified women attorneys in your state, was included in your list of recommended nominees sent to the president. Your failure to choose a single woman is all the more disturbing in light of the fact that, of 21 Circuit Court nominations made by President Reagan as of September 1, 1983, not one has gone to a woman.

I strongly urge you to bring your influence to bear to see to it that Mr. Wilkinson is not nominated and that a qualified woman is named for this very important post.

Sincerely,

KATHY WILSON,
National Chair,
National Women's Political Caucus.

TESTIMONY AT A HEARING OF THE SENATE JUDICIARY COMMITTEE ON THE NOMINATION OF JAMES HARVIE WILKINSON III, FEBRUARY 22, 1984

STATEMENT OF EDYTHE C. HARRISON

Mr. Chairman, I am Edythe C. Harrison, a resident of Norfolk, Virginia, speaking for the National Women's Political Caucus. I am a past member of the Virginia General Assembly, and have been a community activist in a variety of projects in the arts, education, and community development for many years.

I came to know Mr. Wilkinson personally when he resided in Norfolk as the Editorial Page Editor of the Virginia-Pilot. I am well acquainted with his beliefs and modes of expression through his writings and personal conversations. I am here to comment on Mr. Wilkinson's judicial temperament as believed in his own writings while at the newspaper and in his books.

It is with some uneasiness that I testify due to what I consider a good personal relationship with Mr. Wilkinson. However, as the Chair of the 2nd District Women's Political Caucus and as a concerned citizen, I feel obligated to share with this committee my knowledge on this appointment.

Mr. Wilkinson lacks experience representing clients whether in or out of court. He lacks experience either as a lawyer sweating out a case with a client whose life, liberty, or fortune are at risk, or as a judge called upon day after day to render discriminating opinions about often difficult matters. In view of these facts, it is more than relevant to consider his performance as an editorial writer to glean insight into this man as a journalist, lawyer and as a person. This is essentially so, in view of the fact that Mr. Wilkinson cites his three years as an editorial writer in support of his experience for this appellate judgeship. I must ask if he was temperate in his judgments? Did his editorials reveal the writer as a person of depth, learning, and mature insight, or someone deficient in these qualities? Was he arrogant? Was his language precise and

thoughtful? Did he enlighten as well as provoke? Did he liken his responsibilities in the post of Editor to those of a judge, who must give due weight to all sides of a controversy, examine and state carefully the arguments on all sides of a controversy, and make his decision from the best evidence available to him?

Unfortunately, my conclusion is that Mr. Wilkinson falls short in all aspects. An editorial writer does what a judge does. Editorial writers, like judges, confront controversial issues and both should be fair minded, look at both sides of the question, and pose reasonable solutions. Since Mr. Wilkinson is relying heavily on his editorial experience as a basis for his appointment, it is appropriate that we look at his editorial writings for the qualities that would indicate judicial temperament. In evaluating his editorials we look for evidence of fair mindedness, compassion, and one who understands complexities and practical applications inherent in legal disputes.

A judge may be a political appointee but judges are not politicians. Mr. Wilkinson's style has the forensic tone of a campaigning politician or of an adversary lawyer in front of a jury, not the mediating tone of an impartial judge. His discourse suggests a prejudgment that would obstruct his ability to judge fairly. Mr. Wilkinson obviously is intelligent and aware of the problems of this society. In his editorials he asks all the provocative rhetorical questions—often inflammatory in style but he offers no solutions to these problems. This is acceptable for a teacher or writer who can deal in hypotheticals, but it is not appropriate for a judge—or even an editorial writer who must feel a responsibility to the community who looks to him for enlightenment—but it is certainly not appropriate for a judge who must take responsibility for his words knowing they will become law.

His editorials cover a number of highly controversial subjects. A look at his editorial language tells us something about his ability to be fair minded. The issues are arguable. Mr. Wilkinson does not argue the case if arguing means weighing the arguments for and against and coming to one's own conclusions. His adversarial style forces the argumentation to move exclusively between two absolute extremes. I give a couple of examples: Through emotionally laden lexical choices such as, and I offer as direct quotes from his editorials the following language: "nightmares of the Holocaust; malignant mobs; stalking presidents; sanctity of innocent live; heinous crimes," he forces the reader into these extremes and then concludes that there is no other choice. This crystallization into two irreducibly opposed viewpoints is more the discourse of a lawyer than that of a judge. In fact, his adversarial rhetoric repeatedly defies logic. Indeed he deals ruthlessly with the very principles of logical argumentation, all the while maintaining a facade of logical structure.

Mr. Wilkinson is given to extravagant, misinformed, intemperate, inflammatory, sterotypic statements. For example: Regarding one minority group, Mr. Wilkinson very unsympathetically writes, "their rhetoric was that of the maligned. The march urges an end to all social economic, judicial, and legal oppression of lesbian and gay people. Their demands," said Mr. Wilkinson, "should be resisted because the last thing we need is a fresh wave of lawsuits whenever some employee is allegedly dismissed or passed over because of 'sexual preference'" Does Mr. Wilkinson define justice in terms of a reduced caseload? Is justice a matter of convenience for the judges? Is this what we mean by judicial economy? All that most people ask of government is that they be accorded the same legal rights as other citizens, being held accountable for what they are as individuals, not because of their minority differences. This is a point that should not have to be explained to a man who may sit on the bench.

It should also not have to be explained that while it may be appropriate to support capital punishment, it is inappropriate to support capital punishment because, quoting Mr. Wilkinson, "I just don't trust parole agencies." That kind of injudicious statement casts aspersions of a whole class of hardworking public servants and is certainly a dubious reason for supporting this issue.

We all know what the problems are. As an editorial writer, he inflamed us with the problems but never enlightened us with solutions or even attempts at solutions. A judge does not have the luxury of avoiding solutions to important, complex legal problems. Professors and editorial writers, for all the useful work they do, have the luxury of approaching problems from an ivory tower perspective. I am not an attorney but I understand why the American Bar Assocation requires a particular number of years out of school—and legal practice for a number of years. I understand the reasons for this standard. Mr. Wilkinson's youth, lack of experience and immaturity are impediments to wise decision making.

On the most agonizing questions of race, education, and equal opportunity, Mr. Wilkinson offers not enlightenment, but empty rhetoric with a scholarly intellectual gloss which is useless as a guide to reasonable resolution of fundamental social problems.

"Compulsory busing is madness, compulsory busing between city and suburb is madness multiplied," writes Mr. Wilkinson. Is this the best thinking of a legal scholar who has explored the complex issues involved in dismantling separate but unequal racially identifiable schools? Is all busing "madness"? Is busing in conjunction with paired and magnet generally upgraded schools, teaching and educational programs "madness"? Is busing to remedy state caused inequitites in the financial support of schools invariably "madness"? Is judicious busing, not for the purpose of racial balance but for the purpose of good libraries, good order, and good learning programs in all of a city or regions schools "madness multiplied"?

In the controversial and highly emotional subjects of busing, capital punishment, bilingual education, and in vitro fertilization Mr. Wilkinson used the editorial page to confuse and inflame rather than explain. These are issues that beg for discourse and reason and not inflamatory rhetoric that never solves problems. Unfortunately these are not the only subjects that received the same type of treatment.

As if Mr. Wilkinson's lack of judicial temperament were not enough, there is some serious question as to how he achieved this nomination. Achieved is the right word because he engaged actively in the process of getting himself nominated. He lobbied for his own position. A Congressional aid was quoted, "he did everything except take out a billboard." This is especially distressing when in editorial after editorial, Mr. Wilkinson has been harshly critical of the role of politics in judicial appointments. But even all this lobbying does not explain the American Bar Association endorsement. By their own rules he is clearly not qualified but he received the endorsement anyway. It is generally understood that Justice Powell "permitted his name to be used" in support of Mr. Wilkinson's nomination and this may have turned the tables in so far as the ABA endorsement is concerned.

I am not saying there is anything improper, but the Committee should be aware there is a long standing connection between Justice Powell and Mr. Wilkinson. He was clerk for Justice Lewis Powell. The relationship of these two men is well know. Justice Powell's law firm represented the bank that Mr. Wilkinson's father headed. Mr. Wilkinson even worked at the Powell law firm in high school. After clerking, Mr. Wilkinson wrote about Mr. Powell in his book "Serving Justice" and said in that book that when Mr. Powell was appointed to the Supreme Court Mr. Wilkinson felt the Supreme court had been saved and "I could not help thinking my chances for clerkship."

This inside track to a judicial nomination runs counter to everything Mr. Wilkinson has written about merit appointments to the bench. Writing on the theme of merit versus raw political selection of judges was a recurrent theme during his editorship. Concerning the selection of judges by the Virginia General Assembly he writes, "judges ought to be selected on the basis of merit, not on the basis of political ties. At present, the choice of new judges rests, in practice, with the legislative delegations form jurisdictions involved. The temptations are great—at times irresistable to elevate to the bench the law partners, colleagues, and cronies of legislators." Mr. Wilkinson expressed hope that the proposed Bar Judicial Nomination Commission which would have been appointed by the Bar Association would provide a "high grade and less political review of the character, temperment, intelligence, mental and physical fitness, education, legal ability, experience, general interest and past conduct of each person considered." Mr. Wilkinson said, "It is never too soon to begin stressing merit over connections." We agree.

Testimony of Elaine R. Jones of the NAACP Legal Defense Fund

Mr. Chairman, my name is Elaine R. Jones and I am an associate counsel with the NAACP Legal Defense Fund. I am a native Virginian; I attended law school with Mr. Wilkinson, and I have practiced law in the federal courts, including the Fourth Circuit, for over thirteen years.

I have testifed before this Committee serveral times on subjects of mutual interests, subjects ranging from the voting rights act to procedures for evaluating judicial nominees.

Yet at no time have I been more reluctant to appear than today. But as a matter of fairness and principle I have little choice.

Since he has been President, Mr. Reagan has nominated more than 125 persons to the Federal bench, many of whose philosophy and views on fundamental social issues might differ from mine. However, prior to this appearance I have not appeared before this Committee to testify on a single one of Mr. Reagan's nominees. Mr. Wilkinson's is my first appearance on a judical nominee during this administration.

After having read Mr. Wilkinson's submissions, having interviewed and talked with people with whom he has worked and reviewing his overall record, I have concluded

that it would be fundamentally unfair for this committee to confirm Mr. Wilkinson.

There is a fundamental question of fairness here that must be raised. And that is the issue of fairness with regard to the judicial selection process. It is a question that runs to the American Bar Association's Standing Committee on the Federal Judiciary.

We have before us a nominee who, when viewed objectively, is facially unqualified for appointment to the appellate bench.

At the time of his nomination he had been in the field of law barely eight years, six of those as a law professor. Even adding the three years of his newspaper experience, at the time of nomination Mr. Wilkinson did not have twelve years at the bar which is the requirement of the American Bar Association (ABA). A very strong argument can be made that 12 years at the bar, which is the ABA standard, means for an appellate nominee 12 years of law-related work, in which case Mr. Wilkinson has only 8. For the six years that he has taught law school we understand that Mr. Wilkinson is highly regarded as a law professor, yet we do not think that that qualifies as "significant evidence of distinguished accomplishment in the field of law," which is the applicable language in the ABA standards when one has limited trial experience (p. 3). However, Mr. Wilkinson has no trial experience, nor any out of court experience representing the interest of a client. Nor, we understand, is he even a member of the Circuit court to which he has been nominated to serve. It is then quite confusing to see how, if one uses principles of merit selection, that Mr. Wilkinson merits this appointment. In his testimony before this Committee on Wednesday, November 16, 1983 Mr. Wilkinson refers to the nomination of Stephen Breyer (1st Circuit), Ralph Winter (2nd Circuit), Antonia Scalia (D.C. Circuit) and Richard Posner (7th Circuit) for the proposition that academics can serve ably on the appellate courts. That is true.

However, the issue is not whether academics can serve (they certainly can and should), the issue is the qualifications of Mr. Wilkinson to serve, with 8 years of law-related experience and only 6 years in academic life with no advocacy experience whatever.

At the time of his nomination, Stephen Breyer had 16 years of law-related experience, 12 of those as a law professor at Harvard; Ralph Winter had 22 years teaching experience and taught at Yale Law School; Antonio Scalia had been a member of the bar over 20 years, had taught law for nearly 12 years at the University of Chicago, Stanford and the University of Virgina, an additional 6 years in the actual practice of law and 6 more years in government service. Richard Posner had over eighteen years at the bar, 11 years in academic life and more than six years in government service. Mr. Wilkinson's comparisons simply do not hold up when one reads the record. Much has been made by Mr. Wilkinson himself of his similarity to other "academics" who were successfully appointed to the bench. A survey of those appointed in the last few years to the appellate bench shows that there is no other member of any Circuit Court of Appeals who has been out of law school such a short period of time, has so little law-related experience, and who has no courtroom or advocacy experience. It is a formidable combination of inadequacies.

Minorities and women have often been reminded that as a general proposition they do not hve the requisite experience to serve on the appellate bench because they have only graduated from law schools in significant numbers over the past 10-15 years. Every minority and woman appointed to the appellate bench in the last two administrations has objectively met and/or exceeded the applicable ABA standard.

If a minority or a woman, with the amount of experience Mr. Wilkinson has, had been interested in an appellate judgeship she/he would not have gotten to first base. First, they would have most certainly been found unqualified by the ABA; secondly, they would not have received the nomination; and thirdly, if they had received the nomination, I do not believe they would have ever passed the scrutiny of this Committee.

If no advocacy experience and limited teaching experience is enough to earn a qualified rating for the appellate bench, then the ABA standard is meaningless, as is the selection process.

The Committee now considers the nomination of a white male from a privileged background who has connections of power and who does not meet the qualification standards now met by every federal appellate jurist in the Country. We urge the Committee to act on principle. If Mr. Wilkinson is confirmed it will tell the world more clearly than anything else, that there is a double standard: one for minorities, women and all other appellate judges and another for Mr. Wilkinson.

We ask now only for fairness: that the standard that applies to all other federal appellate jurists in the Country be applied to Mr. Wilkinson. It that is done, this nominee will not be confirmed.

STATEMENT OF BOBBY B. STAFFORD, PRESIDENT OF THE OLD DOMINION BAR ASSOCIATION

Mr. Chairman, I am Bobby B. Stafford, President of the Old Dominion Bar Association ("ODBA"). The Old Dominion Bar Association (ODBA) is a statewide bar organization which has existed since 1941 in the Commonwealth of Virginia. I am pleased to have this opportunity to appear before the committee; however, it is with significant pain and reluctance that the ODBA expresses its opinion respecting the nomination of Mr. J. Harvie Wilkinson as a judge for the United States Court of Appeals for the Fourth Circuit. However, as attorneys who practice before the U.S. Court of Appeals for the Fourth Circuit, it is ODBA's obligation to come forward and speak up on this nomination. The ODBA firmly believes that the appointment of Mr. Wilkinson to the United States Court of Appeals for the Fourth Circuit would diminish the respect of the bench and bar for the quality of judicial experience on the court and for the appointment and selection process for judicial judges.

As practitioners before this court, we are keenly aware of the need for and the expectation that the judges who adjudicate our cases will possess exemplary judicial qualifications who have been carefully selected from the most experienced and able members of the bench or bar. We again wish to emphasize that there are tremendous risks for a bar association to oppose a lifetime judicial appointment. However, in the event the Senate confirms Mr. Wilkinson for appointment to the Fourth Circuit, the high quality of the judiciary could be seriously compromised.

The constitutional importance of an independent and able federal judiciary is unquestioned. And, the Senate's duty to confirm each nominee for the federal judiciary is clear evidence of the profound public interest in assuring that qualified persons are entrusted to the powerful position of a federal judgeship.

To facilitate the public interest, the American Bar Association Standing Committee which evaluates judicial nominees, long ago established minimum evaluation criteria a nominee for the federal bench should possess. The ABA criteria clearly require (1) admission to the bar at least a minimum of twelve years, (2) substantial trial experience as a lawyer or federal judge, and (3) in exceptional cases limited trial experience will suffice where the nominee has distinguished accomplishments in the field of law. Mr. Wilkinson is believed not to possess any of these qualifications. The ODBA has recently learned that Mr. Wilkinson is not even admitted to practice before the U.S. Court of Appeals for the Fourth Circuit for which he seeks an appointment, nor any of the federal district courts in the Circuit. This is alarming.

Notwithstanding its evaluation criteria, the ABA has expediently and miraculously found Mr. Wilkinson qualified for appointment as a federal judge. In your consideration of the ABA's departure from its evaluation criteria, it should be noted that the ABA evaluation criteria and its recommendation are merely an aid to the Senate and not a supplement nor substitute for the judgment of this committee or the United States Senate. The ODBA considers the ABA's finding that Mr. Wilkinson is qualified to be a federal judge an affront to deserving and qualified practitioners and jurists of all races and both sexes in the Commonwealth of Virginia. Mr. Wilkinson has not had any practical legal experience to carry to the bench. Practical legal experience is not limited to trial experience, but may be derived from client contact, motion practice, administrative proceedings, or other advocacy experience.

Attorneys who argue cases before judges of the Fourth Circuit must have unquestioned confidence in the ability of the judges to understand quickly, soberly and intelligently the issues presented. Attorneys generally have only thirty (30) minutes to argue their cases, whether legal issues raised are procedural or substantive or whether such issues involve preservation of life, liberty or property. The judges must often resolve issues presented based on the law cited in a short brief as well as based on their prior experience as a jurist and/or practicing attorney. There is no time—and there should be no need—to explain to the judges the exigencies of a legal practice, whether plaintiff's or defendant's counsel or as a defense attorney or prosecutor in order to assure that the judges evaluate the issues in the proper framework. Accordingly, in view of Mr. Wilkinson's lack of practical experience at the bar or on the bench, he would be substantially disadvantaged as an appellate judge and this would inure to the profound detriment of the lawyers who will appear before him. It must not be forgotten that these lawyers will be representing clients who have important legal and factual disputes.

At the time of his nomination, Mr. Wilkinson has been a member of the bar not quite twelve years, he also has not had the benefit of having attorney-client relationships. An attorney derives significant growth through the wide breath of attorney-client relationships. The attorney-client relation-

ship critically affects the decisions that counsel makes and directly influences and shapes the posture of counsel's case as it appears before the appellate court. Absent practical experience derived through attorney-client relationships, Mr. Wilkinson would be required to make his decisions by vicariously considering or hopelessly speculating about practical considerations that affect legal issues and inferences. These practical considerations which are so vital to the appellate bench in the fair resolution of important controversies would be "second nature" to an experienced lawyer or judge. Such a glaring deficiency in Mr. Wilkinson's qualifications can only lead him to apply mechanically principles of law to resolve legal issues, while failing to comprehend or perceive practical considerations that will impact on his opinions. The federal bench, the bar and the public deserve and expect a truly qualified appointment who has the requisite experience and depth to consider justly those disputes which will come before the bench.

In conclusion, having had no attorney-client relationships, no trial experience, no distinguished accomplishments in the field of law and/or no judicial experience, Mr. Wilkinson is clearly unsuited for the federal appellate bench. Given his record of achievement in various and sundry endeavors, with time Mr. Wilkinson may be able to obtain the requisite legal experience to qualify for appointment to federal bench.

Mr. Chairman, the ODBA respectfully requests this committee on behalf of its members and all the trusting citizens of the Fourth Circuit to give Mr. Wilkinson an opportunity to obtain the requisite legal experience before being thrust into the position of a federal appellate judge. It is our considered opinion as practitioners in the Circuit that this nomination should not be confirmed.

Thank you.

TESTIMONY OF HELEN C. GONZALES, ASSOCIATE COUNSEL, MEXICAN-AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

Good afternoon, I want to thank the Chairman and the distinguished members here today for allowing me to testify on behalf of the Mexican American Legal Defense and Educational Fund [MALDEF]. My name is Helen Gonzales and I am the Associate Counsel for the Washington, D.C. office. MALDEF is a national legal and educational organization devoted to protecting the civil rights of close to fifteen (15) million Mexican Americans and other Hispanic Americans. Currently, we have offices in San Francisco, Los Angeles, Sacramento, Denver, San Antonio, Chicago and here in Washington, D.C.

I appear before you today to express our opposition to the nomination of J. Harvie Wilkinson to the U.S. Court of Appeals for the Fourth Circuit. Our opposition, Mr. Chairman, is based on the fact that Mr. Wilkinson does not meet the threshold qualifications for appointment as a federal judge. Thus, it becomes clear that the nomination is premised solely on the conservative political philosophy which Mr. Wilkinson shares with this Administration. If this nomination is approved it will be but another slap in the face to minorities and women alike who are repeatedly told that they cannot be given judicial or other appointments because they lack the qualifications necessary for those positions.

Federal appellate judges serve a very important role in our society. Their decisions can have a tremendous impact on individuals and communities. It is, thus, critical that individuals appointed to these positions be of the highest professional caliber.

In order to promote this goal, the American Bar Association (A.B.A.) has developed minimal criteria for evaluating a nominee to the federal bench. An individual should be admitted to the Bar a minimum of twelve years, have substantial trial experience as a lawyer or federal judge, and, in exceptional cases, limited trial experience will suffice where the nominee has distinguished accomplishments in the field of law.

Since leaving law school J. Harvie Wilkinson served one year as a U.S. Supreme Court law clerk, six years as a law professor, and one year in the U.S. Department of Justice. He also spent three years as an editorial page editor for the Virginian-Pilot. Thus, Mr. Wilkinson has only a total of eight years of legal experience, none of which includes trial work. While the A.B.A.'s minimal criteria calls for "substantial trial experience," this standard has been broadened, in its application, to include advocacy work, generally. However, even under this broader view, Mr. Wilkinson fails to meet the A.B.A. standard. He is not even admitted to practice before the Court of Appeals to which he has been nominated nor to any of the federal district courts within that Fourth Circuit.

Mr. Wilkinson's positions at the University of Virginia Law School and at the Justice Department left him completely unexposed to either client representation or practical advocacy experience. Thus, the record clearly shows that he lacks the experience necessary for appointment to the appellate bench.

It is also interesting to note that during Mr. Wilkinson's tenure as an editor to the Virginian-Pilot, a number of editorials were published which criticized the judicial selection process for being unduly political.[1] One such editorial concluded that, "it is never too soon to begin stressing merit over connections."[2] In this case, however, since "merit" is lacking one must presume, as a recent editorial by the Virginian-Pilot did, that Mr. Wilkinson's greatest qualification to serve on the bench is his conservative philosophy.[3] Based on this lack of practical, legal experience even his former employer had to admit that his nomination should not be confirmed.

It is ironic, then, that Mr. Wilkinson would seek a position for which he lacks sufficient credentials to meet his own "merit" standard. In the selection of Judges he, understandably, supported review of such criteria as legal ability and experience.[4] As indicated above, however, he falls short on these two key prerequisites.

It is also ironic that despite Mr. Wilkinson's insistence that appointments be based on merit and not political considerations, he has apparently been lobbying extensively on his own behalf.

This point is reflected in the comment attributed to a Virginia congressional aide who described Mr. Wilkinson's political lobbying for the judgeship: "He's made phone calls, visited Congressmen's offices, and done everything except take out billboards and airplanes with streamers."[5]

Thus, one has to surmise that Mr. Wilkinson believes that he need not follow his own advice.

The Reagan Administration has consistently denounced the use of affirmative action on the ground that it leads to the appointment, or hiring, of unqualified individuals. Mr. Wilkinson, himself, wrote, or approved, editorials during his tenure as an editor strongly raising this same implication.[6] Yet, both he and the Administration now appear willing to subvert their own "merit selection" philosophies when it concerns the appointment of a white male.

Therefore, allowing Wilkinson to become a federal judge is fundamentally unfair to the many qualified Hispanics, Blacks, and women who have been repeatedly denied federal judgeships because they, allegedly, failed to meet the A.B.A.'s minimal standards. Appointment of Mr. Wilkinson, despite his current lack of more than eight years of legal experience, would create a double standard. Clearly there must be others including, women and minorities, who are, in fact, qualified under the A.B.A.'s standards for this appellate judgeship. The A.B.A.'s minimum standards, under which others are judged, should not be waived merely because a candidate is of the correct political philosophy.

TESTIMONY OF JOSEPH MICHAEL TREVINO, DIRECTOR OF LEGISLATION, LEAGUE OF UNITED LATIN AMERICAN CITIZENS [LULAC]

Good afternoon, Mr. Chairman, distinguished members of the Senate. First, I would like to thank you on behalf of the League of United Latin American Citizens [LULAC] for allowing me, Joseph Michael Trevino, LULAC Legislative Director, to present our views regarding the judiciary generally and Mr. J. Harvie Wilkinson's nomination to the 4th Circuit Court in particular. LULAC is the oldest and largest Hispanic organization with a membership of over 100,000 members in 43 states recently established councils in Mexico, Central America, West Germany, and Okinawa. Founded in Corpus Christi, Texas, LULAC's central concerns are for full social, political, economic, and educational rights for Hispanics in the United States.

Mr. Chairman, let me begin by stating that the League's interest in the certification process is longstanding and in keeping both the responsibilities of an informed citizenry and advocating for an independent judiciary which administers the law in a fair, evenhanded and effective manner. Speaking about the judiciary system in this, our country, brings to mind a conversation I had with Mr. Jim Range, formerly legislative director for Senator Howard Baker. Mr. Range recounted to me conversations he

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[1] "Choosing Judges on Merit," The Virginian-Pilot, Feb. 9, 1979; "Change It," The Virginian-Pilot, Feb. 21, 1980; "Was It Really Racist," The Virginian-Pilot, March 8, 1980.

[2] See, e.g. "Politics Behind the Robe," The Virginian-Pilot, Jan. 18, 1979.

[3] "Wilkinson as Judge?" The Virginian-Pilot, Jul. 29, 1983. Mr. Wilkinson's published views on a number of issues paralled those of this Administration. See, e.g. "Busing Embers," The Virginian-Pilot, Sept. 15, 1978; "Busing Blues," The Virginian-Pilot, Feb. 11, 1980 (editorials during Wilkinson's tenure at The Virginian-Pilot opposing busing); See also Former Pilot Editor Named To Top U.S. Civil Rights Post, The Virginian-Pilot, June 6, 1982 (quoting Wilkinson for his opposition to court-ordered busing and numerical quotas.)

[4] "Choosing Judges on Merit," The Virginian-Pilot, Feb. 9, 1980.

[5] "J. Harvie Wilkinson's Inconsistencies," The Virginian-Pilot, Nov. 15, 1983.

[6] "Polities Behind the Robe," Supra, and "Hire Faculty for Quality," The Virginian-Pilot, Dec. 22, 1980.

had had with persons whom he encountered while traveling abroad. Mr. Range was surprised to hear that the one aspect of American life which was most respected and was admired in fact the U.S. judicial system, which in their mind was and continues to be free, independent, and above all, just. We, at LULAC, actively support and advocate for a free, independent and just judiciary. Regarding Mr. J. Harvie Wilkinson's nomination to the bench for the 4th Circuit Court, LULAC urges this body to reject his nomination on the following grounds:

Mr. Wilkinson is guilty of "intellectual dishonesty." While the nominee was editor of the editorial page of the Virginian-Pilot during 1979 through 1981 a public debate ensued regarding the selection of judges for four newly created federal judgeships. It can be assumed that the editorials published during that time carried the approval of the nominee. Several editorials referring to the then present day procedure for selecting judgeships were published (attachments 1, 2, & 3).

Among the conclusions reached by these editorials was the fact that "the secrecy of the whole process darkens public distrust." (Attachment 1.) But of particular interest is the editorial entitled "Choosing Judges on Merit" (Attachment 2). This editorial supported the notion of a Judicial Nominations Commission in the hope "that the Commission will provide a high-grade and less political review of "the character, temperament, intelligence, mental and physical fitness, education, legal ability, experience, general interest, and past conduct of each person considered."

Were we to hold Mr. Wilkinson to the same standard the editorial suggested, we must conclude that the nominee does not meet those standards. For example, with respect to the criterion of experience Mr. Wilkinson does not nearly meet the level of experience which most nominees to the appellate level bench. Mr. Wilkinson does not have any significant or noteworthy advocacy experience which could compensate for not meeting the American Bar Association's minimum of 12 years post-law school experience for judgeship nominees. While Mr. Wilkinson is an author and editor for the editorial page, neither of these literary experiences could be construed to compensate for the absence of evidentiary, procedural, trial or advocacy experience. At best, his literary interest, as reflected in the editorials, is one of posing present day social problems and criticizing the government and courts for implementing alternatives and solutions where he has not supported one solution over another, much less pose an alternative himself.

With respect to his character, Mr. Wilkinson's activities in pursuit of his self-interest cast a shadow of doubt on this most important of judicial traits. For example, Mr. Wilkinson in a published comment attributed to a Virginia congressional aide has "done everthing except take out billboards and airplanes with streamers." (Attachment 3.) If accurate, this report raises serious questions about Mr. Wilkinson's perception of a federal appellate level judgeship. LULAC asks, does the nominee perceive the bench as a position to be lobbied for, or one which is deserved on the basis or merit?

Of all the editorial attributed to Mr. Wilkinson during his tenure at the Virginian-Pilot, which were researched, the one entitled "Capital Punishment Is Necessary," April 23, 1981 is particularly troubling. Mr. Wilkinson supports capital punishment on the basis that "I just don't trust parole agencies." (Attachment 4.) The nominee supports capital punishment and questions whether this irreversible penalty serves as a deterrent. His response, "Maybe it does. And maybe it doesn't. But let's at least give the innocent the benefit of this doubt." Mr. Wilkinson is prepared to sentence people to death despite studies which indicate that the murder rate per 100,000 population in non-death penalty states has been consistently lower by about 100% than in states which have the death penalty. (CONGRESSIONAL RECORD, February 9, 1984 at 2459 Attachment 5.) On the grounds that the nominee distrusts parole agencies, he supports capital punishment despite the "Bureau of Justice Statistics reports that for all of calendar year 1982, 'about half the 64 persons who left death row by means other than death had both their convictions and their sentences vacated.'" (CONGRESSIONAL RECORD, February 9, 1984 at 2462 Attachment 6.) Given this example of the danger of error and that almost six percent or 66 of the 1276 men and women on death row are Hispanics, it is troubling to seek support for a nominee that has exhibited a pre-disposition of opting for such dire and irreversible punishment on such grounds.

Finally, from LULAC's perspective and with respect to bi-lingual education, Mr. Wilkinson has displayed both ignorance and a callous disregard for the contribution of Hispanics both to this country's industrial development and military efforts, Mr. Wilkinson, in the editorial "Bilingual Madness," September 5, 1980, asks, "What feelings and loyalties will they [Spanish-Speaking Americans] develop toward a country whose dominant tongue many but dimly understand." (Attachment 7). It seems Mr. Wilkinson is unaware that Hispanics have the highest number of medal of honor winners of any ethnic group in our country. Is Mr. Wilkinson unaware that during each of the major world conflicts it is the Mexican of yesterday who is the Hispanic-American of today that has and does work where most Americans wouldn't. Further, it seems that Mr. Wilkinson is unaware that the 1980 census report found that well over 75% of the Hispanic-American families claim English as the language spoken at home, Clearly, Mr. Wilkinson's opposition to bilingual education does not reflect a well informed nor well reasoned opinion, both skills considered prerequisites to a judicial appointment.

In summary, Mr. Chairman, Mr. Wilkinson has, through his editorials, provided us a window into his mind. From our vantage point, Mr. Wilkinson is a bright man, but he lacks the advocacy experience which contributes to the overall requirements of an appeallable level judge. While he must be given and fairly deserves credit for his accomplishments, LULAC questions why someone with Mr. Wilkinson's credentials has been chosen above other white males, minorities, and women who are qualified and should be considered by this committee?

In closing, it is LULAC's position that confirmation of this nominee would be tantamount to implementing on-the-job training at the Federal appellate level branch.

Thank you.

TESTIMONY OF ARMAND DERFNER

For most cases in the federal courts, the circuit courts of appeal are effectively the law of the land. They decided 28,000 cases last year. In about 2,500 of these cases, the Supreme Court was asked to hear a further appeal, but it could so in only about 100.

The responsibility of the circuit courts is carried out by fewer than 150 judges in thirteen circuits. J. Harvie Wilkinson III, of Virginia, has been nominated to fill one of those seats. He would sit on the Fourth Circuit, which hears all the appeals from the States of Maryland, Virginia, West Virginia, and North and South Carolina. Last year the Fourth Circuit decided 2,700 cases.

Mr. Wilkinson is 39 years old and has been out of law school for 11-plus years.

The American Bar Association's standards for federal judicial nominees call for a minimum of 12 years experience. No person in recent memory has been nominated for the appellate bench with less. The ABA has three levels of acceptable recommendation—exceptionally well qualified, well qualified, and qualified. Mr. Wilkinson received a rating of qualified, the lowest acceptable rating. It is reported that even the decision to give Mr. Wilkinson the rating of "qualified," rather than "not qualified," was a subject of considerable controversy on the ABA committee.

The problem with Mr. Wilkinson is not simply the short time he has been out of law school, but his dearth of experience since that time. His résumé may be that of a bright young man with promise for the future, but there is nothing to suggest that he is ready now for a judgeship, especially on the United States Court of Appeals. Such positions, as the ABA points out, should be reserved for those men and women who meet not only the stringent criteria required of any federal judges but in addition "have an unusual degree of overall excellence that would provide an inspiration and an example to trial judges."

Since leaving law school, Mr. Wilkinson's 8 years of legal experience consists of a year as a Supreme Court law clerk, 6 years as a law professor, and a year in the Justice Department. The other 3 years since law school graduation were spent as a newspaper editor in Norfolk.

During his 8 years of law-related work, it does not appear that he has ever represented a client, tried a case, written a brief, or argued an appeal, whether for a paying client or in a pro bono matter. Indeed, it appears that even today he is not admitted to practice in the very court on which he is to sit, nor in any district court in the circuit (or any other district court).

His sole experience came during his single year in the Justice Department. There he screened the work of lawyers engaged in cases, but could hardly do any real supervising, and took virtually no active role in any cases himself. The closest he got to a case appears to have been a simple motion he presented in the Baton Rouge school desegregation case.

Of course there have been first-rate judges who had little litigation experience before going on the bench, but these others at least had experience in other types of law practice, whether in advising clients, negotiating transactions, engaging in administrative proceedings, or any of a large number of other ways that lawyers can gain experience.

Likewise, some of our finest judges have had academic backgrounds, but they have been distinguished teachers of long-standing, and have generally leavened their academic experience with exposure to other aspects of the law. For example, the Fourth Circuit has another judge who came from a law school, U.S. Circuit Judge J. Dickson

Phillips. had been Dean of the School of Law of the University of North Carolina for 15 years at the time of his appointment in 1978. He had been admitted to the Bar for 30 years, and in addition to his eminence as a teacher, had also been in private practice a dozen years. At the first hearing on Mr. Wilkinson's nomination, a comparison was made to Justice Felix Frankfurter—but of course there is no real comparison. When Justice Frankfurter was nominated in 1938 he had been a law professor for a quarter of a century, and in addition to his nationwide preeminence in the academic world, his other experience was extraordinarily varied, beginning with his five years as an Assistant United States Attorney in the Southern District of New York, and never stopping after that. Finally, Mr. Wilkinson mentioned several other former law teachers—Judges Winter, Posner, Scalia, and Breyer—but again a short look at their careers shows just how far different their situations are from Mr. Wilkinson's.

The paucity of Mr. Wilkinson's experience is all the more curious in light of his own steadfast insistence on pure merit selection of judges—in the past. His newspaper editorials include at least a dozen repeatedly criticizing the selection of judges on any basis other than merit. His criticism extends not only to appointment for political reasons, but also to appointment of people without sufficient experience, particularly women and blacks. In light of these editorials, perhaps it is not surprising that his own newspaper, the Norfolk Virginian-Pilot, has criticized his nomination.

The lack of experience is not a technical issue. We appoint our judges not to be theoretical philosophers of the law, but to decide cases, great and small, that raise live issues between live litigants. We also insist that those cases be decided not on the basis of abstractions, but on factual records consisting of evidence produced at trials. Circuit judges, especially, need to be sensitive to that fact because they will not see the witnesses, but will be confronted with cold records and will have to try to put themselves in the shoes of the district judges who have been there. While litigation experience may not be absolutely essential for a judge, some awareness of the problems of proving and defending a case is essential. That awareness can be gained in many ways, none of which Mr. Wilkinson has ever gone through.

His Justice Department service—essentially reviewing drafts of briefs and memoranda to make certain they did not contradict the policy goals of the Attorney General—illustrates the problems created by his inexperience. Apart from displaying a great unfamiliarity with the problems of presenting cases, two good, specific examples of his failure to understand the realities of litigation involve the questions of remedies and intervention.

Remedies.—The Administration claims that it has sought more effective remedies for discrimination—for example, dealing with employment discrimination by emphasizing recruitment of qualified minority applicants rather than specific hiring goals. Yet Mr. Wilkinson has consistently bluepenciled efforts in specific cases that are necessary to make recruitment an effective remedy. Any litigator knows that recruitment will not work unless there are incentives such as recruitment goals (not to be confused with hiring goals), or reporting provisions. Such provisions were and remain a standard approach in cases in other sections of the Civil Rights Division, and they do not raise whatever philosophical problems some people have with hiring goals; yet Mr. Wilkinson refused to allow their use, even when a school district was willing to agree. The net result is to make it impossible for recruitment to do the job claimed for it, which means either going to a more stringent remedy or more likely (since Mr. Wilkinson is apparently unwilling to adopt any stronger remedy under any circumstances) just giving up on any remedy of any kind.

Intervention.—In many areas of the law, enforcement suits can be brought by both the Justice Department and by private citizens. Frequently, the Justice Department will intervene in an ongoing private suit, or vice versa. Until two years ago, it was virtually unheard-of for the Justice Department to oppose intervention by private citizens where those citizens had a direct interest in the controversy (for example, black parents intervening in a Justice Department suit to desegregate their school district). Yet, in recent cases supervised by Mr. Wilkinson, the Department has adopted the position that intervention by black parents should be denied on the ground that the Department adequately represented their interests—even while Department personnel said privately the reason they opposed intervention was because they regarded the intervenors as their adversaries. These cases have resulted in great embarrassment to the Department because, in addition to the transparency of the claim that the Department was adequately representing the intervenors' interests, there were several cases about the same time where the Justice Department supported the intervention of white petitioners for intervention. Moreover, in one of Mr. Wilkinson's cases (Charleston County, South Carolina) the Department stood alone in its anti-intervention position because even the school board defendants did not oppose intervention; in the other case (Choctaw County, Mississippi) Mr. Wilkinson redrafted a memorandum, turning it from one supporting intervention into one opposing it on the ground that the Department could do everything the intervenors were complaining about. The net result is that (1) the intervenors have been kept out of the case, (2) they have been prevented from filing their own case, under a fifth circuit rule—which Mr. Wilkinson was either unaware of or unconcerned about—providing that only one lawsuit may be filed in such circumstances, and (3) more than a year later, not one thing has been done in the case.

Mr. Wilkinson's editorials reflect the same attitude; a preoccupation with opposition to remedies for problems. He says he is opposed to certain remedies—school busing and hiring quotas. If that were all he was opposed to, he would obviously have some company. In fact, though, there is little sign that he has ever supported any remedy. Thus, he has written editorials saying hiring goals should be scrapped in favor of encouraging recruitment—only to oppose effective recruitment when the opportunity came his way in the Justice Department. Likewise, among his editorials and his Justice Department tenure, the list of his dislikes includes bi-lingual education and effective remedies for discrimination against handicapped people.

How he would propose to solve any of these problems he does not say. Yet these are precisely the problems that a federal judge, especially a circuit judge, must grapple with.

Mr. Wilkinson is probably the least experienced appellate nominee ever seen. For many years, efforts to appoint qualified minority people and women to the federal bench were stymied by claims that there were few potential nominees with enough experience. Only in the past few years have numbers of blacks and women had the experience necessary to meet the exacting standards of the ABA and the United States Senate. Ignoring the standards for Mr. Wilkinson, after all the talk over the years, is simply unfair.

If a black or a woman with his qualifications were nominated, Mr. Wilkinson would be the first to write an editorial insisting on merit selection rather than "affirmative action." Mr. Wilkinson does not meet the standards for confirmation as a United States Circuit Judge. If he is confirmed, that will send us all a clear message that the standards don't really mean anything after all.

ARMAND DERFNER,
ATTORNEY AT LAW,
Washington, DC, November 25, 1983.

Re: J. Harvie Wilkinson.

ELAINE R. JONES, Esq.,
NAACP Legal Defense Fund, Inc.,
Washington, DC.

DEAR ELAINE: Enclosed is a copy of a 33-page letter of resignation (with 36 documents attached), dated October 18, 1983, by a Justice Department lawyer named Timothy Cook. It is a long list of recent Justice Department actions to undermine civil rights enforcement. It goes into detail about the internal decision-making process, and refers at a number of places to J. Harvie Wilkinson.

It goes into most detail about matters involoving handicapped people (which is apparently the section that Cook was in), but there are numerous descriptions of situations in other areas. To get a real assessment of Wilkinson's role, each of the incidents would have to be looked at by someone who is familiar with the particular area of the law. Also, it is not always clear just what his role in a particular incident was, because there are a number of incidents where he may have been involved but in which he is not mentioned by name, and there are others where his name comes up but he may not have done anything other than receiving a memorandum or passing on a message. As a start, though, the following are the places in the resignation letter where Wilkinson is mentioned by name:

(1) Page 6—W explains Reynolds' decision not to intervene in St. Louis State Hospital case involving mistreatment of mentally retarded patients.

(2) Page 12—W hopes for a way to get out of the *Baylor* case ("I recall vividly the sadness I felt at seeing Deputy Assistant Attorney General for Civil Rights J. Harvie Wilkinson rejoice at the news that the federal judge for the case had threatened to rule against the government for failing (due to intentional delay in the front office) to file pre-trial papers on time—it was a way out, and it could be blamed on the judge.")

(3) Page 14—W explains Reynolds' decision to delete a citation in a brief to a Supreme Court case which supports agency powers to adopt broad regulations.

(4) Pages 21-22—W opposes use of recruitment goals in employment discrimination cases.

In addition, Wilkinson's name comes up in a number of the appendices:

(1) Appendix A, an earlier memo from Cook to Attorney General Smith, refers to W several times in discussing enforcement of laws protecting handicapped people. See especially pp. 4-5n.3, suggesting that Reynolds and W were jointly responsible for certain policy proposals.

(2) Appendix D, a memo from a department lawyer to W, asks whether it is true that a settlement conference was held in a case without the knowledge of the line lawyers on the case. (The significance of this memo depends on whether W participated in or was responsible for the secret settlement conference, or whether he just happened to be the Deputy to whom this inquiry went.)

(3) Appendix E, a memo from W to Reynolds, recommends certain provisions in a proposed settlement.

(4) Appendix K-1, a memo from a Department lawyer to W, objects to a draft brief in which a twisted legal argument is advanced in order to undercut agency enforcement regulations. (Was W responsible for the twisted legal argument?)

(5) Appendix Q, a set of documents drafted by W to oppose intervention by black parents in a school desegregation case which had been brought by the government some years earlier, may be very significant. It argues against intervention on the grounds that the parents cannot show their interests are not being adequately represented by the Justice Department, even if the Department and the parents differ as to relief. Essentially, this is a slick pleading designed to keep black school children and their parents from interfering with the Justice Department's efforts to make sure that the relief afforded them is sharply limited in keeping with the ideology of current Justice Department officials. Wilkinson is certainly entitled to hold those views, as he does, but pretending that that position adequately represents the interests of the school children and parents is not very honest.

(Appendix Q, should be read together with Appendix P, a similar document filed a short time earlier in the Charleston, S.C., school case, and also arguing against intervention on the grounds that the Justice Department adequately represents the interests of the school children and parents. The Charleston case is the one where Reynolds is reported to have instructed the line lawyers to make "those bastards . . . jump through every hoop" because he regarded the intervenors as adversaries; it is also a case where the Department has been guilty of the worst foot-dragging, which is what prompted the motion to intervene in the first place. Arguing in court that you adequately represent the interests of people whom you privately refer to as adversaries is a fraud on the court. Was Wilkinson involved in the Charleston case, or in the development of a general approach to intervention petitions?)

In addition to the specific references to Wilkinson cited above, the resignation letter and appendices refer to a number of legal and enforcement debates within the Department, including the debate over whether particular anti-discrimination statutes or regulations require proof of discriminatory purpose; whether agencies have the authority to adopt anti-discrimination regulations; whether the sanctions for violations should be program-specific or institution-wide; whether certain forms of financial assistance trigger coverage under anti-discrimination laws: whether particular laws authorize private rights of action; and finally, recurring disputes over the scope of remedies appropriate in particular cases. In most of these issues, it is not clear whether Wilkinson played a major role, but it is likely enough to make it worth looking into.

Overall, this material suggests some serious questions about J. Harvie Wilkinson's qualifications to sit on a court that plays a critical role in the interpretation and enforcement of this Nation's civil rights laws.

First, a serious question is raised about the way he treats legal authority in dealing with the interpretation of civil rights laws. It is not simply a question of his views; he is obviously entitled to believe what he wants. The question is what he will do to make those views seem like the law of the land. The attached material shows a willingness by someone to twist precedent, legislative history, and other source of statutory construction in order to cut the heart out of civil rights statutes. The people who have been involved in this process were essentially using tricks to smother the law, and seem to believe that they were perfectly free to ignore the law—a hypocritical view coming from people who claim to believe that legislation is the job of Congress. We do not know from these materials what role Wilkinson played in these matters but if he was involved to any significant degree, he is certainly not the kind of person we ought to trust to be a judge.

Second, a serious question is raised about his apparent opposition, in case after case, to virtually any remedy that is likely to be effective. He is of course entitled to oppose specific remedies (such as bussing or quota hiring), but if so he has an obligation to find other remedies that will work. He apparently recognizes this, because he has been quoted as saying he prefers other remedies. Yet the enclosed pages show him repeatedly opposing other remedies, such as numerical recruitment goals, reporting requirements, and basically any remedy other than a Biblically simple "thou shalt sin no more" injunction. I do not see any indication of his support for any remedy except in one case where he argues in favor of including a remedy because the State of Connecticut has agreed to. The question is whether his opposition is just to bussing and quotas or whether it is to all effective remedies.

This issue also relates to Wilkinson's lack of experience, because it appears that his complete lack of experience has left him with no sense of the frustration of trying to get an effective remedy. Instead, he simply rejects remedy after remedy, without ever saying what the remedy ought to be or what remedy will work.

As I noted at the beginning of this letter, the enclosed materials are too skimpy to form final judgments, but they raise some alarming questions and tell us where we ought to look deeper.

Because I borrowed someone's only copy, I would appreciate your copying whatever you need and returning the set.

Sincerely,

ARMAND DERFNER.

[From the Washington Post, July 17, 1980]

REAGAN MAY SEEK TO BAR NEW CARTER NOMINATIONS

DETROIT, July 16.—Sen. Strom Thurmond (R.-S.C.) said today that Ronald Reagan has agreed to ask Republican members of the Senate to block presidential appointments to federal posts until after the Nov. 4 election.

Thurmond said he told Reagan that he should contact Minority Leader Howard H. Baker Jr. (R.-Tenn.) and all other Republican members of the Senate in an attempt to withhold Senate confirmation of appointments.

"He said he would be glad to do that," Thurmond said.

Thurmond noted that the terms of various officials nominated by President Carter would extend far beyond Carter's presidential term.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until not past 1:45 p.m., under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, it is the hope of the leadership on this side that we can reach a message from the House on certain hydroelectric powerplants. I will not attempt to do that at this time because certain Senators on both sides of the aisle who are interested in this matter are not presently available. But I do anticipate that such a request will be made sometime after the time for morning business has expired or until morning business has otherwise been closed.

The leadership hopes that that matter can be disposed of today and that we can proceed sometime later this afternoon to the so-called "Baby Jane Doe" bill and dispose of that as well.

While the leadership on this side does not anticipate that we will be in session much past the regular adjournment or recess hour, Members should be aware that if it is necessary to stay somewhat past that time in order to accomplish these two measures, the leadership is prepared to ask the Senate to do that.

Once again, Mr. President, we will be in session tomorrow, as I presently see it. I hope to have a further announcement to make on the agenda and schedule of the Senate later in the day.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. ARMSTRONG]. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired, and morning business is closed.

HYDROELECTRIC POWERPLANTS

Mr. BAKER. Mr. President, as I indicated earlier, it is the hope of the leadership on this side that we can proceed now to the matter which is at the desk. I refer to a message from the House on S. 268, relating to certain hydroelectric powerplants. I ask the Chair to lay that message before the Senate.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 268) entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. This Act may be cited as the "Hoover Power Plant Act of 1984".

TITLE I

SEC. 101. (a) The Secretary of the Interior is authorized to increase the capacity of existing generating equipment and appurtenances at Hoover Powerplant (hereinafter in the Act referred to as "uprating program"); and to improve parking, visitor facilities, and roadways and to provide additional elevators, and other facilities that will contribute to the safety and sufficiency of visitor access to Hoover Dam and Powerplant (hereinafter in this Act referred to as "visitor facilities program").

(b) The Secretary of the Interior is authorized to construct a Colorado River bridge crossing, including suitable approach spans, immediately downstream from Hoover Dam for the purpose of alleviating traffic congestion and reducing safety hazards. This bridge shall not be a part of the Boulder Canyon project and shall neither be funded nor repaid from the Colorado River Dam Fund or the Lower Colorado River Basin Development Fund.

SEC. 102. (a) Section 403(b) of the Colorado River Basin Project Act of 1968 (82 Stat. 894, as amended, 43 U.S.C. 1543) is amended by inserting "(1)" after "(b)" and adding the following new paragraph at the end thereof:

"(2) Except as provided in subsection 309(b), as amended, sums advanced by non-Federal entities for the purpose of carrying out the provisions of title III of this Act shall be credited to the development fund and shall be available without further appropriation for such purpose.".

(b) Paragraph (1) of section 403(c) of the Colorado River Basin Project Act of 1968 (82 Stat. 894, as amended, 43 U.S.C. 1543(c)) is revised to read as follows:

"(1) all revenues collected in connection with the operation of facilities authorized in title III in furtherance of the purposes of this Act (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), until completion of repayment requirements of the Central Arizona project;".

(c) Paragraph (2) of section 403(c) is revised by inserting immediately preceding the existing proviso: *"Provided, however,* That for the Boulder Canyon project commencing June 1, 1987, and for the Parker-Davis project commencing June 1, 2005, and until the end of the repayment period for the Central Arizona project described in section 301(a) of this Act, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 4½ mills per kilowatthour in the rates charged to purchasers in Arizona for application to the purposes specified in subsection (f) of this section and by including the equivalent 2½ mills per kilowatthour in the rates charged to purchasers in California and Nevada for application to the purposes of subsection (g) of this section as amended and supplemented: *Provided further,* That after the repayment period for said Central Arizona project, the equivalent of 2½ mills per kilowatthour shall be included by the Secretary of Energy in the rates charged to purchasers in Arizona, California, and Nevada to provide revenues for application to the purposes of said subsection (g) of this section:".

SEC. 103. (a) The Boulder Canyon Project Act of 1928 (45 Stat. 1057, as amended, 43 U.S.C. 617 et seq.), as amended and supplemented, is further amended:

(1) In the first sentence of section 2(b), by striking out "except that the aggregate amount of such advances shall not exceed the sum of $165,000,000", and by replacing the comma after the word "Act" with a period.

(2) In section 3, deleting "$165,000,000." and inserting in lieu thereof "$242,000,000, of which $77,000,000 (October 1983 price levels) shall be adjusted plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. Said $77,000,000 represents the additional amount required for the uprating program and the visitor facilities program.".

(b) Except as amended by this Act, the Boulder Canyon Project Act of 1928 (45 Stat. 1057, as amended, 43 U.S.C. 617 et seq.), as amended and supplemented, shall remain in full force and effect.

SEC. 104. (a) The Boulder Canyon Project Adjustment Act of 1940 (54 Stat. 774, as amended, 43 U.S.C. 618), as amended and supplemented, is further amended:

(1) In section 1 by deleting the phrase "during the period beginning June 1, 1937, and ending May 31, 1987" appearing in the introductory paragraph of section 1 and in section 1(a) and inserting in lieu thereof "beginning June 1, 1937".

(2) In section 1(b) by deleting the phrase "and such portion of such advances made on and after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987" and inserting in lieu thereof "and such advances made on and after June 1, 1937, over fifty-year periods".

(3) In section 1 by deleting the word "and" at the end of subsection (c); deleting the period at the end of subsection (d) and inserting in lieu thereof "; and", and by adding after subsection (d) the following new subsection (e):

"(e) To provide, by application of the increments to rates specified in section 403(c)(2) of the Colorado River Basin Project Act of 1968, as amended and supplemented, revenues, from and after June 1, 1987, for application to the purposes there specified.".

(4) In section 2:

(i) by deleting the first sentence and subsection (a) and inserting in lieu thereof: "All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available, without further appropriation, for:

"(a) Defraying the costs of operation (including purchase of supplemental energy to meet temporary deficiencies in firm energy which the Secretary of Energy is obligated by contract to supply), maintenance and replacements of, and emergency expenditures for, all facilities of the project, within such separate limitations as may be included in annual appropriations Acts;" and

(ii) by amending subsection (e) to read as follows:

"(e) Transfer to the Lower Colorado River Basin Development Fund established by title IV of the Colorado River Basin Project Act of 1968, as amended and supplemented, of the revenues referred to in section 1(e) of this Act.".

(5) By deleting the final period at the end of section 6 and inserting in lieu thereof the following: ": *Provided,* That the respective rates of interest on appropriated funds advanced for the visitor facilities program, as described in section 101(a) of the Hoover Power Plant Act of 1984, shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the program during the month preceding the fiscal year in which the costs of the program are incurred. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish for repayment purposes an interest rate at a weighted average of the rates so determined.".

(6) In section 12, in the paragraph beginning with "Replacements", by deleting "during the period from June 1, 1937, to May 31, 1987, inclusive" and inserting in lieu thereof "beginning June 1, 1937".

(b) Except as amended by this Act, the Boulder Canyon Project Adjustment Act of 1940 (54 Stat. 774, as amended, 43 U.S.C. 618), as amended and supplemented, shall remain in full force and effect.

SEC. 105. (a)(1) The Secretary of Energy shall offer:

(A) To each contractor for power generated at Hoover Dam a renewal contract for delivery commencing June 1, 1987, of the amount of capacity and firm energy specified for that contractor in the following table:

SCHEDULE A

Long Term Contingent Capacity and Associated Firm Energy Reserved for Renewal Contract Offers to Current Boulder Canyon Project Contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		Total
		Summer	Winter	
Metropolitan Water District of Southern California	247,500	904,382	387,592	1,291,974
City of Los Angeles	490,875	488,535	209,658	698,193
Southern California Edison Company	277,500	175,486	75,208	250,694
City of Glendale	18,000	47,398	20,313	67,711
City of Pasadena	11,000	40,655	17,424	58,079
City of Burbank	5,125	14,811	6,347	21,158
Arizona Power Authority	189,000	452,192	193,797	645,989
Colorado River Commission of Nevada	189,000	452,192	193,797	645,989

SCHEDULE A—Continued

Long Term Contingent Capacity and Associated Firm Energy Reserved for Renewal Contract Offers to Current Boulder Canyon Project Contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		Total
		Summer	Winter	
United States, for Boulder City	20,000	56,000	24,000	80,000
Totals	1,448,000	2,631,651	1,128,136	3,759,787

(B) to purchasers in the State of Arizona, Nevada and California eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act, contracts for delivery commencing June 1, 1987, or as it thereafter becomes available, of capacity resulting from the uprating program and for delivery commencing June 1, 1987, of associated firm energy as specified in the following table:

SCHEDULE B

Contingent Capacity Resulting From the Uprating Program and Associated Firm Energy

State	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
Arizona	188,000	148,000	64,000	212,000
California	127,000	99,850	43,364	143,214
Nevada	188,000	288,000	124,000	412,000
Totals	503,000	535,850	231,364	767,214

Provided, however, That in the case of Arizona and Nevada, such contracts shall be offered to the Arizona Power Authority and the Colorado River Commission of Nevada, respectively, as the agency specified by State law as the agent of such State for purchasing power from the Boulder Canyon project: Provided further, That in the case of California, no such contract under this subparagraph (B) shall be offered to any purchaser who is offered a contract for capacity exceeding 20,000 kilowatts under subparagraph (A) of this paragraph.

(C) To the Arizona Power Authority and the Colorado River Commission of Nevada and to purchasers in the State of California eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act, contracts for delivery commencing June 1, 1987, of such energy generated at Hoover Dam as is available respectively to the States of Arizona, Nevada, and California in excess of 4,501,001 million kilowatthours in any year of operation [hereinafter called excess energy] in accordance with the following table:

SCHEDULE C

Excess Energy

Priority of entitlement to excess energy	State
First: Meeting Arizona's first priority right to delivery of excess energy which is equal in each year of operation to 200 million kilowatthours: Provided, however, That in the event excess energy in the amount of 200 million kilowatthours is not generated during any year of operation, Arizona shall accumulate a first right to delivery of excess energy subsequently generated in an amount not to exceed 600 million kilowatthours, inclusive of the current year's 200 million kilowatthours. Said first right of delivery shall accrue at a rate of 200 million kilowatthours per year for each year excess energy in the amount of 200 million kilowatthours is not generated, less amounts of excess energy delivered.	Arizona.

SCHEDULE C—Continued

Excess Energy

Priority of entitlement to excess energy	State
Second: Meeting Hoover Dam contractual obligations under schedule A of section 105(a)(1) and under schedule B of section 105(a)(1)(B) not exceeding 26 million kilowatthours in each year of operation.	
Third: Meeting the energy requirements of the three States, such available excess energy to be divided equally among the States.	Arizona, Nevada, California

(2) The total obligation of the Secretary of Energy to deliver firm energy pursuant to schedule A of section 105(a)(1)(A) and schedule B of section 105(a)(1)(B) is 4,527,001 million kilowatthours in each year of operation. To the extent that the actual generation at Hoover Powerplant in any year of operation [less deliveries thereof to Arizona required by its first priority under schedule C of section 105(a)(1)(C) whenever actual generation in any year of operation is in excess of 4,501,001 million kilowatthours] is less than 4,527,001 million kilowatthours, such deficiency shall be borne by the holders of contracts under said schedules A and B in the ratio that the sum of the quantities of firm energy to which each contractor is entitled pursuant to said schedules bears to 4,527,001 million kilowatthours. At the request of any such contractor, the Secretary of Energy will purchase energy to meet the contractor's deficiency at such contractor's expense.

(3) Subdivision E of the "General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects" published in the Federal Register May 9, 1983 [48 Federal Register commencing at 20881], hereinafter referred to as the "Criteria" or as the "Regulations" shall be deemed to have been modified to conform to this section. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of said Regulations to such modifications.

(4) Each contract offered under subsection (a)(1) of this section shall:

(A) expire September 30, 2017;

(B) not restrict use to which the capacity and energy contracted for by the Metropolitan Water District of Southern California may be placed within the State of California: *Provided,* That to the extent practicable and consistent with sound water management and conservation practice, the Metropolitan Water District of Southern California shall use such capacity and energy to pump available Colorado River water prior to using such capacity and energy to pump California State water project water; and

(C) conform to the applicable provisions of subdivision E of the Criteria, commencing at 48 Federal Register 20881, modified as provided in this section. To the extent that said provisions of the Criteria, as so modified, are applicable to contracts entered into under this section, those provisions are hereby ratified.

(b) Nothing in the Criteria shall be construed to prejudice any rights conferred by the Boulder Canyon Project Act, as amended and supplemented, on the holder of a contract described in subsection (a) of this section not in default thereunder on September 30, 2017.

(c)(1) The Secretary of Energy shall not execute a contract described in subsection (a)(1)(A) of this section with any entity which is a party to the action entitled the "State of Nevada, et al. against the United States of America, et al." in the United States District Court for the District of Nevada, case numbered CV LV '82 441 RDF, unless that entity agrees to file in that action a stipulation for voluntary dismissal with prejudice of its claims, or counterclaims, or crossclaims, as the case may be, and also agrees to file with the Secretary a document releasing the United States, its officers and agents, and all other parties to that action who join in that stipulation from any claims arising out of the disposition under this section of capacity and energy from the Boulder Canyon project. The Attorney General shall join on behalf of the United States, its officers and agents, in any such voluntary dismissal and shall have the authority to approve on behalf of the United States the form of each release.

(2) If after a reasonable period of time as determined by the Secretary, the Secretary is precluded from executing a contract with an entity by reason of paragraph (1) of this subsection, the Secretary shall offer the capacity and energy thus available to other entities in the same State eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act.

(d) The uprating program authorized under section 101(a) of this Act shall be undertaken with funds advanced under contracts made with the Secretary of the Interior by non-Federal purchasers described in subsection (a)(1)(B) of this section. Funding provided by non-Federal purchasers shall be advanced to the Secretary of the Interior pursuant to the terms and conditions of such contracts.

(e) Notwithstanding any other provisions of the law, funds advanced by non-Federal purchasers for use in the uprating program shall be deposited in the Colorado River Dam Fund and shall be available for the uprating program.

(f) Those amounts advanced by non-Federal purchasers shall be financially integrated as capital costs with other project costs for rate-setting purposes, and shall be returned to those purchasers advancing funds throughout the contract period through credits which include interest costs incurred by such purchasers for funds contributed to the Secretary of the Interior for the uprating program.

(g) The provisions of this section constitute an exercise by the Congress of the right reserved by it in section 5(b) of the Boulder Canyon Project Act, as amended and supplemented, to prescribe terms and conditions for the renewal of contracts for electrical energy generated at Hoover Dam. This section constitutes the exclusive method for disposing of capacity and energy from Hoover Dam for the period beginning June 1, 1987, and ending September 30, 2017.

(h)(1) Notwithstanding any other provision of law, any claim that the provisions of subsection (a) of this section violates any rights to capacity or energy from the Boulder Canyon project is barred unless the complaint is filed within one year after the date of enactment of this Act in the United States Claims Court which shall have exclusive jurisdiction over this action. Any claim that actions taken by any administrative agency of the United States violates any right under this Title or the Boulder Canyon Project Act or the Boulder Canyon Project Adjustment Act is barred unless suit asserting such claim is filed in a Federal court of competent jurisdiction within one year after final refusal of such agency to correct the action complained of.

(2) Any contract entered into pursuant to section 105 or section 107 of this Act shall contain provisions by which any dispute or disagreement as to interpretation or performance of the provisions of this title or of applicable regulations or of the contract may be determined by arbitration or court proceedings. The Secretary of Energy or the Secretary of the Interior, as the case may be, if authorized to act for the United States in such arbitration or court proceedings and, except as provided in paragraph (1) of this subsection, jurisdiction is conferred upon any district court of the United States of proper venue to determine the dispute.

(i) It is the purpose of subsections (c), (g), and (h) of this section to ensure that the rights of contractors for capacity and energy from the Boulder Canyon project for the period beginning June 1, 1987, and ending September 30, 2017, will vest with certainty and finality.

SEC. 106. Reimbursement of funds advanced by non-Federal purchasers for the uprating program shall be a repayment requirement of the Boulder Canyon project beginning with the first day of the month following completion of each segment thereof. The cost of the visitor facilities program as defined in section 101(a) of this Act shall become a repayment requirement beginning June 1, 1987, or when substantially completed, as determined by the Secretary of the Interior, if later.

SEC. 107. (a) Subject to the provisions of any existing layoff contracts, electrical capacity and energy associated with the United States' interest in the Navajo generating station which is in excess of the pumping requirements of the Central Arizona project and any such needs for desalting and protective pumping facilities as may be required under section 101(b)(2)(B) of the Colorado River Basin Salinity Control Act of 1974, as amended (hereinafter in this Act referred to as "Navajo surplus") shall be marketed and exchanged by the Secretary of Energy pursuant to this section.

(b) Navajo surplus shall be marketed by the Secretary of Energy pursuant to the plan adopted under subsection (c) of this section, directly to, with or through the Arizona Power Authority and/or other entities having the status of preference entities under the reclamation law in accordance with the preference provisions of section 9(c) of the Reclamation Project Act of 1939 and as provided in part IV, section A of the Criteria.

(c) In the marketing and exchanging of Navajo surplus, the Secretary of the Interior shall adopt the plan deemed most acceptable, after consultation with the Secretary of Energy, the Governor of Arizona, and the Central Arizona Water Conservation District (or its successor in interest to the repayment obligation for the Central Arizona project), for the purposes of optimizing the availability of Navajo surplus and providing financial assistance in the timely construction and repayment of construction costs of authorized features of the Central Arizona project. The Secretary of the Interior, in concert with the Secretary of Energy, in accordance with section 14 of the Reclamation Project Act of 1939, shall grant electrical power and energy exchange rights with Arizona entities as necessary to implement the adopted plan: *Provided, however,* That if exchange rights with Arizona entities are not required to implement the adopted plan, exchange rights may be offered to other entities.

(d) For the purposes provided in subsection (c) of this section, the Secretary of Energy, or the marketing entity or entities under the adopted plan, are authorized to establish and collect or cause to be established and collected, rate components, in addition to those currently authorized, and to deposit the revenues received in the Lower Colorado River Basin Development Fund to be available for such purposes and if required under the adopted plan, to credit, utilize, pay over directly or assign revenues from such additional rate components to make repayment and establish reserves for repayment of funds, including interest incurred, to entities which have advanced funds for the purposes of subsection (c) of this section: *Provided, however,* That rates shall not exceed levels that allow for an appropriate saving for the contractor.

(e) To the extent that this section may be in conflict with any other provision of law relating to the marketing and exchange of Navajo surplus, or to the disposition of any revenues therefrom, this section shall control.

SEC. 108. Recognizing the expiration of Colorado River storage project (CRSP) contracts in 1989, prior to final reallocation of CRSP power pursuant to existing law, and within one year after enactment of this Act, the Secretary of Energy, acting through the Western Area Power Administration, shall report, to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, on all Colorado River storage project (CRSP) power resources, including those presently allocated to the Lower Division States, which may be used to financially support the development of authorized projects in the States of the Upper Division (as that term is used in article II of the Colorado River Compact) of the Colorado River Basin.

SEC. 109. The Secretary of the Interior, acting pursuant to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) and in accordance with the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) is authorized to design, construct, operate, and maintain fish passage facilities within the Yakima River Basin, and to accept funds from any entity, public or private, to design, construct, operate, and maintain such facilities.

TITLE II

SEC. 201. (a) Each long-term firm power service contract entered into or amended subsequent to one year from the date of enactment of this Act by the Secretary of Energy acting by and through the Western Area Power Administration (hereinafter "Western"), shall contain an article requiring the development and implementation by the purchaser thereunder of an energy conservation program. A long-term firm power service contract is any contract for the sale by Western of firm capacity, with or without energy, which is to be delivered over a period of more than one year. The term "purchaser" includes parent-type entities and their distribution or user members. If more than one such contract exists with a purchaser, only one program will be required for that purchaser. Each such contract article shall—

(1) contain time schedules for meeting program goals and delineate actions to be taken in the event such schedules are not met, which may include a reduction of the allocation of capacity or energy to such purchaser as would otherwise be provided under such contract; and

(2) provide for review and modification of the energy conservation program at not to exceed five year intervals.

(b) For purposes of this life, an energy conservation program shall—

(1) apply to all uses of energy and capacity which are provided from any Federal project;

(2) contain definite goals;

(3) encourage customer consumption efficiency improvements and demand management practices which ensure that the available supply of hydroelectric power is used in an economically efficient and enviromentally sound manner.

SEC. 202. (a) Within one year after the date of enactment of this Act, Western shall amend its existing regulations (46 Fed. Reg. 56140) to reflect—

(1) the elements to be considered in the energy conservation programs required by this title, and

(2) Western's criteria for evaluating and approving such programs.

Such amended regulations shall be promulgated only after public notice and opportunity to comment in accordance with the Administrative Procedure Act (5 U.S.C. 551-706).

(b) The following elements shall be considered by Western in evaluating energy conservation programs:

(1) energy consumption efficiency improvements;

(2) use of renewable energy resources in addition to hydroelectric power;

(3) load management techniques;

(4) cogeneration;

(5) rate design improvements, including—

(i) cost of service pricing;

(ii) elimination of declining block rates;

(iii) time of day rates;

(iv) seasonal rates; and

(v) interruptible rates; and

(6) production efficiency improvements.

(c) Where a purchaser is implementing one or more of the foregoing elements under a program responding to Federal, State, or other initiatives that apply to conservation and renewable energy development, in evaluating that purchaser's energy conservation program submitted pursuant to this title, Western shall make due allowance for the incorporation of such elements within the energy conservation program required by this title.

Amend the title so as to read: "An Act to authorize the Secretary of the Interior to construct, operate, and maintain certain facilities at Hoover Dam, and for other purposes.".

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

AMENDMENT NO. 3418

Mr. METZENBAUM. Mr. President, I send an amendment to the desk, and the amendment is to the House amendment.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 3418:

At the end of the House amendment, add: notwithstanding any other provision, no contract authorized in this bill shall prescribe terms and conditions for the renewal

of contracts for electrical energy generated at Hoover Dam beyond the period ending December 31, 1988.

Mr. METZENBAUM. Mr. President, I think we ought to understand where we are on this legislation, and I want my colleagues who are obviously not on the floor but at the other end of the devices which are used to report back to the offices to recognize that what we have before us today is an extremely important measure, a measure that can very well set the policy of this country for years into the future—30 years in this bill, perhaps longer with respect to other measures.

Many of the public power facilities that have been built over the years were built with agreements that would extend for a period of 50 years. The Hoover Dam, which was originally the Boulder Dam, was in exactly that posture. Its contract actually does not expire—or, rather, the terms with respect to it do not expire—until May 31, 1987. Therefore, there is no sense of urgency whatsoever with respect to this measure. This issue actually is not one until May 31, 1987, and we are a long way from that.

However, my colleagues should understand that there have been no hearings, no hearings whatsoever, in connection with the issue that is before us today. There has been no markup. The Senate has not had an opportunity to consider this in due course, and yet it is a major policy issue.

I, for one, have great difficulty in understanding why, in this short session, it is so important that we bring up this measure, which, at very best, could not have an impact until May 31, 1987. It affects three States in the Union—California, Nevada, and Arizona. What we are talking about is whether or not 47 other States in the Union are going to subsidize the power source, the electricity, for the people of those three States.

The fact is that the original bill that left the Senate did not contain anything like this. It provided for only the matter of certain new projects, no pricing, and no allocation as to who would get the electricity, who would get the power. When it went to the House, they added these provisions, and the House had a vote on the question of whether or not the power that is produced at the Hoover Dam should be auctioned off to the highest bidder.

That is not the issue before the Senate. That is not the issue I am standing here today advocating. But that is the issue that was before the House; and on that issue the House voted, by a vote of 214 to 176, that it should be auctioned to the highest bidder.

Mr. President, I want to correct something I said previously. I was correct in saying there have been no hearings. There has been no markup with respect to the pricing provisions, but I am informed by my staff that the pricing provisions were added on the floor, without a record vote. It was accepted, as I understand it, by unanimous consent, and I would guess that most of us did not know that it was even being accepted.

For 50 years, Hoover customers have received incredibly cheap hydropower. Let me tell the Senate exactly how cheap it has been. Hoover power now costs less than a half-cent per kilowatt-hour—less than a half-cent per kilowatt-hour.

The average cost of energy elsewhere in the Southwest is 2 to 7 cents per kilowatt-hour. That means that they are getting it and the other people in the area who are not getting the benefit of this Hoover Dam power source are paying 400 to 1,400 percent higher than that which the Hoover power recipients are paying.

Cut it any way you want, call it anything you want, that is purely and simply a giveaway of the Federal resources. What logical reason can anyone give to ask this of the U.S. Government that was involved in the development of the Hoover power facility, a magnificent facility, I might say, and the Government helped to build it. It has been repaid, and there were low interest rates in connection with the repayment. Now we own it and now we are being asked to renew the contract for 30 years for nothing more than the cost of operating and maintenance.

Where are all those conservatives who talk about Government doing business as a business firm would do it? Where are all of those who make the speeches about the need to balance the budget when it comes to giving away the power developed at the Hoover Dam?

This is a giveaway. It is a throwaway. It is illogical. It is absurd. There have been no hearings as to why to do it, nothing having to do with the merits. Just let us do it.

The National Taxpayers Union opposes this proposal. They can understand it and so can every one of my colleagues within reach of my voice. And the American people can understand it. When you own something and you sell it for far less than it is worth, then it is giving away the taxpayers' money.

This bill would extend the Hoover power giveaway for another 30 years.

Now, it may be inappropriate to say that the Hoover power giveaway for the past 50 years is a giveaway because there was repayment of the cost of the construction of the dam.

But the fact is it is owned by the Federal Government and this bill binds the United States to sell Hoover power at these cheap rates for 30 more years.

Do not worry about the $200 billion deficit. Never mind that it encourages waste of a precious resource because when you make it that cheap no one is worried about conserving it. Never mind that everyone else pays much more for power. Take care of those who are now using it and let them buy it at these submarket rates.

I want to make it clear: My amendment that I am proposing is not an amendment to propose that it be sold at market rates. I do not know what the answer is. I do not know what is fair. I know that it is wrong to extend it for 30 years without Congress really deliberating upon the rights and the wrong. I know that it is not the right way for a governmental body to proceed.

The Environmental Defense Fund has estimated that the loss to the Treasury from selling Hoover power at cost against selling it at the marginal cost of energy is $3.5 billion over 10 years and the New York Times says it would be $6 billion.

Whatever, $3.5 billion or $6 billion, in neither case should that power be given away in this manner.

Why do we have to do it in 1984 when the contract does not expire until 1987?

Let me read you what the New York Times editorial said about this subject on March 21, 1984, "Greedy for Power." "Greedy for Power" is the title of the editorial.

If a giant oil reserve were discovered under the Pentagon, would the Government give it away to voters who live in nearby Maryland and Virginia? That, in effect, is what President Reagan and many Members of Congress want to do with the more than $400 million worth of electricity generated annually by Hoover Dam. The last hope of stopping that 30 year sign-away of a public resource rests with the House.

When it was finished in 1937, the giant hydroelectric facility on the Colorado River was still called Boulder Dam. Its size and power output made it one of the seven wonders of the modern world. The Federal Government signed 50-year contracts to deliver the power, at cost, to public and private power authorities in California, Nevada, and Arizona.

This electricity was always a bargain: It sold over the decades at an average price of one-sixth of the cent per kilowatt-hour. Wholesale power in the same region now sells for as much as 7 cents a Kwh. Hoover Dam power at half a cent is virtually a steal. No wonder that three benefiting States are pressing for legislation that would lock in the bargain through the year 2017.

The Environmental Defense Fund, perceiving that the underpricing of hydropower discourages conservation and increases demand for coal and nuclear power, argues that Hoover's electricity should be auctioned off to the highest bidders. San Diego, paying very high electricity costs and denied any portion of Hoover power, supports the auction alternative. But these appeals have so far been ignored.

The administration's budget office might have been expected to oppose such a giveaway of Government resources. But the

President is apparently unwilling to upset his Western supporters in an election year.

The sign-away bill breezed through the Senate with bipartisan support. House Democrats, too, seem reluctant to end up on the wrong side of the politics of cheap hydropower. In this case their reluctance is probably reinforced by the fact that Representative Morris Udall, the Tucson Democrat who chairs the House Interior Committee, is a sponsor of the bill.

There are many ways to rationalize support for the measure: It only continues the existing system of power distribution . . . it's too late for effective opposition . . . millions will benefit from the low-cost electricity. But beyond these rationalizations lies a simple truth. It's just not fair to treat national resources as pork to be sliced up for the neighbors. When California, Nevada, and Arizona don't pay their share of energy costs, someone else must.

Mr. President, this bill sets a disastrous precedent for the future costs of Federal hydropower. It is one of the first Federal dams to reach the end of the original 50-year repayment period during which the construction and O&M costs have been repaid.

The question now is what price should be charged once the 50 years is over? This bill says the price of Hoover power should be only adequate to cover O&M costs. That is simply poor public policy. It commits the Federal Government to a policy of under pricing its water, not only at Hoover, but everywhere.

There is a lot of talk about how the Federal Government is only supposed to sell power at cost, that it should not profit from the sale of power, but there is nothing in the law that says that and there is nothing that establishes a cost-based pricing policy for the period beyond the initial 50-year cost recovery.

In fact, the Hoover authorizing legislation explicitly states that once the 50 years expire charges shall be on a basis hereafter prescribed by Congress.

If you pass this bill, you establish a cost base pricing policy that is bad economics; it is bad business and it is bad policy. Supporters might say, "You can't change things now. This is the way we have always done business." I say to you that our job is not to preserve the status quo, particularly when the status quo is bad policy.

Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. METZENBAUM. Is the Senator from Ohio correct that I may modify my amendment but I may not send a second-degree amendment to the desk?

The PRESIDING OFFICER. Under the rules of the Senate, the Senator may not present an amendment to his own amendment while he retains the right to modify it. At the present time, the Senator has a right to modify his amendment.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HECHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HECHT. Mr. President, it gives me great pleasure to speak on behalf of S. 268, a bill authorizing additional hydroelectric development at Hoover Dam, as the original sponsor of the Senate amendment which now is the main body of this House-passed bill, I want to briefly describe the history and some of the innovative features of this legislation.

By way of a background, the 50-year power allocation contracts for Hoover Dam are due to expire in 1987, less than 3 years from now, this bill will provide for a 30-year extension to those contracts, subject to new terms and conditions which are the product of years of court battles and negotiations between Nevada, Arizona, California, and the Federal Government.

One key element to this negotiated package is the authorization in S. 268 for the uprating or retooling of Hoover's 50-year old powerplant generators. Once completed, this project will provide an additional 500 megawatts of capacity at Hoover Dam.

A second element in this package is the authorization of much-needed visitor facilities and safety improvements at Hoover Dam. There are now over 1 million visitors at the dam each year, and conditions are such that it will only be a matter of time before a serious accident occurs there.

A third important element in S. 268 is the provision that dedicates a fixed amount of post-1987 Hoover power revenues to the completion of the central Arizona project and the Lower Colorado Basin salinity control projects, both of which are vital to the future agricultural, environmental, and economic well-being of the Southwest. A 4½-mil-per-kilowatt-hour surcharge will be applied to power sold in Arizona for repayment of the CAP, while a 2½-mil surcharge in Nevada and California will finance the vital Salinity Control Program.

These are the major features of S. 268. Despite the fact that this bill passed the Senate unanimously once before, there are those among us who think that S. 268 is some kind of monumental giveway to the American Southwest. This is nonsense. In closing, let me briefly outline some of the truly innovative features in this bill that benefit every Federal taxpayer in the United States.

First, the Hoover uprating program authorized here will be entirely financed by the power users. This is the largest single front-end-financed hydroproject ever undertaken by the Federal Government.

Second, the safety and visitor facilities will be fully repaid, with interest, by the power users. This is a major precedent for Federal hydroprojects.

Third, the bill requires that the yield interest rate will be attached to all repayment obligations. This is something that the OMB has been pushing for years.

Fourth, the bill requires that the Western Area Power Administration institute a conservation program for all utilities, who buy and then resell Federal power.

Fifth, the bill establishes a surcharge to be paid by power users to ensure the repayment of other Federal projects in the Southwest. This too is an innovative, and I think necessary, concept in these days of Federal fiscal austerity.

Mr. President, I think we can all agree that the hour is too late for us to go back to ground zero and engage in some abstract debate about Federal power marketing and pricing in this country. It is time to get on with the business of the Senate and pass S. 268 in the form that it was passed by the House of Representatives. I urge my colleagues support for this legislation.

Mr. McCLURE. Mr. President, today the Senate considers for the second time the provisions of S. 268, a measure which provides for the uprating of Hoover Dam and which resolves difficult issues relating to the power which that dam generates. This bill originally passed the Senate without a dissenting vote, and I want to underscore that fact. It passed the Senate before without a dissenting vote. This is not the first time we have seen this matter. At that time, S. 268 also provided for retrofitting seven other existing Bureau of Reclamation hydroelectric projects including three which were of particular interest to me. However, during consideration by the other body, these projects were deleted.

While I regret this action, and intend to pursue the deleted projects vigorously, I strongly urge the Senate to pass what remains of the original bill relating to the Hoover Dam. I do so, because the Hoover Dam provisions are extremely important to the people of the States of California, Arizona, and Nevada, as well as the rest of the Colorado River Basin States.

The version of the bill currently before us is the product of a thorough examination during the legislative process and is a compromise which reflects that review. The major provisions of the bill are as follows:

Authorization for the uprating of the capacity of Hoover Dam with 100-percent upfront financing by the power customers.

Authorization for improvement of the visitor facility at the dam and for the construction of a new bridge. Money advanced for the visitor facility will be repaid with interest at standard Treasury rates.

Provision for the allocation of power from the dam thereby resolving potentially costly litigation.

Imposition of a fixed surcharge on power supplied to California and Nevada to be used to carry out the purpose of the Colorado River Basin Salinity Control Act.

Imposition of requirement for conservation on recipients of power from the Hoover Dam.

Mr. President, this is a good bill and I wish to commend my distinguished colleagues from Arizona, Nevada, and California for the work they have done in bringing this bill before the Senate in an acceptable form. I believe an overwhelming majority of the Senate supports this measure. I hope we can pass S. 268 expeditiously without amendment so that it can be forwarded to the President for signature.

I would take a moment to express my own continued support for the concept behind title I of the Senate version of the bill and, in particular, two of the projects that were approved by the Senate.

As my colleagues will recall, the Senate version included an authorization for the replacement of the existing powerplant at the Minidoka Dam in my home State of Idaho. I will not delve deeply into the history of the matter, but I would point out that the authorization was for the replacement of an existing powerplant which is over 70 years old. The feasibility report prepared by the Bureau of Reclamation includes an extensive program for fish and wildlife mitigation and enhancement in conjuction with the project which would include additional generation capacity.

The other project that I would call to the attention of my colleagues was the authorization for the installation of a powerplant at the Yellowtail Afterbay Dam in Montana. Here again, in addition to the development of a clean renewable energy source was also the opportunity to provide a beneficial impact on the environment by reducing nitrogen supersaturation in the waters below the Afterbay Dam.

My colleagues from Montana have addressed the need for further study of the Yellowtail Afterbay project by including $100,000 in the energy and water appropriations bill for a feasibility level study, and I share their strong interest in the project and I support their efforts.

It is my hope that the Congress will be able to further address these two projects as well as others in the very near future.

I appreciate the efforts of all those concerned with this legislation, and I would particularly express my gratitude to Senator NICKLES, chairman of the Subcommittee on Water and Power of the Senate Energy and Natural Resources Committee, before whose subcommittee this bill was heard.

Mr. President, in addition, let me make one or two comments about the amendment that has now been offered to the House amendments. As I said in my prepared remarks, the House action has stricken title I. Title I authorized the retrofitting of seven other Federal hydroelectric projects throughout the West. These projects were in the original bill to which the Hoover Dam Act was attached by amendment.

I want to correct one impression that may have been left in the remarks that have been made thus far. In addition to the fact that this bill was before the Senate and acted on by the Senate before, the subject matter of the Hoover Dam Act was discussed before the Subcommittee on Water and Power Resources during hearings on S. 268. So it is not totally without background or new to us here at all.

Mr. METZENBAUM. Mr. President, would the Senator yield?

Mr. McCLURE. Let me get back to that, if I may.

As I indicated before, this bill passed on August 4, 1983—at the time we had action in this body before. It has been pending in the other body since that time. The bill does not need to be passed. I do not think the Senator from Ohio or any others say that it does not. He has focused on the need to look at the question of power revenues, power rates, and the sale of power structure. But there are other reasons that I have outlined in the bill that give us some sense of urgency with respect to working on the legislation.

In that context, I should also note that even though contracts for the distribution and sale of the power may not need to be extended until 1987, there are reasons you do not wait until the last minute before you move forward. I recognize that the Senator's proffered amendment would extend that period for 1 year so that we would have more time to discuss what he thinks should be discussed more fully at this time, or at some later time with respect to the sale of power.

But let me address just very briefly—I know we will get into this more before we finish this—the question of what should the power sale be? The Senator from Idaho does not get any power from that generated at Hoover Dam. The power that is generated is generated by water that is flowing in a stream that has been dammed and which runs through generators that have been installed in that dam. The power is distributed. The people who have consumed that power have paid enough for that power to pay for all of the initial construction costs—or will have by the end of the license period—all of the original construction cost that was attributed to the power facilities. It is now being urged that indeed that power was too cheap even though they paid back what was invested, and besides that they ought to pay more in the future. Why? Simply because it is there? Simply because as a matter of fact the Federal Government may have the authority to require a payment that is above any cost to the taxpayers of this country? Where is the equity in that?

It seems to me that it is what somebody might term laissez-faire economics—the public be damned.

We have the power to cost you money. We are going to break the taxpayers because we are the Government. We are going to sock it to the consumers because we have the authority.

It does not seem to me that is a position this Senate wishes to take at this or any other time. But I see an all-too-often reiteration of the notion that there should be a market test, see what the traffic will bear, and let us extract from the consumers all that the traffic will bear. That seems to me to be a little strange coming particularly from a self-styled consumer protection advocate on the floor of the Senate that on many, many other occasions has risen to vigorously defend consumers' interests against the rapacious appetite of those who had something to sell.

But it appears in this instance since it is the Federal Government that might be the beneficiary, it is the Federal Government that might have something to sell, suddenly the consumers' interests should be subjected, and subverted to the authority and the greed of the Federal Government.

As I said at the outset, the Senator from Idaho does not represent a State that gets power from this dam. I have no claim on that power. I have no direct interest in the power sale contract. But that great dam would never have been built in the first place if we had the attitude prevailing in the Congress at that time which is being urged upon the Senate this afternoon. We could have none of that investment. We would have none of the benefit of that economic growth. We would have none of the human benefit that has accrued to people through a wide area of this country as the result of the investment of money in the 1930's which has since been repaid.

I hope that the amendment of the Senator from Ohio will be rejected, and that we can then get on with the business of passing the bill for all of the reasons which have been outlined and more which will be outlined further.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I rise to join my colleague from Idaho in urging defeat of this amendment, and the support of the underlying legislation, S. 268. I will not repeat the importance to the States of Arizona, Nevada, and my own State of California of achieving the compromise that this legislation represents. Suffice it to say that the upgrading of the Hoover Dam facility will provide Nevada and Arizona with power which they did not need in an earlier, simpler time, which their burgeoning populations, now require; it will additionally guarantee California power upon which it relied for many years, and make available new power to new users in California.

This amendment is totally unnecessary. Beyond that, it is destructive.

What is being proposed here is the increase in capacity of the facility which has historically paid its cost. It has been a self-liquidating facility from the standpoint of Federal taxpayers.

The amendment that is being proposed would destroy this historical basis of cost recovery for Federal power, not just for the recipients of power from this project, but as a precedent it threatens all Federal power users, and there are some 30 to 35 States, I am told, which are in a position not dissimilar to that of California, Arizona, and Nevada. What the Senator from Ohio proposes is that we depart from that historical basis of cost recovery and instead ask that the Federal Government go into business to make a profit.

Well, what that means, of course, is that those who do not have the courage to do the things required to lower the deficit, as indeed I think we will next spring after the election, are looking to this as a means of trying to foist upon water users an unfair share of the burden that should be the responsibility of all Federal taxpayers.

Mr. METZENBAUM. Will the Senator from California yield for a question?

Mr. WILSON. No; not at this time, but I will at the conclusion of my remarks. I will be happy to do so.

Mr. METZENBAUM. I thank the Senator.

Mr. WILSON. The fact of the matter is that this is a departure not only from the historical basis of charging for Federal power but for private power as well. What we are doing is saying that we wish to completely leave that tradition, a tradition that sought not a profit for the Federal Government, not to sell to the highest bidder, but to provide power to those who needed it only at the costs that were required.

What this does is to send a message to OPEC that we are not going to seek energy self-sufficiency. What this amendment would do if accepted, unfortunately, would be to reward those utilities who have high rates and punish those with low rates. What it would do is punish ratepayers not just in these three States immediately affected as the recipients of Federal power from the Hoover project, but it threatens, as a precedent, all Federal power users.

Why do we wish to depart from what has been a successful history? Why, when this legislation affords the opportunities to adjust rates to recover fully all costs, including the costs of congressionally mandated purposes, do we need this amendment?

We need it only if we are to engage in some social and fiscal engineering for which there is not only no legitimate defense, but which indeed works a penalty upon those who are least in a position to be able to suffer it.

I have here, Mr. President, a list of all of the purchasers of federally generated hydropower in States that run from Alabama clear through the end of the alphabet, to Washington. There are more than 30 States listed here. The ultimate customers are municipalities, public utility districts, irrigation districts, cooperatives, and a very few investor-owned utilities as well. The vast, vast majority are public power consumers and public power retail marketers.

Mr. President, there will be more to say, although not much more is really required other than to remind people that the three States involved, after some years of multi-State litigation, have come to an agreement. It is an equitable agreement for power sharing, for the allocation of both the old and the new power to be provided by the upgraded Hoover project.

Very simply, there is no legitimate reason to support this amendment. I would have to say that if it is adopted, it will set back not only the settlement but the construction of the improvement that is required if Hoover is to continue its historic task of flood control and the generation of hydroelectric power. This is in no one's interest, not in California, not in Nevada, not even in Ohio, though I note that State is not included in my list.

Mr. President, I urge defeat of the Metzenbaum amendment and the adoption of the underlying amendment, without which the litigation that now can be settled will not be settled.

I yield now to my friend from Ohio for a question.

Mr. METZENBAUM. I thank the Senator from California.

Will the Senator from California advise the Senator from Ohio as to whether he read my amendment?

Mr. WILSON. Yes.

Mr. METZENBAUM. Would the Senator from California be good enough to advise how that will increase rates, affect energy self-sufficiency, and affect all Federal power users? I cannot find anything in the contract for a term of 1 year that will affect those things. The Senator from Ohio does not come to the floor and indicate what rates should be. I do not know what the rates will be. I do know it is a matter that should be given consideration. I do know that it is a matter that should not be handled without hearings ever having been held. I am not suggesting the proper pricing. I am not suggesting selling to the highest bidder. I am suggesting that we set what is the proper pricing policy for this power.

The fact is that there is no policy and there is no tradition for hydropower pricing once the project costs have been recovered. Congress said 50 years ago at the end of 50 years Congress should deal with that issue. What is wrong with taking a year, which really is more than a year because this is 1984 and I am willing to go to 1988, to examine the issues? What is the Senator afraid of? Why should we not examine into it and decide what the right policy is? I might say in passing—well, that is enough for a question.

Mr. WILSON. To go for 50 years would be consistent with financing a utility of this kind. I am sure the Senator in his experience would assure us that is the case.

Mr. METZENBAUM. But this has already been financed and paid for.

Mr. WILSON. The improvement most certainly has not been.

Mr. METZENBAUM. Let me make that clear. The Senator from Ohio is perfectly willing to sit down and discuss the language of the House bill as it returned from the House absent the pricing and allocation aspects, and I might even be willing to take a look at the allocation matter.

I have no problem or fault to find with the House bill absent the pricing and the allocation aspect. I am making it clear that I am willing to take a look at the allocation issue.

Mr. WILSON. With all due respect, that kindly offer is not one we feel necessary. The allocation has been agreed upon by the parties involved.

Mr. METZENBAUM. Who are the three States who have the right to tell the rest of the Nation how we should divide the power that all States own? They do not own this power. The people of this country own the power.

So they sat down and they negotiated what 47 other States are going to give them? That is not the way we normally negotiate. Normally somebody is there for the other side of the issue. Those three States are only con-

cerned about how they would divide it among themselves.

Mr. WILSON. I think they are entitled to do that. That has been the history of public power and properly so because the cost recovery is paid by the users. Why should not the three States involved be the ones that make that allocation?

Mr. METZENBAUM. Because they do not own the power.

Mr. WILSON. They are the ones who pay for it.

Mr. METZENBAUM. They pay for the power on special terms arranged over 50 years ago when we provided that facility, and we provided specifically that at the end of the 50 years Congress would arrive at a determination as to what policy should prevail.

All the Senator from Ohio is saying is that Congress ought to bite the bullet and face up to its responsibility. I am not saying what the price should be, but Arizona, Nevada, and California do not have the right to tell the rest of the country what the price should be and certainly without any hearings having been held in the U.S. Senate.

Mr. McCLURE. Will the Senator yield?

Mr. WILSON. I am happy to yield to my distinguished colleague from Idaho.

Mr. METZENBAUM. Mr. President, I object to the procedure of one Senator yielding to the other. I have no objection whatsoever to the Chair recognizing the Senator from Idaho.

Mr. McCLURE. I would hope the Senator from Ohio who has indulged himself in the advantage of having the Senator from California yield, would not now find it unnecessarily abrasive to have the Senator from California yield to the Senator from Idaho.

Mr. METZENBAUM. No. The Senate rules provide for that.

Mr. McCLURE. Certainly the Senate rules provide for that, and I will not abuse it. I am not certain whether the Senator from Ohio objected to the Senator from California yielding.

Mr. METZENBAUM. I am only really suggesting that which I think is a simple procedure and ask that the Chair recognize the Senator from Idaho rather than——

Mr. McCLURE. The Senator from California, I think, has the floor.

The PRESIDING OFFICER [Mr. GORTON]. The Senator from California has the floor.

Mr. METZENBAUM. I do not think much of the idea of one yielding to the other, but I do not want to deny the Senator from Idaho being heard.

Mr. McCLURE. I thank the Senator from Ohio for withholding objection and I thank the Senator from California for yielding.

Mr. President, the Senator from Ohio has, I think, phrased it well when he said it is his belief that this is not just a matter for the concern of the people who pay for the power; that in his view the power is owned by all of the people of the United States. but I would point out that under the bill—and the Senator from Ohio asked if, indeed, the Senator from California had read his amendment. I wonder if the Senator from Ohio has read the bill, because—unfortunately, apparently he does not realize that the bill provides that there will be some enhanced power provisions at this installation and that that project financing will be 100 percent up front, financed by the users. Am I not correct?

Mr. WILSON. The Senator is correct.

Mr. McCLURE. And that the bill is not asking the people of the United States to finance the enhancement; it is to permit the people who are the users of the power to finance the enhancement; am I not correct?

Mr. WILSON. The Senator is absolutely correct again.

Mr. McCLURE. It seems to me that under those circumstances, had the Senator from Ohio read the bill before he criticized it, he would have known that, indeed, there is the need for more than a 1-year extension in order that the people who are going to pay for the power can get the financing to avoid the necessity of asking the people of the rest of the country to put up the money to finance the additional facilities at that installation. I thank the Senator from California for yielding.

Mr. WILSON. The Senator is absolutely correct, and I think that is a very valid point. What we are doing with this legislation is avoiding going to the Federal Government and asking them to finance it. I am sure the Senator from Ohio would not want us to do that. We are not doing that. We are going to the marketplace; the market bonds will be based upon reasonable cost recovery.

Mr. HECHT. Mr. President, will the Senator from California yield?

Mr. WILSON. I ask that the Chair recognize my colleague from Nevada. I have nothing more. I thank the Chair.

Mr. HECHT addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. HECHT. I would like to refer to the CONGRESSIONAL RECORD, S11642 dated August 4, 1983, so that we can clear the record. The Senator from Ohio stated earlier that the Hoover Dam compromise in title 2 of S. 268 was added by an amendment without any notice to the Senate prior to passage. Mr. President, I wish to correct the record. On June 21, 1983, 2 weeks before the Senate passed this bill, I submitted to the Senate a printed amendment, No. 1424, with the Hoover Dam compromise. Two weeks later on August 4, 1983, the Senate passed this bill with that amendment. At that time, before the August recess of 1983, we all recall that the Senator from Ohio carefully monitored all legislation and consent agreements. Consequently, it is completely clear that all Members of the Senate had full and complete notice of the Hoover Dam amendment well before the Senate acted and acted without the objection of the Senator from Ohio.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, it is a pleasure to rise in support of S. 268, the Hoover Dam legislation. This legislation is the result of a delicate settlement reached after 5 years of public hearings and compromises reached by the many involved parties.

The bill provides for enlarging the capacity of Hoover powerplant by approximately 500 megawatts. This will be accomplished by modernizing the existing generating units. There will be no environmental impact. The total capital will be paid in full by the power users as contributed funds—there will be no cost to the Federal Government.

The power users will pay not only the construction cost, including interest plus operations and maintenance costs, but will also pay the costs for federally mandated purposes such as desalination and river augmentation.

Colorado River developments have a long history of protracted lawsuits. Lawsuits have been filed with regard to Hoover power marketing. These lawsuits will be dropped and the situation cleared up when the legislation is passed.

In California, a tremendous effort has been made to reduce the dependence of the utilities on oil for electric generation. Passage of S. 268 will assure the availability of a reasonable amount of Hoover energy to California, and will reduce the need to burn oil to provide electricity.

In summary, this bill provides a very balanced approach to utilization of Federal resources. It provides for the beneficiaries to pay all costs and allocate the resource for the good of all people in the region.

The amendment offered by the Senator from Ohio to change the term of the Hoover contract to less than 30 years should be opposed, I submit, in order for the utilities to put up the capital to enlarge the Hoover powerplant. They must have a reasonable period to amortize their investment. Assuming a 15-year leadtime to develop a new resource and a 5-year period to reallocate the resource—present process has taken over 5 years—if a contract term of 20 years was used, a new marketing process would need to start on the same day that the new contracts take effect.

For these reasons, Mr. President, I urge our colleagues to join in rejecting the amendment of the Senator from Ohio and in adopting the legislation before us without change.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, I have listened to my friend from Ohio with a great deal of interest. I have that strong suspicion that when he was taking some conservatives to task for backing this particular piece of legislation, he was aiming his arrows at me. I am very happy to receive them. The bow is rather weak so I am able to withstand the impact.

Mr. President, so the Senator from Ohio might have a better idea of our problem, Arizona is the fastest growing industrial State in the Nation. Arizona is a very young State. In fact, I am older than the State of Arizona, and I am not very young. But we have had phenomenal growth. Now, I remember when the first dam was completed that provided some electricity. We now call it the Salt River project. It was then the Salt River Valley water users. That system was paid for by private money under bond. That was the source of really our first power. After that time, steam generation was used. It was privately developed power. Today we get power from Hoover Dam. It is a very small percentage of the total electricity that we use. In fact, without falling water power, whether it is privately developed or publicly developed, there would be no real West as we know it today. Now, for example, the utility in Phoenix is building a $3.5 billion nuclear plant that we hope will provide electricity for our growing population. We are not sure that even this $3.5 billion investment will suffice. So we look to the sources on which we are now depending, and this one source, not a major source, is Hoover Dam.

Everyone is aware that electric rates have increased dramatically during the last several years because of cost increases resulting to a large extent from the actions of the OPEC cartel. One resource that has helped in at least moderating the wild increases in cost by OPEC is power from Federal projects. Power users have historically paid cost based rates for Federal power. At Hoover, power is priced—and I hope my friend from Ohio understands this—to return the construction cost allocated to power with interest along with operation and maintenance costs, and costs associated with federally mandated purposes such as flood control, desalinization, river augmentation, and in this particular case, although I would not argue it too strongly, a navigable stream. That was one of the major navigable streams in the West until the construction of the dam.

This type of pricing policy generally applies to Federal power projects which provides power to consumers in 35 States. Recently, attempts have been made to raise the price of Hoover power to reflect so-called market or marginal rates with the excess revenue being used to solve the Federal deficit problems. Put another way—the proposal would tax electric consumers to solve the Federal budget problems.

I might say that the construction of hydroelectric dams by the Federal Government or by private money has certainly not added to the deficits under which we are laboring in this country today.

S. 268 is an outstanding example of people working together to solve problems rather than attacking each other. The primary purpose of the bill is to authorize enlargement of the Hoover powerplant to provide additional environmentally sound electric generation to meet the needs of the people without the use of any money from the Federal Government. The bill is the culmination of a 5-year public process by the Department of Energy and negotiations among the affected parties. There now appears to be an effort to delay passage of this legislation. Let me explain in some detail.

S. 268 was passed in 1983. The House version of S. 268 (H.R. 4275) was approved by the House committee with very little opposition in the spring of 1984. However, when the bill reached the floor an amendment was introduced which would throw out the agreements reached during the last 5 years and have Hoover power sold to the highest bidder. Recognizing that such an amendment would, first, destroy the historic concept of selling federally generated electric power on a cost-of-service basis; second, abolish the concept of public preference in the sale of federally generated electric power; third, completely destroy the orderly marketing process required by law; fourth, reward utilities who have high rates and punish those with low rates; and, fifth, eliminate any possibility providing stable power costs to the consumers, the House rejected the amendment and passed the bill in May 1984.

If any of my friends listening to the lower power rates quoted by the Senator from Ohio think that we people who live in Arizona are living high on the hog on power rates, my monthly bill last month was $482. I will match that against any bill paid in Ohio, Maine, New York, or any other place.

S. 268 is now before the Senate for concurrence in the amendments made by the House. It is understood that additional amendments will be offered in the Senate in order to either kill the bill by delay or interject amendments to reopen the pricing issue. It is obvious that if any amendments are accepted, the bill will have to go back to the House, where further delays are possible.

S. 268 as written provides for new contracts with a term of 30 years. Provisions are in place to adjust rates to recover fully all costs, including the costs of congressionally mandated purposes. No changes are necessary. The contract term of 30 years was chosen by the Department of Energy only after lengthy hearings.

With respect to the suggestion made by the Senator from Ohio that we have a short extension of the Hoover contracts which expire in 1987 rather than the needed 30 years, he is a very successful businessman, and he knows that 5 or 10 years is not sufficient to develop an alternative resource. Power from Hoover Dam is a sole source for many irrigation districts in Nevada and Arizona; 5 or 10 years would not allow time to find other power at a reasonable price. In fact, I can say that there is no more power in Arizona for any purposes. The utility business is a long leadtime business.

We may hear arguments that the contracts should be subject to rate changes in the future. The contracts will be subject to revision to reflect changes in costs. To go beyond that will destroy the basis for long term contracts. Problems with the concept of allowing for major midstream price adjustments include:

First, in selling bonds to pay the costs of enlarging Hoover, the utilities must show that the costs of power during the bond repayment period are reasonable. This cannot be done if they do not know what the power will cost.

Second, the concept of allowing major midterm contract price adjustments is not a Federal policy and should not be considered on a spur of the moment basis.

Third, arguments that Congress may want to consider other price provisions in the future are not germane. If Congress wants to adopt new policies in the future it, of course, can but they should not be retroactively applied.

Fourth, the Federal Government should help bring stability to the cost of power to the consumer, not leave the people wondering what they may have to pay.

S. 268 relates to Hoover power. However, if it is amended as to pricing, similar provisions will undoubtedly be proposed for other Federal power projects soon thereafter. Once Federal power is compromised in this way perhaps a tax, over and above costs, could be proposed for water, sewage effluent, and other items such that the consumers of this country could all pay more to balance the budget. The precedent that is being proposed would in the end affect every State.

To set such a precedent without benefit of even one committee hearing is irrational. S. 268 should be passed immediately. I have no doubt that, under the chairmanship of my friend from Idaho, any necessary changes in power rates would be very hurriedly agreed to, not only by him but by his committee as well.

Mr. President, if necessary, I will have more to say on this subject. I urge the defeat of the proposed amendment by my friend from Ohio.

Mr. METZENBAUM. Mr. President, I think we ought to understand that there are two separate parts to this bill.

One part has to do with new projects, concerning which I have no objection. They are projects for which I believe an appropriate formula is provided for repayment, and I agree with the Senator from Arizona that you cannot finance those new projects with 5-year contracts. I am not saying that. We are talking about those projects most of which I think were in the original bill as it left the Senate, and I believe there is merit to the inclusion of those projects as spelled out by the House. I have no problem with respect to the matter of term concerning those contracts, those new facilities.

Then, we have the other part of the subject, and that has to do with the Hoover Dam as it is at the moment, the one that was built 50 years ago. That has been repaid, and now it is a question of renewing the contract or renewing the term with respect to the matter of those facilities.

I think we have to recognize that they are totally different issues. One has to do with whether or not we are fairly paid as the Federal Government for that which is in place and that which is paid off or whether we sell it for rates that are about one-fourth to one-fourteenth of the going rate for electricity in the area.

I have said previously that I do not know if those are the correct rates, or I do not know what are the correct rates, but I think it is appropriate that the Federal Government concern itself with the subject before it goes about renewing the term for 30 years.

The argument is then made when the distinguished manager of the bill, the Senator from Idaho, talked about some of the projects that are needed and that are provided for in this legislation. This is to advise him and the Senator from Arizona and all others who are interested in this legislation that I am prepared to work out arrangements or legislation having to do with the new projects because our differences do not result from the legislative language concerning the new projects.

Where we are in disagreement has to do with the Hoover Dam, the one that was built 50 years ago, and the question of what rates will be charged in the future concerning those facilities.

That is a fair issue to be determined, and again I repeat I am not the one who says what those rates should be. When the matter was before the House of Representatives and it was urged that the rates be set at market, the measure was defeated by a rather narrow margin. I think the figure—and I mentioned it before—was 214 or 212 to 176.

The Senator from Ohio was not offering that kind of amendment here. My amendment is far more modest than that.

My amendment would only provide for a 1-year extension rather than a 30-year extension, and I am realist enough to understand that that does create some problems with respect to the new projects. I am willing at any time that the sponsors of the legislation want to do so, to sit down to draft appropriate language to separate the new from the old.

I am frank to say that it was not my understanding that this measure was coming to the floor today, and I am told by a number of others that they were taken by surprise as well. I do not fault the majority leader in that connection. It is certainly within his prerogative. But I believe that as a consequence the separation which they would seek was not worked out in advance with them or their representatives.

But if at any time or overnight the managers of the bill want to work out language dealing with the new projects being separated from the old projects, the Senator from Ohio and his staff will certainly be very cooperative.

I have no more to say. I see the junior Senator from Arizona on the floor waiting for an opportunity to be heard. I have been heard several times previously and I have no problem at all in yielding the floor in order that he might be recognized by the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank the distinguished Senator from Ohio.

Let me start off by saying that the Senator from Ohio has met with some Members of this body who have an interest in this bill. We did so roughly 1 week ago last Sunday, and we discussed it at great length and the Senator from Ohio just reiterated his willingness to divide the bill at that time. He also talked about the 1-year extension and I think it was adequately explained at that time that this would substantially hinder the ability of a number of States who share in the power of Hoover Dam to be able to raise funds through bonding and the surcharges that would be attached to the power that they will receive under it.

I well realize that the Senator from Ohio knows this because we went into it at great length, and I understand his strong commitment here.

I do hope that we can have a vote on this particular amendment.

As has been pointed out by the senior Senator from Arizona, both Senators from California, but the senior Senator from California, who I happened to be listening to, indicated that there is a great deal hinging on the passage of this bill including litigation by all the States involved and that includes Arizona and California, and the other border States in the area, that of necessity this is a solution that has passed the House of Representatives that would forgo perhaps 1 year or more of litigation, and there is so much on this that I hope my colleagues will defeat the Senator's amendment and we will have an opportuanity to vote on the amendment so we can get on with the bill.

As far as splitting the two areas of new power facilities and old ones, that really is not before us here, and I see no reason why we should dwell on that and I think we have a bill that has been put together with thoughtful consideration. This is a victory for what I think the Senator from Ohio wants to achieve and that is an increase in the cost and what will be paid for the power from public facilities or generators at Hoover Dam because it is a substantial increase. It also provides in this bill that States can add a surcharge and Arizona intends to add a surcharge in order to pay for some of its needs for other projects within the State.

So it is my hope that we can defeat this amendment.

I will be glad to yield the floor.

Mr. HECHT. Mr. President, the Senator from Ohio seems to imply that Hoover Dam is different; that this is the first big project in the original 50-year retainment period that ran its course, that we should not pass S. 268 until we have had time to review pricing policies for projects that have been fully paid out.

First of all, Hoover has not been fully paid out. Certain features of Hoover will not be repaid until well after 1987.

Many other dams across the country are in the same situation as Hoover. Roosevelt Dam in Arizona and Wilson Dam on the TVA system are older than Hoover.

Moreover, there are hydroelectric and thermal power projects all across this country that have been fully amortized by both private and public utilities. These companies are not allowed to earn a profit on these dams; every Public Utility Commission in the Nation requires that power from these projects be sold at cost.

There is nothing new or novel in the issue you raise. Utility regulators and even Congress have spoken on this issue repeatedly in the past. Why, just a few weeks ago, the Senate unanimously approved an amendment to the energy and water appropriations bill prohibiting the use of Federal funds to study market based or other alternative pricing criteria for Federal power.

I think it is absurd that all this cheap power goes to an exclusive group of utilities, the so-called Hoover Club.

The Hoover Club consists of those States and utilities who were willing to participate in the construction of what was then the largest dam project in history. Power is allocated as follows: 18 percent to the State of Arizona; 18 percent to the State of Nevada; 36 percent to the Metropolitan Water District—for pumping water; 24 percent to the city of Los Angeles; and 4 percent to the Southern California Edison Co.

These companies serve more than 15 million people in the American Southwest. It could hardly be said that the benefits of Hoover power go to some exclusive club.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I rise in opposition to S. 268, the Hoover Dam bill, and in support of the amendment which I understand the Senator from Ohio will offer in connection with the bill.

Frankly, I find it much easier to explain my reasons for opposition than to understand why anyone could support this bill.

Why do I oppose this bill? First, look at the economics. We face a $175 billion deficit this year. The Congressional Budget Office estimates that unless we change our ways that deficit could exceed $300 billion by 1989.

One of the best ways to make a change, to reduce the deficit is to eliminate subsidies which are now obsolete. A subsidy which may have served a useful purpose 50 years ago may well be obsolete today.

This bill continues a subsidy begun 50 years ago and continues it for another 30 years, another 3 decades. That subsidy is the sale of power from the Hoover Dam at a price which is about one-tenth its market value.

Think of that, Mr. President, in this day and age. We face a staggering deficit. Reducing that deficit is going to require sacrifices on the part of everyone, except those who buy Federal power generated at the Hoover Dam. Delay cost-of-living adjustments for those on Social Security—no problem. Cut money for food stamps—again no problem. But ask those who use electric power to pay a fair price—no way.

This subsidy is no nickle and dime, affair. If we asked those who use this power to pay a reasonable price, the Federal Government would earn an additional $6 billion over the next decade. That is the $6 billion we would not have to take from the wallets of the American taxpayer or out of the hides of Social Security recipients.

The President of the United States yesterday deplored the tendency on the part of the Federal Government, especially under the Democrats, to encourage, and I quote, a "deeper dependency" of citizens on the Government. Well, dependencies come in many varieties. Here, we have a $6 billion dependency, started during the Depression, and today we are being asked to continue that dependency for another 30 years.

Where is the administration? Where are all the fiscal conservatives who serve in this body? For once, let us end a subsidy when it should be ended.

Mr. President, reducing the deficit is not the only reason to end this subsidy. The electric power generated at Hoover Dam is grossly underpriced and that leads to a misallocation of resources. Those with access to this power can irrigate and farm lands where such farming would otherwise be uneconomical. Industry builds plants which would otherwise be located elsewhere. This type of misallocation is not free—not by any stretch of the imagination.

Who pays for these boondoggles? First, the taxpayers do because they have to make up the cost of this subsidy. Second, farmers, workers, and small businesses in other sections of the country pay once again because they have to compete against those who use this cheap power—cheap courtesy of Uncle Sucker. Finally, our environment suffers. Regions and communities shut off from this power will try to compensate. How many extra dams will be built. How many beautiful whitewater streams will be ruined as a result?

Mr. President, I said earlier that I could not understand why anyone would support this bill. That statement was exaggerated a little. Certainly, those who benefit from this cheap power want to retain their advantage. They number perhaps 4 to 5 million people. Simple arithmetic, however, shows that perhaps 220 million people lose.

Yet those 4 to 5 million may prevail over 220 million. If you want a textbook example of how an organized, small special interest can win over the chaotic, numerically dominant majority, this bill provides the text for that lesson.

The 4 to 5 million stand immediately to lose something tangible—cheap power. But for the unorganized majority their losses—factories moved, jobs lost, streams destroyed, prices increased—are vague and indefinite.

Mr. President, if we pass this bill we will set a precedent that will come back to haunt us. Over the next 2 to 3 years we are going to have to cut the deficit.

It is going to be very painful, and very difficult for every Member of this body. It is going to be unpopular. We are going to have to do it. We do not have any real alternative, and we know it.

I prefer to reduce that deficit by cutting spending to the extent possible and only as a last resort raising taxes. I am sure most Members of this body feel the same way. But if we are going to cut spending, we are also going to have to take a hard look at all of the subsidies, all of the spending programs built into the budget.

We now have an opportunity to do just that. We know that food stamps go to the needy, that Social Security and medicare help the elderly, many of who are needy. Who benefits from this power subsidy? Only those in one small region. If we cannot cut this subsidy, is it fair to cut spending for food stamps? Of course it is not.

Let us be honest—we are going to have to raise some taxes. My preference is to try to raise the minimum amount of taxes required. But if we cannot eliminate an obsolete subsidy, what chance do we have to hold down the inevitable tax increase. I say "very little."

What we have here is a fundamental issue of fairness. This bill continues a 50-year-old subsidy. It costs the taxpayer at last $6 billion over the next 10 years. It benefits one small region of the country at the expense of every other section of the country.

Mr. President, I wish that the leadership had not brought this bill to the floor at this time. They may see it as a relatively noncontroversial continuation of a 50-year-old policy.

But this bill is far more than that. It is the opening shot in the battle of the budget which will carry over into next year. What we do today will echo again and again throughout this Chamber.

Do we have the courage to take a look at every subsidy in the Federal budget? Then let us start here.

Do we have the sagacity and wisdom to recognize change and to eliminate obsolete programs? Then let us start here.

Do we have the foresight to reduce the deficit by $6 billion over the next 10 years? Then let us start here.

Do we have the endurance to start cutting back on what the President called a "deeper dependency?" Then let us start here.

If we do not, if we miss this opportunity, we will have taken a giant step backward. We will have set a precedent which will haunt us next year.

Mr. President, it is my understanding that my distinguished colleague from Ohio, Senator METZENBAUM, has an amendment to extend the terms of this contract for 1 year. That would give us time to take a closer look at this issue. I think it is certainly a reasonable and prudent action.

It seems to this Senator that is the absolute minimum we should do.

I commend my good friend from Ohio for once again acting as a sentinel on the floor of the Senate against a giveaway program, as he has done so often and so very effectively over the years.

I earnestly hope that the Senate will see fit to adopt his amendment.

Mr. President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I want to thank my colleague and good friend from Wisconsin. Almost without exception, or I have no recollection of any exception, he has never failed to protect the Treasury and the people of this country. The Senator from Wisconsin has made himself known as that one person who would expose before the Senate the improprieties and giveways of the Federal Government.

He now rises to support a position I have taken in this matter, and I am very grateful to him in this regard.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EVANS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. SPECTER]. Without objection, it is so ordered. The Senator from Washington is recognized.

Mr. EVANS. Mr. President, I have listened with considerable interest to the debate this afternoon and, of course, have had a good deal of experience with this whole subject during my term as chairman of the Pacific Northwest Power Council and in previous debates on this floor and in reading very carefully the debate in the House of Representatives during the so-called Boxer amendment.

While I am very much aware of the particular nature of the amendment before us, I think that everyone knows what the real rationale is. I would like to for a few moments discuss the concept of subsidy which has been raised so many times this afternoon, a strained one, I might add, and the extension of this same principle the Senator from Ohio would institute to other parts of the infrastructure of this Nation.

My idea of subsidy is the supplying of money or other resources to a project which is unable to carry its own cost by itself. It is a strained view, indeed, of a subsidy which says here in an area served by public power we ask the ratepayers to pay all of the costs of construction, all of the costs of operation and maintenance, and all of the costs of any enhancement during the life of the project but then in addition any other amount that you can get out of the ratepayers who are captive to that particular utility. And if you do not get every last penny out of the ratepayer, somehow that is subsidy. That in my view is a strained view indeed of a subsidy. But if we want to talk about a subsidy, let us look at some other parts of the infrastructure of this country.

The St. Lawrence Seaway is a good example, and I suspect that the Senator from Ohio has some particular knowledge of that particular construction project.

The original authorization in 1954 required repayment of construction, the cost of construction, the principal, the interest, and the operation and maintenance costs, as is properly the case. But there has been an interesting and checkered history since.

In 1970, the act was amended to forgive interest rates. In 1983, in the Department of Transportation appropriations bill, we forgave principal to the extent of $110 million. The tolls now are reduced to supplying only operation and maintenance, and I suspect that there may well be some proposal in the future to eliminate one or the other or both of those remaining charges.

If we are going to expand this concept of "market rates" for captive customers, that is not my view of a market rate. The market rate should be where there are competitors on both sides, where there are alternatives on both sides. But when a monopoly exists, it is difficult indeed to use the concept of market rates.

I suggest that it might be useful, if this Nation wants to cut the deficit in this fashion, to offer up for bids some of the key locks on the Saint Lawrence Seaway, to see whether in fact someone is willing to bid sufficiently for those, to pay the Federal Government some fee, in order to charge higher tolls—what "the market would bear." Perhaps we could; perhaps we could not.

Nonetheless, we are likely to get ourselves to a point, if we extend this concept logically to the many other places in the country where it could be extended, to literally auction off the infrastructure of the United States to the highest bidder. I think that is bad policy.

We could, for example, with substantially the same logic, to cut the deficit, ask that the interstate highway system, particularly some key bridges or sole routes through the mountains, be auctioned off, so that a successful bidder could place tolls on those stretches and charge "what the market would bear."

Again, we would perhaps reduce the deficit of the Federal Government, but at great cost and with little alternative to the many users of that system.

Some may say that my interest is particularly in maintaining the low power rates of the Pacific Northwest through the Bonneville Power Administration. I suggest that the market is already effective in the Pacific Northwest. Currently, we are seeing the shutdown of one aluminum plant after another because electricity prices are too high, not too low.

The concept applied just to one area such as this does not make sense, especially in the field of electric energy, where there are few, if any, alternatives, where we have established the concept of monopoly both for publicly owned as well as investor-owned utilities. We do not suggest in either case that the customers pay "market rates." We limit the price charged by an investor-owned utility; and every State with an investor-owned utility has a regulatory commission to ensure that the prices charged by that utility are no more than enough to cover operation and maintenance, new construction, and a small profit to the shareholders in order to ensure that there can be continuing financing, particularly through the equity of that company.

So we do not use it for investor-owned utilities. We have not used it for publicly owned utilities. We have not used it, so far as I know, in any other significant part of the infrastructure of this Nation; and I suggest that it is bad policy, especially in an amendment on this bill, to start such a radical change in activity in this Nation.

Mr. GORTON. Mr. President, will my colleague from Washington yield for a question?

Mr. EVANS. I am delighted to yield.

Mr. GORTON. As I have listened to what the Senator has said, do I correctly interpret his point to be that the word "subsidy" can be used in at least two different senses, and the so-called subsidy which is being attacked by the amendment of the Senator from Ohio is not a subsidy which paid for either the construction or the operation and maintenance of Hoover Dam, the facility in question? Is that correct?

Mr. EVANS. That is correct.

Mr. GORTON. And that the only fashion in which the word "subsidy" is

used or attacked here is in the sense that because the Hoover Dam has what amounts to a captive set of ratepayers, the market would bear a higher price for power than that which is charged by the Hoover agency?

Mr. EVANS. That is correct. Or there may well be alternative ratepayers who would engage in bidding, seeking to raise rates to the maximum degree possible, and the losers would be out. The winners would pay considerably higher prices; but, in any case, there would be a monopoly, with no competition then allowed.

Mr. GORTON. Do I take it that the subsidy which the Senator from Washington has pointed out attaches to the Saint Lawrence waterway is a subsidy of quite a different and more drastic nature and now, by action of Congress, amounts to a subsidy not only for the principal cost of construction of those facilities but for the interest on that principal cost as well?

Mr. EVANS. That is correct, and that is my view of what constitutes a normal definition of subsidy—when you start out a project knowing what it costs or what you expect it to cost, and then find out, when you are part way through, that you cannot pay for it.

Mr. GORTON. And that subsidy is not being attacked by this amendment?

Mr. EVANS. No; not at all.

Mr. GORTON. My colleague from Washington also pointed out that the rationale for this amendment could also quite logically be applied to at least key portions of the Interstate Highway System, where theoretically the taxpayers of the United States could recover significant amounts of their investments if those key portions were put out to the highest bidder. Is that not correct?

Mr. EVANS. I do not think it would be a case of recovering the key portions of their investments, because it could be suggested logically that those stretches of interstate systems were built through gas taxes and weight fees on trucks. But they certainly could gain a substantial income to the Federal Government and to the taxpayers which would go to reduce the deficit, simply because they could get it from people who had no other choice than to cross a bridge which is now free and which could be tolled, and they would have little other alternative than to pay the toll.

Mr. GORTON. Would not the same logic which is behind this amendment logically be extended to charging what the traffic will bear for visitors to the national parks of the United States?

Mr. EVANS. Well, I had not thought of that as an example, but that certainly could be a logical extension of this. I think that, in the true sense of the word, we are subsidizing, through general taxpayer funds, the costs of operation and maintenance of our National Park System. We have done it deliberately, as we have done all these other things deliberately. I do not think anyone would suggest now, because we could currently reduce the national deficit, that we should charge what the traffic would bear and reserve the national parks to the rich.

Mr. GORTON. It is the point of my colleague from the State of Washington that it is appropriate national policy that we subsidize the operation of a national park; that it is appropriate national policy that we not charge what the traffic will bear for the use of key bridges of the Interstate Highway System; and that it is equally appropriate public policy that the Hoover Dam, having paid off the cost of its construction and interest charges on that construction, should not now be subject to a quasi-monopoly set of charges to its ratepayers for the future production of power from that facility.

Mr. EVANS. That is correct.

I think it makes perfectly good sense to insist that we ask the beneficiaries of projects such as Hoover Dam to pay for that initial cost, to pay for operation and maintenance, to pay for enhancement and not expect direct subsidy as is the case in the Saint Lawrence Seaway, but not ask for any more than that, any more than we would ask a person who 30 years ago bought a home, made a deal with the bank, paid the mortgage, the principal cost, the interest, the operation and maintenance of that home and having paid the mortgage, now has the bank come back and say, "Well, we would like you to pay some more, just because it is possible for you to pay some more."

Mr. GORTON. And because perhaps the value of the house was now greater than it was when he purchased it.

Mr. EVANS. That is correct.

Mr. GORTON. I thank my colleague, the Senator from Washington, for his enlightened discussion.

Mr. EVANS. I yield the floor.

CALL OF THE ROLL

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk resumed the call of the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 7 Leg.]

Cranston	Gorton	Metzenbaum
DeConcini	Hecht	Specter
Evans	McClure	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. HART], the Senator from Hawaii [Mr. INOUYE], and the Senator from Massachusetts [Mr. TSONGAS], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—92

Abdnor	Glenn	Mitchell
Andrews	Goldwater	Moynihan
Baker	Gorton	Murkowski
Baucus	Grassley	Nickles
Bentsen	Hatch	Nunn
Biden	Hatfield	Packwood
Bingaman	Hawkins	Pell
Boren	Hecht	Percy
Boschwitz	Heflin	Pressler
Bradley	Heinz	Pryor
Bumpers	Helms	Randolph
Burdick	Hollings	Riegle
Byrd	Huddleston	Roth
Chafee	Humphrey	Rudman
Cochran	Jepsen	Sarbanes
Cohen	Johnston	Sasser
Cranston	Kassebaum	Simpson
D'Amato	Kasten	Specter
Danforth	Kennedy	Stafford
DeConcini	Lautenberg	Stennis
Denton	Laxalt	Stevens
Dodd	Leahy	Symms
Dole	Levin	Thurmond
Domenici	Long	Tower
Durenberger	Lugar	Trible
Eagleton	Mathias	Wallop
East	Matsunaga	Warner
Evans	Mattingly	Weicker
Exon	McClure	Wilson
Ford	Melcher	Zorinsky
Garn	Metzenbaum	

NAYS—2

Proxmire	Quayle

NOT VOTING—6

Armstrong	Dixon	Inouye
Chiles	Hart	Tsongas

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. RANDOLPH. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send to the desk a cloture motion and ask that it be stated by the clerk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baker motion to concur in the House amendment to S. 268, the Hoover Powerplant Act of 1984.

Senators Howard Baker, Ted Stevens, James A. McClure, Pete Wilson, Daniel J. Evans, Chic Hecht, Barry Goldwater, Alan Cranston, Orrin Hatch, Jeremiah Denton, John East, Dennis DeConcini, Mark Hatfield, Thad Cochran, Mack Mattingly, Paul Trible, Paul Laxalt, Max Baucus, Pete Domenici, Jeff Bingaman, John Melcher, and Jake Garn.

Mr. BAKER. Mr. President, I anticipate that the distinguished assistant minority leader will shortly——

Mr. BYRD. Mr. President—I beg the majority leader's pardon—may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The majority leader.

Mr. BYRD. Mr. President, the Senate is not in order yet. May we have order in the Senate?

The PRESIDING OFFICER. Will Senators please take their seats and clear the well?

The majority leader.

Mr. BAKER. I thank the Chair, and I thank the minority leader.

Mr. President, I anticipate that in a few moments the distinguished acting minority leader may make a motion to table the Metzenbaum amendment to the House amendment in which the motion seeks to concur. Before that, however, I understand that the distinguished Senator from Ohio wishes to speak.

Could I inquire of the Senator from Ohio how long he wishes to speak?

Mr. METZENBAUM. Very briefly.

Mr. BAKER. Mr. President, I certainly wish to accommodate the Senator in that respect, and in just a moment I am going to yield the floor so the Senator from Ohio can seek recognition for that purpose.

Before I do that, Mr. President, I announced earlier that I thought we would be out by 6 p.m. I would like to rescind that estimate.

Mr. President, we still have the so-called Baby Doe bill that I had announced we would do tonight. I am told that we believe that a time agreement on that measure has been cleared, and if the minority leader is prepared for me to do so, I am prepared to put that unanimous-consent request at this time.

Mr. President, I think that may be just a bit premature. But may I say to my colleagues that we are going to try to finish the unanimous-consent request providing for time on that bill. I estimate that if we get the agreement, it will take about an hour. And it would be the intention of the leadership on this side to ask us to finish that bill tonight, if we get that agreement, and I hope we do.

Mr. President, I now yield the floor.

Mr. BYRD. Mr. President, before the distinguished majority leader yields the floor, if the Senator from Ohio and the Senator from California will indulge me, would the distinguished majority leader indicate what the plans are for tomorrow?

Mr. BAKER. Yes, Mr. President. May I say, first of all, that if we do not do the Baby Doe matter tonight, it would be my intention to go to that tomorrow. I have a strong preference for doing it tonight, if possible. If we could do that tonight, I am not sure what we can clear for tomorrow. If we cannot do it tonight, we will be here, and on that, tomorrow. I am not now saying we will not be in session tomorrow because there are other matters that we might deal with. If the manority leader would let me pursue this matter, I will try to have another announcement.

Mr. BYRD. I thank the majority leader.

AMENDMENT NO. 3418

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, speaking for my colleagues so you may understand what this issue is about, the Senator from California is about to make a motion to table the amendment of the Senator from Ohio. The Hoover Dam has had a contract for a term of 50 years. That contract will expire on May 31, 1987. My amendment would extend that 1 additional year. The legislation before you without the amendment would extend it for 30 years.

When this matter was in the House, the House voted on the question of setting the rates at the market figure. That would be anywhere from 400 percent to 1,400 percent higher than the present rate. People in Arizona, California, and Nevada who are presently served by the Hoover Dam are paying about half of a cent per kilowatthour. The average rate throughout the country for electrical power is about 13 times that amount, 6½ cents per kilowatthour, according to the advice given to me today by the CRS.

The issue before the House was whether the rate should be set, and whether or not the power should be available to all of the States. I have no issue about that—in other words, whether it could be publicly bid. It lost in the House by a vote of 212 or 214 to 176.

My amendment does not address itself as to what the rate should be, nor am I concerned about the question of allocation. I am perfectly agreeable to having the power allocated to the three States that presently get it. Nor do I have any fault to find with that part of the legislation that has to do with the upgrading of a number of additions to the Hoover Dam. That is not the issue. The issue is whether or not Congress will do that which we were expected to do 50 years ago when it was indicated that at the end of the term—this is in the law—that Congress would decide what the rate should be. I do not know what the rate should be. But I would propose that either Congress or an independent commission give the Congress some indication as to what the rate should be.

So I am asking you to vote for a 1-year extension instead of a 30-year extension. That would take it up to May 31, 1988, and during that period of time we would have an adequate opportunity in order to resolve and determine what the rate should be. The opponents will say to you, and those who are offering the amendment, that they need the longer term for the upgrading of the new facilities; for the upgrading of the additions. I have made it clear—we have practically come to an agreement on that point—that I am not at issue on that. We are not at issue on that point. I am willing to agree to whatever language is necessary in order to make the upgrading, and to provide the lengthened term. I am willing to accept the language of the House which I understand is acceptable to most parties. I also am not challenging the question of the three States getting the electricity or the power.

So I would hope that when you consider this issue that you keep before you the question of what is the right thing to do with these dams that have been paid for that are not owned by the Federal Government; whether or

not the power should be sold at greatly subsidized rates, which also in my opinion makes it possible and causes a good deal of waste in connection with that power.

I thank you for listening to me. I am ready for the Senator from California, whenever he wishes to make the motion to table.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I will be even briefer than the Senator from Ohio in presenting the other side of this issue. The Hoover Dam facilities need to be upgraded. The bill provides for such upgrading at full cost to the users. The bill provides for a 30-year contract fixing the price of power at full cost. the Metzenbaum amendment would amend to limit the contract to 1 year.

Mainly, the users do need a long-term contract to assure the economic viability of their investment in upgrading Hoover, which is going to cost $77 million. If we wait 1 year, go to a 5-year, or 10-year, or some other shorter term, bonds cannot be sold, and the improvements cannot occur. The upgrading would increase the generating capacity of Hoover by one-third. It is plainly in the national interest to make maximum use of hydroelectric power.

Mr. McCLURE. Mr. President, would the Senator yield for a question?

Mr. CRANSTON. Of course.

Mr. McCLURE. The Senator from California referred to the fact there is going to be some upgrading and referred to the amount of money to be paid. The Senator used the term "the full cost of the ratepayers." Is it not a fact that that the ratepayers will put up the entire cost and that it will all be done without cost to the Federal Government?

Mr. CRANSTON. Yes; the Federal Government puts up not 1 penney.

Inherent, let me say, in the approach of the Senator from Ohio is the concept of going to market rates for power. If the market value concept for Federal power rates was applied across the board nationwide, it would increase customer charges by at least $4.5 billion over a 3-year period, according to an analysis that has been quite carefully made. In the earlier debate, the Senator from Washington, [Mr. EVANS], made, I think, a very telling point when he stated that the infrastructure that we develop in our country should not be used to make a profit.

It should be used to meet the needs of our economy and our people. If we are going to depart from that concept, we basically change what our democracy and our society has done in providing an infrastructure—to enable our economy and our society to grow and flourish.

Let me finally say the bill is supported in its present form without the Metzenbaum amendment by, among others, the American Public Power Association, the National Rural Electric Co-ops Association, and the Consumer Federation of America.

Unless someone else has a question—I gather no one has—I move to table the amendment of the Senator from Ohio.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Te PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California to lay on the table the amendment of the Senator from Ohio. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. HART], the Senator from Hawaii [Mr. INOUYE], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

The PRESIDING OFFICER [Mrs. KASSEBAUM]. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 38, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—56

Abdnor	Gorton	Percy
Andrews	Grassley	Pressler
Baker	Hatch	Pryor
Baucus	Hatfield	Randolph
Bingaman	Hecht	Sasser
Boren	Heflin	Simpson
Burdick	Helms	Stafford
Cochran	Hollings	Stennis
Cranston	Jepsen	Stevens
DeConcini	Kassebaum	Symms
Denton	Kasten	Thurmond
Dole	Kennedy	Tower
Domenici	Laxalt	Trible
East	Matsunaga	Wallop
Evans	McClure	Warner
Exon	Melcher	Weicker
Ford	Murkowski	Wilson
Garn	Nickles	Zorinsky
Goldwater	Packwood	

NAYS—38

Bentsen	Glenn	Metzenbaum
Biden	Hawkins	Mitchell
Boschwitz	Heinz	Moynihan
Bradley	Huddleston	Nunn
Bumpers	Humphrey	Pell
Byrd	Johnston	Proxmire
Chafee	Lautenberg	Quayle
Cohen	Leahy	Riegle
D'Amato	Levin	Roth
Danforth	Long	Rudman
Dodd	Lugar	Sarbanes
Durenberger	Mathias	Specter
Eagleton	Mattingly	

NOT VOTING—6

Armstrong	Dixon	Inouye
Chiles	Hart	Tsongas

So the motion to lay on the table amendment No. 3418 was agreed to.

Mr. CRANSTON. Madam President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. LAXALT. Mr. President, I feel it imperative that I contribute a few thoughts to the debate developing on S. 268. This bill has been passed by both the Senate and the House of Representatives and we are dealing with the House version today. S. 268, as passed in both Chambers is consistent with historical practice for the marketing of hydroelectric power and is in conformity with public policy created by the Congress on numerous occasions in the past. The Senate has spoken four times in recent years to strongly support cost-based power marketing of hydropower. Those statements prohibit the expenditure of appropriated funds to study a market rate system. The acts include:

First. Section 166 of the First Continuing Appropriations for Fiscal Year 1983, Public Law 97-276;

Second. Section 114 of the Second Continuing Appropriations for Fiscal Year 1983, Public Law 97-377;

Third. Section 506 of the Energy and Water Development Appropriations, 1984, Public Law 98-50; and

Fourth. Section 506 of the Energy and Water Development Appropriations, Act, 1985, Public Law 98-360.

Mr. President, the Senate has consistently maintained that system because electrical energy has been deemed a resource of the Nation, a part of the commonweal and to prevent gouging by natural monopolies.

Mr. President, there have been statements made about Hoover power being a subsidy to certain ratepayers. Subsidy is a nasty word, one which will be used if it can in order to make an argument. I hope we can lay that spurious argument to rest. There is no subsidy involved in this question, none whatever. Hoover Dam is being repaid with interest. The power users are making those payments in the rate they pay.

The uprating provided by S. 268 will be paid for up front. The funds will be appropriated but they will be repaid from the existing replacement funds also created by the Hoover power customers.

The argument seems to be that a subsidy is involved simply because hydropower rates will continue under the new contracts and that those rates are lower than market rates for coals or gas fired utility power. Two things must be kept in mind: Hoover Dam was built in the Depression; therefore its cost was low relative to costs today. If Hoover Dam were replaced today it would cost many billions of dollars and

repayment rates would be correspondingly high. The second point to keep in mind is that the fuel used to create the power is water, and water is cheaper than oil. There is no subsidy in this. Hoover ratepayers will continue to pay for the cost of generating power, for the cost of increased power capacity, for desalination, for portions of the Central Arizona project, and for the safety and visitor facilities provided by the bill. Any other add-ons simply to bring rates more in line with market rates would constitute something of a subsidy for other regional ratepayers.

I wonder, Mr. President, just what such funds created by additional add-ons to the cost-based power would be used for. Would these profits be used in the highway program? To help retire the national debt? What? It seems to me that is a singular departure from present policy. It involves a public policy question which will, and should, affect the total power marketing system in this country. It is a question that deserves considerable time and attention, not something that we change on the Senate floor. Make no mistake, the objections being raised to the bill suggest a departure from present public policy—not the bill. S. 268 follows time-honored practice.

But not only will a move away from cost based pricing destroy the historic concept of power marketing, it will abolish the concept of public preference in the sale of federally generated electric service, severely inhibit the orderly marketing of such power as required by law, and destabilize power costs to customers.

If a change in such fundamental policy is to occur it must be fully considered. Heaven knows I want to see the national debt retired as much as anyone in the Congress, but I must object if my constituents are to be asked to shoulder a portion of that burden through their power rates that is not asked of similar ratepayers elsewhere. If the Congress is to make such fundamental change, such change must apply, in equity, to Bonneville Power, to the Southeast Power Administration, to the Southwest Power Administration, to the Alaska Power Administration and to TVA.

The only difference, I see, Mr. President, between Hoover and the other power administrations is that Hoover is first in line for renewal. Its contracts expire in 1987. S. 268 provides for the uprating at the powerplant which, in turn, facilitates agreement among the power customers for the next contract period. If we are to move away from cost-based power for Hoover let us consider the matter in the context of the full public policy implications and the impact on all other similar projects in the Nation. And, Mr. President, let us not burden this project with unrealistic contract terms and contingencies which make the project less efficient pending a review of that public policy. That serves no purpose but to thwart the already agreed to uprating and power division provisions of S. 268.●

UNANIMOUS-CONSENT REQUEST—S. 1003

Mr. BAKER. Madam President, I am prepared now to present a unanimous-consent request which I believe has been cleared all around and will not be objected to.

I ask unanimous consent that when the Senate proceeds to the consideration of Calendar No. 171, S. 1003, the Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983, it be considered under the following time agreement:

Thirty minutes on the bill, to be equally divided between the chairman of the Committee on Labor and Human Resources and the ranking minority member or their designees.

That the following three amendments be the only amendments in order; that they be first degree amendments and limited to the following time for debate: Thirty minutes on an amendment to be offered by the Senator from Utah [Mr. HATCH] and the Senator from Connecticut [Mr. DODD] and others, dealing with Baby Doe; 30 minutes on an amendment to be offered by the Senator from Utah [Mr. HATCH], dealing with striking the provisions regarding the role of States for intervention where parents withhold medical treatment from children for their religious reasons; 15 minutes on an amendment to be offered by the Senator from Alaska [Mr. STEVENS] dealing with domestic violence; 5 minutes on any debatable motion, appeal, or point of order to be submitted to the Senate; and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. Reserving the right to object, I wonder if the majority leader would include an amendment I will offer. I can make it 20 minutes equally divided or 30 minutes equally divided.

Mr. BAKER. What would the amendment deal with?

Mr. MOYNIHAN. It would deal with Social Security.

Mr. BAKER. Madam President, I cannot do that at this time. I will have to go through the clearance process on that.

I think that the bill as described here can be done in an hour. There will be all sorts of opportunities to offer Social Security amendments, I think. But if the Senator persists in his request, all I can do at this time is to withdraw the request and to proceed otherwise.

Mr. MOYNIHAN. I am sorry, but I do not make many such requests.

Mr. BAKER. Does the Senator object to the request?

Mr. MOYNIHAN. I ask the majority leader: Will I retain the right to offer an amendment under those circumstances?

Mr. BAKER. Not in the form of this request.

Mr. MOYNIHAN. In that case, I will have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LONG. I object.

The PRESIDING OFFICER. There is an objection heard.

The clerk will resume the call of the roll.

The bill clerk resumed the call of the roll.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. I object.

Mr. McCLURE. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will resume the call of the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will resume the call of the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the order for the quorum call be resicinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Will the Senator from Ohio suspend just a moment for an appointment?

Mr. METZENBAUM. Provided that the Senator from Ohio does not lose his right to the floor.

The PRESIDING OFFICER. No. The Senator has been recognized.

APPOINTMENTS TO JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

The Chair, on behalf of the Vice President, in accordance with Senate Concurrent Resolution 122, 98th Congress, appoints the Senator from Tennessee [Mr. BAKER], The Senator from Maryland [Mr. MATHIAS], and the Senator from Kentucky [Mr. FORD] to the Joint Congressional Committee on Inaugural Ceremonies.

The Senator from Ohio.

AMENDMENT NO. 3419

Mr. METZENBAUM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 3419.

At the end of the House amendment add:

Notwithstanding any other provision, all provisions of this bill shall become effective upon date of enactment; *Provided, however,* That no section of this bill or the Boulder Canyon Project Act of 1928 regarding the price of power generated at Hoover Dam shall be effective after May 31, 1987.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Madam President, if I could have the attention of the Senate, it appears to me that we are not going to be able to get to the Baby Doe bill tonight for a variety of reasons. It also appears that we are not going to finish the Hoover Dam bill tonight. Cloture has been filed on the bill, and a vote will occur on Monday, assuming that we are going to be in tomorrow, and we are.

If the minority leader, who is on the floor, has no objection, it would be my purpose at this point to ask for a period for the transaction of routine morning business, and go out until 10 o'clock in the morning.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, it does not appear that we can get a time agreement on the child abuse bill. But there seems to be a desire on the part of many Senators to get on it anyway for a while. I am willing to try that.

Let me say in advance, however, that we are not going to spend a lot of time on it. At least the leadership on this side will attempt to get at it in a timely way tonight so that we will be on it tonight. If we can finish the Baby Doe bill, that is fine, but if we are going to stay past 7:30, I do not think it will be useful time. Without a time agreement, I am willing to give it a try.

Madam President, I ask unanimous consent that the Senate temporarily lay aside the pending business, the Hoover Dam bill, and turn to the consideration of S. 1003.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Madam President, I ask if the majority leader will restate his request.

Mr. BAKER. Madam President, I put the unanimous-consent request that we temporarily lay aside the Hoover Dam bill and go to the Baby Doe bill. I indicated it would not be my desire to stay on the Baby Doe bill much past 7:30 this evening. It would be the expectation on this side, if we have not finished it shortly after that, that I would ask the Senate to go out until tomorrow and intend to go back to the Hoover Dam bill, which was messaged from the House.

Mr. BYRD. Madam President, I remove my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD ABUSE PREVENTION, TREATMENT, AND ADOPTION REFORM AMENDMENTS

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1003) to extend and revise the provisions of the Child Abuse and Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983".

TITLE I—EXTENSION OF CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION OPPORTUNITIES PROGRAMS

PART A—CHILD ABUSE PREVENTION AND TREATMENT

THE NATIONAL CENTER OF CHILD ABUSE AND NEGLECT

SEC. 101. (a) Section 2(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101(a); hereafter in this part referred to as "the Act") is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b) Section 2(b)(6) of the Act is amended to read as follows:

"(6) study and investigate the national incidence of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number and severity and a determination of those incidents of child abuse and neglect which involve the denial of nutrition, medically indicated treatment, general care, or appropriate social services to infants at risk with life-threatening congenital impairments, and to submit such findings to Congress together with such recommendations for administrative and legislative changes as are appropriate within one year after the effective date of the Child Abuse Prevention and Treatment and Adoption Act Amendments of 1983; and".

(c) Section 2(c) of the Act is amended by striking out "The Secretary may carry out his functions under subsection (b) of this section" and inserting in lieu thereof "The functions of the Secretary under subsection (b) of this section may be carried out".

SEXUAL ABUSE DEFINITION

SEC. 102. Section 3 of the Act is amended—

(1) by striking out "this title the term" and inserting in lieu thereof the following: "this title—

"(1) the term";

(2) by striking out the period at the end thereof and inserting in lieu thereof a comma and the word "and"; and

(3) by adding at the end thereof the following:

"(2) the term 'sexual abuse' includes the obscene or pornographic photographing, filming, or depiction of children, or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.".

DEMONSTRATION OF SERVICE PROGRAMS AND PROJECTS

SEC. 3. Section 4(b)(2)(E) of the Act is amended by striking out "his" and inserting in lieu thereof "and the child's".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. Section 5 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5. There are authorized to be appropriated $27,500,000 for fiscal year 1984, $34,000,000 for fiscal year 1985, $35,500,000 for fiscal year 1986, $37,080,000 for fiscal year 1987, to carry out the provisions of this Act. Of the sums appropriated for each fiscal year $9,500,000 shall be available in each fiscal year to carry out the provisions of section 4(b)(1) of this Act, relating to State grants, and $4,000,000 shall be available in each such year for the identification, treatment, and prevention of sexual abuse.".

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT AND ADOPTION OPPORTUNITIES

SEC. 105. (a)(1) The first sentence of section 6(a) of the Act is amended by striking out "including" and all that follows thereafter through "Administration,".

(2) Section 6(a) of the Act is amended by inserting at the end thereof: "The Advisory Board shall be available, at the Secretary's request, to assist the Secretary in coordinating adoption related activities of the Federal Government.".

(b)(1) Section 6(b) of the Act is repealed.

(2) Subsection (c) of section 6 of the Act is redesignated as subsection (b).

COORDINATION

SEC. 106. Section 7 of the Act is amended by striking out "between" and inserting in lieu thereof "among".

SAVINGS PROVISION

SEC. 107. The Act is further amended by adding at the end thereof the following new section:

"SAVINGS PROVISION

"SEC. 8. Nothing in this Act shall be construed to limit the right of a State to determine the health care and treatment a parent may provide his child in the exercise of the parent's freedom of religion.".

PART B—ADOPTION OPPORTUNITIES

FINDINGS AND DECLARATION OF PURPOSE FOR ADOPTION REFORM

SEC. 121. (a)(1) The first sentence of section 201 of the Child Abuse Prevention Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111; hereafter in this part referred to as "the Act") is amended by inserting after "finds that" the following: "the welfare of thousands of children in institutions or foster homes, infants at risk with life-threatening congenital impairments, and infants born to teenaged unmarried individuals may be in serious jeopardy, and that some such infants and children are in need of placement in permanent, adoptive homes; that".

(2) The first sentence of such section 201 of the Act is further amended by inserting after "should not" the following: "become victims of a denial of medically indicated treatment or nutrition, nor".

(b)(1) The second sentence of section 201 of the Act is amended by inserting after "special needs" a comma and the following: "including infants at risk with life-threatening congenital impairments,".

(2) The second sentence of such section 201 of the Act is further amended by striking out clause (2) and inserting in lieu thereof the following:

"(2) providing a mechanism for the Department of Health and Human Services to—

"(A) promote quality standards for adoption services, including pregnancy counseling which presents adoption as a positive alternative, preplacement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

"(B) coordinate with other Federal departments and agencies, including the Bureau of Census, to provide for a national adoption and foster care information data-gathering and analysis system; and

"(C) maintain a national adoption exchange to bring together children who would benefit by adoption and qualified prospective adoptive parents who are seeking such children.".

STATE ADOPTION LEGISLATION

SEC. 122. Section 202 of the Act is amended to read as follows:

"STATE LEGISLATION FOR ADOPTION OPPORTUNITIES

"SEC. 202. (a) The Secretary shall take such steps as the Secretary deems necessary to encourage and facilitate the enactment in each State of comprehensive legislation for the adoption of infants and children in need of adoption.

"(b) The Secretary shall—

"(1) review all model adoption legislation and procedures for the purpose of proposing such changes as are considered appropriate to facilitate adoption opportunities for infants at risk with life-threatening congenital impairments; and

"(2) coordinate efforts to improve State legislation with national, State, and local child and family services organizations, including organizations representative of minorities and adoptive families.".

INFORMATION AND SERVICES

SEC. 123. (a)(1) The first sentence of section 203(a) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(2) Section 203(a) of the Act is further amended by inserting before the period at the end thereof a comma and the following: "including services to facilitate the adoption of children with special needs and particularly of children with life-threatening congenital impairments; services to couples considering adoption of children with special needs, couples with infertility problems and other prospective adoptive parents; and services to individuals, including pregnant teenaged children, who are considering adoption as a plan for their infants, and pregnancy counseling, particularly of unmarried minors, which presents adoption as a positive alternative".

(b)(1) Section 203(b) of the Act is amended by striking out in the matter preceding clause (1) "subsection (a) of this section" and inserting in lieu thereof "this title".

(2) Section 203(b)(1) of the Act is amended to read as follows:

"(1) provide (after consultation with other appropriate Federal departments and agencies, including the Bureau of the Census) for the establishment and operation of a Federal adoption and foster care data-gathering and analysis system;".

(3) Section 203(b) of the Act is further amended—

(A) by striking out "parent groups" in clause (4) and inserting in lieu thereof "adoptive family groups and minority groups";

(B) by striking out "and" at the end of clause (4);

(C) by redesignating clause (5) as clause (7) and by inserting immediately after clause (4) the following new clauses:

"(5) encourage involvement of corporations and small businesses in supporting adoption as a positive family-strengthening option, including the establishment of adoption benefit programs for employees who adopt children;

"(6) continue to study the nature, scope, and effects of the placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity, including the legal status of surrogate parenting; and"; and

(D) by striking out "Health, Education and Welfare" and inserting in lieu thereof "Health and Human Services" in clause (7) as redesignated by clause (C) of this paragraph.

AUTHORIZATION OF APPROPRIATIONS

SEC. 124. Section 205 of the Act is amended by striking out "and" after "1978," and inserting after "fiscal years" the following: ", and $5,000,000 for fiscal year 1984, and for each succeeding fiscal year ending prior to October 1, 1987,".

TITLE II—PROTECTION OF SERIOUSLY ILL NEWBORNS

ADVISORY COMMITTEE ON SERIOUSLY ILL NEWBORNS

SEC. 201. (a) There is established within the Department of Health and Human Services an advisory committee on seriously ill newborns which shall conduct a comprehensive study of decisionmaking procedures in health care facilities involving the medical management of seriously ill newborns, and make certain recommendations, as required under section 2.

(b) The advisory committee shall be comprised of fifteen members appointed by the Secretary of Health and Human Services (hereafter in this title referred to as the "Secretary") as follows:

(1) Two employees of the Department of Health and Human Services.

(2) Five members of the general public who are distinguished in the fields of law, medicine or ethics, as such disciplines apply to decisionmaking procedures involving seriously ill newborns.

(3) Three individuals selected on the basis of written nominations submitted by national organizations, which persons are broadly representative of the hospital industry, medical and nursing professions, one of whom shall be a medical doctor.

(4) Five individuals selected on the basis of written nominations submitted by national organizations, which individuals are broadly representative of handicapped, parents of handicapped, and other individuals concerned with the care and treatment of seriously ill newborns.

(c) Members of the committee who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the committee compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

REGULATIONS

SEC. 202. (a) No later than six months after enactment of this title, the committee shall—

(1) conduct a comprehensive study of local decisionmaking procedures involving the medical management of seriously ill newborns within health care facilities including childrens' hospitals and tertiary care centers;

(2) based on such study, make recommendations concerning appropriate procedural mechanisms to be utilized by health care facilities which treat seriously ill newborns; and

(3) issue a report on its recommendations which shall be submitted to the Secretary.

Within sixty days after receiving the report the Secretary shall transmit such report to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives together with such comments as the Secretary may deem appropriate, including whether the Secretary accepts the recommendations of the committee.

(b)(1) Not later than one hundred and twenty days following receipt of the committee's report, the Secretary shall publish in the Federal Register proposed regulations, if deemed necessary by the Secretary, for the establishment of local decisionmaking procedures within each health care facility as to medically indicated treatment of a seriously ill newborn, which shall at a minimum require that all seriously ill newborns be provided relief from suffering in-

cluding feeding, and medication for pain and sedation as appropriate.

(2) The Secretary shall conduct a rulemaking proceeding on such proposed regulations in accordance with section 553 (b) and (c) of title 5, United States Code.

(c) Regulations prescribed under subsection (b) shall provide that failure by a hospital to comply with such regulations shall result in the loss of Federal financial assistance, including payments made under titles XVIII and XIX of the Social Security Act, to the hospital until it complies with such regulations.

(d) Nothing in this title shall be construed to authorize the prescription of standards of medical care by the Secretary, or other governmental entity, except to the extent such standards implement or interpret other laws or regulations.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that the following Senators be added as cosponsors to the amendment in the nature of a substitute: Senators GRASSLEY, RANDOLPH, JEPSEN, HUMPHREY, CHAFEE, KASTEN, and GOLDWATER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, distinguished colleagues, I have requested these next few minutes in order to commend to your attention an urgent matter directly affecting the welfare of many Americans. These Americans are the children of our country—infants, toddlers, youngsters, and teens. Today we will consider and, I hope, pass S. 1003, the Child Abuse Prevention and Treatment and Adoption Reform Act which reaffirms our national commitment to prevent and treat the insidious threat of child abuse. This legislation further reaffirms our support for children, precious children whose needs for loving families will be met through the adoption provisions of this important legislation.

Last year, Senator DENTON and I, along with several other Senators, introduced S. 1003, the Child Abuse Prevention and Treatment and Adoption Reform Act. Our purpose in doing so was to insure the continuation and improvement of many already established and successful Federal programs which fund child abuse prevention and treatment and adoption.

This bill was important then. It is critical today. I recently learned from the National Child Abuse Coalition that statistical reports of abused and neglected children continue to climb each year, with over 1 million reported cases of children abused annually. Between 1967 and 1982, the number of reported cases rose by 120 percent.

We now know about the reality of child abuse—that the victims of abuse at home turn into the children who run away from home, who are often pulled into prostitution and pornography, and who suffer from drug and alcohol abuse. I am talking about the 80 to 90 percent of our Nation's male prison population who were abused as children, the children of parents who were themselves abused as children. Given what we now know, we cannot afford to ignore the importance of prevention. Not when we have within our grasp legislation which can stem the suffering and turn the tide once again in favor of all that is good, true, and enduring about family life in our country.

We as Senators have an obligation to serve the needs of all Americans, and those needs must include the children pleading for a permanent home and family. The Census Bureau reports that as many as 100,000 children are legally free for adoption. These are children who are adoptable, but who remain in foster care and institutions due to various public and private barriers coupled with a lack of awareness of the part of potential parents. The majority of these children have special needs. These are children with physical, emotional, and mental handicaps; they are children who have already reached school age. They are children of varied races; children with brothers and sisters who want to retain their identity. And as children, they have a basic right as well as a fundamental need for a permenent, secure, and loving home.

In my own home State of Utah, I have become aware of many couples who have included in their families children with special needs. I would like to share with my colleagues one story from United Press International. It concerns a couple in Pleasant Grove, UT, Aaron and Bonnie Card, who have adopted 12 children. The are the natural parents of 10 children and have been foster parents, of 12. In every day of their lives, this family is a living expression of perfect love and charity, and without even trying, they serve as our national community's beacon for the homeless and downtrodden who wander in search of that which is best about the human spirit.

The Cards were named "Utah Family of the Year," and the justification for their selection as recipients of this commendation is obvious. The UPI article describes the Card family, saying:

When the Cards, who were named "The Utah Family of the Year" last year, go out in their 15-seat van, people ask them what club or troop they are, said Mrs. Card, 65.

"When we had our third homemade child, as we call them, we had a very strong feeling that we should reach out and gather an orphaned child," Mrs. Card said.

All of the adopted children are special-needs children—children who are difficult to place because they are minorities, are over 6 years old, are handicapped or have been adopted and then rejected by other foster parents.

The family includes youngsters from India, Samoa, Mexico, and Guatemala, two brothers from Texas and a Navajo girl.

Several of the children have "had experiences that are very sad, very traumatic, and yet you've got to bring them in and make a family unit," said Mrs. Card.

Their daughter from India, Rina, adopted last summer, was living as a beggar in Calcutta.

Their Korean daughter, Trin La Chere, now 16, remembers her father taking her to another man's house. That man took her on a bus ride and lost her in Seoul. She ate out of garbage cans until she was taken to an orphanage.

Mrs. Card contended that "nobody has to work very hard in a big family."

She has organized the children to help with the housework. "People have the idea that when you have a big family, you have to have a messy house," she said. "You can have it as clean and pretty and nice as you want it."

Mr. Card was a public school teacher for 24 years and is now an administrator with the Mormon Church Educational System. The family income is modest, and the children know "they're limited to certain activities because of the financial situation."

"There are a lot of people out there trying to figure out why we're doing it," said Mrs. Card. "Some say it's to bring glory and honor. It sure is a hard way to get glory and honor."

Not everybody accepts racially mixed families, she added. Once a man approached her at church and accused her of "polluting the blood around here."

Some people who want to adopt are even jealous of the Cards. But Mrs. Card said, "there are still plenty of children out there. If you want them, you've just got to pay the sacrifice. There are 150,000 special-needs children in America alone."

Let us hope that S. 1003, with the increased authorization level, will raise the awareness of all Americans about our need to place adoptable children into permanent homes.

Our discussions today will have an immediate bearing on the dramatic and difficult decisions regarding the treatment of disabled infants born with life-threatening conditions. On June 26, I, along with Senators DENTON, DODD, NICKLES, CRANSTON, and KASSEBAUM, presented an alternative in the form of an amendment that, I believe, is a reasonable solution to the"Baby Doe" portion of our bill. I am pleased to offer this amendment which is intended to provide protection for newborn handicapped infants. I am pleased to offer this amendment which is intended to provide protection for newborn handicapped infants.

At this time, I would like to extend my sincere appreciation to Senator DENTON for his leadership on this issue. He brings to the Senate Labor and Human Resources Committee an incomparable commitment to achieving better ways to assure that these children have an opportunity for life, liberty, and happiness. I would also like to thank Senators DODD, CRANSTON, NICKLES, and KASSEBAUM, for their continued commitment to children in assisting in the development of this entire legislative package, and especially the "Baby Doe" portion. Fur-

ther, I want to thank many organizations who have been willing to develop what I regard as landmark legislation protecting the rights of handicapped children.

At this time, in addition to expressing my deep and heartfelt gratitude to the Senators who worked closely with me on the "Baby Doe" compromise; Senators DENTON, DODD, CRANSTON, NICKLES, and KASSEBAUM, I would like to express a similar gratitude to the staff and organizations who worked so hard to make this compromise possible. I would like to thank: David Yensen of Senator DENTON's staff; Marsha Renwanz of Senator DODD's staff; Susanne Martinez and Jon Steinberg of Senator CRANSTON's staff; Laura Clay of Senator NICKLE's staff; Susan Hattan of Senator KASSEBAUM's staff; Susan Arnold of Senator STEVENS' staff; Wes Clark, Debbie Curtis, and Andrea Young of Senator KENNEDY's staff; Rick Valentine of Senator EAST's staff; and Debbie Turner, Nancy Taylor, and Steven Grossman of my own staff.

Among the many individuals and organizations, I would like to particularly thank: Jan Carroll and Doug Johnson of the National Right to Life Committee; Jack Bresch of the Catholic Hospital Association; Paul Marchand of the Association of Retarded Citizens; Alex Calcagno, Ann Weisman, and Stephan Lawton of the American Academy of Pediatrics; Doug Badger of the Christian Action Council; Patti Goldman of the American Hospital Association; Tom Birch of the National Child Abuse Coalition; and Martin Gerry.

As I earlier stated, we as Americans recognize the inherent responsibility of adults to ensure the physical, mental and emotional well-being of children and young adults. We would never abandon a child injured in an accident. We aggressively protect children from adults who would abuse them. Why is it then that any of us would turn our backs to those children born seriously ill, but for whom medical care today offers the gift of life? Our legislation reassures this commitment. I urge immediate adoption of this amendment, numbered 3385.

Now I turn to my second amendment which strikes section 107 from S. 1003. All States receiving funds under the Child Abuse and Neglect Prevention and Treatment Act must have in place systems for the reporting of abuse and the provision of proper medical care.

There are families in the United States who, as a matter of religious belief, rely on spiritual means for healing. Most of these people are responsible citizens who love their children and respect public authority. They are not members of what is popularly called "cults," and they have exemplary records as citizens and as parents.

Should such families, when their children are sick, be automatically reported to the authorities? Should such parents be totally exempt from public scrutiny and governmental regulation of their health needs because of their religious convictions? Most Americans would say "no" to both these questions. Somewhere in between lies the balancing point between the inherent rights of family and religion on the one hand, and the protection of health standards for childen on the other.

In drafting S. 1003, efforts were made to include a section addressing these sensitive issues, but the various interested parties have not reached an accord. In the interest of not impeding progress on this legislation, I am withdrawing the so-called "savings provision." I do not wish it to be assumed, however, that the problems dealt with in section 107 have been solved or will be forgotten.

More study needs to be directed on the matter of children whose parents, in the exercise of religious freedom, choose for then a responsible method of spiritual treatment. I urge the groups who have expressed interest in section 107 to continue refining the ideas that have been put forward. The National Center for Child Abuse and Neglect should review the regulations under the child abuse and neglect programs to assure that they are giving due consideration to parents, children and State law dealing with this aspect of religious freedom. I urge adoption of this amendment.

Finally, I would like to commend Senators STEVENS for his valuable and appreciated work to develop a consensus on programs addressing the issue of family violence. Each of us is deeply committed to taking whatever action is proper and effective to end this social aggression against those who should be most loved and cherished. Family violence is for the most part a disease, as well as a crime. In the past, it was often endured but kept secret. Today, through more extensive education, family violence is no longer a secret. And now, having been brought to the public's attention, it has become a matter of social concern; and society has demanded a response.

President Reagan agrees. On September 19, 1983, he directed the Attorney General of the United States to develop a task force on family violence. Chaired by Lois Harrington, the task force has traveled our Nation in search of the root causes of family violence and to encourage local efforts to prevent and treat the abusers as well as the victims. Some of what they learned in conjunction with the Department of Justice can be summarized as follows:

Battery is the single major cause of injury to women in America, according to a National Institute on Mental Health study.

Seventeen percent of all murders involve family relationships and 8.2 percent involve husband/wife [FBI].

Reluctance of victims to report incidents is a major difficulty in assessing extent of family crime.

Family violence victims generally are more hurt and humiliated than outraged.

Victims often do not want their attacker punished; they simply want the violence to stop.

Inadequate methods of recording these crimes at local, State and national levels also contribute to difficulty in measuring extent of family crime.

Definitions of abuse, measures of severity and enforcement policies vary widely among local law enforcement and protective services agencies.

Murder is the only crime for which the relationship between the offender and victim is recorded.

Arrest data is the only indication of family-related offenses, nonsupport, neglect, desertion, and abuse. Unreported incidents cannot be measured, and reported incidents that do not result in arrest are not recorded.

Basic assumptions about family violence may no longer be valid. For example, a recent study by National Institute of Justice indicates that the most effective intervention in domestic violence cases may be arrest and overnight incarceration.

This contradicts the popular belief and law enforcement practice of mediation and referral to counseling.

Arrest for family-related offenses are down 24 percent between 1973 and 1982.

The amendment Senator STEVENS is offering is in the spirit of compromise. The amendment varies in several significant ways from a domestic violence bill of 1980. Basically, it establishes a demonstration authority to provide funds for immediate shelter and other related programs in accordance with existing State laws. Significant money is earmarked for research as well as training for law enforcement officers. It also includes a requirement for a Federal/State match. As I have said, I endorse its passage as an essential part of the critically important legislation to which it is attached.

At this time, I would like to draw special attention to two leaders in Utah who provide valuable services to prevent abuse and treat victims of family violence. Mrs. Betty Tatum is director of the Utah YWCA program providing shelter and other services to victims of family violence. She continues to generate both financial and community support for her nationally recognized program. Also, I would like to commend the fine work of Ann Curran, director of the Spouse Abuser Treatment Program. The mission of this program is to develop and expand an effective service model for the pur-

pose of intervening with spouse abusers and violent couples to achieve the long-term cessation of violence. Both these programs have been very successful. I salute both of these individuals for raising the public awareness of the various methods of obtaining local support.

At this time, I ask unanimous consent that a letter of support from the Secretary of Health and Human Services, Mrs. Margaret Heckler, for S. 1003 and Senate amendment 3385 be included in the RECORD. Secretary Heckler should be commended for her leadership on behalf of the Reagan administration in supporting the compromise legislation addressing the needs of handicapped newborn infants. I also ask unanimous consent that a letter from the National Right to Life Organization be included in the RECORD as well as letters from the National Child Abuse Coalition and the Christian Action Council which urge prompt enactment of S. 1003.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, July 26, 1984.

Hon. ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of July 18 requesting the Department's views on amendment No. 3385 to S. 1003, I wish to assure you that the Administration continues to support statutory language to create a focus on the needs of disabled infants with life-threatening conditions. I always have been, and continue to be, a committed advocate of protecting the rights of handicapped infants.

With regard to amendment No. 3385, I commend you and your colleagues for your leadership in developing compromise langauge which will help parents, with the advice of their doctors, to ensure that proper decisions are made about the treatment of seriously ill newborns. We support amendment No. 3385 and urge you to bring S. 1003, the "Child Abuse Prevention, Treatment and Adoption Reform Act amendments of 1984", to the floor promptly so that this important legislation can be signed into law.

The Office of Management and Budget has advised that there is no objection to the transmission of this report from the standpoint of the Administration's program.

Sincerely,

MARGARET M. HECKLER,
Secretary.

NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
Washington, DC, July 24, 1984.

Senator ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: Earlier this month, The Washington Times publishing an illuminating five-part series on infanticide by Pulitzer-winning journalist Carlton Sherwood. Sherwood quoted Dr. Gunter Dybwad, an internationally respected authority on handicapped issues, as saying: "In a city the size of metropolitan Washington, you could reasonably expect at least one 'Baby Doe' case a week. There have been some published reports which put the yearly figure in the U.S. at about 5,000—but that, in my view, would be conservative."

Dr. Dybwad's statement underscores the urgency of immediate decisive action by Congress to protect handicapped newborns.

The National Right to Life Committee participated in the lengthy and difficult negotiations which last month produced the "Baby Doe" amendment which you have now sponsored as Printed Amendment No. 3385. Janet Carroll of our Legislative Office staff tells me that your representatives, Nancy Taylor and Debbie Turner, played very positive roles during those arduous negotiating sessions.

We believe that the agreed-on amendment will go far towards curbing the practice of denying ordinary medical treatment, and even food and water, to handicapped infants on the basis of subjective, non-medical, "quality-of-life" judgments. The amendment explicitly states that physicians are not required to provide treatment which would "merely prolong dying" or "otherwise be futile in terms of the survival of the infant," provisions which are fully consistent with NRLC's position on this issue.

Some senators have expressed concerns regarding extensive federal involvement in the "Baby Doe" area. Your amendment places the primary responsibility for investigating these cases in the hands of state authorities. If the provisions of the amendment are properly applied, federal intervention would be a last report and unnecessary in most cases.

We believe that Section 504 of the Rehabilitation Act, properly construed, provides substantial protection for the civil rights of handicapped newborns. However, the U.S. Court of Appeals for the Second Circuit recently ruled that Congress "never contemplated" that Section 504 would apply "to treatment decisions involving defective newborn infants."

It is our hope that this judgment will be reversed by the Supreme Court. If not, it may be necessary to amend Section 504 at some future date. While Amendment 3385 does not attempt to address the Section 504 issue directly, enactment of the amendment would send a message to the courts that Congress intends that handicapped infants receive medically indicated treatment, and that such treatment should not be denied on the basis of non-medical factors.

As you know, the Baby Doe amendment has been endorsed by most of the major pro-life, disability-rights, and medical organizations—although not, unfortunately, by the American Medical Association. Agreement between these diverse groups was achieved with great difficulty, and the coalition is somewhat fragile. If action on the Child Abuse Act is further postponed, the chances for enactment of satisfactory Baby Doe language may be sharply diminished.

NRLC regards immediate enactment of the Baby Doe amendment as an urgent necessity. We understand that there are other amendments to the Child Abuse Act which are controversial, and that there is therefore some resistance to bringing the bill to the floor. We hope that in weighing these considerations, you will recognize the paramount importance of immediate Senate approval of the Baby Doe language—preferably this week.

In closing, may I express my deep appreciation for the leadership role which you have played, and continue to play, on the right-to-life issues. The unborn and newborn children of America are fortunate to have an advocate of your stature, skill, and dedication.

Respectfully submitted,

DAVID N. O'STEEN,
Executive Director.

NATIONAL CHILD ABUSE COALITION,
Washington, DC, July 24, 1984.

Hon. ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Child Abuse Coalition let me express our appreciation for your efforts in reaching an agreement on the Baby Doe provisions in S. 1003.

The future of the federal child abuse program has been mired too long in the controversy over Baby Doe. With the compromise settled it is time now to move ahead with passage of the authorizing legislation for the National Center on Child Abuse and Neglect. Your concern and leadership and the hard work of your staff have freed the legislation for the vote of support it deserves on the Senate floor. We encourage your efforts now to achieve the prompt passage of S. 1003.

Thank you for your attention and keen interest in the welfare of children. We look forward to working with you toward enactment of S. 1003.

Sincerely,

THOMAS L. BIRCH,
Legislative Counsel.

Sen. ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are most appreciative of the work that you, Senators Cranston, Dodd, Denton, Kassebaum and Nickles have done to achieve an historic agreement on the Baby Doe amendment to S. 1003, the Child Abuse Prevention and Treatment Act.

This extraordinary compromise has won the support of an array of divergent groups representing the medical community, as well as advocates of the rights of the disabled and pro-life organizations.

Senator Hatch, you and the other sponsors of this provision are to be applauded for taking this significant step in assuring that disabled newborns are not denied medically necessary treatment. Every American who is involved in working to secure basic rights for the unborn and for disabled citizens owes you a profound debt of gratitude.

Sincerely,

W. DOUGLAS BADGER,
Legislative Director,
Christian Action Council.

Mr. HATCH. I urge my colleague to support S. 1003 and the attached amendments and ask for its immediate consideration.

Madam President, I am happy to yield to the distinguished Senator from Alabama.

Mr. DENTON. Madam President, I thank my distinguished chairman of the Labor and Human Resources Committee.

Madam President, as the prime sponsor of S. 1003 I am pleased that at

last this important bill is before the Senate.

Madam President, along with Senators HATCH and GRASSLEY, I introduced S. 1003 on April 6, 1983. You can imagine how pleased I am that the legislation has finally come before the Senate for consideration. S. 1003 would reauthorize the Federal Child Abuse Prevention Program and the Federal Adoption Opportunities Program through fiscal year 1987.

Child abuse is a national tragedy, and there is no doubt that its traumatic effects linger long after the bruises heal. The Subcommittee on Family and Human Services, which I chair, has heard sobering testimony about the prevalence of child abuse and about the mental and physical scars it leaves.

I do not believe for a minute that merely reauthorizing funding for the Federal Child Abuse Prevention Program will solve the tragic problem in this country. Indeed, after serving as chairman of the Subcommittee on Family and Human Services for 3 years and addressing a myriad of problems involving family and human services, I find that many of our programs are addressing symptoms rather than causes. Simply put, we are facing a fundamental crisis: the values of love and respect for the dignity of other human beings and for the institution of marriage are declining. Tragically, the brunt of the crisis is being borne disproportionately by the most innocent and vulnerable members of our society, our children.

Developing realistic policies to reverse the trend toward familial dissolution will take both time and renewed commitment to traditional values. In the interim, child abuse will continue, and more and more children will suffer from it. The programs authorized to be funded under the bill seek to help both the children and the parents who abuse them. Some organizations funded under the program, like Parents Anonymous, have impressive records in treating abuse while keeping the family unit intact. I sincerely hope that extending the authorization of the Federal Child Abuse Program will enable effective programs to continue, spur new prevention initiatives, and spare many children the misery of child abuse.

The bill also would increase the authorization for the Federal Adoption Opportunities Program. That program seeks to facilitate the adoption of so-called hard to place children, those who, because of age, race, or handicap, are more difficult to place than healthy infants and who often languish in the foster care system for years without knowing the joy of a permanent home and parents. There are loving couples who are waiting to adopt them; the problem has been one of matching those couples with adoptable children. Through its operation of the Adoption Exchange Network, the program seeks to expedite the matching process. Hundreds of children have been successfully placed since 1981, and I hope that the increased authorization will enable the placement of many more.

In addition, Madam President, Senator HATCH will offer an amendment to prevent the withholding of medically indicated treatment from infants born with mental or physical impairments. Hearings I chaired in April 1983 revealed that there are numerous cases where handicapped infants have been denied treatment for correctable impairments, and there have been widely publicized instances where handicapped infants did not receive medically indicated treatment, were denied food and water, and died.

Those events aroused justifiable concern across this country. Disability rights groups, prolife groups, and national medical organizations have all engaged in the debate about how best to deal with the complex and emotional issue. I believe that the amendment to be offered today, which Senators DODD, NICKLES, KASSEBAUM, CRANSTON, and I have joined as cosponsors, offers a sensible approach to the issue. It is the result of months of negotiation among Senate staff and with representatives of medical, disability, and prolife organizations. It is supported by 21 organizations.

The amendment encourages the establishment, within health care facilities, of committees to educate hospital personnel and the families of disabled infants, to recommend institutional policies and guidelines about the withholding of medically indicated treatment from disabled infants, and to offer counsel and review in cases involving those infants.

The amendment also would require each State to have in place, within its State child protective services system, procedures or programs to respond to reporting of instances of withholding medically indicated treatment. The procedures must include authority, under State law, for the State child protective services system to pursue legal remedies to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

Additional funds would be authorized to train child protective services personnel to respond effectively to reports of medical neglect, and the Secretary of Health and Human Services would be authorized to make grants to develop and implement information and education programs to improve the provision of services to disabled infants and their families.

The amendment seeks to ensure that all available information about the disabling condition and about services available to the child and the parents is made available to the physician and the family. I am confident that the approach embodied in the amendment does not intrude unduly in the practice of medicine, yet provides protection to handicapped infants.

I want sincerely to thank the original cosponsors of the amendment—Senators HATCH, CRANSTON, NICKLES, DODD, and KASSEBAUM—and the representatives of the organizations that participated in the negotiations leading to the agreement. The negotiations were long and often frustrating. Compromises were offered and accepted by all parties, and the negotiations were carried out in good faith. I believe that the final compromise is a very good one, and that it will go far in preventing the withholding of medically indicated treatment from handicapped newborn infants.

Finally, Madam President, there will be an amendment offered by Senator STEVENS to authorize funding for demonstration programs to prevent family violence and to conduct research into its causes. I know that the issue caused controversy in this body in 1980. I was not a Senator in 1980 and therefore did not participate in that debate, but I do know that the amendment to be offered by my distinguished colleague from Alaska is substantially different from the measure proposed in 1980. I must confess, however, that I still have serious reservations about authorizing additional Federal funding for domestic violence programs at this time.

Additional information about the causes and solutions of the problem of family violence has emerged recently. As Senators know, the President's task force on domestic violence is scheduled to release its report in September. The task force spent many months holding hearings on the problem at various locations across the country. I believe that it would be prudent to review the recommendations of the task force before authorizing new Federal funds.

In addition, there are numerous Federal programs currently in operation that address the problem of domestic violence, as well as State and local programs. It makes sense to me that we should attempt better to coordinate the ongoing efforts before we authorize new expenditures.

Madam President, bringing the bill to the floor required a delicate compromise. The domestic violence amendment still troubles me, but a majority of my colleagues believe that it is proper to consider it at this time. Although I do not favor the amendment, I will not attempt to prevent the Senate from considering it. I believe that it is more important for us to act on S. 1003.

In sum, I hope that the Senate will act promptly on this important bill so that it can be signed into law.

Briefly, bringing this legislation before the Senate required delicate compromise. The negotiations leading to this agreement were long and often frustrating but were carried off in good faith. I would like to thank my chairman, Senator HATCH, and the ranking member, Senator KENNEDY, Senator DODD, and the other Senators who have actively participated in these negotiations on S. 1003.

I congratulate the staffs of all involved and hope that S. 1003 will be passed and enacted promptly into law.

Mr. DODD. Madam President, will the Senator yield?

Mr. HATCH. I am happy to yield.

Mr. DODD. Madam President, we now address one of the most pressing problems facing this country today; namely, the abuse and neglect of our Nation's children.

Madam President, I commend my colleague from Utah, Senator HATCH, my colleague from California, Senator CRANSTON, my colleague from Alabama, Senator DENTON, my colleague from Oklahoma, Senator NICKLES, my distinguished colleague from Kansas, Senator KASSEBAUM, and all others for joining me in the hard-fought efforts to bring this child-abuse reauthorization to the floor before the August recess.

Working closely with a wide range of organizations we have been able to resolve the controversies which had previously impeded Senate consideration of this child-abuse legislation for so very long.

We have put together what we think is an effective package in this regard.

Given the virtual epidemic of child abuse now confronting this Nation, I urge my colleagues to join us in passing S. 1003 without delay and accompanying compromise amendments related to first, family violence, and second, the care of disabled infants with life-threatening conditions.

CHILD-ABUSE REAUTHORIZATION

First and foremost, the bill before us restores essential funding for child-abuse prevention and treatment programs. The authorization levels had been cut virtually in half during action on the Omnibus Reconciliation Act of 1981. I am particularly indebted to Senator HATCH, the distinguished chairman of the Labor and Human Resources Committee, for accepting my provision to restore this critical funding. Given skyrocketing abuse rates, such restoration is needed now more than ever before.

At a recent forum of the Senate Children's Caucus, I cochair, witnesses verified that childhood sexual victimization is dramatically on the rise. By even the most conservative estimates, a child is sexually abused someplace within this country every 2 minutes. Since 1980, the number of suspected child-sexual-abuse victims in my State of Connecticut has increased by over one-fifth. And, between 1982 and 1983, reported cases in the State of Maine increased by 126 percent.

The budget actions of 1981 abolished any separate funding for sexual-abuse prevention, identification, and treatment programs. This reauthorization restores that funding. Given that childhood sexual abuse can cause victims to run away and fall prey to prostitution, or alcohol and drug abuse, the funding is returned none too soon.

Social service agencies from my State of Connecticut across to California have also reported an alarming upsurge in cases of physical abuse and neglect. Yet more disturbing is the news that in the last year alone, the death rate from such acts of violence in many States has soared by more than 40 percent. In Connecticut, the number of children dying as a result of abuse tripled between 1930 and 1982. In Utah, the number quadrupled.

Likewise, nonfatal instances of abuse and neglect have skyrocketed. A 2-year study conducted in Wisconsin showed that in counties with the highest unemployment rate, cases of child abuse jumped by more than 70 percent. Other studies have demonstrated that children whose parents are unemployed are now three times more likely to suffer physical abuse than those whose parents have jobs.

At the same time that the rate of child abuse is soaring, budget cuts have forced States to restrict services. Some local agencies say they are unable to investigate abuse cases involving children over age 12, due to lack of staff and funds. Restoring Federal funding for service improvement grants will help sorely overtaxed agencies cope more effectively with ever-increasing caseloads.

In short, Madam President, this reauthorization is an important step toward ensuring that abused younger Americans or those in danger of abuse will not be ignored or forgotten. To do any less for the one out of every three Americans who are children not only seriously jeopardizes their future, but that of the Nation as well.

I am pleased to cosponsor the compromise amendments accompanying this reauthorization of the Federal Child Abuse Prevention and Treatment Act. Both were arrived at after exhaustive discussions and negotiations with organizations representing a broad spectrum of concerns. I applaud these organizations and the Senate staff who worked with them for their diligent efforts to reach responsible and workable compromises.

FAMILY VIOLENCE AMENDMENT

Like child abuse, family violence is a problem which is reaching crisis proportions in this country. Between 1980 and 1982, shelters offering emergency refuge to battered spouses reported a 50-percent increase in the incidence of such assaults. Organizations such as the Junior Leagues and the YWCA who sponsor shelters tell us they cannot accommodate an astounding 80 percent of all those who need immediate refuge. And the FBI reports that 4 out of every 10 women in this country who are murdered are victims of domestic violence.

Shelters represent an essential means of preventing spouse abuse. Law enforcement officials from across the country agree that the incidents of family violence diminish after a victim has visited a shelter. A top priority must be given to assisting shelters to operate if we are to have any serious effect in preventing and coping with emergencies posed by domestic violence.

The compromise amendment offered by Senator STEVENS today moves in the right direction by establishing family violence as a problem which we can no longer wait to address. I commend Senators CRANSTON, KENNEDY, and STEVENS for their leadership and long-term commitment to addressing the problem of family violence. I would have favored stronger provisions to cope with the pressing issue of domestic violence, in line with my previous cosponsorships of bills introduced by Senator KENNEDY and Senator STEVENS. However, I am pleased we have worked out a compromise measure with Senators HATCH and DENTON and thank them for their cooperation.

CASE OF DISABLED INFANTS WITH LIFE-THREATENING CONDITIONS

Last but not least, I must emphasize again my appreciation for the hard work of everyone involved in reaching the compromise on the provision of care to disabled infants with life-threatening conditions. I am deeply grateful to the Rossow family in Connecticut for their heartfelt efforts to see that the very best information and assistance is provided to the parents of such infants. I look forward to working with my colleagues and interested groups in strengthening such assistance in the future.

This compromise makes $5 million available for training and technical assistance to States over the next 4 fiscal years with respect to establishing procedures to investigate cases of medical neglect involving such infants. Such assistance will come none too soon for solely understaffed, overtaxed child protective service systems.

In summary, Madam President, the compromise amendments have made it possible for the underlying child-abuse legislation to be brought to the floor. This package restores critical funding for the prevention and treatment of child abuse. I urge my colleagues to support it as a means of helping us meet the national crisis posed by the physical and sexual victimization of our Nation's young people.

Madam President, in closing I want to express my sincere appreciation for the tremendously fine efforts of all Senate staff involved in deliberations on the child abuse legislation. Their work exemplifies the very best spirit of bipartisanship.

The staff worked incredibly long hours over many months and never gave up hope of reaching a compromise. The persistence of staff in refusing to let the child abuse bill die is a lesson for us all. The staffs' dedication, along with that of the representatives of the many outside organizations involved, serves the one-third of the American public who are children, well indeed.

Having previously commended the organizations for their contribution, I would like to take this opportunity to single out the Senate staff. I would like to thank Susanne Martinez and Jon Steinberg of Senator CRANSTON's staff; Debbie Turner, Nancy Taylor, and Steven Grossman of Senator HATCH's staff; David Yensen of Senator DENTON's staff; Laura Clay of Senator NICKLE's staff; Susan Hattan of Senator KASSEBAUM's staff; Wes Clark, Andrea Young, and Debbie Curtis of Senator KENNEDY's staff; Susan Arnold of Senator STEVEN's staff; and Marsha Renwanz of my own staff.

Madam President, by acting to reauthorize this child abuse legislation, the Senate takes an important step toward breaking the tragic cycle of abuse in this country. I call for immediate enactment of this legislative package.

AMENDMENT NO. 3420

(Purpose: To provide for the coordination of Federal programs involving incidents of family violence, to provide demonstration grants for the prevention of incidents of family violence, and for other purposes)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER [Mr. GARN]. The clerk will report. The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. STEVENS, Mr. ANDREWS, Mr. KENNEDY, Mr. CRANSTON, Mr. DODD, Mrs. HAWKINS, Mr. BOSCHWITZ, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. RIEGLE, Mr. COHEN, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. COCHRAN, proposes an amendment numbered 3420.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

On page 22, after line 20, add the following new title:

TITLE III—FAMILY VIOLENCE PREVENTION PROGRAM

SHORT TITLE

SEC. 301. This title may be cited as the "Family Violence Prevention Act."

COORDINATION OF PROGRAMS

SEC. 302. The Secretary shall coordinate all programs within the Department of Health and Human Services, and seek to coordinate all other Federal programs, which involve the prevention of incidents of family violence and the provision of assistance for victims and potential victims of family violence and their dependents.

DEMONSTRATION GRANTS AUTHORIZED

SEC. 303. (a) The Secretary is authorized to make demonstration grants to public agencies and private nonprofit organizations (including religious and charitable organizations and voluntary associations) in any State that have the capacity to administer, or are administering, family violence prevention programs. Such grants shall be made on the basis of applications submitted under subsection (b) and approved by the Secretary for the cost of programs designed to carry out one or more of the following purposes:

(1) To prevent incidents of family violence, including the provision of immediate shelter and related assistance to victims of family violence and their dependents.

(2) To conduct research into the causes of family violence, and into prevention, identification, and treatment thereof, including research into the effectiveness of (A) involving law enforcement personel in responding to incidents of family violence, (B) State procedures for the removal from the household of the abusing spouse, (C) arrest of the abusing spouse, and (D) referral to drug and alcohol treatment programs or other therapy programs for the abusing spouse.

(3) To train personnel in the conduct of programs for the prevention and treatment of family violence.

(4) To prepare local and State law enforcement personnel for the handling of incidents of family violence.

(b) No demonstration grant may be made under this section unless the public agency or private nonprofit organization submits an application to the Secretary at such time, in such manner, and containing or accompanied by such matter as the Secretary determines reasonably necessary.

(c) In approving applications submitted under subsection (b) of this section, the Secretary shall—

(1) assure that there is an equitable distribution or assistance both with respect to States and between rural and urban areas;

(2) give priority to applications from applicants in communities currently without family violence prevention programs or which can demonstrate that current services or programs are inadequate to meet the needs of the community;

(3) assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under this title, and assure that the address or location of any shelter-facility assisted under this title is not made public except by written authorization of the person or persons responsible for the operation of such shelter; and

(4) not make a grant under this section in any fiscal year to any single entity for an amount in excess of $50,000 unless the Secretary, in exceptional circumstances, determines that a grant in a greater amount is necessary.

(d) Nothing in this title shall be construed to supersede the application of State or local requirements for the reporting of incidents of suspected child abuse to the appropriate State authorities.

NATIONAL CLEARINGHOUSE ON FAMILY VIOLENCE PREVENTION

SEC. 304. (a) The Secretary shall operate a national information and research clearinghouse on the prevention of family violence (including the abuse of elderly persons) in order to—

(1) collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance to victims of family violence and their dependents; and

(2) provide information about alternative sources of assistance available with respect to the prevention of incidents of family violence and the provision of immediate shelter and related assistance to victims of family violence and their dependents.

(b) The Secretary shall assure that the activities of the national information and research clearinghouse operated under subsection (a) are coordinated with the information clearinghouse maintained by the National Center on Child Abuse and Neglect under section 2 of the Child Abuse Prevention and Treatment Act.

PAYMENTS

SEC. 325. (a)(1) From the amounts appropriated and available for demonstration grants under section 308, the Secretary shall pay, in accordance with the provisions of this title, the Federal share of the costs of programs described in the applications approved under section 303.

(2) The Federal share shall be—

(A) 65 percent in fiscal year 1985,

(B) 45 percent in fiscal year 1986, and

(C) 35 percent in fiscal year 1987.

(3) the non-Federal share of demonstration grants under this title may be in cash or in kind, fairly evaluated, including but not limited to planning expenses, plant, equipment, and services.

(b) Demonstration grants made under section 303 may be paid in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

ADMINISTRATIVE PROVISIONS

SEC. 306. (a) The Secretary shall appoint an employee of the Department of Health and Human Services to carry out the provisions of this act. The individual appointed under this subsection shall, prior to such appointment, have had expertise in the field of family violence prevention and services.

(b) In order to carry out the provisions of this title, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as are necessary;

(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

(3) prescribe such regulations as are necessary; and

(4) enter into contracts, grants, or other arrangements, or modifications thereof that are necessary to carry out the provisions of this title.

DEFINITIONS

SEC. 307. As used in this title—

(1) the term "Secretary" means the Secretary of Health and Human Services;

(2) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the

Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(3) the term "related assistance"—

(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

(B) may include food, clothing, child care, transportation, and emergency services (but not reimbursement for any health-care services) for victims of family violence and their dependents; and

(4) the term "shelter" means the provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

AUTHORIZATION OF APPROPRIATIONS

SEC. 308. There are authorized to be appropriated to carry out this title $5,000,000 for fiscal year 1985, $15,000,000 for fiscal year 1986, and $15,000,000 for fiscal year 1987. Of the amounts appropriated pursuant to this section for each such year, not less than 50 percent shall be available for demonstration grants made under section 303(a)(1) in such year.

Mr. HATCH. Mr. President, this amendment is offered on behalf of Senator STEVENS and others.

Basically, Mr. President, it involves a family violence amendment that I think everybody on the floor is aware of.

Mr. STEVENS. Mr. President, today I propose an amendment supported by my colleagues on both sides of the aisle which addresses a situation that touches more individuals than we have cared, in the past, to think about: the problem of violence between Family members. I am pleased that the Senator from Utah [Mr. HATCH] has accommodated our interest in including these provisions in the child abuse bill, as statistics show that child abuse, and the manifestation of violent and abusive behavior in adulthood, are intimately linked. Research has identified a vicious cycle of the abused becoming the abuser, and so on, and I believe the family violence prevention and services program authorized by our amendment will contribute to the breaking down of this cycle of abuse. For too many years, because of ignorance, shame, or simply indifference, we have neglected to address the variety of difficulties and tensions posed by acts of violence such as wife battering and abuse of the elderly. Now, in communities across the country, programs and projects have sprung up to assist victims of family violence and to try to prevent future violence. Private, nonprofit organizations and voluntary associations such as the Junior Leagues, Family Service America, Catholic Charities, the YMCA, and local networks of emergency shelters and safe homes, have taken on the task of providing emergency assistance and developing prevention services for those plagued by the problem of violence within the family. These community-based efforts have succeeded in elevating this issue in our collective national conscience: The Attorney General's Task Force on Family Violence, the Bureau of Justice Statistics, and national magazines such as Time have all focused special attention in the past year on the problem of family violence and the fact that it appears to be on the rise in this country. The program proposed in the amendment before us today, while not as comprehensive a program as proposed in my original family violence prevention and services bill, S. 2430, will offer a helping hand to organizations and projects already involved in the effort of family violence prevention and services or seeking to expand into it. I believe this is a timely proposal; the need for increased attention to the problem in order to understand and prevent it is highlighted as follows in the Bureau of Justice Statistics Special Report on Family Violence:

We hope this report will encourage an open discussion of a problem that has been handled with secrecy in the past. Only when more victims are willing to talk about their experiences will we be able to develop accurate measures of this problem and begin as a society to develop effective solutions.

The recognition and support implied by increased Federal attention to the phenomenon of family violence is an essential step in the process outlined by the BJS report, and the proposal before us today is an important first step in this direction. I'd like to share with my colleagues a sample of the kind of testimony received by the Attorney General's Task Force on Family Violence which further emphasizes the point made in the BJS special report. What follows was submitted to the task force by a victim of spouse abuse in Homer, AK:

"Here is how things were.

I was always afraid. Even when things were going well I had an inner terror, knowing things could snap at any time.

What is it like to be under someone's control?

It's being afraid to stay too long in the outhouse; I know he would be angry, ask me what took so long. It's being afraid to glance at someone on the street. I knew he would accuse me of wanting to go to bed with them.

And friends? Forget them too. He didn't like them.

I tried so hard to be perfect. Funny thing though. The requirements of perfection were constantly changing. People told me I was a wonderful mother, a great cook and did more hard work than anyone they knew. Somehow, though, to him I was a lazy bitch. I gradually started to believe what he told me, that I was a stupid, lazy, worthless woman just like all other women. Deep down I knew this wasn't true, but I was too tired to argue. I knew he would always win. So I did what I was told. I became a nonperson, a robot, desperately trying to keep one step ahead of the program. But it didn't matter, the black eyes, the broken teeth, bruises, scratches, and sexual abuse kept coming.

Do you really want to know what it was like? The hot white flash that comes with the first blow? The feeling of being trapped. The desperate hope held out against all hope. 'Maybe things will be different, maybe he will change, maybe I'll finally do enough to please him so he won't get so angry.'

The look of horror in your children's eyes when they see you covered with blood? The look of horror in your eyes when you see the blood from your torn vagina pouring down your legs? When I found courage to leave it's amazing I could still think at all. I had been brainwashed for so long. Finding women's service was like finding a match in the dark. I was amazed to find, through counseling and literature, that I was not alone in my experience. I had never talked about it to anyone.

Making the smallest decision seemed impossible. But I received support and gained confidence to come to my own decisions about my life.

Seven months later I feel like a real person again. I know that I have special qualities and strengths, and that I can contribute something to others. I am a better person. Maybe I could have done it on my own, but it's a lot easier to find your way with a light."

It was this victim's contact with the South Peninsula Women's Services in Homer that proved the turning point in her life, and I would like to know that all victims of abuse have such an opportunity. That is why I have proposed to add to the child abuse bill a title that would direct funds to programs and projects similar to those provided by the South Peninsula Women's Services.

Not only did South Peninsula Women's Services provide a refuge and shelter from life-threatening attacks of abuse, but they provided an environment of support, offered counseling and legal assistance, and enabled this victim to become a functioning individual making informed choices and decisions, rather than an isolated and incapacitated recipient of violence and abuse. The State of Alaska makes grants which help support a network of emergency shelters such as South Peninsula Women's Services all around the State, from downtown Anchorage to Bethel, Nome, Barrow, and Dillingham. The services offered clients, in addition to emergency shelter, include alcohol and drug information and counseling, employment assistance, education and health information, and legal assistance. Several programs of therapy and counseling for batterers are also underway in my State and have some record of success, although this is an area in which techniques for the prevention of future incidents are still emerging. Clearly, these shelters are providing essential services to Alaskan communities; services that not only play a role in crisis intervention, but assist in preventing future crises, and incidents of violence and abuse. As a resource in the com-

munity, the services they provide are an integral aspect of an ongoing effort in my State to address this problem, an effort which also includes modifications and additions to the State civil and criminal codes to enhance the rights of victims in cases of family violence and the training of law enforcement officials who are called on to handle incidents of violence within families. It is this kind of comprehensive approach to the problem of family violence that I am hopeful the amendment we are offering today will help to move along in communities across the country.

I would like to thank my colleagues who have joined me in developing this proposal—Senators CRANSTON, KENNEDY, and DODD, each of whom has a history of commitment and involvement in promoting activity on this area. The support of the other cosponsors of this amendment—Senators HAWKINS, BOSCHWITZ, ANDREWS, MURKOWSKI, DURENBERGER, LAUTENBERG, MOYNIHAN, RIEGLE, HART, COHEN, RANDOLPH, MATSUNAGA—is also appreciated. I commend Senator HATCH's efforts which have succeeded in bringing this bill to the floor; his willingness to take on the issue of family violence prevention and services is much appreciated. Senator DENTON's consideration and effort was also instrumental, and I would like to thank him for his interest and concern. Violence between family members affects all of us in the damage it inflicts on this fundamental unit of our society. I believe it is incumbent upon us to speak out, and to act, in order to understand, prevent, and control this terrible problem.

Mr. MATSUNAGA Mr. President, I rise in support of the amendment offered by the senior Senator from Alaska, Senator TED STEVENS, to S. 1003, the Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983.

As an original cosponsor of Senator STEVENS' bill (S. 2430) which authorizes a 3-year $65 million block grant to enable States to support community-based projects which serve family violence victims and their dependents, I fully recognize the need for such prevention and services programs.

When H.R. 1904, the companion bill of S. 1003, was considered by the House of Representatives on February 2, 1984, it was amended by a vote of 367 ayes to 31 noes to include the $65 million State domestic violence funding as similarly provided by S. 2430. It is my hope that the Senate, by passing this family violence prevention and services amendment, will recognize and address one of the most serious problems facing our Nation today.

Senator STEVENS' amendment provides modest funding, $35 million over 3 years, for demonstration grants awarded by the Secretary of Health and Human Services to local service and research projects. At least 50 percent of these funds must be used to assist programs which provide immediate shelter and related services to victims of family violence. The remainder of funds would support personnel training, research into prevention and treatment of domestic violence, and improvements in law enforcement efforts in this area.

The family violence amendment is a consistent extension of the child abuse program to assist other family members who suffer from similar acts of violence. In recent years, abuse at home has escalated. Battery is currently the prime cause of injury to women, more significant than auto accidents, rapes, or muggings. Approximately 40 percent of all women killed are beaten to death annually, and about 10 percent of all men killed are murdered by their mates. Furthermore, shelter programs for abused wives report that an increasing number of residents are children in need of services. Children exposed to violence of parent against parent frequently exhibit a wide range of behavioral and emotional problems and often grow up to inflict violence on their own children and spouses—or become victims themselves. Many dependent elderly individuals live in fear of abuse at the hand of their adult children.

While the Federal Government has been slow to respond to this tragic social problem, State and local communities have taken action—There are over 500 community shelters across the country. In my State of Hawaii there is a shelter on each of the major islands—Oahu, Maui, Kaui, and Hawaii. In addition, a minister shelters victims in her home on Molokoi. The shelter on Oahu was established nearly 10 years ago in 1975. Together with a network of other nonprofit and public agencies, they have formed coalitions to assist family violence victims. Many States have also strengthened their laws to ensure better protection of domestic violence victims. Community and public education programs have been created, crisis hotlines established, and training implemented to improve intervention within criminal justice, medical, and social service agencies. Importantly, counseling and education programs for abusers, as well as family counseling, have been developed with the aim, where appropriate, to unify and rehabilitate a family torn by violence.

We must provide these community initiatives the necessary resources and encouragement on the Federal level. It is imperative that we combine our efforts to break the cycle of violence that is passed on from generation to generation within much too many families.

Mr. President, to preserve the all-important family unit of our great society, I urge my colleagues to join in support of this most essential family violence prevention and services amendment.

Mrs. HAWKINS. Mr. President, I rise today to express my strong support for family violence legislation.

The American family is one of this Nation's greatest assets. Yet, it is under attack, buffeted by domestic pressures and internal violence. The force and power of this assault is little known; the magnitude of family violence is poorly perceived by the general public and even by those in positions of responsibility.

Statistics highlight the scope of the problem. Each year, between 2 an 5 million women are battered in family disputes; 40 percent of these incidents remain unreported to the police. And those that are reported are often dealt with poorly, leading to an escalation of violence that sometimes spills over into dangerous rampages. In this vein, it becomes clear why 40 percent of all murdered women die at the hands of family members or boyfriends and why 40 percent of all police injuries occur during investigations of domestic disputes. Family violence is not limited to a few slaps or bruises; it is a dangerous malignancy that strikes at the root of societal stability.

This is true because, tragically, family violence only breeds more violence. A victim of abuse often becomes an abuser later in life. Unfortunately, incompetent and brutal parents still serve as role models for impressionable children. The victim becomes the abuser and the cycle of pain rolls on through the successive generations. And tragically again, there are now millions of children who are being transformed into the abusers of the future. Authoritative sources suggest that 6.5 million children are abused each year and 1.7 million are severely battered. While these figures are probably underestimated, they indicate that there are millions of children being battered today who are the heir to the legacy of abuse tomorrow. It is our duty to do all we can to break this tragic cycle of pain.

However, there are many obstacles to solving the problems of family violence. The clanish nature of the family, the difficulties of prevention and counseling programs, and the reluctance to report these familial assaults are all barriers to erecting an effective violence prevention system. Indeed, there is another problem that excacerbates violence and stymies community help. Alcohol is this new element; it is the grease that helps spin this cycle of pain. It is the omnipresent variable that turns a minor incident into murderous intent. Alcohol is often the solace victims turn to after an attack, but it is not a solution to the problem. Indeed, it is a root cause. Any program that attempts to mini-

mize family violence must also strike at this national problem of alcohol addiction.

Mr. President, we have reached a point where family violence is no longer a thinly spread social phenomena; it is a disease that afflicts millions of homes and all generations. I believe that this legislation is an important first step in the fight to end this national nightmare. Another key element in this battle will be the report of the Attorney General's Task Force on Family Violence. I eagerly await the report as another part of our efforts to break this cycle of violence. I urge all my colleagues to join me in this important and vital task.

Mr. KENNEDY. Mr. President, I strongly urge my colleagues to support the Stevens-Kennedy domestic violence amendment. This amendment is a bipartisan effort to respond to the need in our society for services to prevent domestic violence and provide assistance for the victims of domestic violence.

While a compromise from my original bill, this bill will provide badly needed funds for the grassroots movement to assist the victims of spousal abuse. Support for shelters, which provide emergency services to victims of domestic violence, counseling and community education, remains a priority.

This legislation is a modest response to a tremendous need. When I introduced my domestic violence bill well over 1 year ago women's groups had been lobbying for such legislation for many years. Under Senator CRANSTON'S leadership the Labor and Human Resources Committee reported a domestic violence bill in the last Congress.

For over a decade, women and men in the shelter movement have provided emergency relief for victims of spousal abuse, conducted community education campaigns to increase our awareness of this problem and provided counseling for all the victims of family violence. Through their persistence, dedication and commitment of the persons in the shelter movement we can no longer ignore the painful reality of family violence. Recognition is the first step to stopping the cycle of family violence.

All across the country, State and local governments, community organizations and women's groups have recognized the need for assisting the battered spouse; 700 shelters and safe homes exist today as a result of these efforts; 44 States have enacted new legislation to provide some kind of help to the battered spouse through direct grants or technical assistance. Although thousands of families are served each year by these programs, shelters are forced to turn away three times the number of people they serve. In my own State of Massachusetts 26 shelters receive State assistance in combination with local and private contributions. Last year 15 of these shelters were forced to deny services to over 2,500 family units due to lack of space.

Access to domestic violence shelters is often the only resource for these families. It is imperative that we provide the necessary resources and encouragement on the Federal level to existing shelters and incentive for new shelters to be established so that families will no longer find these doors closed to them. This is even more urgent now, as States find themselves forced to cut back on funds for social services due to decreasing Federal grants and the rising costs of the recession. The stress on families due to the disastrous rise in unemployment has dramatically increased the incidence of wife and child abuse.

The House of Representatives passed domestic violence legislation at the beginning of the session. Volunteers, privately supported organizations, local governments, and victims of domestic violence across this country are awaiting action by this body. The American family is our greatest resource. We must be willing to make them our highest priority.

Mr. HATCH. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3420) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3421

(Purpose: To provide for the inclusion in State child protective services system of provision for responding to reports of the withholding of medically indicated treatment from disabled infants with life-threatening conditions)

Mr. HATCH. Mr. President, on behalf of myself and Senators DENTON, DODD, CRANSTON, NICKLES, and KASSEBAUM, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. DODD, Mr. DENTON, Mr. CRANSTON, Mr. NICKLES, and Mrs. KASSEBAUM proposes an amendment numbered 3421.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, reserving the right to object, will the Senator please explain what the amendment is?

Mr. HATCH. Mr. President, this amendment involves a very extensive compromise worked out over an extensive period of time with the distinguished Senator from Connecticut, the distinguished Senator from Alabama, the distinguished Senator from California, and others, all of whom deserve a great deal of credit for working together and trying to resolve this very difficult issue.

The PRESIDING OFFICER. Is there objection to dispensing with the reading?

Mr. LONG. I object until I have heard an explanation of it, Mr. President.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 11, beginning with line 11, strike out all through line 2 on page 12. On page 12, line 3, strike out——

Mr. LONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, beginning with line 11, strike out all through line 2 on page 12.

On page 12, line 3, strike out "(c)" the first time it appears and insert in lieu thereof "(b)".

On page 12, line 8, strike out "SEXUAL ABUSE".

On page 12, lines 10 and 11, strike out "title" and insert in lieu thereof "Act" in both places.

On page 12, lines 14 and 15, strike out "comma and the word 'and' " and insert in lieu thereof "semicolon".

On page 12, line 24, strike out the end quotation marks and the period the second time it appears and insert in lieu thereof a semicolon and "and".

On page 12, after line 24, insert the following:

"(3) the term 'withholding of medically indicated treatment' means the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment, (A) the infant is chronically and irreversibly comatose; (B) the provision of such treatment would (i) merely prolong dying, (ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or (iii) otherwise be futile in terms of the survival of the infant; or (C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.".

On page 13, strike out line 10 through line 17 and insert in lieu thereof the following:

"$32,500,000 for fiscal year 1984, $39,000,000 for fiscal year 1985, $40,500,000 for fiscal year 1986, and $42,000,000 for fiscal year 1987 to carry out the provisions of this Act. Of the sums appropriated for each fiscal year, $9,500,000 shall be available in each fiscal year to carry out the provisions of section 4(b)(1) of this Act, relating to State grants, $4,000,000 shall be available in each such year for identification, treatment, and prevention of sexual abuse, and $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 4(c) of this Act (as amended by section 201 (c)(2) of the Child Abuse Prevention and Treatment and Adoption Reform Act).".

On page 14, line 25, and page 15, line 1, strike out "infants at risk with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 15, lines 11 and 12, strike out "infants at risk with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 16, lines 20 and 21, strike out "infants at risk with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 17, lines 9 and 10, strike out "children with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 19, beginning with line 9, strike out all through line 20 on page 22 and insert in lieu thereof the following new title:

TITLE II—SERVICES AND TREATMENT FOR DISABLED INFANTS

SEC. 201. (a) Section 4(b)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5103(b)(2), hereinafter in this title referred to as "the Act") is amended by—

(1) striking out "and" at the end of clause (I);

(2) striking out the period at the end of clause (J) and inserting in lieu thereof a semicolon and the word "and"; and

(3) inserting after clause (J) the following new clause:

"(K) have in place for the purpose of responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the state child protective services system), to provide for (i) coordination and consultation with individuals designated by and within appropriate health-care facilities, (ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), and (iii) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.".

(b) Section 4(b)(3) of the Act is amended by striking out "and (F)" and inserting in lieu thereof "(F), and (K)".

(c) Section 4 of the Act is further amended by—

(1) redesignating subsection (c) as subsection (d), subsection (d) as subsection (e), and subsection (e) as subsection (f); and

(2) inserting after subsection (b) the following new subsection (c):

"(c) The Secretary is authorized to make additional grants to the States for the purpose of developing, establishing, and operating or implementing—

"(1) the procedures or programs required under clause (K) of subsection (b)(2);

"(2) information and education programs or training programs for the purpose of improving the provision of services to disabled infants with life-threatening conditions for (i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities, and (ii) the parents of such infants; and

"(3) programs to help in obtaining or coordinating necessary services, including existing social and health services and financial assistance for families with disabled infants with life-threatening conditions, and those services necessary to facilitate adoptive placement of such infants who have been relinquished for adoption.".

REGULATIONS AND GUIDELINES

SEC. 202. (a)(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services (hereinafter in this title referred to as the "Secretary") shall publish proposed regulations to implement the requirements of section 4(b)(2)(K) of the Act (as amended by section 201(a)(3) of this Act).

(2) Not later than 100 days after the date of the enactment of this Act and after notice and opportunity for public comment, the Secretary shall publish final regulations under this subsection.

(b)(1) Not later than 60 days after the date of the enactment of this Act, the Secretary shall publish interim model guidelines to encourage the establishment within health-care facilities of committees which would serve the purposes of educating hospital personnel and families of disabled infants with life-threatening conditions, recommending institutional policies and guidelines concerning the withholding of medically indicated treatment from such infants, and offering counsel and review in cases involving disabled infants with life-threatening conditions.

(2) Not later than 150 days after the date of the enactment of this Act and after notice and opportunity for public comment, the Secretary shall publish the model guidelines.

REPORT ON FINANCIAL RESOURCES

SEC. 203. The Secretary shall conduct a study to determine the most effective means of providing Federal financial support, other than the use of funds provided through the Social Security Act, for the provision of medical treatment, general care, and appropriate social services for disabled infants with life-threatening conditions. The Secretary shall report the results of the study to the appropriate Committees of the Congress not later than 270 days after the date of the enactment of this Act and shall include in the report such recommendations for legislation to provide such financial support as the Secretary considers appropriate.

TRAINING, TECHNICAL ASSISTANCE, AND CLEARINGHOUSE ACTIVITIES

SEC. 204. The Secretary shall provide, directly or through grants or contracts with public or private nonprofit organizations, for (1) training and technical assistance programs to assist States in developing, establishing, and operating or implementing programs and procedures meeting the requirements of section 4(b)(2)(K) of the Act (as amended by section 201(a)(3) of this Act); and (2) for the establishment and operation of national and regional information and resource clearinghouses for the purpose of providing the most current and complete information regarding medical treatment procedures and resources and community resources for the provision of services and treatment for disabled infants with life-threatening conditions.

STATUTORY CONSTRUCTION

SEC. 205. (a) No provision of this Act or any amendment made by this Act is intended to affect any right or protection under section 504 of the Rehabilitation Act of 1973.

(b) No provision of this Act or any amendment made by this Act may be so construed as to authorize the Secretary or any other governmental entity to establish standards prescribing specific medical treatments for specific conditions, except to the extent that such standards are authorized by other law.

(c) If the provisions of any part of this Act or any amendment made by this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATES

SEC. 207. (a) Except as provided in subsection (b), the provisions of this Act or any amendment made by this Act shall be effective on the date of the enactment of this Act.

(b)(1) Except as provided in paragraph (2), the amendment made by section 201(a)(3) of this Act shall become effective one year after the date of such enactment.

(2) In the event that, prior to such effective date, funds have not been appropriated pursuant to section 5 of the Act (as amended by section 104 of this Act) for the purpose of grants under section 4(c) of the Act (as amended by section 201(c) of this Act), the Secretary may grant to any State which has not met the requirements of section 4(b)(2)(K) of the Act (as amended by section 201(a)(3) of this Act) a waiver of such requirements for a period of not more than one year, if the Secretary finds that such State is making a good faith effort to comply with such requirements.

Mr. HATCH. Mr. President, I have agreed to explain this amendment for the benefit of our colleagues on the floor and in particular the distinguished Senator from Louisiana.

The amendment would require States to have procedures to respond to reports of instances of withholding medically indicated treatment from disabled infants.

Such procedures would provide for coordination and consultation with designated individuals and hospitals, notification of such cases, and authority for child protective services to

invoke legal proceedings to prevent withholding of treatment to disabled infants.

The questions most often asked are answered best by the joint explanatory statement by the principal sponsors of the compromise amendment. The statement was placed into the RECORD on Friday, June 29, 1984. I ask unanimous consent that that joint explanatory statement be printed in the RECORD.

There being no objection, the joint explanatory statement was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT BY PRINCIPAL SPONSORS OF COMPROMISE AMENDMENT REGARDING SERVICES AND TREATMENT FOR DISABLED INFANTS

This explanatory statement is a product of the six principal sponsors of this compromise measure: Senators HATCH, DODD, DENTON, CRANSTON, NICKLES, and KASSEBAUM. It is their intention that this statement serve in lieu of a Committee report on the compromise agreement and thus be the definitive legislative history in the Senate on it. Any remarks of individual Senators, including the principal sponsors, on this legislation express only their personal views and do not, therefore, constitute authoritative interpretation or explanation of the measure.

The provisions of the amendment are discussed below:

AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

The amendment would add a new clause (K) to section 4(b)(2) of the Child Abuse Prevention and Treatment Act (hereinafter referred to as "the Act"). Section 4(b)(2) authorizes grants to carry out child abuse prevention and treatment programs to be made to States which meet the requirements of the Act.

New clause (K) would require States which participate in the State grant program to have in place procedures and/or programs (within the State child protective service system) for the purpose of responding to the reporting of medical neglect, including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions. The new clause specifies that these procedures and/or programs will provide for (i) coordination and consultation with individuals within appropriate health care facilities who have been designated by such health-care facilities, (ii) prompt notification by such individuals to the child protective services system of cases of suspected medical neglect, including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions, and (iii) the authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

The term "withholding of medically-indicated treatment" is defined (in a new definition to be added to section 3 of the Act) as the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment, (A) the infant is chronically and irreversibly comatose; (B) the provision of such treatment would (i) merely prolong dying, (ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or (iii) otherwise be futile in terms of the survival of the infant; or (C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane. The use of the term "inhumane" in exception (C), above, is not intended to suggest that consideration of the humaneness of a particular treatment is not legitimate in any other context; rather, it is recognized that it is appropriate for a physician, in the exercise of reasonable medical judgment, to consider that factor in selecting among effective treatments.

Under the definition, if a disabled infant suffers from more than one life-threatening condition and, in the treating physician's or physicians' reasonable medical judgment, there is no effective treatment for one of those conditions, then that infant is not covered by the terms of the amendment (except with respect to appropriate nutrition, hydration, and medication) concerning the withholding of medically indicated treatment.

The term "infant" as used in this definition is intended to mean infants less than one year of age although it may include older infants who have been continuously hospitalized since birth, who were born extremely prematurely or who have long-term disabilities. The reference to less than one year of age is not intended to imply that treatment should be changed or discontinued when an infant reaches one year of age. Nor is it intended to affect or limit any existing protections available under State laws regarding medical neglect of children over one year of age.

The reference to "reasonable medical judgment" of the treating physician or physicians means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

With respect to the procedures and/or programs to be utilized to comply with the requirements in new clause (K), the Act now requires States which receive funds under section 4(b)(2) to provide certain mechanisms for the reporting of abuse or neglect cases. The same reporting mechanisms and standards set forth in the Act and existing regulations would be applicable to the reporting of cases of medical neglect covered under new clause (K).

Similarly, the Act now requires the appointment of a guardian *ad litem* for children involved in judicial proceedings relating to abuse or neglect. This provision would be applicable in judicial proceedings with respect to cases under new clause (K).

The Act and regulations also now already require States receiving funds under section 4(b)(1) to take appropriate steps to protect the health and welfare of abused or neglected children, including instituting legal proceedings. The new clause (K) includes specific statutory reference to the authority to institute legal proceedings only because questions have occasionally been raised about the authority of particular child protective services agencies to take such actions in cases involving withholding of medically-indicated treatment from disabled infants with life-threatening conditions. Under new clause (K), States have the flexibility to determine the specific agency or agencies within their child protective services systems, to exercise that authority. State authority to utilize other agencies, in addition to the child protective services system, for these purposes would be unaffected by the legislation.

ADDITIONAL GRANTS TO STATES

The amendment (in section 201(c)(2)) would add a new subsection 4(c) to the Act to authorize the Secretary to make additional grants to the States for the purposes of developing, establishing, and operating or implementing (1) the procedures or programs required under the new clause (K), (2) information and education programs or training programs (for the purposes of improving the provision of services to disabled infants with life-threatening conditions) for professional and paraprofessional personnel concerned with the welfare of such infants, including personnel employed in child protective services programs and health-care facilities, and for parents of such infants, and (3) programs to help obtain or coordinate necessary services, including existing social and health services and financial assistance for families with disabled infants with life-threatening conditions as well as those services necessary to facilitate adoptive placement of such infants who have been relinquished for adoption.

REGULATIONS AND GUIDELINES

The amendment (in section 202) would direct the Secretary, within 90 days of the date of enactment, to publish for public comment proposed regulations to implement the requirements of the new clause (K), and to publish final such regulations within 180 days after enactment.

It also would direct the Secretary to publish, within 60 days after enactment, interim model guidelines to encourage the establishment within health-care facilities of committees which would serve the purposes of educating hospital personnel and families of disabled infants with life-threatening conditions, recommending institutional policies and guidelines concerning the withholding of medically indicated treatment from such infants, and offering counsel and review in cases involving disabled infants with life-threatening conditions. Not later than 150 days after the date of enactment and after notice and opportunity for public comment, the Secretary would be required to publish the model guidelines.

REPORT ON FINANCIAL RESOURCES

The amendment (in section 203) would require the Secretary to conduct a study to determine the most effective means of providing Federal financial support other than the use of funds provided through the Social Security Act, for the provision of medical treatment, general care, and appropriate social services for disabled infants with life-threatening conditions and report the results of such study to the appropriate committees of the Congress not later than 270 days after the date of enactment. The report to the appropriate Committees would also be required to contain such recommendations for legislation to provide such financial support as the Secretary considers appropriate.

TRAINING, TECHNICAL ASSISTANCE, AND CLEARINGHOUSE ACTIVITIES

The amendment (in section 204) would direct the Secretary to provide, directly or through grants or contracts with public or private nonprofit organizations, for training and technical assistance programs to assist states in meeting the requirements of new clause (K) and for establishing and operating national and regional information and resource clearinghouses to provide the most current and complete information regarding medical treatment procedures and resources and community resources for services and treatment for disabled infants with life-threatening conditions. The funds to carry out these activities would be provided from the funds, other than those funds made available for basic States grants under section 4(b)(1), otherwise available to the Secretary to carry out activities under the Act (meaning the Child Abuse Prevention and Treatment Act).

STATUTORY CONSTRUCTION

The amendment (in section 205) would provide that no provision of or any amendment made by the Act is intended to affect any right or protection under section 504 of the Rehabilitation Act of 1973.

It would also provide that no provision of or any amendment made by the Act may be construed to authorize the Secretary or any other governmental entity to establish standards prescribing specific medical treatments for specific conditions, except to the extent that such standards are authorized by other laws.

It would also contain a standard severability provision in the event that a particular provision of or any amendment made by the Act is declared unconstitutional by a court.

AUTHORIZATION OF APPROPRIATIONS

The amendment (in section 206) would increase the authorizations of appropriations—from the levels in the bill as reported ($27 million for FY 1984, $34 million for FY 1985, $35.5 million for FY 1986, and $37.08 million for FY 1987)—under the Act by $5,000,000 for each fiscal year for the purpose of making the additional grants to the states to implement the provisions of new clause (K) and to establish the information and education and training programs and the programs to help obtain or coordinate necessary services for disabled infants with life-threatening conditions authorized under the new section 4(c).

The amendment would retain the earmark contained in S. 1003 as reported of $9,500,000 in each fiscal year for the carrying out of the provisions of section 4(b)(1), relating to basic state grants and $4,000,000 in each fiscal year for identification, treatment, and prevention of sexual abuse.

It is the firm intention of the sponsors that appropriations for the new section 4(c) program should be in addition to appropriations at the authorization levels contained in the amendment for the section 4(b)(1) basic state grant program and for the sexual abuse, identification, treatment, and prevention program and that neither of these existing programs should be reduced in funding in order to provide funds for the new section 4(c) program.

EFFECTIVE DATES

The provisions of the Act and amendments made by the Act would be effective upon the date of enactment, except that the amendment establishing new clause (K) as a requirement for participation in the state grant program does not become effective until one year after the date of enactment.

The amendment further provides that in the event that, prior to the clause (K) effective date, funds have not been appropriated pursuant to section 5 of the Act (as amended by section 104 of this Act) for the purpose of grants under new section 4(c), the Secretary may grant to any State which has not met the requirements of new clause (K) a waiver of such requirements for a period of not more than one year, if the Secretary finds that such State is making a good faith effort to comply with such provisions.

Mr. HATCH. Mr. President, I am happy to deliver a copy of that statement to the distinguished Senator from Louisiana.

Does the distinguished Senator have any other questions about it? I will be happy to go into detail, but I think that provides him with a basic explanation.

Mr. LONG. Will the Senator give me further explanation?

Mr. HATCH. Mr. President, let me give the Senator some more detail.

Mr. LONG. I am pretty much in the dark even now.

Mr. HATCH. If I may, I am happy to yield for further explanation to the distinguished Senator from Connecticut, who would like to respond to the distinguished Senator from Louisiana.

Mr. DODD. I thank my colleague for yielding.

I reiterate to my good friend from Louisiana that this has again been a very difficult and delicate process to go through because of the very strong feelings so many people have on the Baby Doe issue.

What the Senator from Utah, myself, and others have done is come up with a compromise that has six major features to it. Very simply, those features try to set up a process that will allow for a good decision. Mr. President, no one can sit back and tell you what that decision ought to be, but we want to make sure that when decisions are made we have gone through a process that will allow for a decision that will make sense.

Maybe those are not the proper words to use, but that is the purpose—so that we do not end up with this becoming a political football, as it has been in so many cases.

The six key elements of the Baby Doe compromise are:

First, it relies on existing State child protective services systems to respond to reports of medical neglect involving disabled infants with life-threatening conditions.

Second, it includes carefully crafted provisions to spell out the areas of concern regarding medical treatment for these infants.

Third, it relies very heavily on reasonable medical judgment as determinative factor in the decisionmaking process.

Fourth, it provides for coordination and consultation with designated individuals within health-care facilities to enhance that decisionmaking process.

Fifth, it authorizes the setting up of training and technical assistance programs to improve the provision of services to these infants—$5 million, which is not much.

Sixth, it authorizes the setting up of programs to assist the families of such infants in finding the necessary support services, including financial assistance. That is significant because caring for such infants can pose a serious financial burden to the parents.

Those are the six major features. It tries to bring together all of these elements in an intelligent way so that good decisions can be made in trying to resolve these problems.

Mr. HATCH. Will the Senator yield?

Mr. DODD. Again, I commend my colleague from Utah.

Mr. LONG. Mr. President, will the Senator please explain one matter to me? He made the statement that various organized groups concerned favored, I believe, this amendment other than the American Medical Association. Is the American Medical Association opposed to this matter?

Mr. HATCH. Let me mention, first, the groups that do support it. It is a broad group that are directly concerned with the welfare of the child and the family and the hospital and the doctor. These are the groups that support this amendment: American Hospital Association, Catholic Health Association, National Association of Children's Hospitals and Related Institutions, American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American Nurses Association, American College of Physicians, California Association of Children's Hospitals, Nurse Association of the American College of Obstetricians and Gynecologists, American Association of Mental Deficiency, Association for Retarded Citizens, U.S. Spina-Bifida Association of America, Downs-Syndrome Conference, People First of Nebraska, Association for Persons With Severe Handicaps, Disability Rights Center, Operation Real Rights, Christian Action Council, National Right to Life Committee, and the American Life Lobby.

The American Medical Association has not endorsed it.

Mr. LONG. Does the American Medical Association oppose it or are they just silent? What is their position about the matter?

Mr. HATCH. It is my understanding that they do oppose it, but all of the others support it.

Mr. LONG. Sometimes even one holding out might be right. Will the Senator explain to me, why is the American Medical Association opposed to the matter?

Mr. HATCH. I think the association does not want any type of definitive rules and regulations or definitive statutory language which puts any pres-

sure either way on this particular issue. I cannot speak for them. All I can say is that I think they think they are acting in the interests of their doctors. Yes, I believe most of the doctors who are concerned are totally for this. What I am saying is that they are acting in a very special interest way that they feel necessary but we feel is not proper under the circumstances.

As I understand it, the AMA does not like the definitiveness of this particular bill. They wanted a few words in the bill that at the negotiating table all the other organizations opposed. So it comes down to a classic confrontation by all the other organizations which deal with this problem and by the American Medical Association, which may deal generally but perhaps not as directly as these other organizations.

We feel they are wrong. We feel that this is a classic compromise and that this is the way to resolve it and that it will be resolved across the spectrum in this way. It is a reasonable compromise. We have worked very hard to put it together. It involved Senators and Representatives across the spectrum who have tried to bring this about. We feel that the American Medical Association is being unreasonable under the circumstances.

Mr. DODD. Mr. President, if the Senator will yield, in answer to the Senator from Louisiana, the pediatricians and the gynecologists, the physicians most directly involved in this issue, support the compromise. The American Medical Association, as an umbrella organization, has some problems with it, and I suspect it is like any professional organization.

There is probably some resentment because we have talked about other people being involved. The American Medical Association feels that only the doctors and the parents should be involved and everybody else should be excluded. It is part of their argument. I do not say that it is without merit, but to have something that does involve other people is not necessarily bad. The fact that the American Medical Association objects to some of the other people being involved is not enough for me to say that we should not adopt this compromise and get this issue behind us.

Mrs. KASSEBAUM. Mr. President, in response to the Senator from Louisiana, I want to say that I share some of the concerns he might have. I have given a great deal of thought and my staff has given a great deal of effort to this compromise. One does worry about excessive governmental intrusion in such a sensitive area. When parents are going through great agony and emotional trauma and medical personnel are doing everything possible to assist their decisions, the injection of another element—such as Government fiat—does become a real concern.

This proposal is the product of an effort to strike a balance and to develop a thoughtful and realistic approach to this difficult issue. The attempt was to meet, on balance, the various and diverse needs of family and doctors, as well as governmental interest in assuring there will be fair and equitable treatment for newborn infants.

Mr. LONG. Does the Senator from Kansas favor the amendment?

Mrs. KASSEBAUM. Yes. I am a cosponsor.

Mr. President, as I have said, I am a cosponsor of the compromise "Baby Doe" proposal now under consideration as an amendment to S. 1003, the Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983. I join Senators HATCH, DODD, DENTON, CRANSTON, and NICKLES in offering what I believe to be a well-balanced approach for dealing with the treatment decisions involving disabled infants with life-threatening conditions.

This proposal has the support of a broad coalition of medical, disability, and right-to-life groups. It is the product of months of discussion among representatives of these groups, Senate staff, and the cosponsors of the amendment. Arriving at this point has not been an easy undertaking. The issues involved are troubling and complex, and it is a tribute to the good faith and dedication of all involved that we are able to bring this proposal to the Senate floor.

My interest and involvement in this issue stem in large part from my heartfelt concern for the parents who find themselves in these unfortunate situations. I have been deeply troubled by news accounts of the way these situations have been handled, particularly during the period in which the intial HHS regulations in this area were in effect. Prominent signs posted in maternity wards advertising hot lines and the deployment of "Baby Doe squads" to local hospitals created an atmosphere which was inherently disruptive and confrontational. I was appalled at the concept of bringing the full force of State power to point an accusatory finger at parents who were attempting to do what they believed to be best under extremely trying and uncertain circumstances.

Experiencing the emotional shock of not having the healthy baby they expected, these parents are struggling to balance a faith in medical technology against the realities of painful and often uncertain prognoses. It is a disservice to these parents and the hospital personnel who attempt to assist their decisionmaking to imply that their love and concern for the child is in any way lessened by its disabling conditions. I was greatly relieved when the original regulations were discarded and replaced with a more reasonable approach placing greater emphasis on internal hospital review mechanisms. These regulations have since been struck down in court.

Reviewing the legislation approved by the House in this area, I became concerned that its ambiguity would open the door to a repetition of our experience with the original Federal regulations in 50 different State settings. In considering the situation, my reaction has been that an area involving so many complex and unique cases is really not amenable to a uniform Federal solution. In my mind, the more individualized responses available through hospital infant care review committees seem a more appropriate and workable solution. At the same time, I recognize that many issues surrounding the operation and function of such committees have yet to be resolved. As we gain more experience with them, I think we will find they are an extremely valuable and helpful mechanism.

Moreover, I found in the course of working with this issue that many were looking toward Government for guidance in the way of some kind of standard for dealing with the relatively new issues posed by technological advances. They expressed deep concern that sufficient information is not always available to guide parental decisionmaking and that mistakes were being made. One capacity of our democratic form of government is that of bringing together diverse viewpoints to mold public policies under which all can live.

Consequently, it seemed worthwhile to explore means by which government could play a role in clarifying and assisting the decisionmaking process. The negotiations associated with this effort offered its diverse participants an even deeper appreciation of the seriousness and complexity of the decisions involved.

The result we achieved is one which works through existing child protective services systems in calling for procedural mechanisms to deal with reported instances involving the withholding of medically indicated treatment from disabled infants with life-threatening conditions. It clarifies those instances which are and are not areas of potential medical neglect in such situations. It relies heavily on the reasonable medical judgment of physicians in determining appropriate treatment.

In addition, it acknowledges that the best possible information and support should be available to all involved through the authorization of training programs and of programs to assist families in obtaining supportive services. It also recognizes the important role which can be played by hospital committees by requiring the Secretary

of Health and Human Services to publish model guidelines encouraging their establishment.

On balance, I believe this is a thoughtful, realistic proposal which avoids excessive governmental intervention while assuring that the best interests of disabled infants will be served. It establishes an appropriate balance among all concerns.

I commend the efforts of all who spent countless hours over the past months in bringing us to this point. I urge my colleagues to join in supporting this amendment.

Mr. HELMS. Mr. President, I hope we can clear up a question that has arisen in my review of the proposed amendment relating to the withholding of medically indicated treatment for disable infants. Let me make an inquiry of my friend from Utah [Mr. HATCH], the original sponsor of this amendment.

Mr. HATCH. Mr. President, I would be happy to entertain a question from my friend from North Carolina.

Mr. HELMS. Am I correct in understanding the words "appropriate nutrition (and) hydration," as used throughout the amendment, are not meant to sanction outright denial of all nutrition and hydration but are intended only to affirmatively require appropriate nutrition and hydration in all cases? In other words, nothing in this amendment allows an infant to be denied nutrition and hydration?

Mr. HATCH. Yes; that is correct.

Mr. HELMS. Mr. President, I thank my able colleague from Utah.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 3421) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I agree with the intent in the minds of the drafters of this amendment—that is, that handicapped babies should not be put to death by withholding what amounts to ordinary medical care such as food, water, routine surgery, and so forth.

The problem is that this intent is not fully carried out, in my opinion, because of vague and ambiguous language, which may well be misconstrued in application—to the detriment of the very infants we seek to protect.

Therefore, Mr. President, I want the RECORD to show that I voted "nay" on this amendment.

Mr. ZORINSKY. Mr. President, I would like to concur with the views expressed by the Senator from North Carolina [Mr. HELMS], and I would like the RECORD to show that I voted against this amendment.

AMENDMENT NO. 3422

(Purpose: To strike the savings provision and add an implementation report)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself and Mr. KENNEDY proposes an amendment numbered 3422.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, strike out lines 9 through 16.

At the end of the bill add the following new title:

TITLE IV—REPORT

SEC. 401. Not later than October 1, 1987, the Secretary of Health and Human Services shall submit to the Congress a detailed report on the implementation and the effects of the provisions of the Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983 and the amendments made by it.

Mr. LONG. Is the Senator going to explain the amendment?

Mr. HATCH. Yes.

Mr. President, we have language in the bill that provided for a so-called "savings provision" which dealt with the interaction of the bill's provision with religious liberty. I have agreed to drop this provision out, at the request of its proponents because of the controversy surrounding it. In addition, as a completely separate part of the amendment and at the request of Mr. KENNEDY, there is added to the bill a requirement for an implementation study on the entire act.

Mr. LONG. Will the Senator explain what is being dropped from the bill?

Mr. HATCH. It allowed States to determine to what extent a religious exemption applies. The text that would be deleted from the bill (page 14, lines 9 through 16) reads as follows:

SAVINGS PROVISION

SEC. 107. The Act is further amended by adding at the end thereof the following new section:

"SAVINGS PROVISION

"SEC. 8. Nothing in this Act shall be construed to limit the right of a State to determine the health care and treatment a parent may provide his child in the exercise of the parent's freedom of religion.".

Thus, the first part of the amendment removes the savings provision that I had in this particular bill. It is a delicate issue, important particularly for its recognition of the rights of the Christian Scientists in our society, but one that cannot be resolved properly today and which is therefore being withdrawn from the bill to avoid unnecessary controversy. As I indicated in my opening statement, it is an issue on which the concerned parties will be continuing to talk in order to reach a satisfactory resolution.

Mr. DODD. I believe, as well, that there is a second provision in the amendment which would require that after 3 years, there would be an analysis of the bill we are now adopting. Even though I think good ideas have been incorporated, we will not know until they are tried. So there is language in there that suggests that we take a good, hard look at it to see if all initiatives are working, for example, the Baby Doe initiative. That is added to what the Senator from Utah has just explained. So there are two parts to the amendment.

Mr. HATCH. That is correct.

Mr. PERCY. Mr. President, I support Senator HATCH's call for active study of the problems faced by families who believe in healing through religious means. No one would suggest that society cannot under proper circumstances intervene to protect the lives of children who are gravely ill. However, their right to enjoy the free exercise of religion must be guaranteed to the fullest practical extent. Fortunately, most of those, such as Christian Scientists who under most circumstances decline orthodox medical treatment, are not hostile to medical practice and are law-abiding citizens.

I understand that State juvenile courts are dealing satisfactorily with this delicate issue. They will intervene and assure that medical services are provided where there is clear danger to a child's life or future health. I call on the professional and religious groups as well as the Department of Health and Human Services to continue their efforts to come to an understanding of the proper roles of parents and the State in this difficult area, building on the base of experience already laid in State courts.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 3422) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HAWKINS. Mr. President, I am delighted that the Senate is finally considering legislation to reauthorize the Child Abuse Prevention and Treatment and Adoption Act of 1984. Reauthorization of this act is essential in order to restore funding to this small but effective program. I believe that the limited Federal funds that the

Government allocates to combat this growing epidemic is woefully inadequate. But that is not to belittle the excellent programs funded under this act. Grants from the National Center for Child Abuse and Neglect make a critical difference in our efforts to prevent child abuse from ever occurring and to counsel and treat the victims of abuse to avoid a repeat of this terrible cycle of abused children growing up to be abusive adults.

In Florida, the Orlando Regional Medical Center has operated an excellent therapeutic program for sexually abused preschoolers called The Orange Playhouse, with a 3-year grant from NCAN. Another grant was given to Sacred Heart Hospital of Pensacola for a program to teach new parents parenting skills in order to avoid potential abuse and neglect. A mental health center in Hillsborough County received a grant to offer specialized treatment and counseling services for sexually and physically abused children in an attempt to help them deal with their severe emotional problems caused by the abuse. Funding for these prevention and counseling programs is essential. Studies have shown that abused children who do not receive treatment to deal with this trauma suffer irreparable harm that often results in them being abusive parents.

Various studies have indicated that a high percentage of individuals involved in prostitution, juvenile delinquency, and child abuse were themselves child abuse victims. A study by Dr. Mimi Silbert, a criminologist who runs the Delancy Foundation, a shelter for young prostitutes in San Francisco, indicated that 70 percent of the child prostitutes interviewed reported early sexual child abuse which affected their decision to engage in prostitution. A Boston University School of Law study determined that child abuse is a common ingredient in the backgrounds of many delinquents in the United States; 10 percent of children left in an environment with recurrent physical abuse will not survive that situation; 30 to 60 percent of children have severe mental, emotional or behavioral disturbances that don't seem to disappear in adulthood.

In my own State of Florida, the Florida Child Abuse Registry reports that 2.4 million children were reportedly abused or neglected in Florida last year—128 children incurred serious neurological damage due to the abuse, 564 were seriously scalded or burned, and 1,880 children were placed in foster care due to the physical abuse in their homes; 65 percent of Florida's children who were admitted to State mental hospitals had histories of abuse and neglect. In 1971, only 4,225 children were reported to this registry. This number has steadily grown to the 85,466 reported in calendar year 1982. I would like to think that this increase indicates only an improved reporting system, but all indications point to the sad fact that this situation of child abuse is indeed worsening.

Mr. President, I would like to take just a few minutes to praise the efforts of those Senators who are responsible for crafting the compromise on the sensitive issue of care of newborn handicapped infants that enables us to be considering this legislation today. Senators HATCH, DENTON, NICKLES, KENNEDY, DODD, and CRANSTON have dedicated long hours of negotiation which fortunately for us proved extremely fruitful. These Senators and their dedicated staffs deserve our praise and gratitude for developing a legislative compromise which achieves the delicate balance of providing protection for the rights of handicapped newborns without adversely affecting the relationship between patient and physician or disrupting the operation of a hospital.

I urge my Senate colleagues to enact this legislation without further delay. The abused and neglected children need our help and assistance now.

Mr. GRASSLEY. Mr. President, I rise in support of S. 1003 and commend the untiring efforts of all those who participated through the entire journey of this bill and to those who worked many late hours in the night to bring a fruitful resolution of the many concerns.

S. 1003 reauthorizes and amends the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. Child abuse is a national tragedy and when we pause and look at the statistics documenting the rapid increase in child abuse, we should be deeply concerned and appalled. This bill provides for the study of the National incidence of child abuse and neglect and makes more explicit the definition of what constitutes sexual abuse and provides funding for sexual abuse prevention and treatment.

I am also encouraged to see this bill emphasizing the promotion of special needs adoptions and the improvement of the Federal role in promoting adoption of children whose welfare is otherwise at risk.

Another important provision in this measure addresses the tragedy of the Baby Doe issue. An amendment to this bill ensures that State child abuse agencies which receive Federal funds, will incorporate procedures to enable them to handle incidences of medical neglect, such as we see occurring in major medical centers in this country. In the Bloomington, IN, case the child abuse agency was offered the right to defend Baby Doe, and they declined.

Pediatrics, October 1983 official Journal of the American Academy of Pediatrics, reported a program in which systematic neglect of spinabifida children was taking place. A cable news network series aired in February of this year and the subsequent Washington Times series from July 9–13, 1984, also exposed that program. I find the selective destruction of a handicapped child morally and ethically repugnant to our very way of life. Our Nation's commitment to equal protection under the law will have little meaning if we deny such protection to those who have not been blessed with the same physical or mental gifts that we too often take for granted. What would happen if necessary medical treatment were withheld from infants based on race, sex or creed? We must never allow a mind-set that arbitrarily determines the "quality of life" another may or may not have.

I am proud to be a cosponsor of this bill and of the "Baby Doe" amendment. I ask my colleagues to support this important and necessary legislation.

Mr. NICKLES. Mr. President, I am pleased to support S. 1003 and the amendments which are being offered to the bill today. This compromise package includes a significant increase in authorizations for the child abuse program, the creation of a demonstration program for those who are the victims of domestic violence, and a small sum of money that is set aside to help find homes for hard to place children. In addition, it includes the final product of long negotiations with medical, hospital, disability, and right to life organizations on language addressing the "Infant Doe" situation.

The statistics show an increase in reported cases of child abuse, including the abhorrent crime of sexual abuse of children. Whether this increase represents a change in society's attitude and openness toward reporting abuse cases or whether it represents an increase in the actual amount of child abuse occurring in our country, it has become apparent that the States are straining to keep up with the increased caseload.

This bill increases the authorization for Federal funding of State child abuse programs from $17 million in 1983 to $32.5 million in 1984, $39 million in 1985, $40.5 million in 1986, and $42 million in 1987. Of this money, $9.7 million is for State grants, $5 million is targeted for identification and treatment of sexual abuse, and $4 million is for States to carry out the new provisions relating to treatment of handicapped infants. It is my hope that this increase in funds will assist States in meeting the needs of those children and families who are victims of the tragedy of child abuse and neglect.

It is a known fact that there are many families in America who would like to adopt children. They often wait 1, 2, 3 or more years for infants and

sometimes just give up waiting. Unfortunately, however, there is another waiting list which is equally as dismal, and that is the list of children who are waiting to find permanent homes through adoption. Often these children fall into a category known as the hard to place kids. They may come from mixed racial backgrounds, have mild to severe disabilities, or serious behavioral problems. Sometimes it seems that they just fall through the cracks of the State child placement system or are regarded as a lower priority than placing those children who are more easily placed. Yet, programs such as "Wednesday's Child" which feature hard to place children on news programs have shown that there are homes for these children. I believe that more can be done to match these special children with special families. The legislation which is before us today has a small amount of money in it for that purpose. I will be most anxious to see what the results of this seed money are over the next several years.

Recently, I received a letter from a woman in Oklahoma who had been a victim of physical violence from her husband. As she told her story, I was both shocked and impressed—shocked that this is a reoccurring phenomenon in families throughout our country, and impressed at the fortitude of this woman and the way she has used her tragic experiences to help others. She has given her time and energies for a shelter—one that helped her and now helps many others like her.

Because of her letter and those that I received from other women in Oklahoma, I want to state my support for the seed money that is provided in Senator STEVENS, amendment for a new demonstration program for domestic shelters and services. It is my understanding that the social services block grant does allow for funding of domestic violence programs. However, not all States use their funds for this activity. The demonstration program which we are authorizing today is intended to be a temporary stimulant for States to act, as is evidenced by the matching component. For 1985, the Federal share is 65 percent of any program funded under this Federal initiative. In 1986, this decreases to 45 percent, and in 1987, it decreases again to 35 percent. This is consistent with my belief that this activity is primarily one for which States should assume responsibility. However, seed money is needed to initiate such responsibility.

Finally the last new provision of this package is an amendment which Senators HATCH, DENTON, KASSEBAUM, CRANSTON, DODD, and I have offered to S. 1003 to deal with the so-called "Baby Doe" issue. The amendment expands the responsibilities of State child protective service agencies receiving Federal funds under this program to include procedures and/or programs for responding to reports of medical neglect, including the alleged denial of necessary medical treatment for handicapped newborns. In reality, this is not a new responsibility in most States since the child abuse statutes could be interpreted to include this form of medical neglect.

It is an understatement to say that defining what constitutes medical neglect is fraught with difficulties, sensitivities, and very fine lines. No one wants Washington establishing medical standards and practices for every case or diagnosis. Yet, on the other side of the equation, no one wants to condone the discriminate denial of medical treatment for infants simply because they may suffer some degree of retardation, paralysis, or other disability. Our Nation has come too far in the mainstreaming of persons with disabilities into all aspects of society to sanction a quality of life ethic in which only those who are fit or productive or functioning members of society are allowed to live. I believe that this legislation represents the best middle-ground approach to the issue.

First, it designates States, rather than the Federal Government as the first tier of review for any allegation of the withholding of medically indicated treatment from an infant. The State child protection authorities are encouraged to establish a working relationship with hospitals, particularly those which serve as referral centers for children born with complications, not only for purposes of any neglect reporting, but also for the exchange of information about what services are available to an infant born with disabilities and his or her family. One of the most helpful things for a family dealing with the trauma of the birth of a handicapped child is to talk with other parents who have gone through the same experience. The Rossaw family of Connecticut have adopted 11 children with various disabilities. In their experience, this single recommendation is the one which has made the most difference to families coping with an unanticipated complication at birth. I envision that the child protective services can serve as a conduit for this kind of exchange and for notification of the other services which may be available in the community.

Second, the amendment to S. 1003 provides a carefully crafted definition of the phrase "withholding of medically indicated treatment" to guide States in carrying out the provisions of this act. This language was the product of a broad spectrum of interests from the medical, hospital, disability, and prolife organizations.

Those who now support it include: The American Hospital Association, the Catholic Health Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Nurses Association, the American College of Physicians, the National Association of Children's Hospitals and Related Institutions, the California Association of Children's Hospitals, the Nurses Association of the American College of Obstetricians and Gynecologists, the American Association on Mental Deficiency, the Association for Retarded Citizens, U.S.; the Spina Bifida Association of America, the Down's Syndrome Congress, the Association for Persons with Severe Handicaps, the Disability Rights Center, People First of Nebraska, Operation Real Rights, the National Right to Life, and the Christian Action Council.

Withholding of medically indicated treatment is defined as:

* * * the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physicians' or physician's reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physicians' reasonable medical judgment, (A) the infant is chronically and irreversibly comatose, (B) the provision of such treatment would not be effective in ameliorating or correcting all of the infant's life-threatening conditions, (C) the provision of such treatment would merely prolong dying, or, (D) the provision of such treatment would be almost entirely futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

I think that this language is very clear in what it does not require. First, it does not require unending treatment of an infant which is doomed to die regardless of what is done. If the child is born dying, then only that which is necessary to feed the child and relieve pain is required. Second, if a child is born with more than one anomaly, and one or several are correctable with treatment, but the child has some condition which is fatal and untreatable, then the physician is not being mandated to take the infant through repeated surgeries for the correctable condition(s). Third, the language does not apply to children in comas.

Finally, the last exception allows for the so-called gray areas. These are the cases when the child has a very slim chance for survival and the physician must make a judgment call as to whether the odds of correcting the child's condition are strong enough to merit an attempt to save the baby, even with treatment that may be very painful. This provision in our language gives a physician the leeway needed to make such a judgment call without fear of violating the letter or spirit of this legislation.

What does this language require, then? It requires a physician to treat

treatable medical conditions to the best of his/her ability without regard for any handicap that a child may have. For example, a child born with Down's syndrome who also has an esophagus which needs surgery cannot be denied that surgery and allowed to die simply because he or she will suffer some unknown degree of retardation. Or, a child born with spina bifida cannot be denied aggressive life-saving treatment simply because he or she may need leg braces to walk.

Cathryn Donnelly of Tulsa, OK, was born with spina bifida. No one could have predicted how Cathryn's family would handle her disability, how she would cope, what the degree of her paralysis would be, or if she would suffer any mental impairment. Yet, there are decisions being made in hospitals today which judge all of these things in the first few days of birth and rule against treatment because some alleged quality of life is not expected. I am not comfortable setting standards for who shall live and who shall die, nor am I comfortable allowing someone else to make such a decision for me. The standard that has been part of our common law is to treat those for which there is a reasonable chance to save, regardless of whether or not they are going to be retarded, paralyzed, or otherwise disabled. Obviously, such a standard requires that we, as a society, are willing to commit the resources necessary to help this population reach their potential. We have gone a long way at the Federal level to try and ensure that medical, rehabilitative, educational, and other services are available to meet that commitment.

In closing, I would like to say that this compromise in the "Infant Doe" area is one that is a reasonable balance between the twin objectives of minimal Government interference, while ensuring adequate protection of the civil rights of all Americans, regardless of age, handicap, sex, or race. The other portions of the amendment as I have outlined them are also laudable initiatives which I am happy to support and recommend to my colleagues.

Mr. DODD. Mr. President, I ask unanimous consent that Senator CRANSTON and I be added as cosponsors of the underlying bill, S. 1003.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I urge my colleagues to support the reauthorization of the Child Abuse Prevention and Treatment Act. The extension and increase in authorization for child abuse prevention and support for child protective service is desperately needed.

In my State, the Massachusetts Committee for Children and Youth reports that we are unable to provide adequate services at the present level of Federal funding. Staff, services, foster care and emergency shelter are inadequate to meet the need. According to Parents Anonymous, 30,000 incidents of child abuse and neglect were reported in Massachusetts in 1982-83.

A nation that truly cherishes its children must protect and support those children. Our children are our future, our most precious national resource.

Families suffering the stress of modern society, the erosion of traditional support systems, the humiliation of unemployment, the isolation of single parenthood, the pain of poverty, or the affliction of mental illness must have somewhere to turn. We must strengthen the support systems for our families. We must not abandon the weakest and most vulnerable members of our society—our children.

With the passage of this legislation we reaffirm our commitment to care for and protect our Nation's children.

Mr. CRANSTON. Mr. President, I am pleased to join in cosponsoring and supporting the legislation which the Senate is considering which would extend the authorizations of appropriations for the Federal Child Abuse and Neglect Program and Adoption Reform Program, respond to the difficult and troubling problems surrounding the provision of medical care to disabled infants with life-threatening conditions, and establish a program to help meet the needs of victims of family violence.

Mr. President, the legislation before the Senate today represents a complex package dealing with a number of critical issues. First, it would continue the important Federal Child Abuse Prevention and Treatment Act. As the Senate author of the 1978 extension and revision of that program, I am pleased to see this program continued. I doubt anyone can seriously question the need for continuation of this program, particularly given the increases in cases of reported child abuse that have taken place during the past several years. Second, it would continue the adoption reform program which I also authored in the 95th Congress. This program is designed to help facilitate the adoptive placement of children with special needs. It is a companion to the landmark legislation we enacted in 1980, Public Law 96-272, the Adoption Assistance and Child Welfare Act. Both laws are focused upon eliminating those barriers which have held thousands of children in the foster care system limbo and prevented their placement in loving, adoptive homes. The bill which was reported by the Labor and Human Resources Committee does add some additional activities to be carried out under this program, but I am satisfied that these additional activities are not intended to alter the focus of this program upon the problems related to the adoptive placement of children with special needs.

Third, the legislation would establish a new program to provide demonstration grants to programs providing assistance to victims of family violence and research and personnel training in this area.

Mr. President, I would like to discuss the two amendments, one relating to the withholding of medical treatment from disabled infants with life-threatening conditions and the other relating to the Family Violence Program.

DISABLED INFANT AMENDMENT

As I indicated at the time this amendment, No. 3385, was introduced on June 29, 1984, it was developed as the product of many, many long hours of negotiations with representatives from the disability community, the health-care community and the pro-life community. This process contended over 4 months and virtually nonstop for 4 days and nights at the end of June.

Mr. President, as I said at that time, those negotiations were absolutely remarkable in every respect. These divergent groups have met repeatedly with the Senate staff to attempt to hammer out an agreement. Some of the parties to the negotiations would have preferred no Federal legislation in this area; others would have preferred a stronger Federal role. Nevertheless, in an effort to develop a workable and appropriate amendment, they all worked constructively together.

The compromise has the support of virtually all of the groups involved, including the American Association on Mental Deficiency, Association for Retarded Citizens, U.S., Spina-Bifida Association of America, Downs-Syndrome Congress, People First of Nebraska, American Coalition of Citizens With Disabilities, the Association for Persons with Severe Handicaps [TASH], Disability Rights Center, Operation Real Rights, Christian Action Council, National Right to Life Committee, American Hospital Association, Catholic Health Association, National Association of Children's Hospital and Related Institutions, American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American Nurses Association, American College of Physicians, California Assocation of Children's Hospitals, and Nurses Association of the American College of Obstetricians and Gynecologists.

This amendment, I believe, represents an appropriate response to a very difficult problem. It relies upon the existing State child protective services system to respond to reports of medical neglect involving the withholding of medically indicated treatment from disabled infants with life-threatening conditions. It includes carefully worded provisions to delin-

eate the areas of concern regarding medical treatment for these infants. It relies heavily upon reasonable medical judgment as a determinative factor in decisionmaking. It provides for coordination and consultation with designated individuals within health-care facilities to enhance the decisionmaking process involving these cases. It would authorize the establishment of training and technical assistance programs to improve the provision of services to these infants and programs to assist their families in finding the necessary support services, including financial assistance.

I think it is a reasonable, rational, and carefully crafted response to a difficult area; it represents an approach which is likely to improve the decisionmaking process without unnecessary Government intervention. It also includes a provision for additional funding so that the already sorely overtaxed child protective services agencies will receive some additional resources to carry out their responsibilities in an effective manner.

Finally, an amendment proposed by the distinguished Senator from Massachusetts [Mr. KENNEDY] would direct the Secretary of Health and Human Services to provide Congress, by October 1, 1987, with a detailed report on the implementation and the effects of the amendments made by each of the titles of this legislation. This is most particularly aimed at the provisions of title II.

DOMESTIC VIOLENCE PROVISIONS

Mr. President, I am also a principal cosponsor of the amendment offered by the distinguished Senator from Alaska [Mr. STEVENS] which would add, as a new title III to the bill, a program relating to family violence. Again, this amendment was worked out with the floor managers and represents a compromise proposal.

As an original cosponsor of S. 2430, introduced by the Senator from Alaska on March 15 of this year, an original cosponsor as well of similar legislation introduced by the Senator from Massachusetts [Mr. KENNEDY], S. 699, in March of last year, and as the author of the legislation dealing with family violence twice passed by the Senate—S. 1843 in 1980 during the 96th Congress and S. 2759 in 1978 during the 95th Congress, I have been deeply committed to the enactment of legislation which would provide for Federal assistance to State and local programs dealing with the devastating problems associated with family violence.

Mr. President, as would the other cosponsors of this amendment, I would prefer to see a stronger domestic violence bill enacted. However, like the other cosponsors, we entered into negotiations with the distinguished chairman of the Labor and Human Resources Committee and the chairman of the Subcommittee on Family and Human Resources in order to develop an amendment which would accommodate, as much as possible, the concerns of all the parties. Given the long history of congressional inability to reach a final agreement about the appropriate Federal role in this area, I am pleased that we have been able to reach a bipartisan agreement with regard to this amendment. I congratulate my colleagues on all sides of this issue for their efforts in this endeavor, and I think that the amendment which we have developed does meet many of the critical goals which have motivated legislative initiatives in this area.

BRIEF DESCRIPTION

Mr. President, I would like to take a few moments to describe the major features of the amendment.

First, it would establish authority for the Secretary of Health and Human Resources to make demonstration grants to public agencies and private nonprofit organizations, including religious and charitable organizations and voluntary associations for one or more of the following purposes: First, to prevent incidents of family violence including providing immediate shelter and related assistance to victims of domestic violence and their dependents; second, to conduct research into the causes of family violence and into the prevention, identification, and treatment thereof; third, to train personnel working in family violence programs, and, fourth, to train local and State law enforcement personnel on techniques in handling incidents of family violence.

The legislation would provide that not less than 50 percent of the funds appropriated shall go to programs aimed at preventing incidents of family violence, including shelter programs.

Mr. President, this earmark is important because it makes clear the intent of the sponsors that the majority of the funds allocated under this legislation must go to programs actually providing services to victims of domestic violence and particularly those programs providing emergency shelter, rather than to the research or personnel training programs. In my view, it would be preferable that more than 50 percent of the funds be allocated to those types of service programs. The 50 percent is intended simply to be a minimum guarantee, not a maximum, and I certainly intend to monitor closely the allocation of program grants to assure that this intent be carried out. The overwhelming necessity of providing support to programs providing emergency shelter care to victims of family violence has always been a major, driving force behind this legislation, and it is our intent that providing assistance to those programs continue to be a major priority under this amendment.

In this connection, Mr. President, I want to stress that the availability of emergency shelter has always been regarded as an integral part of prevention efforts in this area. Law enforcement officials who testified before a hearing on family violence I chaired during the 95th and 96th Congresses repeatedly stressed their support for emergency shelter facilities and the importance of such facilities in preventing incidents of family violence.

There are, of course, other services that can and should be provided to individuals involved in family violence programs. But the provision of a refuge to those women and children whose lives are endangered during violent episodes has always been of the utmost importance in our effort to deal with this overall problem.

The legislation also would require the Secretary to ensure that there is an equitable distribution of assistance both with respect to the States and between rural and urban areas and would direct that a priority be given to applications from communities without such programs or which are underserved.

The size of the grants would also be limited to not more than $50,000 in any entity unless the Secretary, in exceptional circumstances, determines that a grant in a greater amount is necessary. Similar provisions have been included in previous proposals in order to encourage programs to secure other funds and not rely solely upon grants from this program. An increasing matching share is also contained in the bill in order, again, to encourage programs to seek other support. The non-Federal share requirements could be met either by cash or in-kind services. Similar provisions have been included in the provisions proposals.

Second, in addition to the demonstation grant authority provisions, the amendment directs the Secretary to coordinate programs within HHS and to seek to coordinate all other Federal programs which involve the prevention of incidents of family violence. The Secretary would also be directed to appoint to implement the act an employee of the Department with expertise in the field of family violence prevention and services. Those provisions also include the responsibility for operating a national information and research clearinghouse on the prevention of family violence which would include collecting, preparing, analyzing, and disseminating information and statistics and analyses of such information and statistics relating to the incidence and prevention of family violence and providing information about alternative sources of assistance for the prevention of incidents of family violence and for the provision

of immediate shelter and related assistance to victims of family violence and their dependents.

These clearinghouse activities would be required to be coordinated with the information clearinghouse maintained by the National Center on Child Abuse and Neglect.

Mr. President, the sponsors of the amendment are aware that some of these activities required for the clearinghouse functions under section 304 of the amendment are already being performed by certain existing entities. However, the level of activity in this area being supported by the Department is not sufficient, and a substantial increase in these activities would be required to take place if section 304 is enacted.

Finally, the amendment would authorized the $5,000,000 fiscal year 1985, $15,000,000 for fiscal year 1986, and $15,000,000 for fiscal year 1987 to carry out this title. These funding levels are extremely modest and clearly would provide a very minimal level of assistance in areas of great unmet needs. Nevertheless, they represent a beginning for a long-awaited program.

Mr. President, as I indicated at the outset, I certainly would have preferred a stronger bill. Nevertheless, I am acutely aware of the problems which have hindered enactment of legislation in this area and the necessity of reaching a compromise. The amendment represents an important step in the direction which should have been taken long ago.

I want especially to congratulate the Senator from Alaska [Mr. STEVENS] for having offered this amendment and having made the effort to enact family violence legislation a truly bipartisan effort. I also want to make note of the dedication and commitment—derived from firsthand experience in helping domestic violence victims—which Susan Arnold of Senator STEVENS' staff has given to this issue.

DELETION OF SAVINGS PROVISION

Mr. President, one issue of controversy arose fairly recently regarding the so-called savings provision, contained in section 107 of the Senate-reported bill which relates to States granting exemptions from child abuse or neglect findings under State law in cases involving failure to provide medical treatment on the basis of religious beliefs.

Because of the shortness of time and the urgency of moving ahead with this legislation, it was not possible to resolve the differing viewpoints on this provision. The Senator from Utah therefore decided to delete this provision from the bill rather than hold up its consideration because of this issue. This was a very conciliatory and gracious move on his part, and I congratulate him for his willingness to set this issue aside for the time being so that we could move forward today with the rest of the bill.

I share the Senator from Utah's view that this issue does need to be revisited, particularly in light of the confusion which has for many years surrounded its relationship to the child abuse State grant program. Much of this confusion resulted from the failure of the Congress to deal directly with the religious exemption issue when the legislation was first enacted in 1973. The Department of Health, Education, and Welfare—now the Department of Health and Human Services—attempted to fill this void by promulgating in 1974 regulations requiring States to enact religious exemption clauses in order to receive State grant funds. The Department based those regulations upon language that had appeared in the 1973 House report, not upon any express requirement in the statute itself. The most recent set of regulations, published in 1983, reversed that interpretation and indicated that States are free to enact or not enact such exemptions, but required that any such exemptions that are enacted must provide administrative or judicial authority to order medical treatment for a child "when his health requires it." There is no clear consensus as to what impact these provisions or exemptions have upon reporting obligations.

Congress needs to focus upon this entire question very carefully and seek to find a reasonable balance which allows States to deal with the religious exemption issue in their own fashion while reaffirming the well-recognized authority of the State, through its judicial system, to protect the health and lives of the children involved and to ensure that reporting mechanisms are appropriately fashioned to achieve those ends. Congress ought to determine these issues and not merely relegate them to a regulatory process which has in the past produced quite contradictory results.

Again, I congratulate Senator HATCH for his willingness to set this important issue aside temporarily so that we can move forward with the other most important components of this bill.

CONCLUSION

Mr. President, in concluding I want to make special note of the extraordinary contributions made by the staffs on both sides of the aisle in working out the numerous issues involved in this legislation. In particular, Nancy Taylor, Debbie Turner, and Steve Grossman of Senator HATCH's staff, David Yensen of Senator DENTON's staff, Laura Clay of Senator NICKLES staff and Susan Hutton of Senator KASSENBAUM's have played a truly productive and creative role on behalf of the majority. On the minority side, Andrea Young and Debbie Curtis ably represented Senator KENNEDY on the domestic violence legislation as did Westly Clark on the disabled infant amendment. Marsha Renwanz of Senator DODD's staff, played a critical role in working out all of the provisions of the bill. On my own staff, Susanne Martinez and Jon Steinberg were deeply involved in the negotiations that lead to agreements on each of the amendments and played crucial roles in drafting the legislative language.

I also want to express my deep admiration for all of the groups who worked on this legislation and the amendments. The compromises and willingness to continue striving to reach agreement was extrordinary. Senator HATCH has already mentioned the names of the representatives of these groups, and I would like to add my personal tribute for the vital contribution that each one of them made to the final legislative action being taken by the Senate tonight.

Mr. JEPSEN. Mr. President, I am pleased to see that the Senate has turned to the consideration of S. 1003, the Child Abuse Prevention and Treatment and Adoption Reform Act. This important bill has been delayed for over a year because of language dealing with the treatment of handicapped infants.

Through the diligent efforts of Senators HATCH, DENTON, NICKLES, KASSEBAUM, DODD, and CRANSTON, their staffs, and several health/medical, disability, and prolife groups, a compromise has been reached on the treatment of handicapped infants. This compromise, which is being offered as an amendment to S. 1003, provides protections to handicapped infants.

As many of my colleagues will remember, the issue of treating handicapped infants started over 2 years ago when an infant with Down's syndrome and an incomplete esophagus was allowed to die. The public was outraged about this case, including many of us on Capitol Hill.

In response to this case, known as the "Baby Doe" case, the Department of Health and Human Services issued regulations twice under section 504 to ensure that treatment was not deliberately withheld from handicapped infants. However, in both cases, a U.S. court struck down the regulations.

Pressure to adopt some protections for handicapped infants have intensified as more cases of medical neglect have been discovered. I could point out many shocking cases where infants were allowed to die, some of which were based on a mathematical equation. These tragedies must not continue.

We cannot destroy life just because the life does not meet our specifications nor can we judge the quality of life. These infants should not be deprived the opportunity of living just because they have a crippling handicap. I know of many handicapped indi-

viduals who have had very successful, happy, and productive lives. I know of many families who feel blessed to have experienced the joys of raising a handicapped youngster.

I am increasingly concerned about the growing lack of respect for life we have in this Nation today. This lack of respect starts out with the willingness of our society to kill the unborn and continues onward to handicapped newborns. One way we can turn this trend around is to adopt protections for these handicapped infants.

It is for this reason that I cosponsored the compromise "Baby Doe" amendment, and I urge my colleagues to support it today. This amendment is a reasonable step toward protecting these infants.

Mr. BURDICK. Mr. President, child abuse and neglect reporting laws have revealed to us in recent years the dimension of this painful social problem. The system of mandatory reporting is the backbone of our effort to understand and combat abuse and neglect.

However, in situations where parents rely on spiritual healing methods, some consideration should be given to the protection of religious freedoms. I am not prepared to say today what adaptations of these reporting laws will best protect our children while respecting the spirit of the first amendment, but I believe the matter is worthy of continued study.

These reporting requirements pose a particular dilemma for persons engaged in a religious healing industry, such as Christian Science practitioners. Depending on administrative interpretations, they are left in an ambiguous situation by many State reporting laws. An examination of abuse and neglect reporting laws should include consideration of the traditional privileges given to confidential communications with ministers, priests, rabbis, and others serving in a similar capacity.

I support Senator HATCH in asking all those interested to join in an effort to produce some legislation which will be fair and acceptable to the families affected, the health professions and the social agencies which must administer the reporting statutes.

● Mr. RIEGLE. Mr. President, I am encouraged that the Senate has finally reached a compromise on issues which have delayed this Chamber's consideration of S. 1003 since the measure was reported favorably by the Senate Committee on Labor and Human Resources in May 1983. This legislation is needed to reauthorize the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, which provides Federal support to States for child abuse prevention and adoption services.

As a member of the Labor and Human Resources Committee, I believe it is essential that we have a strong Federal policy designed to combat the widespread occurrence of child abuse in this Nation. The alarming increase in the number of child abuse and neglect cases affirms the need for us to continue with vigor our efforts to reduce what is truly a serious and unacceptable tragedy.

In addition, Mr. President, I am pleased to cosponsor the amendment to S. 1003 offered by the Senator from Alaska [Mr. STEVENS], to provide funding for demonstration grants to community-based groups to promote prevention and provide services to victims of family violence. Although I supported the allocation of greater resources for this important effort, the amendment we are offering today is nevertheless critically needed.

Violence in the family is unfortunate and increasing, and it has shown to be a practice handed down from generation to generation. Family violence threatens the integrity of our society and, again, I am pleased to be a cosponsor of this action and urge all of my colleagues to join us in this effort.●

● Mr. D'AMATO. Mr. President, I am in strong support of this bill. The reauthorization of the Child Abuse Prevention, Treatment, and Adoption Reform Act is an urgent necessity if we are to stem the tide of violence against children and protect handicapped infants and children. The epidemic of child abuse and neglect demands our immediate attention. The tragedies of Baby Doe and Baby Jane Doe, and an increase in the sexual abuse of children are the most recent signals that we can no longer delay implementing a coordinated national campaign to save our most vulnerable citizens, our children.

This legislation enables us to address these critical issues and to act together to assist parents, with the advice of their physicians, to ensure that proper decisions about the treatment of seriously ill newborn children are made. I applaud Senators HATCH, DODD, KASSEBAUM, NICKLES, and CRANSTON, and the Committee on Labor and Human Resources for developing an approach that balances very important and sensitive concerns: The privacy rights of the family, the vulnerability of children, and the need to ensure medical treatment for handicapped children when it is necessary, but not when it is merely futile.

The key to the compromise represented by this act is that it relies upon the existing State child protective services system to respond to reports of medical neglect involving the withholding of medically indicated treatment from disabled infants with life-threatening conditions. It clearly states that reasonable medical judgment is part of the decisionmaking process and provides for coordination and consultation with designated health care professionals in these difficult cases. I am particularly impressed by the provisions for training and technical assistance to improve the level of care and support provided both to the infants and to their families.

The act also continues Federal programs supporting the adoption of special-needs children, increasing their authorization levels to $5 million, a modest but significant increase over the previous level of $2 million. This bill contains important provisions for adoptive family and minority group consultation, encouragement of private sector support for adoption services, and a national study of unlicensed adoption and child placement operations.

I urge my colleagues to give this bill unanimous support.●

Mr. LONG. Mr. President, will the Senator object to having the yeas and nays ordered on final passage of the bill?

Mr. HATCH. We have a number of Senators who would not like to have the yeas and nays. I would like to have the yeas and nays, but I would like to accommodate other Senators.

Mr. LONG. It is all right with me to go to third reading and have the yeas and nays tomorrow. I would like to have a rollcall vote on the bill.

It is my understanding that a message has been sent out on the Democratic hotline that there may be further votes tonight.

Mr. HATCH. I told everybody that I did not think there would be, but I could not guarantee it.

Mr. LONG. It seems to me that we should have a vote on the bill. I would like to be on record.

Mr. HATCH. Mr. President, if I may finish——

Mr. LONG. May we have the yeas and nays on the bill?

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, as agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1904, Calendar No. 647.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. HATCH. Mr. President, I move to strike all after the enacting clause of H.R. 1904 and to insert in lieu thereof the text of S. 1003, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

Mr. LONG. Mr. President, it is my understanding that the yeas and nays were ordered on the Senate bill and not on the bill now before us.

I ask to have the yeas and nays on the bill that is now pending.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that we vitiate the yeas and nays on the Senate bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Oregon [Mr. PACKWOOD], the Senator from Illinois [Mr. PERCY], the Senator from Vermont [Mr. STAFFORD], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. HEINZ], would vote "yea."

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Colorado [Mr. HART], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—89

Abdnor	Ford	Metzenbaum
Andrews	Garn	Mitchell
Baker	Glenn	Moynihan
Baucus	Goldwater	Murkowski
Bentsen	Gorton	Nickles
Biden	Grassley	Nunn
Bingaman	Hatch	Pell
Boren	Hatfield	Pressler
Boschwitz	Hawkins	Proxmire
Bradley	Hecht	Pryor
Bumpers	Heflin	Quayle
Burdick	Helms	Randolph
Byrd	Hollings	Riegle
Chafee	Huddleston	Roth
Cochran	Humphrey	Rudman
Cohen	Jepsen	Sarbanes
Cranston	Kassebaum	Sasser
D'Amato	Kasten	Simpson
Danforth	Kennedy	Specter
DeConcini	Lautenberg	Stennis
Denton	Laxalt	Stevens
Dixon	Leahy	Thurmond
Dodd	Levin	Tower
Dole	Long	Trible
Domenici	Lugar	Wallop
Durenberger	Mathias	Warner
Eagleton	Matsunaga	Weicker
East	Mattingly	Wilson
Evans	McClure	Zorinsky
Exon	Melcher	

NOT VOTING—11

Armstrong	Inouye	Stafford
Chiles	Johnston	Symms
Hart	Packwood	Tsongas
Heinz	Percy	

So the bill (H.R. 1904), as amended, was passed.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I move that the Senate insist on its amendments, and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the following conferees.

The motion was agreed to, and the Chair appointed the following conferees; Senator HATCH, Senator DENTON, Senator NICKLES, Senator KENNEDY, and Senator DODD.

Mr. HATCH. Mr. President, I move to indefinitely postpone Calendar No. 171, S. 1003.

The motion was agreed to.

Mr. HATCH. Mr. President, I congratulate all of the respective Senators and staffs for the wonderful work they have done on this very historic bill.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, if I could have the attention of the Senate, I believe there will be one more record vote tonight. I think it can begin within the next 5 minutes or so. I urge Senators to pay attention of what we are about to do.

Senator MOYNIHAN has proposed a Social Security amendment to the previous bill.

The distinguished chairman of the Finance Committee indicated that he would cooperate in trying to find another vehicle for that. I am happy to report that the chairman of the Finance Committee has found such a vehicle.

I report as well that I support this, and the administration supports this action. The amendment about to be proposed by Senator MOYNIHAN and Senator DOLE, I believe, we can move on now with a minimum of difficulty.

Mr. President, I ask unanimous consent that the Senate temporarily lay aside the Hoover Dam bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY COST-OF-LIVING ADJUSTMENTS IN 1985

Mr. BAKER. Mr. President, I further ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 1428, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 1428) for the relief of the estate of Nell J. Redfield.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, H.R. 1428 is a House-passed private relief bill to provide an estate tax credit to the Redfield estate to facilitate Federal acquisition of forest land.

The relief was recently enacted as part of the Deficit Reduction Act, H.R. 4170. Thus, there is no need to deal further with the substance of H.R. 1428.

AMENDMENT NO. 3423

(Purpose: To provide that there will be a cost-of-living increase in social security and SSI benefits for 1985 without regard to whether the 3 percent threshold is met)

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I move that all after the enacting clause be stricken, and I send an amendment to the desk on behalf of myself and Mr. DOLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself, Mr. DOLE, and Mr. BRADLEY, proposes an amendment numbered 3423.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert:

That (a) in determining whether the base quarter ending on September 30, 1984, is a cost-of-living computation quarter for the purposes of the cost-of-living increases under sections 215(i) and 1617 of the Social Security Act, the phrase "is 3 percent or more" appearing in section 215(i)(1)(B) of such Act shall be deemed to read "is greater than zero".

(b) For purposes of section 215(i) of such Act, the provisions of subsection (a) shall not constitute a "general benefit increase".

Mr. MOYNIHAN. Mr. President, I rise today to offer legislation that would ensure a cost of living increase in January 1985 for the Nation's Social Security and supplemental security income beneficiaries.

The Social Security Act provides for an automatic benefit increase in any year when the cost of living rises by 3 percent or more. Inflation, of late, has slowed markedly, and in most respects this is a welcome and happy event. But for aged and disabled Americans, lower inflation is a mixed blessing. Current projections for the increase in the Consumer Price Index from the third quarter of 1983 to the third quarter of 1984 are hovering just below 3 percent. While this may mean only slightly higher prices for the goods our elderly and disabled citizens must purchase, it also appears that, barring the change I am proposing, Social Security and SSI recipients will receive no cost of living increase.

The fact is, we are in a position to provide for this increase, because the trust funds are in satisfactory condition.

On January 15, 1983, the National Commission on Social Security Reform, on which I served, agreed to a set of recommendations to put Social Security on a firm financial footing. Our proposals became law 3 months later, and optimism about their efficacy has been vindicated. On April 5 of this year, the trustees of the Social Security trust funds—Treasury Secretary Donald T. Regan, Labor Secretary Raymond J. Donovan, and Health and Human Services Secretary Margaret M. Heckler—reported that benefits to be provided "under these programs can be paid well into the next century."

This 1984 trustees report assumed that in January 1985, benefits would increase 4.7 percent—that being the projected rise in the CPI. In 1985, that increase would cost the Social Security system $8.3 billion in benefit payments. If benefits were adjusted in January of next year based on a 2.9-percent CPI increase, the costs to the OASDI funds would be about $5 billion—roughly $3.3 billion less than is now incorporated in the trust fund projections.

Let me also note that over 2 years, this legislation will not cost the trust fund any substantial additional moneys. Under provisions of the Social Security Act, if recipients forfeit their COLA because the CPI rises less than 3 percent, the COLA for the following year would be based on the increase in the CPI over the previous 2 years. With this legislation, then, we simply would ensure that our elderly and disabled citizens receive their COLA's when they need it—when the CPI rises, without waiting an additional year. And let me mention another happy fact. The OASDI trust funds are in even sounder condition today than the 1984 trustee's report had estimated. That report predicted a trust fund balance in January 1985 of $27.7 billion. According to Social Security actuaries, the military adjustment payment to the trust funds will exceed the trustee's expectations by some $2.6 billion. Moreover, the current recovery is increasing revenues into the fund at a faster rate than expected. A timely COLA of just under 3 percent would leave the trust funds in a fine and healthy condition.

President Reagan now supports this increase in Social Security benefits.

This week, the President joined in the view of the trustees of the Social Security funds. The President's remarks are a happy, though somewhat belated, expression of confidence in the solvency of the Social Security funds. In effect, he acknowledged that the trust funds are healthy enough to provide benefit increases beyond those required by present law. Perhaps now, at last, the cosntant harping we have heard about the failings and possible demise of the Social Security system is at an end.

Single Americans on Social Security receive an average benefit of $425 a month, an annual income of just $5,100. This increase of roughly 3 percent will mean about $12 more each month, or $144 a year. The average benefit for aged couples on Social Security, about $700 a month, would be increased by roughly $21 per month. That means $252 more a year for a couple living now on just $8,400. Among the most poor aged—those receiving SSI—this increase will mean $108 more per year for an individual now living on less than $3,800, and $168 more per year for a couple now receiving less than $5,700 in annual support.

These certainly are small sums for individuals, but they maintain the buying power of their current incomes. These increases just keep pace with actual inflation, inflation which elderly and disabled Americans cannot offset, like some of the rest of us, by working harder.

This increase of about 3 percent will keep almost a half million elderly and disabled Americans above the poverty line, according to estimates by the American Association of Retired Persons. Can we do otherwise? Can we sit by and watch a half million of our elderly and disabled citizens slip below the poverty line? They deserve—indeed, have earned—this cost of living adjustment.

I invite my colleagues to join me in this effort to grant a cost of living adjustment to the millions of elderly, blind, and disabled Americans who receive Social Security and supplemental security income.

Mr. President, I am introducing this amendment with my good friends and colleagues, Senators DOLE, BRADLEY, and HART.

Mr. DOLE. Mr. President, this amendment would permit Social Security beneficiaries to receive their cost of living adjustment [COLA] in January 1985. Under the law, if inflation is very low—3 percent or less—the COLA is delayed until the following year. This has been a part of the law since Social Security was first indexed in 1972. It is in there only for administrative convenience, not as a solvency matter. Beneficiaries would ultimately receive the COLA; this amendment just ensures they receive it on time.

President Reagan, recently proposed this modification of the law.

I'd like to assure my colleagues that this in no way would affect the consensus reform package adopted last year. This amendment just modifies a technical provision in the law and does so for just 1 year, 1985. I would also like to point out that the Congress adopted this provision for the 1984 COLA in last year's Social Security amendments.

Under this amendment if inflation, measured from the third quarter of 1983 to the third quarter of 1984, should fall to less than 3 percent—to say 2.8 percent—a 2.8-percent COLA will be paid in January, rather than being deferred to 1986. The other indexed features of the Social Security program would also be increased on time—the exempt amount of earnings under the retirement-earnings test, the amount of taxable earnings, and the SSI COLA. If inflation does run below 3 percent, 2.8 percent, for example, the net costs will be about $3.0-$3.5 billion. If the inflation rate remains above 3 percent, as it certainly may, the amendment will have no effect at all.

I urge my colleagues to support this amendment. It ensures the Nation's elderly that they will receive their COLA on time, in January, and not find it delayed due to a technicality in the law that few are even aware of.

Mr. BRADLEY. Mr. President, I rise as a cosponsor of this amendment to ensure that Social Security recipients be provided with the cost-of-living ad-

justment that is due them this January.

Under current law, if the inflation rate over the past year is less than 3 percent, a COLA is not granted. Last year, the Congress delayed Social Security COLA's for 6 months—from June 1984 to January 1985.

Mr. President, inflation has been averaging approximately 3 percent over the past year. If the inflation rate comes out to just under 3 percent, Social Security recipients will be denied a COLA until January 1986. The last COLA was provided in June 1983. Unless we pass this legislation, Social Security recipients will have to wait 2½ years between COLA's. We can do better.

Mr. President, for the sake of fairness, I urge my colleagues to support this amendment.

Mr. MOYNIHAN. Mr. President, I assure the Senate that a very careful day was spent with the actuaries of the Social Security Administration, which convinces this Senator that this is wholly feasible, that the Social Security trust funds at the end of the 1985 will be by a considerable number larger than projected by the actuaries earlier this year.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, assuming this amendment is adopted at this time, there will be no more record votes tonight.

Mr. DOLE. Mr. President, I indicate to the majority leader that this has been discussed with the White House, and they are very pleased that we are taking action on this this evening.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. HOLLINGS. Shameful.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Oregon [Mr. PACKWOOD], the Senator from Wyoming [Mr. SIMPSON], the Senator from Vermont [Mr. STAFFORD], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Colorado [Mr. HART], the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

The PRESIDING OFFICER (Mr. WILSON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 3, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—87

Abdnor	Exon	McClure
Andrews	Ford	Melcher
Baker	Garn	Metzenbaum
Baucus	Glenn	Mitchell
Bentsen	Goldwater	Moynihan
Biden	Gorton	Murkowski
Bingaman	Grassley	Nickles
Boren	Hatch	Nunn
Boschwitz	Hatfield	Pell
Bradley	Hawkins	Percy
Bumpers	Hecht	Pressler
Burdick	Heflin	Proxmire
Byrd	Heinz	Pryor
Chafee	Helms	Quayle
Cochran	Huddleston	Riegle
Cohen	Humphrey	Roth
Cranston	Jepsen	Rudman
D'Amato	Kassebaum	Sarbanes
Danforth	Kasten	Sasser
DeConcini	Kennedy	Specter
Denton	Lautenberg	Stevens
Dixon	Laxalt	Thurmond
Dodd	Leahy	Tower
Dole	Levin	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
Eagleton	Mathias	Weicker
East	Matsunaga	Wilson
Evans	Mattingly	Zorinsky

NAYS—3

Hollings	Johnston	Stennis

NOT VOTING—10

Armstrong	Packwood	Symms
Chiles	Randolph	Tsongas
Hart	Simpson	
Inouye	Stafford	

So the amendment (No. 3423) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 1428), as amended, was passed.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I send an amendment to the desk to the title and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

Amend the title so as to read:

An act to insure the payment of Social Security cost of living adjustments in 1985.

The PRESIDING OFFICER. The question is on agreeing to the amendment to amend the title.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I enter a motion to reconsider the vote on amendment No. 3423, I enter a motion to reconsider the third reading of this bill, and I enter a motion to reconsider the final passage of the bill, H.R. 1428.

NOMINATION OF JAMES HARVIE WILKINSON III TO BE U.S. CIRCUIT JUDGE

Mr. TRIBLE. Mr. President, earlier today the Senator from Massachusetts repeated the same insubstantial and irrelevant allegations regarding the nomination of J. Harvie Wilkinson III as he has advanced in the past. The same arguments were rejected by this body 54 to 36 on a vote to recommit the nomination to the Judiciary Committee. I regret that this nomination has fallen prey to petty partisanship by Senator KENNEDY.

But I regret most the Senator's unfortunate characterization of the distinguished chairman of the Judiciary Committee and his handling of J. Harvie Wilkinson's nomination to the Fourth U.S. Circuit Court of Appeals.

To even insinuate that Senator THURMOND has, in some way, stonewalled this nomination is both incorrect and manifestly unfair. The record clearly shows that Senator THURMOND, in his capacity as Judiciary Committee chairman, has acted fairly and evenhandedly in all of these proceedings.

Senator KENNEDY knows very well that there have been two separate hearings before the committee on this nomination—neither of which he nor any other Democratic member attended.

Also, since the nomination was first made in November 1983, Senator THURMOND has three times—three times—held over action on it in an effort to accommodate minority members of the committee.

Those are not the actions of a man trying to stonewall a nomination. Senator THURMOND is too gracious a gentleman to come to his own defense in this matter, but I feel that the record must correctly reflect the fair and open manner in which this nomination has been handled by the Judiciary Committee chairman.

It is, quite simply, time to vote on this nomination. Senator THURMOND has urged us to do that, and has instructed members of the committee who have continuing objections about Mr. Wilkinson's qualifications or the ABA rating system to express themselves in a vote on this nomination. However, to hold up one nomination for this long is neither accommodating nor constructive.

There are hearings pending by the Judiciary Subcommittee on the Courts regarding the ABA rating system. I urge those Senators with concerns about that system to attend those hearings and to participate if they so wish. In the meantime, it is time to

move on with this nomination and get on with the Nation's business.

MESSAGES FROM THE HOUSE

At 11:11 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5712) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of two Houses thereon, and appoints Mr. SMITH of Iowa, Mr. ALEXANDER, Mr. EARLY, Mr. DWYER of New Jersey, Mr. MRAZEK, Mr. CARR, Mr. WHITTEN, Mr. O'BRIEN, Mr. MILLER of Ohio, Mr. PORTER, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the bill (S. 1146) to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes, with an amendment; it insists upon its amendment to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. MINETA, Mr. ANDERSON, Mr. ROE, Mr. SNYDER, and Mr. HAMMERSCHMIDT as managers of the conference on the part of the House.

The message further announced that the House agrees to the amendment of the Senate to the following bills:

H.R. 559. An act to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information; and

H.R. 1310. An act to provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate

H.R. 5223. An act to exempt restaurant central kitchens from Federal inspection requirements;

H.R. 5358. An act to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey;

H.R. 5541. An act to amend the Communications Act of 1934 to extend certain authorizations of appropriations contained in such Act, and for other purposes;

H.R. 5833. An act to improve certain maritime programs of the Department of Transportation and the Department of Commerce; and

H.R. 5890. An act to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 340. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 559.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5223. An act to exempt restaurant central kitchens from Federal inspection requirements; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5358. An act to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5541. An act to amend the Communications Act of 1934 to extend certain authorizations of appropriations contained in such act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5833. An act to improve certain maritime programs of the Department of Transportation and the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The Committee on the Judiciary was discharged from the further consideration of the following joint resolutions which were placed on the calendar:

S.J. Res. 272. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to invasion of Poland during World War II; and

S.J. Res 323. Joint resolution designating August 1984 as "Polish American Heritage Month."

The Committee on Foreign Relations was discharged from the further consideration of the following concurrent resolution; which was placed on the calendar:

H. Con. Res. 331. Concurrent resolution to condemn the closing of ABC Color, the only independent newspaper in Paraguay, and to urge the Government of Paraguay to permit the reopening of that newspaper, and to guarantee freedom of the press.

MEASURES HELD AT THE DESK

The following bill was ordered held at the desk until the close of business on July 27, 1984, by unanimous consent:

H.R. 5890. An act to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

The following concurrent resolution was ordered held at the desk pending further disposition, by unanimous consent:

H. Con. Res. 340. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 559.

ENROLLED BILL PRESENTED

The Secretary reported that on today, July 26, 1984, he had presented to the President of the United States the following enrolled bill:

S. 373. An act to provide for a comprehensive national policy dealing with national research needs and objectives in the Arctic, for a National Critical Materials Council, for development of a continuing and comprehensive national materials policy, for programs necessary to carry out that policy, including Federal programs of advanced materials research and technology, and for innovation in basic materials industries, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3587. A communication from the Secretary of Agriculture and the Secretary of the Army, transmitting, pursuant to law, notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of certain Army Corps of Engineers lands and Forest Service lands in Kentucky; to the Committee on Energy and Natural Resources.

EC-3588. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the national statistical assessment of rural drinking water conditions; to the Committee on Environment and Public Works.

EC-3589. A communication from the Acting Commissioner of Social Security transmitting, pursuant to law, a notice of a computer matching program between the Social Security Administration and State records of individual interest income reported by financial institutions; to the Committee on Governmental Affairs.

EC-3590. A communication from the law firm of LeBoeuf, Lamb, Leiby & MacRae transmitting, pursuant to law, the 1983 annual report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements; to the Committee on the Judiciary.

EC-3591. A communication from the law firm of Sutherland, Asbill & Brennan transmittion, pursuant to law, the 1983 Pacific Tropical Botanical Garden Annual Audit Report; to the Committee on the Judiciary.

EC-3592. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the Regional Education Laboratories and Research and Development Centers Program; to the Committee on Labor and Human Resources.

EC-3593. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, the 1983 annual report of the Administrator of Vet-

erans Affairs; to the Committee on Veterans Affairs.

EC-3594. A communication from the Acting Assistant Secretary of the Army for Installations and Logistics transmitting, pursuant to law, notice of a decision to convert the custodial services at the U.S. Army Medical Department Activity, Fort Carson, Colorado to performance under contract; to the Committee on Armed Services.

EC-3595. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, to exclude certain records from examination by the Comptroller General relating to recurring activities in Oman; to the Committee on Armed Services.

EC-3596. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Thailand; to the Committee on Armed Services.

EC-3597. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Korea; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations, with amendments:

H.R. 5743: A bill making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-566).

By Mr. MATTINGLY, from the Committee on Appropriations, with amendments:

H.R. 5898: A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-567).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Walter T. Cox, III. of South Carolina, to be a Judge of the United States Court of Military Appeals for fifteen years.

Mr. THURMOND. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Lt. Gen. George M. Browning, Jr., U.S. Air Force (age 55), to be placed on the retired list, Maj. Gen. Casper T. Spangrud, U.S. Air Force, to be lieutenant general, Rear Adm. Thomas E. Flynn, U.S. Navy, to be Judge Advocate General of the Navy, Gen. Wilbur L. Creech, U.S. Air Force (age 57), to be placed on the retired list, and Gen. Jerome F. O'Malley, U.S. Air Force, to be reassigned. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, in addition, in the Air Force there are 35 appointments to the grade of colonel and below (list begins with David E. Ternes), in the Air Force there are 14 appointments to the grade of lieutenant colonel (list begins with Charles E. Cook), in the Army Reserve there are 272 promotions to the grade of colonel and below (list begins with John W. Gaines), and in the Navy and Navy Reserve there are 18 appointments to the grade of captain and below (list begins with Robert K. Yoho). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so orderd.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of June 28 and June 29, 1984 at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY:

S. 2869. A bill to amend the Internal Revenue Code of 1954 to provide an income tax credit for expenses incurred by an individual taxpayer for the purchase of television subtitle equipment to be used by a hearing-impaired individual; to the Committee on Finance.

By Mr. HATCH:

S. 2870. A bill to amend the Higher Education Act of 1965, to establish a financial assistance program emphasizing student self-help, to enhance the equity and effectiveness of Federal programs in support of higher education, to increase flexibility and simplify higher education programs, and for other purposes; to the Committee on Labor and Human Resources.

S. 2871. A bill to improve the operation of the chapter 1 program authorized under the Education Consolidation and Improvement Act of 1981, to improve the effectiveness of migrant education programs, to provide for use of the most recent available decennial census information, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY:

S. 2872. A bill to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself, Mr. HART, and Mr. BRADLEY):

S. 2873. A bill to provide that there will be a cost-of-living increase in social security and SSI benefits for 1985 without regard to whether the 3-percent threshold is met; to the Committee on Finance.

By Mr. PACKWOOD:

S. 2874. A bill to amend title 49, United States Code, to reduce regulation of surface freight forwarders, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. KENNEDY, Mr. LAUTENBERG, Mr. RIEGLE, Mr. WEICKER, Mr. LEVIN, Mr. METZENBAUM, Mr. BRADLEY, Mr. BINGAMAN, Mr. SASSER, Mr. MITCHELL, Mr. FORD, Mr. SARBANES, and Mr. TSONGAS):

S. 2875. A bill to establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere to authorize appropriations for fiscal year 1985, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PERCY:

S. 2876. A bill to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADLEY:

S. 2877. A bill relating to the tariff treatment of certain canned mushrooms; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. QUAYLE):

S. 2878. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish conditions for the export of drugs; to the Committee on Labor and Human Resources, by unanimous consent, pursuant to the order of July 26, 1984.

By Mr. DENTON (for himself, Mr. LEAHY, Mr. THURMOND, Mr. BIDEN, Mr. BAUCUS, Mr. D'AMATO, Mr. DECONCINI, Mr. DOLE, Mr. EAST, Mr. GLENN, Mr. GOLDWATER, Mr. GRASSLEY, Mr. HART, Mr. HATCH, Mrs. HAWKINS, Mr. HEFLIN, Mr. HELMS, Mr. INOUYE, Mr. JEPSEN, Mr. LAXALT, Mr. LUGAR, Mr. METZENBAUM, Mr. RANDOLPH, Mr. SPECTER, Mr. SYMMS, and Mr. TRIBLE):

S.J. Res. 336. A joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2869. A bill to amend the Internal Revenue Code of 1954 to provide an income tax credit for expenses incurred by an individual taxpayer for the purchase of television subtitle equipment to be used by a hearing-impaired individual; to the Committee on Finance.

(The remarks of Mr. LEAHY and the text of this legislation appear earlier in today's RECORD.)

By Mr. HATCH:

S. 2870. A bill to amend the Higher Education Act of 1965, to establish a financial assistance program emphasizing student self-help, to enhance the equity and effectiveness of Federal programs in support of higher education, to increase flexibility and simplify higher education programs, and for other purposes; to the Committee on Labor and Human Resources.

HIGHER EDUCATION AMENDMENTS

Mr. HATCH. Mr. President, today I am introducing a bill to authorize needed initiatives included in the President's fiscal year 1985 budget which will encourage student self-help

efforts, improve the effectiveness and efficiency of our student aid and other higher education programs, reduce waste and program abuse, and more equitably distribute Federal assistance to disadvantaged students.

In general, the authority for Higher Education Act programs will expire at the end of fiscal year 1985. The Department of Education is not proposing extension of the act at this time. The Secretary is continuing to study the need for long-term legislative changes in these programs, and will forward his proposals for reauthorization of the Higher Education Act at a later date.

Over the past decade, annual Federal appropriations for student assistance programs have increased by $4.6 billion, a 373-percent increase. This increase has, unfortunately, been accompanied by a shift in the traditional responsibility for financing college costs from students and families toward the Federal Government.

At many schools, average student contributions for relatively better off individuals represent only a small share of education costs, and do not begin to reflect actual student earning or borrowing capacities. Excessive reliance on federally supported student financial assistance abuses the spirit of student aid, which should supplement, not replace, other sources of college financing.

STUDENT SELF-HELP INITIATIVE

A major purpose of this legislation is to promote the principle that postsecondary students should be expected to contribute to their own education costs before Federal grant assistance is provided. This policy would be implemented by first, increasing college work-study support by $295 million in fiscal year 1985—representing a potential increase of some 335,000 student jobs; second, making work-study funds more flexible for use in job search and grants where appropriate; third, extending the need test for guaranteed student loans [GSL] to students of all family income levels; and, fourth, restructuring the Pell grant into a Pell self-help grant explicitly designed to supplement family and student contributions. This reformed grant program, in tandem with the federally subsidized work and loan programs, would continue to ensure financial access to moderately priced institutions and would broaden the institutional choice of financially needy students.

STUDENT GRANTS

This bill includes provisions designed to encourage student self-help and to better target Federal grant aid toward students with the greatest need. Under the amended Pell grant program, student awards would become subject to reasonable self-help expectations. The grant amount and self-help expectations would vary with education costs so that needy students interested in attending higher cost schools and willing to undertake greater self-help efforts could receive additional Federal grant assistance.

In place of the current half-cost limit, the Pell self-help grant would be limited to 60 percent of educational costs minus the expected family contribution, with a minimum student self-help expectation of $500. The maximum Pell award would be increased to $3,000. The expected family contribution [EFC] would be taken into account in determining the Pell awards of all students—eliminating an inequity in the current program whereby the EFC's of some students—those affected by the half-cost rule—are ignored.

The combination of Pell self-help and supplemental grant [SEOG] awards would be limited to 60 percent of educational costs or $500, whichever is less, minus the expected family contribution. Also, the receipt of SEOG and Pell awards by a particular student would be generally limited to 4 academic years—restoring a reasonable limit which was repealed in 1980.

WORK-STUDY/COOPERATIVE EDUCATION

The bill would increase to $850 million the 1985 work-study authorization level, and also increase institutional discretion in the use of these funds. While it is expected that the work-study program will be used primarily to finance employment—self-help—opportunities, it is recognized that in special circumstances an institutionally based grant might be required to complete the financial aid package for a needy student. Therefore, participating institutions would be allowed to use up to 50 percent of their work-study funding for making supplemental grants. The institutional allocation provisions would be simplified and made more equitable, with State allotments based solely on relative full-time equivalent enrollment subject to a fiscal year 1984 hold-harmless level. All other hold-harmless provisions would be repealed.

The amount of an institution's work-study funds which may be used to administer a job location and development program would be expanded from $25,000—or 10 percent of the allocation—to $100,000—no percentage limit. Schools would also be authorized to use all or any part of this amount for purposes of administering cooperative education, and/or adult literacy programs. This new approach to Federal support for cooperative education is designed to consolidate funding for federally sponsored student employment programs under a broader and more flexible program—through which institutional and student participation in cooperative education programs may be substantially expanded in light of the funding level we are seeking for work-study.

STUDENT LOANS

The bill includes several important amendments to the Guaranteed Student Loan [GSL] Program. All applicants for regular GSL's would become subject to the need analysis limitation which now applies only to those with adjusted family income above $30,000, thus eliminating loans to those who do not need them and the related Federal subsidy costs while improving equity in student treatment. The less subsidized auxiliary loan component of the GSL Program would remain nonneed based, and could be used to meet expected family contributions derived from need analysis.

The administration is proposing several amendments which are designed to reestablish State cost sharing in meeting the administrative and default costs associated with the GSL Program. All current interest-free Federal loan advances to guarantee agency reserve funds would be returned by October 1, 1985. The two guarantee agency administrative allowances based on new loan volume would be repealed. The agencies would still be allowed to retain up to 30 percent of default collections to help meet administrative costs. Federal reinsurance would be reduced from 100 percent—generally—to 80 percent of default costs. These measures would create new incentives for State level efforts to control GSL default and administrative costs.

This proposal would repeal existing provisions which place various limits on GSL's made and originated by eligible educational institutions. These limitations restrict loan access, impose unreasonable administrative burdens on program participants and have proven to be administratively unworkable. Moreover, they fail to address the main problems caused by origination relationships—the increased likelihood that unsophisticated borrowers will not be made to understand that they are receiving loans, not grants, and that borrowers will refuse to repay their loans if they are dissatisfied with the education they receive. These problems are adequately addressed by current regulations of the Secretary and the Federal Trade Commission and by common law agency principles.

In the National Direct Student Loan [NDSL] Program, Federal cancellation payments to educational institutions related to outstanding loans to individuals in certain occupations would be based only on the original institutional investment. Institutions would not have to reinvest these repayments in the NDSL program as is now required. The NDSL interest rate would be increased from 5 to 8 percent—the current GSL rate—effective for loans made after June 30, 1985. This would establish some degree of equity be-

tween NDSL and GSL and increase the flow of funds available for new loans in a reasonable way without new Federal capital appropriations.

This bill also includes several student loan technical and administrative improvement amendments, and it includes amendments designed to make the plus/auxiliary loan program more workable and more attractive to lenders and students.

INSTITUTIONAL AID—DEVELOPING INSTITUTIONS

Title III of the Higher Education Act would be substantially simplified—by merging parts A and B, and reducing eligibility requirements. Greater emphasis would be placed on endowment building and institutional graduation to self-sufficienty. The bill provides for 1- to 5-year nonrenewable strengthening institutions grants which would require institutional matching of 10, 20, and 30 percent for the third years of the award eligibility period. Graduates of this new part A program would be eligible for further title III aid only under the endowments grant—new part B—program. Set-aside provisions for 2-year and historically black institutions—25 percent of the appropriation, and $45.7 million respectively—would be simplified and applied to the entire title.

SPECIAL PROGRAMS FOR THE DISADVANTAGED [TRIO]

The bill includes amendments which simplify these programs, reduce administrative burden, and provide for a more equitable and effective distribution of Federal funds. The very similar talent search and educational opportunity centers programs would be consolidated, and the staff training program would be eliminated. Special services and upward bound grantees could use their awards for the new consolidated program. Special services grantees would be required to share increasingly in the costs of their projects and to graduate from Federal funding for these activities after 5 years. The upward bound institutional participants would be required to provide 10 percent of project costs and the consolidated talent search and assistance program would require institutions to meet 25 percent of costs.

FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION [FIPSE]

By providing that institutions must meet 50 percent of projects costs, the bill would require a demonstration of institutional commitment and recognize that institutions derive direct benefits from these awards. Currently, institutions meet about 40 percent of project costs. The amendment would allow an estimated 20 additional comprehensive program grants under level funding.

Mr. President, I believe that, if enacted, this higher education legislation would substantially improve the effectiveness of Federal student financial assistance and other higher education programs and would result in a more equitable distribution of limited Federal resources. I ask that the full text of the bill along with a section-by-section analysis of it be included in the RECORD immediately following my remarks.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2870

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Amendments of 1984".

TITLE I—INSTITUTIONAL AID NEW CONSOLIDATED PROGRAM

SEC. 101. Part B of title III of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.; hereinafter in this Act referred to as "the Act") is repealed.

SEC. 102. Section 311(a) of the Act is amended by inserting a comma and "help meet their special needs" immediately after "self-sufficiency".

DEFINITIONS

SEC. 103. (a) Section 312 of the Act is amended by inserting "(a)" immediately before "For purposes of this part".

(b) Section 312(a)(2) of the Act (as redesignated by subsection (a)) is amended—

(1) in subparagraph (A)(i) by striking out ", the average amount of which is high in comparison with the average amount of all grants awarded under such subpart to students at such institutions" each place it appears;

(2) in subparagraph (A)(ii) by striking out "undergraduate" each place it appears;

(3) in subparagraph (A)(v)(II) by striking out "and" at the end thereof;

(4) by redesignating clause (vi) of subparagraph (A) as clause (vii);

(5) in subparagraph (A) by inserting immediately after clause (v) the following new clause:

"(vi) has an enrollment of not less than 100 full-time equivalent students in the academic year for which the determination is made; and";

(6) in subparagraph (B) by striking out "and (ii) of such subparagraph." and inserting in lieu thereof a comma and the following: "(ii), and (vi) of such subparagraph, and which is located in a community different from that in which its parent institution is located."; and

(7) by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and the Secretary may also consider the factors specified in subsection (b).".

(c) Section 312(a)(3) of the Act (as redesignated by subsection (a)) is further amended by striking out "(determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by twelve)".

(d) Section 312 of the Act is further amended by adding at the end thereof the following new subsection:

"(b) In determining whether an institution is an eligible institution under subsection (a)(2), the Secretary may also consider the following factors:

"(1) extreme financial limitation requiring low faculty salaries, low costs of instruction for students, and low library expenditures;

"(2) little or no endowment, whether or not unrestricted;

"(3) a high student to faculty ratio;

"(4) a substantial percentage of students receiving need-based Federal student assistance;

"(5) limited library resources;

"(6) a low percentage of faculty with doctorate degrees;

"(7) poor physical facilities and limited resources to maintain physical facilities;

"(8) little or no support from foundations, alumni, or corporations;

"(9) limited or no sponsored research or faculty publications;

"(10) inadequate development offices and a limited capacity for long-range planning; and

"(11) poor or inadequate fiscal management and accounting procedures.".

DURATION OF A GRANT

SEC. 104. (a) Section 313(a) of the Act is amended to read as follows:

"(a) The Secretary may award a grant to an eligible institution under this part for a period of not more than five years, subject for each fiscal year to the availability of appropriations.".

(b) Section 313(b) of the Act is amended by striking out "subsection (a)(2)" and inserting in lieu thereof "subsection (a)".

(c) Section 313(c) of the Act is amended by inserting before the period at the end thereof a comma and the following: "provided that such institution has not received a grant under this subsection for any prior fiscal year".

FEDERAL SHARE AND TRANSITION PROVISIONS

SEC. 105. Part A of title III of the Act is amended by adding at the end thereof the following new sections:

"FEDERAL SHARE

"SEC. 314. The Federal share of the cost of a grant made to an eligible institution under this part shall be 100 per centum for the first two years in which an institution receives a grant, 90 per centum for the third year an institution receives a grant, 80 per centum for the fourth year an institution receives a grant, and 70 per centum for the fifth year an institution receives a grant.

"TRANSITION

"SEC. 315. (a) During the period beginning October 1, 1984, and ending September 30, 1988, the Secretary is authorized to make continuation awards under this part to any eligible institution which received a multiple year grant awarded prior to October 1, 1984, under section 311 or 321 of the Act as in effect on September 30, 1984.

"(b) No institution shall receive a grant under this section or under—

"(1) section 311 as in effect on September 30, 1984, for a period of more than seven years in the aggregate; and

"(2) section 321 as in effect on September 30, 1984, for a period of more than five years in the aggregate.

"(c) An institution which has received a continuation award for the maximum period described in subsection (b) shall not be eligible to receive a grant under this part.".

CHALLENGE GRANTS TRANSITION

SEC. 106. Part C of title III of the Act is redesignated as part B and the heading for such part is amended to read as follows: "PART B—CHALLENGE GRANT TRANSITION AWARDS".

SEC. 107. Sections 331 and 332 of the Act are repealed.

SEC. 108. Part B of title III of the Act (as redesignated by section 106) is further

amended by adding the following new section immediately after the heading:

"CONTINUATION AWARDS

"SEC. 321. (a) During the period beginning October 1, 1984, and ending September 30, 1988, the Secretary is authorized to make continuation awards under this part to any eligible institution which received a multiple year grant awarded prior to October 1, 1984, under section 331 of the Act as in effect on September 30, 1984.

"(b) No institution shall receive a grant under this section or section 331 as in effect on September 30, 1984, for a period of more than five years in the aggregate.".

ENDOWMENT GRANTS

SEC. 109. Title III of the Act is further amended by inserting the following heading immediately before section 333: "PART C—ENDOWMENT GRANTS".

SEC. 110. Section 333 of the Act is amended—

(1) in subsection (b)(4) by amending subparagraph (A) to read as follows:

"(4)(A) An institution of higher education is eligible to receive a grant under this section if—

"(i) it is an eligible institution under part A or would be considered to be such an institution if section 312(a)(2)(A)(iii) referred to a postgraduate degree rather than a bachelor's degree; or

"(ii) it is an institution of higher education which includes a substantial number of minority and educationally disadvantaged students, provides a medical education program which leads to a doctor of medicine degree or is not less than a two-year program fully acceptable toward such a degree, and in fiscal year 1980 received a grant as a two year medical school under section 788(a) of the Health Professions Educational Assistance Act of 1976."; and

(2) in subsection (f) by striking out "part A or B" and inserting in lieu thereof "part A".

GENERAL PROVISIONS

SEC. 111. (a) Section 341(b) of the Act is amended—

(1) in paragraph (2) by striking out "or 321(b)";

(2) in paragraph (8) by striking out subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) (as subparagraphs (C), (D), and (F), respectively; and

(3) in paragraph (8)(F) (as redesignated by paragraph (2)) by striking out "in subparagraph (F)" and inserting in lieu thereof "in subparagraph (E)".

(b) Section 342 of the Act is amended—

(1) in subsection (a)(1) by striking out—

(A) "or section 322(a)(2)(A)(ii)" and "or as an institution with special needs under part B (as the case may be)"; and

(B) "parts" and inserting in lieu thereof "part";

(2) in subsection (a)(2) by striking out "or section 322(a)(2)(A)(ii)", "or institution with special needs under part B, as the case may be", "or section 322(a)(2)(A)(ii), as the case may be", and "or as an institution with special needs under part B";

(3) in subsection (b) by striking out "and 322(a)(i)(v)"; and

(4) by striking out "section 312(2)(A)(ii)" each place it appears and inserting in lieu thereof "section 312(a)(2)(A)(ii)".

(c) Section 343 of the Act is amended—

(1) in subsection (a)(2)(A) by striking out "and of the types of activities referred to in section 321(b) that should receive special consideration for grants awarded under part B" before the semicolon at the end thereof; and

(2) in subsection (c) by striking out "Not later than June 30 of each year, the" and inserting in lieu thereof "The".

(d) Section 344 of the Act is amended—

(1) in subsection (a)—

(A) by striking out the dash and "(1)" before "with funds available to carry out part A,";

(B) by striking out paragraph (2); and

(C) by striking out "or section 321(b), as the case may be"; and

(2) in subsection (c) by striking out "or 323, as the case may be" before the period at the end thereof.

(e) Section 345 of the Act is amended—

(1) in subsection (a) by striking out "or an institution with special needs under part B"; and

(2) in subsection (b)(2) by striking out "title II, IV, VII, or VIII" and inserting in lieu thereof "title II, IV, or VII".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 112. (a) Section 347 of the Act is amended to read as follows:

"AUTHORIZATIONS

"SEC. 347. (a) There are authorized to be appropriated to carry out this title $134,416,000 for the fiscal year 1985.

"(b) Any funds made available under this section for grants under part C which are not expended during the fiscal year for which such funds were appropriated shall remain available for expenditure for the purpose of making grants until expended.

"(c) Of the sums appropriated under subsection (a) for the fiscal year 1985, the Secretary shall make available to use for the purpose of this title not less than 25 per centum to institutions that are junior or community colleges.

"(d) The Secretary shall reserve from the funds appropriated for the fiscal year 1985 under this title $45,741,000 for eligible institutions that have historically served substantial numbers of black students.".

TITLE II—STUDENT ASSISTANCE PART A—STUDENT GRANT AMENDMENTS

Subpart 1—Pell Self-Help Grants

NOMENCLATURE AMENDMENTS

SEC. 201. (a) Section 401(a)(1) of the Act is amended by striking out "basic educational opportunity grants (hereinafter referred to as 'basic grants')" and inserting in lieu thereof "Pell Self-Help Grants".

(b) The heading of subpart 1 of part A of title IV of the Act is amended by striking out "BASIC EDUCATIONAL OPPORTUNITY GRANTS" and inserting in lieu thereof "PELL SELF-HELP GRANTS".

(c) The heading immediately before section 411 of the act is amended by striking out "BASIC EDUCATIONAL OPPORTUNITY GRANTS" and inserting in lieu thereof "PELL SELF-HELP GRANTS".

(d) Section 411 of the Act is amended by striking out "basic grant" or "basic grants" each place they appear and inserting in lieu thereof "Pell Self-Help Grant" or "Pell Self-Help Grants", respectively.

(e) Section 411(a)(1)(C) of the Act is amended to read as follows: "(C) Grants made under this subpart shall be known as 'Pell Self-Help Grants'.".

PELL GRANT AWARD RULES

SEC. 202. (a) Section 411 (a)(1) of the Act is amended—

(1) by adding in subparagraph (A) at the end thereof the following: "A student may receive only one Pell Self-Help Grant for an academic year during an award year as defined by the Secretary.";

(2) by striking out subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) Section 411(a)(2) of the Act is amended to read as follows:

"(2)(A) For academic year 1985-1986, the maximum Pell Self-Help Grant for an eligible student shall be $3,000. For each succeeding academic year, the Secretary shall establish the maximum Pell Self-Help Grant amount.

"(B) The amount of a Pell Self-Help Grant which an eligible student may be paid shall not exceed the lesser of—

"(i) the amount determined as the student's cost of attendance under section 413; minus the sum of (I) the amount determined as the student's expected family contribution under section 412 and (II) $500 for academic year 1985-1986, or such amounts as the Secretary shall establish for each succeeding academic year;

"(ii) the amount determined as the student's cost of attendance under section 413, minus the sum of (I) the amount determined as the student's expected family contribution under section 412 and (II) 40 per centum of the amount determined as the student's cost of attendance under section 413;

"(iii)(I) for academic year 1984-1986, the sum of 25 per centum of the amount determined as the student's cost of attendance under section 413 and $1000, minus the amount determined as the student's expected family contribution under section 412; or (II) for each academic year after 1985-1986, the sum of such per centum, as the Secretary shall establish, of the amount determined as the student's cost of attendance under section 413 and such additional amounts as the Secretary may establish, minus the amount determined as the student's expected family contribution under section 412; or

"(iv) the maximum Pell Self-Help Grant, minus the amount determined as the student's expected family contribution under section 412.

"(C) If a student attends an institution of higher education on less than a full-time basis during any academic year, the amount of the Pell Self-Help Grant which that student would otherwise be paid shall be reduced in proportion to the degree to which that student is not attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary. In no event shall the award exceed the amount specified in paragraph (2)(B)(i) and no award shall be made to a student attending an institution on less than a half-time basis.

"(D) No Pell Self-Help Grant shall be awarded to a student if the amount of the grant would be less than $100.".

(c) Section 411(a)(3) of the Act is amended to read as follows:

"(3) The period during which a student may receive Pell Self-Help Grants shall be the period required for the completion of the undergraduate course of study being pursued by that student at the institution at which the student is in attendance. A student who already has a baccalaureate degree shall not receive a Pell Self-Help Grant. The maximum eligibility period may not exceed four academic years unless—

"(A) the student is pursuing a course of study leading to a first degree which is designed by the institution offering it to cover a period of more than four but not more than five academic years;

"(B) the student is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution that the student enroll in a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree; or

"(C) the student is, or will be, unable to complete a course of study within four academic years because of exceptional circumstances as determined by the Secretary. In any case in which subparagraph (A), (B), or (C) is applicable, the maximum eligibility period may not exceed five academic years.

(d) Section 411(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) For purposes of determining the maximum eligibility period under paragraph (3), part-time enrollment shall be counted as a ratable portion of an academic year.".

FUNDING AMENDMENTS

SEC. 203. Section 411(b) of the Act is amended—

(1) by amending paragraph (3)(B) to read as follows:

"(B)(i) If the funds appropriated for payments under this subpart are insufficient to satisfy fully all entitlements as calculated under subsection (a)(2)(B), the amount paid to each eligible student shall be—

"(I) the full amount for any student whose expected family contribution is $100 or less; or

"(II) a percentage of that payment, as determined in accordance with a schedule of reductions established by the Secretary, for any student whose expected family contribution is more than $100.

"(ii) Any schedule established by the Secretary for the purpose of division (i) shall contain a single linear reduction formula in which the percentage reduction increases uniformly as the payment decreases, and shall provide that if a payment is reduced to less than $100, no payment shall be made.

"(iii) If the funds appropriated under this subpart for any fiscal year are insufficient to satisfy fully payments to students whose expected family contribution is $100 or less, the Secretary is further authorized to reduce payments to such students on an equitable basis, notwithstanding subsection (a)(2)(D).."; and

"(2) Section 411 of the Act is amended by adding at the end thereof the following new subsection:

"(d) There are authorized to be appropriated to carry out this subpart $2,800,000,000 for fiscal year 1985.".

PELL SELF-HELP GRANT NEED ANALYSIS

SEC. 204. Subpart 1 of part A of title IV of the Act is amended by adding at the end thereof the following new sections:

"EXPECTED FAMILY CONTRIBUTIONS

"SEC. 412. (a) For the purpose of calculating a Pell Self-Help Grant under this subpart, the Secretary shall publish, in accordance with the notice and comment procedures of section 553 of title 5, United States Code, a schedule of expected family contributions for each academic year. Each schedule of expected family contributions shall contain the amounts, as determined by the Secretary, that a dependent student, his spouse, and his family, or an independent student and his spouse, may reasonably be expected to contribute to the student's postsecondary education for the academic year.

"(b) The Secretary shall base a schedule of expected family contributions on relevant factors which shall include, but not be limited to, the following:

"(1) the adjusted gross income, as defined under the Internal Revenue Code of 1954, for the base year as defined by the Secretary, of the student, his spouse, or his parents;

"(2) the Federal income tax paid by the student, his spouse, or his parents in the base year;

"(3) the income of the student, his spouse or his parents in the base year, (A) which is exempt in whole or in part from Federal income tax under the Internal Revenue Code of 1954, and (B) which the Secretary determines decreases the student's financial need;

"(4) the number of dependents who would qualify as exemptions of the student, his spouse, or his parents under the Internal Revenue Code of 1954 in the base year; and

"(5) the assets, as defined by the Secretary, of the student, his spouse, or his parents in the base year.

"(c) In determining the expected family contribution under this section for any academic year, the Secretary shall establish assessment rates to be applied to a family's discretionary income and assets.

"COST OF ATTENDANCE

"SEC. 413. (a) For the purpose of calculating the amount of a Pell Self-Help Grant under this subpart, the term 'cost of attendance' means the tuition and fees normally assessed a fulltime student at the institution at which the student is in attendance, plus additional amounts for living expenses as may be established by the Secretary.

"(b)(1) For academic year 1985–1986, the living expense allowance for a student not residing with his parents shall not exceed $3,000 and for a student residing with his parents such allowance shall not exceed $1,500.

"(2) For subsequent academic years, the Secretary shall set appropriate limits on living expense allowances.".

Subpart 2—Supplemental Educational Opportunity Grants

SUPPLEMENTAL GRANT AWARD RULES

SEC. 205. Section 413B of the Act is amended to read as follows:

"AMOUNT AND DURATION OF GRANTS

"SEC. 413B. (a) Each institution of higher education which receives funds under this subpart shall award supplemental grants to eligible students for each academic year in accordance with the requirements of this section.

"(b)(1) Except with respect to a student who has also received a Pell Self-Help Grant under section 411, the amount awarded as a supplemental grant to any student for an academic year shall be the amount determined by the institution, in accordance with a need analysis system approved by the Secretary, to be needed by such student for pursuing a course of study at the institution, except that such amount shall not exceed $2,000.

"(2) With respect to any student who has also received a Pell Self-Help Grant under section 411, the amount awarded as a supplemental grant to such student for an academic year shall be the amount determined by the institution, in accordance with a need analysis system approved by the Secretary, to be needed by such student for pursuing a course of study at the institution, except that such amount shall not exceed the lesser of—

"(A) $4,500, minus the amount of the student's Pell Self-Help Grant, minus the student's expected family contribution; or

"(B) 60 per centum of the cost of attendance, minus the amount of the student's Pell Self-Help Grant, minus the student's expected family contribution.

"(3) If the amount determined by an institution to be awarded to a student for an academic year is less than $100, no supplemental grant shall be awarded to such student for the academic year.

"(4) For purposes of this subsection, the terms 'expected family contribution' and 'cost of attendance' shall have the same meanings given to such terms under sections 412 and 413.

"(5) For any academic year after 1985–1986, the Secretary is authorized to change the base line figure of $4,500 in paragraph (1)(A) by regulation.

"(c)(1) The period during which a student may receive supplemental grants shall be the period required for the completion of the undergraduate course of study being pursued by that student at the institution at which the student is in attendance. A student who already has a baccalaureate degree shall not receive a supplemental grant. The maximum eligibility period may not exceed four academic years unless—

"(A) the student is pursuing a course of study leading to a first degree which is designed by the institution offering it to extend for a period of more than four but not more than five academic years;

"(B) the student is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution that the student enroll in a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree; or

"(C) the student is, or will be, unable to complete a course of study within four academic years because of exceptional circumstances as determined by the Secretary. In any case in which subparagraph (A), (B), or (C) is applicable, the maximum eligibility period may not exceed five academic years.

"(2) For the purposes of determining the maximum eligibility period under paragraph (1), part-time enrollment shall be counted as a ratable portion of an academic year.".

COST SHARING

SEC. 206. Section 413D of the Act is amended by adding at the end thereof the following new subsection:

"(c) Each institution receiving funds under this section or under section 488 of the Act shall provide matching funds equal to 20 per centum of the amount received under such sections, in accordance with regulations prescribed by the Secretary.".

CONFORMING AMENDMENT

SEC. 207. Sections 3, 4, 5, and 6 of the Student Financial Assistance Technical Amendments of 1982 (P.L. 97-301, 96 Stat. 1400) as amended by section 4 of the Student Loan Consolidation and Technical Amendments Act of 1983 (P.L. 98-79, 97 Stat. 479) are repealed.

Subpart 3—State Student Incentive Grant

ELIMINATION OF MAINTENANCE OF EFFORT

SEC. 208. Section 415C(b) of the Act is amended—

(1) by adding "and" at the end of paragraph (6);

(2) by striking out paragraph (7); and

(3) by redesignating paragraph (8) as paragraph (7).

PART B—GUARANTEED STUDENT LOAN PROGRAM

SEC. 211. The heading of part B of title IV of the Act is amended to read as follows: "PART B—GUARANTEED STUDENT LOAN PROGRAM".

ELIGIBILITY FOR SUBSIDIZED LOANS

SEC. 212. Section 428(a)(2) of the Act is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(2)(A) To qualify for a portion of an interest payment under paragraph (1), a student shall provide to the lender a statement from the eligible institution at which the student has been accepted for enrollment, or at which the student is in attendance, which—

"(i) sets forth the amount of such student's estimated cost of attendance;

"(ii) sets forth the amount of such student's estimated financial assistance (as defined in regulations of the Secretary) and expected family contribution; and

"(iii) evidences a determination of remaining need for a loan and the amount of such need, subject to the provisions of subparagraph (D).";

(2) by striking out subparagraphs (B) and (E) and redesignating subparagraphs (C), (D), and (F) as subparagraphs (B), (C), and (D), respectively;

(3) by striking out "subparagraph (B)(ii)" in subparagraph (B)(iii) (as redesignated by paragraph (2)) and inserting in lieu thereof "subparagraph (A)";

(4) by striking our subparagraph (C) (as redesignated by paragraph (2)) and inserting in lieu thereof the following:

"(C) The Secretary shall publish, in accordance with the notice and comment procedures of section 553 of title 5, United States Code, a schedule of expected family contributions for each academic year."; and

(5) by striking out "clause (ii) of subparagraph (B)" in subparagraph (D) (as redesignated by paragraph (2)) and inserting in lieu thereof "subparagraph (A)".

DEFERMENTS

SEC. 213. (a) Section 427(a)(2)(C) of the Act is amended—

(1) by redesignating clauses (i) through (viii) as divisions (I) through (VIII), respectively;

(2) by striking out "clause (iii) and (iv)" in division (V) (as redesignated by paragraph (1)) and inserting in lieu thereof "divisions (III) and (IV)";

(3) by inserting "(i) for a loan made prior to the effective date of section 213 of the Higher Education Act Amendments of 1984," after "but interest shall accrue and be paid";

(4) by inserting the following before "and that any such period shall not be included in the ten-year period";

"and (ii) for a loan made on or after the effective date of section 213 of the Higher Education Act Amendments of 1984 during any period—

"(I) not in excess of five years in the aggregate during which the borrower has resumed study, and is carrying at least one-half the normal full-time academic workload, at an eligible institution;

"(II) not less than six months, nor more than three years in the aggregate, during which the borrower is serving as a member of the Armed Forces of the United States;

"(III) not in excess of three years in the aggregate during which the borrower is in service as a volunteer under the Peace Corps Act; or

"(IV) not in excess of three years in the aggregate, during which the borrower demonstrates a financial inability to repay any loan principal or interest because of exceptional circumstances which meet criteria established by the Secretary;" and

(5) by inserting "described in clauses (i) and (ii)" before "shall not be included in determining the ten-year period".".

(b) Section 428(b)(1)(M) of the Act is amended—

(1) by redesignating clauses (i) through (viii) as divisions (I) through (VIII), respectively;

(2) by striking out "clauses (iii) and (iv)"" in division (V) (as redesignated by paragraph (1)) and inserting in lieu thereof "divisions (III) and (IV)";

(3) by inserting "(i) on a loan made prior to the effective date of section 213 of the Higher Education Act Amendments of 1984," after "but interest shall accrue and be paid"; and

(4) by adding at the end thereof before the semicolon the following:

"(ii) for a loan made on or after the effective date of section 213 of the Higher Education Act Amendments of 1984, during any period—

"(I) not in excess of five years in the aggregate during which the borrower has resumed a course of study, and is carrying at least one-half the normal full-time academic workload, at an eligible institution;

"(II) not less than six months, nor more than three years in the aggregate, during which the borrower is serving as a member of the Armed Forces of the United States;

"(III) not in excess of three years in the aggregate during which the borrower is in service as a volunteer under the Peace Corps Act; or

"(IV) not in excess of three years in the aggregate during which the borrower demonstrates a financial inability to repay any loan principal or interest because of exceptional circumstances which meet criteria established by the Secretary;".

NEED ANALYSIS FOR STUDENTS ATTENDING FOREIGN SCHOOLS

SEC. 214. Section 428(a)(2) of the Act is further amended by adding at the end thereof the following new subparagraph:

"(E) In the case of a student attending an eligible institution not in a State, the determination to be made under subparagraph (A)(iii) shall be made by (i) the Secretary in the case of a loan described by section 427, or (ii) a State or nonprofit private institution or organization, as the case may be, in the case of a loan made under a program covered by subsection (b).".

UNDERGRADUATE STUDENT

SEC. 215. (a) Section 425(a) of the Act is amended—

(1) by striking out "a student who has not successfully completed a program of undergraduate education," in paragraph (1) and inserting in lieu thereof "an undergraduate student (as defined in regulations of the Secretary),"; and

(2) by striking out "any student who has not successfully completed a program of undergraduate education," in paragraph (2) and inserting in lieu thereof "any undergraduate student (as defined in regulations of the Secretary),".

(b) Section 428(b)(1) of the act is amended—

(1) by striking out "a student who has not successfully completed a program of undergraduate education," in subparagraph (A) and inserting in lieu thereof "an undergraduate student (as defined in regulations of the Secretary),"; and

(2) by striking out "any student who has not successfully completed a program of undergraduate education," in subparagraph (B) and inserting in lieu thereof "any undergraduate student (as defined in regulations of the Secretary),".

RECALL OF ADVANCES

SEC. 216. (a) Section 421(b) of the Act is amended—

(1) by striking out paragraphs (3) and (4);

(2) by adding "and" at the end of paragraph (2);

(3) by redesignating paragraph (5) as paragraph (3); and

(4) by striking out the last sentence therein.

(b) Section 422 of the Act is amended—

(1) in subsection (a)(3)—

(A) by inserting a comma and "but in any case prior to October 1, 1985" immediately before the period at the end thereof; and

(B) by adding at the end thereof the following:

"Any such repayment of an advance shall be deposited in the fund established by section 431."; and

(2) by amending subsection (c)(4) to read as follows:

"(4) An advance by the Secretary under this subsection, whenever made, shall be repaid within such period as determined by the Secretary, but in any case, prior to October 1, 1985. Any such repayment of an advance shall be deposited in the fund established by section 431.".

REINSURANCE CHANGES

SEC. 217. (a) Section 425(b)(1) of the Act is amended—

(1) by striking out "Except as provided in subparagraph (B), the" in subparagraph (A) and inserting in lieu thereof "The";

(2) by striking out everything that follows "the principal amount of the loan plus interest" in subparagraph (A) through the end thereof and inserting in lieu thereof a period;

(3) by striking out subparagraphs (B) and (C); and

(4) by redesignating subparagraph (A) as paragraph (1).

(b) Section 425(b) of the Act is amended by striking out paragraphs (2) and (3) and by redesignating paragraph (4) as paragraph (2).

(c) Section 428(c)(1) of the Act is amended—

(1) by amending the last sentence in subparagraph (A) to read as follows: "The amount to be paid a State or nonprofit private institution or organization as reimbursement on loans made for academic years beginning on or after July 1, 1984, under this subsection shall be 80 per centum of the amount expended for the unpaid balance of the principal amount of the loan plus interest by it in discharge of its insurance obligation (resulting from the default of the borrower) incurred under its loan insurance program.";

(2) by striking out subparagraphs (B) and (C); and

(3) by redesignating subparagraph (A) as paragraph (1).

(d) Section 428A of the Act is repealed.

UNIFORM LOAN AVAILABILITY

SEC. 218. (a) Section 428(b)(1) of the Act is amended—

(1) in subparagraph (A)—

(A) by inserting after "authorizes the insurance in any academic year or its equivalent (as determined under regulations of the Secretary)" the following: "of loans to any individual student who is carrying at an eligible institution at least one-half the normal full-time academic workload (as determined under regulations of the Secretary)"; and

(B) by striking out "of not less than $1,000 nor more than" and inserting in lieu thereof "of";

(2) in subparagraph (B) by striking out "not at any time exceed" and inserting in lieu thereof "be any amount up to a maximum of";

(3) in subparagraph (E)—

(A) by striking out "pursue a full-time course of study at an eligible institution, except —" and inserting in lieu thereof "carry at an eligible institution at least one-half the normal full-time academic workload (as determined under regulations of the Secretary), except";

(B) by striking out division (i); and

(C) by striking out "(ii)";

(4) in subparagraph (G)—

(A) by striking out "80 per centum" and inserting in lieu thereof "100 per centum"; and

(B) by inserting before the semicolon at the end thereof a comma and the following: "whether or not such loans are eligible for the payments provided for in subsection (a)";

(5) in subparagraph (O) by striking out "and" at the end thereof;

(6) in subparagraph (P) by striking out the period at the end thereof; and

(7) by adding at the end thereof the following new subparagraphs:

"(Q) provides for the guarantee of loans made to students, spouses of students, and parents under section 428B;

"(R) with respect to lenders which are eligible institutions, provides for the insurance of loans by only such institutions as are located within the geographic area served by such State or nonprofit private institution or organization;

"(S) provides no restrictions with respect to the insurance of loans for students who are otherwise eligible for loans under such program if such a student is accepted for enrollment in or is attending an eligible institution within the State, or if such a student is a legal resident of the State and is accepted for enrollment in or is attending an eligible institution outside that State;

"(T) provides no restrictions with respect to eligible institutions which are more onerous than eligibility requirements for institutions under the Federal student loan insurance program, unless (i) that institution is ineligible under regulations for the limitation, suspension, or termination of eligible institutions under the Federal student loan insurance program or is ineligible pursuant to criteria issued under the student loan insurance program which are substantially the same as regulations with respect to such eligibility issued under the Federal student loan insurance program, or (ii) there is a State constitutional prohibition affecting the eligibility of such an institution; and

"(U) provides (i) for the eligibility of all lenders described in section 435(g)(1) under reasonable criteria, unless (I) that lender is eliminated as a lender under regulations for the limitation, suspension, or termination of lenders under the Federal student loan insurance program or is eliminated as a lender pursuant to criteria issued under the student loan insurance program which are substantially the same as regulations with respect to such eligibility as a lender issued under the Federal student loan insurance program, or (II) there is a State constitutional prohibition affecting the eligibility of a lender, and (ii) assurances that the State or nonprofit private institution or organization will report to the Secretary annually concerning such criteria, including any procedures in effect under such program to limit, suspend, or terminate lenders.".

(b) Section 428(c)(6)(A) of the Act is amended by striking out "and for the purpose of section 428A(b)(5)".

(c) Section 428 of the Act is further amended by striking out subsection (f).

MULTIPLE DISBURSEMENTS AND ESCROW REPEAL

SEC. 219. (a) Section 428(a) of the Act is amended by striking out paragraph (8).

(b) Section 428 of the Act is further amended by striking our subsection (i).

REPEAL OF SCHOOL LENDER AND OTHER "ORIGINATION" REQUIREMENTS

SEC. 220. (a) Section 425(a)(1) of the Act is amended—

(1) by striking out subparagraphs (A) and (B);

(2) by striking out the dash after "except" and by striking out "(C)"; and

(3) by striking out the last sentence therein.

(b) Section 428(b)(1)(A) of the Act is amended—

(1) by striking out clauses (i) and (ii); and

(2) by striking out the dash after "except", "(iii)", and ", and all loans issued within any period of 90 days shall be considered as a single loan for purposes of division (ii)".

(c) Section 433 of the Act is repealed.

ELIGIBLE LENDERS

SEC. 221. Section 435(g)(1) of the Act is amended—

(1) in subparagraph (G) by striking out "and" at the end thereof;

(2) in subparagraph (H) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

"(I) a State or a Federal agency which is the assignee of an eligible lender, as defined in subparagraphs (A) through (H); and

"(J) a Rural Rehabilitation Corporation, or its successor agency, which has received Federal funds under Public Law 499 (ch. 152, 64 Stat. 98 (1950)).".

DELEGATION OF FUNCTIONS

SEC. 222. (a) Section 432(d) of the Act is amended to read as follows:

"(d) The Secretary is authorized to delegate his functions under this part to employees in the regional offices of the Department of Education established pursuant to section 403(c)(2) of the General Education Provisions Act.".

COMMISSIONED SALESMEN

SEC. 223. Section 435(a) of the Act is amended by inserting "or 428B" after "section 428(a)(1)".

AUXILIARY LOAN PROGRAM

SEC. 224. (a) Section 428B(a) of the Act is amended—

(1) in paragraph (1)—

(A) by inserting "and parents or a spouse of a graduate or professional student (as defined by regulations of the Secretary)" immediately before "shall be eligible to borrow funds under this part"; and

(B) by inserting "or a spouse borrower" immediately after "a parent borrower"; and

(2) in paragraph (2)—

(A) by striking out "section 482(c)(2)" and inserting in lieu thereof "section 482"; and

(B) by striking out "(treating graduate and professional students as parents for the purposes of such subsection)" and inserting in lieu thereof "or subsection (c)(4), respectively,".

(b) Section 428B(b) of the Act is amended—

(1) in paragraph (1) by striking out "may borrow" and inserting in lieu thereof a comma and "a spouse, and a graduate or professional student may borrow in the aggregate";

(2) in paragraph (2) by striking out "parents on account of an undergraduate dependent student" and inserting in lieu thereof "parents, a spouse, and a graduate or professional student on account of one student"; and

(3) in paragraph (3) by inserting a comma and "spouse," immediately after "parent".

(c) Section 428B(c)(1) of the Act is amended—

(1) in paragraph (1)—

(A) by inserting "(A) in the case of a loan made to a parent or spouse," after "shall commence"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "or (B) in the case of a loan made to any student, six months after the month in which the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by the institution."; and

(2) by adding at the end thereof the following new paragraphs:

"(5) For any loan made under this section to a borrower who is not a student, the lender is authorized to charge the borrower a fee (which may be deducted from the amount of the loan), not to exceed $25, to defray the cost of verifying the credit-worthiness of the borrower.

"(6) The maximum repayment period for a loan made under this section to a parent or spouse, shall not exceed 10 years from the date of the initial disbursement of the loan, provided that if a lender provides for repayment of several such loans under a single repayment agreement, the lender may calculate the repayment period for each included loan from the date of the initial disbursement of the most recent included loan.".

AUXILIARY LOAN PROGRAM ACCESS

SEC. 225. Section 421(a)(1) of the Act is amended by inserting "and for borrowers participating in the program authorized under section 428B" immediately after "(as defined in section 435)".

SEC. 226. Section 428B(d) of the Act is amended—

(1) by striking out "Loans made under this section" and inserting in lieu thereof "(1) Except as provided in paragraph (2), loans made under this section";

(2) by redesignating subparagraphs (A) and (B) in paragraph (2) as clauses (i) and (ii), respectively;

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(4) by adding at the end thereof the following new paragraph:

"(2) Loans made by a lender under this section may be insured directly by the Secretary if the lender satisfies the Secretary that, by reason of the residences of the intended borrowers of such lender, such

lender will not have access to any single State or nonprofit private loan insurance program which will insure substantially all of the loans such lender intends to make to such borrowers.".

PART C—WORK-STUDY PROGRAM

AUTHORIZATION OF APPROPRIATIONS

SEC. 231. Section 441(b) of the Act is amended to read as follows:

"(b) There are authorized to be appropriated for carrying out the purposes of this part $850,000,000 for fiscal year 1985.".

ALLOTMENTS AND ELIMINATION OF MAINTENANCE OF EFFORT

SEC. 232. (a) Section 442 of the Act is amended—

(1) by amending subsections (a) and (b) to read as follows:

"(a) From the sums appropriated for a fiscal year to carry out this part, the Secretary shall (1) allot $2,000,000 among Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands according to their respective needs for assistance under this part, and (2) allot the remainder of such sums among the States as provided in subsection (b).

"(b) Each State shall be allotted an amount which bears the same ratio to the total sums made available under this subsection as the number of full-time-equivalent students enrolled in institutions of higher education in such State bears to the total number of such students enrolled in institutions of higher education in all the States, except that the amount allotted to each State shall not be less than the amount allotted to such State in fiscal year 1984.";

(2) by striking out subsection (c);

(3) in subsection (d)—

(A) by striking out in the first sentence of paragraph (1) the first comma and everything that follows until the end thereof and inserting in lieu thereof a period;

(B) by striking out "(1)" after "(d)"; and

(C) by striking out paragraph (2);

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(5) by striking out subsection (f).

(b) Section 443(b) of the Act is amended—

(1) by adding "and" at the end of paragraph (1)(B);

(2) by striking out "and" at the end of paragraph (1)(C);

(3) by striking out paragraph (1)(D);

(4) by striking out paragraph (5); and

(5) by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (5), (6), (7), and (8), respectively.

(c) Section 446(a) of the Act is amended by striking out the second sentence therein.

NEED ANALYSIS

SEC. 233. Section 443(b)(3) of the Act is amended by striking out "in accordance with the provisions of section 482," and inserting in lieu thereof "in accordance with a need analysis system approved by the Secretary,".

RESTORATION OF AREA VOCATIONAL SCHOOL ELIGIBILITY

SEC. 234. Section 443 of the Act is amended—

(1) in subsection (b)(1) by inserting in the parenthetical "or an area vocational school" immediately after "a proprietary institution of higher education"; and

(2) by adding at the end thereof the following new subsection:

"(c) For purposes of this part, the term 'institution of higher education' shall include an area vocational school as defined under section 195 of the Vocational Education Act of 1963.".

JOB LOCATION AND DEVELOPMENT AND COOPERATIVE EDUCATION ACTIVITIES

SEC. 235. Section 447 of the Act is amended—

(1) by amending the heading for such section to read as follows: "JOB LOCATION AND DEVELOPMENT AND COOPERATIVE EDUCATION ACTIVITIES";

(2) by amending subsection (a) to read as follows:

"(a) The Secretary is authorized to enter into agreements with an eligible institution under which such institution may use, subject to subsection (c), up to $100,000 of its allotment under section 446 to—

"(1) establish or expand a program under which such institution, separately, or in combination with other eligible institutions, or through contract with a nonprofit organization or public agency, locates and develops jobs for currently enrolled students which are suitable to the scheduling and other needs of such students;

"(2) plan, establish, administer, or expand a program of cooperative education by such institution, separately, or in combination with other eligible institutions, and which cooperative education program provides alternating or parallel periods of academic study and of public or private employment, the latter affording students not only the opportunity to earn funds necessary for continuing and completing their education but, so far as practicable, giving them work experience related to their academic or occupational objectives; or

"(3) plan, establish, operate, or expand a program of adult literacy on or off campus at such institution, separately, or in combination with other eligible institutions.";

(3) in subsection (b)—

(A) by inserting in paragraph (2) after "an eligible institution" a comma and the following: "except that such funds may be used to locate or develop jobs in programs promoting adult literacy which are operated by public agencies and nonprofit organizations, or by eligible institutions either on or off campus";

(B) by striking out paragraph (3);

(C) by striking out "and" at the end of paragraph (6);

(D) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a comma and the following: "including a summary of student compensation received and of any activities performed by organizations participating in programs under this section; and";

(E) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively; and

(F) by adding at the end thereof the following new paragraph:

"(7) provide such fiscal controls and fund accounting procedures as may be necessary to ensure proper and effective expenditure of funds awarded under this section, in accordance with regulations prescribed by the Secretary."; and

(4) by adding at the end thereof the following new subsection:

"(c)(1) For academic year 1986-1987 and thereafter, the maximum amount of an institution's allotment under section 446 that may be used for any or all programs authorized by this section shall not exceed one-fifth of the total amount of earnings received by students, through their participation in such programs, during the previous academic year.

"(2) For purposes of calculating the allotment limitations in paragraph (1), the Federal contribution to any earnings received by a student employed under a work-study program and placed in employment through a job location and development program shall be excluded unless the student is employed in an adult literacy program.

"(3) For purposes of this subsection, the term 'earnings' shall mean total gross income received by a student in compensation of services performed in programs authorized by this section.".

CONFORMING AMENDMENTS

SEC. 236. (a) Section 448 of the Act is repealed.

(b) Section 801 of the Act is amended by striking out "1983, 1984, and 1985," each place it appears and inserting in lieu thereof "1983, and 1984,".

PART D—SPECIAL PROGRAMS FOR THE DISADVANTAGED

TECHNICAL CHANGES

SEC. 241. Section 417A of the Act is amended—

(1) in subsection (a)—

(A) by striking out "and contracts";

(B) by inserting "and" immediately after "to prepare them for a program of postsecondary education,"; and

(C) by striking out at the end thereof the last comma and "and to train persons serving or preparing for service in programs and projects so designed." and inserting in lieu thereof a period;

(2) by striking out subsection (b);

(3) by amending subsection (d) to read as follows:

"(d) For the purpose of this subpart the term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 per centum of an amount equal to the poverty level determined under criteria of poverty established by the Bureau of the Census."; and

(4) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

TALENT SEARCH PROGRAM AMENDMENTS

SEC. 242. (a) The heading for section 417B of the Act is amended by inserting "AND ASSISTANCE" after "TALENT SEARCH".

(b) Section 417B of the Act is amended—

(1) by inserting "and assistance" after "talent search" each place it appears;

(2) in subsection (a)—

(A) by striking out in paragraph (1) "youths" and "youth" and inserting in lieu thereof "persons";

(B) by amending paragraph (2) to read as follows:

"(2) to provide information with respect to financial and academic assistance available to persons who pursue a program of postsecondary education;";

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) to provide assistance to persons applying for admission to institutions of higher education, including such assistance as preparing applications and forms used by admissions and financial aid officers; and";

(3) by amending subsection (b) to read as follows:

"(b) A talent search and assistance project funded under this section may provide in addition to the services provided in paragraphs (1), (2), (3), and (4) of subsection (a), tutorial and counseling services for persons

participating in the project if such services are not otherwise available through a project assisted under this subpart.";

(4) in subsection (c)—

(A) by striking out "under this subpart" and inserting in lieu thereof "under this section";

(B) by striking out in paragraph (1) "youths participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;" and inserting in lieu thereof "persons who would participate in the project proposed for funding be low-income individuals or physically handicapped;";

(C) by striking out in paragraph (2) "but not more than twenty-seven years of age, unless the imposition of any such limitation with respect to any person would defeat the purposes of this section or the purposes of section 417E; and" and inserting in lieu thereof a comma and "unless waived by the Secretary because of exceptional circumstances demonstrated by the applicant; and"; and

(D) by striking out in paragraph (3) "do not have access to services from another project funded under this section or under section 417E." and inserting in lieu thereof "are not receiving services from another project funded under this section.";

(5) by striking out in subsection (d) "under this subpart" and inserting in lieu thereof "under this section" and by striking out in such subsection "a setting accessible to the persons proposed to be served by the project." and inserting in lieu thereof "an area accessible to the persons proposed to be served by the project and assurances that a substantial concentration of low-income individuals or physically handicapped persons reside in such area, in accordance with regulations promulgated by the Secretary."; and

(6) by adding at the end thereof the following new subsection:

"(e)(1) The Secretary is authorized to award grants under this section based on applications submitted by institutions of higher education, including consortia of such institutions, public and private agencies, and, in exceptional circumstances, secondary schools.

"(2) The amount of any grant awarded under this section for a talent search and assistance project shall not exceed 75 per centum of the cost of the project, as determined by the Secretary.".

UPWARD BOUND PROGRAM AMENDMENTS

SEC. 243. Section 417C of the Act is amended—

(1) by striking out "youths" and "Youths" each place they appear and inserting in lieu thereof "persons" or "Persons", respectively;

(2) in subsection (b) by striking out "under the subpart" and inserting in lieu thereof "under this section";

(3) in subsection (c)—

(A) by striking out "under this subpart" and inserting in lieu thereof "under this section";

(B) by amending paragraph (1) to read as follows:

"(1) require an assurance that the persons who would participate in the project proposed for funding be low-income individuals or physically handicapped;";

(C) by striking out paragraph (2);

(D) by striking out in paragraph (4) "unless the imposition of any such limitation would defeat the purposes of this section." and inserting in lieu thereof "unless waived by the Secretary because of exceptional circumstances demonstrated by the applicant."; and

(E) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(4) by striking out the period at the end of subsection (d) and inserting in lieu thereof "to meet travel and other program-related costs, as determined by the Secretary."; and

(5) by adding at the end thereof the following new subsection:

"(e)(1) The Secretary is authorized to award grants under this section based on applications submitted by those institutions of higher education, including consortia of such institutions, which have entered into a program participation agreement with the Secretary under section 487 and which participate in programs authorized by this title, other than this subpart. Applications shall be submitted in the form, manner, and at such time that the Secretary deems appropriate to carry out the purposes of this section.

"(2) The amount of any grant awarded under this section for an upward bound project shall not exceed 90 per centum of the cost of the project, as determined by the Secretary.".

SPECIAL SERVICES PROGRAM AMENDMENTS

SEC. 244. Section 417D of the Act is amended—

(1) in subsection (b) by striking out "under this subpart" and inserting in lieu thereof "under this section";

(2) in subsection (c)—

(A) by striking out "under this subpart" and inserting in lieu thereof "under this section";

(B) by amending paragraph (1) to read as follows:

"(1) require an assurance that the persons who would participate in the project proposed for funding be low-income individuals or physically handicapped;";

(C) by striking out paragraph (2);

(D) by striking out paragraph (4) "or contract." and inserting in lieu thereof a period; and

(E) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(3) by striking out in subsection (d) "or contract"; and

(4) by adding at the end thereof the following new subsection:

"(e)(1) The Secretary is authorized to award grants based on applications submitted by those institutions of higher education which have entered into a program participation agreement with the Secretary under section 487 and which participate in programs authorized by this title, other than this subpart. Applications shall be submitted in the form, manner, and at such time that the Secretary deems appropriate to carry out the purposes of this section.

"(2) Any institution of higher education which, on or before October 1, 1984, had received assistance under this section for three or more years shall not receive additional assistance for a period greater than three years. The amount of any grant awarded to an institution which is subject to this paragraph shall not exceed—

"(A) 75 per centum of the cost of the project during its first year of funding;

"(B) 50 per centum of the cost of the project during its second year of funding; or

"(C) 25 per centum of the cost of the project during its third year of funding.

"(3) Beginning on October 1, 1984, any institution which is not subject to the requirements of paragraph (2) shall not receive assistance awarded under this section for a period greater than five years. The amount of any grant awarded to an institution which is subject to this paragraph shall not exceed—

"(A) 100 per centum of the cost of the project during its first year of funding;

"(B) 90 per centum of the cost of the project during its second year of funding;

"(C) 75 per centum of the cost of the project during its third year of funding;

"(D) 50 per centum of the cost of the project during its fourth year of funding; or

"(E) 25 per centum of the cost of the project during its fifth year of funding.

"(4) For purposes of this subsection, the Secretary shall determine the cost of any project funded under this section.".

REPEALS

SEC. 245. Sections 417E and 417F of the Act are repealed.

PART E—NATIONAL DIRECT STUDENT LOANS

TECHNICAL AND NEED ANALYSIS CHANGES

SEC. 251. (a) Section 462(b)(2) of the Act is amended by striking out in the first sentence "the amount requested in such application." and inserting in lieu thereof "an appropriate amount of funds, taking into account the amount reasonably needed by such applicant as reflected in its application.".

(b) Section 464(b) of the Act is amended by striking out "in accordance with section 482" and inserting in lieu thereof "in accordance with a need analysis system approved by the Secretary".

DEFERMENTS AND INTEREST RATE

SEC. 252. Section 464 of the Act is amended—

(1) in subsection (c)—

(A) by striking out in paragraph (1)(A) "over a period beginning" and everything that follows until the end thereof and inserting in lieu thereof "over a ten-year and six-month repayment period which shall begin six months after the month in which the borrower ceases to carry, at an institution of higher education or a comparable institution outside the United States approved by the Secretary for this purpose, at least one-half the normal full-time academic workload, except that such repayment period may begin at an earlier time if requested by the borrower;";

(B) by amending paragraph (1)(D) to read as follows:

"(1)(D) shall provide that a loan made on or after July 1, 1985, shall bear interest, on the unpaid balance of the loan, at the rate of 8 per centum per annum, except that no interest shall accrue (i) prior to the beginning date of repayment determined under clause (A)(i), or (ii) during any period in which repayment is suspended by reason of subsection (e);";

(C) by striking out in paragraph (2)(A) "No repayment of principal" and inserting in lieu thereof "For a loan made on or before July 1, 1985, no repayment of principal"; and

(D) by striking out paragraph (2)(C); and

(2) by adding at the end thereof the following new subsection:

"(e) No repayment of principal of, or interest on, any loan made on or after July 1, 1985, from a student loan fund assisted under this part shall be required during any periods——

"(1) not in excess of five years in the aggregate, during which the borrower has resumed study, and is carrying at least one-half the normal full-time academic workload, at an institution of higher education

or at a comparable institution outside the United States approved by the Secretary for this purpose;

"(2) not less than six months, nor more than three years in the aggregate, during which the borrower is serving as a member of the Armed Forces of the United States;

"(3) not in excess of three years in the aggregate during which the borrower is in service as a volunteer under the Peace Corps Act; or

"(4) not in excess of three years in the aggregate, during which the borrower demonstrates a financial inability to repay any loan principal or interest because of exceptional circumstances which meet criteria established by the Secretary.".

CANCELLATION

SEC. 253. Section 465(b) of the Act is amended to read as follows:

"(b) The Secretary shall pay to each institution for each fiscal year an amount equal to 10 per centum of the aggregate of the amounts of loans from its student loan funds which are cancelled pursuant to this section for such year. Such payments may be used as each institution determines appropriate.".

PART F—GENERAL PROVISIONS AMENDMENTS

DEFINITION OF INDEPENDENT STUDENT

SEC. 261. Section 482 of the Act is amended to read as follows:

"INDEPENDENT STUDENTS

"SEC. 482. (a) For purposes of this title, the term 'independent student' means a student who is determined, pursuant to regulations of the Secretary, to be financially independent of the parents or legal guardians of the student.

"(b)(1) In the case of any student who claims to be independent of his parents or legal guardians in any application for student financial assistance under this title and who has not attained the age of 25 on July 1 of the award year in which such application is made, each parent or guardian of such student shall certify to the Secretary or the eligible institution which such student attends that such student meets the definition of independent student under subsection (a).

"(2) Whenever the Secretary or the eligible institution has reasonable cause to believe that a student is not entitled to be classified as an independent student under this section, each parent or guardian of such student shall submit, upon request, to the Secretary or the eligible institution Federal income tax returns or any other relevant documents that the Secretary or the eligible institution deem necessary to substantiate that such student meets the definition of independent student under subsection (a).

"(3) Whenever, because of exceptional circumstances as determined by the Secretary, the information required by paragraphs (1) and (2) cannot be obtained from each parent or guardian of a student who claims to be independent, such student shall submit to the Secretary or eligible institution an itemized accounting of his financial condition, including a description of how such student previously supported himself at a minimum subsistence level determined by the Secretary.

"(c)(1) Whenever the information required from a parent, a guardian, or a student under subsection (b) has not been submitted or, if submitted, fails to substantiate that such student is an independent student to the Secretary or the eligible institution, such student shall be treated as a dependent student for purposes of any student financial assistance program under this title during the award year for which assistance was sought.

"(2) Whenever the Secretary or the eligible institution determines that the information submitted by a parent, guardian, or student under subsection (b) contains any material false statement or claim regarding such student's claim of independency, such student shall be denied any student financial assistance under this title during the award year for which assistance was sought.".

COMMON FORMS

SEC. 262. Section 483 of the Act is amended—

(1) by striking out subsection (a) and (c); and

(2) by striking out "(b)" in subsection (b).

ELIMINATION AND WAIVER OF INSTITUTIONAL PARTICIPATION REQUIREMENTS

SEC. 263. Section 487 of the Act is amended—

(1) in subsection (a)—

(A) by striking out paragraph (2) and by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

(2) by adding at the end thereof the following new subsection:

"(d) The Secretary is authorized to waive any requirement of this section with respect to an institution of higher education located outside the United States and organized under the law of a foreign nation.".

TRANSFER OF ALLOTMENT FOR WORK-STUDY AND SUPPLEMENTAL GRANT PROGRAMS

SEC. 264. Section 488 of the Act is amended by striking out the first sentence "10 per centum" and inserting in lieu thereof "50 per centum".

ADMINISTRATIVE EXPENSES

SEC. 265. Section 489(a) of the Act is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "From the funds appropriated under subpart 1 of part A, the Secretary is authorized to pay each institution which has entered into an agreement under section 487 an amount up to $5 for each student who receives a Pell Self-Help Grant for attendance at that institution. The Secretary may require that an institution use the funds it receives under the preceding sentence to carry out specific activities.";

(2) by striking out the last sentence therein.

TITLE III—CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. Section 702 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 702. (a) There are authorized to be appropriated for the fiscal year 1985 § 18,775,000 to carry out part C, and $14,194,000 to carry out part D.

"(b) None of the sums appropriated pursuant to subsection (a) or otherwise available may be used for commitments for new loans under this title.".

TITLE IV—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

COST SHARING

SEC. 401. Section 1001 of the Act is amended—

(1) by inserting "(a)" immediately before "Subject to the provisions of section 1002,"; and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary shall require a recipient of assistance under this part to pay 50 per centum of the allowable costs incurred by the recipient in carrying out a project assisted under this part.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 402. Section 1005 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1005. There are authorized to be appropriated to carry out this title $11,710,000 for the fiscal year 1985.".

TECHNICAL AMENDMENT

SEC. 403. Section 1001, 1002, and 1004(b) of the Act are amended by striking out "contracts" and "contract" each place they appear and inserting in lieu thereof "cooperative agreements" and "cooperative agreement", respectively.

TITLE V—EFFECTIVE DATES

EFFECTIVE DATE PROVISIONS

SEC. 501. (a) The amendments made by titles I, III, and IV, and by part D of title II of this Act shall take effect on October 1, 1984.

(b) The amendments made by parts A, C, E, and F of title II of this Act shall take effect on July 1, 1985.

(c)(1) Except as provided in paragraphs (2) and (3), the amendments made by part B of title II of this Act (regarding the Guaranteed Student Loan Program) shall take effect on July 1, 1984 or 90 days after the date of enactment of this Act, whichever is later, and shall apply to loans made to cover the cost of attendance for any period of enrollment beginning on or after such effective date. Any provisions repealed by such amendments shall continue to apply to loans made to cover the cost of attendance for any period of enrollment beginning prior to such effective date.

(2) The amendments made by section 216 of this Act shall take effect on the date of enactment of this Act and shall apply to all advances, whenever made.

(3) The amendments made by sections 221(3) and 222 of this Act shall take effect on the date of enactment of this Act and shall apply to all loans, whenever made.

HIGHER EDUCATION ACT AMENDMENTS OF 1984

SECTION-BY-SECTION ANALYSIS

TITLE I—INSTITUTIONAL AID

PART A—STRENGTHENING INSTITUTIONS

Section 101. Section 101 of the bill would repeal the program which authorizes Aid to Institutions with Special Needs under part B of title III (Institutional Aid) of the Higher Education Act of 1965 ("the Act"; 20 U.S.C. 1001 *et seq.*). Part B of title III which would no longer be maintained as a separate program of institutional aid under the consolidation proposal in this bill. For purposes of simplification, activities currently funded under the part A Strengthening Institutions program and part B would be supported under an expanded part A program, which would retain the title of Strengthening Institutions. A single program would be less confusing to applicants, less costly to administer, and would reduce regulatory burden and related costs.

Section 102. Section 102 of the bill would add to the statement of purpose for the proposed consolidated part A program the goal of helping institutions meet their special needs, the purpose of part B which would be repealed.

Section 103. Section 103 of the bill would make certain changes to the definitions in section 312 of the Act for new part A. Principally, the definition of "eligible institution" would be amended by (1) deleting the requirement that the average amount of Pell Grants (awarded under subpart 1 of part A of title IV of the Act) received by students at eligible institutions is higher in comparison with the average amount of Pell Grants awarded at comparable institutions, (2) eliminating the requirement that average expenditure calculations be limited to the number of undergraduate students, and (3) adding, as eligibility factors, items from part B of the Act. These amendments would be made to focus assistance on institutions serving the most disadvantaged students.

Section 104. Section 104 of the bill would provide that the duration of a grant to an eligible institution under amended part A not exceed five years. Under current law, certain grants for part A are for not more than three years, while others are for between four and seven years. For current part B, five years is the maximum limit. One grant limit would simplify the award process and reduce the need for annual regulations. The bill would continue to provide for one-year planning grants, with the new requirement that only one such grant be awarded to an institution.

Section 105. Section 105 of the bill would incorporate the Federal cost sharing provisions from part B of the current law into amended part A. The Federal share for the cost of grants to eligible institutions would be 100 percent for the first two years of a grant, decreasing to 70 percent in the fifth year. This section would also provide for phasing out grants under parts A and B of current law. The Secretary would be authorized to make continuation awards under current part A for not more than a total of seven years and under part B for not more than a total of five years to recipients awarded multi-year grants prior to October 1, 1984. These limits are the maximum grant periods for each part under the current statute. Furthermore, an institution which received a grant for the maximum period of seven or five years, as appropriate, would not be eligible for a new grant under amended part A of title III.

PART B—CHALLENGE GRANTS TRANSITION

Section 106. Section 106 of the bill would redesignate part B of title III (which was repealed in section 101 of this bill) as "Challenge Grant Transition Awards." The Challenge Grant program, currently authorized under part C of title III, would be phased out over several years.

Section 107. Section 107 of the bill would repeal sections 331 and 332 of the current Challenge Grant program which would be unnecessary due to the proposed elimination of the program.

Section 108. Section 108 of the bill would provide for continuation awards for multi-year Challenge Grants until the end of fiscal year 1988. The Secretary would be authorized to make continuation awards to eligible institutions under the Challenge Grant program as in effect on September 30, 1984, provided that the institution received a multi-year grant prior to October 1, 1984. The maximum total grant period would be five years.

PART C—ENDOWMENT GRANTS

Section 109. Section 109 of the bill would redesignate part C as "Endowment Grants." The authority to carry out the Endowment Grant program is currently in section 333 of the Act.

Section 110. Section 110 of the bill would make certain conforming amendments to section 333 of the Act which are necessary as a result of the repeal of part B of the Act and the changes to the Challenge Grant program.

GENERAL PROVISIONS

Section 111. Section 111 of the bill would make conforming amendments to part D of title III—General Provisions, required as a result of other amendments in this bill. In addition, this section would make several minor amendments to improve the operation of programs under title III of the Act. For example, the June 30th notification date by which the Secretary must inform each applicant institution of its scores and recommendation of the evaluation panel and the reasons for decisions by the Secretary in awarding grants under title III has been made more flexible. The Secretarty would continue to provide timely notice to applicants of this important information without being held to an inflexible statutory deadline.

Section 112. Section 112 of the bill would amend the authorization of appropriation language in section 347 for title III. The authorization provisions would be significantly simplified and would be applicable to fiscal year 1985 only. Only the following restrictions would be placed on the fiscal year 1985 appropriation: (1) Endowment Grant funds not expended in fiscal year 1985 would remain available until expended; (2) a 25 percent set-aside would be required for junior and community colleges; and (3) $45,741,000 would be reserved for eligible institutions which have historically served substantial numbers of black students. While current law does not provide carryover authority for the Endowment Grant program, it does provide special set-asides for junior and community colleges and historically black colleges and universities. In the latter case, a "hold harmless" provision based on fiscal year 1979 funding is provided under current law rather than a specific dollar amount, as proposed.

TITLE II—STUDENT ASSISTANCE

PART A—STUDENT GRANT AMENDMENTS

Subpart 1—Pell self-help grants

Section 201. Section 201 of the bill would make a number of nomenclature changes to the current Pell Grant program. Essentially, these changes would direct that student grants under the program be classified as "Pell Self-Help Grants." This change would emphasize that students receiving the benefits of the program are expected to share in the responsibility of financing the cost of a postsecondary education.

Section 202. Section 202 of the bill would provide for a number of operational changes in delivering, awarding, and computing payments to students who receive Pell Self-Help Grants. As described more fully below, these changes are designed to improve the operations of the program and provide a more equitable basis in distributing awards to students under the program. More importantly, section 202 places a minimum self-help requirement on all students wishing to receive the benefits of the program.

Subsection (a) would mandate that students could only receive one Pell Self-Help Grant during an academic/award year. The Department of Education possesses evidence that students may be receiving more than one grant per academic/award year, a practice not prohibited by the current law.

Subsection (b) would extensively modify the current method of calculating the amounts of financial assistance that students receive under the program. Among other things, these modifications would increase the maximum grant award level from $1,900 to $3,000 in academic year 1985-86; would mandate, in calculating the amount awarded to students, a minimum student self-help contribution to their educational expenses of 40 percent of such expenses or $500, whichever is greater; would control the number of years during which a student may receive grants under the program to 4 years, in general; and would prohibit students from receiving additional grants after they have completed a baccalaureate degree—a prohibition not included under current law.

Section 203. Section 203 of the bill would provide for several funding and award calculation changes. This section modifies the language of the linear reduction formula which was enacted as part of the Student Financial Assistance Technical Amendments of 1982, Pub. L. No. 97-301, 96 Stat. 1400. The current formula provides that in the event funds appropriated are insufficient in any given year to pay for all grants to students, then the most financially hard-pressed students (the so-called "hold-harmless" class of students) would not have their awards reduced; however, other students would, under the formula, have their awards progressively reduced depending on their financial status. The modification proposed would effect a technical change in the formula so that the hold-harmless class of students would also have their awards reduced in the event of very low appropriations.

This section also establishes a $2.8 billion limitation on Pell Self-Help Grant appropriations for fiscal year 1985 for consistency with the President's 1985 budget request for this program.

Section 204. Section 204 of the bill would add two new sections to the Higher Education Act for purposes of simplifying awarding of Pell Self-Help Grants.

New section 412 would simplify and improve the criteria of student need (commonly stated as the "need analysis system") for determining the student's award under the restructured Pell Self-Help Grant program by moving the need analysis criteria from the General Provisions part of title IV of the current law to the subpart authorizing the program.

New section 413 would simplify and improve the current need analysis system for the Pell Self-Help Grant program by (1) moving the "cost of attendance" provisions from the General Provisions part of title IV of the current law to the subpart authorizing the program, and (2) authorizing the Secretary to set an appropriate, uniform limit on a student's indirect costs of attendance allowable for computing Pell Self-Help Grant entitlement levels. This allowance would be in addition to actual tuition and fees. Under currently applicable legislation, an indirect cost allowance of $1,500 (including $400 for travel, books, and supplies) is used for all students residing off-campus. Under the proposed new authority, a $3,000 indirect cost allowance (for 1985-86) for all students other than those residing with their parents would be established. For students residing with their parents, the indi-

rect cost allowance could remain at $1,500. (Again, this allowance would cover travel, books, and supplies in addition to basic living costs.) This more standardized approach would result in a more equitable distribution of awards.

While this bill would eliminate the current statutory deadlines for publication of Pell Grant family contribution schedule regulations, the Secretary intends to publish these schedules at approximately the same times during the year as now required.

Subpart 2—Supplemental educational opportunity grants

Section 205. Section 205 of the bill would extensively modify the terms, conditions, and award levels of grants under the SEOG program. With respect to award levels, section 205 mandates in calculating the amount of a SEOG award to a student, that Pell Self-Help Grants awarded to students be taken into account. "Supplemental Grants", as the name itself suggests, would operate as a supplement to Pell Self-Help Grants when a student has received the latter type of assistance. Thus, under section 205 the amount a student could receive as a supplemental award would be limited in such a way that the combination of Pell Self-Help and Supplemental Grant awards, together with a student's expected family contribution, could not exceed the lesser of $4,500 or 60 percent of the cost of that student's attendance at a postsecondary institution. For the student who has not received a Pell Self-Help Grant, the current award rule of limiting the amount of a supplemental grant to $2,000 or less would be preserved. With respect to terms and conditions of supplemental grants, the same reform measures proposed for the Pell Self-Help Grant program are also proposed for the SEOG program, e.g. durational limitations for receiving grants.

Section 206. Section 206 of the bill would require institutional matching of any funds allocated for this campus-based program on the same (80/20) matching basis for the Work-Study program. In addition, if funds are transferred from an institutions Work-Study allotment to its SEOG program, such funds would be subject to the 20 percent matching requirement.

As will be discussed under Section 264 of the bill, greater discretion over using funds allocated under these two campus-based programs would be provided to institutions.

Section 207. Section 207 of the bill would repeal a number of statutory provisions under the Student Financial Assistance Technical Amendments of 1982, P.L. 97-301, 96 Stat. 1400-1401, as amended by the Student Loan Consolidation and Technical Amendments Act of 1983, P.L. 98-79, 97 Stat. 479. These provisions are not consistent with the amendments proposed by this bill.

Subpart 3—State student incentive grants

Section 208. Section 208 of the bill would eliminate a maintenance of effort condition. This condition is burdensome on participating States and schools, and it is not necessary as a means of assuring substantial State-level financial contributions—this concern is adequately met by the 50/50 State matching requirement.

PART B—GUARANTEED STUDENT LOAN PROGRAM

Section 211. Section 211 of the bill would change the heading for part B of title IV of the Act from "Federal, State, and Private Programs of Low-Interest Insured Loans to Students in Institutions of Higher Education" to "Guaranteed Student Loan Program." This new title for the program is commonly used in the higher education community and is less cumbersome than the current statutory heading.

Section 212. Section 212 of the bill would require borrowers at all family income levels to demonstrate need for a loan under a need analysis system prescribed in regulations. The Secretary would publish, in accordance with notice and comment procedures prescribed in the Administrative Procedures Act (5 U.S.C. § 553), a schedule of expected family contributions for each academic year. Under current law, only borrowers with adjusted gross family income in excess of $30,000 must complete need analysis. This change would apply only to regular loans under the Guaranteed Student Loan (GSL) program, and not to loans made under the Auxiliary Loan component of the program authorized under section 428B of the Act. These amendments are intended to curtail unnecessary borrowing and to improve equity in student treatment, and to lower, somewhat, related Federal subsidy costs.

Section 213. Section 213 of the bill would modify the conditions under which statutory deferments of repayment would be provided for loans made on or after the effective date of this section. Current law provides twelve categorical deferments during which time principal need not be repaid by the borrower, and interest is paid by the Government. For new loans under the Federal Insured Student Loan (FISL, under section 427), the regular GSL program (under section 428), and the Auxiliary Loan program (PLUS, under section 428B) only four categorical deferments would be provided as follows:

(1) not in excess of five years, during which the borrower has resumed at least half-time study at an eligible institution;

(2) not less than six months, nor more than three years, during which the borrower is serving as a member of the Armed Forces of the United States;

(3) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act; or

(4) not in excess of three years during which the borrower demonstrates financial inability to repay the loan because of certain exceptional circumstances approved by the Secretary.

Existing deferment provisions are costly, complicated, difficult to administer, and are not necessarily related to financial hardship of the borrower. Under the amendments, many individuals who would qualify for a statutory deferment under current law would still be permitted to delay repayment on account of financial hardship. The provisions of the existing law tend to deter participation of lending institutions, particularly in the Auxiliary Loan program. Currently, borrowers may abuse the wide range of deferments causing expensive increases in Federal subsidy costs. These amendments would result in greater cost-effectiveness with additional administrative flexibility. Similar amendments are proposed in section 252 of the bill for deferments under the National Direct Student Loan program authorized under part E of title IV of the Act.

Section 214. Section 214 of the bill would provide that need analysis for students attending foreign schools would be made by the Secretary for FISL loans and by the guarantee agency for regular GSDL loans. Need analysis for students at foreign schools must be completed by those schools under current law. The amendment would eliminate the administrative burden on foreign schools which has impeded the availability of loans to eligible students attending schools abroad.

Section 215. Section 215 of the bill would clarify eligibility for maximum loan limits based on undergraduate student status. Current law provides $2,500 maximum loan limits per academic year and $12,500 in the aggregate for a student "who has not successfully program of undergraduate education." The amendments in this section would provide for undergraduate student status to be defined in regulations of the Secretary.

Section 216. Section 216 of the bill would require repayment of all Federal advances to guarantee reserve funds by October 1, 1985. Currently, about $100 million in "advances" (zero interest indefinite maturity Federal loans) are held by State and private nonprofit guarantee agencies. These funds and their investment earnings are one of the many sources of Federal support which allow these agencies to operate at no cost to the State. Retention of these advances is inconsistent with the proposed restoration of GSL cost-sharing between the States and the Federal Government. This section provides that repayments on the advances would be deposited in the student loan insurance fund established under section 431 of the Higher Education Act, thus reducing the need for new GSL appropriations. Currently, recoveries on certain older advances are deposited in the Treasury and do not reduce GSL costs.

Section 217. Section 217 of the bill would restore the flat 80 percent Federal reinsurance system which existed prior to 1976. Currently, guarantee agencies pay default claims filed by lenders and are then reimbursed for 100 percent of principal and interest by the Education Department. (One agency has chosen to remain at 80 percent reinsurance.) This section would restore the requirement that guarantee agencies meet 20 percent of all default costs (via State appropriations or otherwise). In addition to directly reducing Federal costs, this would encourage the State level guarantee agencies to require greater collection diligence on the part of lenders and to take other actions to reduce the incidence of default. This section would also repeal certain guarantee agency "reinsurance trigger" and FISL "insurance trigger" provisions of current law which are administratively cumbersome as well as ineffectual and inequitable.

Section 218. Section 218 of the bill would establish nationwide uniformity in certain important guarantee agency policies. All of the current policy requirements for 100 percent reinsurance would become conditions of the proposed flat 80 percent guarantee agency reinsurance agreement. For example, all guarantee agencies would be required to provide GSL insurance for both in-state residents attending school out-of-state and for out-of-state residents attending school within the State served by the agency; and all guarantee agencies would be required to provide loan limits identical to those available under the direct Federal insurance (FISL) component of GSL program ($2,500 per year for undergraduates, $5,000 for graduate students). In addition, all guarantee agencies would be required to provide insurance for all categories of eligible lenders established under section 435(g)(1) of the Higher Education Act.

Section 219. Section 219 of the bill would repeal the current authority for lenders making loans in multiple installments to re-

ceive interest benefit and special allowance payments based on the anticipated full loan amount for an academic year even though only a portion has been disbursed. Section 219(b) would repeal the current provision authorizing guarantee agencies to act as multiple disbursement "escrow agents," whereby the lender receives interest benefit and special allowance payments based on the annual loan amount and the guarantee agency is allowed to invest and retain "float" earnings on undisbursed loan amounts. In both cases, the Federal taxpayer should not be paying interest on funds which have not been disbursed to borrowers. Lenders, and guarantee agencies acting as their agents, would still be allowed to disburse GSLs in multiple installments. They would simply not be given an extra interest incentive for doing so.

Section 220. Section 220 of the bill would repeal several current provisions which impose administrative requirements and loan limitations on GSL loans which are made or "originated" by educational institutions. Currently, such loans may not be made to more than 50 percent of a school's undergraduates at one time; borrowers of such loan must obtain commerical lender refusal statements; such loans to freshmen may not exceed 50 percent of educational costs and may not exceed $1,500 unless disbursed under certain multiple disbursement rules. Repeal of these current legislative provisions would result in program simplification, elimination of unnecessary administrative burden, and improvement in loan access. Moreover, these provisions fail to address the main problems caused by "origination" relationships—the increased likelihood that unsophisticated borrowers will refuse to repay their loans if they are dissatisfied with the education they receive. This problem is adequately addressed by current regulations of the Secretary and the Federal Trade Commission and by common law agency principles.

Section 221. Section 221 of the bill would clarify the GSL lender eligibility of Rural Rehabilitation Corporations, and successor agencies, a category of participating lender. Their status has been made uncertain by changes over the last few years in section 434(g)(1) of the Higher Education Act. This section of the bill would also clarify the eligibility of State and Federal agencies to hold GSL notes as "assignees" of initial lenders. This change is necessary to clarify the ability of such agencies to assume ownership of GSL notes in cases of lender bankruptcy or reorganization by a State or Federal banking insurance agency.

Section 222. Section 222 of the bill would clarify the Secretary's authority to delegate any of his functions to officials and staff of the Department's regional offices. Numerous functions such as review of lenders, educational institutions, and guarantee agencies are more appropriately and cost-effectively handled by the regional offices.

Section 223. Section 223 of the bill would make a conforming amendment to eliminate disparate treatment under the Auxiliary Loan program of schools which use commissioned saleman to promote the availability of loans. Schools using commissioned salemen would be probibited from participating in either the regular GSL or Auxiliary Loan program.

Section 224. Section 224(a) of the bill would broaden eligibility for the Auxiliary Loan (PLUS) program authorized under section 428B of the Act to include parents and spouses of graduate students.

Auxiliary Loan eligibility is limited under current law to graduate and professional students, independent undergraduates, and parents of dependent undergraduate students. The current eligibility rules for undergraduates and their parents would not be changed. The proposed amendments would enhance the attractiveness and growth of this lower cost component of the GSL program by broadening the opportunity for borrowing under the Auxiliary Loan program.

Under the proposed changes, section 224(b) would provide that all borrowers would be limited to borrowing $3,000 per academic year, $15,000 in the aggregate, for a student. For example, if parents and the spouse of a graduate student were to borrow under the program, their combined loans would be limited to $3,000 per year for the student.

In addition, section 224(c) would provide for an initial in-school deferment of repayment of the principal of the loan for student borrowers until six months after the student ceases at least half-time enrollment at an eligible institution. Current law provides for deferment of repayment of principal for independent and graduate students as long as the student is enrolled full-time at an eligible institution. Loan principal, as well as interest, must be repaid if the student is enrolled less than full-time. Under the amendment, interest would continue to accrue and be payable regardless of enrollment status of the student. This amendment is designed to provide equity in student treatment, reduce the number of defaults on in-school principal repayments, and improve lender and borrower response to the Auxiliary Loan program.

Section 224(c)(3) would add new authority for lenders to charge up to $25 per loan (which may be deducted from the amount of the loan) to parent or spouse borrowers to defray the cost of verifying the creditworthiness of the borrower. While lenders may use, and guarantee agencies may require credit checks at present, no provision is made in current law for a fee to be charged.

Finally, this section would increase the maximum repayment period and change the method for its calculation for parents and spouses under the program. A ten-year repayment period is the limit placed on each loan made under the current program. The amendment would authorize lenders to provide a new ten-year repayment period each time a new loan is taken out and provide for repayment of loans under a single repayment schedule, provided that the total period not exceed 20 years from the date of the first included loan.

Section 225. Section 225 of the bill would clarify that a purpose of part B of title IV of the Act is to encourage participation in the Auxiliary Loan program.

Section 226. Section 226 of the bill would provide new authority for direct Federal insurance of Auxiliary Loans for lenders which do not have access to a single guarantee agency program for substantially all of the loans the lender intends to make under the program. This amendment would enable certain regional and nationwide lenders to offer Auxiliary Loans if no guarantee agency were available.

PART C—WORK-STUDY PROGRAM

Section 231. Section 231 of the bill would increase the authorization of appropriations for the Work-Study program from $830 million to $850 million in fiscal year 1985. The Department has requested an appropriation for this increased amount, which if approved and enacted would represent a 53 percent increase in funding over fiscal year 1984's funding of $555 million. This increased amount is necessary to support the wider range of discretionary activities that would be authorized by this bill for the Work-Study program and would ensure that students have employment-based assistance to meet self-help contributions to finance their postsecondary education.

Section 232. Section 232 of the bill would streamline the mechanics and distribution of Work-Study funds to institutions. This section, among other things, would eliminate maintenance of effort conditions, which are burdensome to institutions and no longer serve any meaningful utility, revise hold-harmless conditions with respect to apportionment of funds to States, and mandate a $2 million set-aside to certain territories.

Section 233. Section 233 of the bill would add a technical amendment which directs that determinations by institutions of the level of Work-Study assistance to students be done under a need analysis system approved by the Secretary, as is the case under currently applicable law. This condition is also proposed for the other campus-based (National Direct Student Loan and SEOG) programs.

Section 234. Section 234 of the bill would restore the eligibility of "area vocational schools" to participate in the Work-Study program. These schools were eligible to participate during the inception of the Work-Study program until the Education Amendments of 1980, which comprehensively revised the Higher Education Act of 1965. The omission of these schools in the 1980 Amendments was evidently inadvertent.

Section 235. Section 235 of the bill would greatly expand institutional flexibility in providing student employment opportunities funded under Work-Study programs. This section would increase the amount of Work-Study funds that an institution may expend on a Job Location and Development program for its students from the current maximum allotment of $25,000 to $100,000. This maximum amount could be used, as proposed under this section, for certain Cooperative Education or adult literacy activities, in addition to Job Location and Development activities. The authorization for Cooperative Education activities under the current Job Location Development program is intended to maximize the Impact of Federal funds for students who wish to receive employment-based, subsidized Federal financial assistance. The programs of Cooperative Education and Job Location and Development in essence would be telescoped under one funding scheme and would benefit by centralization of management over both programs. As discussed more fully below, the bill also proposes eliminating separate Cooperative Education programs funded under title VIII of the Higher Education Act of 1965.

Further, a new major activity would also be authorized with the maximum $100,000 allotment to institutions under the Work-Study program: institutions could establish adult literacy programs with such funds. Once these programs are in place at an institution students could receive Work-Study assistance to tutor adult illiterates. With such programs, a major step in eliminating adult illiteracy in this Nation might be achieved. College students, particularly those who wish to become elementary or secondary education teachers, would be

ideal tutors for large segments of the adult illiteracy population.

Finally, the activities conducted by an institution with the maximum $100,000 allotment and the success the institution has had in affording students with employment-based, non-subsidized income would affect the amount of future allotments to an institution. Basically, this section of the bill would base the amount of a future allotment to an institution on its past performance. Institutions which have a successful program, based on past earnings of their students, would be entitled to the maximum $100,000 allotment in most cases.

Section 236. Section 236 of the bill would make two conforming amendments. Subsection (a) would repeal section 448 of the Higher Education Act of 1965, which (in connection with a separate administrative allowance) specifically authorizes the use of Work-Study for Community service-learning. Because institutions would be free to use Work-Study funds to promote "community service-learning" activities in various ways under these amendments (and are specifically encouraged to do so in regard to adult literacy training), both this provision and the current separate administrative allowance for Community service-learning Work-Study are unnecessary.

Subsection (b) would eliminate the authorization of appropriations for Cooperative Education programs under title VIII of the Act for fiscal year 1985. Because Cooperative Education activities would be funded through Work-Study funds to institutions, a separate authorization for such activities is not necessary.

PART D—SPECIAL PROGRAMS FOR THE DISADVANTAGED

Section 241. Section 241 of the bill would make a number of technical and conforming changes to section 417A of the Higher Education Act of 1965, the general statutory authority for the special programs. Most of these changes are necessary because of other amendments proposed for the five special programs for students from disadvantaged backgrounds authorized under title IV of the Act. Major amendments are proposed to improve and simplify the operations of the Talent Search, Upward Bound, and Special Services programs (collectively known as the TRIO programs). Services or activities provided under two other programs—Educational Opportunity Centers and Staff Developments Activities—would, under the bill, be phased-out or authorized under one or more of the TRIO programs.

Section 242. Section 242 of the bill proposes to consolidate the current Talent Search and Educational Opportunity Centers programs. This consolidation of activities or projects under these programs is symbolized by the new title proposed for this consolidated program: TALENT SEARCH AND ASSISTANCE. Consolidation is appropriate and desirable because it would eliminate duplication of services under the current programs which are similar in scope, would simplify application process and reporting burdens, and would ultimately effect a reduction in administrative costs borne by potential and actual grantees. In consolidating these programs, none of the current activities under each of these programs would be eliminated.

A second major thrust is to specify that the benefits of this consolidated program are available to students who are physically handicapped. The special population of physically handicapped students who wish to pursue a postsecondary education has seldom been given adequate attention in Federal postsecondary education assistance programs. Along with similar amendments to the remaining TRIO programs, physically handicapped students would be added as explicit beneficiaries of all the TRIO programs.

Finally, several new conditions are proposed for improving the manner in which institutions operate Talent Search and Assistance projects. First, grantees would be required to design a project in a geographical area where there is a substantial concentration of low-income or physically handicapped persons—the target populations of the program. Second, projects could not be duplicative of other services under the other TRIO programs and an applicant for a Talent Search and Assistance grant would have to demonstrate that it would not be duplicating such services. Third, consortia of eligible institutions would be able receive a grant under the program. Fourth, and finally, each recipient of a grant under the program would share in the overall cost of the project it carries out. To insure a satisfactory institutional commitment to projects, grantees would be required to finance 25 percent of the cost of any project.

Section 243. Section 243 of the bill would make several operational changes to the Upward Bound program. For example, physically handicapped students would also be beneficiaries of the program. Consortia of eligible institutions are proposed to be eligible grantees and each grantee would be required to finance 10 percent of the cost of any Upward Bound Project.

Section 244. Section 244 of the bill would make amendments to the Special Service program similar to those proposed for the Talent Search and Upward Bound programs. As physically handicapped students are under current law specified as beneficiaries of the Special Service program no change is proposed in their area. However, section 244 proposes that a number of funding conditions be imposed on grantee. These conditions would operate to phase-out gradually, Federal funding of Special Services projects for institutions which have previously received grants. Briefly stated, institutions which previously received Special Services grants for three or more years before October 1, 1984 would only receive additional Federal assistance up to three years with requirements that they match a percentage of the Federal assistance. For all other institutions, a five year maximum period of entitlement would be established with additional requirements that for four of those years they match a certain percentage of the Federal assistance. These conditions would ensure greater institutional commitment to Special Service projects—eventually resulting in institutional "graduation" away from Federal support for these activities. This would allow additional institutions to benefit from the limited Federal funds available for stimulation of institutional support for such student support services.

Section 245. Section 245 of the bill would repeal the authority for the Educational Opportunity Centers and Staff Development Activities programs. The Educational Opportunity Centers program would, under other amendments made by this bill, be consolidated as part of the new Talent Search and Assistance program. The authority for Staff Development Activities program would also be repealed. However, staff development activities could still be funded as part of Special Services projects.

PART E—NATIONAL DIRECT STUDENT LOANS

Section 251. Section 251 of the bill would make a few technical changes to statutory provisions governing applications from institutions and the need analysis calculation of loan amounts to students.

Section 252. Section 252 of the bill would modify the extent to which students may have loans under the National Direct Student Loan program deferred. These modifications are substantially similar to the deferment changes proposed for the Guaranteed Student Loan program under section 213 of the bill. Additionally, section 252 would provide that loans made on or after July 1, 1985 bear an interest rate of 8 percent (the GSL program interest rate). This would improve equity between the two need-based student loan programs, and it would improve the flow of funds available for new loans.

Section 253. Section 253 of the bill would decrease the Federal payments due to an institution on account of a loan cancellation from 100 to 10 percent of the amount cancelled. This 10 percent is equivalent to the amount the institution originally contributed to the loan. Each institution would be free to determine the appropriate use of these funds, instead of being required to use all returned funds for purposes of the NDSL program as is the case under current law.

PART F—GENERAL PROVISIONS AMENDMENTS

Section 261. Section 261 of the bill would substantially revise section 482 of the Higher Education Act of 1965. Current criteria for expected family contribution and cost of attendance in section 482 of the Act, both of which seldom operated because of superseding statutory enactments, would be eliminated. As is the case under currently applicable law, section 261 and other sections of the bill would separate the need analysis system of the Pell Self-Help Grant program (as proposed) from the systems used for the campus-based programs.

Section 482 of the Act, as proposed for revision by section 261 of the bill would solely contain authority for the Secretary to define what constitutes an "independent student" and would provide for verification and reporting requirements for determining the veracity of claims by students that they are independent students and, thus, entitled in most cases, to more generous Federal student financial assistance than other students who receive parental financial support. The Department has found that there is substantial program abuse by students falsely claiming independent student status. The verification and reporting requirements proposed would provide the Department and institutions of higher education, which perform a surrogate's role in administering the Federal campus-based programs, substantial authority to detect unfounded claims by students of their independent student status. Section 261 also proposes to provide a sanction against students who lie about their independency; such a student would be denied all forms of Higher Education Act student financial assistance during the academic year for which he lied about his independency. Students who receive financial aid and are subsequently found to have done so on such a fraudulent basis would be required to repay the assistance provided plus interest. This sanction would be in addition to the otherwise applicable civil and crimminal penalties for such misrepresentation.

Section 262. Section 262 of the bill would eliminate requirements that the Secretary

develop a common Federal financial aid application form for the Pell Self-Help Grant (as proposed) and campus-based programs. These provisions under current law are inconsistent with the proposed continuation of the separtion of the need analysis systems for these programs.

Section 263. Section 263 of the bill would eliminate certain maintenance of effort requirements and authorize the Secretary to waive certain title IV participation requirements with respect to foreign schools, many of which are not authorized under their foreign laws to execute such agreements with another soveriegn power.

Section 264. Section 264 of the bill would authorize institutions participating in both the Work-Study and SEOG programs to transfer up to 50 percent of their Work-Study funds to their SEOG program. An institution would, thus, have discretion to use Work-Study funds for making SEOG awards.

Section 265. Section 265 of the bill would modify the current administrative expense allowances for institutions participating in the Pell Self-Help Grant program (as proposed). In addition, for reasons discussed earlier, funding provisions for the Community service-learning projects, which are currently authorized as part of the Work-Study program, would be eliminated. Community service-learning projects would be eliminated under section 236 of the bill.

TITLE III—CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF COLLEGE AND UNIVERSITY FACILITIES

Section 301. Section 301 of the bill would authorize to be appropriated for the fiscal year 1985 $18,775,000 to carry out the academic facilities annual interest grant program, and $14,194,000 to make payments to the Treasury out of the academic and facilities revolving fund. Section 301 would also prohibit the use of appropriations or other available funds for new loan commitments. These provisions would support the President's 1985 budget.

TITLE IV—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Section 401. Section 401 of the bill would amend the administrative provisions for the Fund for the Improvement of Postsecondary Education (FIPSE) by mandating that the Secretary require grantees to provide a matching share of 50 percent of project costs.

Section 402. Section 402 of the bill would authorize $11,710,000 to be appropriated for FIPSE for the fiscal year 1985.

Section 403. Section 403 of the bill would make a technical amendment to the Act by allowing the Secretary to enter into cooperative agreements (rather than contracts) with educational institutions. This change in terminology brings the FIPSE provisions into accord with the Federal Grant and Cooperative Agreement Act, which defines "contract" as an award instrument used for improvement, rather than assistance, purposes.

TITLE V—EFFECTIVE DATES

Section 501. Section 501 of the bill would provide for effective dates for the amendments made by this bill as folows:

(a) amendments made for Institutional Aid (title I), Academic Facilities (title III), FIPSE (title IV), and TRIO (part D of title II) would be effective October 1, 1984;

(b) amendments made for the Pell Self-Help (part A), Work-Study (part C), TRIO (part D), NDSL (part E) and general provisions for student aid programs (part F of title II) would be effective July 1, 1985; and

(c) most amendments for the GSL program (part B of title II) would be effective July 1, 1984 or 90 days after enactment of this Act, whichever is later, and shall apply to loans made to cover the cost of attendance for any period of enrollment beginning on or after such effective date.

By Mr. HATCH:

S. 2871. A bill to improve the operation of the chapter 1 program authorized under the Education Consolidation and Improvement Act of 1981, to improve the effectiveness of migrant education and programs, to provide for the use of the most recent decennial census information, and for other purposes; to the Committee on Labor and Human Resources.

CHAPTER I IMPROVEMENT AMENDMENTS

Mr. HATCH. Mr. President, today I am introducing a bill developed by the administration to make certain substantive and technical amendments to title I of the Elementary and Secondary Education Act [ESEA] incorporated into chapter I of the Education Consolidation and Improvement Act of 1981.

The purposes of the bill are to: First, enable the Department to use consistently the most recent available census data in making chapter I formula allocations; and second, better target resources in the chapter I migrant program. I share the belief of the administration that these amendments are necessary to improve program effectiveness and to ensure the efficient operation of chapter I program.

Two of these amendments concern the data sources used in making allocations under the chapter I formula. First, the bill would amend ESEA by deleting any reference to use of survey of income and education [SIE] data, gathered by the Bureau of the Census in 1975, in allocating title I funds. The existing statute requires the Department to allocate, on the basis of SIE data, one-half of any funds appropriated for title I grants to local school districts that exceed the amount made available for that activity in fiscal year 1979. Deletion of this requirement would eliminate the anomaly of adjusting more recent 1980 census data to account for obsolete 1975 SIE data.

This bill would amend ESEA to allow the Department to utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent—in this case 1980—decennial census, instead of the criteria used in the 1970 census, to make the chapter I formula allocation. Under the existing statute the Department can use data on the number of children from low-income families from the 1980 census but has had to adjust those data to reflect the poverty criteria established under the 1970 census. The amendment would enable the Department to use the criteria for poverty associated with the most recent census and thus provide a more accurate base on which to make the formula allocation.

Additional amendments concern the chapter I migrant education program. The bill would reduce from 5 years to 2 years the time a formerly migrant child can be deemed migratory for purposes of allocating funds and receiving services under the migrant education program. This proposal would be phased in over 2 years. Under the existing law, migrant children are counted for allocation purposes and are eligible to receive services for 5 years after they have migrated even if they have not moved during that period. Data collected by the migrant student record transfer system show that over half of all chapter I migrant students served and counted for allocation purposes are formerly migrant students who have not moved in the past year. Of this group slightly over half are in their third, fourth, or fifth year of eligibility as formerly migratory students and have remained in the same school district for at least 2 years. A report released by the General Accounting Office in May 1983 found that 60 percent of the migrant education participants in the sample studied were enrolled in only one school district during the period reviewed, which averaged 4.3 years. The amendment would enable the Department to focus limited migrant education funds on students who are actually migratory. Those formerly migratory students who are educationally deprived, and who were initially served by the program but were dropped from the migrant program as a result of the amendment would remain eligible for compensatory education services under the chapter I program for local educational agencies.

In addition, the bill would remove the $6 million, minimum set-aside requirement for coordination of migrant education activities. The 5-percent ceiling of the total appropriated for migrant education would remain as the maximum set-aside for coordination activities. This legislative change would give the Department needed flexibility in choosing whether to place more emphasis on assisting States to provide direct services or on coordination activities.

I would hope that this bill will receive prompt and favorable action. Passage would enable the Department of Education to carry out its obligations under the law with regard to allocating chapter I funds more efficiently and equitably and would increase its ability to focus limited program resources on those migrant children who are most in need.

Mr. President, I ask that the text of the bill along with a section-by-section analysis be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2871

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Chapter 1 Improvement Amendments of 1984".

ALLOCATION OF FUNDS

SEC. 2. Section 111(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) (hereinafter in this Act referred to as "the Act") is amended by striking out subparagraphs (D) and (E).

CENSUS DATA

SEC. 3. (a) Section 111(c)(2) of the Act is amended by striking out "1970 decennial census" each place it appears and inserting in lieu thereof "most recent available decennial census".

(b) Section 111(c)(2)(B) of the Act is amended by striking out "nonfarm".

MIGRANT EDUCATION PROGRAMS

SEC. 4. (a) Section 142(b) of the Act is amended by striking out "not in excess of five years," and inserting in lieu thereof "not in excess of three years for fiscal year 1985, and not in excess of two years thereafter,".

(b) Section 143(b) of the Act is amended by striking out "shall not be less than $6,000,000 nor more than 5 per centum" and inserting in lieu thereof "shall not be more than 5 per centum".

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall affect funds appropriated for fiscal year 1985 and for subsequent fiscal years.

CHAPTER I IMPROVEMENT AMENDMENTS OF 1984

Section 2. Section 2 of the bill would amend the Elementary and Secondary Education Act of 1965 (ESEA) by eliminating the requirement that the Secretary of Education allocate funds on the basis of Survey of Income and Education (SIE) data gathered by the Bureau of the Census in 1975. The Secretary would no longer allocate, on the basis of SIE data, one-half of any funds for chapter 1 grants made under the Education Consolidation and Improvement Act of 1981 (ECIA) to local educational agencies that exceed the funds made available for this activity in fiscal year 1979. Deletion of this requirement would eliminate the need to adjust more recent census data to account for outdated SIE data.

Section 3. Section 3(a) of the bill would authorize the Secretary to use the criteria of poverty from the most recent available decennial census, rather than from the 1970 census, for determining the amounts of payments under Chapter 1 of the ECIA.

Section 3(b) of the bill would make a related technical amendment, deleting the terms "nonfarm" in the current statutory reference to census data. This change is needed because the most recent census makes no distinction between the farm and nonfarm status of families.

Section 4. Section 4(a) of the bill would reduce from five years to two years the time a child of a migratory agriculture worker or migratory fisherman who no longer migrates is deemed migratory for purposes of allocating funds and receiving services under education programs operated for these children by State educational agencies. This change would be phased in over two years. The purpose of this amendment is to enable the Secretary to focus migrant education funds more effectively on students who are migratory.

Section 4(b) of the bill would remove the minimum $6 million set-aside requirement for coordination of activities under the migrant education programs. However, a maximum set-aside for coordination activities would remain at five percent of the total appropriation for these programs. This amendment would provide the Secretary needed flexibility in establishing priorities the migrant education appropriation level is reduced.

Section 5. Section 5 of the bill would provide that the amendments affect funds appropriated for fiscal year 1985 and subsequent fiscal years.

By Mr. GRASSLEY:

S. 2872. A bill to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service, and for other purposes; to the Committee on Energy and Natural Resources.

CONSERVATION SERVICE REFORM ACT

● Mr. GRASSLEY. Mr. President, today I am introducing legislation to reform the Residential Conservation Service Program, and to repeal the Commercial and Apartment Conservation Service Program. This bill, which is the companion to H.R. 5946, addresses many of the most serious faults with the RCS Program. It is the result of painstaking deliberations in the House of Representatives, and I commend Congressman RALPH HALL and Congressman OTTINGER for their efforts.

I had previously introduced S. 2315 with Senator TRIBLE to repeal both the RCS and the CACS Programs. It is apparent that the RCS Program is not an effective conservation program. The program's intent was to provide energy users with an audit of their usage and follow up with suggestions on how to improve energy conservation. This service was to be provided by public utilities at a minimal cost and homeowners would be encouraged to take steps to achieve energy conservation. Special emphasis was to be placed on achieving savings for low-income homes.

The goals of the RCS Program are laudable. However, the actual implementation has fallen far short of meeting those goals. Instead of encouraging energy conservation among the lower income homeowners, the RCS Program has developed into a "seal of approval" for upper income homeowners who have already taken steps to improve energy efficiency.

The real costs of the audits are almost nine times as high as the allowed utility charge, yet the cost of the service is included in the rate base for all utility customers. As a result, nonparticipating low-income households are actually subsidizing the energy audits for their affluent neighbors.

One further point needs to be mentioned. The cost effectiveness of the RCS Program and the participation rate have been tremendously disappointing. The program has elicited response from only 3 percent of eligible participants despite extensive utility advertising, and has resulted in minimal energy savings. The cost of gas saved per MCF has been estimated to be as high as $82, which is equivalent to a per-barrel oil price of $492.

Clearly it is time to revise this program. The Conservation Service Reform Act will accomplish meaningful reform of the RCS program, and provides for repeal of the soon-to-be implemented CACS Program. Briefly, this legislation will allow States greater flexibility in implementing a program which is better designed to meet States' needs through an alternative plan exemption.

This bill is the result of laborious negotiations and much compromise. Like all compromises, this bill is not perfect. While I am introducing H.R. 5946 as reported by the House Energy and Commerce Committee, I feel it is necessary to pursue modifications in the bill. Specifically, the alternative plan section, and its requirements for annual participation and energy consumption reductions, need revision. I would also like to see more State and utility flexibility in designing conservation programs which can be targeted to local and State needs. It appears we may be overstepping our authority in mandating specific actions by the Governor. All too often, we at the Federal level feel we have the only solution to a problem and foist our position on the States. As long as the goals of increased participation and conservation are achieved, my preference is to leave the means to obtain those goals to the individual States in coordination with utilities. One final concern of mine is that we not place undue burdens on the States or public utility commissions through the reporting requirements and the section on administrative and judicial enforcement proceedings.

I would like to stress that I feel this bill is an excellent starting point for full Senate consideration and I look forward to working closely with Senators HATFIELD, WEICKER, and MCCLURE to secure reforms in the RCS Program. Given the limited amount of time remaining in this legislative schedule, prompt consideration and careful coordination among concerned Senators, Congressmen, and interest groups is necessary. We have the opportunity to take action yet this year, And I remain hopeful that with the introduction of this bill, the Senate can join the House of Representatives in actively pursuing changes in the current RCS Program.

I ask unanimous consent that the bill and a section-by-section summary be included in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation Service Reform Act of 1984".

TITLE I—RESIDENTIAL CONSERVATION SERVICE

SEC. 101. CHANGES IN CERTAIN PLAN REQUIREMENTS.

(a) INFORMATION REQUIREMENTS MADE APPLICABLE UNTIL JANUARY 1, 1990.—Sections 215 (a) and (d) and 217(a)(1) of the National Energy Conservation Policy Act (relating to utility programs and home heating supplier programs) are amended by striking out "January 1, 1985" each place it appears and inserting in lieu thereof "January 1, 1990".

(b) ELIMINATION OF REQUIREMENTS THAT PUBLIC UTILITIES ARRANGE FOR INSTALLATION OF SUGGESTED MEASURES AND FOR RELATED LOANS; ELIMINATION OF LISTING REQUIREMENTS.—

(1) UTILITY PROGRAMS.—Section 215(b) of such Act (relating to project manager requirements) is amended—

(A) by striking out "Each utility program shall include" through "procedures" and inserting in lieu thereof "Each utility program shall include procedures";

(B) by striking out "to" through "inspect" and inserting in lieu thereof "to inspect"; and

(C) by striking out "inspection;" and all that follows and inserting in lieu thereof "inspection.".

(2) HOME HEATING SUPPLIER PROGRAMS.—Section 217(a)(2) of such Act (relating to home heating supplier programs) is amended—

(A) by striking out "will—" through "inspect" and inserting in lieu thereof "will inspect"; and

(B) by striking out "installing, suggested measures;" and all that follows and inserting in lieu thereof "installing, suggested measures.".

(3) STATE PLANS.—Section 213(a) of such Act (relating to general plan requirements) is amended—

(A) by striking out paragraphs (2) and (3); and

(B) by redesignating paragraphs (4) through (9) as paragraphs (2) through (7), respectively.

(c) RULES.—Section 212(b)(2) of such Act (relating to rules of the Secretary) is amended by striking out subparagraphs (E) and (F) and inserting "and" at the end of subparagraph (C).

(d) EFFECT OF 1984 AMENDMENTS ON APPROVED PLANS.—Section 219 of such Act (relating to Federal standby authority) is amended by adding at the end thereof the following new subsection:

"(e) PLANS APPROVED BEFORE 1984 AMENDMENTS.—For purposes of this section, any residential energy conservation plan which was approved by the Secretary before the effective date of the Conservation Service Reform Act of 1984 shall be treated as an approved plan which is adequately implemented if such plan is adequately implemented in accordance with the requirements of this Act as amended by the Conservation Service Reform Act of 1984.".

(e) CONFORMING AMENDMENTS.—

(1) Paragraph (16) of section 210 of such Act is amended by striking out "215(b)(1)(A)" and inserting in lieu thereof "215(b)".

(2) Subparagraph (C) of section 212(b)(2) of such Act is amended by striking out "213(a)(4)" and inserting in lieu thereof "213(a)(2)".

(3) Subparagraph (A) of section 213(b)(2) of such Act is amended by striking out "215(b)(1)" and inserting in lieu thereof "215(b)".

(4) Subsection (b) of section 214 of such Act is amended by striking out "8" and inserting in lieu thereof "6".

(5) Section 215(a)(3) of such Act is amended by striking out "and the lists referred to in section 213(a) (2) and (3)".

(6) Subsection (d) of section 215 of such Act is amended by striking out ", the offer required under subsection (b)(1)(A)" and all that follows and by inserting in lieu thereof "and the offer required under subsection (b).".

(7) Section 215 of such Act is amended by striking out subsection (f) and by redesignating subsection (g) as subsection (f).

(8) Paragraph (1) of section 216(c) of such Act is amended by striking out subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(9) Subparagraph (C) of section 216(c)(2) of such Act is amended by striking out "on the list referred to in section 213(a)(2)".

(f) STATUTORY CONSTRUCTION.—Nothing in the amendments made by subsections (b) through (e) shall prevent implementation of a plan or program pursuant to the National Energy Conservation Policy Act as in effect before the date of the enactment of this Act.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(2) RULES.—The Secretary of Energy shall, within the 90-day period referred to in paragraph (1), amend the rules promulgated under section 212 of the National Energy Conservation Policy Act to carry out the amendments made by this Act.

(3) SPECIAL REQUIREMENT FOR PLANS APPROVED BEFORE 1984 AMENDMENTS.—The Secretary of Energy shall, with respect to any residential energy conservation plan approved by the Secretary of Energy before the effective date (as described in paragraph (1)) of the amendments made by this section, require the appropriate official in charge of such plan to notify the Secretary of Energy, within 120 days of the date of enactment of this Act, that the amendments made by subsection (a) of this section shall be implemented for the duration of such plan.

SEC. 102. TIME LIMIT FOR ACTION ON APPLICATIONS FOR TEMPORARY PROGRAMS.

Any application for an exemption under section 218(a) of the National Energy Conservation Policy Act which is pending before the Secretary of Energy on the date of the enactment of this Act shall be deemed approved unless it is disapproved by the Secretary of Energy within 30 days after such date of enactment.

SEC. 103. ALTERNATIVE PLANS FOR RESIDENTIAL BUILDINGS.

(a) IN GENERAL.—The National Energy Conservation Policy Act is amended by inserting the following new sections after section 225:

"SEC. 226. ALTERNATIVE STATE PLANS.

"(a) IN GENERAL.—A Governor of any State or any State agency authorized to do so under State law may elect to formulate and certify an alternative State plan under this section.

"(b) CONSEQUENCES OF CERTIFICATION.—(1) Beginning with the date on which the certification of a plan is made with respect to a State under subsection (e) and ending with the date on which a plan is no longer in effect under this section with respect to such State—

"(A) sections 212(a) through (c)(3), 213 through 215, and sections 217 and 218 shall not apply with respect to—

"(i) regulated utilities in such State, and

"(ii) nonregulated utilities which are included in the plan;

"(B) section 219 shall apply to utilities described in subparagraph (A) only to the extent provided for in subsection (g); and

"(C) sections 212 through 219 shall apply to nonregulated utilities which are not included in the plan and which have not certified an alternative utility plan under section 227.

"(2) Except as provided in subsection (g), any State which certifies a plan under subsection (e) shall continue to have such plan in effect until the expiration of the 5-year period beginning on the date of such certification or until January 1, 1990, whichever occurs first.

"(c) FORMULATION OF PLAN.—In formulating any plan under this section, the Governor or State agency shall—

"(1) provide for advance notice to the public of proposed rulemaking for the purpose of formulating such plan;

"(2) publish a proposed rule on the content and implementation of the plan;

"(3) afford interested persons an opportunity to present oral and written comments on matters relating to such proposed rule; and

"(4) after taking such public comment into consideration, prescribe and make public a final rule setting forth the content and implementation of such plan.

"(d) CONTENT OF PLAN.—A plan certified pursuant to this section shall—

"(1) be designed to result in the dissemination of general energy conservation suggestions to all residential customers of utilities in the State;

"(2) be designed to result in—

"(A) specific energy conservation suggestions to each residential customer requesting such suggestions regarding the customer's residential building,

"(B) energy conservation improvements (which are included in such plan) to the customer's residential building, or

"(C) load management improvements (which are included in such plan) in the customer's residential building;

"(3) except as provided in subsection (k), for each year in which such plan is in effect, be designed to result in—

"(A)(i) in the case of a plan carried out solely by a State, benefits under paragraph (2) for a number of buildings equal to 5 percent or more of the residential buildings using natural gas or electric energy from utilities covered under section 211(a) in such State which did not, before such year, receive benefits under this Act (other than under paragraph (1) or section 227(d)(1)) or similar State law, and

"(ii) in the case of any other plan, benefits under paragraph (2) for a number of buildings equal to 5 percent or more of the residential buildings served by the utilities in-

cluded in the plan which did not, before such year, receive benefits under this Act (other than paragraph (1) or section 227(d)(1)) or similar State law;

"(B) energy consumption reductions (as determined by the Governor by rule) of an average of 10 percent or more (as compared to the preceding year) in the residential buildings in such State which receive specific energy conservation suggestions or energy conservation improvements under paragraph (2) during the year for which the determination is made; and

"(C) maximum kilowatt demand reductions (as determined by the Governor by rule) of an average of 10 percent or more (as compared to the preceding year) in the residential buildings in such State which receive load management improvements under paragraph (2) during the year for which the determination is made;

"(4) be designed to benefit individuals, including but not limited to individuals with low or moderate incomes;

"(5) contain adequate procedures to assure that, if a public utility sypplies or installs residential energy conservation measures, such actions shall be consistent with section 216 and prices and rates of interest charged shall be fair and reasonable;

"(6) contain adequate procedures for preventing unfair, deceptive, or anticompetitive acts or practices affecting commerce which relate to the implementation of such plan;

"(7) be carried out by the State, by utilities within the State, or a combination of both;

"(8) be consistent with the rules under section 212(b)(2)(D);

"(9) contain rules consistent with the rules under section 215(c);

"(10) contain provisions to assure that any person who alleges any injury resulting from a violation of any plan provision shall be entitled to redress pursuant to State law or under such procedures as may be established by the Governor or State agency prior to the date on which the plan is certified under subsection (e); and

"(11) contain provisions described in section 213(b)(2)(B).

"(e) CERTIFICATION.—(1) A Governor or State agency which elects to certify a plan under this section shall certify, pursuant to a form to be prescribed by the Secretary (except as provided by paragraph (2)) to the Secretary that the plan—

"(A) has been formulated in accordance with subsection (c); and

"(B) will be adequately implemented.

"(2) If a form is not made available by the Secretary within 90 days after the date of the enactment of this section, the Governor or State agency may make such certification on a form prescribed by such Governor or State agency.

"(3) Any certification under this subsection shall include a detailed explanation of the manner in which the contents of the plan will be implemented.

"(f) ANNUAL REPORT.—(1) The State shall submit an annual report to the Secretary, within 60 days after the end of the 1-year period to which the report relates, describing the implementation of the plan and the results thereof.

"(2) Such report shall include—

"(A) a statement of the number of buildings receiving benefits under subsection (d)(2),

"(B) a statement of the energy savings resulting from the plan, including a statement of average energy consumption reductions in the case of residential buildings which receive energy conservation suggestions or energy conservation improvements under subsection (d)(2), and a statement of average maximum kilowatt demand reductions in the case of residential buildings which receive load management improvements under subsection (d)(2),

"(C) a statement of the proportion of individuals with low and moderate incomes who receive benefits under subsection (d)(2),

"(D) a detailed description of the benefits provided under the plan, and

"(E) the names of the entities carrying out the plan.

"(g) ADMINISTRATIVE AND JUDICIAL ENFORCEMENT PROCEEDINGS.—(1) At any time more than 1 year after an alternative State plan has been certified under subsection (e) with respect to a State, any resident of such State may petition the Secretary to conduct a public hearing to determine if the alternative State plan has been adequately implemented. A copy of such petition shall be transmitted to the Governor or the appropriate State agency on the same date it is transmitted to the Secretary. The Secretary shall have 90 days after the date on which such petition is received to make a determination on the matter.

"(2) Except as provided in paragraph (3), if the Secretary determines that the alternative State plan has not been adequately implemented, the Secretary shall, within the 90-day period described in paragraph (1), initiate standby authority under section 219 with respect to such State. If the Secretary does not initiate the standby authority within the 90-day period, the resident may bring a de novo action in the appropriate United States district court—

"(A) against the Secretary (with the State having the right to intervene) to require the Secretary to implement standby authority under section 219, or

"(B) against the State to require the State to adequately implement the alternative State plan certified under subsection (e).

If the court finds that the State has failed to adequately implement such plan, it shall order the remedy requested by the plaintiff under subparagraph (A) or (B). If an individual prevails in an action under subparagraph (A), the court shall award such individual reasonable fees and expenses of attorneys and costs.

"(3) If a State which had an approved plan in effect under section 212 on the day before the date on which certification was made under this section informs the Secretary in writing, within 30 days after receiving a copy of the petition described in paragraph (1), that it will no longer implement a plan certified under this section and that it will implement the approved plan which was in effect in the State on the day before certification of the alternative plan under this section—

"(A) the determinations and actions described in paragraph (2) may not be carried out; and

"(B) sections 212 through 219 shall apply in such State except to the extent an alternative utility plan under section 227 is implemented in such State.

"(4)(A) A resident may not petition the Secretary under paragraph (1) and may not bring an action under paragraph (2) if such petition or action is based solely on a failure to reach the results described in paragraph (3) of subsection (d) or subsection (k).

"(B) A court may not make a finding that a State has failed to adequately implement a plan under paragraph (2) if such finding is based solely on a failure to reach the results described in paragraph (3) of subsection (d) or subsection (k).

"(h) COVERAGE.—A plan certified under this section shall not apply to utilities other then utilities covered under section 211(a).

"(i) INCLUSION OF NONREGULATED UTILITIES.—No nonregulated utility may be included in a plan by a Governor or State agency under this section unless such inclusion is authorized under State law or the nonregulated utility agrees to such inclusion.

"(j) UTILITIES WITH RETAIL SERVICE TERRITORIES IN MORE THAN 1 STATE.—For purposes of this section, any utility with a retail service territory (as defined in section 227(d)) in more than one State shall be considered to be a separate utility with respect to each State in which its retail service territory is located.

"(k) ALTERNATIVE STANDARDS.—(1) If—

"(A) the Governor or State agency which certifies a plan under this section finds—

"(i) with respect to the first year in which the alternative State plan is to be in effect, that residential customers will not be adequately informed of the availability of benefits under such plan, or

"(ii) with respect to any year in which the alternative State plan is to be in effect, that—

"(I) the number of residential buildings which have received benefits described in subsection (d)(2) (regardless of whether included in a plan) prior to such year is so large that the results described in subsection (d)(3) are unlikely to be reached in the absence of a finding under this subsection, or

"(II) such alternative State plan (or substantial portions thereof) will primarily benefit individuals with low or moderate incomes, and

"(B) such finding is made after interested persons are afforded an opportunity to present oral and written comments thereon (which, with respect to the first year in which an alternative State plan is to be in effect, may be in combination with the opportunity afforded under subsection (c)(3)), the results described in subsection (d)(3)(A) shall be applied to such year by substituting for '5 percent' a percentage (determined by such Governor or State agency) which is less than 5 percent and greater than or equal to 3 percent.

"(2) A finding under this subsection may not be made more frequently than once a year and each such finding shall be applicable to the implementation of an alternative State plan for a period, beginning on the date specified in such finding, not to exceed 12 months. Such period shall not begin before the date of such finding.

"(l) CLASSIFICATION AS LOAD MANAGEMENT IMPROVEMENT OR ENERGY CONSERVATION IMPROVEMENT.—For purposes of this section, in the case of a technique or installation which may be classified as either a load management improvement or an energy conservation improvement, the Governor, by rule, shall determine whether to treat such technique or installation as a load management improvement, an energy conservation improvement, or both.

"SEC. 227. ALTERNATIVE UTILITY PLANS.

"(a) IN GENERAL.—A regulated utility which is in a State in which an alternative State plan is not in effect under section 226 and a nonregulated utility which is not included in a plan submitted by a Governor or State agency as described in section 212(c) (if such inclusion is authorized under State

law) or in a plan certified under section 226 may elect to certify an alternative utility plan under this section.

"(b) CONSEQUENCES OF CERTIFICATION.—(1) Beginning with the date on which the certification of a plan is made with respect to a utility under subsection (e) and ending with the date on which a plan is no longer in effect under this section with respect to such utility—

"(A) sections 212(a) through (c)(3), 213 through 215, and sections 217, 218, and 226 shall not apply with respect to such utility; and

"(B) section 219 shall apply to such utility only to the extent provided for in subsection (g).

"(2) Except as provided for in subsection (g), any utility which certifies a plan under subsection (e) shall continue to have such plan in effect until the expiration of the 5-year period beginning on the day of such certification or until January 1, 1990, whichever occurs first.

"(c) FORMULATION OF PLAN.—The Governor or State agency authorized to do so under State law shall formulate a plan under this section on behalf of any regulated utility which has elected to certify a plan under this section. In formulating any plan under this section, the nonregulated utility or the Governor or State agency in the case of a regulated utility shall—

"(1) provide for advance notice to the public of such plan;

"(2) publish a description of the proposed content and implementation of the plan;

"(3) afford interested persons an opportunity to present oral and written comments on matters relating to such proposed plan; and

"(4) after taking such public comment into consideration, prescribe and make public the content and implementation of such plan.

"(d) CONTENT OF PLAN.—Any plan certified pursuant to this section shall—

"(1) be designed to result in the dissemination of general energy conservation suggestions to all residential customers of such utility;

"(2) be designed to result in—

"(A) specific energy conservation suggestions to each residential customer requesting such suggestions regarding the customer's residential building,

"(B) energy conservation improvements (which are included in such plan) to the customer's residential building, or

"(C) load management improvements (which are included in such plan) in the customer's residential building;

"(3) except as provided in subsection (j), for each year in which such plan is in effect and with respect to the retail service territory of the utility, be designed to result in—

"(A) benefits under paragraph (2) for a number of buildings equal to 5 percent or more of the residential buildings using natural gas or electric energy from such utility which did not, before such year, receive benefits under this Act (other than under paragraph (1) or section 226(d)(1)) or similar State law;

"(B) energy consumption reductions (as determined by the Governor by rule) of an average of 10 percent or more (as compared to the preceding year) in the residential buildings in such territory which receive specific energy conservation suggestions or energy conservation improvements under paragraph (2) during the year for which the determination is made; and

"(C) maximum kilowatt demand reductions (as determined by the Governor by rule) of an average of 10 percent or more (as compared to the preceding year) in the residential buildings in such territory which receive load management improvements under paragraph (2) during the year for which the determination is made;

"(4) be designed to benefit individuals including but not limited to individuals with low or moderate incomes;

"(5) contain adequate procedures to assure that, if a public utility supplies or installs residential energy conservation measures, such actions shall be consistent with section 216 and prices and rates of interest charged shall be fair and reasonable;

"(6) contain adequate procedures for preventing unfair, deceptive, or anticompetitive acts or practices affecting commerce which relate to the implementation of such plan;

"(7) be consistent with the rules under section 212(b)(2)(D);

"(8) contain rules consistent with the rules under section 215(c);

"(9) contain provisions to assure that any person who alleges any injury resulting from a violation of any plan provision shall be entitled to redress—

"(A) in the case of an alleged violation by a regulated utility, pursuant to State law or under such procedures as may be established by the Governor or State agency prior to the date on which the plan is certified under subsection (e), or

"(B) in the case of an alleged violation by a nonregulated utility, under such procedures as are established by the nonregulated utility prior to the date on which the plan is certified under subsection (e); and

"(10) contain provisions described in section 213(b)(2)(B).

For purposes of this subsection, the term 'retail service territory' means the territory in a state in which a utility makes retail sales to residential customers.

"(e) CERTIFICATION.—(1) A utility which elects to certify a plan under this section shall certify, pursuant to a form to be prescribed by the Secretary (except as provided by paragraph (2)), to the Secretary that the plan—

"(A) has been formulated in accordance with subsection (c); and

"(B) will be adequately implemented.

"(2) If a form is not made available to a utility by the Secretary within 90 days after the date of the enactment of this section, the utility may make such certification on a form prescribed by such utility.

"(3) Any certification under this subsection shall include a detailed explanation of the manner in which the contents of the plan will be implemented, and, in the case of a regulated utility, shall include a statement of support from the Governor or the State agency of the State concerned.

"(f) ANNUAL REPORT.—(1) The utility shall submit an annual report to the Secretary, within 60 days after the end of the 1-year period to which the report relates, describing the implementation of the plan and the results thereof.

"(2) Such report shall include—

"(A) a statement of the number of buildings receiving benefits under subsection (d)(2),

"(B) a statement of the energy savings resulting from the plan, including a statement of average energy consumption reductions in the case of residential buildings which receive energy conservation suggestions or energy conservation improvements under subsection (d)(2), and a statement of average maximum kilowatt demand reductions in the case of residential buildings which receive load management improvements under subsection (d)(2),

"(C) a statement of the proportion of individuals with low and moderate incomes who receive benefits under subsection (d)(2),

"(D) a detailed description of the benefits provided under the plan, and

"(E) the names of the entities carrying out the plan.

"(g) ADMINISTRATIVE AND JUDICIAL ENFORCEMENT PROCEEDINGS.—(1) At any time more than 1 year after an alternative utility plan has been certified under subsection (e) with respect to a utility, any residential customer of such utility may petition the Secretary to conduct a public hearing to determine if the alternative utility plan has been adequately implemented. A copy of such petition shall be transmitted to the utility on the same date it is transmitted to the Secretary. The Secretary shall have 90 days after the date on which such petition is received to make a determination on the matter.

"(2) Except as provided in paragraph (3), if the Secretary determines that the alternative utility plan has not been adequately implemented, the Secretary shall, within the 90-day period described in paragraph (1), initiate standby authority under section 219 with respect to the utility concerned. If the Secretary does not initiate such standby authority within such 90-day period, such customer may bring a de novo action in the appropriate United States district court—

"(A) against the Secretary (with the utility having the right to intervene) to require the Secretary to implement standby authority under section 219 with respect to such utility, or

"(B) against the utility to require the utility to adequately implement the alternative utility plan certified under subsection (e).

If the court finds that the utility has failed to adequately implement such plan, it shall order the remedy requested by the plaintiff under subparagraph (A) or (B). If an individual prevails in an action under subparagraph (A), the court shall award such individual reasonable fees and expenses of attorneys and costs.

"(3) If a utility which was within an approved State plan under section 212 on the day before the date on which certification was made under this section informs the Secretary in writing, within 30 days after receiving a copy of a petition described in paragraph (1), that it will no longer implement a plan certified under this section and that it will carry out a program in accordance with the State plan in effect under this part in the State—

"(A) the determinations and actions described in paragraph (2) may not be carried out; and

"(B) sections 212 through 219 shall apply to such utility unless it voluntarily or pursuant to State law becomes part of a State alternative plan implemented in the State under section 226.

"(4) For purposes of implementing section 219(a)(2) to a regulated utility as a result of this subsection, the term 'each regulated utility in the State' in such section shall be deemed to mean only the utility with respect to which action is taken under this subsection.

"(5)(A) A residential customer may not petition the Secretary under paragraph (1) and may not bring an action under paragraph (2) if such petition or action is based solely on a failure to reach the results described in paragraph (3) of subsection (d) or subsection (j).

"(B) A court may not make a finding that a utility has failed to adequately implement a plan under paragraph (2) if such finding is based solely on a failure to reach the results described in paragraph (3) of subsection (d) or subsection (j).

"(h) COVERAGE.—A plan certified under this section shall not apply to utilities other than utilities covered under section 211(a).

"(i) UTILITIES WITH RETAIL SERVICE TERRITORIES IN MORE THAN 1 STATE.—For purposes of this section, any utility with a retail service territory (as defined in subsection (d)) in more than one State shall be considered to be a separate utility with respect to each State in which its retail service territory is located.

"(j) ALTERNATIVE STANDARDS.)—(1) If—

"(A) the Governor of a State which includes a retail service territory (as defined in subsection (d)) of a utility which certifies a plan under this section finds, for such retail service territory—

"(i) with respect to the first year in which the alternative utility plan is to be in effect, that residential customers will not be adequately informed of the availability of benefits under such plan, or

"(ii) with respect to any year in which the alternative utility plan is to be in effect, that—

"(I) the number of residential buildings which have received benefits described in subsection (d)(2) (regardless of whether included in a plan) prior to such year is so large that the requirements of subsection (d)(3) are unlikely to be met in the absence of a finding under this subsection, or

"(II) such alternative utility plan (or substantial portions thereof) will primarily benefit individuals with low or moderate incomes, and

"(B) such finding is made after interested persons are afforded an opportunity to present oral and written comments thereon (which, with respect to the first year in which an alternative utility plan is to be in effect, may be in combination with the opportunity afforded under subsection (c)(3)).

the requirements of subsection (d)(3)(A) shall be applied to such retail service territory for such year by substituting for '5 percent' a percentage (determined by such Governor) which is less than 5 percent and greater than or equal to 3 percent.

"(2) A finding under this subsection may not be made more frequently than once a year and each such finding shall be applicable to the implementation of an alternative utility plan for a period, beginning on the date specified in such finding, not to exceed 12 months. Such period shall not begin before the date of such finding.

"(k) CLASSIFICATION AS LOAD MANAGEMENT IMPROVEMENT OR ENERGY CONSERVATION IMPROVEMENT.—For purposes of this section, in the case of a technique or installation which may be classified as either a load management improvement or an energy conservation improvement, the Governor, by rule, shall determine whether to treat such technique or installation as a load management improvement, an energy conservation improvement, or both.".

(b) TVA AUTHORITY.—Paragraph (4) of section 212(c) is amended by inserting ", section 210(21), section 226, or section 227" after "this section,".

(c) CONFORMING AMENDMENT.—

(1) Subsection (e) of section 218 of such Act is amended by striking out the period at the end of the second sentence and inserting in lieu thereof "or a plan in effect under section 226 or section 227 which is applicable to such utility.".

(2) Subsection (a) of section 219 of such Act is amended by striking out "If" and inserting in lieu thereof "Except as provided in sections 226 and 227, if".

(3) Subsection (b) of section 219 of such Act is amended by striking out "If" and inserting in lieu thereof "Except as provided in sections 226 and 227, if".

(d) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 225 the following new items:

"Sec. 226. Alternative State plans.
"Sec. 227. Alternative utility plans.".

SEC. 104. REPORTS AND DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—Section 225 of the National Energy Conservation Policy Act (relating to FTC study and report submitted before January 1, 1982) is amended to read as follows:

"SEC. 225. REPORTS AND DISSEMINATION OF INFORMATION.

"(a) GENERAL REPORT.—(1)(A) No later than January 1, 1986, the Secretary shall submit a report to the chairman of the Committee on Energy and Commerce of the House of Representatives and the chairman of the Committee on Energy and Natural Resources of the Senate relating to the operation of this part.

"(B) Not later than January 1 of every other year after 1986, the Secretary shall submit a report to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Energy and Natural Resources of the Senate relating to the operation of this part during the preceding 2-year period.

"(2) Each such report shall include—

"(A) a comparison of actual and predicted energy savings resulting from plans under this part,

"(B) identification of the most effective plans (or portions thereof),

"(C) an analysis, based on completed audits and other relevant data, of the energy saving potential of the installation of additional residential conservation measures, and

"(D) an analysis of economic, technical, behavioral, and other factors considered relevant to energy consumption by the Secretary.

Nothing in this paragraph shall require a survey of each residential building in which a residential energy conservation measure has been installed under this part.

"(b) SUMMARY OF ALTERNATIVE PLAN REPORTS.—No later than January 1, 1986, and no later than January 1 of each year thereafter, the Secretary shall submit a report to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Energy and Natural Resources of the Senate summarizing the annual reports the Secretary received under section 226(f) and section 227(f) during the 12-month period ending on the preceding July 1.

"(c) DISSEMINATION OF INFORMATION.—(1)(A) The Secretary shall at least annually, in fiscal years beginning after September 30, 1984, disseminate to the States and public utilities information providing technical assistance (including assistance in making calculations under sections 226(d)(3)(B) and 227(d)(3)(B)) and relating to the most cost-effective energy conservation procedures and devices (including residential energy conservation measures) and the most successful plans (or portions thereof) under this part.

"(B) The Secretary shall make the information described in subparagraph (A) available to the public.

"(2) The Secretary shall conduct seminars in various regions of the United States to disseminate information described in paragraph (1).".

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by striking out the item relating to section 225 and inserting in lieu thereof the following:

"Sec. 225. Reports and dissemination of information.".

SEC. 105. LOAD MANAGEMENT IMPROVEMENT DEFINED.

Section 210 of the National Energy Conservation Policy Act (relating to definitions) is amended by inserting after paragraph (20) the following new paragraph:

"(21) The term 'load management improvements' means—

"(A) as determined by the Secretary—

"(i) load management techniques (other than time-of-day or seasonal rates), and

"(ii) the installation of energy-efficient electric appliances or any other devices which reduce kilowatt demand, and

"(B) as determined by the Governor of a State, any other improvements in such State which are described in clause (i) or (ii) of subparagraph (A).".

SEC. 106. LIMITATION ON SUPPLY AND INSTALLATION BY PUBLIC UTILITIES.

(a) ADDITIONAL REQUIREMENTS FOR WAIVER.—Section 216(e) of the National Energy Conservation Policy Act (relating to waiver of prohibition against supply and installation of residential energy conservation measures by public utilities) is amended—

(1) by striking out "The" and inserting in lieu thereof "(1) The",

(2) by striking out "charged and" and inserting in lieu thereof "charged, there will be no unfair competitive advantages to the utility (with respect to competitors such as small businesses) in carrying out such activities, and", and

(3) by adding at the end thereof the following new paragraph:

"(2) The Governor may not support the petition of a regulated utility under paragraph (1) before—

"(A) the Governor—

"(i) provides advance notice to the public of such waiver petition,

"(ii) affords interested persons an opportunity to present oral and written comments on the waiver petition, and

"(iii) makes the determinations and findings which the Secretary is required to make in order to grant a waiver under paragraph (1), and sets forth, in writing, such findings and the reasons for such determinations and findings; and

"(B) the utility makes all relevant documents and records requested by the Governor available to the Governor.".

(b) CONTRACTING EXEMPTION.—Subsection (c) of such section is amended by adding at the end thereof the following new paragraph:

"(3) This subsection shall not apply to the supply or installation of residential energy conservation measures other than specific measures which the Secretary determines—

"(A) were being installed or supplied by a public utility on the date of the enactment of the Conservation Service Reform Act of 1984, or

"(B) were broadly advertised on or before such date of enactment.".

(c) GENERAL EXEMPTION.—Subsection (d) of such section is amended—

(1) by striking out "The" and inserting in lieu thereof: "(1) Except as provided in paragraph (2), the",

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and

(3) by adding at the end thereof the following new paragraph:

"(2) Effective July 1, 1986, subparagraphs (A) and (B) of paragraph (1) shall not apply to the supply or installation of residential energy conservation measures other than measures which the Secretary determines were being installed or supplied by a public utility during the 12-month period ending June 1, 1984.

"(3)(A) If any person requests review of an exemption under paragraph (1) (A) or (B) by the Governor of the State in which the exemption applies, and such request includes adequate documentation, the Governor shall review such exemption under subparagraph (B).

"(B) If, after notice and opportunity for a public hearing, the Governor determines that with respect to an activity which is the subject of a request under subparagraph (A)—

"(i) the utility is not charging fair and reasonable prices and rates of interest,

"(ii) there are unfair competitive advantages to the utility (with respect to competitors such as small businesses),

"(iii) such activity is inconsistent with the prevention of unfair methods of competition or the prevention of unfair or deceptive acts or practices, or

"(iv) the utility has not provided the Governor with all documents and records he determines necessary to make the determination under clauses (i) through (iii),

and sets forth, in writing, such determination and the reasons for such determination, such exemption shall not apply to the activity which is the subject of such request.

"(C) Notwithstanding any findings of the Governor under subparagraph (B), the Governor may allow an exemption under paragraph (1) (A) or (B) if the utility establishes to the satisfaction of the Governor that it will provide appropriate competitive safeguards.".

TITLE II—REPEAL OF PROVISIONS REGARDING COMMERCIAL BUILDINGS AND MULTIFAMILY DWELLINGS

SEC. 201. (a) IN GENERAL.—Title VII of the National Energy Conservation Policy Act (relating to energy conservation for commercial buildings and multifamily dwellings) is hereby repealed.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking out the items relating to title VII.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE: CONSERVATION SERVICE REFORM ACT OF 1984

Title I—Residential Conservation Service

Section 101—Changes in Certain Plan Requirements—This section makes changes in certain plan requirements under the existing RCS program.

Extension of Announcement Date—The bill would extend from January 1, 1985, to January 1, 1990, the last date on which utilities and participating home heating suppliers are required to issue announcements of the RCS program to their customers.

Elimination of Arranging and Listing Requirements—The bill would eliminate the requirements that covered utilities and home heating suppliers arrange for the installation and financing of conservation measures and provide a list of suppliers, contractors and financial institutions to residential customers. (However, the bill would not prohibit such activities by a utility.)

If a Governor or public utility wishes to revise a previously approved residential energy conservation plan to reflect this legislation's elimination of requirements relating to arranging and listing, this section explicitly permits such a change without requiring that a plan amendment be submitted to the Secretary of Energy.

In the case of states or public utilities that elect to continue a residential energy conservation plan approved by DOE prior to enactment of this legislation, the appropriate official in charge of such plan must notify the Secretary in writing that the announcement date requirement shall be extended to January 1, 1990, as required by this section. The Committee intends that a letter from the appropriate official in charge of the plan to the Secretary should satisfy this requirement.

Section 102—Temporary Programs—The Secretary of Energy must approve or disapprove any pending applications for temporary programs under section 218(a) of the National Energy Conservation Policy Act (NECPA) no later than 30 days after enactment. If the Secretary takes no action within 30 days, the temporary program shall be deemed approved.

Section 103—Alternative Plans for Residential Buildings—The bill allows an exemption from the requirements of the RCS program for states adopting an "alternative plan." This section would add new sections 226 and 227 to NECPA. Section 226 allows states to adopt an alternative plan, while section 227 allows utilities to develop alternative plans in states that choose to continue their existing RCS programs.

Alternative State Plans (new section 226)—A Governor of any state or any state agency authorized under state law may certify to the Department of Energy that the state will carry out an alternative plan. Under section 226(b), the Governor may make his certification as soon as DOE has prescribed a form for such certification or, if no such form is available, as early as 90 days after enactment. This provision is intended to insure a minimum of delay in enactment of the alternative program once the state has met the procedural requirement under the formulation of the plan.

Approval of the Secretary is not required at the time of certification. Any state which certifies an alternative plan shall continue to have such plan in effect for the five-year period after certification or until January 1, 1990, whichever occurs first. This new section 266 does not contain a requirement that, under an alternative plan, program announcements be sent to eligible customers.

Formulation of the Plan—In formulating an alternative plan, the Governor must hold a public hearing with opportunity for oral comments prior to certification.

Content of the Plan—In formulating an alternative plan, the Governor should be guided by the items set out under "Content of Plan," in section 226(d). The content of the plan is described below.

(1) The plan shall be designed to result in the dissemination of general energy conservation suggestions to all residential customers of utilities in the state. This is a minimal requirement of the plan to insure that general conservation information is available to all residential utility customers. Such a program could include, for example, utility bill inserts listing the most cost-effective conservation items for the region or a state- or utility-operated telephone "hot-line" to answer questions from residents about energy conservation.

(2) In addition, the plan shall be designed to include result-oriented energy conservation programs. It is intended that the state should have maximum flexibility in designing this class of program, keeping in mind that it should be designed to reach the targets set out in section 226(d)(3). Three broad types of approaches are named under this class of program. An alternative plan may include items from any of the three categories or a combination of these categories. The categories follow:

(a) Specific energy conservation suggestions regarding a customer's residential building. A home energy audit providing specific suggestions about conservation improvements appropriate to the residence would qualify under this description.

(b) Programs designed to result in energy conservation improvements to the customer's residence. This is a broad class of programs that could include, for example, low-interest financing of conservation measures, rebates for the purchase of energy-efficient equipment, or the purchase of predicted or actual kilowatt hours saved through conservation improvements, such as under the RECAP program conducted by General Public Utilities. The Committee intends to encourage innovative programs to induce residential customers to make cost-effective conservation investments. This list of possible programs should not be considered all-inclusive. This provision is not intended to require that the program pay the entire cost of weatherizing residential buildings participating in the plan, although a state may decide to do so and include such a program in its plan.

(c) Programs designed to result in load management improvements in the customer's residential building. Such programs would be aimed at reducing electricity use by an individual customer at times of peak electricity use during the day or during the year. Effective programs in this area have included rebates for the purchase of efficient replacement equipment and devices to turn off such equipment as water heaters during peak energy use. This bill is not intended to encourage, as load management improvements, the replacement of home appliances with appliances powered by a fuel different from that used in the original appliance. Merely switching the fuel for an appliance should not, under the definition in this legislation, be considered in and of itself as a load management improvement.

Programs to reduce peak energy use generally benefit all ratepayers by reducing the need for additional power at the most expensive periods of time. Under this section, it is intended that any load management programs included in the alternative plan should also result in a benefit to the individual residence in reduced peak energy use.

(3) The plan shall be designed to result in annual participation in the alternative program by at least 5 percent of the residential buildings served by natural gas or electric utilities included in the state plan. In the case of an alternative plan carried out by the state only, without utility involvement, the plan should be designed to reach at least 5 percent of the residential customers

served by utilities covered under NECPA. The Committee intends the 5 percent number to be a target. This target may be exceeded or may not be met, but should be used by the State in formulating an alternative program. For those states that have conducted RCS programs or similar conservation programs under state law, the 5 percent applies to the remaining number of residents that have not yet been served. Since the 5 percent target applies to the alternative plan as a whole, the state may decide to allocate responsibility for reaching that target in varying degrees among programs or utility participants. For example, the state program could be designed to reach more than five percent of the customers in a utility service area where dense population or other factors made a high level of participation likely, but less than 5 percent where a lower level of participation was expected.

Section 226 also requires that the plan be designed to result in annual energy consumption reductions of at least 10 percent per household for buildings that participate in the energy conservation programs designed under section 226(d)(2). The Governor of the state shall define by rule the term "energy consumption reductions." The Committee intends that the 10 percent reduction target apply to energy savings that are attributable to the home served by the program, sometimes described as "gross" savings. It is not intended that the savings target be attributable solely to the program as compared to savings that might have occurred in the absence of the program. In calculating the energy reductions, the Governor should adjust for variations in weather from year to year, for population changes, for structural changes in the home or other factors that could distort an assessment of the energy savings achieved.

In the case of load management improvements included in the alternative program, the plan shall be designed to result in annual peak electricity demand reductions of an average of at least 10 percent in residential buildings served by such programs.

(4) The alternative plan shall be designed to benefit individuals with low or moderate incomes, as well as other individuals. This provision is not intended to limit the program to any one income class, but rather to insure that low- or moderate-income individuals would benefit under the design of the program, in addition to those with higher incomes.

(5) The plan shall contain adequate procedures to assure that, if a public utility supplies or installs residential energy conservation measures, such actions shall be carried out in accordance with Section 216 of NECPA and at fair and reasonable prices and rates of interest.

(6) The plan shall contain adequate procedures for preventing unfair, deceptive or anti-competitive acts or practices.

(7) The plan shall be carried out by the state, by utilities within the state or a combination of both. In formulating the alternative state plan, the Governor has several options for determining what entities shall carry out the programs under the plan:

The state may elect to carry out all the programs itself without any utility involvement. Under this option the state could operate the program directly under the designated state agency in charge of the residential conservation service program. Alternatively, the lead state agency could enter into a cooperative agreement with other state agencies or non-governmental entities, such as non-profit community organizations, to carry out or assist in carrying out the program.

The state may elect to have the plan carried out by utilities within the state. Under this section, the state has the option of including all or some of the utilities covered under the RCS program by NECPA.

The state may elect to carry out the plan in combination with the utilities. This option could include, for example, a combination of the cooperative agreement mentioned in the first option and a role for the utilities as well.

(8) The plan shall be consistent with DOE rules developed under NECPA in consultation with the Federal Trade Commission concerning unfair, deceptive or anticompetitive practices.

(9) The plan shall contain rules consistent with the rules under section 215(c) of NECPA concerning the accounting and payment of costs for the program.

(10) The plan shall contain provisions to assure that any person who alleges injury resulting from inadequate implementation shall be entitled to redress under state law or procedures established by the Governor, or appropriate state agency. This provision is consistent with existing law governing the RCS program.

(11) The plan shall contain provisions described in section 213(b)(2)b of NECPA to insure that a utility will not inspect a furnace which uses a source of energy other than that provided by the utility unless the residential customer requests such inspection in writing. This provision is consistent with existing law governing the RCS program.

Annual Report—The state shall submit an annual report to DOE describing implementation of its alternative plan and reporting on the number of buildings reached and energy savings achieved within 60 days after the end of the one-year period to which the report applies.

In requiring a statement of the proportion of low- and moderate-income individuals participating in the alternative plan, it is recognized that utilities might not have access to information about the income of persons involved. An estimate of the number of such individuals would satisfy the requirement.

Administrative and Judicial Enforcement Proceedings—A resident of any state in which an alternative plan has been certified may, no sooner than one year after the program's certification, petition DOE to conduct a public hearing to determine if the alternative state plan has been adequately implemented. At the time that such a petition is filed, the state may opt to implement its previously approved RCS plan and thus halt the DOE hearing process.

If the Secretary finds that the program has not been adequately implemented, he shall initiate Federal standby authority (implementing the regular RCS program) within 90 days after the petition is filed.

If the Secretary does not initiate Federal standby authority within 90 days, the petitioner may bring an action in U.S. District Court to require the Secretary to implement standby authority or require the state to adequately implement the alternative state plan.

Under this section, a petitioner could challenge the implementation of the plan in court unless the Secretary initiates standby authority within the time period specified. Thus, the petitioner would have standing in U.S. District Court even if the Secretary upheld the plan as adequately implemented.

An individual who prevails in court in an action against the Secretary shall be awarded reasonable attorneys' fees and costs.

A state resident may not petition DOE or bring a court action solely on the grounds that the state has failed to reach the participation and energy-saving results described in the content of the plan. Similarly, a court may not make a finding that a state has failed to implement a plan adequately solely on the basis of a failure to reach the above-described results.

If a petition to DOE or a court action is brought on other grounds, however, the petitioner's complaint could still include as an issue the state's failure to meet one or more of the numerical results. Similarly, this provision would not preclude the Department of Energy or a judge from considering a failure to meet these results as part of the overall consideration of whether an alternative plan had been adequately implemented.

In general, the Committee intends that in deciding whether a plan has been adequately implemented, the Department or a judge should look at the entirety of the plan, including the formulation of the plan, its content, and its implementation.

Alternative Standards—Under this provision, the Governor or appropriate state agency may establish an alternative standard to the annual participation rate of 5 percent under the alternative plan. Following a public hearing, the target may be reduced to no lower than 3 percent, if the state finds that any of three conditions exist: (1) customers will not be adequately informed of the program in the first year, (2) such a large number of eligible buildings is already equipped with conservation or load management improvements as to make it unlikely that the alternative program could achieve the bill's targets of 5 percent annual participation and 10 percent average annual energy savings, or (3) if the alternative program will primarily benefit low- or moderate-income individuals.

The first finding may be made only with respect to the first year of the alternative plan, if the Governor finds that the programs under the alternative plan are sufficiently new and unfamiliar as to require extra efforts at making their availability known to customers in their stand-up phase.

The second finding is intended to apply to a state in which such a large amount of energy conservation or load management improvements has already been achieved in eligible customers' homes as to make the energy savings and participation rate goals of the plan infeasible. This could apply to areas in which Federal, state or utility programs have already achieved major improvements in customers' homes. It may also apply to areas in which, for example, the climate or the price of energy has already induced major conservation/load management improvements in the majority of potential participants' homes.

Alternative Utility Plans: Regulated Utilities (New Section 227)—In a state which does not have an alternative plan, an individual regulated utility may certify that it will carry out an alternative program if supported by the Governor.

Th^ provisions applying to an alternative utility plan are similar to those governing an alternative state plan in formulation of the plan, content of the plan, annual report, and administrative and judicial enforcement proceedings.

Non-Regulated Utilities—A non-regulated utility may be included in a state alternative plan only if the Governor has legal author-

ity to include it or the non-regulated utility elects to be included in the state plan. A non-regulated utility may certify to DOE that it will carry out an alternative plan if the Governor does not include the utility in the state plan.

Section 104—Reports and Dissemination of Information—No later than January 1, 1986, and every two years thereafter, DOE shall submit a report to the House Committee on Energy and Commerce and the Senate Committee on Energy and Natural Resources, comparing predicted energy savings with actual savings achieved under both the RCS and alternative plans and identifying the most successful programs. The Committee intends this report to be an evaluation of the RCS and alternative plan based on selective studies or samples of buildings, rather than an exhaustive building-by-building report. DOE shall compile a summary of annual reports on alternative plans to be delivered annually to Congress.

Dissemination of Information by DOE—At least annually, the Secretary shall provide information to states and utilities, including technical assistance for calculating energy consumption reductions and information about the most effective programs. This technical assistance would include examples of several professionally accepted methods for calculating energy consumption reductions in the residential sector.

Section 105—Load Management Improvement Defined—Load management improvements are defined as those load management techniques included under the existing RCS program, plus the installation of any devices which reduce electricity demand during peak periods. The Governor of a state may add load management devices to those approved by DOE. In determining allowable load management improvements, neither the Secretary nor a Governor should regard the mere replacement of equipment powered by one source of energy with equipment powered by another as a load management improvement.

Section 106—Limitation on Supply and Installation by Public Utilities—NECPA prohibits utilities from directly installing or supplying conservation measures, as defined by NECPA for purposes of the RCS program. The existing law provides three types of exemptions from these prohibitions.

(1) A utility may, with the support of the Governor, petition DOE for a waiver from the prohibition. DOE may grant the waiver after making certain findings aimed at preventing anti-competitive activity.

(2) A utility may contract with an independent contractor to supply or install conservation measures. Under current law, no waiver is required for this exemption.

(3) A utility that supplied or installed conservation measures, or made substantial preparations to do so, may receive a "grandfather exemption" from DOE to continue such activity.

This section would amend existing law to provide an opportunity for a public review of potential competitive abuses in each of the three types of exemptions named above. Because of the regulated monopoly position of utilities and because of the potential for such utilities to subsidize unregulated installation or supply activities with revenues derived from their regulated activities, the Committee believes that the entry of utilities into unregulated conservation markets deserves very careful public scrutiny.

Additional Requirements for Waiver—In granting a waiver to a utility from the prohibition on supply and installation of energy conservation measures, the Secretary of Energy must make an additional finding that there will be no unfair competitive advantages to the utility in carrying out such activities.

The Governor may not support the petition of a regulated utility for a waiver to DOE unless the Governor provides advance notice of the waiver petition and opportunity for a public hearing. In order to support the petition, the Governor must make the same findings required of the Secretary in granting the waiver petition. The utility must make available to the Governor all relevant documents and records requested by the Governor.

Contracting Exemption—Utilities which installed, supplied or advertised residential conservation measures through contractors on the date of enactment of this Act may continue to supply and install those same measures without applying for a waiver.

New utility contracting programs, started after the date of enactment of this legislation, are subject to the amended waiver process.

General Exemption (Grandfather Provision)—No change is made in the grandfather provision under Subsection d(3) of Section 216 of NECPA, which exempts utilities from installation and supply prohibitions in states where a state law or regulation requires or permits such supply or installation.

However, the grandfather provision is narrowed for those utilities that received a grandfather exemption pursuant to subsection d(1) or d(2) of section 216. These provisions provide a grandfather exemption to utilities that supplied, installed, advertised, or prepared for such programs prior to the enactment of the 1978 National Energy Conservation Policy Act. Starting July 1, 1986, the grandfather exemption would remain in effect only for those utilities which, during the 12-month period prior to June 1, 1984, were installing and supplying those specific measures for which they had received the grandfather exemption.

State Hearing for Grandfathered Utility—If any person requests review of a grandfathered utility and includes adequate documentation of anti-competitive activity by the utility, the Governor shall review the grandfather exemption in a public hearing.

The exemption shall continue for a grandfathered utility if the Governor, following a public hearing, makes any of the following findings:

(1) The utility is not charging fair and reasonable prices and rates of interest.

(2) There are unfair competitive advantages to the utility.

(3) Such activity is inconsistent with the prevention of unfair methods of competition or the prevention of unfair or deceptive acts or practices.

(4) The utility has not provided the Governor with all the documents he determines necessary to make the above findings.

Regardless of whether the Governor makes any of the above findings, the Governor may condition the continuation of the grandfathered activity on the provision of appropriate competitive safeguards by the utility in carrying out the activity.

To ensure that DOE will remain the central repository of information about utilities with grandfather exemptions, the Committee expects that a state in which a grandfather exemption has been removed as a result of the public hearing provided under this section would notify the Department of any change in the exemption status.

Title II—Repeal of Provisions Regarding Commercial Buildings and Multifamily Dwellings

The Commercial and Apartment Conservation Service is repealed.●

By Mr. MOYNIHAN (for himself, Mr. HART, and Mr. BRADLEY):

S. 2873. A bill to provide that there will be a cost-of-living increase in Social Security and SSI benefits for 1985 without regard to whether the 3-percent threshold is met; to the Committee on Finance.

COST-OF-LIVING INCREASE FOR SOCIAL SECURITY AND SUPPLEMENTAL SECURITY INCOME RECIPIENTS

● Mr. MOYNIHAN. Mr. President, I rise today to offer legislation that would ensure a cost-of-living increase in January 1985 for the Nation's Social Security and supplemental security income beneficiaries.

The Social Security Act provides for an automatic benefit increase in any year when the cost of living rises by 3 percent or more. Inflation, of late, has slowed markedly, and in most respects this is a welcome and happy event. But for aged and disabled Americans, lower inflation is a mixed blessing. Current projections for the increase in the Consumer Price Index from the third quarter of 1983 to the third quarter of 1984 are hovering just below 3 percent. While this may mean only slightly higher prices for the goods our elderly and disabled citizens must purchase, it also appears that, barring the change I am proposing, Social Security and SSI recipients will receive no cost-of-living increase.

The fact is, we are in a position to provide for this increase, because the trust funds are in satisfactory condition.

On January 15, 1983, the National Commission on Social Security Reform, on which I served, agreed to a set of recommendations to put Social Security on a firm financial footing. Our proposals became law 3 months later, and optimism about their efficacy has been vindicated. On April 5 of this year, the trustees of the Social Security trust funds—Treasury Secretary Donald T. Regan, Labor Secretary Raymond J. Donovan, and Health and Human Services Secretary Margaret M. Heckler—reported that benefits to be provided under these programs can be paid well into the next century.

This 1984 trustees report assumed that in January 1985, benefits would increase 4.7 percent—that being the projected rise in the CPI. In 1985, that increase would cost the Social Security system $8.3 billion in benefit payments. If benefits were adjusted in January of next year based on a 2.9-percent CPI increase, the cost to the OASDI funds would be about $5 billion—roughly $3.3 billion less than is

now incorporated in the trust fund projections.

Let me also note that over 2 years, this legislation will not cost the trust fund any substantial additional moneys. Under the provisions of the Social Security Amendments of 1983, if recipients forfeit their COLA because the CPI rises less than 3 percent, the COLA for the following year would be based on the increase in the CPI over the previous 2 years. With this legislation, then, we simply would ensure that our elderly and disabled citizens receive their COLA's when they need it—when the CPI rises, without waiting an additional year. And let me mention another happy fact. The OASDI trust funds are in even sounder condition today than the 1984 trustees' report had estimated. That report predicted a trust fund balance in January 1985 of $27.7 billion. According to Social Security actuaries, the military adjustment payment to the trust funds will exceed the trustees' expectations by some $2.6 billion. Moreover, the current recovery is increasing revenues into the fund at a faster rate than expected. A timely COLA of just under 3 percent would leave the trust funds in a fine and healthy condition.

President Reagan now supports this increase in Social Security benefits.

This week, the President joined in the view of the trustees of the Social Security funds. The President's remarks are a happy, though somewhat belated, expression of confidence in the solvency of the Social Security funds. In effect, he acknowledged that the trust funds are healthy enough to provide benefit increases beyond those required by present law. Perhaps now, at last, the constant harping we have heard about the failings and possible demise of the Social Security system is at an end.

Single Americans on Social Security receive an average benefit of $425 a month, an annual income of just $5,100. This increase of roughly 3 percent will mean about $12 more each month, or $144 a year. The average benefit for aged couples on Social Security, about $700 a month, would be increased by roughly $21 per month. That means $252 more a year for a couple living now on just $8,400. Among the most poor aged—those receiving SSI—this increase will mean $108 more per year for an individual now living on less than $3,800, and $168 more per year for a couple now receiving less than $5,700 in annual support.

These certainly are small sums for individuals, but they maintain the buying power of their current incomes. These increases just keep pace with actual inflation, inflation which elderly and disabled Americans cannot offset, like some of the rest of us, by working harder.

This increase of about 3 percent will keep almost a half million elderly and disabled Americans above the poverty line, according to estimates by the American Association of Retired Persons. Can we do otherwise? Can we sit by and watch a half million of our elderly and disabled citizens slip below the poverty line? They deserve—indeed, have earned—this cost-of-living adjustment.

I invite my colleagues to join me in this effort to grant a cost-of-living adjustment to the millions of elderly, blind, and disabled Americans who receive Social Security and supplemental security income.

Mr. President, I am introducing this legislation with my good friends and colleagues Senators BRADLEY, HART, and SASSER. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in determining whether the base quarter ending on September 30, 1984 is a cost-of-living computation quarter for purposes of the cost-of-living increases under sections 215(i) and 1617 of the Social Security Act, the phrase "is 3 percent or more" appearing in section 215(i)(1)(B) of such Act shall be deemed to read "is greater than zero".

(b) For purposes of section 215(i) of such Act, the provisions of subsection (a) shall not constitute a "general benefit increase".●

By Mr. PACKWOOD:

S. 2874. A bill to amend title 49, United States Code, to reduce regulation of surface freight forwarders, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SURFACE FREIGHT FORWARDER DEREGULATION ACT

● Mr. PACKWOOD. Mr. President, today I am introducing legislation which would eliminate economic regulation of the surface freight forwarding industry in the United States. This bill, the Surface Freight Forwarder Deregulation Act of 1984, would remove Interstate Commerce Commission [ICC] regulations governing the operation of surface freight forwarders.

The freight forwarding industry plays a crucial role in our freight transportation system. Freight forwarders assemble small shipments for consolidation, then dispatch these shipments in full truckloads or rail carloads. By arranging for the transportation of these small shipments as part of larger loads, freight forwarders historically have been able to offer lower rates for small shipments than the rates the individual shippers could have obtained from trucking companies or railroads.

There is healthy competition in the freight forwarding industry as well as vigorous competition between freight forwarders and trucking companies, unregulated shipper associations, and railroads. Because of this degree of competition, continued regulation of freight forwarders is not necessary. In fact, many freight forwarders are eager to be deregulated because they believe they are currently at a competitive disadvantage with the trucking and rail industries. In 1980, legislation providing significant regulatory reform of the trucking industry and railroads was enacted. These two pieces of legislation provided greater pricing flexibility for carriers and also brought increased competition to the trucking and rail industries. As a result, these industries can now much more effectively compete with freight forwarders for small shipments traffic than they could in the past.

Mr. President, the time has come to remove the needless regulations which hamper the operations of surface freight forwarders. The bill I am introducing today eliminates ICC entry and rate regulation over freight forwarders and eliminates antitrust immunity for collective ratemaking activities in the freight forwarding industry. The reforms in this bill will strengthen the freight forwarder industry and will lead to more effective competition between freight forwarders and the trucking and rail industries.

Mr. President, I ask unanimous consent that the text of the Surface Freight Forwarder Deregulation Act of 1984 and a section-by-section analysis of this legislation be included in the RECORD in their entirety.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Freight Forwarder Deregulation Act of 1984".

PURPOSE

SEC. 2. This Act is part of the continuing effort by Congress to reduce burdensome and unnecessary government regulations and to ensure the competitiveness and efficacy of transportation services of surface freight forwarders in the United States.

FINDINGS

SEC. 3. The Congress finds that—

(1) a safe, sound and competitive surface freight forwarder industry is important to the national transportation system;

(2) the statutes governing Federal regulation of the freight forwarder industry are outdated and must be revised to reflect present and future transportation needs and realities;

(3) protective regulation has resulted in anticompetitive pricing and has restricted the range of price and service options available to shippers;

(4) in order to reduce the uncertainty experienced by the Nation's transportation in-

dustries, the Interstate Commerce Commission's remaining responsibilities for the regulation of surface freight forwarders should be eliminated by Act of Congress; and

(5) legislative and resulting changes should be implemented with the least amount of disruption consistent with achieving the reforms enacted.

DEFINITIONS

SEC. 4. Section 10102(9) of title 49, United States Code, is amended—

(1) by striking "holding itself out to the general public";

(2) by striking "to provide" and inserting in lieu thereof "that provides";

(3) by inserting "and" at the end of subparagraph (A);

(4) in subparagraph (B), by striking "; and" and inserting in lieu thereof a period; and

(5) by striking subparagraph (C).

INTERSTATE COMMERCE COMMISSION ADMINISTRATION

SEC. 5. (a) Section 10328(b)(2) of title 49, United States Code, is amended by striking "or freight forwarder".

(b) Section 10329 of title 49, United States Code, is amended—

(1) in subsection (a)(2)—

(A) by striking ", or a freight forwarder";

(B) by inserting "or" immediately after "broker"; and

(C) by striking "II, III or IV" and inserting in lieu thereof "II or III";

(2) in subsection (c)(3), by striking "or freight forwarder" wherever it appears; and

(3) in subsection (d), by striking "(1)", and by striking "or (2) a freight forwarder,".

JURISDICTION

SEC. 6. (a) Section 10521(a) of title 49, United States Code, is amended by inserting ", except by a broker," after "transportation" the second time it appears.

(b) Section 10523 of title 49, United States Code, is amended—

(1) in subsection (a)(1)(B)(i), by inserting "or" immediately after the semicolon;

(2) in subsection (a)(1)(B)(ii), by striking "or" and inserting in lieu thereof "and";

(3) by striking subsection (a)(1)(B)(iii);

(4) in subsection (a)(1)(C), by striking "or service provided by the freight forwarder";

(5) in subsection (a)(2), by striking ", and under subchapter IV of this chapter when provided by such a freight forwarder";

(6) in subsection (b)(1)(B)(ii), by inserting "or" immediately after the semicolon;

(7) in subsection (b)(1)(B)(iii), by striking "; or" and inserting in lieu thereof a period;

(8) by striking subsection (b)(1)(B)(iv); and

(9) in subsection (b)(2)—

(A) by striking "or service provided by the freight forwarder for whom the transportation was provided";

(B) by inserting "and" immediately after "for such a motor carrier,"; and

(C) by striking ", and under subchapter IV of this chapter when provided for such a freight forwarder".

(c)(1) Section 10561 of title 49, United States Code, is repealed.

(2) The section analysis of chapter 105 of title 49, United States Code, is amended by striking

"10561. General jurisdiction."

and inserting in lieu thereof

"10561. Repealed.".

(d)(1) Section 10562 of title 49, United States Code, is repealed.

(2) The section analysis of chapter 105 of title 49, United States Code, is amended by striking "10562. Exempt freight forwarder service." and inserting in lieu thereof "10562. Repealed.".

RATES, TARIFFS, AND VALUATIONS

SEC. 7. (a) Section 10701(d) of title 49, United States Code, is amended by striking "II, III, or IV" and inserting in lieu thereof "II or III".

(b) Section 10704 of title 49, United States Code, is amended—

(1) in subsection (b)(1)(A), by striking ", express" and by inserting "or" immediately after the semicolon;

(2) in subsection (b)(1)(B), by striking "or";

(3) by striking subsection (b)(1)(C);

(4) in subsection (b)(3), by striking "or a freight forwarder"; and

(5) in subsection (b)(4), by striking "or a freight forwarder" and "or the inherent nature of freight forwarding, respectively".

(c) Section 10706 of title 49, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking "(c)(1)(B)-(E)" and inserting in lieu thereof "(d)(1)(B)-(D)"; and

(2) by striking subsection (d)(1)(E).

(d) Section 10708 of title 49, United States Code, is amended—

(1) in subsection (d)(1), by striking "or freight forwarder"; and

(2) in subsection (d)(2), by striking "or freight forwarders" wherever it appears.

(e) Section 10722(d)(2) of title 49, United States Code, is amended by striking the second sentence.

(f)(1) Section 10725 of title 49, United States Code, is repealed.

(2) The section analysis of chapter 107 of title 49, United States Code, is amended by striking

"10725. Special freight forwarder rates."

and inserting in lieu thereof

"10725. Repealed.".

(g) Section 10730(a) of title 49, United States Code, is amended—

(1) by striking "I, II, or IV" and inserting in lieu thereof "I or II"; and

(2) by striking the last sentence.

(h) Section 10741 of title 49, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively.

(i) Section 10743(b)(2) of title 49, United States Code, is amended by striking "(including a motor common carrier being used by a freight forwarder)".

(j)(1)(A) The heading of section 10749 of title 49, United States Code, is amended by striking "and limitation on use of common carriers by freight forwarders".

(B) The item relating to section 10749 in the section analysis of chapter 107 of title 49, United States Code, is amended by striking "and limitation on use of common carriers by freight forwarders".

(2) Section 10749 of title 49, United States Code, is amended—

(A) by striking "(a)"; and

(B) by striking subsection (b).

(k) Section 10762 of title 49, United States Code, is amended—

(1) in subsection (a)(2)—

(A) by striking "II, III, or IV" wherever it appears and inserting in lieu thereof "II or III" in each such place; and

(B) by striking "or by a freight forwarder";

(2) in subsection (b)(1), by striking "I, III, or IV" and inserting in lieu thereof "I or III"; and

(3) in subsection (b)(1)(C), by striking "or IV".

(l) Section 10766 of title 49, United States Code, is amended—

(1) by striking subsection (a);

(2) in subsection (b)—

(A) by striking "(b)";

(B) by striking "providing service subject to the jurisdiction of the Commission under that subchapter";

(C) by striking the second sentence; and

(D) by striking the last two sentences; and

(3) by striking subsection (c).

LICENSING

SEC. 8. (a)(1)(A) The heading of section 10923 of title 49, United States Code, is amended by striking "and freight forwarders".

(B) The item relating to section 10923 in the section analysis of chapter 109 of title 49, United States Code, is amended by striking "and freight forwarders".

(b) Section 10923 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or to provide service subject to that jurisdiction under subchapter IV of chapter 105 as a freight forwarder,"; and

(B) in paragraph (2), by striking "or service";

(2) in subsection (b)(1), by striking "or to provide service as a freight forwarder";

(3) by striking subsection (b)(7);

(4) in subsection (c)—

(A) in paragraph (1), by inserting "and" immediately after the semicolon;

(B) in paragraph (2), by striking "; and" and inserting in lieu thereof a period; and

(C) by striking paragraph (3);

(6) in subsection (d)(1), by striking "or freight forwarder"; and

(7) in subsection (d)(3)(B), by striking "or freight forwarder".

(b) Section 10925 of title 49, United States Code, is amended—

(1) in subsection (b)(1), by striking "broker, or freight forwarder,";

(2) in subsection (c)(1), by striking "or freight forwarder";

(3) in subsection (d)(1), by striking ", a permit of a freight forwarder,";

(4) in subsection (d)(1)(A)—

(A) by striking "; and" and inserting in lieu thereof a period; and

(B) by striking "(A)"; and

(5) by striking subsection (d)(1)(B).

(c) Section 10926 of title 49, United States Code, is amended—

(1) in paragraph (1), by inserting "and" immediately after the semicolon;

(2) in paragraph (2), by striking "; and" and inserting in lieu thereof a period; and

(3) by striking paragraph (3).

(d)(1)(A) The heading of section 10927 of title 49, United States Code, is amended by striking "carriers, brokers, and freight forwarders" and inserting in lieu thereof "carriers and brokers".

(B) The section analysis for chapter 109 of title 49, United States Code, is amended by striking

"10927. Security of motor carriers, brokers, and freight forwarders."

and inserting in lieu thereof

"10927. Security of motor carriers and brokers.".

(2) Section 10927 of title 49, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(e) Section 10930 of title 49, United States Code, is amended—

(1) by striking "(a)"; and

(2) by striking subsection (b).

(f)(1) Section 10933 of title 49, United States Code, is repealed.

(2) The section analysis of chapter 109 of title 49, United States Code, is amended by striking

"10933. Authorizing abandonment of freight forwarder service."

and inserting in lieu thereof

"10933. Repealed.".

OPERATIONS OF CARRIERS

SEC. 9. (a) Section 11101(b) of title 49, United States Code, is amended—

(1) by striking "and freight forwarders";

(2) by striking "subchapters II and IV" and inserting in lieu thereof "subchapter II"; and

(3) by striking "and for" and inserting in lieu thereof "including".

(b)(1) Section 11127 of title 49, United States Code, is repealed.

(2) The section analysis of chapter 111 of title 49, United States Code, is amended by striking

"11127. Service of freight forwarders."

and inserting in lieu thereof

"11127. Repealed.".

(c) Section 11141(1) of title 49, United States Code, is amended by striking "(except a freight forwarder)".

(d) Section 11142 of title 49, United States Code, is amended by striking "II, III, and IV" and inserting in lieu thereof "subchapters II and III".

FINANCE

SEC. 10. (a) Section 11323 of title 49, United States Code, is repealed.

(b) The section analysis of chapter 113 of title 49, United States Code, is amended by striking

"11323. Limitation on ownership of other carriers by freight forwarders."

and inserting in lieu thereof

"11323. Repealed.".

FEDERAL-STATE RELATIONS

SEC. 11. (a) Section 11501 of title 49, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively; and

(3) by adding at the end thereof the following new subsection:

"(f) No State or political subdivision thereof and no interstate agency or other political agency of two or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to interstate rates, interstate routes, or interstate services of any freight forwarder.".

(b) Section 11502 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking "I, III, or IV" and inserting in lieu thereof "I or III"; and

(2) in subsection (b), by striking "or IV".

(c) Section 11505 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES

SEC. 12. (a) Section 11702(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "or 10933";

(2) in paragraph (5), by striking "; and" and inserting in lieu thereof a period; and

(3) by striking paragraph (6).

(b)(1) Section 11704 of title 49, United States Code, is repealed.

(2) The section analysis of chapter 117 of title 49, United States Code, is amended by striking

"11704. Action by a private person to enjoin abandonment of service."

and inserting in lieu thereof

"11704. Repealed.".

(c) Section 11705(b)(3) of title 49, United States Code, is amended by striking "or IV".

(d) Section 11707(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "(1)"; and

(B) by striking "I, II, or IV" wherever it appears and inserting in lieu there of "I or II" in each such place; and

(2) by striking paragraph (2).

(e)(1)(A) The heading of section 11708 of title 49, United States Code, is amended by striking "and freight forwarder".

(B) The item relating to section 11708 in the section analysis of chapter 117 of title 49, United States Code, is amended by striking "and freight forwarder".

(2) Section 11708(a) of title 49, United States Code, is amended by striking "or service of a freight forwarder".

CIVIL AND CRIMINAL PENALTIES

SEC. 13. (a) Section 11904 of title 49, United States Code, is amended by striking subsection (d).

(b)(1) Section 11908 of title 49, United States Code, is repealed.

(2) The section analysis of chapter 119 of title 49, United States Code, is amended by striking

"11908. Abandonment of service by freight forwarder."

and inserting in lieu thereof

"11908. Repealed.".

(c) Section 11909 of title 49, United States Code, is amended by striking subsection (d).

(d) Section 11910(a) of title 49, United States Code, is amended by striking paragraph (4).

(e) Section 11914 of title 49, United States Code, is amended by striking subsection (d).

EFFECTIVE DATE

SEC. 14. This Act shall become effective on July 1, 1985.

SECTION-BY-SECTION ANALYSIS—THE "SURFACE FREIGHT FORWARDER DEREGULATION ACT OF 1984"

SECTION 2—PURPOSE OF THE ACT

This section states that the purpose of this Act is to reduce unnecessary and burdensome government regulations and to insure the competitiveness and efficacy of the freight forwarder industry in the United States.

SECTION 3—CONGRESSIONAL FINDINGS

This section states the following Congressional findings:

1. That a safe, sound, and competitive surface freight forwarder industry is important to the national transportation system;

2. That the statutes governing Federal regulation of freight forwarders are outdated;

3. That protective regulations has resulted in anticompetitive pricing and has restricted price and service options available to shippers;

4. That the Interstate Commerce Commission's (ICC) remaining responsibilities for the regulation of surface freight forwarders should be legislatively eliminated; and

5. That legislative and resulting changes should be implemented with the least amount of disruption, consistent with achieving the reforms enacted.

SECTION 4—DEFINITIONS

This section amends the definition of "freight forwarder" in section 10102 of title 49, U.S. Code, to remove the requirement that freight forwarders hold themselves out to serve the general public.

SECTION 5—INTERSTATE COMMERCE COMMISSION ADMINISTRATION

Subsection (a) of this section amends section 10328 of title 49, U.S.C., which allows the ICC to provide special notice procedures in lieu of Federal Register publication for operating authority applications, by eliminating reference to freight forwarders since freight forwarders would be removed from ICC jurisdiction under this Act.

Subsection (b) of this section amends section 10329 of title 49, U.S.C., by deleting the requirement for designation of agents by freight forwarders, which will no longer be subject to ICC jurisdiction, as well as requirements for service of notice to those parties regarding Commission proceedings.

SECTION 6—JURISDICTION

Subsection (a) of this section amends section 10521 of title 49, U.S.C., by removing Interstate Commerce Commission jurisdiction over the procurement of motor carrier transportation by freight forwarders.

Subsection (b) of this section amends section 10523 of title 49, U.S.C., provides a conforming change, by removing freight forwarders from the exemption from Interstate Commerce Commission jurisdiction over motor vehicle transportation in terminal areas.

Subsection (c), (d), and (e) repeal section 10561, "General Jurisdiction", and section 10562, "Exempt freight forwarder service", of title 49, U.S.C. This removes all transportation by freight forwarders from ICC jurisdiction.

SECTION 7—RATES, TARIFFS AND VALUATIONS

Subsection (a) of this section amends section 10701 of title 49, U.S.C., by eliminating standards for rates, classifications, through routes, rules and practices of freight forwarders.

Subsection (b) of this section amends section 10704 of title 49, U.S.C., by removing Interstate Commerce Commission authority to describe rates, classification, rules, or practices to be followed by freight forwarders.

Subsection (c) amends section 10706 of title 49, U.S.C., by removing freight forwarders from the class of carriers who are entitled to receive antitrust immunity from the Interstate Commerce Commission.

Subsection (d) amends section 10708 of title 49, U.S.C. by removing Interstate Commerce Commission jurisdiction to investigate, suspend, revise or revoke any rate of a freight forwarder on the grounds that such rate is unreasonably high or low. The zone of rate freedom established by the Motor Carrier Act of 1980 will remain applicable only to motor carriers of property.

Subsection (e) amends section 10722 of title 49, U.S.C., "Special Passenger Rates", by removing freight forwarders from the special property rate provisions of this section.

Subsection (f) repeals section 10725 of title 49, U.S.C., "Special freight forwarder rates".

Subsection (g) amends section 10730 of title 49, U.S.C., by removing the Interstate Commerce Commission's jurisdiction to require or authorize freight forwarders to establish rates for transportation of property under which the liability of the freight forwarder for that property is limited to a value established by written declaration of the shipper or by written agreement. Freight forwarders will be subject to the common law, and the Uniform Commercial Code (Section 7-309(2) and State variants), which allows a freight forwarder to declare a limit to its liability as long as the consignor is afforded an opportunity to declare a higher value.

Subsection (h) amends section 10741 of title 49, U.S.C., by removing the general prohibition of rail, motor carrier, and motor discrimination against freight forwarder services. The effect of this amendment is to allow the general anti-discrimination provisions of the anti-trust laws to apply to freight forwarders.

Subsection (i) amends section 10743 of title 49, U.S.C., "Payment of rates," by deleting the reference to freight forwarders.

Subsection (j) amends section 10749 of title 49, U.S.C., by deleting limitations on the exchange of services and use of common carriers by freight forwarders.

Subsection (k) amends section 10762 of title 49, U.S.C., by removing the requirement that freight forwarders publish, file, and keep tariffs open for public inspection.

Subsection (l) amends section 10766 of title 49, U.S.C., "Freight forwarder traffic agreements". This subsection removes the requirement to file contracts between freight forwarders and motor carriers with the Commission, removes requirements that such contracts establish reasonable conditions and compensation, and also removes Commission authority to prescribe such conditions and compensation when it finds them unreasonable.

SECTION 8—LICENSING

Subsection (a) of this section amends section 10923 of title 49, U.S.C., by striking the language concerning entry requirements for freight forwarders.

Subsection (b) amends section 10925 of title 49, U.S.C., by removing language dealing with the effective periods and the conditions governing the operating authorities freight forwarders.

Subsection (c) amends section 10926 of title 49, U.S.C., by deleting requirements concerning transfers of certificates for freight forwarders.

Subsection (d) amends section 10927 of title 49, U.S.C., by removing the language dealing with security and insurance requirements for freight forwarders.

Subsection (e) amends section 10930 of title 49, U.S.C., by deleting the specified limits on who may simultaneously hold certificates and permits to provide freight forwarder transportation and rail, motor carrier, or water transportation.

Subsection (f) repeals section 10933 of title 49, U.S.C., "Authorizing abandonment of freight forwarder service".

SECTION 9—OPERATIONS OF CARRIERS

Subsection (a) of this section amends section 11101 of title 49, U.S.C., by removing the authority of the Interstate Commerce Commission to prescribe requirements for continuous and adequate transportation service by freight forwarders, i.e., "common carrier obligation".

Subsection (b) repeals section 11127 of title 49, U.S.C., "Service of freight forwarders". This deals with authority of the Interstate Commerce Commission to suspend service requirements for freight forwarders during emergencies, and to establish terms of compensation for freight forwarder service during such periods.

Subsection (c) amends section 11141 of title 49, U.S.C., by making conforming changes by definitions.

Subsection (d) amends section 11142 of title 49, U.S.C., by removing Interstate Commerce Commission power to prescribe uniform accounting systems for freight forwarders.

SECTION 10—FINANCE

This section repeals section 11323 of title 49, U.S.C., "Limitation on ownership of other carriers by freight forwarders", thereby removing the prohibition against freight forwarders owning or controlling motor carriers or rail carriers.

SECTION 11—FEDERAL-STATE RELATIONS

Subsection (a) of this section amends section 11501 of title 49, U.S.C., by removing the power of the Interstate Commerce Commission to prescribe rates, rules, classifications and practices of freight forwarders involved in both intrastate and interstate commerce, when it finds that State regulation is causing either unreasonable discrimination or is imposing an unreasonable burden on interstate commerce. This subsection also adds a new subsection (f) which prevents State and other political agencies from enacting or enforcing any regulations concerning interstate rates, routes or services that were subject to ICC jurisdiction prior to enactment of this Act. This subsection is intended to prevent states and other local governments from exercising regulatory authority over areas of interstate commerce that are being vacated by the Interstate Commerce Commission under this legislation.

Subsection (b) of this section amends section 11502 of title 49, U.S.C., by removing Interstate Commerce Commission power to confer and hold joint hearings with State authorities concerning freight forwarder matters.

Subsection (c) amends section 11505 of title 49, U.S.C., by removing the power of a State regulatory authority to bring civil action to enjoin the abandonment of service by a freight forwarder.

SECTION 12—ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES

Subsection (a) amends section 11702 of title 49, U.S.C., by eliminating Interstate Commerce Commission's power to enforce regulations against freight forwarders.

Subsection (b) repeals section 11704 of title 49, U.S.C., "Action by a private person to enjoin abandonment of service". This pertains to freight forwarders, controlled by or under common control with common carriers by rail, motor or water.

Subsection (c) amends section 11705 of title 49, U.S.C., by rescinding the rights of private parties to relief and damages sustained by them as a result of an act or omission of freight forwarders in violation of the Interstate Commerce Act. This will not reduce rights of private parties to sue carriers under State contract or tort law.

Subsection (d) amends section 11707 of title 49, U.S.C., which provides the legal standards of liability of common carriers under receipts and bills of lading. Common carriers no longer subject to ICC jurisdiction will be subject to standards of liability under State law, including applicable sections of the Uniform Commercial Code.

Subsection (e) amends section 11708 of title 49, U.S.C., by deleting the reference to freight forwarders in private enforcement actions.

SECTION 13—CIVIL AND CRIMINAL PENALTIES

Subsection (a) of this section amends section 11904 of title 49, U.S.C., by removing provisions for penalties against freight forwarders for rate and discrimination violations of the Interstate Commerce Act.

Subsection (b) repeals section 11908 of title 49, U.S.C., "Abandonment of Service by Freight Forwarder". This section provides penalties against freight forwarders controlled by or under common control with common carriers by rail, motor and water who abandon service in violation of Interstate Commerce Commission public interest findings.

Subsection (c) amends section 11909 of title 49, U.S.C., by removing freight forwarders from the provisions of this section which provide penalties for failure to make reports required by the Interstate Commerce Commission.

Subsection (d) amends section 11910 of title 49, U.S.C., by removing freight forwarders from the provisions of this section which provide penalties for unlawful disclosure of information.

Subsection (e) amends section 11914 of title 49, U.S.C., by removing freight forwarders from the general penalties section of the Interstate Commerce Act.

SECTION 14—EFFECTIVE DATE

This section provides that this Act shall take effect on July 1, 1985.●

By Mr. HOLLINGS (for himself, Mr. KENNEDY, Mr. LAUTENBERG, Mr. RIEGLE, Mr. WEICKER, Mr. LEVIN, Mr. METZENBAUM, Mr. BRADLEY, Mr. BINGAMAN, Mr. SASSER, Mr. MITCHELL, Mr. FORD, Mr. SARBANES, and Mr. TSONGAS):

S. 2875. A bill to establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere to authorize appropriations for fiscal year 1985, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE ACT

Mr. HOLLINGS. Mr. President, today I introduce legislation to create a new National Advisory Committee on Oceans and Atmosphere (NACOA) by requiring that members be subject to the advice and consent of the Senate and by providing for 13 members, a reduction from the 18 members on the current NACOA.

During the past two decades, Americans have shown increasingly how much they care about their natural resources. Poll after poll confirm the notion that Americans place great priority on environmental issues. They care greatly about the quality of their air and water. They worry about the destruction of wildlife and natural areas. And they demand that proper consideration be given to our environment in the quest for technological

and economic progress in the years to come.

These concerns were reflected in the National Advisory Committee on Oceans and Atmosphere Act of 1971, the law which established NACOA and one which I authored. The act was one of three direct results of the Stratton Commission, which was established by Congress to examine all aspects of marine science and to develop an overall strategy which would provide the Nation with a well-integrated and centrally coordinated program in this area. The other results of the Stratton Commission's 1969 report were the creation of the National Oceanic and Atmospheric Administration by Executive order, and legislation establishing the Coastal Zone Management Program, which I am proud to say I also authored.

The original NACOA, consisting of 25 members, was established with three purposes in mind. First, it would facilitate communication between the Federal Government and the oceanic and atmospheric communities. Second, it would provide Congress and the President with an honest source of information and advice concerning oceanic and atmospheric policies and programs. Finally, it was intended to bring about innovative policy leadership and new ideas regarding oceanic and atmospheric affairs.

In drafting this legislation, I took special care to emphasize the importance of experience and diversity among NACOA's membership. Let me read to you from the Senate report on the original legislation:

• • • members of the Advisory Committee shall be appointed by the President for staggered terms and shall be drawn from State and local government, industry, science, and other appropriate areas. It is intended that the membership should be broadly based both in terms of interest and geography in order to accomplish its primary advisory function. Recognizing the national concern for environmental quality, it is anticipated that the President will appoint a number of individuals to the Advisory Committee who are trained or experienced in conservation, ecology, and related fields concerned with the quality of the oceanic and atmospheric environment.

By 1977, it became clear that this language was not sufficient to prevent NACOA from falling prey to predominantly political appointments. So, in that year, Congress passed a bill I authored which abolished the existing committee and created a new 18-member NACOA. This time, I attempted to further clarify what Congress expected of the Presidential appointments to the committee. I quote the Senate report on that legislation:

These qualifications are included to make explicit the Committee's original intent that NACOA's members be experts or others very experienced in marine and atmospheric affairs or related fields. . . . the Committee does intend that most members be individuals with great expertise and knowledge in marine and atmospheric affairs. Such individuals are vital if NACOA is to provide the expert, useful, and timely assistance that the Advisory Committee was created to provide.

When this law was passed, I assumed that the language was clear. I took it for granted that Presidents would honor and respect the intent of Congress that the committee reflect varied interests and a high degree of expertise and integrity.

For a number of years, that faith was well rewarded. NACOA has seen numerous dedicated individuals who have served the committee and this Nation with great distinction. In recent years, the committee has produced some exceptionally fine commentary on oceanic and atmospheric matters.

For example, NACOA's study of the National Weather Service acted as a timely counterweight to a NOAA study which called for the Weather Service to be reduced to its most basic missions. The committee's assessment of the need for exclusive economic zone legislation has made a significant contribution to ocean policymaking with respect to the Nation's 200-mile offshore zone.

In addition, I admire the Committee's willingness to tackle the issue of ocean dumping of nuclear wastes, even though I strongly disagree with the April 1984, conclusion calling for a revision in the current U.S. policy of a moratorium on such dumping. In light of all the budget cuts in the research arms of EPA and NOAA, now is a very poor time to start revising that policy. Until we can prove without a doubt that dumping is not harmful, I see no reason why it should be allowed.

Under EPA in 1982, the Reagan administration was considering a radical loosening of restrictions on low-level nuclear dumping, and it took Congress to pass a 2-year moratorium on dumping. When you read the April NACOA report, it is not difficult to see how the Committee's objectivity is being distorted by the new appointments. The text of the report supports an evaluation of the scientific evidence to determine if low-level nuclear dumping can be done safely. However, the Committee's principal recommendation—which was added after the preparation of the text—is to revise the current ban. As I understand it, the writing of the text and the in-depth investigation of the issue were carried out by John Knauss and other highly regarded NACOA members who were held over while President Reagan was deciding whether to fill vacancies. The recommendation to revise the ban on dumping was made subsequently by the full NACOA panel which was dominated by the Reagan administration appointees.

In order for NACOA to continue its record of informed and independent review of our oceanic and atmospheric policies, it is important that qualifications for Committee membership—clearly described by Congress in 1971 and 1977—be respected by the President.

With his latest round of appointments, President Reagan has demonstrated that he has no intention of honoring the spirit of the law. The new Reagan NACOA is heavily weighted with members who are involved in offshore mineral exploration and development. There are no environmentalists, atmospheric experts, or commercial fishermen. And worst of all, the Committee Chairman is Anne Gorsuch Burford.

I was amazed by President Reagan's decision to appoint his former Environmental Protection Agency Administrator as NACOA Chairman. As the author of the NACOA legislation and one who takes a great deal of interest in ensuring the Committee's continued quality and integrity, I find this action reprehensible. I never thought it would be necessary to require that the Committee's members be subject to Senate confirmation. I always presumed the President would treat these kinds of appointments seriously and not use the appointment process as a device for the rehabilitation of someone like Anne Burford.

Maybe I should have expected it. When Mrs. Burford resigned as head of the EPA in the spring of 1983, Time magazine reported that the President told her he would eventually give her a part-time job on a Federal board or commission. Perhaps I was hoping for the best—maybe an appointment to the Citizens' Stamp Advisory Committee or something of the kind. A few weeks ago, right here on the floor during debate on the appropriations bill for State, Justice, and Commerce, we talked about the International Office on Epizootics. I'm still not quite certain what that is—I believe it has something to do with animal disease—but maybe we can get Mrs. Burford an appointment to that. Is that possible? Or what about the President's Council on Integrity and Efficiency? Maybe she could learn something there.

During her 22 month tenure as EPA Administrator, Anne Burford did a great deal to ruin the integrity of that Agency. Enforcement of antipollution laws became a joke. The conduct of science fell to its lowest level ever. And during this time there were numerous allegations that the Agency's leadership was acting in concert with some of the Nation's major polluters in a policy of nonintervention and nonenforcement.

One example of this occurred in my own State of South Carolina early last year. In an official letter, Mrs. Burford said that the EPA agreed with the Energy Department that restarting a

major nuclear reactor in the State would not significantly affect the environment and thus no environmental impact statement was required. This position was directly contrary to that taken by the Agency's field staff, including its lawyers, who spoke of ground water contamination and other serious problems. Yet, in order to toe the Reagan administration's party line, Mrs. Burford suppressed the scientific and legal findings of the EPA's own experts.

I am nonplussed by the President's failure to consult with his own top environmental officials before choosing Mrs. Burford for this post. Even Bill Ruckelshaus was shocked when he heard about it. Now Bill is a gentleman of the highest integrity, and he commands a great deal of respect from both sides of the aisle in this body—that's why the President appointed him to straighten out the EPA after the Burford disaster. He has admitted that Mrs. Burford is not a good choice. The fact that he wasn't consulted about it demonstrates to me that his appointment to EPA was more cosmetic than anything else.

It is downright frightening to think of Anne Burford as Chairman of NACOA. She has the worst record on the environment of any administrator that we have ever had here in Washington. Like Ronald Reagan, she is a dismantler. The President couldn't eliminate the EPA outright, so he sent Mrs. Burford there to accomplish the job from within. I suspect that since the Reagan administration has proposed the elimination of funding for NACOA, her mission there may be a similar one.

So this appointment may not be just an easy political payoff to Mrs. Burford after all. We can view it as a blatant attempt by the President to accomplish a political objective in an area that Congress has tried in the past to remove from the political realm. It is a further manifestation of the Reagan creed that the fox should guard the chicken coop on environmental matters.

My legislation would stop this from happening at NACOA by requiring that all committee members pass Senate muster. If I had foreseen the events of today, I would have included advice and consent in the original authorizing legislation. But I exercised faith that subsequent Presidents would honor the intent of the law that the NACOA membership reflect a high caliber of expertise and integrity. Obviously, faith is not enough for this President. He has violated the clearly stated intent of the selection qualifications for this committee. For this reason, I urge my colleagues to give swift approval to this legislation.

Mr. LAUTENBERG. Mr. President, I am pleased to join the ranking Democratic member of the Committee on Commerce, Science, and Transportation, Mr. HOLLINGS, in introducing legislation to reconstitute and authorize funding for the National Advisory Committee on Oceans and Atmosphere.

The legislation would convert NACOA from an 18-member body, appointed by the President without advice and consent of the Senate, into a 13-member body whose appointments would be subject to Senate approval. The duties of the Committee, and the legislated qualifications of its members would remain essentially the same as they have been. NACOA would be charged with providing objective advice to the Congress, the President, and the Department of Commerce on national policy on the ocean and the atmosphere.

In the past, NACOA has fulfilled this function admirably. On many occasions, it has come before the Commerce Committee to testify about oceans and atmospheric programs of the National Oceanic and Atmospheric Administration. NACOA has rightfully condemned the administration's efforts to gut critical ocean and atmospheric programs of NOAA. Of particular concern to me, I might add, has been NACOA's continuing interest in furthering research into ocean dumping, which so threatens the shore of New Jersey.

Mr. President, NACOA's role as an effective, independent, and expert voice on matters pertaining to the atmosphere and the oceans has been seriously undermined by the President's appointment of Anne Burford as NACOA chairperson. During Mrs. Burford's tenure as head of the Environmental Protection Agency, the protection of our environment was sacrificed while the Agency entered into sweetheart deals with industry and put politics above pollution control.

The membership of NACOA, by law, is reserved for those with particular expertise in the marine and atmospheric sciences and in local governmental functions in the field. Mrs. Burford's predecessor, Dr. John Knauss, is a distinguished scientist. His qualifications are typical of the people who have served on NACOA. It is just such qualifications that Mrs. Burford lacks.

Mr. President, this legislation is made necessary by the President's utter disregard for the appropriate role of NACOA. This week, by an overwhelming vote, the Senate expressed its view that the appointment of Mrs. Burford should be withdrawn. The President has refused. I am sorry, but I am not surprised. In the past, the administration has sought to deny NACOA funding. Now, with the appointment of Anne Burford, the President would disable the committee in a different way.

By allowing the Senate to review and reject appointees like Anne Burford, this legislation would ensure the continued independence of NACOA, and its contribution to ocean and atmospheric policymaking of our Nation. I urge my colleagues to support this bill.

Mr. MITCHELL. Mr. President, I am pleased to be an original cosponsor of the bill being introduced today by Senator HOLLINGS which would reestablish and provide authorizations for the National Advisory Committee on Oceans and Atmosphere [NACOA].

This bill would ensure that this important advisory body is not misused in the future and, in my judgment, its introduction is long overdue.

It reduces the size of NACOA from 18 members to 13 members on the assumption that a smaller group will be able to be more active in advising the President on environmental matters concerning the oceans and atmosphere.

It explicitly requires that those persons chosen by the President for NACOA have background relating to oceanic and atmospheric policy and are "eminently qualified" in one or more of the following disciplines and fields: Marine science and technology; marine industry; marine-related State and local governmental functions; coastal zone management; atmospheric science; or atmospheric-related State and local governmental functions.

Most importantly—given events of the last several weeks—the bill requires that members appointed to a newly reconstituted NACOA will be subject to the advice and consent of the U.S. Senate. It also requires that NACOA submit an annual report to the President and to the Congress setting forth an assessment of the status of the Nation's marine and atmospheric activities. A total of $630,000 is authorized for appropriation for NACOA for fiscal year 1985.

The need for this legislation became clear earlier this month when President Reagan appointed Anne Burford as Chairperson of the Committee.

The President's appointment of Mrs. Burford to this position of responsibility was a step backward not only for the cause of environmental protection but for Mr. Reagan's own credibility on the issue.

Mrs. Burford resigned just over a year ago as head of the Environmental Protection Agency under heavy criticism for her management of that important institution. In returning her to a position of influence in the same field, the President greatly strengthened doubts about his commitment to safeguarding the environment and applying the laws designed for that purpose.

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In the eyes of the American public, which for well over a decade has overwhelmingly supported protection of the environment and legislation to achieve that goal, Mrs. Burford had no credentials and no place in such an effort. Her appointment was a repudiation of the clear intent of the Congress and the people of this country on a matter of primary importance.

As Administrator of the Environmental Protection Agency, Mrs. Burford showed little respect for the responsibilities entrusted to her under law. Under her leadership, enforcement of environmental statutes decreased drastically, as did funding for the implementation of EPA's legally mandated duties. According to sworn testimony of two career officials, the EPA pursued a deliberate policy not to implement the Superfund law aggressively during the Burford tenure.

For over a decade the National Advisory Committee on Oceans and Atmosphere has played an important role in shaping future environmental policy. Past board members have had considerable expertise in the marine and atmospheric sciences and have maintained a nonpartisan approach to environmental issues. The appointment of Mrs. Burford to the Committee is inappropriate based on her past performance in the field of environmental policy and the qualifications of past members of the Board; her designation as Chairperson adds insult to injury.

National advisory committees can result in the formulation of sound national policies if they are responsibly constituted, and if policymakers consult with them and heed their advice.

National advisory committees which become the dumping ground for former Government officials lacking competence and sound policies gives all government a bad name.

The bill being introduced today will ensure that NACOA serves the public good, not the ends of those wishing to resurrect their squandered reputations.

I urge my colleagues to give it their full support.

By Mr. PERCY:

S. 2876. A bill to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes; to the Committee on the Judiciary.

CRIMINAL FINE ENFORCEMENT ACT

Mr. PERCY. Mr. President, today I introduce a bill substantially similar to the Criminal Fine Collection Act, S. 1976, which I introduced last year and whose terms were incorporated in S. 1762 when it passed the Senate. At that time, S. 1976 had 32 cosponsors.

This new bill is identical to one approved by the House Judiciary Committee, and which soon should be approved by the entire House. I would like to congratulate the outstanding Congresswoman from Illinois, LYNN MARTIN, and Congressmen CONYERS and BOUCHER, for their success to date in moving this legislation.

As soon as this bill is enacted by the House, I will ask that it be given immediate attention here. With crime—especially narcotics crime—as serious a problem as it is, and with so many criminal fines going uncollected, we must get this bill to the President's desk without delay.

By Mr. BRADLEY:

S. 2877. A bill relating to the tariff treatment of certain canned mushrooms; to the Committee on Finance.

TARIFF TREATMENT OF CERTAIN CANNED MUSHROOMS

● Mr. BRADLEY. Mr. President, I rise today to introduce a bill which will insure that importers which have products in transit when tariffs are changed under an administrative action are able to receive the tariff in effect when the contract to ship was signed. The impetus for this bill comes from the increase in the tariff on certain canned mushrooms in 1980.

This bill in intended to allow all similarly situated U.S. importers to receive the tariff treatment contemplated when fixed priced contracts were made. This bill will allow such importers to be fairly treated by not charging them with customs duties they could not have contemplated, and will not harm domestic producing interests. The conditions imposed were suggested by the administration in a letter from the U.S. Trade Representative to Senator RUSSELL LONG on March 22, 1982. This bill will cover entries numbered 81-118906-8, 81-1-00118528, 81-113856-9, 81-116071-5, 81-1-00277381, 81-00118817, 81-00276882, 81-113659, 81-118604-5, 81-1-00534169, 81-1728076, 81-1-00118627, and 81-1-0018814—covering canned mushrooms.●

By Mr. HATCH (for himself and Mr. QUAYLE):

S. 2878. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish conditions for the export of drugs; by unanimous consent, referred to the Committee on Labor and Human Resources.

PHARMACEUTICAL EXPORT AMENDMENTS

Mr. HATCH. Mr. President, I am pleased to introduce today the Pharmaceutical Export Reform Act of 1984.

Under current U.S. law, new drugs and other important pharmaceuticals may not be exported for sale abroad unless they have already received approval for marketing in the United States by the Food and Drug Administration. This restriction applies even though the particular drug is already approved in the country to which it would be exported. The current policy also prohibits the export of drugs which may be vital in treating foreign diseases which do not exist here, and for which no manufacturer would have reason to request FDA approval for use in the United States.

The only manner in which a U.S. firm may sell its new product in those foreign countries where it is approved is by establishing manufacturing facilities abroad. In many cases, U.S. approval of a drug does not come until a few months, a year or longer after the company has already set up an overseas factory to produce the drug.

As a result, this limitation on exports has had a significant adverse impact upon the U.S. economy and on the international competitive position of American firms. It results in the loss of American jobs and domestic capital investment. It also results in an undesirable flow of American research and manufacturing technology overseas and has a negative impact upon U.S. balance of trade. Our current policy does not prohibit foreign consumers from gaining access to these drugs—it simply locks the United States out of competition for jobs and revenues. This is pointless public policy.

This damage to the U.S. economy is not a speculative one. Our loss is very real. At the end of my remarks, I ask unanimous consent to have printed a statement that describes several specific examples of the adverse impact of current drug export restrictions.

The Pharmaceutical Export Reform Act would rectify this anomalous situation. It would permit the export of new drugs not yet approved in the United States, subject in most cases to ongoing FDA review and under restrictions that protect against any danger to the health and safety of either Americans or foreign citizens. Indeed, in allowing production facilities to be located in this country, where they will be subject to FDA's good manufacturing practices, the bill in many cases assures foreign consumers of a better quality product than if the facility had been located in their own country.

This bill is particularly necessary in the new area of biotechnology. It will allow the technology and jobs to remain in the United States by permitting manufacturers to export products, under carefully limited circumstances, prior to the Food and Drug Administration's approval for domestic use.

The bill is the negotiated product of lengthy deliberations among Members of Congress and industry with diverse points of view and I believe it fairly meets the traditional objections to the export of unapproved drugs. It imposes sufficient conditions and provides adequate safeguards to protect the health and safety of both Ameri-

can and foreign citizens by limiting exports of drugs to those that have been approved by the regulatory authorities of a developed country requiring adequate proof of safety and effectiveness.

The bill in draft form was the subject of a hearing in the Labor and Human Resources Committee on June 28, 1984. As a result of that hearing, and particularly in response to the testimony of Dr. Phillee, the bill as introduced contains several changes.

First, it now provides that the prohibition on exports where a drug has been affirmatively banned includes adverse actions by other coutries with responsible FDA-like regulatory agencies, as well as by our own FDA.

Second, the exception for export of banned drugs under particular foreign circumstances now requires a finding by the Secretary of HHS or of Agriculture that export is justified to promote the public health of the importing country. Language is added making explicit the agency's authority to rescind such a finding if new information subsequently changes the agency's assessment. Third, it provides that drugs exported to unlisted nations must not only be the subject of an investigation new drug exemption they must have completed the pharmacological testing phase of the process. Fourth, notice of intent to export to unlisted countries must not only be filed with the Department of HHS or Agriculture, but the appropriate agency is required to publish the notice in the Federal Register.

Fifth, the bill in a new section 3 specifies eight countries which are deemed to meet the criteria for listing under the bill, unless FDA within 90 days makes a finding that one or more should not qualify. The Agency will then proceed to consider the addition of other nations to the list as the bill provides. The nations named in section 3 are those whose regulatory agencies are highly regarded by experts in the field. However, the exclusion of a country's name from section 3 is not meant to indicate that it should not be added thereafter following review by FDA of the particular regulatory structure and operation. It is simply felt that scrutiny is advisable for nations not named in section 3 before adding them to the list.

The bill will undoubtedly undergo additional refinement as it moves through Congress. I feel it is good bill, and I encourage my fellow Senators to join in the debate on the important issues it raises.

I ask unanimous consent that the text of the bill, and an explanatory statement and analysis be inserted in the RECORD at the conclusion of my remarks, as well as the statement I mentioned earlier on the adverse impact of existing law.

There being not objection, the material was ordered to be printed in the RECORD, as follows:

S. 2878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pharmaceutical Export Amendments of 1984."

SEC. 2. Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end thereof the following new subsection:

"(e)(1) A drug (including a biological product) intended for human or animal use which—

"(A) requires approval by the Secretary under section 505 or section 512, or

"(B) requires licensing by the Secretary under section 351 of the Public Health Service Act or the Secretary of Agriculture under the Act of March 4, 1913 (known as the Virus Serum Toxin Act),

before it may be shipped in interstate commerce for export to a foreign country and which does not have such approval or license may, notwithstanding such section or Act, be shipped for export to a foreign country described in paragraph (2) if the drug meets the requirements of paragraph (3).

"(2)(A) A foreign country to which a drug may be exported under paragraph (1) is a foreign country—

"(i) included in the list established by the Secretary under subparagraph (B); or

"(ii) any other foreign country if—

"(I) the drug meets the requirements of subparagraph (C); and

"(II) the government of the other foreign country has provided documentation that the drug may be lawfully offered for sale in such country.

"(B)(i) The Secretary shall establish and keep current a list of foreign countries to which drugs may be shipped for export under subparagraph (A)(i). In establishing and keeping current such list, the Secretary may, in his discretion, consult with experts in the field of drug regulation. The first list of foreign countries to which such shipment for export is permitted shall include these foreign countries which are determined by the Secretary to have an adequate governmental health authority to approve drugs and shall be established before the expiration of the ninety-day period beginning on the date of enactment of this subsection. The Secretary shall provide a reasonable opportunity for public comment before the list is published.

"(ii) The Secretary shall add a foreign country to the list established under clause (i) if the Secretary determines the foreign country has an adequate governmental health authority to approve drugs, and the Secretary shall remove a foreign country from such list if the Secretary determines that the foreign country does not have an adequate governmental health authority to approve drugs. Any addition to or removal from the list shall be promulgated after an opportunity for public comment.

"(C) A drug may be shipped for export under subparagraph (A)(ii) to a foreign country which is not included in the list established under subparagraph (B) only if—

"(i) the drug is approved or licensed in a foreign country included in the list established under subparagraph (B), and the labeling for such drug which is approved or licensed by such listed foreign country is to be used in such other foreign county except for translation or other changes made to meet legal requirements of such other foreign country respecting information not related to the safety or effectiveness of the drug;

"(ii) an exemption from the approval or licensing requirements described in paragraph (1) exists for investigational use of the drug in the United States or an application for such approval or licensing has been submitted or approved for the drug and has not been the subject of final action by the Secretary or the Secretary of Agriculture denying, withdrawing, or suspending approval or licensing on the basis of safety or effectiveness or otherwise banning the drug, or the Secretary has issued a notice of a determination that the diseases or health conditions for which the drug is intended exist in such other foreign country but not in the United States and such notice of determination has not been withdrawn;

"(iii) with respect to any drug intended for human use, sufficient Phase I clinical investigation has been completed to permit the initiation of Phase II or Phase III clinical studies, as those phases are defined by regulations promulgated by the Secretary; and

"(iv) the drug is not the subject of a notice by the Secretary or the Secretary of Agriculture, issued within 60 days after the notice of intent to ship for export the drug to that foreign country is received under paragraph (3)(H) (which time may be extended an additional 60 days by written notice by the Secretary or the Secretary of Agriculture), of a determination that the sale of the drug in that foreign country is contrary to its public health and safety.

"(3) A drug may be shipped for export to a foreign country under paragraph (1) only if, in addition to the applicable requirements of paragraph (2)—

"(A) it is not the subject of final action by the Secretary or the Secretary of Agriculture denying, withdrawing, or suspending approval or licensing on the basis of safety or effectiveness or otherwise banning the drug or, if it is the subject of such action, the Secretary or the Secretary of Agriculture has issued a notice of a determination that the export of such drug is justified to promote the public health in the country of import because of particular diseases or health conditions in the country of import that do not exist in the United States and such notice of determination has not been withdrawn;

"(B) it is not the subject of a notice by the Secretary or the Secretary of Agriculture of a determination that the manufacture of the drug in the United States for export is contrary to public health and safety in the United States;

"(C) it is not the subject of final action by the governmental health authority responsible for approving drugs in a foreign country which is included in the list established under paragraph (2)(B) determining that the drug is unsafe or ineffective or, if it is the subject of such action, the Secretary or the Secretary of Agriculture has issued a notice of a determination that the export of such drug is justified to promote the public health in the country of import because of particular diseases or health conditions in the country of import that do not exist in the country which made the determination that the drug is unsafe or ineffective and such notice of determination has not been withdrawn;

"(D) it accords to the specifications of the foreign purchaser;

"(E) it is not in conflict with the laws of the country to which it is intended for export;

"(F) it is labeled on the outside of the shipping package that it is intended for export and is not approved for commercial marketing in the United States;

"(G) it has not been or is not introduced or offered for introduction into domestic commerce; and

"(H) the manufacturer or distributor of the drug has submitted at least 60 days prior to the date of first export of the drug to each foreign country, to the Secretary or the Secretary of Agriculture a notice of intent to export which—

"(i) describes the drug, identifies the establishment where it is manufactured for export, and states that the drug is not in conflict with the laws of the country to which it is intended for export; and—

"(ii) in the case of a drug to be exported to a foreign country not included in the list established under paragraph (2)(B), includes a copy of the labeling specified in paragraph (2)(C)(i) which is approved or licensed in a foreign country included in such list and a copy of the documentation specified in paragraph (2)(A)(ii)(II) that the drug may be lawfully offered for sale in such country.

Within 30 days of the receipt of any such notice of intent to export to a foreign country not included in the list established under paragraph (2)(B), the Secretary or the Secretary of Agriculture shall publish in the Federal Register a notice of such receipt which shall describe the drug, state the country to which the drug is intended for export, and specify where the notice of intent to export may be examined.

"(4) A change in the labeling of a drug which has been approved or licensed as described in paragraph (1) will not prevent its export to a foreign country if the change is a translation or other change made to meet the legal requirements of such country respecting information which does not relate to the safety or effectiveness of the drug.

"(5) The Secretary shall establish procedures for—

"(A) periodically informing foreign governments of significant regulatory decisions, actions, and information respecting drugs in the United States;

"(B) periodically sending to foreign governments the required labeling for drugs approved or licensed by the Secretary or the Secretary of Agriculture; and

"(C) responding promptly to requests from foreign governments for available information on any drug imported from the United States.

Under such procedures no foreign government shall be furnished any information which is not available for public disclosure in the United States."

SEC. 3. The first list of foreign countries established by the Secretary of Health and Human Services under section 801(e)(2)(B)(i) of the Federal Food, Drug, and Cosmetic Act, as added by section 2 of the Pharmaceutical Export Amendments of 1984, shall include the following foreign countries unless such Secretary determines that one or more of such foreign countries does not have an adequate governmental health authority to approve drugs: Australia, Canada, Federal Republic of Germany, France, Japan, Sweden, Switzerland, and United Kingdom.

PHARMACEUTICAL EXPORT AMENDMENTS OF 1984—EXPLANATORY STATEMENT

These amendments are designed to address an anomaly in current law, which prohibits United States manufacturers from producing important pharmaceutical products in this country for export prior to their approval for marketing in this country by the Secretary of Health and Human Services (HHS) (who has delegated this authority to the Food and Drug Administration (FDA)) or the United States Department of Agriculture (USDA). American companies must therefore produce these drugs abroad for distribution to worldwide markets where they are already permitted to be marketed. This results in the needless export of American technology and jobs, without any corresponding public health benefits, at a time of increasing worldwide competition.

The need for these amendments is particularly acute in the emerging new area of biotechnology. Important drugs produced through recombinant DNA and other new biotechnology techniques must be manufactured abroad for sale throughout the world until they are approved by FDA or USDA. This amendment would allow the technology and jobs to remain in the United States by permitting manufacturers to export such products, under carefully limited circumstances, prior to FDA or USDA approval for domestic use.

STATUTE AMENDED

These provisions amend section 801 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 381, which relates to the effect of that statute on other existing laws.

CURRENT LAW ON APPROVAL OR LICENSING REQUIREMENTS FOR DRUGS

Under current law, three separate statutes are involved in the regulation and approval of drugs in the United States. Drugs for human and animal use are regulated under the Federal Food, Drug, and Cosmetic Act of 1938 (the FD&C Act), 21 U.S.C. 321 et seq. Human biological products are regulated under the Public Health Service Act (the PHS Act), 42 U.S.C. 262. Animal biological products that move in interstate commerce are regulated under the Act of Congress of March 4, 1913, relating to virus, serum, toxin, and analogous products for domestic animals (the VS&T Act), 21 U.S.C. 151 et seq. The FD&C Act and the PHS Act are administered by HHS, which has delegated that authority to FDA. The VS&T Act is administered by USDA.

Accordingly, throughout the amendments reference is made to both HHS and USDA. Each would retain current departmental jurisdiction over the respective drug products involved.

CURRENT LAW ON EXPORT OF DRUGS NOT APPROVED FOR DOMESTIC USE

Under section 801(d) (1) of the FD&C Act, 21 U.S.C. 381(d)(1), a new drug or new animal drug may not be exported from the United States until it has been approved or licensed by FDA or USDA for use in the United States. In contrast, antibiotic drugs for human use not approved for domestic use adulterated or misbranded drugs, and drug intermediates may be exported to foreign countries where they are permitted to be marketed if they meet the specifications of the foreign purchaser, do not conflict with the foreign law, are labeled for export, and are not sold in domestic commerce.

SCOPE OF PRODUCTS COVERED BY THE EXPORT PROVISIONS OF THE AMENDMENTS

The amendments are limited specifically to those drugs which, under current law, are prohibited from export because they have not been approved or licensed for interstate distribution. This includes two types of products. First, it includes those products which have been approved under specific conditions and with specific labeling in the United States, but which are shipped in a different form, or are translated or labeled for other uses or in different ways, for distribution abroad. For example, it would apply to a new drug approved in the United States, whose labeling is translated into a foreign language and otherwise is changed to meet the regulatory requirements and conditions of a foreign country before it is exported. It would also apply to a new drug approved in final dosage form in the United States, but which is shipped abroad in any unfinished form which FDA regards as an unapproved new drug, where it is to be further processed or packaged before it is put into final dosage form. Second, it also includes those products which are not yet approved under any conditions in the United States, and which are thus not used at all in this country or are used only for investigational purposes in this country. For example, it would apply to a new drug exported to England, in partially processed, bulk, or finished dosage form, for investigational or approved uses there but not yet approved for any use in the United States and thus not used at all in this country or limited to investigational use in this country.

The amendments apply to drugs for both human and animal uses, in partially processed, bulk, or finished dosage form. They include biological products as well as nonbiological products. The amendments do not apply, however, to antibiotic drugs for human use, to drug intermediates, or to any other drugs that are presently allowed to be exported under section 801(d)(1) of the FD&C Act. All of these products remain subject to the current provisions in section 801(d)(1) of the FD&C Act, already described above.

EXPORT OF DRUGS WITH INSIGNIFICANT LABELING CHANGES FOR EXISTING UNITED STATES APPROVALS

In order to market drugs internationally in an economical way after they are approved or licensed in the United States, United States manufacturers need to ship them abroad with labeling that meets the requirements of the country of import. The labeling approved or licensed in the United States must be translated before it can be used in any foreign country where foreign languages are used. Foreign customs requirements and other foreign laws and regulations also frequently require additional minor changes in labeling. For example, a foreign country may require the addition of a registration number, a foreign address, or other information relating uniquely to that country.

All of these labeling changes involve variations from the existing United States approval for the drug and thus technically make the drug illegal and ineligible for export under current law. None of these labeling changes results in the drug being unsafe or ineffective, however, nor would it be wise to spend scarce FDA or USDA resources on approving each minor labeling change of this nature before a drug may be exported.

Accordingly, the amendments provide that a drug which has an existing United States approval or license may be exported where the only change relates to the use of labeling which is translated and otherwise is changed only to comply with legal requirements of the foreign country involved respecting information not relating to the safety or effectiveness of the drug. Only labeling changes that are required by the foreign country as a condition before importation is permitted would be allowed under this provision. In order to qualify for the exemption established under this provision, such labeling changes may not involve the addition of indications or other claims not permitted in the United States, or the deletion or revision of warnings, contraindications, and adverse reactions that are required in the United States, or any other change relating to safety and effectiveness. Under this provision, it is intended that the basic nature of the labeling approved in the United States will remain unchanged when it is used abroad.

The amendments thus assure that, when this provision is invoked, the drug and its labeling abroad will be the same as the drug and its labeling as approved in the United States. Under these very limited circumstances, the drugs may be exported with the translated and revised labeling without any further regulatory requirements. Because the foreign labeling remains the same as the United States labeling in all respects relating to safety and effectiveness, there is no need for the notification requirements and other regulatory controls, described below, that are imposed under these amendments on the export of drugs not subject to United States approvals or with significant changes from United States approvals.

EXPORT OF DRUGS NOT SUBJECT TO UNITED STATES APPROVALS OR WITH SIGNIFICANT CHANGES FROM UNITED STATES APPROVALS

Not all drugs exported from the United States are or can be shipped in a form or with labeling that in all pertinent respects follows an existing approval in the United States. For some, there is no final action in the United States either approving or disapproving the drug. For others, the United States approval is different than the approvals granted in major foreign countries which have their own sophisticated drug approval process. For still others, the drug must be shipped abroad in an unfinished form that is regarded by FDA as an unapproved new drug, for further processing and packaging. In all of these instances, greater regulatory control is needed to provide adequate assurance that unsafe and ineffective drugs are not exported. The remainder of the amendments is devoted to providing that assurance.

Countries to which export is permitted under this provision: The amendments do not permit indiscriminate export of such unapproved drugs to all foreign countries. Export of these drugs is carefully limited. The conditions which must be satisfied before such a drug may be exported differ for two different categories of foreign countries. All of the applicable conditions must be satisfied before export is permitted.

First, export is permitted to a foreign country included on a list established and kept current by HHS of foreign countries which have an adequate governmental health authority to approve drugs. In compiling the initial list and in later determining whether to add countries to it or to delete countries from it. HHS may, in its discretion, obtain the recommendations of experts on foreign drug regulation.

In developing the initial list, it is expected that HHS will first give attention to major nations which are known by FDA to have well-established drug approval processes. To expedite the establishment of the initial list, the amendments specify eight foreign countries that have been identified by experts in the field of drug regulation as generally recognized as having sound drug regulatory systems. These eight countries are to be included in the initial list unless HHS determines that one or more of them does not meet the criteria for such listing. This initial list can thus be established rather quickly.

No such list could be expected to be complete or to remain static. Accordingly, the legislation authorizes HHS to amend the list from time to time after it is established, either to add countries to it or to remove countries from it, depending upon an HHS determination of the adequacy of government health authorities in foreign counties to approve drugs. It is intended that HHS will exercise independent judgment as to the adequacy of government health authorities in each nation.

The amendments purposely do not establish rigid criteria for determining what foreign health authorities should be considered adequate to approve drugs. It is intended that those authorities be concerned with public health and safety, rather than with licensing for purposes of revenue and that they have the capacity to review significant issues involving the safety and effectiveness of drugs. To be listed, a foreign country must have in place both regulatory procedures sufficient to assure adequate scientific review of the preclinical and clinical studies relating to the safety and effectiveness of drugs before they are approved for marketing, and trained personnel with sufficient scientific knowledge and experience to implement those procedures. It is not intended that, to be listed, a foreign country must have regulatory authority identical to FDA, because the regulatory laws and administrative requirements even in sophisticated countries throughout the world differ widely. FDA's extensive experience with foreign regulatory agencies, assisted by the recommendation of experts where appropriate, will enable HHS to exercise sound discretion in establishing and revising the list.

In order to assure that the amendments will go into effect promptly, they provide that the initial list must be established by HHS within 90 days after the date of enactment. It is expected that HHS can readily meet this deadline for a number of major foreign countries, including the eight countries specified in the legislation, and that those which require a slightly longer period can be acted upon a short while later. To make certain that there are no unnecessarily lengthy and complicated procedures for establishing the initial list, the amendment allows HHS to adopt whatever procedures it concludes to be appropriate for this purpose. It is required only that HHS provide a reasonable opportunity for public comment prior to establishing the inital list. For example, HHS might publish a notice giving interested persons an opportunity to comment on the eight countries specified in the legislation and to suggest other appropriate foreign countries for inclusion on the initial list. Thereafter, any amendment of the list must be done by informal notice-and-comment rulemaking under 5 U.S.C. 553.

In the event that any person wishes to contest the inclusion or exclusion of a particular foreign country, a declaratory judgment action will be available under the Administrative Procedure Act. HHS must be prepared to show that its action was not arbitrary or capricious, based on the administrative record it has created on the matter. Current FDA procedural regulations properly recognize that any person is affected by, and thus has standing to obtain judicial review of, final Agency action of this nature.

Second, there will be a large number of foreign countries not included on the list established by HHS but to which export of such drugs may well be justified. Because these countries have not been determined to have their own adequate governmental health authority to regulate such drugs, the amendments impose five additional requirements for export to such countries. These requirements are cumulative, and all must be satisfied before export is permitted to an unlisted foreign country.

The first requirement is that the drug, including its labeling, must be approved or licensed in at least one of the foreign countries that is on the HHS list, thus assuring that at least one adequate foreign regulatory agency has reviewed and approved it. Although the labeling could be translated into another language and otherwise changed to meet local legal requirements, contraindications, warnings, and adverse reactions could not be deleted, and indications or other claims could not be added, because it would then become a different product than was approved or licensed by that foreign regulatory agency.

Under well-established judicial precedent, the term "labeling" has very broad scope, and includes all promotional material in any way accompanying or disseminated with the drug. The courts and FDA have determined that labeling need not be attached to or shipped with the drug, as long as it is associated with the drug when the drug is prescribed, purchased, or used. For example, any submission made by a pharmaceutical company to a compilation of drug information for use by physicians and other health professionals, comparable to the Physicians Desk Reference in this country, would be considered labeling for a drug. It is intended that a broad interpretation of labeling apply to the provisions of this legislation.

Prior to United States approval of a drug, it can be shipped from the United States to an unlisted foreign country only with labeling approved in a particular listed foreign country. The drug company cannot pick and choose among various portions of labeling approved in different listed foreign countries. The company must decide on the labeling approved in a particular listed foreign country and follow that labeling completely (except for translation and any changes required by local law) for the drug shipped to a specific unlisted foreign country.

After United States approval of a drug, it can be shipped from the United States to an unlisted foreign country in one of two different ways. First, it can be shipped with the labeling approved in the United States (except for translation and any changes required by local law). Second, it can be shipped with the same type of labeling that could be used if there were no United States approval, i.e., the labeling approved in a particular listed foreign country.

Thus, shipment of a drug from the United States to an unlisted foreign country is carefully controlled. In no instance can labeling be used that is not approved either in the

United States or in a foreign country with an adequate governmental health authority to approve drugs.

The second requirement is that the drug may not be exported to any country not on the HHS list of countries with an adequate drug regulatory system, unless the drug is the subject of an investigational exemption for testing being conducted in the United States during the time the drug is being exported, or an application has been submitted for United States approval or licensing, or HHS has determined that the drug may nonetheless be exported because of particular diseases or health conditions, in the specific countries to which the drug is intended for export, that do not exist in the United States. This provision, which is in addition to the requirement that the drug be approved by a listed foreign country, provides further assurance that unsafe or ineffective drugs will not be exported to foreign countries that do not have their own adequate drug approval system. For example, if an IND exists for a human drug, under which clinical testing is being conducted in the United States, FDA is already exercising regulatory surveillance over the drug and is in a position to suspend the IND (thus also automatically suspending further export to unlisted countries), ban export of the drug to unlisted foreign countries, or provide relevant information on the drug to unlisted foreign countries, under appropriate circumstances. Similarly, if an NDA has been submitted or approved in the United States for one use and the drug has been approved for other uses in a listed foreign country, the existence of the United States NDA is sufficient to assure adequate knowledge and control by FDA for purposes of preventing improper exports under this amendment.

The IND or NDA must cover the United States use, but need not cover the foreign shipments as well. Nor is it necessary that the uses covered by the IND or NDA in the United States specifically involve every aspect of the uses of the drug abroad. The general requirement of a United States IND or NDA is sufficient to assure that adequate FDA regulatory surveillance is maintained over the drug for the broad purpose of preventing unwarranted shipments of unsafe or ineffective products to unlisted foreign countries. The IND or NDA must remain in effect, and not be suspended, revoked, withdrawn or otherwise become inactive, to satisfy this requirement.

On occasion, drugs will be useful in foreign countries but are not needed in this country. Major tropical diseases still afflict millions abroad but have no counterpart here and thus drugs for their control would not be subject to an IND or NDA in the United States. Under these circumstances, HHS may make a determination that export is permitted to specified unlisted foreign countries, even though there is no IND or NDA here, because of the unique foreign diseases or health conditions that justify a different benefit/risk ratio in those particular countries. That determination may be withdrawn, which would result in an immediate ban on export.

The third requirement is that, before a human drug may be exported to an unlisted foreign country, sufficient Phase I clinical investigation must be completed to permit initiation of Phase II of Phase III clinical studies. Current and proposed new FDA regulations define these phases and thus no additional regulations will be needed under this provision.

The required Phase I investigation may be undertaken anywhere in the world, as long as it is of sufficient quantity and quality to permit the initiation of Phase II or Phase III studies under FDA requirements. The provision does not require that all Phase I investigation be completed, however, because clinical investigation is an ongoing process and some aspects of Phase I testing might be continued or reinstituted long after Phase II or Phase III testing is permitted or begun. Where an IND for Phase II or Phase III has become effective, of course, or where an NDA had been submitted, this requirement would clearly be met.

The fourth requirement is that the drug may not be exported to any country not on the HHS list of countries with an adequate drug regulatory system if FDA or USDA determines that the sale of the drug in that country is contrary to its public health and safety. Any such determination relating to particular unlisted foreign countries to which export is prohibited must be made by FDA or USDA within 60 days after receipt of the required notice of intent to export to that country, but either agency may extend that time period for an additional 60 days by written notice if further time is needed to review the matter and make a decision. A drug that is acceptable for marketing in more sophisticated countries might present a risk to public health and safety in underdeveloped countries. For example, a drug in powder form, which required mixing with water just prior to administration, could present a hazard in those specific countries where the local water is contaminated. This provision assures that FDA and USDA can prevent exportation to particular foreign countries not included on the HHS list where marketing is determined to be contrary to the public health and safety in those countries.

The fifth requirement is that a responsible official of the government of the unlisted foreign country to which the drug is exported must provide written documentation that the drug may lawfully be offered for sale in the country. The exporter must submit this documentation to FDA or USDA as part of its notice of intent to export the drug.

These provisions, together with the limitations on the types of drugs permitted to be exported, will assure that indiscriminate exportation of inappropriate products cannot occur.

Limitations on drugs permitted to be exported under this provision: The amendments impose eight separate limitations upon the drugs that are permitted to be exported, in order to protect foreign countries against the importation of unsafe or ineffective products and to protect the United States against diversion of unapproved products into domestic channels or significant domestic health and safety problems. These limitations incorporate and expand upon the limitations already contained in Section 801(d)(1) of the FD&C Act. These limitations are cumulative, and all must be satisfied before export is permitted to any foreign country.

First, no such drug may be exported if it is banned in the United States (i.e., if approval or licensing is denied, withdrawn, or suspended, or the drug is otherwise banned), unless FDA or USDA determines that it is nonetheless eligible for export to promote the public health in the countries of import because of particular diseases or health conditions abroad that do not exist in the United States. Final action by FDA removing a new drug from the market in the United States on the ground that it is unsafe or ineffective will, for example, preclude its export.

Under the legislation, a drug never marketed or used for investigational purposes in this country may be made here and exported to a country on the HHS list, but not to an unlisted country unless HHS made a special determination that unique conditions in particular foreign countries justify such export on public health grounds. Moreover, if FDA or USDA were to determine that such a drug presented a health hazard in a country on the HHS list, they could take action under this amendment to assure that the residents of those foreign countries are protected as well. EDA or USDA could request that export voluntarily stop and could fully inform the relevant foreign regulatory agencies so that those agencies could take their own appropriate action. In an emergency, FDA or USDA could immediately issue a regulation banning the product in the United States, even if it were not marketed or used for investigational purposes here, in which case the product could no longer be exported from the United States even to a listed foreign country. Thus, the amendment provides adequate authority for the United States to satisfy its ethical obligations to foreign countries without unnecessarily obstructing foreign commerce.

In some instances, FDA may allow a manufacturer to withdraw a pending NDA for a drug rather than make a formal determination denying the NDA, or may allow a manufacturer to withdraw a marketed drug from distribution rather than make a formal determination withdrawing the NDA. These administrative short-cuts have the desired consequences of preventing or stopping marketing in this country, and should have the same consequences abroad. It is intended that FDA pay particular attention to the consequence of such voluntary withdrawals when the drug is also being exported under this legislation. It is not intended that manufacturers be permitted to evade the conditions of this legislation by voluntary withdrawal where the drug poses a threat to health and safety. FDA should consider appropriate steps (including seeking voluntary suspension of export, or action formally to deny, withdraw, or suspend approval) in such a case. Of course, the requirement of an effective IND (or FDA action waiving that requirement) would continue to apply even where the manufacturer voluntarily withdrew a pending NDA.

During the course of FDA and USDA review of new drugs, applications and petitions are frequently declared incomplete and additional testing is rountinely required. Drug approval in this country is, in short, a continuous process of negotiation. Only a final action by FDA or USDA determining a drug to be unsafe or ineffective would be sufficient to trigger the ban against exportation.

Similarly, FDA and USDA routinely impose numerous restrictions on the approval or licensing of such drugs. For example, many of these drugs are limited to prescription sale, and all are limited to sale with the specific labeling, in English, approved by the regulatory agencies in this country. Many of these restrictions are inappropriate for foreign distribution, and thus none is sufficient to trigger an automatic ban of export under the amendment.

Even where a drug is banned in the United States, it may nonetheless be useful abroad. Medical and agricultural conditions in many countries are different from those

in the United States. Accordingly, the amendment authorizes FDA and USDA to permit exportation where they determine that a particular drug is useful to promote the public health in foreign countries even though not in this country.

In most situations, a drug found to be unsafe or ineffective by FDA would similarly be unsafe or ineffective abroad. The authority of FDA or USDA to permit export in spite of a United States ban is intended to cover only those instances where different medical conditions abroad justify the use of drugs not needed in the United States. For example, drugs for tropical diseases that do not exist in the United States cannot be approved as safe and effective for use here but are urgently needed in many other parts of the world, and particularly in the developing countries. This provision will assure that such drugs can be made available without at the same time permitting the export of drugs that would not be safe and effective abroad. If FDA or USDA initially permits export under this exception and then later withdraws that permission, export will be required to cease immediately.

Second, no such drug may be exported if FDA or USDA determines that the manufacture of the drug in the United States for export is contrary to public health and safety in this country. Such a drug could, for example, threaten the health of workers. Similarly, if it were subject to abuse and substantial quantities were diverted into illegitimate trade in domestic commerce, or if FDA or USDA determined that United States residents were in any other way threatened with a risk to health and safety, manufacture of or export could be prohibited under the amendment.

Third, no such drug may be exported if it is banned in one of the listed foreign countries (i.e., if the govermental health authority responsible for approving drugs in the listed foreign country issues a final determination that the drug is unsafe or ineffective), unless FDA or USDA determines that it is nonetheless eligible for export to promote the public health in other foreign countries because of particular diseases or health conditions in those other foreign countries that do not exist in the particular listed country that made the adverse determination. This provision is consistent with the first limitation on drugs permitted to be exported under the legislation, which forbids export of any drug banned in the United States. It is intended to be interpreted and applied in the same way.

In some foreign countries, however, drug regulatory decisions are made, under the controlling statutes, on grounds other than simple safety and effectiveness. Some laws provide, for example, that no drug may be approved unless it has been shown to be safer or more effective than already-marketed drugs. Denial of approval on these grounds would not invoke this provision. This limitation is intended to apply only where a determination is made that the drug, in and of itself, is either unsafe or ineffective.

Fourth, any such drug must meet the specifications of the foreign purchaser. This is currently a requirement under the FD&C Act, and is retained without change. By assuring compliance with foreign specifications, compliance with all foreign laws and regulations is facilitated.

Fifth, any such drug must not conflict with the laws of the country to which it is intended for export. This is also currently a requirement under the FD&C Act, and is retained without change. It assures that drugs may not be dumped abroad in violation of foreign law.

Sixth, any such drug must be labeled on the outside of the shipping package that it is intended for export and that it is not approved for commercial marketing in the United States. This expands upon the provision in current law, which requires that the shipping package be labeled that it is intended for export. It assures that drugs to be exported will not be confused with domestic products and thus will not inadvertently enter domestic trade. If drugs intended for export are shipped between United States facilities prior to export, this provision will apply throughout their processing in this country to make certain that their final destination is made clear. It also advises foreign customs officials and purchasers about the status of the drug in the United States.

Seventh, the specific drugs being exported may not have been, and may not be, introduced or offered for introduction into domestic commerce. This is also a requirement of current law, and is retained without change. All of the drugs subject to this amendment are, by definition, not approved or licensed for domestic commerce and thus may not be distributed interstate in this country except for investigational purposes.

Eighth, every such drug must, at least 60 days prior to the first export to a particular foreign country, be the subject of a notice of intent to export, submitted by the manufacturer or distributor to FDA or USDA. The notice must describe the drug, identify the establishment where it is manufactured, and state that the drug does not conflict with the laws of the country to which it is intended for export.

This will assure FDA and USDA prior notification that a particular drug is being exported to a particular foreign country. Those agencies will then have an opportunity to inspect the manufacturing establishment, if there is any reason to do so, and to take any other action that might be appropriate. If either agency concluded, for example, that the manufacture of the drug for export presented a significant risk to the health and safety of residents of the United States or of foreign countries not on the HHS list, export could be prohibited. If either agency had information about the drug that would be useful to foreign countries for purposes of regulation, FDA would have an opportunity to disseminate that information abroad in accordance with the provisions described below.

This provision dovetails with the existing notification requirements of the Drug Listing Act of 1972, codified in section 510 of the FD&C Act, 21 U.S.C. 360. Every drug manufacturer is presently required to be registered with FDA even if it engages solely in intrastate commerce. USDA licensing satisfies this requirement for products subject to the VS&T Act. Every registered manufacturer is also required to list with FDA each drug introduced for commercial distribution. Such lists are required to be updated twice each year. The listing must contain a reference to the authority for the marketing of the product and a copy of all labeling. The existing provision does not distinguish between products marketed in domestic or in foreign commerce, and thus would apply to any drug shipped abroad for commercial distribution under this amendment.

These existing provisions require drug listing to be updated only every six months, and do not apply to drugs solely for investigational use. Thus, the notification provision in this amendment assures that exported drugs will not fall between the cracks. FDA and USDA will be able to coordinate the new notification procedures for exported drugs with the existing notification procedures for all other drugs.

For exports to an unlisted country, the notice must include the approved labeling from a listed foreign country on which the labeling in the unlisted country must be based, and a copy of the documentation that the drug may be lawfully marketed in the unlisted country. This will provide additional assurance that exports to unlisted countries are in full compliance with the strict limitations imposed by the amendment.

Within 30 days after receiving a notice of intent to export to an unlisted country, FDA or USDA must publish in the Federal Register a notice of such receipt. That Federal Register notice must describe the drug, state the country of import, and specify where the notice of intent to export may be examined. Thus, the notice will be required to contain only very brief information, but it will be sufficient to provide public notification of the export of unapproved drugs to unlisted countries.

This public notification provides an important opportunity for broad public participation in the scrutiny of the export of such drugs. The public notification must occur at least 30 days before the time expires for FDA or USDA to exercise its veto authority to prohibit the export of a drug to an unlisted foreign country as contrary to its public health and safety. Any individual would thus have at least 30 days to request FDA or USDA to exercise that authority or to extend the time for consideration by another 60 days. In addition, unlisted foreign countries may rely on the Federal Register notifications to keep apprised of United States exports of unapproved drugs. This public process will greatly facilitate the proper implementation and enforcement of the amendments and prevent their abuse or violation.

Notifications under this amendment may, in some instances, contain confidential commercial information about drugs. The confidentiality of any such information will be governed by the existing provisions regarding public disclosure under current law.

ENFORCEMENT OF THE AMENDMENTS

Under existing law, FDA has inspection authority to investigate compliance with the FD&C Act and enforcement authority to bring seizure or injunction actions, or to institute criminal prosecution, for any violation of the FD&C Act. USDA has comparable criminal authority. This amendment permits export of drugs as an exception to the requirements for domestic drugs. If all of the conditions established by these amendments for export of particular drugs are not met, the exemption for export would be inapplicable and any export would automatically represent a violation of the existing drug provisions of the FD&C Act and thus would be subject to the existing civil and criminal penalties under the FD&C Act. If, for example, a drug that is subject to these amendments were exported to a foreign country that did not meet the conditions of these amendments, or if a product that is not eligible for export (because, for example, it was banned in the United States, or it was not the subject of the required notice of intent to export, or improp-

er labeling was used) were nonetheless exported, FDA could determine the violation through its customary inspection of drug manufacturers (which is required by current law to occur at least once every two years), through compliants, or in other ways. The responsible individuals would be subject to criminal prosecution, the company and individuals would be subject to an injunction, and any drug intended for illegal export would be subject to seizure. Thus, no independent inspection or enforcement provisions are required to assure adequate compliance with these amendments. The current FD&C Act enforcement provisions automatically apply.

NEW REQUIREMENTS FOR DISSEMINATION OF IMPORTANT REGULATORY INFORMATION

Cooperation among regulatory agencies responsible for drugs throughout the world has increased substantially in the past 10 years. The World Health Organization has established a drug certification scheme. The United Nations has circulated a list of drugs withdrawn from use throughout the world since 1963. FDA meets regularly with its counterpart agencies in England and Canada, and has sponsored a meeting with all foreign counterpart agencies to discuss cooperative efforts. These amendments recognize and reinforce, such efforts directed at drug information dissemination and cooperation.

Under the amendments, HHS (which would undoubtedly delegate the authority to FDA) is required to establish procedures to accomplish three objectives in this area.

First, FDA must periodically inform foreign governments of significant regulatory decisions, actions, and information respecting drugs. it is intended that such reports be sent immediately when there is an emergency or other urgent need for communication as well as on a regular schedule for more routine information. If, for example, FDA were to discover a major new adverse reaction or side effect caused by a drug which raised significant safety concerns and took appropriate regulatory action in the United States, it would immediately notify foreign governments so that any appropriate regulatory action could also be taken by them.

Where appropriate, rather than sending drug regulatory information directly to each foreign country, the FDA procedures could provide for its dissemination through programs established by the World Health Organization (WHO) for distributing important drug information throughout the world, in order to coordinate American information with broader international educational and regulatory efforts. If, for example, FDA were to conclude that a drug is unsafe or ineffective for one indication and took appropriate regulatory action in the United States, although it remained safe and effective for another indication and therefore should not be banned, the Agency might conclude to make that information available abroad through the WHO. Communications of this type will allow foreign countries to consider regulatory action designed to protect their own citizens, regardless of where the drug is manufactured.

Second, FDA must periodically send to foreign governments the required labeling for drugs approved or licensed in this country following enactment of this legislation. This official labeling establishes all the restrictions and limitations imposed by FDA and USDA for the products involved. By referring to this labeling, foreign governments will have available the latest determinations by the official United States agencies relating to safety and effectiveness of these products. They can then compare this information with the labeling on drugs marketed in their own country, regardless of where they are manufactured, and take any appropriate action they may conclude to be warranted under the circumstances.

For prescription drugs, this requirement would be satisfied by furnishing the package insert approved by FDA. It is necessary to send only the piece of approved labeling that forms the basis of the FDA or USDA approval, not related labeling that may also be used for the drug. Changes in labeling need be sent only if they are significant. The official labeling for drugs approved prior to this legislation is already easily available to foreign countries through compilations such as the Physicians Desk Reference and thus is not required to be sent under this provision. As with the dissemination of other drug regulatory information, the FDA procedures may provide for the use of established WHO programs to distribute labeling information, rather than sending it directly to each foreign country, where that is appropriate.

Third, FDA must respond promptly to requests from foreign governments for information about any drug imported from the United States. FDA may, for example, have in its possession information that would help foreign countries make better regulatory determinations about such products.

The amendments make clear that information which is protected from public disclosure in the United States may not be furnished either orally or in writing to foreign governments. It is important to assure that American technology is protected, and is not given away to foreign competitors. Only information that could be made publicly available in the United States can be disclosed to foreign governments.

Unlike the export provisions of the amendments, which apply only to those drugs that are presently prohibited from export because they are not approved or licensed in the United States, the information dissemination provisions apply broadly to all drugs. Thus, they provide a major new effort at international regulatory cooperation and dissemination of information.

EFFECTIVE DATE

The amendments would be effective upon enactment. The export provisions of the amendments would be effective 90 days after enactment, the date by which the list of foreign countries must be established by HHS.

PHARMACEUTICAL EXPORT AMENDMENTS OF 1984—ANALYSIS

This bill amends section 801 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 381, which relates to the effect of that statute on exports. It adds a new subsection (e), designed to allow the export of drugs permitted by foreign countries to be marketed abroad but not approved for use in the United States, without allowing the dumping of unsafe or ineffective products on foreign countries.

Paragraph (e)(1) provides that any drug required to be approved or licensed by the Secretary of Health and Human Services (HHS) or the Secretary of Agriculture (USDA) prior to export, but not so approved or licensed, may be exported to a foreign country described in paragraph (2) if the drug meets the requirements of paragraph (3).

Paragraph (e)(2) describes the two categories of foreign countries to which export of such drugs is permitted.

Subparagraph (2)(A) provides that any such drug may be exported to a foreign country listed by HHS under subparagraph (B) as a country which has an adequate governmental health authority to approve such drugs, or to any other foreign country if the drug meets the requirements of subparagraph (C) and the government of the country of import has provided documentation that the drug may be lawfully offered for sale in such country.

Subparagraph (2)(B) provides that the initial list of foreign countries with an adequate drug regulatory system must be established within 90 days of the enactment of the legislation, and may subsequently be amended to add or delete countries.

Subparagraph (2)(C) provides that any such drug may be exported to an unlisted foreign country if each of the following four conditions is met.

First, the drug must be approved or licensed in at least one of the listed foreign countries, and the approved or licensed labeling must not be changed except for translation and other changes that are required to be made to meet local legal requirements in the nonlisted country respecting information not related to the safety or effectiveness of the drug.

Second, the drug must be the subject of an exemption for investigational use or an application for approval or licensing must be submitted or approved in the United States, or HHS must determine that the drug is nonetheless eligible for export because of particular diseases or health conditions in the countries to which it is exported that do not exist in the United States.

Third, for any human drug sufficient Phase I clinical investigation must be completed to permit the initiation of Phase II or Phase III clinical studies.

Fourth, the drug must not be the subject of a notice by HHS or USDA determining that the sale of the drug in that country is contrary to its public health and safety. Any such notice prohibiting export to particular countries not on the HHS list must be issued by HHS or USDA within 60 days after the notice of intent to export the drug to that country is received by HHS or USDA, but this time period may be extended an additional 60 days by written notice by HHS or USDA.

Paragraph (e)(3) sets forth eight conditions which any such drug must meet before it may be exported to a listed or unlisted foreign country.

First, the drug must not be banned in the United States or, if it is banned, the Secretary must have determined that it is nonetheless eligible for export to promote the public health in the countries to which it is exported because of particular diseases or health conditions in the countries to which it is exported that do not exist in the United States.

Second, the drug must not be the subject of a notice by HHS or USDA determining that manufacture of the drug in the United States for export presents a significant risk to the public and safety in the United States.

Third, the drug must not be banned as unsafe of ineffective in a listed foreign country or, if it is banned, the Secretary must have determined that it is nonetheless eligible for export to promote the public health in the countries to which it is exported because of particular diseases or health

conditions in the countries to which it is exported that do not exist in the country in which it is banned.

Fourth, the drug must be in accord with the specifications of the foreign purchaser.

Fifth, the drug must not be in conflict with the laws of the country to which it is intended for export.

Sixth, the drug must be labeled on the outside of the shipping package that it is intended for export and is not approved for commercial marketing in the United States.

Seventh, the drug must not have been, and is not, introduced or offered for introduction into domestic commerce.

Eighth, the drug must be the subject of a notice of intent to export submitted to HHS or USDA at least 60 days prior to the date of first export to each foreign country. The notice must describe the drug, identify the establishment where it is manufactured for export, and state that the drug does not conflict with the laws of the country to which it is intended for export. For exports to an unlisted foreign country, the notice must also contain the labeling approved in a listed foreign country which, after translation and any other changes necessary to meet local legal requirements, will be used in the unlisted country, and a copy of the documentation that the drug may be lawfully marketed in the unlisted country. Within 30 days of receiving any notice of intent to export to an unlisted country, HHS or USDA must publish a notice in the Federal Register describing the drug, stating the county of import, and specifying where the notice of intent to export may be examined.

Paragraph (e)(4) provides that a change in the approved labeling for a drug which has been approved or licensed by FDA or USDA will not prevent its export to a foreign country if the change involves only translation into a foreign language or other changes made to meet the legal requirements of such country respecting information which does not relate to the safety or effectiveness of the drug.

Paragraph (e)(5) requires HHS to establish procedures for the dissemination of important regulatory information about all drugs to foreign countries throughout the world, in order to facilitate adequate regulatory control of these drugs among all nations.

Subparagraph (5)(A) requires HHS periodically to inform foreign governments about significant regulatory decisions, actions, and information respecting drugs in the United States.

Subparagraph (5)(B) requires HHS periodically to send to foreign governments the required labeling for drugs approved or licensed or in the United States, to permit these countries to determine the conditions imposed for United States marketing.

Subparagraph (5)(C) requires the Secretary of Health and Human Services to respond promptly to requests from foreign governments for available information on any drug imported from the United States.

Each of these three provisions is limited by the requirement that no foreign government shall be furnished any information which is not available for public disclosure in the United States, in order to assure that American technology and other confidential information is not improperly revealed to foreign competitors.

To expedite the development of the first list of countries with adequate drug regulatory systems, the bill specifies eight countries which shall be included on that list unless HHS determines this to be inappropriate.

STATEMENT ON IMPACT OF DRUG EXPORT RESTRICTIONS

Because of the U.S. export restrictions, American Cyanamid Company, in 1975, undertook an $11 million expansion of its pharmaceutical plant in Gosport, England, in order to manufacture new drugs for overseas markets which had not yet been approved by the United States. The plant, now in operation, generates $28 million in annual sales as well as additional new drugs from research. Two of the drugs manufactured at Gosport were subsequently approved by the FDA. Although one of the drugs has not yet received approval in the U.S., nearly 30 other countries have approved it. If and when the product is approved by the FDA, Cyanamid will be faced with importing it into the United States from Great Britain. The plant could and should have been built at Bound Brook, New Jersey or Pearl River, New York for about $5 million rather than $11 million, and the cost of operating it would have been significantly lower. Unfortunately, the restriction on drug export precluded that choice.

Merck's Dolobid was first approved for marketing in the United Kingdom in 1977 but not in the United States until 1982. Because of export restrictions, production in the United States was limited to intermediates which could move in interstate commerce. In 1976 when production of the intermediates was begun in Virginia, Merck had sufficient manufacturing capacity to meet its international requirements and, without the export prohibition, had as well, existing underutilized capacity to supply its foreign markets with the finished bulk drug during the 5-year period preceding FDA approval. Instead, the decision was made to construct a dedicated chemical plant at Ponders End, England to supply international markets at a capital investment of $20 million. While there were other benefits to making such an investment in the United Kingdom, the fact remains that export restrictions imposed by the United States on its own manufacturer precluded even the consideration of supplying the international markets from domestic facilities. In contrast, Merck's Mefoxin, an antibiotic not subject to a pre-approval export prohibition, was approved in Portugal in early 1977 but not in the U.S. until late 1978. Because now F.D.A approved antibiotics, unlike other drugs, may be freely exported under Section 801(d) of the Food, Drug, and Cosmetic Act, Merck, in its long-range planning could consider supplying foreign markets from a domestic facility. In fact, Mefoxin production was put into the United States with knowledge that is could anticipate full utilization of constructed plant capacity even if FDA approval was inordinately delayed. Merck's plant in Elkton, Virginia now supplies all of its international and domestic requirements.

American Cyanamid Company wanted to manufacture the braid for its Dexon synthetic absorbable sutures in Danbury, Connecticut, and export it to England for finishing and packaging to serve the continent. However, because of the additional time required for its approval by FDA, Cyanamid was forced to put a large part of the manufacturing operation in England. Even though FDA has now approved it, Cyanamid most likely will not bring the basic manufacturing back to the U.S. because of the economics involved.

Abbott Laboratories was forced to invest in overseas manufacturing facilities for Ethrane, an anesthetic because it was approved abroad before being approved in the U.S. Abbott now has approximately $4 million invested in two facilities in England and Italy, with a total of 50 people working on the product.

In addition to adversely affecting larger, research intensive pharmaceutical companies, the export restrictions cause irreparable harm to smaller, biotechnology—based companies if it is not corrected. For example, Genentech is a company whose principal activities involve the development of genetic engineering technology for the production of drugs and biologicals, as well as industrial and agricultural chemicals. Its continued success is dependent on research contracts and licensing agreements with foreign partners for the conduct of clinical studies in their countries, and eventual product sales in those countries. Present law prevents commercial exports to its foreign partners of bulk, intermediate drug and biological materials; its contractual arrangements with them could force the transfer to foreign countries of its recombinant DNA technology and unique isolation and purification methods used to prepare its products.

One of American Cyanamid's most important new drug compounds under development is its new anti-cancer agent, mitoxantrone. Because of the export ban, experimental quantities of mitoxantrone are now being produced by Cyanamid of Great Britain at its Gosport plant rather than at one of Cyanamid's plants in the United States. Cyanamid expects that mitoxantrone will be approved overseas within the next year or so, a year or two before it will be approved in this country. This will put the company in the additional difficult position cited earlier of having to install expensive production facilities in Europe or the U.K. or contracting with a West German firm to produce enough commercial quantities for both overseas needs and for needs in the United States.

Similarly, Merck is now investing substantial capital in the modification of existing facilities and construction of new facilities for the manufacture of a new antibiotic for which approval is anticipated overseas at least one year before approval in the United States. This is an investment Merck could not have considered making domestically without full knowledge that even if FDA approval is delayed substantially, these facilities will not be idle because of an export restriction.

A major pharmaceutical marketing firm in the U.K. approached KV Pharmaceutical Co. to enter into a Research and Development/Marketing Agreement to put a new cardiovascular drug into a KV once-a-day delivery system/dose form. A series of negotiating conferences between the two firms led to agreement in principle which included: Subsidy payments for KV's Research & Development efforts; front cash payments on registration of the completed product; KV manufacture for worldwide demand for the product; a royalty on the U.K. company's sales of the product; and KV rights to market the product in the U.S. (since the U.K. company does not have a strong U.S. presence).

Partly due to the problem created by the United States law regarding drug exports, the U.K. company decided not to proceed with KV. Instead, an arrangement has been made with another company (probably European) providing for manufacture in the U.K.

Tangible losses to KV included: Over $800,000 in Research and Development and

license income; manufacturing income estimated at $3.0 million per year; royalty income estimated at $1.5 million per year; marketing/sales revenues in the U.S. of $7 to $12 million per year; and commensurate employment in Research and Development, sale and marketing jobs.

Merrell Dow launched a product called Terfenadine in Europe in 1981. Between then and now it has been marketed in most countries around the world. The U.S. NDA was submitted in February, 1983. It has not yet been approved. Because of existing FDA regulations it was not possible to manufacture this product in the United States. If the U.S. was now exporting this product to other global markets, the U.S. would have realized approximately $22 million in exports in 1984. Projections indicate that by 1993 these exports would amount to approximately $60 million (stated in 1984 dollars).

Product B: This is a new product which is still in the R & D pipeline. Launch is anticipated in late 1986 or early 1987 in Europe. If the existing restrictions are not removed, the U.S. plant will be unable to manufacture and export these active ingredients to global markets. It is anticipated that export of this product by 1993 will amount to approximately $90 million (stated in 1984 dollars).

Product C: This product is also in the R&D pipeline with launch anticipated in late '86 or early '87. It is anticipated that by 1993 exports of this product will amount to approximately $20 million (stated in 1984 dollars).

Merrell Dow is now in the process of conducting engineering studies to determine whether it should build, upgrade and expand an active ingredient plant overseas or whether major investments should be made here in the U.S. It normally takes from 2 to 2½ years from the time a decision is made to build an active ingredient plant to the time when the first commercial scale production is available. In the first year of this 2 to 2½ year period, while it is not critical, it is preferred that the actual location site be known. As you near the end of the first year period it becomes necessary to be site specific. In August/September of this year, engineering studies must start to key in on a particular location. The question is quite simple—do we make these products in the U.S. or in a foreign plant? As things stand now, there is little choice but to select a foreign location.

Merrell Dow would clearly prefer to manufacture in the U.S. in all three of the above instances. Note that most production of Terfenadine will remain abroad. However, the firm would like to have some Terfenadine production in the U.S. as well as 100 percent of the active ingredient production for products B and C in this country.

By Mr. DENTON (for himself, Mr. LEAHY, Mr. THURMOND, Mr. BIDEN, Mr. BAUCUS, Mr. D'AMATO, Mr. DECONCINI, Mr. DOLE, Mr. EAST, Mr. GLENN, Mr. GOLDWATER, Mr. GRASSLEY, Mr. HART, Mr. HATCH, Mrs. HAWKINS, Mr. HEFLIN, Mr. HELMS, Mr. INOUYE, Mr. JEPSEN, Mr. LAXALT, Mr. LUGAR, Mr. METZENBAUM, Mr. RANDOLPH, Mr. SPECTER, Mr. SYMMS, and Mr. TRIBLE):

S.J. Res. 336. Joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world; to the Committee on the Judiciary.

TIME OF REMEMBRANCE FOR VICTIMS OF TERRORISM

Mr. DENTON. Mr. President, I join with my distinguished colleagues Senators LEAHY, THURMOND, BIDEN, BAUCUS, D'AMATO, DECONCINI, DOLE, EAST, GLENN, GOLDWATER, GRASSLEY, HART, HATCH, HAWKINS, HEFLIN, HELMS, INOUYE, JEPSEN, LAXALT, LUGAR, METZENBAUM, RANDOLPH, SPECTER, SYMMS, and TRIBLE to introduce a joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world.

October 23, 1983, as I am sure we all recall, was the day on which 241 American servicemen were killed in a single act of terrorism in Beirut, Lebanon.

The organization that is the driving force behind "A Time of Remembrance" is No Greater Love, a nonprofit, nonpolitical, humanitarian organization founded in 1971 to provide programs for children whose fathers were killed, missing, or imprisoned in Vietnam. As my colleagues know, that is a subject that is very near and dear to my heart. No Greater Love continues year after year to show those children that they are not forgotten.

Several of my colleagues, on both sides of the aisle, serve on the national advisory council of the organization, including Senators THURMOND, DOLE, GOLDWATER, HART, INOUYE, KENNEDY, LAXALT, LUGAR, and RANDOLPH.

Where appropriate, No Greater Love steps in to offer friendship and care to the families of men and women killed or endangered while serving their country. In 1980, No Greater Love promoted and coordinated the free the hostages yellow ribbon campaign during the hostage crisis in Iran.

Unfortunately, recent events in Lebanon and elsewhere around the world have expanded the ranks of children who deserve the attention of No Greater Love, children who need to know that many Americans care about their loss and remember the ultimate sacrifice made by their parents.

The purpose of "A Time of Remembrance" is to remember all victims of terrorism and to demonstrate to their families and friends that the American people care and will not forget. The theme of the program is "Let Peace Take Root," and the symbol of the program is the purple ribbon. The color purple has symbolized loyalty, dignity, and the love of truth, and was considered fitting for "A Time for Remembrance."

One part of "A Time of Remembrance" will be a very special tree dedication ceremony conducted by children whose parents were killed by terrorists. On October 23, 1984, a tree will be dedicated at Arlington National Cemetery in memory of all victims of terrorism throughout the world. Through the ceremony, the children will be remembering their parents and will be helping to increase world awareness of the consequences of terrorism and of the need for people of all nations to work together for world peace.

Elementary schools, B'nai Brith youth organizations, Camp Fire Girls and Boys, Girl Scouts, and U.S. schools overseas are among the organizations whose children will participate in "A Time of Remembrance" by wearing homemade purple ribbons and by holding ceremonies in memory of all victims of terrorism.

In addition to the joint resolution that I am introducing today, the President, Governors, mayors, and the United Nations will be asked to proclaim October 23, 1984, as "A Time of Remembrance" and will be sent purple ribbons to wear. Governors will be sent a flag that flew at the U.S. Embassy in Beirut and will be asked to fly it at halfstaff over their State capitol buildings on October 23. No Greater Love will send purple ribbons to U.S. Embassy officials throughout the world and ask them to wear the ribbons and fly their flags at halfstaff on October 23. Church and synagogue leaders will be asked to offer prayers for victims of terrorism. National Football League teams playing home games on October 21 will be asked to have a moment of silence, before the national anthem, in memory of all victims of terrorism. Radio and television stations will be asked to broadcast public service announcements and editorials about "A Time of Remembrance."

Mr. President, I urge all my colleagues to support the joint resolution and to join as cosponsors.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 336

Whereas the problem of terrorism has become an international concern that knows no boundaries—religious, racial, political, or national;

Whereas thousands of men, women, and children have died at the hands of terrorists in nations around the world, and today terrorism continues to claim the lives of many peace-loving individuals;

Whereas October 23, 1983, is the date on which the largest number of Americans were killed in a single act of terrorism—the bombing of the United States compound in Beirut, Lebanon, in which two hundred and forty-one United States servicemen lost their lives;

Whereas many of these victims died defending ideals of peace and freedom; and

Whereas it is appropriate to honor all victims of terrorism, and in America to console the families of victims, and to cherish the

freedom that their sacrifices make possible for all Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 23, 1984, be proclaimed as "A Time of Remembrance", to urge all Americans to take time to reflect on the sacrifices that have been made in the pursuit of peace and freedom, and to promote active participation by the American people through the wearing of a purple ribbon, a symbol of patriotism, dignity, loyalty, and martyrdom. The President is authorized and requested to issue a proclamation calling upon the departments and agencies of the United States and interested organizations, groups, and individuals to fly United States flags at half staff throughout the world in the hope that the desire for peace and freedom take firm root in every person and every nation.

ADDITIONAL COSPONSORS

S. 1003

At the request of Mr. DENTON, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. DODD], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Iowa [Mr. JEPSEN], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Arizona [Mr. GOLDWATER] were added as cosponsors of S. 1003, a bill to extend and revise the provisions of the Civil Abuse Prevention and Treatment Act and the Child Abuse Prevention Treatment and Adoption Reform Act of 1978.

S. 1531

At the request of Mr. RIEGLE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1951, a bill to encourage the use of public school facilities before and after school hours for care of school-age children and for other purposes.

S. 1623

At the request of Mr. DOLE, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 1623, a bill to establish a National Commission on Neurofibromatosis.

S. 1680

At the request of Mr. SASSER, his name was added as a cosponsor of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 2272

At the request of Mr. GOLDWATER, the name of the Senator from West Virginia [Mr. RANDOLPH] was added as a cosponsor of S. 2272, a bill to authorize the Smithsonian Institution to plan and construct facilities for certain science activities of the Institution, and for other purposes.

S. 2437

At the request of Mr. GOLDWATER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor for S. 2437, a bill to amend the Communications Act of 1934 to clarify the policies regarding the right to view satellite-transmitted television programming.

S. 2509

At the request of Mr. INOUYE, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 2509, a bill to amend the Federal Election Campaign Act of 1971 to regulate political advertising in campaigns for Federal elective office.

S. 2563

At the request of Mr. D'AMATO, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 2563, a bill to amend section 1201 of the National Housing Act to extend the crime insurance program.

S. 2726

At the request of Mr. MELCHER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2726, a bill to promote the development of Native American culture and art.

S. 2743

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 2743, a bill to designate a portion of 16th Street NW., Washington, DC, on which the Embassy of the Union of Soviet Socialists Republics is located, as "Andrei Sakharov Avenue."

S. 2768

At the request of Mr. MATHIAS, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Missouri [Mr. DANFORTH], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 2768, a bill to provide for the education in the United States of certain students of limited financial means from developing countries.

S. 2774

At the request of Mrs. KASSEBAUM, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nevada [Mr. LAXALT], the Senator from Georgia [Mr. MATTINGLY], the Senator from Illinois [Mr. DIXON], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. STAFFORD], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2774, a bill to grant a Federal charter to the National Society, Daughters of the American Colonists.

SENATE JOINT RESOLUTION 254

At the request of Mr. LUGAR, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S.J. Res. 254, a joint resolution to designate the month of October, 1984 as "National Down's Syndrome Month".

SENATE JOINT RESOLUTION 272

At the request of Mr. MURKOWSKI, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S.J. Res. 272, a joint resolution recognizing the anniversaries of the Warsaw Uprising and the Polish resistance to the invasion of Poland during World War II.

SENATE JOINT RESOLUTION 305

At the request of Mrs. HAWKINS, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S.J. Res. 305, a joint resolution to designate the week of September 10, 1984, through September 16, 1984, as "Teenage Alcohol Abuse Awareness Week".

SENATE JOINT RESOLUTION 322

At the request of Mr. QUAYLE, the names of the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S.J. Res. 322, a joint resolution designating the week beginning on October 7, 1984, as "Mental Illness Awareness Week".

SENATE JOINT RESOLUTION 323

At the request of Mr. MURKOWSKI, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Colorado [Mr. HART], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Delaware [Mr. BIDEN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Virginia [Mr. TRIBLE], the Senator from Delaware [Mr. ROTH], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Massachusetts [Mr. TSONGAS] were added as cosponsors of S.J. Res. 323, a joint resolution designating August 1984 as "Polish American Heritage Month".

SENATE JOINT RESOLUTION 327

At the request of Mr. KASTEN, the names of the Senator from California [Mr. CRANSTON], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S.J. Res. 327, a joint resolution to designate the week beginning September 2, 1984 as "Youth of America Week".

SENATE JOINT RESOLUTION 333

At the request of Mr. HELMS, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Oklahoma [Mr. BOREN], the Senator from Florida [Mrs. HAWKINS], the Senator from Connecticut [Mr. DODD], the Senator from Montana [Mr. BAUCUS], the Senator from Ohio [Mr. GLENN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Mississippi [Mr. STENNIS], the Senator from Vermont [Mr. LEAHY], the Senator from Texas [Mr. TOWER], and the Senator from Georgia [Mr. MATTINGLY] were added as cosponsors of S.J. Res. 333, a joint resolution to desig-

nate September 21, 1984, as "World War I Aces and Aviators Day".

SENATE JOINT RESOLUTION 334

At the request of Mr. DOLE, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S.J. Res. 334, a joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month".

SENATE CONCURRENT RESOLUTION 109

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. Con. Res. 109, a concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a National Storm Program.

SENATE CONCURRENT RESOLUTION 118

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. Con. Res. 118, a concurrent resolution expressing the sense of Congress that the portion of the street in the District of Columbia on which is located the Embassy of the Union of Soviet Socialist Republics, and the portion of any street in any other city in the United States on which is located a consular office or mission of the Union of Soviet Socialist Republics, should be named "Andrei Sakharov Avenue."

SENATE RESOLUTION 415

At the request of Mr. D'AMATO, the names of the Senator from Pennsylvania [Mr. HEINZ], the Senator from North Dakota [Mr. ANDREWS], the Senator from Connecticut [Mr. WEICKER], the Senator from Rhode Island [Mr. PELL], the Senator from Texas [Mr. TOWER], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. Res. 415, a resolution commemorating the 20 years of Federal support of mass transportation.

AMENDMENTS SUBMITTED

HOOVER POWER PLANT ACT OF 1984

METZENBAUM AMENDMENTS NOS. 3418 AND 3419

Mr. METZENBAUM proposed two amendments to the amendment of the House to the bill (S. 268) to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes; as follows:

AMENDMENT 3418

At the end of the House amendment, add: Notwithstanding any other provision, no contract authorized in this bill shall prescribe terms and conditions for the renewal of contracts for electrical energy generated at Hoover Dam beyond the period ending December 31, 1988.

AMENDMENT 3419

At the end of the House amendment, add: Notwithstanding any other provision of this bill shall become effective upon date of enactment;

Provided, however, That no section of this bill or the Boulder Canyon Project Act of 1928 regarding the price of power generated at Hoover Dam shall be effective after May 31, 1987.

CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT AMENDMENTS

STEVENS (AND OTHERS) AMENDMENT NO. 3420

Mr. HATCH (for Mr. STEVENS, for himself, Mr. KENNEDY, Mr. CRANSTON, Mr. DODD, Mrs. HAWKINS, Mr. BOSCHWITZ, Mr. ANDREWS, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. RIEGLE, Mr. COHEN, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. COCHRAN) proposed an amendment to the bill (S. 1003) to extend and revise the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978; as follows:

On page 22, after line 20, add the following new title:

TITLE III—FAMILY VIOLENCE PREVENTION PROGRAM

SHORT TITLE

SEC. 301. This title may be cited as the "Family Violence Prevention Act".

COORDINATION OF PROGRAMS

SEC. 302. The Secretary shall coordinate all programs within the Department of Health and Human Services, and seek to coordinate all other Federal programs, which involve the prevention of incidents of family violence and the provision of assistance for victims and potential victims of family violence and their dependents.

DEMONSTRATION GRANTS AUTHORIZED

SEC. 303. (a) The Secretary is authorized to make demonstration grants to public agencies and private nonprofit organizations (including religious and charitable organizations and voluntary associations) in any State that have the capacity to administer, or are administering, family violence prevention programs. Such grants shall be made on the basis of applications submitted under subsection (b) and approved by the Secretary for the cost of programs designed to carry out one or more of the following purposes:

(1) To prevent incidents of family violence, including the provision of immediate shelter and related assistance to victims of family violence and their dependents.

(2) To conduct research into the causes of family violence, and into the prevention, identification, and treatment thereof, including research into the effectiveness of (A) involving law enforcement personnel in responding to incidents of family violence, (B) State procedures for the removal from the household of the abusing spouse, (C) arrest of the abusing spouse, and (D) referral to drug and alcohol treatment programs or other therapy programs for the abusing spouse.

(3) To train personnel in the conduct of programs for the prevention and treatment of family violence.

(4) To prepare local and State law enforcement personnel for the handling of incidents of family violence.

(b) No demonstration grant may be made under this section unless the public agency or private nonprofit organization submits an application to the Secretary at such time, in such manner, and containing or accompanied by such matter as the Secretary determines reasonably necessary.

(c) In approving applications submitted under subsection (b) of this section, the Secretary shall—

(1) assure that there is an equitable distribution of assistance both with respect to States and between rural and urban areas;

(2) give priority to applications from applicants in communities currently without family violence prevention programs or which can demonstrate that current services or programs are inadequate to meet the needs of the community;

(3) assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under this title, and assure that the address or location of any shelter-facility assisted under this title is not made public except by written authorization of the person or persons responsible for the operation of such shelter; and

(4) not make a grant under this section in any fiscal year to any single entity for an amount in excess of $50,000 unless the Secretary, in exceptional circumstances, determines that a grant in a greater amount is necessary.

(d) Nothing in this title shall be construed to supersede the application of State or local requirements for the reporting of incidents of suspected child abuse to the appropriate State authorities.

NATIONAL CLEARINGHOUSE ON FAMILY VIOLENCE PREVENTION

SEC. 304. (a) The Secretary shall operate a national information and research clearinghouse on the prevention of family violence (including the abuse of elderly persons) in order to—

(1) collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance to victims of family violence and their dependents; and

(2) provide information about alternative sources of assistance available with respect to the prevention of incidents of family violence and the provision of immediate shelter and related assistance to victims of family violence and their dependents.

(b) The Secretary shall assure that the activities of the national information and research clearinghouse operated under subsection (a) are coordinated with the information clearinghouse maintained by the National Center on Child Abuse and Neglect under section 2 of the Child Abuse Prevention and Treatment Act.

PAYMENTS

SEC. 305. (a)(1) From the amounts appropriated and available for demonstration grants under section 308, the Secretary

shall pay, in accordance with the provisions of this title, the Federal share of the costs of programs described in the applications approved under section 303.

(2) The Federal share shall be—

(A) 65 percent in fiscal year 1985,

(B) 45 percent in fiscal year 1986, and

(C) 35 percent in fiscal year 1987.

(3) The non-Federal share of demonstration grants under this title may be in cash or in kind, fairly evaluated, including but not limited to planning expenses, plant, equipment, and services.

(b) Demonstration grants made under section 303 may be paid in installments, as in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

ADMINISTRATIVE PROVISIONS

SEC. 306. (a) The Secretary shall appoint an employee of the Department of Health and Human Services to carry out the provisions of this Act. The individual appointed under this subsection shall, prior to such appointment, have had expertise in the field of family violence prevention and services.

(b) In order to carry out the provisions of this title, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as are necessary;

(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

(3) prescribed such regulations as are necessary; and

(4) enter into contracts, grants, or other arrangements, or modifications thereof that are necessary to carry out the provisions of this title.

DEFINITIONS

SEC. 307. As used in this title—

(1) the term "Secretary" means the Secretary of Health and Human Services;

(2) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(3) the term "related assistance"—

(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

(B) may include food, clothing, child care, transportation, and emergency services (but not reimbursement for any health-care services) for victims of family violence and their dependents; and

(4) the term "shelter" means the provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

AUTHORIZATION OF APPROPRIATIONS

SEC. 308. There are authorized to be appropriated to carry out this title $5,000,000 for fiscal year 1985, $15,000,000 for fiscal year 1986, and $15,000,000 for fiscal year 1987. Of the amounts appropriated pursuant to this section for each such year, not less than 50 percent shall be available for demonstration grants made under section 303(a)(1) in such year.

HATCH (AND OTHERS) AMENDMENT NO. 3421

Mr. HATCH (for himself, Mr. DODD, Mr. DENTON, and Mr. CRANSTON) proposed an amendment to the bill S. 1003, supra; as follows:

On page 11, beginning with line 11, strike out all through line 2 on page 12.

On page 12, line 3, strike out "(C)" the first time it appears and insert in lieu thereof "(b)".

On page 12, line 8, strike out "SEXUAL ABUSE".

On page 12, lines 10 and 11, strike out "title" and insert in lieu thereof "Act" in both places.

On page 12, lines 14 and 15, strike out "comma and the word 'and' " and insert in lieu thereof "semicolon".

On page 12, line 24, strike out the end quotation marks and the period the second time it appears and insert in lieu thereof a semicolon and "and".

On page 12, after time 24, insert the following:

"(3) the term 'withholding of medically indicated treatment' means the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment, (A) the infant is chronically and irreversibly comatose; (B) the provision of such treatment would (i) merely prolong dying, (ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or (iii) otherwise be futile in terms of the survival of the infant; or (C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.".

On page 13, strike out line 10 through line 17 and insert in lieu thereof the following: "$32,500,000 for fiscal year 1984, $39,000,000 for fiscal year 1985, $40,500,000 for fiscal year 1986, and $42,080,000 for fiscal year 1987 to carry out the provisions of this Act. Of the sums appropriated for each fiscal year, $9,500,000 shall be available in each fiscal year to carry out the provisions of section 4(b)(1) of this Act, relating to State grants, $4,000,000 shall be available in each such year for identification, treatment, and prevention of sexual abuse, and $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 4(c) of this Act (as amended by section 201(c)(2) of the Child Abuse Prevention and Treatment and Adoption Reform Act).".

On page 14, line 25, and page 15, line 1, strike out "infants at risk with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 15, lines 11 and 12, strike out "infants at risk with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 16, lines 20 and 21, strike out "infants at risk with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 17, lines 9 and 10, strike out "children with life-threatening congenital impairments" and insert in lieu thereof "disabled infants with life-threatening conditions".

On page 19, beginning with line 9, strike out all through line 20 on page 22 and insert in lieu thereof the following new title:

TITLE II—SERVICES AND TREATMENT FOR DISABLED INFANTS

SEC. 201. (a) Section 4(b)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5103(b)(2), hereinafter in this title referred to as "the Act") is amended by—

(1) striking out "and" at the end of clause (I);

(2) striking out the period at the end of clause (J) and inserting in lieu thereof a semicolon and the word "and"; and

(3) Inserting after clause (J) the following new clause:

"(K) have in place for the purpose of responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the state child protective services system), to provide for (1) coordination and consultation with individuals designated by and within appropriate health-care facilities, (ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), and (iii) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.".

(b) Section 4(b)(3) of the Act is amended by striking out "and (F)" and inserting in lieu thereof "(F), and (K)".

(c) Section 4 of the Act is further amended by—

(1) redesignating subsection (c) as subsection (d), subsection (d) as subsection (e), and subsection (e) as subsection (f); and

(2) inserting after subsection (b) the following new subsection (c):

"(C) The Secretary is authorized to make additional grants to the States for the purpose of developing, establishing, and operating or implementing—

"(1) the procedures or programs required under clause (K) of subsection (d)(2);

"(2) information and education programs or training programs for the purpose of improving the provisions of services to disabled infants with life-threatening conditions for (i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities, and (ii) the parents of such infants; and

"(3) programs to help in obtaining or coordinating necessary services, including existing social and health services and financial assistance for families with disabled infants with life-threatening conditions, and those services necessary to facilitate adoptive placement of such infants who have been relinquished for adoption.".

REGULATIONS AND GUIDELINES

SEC. 202. (a)(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services (hereinafter in this title referred to as the "Secretary") shall publish proposed regulations to implement the requirements of section 4(b)(2)(K) of the Act (as amended by section 201(a)(3) of this Act).

(2) Not later than 100 days after the date of the enactment of this Act and after notice and opportunity for public comment, the Secretary shall publish final regulations under this subsection.

(b)(1) Not later than 60 days after the date of the enactment of this Act, the Secretary shall publish interim model guidelines to encourage the establishment within health-care facilities of commmittee which would serve the purpose of educating hospital personnel and families of disabled infants with life-threatening conditions, recommending institutional policies and guidelines concerning the withholding of medically indicated treatment from such infants, and offering counsel and review in cases involving disabled infants with life-threatening conditions.

(2) Not later than 150 days after the date of the enactment of this Act and after notice and opportunity for public comment, the Secretary shall publish the model guidelines.

REPORT ON FINANCIAL RESOURCES

SEC. 203. The Secretary shall conduct a study to determine the most effective means of providing Federal financial support, other than the use of funds provided through the Social Security Act, for the provision of medical treatment, general care, and appropriate social services for disabled infants with life-threatening conditions. The Secretary shall report the results of the study to the appropriate Committees of the Congress not later than 270 days after the date of the enactment of this Act and shall include in the report such recommendations for legislation to provide such financial support as the Secretary considers appropriate.

TRAINING, TECHNICAL ASSISTANCE, AND CLEARINGHOUSE ACTIVITIES

SEC. 204. The Secretary shall provide, directly or through grants or contracts with public or private nonprofit organizations, for (1) training and technical assistance programs to assist States in developing, establishing, and operating or implementing programs and procedures meeting the requirements of section 4(b)(2)(K) of the Act (as amended by section 201(a)(3) of this Act); and (2) for the establishment and operation of national and regional information and resource clearinghouses for the purpose of providing the most current and complete information regarding medical treatment procedures and resources and community resources for the provision of services and treatment for disabled infants with life-threatening conditions

STATUTORY CONSTRUCTION

SEC. 205. (a) No provision of this Act or any amendment made by this Act is intended to affect any right or protection under section 504 of the Rehabilitation Act of 1973.

(b) No provision of this Act or any amendment made by this Act may be so construed as to authorize the Secretary or any other governmental entity to establish standards prescribing specific medical treatments for specific conditions, except to the extent that such standards are authorized by other laws.

(c) If the provisions of any part of this Act or any amendment made by this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATES

SEC. 207. (a) Except as provided in subsection (b), the provisions of this act or any amendment made by this Act shall be effective on the date of the enactment of this Act.

(b)(1) Except as provided in paragraph (2), the amendment made by section 201(a)(3) of this Act shall become effective one year after the date of such enactment.

(2) In the event that, prior to such effective date, funds have not been appropriated pursuant to section 5 of the Act (as amended by section 104 of this Act) for the purpose of grants under section 4(c) of the Act (as amended by section 201(c) of this Act), the Secretary may grant to any State which has not met the requirements of section 4(b)(2)(K) of the Act (as amended by section 201(a)(3) of this Act) a waiver of such requirements for a period of not more than one year, if the Secretary finds that such State is making a good faith effort to comply with such requirements.

HATCH AMENDMENT NO. 3422

Mr. HATCH proposed an amendment to the bill S. 1003, supra; as follows:

On page 14, strike out lines 9 through 16.

At the end of the bill add the following new title:

TITLE IV—REPORT

SEC. 401. Not later than October 1, 1987, the Secretary of Health and Human Services shall submit to the Congress a detailed report on the implementation and the effects of the provisions of the Child Abuse Prevention and Treatment and Adoption Reform Act Amendments of 1983 and the amendments made by it.

RELIEF OF THE ESTATE OF NELL J. REDFIELD

MOYNIHAN (AND OTHERS) AMENDMENT NO. 3423

Mr. MOYNIHAN (for himself, Mr. DOLE, and Mr. BRADLEY) proposed an amendment to the bill (H.R. 1428) for the relief of the estate of Nell J. Redfield; as follows:

Strike all after the enacting clause and insert: (a) in determining whether the base quarter ending on September 30, 1984 is a cost-of-living computation quarter for the purposes of the cost-of-living increases under sections 215(i) and 1617 of the Social Security Act, the phrase "is 3 percent or more"; appearing in section 215(i)(1)(B) of such Act shall be deemed to read "is greater than zero".

(b) For purposes of section 215(i) of such Act, the provisions of subsection (a) shall not constitute a "general benefit increase".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Small Business: Family Farm, will hold a hearing on August 1, 1984, to examine the issue of corporate buyouts of family farms. The hearing will begin at 10 a.m. in room 428A of the Russell Senate Office Building. Senator PRESSLER will chair the hearing. For further information, please contact Mike Haynes, chief counsel of the committee, at 224-8487.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, July 26, 1984, to hold a hearing on Amtrak's safety record.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 26, at 2 p.m., to hold a hearing to consider the nomination of Richard Wood Boehm, to be Ambassador to the Republic of Cyprus.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, July 26, to hold a markup on the following bills:

S. 1858—DC Home Rule Act; and

S. 2438—Paperwork Reduction Act Amendments of 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PELL SUPPORTS SBA SECONDARY MARKET LEGISLATION

● Mr. BUMPERS. Mr. President, last February, Senator WEICKER and I introduced S. 2375, the "Small Business Secondary Market Improvements Act of 1984." That bill is designed to improve the operation of SBA's secondary market, and increase small business access to capital. On July 10, the President signed that bill into law—Public Law 98-352. Last April, the Senator from Rhode Island [Mr. PELL] asked to be added as a cosponsor of

this bill. Through an oversight, that action was not taken until this past Monday. While I have added the Senator as a cosponsor of this bill, as the ranking Democratic member of the Senate Small Business Committee, I want the record to reflect Senator PELL's early and strong support for this specific legislation.●

SSBN—HENRY M. JACKSON

● Mr. McCLURE. Mr. President, I have received a letter from Adm. Kinnaird R. NcKee, in which he tells of the excellent performance of the U.S. Navy's fifth Trident strategic ballistic missile submarine. Admiral McKee's admiration and words of praise also focus on the man for whom the submarine is named, the man Admiral McKee calls the patron saint of the Naval Nuclear Propulsion Program—Henry M. Jackson.

McKee notes that early in his congressional career, Senator Jackson recognized the vast potential of nuclear propulsion for warships, particularly submarines, and the importance of doing the job right. With his vision and commitment, Scoop played a major role in building a navy in which 40 percent of our ships are nuclear powered and can travel the globe independent of fuel supplies. Scoop Jackson saw the need for these submarines and surface warships, and helped to make them possible.

According to the admiral, Scoop derived great satisfaction from the accomplishments of the Naval Nuclear Propulsion Program. He quotes the Senator as pointing out that:

> The Navy today has operational about 161 naval reactors without an incident occurring that would cause any problems for the Navy, for those aboard, for the public.

Senator Jackson's commitment to the pursuit of world peace was based on the recognition that such peace comes through preparedness. And, he also, played a major role in making possible the development of atomic energy for peaceful purposes as well as national defense. His insight and support in this new field of technology was pivotal.

Mr. President, I submit Admiral McKee's letter for the RECORD:

NAVAL REACTORS,
July 2, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I have just returned from a successful initial sea trial of *Henry M. Jackson*—our fifth Trident strategic ballistic missile submarine. The Senator would have been proud of the way both ship and crew performed.

To those of us who have grown up in the Naval Nuclear Propulsion Program, Senator Jackson was and is something of a patron saint. His association with our work began in 1949 when, as a young Congressman from the Second District of Washington, he was appointed to the newly established Joint Committee on Atomic Energy. From the outset he recognized the vast potential of nuclear propulsion for warships—particularly submarines—and the importance of doing the job right.

He retained his seat on the committee when he was elected to the Senate. There, he continued to play a major role in making possible the development of atomic energy for peaceful purposes as well as for national defense. It is hard to imagine where we would be now were it not for his insight and support in this entirely new field of technology.

Today 40 percent of our naval combatants are nuclear powered—submarines that are able to operate alone and unsupported in the most hostile areas of the globe, and surface warships that patrol the world's oceans unconstrained by uncertain fuel supplies. In the past two decades these ships have assumed a vitally important place in our naval strategy, playing a role which Senator Jackson foresaw and helped make possible.

The influence and the respect that Senator Jackson commanded among his fellow citizens and in Congress stemmed from his knowledge, good judgment, and integrity. His contributions to this nation extend far beyond those related to the Naval Nuclear Propulsion Program, but there was never any doubt of the satisfaction he derived from the Program's accomplishments. His comments during a hearing two years ago are illustrative:

I would point out, as the chairman alluded to indirectly, that the Navy today has operational about 161 naval reactors without an incident occurring that would cause any problem for the Navy or for those aboard or for the public. That is a phenomenal record. That's far more reactors, as the chairman knows, than in the private sector. Every one of them have functioned with great precision and to the enduring benefit of the Navy. It's the most revolutionary thing that's ever happened to the U.S. Navy.

Senator Jackson devoted his life to the pursuit of world peace, but he fully understood that security and peace are not separable issues to be debated one at the expense of the other. He also knew that in the presence of a heavily armed antagonist, weakness is an invitation to conflict.

The Senator recognized early on that Trident submarines would become our most effective deterrent to conflict. It is only fitting that the newest ship of this class carry his name. He left a remarkable legacy of public service. We have a responsibility to share his commitment. The *Henry M. Jackson* crew understands that responsibility, and is off to a fine start.

Sincerely,

KINNAIRD R. MCKEE,
Admiral, U.S. Navy.●

OUTLOOK FOR U.S. STEEL INDUSTRY

● Mr. CHAFEE. Mr. President, I was pleased to read the conclusions of a study on the U.S. steel industry undertaken by the Congressional Research Service. That study entitled, "America's Steel Industry: Modernizing to Compete," concludes that America's steel industry is hardly a dying industry, despite foreign competition and sluggish domestic demand. If anything, foreign inroads into the American market and shifts in American patterns of steel consumption have inspired the industry finally to address its obsolescence, declining productivity, high labor costs, poor labor-management relations, and other factors which have hampered its competitiveness in world markets.

According to CRS the industry is:

> Aggressively implementing programs of rationalization and modernization to maintain or increase its stature among the world's steel industries, especially in the U.S. market, where import penetration has reached levels of about 20 percent.

Generally the outlook for the steel industry's future in America is encouraging. CRS does not overlook the need for continued attention to the problem areas in steel production, but, overall, its report gives us a positive assessment of recent trends in the industry and its prospects for future competitiveness.

Specifically the report, authored by David Cantor and dated April 23, 1984, made the following findings:

First, competition in the steel industry is and will likely be for market share of a sluggish and declining market. Thus, modernization will be motivated more by the need to achieve greater efficiencies in steel production to be able to compete with foreign producers rather than for growth.

Second, a major thrust in the modernization of America's steel industry has been the replacement of much of its obsolete open-hearth and older basic oxygen capacity. This rationalization, prompted by the declining trend in steel demand, has been pursued, also, in other industrial countries, and at a faster pace than in the United States.

Third, a second facet of modernization in America's steel industry has been the relatively rapid expansion of the electric furnace. Indeed, the United States is the world leader in the use of this process, and is continuing to install new electric steelmaking capability faster than any other country.

Fourth, the third emphasis in the modernization process is the rapid expansion and use of new technologies to increase efficiency and lower production costs of steel products. America's steel industry enjoys a relatively high rate of growth in the use of the continuous casting process vis-a-vis other industrial countries, even during the recent period of recession in 1981 and 1982. Ladle technology, quality control techniques and methods for direct casting of finished steel products are receiving greater attention in the United States and elsewhere. These measures do not increase the total quantity of raw steel produced; instead, they represent efforts to produce better quality finished steel products and at lower costs.

Fifth, despite improvements in and the modernization of steelmaking in the United States, there remains areas of concern, if the U.S. steel industry is to attain a level of international competitiveness. First America's steel industry is slow in eliminating its obsolete open-hearth capacity in relation to other countries, and is likely to use this process intensively. Second, U.S. steel labor costs continue to be high relative to other major steel-producing countries, especially in the Third World. Achieving international competitiveness will require modernization to be pursued aggressively in the United States to attain higher levels of technical efficiency and lower unit costs of production on a par with other countries.

Why should an industry making this kind of progress finally after nearly 7 years of some form of import protection be entitled to more protection? Shouldn't we rather encourage even greater efforts toward modernization so that steelmakers won't rest on their recent progress, while foreign producers continue to make innovations?

We can do more for the industry by refusing import relief and thereby forcing necessary, though sometimes unpleasant, restructuring. More import relief for steel will, in addition, do great harm to the world trading system. It is hardly justifiable to risk a trade war with the Europeans, the alienation of trading partners like Canada which trade steel with us fairly and on a daily basis, or further harm to the fragile balance of payments situation of some LDC steel exporters, all to protect an industry now on an upswing.

An article in the June 25 issue of Business Week suggested that the ITC decision on steel signals more than ever the distinct possibility of a trade war. Mr. President, I request that this Business Week article, along with others from the Boston Globe, Barrons, the Los Angeles Times, and the Wall Street Journal be printed in the RECORD.

The article follows:

[From Business Week, June 25, 1984]

SUDDENLY, A NEW TRADE WAR LOOMS: AN ITC RULING ON STEEL HEIGHTENS PROTECTIONISM AS A CAMPAIGN ISSUE

For a brief sunny period this spring, the Reagan Administration's trade officials had a respite from their fears that election-year political pressures would push the U.S. into a protectionist shootout with its trading partners. It seemed unlikely that Congress would pass restrictive trade legislation before the election. And the International Trade Commission had found in two unanimous rulings that the stainless-steel-flatware and shoe industries had not been injured by imports. President Reagan, it appeared, might not have to make a preelection choice after all on whether to curb imports or risk losing votes.

But chances for finessing protectionism as a campaign issue were dashed by the ITC's June 12 finding that imports of five categories of steel products—accounting for 70% of U.S. imports, worth $4.2 billion last year—are injuring domestic steelmakers. Now the problem of balancing worldwide U.S. economic relations against ailing domestic industries and jobs is headed squarely for Reagan's desk, just as the Presidential campaign heats up. The ITC must recommend by July 24 some combination of tariffs or quotas on steel imports to remedy the injury to U.S. steelmakers. Reagan will have to decide by Sept. 26 whether to accept, reject, or modify that recommendation—and he may be faced with a similar decision on copper. The shock waves could spread quickly through the global trading system.

VIDEO SPECTACULAR

"The trade-war trigger is half-cocked," warns a high Reagan Administration trade official. "The Democratic convention will make a video spectacular of empty factories and jobless lines caused by imports. If [the Democrats] end their disarray and the economy is beginning to go soft by late September, the President may have to scuttle his free-trade principles or face the fate of that statesman Jerry Ford." The nine largest steel-producing states—California, Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and Texas—together have 225 of the 270 Electoral College votes Reagan needs to be reelected.

Dismayed steel-exporting nations read the political equation the same way. "It is traumatic," says Adamo Adani, president of ASSIDER, Italy's national steel producers' association. Adani notes that steel cannot be dealt with in a vacuum. "We have to look at the whole import sector," he says. "We import added-value U.S. high tech. The [European Community] and the U.S. have to look at the global picture in any negotiations."

What the ITC found was that U.S. makers of semifinished steel, plates, sheet and strip, wire and wire products, and structural shapes are being hurt by imports. No injury was found in four other categories. But far more than steel imports or the fate of the U.S. steel industry will be involved in Reagan's decision. If he cuts back steel imports to anything like the 15% of U.S. consumption demanded by the steel industry—down from imports' present market share of more than 25%—steel-exporting countries would be entitled under rules of the General Agreement on Tariffs & Trade (GATT) to demand compensation for lost exports to the U.S. worth as much as several billion dollars. That would force the U.S. to cut tariffs on imports of other products, shifting the burden of import injury from steel to other U.S. industries.

COUNTERFIRE

Just finding where to offer tariff cuts of that scope would be difficult. If the U.S. offer did not satisfy its injured trading partners, they could—and almost certainly would—retaliate by curbing an equal amount of imports from the U.S. That, in turn, would be sure to draw heavy protectionist counterfire from Congress.

Only the opening shots in such a world trade war would be fired before the Nov. 6 election. But once hostilities started they would be hard to stop—particularly if the economic recovery were faltering in the U.S. and abroad. And that kind of trade war would in itself pose a massive threat to continued growth of the world economy and to international financial stability.

A more immediate question the ITC and the President will have to face is what kind of restrictions to impose, and on which exporting countries. At this stage, Administration officials hope that, in the interest of avoiding a transatlantic confrontation over trade, any new restrictions on steel imports can be crafted so that imports of EC steel will not be cut any further than the levels agreed to by the U.S. and the EC in October, 1982. That hope is shared by such industry leaders as Bethlehem Steel Corp. Chairman Donald H. Trautlein, by at least some ITC commissioners, and most fervently by European steelmakers.

EXEMPTING THE EC

"This is troubling," says an official of the French Steelmakers Assn. 'We've done our part to limit exports [to the U.S.], and it is unfair to pin the blame on Eurpoe." He stresses that the five products covered by the ITC represent two-thirds of European exports to the U.S., "so the effect could be great." A spokesman for the West German Iron & Steel Makers Assn. puts the European view more bluntly. "European countries have a restrictive agreement on imports to the U.S. that runs to 1985," he says. "As far as we are concerned, this agreement is still valid, and we are not subject to any other restrictive measures." But exempting EC steel from additional curbs could be difficult. Even if the levels of imports from the EC are left unchanged, imposition of import quotas for five years—a likely outcome—would amount to a unilateral two-year extension of the 1982 agreement, which Brussels could reject.

Canadian producers, stunned by the ITC ruling, are urging Ottawa to retaliate dollar for dollar against U.S. exports to Canada if the ITC curbs imports of Canadian steel. Canada last year exported $1 billion worth of steel to the U.S., against $430 billion worth of steel imports from the U.S. But Canadian steelmakers also buy one-third of their coal and iron ore from their neighbor. "We have no objection to the U.S. attacking the problem, but we aren't part of the problem," says James T. Melville, secretary of Algoma Steel Corp. Donald K. Belch, marketing manager of Stelco Inc., says Canada is different from other steel suppliers. "With the Brazilians, Koreans, and Japanese, it's a case of unloading their surplus production in the U.S. We don't do that. Our purchases don't vary in good times or bad." Canadian steelmakers believe their behavior could effectively exempt them from restrictions if the ITC recommends negotiations for orderly marketing agreements or "voluntary restraints" by suppliers.

But if imports of steel from Europe are also excluded from further curbs—and presumably imports from Japan as well, so long as it sticks to its informal agreement to restrain exports to the U.S.—the full brunt of any new restrictions would fall on such developing countries as Mexico, South Korea, and Taiwan. That could touch off a major north-south crisis, at a time when uncertainty about many countries' ability to service their staggering debt is threatening the stability of the international financial system.

Their reaction would be the more bitter because at least some of them—led by Mexico, Brazil, and South Africa—have pledged to restrict reports to the U.S. unilaterally. "Our steel industry is just growing," complains a spokesman for the Korea Trade Promotion Corp. "If Reagan imposes any tariff restriction on our products we will have big problems." Warning against steel curbs in a fiery speech prior to the ITC

decision, Brazilian Minister of Industry & Commerce João Camilo Penna declared: "If the U.S. insists, we will not pay our debt to them." While Penna may have exaggerated Brazil's reaction, U.S. protectionism will be a prime target of protests, along with high interest rates, at the planned meeting of seven leading Latin American debtor countries in Cartagena, Colombia, on June 21 and 22.

A NO-WIN CHOICE

What the ITC injury decision does accomplish, at least temporarily, is to reduce protectionist pressure on Capitol Hill. It makes less likely any immediate congressional action on an industry-backed bill, pending before both houses, to impose quotas limiting steel imports to 15% of domestic consumption for five years. But steel-state congressmen make clear they will use the threat of such legislation to pressure Reagan to accept substantial restraints on imports. Representative Joseph M. Gaydos (D-Pa.), chairman of the executive committee of the Congressional Steel Caucus, says, "We feel we can have an impact on the President's decision."

That will leave Reagan little maneuvering room. "The President will face a no-win choice," says an Administration official. "If he hits the EC, he starts a trade war with our allies. If he spares it, he risks exploding the LDC debt bomb." And if the election is close, he has those 225 electoral votes to worry about.

[From the Boston Globe, July 13, 1984]

GOING SOFT ON STEEL

A new array of quotas on steel imports recommended by the International Trade Commission cannot really protect the domestic industry from its worst problems and fails to take into account one of the basic difficulties facing this basic industry: the competitive disadvantage imposed by an unrealistic exchange rate for the dollar. President Reagan should reject the proposal.

No one can deny that the industry has problems. It is still plagued by the long-term effects of poor planning and investment by managements that failed to adjust to new technologies. It postponed until too late negotiations with a labor force that was shortsighted in its approach to work-rule changes. It became the victim of dumping practices by foreign competitors subsidized by their governments. It must now sell into markets saturated by excess production around the world—in many cases supplied by highly efficient new mills in countries such as Mexico, Brazil and South Korea that have low labor costs.

The U.S. industry nevertheless possesses strengths and advantages. Some producers of specialty steels can compete effectively with producers all over the world on price and quality. Small mills using bountiful supplies of scrap are highly efficient—and profitable. They benefit from the fact that U.S. prices for scrap steel remain the lowest in the world. Many buyers remain willing to pay small premiums for domestic steel for the sake of preserving certainty of supply.

More recently, the industry has benefited from agreements with its competitors in the industrial world that impose voluntary limits on exports to the United States. Imposition of the new limits threatens revival of countermeasures in other trade areas, as the European Common Market was quick to point out in its response to the new proposals.

Quotas often work to the disadvantage of other sectors of the economy. In the case of automobile import quotas, they have tended to drive up the prices of all cars, to the direct disadvantage of consumers. The steel quotas will probably increase prices for all steel users, further reducing the competitiveness of American goods in marginal markets.

Finally, the proposals come just as the dollar is surging once again in international exchange markets. Dollar exchange rates are setting decade-old records against the German mark, the French franc, the British pound, the Japanese yen—to name only the most prominent currencies. While it may be argued that the dollar will continue strong indefinitely, serious efforts to reduce the federal deficit are under way, and these efforts ought to help reduce U.S. interest rates, cutting the floor into the dollar. Such adjustments will do more for all parties, and especially the steel industry, than the proposed new quotas.

[From Barron's, Apr. 9, 1984]

LOOK AT THE MINI-MILLS, STEEL'S FUTURE LIES IN THE MARKETPLACE, NOT PROTECTIONISM

(By Michael Brody)

It's spring, it's an election year, and the big steel companies are playing politics, as usual. After fighting the Justice Department's Antitrust Division over the LTV-Republic merger, industry lobbyists are now trying to bring election-year pressure to bear on the beleaguered handful of free traders at the Commerce Department, who are opposing stricter import quotas.

The politicization of the steel industry since World War II has gone hand in hand with disastrous mismanagement. Across western Pennsylvania, the Monongahela Valley is a landscape of junked mills and shuttered company towns: the legacy of the executives who have run most of the major integrated producers into the ground. The federal government's assaults on Big Steel's price-setting role, which reached their nadir in President Kennedy's 1962 showdown with U.S. Steel's Roger Blough, helped turn the industry into a political battleground. Today, with foreign competition undercutting Pittsburgh's market power, it is the steelmakers who are besieging the government with demands for federal protection of what is left of their turf.

(For the industry's version of events, see Page 14.)

Pittsburgh, needless to say, blames political interference and "unfair competition" for all of its woes. Unfortunately, however, it's difficult for foreign steelmakers to avoid taking "unfair" advantage of an industry which dragged its heels for decades over replacing ancient open hearths with modern basic oxygen furnaces, and ingot-pouring with expensive new continuous casters, which make possible far higher levels of productivity and quality.

Like other companies that have hung on to aging plants too long, and invested too little, too late in the new technology needed to remain competitive in increasingly cut-throat global markets, the major steel producers have invested heavily in Washington lobbyists instead. The long-run rate of return on such investment may well be negative. Like the prospect of being hanged, the threat of Chapter II concentrates the mind wonderfully on the business at hand. Protectionist nostrums have been defended on the pretext that they provide domestic industry with the time it needs for major restructuring. In steel, all they have done is erode the industry's sense of urgency and allow reluctant companies to avoid taking painful write-offs until the sands were running out. Over the last 10 years, in the teeth of "trigger-price" agreements and "voluntary" quotas, imports' share of the U.S. market has climbed to more than 20% from around 13%.

The year-end bloodletting at U.S. Steel—a $1.2 billion pre-tax charge for the closing of 23 finishing and fabricating mills—has at least helped to bring a note of realism into the executive suite. That write-off, of course, comes on top of a $930 million charge by Bethlehem Steel at the end of 1982, and of Big Steel's previous $809 million capacity cut-back at the end of 1979—which clearly didn't go deep enough. But to old-line company men (and United Steelworkers Union officials), who have resisted every plant closing, lobbying the government to seek to stave off the need for cuts always seems like money well spent. Especially when the short-term price is paid not by the steel companies themselves, but by U.S. consumers forced to buy higher-cost, lower-quality steel (and autos, and refrigerators, and a great many other things), as well as by American workers in agribusiness, petrochemicals and other industries targeted for retaliation by angry foreign governments.

The Reagan Administration, under pressure from political allies in Congress, has already backed away from its commitments for free markets and free trade by imposing steeper tariffs and import quotas on everything from Chinese textiles to Japanese cars and motorcycles to European specialty steels. In January, Bethlehem Steel went far beyond existing quota arrangements by filing a complaint with the U.S. International Trade Commission demanding that all carbon steel imports be limited to 15% of the domestic market for the next five years.

The demand was made not under section 301 of the 1974 Trade Act, which provides for countervailing duties if there is proof that foreign producers have engaged in illegal trade practices, but under section 201, which invites the Chief Executive to take protectionist action whenever imports are found to be hurting U.S. companies, even if no law is broken in the process. The attack on lower-cost foreign steelmakers is aimed at compelling the ITC, which has just six months to make a recommendation on the complaint, to dump the issue in the President's lap by the end of July, thereby forcing him to make a decision by the end of September, just as the election campaign gets into full swing.

All of which has the makings of both a domestic political squabble and another international trade row—especially as the politicization of steel is far more advanced in Europe than here. In France, the announcement of up to 25,000 job losses over the next four years at state-controlled steelworks has triggered rioting throughout Lorraine. Outraged steelworkers have blocked roads and rail lines, thrown rocks and bottles of acid at riot police, sacked local Socialist party offices, and are threatening a march on Paris. By the same token, Italy is currently at war with the Common Market steel cartel over production quotas. State-owned British Steel, subsidies to which fail to compensate for the excess capacity it must keep open, the restrictive union work rules it must accept, and the high-cost British coal it must buy, is suffering further damage from a strike by miners trying to block the closing of money-losing, state-owned coal pits.

Pleas for across-the-board restrictions on imports also strike a jarring note in view of the fact that the industry itself is becoming an importer of lower-cost unfinished steel slabs from countries like Brazil, South Korea and Taiwan. These slabs can then be finished and fabricated in American mills to the specifications of local customers—an international division of labor which could make a lot of sense for everyone.

But attempts to halt the decline of the old-line U.S. steelmakers through political pressure suffer from an even greater defect: half of the industry's competition is already inside the gates. The domestic steel industry today is in fact two industries: the big integrated producers, which turn iron ore into raw steel and then into finished sheets and bars, and the tiny, non-union "minimills," which use electric furnaces to melt down steel scrap from junkyards, get rid of the impurities, and then use it to turn out a relatively narrow range of low-cost, high-profit-margin products.

Unburdened by the enormous capital and energy costs that blast furnaces involve, the mini-mills have been able to undercut dramatically the majors' prices on rod, wire and bar lines. Though relatively small companies like Florida Steel and Nucor cannot produce flat-rolled sheet for GM and GE, or massive I-beams for construction projects, they nonetheless have succeeded in capturing 20% of the domestic steel market—matching the share taken by foreign steelmakers. They were, moreover, the first U.S. steelmakers to install modern continuous casters. And the quickness of their footwork in the marketplace stands in stark contrast to the interminable delays of giants like Big Steel—at which the latest flood of red ink largely reflects the closing of a host of mills which the minis years ago had rendered hopelessly uncompetitive.

The spectacular growth of the mini-mills plainly undercuts the integrated producers' claim that steel is an industry in crisis and in need of a kind of subsidy. The majors may have lost $6 billion over the last two years; the minis are still making hefty profits. But their success in closing many of the big steelmakers' rolling mills has also earned them the political enmity of the United Steelworkers Union. Though whopping productivity bonuses may boost the total compensation of the mini-mills' non-union workforces above USW levels, base wages and fringes average roughly half union rates—and the restrictive union work rules that hamper productivity gains at the integrated producers simply don't exist.

The management approach of mini-mills like Nucor is one of minimal white-collar bureaucracy, few management perquisites, and salary levels sharply below Pittsburgh's well-padded standard. That may not appeal much to the executives who are trooping down to Washington to demand what amount to government bailouts for the firms they have mismanaged—any more than the minis' blue-collar wage scales and strict productivity standards appeal to the shell-shocked remains of the once-mighty USW. (The union, which has seen its active membership cut in half over the past 10 years, and is still embroiled in the disastrous Phelps Dodge copper strike, has just survived a bruising election campaign in which acting president Lynn Williams, a Canadian, won out over a rival who urged steelworkers to vote American as well as buy American.)

But with new mini-mills springing up literally within the walls of frostbelt plants abandoned by the big steelmakers, it is clear that the pleas of the old guard don't reflect what is really going on in the industry. This country has a healthy, dynamic steel industry—it just isn't the one screaming for political protection. Pittsburgh and Chicago, please copy.

[From the Los Angeles Times, April 22, 1984]

UNITED STATES SHOULD LOOK WITHIN, NOT ABROAD, FOR CAUSE OF ITS STEEL INDUSTRY ILLS

(By Murray L. Weidenbaum)

The rapid rise of imports into the United States has led to pleas for restrictions on international trade to "protect" American industry. Such moves are misguided from the viewpoint of American business as well as consumers.

First of all, the companies and unions that are urging the government to intervene have not faced up to their own shortcomings. Higher absenteeism and labor turnover among U.S. auto workers, for example, are not the fault of the Japanese, who have adopted our Puritan work ethic with a vengeance.

From 1950 to 1980, the steel industry's wages and fringe benefits rose far more rapidly than those of other manufacturing industries or those of Western European competitors. The resultant high cost of American production was bound to adversely affect competitiveness. To restrict foreign competition only shifts the burden to American consumers of steel, including the hard-pressed auto industry.

The steel industry complains, quite properly, about subsidies granted by foreign governments to their steel producers. Yet our industry does not support the preferred remedy that the law provides—a special tariff on foreign steel to offset the foreign subsidy. Instead, steelmakers use the subsidy issue to advocate import quotas. Apparently, the industry is more interested in avoiding competition than in combating subsidies.

Since 1980, the labor cost gap between steel and other U.S. manufacturing industries has been narrowing. That is to say, the adjustment process is properly at work and "protectionism" would only delay it. Perhaps as the U.S. steel industry controls its operating costs more effectively, it will reconsider its historically low commitment to new technology.

When we rank industries by their ratios of research and development to sales (a rough measure of technological orientation), steel is near the bottom.

Another reason why so many U.S. companies have lost market shares to foreign producers in the last three years is the run-up in the value of the dollar in relation to foreign currencies. For every company competing against foreign producers, whether at home or abroad, the strengthening of the dollar means that foreign goods are becoming cheaper than American products. For specific American producers, these esoteric exchange rate movements have generated the equivalent of a 20% to 40% price increase in relation to goods produced overseas.

Who or what is to blame? There are many factors, some that we really cannot or should not do much about. For instance, many foreign investors send their money to the United States because this country is considered to be a safe haven. But another reason for the super-strong dollar is our own doing—those large budget deficits that are pushing up interest rates. That $200-billion-a-year tide of red ink has a distinct made-in-Washington label. It cannot be blamed on foreigners.

There is an even more basic reason to oppose protectionist moves, however. The United States is the world's largest exporter. When we impose trade restraints, we set ourselves up for retaliation. When the federal government recently established limits on textile imports from China, that country quickly responded by canceling contracts for U.S. cotton, soybeans and synthetic fibers.

The European Common Market is trying to "compensate" for the quotas we imposed last July against European specialty steels by putting tight limits on imports of U.S. chemicals, plastics, skis, rifles and burglar alarms.

It would also help to clear the air if we acknowledged that the United States does not have clean hands. It is not shy in erecting its own trade obstacles, such as "Buy American" statutes. All state cars in New Jersey, for example, must be produced domestically.

Foreign ships are prohibited by law from engaging in commerce between American ports. Our agricultural laws authorize import restraints on sugar, beef, dairy products and mandarin oranges.

If we are truly concerned about the U.S. trade deficit, we should also focus on self-inflicted wounds, the many barriers our government erects to our own exports.

For example, the Trans-Alaska Pipeline Authorization Act prohibits the export of oil from North Slope fields. A rider to an appropriations act for the Interior Department bans timber exports from federal land west of the 100th meridian. When trade barriers get that specific, you can detect the rich aroma of special interests of plain, old misguided chauvinism.

How should we respond to continuing pressures for protection? First, we should realize that a healthy economy nips protectionist sentiment in the bud. Second, smaller budget deficits would alleviate pressures on interest rates and the dollar. Third, we should remove or at least curb the many restraints on our own exports. Fourth, we should avoid propping up industries with unjustifiably high cost levels.

Fifth, we should acknowledge the positive role of multinational companies. They are less likely to plead for protection than other companies and also are the private-sector alternative to foreign aid in promoting developing nations' economies.

Finally, we should focus on improving the productivity of our own industries. Labor and management in each company need to face the challenge of greater productivity and enhanced competitiveness. We should not look to Washington when the answer is to be found in company and union offices in Detroit, Chicago, St. Louis, Pittsburgh and Los Angeles.

[From the Wall Street Journal, Tuesday, June 26, 1984]

THE CASE FOR FREE TRADE STILL HASN'T BEEN MADE

(By Lindley H. Clark, Jr.)

Adam Smith, the Scottish philosopher who more or less invented economics more than 200 years ago, has often been attacked as an impractical visionary. Nothing could be further from the truth. Mr. Smith knew exactly what the world was like.

As much as he admired the virtues of free trade, for instance, he was realistic enough

to doubt that he would ever be able to completely convert all his fellow men. "To expect," he wrote, "that the freedom of trade should ever be entirely restored in Great Britain, is as absurd as to expect that an Oceana or Utopia should ever be established in it.

"Not only the prejudices of the public, but what is much more unconquerable, the private interests of many individuals, irresistibly oppose it."

Over the past two centuries, free trade has had its ups and downs. There was a time in the 19th century when the British seemed determined to prove Mr. Smith wrong, but other notions intervened.

Here in the U.S., there have been real gains, and tariffs are lower than they once were. But now, in 1984, with the economy in a roaring boom, protectionism is still alive and well. During the 1981-82 recession, the administration gave a lot of ground to protectionists by persuading other countries to limit or to continue limiting exports of such items as autos and textiles to the U.S. But there seemed to be reason to hope that such aberrant behavior reflected bad times, not ideology.

After all, the Reagan administration was chockablock with men who wore Adam Smith neckties and, more important, seemed to know what Mr. Smith really said.

But, amid the expansion, the administration has continued to negotiate limits on imports. A frequent administration comment is that if it didn't act, Congress would do something much worse. Sometime it would be interesting to find out whether Congress really is as silly as it's made out to be.

Well, now the administration has a chance—really, two chances—to show its true colors.

On June 12 the International Trade Commission ruled that U.S. steelmakers are being seriously injured by five major types of imported steel products. The best thing you can say about the ITC on this one is that they had to wrestle over the decision: It was a 3-2 vote and the steel companies and the steel union didn't get absolutely everything they wanted.

There had been reason to hope for better. A few days earlier the commission had turned down a similar plea from the shoe industry.

But things now went from bad to worse. A couple of days after the steel decision, the ITC ruled, 5-0, that U.S. copper producers are being seriously injured by imports and deserve protection.

What both the steel and copper companies would like is import quotas, low import quotas. The trouble with tariffs is that those tricky foreigners can become more efficient, cut their prices and maybe even sell more to the U.S. despite the higher tariffs. The ITC hasn't decided what to recommend to President Reagan, which is where the buck stops.

Mr. Reagan can, if he chooses, simply say no, which would be wonderful. But the pressures on him are considerable. The copper producers operate in the West, where there normally are a large number of Reagan voters. The steel companies and especially the steel union have a lot of friends in Congress, which conceivably could do by legislation anything that the president refused to do by fiat.

Adam Smith, who believed in calling a spade a spade, said that those who contrived to restrict entry to markets were monopolists. But recognition of that didn't seem to bring public opprobrium then, any more than it does now.

Quite the reverse. "The member of parliament who supports every proposal for strengthening this monopoly," Mr. Smith wrote, "is sure to acquire not only the reputation of understanding trade, but great popularity and influence with an order of men whose numbers and wealth render them of great importance.

"If he opposes them, on the contrary, and still more if he has authority enough to be able to thwart them, neither the most acknowledged probity, nor the highest rank, nor the greatest public services, can protect him from the most infamous abuse and detraction, from personal insults, nor sometimes from real danger, arising from the insolent outrage of furious and disappointed monopolists."

The aim of any monopolist is higher prices, and the steel and cooper companies aren't exceptions. The result would be that American consumers and businessmen would be paying a large subsidy to steel and copper companies. The advantage of this sort of subsidy, from the companies' standpoint, is that it's hard to measure. A straight cash payment would be better from the public's standpoint, since its size would be apparent.

What would the subsidy buy? One thing it would buy is more trouble with less developed countries, which are hoping through increased exports of such things as copper and steel to earn funds to service those debts to U.S. banks. There is no reason to be confident that the U.S. industries would become more efficient; with protection, there would be less need for any such action. The pleas for protection would be followed by fresh pleas later on.

Leland B. Yeager of the University of Virginia and David G. Tuerck of Suffolk University write of such matters in "Realism and Free-Trade Policy," an article in The Cato Journal, published by Washington's Cato Institute.

They argue that the purpose of trade, in international markets or at the corner grocery, is to get the best possible products at the lowest possible prices. There it is, in simple language. Economists can and do talk about division of labor and comparative advantage, and the concepts have meaning. But the ultimate question is, why should we do something expensively when we can do it cheaply?

If foreign countries choose to burden their economies by selling goods in the U.S. at uneconomic prices, why not let them? Let the seller beware.

Sure, free trade can lead to displacement of U.S. workers; change always does that, no matter what causes it. It would make more sense for government to subsidize retraining and placement of such workers instead of subsidizing the stagnation of domestic industries.

The idea that the government can construct a sensible program to save steel, copper, autos, textiles and other industries is ridiculous. Profs. Yeager and Tuerck put it this way:

"Can anyone seriously believe, in this day and age, that the governmental process as it operates in the United States and other democratic countries is capable of producing a coherent program of detailed interventions effectively oriented toward nationally sensible economic objectives?"

The ITC has until July 24 to submit its steel recommendation to President Reagan, who must act on it within 60 days. The commission will notify Mr. Reagan of its copper decision on July 9, and the president again has 60 days to act.

The best decision Mr. Reagan could make would be to do nothing at all. In that way he could show the sort of wisdom that would have surprised Adam Smith.●

THE 10TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

● Mr. RIEGLE. Mr. President, it is with great sadness that we mark the tragic event which, one decade ago, brought great suffering and hardship to the people of Cyprus. The invasion of 40,000 Turkish troops has left a wound which has still not been allowed to heal.

For 10 years, Cyprus has existed as a divided nation, its people living with the memory of that terrible day in 1974 when humanitarian and economic chaos was inflicted on them by the invading Turks. Along with the survivors of the invasion, we remember the 200,000 Greek Cypriots who were forced to flee from their homes as their property and belongings were confiscated.

Today, our hearts go out to those who must live as refugees in their own land—their ancestral homes lying out of reach behind the lines of the Turkish occupation army.

Today we grieve with them for the thousands of their country men and women who died, and for the thousands of others whose fate is still unknown.

The human tragedy of the past decade, which we commemorate today, is inextricably linked to the political questions to which no resolution has been found. The effort to achieve a just and lasting solution to the Cyprus dispute is just as elusive in 1984 as it was 10 years ago.

Negotiations to resolve the conflict through intercommunal talks between the Greek and Turkish Cypriots and efforts to trace the missing Cypriots have progressed slowly.

The refusal of Turkish Cypriots to comply with U.N. resolutions calling for the removal of all troops from Cyprus and their unwillingness to respond to allegations concerning the several thousand Greek Cypriots who disappeared during the occupation have impeded progress toward a negotiated settlement.

With the passage of time, we have seen the walls of partition grow higher, as the injustices inflicted on the Greek Cypriots by their Turkish neighbors increase.

Today, in blatant violation of international law, the Turkish Cypriot Government seeks to legitimize itself by officially declaring the Turkish Republic of Northern Cyprus as an independent state. The international community has forcefully condemned this move by refusing to recognize this illegal and provocative act.

The effect of this forced division of the island is to prevent the peaceful coexistence of Greek and Turkish Cypriots. The present environment breeds hatred, prejudice, and intolerance and makes more difficult the achievement of peace through trust and understanding.

The solution to the wrenching problems of a divided Cyprus will not be found in deeper divisions. A policy of partition is no solution for the troubles that beset the island and makes the prospect for a negotiated settlement even more elusive.

All too often, unjustified actions of this kind are accepted by the international community with the passage of time. As the world's attention becomes diverted by other events, the original misdeeds are forgotten and the injustice seems not quite so outrageous as it once did.

Our task is to ensure that, until a just political solution to this conflict is achieved, the world will not be permitted to forget.

The United States must generously exercise its powers of persuasiveness to convince Turkey that its aggressive policies will never bring it victory and that the price of continued unwillingness to negotiate a settlement will be high.

Along with other nations of the free world, the United States must intensify its efforts to bring a just and lasting solution to the violations of international justice which have been allowed to continue for too long. Pursuit of that goal not only pays tribute to those who died and those who continue to suffer from this decade of conflict, it also honors the principles of human rights, justice, and international law to which the United States has always been committed.

And so, today, let us pledge to work to ensure that next year the words of sympathy with the people of Cyprus which we express here today will be replaced with words of joy as we celebrate the restoration of unity and independence to the Republic of Cyprus.●

BALTIC FREEDOM

● Mr. PELL. Mr. President, last month, for the third consecutive year, the Congress passed legislation designating June 14 as "Baltic Freedom Day." Although the independence of the Baltic States was tragically and illegally ended by the Soviet Union during the Second World War, time has not diminished their desire for political autonomy nor the commitment of the United States to their noble cause. Today, on the 62d anniversary of our de jure recognition of the sovereign nations of Lithuania, Latvia, and Estonia, I want to reaffirm this commitment and honor the Baltic peoples' struggle for freedom.

In 1918, after more than a century of Russian rule and czarist oppression, the Baltic republics triumphantly declared their independence. Fortified by their rich and diverse cultural heritage, these young democratic nations withstood Bolshevik challenges to their sovereignty, negotiated nonaggression pacts with their neighbor to the east, and enjoyed full membership in the League of Nations. Their bright future was an inspiration to all emerging nations after the ravages of the First World War.

In the regional power struggle of the late 1930's, the Baltic States tried to maintain absolute neutrality. They became victims, however, of a secret protocol to the German-Soviet pact of 1939 under which they were relegated to the Soviet "sphere of influence." Once Moscow demanded that the three strategic countries sign mutual assistance treaties with the Soviet Union, their fate had been sealed. In rapid succession, Red Army troops were stationed on Baltic soil, the national governments were replaced with pro-Soviet regimes, and the new "parliaments," in flagrant violation of the Baltic constitutions and against the will of the Baltic peoples, voted for incorporation into the Soviet Union by a mere show of hands. Because of the Soviet Union's disrespect for the principle of national self-determination, Lithuania, Latvia, and Estonia became the only members of the League of Nations unable to join the United Nations. To this day, the United States has consistently refused to recognize the Soviet Union's unlawful annexation of the Baltic States.

Since 1940, the Soviet Union has pursued a policy of russification designed to eliminate independent religious, political and cultural activities in the Baltic States. While the Stalinist practice of mass deportations and arbitrary murder has ended, the repression continues. In Lithuania, where Catholicism is deeply rooted, worshippers have been intimidated and harassed, and Catholic priests have been detained, brought to trial and convicted on charges of "anti-Soviet agitation and propaganda." The Lithuanian Helsinki Monitoring Group, another target of the Government's campaign, has been severely shattered by the imprisonment and involuntary exile of some of its members. In Latvia and Estonia, in addition to individual cases of human rights violations, evidence of cultural repression is starkly provided by demographic statistics; in both states, the proportion of native citizens continues to decline.

In spite of such formidable obstacles, the people of the Baltic States continue to strive to protect their national identities. As a member of the Commission on Security and Cooperation in Europe, I am heartened by their courage and vitality, but I am also deeply concerned about recurring violations of their human rights. The Soviet Union has pledged respect for these rights and as a party to the United Nations Charter and a signatory of the Helsinki accords, it has accepted political and legal obligations in these areas. We must take every opportunity to remind the Soviet Union of these obligations and, as we do today, continue to pledge our support for the Baltic peoples' historic struggle for freedom.●

A TRIBUTE TO GOV. MARIO CUOMO'S KEYNOTE ADDRESS

● Mr. MOYNIHAN. Mr. President, a week has passed since the close of the Democratic National Convention in San Francisco. Some of the events have already begun to recede from memory; others grow stronger. I expect one to linger longest: the keynote address delivered by Gov. Mario Cuomo of New York on July 16. It was, I believe, the greatest keynote of our age, an eloquent reminder of what we as a party—and as a nation—stand for. I do not expect to hear its equal.

Mr. President, I ask that the text of Governor Cuomo's address be printed in the RECORD.

The material follows:

TEXT OF GOVERNOR CUOMO'S KEYNOTE ADDRESS

On behalf of the Empire State and the family of New York, I thank you for the great privilege of being able to address this convention.

Please allow me to skip the stories and the poetry and the temptation to deal in nice but vague rhetoric.

Let me instead use this valuable opportunity to deal immediately with questions that should determine this election and that we all know are vital to the American people.

TALE OF TWO CITIES

Ten days ago, President Reagan admitted that although some people in this country seemed to be doing well nowadays, others were unhappy, even worried, about themselves, their families and their futures.

The president said that he didn't understand that fear. He said, "Why, this country is a shining city on a hill."

And the president is right. In many ways we are "a shining city on a hill."

But the hard truth is that not everyone is sharing in this city's splendor and glory.

A shining city is perhaps all the president sees from the portico of the White House and the veranda of his ranch, where everyone seems to be doing well.

But there's another city, another part of the city, the part where some people can't pay their mortgages and most young people can't afford one, where students can't afford the education they need and middle-class parents watch the dreams they hold for their children evaporate.

In this part of the city there are more poor than ever, more families in trouble, more and more people who need help but can't find it.

Even worse: There are elderly people who tremble in the basements of the houses there.

And there are people who sleep in the city streets, in the gutter, where the glitter doesn't show.

There are ghettos where thousands of young people, without a job or an education, give their lives away to drug dealers every day.

There is despair, Mr. President, in the faces that you don't see, in the places that you don't visit in your shining city.

In fact, you ought to know Mr. President, that this nation is more a "Tale of Two Cities" than it is just a "Shining City on a Hill."

Maybe, maybe, Mr. President, if you visited more places.

Maybe if you went to Appalachia where some people still live in sheds, maybe if you went to Lackawanna where thousands of unemployed steel workers wonder why we subsidized foreign steel.

Maybe, maybe, Mr. President, if you stopped into a shelter in Chicago and talked with some of the homeless there; maybe, Mr. President, if you asked a woman who'd been denied the help she needs to feed her children because you said we needed the money for a tax break to a millionaire or to build a missile we can't even afford to use—maybe then you'd understand.

Maybe, maybe, Mr. President.

But I'm afraid not.

Because, the truth is, ladies and gentlemen, that this is how we were warned it would be.

President Reagan told us from the beginning that he believed in a kind of social Darwinism. Survival of the fittest. "Government can't do everything," we were told. "So it should settle for taking care of the strong and hope that economic ambition and charity will do the rest. Make the rich richer and what falls from their table will be enough for the middle class and those who are trying desperately to work their way into the middle class."

You know, the Republicans called it trickle-down when Hoover tried it. Now they call it supply side. But, it's the same shining city for those relative few who are lucky enough to live in its good neighborhoods.

But for the people who are excluded—for the people who are locked out—all they can do is to stare from a distance at that city's glimmering towers.

It's an old story. It's as old as our history.

DEMOCRATS AND REPUBLICANS

The difference between Democrats and Republicans has always been measured in courage and confidence. The Republicans believe that the wagon train will not make it to the frontier unless some of the old, some of the young and some of the weak are left behind by the side of the trail.

The strong, the strong they tell us will inherit the land!

We Democrats believe that we can make it all the way with the whole family intact.

And, we have more than once.

Ever since Franklin Roosevelt lifted himself from his wheelchair to lift this nation from its knees. Wagon train after wagon train. To new frontiers of education, housing, peace. The whole family aboard. Constantly reaching out to extend and enlarge that family. Lifting them up into the wagon on the way. Blacks and Hispanics, and people of every ethnic group, and native Americans—all those struggling to build their families and claim some small share of America.

For nearly 50 years we carried them all to new levels of comfort, security, dignity, even affluence.

And remember this, some of us are in this room today only because this nation had that kind of confidence.

And it would be wrong to forget that.

CLAIMING THE FUTURE

So, here we are at this convention to remind ourselves where we come from and to claim the future for ourselves and for our children.

Today our great Democratic Party, which has saved this nation from depression, from fascism, from racism, from corruption, is called upon to do it again—this time to save the nation from confusion and division, from the threat of eventual fiscal disaster and most of all from the fear of a nuclear holocaust.

That's not going to be easy. Mo Udall is exactly right, it's not going to be easy.

In order to succeed, we must answer our opponent's polished and appealing rhetoric with a more telling reasonableness and rationality.

We must win this case on the merits.

We must get the American public to look past the glitter, beyond the showmanship—to reality, to the hard substance of things. And we will do that not so much with speeches that sound good as with speeches that are good and sound.

Not so much with speeches that will bring people to their feet as with speeches that bring people to their senses.

We must make the American people hear our "Tale of Two Cities."

We must convince them that we don't have to settle for two cities, that we can have one city, indivisible, shining for all of its people.

Now we will have no chance to do that if what comes out of this convention is a babel of arguing voices. If that's what's heard throughout the campaign—dissident voices from all sides—we will have no chance to tell our message.

To succeed we will have to surrender small parts of our individual interest, to build a platform we can *all* stand on, at once, comfortably—proudly singing out the truth for the nation to hear, in chorus, its logic so clear and commanding that no slick commercial, no amount of geniality, no martial music will be able to muffle the sound of the truth.

UNITING THE PARTY AND THE NATION

We Democrats must unite.

We Democrats must unite so that the entire nation can unite because surely the Republicans won't bring this country together. Their policies divide the nation—into the lucky and the left-out, into the royalty and the rabble.

The Republicans are willing to treat that division as victory. They would cut this nation in half, into those temporarily better off and those worse off than before, and they would call that division recovery.

Now we should not be embarrassed, we should not be embarrassed or dismayed or chagrined if the process of unifying is difficult, even wrenching at times.

Remember that, unlike any other party, we embrace men and women of every color, every creed, every orientation, every economic class. In our family are gathered everyone from the abject poor of Essex County in New York, to the enlightened affluent of the gold coasts at both ends of our nation. And in between is the heart of our constituency. The middle class—the people not rich enough to be worry-free but not poor enough to be on welfare. The middle class, those who work for a living because they have to. White collar and blue collar. Young professionals. Men and women in small business desperate for the capital and contracts they need to prove their worth.

We speak for the minorities who have not yet entered the main stream.

We speak for ethnics who want to add their culture to the magnificent mosaic that is America.

We speak for women who are indignant that we refuse to etch into our governmental commandments the simple rule "thou shalt not sin against equality," a rule so simple—

I was going to say, and I perhaps dare not but I will, it's a commandment so simple it can be spelled in three letters—E.R.A.!

We speak for young people demanding an education and a future.

We speak for senior citizens who are terrorized by the idea that their only security—their Social Security—is being threatened.

We speak for millions of reasoning people fighting to preserve our environment from greed and from stupidity. And we speak for reasonable people who are fighting to preserve our very existence from a macho intransigence that refuses to make intelligent attempts to discuss the possibility of nuclear holocaust with our enemy. They refuse. They refuse, because they believe we can pile missiles so high that they will pierce the clouds and the sight of them will frighten our enemies into submission.

Now we're proud of this diversity as Democrats. We're grateful for it. We don't have to manufacture it the way the Republicans will next month in Dallas, by propping up mannequin delegates on the convention floor.

But while we're proud of this diversity as Democrats, we pay a price for it.

The different people that we represent have different points of view. And sometimes they compete and even debate, and even argue. That's what our primaries were all about.

But now the primaries are over and it is time when we pick our candidates and our platform here to lock arms and move into this campaign together.

If you need any more inspiration to put some small part of your own differences aside to create this concensus, all you need to do is to reflect on what the Republican policy of divide and cajole has done to this land since 1980.

REAGAN'S PROMISES

Now the president has asked us to judge him on whether or not he's fulfilled the promise he made four years ago. I believe that as Democrats, we ought to accept that challenge. And, just for a moment let us consider what he has said and what he's done.

Inflation is down since 1980. But not because of the supply-side miracle promised to us by the president. Inflation was reduced the old-fashioned way, with a recession, the worst since 1932. We could have brought inflation down that way. How did he do it? Fifty-five thousand bankruptcies. Two years of massive unemployment. Two hundred thousand farmers and ranchers forced off the land. More homeless than at any time since the Great Depression in 1932. More hungry, in this nation of enormous affluence, the United States of America, more hungry. More poor—most of them women—

and he paid one more thing, a nearly $200 billion deficit threatening our future.

Now we must make the American people understand this deficit because they don't.

The president's deficit is a direct and dramatic repudiation of his promise to balance our budget by 1983.

How large is it? The deficit is the largest in the history of this universe; President Carter's last budget had a deficit of less than one-third of this deficit.

It is a deficit that, according to the president's own fiscal adviser, may grow as high as $300 billion a year for "as far as the eye can see."

And, ladies and gentlemen, it is a debt so large that as much as one-half of our revenue from the income tax goes just to pay the interest.

It is a mortgage on our children's future that can be paid only in pain and that could bring this nation to its knees.

Now don't take my word for it—I'm a Democrat.

Ask the Republican investment bankers on Wall Street what they think the changes of this recovery being permanent are.

You see, if they're not too embarrassed to tell you the truth, they'll say that they are appalled and frightened by the president's deficit. Ask them what they think of our economy, now that it has been driven by the distorted value of the dollar back to its colonial condition—now we're exporting agricultural products and importing manufactured ones.

Ask those Republican investment bankers what they expect the rate of interest to be a year from now. And ask them, if they dare tell you the truth you will hear from them, what they predict for the inflation rate a year from now, because of the deficit.

Now, how important is this question of the deficit.

Think about it practically: What chance would the Republican candidate have had in 1980 if he had told the American people that he intended to pay for his so-called economic recovery with bankruptcies, unemployment, more homeless, more hungry and the largest government debt known to humankind? Would American voters have signed the loan certificate for him on Election Day? Of course not! That was an election won under false pretenses. It was won with smoke and mirrors and illusions. And that's the kind of recovery we have now as well.

And what about foreign policy?

They said that they would make us and the whole world safer. They say they have.

By creating the largest defense budget in history, one that even they now admit is excessive. By escalating to a frenzy the nuclear arms race. By incendiary rhetoric. By refusing to discuss peace with our enemies. By the loss of 279 young Americans in Lebanon in pursuit of a plan and a policy that no one can find or describe.

We give money to Latin American governments that murder nuns, and then we lie about it.

We have been less then zealous in support of our only real friend, it seems to me, we have in the Middle East, the one democracy there, our flesh and blood ally, the state of Israel.

Our foreign policy drifts with no real direction, other than an hysterical commitment to an arms race that leads nowhere—if we're lucky. And if we're not, it could lead us into bankruptcy or war.

Of course we must have a strong defense!

Of course Democrats are for a strong defense. Of course Democrats believe that there are times when we must stand and fight. And we have. Thousands of us have paid for freedom with our lives. But always—when this country has been at its best—our purposes were clear.

Now they're not. Now our allies are as confused as our enemies.

Now we have no real commitment to our friends or to our ideals—not to human rights, not to the refuseniks, not to Sakharov, not to Bishop Tutu and the others struggling for freedom in South Africa.

We have in the last few years spent more than we can afford. We have pounded our chests and made bold speeches. But we lost 279 young Americans in Lebanon and we live behind sand bags in Washington.

How can anyone say that we are stronger, safer, or better?

That is the Republican record.

That its disastrous quality is not more fully understood by the American people I can only attribute to the president's amiability and the failure by some to separate the salesman from the product.

FOUR MORE YEARS OF REAGAN

And, now it's up to us. Now it's now up to you and me to make the case to America.

And to remind Americans that if they are not happy with all the president has done so far, they should consider how much worse it will be if he is left to his radical proclivities for another four years unrestrained. Unrestrained.

If July brings back Ann Gorsuch Burford—what can we expect of December?

Where would another four years take us?

Where would four years more take us?

How much larger will the deficit be?

How much deeper the cuts in programs for the struggling middle class and the poor to limit that deficit? How high will the interest rates be? How much more acid rain killing our forests and fouling our lakes?

And, ladies and gentlemen, the nation must think of this: What kind of Supreme Court will we have? We must ask ourselves what kind of court and country will be fashioned by the man who believes in having government mandate people's religion and morality?

The man who believes that trees pollute the environment, the man that believes that the laws against discrimination against people go too far. The man who threatens Social Security and Medicaid and help for the disabled.

How high will we pile the missiles?

How much deeper will the gulf be between us and our enemies?

And, ladies and gentlemen, will four years more make meaner the spirit of the American people?

This election will measure the record of the past four years. But more than that, it will answer the question of what kind of people we want to be.

DEMOCRATIC CREDO

We Democrats still have a dream. We still believe in this nation's future.

And this is our answer to the question, this is our credo:

We believe in only the government we need but we insist on all the government we need.

We believe in a government that is characterized by fairness and reasonableness, a reasonableness that goes beyond labels, that doesn't distort or promise things that we know we can't do.

We believe in a government strong enough to use the words "love" and "compassion" and smart enough to convert our noblest aspirations into practical realities.

We believe in encouraging the talented, but we believe that while survival of the fittest may be a good working description of the process of evolution, a government of humans should elevate itself to a higher order.

Our government should be able to rise to the level to where it can fill the gaps left by chance or a wisdom we don't fully understand.

We would rather have laws written by the patron of this great city, the man called the "world's most sincere Democrat"—St. Francis of Assissi—than laws written by Darwin.

We believe, we believe as Democrats, that a society as blessed as ours, the most affluent democracy in the world's history, one that can spend trillions on instruments of destruction, ought to be able to help the middle class in its struggle, ought to be able to find work for all who can do it, room at the table, shelter for the homeless, care for the elderly and infirm, and hope for the destitute.

And we proclaim as loudly as we can the utter insanity of nuclear proliferation and the need for a nuclear freeze, if only to affirm the simple truth that peace is better than war because life is better than death.

We believe in firm but fair law and order. We believe proudly in the union movement. We believe in privacy for people, openness by government, we believe in civil rights, and we believe in human rights.

We believe in a single fundamental idea that describes better than most textbooks and any speech that I could write what a proper government should be. The idea of family. Mutuality. The sharing of benefits and burdens for the good of all. Feeling one another's pain. Sharing one another's blessings. Reasonably, honestly, fairly—without respect to race, or sex, or geography or political affiliation.

We believe we must be the family of America, recognizing that at the heart of the matter we are bound one to another, that the problems of a retired school teacher in Duluth are our problems. That the future of the child in Buffalo is our future. That the struggle of a disabled man in Boston to survive, and live decently, is our struggle. That the hunger of a woman in Little Rock is our hunger. That the failure anywhere to provide what reasonably we might, to avoid pain, is our failure.

DEMOCRATIC FUTURE

Now for 50 years, for 50 years we Democrats created a better future for our children, using traditional Democratic principles as a fixed beacon, giving us direction and purpose, but constantly innovating, adapting to new realities; Roosevelt's alphabet programs; Truman's NATO and the GI Bill of Rights; Kennedy's intelligent tax incentives and the Alliance for Progress; Johnson's civil rights; Carter's human rights and the nearly miraculous Camp David Peace Accord.

Democrats did it, Democrats did it—and Democrats can do it again.

We can build a future that deals with our deficit.

Remember this, that 50 years of progress under our principles never cost us what the last four years of stagnation have. And, we can deal with the deficit intelligently, by shared sacrifice, with all parts of the nation's family contributing, building partnerships with the private sector, providing a sound defense without depriving ourselves of what we need to feed our children and care for our people.

We can have a future that provides for all the young of the present, by marrying common sense and compassion.

We know we can, because we did it for nearly 50 years before 1980.

And we can do it again. If we do not forget. If we do not forget that this entire nation has profited by these progressive principles. That they helped lift up generations to the middle class and higher: gave us a chance to work, to go to college, to raise a family, to own a house, to be secure in our old age and, before that, to reach heights that our own parents would not have dared dream of.

That struggle to live with dignity is the real story of the shining city. And it's a story, ladies and gentlemen, that I didn't read in a book, or learn in a classroom. I saw it, and lived it. Like many of you.

I watched a small man with thick calluses on both hands work 15 and 16 hours a day. I saw him once literally bleed from the bottoms of his feet, a man who came here uneducated, alone, unable to speak the language, who taught me all I needed to know about faith and hard work by the simple eloquence of his example. I learned about our kind of democracy from my father. And, I learned about our obligation to each other from him and from my mother. They asked only for a chance to work and to make the world better for their children and they asked to be protected in those moments when they would not be able to protect themselves. This nation and this nation's government did that for them.

And that they were able to build a family and live in dignity and see one of their children go from behind their little grocery store in South Jamaica on the other side of the tracks where he was born, to occupy the highest seat in the greatest state of the greatest nation in the only world we know, is an ineffably beautiful tribute to the democratic process.

And, ladies and gentlemen, on January 20, 1985, it will happen again. Only on a much, much grander scale. We will have a new president of the United States, a Democrat born not to the blood of kings but to the blood of pioneers and immigrants.

And we will have America's first woman vice president, the child of immigrants, and she, she, she will open with one magnificent stroke, a whole new frontier for the United States. Now, it will happen.

It will happen—if we make it happen; if you and I can make it happen.

And I ask you now—ladies and gentlemen, brothers and sisters—for the good of all of us—for the love of this great nation, for the family of America—for the love of God. Please, make this nation remember how futures are built.

Thank you and God bless you.●

INTERNATIONAL TRADE

● Mr. CHAFEE. Mr. President, at the London Economic Summit, leaders of the Allied Nations acknowledged that barriers to international trade are both damaging to the producers of exports and costly to consumers who are denied the right to buy these goods at world prices. One might expect, then, that support for protectionist policies would be a trend of the past.

Yet in recent years protectionist pressures have escalated. This election year has brought increasing stress on the international trading system.

The Reagan administration, facing an unprecedented trade deficit of more than $100 billion this election year, has found itself on the defensive, caught between mounting demands for protection and charges that its economic policies are causing a decline in American competitiveness.

One industry after another has asked for Government help against the flood of imports. They run the gamut—tuna fish, cut flowers, televisions, wine, steel, shoes, machine tools, and automobiles.

These demands for relief have come in the form of quota legislation before Congress and cases filed with the International Trade Commission. On the presumption that the ITC would find these industries to be injured by imports, some of the petitioners even timed their filing so that the President would have to decide on a remedy—tariffs or quotas—within weeks of the election. The President must decide on a remedy for the steel industry, for example, 5 weeks before the election.

Clearly the point is to put pressure on an incumbent President from some crucial industrial States. That pressure is probably no greater than the threat of retaliation being hinted by our trading partners. The import relief being sought here in one form or another is causing high anxiety in Europe, precisely because they fear election year jitters will mean new U.S. trade barriers.

The Common Market Foreign Ministers in a meeting last April predicted that protectionist measures under consideration in Washington could affect $4.7 billion worth of European community exports to the United States. They warned that our actions could lead to a dangerous increase in trade restrictions and to a rapid erosion of the open multilateral trading system on which world prosperity depends.

The pressure for protection is likely to intensify. It's tempting to try to protect our own special interests—and we've got lots of them. Special interests are also being pursued in Japan, in France, in Mexico, everywhere. Pretty soon we could end up with a global maze of restraints and restrictions that make us all worse off.

Let me recall a historical example which still has lessons for us today.

In 1930, a Republican Senate and House passed the Smoot-Hawley Tariff Act, the most restrictive trade law in our history. One of the officially stated purposes was to protect American labor from unemployment allegedly caused by imports of foreign goods.

The result was, however, a total disruption of the world trading system. Within months, retaliatory laws had been passed by virtually all of America's industrial trading partners; world trade plummeted by 60 percent in 2 years; a depression gave way to the Great Depression.

In recent years we have experienced a decline in our world trade position, in sharp contrast to the predominance we enjoyed in the postwar years. To stem this decline, many politicians are calling for strong protectionist measures. They insist that we get tough, just as Representative W.C. Hawley of Oregon insisted. Hawley, by the way, a 13-term Congressman, lost his bid for reelection in 1932 because of the economic damage done by his tariff act.

The lines have been clearly drawn. The Democratic Presidential nominee, former Vice President Mondale, supports the domestic content requirements that the Senate is due to consider this year. The bill, which has already passed the House and has the strong backing of the United Auto Workers, goes well beyond the protection for the automobile industry afforded by the Japanese quotas.

It would require companies selling more than 100,000 cars a year in this county to use specific percentages of American parts and labor.

The immediate effect would be a sharp reduction in Japanese cars available and an increase in automobile industry jobs. The net effect would be retaliation by foreign trading partners wiping out more jobs in other sectors, less choice for the automobile consumer, and higher prices charged for all cars on the market.

Mr. Mondale says this legislation will show the rest of the world we mean business. President Reagan has been a steadfast opponent of the bill, and would veto it if it should ever reach his desk.

Numerous other protectionist measures are being championed by labor and even by some Members of Congress in this election year, ignoring the kind of backlash effect this could have on our exports.

As the world continues its recovery, trade will increasingly provide a growing share of jobs for American workers and profits for American companies. But those jobs will not materialize if the world's major industrial nations begin erecting new trade barriers like steel quotas and domestic content legislation to stem the freer flow of goods and services throughout the world.

The growing importance of two-way, unfettered trade to our economy is often overlooked by Americans, but the facts speak for themselves. Consider the following:

The produce of one out of every three acres cultivated in the United States is shipped abroad, providing over 1 million U.S. jobs in the agricultural sector of our economy.

One out of every six American manufacturing jobs is dependent upon exports. More telling, between 1977 and the onset of the recession in 1981, four

out of every five new jobs in manufacturing in the United States were the result of American products destined for foreign markets.

In 1970, exports accounted for 4 percent of the U.S. gross national product; by 1980, that figure had doubled to 8 percent.

Despite this evidence, Congress and the administration are confronted with some tough political choices in the numerous proposals for import protection. These proposals have different constituencies; some are pushed by labor, some by industry. But, taken together, they constitute a neoprotectionist agenda with growing lists of adherents.

Ironically, the more vocal supporters of these neoprotectionist schemes have tended to be Democrats and representatives of labor. Both of these groups have long pointed with justifiable pride to their commitment to free and unfettered trade. Meanwhile, Republicans historically have tended to stand in opposition to free trade. Oddly enough, now the roles have been reversed.

In fact, remarkably little truly protectionist legislation has been enacted in the United States during President Reagan's term of office.

The pressure to give final approval to the neoprotectionist agenda will continue to mount. I think it is likely we will see an acceleration of the political polarization of trade. Each of the Democratic Presidential contenders embraced protectionism in varying degrees during the primaries and it is obvious that President Reagan is relishing doing battle on that issue.

Where does this leave us? First of all, those who support freer trade—especially Republicans—should not flinch from this pressure. We should welcome a wide-ranging debate over trade. This could be a golden opportunity to broaden the party's appeal and to win new votes from consumers, farmers and workers.

Why do I single out these three groups? First, protectionism is blatantly against the interests of the consumers. In virtually every case, import restrictions lead to both higher prices and a restricted selection of consumer goods. Second, the major portions of the farm community are well aware of the vulnerability of American agriculture to foreign retaliation if we begin erecting new trade barriers. With over 1 million U.S. jobs dependent upon exports of billions of dollars worth of agricultural commodities, farmers have been in the forefront of opposition to protectionist legislation like the automobile domestic content bill. These farmers will vote in a way that facilitates farm exports, not imperils them.

Third, protectionism will inevitably mean a net loss of American jobs which stem from trade, both imports and exports. For every job saved by protectionism, many others will be lost. Let the protectionists justify actions which destroy American jobs.

The world trading system has been under serious pressure since the global recession of 1981 and 1982. We certainly face serious problems in our trade relations with others. Our trading partners have trade barriers which are both unfair and frustrating to Americans. But we merely aggravate the problem by giving in to that frustration and using the opportunities of an election year to press for enactment of protectionist laws.

There is much that Congress can do positively to enhance the American share of world trade. We should focus on ways to help open foreign markets for U.S. goods as well as ways to assist the exporter's competitive position. This can be accomplished in ways that are consistent with our international trading obligations under GATT and which don't make consumers and workers worse off.

One such effort is the reciprocity bill, H.R. 3398—title III, S. 144—the International Trade and Investment Act. Enactment of this bill this year is vital to improve our ability to negotiate the removal of foreign trade barriers and restrictive practices, and to improve our export trade in services, high technology goods, and trade related investment. Full implementation of both its letter and its spirit can provide significantly improved access to foreign markets for U.S. goods and services.

Other pending legislation—like the reauthorization of the generalized system of preferences which would help us gain freer access to LDC markets, help developing countries earn dollars with which to buy U.S. products, and help us obtain protection of U.S. patents and copyrights—deserve our urgent attention, not the spate of protectionist bills which in my view signal the start of a dangerous trade war.

In this election year, however, we cannot afford to try to please everyone. We must choose the course which improves our world trading system while avoiding those protectionist measures which would dismantle it.

Congress can enact laws which help American firms to compete in world markets, without coddling those industries which refuse to modernize in the face of tremendous strides by their foreign competitors. I do not believe that our workers and industries must accept the use of unfair practices by foreign competitors in their efforts to penetrate U.S. markets.

But there are two ways to deal with foreign competition. One way is to keep it out. Another way is to do all we can to meet it and hopefully beat it.

Congress and this administration have so far chosen the second course—which is better for everyone, especially the consumer. If we are committed to a sustained economic recovery, we must hold fast to our commitment to free trade and not permit protectionism to stymie our efforts to improve the world trade situation for American exporters.●

TRIBUTE TO PETER HURD, NEW MEXICAN ARTIST

● Mr. DOMENICI. Mr. President, I rise today to praise the memory of Peter Hurd, the New Mexico artist who gained national recognition for his paintings of the Southwest. He died on July 9 after fighting alzheimer's disease for the last several years.

Born in Roswell, NM, on September 22, 1904, Peter Hurd attended the New Mexico Military Institute, and had completed 2 years at West Point before leaving there to pursue his study of painting. Hurd studied under the great illustrator and painter N.C. Wyeth, and then returned to his 3-square-mile ranch outside of Roswell, where he lived and worked for most of his life. "It just happens that this part of the planet is where I feel closest to life," he once said of New Mexico.

Following a successful showing of his work in 1937, Peter Hurd's reputation began to grow, and during the Second World War, he was a correspondent for Life magazine. Among his critically acclaimed works during this period were a series he did of American bomber pilots.

Peter Hurd's depictions of the Southwest are what made him famous, and the stark eloquence of his paintings have assured him a place in the memory and culture of the United States. Looking at his portrayals of the hills around his ranch, the field hands he knew, the windmills and ranchhouses he loved, one is reminded of Picasso's assertion that painting is a form of magic which serves as a mediator between this strange and beautiful world and we humans who inhabit it. I am proud to pay tribute to this great artist and New Mexican, Peter Hurd.●

S. 757, THE RESOURCE CONSERVATION AND RECOVERY ACT AMENDMENT NO. 3416

● Mr. DENTON. Mr. President, yesterday, the Senate took up consideration of S. 757, the Resource Conservation and Recovery Act. One of the amendments that was offered by Senator HEFLIN and cosponsored by myself, addresses a very serious problem in my State—the disposal of hazardous waste at the largest hazardous waste site in the world, at Emelle, AL.

This amendment was written with the intent of assuring Alabamians of the maximum protection allowed

under the law, from the risks of exposure to hazardous waste.

The amendment would require, that two or more liners and a leachate collection system above and between such liners be installed at the 2,300-acre Emelle site in Alabama.

This amendment will help clarify the purpose and intent of an amendment offered by Senator SIMPSON of Wyoming. His amendment offered during committee hearings waives the double liner requirement, if sites are determined to have an area of clay, or other impermeable strata that would prevent the migration of waste.

My good colleague, Senator SIMPSON, offered this amendment to establish a philosophical guideline and to emphasize performance standards by encouraging companies to look closely at their siting plans to determine the best area for preventing the migration of waste.

Senator SIMPSON offered this amendment with the best of intentions. He feels, as I do, that the real answer to our hazardous waste problem lies in creating laws that minimize large amounts of concentrated industrial hazardous waste.

Section 6 of S. 757 dealing with the double liner waiver has been of great concern to Alabamians for some time.

Senator HEFLIN and I along with our constituents want Senator SIMPSON to know how very much we appreciate his efforts to clarify the intent of his amendment to S. 757. I would like to include a letter Senator SIMPSON sent to the newspapers in Alabama, at my request, explaining why he offered the double liner waiver.

As many know, the Emelle site operation is under investigation by State officials. It is for these reasons that I have refrained until now from making public statements regarding Emelle.

The safe disposal of hazardous waste is a serious national issue, not just in our State but throughout the Nation. Alabamians appreciate the spirit in which this Congress has worked to help assure they receive the maximum protection against hazardous waste allowed under the law.

The letter follows:

AMENDMENT PURPOSE CLARIFIED

Recently it has been widely alleged and circulated in Alabama that I have proposed an amendment to the Solid Waste Disposal Act specifically for the sole purpose of exempting a hazardous waste disposal facility at Emelle, Ala., from requirements which would apply to all other facilities that contain hazardous waste. What drivel. That is not what my amendment was ever intended to do and it is not what my amendment would do.

These are the facts of the matter: Last summer a bill to amend the Solid Waste Disposal Act came before the Senate Committee on Environment and Public Works, on which I serve. It contained a provision requiring that all new or expanded hazardous waste disposal facilities, wherever they are found, must install and use a "double liner" with a leachate collection system between the liners. I have long been opposed to Congress mandating the use of any specific technology for the control of pollution. In my view the law should establish, or direct the EPA to establish a tough general performance standard that would protect human health and the environment, and then allow the individual facilities throughout the United States the flexibility to achieve those standards in any way that they could—as long as their method is equally effective in protecting the public health and the environment.

Accordingly, I then proposed an amendment which would allow a facility to use an alternate system for the containment of hazardous waste, other than a double liner system, if that facility could then demonstrate to EPA that the alternate system is at least as effective as the double liner system. There is nothing magic about a double liner requirement since all liners will leak. The regulations are meant to minimize leakage.

I do not know if the Waste Management Inc. facility at Emelle, or any other facility in the United States for that matter, will be able to make the demonstration that is required by my amendment when the amendment becomes law—but let me clearly inform the people of Alabama that the amendment was not conceived with Emelle or any other specific site in the United States in mind, and neither I nor my staff had any meetings with representatives of Waste Management Inc., or any discussions with them regarding the Emelle site prior to the adoption of the amendment.

I have no desire to make any state the waste dump of America. I know full well the problems associated with hazardous waste contamination because my own state has several Superfund waste sites that are in the process of being cleaned up.

The public health and environment will continue to be protected through new and more specific regulations when these amendments become law. In addition, there is another provision in the Senate bill that would require ground water monitoring around waste sites in order to provide early detection if any leakage threatens to contaminate a public water supply. This factor has been wholly ignored in accounts of my alternate technology amendment.

Should the amendment in question become law and the Emelle facility be allowed to use a different containment system it would only be evidence that they then have demonstrated that such an alternate system will provide as much or more protection to the people and the environment of Alabama as will a double liner system.

It is tough as hell to determine just how to safely handle and dispose of hazardous waste—and Congress is not aided in its task by some who enjoy "juicing up the troops" with emotional babble.

Perhaps it would be well for us all—congresspersons, "the observers," the participants, the media and the public we serve to consider again the words of Edmund Burke. They have a ring. "Those who would carry the great public schemes must be proof against the most fatiguing delays, the most mortifying disappointments, the most shocking insults and worst of all—the presumptuous judgment of the ignorant beyond their design."●

CONDEMNATION OF SOVIET TREATMENT OF DR. ANDREI SAKHAROV

● Mr. D'AMATO. Mr. President, as a member of the Commission on Security and Cooperation in Europe, I have closely followed the plight of Andrei Sakharov and his wife Yelena Bonner. Since January 1980, the couple has been living in exile in the city of Gorky, prisoners in their own country. Soviet treatment of the Sakharovs has been nothing short of criminal.

Their case underscores the Kremlin's complete disregard for basic human rights and civil liberties. As a result of Sakharov's human rights activities including his leadership in the Moscow Helsinki Monitoring Group, he and his wife have been singled out for particularly harsh reprisals by the Soviet secret police.

Shortly after their exile began, the Sakharovs' children were forced to leave the U.S.S.R. The decision to break up the family was clearly made at the highest levels of the Soviet Government. This action epitomizes the cruel nature of the Soviet regime. Earlier this year, Sakharov requested permission for his wife to travel to the West for medical treatment. Despite his membership in the Soviet Academy, Sakharov and Bonner have been denied access to medical facilties readily available to other academy members. At the same time, the Soviets have refused to allow Yelena Bonner to obtain treatment outside of the U.S.S.R.

On May 2, Sakharov began a hunger strike. To protest Soviet actions directed against he and his wife; 4 days later, the Sakharovs disappeared. No one has seen them since. In addition, the Soviet newspaper Izestia has carried a number of articles accusing Bonner of trying to flee to the West and threatened to bring up criminal charges against her for "Anti-Soviet slander" and treason.

Because of my grave concern over this matter, I recently requested permission to visit the Soviet Union in order to raise the issue of Soviet treatment of Andrei Sakharov and Yelena Bonner with representatives of the Soviet Government. The Soviet response to my request was typical—complete silence. I was not granted the visa necessary to enter that closed country.

It is time we open our eyes and confront the realities of the Soviet regime. The men behind the Kremlin walls did not get there by the ballot box. They have resorted, and continue to resort, to ruthless practices in order to gain power and keep it. Through the KGB and the estimated 1.2 million informants who work for the secret police, the Soviet leadership has been able to maintain a stranglehold over the Soviet people. Meanwhile, a so-

phisticated apparatus for agitation and propaganda has been developed by the Soviets. Regrettably, many have been sucked in by Soviet agitprop and disinformation. The time has come to expose the Soviets for what they really are.

Former U.S. Ambassador to the United Nations Adlai Stevenson once confronted the Soviet delegate to the U.N., threatening that "unless the Soviet Union stops telling lies about the United States, we will start telling the truth about the Soviet Union." We must follow through with this threat.

We cannot, and must not, allow the Soviets to continue their reign of terror without raising our voices in condemnation. We must speak out on behalf of those who have been silenced by the Soviets. I intend on continuing to press until the truth is obtained with respect to the welfare and whereabouts of Andrei Sakharov and Yelena Bonner.

It is for these reasons that I cosponsored the recently passed resolution on behalf of the Sakharovs. But this is not enough, we must do more.●

POW/MIA AWARENESS DAY

● Mr. DOLE. Mr. President, 1 week ago today, America marked POW-MIA Awareness Day, a special remembrance of the courage of our missing fighting men and the special dedication of their families.

Mr. President, Hugh Taylor, editor of Kansas' Neodesha Post-Dispatch, is one American for whom July 20 held special meaning. This Senator read with great interest Mr. Taylor's eloquent and heartfelt editorial of July 19, and requests that the article be printed in the RECORD.

The article follows:

NOTES IN THE MARGIN: FOR THE 2,500—FLY YOUR FLAG, BUT, PLEASE, NO COMMERCIALISM

Please excuse me if I ventilate a bit.

Call it a slight case of post-Vietnam Stress Syndrome, or whatever, but I become absolutely furious when I hear of an organization, individual, company, or a newspaper, attempting to profit from the misery of those who have suffered so greatly from the conflict in Southeast Asia.

To me, this is absolutely ghoulish!

I feel strongly that there is something immoral about attempting to turn a profit on something of such deep concern to so many people.

This newspaper has tried to publicize the plight of the POWs, MIAs, and the families of those men, not for profit, but because it is something I, as the editor, strongly believe in.

I am appalled that any newspaper would stoop to trying to make money from the day dedicated to heightening the awareness of the American people on this issue, I cannot believe the gall and lack of sensitivity shown by such an effort.

Because we care, and refuse to make a profit from the misery of others, the Post-Dispatch has asked local individuals and merchants listed in our commemorative ad not to pay us, but to pledge a contribution to the National Forget-Me-Not Association, the group dedicated to increasing awareness on the POW-MIA issue and trying to get answers on the state and whereabouts of our people.

Included in the ad is the address of the Forget-Me-Not Association. If you would like to join this effort, please send your tax-free contribution to the Association and show them that you care.

Perhaps I should explain why I feel so strongly about this.

In Tuesday's Post-Dispatch, we carried a story which mentioned two Naval aviators who were downed in Southeast Asia, known to have been captured, but never accounted for by either the government of the United States or the Vietnamese: Lieutenant Commander Bart Creed and Captain Harley Hall.

I knew both Bart and Harley personally, just as I knew several dozen others who were either held as prisoners of war or are still unaccounted for as missing in action.

From 1969 to 1970, I was Operations Officer of Attack Squadron 113, based at the U.S. Naval Air Station Lemoore, California. In 1970, I was transferred out of 113 as a Commander-selectee, and went to Attack Squadron 122 at Lemoore, the A-7E training squadron, as an instructor pilot.

One of the people who went into 113 when I and several others rotated out was Bart Creed. Later on, just before The Stingers, as 113 is called, went on cruise, a close friend of mine and my former Executive Officer in the squadron, Brent Streit, took over that command as skipper.

As Administrative Officer, then Operations, and finally Executive Officer of VA-122, I worked closely with 113 and the other squadrons at Lemoore, but because "Once a Stinger, Always a Stinger", I was especially attached to that group. I got to know Bart very well during that period.

When he was shot down over Laos, my wife and I were two of those who tried to help his wife, who lived near us on the air station, during those initial trying days.

Later, when the squadron returned from that fateful cruise, Brent and the others in 113 told me of the rescue attempts made by the Army helicopter pilots and covered by The Stingers when they tried to get Bart out.

He was definitely alive, though injured, and they saw him taken prisoner by either the Pathet Lao or the Vietnamese.

In the meantime, Harley Hall, whom I had known when he had the Blue Angels, the Navy's flight demonstration team, had gone through 112 to get checked out in the A-7E. I flew several hops with him and got to know him very well. He was not only a fantastic airplane driver, but a super individual.

I later learned from those who had been with Harley when he got smoked that he had been seen on the ground and was known to have been captured. At least two of the POWs released in 1973 told me personally that they had communicated with Harley at the "Hanoi Hilton", the POW compound in downtown Hanoi where our people were so dreadfully treated by the Vietnamese.

Of course, while at Lemoore during the period of 1968 to 1971, it was almost a daily occurrence to learn that someone from the base that I knew and had flown with had been shot down, killed, or taken prisoner. We had a very large community of MIA and POW wives and families right there on the air station and a braver, stronger, more upbeat group of people you have never met.

There were a few who cracked under the pressure, women and children who had breakdowns, and kids who developed emotional or drug problems because of the strain but, for the most part, they all held up very well.

One of the strongest was Marge Aldern, whose husband, Dean, an Air Wing Commander, was shot down and listed as missing in action during that time. Marge held her family of four boys together in a manner worthy of nothing but praise.

Her eldest, Tom, went on to the U.S. Naval Academy, is now a Lieutenant in the Navy, and, I'm proud to say, my son-in law.

So, if you have wondered why I have been pushing so hard on this POW-MIA Awareness Day, now you know, as Paul Harvey says, "The rest of the story".

I was personally involved and I get a little steamed now when I hear people decry our involvement in Southeast Asia or say that during that time their feelings were "not exactly pro-America."

Please help us get some answers. Fly your flag tomorrow, and put a red ribbon on the staff to show that those who have suffered, and might still be suffering, have not been forgotten.

Red ribbons may be obtained, free of charge, from the House of Flowers and Gifts. All you have to do is ask for them.

Then, I ask that you do one more thing. Write to our Congressional delegation and demand that something be done about this situation. We can get answers from the Vietnamese, but only if we put some pressure on them. This nation has the economic and diplomatic clout to make them come clean on the matter of MIAs, but we won't use it until there is enough pressure on Congress to cause them to act.

You don't have to share my indignation over attempts to commercialize National POW-MIA Awareness Day, especially from those who admit they did not back America's effort during the war in Southeast Asia, but I would ask that you think about what has been happening to those who fought there, were captured there, and are still missing there. If that riles you just a little, I will be satisfied.

"They are not forgotten."●

NEW AIRBAG TECHNOLOGY

● Mr. LAUTENBERG. Mr. President, Secretary of Transportation Elizabeth Dole recently announced the administration's decision to increase use of passive restraint systems in America's automobiles. This decision has received mixed reviews by a variety of parties. But the Secretary deserves our praise for moving this issue off dead center.

The feasibility and utility of airbags has been debated within the Federal Government, DOT and the Congress for a long time; perhaps too long. The arguments against airbags have focused, in part, on their cost. Secretary Dole has stated that airbags, when produced in quantity, can be purchased for $320, about half the cost of a radio in a new car. Nevertheless, cost continues to be cited as an obstacle to airbag installation by opponents.

Given this longstanding argument over cost, I was very pleased to note a

recent article in the Washington Post describing the Breed Corp.'s development of a mechanical airbag. This system could cut the cost of airbags by more than half. The Breed Corp., which is located in Lincoln Park, NJ, will employ the same sophisticated technology that is used in defense weaponry. While the systems to be developed require further testing, they offer great promise for simple and reliable production of auto safety equipment at affordable prices.

Mr. President, airbags can save upwards of 9,000 lives per year. It is my hope that Secretary Dole's decision will ultimately reduce death and crippling injury to American motorists due to the increased use of seatbelts and airbags.

I ask that the article on these developments from the July 22, 1984, edition of the Washington Post be printed in the RECORD for the information of my colleagues.

The article follows:

[From the Washington Post, July 22, 1984]

BREAKING THE COST BARRIER ON AIRBAGS

(By Nell Henderson)

While car manufacturers and consumer groups continue a 15-year-old debate over automobile air bags, a New Jersey company is working on a device that could change the arithmetic of the arguments by drastically reducing the price.

Consumer safety advocates contend that air bags could save 9,000 lives a year and prevent 65,000 crippling injuries over 10 years, but auto makers have argued that motorists just won't spend hundreds of dollars for them.

Mercedes-Benz of North America, the only company now selling air bags in the United States, offers its driver's-side air bag as an $880 option and has sold more than 1,000 air-bag-equipped cars since last fall. General Motors Corp. estimates that an air-bag system protecting both the driver and front-seat passenger would cost $1,100, based on production of 100,000 units. The Department of Transportation says a driver's-side bag could cost about $320, based on production of 1 million bags.

Breed Corp., by contrast, hopes to break through the cost barrier by offering a driver's-side air-bag system for $50 and a full front-seat system for about $150.

Breed, a small defense contractor based in Lincoln Park, N.J., has conceived of an inexpensive mechanical sensor located in the center of the steering wheel that would detect the moment of impact and cause the air bag to inflate in time to protect the motorist. Its cost advantage comes from its simplicity compared with the electrical sensor systems now used with air bags.

Breed envisions a device that motorists could buy at an auto parts store and pop into a cavity that auto manufacturers would leave in the center of the steering wheels of future models. Replacing it would be easier than changing a headlight, and, once installed, it would not be seen.

Most cars now on the road could be modified to use the system, say officials of the company, which has analyzed crash data for auto companies for 15 years.

The much-debated air bag prevents a motorist from crashing into the windshield, dashboard and steering wheel by inflating with nitrogen gas within milliseconds after a front-end impact. The 28-inch-wide circular bag inflates and deflates within two seconds, so fast that some crash victims have said they did not see or feel the bag until after the crash, when they found the deflated bag on their laps.

The traditional system used by GM, Ford Motor Co., and Mercedes-Benz relies on an electronic sensor wired to a device that generates the nitrogen gas that fills the bag. The circuits must be monitored by a diagnostic system, which makes sure they are working, and supported by a back-up electrical source.

Breed will provide electronic sensors for the air bags to be installed in 5,000 Ford Tempos purchased by the General Services Administration. The systems will include five sensors, one located behind each headlight, one on the front bumper and two on the wall separating the hood from the passenger compartment.

In these sensors, magnets hold a small metal ball in place until a crash occurs at at least 12 miles per hour. The momentum of the car frees the ball to fly forward onto two wires, thus completing the electrical circuit and firing the gas generator.

Mercedes uses a different sensor and places it on the transmission tunnel between the two front seats. The Mercedes sensoring system also provides two back-up electrical sources.

The sophisticated technology ensures that the system will work, and will work when it should—discerning between the changes in speed resulting from going over a pothole or curb and those caused by a serious crash.

Breed's mechanial sensor, located in the center of the steering wheel, acts like the trigger on a shotgun. A ball weight is held in place by a lever and a spring. The meomentum of the crash carries the ball forward, overcoming the spring and moving the lever to release a firing pin, which initiates the gas inflation.

Breed estimates that the sensor would cost $5 to produce in quantities of 1 million, the gas generator would cost $15, and the air bag, cover and mounting plate would cost $8.

The circuitry and back-up power systems required for electrical sensors would not be needed for the mechanical model.

The total manufacturing cost would be $28. Breed would sell the complete package (about 9.5 inches long, 5.5 inches wide and 2.5 inches deep, weighing 4.5 pounds) to the distributor or the car manufacturer for $32. The estimated final cost to the customer is about $50.

"It changes the [cost] equation rather dramatically," said Thomas C. McGrath Jr., Breed's vice president of business development.

The mechanical sensor also is simpler and, therefore, more reliable, said Allen K. Breed, chairman of the company, who predicted that the new mechanical device will replace the electrical sensor once testing is completed.

But a long road of testing lies ahead, and auto makers are in a hurry. The Department of Transportation recently announced that 10 percent of all 1987 cars must be equipped with automatic crash protection such as air bags or automatically closing seat belts, and that all new cars must have such protection by the 1990 model year.

Transportation Secretary Elizabeth Dole has said she would suspend the rule if states with two-thirds of the U.S. population pass laws mandating use of seat belts.

She also said the rule will encourage auto makers to use bags or develop "new technologies" by giving cars with such systems credit for 1.5 cars toward the quota, while giving a car with passive belts credit for one car.

Consumer groups have said the Dole rule will kill air bags, because car companies will opt for passive belts, which retail for about $60.

But Breed said the ruling will favor the bags. The car manufacturers "know people reject seat belts," he said. "We're getting urgent calls from all the auto makers. They're all cranking up air-bag programs."

Unfortunately, the Breed mechanical sensor is still in "the preliminary phase and needs proving out," said David S. Breed, the company's vice president.

The National Highway Traffic Safety Administration has awarded Breed a $587,970 contract to retrofit 100 state police cars with its new air-bag package. NHTSA is still "evaluating the concept" and has set no production schedule, spokesman Bob Boaz said.

The auto manufacturers say they have not decided how they will respond to the Dole decision, but they are looking at the mechanical sensor.

"It's promising enough that we're working with Breed on it," said Tom Terry, a GM automotive safety engineer. "But it's still really early in the game, too early to talk production. It's in the research phase."

GM is wary of air bags after offering them as a $225 to $315 option on its Cadillacs, Oldsmobiles and Buicks from 1974 to 1976. Although the air bags were priced below cost, the company sold only 10,000, after estimating sales of 300,000.

One auto maker, which plans to offer air bags on some of its 1987 models, questions whether the mechanical sensor would satisfy the DOT's requirement that an air-bag system have a "readiness indicator" to guarantee that the system is working.

Volvo, like Mercedes, emphasizes that the air bag is a supplement to a lap-and-shoulder belt.

Other auto makers question the merits of air bags, contending that they are effective only in front-end crashes, are no help in a roll-over, and must be worn with a lap belt anyway. But they also tend to agree that cost is a major issue.

"It's an expensive option," said Jerald R. terHorst, a Ford spokesman. "If you ask [buyers], 'Do you want a stereo or an air bag?' what do you expect them to say?"●

THE 1984 OLYMPIC GAMES IN LOS ANGELES, CA

● Mr. WILSON. Mr. President, this week the world has gathered in Los Angeles. Pooling its talents, sharpening its drive, it reminds us all of the universality of man's need to excel. Long before the bowl of fire is ignited inside Los Angeles Memorial Coliseum, the Olympic torch has cast its special light on a country rediscovering its own sense of purpose and pride. Long after the flame is extinguished, memories will remain to illuminate the games of the 23d Olympiad. So will the example of the athletes themselves, their striving and their struggles.

Already, the Los Angeles Olympic Organizing Committee [LAOOC] has set some records of its own. For these are the games of free enterprise, games for the public's enjoyment, paid for out of private funds. As such, they embody the competitive spirit off the field as well as on. Through its own aggressive program of marketing, the LAOOC has earned over $500 million, enough to meet its budget with room to spare. Come to think of it, Uncle Sam could learn a lot from Sam the Eagle. He might even discover ways to turn a deficit into a surplus.

For now, there is no shortfall of national enthusiasm as the international community of runners and swimmers, boxers and gymnasts, and equestrians and sailors convenes in the urban neighborhoods and wide-open spaces of southern California. Before they are gone, they will leave behind perhaps $3 billion in revenue, a substantial boost to a tourism industry already the State's largest.

But in the end, these games are about determination, not dollars. They are the strain on an athlete's face and the pull on his weary muscles—the hidden reserves of energy and character that vault one competitor ahead of another—the end product of a lifelong aspiration to run faster, jump further, soar higher, and be the best, however that exacting standard is defined.

Most of all, the games are a joyous reminder that what unites us is greater than our divisions, and that politics can be relegated to the sidelines, even on a global scale. It is a lesson we need to learn and relearn constantly. For now, let us be grateful that the athletes of Los Angeles have consented to be our teachers. I join with millions of other Americans in wishing them well, and welcoming them with all the warmth that California can supply.●

THE PAPERWORK REDUCTION ACT AMENDMENTS OF 1984

● Mr. PRYOR. Mr. President, I am pleased that the Government Affairs Committee today voted to report legislation to address one of the highest priority issues within the small business community—the need for reduction of Federal paperwork. For small business firms throughout the country, the burden of these federally imposed requirements is an often unbearable one. The perception among my own constituents marks these requirements as not burdensome, but unnecessary as well. The Governmental Affairs Committee's approval of the Paperwork Reduction Act of 1984 is an important congressional response to these concerns.

The Paperwork Reduction Act of 1980 offered several mechanisms to collect information needed by the Government in the most efficient manner possible. The Office of Information and Regulatory Affairs [OIRA], was established as a clearinghouse for all paperwork and recordkeeping requirements imposed on the public. The act also featured a public protection clause which was designed to assure the public that any information requested was in fact needed.

The 1980 legislation mandated a reduction by 25 percent of the paperwork required of small businesses regulated by or trying to do business with the Federal Government. Since its enactment, 477 million hours of annual paperwork burden on the American public have been eliminated saving individuals and businesses an estimated $10 billion to $20 billion. The 25 percent goal has been met and, in fact, exceeded. However, there are still small businesses who are deterred from seeking Federal contracts because of the amount of paperwork, and certain agencies have failed to fully respond to the directive to remove redtape.

The Paperwork Reduction Act Amendments of 1984, S. 2433, will build on the accomplishments of the 1980 measure by mandating an additional 25-percent reduction over the next 5 years. Other features include: First, clarification of the public protection clause outlined in the original bill; second, Presidential appointment and Senate confirmation of the head of the OIRA, which serves to focus the role of congressional oversight in relation to that agency; third, detailed reporting of the annual OIRA budget; and, fourth, the establishment of an up-to-date information technology fund, thereby acknowledging the importance of developing and mastering emerging forms of information technology.

I offer my strong support for the Paperwork Reduction Act Amendments of 1984, and urge swift consideration and action for this important measure.●

AGRICULTURAL CREDIT FAIRNESS

● Mr. PRYOR. Mr. President, I want to express my support for Senate Concurrent Resolution 130, introduced by the distinguished Senator from Nebraska [Mr. EXON], and urge my colleagues to review the resolution, and hopefully, sponsor it. I think it sends an excellent message, not only to the farmers of this Nation, but also to the administration, and officials who are involved in farm credit in this administration.

The resolution is fairly simple. It provides that the President, in cooperation with the Board of Governors of the Federal Reserve Board, should take steps to ensure the availability of agricultural credit to the agricultural producers in this country. It also provides that our producers be treated no less favorably than foreign borrowers. This whole matter, Mr. President, is simply one of equity.

Our farmers, ranchers, dairy producers, and poultry producers, along with businesses that are involved in the agricultural sector of our economy, have made us the envy of the world. Productivity gains in agriculture have been able to keep the balance of trade better than it would otherwise have been because agricultural products are about the only area in which we enjoy a trade surplus.

The problem, Mr. President, as virtually everybody knows, is that more and more people are leaving the rural areas, giving up farming. Farmers, ranchers, dairymen, and poultry producers can't stay in business if what they receive for their production is below the money it took to produce the commodity.

Therefore, we've got to take steps, particularly in the area of export financing and promotion, that will increase our sales abroad. Obviously, the overvalued dollar has hurt, and that's why deficits must be brought down. This would lower interest rates, and not only help our exports, but just as importantly, lower the cost of credit to the American agricultural producer. That's why I've supported a budget freeze, a freeze on Federal spending, for each of the last 2 years. Although it hasn't been successful, I continue to hope that next year, we'll be able to adopt the budget freeze.

Additionally, I was an original cosponsor of, and strongly supported, the proposed constitutional amendment requiring a balanced Federal budget. We have to balance the budget in the State of Arkansas—I did it when I was Governor—and I can't understand why we can't pass this budget reform that will put into place the one mechanism for balancing the budget on the Federal level.

Along with reducing the deficit, and increasing our exports, Mr. President, I think the steps set out in the concurrent resolution (S. Con. Res. 130) would be extremely helpful to our Nation's agricultural producers. People engaged in agriculture have been shown time and time again to be good credit risks. On the other hand, many foreign borrowers, particularly countries in Latin America, have been extremely poor credit risks. However, those foreign nations have received additional loans, and when interest payments were due, but couldn't be paid, a deferral period was arranged, and they were given additional time to pay.

It seems to me, Mr. President, that the agricultural producers in this country should receive comparable treatment. They should come first. They are the ones who've been experiencing a real credit crisis. Although

the Latin American credit problems are on the front pages of many large newspapers frequently, the day-to-day struggles of a farmer, poultry producer, dairy producer, or small business person engaged in some part of the agricultural economy, receive little attention. However, the availability of credit is critically important to our Nation's agricultural economy, and I would hope and expect that our producers should be given no less favorable treatment than some foreign country.

Mr. President, we should adopt this resolution, send a signal to the administration about the availability of agricultural credit, and more importantly, Mr. President, let the agricultural producers in this country know that the Federal Government will be responsive in the area of agricultural credit, as well as agricultural exports.●

ORDERS FOR FRIDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. STEVENS. Mr. President, there will be no further votes this evening. I ask unanimous consent that when the Senate recesses, it do so until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. STEVENS. Mr. President, after the time for the two leaders under the standing order, I ask unanimous consent that there be a special order for not to exceed 15 minutes for the Senator from Wisconsin [Mr. PROXMIRE].

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, following the special order, I ask unanimous consent that there be a period for the transaction of routine morning business during which statements may be made for not to exceed 5 minutes and the period not extend beyond 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2303.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2303) entitled "An Act to revise and extend the Alcohol and Drug Abuse and Mental Health Services block grant", do pass with the following amendments: Strike out all after the enacting clause and insert:

TITLE I—ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES

SEC. 101. This title may be cited as the "Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984".

SEC. 102. Section 1911 of the Public Health Service Act (42 U.S.C. 300x) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$532,000,000 for fiscal year 1985, $564,000,000 for fiscal year 1986, and $598,000,000 for fiscal year 1987".

SEC. 103. (a) Title XIX of the Public Health Service Act is amended by striking out section 1912 and inserting in lieu thereof the following:

"GRANTS

"SEC. 1912. (a) The Secretary may use not more than 1 percent of the amount appropriated under section 1911 for any fiscal year to make grants to public and nonprofit private entities for projects for the training and retraining of employees adversely affected by changes in the delivery of mental health services and for providing such employees assistance in securing employment.

"(b) No grant may be made by the Secretary under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain and be accompanied by such information, as the Secretary may specify. No such application may be approved unless it contains assurances that the applicant will use the funds provided only for the purposes specified in the approval application and will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the applicant under subsection (a).

"ALLOTMENTS

"SEC. 1913. (a)(1) If the amount available for allotment from appropriations under section 1911 for a fiscal year does not exceed $528,000,000, the Secretary shall allot such amount—

"(A) on the basis of a formula prescribed by the Secretary which is based equally—

"(i) on the population of each State, and

"(ii) the population of each State weighted by its relative per capita income, or

"(B) on the basis of the amount received by a State in fiscal year 1984,

whichever yields a higher amount. For purposes of subparagraph (A), the term 'relative per capita income' means the quotient of the per capital income of the United States and the per capita income of the State, except that if the State is Guam, American Samoa, the Northern Marianas, the Trust Territory of the Pacific, the Commonwealth of Puerto Rico, and the Virgin Islands, the quotient shall be considered to be one.

"(2) If the amount available for allotment from appropriations under section 1911 for a fiscal year exceeds $528,000,000, the Secretary shall allot $528,000,000 in accordance with paragraph (1) and shall allot the amount which is in excess of such amount on the basis of the formula described in paragraph (1)(A).

"(3) Notwithstanding paragraph (1), if the aggregate of the amounts to be allotted to each State pursuant to paragraph (1)(B) in any fiscal year exceeds the total of the amount appropriated under section 1911 for allotments to States, the amount to be allotted to a State shall for such fiscal year be an amount which bears the same ratio to the amount which is to be allotted to the State pursuant to such paragraph as the total of the amount appropriated under section 1911 for allotments bears to the total of the amount required to be appropriated under such section for allotments to provide each State with the allotment required by such paragraph.

"(4) To the extent that all the funds appropriated under section 1911 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 1915 for the fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 1916(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.

"(b)(1) If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this part be provided directly by the Secretary to such tribe or organization, and

"(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary on this part,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under subsection (a) for the fiscal year the amount determined under paragraph (2).

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved as the total amount provided or allotted for fiscal year 1980 by the Secretary to such tribe or tribal organization under the provisions of law referred to in subsection (a)(2) bore to the total amount provided or allotted for such fiscal year by the Secretary to the State and entities (including Indian tribes and tribal organizations) in the State under such provisions of law.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"(5) The terms "Indian tribe" and "tribal organization" have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.".

(b) Section 1915(c)(6) of such Act (42 U.S.C. 300x-4(c)(6)) is amended by striking out subparagraphs (B) and (C) and inserting lieu thereof the following:

"(B) The State agrees to use 75 percent of the funds allotted to it under section 1912 for fiscal years beginning after fiscal year 1984 for the mental health and alcohol drug abuse activities prescribed by section 1914(a) as prescribed by subparagraph (A).".

(c) Such section 1915(c) is amended—

(1) in paragraph (2) by striking out "fiscal years 1982, 1983, and 1984" and inserting in lieu thereof "fiscal years 1985, 1986, and 1987";

(2) by adding at the end thereof the following:

"(14) The State will, not later than October 1, 1984, as prescribed by the Secretary by regulation, collect data on alcoholism, alcohol abuse, drug abuse, and mental illness in the State using a uniform system prescribed in such regulation.

"(15) The chief executive officer of the State may establish a State mental health services planning council which will serve as an advocate for chronically mentally ill individuals, seriously mentally ill children, adolescents, and elderly individuals, other individuals with mental illness or emotional problems and which will monitor, review, and evaluate, not less often than annually, the allocation and adequacy of mental health services within the State. Such a council shall be made up of residents of the State and include in its membership representatives of the principal State agencies involved in mental health, higher education training facilities, and public and private entities concerned with the need, planning, operation, funding, and use of mental health and related services and activities. At least one half of the membership shall consist of individuals who are not State employees or providers of mental health services.

"(16) The State agrees to use an amount equal to at least 10 percent of the funds under its allotment which are to be used for mental health activities to establish new comprehensive community mental health programs for unserved areas or for underserved populations.";

"(17) The State agrees to use not less than 10 percent of the funds allotted to it under this part to initiate and expand alcohol and drug abuse services for women and to initiate and expand mental health services for severely disturbed children and adolescents. The services described in this paragraph are in addition to the services to be provided under paragraph (16).''; and

(3) by striking out the last sentence.

(d)(1) Section 1915 is amended by redesignating subsection (e) as subsection (g) and by inserting after subsection (d) the following new subsection:

"(e) The chief executive officer of a State may prepare and submit a comprehensive mental health plan which shall include—

"(1) an identification of the mental health service areas within the State and the agency responsible for the delivery and coordination of mental health services within the State;

"(2) an identification of the need in each mental health service area of the State for mental health and related services, particularly the need for services by chronically mentally ill individuals, seriously mentally ill children, adolescents, and elderly individuals, and other identified populations;

"(3) a description of the resources devoted to and activities to be carried out under the plan, including—

"(A) a description of mental health activities funded or supported under this Act,

"(B) a description of mental health activities funded or supported by State appropriations,

"(C) a description of mental health and related support activities funded under or supported through title XIX of the Social Security Act and other programs of Federal assistance, and

"(D) a description of mental health activities reimbursed in the State by private third party insurance coverage;

"(4) the mental health prevention and treatment objectives to be achieved under the plan and a listing of the programs and resources to be used to meet such objectives;

"(5) a strategy for the establishment and implementation for the chronically mentally ill of an organized community-based system of care which shall provide for quantitative targets to be achieved in the implementation of the plan, including numbers of chronically mentally ill persons residing in the areas to be served, services to be provided to such individuals in gaining access to essential mental health services, and medical and dental care and rehabilitation services and employment, housing, and other support services designed to enable chronically mentally ill individuals to function outside of inpatient institutions to the maximum extent of their capabilities;

"(6) targets for provision of community-based mental health services for underserved populations, with particular emphasis on the elderly, children and adolescents, and individuals residing in areas without adequate outpatient treatment facilities; and

"(7) a method for the periodic evaluation of the plan's effectiveness in meeting the objectives set forth in the plan.

"(f) The Secretary shall report annually to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the new programs initiated and services expanded in accordance with subsection (c)(17). The report shall include a detailed description of such programs and services, an assessment of the adequacy of such programs and services in meeting the alcohol and drug abuse treatment needs of women and the need for mental health services of severely disturbed children and adolescents, and such other information, including legislative and administrative recommendations, as the Secretary deems appropriate.".

(2) Section 1915(c)(2) is amended by striking out "(e)" and inserting in lieu thereof "(g)".

(3) Section 1915(c)(4)(C) is amended by inserting before the first comma the following: "or psychosocial rehabilitation services".

(e) Paragraph (2) of section 1916(b) is amended to read as follows:

"(2) Each State shall provide for one of the following:

"(A) A financial and compliance audit of the funds provided the State under section 1913. Such audits shall be performed annually and shall be conducted in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions.

"(B) A single financial and compliance audit of each entity administering funds provided under section 1913. An audit of such an entity shall be conducted annually and conducted in accordance with standards prescribed by the Comptroller General under subparagraph (A), except that if the entity is an entity of a government which operates on a biennial fiscal period, such audit may be made biennially.

Within 30 days after completion of an audit under subparagraph (A) or (B), a copy of the audit report shall be transmitted to the State legislature and the Secretary and shall be made available for public inspection. For purposes of subparagraphs (A) and (B), the term 'financial and compliance audit' means an audit to determine whether the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles, and whether the entity has complied with laws and regulations that may have a material effect upon the financial statements.".

(f) Section 1916(a) (42 U.S.C. 300x-5(a)) is amended by striking out "and (3)" and inserting in lieu thereof "(3) to furnish the Secretary a detailed description of the programs to be supported in accordance with section 1915(c)(17), and (4)".

(g)(1) Sections 1911, 1913, 1914, 1915, 1916, and 1918 are each amended by striking out "1912" each place it occurs and inserting in lieu thereof "1913".

(2) Sections 1914, 1915, and 1916 are each amended by striking out "1913" each place it occurs and inserting in lieu thereof "1914".

(3) Sections 1913 and 1915 are each amended by striking out "1914" each place it appears and inserting in lieu thereof "1915".

(4) Sections 1913, 1914, 1916, 1917, and 1920 of such Act are each amended by striking out "1915" each place it occurs and inserting in lieu thereof "1916".

(5) Sections 1912 and 1913 are each amended by striking out "1916" each place it occurs and inserting in lieu thereof "1917".

(6) Section 1915 is amended by striking out "1917" and inserting in lieu thereof "1918".

(7) The section of the Public Health Service Act entitled "Payments Under Allotments to States" is redesignated as section 1914 and the existing section 1914 and sections 1915 through 1920 are redesignated as sections 1915 through 1920A, respectively.

(h)(1) Section 1920A of such Act (as so redesignated) is amended to read as follows:

"ADMINISTRATION

"SEC. 1920A. The Secretary, shall through fiscal year 1987 administer this part through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration.".

(2) Subsections (b) and (c) of section 501 of such Act are each amended by striking out "Administration" and inserting in lieu thereof "Administrator" and subsection (e)(1) of such section is amended by striking out "administration" and inserting in lieu thereof "Administration".

SEC. 104. (a) Section 501(a) of the Public Health Service Act is amended by inserting "(1)" after "(a)" and by adding at the end the following:

"(2) There shall be in the Administration an Associate Administrator for Special Populations to identify and assess the needs of minorities and women for alcohol and drug abuse and mental health services, to assure that the research being conducted or supported under this title includes women and minorities, and to assure that research training being provided or supported under this title includes women and minorities.".

(b) Section 501(c) of the Public Health Service Act is amended to read as follows:

"(c)(1) There is established the Alcohol, Drug Abuse, and Mental Health Strategy Council (hereinafter in this subsection referred to as the 'Council'). The Council shall—

"(A) periodically assess the national needs for alcoholism, alcohol abuse, drug abuse, and mental health services and the extent to

which those needs are being met by State, local, and private programs and programs receiving funds under this title, and

"(B) provide advice to the Secretary and the Administrator respecting activities carried out under this title.

"(2)(A) The Council shall consist of fifteen members appointed by the Secretary and such ex officio members from the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health as the Secretary may designate. Of the members appointed to the Council, at least six members shall represent State and local providers of prevention and treatment services for alcoholism, alcohol abuse, drug abuse, and mental illness, at least six members shall be individuals with expertise in public education and prevention services for alcoholism, alcohol abuse, drug abuse, and mental illness, and at least three members shall be appointed from members the general public who are knowledgeable about alcoholism, alcohol abuse, drug abuse, and mental illness.

"(B) The term of office of a member appointed to the council is four years, except that of the members first appointed to the council—

"(i) five shall serve for terms of one year,

"(ii) five shall serve for terms of two years,

"(iii) five shall serve for terms of three years,

as designated by the Secretary at the time of appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

"(3)(A) Except as provided in subparagraph (B), members of the Council shall (i) be paid not more than the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Council, and (ii) while away from their homes or regular places of business and while serving in the business of the Council, be entitled to receive transportation expenses as prescribed by section 5703 of title 5, United States Code.

"(B) Members of the Council who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Council.

"(4) The Council may appoint such staff personnel as the Council considers appropriate.

"(5) The Secretary shall designate the chairman of the Council.

"(6) The Council shall meet at least three times each calendar year.

"(7) The Council shall report annually to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on its activities during the period reported on and shall include in such report such recommendations for legislation and administrative action as it deems appropriate.".

(c) Section 501 is amended by inserting at the end the following:

"(g)(1) The Administrator may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than 20 experts or consultants who have scientific or professional qualifications. Such experts and consultants shall be obtained for the Administration and for each of the research institutes under the Administration.

"(2)(A) Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5742, 5742a(a)(1), 5742a(a)(3), and 5726(c) of title 5, United States Code.

"(B) Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1), unless and until the expert or consultant agrees in writing to complete the entire period of his assignment of 1 year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for these expenses is recoverable from him as a debt of the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.".

(d) Subsection (e) of section 504 of the Public Health Service Act is repealed.

SEC. 105. Part A of title V of the Public Health Service Act is amended by adding at the end the following:

"DEMONSTRATIONS, DATA, AND TECHNICAL ASSISTANCE

"SEC. 507. (a) The Secretary, acting through the Administrator, may make grants to public and nonprofit private entities to carry out activities to demonstrate prevention and treatment services for alcoholism and alcohol abuse, drug abuse, and mental illness. No grant may be made under this subsection for more than 3 years and the Secretary shall disseminate to the public the results of activities undertaken under such a grant.

"(b) The Secretary shall collect and compile data submitted under section 1916(c)(14) and shall provide technical assistance to public and nonprofit entities to assist in the administration of programs for which funds were provided under an allotment under part B of title XIX and in the administration of funds provided under such an allotment.".

SEC. 106. Subsection (d) of section 502 of the Public Health Service Act is amended to read as follows:

"(d) The Secretary, acting through the Administrator, shall make grants to schools of medicine to support the training of students in such schools in the identification and treatment of alcohol and drug abuse. Grants under this subsection shall be made from funds available under this title and section 303.".

SEC. 107. Section 503 of the Public Health Service Act is amended by striking out subsection (d) and by redesignating subsection (e) as subsection (d).

SEC. 108. (a) The first sentence of section 512 of the Public Health Service Act is amended by striking out "and" after "1983" and inserting in lieu thereof a comma and by inserting a comma before the period at the end and the following: "$48,000,000 for fiscal year 1985 and $55,000,000 for fiscal year 1986".

(b) Section 515(c) of such Act is amended by striking out "and" after "1983" and inserting in lieu thereof a comma and by inserting a comma before the period at the end and the following: "$64,000,000 for fiscal year 1985 and $72,000,000 for fiscal year 1986".

SEC. 109. The Secretary of Health and Human Services shall present to the Congress by April 15, 1985, a comprehensive national plan to combat alcoholism and alcohol abuse. The plan shall include—

(1) a current estimate of the social and economic costs of alcoholism and alcohol abuse to the Nation,

(2) an assessment of unmet treatment and rehabilitation needs,

(3) an assessment of personnel needs in the fields of research, treatment, rehabilitation, and prevention,

(4) an assessment of the integration and financing of alcoholism treatment and rehabilitation into the Nation's health care delivery system,

(5) a statement of the Department of Health and Human Services' specific goals and objectives for meeting unmet treatment and rehabilitation needs, for meeting personnel needs, and for reducing the social and economic costs of alcoholism and alcohol abuse to the Nation,

(6) a delineation of specific legislative and administrative recommendations and departmental strategies for accomplishing the Department's goals and objectives,

(7) an analysis of available resources, including current public and private expenditures, to combat alcoholism and alcohol abuse, and

(8) an estimate of needed resources, both private and public, to accomplish the Department's goals and objectives.

SEC. 110. (a) Section 102(28) of the Controlled Substances Act (21 U.S.C. 802) is amended by striking out "twenty-one" and inserting in lieu thereof "one hundred and eighty".

(b) The Secretary of Health and Human Services shall, within ninety days of the date of the enactment of this Act, promulgate regulations for the administration of section 102(28) of the Controlled Substances Act as amended by subsection (a) and shall include in his report under section 505(b) of the Public Health Service Act his findings of the effect of the amendment made by subsection (a).

(c) Section 2(b) of the Alcohol and Drug Abuse Amendments of 1983 (97 Stat. 181) is amended—

(1) by striking out "210" in paragraph (2) and inserting in lieu thereof "201"; and

(2) by striking out "201, 301" in paragraph (13) and inserting in lieu thereof "301, 201".

SEC. 111. Title III of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1161–1165) is repealed.

TITLE II—DEVELOPMENTAL DISABILITIES ASSISTANCE

SEC. 201. (a) The first sentence of section 113(b)(2) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6012(b)(2)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$12,500,000 for the fiscal year ending September 30, 1985, $15,000,000 for the fiscal year ending September 30, 1986, $17,500,000 for the fiscal year ending September 30, 1987, and $20,000,000 for the fiscal year ending September 30, 1988".

(b) Section 123(a) of such Act (42 U.S.C. 6033(a)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$8,000,000 for the fiscal year ending September 30, 1985, "$8,500,000 for the fiscal year ending September 30, 1986, "$9,000,000

for the fiscal year ending September 30, 1987, and "$9,500,000 for the fiscal year ending September 30, 1988".

(c) Section 131 of such Act (42 U.S.C. 6061) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following "$46,000,000 for the fiscal year ending September 30, 1985, $48,800,000 for the fiscal year ending September 30, 1986, $52,000,000 for the fiscal year ending September 30, 1987, and $55,000,000 for the fiscal year ending September 30, 1988".

(d) Section 145(d) of such Act (42 U.S.C. 6081(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$2,700,000 for the fiscal year ending September 30, 1985, $2,900,000 for the fiscal year ending September 30, 1986, $3,100,000 for the fiscal year ending September 30, 1987, and $3,300,000 for the fiscal year ending September 30, 1988".

SEC. 202. (a) Section 102(8)(A) of such Act (42 U.S.C. 6001(8)(A)) is amended by striking out "and" before "transportation services" and by inserting before the period a comma and the following: "and the promotion and coordination of activities in support of the prevention of developmental disabilities".

(b) Section 102(9) of such Act is amended by inserting "(A)" after "means" and by inserting before the period the following: ", or (B) a public or nonprofit entity which is associated with or is an integral part of a college or university and which provides for at least—

"(i) interdisciplinary training for personnel concerned with the provision of direct or indirect services to persons with developmental disabilities; and

"(ii) dissemination of findings relating to the provision of services to persons with developmental disabilities".

SEC. 203. (a)(1) Section 109 of such Act (42 U.S.C. 6008) is amended by inserting "(a)" after "109." and by adding at the end thereof the following:

"(b) The Secretary shall make an annual report to Congress on the activities of the States with funds provided under section 132 and make such reports available to the States and the general public."

(2) The heading for such section is amended by adding at the end the following: "and annual report".

(b) Section 133(b)(1)(C) of such Act (42 U.S.C. 6063(b)(1)(C)) is amended by striking out "such reports, in such form and containing such information, as the Secretary may from time to time reasonably require" and inserting in lieu thereof "annual reports in such form and containing such information as the Secretary may reasonably require".

SEC. 204. (a) Section 113(a) of such Act (42 U.S.C. 6012(a)) is amended by striking out "and" before "(3)" and by inserting before the period a comma and the following: "and (4) the State must provide assurances satisfactory to the Secretary that the agency implementing the system will not be replaced unless there is good cause for the redesignation and unless notice has been given of the intention to make such replacement to persons with developmental disabilities or their representatives".

(b) The second sentence of section 113(b)(1)(A) of such Act is amended by striking out all that follows after "except that" and inserting in lieu thereof the following: "(i) the allotment to American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall not be less than $100,000 in any fiscal year if the appropriations for such fiscal year under this subsection exceeds $10,000,000, (ii) if the appropriations for any fiscal year under this subsection do not exceed $10,000,000, such an allotment may not be less than $50,000, (iii) the allotment to any other State for any fiscal year may not be less than the greater of $150,000 or the amount of the allotment received by the State for the fiscal year ending September 30, 1983, if the appropriations for such fiscal year under this subsection exceeds $10,000,000, and (iv) if the appropriations for any fiscal year under this subsection do not exceed $10,000,000 such an allotment may not be less than $50,000.".

SEC. 205. (a) Section 122(d)(1) of such Act (42 U.S.C. 6032(d)) is amended by striking out "$150,000" and inserting in lieu thereof "$200,000" and by inserting before the period a comma and the following: "and to a satellite center shall not be less than $75,000 for any fiscal year".

(b) Section 122(d) of such Act is amended by striking out "(1)" and paragraph (2).

SEC. 206. (a) Section 132(a)(2) of such Act (42 U.S.C. 6062(a)(2)) is amended by striking out "$100,000" in subparagraph (A) and inserting in lieu thereof "$200,000 if the appropriations under section 131 for such fiscal year exceed $47,000,000 or $100,000 if such appropriations do not exceed $47,000,000".

(b) Section 132(a)(2)(B) of such Act is amended by striking out "$250,000" and all that follows in such section and inserting in lieu thereof "$350,000 or the amount of the allotment received by the State for the fiscal year ending September 30, 1983, if the appropriations for such fiscal year under section 131 exceed $47,000,000 or $250,000 if such appropriations do not exceed $47,000,000.".

(c) Section 132(a) of such Act is amended by adding the following new paragraph:

"(4) Adjustments in the amounts of State allotments based on subparagraphs (A), (B), and (C) of paragraph (1) shall be made annually. The Secretary shall notify States no less than six months before the beginning of the fiscal year.".

SEC. 207. Section 133(b)(4)(B)(i) of such Act (42 U.S.C. 6063(b)(4)(B)(i)) is amended by inserting before the period the following: "and for manpower assessment activities. No more than 10 percent of funds for priority services may be used for manpower assessment activities".

Amend the title so as to read: "An Act to amend the Public Health Service Act to revise and extend the authorities of that Act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act.".

Mr. STEVENS. Mr. President, I move that the Senate disagree to the House amendments and agree to the conference requested by the House and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. WILSON) appointed Mr. HATCH, Mrs. HAWKINS, Mr. QUAYLE, Mr. GRASSLEY, Mr. KENNEDY, Mr. MATSUNAGA, and Mr. RIEGLE, conferees on the part of the Senate.

SENATE JOINT RESOLUTION 272 PLACED ON CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 272, a joint resolution recognizing the anniversaries of the Warsaw Uprising and the Polish resistance to the invasion of Poland during World War II, and it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 323 PLACED ON CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 323, "Polish American Heritage Month," and it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE CONCURRENT RESOLUTION 331 PLACED ON CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of House Concurrent Resolution 331, condemning the closing of ABC Color, Paraguay's independent newspaper, and urging the Paraguayan Government to permit the paper to resume publication, and it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 5890 AT DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 5890, a bill to establish a commission on the observance of the Martin Luther King birthday holiday, it be held at the desk until the close of business on Friday July 26, 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD HOUSE CONCURRENT RESOLUTION 340 AT DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House Concurrent Resolution 340, making technical corrections in H.R. 559, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF PHARMACEUTICAL EXPORT BILL

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill introduced today by Senator HATCH dealing with the Pharmaceutical Export Reform Act of 1984, be referred to the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, following the routine morning business tomorrow, the Senate will resume consideration of the House message on the Hoover Dam, which is S. 268, with the Metzenbaum amendment No. 3419 pending. The Senate may also turn to the consideration of H.R. 5898, the military construction bill.

RECESS UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 9:02 p.m., recessed until Friday, July 27, 1984, at 10 a.m.

31-059 O-87-39 (Pt. 15)

HOUSE OF REPRESENTATIVES—*Thursday, July 26, 1984*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We recognize, O gracious God, that we do not live in isolation, but are together in communities for mutual support and encouragement. We are grateful for the women and men who labor in this place, who not only do their tasks, but earnestly seek to show concern to other members of our community. We remember each day those among us who are in need of our prayers and loving care. May each of us, through word and deed, be conscious of the needs of others. That together we may share in the blessedness of Your creation. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GREGG. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GREGG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 28, answered "present" 6, not voting 44, as follows:

[Roll No. 317]

YEAS—355

Addabbo	Bateman	Boner
Akaka	Bates	Bonior
Albosta	Bedell	Bonker
Anderson	Beilenson	Borski
Andrews (NC)	Bennett	Bosco
Andrews (TX)	Bereuter	Boucher
Annunzio	Berman	Boxer
Archer	Bethune	Breaux
Aspin	Bevill	Britt
AuCoin	Bilirakis	Brooks
Badham	Bliley	Broomfield
Barnard	Boehlert	Brown (CA)
Barnes	Boggs	Brown (CO)
Bartlett	Boland	Broyhill
Bryant	Gunderson	McKernan
Burton (CA)	Hall (IN)	McKinney
Burton (IN)	Hall (OH)	McNulty
Byron	Hall, Ralph	Mica
Carney	Hall, Sam	Michel
Carper	Hamilton	Mikulski
Carr	Hammerschmidt	Miller (CA)
Chandler	Hance	Mineta
Chappell	Hansen (UT)	Minish
Cheney	Hartnett	Moakley
Clarke	Hatcher	Molinari
Clinger	Hayes	Mollohan
Coats	Hefner	Montgomery
Coelho	Heftel	Moody
Coleman (TX)	Hertel	Moore
Collins	Hightower	Moorhead
Conable	Hiler	Morrison (CT)
Conte	Hillis	Morrison (WA)
Conyers	Holt	Mrazek
Cooper	Hopkins	Murphy
Corcoran	Horton	Murtha
Coyne	Howard	Myers
Craig	Hoyer	Natcher
Crane, Daniel	Hughes	Nelson
Crane, Philip	Hunter	Nichols
Crockett	Hutto	Nielson
D'Amours	Ireland	Nowak
Daniel	Jeffords	O'Brien
Darden	Jenkins	Oakar
Daschle	Johnson	Obey
Daub	Jones (OK)	Olin
Davis	Kaptur	Ortiz
de la Garza	Kasich	Owens
Dellums	Kastenmeier	Oxley
Derrick	Kazen	Packard
DeWine	Kemp	Panetta
Dicks	Kennelly	Parris
Dingell	Kildee	Pashayan
Dixon	Kindness	Patman
Donnelly	Kleczka	Patterson
Dorgan	Kogovsek	Paul
Dowdy	Kolter	Pease
Downey	Kostmayer	Pepper
Dreier	Kramer	Perkins
Duncan	LaFalce	Petri
Dwyer	Lagomarsino	Pickle
Dyson	Lantos	Porter
Early	Latta	Price
Eckart	Leath	Pursell
Edwards (AL)	Lehman (CA)	Quillen
Edwards (CA)	Lehman (FL)	Rahall
English	Leland	Rangel
Erdreich	Lent	Ratchford
Erlenborn	Levin	Ray
Evans (IL)	Levitas	Regula
Fascell	Lewis (CA)	Reid
Fazio	Lewis (FL)	Richardson
Feighan	Lloyd	Ridge
Fiedler	Loeffler	Ritter
Fields	Long (LA)	Robinson
Flippo	Long (MD)	Rodino
Florio	Lott	Roe
Foglietta	Lujan	Rogers
Foley	Luken	Rose
Fowler	Lungren	Roth
Frank	MacKay	Rowland
Franklin	Madigan	Roybal
Frenzel	Markey	Rudd
Frost	Marlenee	Russo
Fuqua	Martin (IL)	Savage
Garcia	Martin (NC)	Sawyer
Gaydos	Martin (NY)	Schaefer
Gekas	Martinez	Scheuer
Gephardt	Matsui	Schneider
Gibbons	Mavroules	Schulze
Gilman	Mazzoli	Schumer
Gingrich	McCain	Sensenbrenner
Glickman	McCandless	Sharp
Gonzalez	McCloskey	Shaw
Gore	McCollum	Shelby
Gradison	McCurdy	Shumway
Gray	McDade	Shuster
Green	McEwen	Siljander
Gregg	McGrath	Sisisky
Guarini	McHugh	Skeen
Skelton	Swift	Wheat
Slattery	Synar	Whitehurst
Smith (FL)	Tauke	Whitley
Smith (IA)	Tauzin	Whittaker
Smith (NE)	Taylor	Whitten
Smith (NJ)	Thomas (CA)	Williams (OH)
Smith, Denny	Thomas (GA)	Winn
Smith, Robert	Torricelli	Wirth
Snowe	Traxler	Wise
Snyder	Valentine	Wolf
Solarz	Vander Jagt	Wolpe
Spence	Vandergriff	Wortley
Spratt	Vucanovich	Wright
Staggers	Walgren	Wyden
Stangeland	Walker	Wylie
Stenholm	Watkins	Yatron
Stokes	Waxman	Young (FL)
Stratton	Weaver	Young (MO)
Studds	Weber	
Sundquist	Weiss	

NAYS—28

Ackerman	Harkin	Roemer
Clay	Hawkins	Sabo
Coughlin	Jacobs	Schroeder
Durbin	Lipinski	Sikorski
Edgar	Lowry (WA)	Solomon
Edwards (OK)	Mack	Vento
Emerson	Miller (OH)	Yates
Evans (IA)	Mitchell	Young (AK)
Gejdenson	Penny	
Goodling	Roberts	

ANSWERED "PRESENT"—6

Dickinson	Huckaby	Ottinger
Dymally	Oberstar	Volkmer

NOT VOTING—44

Alexander	Harrison	Roukema
Anthony	Hubbard	Seiberling
Applegate	Hyde	Shannon
Biaggi	Jones (NC)	Simon
Campbell	Jones (TN)	St Germain
Chappie	Leach	Stark
Coleman (MO)	Levine	Stump
Courter	Livingston	Tallon
Dannemeyer	Lowery (CA)	Torres
Ferraro	Lundine	Towns
Fish	Marriott	Udall
Ford (MI)	Neal	Williams (MT)
Ford (TN)	Pritchard	Wilson
Gramm	Rinaldo	Zschau
Hansen (ID)	Rostenkowski	

□ 1020

Mr. ROBERTS changed his vote from "yea" to "nay."

Mr. HORTON changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

DEFICIT REDUCTION DOWNPAYMENT STALLED IN CONFERENCE

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. JONES of Oklahoma. Mr. Speaker, in response to a number of questions from Members about the status of the budget resolution conference, I must report to my colleagues that regrettably we have made no more progress in getting the Senate conferees to the negotiating table

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

than existed before Congress recessed for Independence Day. Our calls to the Senate Members this week to try to resume the negotiations have remained unanswered.

It takes two to negotiate any kind of an agreement, and regrettably the Senate conferees still seem to be unwilling to negotiate on the final one-third of the deficit reduction downpayment; namely, the discretionary spending and, more specifically, the amount of spending for the military.

We have done a good job in reducing the deficit projection so far. It seems to me we ought to complete this job. The House conferees are ready to meet, ready to negotiate, and ready to conclude a budget resolution.

Mr. Speaker, those who decry deficits would do well to do something constructive by urging the Senate conferees to come to the negotiating table and let us complete this deficit reduction downpayment.

A NOTE OF APPRECIATION FOR SAN FRANCISCO'S HOSPITALITY DURING THE CONVENTION

(Mr. TRAXLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAXLER. Mr. Speaker, I say to my fellow Members of the House that I rise on this occasion as a delegate to the Democratic National Convention held in San Francisco this past week to extend my thanks and, I am sure, the thanks of the Michigan delegation to the folks from San Francisco, to our colleagues from San Francisco, to the mayor of San Francisco, to the board of supervisors of San Francisco, to the cable car operators, to the ferryboat operators, to the hotel personnel, and to all the wonderful people of the San Francisco area, the bay area, for the marvelous, courteous time and the kind thoughts that they extended to all the Democratic delegates at that wonderful convention.

Indeed no one can go to that city and into that area and come away unimpressed. The ambiance of that city is exceeded only by that of Detroit.

Therefore, Mr. Speaker, it is with great pleasure that I extend to the people of the bay area our hearty and sincere thanks for the wonderful hospitality you extended to all the Democratic delegates and alternates.

THE UNFAIRNESS OF THE ADMINISTRATION'S TAX AND BUDGET PROGRAMS

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, in his press conference on Tuesday, President Reagan claimed that there is "not one single fact or figure" to prove that his budget cuts have hurt working families and the poor in our country. It is time to set the record straight.

A study released just yesterday showed that a half million Americans—mostly children—have been pushed into poverty by Ronald Reagan's budget cuts. Reductions in other programs have caused hundreds of thousands of families to lose all medical coverage, run out of food at least once, or have their utilities shut off. Three million students have lost their school lunches, and the President's latest budget proposes reductions in food benefits for 1 million elderly people in this country.

Working families have been devastated by the President's plans. More than 1 million students have lost their higher education loans. A family of four earning $20,000 has seen their taxes rise under President Reagan; a family of four earning $100,000 has received a $3,500 annual tax cut.

And all this in return for the highest budget deficit in the history of our Nation. This is one fact that is very hard to figure.

President Reagan, it is not just one fact or figure of your unfairness, but 100 that I could produce if I stood here long enough. Your tax and budget programs have been the most unfair of any President in American history, and, I am afraid, that is the fact of the matter.

LAKE MEAD

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, by description it extends 110 miles upstream into the lower end of the Grand Canyon with a shoreline of 822 miles. Named after Dr. Elwood Mead, a former Commissioner of Reclamation, Lake Mead is one of the Nation's most popular recreation areas. Its 12-month season attracts more than 5 million visitors each year for swimming, boating, skiing, and bountiful fishing.

Lake Mead's inland sea is as useful as it is beautiful. In an essential partnership with Hoover Dam the lake helps to keep the once-destructive waters of the Colorado River not only tame but also highly productive. These benefits include: water supply; flood control; irrigation; elimination of damaging sediment deposits; navigation; recreation; fish and wildlife conservation; and low-cost hydroelectric power.

Lake Mead's storage capacity which is great enough to store more than 2 years of the Colorado's average flow is enough to cover the State of Pennsylvania with water 1 foot deep.

Though my time to describe this manmade wonder has run short my appreciation for Lake Mead has not.

□ 1030

DOES THE PRESIDENT UNDERSTAND SUPPLY AND DEMAND?

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, earlier this week the President admitted that he really did not know why interest rates were so high. He said the only thing he could figure out was that it must be the fear that inflation would return. Surely this man who spent so much of his life on the lecture circuit touting conservative economics must understand the principles of supply and demand.

The price of money has been driven up by the demand for $180 billion a year to finance the record Reagan deficits, along with the needs of businesses for new capital and the public's borrowing in the dangerous belief that this deficit-financed boom is going to last indefinitely.

The administration's economic policies have put us in the precarious position of becoming a debtor nation, forced to borrow billions of dollars overseas to finance our public debt and economic expansion.

Unfortunately, the administration has never let the facts interfere with its rosy economic projections.

As the chairman of the Federal Reserve underlined yesterday, our deficits will not decline until the Congress and the administration act forcefully to reduce them. A continuing recovery alone will clearly not be enough to reduce the budget deficits.

PRAISE FOR THE VICE PRESIDENT

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, although this is an election year, and Republicans are going to be fighting Democrats, I am getting up to praise a Republican.

Last night I had the opportunity to share a dais with the Vice President of the United States, Mr. BUSH, and in an address to about 650 members of an Hispanic organization called La Raza, he came out very strongly against the discriminatory aspects of the Simpson-Mazzoli bill. I was deeply appreciative, because it appears to me that the employer sanctions provision of the bill are what we Hispanic Members of Congress have been fighting. I am taking the floor to say to the Vice President that his words were deeply

appreciated. We all must continue to fight discrimination.

INTRODUCTION OF LEGISLATION TO ASSURE TIMELY SOCIAL SECURITY COLA

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, yesterday I introduced H.R. 6019, a bill which assures that Social Security beneficiaries and supplemental security income recipients this year and in future years will receive an annual cost-of-living increase, whether or not it would have triggered under existing laws.

This bill implements President Reagan's promise that current beneficiaries receive a timely COLA in January 1985, regardless of whether the Consumer Price Index records a 3-percent increase for the measuring period which ends September 30, 1984. Since that data won't be available to the Secretary of Health and Human Services until mid-October—when the rest of you will be campaigning—I suggest we resolve the issue now.

Let me explain why I believe we should eliminate the 3-percent trigger. First, when the 1983 amendments were enacted—few, except our President, expected inflation to fall drastically, and we did not foresee the possibility that—having just waited 6 months for a delayed COLA for 1983, current beneficiaries might receive no COLA for 1984 as of the beginning of 1985.

Second—and to clarify my concerns about future years—the 3-percent trigger was imposed for administrative reasons. SSA's computer systems at that time simply weren't up to the task of processing small changes in a cost-effective manner. However, I'm relieved to report, SSA's computer system is being modernized, and the adjustments are now feasible.

For these reasons, I urge my colleagues to support H.R. 6019, and to support it now. This will eliminate the uncertainty that surrounds the benefit adjustment issue, and reassure all of us—especially current beneficiaries—of the solvency reliability and fairness of the Social Security system.

PRESIDENT URGES CONGRESS TO ENACT IMPORTANT PENDING LEGISLATION

(Mr. HARTNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARTNETT. Mr. Speaker, reference has been made this morning twice to the President's news conference of earlier this week. I would just like to make reference to that, too, Mr. Speaker, and remind my colleagues that in his opening remarks to the American people he said, "Congress is coming back for a brief 3-week period and it won't be long and maybe a lot can't be done."

But there were several things that he urged the Congress to do and that he felt the American people were urging the Congress to do. One was, of course, to enact the balanced budget amendment to the Constitution. Another was to pass a line-item veto so that the President could have the right to veto items on a line-item basis.

I am just here to remind us, Mr. Speaker, that the Speaker has the power to influence the committee chairmen to bring these bills before the House and give the American people an opportunity to see their elected Representatives vote on these issues.

It has been said before, Mr. Speaker, that time and tide wait for no man, and now I guess it is no man or woman..

It is the 59th minute of the 11th hour, Mr. Speaker, and I urge you to use your influence to bring to the floor of the House these items which the President requested that the Congress vote on before we start this recess on August 10.

UNDER GOD?

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, in March the Supreme Court decided to permit the city of Pawtucket, RI, to include a nativity scene in its Christmas holiday display. Once again this basic American tradition is being challenged.

Recently, a Federal judge ruled that a nativity scene erected by the city of Birmingham, MI, last year was unconstitutional because it served only one set of religious beliefs and served no secular purpose. We have now entered the realm of absurdity.

Prayer has been removed from our public schools; there are now attempts to remove "One Nation Under God" from our Pledge of Allegiance; we're no longer able to teach our children creation side by side with evolution. Where will it end? How hypocritical can we be? A Congress that has a prayer before each meeting—a court system where witnesses swear on the Bible—a President who takes an oath of office "So Help Him God."

Until we wake up to the "ban God" campaign being waged, I have a solution to Birmingham's problem with the court's interpretation—prop up a stuffed Santa Claus next to Mary and Joseph. Instant constitutionality.

A GIGANTIC STEP FOR BIBLE STUDY IN OUR SCHOOLS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, yesterday the House, and presumably the President of the United States in signing the bill, took a gigantic step on the question of the Bible study capabilities of our students in school, and that action by the House and the one that is going to result in the President's signing the bill came none too soon, because I learned yesterday the Circuit Court of Appeals in our area overturned a previous Federal district court decision, which Federal district court decision upheld the rights of students to have access to public institutions for Bible study.

This showed to me finally that the Federal court system is schizophrenic in this particular kind of issue, and so the fact that the House has acted in concord with the Senate and with the expected signature of the President of the United States on this legislation, we have now put this issue at rest and have relieved the courts of having to go through the convolutions that they have gone through on this vital issue.

We should congratulate ourselves and the American people for urging us to take action that we concluded yesterday.

THE STATUS OF THE SIMPSON-MAZZOLI BILL

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, over the last 24 hours there has been a lot of comment on the status of the Simpson-Mazzoli bill. I have heard from Members of the Democratic side of the aisle that they think it has been buried now and we are just shoveling dirt on it. Some were evidently surprised by indications that the President does not support the House bill or finds parts of it unacceptable. I find their surprise surprising. The President has indicated from the very beginning that there were problems with the bill we passed in this body.

As the Republican floor manager of the bill, there were certain elements of the bill that we allowed without contest because we knew that we would work those out in a compromise in the conference.

To use the President's specific message yesterday as some indication that he does not support comprehensive reform, and does not wish to go forward with the conference, is frankly an attempt to fool the American people.

The President sent the original legislation up here 36 months ago. We "diddle-daddled" around this place for so long. The Speaker himself made sure that we did not deal with the question of immigration reform until very late in this session.

We complained all along last year that such a delay would place it right in the midst of the Democratic Presidential primary season and then finally bring it right into the Democratic and Republican conventions.

Well, Mr. Speaker, that has happened. It is not because of the President that this very important legislation is now in danger. Frankly, it is the politically demagogic statements made at the Democratic Convention that have placed immigration reform in jeopardy. Up to this point we have been bipartisan in this and I hope we continue to be bipartisan and get a bill that the American people very drastically need.

THE SEASON FOR DOUBLETALK

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, I guess this is the season for doubletalk. I was sitting here and we have just heard some.

I voted for Simpson-Mazzoli. The Republicans in the House earlier had harangued us for not taking up the bill. Now the Vice President is leading the attack on the basic premises of the bill and all kinds of excuses are being thrown up for this basic change in administration position.

□ 1040

It reminds me of what the President said about taxes a few days ago. He said he had no plans for a tax increase. But the chief Republican in the Senate on this matter says the President was being responsible, and that the President "did not close the door on something happening."

This is indeed the season of doubletalk and President Reagan and Vice President BUSH, with the help of some of their cohorts here in the House, are leading the parade.

PAT ON THE BACK FOR THE FEDERAL RESERVE BOARD

(Mr. KASICH asked and was given permission to address the House for 1 minute.)

Mr. KASICH. Mr. Speaker, although monetary policy is still too restrictive in America, I believe some of us who have been critical of the Fed ought to rise today to give a pat on the back to the Federal Reserve Board for agreeing not to restrict it further.

Of course, agreeing to tighten that policy would have been a disaster for continued economic growth in America.

I frankly do not think that the Fed had much choice when you consider that despite this country's strong economic growth, inflation remains at a very low rate.

One thing is clear. If we can couple a stable monetary policy with a good fiscal policy, and we have to work on the fiscal side, we can continue to have the kind of economic growth we want for America, the kind of economic growth that over the last four or five quarters has put Americans back to work, reducing the deficit.

Let us give the Fed an ovation for not agreeing to tighten monetary policy further than it already has.

EDUCATION AMENDMENTS OF 1984

The SPEAKER pro tempore [Mr. RUSSO]. Pursuant to House Resolution 550 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 11.

□ 1042

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11) to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes, with Mr. KAZEN, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, July 25, 1984, titles III through VIII were open to amendment at any point.

The gentleman from Indiana [Mr. COATS] had been recognized to offer an amendment.

AMENDMENT OFFERED BY MR. COATS

The Clerk will report the amendment offered by the gentleman from Indiana [Mr. COATS].

The Clerk read as follows:

Amendment offered by Mr. COATS: Page 91, after line 14, insert the following new section (and redesignate the succeeding sections accordingly):

VOLUNTARY SCHOOL PRAYER

SEC. 806. Part B of the General Education Provisions Act is amended by inserting after section 420 (20 U.S.C. 1228) the following new section:

"PROHIBITION AGAINST THE USE OF FEDERAL FUNDS BY PUBLIC SCHOOLS WHICH PROHIBIT VOLUNTARY PRAYER

"SEC. 420A. No funds shall be made available under any applicable program to any State or local educational agency which has a policy of denying or which effectively prevents participation in prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools."

Mr. COATS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. COATS. Mr. Chairman, in explanation of the amendment that I am offering let me first explain why I have chosen to offer it to this bill and why this procedure is necessary to deal with this issue. It has been 22 years since the Supreme Court restricted prayer in public schools.

Every school prayer amendment has been bottled up in the Congress since that time. And on an issue that is so much on the minds of the American people and so overwhelmingly supported by the American people—I think the latest polls show that nearly 80 percent of the American people support this issue—it is very frustrating for many of us to explain when we go back home that we cannot consider school prayer on the floor of the House of Representatives. Why? Some of the people in the positions that decide the agenda do not want to talk about this issue so we do not have the privilege of debating it.

That is what we are here for. That is what this House of Representatives is all about. And since we cannot and have not had the opportunity to deal with a constitutional amendment on school prayer, I am offering this amendment to this education bill because it deals specifically with voluntary school prayer.

Mr. ACKERMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1100

The CHAIRMAN pro tempore. A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum call will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 318]

Ackerman	Badham	Berman
Akaka	Barnard	Bethune
Albosta	Barnes	Bevill
Anderson	Bateman	Bilirakis
Andrews (NC)	Bates	Billey
Andrews (TX)	Bedell	Boehlert
Annunzio	Beilenson	Boggs
Aspin	Bennett	Boland
AuCoin	Bereuter	Boner

Bonior	Gekas	Mazzoli
Bonker	Gephardt	McCain
Borski	Gibbons	McCandless
Bosco	Gilman	McCloskey
Boucher	Gingrich	McCurdy
Boxer	Glickman	McDade
Breaux	Gonzalez	McEwen
Britt	Goodling	McGrath
Brooks	Gore	McHugh
Broomfield	Gradison	McKernan
Brown (CA)	Gray	McKinney
Brown (CO)	Green	McNulty
Broyhill	Gregg	Mica
Bryant	Guarini	Michel
Burton (CA)	Gunderson	Mikulski
Burton (IN)	Hall (OH)	Miller (CA)
Byron	Hall, Ralph	Miller (OH)
Carney	Hall, Sam	Mineta
Carper	Hamilton	Minish
Carr	Hammerschmidt	Mitchell
Chandler	Hance	Moakley
Chappell	Hansen (UT)	Molinari
Cheney	Harkin	Mollohan
Clarke	Hartnett	Montgomery
Clay	Hatcher	Moody
Clinger	Hawkins	Moore
Coats	Hayes	Moorhead
Coelho	Hefner	Morrison (CT)
Coleman (MO)	Heftel	Morrison (WA)
Coleman (TX)	Hertel	Mrazek
Collins	Hightower	Murphy
Conable	Hiler	Murtha
Conte	Hillis	Myers
Conyers	Holt	Natcher
Cooper	Hopkins	Nelson
Corcoran	Horton	Nichols
Coughlin	Howard	Nielson
Coyne	Hoyer	Nowak
Craig	Huckaby	O'Brien
Crane, Daniel	Hughes	Oakar
Crane, Philip	Hunter	Oberstar
Crockett	Hutto	Obey
Daniel	Ireland	Olin
Darden	Jacobs	Ortiz
Daschle	Jenkins	Owens
Daub	Johnson	Oxley
Davis	Jones (NC)	Packard
de la Garza	Jones (OK)	Panetta
Dellums	Kaptur	Parris
Derrick	Kasich	Pashayan
DeWine	Kastenmeier	Patman
Dickinson	Kazen	Patterson
Dicks	Kemp	Paul
Dingell	Kennelly	Pease
Dixon	Kildee	Penny
Donnelly	Kindness	Pepper
Dorgan	Kleczka	Perkins
Dowdy	Kogovsek	Petri
Dreier	Kolter	Pickle
Duncan	Kostmayer	Porter
Durbin	Kramer	Price
Dwyer	Lagomarsino	Pursell
Dymally	Lantos	Quillen
Dyson	Latta	Rahall
Early	Leach	Rangel
Eckart	Leath	Ratchford
Edgar	Lehman (CA)	Ray
Edwards (AL)	Lehman (FL)	Regula
Edwards (CA)	Leland	Reid
Edwards (OK)	Lent	Richardson
Emerson	Levin	Ridge
English	Levitas	Ritter
Erdreich	Lewis (CA)	Roberts
Erlenborn	Lewis (FL)	Robinson
Evans (IA)	Lipinski	Rodino
Evans (IL)	Livingston	Roe
Fascell	Lloyd	Roemer
Fazio	Loeffler	Rogers
Feighan	Long (LA)	Rose
Fiedler	Long (MD)	Roth
Fields	Lott	Roukema
Fish	Lowery (CA)	Rowland
Flippo	Lowry (WA)	Roybal
Florio	Lujan	Rudd
Foglietta	Luken	Russo
Foley	Lungren	Sabo
Ford (MI)	Mack	Savage
Ford (TN)	MacKay	Sawyer
Fowler	Madigan	Schaefer
Frank	Markey	Schneider
Franklin	Marlenee	Schroeder
Frenzel	Martin (IL)	Schulze
Fuqua	Martin (NY)	Schumer
Garcia	Martinez	Seiberling
Gaydos	Matsui	Sensenbrenner
Gejdenson	Mavroules	Sharp
Shaw	Stokes	Weber
Shelby	Stratton	Weiss
Shumway	Studds	Wheat
Sikorski	Sundquist	Whitehurst
Siljander	Swift	Whitley
Sisisky	Synar	Whittaker
Skeen	Tallon	Whitten
Skelton	Tauke	Williams (MT)
Slattery	Tauzin	Williams (OH)
Smith (FL)	Taylor	Wilson
Smith (IA)	Thomas (CA)	Winn
Smith (NE)	Thomas (GA)	Wirth
Smith (NJ)	Torres	Wise
Smith, Denny	Torricelli	Wolf
Smith, Robert	Traxler	Wolpe
Snowe	Valentine	Wortley
Snyder	Vander Jagt	Wright
Solarz	Vandergriff	Wyden
Solomon	Vento	Wylie
Spence	Volkmer	Yates
Spratt	Vucanovich	Yatron
Staggers	Walgren	Young (AK)
Stangeland	Walker	Young (FL)
Stark	Watkins	Young (MO)
Stenholm	Weaver	Zschau

□ 1110

The CHAIRMAN pro tempore. 390 Members have answered to their names, a quorum is present, and the Committee will resume its business.

The Chair recognizes the gentleman from Indiana [Mr. COATS], who has 3½ minutes remaining, to discuss his amendment.

Mr. COATS. I would urge the Members to look very carefully at this amendment and not just to react to the code words "school prayer."

□ 1120

The amendment is drafted very carefully to meet the concerns and objections that some people have about the school prayer issue. I was asking Members rather than just reacting against the title, please read the amendment carefully, because it is carefully constructed to meet the objections people have about coercion of students or the possibility of a particular type of prayer. It specifically prohibits the State, the United States or any local educational agency, which would include a teacher, principal, or superintendent, from influencing in any way the form or the content of the prayer that is offered.

What we are attempting to do here is to codify the right of a student to voluntarily, on their own initiative, as an individual, to pray during school hours and to pray in school. We are talking about a voluntary prayer; we are talking about a prayer by a student. We are talking about a prayer that in no way can be influenced in terms of the form or content by a teacher or anyone involved in the school system.

We are talking about a specific prohibition against anybody being required to participate in a particular prayer. This amendment simply denies Federal funds to an educational institution or agency that has a policy prohibiting students from voluntarily praying on their own initiative. Thus, if a student wanted to pray before his lunch, if a student wanted to pray before a math exam, as many of us probably would, they would be allowed to do that. If they wanted to pray at the beginning of the schoolday, they could do that.

You say why do we need such a thing? The student already has that right. Unfortunately, the courts have so interpreted the original Supreme Court decision on prayer in such an extreme way that many school systems throughout the country have issued specific regulations against this very thing and I have a whole litany of those, and if time would permit, I would read through that.

We need to clarify this, not to involve the Government in religion; not to put a Government-sponsored prayer into schools because this amendment will not allow that. We need this amendment to restore neutrality to the schools so that the schools do not exhibit a bias against religion as currently exists. We need this amendment so that we do not leave with the students the thought that prayer is permissible anywhere else, in any other place except during their school hours.

I would ask the Members to reflect on the fact that we opened our session today, just an hour and a half ago, with a prayer. We reference here in our chamber, "In God We Trust." I have in my pocket some coins; a quarter, a dime, and a nickel. Every one of them says "In God We Trust." Our Declaration of Independence references the Almighty. Our Pledge of Allegiance says "Under God."

Our monuments, the Jefferson Memorial and the Lincoln Memorial, reference God and the Supreme Court opens its session with "God Save the United States and this Court." We pray in this building. Can we not allow prayer in our public schools if we allow it in every other public institution?

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. COATS] has expired.

(By unanimous consent, Mr. COATS was allowed to proceed for 2 additional minutes.)

Mr. COATS. Mr. Chairman, opponents of school prayer often speak of the great religious diversity and freedom in our Nation, and claim that allowing prayer in school would destroy this diversity. In a pluralistic society, we must retain a balance between both principles. That is the principle of freedom against compulsion, which I think this amendment does, but also the principle of freedom to exercise a particular right, which I think prayer is and should be.

If you read carefully my amendment, we accomplish this goal of providing freedom to those who wish to exercise their religion, but we retain safeguards against embarrassing or

pressuring any students to participate in any unwanted religious exercise. If we permit the wall of separation between church and state to become so absolute, so rigid, so impenetrable, as it is now, then we risk teaching our children that religion is purely a private affair that does not affect one's public life. But I just read through a litany of things that we do in this Nation where religion does affect our public life.

Religion deals with one's ultimate commitments, and if genuine, it affects all areas of life and should not be excluded from our public schools.

Second, pluralism does not mean to require that Government roots out every vestige of religion from public life. We can be a nation under God without foisting religious convictions on all people or coercing our citizens to adopt a particular religion. By allowing voluntary religious exercise or prayer in our public schools, with the safeguard of the strict prohibition against any State influence as to the form or content of the prayer, it appears to me nothing more than the free exercise of an inalienable freedom. Namely, the right of all of our citizens to the free exercise of their religion. This is a right that our Founding Fathers meant to protect, not to deny. A right that our courts should not take away from us as they have.

My sole aim is to permit all of our citizens, including our schoolchildren, the free exercise of their own religion in all aspects of their daily life.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. COATS. I yield to the gentleman.

Mr. JENKINS. The gentleman indicated that he had a list of schools that would not permit prayer.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. COATS] has again expired.

(On request of Mr. JENKINS and by unanimous consent, Mr. COATS was allowed to proceed for 2 additional minutes.)

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. COATS. I again yield to the gentleman.

Mr. JENKINS. The gentleman indicated that he had a litany of things, places where students could not pray and you indicated that you wanted to make sure that students could pray before they took a math test or before their noon meal.

Does the gentleman have a specific example of some school that prevents voluntary prayer in those instances?

Mr. COATS. I do, and I will give you that. The original Supreme Court decision, as you know, outlawed compulsory, State-ordered prayer, and I support that. I do not want a Governor or a school principal or a school superintendent saying this is the prayer to be used, because we want to retain our plurality and diversity.

Since that time, many, many Federal courts have carried that decision to the point that, first of all, there exists great confusion as to what schools can and cannot do. Many attorneys are now advising school boards to exclude all reference to religion and to exclude all prayers. Let me give you some examples.

One school in New Jersey outlawed the reading of the prayer from the CONGRESSIONAL RECORD that Dr. Ford and others gave here at the beginning of a schoolday. The Supreme Court declined review of a New Jersey State court, and I have reference to that.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. COATS. I yield to the gentleman.

Mr. JENKINS. Specifically what I am asking about is the voluntary prayer aspect. Is there a decision that precludes a student from voluntarily praying?

Mr. COATS. I have a couple here that I have reference to. A school principal in New York ordered his teachers to stop kindergarten children from voluntarily saying grace before meals on their own initiative, and the Second Court of Appeals upheld that ban. An Arizona school district's policy granting the high school student council permission to open their session with a voluntary, student-initiated prayer, unsupervised by teachers, was held in violation of the establishment clause by a Federal court, and I could go on and on.

That is the kind of interpretation that we think moves away from neutrality and into rooting out, as I said, every vestige of reference to the Almighty, and we are trying to bring that neutrality back.

Mr. BONKER. Mr. Chairman, I rise in opposition to the amendment.

□ 1130

Mr. Chairman, I am reluctant to rise in opposition to this amendment for I sympathize with the sponsor's intent, but my greatest fear is that this amendment, if it were adopted, could possibly confuse school authorities and lower courts as to congressional intent on this very delicate matter.

Yesterday, when we passed on the equal access, a measure that is identical to that which has already passed the Senate and is on the way to the President, we placed before this body a bill that was carefully crafted and that had all of the protections and guidelines to school districts on how to deal with this sensitive matter.

I am fearful that if we take this step today, by adoption of the amendment offered by the gentleman from Indiana [Mr. COATS] we are going to add further confusion instead of clarity on this issue. Yesterday, during floor debate, we covered a number of areas on how school districts are supposed to approach the issue of voluntary meetings among students who not only want to exercise their right to pray, but want to read the Bible or the Koran, and who want to share in verses and discuss religious matters.

This amendment is very narrow compared to the equal access bill. It refers only to the subject of prayer. It says nothing about students who want to gather for purposes of discussing their faith or about reading religious material. So I think what we are about to do, if we adopt this amendment, is to greatly narrow the scope.

The whole idea behind this issue is that students ought to be able to gather on school premises to discuss their faith if that is their desire. If we get into the issue of prayer, then I think we invite the controversy and the problems that are associated with the school prayer amendment. I know there is a great deal of anxiety, particularly on this side, that we take up that issue, but I am hopeful that we accomplished the goal yesterday by way of adoption of the equal access measure that takes care of this issue.

Second, it provides for a cutoff of funds. One of that great objections to the first debate on the equal access bill is that it provided for a cutoff of funds. This is not a desirable way to deal with the matter. A judicial-remedy provision is much more desirable, and that is what we actually made equal access more palatable than before.

Last, for those who are concerned about whether or not they are for voluntary assembly of students to discuss religious matters or pray, or whether they are going to fall on the other side, this issue should not be a litmus test. We effectively dealt with that issue yesterday by passage of the equal-access bill.

You are not going to be contradicting yourself by voting for equal access yesterday and voting against the Coats amendment today. Let me be perfectly clear about it. What we did yesterday is more than sufficient to cover voluntary prayer on school premises. This amendment would add nothing to that intent. What we passed on yesterday on the equal-access bill is sufficient in the way of guidelines and direction to the school to allow voluntary prayer. So you are going to be in good shape by opposing the Coats amendment if you voted for the equal-access amendment yesterday, and I can assure my colleagues that that is really the goal of Christian groups who have been solidly behind equal access.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I am pleased to yield to the gentleman from Indiana.

Mr. COATS. I thank the gentleman for yielding.

Mr. Chairman, I want to offer my deep respect for the gentleman and his convictions and his success yesterday on the equal access bill, which I supported. I do have a great deal of respect for the gentleman.

I want to just say, however, that as the gentleman knows, the revised equal access bill, as was presented to us yesterday, was considerably narrower than the scope of the gentleman's original offering a couple of months ago. That revision and that narrowing basically took religious activities outside the scope of the regular school hours.

A club should meet outside the school hours unless, however, they could have met during lunch hour or a free period, and I know probably the gentleman's original intention was to allow them to do that, but for the sake of compromise he excluded that.

What we are trying to do here is somewhat different and somewhat separate from that.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. BONKER] has expired.

(On request of Mr. COATS and by unanimous consent, Mr. BONKER was allowed to proceed for 1 additional minute.)

Mr. COATS. If the gentleman will yield further, what we are trying to say here is that the student should not be restricted from voluntary prayer on their own initiatives during the school day; that prayer is something that should not be left to 4 o'clock in the afternoon, but if the student wanted to pray before his meal at noon, pray before an exam, pray at the beginning of the day, but that prayer happened to fall during the school hours, that we do not want to exclude such prayer.

So we are attempting to deal with a somewhat different issue, to close what I think was a loophole in the equal access bill that we passed yesterday.

Mr. BONKER. Mr. Chairman, if the gentleman would let me respond, and I appreciated his comments, without having the benefit of fully understanding the extent of this measure, one could get into some trouble. Let me pose one hypothetical situation.

The gentleman's amendment provides that schools cannot deny, not students necessarily, but individuals an opportunity to voluntarily participate in prayer.

Let me pose a hypothetical case.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. BONKER] has again expired.

(By unanimous consent, Mr. BONKER was allowed to proceed for 2 additional minutes.)

Mr. BONKER. Say that in a classroom three students felt compelled to pray on an upcoming math test, and during the course of that class the students stood up and requested of the teacher an opportunity to pray in the classroom. I know if one has a math test coming up, that is probably when one is more prone to pray than at any time during one's life at that age.

That would actually be in the classroom, and if the teacher denied them an opportunity, that school would be in violation of this amendment and thereby that school would risk the cutoff of funds.

Let me pose another situation. What if in this classroom, since this applies only to individuals, the teacher said, "Any students here who would like to join me in a moment of prayer before we take this exam, I invite you to do so." So this is the teacher initiating the voluntary request for prayer in which two or three students—while the others are seated there—would then rise and would have an opportunity for either a silent prayer or any other kind of exercise of their faith.

That, I think, gets into a very serious thicket with respect to the Constitution, and it definitely would result in a cutoff of Federal funds.

Mr. COATS. Mr. Chairman, would the gentleman yield on that point?

Mr. BONKER. I would be glad to yield.

Mr. COATS. Mr. Chairman, I share the gentleman's concern about that exact scenario, and that is exactly the reason why I put the prohibition in there in the second sentence. "Neither the United States nor any State nor any local educational agency"—and a teacher as an employee of the State would fall in that category—"can influence the form or content of any prayer. Also, it says they cannot require any person to participate, so the teacher could not stop the class and say, "We are all going to meditate or pray while this other student prays."

Mr. BONKER. It is not explicit, though, and my scenario took into account the full content of the gentleman's language. What I was saying is if the school teacher would not require, and not even necessarily influence the students, it could be completely voluntary.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. BONKER] has again expired.

(On request of Mr. COATS and by unanimous consent, Mr. BONKER was allowed to proceed for 1 additional minute.)

Mr. BONKER. She could voluntarily invite people to participate in the prayer without influencing the students. She could actually say, "Would you join your fellow students in a moment of prayer?"

Also, it does not say anything in here about students making that invitation. A student leader could stand up and say, "Would other students join me in a moment of prayer before we have this exam?"

Again, I think that begs a serious constitutional question and it could possibly result in the cutoff of funds to that school.

□ 1140

Mr. DORGAN. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from North Dakota.

Mr. DORGAN. Mr. Chairman, I appreciate the gentleman's yielding.

I think that we are dealing with some important distinctions here. I wanted to observe that the gentleman from Georgia asked the gentleman from Indiana [Mr. COATS] a few minutes ago whether, if in the event of someone taking a math test, they wished to bow their heads and voluntarily say a silent prayer, there was any evidence that any school in this country would prevent that. The gentleman from Indiana gave a rather lengthy response.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. BONKER] has again expired.

(On request of Mr. DORGAN, and by unanimous consent, Mr. BONKER was allowed to proceed for 1 additional minute.)

Mr. DORGAN. Mr. Chairman, if the gentleman will yield further, the gentleman from Indiana gave a rather lengthy response to that question, but I think in summary the response is: No; there is no instance that any of us know of in which a student who is confronted with a math exam and wishes to bow his or her head and say a voluntary prayer would be prevented from doing that.

The distinction today about what is allowed in the schools is a very important one for us to make, and I did not want to let that pass without acknowledging it. It is now permissible in public schools for students to bow their heads and say prayers in the manner that they are accustomed to saying their prayers, and nothing prohibits that, at least as I understand it. The gentleman from Georgia asked a question, and he did not get a direct answer. The answer, I think, is: No; there is nothing currently that prohibits that type of voluntary prayer.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Georgia.

Mr. FOWLER. Mr. Chairman, I thank the gentleman for yielding.

May I direct a question to the gentleman from Indiana, the author of the amendment? I want to try to come around from a different tack.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. BONKER] has once again expired.

(On request of Mr. FOWLER, and by unanimous consent, Mr. BONKER was allowed to proceed for 3 additional minutes.)

Mr. FOWLER. Mr. Chairman, will the gentleman continue to yield?

Mr. BONKER. I yield to the gentleman from Georgia.

Mr. FOWLER. Mr. Chairman, I thank the gentleman for yielding.

Would the gentleman from Indiana agree that there is nothing in the law of this land that now prohibits silent participation in prayer within public schools? Yes or no?

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Indiana.

Mr. COATS. Mr. Chairman, it is my understanding that a New Jersey school has outlawed silent prayer, and that there have been policies in Minnesota by a school district in which a student was reprimanded for offering an individual prayer before a meal.

Mr. FOWLER. Excuse me. Mr. Chairman, I just want to get this clear.

How could any authority, State or Federal, outlaw silent prayer?

Mr. COATS. Mr. Chairman, if the gentleman will continue to yield, from a practical aspect, they could not. It would be practically impossible because the authority would not know whether or not the student was actually praying or meditating or whatever.

Mr. FOWLER. That is right. Let me ask the gentleman this: Is the gentleman in his amendment attempting to set aside a specific time and place within the schoolday for what he says is "participation in prayer in public schools?"

Mr. COATS. No. Mr. Chairman, absolutely not.

Mr. FOWLER. All right. Let me ask the gentleman this, then: To accomplish the objectives of the gentleman's amendment, rather than getting into the controversy as to what is individual versus group prayer, what is voluntary versus involuntary, all of which is in the courts from a number of jurisdictions, as the gentleman alluded to, would the gentleman from Indiana, the author of the amendment, agree to an amendment that kept the first words of his amendment intact, the first three lines, but then said, "* * * nothing which would effectively prevent silent participation by prayer in the public schools," as a substitute for his language?

Mr. COATS. Mr. Chairman, I would have a problem with that, and I know that question came up in the Senate in the debate over the school prayer amendment. What we are trying to get at here is the right of an individual, including students in public schools, to exercise the right of free speech and to exercise their freedom of religion.

Mr. FOWLER. Mr. Chairman, allow me to interrupt, only because we are going to run out of time and we have monopolized the time.

I ask the gentleman to reconsider. I assume that what the gentleman has just told me is true, that he is not trying to set aside a specific time and he is not trying to set up a specific plan in the curriculum. We have passed the equal access bill that allows all these groups on the campus to engage in religious activity.

The CHAIRMAN pro tempore. Again the time of the gentleman from Washington [Mr. BONKER] has expired.

(On request of Mr. FOWLER, and by unanimous consent, Mr. BONKER was allowed to proceed for 1 additional minute.)

Mr. FOWLER. Mr. Chairman, will the gentleman yield further?

Mr. BONKER. I yield to the gentleman from Georgia.

Mr. FOWLER. Mr. Chairman, accepting the gentleman's objectives and the assurances he has just given us, it seems that the cure as well as the accomplishment of the gentleman's objective is to simply say that we will not deny the silent participation of an individual in the public schools in prayer, and that, it would seem to me, would accomplish the gentleman's purpose and also codify, incidentally, the existing law.

Mr. COATS. Mr. Chairman, if I may respond to the gentleman, and if the gentleman from Washington will yield further, let me raise a couple of problems with that.

First, in some religions students and children are taught to say a prayer that is recited vocally, before a meal, for instance. Also, how do we deal with the situation where members of the Catholic faith cross themselves before a prayer, which is part of that? Is that silent?

Mr. FOWLER. Well, yes; it is silent.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. BONKER] has expired.

Mr. CHANDLER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, with all due respect to the gentleman who is offering the amendment today, I believe that the gentleman from Georgia who just spoke has raised some very serious concerns.

The problem that we are facing here as a nation is to recognize the differing interests of two groups, majority religions who desire to have a religious observance in the public schools, a prayer to take place, and members of minority faiths. I agree with the gentleman that it is a shame that we do seem to be moving away from an observation of our spirituality at the schoolhouse door, and that is why I so eagerly supported the equal access amendment yesterday. But at the same time we have been working at cross-purposes with regard to those students in our public schools who are of a minority religion and who do not wish to participate in the religious observance not of their choosing.

If I may offer the experience of having become well acquainted with a number of people, especially those of the Jewish faith, who find it extremely discomforting to be faced with the observance of a Christian prayer, I think that, though it is difficult to understand, I can certainly sympathize with that feeling.

The problem with this amendment is that we are offered now, not something like the constitutional amendment that was considered in the Senate where you would have a prayer that could have been religiously neutral, but here you have a prayer that will be determined by the students, with absolutely no opportunity for guidance or control on the part of any authority other than the students. So we know good and well that the majority will be controlling this because the majority will be the Christians, and that is, I believe, going to violate the rights of those other students who do not wish to participate. In fact, I can see the situation where they would either have to leave the room or sit there and take part in a religious observance of which they would not otherwise approve.

□ 1150

The school would have absolutely no opportunity to influence this whatsoever under the Coats amendment. Otherwise, they would lose their funds.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I would be very happy to yield.

Ms. FIEDLER. I happen to be Jewish and I was raised in a community where we happened to be the only Jewish family in the community. I supported the equal access bills on both occasions and I feel strongly that people should have the rights in that bill, in the educational institutions paid for with public funds. There are many members of the Jewish community that do not happen to share my view, but when you get down to a point where you permit oral prayer in the public school system, then you begin to get into a situation where, in my opinion, you become exclusionary. This is certainly true when you take youngsters, who happen to be a part of a different religious faith, than their classmates and there are many faiths represented in the American school systems.

Mr. CHANDLER. Of course.

Ms. FIEDLER. And you focus on their religious preference differences, then I think the law simply goes beyond the important separation which should exist.

Now, I would like to explain a little further if I may, because I think this point has not yet been made. One of the reasons why I feel strongly that there should be some option for silent prayer in school is that I do not personally believe that we should deny rights to a group of citizens simply because we fear that there will be an abuse of those rights by another group; but at the same time, I think that it is terribly important that when we pass pieces of legislation that deal with these very sensitive issues, that we do not go so far as to encourage the abuse of the rights that we are permitting.

With that thought, I would really urge my colleague, who is the author of this motion, to accept the amendment offered by the gentleman from the other side of the aisle a few moments ago, because I think there are many of us who would consider that acceptable, but this simply goes too far.

The CHAIRMAN pro tempore. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. CHANDLER was allowed to proceed for 2 additional minutes.)

Mr. CHANDLER. Mr. Chairman, if I may, before I yield and I will gladly do so, I really want to thank the gentlewoman for making so eloquent a statement.

I believe, I would just like to say, she is so right. If we are only talking about a silent, meditative prayer here, I have absolutely no objection whatsoever, but the exclusion of so many hundreds of students, and the situation is different. When I went to the Fruitdale Elementary School, there was no such a thing as a minority student there, but in Los Angeles, as the gentlewoman points out, there certainly are and we cannot overlook their rights.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I differ with the gentleman when it comes to his opinion that those who practice minority religions will be excluded. I think that this Coats amendment is the very vehicle whereby that Jewish child or Catholic child can sit there in front of their food in the cafeteria and say a prayer, whether it is a vocal prayer or a silent prayer.

Mr. CHANDLER. Mr. Chairman, if I may reclaim my time, the gentleman is absolutely right, but in addition to that, you can start the day with a prayer, you can start the afternoon, you can start the math class, you can do almost anything and the students can conduct the prayer in any form or content that they wish with absolutely no control from the authorities. Then the gentlewoman is right. Then you are excluding those who do not wish to participate.

Mr. HUNTER. Mr. Chairman, if the gentleman will continue to yield, let me make a statement on that point.

I think that it is ridiculous to assert, especially in light of the discussion that we are having right now for a legislative background, that somehow this amendment is going to allow students to disrupt the schoolday and instead of having geography classes and math classes, we are going to have people who pray literally by the hour when they should be working. I do not think that is the purpose of this amendment and I do not think the gentleman from Indiana [Mr. COATS] would assert that is the purpose.

The CHAIRMAN pro tempore. The time of the gentleman from Washington has expired.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent that the gentleman be given 2 additional minutes.

The CHAIRMAN pro tempore. The gentleman does not seek any additional time.

For what purpose does the gentleman from Washington [Mr. FOLEY] rise?

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join with others who are concerned about the effect of this amendment. Yesterday I supported the Equal Access Act with the expectation that it will shortly be signed by the President. It will allow, under conditions which are specified in the act, students to voluntarily participate in religious as well as other meetings in the Nation's public schools.

This amendment, in contrast, is very narrowly drafted and, I think frankly, leaves many questions unanswered.

The gentleman from California [Mr. HUNTER] just stated that he does not believe that his amendment will allow students to disrupt a class or others in it; but his amendment does not specify what sort of prayer must be permitted.

I am a Roman Catholic. It would be possible, for example, under this amendment for any Catholic students to decide to say the rosary orally in a classroom. That could take 15 to 20 minutes and would certainly be prayer as it is understood by traditional Roman Catholics. If the school decides that that type of prayer, a prayer of that extensive character, orally spoken, was not proper under the terms of the school's guidelines, they would be forced to make a decision between religious groups, indeed between denominations within the Christian community as to what was appropriate prayer.

We then involve the students and the school authorities in a constant dialog to determine when and how oral prayers are permissible.

Now, it was stated a few minutes ago that an amendment that allows private, silent prayer is not acceptable; I infer from this that the sponsors want either organized prayer or organized and vocal prayer. I contend that that will create serious problems for school administrators.

In addition, we have many States whose constitutions restrict denominational, religious activities within our public schools. Those States will be put in a position of either losing their Federal funds or obeying the structures of their State constitutions, creating an unacceptable situation.

As the gentleman from Washington [Mr. BONKER] the author of the equal access bill has pointed out, the equal access provides for judicial involvement when there is any question about what is allowed under that act. Judicial enforcement of its provisions is thereby permitted and Federal funds are not automatically cut off when a violation of that act is alleged.

The offering of this amendment is, I think, a surprising turn of events, especially after an overwhelming majority of the House voted yesterday for the equal access bill following the action of the other body. Now, just when the President is about to sign that bill into law and when that event has been welcomed by many as providing opportunities for voluntary religious activities by student groups in the public schools this amendment is offered. I think it is not appropriate to bring forth a proposal that presents us with an impossible series of problems. If this amendment were to pass, school districts and religious denominations would have to become involved in discussion of how to implement such a law without violating various State laws, State constitutions without disrupting the orderly process of education.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Indiana.

Mr. COATS. Mr. Chairman, I thank the gentleman for yielding.

I want to restate that we are not talking about organized or group prayer. The amendment specifically states that it is a right available only to individuals and it also specifically prohibits any influence of the form or content of any particular prayer.

Mr. FOLEY. Well, let me ask the gentleman a question then. Suppose that five students decide, without any school organization or teacher prompting, to stand up and begin reciting the rosary. They are individuals. They are not organized by the school. They have a right under the gentle-

man's amendment to participate in prayer. The prayer would be conducted orally, and would most likely disrupt the school instruction period, probably requiring the school authorities to stop the prayer in order to proceed with the school instruction period. By so doing, the school authorities then are making a judgment about what kinds of prayers are going to be permitted. Yet by the language of this amendment voluntary prayer, as the gentleman describes it, is going to be permitted in the schoolroom.

Mr. COATS. Mr. Chairman, if the gentleman will yield further, I think that the gentleman raises a legitimate point about students standing up in the middle of a classroom hour of instruction and perhaps disrupting it. We would be willing to perfect that to remove that possibility.

Let me respond further to the gentleman, from the standpoint that what we did yesterday with that equal access bill, because of the restrictions placed on it, left a gaping hole in terms of the individual's right of freedom of religious expression during the school hours.

□ 1200

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. FOLEY] has expired.

(On request of Mr. ROEMER and by unanimous consent Mr. FOLEY was allowed to proceed for 2 additional minutes.)

Mr. COATS. If the gentleman would yield me 10 more seconds then I will be happy to yield back.

This gaping hole in the right of religious expression was left open yesterday because of the restrictions placed on equal access, and the student does not now have the right of religious expression on an individual basis during the school hours. And by denying the student that right we are saying that religion, religious expression is fine anywhere in this country, at any time, including on the floor of the House of Representatives, but we will not allow our students to do it during the hours of 8 to 4, or whatever the school hours are.

Mr. FOLEY. If I can regain my time, I do not think it is correct to draw an analogy between Members in the House of Representatives and students if a public school. The prayer if the House of Representatives is offered at a particular time under the House Rules. And we hold it to be Constitutional because it involves mature adults whose presence is voluntary when the prayer is given.

The fact of the matter as that a Member of Congress may not stand up even in this House, and without being recognized for the purpose of offering an oral prayer. If he were to do so, regardless of the content of his prayer, he would be ruled out of order.

The gentleman has acknowledged and admitted in the debate that there is a problem with students standing up in a classroom and beginning to pray orally thereby disrupting the class. In order to deal with that problem the school authorities would have to stop the praying students, and decide that their actions were not appropriate at that particular time when instruction was going on.

If that were to happen, school authorities would then have to decide between types of prayer, between religious confessions. However, as I am sure the gentleman knows, constitutionally the school authorities could not start to make decisions between different religious expressions in the United States.

Mr. ROEMER. Will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

I just want to reiterate something that the gentleman from Washington has already brought to our attention in this debate.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. FOLEY] has again expired.

(On request of Mr. ROEMER and by unanimous consent Mr. FOLEY was allowed to proceed for 2 additional minutes.)

Mr. ROEMER. Will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Louisiana.

Mr. ROEMER. It has already been admitted or stated by the author of the amendment that it is an imperfect amendment, as the gentleman from Washington has caused us to focus our attention on the phrase money would be cut off from those agencies which have a policy of denying participation in prayer.

The gentleman from Washington has already shown us I think one of many examples where voluntary prayer could be disruptive to the purpose of the school: educating our youngsters. And the author of the amendment as already admitted that his amendment is imperfect on that point.

If it is imperfect on that point it is imperfect to the issue of the amendment itself. This amendment should either be defeated or withdrawn.

I thank the gentleman for yielding.

Mr. WALKER. Will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding and appreciate the gentleman's mentioning a moment ago that if Members of the House stood up and began to recite the rosary on the House floor the Presiding Officer of the House could at that point gavel them down.

I would suggest as a former teacher that that is the same as is true in a classroom. In that classroom if someone stands up and attempts to disrupt the classroom, at that point I as presiding officer in that classroom have the ability to tell them that they cannot proceed further. And I am sure that under this amendment that would certainly be within my jurisdiction to do so.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. FOLEY] has again expired.

(By unanimous consent Mr. FOLEY was allowed to proceed for 2 additional minutes.)

Mr. FOLEY. Exactly. That is what I think would happen. I am sure the gentleman, as a former teacher, is quite right. The teachers would not stand by and have the class disrupted. But when they act, at that point the school district has a lawsuit. There is a demand that the school stop interfering with the right of voluntary prayer which is exercised by the student.

There is nothing in this amendment that gives the school authorities any right to do anything that denies or restricts voluntary prayer. That is what the amendment is all about and because it does not state, as the equal access bill states, that the school authorities have the right to maintain discipline and to maintain order in the schoolroom and to see that the functions of the school are carried out, it is perfectly possible that students of various religious confessions might stand up, interrupt the class, and we would have a very serious problem with that school meeting the terms of this bill.

Now, as far as silent prayer is concerned, I do not know of a school district in the United States that has interrupted the right of a student to pray silently. And I do not think there is any case where an individual, private, voluntary prayer of any student in the United States that has been stopped or halted.

The fact of the matter is that what people usually are trying to do is reestablish organized prayer in our public schools. But organized prayer in public schools has been declared to be unconstitutional under the U.S. Supreme Court decision. This proposal is not a constitutional amendment.

We allowed yesterday students to voluntarily participate in religious and other school activities by passing the equal access bill. That bill had very broad support in this House and is going to be signed into law.

But to bring before the House this language imperfectly drafted as it is, creates serious problems for the administration of the school systems. And to create a problem that does not really exist as far as I know, as far as

any student in the United States is concerned in terms of being denied an opportunity for individual prayer, brings about a very, very difficult impasse between the rights of individual students and the responsibilities of the school district and the parents of those students.

I would hope that this amendment would not be accepted.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. FOLEY] has again expired.

(On request of Mr. WALKER and by unanimous consent Mr. FOLEY was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Will the gentleman yield further?

Mr. ACKERMAN. Will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from New York.

Mr. ACKERMAN. Let me say that the gentleman from Washington is absolutely right in what he is calling to our attention. This bill happens to be very, very poorly drafted, despite what we heard previously on the floor.

Let me say some of the words and some of the phrases we understand. We know what voluntarily means. We know what individual means. We know what influence the contents means. We think we might know what prayer means. It is the expression of a hope or wish or desire and the invoking of the name of the Supreme Being.

But let me give you a scenario. Let me give you a scenario.

The Bloomington High School in the middle of a math test, some kid is very, very frustrated, and he stands up and he says, "God damn the math teacher; I hope he burns in hell."

Is that not a prayer? If that math teacher says, "Johnny, sit down," and interrupts him, all of Indiana is going to lose its Federal funding.

Mr. WALKER. Will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I would say to the gentleman first of all that is not a prayer in any book I ever saw.

The point I would make with the gentleman is I think he is absolutely wrong in his interpretation of the amendment. It seems to me the gentleman is wrong in his interpretation of the amendment because the amendment says that the school authorities are not permitted to require any person to participate in prayer.

If in fact a teacher permitted such an exercise as the gentleman outlined to take place in a classroom, he would be forcing other persons within that classroom to participate in the prayer, thereby being in violation of the very language of this amendment.

I would say to the gentleman I believe he has misinterpreted the amendment completely. It seems to be clear in the amendment that that is exactly the kind of prohibition that the amendment seeks to address and makes certain school authorities, including teachers, are not permitted to have people participating in prayer unwillingly.

Mr. FOLEY. I will answer the gentleman with this: He has created now a real conundrum. The school authorities cannot interfere with the right of a student to voluntarily pray.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. FOLEY] has again expired.

(By unanimous consent Mr. FOLEY was allowed to proceed for 2 additional minutes.)

Mr. FOLEY. If the student voluntarily prays without any direction or instruction or enticement from the teacher, just does it voluntarily, but disrupts the class, then under the gentleman from Pennsylvania's interpretation the rest of the students are being involved in involuntary prayer.

Mr. WALKER. That is right.

Mr. FOLEY. And they must not be protected by the teacher who stops the student.

Mr. WALKER. That is right.

Mr. FOLEY. I do not think teachers in our schools should be put in the situation of having to be constitutional lawyers to the degree that they must decide when it is necessary for them to allow prayer and when it is necessary for them to stop prayer. Nor do I think that in order to not interfere with prayer, the teacher should have to judge whether a student or students were engaging in direct prayer or indirect prayer; or prayer by attribution or prayer by deliberation.

□ 1210

It is wrong for us to create this kind of a religious controversy in our schools especially after we have passed yesterday's bill. I just want to say that I, along with many Members, believe that students and people in our country are coming back to a sense of spiritual commitment.

For most of us I think this is seen as an enormously good step for our country. We are pleased and we welcome this direction. But we should not forget that our country was founded by people who believed so deeply in God and who believed so deeply in the right of their religious tradition and heritage that they fled from other countries to come here to enjoy liberty and freedom of religious expression, and that when our Constitution was founded, one of its first purposes was to guarantee religious freedom in this country.

Now we ought to think for a moment when we consider this amendment whether by its enactment we would permit the intrusion of the same kind of religious controversies, difficulties, and disruptions that so divided Europe and many countries and from which our ancestors fled to find a haven allowing the freedom of religious expression in the United States.

We are putting our school districts into an impossible situation if we pass this amendment. It is poorly drafted and offers no clear guidelines for school administrators and teachers.

(By unanimous consent, Mr. FOLEY was allowed to proceed for 1 additional minute.)

Mr. FOLEY. It risks embroiling our country in dispute between religious denominations that is hostile to the great religious concerns of the vast majority of our people. I understand the good intentions of this amendment but it is not a proper amendment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

It is the gentleman who, it seems to me, is adding complexity to it. The amendment is fairly simple; it says an individual should be permitted to pray in public schools so long as he does not interfere with other individuals. That is the only purpose behind the amendment.

The gentleman is adding the complexity to it. There is no complexity to it; the amendment is entirely clear.

Mr. FOLEY. There is no need for such an amendment. The situation the gentleman described is not prohibited by law on the Constitution of the United States.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

First of all, the amendment does not say that. Second of all, I think we see immediately the problems that are raised when the gentleman from Pennsylvania suggested that the gentleman from New York's prayer was not in order because it was no prayer that he read in a book.

I will tell you there are prayers that people say everyday that are not in books. We have people who stand before this body and write out prayers for this body everyday that are not in books. So already we start to see one teacher can stand up and say, "That prayer is not in the book that I read."

So we are asking our educational institutions to take on responsibilities that are unacceptable.

Mr. HUNTER. Mr. Chairman, I move to strike the last word, and I rise in favor of the amendment.

Mr. WALKER. Will the gentleman yield briefly?

Mr. HUNTER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding briefly.

I just reply to the gentleman from California [Mr. MILLER] that it may have been an exact use of words to say in the book. It is just my position that blasphemy is not a prayer. Besides, what the gentleman said is a violation of the rules of the House.

Mr. HUNTER. I thank the gentleman.

Let me say I think the gentleman from Washington has built a nightmare situation around very simple, very direct language, that is unfounded and unjustified by the language.

You know, what we are really talking about here is trying to undo the chilling effect that has occurred because of the debate over prayer in school over the last several decades in our Nation's school systems.

The facts are, and one of the gentlemen from the other side of the argument said that teachers are not constitutional lawyers. Exactly. Teachers are not constitutional lawyers and most educators, including the teachers and the administrators, do not really know what the law as with regard to prayer in school. They do not know what the Constitution means with regard to prayer in school.

And I think this is true of everybody who has townhall meetings in this House and goes back to their districts and talks with administrators; there are 101 opinions in every school district as to exactly what children can do in their schools.

Some people talk about the separation between church and state; they say well, that means you cannot have Christmas programs that depict a nativity scene. Others say well, the separation between church and state means a little girl cannot recite the rosary on the bus on the way to school. That has occurred.

I think one interesting thing, in this debate in this body and the other body over the last several months, is that a number of people have gotten up and in reponse to the debate over whether there should be a constitutional amendment to allow prayer in school, they have said, "You already have the right to voluntarily pray in school." They say, "Anybody can say a prayer in school out loud if they want to and that is not a violation of the Constitution."

Now I would ask one of the opponents of the amendment, is it against the Constitution of the United States for a little girl in kindergarten to say a vocal prayer before she eats her meal at lunchtime, is that against the Constitution, is that prohibited by the Constitution? Could anybody answer that question?

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New York to answer that question.

Mr. ACKERMAN. I do not know if I could answer that question.

Mr. HUNTER. I take back my time.

Mr. ACKERMAN. I can answer it by asking another question.

Mr. HUNTER. I will be happy to yield at a later time.

The point I am making is nobody rose up out of this House of Representatives to tell me whether it is against the Constitution.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I will be happy to yield to the gentleman from Washington.

Mr. FOLEY. I can say absolutely that there is no constitutional prohibition against such a student's offering a prayer before she eats her meal.

Mr. HUNTER. I thank the gentleman for his statement. The gentleman from Washington says there is not any prohibition against a little girl giving an oral prayer out loud before she has her meal.

Now the point is that if you asked administrators across the country, school administrators or school officials that same question, you are going to have a number of varying opinions. I know I have had varying opinions and there have been occasions cited by the gentleman who is the author of the amendment, Mr. COATS, where in fact that was held to be somehow a violation of the so-called separation between church and state.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. Yes; I yield to the gentleman.

Mr. COATS. I thank the gentleman.

Just to further clarify the gentleman's point, the very scenario the gentleman raised is one of the reasons we are offering this amendment, because the recitation of the prayer before a meal, "God is great, God is good and we thank him for our food, amen," and "Thank you for the world so sweet, thank you for the food we eat, thank you for the birds that sing, thank you God for everything" was ruled by the Federal court in the case, Stein versus Oshinsky, was overruled, Judge Friendly said that—

> After all that the states have been told about keeping the 'wall between church and state . . . high and impregnable,' . . . it would be rather bitter irony to chastise New York for having built the wall too high or too strong.

So the court upheld the New York prohibition against the child saying that prayer. So it is not just a scenario.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. FOLEY. That is an entirely different situation, I will say to the gentleman [Mr. COATS]. He is citing a case which involved organized prayer.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. HUNTER] has expired.

(On request of Mr. ROEMER and by unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. I will be happy to give the gentleman [Mr. FOLEY] plenty of time to debate with the gentleman from Indiana [Mr. COATS], but I want to complete my point and then I will go on.

The point I am making is that the gentleman stood up and said that is not against the Constitution. I think you would have debate on that point by a great many school administrators who have been confused by the several decades of debate over prayer in school.

We have right now a chilling effect in this country. We do have, and I think it has been pointed out on both sides of the aisle, we do have cases where school administrators and officials have illustrated that they do not understand what they can allow. They are confused.

And all that this amendment would do is allow those children who want to give that voluntary constitutional prayer, the right to go ahead and give it.

And I would submit if there is any problem, the gentleman says, "Well, I have a problem because they might be able to disrupt classes." If that is a problem, let us go ahead and amend the amendment and make it so the children would not disrupt classes.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I will be happy to yield to the gentleman who secured my time for me.

Mr. ROEMER. I thank the gentleman from California. I am glad to hear that he admits publicly there are problems with this amendment. It goes far beyond the scenario that you paint, which is a little girl before a little meal saying a little prayer.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. I thank the gentleman [Mr. ROEMER] for his statement. But I think the horror stories that have been compounded by various opponents of this amendment to the effect there is going to be tremendous disruption of classroom, could be taken care of.

□ 1220

Although I think that it is clear that this would not allow people to disrupt the course of schools. But I think that could be taken care of very easily.

If that is the case, I think we ought to move on. We ought to amend the amendment and prohibit any disruption and go ahead and pass this thing.

But I think the gentleman from Washington has made my point. People do not know what is allowed in classrooms today.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Let me say that if the purpose of the amendment and of the gentleman's support for it is to clarify the situation for school administrators and teachers, then I think its language should be reconsidered. The fact that the author of the amendment himself, the gentleman in the well, and the gentleman from Pennsylvania all acknowledge that it raises potential concerns which would have to be resolved in some way, indicates that the amendment in its present form would only serve to further confuse and confound the situation.

Mr. HUNTER. I understand the gentleman's point.

I would say simply I do not see a problem with it, but I think if that is the gentleman's problem that that can be easily taken care of.

The point that we need to clear up this situation and take care of this chilling effect that has occurred over the last several decades is a good point. We should move forward with it. In fact, there are many administrators around this country right now who do not believe that children should be allowed to say an independent prayer before a meal or while they are on their way to the classroom or while they are on a bus. There is confusion.

This amendment clears up that confusion. It does not cause any nightmares.

I would urge a "yes" vote on the Coats amendment.

Mr. WILLIAMS of Montana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the dialog that just ensued is precisely correct. The gentleman from Washington State correctly addressed the question: Is silent prayer unconstitutional? By saying, no, there is nothing in the Constitution, nor is there anything anywhere in Federal law which outlaws silent, private prayer.

The gentleman in the well at that time made an equally accurate point and that is that there is great confusion in this Nation among teachers and administrators about that point. He is correct.

Why is there confusion? Because we have had for two decades a parade of politicians and TV preachers saying to Americans, "Your children deserve the right to pray in school." However those people have neglected to say to the American people, for political purposes only, "However, your children do have the right now to pray silently."

These people have neglected to explain to parents the Government simply does not have the right to tell these children which prayer they shall say and when they shall say it.

Yes; children have the right to pray in school. It is the Government, constitutionally, that does not have the right to tell them when and where they may pray. The Supreme Court has determined that. Voluntary prayer, fully uncoerced is now permissible. Nothing in Federal law or the Constitution prohibits that.

The gentleman from Indiana said he will not accept an amendment to cover only silent prayer.

Now, I personally believe such an amendment might be troubling, but he says he will not accept that type of an amendment.

Thus, the gentleman's amendment, as written, requires an unusual dichotomy. If States or localities decide to break the Constitution by requiring, coercing mandatory prayer the Federal Government must allow them to do. States and localities deciding to uphold the Constitution could so only under the threat of withheld Federal funds.

With all due respect to the gentleman from Indiana, his amendment is atrocious.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I am pleased to yield to my colleague whose amendment is atrocious.

Mr. COATS. I thank the gentleman for yielding.

That characterization, obviously, I do not share.

But let me, once again, focus the gentleman's attention on what the amendment says. What I want people to do is not focus on the code words "school prayer." The amendment says if a school system "has a policy" that "effectively prevents" individual students from participating in prayer on a voluntary basis, then they will not receive Federal funds. A "policy" of preventing prayer.

Mr. WILLIAMS of Montana. Reclaiming my time, it is now unconstitutional for a State or locality to write a prayer and require students to say it, even though the caveat is there that the prayer can be voluntary. The children who do not want to pray do not have to. That is unconstitutional.

The gentleman says States may require that. And then he requires the Congress and the Executive to use the mailed fist of withholding Federal funds to require that constitutional action.

Mr. COATS. If the gentleman would yield further, the amendment says nothing of the sort. The amendment absolutely, specifically prohibits the local agencies or the State or the United States from requiring that.

So it is not unconstitutional. I agree with the gentleman. I do not want anybody composing a prayer. I do not want anybody telling a student how to pray. No organized prayer is allowed under this amendment.

Mr. WILLIAMS of Montana. Reclaiming my time, would the gentleman agree to a rewording of his amendment that made it clear we are only affecting voluntary, individual, student silent prayer?

Mr. COATS. Well, I agree with everything the gentleman says, except the word silent.

Mr. WILLIAMS of Montana. Would the gentleman accept an amendment to accomplish that?

Mr. COATS. My amendment says that, except for the word "silent."

And what we are trying to preserve here is the right of the student who wants to recite a vocal prayer before their meal at lunchtime or to themselves during the schoolday. We are trying to preserve their right of saying that vocally.

But everything else that the gentleman has offered is already in the amendment.

Mr. WILLIAMS of Montana. Other than silent prayer. I would say to my friend, we would have State prescribed prayer——

Mr. COATS. Absolutely not.

Mr. WILLIAMS of Montana. Or student prescribed prayer, both of which, done in an organized way, are unconstitutional.

Mr. COATS. Absolutely not, because the amendment specifically prohibits that. The amendment says: "Neither the United States nor any State nor any local educational agency shall require a person to participate in prayer or influence the form or content * * *"

Mr. WILLIAMS of Montana. But the amendment does not deny or even recognize the constitutional denial for the State to write the prayer and require it being said.

Mr. COATS. I disagree with the gentleman.

AMENDMENT OFFERED BY MR. GUNDERSON TO THE AMENDMENT OFFERED BY MR. COATS

Mr. GUNDERSON. Mr. Chairman, I offer an amendment to the amendment.

Mr. COATS. Mr. Chairman, I reserve a point of order on the amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON to the amendment offered by Mr. COATS:

In section 420A of the General Education Provisions Act (as proposed to be added by the amendment of the Amendment of the gentleman from Indiana) strike out the first sentence and insert in lieu thereof the following: "No State or local educational agency shall deny individuals in public schools the opportunity to participate in moments of silent prayer.".

Mr. GUNDERSON. Mr. Chairman, I think many of us are sitting here this morning and now this afternoon in a little bit of agony because we want to find a way in which we can say that there ought to be some type of opportunity for prayer in our schools, and yet, we have some problems with the original amendment as drafted.

□ 1230

The amendment that I have introduced will accomplish two thing. The first thing, and in my opinion, the most important thing it does, is it eliminates the funding penalty under the original amendment.

I cannot believe that any one of us would want to jeopardize one of our local schools having all of their State or Federal aid cut off because somebody in the Department of Education has determined that some teacher in that local school denied an opportunity for prayer. That is a judgmental thing, and I do not think we want to go that far.

Yesterday, in the equal access bill, we provided the judicial remedies. That is what we are trying to provide in this particular amendment.

The second problem: I would like to have had an organized minute of silence that students could use however they would like. The problem is that if you have an organized or a scheduled minute of silence at the beginning of the day or immediately preceding the lunch hour, then you get the State and the school back in the business of "organizing" time for prayer. And a number of people have counseled me that it simply is not the constitutional way to go on this type of thing.

So what we are trying to do here is change the first sentence of the amendment, allowing moments of silent prayer, but not any organized recited prayer by anyone, and, most important, we will not be cutting off the funds of any local school by virtue of some judgment of some bureaucrat someplace in some State or Federal agency for education.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I really want to commend the gentleman for taking this initiative. I think he has carefully crafted an amendment that a majority, perhaps an overwhelming majority, of this House can support.

As one who would like to see a constitutional remedy to this but knowing that we do not have a constitutional remedy, I think this is the only practical, administratively sound way to give the option and provide the same equality that we achieved in the Equal Access Act. It is consistent with what we did yesterday in equal access. It impinges on no one's liberty, and yet it protects the individual's right to a moment of silence.

I just want to commend the gentleman for his legislative artistry.

Mr. GUNDERSON. I appreciate the gentlewoman's remarks.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Chairman, I commend the gentleman for offering an amendment I believe is worthy of our support and is consistent with what this body did on the equal access bill yesterday.

I know the gentleman would have preferred to have in his language the opportunity to participate in organized moments of silent prayer, but he was understanding of the complications that that might pose constitutionally and agreed to remove "organized" so that we do not have the school authorities involved directly or indirectly in scheduling or putting notices on the bulletin board, or whatever.

So I think this is entirely compatible with what we did yesterday, and I can fully support the gentleman's amendment and urge all of my colleagues to do likewise.

Mr. GUNDERSON. I thank the gentleman.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I, too, want to support the gentleman's addition to this amendment, because I see some real problems. In the original amendment it says:

No funds shall be made available under any applicable program to any State or local educational agency which has a policy of denying or which effectively prevents participation in prayer in public schools by individuals on a voluntary basis.

The problem is, from my perspective as a former school administrator, I am not sure when the teacher would have the right to terminate any voluntary prayer that someone wants to offer. I do not understand where they would have any control over when the students pray, how long they pray, how many times they pray. In fact, I think you could have a real difficult time teaching a class. If I were unprepared, I think I would get all of my colleagues to pray so that as a matter of fact we could not go ahead with instruction.

So I think the gentleman has a solution to the problem.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

(On request of Mr. GOODLING and by unanimous consent, Mr. GUNDERSON was allowed to proceed for 2 additional minutes.)

Mr. GUNDERSON. Mr. Chairman, I yield again to the gentleman from Pennsylvania.

Mr. GOODLING. I realize that many of my constituents may not understand what it is I am saying because, of course, many constituent letters would indicate that they support prayer in school at any cost.

But as I said, the way this amendment is written, I do not understand how the teacher or the administrator could really have any kind of control when the prayer took place out loud, how long, how often, and I think it could become a real problem. I know that is not the intent of the author, but I am merely saying the way it is drafted I think a teacher could be in real trouble if they said, "You sit down and be quiet." I then think there probably would be a legal case because someone could argue, "The Congress of the United States as a matter of fact said I have this right."

So I think we have problems with the original amendment. Whether what the gentleman's offering does what they want it to do or not, I think it is much better and the direction we should be going here in the Congress.

Mr. GUNDERSON. I appreciate the gentleman's remarks.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Kentucky, the chairman of the committee.

Mr. PERKINS. I thank my distinguished colleague, the gentleman from Wisconsin [Mr. GUNDERSON], for yielding.

I can certainly support the amendment which says that:

No State or local educational agency shall deny individuals in public schools the opportunity to participate in moments of silent prayer.

This is a very worthy substitute for the original Coats amendment. In my judgment, the Coats amendment could easily have been declared unconstitutional, and it was a back-door approach, really, to a constitutional amendment.

The committee really needs to consider this entire issue more broadly than what the gentleman from Wisconsin is presently offering. And I think the gentleman from Wisconsin has offered a solution to our entire dilemma here this morning, and I wish to compliment my distinguished colleague.

Mr. GUNDERSON. I appreciate the support of the chairman and his kind remarks.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has again expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for 2 additional minutes.)

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from New York.

Mr. ACKERMAN. I thank my colleague for yielding.

Let me congratulate the gentleman for bringing this to a level where it certainly becomes a little bit more acceptable to a lot more people.

I was wondering if it would be acceptable to the gentleman to make one slight change so that it would say "No State or local educational agency shall deny" instead of "individuals," "individual students"?

And the reason that I would suggest that is to remove the possibility of a classroom teacher standing up and saying, "And now, boys and girls, I am going to clasp my hands, bow my head, and engage in a moment of silent prayer."

Mr. GUNDERSON. I suspect that if the teacher did that, knowing my own history in school, it would not be very silent, because there would be a lot of talking going on among the students.

Mr. ACKERMAN. As a practical matter, I agree that all the students might not be silent. But many would think the teacher is leading them in prayer.

Mr. GUNDERSON. I have no problem. I think we are after the same intent.

Mr. Chairman, I ask unanimous consent that the word "individuals" be changed to "individual students."

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. KINDNESS. Mr. Chairman, I object.

Mr. GUNDERSON. All right, let us leave it the way it was.

The CHAIRMAN pro tempore. Objection is heard.

The gentleman from Indiana [Mr. COATS] reserved a point of order on the amendment. Does the gentleman insist on his point of order at this point?

Mr. COATS. Mr. Chairman, I withdraw my reservation of a point of order.

Mr. KINDNESS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think what we are engaged in is certainly intended by those participating to be a solution to an intellectual problem and is entered into, hopefully, in good faith; but it is very silly. It is very silly to say in law that no State or educational agency shall deny individuals in public schools the opportunity to participate in moments of silent prayer. That is ridiculous. That is true now. This means nothing, absolutely nothing. The only thing that it can mean is that, inferentially, words of prayer are not included within the first amendment right of freedom of speech. Inferentially, that is all it means. And that is wrong. It is wrong for this House to take such a stance. It is silly. It is ignorant.

It is impossible for us as legislators to establish a policy that says that any individual cannot participate in moments of silent prayer or the obverse of that.

The gentleman from Indiana offered an amendment which does make sense to me. It makes as much sense as saying that no Federal funds would be available for highway projects to States unless they have a policy requiring 21 as the age for alcoholic beverage purchase and consumption.

□ 1240

The House just voted on that recently. It makes as much sense as the Congress saying that no Federal funds will be available for highway projects unless the States have a policy, that is a law, that sets a 55-mile-an-hour speed limit. This simply says that if a school or a State has a policy that is a law, that does not allow people to exercise their first amendment rights once they enter a school building, then they do not get Federal funds. That is all.

It has been mentioned here earlier that there is a lot of confusion throughout our schools all over this country as to just what is allowed and what is allowable by way of religious activity or expression in our schools. There is a lot of confusion right here in the House of Representatives about that. It has been evidenced here in this debate. There is not very much clear understanding of just how far the courts have gone in their decisions that flow from the 1963 New York decision that first established the point, quite correctly, that the State cannot prescribe a prayer to be recited in schools. Quite properly so.

We have gone from that point to quite a different stance of the courts in which some decisions at lower court levels but at appellate court levels as well have indicated to school administrators and teachers all over this country, my gosh, you do not know what you can do and what you cannot do so you have got to back away from everything with a religious tone to it whatsoever. That is where we really stand in the schools today; uncertainty reigns.

To add to that uncertainty, an expression in law by the Congress such as this proposed as an amendment to the amendment that is pending, that is certainly not going to clear up anything. That is going to cause people to be even more certain that what the lawmakers of this land mean is that anything that is not silent by way of words of prayer, is outlawed in the schools. Do you want that? Some do, I know; I do not. I do not agree with that at all.

The first amendment right of freedom of speech extends to words of prayer; no question about that in my mind. It is part of the values sought by generations of immigrants who came to this country, and who helped to found and establish this country as it is today, they sought religious freedom as the gentleman from Washington has pointed out earlier, a very important part of our heritage.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio [Mr. KINDNESS] has expired.

(By unanimous consent, Mr. KINDNESS was allowed to proceed for 2 additional minutes.)

Mr. KINDNESS. If we are to enact anything today, I would strongly urge that we not enact what is proposed by the gentleman from Wisconsin by way of reference to silent prayer. Certainly, let us not add to the confusion, and that is all that can do. Let us reject that.

If the amendment of the gentleman from Indiana [Mr. COATS] is not taken as it is, then I think we are better off to have nothing than to have something that says silent prayer is OK, because it is OK now. That infers that any words of prayer spoken aloud are wrong. Let us not do that to our generations of children now and in years ahead.

I would urge the defeat of the amendment to the amendment, and the passage or adoption of the amendment by the gentleman from Indiana [Mr. COATS].

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Thank you, Mr. Chairman.

Mr. Chairman, I do object to the Gunderson amendment; it tells you what you may think. Gee, they will let you think about prayer in school. That is a real advance along the way to enhance our constitutional rights. It is just a little whisper of a step over from what you may think to probably what you ought to think and then to what you must think. This is all flash and no cash, to use the phraseology of a prominent, recent Presidential candidate.

I would hope that this would be dismissed out of hand. What we are talking about is the Constitution of the United States in all its glory. One of those little, obscure amendments called the first amendment, says "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Now, you may not have heard that free exercise clause an awful lot, but it

is in there. It had a meaning to our Founding Fathers when they dreamed it up in Philadelphia. The first thing the first Congress did was run out and hire a chaplain. Then they had George Washington issue a Thanksgiving proclamation which recognized the fatherhood of God and the brotherhood of man. Oh, and Jefferson could not wait to appropriate money for priests and churches to civilize the Indians. A very practical reason; they had Indians out there in the borderland, and they wanted them to have the civilizing effects of religion, so the taxpayers paid for that.

This wall of separation that was erected from a phrase in a letter years later has been strengthened and built up and reinforced by the courts over the years, but if you want to talk about what the whole Constitution says, it says free speech for everybody that is in this country, citizen or not, and you ought to be able to exercise free speech, short of a clear and present danger, such as yelling "fire" in a crowded theater.

Now, you can call your teacher a four-letter word, and the ACLU will defend you. My God, that is self-expression. But you say "Our Father who art in heaven," and you have broken the law. You have torn up, you have shredded the Constitution. Nonsense; nonsense. Kids ought to have the right to the free exercise of their religion which includes free speech, whenever and wherever they want it.

God knows, we open every meeting of this august Chamber with a prayer, and we need it. Let me tell you, prayer in school could be like chicken soup; it might not help, but it would not hurt. Believe me.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield on that point?

Mr. HYDE. Sure, I yield to my dear friend and constitutional scholar, DAN GLICKMAN.

Mr. GLICKMAN. The gentleman would acknowledge that not only are Members not compelled to be here during the prayer every morning, very few actually listen to the prayer.

Mr. HYDE. Nobody would be compelled to have to participate in prayer, if you would read this amendment at all.

Mr. GLICKMAN. I disagree with the gentleman's conclusion.

Mr. HYDE. Just like sex education, just like sex ed where the kid's parents do not want them learning about human plumbing from Ms. Jones, who may or may not be that good on the subject. They ask that their child be excused. Now, I admit you feel a little strange having to go out in the hall while the other kids are watching those colored slides, but nevertheless, that does not bother us. But when it comes to prayer somehow it is a terrible thing to exclude yourself.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Let me finish my statement and then the gentleman and I will have an extended colloquy.

All right; go ahead. I do not want to stifle the gentleman's right to self-expression even though we are not in school.

Mr. GLICKMAN. I would just say that I was one of those kids growing up that went out of the room; that was excused when we used to have——

Mr. HYDE. Did not stunt you a bit, did it?

Mr. GLICKMAN. Let us put it like this, Mr. HYDE: It was not a very pleasant experience in my life. I am just saying to you that I voted for equal access yesterday because I believe that there is some constitutional right to use the school buildings for a lot of purposes, but the issue of prayer is a very significant issue. It should not be demeaned by comparing it to sex education, and I do not think that it belongs in the schools.

Mr. HYDE. Let me reclaim my time and tell the gentleman I am not comparing prayer to sex education; I am comparing the act of having the child leave the room during prayer and during sex education, which those who advocate sex education in the schools do not worry about the kids feeling a little strange, but in prayer it suddenly becomes a matter of extreme sensitivity. The gentleman understands the distinction, I am sure.

Now, what else did the gentleman want to say?

Mr. GLICKMAN. No; I made my point, Mr. HYDE.

Mr. HYDE. Well, you attempted to make your point.

□ 1250

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak against the amendment.

Mr. Chairman, I did not speak yesterday on the equal access bill. I voted against it. When I was in the Florida Legislature, I voted to allow local school boards the option of providing, if they so wished as local, elected officials, a moment of silent prayer in the schools, individually, not organized, which is the right of every American, I believe, child or adult.

But I think we have lost, somewhere along the line, what religious freedom means in this country as it is espoused by our heritage and by the Constitution of the United States. Religious freedom does not mean the exercise of religion in groups that are not religiously homogeneous.

Religious freedom does not mean that any child or any adult at any time may do anything they wish in terms of religion because it is protected when they are in other contexts that are also protected under the law, like schools.

Religious freedom means the exercise of your religion, free to choose that religion, and to establish what you wish to establish as a place and a time for religion.

The meaning of religious freedom in this country means the right to pursue the God that you choose in the religious institution that you choose, without fear of the Government saying you cannot do so.

The meaning of religious freedom in this country means that religious institutions can set up private religious schools and teach all the religion they want, both the teaching and the exercise of that religion.

That is what religious freedom means. The constitutional guarantee of free speech also means that religion is protected, in my estimation, and I believe we can in fact allow and do allow, and almost everyone has acknowledged in this body in the last 1½ hours of debate, that religious freedom is protected. There is no law in this country and no school that I know of, or that anyone has yet pointed out, that has said you cannot sit in your chair at 8 a.m. and, before the class starts, or during any period of time, close your eyes and say a prayer to yourself if you so desire. No one has said that. That is the law of the land.

If some of those who would espouse religious freedom would read St. Matthew in the New Testment, they would find that Jesus said those who would pray in public are not doing justice to prayer, to paraphrase; that those who pray in public are only doing so to impress their neighbor, and that people should pray in the closet if they really, truly, wish to communicate with their God. They should lock themselves in private. That is what it said in Matthew as to what Jesus said about prayer.

I am a Jew. I do not subscribe to Jesus as my Supreme Being; rather, his father. Does that make me any different? Does that, unfortunately, make me subject to the comment made by my colleague, for whom I have great respect, the gentleman from Washington [Mr. BONKER] who in this well just about a half-hour ago said that if you voted yesterday for equal access you passed a litmus test and today you do not have to vote for this amendment offered by the gentleman from Indiana?

I did not know there was any such litmus test in this country; nor to be a Member of Congress was there a litmus test. I resent the implication. Although I do not believe that he meant it in that context, the implication is there and I resent that.

If my children wanted, as I wanted for them, to have a religious teaching and prayer experience, they went to

private religious instruction, in my home and in the place where the Constitution of the United States says they are entitled to go, to a recognized religious institution which is protected in its ability to maintain itself as a private religious institution and not be subject to Government rule, or the denial of their right to pursue their education and their religious practices and their religious freedom.

The Constitution does not say that schools are supposed to teach or allow the practice of religion. Neither does it say that you can prevent someone from praying, whether they open their eyes or close their eyes, whether they say it to themselves or they think it.

All of this exercise in trying to mandate and trying to tell local people, the community, the individual, the school board, the State educational association, the State school systems, that they must not do something is not the proper function of Congress as it relates to the practice of religion. It is not and will never be so long as the constitutional guarantee is there of the freedom of religion, which we should work to protect with our lives, if necessary, and I will do that.

But I will never be convinced—never be convinced, and I urge you to think of this—that Congress saying that something is or is not so in terms of religion will make it that way.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I would be happy to yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Chairman, I understand the gentleman's heartfelt feelings. I just want to ask him this question.

Does the gentleman support tuition tax credits or something like that to assist people in sending their children to religious-based schools?

Mr. SMITH of Florida. I do not.

Mr. LUNGREN. The question I have for the gentleman, then, is: Since many people are unable to do that for financial reasons, and that is one of the purposes of tuition tax credit, does not the gentleman understand that many people have to send their children to public school because of the compulsory nature of the law, and many people who perhaps would rather have them go to a religious school have the very firm belief that unless you have the acknowledgement of religion as part of the overall educational experience, you are in fact not giving those individuals a total educational experience and, in fact, you are giving them a misguided or an uneven educational experience?

The CHAIRMAN pro tempore. The time of the gentleman from Florida [Mr. SMITH] has expired.

(On request of Mr. LUNGREN and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. If the gentleman will allow me to reclaim my time, the gentleman raises a very interesting point that I think has little or nothing to do with what I am talking about, but the reality is that if there are those kinds of cases where people cannot afford to send their children for religious instruction, I believe those religious institutions have an obligation, not the United States of America, to provide for that religious instruction.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, I would also acknowledge that, as a Catholic, after school twice a week we went to a house near the school where all the Catholic children went and we had catechism. There was no fee. People go to Hebrew school and people have Bible readings in their homes.

This whole idea that this cannot be a religous nation without having religion in the school is just a fallacy. The question really is: Where are the parents, where is the family, for the purpose of bringing about this religious education?

Mr. SMITH of Florida. Mr. Chairman, if I may reclaim my time, let me finish by saying something that has disturbed me since I have been in this Congress because I have heard it repeated over and over again.

Ladies and gentlemen, this is not a Christian nation. This is a democracy. The United States of America is a democracy. It embodies the values of the Judeo-Christian ethic, as has been repeated on this floor by Democrat and Republican alike for many, many, many years, and rightfully so. But it is not a theocracy.

Religious freedom means the ability to pray and to practice your religion on your own, as you wish; but it does not mean that every single sense of your life as mandated by the Government must be pervaded by religion. If I want my children to pray in the morning, I will stay up with them in the morning and pray before they leave for school. If I want my children to pray on the schoolbus and there is no prohibition against that, they may do that.

The CHAIRMAN pro tempore. The time of the gentleman from Florida [Mr. SMITH] has again expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. PERKINS. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. SMITH of Florida. I would be happy to yield to the chairman, the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close within 15 minutes, at 1:15.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. COATS. Mr. Chairman, reserving the right to object, I am not interested in prolonging this debate. I know there is other business the House should conduct, and we are not trying to obstruct anything. However, there are some Members here on the floor who have serious statements to make on this question.

I think the 15-minute time limitation is a bit short to allow them to do that.

Mr. PERKINS. Mr. Chairman, I would then amend my unanimous-consent request to 1:30.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. MILLER of California. I object, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

The Chair recognizes the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, let me close by saying that there is a very, very, very religious, emotional question presented by this amendment and by the whole debate. I have never and will never demean the sincerity of all those who wish to allow for some form of prayer in school.

□ 1300

I believe that we in this country already have that right, but those who would allow for or mandate or attempt to promote the organized type of prayer, that prayer which will involve all the students—and that is what the amendment offered by the gentleman from Indiana says——

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I will not yield. The gentleman has had a tremendous amount of time, and I have a limited amount of time to finish my presentation.

I think the gentleman from Washington [Mr. FOLEY] eloquently stated that problem. That is something that is not germane to the central issue. Shall we have the capability to allow our children to have a moment of silent prayer in our schools if they so choose? They have it, and there is no reason to do anything else about it by this Congress.

The CHAIRMAN pro tempore. The time of the gentleman from Florida [Mr. SMITH] has expired.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Gunderson amendment.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Indiana [Mr. COATS] encouraging voluntary school prayer in our Nation's public schools. Voluntary school prayer is not a partisan issue. In the Sixth Congressional District of Ohio, 88 percent of the taxpayers responding to my annual questionnaire answered "Yes" to the question, "Do you agree that voluntary school prayer should be permitted in public schools?" Furthermore, fully 81 percent of the American people favor voluntary prayer in our schools. There is no question that our Nation's citizens want elected representatives to uphold the traditional values of faith, of work, and of family.

We must heed the will of the people of this Nation. Inaction by Congress has permitted the U.S. Supreme Court, in the absence of legislation, to act against the majority opinion on this matter. The Supreme Court even decided to deny schoolteachers the right to post the Ten Commandments, even though the Ten Commandments were chiseled into the marble above the U.S. Supreme Court bench when the Supreme Court building was built in 1935.

How much longer can we sit idly by and allow gross distortions of the original Supreme Court decision to occur in our schools? How long can we allow situations like the one in Minnesota, where a fourth grade student was reprimanded by her supervisor for bowing her head to pray before her meal. And in Cincinnati, where a principal issued a statement that it is illegal to even mention God in the public schools?

Voluntary prayer strikes that delicate balance of the first amendment. Government does not have the right to impose a particular religious view. Government does have the duty, however, to preserve an environment in which children and adults can exercise their religious rights.

I urge my colleagues to support the amendment.

Mr. GINGRICH. Mr. Chairman, the gentleman from Florida [Mr. SMITH] made a very eloquent statement, but I am not sure exactly what he was referring to. If he asserts that we have the right to voluntarily pray in school openly, that is simply not true.

It is true that we are allowed to be quiet in school, but I would state that to pass the amendment, as suggested by the gentleman from Wisconsin, to permit silent prayer is to say nothing. After all, if you are silent, how can the teacher tell what you are thinking of, and how can the teacher tell what is happening?

Let me suggest, first of all, that this amendment offered by the gentleman from Indiana [Mr. COATS] is very simple and very straightforward. It says that individual students should not be prevented from praying. It does not say anything about group prayer, and it does not permit the oppression of minorities. It talks about individual students.

A number of people, starting out with Justice Hugo Black in 1962, have completely distorted history, and it was repeated on the floor today. The Founding Fathers clearly never intended a totally secular society. Whether you read the Northwest Ordinance, the writings of Thomas Jefferson, with the exception of one letter taken out of context in 1813, Jefferson's rules for the University of Virginia which specifically provide for religious training, the bills Jefferson signed to pay for missionaries to the Indians, or a variety of other instances, historically it is clear that the Founding Fathers assumed that there will be prayer in virtually all public places. If you oppose prayer, do so on intellectual grounds, but do not misstate or distort history.

It is amazing to me to hear the concerns and the distortions attacking this voluntary individual prayer amendment. Liberals who are used to imposing virtually everything at every level of American life suddenly rise in shock at the thought of Congress reaching too far. We are told that individual students praying voluntarily would oppress minorities. We are told that voluntary individual prayer is oppressive. We are told in effect, let us oppress the majority to avoid making anyone uncomfortable. But it is the secular, antireligious state which is oppressive.

However, the most amazing thing to me is this fear of disruption. We had four or five Members get up today and actually say this. One Member said that Catholic students might take 15 to 20 minutes to say their rosary.

I just want to pose this question, because I would like to know what district that is a great fear in. In every district I go into, citizens worry about their children becoming drug addicts, citizens worry about child abuse and child pornography, citizens worry about teenage drunk driving, and citizens worry about violence in the schools, but I have yet to be in a district in America where a school principal or a parent has walked up to me and said, "Do you know how disruptive those students are going to be praying? Do you know how frightened we are that we won't be able to teach because they are going to be deeply involved in prayer?" I have not had a single teacher, worried about being mugged in the classroom, worried about what happens in the bathrooms, worried about what happens to students at recess, or worried about the kids on Friday night, walk up to me and say, "Do you know, if they start praying, they might just tear up this school, they get so fervent in their prayers?"

I would suggest that there is a level of distortion of reality in America. It is as though we were living in 1922 and Sinclair Lewis was writing "Elmer Gantry" and we were terribly worried about Billy Sunday. We are living in 1984, we have a massive epidemic of cocaine, we have major city school systems with armed guards in every corridor, we have kids killed driving home on Friday night, and we have teenage pregnancies as an epidemic, and yet Members get up on this floor with all seriousness and suggest that the major danger to America is active praying disrupting the classroom.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. In a moment, I will yield.

Finally, Mr. Chairman, let me speak to the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON]. I have two objections to permitting only silent prayer. First, by definition, you cannot stop silent prayer unless you have thought control. Since I know the gentleman does not believe we live in a country with thought control, it is not relevant to permit silent prayer.

But, second, we have the argument of JOHN MCCAIN, speaking at the very end of the all-night prayer vigil, the special orders on prayer organized by DUNCAN HUNTER of California. The gentleman from Arizona [Mr. MCCAIN] stood here and said, "In the North Vietnamese Communist prison camp we could pray silently, but we were beaten up if we prayed publicly."

It seems to me that our schools should probably be freer than the North Vietnamese prisoner-of-war camps.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia [Mr. GINGRICH] has expired.

(By unanimous consent, Mr. GINGRICH was allowed to proceed for 2 additional minutes.)

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, did the gentleman mean to refer to my remarks when he said that someone took the floor and said the major danger to America was disruption by prayer?

Mr. GINGRICH. If you are the gentleman who said that——

Mr. FOLEY. I can assure the gentleman from Georgia that I said no such thing; nor can I recall anyone who did. However, because the gentleman is creating the mistaken impression that Members of this body stood here today and said that the major danger to America was disruption by prayer, I would refer him to the clerk to reassure him in this regard.

Does the gentleman find any such statements?

Mr. GINGRICH. If I offended the gentleman by saying the major danger——

Mr. FOLEY. The gentleman did not offend me, but I think he offended his own reputation for accuracy and fair debate.

Mr. GINGRICH. Let me ask the gentleman from Washington, then, did the gentleman from Washington not stand here and express a serious concern that Catholic students might take 15 to 20 minutes?

Mr. FOLEY. I used that as but one example of the fact that although the amendment's supporters indicate that it is necessary to clarify for teachers what the constitutional situation is in the amendment subject to any particular period classroom with respect to prayer, it does not subject students to any particular period or guidelines for oral prayer. The author of the amendment himself, in response to that, agreed that serious problems had been raised and that, as a consequence he might consider some change in the amendment.

While my colleague from Georgia may choose to mock those concerns, I believe the gentleman from Indiana indicated that he felt they were worthy of consideration and concern.

Mr. COATS. Mr. Chairman, if the gentleman will yield, I do not believe that is an accurate reflection of what I said.

Mr. FOLEY. Did the gentleman not say that some concerns had been raised that he thought ought to be considered?

Mr. COATS. I acknowledged that the gentleman had raised a point that perhaps ought to be considered

Mr. GINGRICH. Mr. Chairman, I will reclaim my time for 1 minute.

Mr. FOLEY. My point is that if the author of the amendment agrees that there are, indeed, concerns here which ought to be considered, the gentleman in the well is acting inappropriately to mock them.

Mr. GINGRICH. Mr. Chairman, let me reclaim my time.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia [Mr. GINGRICH] has expired.

(By unanimous consent, Mr. GINGRICH was allowed to proceed for 2 additional minutes.)

Mr. GINGRICH. Mr. Chairman, let me simply say to the very distinguished majority whip that with his reputation as a serious legislator, when he rises and suggests as a serious problem—and I do not think he was being frivolous—the one effect of this amendment would be the Catholic students—and I am not Catholic, so I asked several of my friends and they said, "Yes, it is conceivable that if one were doing a rosary slowly and worked at it, one might get to 15 or 20 minutes;" and I assume the gentleman was raising it seriously—my point is, and I will make it directly to the gentleman, that in my district, if I were to go back home and get up and say, "A Member of Congress objected to DAN COATS' amendment on these grounds and raises a serious problem that we would have students across my district that might take up 15 to 20 minutes praying," they would think I was out of my mind.

Mr. FOLEY. Mr. Chairman, if the gentleman will yield, that may be true. I cannot speak for the gentleman's constituents or for his state of mind. I would simply suggest to him that the amendment does raise the question of when oral voluntary prayer might be spoken.

□ 1310

The gentleman from Pennsylvania [Mr. WALKER] gave his opinion that a teacher would be authorized to stop a vocal prayer being conducted voluntarily by a single student or a group of students if it disrupted the classroom, because it would then involve the other students in the classroom in involuntarily participation in the prayer.

If the gentleman from Pennsylvania [Mr. WALKER], who is a former teacher and a serious student of constitutional and legal matters, as the gentleman in the well is, thinks the teacher in that case would be required to interrupt in order to prevent the involuntary participation of other students in that prayer, I do not think this situtation is so farfetched as the gentleman from Georgia might imagine.

Mr. GINGRICH. Let me yield, if I may, to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, all this talk reminds me of the story of the teacher who addressed a group of students on their knees in the back of the room and she said, "What are you kids doing?"

One kid said, "We're shooting craps, teacher."

She said, "Thank God, I thought you were praying."

Mr. GINGRICH. Mr. Chairman, on that note, I yield back my time.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. PERKINS. Mr. Chairman, I renew my unanimous-consent request that all debate on this amendment and amendments thereto close at 1:30 p.m.

Mr. WALKER. Well, Mr. Chairman, I did not yield for that purpose.

The CHAIRMAN pro tempore. The gentleman refuses to yield.

Mr. WALKER. Mr. Chairman, what I have heard on the floor today thus far is an awful lot of confusion and an awful lot of convoluted reasoning in the course of this debate. In the course of the debate, we have heard blasphemy referred to as the coequal of prayer. We have heard silence now referred to as the equivalent of free speech, and most recently we have heard people suggest that something in the Coats amendment leads to organized prayer in the public schools.

I would suggest that all three of those things are so absolutely wrong that it is almost criminal.

Let us deal with this question of silence that is in the amendment before us. Is silence really the equivalent of free speech in our society? Do we really think that a moment of silence is the equivalent of somebody actually making a statement, if only to themselves?

Do we really think that if a group of students went out into the hallway intent upon protest, that they would be satisfied if the school authorities said, "Fine, you stand there in silence and we will know what you are thinking."

I would submit that the ACLU would be in court protecting those students in their right to free speech immediately, if we suggested that method of protest in our society, if we told the people out here on the steps of the Capitol Building that, sure, you can come here, but we are not going to let you say anything, because in silence we will know what you are thinking. We all know that is ridiculous. It is stupid.

I would suggest that silence with regard to prayer in schools is a violation of free speech that we ought not to countenance in this House and we ought not to countenance anywhere in society.

The idea that the Coats amendment somehow is an amendment leading to organized prayer in the public schools is again absurd, ridiculous. It has absolutely no basis in fact. It is confused and convoluted, because the amendment language says specifically that it relates to only individuals, it relates to a purely voluntary exercise. It says that the policy of the school authorities cannot be to limit that kind of expression by individuals on a voluntary basis.

It also goes on further to say that school authorities cannot permit such an exercise to interfere in any way with the rights of other students. That is what the second sentence in the amendment is all about. That is the reason why I said to the gentleman from Washington that a schoolteacher would have the right at the point that someone stood up in a class-

room and began to utter a vocal prayer that impinged upon other students in the classroom, that the teacher as an authority of the school district would have a duty under this amendment to stop that particular exercise, because it goes beyond the bounds of the amendment.

Read the amendment, my friends. The amendment says very specifically that what we are dealing with here is individuals exercising their rights.

Now, that is what we were told in the course of the debate in the other body was already the law of this land. This is codifying what we understood them to say was already the law of the land. We had understood that individuals already, whether it be silent or vocal, have the right to pray in schools, as long as they do not do it in a way that interferes with anybody else. We understood that that was what the law of the land was.

We have heard on the floor today that there are people in this body who really do not think that that is the law of the land, that they would stop school authorities from exercising the law of the land in that way. That is a terrible indictment. That is a terrible indictment.

I would hope that we are going to approve the Coats amendment. I would hope that we are going to codify the idea that school authorities cannot stop an individual who feels compelled to pray during the school day from being able to do so.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I think the gentleman has made an excellent point, which is really the thrust of the amendment, and that is that on this floor we have many Members who do not know what the Constitution does in the way of limiting prayer and throughout America we have tens of thousands of educators who are confused on the point, and that is the reason we have these anecdotes about situations where people have obviously gone overboard and do not understand the first amendment.

The Coats amendment would set that straight. It would do what the gentleman from Washington [Mr. FOLEY] has conceded is constitutional and that is to allow the individual to recite a vocal prayer.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. Mr. Chairman, just one more point and then I will close. It has been referred to by many people on the floor today that they know of no situation in the country where silent prayer has ever been ruled out of order by the courts. That is wrong.

I have here an article before me from CQ in which it says that in Alabama the silent prayer in Alabama was ruled out of order by the 11th U.S. Circuit Court of Appeals.

So I would say that is factually untrue also, that we have had a lot of questions raised on the constitutionality.

(Mr. MILLER of California proceeded to read.)

The CHAIRMAN pro tempore. The gentleman will suspend. The gentleman from California will suspend. The gentleman is out of order.

Mr. MILLER of California. Mr. Chairman, I would just like to raise the point——

The CHAIRMAN pro tempore. The gentleman is out of order.

Mr. WALKER. Mr. Chairman, I have not yielded to the gentleman.

The CHAIRMAN pro tempore. The gentleman has not yielded.

The gentleman's words when he spoke in the well without getting the permission of the Member who had the floor will not appear in the RECORD.

The gentleman from Pennsylvania may proceed.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield on that point?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman very much.

The point the gentleman makes is well taken, but if I am not mistaken, that Alabama case deals with organized silent prayer, not individual silent prayer. There is no school, let alone district, no school I have even heard of in the United States that ever indicated that children could not pray individually and silently.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has expired.

(At the request of Mr. MILLER of California, and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, I thank the gentleman from Florida.

The gentleman is correct. That does deal with a moment of silence in an organized way.

We have heard a lot of references on the floor today, though, that silent prayer has never been outlawed. I was simply pointing out that that is not the case, that in fact the circuit court of appeals has outlawed even silent prayer. We have even outlawed the thought process at the present time.

Mr. MILLER of California. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. WALKER. I will yield to the gentleman in just a moment.

I must say that the gentleman reading from the Holy Bible in the course of the discussion here I think is somewhat inappropriate. It was far more appropriate in the course of political debate; it was far more appropriate than the so-called prayer uttered earlier by the gentleman from New York.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman.

Mr. MILLER of California. I think the point is this: That suggesting that this is an absolute right and that in fact to try to prescribe it, whether it is audible, whether it is oral, whether it is loud, whether it is soft, whether it is silent, is a point of real contention, because it is not an absolute right, as the gentleman suggests.

We just saw the rules of the House work against that right. The gentleman raised the point earlier about a teacher——

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. WALKER. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MARTIN of New York. Reserving the right to object, Mr. Chairman, I was wondering as to whose request for additional time is this?

The CHAIRMAN pro tempore. The gentleman from Pennsylvania has requested 1 additional minute.

Mr. MARTIN of New York. Mr. Chairman, I withdraw my objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania is recognized for 1 additional minute.

□ 1320

Mr. WALKER. I continue to yield to the gentleman.

Mr. MILLER of California. That is the problem I think that is raised. It is not a question of whether a silent prayer is better than an oral prayer or when it can be heard. That is not the issue. The issue is to protect that right. And we all know that individuals from time to time pray to themselves with the same sincerity as somebody who prays out loud.

Mr. WALKER. If the gentleman will let me reclaim my time, there is no doubt that some people praying silently do so in sincerity; some people praying aloud do so in sincerity. I think both types should be allowed in the public schools within a reasonable boundary.

The gentleman well knows that no rights in our society are absolute.

Shouting fire in a crowded theater is not an absolute right of any individual.

The question that this gentleman raises is whether or not we are stripping school students of their right to pray period. And many people who on this floor today have talked sound suspiciously like they are willing to accept a pattern which strips students of their right to pray period within the schools.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

Mr. WALKER. I yield back the balance of my time.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. WALKER] be given 2 additional minutes.

The CHAIRMAN pro tempore. Does the gentleman desire the time?

Mr. WALKER. Sure, I will take it.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GOODLING. Mr. Chairman, reserving the right to object, I reserve the right to object only to say that from this point on, after this, I will object. I believe 5 minutes—everybody can say what they have to say in 5 minutes. Everything that is being said has been said 100 times. We have not had anything new since HENRY HYDE I think was in the well. So I will object starting from this point on.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WALKER] will be recognized for 2 additional minutes.

Mr. HARRISON. Will my friend from Pennsylvania yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. HARRISON. My friend from Pennsylvania has raised a point that I would like him to pursue for just a minute. He said, if I heard him correctly, that the teacher would not only have the right but the duty to stop the voluntary oral prayer if it disrupted the activities of the school.

Mr. WALKER. If it impinged upon the other students in the classroom.

Mr. HARRISON. Impinged upon the other students. And he just said now that that right to voluntary oral prayer would have to be conducted reasonably, and the question I put to him is whether or not he is not now creating in each teacher an unfettered discretion to determine what type of prayer and when and where is reasonable; and does that not put the Government, through its agent, the teacher, right back in the business of proscribing and limiting and defining prayer?

Mr. WALKER. The gentleman is once again I think using reasoning that I would say would be somewhat confused, because the point I am making is that the teacher is the agent of the State in the classroom. The teacher does have a duty under this amendment to assure that no person is required to participate if a prayer.

If someone is, if the context of a classroom setting, saying a prayer out loud that is heard by other students, that is requiring those other students to participate in that prayer. That is my point, and it seems to me that this is very, very clear, that that would not be permitted.

What we are trying to do here is to assure that a student who is in the lunchroom, who wants to bow his head and say a prayer before eating the meal out loud has the right to do so without the school having a policy that says that that is not allowed.

There are schools in this country that have a policy that to say that that is not allowed.

Mr. HARRISON. May I say to the gentleman that if that is what this amendment said, if it talked about prayer before lunch in the lunchroom, I might be inclined to support it. But that is not what this amendment says.

Mr. WALKER. That is simply one example, and we have had an awful lot of convoluted examples from the other side of the aisle. There are other types.

I would say to the gentleman if someone wants to bow their head and say a silent prayer, or even say a prayer out loud, that does not involve the rest of the classroom before that famous math test we have heard so much about during all of this debate, he ought to be able to do so.

Mr. JENKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have sat in the Chamber for the entire debate on this particular issue because I think it is a meaningful issue that all of us should listen to and participate in. But I think that this particular debate has pointed out the real difficulties that we have in attempting to define in language those provisions to permit voluntary prayer in public schools that would satisfy all of the various religions and all of the various groups that make up this great Nation.

There is such great confusion in the debate and in the legislative history of this amendment that no one really knows at this point what the amendment does or does not do.

We hear from the author of the amendment that it simply permits voluntary prayer period; and then we hear from the other proponents that say that if a person, an individual student commences to recite the rosary on a voluntary basis that the teacher then has the power to decide whether or not that student can or cannot recite the rosary. That is the difficulty that we get into.

The gentleman raised a perfectly legitimate point because we transfer then to the teacher the authority to decide whether or not that student can participate in a voluntary prayer. That is probably not the intent of the author of the amendment but it points out the difficulty that we have today in trying to find language that will permit voluntary prayer and at the same time not infringe upon the constitutional provisions.

Second of all, there has been a proponent of the legislation to say that since we do not now have tuition tax credits that it is the responsibility of this Congress and the responsibility of this Government to try to move religion into public schools simply because we have not provided for tuition tax credits.

I say to this Chamber that that is an extremely dangerous route to travel if that is the intent of this amendment. We had better then be very, very careful as we travel that road because we are going to open up something that will be very difficult to shut without harming a great number of people in this country.

So while I have some concerns about the provisions of the substitute that is being offered, whether or not it is needed or not, nevertheless I think it is a step in the direction that we as Americans, all Americans can support.

I would hope that this body, at this particular time, would support the substitute by the gentleman from Wisconsin [Mr. GUNDERSON] because it appears to be so worded that it is not going to infringe upon any constitutional provision that has been expressed by any Member of this body.

Ms. FIEDLER. Will the gentleman yield?

Mr. JENKINS. At this time I yield to the gentlewoman from California.

Ms. FIEDLER. I would just like to make one point that I do not think has been made before. We have heard a discussion of how this particular original amendment might be implemented, the issues of voluntary and the silent versus the oral prayer.

I think one of the important points that we all have to remember is that participation and attendance in public schools is not voluntary; it is mandatory under the law. So when you require students to attend school and then you permit on a voluntary basis the oral recitation of a prayer you are automatically imposing upon a situation that is not by choice for the student in the classroom.

The only way that you could really resolve that problem is either to infringe upon the rights of the student

who is giving the oral prayer or infringing upon the right of the student who is required by law to sit in the classroom.

I think it is that kind of dilemma that by permitting voluntary oral prayer in the school that walks us beyond the point that exists with silent prayer.

Mr. JENKINS. I thank the gentlewoman for her comments.

Mr. ROEMER. Will the gentleman yield?

Mr. JENKINS. I will yield to the gentleman from Louisiana.

Mr. ROEMER. As I understand the gentleman, he is supporting the Gunderson substitute; am I correct in that?

Mr. JENKINS. That is correct.

Mr. ROEMER. And if the Gunderson substitute somehow fails, then he would oppose the amendment as written by the gentleman from Indiana [Mr. COATS]; am I correct?

Mr. JENKINS. That is correct. I would oppose that based upon the legislative history that has been made in this body today.

Mr. ROEMER. I agree with the gentleman and I thank him.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the previous gentleman in the well referred to a comment I made a while ago with respect to tuition tax credits. I just wanted to perhaps explain a little further on that.

The point I was making was that for the vast bulk of the American people who have deeply held religious beliefs, many of whom may wish to send their children to a totally religious environment in which they get their schooling, it is not possible. The point I was trying to make is that some have tried to make that more possible to them by tuition tax credits.

□ 1330

The other point is that there is a compulsion in this country with respect to sending your children, below a certain age, to school. You violate the law, they violate the law unless they do that. Therefore, those children are required to be in a situation for 8 hours, perhaps the greatest influence they have in their lives during that period of time.

And many people believe, I among them, that if you tell those children during that most impressionable age that society is saying that in the totality of their experience, the most important experience they have, is something in which they cannot even dare to utter an acknowledgment of the God that they believe in, that that influences them greatly.

We have made a decision across this land in most communities that sex education is important because the consequences of sexual activity may in many different ways impinge on society. Therefore we have said, irrespective of the fact that they might get that education from their families and irrespective of the fact that the families have the primary obligation in that regard, that we think it is so important that our schools should give them education about sex.

And we have said in many ways that that ought not to have any moral consequences. But we recognize the sensitivity of the issue so we allow students to remove themselves from the room during that period of time. We say that is not too offensive a thing for those children to have to go through because of the greater good of society that they have this educational experience with respect to sexual activity made available to them.

My question is: How does it make sense to say that our educational institutions, which have almost all of our students, provide the opportunity for an education with respect to sexual activity because that is important in society, but at the same time say that something so important to the vast majority of the American people, the Founding Fathers; that is, an acknowledgment of a supreme being, is not even allowed to be uttered vocally.

That is the point we are making. If there is any impression on those young people with respect to the former, certainly there is with respect to the refusal to allow an acknowledgment of a supreme being.

I happen to be a Roman Catholic. I can recall we had school prayer when I first went to school and I can recall the "Our Father" was said with the Protestant ending. Incidentally, we in the Catholic Church now have the Protestant ending, some Protestants no longer have it and that kind of confuses me.

But I can recall that was prayer somewhat different to my experience.

I would hope we would have a greater sensitivity to that problem, and under this amendment we would because it would not require a particular prayer to be obligated on the students by a particular teacher. In fact, I would even go beyond this amendment, to permit students on a rotating basis to say prayers that reflect their particular experience, much as we do here.

And that would give them the idea that there is a whole panoply of religious experiences and dedication to religious principles in this country. That is a good thing; I would think it not a bad thing.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman.

Mr. JENKINS. I thank the gentleman for yielding. I want to say to the gentleman that, as a Protestant, I believe that there is a need and almost requirement for parents to instill religious training on their children. And I have participated in that and firmly believe it.

But what the gentleman was attempting to say, it appeared to me, was that because people cannot afford to go to a parochial school or a religious school, then we have to bring religious training to the school.

Mr. LUNGREN. I take my time back.

The point I am saying to the gentleman is that since they do not have that ability, they are compelled by the State to send their children to a public school in an environment in which even the utterance of the acknowledgment of the existence of God is not allowed. That has a profound effect on those individuals. We ought to recognize that.

Now we are not trying to undo what the Supreme Court did in their constitutional decision. What we are trying to say is that the interpretations of many individual school districts is overreaching; it has gone beyond what the Supreme Court said. To the extent there is still allowed to be an acknowledgment of an existence of a Supreme Being in the classroom, we ought to give that information to those school districts and allow those students the opportunity.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, all amendments thereto and all substitutes, close at 2 p.m.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. COATS. Reserving the right to object, Mr. Chairman, it is my understanding, and I am not sure, I just want to check, I think a perfecting amendment is going to be offered, and I just want to check to see if that is the case. If that is the case, I would have to object to that unanimous-consent request.

Mr. PERKINS. Then, Mr. Chairman, I move that all debate on the Coats amendment, all substitutes and all amendments thereto, be concluded at 2 p.m.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Kentucky.

The question was taken; and the Chairman announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. GOODLING. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. GOODLING. I want to make sure the motion was talking only about this portion of this bill.

Mr. PERKINS. This does not include the Goodling amendment, Mr. Chairman. This does not include the

Goodling amendment, the funding of the school programs.

Mr. WALKER. I want to get a record vote.

The CHAIRMAN pro tempore. This motion referred to the Coats amendment and all amendments thereto.

Mr. WALKER. That is right, and I want a record vote on the ruling of the Chair.

The CHAIRMAN pro tempore. Those in favor of taking this by recorded vote.

Mr. WALKER. Pending that, Mr. Chairman, I make the point of order that a quorum is not present.

POINT OF ORDER

Mr. DURBIN. Mr. Chairman, a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. DURBIN. Is it my understanding there was intervening business between the vote which was taken orally, the parliamentary inquiry made by the gentleman?

The CHAIRMAN pro tempore. The intervening business was a parliamentary inquiry that was related to the motion, and no independent business has been taken up.

PARLIAMENTARY INQUIRIES

Mr. DURBIN. As a further parliamentary inquiry of the Chair, does not this parliamentary inquiry and interruption preclude the gentleman from Pennsylvania's right to ask for a recorded vote?

The CHAIRMAN pro tempore. No; it is related to the status of the vote, and of the motion.

Mr. PARRIS. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state has parliameftary ifquiry.

Mr. PARRIS. Would the Chairman outline to us how the time would be allocated in the 20 minutes?

The CHAIRMAN pro tempore. There is a motion before the Chair at this particular time.

The Chair will announce the allocation after the vote has been taken, depending on the outcome of that motion.

Mr. PARRIS. Would the motion, being couched as a 2 o'clock termination, would the time for this vote come out of the time for the debate?

The CHAIRMAN pro tempore. The Chair must insist on the orderly procedure. The pending business before the Committee is whether or not there shall be a recorded vote.

Will the gentleman from Pennsylvania [Mr. WALKER] state his request again?

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the motion was agreed to.

The CHAIRMAN pro tempore. The Chair will proceed to divide the time.

Since there are so many Members seeking recognition, the Chair at this time will divide the time equally between the chairman, Mr. PERKINS, and the gentleman from Indiana, Mr. COATS, 10 minutes each, and they will yield time as they see fit.

□ 1340

Mr. PERKINS. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in support of the Gunderson amendment and in opposition to the Coats amendment as written.

I would like to read from the Holy Bible, St. Matthew, chapter 6, verse 5:

And when thou prayest, thou shalt not be as the hypocrites are: for they love to pray standing in the synagogues, and in the corners of the streets, that they may be seen of men. Verily I say unto you, They have their reward.

But thou, when thou prayest, 'enter into thy closet, and when thou hast shut thy door, pray to thy Father which is in secret; and thy Father, which seeth in secret, shall reward thee openly.

Be not a hypocrite.

Mr. COATS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Chairman, I have listened carefully to all of this debate this afternoon, one which I found intellectually stimulating and one which has been conducted in accordance with the highest traditions of this House. It is our constitutional duty to deal with these important problems which persist in this Nation, and which arise from time to time and to establish broad statements of public policy by which this Nation is governed and controlled.

However, Mr. Chairman, I submit that there has been one fundamental characteristic of this debate which I find disturbing. Last weekend I attended a luncheon at which Mr. Naisbitt, the author of the best seller book entitled "Megatrends" spoke. He suggested that MIT has recently decided to substitute lawyers for mice in future laboratory experiments.

I found that extremely interesting because I am a lawyer and I have listened to a number of other lawyers in the debate here today. There are a large number of attorneys who are Members of this House.

But the important point, Mr. Chairman, is the reason Mr. Naisbitt indicated for the MIT decision is that lawyers are less messy, there are more of them who are more readily available, and you are less likely to develop an emotional attachment to any one of them.

The problem here, Mr. Chairman, is we are not 435 Members of the Supreme Court. We are Members of the Nation's legislature. We have nine ladies and gentlemen who serve in the capacity of Supreme Court judges and sit in a building just across the street from this Capitol. Under our Constitution it is their duty and obligation to take this amendment, which I hope we will adopt, and tell us how it applies in our society and whether it is consistent with constitutional constraints or whether it violates fundamental constitutional freedoms of free speech enjoyed by any of our citizens or whether it does undue damage to the concept of separation of church and state. That is their obligation under our governmental system, not ours, and the development of a series of hypothetical scenarios by my lawyer colleagues in this debate has not served us particularly well.

I would hope this Congress would adopt this amendment to permit school prayer as a broad statement of fundamental principle and leave its application and interpretation to our Supreme Court, where it properly belongs.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Chairman, I rise in support of the Gunderson amendment. I think it is a practical and necessary alternative to that amendment proposed by the gentleman from Indiana [Mr. Coats].

I do not think we ought to unnecessarily confuse the public, the school authorities, courts, the students, and others by moving in the direction of the Coats amendment.

I think what we did yesterday by way of passing the equal access bill is a far more effective approach. It deals, I think, in an enlightened way with the 1962 Court decision. It gives the school districts clear guidelines on how to deal with this very delicate matter in the future. It also contains a number of necessary protections so that we do not cross that line between what is prescribed, what is mandated, what is instructed by school authorities in the classroom and that which is voluntary and student initiated.

Let us do our task here in a constitutional, a proper, and a practical way. I think the bill that we passed yesterday on equal access is the way to go. It is a much broader approach and yet it has clarifying guidelines for school districts to follow.

That measure is on the way to the President's desk. If we adopt the Gunderson amendment, I think we state something that is already practical and obvious and in law. It is certainly much more preferable than that which has been offered by our colleague, the gentleman from Indiana [Mr. COATS].

I urge adoption of the Gunderson alternative.

Mr. COATS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

AMENDMENT OFFERED BY MR. HUNTER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. COATS

Mr. HUNTER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER as a substitute for the amendment offered by Mr. COATS: In lieu of the matter proposed to be inserted, insert the following:

VOLUNTARY SCHOOL PRAYER

SEC. 806. Part B of the General Education Provisions Act is amended by inserting after section 420 (20 U.S.C. 1228) the following new section:

"PROHIBITION AGAINST THE USE OF FEDERAL FUNDS BY PUBLIC SCHOOLS WHICH PROHIBIT VOLUNTARY PRAYER

"SEC. 420A. No funds shall be made available under any applicable program to any state or local educational agency which has a policy of denying or which effectively prevents participation in prayer in public schools by individuals on a voluntary basis, except that such agencies may limit spoken prayer during instructional periods or at any other time when vocal speech is limited. Neither the United States nor any state or local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools."

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, the reason I wanted the particular words to be read was so that there would be no misunderstanding as to what the amendment says.

The amendment addresses the problems that were raised by the gentleman from Washington [Mr. FOLEY], and, I think the problem raised by the gentleman from California [Mr. MILLER] in his impromptu speech, to wit: Some students might actually get up in the classroom and disrupt classes and say, "We want to take our 15 to 20 minutes to pray instead of taking that math test."

This very simply lays those problems to rest in that the prayer will not be authorized where it might disrupt school activities.

So I would offer the amendment. I think that it meets the thrust of the objections of the gentleman from Washington [Mr. FOLEY] that we heard him expound on several minutes ago and also the questions that were raised by the gentleman from California [Mr. MILLER] and a number of other gentlemen.

I think the situation has been taken care of.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

I think the Clerk read "institutional."

Should that have been "instructional periods."

Mr. HUNTER. Instructional periods. Yes; that should be instructional periods, not institutional.

I thank the gentleman for clarifying that point.

I think the problem has been taken care of and I think we should go ahead and pass this substitute to the Coats amendment.

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New York.

Mr. ACKERMAN. I thank the gentleman for yielding.

The gentleman's amendment does say that such agencies "may limit" spoken prayer; is that accurate?

Mr. HUNTER. Yes.

Mr. ACKERMAN. Well, to me that means that if you are the teacher you may limit my prayer and you may not limit your prayer and that you have the right to pick and choose which prayers you limit.

Mr. HUNTER. I reclaim my time, I think we have gone over the fact that the teacher is in charge of the classroom and has been vested with certain trusts and responsibility to educate the children, to see that the curriculum is observed, and I think that the gentleman is overstating the problem. Obviously, the teacher is in charge of the classroom. You are not going to see teachers who allow the curriculum of a school to be taken over and preempted by a religious program.

I think that question has been answered in the debate that preceded this colloquy.

Mr. PERKINS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, will the sponsor engage me in a colloquy?

Mr. HUNTER. Absolutely.

Mr. ACKERMAN. You say that the teacher is in charge. That means the teacher has the right to make a determination as to which prayer might be in order and which prayer might be disruptive?

Mr. HUNTER. No; absolutely not.

Mr. ACKERMAN. Let me rephrase my question so that the gentleman can answer it.

If a student stood up and was reciting a prayer that the teacher thought was disruptive, would that teacher have an obligation to stop that student?

Mr. HUNTER. Obviously if the teacher wants to keep his job he has an obligation to stop the student.

□ 1350

The teachers are hired by the school districts. They are vested with a certain trust to operate the school, to see that the curriculum is observed.

The notion that somehow the teacher is going to preempt the math class with a religious service is just not I think a valid argument.

Mr. ACKERMAN. So that would mean that a prayer would be in order and proper and appropriate only if the teacher deemed that it was proper and appropriate?

Mr. HUNTER. No; that means, very simply, that the teacher is going to be able to say, "We are not going to allow prayer during the curriculum; we are going to allow you to pray, if you want to pray, during the lunch time when we do not have curriculum, we are going to allow you to pray at other times when you do not have curriculum."

Mr. ACKERMAN. What if the teacher thought the prayer was disruptive?

The CHAIRMAN pro tempore. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

Mr. COATS. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. HARTNETT].

Mr. HARTNETT. I thank the gentleman for yielding.

Mr. Chairman, we can hypothesize, we can perfect, we can substitute, we can try to make 435 constitutional judgments on this issue, but the fact of the matter is, Mr. Chairman, we have a vote before this House now whether or not we are for or against school prayer. That is the issue. Either you want to permit our young people in this country to be able to utter some type of praise or honor or recognition of an Almighty Creator or you do not. You can tell me about all of these hypothetical situations that are going to come up and what all is going to happen, but the American people have an institution called the U.S. Supreme Court to protect them against unconstitutional laws.

The fact of the matter, my colleagues, is that you are either for prayer in public schools or you are against it, and that is how you should vote.

Mr. PERKINS. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, the real issue here—and let us not forget it—is whether or not religion belongs in the public schools. I think that many parents feel as I do that that religious instruction is their own personal prerogative.

But to put a little humor in this, let us remember the words of that wonderful comedian Mark Russell. Mark Russell said the perfect generic Lord's

prayer for all schools if the Congress mandates it would be:

Our Father or Mother, who art either in heaven, nirvana, Mecca, or Salt Lake City, hallowed be thy name. Thy kingdom come, thy will be done, providing thy will is that America is always the big winner over the foreign heathen. Give us this day our daily white bread, black bread, Italian bread, Jewish rye, English muffins, or tacos, and a quarter-pounder with cheese and a large fries to go. And lead us not into temptation, or into school buses that take us to neighborhoods where the kids are different. For thine is the kingdom and the power and the glory, especially for people who still use words like "thine."

The generic prayer shows how meaningless personally such a prayer would be.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

Mr. COATS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KINDNESS].

Mr. KINDNESS. Mr. Chairman, I am not so sure that there really is a place for humor in the discussion before us today. But it has brought one thing into focus. It is a personal experience for me that I would like to share with you. This debate has brought into focus the fact that there are a lot of people who do not understand the religious views and positions of others.

For example, a lot of people do not understand that, as with some Christians, as is my belief, it is a part of my obligation to witness my Christianity. And to ask me to be silent is to impose upon my rights under the Constitution.

Think upon that, friends.

Mr. PERKINS. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, there is one issue here: Does organized religion belong in the public schools?

And regardless of how you look at the specific amendment, that is the issue.

I believe that the founders of this country intended the answer to be no. That does not mean that religion should not be a part of everybody's life, but should it be part of the public schools in an organized fashion? The answer is no.

I respect the gentleman from Ohio about his religion. But when you come to the public schools, we make a social contract where everybody pays taxpayers' dollars, Buddhists, Jews, Catholics, Christians, and as part of making that social contract there are certain things that do not happen in the public schools. They happen in homes, they happen in churches, but not in the public schools. What does not happen, what should not happen in public schools, is organized religion and prayer.

If you adopt the Coats and the Hunter amendment, that is what you are asking for.

Mr. COATS. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. Mr. Chairman, I rise in support of what the gentleman from Indiana [Mr. COATS] has been trying to do here today on the issue of school prayer. I think it is totally inappropriate that some Members have decided to take and mock the basic religious statement of faith of one of the largest sects of religion in our country and have decided that this issue or by this issue they wish to ban the opportunity of members in the school systems to participate in their faith.

It is totally wrong that we as a Congress who look up each day at "In God We Trust" should deny our children the right to say in God they trust when they are in school.

Mr. PERKINS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, for more than 15 years, Illinois has had a law providing for a moment of silent reflection. There are no reported court challenges of that law. I have seen it applied. Some find it objectionable. I think it is fair.

However, by the Coats amendment, by the Hunter substitute, what we effectively will do is to say that Illinois can no longer follow this practice.

By not affirmatively allowing prayer and only allowing silent reflection, this effectively denies or at least effectively prevents group prayer, vocal prayer and organized prayer. Those who are standing for prayer today are going to be eliminating the right of the State of Illinois to continue a practice they have had for 15 years of a moment of silent reflection. Honestly, is that what you want to accomplish?

Mr. COATS. Mr. Chairman, I yield myself such time as I may consume.

Again I want to focus on exactly what my amendment says. There have been allegations of organized prayer, of teacher-led prayer, of student coercion. That is not the case, and anybody who will take the time to read my amendment will realize that that is not the case.

The central issue before us is whether we will allow an individual student, on his or her own initiative to voluntarily pray in public schools.

Now, the Federal courts and school boards and principals and attorneys across this country have denied students this right. Whether they interpret the Supreme Court decision rightly or wrongly really is irrelevant at this point because the fact is that students have been denied the right to pray.

In Minnesota, a fourth grade student was reprimanded by her supervisor for bowing her head in prayer before her meal.

In Cincinnati, a principal issued a statement that it is illegal to even mention God's name in public schools.

This is what we are attempting to correct. And in doing so, we will guarantee Christians and Jews and anybody from any other faith, the right to the freedom of expression of their own religion. We are specifically prohibiting coercing anybody from participating in prayer. We are specifically prohibiting anybody involved with the State, including the teacher, the principal or anybody else, from influencing in any way the form or the content of the prayer.

We allow prayer in every other public institution in this country except our public schools. We allow reference of God in every public institution in this country except our public schools. We pray in this House of Representatives. The Supreme Court references the name of God before each session that it undertakes. Every one of the coins in our pockets has "In God We Trust" on it. Our songs, "America the Beautiful," "God Bless America," "The Star Spangled Banner," in one of the verses, every one of those references the Almighty. We do that everywhere in this country, but we deny our children the right to reference that in public school. We say to them that God is everywhere except in school during school hours.

I would urge Members to look at this amendment, to look carefully at the wording, to look at the protections for the minorities, to look at the right that it gives to allow religious expression and freedom in our public schools. It simply says that if a school has a policy, that denies individual students the right to voluntarily pray, then they will not receive Federal funds. That is the essence of the amendment.

The question we will vote on is: Are you for prayer in public schools on a voluntary basis by individual students, or are you opposed?

The CHAIRMAN pro tempore. The time of the gentleman from Indiana [Mr. COATS] has expired.

Mr. PERKINS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman, the issue is not whether we are in favor of prayer. We all are. The issue is whether we are in favor of this amendment. And this amendment is what its words say, and its words say that such agencies may limit spoken prayer during instructional periods or at any other time when vocal speech is limited.

□ 1400

If they may, that means they may not. And that means it is up to the agency, whether it is the school board

or the teacher in the classroom, to decide what prayer is going to be limited and what prayer is not. That puts Government into prayer; where government does not belong.

Mr. PERKINS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I think this debate has been a fascinating debate, and I would simply like to reiterate a point. That is, very simply, that when this country was founded, our forefathers believed rigorously in the separation of the church and state. They thought any mixing of the two could vitiate the future of this republic.

The church and religion should be on one place; government, including its schools, should be in another. The two could and should, in their view, coexist and coexist they have very well for 200 years. Why, in anyone's name, is there such drive and such force to mix the two today? It is not going to make people any more God fearing to have a prayer said in school.

Mr. PERKINS. Mr. Chairman, I yield my 1 remaining minute to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. I thank the chairman for yielding the minute.

Mr. Chairman, I rise in strong support of the Gunderson amendment. I think that it is a very thoughtful amendment; one that provides the greatest amount of freedom and is fair. After the enactment yesterday of the equal access bill, I think we have gone a long way in satisfying many of the concerns of the American public.

● Mr. RODINO. Mr. Chairman, I rise today in opposition to the amendment with a strong sense of disappointment that this amendment would be offered in the light of the action of the House yesterday in approving the so-called equal access language in the mathematics and science teachers bill. Those who opposed the equal access language did so in the strong belief that the Congress should not modify the current balance that exists between the right to freedom of religion and speech guaranteed by the Constitution and the mandate in our Constitution that there should be separation between church and state. They believed that permitting religious groups to meet on school property would disturb this delicate balance. Now in less than 24 hours this amendment will prove their fears were correct.

The effect of the amendment is to require that schools permit prayer—it is just that simple. This would clearly disturb the balance and, as many courts have held, violate the Constitution. There are those who argue that each school district would have a choice. That is a Hobson's choice—the choice between obeying the constitutional mandate to keep church and state separate and losing vital Federal aid to assist in the education of our children. We must remember that education is the primary goal of our schools. Let us not, through the adoption of this amendment, cripple our educational institutions.

By the adoption of the equal access language in the bill yesterday we reached a tolerable accommodation between these important constitutional principles. Let us not through the adoption of this amendment disturb this compromise in a way that many, including possibly the courts, would find intolerable.

All of my colleagues who know me well know that I am a strong believer in the importance of our constitutionally mandated separation of church and state. Let us keep both education and prayer in their rightful places and defeat this amendment.●

● Mrs. VUCANOVICH. Mr. Chairman, I rise in support of this amendment. This amendment is straightforward both in its wording, and intentions. We're not talking about forcing organized school prayer, and we're not talking about dictating what prayers may be used, and we're not even saying that schools have to adopt policies that reserve time for a moment of silence.

All we're trying to do with this amendment is to prevent schools from prohibiting prayer by those who choose to pray. That's not in conflict with our Constitution, and it's not in conflict with the separation of church and state. But, it is in agreement with freedom of individual speech and religious expression. If the state is truly to remain separate from our religious institutions, then the state must neither advocate, nor prohibit prayer. This amendment would help move us toward that end.●

● Mr. FRENZEL. Mr. Chairman, the long and comprehensive debate on school prayer has been a good one. As always, the issue has proved to be more complicated than it appears at first sight.

The flaw in the Coats amendment, which was also present in the Walker amendment, is that the enforcement is by cutting off all Federal school aids to the local school district. Enforcement should, of course, be done through the courts as was agreed to by consensus on the equal access bill.

The questions of organized versus voluntary prayer, of oral versus silent prayer, of defining voluntary, and of the interference of school officials were all involved. Like a majority of this House, I thought the silent prayer alternative to be superior particularly because it did not use the funds cut off as its enforcement tool.

This bill is not likely to be passed anyway. It is my judgment that our country will have to rely on the equal access law over the next few years. I hope it will do the job.●

PARLIAMENTARY INQUIRIES

Mr. BONKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BONKER. Mr. Chairman, we have a fairly complex parliamentary procedure. I wonder if the Chair would explain to the Members the various motions as they would occur.

The CHAIRMAN pro tempore. The first vote will be on the Gunderson amendment to the amendment of Mr. COATS. If no further amendments are offered to the Coats amendment, then the vote will occur on the substitute amendment offered by the gentleman from California [Mr. HUNTER] if no amendments are offered to his substitute amendment.

Mr. BONKER. As amended?

The CHAIRMAN pro tempore. As amended or not.

Mr. BONKER. Possibly by Gunderson, if that amendment is adopted?

The CHAIRMAN pro tempore. Or possibly by another Member.

Mr. SCHUMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIREAN pro tempore. The gentleman will state it.

Mr. SCHUMER. Mr. Chairman, I was confused by that explanation; could the Chair go over it once again?

The CHAIRMAN pro tempore. Yes, certainly.

The first vote will be on the Gunderson amendment to the Coats amendment. If no other amendments are offered, then the next vote will be on the Hunter amendment, which is a substitute for the Coats amendment. Any amendment to the Hunter substitute would have to be offered before the vote on the Hunter substitute. Then after the Hunter substitute is voted on, the Coats amendment will be voted on.

Mr. SCHUMER. Mr. Chairman, what further amendments would be in order to the Hunter amendment?

The CHAIRMAN pro tempore. Any amendment that any Member wishes to offer. Any germane amendment.

Mr. SCHUMER. Would there be any debate on those amendments?

The CHAIRMAN pro tempore. No debate will be permitted on them.

Mr. SCHUMER. Thank you, Mr. Chairman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON] to the amendment offered by the gentleman from Indiana [Mr. COATS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER TO THE AMENDMENT OFFERED BY MR. COATS AS AMENDED

The Clerk read as follows:

Amendment offered by Mr. WALKER to the amendment offered by Mr. COATS, as

amended: At the end of the amendment, add the following:

"Notwithstanding the preceding two sentences, no funds shall be made available under any applicable program to any State or local educational agency which has a policy of denying or which effectively prevent participation in prayer in public schools by individuals on a voluntary basis, except that such agencies may limit spoken prayer during instructional periods or at any other time when vocal speech is limited, *Provided,* That neither the United States nor any State or local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools."

PARLIAMENTARY INQUIRY

Mr. BONKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BONKER. Mr. Chairman, is it possible at this time to offer an amendment to the Hunter substitute?

The CHAIRMAN pro tempore. Only to the Hunter substitute amendment, yes.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] to the amendment offered by the gentleman from Indiana [Mr. COATS], as amended.

The question was taken; and and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote and, pending that, I make a point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count; 108 Members are present, a quorum.

The pending business is the demand of the gentleman from Pennsylvania [Mr. WALKER] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 215, not voting 24, as follows:

[Roll No. 319]

AYES—194

Andrews (TX)	Crane, Philip	Hall (OH)
Applegate	Daniel	Hall, Ralph
Archer	Darden	Hall, Sam
Badham	Daub	Hamilton
Barnard	de la Garza	Hammerschmidt
Bartlett	Derrick	Hance
Bateman	DeWine	Hansen (UT)
Bennett	Dickinson	Hartnett
Bethune	Dowdy	Hefner
Bevill	Dreier	Hightower
Bilirakis	Duncan	Hiler
Bliley	Dyson	Hillis
Boner	Edwards (AL)	Holt
Boucher	Edwards (OK)	Hopkins
Breaux	Emerson	Huckaby
Broomfield	English	Hunter
Brown (CO)	Erdreich	Hutto
Broyhill	Erlenborn	Hyde
Burton (IN)	Fields	Ireland
Byron	Flippo	Jacobs
Carney	Fowler	Jenkins
Carr	Franklin	Jones (OK)
Chappell	Fuqua	Kasich
Cheney	Gaydos	Kazen
Clinger	Gekas	Kemp
Coats	Gibbons	Kindness
Corcoran	Gingrich	Kolter
Craig	Goodling	Kramer
Crane, Daniel	Gregg	Lagomarsino
Latta	Myers	Smith (NJ)
Leath	Natcher	Smith, Denny
Lent	Nelson	Smith, Robert
Levitas	Nichols	Snyder
Lewis (CA)	Nielson	Solomon
Lewis (FL)	O'Brien	Spence
Lipinski	Packard	Stangeland
Livingston	Parris	Stenholm
Lloyd	Pashayan	Stratton
Loeffler	Patman	Sundquist
Lott	Paul	Tallon
Lowery (CA)	Petri	Tauzin
Lujan	Quillen	Thomas (GA)
Lungren	Ray	Valentine
Mack	Regula	Vander Jagt
MacKay	Ritter	Vandergriff
Madigan	Roberts	Volkmer
Marlenee	Robinson	Vucanovich
Martin (NC)	Roemer	Walker
Martin (NY)	Rogers	Watkins
McCain	Rose	Weber
McCandless	Roth	Whitehurst
McCollum	Rowland	Whitley
McCurdy	Rudd	Whittaker
McDade	Sawyer	Whitten
McEwen	Schaefer	Williams (OH)
McGrath	Schulze	Wilson
Michel	Sensenbrenner	Winn
Miller (OH)	Sharp	Wolf
Molinari	Shelby	Wortley
Mollohan	Shumway	Wright
Montgomery	Shuster	Wylie
Moore	Siljander	Yatron
Moorhead	Skeen	Young (AK)
Murphy	Skelton	Young (FL)
Murtha	Smith (NE)	

NOES—215

Ackerman	Dymally	Lehman (FL)
Addabbo	Eckart	Leland
Akaka	Edgar	Levin
Albosta	Edwards (CA)	Long (LA)
Anderson	Evans (IA)	Long (MD)
Andrews (NC)	Evans (IL)	Lowry (WA)
Annunzio	Fascell	Luken
Anthony	Fazio	Lundine
Aspin	Feighan	Markey
AuCoin	Ferraro	Martin (IL)
Barnes	Fiedler	Martinez
Bates	Fish	Matsui
Bedell	Florio	Mavroules
Beilenson	Foglietta	Mazzoli
Bereuter	Foley	McCloskey
Berman	Ford (MI)	McHugh
Biaggi	Ford (TN)	McKernan
Boehlert	Frank	McKinney
Boggs	Frenzel	McNulty
Boland	Frost	Mica
Bonior	Garcia	Mikulski
Bonker	Gejdenson	Miller (CA)
Borski	Gephardt	Mineta
Bosco	Gilman	Minish
Boxer	Glickman	Mitchell
Britt	Gonzalez	Moakley
Brooks	Gore	Moody
Brown (CA)	Gradison	Morrison (CT)
Bryant	Gray	Morrison (WA)
Burton (CA)	Green	Mrazek
Carper	Guarini	Nowak
Chandler	Gunderson	Oakar
Clarke	Hall (IN)	Oberstar
Clay	Harkin	Olin
Coelho	Harrison	Ortiz
Coleman (MO)	Hawkins	Ottinger
Coleman (TX)	Hayes	Owens
Collins	Heftel	Panetta
Conable	Hertel	Patterson
Conte	Horton	Pease
Conyers	Howard	Penny
Cooper	Hoyer	Pepper
Coughlin	Hughes	Perkins
Coyne	Jeffords	Pickle
Crockett	Johnson	Porter
D'Amours	Jones (NC)	Price
Daschle	Kaptur	Pursell
Davis	Kastenmeier	Rahall
Dellums	Kennelly	Rangel
Dicks	Kildee	Ratchford
Dingell	Kleczka	Reid
Dixon	Kogovsek	Richardson
Donnelly	Kostmayer	Ridge
Dorgan	LaFalce	Rodino
Downey	Lantos	Roe
Durbin	Leach	Roukema
Dwyer	Lehman (CA)	Roybal
Russo	Solarz	Vento
Sabo	Spratt	Walgren
Savage	Staggers	Waxman
Scheuer	Stark	Weaver
Schneider	Stokes	Weiss
Schroeder	Studds	Wheat
Schumer	Swift	Williams (MT)
Seiberling	Synar	Wirth
Shannon	Tauke	Wise
Sikorski	Thomas (CA)	Wolpe
Sisisky	Torres	Wyden
Slattery	Torricelli	Yates
Smith (FL)	Towns	Young (MO)
Smith (IA)	Traxler	Zschau
Snowe	Udall	

NOT VOTING—24

Alexander	Hatcher	Pritchard
Campbell	Hubbard	Rinaldo
Chappie	Jones (TN)	Rostenkowski
Courter	Levine	Shaw
Dannemeyer	Marriott	Simon
Early	Neal	St Germain
Gramm	Obey	Stump
Hansen (ID)	Oxley	Taylor

□ 1420

The Clerk announced the following pair:

On this vote:

Mr. Taylor for, with Mr. Levine of California against.

Messrs. FRANKLIN, KRAMER, ROSE, LEVITAS, MacKAY, WILSON, CARR, and KAZEN changed their votes from "no" to "aye."

So the amendment to the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

□ 1430

PARLIAMENTARY INQUIRY

Mr. PERKINS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PERKINS. Mr. Chairman, it is very evident that we have a lot of confusion on the floor and my inquiry is to the vote that will come next, on which amendment or what amendment?

The CHAIRMAN pro tempore. The vote will be on the substitute amendment offered by the gentleman from California [Mr. HUNTER].

Mr. PERKINS. On the Hunter amendment?

The CHAIRMAN pro tempore. Unless there is another amendment offered before the question is put thereon.

AMENDMENT OFFERED BY MR. GUNDERSON TO THE AMENDMENT OFFERED BY MR. HUNTER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. COATS, AS AMENDED

Mr. GUNDERSON. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON to the amendment offered by Mr. HUNTER as a substitute for the amendment offered by Mr. COATS, as amended: In section 420A of the General Education Provisions Act (as proposed to be added by the amendment of the amendment of the gentleman from Cali-

fornia strike out the first sentence and insert in lieu thereof the following: "No State or local educational agency shall deny individuals in public schools the opportunity to participate in moments of silent prayer.".

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PERKINS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 378, nays 29, not voting 26, as follows:

[Roll No. 320]

AYES—378

Addabbo	Daub	Hayes
Akaka	Davis	Hefner
Albosta	de la Garza	Heftel
Anderson	Derrick	Hertel
Andrews (NC)	DeWine	Hightower
Andrews (TX)	Dickinson	Hiler
Annunzio	Dicks	Hillis
Anthony	Dingell	Holt
Applegate	Dixon	Hopkins
Archer	Donnelly	Horton
Aspin	Dorgan	Howard
AuCoin	Dowdy	Hoyer
Badham	Downey	Huckaby
Barnard	Dreier	Hughes
Barnes	Duncan	Hunter
Bartlett	Durbin	Hutto
Bateman	Dwyer	Ireland
Bates	Dymally	Jacobs
Bedell	Dyson	Jeffords
Beilenson	Eckart	Jenkins
Bennett	Edgar	Johnson
Bereuter	Edwards (AL)	Jones (NC)
Bethune	Edwards (OK)	Jones (OK)
Bevill	Emerson	Kaptur
Biaggi	English	Kasich
Bilirakis	Erdreich	Kazen
Bliley	Erlenborn	Kemp
Boehlert	Evans (IA)	Kennelly
Boggs	Evans (IL)	Kildee
Boland	Fascell	Kleczka
Boner	Fazio	Kogovsek
Bonior	Feighan	Kolter
Bonker	Ferraro	Kostmayer
Borski	Fiedler	Kramer
Bosco	Fields	LaFalce
Boucher	Fish	Lagomarsino
Boxer	Flippo	Lantos
Breaux	Florio	Latta
Britt	Foglietta	Leach
Brooks	Foley	Leath
Broomfield	Ford (MI)	Lehman (CA)
Brown (CA)	Ford (TN)	Lent
Brown (CO)	Fowler	Levin
Broyhill	Frank	Levitas
Bryant	Franklin	Lewis (CA)
Burton (IN)	Frenzel	Lewis (FL)
Byron	Frost	Lipinski
Carney	Fuqua	Livingston
Carper	Garcia	Lloyd
Carr	Gaydos	Loeffler
Chandler	Gekas	Long (LA)
Chappell	Gephardt	Lott
Cheney	Gibbons	Lowery (CA)
Clarke	Gilman	Lowry (WA)
Clinger	Gingrich	Lujan
Coats	Glickman	Luken
Coelho	Goodling	Lundine
Coleman (MO)	Gore	Lungren
Coleman (TX)	Gradison	Mack
Collins	Gregg	MacKay
Conte	Guarini	Madigan
Cooper	Gunderson	Markey
Corcoran	Hall (IN)	Marlenee
Coughlin	Hall, Ralph	Martin (IL)
Coyne	Hall, Sam	Martin (NC)
Craig	Hamilton	Martin (NY)
Crane, Daniel	Hammerschmidt	Martinez
Crane, Philip	Hance	Matsui
D'Amours	Hansen (UT)	Mavroules
Daniel	Harkin	Mazzoli
Darden	Harrison	McCain
Daschle	Hartnett	McCandless
McCloskey	Petri	Solarz
McCollum	Pickle	Solomon
McCurdy	Porter	Spence
McDade	Price	Spratt
McEwen	Pursell	Staggers
McGrath	Quillen	Stangeland
McHugh	Rahall	Stenholm
McKernan	Ratchford	Stratton
McKinney	Ray	Studds
McNulty	Regula	Sundquist
Mica	Reid	Swift
Michel	Richardson	Synar
Mikulski	Ridge	Tallon
Miller (CA)	Ritter	Tauke
Miller (OH)	Roberts	Tauzin
Mineta	Robinson	Thomas (CA)
Minish	Rodino	Thomas (GA)
Mitchell	Roe	Torres
Moakley	Roemer	Torricelli
Molinari	Rogers	Towns
Mollohan	Rose	Traxler
Montgomery	Roth	Udall
Moody	Roukema	Valentine
Moore	Rowland	Vander Jagt
Moorhead	Rudd	Vandergriff
Morrison (CT)	Russo	Vento
Morrison (WA)	Sabo	Volkmer
Mrazek	Savage	Vucanovich
Murphy	Sawyer	Walgren
Murtha	Schaefer	Walker
Myers	Schneider	Watkins
Natcher	Schroeder	Weber
Nelson	Schulze	Wheat
Nichols	Seiberling	Whitehurst
Nielson	Sensenbrenner	Whitley
Nowak	Shannon	Whittaker
O'Brien	Sharp	Whitten
Oakar	Shelby	Williams (MT)
Oberstar	Shumway	Williams (OH)
Obey	Shuster	Wilson
Olin	Sikorski	Winn
Ortiz	Siljander	Wirth
Owens	Sisisky	Wise
Packard	Skeen	Wolf
Panetta	Skelton	Wolpe
Parris	Slattery	Wortley
Pashayan	Smith (FL)	Wright
Patman	Smith (IA)	Wyden
Patterson	Smith (NE)	Wylie
Paul	Smith (NJ)	Yatron
Pease	Smith, Denny	Young (AK)
Penny	Smith, Robert	Young (FL)
Pepper	Snowe	Young (MO)
Perkins	Snyder	Zschau

NOES—29

Ackerman	Gray	Roybal
Berman	Green	Scheuer
Burton (CA)	Hall (OH)	Schumer
Clay	Hawkins	Stark
Conyers	Hyde	Stokes
Crockett	Kastenmeier	Waxman
Dellums	Kindness	Weaver
Edwards (CA)	Lehman (FL)	Weiss
Gejdenson	Ottinger	Yates
Gonzalez	Rangel	

NOT VOTING—26

Alexander	Hatcher	Pritchard
Campbell	Hubbard	Rinaldo
Chappie	Jones (TN)	Rostenkowski
Conable	Leland	Shaw
Courter	Levine	Simon
Dannemeyer	Long (MD)	St Germain
Early	Marriott	Stump
Gramm	Neal	Taylor
Hansen (ID)	Oxley	

□ 1440

Messrs. STARK, BERMAN, and GRAY changed their votes from "aye" to "no."

So the amendment to the amendment offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. HUNTER], as amended as a substitute for the amendment offered by the gentleman from Indiana [Mr. COATS], as amended.

The amendment, as amended, offered as a substitute for the amendment, as aeended, was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. COATS], as amended.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 356, noes 50, not voting 27, as follows:

[Roll No. 321]

AYES—356

Akaka	Daschle	Harkin
Albosta	Daub	Harrison
Anderson	Davis	Hartnett
Andrews (NC)	de la Garza	Hefner
Andrews (TX)	Derrick	Heftel
Annunzio	DeWine	Hertel
Anthony	Dickinson	Hightower
Applegate	Dicks	Hiler
Archer	Dingell	Hillis
Aspin	Donnelly	Holt
AuCoin	Dorgan	Hopkins
Badham	Dowdy	Horton
Barnard	Downey	Howard
Bartlett	Dreier	Hoyer
Bateman	Duncan	Huckaby
Bedell	Durbin	Hughes
Bennett	Dwyer	Hunter
Bereuter	Dyson	Hutto
Bethune	Eckart	Ireland
Bevill	Edgar	Jacobs
Biaggi	Edwards (AL)	Jeffords
Bilirakis	Edwards (OK)	Jenkins
Bliley	Emerson	Johnson
Boehlert	English	Jones (NC)
Boggs	Erdreich	Jones (OK)
Boland	Erlenborn	Kaptur
Boner	Evans (IA)	Kasich
Bonior	Evans (IL)	Kazen
Bonker	Fascell	Kemp
Borski	Fazio	Kennelly
Bosco	Feighan	Kildee
Boucher	Fiedler	Kleczka
Breaux	Fields	Kogovsek
Britt	Fish	Kolter
Brooks	Flippo	Kostmayer
Broomfield	Florio	Kramer
Brown (CA)	Foglietta	LaFalce
Brown (CO)	Foley	Lagomarsino
Broyhill	Ford (MI)	Latta
Bryant	Fowler	Leach
Burton (IN)	Franklin	Leath
Byron	Frenzel	Lehman (CA)
Carney	Frost	Lent
Carper	Fuqua	Levin
Carr	Garcia	Levitas
Chandler	Gaydos	Lewis (CA)
Chappell	Gekas	Lewis (FL)
Cheney	Gephardt	Lipinski
Clarke	Gibbons	Livingston
Clinger	Gilman	Lloyd
Coats	Gingrich	Loeffler
Coelho	Glickman	Long (LA)
Coleman (MO)	Goodling	Long (MD)
Coleman (TX)	Gore	Lott
Conte	Gradison	Lowery (CA)
Cooper	Gregg	Lowry (WA)
Corcoran	Guarini	Lujan
Coughlin	Gunderson	Luken
Coyne	Hall (IN)	Lundine
Craig	Hall, Ralph	Lungren
Crane, Daniel	Hall, Sam	Mack
Crane, Philip	Hamilton	MacKay
D'Amours	Hammerschmidt	Madigan
Daniel	Hance	Marlenee
Darden	Hansen (UT)	Martin (IL)

Martin (NC)	Paul	Snowe
Martin (NY)	Pease	Snyder
Martinez	Penny	Solarz
Matsui	Pepper	Solomon
Mazzoli	Perkins	Spence
McCain	Petri	Spratt
McCandless	Pickle	Staggers
McCloskey	Porter	Stangeland
McCollum	Price	Stenholm
McCurdy	Pursell	Stratton
McDade	Quillen	Sundquist
McEwen	Rahall	Swift
McGrath	Ratchford	Tallon
McHugh	Ray	Tauke
McKernan	Regula	Tauzin
McKinney	Reid	Thomas (CA)
McNulty	Richardson	Thomas (GA)
Mica	Ridge	Torres
Michel	Ritter	Torricelli
Mikulski	Roberts	Towns
Miller (CA)	Robinson	Traxler
Miller (OH)	Rodino	Udall
Mineta	Roe	Valentine
Minish	Roemer	Vander Jagt
Moakley	Rogers	Vandergriff
Molinari	Rose	Vento
Mollohan	Roth	Volkmer
Montgomery	Roukema	Vucanovich
Moody	Rowland	Walgren
Moore	Rudd	Walker
Moorhead	Russo	Watkins
Morrison (WA)	Sawyer	Weber
Mrazek	Schaefer	Wheat
Murphy	Schneider	Whitehurst
Murtha	Schroeder	Whitley
Myers	Schulze	Whittaker
Natcher	Seiberling	Williams (MT)
Nelson	Sensenbrenner	Williams (OH)
Nichols	Sharp	Wilson
Nielson	Shelby	Winn
Nowak	Shumway	Wirth
O'Brien	Shuster	Wise
Oakar	Sikorski	Wolf
Oberstar	Siljander	Wolpe
Obey	Sisisky	Wortley
Olin	Skeen	Wright
Ortiz	Skelton	Wyden
Owens	Slattery	Wylie
Packard	Smith (FL)	Yatron
Panetta	Smith (IA)	Young (AK)
Parris	Smith (NE)	Young (FL)
Pashayan	Smith (NJ)	Young (MO)
Patman	Smith, Denny	Zschau
Patterson	Smith, Robert	

NOES—50

Ackerman	Gejdenson	Ottinger
Addabbo	Gonzalez	Rangel
Barnes	Gray	Roybal
Bates	Green	Sabo
Beilenson	Hall (OH)	Savage
Berman	Hawkins	Scheuer
Boxer	Hayes	Schumer
Burton (CA)	Hyde	Shannon
Clay	Kastenmeier	Stark
Collins	Kindness	Stokes
Conyers	Lantos	Studds
Crockett	Lehman (FL)	Synar
Dellums	Leland	Waxman
Dixon	Markey	Weaver
Dymally	Mavroules	Weiss
Edwards (CA)	Mitchell	Yates
Frank	Morrison (CT)	

NOT VOTING—27

Alexander	Gramm	Pritchard
Campbell	Hansen (ID)	Rinaldo
Chappie	Hatcher	Rostenkowski
Conable	Hubbard	Shaw
Courter	Jones (TN)	Simon
Dannemeyer	Levine	St Germain
Early	Marriott	Stump
Ferraro	Neal	Taylor
Ford (TN)	Oxley	Whitten

□ 1500

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KOGOVSEK

Mr. KOGOVSEK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOGOVSEK:

Page 95, after line 18, insert the following new section (and redesignate the succeeding sections accordingly):

STUDENT FINANCIAL ASSISTANCE TECHNICAL AMENDMENTS ACT OF 1982

SEC. 810. The Student Financial Assistance Technical Amendments Act of 1982 is amended—

(1) in section 3(a), by striking out "and 1984-1985" and inserting in lieu thereof ", 1984-1985, and 1985-1986";

(2) in section 3(b), by striking out "year 1984-1985" and inserting in lieu thereof "years 1984-1985, and 1985-1986";

(3) by striking out "and 1985-1986" each place it appears in sections 4, 5(a), 5(b)(1), 5(c), and 6 and inserting in lieu thereof ", 1985-1986, and 1986-1987";

(4) in section 5(b)(2), by striking out "and" at the end of clause (A), by striking out the period at the end of clause (B) and inserting in lieu thereof "; and", and by inserting after clause (B) the following new clause:

"(C) for the period from October 1, 1983, through September 30, 1984, and the arithmetic mean of such index for the period from October 1, 1984, through September 30, 1985, in the case of academic year 1986-1987.";

(5) in section 5(b)(3), by striking out "and immediately" and inserting in lieu thereof ", immediately" and by inserting before the period at the end thereof a comma and the following: "and immediately after such publication for September 1985 (with respect to academic year 1986-1987)";

(6) in section 5(d), by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and", and by inserting after such paragraph the following new paragraph:

"(3) not later than April 1, 1985, for academic year 1986-1987.";

(7) in section 9(a), by inserting "and from July 1, 1986, through June 30, 1987," after "June 30, 1986,"; and

(8) in section 9(c), by striking out "and" at the end of paragraph (2), by striking out the comma at the end of paragraph (3) and inserting in lieu thereof "; and", and by inserting after such paragraph the following new paragraph:

"(4) April 1, 1986, for the period of instruction from July 1, 1986, through June 30, 1987,".

Mr. KOGOVSEK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. KOGOVSEK. Mr. Chairman, this amendment is simple and, I believe, noncontroversial. It provides legislative authority to continue the current Pell grant family contributions schedule for the 1986-87 academic year; maintains the current regulatory definition for "independent student" through the 1986-87 academic year; and retains the current cost of attendance criteria for the 1985-86 school year.

These changes are intended to continue similar provisions contained in the Student Financial Assistance Technical Amendments of 1982 (Public Law 97-301) and the Student Loan Consolidation and Technical Amendments Act of 1983 (Public Law 98-79). Adoption of this amendment is essential if we are to preserve an orderly student aid delivery system. Congress had taken the unprecedented step of statutorily establishing Pell grant eligibility because of repeated delays in publishing the family contributions schedule—which is the regulatory mechanism for determining student eligibility—the annual needs test of the family's income and assets and their ability to pay the cost of sending a son or daughter to college. Without this amendment, needy low- and middle-income students may be delayed in their efforts to obtain Federal student assistance or denied the opportunity to attend college altogether.

The family contribution schedule not only establishes the basis for Pell grant eligibility, but it also contains information which is essential to structuring the common data elements which are used to develop the millions of application forms which are used by Pell grant applicants (4.9 million in 1983-84) to apply for student aid. A cooperative effort—between the Congress, the Department of Education, and the financial aid servicing agencies—is necessary in order to keep the system running smoothly and to facilitate the delivery of student financial assistance to eligible applicants.

The system requires forms approval by the Department no later than June 1 preceding the academic year before the student actually begins his or her studies. This 18-month leadtime allows the forms to be prepared, distributed, completed, processed, and the funds distributed to the institution or the affected student. Prior to enactment of the provisions contained in the amendment (by the 97th Congress), repeated delays in departmental approval of the necessary forms and promulgation of the family contributions schedule caused inordinate delays in the application and award process. Continuation of these provisions will ensure that needy low- and middle-income students receive a Pell grant on time.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. KOGOVSEK. I yield to the gentleman from Missouri.

Mr. COLEMAN. of Missouri. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gentleman's amendment.

Enactment of this amendment will provide much-needed stability and predictability to our Federal student aid programs for the next 2 academic years. Under this amendment, the technical changes to the Higher Edu-

cation Act which were both enacted by the Congress in 1982 and 1983 and signed by the President would be extended for an additional year. There are no policy changes contained in this amendment. The specific provisions of the Higher Education Act which would be addressed under the amendment are related to the calculation of student's eligibility for Pell grants, guaranteed student loans, and other Federal student aid programs.

The first provision in the amendment would require that the cost of attendance criteria used for calculating eligibility and the amount of Pell grant assistance awarded during the current academic year would also be used for the 1985–86 and 1986–87 academic years. The cost of attendance criteria currently in use was developed to reduce the cost of the Pell Grant Program in 1981 and supersedes provisions included in the Education Amendments of 1980.

The second provision in the amendment requires that different family contribution schedules continue to be used for the Pell Grant Program and the campus-based programs, which include supplemental grants, direct loans, and college work-study. This continued separation of the family contribution schedules is necessary because the higher education community has been unable to agree upon a single need analysis which is suitable for all our Federal aid programs.

The third provision would require that the current family contribution schedule for the Pell Grant Program, once updated to reflect an increase for inflation, would be used for the 1986–87 academic year. A similar provision is included with regard to the family contribution schedule for the Guaranteed Student Loan Program.

Finally, the amendment extends the use of the current definition of independent student to include the 1986–87 academic year. The higher education community, while agreeing that the current definition is unsatisfactory, has been unable to agree on a new definition.

Mr. Chairman, as I noted earlier, all of these amendments simply extend existing policies which now govern our Federal student aid programs. It is necessary to enact amendments extending these provisions for our Federal student aid programs for the 1986–87 academic year as the Department of Education has already begun the process of designing application forms for the 1986–87 academic year. In addition, by adopting this amendment we will be sending a clear signal to millions of students and their families across the country that Congress supports stability and predictability in these programs.

I urge an "aye" vote on the amendment.

Mr. KOGOVSEK. Mr. Chairman, I thank the gentleman from Missouri for his contribution and his cooperation on this amendment. The spirit of bipartisanism, which has characterized the work of the Committee on Education and Labor, continues to enhance our mutual efforts and reflect well on my friend and colleague from Missouri.

Mr. Chairman, I would conclude by indicating that this amendment enjoys the support of the higher education community and should be well received in the other body, if adopted.

● Mr. SIMON. Mr. Chairman, this technical amendment is needed to assure that Federal aid can be delivered to students on a timely basis prior to reauthorization of the Higher Education Act in the next Congress.

To be effective in providing access and choice for students, the programs under title IV of the Higher Education Act must allow students and their families leadtime to make plans for college attendance. Federal dollars are of little help unless students can secure the proper application forms and find out about their eligibility in advance.

This amendment will continue operating procedures in effect since 1982 that assure stability in the student aid delivery system. According to the master calendar recommended by the National Commission on Student Financial Assistance, the development of the common student aid application form by the Department of Education, the higher education community, and the Congress must begin this fall for academic year 1986–87. Without this technical amendment, work on the 1986–87 common application form cannot begin because it will be impossible to assume the continuation of current policies on a number of important issues, including the extension of separate systems of need analysis for Pell grants and for campus-based programs, the independent student definition, and the Pell grant family contribution schedule updated for inflation.

Consistent with the provisions of the Student Financial Assistance and Technical Amendments Act and the Student Loan Consolidation and Technical Amendments Act of 1983, the amendment I propose would achieve five objectives:

Define the steps to be used by the Secretary of Education in annually updating and publishing the family contribution schedule for the Pell Grant Program.

Require the Secretary to annually approve those need analysis systems that schools may use in awarding campus-based program funds.

Extend and define the elements and allowances that may be used in calculating the cost of attendance for the Pell Grant Program.

Continue the existing criteria that are currently in use in determining whether a student is dependent or independent for purposes of determining eligibility for title IV programs.

Define the steps to be used by the Secretary in annually updating and publishing the family contribution schedule for the Guaranteed Student Loan Program.

Mr. Chairman, bipartisan majorities of Congress have long supported the national effort, through title IV, to extend opportunities for higher education to all who can benefit from it. Progress toward this goal will only be achieved to the degree that aid is delivered to needy students in a timely and efficient manner. For the necessary work on student aid forms to precede on schedule this fall, and to allow students, families, and colleges to plan ahead, I urge adoption of this technical amendment to the Higher Education Act.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado [Mr. KOGOVSEK].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WILLIAMS OF MONTANA

Mr. WILLIAMS of Montana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS of Montana: Page 93, line 8, after "council" insert the following: "who are appointed on or after the date of enactment of this subsection and".

Mr. WILLIAMS of Montana. Mr. Chairman, the provision that I am attempting to amend is that provision of this bill which is designed to protect members of the national advisory councils and commissions from being fired by a President without cause.

The amendment that I am introducing would specify that this provision in the current act would apply to those council and commission members who are appointed after the date of enactment of this legislation.

Now let me be clear. This amendment will be seen correctly as a partisan amendment. Let me tell my colleagues why I offer it.

When Ronald Reagan became President, he did something that has never been done before. He fired all of the Presidentially appointed members of the four national advisory councils under the provisions of this act. Those councils include Continuing Education, Vocational Education, Adult Education, and the National Council of Educational Programs. This was a radical as well as an unprecedented action.

Under normal circumstances, approximately one-third of the advisory council members' terms expire every year.

□ 1510

A new President can replace one-third of the members during his first year in office, one-third during his second year, and so on.

In other words, every President is protected with the opportunity to gradually replace the members of each advisory council. This gradual change makes it possible for members from different administrations to learn from each other's point of view and to learn about the history and previous activities of the council from people who were members during the previous administration. Since these advisory councils have always tended to be nonpartisan, it is not unusual for members to serve several terms under one or more administrations. However, in contrast to every previous President of the United States, Mr. Reagan fired all previously appointed advisory council members and replaced them with 57 new appointees, nearly all of them having Republican credentials and having been either campaign workers or members or staff in conservative groups. In so doing, President Reagan politicized the advisory councils more than ever before, prevented the important continuity from one administration to another, and almost guaranteed that a council would represent only one political point of view.

Under the provisions of H.R. 11, future members of the National Advisory Councils on Women Educational Programs and other councils will have to be selected on the basis of their expertise in educational equity. Unfortunately, it is difficult to apply this provision retroactively, since current members could argue that they are now experts, regardless of their actual competence or interest in the discipline. Therefore, my amendment is designed to protect only those advisory council members who are appointed after this act goes into effect. It would not protect previous appointees who were selected as a part of the President Reagan's effort to purge the advisory councils and reshape them in his own image.

Again I want to emphasize that I am not criticizing all of President Reagan's appointees. I would certainly urge that if a new President is elected in November he not replace all advisory council members in the unfair and inappropriate way that President Reagan did. However, I believe that if a new President is elected this year, he should have the opportunity to balance the unprecedented and unfortunate action that President Reagan has taken in his wholesale firing of members of important national advisory councils.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I want to make sure I understand what the gentleman is saying. If I understand the gentleman correctly, he is saying that, for instance, if Mr. Mondale is elected in November, in January he could replace all of those people who are now on advisory councils by naming a new group. If, let us say, 4 years later Mrs. Dole or Vice President BUSH were elected President, she or he could not then fire or eliminate those that he appointed. In other words, they are stuck with all of those from that point on? Am I right in that understanding?

Mr. WILLIAMS of Montana. The gentleman is essentially correct. If the gentleman will let me just perfect his understanding of it——

The CHAIRMAN pro tempore. The time of the gentleman from Montana [Mr. WILLIAMS] has expired.

(By unanimous consent, Mr. WILLIAMS of Montana was allowed to proceed for 3 additional minutes.)

Mr. WILLIAMS of Montana. I will tell my friend that if this amendment passes, all members of councils and commissions who are appointed after H.R. 11 is signed into law would be protected and only allowed to be fired for good cause. All members appointed previous to that time would be handled the way we have always handled it in the Federal Government, and that is to allow the President to name his own members. However, the point is that President Reagan is the only one who ever fired all of them and named his own people.

Mr. GOODLING. But suppose Walter Mondale does exactly the same when he would take office, and then 4 years later, as I said, Elizabeth Dole or GEORGE BUSH is going to take office, and the President is not able, apparently, to choose advisory council members. It does not quite sound fair.

Mr. WILLIAMS of Montana. For good cause the President following the next President could replace any member of the advisory council that they wished. There is nothing to indicate in all of history that whoever the next President is will cause a wholesale firing of all of the members of all of the advisory councils. That was only done by this President.

So there is nothing to indicate that that will be done again. However, the gentleman is correct, my amendment would allow it. That is current law. My amendment would allow that. But after the next President makes that choice, we would then apply the current status of this bill, and that is that good cause only could be used for firing advisory council and commission members.

Mr. GOODLING. If the gentleman will yield further, I thought I understood what the gentleman was saying.

But to make sure that I do not get into trouble, I want to say Elizabeth Dole or GEORGE BUSH or JACK KEMP—and I cannot think of who else I might say.

Mr. WILLIAMS of Montana. Well, there are a number. Walter Mondale, Mario Cuomo, GERALDINE FERRARO. There are a number of other names.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word.

I apologize for being caught a bit off guard on this. I was not aware that the amendment was coming up. But I must tell you that I thought we had reached an agreement with Mr. SIMON and others in committee when dealing with this issue. We debated it at length at that time, and it was our understanding that with all present advisory council members it would be in effect and that they would stay on and we would move from that point forth.

Let me just read, if I can, from the transcript of the proceedings of the hearing, where I said the following:

"It seems to me that if it is good in the future, that it is good now. In other words, the Reagan appointees ought not be allowed to be removed from office by whoever succeeds Mr. Reagan without cause, either."

At which time Mr. SIMON said:

"I agree. I would like to get into the record and we can maybe have report language that you and I could——"

Then I went on to say:

"You need more than report language. You need the amendment."

So we had agreed on this in committee between Mr. SIMON and myself, and I am a little surprised that we have this amendment in front of us. I guess I would beseech my friend from Montana if he would consider withdrawing the amendment.

Mr. WILLIAMS of Montana. If the gentleman will yield, the amendment that Mr. SIMON offered was my amendment offered in my unavoidable absence. And the language that is before us is not the amendment which I would have agreed on had I been offering it, but rather the gentleman requested of Mr. SIMON to agree to amended language which we currently have in the bill, and unfortunately the committee did so.

The situation now is this: After an unprecedented total and complete firing of every member of the advisory council by President Reagan, we have now locked in those people whose credentials primarily are political and say under this act they cannot be fired except for good cause.

I do not know if two wrongs make a right, but I do think we have to get back to nonpartisanship on these councils.

Mr. GUNDERSON. I agree totally with the gentleman. But that is my concern. If it is wrong—and that is a judgmental question as to whether it is wrong for Reagan to make the deci-

sions he did. But I do not think it is right to say that whoever is elected on November 6 has the right to come in and remove everybody without good cause but then after that we are going to impose a new criteria which says only removal under good cause will be allowed. It just seems to me we ought to establish the proper policy for removal of council members from this day forward, and that is what I thought the gentleman from Illinois and I had agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

The question was taken; and on a division (demanded by Mr. WILLIAMS of Montana) there were—ayes 19, noes 21.

Mr. WILLIAMS of Montana. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count; 44 Members are present, not a quorum.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 322]

Ackerman	Brooks	Derrick
Addabbo	Broomfield	DeWine
Akaka	Brown (CA)	Dickinson
Albosta	Brown (CO)	Dicks
Anderson	Broyhill	Dingell
Andrews (NC)	Bryaft	Dixon
Andrews (TX)	Burtof (CA)	Donnelly
Annunzio	Burton (IN)	Dorgan
Anthony	Byron	Dowdy
Applegate	Carney	Downey
Archer	Carper	Dreier
Aspin	Carr	Duncan
AuCoin	Chandler	Durbin
Badham	Chappell	Dwyer
Barnard	Cheney	Dymally
Barnes	Clarke	Dyson
Bartlett	Clay	Eckart
Bateman	Clinger	Edgar
Bates	Coats	Edwards (CA)
Bedell	Coelhg	Edwards (OK)
Beilenson	Codemaf (MO)	Emerson
Bennett	Colemaf (TX)	English
Bereuter	Collifs	Erdreich
Berman	Conte	Erlenborn
Bethune	Conyers	Evans (IA)
Bevill	Cooper	Evans (IL)
Biaggi	Corcoran	Fascell
Bilirakis	Coughlin	Fazio
Bliley	Coyfe	Feighan
Boehlert	Craig	Fiedler
Boggs	Crane, Daniel	Fields
Boland	Crane, Philip	Fish
Boner	Crockett	Flippo
Bonior	D'Amours	Florio
Bonker	Daniel	Foglietta
Borski	Darden	Foley
Bosco	Daschde	Ford (MI)
Boucher	Daub	Ford (TN)
Boxer	Davis	Fowler
Breaux	de la Garza	Frank
Britt	Dellums	Franklin
Frenzel	Lujan	Roukema
Frost	Luken	Rowland
Fuqua	Lungren	Roybal
Garcia	Mack	Russo
Gaydos	MacKay	Sabo
Gejdenson	Madigan	Savage
Gekas	Markey	Sawyer
Gephardt	Marlenee	Schaefer
Gibbons	Martin (IL)	Scheuer
Gilman	Martin (NY)	Schneider
Gingrich	Martinez	Schroeder
Glickman	Matsui	Schulze
Gonzalez	Mavroules	Schumer
Goodling	Mazzoli	Seiberling
Gore	McCain	Sensenbrenner
Gradison	McCandless	Shannon
Gray	McCloskey	Sharp
Green	McCollum	Shelby
Gregg	McCurdy	Shumway
Guarini	McDade	Shuster
Gunderson	McEwen	Sikorski
Hall (IN)	McGrath	Siljander
Hall (OH)	McHugh	Sisisky
Hall, Ralph	McKernan	Skeen
Hall, Sam	McKinney	Skelton
Hamilton	McNulty	Slattery
Hammerschmidt	Mica	Smith (FL)
Hance	Michel	Smith (IA)
Hansen (UT)	Mikulski	Smith (NE)
Harkin	Miller (CA)	Smith (NJ)
Harrison	Miller (OH)	Smith, Denny
Hartnett	Mineta	Smith, Robert
Hawkins	Minish	Snowe
Hayes	Mitchell	Snyder
Hefner	Moakley	Solarz
Heftel	Molinari	Solomon
Hertel	Mollohan	Spence
Hightower	Montgomery	Spratt
Hiler	Moody	Staggers
Hillis	Moore	Stangeland
Holt	Moorhead	Stark
Hopkins	Morrison (CT)	Stenholm
Horton	Morrison (WA)	Stokes
Howard	Mrazek	Stratton
Hoyer	Murphy	Sundquist
Huckaby	Murtha	Swift
Hughes	Myers	Synar
Hunter	Natcher	Tallon
Hutto	Nelson	Tauke
Hyde	Nichols	Tauzin
Ireland	Nielson	Thomas (CA)
Jacobs	Nowak	Thomas (GA)
Jeffords	O'Brien	Torres
Jenkins	Oakar	Torricelli
Johnson	Oberstar	Towns
Jones (NC)	Olin	Traxler
Jones (OK)	Ortiz	Udall
Kaptur	Owens	Valentine
Kasich	Packard	Vander Jagt
Kastenmeier	Panetta	Vandergriff
Kazen	Parris	Vento
Kemp	Pashayan	Volkmer
Kennelly	Patman	Vucanovich
Kildee	Paul	Walgren
Kleczka	Pease	Walker
Kolter	Penny	Watkins
Kostmayer	Pepper	Waxman
Kramer	Perkins	Weaver
LaFalce	Petri	Weber
Lagomarsino	Pickle	Weiss
Lantos	Porter	Wheat
Latta	Price	Whitehurst
Leach	Pursell	Whitley
Leath	Quillen	Whittaker
Lehman (CA)	Rahall	Williams (MT)
Lehman (FL)	Rangel	Williams (OH)
Leland	Ratchford	Winn
Lent	Ray	Wirth
Levin	Regula	Wise
Levitas	Reid	Wolf
Lewis (CA)	Richardson	Wolpe
Lewis (FL)	Ridge	Wortley
Lipinski	Ritter	Wright
Livingston	Roberts	Wyden
Lloyd	Robinson	Wylie
Loeffler	Rodino	Yates
Long (LA)	Roe	Yatron
Long (MD)	Roemer	Young (AK)
Lott	Rogers	Young (FL)
Lowery (CA)	Rose	Young (MO)
Lowry (WA)	Roth	Zschau

□ 1540

The CHAIRMAN pro tempore; 396 Members have answered to their names, a quorum is present, and the Committee will resume its business.

The pending business is the demand of the gentleman from Montana [Mr. WILLIAMS] for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

PARLIAMENTARY INQUIRY

Mr. WILLIAMS of Montana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. WILLIAMS of Montana. Mr. Chairman, may I request the yeas and nays on that last vote?

The CHAIRMAN pro tempore. A recorded vote had been requested and refused.

Mr. WILLIAMS of Montana. May I ask for the yeas and nays?

The CHAIRMAN pro tempore. Not at this time.

The Chair will tell the gentleman from Montana that that would not be permitted in the Committee of the Whole.

Mr. WILLIAMS of Montana. Mr. Chairman, a further parliamentary inquiry; may I ask for a division?

The CHAIRMAN pro tempore. There has already been one.

Mr. WILLIAMS of Montana. I understand that. My question is, May I ask for another?

The CHAIRMAN pro tempore. No.

Mr. WILLIAMS of Montana. I thank the Chairman.

The CHAIRMAN pro tempore. Are there any further amendments?

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Add at the end of the bill the following new title:

TITLE IX—ADDITIONAL LIMITATIONS ON APPROPRIATIONS FOR FISCAL YEAR 1985

AUTHORIZATION AMOUNTS

SEC. 901. (a) Notwithstanding any provision of this Act (including any amendment made by this Act), or any provision of law amended by this Act, no funds are authorized to be appropriated in excess of the limitations imposed upon appropriations by the provisions of subsection (b) of this section.

(b) The total amount of appropriations for fiscal year 1985 shall not exceed—

(1) $103,500,000 to carry out the Adult Education Act (20 U.S.C. 1201 et seq.);

(2) $144,000,000 to carry out the Bilingual Education Act (20 U.S.C. 3221 et seq.);

(3) $605,500,000 to carry out the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) and the Act of September 23, 1950 (Public Law 815, Eighty-first Congress);

(4) $6,000,000 to carry out the Women's Educational Equity Act of 1978 (20 U.S.C. 3341 et seq.);

(5) $71,200,000 to carry out the Indian Education Act (20 U.S.C. 3385 et seq.);

(6) no funds to carry out the Asbestos School Hazard Detection and Control Act of 1980 (20 U.S.C. 3601 et seq.) if funds are appropriated for such fiscal year to carry out

the Asbestos School Hazard Abatement Act of 1984;

(7) $32,000,000 to carry out the Emergency Immigrant Education Act of 1984 (as created by title VII of this Act);

(8) $9,000,000 to carry out section 406 of the General Education Provisions Act (20 U.S.C. 1221-1); and

(9) $3,000,000 to carry out sections 1524 and 1525 of the Education Amendments of 1978.

Mr. GOODLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FORD of Michigan. Mr. Chairman, I offer a substitute amendment.

The CHAIRMAN pro tempore. Does the gentleman from Pennsylvania insist on his 5 minutes?

Mr. GOODLING. Yes, Mr. Chairman, I insist on my 5 minutes.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania has the floor. He would have to yield for that purpose.

PARLIAMENTARY INQUIRY

Mr. FORD of Michigan. Mr. Chairman, if I may make a parliamentary inquiry, has the amendment been read?

The CHAIRMAN pro tempore. The amendment has been read, and a request to dispense with further reading has been approved.

Mr. FORD of Michigan. Mr. Chairman, can I offer a substitute at that point?

The CHAIRMAN pro tempore. Not unless the gentleman's 5 minutes are up or unless he yields for that purpose.

Mr. GOODLING. Mr. Chairman, I do not yield for that purpose.

The CHAIRMAN pro tempore. The gentleman does not yield his time.

The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 5 minutes in support of his amendment.

Mr. GOODLING. Mr. Chairman, it is amazing that for 6 months I have been trying to say that unless we have some fiscal responsibility in this bill, we cannot expect to have bipartisan support and now all of a sudden there seems to be a surprise that I would ask for a recorded vote to bring H.R. 11 not below present expenditures, only down to what the Democrat budget, which I voted for and which was approved in the House; it would still be a $33 million increase over current spending. All I am asking is that we bring this bill, H.R. 11, down to the budget figure as was presented by the Democrat majority and which was adopted in the House and which I supported.

When the bill came to the floor, we were 300 percent above that budget—300 percent.

After the Kildee amendment, we got down to 41 percent above that budget.

My amendment would bring H.R. 11 into line with the House-passed budget.

Let me again say, I would call my amendment the Mondale-Goodling amendment. I take the liberty of using his name, even though he is not here. I say that simply because he said at the San Francisco convention and we say on both sides of the aisle 100 times a day that we have to do something about the deficit. We have to be fiscally responsible. He said that: "We must cut spending and pay as we go. That is my message to the Congress. If you don't hold the line, I will. That is what the veto is for."

President Reagan could not have said it any better and that is all I am saying today.

The Democrat budget says that we should spend for these areas that we are discussing today in H.R. 11, $33.6 million more—more than we spent in 1984. All I am asking you to do is stick to the budget which you presented as the majority to this House and I in turn voted for. I do not see how we can be fiscally responsible if we do anything less than that.

Let me tell you what this does. It gives a $3.5 million increase in adult education.

It gives a $4.6 million increase in bilingual education.

It gives a $20.5 million increase in impact aid.

It gives a $0.2 million increase in WEEA.

It gives a $2.4 million increase in Indian education.

It gives a $2 million increase in immigrant education.

It gives a $0.3 million increase in NCES and it gives you a $0.1 million increase for the Virgin Islands and territories; a $33.6 million increase over the spending of last year or the year 1984.

Again, I am not asking to cut money from education programs. I am asking this House to stick strictly to the budget that it passed. To do anything less, as I indicated, would certainly be fiscally irresponsible.

So I would hope that my amendment would prevail, because the amendment that will be offered will take us considerably over the Democrat budget. It will take us $33.6 over the Democrat-presented budget which was adopted by the House of Representatives.

How can we face the public if a couple months after we pass a budget in this House we turn right around and spend 26 percent more than we asked us to vote for as a budget.

Mr. MACK. Mr. Chairman, would the gentleman yield?

Mr. GOODLING. I would be happy to yield to the gentleman from Florida.

Mr. MACK. Mr. Chairman, I would just like for the gentleman, if he would, to restate, because it got lost in all those numbers, the amount of dollars that would be spent over the House-passed budget resolution; referred to by the gentleman as the Democrat budget resolution.

□ 1550

Mr. GOODLING. The House-passed budget of $974.2 million, as you cost it out for these purposes, when H.R. 11 came to the floor it was $2,699 million. We cut $1 billion with the Kildee amendment. So you are now talking about an increase over the budget by 41.1 percent.

The compromise is an increase, the compromise that will be offered, I understand, is an increase of 26.2 percent over the Democrat-passed budget in the House of Representatives.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent Mr. GOODLING was allowed to proceed for 5 additional minutes.)

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I am happy to yield to the gentleman from Texas.

Mr. BARTLETT. I want to clarify and make sure you repeat what you already said, because I think everyone in this House needs to understand.

Would the gentleman clarify that there is not a budget cut anywhere in your amendment. Your amendment does not cut any services. In fact, it increases. Do you increase every single item without exception? Do you increase every single authorization?

Mr. GOODLING. Without exception, to the tune of $33.6 million. There is an increase by staying with the Democrat budget, passed by the House, there is an increase of $33.6 million for these areas. Nobody gets cut. Everybody gets an increase.

It is a budget that they offered and we accepted in the House of Representatives.

Mr. BARTLETT. So this is not a budget cut at all; this is a restoration of the budget that was adopted by the majority of this House. Some of us thought that was too high but a majority, most on the other side of the aisle, voted for it; is that correct?

Mr. GOODLING. That is correct.

Mr. BARTLETT. The precise figures are not a dollar's difference?

Mr. GOODLING. Not a dollar's difference.

Mr. BARTLETT. I thank the gentleman.

Mr. MACK. Will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Florida.

Mr. MACK. I believe we see here a classic example of the Democrats get-

ting caught in some of their rhetoric expressed the past several weeks. One comment we see is that Mondale, in his address, indicated that: "To Congress my message is we must cut spending and pay as you go. If you don't hold the line, I will. That's what the veto is for."

Then on the other hand we see that part of the Democrat platform indicates: "We called for the immediate restoration of cuts in funding of education programs by the Reagan administration." So what we really see here is an attempt on the one hand in the platform to indicate what the plan is for the future, which is really more spending, spending, spending, which clearly has to be, I guess from their viewpoint, paid for by increased taxes; but on the other hand Mr. Mondale wants to let the people of this country know he is going to be tough and reduce spending. The question is when and where?

I am really interested in seeing how the other side is going to respond when we get a vote on this.

I thank the gentleman for yielding.

Mr. GOODLING. As I have indicated, there is an increase here for every category. We are not cutting anything.

I also indicated that I hear every day from both sides of the aisle how we have to be fiscally responsible. All I am trying to do is make sure that we can stick with the budget that we passed, which was presented to us by the Democrat majority. And I was one of the Members on this side of the aisle who voted for that particular budget.

Mr. FRENZEL. Will the gentleman yield?

Mr. GOODLING. I will be happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

I did want an explanation. The amendment you presented to us simply tries to hold this authorization bill to the increases that all of the people who voted for the House budget resolution agreed to?

Mr. GOODLING. That is exactly what I am trying to do.

Mr. FRENZEL. And what is the substitute? A little more than that, I suppose.

Mr. GOODLING. The substitute will be 26.2 percent above the Democrat-offered budget which was adopted in the House of Representatives.

Mr. FRENZEL. If the gentleman will yield further, each time that I have attempted to hold authorizations or appropriations to the level agreed to by this House in its budget, I have been voted down. Our Members will probably find it outrageous that the gentleman would try to hold the House to its budget resolution. Certainly it is some kind of dirty pool.

I hate to associate myself with the gentleman for fear his amendment will suffer the same fate as mine have. But I congratulate you for trying to hold the House to a resolution which was too expensive in the first place.

Mr. GOODLING. I thank the gentleman. Let me again say we work in the Education and Labor Committee in a bipartisan effort. I have tried very hard to do that and have said for the last 6 months that we have a serious problem with this bill, that many Members want to vote for some increased funding for education. But if we do not have a vote for this increased amount that I am talking about of over $30 million, then Members who support education in the context of fiscal responsibility do not have an opportunity to vote for education. The only opportunity they then have is to try to be totally fiscally responsible by voting "no" in order to try and save this Nation because everybody tells us that if we do not do something about the deficit we are in deep, deep trouble.

I am not asking us to do anything drastic. I am only asking us to stick within the budget that was adopted by the Congress, by this House of Representatives as it was presented by the majority party. I happen to be one who supported it.

So, again, I would hope that we would vote to support my reasonable amendment.

AMENDMENT OFFERED BY MR. FORD OF MICHIGAN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GOODLING

Mr. FORD of Michigan. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD of Michigan as a substitute for the amendment offered by Mr. GOODLING: Add at the end of the bill the following new title:

TITLE IX—ADDITIONAL LIMITATIONS ON APPROPRIATIONS FOR FISCAL YEAR 1985

AUTHORIZATION AMOUNTS

SEC. 901. (a) Notwithstanding any provision of this Act (including any amendment made by this Act), or any provision of law amended by this Act, no funds are authorized to be appropriated in excess of the limitations imposed upon appropriations by the provisions of subsection (b) of this section.

(b) The total amount of appropriations for fiscal year 1985 shall not exceed—

(1) $140,000,000 to carry out the Adult Education Act (20 U.S.C. 1201 et seq.);

(2) $176,000,000 to carry out the Bilingual Education Act (20 U.S.C. 3221 et seq.);

(3) $780,000,000 to carry out the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) and the Act of September 23, 1950 (Public Law 815, Eighty-first Congress);

(4) $28,000,000 to carry out the Women's Educational Equity Act of 1978 (20 U.S.C. 3341 et seq.);

(5) $70,000,000 to carry out the Emergency Immigrant Education Act of 1984 (as created by title VII of this Act);

(6) $8,000,000 to carry out section 405(k) of the General Education Provisions Act (20 U.S.C. 1221e);

(7) $12,000,000 to carry out section 406 of the General Education Provisions Act (20 U.S.C. 1221-1);

(8) $5,000,000 to carry out sections 1524 and 1525 of the Education Amendments of 1978; and

(9) such sums as may be necessary to carry out the Asbestos School Hazard Detection and Control Act of 1980 (20 U.S.C. 3601 et seq.).

Mr. FORD of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD of Michigan. Mr. Chairman, I appreciate the fine performance we have just had, and I am particularly grateful as a staunch and loyal supporter of the nominee of my party to see how closely my colleagues on the other side have been paying attention to his words of wisdom. If you will keep doing that between now and November I know you are going to look into your hearts and your minds and do the right thing, and we will have a new President next year to work with.

But I think we have had enough fun kidding about Presidential candidates. I am afraid that what got lost in this, however, is a misconception about how you relate an authorization bill to the budget.

The budget resolution passed by the House had about $16 billion allocated to the function of education. The Republican Senate passed version had a billion more allocated to education than we did. That resolution is not back from the conference yet and if we are to adopt the Goodling amendment the result would be that we could not take advantage of the Senate figures as reduced to compromise with the House figures on the amount of appropriations that those figures would contemplate.

Second, keep this in mind: We are not appropriating $1 here. We are authorizing the appropriating committees of the House and Senate to appropriate. Not very many times, except in entitlement programs, have I seen either the House or the Senate committee appropriate every dime that this or any other committee has had in an authorization bill.

There are people who started their career with something called Gramm-Latta where we legislated, authorized, and appropriated all in one fell swoop, and somehow got the impression that is what we are doing all of the time around here. Now we are back to the old-fashioned system of having the au-

thorizing committees authorize programs.

As I said, there is about $16 billion in the House passed budget and in all fairness, although it has been referred to as a Democratic budget, I think that those courageous, progressive Republicans who voted for it should have full credit for it.

Mr. GOODLING. Will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I was one of those that voted for it. But what I am objecting to is your use of the term "Democratic Congress," you are Democrats, you are not democratic, which is being shown today, because we agreed that I would offer this amendment and I would get a vote on it before you offered the compromise. We agreed in committee that as a matter of fact that the committee would accept the Simon-Gunderson compromise on advisory councils. That agreement has been breeched.

So I just do not want you to say "democratic" because the word is "Democrat and Republican."

□ 1600

Mr. FORD of Michigan. I thank the gentleman for his view of that subject, but I would observe to you that in the finest of bipartisan spirit I am asking you to give, BILL, and come with your Republican-dominated Senate unless you want to repudiate that other body.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. Sure. I yield to the gentleman from Texas.

Mr. BARTLETT. I have listened to the gentleman's substitute and his explanation and I do have a question: I think the gentleman ought to explain to the House what is the rationale for these figures? As I see it, it is a 26.2-percent increase total; 26.2 percent increase over the budget that this House adopted.

Mr. FORD of Michigan. No, it is not. I refuse to have you continuously misstate it. We are only dealing in this bill with a little over $1 billion of a $16 billion item.

The budget resolution does not tell us where to spend the $16 billion; it says we have got $16 billion. Our committee is recommending that we increase impact aid to make up for some of the loss they have had in recent years; that we increase adult education; and this is only a little piece of it.

You cannot take $1 billion and say that you are warping a $16 billion budget or you are going over $16, we still got $15 billion to go.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan [Mr. FORD] has expired.

(By unanimous consent, Mr. FORD of Michigan was allowed to proceed for 2 additional minutes.)

Mr. FORD of Michigan. What the gentleman is referring to, when you talk about overbudget, is the pieces that are in a document put together by the budget office to figure a gross number. That was not adopted in the House.

We do not have a specific dictate about programs A, B, C, and D to allocate that money and the House is now being asked by the presently pending Goodling amendment for which I want a substitute, to freeze us by what he calls an increase.

It means you can do nothing for impact aid to help them get back part of what they lost; you can do nothing for the new emphasis that both the administration and the Congress is putting on adult education. You cannot do those things.

And while it is fair to say that he contemplates a 3.5-percent across-the-board increase, the fact that having said that, what you said is that we contemplate no more than a 3.5-percent increase in any one of the component parts of the entire education budget.

If this House acts to authorize $3 billion, it will not change that number, by doing that in this bill, because the magic number is comparing the final appropriations in gross for all of the education funds, with the figure that finally comes back from conference between the House and the Senate in the budget resolution.

So it is all right to compare assumptions, but do not tell the people across the country you are comparing real numbers; you are only comparing staff assumptions if the staff assumes you did the same thing with every program that you did last year and what we are trying here to do is something different than we did last year.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. Sure; I will yield to the gentleman from Texas.

Mr. BARTLETT. I am not trying to tell the people across the country anything. I am asking the gentleman to tell the people in this House if we did not adopt this budget resolution on April 5, 1984.

Mr. FORD of Michigan. I just answered the gentleman's question by telling him that he is trying to create the impression that this action of authorization somehow busts the budget. It does not, I can assure the gentleman.

And when I have more than 5 minutes, I will be pleased to try to explain the budget process to him in a way that would make it clear that passing this authorization bill has no immediate impact on the budget allocations.

That happens when you finally go to the Appropriations Committees of the two Houses and see how much they are willing to spend. Authorizations do not spend a nickel. They sound good; go home and tell everybody you voted for the authorization. "Look what I did for education." We want to see what the vote is when it comes to spending; this is not the spending bill.

Mr. BARTLETT. Then why is the gentleman offering his amendment? If the authorization levels do not mean anything, why would not we increase it by 126 percent or 1,026 percent or 126 million percent if they are meaningless?

Mr. FORD of Michigan. Because it would be subject to the same kind of strained construction that the gentleman is putting on the increases already in there. If I could take a moment, the gentleman asked what the rationale was; very simple. We took the same figures that the gentleman is drawing his assumptions from; looked at the Senate figures, figured out where we would have to be to get some kind of recognition of the compromise that will come back from the budget conference. It comes out by splitting the gross dollars, not individual programs, 50 percent or half-and-half between what was in the bill when it came to the floor and what was in the House-passed budget resolution, which is lower than the Senate-passed resolution.

So that this substitute becomes a cut from the proposal that is in the bill of 50 percent of any increase by the gentleman's form of calculation.

What the gentleman from Pennsylvania wants is a cut of 96.5 percent. I want to cut 50 percent; he wants to cut 96.5 percent. How do you like those numbers?

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I would like to go back to one of the gentleman's earlier statements. He said we do not want to operate under the assumptions that the staff has made which we will continue all programs.

Mr. FORD of Michigan. No; if I might, we all operate with the assumptions but we ought to recognize what they are; they are staff assumptions that the "Congress is going to do the following."

When you are legislating out here you are turning everybody's assumptions into reality and this becomes a law and the staff assumption are a handy way to get an idea where you are going, but they do not control what we do by working the will of the House.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan [Mr. FORD] has expired.

(On request of Mr. GUNDERSON and by unanimous consent, Mr. FORD of

Michigan was allowed to proceed for 1 additional minute.)

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. Yes; I yield to the gentleman.

Mr. GUNDERSON. The gentleman will admit that what we are doing here today then is we are making some changes in those assumptions.

Mr. FORD of Michigan. We are allocating resources on the basis of our idea where the priorities ought to be.

Mr. GUNDERSON. OK; but if we are doing that, then you have to make a similar assumption that we are making cuts in some other programs.

Mr. FORD of Michigan. Not necessarily; we do not know how much of this money is going to be appropriated. The Appropriations Committee might fully fund other education programs and underfund these in terms of the authorization. They are the final arbiters of how you match the budget.

When you want to make the budget argument is when the appropriations bill comes back here and you have real numbers to look at. Nobody knows. I have seen us go through periods where less than 50 percent of our authorization is ever appropriated in 1 year and that is Republican and Democratic administrations alike.

Mr. GUNDERSON. To go back to the question the gentleman from Texas [Mr. BARTLETT] asked earlier, if authorization levels do not matter.

Mr. FORD of Michigan. Authorization levels do matter because the Appropriations Committee has to consider them a ceiling.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Well, Mr. Chairman, I have been disappointed many times in my life in the 10 years I have been here, but I have never been as disappointed as I am today. I have just seen what bipartisanship means; bipartisanship apparently means that it is only bipartisan if, as a matter of fact, 2 days later after an agreement or 2 weeks later after agreement or something of that nature, it suits the other side.

If it does not, then of course it is not bipartisan support.

The other side knows very well that they are presenting a substitute that I was going to present if, as a matter of fact, after I had a vote which they knew I was going to call for, if that would happen to be defeated. At least the Members would have had an opportunity to vote on this issue.

The gentleman just said that my cut would be a 96-percent cut. I do not know; 96-percent cut of what? Mine would be a 3.5-percent increase, as a matter of fact, or $33.6 million above the current level of spending.

As I indicated before, they came with a program, which we tried to talk about in a bipartisan manner for a long time, that would be 300 percent above the budget. I suggested that we go with the budget, because that is going to give the education community an increase.

But the disappointing thing comes when in committee we have an apparent agreement and then that agreement evaporates when we reach a complex stage in the amendment process.

□ 1610

That is very disappointing because we had worked very closely together.

But for many days the other side has been well aware of the fact that I would offer the amendment to bring the expenditures for H.R. 11, the authorization, down to the budget as it was passed here in the House of Representatives.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I am saddened with the juxtaposition of the gentleman's words with the fact that I have just made my presentation because I feel perfectly confident that every accommodation that the gentleman has made for me and I have made for the gentleman in consideration of this legislation has been lived up to by both sides.

I wonder if the gentleman would make it clear that while he might be upset with understandings other Members had with other Members that this is not a reflection on the gentleman from Michigan in terms of my willingness to keep what we had come to as agreements?

PERFECTING AMENDMENT OFFERED BY MR. GOODLING TO THE AMENDMENT OFFERED BY MR. FORD OF MICHIGAN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer a perfecting amendment to the amendment offered by the gentleman from Michigan [Mr. FORD] as a substitute for my amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. GOODLING to the amendment offered by Mr. FORD of Michigan as a substitute for the amendment offered by Mr. GOODLING: In lieu of the matter proposed to be inserted insert the following:

TITLE IX—ADDITIONAL LIMITATIONS ON APPROPRIATIONS FOR FISCAL YEAR 1985

AUTHORIZATION AMOUNTS

SEC. 901. (a) Notwithstanding any provision of this Act (including any amendment made by this Act), or any provision of law amended by this Act, no funds are authorized to be appropriated in excess of the limitations imposed upon appropriations by the provisions of subsection (b) of this section.

(b) The total amount of appropriations for fiscal year 1985 shall not exceed—

(1) $103,500,000 to carry out the Adult Education Act (20 U.S.C. 1201 et seq.);

(2) $144,000,000 to carry out the Bilingual Education Act (20 U.S.C. 3221 et seq.);

(3) $605,500,000 to carry out the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) and the Act of September 23, 1950 (Public Law 815, Eighty-first Congress);

(4) $6,000,000 to carry out the Women's Educational Equity Act of 1978 (20 U.S.C. 3341 et seq.);

(5) $71,200,000 to carry out the Indian Education Act (20 U.S.C. 3385 et seq.);

(6) no funds to carry out the Asbestos School Hazard Detection and Control Act of 1980 (20 U.S.C. 3601 et seq.) if funds are appropriated for such fiscal year to carry out the Asbestos School Hazard Abatement Act of 1984;

(7) $32,000,000 to carry out the Emergency Immigrant Education Act of 1984 (as created by title VII of this Act);

(8) $9,000,000 to carry out section 406 of the General Education Provisions Act (20 U.S.C. 1221-1); and

(9) $3,000,000 to carry out sections 1524 and 1525 of the Education Amendments of 1978.

Mr. GOODLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Chairman, I am now asking that we have a vote that will give the Members of the House of Representatives an opportunity to vote for a $33.6 million increase in the spending for the programs in H.R. 11 and which is in line with the budget that the majority in this House presented to us.

I would ask for a vote at this time.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am especially proud of my colleague from Pennsylvania for offering his amendment to the substitute as a way to give this House the opportunity to cast a vote today to impose and actually authorize the budget figures that this House authorized and put into the budget some time ago.

I would take some care to address those Members of the House who on April 5, 1984, in fact voted for the budget that is being presented. I would note that the Goodling amendment does no more and no less than to give this House a chance to vote for the budget for these educational items that was adopted on April 5, 1984.

Mr. Chairman, I was one of those who believed that even that budgeted amount was too much, was more than the country could afford, even though these are terribly benevolent programs, it was more than the country could afford.

But I was outvoted by a vote of 250 to 168. And, in fact, the House adopted the budget figures that the gentleman is offering as authorization figures.

Mr. PERKINS. Mr. Chairman, will the gentleman yield? I have a parliamentary inquiry to make at this point.

Mr. BARTLETT. I yield to the gentleman from Pennsylvania.

PARLIAMENTARY INQUIRY

Mr. PERKINS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PERKINS. Mr. Chairman, inasmuch as the perfecting amendment was not read, I am wondering if it happens to be an amendment in the third degree.

The CHAIRMAN pro tempore. The Chair would advise the gentleman that this amendment was offered as an amendment to the substitute and not referred as a substitute which would be in the third degree.

Mr. PERKINS. Drafted to the substitute that is being offered by the gentleman from Michigan [Mr. FORD]?

The CHAIRMAN pro tempore. The Chair would advise the gentleman that that is correct.

Mr. BARTLETT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the perfecting amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] to the amendment offered by the gentleman from Michigan [Mr. FORD] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

Mr. FORD of Michigan. Mr. Chairman, I do not think the Chair noticed that no Member on this side has spoken on the amendment yet.

The CHAIRMAN pro tempore. The Chair would advise the gentleman that no one has asked for recognition.

Mr. PERKINS. Mr. Chairman, I am seeking recognition.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Kentucky rise?

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the substitute.

Mr. Chairman, I regret that this situation has developed. I think everybody knows that the imprint of the gentleman from Pennsylvania [Mr. GOODLING] is on every page of H.R. 11.

True enough that I thought we had worked out an agreement. The first time that I can remember there was any disagreement was an hour or so ago he mentioned the fact that he would like to have a vote first and then come back to the agreed figure here which is an amendment offered by the gentleman from Michigan [Mr. FORD].

But I told the gentleman we Democrats do not want to appear to be the big spenders anywhere along the line. We are just as cooperative as we can be.

But I do want to state that the gentleman from Pennsylvania has worked hard and diligently to keep a lower figure all the way through these committee hearings and during all the markups and I see no necessity here today why any of us should not abide by what I felt that we had mutually agreed to.

On adult education in fiscal year 1984 we appropriated $100 million. For fiscal 1985, the first budget resolution, as passed by the House, has $103.5 million in here. In H.R. 11, we only went up to $106 million and serving about 25 percent of the needs of the Nation on adult education.

Now on bilingual, for fiscal year 1984, we appropriated $139.4 million. In the budget resolution for fiscal year 1985, we have $144 million. In H.R. 11, $144 million. And we are serving about 35 to 40 percent of the bilingual youngsters throughout the country.

And we go on and on. We are not throwing away any money here.

Last year the appropriations for all of these programs in H.R. 11, and there are 11 of them, was $940 million. In H.R. 11 we have authorized $1.6 billion for the programs.

Let me state that the Members will hear me discuss that $1.6 billion in a minute, but that is well within the Senate budget resolution.

□ 1620

These are authorization figures. There is no money being appropriated here. And I feel that we have all been reasonable. H.R. 11, even though we authorized $1.6 billion for the programs, if I understand Mr. GOODLING now, he wants to reduce the figure to $976 million. That is about $35 million more than was appropriated in fiscal year 1984 for all of the programs.

I think we all know that since we are starving so many youngsters for assistance throughout the country we need these funds. Another big item here is impact aid, the biggest item. Last year we appropriated $585. And in our first budget resolution it was $605.5. But in our H.R. 11, we put $953 million in it. And that is the biggest item that we have here.

Now, Mr. FORD wants to reduce H.R. 11's authorization amounts to $1.32 billion. That is the difference between $940.6 million that was appropriated last year.

The CHAIRMAN pro tempore. The time of the gentleman from Kentucky [Mr. PERKINS] has expired.

(By unanimous consent, Mr. PERKINS was allowed to proceed for 5 additional minutes.)

Mr. PERKINS. And Mr. FORD's substitute, as I stated, wants to reduce the $1.6 billion to $1.32 billion. By doing that, we are going halfway between the amounts in our original bill of $1.6 billion and the Goodling amendment. The Ford amounts will mean that we will still shortchange education by over $300 million that they would need just to keep even with inflation which has occurred since 1980.

I might point out that we thought we had Mr. GOODLING's agreement to this compromise because we were going halfway.

Now, let me say one other thing. We have to go to the higher figures in the Ford substitute. We have to go to the higher figures in the Ford substitute in order to give us the flexibility to appropriate the higher amounts for education which have been permitted by the Senate budget resolution. The Republican Senate gave education about $1 billion more for education than the House budget resolution. The Republican Senate, $1 billion more.

And if we adopt the Goodling amendment, we will not be able to secure the appropriations for education that the Republicans in the Senate want us to have. And I would hope that my good friend and distinguished colleague from Pennsylvania [Mr. GOODLING] could go along with what I thought was a compromise that had already been worked out and agreed to.

And let me say again that he has done so much work, under difficult circumstances at times, did his best to cut back most every program that is mentioned here today. And I feel that it would be in the interest of all of the membership of the entire House of Representatives to stick by the Ford substitute. We wanted to be able to take advantage of the Senate figures. That is the reason why I am calling upon all of our friends of education on both sides of the aisle and all the Members to vote for the Ford substitute.

Now, no one can feel badly, especially Mr. GOODLING, as hard as he has worked. He has more than done his part, and I think every Member on the Republican side should appreciate his good work. But there is no reason in the world to give anybody a preferential vote and then come back to a substitute that we have agreed to. I would like to see us adopt the Ford substitute and everybody live by the agreement, or what I thought was the agreement. It is much better for education, it is much better for impact aid people, bilingual people, adult education, and these immigrant education children, and it would just be my hope that we do not let anything take us off of the track here and that we support the Ford substitute, Mr. Chairman.

The CHAIRMAN pro tempore. The question is on the perfecting amendment offered by the gentleman from

Pennsylvania [Mr. GOODLING] to the amendment offered by the gentleman from Michigan [Mr. FORD] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GOODLING. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 323]

Ackerman	Coleman (MO)	Franklin
Addabbo	Coleman (TX)	Frenzel
Akaka	Collins	Fuqua
Albosta	Conte	Garcia
Anderson	Conyers	Gaydos
Andrews (NC)	Cooper	Gejdenson
Andrews (TX)	Corcoran	Gekas
Annunzio	Coughlin	Gephardt
Anthony	Coyne	Gibbons
Applegate	Craig	Gilman
Archer	Crane, Daniel	Gingrich
Aspin	Crane, Philip	Glickman
AuCoin	Crockett	Gonzalez
Badham	Daniel	Goodling
Barnard	Darden	Gore
Barnes	Daschle	Gradison
Bartlett	Daub	Gray
Bateman	Davis	Green
Bates	de la Garza	Gregg
Bedell	Dellums	Guarini
Beilenson	Derrick	Gunderson
Bennett	DeWine	Hall (IN)
Bereuter	Dickinson	Hall (OH)
Bethune	Dicks	Hall, Ralph
Bevill	Dixon	Hall, Sam
Biaggi	Donnelly	Hamilton
Bilirakis	Dorgan	Hammerschmidt
Bliley	Dowdy	Hance
Boehlert	Downey	Hansen (UT)
Boggs	Dreier	Harkin
Boner	Duncan	Harrison
Bonior	Durbin	Hartnett
Bonker	Dwyer	Hawkins
Borski	Dymally	Hayes
Bosco	Dyson	Hefner
Boucher	Eckart	Heftel
Breaux	Edgar	Hertel
Britt	Edwards (CA)	Hightower
Brooks	Edwards (OK)	Hiler
Broomfield	Emerson	Hillis
Brown (CA)	English	Holt
Brown (CO)	Erdreich	Hopkins
Broyhill	Erlenborn	Horton
Bryant	Evans (IA)	Howard
Burton (CA)	Evans (IL)	Hoyer
Burton (IN)	Fascell	Huckaby
Byron	Fazio	Hughes
Campbell	Feighan	Hunter
Carney	Fiedler	Hutto
Carper	Fields	Ireland
Carr	Fish	Jacobs
Chandler	Flippo	Jeffords
Chappell	Florio	Jenkins
Cheney	Foglietta	Johnson
Clarke	Foley	Jones (NC)
Clay	Ford (MI)	Jones (OK)
Clinger	Ford (TN)	Kaptur
Coats	Fowler	Kasich
Coelho	Frank	Kastenmeier
Kazen	Moody	Shelby
Kemp	Moore	Shumway
Kennelly	Moorhead	Shuster
Kildee	Morrison (CT)	Sikorski
Kindness	Morrison (WA)	Siljander
Kleczka	Mrazek	Sisisky
Kolter	Murphy	Skeen
Kostmayer	Murtha	Skelton
Kramer	Myers	Slattery
LaFalce	Natcher	Smith (FL)
Lagomarsino	Nelson	Smith (IA)
Lantos	Nichols	Smith (NJ)
Latta	Nielson	Smith, Denny
Leach	Nowak	Smith, Robert
Leath	O'Brien	Snowe
Lehman (CA)	Oakar	Snyder
Lehman (FL)	Oberstar	Solomon
Leland	Obey	Spence
Lent	Olin	Spratt
Levin	Ortiz	Staggers
Levine	Ottinger	Stangeland
Levitas	Owens	Stenholm
Lewis (CA)	Packard	Stokes
Lewis (FL)	Panetta	Stratton
Lipinski	Parris	Sundquist
Livingston	Pashayan	Swift
Lloyd	Patman	Synar
Loeffler	Patterson	Tallon
Long (LA)	Paul	Tauke
Long (MD)	Pease	Tauzin
Lott	Penny	Thomas (CA)
Lowery (CA)	Perkins	Thomas (GA)
Lowry (WA)	Petri	Torres
Lujan	Pickle	Torricelli
Luken	Porter	Towns
Lundine	Price	Traxler
Lungren	Pursell	Udall
Mack	Quillen	Valentine
MacKay	Rahall	Vander Jagt
Madigan	Rangel	Vandergriff
Markey	Ratchford	Volkmer
Marlenee	Ray	Vucanovich
Martin (IL)	Regula	Walgren
Martin (NY)	Reid	Walker
Martinez	Richardson	Watkins
Matsui	Ridge	Weaver
Mavroules	Ritter	Weber
Mazzoli	Roberts	Weiss
McCain	Robinson	Wheat
McCandless	Rodino	Whitehurst
McCloskey	Roe	Whitley
McCurdy	Roemer	Whittaker
McDade	Rogers	Whitten
McEwen	Rose	Williams (MT)
McGrath	Roth	Williams (OH)
McHugh	Roukema	Wilson
McKernan	Rowland	Wirth
McKinney	Roybal	Wise
McNulty	Russo	Wolf
Mica	Sabo	Wolpe
Michel	Savage	Wortley
Mikulski	Sawyer	Wright
Miller (CA)	Schaefer	Wyden
Miller (OH)	Schneider	Wylie
Mineta	Schroeder	Yates
Minish	Schulze	Yatron
Mitchell	Schumer	Young (AK)
Moakley	Seiberling	Young (FL)
Molinari	Sensenbrenner	Young (MO)
Mollohan	Shannon	Zschau
Montgomery	Sharp	

□ 1640

The CHAIRMAN pro tempore; 389 Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Pennsylvania [Mr. GOODLING] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 233, not voting 31, as follows:

[Roll No. 324]

AYES—169

Albosta	Hammerschmidt	Olin
Anthony	Hance	Packard
Applegate	Hansen (UT)	Parris
Archer	Hartnett	Pashayan
Badham	Hightower	Patman
Bartlett	Hiler	Patterson
Bateman	Hillis	Paul
Bennett	Holt	Penny
Bereuter	Hopkins	Petri
Bethune	Huckaby	Porter
Bilirakis	Hughes	Pursell
Bliley	Hunter	Ray
Breaux	Hyde	Regula
Broomfield	Ireland	Ridge
Brown (CO)	Jeffords	Ritter
Broyhill	Kasich	Roberts
Burton (IN)	Kemp	Robinson
Byron	Kindness	Roemer
Campbell	Kolter	Rogers
Carney	Kramer	Roth
Cheney	Lagomarsino	Roukema
Clinger	Latta	Sawyer
Coats	Lent	Schaefer
Coleman (MO)	Lewis (CA)	Schulze
Corcoran	Lewis (FL)	Sensenbrenner
Craig	Livingston	Shumway
Crane, Daniel	Loeffler	Shuster
Crane, Philip	Lott	Siljander
D'Amours	Lowery (CA)	Skeen
Daniel	Lujan	Slattery
Darden	Lundine	Smith (NE)
Daschle	Lungren	Smith, Denny
Daub	Mack	Smith, Robert
Derrick	MacKay	Snowe
DeWine	Madigan	Snyder
Dickinson	Marlenee	Solomon
Dreier	Martin (IL)	Spence
Edwards (AL)	Martin (NC)	Stangeland
Edwards (OK)	Martin (NY)	Stenholm
Emerson	McCain	Tauke
English	McCandless	Tauzin
Erlenborn	McCollum	Thomas (CA)
Evans (IA)	McDade	Vander Jagt
Fields	McEwen	Vucanovich
Fish	McGrath	Walgren
Franklin	McKernan	Walker
Frenzel	Michel	Weber
Fuqua	Miller (OH)	Whitehurst
Gekas	Molinari	Whittaker
Gibbons	Montgomery	Winn
Gingrich	Moody	Wolf
Goodling	Moore	Wortley
Gradison	Moorhead	Wylie
Gregg	Myers	Young (FL)
Gunderson	Nelson	Zschau
Hall, Ralph	Nielson	
Hall, Sam	O'Brien	

NOES—233

Ackerman	Chappell	Fazio
Addabbo	Clarke	Feighan
Akaka	Clay	Fiedler
Anderson	Coelho	Florio
Andrews (NC)	Coleman (TX)	Foglietta
Andrews (TX)	Collins	Foley
Annunzio	Conte	Ford (MI)
Aspin	Conyers	Ford (TN)
AuCoin	Cooper	Fowler
Barnard	Coughlin	Frank
Barnes	Coyne	Garcia
Bates	Crockett	Gaydos
Bedell	Davis	Gejdenson
Beilenson	de la Garza	Gephardt
Berman	Dellums	Gilman
Bevill	Dicks	Glickman
Biaggi	Dingell	Gonzalez
Boehlert	Dixon	Gore
Boggs	Donnelly	Gray
Boner	Dorgan	Green
Bonior	Dowdy	Guarini
Bonker	Downey	Hall (IN)
Borski	Duncan	Hall (OH)
Bosco	Durbin	Hamilton
Boucher	Dwyer	Harkin
Britt	Dymally	Harrison
Brooks	Dyson	Hawkins
Brown (CA)	Eckart	Hayes
Bryant	Edgar	Hefner
Burton (CA)	Edwards (CA)	Heftel
Carper	Erdreich	Hertel
Carr	Evans (IL)	Horton
Chandler	Fascell	Howard

Hoyer	Mitchell	Sikorski
Hutto	Moakley	Sisisky
Jacobs	Mollohan	Skelton
Jenkins	Morrison (CT)	Smith (FL)
Johnson	Morrison (WA)	Smith (IA)
Jones (NC)	Mrazek	Smith (NJ)
Jones (OK)	Murphy	Solarz
Kaptur	Murtha	Spratt
Kastenmeier	Natcher	Staggers
Kazen	Nichols	Stark
Kennelly	Nowak	Stokes
Kildee	Oakar	Stratton
Kleczka	Oberstar	Sundquist
Kostmayer	Obey	Swift
LaFalce	Ortiz	Synar
Lantos	Ottinger	Tallon
Leach	Owens	Thomas (GA)
Leath	Panetta	Torres
Lehman (CA)	Pease	Torricelli
Lehman (FL)	Pepper	Towns
Leland	Perkins	Traxler
Levin	Pickle	Udall
Levine	Price	Valentine
Levitas	Quillen	Vandergriff
Lipinski	Rahall	Volkmer
Lloyd	Rangel	Watkins
Long (LA)	Ratchford	Waxman
Long (MD)	Reid	Weaver
Lowry (WA)	Richardson	Weiss
Luken	Rodino	Wheat
Markey	Roe	Whitley
Martinez	Rose	Whitten
Matsui	Rowland	Williams (MT)
Mavroules	Roybal	Williams (OH)
Mazzoli	Russo	Wilson
McCloskey	Sabo	Wirth
McCurdy	Savage	Wise
McHugh	Scheuer	Wolpe
McKinney	Schneider	Wright
McNulty	Schroeder	Wyden
Mica	Schumer	Yates
Mikulski	Seiberling	Yatron
Miller (CA)	Shannon	Young (AK)
Mineta	Sharp	Young (MO)
Minish	Shelby	

NOT VOTING—31

Alexander	Gramm	Rostenkowski
Boland	Hansen (ID)	Rudd
Boxer	Hatcher	Shaw
Chappie	Hubbard	Simon
Conable	Jones (TN)	St Germain
Courter	Kogovsek	Studds
Dannemeyer	Marriott	Stump
Early	Neal	Taylor
Ferraro	Oxley	Vento
Flippo	Pritchard	
Frost	Rinaldo	

□ 1650

Messrs. SABO, LIPINSKI, and WISE changed their votes from "aye" to "no."

So the perfecting amendment to the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan [Mr. FORD] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

So the amendment offered as a substitute for the amendment was agreed to.

Mr. DE LA GARZA. Mr. Chairman, I support this legislation. I thank the chairman and members of the committee for their cooperation with me on items included in this legislation. This, Mr. Chairman, is an investment in the future of our country. I know that we have large sums of money involved, but there is no question of the need, nor the effectiveness of the programs contained in this legislation, not that they cannot be improved on down the line, this should be an ongoing process. There are areas of great need, and this legislation address them. I speak for example of title VII—Emergency Immigrant Education Assistance of which I was the original author several years ago and I commend my colleagues who have supported me on this issue. I pay special tribute, next to the members of the Education and Labor Committee to my dear friend and colleague, the majority leader, Jim Wright for his invaluable aid in behalf of this legislation and his tireless effort throughout the time we have worked on it. I assure you, Mr. Chairman, that the educators and school administrators who will deal with this legislation will, as they have all assured me, to the best of their ability to do so, exercise extreme care and diligence to see that any funds appropriated will be wisely used for the full intent and purpose of the legislation. I would also like, Mr. Chairman, to commend the Secretary of Education for his effort to carry out the intent of Congress in this endeavor.

Mr. LEVITAS. Mr. Chairman, I was on my feet at the time the Chair announced the vote, and I ask for a recorded vote. I was on my feet at the time that the vote was taken.

The CHAIRMAN pro tempore. The Chair is sorry. Half of the Members in the Chamber are on their feet. It is now too late. The Chair is sorry that the Chair did not hear the gentleman ask for recognation.

The question now is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING], as amended by the Ford substitute.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVITAS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. A recorded vote has been demanded. All those in favor of taking this vote by a recorded vote will rise and remain standing until counted. The gentleman is asking for a recorded vote on the Goodling amendment as amended by the Ford substitute.

Mr. LEVITAS. On the Ford amendment, Mr. Chairman.

The CHAIRMAN pro tempore. No; that is past. The vote now is on the Goodling amendment, as amended by the Ford substitute amendment.

Mr. LEVITAS. That is correct, Mr. Chairman, and I ask for a recorded vote on the Ford amendment.

The CHAIRMAN pro tempore. All those wishing to take this vote by a recorded vote will rise and remain standing until counted.

A recorded vote was ordered.

PARLIAMENTARY INQUIRY

Mr. CRAIG. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. CRAIG. Mr. Chairman, would the Chair explain what we are voting on or whose amendment we are voting on?

The CHAIRMAN pro tempore. We are voting on the Goodling amendment, as substituted for by the Ford substitute.

The vote was taken by electronic device, and there were—ayes 397, noes 0, not voting 36, as follows:

[Roll No. 325]

AYES—397

Ackerman	Crane, Philip	Green
Addabbo	Crockett	Gregg
Akaka	D'Amours	Guarini
Albosta	Daniel	Gunderson
Anderson	Darden	Hall (IN)
Andrews (NC)	Daschle	Hall (OH)
Andrews (TX)	Daub	Hall, Ralph
Annunzio	Davis	Hall, Sam
Anthony	de la Garza	Hamilton
Applegate	Dellums	Hammerschmidt
Archer	Derrick	Hance
Aspin	DeWine	Hansen (UT)
AuCoin	Dickinson	Harkin
Badham	Dicks	Harrison
Barnard	Dingell	Hartnett
Barnes	Dixon	Hawkins
Bartlett	Donnelly	Hayes
Bateman	Dorgan	Hefner
Bates	Dowdy	Heftel
Bedell	Downey	Hertel
Beilenson	Dreier	Hightower
Bennett	Duncan	Hiler
Bereuter	Durbin	Hillis
Berman	Dwyer	Holt
Bevill	Dymally	Hopkins
Biaggi	Dyson	Horton
Bilirakis	Eckart	Howard
Bliley	Edgar	Hoyer
Boehlert	Edwards (AL)	Huckaby
Boggs	Edwards (CA)	Hughes
Bonior	Edwards (OK)	Hunter
Bonker	Emerson	Hutto
Borski	English	Hyde
Bosco	Erdreich	Ireland
Boucher	Erlenborn	Jacobs
Breaux	Evans (IA)	Jeffords
Britt	Evans (IL)	Jenkins
Brooks	Fascell	Johnson
Broomfield	Fazio	Jones (NC)
Brown (CA)	Feighan	Jones (OK)
Brown (CO)	Fiedler	Kaptur
Broyhill	Fields	Kasich
Bryant	Fish	Kastenmeier
Burton (CA)	Florio	Kazen
Burton (IN)	Foglietta	Kemp
Byron	Foley	Kennelly
Campbell	Ford (MI)	Kildee
Carney	Ford (TN)	Kindness
Carper	Fowler	Kleczka
Carr	Frank	Kolter
Chandler	Franklin	Kostmayer
Chappell	Frenzel	Kramer
Cheney	Frost	LaFalce
Clarke	Fuqua	Lagomarsino
Clay	Garcia	Lantos
Clinger	Gaydos	Latta
Coats	Gejdenson	Leach
Coelho	Gekas	Leath
Coleman (MO)	Gephardt	Lehman (CA)
Coleman (TX)	Gibbons	Lehman (FL)
Collins	Gilman	Leland
Conte	Gingrich	Lent
Conyers	Glickman	Levin
Cooper	Gonzalez	Levine
Coughlin	Goodling	Levitas
Coyne	Gore	Lewis (CA)
Craig	Gradison	Lewis (FL)
Crane, Daniel	Gray	Lipinski

Livingston	Obey	Smith (IA)
Lloyd	Ortiz	Smith (NE)
Loeffler	Ottinger	Smith (NJ)
Long (LA)	Owens	Smith, Robert
Long (MD)	Packard	Snowe
Lott	Panetta	Snyder
Lowery (CA)	Parris	Solarz
Lowry (WA)	Pashayan	Solomon
Lujan	Patman	Spence
Luken	Patterson	Spratt
Lundine	Paul	Staggers
Lungren	Pease	Stangeland
Mack	Penny	Stark
MacKay	Pepper	Stenholm
Madigan	Perkins	Stokes
Markey	Petri	Stratton
Marlenee	Pickle	Sundquist
Martin (IL)	Porter	Swift
Martin (NC)	Price	Synar
Martin (NY)	Pursell	Tallon
Martinez	Quillen	Tauke
Matsui	Rahall	Tauzin
Mavroules	Rangel	Thomas (GA)
Mazzoli	Ratchford	Torres
McCain	Ray	Torricelli
McCandless	Regula	Towns
McCloskey	Reid	Traxler
McCollum	Richardson	Udall
McCurdy	Ridge	Valentine
McDade	Ritter	Vander Jagt
McEwen	Roberts	Vandergriff
McGrath	Robinson	Volkmer
McHugh	Rodino	Vucanovich
McKernan	Roe	Walgren
McKinney	Roemer	Walker
McNulty	Rogers	Watkins
Mica	Rose	Waxman
Michel	Roth	Weaver
Mikulski	Roukema	Weber
Miller (CA)	Rowland	Weiss
Miller (OH)	Roybal	Wheat
Mineta	Russo	Whitehurst
Minish	Sabo	Whitley
Mitchell	Savage	Whittaker
Moakley	Sawyer	Whitten
Molinari	Schaefer	Williams (MT)
Mollohan	Scheuer	Williams (OH)
Montgomery	Schneider	Wilson
Moody	Schroeder	Winn
Moore	Schulze	Wirth
Moorhead	Schumer	Wise
Morrison (CT)	Seiberling	Wolf
Morrison (WA)	Sensenbrenner	Wolpe
Mrazek	Shannon	Wortley
Murphy	Sharp	Wright
Murtha	Shelby	Wyden
Myers	Shumway	Wylie
Natcher	Shuster	Yates
Nelson	Sikorski	Yatron
Nichols	Siljander	Young (AK)
Nielson	Sisisky	Young (FL)
Nowak	Skeen	Young (MO)
O'Brien	Skelton	Zschau
Oakar	Slattery	
Oberstar	Smith (FL)	

NOT VOTING—36

Alexander	Flippo	Rinaldo
Bethune	Gramm	Rostenkowski
Boland	Hansen (ID)	Rudd
Boner	Hatcher	Shaw
Boxer	Hubbard	Simon
Chappie	Jones (TN)	Smith, Denny
Conable	Kogovsek	St Germain
Corcoran	Marriott	Studds
Courter	Neal	Stump
Dannemeyer	Olin	Taylor
Early	Oxley	Thomas (CA)
Ferraro	Pritchard	Vento

□ 1710

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WILLIAMS OF MONTANA

Mr. WILLIAMS of Montana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS of Montana: Page 93, line 8, after "council" insert the following: "who are appointed after January 21, 1985 and"

Mr. WILLIAMS of Montana. Mr. Chairman, this is another attempt at an amendment which I offered earlier but which was not passed because of a confusion in securing a recorded vote.

Very briefly, and I do not think this will take long—we can vote it up or down very quickly, hopefully by division—very quickly. This bill uses unique, unprecedented language which denies the next President of the United States the right to appoint his own members to all of the education councils which are included under this bill. That is several councils, including the Vocational Education Council and the important Council on Women's Education Equity.

Under this bill as it is now written the next President of the United States, be it President Reagan or Vice President Mondale, would not be allowed to appoint his own members to this council.

My amendment would allow, if adopted, would allow the next President to have his own choice of people to sit on these councils and I ask for an affirmative "yes" vote.

Mr. GUNDERSON. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Montana is absolutely correct; this is an amendment that we dealt with earlier this afternoon and we defeated. That was only the first time today that we defeated this amendment.

This same amendment, this same issue was considered in the full Education and Labor Committee. And I must tell you that not one but a number of Members of that side of the aisle have come over to me this afternoon and said, "I think it is a cheap shot, what is going on here this afternoon with regards to this amendment."

Let me tell you what is going on this afternoon. When this whole issue was considered in the full Education and Labor Committee Congressman SIMON, the gentleman from Illinois, offered the very amendment which is now before us and he and I got into a colloquy. I said that it seemed to me that we ought to be changing the date of this thing because, really, what the whole intent of this section is trying to accomplish is to say that no member of any educational advisory committee from this day forward, the intent of the section is trying to say that no member of any advisory commission can be removed without good cause after a certain date. I think that is a good policy. No member of an advisory commission appointed by any President ought to be removed without good cause.

What the gentleman from Montana is trying to do is he is trying to say wait a minute, really what we want to do here is we want to let whoever is elected November 6 to make wholesale new appointments on January 21. But then, after that, it can only be done with good cause.

When we considered this issue in the full Education and Labor Committee the gentleman from Illinois [Mr. SIMON] and I went into a colloquy on this question. The gentleman from Illinois agreed with me that what is good for the future is good now. And it was agreed upon by everybody in the committee.

As a matter of fact, it was the chairman of the committee, the gentleman from Kentucky [Mr. PERKINS], who brought up the specific language which is now in this bill and was adopted. Now, for some reason the gentleman from Montana has suggested that we ought to go back on that bipartisan agreement that was achieved in the full committee on this issue.

Mr. WEAVER. Will the gentleman yield?

Mr. GUNDERSON. I am happy to yield.

Mr. WEAVER. I asked you to yield and I appreciate your yielding to ask a question. It is my understanding, but I do not know for sure, that President Reagan, when he first came into office, fired everybody and did exactly what this amendment does.

Mr. GUNDERSON. That is not true at all.

Mr. WEAVER. It is not? It is not?

Mr. GUNDERSON. It is not true.

Mr. WILLIAMS of Montana. Will the gentleman yield?

Mr. GUNDERSON. I am happy to yield.

Mr. WILLIAMS of Montana. When President Reagan assumed office he took the unprecedented action for the first time in the history of any President in the history of the United States of firing every single member of every council and on every commission that comes under this act. He fired them.

Mr. GUNDERSON. That is not true. That is not true at all. I would reclaim my time, because the gentleman knows that is not true.

You may have disputes over one particular commission. But what our job here is not to be a body that governs by people. We are supposed to govern by laws, and what we are trying to put into this reauthorization is that people are only removed, whether it be Reagan, Mondale, Ferraro, or somebody else, only removed by good cause. That is what we have in this bill.

If it is good for January 21 it is good for July 26, 1983.

Mr. HUCKABY. Mr. Chairman, I move to strike the requisite number of words.

I just would like to ask the author of the amendment what was the legislation in 1976 and 1980 as such?

Mr. WILLIAMS of Montana. Will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman.

Mr. WILLIAMS of Montana. Is the gentleman asking what is the current law?

Mr. HUCKABY. No; I am asking what are the prior precedents? When President Carter came in what was he allowed to appoint? Could he appoint entire new boards? When President Reagan came in was he allowed to appoint entire new boards?

Mr. WILLIAMS of Montana. Yes; I would say to the gentleman yes. The current law, which this bill seeks to amend, allows the President to appoint his own people en mass if he wishes to these councils and commissions.

□ 1720

This bill would change that, saying that a President cannot so get rid of people except under a showing of good cause. The problem is that President Reagan came in and for the first time in history, fired everyone. And the people, by the way, that he appointed are people who have political credentials but not education credentials.

Mr. HUCKABY. I thank the gentleman.

AMENDMENT OFFERED BY MR. ERLENBORN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WILLIAMS OF MONTANA

Mr. ERLENBORN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN as a substitute for the amendment offered by Mr. WILLIAMS of Montana: Page 93, line 4, strike out lines 4 through 13.

Mr. ERLENBORN. Mr. Chairman, I think the debate that we have had today and the confusion points up the fact that we probably ought not change the law in this area at all. The practice and the law in the past has been that when a President wins an election, he then has the mandate to put his policies into effect.

That means changes, that means Cabinet officers change; the ones that were in could go out, sub-Cabinet officers change; the ones that are in go out, new ones come in and the President has in place the team to put in effect the policies of that administration.

What the bill is trying to do, and all of this debate about when its effective date should be established; what the bill is trying to do is to say that Presidents will be stuck with advisory committees that reflect past administrations, rather than the administration that has just won the mandate of the people.

This amendment would strike this section from the bill, leave the law as it is today, and I hope that you would adopt the amendment.

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I would be happy to yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. The gentleman's amendment achieves the same thing that we are attempting to achieve through our amendment, and that is to allow the next President to appoint his own people.

The thing that the gentleman's amendment does not do is continue the language that says from that date forward, any President in the future should have to show good cause before they come in on a "Bloody Tuesday" and wipe everyone away.

However, for the expedience of time, I would be willing to accept the gentleman's amendment.

Mr. ERLENBORN. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. ERLENBORN] as a substitute for the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Montana [Mr. WILLIAMS], as amended.

The amendment, as amended, was agreed to.

● Mr. BIAGGI. Mr. Chairman, I rise as a member of the Education and Labor Committee to join with my colleagues here in expressing my support for the pending legislation, H.R. 11.

Adoption of this bill is necessary if we are to reauthorize some of our most important education programs through 1989. These programs include bilingual education, adult education, impact aid, emergency refugee education aid, and the Women's Educational Equity Act.

Yesterday, this House took a bold step in approving legislation that will provide $425 million in new funds to improve math and science instruction in our Nation's schools and colleges of education. That, however, must be viewed as a first step.

This bill, H.R. 11, is the second step. We cannot provide support to math and science training and education programs without also recognizing the need to continue our support of other—equally as important—education programs that are contained in this bill. To do so would be to mortgage the needs of the present for those of the future. I, for one, do not believe that we can accept such a tradeoff of educational priorities and as such, believe H.R. 11 responds to a host of needs that must be addressed in this Congress.

Specifically, this bill provides $1.36 billion for 11 education programs in fiscal year 1985 which increases to a total of $3.04 billion in fiscal year 1989. Of these programs, the bilingual education programs under title VII of the Elementary and Secondary Education Act have been revised significantly and are contained in title II of H.R. 11.

Under amendments adopted in full committee to the bilingual education program, H.R. 11 permits Federal funds to be used to support methods of instruction that do not involve instruction in the student's native language. I am pleased that this provision has been added for I believe that it will permit the necessary flexibility in these programs to assure that the goal of these programs is retained: that students learn English as quickly as possible.

The need for this program has been well-documented through a number of hearings which our committee has conducted prior to consideration of this bill. Although the number of children estimated to need these services ranges between 934,000 and 3.6 million, by all accounts, this population can be expected to expand. According to the National Center for Education Statistics, the number of limited English-speaking students age 5 to 14 will increase by 400,000 in this decade and by another 600,000 in the 1990's. Clearly, in light of these projections, we are compelled to act swiftly to assure the educational futures of these children.

Sixty percent of the funds in this program are provided to local school districts to conduct seven types of bilingual programs. Of this 60 percent, 75 percent is reserved for traditional dual language instruction and 4 percent of the total appropriation of the program is provided for alternative methods of instruction, such as English as a second language [ESL] or structured immersion. In addition to these approaches, H.R. 11 also permits Federal funding of the following types of programs: developmental, academic excellence, family literacy, special population, and instructional materials.

While I am pleased that we have provided for increased flexibility in this program, I believe, quite frankly, this flexibility does not go far enough. I remain deeply concerned over continued rigidity in instructional methods when there have been clear alternatives to traditional instructional methods that have proven to be equally as effective. I believe that we are denying a number of worthwhile programs adequate funding by limiting the amount of alternatives under this bill and I intend to monitor the implementation of these programs in anticipation of expanding flexibility further during the next reauthorization of this program.

My concern over this particular issue stems from my involvement in the

1978 reauthorization of the Bilingual Education Program. During hearings on that legislation, it was revealed that there were major deficiencies in the instruction of English to students under this program. Most noted was the fact that many of the bilingual teachers were not proficient in English. As a result, I authored an amendment which required that all bilingual teachers demonstrate proficiency in English which has addressed some of the problems with this program.

I continue to remain supportive of this program for it has provided important instruction in English to hundreds of thousands of students, who require this assistance in order to enter the mainstream of society.

H.R. 11 also extends Adult Education Programs for 2 years which is a necessary program to assist adults in acquiring basic skills, obtain a high school diploma and receive job training. Under this legislation, we have provided for a 2-year, instead of a 5-year reauthorization, in order to more closely examine alternative programs which best meet the needs of adults.

Such sums are provided for adult education, although I would hope that the current $100 million in funding for fiscal year 1984 would be increased to at least the $122.6 million level of funding in 1980 so that the 2 million adults served by this program could be significantly increased. For the $42 per adult that this program provides, we have offered hope to those adults who otherwise would be closed off from job opportunity and full participation in the workforce without the basic skills that they are provided through the Adult Education Program.

This bill, in title III, extends funding for category B payments under impact aid, which provides funds to schools for children who work or work on Federal property. Under current law, this category expires at the end of this year and it is critical that we extend this program in this legislation. I strongly support this extension for the B payments are vital to my own city of New York which has a significant number of families in federally subsidized housing projects.

The following programs are also extended under H.R. 11: WEEA, Indian Education Programs, the Asbestos School Hazard Detection and Control Act, the Emergency Immigrant Education Program, the National Assessment of Educational Progress, the National Center for Education Statistics, general assistance for the Virgin Islands, and the Territorial Teacher Training Program. All of these programs are important and as such, are extended through fiscal year 1989.

I commend this bill to the attention of my colleagues and urge that they join with us in support of this vital piece of legislation.●

● Mr. BEDELL. Mr. Chairman, I rise to lend my full support for the passage of H.R. 11, which extends the authorization for 11 important education programs. These programs address areas of special educational need across the United States and I believe we all benefit from providing extra educational assistance to groups who are in a disadvantageous position.

H.R. 11 contains two programs that I find especially important if we are to maintain our country's tradition of educational opportunity and progress. The Women's Educational Equity Act [WEEA] is one of these crucial programs. WEEA is prominent because it is the only Federal grant program that addresses sex equity at every level of education. The Federal Government has a commitment to educational equity for women and girls and the WEEA is an essential part of maintaining that commitment.

The adult education provision is another important program if we are going to win the fight against adult illiteracy. The adult education provision in H.R. 11 attempts to cut current unacceptable levels of adult illiteracy, by providing grants to fund programs which help adults to acquire basic skills, obtain high school diplomas, and receive job training.

The rest of the bill addresses crucial areas of educational need that range from bilingual education to impact aid. I conclude my statement today by saying our country must be committed to providing the next generation of Americans an equal chance at a quality education. A quality education gives our young people a chance to move forward and work toward the goals of peace and prosperity that we all hope for. We must make passage of H.R. 11 a high priority in continuing our educational commitment.●

● Mr. SCHEUER. Mr. Chairman, I rise in strong support of the bilingual education provisions of H.R. 11, the Education Amendments of 1984. I commend my colleagues on the Education and Labor Committee and especially my distinguished friend from Michigan, Mr. KILDEE, for the wisdom and vision he and they have demonstrated in bringing this legislation to the floor.

As a member of the Education and Labor Committee, I participated in the hearings that preceded the Bilingual Education Act of 1968. During the course of our hearings, it became clear that the record of English language programs for children with limited English proficiency were sadly lacking; those English language programs were an utter failure in addressing dropout rates, which were higher than 80 percent for these children. The frustrating problems encountered by children with limited English proficiency were poignantly illustrated in the moving testimony of our thoughtful colleague, Mr. ROYBAL. He recalled that, as a young boy going to the first grade:

> I spoke nothing but Spanish. I remember how difficult it was to understand my instructor. I was trying to learn arithmetic at the same time that I was trying to learn English and consequently I fell behind until such time as I was able to better understand the English language . . . the absurd thing about the whole situation was that during my first years of school I was prohibited from speaking Spanish on the playground . . .

Based on testimony such as this, Congress recognized the need for an alternative which could overcome the limitations of the traditional all-English approach. Such an alternative was provided for in the Bilingual Education Act of 1968.

The purpose of bilingual education is to enable the student to achieve proficiency in English. The concept of using a child's native language for instruction while English is learned as a second language is based on the need for continued learning as the child makes the transition from his or her native language and culture to English and an American lifestyle.

Although progress has been made through the use of bilingual education programs, less than 10 percent of the estimated 3.6 million targeted children are receiving the bilingual education services they need. While there is clearly a need for continued Federal assistance to help these children succeed in mastering the English language, it is also clear that improvements in bilingual education are essential if these programs are to reflect the latest and most innovative techniques available.

In addition to recognizing that the primary purpose of bilingual education is to teach students English, the legislation revises current law to expand significantly the scope and flexibility of the Bilingual Education Act by:

Allowing the use of Federal funds for alternative instruction, such as English as a second language or structured immersion, which does not involve instruction in the child's native language;

Specifying that 4 percent of the current level of funding plus 50 percent of new funding will be reserved for alternative instruction, up to 10 percent of the total appropriation;

Specifying that research will be done into alternative methods to teach children English, as well as improvements in the structure of traditional bilingual education programs;

Encouraging States and local school districts to develop and implement appropriate instructional programs for students with limited English proficiency; and

Allowing the Secretary of Education to give funding priority to school districts which find it impracticable to

implement traditional bilingual education or which already have such programs and want to try new approaches.

I firmly believe this legislation represents a sensible and realistic effort to expand and improve the effectiveness of bilingual education programs. For this reason, I urge my colleagues to join me in supporting these needed provisions and to oppose any weakening amendments.●

● Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 11, the Education Amendments of 1984. The bill reauthorizes 11 education programs that are vital to the Nation's commitment to promoting equity and improving quality in education. H.R. 11 extends 10 programs, including bilingual education, import aid, immigrant education, women's educational equity, asbestos school hazard detection and control, and Indian education. The Adult Education Program would be authorized through fiscal year 1987 and the remaining programs would be reauthorized through fiscal year 1989.

I believe that these education programs could be jeopardized if reauthorization is delayed until 1985. Thus, I firmly urge my colleagues to favorably support H.R. 11.

Mr. Chairman, I would also like to express particular support for the bilingual education program. H.R. 11 authorizes such sums as may be necessary for the bilingual education program for fiscal years 1985 through 1989 and permits Federal funds to be used to support methods that do not involve instruction in the child's native tongue. Mr. Chairman, I believe my colleagues in the Congressional Hispanic Caucus said it best in the letter to the Members:

> Bilingual education is integral to the national priority to provide equal access to education for all. Hispanic students suffer one of the highest dropout rates in the country. This unacceptable situation can be eased by programs which encourage the education and retention of limited-English-proficient children. According to a 1982 study conducted by the National Opinion Research Center, bilingual education programs reduced school dropout rates by fifty percent for Hispanic students. The proven effectiveness of bilingual education in improving retention and competition rates for Hispanic students is a good illustration of the program's capacity to ensure equal access to education.

Mr. Chairman, I strongly urge my colleagues to vote for H.R. 11, the Education Amendments of 1984.●

● Mr. PATTERSON. Mr. Chairman, I rise to support H.R. 11, legislation before the House to reauthorize several Federal education programs. This bill delineates the very important role of the Federal Government in education by earmarking funds to school districts throughout the country with special populations of school-age children and adults.

In the district I represent, schoolchildren whose families live or work on U.S. military installations will directly benefit by the impact aid reauthorization included in this legislation. Almost $200,000 in revenues annually unavailable to local schools in California's 38th Congressional District will be used to compensate these students if this bill is passed.

Others, including women, immigrants, and children in urban and rural areas, will benefit by the alternative teaching methods and career opportunities made possible by H.R. 11. Through the interest of the House in developing educational programs which directly benefit our Nation's children, this bipartisan compromise has been made possible.

H.R. 11 strengthens our national education policy by allowing prayer in school. An amendment offered requires that schools receiving Federal assistance must not prohibit students from participating in moments of silence dedicated to private prayer, meditation, or contemplation. Through this amendment, we reaffirm our respect for religious tradition and individual faith important to the moral fibre of our Nation. I urge my colleagues to further enrich the lives of our children by supporting the school private prayer amendment.

Other aspects of this legislation will greatly enhance the ability of our children to meet the challenges of tomorrow. Many of us have firsthand experience essential to crafting improvements in our Federal education programs. We have known the disappointments of an inadequate education system, and we are now taking the initiative toward excellence. This bill brings a better balance in education for our young people, especially for those with limited language proficiency.

Many of our Nation's people have grown up in families and neighborhoods where English was not the predominant language. Their relatives and friends were totally immersed in a society where only English was taught and spoken. As a result, too many have become frustrated and lost in classrooms and workplaces where they were not understood and left behind as underachievers.

Since passage of the 1968 Bilingual Education Act, we have seen that when students are offered an academic curriculum in their native language, they can succeed. In fact, academic achievement in their native language has proven to enhance their ability to speak, read, and understand English. Students in a bilingual setting quickly excel in concept development and reading comprehension. Before long, children who once possessed a low self-image, become proud achievers.

H.R. 11 is a compromise forged out among leaders with very different views on teaching methods. It accepts the best of each of these methods by encouraging alternative instruction, traditional structured immersion, and research so important to the further development of academic skills.

I urge all of our House colleagues to support H.R. 11 on behalf of the many eager students who so desperately need our help.●

● Mr. SUNDQUIST. Mr. Chairman, reluctantly, I rise in opposition to H.R. 11, even though I strongly support the provisions contained in the bill pertaining to asbestos school detection and control as well as impact aid. I think it is outrageous, however, that we are being faced with one vote on a complicated and comprehensive piece of legislation such as this.

I am further upset that we are passing a bill where none of the provisions contained in it, except impact aid, need authorization at this particular time.

My concerns also stem from the level of funding within the bill. In a time when the budget deficit is a focal point of our concern in this body, we come here today to authorize programs that not only have already been authorized, but increase the level by 26 percent or $300 million in the first year over the House's budget resolution.

Although I am a strong supporter of continuing education improvement in this country, and in this my first term, I have a record indicative of that, I refuse to be forced to vote in favor of a bill, in one vote, that contains six major programs. Each program deserves to be considered, debated, and amended separately on its merits and faults and voted on accordingly. For this reason I urge my colleagues to oppose this bill.●

● Mr. CONTE. Mr. Chairman, there is some concern that the 11 programs reauthorized under this bill should have been considered separately. And I know that there is disagreement over some of the funding levels and the fact that H.R. 11 repeals some of the caps imposed under the 1981 Reconciliation Act. Nonetheless, these important programs—Women's Educational Equity, Bilingual Education, Adult Education, Impact Aid, Indian Education, Asbestos Removal, and others—need to be reauthorized: That is the bottom line. We must get down to business to achieve this important goal.

Mr. Chairman, title IV of this bill reauthorizes the Women's Educational Equity Act Program. WEEA supports national, statewide, and other projects designed to promote equality of education for women through guidance and counseling activities, preservice and in-service teacher training, and educational courses for underemployed and unemployed women. Over its 10-year

history, this program has helped to improve opportunities for thousands and thousands of women in this country, and it has become an important cornerstone in our fight to provide an equal chance to all Americans.

I am also pleased to see that the committee has taken steps to improve the integrity of the WEEA Office within the Department, and to increase that Office's reporting activities to the Congress.

Mr. Chairman, I am also pleased to be able to support the provisions of title II of H.R. 11, the Bilingual Education Act. This portion of the bill is the proud product of many hours of careful work and compromise on the part of the Committee on Education and Labor.

H.R. 11 completely rewrites the existing Bilingual Education Act, while recognizing that the primary purpose of bilingual programs is to teach students English.

For the first time, under this legislation, a wide range of instructional approaches will be eligible for funding, including English as a second language [ESL] and structured immersion. While the bill provides for grants for the traditional transitional bilingual education programs where a child is instructed both in English and his native language, it includes new regulations mandating that these programs be designed so that children can meet graduation requirements.

Additionally, H.R. 11 provides for grants for family literacy programs, bilingual preschool, and special education programs. These new approaches, fashioned in a bipartisan manner, will continue to insure a strong, innovative, and effective bilingual education program.

As I said, Mr. Chairman, these programs must be reauthorized this year. Although I have some concern with the funding levels in some sections of this legislation, I believe that Congress must work to ensure a smooth continuation of these programs.●

The CHAIRMAN pro tempore. Are there any further amendments?

If not, the question is on the committee amendment in the nature of a substitute as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

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Accordingly the Committee rose, and the Speaker pro tempore [Mr. FOWLER] having assumed the chair, Mr. KAZEN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11) to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes, pursuant to House Resolution 550, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ERLENBORN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ERLENBORN moves to recommit the bill, H.R. 11, to the Committee on Education and Labor.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GUNDERSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 307, nays 85, not voting 41, as follows:

[Roll No. 326]

YEAS—307

Ackerman	Berman	Carr
Addabbo	Bevill	Chandler
Akaka	Biaggi	Chappell
Albosta	Bilirakis	Clarke
Anderson	Boehlert	Clay
Andrews (NC)	Boner	Clinger
Andrews (TX)	Bonior	Coelho
Annunzio	Bonker	Coleman (MO)
Anthony	Borski	Coleman (TX)
Applegate	Bosco	Collins
Aspin	Boucher	Conte
AuCoin	Breaux	Conyers
Barnard	Britt	Cooper
Barnes	Brooks	Coughlin
Bateman	Brown (CA)	Coyne
Bates	Bryant	Crockett
Bedell	Burton (CA)	D'Amours
Beilenson	Byron	Darden
Bennett	Campbell	Daschle
Bereuter	Carper	Daub
Davis	Kazen	Regula
de la Garza	Kennelly	Reid
Dellums	Kildee	Richardson
Derrick	Kleczka	Ridge
Dickinson	Kolter	Rodino
Dicks	Kostmayer	Roe
Dingell	LaFalce	Rogers
Dixon	Lagomarsino	Rose
Donnelly	Lantos	Roth
Dorgan	Leath	Rowland
Dowdy	Lehman (CA)	Roybal
Downey	Lehman (FL)	Russo
Duncan	Leland	Sabo
Durbin	Lent	Savage
Dwyer	Levin	Sawyer
Dymally	Levine	Scheuer
Dyson	Levitas	Schneider
Eckart	Lewis (FL)	Schroeder
Edgar	Lipinski	Schumer
Edwards (AL)	Lloyd	Seiberling
Edwards (CA)	Long (LA)	Shannon
Emerson	Long (MD)	Sharp
English	Lowry (WA)	Shelby
Erdreich	Lujan	Sikorski
Evans (IA)	Luken	Sisisky
Evans (IL)	Lundine	Skelton
Fascell	MacKay	Slattery
Fazio	Madigan	Smith (FL)
Feighan	Markey	Smith (IA)
Fiedler	Martin (NC)	Smith (NE)
Fish	Martinez	Smith (NJ)
Flippo	Matsui	Smith, Robert
Florio	Mavroules	Snowe
Foley	Mazzoli	Snyder
Ford (MI)	McCloskey	Solarz
Ford (TN)	McCurdy	Spence
Fowler	McDade	Spratt
Frank	McGrath	Staggers
Frost	McHugh	Stangeland
Fuqua	McKernan	Stark
Garcia	McKinney	Stokes
Gaydos	McNulty	Stratton
Gejdenson	Mikulski	Swift
Gephardt	Miller (CA)	Synar
Gibbons	Miller (OH)	Tallon
Gilman	Mineta	Tauzin
Glickman	Minish	Thomas (GA)
Gonzalez	Mitchell	Torres
Gore	Moakley	Torricelli
Gray	Mollohan	Towns
Green	Moody	Traxler
Guarini	Morrison (CT)	Udall
Hall (IN)	Morrison (WA)	Valentine
Hall (OH)	Mrazek	Vander Jagt
Hall, Ralph	Murphy	Vandergriff
Hall, Sam	Natcher	Volkmer
Hamilton	Nelson	Walgren
Hammerschmidt	Nichols	Watkins
Hance	Nowak	Waxman
Harkin	O'Brien	Weaver
Harrison	Oakar	Weber
Hawkins	Oberstar	Weiss
Hayes	Obey	Wheat
Hefner	Ortiz	Whitehurst
Heftel	Ottinger	Whitley
Hertel	Owens	Whitten
Hightower	Panetta	Williams (MT)
Hopkins	Parris	Williams (OH)
Horton	Patman	Wilson
Howard	Patterson	Wirth
Hoyer	Pease	Wise
Huckaby	Penny	Wolf
Hughes	Pepper	Wolpe
Ireland	Perkins	Wortley
Jacobs	Petri	Wright
Jeffords	Pickle	Wyden
Jenkins	Porter	Yates
Johnson	Price	Yatron
Jones (NC)	Pursell	Young (AK)
Jones (OK)	Quillen	Young (FL)
Kaptur	Rahall	Young (MO)
Kasich	Rangel	
Kastenmeier	Ratchford	

NAYS—85

Archer	Coats	Franklin
Badham	Craig	Frenzel
Bartlett	Crane, Daniel	Gekas
Bliley	Crane, Philip	Gingrich
Broomfield	Daniel	Goodling
Brown (CO)	DeWine	Gradison
Broyhill	Dreier	Gregg
Burton (IN)	Edwards (OK)	Gunderson
Carney	Erlenborn	Hansen (UT)
Cheney	Fields	Hartnett

Hiler	McCandless	Schaefer
Hillis	McCollum	Schulze
Holt	McEwen	Sensenbrenner
Hunter	Michel	Shumway
Hyde	Molinari	Shuster
Kemp	Montgomery	Siljander
Kindness	Moore	Skeen
Kramer	Moorhead	Solomon
Latta	Myers	Stenholm
Lewis (CA)	Nielson	Sundquist
Livingston	Packard	Tauke
Loeffler	Pashayan	Vucanovich
Lott	Paul	Walker
Lowery (CA)	Ray	Whittaker
Lungren	Ritter	Winn
Mack	Roberts	Wylie
Marlenee	Robinson	Zschau
Martin (IL)	Roemer	
McCain	Roukema	

NOT VOTING—41

Alexander	Hansen (ID)	Pritchard
Bethune	Hatcher	Rinaldo
Boggs	Hubbard	Rostenkowski
Boland	Hutto	Rudd
Boxer	Jones (TN)	Shaw
Chappie	Kogovsek	Simon
Conable	Leach	Smith, Denny
Corcoran	Marriott	St Germain
Courter	Martin (NY)	Studds
Dannemeyer	Mica	Stump
Early	Murtha	Taylor
Ferraro	Neal	Thomas (CA)
Foglietta	Olin	Vento
Gramm	Oxley	

□ 1740

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Taylor against.

Mrs. Boxer for, with Mr. Rudd against.

Mr. RALPH M. HALL changed his vote from "nay" to "yea."

Mr. ZSCHAU changed his vote from "yea" to "nay."

So the bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore [Mr. FLIPPO]. Pursuant to the provisions of House Resolution 550, the Committee on Education and Labor is discharged from further consideration of the Senate bill (S. 2496) to amend the Adult Education Act in order to simplify requirements for States and other recipients participating in Federal adult education programs, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves to strike out all after the enacting clause of the Senate bill, S. 2496, and to insert in lieu thereof the text of the bill, H.R. 11, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Education Amendments of 1984".

TITLE I—ADULT EDUCATION ACT AMENDMENTS

GENERAL EXTENSION OF AUTHORIZATION

SEC. 101. (a) Section 311(b) of the Adult Education Act (20 U.S.C. 1208a(b)) is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1986".

(b) Section 313(b) of such Act is amended by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1986".

(c) Section 315(a) of such Act is amended to read as follows:

"SEC. 315. (a) There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1985 and 1986 to carry out the provisions of this title.".

(d) Section 318(f) of such Act is amended by striking out "four" and inserting in lieu thereof "seven".

TITLE II—REVISION OF THE BILINGUAL EDUCATION ACT

SEC. 201. The Bilingual Education Act (20 U.S.C. 3221 et seq.) is amended to read as follows:

"TITLE VII—BILINGUAL EDUCATION PROGRAMS

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Bilingual Education Act'.

"POLICY; APPROPRIATIONS

"SEC. 702. (a) Recognizing—

"(1) that there are large and growing numbers of children of limited English proficiency;

"(2) that many of such children have a cultural heritage which differs from that of English proficient persons;

"(3) that the Federal Government has a special and continuing obligation to assist in providing equal educational opportunity to limited English proficient children;

"(4) that the Federal Government has a special and continuing obligation to assist language minority students to acquire the English language proficiency that will enable them to become full and productive members of society;

"(5) that a primary means by which a child learns is through the use of such child's native language and cultural heritage;

"(6) that, therefore, large numbers of children of limited English proficiency have educational needs which can be met by the use of bilingual educational methods and techniques;

"(7) that in some school districts, establishment of bilingual education programs may be administratively impractical due to the presence of small numbers of students of a particular native language or because personnel who are qualified to provide bilingual instructional services are unavailable;

"(8) that States and local school districts should be encouraged to determine appropriate curricula for limited English proficient students within their jurisdictions and to develop and implement appropriate instructional programs;

"(9) that children of limited English proficiency have a high dropout rate and low median years of education;

"(10) that the segregation of many groups of limited English proficient students remains a serious problem;

"(11) that both limited English proficient children and children whose primary language is English can benefit from bilingual education programs, and that such programs help develop our national linguistic resources;

"(12) that research, evaluation, and data collection capabilities in the field of bilingual education need to be strengthened so as to better identify and promote those programs and instructional practices which result in effective education;

"(13) that parent and community participation in bilingual education programs contributes to program effectiveness;

"(14) that because of limited English proficiency, many adults are not able to participate fully in national life, and that limited English proficient parents are often not able to participate effectively in their children's education,

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children and to promote educational excellence (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, (B) to encourage the establishment of special alternative instructional programs for students of limited English proficiency in school districts where the establishment of bilingual education programs is not practicable or for other appropriate reasons, and (C) for those purposes, to provide financial assistance to local educational agencies, and, for certain related purposes, to State educational agencies, institutions of higher education, and community organizations. The programs assisted under this title include programs in elementary and secondary schools as well as related preschool and adult programs which are designed to meet the educational needs of individuals of limited English proficiency, with particular attention to children having the greatest need for such programs. Such programs shall be designed to enable students to achieve full competence in English. Such programs may additionally provide for the development of student competence in a second language.

"(b)(1) For the purposes of carrying out the provisions of this title, there are authorized to be appropriated for fiscal year 1985 and each of the four succeeding years such sums as may be necessary.

"(2) There are further authorized to be appropriated to carry out the provisions of section 732, such sums as may be necessary for fiscal year 1985 and each of the four succeeding fiscal years.

"(3) From the sums appropriated under paragraph (1) for any fiscal year which do not exceed $140,000,000, the Secretary shall reserve 4 percent for special alternative instructional programs and related activities authorized under this Act. From the sums appropriated under paragraph (1) for any fiscal year in excess of $140,000,000, the Secretary shall reserve 50 percent for special alternative instructional programs and related activities authorized under this Act, except that the amount of funds reserved for special alternative instructional programs and related activities pursuant to this paragraph shall not exceed 10 percent of the funds appropriated under paragraph (1).

"(4) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 60 percent for the programs carried out under part A of this Act; and of this amount, at least 75 percent shall be reserved for the programs of transitional bilingual education carried out under section 721(a)(1).

"(5) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 25 percent for training activities carried out under part C.

"(6) The Secretary shall reserve from the amount not reserved pursuant to paragraphs (4) and (5) of this subsection such amount as may be necessary, but not in excess of 1 percent thereof, for the purposes of section 752.

"DEFINITIONS; REGULATIONS

"SEC. 703. (a) The following definitions shall apply to the terms used in this title:

"(1) The term 'limited English proficiency' when used with reference to individuals means—

"(A) individuals who were not born in the United States or whose native language is a language other than English,

"(B) individuals who come from environments where a language other than English is dominant, as further defined by the Secretary by regulation, and

"(C) individuals who are American Indian and Alaskan Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, subject to such regulations as the Secretary determines to be necessary;

and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(2) The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

"(3) The term 'low-income' when used with respect to a family means an annual income for such a family which does not exceed the poverty level determined pursuant to section 111(c)(2) of title I of the Elementary and Secondary Education Act of 1965.

"(4)(A) The term 'program of transitional bilingual education' means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, which provides, with respect to the years of study to which such program is applicable, structured English language instruction, and to the extent necessary to allow a child to achieve competence in the English language, instruction in the child's native language. Such instruction shall incorporate the cultural heritage of such children and of other children in American society. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(B) In order to prevent the segregation of children on the basis of national origin in programs of transitional bilingual education, and in order to broaden the understanding of children about languages and cultural heritages other than their own, a program of transitional bilingual education may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 percent. The program may provide for centralization of teacher training and curriculum development, but it shall serve such children in the schools which they normally attend.

"(C) In such courses or subjects of study as art, music, and physical education, a program of transitional bilingual education shall make provision for the participation of children of limited English proficiency in regular classes.

"(D) Children enrolled in a program of transitional bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of transitional bilingual education shall seek to insure that each child is provided with instruction which is appropriate for his level of educational attainment.

"(5)(A) The term 'program of developmental bilingual education' means a full-time program of instruction in elementary and secondary schools which provides, with respect to the years of study to which such program is applicable, structured English-language instruction and instruction in a second language. Such programs shall be designed to help children achieve competence in English and a second language while mastering subject matter skills. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(B) Where possible, classes in programs of developmental bilingual education shall be comprised of approximately equal numbers of students whose native language is English and limited English proficient students whose native language is the second language of instruction and study in the program.

"(6) The term 'special alternative instructional programs' mean programs of instruction designed for children of limited English proficiency in elementary and secondary schools. Such programs are not transitional or developmental bilingual education programs, but have specially designed curricula and are appropriate for the particular linguistic and instructional needs of the children enrolled. Such programs shall provide, with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.

"(7) The term 'family English literacy program' means a program of instruction designed to help limited English proficient adults and out-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the student's native language. Where appropriate, such programs may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title.

"(8) The term 'programs of academic excellence' means programs of transitional bilingual education, developmental bilingual education, or special alternative instruction which have an established record of providing effective, academically excellent instruction and which are designed to serve as models of exemplary bilingual education programs and to facilitate the dissemination of effective bilingual educational practices.

"(9) The term 'Office' means the Office of Bilingual Education and Minority Language Affairs.

"(10) The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs.

"(11) The term 'Council' means the National Advisory and Coordinating Council on Bilingual Education.

"(12) The term 'Secretary' means the Secretary of Education.

"(13) The term 'other programs for persons of limited English proficiency' when used in this title means any programs within the Department of Education directly involving bilingual education activities serving persons of limited English proficiency, such as the programs carried out in coordination with the provisions of this title pursuant to subpart 3 of part B of the Vocational Education Act of 1963, and section 306(a)(11) of the Adult Education Act, and programs and projects serving areas with high concentrations of persons of limited English proficiency pursuant to section 6(b)(4) of the Library Services and Construction Act.

"(b) In prescribing regulations under this title, the Secretary shall, through the National Advisory and Coordinating Council on Bilingual Education, consult with State and local educational agencies, organizations representing persons of limited English proficiency, and organizations representing teachers and other personnel involved in bilingual education.

"(c) Parents of children participating in programs assisted under this title shall be informed of the instructional goals of the program and the progress of their children in such program.

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS

"BILINGUAL EDUCATION PROGRAMS

"SEC. 721. (a) Funds available for grants under this part shall be used for the establishment, operation, and improvement of—

"(1) programs of transitional bilingual education;

"(2) programs of developmental bilingual education;

"(3) special alternative instructional programs for students of limited English proficiency;

"(4) programs of academic excellence;

"(5) family English literacy programs;

"(6) bilingual preschool, special education, and gifted and talented programs preparatory or supplementary to programs such as those assisted under this Act; and

"(7) programs to develop instructional materials in languages for which such materials are commercially unavailable.

"(b)(1)(A) A grant may be made under subsection (a) (1), (2), (3), or (4) of this section only upon application therefore by one or more local educational agencies or by institutions of higher education, including junior or community colleges, applying jointly with one or more local educational agencies.

"(B) A grant may be made under subsection (a) (5) or (6) only upon application therefore by one or more local educational agencies; institutions of higher education, including junior or community colleges; and private nonprofit organizations, applying separately or jointly.

"(c)(1) Any application for a grant authorized under subsection (a) of this section shall be made to the Secretary at such time, and in such manner, as the Secretary deems appropriate.

"(2) Applications for grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section, shall contain information regarding—

"(A) the number of children enrolled in programs conducted by the local educational agency;

"(B) the number of children residing in the area served by the local educational agency who are enrolled in private schools;

"(C)(i) the number of children enrolled in public and private schools in the area served

by the local educational agency who are limited in their English proficiency; (ii) the method used by the applicant to make this determination; and (iii) evidence of the educational condition of the limited English proficient students, such as reading, mathematics, and subject matter test scores, and, where available, data on grade retention rates, rates of referral to or placement in special education programs, and student dropout rates;

"(D) the number of limited English proficient children who are enrolled in instructional programs specifically designed to meet their educational needs, as well as descriptions of such programs;

"(E) the number of limited English proficient children enrolled in public or private schools in the area served by the local educational agency who need or could benefit from education programs such as those assisted under this title;

"(F) the number of children who are to receive instruction through the proposed program and the extent of their educational needs;

"(G) a statement of the applicant's ability to serve children of limited English proficiency, including an assessment of the qualifications of personnel who will participate in the proposed project and of the need for further training of such personnel;

"(H) the resources needed to develop and operate or improve the proposed program;

"(I) the activities which would be undertaken under the grant and how these activities will improve the educational attainment of students and expand the capacity of the applicant to operate programs such as those assisted under this Act when Federal assistance under this section is no longer available; and

"(J) the specific educational goals of the proposed program and how achievement of these goals will be measured.

"(3) Applications for grants authorized under subsection (a)(3) of this section from applicants who desire to obtain priority in the awarding of such grants may contain information regarding (A) the administrative impracticability of establishing a bilingual education program due to the presence of small number of students of a particular native language, (B) the unavailability of personnel qualified to provide bilingual instructional services, or (C) the applicant's current or past efforts to establish a bilingual education program.

"(4) Applications for grants authorized under subsection (a)(4) shall contain information regarding—

"(A) the number of children served by the existing bilingual education program and evidence of their educational condition prior to enrollment in the program;

"(B) a description of the existing program as well as the educational background and linguistic competencies of program personnel;

"(C) the extent to which the program has promoted student academic achievement as indicated by objective evidence, such as improvements in language, mathematics, and subject matter test scores; grade retention rates; rates of referral to or placement in special education programs; student dropout rates; and, where appropriate, postsecondary education and employment experiences of students;

"(D) the extent of parent involvement in and satisfaction with the existing bilingual education program; and

"(E) how the activities carried out under the grant would utilize and promote programs of academic excellence which employ bilingual educational practices, techniques, and methods.

"(5) Applications for grants authorized under subsection (a)(5) shall contain information regarding—

"(A) the number of limited English proficient parents and out-of-school family members of limited English proficient students who would be served by the English literacy program;

"(B) the activities which would be undertaken under the grant and how these activities will promote English literacy and enable parents and family members to assist in the education of limited English proficient children;

"(C) the extent to which the persons to be served by the program have been involved in its development;

"(D) applicant's prior experience and performance in providing educational programs to limited English proficient adults and out-of-school youth;

"(E) with respect to applications by a local educational agency, the extent to which limited English proficient students enrolled in the educational agency are served by programs specifically designed to meet their needs; and

"(F) with respect to other applicants, a description of how the applicant will coordinate its program with a local education agency to ensure that the program will help limited English proficient family members promote the academic progress of limited English proficient children.

"(d)(1)(A) Grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section shall be for three years.

"(B) During the first six months of grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section, an applicant shall engage exclusively in preservice activities. Such activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children. This subparagraph may be waived by the Secretary if he determines that an applicant is prepared to successfully operate the proposed instructional program.

"(C) Upon reapplication, grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall be renewed for two additional years unless the Secretary determines that—

"(i) the applicant's program does not comply with the requirements set out in this title;

"(ii) the applicant's program has not made substantial progress in achieving the specific educational goals set out in the original application; or

"(iii) there is no longer a need for the applicant's program.

"(D) Parents or legal guardians of students identified for enrollment in bilingual education programs shall be informed of (i) the reasons for the selection of their child as in need of bilingual education, (ii) what alernative educational programs are available, and (iii) the nature of the bilingual education program and of the instructional alternatives. Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose.

"(2) Grants made pursuant to subsections (a)(4) and (a)(5) shall be for three years.

"(3) Grants made pursuant to subsections (a)(6) and (a)(7) shall be for a period of one to three years.

"(e) An application for a grant authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall—

"(1) be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in such programs, in accordance with criteria prescribed by the Secretary;

"(2) be accompanied by documentation of such consultation and by the comments which the Council makes on the application;

"(3) contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served; and

"(4) include evidence that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

"(f) An application for a grant under subsections (a)(1), (a)(2), and (a)(3) of this section may be approved only if the Secretary determines—

"(1) that the program will use qualified personnel, including only those personnel who are proficient in the language or languages used for instruction;

"(2) that in designing the program for which application is made, the needs of the children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials; and consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

"(3) that the program will be evaluated in accordance with a plan that meets the requirements of section 733 of this title;

"(4) that Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of those Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant such State and local funds, except that nothing in this clause shall—

"(A) preclude a local education agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children, or

"(B) authorize any priority or preference to be assigned by the Secretary to the funding of the activities under this title;

"(5) that the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program, similar to that proposed for assist-

ance, on a regular basis which will be of sufficient size, scope, and quality to promise significant improvement in the education of children of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;

"(6) that the applicant will provide or secure training for personnel participating, or preparing to participate, in the program and that, to the extent possible, college or university credit will be awarded for such training; and

"(7) that the provision of assistance proposed in the application is consistent with criteria established by the Secretary, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, taking into consideration—

"(A) the geographic distribution of children of limited English proficiency,

"(B) the relative need of persons in different geographic areas within the State for the kinds of services and activities authorized under this title,

"(C) and with respect to grants to carry out programs described in subsections (a)(1), (a)(2), and (a)(3) of this section, the relative ability of particular local educational agencies within the State to provide such services and activities, and

"(D) with respect to such grants, the relative numbers of persons from low-income families sought to be benefited by such programs.

"(g) An application for a grant under subsection (a)(3) of this section may receive priority based upon the information provided by the applicant pursuant to clause (A), (B), or (C) of subsection (c)(3) of this section.

"(h) In the consideration of applications from local educational agencies to carry out programs authorized under this section, the Secretary shall give priority to applications from local educational agencies which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of such children in the schools of such local educational agencies and the relative need for such programs. In approving such applications, the Secretary shall, to the extent feasible, allocate funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out such programs and the relative numbers of persons from low-income families sought to be benefited by such programs.

"(i) Programs authorized under this title in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, research, evaluation and testing designed to improve the English proficiency of children, and may also make provision for serving the needs of students of limited proficiency in Spanish.

"(j) If the Secretary determines that an applicant for assistance under this title is unable or unwilling to provide for the participation in the program for which assistance is sought of children of limited English proficiency enrolled in nonprofit, nonpublic schools, as required by subsection (f)(2) of this section, the Secretary shall—

"(1) withhold approval of such application until the applicant demonstrates that it is in compliance with those requirements; or

"(2) reduce the amount of the grant to such applicant by the amount which is required for the Secretary to arrange (such as through a contract with a nonprofit, nonsectarian agency, organization, or institution) to assess the needs of the children in the area to be served for programs of the type authorized in this title and to carry out such programs for the children.

"INDIAN CHILDREN IN SCHOOLS

"SEC. 722. (a) For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or postsecondary schools operated predominantly for Indian or Alaskan Native children, an Indian tribe or a tribally sanctioned educational authority may be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:

"(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 Stat. 688) which is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) The term 'tribally sanctioned educational authority' means any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe, as well as any nonprofit institution or organization which is chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee delivery of educational services to members of that tribe and which is approved by the Secretary for the purposes of this section.

"(b) From the sums appropriated pursuant to section 702(b), the Secretary is authorized to make payments to the applicants to carry out programs of bilingual education for Indian children on reservations served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

"(c) The Assistant Secretary of the Interior for the Bureau of Indian Affairs shall submit to the Congress, the President, and the Secretary by September 30 of each year an annual report which provides—

"(1) an assessment of the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

"(2) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

"PART B—DATA COLLECTION, EVALUATION, AND RESEARCH

"USE OF FUNDS

"SEC. 731. Funds available under this part shall be used for (1) collecting data on the number of limited English proficient persons and the educational services available to such persons, (2) evaluating the operation and effectiveness of programs assisted under this title, (3) conducting research to improve the effectiveness of bilingual education programs, and (4) collecting, analyzing, and disseminating data and information on bilingual education.

"GRANTS FOR STATE PROGRAMS

"SEC. 732. (a) Upon an application from a State educational agency, the Secretary shall make provision for the submission and approval of a State program for the collection, aggregation, analysis, and publication of data and information on the State's population of limited English proficient persons and the educational services provided or available to such persons.

"(b) State programs under this part shall provide for the annual submission of a report to the Secretary containing data and information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purposes of this title, including the matters specified in section 721(c)(2). Such reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation. State programs shall provide for the dissemination of information regarding these matters to the public, and particularly to persons of limited English proficiency.

"(c) State programs authorized under this section may also provide for—

"(1) the planning and development of educational programs such as those assisted under this title;

"(2) the review and evaluation of programs of bilingual education, including bilingual education programs that are not funded under this title;

"(3) the provision, coordination, or supervision of technical and other forms of nonfinancial assistance to local educational agencies, community organizations, and private elementary and secondary schools that serve limited English proficient persons;

"(4) the development and administration of instruments and procedures for the assessment of the educational needs and competencies of persons of limited English proficiency;

"(5) the training of State and local educational agency staff to carry out the purposes of this title; and

"(6) other activities and services designed to build the capacity of State and local educational agencies to serve the educational needs of persons of limited English proficiency.

"(d) Except as provided in the second sentence of this subparagraph, the Secretary shall pay from the amounts appropriated for the purposes of this section pursuant to section 702(b)(2) for each fiscal year to each State educational agency which has a State program submitted and approved under subsection (a) of this section such sums as may be necessary for the proper and efficient conduct of such State program. The amount paid by the Secretary to any State educational agency under the preceding sentence for any fiscal year shall not be less than $50,000 nor greater than 5 percent of the aggregate of the amounts paid under section 721 for programs within such State in the fiscal year preceding the fiscal year to which this limitation applies.

"(e) Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"PROGRAM EVALUATION REQUIREMENTS

"SEC. 733. (a) The Secretary shall issue, within six months of the date of enactment of this section, regulations which set forth a

comprehensive design for evaluating the programs assisted under part A of this title. Such regulations shall be developed by the Director in consultation with the National Advisory and Coordinating Council on Bilingual Education. Such regulations shall provide for the collection of information and data including—

"(1) the educational background, needs, and competencies of the limited English proficient persons served by the program;

"(2) the specific educational activities undertaken pursuant to the program; the pedagogical materials, methods, and techniques utilized in the program; and with respect to classroom activities, the relative amount of instructional time spent with students on specified tasks;

"(3) the educational and professional qualifications, including language competencies, of the staff responsible for planning and operating the program; and

"(4) the extent of educational progress achieved through the program measured, as appropriate, by (A) tests of academic achievement in English language arts, and where appropriate, second language arts; (B) tests of academic achievement in subject matter areas; and (C) changes in the rate of student grade-retention, dropout, absenteeism, referral to or placement in special education classes, placement in programs for the gifted and talented, and enrollment in postsecondary education institutions.

"EVALUATION ASSISTANCE CENTERS

"SEC. 734. The Secretary shall establish through competitive grants to institutions of higher education at least two evaluation assistance centers which shall provide, upon the request of State or local educational agencies, technical assistance regarding methods and techniques for identifying the educational needs and competencies of limited English proficient persons and assessing the educational progress achieved through programs such as those assisted under this title. Grants made pursuant to this section shall be for a period of three years.

"RESEARCH

"SEC. 735. (a) The Secretary shall, through competitive contracts under this section, provide financial assistance for research and development proposals submitted by institutions of higher education, private for-profit and nonprofit organizations, State and local educational agencies, and individuals.

"(b) Research activities authorized to be assisted under this section shall include—

"(1) studies to determine and evaluate effective models for bilingual education programs;

"(2) studies which examine the process by which individuals acquire a second language and master the subject matter skills required for grade-promotion and graduation, and which identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language proficiencies other than English;

"(3) longitudinal studies to measure the effect of this title on the education of students who have language proficiencies other than English, and the effect of this title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this title;

"(4) studies to determine effective and reliable methods for identifying students who are entitled to services under this title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

"(5) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs;

"(6) studies to determine effective methods of teaching English to adults who have language proficiencies other than English;

"(7) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students; and

"(8) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students.

"(c) In carrying out his responsibilities under this section, the Secretary may delegate his authority to the Director, and in any event, shall consult with the Director, the National Advisory and Coordinating Council on Bilingual Education, representatives of State and local educational agencies, and appropriate groups and organizations involved in bilingual education.

"(d) The Secretary shall publish and disseminate all requests for proposals in research and development assisted under this title.

"COORDINATION OF RESEARCH

"SEC. 736. Notwithstanding section 405(b)(1) of the General Education Provisions Act, the Director of the National Institute of Education shall consult with the Director and the National Advisory and Coordinating Council on Bilingual Education to insure that research activities undertaken pursuant to section 405(b)(2)(C) of the General Education Provisions Act complement and do not duplicate the activities conducted pursuant to this part.

"EDUCATION STATISTICS

"Sec. 737. (a) Notwithstanding section 406 of the General Education Provisions Act, the National Center for Education Statistics shall collect and publish as part of its annual report on the condition of education data for States, Puerto Rico, and the Trust Territories with respect to the population of limited English proficient persons, the special educational services and programs available to limited English proficient persons, and the availability of educational personnel qualified to provide special educational services and programs to limited English proficient persons.

"(b) In carrying out its responsibilities under this section, the National Center for Education Statistics shall utilize, to the extent feasible, data submitted to the Department of Education by State and local educational agencies and institutions of higher education pursuant to the provisions of this title.

"PART C—TRAINING AND TECHNICAL ASSISTANCE

"USE OF FUNDS

"SEC. 741. (a) Funds available under this part shall be used for—

"(1) the establishment, operation, and improvement of training programs for educational personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education or special alternative instructional programs for limited English proficient students, which shall emphasize opportunities for career development, advancement, and lateral mobility, and may provide training to teachers, administrators, counselors, paraprofessionals, teacher aides, and parents;

"(2) the training of persons to teach and counsel such persons;

"(3) the encouragement of reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school faculties, as related to bilingual education;

"(4) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education or special alternative instructional programs for limited English proficient students; which may include summer programs designed to improve the instructional competence of educational personnel in the languages used in the program; and

"(5) the provision of inservice training and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs for limited English proficient students.

"(b)(1) A grant or contract may be made under subsection (a) (1), (2), or (3) of this section upon application of an institution of higher education.

"(2) A grant or contract may be made under subsection (a)(4) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges) and private for-profit or nonprofit organizations which apply, after consultation with, or jointly with, one or more local educational agencies or a State educational agency; (B) local educational agencies; or (C) a State educational agency.

"(3) A grant or contract may be made under subsection (a)(5) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges), (B) private for-profit or nonprofit organizations, or (C) a State educational agency.

"(c) An application for a grant or contract for preservice or inservice training activities described in subsection (a)(1) of this section shall be considered an application for a program of bilingual education for the purposes of section 721(e) of this title.

"(d) In making a grant or contract for preservice training programs described in subsection (a)(1) of this section, the Secretary shall give preference to programs which contain coursework in—

"(1) teaching English as a second language;

"(2) use of a non-English language for instructional purposes;

"(3) linguistics; and

"(4) evaluation and assessment;

and involving parents in the educational process. Preservice training programs shall be designed to ensure that participants become proficient in English and a second language of instruction.

"MULTIFUNCTIONAL RESOURCE CENTERS

"SEC. 742. (a) Pursuant to subsection (a)(5) of section 741, the Secretary shall establish through competitive grants or contracts at least 16 multifunctional resource centers (hereafter in this section referred to as 'centers'). Grants and contracts shall be awarded with consideration given to the geographic and linguistic distribution of children of limited English proficiency.

"(b) In addition to providing technical assistance and training to persons participat-

ing in or preparing to participate in bilingual education programs or special alternative instructional programs for limited English proficient students, each center shall be responsible for gathering and providing information to other centers on a particular area of bilingual education, including (but not limited to) bilingual special education, bilingual education for gifted and talented limited English proficient students, bilingual vocational education, bilingual adult education, bilingual education program administration, literacy, education technology in bilingual programs, mathematics and science education in bilingual programs, counseling limited English proficient students, and career education programs for limited English proficient students.

"FELLOWSHIPS

"SEC. 743. (a) Pursuant to subsection (a)(2) of section 741, the Secretary is authorized to award fellowships for advanced study of bilingual education or special alternative instructional programs for limited English proficient students in such areas as teacher training, program administration, research and evaluation, and curriculum development. For the fiscal year ending September 30, 1985, not less than 500 fellowships leading to a graduate degree shall be awarded under the preceding sentence. Such fellowships shall be awarded, to the extent feasible, in proportion to the needs of various groups of individuals with limited English proficiency. In awarding fellowships, the Secretary shall give preference to individuals intending to study bilingual education or special alternative instructional programs for limited English proficient students in the following specialized areas: vocational education, adult education, gifted and talented education, special education, education technology, literacy, and mathematics and science education. The Secretary shall include information on the operation of the fellowship program in the report required under section 751(c) of this title.

"(b) The Secretary shall undertake an ongoing longitudinal study of the impact of recipients of such fellowships on the field of bilingual education and alternative instructional programs for students of limited English proficiency and shall, through the clearinghouse established pursuant to section 735(b)(5) of this title, disseminate research undertaken by recipients of such fellowships.

"(c) Any person receiving a fellowship under this section shall agree either to repay such assistance or to work for a period equivalent to the period of time during which such person received assistance, and such work shall be in an activity related to programs and activities such as those authorized under this Act. The Secretary may waive this requirement in extraordinary circumstances.

"PRIORITY

"SEC. 744. In making grants or contracts under this part, the Secretary shall give priority to eligible applicants with demonstrated competence and experience in programs and activities such as those authorized under this Act.

"STIPENDS

"SEC. 745. The Secretary shall include in the terms of any arrangement described in this part for the payment, to persons participating in training programs so described, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"PART D—ADMINISTRATION

"OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

"SEC. 751. (a) There shall be, in the Department of Education, an Office of Bilingual Education and Minority Languages Affairs (hereafter in this section referred to as the 'Office') through which the Secretary shall carry out his functions relating to bilingual education.

"(b)(1) The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all of his delegable functions relating to bilingual education. The Director shall also be assigned responsibility for coordinating the bilingual education aspects of other programs administered by the Secretary.

"(2) The Office shall be organized as the Director determines to be appropriate in order to enable him to carry out his functions and responsibilities effectively, except that there shall be a division, within the Office, which is exclusively responsible for the collection, aggregation, analysis, and publication of data and information on the operation and effectiveness of programs assisted under this title.

"(c) The Secretary, in consultation with the Council, shall prepare and, not later than February 1 of 1986, 1988, and 1990, shall submit to the Congress and the President a report on the condition of bilingual education in the nation and the administration and operation of this title and of other programs for persons of limited English proficiency. Such report shall include—

"(1) a national assessment of the educational needs of children and other persons with limited English proficiency and of the extent to which such needs are being met from Federal, State, and local efforts;

"(2) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

"(3) a report on and evaluation of the activities carried out under this title during the preceding two fiscal years and the extent to which each of such activities achieves the policy set forth in section 702(a);

"(4) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities;

"(5)(A) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English proficiency;

"(B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

"(C) the number of other educational personnel needed to carry out programs of bilingual education in the States; and

"(6) an estimate of the number of fellowships in the field of training teachers for bilingual education which will be necessary for the two succeeding fiscal years.

"(d) In order to maximize Federal efforts aimed at serving the educational needs of children of limited English proficiency, the Secretary shall coordinate and closely cooperate with other programs administered by the Department of Education, including such areas as teacher training, program content, research, and curriculum. The Secretary's report under subsection (c) shall include demonstration that such coordination has taken place.

"(e) The Secretary shall ensure that the Office of Bilingual Education and Minority Languages Affairs is staffed with sufficent personnel trained, or with experience in, bilingual education to discharge effectively the provisions of this title.

"NATIONAL ADVISORY AND COORDINATING COUNCIL ON BILINGUAL EDUCATION

"SEC. 752. (a) Subject to part D of the General Education Provisions Act, there shall be a National Advisory and Coordinating Council on Bilingual Education composed of twenty members appointed by the Secretary, one of whom he shall designate as Chairman. Members of the Council shall be persons experienced in dealing with the educational problems of children and other persons who are of limited English proficiency. Five members of the Council shall be State directors of bilingual education programs, at least three of whom shall represent States with large populations of limited English proficient students. Two members of the Council shall be experienced in research on bilingual education or evaluation of bilingual education programs. One member of the Council shall be experienced in research on methods of alternative instruction for language minority students or evaluation of alternative methods of instruction for such students. One member of the council shall be a classroom teacher of demonstrated teaching abilities using bilingual methods and techniques. One member of the Council shall be a classroom teacher of demonstrated teaching abilities using alternative instructional methods and techniques. One member of the Council shall be experienced in the training of teachers for programs of bilingual education. One member of the Council shall be experienced in the training of teachers for programs of alternative instruction. Two members of the Council shall be parents of students whose language is other than English, and one member of the Council shall be an officer of a professional organization representing bilingual education personnel. The members of the Council shall be appointed in such a way as to be generally representative of the significant segments of the population of persons of limited English proficiency and the geographic areas in which they reside. Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until October 1, 1989.

"(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 446(a) of the General Education Provisions Act, not less often than four times in each year.

"(c) The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this title, including the development of criteria for approval of applications and plans under this title, and the administration and operation of other programs for persons of limited English proficiency. The Council shall prepare and, not later than March 31 of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the ad-

ministration and operation of this title, including those items specified in section 751(c), and the administration and operation of other programs for persons of limited English proficiency.

"(d) The Secretary shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 445 of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.".

TITLE III—AMENDMENTS TO FEDERAL IMPACT AID LAWS

GENERAL EXTENSIONS OF AUTHORIZATIONS

SEC. 301. (a)(1) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 236) is amended by striking out "October 1, 1983" each place it appears in sections 2(a), 3(b), 4(a), and 7(a)(1) and inserting in lieu thereof "October 1, 1989".

(2) Section 3(d)(2)(E) of such Act is amended—

(A) by striking out "fiscal year 1983 or 1984" in division (ii) and inserting in lieu thereof "any of the fiscal years 1983 through 1989"; and

(B) by striking out division (iii).

(3) Section 3(c)(2)(A) of such Act is amended—

(A) by striking out division (i); and

(B) by redesignating divisions (ii) and (iii) as divisions (i) and (ii), respectively.

(4) The Omnibus Education Reconciliation Act of 1981 is amended—

(A) by striking out section 504;

(B) by striking out subsections (a) and (b) of section 505 and inserting in lieu thereof the following:

"SEC. 505. (a) Of the amount appropriated to make payments under the Act of September 30, 1950 (Public Law 874, 81st Congress) for any fiscal year, $21,000,000 shall be available for payments under section 2 of such Act."; and

(C) by redesignating subsections (c)(1), (2), and (3) as subsections (b), (c), and (d), respectively.

(b) The Act of September 23, 1950 (Public Law 815, Eighty-first Congress; 20 U.S.C. 631) is amended—

(1) by striking out "September 30, 1983" in section 3 and inserting in lieu thereof "September 30, 1989"; and

(2) by striking out "October 1, 1983" in section 16(a)(1)(A) and inserting in lieu thereof "October 1, 1989".

COLLECTION OF OVERPAYMENTS

SEC. 302. In the case of any local educational agency which the Secretary of Education determines has received, for any fiscal year after fiscal year 1976, an overpayment under section 2 of the Act of September 30, 1950 (20 U.S.C. 237) as a consequence of a recomputation of need based on revised data, the Secretary shall not require more than 10 percent of the amount of the overpayment to be repaid (or deducted from current payments) in any fiscal year.

AMENDMENTS TO IMPACT AID PROGRAM

SEC. 303. (a)(1) Section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by inserting at the end thereof the following new sentence: "In carrying out the provisions of this subparagraph, the Secretary shall not prorate the amounts computed under this subparagraph attributable to the number of children determined under subsection (a) or (b), or both.".

(2)(A) The second sentence of section 3(d)(2)(B) of such Act is amended by striking out "The" and inserting in lieu thereof "Subject to the provisions of subsection (h) of this section, the".

(B) Section 3 of such Act is amended by adding at the end thereof the following new subsection:

"SPECIAL PROVISIONS

"(h) Any local educational agency for which the boundaries of the school district of such agency are coterminous with the boundaries of a military installation and which is not eligible to receive payments under subsection (d)(2)(B) shall receive 100 percent of the amounts to which such agency is entitled under subsection (a) of this section.".

(b)(1) The last two sentences of section 5(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) (as added by section 23 of Public Law 98-211 (97 Stat. 1419)) are redesignated as subsection (h) of section 5 of that Act.

(2) The amendment made by paragraph (1) of this subsection shall be effective December 8, 1983.

TITLE IV—WOMEN'S EDUCATIONAL EQUITY

SHORT TITLE; REFERENCE

SEC. 401. (a) This title may be cited as the "Women's Educational Equity Amendments of 1984".

(b) Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Women's Educational Equity Act of 1978 (20 U.S.C. 3341 et seq.).

(c) Such Act is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary of Education".

FINDINGS AND PURPOSE

SEC. 402. (a) Section 931(b)(1) is amended by adding at the end thereof the following: "The Congress finds and declares that excellence in education cannot be achieved without equity for women and girls.".

(b) Section 931(b)(2) is amended by adding at the end thereof the following: "It is also the purpose of this part to provide educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on sex, and on race, ethnic origin, disability, or age.".

GRANT AND CONTRACT AUTHORITY

SEC. 403. Section 932(a) is amended by adding at the end thereof the following: "The Secretary shall ensure that at least 1 grant or contract is available during each fiscal year for the performance of each of the activities described in paragraph (1) of this subsection.".

CHALLENGE GRANTS

SEC. 404. Section 934 is amended to read as follows:

"CHALLENGE GRANTS

"SEC. 934. (a) In addition to the authority of the Secretary under section 932, the Secretary shall carry out a program of challenge grants (as part of the grant program administered under section 932(a)(1)), not to exceed $40,000 each, in order to support projects to develop—

"(1) comprehensive plans for implementation of equity programs at every educational level;

"(2) innovative approaches to school-community partnerships;

"(3) new dissemination and replication strategies; and

"(4) other innovative approaches to achieving the purposes of this part.

"(b) For the purposes described in clauses (1) through (4) of subsection (a), the Secretary is authorized to make grants to public and private nonprofit agencies and to individuals.".

CRITERIA AND PRIORITIES

SEC. 405. Section 935 is amended—

(1) by inserting "separate" after "Secretary shall establish"; and

(2) by inserting "under sections 932(a)(1) and 932(a)(2)" after "priorities for awards".

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

SEC. 406. Section 936 is amended—

(1) by striking out "Office of Education" in subsection (a) and inserting in lieu thereof "Department of Education";

(2) by striking out paragraph (1) of such subsection and inserting in lieu thereof the following:

"(1) seventeen individuals, some of whom shall be students, and who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals, broadly representative of the general public and including (A) individuals who are experts in a wide range of issues of educational equity for women at all levels of education, including preschool, elementary and secondary education, higher education, vocational and adult education; (B) individuals who are representative of and expert in the educational needs of racial and ethnic minority women, older women, and disabled women; and (C) both women and men who have demonstrated commitment to and expertise in the purposes of this part;";

(3) by striking out "advise" and all that follows through "on matters" in subsection (c)(1) and inserting in lieu thereof "advise the Secretary and the Congress on matters";

(4) by inserting "selection of funding priorities and" before "allocation of any funds" in subsection (c)(2); and

(5) by striking out subsection (c)(3) and inserting in lieu thereof the following:

"(3) advise all Federal agencies which have education programs concerning those aspects of the programs which relate to the educational needs and opportunities of women;".

REPORT OF THE SECRETARY

SEC. 407. Section 937 is amended—

(1) by striking out the heading of such section and inserting in lieu thereof the following:

"REPORTS, EVALUATION, AND DISSEMINATION";

(2) by striking out ", 1980, 1982, and 1984" and inserting in lieu thereof "of each of the years 1985 through 1989";

(3) by striking out "shall evaluate" in the last sentence and inserting in lieu thereof "shall oversee the evaluation of";

(4) by striking out "include such evaluation" in such sentence and inserting in lieu thereof "report on such evaluation"; and

(5) by inserting "(a)" after "SEC. 937." and by adding at the end thereof the following new subsection:

"(b) The Office of Women's Educational Equity shall evaluate and disseminate (at low cost) all materials and programs developed under this part.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 408. Section 938 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 938. For the purpose of carrying out this part there are authorized to be appro-

priated $50,000,000 for fiscal year 1985 and each of the four succeeding fiscal years.".

TITLE V—AMENDMENTS TO TITLE XI OF THE EDUCATION AMENDMENTS OF 1978

SHORT TITLE; REFERENCE

SEC. 501. (a) This title may be cited as the "Indian Education Amendments of 1984".

(b) Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.).

STANDARDS

SEC. 502. (a) Section 1121(b)(2) is amended by adding at the end thereof the following: "Such standards shall include a requirement, developed in coordination with Indian tribes, the affected local school boards, the Indian Health Service of the Department of Health and Human Services, the State health departments, and the Federal Center for Disease Control, on immunization for childhood diseases, including provisions for in-school immunization, where necessary.".

(b) The first sentence of section 1121(d) is amended by striking out everything after "ill-conceived" and inserting in lieu thereof a period and the following: "The tribal governing body or designated school board shall thereafter submit to the Secretary a proposal for alternative standards that takes into account the specific needs of the tribe's children.".

(c) Section 1121(e) is amended—

(1) by inserting "(1)" after "(e)";

(2) by striking out the second sentence thereof; and

(3) by adding at the end thereof the following new paragraphs:

"(2) Within two years of the initial contract for the provision of educational services under Indian Self-Determination and Education Assistance Act each such school shall (A) be in compliance with the standards prescribed under subsection (a), or (B) have obtained accreditation, or be a candidate for accreditation, with one of the accrediting agencies recognized by the Secretary of Education or the State in which it is found.

"(3) Within one year of the date of enactment of this paragraph, the Bureau shall, through contract with a national Indian organization, establish uniform fiscal control and fund accounting procedures for all contract schools which yield data results comparable to those used by Bureau schools.".

(d) Section 1121(f) is amended by adding at the end thereof the following: "Failure to implement or meet such standards shall not serve as the basis for taking any personnel action against any individual if (1) the failure is related to inadequate resources (as determined under sections 1128 and 1129 of this title), and (2) the Secretary has not submitted the information required by this subsection and has not requested sufficient funds to cover the cost (as determined under such sections) of meeting such standards at the school concerned.".

(e) Section 1121 is further amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g)(1) Except as specifically required by statute, no school operated by the Bureau of Indian Affairs on January 1, 1984, may be closed or the program curtailed unless done according to the requirements of this subsection, except that in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, these provisions shall not apply.

"(2) The Secretary shall, by regulation, promulgate standards and procedures for the closing or consolidation of Bureau schools in accordance with the requirements of this subsection.

"(3) Such standards and procedures shall require that, whenever closure or consolidation of a school is under consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, designated local school board, and parents will be notified as soon as such consideration or review begins and kept fully and currently informed with respect to such consideration or review. Copies of any such notices and information shall be transmitted promptly to the Congress and published in the Federal Register.

"(4) Prior to ordering any such school closing or consolidation, the Secretary shall insure that a study is made of each Indian child's educational and (where applicable) social needs and that adequate alternative services are guaranteed. Such a study shall include a description of the consultation conducted between the potential service provider, current service provider, parents, tribal representative of the tribe involved, and the Director of the Bureau of Indian Affairs, Office of Indian Education Programs with regard to such child.

"(5) Prior to taking any action to close or consolidate any such school, the Secretary shall make a full report to Congress describing the plans made (including schedules and plans for follow-up studies on the students affected), and the study and consultations undertaken pursuant to paragraph (4) of this subsection. No action may be taken in furtherance of any such proposed school closing or consolidation (including any action which would prejudice the personnel or programs of such school) until the end of the academic year following the academic year in which such report is made.".

SCHOOL BOUNDARIES

SEC. 503. Section 1124 is amended to read as follows:

"SCHOOL BOUNDARIES

"SEC. 1124. (a) The Secretary shall, in accordance with this section, establish separate geographical attendance areas for each Bureau school.

"(b) No attendance area shall be established with respect to any such school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been given one year from the date of enactment of the Indian Education Amendments of 1984 to propose such boundaries. Such proposed boundaries shall be accepted unless the Secretary finds, after consultation with such body or board, that such boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the programs affected.

"(c) In any case where there is only one Bureau operated program located on an Indian reservation, the attendance areafor the program shall be the boundaries of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(d) In any case where more than one school operated by the Secretary is located on an Indian reservation, the attendance areas established under this section—

"(1) in the case of nonresidential programs, shall not overlap and shall, together, cover the entirety of such reservation;

"(2) shall be established after due consideration of relevant transportation costs;

"(3) shall, to the greatest extent possible, permit a student to continue his or her education at a single school; and

"(4) with respect to dormitory programs, may be established to cover a nonexclusive area, as required by reason of such factors as social or educational need or isolation, or both.

"(e) In establishing school attendance areas under this section, the Secretary shall, in the following order—

"(1) determine attendance areas for Bureau operated programs with respect to the entire geographic area where potential students reside, considering the factors in subsection (a) and the specific educational needs of the students to be served, taking into account the wishes of the tribal governing body and local school boards concerned;

"(2) coordinate such attendance areas with those determined by schools funded under contract with the Bureau;

"(3) preserve current or historical service patterns, to the greatest extent possible; and

"(4) coordinate such school attendance areas with the school attendance areas of public schools in the vicinity, but such public school attendance areas shall not be regarded as exclusive where historical service patterns and current social, educational, or geographic (including transportation) factors show that Indian students will benefit by Bureau programs, taking into account the wishes of the tribal governing body and local school boards concerned.

"(f) In no case shall the Secretary regard a public school attendance area as being exclusive if the Secretary determines, on the basis of past practices or reasonable evidence concerning future practices, that a local school district is unable or unwilling to provide full and equal service (as provided to all of its students for all activities) throughout the year or to provide programs that meet students' particular needs.

"(g) With respect to multitribal boarding schools located off reservation, the Secretary shall establish nonexclusive major attendance areas. The Secretary may also establish by regulation supplemental attendance criteria based on special programs or services which exceed the basic academic programs. The Secretary shall provide procedures for recognizing and respecting parental choice concerning the special educational or social needs for students residing outside such areas, to the extent consistent with the best interest of the student. In those instances where a tribe requests attendance for a student residing outside the major attendance areas, the Secretary shall honor such request.".

BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS

SEC. 504. (a) Section 1126(a) is amended by adding at the end thereof the following: "The Director of the Office (whether permanent or acting) shall report directly and solely to the Assistant Secretary for Indian Affairs".

(b) Section 1126(b) is amended by striking the second sentence and inserting in lieu thereof the following: "All contract functions relating to education (including those pursuant to the Indian Self-Determination and Education Assistance Act) shall be su-

pervised and directed by the Director of the Office.".

(c) Section 1126(b) is further amended by striking out "Nothing" in the last sentence and inserting in lieu thereof: "Subject to the provisions in subsection (c), nothing".

(d) Section 1126(c) is amended by striking out "and" at the end of paragraph (1), and by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) provide all services and support functions for education programs—

"(A) with respect to procurement actions of $25,000 or less; and

"(B) with respect to personnel matters involving staffing actions and functions, and

"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum.".

(e) Section 1126 is further amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Office shall be responsible for—

"(A) planning for school facilities to be constructed under the system required by section 1125(c); and

"(B) establishing a system for prioritizing projects and developing an annual plan for the improvement and repair of education facilities, which together shall form the basis for the distribution of appropriated funds.

"(2) The Director of the Office shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include, but not be limited to—

"(A) a method of computing the amount necessary for each education facility;

"(B) similar treatment of all Bureau and contract schools; and

"(C) the allocation of appropriated funds from the Director of the Office directly to the agency superintendents for education, or to the area education program administrators in the case of multitribal boarding schools located off reservation.

The agency superintendents for education, or the area education program administrator in the case of multitribal boarding schools located off reservation, shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made in this regard by the agency superintendents for education and by the area education program administrators, except that no funds from this program may be expended or transferred by an agency superintendent for education or by an area education program administrator unless he is assured that the necessary maintenance has been, or will be, provided in a reasonable manner. Subject to the requirements of subsection (b) of this section, nothing in this Act shall be construed to require the provision of separate operations and maintenance personnel for the Office.

"(3) The Director of the Office shall have control over all Bureau education facilities, including local Bureau housing constructed for the purpose of housing Bureau personnel at the school site.

"(4) The requirements of this subsection shall be implemented within 270 days following the date of enactment of the Indian Education Amendments of 1984.".

ALLOTMENT FORMULA

SEC. 505. (a) Section 1128(a)(2) is amended—

(1) by striking out subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (D); and

(3) by adding at the end thereof the following new subparagraphs:

"(E) special transportation and other costs of isolated and small schools;

"(F) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated local school board;

"(G) costs associated with greater lengths of service by educational personnel;

"(H) special programs for gifted and talented students; and

"(I) costs associated with operating education and recreational programs on a 12-month basis.".

(b) Section 1128(c) is amended by inserting "(1)" after "(c)", redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by adding at the end thereof the following:

"(2) All Bureau and contract schools receiving funds under this section shall receive an equal amount as an allowance for local school board training and activities including, notwithstanding any other provision of law, meeting expenses and the cost of membership in or support of organizations engaged in activities on behalf of Indian education.

"(3) The Secretary shall, subject to appropriations, provide to all contract schools an amount for administrative and indirect costs which is at least equal to the amount which would be expended by the Secretary if such school were directly operated by the Secretary. The Secretary shall take such actions as are necessary to provide contract schools with the full amount as determined by this paragraph without reducing funds available under subsection (a) of this section.".

(c) Section 1128 is further amended by adding at the end thereof the following new subsection:

"(e) The Director of the Office shall establish a separate fund from which monetary awards and quality step increases for employees shall be paid. Such payments shall not affect school allotments under this section.".

UNIFORM DIRECT FUNDING

SEC. 506. (a) Section 1129(a) is amended—

(1) by striking out "section 1128," and all that follows in the second sentence and inserting in lieu thereof "section 1128.";

(2) by inserting "(1)" after "(a)" and adding at the end thereof the following:

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by this section, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which they are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year. In order to effect a transition to the forward funding method of distribution described in the preceding sentence, there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations for such allotments, the first of which shall not be subject to the preceding sentence.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, on July 1 preceding the fiscal year for which the funds are appropriated, allotments to each affected school made under this section of 85 percent of such appropriation; and

"(ii) publish, no later than September 30 of such preceding fiscal year, the allotments to be made under this section of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.

"(3) Notwithstanding any law or regulation governing procurement by Federal agencies, the supervisor of each school receiving funds under this section shall, subject to school board approval, have the authority to expend no more than 10 percent of the funds allotted by this section to procure supplies and equipment, with or without competitive bidding.".

(b) Section 1129(c) is amended by inserting at the end thereof the following: "The Secretary shall institute a program for funding tribal divisions of education and the development of tribal codes of education.".

APPEALS FROM ACTIONS OF SCHOOL BOARDS

SEC. 507. (a) Section 1129(b) is amended by striking out the last sentence and inserting in lieu thereof the following: "The supervisor of the school may appeal any such action of the local school board to the superintendent for education of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the action of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.".

(b) Section 1131(d) is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2)(A) The supervisor of a school may appeal to the appropriate agency superintendent for education any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the determination of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

"(B) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to re-

spond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.

"(3) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.".

MANAGEMENT INFORMATION SYSTEM

SEC. 508. Section 1132 is amended—

(1) by striking out "the Bureau," and inserting in lieu thereof "the Office,";

(2) by striking out "this Act" and inserting in lieu thereof "the Indian Education Amendments of 1984"; and

(3) by striking out "to all agency and area offices of the Bureau and".

AUDITS

SEC. 509. Section 1136 is amended by inserting "(a)" after "SEC. 1136." and by adding at the end thereof the following new subsection:

"(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of the Bureau, the Office, and each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1129.".

REGULATIONS

SEC. 510. Section 1138 is amended by adding at the end thereof the following: "Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.".

VOLUNTARY SERVICES

SEC. 511. Title XI of the Education Amendments of 1978 is further amended by adding after section 1139 the following new section:

"VOLUNTARY SERVICES

"SEC. 1140. Notwithstanding section 1342 of title 31, United States Code, an officer or employee of the Bureau or the Office may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau and contract schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.".

EMPLOYEE BENEFITS

SEC. 512. Title XI of the Education Amendments of 1978 is further amended by adding after section 1140 the following new sections:

"PRORATION OF PAY

"SEC. 1141. (a) Notwithstanding any other provision of law, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school-year over the entire twelve month period. Each educator employed for the academic school-year shall annually elect to be paid on a twelve month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits because of such election.

"(b) During the course of such year the employee may change election once.

"(c) That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

"(d) For the purposes of this section the terms 'educator' and 'education position' have the meaning contained in section 1131(n)(1) and (n)(2) of this title. This section applies to those individuals employed under the provisions of section 1131 of this title or title 5, United States Code.

"EXTRACURRICULAR ACTIVITIES

"SEC. 1142. (a) Notwithstanding any other provision of law, the Secretary shall provide a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(b) The amount of such stipends shall be determined at the area level.

"(c) If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5, United States Code, shall apply.

"(d) This section applies to all Bureau employees, whether employed under section 1131 of this title or title 5, United States Code.

"HOUSING

"SEC. 1143. (a) The Secretary shall continue to apply rental rates for employee housing in accordance with all applicable laws and regulations. Proceeds from rental receipts shall be used for the improvement and repair of employee quarters.

"(b) Notwithstanding any other provision of law, the agency superintendent for education, or for boarding schools located off-reservation the area education program administrator, shall have the authority to waive up to 90 percent of the rental rate for educators on school-wide basis to aid the school in recruiting and retaining educators. Decisions on rent waivers will be made after consultation with the appropriate level school board and the employees. Such superintendent's or administrator's decision (as the case may be) on the need for this assistance in recruitment and retention is final and not reviewable.

"(c) During periods when schools are not in session and educators have been placed in non-pay status, all rents paid by those educators shall be waived.

"(d) For the purposes of this section the term 'educator' has the meaning contained in section 1131(n)(1) of this title. This section applies to those individuals employed under both the provisions of section 1131 of this title and title 5, United States Code.".

EXTENSIONS OF AUTHORIZATION OF OTHER INDIAN EDUCATION PROGRAMS

SEC. 513. (a)(1) Section 302(b) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241aa(b)) is amended by striking out "entitled to" and inserting in lieu thereof "eligible to receive".

(2) Section 303(a)(1) of such Act is amended by striking out "For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to October 1, 1983," and inserting in lieu thereof "For any fiscal year ending prior to October 1, 1989,".

(3) Section 303(a)(2)(A) of such Act is amended to read as follows:

"(2)(A) From the sums appropriated under section 307(a) for any fiscal year, the Secretary shall allocate to each local educational agency which has an application approved under this title an amount which bears the same ratio to such sums as the product of (i) the number of eligible Indian children (as determined under paragraph (1)), multiplied by (ii) the average per pupil expenditure per agency (as determined under subparagraph (c)), bears to the sum of such products for all such local educational agencies.".

(4) Section 303(a)(2)(B) of such Act is amended by striking out "entitled to receive" and inserting in lieu thereof "eligible to receive".

(5) Section 303 of such Act is further amended—

(A) by inserting "(1)" after "(b)" in subsection (b);

(B) by striking out "on the basis of entitlements computed" each place it appears in subsections (b) and (c); and

(C) by striking out all after "financial assistance" in subsection (b) and inserting in lieu thereof the following:

"in accordance with the provisions of this title to schools which—

"(A) are located on or near reservations; and

"(B)(i) are not local educational agencies; or

"(ii) have not been local educational agencies for more than three years.

"(2) The requirements of clause (A) of paragraph (1) shall not apply to any school serving Indian children in California or Oklahoma.".

(6) Section 305(b)(2)(B)(ii) of such Act is amended by inserting "written" before "approval of a committee".

(7) Section 307 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS; ADJUSTMENTS

"SEC. 307. (a) For the purpose of making payments under this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years ending prior to October 1, 1989.

"(b) The Secretary may reallocate, in such manner as will best assist in advancing the purposes of this title, any amount which the Secretary determines, based upon estimates made by local educational agencies, will not be needed by any such agency to carry out its approved project.".

(8) Such Act is further amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary".

(b)(1) Sections 422(c), 423(a), and 442(a) of the Indian Education Act (20 U.S.C. 3385a(c), 3385b(a), 1221g(a)) are each amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1989".

(2) Section 423(a) of such Act is amended—

(A) by striking out "not to exceed two hundred" in the first sentence;

(B) by inserting "psychology," after "medicine," in the second sentence; and

(C) by striking out the last sentence and inserting in lieu thereof the following: "The Commissioner may, if a fellowship is vacated prior to the end of the period for which it was awarded, award an additional fellowship for the remainder of such period.".

(c) Section 1005(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3385(g)) is amended by striking out "October 1, 1983" each place it appears and inserting in lieu thereof "October 1, 1989".

(d) Section 316(e) of the Adult Education Act (20 U.S.C. 1211a(e)) is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1989".

TITLE VI—AMENDMENTS TO THE ASBESTOS SCHOOL HAZARD DETECTION AND CONTROL ACT OF 1980

GENERAL EXTENSION OF AUTHORIZATION

SEC. 601. (a) Section 5(a)(1)(A) of the Asbestos School Hazard Detection and Control Act of 1980 (20 U.S.C. 3604(a)(1)(A)) is amended by striking out the last sentence.

(b) Section 12(a)(1)(A) of such Act is amended by striking out "the succeeding fiscal year" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to October 1, 1989".

(c) Section 12(a)(1)(B) of such Act is amended by striking out "the fiscal year ending September 30, 1982" and inserting in lieu thereof "each of the fiscal years ending prior to October 1, 1989".

(d) Section 12(a)(2) of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "the end of the fiscal year following the fiscal year for which appropriated".

(e)(1) Section 6(b)(1) of such Act is amended by striking out "except as otherwise provided under paragraph (5)".

(2) Section 6(c)(1) of such Act is amended by striking out ", within the two-year period beginning on the effective date of this Act".

TITLE VII—EMERGENCY IMMIGRANT EDUCATION ASSISTANCE

SHORT TITLE

SEC. 701. This title may be cited as the "Emergency Immigrant Education Act of 1984".

DEFINITIONS

SEC. 702. As used in this title—

(1) The term "immigrant children" means children who were not born in any State and who have been attending schools in any one or more States for less than three complete academic years.

(2) The terms "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given such terms under section 198(a) of the Elementary and Secondary Education Act of 1965.

(3) The term "elementary or secondary nonpublic schools" means schools which comply with the applicable compulsory attendance laws of the State and which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(4) The term "Secretary" means the Secretary of Education.

AUTHORIZATIONS AND ALLOCATION OF APPROPRIATIONS

SEC. 703. (a) There are authorized to be appropriated for fiscal year 1985 and each of the four succeeding fiscal years such sums as may be necessary to make payments to which State educational agencies are entitled under this title and payments for administration under section 704.

(b)(1) If the sums appropriated for any fiscal year to make payments to States under this title are not sufficient to pay in full the sum of the amounts which State educational agencies are entitled to receive under this title for such year, the allocations to State educational agencies shall be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amounts so appropriated.

(2) In the event that funds become available for making payments under this title for any period after allocations have been made under paragraph (1) of this subsection for such period, the amounts reduced under such paragraph shall be increased on the same basis as they were reduced.

STATE ADMINISTRATIVE COSTS

SEC. 704. The Secretary is authorized to pay to each State educational agency amounts equal to the amounts expended by it for the proper and efficient administration of its functions under this title, except that the total of such payments for any period shall not exceed 1.5 per centum of the amounts which that State educational agency is entitled to receive for that period under this title.

WITHHOLDING

SEC. 705. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirements of any provision of this title, the Secretary shall notify that agency that further payments will not be made to the agency under this title, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this title to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this title, or payments by the State educational agency under this title shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

STATE ENTITLEMENTS

SEC. 706. (a) The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1985, 1986, 1987, 1988, and 1989 for the purpose set forth in section 707.

(b)(1) Except as provided in paragraph (3) and in subsections (c) and (d) of this section, the amount of the grant to which a State educational agency is entitled under this title shall be equal to the product of (A) the number of immigrant children enrolled during such fiscal year in elementary and secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, and in any elementary or secondary nonpublic school within the district served by each such local educational agency, multiplied by (B) $500.

(2) The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this title, is equal to—

(A) at least five hundred; or

(B) at least 3 per centum of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever number is less.

(3)(A) The amount of the grant of any State educational agency for any fiscal year as determined under paragraph (1) shall be reduced by the amounts made available for such fiscal year under any other Federal law for expenditure within the State for the same purpose as those for which funds are available under this title, but such reduction shall be made only to the extent that (i) such amounts are made available for such purpose specifically because of the refugee, parolee, asylee, or other immigrant status of the individuals served by such funds, and (ii) such amounts are made available to provide assistance to individuals eligible for services under this title.

(B) No reduction of a grant under this title shall be made under subparagraph (A) for any fiscal year if a reduction is made, pursuant to a comparable provision in any such other Federal law, in the amount made available for expenditure in the State for such fiscal year under such other Federal law, based on the amount assumed to be available under this title.

(c)(1) Determinations by the Secretary under this section for any period with respect to the number of immigrant children shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

(2) No such determination with respect to the number of immigrant children shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

(d) Whenever the Secretary determines that any amount of a payment made to a State under this title for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

USES OF FUNDS

SEC. 707. (a) Payments made under this title to any State may be used in accordance with applications approved under section 708 for supplementary educational services and costs, as described under subsection (b) of this section, for immigrant children enrolled in the elementary and secondary public schools under the jurisdiction of the local educational agencies of the State described in section 706(b)(2) and in elementary and secondary nonpublic schools of that

State within the districts served by such agencies.

(b) Financial assistance provided under this title shall be available to meet the costs of providing immigrant children supplementary educational services, including but not limited to—

(1) supplementary educational services necessary to enable those children to achieve a satisfactory level of performance, including—

(A) English language instruction;

(B) other bilingual educational services; and

(C) special materials and supplies;

(2) additional basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(3) essential inservice training for personnel who will be providing instruction described in either paragraph (1) or (2) of this subsection.

APPLICATIONS

SEC. 708. (a) No State educational agency shall be entitled to any payment under this title for any period unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

(1) provide that the educational programs, services, and activities for which payments under this title are made will be administered by or under the supervision of the agency;

(2) provide assurances that payments under this title will be used for purposes set forth in section 707;

(3) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of children counted with respect to such local educational agency under section 706(b)(1), adjusted to reflect any reductions imposed pursuant to section 706(b)(3) which are attributable to such local educational agency;

(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this title without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

(5) provide for making such reports as the Secretary may reasonably require to perform the functions under this title; and

(6) provide assurances—

(A) that to the extent consistent with the number of immigrant children enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children;

(B) that the control of funds provided under this title and the title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property; and

(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds.

(b) The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educational agency except after reasonable notice and opportunity for a hearing on the record to such agency.

PAYMENTS

SEC. 709. (a) Except as provided in section 703(b), the Secretary shall pay to each State educational agency having an application approved under section 708 the amount which that State is entitled to receive under this title.

(b) If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 708(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this title. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

TITLE VIII—GENERAL ADMINISTRATION AND ORGANIZATION

AMENDMENTS TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT

SEC. 801. (a) Section 204 of the Department of Education Organization Act (20 U.S.C. 3418) is amended by adding at the end thereof the following new sentence: "There shall be within the Office of Elementary and Secondary Education and directly under the supervision of the Assistant Secretary for Elementary and Secondary Education, an Office of Migrant Education, which shall be responsible for the administration of programs established by subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 and by subpart 5 of part A of title IV of the Higher Education Act of 1965.".

(b) Section 204 of the Department of Education Organization Act is further amended by adding at the end thereof the following new sentence: "There shall be within the Office of Elementary and Secondary Education and directly under the supervision of the Assistant Secretary for Elementary and Secondary Education, an Office of Equity Training and Technical Assistance, which shall be responsible for the administration of programs established by sections 403, 404, 405, and 406 of the Civil Rights Act of 1964.".

(c) Section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by adding at the end thereof the following new sentence: "There shall be within the Office of Educational Research and Improvement and directly under the supervision of the Assistant Secretary for Educational Research and Improvement, an Office of Women's Educational Equity, which shall be responsible for the administration of programs established by part C of title IX of the Elementary and Secondary Education Act of 1965.".

(d) For the purposes of section 413(a) of the Department of Education Organization Act (20 U.S.C. 3473), the Office of Migrant Education, the Office of Equity Training and Technical Assistance, and the Office of Women's Educational Equity shall be considered to be organizational entities established by such Act and shall not be subject to the reorganizational authority of the Secretary of Education under that section or any other provision of law.

EXTENSION OF AUTHORIZATIONS UNDER THE GENERAL EDUCATION PROVISIONS ACT

SEC. 802. (a) Section 405(k)(7) of the General Education Provisions Act (20 U.S.C. 1221e(k)(7)) is amended by striking out "$10,500,000 for each fiscal year ending prior to October 1, 1983" and inserting in lieu thereof "$11,000,000 for fiscal year 1985, and $10,800,000 for each succeeding fiscal year ending prior to October 1, 1989".

(b) Section 406(g) of such Act (20 U.S.C. 1221-1(g)) is amended by striking out "October 1, 1983" each place it appears and inserting in lieu thereof "October 1, 1989".

NATIONAL INSTITUTE OF EDUCATION

SEC. 803. (a) Section 405(k)(1) of the General Education Provisions Act (20 U.S.C. 1221e(k)(1)) is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and", and by inserting after such subparagraph the following:

"(E) with respect to each State which voluntarily participates in accordance with paragraph (5), provide for a statement of information collected by the National Assessment for each such State.".

(b) Section 405(k)(3) of such Act is amended by adding at the end thereof the following: "The appropriateness of all cognitive, background, and attitude items developed as part of the National Assessment shall be the responsibility of the Assessment Policy Committee. Such items shall not be subject to review or approval by either the Department of Education or the Office of Management and Budget.".

COLLECTION OF DATA

SEC. 804. (a) Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is further amended by adding at the end thereof the following new subsection:

"(l) For purposes of this section, the terms 'United States' and 'State' include the District of Columbia and Puerto Rico.".

(b) Section 406 of such Act (20 U.S.C. 1221-1) is amended by adding at the end thereof the following new subsection:

"(j) For purposes of this section, the terms 'United States' and 'State' include the District of Columbia and Puerto Rico.".

ANNUAL EVALUATION REPORTS

SEC. 805. Section 417(a) of the General Education Provisions Act (20 U.S.C. 1226c(a)) is amended by striking out "November 1" and inserting in lieu thereof "December 31".

VOLUNTARY SILENT PRAYER

SEC. 806. Part B of the General Education Provisions Act is amended by inserting after section 420 (20 U.S.C. 1228) the following new section:

"VOLUNTARY SILENT PRAYER

"SEC. 420A. No State or local educational agency shall deny individuals in public schools the opportunity to participate in moments of silent prayer. Neither the United States nor any State or local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools."

CONFLICT-OF-INTEREST

SEC. 807. (a) Section 435(b) of the General Education Provisions Act (20 U.S.C. 1232d(b)) is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by inserting after such paragraph the following new paragraph:

"(8) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.".

(b) Section 436(b) of the General Education Provisions Act (20 U.S.C. 1232e(b)) is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(3) by inserting after such paragraph the following new paragraph:

"(9) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.".

COMPLIANCE PROCEDURES

SEC. 808. (a)(1) Subsection (a) of section 452 of the General Education Provisions Act (20 U.S.C. 1234a) is amended by inserting at the end thereof the following new sentence: "If no fraud is involved, the Secretary may seek recovery of funds paid to a State or local educational agency in those final audit determinations pending on or made after the date of enactment of this sentence only if the disputed expenditures do not comply substantially with the law.".

(2) Subsection (b) of such section is amended to read as follows:

"(b)(1) A State or a local educational agency that has received written notice of a final audit determination and that desires to have such determination reviewed by the Board shall submit to the Board an application for review not later than thirty days after receipt of notification of the final audit determination. The application for review shall be in the form and contain the information specified by the Board.

"(2) The Board shall return to the Secretary for such action as he deems appropriate (A) any final audit determination which, in the judgment of the Board, contains insufficient detail to identify with particularity those expenditures which are not allowable, and (B) any such audit determination for which the Secretary has not established a prima facie case by introduction of evidence in support of the final audit determination. Failure by a State or local educational agency to maintain adequate records pertaining to expenditures that the agency is required to maintain, or failure by a State or local education agency to allow the Secretary access to such records, shall constitute a prima facie case.

"(3) Unless the Board returns a final audit determination to the Secretary pursuant to clause (A) or (B) of paragraph (2), the burden of going forward shall be upon the State or local educational agency. The ultimate burden of proof to sustain the case by a preponderance of the evidence shall be upon the Secretary.

"(4) In all final audit determinations pending before the Board on, or brought before the Board after, the date of enactment of this paragraph, discovery shall be available to all parties in accordance with the procedures provided under Rules 26, 28 through 34, and 36 of the Rules of Civil Procedure of the United States district courts. The period for the conduct of discovery shall not exceed six months (commencing on the date on which a panel of Board members is designated to conduct the review), except that such period may be extended for an additional three months if the Board, in its discretion, determines that exceptional circumstances warrant such an extension. At the request of any party, the Board may establish a specific schedule for the conduct of discovery (subject to the limitations contained in the preceding sentence).".

(3) Subsection (f) of such section is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Whenever a disputed expenditure of a subgrantee is considered under paragraph (1), the subgrantee shall be a party to any such action of the Secretary.".

(4) In any final audit determination pending before the Secretary of Education or the Education Appeals Board on or made after the date of enactment of this Act pursuant to section 452 of the General Education Provisions Act (20 U.S.C. 1234b), the provisions of sections 122(a)(1) and 132 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2732(a)(1), 2752) shall be considered to apply with respect to expenditures made before October 1, 1978, in the same manner that such provisions apply to expenditures made on or after that date, without regard to the provisions of subsections (b)(2), (e), and (f) of section 131 of such Act (20 U.S.C. 2751) requiring that certain determinations be made in advance.

(b) Section 453 of such Act (20 U.S.C. 1234b) is amended by adding at the end thereof the following new subsection:

"(e)(1) With respect to chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801 et seq.), the Secretary may suspend the initiation or continuation of his withholding action under this section during any period there is in effect a compliance agreement with the State or local educational agency under this subsection. Such an agreement shall be deemed to be in effect for the period specified therein, except that if the State or local educational agency fails to comply with the terms agreed to, such an agreement shall no longer be in effect and such withholding under this section shall be resumed. In implementing this section, the Secretary shall take into account any partial compliance by such agency under such agreement.

"(2) For the purpose of this subsection, the term 'compliance agreement', means an agreement which—

"(A) sets forth the terms and conditions to which the State or local educational agency has agreed in order to comply with the requirements of the applicable statute and regulations promulgated thereunder;

"(B) addresses all the matters that formed the basis for the initiation of the withholding action by the Secretary; and

"(C) may consist of a series of agreements that in the aggregate dispose of all such matters.

"(3) In any case in which a State or local educational agency desires to enter into a compliance agreement, but alleges that full compliance with the requirements of the applicable statute or regulations promulgated thereunder is genuinely not feasible until a later date, the Secretary shall hold a hearing at which that agency shall have the burden of demonstrating that immediate compliance is not feasible. The Secretary shall provide an opportunity for parents, their representatives, and other interested parties to participate in that hearing. If the Secretary determines, on the basis of all the evidence presented, that immediate compliance is genuinely not feasible, the Secretary shall make written findings to that effect before entering into such a compliance agreement with that State or local educational agency.

"(4) A compliance agreement under this subsection shall not be exempt from disclosure under any provision of section 552 of title 5, United States Code. Within fifteen days after the execution of any compliance agreement under this subsection, the Secretary shall send a copy thereof to each organization or person who filed a complaint with respect to any failure to comply which is covered by that agreement.".

(c) Section 456(a) of such Act (20 U.S.C. 1234e(a)) is amended—

(1) by striking out "program, he may consider" and inserting in lieu thereof "program and if no fraud is involved, he shall consider";

(2) by striking out "may arrange" and inserting in lieu thereof "shall arrange"; and

(3) by striking out "not to exceed 75 percent" and inserting in lieu thereof "at least 75 percent".

(d) Such Act is further amended by adding at the end thereof the following new section:

"STATE COMPLIANCE AGREEMENTS

"SEC. 457. (a) In addition to other enforcement methods that may be available to States, a State educational agency may enter into a compliance agreement with a local educational agency if the State finds that the local educational agency has violated assurances contained in such agency's application or the requirements of the applicable statute or regulation under which a grant was accepted from the Secretary. Such an agreement shall be deemed to be in effect for the period specified therein.

"(b) For purposes of this section, the term 'compliance agreement' means an agreement which—

"(1) sets forth the terms and conditions to which the local educational agency has agreed in order to comply with the assurances contained in such agency's application or the requirements of the applicable statute or regulation promulgated thereunder, and with the applicable rules, regulations, procedures, guidelines, criteria or other requirements adopted by the State educational agency; and

"(2) may consist of a series of agreements that in the aggregate dispose of all such matters.

"(c) Within fifteen days after the execution of any compliance agreement, the State educational agency shall send a copy thereof to each organization or person who filed a

complaint with respect to any failure to comply which is covered by that agreement.".

STUDENT FINANCIAL ASSISTANCE TECHNICAL AMENDMENTS ACT OF 1982

SEC. 809. The Student Financial Assistance Technical Amendments Act of 1982 is amended—

(1) in section 3(a), by striking out "and 1984-1985" and inserting in lieu thereof ", 1984-1985, and 1985-1986";

(2) in section 3(b), by striking out "year 1984-1985" and inserting in lieu thereof "years 1984-1985 and 1985-1986";

(3) by striking out "and 1985-1986" each place it appears in sections 4, 5(a), 5(b)(1), 5(c), and 6 and inserting in lieu thereof ", 1985-1986, and 1986-1987";

(4) in section 5(b)(2), by striking out "and" at the end of clause (A), by striking out the period at the end of clause (B) and inserting in lieu thereof "; and", and by inserting after clause (B) the following new clause:

"(C) for the period from October 1, 1983, through September 30, 1984, and the arithmetic mean of such index for the period from October 1, 1984, through September 30, 1985, in the case of academic year 1986-1987.";

(5) in section 5(b)(3), by striking out "and immediately" and inserting in lieu thereof ", immediately" and by inserting before the period at the end thereof a comma and the following: "and immediately after such publication for September 1985 (with respect to academic year 1986-1987)";

(6) in section 5(d), by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and", and by inserting after such paragraph the following new paragraph:

"(3) not later than April 1, 1985, for academic year 1986-1987.";

(7) in section 9(a), by inserting "and from July 1, 1986, through June 30, 1987," after "June 30, 1986,"; and

(8) in section 9(c), by striking out "and" at the end of paragraph (2), by striking out the comma at the end of paragraph (3) and inserting in lieu thereof "; and", and by inserting after such paragraph the following new paragraph:

"(4) April 1, 1986, for the period of instruction from July 1, 1986, through June 30, 1987,".

EFFECTIVE DATE AMENDMENT

SEC. 810. Section 25(b) of Public Law 98-211 (97 Stat. 1419) is amended by striking out "June 30, 1983" and inserting in lieu thereof "June 30, 1984".

EDUCATION AMENDMENTS OF 1978: ASSISTANCE TO TERRITORIES

SEC. 811. Sections 1524 and 1525 of the Education Amendments of 1978 are each amended by striking out "1979" and inserting in lieu thereof "1985".

CONTRACT AUTHORITY

SEC. 812. Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

EFFECTIVE DATE

SEC. 813. This Act and the amendments made by this Act shall take effect on the date of enactment of this Act or October 1, 1984, whichever occurs later.

TITLE IX—ADDITIONAL LIMITATIONS ON APPROPRIATIONS FOR FISCAL YEAR 1985

AUTHORIZATION AMOUNTS

SEC. 901. (a) Notwithstanding any provision of this Act (including any amendment made by this Act), or any provision of law amended by this Act, no funds are authorized to be appropriated in excess of the limitations imposed upon appropriations by the provisions of subsection (b) of this section.

(b) The total amount of appropriations for fiscal year 1985 shall not exceed—

(1) $140,000,000 to carry out the Adult Education Act (20 U.S.C. 1201 et seq.);

(2) $176,000,000 to carry out the Bilingual Education Act (20 U.S.C. 3221 et seq.);

(3) $780,000,000 to carry out the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) and the Act of September 23, 1950 (Public Law 815, Eighty-first Congress);

(4) $28,000,000 to carry out the Women's Educational Equity Act of 1978 (20 U.S.C. 3341 et seq.);

(5) $70,000,000 to carry out the Emergency Immigrant Education Act of 1984 (as created by title VII of this Act);

(6) $8,000,000 to carry out section 405(k) of the General Education Provisions Act (20 U.S.C. 1221e);

(7) $12,000,000 to carry out section 406 of the General Education Provisions Act (20 U.S.C. 1221-1);

(8) $5,000,000 to carry out sections 1524 and 1525 of the Education Amendments of 1978; and

(9) such sums as may be necessary to carry out the Asbestos School Hazard Detection and Control Act of 1980 (20 U.S.C. 3601 et seq.).

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. PERKINS].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 11) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2496

Mr. PERKINS. Mr. Speaker, pursuant to House Resolution 550, I move that the House insist on its amendment to the Senate bill, S. 2496, and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. PERKINS].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. PERKINS, FORD of Michigan, ANDREWS of North Carolina, MILLER of California, CORRADA, KILDEE, WILLIAMS of Montana, HAWKINS, BIAGGI, BOUCHER, and ACKERMAN, Mrs. BURTON of California, Messrs. HAYES, ERLENBORN, GOODLING, and PACKARD, Mrs. ROUKEMA, and Messrs. GUNDERSON, BARTLETT, NIELSON of Utah, CHANDLER, and TAUKE.

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 2496

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that, in the engrossment of the House amendment to the bill, S. 2496, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT FRIDAY, JULY 27, 1984, TO FILE PRIVILEGED REPORT ON SUPPLEMENTAL APPROPRIATIONS BILL, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow, Friday, July 27, to file a privileged report on a bill making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. CONTE. Mr. Speaker, reserving the right to object, I do not intend to object but I have been asked by the leadership on this side to ask the chairman of the committee whether he has any idea when we are going to take up the supplemental in the House?

Mr. WHITTEN. If the gentleman will yield, insofar as I am concerned, I expect to file a report and promptly make a request of the Rules Committee for such rule as may seem appropriate. At that time it would be up to the leadership. I would hope that we would get it up not later than Wednesday, right after we have HHS.

Mr. CONTE. Mr. Speaker, I withdraw my reservation of objection, and I reserve all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REPORT ON H.R. 6028, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1985

Mr. NATCHER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-911) on the bill (H.R. 6028) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1985, which was referred to the Union Calendar and ordered to be printed.

Mr. CONTE reserved all points of order on the bill.

PERSONAL EXPLANATION

Mr. CAMPBELL. Mr. Speaker, I was delayed in returning to Washington today. Had I been present, I would have voted "aye" on rollcalls 319, 320, and 321.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5921, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 98-912) on the resolution (H. Res. 556) waiving certain points of order against consideration of the bill (H.R. 5921) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5973, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 98-913) on the resolution (H. Res. 557) waiving certain points of order against consideration of the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TRADE REMEDIES REFORM ACT OF 1984

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 504 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 504

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4784) to reform the remedies available to United States producers regarding unfair competition, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1750

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 504 is a modified closed rule providing for the consideration of H.R. 4784, the Trade Remedies Act of 1984.

Since H.R. 4784 is a complicated and intricate trade bill, the Committee on Rules granted the request of the Committee on Ways and Means and reported a modified closed rule which permits only committee amendments which are not subject to amendment. While there may be opposition to parts of the bill, or to the bill itself, it was the judgment of the Committee on Rules that to open the Trade Act of 1930 to amendment from the floor would be unwise.

This bill is the result of nearly a year and a half of effort on the part of the Subcommittee on Trade and the full Ways and Means Committee, and its provisions represent a delicately crafted compromise between a number of competing trade interests and viewpoints. The Committee on Rules, therefore, has reported this modified closed rule and recommends to the full House that this should be the procedure under which this trade bill is considered.

The rule also provides for 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and that the bill shall be considered as having been read for amendment under the 5-minute rule. Further, the rule provides for one motion to recommit.

Mr. Speaker, H.R. 4784 addresses a critical problem facing our Nation today: that of unfair trade practices by our foreign trading partners. The bill reflects the view of many American industries and many American workers that our current laws are inadequate to provide protection against a whole new array of subsidies and dumping practices by foreign governments and exporters. The bill is primarily designed to address four foreign trading practices that impact adversely on American industry and American workers through a significant expansion of the scope of the countervailing and antidumping tariff laws.

Mr. Speaker, H.R. 4784 is a complicated bill, but it is one that is worthy of consideration by the full House. I urge my colleagues to adopt this rule in order that the House may have an opportunity to adopt or reject the proposals of the Committee on Ways and Means on this most critical issue.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listened very carefully to the statement just made by the gentleman from Texas [Mr. FROST], and I find nothing wrong with it.

Mr. Speaker, under this rule there will be 2 hours of general debate on the Trade Remedies Reform Act. No amendments can be offered, expect amendments recommended by the Ways and Means Committee, which will not be subject to amendment.

Mr. Speaker, the bill made in order by this rule modifies the remedies available to U.S. producers regarding unfair import competition.

H.R. 4784 clarifies and expands the scope of the law to cover newer forms of unfair trade practices, such as foreign industrial targeting, upstream subsidies, natural resource subsidies, and downstream dumping.

The bill provides several definitions and guidelines to govern the agencies responsible for administering these laws on such issues as threat of injury, cumulation of imports, and coverage of likely sales or leases.

H.R. 4784 limits present discretion to terminate or suspend investigations on the basis of settlement agreements.

The bill mandates several significant procedural changes to reduce the burdens on the agencies administering these laws.

It establishes a centralized Trade Remedy Assistance Office in the International Trade Commission to assist industries in understanding and utilizing the many trade remedies available under U.S. law. It also mandates greater assistance to qualifying small business in preparing and filing trade remedy petitions.

It creates a Targeting Subsidy Monitoring Program in the International Trade Commission so that the Government will engage in a comprehensive and coordinated effort of monitoring and analyzing the industrial policies of our trading partners that may involve export targeting.

Mr. Speaker, at the time of the Rules Committee meeting the Office of Management and Budget provided a statement of administration policy strongly opposing this bill unless it is amended to delete certain specified provisions. The administration is concerned that these provisions violate the General Agreement of Tariffs and Trade and will be difficult or impossible to administer.

Mr. Speaker, at this time I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of a modified clause rule for H.R. 4784, the Trade Remedies Reform Act. Although I am vigorously opposed to several provisions in this bill, and intend to oppose the bill, I do not believe it would be wise to open this legislation up for amendment on the floor.

Legislating in the trade policy area always requires careful management because of strong political pressures to protect certain industries from foreign competition. This is especially true as we approach adjournment and the start of the official election season.

Therefore, I support the rule but urge my colleagues to join me in opposing H.R. 4784.

Although I endorsed the original intent, and am an original cosponsor, of this legislation to simplify the trade laws and to make them more effective in aiding workers and firms injured by unfair foreign trade practices, I must oppose the bill because of provisions relating to targeting, natural resource subsidies, and downstream dumping. All three of these sections directly violate our international trading agreements and threaten the benefits the United States gains from an open international trading system.

I believe the consequences of enacting this bill would be severe, impacting U.S. exporters directly and harming the important role of the United States as a leader in organizations such as the General Agreements on Tariffs and Trade [GATT].

I do not believe that U.S. exporters are willing to live by the precedents in international trade law that this bill would establish. The section on targeting, although it has now been removed at the request of the AFL-CIO, for example, would have created a definition so broad that it covers legitimate forms of government behavior, including many programs of the U.S. Government. Under the language of H.R. 4784, as it passed the committee, the purpose or design of government activity is overlooked and the effect of the program becomes the test of its legality as a subsidy. Proponents of this bill were trying to address foreign government practices aimed at making substantial inroads into specific sectors of the U.S. economy. However, the language of this legislation, if adopted by our trading partners, would allow them to apply countervailing duties on U.S. exports of semiconductors, computers, satellites, and many other products.

The provision on natural resource subsidies directly repudiates the principle of comparative advantage which is a basic concept underlying the recognized economic benefits of free trade. The provision is directly contrary to the General Agreement on Tariffs and Trade which recognizes that a country should be able to manage the pricing of its resources, and conduct domestic programs, in order to encourage the social and economic development of its population. Instead, this bill would require that such resources be sold on the world market at a price established by less competitive producers, even though the low-price resource is available to any producer, foreign or domestic, in the home market.

The provision on downstream dumping directly violates the avowed intentions of the proponents of this bill to make simplifying, and GATT legal improvements to our trade remedy laws. Current law defines a dumped product as a product sold at less than fair value, whether or not its low cost can be attributed to a below-cost component. A dumping case is an allegation of one firm against the pricing practices of another firm. How the downstream dumping section of this bill would be administered is difficult to see. A third firm supplying components would not be liable for dumping duties and therefore would have no incentive to supply the most basic information on its business practices. The effect would be to force the Commerce Department to conduct highly uncertain, complicated investigations and make determinations based on little substantive economic information.

I intend to describe all of my concerns in greater detail during debate on this bill. I hope this House will look closely at the implications for all sectors of the U.S. economy—including exports, farm products, and high-technology products. Again I support the rule before you today but I urge my collegues to begin working with me to defeat H.R. 4784.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 504 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4784.

□ 1755

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4784) to reform the remedies available to U.S. producers regarding unfair import competition, and for other purposes, with Mr. BOUCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Florida [Mr. GIBBONS] will be recognized for 1 hour and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 1 hour.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Trade Remedies Reform Act of 1984, as amended by the Committee on Ways and Means, contains extensive amendments of our countervailing duty and antidumping laws. These laws provide the terms and procedures for imposing offsetting duties as the fundamental remedy for American industries and workers against injurious and unfair import competition due to foreign subsidies and dumping practices. The antidumping and countervailing duty laws are vital to the maintenance of fair trade, because they provide the only real deterrence and remedies against these predatory and highly injurious trade practices. H.R. 4784 seeks to address the most serious and common complaints by the private sector about the scope and operation of these laws. The bill also improves their administration in order to make relief less time consuming and expensive, and thereby more readily available, particularly to small business.

More specifically, H.R. 4784, as amended by the committee, makes the

following major changes in the application of the countervailing duty and antidumping laws:

First, it expands and clarifies the scope of these laws to cover newer forms of unfair trade practices such as subsidized or dumped inputs incorporated into final products—so-called upstream subsidies and downstream dumping—and natural resource subsidies.

Second, it limits discretion to suspend or terminate investigations on the basis of settlement agreements by requiring consideration of various public-interest factors and by eliminating forms of settlements that have not been effective.

Third, it provides guidelines to administering agencies in determining injury to domestic industries and to cover likely import sales and leases.

Fourth, the bill makes several procedural improvements, such as elimination of interlocutory judicial review, to reduce the legal costs and time necessary to obtain relief. At the same time, the bill preserves the basic principles of due process and transparency in the administration of these statutes.

Finally, the bill establishes a Trade Remedy Assistance Office in the International Trade Commission to assist businesses, and particularly small businesses, in utilizing the various trade remedy laws, and creates a continual monitoring program in the Commission on Foreign Targeting Practices.

The Committee on Ways and Means has given thorough, careful, and time-consuming consideration to the many proposals it received through hearings and administration and private sector comments for changes in the trade remedy laws.

□ 1800

While H.R. 4784 does not do everything that perhaps some would like to do, and it is not a panacea for all of our trade problems, it does help us keep the playing field level, it does help us make sure that if someone is wrongfully injured there is a remedy available to them, and the remedy will be one that is not so long delayed that it is no longer useful and too expensive to seek.

I want to say in conclusion that we have a very tough situation on our hands as far as trade is concerned. We are now running an annualized deficit in foreign trade of about $130 billion a year. Never in the history of this country has it been so great. I do not want to try to fool anyone. This bill will not cure that problem. That problem is primarily a problem that is caused by the fiscal policies that we have followed for years, the overvalued dollar that is a result of the high interest rates that we have, causing American products to face a lot of tough competition out there, even when the competition is fair.

This bill attempts to get at the unfair practices, the kind of unfair practices that have been outlawed under the GATT ever since the GATT came into being in the 1940's, and that were reaffirmed under the GATT by many of the signatories in the late 1970's. This bill, in my opinion, is within the letter and the spirit of the General Agreement on Tariffs and Trade.

I believe in an open, fair, competitive trading system, but subsidized and dumped trade is not fair trade. It is not free trade. It is, by definition, counter to all of that. American producers, American labor, have long complained that they have not had adequate remedies for these practices. This bill merely attempts to give them their day before the administrative agencies and if necessary in the courts to seek and get the remedy that they are entitled to and that they have long been promised, that is, to be free of injurious subsidies and to be free of dumped goods, unfairly dumped goods into that market. This bill provides nothing more and nothing less.

Mr. Chairman, I reserve the balance of my time.

Mr. FRENZEL. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in opposition to H.R. 4784, the so-called Trade Remedies Reform Act. After witnessing with approval some surprising reversals of positions, which resulted in the Ways and Means Committee withdrawing the provisions on targeting, I believe the bill remains highly protectionist, and inconsistent with our international obligations under the GATT.

The simplifications provided in the bill, supposedly an important goal when this process began, have been more than offset by additional complicated definitions, administrative procedures, and studies that erode rather than improve the effectiveness of our trade laws.

When the Trade Subcommittee first began the process of receiving testimony on proposals to reform the countervailing duty and antidumping laws, the goal was to alleviate complexities and expense associated with achieving relief from unfair trading practices. The subcommittee believes that U.S. companies are confronting newer and more ingenious forms of dumping and subsidization at the same time the trade laws are becoming more difficult to use.

I agree with the subcommittee's belief, and tried to work for reasonably effective solutions, consistent with our international obligations. In the interest of achieving consensus solutions, I cosponsored the original bill. However, as the bill began to acquire more and more protectionist adornments, I was finally obliged to vote against it.

Unfortunately, the committee's objective of aiding our healthy industries as they try to compete fairly in the international market has become entangled in protectionist solutions which will only create new hardships and expenses for U.S. companies having the most success selling abroad.

Even with the targeting provision struck, the bill remains seriously flawed.

The natural resources provision represents a serious departure from longstanding U.S. and international practice regarding the definitions of subsidies. The provision defines a natural resource subsidy as the difference between the domestic price and the export price or, secondarily, the fair market value if the export price is distorted. This provision was designed to attempt to offset the comparative advantage certain countries have in natural gas, petroleum, and other natural resources and is inconsistent with the GATT.

The section is nothing more or less than a unilateral definition of subsidy which is clearly contrary to accepted—including our acceptance—international definitions. Congressman MOORE devised an acceptable substitute but the subcommittee rejected it in favor of the more protectionist language.

Although some industries feel that this provision will force supplying countries such as Mexico and Saudi Arabia to sell gas in their home markets at the world price, I believe this is unrealistic given the level of development and debt situation of these countries. In any case, the comparative advantage held by these countries in certain products goes beyond the natural resource input. It would make as much sense to declare arbitrarily that the difference between the wage rates in Mexico and the United States, or the difference in production costs between our two countries, are Government subsidies.

If we follow the logic of the subcommittee's provision to its inevitable conclusion, the European Community could declare as a subsidy the comparative advantage we have in fabric and fibers, and almost any country could declare as a subsidy our comparative advantage in agriculture. There is no justification for the assumption that the world price, or the export price, is the fair price. As a matter of fact, there is usually a range of prices for most commodities at most times.

Agriculture, of course, will be the big loser should the natural resource provision be enacted. Not only are agricultural producers the likely groups to be retaliated against when we restrict imports or circumvent the GATT, but also farmers would be hurt because of their heavy dependence on imported fertilizer. Imposition of extra duties

on essential fertilizer imports would increase prices to U.S. farmers and adversely impact farm income. We hope farm income is beginning to recover and we should surely do nothing to threaten that recovery. Furthermore, American farm exports are expected to reach $38 billion this year and make up about 20 percent of all U.S. exports. Retaliation against farm products is not rhetoric. It is a real threat.

The motion to recommit would protect farm interests by relying on a determination of the GATT-sanctioned fair market value. A natural resources subsidy would be determined by the fair market value of such resource in the producing country, even though the subsidy might be generally available.

Meaningful trade reform also has been compromised by the section if this bill which tries to define and measure "downstream dumping" as an illegal practice. This section is probably the most flagrant illustration that the proponents of H.R. 4784 have failed to adhere to their initial pledge to uphold the letter and spirit of the GATT. Ariticle VI of the GATT defines dumping in specific terms as sales at less than "normal" or fair market value of a like product.

The product is dumped if sold at less than fair value, regardless of the price of the component; likewise, a product is not dumped if it is sold at or above the fair market value, whether or not its components are low cost. Under existing law, if an unfairly traded component is resulting in the end product being dumped, our antidumping duties apply. Indeed they have been applied for this reason in the past. I can see no purpose in the downstream dumping provision other than to create an administrative burden. It clearly violates the GATT, and the motion to recommit would strike it.

The defenders of this section failed to explain during committee consideration how the Commerce Department can possibly administer this provision. The Department says it cannot. As I said during debate on the rule, a dumping case involves an allegation of one firm against the pricing practices of another firm which is exporting to the United States. A third firm supplying components would not be liable for dumping duties and therefore would be under no compunction to supply even the most basic information on its business practices. We would be forcing the folks at the Office of Import Administration to proceed with the calculation of a dumping duty based on little or no economic information. I do not see how such an abstract determination adds certainty and fairness to our trade statutes.

Another provision that creates severe administrative burdens is section 104. This section requires the Commerce Department and the International Trade Commission to monitor imports from several different countries where injury to the domestic industry from dumping practices of one country has been established within the previous 2 years. The administrative burden could be tremendous for two already hard-pressed agencies as requests come in to monitor imports associated with the more than 90 outstanding dumping orders covering about 80 separate products.

Neither the GATT nor U.S. trade law provides a presumption of guilt on the part of one country because another country is dumping. In addition to the trade-chilling effect of this provision—one that could be easily used against our own exports—a web of bureaucratic activity will be created with little economic benefit. And the monitoring mandate is infinite in duration.

The motion to recommit will change this section to place the responsibility for any necessary monitoring with one agency—the Commerce Department which administers the dumping laws. However, there would have to be a determination that the evidence warrants monitoring in a particular instance. Frivolous complaints can be set aside and, only where a possible problem can be fairly identified, would monitoring be required.

I cannot close my discussion without pointing out that studies abound in this bill. The targeting provision will be replaced by four separate studies on foreign targeting practices—one each by the Departments of Commerce and Labor, the Trade Representative, and the Comptroller General. The ITC recently completed a comprehensive study on such targeting practices. As I said earlier, the bill already provides for a targeting monitoring program.

More tremendously burdensome studies will do nothing, I believe, toward solving thorny trade problems or toward identifying problems where they may not exist. Existing law allows us to countervail against Government-coordinated efforts to gain an unfair share of our market. Aggressive enforcement of our law where real problems exist is what we must continue to do—not call for more studies. The motion to recommit sticks with the one targeting monitoring program.

Mr. Chairman, I urge my colleagues to support the motion to recommit in order to remove the above problems with this bill and preserve the committee's initial objective to improve the countervailing duty and antidumping laws. There are needed simplifications and cost-saving measures in H.R. 4784 that should not be lost. But to enact these changes along with provisions that protect some industries at the cost of others and create tremendous administrative burdens would do more harm than good.

Our resources should be focused on simplifying the CVD and dumping laws and enforcing them fairly and surely.

I know this bill will be passed overwhelmingly. Every Member has a producer, or union, which feels aggrieved because of real or imagined unfair trade. Protectionism is strong in the United States. It is easier to vote for protection than to make the hard choices needed to reduce deficits and lower interest rates.

I make my lonely appeal knowing full well that protectionism is still waxing and that my appeal will not be needed.

Nevertheless, the appeal must be made. Protectionism is ultimately a long walk down a one-way street. This country took that walk in the early 1930's. I hope we will not begin such a stroll again today.

The administration vigorously opposes this bill. I include in the RECORD a letter from Secretary Baldrige and Ambassador Brock and Secretary Block of the Department of Agriculture have the same feeling.

The letters follow:

SECRETARY OF COMMERCE,
Washington, DC, May 15, 1984.

Hon. BILL FRENZEL,
House of Representatives,
Washington, DC.

DEAR BILL: We are writing to express the Administration's opposition to H.R. 4784, the Trade Remedies Reform Act of 1984, as presently written.

Although H.R. 4784 contains a number of constructive changes in our antidumping and countervailing duty laws, its three major provisions make the bill unacceptable to the Administration. These provisions (1) define the so-called "targeting practices" of foreign governments as subsidies, (2) radically alter the definition of subsidies as to natural resources, and (3) expand the scope of the antidumping law to include downstream dumping. These provisions are contrary to the international obligations of the United States, represent dangerous international precedents, and pose direct or indirect threats to American exporters.

If the United States violates its international obligations, other nations would have a right to retaliate against U.S. trade under the rules of the GATT and its Codes. We should not subject American exporters to this risk. The United States should not enact rules prohibiting certain foreign practices unless we are prepared to have our own exports subject to the same rules under foreign mirror legislation. A detailed analysis of our opposition to these provisions is enclosed.

Although the Administration welcomes efforts to simplify the administration of our unfair trade laws to improve access to injured firms and workers, we cannot support any bill containing the three above provisions.

Sincerely,

MALCOLM BALDRIGE,
Secretary of Commerce.
WILLIAM E. BROCK,
United States Trade Representative.

Mr. FRENZEL. Even with the removal of the targeting provision,

which is a huge improvement, I urge my colleagues to vote "no" on H.R. 4784 and "yes" on the motion to recommit. When I offer a motion to recommit for myself and the gentleman from New York [Mr. CONABLE], I will attempt to correct those features of the bill which seem to me to be contrary to our international obligations and our own best interests and I will seek to preserve those parts of the bill which I believe are helpful to our trading policies.

Mr. Chairman, I reserve the balance of my time.

DEPARTMENT OF AGRICULTURE,
Washington, DC, May 21, 1984.

Hon. BILL FRENZEL,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN FRENZEL: The Department strongly opposes H.R. 4784, which is to be considered shortly by the House of Representatives. H.R. 4784, the Trade Remedies Reform Act of 1984, contains three provisions which could cause great harm to American agriculture. This bill should not be enacted. The danger from enactment lies in the precedent such a law would set for interpretation of international trade agreements in ways that can be used against U.S. exports, as well as in the risk of immediate foreign retaliation where U.S. actions clearly violate these international agreements.

The first provision which we oppose attempts to deal with foreign industrial targeting practices by treating them as subsidies subject to U.S. countervailing duty legislation. Not only is the countervailing statute a poor one to use from a practical, administrative standpoint, but the extension of U.S. countervailing duty law to such practices could lead foreign governments to take similar action against our products. Other nations could, for instance, question the cooperative market development programs of the Foreign Agricultural Service and countervail against the products involved.

The second objectionable provision would extend U.S. countervailing duty law to cover foreign programs regulating the domestic sale of natural resources in a way that reduces their domestic sale price. Such programs are not now considered to be countervailable subsidies, because the natural resources are generally available to all domestic users, not just those who produce goods for export. If other governments adopted such a law, U.S. agricultural products benefitting from government irrigation or electrification programs, among others, could become subject to foreign countervailing charges.

The third harmful provision would extend U.S. antidumping duties to situations where the alleged dumping involves not the foreign exporter but rather the exporter's suppliers. Implementation of such a provision by the United States would put the United States in violation of the General Agreement on Tariffs and Trade and the Antidumping code and lead to retaliation against U.S. exports.

The United States depends on exports to market the produce of nearly one of every three acres of cropland. These agricultural exports make a net contribution of approximately $20 billion to the United States balance of trade. Enactment of H.R. 4784 could cause irreparable harm to U.S. farmers. I urge you to oppose this bill.

Sincerely,

JOHN R. BLOCK,
Secretary.

□ 1810

Mr. GIBBONS. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. JENKINS], a member of our committee and subcommittee.

Mr. JENKINS. Mr. Chairman, I would like to engage the chairman of the Trade Subcommittee in a brief colloquy. I understand that section 110 of the bill which deals with interlocutory appeals may still contain language which refers to determinations by the Commission based on the size of the dumping margin or net subsidy. In the Ways and Means Committee we voted to delete a provision which would have given the Commission authority to base its decision on the dumping margin or subsidy level. Therefore, I would assume that this language in section 110 should have been deleted. Can the gentleman assure me that this language does not authorize such determinations by the Commission and that at some future point the necessary conforming changes will be made?

Mr. GIBBONS. Mr. Chairman, will the gentleman yield.

Mr. JENKINS. I yield to the chairman of the subcommittee.

Mr. GIBBONS. The gentleman is correct. Regrettably, we should have deleted this reference in section 110. Let me assure you that this language deals only with the time periods for filing appeals with the Court of International Trade and in no way does it confer authority on the Commission to base determinations on the subsidy level or dumping margin. I also want to assure you we will work with the Senate to modify the language and correct the problem, but since it is a very minor technical change, I do not see any need for us to deal with it at this time.

Mr. JENKINS. Mr. Chairman, I thank my subcommittee chairman very much for that response.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. I yield to the gentleman from Illinois.

Mr. O'BRIEN. Mr. Chairman, I rise today in support of the Trade Remedies Reform Act of 1984. I commend my colleagues on the Ways and Means Committee for their diligent efforts to bring this bill to the floor in such a timely manner. During 7 full days of extensive hearings and several more markup sessions, the committee was deluged with requests and suggestions for modification of present law by Members of Congress, executive branch officials, trade associations, labor unions, retail and consumer groups, individual companies, legal practitioners, academicians, and others.

An important concept underlying the committee's actions with respect to the reform of our trade remedy laws is that the international marketplace has changed rapidly and dramatically in recent years. Industries in the United States must rely extensively on the ability of our trade laws to ensure that free and fair opportunities exist for trade within our marketplace. The strength of our economy also depends upon the rules of trade and how they are enforced.

Most would agree that Congress must address the unfair challenges our domestic industries face in the international marketplace by fine-tuning present law. Our trade laws must adapt to the reality of trade problems which exist in the international business environment and the time for us to act is now.

I would like to point out several significant features contained in this bill. H.R. 4784 includes important provisions which require the Commerce Department and the International Trade Commission to take an activist role against persistent dumping of the same product by producers in different countries.

Section 104 of the bill is designed for the domestic producer who has brought a successful antidumping petition within a prior 2-year period and is plagued by a shift of the injurious dumping practices to producers in other countries. The provision strengthens present law which permits the Commerce Department to self-initiate investigations in cases where persistent dumping can be shown. If Commerce decides not to act following an allegation of persistent dumping, it would be required, along with the ITC, to monitor imports of the product for at least 1 year. This provision shifts some of the burden on the U.S. Government to initiate cases on behalf of producers encumbered by the necessity to file multiple trade petitions.

In section 105, the scope of the antidumping and countervailing duty statutes is broadened to include the more subtle unfair trade practices employed by our trading partners. The list of practices defined as subsidies is expanded to include the sophisticated techniques which governments now utilize such as export targeting, natural resource subsidies, and upstream subsidies.

The legislation also contains relief for the U.S. producers who are adversely impacted by the phenomenon known as downstream dumping. Foreign producers who buy dumped components for use in the production of goods destined for the U.S. market will not be allowed to pass on the unfair cost advantage to our market.

Finally, I would like to point out that this bill provides for the establishment of a Trade Remedy Assistance Office within the ITC to advise industries. Smaller firms without adequate revenues to gather data and bring cases to fight unfair trade practices will gain greater access to the remedies available by law.

The countervailing duty and antidumping laws are most frequently used by domestic industries harmed by unfair trade practices. It is therefore fitting that this bill addresses the necessary revisions to these provisions in the law. I know that the Trade Subcommittee intends to tackle the adequacy and operation of our other trade remedy laws at their earliest opportunity.

In conclusion, I believe that H.R. 4784 represents a thoughtful, pragmatic approach to U.S. trade policy and is completely consistent with our obligations under the GATT. I urge my colleagues to join me in supporting this bill.

Mr. JENKINS. Mr. Chairman, H.R. 4784, the Trade Remedies Reform Act of 1984, before us today makes major changes in current trade regulations concerning procedures and definitions for imposing countervailing duties and antidumping duties in the Trade Agreement Act of 1979. The bill will streamline and clarify our basic unfair trade laws to address the growing problem of dumped and subsidized imports. H.R. 4784 addresses new unfair trade practices, reduces costs and delays, and improves administrative procedures.

Extensive hearings were first held by the Ways and Means Subcommittee on Trade in 1981 and 1982 in order to give all sides an opportunity to testify on improvements needed in current trade laws. The distinguished chairman of the subcommittee on Trade, SAM GIBBONS, worked diligently for many months to incorporate those ideas and suggestions into the Trade Remedies Reform Act of 1984. When the bill was first drafted, members of the Trade Subcommittee worked through many long sessions revising Mr. GIBBONS' original bill to remove some of the more objectionable provisions. Numerous revisions were made on the subcommittee level and in the full Ways and Means Committee on H.R. 4784.

In particular, I worked closely with AFTAC which is a coalition of 18 trade associations and 2 labor unions representing the fiber/textile/apparel complex of the United States in Trade Subcommittee and full committee to resolve their objections to the bill. The AFTAC coalition is representative of an industry with facilities in 50 States, with employment totaling 2.4 million and sales accounting for $105 billion. At a time when our trade deficit is reaching new record levels every month, we need relief more than ever to provide effective relief against foreign dumping and subsidies.

The bill, as passed by the Ways and Means Committee, is supported by AFTAC and I urge Members to vote for this important legislation on the floor.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. SCHULZE], a member of the Subcommittee on Trade.

Mr. SCHULZE. Mr. Chairman, as a cosponsor of the Trade Remedies Reform Act, I would like to emphasize my support for this legislation. I am pleased to have been a participant in the effort to bring this measure to a final vote. In particular, I commend my colleagues on the trade subcommittee for their cooperative spirit in developing a bill which addresses complex and rather subtle trade problems.

Without reiterating the specific provisions of this bill, I would like to underscore why this new legislation is vital to our Nation's domestic firms and workers.

We are all painfully aware of the record trade deficits which threaten American jobs and industries, last year for example, imports of foreign goods exceeded U.S. exports by $60 billion. This year the trade imbalance is estimated to reach over $120 billion, more than double the previous year's record shortfall. Since 1970, the United States has run a trade deficit in every year but two. In effect, America's trade sector has become embattled in a bitter fight with foreign imports, and many American industries and their employees are being sacrificed as innocent victims to a juggernaut of unfair imports.

Of course the causes of our Nation's widening trade gap are both numerous and complex.

One can point to the inflated value of the U.S. dollar abroad, or the demand for imports created by our strong economic recovery as reasons for the trade deficits. But these explanations provide only a partial answer. The fact is that our distressing trade picture is due in large part to unfairly traded imports. The extensive hearings held by the Trade Subcommittee on Trade Law Reforms clearly demonstrated the increasing scope and subtlety of foreign trade practices. New types of unfair practices such as upstream subsidies and downstream dumping are being employed in order to circumvent U.S. trade laws. These illegal trade practices have allowed foreign competitors to avoid prosecution under current trade laws with devastating success.

But even where our trade laws were clearly applicable, and enforced, foreign competitors still found ways to flout them.

A glaring, but far from isolated, example is the Brazilian Government's failure to fulfill its agreement to collect offsetting export taxes on subsidized Brazilian steel after the U.S. Commerce Department agreed to suspend its countervailing duty investigation.

Several American steel companies had filed countervailing duty petitions alleging that Brazilian steel imports were being subsidized by their Government, and were causing injury to American companies and loss of American jobs. The final determination of Commerce was that the subsidy was on the order of 10 percent.

Exporters of Brazilian steel were therefore enjoying an unfair price advantage over their unsubsidized U.S. competitors.

However, Commerce chose not to impose a countervailing duty to compensate for the unfair subsidy. Instead it agreed to allow the Brazilian Government to offset the subsidy by imposing an export tax on the steel as it left Brazil for the United States.

Such an arrangement is open to serious question when one realizes that the very entity which owns and subsidizes the steel company is the same one that was supposed to collect the tax. In fact, Commerce determined that the tax had never been collected. The Brazilians continued to ship steel to the United States and American firms and workers continued to be injured.

We can no longer allow American interests to suffer from such unfair trade practices. We must begin to address the full range of these trade problems with legislation which provides prompt and effective recourse for injured parties. And I believe the trade remedies reform bill before us today is an essential first step in that direction.

This measure is not a panacea for all our trade concerns, but it provides for necessary changes in our trade statutes. It reflects our commitment to begin the process of comprehensive trade law reform. We desperately need the new safeguards against unfair trade which this bill will provide, but we cannot remain content with these reforms alone. Congress must continue to respond to creative but illegal efforts to capture the American market with unfair trade practices. And we must be prepared to guard against subsidies and dumping from both market and nonmarket economies.

Today the United States is the world's largest market, and the most open and developed economy. We import and export more than any other nation, with two-way trade in 1983 totaling over $450 billion.

We are firmly wed to a policy of free trade and we have benefited from this unrestricted exchange of goods. But

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we must ensure that the free trade we support is not mistaken for acceptance of unfair trade. The trade remedies measure that we have drafted does precisely that and merits our support.

Again, I commend my colleagues on the Ways and Means Committee for undertaking the difficult task of amending our trade laws. I now sincerely hope that we can all join in approving this legislation. By enacting H.R. 4784 we will be voting for an essential downpayment on America's trade deficit and establishing the groundwork for a future of balanced trade.

□ 1820

Mr. GIBBONS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I commend the chairman of the Ways and Means Committee, Mr. ROSTENKOWSKI, and the chairman of the Trade Subcommittee, Mr. GIBBONS, for their superb work on the Trade Remedies Reform Act, H.R. 4784.

One of the sections of the bill which I am most pleased with is the section which establishes a Trade Remedy Assistance Office in the International Trade Commission. The purpose of the office is to provide information to the public and to businesses concerning the remedies and benefits available under U.S. trade laws and the procedures and dates for filing petitions and applications under these laws. This section also includes a requirement that each agency with responsibility for administering trade laws provide technical assistance to small businesses to enable them to prepare and file petitions and applications required by the trade laws.

In my own district in northwest Ohio, I have heard from many small businesses about the nearly insurmountable problems experienced by them in trying to file and litigate cases. In some instances, the legal fees and other startup costs have deterred them from taking action. In other instances, widespread lack of information among small business groups as to the many types of trade remedies available under the law and the particular law under which a given complaint might best be pursued has deterred them from taking action. Finally, I have heard from small business after small business about the importance of developing a central office somewhere in the Government to disseminate and explain basic information about the various trade remedies available under our laws.

From talking with my constituents in the small business community, I have come to see that the establishment of a Trade Remedy Assistance Office is essential in order to minimize uncertainties about the types of remedies that should be pursued in particular situations. Although many large firms and industries are quite familiar with the complex maze of laws and procedures available to them, it is clear to me that a number of smaller companies have been frustrated by these complexities.

I commend Chairman ROSTENKOWSKI and Chairman GIBBONS for seeing the necessity of helping small businesses through the maze of trade remedy laws. The provisions in H.R. 4784 have been artfully crafted to aid American business.

Mr. GIBBONS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. PEASE], a member of the committee and a member of the subcommittee.

Mr. PEASE. Mr. Chairman, I rise in strong support of this bill, and in doing so I would like to begin by extending my praise and congratulations to the chairman of the Trade Subcommittee, the gentleman from Florida [Mr. GIBBONS]. He has worked hard and long on this legislation. I think it is fair to say that it would never have come to the floor had it not been for his leadership and for his dedication to the proposition that American firms deserve to be relieved of competition that is unfair in terms of dumping and subsidies from other countries.

It is almost commonplace for us to talk about fair trade and free trade. Whenever anybody talks about free trade, they say, "Well, we are really for free trade, but we think it also ought to be fair trade."

Oftentimes fair trade is used as a code word for protectionism and the argument is raised, shall we have free trade unbridled with no restrictions on goods coming into the United States, or should we have a series of tariffs and import quotas and duties to protect America and its companies?

Well, what we are talking about today is not that argument. This is not an argument between those who would erect barriers and those who would eliminate barriers. What we are talking about today is something on which both sides, those who seek unbridled free trade and those who favor protectionist measures, should be able to agree on and that is that all companies and countries with which we trade should play by the rules of the game and that there should not be unfair and illegal dumping of foreign products into the American market and that there should not be unfair and illegal subsidies given to companies in other countries which compete with American firms.

This bill deals with upstream and downstream subsidies. It deals with dumping in a way that says to American companies sure, you have to compete with foreign competitors and you are going to have to be sharp enough to do that, but we will try to protect you from unfair competition from those foreign companies. I think that that is fair enough.

Another thing that we ought to be able to agree on is that if U.S. law is going to help American companies, it should help them soon enough so that they get the help before they go out of business. Time and time again for a small company which is attacked by dumping from overseas or by subsidized merchandise from overseas, the owners say if we are going to get any help, we have to get it soon enough so that we do not go out of business. This bill streamlines the procedures for dealing or bringing complaints of dumping or subsidies.

Additionally, this bill is especially helpful to small business because it provides for assistance to those firms in getting help in filing antidumping or antisubsidy complaints with the ITC and the Commerce Department. That is very important because the legal fees for bringing a complaint like this can often run to $200,000 or $400,000, which the average small company simply cannot afford. That is a very important part of this bill.

Again, I get back to the question of fair trade versus free trade. Is this protectionism? I say this bill is not protectionism. What we are doing is looking out for our own interests as Americans and what we are doing is not standing by while other nations take advantage of us in the international trade area.

I say to you that real protectionism will arise in this Nation and in this Congress if we do not take steps like this bill today to convince American companies, to convince American workers and the American public that they do enjoy the benefit of fair trade as well as free trade.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GIBBONS. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. PEASE. If we in the U.S. Congress, elected to represent the interests of American companies and American workers, cannot relieve American firms and American workers from unfair and illegal dumping and subsidies, then we do not deserve to belong in this Chamber.

Mr. Chairman, I strongly urge passage of this legislation.

Mr. GIBBONS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL], the chairman of the Energy and Commerce Committee.

Mr. DINGELL. Mr. Chairman, I would like to acknowledge the fine work my distinguished colleague, the chairman of the Trade Subcommittee of the House Ways and Means Committee, has done in bringing H.R. 4784, the Trade Remedies Reform Act of 1984, to the House floor. The bill is

timely, balanced and reasonable. I would also like to engage my good friend in a colloquy concerning the legislation.

Mr. GIBBONS. Mr. Chairman, if the gentleman will yield, I would be happy to do so. I would first like to thank my colleague, the chairman of the Energy and Commerce Committee, for the cooperation he and his committee have shown in working with us to improve the bill and bring it to the floor.

Mr. DINGELL. I thank the gentleman for his kind comments. Section 105(a)(1)(B) of the bill, as amended by the committee amendment, deals with natural resource subsidies. These are defined to exist when a natural resource is provided or sold by a government regulated or controlled entity for use in production of merchandise for export at a domestic price which is, by reason of such regulation or control:

I. Lower than the export price or fair market value in the exporting country and

II. Not freely available to U.S. producers for purchase of that product for export to the United States.

First am I correct that electricity is not a natural resource; rather it is a product which is manufactured from various natural resources such as water, oil, coal, gas, and uranium?

Mr. GIBBONS. That is correct.

Mr. DINGELL. Second, am I correct that such U.S. practices as the pricing of natural gas at different levels categories under the Natural Gas Policy Act or the pricing of electricity from the Tennessee Valley Authority or the Bonneville Power Authority would not meet the definition of a subsidy because the products in question—natural gas and electricity in these examples—are available to any new purchaser who comes into the market, whether foreign or domestic, on exactly the same terms?

Mr. GIBBONS. That is correct. Of course very little if any gas or electricity is exported from the United States. Nevertheless a subsidy could exist if a foreign customer coming into the market could not purchase these commodities on the same terms as a U.S. customer entering the market at the same time. The fact that some U.S. purchasers may have cheaper rates based on contracts signed in the past does not constitute a subsidy under the meaning of the bill if no discrimination, and hence no commercial unfairness, is involved. Foreign firms could have purchased these commodities on similar terms had they been in the market at that time. While foreign firms could not get similar terms now—neither could domestic U.S. firms. At any given moment in time, both domestic and foreign firms can purchase the commodities in question on similar terms. This nondiscrimination between domestic and foreign firms in the purchase of natural resources does not exist in fact—and often not in name—in some other countries. It is discrimination which is commercially unfair and it is discriminatory practices to which the bill is directed.

I should also point out that Government regulation, per se, does not constitute a subsidy. All governments are entitled to regulate their resource distribution; it is only when governments discriminate and thereby distort natural comparative advantage that we look for a subsidy.

Mr. DINGELL. I thank the gentleman for his assurances and urge support of the bill.

□ 1830

Mr. FRENZEL. Mr. Chairman, I yield myself 1 minute.

With respect to the foregoing colloquy, it is fair to say the gentleman from Michigan points out one of the problems which I and other Members have repeatedly raised with this bill.

In this House we can tell people what we think the bill means. We cannot tell our trading partners what they think the bill means when they begin to structure their mirror legislation. They will do what is in their best interests just as we have done what is in our best interests.

It is obvious that electricity is subsidized in the United States, particularly in the seaway area and in the Pacific Northwest. Products like timber and aluminum with a high electricity cost component will be attractive targets for other countries retaliation. And those who vote for this bill can expect, in my judgment, that our trading partners are going to enact mirror legislation which is going to punish American exports. Those exports may be from my district or from Michigan, or anywhere. And if you vote for the bill, that is what you can expect.

Mr. Chairman, I yield 6 minutes to the gentleman from Louisiana [Mr. MOORE], a distinguished member of the Ways and Means Committee.

Mr. MOORE. Mr. Chairman, I especially appreciate Chairman GIBBS extending me that opportunity. Let me state at the outset that I am an ardent supporter of free, but fair trade.

Currently, there are some governments which are, through regulation, setting an artificially low price for a natural resource, such as natural gas, used as a raw material in the production of an exported chemical. That preferential rate is available to manufacturers within their own country, but not to purchasers outside the producing country, and as a result, these foreign manufacturers are granted an unfair competitive advantage when they later export the finished product to the United States at, in effect, a subsidized price because of their access to artificially inexpensive natural gas. That is unfair trade.

What a government does within its own borders to enhance internal economic development is not our concern. But the international trading system is disrupted when subsidies conferred by artificially low prices are exported to other markets in the form of products. When U.S. industries and workers are injured by unfair practices, this Congress has the right and the duty to act.

The major problem facing our petrochemical producers is that certain foreign governments use the policy of two-tier natural resource pricing. These governments make resources like natural gas and oil available to their own industrial users at an artificial, below-market price. At the same time, these governments export energy resources to other users only at a much higher price. This policy does two things: it protects a government's home market from competition and it clearly subsidizes exports of resource intensive products like petrochemicals.

The natural resources provision is a compromise. During the Ways and Means Committee consideration, I offered language to provide that a fair market test only be used in determining the benchmark price. The language I offered would have set criteria requiring the Commerce Department to change its policy of the general availability test to a more comprehensive test by taking into account the world price, the generally available price, cost of production, market depression, and dual pricing. It did not include the export price as a benchmark as the bill presently does. This fair market value only test will be offered in the motion to recommit. I support the language presently embodied in H.R. 4784, however, even though using the export price as the benchmark price may not be as GATT defensible as the use of a pure fair market value test.

This natural resource provision currently included in the bill requires the following: First, it must be shown that a natural resource is sold by a Government-controlled entity to an industrial user at a price set below either the export price or the fair market value by Government control or regulation. Second, the access to the natural resource's low domestic price is denied to competing producers for export by Government regulation and, third, the cost of the resource at its fair market value constitutes a significant portion of the production cost of the product in question.

The petrochemical industry in Louisiana provides a good example which can be examined to measure the current effect of foreign subsidization on U.S. markets and to look at what the future impact may be without legislation to correct the problem.

Today, more than 45,000 people in Louisiana are members of the manufacturing work force of the petrochemical industry and 900,000 nationally, in the manufacturing of commodity and specialty chemicals. This represents sales of all types of chemicals totaling more than $170 billion.

As was shown in the U.S. International Trade Commission's April 1983 report, developing nations such as Saudi Arabia, Indonesia, Kuwait, Canada, Mexico, Soviet Union, and the People's Republic of China will be placing an increasing importance on the development and growth of their petrochemical industries and will be devoting government resources to this expansion. Because of this rapid development, many questions arise, but the most obvious result is a reduced U.S. share of the total export market and in some cases the United States may even become a net importer of certain petrochemicals.

In 1980, for example, the United States claimed 45 percent of net exports for ethylene. According to the International Trade Commission, the United States will be a net importer of ethylene by 1990. In every major chemical, ethylene, ammonia, and methanol, the U.S. percentage of world capacity will decline as developing nations gain control. The United States will no longer enjoy the leader status in this area. Not only will we no longer be leaders, but we will be faced with the impact of a reduction in the $170 billion the chemical industry contributes to our economy and a reduction in the number of jobs that nearly 1 million people are dependent upon.

If the United States is going to remain competitive in the petrochemical market, the unfair advantage of foreign subsidization must be offset with a reasonable countervailing duty which reflects the real subsidization. There is a delicate balance that must be achieved in determining the level of subsidization. Clearly, inaction does not solve the problem or help achieve the goal of countervailing duty laws. It is for this reason that I support efforts to fairly determine the level of subsidization of natural resources by foreign governments.

If we do not move to correct this example of unfair trade, I fear subsequent congressional action will end free trade. Free trade must be fair to survive politically.

Mr. FRENZEL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. CRANE], a member of the Subcommittee on Trade.

Mr. PHILIP M. CRANE. Mr. Chairman, I rise in opposition to H.R. 4784. Despite our initial intent, the Committee on Ways and Means has reported a protectionist piece of legislation which will threaten the ability of the United States to maintain a leadership role in furthering the cause of free trade. This bill would invite retaliation on the part of our trading partners because it directly violates international trading agreements. H.R. 4784 stretches and adapts internationally accepted definitions to specific import problems particular U.S. industries are facing. In considering this legislation we must keep in mind that other countries will not hestitate to adopt similarly contrived definitions of subsidy and dumping against our exports. The disruptive effect this would have on our trading relationships is enough to outweigh all the other beneficial changes in the bill.

The upstream subsidy section is an attempt to write into law a unilateral action against primarily Mexican products made with natural gas supplied by the Government to domestic operations at a price which covers the cost of production, but is lower than the U.S. price or the world price. Several U.S. industries disagree with the Mexican practice of exporting natural gas to export markets at the higher prevailing world price. Internationally agreed practice, however, has been not to treat the comparative advantage of a country as a subsidy if it is generally available to all local producers, whether they be exporters or producers for the home market, and whether they are nationals or foreign investors. This practice rests on the assumption that all sovereign governments ought to be able to allocate resources in a way they believe most beneficial to the long-term economic and social development of their country. While this policy does not address every inequity, it has been adhered to because opening up all generally available subsidies to countervailing duties would be unworkable. Such a practice on our part would give us little recourse when duties were applied to U.S. exports produced with generally available subsidies in this country. Even if our trading partners stick strictly to the natural resource limitation in the bill, U.S. exports of agricultural and textile products would still be vulnerable.

The second dangerous provision would extend existing dumping laws to cover foreign products whose components were supplied at an alleged dumped price. Besides being in violation of the General Agreements on Tariffs and Trade, this provision would be impossible for the Commerce Department to administer in any fair or defensible way. A dumping duty can be applied under current law when a product is shown to be sold in the United States at a price that is less than the fair market value in the home market. This is measured on an individual firm-by-firm basis. In trying to extend dumping duties to cover component parts, the authors of this section have been forced to measure dumping of a component part using an aggregate price in the home market as the benchmark. This would have the effect of penalizing suppliers of components who were efficient enough to supply their product at a price lower than the local industry average. Also the bill uses a dumping definition that has not been accepted internationally. Producers selling goods in their home market at below cost of production, for example, is not considered dumping.

The proponents of the bill have failed to explain during any of our committee meetings how this provision would be administered. The fact is it would require numerous simultaneous dumping investigations on many products, multiplying workloads at the Commerce Department with no hope of ever fairly resolving the problem at hand. A purchaser of components may have no idea he is buying dumped products. In order to defend himself against a dumping charge he and the Commerce Department would have to rely on information the component supplier would have no incentive to provide.

Mr. Chairman, our international trading system cannot long survive if the United States resorts to such contrived interpretations of internationally agreed standards in order to please isolated groups. In my view, it is our responsibility to resist requests for further import restrictions. The best defense the United States has against unfairly traded imports is to uphold internationally agreed precepts of the General Agreement on Tariffs and Trade. This is the only way we will discourage our trading partners from erecting more import barriers that harm our successful export sectors. There is little justification for compromising the future of U.S. industries that are most involved in world markets in order to shield other industries having difficulty facing competition from abroad. H.R. 4784, I believe, would be one more step in that direction. I urge my colleagues to defeat the bill and to vote yes on the motion to recommit.

□ 1840

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. RUSSO] a member of our committee and of our subcommittee.

Mr. RUSSO. Mr. Chairman, I rise in strong support of H.R. 4784 and urge its speedy adoption by the House. I will not go into too much detail about the many important provisions of the bill. They have been fully explained by the committee. Let me just say that when taken together they represent a significant improvement over current law in dealing with the problems of dumping and subsidies in international trade.

I want to quickly mention four good reasons for supporting this bill. First, it addresses many new types of trade distorting practices such as upstream subsidies and downstream dumping. These are growing commercial problems that the administration has not dealt adequately with, and failure to expand the scope of these laws could render them obsolete. Second, the bill provides necessary assistance to small business groups, who are often locked out of the process because of the costs and complexities of these statutory procedures. Such assistance is vital if we are to protect the small businessman in Ohio or the family potato farmer in Maine from dumped and subsidized imports. Third, the bill provides more effective monitoring of persistent dumping problems, so that the Government will assume a greater burden in providing an early warning system. And, fourth, the new definitions and procedures in the bill will assist all parties—domestic and importer—by making these laws clearer and less costly to administer.

In the Committee on Ways and Means, I worked closely with other members to improve the settlement provisions of the bill. These improvements were strongly supported by industries such as steel and textiles who are very concerned about having a rational policy for settling antidumping and countervailing duty cases. The committee amendment preserves the authority of the Secretary of Commerce to enter into quota arrangements if they are in the overall public interest and provides the most expeditious procedure for allowing the Secretary to take such a step. I feel that this is an important tool in our arsenal to deal with the problems of unfair trade, and I am extremely grateful to Chairman GIBBONS for his support in this matter.

This bill is crucial to American industries who are trying to cope with a devastating trade deficit and with the growing problem of foreign government subsidies and other predatory practices.

Once again, I urge my colleagues to vote favorably on H.R. 4784.

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. COATS].

Mr. COATS. Mr. Chairman, I would like to discuss one particular aspect of our antidumping and countervailing duty laws. And if I may have the attention of the gentleman from Florida, the chairman of the Trade Subcommittee, I would like to ask a question concerning the legislation before us today.

My concern is aided by the now-famous case involving the documented dumping of Japanese color televisions in our markets in the late 1960's and 1970's. This case is of particular concern because it contributed to widespread hardship in the domestic television industry, including the closing of a Corning glassworks plant in Bluffton, IN.

As the chairman of the subcommittee will recall, the Treasury Department began an investigation of Japanese color television imports in 1968, based on a complaint by the Electrical Industrial Association. Three years later, in 1971, Treasury concluded that Japanese color TV's were, in fact, being dumped in U.S. markets.

Through the early and mid-1970's, however, the Government made little progress in assessing antidumping duties. In 1977, Treasury recognized that it faced a mounting backlog of imports and sought to develop a shortcut method of calculating and assessing duties. Through the commodity tax method the Department estimated that $400 million in duties were due on Japanese TV imports through March 1977. But as soon as the Government tried to collect these duties the importers protested and the Treasury Department was forced to reevaluate its methodology.

In 1979, the Congress approved several important trade law reforms. First, Congress passed the Trade Agreements Act of 1979 which contained extensive procedural safeguards for domestic industries, including rights to participate in the assessment phase of antidumping proceedings and to obtain judicial review of assessment determinations. The Congress also registered its frustration with Treasury's handling of antidumping matters by transferring jurisdiction to the Department of Commerce.

In early 1980, the Department of Commerce used a revised methodology to calculate a total estimated liability on Japanese TV imports through March 1979 of almost $139 million. However, facing a 9-year backlog of imports and believing that attempts to collect $139 million would result in substantial delay, the previous administration entered into settlement negotiations with 22 major television importers. These negotiations resulted in an agreement with importers to pay $66 million in duties and $11 million in penalties.

Unfortunately, the domestic television industry was never involved—or even consulted—in these negotiations. Representatives of the industry have said that their first knowledge of the compromise came on the day in April 1980 that the agreement was made public. Their surprise and concern is understandable, given the fact that the Trade Act of 1979, which gave domestic industries the right to participate in antidumping proceedings, had become effective on January 1, 1980.

When challenged, the Department of Commerce cited as authority for its action section 617 of the Tariff Act of 1930, a provision which had never before been used to compromise antidumping duties. The domestic television industry sought to overturn the settlement agreement in the courts but their fight ended last year when the Supreme Court declined to review the case.

I realize that we cannot do anything today about what happened in 1980 under a previous administration. I am however, concerned with future antidumping cases in which the Government might seek to use its authority under section 617. I believe this authority is completely inconsistent with the reforms approved by the Congress in 1979. Under the Trade Act of 1979, domestic industries have the right to participate in antidumping proceedings. But if the Government attempts to compromise the settlement as they did in the television case, the domestic industry and its workers appear to have no rights at all. This does not seem to me to be what the Congress intended in 1979.

As the chairman of the subcommittee is aware, I introduced legislation last year to prohibit the use of section 617 for settlement of antidumping and countervailing duty cases. Let me emphasize that it was not my intent to prohibit the Government from seeking settlements or compromises. To the contrary, it is clear that in certain cases it would be in the best interest of all parties to seek a compromise settlement. Instead, my goal was to restore the integrity of the procedural reforms adopted in 1979 and to assure that the interests of one industry are not compromised—without question—by pressure from another domestic industry or another foreign country.

If I could inquire of the gentleman from Florida, the chairman of the Trade Subcommittee, did the subcommittee consider this matter and, if so, are there any provisions in the legislation before us that would limit the use of section 617 of the Tariff Act of 1930?

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. COATS. I am happy to yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Chairman, yes, the amendments proposed in your bill were considered during the committee's deliberations on H.R. 4784. However, Members felt that the Government should retain the right to settle claims under section 617 of the Tariff Act of 1930 if satisfactory resolution of a case is not otherwise possible, just as it has the right to do in other civil actions. Section 617 does enable the Government to obtain some recovery in unusual circumstances in which there is a high risk that there may be no recovery of compensation because of legal uncertainties about the case or because of importer insolvency. The Commerce Department expects the

authority would be used only in rare and exceptional circumstances in the future as a way to promote enforcement.

There has been no case comparable to the TV settlement since 1979. Furthermore, amendments in the Trade Agreements Act of 1979 and in the trade remedies bill make it highly unlikely that a similar situation would arise again in the future. As you know, the TV case continued for several years before the Government finally settled it. Under the 1979 act, however, the time limits for investigations were shortened considerably. That act also transferred administration of the countervailing duty and antidumping laws from the Treasury Department to the Department of Commerce. A provision in the trade remedies bill would eliminate interlocutory judicial review, which has resulted in lengthy procedural delays in resolving cases. At the same time, interested parties would retain their rights to judicial review of all determinations at the end of investigations.

With respect to consultations, amendments in the 1979 act ensure that all interested parties are informed, consulted, and have the opportunity to submit information throughout investigations and in the assessment of duties. The Commerce Department is also required by the 1979 act to notify petitioners and other interested parties and provide them an opportunity to comment before it accepts any form of settlement under the antidumping or countervailing duty laws that would result in suspension or termination of investigations.

The gentleman can be assured that the Subcommittee on Trade maintains continual oversight of the operation of these laws, including possible settlements of individual cases.

And I may say in conclusion that it was that TV case itself that spurred much of the 1979 act and the transfer of these functions from one agency to another, because I do not know of anyone in Congress who was satisfied with the way that case was handled.

I appreciate the gentleman inquiring about it.

Mr. COATS. I thank the chairman.

I thank him for his attention to this important issue and for his deliberation and concern, for his continued attention to this matter in the future.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. LONG] a member of the Committee on Rules.

Mr. LONG of Louisiana. Mr. Chairman, for over a year and a half now I have been warning that the future of the U.S. petrochemical industry is jeopardized by a new and subtle form of subsidy being provided by some of the energy-rich countries to their growing petrochemical firms. Now, the House of Representatives has an opportunity to modernize our trade laws to deal with this type of subsidy—called two-tier pricing—and give U.S. firms a fair opportunity to compete in the United States and international marketplace.

After a decade of growth and prosperity, the U.S. petrochemical industry has suffered the ravages of the recent recession and intensified competition from foreign firms. The industry faces a painful period of adjustment. Many feel that this industry is beginning a long period of decline. There is a worldwide excess in production capacity for many petrochemicals, exports and domestic sales are only now rebounding from the recession, and the overvalued dollar is hurting all U.S. companies facing foreign competition. The adjustments which these circumstances are necessitating will occur no matter what Congress does on this trade remedies legislation.

There is, however, no way that even the most efficient U.S. petrochemical firms can compete if foreign governments are permitted blatantly to subsidize their own new firms. We may not have much control over some of the problems facing this industry but at least we can take action with respect to these subsidies.

Indeed, how we respond to these subsidies may well have a major bearing on the extent to which bulk petrochemicals will continue to be produced in this country. Our action here will affect thousands and thousands of jobs in many regions of the country, including my home State of Louisiana.

The key inputs in the production of petrochemicals, of course, are petroleum and natural gas. When a foreign government supplies these production inputs to their own petrochemicals plants at a fraction of the world market price, the petrochemicals can be produced at a fraction of the cost of production for U.S. producers, which must pay the world market price for these production inputs. Indeed, this discount price for petroleum and natural gas permits foreign petrochemical producers to cut their production costs to one-fifth or even one-tenth those of our petrochemical producers. Obviously, this gives these foreign producers an insuperable competitive advantage in world and U.S. markets.

No discrimination would be involved in this situation and no unfair competitive advantage would be conferred by this subsidy if these foreign governments would sell oil and natural gas to U.S. producers at the same discount price. But, of course, some of these countries won't do this. The discount price is only available to their own producers, and the petroleum and natural gas is sold to U.S. producers only at the higher world market price. This is playing both ends against the middle and we shouldn't stand for it.

It is obvious to me that this two-tier pricing system confers a valuable subsidy. Think for a minute about this. If the foreign petrochemical producers had to buy oil and natural gas from any supplier other than their own government, they'd have to pay world price. The only reason these foreign producers can obtain oil and natural gas at a discount price is because their own government is willing to subsidize the price. There is no difference between this two-tier pricing system and direct government subsidies to help the petrochemical firms buy petroleum and natural gas.

Furthermore, the governments which are conferring this subsidy are quite honest about what they are doing. In the case of Mexico, the Government admits—explicitly—that the purpose of the two-tier pricing scheme is to foster exports.

The U.S. Commerce Department is oblivious to the problem. In two cases involving petrochemical imports, it has argued that no subsidy is involved because the two-tier pricing system applies to all the petrochemical firms in the country, not just to one particular petrochemical firm. This rationale is absurd. When a foreign government makes a subsidy available to more than one firm, it doesn't mean that the subsidy ceases to be a subsidy. It just means that the subsidy is widely available, which means that the practice is even more outrageous. The Department's interpretation of the countervailing duty law is strained and, according to the recent Bethlehem Steel case before the International Court of Trade, probably contrary to law.

While it is obvious we are dealing with a subsidy here, it is more difficult to determine precisely what remedy should be available to U.S. producers who are adversely affected by the subsidy. The approach taken in H.R. 4784 may not be perfect, but after working on this issue for so long, I think it's the best we can come up with. I hope we can refine the language as we proceed through the legislative process.

What we have to be sure of with this language is that we do not adversely affect U.S. trade relations with countries that do not engage in two-tier pricing. H.R. 4784 already contains language intended to make this clear but it may be possible to improve on it. I am open to discussions on this question.

The economic stakes in this effort to deal with two-tier pricing are immense. There are some who see the U.S. petrochemical industry as the next auto or steel industry. Others see it as inevitable that most petrochemicals will be produced in the energy-rich countries, with U.S. producers able only to preserve a niche in specialty petrochemicals. But think about what this would mean. In Louisiana

alone we have invested $35 billion in petrochemical plants and these plants employ more than 30,000 people. Indirectly the petrochemical industry in Louisiana accounts for employment of 75,000 more people. All told petrochemicals account for one in four jobs in Louisiana.

In addition, if the production of basic, bulk petrochemicals does shift overseas due to such practices as two-tier pricing, does anyone believe that production of specialty petrochemicals will not eventually shift there as well? When U.S. petrochemical facilities close, oil and natural gas suppliers will lose one of their largest customers—raising the prices for oil and natural gas to all remaining customers. Finally, when petrochemicals like fertilizer are produced abroad, we will be open to the same interruptions in supply and the same price manipulations as we have suffered with oil imports. This will jeopardize the interests of both farmers and consumers.

The challenge facing the U.S. petrochemical industry is different from that faced by many industries that come before this Congress. Fortunately the impact of petrochemical imports is only beginning to be felt and the industry is not yet on its knees begging for help. Foreign petrochemicals facilities are just beginning to be built. Initially the energy-rich countries have targeted ammonia, carbon black and a few other bulk petrochemicals, which is why so much of this debate has focused on these commodities. But, in time, as new plants are built one by one, other petrochemical producers will awaken to the impact of two-tier pricing.

In this legislation we have a rare chances to take action before the damage is done. We have a chance here to ensure that the U.S. petrochemical industry will have a fair opportunity to compete—and to adjust. By providing an adequate remedy for two-tier pricing at this time, the Congress can avoid some of the inevitable calls for Government assistance that will be heard if the industry loses its competitive edge. Given a fair chance to compete, we can welcome international competition. It will bring benefits to both producers and consumers in this country.

Finally, let me emphasize that this legislation is not protectionist. What the bill does is approach the problem of two-tier pricing within the context of GATT. It simply provides U.S. petrochemical producers the opportunity to prove—on the merits—that foreign governments are engaged in unfair subsidy practices. If our producers cannot prove their case, no countervailing duty will be imposed. This is the process that was set up and sanctioned by the GATT. Indeed, our entire international trading system would be in jeopardy if our country—the strongest supporter of free trade—permitted other countries to evade the GATT subsidy standards. Our country has the responsibility both to defend and to enforce GATT. It is both our right to do so and our duty to do so.

If the Commerce Department finds that an illegal subsidy is involved, it should take action. Certainly in taking action some of our trading partners may be affected. But it would be counterproductive for our country to close its eyes to illegal subsidies solely to avoid offending our trading partners. This would only sacrifice one class of U.S. producers for the benefit of another. If we are fully within our rights to take action to offset the unfair advantage conferred by a subsidy, there can be no legitmate basis for any retaliation against any U.S. exporter.

The international debt crisis does complicate all of these questions. But, in my view, tolerating the trade abuses of the debtor countries is not an appropriate response to the pressure that these countries feel to increase exports. This approach would place the principal burden of adjustment on those U.S. companies that are in competition with the debtor country, an unfair and indefensible result. This would jeopardize the $35 billion Louisiana petrochemical industry. Rather, what we need to do is take drastic action to put our economic house in order, bringing down the interest rates that are making debt repayment impossible for many of these countries. In addition, we must continue to provide strong support to the International Monetary Fund and multilateral development agencies that are trying to help during the painful readjustment period.

In short, I do not view the natural resource provision as a protectionist measure. It arises from the GATT itself, permitting U.S. producers to defend themselves against illegal subsidies. Our country has just as much right to avail itself of its remedies under GATT-sanctioned procedures as any other country. That is what this provision is all about.

Some opponents of this bill, including the administration, have raised fears of retaliation against our grain and other farm exports if this bill becomes law. I come from a district that has both heavy petrochemical production and farming interests, so in considering this legislation it has been particularly important to me to balance these two interests. In my view the fears raised about retaliation against our farm exports are unwarranted and unjustified. We must always be sensitive to real threats of retaliation, but we should be careful to evaluate whether these threats, in fact, are real or just feigned.

China recently threatened to cancel grain purchases over a textile quota revision dispute. That revision of textile quotas was not the result of a specific finding that textiles from China were being dumped or subsidized. That dispute was resolved satisfactorily with no losses to our farmers and without sacrificing U.S. textile manufacturers. There have been cases recently where imports from China were found to be dumped—an unfair trade practice, as is subsidization—and there have been no threats at all.

It is our legal right to offset subsidies. That right is recognized by most countries. This bill does not set quotas or block imports. It is not like a section 201 case where no unfair trade practice is involved. Any retaliation to a legal subsidy finding by the United States would be unjustified and illegal under international trading rules.

Even unjustified retaliation is not much of a threat. We are the residual grain supplier to world markets for all intents and purposes. Other countries do not retain surpluses from year to year. If one country switched to another supplier besides the United States, alternative markets for our grain would necessarily be forced open as shipments were diverted from other markets.

U.S. farmers know well the effect of subsidies by other countries on grain and food. We cannot submit to subsidies on fertilizer imports which farmers buy and have any hope of eliminating subsidies by other countries that reduce our farmers ability to sell grain abroad. That sets us on the path of having to subsidize both our farm exports and our own fertilizer business to maintain the farm economy. That is not the way America should go. We have started to draw the line on agricultural subsidies by other countries. We must also draw the line on subsidized fertilizer imports.

Otherwise we subject our farmers to shortages and higher prices for fertilizer essential to their crops, or we are forced to resort to subsidies ourselves. These subsidized importers increased their ammonia prices by 50 percent in 1984 to capitalize on the increased demand of U.S. farmers and the reduced production capacity of the U.S. fertilizer industry. In the short and long run both, we are not going to help our farmers by sheepishly submitting to unfair trade practices. We must stop them.

In conclusion, after many months working on this legislation I have concluded that it presents a balanced, fair, and appropriate response to a very real threat faced by the U.S. petrochemical industry. Trade legislation always is exceedingly complicated and I have talked with many who are concerned about this legislation. I have listened to their comments, evaluated them and taken their concerns into account. This legislation may not be perfect. But I think it is well crafted, does

not exceed the boundaries of GATT, and will give our U.S. petrochemical industry a chance to compete—on fair terms—with any petrochemical producer in the world. I urge my colleagues to adopt this bill.

I ask unanimous consent that the following materials be printed in the RECORD following my statement:

First, chronology of petrochemical trade legislation;

Second, letter from Congressman GILLIS LONG to Mr. Robert Cole explaining the two-tier pricing provisions of H.R. 4784;

Third, brief on U.S. Court of International Trade decision;

Fourth, study on the economic impact of the petrochemical industry in the United States, Louisiana, and Texas;

Fifth, rebuttal of administration opposition to natural resource subsidy provision of H.R. 4784;

Sixth, letter from Kenneth Y. Millian, W.R. Grace, to Mr. Olin L. Wethington, Deputy Under Secretary for International Trade, U.S. Department of Commerce; and

Seventh, study on determining the market wellhead price of natural gas for industrial users under H.R. 4784.

PETROCHEMICAL TRADE LEGISLATION: CHRONOLOGY

October 28, 1982: Anhydrous ammonia producers petition Commerce Department for countervailing duty to offset subsidy to Mexican ammonia producers.

November 3, 1982: Carbon black producers petition Commerce Department for countervailing duty to offset subsidy to Mexican carbon black producers.

January 21, 1983: Gillis Long writes to the Chairman of the International Trade Commission in support of petition by anhydrous ammonia producers for investigation under section 337 of Mexican ammonia imports.

February 24, 1983: I.T.C. denies petition for section 337 investigation.

March 28, 1983: Commerce Department issues preliminary determination in anhydrous ammonia case, holding that the two-tier pricing system in Mexico does not confer a subsidy.

April 4, 1983: Commerce Department issues preliminary determination in carbon black case, same ruling.

May 16, 1983: Gillis Long writes to Commerce Department asking for explanation on ruling that two-tier pricing system does not confer a subsidy.

June 10, 1983: Commerce Department issues final determination in anhydrous ammonia case, reaffirming preliminary determination.

June 11, 1983: Gillis Long announces that he is drafting legislation to reverse the Commerce Department's ruling on two-tier pricing.

June 16, 1983: Commerce Department issues final determination in carbon black case, reaffirming preliminary determination.

June 28, 1983: Commerce Department answers Gillis Long letter on two-tier pricing, explaining basis for ruling.

August 4, 1983: Gillis Long introduces H.R. 3801, amending the countervailing duty law to provide remedy for two-tier pricing subsidies.

October 20, 1983: Ways and Means Trade Subcommittee holds hearing on two-tier pricing of energy inputs and on H.R. 3801. Congressman Long submits statement.

February 8, 1984: H.R. 4784 introduced by Congressman Sam Gibbons containing provision on two-tier pricing.

February 29, 1984: Trade Subcommittee reports H.R. 4784 with two-tier pricing provision intact.

April 3, 1984: During mark-up in full Ways and Means Committee motion to strike two-tier pricing provision rejected by vote of 26-2.

April 10, 1984: Ways and Means Committee reports H.R. 4784 by vote on 17-3.

May 17, 1984: House Rules Committee holds hearing on H.R. 4784 and reports H. Res. 504.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 21, 1984.

Mr. ROBERT E. COLE,
Vice President, Kaiser Aluminum,
Washington, DC.

DEAR BOB: I very much appreciate your letter of June 12 regarding the Trade Remedies legislation. As you know, I have been working on the question of natural resource subsidies for over a year now. The subject is exceedingly complicated and I can understand your concern.

Your statement submitted to the October 20, 1983, hearing on the natural resource provision raises some astute questions about the issue, but it is my understanding that the issues you raise largely are dealt with adequately in the legislation that finally emerged from the Subcommittee on Trade and the full Ways and Means Committee. In October none of us knew the precise form the legislation would take.

You mention, for example, that in some countries the price of a natural resource input is substantially—and legitimately—below the world or U.S. price because the country has no alternative uses for the resource, thus, depressing its price. You cite flared natural gas as an example. This is an excellent point and in the legislation the "availability or lack of access to export markets" explicitly is mentioned as a factor to be considered in determining the nature and extent of any alleged subsidy (page 27, line 13-14). In implementing the legislation, therefore, it will not be surprising if the Commerce Department finds in certain cases that no subsidy exists despite the fact that the input price is substantially below world or U.S. prices for the same commodity.

In terms of your various comments about electricity generation, it has never been my understanding that electricity generation is covered by the natural resource provision. Although the term "natural resource" is not defined in the legislation, it seems clear to me that electricity is not a natural resource, but, rather, is created by mechanical means. I for one would be happy to stipulate that electricity generation is not covered by the provision. In any event, as with the pricing of natural gas inputs, discussed above, it is quite clear that no subsidies need be involved just because electricity generated in one manner is priced below that of electricity generated in one manner is priced below that of electricity generated in another. Each price may well be a market price despite wide differentials.

Specifically with regard to electricity produced by hydropower, it does not appear that the natural resource subsidy provision would apply. Water is a natural resource, but it is not being priced at less than fair market value to produce electricity. The charges are for the electricity. There is no government charge for the water. It is not "sold" in that sense. To the extent hydroelectric power cannot be exported to the United States or any other market, it is the same as Middle Eastern gas. However, if it is made freely available for use by all producers in that country, that demand would be setting the price. In that event, no subsidy is involved, even if there are price differentials. The subsidy occurs where the government intervenes to prevent equivalent market access and market forces to set prices. It is under those circumstances that a country is exercising its comparative advantage.

There is a related issue on irrigation projects in which water is sold. As best as we can determine, the contract prices reflected fair market value at the time the contracts were negotiated on both federal and state projects. Market values change over time due to shifts in supply and demand, but any user is entitled to the benefit of a contract negotiated at arm's length between a willing buyer and seller (the basic definition of fair market value). In addition, irrigation water is provided to a specific industry and, thus, presumably would be covered by current law. Yet, I am not aware of any cases charging that this is a countervailable subsidy.

The bill also is quite careful not to rely solely on U.S. prices as the benchmark in determining whether or not a subsidy is involved. Indeed, the Department must look at world prices, market clearing or average U.S. prices, comparative advantage and availability of export markets in making this determination. None of these separate factors is dispositive. In addition, it is "market clearing" prices, generally available to U.S. producers, not just prices generally available to U.S. producers, to which the bill turns. It is intended that current market clearing prices be considered. Market clearing would factor out "artificially high prices". Incremental pricing initially appeared to raise gas prices to some industrial users in favor of residential customers. Incidentially, most current analyses now indicate that current prices to industrial uses are at market clearing levels.

Trade legislation, whenever it is enacted, will have some impact on existing investment and trade relationships. In this case, we are addressing the natural resource pricing issue before it has had much impact on U.S. industries. This is quite unusual; normally, Congress only responds when a U.S. industry is on its knees and seeking direct protection. In terms of petrochemical production, for example, the energy-rich countries are just beginning to develop their plans and build their facilities. That is why it is so important to act now to define the terms-of-the-game so that we can avoid the dislocation that inevitably comes when a legislative response comes much later in the business/trade cycle.

What the natural resource subsidy provision tries to do is draw the line between those countries whose governments are overtly manipulating the price of energy to their own industries to the exclusion of competitors, and those that provide equivalent access to both the price of energy and investment in production facilities. Of course, not all governments are attempting to discriminate and increase exports through subsidization of energy costs below market value. But those that do cannot claim that their actions merely reflect com-

parative advantage. Rather the advantage is a contrived one.

The stark contract between market and manipulated energy pricing is best illustrated by comparing the Mexican approach to energy pricing to that of certain Middle Eastern countries. Mexico intentionally sets its internal energy prices, including natural gas prices, to domestic industrial uses below market values and insists on receiving a much higher border price for gas exports of $4.40 per mcf., limiting exports to 300 million cubic feet per day. These limits were negotiated with the U.S. Department of Energy in 1979-80. U.S. DOE changed these rules for all gas imports in February 1984, and the Mexicans have no economic reason to continue this practice. Mexico has been flaring gas, but not because of lack of access to export markets. We understand they are now capturing up to 98 percent of previously flared gas and are delivering it to new, world scale ethylene facilities. PEMEX, however, has not completed downstream facilities to utilize the ethylene, and so is now flaring the ethylene. PEMEX is both the government energy monopoly and the basic petrochemical monopoly. They maintain extremely high tariffs on most petrochemical imports and limit ownership and control of foreign investment in downstream petrochemical products to less than a majority.

In contrast, most Middle Eastern countries are flaring associated gas because they do not have sufficient competitive access to export markets for their gas. In addition, they have adopted more liberal foreign investment policies that allow control particularly over marketing of the products, by the private partners in these ventures. The bill recognizes both the "natural advantage" of abundant supplies and the limited export access of the natural resource. "Fair market value" under those circumstances would not be determined by comparison to prices "generally available in world markets" or in U.S. markets. Net back of transportation and handling costs of liquified natural gas would also be taken into account. Finally, to the extent natural resource prices were "negotiated" in the past at market values at that time, those would not be considered subsidized prices at below fair market value.

I recognize that there are foreign policy implications in most international trade matters. Countries that establish subsidies later determined in a case to violate current U.S. trade law or the GATT Subsidies Code would also be impacted immediately. The natural resource provision is sufficiently limited in scope that it will offset only genuine unfair subsidies that distort the allocation of resources within an economy and distort trade. It will not countervail arbitrarily against countries which are pricing natural resources in a way that reflects true comparative advantage and fair market value.

There is no intent whatever to harm Third World economies. We are trying to protect U.S. industry and consumers from unfair government subsidies of a few countries. Such unfair practices result in less competition and ultimately higher prices for consumers by forcing the shut down of efficient U.S. producers—more efficient than these subsidized competitors.

The case of nitrogen fertilizer and ammonia is a good example. In 1982-83, when grain prices were low and the PIK program was in place, there was an unprecedented drop in fertilizer demand in the United States. U.S. ammonia producers cut back production by 30 percent and permanently closed 13 percent of U.S. ammonia capacity. This was on top of an earlier shakeout of production capacity in 1979-80, as new plants came on line and old plants retired. U.S. nitrogen exports dropped 33 percent. But nitrogen fertilizer imports increased 10 percent! Mexico doubled its ammonia exports to the United States in 1982, and both Mexico and the Soviets increased their share of the market in 1983!

With the expiration of the PIK program and a rebound in demand in 1984, the Mexicans increased their prices and reduced their exports to the United States. The Mexicans raised their import prices to $180 per ton in January 1984, from $120 per ton in the summer of 1983. The Soviets followed suit. There suddenly was no "cheap" ammonia, imports were reduced by unilaterial decisions of foreign governments, but U.S. capacity and production had been cut back and had to struggle to take up the slack. If the weather had cooperated, demand would have been much higher and shortages could have occurred. As it was, demand for the year ending June 30, 1984, looks like it will be about at 1982 levels—hardly a banner year for either farmers or fertilizer manufacturers.

The industry has survived this situation and the market is more or less in balance for the moment, but another oversupply/price depression cycle could spell real trouble—trouble for U.S. farmers who must have assured fertilizer supplies exactly at the time the weather says to fertilize. They cannot wait for some foreign government monopoly producer to decide whether it will sell them ammonia or not. As you may know, a large percentage of the U.S. productive capacity in ammonia is located in my district.

Two-tier pricing as practiced by Mexico is clearly the kind of subsidy that should be offset or eliminated under the fundamental criteria defining such subsidies in both U.S. law and international trading rules. It distorts the allocation of resources within that economy. It provides special assistance, protection and incentives for energy-intensive industries to overproduce and export. It increases exports and decreases imports beyond what the market would do. It is blatantly unfair and trade distorting, and it has injured U.S. producers—even in relatively small volumes—by oversupplying a commodity market and depressing everyone's price. You are in the business and you know what happens. It's great when you can buy cheap imports, but it doesn't help much if you cannot resell them because of insufficient demand. With ammonia for example, now when ammonia demand rebounds, imports are no longer cheap.

This is not the sort of import competition that will increase competition and lower prices for consumers. It drives out efficient competition and afterwards results in higher prices to our farmers. This legislation is directed only at unfairly subsidized petrochemical imports—not fairly traded imports. I believe this legislation is necessary to halt these unfair practices, so the marketplace can set prices and determine competition. If we do not do this much, then we are headed for the conflicts and problems which you fear and point out so well in your testimony. If subsidy practices like this keep increasing, then our alternative to this amendment is to match those countries subsidy for subsidy. I know that is not the result you seek, nor is it what I seek.

Imports of subsidized petrochemicals is a growing problem, one that will have a severe impact on the economic prospects for Louisiana and firms in my district.

I hope you understand that I am not saying that the legislation is without its problems. I hope you will review the points I have made in this letter and continue to bring your concerns to me, and to others involved with this issue, as this legislation progresses through the legislative process. We need your expert advice and should continue this dialogue until we all know as much as possible about the effect of this legislation.

With warm personal regards, I remain,

Sincerely,

GILLIS W. LONG,
Member of Congress.

BRIEF ON U.S. COURT OF INTERNATIONAL TRADE DECISION REJECTING COMMERCE DEPARTMENT'S USE OF THE BROAD RULE THAT GENERALLY AVAILABLE BENEFITS ARE NOT SUBSIDIES

(Prepared on Behalf of Ad Hoc Committee of Domestic Nitrogen Producers, June 25, 1984)

On June 8, 1984, the United States Court of International Trade (CIT) issued a Slip Opinion 84-67 that struck down the Commerce Department's broad rule that "generally available" benefits are not countervailable subsidies. The Court's decision refutes the Administration's principal objection to the Natural Resource Subsidy provision of H.R. 4784, "The Trade Remedies Reform Act of 1984." The decision occurred in the appeal of *Bethlehem Steel Corp.* v. *United States* (Court No. 82-10-01369) on a South African Steel Case, which was affirmed on separate grounds.

THE COMMERCE DEPARTMENT RULE ON "GENERALLY AVAILABLE" DOMESTIC SUBSIDIES

In this case, the International Trade Administration (ITA) of the Department of Commerce ruled in September 1982 that a certain tax program "was not a bounty or grant." The ITA stated the general rule in that case that "our interpretation of the Act and past practice is that generally available benefits are not bounties or grants." 47 Fed. Reg. 39383. ITA read Section 771(5) of the Trade Agreements Act (19 U.S.C. § 1677(5)) as limiting countervailable domestic subsidies to those which are given to only *one* company or industry, or to a *limited* group of companies or industries, or to companies or industries in a *limited* region or regions of a country. ITA stated that Congress did not intend to require the assessment of countervailing duties for programs which benefited *all* industries. ITA reasoned that Congress intended that the term "subsidy" be given the same meaning as "bounty or grant" and stated that generally available programs had never been considered to confer a "bounty or grant."

THE COURT OF INTERNATIONAL TRADE REJECTS THIS BROAD RULE

The Court states in response to these assertions by ITA, *"The Court rejects the broader rationale that, as a rule, generally available benefits are not subsidies."* p. 5. (Italic added.)

The Court determined that the natural meaning of the phrase in Section 771(5) of the 1979 Act, "domestic subsidies, *if provided or required by government action to a specific enterprise or industry, or group of enterprises or industries,"* covers situations in which benefits are given to a single enterprise or to as many as possible. (Italic added.)

The Court found that ITA's application of the "generally available" rule departed from Congress's intent: "The idea that a subsidy can exist only by means of a specific designation or singling out of a favored group from the productive sector has no support in logic or law. . . . A law created to deal with the advantageous effects of such benefits as are enjoyed by imports to be sold in the U.S. is hardly concerned with whether the challenged imports are the only beneficiaries or just one of many." p. 14.

Referring to ITA's argument and the structure of the language in the law using "illustrative examples," the Court stated, *"From this extremely narrow position, [ITA is] seeking to erect a monumental diversion of the course of the countervailing duty law.* The structure of this provision, the context of the prefatory material, and the words of the crucial phrase *do not support the defendants' [ITA] position."* p. 9. (Italic added.)

In reviewing the comprehensive and inclusive nature of the language of the Act and the legislative history, the Court stated, "this context alone *dissolves the plausibility of the appearance in its midst of a momentous exception for 'generally available' benefits."* p. 13. (Italic added.)

The Court then ruled, "A broad exception for practices or benefits which are generally available is rejected for the following reasons: It is contrary to the fundamental purpose of the law. It is not expressed in the statute. It is not to be read into the law by virtue of legislative history. It has not entered the law through legislative recognition of past administrative interpretation. Finally, it is not needed in order to avoid absurd or ridiculous applications of the law in individual cases." p. 10.

The Court also examined past cases and prior administrative practices (pp. 16–24) and found that "The plain meaning of this provision and its context does not suggest that 'generally available' benefits are excluded from the definition of subsidy." pp. 16–17.

THE COURT'S STATEMENT OF THE LAW

This opinion stands for the proposition that "The fundamental purpose of the countervailing duty law is to provide a special duty to eliminate the advantage an imported product may obtain from forms of assistance termed 'subsidies.' p. 10. "The primary object of the law is the removal of the advantage of a subsidy or the elimination of injury caused by products possessing the advantage of a subsidy." pp. 10–11. "From the point of view of the objective of the law and those whom it was meant to affect, the extent to which subsidization is practiced in the country of production is entirely immaterial." p. 11.

In the opinion of the Court, "Congress has covered the full range of possibilities, going from the subsidization of a single unit to all larger units, up to and including the entire productive sector." p. 14. The Court further stated that, "[T]he entire productive sector of a nation's economy is nothing more than a group of enterprises or industries." p. 14. The Court also noted that the words "generally available" are not found anywhere in the law.

THE CONCLUSION OF THE COURT: THE STANDARD IS "COMMERCIAL FAIRNESS"

The Court concluded that, "If we examine the specific examples of domestic subsidies listed in the statute we are at a loss to understand what ameliorating or transforming effect can possibly arise from the extension of these benefits to the entire economy. *Can it be argued that financial assistance which is inconsistent with commerical considerations is no longer a subsidy when it is part of the basic policy of a government and available to all businesses? This approach cannot be reconciled with the fundamental purpose of the law which must extend to certain commercial advantages even when a country has chosen to make them universally available.* The question is not what is normal in the economy under investigation, but rather what is reconcilable with the *standards of commercial fairness* envisioned by this countervailing duty law." p. 16. (Italic added.)

"As stated earlier, the Court's analysis of the law persuades it that the formulation in this proceeding of a broad exception for generally available benefits is contrary to the plain meaning and intention of the countervailing duty law." p. 24.

THE RECENT ORIGIN OF THE "GENERALLY AVAILABLE" RULE

The Court found that what was developing in administration of the law prior to this case was "not an exception for generally available benefits, but an exception for benefits which flow from certain basic types of government activity" (p. 22) such as general tax benefits and the building of wharves.

The Court noted that, "The first administrative determinations which unequivocally attempted a broad exception for generally available government programs were the determinations in the carbon steel investigations, one of which is here under judicial review. This is no more than a contemporary interpretation of the law by an administrative agency which we address in this opinion." p. 24.

The steel cases referred to were decided in August and September of 1982.

CONTROVERSIAL SUBSEQUENT APPLICATIONS OF THE "GENERALLY AVAILABLE" RULE LEAD TO THE FORMULATION OF THE NATURAL RESOURCE SUBSIDY PROVISION OF H.R. 4784

Subsequent to the steel cases in 1982, a series of cases were decided based on the same broad, exclusionary "generally available" rule. Some of those cases were: Ammonia, Carbon Black and Cement from Mexico, and Softwood Lumber Products from Canada. Other issues in some of these cases could have otherwise determined the outcome, but those issues were not determined because ITA applied the exclusionary "generally available" rule.

In the case of ammonia from Mexico, the subsidy at issue was two-tier pricing of natural gas used to make ammonia. The Mexican government established a *single gas price* for all domestic industrial users set below the export price to the United States and *below the current market clearing price* of gas in the United States. Ammonia is produced, sold and exported in Mexico only by PEMEX, a government monopoly, which is also the monopoly producer, seller and exporter of oil and gas wholly owned by the state.

ITA preliminarily determined that the gas pricing differential (between the lower domestic price and the export price) conferred neither an export subsidy nor a domestic subsidy on ammonia exports since all industrial users in Mexico could obtain gas at the same price. Using the "generally available" rule, the ITA determined that two-tier pricing did not provide a bounty or grant to a "specific enterprise or industry or group of enterprises or industries."

In the final ruling, the ITA again examined the Mexican gas pricing policies under which gas is provided to PEMEX and other domestic industrial users *"at a price well below a commercially reasonable rate."* The ITA again ruled that this pricing policy *does not* confer a bounty or grant that is counteravailable under U.S. law, because the lower price is "generally available" in Mexico.

As a result of this ruling, ITA reached an absurb result. It was discovered during the investigation that PEMEX gas production costs were higher than originally thought and actually exceeded the "generally available" industrial use price for gas. The ITA ruling meant that the *"generally available" gas price was still not a counteravailable subsidy, even though that price was below PEMEX's own gas production costs.*

IMPLICATIONS OF THIS COURT DECISION FOR THE NATURAL RESOURCE SUBSIDY PROVISION OF H.R. 4784

The Administration based its primary opposition to the Natural Resource Subsidy provision of H.R. 4784, in an April 3 letter to the Ways and Means Committee, on the "generally available" rule. It stated that this provision represented "a major departure from longstanding U.S. and international practice regarding the definition of a subsidy," because domestic subsidies are counteravailable "only if provided to a specific enterprise or industry or group of enterprises or industries."

In the April 3 letter, the Administration referred to an earlier case on "generally available" benefits, *Carlisle Tire and Rubber Co.* v. *U.S.* 564 F.Supp. 834 (1983). In that case, the Court of International Trade had ruled that any attempt to countervail all general domestic programs would be unadministerable and yield an absurd result. In the recent South African steel case, the Court distinguished that same case, finding "[The Court] *does not see the alternative as being either the absurd assessment of countervailing duties on all beneficial acts of government or the exclusion from the effect of the law of all benefits which are generally available in a country. Both of these extremes have their absurdities."* p. 28. (Italic added.)

The South African steel case just decided makes it clear that:

(1) The Natural Resource Subsidy provision is not a major departure from existing law; in fact, the ITA's application of the "generally available" rule is itself a major departure from the intent and purpose of the countervailing duty law.

(2) This rule has not been a longstanding U.S. and international practice regarding the definition of a subsidy, but, in fact, was first used by the ITA less than two years ago.

(3) "Generally available" benefits may be countervailed if they are "positive beneficial acts" as opposed to "the contraction of the exercise of governmental power" as are most general tax provisions like depreciation and investment tax credits. The standard is the "commercial fairness" of the subsidy practice, not whether it is made "generally available" to all industrial users.

In its April 3 letter, the Administration made the categorical statement that "Generally available domestic programs do not distort the allocations of resources within an economy." As the recent finding of the Court suggests, this categorical proposition is not defensible. It stands to reason that some positive beneficial government programs could cause such distortions and be subsidies. For example, natural gas priced

below its commercial market value could *create an incentive to develop excess production capacities in energy-intensive industries* such as ammonia, cement, carbon black, or petrochemicals in general, but does not provide the same incentive for other industries. Obviously, such a subsidized gas price provides an *enormous* benefit to energy-intensive industries as compared to only a *nominal* benefit for all others. Under such circumstances, this subsidy practice provides a strong incentive to export excess production at marginal prices with little regard for supply/demand conditions in U.S. markets. The Court of International Trade has determined that the *bestowal of the benefit and its commercial fairness are the critical features, not whether the benefit is given to one industry or all industries.*

Based on the *incorrect premise* that no countervail against certain "generally available" programs would depart from both "longstanding" and "internationally accepted" practice, the Administration *incorrectly concludes* in its April 3 letter that the Natural Resource Subsidy provision of H.R. 4784 could violate GATT. The Subsidies Code was added to the GATT in 1979 and the current statutory language was then incorporated into U.S. countervailing duty law amendments in 1979. The ITA did not assert the "generally available" rule until late 1982. There could be no justifiable retaliation by any GATT member country or any other country solely on the basis of general availability of the subsidy practice. The Natural Resource Subsidy provision is consistent with the original intent of U.S. countervailing duty law and with GATT.

The pricing of energy below its "fair market value" can provide financial assistance, particularly to energy-intensive industries, which bestows an unassailable benefit on those industries' exports. It is inconsistent with commercial considerations. It violates the standards of commercial fairness envisioned by the countervailing duty law, and should clearly be countervailable under U.S. law and international trading rules. Failure to make such subsidies actionable leaves us only with the alternatives of sacrificing the U.S. basic petrochemical industry to subsidized foreign producers or subsidizing the U.S. industry ourselves.

THE ECONOMIC IMPACT OF THE PETROCHEMICAL INDUSTRY IN THE UNITED STATES, LOUISIANA AND TEXAS

(Prepared on Behalf of Domestic Nitrogen Producers' Ad Hoc Committee, by Margo Thorning, Ph.D.)

INTRODUCTION

The purpose of this paper is to provide estimates of the direct and indirect impacts of the petrochemical industry on the national economy, as well as on that of two major petrochemical producing states, Louisiana and Texas. In addition to providing information on the petrochemical industry as a whole, four key sectors of the industry are examined: polyethylene, methanol, ammonia and carbon black. These four sectors are the most vulnerable to unfair foreign competition from producers using government subsidized energy inputs. Some of the statistical data shown in the tables, particularly that for 1983, are estimates, and should be regarded as indicators of the relative importance of an industry rather than as exact figures. (See Appendix A.)

I. DIRECT EMPLOYMENT AND INCOME IMPACTS

To determine the amount of employment and income directly generated by the petrochemical industry requires that the industry be properly defined. Accordingly, the Standard Industrial Classification (SIC) scheme of the Bureau of the Census is used in this paper. Petrochemicals are those chemical materials which use hydrocarbons as raw materials. The petrochemical industry is the composite of eight four-digit sectors of Chemicals and Allied Products (SIC 28). These eight industries manufacture primary and intermediate petrochemical materials. The materials are used to manufacture products such as cellulose plastics, synthetic and silicone rubbers, yarn (man-made fibers), all kinds of dyes, creosote, freon, isopropyl alcohol, saccharin, fertilizers, and carbon black. Detailed analysis of four of the eight petrochemical industries is provided in this paper including plastics and resins, industrial chemicals, nitrogenous fertilizers and carbon black. Among the important products produced in this subset are polyethylene (SIC 2821), methanol and ethylene (SIC 2869), ammonia (SIC 2873), and carbon black (SIC 2895). (See Appendix A for SIC designations.)

The direct employment and income impacts of the petrochemical industry include only the jobs and earnings generated strictly with the industry itself and do not include the effect on other sectors of the economy. The indirect impacts examine the effects of changes on suppliers, as well as unrelated sectors of the economy.

A. EMPLOYMENT EFFECTS

The petrochemical industry provides a relatively small amount of employment in the manufacturing sector in the United States as a whole, because petrochemical production is a captial, as opposed to labor-intensive, industry. However, it is important in major producing states such as Louisiana and Texas, where it ranks high as a source of jobs. For example, 11.6 percent of Louisiana's manufacturing employment was in the petrochemical industry in 1983; the comparable figure for Texas was 4.4 percent (Table 1).

Certain sectors of the petrochemical industry are particularly important to employment in Louisiana petrochemical industry in 1983 were provided by the four key sectors: plastics and resins, industrial chemicals, nitrogenous fertilizer and carbon black. These same four industries provided 90.8 percent of the jobs in Texas' petrochemical industry.

B. INCOME EFFECTS

The effect of the petrochemical industry on income can be gauged by examining data on sales, value added and payrolls. In 1977, sales of the U.S. petrochemical industry were $53.0 billion; by 1983, they had increased by 45 percent to $76.6 billion (Table 3). Petrochemical sales increased by 53 percent in Louisiana and 58 percent in Texas, to $9.3 and $21.8 billion, respectively.

Value added is a more complete measure of the effect of an industry on income than is sales. Value added includes the income earned by labor and sole proprietors, as well as dividends and interest paid, and profits earned by those who have invested capital in the industry. In 1983, the petrochemical industry was responsible for $28.1 billion of the total income generated in the United States; and for $3.6 billion and $9.1 billion of the income earned in Louisiana and Texas, respectively.

Payrolls (which are included in value added) are another indication of the industry's importance. Direct wage and salary outlays were over $7.5 billion in the U.S. petrochemical industry in 1983. The industry paid over $600 million in wages in Louisiana and $1.3 billion in Texas in 1983.

The majority of sales, value added and payroll in the petrochemical industry is generated in the four key sectors: plastics and resins, industrial chemicals, nitrogenous fertilizer and carbon black (see Table 4). In 1983, for example, sales in these four sectors were 75.1 percent of the total petrochemical sales for the United States. In Louisiana, sales in the four sectors dominated the industry with 93.5 percent of the total; in Texas, the comparable figure was 86.6 percent. As Table 4 shows, the four sectors constitute a significantly larger share of the Texas and Louisiana petrochemical industry than of that of the United States as a whole.

II. THE INDIRECT IMPACT OF THE PETROCHEMICAL INDUSTRY

The direct impact of the petrochemical industry was described above. However, these data present an incomplete picture of the importance of the petrochemical industry to the United States and to states in which the industry ranks high in employment and sales. The reason that direct estimates such as sales, value added and employment in petrochemicals understate the industry's importance is that these measures do not take into account the fact that the industry buys from and sells to many other sectors.

Furthermore, the direct impact data presented in Section I ignore the effect of the spending for goods and services done by petrochemical employees and by employees in industries which supply the petrochemical industry. In addition to understating the private sector effects, the direct impact analysis does not take account of the tax revenues received by the local, state and Federal governments from the petrochemical industry.

Therefore, any change in the economic wellbeing of the petrochemical industry will have effects on the employment, income and tax payments of industries and individuals in many other sectors of the economy. When economic conditions cause a job to be either created or destroyed in the petrochemical sector, a chain reaction throughout the state is set in motion. This chain reaction, or multiplier effect, causes additional jobs to be created or lost in the state.

Various estimates of the size of the multiplier effect exist. The one chosen here to analyze the effect of a change in sales in the petrochemical industry on a state's economy is an average based on a survey of the major economic forecasting models. The average of the multipliers was 2, meaning that a $1 million increase in sales in the petrochemical industry would generate a total of $2 million of increased spending over the course of a year.[1] If petrochemical sales continue at the new higher level in succeeding years, an additional $2 million in spending will be created each year. Part of the increase in spending would be paid to the local, state and Federal government in tax revenue. Therefore, if petrochemical sales increase by $1 million in the states of Louisiana or Texas, for example, total spending will increase by $2 million over the course of a year. It should be noted that multiplier effects work in reverse. If the state of Louisiana loses $1 million in petrochemical sales, a total loss of $2 million in spending will

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[1] Macroeconomics, Robert J. Gordon, Little Brown & Company, 1981 p. 387 ff.

result. As a consequence of the spending decline, jobs and tax revenues will also be lost.

It is possible to examine the consequences of an increase in petrochemical sales on specific industries which directly supply the petrochemical industry. These effects can be measured using the imput-output (I-O) tables produced by the Bureau of Economic Analysis at the U.S. Department of Commerce. An I-O table is a matrix of numbers which describes the direct interactions between all of the industries in the United States.[2]

Using the I-O table, the effect of a $1 million increase in sales in the petrochemical industry is estimated; the results are shown in Table 5. While the coefficients used here were designed for the national economy, they can also be used to estimate the impact of a sales increase on individual states. Approximately $616,000 in new sales in other industries which directly supply the petrochemical industry will occur as a result of $1 million in new sales in the petrochemical industry. Conversely, a $1 million loss in sales will result in a decline in sales in related sectors of $616,000.

III. EFFECT ON GOVERNMENT TAX REVENUES

The petrochemical industry contributes directly and indirectly to Federal, state, and local tax revenues. The multiplier concept described in Section II also applies to tax payments to the three levels of government. If sales rise in the petrochemical industry, the industry itself will pay more taxes; this is the direct impact. Indirect effects on tax revenues consist of taxes paid by employees of the petrochemical industry, and of industries which serve as suppliers and their employees. Although the indirect impact on tax revenues is probably larger than the direct effect, its measurement is complex. Accordingly, only direct impacts are estimated in this paper.

At the Federal level, the petrochemical industry paid approximately $1.4 billion, or 2 percent of total corporate tax payments in 1980 (the last year for which data are available). State and local tax payments by the petrochemical industry are not readily available. However, an idea of the importance of this industry to major petrochemical producing states can be gleaned from examining data from CF Industries' Louisiana petrochemical plants. These data indicate that each plant operating in Ascension Parish paid $79,000 in property taxes in 1983.[3] Each plant also paid about $100,000 in state and local taxes, for a total of $179,000 per plant. Assuming that millage rates and local sales taxes in Ascension Parish are typical of other parishes, each closing of a plant costs the state and parish $179,000 in property and sales taxes.[4] This estimate of the loss of tax revenue from a plant's closing is understated because of possible accompanying decreases in corporate income tax payments to the State of Louisiana. The revenue loss estimate is further understated because it measures only the *direct* effect and ignores the *indirect* effects caused by decreased sales and tax payments of the plant's suppliers.

[2] "Summary Input-Output Tables of the U.S. Economy: 1976, and 1978 and 1979," U.S. Dept. Of Commerce, Jan. 1983.

[3] Louisiana has a policy of granting a manufacturer a 10 year exemption on most property tax categories (inventories are not exempt) when a firm builds a new plant in the state.

[4] If the closed plant were less than 10 years old, the loss of tax revenues would be smaller.

TABLE 1.—PETROCHEMICAL INDUSTRY EMPLOYMENT AS A PERCENT OF TOTAL MANUFACTURING EMPLOYMENT IN THE UNITED STATES, TEXAS, AND LOUISIANA

[In thousands]

	Employment						Petrochemical industry as percent of all manufacturing employment		
	Petrochemical industry			All manufacturing					
	Texas	Louisiana	United States	Texas	Louisiana	United States	Texas	Louisiana	United States
1977	40.8	21.9	310.3	886.4	194.8	19,590.1	4.6	11.2	1.6
1983	44.1	21.7	283.4	992.9	187.0	18,844.5	4.4	11.6	1.5

Source: Bureau of the Census, U.S. Department of Commerce, and private estimates.

TABLE 2.—EMPLOYMENT IN LOUISIANA AND TEXAS IN 1983 IN SELECTED SEGMENTS OF THE PETROCHEMICAL INDUSTRY AS A PERCENT OF TOTAL PETROCHEMICAL INDUSTRY EMPLOYMENT

[In thousands]

	Louisiana	Texas
Total petrochemical industry (SIC 28)	21,852	40,755
Plastics and resins [1] (SIC 2821)	2,328	6,014
Industrial chemicals [2] (SIC 2869)	15,756	29,593
Nitrogenous fertilizer [3] (SIC 2873)	1,275	510
Carbon black (SIC 2895)	1,000	900
Sum of SIC 2821, 2869, 2873, and 2895	20,359	37,017
As percent of total State petrochemical industry (SIC 28)	93.2	90.8

[1] Plastics and resins (SIC 2821) includes polyethylene.
[2] Industrial chemicals (SIC 2869) includes ethylene and methanol.
[3] Nitrogenous fertilizer (SIC 2873) includes ammonia.

Source: Bureau of the Census, U.S. Department of Commerce, and private estimates.

TABLE 3.—TOTAL SALES, VALUE ADDED AND PAYROLLS IN THE PETROCHEMICAL INDUSTRY IN 1977 AND 1983

[In millions of dollars]

Industry	1977			1983		
	United States	Louisiana	Texas	United States	Louisiana	Texas
Petrochemicals [1]						
Sales	52,991.9	6,124.0	13,855.6	76,578.5	9,343.5	21,816.6
Value added	21,802.6	2,381.1	5,811.0	28,137.8	3,567.9	9,102.6
Payrolls	5,329.1	427.8	876.4	7,525.0	632.9	1,329.5
Plastics and Resins (SIC 2821): [2]						
Sales	10,800.0	774.1	2,000.0	16,477.1	1,178.9	3,044.2
Value added	4,000.0	270.9	700.0	6,096.5	412.6	1,065.5
Payrolls	1,000.0	38.7	100.0	1,501.0	58.1	150.2
Industrial chemicals (SIC 2869): [3]						
Sales	24,300.0	4,300.0	9,600.0	37,765.8	6,731.7	15,380.2
Value added	10,500.0	1,600.0	4,300.0	13,011.4	2,504.8	6,921.0
Payrolls	2,100.1	300.0	600.0	3,263.7	457.9	949.1
Nitrogenous fertilizer (SIC 2873): [4]						
Sales	2,600.0	522.4	151.3	2,497.2	563.9	163.3
Value added	1,200.0	317.5	58.5	1,148.7	344.9	63.1
Payrolls	182.0	33.7	10.1	174.8	33.8	11.4

TABLE 3.—TOTAL SALES, VALUE ADDED AND PAYROLLS IN THE PETROCHEMICAL INDUSTRY IN 1977 AND 1983—Continued

[In millions of dollars]

Industry	1977			1983		
	United States	Louisiana	Texas	United States	Louisiana	Texas
Carbon black (SIC 2893):						
Sales	468.4	166.6	197.5	735.4	261.6	306.9
Value added	170.2	68.3	68.4	267.2	107.2	106.0
Payrolls	42.5	15.2	18.2	68.9	23.6	28.2

[1] Includes: Plastic materials (SIC 2821), synthethic rubber (SIC 2822), synthetic fibers (SIC 2824), surfactants (SIC 2843), cyclics and aromatics (SIC 2865), acyclics and aliphatics (SIC 2869), nitrogenous fertilizer (SIC 2873), and carbon black (SIC 2895).
[2] SIC 2821 includes polyethylene.
[3] SIC 2869 includes ethylene and methanol.
[4] SIC 2873 includes ammonia.

Source: Bureau of the Census, U.S. Department of Commerce, Bureau of Labor Statistics, U.S. Department of Labor, and private estimates.

TABLE 4.—THE ECONOMIC IMPORTANCE OF THE POLYETHYLENE, METHANOL, ETHYLENE, AMMONIA, AND CARBON BLACK INDUSTRIES RELATIVE TO THE ENTIRE PETROCHEMICAL INDUSTRY

[Dollar amounts in millions]

	1977			1983		
	United States	Louisiana	Texas	United States	Louisiana	Texas
Sum of petrochemical industries including polyethylene, methanol, ammonia, and carbon black: [1]						
Sales	$38,168.4	$5,763.1	$11,948.8	$57,475.5	$8,736.1	$18,894.6
Value added	16,168.4	2,256.7	5,076.7	20,523.8	3,449.8	8,155.6
Payrolls	3,324.6	387.6	728.3	5,088.4	573.4	1,140.7
As a percent of total petrochemical industry:						
Sales	72.0	94.1	86.2	75.1	93.5	86.6
Value added	74.2	95.9	87.4	72.9	96.7	89.6
Payrolls	62.4	90.6	83.1	67.6	90.1	83.1

[1] The industries consist of plastics and resins (SIC 2821), which includes polyethylene; industrial chemicals (SIC 2869), which includes methanol and ethylene; nitrogenous fertilizer (SIC 2873), which includes ammonia; and carbon black (SIC 2895). These industries manufacture other products in addition to those listed above.

Source: Bureau of the Census, U.S. Department of Commerce, and private estimates.

TABLE 5.—*The impact of a $1,000,000 change in petrochemical industry sales on the industries which supply goods and services to the petrochemical sector*

Impacted sector:	*Change*
Chemical and allied products	$1,010,000
Crude petroleum and natural gas	450,000
Construction (new)	
Maintenance and repair construction	11,000
Transportation, communications, and utilities	28,000
Railroads (0100)	15,400
Motor freight (0300)	6,640
Water transportation (0400)	5,600
Pipelines, excluding gas (65.0600)	560
Electricity, gas, and water sanitary services	30,000
Wholesale and retail trade	22,000
Real estate	28,000
Business services	37,000
Impact on sales [1]	1,616,000

[1] Only major sectors are shown above; some additional income would probably be generated by an increase in sales.

APPENDIX A: METHODOLOGY USED IN ESTIMATING THE DIRECT IMPACTS OF THE PETROCHEMICAL INDUSTRY

Data on employment, sales, value added and payrolls for the U.S., Texas and Louisiana petrochemical industry for 1977 were obtained from the Bureau of the Census, U.S. Department of Commerce, and the Bureau of Labor Statistics, U.S. Department of Labor. Estimates of these data for 1983 were made in the following manner. First, ratios of sales to employment and average wages were made for each of the eight petrochemical industries using the 1977 Census of Manufacturer's data published by the U.S. Department of the Census. Second, a consistent employment series based on the 1977 Census data was estimated using the 1977-1983 change in employment in each petrochemical industry provided by the U.S. Department of Labor. Third, the ratios of sales to employment and average wages for 1977 were multiplied by the estimated 1983 employment to generate 1983 sales, value added and payroll. The 1983 estimates were adjusted for the inflation which has occurred since 1977.

APPENDIX B: THE MULTIPLIER CONCEPT USED IN ANALYZING THE PETROCHEMICAL INDUSTRY

The multiplier of 2.0 used in the analysis in this paper is an average of those of seven major economic forecasting models. These models were developed by: The Bureau of Economic Analysis, U.S. Department of Commerce; The Brookings Institution; The University of Michigan; Data Resources, Inc.; The Federal Reserve Bank of St. Louis; the MIT-Penn-Social Science Research Council; and The University of Pennsylvania.

The major variables used in the seven economic forecasting models developed by the institutions listed above are assumptions about: (1) The marginal propensity to consume, (2) the marginal propensity to invest, (3) the marginal propensity to import minus the marginal propensity to export, (4) tax rates, and (5) interest rates. Each model is based on a particular set of assumptions about the size and strength of the above variables.

APPENDIX C: MAJOR PRODUCTS OF THE EIGHT INDUSTRIES INCLUDED IN THE PETROCHEMICAL INDUSTRY

The Standard Industrial Classification (SIC) Code developed by the Bureau of the Census classifies the major products of the petrochemical industry as follows:

1. SIC 2821: Plastic Materials, including polyethylene and nylon resins, and cellulose plastic materials.
2. SIC 2822: Synthetic Rubbers, including silicone rubber and fluorocarbon rubbers.
3. SIC 2824: Synthetic Fibers, including acrylic, olefin, polyester and vinal fibers.
4. SIC 2843: Surfactants, including textile scouring compounds, leather finishing agents, emulsifiers and soluble oils and greases.
5. SIC 2865: Cyclics and Aromatics, including benzene, organic color pigments, food and cosmetic dyes.
6. SIC 2869: Acyclics and Aliphatics, including ethylene and methanol, saccharin and freon.
7. SIC 2873: Nitrogenous fertilizers, including ammonia, urea, nitrogen solutions, and nitric acid.
8. SIC 2895: Carbon Black, including carbon black, furnace black and channel black.

REBUTTAL OF ADMINISTRATION OPPOSITION TO NATURAL RESOURCE SUBSIDY PROVISION OF H.R. 4784

(Prepared by the Ad Hoc Committee of Domestic Nitrogen Producers)

FOREWORD TO REBUTTAL

The April 3, 1984 letter from Secretary Baldrige and Ambassador Brock to Chairman Rostenkowski of Ways and Means sets forth the Administration's position regarding the Natural Resource Subsidy provision of H.R. 4784, the Trade Remedies Reform Act of 1984. The Administration opposes the provision chiefly on the grounds that it represents a "departure" from longstanding U.S. and international definitions of a countervailable subsidy. Yet the facts clearly demonstrate that two-tier or below-market value energy pricing, as practiced by a few state-owned energy monopolies, constitutes a subsidy which is countervailable according to the Administration's own standards.

Under current U.S. law, the Administration draws a rigid distinction between domestic subsidy programs which benefit specific industries over other industries in an economy, distort resource allocations, and increase exports while decreasing imports—saying such programs are countervailable in all cases—and programs which are "generally available" within an economy and hence are not presumed to provide special benefits to one industry over another, distort re-

source allocations or distort export/import trade—saying such programs are not countervailable in any case. The Administration argues that all government subsidy programs are either one or the other—directed at "specific industries" or else "generally available." The Administration states categorically that generally available subsidies do not distort the allocation of resources.

The major problem is that this mechanistic test fails to recognize the existence of a third category: domestic subsidy programs which are "generally available", yet result in the required distortions—great benefit to certain industries over nominal benefit for others, misallocation of resources, and trade distortion—which both the U.S. and the international community regard as the criteria of an actionable domestic subsidy. Only by disregarding conditions in the real world can the Administration deny the existence of this third category. The Natural Resource Subsidy provision is carefully drafted to cover this obvious gap in current law.

The provision is directed at the growing practice of two-tier pricing of natural resources, such as energy, where the state owns or controls production and pricing primarily through state-owned monopolies. Two-tier energy resource pricing exists when a government sets an artificial, below-market price on energy resources sold to its own domestic industries to make products, but will only export energy resources to other users at a much higher price. An excellent explanation of the impact of below-market energy pricing is found in the Mexican Industrial Development Plan (IDP) which states:

"This plant [the IDP] is complemented by *an explicit policy of maintaining internal prices of energy sources for industrial use below that of the international market.* This allows for stengthening of industry by giving it a *substantial margin of protection via inputs.* In contrast to other forms of protection which tend to make such costs more expensive and access to external markets more difficult, *this mechanism constitutes a direct incentive to exports.*" (Italic added.)

Mexican two-tier energy pricing gives an enormous advantage to a few energy-intensive industries over its purely nominal effect on other industries; it distorts the allocation of resources in Mexico because it has encouraged the concentration of scarce capital in capital-intensive petrochemical plants, to the detriment of wider investment in badly needed labor-intensive industries, resulting in excess production of energy-intensive products like anhydrous ammonia, carbon black and cement at costs which do not recognize the true economic value of the energy used; and it directly increases exports of energy-intensive products and prohibits imports in a way which would not be possible in the marketplace without government intrusion.

The Administration falsely alleges that adoption of the provision would result in countervailing all "generally available" domestic subsidies. In fact, the provision applies only when a government prices natural resources like energy below fair market value, when the natural resource is not made available to competing producers at the lower price, and when the cost of the natural resource comprises a significant portion of the production costs of an import product. *The provision obviously applies only to exports by intensive users of energy resources, not to nominal users or the residential users.*

In Mexico, the state energy monopoly owns all energy resources. The monopoly sets the domestic price of energy resources like natural gas far below market levels, and the export price far above market levels. The monopoly and its subsidiaries are major energy users; they market and export many products produced downstream, such as ammonia, ethylene and other petrochemicals. The low domestic price also subsidizes the production of other energy intensive export products like carbon black and cement. Because production costs are artificially lowered by government intervention, Mexico's subsidized producers can use marginal pricing to export their excess production—regardless of demand conditions in export markets. Yet the Administration's mechanistic interpretation of the "specific industry/general availability" test can make no distinction between this kind of program and truly general government programs such as highway construction or public health care.

Because it can be demonstrated that this test is inadequate to cover a domestic subsidy with all the requisite distortive effects, the law must be changed to address that fact. We will only encourage more state ownership, production and subsidization of key natural resource based industries if we fail to modernize our trade laws. If governments intend to get into business, but are under no obligation to act like private producers, it is private producers that will lose out. For the Administration to avoid this truth in its arguments against adoption of the Natural Resource Subsidy provision is, in effect, to penalize private producers in the United States because they cannot act like governments.

Plainly stated, the U.S. petrochemical industry and other key energy intensive U.S. industries cannot be expected to compete with foreign governments that subsidize their export producers. If Congress doesn't act to offset this unfair government trade practice, we will have to choose between undue reliance on imported petrochemicals from subsidized producers or we will have to follow the lead of other nations by subsidizing our own producers. Neither alternative will enhance competition nor result in lower prices for U.S. consumers.

REBUTTAL OF ADMINISTRATION OPPOSITION

1. The Administration alleges that the Natural Resource Subsidy provision represents a major departure from U.S. and international practice regarding what is a countervailable subsidy.

The U.S. countervailing duty law states that domestic subsidies are countervailable if provided to a "specific enterprise or industry or group of enterprises or industries." Such subsidies are countervailable because they benefit one industry over another in the same economy, distort the allocation of resources, and serve to unfairly increase exports and decrease imports. The Administration has interpreted U.S. law and the GATT Subsidies Code to mean that a "generally available" subsidy is never actionable because it does not benefit specific industries over others. The Administration argues categorically that "generally available domestic programs do not distort allocations of resources within an economy."

The problem with this all-or-nothing distinction is that it leaves an obvious loophole where a "generally available" subsidy results in the same distortions which characterize subsidies to a "specific industry." The international trade community agrees that actionable domestic subsidy programs are those which provide benefit to one industry over another in the same economy, distort resource allocation within the economy, and serve to increase exports and limit imports. Such trade distorting subsidies should be countervailable no matter what name they are given.

Government ownership of energy and petrochemical production has blurred the current black and white distinction. When a government directly engages in furnishing, to its own monopoly users and export producers, a significant and necessary imput to production at below-market value, it directly involves itself in and distorts the production process. The Administration's interpretation of current U.S. law is incapable of distinguishing this program from other general government programs that are not intended to be countervailed.

Even a cursory examination of the Mexican government's two-tier energy pricing program reveals that the program specifically provides an enormous benefit to energy-intensive industries over other nominal users, and has resulted in the concentration of Mexico's scarce capital resources in energy-intensive industries as opposed to other industries, i.e. labor-intensive industries, which Mexico must develop to achieve a firm economic base. Furthermore, the program has definitely served to increase exports of petrochemicals while decreasing imports in a way which the marketplace, free from government intervention, would not do. In plain English, this "generally available" subsidy acts exactly like a subsidy to a specific industry or group of industries, and has the same injurious results.

The Administration claims that adoption of the provision would result in countervailing against all general domestic government programs affecting natural resources that indirectly lower production costs. This is completely incorrect. We agree that to countervail against all generally available government programs would lead to an absurd result. But the provision would not countervail against any of the examples cited by the Administration, such as "irrigation projects, high quality transportation systems, investment tax credits, capital recovery allowances, police and fire protection, rural electrification programs, and public health programs."

In fact, the provision applies only when a government prices natural resources like energy at below market levels, only when the low price is not made available to competing producers, and only when the cost of the natural resource comprises a significant portion of a product's production cost. Obviously, the provision only affects export producers of natural resource intensive products like petrochemicals. It has no effect on nominal industrial users or residential users.

The provision would only countervail against two-tier pricing subsidies to specific industrial sectors that receive a significant benefit. It will not countervail against all industries receiving such subsidies. It is thus consistent with the intent of U.S. law and with internationally accepted practices regarding what type of domestic subsidies may be offset. As such it is wholly consistent with the GATT and its Subsidies Code.

The U.S. petrochemical industry and other key energy-intensive industries cannot be expected to compete successfully against foreign governments and their subsidized producers. If governments intend to get into business, but are under no obligation to act like private producers, it is private producers which will lose out. For the Administra-

tion to avoid this truth in its arguments against adoption of the Natural Resource Subsidy provision is to penalize private producers in the United States because they cannot act like governments.

If Congress does not act to offset this unfair government trade practice, we will have to choose between undue reliance on imported petrochemicals from subsidized producers or we will have to follow the lead of other nations by subsidizing our own producers. Neither alternative will enhance competition nor result in lower prices for U.S. consumers. By inaction we will only succeed in encouraging more state ownership, production and subsidization of key natural resource-based industries.

2. The Administration alleges that the Natural Resource Subsidy provision exposes U.S. exports to serious risk of GATT retaliation.

We firmly believe the provision addresses only a domestic subsidy that is actionable under international rules, and that it provides a reasonable measure of the subsidy under the "fair market value" test. The provision is directed at a practice which meets virtually every internationally-recognized subsidy criteria, including those defined by the Administration.

The provision's "fair market value" test measures the subsidy as the difference between a government's artificially low domestic price and the actual fair market value of energy. The difference between a government's artificial domestic price and its higher export price of energy would also be a reasonable measure of the subsidy, unless the export price is also distorted by government intervention. The export price is assumed to be equivalent to "world" market prices, and that standard is well accepted as the price at which goods should enter export markets.

The provision would not prevent above-market pricing of exports of natural resources by a government. That practice may lose export sales of the natural resource, but a government may still choose to do so for non-economic reasons. The "fair market value" test will account for any resulting price distortions—flaring, etc.—but it does not prevent the practice of above-market pricing. If the export price is distorted above "world" market prices, then the "fair market value" test is used to assure that the countervailing duty only offsets the actual amount of the benefit. The "fair market value" test also allows for regional market differences from "world" prices where such prices are affected by limited access to world export markets and transportation restrictions. It can be argued that the GATT contemplates that there will be occasions when export prices may exceed domestic prices, but there is nothing in the GATT that precludes the United States from using such a differential as an indicator of subsidization as long as the measurement is reasonable.

The GATT does not preclude any country from taking unilateral action to stop material injury from being inflicted upon its producers through the use of subsidies. The GATT dispute process anticipates such action. If a GATT member nation contested adoption of this provision, it would have to prove in GATT that two-tier pricing is not an actionable subsidy, or that our method of measuring the subsidy was unreasonable, before it could retaliate against the U.S.

Neither the GATT nor the Subsidy Code nor the U.S. countervailing duty statute define the word "subsidy." Congress, the Executive Branch and the GATT have avoided doing so because it is agreed that any definition could be easily evaded.

However, the GATT and the Subsidy Code contain general provisions which shed light on what may constitute subsidies. For example, GATT article XVI contains language imposing an obligation on a government to notify the GATT if it "grants or maintains any subsidy, including any form of income or price support which operates directly or indirectly to increase exports of any product from or reduce imports of any product into its territory." A 1960 GATT panel noted that the phrase, "increased exports" was intended to include the concept of maintaining exports at a level higher than would otherwise exist in the absence of a subsidy. It further stated, "[it is] fair to assume that a subsidy which provides an incentive to increase production will, in the absence of offsetting measures, e.g., a consumption subsidy, either increase exports or reduce imports."

Paragraph 3 of Article VI of GATT provides that:

No countervailing duty shall be levied on any product of the territory of the contracting party imported into the territory of another contracting party in excess of an amount equal to the estimated bounty or subsidy determined to have been granted, directly or indirectly, on the manufacture, production or export of such product in the country of origin or exportation including any special subsidy to the transportation of a particular product. The term "countervailing duty" shall be understood to mean a special duty levied for the purpose of offsetting any bounty or subsidy bestowed, directly or indirectly, upon the manufacture, production or export of any merchandise.

It should be noted that a state trading provision is contained in the GATT, but that it has yet to be developed to provide guidelines concerning unfair state trading practices.

The Congress of the United States was the first legislative body to establish subsidies as an unfair trade practice and offset those subsidies with countervailing duties. Countervailing duty law was developed through administrative decisions of the U.S. Treasury and Commerce Department over the years. At the insistence of the United States, countervailable subsidies were included in the international trading rules of GATT for the first time in 1979. The GATT Subsidies Code practices are still developing and the U.S. must continue to be the leader, to impose greater discipline over subsidies in world trade. Otherwise, such practices will continue to proliferate. It is clearly better to impose that discipline earlier rather than later.

3. Our GATT trading partners might "mirror" this legislation, which would expose U.S. exports to countervailing duties elsewhere.

This refers to U.S. natural gas pricing regulations under the Natural Gas Policy Act (NGPA). In the 1970's, European Community nations complained that U.S. gas pricing regulations held the price of U.S. gas below its market value. The NGPA switched the pricing rules from "cost based pricing" to "commodity value pricing." This market-based pricing is wholly consistent with "fair market value" under H.R. 4784.

Since NGPA went into effect, U.S. gas prices have risen. Analysis of current wellhead prices paid by U.S. industrial users reveals that U.S. gas prices are now at market clearing levels and are not determined by government regulation. Average wellhead prices to industrial users are below current NGPA ceilings and are determined between buyers and sellers. Another proof that the market is working is that U.S. gas prices are at or below comparable BTU equivalent values of alternative fuels which are not regulated, and with which natural gas must compete. H.R. 4784 does not affect government regulation of residential gas prices.

In fact, the European Community recently settled a dispute over the Dutch system of two-tier energy pricing tariff which lowered the price of natural gas to Dutch petrochemical producers on the basis that it was an illegal state aid, though the dispute continues over whether they have done so adequately.

The U.S. is not vulnerable to mirror legislation if the provision is adopted because the marketplace is working to determine prices. The myriad of U.S. gas producers and private industrial users cannot be compared to government energy monopolies which own all production, and set a single price to their own industrial users below market value as a form of import protection and as an incentive to increase exports.

4. The Administration alleges that the Natural Resource Subsidy provision might adversely affect U.S. petrochemical firms' investments in foreign countries, some of which maintain differential pricing systems.

The provision is limited in scope. It would not apply inadvertently or indiscriminately to countries (or to U.S. investments in those countries) which exercise their true comparative advantage in natural resources. Experience indicates that exports from countries which permit equivalent foreign market access by private producers have not caused the kind of injury to U.S. producers with which the provision is concerned. Private producers in those countries must act as profit takers, and have not persisted in oversupplying U.S. markets and depressing prices below U.S. producers' production costs. *It is the magnitude of the state control and monopoly practices of a few governments which are causing the problem.*

The Natural Resource Subsidy provision would account for the effect of U.S. foreign investment in determining fair market value. If a country were so situated that it could not export natural gas, for instance, there would be no significant exports and no export price. The provision would not compare that country's domestic price to market clearing prices in the U.S. or Europe or any other market to determine fair market value. Such a country might even be flaring gas associated with oil production because it has no export market for gas. So long as that country sold gas to any private producer, including U.S. producers, in an arm's length transaction at a negotiated price which covered replacement costs and reflected the factors of competition for supply and relative abundance, such a price would presumably be the fair market value of gas in that country.

The significant investments which concern the Administration and other U.S. companies are predominantly located in Middle Eastern countries. These countries cannot export natural gas except by liquifying it. The expensive liquification process makes this gas uncompetitive with U.S. prices. Under the provision, fair market value of gas in such countries could not be compared to U.S. prices because the U.S. is not a commercially accessible export market.

On the other hand, the Mexican government not only two-tiers its energy prices for the benefit of its domestic industries, it denies access to the low domestic price to competing producers, while charging an export price which exceeds the fair market value price of gas in the United States. It establishes state-controlled monopolies in basic petrochemical production, and disallows or restricts foreign investment in other energy intensive industries. U.S. firms cannot own basic petrochemical plants in Mexico (nor, for that matter, in the Soviet Union).

The Natural Resource Subsidy provision encourages market-based "commodity value" pricing of natural resource and energy-intensive products. It encourages equivalent foreign market access by all private products. *Without this amendment, current U.S. law encourages state-controlled production and pricing to avoid U.S. countervailing duty and anti-dumping laws.* Foreign governments can take advantage of current loopholes in U.S. law through increasing state ownership and control of natural resources in direct competition with private producers both in the U.S. and in world markets.

5. The Administration alleges that the Natural Resource Subsidy provision prevents developing countries with abundant natural resources from capitalizing on their comparative advantage for the purpose of internal economic development.

Comparative advantage in supplies should not be confused with government programs which manipulate energy prices to the advantage of certain industries. The United States has the third largest proven reserves of gas in the world, many times more than Mexico. The U.S. can couple this comparative advantage with significant levels of low-cost gas production. U.S. gas prices, however, are now based on "commodity value" pricing. Gas prices to industrial users are not set by market forces, not production cost-based pricing regulations. In addition, the U.S. does not discriminate on the basis of producer nationality regarding price and access to domestic investment as do Mexico and the Soviet Union. The U.S. is now clearly relying on its comparative advantage in the marketplace to set prices. Mexico and the Soviet Union are not.

If a country sells gas in other markets at above-market prices—but decides instead to sell only to domestic users at artificially low, below-market levels—it is not exercising its comparative advantage. Rather, it is artificially lowering the value of its gas and incurring substantial "opportunity costs" by refusing to sell at more attractive market rates to willing buyers. Its rationale for so doing could be to protect its industries which depend on preferential access to subsidized energy because in all other respects—efficiency, location and ability to transport product inexpensively—they are at a total disadvantage. There is nothing in current US. law, the GATT or the Natural Resource Subsidy provision to prevent a government from making such non-economic choices for internal social, political or economic purposes. But it should be incumbent upon such a government to insulate its exports from utilizing such subsidies to the detriment of U.S. industries. Such choices are political choices and not an exercise of real comparative advantage in the marketplace.

The provision does not compel governments to make an "either-or" choice to either raise their domestic energy price or lower their export price as alleged. Such governments can continue to sell oil and gas at a lower price to aid internal development. The provision only requires that such governments recognize and account for their true "economic costs" of oil and gas—fair market value—when they export energy-intensive products to the U.S. market.

6. The Administration alleges that the Natural Resource Subsidy provision represents an intrusion into the sovereign affairs of foreign nations.

The provision does not intrude upon the "sovereign affairs" of other governments. It is in response to the intrusion of unfairly subsidized and traded imports into the U.S. market which have injured more efficient U.S. producers.

If a government exercises its sovereign power to expropriate or become the sole producer and seller of a natural resource, and uses its state monopoly power to create an unfair advantage for some of its exports, it should not be exempt from our unfair trade laws simply because it is a government. When it acts as a producer it must be treated as a producer. If governments are to be immune from the rules which govern the conduct of private producers, then U.S. companies will continue to be penalized and injured because they cannot act like sovereign governments.

For instance, state owned enterprises and government subsidized producers do not have to act as profit takers either in their home market or in export markets such as the U.S. They do not have to balance production with demand in order to achieve a selling price which covers production costs or return on investment as private producers must do. U.S. producers go out of business when sales prices are insufficient to cover production costs.

Government subsidized producers produce as much as they can (or as much as government policy requires) and export what is not consumer domestically to other markets. If their exports oversupply another market, the price of the commodity falls; but relative to the cost of subsidized production, they still sell at very high profits. If U.S. companies attempted to do business this way, regardless of true economic costs and demand conditions in the market, they would go out of business; unless, of course, U.S. companies were subsidized by the government.

The Natural Resource subsidy provision proposes a return to the primacy of market forces in determining the price and supply of energy-intensive products in the U.S. market. It does not establish quotas or higher general tariffs. It does not block imports. It addresses the root causes of subsidy practices inherent in two-tier energy and natural resource pricing and discourages their use as an incentive to increase exports of energy-intensive products. By assigning market values to energy-intensive imports, it levels the playing field between private and state controlled producers. It will force state-controlled producers to consider market conditions in the U.S. rather than using our market to get rid of excess subsidized production, and injuring more efficient U.S. producers in the process.

We believe that any retaliation in any form by GATT members or other countries is highly unlikely. More importantly, it is totally unjustified for such countries to retaliate if we are merely offsetting their subsidies—which by any international standard are unfair, trade distorting and actionable.

W.R. GRACE & CO.,
Washington, DC, May 29, 1984.

Re Natural Resource Subsidy Provision of H.R. 4784.

Mr. OLIN L. WETHINGTON,
Deputy Under Secretary for International Trade, U.S. Department of Commerce, Washington, DC.

DEAR MR. WETHINGTON: I am responding to your request for further information from me following our discussion on May 23 regarding the Natural Resource Subsidy provision of H.R. 4784. At that time, you stated the Administration's major objection to the Natural Resource Subsidy provision was that "our national gas price regulations make us vulnerable" to mirror legislation. This objection appears to have originated from complaints by some European governments in the late 1970's that U.S. petrochemical and textile exports were benefiting from regulated U.S. natural gas prices that were "lower than world prices." You will recall I indicated that this objection is no longer valid. This letter and the enclosed analysis describes why the department's objection is not valid and why we believe that objection is based on an incorrect reading of the current situation.

First, we are not vulnerable to mirror legislation because it is clear that gas prices to U.S. petrochemical producers are now at market clearing prices, which represent "fair market value" under H.R. 4784. By virtually any measure—average wellhead prices, purchases by pipelines, or comparisons to decontrolled alternative fuel prices paid by industrial users in the United States—current U.S. natural gas prices to most industrial users are below NGPA ceiling prices and are negotiated between buyers and sellers in a competitive market. If NGPA were setting prices below fair market value, then virtually all gas would be selling at the maximum ceilings. That would again induce additional drilling and additional supplies, and prices would drop below ceilings agains.

Second, the provision applies only when the price of a natural resource like gas is specifically manipulated by a government to be lower than the export price or the fair market value of the resource. Fair market value is defined as the price a willing buyer would pay a willing seller in an arm's length transaction absent government intervention. As in the United States, fair market value pricing can exist within a framework of government regulation. The mere existence of a regulatory pricing system is not sufficient to constitute a subsidy under the Natural Resource Subsidy provision. Such regulation is not actionable so long as it does not function to artificially lower prices below fair market value.

Third, even assuming additional categories of U.S. gas are deregulated on January 1, 1985, prices to industrial users are unlikely to rise because current prices negotiated on new contracts already reflect market conditions. Increases and decreases in price will continue to be primarily determined by market forces. Since current average wellhead prices are dropping, if anything, NGPA may be acting to hold average prices to industrial users above market clearing levels.

We point out that any challenge to NGPA, claiming it bestows subsidy on U.S. producers, must take into account the myriad of prices at which gas is bought and sold in the U.S. marketplace by private producers, private distributors and private

users. By contracts, in Mexico, PEMEX is the state monopoly producer of energy resources and basic petrochemicals, including all fertilizers. The government sets a single delivered price to all domestic industrial users. In Mexico, no myriad of private users competes for supply and price. PEMEX itself and the state-owned electric utilities are by far the major industrial gas users.

In addition, foreign producers and investors are denied any effective commercial access to the lower gas prices through export or through investment in petrochemical plants. The U.S. does not discriminate against market access by foreign investors in this fashion. Only with these aritificial constraints can Mexico maintain its differential pricing practice. The marketplace, operating under the market principle of comparative advantage, could not set prices in this way or at such rigid and discriminator differentials.

The Administration has repeatedly stated that under the internationally accepted definition of subsidy, a countervailable domestic subsidy is government action or direction that attempts to give one or more industries a special advantage over other industries in that economy. Two-tier energy pricing clearly gives an enormous advantage to a few energy-intensive industries over its nominal effect on other industries. In addition, the "accepted" definition requires that such a subsidy practice distort the allocation of resources within an economy. Clearly, two-tier energy pricing has distorted the allocation of resources within Mexico. It has encouraged the concentration of scarce capital in capital-intensive petrochemical plants, encouraging the excess production of energy-intensive products like anhydrous ammonia at prices which do not recognize the true economic value of the energy used. It also increases exports or energy-intensive products and prohibits imports in a way which could not exist without government intervention. The Mexican Industrial Development Plan specifically states:

"This plan [the IDP] is complemented by an *explicit policy of maintaining internal prices of energy sources for industrial use below that of the international market.* This allows for the strengthening of industry by giving it a substantial margin of protection via inputs. In contrast to other forms of protection which tend to make such costs more expensive and access to external markets more difficult, *this mechanism constitutes a direct incentive to exports.* (Italic added.)

In short, the effects of this pricing scheme meet virtually all of the international or U.S. standards for determining the existence of a countervailable subsidy.

Current U.S. countervailing duty law, as interpreted by the Commerce Department, however, adopts a single, simplistic mechanical test for actionable domestic subsidies. The Department concludes that a domestic subsidy bestowed on a *specific industry* or group of industries *will distort the allocation of resources in all cases* and is therefore countervailable. Conversely, a domestic subsidy made *generally available,* no matter how nominally, and regardless of its subsidizing effect on trade, *will not distort the allocation of resources in any case* and therefore is not countervailable. (See Secy. Baldrige and Amb. Brock letter to Chairman Rostenkowski, dated April 3, setting out Administration objections to H.R. 4784.)

Simple reason argues that such a mechanistic rule and a single test cannot be accurate in all cases to determine whether there is a distortion in the allocation of resources that affects imports and exports. There clearly could be a case of a domestic subsidy to a specific industry which does not result in the misallocation of resources or trade distortion. There also could be a case where a domestic subsidy made "generally available" is of such a nature that it does distort the allocation of resources and trade. For example, direct government intervention in the ownership, control and pricing of energy resources and downstream energy-intensive production through state monopolies, as contrasted to general tax policies, could produce such a result.

Even a cursory examination of the actual effect of two-tier energy pricing as practiced by the Mexican government demonstrates the distortive effect which is the hallmark of actionable subsidies even though it is "generally available" on a nominal basis. We do not believe that U.S. law or our international obligations under GATT require a blind allegiance to this single, exclusive mechanical test that flies both in the face of reason and the facts. It simply does not cover *all* countervailable domestic subsidies as defined under "internationally accepted" standards. The Natural Resource Subsidy provision is specifically limited to address only the particular case that has the required distortive effects, but which does not fall under the more general rule. It does not eliminate the general availability rule as some have alleged.

Regarding the past complaints of some European nations, U.S. gas prices are now comparable to producer prices in Europe. Some sale prices to industrial users may be distorted on the high side by individual state government taxes on energy (as in France) or by import contract prices, most notably those associated with the new Soviet gas pipeline. It would appear that based on the complaints in the 1970's, the Europeans believed that gas prices regulated below world market values would be a subsidy. The Natural Resource Subsidy provision's measure of subsidy is even more reasonable, since it is not based on a single world market price. It incorporates "fair market value," which accounts for regional and other market factors, as well as comparative advantage factors.

Under the Natural Resource Subsidy provision, price differentials from "prices generally available in world markets" would be taken into account wherever relevant. The Natural Resource Subsidy provision does not establish a single world gas price based on U.S. prices, any other country's prices, or the Btu equivalent price of oil as the standard for fair market value. The provision would account for regional differences in gas prices due to transportation limitations, and limits on accessibility to export markets on a commercial or competitive basis. The accessiblity factor must be fully considered under any "fair market value" determination in a country which cannot export significant amounts of natural gas except by liquefying it. This is the case for many Middle Eastern countries and countries like Trinidad in our hemisphere. These are all normal factors that should operate in the marketplace to establish prices.

The "fair market value" test, which is the cornerstone of the Natural Resource Subsidy provision, is anchored in market-based pricing principles. It is fully consistent with this Administration's position to accelerate deregulation of natural gas; revision of the former single border price rule on gas imports by DOE on February 22, 1984, to shift to competitive pricing between buyers and sellers; and decontrol of oil prices.

In summary, the U.S. is not vulnerable to mirror legislation if the Natural Resource Subsidy provision of H.R. 4784 is passed into law. The provision attacks specific forms of subsidy practices associated with state ownership and pricing of natural resources such as energy, and where state ownership and control of the downstream production and pricing of energy-intensive products accounts for a significant level of the total use of the resource. If the United States continues to rely solely on the single, mechanistic general availability test to exclusively define countervailable domestic subsidies, the result will be ever more serious injury to the U.S. petrochemical industry and other energy-intensive products. The unfairness is that we are not losing out to more efficient producers with a comparative advantage in low cost gas. We are losing out to less efficient government producers, which use their monopoly power and price manipulation to capture markets they otherwise could not capture.

We appreciate the Department's general concerns about this legislation, but we believe our specific concerns are also legitimate and address a growing subsidy and market access problem. We further believe that since the Natural Resource Subsidy provision is limited to countervail only against domestic natural resource subsidies which fall well within the internationally accepted definitions of such subsidies, the United States would therefore not be subject to compensation claims under GATT. Because the amendment would be part of our CVD law, we are entitled to all of the GATT review and dispute resolution mechanisms available to GATT members before any such claims could be made, and we have every reason to believe such an amendment to our CVD laws is a proper exercise of authority under our international obligations. We would be pleased to work with you to resolve our differences and seek a mutually acceptable solution to this problem as this legislation progresses.

Sincerely,

KENNETH Y. MILLIAN.

DETERMINING THE MARKET WELLHEAD PRICE OF NATURAL GAS FOR INDUSTRIAL USERS UNDER H.R. 4784

(Prepared on Behalf of Domestic Nitrogen Producers' Ad Hoc Committee, by Margo Thorning, Ph.D.)

INTRODUCTION

The purpose of this paper is to analyze the determinants of the wellhead price of natural gas paid by industrial users in the United States. This analysis supports the conclusion that market forces are the primary determinant of gas sales to U.S. industrial users. It has been suggested that current gas contract prices, rather than being determined by market forces, are being held down by the pricing provisions of the Natural Gas Policy Act (NGPA). This analysis indicates this is not the case. This distinction is important to the consideration of the Trade Remedies Reform Act of 1984, H.R. 4784.

The "Natural Resource Subsidy" provision of H.R. 4784 defines as a countervailable subsidy the practice of certain foreign governments in setting the domestic price of natural energy resources to industrial users, through government regulation or controls, below the export price or "fair market value" of those natural resources. This policy specifically benefits their energy-intensive industries by providing protection

from imports and as an incentive to exports. It thus distorts the allocation of resources to favor such industries. H.R. 4784 would apply only to intensive users of a natural resource, like natural gas or fuel oil. Two-tier pricing of natural resources particularly applies to such pricing of natural gas or fuel oil used as feedstocks for production of petrochemicals or other products like cement.

Under H.R. 4784, the "fair market value" of gas in Mexico, for example, would be determined by the market clearing price or average price of gas to competing U.S. producers in the United States among other factors. It is basically a measure of the price at which Mexico could sell its gas in readily available markets at market prices as an alternative to sales at the subsidized level to industrial users in Mexico. The restrictions and limited scope of the Natural Resource Subsidy provision would also establish a different "fair market value" for natural gas from the Soviet Union or Saudi Arabia, since available competitive markets for export gas sales are in Europe or nonexistent in world markets, respectively.

In addition to showing that market forces primarily set current gas prices to industrial users in the United States under NGPA, alternative methods of determining the market clearing wellhead price of gas are presented.

I. WHAT DETERMINES THE PRICE OF NATURAL GAS?

There are two competing theories of what currently determines natural gas prices to industrial users in the United States. One theory holds that price ceilings incorporated in the Natural Gas Policy Act (NGPA) are keeping wellhead gas prices below the level which would obtain in the absence of regulation. An alternative theory is that gas prices are not being restrained by the price ceilings in the NGPA and that current gas prices represent conditions which would prevail in the absence of regulation.

A. Price ceilings for natural gas

If the price ceilings mandated by the Natural Gas Policy Act of 1978 (NGPA) actually determine today's gas prices, then industrial users should be paying a price which reflects NGPA ceiling prices on new gas contracts. Although there are twenty-two different NGPA gas categories, pipelines are likely to be purchasing predominantly Section 102 or 103 gas because most of the gas currently available for sale falls into these two categories.[1] Therefore, the price charged for new contracts to industrial users should reflect the pipeline acquisition cost of Section 102 or Section 103 gas (Appendix A). As of March 1984, these ceiling prices were $3.63 and $2.87 per million Btu's respectively. Gas classified in lower NGPA price categories is generally not available because it is already committed under long-term contracts. There is gas available in higher price categories, such as Section 108 (stripper gas).[2]

If NGPA price controls are binding, that is, if they effectively hold the price of gas below the price that would obtain in the absence of regulation, then the wellhead price paid by users for current contracts would reflect a weighted average of NGPA ceilings prices paid by pipelines for new gas.

B. Market determination of gas prices

An alternative explanation to the notion that NGPA regulated price ceilings are controlling current gas prices to industrial users is that gas prices are determined by market forces. Evidence supporting this hypothesis would be data showing that current gas contract prices to industrial users are below what NGPA regulations allow. Natural gas decontrol would have little or no short-term effect on prices in this instance.

II. WHAT DOES THE EVIDENCE SHOW ON THE DETERMINANTS OF GAS PRICES?

The question of whether gas prices to industrial users are determined by NGPA ceilings or by the market forces of supply and demand can be analyzed by looking at recent gas market conditions.

First, in spite of the continued increase in NGPA price ceilings (Appendix A), the average well head price of gas has tended to decline since early 1983. Although the average for 1983 was $2.60, up from $2.46 per mcf. in 1982, well head prices have generally tended to fall since February 1983 (see Appendix B). While it did jump to $2.70 in September, the average price had dropped to $2.58 per mcf. by December. The decline in average wellhead prices suggests that prices agreed to in recent contracts are falling below ceiling levels and "market-out" actions by pipelines are allowing them to reduce the price paid for gas in existing contracts or stop their purchases altogether. For example, Transco, the major interstate pipeline, has exercised "market-out" provisions in its gas purchase contract with producers in order to lower the price it pays for Section 102 and 103 gas to $2.80 per MMBTu.

Second, comments by industry officials support the idea that many recently negotiated contracts have been for prices below NGPA ceilings. For example, the chairman of the Natural Gas Committee of the Oklahoma Independent Petroleum Association stated that gas now being sold in Oklahoma is priced at $2.40 to $2.50 per mcf. He added that no $3.00 gas is being sold in Oklahoma, no matter what category it has been given by NGPA.[3]

Third, some industry experts believe that lack of demand by pipelines for new sources of gas will depress prices for some time to come. John Brickhill, Vice President of Foster Associates, a Washington, D.C. energy consulting firm, recently stated that there are currently very few active interstate pipeline buyers. He added that most pipelines will have plenty of gas to meet market needs over the next two years without signing on additional suppliers.[4] If gas market experts such as Mr. Brickhill are correct, there should be little upward pressure on gas prices, even though NGPA price ceilings continue their escalation.

III. WHAT TECHNIQUES CAN BE USED TO ESTIMATE A FAIR MARKET WELLHEAD GAS PRICE?

A. The net-back method of estimating the fair market price of gas

In principle, determining the price of natural gas which would obtain in a free market is straightforward. Because gas competes directly with No. 6 residual fuel oil in the industrial user market, the price of No. 6 fuel oil is said to set a ceiling on the price industrial users would pay for gas.[5] At any higher price, industrial users would switch to residual fuel oil. Since petroleum products, including residual fuel oil, are decontrolled, their prices are market-determined. Therefore, comparisons between the Btu equivalent price of natural gas (most of which is still subject to regulation) and that of a substitute fuel as No. 6 fuel oil can shed light on the issue of whether the wellhead price of gas approximates a market price.

Comparing the Btu price of gas to that of No. 6 fuel oil involves the following procedure. In 1983, No. 6 fuel oil prices (for oil with greater than 1 percent sulphur) averaged $25.78 per barrel. The price of No. 6 residual fuel oil can be converted to an equivalent price expressed in dollars per million Btu's (MMBtu) by dividing $25.78 by the number of Btu's in a barrel of residual fuel oil. Residual fuel oil consumed by the industrial sector averaged 6.287 MMBtu's per barrel. Thus, the Btu-equivalent price of residual fuel oil was $4.10 per MMBtu ($25.78÷6.287). There are approximately 1.028 MMBtu's in 1,000 cubic feet of natural gas; therefore, $4.22 per mcf. is equal to $4.10 per MMBtu (1.028×$4.10=$4.22). Thus, an industrial user capable of switching between fuel oil and gas would not have been willing to pay more than $4.22 per mcf. for natural gas in 1983. A DOE survey of natural gas prices paid by about 10 percent of U.S. industrial users shows that the average for 1983 was $4.20 per mcf. (Appendix B). If the price had been higher, fuel oil would have been more economical.

To complete the computation of the wellhead price of gas, transportation and distribution costs must be deducted. If we assume that transportation costs average $0.40 per mcf. and that distribution costs average $1.00 per mcf., then the free market wellhead price of natural gas would equal $4.22—$0.40—$1.00=$2.82 per mcf. in 1983. In 1983, the average wellhead price was $2.60 per mcf (see Appendix B). The average wellhead price in 1983 ($2.60 per mcf.) reflects both prices for old gas, which are constrained by NGPA price ceilings, as well as recently negotiated contracts, which do not appear to be restrained by NGPA regulations. Judging by the net-back calculation, the 1983 average wellhead price of gas appears to approximate a market-determined price.

Additional evidence that markets are working to determine current gas prices can be seen in the trend of prices for gas purchased by major interstate pipelines. Gas purchase prices have declined from an average of $3.27 per mcf. in January 1983 to $2.73 per mcf. in December 1983, in spite of the continued escalation of NGPA price ceilings (see Appendix B). Again current gas prices appear to be consistent with the results of the "net-back" calculation shown above. Therefore, this analysis supports the conclusion that market forces are the primary determinant of gas sales to industrial users.

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[1] Section 102 gas is new natural gas including gas from the outer continental shelf. Section 103 gas is from new onshore wells. Both categories are subject to decontrol on January 1, 1985.

[2] Under the NGPA, gas price ceilings in March, 1984 varied from $0.29 to $5.74 per million Btu's, depending on the category (one million Btu's equals 1,000 cubic feet of natural gas). NGPA prices are adjusted monthly to reflect changes in consumer price index.

[3] *Natural Gas Intelligence*, April 9, 1984, p. 8.

[4] *Natual Gas Intelligence*, Feb. 13, 1984, p. 4.

[5] Although some gas purchase controls link gas price escalators to No. 2 fuel oil, it is not appropriate to compare the Btu equivalent price of this fuel oil with that of natural gas. No. 2 fuel oil is a premium petroleum product and is generally not used by industrial users since its price is relatively high.

B. An average of recently negotiated contract prices

An alternative to the "net-back" estimate of a market clearing price of gas is a volume weighted average of recently negotiated contract prices. This approach was incorporated in the Administration's 1983 natural gas decontrol proposals. Such a survey was to have served as a "cap" on prices which might otherwise "fly-up" above the market clearing level as a result of indefinite price escalators. The survey concept subsequently found its way into other decontrol proposals, indicating that the basic approach was acceptable to others.

In order to conduct a survey of recently negotiated wellhead prices for gas provided to industrial users, an examination of contracts on file at FERC would be necessary. The agency's Form 155 contains data on the price paid by a pipeline for gas to be sold to industrial users. That information, combined with the pipeline's most recent Purchase Gas Adjustment would permit the calculation of a range of prices representing current gas market conditions.

Preliminary analysis of recent gas purchase contracts on file at FERC indicates that most wellhead prices are falling within the range of $2.70 to $3.00 per mcf. Thus, the price calculated using the "net-back" method (illustrated in Section III. A.) appears to be a close approximation of current wellhead prices for natural gas

IV. WHAT DOES THE FUTURE HOLD FOR NATURAL GAS PRICES?

Given the decline in gas prices in the last year and the fact that a significant surplus of deliverability still exists (1.7 trillion cubic feet or 10 percent of U.S. gas consumption in 1983), it is unlikely that gas prices will increase significantly in 1984 or upon decontrol in 1985.[6] Thus, the current price appears to approximate the market clearing price which would occur after decontrol takes place, particularly with regard to Section 102 and 103 gas.

Although the current average wellhead price reflects the market clearing level, it is important to realize that it is an average. Price variations also exist among states with respect to the average wellhead price of gas within each state. This variation reflects several factors including: (1) the mix of regulation-defined gas categories in each state; (2) closeness to the points of consumption; and (3) the geographic concentration and nature of gas resources. These factors will affect actual market clearing prices at the wellhead in each producing state, as well as delivered prices to the industrial uses in the future. This simply means that price uniformity is unlikely to develop under either market forces or regulated prices.

It nevertheless appears that market clearing prices for industrial users will continue to predominate for the foreseeable future, even on a state-by-state basis. Losses of gas sales to industrial users which switch to other fuels due to price, or move offshore for cheaper gas, will have a more significant short-term impact on residential gas prices than will regulation. Residential users would be charged a higher share of fixed costs for transportation and distribution, thereby raising their delivered price even if wellhead prices remained relatively unchanged.

[Appendix A: Natural Gas Policy Act of 1978 price ceilings industry overview]

TABLE 20.—NATURAL GAS CEILING PRICES BY CATEGORY OF GAS, TYPE OF SALE OR CONTRACT [1]

[Dollars per million Btu]

	March—					
	1984	1983	1982	1981	1980	1979
Section 102: New natural gas, certain OCS gas	3.632	3.344	3.063	2.729	2.404	2.136
Section 103: New onshore production wells	2.869	2.742	2.608	2.406	2.188	2.006
Section 106(b)(1)(B): Alternative maximum lawful price for certain intrastate rollover gas [2]	1.638	1.565	1.486	1.373	1.247	1.144
Section 107: High-cost gas (deep gas) [3]	NA	NA	NA	NA	NA	2.136
Gas produced from tight formation [4]	5.738	5.484	5.216	4.812	4.376	NA
Section 108: Stripper gas	3.891	3.583	3.281	2.922	2.573	2.285
Section 109: Not otherwise covered	2.375	2.270	2.158	1.993	1.812	1.661
Sections 104 and 106(a): Post-74 gas: All producers	2.375	2.270	2.158	1.993	1.812	1.661
1973-74 biennium gas:						
Small producer	2.011	1.922	1.826	1.685	1.532	1.405
Large producer	1.535	1.469	1.398	1.291	1.176	1.078
Interstate rollover gas: [5]						
Small producer	.882	.843	.798	.741	.728	.715
Large producer	.882	.843	.798	.736	.669	.615
Replacement Contract Gas or Recompletion Gas:						
Small producer	1.128	1.080	1.026	.946	.859	.785
Large producer	.864	.825	.784	.722	.657	.604
Flowing gas:						
Small producer	.570	.543	.517	.478	.437	.401
Large producer	.482	.461	.439	.405	.367	.338
Certain Permian Basin gas:						
Small producer	.674	.644	.612	.563	.512	.471
Large producer	.593	.566	.537	.495	.449	.413
Certain Rocky Mountain gas:						
Small producer	.674	.644	.612	.563	.512	.471
Large producer	.570	.543	.517	.478	.437	.401
Certain Appalachian Basin gas:						
North subarea contracts dated after Oct. 7, 1969	.539	.512	.487	.450	.409	.374
Other contracts	.500	.479	.457	.423	.385	.350
Minimum rate gas: All producers (dollars per Mcf)	.294	.282	.269	.248	.224	.206

[1] See Explanatory Note 10 for discussion of title I of the Natural Gas Policy Act.

[2] Section 271.602(a) of the NGPA provides that for certain gas sold under an intrastate rollover contract, the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative maximum lawful price specified in this table. This alternative maximum lawful price for each month appears in this row.

[3] Commencing Nov. 1, 1979, the price of natural gas finally determined to be eligible as deep high-cost gas is deregulated.

[4] The maximum lawful price for tight formation gas applies on or after July 16, 1979.

[5] The price for interstate rollover gas is the higher of the price listed in this table or the just and reasonable price under the expired contact as adjusted for inflation.

Notes:

NA = Not applicable.

Geographic coverage is the 50 States and the District of Columbia. A small producer is one with annual sales subject to FERC jurisdiction not in excess of 10 Bcf.

Source: Federal Register, "Rules and Regulations," Natural Gas Monthly, Energy Information Administration, U.S. Dept. of Energy.

[Appendix B: Natural gas prices]

NATIONAL AVERAGE NATURAL GAS PRICES

[Dollars per 1,000 cubic feet]

	Wellhead price	Imports by major interstate pipeline companies	Purchased from producers by major interstate pipeline companies	Industrial sales by major interstate pipeline companies	Purchased by electric plants [1]	Residential price [2]
Average:						
1973	0.22	NA	NA	NA	0.35	1.29
1974	.30	NA	NA	NA	.49	1.43
1975	.45	NA	NA	NA	.77	1.71
1976	.58	NA	NA	NA	1.06	1.98
1977	.79	NA	NA	NA	1.33	2.35
1978	.91	2.21	0.83	1.54	1.48	2.56
1979	1.18	2.60	1.22	2.01	1.80	2.98
1980	1.59	4.42	1.63	2.54	2.28	3.68
1981	1.98	4.80	2.15	3.13	2.91	4.29
1982:						
January	2.23	4.86	2.38	3.59	3.07	4.65
February	2.30	4.92	2.46	3.58	3.18	4.69
March	2.35	4.89	2.38	3.61	3.25	4.78
April	2.40	5.06	2.44	3.61	3.32	4.86
May	2.45	4.93	2.63	3.62	3.42	5.17
June	2.45	4.86	3.06	3.66	3.57	5.20

[6] *Natural Gas Monthly*, Energy Information Administration, U.S. Dept. of Energy, p. 45, March 1984.

NATIONAL AVERAGE NATURAL GAS PRICES—Continued

[Dollars per 1,000 cubic feet]

	Wellhead price	Imports by major interstate pipeline companies	Purchased from producers by major interstate pipeline companies	Industrial sales by major interstate pipeline companies	Purchased by electric plants [1]	Residential price [2]
July	2.47	5.00	2.79	3.71	3.69	5.23
August	2.53	5.07	2.84	3.75	3.67	5.23
September	2.56	5.05	2.80	3.88	3.67	5.41
October	2.60	5.02	2.97	3.91	3.68	5.66
November	2.62	5.01	3.02	3.98	3.61	5.68
December	2.62	4.97	3.19	4.00	3.64	5.74
Average	2.46	4.97	2.75	3.72	3.49	5.17
1983:						
January	2.63	5.03	3.27	4.32	[1] 3.57	5.84
February	2.64	5.09	3.15	4.33	3.41	5.85
March	2.61	5.01	3.06	4.23	3.44	5.94
April	2.57	4.66	2.90	4.37	3.34	6.04
May	2.56	4.40	3.03	4.24	3.54	6.20
June	2.62	4.41	2.93	4.22	3.58	6.18
July	2.56	4.31	2.96	4.24	3.72	6.19
August	2.61	3.93	2.90	4.23	3.75	6.16
September	2.70	4.02	2.87	4.07	3.70	6.16
October	2.61	4.03	2.86	4.22	3.60	6.08
November	2.58	4.26	2.84	4.26	3.53	6.02
December	2.58	4.33	2.73	4.12	3.49	6.03
Average	2.60	4.58	2.94	4.20	3.58	[3] 5.99
1984:						
January	NA	NA	NA	NA	NA	5.96
February	NA	NA	NA	NA	NA	5.99

[1] Data through December 1982 cover all steam-electric and gas turbine engine electric utility generating plants with a capacity of 25 megawatts or greater. Beginning with January 1983, data cover steam-electric utility generating plants with a combined capacity of 50 megawatts or greater. Small quantities of coke oven gas, refinery gas, and blast furnace gas are included.

[2] Monthly residential prices are EIA calculations. See Note 9 on last page of this section for estimation procedures.

[3] Preliminary estimate. NA=Not available.

Note.—Geographic coverage is the 50 States and the District of Columbia. Data for 1973 through December 1982 are final. All other data are preliminary unless otherwise indicated. The Bureau of Labor Statistics residential price series has been replaced with Energy Information Administration data and estimates.

Sources: Monthly Energy Review, Energy Information Administration, U.S. Department of Energy.

□ 1850

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in opposition to the Trade Remedies Reform Act before us today. This legislation will create more problems than it will solve, work to worsen our trade deficit, and harm American industries.

I strongly support, and U.S. policy has always favored, an open international trading system. I agree that we cannot ignore unfair practices by our trading partners. Present laws provide relief for producers harmed by unfair competition, and there may be a need to modernize these laws so that American industries may readily take advantage of them. But this legislation which comes to us under the guise of reform, takes us in the direction away from longstanding U.S. policy of free and open trade, and invites retaliation from our trading partners.

The enactment of the bill would violate the GATT, a treaty adhered to by 90 countries that together account for more than four-fifths of world trade. If the United States violates its international obligations under the GATT, other nations would have the right to retaliate against U.S. trade. I believe that they would retaliate and the American agriculture industry would bear the brunt of their response.

History provides ample precedent establishing the futility of trade barriers to protect domestic industry. The infamous Smoot-Hawley tariff of 1930, which set U.S. tariffs at an all-time high level, provoked foreign retaliation that substantially reduced U.S. exports and contributed to a world depression. The first trade battle I fought when I came to Congress involved the movement to ban the export of cattle hides from the United States to protect the domestic shoe industry. This effort could have cost the cattle industry $1 billion. We lost our soybean market to Brazil in the seventies due to an ill-fated embargo. After our Government moved to limit textile imports from China, that country refused to buy any wheat from us.

American agriculture is in a very precarious position today. Currently, about 35 to 40 percent of all commercial size farms are leveraged above 40 percent. This means that they are looking at negative cashflows. More important, these producers owe about two-thirds of the $125 billion farm debt. Their equity is slipping away as farm and land prices are plummeting. The farm economy will be more dependent than ever on the export markets this year.

Already farmers depend on exports to market the produce from 1 of every 3 acres of cropland. We export the production of 2 out of 3 acres of wheat we produce, 1 of 2 acres of soybeans, and 1 of 3 acres of corn. My own State of Nebraska sold nearly $2 billion of its produce abroad last year. These agriculture exports make a net contribution of approximately $20 billion to the U.S. balance of trade.

It is not only the agriculture industry that will be hurt by this bill. A strong export market for all industries affects our economy by improving productivity. Exports offer increased possibility for production and employment in the most efficient segments of the economy. The less productive segments of the economy are obviously hurt most by imports because they cannot compete. Should we penalize our most productive industries to protect the relatively unproductive ones? I don't believe we should. Restrictions on competitive imports and refusal to adjust to the realities of the world market prevent us from achieving higher growth and income and maintaining our leadership in the world economy. Agriculture has shown that it is the most competitive U.S. industry in the world markets. It should not have to pay for the lack of competitiveness of other domestic industries.

You know, Mr. Chairman, the other day I got a letter from the chairman and chief executive officer of a steel corporation with a steel mill in my State of Nebraska. He was writing to tell me that he opposed any quotas, tariffs or any other form of protectionism for the steel industry. He made a point that I believe is very relevent to today's debate. He said that if the presently proposed quotas and

tariffs on steel are initiated, they would have an adverse effect on those steel products not provided protection. Foreign steel producers might substantially increase exports in those steel products that are not protected and seriously injure the more efficient domestic producers. That will be the identical result of the legislation we are considering today. Someone may be protected, but surely someone will be hurt. This bill just shifts the hurt from one industry to another.

Mr. Chairman, let us not repeat the mistakes of the past by adopting this bill. Let us move into the future of a competitive economy in the changing world markets. I urge my colleagues to adopt the motion to recommit this bill. This motion will allow us to provide the protection needed against unfair foreign competition while allowing our competitive and strong export industries a fair chance on the world markets.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is not a protectionist bill. This bill merely tries to say that subsidized products and dumped products, which have never been legal under the GATT, shall not enter the United States, except upon payment of duties to offset the unfair effects.

The bill tries to give effective remedies to U.S. citizens to enforce rights that they have always had under the GATT.

This bill is within the letter and spirit of the GATT.

Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Chairman, I wish to commend the distinguished chairman of the subcommittee for his efforts on behalf of this legislation. Between the gentleman from Florida [Mr. GIBBONS] and the ranking member, we have two very prominent leaders on the trade issues here in the Congress. Given the protectionist impulses that exist in today's economy, I am surprised that the gentleman has not come before us with more drastic legislation.

So I think what the gentleman has offered here today is responsible indeed.

I must confess that I did have reservations early on about this trade remedy bill. Now that the targeting provisions have been completely removed and given the colloquy that has taken place between the gentleman from Michigan [Mr. DINGELL] and the chairman of the subcommittee, I now can fully support this legislation.

We have already discussed the staggering trade deficit which Secretary Baldrige now tells us will reach $130 to $140 billion this year. With that trade deficit comes incredible pressure upon those of us here in the Congress to do something about it.

Now, we can one of two ways. We can either export more or we can import less. And, of course, it is far more desirable to engage in export promotion and to increase our potential that exists in international markets. But we must also look at the other side of the ledger to see what is happening in terms of imports and how that is impacting our domestic industries.

The Trade Act is the proper mechanism for dealing with these import problems. It is compatible with GATT and international rules and the Gibbons trade remedy bill that is before us today, I think, is the proper extension of the Trade Act. It actually puts more teeth into our trade laws to deal with countervailing and antidumping problems.

The question before this body is, What are we going to do about unfair trade practices? We are all for free trade and when we attempt to talk about fair trade, we are talking about what other countries do to give their industries the competitive advantage in our domestic market. And what can we do about it?

I think what the chairman has given us today is the proper means for dealing with unfair trade practices, especially when they bring injury to our domestic industries.

In my particular area we are dealing with the problem of Canadians heavily subsidizing their wood products industry, which gives them an unfair advantage in our economy. In 1978, the Canadians had 18 percent of our wood products market. Today it is 35 percent and it is going up every day.

What is happening is that the Canadians are giving to their industry logs almost free, while our logs are provided at competitive prices that make it almost impossible for us to compete.

Now, the proper way to deal with the issue is to not come to the Congress and ask for special legislation. It is to deal with the matter through the International Trade Commission and through other provisions that exist in the Trade Act of 1974.

But we have got to provide more explicit language, which is exactly what the committee is attempting to do by identifying upstream subsidies and downstream subsidies so we can deal more fairly and more effectively with these unfair trade practices.

I rather imagine with the staggering debt in Third World countries, particularly in Latin America, that we are going to see more and more subsidized imports. We are going to see more and more dumping that is going to do injury to our domestic industries.

I am hopeful that the IMF, when it attempts to negotiate with Brazil and Peru and many of these other debt-torn nations, that it will stress the importance of not subsidizing their industries and trying to live by international rules, because if you push us too far and that trade deficit goes too high, the pressure will be upon us to do something about it.

We are all for fair trade, but let us make sure that the rules are played fairly by everyone involved.

□ 1900

Mr. GIBBONS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. GAYDOS], who is not only a fine Member of Congress but chairman of the Steel Caucus.

Mr. GAYDOS. Mr. Chairman, last month an Associated Press news report datelined Taipei, Taiwan, appeared in the McKeesport, PA, Daily News. The thrust of this brief news item was that the Government of Taiwan has adopted an antidumping law to prevent foreign countries from selling goods in Taiwan cheaper than in their own domestic markets.

This article was brought to my attention by one of my constituents, Mr. Albert Benik of McKeesport, who raised some interesting questions in his letter.

Mr. Benik, I should explain, is a steelworker. He is very concerned about steel imports into the United States because those imports directly threaten his job. But Mr. Benik is also concerned about the flood of imports of other products into this country, products that often are dumped here at cutrate prices.

Mr. Benik finds it interesting that some of those countries who practice just this kind of trade deficit are the same ones who complain loudly when it is happening to them.

The article sent to me by Mr. Benik notes that the Taiwan Cabinet, after examining the situation, passed a new law and put it into effect immediately.

As Mr. Benik says:

> It took the Taiwan Cabinet one day to pass an antidump law. Our lawmakers have been trying for 15 to 20 years and solved nothing. There must be something wrong with our system.

The bill we are discussing today, H.R. 4784, the Trade Reform Act of 1984, is one part of the approach this country needs to answer Mr. Benik's question.

This bill is by no means a perfect measure, but it does go a long way toward improving America's ability to set reasonable procedures for dealing with continued unfair trade practices by other nations.

H.R. 4784 clarifies and expands current law to cover new forms of unfair trade practices. It limits the discretion of several government agencies to terminate investigations into them. And

it changes some procedures in order to reduce delays in processing complaints.

I commend the chairman of the Ways and Means Subcommittee on Trade, Mr. GIBBONS, and the other members of the subcommittee for their work in developing this measure and in bringing it to the floor.

And I would urge them to move quickly by allowing H.R. 5081, the Fair Trade in Steel Act of 1984, to come to the floor for it, as much as the Trade Reform Act, is a vital element in our battle for survival in today's world.

As Mr. Benik says, we have been trying for too many years and have accomplished so little. We cannot afford to wait any longer.

Some 400 years ago, Nicolo Machiavelli said:

> Knowing afar off the evils that are brewing, they are easily cured, but when . . . they are allowed to grow so that everyone can recognize them, there is no longer any remedy to be found.

Well, I believe Machiavelli was only partially correct. I believe that even though the problems caused by unfair trade practices are well known throughout the country, we still have solutions available to us.

H.R. 4784, while not as comprehensive as other trade reform proposals, such as the Comprehensive Trade Law Reform Act, H.R. 4124, does take a major step in the right direction.

And, if coupled with the Fair Trade in Steel Act, could have a major impact on how our trading partners deal with us.

We are not newcomers to this problem of unfair trade practices. Just over 10 years ago, Mr. Speaker, in December 1973, when we were debating the Trade Reform Act of 1974, I said that bill didn't go far enough, didn't respond specifically enough to the problems.

And time has borne me out because today we are worse off than we were in 1973.

In that 1973 debate, I asked Congress to address itself to the underlying problem of international trade and to mandate the President to pursue certain policies with specified goals and objectives.

Again, in July 1979, when we were debating the amendments to the 1974 Trade Reform Act, I said that the bill, if enforced properly, would do what it pretended to do. But, if not enforced, it would go the way of many other bills—it will become ineffective, impotent, and actually destructive of the overall economic benefits that were devised in the first instance to protect against.

Well, Mr. Chairman, here we are again. We have before us a bill that, while more specific in its structure than either the 1974 or 1979 trade measures, still leaves too much room for administrative interpretation.

I suggest that we need more specifics, such as those embodied in H.R. 4124, which is designed to improve the operation of countervailing duty, antidumping duty, import relief, and other trade laws.

And, in addition to that, we need the Fair Trade in Steel Act. It is no secret that America's steel industry is suffering. Foreign imports are taking some 25 percent of the American steel market. Employment in the steel industry is near the quarter-million mark, less than half what it was in 1974. And giants in the American steel industry—United States Steel Corp. and Bethlehem Steel—have already diversified or are planning such moves to lessen their dependence on steel sales for revenues—actions that would again cut U.S. steel productivity and increase our dependence on foreign steel.

The Fair Trade in Steel Act, which would set a 15-percent quota on imported steel for a 5-year term, is a key element in enabling our steel industry to regroup and restore itself in order to compete favorably with foreign imports.

The combination of the two measures, the Trade Reform Act and the Fair Trade in Steel Act, would give us the ability to set reasonable limits on steel imports and to battle against unfair trade practices by foreign producers of steel, copper, and other goods.

Critics claim that our efforts will be counterproductive because our trading partners will shut their doors to our goods and services.

Well, Mr. Chairman, I contend that at the same time we in this country face unfair trading practices, such as dumping and subsidization, from our trading partners, those same traders have placed such severe restrictions on American firms trying to do business in those countries that we may have a lot less to lose than critics believe.

Mexico requires its six foreign car manufacturers to use locally produced parts and materials equal to 50 percent of each vehicle's value. Indonesia requires any exporter selling more than $750,000 of goods to the State sector to buy an equal value of local goods. Saudi Arabia, traditionally an open market, is now insisting that local partners be included in investments in that country. And the list goes on, continent-by-continent, country-by-country—Brazil, Nigeria, South Korea, and so on.

Why is buy American any less acceptable than buy Mexican or buy Brazilian or buy Japanese?

I am concerned that when we pass this trade reform measure before us today without the second element, it will be like creating a paper tiger. It will be much the same as Shakespeare says in Macbeth:

> Tomorrow, and tomorrow, and tomorrow, creeps in this petty pace from day to day, to the last syllable of recorded time; and all our yesterdays have lighted fools the way to dusty death. Out, out, brief candle! Life's but a walking shadow, a poor player, that struts and frets his hour upon the stage, and then is heard no more; it is a tale told by an idiot, full of sound and fury, signifying nothing.

We need more than rhetoric; we need legislation that will produce light as well as heat.

I intend to support H.R. 4784, the Trade Reform Act of 1984, because it is an important step forward and because it, at the very least, expresses the concern of the Congress about illegal and unfair trade practices.

But, at the same time, I and the more than 200 Members of this body who are cosponsors of the Fair Trade in Steel Act, H.R. 5081, urge the chairman and members of the Ways and Means Subcommittee on Trade to bring that bill to the floor so that we can put some real teeth into America's trade policy.

The American people want us to take this action. Mr. Benik is not alone in his view. A recent survey by Fingerhut/Granados opinion research found that 76 percent of likely voters interviewed believe that Government policies toward foreign imports should be tougher. In fact, only 13 percent say the Government should allow more foreign products into our country.

In that same survey, 65 percent of the respondents endorse quota or tariffs on steel imports, while 20 percent opposed such action.

The second survey, by Opinion Research Corp. for the LTV Corp., focused on delegates to the Democratic National Convention and national opinion leaders.

One key question sums up the primary issue: Do you think the current world trade agreements are fair or unfair to the United States?

This question, when posed to national opinion leaders, brought the following response—37 percent said the agreements were fair, while 48 percent, nearly half, said the agreements were unfair.

Delegates to the Democratic National Convention responded similarly—32 percent said the agreements were fair, while 44 percent said they were unfair.

It is clear to me that the American people, like those who responded to the two surveys, like my constituent, Albert Benik, and like so many of us who support H.R. 4784 as well as the Fair Trade in Steel Act of 1984, believe that the passage of these bills is vital to the future economic health of this Nation and its industries and jobs.

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS], a determined advocate of trade expansion.

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Chairman, it occured to me, sitting here listening to this debate, that this is almost a special order in behalf of this bill. It is a virtual love feast on behalf of this legislation, with the exception of the remarks of the gentlewoman from Nebraska, and I wish to associate myself with her remarks. I really hate to curdle the milk of mutual support in behalf of this bill. I do so as a Member representing 58 countries out on the prairies of Kansas where we have to export two-thirds of our wheat crop. I have deep respect and deep admiration for the chairman of the committee, the gentleman from Florida [Mr. GIBBONS], who is a staunch advocate of free trade. Whenever he speaks on free trade, I am like the E.F. Hutton ad, I stop and listen. The same is true with my good friend and colleague, the gentleman from Washington [Mr. BONKER], and my good friend and colleague, the gentleman from Louisiana [Mr. MOORE].

But I guess I feel a little bit like the father who goes out to his young daughter on the porch swing and says, "Dear, it is time to come in. You and your boyfriend have been out there too long. It is 10 o'clock." And she says, "Why Dad?" And I say, "I am not too worried about what you do on the porch swing. It is what is going to happen down the road."

This act has been characterized as an effort to make the playing the field level for all players in the world export and import game. And I share my colleagues' desire for a level playing field and I share their frustration over problems caused by export subsidies. But there are those of us in farm country who worry that in this bill, while noble in intent, and certainly there are provisions in the bill that are constructive efforts to address the serious trade problems, nevertheless we worry that they will result in retaliation against U.S. farm exports and once again put the farmer on an export playing field that is uphill and we have bulldozed that hill to a mountain.

Now, we have received letters from the Secretary of Commerce and the Office of the Special Trade Representative and the Secretary of Agriculture, all in opposition to the provisions in the bill dealing with natural resource subsidies and the antidumping laws. Any of these provisions could lead to retaliation, despite the colloquy that you have heard on the House floor. But the most troubling provision of this bill is its broadening definition of "subsidy."

For instance, under this bill, such Government programs as irrigation projects, the REA Program, the payment-in-kind program, transportation systems, investment tax credits, even police and fire protection, could be countervailable or viewed as countervailable in domestic subsidies. And if international definition is expanded to include the language of this bill, all of the above-mentioned programs could lead to imposition of duties by our trading partners.

If this bill is enacted into law, we should be prepared to have our exports subject to the same rules under foreign mirror legislation. And according to all of the farm and commodity groups that have contacted me, this would be very detrimental to agricultural exports.

Mr. Chairman, it is with a heavy heart that I urge opposition to this bill and urge my colleagues to vote for the recommittal.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LUNDINE].

Mr. LUNDINE. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to support this bill and to reluctantly support the committee amendment which deletes the section dealing with targeting in this bill. I support this amendment because given the short time left in this session of the 98th Congress it is the only way which a consensus can be arrived at to secure House approval of this important bill.

Targeting is a reality in international competition which we cannot afford to ignore. I believe that targeting by foreign governments is doing extensive damage to the international competitiveness of U.S. industry. Unless and until the United States comes to grips with this growing problem, we cannot hope to establish a level playing field for U.S. competitors in the U.S. market or abroad.

At the same time, I can understand why some have serious concerns over the targeting section reported from the committee. Like many of them, I do not believe that the targeting section of this bill as reported from the Ways and Means Committee is the preferred way to deal with this serious problem. As a result, I went before the Rules Committee but failed to secure on a narrow vote permission to bring to the floor an amendment in the nature of a substitute for this section. My proposed amendment would have added several possible remedies to the bill to deal with targeting beyond the countervailing duty option provided in the original bill.

I am encouraged that the committee amendment now before us which deletes this section on targeting does call for continuing study of the problem. I only hope that the controversy over this issue this year does not prevent us from moving forward in the months ahead with a meaningful program to deal with foreign industrial targeting. The controversy which led to the deletion of this section is not over whether or not targeting exists and is damaging U.S. competitiveness, but rather over what is the appropriate remedy for foreign targeting. I am convinced that lack of action on this problem will mean continued erosion of U.S. world market shares and continued worsening of the already devastating $120 billion U.S. merchandise trade deficit we are facing this year.

Last year, I was appointed by the Honorable GILLIS LONG to cochair a task force on international trade for the Democratic Caucus. One of the principal findings of that effort was that the problem of foreign targeting of industry to capture export markets was having a serious negative effect on many key sectors of our economy and that present trade laws and domestic U.S. policies were not adequate to deal with this problem. We found that such targeting was having negative effects on many industries. The Japanese have successfully targeted machine tools and robotics and are now working on fiber optics, many developing nations like South Korea, Taiwan, Brazil, and Mexico are successfully targeting steel, and the EEC countries heavy electrical equipment—and the list goes on and on.

The fact that the United States has a defense program, NASA, and an agriculture price support system, must not prevent us from tackling this problem of targeting head on. These programs, unlike many foreign targeting efforts are not explicitly and solely geared to the capturing of export markets. I believe we will never live in a world nor can we ever create a world where government subsidy of industry of some sort does not exist. And, the United States cannot afford to ignore foreign industrial targeting. We need to challenge our foreign competitors and make them understand if they are going to continue their current practices, the United States will respond with trade actions and domestic policies which will create and maintain a comparative advantage in key U.S. industries.

U.S. industries need a level playing field. Effective macroeconomic policies, tough and effective trade laws combined with a U.S. industrial strategy is the only way we are going to meet foreign competition head on.

This legislation is a great step forward in strengthening and making our trade laws more effective. Even though we are deleting the section on targeting from this bill, we must take action in future months to make our trading partners understand that we are not going to leave unchallenged their continued targeting of our markets. The United States needs a strong trade policy combined with an industrial strategy if we are to remain internationally competitive in many key industrial sectors.

Additional international negotiations on subsidies and targeting are also important to deal with this problem, so the United States must exercise its leadership to bring our international trading partners to the international bargaining table. But progress on this front is going to be painfully slow, and in the meantime we cannot afford to ignore the economic consequences of foreign actions on the U.S. standard of living and competitiveness of our industries. We are living in an intensely competitive and interdependent world. If we are to continue to make economic progress, we must leave no stone unturned in this area.

□ 1910

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman.

Mr. GIBBONS. I appreciate the statements the gentleman has made, and the gentleman knows how hard we struggle to keep the targeting matter in there. Unfortunately, we just could not get the consensus worked out to keep it in there. It was a very controversial part, and it may have held up and killed this bill.

We have not retreated from this provision at all, in fact, we are going to have a very rapid but thorough study of this whole matter by the administration and by our own technical staff. I want to assure the gentleman in the well that we intend to come back next year with a provision that tries to hit this right in the head; just where it ought to be hit.

Mr. LUNDINE. I am very encouraged by that. Thank you.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of H.R. 4784, the Trade Remedies Reform Act of 1984. In 1983 the International Trade Commission investigated more unfair trade practices cases then they had in the prior 5 years. Many of these cases were filed against our five major trading partners, and directly impacted industries in my district; for example, print cloth against China, polyester dumping by Korea and Japan, and others. Just this week the domestic industry filed unfair trade cases against 13 countries.

These five countries alone, Taiwan, Korea, Hong Kong, China, and Japan exported 61.5 percent of the total textile and apparel imports that entered our borders in 1983—4.570 billion square yards. We are experiencing the worst trade deficit in history. Already there is a $6.2 billion trade deficit for the first 5 months of this year, up 68 percent from last year.

The domestic textile and apparel industries, employing upward of 2 million workers, have lost 240,000 employees over the last 3 years. Many of our foreign trading partners have been exercising more sophisticated techniques to subsidize their exports of textile and apparel to the United States. The textile industry is the most attractive business for developing countries to enter into.

I feel it is imperative that we reform the current trade remedy laws and at least give our domestic industries an opportunity to compete equally with their foreign competitors.

While many of my colleagues may not be completely satisfied with the entire bill, I feel it provides the most reasonable compromise possible between the various interests and gives U.S. industries the kind of relief they need from the unfair trade practices of our trading partners.

I urge my colleagues to support the adoption of this bill.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. HANCE].

Mr. HANCE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 4784, the Trade Remedies Reform Act of 1984. This legislation is vitally needed in order to make our unfair trade laws more efficient and to allow us to handle growing unfair trade practices on the part of our trading partners.

I would especially like to bring your attention to a section of the bill that corrects a glowing inefficiency in our Nation's countervailing duty laws. As you know, our countervailing duty law is one of the most basic tools that U.S. industry has to counter trade practices by nations that subsidize the production of their exports. Under these internationally recognized trade principles, if a domestic industry can prove a subsidy by a foreign government that injures or threatens to injure a domestic market, a countervailing duty or tariff is placed on that import to compensate for the unfair subsidy.

A serious flaw in this law has been discovered, however, as a result of a very narrow interpretation of the countervailing duty law by the Department of Commerce. The problem became painfully apparent in recent Commerce rulings concerning subsidized cement and ammonia.

In countries like Mexico, foreign governments essentially give away natural resource products such as oil and natural gas to their domestic industries. These subsidies have proven particularly effective in developing products for exports such as cement, ammonia, and carbon black. Energy is the primary input and cost factor in the production of these products, and Mexico is then able to undercut our domestic markets since they can then sell these products in the United States below the cost of raw materials to our domestic producers.

Commerce, however, has ruled that this is technically not a subsidy since all Mexican industries benefit from the subsidized energy prices. So what Commerce has said is that the greater and the more widespread a subsidy is, the less of a chance it will have of being called a subsidy.

Mr. Chairman, this is a ridiculous situation and one that this bill corrects. H.R. 4784 makes it clear that energy subsidies made available for energy intensive export products can be subject to our countervailing duty laws. The bill measures the subsidy by reference to a country's export price or, in the absence of exports, the fair market value of the energy source.

Our domestic industries, however, will still have to go through the normal process of filing an unfair trade case and proving that foreign subsidies are the cause of the unfair trade practice. But they will now have a fair chance in utilizing our trade laws, and will no longer have to sit aside and watch subsidized imports steal their domestic markets.

This legislation also contains a number of other provisions that will help improve our trade laws. One important section of the bill provides assistance to our Nation's small businesses that are affected by unfair trade but that have been prohibited from using our trade law due to their lack of both technical and financial resources.

Ironically, this bill offers an approach to our trade problems that is most often advocated by its opponents. Many of the opponents of this legislation argue that they are against protectionism, and that the proper solution to foreign subsidies and unfair trade is to streamline and improve our Nation's trade laws.

Mr. Chairman, this legislation is not protectionist. It streamlines and improves our Nation's trade laws so that our domestic industries can effectively combat illegally subsidized imports. It does exactly what its opponents say they want done.

I urge my colleagues to support the trade remedies reform bill.

Mr. FRENZEL. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER], who will provide compelling argumentation at this point.

Mr. BEREUTER. I thank the gentleman for yielding me this time.

Mr. Chairman, I have great respect and deep affection for the gentleman from Florida [Mr. GIBBONS], the chairman of the Trade Subcommittee of the Ways and Means Committee. Indeed, for the whole committee that labor in this very difficult, controversial area of law while being buffeted

by the winds of protectionism over there. It is not an easy task for them, I know.

Certainly if one were to only read the title of the bill, one would no doubt find little reason to oppose the measure. How could any rational Representative be against the bill to reform the remedies available to U.S. producers regarding unfair import competition? How can anyone be against such a laudable objective?

We know all too well that American exporters are frustrated at nearly every turn by increasingly sophisticated and omnipresent trade barriers. Negotiations to break down those barriers seem perpetually to take two steps forward and one step backward; a Michael Jackson step.

I rise today to urge my colleagues to vote against H.R. 4784, the Trade Remedies Reform Act of 1984, unless we approve Representative FRENZEL's motion to recommit this bill with instructions.

Many Members of this body may yet this day wonder what all the fuss is about regarding this bill. Certainly if one were only to read the bill's title, one would no doubt find little reason to oppose the measure. How could any rational Representative be against a bill "to reform the remedies available to U.S. producers regarding unfair import competition. * * *"? How can anyone find a more laudable objective?

We know all too well that American exporters are frustrated at nearly every turn by increasingly sophisticated and omnipresent foreign trade barriers. Negotiations to break down these barriers seem perpetually to take two steps forward and one step backward. At the same time, we know all too well that many American firms simultaneously are facing intense competition from foreign products often manufactured or marketed here as a direct result of special privileged circumstances.

With all the cries for action from industry and labor, we in the Congress have sought to respond. Lacking the tools or commitment necessary to negotiate away foreign trade barriers or to enhance the competitiveness of American exports, we have attacked the problem as best we could. We are asked to create a level playing field through this legislation.

In some respects, that effort has merit. Several of the reforms proposed in H.R. 4784 are long overdue. Those portions have received the administration's support and are worthy of enactment. Procedural reforms to speed consideration of unfair trade cases are welcomed as is the bill's effort to expand small business' access to the relief process.

Although portions of this prepared legislation are needed, several provisions of this bill are truly dangerous to the international trading system in general and to our own Nation's export performance in particular. We should not pass this bill unless these dubious provisions—especially those relating to downstream dumping and natural resources subsidies—are stricken from the bill.

WHAT H.R. 4784 PROPOSES

Under current law, countervailing duties may be imposed when a foreign government provides "any bounty or grant upon the manufacture or production or export of any article or merchandise" that is imported into the United States. Antidumping duties may be imposed when a "class or kind of merchandise is being, or is likely to be, sold in the United States at less than its fair value."

The downstream dumping section of this bill would make the indirect dumping of components or inputs embodied in imported finished products liable for countervailing or antidumping duties.

If a producer in country A, therefore, sells an intermediate product to another manufacturer in country B at less than fair value, and the country B producer turns around and exports a finished product to the United States containing the dumped goods from country A, such finished product might be subject to antidumping or countervailing duties. These changes do not apply, however, to intermediate products that are manufactured in the same country as the finished product.

The second especially troublesome portion of this bill, that relating to natural resource subsidies, would expand the countervailing duty code to include cases of government subsidization of basis resource products, such as energy. Reportedly, this section is designed to address so-called two-tier pricing systems, which establish higher export prices for natural resources than those available to domestic purchasers. PEMEX, the Mexican Government's petroleum monopoly, engages in such practices by charging foreign purchasers a higher price for natural gas than local buyers.

The legislation we have before us, however, does not merely apply to two-tier pricing systems. Any import embodying resources that have been provided by the Government at a price below fair market value may be subject to countervailing duties—even if the low-cost resource is available to all producers, foreign and domestic.

WHY WE SHOULD OPPOSE THIS LEGISLATION

Do not be beguiled by the apparent logic of these proposals. Do not look at these provisions in isolation from the dynamics of international trade. Do not ignore the fact that for every action there is a reaction.

Agriculture Secretary Block has said with regard to H.R. 4784, "The danger from enactment lies in the precedent such a law would set for interpretation of international trade agreements in ways that can be used against U.S. exports, as well as in the risk of immediate foreign retaliation where U.S. actions clearly violate these international agreements."

We must not allow ourselves to become intoxicated by the elixir of this quick fix solution. We must not resort to manipulating the system and cheating around the edges to compensate for our negotiating shortcomings or our trade deficit. Rather we must work within and change the international trading system to achieve the level playing field we all desire.

It's difficult and painful at times to lead by example, but we must do so. If we weaken in our commitment to the GATT [General Agreement on Tariffs and Trade] and to other multilateral trade agreements, despite their perceived or actual deficiences, I believe that the foreign reaction will be swift and significant. "To broaden these laws without prior negotiations with our trading partners on new rules on international trade," the National Foreign Trade Council has wisely cautioned, "would endanger the fragile consensus which forms the framework for an open trading system and the growth of world trade."

If we in this body have learned anything in these past few difficult years, it is that nothing will be the same again in the international trading system. The halycon days of the Yankee trader as we knew him are gone. No longer do we rule the world trading system effortlessly. No longer do we make the rules for others to follow. The benefits of trade have been discovered by others. They will not be ignored or forgotten.

Virtually every nation now takes an aggressive, active approach to international trade, frequently with a no-holds barred attitude. Tough times the world over, however, have prompted a frightening rise of protectionism. Countries have worked frantically to protect recession ravaged domestic industries.

In the rush to develop markets or to take them from others, nation has been set against nation. Countries who have been allies for centuries now frequently engage in bitter and divisive confrontation over the smallest bit of trading activity.

Let there be no doubt, that mood still flourishes. It flourishes even as the world economy enters recovery.

Once the desire for protectionism started to quicken and the opposition to it weakened of political necessity, its roots began to stretch deeper and wider into the fabric of the international economy.

Make no mistake. If we approve this bill as written, we will give every nation eager to impose import controls the excuse they anxiously seek. If we use this bill to send a message to our

trading partners, don't be surprised if the message is interpreted to suit the objectives of others rather than of the United States.

I can assure you, if we don't support the international trading system no one else will. If we pass this bill, some may win a battle. But we will all lose the war.

Everyone has a stake in free trade and the international trading system. America's agricultural exporters have already grasped the importance of this policy debate. They have already learned the hard way the lessons of protectionism, because they frequently have been the victim of our ill-conceived efforts to protect certain sectors of our economy.

□ 1920

The gentleman from Texas a few moments ago said they will buy our grain if they need it. We are not the only alternative for grain and for soybeans. We should have learned that from the last embargo, not to mention the three previous embargoes in the last 11 years.

When we imposed textile import constraints, wheat exports suffered dramatically. When we threatened action in order to open foreign doors for wine exports, our corn gluten exports became an immediate target for retaliation. There are numerous examples of the damage we do when we act unilaterally.

We must reject this bill as written. We must reject the desire to protect. Instead, we must devote our energies to providing for economic growth, not to dividing a stagnant economic pie. We can only do that by working with other nations, not against them.

I fear that this bill will be evaluated on the basis of perceptions, rather than on the basis of prudent public policy considerations. We must resist this temptation. We must look beyond the short-term benefits to the long-term impact.

In closing, I would draw my colleagues' attention to a statement of the National Foreign Trade Council which gives us sound advice as to the path we must follow. "In the long run," the Council has said, "the U.S. response to foreign competition must be to develop broad economic policies to enhance the productivity of U.S. industry and the competitiveness of U.S. goods and services in the world marketplace."

I urge my colleagues to reject H.R. 4784 by voting for the Frenzel motion to recommit with instruction. Members will have that opportunity soon.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I am pleased to have the opportunity to express my enthusiastic support for H.R. 4784, the Trade Remedies Reform Act of 1984, and to commend Chairman GIBBONS.

The natural resource subsidy provision of the bill corrects an unfair subsidy not covered under existing trade laws which is threatening the survival of industries critical to Louisiana and the United States. Two-tier energy pricing by energy-rich nations is playing havoc with the ammonia and carbon black industries in my State. Ammonia and carbon black represent just the tip of the iceberg, with the rest of the petrochemical industry falling in close behind.

If a large segment of the Louisiana chemical industry should find it necessary to write off their existing facilities because they cannot compete due to subsidized imports, the resultant loss of jobs and tax revenues would be tremendous. Also, since over 60 percent of Louisiana natural gas that is purchased in the State is used either directly or indirectly by the Louisiana chemical manufacturers, the energy sector will also be severely impacted.

Since I represent an energy producing State and sit on the Energy and Commerce Committee I have been particularly interested in arguments by some who say that the natural resources subsidy provision makes the United States vulnerable to mirror legislation by the European Community. It has been suggested that current U.S. gas contract prices, rather than being determined by market forces, are being held down by the pricing provision of the Natural Gas Policy Act of 1978. These statements are misleading and incorrect.

First if the price ceilings mandated by the NGPA actually determine today's gas prices, then industrial users should be paying a price which reflects NGPA ceiling prices on new gas contracts. In fact, just the opposite is true. In spite of the continued increase in NGPA price ceilings, the average wellhead price of gas tended to decline since early 1983. Although the average price for 1983 was $2.60, up from $2.46 per mcf in 1982, wellhead prices have generally fallen since February 1983. While the average price did jump to $2.70 in September, it had dropped to $2.58 per mcf by December. This decline in average wellhead prices suggests that prices agreed to in recent contracts are falling below ceiling levels and market-out actions by pipelines are allowing them to reduce the price paid for gas in existing contracts or stop their purchases altogether.

Second, even assuming additional categories of U.S. gas are deregulated on January 1, 1985, expectations are that prices to industrial users are likely to remain roughly the same. If this is true, this would confirm that current prices negotiated on new contracts already reflect market conditions.

Although the current average wellhead price reflects the market clearing level, it is important to realize that is an average. Price variations also exist among States with respect to the average wellhead price of gas within each State. This variation reflects several factors including:

The mix of regulation-defined gas categories in each State;

Closeness to the points of consumption; and

The geographic concentration and nature of gas resources.

These factors will affect actual market clearing prices at the wellhead in each producing State, as well as delivered prices to industrial users in the future. This simply means that price uniformity is unlikely to develop under either market forces or regulated prices.

Third, any challenge to the NGPA, claiming it bestows a subsidy on U.S. producers, must take into account the myriad of contract prices and NGPA gas categories at which gas is bought and sold in the U.S. marketplace by large numbers of private producers, distributors and users. This complex pricing system does not lend itself to simple characterizations as to whether it reflects or affects the market. The major gas categories under NGPA are primarily based upon market factors, recognizing replacement cost, cost factors of drilling location, and date of first sale, which recognizes the transition and changes in energy pricing worldwide after 1973.

Fourth, the natural resource subsidy provision applies only when the price of gas or oil is specifically manipulated by a government to be lower than the export price or the fair market value of the resource. Fair market value means the price a willing buyer would pay a willing seller in an arm's-length transaction without Government intervention. Fair market value pricing can exist within the framework of Government regulation. Because gas competes directly with No. 6 residual fuel oil in the industrial user market, the price of No. 6 fuel oil is said to set a ceiling on the price industrial users would pay for gas. At any higher price, industrial users would switch to residual fuel oil. Since petroleum products, including residual fuel oil, are decontrolled, their prices are market determined. Therefore, comparisons between the Btu equivalent price of natural gas and that of a substitute fuel, such as No. 6 fuel oil, can shed light on the issue of whether the wellhead price of gas approximates a market price.

U.S. pricing policy is in sharp contrast to that practiced by other countries who would be subject to changes

put forth under H.R. 4784. Certain energy-rich nations have constructed pricing systems which are simple, direct and clearly distort the economy. A clear offender is PEMEX, the Mexican energy producer, who set a single delivered energy price to all domestic industrial users. Arm's-length negotiation is nonexistent, as is any attempt to let market forces work to determine prices. In Mexico, no myriad of private users competes for supply and price. In fact, PEMEX and the state-owned electric utilities are the major industrial gas users. Mexico, and countries like it, can only maintain its differential pricing practice by adopting artificial constraints such as denying outside investors access to lower gas prices through export of the gas or through investment in petrochemical plants in that country. The NGPA does not operate under such rigid and discriminatory differentials.

The United States is not vulnerable to mirror legislation if the natural resource subsidy provision of H.R. 4784 is passed into law. the provision attacks specific forms of subsidy practices associated with state ownership and pricing of natural resources such as energy, and where state ownership and control of the downstream production and pricing of energy-intensive products accounts for a significant level of the total use of the resource. We are not losing out to more efficient produers with a comparative advantage in low cost gas. We are losing out to less efficient foreign government producers, which use their monopoly power and price manipulation to capture markets in this country they otherwise could not capture.

I strongly urge my colleagues to vote for H.R. 4784.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of this measure, I want to commend the committee for coming forward with this measure. We need added sanctions and remedies against unfair trade.

This measure I wish were stronger. It does move us, though, down the path for fair trade. Let me tell my colleagues that the people in the Sixth District of Alabama are a little tired of hearing the rhetoric of free trade, and it reminds me of the comment of Henry Clay some 150 years ago when he said:

> The call for free trade is as unavailing as a cry of a spoiled child for the moon. It never has existed. It never will exist.

Fair trade we need in world trade. This moves us in that direction. Mr. Chairman, and I support the bill.

Mr. FRENZEL. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong opposition to H.R. 4784, the Trade Remedies Reform Act of 1984. In spite of my great deal of respect for the chairman of the Trade Subcommittee and my ranking member, I think this is bad legislation for America's farmers.

I am the first to admit that there has never been, and probably never will be, a free world market for our farm products. Over the years, export embargoes, trade barriers, unfair foreign subsidies, and domestic cheap food policies—just to name a few—have prevented our farmers from receiving a fair price for their production.

But the fact remains that approximately 1 in every 3 acres of farmland produces for the export market and we presently export $20 billion more in farm products than we import.

The enactment of H.R. 4784 could prove disastrous for my wheat, soybeans, and feed grains farmers who are already struggling in today's depressed agricultural economy.

Unfortunately, H.R. 4784 would extend U.S. countervailing duty law into areas that many fear would invite direct retaliation against our farm exports and other key exports, or prompt the implementation of "mirror" legislation by our trading partners that could conceivably treat as unfair our own Rural Electrification Programs.

I firmly believe that the American farmer, when allowed to compete on a fair basis, can outproduce anyone in the world. But the President is right when he has stated that we are all in the same boat and it does not do us any good to shoot a hole in our trading partner's side of the boat. America's farmers, more than anyone else, realize the end result of a retaliatory trade war would mean less markets for our farm exports, huge surpluses and lower commodity prices at home, and a contracting world economy in which the people of every nation—including the United States—will be the biggest losers.

It is certainly true that you cannot have free trade unless you have fair trade. But the answer is in breaking down existing trade barriers and unfair foreign trade practices, not in raising new barriers that could lead us into a massive trade war where we all will ultimately suffer.

We must strive for a more open, free, and fair international trading environment where the efficiency of America's farmers will allow them to compete for and win foreign markets. I urge my colleagues to oppose H.R. 4784.

Mr. FRENZEL. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong support of the legislation. I think it is a beginning step in achieving fair as well as free trade for this Nation.

● Mr. McGRATH. Mr. Chairman, I rise today in strong opposition to H.R. 4784, the Trade Remedies Reform Act which this Chamber is about to consider.

Without a doubt, critical reforms are necessary in order to combat the unfair and detrimental trade practices of foreign governments which are partly responsible for our increasing trade deficit. However, H.R. 4784, as reported from the Committee on Ways and Means, is clearly not the vehicle for this task.

I believe the legislation possesses a series of pitfalls which will expose U.S. exporters to unnecessary impairment. Such damage is likely to reverberate throughout the U.S. economy. Members, no doubt, have been informed of exporters' fears of retaliatory or "mirror" legislation if H.R. 4784 is enacted. This apprehension is well founded. At a time when the Congress should be taking action to encourage our trade partners to pursue more open and accessible markets, we are considering legislation which will cause protectionist responses. This is hardly a responsible method of streamlining and clarifying current trade policies.

Numerous questions have been raised as to the spirit and legality of the legislation with regard to its targeting, natural resources, and downstream dumping provisions. The legislation represents a significant departure from longstanding U.S. and international trade policy. Rather than providing additional protection for U.S. export concerns, the Trade Remedies and Reform Act of 1984 will subject such industries to more closed doors, and more closed markets.

Several firms, including a major national corporation in the district I represent, have complained that regulations of the Commerce Department and the slowness of that agency, have hindered their ability to compete internationally. I believe we should look at the hurdles we already have in the Federal Government before we institute sweeping changes of questionable utility.

In confronting this serious issue the committee has brought the subject of U.S. trade policy to the forefront of legislative debate. Nevertheless, the bill it sends to this body must be defeated for the ultimate benefit of U.S. exports. I strongly urge my colleagues to oppose H.R. 4784.●

● Mr. RAHALL. Mr. Chairman, the legislation before us, H.R. 4784, the Trade Remedies Reform Act of 1984, makes some laudable changes in our laws which seek to mitigate unfair trade practices.

I am particularly delighted with the inclusion of the section on natural resource subsidies in this bill. This provision seeks to address problems associated with newer and subtler forms of unfair trade.

As the committee report states, natural resource subsidies "involve a government controlled or regulated natural resource price that is lower for domestic use than the export price or the fair market value, is not freely available to U.S. producers for export, and constitutes a significant component cost of the product under investigation."

Activity under this new provision would be taken through the countervailing duty law for determining the existence and amount of any subsidy. If it is determined that a U.S. industry has been harmed by the importation of an imported product—in this case one involving a natural resource—that is subsidized by a foreign government, then countervailing duties may be assessed.

While the term "natural resource product" is not defined in the bill, the committee states that it intends it to apply to basic energy products such as petroleum and natural gas. I would add to that list, coal.

This provision is of some interest to me, as are current provisions of our trade laws which involve products being sold in this country at less than fair market value—dumping—because of the recent and rather dramatic increase in coal imports into the United States.

U.S. imports of foreign coal almost doubled between 1982 and 1983 with much of this increase coming from Colombia and South Africa. Coal imports in 1983 were valued at $54.3 million and are beginning to displace traditional coal sources in the Appalachian region. That is $54.3 million worth of coal and related coal miner employment lost by domestic producers.

I believe it is time for either the Department of Commerce or the International Trade Commission to look into this activity. The central questions in need of investigation are whether these coal imports are being subsidized by foreign governments, are being sold in the United States at below fair market value and whether these imports are harming domestic coal producers and to what extent is this damage.

In this respect, it is my understanding that the International Trade Commission is currently conducting a section 332 study on the position and competitiveness of U.S. coal in the world market. In my view, this study serves little purpose unless it also examines the impact of coal imports on domestic coal producers. I would urge the Commission to immediately expand its study in this respect.

The bill before us today is a needed defense to many of the unfair trade practices in existence today. I urge its adoption.●

● Mr. MOLLOHAN. Mr. Chairman, it is a pleasure for me to have the opportunity to take time today to speak in favor of H.R. 4784, the Trade Remedies Reform Act of 1984.

Unfortunately, much discussion of our trade laws has become captive to slogans such as "protectionism," "free trade," and the like. These slogans do a disservice by preventing a thorough discussion of our trade problems and remedies. I would like to take a few minutes to explore what this legislation means in concrete terms, instead of just labeling it and walking away.

As all of us are increasingly aware, we are having problems in international trade. Our trade deficits for last year was $69 billion. This year, experts estimate it might run as high as $126 billion—an anticipated increase of 81 percent in our trade deficit from just last year. Since 1980, our increasing trade deficit has contributed to the loss of 2 million jobs and has caused the GNP to fall by 2 percent.

Clearly we are faced with a malignant problem that must be addressed or we will forever lose our foothold in the world of international trade. The problem is simple and it is real: American firms, those enterprises we have lauded as the best advertisement for our democratic free enterprise system, are now being forced to compete with foreign nations.

Let me repeat that statement. American firms are now having to compete against foreign nations. This means that foreign industries targeted for growth by their government can receive 90-percent financing at 3-percent interest, while American companies can only watch and hope they will survive to compete.

Rather than make dire predictions about what might happen, let me provide you with an actual example of what has happened in our new trade world. In my district in West Virginia, the Cabot Corp. operates a plant that produces an important petrochemical called carbon black, which is a rubber reinforcing agent that is widely used in tires and other rubber products. Carbon black feedstock represents 70 percent of the cost of producing carbon black.

Cabot and other U.S. carbon black producers must pay the world market price of $26 per barrel for this feedstock. In 1983, the U.S. Commerce Department found that the Mexican Government provides Mexican carbon black producers with this feedstock at $2 per barrel. As you can see, Mexican carbon black producers have an insurmountable advantage, because their Government provides the resource that represents 70 percent of the cost of producing carbon black at one-thirteenth the market price.

Mexico is using this unfair trade practice to aggressively enter the U.S. market. In 1982, total carbon black exports from Mexico totaled 6.7 million pounds. In 1983, Mexican exports to the United States tripled, to nearly 19 million pounds. In 1984, Mexico plans to export at least 40 million pounds of carbon black to the United States, more than doubling 1983 levels.

Mexico has announced plans to further expand its carbon black production capacity. This additional capacity will equal 25 percent of current U.S. capacity, and will be aimed at capturing additional U.S. market share. This poses a critical threat to U.S. carbon black producers and workers.

Under our current—and dated—trade laws, this kind of indirect subsidy cannot be—and was not—considered in countervailing duty cases. Our trade statutes force us to shut our eyes and pretend we are participating in another trade era and not living in the 1980's. Wishing this kind of substantial government interference would go away will not work. We must act both to protect American firms from these kind of predatory trading practices and to send a clear message to other countries that we are alert to their unfair trade practices and we will not tolerate them.

The bill before us today, H.R. 4784, is an outstanding proposal. It is a carefully crafted response to a complex series of international trade problems. It is narrow in scope and designed to respond only to the most egregious situations. For example, if this bill were law today, the Commerce Department, when considering the carbon black example I just described, would be permitted to consider Mexico's massive subsidies to their carbon black companies. Punitive measures would not be imposed on Mexico, there would simply be a frank recognition of the existing feedstock subsidy.

The legislation does not build a "Berlin wall" approach to trade, but simply permits us to take off our blinders and react to today's trade issues.

Any attempt to modernize our trade law is, unfortunately, met with cries of "protectionism." Applying a tourniquet to our hemorrhaging trade deficit to me is not protectionism, it is plain common sense.

I urge my colleagues to apply a bit of that common sense and vote for H.R. 4784.●

● Ms. SNOWE. Mr. Chairman, I want to congratulate the members of the Ways and Means Committee for their hard work on this trade bill. I am espe-

cially pleased with their effort to deal with one growing problem—the need for trade assistance for U.S. firms hurt by the unfair practices of our trading partners.

I think we all agree that current trade laws are working to the disadvantage of U.S. business. The size and growth of our trade deficit, and the stories we all hear from our constituents in a wide range of industries, show that American business is being hurt every day by the actions of its competitors abroad. Too often the governments of these countries allow their firms to evade internationally agreed upon laws, because it is in their economic interest. Sometimes, foreign governments even encourage practices that are unfair.

This administration, like the last, has tried hard to liberalize the international trading system in order to make it freer, fairer, and more beneficial to all. Our trading partners have not done their share to remove their barriers, but are content to continue to take advantage of the largest, most open market in the world: the United States. The result is that firms and entire industries in this country—in my State the shoe industry is one example—are forced out of business. As many of you know, despite a 75-percent import penetration and despite the loss of 100,000 jobs in the United States since 1968, the International Trade Commission decided recently against import relief for this devastated industry.

I think we can all agree that we must act now to change the unfairness in the international trading system. The question is, how should we change it?

The bill we have before us represents one attempt to strengthen our trade laws. It suggests some constructive changes that will simplify the trade remedies process to make it less costly and less burdensome for people involved in the cases. I am particularly pleased to see included in this bill a provision from an earlier bill that I introduced in the House, which would establish a trade remedies assistance office.

This office would provide small business a place in the government to receive a variety of types of trade information. The office would supply information on the remedies and benefits available under the trade laws, and the procedures and dates for filing petitions and applications under these laws. This bill further helps small businesses by requiring that the agencies responsible for administering the laws must also provide technical assistance in the preparation and filing of petitions and applications. I believe this provision is an important way of improving access to injured firms and industries that have in the past been precluded from taking action because of the cost and complexity of trade litigation.

During 7 days of hearings last spring, the Ways and Means Committee heard from a wide range of domestic groups and industries that have been hurt by imports from foreign countries and that do not feel the present trade remedy laws are adequate to address the problems. The committee heard that the cost to file a countervailing duty [CVD] or antidumping petition and carry it through to the end would be a minimum of $100,000 in legal fees. The process could easily last a year, and could drag on for several.

A representative of the Maine Potato Council testified at the hearing. She detailed the history of my State's problem in this agricultural commodity, a problem that began in 1975 when the industry first wrote to the U.S. Trade Representative regarding subsidies provided by Canada to the potato producers. The intent of these subsidies was to increase by 40 percent Canada's potato exports.

In 1978, the Maine Potato Council attempted to file a CVD petition in this case, but neither their local attorney nor the attorney general's office in Maine know how to advise them in the complicated procedure. The efforts of the Maine Potato Council have been long and complicated. They have had significant difficulty in getting the Federal Government to even look at their problem. Even with the aid of economics professors at the University of Maine, they have had problems in documenting evidence regarding injury. Throughout the entire process they have had to deal with great costs and difficulties in pressing their case.

Six years and over $100,000 later, the Maine Potato Council is now waiting for its appeal to be heard by the International Court of Trade in New York. No decision is expected before the end of this year at the earliest. The council presently owes over $50,000 of their expenditures, which is a large debt for a small producers association with an annual budget of about $80,000. It is no wonder that the witness from the council said in her testimony:

> The process for filing a petition with the International Trade Commission and the Department of Commerce is cumbersome * * * and perplexing for an individual who has no legal background and represents a small agricultural industry.

For this reason, I introduced a bill, H.R. 1269, to help reduce the burden. I am pleased that many of the provisions regarding the creation of a trade assistance office are retained in the bill before us. I believe it will go a long way to assisting with the trade concerns of many important industries.●

● Mr. ALBOSTA. Mr. Chairman, today I rise in strong support of H.R. 4784, the Trade Remedies Reform Act. As a cosponsor of this legislation, I believe it addresses many of the current unfair trade practices presently in effect. For too long, this Nation has been subject to these unfair trade laws and has been unable to compete fairly and effectively in the international market. I believe H.R. 4784 addresses and makes positive changes in many of these inequitable laws.

Presently, the U.S. trade deficit has grown to enormous proportions. While some would say this legislation is protectionism, I believe we must have fair and free trade. H.R. 4784 reacts to many of the present dumping practices and subsidies used by our foreign competitors in order to infiltrate U.S. markets. I believe this legislation will work to see that these practices are curtailed or certainly reduced and provide U.S. companies with a more fair, competitive atmosphere.

We must make some changes in our current trade laws to stimulate growth in our domestic markets and put our people back to work. H.R 4784 would make some of these changes and demonstrate to our foreign traders that the United States will not continue on its present course. We cannot continue to allow our foreign traders to apply barriers to free and fair trade on such products as citrus products, beef, and other agricultural items while allowing our own markets to remain open and fair to all competitors. I am committed to the passage of this legislation and strongly urge my colleagues in the House to vote for this important bill.●

● Mr. DASCHLE. Mr. Chairman, I fully understand the rationale that has brought the present bill, H.R. 4784, before us today. It is a feeling of frustration that we are being somehow made international trading patsies, that foreign governments through subsidies either overt or covert have captured larger and larger parts of our own domestic markets, while at the same time denying us access to their own markets. Such a feeling of frustration is certainly fueled by the prospect of ever increasing trade deficits, estimated at over $100 billion in the coming year. And besides that, quite frankly, there is a certain election year political appeal in passing such a measure. It is something to take home to our constituents to prove that we're valiantly standing up for American interests against the unfair depredations of foreigners.

For these reasons, this is an attractive bill, and I am sure it will garner significant support. It may even have the votes to pass this House. Many of us may vote for it with the clear understanding that it is in many ways a safe vote, since the other body may not pass it or, if it does, the President will surely veto it. In many ways, then, it is a safe vote.

But, to my mind, we have a greater responsibility here than to a safe vote on a bill that will, in all likelihood, go no farther than this floor. We have a responsibility to judge this legislation on its own merits, rather than taking the easy way out and comforting ourselves with the realization that any flaws in it will not come back to haunt us, since they will never actually be enacted into law. And, frankly, on its own merits, I cannot support this bill.

I cannot support this bill both because of some specific features it entails and, also, because in a broader more general context, it betrays a lack of willingness on our part to take up the real causes underlying our trading problems.

Specifically, there are several features of the bill which are simply not acceptable. The section dealing with the export target subsidy, for example, is not only a nightmare of impractibility, but a contradiction of what we ourselves are trying to do by various tax and spending priorities. The bill basically defines an export targeting subsidy as any Government plan or action which has the effect of making a foreign firm more competitive in exporting products to the United States. This would obviously involve us in an almost preternatural amount of meddling in the internal policies of many of our allies. At the same time, it would mark us as indeed playing with a double standard. Would the corporate tax breaks included in the 1981 tax bill, for instance, qualify, in a foreign government's eyes, as precisely the kind of subsidy we are speaking of here. More to the point, would our whole complex of agricultural support programs, including low interest loans, be regarded as a subsidy? This is one can of worms that would best be left unopened.

Even if the committee amendment deleting this section of the bill is passed, however, there are other troublesome sections still remaining. The same arguments, both of definition and verification, as well as applying a double standard, apply to the sections on upstream subsidies, downstream dumping, and natural resources subsidies. Passage of this bill, even without the targeting subsidy, will create an administrative nightmare which will open us up to retaliatory actions by the very countries we are seeking to increase trade with, and will hurt all our exports, particularly our largest, agriculture.

Beyond these objections to specific sections of the bill, however, there is also an objection on more general grounds. Even if all the administrative problems could be overcome, and even if we did not, in fact, face retaliation from our trading partners, there is, in this bill, a dismaying symptom of our root problem in the trade deficit. We seek, in this bill, to reduce our trade deficits by ad hoc, piecemeal protectionist procedures. We do not address the principal reason for our widening trade deficit, and without addressing that reason we will never solve our problems. That reason is the overvalued nature of the dollar in international money markets.

There are many reasons for this overvaluation, which has the effect of raising the price of all our exports by 25 percent, effectively pricing them out of the market, and reducing the price of all our imports by that same percentage, making them much more attractive. The principal reason, however, is without a doubt the deficit-driven real interest rates now prevalent in our country, which are at historic highs. The dollar is in great demand because of these interest rates, and this has been the major reason for our trade deficit.

We can certainly temporize with the trade deficit problem by passing piecemeal, unrealizable, and unrealistic legislation like H.R. 4784, but until we reduce our high interest rates by reducing our Federal deficits, through a combination of painful, but realistic, spending cuts and equitable increases in revenue, we are merely whistling in the dark. And I, for one, want no part of that particular charade.●

● Mr. CONABLE. Mr. Chairman, I rise in opposition to H.R. 4784, the Trade Remedies Reform Act of 1984 and in support of the motion to recommit. This legislation was originally intended to address complaints that our trade statutes are too cumbersome, too costly, and too inefficient to be effective in insulating our industries against unfair import competition. Instead, what developed was a bill shaped by the heavy political hand of a few industries. Rules and procedures contained in this bill further deteriorate a troubled international trading system and expose our exports to the threat of retaliatory action by our trading partners.

The downstream dumping provision is the most confusing and least GATT defensible section in the bill, and would be almost impossible to administer. Dumping involves the accusation by a domestic firm that a foreign firm is selling products in a foreign market at a price below what a like product is sold for in its home market. Our dumping statute was written to be consistent with internationally agreed precepts in the general agreements on tariffs and trade concerning the definition of like product.

The GATT also stipulates that no product may be subject to both countervailing and anti-dumping duties to compensate for the same situation. Enacting H.R. 4784 would be a unilateral expansion of the concept of dumping to include component parts that might be supplied at a dumped price. Any remedy applied under this provision would violate our international obligations in these two respects and give other countries the license to retaliate against U.S. exports.

The second unilateral expansion of multilateral trading principles included in this bill is in the section on natural resource subsidies. United States and international trade practices have adhered to the well-established principle that natural comparative advantages do not constitute subsidies. Proponents of this provision argue that because H.R. 4784 limits our unilateral actions to natural resources, U.S. producers will escape the negative effects of similar provisions enacted in other countries. The problem is that it is going to be difficult to ensure that our trading partners don't pursue this concept to its logical extension. Once the principle of general availability and comparative advantage is relaxed by the United States, our trading partners could rationally argue that benefits such as irrigation projects, rural electrification programs, or reforestation programs are countervailable benefits. There are a few industries in the United States, such as textiles, which have benefited from controlled natural gas prices and thus would be subject to retaliation by "mirror" legislation in export markets.

There has been a great amount of discontent with two-tier pricing practices of countries like Mexico who supply natural gas to domestic producers at a price above production cost but below what they sell it for on the export market. Declaring this an illegal subsidy, while popular with some U.S. producers, intrudes on the right of the Mexicans to allocate their scarce resources in a way which will best foster economic and social development. Trying to prevent this practice is an intrusion on political and economic sovereignty and also conflicts with the theory of comparative advantage, a basic concept underlying the recognized economic benefits of international trade.

The third provision on industrial targeting, which I vigorously opposed during markup of H.R. 4174 and offered an alternative for, was deleted by an amendment adopted by the committee earlier this week. It is unfortunate that the committee is so responsive to the tardy concerns raised by labor about this bill, while certain sectors such as agriculture who will be hurt by it continue to be ignored.

In my view, we cannot continue to enact trade policy based on the concerns of specific industries and groups while the interests of other sectors are compromised. I urge my colleagues to oppose H.R. 4784 and adopt the motion to recommit. This bill needs to be returned to the Ways and Means Committee so that the legitimate pro-

posals for trade remedy reform contained in H.R. 4784 can be preserved.●

Mr. FRENZEL. Mr. Chairman, I yield back the balance of my time.

Mr. GIBBONS. I have no further requests for time, Mr. Chairman, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

No amendments are in order except amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment.

The text of H.R. 4784 is as follows:

H.R. 4784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trade Remedies Reform Act of 1984".

SEC. 2. REFERENCE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, subtitle, part, section, or other provision, the reference shall be considered to be made to a title, subtitle, part, section, or other provision of the Tariff Act of 1930 (19 U.S.C. 1202 et seq.).

TITLE I—AMENDMENTS TO COUNTERVAILING DUTY AND ANTIDUMPING DUTY LAWS

SEC. 101. CLARIFICATION OF GENERAL RULE.

(a) Section 701(a) (16 U.S.C. 1671(a)) is amended—

(1) by inserting ", or sold (or likely to be sold) for importation," after "imported" in paragraph (1);

(2) by inserting "or by reason of sales (or the likelihood of sales) of that merchandise for importation" immediately after "by reason of imports of that merchandise" in paragraph (2); and

(3) by adding at the end thereof the following new sentence: "For purposes of this subsection and section 705(b)(1), a reference to the sale of merchandise includes the entering into of any leasing arrangment regarding the merchandise that is equivalent to the sale of the merchandise.".

(b) Section 705(b)(1) (19 U.S.C. 1671(b)(1)) is amended by inserting ", or sales (or the likelihood of sales) for importation," immediately after "by reason of imports".

(c) Section 731 (16 U.S.C. 1673) is amended by adding at the end thereof the following new sentence: "For purposes of this section and section 735(b)(1), a reference to the sale of foreign merchandise includes the entering into of any leasing arrangement regarding the merchandise that is equivalent to the sale of the merchandise.".

SEC. 102. PERIOD FOR CERTAIN PRELIMINARY DETERMINATIONS; CONGRESSIONAL NOTIFICATION.

(a) Subsection (c) of section 703 (19 U.S.C. 1671b(c)) is amended—

(1) by striking out "150th day" in paragraph (1) and inserting in lieu thereof "115th day"; and

(2) by amendment paragraph (2)—

(A) by striking out "investigation," and inserting in lieu thereof "investigation and the appropriate Committees of Congress,"; and

(B) by striking out "an explanation" and inserting in lieu thereof "a detailed justification, together with supporting information,".

(b) Section 733 (19 U.S.C. 1673b) is amended—

(1) by amending subsection (b) to read as follows:

"(b) PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—Within 85 days after the date on which a petition is filed under section 732(b), or an investigation is commenced under section 732(a), but not before an affirmative determination by the Commission under subsection (a) of this section, the administering authority shall make a determination, based upon the best information available to it at the time of the determination, of whether there is a reasonable basis to believe or suspect that the merchandise is being sold, or is likely to be sold, at less than fair value. If the determination of the administering authority under this subsection is affirmative, the determination shall include the estimated average amount by which the foreign market value exceeds the United States price."; and

(2) by amending subsection (c)—

(A) by striking out "210th day" in paragraph (1) and inserting in lieu thereof "115th day"; and

(B) by striking out "investigation," in paragraph (2) and inserting in lieu thereof "investigation and the appropriate Committees of Congress,".

SEC. 103. TERMINATION OR SUSPENSION OF INVESTIGATION.

(a) Section 704 (19 U.S.C. 1671c) is amended—

(1) by amending subsection (a) to read as follows:

"(a) TERMINATION OF INVESTIGATION UPON WITHDRAWAL OF PETITION.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an investigation under this subtitle may be terminated by either the administering authority or the Commission, after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner or by the administering authority if the investigation was initiated under section 702(a).

"(2) SPECIAL RULE IN CASE OF AGREEMENTS OR UNDERSTANDING TO RESTRICT VOLUME OF IMPORTS.—An investigation may not be terminated under paragraph (1) by reason of any agreement or understanding to limit the volume of imports into the United States of the merchandise that is the subject of the investigation unless (A) the agreement or undertaking is offered by the government of the country in which the subsidy practice is alleged to occur, and (B) the President—

"(i) determines, after consulting with potentially affected consuming industries and with all United States producers of like merchandise (whether or not parties to the investigation) that the understanding or agreement would not, based upon the relative impact on consumer prices and the availability of supplies of the merchandise, have a greater adverse effect on United States consumers than the imposition of countervailing duties; and

"(ii) accepts the agreement or understanding.

"(3) LIMITATION ON TERMINATION BY COMMISSION.—The Commission may not terminate an investigation under paragraph (1) before a preliminary determination is made by the administering authority under section 703(b).";

(2) by amending subsection (b)—

(A) by striking out "or offset" in the side-heading thereto;

(B) by amending paragraph (1) to read as follows:

"(1) to eliminate the subsidy completely with respect to that merchandise exported directly or indirectly to the United States on the date the investigation is suspended, or"; and

(C) by striking out "within 6 months after the date on which" in paragraph (2) and inserting in lieu thereof "on the date";

(3) by amending paragraphs (1), (2), and (3) of subsection (c) to read as follows:

"(1) GENERAL RULE.— If the administering authority determines that extraordinary circumstances are present in a case, it may suspend an investigation

"(A) upon acceptance by it of an agreement that meets the requirements set forth in paragraph (2) from a government described in subsection (b) or from exporters described in subsection (b); or

"(B) upon the entering into force of a quantitative restriction agreement that meets the requirements set forth in paragraph (3).

"(2) GENERAL AGREEMENT REQUIREMENTS.— The administering authority may not accept an agreement under paragraph (1)(A) unless—

"(A) the agreement will eliminate completely the injurious effect of exports to the United States of the merchandise which is the subject of the investigation,

"(B) the suppression or undercutting of price levels of domestic products by imports of that merchandise will be prevented, and

"(C) at least 85 percent of the net subsidy will be eliminated.

"(3) QUANTITATIVE RESTRICTION AGREEMENTS.—For purposes of this subsection, the term 'quantitative restriction agreement' means any agreement or understanding, accepted by the President, with the foreign government of the country in which the subsidy practice is alleged to occur—

"(A) that restricts the volume of imports into the United States of the merchandise that is the subject of the investigation,

"(B) that meets the requirements set forth in paragraph (2)(A); and

"(C) with respect to which the President determines that its entry into force would not, based upon the relative impact on consumer prices and the availability of supplies of the merchandise, have a greater adverse effect on United States consumers than the imposition of countervailing duties.

Before making a determination under subparagraph (C), the President shall consult with potentially affected consuming industries and with all United States producers of like merchandise, whether or not parties to the investigation.";

(4) by amending subsection (d)—

(A) by amending paragraph (1) to read as follows:

"(1) PUBLIC INTEREST; MONITORING.—The administering authority may not accept an agreement under subsection (b) or (c)(1)(A), nor may the President enter into a quantitative restriction agreement described in subsection (c)(1)(B), unless—

"(A) the administering authority or the President, as the case may be, is satisfied that suspension of the investigation is in the public interest, and

"(B) effective monitoring of the agreement by the United States is practicable.";

(B) by striking out paragraph (2), and

(C) by redesignating paragraph (3) as paragraph (2); and

(5) by amending subsection (i)(1)—

(A) by striking out "and" at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E), and

(C) by inserting immediately after subparagraph (C) the following new subparagraph:

"(D) if it considers the violation to be intentional, notify the Commissioner of Customs who shall take appropriate action under paragraph (2), and".

(b) Section 734 (19 U.S.C. 1673c) is amended—

(1) by amending subsection (a) to read as follows:

"(a) TERMINATION OF INVESTIGATION UPON WITHDRAWAL OF PETITION.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an investigation under this subtitle may be terminated by either the administering authority or the Commission, after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner or by the administering authority if the investigation was initiated under section 732(a).

"(2) SPECIAL RULE IN CASE OF AGREEMENTS OR UNDERSTANDING TO RESTRICT VOLUME OF IMPORTS.—An investigation may not be terminated under paragraph (1) by reason of any agreement or understanding to limit the volume of imports into the United States of the merchandise that is the subject of the investigation unless the President—

"(A) determines, after consulting with potentially affected consuming industries and with all United States producers of like merchandise (whether or not parties to the investigation) that the understanding or agreement would not, based upon the relative impact on consumer prices and the availability of supplies of the merchandise, have a greater adverse effect on United States consumers than the imposition of antidumping duties; and

"(B) accepts the agreement or understanding.

"(3) LIMITATION ON TERMINATION BY COMMISSION.—The Commission may not terminate an investigation under paragraph (1) before a preliminary determination is made by the administering authority under section 733(b).";

(2) by striking out "within 6 months after the date on which" in subsection (b)(1) and inserting in lieu thereof "on the date";

(3) by amending subsection (d) to read as follows:

"(d) ADDITIONAL RULES AND CONDITIONS.—The administering authority may not accept an agreement under subsection (b) or (c) unless—

"(1) it is satisfied that suspension of the investigation is in the public interest, and

"(2) effective monitoring of the agreement by the United States is practicable."; and

(5) by amending subsection (i)(1)—

(A) by striking out "and" at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E), and

(C) by inserting immediately after subparagraph (C) the following new subparagraph:

"(D) if it considers the violation to be intentional, notify the Commissioner of Customs who shall take appropriate action under paragraph (2), and".

SEC. 104. DEFINITIONS AND SPECIAL RULES REGARDING UPSTREAM AND OTHER SUBSIDIES, DOWNSTREAM DUMPING, MATERIAL INJURY, AND INTERESTED PARTIES.

(a) Section 771 (19 U.S.C. 1655) is amended as follows:

(1) Paragraph (5) is amended to read as follows:

"(5) SUBSIDY.—

"(A) IN GENERAL.—The term 'subsidy' has the same meaning as the term 'bounty or grant' as that term is used in section 303 of this Act, and includes, but is not limited to, the following:

"(i) Any export subsidy described in Annex A to the Agreement (relating to illustrative list of export subsidies).

"(ii) The following domestic subsidies, if provided or required by government action to a specific enterprise or industry, or group of enterprises or industries, whether publicly or privately owned, and whether paid or bestowed directly or indirectly on the manufacture, production, or export of any class or kind of merchandise:

"(I) The provision of capital, loans, or loan guarantees on terms inconsistent with commercial considerations.

"(II) The provision of goods or services at preferential rates.

"(III) The grant of funds or forgiveness of debt to cover operating losses sustained by a specific industry.

"(IV) The assumption of any costs or expenses of manufacture, production, or distribution.

"(iii) Any export targeting subsidy described in subparagraph (B).

"(iv) Any natural resource subsidy described in subparagraph (C).

"(v) Any upstream subsidy determined under section 771A.

"(B) EXPORT TARGETING SUBSIDY.—

"(i) IN GENERAL.—The term 'export targeting subsidy' means any government plan or scheme consisting of coordinated actions, whether carried out severally or jointly or in combination with any other subsidy under subparagraph (A), that are bestowed on a specific enterprise, industry, or group thereof (hereinafter in this paragraph referred to as a 'beneficiary') of a kind referred to in subparagraph (A)(ii) and the effect of which is to assist the beneficiary to become more competitive in the export of any class or kind of merchandise. The actions referred to in the preceeding sentence include, but are not limited to, the following:

"(I) The exercise of government control over banks and other financial institutions that requires the diversion of private capital on preferential terms to specific beneficiaries or into specific sectors.

"(II) Extensive government involvement in promoting or encouraging anticompetitive behavior among specific beneficiaries; including the providing of assistance in planning and establishing joint ventures which have an anticompetitive export effect, the relaxation of antitrust rules normally applied to beneficiaries to assure the development of anticompetitive export cartels, the providing of assistance in planning or coordinating joint research and development among selected beneficiaries to promote export competitiveness, and regulating the division of markets or allocation of products among selected beneficiaries.

"(III) Special protection of the home market that permits the development of competitive exports in a specific sector or product.

"(IV) Special restrictions on technology transfer or government procurement that limit competition in a specific sector or beneficiary and thereby promote export competitiveness.

"(V) The use of investment restrictions, including domestic content and export performance requirements, that limit competition in a specific sector or beneficiary and thereby promote export competitiveness.

"(ii) DETERMINATION OF LEVEL OF EXPORT TARGETING SUBSIDY.—In determining the level of an export targeting subsidy, the administering authority shall utilize a method of calculation which, in its judgment and to the extent possible, reflects the full benefit of the subsidy to the beneficiary over the period during which the subsidy has an effect, rather than the cash cost of the subsidy to the government.

"(C) NATURAL RESOURCE SUBSIDY.—

"(i) IN GENERAL.—A natural resource subsidy exists if a natural resource product is provided or sold within a country (hereinafter referred to as the 'exporting country'), for use (directly or indirectly) in the manufacture or production of any class or kind of merchandise in the exporting country, by a government-regulated or controlled entity, at a domestic price that, by reason of such regulation or control—

"(I) is lower than the export price or fair market value (whichever is appropriate) of the product in the exporting country,

"(II) is not freely available to United States producers for purchase of that product for export to the United States, and

"(III) would, if sold at the export price or fair market value (whichever is appropriate), constitute a significant portion of the total cost of the manufacture or production of such merchandise.

"(ii) LEVEL OF NATURAL RESOURCE SUBSIDY.—The level of a natural resource subsidy is the difference between the domestic price of the natural resource product and the export price of that product; except that if—

"(I) there are no exports of that product, or

"(II) the export price of that product is distorted by being either significantly higher or lower than market prices in the relevant market by reason of quotas or other government manipulation,

the level of the natural resource subsidy is the difference between that domestic price and the fair market value of that product.

"(iii) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this subparagraph, the term 'fair market value' means the price that a willing buyer would pay a willing seller for a natural resource product in an arms-length transaction in the absence of government regulation. In determining the fair market value, the administering authority shall take into account—

"(I) the prices at which the product is generally available in world markets, and

"(II) the market clearing price or the average United States price, whichever is appropriate, at which the product is generally available to United States producers, and

shall also take into account the extent, if any, to which—

"(III) a comparative advantage of the exporting country in relation to other sellers (for example, any cost savings resulting from such factors as the availability of abundant supplies, lower production costs, or lower transportation costs), and

"(IV) the availability or lack of access to export markets,

would result in a different market price in the exporting country in the absence of government regulation.".

(2) Paragraph (7) is amended—

(A) by inserting the following new clause at the end of subparagraph (C):

"(iv) CUMULATION.—For purposes of clauses (i) and (ii), the Commission shall cumulatively assess the volume and effect of imports from two or more countries of like products subject to investigation if—

"(I) the marketing of such imports in the United States is reasonably coincident, and

"(II) there is a reasonable indication that such imports will have a contributing effect in causing, or threatening to cause, material injury to the industry.";

(B) by amending subparagraph (E) to read as follows:

"(E) STANDARD FOR DETERMINATION.—The presence or absence of any factor which the Commission is required to evaluate under subparagraph (C) or (D) shall not necessarily give decisive guidance with respect to the determination by the Commission of material injury."; and

(C) by inserting after subparagraph (E) the following new subparagraph:

"(F) THREAT OF MATERIAL INJURY.—

"(i) IN GENERAL.—In determining whether there is a threat of material injury, the Commission shall consider, among other relevant economic factors—

"(I) if a subsidy is involved, such information as may be presented to it by the administering authority as to the nature of the subsidy (particularly as to whether the subsidy is an export subsidy inconsistent with the Agreement), and

"(II) whether there is, based on any demonstrable adverse trend regarding the merchandise concerned (such as an increase in production capacity in the exporting country likely to result in a significant increase in exports thereof to the United States, a rapid increase in United States market penetration and the likelihood that the penetration will increase to an injurious level, the likelihood that imports will enter at prices that will have a depressing or suppressing effect on domestic prices, or a substantial increase in inventories in the United States), a probability that the merchandise (whether or not it is actually being imported at the time) will be the cause of actual injury.

A determination may not be made on the basis of mere supposition or conjecture, and sufficient information must exist for concluding that the threat of injury is real and that actual injury is imminent.

"(ii) IF EXPORT TARGETING SUBSIDIES INVOLVED.—In determining under clause (i) whether there is a threat of material injury by reason of an export targeting subsidy, the Commission shall consider—

"(I) the effect of the practices constituting the subsidy on the export competitiveness of the beneficiary of the subsidy, and

"(II) the extent to which such practices are likely to have a demonstrable adverse effect on the industry with regard to costs and availability of capital, outlays for research and development, and future investment.".

(3) Paragraph (9) is amended—

(A) by striking out "and" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E); and

(C) by adding at the end thereof the following new subparagraph:

"(F) an association, a majority of whose members is composed of interested parties described in subparagraph (C), (D), or (E) with respect to a like product.".

(b) Subtitle D of title VII is amended by adding after section 711 the following new section:

"SEC. 771A. UPSTREAM SUBSIDIES AND DOWNSTREAM DUMPING.

"(a) UPSTREAM SUBSIDIES.—

"(1) DEFINITION.—The term 'upstream subsidy' means any action of a kind described or referred to in section 771(5)(A) (i), (ii), (iii), or (iv) by the government of a country that—

"(A) is paid or bestowed by that country with respect to a product that is used in the manufacture or production in that country of merchandise which is the subject of an investigation under subtitle A or B,

"(B) results in a price for the product for such use that is lower than the generally available price of the product in that country, and

"(C) has a significant effect on the cost of manufacturing or producing the merchandise.

In applying this definition, the member states of the European Economic Community shall be treated as being one country.

"(2) ADJUSTMENT OF GENERALLY AVAILABLE PRICE IN CERTAIN CIRCUMSTANCES.—If the administering authority decides that the generally available price for a product in the country of the manufacture, production, or export of the merchandise under investigation is artificially depressed by reason of any subsidy, or because of sales thereof in such country at less than fair value, the administering authority shall adjust such generally available price so as to offset such depression before applying paragraph (1)(B).

"(3) INCLUSION OF AMOUNT OF SUBSIDY.—If the administering authority decides, during the course of an investigation under subtitle A or B, that an upstream subsidy is being or has been paid or bestowed regarding the merchandise under investigation, the administering authority shall include the amount of such subsidy in any countervailing duty or dumping duty imposed under that subtitle on the merchandise.

"(b) DOWNSTREAM DUMPING.—

"(1) DEFINITION.—Downstream dumping occurs when—

"(A) a product that is used in the manufacture or production of merchandise subject to investigation under subtitle A or B is purchased at a price that is below its foreign market value (as determined under subtitle B without regard to this subsection),

"(B) that purchase price—

"(i) is lower than the generally available price of the product in the country of manufacture or production, or

"(ii) if the generally available price of the product in the country of manufacture or production is artificially depressed by reason of any subsidy or other sales at below foreign market value, is lower than the price at which the product would be generally available in such country but for such depression, and

"(C) the difference between the foreign market value and such purchase price has a significant effect on the cost of manufacturing or producing the merchandise under investigation.

"(2) INCLUSION OF AMOUNT ATTRIBUTABLE TO DOWNSTREAM DUMPING.—If the administering authority decides, during the course of an investigation under subtitle A or B, that downstream dumping is occurring, or has occurred, with respect to any product used in the manufacture or production of the merchandise under investigation, the administering authority, in calculating the amount of any countervailing duty or antidumping duty on such merchandise, shall include an amount equal to the difference between the foreign market value of such product and either (1) the generally available price, referred to in paragraph (1)(B)(i), of the product; or (2) the price, referred to in paragraph (1)(B)(ii), of the product that would pertain but for artificial depression, whichever price is appropriate.

"(c) SCOPE OF INQUIRY BY ADMINISTERING AUTHORITY.—The administering authority is nor required, in undertaking an investigation under subtitle A or B, to inquire regarding the presence of an upstream subsidy, or of downstream dumping, beyond that stage in the manufacture or production of the class or kind of merchandise that immediately precedes the final manufacturing or production stage before export to the United States, unless reasonably available information indicates that such a subsidy is being or has been paid or bestowed, or such dumping is occurring or has occurred, before such immediately preceding stage and is having or has had a substantial effect on the price of the merchandise.".

(c)(1) Section 514(a) (19 U.S.C. 1514(a)) is amended by striking out "771(9)(C), (D), and (E) of this Act." and inserting in lieu thereof "771(9)(C),(D),(E), and (F) of this Act.".

(2) Sections 704 (g)(2) and (h)(1) and 734 (g)(2) and (h)(1) (19 U.S.C. 1671c (g)(2) and (h)(1) and 1673c (g)(2) and (h)(1)) are each amended by striking out "(C), (D), or (E)" and inserting in lieu thereof "(C), (D), (E), and (F)".

(3) Section 1582(c) of title 28, United States Code, is amended—

(A) by striking out "and" at the end of paragraph (3),

(B) by striking out the period at the end of paragraph (4), and inserting in lieu thereof ", and", and

(C) by adding at the end thereof the following new paragraph:

"(5) an association composed of members who present parties-at-interest described in paragraphs (3) and (4).".

(4) The table of contents for title VII is amended by inserting after the entry for section 771 the following:

"Sec. 771A. Upstream subsidies and downstream dumping.".

SEC. 105. NONMARKET ECONOMY PRICING.

Section 773(c) (19 U.S.C. 1677b(c)) is amended to read as follows:

"(c) STATE-CONTROLLED ECONOMIES.—

"(1) IN GENERAL.—If available information (including all information supplied by an interested party within the meaning of section 771(9) (A) or (B)) indicates to the administering authority that the relevant sector of the economy of the country from which the merchandise is exported is State-controlled to the extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of foreign market value under subsection (a), the administering authority shall determine the foreign market value of the merchandise on the basis of either—

"(A) the lowest free-market price of like articles in the United States if such price is a competitive free market price; or

"(B) the normal costs, expenses, and profits as reflected by either—

"(i) the prices, determined in accordance with subsection (a), at which such or similar merchandise of a comparable non-State-con-

trolled economy country or countries in which the merchandise is produced is sold either—

"(I) for consumption in the home market of that country or countries, or

"(II) to other countries, including the United States, or

"(ii) the constructed value of such or similar merchandise in a non-State-controlled economy country or countries as determined under subsection (c).

If the administering authority determines that the lowest free-market price is not a competitive free-market price by virtue of a limited number of free-market suppliers of the merchandise in the United States market, it shall determine the foreign market value on the basis of subparagraph (B).

"(2) DEFINITION.—For purposes of this subsection, the term 'lowest free-market price of like article' means the lowest average price (adjusted to disregard the lowest 10 percent of the average) adjusted—

"(A) to account for the price depressing effect of imports of the dumped merchandise from the State-controlled economy country, and

"(B) for differences in quantity, level of trade, duties or other factors required to ensure comparability,

charged for like articles in the United States by all producers from the United States or any non-State controlled economy countries regarding which—

"(i) no preliminary or final determination has been made under section 303, 703, or 705 that a subsidy, bounty, or grant is being provided with respect to like articles from that country, and

"(ii) no preliminary or final determination has been made under section 733 or 735 that like articles from that country are being, or are likely to be, sold in the United States at less than fair value,

which, as determined by the administering authority, produces a sufficient quantity of like articles for the administering authority to determine a representative price.".

SEC. 106. VERIFICATION OF INFORMATION.

Section 776(a) (19 U.S.C. 1677e(a)) is amended to read as follows:

"(a) GENERAL RULE.—The administering authority shall verify all information relied upon in making—

"(1) a final determination in an investigation, and

"(2) a revocation under section 751(c).

In publishing notice of any action referred to in paragaph (1) or (2), the administering authority shall report the methods and procedures used to verify such information. If the administering authority is unable to verify the accuracy of the information submitted, it shall use the best information available to it as the basis for its action, which may include, in actions referred to in paragraph (1), the information submitted in support of the petition.".

SEC. 107. RELEASE OF CONFIDENTIAL INFORMATION.

Section 777 (19 U.S.C. 1677f) is amended—

(1) by amending subsection (b)—

(A) by striking out "submitted)" in the first sentence and inserting in lieu thereof "submitted, or an officer or employee of the United States Customs Service who is directly involved in conducting an investigation regarding fraud under this title)", and

(B) by amending the second sentence thereof to read as follows:

"The administering authority and the Commission shall require that information for which confidential treatment is requested be accompanied by—

"(A) a nonconfidential summary in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence, or a statement that the information is not susceptible to summary accompanied by a statement of the reasons in support of the contention, and

"(B) a statement permitting the administering authority to release under administrative protective order, in accordance with subsection (c), the information submitted in confidence, or a statement that the information should not be released under administrative protective order.";

(2) by inserting ", before or after receipt of the information requested," after "application," in subsection (c)(1)(A); and

(3) by inserting ", except that no distinction may be made between corporate counsel and retained counsel" immediately before the period at the end of the first sentence of subsection (c)(1)(B).

SEC. 108. SAMPLING AND AVERAGING IN DETERMINING UNITED STATES PRICE AND FOREIGN MARKET VALUE.

(a) Subtitle D of title VII (19 U.S.C. 1677a et seq.) is further amended by adding immediately after section 777 the following new section:

"SEC. 777A. SAMPLING AND AVERAGING.

"(a) GENERAL RULE.—For the purpose of determining United States price or foreign market value under sections 772 and 773, and for purposes of carrying out annual reviews under section 751, the administering authority may—

"(1) use averaging or generally recognized sampling techniques whenever a significant volume of sales is involved or a significant number of adjustments to prices is required, and

"(2) decline to take into account adjustments which are insignificant in relation to the price or value of the merchandise.

"(b) SELECTION OF SAMPLES AND AVERAGES.—The authority to select appropriate samples and averages shall rest exclusively with the administering authority; but such samples and averages shall be representative of the transaction under investigation.".

(b) Subsection (f) of section 773 (19 U.S.C. 1677b(f) is repealed.

(c) The table of contents for title VII is amended by inserting after the entry for section 777 the following:

"Sec. 777A. Sampling and averaging.".

SEC. 109. ELIMINATION OF INTERLOCUTORY APPEALS.

(a) Section 516A(a) (19 U.S.C. is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(1) REVIEW OF CERTAIN DETERMINATIONS.—Within 30 days after the date of publication in the Federal Register of—

"(A) a determination by the administering authority, under 702(c) or 732(c) of this Act, not to initiate an investigation,

"(B) a determination by the Commission, under section 751(b) of this Act, not to review a determination based upon changed circumstances, or

"(C) a negative determination by the Commission, under section 703(a) or 733(a) of this Act, as to whether there is reasonable indication of material injury, threat of material injury, or material retardation,

an interested party who is a party to the proceeding in connection with which the matter arises may commence an action in the United States Court of International Trade by filing concurrently a summons and complaint, each with the content and in the form, manner, and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.".

(2) Paragraph (2)(A) is amended—

(A) by striking out "the date of publication in the Federal Register of" in the matter preceding clause (i); and

(B) by amending clauses (i) and (ii) to read as follows:

"(i) the date of publication in the Federal Register of—

"(I) notice of any determination described in clause (ii), (iii), (iv), or (v) of subparagraph (B), or

"(II) an antidumping or countervailing duty order based upon any determination described in clause (i) of subparagraph (B), or

"(ii) the date of mailing of a determination described in clause (vi) of subparagraph (B),".

(3) Amend paragraph (2)(B) to read as follows:

"(B) REVIEWABLE DETERMINATIONS.—The determinations which may be contested under subparagraph (A) are as follows:

"(i) Final affirmative determinations by the administering authority and by the Commission under section 705 or 735 of this Act, including any negative part of such a determination (other than a part referred to in clause (ii)).

"(ii) A final negative determination by the administering authority or the Commission under section 705 or 735 of this Act, including, at the option of the appellant, any part of a final affirmative determination which specifically excludes any company or product.

"(iii) A final determination, other than a determination reviewable under paragraph (1), by the administering authority or the Commission under section 751 of this Act.

"(iv) A determination by the administering authority, under section 704 or 734 of this Act, to suspend an antidumping duty or a countervailing duty investigation, including any final determination resulting from a continued investigation which changes the size of the dumping margin or net subsidy calculated, or the reasoning underlying such calculations, at the time the suspension agreement was concluded.

"(v) An injurious effect determination by the Commission under section 704(h) or 734(h) of this Act.

"(vi) A determination by the administering authority as to whether a particular type of merchandise is within the class or kind of merchandise described in an existing finding of dumping or antidumping or countervailing duty order.".

(4) Redesignate paragraph (3) as paragraph (4) and after paragraph (2) insert the following:

"(3) EXCEPTION.—Notwithstanding the limitation imposed by paragraph (2)(A)(ii) of this subsection, a final affirmative determination by the administering authority under section 705 or 735 of this Act may be contested by commencing an action, in accordance with the provisions of paragraph (2)(A), within thirty days after the date of publication in the Federal Register of a final negative determination by the Commission under section 705 or 735 of this Act which is predicated upon the size of either the dumping margin or net subsidy determined to exist.".

(b) Title 28, United States Code, is amended as follows:

(1) Section 2636 is amended—

(A) by amending subsection (c) to read as follows:

"(c) A civil action contesting a reviewable determination listed in section 516A of the Tariff Act of 1930 is barred unless commenced in accordance with the rules of the Court of International Trade within the time specified in such section."; and

(B) by striking out subsection (d) and redesignating subsections (e) through (i) as (d) through (h), respectively.

(2) Section 2647 is amended to read as follows:

"§ 2647. Precedence of cases.

"The following civil actions in the Court of International Trade shall be given precedence, in the following order, over other civil actions pending before the Court, and shall be assigned for hearing at the earliest practicable date and expedited in every way:

"(1) First, a civil action involving the exclusion of perishable merchandise or the redelivery of such merchandise.

"(2) Second, a civil action commenced under section 515 of the Tariff Act of 1930 involving the exclusion or redelivery of merchandise.

"(3) Third, a civil action commenced under section 516 or 516A of the Tariff Act of 1930.".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. ESTABLISHMENT OF TRADE REMEDY ASSISTANCE OFFICE AND TARGETING SUBSIDY MONITORING PROGRAM IN THE UNITED STATES INTERNATIONAL TRADE COMMISSION.

Part 2 of title II (19 U.S.C. 1330-1341) is amended by inserting after section 338 the following new sections:

"SEC. 339. TRADE REMEDY ASSISTANCE OFFICE.

"(a) There is established in the Commission a Trade Remedy Assistance Office which shall provide full information to the public, upon request, concerning—

"(1) remedies and benefits available under the trade laws, and

"(2) the petition and application procedures, and the appropriate fiing dates, with respect to such remedies and benefits.

"(b) Each agency responsible for administering a trade law shall provide technical assistance to eligible small businesses to enable them to prepare and file petitions and applications (other than those which, in the opinion of the agency, are frivolous) to obtain the remedies and benefits that may be available under that law.

"(c) For purposes of this section—

"(1) The term 'eligible small business' means any business concern which, in the agency's judgment, due to its small size, has neither adequate internal resources nor financial ability to obtain qualified outside assistance in preparing and filing petitions and applications for remedies and benefits under trade laws. In determining whether a business concern is an 'eligible small business', the agency may consult with the Small Business Administration, and shall consult with any other agency that has provided assistance under subsection (b) to that business concern. An agency decision regarding whether a business concern is an eligible small business for purposes of this section is not reviewable by any other agency or by any court.

"(2) The term 'trade laws' means—

"(A) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq., relating to relief caused by import competition);

"(B) chapters 2 and 3 of such title II (relating to adjustment assistance for workers and firms);

"(C) chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq., relating to relief from foreign import restrictions and export subsidies);

"(D) title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq., relating to the imposition of countervailing duties and antidumping duties);

"(E) section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862, relating to the safeguarding of national security); and

"(F) section 337 of the Tariff Act of 1930 (19 U.S.C. 1337, relating to unfair practices in import trade).".

"SEC. 340. TARGETING SUBSIDY MONITORING PROGRAM.

"(a) The Commission shall establish and implement a continuing program to monitor and analyze the industrial plans and policies of foreign countries and instrumentalities in order to discover whether targeting subsidies (as defined in section 711(5)(B)) are being planned or have been implemented.

"(b) In implementing the program, the Commission shall give priority to those countries and instrumentalities and product sectors in which the United States has significant economic or commercial interests. The Commission shall consult with other appropriate federal agencies and solicit the views and comments of the public in determining priorities for purposes of the preceding sentence.

"(c) The Commission shall regularly report the information resulting from the program to the administering authority (as defined in section 771(1)) and shall make such information (other than that requiring confidential treatment) available to the public.

"(d) Each agency of the United States shall provide to the Commission, upon its request, such information as the Commission considers to be necessary or appropriate for purposes of carrying out this section. Classified information shall be provided to the Commission under this subsection if the provider agency is satisfied that the Commission will enforce appropriate measures to prevent the loss or unauthorized disclosure of the information.".

SEC. 202. ADJUSTMENTS STUDY.

The Secretary of Commerce shall undertake a study of the current practices that are applied in the making of adjustments to purchase prices and exporter's sales prices under section 772 (d) and (e) (19 U.S.C. 1677a (d) and (e)) and foreign market value and constructed value under section 773 (19 U.S.C. 1677b) in determining antidumping duties. The study shall include, but not be limited to—

(1) a review of the types of adjustments currently being made;

(2) a review of private sector comments and recommendations regarding the subject that were made at congressional hearings during the first session of the ninety-eighth Congress; and

(3) the manner and extent to which such adjustments lead to inequitable results.

Within one year after the date of the enactment of this Act, the Secretary of Commerce shall complete the study required under this section and shall submit to Congress a written report regarding the study and containing such recommendations as the Secretary deems appropriate regarding the need, and the means, for simplifying and modifying current practices in the making of such adjustments.

SEC. 203. EFFECTIVE DATES.

(a) Except as provided in subsection (b), this Act, and the amendments made by it, shall take effect on the date of the enactment of this Act.

(b)(1) The amendments made by sections 101, 102, 104, 105, and 108 shall apply with respect to investigations initiated by petition or by the administering authority under subtitles A and B of title VII of the Tariff Act of 1930 on or after such effective date.

(2) The amendments made by section 109 shall apply with respect to civil actions pending on, or filed on or after, the date of the enactment of this Act.

(3) Section 339 of the Tariff Act of 1930 (as added by section 201 of this Act) shall take effect on the ninetieth day after such date of enactment.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment printed in the bill.

The Clerk read as follows:

Committee amendment: Page 2, line 13, strike "16" and insert "19".

Mr. GIBBONS. Mr. Chairman, I ask unanimous consent that the committee amendments printed in the bill be considered en bloc, be considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The remaining committee amendments printed in the bill are as follows:

Page 3, strike all after line 9 through line 22 on page 4.

Page 4, line 23, strike "SEC. 103." and insert "SEC. 102."

Page 5, strike all after line 10 through line 6 on page 6 and insert:

"(2) SPECIAL RULES FOR QUANTITATIVE RESTRICTION AGREEMENTS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the administering authority may not terminate an investigation under paragraph (1) by accepting, with the government of the country in which the subsidy practice is alleged to occur, an understanding or other kind of agreement to limit the volume of imports into the United States of the merchandise that is subject to the investigation unless the administering authority is satisfied that termination on the basis of that agreement is in the public interest.

"(B) PUBLIC INTEREST FACTORS.—In making a decision under subparagraph (A) regarding the public interest, the administering authority shall take into account—

"(i) whether, based upon the relative impact on consumer prices and the availability of supplies of the merchandise, the agreement would have a greater adverse impact on United States consumers than the imposition of countervailing duties;

"(ii) the relative impact on the international economic interests of the United States; and

"(iii) the relative impact on the competitiveness of the domestic industry producing the like merchandise, including any such impact on employment and investment in that industry.

"(C) PRIOR CONSULTATIONS.—Before making a decision under subparagraph (A)

regarding the public interest, the administering authority shall consult with—

"(i) potentially affected consuming industries; and

"(ii) potentially affected producers and workers in the domestic industry producing the like merchandise, including producers and workers not party to the investigation.

Page 8, strike all after line 14 through line 8 on page 11, and insert:

(3) by amending subsection (d)—

(A) by adding at the end of paragraph (1) the following:

"In applying subparagraph (A) with respect to any quantitative restriction agreement under subsection (c), the adminstering authority shall take into account, in addition to such other factors as are considered necessary or appropriate, the factors set forth in subsection (a)(2)(B)(i), (ii), and (iii) as they apply to the proposed suspension and agreement, after consulting with the appropriate consuming industries, producers, and workers referred to in subsection (a)(2)(C)(i) and (ii).".

(B) by striking our paragraph (2), and

(C) by redesignating paragraph (3) as paragraph (2); and

(4) by amending subsection (i)(1)—

Page 12, strike all after line 20 through line 14 on page 13, and insert:

"(2) SPECIAL RULES FOR QUANTITATIVE RESTRICTION AGREEMENTS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the administering authority may not terminate an investigation under paragraph (1) by accepting an understanding or other kind of agreement to limit the volume of imports into the United States of the merchandise that is subject to the investigation unless the administering authority is satisfied that termination on the basis of that agreement is in the public interest.

"(B) PUBLIC INTEREST FACTORS.—In making a decision under subparagraph (A) regarding the public interest, the administering authority shall take into account—

"(i) whether, based upon the relative impact on consumer prices and the availability of supplies of the merchandise, the agreement would have a greater adverse impact on United States consumers than the imposition of antidumping duties;

"(ii) the relative impact on the international economic interests of the United States; and

"(iii) the relative impact on the competitiveness of the domestic industry producing the like merchandise, including any such impact on employment and investment in that industry.

"(C) PRIOR CONSULTATIONS.—Before making a decision under subparagraph (A) regarding the public interest, the administering authority shall consult with—

"(i) potentially affected consuming industries; and

"(ii) potentially affected producers and workers in the domestic industry producing the like merchandise, including producers and workers not party to the investigation.

Page 15, line 21, strike "(5)" and insert "(4)".

Page 16, after line 5, insert:

SEC. 103. REVIEWS AND DETERMINATIONS REGARDING CERTAIN AGREEMENTS.

(a) Subtitle C (19 U.S.C. 1675) is amended—

(1) by amending the subtitle heading to read as follows:

"Subtitle C—Reviews; Other Actions Regarding Agreements

"CHAPTER 1—REVIEW OF AMOUNT OF DUTY AND AGREEMENTS OTHER THAN QUANTITATIVE RESTRICTION AGREEMENTS"

(2) by amending section 751—

(A) by inserting "if a request for such a review has been received and" immediately before "after publication of notice" in that part of paragraph (1) of subsection (a) that precedes subparagraph (A); and

(B) by amending subsection (b)(1)—

(i) by striking out "704 or 734" and inserting in lieu thereof "704 (other than a quantitative restriction agreement described in subsection (a)(2) or (c)(3)) or 734 (other than a quantitative restriction agreement described in subsection (a)(2))", and

(ii) by striking out ", or 735(b)," and inserting in lieu thereof ", 735(b), 762(a)(1), or 762(a)(2),"; and

(3) by adding at the end thereof the following new chapter:

"CHAPTER 2—NEGOTIATIONS AND DETERMINATIONS REGARDING QUANTITATIVE RESTRICTION AGREEMENTS

"SEC. 761. REQUIRED NEGOTIATIONS.

"(a) IN GENERAL.—

"(1) AGREEMENTS IN RESPONSE TO SUBSIDIES.—Within 90 days after the administering authority accepts a quantitative restriction agreement under section 704(a)(2) or (c)(3), the President shall enter into negotiations with the government that is party to the agreement for purposes of—

"(A) eliminating the subsidy completely, or

"(B) reducing the net subsidy to a level that eliminates completely the injurious effect of exports to the United States of the merchandise.

"(2) AGREEMENTS IN RESPONSE TO DUMPING PRACTICES.—Within 90 days after the administering authority accepts a quantitative restriction agreement under section 734(a)(2), the President shall enter into negotiations with the government of the country from which was exported the merchandise that was the subject of the terminated investigation for purposes of—

"(A) eliminating the dumping practice; or

"(B) reducing the dumping margin to a level that eliminates completely the injurious effect of exports to the United States of the merchandise.

"(b) MODIFICATION OF AGREEMENTS ON BASIS OF NEGOTIATIONS.—The administering authority may not implement any modification to a quantitative restriction agreement resulting from negotiations entered into under subsection (a) unless before the first anniversary of the date on which the administering authority accepts the agreement the following occur:

"(1) The President submits to the administering authority, and at the same time provides to those persons who were, or are, petitioners and interested parties in the related proceedings under subtitle A or B—

"(A) a description of the proposed actions that the government concerned is willing to take in order to achieve the objectives referred to in subsection (a)(1)(A) or (B) or (2)(A) or (B), as the case may be; and

"(B) the proposed modifications to the quantitative restrictions provided for in the agreement that the President believes are justified in response to the implementing of such actions.

"(2) The administering authority, on the basis of the best information available to it, decides that the proposed actions referred to in paragraph (1)(A) will either—

"(A) eliminate completely the subsidy of dumping practice; or

"(B) reduce the net subsidy or dumping margin.

"(3) If the decision of the administering authority under paragraph (2)(B) is affirmative, the Commission, on the basis of the best information available to its, decides that the proposed actions and the proposed modifications referred to in paragraph (1) are likely to eliminate completely the injurious effect of exports to the United States of the merchandise.

"(4) The administering authority invites the comment of those persons referred to in paragraph (1) regarding the proposed actions and modifications and takes into account all such comment that is timely submitted.

"(5) The administering authority is satisfied that the government concerned has implemented the actions referred to in subsections (a)(1)(A) or (B) or (2)(A) or (B), as the case may be, that it proposed to take.

"(C) SPECIAL RULE REGARDING AGREEMENTS UNDER SECTION 704(C)(3).—This chapter shall cease to apply to a quantitative restriction agreement described in section 704(c)(3) at such time as that agreement ceases to have force and effect under section 704(f) or violation is found under section 704(i).

"SEC. 762. REQUIRED DETERMINATIONS.

"(a) IN GENERAL.—Before the expiration date, if any, of a quantitative restriction agreement accepted under section 704(a)(2), 704(c)(3) (if suspension of the related investigation is still in effect), or 734(a)(2)—

"(1) the administering authority shall determine—

"(A) whether any subsidy is being provided with respect to the merchandise subject to the agreement and, if being so provided, the net subsidy, or

"(B) whether the merchandise is being sold in the United States at less than fair value and, if being so sold, the margin of sales at less than fair value; and

"(2) the Commission shall determine whether imports of the merchandise of the kind subject to the agreement will, upon termination of the agreement, materially injure, or threaten with material injury, an industry in the United States or materially retard the establishment of such an industry.

"(b) DETERMINATIONS.—The determinations required to be made by the administering authority and the Commission under subsection (a) shall be made on the record, under such procedures as the administering authority and the Commission, respectively, shall by regulation prescribe, and shall be treated as final determinations made under section 705 or 735, as the case may be, for purposes of judicial review under section 516A. If the determinations by each are affirmative, the administering authority shall issue a countervailing duty order or antidumping duty order under section 706 or 736 effective with respect to merchandise entered on and after the date on which the agreement terminates.

"(C) HEARINGS.—The determination proceedings require to be prescribed under subsection (b) shall provide that the administering authority and the Commission must, upon the request of any interested party hold a hearing in accordance with section 774 on the issues involved.".

(b) The table to contents of subtitle C of title VII is amended to read as follows:

"Subtitle C—Reviews; Other Actions Regarding Agreements

"Chapter 1—REVIEW OF AMOUNT OF DUTY AND AGREEMENTS OTHER THAN QUANTITATIVE RESTRICTION AGREEMENTS

"Sec. 751. Administrative review of determinations.

"Chapter 2—NEGOTIATIONS AND DETERMINATIONS REGARDING QUANTITATIVE RESTRICTION AGREEMENTS

"Sec. 761. Required negotiations.

"Sec. 762. Required determination.".

SEC. 104. INITIATION OF ANTIDUMPING DUTY INVESTIGATIONS.

Section 732(a) (19 U.S.C. 1673a(a)) is amended to read as follows:

"(a) INITIATION BY ADMINISTERING AUTHORITY.—

"(1) IN GENERAL.—An antidumping duty investigation shall be commenced whenever the administering authority determines, from information available to it, that a formal investigation is warranted into the question of whether the elements necessary for the imposition of a duty under section 731 exist.

"(2) CASES INVOLVING CERTAIN MERCHANDISE OF A KIND SUBJECT TO PREVIOUS DETERMINATIONS UNDER SECTION 735.—

"(A) IN GENERAL.—If—

"(i) within the 2-year period before the date on which a petition is filed under subsection (b), final affirmative determinations were made under section 735 (a) and (b) regarding merchandise of the same class or kind as that covered by the petition (other than merchandise of that kind or class imported from the country to which the petition applies or from any additional supplier country); and

"(ii) in that petition the petitioner also alleges that the elements necessary for the imposition of a duty under section 731 exist with respect to merchandise of that same class or kind being, or likely to be, imported from one or more additional supplier countries;

the administering authority shall decide, within 20 days after the date on which the petition is filed, whether information reasonably available to the petitioner in the petition, as well as such relevant information as may be available to the administering authority, regarding each additional supplier country is sufficient to commence a formal investigation under paragraph (1) regarding imports of merchandise of that class or kind from that country.

"(B) ACTION AFTER DECISION.—If the decision of the administering authority under subparagraph (A) regarding an additional supplier country—

"(i) is affirmative, a formal investigation shall be commenced under paragraph (1); or

"(ii) is negative, the administering authority and the Commission shall monitor importations of merchandise of that class or kind from that country for such period of time (but not less than one year) as may be necessary for the administering authority to decide whether or not there is sufficient information to commence a formal investigation under paragraph (1) regarding that country, and if that decision is affirmative, the administering authority shall immediately commence such an investigation.

"(C) DEFINITION.—For purposes of this paragraph, the term 'additional supplier country' means a country—

"(i) other than the country to which the petition referred to in subparagraph (A) applies; and

"(ii) regarding which no investigation is currently pending under this subtitle with respect to imports from that country of the class or kind of merchandise covered by that petition.

"(D) EXPEDITIOUS ACTION.—The administering authority and the Commission, to the extent practicable, shall expedite proceedings under this subtitle undertaken as a result of a formal investigation commenced on any petition referred to in subparagraph (A) or under subparagraph (B).".

Page 25, line 10, strike "SEC. 104." and insert "SEC. 105."

Page 29, line 18, strike all after "'exporting country')" through the word "country," on line 21.

Page 29, line 22, after the word "entity," insert: "for use (directly or indirectly) in the manufacture or production of any class or kind of merchandise in the exporting country,".

Page 30, line 6, after the word "country," insert "and".

Page 30, line 10, strike all after the word "States," through line 15, and insert: "and that product would, if sold at the export price or fair market value (whichever is appropriate), constitute a significant portion of the total cost of the manufacture or production of such merchandise.".

Page 31, line 3, after the word "no" insert "significant".

Page 33, strike lines 2 through 10, and insert "products subject to investigation if such imports compete with each other and with like products of the domestic industry in the United States market."; ".

Page 36, line 4, after "(E)" insert: "and inserting in lieu thereof ", and" ".

Page 36, line 21, strike "country" and insert "government".

Page 37, strike lines 6 through 8 and insert: "In applying this definition, an association of 2 or more foreign countries, political subdivisions, dependent territories, or possessions of foreign countries organized into a customs union outside the United States shall be treated as being one country."

Page 38, strike lines 4 through 6 and insert: "ministering authority shall include in the amount of any countervailing duty or dumping duty imposed under that subtitle on the merchandise an amount equal to the difference between the prices referred to in paragraph (1)(B), adjusted, if appropriate, for artificial depression.".

Page 39, strike all after line 21 through line 2 on page 40 and insert:

amount equal to the difference between—

"(A) the price referred to in paragraph (1)(A) at which the product was purchased, and

"(B) either—

"(i) the generally available price, referred to in paragraph (1)(B)(i), of the product, or

"(ii) the price, referred to in paragraph (1)(B)(ii), of the product that would pertain but for artificial depression,

whichever is appropriate.

Page 41, line 10, strike "1582(c)" and insert "2631(k)(2)".

Page 41, line 12, strike "paragraph (3)," and insert "subparagraph (C),"

Page 41, line 14, strike "paragraph (4)" and insert "subpargraph (D),"

Page 41, line 18, strike "paragraph:" and insert "subparagraph:"

Page 41, line 19, strike "(5)" and insert "(E)".

Page 41, line 20, strike "paragraphs (3) and (4)." and insert "subparagraph (B), (C), or (D).".

Page 42, strike line 1 through line 20 on page 44 and insert:

SEC. 106. HEARINGS.

Section 774(a) (19 U.S.C. 1677c(a)) is amended to read as follows:

"(a) INVESTIGATION HEARINGS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the administering authority and the Commission shall each hold a hearing in the course of an investigation upon the request of any party to the investigation before making a final determination under section 705, 735, or 762(b).

"(2) EXCEPTION.—If investigations are initiated under subtitle A and subtitle B regarding the same merchandise from the same country within 6 months of each other (but before a final determination is made in either investigation), the holding of a hearing by the Commission in the course of one of the investigations shall be treated as compliance with paragraph (1) for both investigations, unless the Commission considers that extraordinary circumstances require that a hearing be held in the course of each of the investigations. During any investigation regarding which the holding of a hearing is waived under this paragraph, the Commission shall allow any party to submit such additional written comment as it considers relevant.".

Page 45, line 21, strike "SEC. 106." and insert "SEC. 107."

Page 46, line 1, strike the word "and."

Page 46, line 2, strike the period and insert:

,and

"(3) a review and determination under section 751(a), If—

"(A) verification is timely requested by an interested party as defined in section 771(9)(C), (D), (E), (F), and

"(B) no verification was made under this paragraph during the 2 immediately preceding reviews and determinations under that section of the same order, finding, or notice, except that this clause shall not apply if good cause for verification is shown.

Page 46, line 15, strike "or (2)," and insert "or (3),".

Page 46, line 22, strike "SEC. 107." and insert "SEC. 108."

Page 48, line 22, strike "SEC. 108." and insert "SEC. 109."

Page 49, line 10, strike "SEC. 109." and insert "SEC. 110."

Page 49, line 12, strike "1516A(a))" and insert "1516a(a))".

Page 54, strike line 21 and insert:

(1) by inserting after section 338 the following new section:

Page 56, line 24, strike "trade). "." and insert:

trade."; and

(2) by amending section 340 to read as follows:

Page 59, line 5, strike "102," and insert "103,".

Page 59, line 6, strike "108" and insert "109".

Page 59, line 10, strike "109" and insert "110".

Mr. GIBBONS. Mr. Chairman, these are merely technical amendments that correct some errors in the bill. I do not know of any opposition to them.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Minnesota.

Mr. FRENZEL. We love the amendments, I think.

The CHAIRMAN. The question is on the committee amendments offered en bloc.

The committee amendments were agreed to.

The CHAIRMAN. Are there further amendments recommended by the Committee on Ways and Means?

COMMITTEE AMENDMENTS OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Chairman, I offer additional committee amendments which were not printed in the bill.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments offered by Mr. GIBBONS: On page 26, strike out lines 18 and 19.

Page 26, line 20, strike out "(iv)" and insert "(iii)".

Page 26, line 21, strike out "(C)" and insert "(B)".

Page 26, line 22, strike out "(v)" and insert "(iv)".

Page 26, strike out line 24 and all that follows thereafter down through line 13 on page 29.

Page 29, line 14, strike out "(C)" and insert "(B)".

Page 33, strike out line 25.

Page 34, strike out line 1 and all that follows thereafter down through line 24 on page 35 and insert the following:

"(F) THREAT OF MATERIAL INJURY.—In determining whether there is a threat of material injury, the Commission shall consider, among other relevant economic factors—

"(i) if a subsidy is involved, such information as may be presented to it by the administering authority as to the nature of the subsidy (particularly as to whether the subsidy is an export subsidy inconsistent with the Agreement), and

"(ii) whether there is, based on any demonstrable adverse trend regarding the merchandise concerned (such as an increase in production capacity in the exporting country likely to result in a significant increase in exports thereof to the United States, a rapid increase in United States market penetration and the likelihood that the penetration will increase to an injurious level, the likelihood that imports will enter at prices that will have a depressing or suppressing effect on domestic prices, or a substantial increase in inventories in the United States), a probability that the merchandise (whether or not it is actually being imported at the time) will be the cause of actual injury.

A determination may not be made on the basis of mere supposition or conjecture, and sufficient information must exist for concluding that the threat of injury is real and that actual injury is imminent.".

Page 36, line 19, strike out "(iii), or (iv)" and insert "or (iii)".

Page 57, strike out line 1 and insert the following:

"SEC. 340. MONITORING OF FOREIGN INDUSTRIAL PLANS AND POLICIES.

Page 57, line 4, strike out "in" and insert a period.

Page 57, strike out lines 5, 6, and 7.

Page 59, strike out line 1, and insert the following:

SEC. 203. INDUSTRIAL TARGETING STUDIES.

The Secretary of Commerce, the Secretary of Labor, the United States Trade Representative, and the Comptroller General of the United States shall each undertake, and submit to the Congress not later than June 1, 1985, a comprehensive study of the problem of foreign industrial targeting, whereby foreign governments adopt plans or schemes of coordinated activities to foster and benefit specific industries, and of the desirability or need to amend the United States trade laws in order to provide effective remedies for domestic industries against the adverse effects of such targeting. To the extent consistent with agency jurisdiction, such studies shall include, but are not limited to—

(1) an analysis of—

(A) whether foreign industrial targeting should be considered as an unfair trade practice under United States law;

(B) whether current law, including the remedies under title VII of the Tariff Act of 1930, adequately address the subsidy element of foreign industrial policy measures; and

(C) the extent to which foreign industrial targeting practices are significantly affecting United States commerce; and

(2) any recommended legislation considered necessary based on the study results.

SEC. 204. EFFECTIVE DATES.

Mr. GIBBONS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Chairman, these amendments delete the controversial provision on targeting subsidies and instead mandate studies by the appropriate Government agencies on this entire issue. Although the committee would have preferred to retain this section, there was substantial disagreement within the business community, organized labor, and the administration as to the appropriate way to address foreign industrial targeting. The mandated studies will allow for an in-depth analysis of this problem next year and will enable us to work out a more acceptable legislative solution.

I want everyone to understand that the committee's decision to delete the targeting provision should not be interpreted as a retreat from our long-standing effort to address this very serious problem. The decision to offer this amendment came only after much painstaking effort to work out some acceptable compromise; but in the end it became apparent that there is still not sufficient consensus within the Government or the private sector on what type of trade law changes are needed to deal with this very serious problem. So we thought it best to ask for some detailed Government analysis and recommendations. The Committee on Ways and Means will also be soliciting, from industry, labor, and other private sector groups, their views and recommendations, and early next year I intend to begin consideration of targeting legislation on an expedited basis.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, we support the amendments.

The CHAIRMAN. The question is on the committee amendments offered by the gentleman from Florida [Mr. GIBBONS].

The committee amendments were agreed to.

The CHAIRMAN. Are there further amendments recommended by the Committee on Ways and Means?

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the Chair recognizes the gentleman from Minnesota [Mr. FRENZEL] for 5 minutes.

There was no objection.

Mr. FRENZEL. Mr. Chairman, as I indicated earlier in the discussion on the rule and on the bill, I will have a motion to recommit. That motion to recommit will, as I discussed earlier, eliminate a number of the features of the bill, and if I can discuss it now I hope it will save time later when the motion is before the body.

We will eliminate in that motion the downstream dumping provisions, which are clearly illegal under the General Agreement on Tariffs and Trade, and would subject U.S. exports to retaliation. The prime retaliation, the prospect would be agriculture, but hightech would be in there, too. It would also amend the natural resources provisions to go back to the original language suggested by the gentleman from Louisiana [Mr. MOORE] to provide for fair market value, which is the internationally agreed standard.

It would also provide that when the President accepts a quota agreement in lieu of countervailing duties, that he consult with all affected parties, and that, we hope, will protect the producers and consumers from the adverse effects of another producer's countervailing duty complaint.

□ 1930

It will also amend the provision that requires extensive monitoring of outstanding dumping cases in the way that I described earlier in my statement under the scheduled debate time.

As I indicated, the Department has no alternative under the language of the bill than to monitor and in many cases it provides unnecessary work to be supplied by agencies who are hard pressed to do the things they are supposed to do now. It will maintain the

other good parts of the subcommittee bill, including the simplification provisions requiring the dumping and countervailing hearings before the ITC be consolidated, that sampling and averaging be used in cases where applicable, and it will include the elimination of interlocutory appeals.

It will also maintain the provision that many Members have a great deal of interest in, that the Trade Remedy Assistance Office be open to small businesses in using our often complicated dumping and countervailing duty laws.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Kansas. I understand the gentleman has a comment on this.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding.

I would like to ask my colleague, the gentleman from Nebraska [Mr. BEREUTER], whether he might respond to a question I have. I know this is a good bill in many respects, but I still worry about the definition given to natural resource subsidy, especially as it applies to agriculture. I wonder if the gentleman from Minnesota would yield to the gentleman from Nebraska to respond to me.

Mr. FRENZEL. I yield to the gentleman.

Mr. BEREUTER. Yes. My answer will be based upon the best information from the Department of Commerce.

The natural resources amendments of this legislation is a major departure from longstanding U.S. and international practices regarding the definition of a subsidy. Under current law subsidies are potentially countervailable by another country only if the subsidy is provided to a "specific enterprise or industry, or group of enterprises or industries." Under the natural resource subsidy definition in this bill, such Government programs as rural electrification, Federal irrigation projects, and even general commodity price-support programs could leave the farmer and farm exports open to retaliatory trade measures by other countries.

As I said, this is based upon information available to me from the Department of Commerce and the Department of Agriculture.

Mr. ROBERTS. Mr. Chairman, if the gentleman from Minnesota would continue to yield.

Mr. FRENZEL. I yield.

Mr. ROBERTS. Did I understand the gentleman to say that if in fact we have a program like the REA, which benefits the entire Nation and not just a wheat farmer that say lives in my area, that his exports could be challenged as being produced under a natural resource subsidy and be open to the possibility of some retaliation? I say could be, not would be.

Mr. BEREUTER. That is correct. The Commerce Department in looking at this legislation believes that the adoption of the natural resource amendments in H.R. 4784 would subject the United States to a GATT challenge, which we would certainly lose. The result could be GATT authorization to retaliate against U.S. farmers.

Mr. ROBERTS. Mr. Chairman, if my colleague, the gentleman from Minnesota, would bear with me for one additional question.

Mr. FRENZEL. I yield.

Mr. ROBERTS. Could the gentleman from Nebraska outline for me the impact the natural resources amendments would have on developing countries with abundant natural resources?

Mr. BEREUTER. The effect of this bill is said to be to force a developing country with an abundance of cheap natural resources either to raise its domestic price to world market levels or to lower its export price from the world market levels to the domestic price level.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. FRENZEL] has expired.

Mr. FRENZEL. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. GIBBONS. Reserving the right to object, Mr. Chairman, and I do not want to object, but I thought we had completed the general debate.

Does the gentleman from Minnesota intend under the motion to recommit to take 5 more minutes?

Mr. FRENZEL. Mr. Chairman, if the gentleman will yield under his reservation, I believe that I was entitled to 5 minutes under my motion to recommit with instructions. It is not my intention to use it. I thought I would substitute this for the debate. We have leaked over by 1 minute.

Mr. GIBBONS. It is all right.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota to proceed for 1 additional minute?

There was no objection.

Mr. FRENZEL. I yield to the gentleman from Nebraska for a speedy conclusion.

Mr. BEREUTER. The bill would prevent the developing country from using cheap natural resources to encourage the development of domestic industries or prevent developing country from realizing a profit from its exports of the natural resource.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for his explanation.

Mr. FRENZEL. In summary, Mr. Chairman, there are a number of organizations like the chamber of commerce, the Farm Bureau, the Grange, the Soybean Association, Forest Product Association, Business Roundtable, Port Authorities, Consumers for World Trade, and a host of other organizations that opposed this bill.

I believe that if my motion to recommit is accepted, they would approve it.●

● Mr. BEREUTER. Mr. Chairman, I rise in strong support of Representative Frenzel's motion to recommit this bill to the Ways and Means Committee in order to effectuate several essential changes.

I would like now to speak particularly to my colleagues from the farm State. I want to underscore to them the importance of this vote. For if this motion fails and H.R. 4784 is passed as written, our constitutents, the farmers and ranchers of this Nation, will surely suffer. Let there be no doubt about that fact. That really ought to deeply trouble every Member of this body.

Passage of H.R. 4784 as written will be the excuse that our trading partners are looking for in order to justify imposition of even stiffer foreign trade barriers. The protectionism embodied within parts of this bill will be an open invitation to retaliation, In the words of Raymond Heck, immediate past president of the Iowa Soybean Association, "Every protectionist act calls for another one. It's just automatic."

America's farmers and ranchers, and this Nation as a whole, cannot risk such a result. The false allure of this quick-fix solution cannot be allowed to undermine the international trading system, the lifeblood of all our producers, manufacturers, workers, and exporters.

Agriculture has everything to lose, and nothing to gain, if this bill passes as now written. It will be a swift and certain target of retaliation. I ask my colleagues to think long and hard about the economic damage such retaliation will inflict on this sector of our economy and, in turn, on our economy as a whole.

Let's look at the facts.

The U.S. Department of Agriculture has forecast that fiscal year farm exports will reach $38 billion—an estimated 140 million metric tons—in value, producing an overall agricultural trade balance of $21 billion.

Out of the total world grain exported—including wheat, coarse grains, and milled rice—during the 1983-84 marketing year, USDA estimates that 43.9 percent will come from the United States.

The positive agricultural trade surplus contributed to the U.S. trade balance by offsetting in calendar year 1983 27 percent of the nonagricultural trade deficit.

Each dollar earned from agricultural exports stimulated an additional $1.23 of output in the U.S. economy in calendar year 1982, a multiplier effect of 2.23. Approximately 80 percent of this additional economic activity accrued to the nonfarm sector. USDA estimates that exports generated approximately $81.8 billion in total U.S. business activities, with the additional $45.2 billion representing the cost of supporting activities required to produce and transport products for export.

In calendar year 1982, an estimated 1.1 million full-time civilian jobs were related to the production, processing, and transporting of U.S. agricultural exports. Of these, approximately one-half million U.S. farm workers—15 percent of the farm labor force—were producing for export. In addition, more than 580,000 jobs in the nonfarm sector were related to the assembling, processing, and distributing of agricultural products for export. About 60,000 of these were in food processing; 270,000 in trade and transportation; 110,000 in other manufacturing sectors; and 140,000 in other services.

From their calendar year 1983 production, U.S. farmers exported 51 percent of their wheat crop, 45 percent of their rice crop on a milled basis, 22 percent of their unmilled corn, 25 percent of their grain sorghum, 53 percent of their soybeans, 43 percent of their raw cotton, 31 percent of their tobacco, and 50 percent of their almonds.

Of the total acreage of cropland harvested in calendar year 1982, approximately 37 percent of that acreage produced food grains for export. For feed grains, the figure was 20 percent, for oilseed crops the percentage was 32 percent, for cotton it was 3 percent and for other commodities, 8 percent of the acreage produced exported commodities. Of the total 115 million or 38-percent acres of cropland harvested in calendar year 1983 produced agricultural products for export.

In calendar year 1983, agricultural exports are expected to generate about 22 percent of U.S. farm income.

If members seek to use this legislation as a vehicle to retaliate against countries with objectionable trade practices, I would ask them to remember the following facts:

In calendar year 1983, Mexico purchased $1.7 billion of agricultural commodities from the United States.

During that same period, South Korea purchased $1.71 billion of our farm products. Taiwan was a $1.23 billion market for similar commodities.

Do we truly want to jeopardize these and many other markets for the minimum short-term benefits which this bill might bring? Do we really want to set such an example for the rest of the world? If we do, are we willing to live with the consequences of our actions?

The reforms proposed by this motion will preserve and improve the worthwhile improvements contained within this measure. Yet, it will eliminate those changes which violate our essential international trading obligations.

A vote for this motion will demonstrate our concern about international economic equity, but it will not do so at the risk of certain retaliation. It will be a step forward, not backward, in our drive for a fair international trading system.

I urge my colleagues to look beyond today. Think about tomorrow and the future of our international trading system. Vote "yes" on this motion to recommit with instructions.●

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. DURBIN] having assumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4784) to reform the remedies available to U.S. producers regarding unfair import competition, and for other purposes, pursuant to House Resolution 504, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendments? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FRENZEL. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRENZEL moves to recommit the bill H.R. 4784 to the Committee on Ways and Means with instructions to report back the same to the House forthwith with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Trade Remedies Reform Act of 1984".

SEC. 2 REFERENCE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, subtitle, part, section, or other provision, the reference shall be considered to be made to a title, subtitle, part, section, or other provision of the Tariff Act of 1930 (19 U.S.C. 1202 et seq.)

TITLE I—AMENDMENTS TO COUNTERVAILING DUTY AND ANTIDUMPING DUTY LAWS

SEC. 101. CLARIFICATION OF GENERAL RULE.

(a) Section 701(a) (19 U.S.C. 1671(a)) is amended—

(1) by inserting ", or sold (or likely to be sold) for importation," after "imported" in paragraph (1);

(2) by inserting "or by reason of sales (or the likelihood of sales) of that merchandise for importation" immediately after "by reason of imports of that merchandise" in paragraph (2); and

(3) by adding at the end thereof the following new sentence: "For purposes of this subsection and section 705(b)(1), a reference to the sale of merchandise includes the entering into of any leasing arrangement regarding the merchandise that is equivalent to the sale of the merchandise.".

(b) Section 705(b)(1) (19 U.S.C. 1671(b)(1)) is amended by inserting ", or sales (or the likelihood of sales) for importation," immediately after "by reason of imports".

(c) Section 731 (19 U.S.C. 1673) is amended by adding at the end thereof the following new sentence: "For purposes of this section and section 735(b)(1), a reference to the sale of foreign merchandise includes the entering into of any leasing arrangement regarding the merchandise that is equivalent to the sale of the merchandise.".

SEC. 102. TERMINATION OR SUSPENSION OF INVESTIGATION.

(a) Section 704 (19 U.S.C. 167c) is amended by amending subsection (a) to read as follows:

"(a) TERMINATION OF INVESTIGATION UPON WITHDRAWAL OF PETITION.—

"(1) IN GENERAL.—An investigation under this subtitle may be terminated by either the administering authority or the Commission, after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner or by the Administering authority if the investigation was initiated under section 702(a).

"(2) SPECIAL RULE IN CASE OF AGREEMENTS OF UNDERSTANDING TO RESTRICT VOLUME OF IMPORTS.—An investigation may not be terminated under paragraph (1) by reason of any agreement or understanding to limit the volume of imports into the United States of the merchandise that is the subject of the investigation unless (A) the effective period does not exceed 24 months, (B) the agreement or undertaking is offered by the government of the country in which the subsidy practice is alleged to occur, and (C) the President—

"(i) determines, after consulting with potentially affected consuming industries and with United States producers of like merchandise (whether or not parties to the investigation) that the understanding or agreement would not, based upon the relative impact on consumer prices and the availability of supplies of the merchandise, and the relative impact on the competitiveness of the domestic industry producing the like merchandise, including any such impact on employment and investment in that industry, have a greater adverse effect on United States consumers than the imposition of countervailing duties; and

"(ii) accepts the agreement or understanding.

"(3) LIMITATION ON TERMINATION BY COMMISSION.—The Commission may not terminate and investigation under paragraph (a) before a preliminary determination is made by the administering authority under section 703(b).";

(2) by amending subsection (b)—

"(A) by striking out "or offset" in the side-heading thereto;

(B) by amending paragraph (1) to read as follows:

"(1) to eliminate the subsidy completely with respect to that merchandise exported directly or indirectly to the United States on the date the investigation is suspended, or"; and

(C) by striking out "within 6 months after the date on which" in paragraph (2) and inserting in lieu thereof "on the date";

(3) by amending subsection (c) to add the following at the end of that subsection: (5) DEFINITION OF QUANTITATIVE RESTRICTION AGREEMENT.—of this subsection, an agreement to restrict volume means any agreement or understanding, accepted by the President, with the foreign government of the country in which the subsidy practice is alleged to occur—

"(A) that restricts the volume of imports into the United States of the merchandise that is the subject of the investigation,

"(B) that meets the requirements set forth in paragraph (2)(A);

"(C) with respect to which the President determines that its entry into force would not, based upon the relative impact on consumer prices and the availability of supplies of the merchandise, have a greater adverse effect on United States consumers than the imposition of countervailing duties; and

"(D) the effective period of which does not exceed 24 months.

Before making a determination under subparagraph (C), the President shall consult with all United States producers of like merchandise, whether or not parties to the investigation.";

(4) by amending subsection (i)(1)—

(A) by striking out "and" at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E), and

(C) by inserting immediately after subparagraph (C) the following new subparagraph:

"(D) if it considers the violation to be intentional, notify the Commissioner of Customs who shall take appropriate action under paragraph (2), and".

(b) Section 734 (U.S.C. 1673c) is amended—

(1) by striking out "within 6 months after the date on which" in subsection (b)(1) and inserting in lieu thereof "on the date"; and

(2) by amending subsection (i)(1)—

(A) by striking out "and" at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E), and

(C) by inserting immediately after subparagraph (C) the following new subparagraph:

"(D) if it considers the violation to be intentional, notify the Commissioner of Customs who shall take appropriate action under paragraph (2), and".

SEC. 103. REVIEWS AND DETERMINATIONS REGARDING CERTAIN AGREEMENTS.

(a) Subtitle C (19 U.S.C. 1675) is amended—

(1) by amending the subtitle heading to read as follows:

"Subtitle C—Reviews; Other Actions Regarding Agreements

"CHAPTER 1—REVIEW OF AMOUNT OF DUTY AND AGREEMENTS OTHER THAN QUANTITATIVE RESTRICTION AGREEMENTS"

(2) by amending section 751—

(A) by inserting "if a request for such a review has been received and" immediately before "after publication of notice" in that part of paragraph (1) of subsection (a) that precedes subparagraph (A); and

(B) by amending subsection (b)(1)—

(i) by striking out "704" and inserting in lieu thereof "704 (other than a quantitative restriction agreement), and

(ii) by striking out ", or 735(b)," and inserting in lieu thereof ", 735(b), 762(a)(1), or 762(a)(2),"; and

(3) by adding at the end thereof the following new chapter:

"CHAPTER 2—NEGOTIATIONS AND DETERMINATIONS REGARDING QUANTITATIVE RESTRICTION AGREEMENTS

"SEC. 761. REQUIRED NEGOTIATIONS.

"(a) IN GENERAL.—

"(1) AGREEMENTS IN RESPONSE TO SUBSIDIES.—Within 90 days after the administering authority accepts a quantitative restriction agreement under section 704(a)(2) or (c)(3), the President shall enter into negotiations with the government that is party to the agreement for purposes of—

"(A) eliminating the subsidy completely, or

"(B) reducing the net subsidy to a level that eliminates completely the injurious effect of exports to the United States of the merchandise.

"(b) MODIFICATION OF AGREEMENTS ON BASIS OF NEGOTIATIONS.—The administering authority may not implement any modification to a quantitative restriction agreement resulting from negotiations entered into under subsection (a) unless before the first anniversary of the date on which the administering authority accepts the agreement the following occur:

"(1) The President submits to the administering authority, and at the same time provides to those persons who were, or are, petitioners and interested parties in the related proceedings under subtitle A or B—

"(A) a description of the proposed actions that the government concerned is willing to take in order to achieve the objectives referred to in subsection (a)(1) (A) or (B) or (2) (A) or (B), as the case may be; and

"(B) the proposed modifications to the quantitative restrictions provided for in the agreement that the President believes are justified in response to the implementing of such actions.

"(2) The administering authority, on the basis of the best information available to it, decides that the proposed actions referred to in paragraph (1)(A) will either—

"(A) eliminate completely the subsidy or dumping practice; or

"(B) reduce the net subsidy or dumping margin.

"(3) If the decision of the administering authority under paragraph (2)(B) is affirmative, the Commission, on the basis of the best information available to it, decides that the proposed actions and the proposed modifications referred to in paragraph (1) are likely to eliminate completely the injurious effect of exports to the United States of the merchandise.

"(4) The administering authority invites the comment of those persons referred to in paragraph (1) regarding the proposed actions and modifications and takes into account all such comment that is timely submitted.

"(5) The administering authority is satisfied that the government concerned has implemented the actions referred to in subsections (a)(1) (A) or (B) or (2) (A) or (B), as the case may be, that it proposed to take.

"(c) SPECIAL RULE REGARDING AGREEMENTS UNDER SECTION 704(c)(3).—This chapter shall cease to apply to a quantitative restriction agreement described in section 704(c)(3) at such time as that agreement ceases to have force and effect under section 704(f) or violation is found under section 704(i).

"SEC. 762. REQUIRED DETERMINATIONS.

"(a) IN GENERAL.—Before the expiration date, of a quantitative restriction agreement accepted under section 704(a)(2) or 704(c)(3) (if suspension of the related investigation is still in effect),

"(1) the administering authority shall determine—

"(A) whether any subsidy is being provided with respect to the merchandise subject to the agreement and, if being so provided, the net subsidy, or

"(B) whether the merchandise is being sold in the United States at less than fair value and, if being so sold, the margin of sales at less than fair value; and

"(2) the Commission shall determine whether imports of the merchandise of the kind subject to the agreement will, upon termination of the agreement, materially injure, or threaten with material injury, an industry in the United States or materially retard the establishment of such an industry.

"(b) DETERMINATIONS.—The determinations required to be made by the administering authority and the Commission under subsection (a) shall be made on the record, under such procedures as the administering authority and the Commission, respectively, shall by regulation prescribe, and shall be treated as final determinations made under section 705 as the case may be, for purposes of judicial review under section 516A. If the determinations by each are affirmative, the administering authority shall issue a countervailing duty order or antidumping duty order under section 706 effective with respect to merchandise entered on and after the date on which the agreement terminates.

"(c) HEARINGS.—The determination proceedings required to be prescribed under subsection (b) shall provide that the administering authority and the Commission must, upon the request of any interested party, hold a hearing in accordance with section 774 on the issues involved.".

(b) The table of contents for subtitle C of title VII is amended to read as follows:

"Subtitle C—Reviews; Other Actions Regarding Agreements

"Chapter 1—REVIEW OF AMOUNT OF DUTY AND AGREEMENTS OTHER THAN QUANTITATIVE RESTRICTION AGREEMENTS

"Sec. 751. Administrative review of determinations.

"Chapter 2—NEGOTIATIONS AND DETERMINATIONS REGARDING QUANTITATIVE RESTRICTION AGREEMENTS

"Sec. 761. Required negotiations.

"Sec. 762. Required determinations.".

SEC. 104. INITIATION OF ANTIDUMPING DUTY INVESTIGATIONS.

Section 732(a) (19 U.S.C. 1673a(a)) is amended to read as follows:

"(a) INITIATION BY ADMINISTERING AUTHORITY.—

"(1) IN GENERAL.—An antidumping duty investigation shall be commenced whenever the administering authority determines, from information available to it, that a formal investigation is warranted into the question of whether the elements necessary for the imposition of a duty under section 731 exist.

"(2) CASES INVOLVING CERTAIN MERCHANDISE OF A KIND SUBJECT TO PREVIOUS DETERMINATIONS UNDER SECTION 735.—

"(A) IN GENERAL.—If—

"(i) within the 2-year period before the date on which a petition is filed under subsection (b), final affirmative determinations were made under section 735 (a) and (b) regarding merchandise of the same class or kind as that covered by the petition (other than merchandise of that kind or class imported from the country to which the petition applies or from any additional supplier country); and

"(ii) in that petition the petitioner also alleges that the elements necessary for the imposition of a duty under section 731 exist with respect to merchandise of that same class or kind being, or likely to be, imported from one or more additional supplier countries;

the administering authority shall decide, within 20 days after the date on which the petition is filed, whether information reasonably available to the petitioner, in the petition, as well as such relevant information as may be available to the administering authority, regarding each additional supplier country is sufficient to commence a formal investigation under paragraph (1) regarding imports of merchandise of that class or kind from that country or to monitor such imports under (B)(ii).

"(B) ACTION AFTER DECISION.—If the decision of the administering authority under subparagraph (A) regarding an additional supplier country is affirmative—

"(i) a formal investigation shall be commenced under paragraph (1); or

"(ii) the administering authority shall monitor importation of merchandise of that class or kind from that country for such period of time as may be necessary for the administering authority to decide whether or not there is sufficient information to commence a formal investigation under paragraph (1) regarding that country, and if that decision is affirmative, the administering authority shall immediately commence such an investigation.

"(C) DEFINITION.—For purposes of this paragraph, the term 'additional supplier country' means a country—

"(i) other than the country to which the petition referred to in subparagraph (A) applies; and

"(ii) regarding which no investigation is currently pending under this subtitle with respect to imports from that country of the class or kind of merchandise covered by that petition.

"(D) EXPEDITIOUS ACTION.—The administering authority, to the extent practicable, shall expedite proceedings under this subtitle undertaken as a result of a formal investigation commenced on any petition referred to in subparagraph (A) or under subparagraph (B).".

SEC. 105. DEFINITIONS AND SPECIAL RULES REGARDING UPSTREAM AND OTHER SUBSIDIES MATERIAL INJURY, AND INTERESTED PARTIES.

(a) Section 771 (19 U.S.C. 1655) is amended as follows:

"(1) Paragraph (5) is amended to read as follows:

"(5) SUBSIDY.—

"(A) IN GENERAL.—The term 'subsidy' has the same meaning as the term 'bounty or grant' as that term is used in section 303 of this Act, and includes, but is not limited to, the following:

"(i) Any export subsidy described in Annex A to the Agreement (relating to illustrative list of export subsidies).

"(ii) The following domestic subsidies, if provided or required by government action to a specific enterprise or industry, or group of enterprises or industries, whether publicly or privately owned, and whether paid or bestowed directly or indirectly on the manufacture, production, or export of any class or kind of merchandise:

"(I) The provision of capital, loans, or loan guarantees on terms inconsistent with commercial considerations.

"(II) The provision of goods or services at preferential rates.

"(III) The grant of funds or forgiveness of debt to cover operating losses sustained by a specific industry.

"(IV) The assumption of any costs or expenses of manufacture, production, or distribution.

"(iii) Any natural resource subsidy described in subparagraph (B).

"(iv) Any upstream subsidy determined under section 771A.

"(B) NATURAL RESOURCE SUBSIDY.—

"(i) IN GENERAL.—A natural resource subsidy exists if a natural resource product is provided or sold within a country (hereinafter referred to as the 'exporting country') by a government-regulated or controlled entity, for use (directly or indirectly) in the manufacture or production of any class or kind of merchandise in the exporting country, at a domestic price that, by reason of such regulation or control—

"(I) is lower than the fair market value of the product in the exporting country, and

"(II) and that product would constitute a significant portion of the total cost of the manufacture or production of such merchandise.

"(ii) LEVEL OF NATURAL RESOURCE SUBSIDY.—The level of a natural resource subsidy is the difference between the domestic price of the natural resource product and the fair market of that product.

"(iii) DETERMINATION OF FAIR MARKET VALUE.—For purpose of this subparagraph, the term 'fair market value' means the price that a willing buyer would pay a willing seller for a natural resource product in an arms-length transaction in the absence of government regulations. In determining the fair market value the administering authority shall take into account—

"(I) the prices at which the product is generally available in world markets,

"(II) the extent to which a comparative advantage of the exporting country in relation to other sellers (for example, any cost savings resulting from such factors as the availability of abundant supplies, lower production costs, or lower transportation costs),

"(III) the degree to which the price of the natural resource or byproduct is depressed as a result of government regulation of eligibility to purchase such natural resource or byproduct,

"(IV) whether a system of dual pricing is maintained through government regulation in the country of origin, and

"(V) the availability or lack of access to export markets.

(2) Paragraph (7) is amended—

(A) by inserting the following new clause at the end of subparagraph (C):

"(iv) CUMULATION.—For purposes of clauses (i) and (ii), the Commission shall cumulatively assess the volume and effect of imports from two or more countries of like products subjects to investigation if—

"(I) the marketing of such imports in the United States is reasonably coincident, and

"(II) there is a reasonable indication that such imports will have a contributing effect in causing, or threatening to cause, material injury to the industry.";

such imports compete with each other and with like products of the domestic industry in the United States market.";

(B) by amending subparagraph (E) to read as follows:

"(E) STANDARD FOR DETERMINATION.—The presence or absence of any factor which the Commission is required to evaluate under subparagraph (C) or (D) shall not necessarily give decisive guidance with respect to the determination by the Commission of material injury."; and

(C) by inserting after subparagraph (E) the following new subparagraph:

"(F) THREAT OF MATERIAL INJURY.—In determining whether there is a threat of material injury, the Commission shall consider, among other relevant economic factors—

"(I) if a subsidy is involved, such information as may be presented to it by the administering authority as to the nature of the subsidy (particularly as to whether the subsidy is an export subsidy inconsistent with the Agreement), and

"(II) whether there is, based on any demonstrable adverse trend regarding the merchandise concerned (such as an increase in production capacity in the exporting country likely to result in a significant increase in exports thereof to the United States, a rapid increase in United States market penetration and the likelihood that the penetration will increase to an injurious level, the likelihood that imports will enter at prices that will have a depressing or suppressing effect on domestic prices, or a substantial increase in inventories in the United States), a probability that the merchandise (whether or not it is actually being imported at the time) will be the cause of actual injury.

A determination may not be made on the basis of mere supposition or conjecture, and sufficient information must exist for concluding that the threat of injury is real and that actual injury is imminent.

(A) by striking out "and" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof ", and"; and

(C) by adding at the end thereof the following new subparagraph:

"(F) an association, a majority of whose members is composed of interested parties described in subparagraph (C), (D), or (E) with respect to a like product.".

(b) Subtitle D of title VII is amended by adding after section 771 the following new section:

"SEC. 771A. UPSTREAM SUBSIDIES.

"(a) UPSTREAM SUBSIDIES.—

"(1) DEFINITION.—The term 'upstream subsidy' means any action of a kind de-

scribed or referred to in section 771(5)(A) (i), (ii), (iii), or (iv) by the government of a country that—

"(A) is paid or bestowed by that government with respect to a product that is used in the manufacture or production in that country of merchandise which is the subject of an investigation under subtitle A,

"(B) results in a price for the product for such use that is lower than the generally available price of the product in that country, and

"(C) has a significant effect on the cost of manufacturing or producing the merchandise.

In applying this definition, an association of two or more foreign countries, political subdivisions, dependent territories, or possessions of foreign countries organized into a customs union outside the United States shall be treated as being one country.

"(2) ADJUSTMENT OF GENERALLY AVAILABLE PRICE IN CERTAIN CIRCUMSTANCES.—If the administering authority decides that the generally available price for a product in the country of the manufacture, production, or export of the merchandise under investigation is artificially depressed by reason of any subsidy, the administering authority shall adjust such generally available price so as to offset such depression before applying paragraph (1)(B).

"(3) INCLUSION OF AMOUNT OF SUBSIDY.—If the administering authority decides, during the course of an investigation under subtitle A; that an upstream subsidy is being or has been paid or bestowed regarding the merchandise under investigation, the administering authority shall include in the amount of any countervailing duty imposed under that subtitle on the merchandise an amount equal to the difference between the prices referred to in paragraph (1)(B), adjusted, if appropriate, for artificial depression.

"(b) SCOPE OF INQUIRY BY ADMINISTERING AUTHORITY.—The administering authority is not required, in undertaking an investigation under subtitle A, to inquire regarding the presence of an upstream subsidy beyond that stage in the manufacture or production of the class or kind of merchandise that immediately precedes the final manufacturing or production stage before export to the United States, unless reasonably available information indicates that such a subsidy is being or has been paid or bestowed before such immediately preceding stage and is having or has had a substantial effect on the price of the merchandise.".

(c)(1) Section 514(a) (19 U.S.C. 1514(a)) is amended by striking out "771(9) (C), (D), and (E) of this Act." an inserting in lieu thereof "771(9) (C), (D), (E), and (F) of this Act.".

(2) Sections 704 (g)(2) and (h)(1) is amended by striking out "(C), (D), or (E)" and inserting in lieu thereof "(C), (D), (E), and (F)".

(3) Section 2631(k)(2) of title 28, United States Code, is amended—

(A) by striking out "and" at the end of subparagraph (C),

(B) by striking out the period at the end of subparagraph (D), and inserting in lieu thereof ", and", and

(C) by adding at the end thereof the following new subparagraph:

"(E) an association composed of members who represent parties-at-interest described in subparagraph (B), (C), or (D).".

(4) The table of contents for title VII is amended by inserting after the entry for section 771 the following:

"Sec. 771A. Upstream subsidies.".

SEC. 106. HEARINGS.

Section 774(a) (19 U.S.C. 1677c(a)) is amended to read as follows:

"(a) INVESTIGATION HEARINGS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the administering authority and the Commission shall each hold a hearing in the course of an investigation upon the request of any party to the investigation before making a final determination under section 705, 735, or 762(b).

"(2) EXCEPTION.—If investigations are initiated under subtitle A and subtitle B regarding the same merchandise from the same country within 6 months of each other (but before a final determination is made in either investigation), the holding of a hearing by the Commission in the course of one of the investigations shall be treated as compliance with paragraph (1) for both investigations, unless the Commission considers that extraordinary circumstances require that a hearing be held in the course of each of the investigations. During any investigation regarding which the holding of a hearing is waived under this paragraph, the Commission shall allow any party to submit such additional written comment as it considers relevant.".

Section 776(a) (19 U.S.C. 1677e(a)) is amended to read as follows:

"(a) GENERAL RULE.—The administering authority shall verify all information relied upon in making—

"(1) a final determination in an investigation,

"(2) a revocation under section 751(c), and

"(3) a review and determination under section 751(a), if—

"(A) verification is timely requested by an interested party as defined in section 771(9)(C), (D), (E), or (F), and

"(B) no verification was made under this paragraph during the 2 immediately preceding reviews and determinations under that section of the same order, finding, or notice, except that this clause shall not apply if good cause for verification is shown.

In publishing notice of any action referred to in paragraph (1), (2), or (3), the administering authority shall report the methods and procedures used to verify such information. If the administering authority is unable to verify the accuracy of the information submitted, it shall use the best information available to it as the basis for its action, which may include, in actions referred to in paragraph (1), the information submitted in support of the petition.".

SEC. 108. RELEASE OF CONFIDENTIAL INFORMATION.

Section 777 (19 U.S.C. 1677f) is amended—

"(1) by amending subsection (b)—

(A) by striking out "submitted)" in the first sentence and inserting in lieu thereof "submitted, or an officer or employee of the United States Customs Service who is directly involved in conducting an investigation regarding fraud under this title)", and

(B) by amending the second sentence thereof to read as follows:

"The administering authority and the Commission shall require that information for which confidential treatment is requested be accompanied by—

"(A) a nonconfidential summary in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence, or a statement that the information is not susceptible to summary accompanied by a statement of the reasons in support of the contention, and

"(B) a statement permitting the administering authority to release under administrative protective order, in accordance with subsection (c), the information submitted in confidence, or a statement that the information should not be released under administrative protective order.";

(2) by inserting ", before or after receipt of the information requested," after "application," in subsection (c)(1)(A); and

(3) by inserting ", except that no distinction may be made between corporate counsel and retained counsel" immediately before the period at the end of the first sentence of subsection (c)(1)(B).

SEC. 109. SAMPLING AND AVERAGING IN DETERMINING UNITED STATES PRICE AND FOREIGN MARKET VALUE.

(a) Subtitle D of title VII (19 U.S.C. 1677a et seq.) is further amended by adding immediately after section 777 the following new section:

"SEC. 777A. SAMPLING AND AVERAGING.

"(a) GENERAL RULE.—For the purpose of determining United States price or foreign market value under sections 772 and 773, and for purposes of carrying out annual reviews under section 751, the administering authority may—

"(1) use averaging or generally recognized sampling techniques whenever a significant volume of sales is involved or a significant number of adjustments to prices is required, and

"(2) decline to take into account adjustments which are insignificant in relation to the price or value of the merchandise.

"(b) SELECTION OF SAMPLES AND AVERAGES.—The authority to select appropriate samples and averages shall rest exclusively with the administering authority; but such samples and averages shall be representative of the transaction under investigation.".

(b) Subsection (f) of section 773 (19 U.S.C. 1677b(f)) is repealed.

(c) The table of contents for title VII is amended by inserting after the entry for section 777 the following:

"Sec. 777A. Sampling and averaging.".

SEC. 110. ELIMINATION OF INTERLOCUTORY APPEALS.

(a) Section 516(a) (19 U.S.C. 1516a(a)) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(1) REVIEW OF CERTAIN DETERMINATIONS.—Within 30 days after the date of publication in the Federal Register of—

"(A) a determination by the administering authority, under 702(c) or 732(c) of this Act, not to initiate an investigation,

"(B) a determination by the Commission, under section 751(b) of this Act, not to review a determination based upon changed circumstances,

"(C) a negative determination by the Commission, under section 703(a) or 733(a) of this Act, as to whether there is reasonable indication of material injury, threat of material injury, or material retardation,

an interested party who is a party to the proceeding in connection with which the matter arises may commence an action in the United States Court of International Trade by filing concurrently a summons and complaint, each with the content and in the form, manner, and style prescribe by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.".

(2) Paragraph (2)(A) is amended—

(A) by striking out "the date of publication in the Federal Register of" in the matter preceding clause (i); and

(B) by amending clauses (i) and (ii) to read as follows:

"(i) the date of publication in the Federal Register of—

"(I) notice of any determination described in clause (ii), (iii), (iv), or (v) of subparagraph (B), or

"(II) an antidumping or countervailing duty order based upon any determination described in clause (i) of subparagraph (B), or

"(ii) the date of mailing of a determination described in clause (vi) of subparagraph (B),".

(3) Amend paragraph (2)(B) to read as follows:

"(B) REVIEWABLE DETERMINATIONS.—The determinations which may be contested under subparagraph (A) are as follows:

"(i) Final affirmative determinations by the administering authority and by the Commission under section 705 or 735 of this Act, including any negative part of such a determination (other than a part referred to in clause (ii)).

"(ii) A final negative determination by the administering authority or the Commission under section 705 or 735 of this Act, including, at the option of the appellant, any part of a final affirmative determination which specifically excludes any company or product.

"(iii) A final determination, other than a determination reviewable under paragraph (1), by the administering authority or the Commission under section 751 of this Act.

"(iv) A determination by the administering authority, under section 704 or 734 of this Act, to suspend an antidumping duty or a countervailing duty investigation, including any final determination resulting from a continued investigation which changes the size of the dumping margin or net subsidy calculated, or the reasoning underlying such calculations, at the time the suspension agreement was concluded.

"(v) An injurious effect determination by the Commission under section 704(h) or 734(h) of this Act.

"(vi) A determination by the administering authority as to whether a particular type of merchandise is whtin the class or kind of merchandise described in an existing finding of dumping or antidumping or countervailing duty order.".

(4) Redesignate paragraph (3) as paragraph (4) and after paragraph (2) insert the following:

"(3) EXCEPTION.—Notwithstanding the limitation imposed by paragraph (2)(A)(ii) of this subsection, a final affirmative determination by the administering authority under section 705 or 735 of this Act may be contested by commencing an action, in accordance with the provisions of paragraph (2)(A), within thirty days after the date of publication in the Federal Register of a final negative determination by the Commission under section 705 or 735 of this Act which is predicated upon the size of either the dumping margin or net subsidy determined to exist.".

(b) Title 28, United States Code, is amended as follows:

(1) Section 2636 is amended—

(A) by amending subsection (c) to read as follows:

"(c) A civil action contesting a reviewable determination listed in section 516A of the Tariff Act of 1930 is barred unless commenced in accordance with the rules of the Court of International Trade within the time specified in such section."; and

(B) by striking out subsection (d) and redesignating subsections (e) through (i) and (d) through (h), respectively.

(2) Section 2647 is amended to read as follows:

"§ 2647. Precedence of cases.

"The following civil actions in the Court of International Trade shall be given precedence, in the following order, over other civil actions pending before the Court, and shall be assigned for hearing at the earliest practicable date and expedited in every way:

"(1) First, a civil action involving the exclusion of perishable merchandise or the redelivery of such merchandise.

"(2) Second, a civil action commenced under section 515 of the Tariff Act of 1930 involving the exclusion or redelivery of merchandise.

"(3) Third, a civil action commenced under section 516 or 516A of the Tariff Act of 1930.".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. ESTABLISHMENT OF TRADE REMEDY ASSISTANCE OFFICE AND TARGETING MONITORING PROGRAM IN THE UNITED STATES INTERNATIONAL TRADE COMMISSION.

Part 2 of title II (19 U.S.C. 1330-1341) is amended by—

(1) by inserting after section 338 the following new section:

"SEC. 339. TRADE REMEDY ASSISTANCE OFFICE.

"(a) There is established in the Commission a Trade Remedy Assistance Office which shall provide full information to the public, upon request, concerning—

"(1) remedies and benefits available under the trade laws, and

"(2) the petition and application procedures, and the appropriate filing dates, with respect to such remedies and benefits.

"(b) Each agency responsible for administering a trade law shall provide technical assistance to eligible small businesses to enable them to prepare and file petitions and applications (other than those which, in the opinion of the agency, are frivolous) to obtain the remedies and benefits that may be available under that law.

"(c) For purposes of this section—

"(1) The term 'eligible small business' means any business concern which, in the agency's judgment, due to its small size, has neither adequate internal resources nor financial ability to obtain qualified outside assistance in preparing and filing petitions and applications for remedies and benefits under trade laws. In determining whether a business concern is an 'eligible small business', the agency may consult with the Small Business Administration, and shall consult with any other agency that has provided assistance under subsection (b) to that business concern. An agency decision regarding whether a business concern is an eligible small business for purposes of this section is not reviewable by any other agency or by any court.

"(2) The term 'trade laws' means—

"(A) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq., relating to relief caused by import competition);

"(B) chapters 2 and 3 of such title II (relating to adjustment assistance for workers and firms);

"(C) chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq., relating to relief from foreign import restrictions and export subsidies);

"(D) title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq., relating to the imposition of countervailing duties and antidumping duties);

"(E) section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862, relating to the safeguarding of national security); and

"(F) section 337 of the Tariff Act of 1930 (19 U.S.C. 1337, relating to unfair practices in import trade."; and

(2) by amending section 340 to read as follows:

"SEC. 340. TARGETING MONITORING PROGRAM.

"(a) The Commission shall establish and implement a continuing program to monitor and analyze the industrial plans and policies of foreign countries and instrumentalities.

"(b) In implementing the program, the Commission shall give priority to those countries and instrumentalities and product sectors in which the United States has significant economic or commerical interests. The Commission shall consult with other appropriate Federal agencies and solicit the views and comments of the public in determining priorities for purposes of the preceding sentence.

"(c) The Commission shall regularly report the information resulting from the program to the administering authority (as defined in section 771(1)) and shall make such information (other than that requiring confidential treatment) available to the public.

"(d) Each agency of the United States shall provide to the Commission, upon its request, such information as the Commission considers to be necessary or appropriate for purposes of carrying out this section. Classified information shall be provided to the Commission under this subsection if the provider agency is satisfied that the Commission will enforce appropriate measures to prevent the loss or unauthorized disclosure of the information.".

SEC. 202. ADJUSTMENTS STUDY.

The Secretary of Commerce shall undertake a study of the current practices that are applied in the making of adjustments to purchase prices and exporter's sales prices under section 772 (d) and (e) (19 U.S.C. 1677a (d) and (e)) and foreign market value and constructed value under section 773 (19 U.S.C. 1677b) in determining antidumping duties. The study shall include, but not be limited to—

(1) a review of the types of adjustments currently being made;

(2) a review of private sector comments and recommendations regarding the subject that were made at congressional hearings during the first session of the ninety-eighth Congress; and

(3) the manner and extent to which such adjustments lead to inequitable results.

Within one year the date of the enactment of this Act, the Secretary of Commerce shall complete the study required under this section and shall submit to Congress a written report regarding the study and containing such recomendations as the Secretary deems appropriate regarding the need, and the means, for simplifying and modifying current practices in the making of such adjustments.

SEC. 203. EFFECTIVE DATES.

(a) Except as provided in subsection (b), this Act, and the amendments made by it, shall take effect on the date of the enactment of this Act.

(b)(1) The amendments made by sections 101, 103, 104, 105, and 109 shall apply with respect to investigations initiated by peti-

tion or by the administrating authority under subtitles A and B of title VII of the Tariff Act of 1930 on or after such effective date.

(2) The amendments made by section 110 shall apply with respect to civil actions pending on, or filed on or after, the date of th enactment of this Act.

(3) Section 339 of the Tariff Act of 1930 (as added by section 201 of this Act) shall take effect on the ninetieth day after such date of enactment.

Mr. FRENZEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Does the gentleman from Florida [Mr. GIBBONS] desire to be heard on the motion to recommit?

Mr. GIBBONS. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, I certainly am not going to take 5 minutes. I just want to say, I have not read this motion to recommit because this is the first time I knew about it this afternoon. I listened, though, attentively to the debate on it. I think I understand it. I think I can remove anyone's doubts if they have a few minutes to listen to it specifically and debate those questions. I really do not think it is necessary to debate them. I think the whole basis upon which they are based in fallacious.

This is not a violation of our GATT agreements. I am a staunch defender of GATT and I worked very hard to keep this legislation within the letter and the spirit of the General Agreement on Tariffs and Trade.

A subsidy is a subsidy is a subsidy and subsidized trade is not free trade. It is not fair trade. In fact, it is very disruptive to the kinds of marketplace forces that most of us believe ought to control these matters. Unless we are firm about enforcing our rights under GATT, and that is what this bill does, enforces our rights under GATT very firmly, no one else is going to observe them.

We have got to have a bill like this so that we do have a right for people who have been injured or hurt by unfair trade practices—not unfair trade practices that SAM GIBBONS dreamed up, but unfair trade practices as outlined in the General Agreement on Tariffs and Trade and unfair trade practices that have been recognized in this country for almost a century as being unfair.

Our laws simply have not worked correctly. This is an attempt to make them work correctly and I hope that we will unanimously vote down this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

Mr. BEREUTER. Mr. Speaker, I move to strike the last word.

The SPEAKER pro tempore. That request is out of order. The time is controlled by the gentleman from Minnesota, who has yielded back the 5 minutes that he had on the motion to recommit.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the final passage of the bill, following the vote on the motion to recommit.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 128, nays 231, not voting 74, as follows:

[Roll No. 327]

YEAS—128

Andrews (NC)	Gregg	Packard
Archer	Gunderson	Panetta
AuCoin	Hamilton	Parris
Badham	Hammerschmidt	Pashayan
Bateman	Hansen (UT)	Patman
Beilenson	Harkin	Penny
Bereuter	Hartnett	Petri
Bilirakis	Hiler	Porter
Bliley	Holt	Pursell
Breaux	Hopkins	Roberts
Broomfield	Huckaby	Robinson
Brown (CO)	Hyde	Roemer
Carney	Jeffords	Rogers
Chandler	Kemp	Rowland
Cheney	Kindness	Sawyer
Clinger	Kramer	Schaefer
Coats	Lagomarsino	Schroeder
Coleman (MO)	Latta	Sensenbrenner
Cooper	Leach	Shumway
Corcoran	Lent	Siljander
Craig	Levine	Slattery
Crane, Philip	Lewis (CA)	Smith (IA)
D'Amours	Lewis (FL)	Smith (NE)
Daniel	Livingston	Snyder
Daub	Lott	Solomon
de la Garza	Lowery (CA)	Spence
DeWine	Lungren	Stangeland
Dorgan	Mack	Stenholm
Dreier	Madigan	Stratton
Edwards (AL)	Marlenee	Tauke
Edwards (OK)	McCain	Tauzin
Emerson	McCandless	Thomas (GA)
English	McCollum	Vander Jagt
Erlenborn	McGrath	Vucanovich
Evans (IA)	McKinney	Watkins
Fiedler	Michel	Weber
Fields	Miller (OH)	Whittaker
Fish	Molinari	Williams (MT)
Foley	Moore	Winn
Franklin	Moorhead	Wolf
Frenzel	Morrison (WA)	Wortley
Gekas	Myers	Zschau
Green	Nielson	

NAYS—231

Akaka	Gray	Oberstar
Albosta	Guarini	Obey
Anderson	Hall (IN)	Ortiz
Andrews (TX)	Hall, Ralph	Ottinger
Annunzio	Hall, Sam	Owens
Anthony	Hance	Patterson
Applegate	Harrison	Pease
Barnes	Hayes	Pepper
Bedell	Hefner	Perkins
Bennett	Heftel	Pickle
Bevill	Hertel	Price
Boehlert	Hightower	Rahall
Boner	Hillis	Rangel
Bonior	Horton	Ratchford
Bonker	Howard	Ray
Borski	Hoyer	Regula
Boucher	Hughes	Reid
Britt	Hunter	Ridge
Brooks	Ireland	Ritter
Brown (CA)	Jacobs	Rodino
Broyhill	Jenkins	Roe
Burton (CA)	Johnson	Rose
Burton (IN)	Jones (NC)	Roth
Byron	Jones (OK)	Roukema
Campbell	Kaptur	Roybal
Carper	Kasich	Russo
Carr	Kastenmeier	Sabo
Chappell	Kazen	Savage
Clarke	Kennelly	Scheuer
Coelho	Kildee	Schneider
Coleman (TX)	Kleczka	Schulze
Collins	Kolter	Schumer
Conte	Kostmayer	Seiberling
Conyers	Lantos	Shannon
Coughlin	Leath	Sharp
Coyne	Leland	Shelby
Crockett	Levin	Shuster
Darden	Levitas	Sikorski
Daschle	Lipinski	Sisisky
Davis	Lloyd	Skeen
Dellums	Loeffler	Skelton
Derrick	Long (LA)	Smith (FL)
Dickinson	Long (MD)	Smith (NJ)
Dicks	Lowry (WA)	Snowe
Dingell	Lujan	Solarz
Dixon	Luken	Spratt
Donnelly	Lundine	Staggers
Dowdy	MacKay	Stark
Downey	Markey	Stokes
Duncan	Martin (IL)	Sundquist
Durbin	Martinez	Swift
Dwyer	Matsui	Synar
Dymally	Mavroules	Tallon
Dyson	Mazzoli	Torres
Eckart	McCloskey	Torricelli
Edgar	McCurdy	Towns
Edwards (CA)	McDade	Udall
Erdreich	McEwen	Valentine
Evans (IL)	McHugh	Volkmer
Fascell	McKernan	Walgren
Fazio	McNulty	Walker
Feighan	Mikulski	Weaver
Flippo	Miller (CA)	Weiss
Florio	Mineta	Wheat
Fowler	Minish	Whitley
Frank	Mitchell	Whitten
Frost	Moakley	Wilson
Fuqua	Mollohan	Wirth
Gaydos	Montgomery	Wise
Gejdenson	Moody	Wolpe
Gibbons	Morrison (CT)	Wright
Gilman	Mrazek	Wyden
Gingrich	Murphy	Wylie
Glickman	Natcher	Yates
Gonzalez	Nichols	Yatron
Goodling	Nowak	Young (AK)
Gore	Oakar	Young (FL)

NOT VOTING—74

Ackerman	Chappie	Hall (OH)
Addabbo	Clay	Hansen (ID)
Alexander	Conable	Hatcher
Aspin	Courter	Hawkins
Barnard	Crane, Daniel	Hubbard
Bartlett	Dannemeyer	Hutto
Bates	Early	Jones (TN)
Berman	Ferraro	Kogovsek
Bethune	Foglietta	LaFalce
Biaggi	Ford (MI)	Lehman (CA)
Boggs	Ford (TN)	Lehman (FL)
Boland	Garcia	Marriott
Bosco	Gephardt	Martin (NC)
Boxer	Gradison	Martin (NY)
Bryant	Gramm	Mica

Murtha	Rinaldo	Taylor
Neal	Rostenkowski	Thomas (CA)
Nelson	Rudd	Traxler
O'Brien	Shaw	Vandergriff
Olin	Simon	Vento
Oxley	Smith, Denny	Waxman
Paul	Smith, Robert	Whitehurst
Pritchard	St Germain	Williams (OH)
Quillen	Studds	Young (MO)
Richardson	Stump	

□ 1950

The Clerk announced the following pairs:

On this vote:

Mr. Taylor for, with Mr. Young of Missouri against.

Mr. Quillen for, with Mr. Addabbo against.

Mr. Whitehurst for, with Mrs. Boxer against.

Mr. Thomas for, with Mr. Jones of Tennessee against.

Messrs. SKEEN, GOODLING, MARKEY, and BOEHLERT changed their votes from "yea" to "nay."

Messrs. BREAUX, TAUZIN, WILLIAMS of Montana, and DORGAN changed their votes from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOORE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair announces again that pursuant to the provisions of clause 5 of rule XV, he will reduce to a minimum of 5 minutes the period of time within which the vote by electronic device will be taken on the question of the final passage of the bill.

The vote was taken by electronic device, and there were—ayes 259, noes 95, not voting 79, as follows:

[Roll No. 328]

AYES—259

Akaka	Campbell	Donnelly
Albosta	Carper	Dorgan
Anderson	Carr	Dowdy
Andrews (NC)	Chappell	Downey
Andrews (TX)	Clarke	Duncan
Annunzio	Clinger	Durbin
Applegate	Coats	Dwyer
Barnes	Coelho	Dymally
Bedell	Coleman (MO)	Dyson
Beilenson	Coleman (TX)	Eckart
Bennett	Collins	Edgar
Bevill	Conte	Edwards (AL)
Boehlert	Conyers	Edwards (CA)
Boner	Coughlin	Erdreich
Bonior	Coyne	Evans (IL)
Bonker	Crockett	Fascell
Borski	D'Amours	Fazio
Boucher	Darden	Feighan
Breaux	Davis	Florio
Britt	Dellums	Fowler
Brooks	Derrick	Frank
Broomfield	DeWine	Frost
Brown (CA)	Dickinson	Fuqua
Broyhill	Dicks	Gaydos
Burton (CA)	Dingell	Gibbons
Byron	Dixon	Gilman
Gingrich	MacKay	Roukema
Glickman	Markey	Roybal
Gonzalez	Martin (IL)	Russo
Goodling	Martinez	Sabo
Gore	Matsui	Savage
Gray	Mavroules	Sawyer
Guarini	Mazzoli	Scheuer
Gunderson	McCain	Schneider
Hall (IN)	McCloskey	Schulze
Hall, Ralph	McCurdy	Schumer
Hall, Sam	McDade	Seiberling
Hamilton	McHugh	Sensenbrenner
Hammerschmidt	McKernan	Shannon
Hance	McKinney	Sharp
Harkin	McNulty	Shelby
Harrison	Mikulski	Shuster
Hayes	Miller (CA)	Sisisky
Hefner	Miller (OH)	Skeen
Heftel	Mineta	Skelton
Hertel	Minish	Slattery
Hightower	Mitchell	Smith (FL)
Hiler	Moakley	Smith (NJ)
Hillis	Mollohan	Snowe
Horton	Montgomery	Solarz
Howard	Moody	Spence
Hoyer	Moore	Spratt
Hughes	Mrazek	Staggers
Hunter	Murphy	Stark
Ireland	Myers	Stokes
Jacobs	Natcher	Sundquist
Jeffords	Nichols	Swift
Jenkins	Nowak	Synar
Johnson	Oakar	Tallon
Jones (NC)	Oberstar	Tauzin
Jones (OK)	Obey	Torres
Kaptur	Ortiz	Torricelli
Kasich	Ottinger	Towns
Kastenmeier	Owens	Udall
Kazen	Panetta	Valentine
Kennelly	Parris	Vander Jagt
Kildee	Patterson	Vandergriff
Kindness	Pease	Walgren
Kleczka	Pepper	Walker
Kolter	Perkins	Watkins
Kostmayer	Petri	Weaver
Latta	Pickle	Weiss
Leath	Porter	Wheat
Leland	Price	Williams (MT)
Levin	Rahall	Wilson
Levine	Rangel	Wise
Levitas	Ratchford	Wolf
Lewis (CA)	Ray	Wolpe
Lipinski	Regula	Wright
Lloyd	Reid	Wyden
Loeffler	Ridge	Wylie
Long (LA)	Ritter	Yates
Long (MD)	Rodino	Yatron
Lott	Roe	Young (AK)
Lowry (WA)	Rogers	Young (FL)
Lujan	Rose	
Luken	Roth	

NOES—95

Anthony	Frenzel	Packard
Archer	Gejdenson	Pashayan
AuCoin	Gekas	Patman
Badham	Green	Penny
Bateman	Gregg	Pursell
Bereuter	Hansen (UT)	Roberts
Bilirakis	Hartnett	Robinson
Bliley	Holt	Roemer
Brown (CO)	Hopkins	Rowland
Burton (IN)	Huckaby	Schaefer
Carney	Hyde	Schroeder
Chandler	Kemp	Shumway
Cheney	Kramer	Sikorski
Cooper	Lagomarsino	Smith (IA)
Corcoran	Leach	Smith (NE)
Craig	Lewis (FL)	Snyder
Crane, Philip	Livingston	Solomon
Daniel	Lowery (CA)	Stangeland
Daschle	Lungren	Stenholm
Daub	Mack	Stratton
de la Garza	Madigan	Tauke
Dreier	Marlenee	Thomas (GA)
Edwards (OK)	McCandless	Volkmer
Emerson	McCollum	Vucanovich
English	McEwen	Weber
Erlenborn	McGrath	Whitley
Evans (IA)	Michel	Whittaker
Fiedler	Molinari	Whitten
Fields	Moorhead	Winn
Fish	Morrison (CT)	Wortley
Foley	Morrison (WA)	Zschau
Franklin	Nielson	

NOT VOTING—79

Ackerman	Garcia	Oxley
Addabbo	Gephardt	Paul
Alexander	Gradison	Pritchard
Aspin	Gramm	Quillen
Barnard	Hall (OH)	Richardson
Bartlett	Hansen (ID)	Rinaldo
Bates	Hatcher	Rostenkowski
Berman	Hawkins	Rudd
Bethune	Hubbard	Shaw
Biaggi	Hutto	Siljander
Boggs	Jones (TN)	Simon
Boland	Kogovsek	Smith, Denny
Bosco	LaFalce	Smith, Robert
Boxer	Lantos	St Germain
Bryant	Lehman (CA)	Studds
Chappie	Lehman (FL)	Stump
Clay	Lent	Taylor
Conable	Lundine	Thomas (CA)
Courter	Marriott	Traxler
Crane, Daniel	Martin (NC)	Vento
Dannemeyer	Martin (NY)	Waxman
Early	Mica	Whitehurst
Ferraro	Murtha	Williams (OH)
Flippo	Neal	Wirth
Foglietta	Nelson	Young (MO)
Ford (MI)	O'Brien	
Ford (TN)	Olin	

□ 2000

Mr. COLEMAN of Missouri and Mr. HUGHES changed their votes from "no" to "aye."

Mr. TAUKE and Mr. HOPKINS changed their votes from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER pro tempore [Mr. KILDEE]. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROPOSED CONSIDERATION OF RESOLUTION IN THE MATTER OF REPRESENTATIVE GEORGE V. HANSEN

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, I would like to advise the Members that I intend to call up a privileged resolution in the matter of Representative GEORGE V. HANSEN of Idaho next Tuesday, July 31, 1984. This notification should provide sufficient time for the Members to review the report of the Committee on Standards of Official Conduct which was filed on July 19, 1984, and sent to the offices of all Members today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause of rule I, the Chair announces that he will postpone further proceedings today on each question of agreeing to resolutions or on ordering the previous question on resolutions reported from the Committee on Rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after the last rule is considered.

PROVIDING FOR CONSIDERATION OF H.R. 3987, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ACT OF 1984

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 534 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 534

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3987) to improve the preservation and management of Federal records, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 303(a)(4) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Government Operations now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of section 303(a)(4) of the Congressional Budget Act and clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 3987, it shall be in order to take from the Speaker's table the bill S. 905 and to consider said bill in the House, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 3987 as passed by the House.

□ 2010

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from Mississippi [Mr. LOTT], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 534 is an open rule providing for the consideration of H.R. 3987, the National Archives and Records Administration Act of 1984. The rule provides 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations. Section 303(a)(4) of the Congressional Budget Act is waived against the consideration of the bill.

Mr. Speaker, the rule makes in order the committee amendment in the nature of a substitute as original text for the purpose of amendment, to be considered by title, instead of by section, with each title considered as read. Section 303(a)(4) of the Congressional Budget Act is waived against consideration of the substitute. The rule also waives clause 5(a) of rule XXI against the substitute. One motion to recommit with or without instructions is provided.

After passage of H.R. 3987, it is in order to take from the Speaker's table the bill, S. 905. The rule makes in order a motion to strike out all after the enacting clause of the Senate bill and to insert the text of H.R. 3987 as passed by the House.

Mr. Speaker, the rule waives section 303(a)(4) of the Budget Act against consideration of the bill. Section 303(a)(4) states that it shall not be in order to consider any bill which provides new entitlement authority first effective in a fiscal year until the first budget resolution for such fiscal year has been adopted. This waiver is necessary because section 102 of H.R. 3978 provides new entitlement authority by setting the rate of compensation for the Archivist of the United States at level III of the executive schedule. Since this new entitlement authority is first effective in fiscal year 1985 and no conference report on the first budget resolution has been adopted, the bill is in technical violation of section 303(a)(4) of the Budget Act. The same waiver is needed for the committee amendment in the nature of a substitute.

The rule also waives clause 5(a) of rule XXI, prohibiting appropriations in a legislative bill, against the substitute. This waiver is necessary because section 104(a) of the bill permits expenditures of funds appropriated to the GSA to be used for the orderly transfer of personnel and funds from the GSA to the newly created National Archives and Record Services.

Mr. Speaker, H.R. 3987 would make the National Archives and Records Administration and independent agency, restoring the Archives to the status it held from its founding in 1934 until it was incorporated into the General Services Administration in 1949, pursuant to the recommendation of the Hoover Commission. The principal archival functions previously exercised by the Archivist, and now vested in the Administrator of the GSA, will be returned to the Archivist who will be appointed by the President and confirmed by the Senate. The legislation provides for an orderly transfer of the National Archives and Records Services of the General Services Administration to the National Archives and Records Administration, administered under the supervision and direction of the Archivist of the United States.

Mr. Speaker, House Resolution 534 is an open rule, and I urge my colleagues to adopt this resolution.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the provisions of this rule have been ably described. There are just a couple of points I would like to make about it.

One more time, Mr. Speaker, we are waiving the Budget Act. As a matter of fact in this rule, we are waiving it two more times; once to protect the bill and once to protect the committee amendment in the nature of a substitute. In both cases we are waiving the requirement in section 303(a) of the Budget Act that a budget resolution be in place before we pass new entitlements. The bill provides new entitlement authority by setting the rate of compensation for the Archivist of the United States at level III of the executive schedule. Since this new entitlement authority becomes effective in fiscal year 1985, and since no budget resolution conference report has been agreed to in both bodies, there is a Budget Act violation.

In the Rules Committee the chairman of the Government Operations Committee promised that an amendment would be offered on the floor to cure this problem, and the Rules Committee went along with his request.

Mr. Speaker, in the future, it would be easier to cure these Budget Act problems before the bills are brought to the floor. It would avoid a lot of unnecessary waivers of the Budget Act.

Mr. Speaker, the only other waiver in this rule, is of clause 5(a) of rule XXI, which prohibits appropriations on a legislative bill. There is language in the bill which technically constitutes an appropriation in a legislative

bill and a waiver is required to protect it.

Mr. Speaker, the bill made in order by this rule would reestablish the National Archives as an independent agency. The bill would transfer the current National Archives and Records Service along with its personnel and assets from the General Services Administration, where it has been housed since 1949.

Mr. Speaker, at the time of the Rules Committee meeting, the administration supported the establishment of the National Archives and Records Service as and independent Federal agency, but recommended that the House bill be amended to bring it into closer conformity with the Senate bill.

Mr. Speaker, under this open rule any necessary amendment may be offered. I support the rule so that the House may proceed to consider the bill.

Mr. Speaker, I have one request for time, and I yield 2 minutes to the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Speaker, I rise in support of the rule for the consideration of H.R. 3987, a bill to improve the preservation and management of Federal records.

The bill would separate the National Archives and Records Service from the General Services Administration and thus reestablish the Archives as an independent agency. The bill would also increase the authority of the Archivist of the United States to deal with improper dispositions of Federal records.

These provisions, taken together, will greatly strengthen the ability of the Federal Government to protect, preserve, and make available to its citizens the records which document its history.

This bill has been carefully reviewed and recommended by the Committee on Government Operations. It merits favorable consideration by the House of Representatives.

Mr. LOTT. Mr. Speaker, I have no further requests for time.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Texas [Mr. BROOKS], the very distinguished chairman of the committee.

Mr. BROOKS. Mr. Speaker, I rise in support of this rule, which will provide for consideration of H.R. 3987, the National Archives and Records Administration Act of 1984. This rule will allow 1 hour of general debate and it is an open rule. It will enable us to have the fullest possible consideration of this important measure, which will improve the handling and management of our Nation's documentary heritage through the establishment of an independent National Archives.

I urge a favorable vote on this rule.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time.

Mr. LOTT. Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5151, HUNGER RELIEF ACT OF 1984

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 517 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 517

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5151) to alleviate hunger in the United States by strengthening Federal nutrition programs, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections, and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Mississippi [Mr. LOTT], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 517 provides for the consideration of H.R. 5151, the Hunger Relief Act of 1984.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

It should be noted that the rule waives a point of order against the bill under section 402(a) of the Congressional Budget Act. Section 402(a) provides that it shall not be in order to consider any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has been reported on or before May 15 preceding the beginning of such fiscal year.

This waiver is technically needed because the Committee on Education and Labor, to which the bill was jointly referred, did not file a report on it by May 15, 1984. However, the Committee on Agriculture, which filed its report on May 15, 1984, deleted all provisions that would have been under the jurisdiction of the Education and Labor Committee. Consequently, that committee decided not to take any action on the bill, and has no objection to the bill being considered as reported by the Agriculture Committee.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Agriculture as the original text for purpose of amendment. In order to expedite consideration of the substitute, the rule further provides that the substitute shall be considered for amendment by titles instead of by sections, with each title considered as read. The rule also provides for one motion to recommit, with or without instructions.

House Resolution 517 waives clause 5(a) of rule XXI with respect to the substitute. This rule prohibits appropriations in a legislative measure. The waiver is needed because section 103 of the substitute would make recipients of AFDC and SSI benefits automatically eligible to receive food stamps. Since this change would have the effect of altering the allocation of the food stamp appropriation in effect for the current year, the provision would constitute a violation of the rule.

Mr. Speaker, H.R. 5151 makes various changes in the Food Stamp Program to help meet the food assistance needs across the country. The bill increases food stamp benefits for recipients by basing such benefits on the full cost of the thrifty food plan. It also permits the homeless to receive benefits. Further, the bill changes current law to make the practice of monthly reporting an option available to the States rather than a mandatory practice, and it requires States to cover more of the cost of overpayment of food stamp benefits. Finally, H.R. 5151 makes special allowances for those recipients who face high housing and utility costs, and increases the

value of assets that food stamp recipients are allowed to hold.

Mr. Speaker, I am not aware of any opposition to this open rule on H.R. 5151, and I would urge my colleagues to adopt it.

□ 2020

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule is an open rule, equally dividing the 1 hour of general debate.

The rule contains two waivers of the rules of the House, including:

A waiver of section 402(a) of the act, because the committee substitute contains authorizations that were not reported prior to the May 15 deadline in the year prior to becoming effective.

A waiver of clause 5(a) of rule XXI, because the committee substitute contains appropriations language.

The rule permits a separate vote in the House on any amendment adopted in the committee to the bill or to the committee substitute.

The rule provides one motion to recommit with or without instructions.

The bill, H.R. 5151, is opposed by the administration because:

It reverses several of the reforms in the Food Stamp Program contained in the Budget Reconciliation Act of 1981, which targeted assistance to those most in need.

It would add $3.4 billion to the President's budget over the next 4 fiscal years.

It increases food stamp benefits over and above the current annual inflation adjustments.

The bill does have some bipartisan support from members of the Committee on Agriculture, and the rule allows for ample debate and an open amendment process.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5244 CIVILIAN RESEARCH AND DEVELOPMENT AUTHORIZATION ACT FOR FISCAL YEARS 1985, 1986, AND 1987

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 509 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 509

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5244) to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal years 1985, 1986, and 1987, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as have been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Mississippi [Mr. LOTT], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 509 provides for the consideration of H.R. 5244, the Department of Energy Civilian Research and Development Authorization Act for fiscal years 1985, 1986, and 1987.

House Resolution 509 is a simple open rule providing 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. The rule provides that the bill is to be read for amendment under the 5-minute rule by titles rather than by sections and that each title shall be considered as having been read. The rule also provides for one motion to recommit.

Mr. Speaker, H.R. 5244 is a 3-year authorization for the operations, capital equipment and construction expenses for civilian research and development programs in the Department of Energy. Current authorizations for civilian R&D programs within the Department of Energy are contained in the Omnibus Reconciliation Act of 1981 and are due to expire at the end of this fiscal year.

While the recommended authorization levels in the bill exceed administration requests, the programs funded in H.R. 5244 are vital to developing new methods of meeting our Nation's energy needs. Mr. Speaker, since House Resolution 509 is an open rule, any germane amendment, including those cutting funding levels, are in order. Consequently, I urge adoption of the rule so that this reauthorization may be considered by the full House.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the Rules Committee both the chairman and the ranking Republican member of the Committee on Science and Technology, agreed in asking for a 1-hour open rule. The Rules Committee provided exactly what they asked.

There are no waivers of points of order in this rule and no restrictions on amendments.

Mr. Speaker, there should be more rules like this one.

Mr. Speaker, the bipartisan agreement on the rule, however, does not extend to the bill made in order by the rule.

At the time of the Rules Committee meeting the administration provided a policy statement opposing enactment of the bill H.R. 5244, the Department of Energy Civilian Research and Development Authorization.

The administration opposes the bill unless it is amended to reduce and modify the authorization levels consistent with the President's Budget. The bill would authorize an increase of $206 million above the $3.2 billion in the President's 1985 request, and a 3-year increase of $1.4 billion above the budget planning levels.

Mr. Speaker, if we are serious about controlling the deficit problem in this country, this bill provides a good place to begin.

Under this open rule procedure it will be possible to offer amendments cutting the authorization levels.

I support the rule so that the House may proceed to consider the authorization bill.

Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RELATIVE TO ADJOURNMENT TO A DATE CERTAIN DURING THE REMAINDER OF THE 98TH CONGRESS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 342) relative to adjournment to a date certain during the remainder of the 98th Congress, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 342

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the House of Representatives and the Senate shall not adjourn for a period in excess of 3 days, or adjourn sine die until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of 3 days) to a day certain, or for adjournment sine die.

Mr. WRIGHT. Mr. Speaker, this is a formality which must be satisfied in each succeeding Congress. The Reorganization Act of 1946 provides that absent the adoption of such a resolution as this, the Congress would stand adjourned sine die on July 31. Obviously, we are not going to be ready to do that, and we have consistently done this over the years. I ask that we approve this resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON COMMERCE, CONSUMER, AND MONETARY AFFAIRS OF COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Subcommittee on Commerce, Consumer, and Monetary Affairs of the Committee on Government Operations:

COMMERCE, CONSUMER, AND MONETARY AFFAIRS SUBCOMMITTEE,
Washington, DC, July 25, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Room H-204, the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L(50) of the Rules of the House, that Mr. Dean Scott, an employee of the General Accounting Office detailed to this subcommittee, has been served with a subpoena for deposition issued by the Superior Court of the District of Columbia.

After further consideration with the General Counsel to the Clerk of the House, I will inform you of the determinations which are required by Rule L(50).

Sincerely,

DOUG BARNARD, Jr.,
Chairman.

□ 2030

IN TRIBUTE TO THE HONORABLE JOHN G. FARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to our former colleague and my good friend, the Honorable John G. Fary, Congressman from the Fifth District of Illinois from 1975 to 1982, who died on June 5. John was a dear friend of mine, and over the years we served in Congress together, we shared good fellowship and camaraderie, and we assisted each other on many legislative matters that benefited the city of Chicago, the State of Illinois, and our Nation. His death is a tremendous loss to the people of this country.

During the 7 years he served in the House of Representatives, John Fary distinguished himself as a member of the House Public Works and Transportation Committee, where he became chairman of the Subcommittee on Public Buildings and Grounds. He also served as a member of the Subcommittee on Surface Transportation.

Congressman Fary's dedication to his committee assignments, his loyalty to the Democratic Party, and his devotion to the highest standards of integrity were well known to all of those who had been privileged to have worked with him as a Member of the Congress of the United States.

John Fary played a leading role in the revitalization of Midway Airport in Chicago, and it was largely due to his efforts and hard work that flights have been restored from Chicago to Washington and Washington to Chicago. In April of this year in recognition of John Fary's accomplishments, legislation was enacted into law to designate the air traffic control tower at Midway Airport as the "John G. Fary Tower."

Because of John Fary's efforts during his last term, Illinois received more Federal highway funds than any other State, and he was known as an outstanding watchdog for the interest of the State of Illinois. Also, he played a key role in securing $38 million for the Little Calumet watershed plan in Illinois. When this project is completed, it will provide four reservoirs and hundreds of jobs in the Chicago area.

Before coming to Congress, John served as a legislator in the Illinois General Assembly for almost 22 years where he was highly respected by all of his colleagues as a most knowledgeable legislator and a dedicated public servant who was completely committed to his responsibilities, to his job, and to the Democratic Party of Cook County.

Congressman John Fary was a dedicated and devoted American, and a Congressman who performed his duties conscientiously and constructively on behalf of his constituency. He served his city well, and he left no stone unturned in his efforts to insure that Chicago and the State of Illinois received all of the benefits to which they were entitled under the law.

John was a highly respected member of the House Public Works Committee, a knowledgeable Member of Congress, and a good team player who will be sorely missed by all those he served, and by all of us in Congress who had an opportunity to work with him and to know him as a friend. Mrs. Annunzio and I extend our deepest sympathy to his wife, Lillian, his daughter, Marian, his son, James, and the other members of his family.●

● Mr. PRICE. Mr. Speaker, I greatly appreciate the opportunity to contribute a few words to this discussion in memory of and in tribute to our late colleague, the Honorable John G. Fary of Chicago.

I was greatly saddened at the news of his death last June, as I was disheartened at his departure from the Nation's Capital at the end of the last Congress. Such losses weaken not only our delegation but the entire body. In fact, our Nation lost a patriot, servant, and friend. There is no doubt that I certainly lost a close personal friend.

Mr. Fary came to Congress in 1975 to fill the vacancy created by the death of Hon. John Kluczynski. We quickly came to realize that we saw eye-to-eye on most issues. John and I would join our colleague FRANK ANNUNZIO in the Members' dining room for lunch almost every day, and the discussions that ensued would cover anything and everything. The problems of the world were solved every day, many times over, right there at our table. These memories of John Fary are among the things I treasure most.

John's habit of finding little trinkets and giving them away brightened up the lives of many, especially around here, where his humor and good cheer were always present even when times were bad. I still value the support he gave me and the insight and wisdom he was always willing to share.

I join my colleagues in extending sympathy to his wife Lillian, and his children, grandchildren, brothers and sisters. No finer man ever served in the House.●

● Mr. ROSTENKOWSKI. Mr. Speaker, on June 6 our friend and colleague from Chicago, John G. Fary, passed away.

John was a loyal member of the Illinois delegation and a dedicated Democrat. He is remembered fondly by his colleagues on the House Public Works Committee for his reliability in attending committee hearing meetings and hearings.

It was a hallmark of John's congressional service that it was punctuated by this type of reliability, and he made the House a more humane place by his kind words for everyone.

Most Members do not realize that John's political career began almost three decades ago. Although he started as an outsider, he quickly was embraced by the regular Democratic organization and was slated in 1954 to represent the Ninth District in the Il-

linois General Assembly. Here, his most noteworthy achievement was to legalize bingo for charitable organizations.

John was also a close ally of Mayor Richard Daley, and was chosen by the mayor to replace John Kluczynski as the Member of Congress from the Fifth Congressional District.

It was only fitting that John Fary replaced John Kluczynski on the Public Works Committee, and like his predecessor, fought to make sure that the city of Chicago and the State got their fair share of Federal funds for transportation and aviation.

John became the chairman of the Public Buildings and Grounds Subcommittee, and used this position to improve Federal facilities throughout the United States.

In recognition of John's outstanding work, the bridge over Cicero Avenue is named for him. In addition, the air traffic tower at Midway Airport is named for John Fary, and is an eloquent testament to his efforts to rejuvenate Midway Airport.

I know I express the sentiments of many Members who knew John Fary, and offer our deepest sympathies to his wife Lillian, his children, brothers, and sisters.●

THE NEED FOR CONGRESSIONAL OVERSIGHT ON THE CONTINENTAL ILLINOIS BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. ST GERMAIN] is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, The bailout of Continental Illinois raises the greatest array of questions in the history of the Federal bank regulatory system.

It is my intention to explore these questions in depth in hearings that will begin in the Banking, Finance and Urban Affairs Committee on September 18. Efforts to obtain documents and other background material is already well underway within the committee and will be intensified in the coming weeks.

The rescue of Continental dwarfs the combined guarantees and outlays of the Federal Government in the Lockheed, Chrysler, and New York City bailouts which originated in this committee. More important is the fact that the Federal Government provided assistance to these entities only after the fullest debate, great gnashing of teeth, the imposition of tough conditions, and ultimately, a majority vote of the House and the Senate and the signature of the President of the United States. The American public, whether it agreed or not, was fully informed in open hearings before its moneys and credit were committed. Its elected representatives had to stand up and be counted and have their decisions approved or rejected at the ballot box.

In the Continental bailout three appointed Federal regulators went behind closed doors, met with the bankers and decided this was the plan—fait accompli.

Ultimately these officials may establish the wisdom of their course, but the episode does point to the inordinate power of the bank regulatory system to commit moneys, create contingent liabilities for the Federal Treasury, and to reshape the banking industry without review or prior approval. It is a power unmatched by any other agency of Government. All the more reason why it is essential that this committee exercise its oversight responsibility to the fullest.

In the clatter of the public relations efforts, there will be many inferences that the bailout is somehow free—or at best being paid for with "funny" money that really does not count. The regulators and the Reagan administration should not attempt to deceive the American public.

The bailout commitments are not free. The FDIC's reserves, from which part of the rescue money is drawn, has been paid, in effect, by the millions of bank customers nationwide. But, it is not the $16 billion in reserves that gives FDIC and the bailout strength; it is the simple fact that the full faith and credit of the Federal Government stands behind the insurance funds and behind the FDIC actions—ill considered or not.

If there are enough Continentals, enough ad hoc bailouts, and FDIC-fueled nationalizations, then we can rest assured that Mr. Isaac or his successors will be standing here, hat in hand, asking for congressional appropriations to replenish the funds.

The Federal Reserve has poured billions of dollars into Continental through the discount window—the exact amount obscured under the veil of the agency's traditional secrecy. The Federal Reserve's income—and its great financial flexibility in such matters—is derived from public funds which the U.S. Treasury pays to it as interest on Government securities it has purchased for monetary policy purposes. The earnings on these securities, minus Federal Reserve expenses, are returned to the U.S. Treasury. So, when it embarks on adventures, subsidized lending to banks, and related bailout maneuvers, there is a reduction in the amount of earnings returned to the Treasury—a net loss to the taxpayer.

In the Continental bailout, the Federal Reserve has decided to convert its discount window from an overnight liquidity mechanism to a long-term loan operation. This raises a whole series of new policy questions about the use of the discount window—a massive Federal credit device that is unaudited.

If the shifting of funds between the Federal Reserve and FDIC and private banks and the complex restructuring does not sufficiently obscure the costs of the bailout, we can expect to hear much about the theory that eventually "most of the money" will be recovered. That's comforting theory and one which we all hope will prove to be correct. There are many who advance this same theory in behalf of urban programs, housing and small business. The plea that Federal outlays and guarantees in these areas will eventually be repaid and, thus be "cost free" has not seemed to loosen the heart strings or the purses of this administration. Perhaps a large bank will strike a different chord.

The immediate question of costs and contingent liabilities for the taxpayers may pale against some of the long-range policy implications of the Continental bailout.

The concept that the large shall not fail—inherent in this entire episode—is not lost on the banking industry. How this regulatory approach impacts on the thinking in the board rooms may have a lot to do with safety and soundness of the entire system.

There are substantial questions to be asked about the use of deposit insurance funds in the bailout and the shifting of funds between the Federal Reserve and the FDIC and the apparent distortion of the discount window.

Overall, the Continental bailout throws a spotlight on the immense power of the Federal regulatory structure:

The power to literally decide who lives and who dies in the banking industry.

The power to commit billions of dollars without advance approval.

The power to restructure local banking markets.

The power, apparently, to actually nationalize an institution without specific statutory approval and to establish the criteria for running such an institution, again without prior consultation or specific approval from the Congress.

All these questions need to be looked at when we launch our hearings in September. I want the committee to look at the regulatory history of Continental—when the regulatory agencies found troubles and what they did to force corrections. I want a thorough top to bottom examination of the bailout, its implications for the industry and the economy, its costs, its legal ramifications.

Some are citing the example of Franklin National—a 1974 bailout effort—as a precedent for the approach in the Continental case. But, let me remind everyone that Franklin had no precedent and that bailout proceeded, at best, on dubious statutory authority. Compounding an abuse of

authority does not legitimize the action.

In short, Mr. Speaker, we intend to dissect the Continental case fully. A multibillion-dollar bailout surely requires complete congressional oversight effort. We will demand total cooperation from the regulators and the administration.●

HISTORY OF THE 64TH CHEMICAL DEPOT CO.

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, one of my constituents and old friends, Mr. Norman L. Hoff of Belleville, IL, has written a history of the 64th Chemical Depot Co., which I would like to share with my colleagues.

The remaining members of the company still have a reunion every year, and this year I am proud to say that it will be in Belleville.

As Mr. Hoff himself says:

Many words have been written by historians about World War II, the battles, the strategies, the Generals, the Armies, the Divisions and Battalions. Little has been written about the small individual company units and their contributions to the final victory.

I would have to agree with that, so I include herewith the history for reprinting in the RECORD. I think my colleagues will find it interesting.

HISTORY OF THE 64TH CHEMICAL CO.

(By Norm Hoff)

In the beginning there was—Camp Sibert, Alabama. Camp Sibert, Alabama, the start of a new way of life for the members of the 64th Chemical Depot Company, Chemical Warfare Service, United States Army.

Camp Sibert, Alabama, a training camp of the C.W.S. was carved out of a 30,000 acre area of cotton fields, swamps and woodlands of the northeastern counties of Etowah and St. Clair, Alabama. This camp was named after Major General William L. Sibert, a native son of neary Gadsden, Alabama, who was highly instrumental in having the National Defense Act of 1920 create a permanent and separate branch of the United States Army to be known as the General Warfare Service.

Brigadier General Haig Shekerjian, a West Pointer with thirty-six years of military service, became the Camp Commander upon the activation of the camp on Christmas Day, 1942. The major elements of the camp were the Replacement Training Center and the Unit Training Center.

The Replacement Training Center was to train highly versatile replacements for Chemical units in addition to preparing a wide variety of specialists in its schools, including clerks, chauffeurs, mechanics, decontamination equipment operators, toxic gas handlers, maintenance and repairmen and gas non-commissioned officers.

In the Unit Training Center company units were trained for specific tasks, particularly for the highly skilled and technical operations C.W.S. would have to perform. Some of the types of chemical outfits were Air Operations, Smoke Generator, Maintenance, Laboratory, Decontamination Depot, Chemical Weapons and Processing companies.

The Chemical Warfare soldier was also trained to fight as a combat soldier and was schooled in the use of the rifle, machine gun, anti-aircraft weapons, bazookas, flamethrower, hand and rifle grenade.

The Chemical Warfare Service insignia design was that of two crossed chemical retorts over the six sided benzene ring. This insignia was worn with pride by all Chemical Warfare servicemen.

Camp Sibert, Alabama then became the home of the 64th Chemical Depot Company, members of which were still being processed through the induction centers in Peoria and the reception center at Scott Field, Illinois early in 1943.

Formation of the 64th Chemical Company actually began in August 1942 while the 3rd Chemical Mortar Battalion, stationed in Fort Bliss, Texas, was on maneuvers in the mosquito infested swamplands of Louisiana. It was there that a cadre of officers and non-commissioned officers were selected to form the 60th Chemical Depot company which was activated in August 1942 at Camp Shelby, Mississippi. Out of the 60th Chemical Company a new cadre was selected and in late January 1943 this cadre received their orders to proceed to Gadsden, Alabama and the newly built Camp Sibert, C.W.S. Training Center.

This cadre, commanded by Lieutenant Geske, consisted of Lieutenants Kostick, Frank, Griffin and Prince along with noncommissioned officers Slonski, Murray, Anderson, Kaisershot, Floresh, Timmons, Clemmons, Smith, Fealey, Zinz, Chester, Heiman, Webb and Whittaker, was then ready to receive the newly drafted raw recruits who arrived at Camp Sibert in February 1943.

The Unit Training Center of Camp Sibert then became the training area for the newly formed 64th Chemical Depot Company. After forming platoons, intensive training began. Close-order-drill, calisthenics, forced marches, inspections, class room instruction, handling and classification of toxic and nontoxic chemicals, inspections running obstacle course and infiltration courses, gasdrills and the use of gas masks, inspections, operation and maintenance of chemical weapons and equipment, training in the use of Enfield rifles, Springfield rifles, 30 cal. Carbines, 30 cal. machine guns, 50 cal. machine guns, hand grenades and rifle grenades and more and more inspection, became the order of the day.

Training came to an end on October 21, 1943 when the 64th Chemical Company boarded a troop train headed for Camp Shanks, New York, a Port of Embarkation. On November 3, 1943 abroad the English liner Queen Elizabeth, the unit along with twenty-two thousand other troops steamed out of New York harbor, bound for England.

After landing at Glascow, Scotland on November 9, 1943 the 64th boarded a troop train that took them to Westbury Wilts, England. At that time, due to a shortage of trained C.W.S. troops the 64th was split into three independently functioning units consisting of one service platoon and one-third of the Headquarters platoon in each unit. The First Platoon remained in Westbury Wiltshire while the Second Platoon went to Portsmouth with the Third Platoon going to Ashchurch, Gloustershire.

While in England, the 64th Chemical Company set up three separate Chemical Depots, operating and maintaining them, while at the same time quite a few small three and five man units covered the entire Southern Base Section of England, visiting with and training other units of the First Army and Third Army, including the 94th Division, and the 8th and 9th Air Force, giving courses in the operation of chemical weapons and equipment and the use of first-aid for chemical inflicted accidents and injuries.

On August 28, 1944 after reforming the outfit in Westbury, the 64th then left for the staging area at Southhampton where it boarded an L.C.I. and started the channel crossing on August 30, 1944. However, a heavy storm forced a return to port but the next day the crossing was made and the unit was landed on Utah beach, Normandy, France on Sept. 1, 1944.

The first assignment for the 64th on the continent was the manning of a Prisoner-of-War Stockade. On September 26th, the 64th advanced to Rennes, France and remained there until October 11 when the unit boarded the famous 40 et 8 (40 Hommes-8 Chaveaux) railway cars for the trip to Maastricht, Holland.

Once again the 64th was called upon to break up into three separate units to set up A.S.P.'s (Advance Supply Points) which, due to the ever changing positions of the advancing American, British and Canadian Armies, were always moving forward.

On Christmas Day, 1944, the First Platoon entered Aachen, Germany in support of units caught in the "Bulge", the German counter offensive. It was here on New Years Day, 1945, that two German ME-109 fighter planes on a strafing run, were shot down by Edward Chorney and Henry Lucianni manning a ground mount 50 cal. machine gun that had been converted to an air mount weapon from an idea by Charles Winters, using a fence post, a bicycle fork and bailing wire. For their efforts they were awarded the Bronze Star.

After the "Bulge" the A.S.P.s continued their advance across Germany, crossing the Roer River, the Rhine River and eventually marking time in the area west of the Elbe River.

Then came "the Day", May 8, 1945, VE Day, the day Germany officially surrendered, marking the end of the war in Europe.

Now came the waiting game. A time for relaxing but ever anxious for movement home. The redeployment of troops began. The 64th started the long journey home by way of Camp San Antonio to the Calais staging area in Marseilles, France. Here a number of "high pointers" in the outfit boarded a ship for the return to the States. For most of the 64th, however, a stint in the Army of Occupation was in order.

Esch, Luxembourgh became the Headquarters for the 64th. The stay here was short and soon the unit was on its way again. At Camp Baltimore the 64th was consolidated into the 7th Chemical Company for redeployment to the States.

This unit proceeded to Camp Phillip Morris and then on to LeHarve, France. Here, on December 6, 1945, the ships Thomas Hyde and George Washington loaded groups of the 64th for the homeward Atlantic crossing.

Arriving safely at the Brooklyn Navy Yard, the units debarked and began the final leg of the journey home by way of ferry boat and train to Camp Kilmer, New Jersey and train to Camp Grant, Illinois where the last members of the 64th Chemi-

cal Company received their discharge and the "Ruptured Duck" on Christmas Eve 1945, the one Christmas present everyone had hoped for.

Looking back, each member of the 64th when mentioning the name of a village or town or city can vividly recall an event or happening, some good, some bad but forever imbedded in their minds.

Remember ???

Alabama—Attalla, Gadsden, Glencoe, Huntsville, Birmingham—Rome, Georgia and New York City.

England—Bath, Bristol, Chippenham, Cheltenham, Ashchurch, Salisbury, Stonehenge, Trowbridge, Southhampton, Portsmouth, Westbury, Stratford-on-Avon, Yeovil, Winchester, Tidsworth, Glouster, London.

France—Mosles, Insigny, Bayeaux, Longueville, Carentan, St. Lo, Avaranches, Reims, Rennes, Nancy, Metz, Marseilles, Paris.

Belgium—Mons, Namur, Liege, Brussels.

Holland—Maastricht, Utrecht, Heerlen, Evsden, Brasschaet.

Luxembourg—Luxembourg City, Esch.

Germany—Marienburg, Palenburg, Linnich, Aachen, St. Tonis, Mollen, Bielefield, Hanover, Krefeld, Cologne, Erkelenz, Harsum, Wrestedt, Remagen, Wrexen, Mariagrube.

Remember ???

The 64th worked closely with a number of units of the 1st, 3rd and 9th Armies, most notable of which was the 84th Infantry Division, Ninth Army, and was cited and decorated for having participated in the Northern France Campaign, Ardennes and Central Europe Campaign and the Rhineland Campaign. The unit was cited for meritorious service by Lt. General W. H. Simpson, Commander of the U.S. Ninth Army. Numerous citations were awarded individual members of the 64th while serving under various commands.

Members of the 64th Chemical Company can look back with pride to their time in service to their country. Moreover, the fact that the 64th has been held together all these past years through the Reunion Committees gives each of them the opportunity to express their pride. The 64th Chemical Company was, and still is, a great outfit!

AUTHOR'S NOTE.—It has been a privilege for me to have been able to put together this brief history of the 64th in commemoration of this 25th Anniversary Reunion. I hope it will rekindle some good memories and that you will enjoy reading it.

There may be a few inaccuracies and some ommissions of events but the passage of thirty years creates a tendency to forget some things.

I want to thank Don Downs, Bob Cassel and Dave Chester for helping me compile the information outlined in this brief history of the 64th.●

STATUS REPORT ON CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1984

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting to the RECORD a letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1984.

COMMITTEE ON THE BUDGET,
Washington, DC, July 24, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 91, the First Concurrent Resolution on the Budget for Fiscal Year 1984. This report reflects the adjusted resolution of October 25, 1983, and the current CBO estimates of budget authority, outlays, and revenues. The attachments show the latest estimate for the current level of fiscal year 1984 spending and divide that amount among committees.

The procedural situation with regard to the spending ceiling is affected this year by Section 5(b) of H. Con. Res. 91. As I explained during debate on the conference report on that resolution, enforcement against breaches of the spending ceiling under Section 311(a) of the Budget Act do not apply where a measure would not cause a committee to exceed its appropriate allocation pursuant to Section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and will cease to apply if Congress revises the budget resolution for fiscal year 1984.

The intent of the Section 302(a) "discretionary budget authority" and "new entitlement authority" subceiling provided by Section 5(b) of the resolution is to protect a committee that has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 91 were printed in the *Congressional Record*, June 22, 1983, H. 4326. Adjustments to such allocations made pursuant to Section 2 of House Concurrent Resolution 91, the reserve fund, are reflected in House Reports 98-313, 98-354, 98-381, and 98-439.

The attached tables show where each committee currently stands compared to its 302(a) allocation of discretionary budget authority and of new entitlement authority.

With best wishes,

Sincerely,

JAMES R. JONES,
Chairman.

FISCAL YEAR 1984 BUDGET AUTHORITY—COMPARISON OF CURRENT LEVEL AND ADJUSTED BUDGET RESOLUTION ALLOCATION BY COMMITTEE

[In millions of dollars]

House committee	Current level budget authority
Total current level	−3,997
Appropriations Committee: Discretionary	−3,481
Authorizing committee—Discretionary action:	
Agriculture	−383
Armed Services	−4
Banking, Finance and Urban Affairs	
District of Columbia	
Education and Labor	
Energy and Commerce	−192
Foreign Affairs	
Government Operations	−450
House Administration	
Interior and Insular Affairs	+5
Judiciary	
Merchant Marine and Fisheries	+13
Post Office and Civil Service	−30
Public Works and Transportation	+150
Science and Technology	
Veterans' Affairs	+23
Ways and Means	+1,991
Unassigned (offsetting receipts)	−2,108

[1] Committees are over (+) or under (−) their 302(a) allocation.
Note: Detail may not add due to rounding.

FISCAL YEAR 1984 NEW ENTITLEMENT AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE

[In millions of dollars]

Committee	Allocation	Reported	Enacted
Agriculture		678	27
Appropriations			
Armed Services	1,003	813	805
Banking, Finance and Urban Affairs			
District of Columbia			
Education and Labor	1,067	2,335	1,038
Energy and Commerce	476	261	325
Foreign Affairs	3		
Government Operations	3,763	3,973	3,425
Interior and Insular Affairs			
Judiciary			
Merchant Marine and Fisheries			
Post Office and Civil Service	1,245		−398
Public Works and Transportation			
Science and Technology			
Small Business			
Veterans' Affairs	187	214	160
Ways and Means	1,584	1,102	4,018

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 1984.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1984 budget (H. Con. Res. 91). This report for fiscal year 1984 is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with H. Con. Res. 91.

Since my last report the Congress has cleared H.R. 5174, Bankruptcy Amendments of 1984 and H. Con. Res. 328, making changes in the tax provisions of the Deficit Reduction Act of 1984 which affect revenue. Congress also cleared H.R. 5753, legislative branch Appropriations, 1985; and H.R. 5950, Federal Contribution for Presidential Nominating Conventions, which affect budget authority and outlays.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	916,536	850,743	666,374
2. Entitlement authority and other mandatory items requiring further appropriation action	3,276	3,103	—
3. Continuing resolution authority	—	—	—
4. Conference agreements ratified by both Houses	—	—	—
Current level	919,812	853,846	666,374
Budget resolution, H. Con. Res. 91	923,809	853,386	679,600
Current level is:			
Over resolution by	460	—	
Under resolution by	3,997	—	13,226

Sincerely,

JAMES BLUM
(For Rudolph G. Penner,
Director).

PARLIAMENTARIAN STATUS REPORT, HOUSE SUPPORTING DETAIL, FISCAL YEAR 1984, AS OF CLOSE OF BUSINESS JULY 20, 1984

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	535,903	491,993
Appropriations enacted previous session	522,190	499,031
Offsetting receipts	−141,088	−141,088
Enacted this session:		
Veterans' Compensation Amendments of 1984 (Public Law 98–223)		145
Highway emergency relief (Public Law 98–229)	150	10
Urgent supplemental appropriations (Public Law 98–248)	290	262
Agriculture Programs Adjustment Act of 1984 (Public Law 98–258)	294	294
Omnibus Budget Reconciliation Act of 1983 (Public Law 98–270)		−469
Urgent Agriculture supplemental appropriations, (Public Law 98–332)	1,124	655
Deficit Reduction Act of 1984 (Public Law 98–369)	−2,330	−92
Legislative branch appropriations (Public Law 98–367)	2	
Federal contribution to Presidental nominating convention (Public Law 98–355)		2
Total	916,536	850,743
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Department of Defense:		
Civilian pay raises	451	431
Military pay raises	1,205	1,169
Claims, Defense	63	57
Foreign Service retirement payment	3	3
Offsetting receipts	−3	−3
Range improvements	2	1
FUBA	33	33
Medicaid	566	566
Advances to unemployment:		
Trust fund	3,932	3,932
Offsetting receipts	−3,932	−3,932
Special benefits:	20	20
Disabled coal miners Federal employees	12	12
Social services block grants	25	25
Rehabilitation services and handicapped research	34	28
Guaranteed student load program	132	
Payment to Civil Service Retirement Fund	230	230
Offsetting receipts	−230	−230
Civilian Agency Pay Raises	733	760
Total	3,276	3,103
III. Continuing resolution authority [1]		
IV. Conference agreements ratified by both Houses		
Total current level as of July 20, 1984	919,812	853,846
Budget resolution, H. Con. Res. 91	923,809	853,386
Amount remaining:		
Over ceiling		460
Under ceiling	3,997	

[1] Agriculture; Foreign Assistance; Treasury, Postal Service and General Government and other selected appropriations are funded under continuing resolution authority (Public Law 98–151) for the full fiscal year and, therefore, are included in the enacted category of this report.

Note: Detail may not add due to rounding.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TAYLOR (at the request of Mr. MICHEL), from noon today and for the balance of the week, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MACK) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, today.

(The following Members (at the request of Mr. HAYES) to revise and extend their remarks and include extraneous material:)

Mr. ST GERMAIN, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. BARNARD, for 60 minutes, July 30.

Mr. GEPHARDT, for 60 minutes, July 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DE LA GARZA, immediately following the vote on the Ford of Michigan substitute for the Goodling amendment to H.R. 11 in the Committee of the Whole today.

Mr. BEREUTER, before the vote on the motion to recommit, on H.R. 4784, today.

(The following Members (at the request of Mr. MACK) and to include extraneous matter:)

Mr. CONABLE.
Mr. DANIEL B. CRANE.
Mr. VANDER JAGT.
Mr. CORCORAN.
Mr. BILIRAKIS.
Mr. FRENZEL in three instances.
Mr. BATEMAN.
Mrs. VUCANOVICH.
Mr. HARTNETT.
Mr. GILMAN.
Mr. HYDE.
Mr. MCKERNAN.
Mr. ARCHER in two instances.
Mr. MADIGAN.
Mr. MICHEL.
Mr. KEMP.
Mr. BEREUTER.
Mr. MARTIN of North Carolina.
Mr. COUGHLIN.
Mr. MCGRATH.

(The following Members (at the request of Mr. HAYES) and to include extraneous matter:)

Mr. GARCIA.
Mr. GAYDOS in two instances.
Mr. WON PAT.
Mr. FLORIO.
Mr. MURTHA.
Ms. FERRARO.
Mr. STARK.
Mr. DYSON.
Mr. PANETTA.
Mr. EVANS of Illinois.
Mr. HOWARD.
Mr. NOWAK.
Mr. HAMILTON.
Mr. VALENTINE.
Mr. CLAY in two instances.
Mr. BONIOR of Michigan.
Mr. SHELBY.
Mr. SHANNON.
Mr. HAWKINS.
Mr. ADDABBO.
Mr. WYDEN.

ADJOURNMENT

Mr. HAYES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Friday, July 27, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3792. A letter from the Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting a copy of a proposed final rule on data requirements for pesticide registration, pursuant to the act of June 25, 1947, chapter 125, section 25(a)(4) (94 Stat. 3195); to the Committee on Agriculture.

3793. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notification of the proposed decision to convert to contractor performance the custodial services at the U.S. Army Medical Department Activity, Fort Carson, CO, pursuant to 10 U.S.C. 2304 nt (Public Law 96–342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3794. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a listing of supplemental contract award dates for the period July 1, 1984 to August 31, 1984, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

3795. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Larry C. Williamson, Ambassador-designate to the Gabonese Republic, pursuant to Public Law 96–465, section 304(b)(2); to the Committee on Foreign Affairs.

3796. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the Commission's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act) during 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3797. A letter from the Deputy Associate Director for Royalty Management Oper-

ations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

3798. A letter from the Special Counsel, Merit Systems Protection Board, transmitting a copy of a report from the Administrator of Veterans' Affairs on his investigation of allegations of a danger to public health and safety at the Veterans' Administration Medical Center, Philadelphia, PA, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

3799. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the midyear monetary policy report, pursuant to the act of December 23, 1913, chapter 6, section 2A (92 Stat. 1897); jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

3800. A letter from the Secretary of Education, transmitting the proposed final regulations for the College Housing Program—loan discount, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); jointly, to the Committees on Education and Labor and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NATCHER: Committee on Appropriations. H.R. 6028. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-911). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 556. Resolution waiving certain parts of order against consideration of H.R. 5921, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-912). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 557. Resolution waiving certain parts of order against the consideration of H.R. 5973, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-913). Referred to the House Calendar.

SUBSEQUENT ACTION ON REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 4829: Referral to Committee on Public Works and Transportation extended for an additional period ending not later than July 31, 1984.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RODINO (for himself, Mr. FISH, Mr. EDWARDS of California, Mr. HYDE, Mr. HUGHES, Mr. MOORHEAD, Mr. SCHUMER, Mr. KINDNESS, Mr. SAWYER, Mr. SENSENBRENNER, Mr. SHAW, Mr. DEWINE, Mr. GEKAS, Mr. MCCOLLUM, and Mr. LUNGREN):

H.R. 6027. A bill to clarify the application of the Federal antitrust laws to the official conduct of local governments; to the Committee on the Judiciary.

By Mr. NATCHER:

H.R. 6028. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes.

By Mr. BONIOR of Michigan (for himself, Mr. CONABLE, Mr. HARKIN, Ms. MIKULSKI, Mr. BATES, Mr. TRAXLER, Mr. MURPHY, Mr. BARTLETT, Mr. EDWARDS of California, Mr. KASICH, Mr. FORD of Michigan, Mr. GUARINI, Mr. BROWN of California, Mr. MRAZEK, Mr. MARKEY, and Mr. GRAY):

H.R. 6029. A bill to amend the Internal Revenue Code of 1954 to provide an income tax credit for expenses incurred by an individual taxpayer for the purchase of television subtitle equipment to be used by a hearing-impaired individual; to the Committee on Ways and Means.

By Mr. HUGHES:

H.R. 6030. A bill to repeal the changes made to section 483 of the Internal Revenue Code of 1954 by the Tax Reform Act of 1984; to the Committee on Ways and Means.

By Mr. HUGHES (for himself, Mr. MINISH, Mr. SAWYER, Mr. SMITH of Florida, Mr. MORRISON of Connecticut, Mr. SCHUMER, Mr. FEIGHAN, and Mr. SHAW):

H.R. 6031. A bill to improve the criminal enforcement of provisions of law relating to currency and foreign transactions; jointly, to the Committees on Banking, Finance and Urban Affairs and the Judiciary.

By Mr. STANGELAND (for himself, Mr. ROBERTS, Mr. MARKEY, Mr. SILJANDER, Mr. DYMALLY, Mr. MARRIOTT, Mr. HORTON, Mr. DICKINSON, Mr. PASHAYAN, Mr. ROE, Mr. FISH, Mr. BOUCHER, Mr. WISE, Mr. CARNEY, Mr. RIDGE, Mr. MCNULTY, Mr. ALBOSTA, Mr. WEBER, Mr. ERDREICH, Mr. DASCHLE, Mr. QUILLEN, Mr. SENSENBRENNER, Mrs. VUCANOVICH, Mr. WHITEHURST, Mr. COATS, Mr. MCDADE, Mr. RATCHFORD, and Mr. SHELBY):

H.R. 6032. A bill to amend the Internal Revenue Code of 1954 to repeal the limitation on the aggregate amount of private activity bonds issued during any calendar year; to the Committee on Ways and Means.

By Mr. WATKINS:

H.R. 6033. A bill to amend the Farm Credit Act of 1971 to improve the management of production credit associations, to require Federal intermediate credit banks to submit certain annual reports, and for other purposes; to the Committee on Agriculture.

By Mr. GLICKMAN (for himself, Mr. DEWINE, Mr. MAZZOLI, Mr. SYNAR, Mrs. SCHROEDER, Mr. MOORHEAD, Mr. HYDE, Mr. KINDNESS, Mr. SAWYER, Mr. FISH, Mr. FUQUA, Mr. MADIGAN, Mr. FRENZEL, Mr. ROBERTS, Mr. DURBIN, Mr. TAUKE, Mr. STENHOLM, Ms. KAPTUR, Mr. STANGELAND, Mr. SKELTON, Mr. ROSE, Mr. SLATTERY, Mr. MORRISON of Washington, Mr. COELHO, Mr. MOORE, Mr. MCNULTY, and Mr. COLEMAN of Missouri):

H.R. 6034. A bill to amend the patent law to restore the term of the patent grant in the case of certain products for the time of the regulatory review period preventing the marketing of the product claimed in a patent; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 6035. A bill to amend title 38, United States Code, to provide that surviving spouses of enlisted members of the Armed Forces who served during a period of war before World War II and who died of a service-connected disability shall be entitled to dependency and indemnity compensation [DIC] at no less than the rates for the surviving spouses of veterans whose highest pay grade was E-3; to the Committee on Veterans' Affairs.

By Mr. FLORIO:

H. Con. Res. 341. Concurrent resolution to encourage the removal of foreign troops from Cyprus and the mediation of international disputes concerning the Aegean Sea; to the Committee on Foreign Affairs.

By Mr. WRIGHT:

H. Con. Res. 342. Concurrent resolution relative to adjournment to a date certain during the remainder of the 98th Congress; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HUTTO:

H.R. 6036. A bill for the relief of Mary E. Stokes; to the Committee on the Judiciary.

By Mr. LOWERY of California:

H.R. 6037. A bill to admit certain passenger hydrofoil vessels to the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. MORRISON of Connecticut:

H.R. 6038. A bill for the relief of Enrica Amore; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 692: Mr. LOEFFLER.

H.R. 1315: Mr. CARR.

H.R. 1881: Mr. HEFTEL of Hawaii, Mr. GUARINI, and Mr. SKELTON.

H.R. 1942: Mr. CONTE.

H.R. 2135: Mr. GILMAN.

H.R. 2568: Mr. CONTE and Mr. MOAKLEY.

H.R. 2847: Mr. RICHARDSON and Mr. AKAKA.

H.R. 3150: Mr. RALPH M. HALL.

H.R. 3170: Mr. BONIOR of Michigan.

H.R. 3255: Mr. STUDDS.

H.R. 3842: Mr. BURTON of Indiana and Mr. PURSELL.

H.R. 4016: Mr. MCCLOSKEY.

H.R. 4110: Mr. LEHMAN of California.

H.R. 4494: Mr. BROWN of California, Mr. HARTNETT, Mrs. ROUKEMA, and Mr. STOKES.

H.R. 4559: Mr. GLICKMAN.

H.R. 4642: Mr. FRANK.

H.R. 4857: Mr. CORCORAN, Mr. PETRI, Mr. COATS, and Mr. DENNY SMITH.

H.R. 4876: Mr. BORSKI.

H.R. 5196: Mr. MACKAY, Mr. WOLF, and Mr. KLECZKA.

H.R. 5377. Mr. CORCORAN, Mr. BOUCHER, Mr. FOWLER, Mr. GARCIA, Mr. FIELDS, Mr. COURTER, Mr. BARNES, Mr. COLEMAN of Texas, Mr. DAUB, and Mr. FEIGHAN.

H.R. 5424: Mr. SMITH of Florida, Mr. LEVINE of California, Mr. REID, Mr. GREEN, Mr. GARCIA, Mr. ACKERMAN, Mr. BIAGGI, Mrs. BURTON of California, Mr. GUARINI, and Mr. BORSKI.

H.R. 5432: Mr. PHILIP M. CRANE and Mr. DANIEL B. CRANE.

H.R. 5640: Mrs. HOLT, Mr. MCKERNAN, and Mr. OBERSTAR.

H.R. 5682: Mrs. LLOYD and Mr. QUILLEN.

H.R. 5730: Mr. NOWAK.

H.R. 5732: Mr. YOUNG of Florida and Mr. BILIRAKIS.

H.R. 5784: Mr. GORE and Mr. RINALDO.

H.R. 5791: Mr. BOLAND and Mr. QUILLEN.

H.R. 5799: Mr. MARTINEZ, Mr. FISH, and Mr. SIMON.

H.R. 5825: Mr. FRANK.

H.R. 5940: Mr. COATS, Mr. BLILEY, and Mr. DREIER OF CALIFORNIA.

H.R. 5943: Mr. STENHOLM, Mr. SILJANDER, Mr. KINDNESS, Mr. PORTER, Mr. ARCHER, Mr. WEBER, Mr. LOEFFLER, Mr. ROBINSON, Mr. PHILIP M. CRANE, Mr. ROBERTS, Mr. CAMPBELL, Mr. YOUNG of Florida, Mr. WHITEHURST, Mr. TAUKE, Mr. WALKER, Mr. FRENZEL, Mr. BLILEY, Mr. SPENCE, and Mr. ANDREWS of North Carolina.

H.R. 5959: Mr. CONYERS, Mr. LENT, Mr. MACKAY, Mr. REGULA, and Mr. ROE.

H.J. Res. 74: Mr. ORTIZ, Mr. KOSTMAYER, and Mrs. BURTON of California.

H.J. Res. 169: Mr. SUNDQUIST, Mr. HANSEN of Utah, Mr. PORTER, and Mr. CRAIG.

H.J. Res. 420: Mr. BEVILL, Mr. BRYANT, Mr. CHAPPIE, Mr. CORCORAN, Mr. CRAIG, Mr. DASCHLE, Mr. DORGAN, Mr. EDWARDS of Alabama, Mr. GRADISON, Mr. HILLIS, Mr. JONES of Tennessee, Mr. KAZEN, Mr. MILLER of California, Mr. MOAKLEY, and Mr. RUSSO.

H.J. Res. 435: Mr. PAUL.

H.J. Res. 491: Mr. MOAKLEY and Mr. SABO.

H.J. Res. 512: Mr. CONTE, Ms. KAPTUR, Mr. FOWLER, Mr. FUQUA, and Mr. GRAY.

H.J. Res. 546: Mr. LUKEN, Mr. DANIEL, Mr. VANDER JAGT, Mr. ROSE, Mr. JONES of Tennessee, Mr. CHANDLER, Mr. CONYERS, Mr. MOODY, Mr. MCGRATH, Mr. BATEMAN, Mr. ORTIZ, Mr. MCKINNEY, Mr. GONZALEZ, Mr. JENKINS, Mr. BIAGGI, Mr. ROBINSON, and Mr. WEISS.

H.J. Res. 547: Mr. DAUB, Mr. KASICH, Mr. WILSON, Mr. MARTINEZ, Mrs. HOLT, and Mr. CONABLE.

H.J. Res. 573: Mr. BENNETT, Mr. RALPH M. HALL, Mr. WILLIAMS of Ohio, Mr. WOLF, Mr. OXLEY, Mr. BONER of Tennessee, Mr. SUNIA, Mr. CONYERS, and Mr. NICHOLS.

H.J. Res. 587: Mr. CARPER, Mr. KOSTMAYER, Mrs. VUCANOVICH, Mr. MAZZOLI, Mr. WON PAT, Mr. ACKERMAN, Mr. LIVINGSTON, Mr. BEDELL, Mr. LAGOMARSINO, Mr. PRITCHARD, Mr. MCCAIN, Mr. CARNEY, and Mr. ROBERTS.

H.J. Res. 591: Ms. OAKAR and Mr. MONTGOMERY.

H.J. Res. 606: Mr. ADDABBO, Mr. BARNARD, Mr. CHAPPIE, Mr. FRENZEL, Mr. GEJDENSON, Mr. MCGRATH, Mr. MOORHEAD, Mr. OLIN, Mr. REID, Mr. ROTH, and Mr. VANDERGRIFF.

H.J. Res. 609: Mr. BONER of Tennessee, Mr. BOSCO, Mrs. BOXER, Mr. CLAY, Mr. FROST, Mr. HALL of Ohio, Mr. HANSEN of Idaho, Mr. HAWKINS, Mr. HEFNER, Mr. PRITCHARD, Mr. REID, Mr. ROBINSON, Mr. RODINO, and Mr. SAVAGE.

H.J. Res. 619: Mr. OWENS, Mr. SIMON, Mr. LEVINE of California, Mr. STOKES, Mr. MORRISON of Connecticut, Mrs. BOXER, Mr. HUGHES, Mr. MCHUGH, Mr. HOWARD, Mr. HORTON, Ms. MIKULSKI, and Mr. FRENZEL.

H.J. Res 621: Mr. MARTINEZ, Mr. STENHOLM, Mr. RITTER, Mr. JONES of Tennessee, Mr. DWYER of New Jersey, Mr. BENNETT, Mr. KEMP, Mr. LONG of Maryland, Mr. RODINO, Mr. WIRTH, Mr. WALGREN, Mr. SKELTON, Mr. BROOKS, Mr. ROSTENKOWSKI, Mr. MCDADE, Mr. OTTINGER, Mr. STOKES, Mr. YOUNG of Florida, Mr. LOWRY of Washington, Mr. SAVAGE, Mr. JACOBS, Mr. CARPER, Mr. DICKS, Mr. BETHUNE, Mr. DEWINE, Mrs. BURTON of California, Mr. MARTIN of New York, Mr. OXLEY, Mr. BOLAND, Mr. FISH, Mr. THOMAS of Georgia, Mr. DOWDY of Mississippi, Mr. ST GERMAIN, Mr. MCKERNAN, Mr. D'AMOURS, Mr. GEPHARDT, Mr. AKAKA, Mrs. KENNELLY, Mr. GUNDERSON, Mr. DAUB, Mr. STUMP, Mr. GREGG, Mr. PORTER, Mr. MAZZOLI, Mr. WAXMAN, Mr. DANIEL, Mr. HEFNER, Mr. SISISKY, Mr. SMITH of New Jersey, Mr. ROBERT F. SMITH, Mr. DIXON, Mr. HUTTO, Mr. HANCE, Mr. TAUZIN, Mr. LOWERY of California, Mr. FOGLIETTA.

H.J. Res. 624: Mr. BERMAN, Mr. CONYERS, Mr. CORCORAN, Mr. GREEN, Mr. LAGOMARSINO, Mr. MARTIN of New York, Mr. MCGRATH, Mr. ROE, Mr. ROGERS, Mr. SMITH of Florida, Mr. SUNIA, Mr. WEAVER, and Mr. FUQUA.

H. Con. Res. 260: Mr. GREEN, Mr. MCHUGH, Mr. DYSON, and Mr. HOYER.

H. Con. Res. 271: Mr. ALBOSTA and Mr. MCGRATH.

H. Con. Res. 306: Mr. LUNGREN, Mr. GEKAS, Mr. BADHAM, and Mr. DURBIN.

H. Con. Res. 317: Mr. GORE and Mr. RINALDO.

H. Con. Res. 322: Mr. GUARINI and Mr. ROTH.

H. Con. Res. 324: Mr. DURBIN and Mr. CROCKETT.

H. Res. 430: Mr. BEILENSON, Mr. BRITT, Mr. BROWN of California, Mr. COOPER, Mr. DURBIN, Mr. FUQUA, Mr. OBERSTAR, Mr. PORTER, Mr. PRITCHARD, and Mrs. SCHNEIDER.

H. Res. 451: Mr. AKAKA, Mr. BARNES, Mr. BORSKI, Mr. CHAPPIE, Mr. COLEMAN of Texas, Mr. CONTE, Mr. CORCORAN, Mr. DASCHLE, Mr. DONNELLY, Mr. ERDREICH, Mr. SAM B. HALL, Jr., Mr. HEFNER, Ms. KAPTUR, Mr. KASICH, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. LEWIS of California, Mr. PICKLE, Mr. RICHARDSON, Mr. ROE, Mr. ROWLAND, Mr. THOMAS of Georgia, Mr. WINN, and Mr. WON PAT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5973

By Mr. BROWN of Colorado:

(Amendment to the amendment offered by Mr. CONTE.)

—Strike "$10,000,000,000" and insert in lieu thereof "$6,250,000,000".

By Mr. CONTE:

—On page 47, after line 2, insert the following:

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

(RESCISSION)

Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126), $10,000,000,000 are rescinded.

EXTENSIONS OF REMARKS

GOVERNOR CUOMO'S MOVING KEYNOTE ADDRESS

HON. GARY L. ACKERMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1984

● Mr. ACKERMAN. Mr. Speaker, last week, at our national convention, the Democratic Party demonstrated its far-reaching appeal to the American people. Perhaps no one better embodies or more eloquently expresses the ideals of our party than my most famous constituent, Gov. Mario Cuomo.

In his keynote address, he compared our Nation to a family, one which needs cooperation and understanding in order to grow. Governor Cuomo gave a moving tribute not only to our party, but also to the aspirations of all Americans. His speech is destined to take its place among the great orations of our time. I wish to submit his remarks to the CONGRESSIONAL RECORD, for it is an outstanding statement of the principles and vision of this great land.

TEXT OF GOV. MARIO M. CUOMO'S KEYNOTE ADDRESS

On behalf of the Empire State and the family of New York, I thank you for the great privilege of being able to address this convention.

Please allow me to skip the stories and the poetry and the temptation to deal in nice but vague rhetoric.

Let me instead use this valuable opportunity to deal immediately with questions that should determine this election and that we all know are vital to the American people.

"TALE OF TWO CITIES"

Ten days ago, President Reagan admitted that although some people in this country seemed to be doing well nowadays, others were unhappy, even worried, about themselves, their families and their futures.

The president said that he didn't understand that fear. He said, "Why, this country is a shining city on a hill."

And the president is right. In many ways we are "a shining city on a hill."

But the hard truth is that not everyone is sharing in this city's splendor and glory.

A shining city is perhaps all the president sees from the portico of the White House and the veranda of his ranch, where everyone seems to be doing well.

But there's another city, another part of the city, the part where some people can't pay their mortgages and most young people can't afford one, where students can't afford the education they need and middle-class parents watch the dreams they hold for their children evaporate.

In this part of the city, there are more poor than ever, more families in trouble, more and more people who need help but can't find it.

Even worse: There are elderly people who tremble in the basements of the houses there.

And there are people who sleep in the city streets, in the gutter, where the glitter doesn't show.

There are ghettos where thousands of young people, without a job or an education, give their lives away to drug dealers every day.

There is despair, Mr. President, in the faces that you don't see, in the places that you don't visit in your shining city.

In fact, you ought to know Mr. President, that this nation is more a "Tale of Two Cities" than it is just a "Shining City on a Hill."

Maybe, maybe, Mr. President, if you visited more places.

Maybe if you went to Appalachia where some people still live in sheds, maybe if you went to Lackawanna where thousands of unemployed steel workers wonder why we subsidized foreign steel.

Maybe, maybe, Mr President, if you stopped into a shelter in Chicago and talked with some of the homeless there; maybe, Mr. President, if you asked a woman who'd been denied the help she needs to feed her children because you said we needed the money for a tax break to a millionaire or to build a missile we can't even afford to use—maybe then you'd understand.

Maybe, maybe, Mr. President.

But I'm afraid not.

Because, the truth is, ladies and gentlemen, that this is how we were warned it would be.

President Reagan told us from the beginning that he believed in a kind of social Darwinism. Survival of the fittest. "Government can't do everything," we were told. "So it should settle for taking care of the strong and hope that economic ambition and charity will do the rest. Make the rich richer and what falls from their table will be enough for the middle class and those who are trying desperately to work their way into the middle class."

You know, the Republicans called it trickle-down when Hoover tried it. Now they call it supply side. But, it's the same shining city for those relative few who are lucky enough to live in its good neighborhoods.

But for the people who are excluded—for the people who are locked out—all they can do is to stare from a distance at that city's glimmering towers.

It's an old story. It's as old as our history.

DEMOCRATS AND REPUBLICANS

The difference between Democrats and Republicans has always been measured in courage and confidence. The Republicans believe that the wagon train will not make it to the frontier unless some of the old, some of the young and some of the weak are left behind by the side of the trail.

The strong, the strong they tell us will inherit the land!

We Democrats believe that we can make it all the way with the whole family intact.

And, we have more than once.

Ever since Franklin Roosevelt lifted himself from his wheelchair to lift this nation from its knees. Wagon train after wagon train. To new frontiers of education, housing, peace. The whole family aboard. Constantly reaching out to extend and enlarge that family. Lifting them up into the wagon on the way. Blacks and Hispanics, and people of every ethnic group, and native Americans—all those struggling to build their families and claim some small share of America.

For nearly 50 years we carried them all to new levels of comfort, security, dignity, even affluence.

And remember this, some of us are in this room today only because this nation had that kind of confidence.

And it would be wrong to forget that.

CLAIMING THE FUTURE

So, here we are at this convention to remind ourselves where we come from and to claim the future for ourselves and for our children.

Today our great Democratic Party, which has saved this nation from depression, from fascism, from racism, from corruption, is called upon to do it again—this time to save the nation from confusion and division, from the threat of eventual fiscal disaster and most of all from the fear of a nuclear holocaust.

That's not going to be easy. Mo Udall is exactly right, it's not going to be easy.

In order to succeed, we must answer our opponent's polished and appealing rhetoric with a more telling reasonableness and rationality.

We must win this case on the merits.

We must get the American public to look past the glitter, beyond the showmanship—to reality, to the hard substance of things. And we will do that not so much with speeches that sound good as with speeches that are good and sound.

Not so much with speeches that will bring people to their feet as with speeches that bring people to their senses.

We must make the American people hear our "Tale of Two Cities."

We must convince them that we don't have to settle for two cities, that we can have one city, indivisible, shining for all of its people.

Now we will have no chance to do that if what comes out of this convention is a babel of arguing voices. If that's what's heard throughout the campaign—dissident voices from all sides—we will have no chance to tell our message.

To succeed we will have to surrender small parts of our individual interests, to build a platform we can *all* stand on, at once, comfortably—proudly singing out the truth for the nation to hear, in chorus, its logic so clear and commanding that no slick commercial, no amount of geniality, no martial music will be able to muffle the sound of the truth.

UNITING THE PARTY AND THE NATION

We Democrats must unite.

We Democrats must unite so that the entire nation can unite because surely the Republicans won't bring this country together. Their policies divide the nation—into the lucky and the left-out, into the royalty and the rabble.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The Republicans are willing to treat that division as victory. They would cut this nation in half, into those temporarily better off and those worse off than before, and they would call that division recovery.

Now we should not be embarrassed, we should not be embarrassed or dismayed or chagrined if the process of unifying is difficult, even wrenching at times.

Remember that, unlike any other party, we embrace men and women of every color, every creed, every orientation, every economic class. In our family are gathered everyone from the abject poor of Essex County in New York, to the enlightened affluent of the gold coasts at both ends of our nation. And in between is the heart of our constituency. The middle class—the people not rich enough to be worry-free but not poor enough to be on welfare. The middle class, those who work for a living because they have to. White collar and blue collar. Young professionals. Men and women in small business desperate for the capital and contracts they need to prove their worth.

We speak for the minorities who have not yet entered the main stream.

We speak for ethnics who want to add their culture to the magnificent mosaic that is America.

We speak for women who are indignant that we refuse to etch into our governmental commandments the simple rule "thou shalt not sin against equality," a rule so simple—

I was going to say, and I perhaps dare not but I will, it's a commandment so simple it can be spelled in three letters—E.R.A.!

We speak for young people demanding an education and a future.

We speak for senior citizens who are terrorized by the idea that their only security—their Social Security—is being threatened.

We speak for millions of reasoning people fighting to preserve our environment from greed and from stupidity. And we speak for reasonable people who are fighting to preserve our very existence from a macho intransigence that refuses to make intelligent attempts to discuss the possibility of nuclear holocaust with our enemy. They refuse. They refuse, because they believe we can pile missiles so high that they will pierce the clouds and the sight of them will frighten our enemies into submission.

Now we're proud of this diversity as Democrats. We're grateful for it. We don't have to manufacture it the way the Republicans will next month in Dallas, by propping up mannequin delegates on the convention floor.

But while we're proud of this diversity as Democrats, we pay a price for it.

The different people that we represent have different points of view. And sometimes they compete and even debate, and even argue. That's what our primaries were all about.

But now the primaries are over and it is time when we pick our candidates and our platform here to lock arms and move into this campaign together.

If you need any more inspiration to put some small part of your own differences aside to create this concensus, all you need to do is to reflect on what the Republican policy of divide and cajole has done to this land since 1980.

REAGAN'S PROMISES

Now the president has asked us to judge him on whether or not he's fulfilled the promise he made four years ago. I believe that as Democrats, we ought to accept that challenge. And, just for a moment, let us consider what he has said and what he's done.

Inflation is down since 1980. But not because of the supply-side miracle promised to us by the president. Inflation was reduced the old-fashioned way, with a recession, the worst since 1932. We could have brought inflation down that way. How did he do it? Fifty-five thousand bankruptcies. Two years of massive unemployment. Two hundred thousand farmers and ranchers forced off the land. More homeless than at any time since the Great Depression in 1932. More hungry, in this nation of enormous affluence, the United States of America, more hungry. More poor—most of them women—and he paid one more thing, a nearly $200 billion deficit threatening our future.

Now we must make the American people understand this deficit because they don't.

The president's deficit is a direct and dramatic repudiation of his promise to balance our budget by 1983.

How large is it? The deficit is the largest in the history of this universe; President Carter's last budget had a deficit of less than one-third of this deficit.

It is a deficit that, according to the president's own fiscal adviser, may grow as high as $300 billion a year for "as far as the eye can see."

And, ladies and gentlemen, it is a debt so large that as much as one-half of our revenue from the income tax goes just to pay the interest.

It is a mortgage on our children's future that can be paid only in pain and that could bring this nation to its knees.

Now don't take my word for it—I'm a Democrat.

Ask the Republican investment bankers on Wall Street what they think the chances of this recovery being permanent are.

You see, if they're not too embarrassed to tell you the truth, they'll say that they are appalled and frightened by the president's deficit. Ask them what they think of our economy, now that it has been driven by the distorted value of the dollar back to its colonial condition—now we're exporting agricultural products and importing manufactured ones.

Ask those Republican investment bankers what they expect the rate of interest to be a year from now. And ask them, if they dare tell you the truth you will hear from them, what they predict for the inflation rate a year from now, because of the deficit.

Now, how important is this question of the deficit.

Think about it practically: What chance would the Republican candidate have had in 1980 if he had told the American people that he intended to pay for his so-called economic recovery with bankruptcies, unemployment, more homeless, more hungry and the largest government debt known to humankind? Would American voters have signed the loan certificate for him on Election Day? Of course not! That was an election won under false pretenses. It was won with smoke and mirrors and illusions. And that's the kind of recovery we have now as well.

And what about foreign policy?

They said that they would make us and the whole world safer. They say they have.

By creating the largest defense budget in history, one that even they now admit is excessive. By escalating to a frenzy the nuclear arms race. By incendiary rhetoric. By refusing to discuss peace with our enemies. By the loss of 279 young Americans in Lebanon in pursuit of a plan and a policy that no one can find or describe.

We give money to Latin American governments that murder nuns, and then we lie about it.

We have been less than zealous in support of our only real friend, it seems to me, we have in the Middle East, the one democracy there, our flesh and blood ally, the state of Israel.

Our foreign policy drifts with no real direction, other than an hysterical commitment to an arms race that leads nowhere—if we're lucky. And if we're not, it could lead us into bankruptcy or war.

Of course we must have a strong defense!

Of course Democrats are for a strong defense. Of course Democrats believe that there are times when we must stand and fight. And we have. Thousands of us have paid for freedom with our lives. But always—when this country has been at its best—our purposes were clear.

Now they're not. Now our allies are as confused as our enemies.

Now we have no real commitment to our friends or to our ideals—not to human rights, not to the refuseniks, not to Sakharov, not to Bishop Tutu and the others struggling for freedom in South Africa.

We have in the last few years spent more than we can afford. We have pounded our chests and made bold speeches. But we lost 279 young Americans in Lebanon and we live behind sand bags in Washington.

How can anyone say that we are stronger, safer, or better?

That is the Republican record.

That its disastrous quality is not more fully understood by the American people I can only attribute to the president's amiability and the failure by some to separate the salesman from the product.

FOUR MORE YEARS OF REAGAN

And, now it's up to us. Now it's now up to you and me to make the case to America.

And to remind Americans that if they are not happy with all the president has done so far, they should consider how much worse it will be if he is left to his radical proclivities for another four years unrestrained. Unrestrained.

If July brings back Ann Gorsuch Burford—what can we expect of December?

Where would another four years take us?

Where would four years more take us?

How much larger will the deficit be?

How much deeper the cuts in programs for the struggling middle class and the poor to limit that deficit? How high will the interest rates be? How much more acid rain killing our forests and fouling our lakes?

And, ladies and gentlemen, the nation must think of this: What kind of Supreme Court will we have? We must ask ourselves what kind of court and country will be fashioned by the man who believes in having government mandate people's religion and morality?

The man who believes that trees pollute the environment, the man that believes that the laws against discrimination against people go too far. The man who threatens Social Security and Medicaid and help for the disabled.

How high will we pile the missiles?

How much deeper will the gulf be between us and our enemies?

And, ladies and gentleman, will four years more make meaner the spirit of the American people?

This election will measure the record of the past four years. But more than that, it

will answer the question of what kind of people we want to be.

DEMOCRATIC CREDO

We Democrats still have a dream. We still believe in this nation's future.

And this is our answer to the question, this is our credo:

We believe in only the government we need but we insist on all the government we need.

We believe in a government that is characterized by fairness and reasonableness, a reasonableness that goes beyond labels, that doesn't distort or promise things that we know we can't do.

We believe in a government strong enough to use the words "love" and "compassion" and smart enough to convert our noblest aspirations into practical realities.

We believe in encouraging the talented, but we believe that while survival of the fittest may be a good working description of the process of evolution, a government of humans should elevate itself to a higher order.

Our government should be able to rise to the level to where it can fill the gaps left by chance or a wisdom we don't fully understand.

We would rather have laws written by the patron of this great city, the man called the "world's most sincere Democrat"—St. Francis of Assissi—than laws written by Darwin.

We believe, we believe as Democrats, that a society as blessed as ours, the most affluent democracy in the world's history, one that can spend trillions on instruments of destruction, ought to be able to help the middle class in its struggle, ought to be able to find work for all who can do it, room at the table, shelter for the homeless, care for the elderly and infirm, and hope for the destitute.

And we proclaim as loudly as we can the utter insanity of nuclear proliferation and the need for a nuclear freeze, if only to affirm the simple truth that peace is better than war because life is better than death.

We believe in firm but fair law and order. We believe proudly in the union movement. We believe in privacy for people, openness by government, we believe in civil rights, and we believe in human rights.

We believe in a single fundamental idea that describes better than most textbooks and any speech that I could write what a proper government should be. The idea of family. Mutuality. The sharing of benefits and burdens for the good of all. Feeling one another's pain. Sharing one another's blessings. Reasonably, honestly, fairly—without respect to race, or sex, or geography or political affiliation.

We believe we must be the family of America, recognizing that at the heart of the matter we are bound one to another, that the problems of a retired school teacher in Duluth are our problems. That the future of the child in Buffalo is our future. That the struggle of a disabled man in Boston to survive, and live decently, is our struggle. That the hunger of a woman in Little Rock is our hunger. That the failure anywhere to provide what reasonably we might, to avoid pain, is our failure.

DEMOCRATIC FUTURE

Now for 50 years, for 50 years we Democrats created a better future for our children, using traditional Democratic principles as a fixed beacon, giving us direction and purpose, but constantly innovating, adapting to new realities: Roosevelt's alphabet programs; Truman's NATO and the GI Bill of Rights; Kennedy's intelligent tax incentives and the Alliance for Progress; Johnson's civil rights; Carter's human rights and the nearly miraculous Camp David Peace Accord.

Democrats did it, Democrats did it—and Democrats can do it again.

We can build a future that deals with our deficit.

Remember this, that 50 years of progress under our principles never cost us what the last four years of stagnation have. And, we can deal with the deficit intelligently, by shared sacrifice, with all parts of the nation's family contributing, building partnerships with the private sector, providing a sound defense without depriving ourselves of what we need to feed our children and care for our people.

We can have a future that provides for all the young of the present, by marrying common sense and compassion.

We know we can, because we did it for nearly 50 years before 1980.

And we can do it again. If we do not forget. If we do not forget that this entire nation has profited by these progressive principles. That they helped lift up generations to the middle class and higher: gave us a chance to work, to go to college, to raise a family, to own a house, to be secure in our old age and, before that, to reach heights that our own parents would not have dared dream of.

That struggle to live with dignity is the real story of the shining city. And it's a story, ladies and gentlemen, that I didn't read in a book, or learn in a classroom. I saw it, and lived it. Like many of you.

I watched a small man with thick calluses on both hands work 15 and 16 hours a day. I say him once literally bleed from the bottoms of his feet, a man who came here uneducated, alone, unable to speak the language, who taught me all I needed to know about faith and hard work by the simple eloquence of his example. I learned about our kind of democracy from my father. And, I learned about our obligation to each other from him and from my mother. They asked only for a chance to work and to make the world better for their children and they asked to be protected in those moments when they would not be able to protect themselves. This nation and this nation's government did that for them.

And that they were able to build a family and live in dignity and see one of their children go from behind their little grocery store in South Jamaica on the other side of the tracks where he was born, to occupy the highest seat in the greatest state of the greatest nation in the only world we know, is an ineffably beautiful tribute to the democratic process.

And, ladies and gentlemen, on January 20, 1985, it will happen again. Only on a much, much grander scale. We will have a new president of the United States, a Democrat born not to the blood of kings but to the blood of pioneers and immigrants.

And we will have America's first woman vice president, the child of immigrants, and she, she, she will open with one magnificent stroke, a whole new frontier for the United States. Now, it will happen.

It will happen—if we make it happen; if you and I can make it happen.

And I ask you now—ladies and gentlemen, brothers and sisters—for the good of all of us—for the love of this great nation, for the family of America—for the love of God. Please, make this nation remember how futures are built.

Thank you and God bless you.●

CANCER PATIENTS EMPLOYMENT RIGHTS ACT OF 1984

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. BIAGGI. Mr. Speaker, last month I introduced H.R. 5849, the Cancer Patients Employment Rights Act of 1984. It is a bill to amend title VII of the Civil Rights Act by including cancer history among the provisions that one cannot be discriminated against in all aspects of employment.

I wish to bring to the attention of my colleagues an excellent article which appeared in the New York Times of March 31 entitled "A Victim of Cancer; Then, of Employers." The article focuses in on the very same issue my legislation addresses—those people who have managed to beat cancer only to encounter various forms of employment-based discrimination which can and does include job and promotion denials and wage reductions as well as outright exclusion from benefits. The article written by Barbara Lazarus, a former cancer patient, who is director of the Center for Women's Careers at Wellesley College. She notes:

Cancer victims, after diagnosis or treatment, face further victimization, this time in the workplace. As recent American Cancer Society studies have shown, both blue and white collar workers who were once cancer patients are routinely denied employment because of their medical history, despite legislation in 37 States that prohibits such discrimination.

The mere admission that someone has had cancer can lead to dismissal. There are many reports of workers who were fired after their medical history became known or were refused the opportunity to return to work. Thousands of workers are denied promotion, are isolated from their peers and are ignored when special job opportunities arise because they're "no longer worth the investment."

My bill was inspired by an organization located in my congressional district known as Cancer Hopefuls United for Mutual Support [CHUMS]. They are an organization made up of cancer patients and survivors. They have done extensive work in this area and their research points to the fact that as many as 1 million Americans may have been victimized by this type of employment discrimination. There are more than 5 million Americans who have a cancer history some as long as 5 years. Annually some 800,000 Americans are diagnosed as having cancer of which almost half are cured. As the number of individuals with cancer histories continues to grow, it is imperative that we take steps to combat em-

ployment-based discrimination against these individuals.

On July 2, I conducted a press conference in New York City to formally announce the introduction of this legislation. At this point in the RECORD I would first like to insert the New York Times article and then some other articles written about the press conference.

[From the New York Times, Mar. 31, 1984]

A VICTIM OF CANCER; THEN, OF EMPLOYERS

(By Barbara Lazarus)

CAMBRIDGE, MASS.—Unlike Senator Paul Tsongas, most cancer victims don't have a career choice.

The Massachusetts Democrat had been told what some 33 percent of his fellow Americans will hear. His physician, at the Bethesda Naval Hospital, bringing the biopsy findings, said: "It is not benign."

Mr. Tsongas's disease—a mild form of cancer of the lymph nodes—does not require any treatment at this time, and his prognosis is good. His doctors had assured him that he could seek re-election and expect to serve out his six-year term. But the Senator, who is 43 years old, felt the need to reassess what was most important in his life. "Cancer makes you think about other things," he said. "If I'm going to have regrets, let it be on my political career and not on my family." He and his wife have three daughters, aged 10, 6 and 2. His decision has been praised as a heart-warming reaffirmation of the values of home and family.

If most cancer victims announced that they were leaving their high- or low-powered positions because they valued home and family, few would find it easy to get another job. Most employers aren't interested in hiring people who put domestic considerations above the demands of their work. Millions of women workers have discovered that you care about your family on your own time.

Cancer victims, after diagnosis or treatment, face further victimization, this time in the workplace. As recent American Cancer Society studies have shown, both blue- and white-collar workers who were once cancer patients are routinely denied employment because of their medical history, despite legislation in 37 states that prohibits such discrimination.

The mere admission that someone has had cancer can lead to dismissal. There are many reports of workers who were fired after their medical history became known or were refused the opportunity to return to work. Thousands of workers are denied promotion, are isolated from their peers and are ignored when special job opportunities arise because they're "no longer worth the investment."

Well-meaning but misguided colleagues stop asking them to take on difficult assignments for fear that it would be "too much of a strain," thus depriving them of the most interesting and challenging parts of the job.

People with a history of cancer feel pressure to work even harder than their peers for fear of reinforcing misperceptions of their fitness.

A business firm may worry that the prospective employee won't be able to do the job, may be frequently absent, will not pull his or her weight or will raise the company's insurance premiums. Sad to say, charges of discrimination, difficult to prove, require long and costly litigation.

Faced with these problems, cancer survivors adopt a variety of protective strategies. While current theories of counseling encourage cancer victims not to repress their experience but rather to talk openly about it, such openness can of course have disastrous repercussions for the job applicant.

Those who choose to be close-mouthed report loneliness, isolation, lack of support and colleagues' confusion over their actions in a variety of situations. For example, simply justifying frequent, regular visits for medical check-ups can pose difficulties.

In looking for a job, cancer survivors may be forced to select among employers primarily on the basis of the availability of health insurance. Certain occupations may be precluded for those people who wish to receive adequate medical or life insurance coverage.

What can be done? Employers need to learn that a diagnosis of cancer is not a death sentence, that discrimination on the basis of cancer history is illegal. Employees and job-seekers should learn their legal rights and seek help in planning and carrying out a career strategy. Professional counselors in the health and career fields need new theories and materials to support cancer victims in reassessing their career goals, exploring potential occupations, conducting a job search and succeeding at work. Fellow employees must learn not to treat colleagues as if cancer were catching or as if a cancer history rendered one unfit for the job. And a variety of new policies for health and life insurance are needed.

Of the 1 in 3 Americans who will have cancer, 48 percent will be alive five years after diagnosis and the majority of the rest will remain able to lead productive, useful lives for years even while undergoing treatment. Some will choose, as Mr. Tsongas did, to spend more time with their families. Some will prefer to redouble their efforts at work. Each of them deserves Mr. Tsongas's choice: to be able to look hard at what matters and to maintain or find meaningful employment without discrimination.

[From the New York Daily News, July 3, 1984]

ASK BIAS LAW ON CANCER

(By Larry Sutton)

Rep. Mario Biaggi (D-Bronx) yesterday urged Congress to pass legislation protecting cancer victims from job discrimination.

Biaggi said that more than a million Americans with cancer are denied promotions, fired, or faced with "general attitudinal problems" by their bosses. He said that despite recent medical advances, "Just the notion of cancer makes many people think those who have it are untouchables."

The congressman said that cancer victims experience "a form of double jeopardy: fighting the cancer battle and then facing an insensitive society." He has introduced a bill, the Cancer Patients Employment Rights Act, which encourages employers to be more sensitive to the needs of employes with a history of cancer.

Attending a Manhattan press conference with the congressman yesterday were members of a group called Cancer Hopefuls United for Mutual Support. Sarah Splaver, the group's president, said the legislation would help cancer patients who are now afraid to challenge their bosses when they believe they are the victims of job discrimination.

Splaver said many employers discriminate against cancer patients because they refuse to believe that they can be cured and resume productive careers. "Why would you promote somebody if you think he's going to be dead in a week?" she asked.

Splaver also cited an example of a young man who worked for a large company and recently received an excellent employe evaluation. "Then the word leaked out that he had cancer, and a week later he got a pink slip," she said. She did not name the company or the employe.

[From the New York Times, July 3, 1984]

DOUBLE JEOPARDY

Cancer patients are placed in double jeopardy, according to Representative Mario Biaggi. "They fight for their lives, and fight for their economic lives," the New York Democrat said yesterday.

So he has introduced a bill prohibiting discrimination in employment against cancer patients. "More than 50 percent of cancer patients recover and are out there in the job area," Mr. Biaggi said. "But they studiously avoid telling people they're under treatment. Cancer has a myth—it's equated with death."

The employment problem was brought to his attention by Dr. Sarah Splaver, founder of Cancer Hopefuls United for Mutual Support. A psychologist who has had cancer, Dr. Splaver runs the organization from her home at 3310 Rochambeau Avenue in the Bronx.

Dr. Splaver said nearly one-quarter of the five million Americans who have histories of cancer have encountered job discrimination.

"We must get employers to know that we are surviving," she said. "They fire you because they think you're going to be dead soon. They're not going to hire you, and they're not going to promote you."

The bill's principal purpose is to amend Title 7 of the Civil Rights Act of 1964, which already "prohibits employment discrimination on the basis of race, religion, ethnic origin and age," Representative Biaggi said.

[From the New York Post, July 4, 1984]

JOB BIAS VS. CANCER VICTIMS UNDER FIRE

(By Charles Sussman)

Job discrimination against cancer victims came under attack by Rep. Mario Biaggi yesterday.

Joined here by leaders of a national organization called Cancer Hopefuls United for Mutual Support (CHUMS), Biaggi (D-N.Y.) urged Congress to pass legislation outlawing job discrimination against as many as a million Americans who have been cured of cancer.

About a quarter of an estimated 5 million Americans with a cancer history encounter some form of employment discrimination, Biaggi charged.

"This can and does include job and promotion denials and wage reductions as well as exclusion from benefits," he told a Manhattan press conference.

Biaggi has authored a bill, the Cancer Patients Employment Rights Act of 1984, aimed at discouraging job discrimination and encouraging employers to assist the employment cancer victims.

"We're delighted that the bill was introduced in Congress because cancer is emotionally and financially devastating, especially if you lose your job," Dr. Sarah Splaver, president of CHUMS, told The Post.

Anyone interested in donating either time or money to CHUMS was asked to contact

its office at 3310 Rochambeau Av., The Bronx, NY 10467 or call 655-7566.●

TALENTED TEACHERS ACT WILL BRING AND KEEP TOP-NOTCH TEACHERS IN THE CLASSROOM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. GAYDOS. Mr. Speaker, 25 years ago, President Dwight D. Eisenhower, expressing his concern about America's education system, said:

We must have teachers of competence. To obtain and hold them, we need standards. We need a national goal.

Our concern about American education, as expressed in the spate of recent reports, has not lessened in those 25 years. In fact, it has increased.

Two of the great tragedies in education is that so few of our top quality high school graduates seek careers in teaching and that so many of our best teachers leave the classroom—some for careers in school administration and others for careers outside the field of education.

The Talented Teachers Act, H.R. 4477, addresses both of those concerns. This bill shows that we recognize the importance of the teacher in the educational setting. Anyone with even modest familiarity and understanding of the recent reports knows that the classroom teacher is the key learning factor. Yes, books are important. Certainly good facilities stocked with all kinds of technical wizardry are helpful. But if there isn't a top-notch teacher working with students in the classroom, all of the other elements are just window-dressing.

Henry Adams once said, "a teacher affects eternity. He can never tell where his influence stops."

I am sure each of us can recall a teacher at some point in our lives who was instrumental in putting us on the path for the future.

There are all kinds of reasons why our best high school graduates seek careers in fields other than teaching—more money, better growth opportunities, better social acceptance, fewer noncareer demands on time and effort. The list goes on and on.

The real question is whether we, as a nation, can afford to lose this pool of potential students, the top graduating seniors in our high schools.

We are all aware that too many of today's high school seniors who express an interest in teaching as a career are those who score lower on standardized tests and have lower high school grades.

That's why H.R. 4477 is so important. The concept of offering financial assistance to the top quality high school students as an incentive to seek careers in teaching is a first step in the right direction. At the very least, it will get their attention and it could convince them that this Nation is making a commitment to quality education.

The second problem, closely connected to getting teachers, is keeping quality teachers in the classroom.

The National Fellowship Program created under the second part of H.R. 4477 offers us an opportunity to, at the very least, slow the movement of our best teachers out of the classroom and encourage them to use these awards to improve their teaching abilities, help other teachers in their schools and school systems and, perhaps, provide a new focus for the education community at large.

H.R. 4477 is another cornerstone in the 25-year effort to achieve the goal of excellence in American education. The Talented Teachers Act is a clear sign that we, the Congress, recognizes the problem and is prepared to make the commitment to solving it.

Getting and keeping quality teachers is one of the most important elements in this Nation's efforts to insure a quality education for all children. We cannot allow this opportunity to slip through our fingers.

There will be those who will say we can't afford this kind of program—that it will be too costly. To that I say, we can't afford not to have such a program because the future of this Nation is what we're betting.

There is an old African proverb that I believe applies:

Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.

This legislation, the Talented Teachers Act, gives us a tremendous opportunity to take a giant step toward obtaining and keeping quality teachers in our classrooms.●

HORACE R. KORNEGAY

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. VALENTINE. Mr. Speaker, the Honorable Horace R. Kornegay, who served with great distinction in this House representing the Sixth District of North Carolina and who is chairman of the board of the Tobacco Institute, spoke today at Rocky Mount, NC, in my district. He spoke at a meeting of chamber of commerce officials, tobacco warehousemen, businessmen, bankers and merchants, tobacco growers, and interested citizens. The meeting was preparatory to the opening of the Rocky Mount Tobacco Market, on August 1, 1984, an event of great importance to the economic life of this area.

Horace Kornegay spoke of an important issue, a new unfairness doctrine, which seems to be developing in our land. I would like to share his remarks with my colleagues:

REMARKS OF HORACE R. KORNEGAY

These are the dog days of summer. Every four years at this time, a migratory mania strikes legions of otherwise normal Washingtonians.

This year so far, half the victims have just returned from San Francisco in an extremely exhausted condition.

And in a few weeks the other half will depart for Dallas where they will inflict the same punishment on themselves.

In the meantime, thanks to your chairman, a fortunate few of us have been invited to escape from the feverish shores of the Potomac to spend some time with you here in Rocky Mount.

I am so happy to have been asked to join with you in preparing for the grand opening of the Rocky Mount Tobacco Market on August 1st.

To all my good friends here assembled—and in particular to Charles Harvey—let me say that you should take great pride in your accomplishment. You have created in just four short years a memorable event. You have brought together Chamber of Commerce officials, tobacco warehousemen, businessmen, bankers and merchants, government officials, and growers.

You have assembled all of the people who are personally aware of and who personally share in the reality of you slogan: "Tobacco in Gold is Rocky Mount."

Last year, according to the Department of Agriculture, tobacco was gold in the Rocky Mount market to the tune of nearly $40 million.

But tobacco is more than money. It is also the symbol of shared values and shared traditions. Yes, tobacco is the thread that binds us together as a community . . . or as some would say a family.

The common bonds that knit us together in the tobacco family are often overlooked. But it is vitally important that we all focus our attention upon them. We must become aware of our roots and our heritage. Because greater public awareness of tobacco will provide greater public support for tobacco.

And the place to increase that awareness and support is right here in the heart of tobaccoland. Let us not forget, my friends, that vigilance, like charity, begins at home. Let us never take tobacco for granted. Let us never let the gold in the golden leaf become tarnished because of our neglect.

Looking back to the recent convention in San Francisco, I was impressed by two words that were emphasized again and again. One was "family".

The orators of the Democratic party were speaking of different things, but that word—family—surely applies to tobacco.

Geraldine Ferraro invoked an America rooted in the values of family, work, faith and community. But she could have been talking about values of a tobacco farm family in Rocky Mount or any one of a thousand other places in North Carolina or a dozen other states. Cultivation of the leaf was the cause that nurtured the families whose hard labor and honest faith has sustained tobacco communities for generation upon generation.

Mario Cuomo moved the audience at the convention with his story of how his family moved from Ellis Island, the immigration port of entry, to the Governor's Mansion in Albany. But his account was not unlike the tales that descendants of our tobacco farming ancestors could tell. The names and places were different, but the essential story was the same.

We Americans are a nation of immigrants—some came early, some came late. The early immigrants were called pioneers and settlers. But for most, achievement came from hard work, close family bonds, faith in themselves and faith in our great nation. These family values are not the property of any party . . . They are neither Republican nor Democrat . . . They are the virtures, the values, the strengths of the American people.

We members of the tobacco family are a proud people—with much to be proud about. As one writer put it most eloquently:

"There are as many kinds of tobacco farmers as there are tobacco! The mountain people of Kentucky grow it in backyard patches and the Carolina flatlanders cultivate dozen-acre spreads. Tobacco is grown by the Cajuns of Louisiana and the Crackers of Florida. It is grown by rich folk and poor, by black and white, by farmers who own land and farmers who are tenants, by those who have switched to mechanized farming and those who stick with the hand-labor methods of generations.

Despite the variety of tobacco farmers, they share certain things in common, including a belief in hard work, and a commitment to family, community, and rural life. Most important of all, they are convinced that tobacco is as crucial to their economic well-being as it was for the settlers of Jamestown in the early 1600's."

The other word that echoed from the San Francisco convention was "fairness." Walter Mondale focused on the unfairness that favors plutocrats.

"What we have today," he said, "is a government of the rich, by the rich and for the rich."

But, the unfairness issue also applies to tobacco and to tobacco smokers. We also seem to have a government of the nonsmokers, by the nonsmokers, for the nonsmokers.

Last May, as if to prove it, the federal government's top public health official announced an antismoking program that called for:

A nonsmoking society by the year 2000. That is, the end of tobacco in this country in just 16 years from now.

A ban on all tobacco advertising and promotion in the United States.

An unrelenting antismoking campaign by all U.S. physicians by which they "insist that their patients stop smoking."

A children's crusade aimed at getting parents to stop smoking.

A mobilization of youth groups like the Boy Scouts, Girl Scouts, 4-H Clubs and the FFA in a vast antismoking movement.

American smokers are living under grossly unfair conditions. Indeed they live under conditions of restrictions, taxation, segregation and prohibition that would be unacceptable if imposed on any other class of citizens.

There seems to be a new unfairness doctrine abroad in this land. It permits some people to build the same kind of barriers against smokers that we have torn down when they divided people on the basis of race, color or creed.

Today's smokers are living in an America where they are less equal than nonsmokers. And that is unfair.

They are relegated to the back of planes, trains, and buses.

They are segregated in factories, offices and public places.

They pay higher insurance premiums.

They are often refused employment.

And, in an increasing number of jurisdictions—notably San Francisco—a single nonsmoker has the power to overrule the majority and ban smoking in an entire workplace.

And that is unfair.

The "unfairness" issue is created and maintained by a group called the Coalition on Smoking or Health . . . a trilateral lobbying alliance of the Cancer Society, Heart Association and Lung Association. They are aided and abetted by federal health officials and antismoking Congressmen.

This anti tobacco alliance will be found wherever freedom is being denied to smokers or whenever members of the tobacco family are being kicked around.

You will remember that the Coalition actively lobbied to eliminate the tobacco support program.

You will also remember that the Coalition remains an opponent even though the tobacco program is operating at no-net cost to the government.

So please also remember the Coalition's record of hostility when their volunteers ring your doorbells to solicit donations.

Led by this Coalition, our opponents have launched a hydra-headed attack on every segment of the industry . . . from trying to destroy the support program of the basic agricultural commodity to disrupting the advertising and marketing of the basic products . . . from trying to devastate the price structure by higher taxation to attempting to deny smokers the right to smoke in public.

Yes, tobacco is in trouble. Yes, the tide appears to be running against us. But let me invoke Mark Twain and remind you that the reports of our demise are greatly exaggerated.

As 1984 passes into history, I predict that it will not be a terminal year. I predict, it will rank as a year in which we won some and lost some.

But most of all 1984 may be recorded as the year we found a new unity against our old adversaries.

I believe that 1984 can be the year when the tobacco industry stopped its family squabbles and made two firm commitments: first, to unity; second, to ultimate victory.

Will Rogers said "I am not a member of any organized political party—I am a Democrat." Now, if the Democratic Party can abandon its discord and disorganization, and can come out of its convention in unity . . . is it too much to expect this great industry to do the same?

Certainly now is the time to follow Ben Franklin's advice and "hang together" so that we don't "hang separately."

The cigarette manufacturers who comprise the membership of The Tobacco Institute have been, are now, and will continue to be major stakeholders in this great industry. For decades, we have actively opposed attempts to eliminate, dismantle or destroy the tobacco program. And we will continue to do so.

At the same time there is an overwhelming need for all segments of the industry and its suppliers—from seed bed to sales counter—to circle the wagons. All allied tobacco interests must join together in actively resisting attempts to erode our rights as manufacturers to markets our tobacco products. All of the various interests in tobacco must form a united front to defend the rights of smokers to freely use the tobacco products we all work together to produce.

Smokers must be returned to the status of first class citizens of the United States.

Tobacco growers, auction warehousemen, associated agricultural groups must adjust their political thinking—from being commodity-oriented to becoming product-oriented.

There is no such thing as a support program for a commodity that can not be manufactured, marketed or consumed!

It has been said that things have to get worse before they can get better. I think that time has come for tobacco. By now everyone can see that the antismokers—however reasonable they sound—are actually out to destroy—tobacco—root, stock and branch . . . by the year 2000.

With your help . . . with your active help . . . the new prohibitionists will fail just as surely as the old.●

CAPTIVE NATIONS WEEK OBSERVED IN BUFFALO

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. NOWAK. Mr. Speaker, throughout last week, people all across the United States met to reaffirm their belief that the nations of Eastern Europe should some day be free to enjoy the same liberties we take for granted every day. Their belief was initially embodied in legislation which created Captive Nations Week 25 years ago.

I believe Captive Nations Week is just as important today as it has been in the past quarter century. There always seems to be something in the news related to Eastern Europe. We should not only consider this news for its face value, but we must also remember the individual people of each country. Today we hear about Bulgaria's alleged terrorist activities; we should also think about the citizens of that country who have to live under the control of such corruption. All the news about the Solidarity movement in Poland and the many attempts to repress it should immediately bring to mind the oppressed citizens of that country. The same goes for Andrei Sakharov and his wife, Yelena Bonner, who have been completely denied their basic human rights and personal freedoms.

Following is an article from the July 21, 1984, edition of the Buffalo News, reporting on the 25th annual dinner held in Buffalo to commemorate Captive Nations Week, a dinner at which my predecessor from the then 37th Congressional District of New York,

Thaddeus J. Dulski, received well-deserved recognition for his longstanding support of the important annual observance.

[From the Buffalo News, July 21, 1984]

COMMITTEE'S HOPE IS FREEDOM FOR CAPTIVE EUROPEAN NATIONS

(By David Robinson)

They gathered to speak of hope for the day when Soviet-dominated lands in Eastern Europe would be free again and to let people in the United States know that those lands have not been forgotten.

"It's a moral issue. America has always stood for freedom," said Dasha Procyk, secretary of the Western New York Captive Nations Week Committee, as more than 100 Buffalo-area residents met at the Chopin Singing Society for the 25th annual dinner supporting freedom for Eastern Europe.

The dinner Friday night also honored former Buffalo Congressman Thaddeus J. Dulski, who was one of the co-sponsors of the legislation that created Captive Nations Week in 1959.

Calling the legislation "one of the greatest documents enacted into law," Mr. Dulski said Eastern Europeans can see in it "a spark of hope that someday, a light, a hope of the stars will come down upon them and say 'You are free.' "

It was a message that the audience, seated at tables arranged to represent each of the 10 captive lands, applauded roundly. The captive nations include the nations of Afghanistan, Albania, Bulgaria, Croatia, Estonia, Hungary and Poland and the Soviet republics of Latvia, Lithuania and the Ukraine.

While residents in those lands probably will never hear about the ceremonies, such as those in Buffalo Friday night that have taken place throughout the United States this week, Dr. Edward M. O'Connor, Chairman of the committee, said it was just as important to inform people in the United States.

But the main focus was on residents in those nations and the hope that they would be free someday.

"It tells the some 230 odd million peoples in Russian Empire that the West has not forgotten them," Dr. O'Connor said. "It tells them we are with you in your plight of the moment."

The group stated its opposition to the Soviet Union, unanimously endorsing a resolution urging the United States not to negotiate with the Soviets.

"We are the recipients of a free country because those countries (the captive nations) have stood up to be anti-Russian and have suffered the pain," said Mr. Dulski, who was presented with a plaque recognizing him as a co-sponsor of the legislation that created Captive Nations Week.

But mainly, they wanted to keep alive their dreams for freedom in those nations.

"It's very important not to let people lose faith behind the Iron Curtain," Ms. Procyk said.●

POLAND AND AMNESTY—A SIGNAL OF BETTER TIMES OR A GUISE FOR FURTHER REPRESSION?

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. BIAGGI. Mr. Speaker, this past weekend the Government of Poland announced, in conjunction with the 40th anniversary of the establishment of the Polish Communist state, its approval of amnesty for political prisoners. Under the terms of the amnesty, most of the country's political prisoners, including and especially those affiliated with the Solidarity labor movement, would be free and pending legal actions against hundreds of other dissidents would be dropped.

The chief Polish Government spokesman, Mr. Jerzy Urban, was quoted as saying, "The amnesty gives everyone who had committed a crime out of political motivation—and there are no exceptions here—a chance."

This dramatic action has evoked reaction in many quarters, including the United States. There is obviously some skepticism about the conditions of the amnesty, but for the most part the official U.S. position seems to indicate this to be a positive development.

The focus of attention at this time is what the U.S. Government might do relative to lifting the existing sanctions imposed against the Government of Poland in response to their declaration of martial law late in 1981. The issue arose at President Reagan's news conference on Tuesday night and he indicated that the terms of the new amnesty were being studied and if they "met the conditions we've laid down, yes, we will meet with regard to lifting the sanctions."

The President's caution, I believe, is well founded.

There are two sides to the amnesty question that must be looked at. The mere releasing of political prisoners is but one step. We must also carefully consider the conditions imposed on these individuals. In exchange for this amnesty, is the government going to crack down on all activities of these individuals once they are "freed"? Will the conditions be so harsh as to make the distinction between prison and freedom indistinguishable? That seemed to be the concern expressed by the great Polish freedom fighter and labor leader Lech Walesa. That is the concern which I feel holds the key to any action the U.S. Government might take.

The President also raised an issue relative to the sanctions, which should also factor into our deliberations. He pointed to a distinction between those sanctions whose impact is only felt by the government vs. those which affect the people as well. As the President said, "We don't want to impose hardships on the people." As we contemplate the lifting of sanctions, we should give priority to those which have been shown to impact on the Polish people before we move on those directed at the government.

The U.S. position for a total lifting of sanctions is very clear. The conditions were the freeing of all political prisoners, an end to martial law and the resumption of dialog with "society," which would include the Solidarity movement. Clearly, steps are being taken in all of these areas, but no one can say with accuracy that martial law has ended nor has the dialog commenced in any meaningful fashion. The passage of time will determine if the amnesty is a genuine one.

I support the approach being taken by the administration at this time and urge that no haste be exercised relative to the lifting of sanctions.

The Polish Government has expressed some displeasure over the fact that we have not fully embraced their amnesty proposal and totally lifted the sanctions. Most likely the reason we have not and should not is because of the previous record of the Polish Government. The people of Poland have lived under the oppressive yoke of martial law for almost 3 years. The Soviet puppet government has deprived individuals of all rights. Now they expect the world to believe that this era is behind them. We hope their motives are sound but we must be certain before we take such a major step as lifting the sanctions.

At this point in the RECORD I would like to insert the complete list of U.S. imposed sanctions on Poland as printed in the Washington Post of July 25:

Finally let me include an editorial from this morning's New York Post which I contend states the case very accurately:

[From the Washington Post]

U.S. SANCTIONS AGAINST POLAND

(By Gail McCrory)

The United States ordered the following economic sanctions against Poland after the imposition of martial law in December 1981 and the outlawing of Solidarity in October 1982:

Suspension of Export-Import Bank credit insurance on sales to Poland, a move aimed at curbing private exports to that country. In 1980, $25 million in such insurance had been granted.

Suspension of Polish civil aviation privileges in the United States.

Suspension of the Polish fleet's fishing rights in American waters. About one-third of Poland's total catch, or 230,000 tons, was made in American waters in 1980.

Further restriction of high-technology exports to Poland.

A ban on new U.S. government credits for food and other commodities.

Refusal to back Poland's admission to the International Monetary Fund.

Suspension after 22 years of most-favored-nation trading status for Poland, the first Soviet Bloc nation to be accorded it. The move effectively boosted tariffs on Polish manufactured goods, particularly textiles.

Curtailed shipment of nonhumanitarian agricultural commodities for distribution by the Polish government.

In November 1983, the United States agreed to negotiations on the government-backed portions of Poland's debt to the West—more than $10 billion of the total of more than $26 billion. Negotiations had been frozen at a meeting of NATO foreign ministers in January 1982. The first session took place in March of this year.

In January of this year, President Reagan agreed to allow a limited number of charter flights to the United States by Poland's national airline and eased some restrictions on Polish fishing privileges in American waters. His action followed an appeal by Solidarity founder Lech Walesa to spare Poland further economic damage.

AMNESTY IS ONLY THE BEGINNING

Poland's military government has seen fit to grant amnesty to 652 political prisoners. That is progress of sorts, but it by no means calls for removal of all of the economic sanctions imposed by the United States after the 1981 crackdown on Solidarity.

That Gen. Jaruzelski seeks the lifting of those sanctions is beyond doubt. They have cost Poland an estimated $13 billion in lost production at a time when its struggling economy can ill afford such losses.

There is even less doubt that Jarauzelski can expect any help from the Soviets—who surely disapprove of the amnesty but who also have serious economic problems of their own.

Thus the easing of pressure on Polish dissidents.

In return, the restoration of civil aviation rights and certain scientific and cultural programs can be reasonably expected.

Buy what of the Polish free trade union movement? What of the economic reprisals carried out against those deemed guilty of political offenses?

Until those questions are answered, any talk of restoration of U.S. food credits and—most especially—granting of most-favored-nation tariff status is premature in the extreme.

After all, it would be silly to lift all sanctions merely because Gen. Jaruzelski agreed to free several hundred men and women who had no business being in jail in the first place.●

NUCLEAR PARTS SOUGHT BY PAKISTANIS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. STARK. Mr. Speaker, last Saturday's Washington Post included an article which should raise serious concern in this body.

The article's headline read "Nuclear Parts Sought by Pakistanis." It revealed that Federal agents arrested several Pakistanis for trying to purchase and illegally export to Pakistan high-technology switches that could be used in triggering a nuclear weapon.

Our relationship with Pakistan in recent years has been based on two primary interests:

First, our strategic interest in maintaining the independence of Pakistan without Pakistani acquisition of nuclear weapons, and

Second, Pakistan's interest in maintaining its own security in the face of an historically hostile India and the Soviet presence in Afghanistan.

The United States made a decision to pursue our half of these two interests by providing Pakistan with $3.2 billion in aid, including 40 of our sophisticated F-16 fighters. This aid was supplied in friendship and trust, on the condition that Pakistan not pursue a nuclear-weapons capability.

Unfortunately, Pakistan has apparently decided that their desire for nuclear weapons is greater than their desire for mutually beneficial friendship with the United States. I believe they are avidly pursuing a nuclear-weapons capability in direct abrogation of the well-known terms of our relationship. this is not the way a friend of the United States should act.

Our $3.2 billion in aid has not only apparently failed to convince the Pakistanis that we are a better guarantee of their security than a nuclear-weapons capability, but has supplied them with sophisticated delivery systems for their potential bomb. I ask my colleagues to join me in supporting legislation that would cut off all U.S. aid to countries like Pakistan that have not taken the simple step of renouncing the testing of nuclear weapons in the atmosphere.●

TELEVISION SUBTITLE EQUIPMENT FOR THE HEARING IMPAIRED

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. BONIOR of Michigan. Mr. Speaker, I am introducing today legislation to provide a tax credit to ease the cost of purchasing television subtitle equipment for the use of the hearing impaired.

I am honored to be joined today in introducing this measure by a broadly based, bipartisan coalition including Mr. CONABLE, Mr. HARKIN, Ms. MIKULSKI, Mr. BATES, Mr. TRAXLER, Mr. MURPHY, Mr. BARTLETT, Mr. EDWARDS of California, Mr. KASICH, Mr. FORD, Mr. GUARINI, Mr. BROWN of California, Mr. MRAZEK, Mr. MARKEY, and Mr. GRAY.

Companion legislation is being introduced today in the Senate by the distinguished Senator from Vermont, Mr. LEAHY.

Television has become the eyes and ears of the world. It is one of the best ways we keep in touch and stay informed. But, for 16 to 18 million Americans who are deaf or hearing impaired, television has been a mute world. It has been a world with eyes, but no voice.

Imagine not being able to hear the local or national news. Imagine sitting down with your family to watch a movie. Everyone else is laughing or crying. Eager to be included, you ask what has happened, but your family, caught in the movie, motions you to wait.

In our society, television is more than a source of entertainment or news—it is the vital communication link between our people, the source of lifesaving information on natural disasters, the center of our civil defense alert system.

For the deaf and hearing impaired, the mute world of television has isolated them from current events and from shared experiences with neighbors and family. It has isolated them from the everyday culture that shapes our daily lives.

The world of television is slowly being opened to the deaf and hearing impaired through a system called closed captioning. Closed captions, invisible unless triggered by a special decoding device, enable viewers to read on the TV screen what they cannot hear. The special decoding device is commonly referred to as a line 21 decoder.

Today, closed captioning has emerged as the universal system adopted by all three networks and PBS. However, after nearly half a decade of use, there are still only about 80,000 decoders in use.

For too long, the cost of decoders—approximately $250 each—has deterred the expansion of that market. Families with hearing impaired members, struggling to meet special medical and education costs, as well as the expenses that face all Americans, have been unable to purchase decoders.

The hearing impaired start at a financial disadvantage. The median income of families headed by the hearing impaired is 84 percent of the general level. The figure is even worse for those families headed by a woman. Their income is just 74 percent of the general level.

Working with representatives from the National Association for the Deaf, the National Captioning Institute and Gallaudet College, we have developed a proposal that would go far toward expanding the decoder market, and at a minimal cost.

The proposal would amend the Internal Revenue Code of 1954 to provide an income tax credit for expenses incurred by an individual taxpayer for purchase of television subtitle equip-

ment. Only purchases of the equipment for use by a hearing-impaired individual will qualify for the credit.

The tax credit would apply to all captioning systems, including line 21 and the special CBS system, "Extravision." It would apply whether or not the decoders are purchased separately or are already integrated into a television set.

The tax credit under the bill is not refundable. The credit is for 50 percent of the cost of the subtitle equipment, up to a maximum of $250. The bill is estimated to cost less than $6 million per year.

Last year, some 17,000 decoders were purchased. This bill is projected to immediately increase sales to 25,000 per year. That is not only a jump of 41 percent, it represents an increase of 20 percent in the total number of decoders in use. By 1988, nearly 40,000 decoders a year will be purchased.

Since use of the line 21 system began in 1979, the hearing impaired across America have worked hard to ensure its full implementation. Just this year, following a landmark decision by CBS, all three networks and PBS have adopted line 21 closed captioning, creating a common and universal system.

That was a major breakthrough, yet no network, no matter how well intentioned, can maintain any programming absent a market. That is a hard fact to face, but it has a flip side as well. Given a strong market, no network will overlook the needs of the hearing impaired.

Now, as in the past, our Nation faces a basic choice. We can be one people, united by equal opportunity, sharing a common vision of hope, or we can let ourselves be divided into separate communities.

Wishing alone will not make us one people. We become one people because we pledge ourselves and our resources to the dream of equal opportunity; because we work to eliminate the barriers of access and communication that threaten to divide us.

I call the attention of my colleagues to the text of the bill, which follows:

H.R. 6029

To amend the Internal Revenue Code of 1954 to provide an income tax credit for expenses incurred by an individual taxpayer for the purchase of television subtitle equipment to be used by a hearing-impaired individual

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR TELEVISION SUBTITLE EQUIPMENT.

(a) IN GENERAL.—Subpart A of Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting before section 45 the following new section:

"SEC. 44I. TELEVISION SUBTITLE EQUIPMENT FOR USE BY HEARING-IMPAIRED INDIVIDUALS.

"(a) CREDIT ALLOWED.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the television subtitle equipment expenses paid or incurred by the taxpayer during the taxable year.

"(b) MAXIMUM DOLLAR AMOUNT LIMITATION.—The amount of the credit allowed under subsection (a) for any taxable year shall not exceed $250 ($125 in the case of a married individual filing a separate return).

"(c) DEFINITIONS.—For purposes of this section—

"(1) TELEVISION SUBTITLE EQUIPMENT EXPENSES.—The term 'television subtitle equipment expenses' means any amount paid or incurred by the taxpayer for the purchase and installation of any television subtitle equipment for use by any hearing-impaired individual who is an individual described in any paragraph of section 152(a) with respect to the taxpayer.

"(2) TELEVISION SUBTITLE EQUIPMENT.—The term 'television subtitle equipment' means equipment—

"(A) which is used in connection with a television,

"(B) which permits subtitles (which, but for such equipment, would not appear on the television screen) to appear on the television screen, and

"(C) the original use of which commences with the hearing-impaired individual referred to in paragraph (1).

"(3) HEARING-IMPAIRED INDIVIDUAL.—The term 'hearing-impaired individual' means an individual whose audible, aural perception is not functional at 70 decibels or lower in the better ear without a hearing aid."

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44H the following new item:

"Sec. 44I. Television subtitle equipment for use by hearing-impaired individuals.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred after December 31, 1983, in taxable years beginning after such date.●

OUR CONTINUING VIGIL FOR OUR MISSING AMERICANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. GILMAN. Mr. Speaker, on July 20, 1984, National POW-MIA Recognition Day, President Reagan addressed 800 family members of American prisoners of war and missing in action at the White House. In a moving ceremony, which included a flyover of military planes in the missing man formation, President Reagan's speech reaffirmed the Government's commitment to finding a full and final accounting of our MIA's and POW's, and signaled a continuing vigil for our 2,500 Americans who never returned from Southeast Asia.

During this past week, the Government of Vietnam returned the remains of eight individuals to U.S. Government representatives. Our central identification laboratory [CIL] in Honolulu is in the process of identifying these remains, an action which hopefully will put to rest some of the uncertainty that the families of our missing in action and prisoners of war have experienced over the past decade.

On POW-MIA Recognition Day, the National League of Families of American Prisoners and Missing in Southeast Asia also held their 15th annual meeting in Washington. The families, of our missing, gathered in large numbers this year to meet with Government officials to discuss recent initiatives between the Lao and the United States as we plan a joint excavation of a U.S. crashsite in Laos later this year. Government officials also indicated to the families that slow progress was being made between our Nation and the Vietnamese Government in obtaining a full accounting of our missing and in securing information on live Americans, and the repatriation of remains.

Mr. Speaker, I request that there be inserted at this point in the RECORD a copy of President Reagan's remarks which give a strong and clear signal to our Nation and to the world that our missing in action and prisoners of war will not be forgotten:

REMARKS OF THE PRESIDENT AT CEREMONY FOR NATIONAL POW/MIA RECOGNITION DAY

THE PRESIDENT. Ladies and gentleman, distinguished guests. Welcome. We are here today to recognize and honor a small, but very special group of Americans: our former prisoners of war and those who are still missing.

Four times in this century we have been forced painfully and reluctantly to send our men and women to fight in wars on foreign shores. Some of them made the supreme sacrifice of their lives. Some others made sacrifices in many ways equally grave—they were imprisoned by the enemy.

Their incarceration often included beatings and torture, starvation and all forms of emotional and psychological abuse. It also entailed the terrible loneliness of living through lost years, of seeing the days tick away without friends, without loved ones, without family and community.

What has sustained such men and women in their isolation is a question I think all of us have asked ourselves many times. What kept them going when faith waned, as it must have, and questions began to haunt and doubts began to accumulate. We hear the stories of the returned prisoners of World War II, and Korea, and Vietnam, and we marvel at how they kept going.

I recall that when many of our prisoners returned from Vietnam eleven years ago, a number of them said there were three things that helped them survive captivity and return with honor: faith in God, faith in their fellow prisoners, and faith in their country.

By faith, they didn't mean only love—though they demonstrated that in abundance. They meant a heartfelt belief that they would not be abandoned, that we at home would move mountains to return them safely to us after the war.

Our prisoners of war have been, and are, the bravest of the brave. They kept a trusting heart, they retained their spirit and their will, and they kept the faith. They

trusted us, and that trust did us great honor.

Among us here today are some American prisoners of war. May I say that you are, as the great always are, more than the sum total of yourselves. You're a testament to the strength and the character of the American people. You are a symbol of our spirit. You're an expression of American trust. Your heroism is as old as war itself, as old as names like Andersonville, and Los Banos, and Camp 5, and the Hanoi Hilton.

Most of those places are gone now or empty, but the silent left in their place surely echoes with the quiet, unheard valor of those who suffered there and clung to the belief that their government and their loved ones would be semper fi—always faithful.

We honor you and that honor is unending. There are others to whom we must be semper fi: Those who are still missing—the men who went across the sea, who never returned and whose fate is unknown.

Along with us today are some of the relatives and friends of those still missing—from Korea and Vietnam. They, too, have shown more than their share of heroism, holding the standard for those who went away and are not yet returned to us, insisting that the world remember and respond, asking all of us to help them in their great effort, never giving up or abandoning hope.

Our administration inherited the challenge of accounting for the missing in January of 1981, two decades after the first man was placed on the missing list in Vietnam and almost three decades after the armistice in Korea. There'd been many obstacles and excuses in that time as to why progress could not be made. We found three years ago that the greatest obstacle that we could face and would continue to face was the passage of time.

Despite the daunting specter of 31 years since the end of the Korean War, we have pressed the government of North Korea for an accounting. We will continue to do so. But I want you to know that we've received some valuable information from some dedicated veterans of that war on possible grave locations of some of their fellow soldiers. And we've acting on this information. If it is confirmed, we will return their remains to their homes and to their loved ones.

We're in regular dialogue with the government of Laos. And through reciprocal actions, that government seems to have gained a greater understanding of the importance to us of the POW/MIA issue. We in return have gained a greater understanding of their feelings and problems. This process had led us to discussions of joint crash site searches. And in this regard, I want to pass on some good news to you. Late last night, we were informed by the government of Laos of official agreement in principle to excavation of a U.S. crash site. We're working out the details now. We welcome this cooperative gesture.

In Vietnam, the government turned over the remains of several more U.S. servicemen three days ago. The Vietnamese also offered to resume technical-level meetings in August, and we appreciate these actions. We look forward to an acceleration of the process, an acceleration that was pledged to our delegation that traveled to Hanoi in February.

Ann Griffiths helped to arrange those negotiations. And, Ann, we appreciate your help and all that you've given to this process.

It's important to note that 30 years ago today, July 20, 1954, the Geneva Accords were signed. It was hoped that the truce agreement would bring peace to the Vietnamese people. Instead, they have been at war ever since. And those wars have caused untold human suffering. Today, Vietnam continues to fight in Kampuchea and on its northern border. Nearly ten years after the end of hostilities, the United States and the government of Vietnam still have major differences.

But we're encouraged that Vietnam has agreed in principle that our two countries should cooperate on the POW-MIA issue as a separate humanitarian effort. Peaceful cooperation, negotiations, with its neighbors in Kampuchea and a resolution of the POW-MIA issue provide the key for ending Vietnam's isolation. Normal relations with the international community can bring an end to the long suffering of the people of Vietnam. And I believe it to be in Vietnam's own interest to choose this path. It's a decision that we would truly welcome.

I'm mindful that I stand here before the families of many of the missing. I'm mindful that you gave your sons and husbands and fathers into the care of our government when they left to fight for our nation. You knew they might die in battle. But you had, and will always have, every right to expect that your government will not abandon those who failed to return.

In this, you, too, showed trust, and I tell you again, your trust will not be in vain. For many years, you stood alone in your quest for answers. Well, today, you're not alone. And I tell you from my heart, you will never be alone again.

Across the nation this week, hundreds of ceremonies are taking place in an outpouring of concern and understanding and solidarity. Balloons are being released across the country, a prayer ministry is ongoing, and the small black and white flag you see over this house flies proudly. All of this is good and fitting.

In January of last year, I said to you that we must fulfill our obligations as a matter of highest national priority.

Much has happened since then to give us some hope of progress. It's agonizingly slow for you and for us. But we must not lose faith in each other because of lack of action from the other side.

Two months ago I received the remains of the unknown serviceman of Vietnam. And I said to all the nation, and most especially to all of you, that we write no last chapters, we close no books, we put away no final memories until your questions are answered.

Your husbands, fathers, and sons and brothers did their duty by this nation and this nation will do its duty by them. Today we stand together. And soon we will look up and see, as a symbol of our longing, a Missing Man Flyover.

And today I pledge—and we will not rest until that formation is complete. May God bless you always.●

PRIVATE COLLEGES AND UNIVERSITIES IN PENNSYLVANIA: BETTER TEACHERS GIVE STUDENTS A BETTER CHANCE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. GAYDOS. Mr. Speaker, we have heard a great deal in the past 2 years about the weaknesses of the American education system and about the failures of our institutions of higher education to take action.

Various educational surveys, starting with the National Commission on Excellence in Education and rapidly followed by the Carnegie study on education and so many others, have indicated that American public schools, especially our high schools, were failing to challenge our youth, most particularly in science and mathematics, but in other subject areas as well.

The thrusts of these various reports has been to seek more rigorous graduation standards of our high school students and, by implication, a call for better prepared teachers at that level.

We have seen efforts in the Education and Labor Committee to respond to those calls by approving bills aimed at assisting local school districts in attracting and keeping top teachers and by offering assistance to high ranking high school seniors who would consider teaching as a profession.

Still there is much to be done. Our colleges and universities, both private and public must take a lead in this area. They will have to bear the weight of complaints about the teachers in our public school system. They will have to devise programs to insure that those who enter the teaching profession in the future are knowledgeable in their subject area as well as in the art of teaching.

We know there is a way to go. Reports trickling in from around the Nation indicate how far. In Florida, for example, where prospective teachers must pass a State examination in order to be eligible for certification, large numbers of graduating collegians have failed. Over the 2 years that the State test has been in place, nearly 40 percent of those seeking certification as teachers have been unable to achieve the minimum goal.

Texas is another State that has begun testing prospective teachers. The Texas Education Agency recently reported that only half of the 2,738 college students who took its basic skills competency test—which is required for admission to teacher education programs—passed the three-part examination.

And these are only students seeking to enter the teaching profession. What about the thousands of teachers already in America's classrooms? What can or should we do to ensure that their skills and knowledge are being upgraded?

Well, steps are being taken in some areas and, as a member of the Pennsylvania congressional delegation and its current chairman, I am proud that some of the private colleges in my home State are taking a giant step in providing some leadership.

Twelve private colleges and universities in Pennsylvania have embarked on a 4-year effort to improve high school instruction in literature, history, and foreign languages.

Starting next year, the colleges will set up four, 3-week residential institutes in each of three summers to bring together junior and senior high school teachers to study major issues in their fields.

By the end of the 4-year program, 480 teachers from Pennsylvania's 160 to 200 high schools will have participated in these summer institutes.

Funding for the project includes a $390,000 grant from the National Endowment for the Humanities for the first year and additional funds will be received through a $400 tuition fee to be paid by each teacher's school district.

The sponsoring colleges, organized as the "Commonwealth Partnership," are Allegheny, Bryn Mawr, Bucknell, Carnegie-Mellon, Chatham, Dickinson, Franklin and Marshall, Gettysburg, Haverford, Lafayette, Lehigh, and Swarthmore.

In the Education and Labor Committee we have reviewed bills that would provide assistance to private and public colleges and universities that worked closely with local school districts. It appears the Pennsylvania 12 have decided that improving the skills of public schoolteachers is far too important a task to be delayed until such time as Congress or various State legislatures take action on such a proposal.

I am proud to be a Pennsylvanian and to offer my personal commendation as well as that of the entire Pennsylvania delegation to the 12 private colleges and universities who have risen to meet an important challenge in our public education system.●

THE TRAGEDY OF CYPRUS CONTINUES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. BIAGGI. Mr. Speaker, I rise today to remind my colleagues that last Friday, July 20, marked a tragic, 10-year history of the invasion of the island of Cyprus by the Government of Turkey.

It was 10 years ago that many of us stood in this House and condemned the aggressive, illegal and unwarranted attack upon an island which has been characterized as a "flourishing center of Greek civilization." More importantly, it has been populated by both a Greek and Turkish Cypriot population that, until 1974, had succeeded in sharing their island without serious dispute. Yet, with military weapons supplied by American dollars, Turkey embarked on a military invasion and occupation that not only terrorized and divided the island—but which made the Greek Cypriots refugees in their own land.

The history of this occupation is not new to anyone who has followed the decade of defiance by the Government of Turkey in refusing to leave Cyprus. While we in Congress successfully managed to cut off military aid to Turkey after the 1974 coup, this cutoff has not been secured on a permanent basis. Today, we provide the Government of Turkey with a license to continue this occupation without providing any incentives for a settlement on the so-called Cyprus question.

Today, we have poured hundreds of millions of foreign aid into Turkey, claiming its strategic significance as the basis for our refusal to place conditions upon this aid that would resolve the Cyprus question. Today, 1,619 Greek Cypriots remain missing and unaccounted for by the Turkish Government. There are 200,000 refugees as a result of the Turkish invasion which, when compared to their percentage of the population, represent a significant portion of the total population. I believe that it is time that we take a bold and decisive stand against the continued subsidization of the Turkish occupation of Cyprus. Further, I believe that its strategic significance can continue to be recognized by the United States while at the same time recognizing the need to demand a resolution of this problem.

Our need to confront this issue has been elevated in importance over the past year when Turkish aggression boldly declared the independence of the "Turkish Republic of Northern Cyprus." Despite condemnation of this move by our own Government as well as the Security Council of the United Nations which called upon member states not to recognize it, the sovereignty of Cyprus has been seriously compromised with but a whimper and a whisper by the international community.

Today, 37 percent of the island is occupied by the Turkish Army. This occupation represents 70 percent of the economic wealth of the island. The practical result of this control is that Greek population has been forced to leave their homes and to be resettled by force. They have been denied their civil, human, and political rights. They have been subjected to death, disease, physical and economic abuse. In short, they have become pawns in an international game of aggression—pawns which remain ignored and forgotten by a large portion of the rest of the world.

It is easy for us to stand here and claim the banner of human rights as the reason why we should seek an immediate and bold solution to the Cyprus question. However, these words will fall on deaf ears if we do not accelerate our efforts, both diplomatically and economically, to resolve this situation. The Turkish Government has proven—indeed—that "human rights" is a phrase which finds no meaning in their language. As such, recognizing their refusal to address the human rights dimension of this problem, it is our duty, to provide a way in which to retain our strategic interests in this area of the world without neglecting the needs of the citizens of Cyprus. The United States has the tools at our disposal to put an end to the tragedy of Cyprus. Our Government, which proudly proclaims our role as protector of the free world, can address this problem in a reasoned fashion which will not neglect Cyprus. As such, I call upon our State Department and the administration to use our good offices to force a new initiative that will end the occupation of Cyprus and will restore to this nation the peace and sovereignty it deserves.

I commend our colleagues in the Senate for working aggressively to address the Cyprus question in this year's foreign aid bill. I would hope that their efforts, combined with those of us in the House that have spent many years seeking to end this problem, would see concerns placed on the national agenda this year.

We cannot afford to forget what took place in Cyprus 10 years ago. At the time, I stated, as I do again today, that "the eyes of the world are apprehensively focused upon the Island of Cyprus" as well seek a solution to the problem. Today, 10 years later, the world cannot forget what remains as a brutal reminder of oppression and tyranny in the southern Mediterranean, that continues unabated. I remain dedicated to working to address this problem and seek a peaceful and just settlement of the Cyprus question before another decade comes to pass.●

MIA'S HONORED AT NORTH CAROLINA CEREMONY

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. MARTIN of North Carolina. Mr. Speaker, members of the North Carolina congressional delegation gathered at Seymour-Johnson Air Force Base in Goldsboro on Monday morning of this week to honor the more than 60 North Carolinians missing in action in Southeast Asia.

This was a very moving and inspirational ceremony. As the dean of the North Carolina delegation, our colleague JIM BROYHILL, of North Carolina's 10th Congressional District, spoke to the audience of several hundred

people. I would like to submit his remarks for the RECORD.

Thank you. On behalf of the Members of the North Carolina congressional delegation in Washington—both those present and those absent, permit me to add my welcome to each person here this morning.

To my good friend, Ken McDonald, I say a word of appreciation and gratitude to you and your staff for all the work you did to make this morning's event a reality.

Two months ago, when I received the letter from the Speaker of the House, asking me to organize this ceremony for North Carolina, I recognized the need to appoint someone qualified and willing to do the hard work necessary to make such an event a success. I immediately thought of Ken McDonald. Ken works every day on behalf of the veterans of North Carolina and their families. You may say that is his job, but to Ken, it is more than a job, it is a challenge.

Ken and his staff work hard, as do those of you who work on the local and State levels, here on this base and on the others throughout our State, to assist those who have served and who are now serving our Nation. We thank each of you who played a role in organizing this program.

To those of you who went to personal sacrifice to be here today, and to those who drove long distances, let me thank you, too, for helping to make this day a time to remember and to reflect on the past.

As all of you know, Memorial Day, 1984, marked a most significant milestone in our Nation's history as the unknown soldier from the Vietnam War was laid to rest in Arlington National Cemetery.

There were those who had some misgivings about this ceremony. They felt—and understandably so—that such an event may mark an end to the Vietnam chapter in our American history. However, the President has reassured all concerned that this is not the case. The administration efforts to secure a full accounting of the nearly 2,500 still unaccounted for will continue to be given a high priority.

I know that President Reagan feels very deeply and very sincerely about the MIA issue, as do your elected Representatives and Senators in Washington. We share your frustration. We share your concerns. We want answers, just as you do. We can only hope that the administration efforts will yield some positive results in the near future.

Today's ceremony is the result of congressional action taken last year. West Virginia Senator ROBERT BYRD's amendment to the Department of Defense Authorization Act officially authorized a commemorative medal for the families of American personnel still missing or otherwise unaccounted for in Southeast Asia.

The official count of those missing stands at 2,489 American servicemen and civilians. The Department of Defense designated the Air Force as the executive agent for the military services to assist the various congressional delegations in organizing the ceremonies.

Locating the next of kin was not always an easy matter for the Air Force. We learned about some of you rather late and we regret that, but we are glad that you were able to join with us today. Others may not have been located, and if this is the case, we regret it very much.

While no medal, no ceremony, no words, and no action will compensate for the tremendous pain, the often constant worry and concern, and the feelings which you have experienced over the years during and since the Vietnam conflict, your Government takes pride in ceremonies such as this which are taking place across our great Nation.

The Memorial Day ceremony and the POW-MIA Day rememberances are two additional steps in sending a long-overdue message from the people of our great Nation to our Vietnam-era veterans. We say today—and we should say more often and with more pride—we appreciate the sacrifices which have been made to help keep our country strong and free.

Today, I am certain that we all have feelings about the Vietnam War and about what has happened in our country and elsewhere since the actual fighting ceased.

Some may feel a sense of pride—pride which results from the knowledge that sacrifices were made by those who fought and died, by those former prisoners of war who were fortunate to return to American soil by those still missing, and certainly the sacrifices which were made by the families of those still unaccounted for.

Others may feel a sense of humility—humility occasioned by recognition of the courage exhibited by those who were held captive against their will. You are going to have the opportunity to hear from one of these brave and loyal former POW's and a great American, Capt. Red McDaniel, in just a few minutes.

Pride, yes.

Humility, yes.

Others, probably all of us, feel a certain sense of pain and sorrow. Pain because we have been without loved ones for many years. Sorrow because we miss them. Many children have grown up to be young women and young men without really knowing their fathers. Some say it is weak to shed a tear. I say they are wrong. Shedding tears of sorrow and pain for those we love, those we miss, and those we care deeply about are not signs of weakness. They are signs of love, signs of gratitude, and signs of feeling and caring.

There are other feelings—feelings of frustration because the answers to our questions are slow in coming or they do not come at all. Our Government has pledged to continue to seek answers, to apply pressure whenever possible.

I am sure I speak for all the Members of the Congress from North Carolina when I say that we will do whatever possible to keep the pressure on the administration to continue its efforts to resolve this issue.

I have always felt a deep sense of gratitude for the patriotism of most Americans. Yes, we remember those who received so much publicity for unpatriotic acts.

However, in working on the details of this ceremony, my staff and I have been reminded again of the tremendous patriotism which you display today despite what you have been through in the recent past.

One lady called my office this week to say that she was coming to the ceremony today. She has six children—three boys and three girls. All three boys are in the military . . . one is an Army officer, another is a Marine Corps officer, and the third is an Air Force officer.

This is just one example of many I could cite, but it illustrates the faith which we have in our country. It's people like you who have made our Nation strong, and it is people just like you around the country who will keep us strong and free in the crucial years ahead.

Today then we think of the past, the present, and yes, the future.

We must ourselves be worthy of the sacrifices which our sons and daughters, our husbands and wives, and our parents have made and indeed continue to make for our Nation.

Let us then promise ourselves to never forget the sacrifices which so many have made for all of us. Let us then be forever grateful, forever appreciative, and forever remembering those whom we honor today.

I speak for the Members of the North Carolina congressional delegation when I say, "Thank you and God bless each and ever one of you."●

AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. McKERNAN. Mr. Speaker, at the request of a constituent, Mr. John Minott of South Portland, ME, I am submitting to the CONGRESSIONAL RECORD a letter which his late son, George, a Vietnam veteran, wrote to the governments of Laos and Vietnam on American prisoners of war.

The material follows:

I just this minute finished reading an article on the subject of American citizens being held, against their will, as prisoners in Laos and Vietnam. The general thesis of this article, which, by the way, is a nationally distributed magazine, was that American servicemen, held as prisoners, do exist in one or both of your countries. I think this is appalling and inhuman if, indeed, these allegations directed toward you are valid.

You see, the war in Vietnam was a political situation that grew from a very complex system of arrangements dating back hundreds of years. The fact that the Western countries of the world were colonists, and in sense gross exploiters of the world, is a historical and situational fact that cannot be altered. However, the United States was never an active participant in this type historical colonialism. The reasons of America entering the war had to do with personalities and conditions in Europe, particularly France, brought about by the Soviet Union in attempts to agitate its perceived nemises—capitalist Europe and America.

So, now we see a conflict in Europe between the pro-communists and the pro-capitalists. This struggle was going on in a particularly intense way in France, where the general sentiment of the people was to pull out of Southeast Asia—Vietnam, in particular—because the cost of running the colony was much greater than the profit incoming as a result of Vietnam being a colony of France. All the while, the leaders of your two countries, as well as many, many government and military officials in the respective regimes, were getting French dollars pouring into their pockets as well as French education, culture . . . thus, we now see a reluctance, even remorse to see these French-brought goodies leave—on the part of Laotian and Vietnamese officials who didn't particularly give a damn about the peasantry or even where their countries were headed. And from the research I've done, Southeast Asia has always had problems with corruption, graft, et al. So now we

see Laotians and Vietnamese contributing to the resulting war.

Then the U.S. did enter, maybe unwisely, but not with malice or ill will toward you or your people. You see, the Soviet Union used you as one would use dispensable property to a conflict. They—Soviet Union—initiated a conflict to expand in Europe and, to throw the Western powers off balance, also supported a civil revolution in Vietnam. Subsequently, the U.S., as would the Soviet Union, entered the scene knowing both were part of the same convoluted web being woven by the pro-communist forces of the globe.

So now we see the war as a matter of conflicting ideologies and communist versus capitalist—in which the victor enhances its world prestige and influence over the remaining parts of the globe. During this time, the communist forces were struggling to gain momentum in order to espouse their proletariat philosophy. The U.S., on the other hand, regarded, and somewhat correctly, this Soviet-inspired movement as anti-democratic and totalitarianistic. So, however unjustly, your countries were sold out by Russia and other communist forces.

This brings us to the U.S.'s involvement in Indochina. And, as a remark aside—I, personally, would have let you fall prey to these ideological lunatics, but that wasn't how the top American advisors felt. They were concerned for your freedom, yes, that's right, your life, your rights your freedom. And now, even though the war cost you dearly and even though you might be justly embittered toward the U.S. for their awkward but well-intentioned helping hand, I wish you could see it in your hearts to extend the gift of life to the families and friends of American servicemen being held prisoner by you by returning the men to the homeland they were born to. They are men and have the need to act as men just as you have the need to act as a man—that is, honorably and justly, by not letting your hate and ideologies fog or mist your perception of the hearts and minds of people.

I urge you—return these men to us so that we may explain to them why fifteen years of their lives have been spent in another country, for crimes they are not responsible for nor in any way accountable to. I do hope this letter finds its way to you and I also hope you do not misinterpret it as the letter of a capitalist-exploiter; I am not. I am only an American who is proud to be an American, but, above all, I am a man urging another man to help still another man. Thank you.●

A-TEAM PROGRAM

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. EVANS of Illinois. Mr. Speaker, I would like to share with our colleages an article brought to my attention by Mr. Floyd Ham, president of the Toulon LaFayette Unit School Board in Toulon, IL. It concerns a bold and exemplary new program for motivating elementary students to achieve their academic potentials.

The originator of the "A-Team program" is Supt. Charles Zbrozek, who was honored last year in the Illinois State Board of Education's Those Who Excel Program. Mr. Zbrozek was recognized for his dedication, creativity, and excellence in education. His teaching methods are reaching far beyond the confines of his school district, as the A-Team Education Kit becomes a nationwide program in July.

The A-Team approach is unique in that it motivates all students to set appropriate individual goals, and then rewards them with a certificate signed by Superintendent Zbrozek saying they are official members of the A-Team for that week. At the end of the school year, those students who make the A-Team at least once receive an autographed photo of the four members of the popular NBC television show by the same name. Guidelines for making the team include improving one's grades, turning in homework on time, participating in class, and being more attentive. The key to the program's success is its ability to motivate students to strive for academic excellence by having them identify their efforts with their television heroes.

The program has become so successful that NBC is now promoting the program to schools across the country. It will provide posters and certificates for NBC affiliates to distribute to area schools. The program will end each school year with a grand prize motivational trip to Universal Studios and Disney Land for the star pupil and their parents.

Mr. Speaker, I commend to our colleagues this article, printed in the June 1, 1984, issue of the Peoria Journal Star, about Mr. Zbrozek and his unique educational program.

TOULON PUPILS WORK HARDER TO MAKE THE 'A-TEAM'

(By Marsha Hausser)

The 'A-Team' is on yet another adventure—this one to improve children's grades.

Imagine Mr. T saying, "I want you to get good grades" or "I pity the fool who doesn't do his homework." Imagine winning a trip to California to see filming of the 'A-Team' as a reward for doing well in school.

It's happened.

Heidi Roberts, a sixth-grader at Toulon Grade School is going to California this summer with her parents for 10 days to see the 'A-Team,' tour Universal Studio and visit Disneyland, all because for 19 weeks she was a member of the A-Team—Toulon's reward for good school work.

The success of the program, as well as others around the country, has prompted NBC to sponsor similar programs nationwide.

Since last fall, Toulon fourth-, fifth- and sixth-graders have earned their way onto the 'A-Team' every week by improving their grades, turning in their homework on time, answering more in class, or even being more attentive.

It was Charles Zbrozek's idea. He is the principal of Toulon Grade School and the district superintendent.

The 'A-Team' is now and was in the fall one of the highest-ranked TV shows in the nation, and most of our students watch the show, Zbrozek said. "I happened to get the idea by seeing a Mr. T poster that was on sale at the mall. It says, The 'A-Team' wants you. It seems to me that the 'A-Team' could stand for a lot of things."

So he bought two posters, huddled with his teachers, had some certificates made up, and the 'A-Team'—Toulon style—was born.

Every week Zbrozek, with the 'A-Team' music in the background, would read the names of pupils who were recommended by at least one teacher to be on the 'A-Team' for some improvement or achievement. The students would receive a certificate signed by Zbrozek saying they were official members of the A-Team at Toulon for that week.

At the end of the school year, every pupil who made the 'A-Team' at least once received an autographed photo of all four members. Every student made the 'A-Team' at least four times during the year, Zbrozek said. Students also got t-shirts that said, "I'm important: I'm on the A-Team."

NBC picked up the idea after Zbrozek sent letters to NBC management. NBC liked the idea so well it will begin promoting the 'A-Team' concept for schools across the country this summer and will provide posters and certificates to NBC affiliates to distribute to schools.

To the planners involved, the idea has struck gold because it links role models to an important cause.

Motivation, Zbrozek said, has been the school's major problem the last few years.

"We were looking for a motivational tool for our young people that would get them excited and involved in their education and use some of the role models and influential media sources that influence them outside of school," Zbrozek said.

Out of about 125 pupils in all three grades, about 40 were making the 'A-Team' every week. After a telecast on Channel 25 about the program, 70 per week was the average, Zbrozek said.

Even with stricter standards second semester, requiring two teachers to recommend a student, the average has stayed at 60.

The measurable results have been nothing less than amazing.

"We have gotten a lot more out of our students this year than in past years simply in the level of quantity and quality of the work turned in," Zbrozek said.

And at first glance at the students' Science Research Association (SRA) scores, "We think we have improved," he said.

"We've seen an awful lot of bad habits disappear, such as sloppy work, not studying, or not turning in homework."

Wednesday Heidi Roberts' name was the last pulled in a drawing to see who would win the trip to California. The 37 students whose names were read before her had been on the 'A-Team' at least 80 percent of the time and some made it every week.

The trip is being sponsored by WEEK-TV and NBC.

WEEK-TV General Manager Frank Bussone is optimistic that the concept will catch on. "I think next year you'll see the Toulon idea adopted at least close to nationwide."

Al Ovadia, director of corporate creative services for NBC in Burbank, Calif., is working for that goal.

Called the "A-Team Honor Roll" the program would be nearly identical to Zbrozek's idea, except recognition would be given on a monthly basis. If a student made the 'A-Team' four months in a row, he or she

would receive a certificate and a membership card into the A-Team Honor Roll.

The A-Team's following includes seven million children who watch NBC's top-rated show, Ovadia said.

Ovadia said the four team members, who portray Vietnam veterans turned Robin Hoods of sorts, are enthused about the program.

"They're tremendously excited about it," Ovadia said.

The four will have a hand in preparing a letter to students that they will get with a poster of the team, and will chaperone students who win trips as part of the program in the future, Ovadia said.

Ideas similar to the one in Toulon have taken root in about 100 schools throughout the nation, Ovadia said.

The success seems to be similar. In one Florida school, a student who had been getting Cs and Ds started getting As and Bs once the A-Team program began, Ovadia said.

"If it works, and if that's what will motivate them, then I think it's important," Ovadia said.●

FACTS AND FIGURES FOR THE PRESIDENT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. STARK. Mr. Speaker, time and time again President Reagan has tried to assure the American public that his budget cuts have not hurt the poor. And time and time again Members of the House and Senate, various media reporters and respected research groups including the Congressional Research Service, have presented the President with the facts which dispute his claims.

The President believes that if he says something often enough that it will become true. I am here to tell the President that it just isn't so. No amount of false rhetoric will feed hungry children or put a roof over their heads. No amount of false rhetoric will keep elderly people from freezing to death in the winter. And no amount of false rhetoric will solve the multiple causes of poverty in this country.

Mr. Speaker, the voodoo math that President Reagan applies to budget areas that affect the poor is truly reprehensible. In order to push through his economic packages, in the past 3 years, the President has committed a social Pearl Harbor with the worst massacre of social service, educational, housing, nutrition, job-training, and consumer programs in our history. His budgets have wiped out the modest gains made in the prior 15 years by women, the elderly, minorities, and the young, and have driven millions into poverty. Programs for the needy have lost about $16 billion which translates into a loss of about 1 in 6 dollars.

I agree with Franklin Delano Roosevelt that, "The Presidency is a place of moral leadership." So I am deeply troubled by the notion that national issues like the level of poverty, are simply dismissed by this President. All of his promotional flack, however, cannot hide from us one central fact: This administration has lost its moral moorings.

Mr. Speaker it is time that this President stop whistling the trickle down boogie and get the facts. I have included an excellent editorial from today's Washington Post so that Mr. Reagan can begin to collect the facts on his budgets and their impact on the poor.

The article follows:

FACTS AND FIGURES FOR THE PRESIDENT

"Not one single fact or figure," said President Reagan at his press conference this week, substantiates charges that his budget cuts have hurt the poor. May we remind him of not one, but two . . . or three or four more anyway?

Here's one hot off the press. The morning after the president's press conference the Congressional Research Service released a study analyzing cuts in cash welfare included in the administration's 1981 program. The study found that these cuts alone pushed more than half a million people—most of them children—into poverty.

That's just one small part of the picture. Many other programs for low-income people were also cut. And many of the people losing benefits were already poor, so their losses don't show up in the simple poverty count. Others were made worse off, but not quite enough to qualify them for official poverty. If the president is really interested, he might want to look at several other studies that confirm and enlarge upon the CRS findings.

For example, a recent study from the General Accounting Office found that a large percentage of families whose welfare benefits were cut were poor either before or after their losses. The cuts also caused many families to lose all medical coverage as well, run out of food at least once during the study period or have their utilities shut off.

The Congressional Budget Office has done several relevant studies. One released this spring, for example, showed that, as a result of the president's policies, families with incomes below $10,000 lost $23 billion in after-tax income and benefits over three years, while families with incomes above $80,000 gained $35 billion.

It is true, as the president pointed out, that certain programs for the needy are now spending about $64 billion a year compared with about $41 billion in 1980. But the president forgot to adjust that spending for inflation—a mistake he never makes when he talks about military spending. Prices rose by more than 25 percent over the period. And the cost of medical care—which accounts for the rise, in Medicaid, the fastest growing of the programs—rose still faster.

The increase the president points to is also inflated by the fact that the low-income housing programs he included in his total are still spending money authorized in the Carter years. He also failed to note that others—such as welfare and food programs—would have been much lower if Congress had made additional cuts he asked for. And he neglected to count losses in those programs for the needy—job programs, day care and other services—that took the biggest cuts.

Nor did the president take account of the fact that the deep recession, cutbacks in unemployment insurance and the growing number of elderly people mean that more people are now in need of help. Adjusting for all these factors, the Center on Budget and Policy Priorities estimates that all programs for the needy are spending about $16 billion less this year than they were when the president took office. That's a loss of about one in six dollars.

What's that again about not a single fact or figure?●

DR. RUDI UNTERTHINER A GRATEFUL AND PROUD AMERICAN

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. VANDER JAGT. Mr. Speaker, one of the wonderful experiences as a Member of Congress, Mr. Speaker, are those occasions on which new acquaintances and friendships are made with truly remarkable and unique individuals. Such has been the case for me with Dr. Rudi A. Unterthiner, M.D., of Rancho Mirage, CA. A magazine article featuring Dr. Unterthiner, which appeared in Palms to Pines some years ago, written by John Pinkerman, is an excellent presentation of this outstanding man. I am delighted to include that feature story at the conclusion of these remarks.

At a time when pride and honor in our country is at a renewed height one can better appreciate the contributions of the Unterthiners of this country to that wonderful and needed spirit. Some years ago, Dr. Unterthiner, an immigrant from Italy as a young man in the 1950's, commented, "I just hope I can contribute in some small way in identifying with this great country and getting it and the young people of today back to the principles on which it was founded."

Although he had no family in the United States and received no financial help from his family in Europe, Rudi was determined to get a medical education in the United States. It took him 9 years to achieve that goal as he worked at a wide variety of jobs to finance his education while coping with ever changing immigration rules and regulations. After receiving his M.D. in 1967, Rudi went on to study plastic and reconstructive surgery. He completed his training in 1973 and has since been practicing his specialty in southern California and throughout the world.

Rudi's tireless efforts both at home and abroad are based on his constant support of the American philosophy that spurred him to come to this new

country in the first place—individual liberty and unfettered opportunity. He has achieved both and has contributed so much more.

The article entitled "Rudi Unterthiner . . . A Human Being, Doctor, and a Plastic Surgeon" follows:

[From Palms to Pines]

RUDI UNTERTHINER, A HUMAN BEING, DOCTOR AND A PLASTIC SURGEON

(By John Pinkerman)

The observation is true but we meet some people who are more interesting than others—and Dr. Rudi Unterthiner is one of them.

Unterthiner is, perhaps, the most fascinating and genuine decent human being this reporter has encountered during 45 years of putting one word after another. He is a plastic surgeon living amid the wealth of Rancho Mirage and practicing in Palm Springs, his clinic in Rancho Mirage and Beverly Hills. All this should make him supersensitive, perhaps stuffy, certainly one unwilling to talk openly with a newsman.

However, success notwithstanding, he is an open and friendly man, a man with great humility and one who is proud to be an American, even grateful. And, despite the stories he might be able to tell about facelifts he has done for many Hollywood beauties—and some who weren't quite so beautiful—he would rather talk about his goats, his mule, his horses, his St. Bernard dog, his gracious half-Shoshone Indian wife, his two enthusiastic children and the trips he makes to Puerto Citas, Mexico, for volunteer surgery and general practitioner doctoring in behalf of the poor, the sick, and the maimed.

Unterthiner did not always have it so good. He did not always live in the comfortable but unpretentious house with two imported cars—plus his "farm", complete with date palms. But, since able to toddle (born in 1938) in the Italian Tirol village of Sterzing (once part of Austria), he has been a determined person. His determination? To be a doctor.

"I think the fact that I saw so many injured and wounded people from World War II must have had something to do with that goal," he said in an interview at his home. Actually, he could have made a living as a ski star or instructor and his athletic build and step indicate he still could. But, doctoring was his aim. "My grandfather also had something to do with this," he said, "even though he may not have known it. He was wounded in the war and he also was a wood carver as most people in our area were—when he wasn't working in the coal mines. Sometimes I liken plastic surgery to wood carving—shaping things for the better. And, don't forget plastic surgery comes from the ancient Greek word 'plasticos' or 'capable of being molded'."

In any event, the young Austrian who really was an Italian by nationality, came to the United States on a temporary visa seeking a college education—because he said, "North America has by far the best medical educational system in the world."

He first landed in Northfield, Minn., at Carleton College, and he made his way as he did for several years, as a ski instructor. He went back to the Tirol for more money-earning in the coal mines, but returned to America, working on the ski slopes of Aspen, Colo., attending the University of Colorado part-time. He also worked at the Denver airport, gas stations, and in several other jobs. And, he observed a development in Americana that has disturbed older generation Americans: "There were obvious great opportunities here and it made me sad to see the failure to appreciation for the country by many U.S. kids."

This observation, however, did not shake him from his own goal. On he went to Spokane, again as a ski instructor and student at Whitworth College. He found a way to get a pilot's license and earned $14 an hour moonlighting as a crop duster. This was pure gold—and it kept his doctoring hopes alive.

The problem was to get into an American medical school. Not being a U.S. citizen, this was tough, as was what then was a hefty $1,800-a-year tuition in private schools. "But, I was going to be a doctor or bust," he said, "and I remembered the encouragement I had gotten as a youngster from the Jewish doctor in our otherwise all-Catholic village back home."

Eventually, he was accepted at the University of Edmonton in Alberta, Canada, and during summers worked crop dusting and as a medical assistant in Lewiston, Idaho, and Colton, Wash. It was at this time that he met his wife, Linda—actually as he assisted in examining her when she applied for a job at a state hospital where he was a temporary employee. They were married six months later in Edmonton.

Following graduation he did intern work at the University of British Columbia medical center, then all his residency work in Southern California. At first, as he rotated in and out of the various specialized departments, he considered following neurosurgery but became depressed by some of the more horrible emergency accident cases involving brain damage. Finally, he had the opportunity to observe and assist in saving the hands and fingers of a small boy injured in a lawnmower accident. "I knew immediately I had found my speciality," he said, "which would be helping to restore full health for injured people."

He did his specialized plastic surgery study at the University of Cincinnati, then returned to California. "I just wasn't cut out for the Midwest," he said. "I love the biculturality of California, along with the mountains, the lakes, the ocean, the desert."

He started practice as a specialist in Lancaster, Calif., but soon the Hollywood show biz crowd was filling his office, and shortly afterward he found it necessary to move to Beverly Hills.

"Without knowing it," he said, "I suddenly found myself in the middle of the show business world. It has meant a lot to my success, but I am really far more at home with my goats here, or flying down to Puerto Citas where I spend Christmas, Easter and other weekends doing basic doctoring as well as surgery."

Today, Unterthiner has his main office in Palm Springs, going to Beverly Hills one day a week and as a consultant only. But, it is the approach to medicine and his attitude on America that make this man something different than the ordinary successful specialist. One bit of evidence of this is the fact that he still spends one weekend a month doing Air Force reserve military duty. "I think I owe it to this country," he said. "It has been so good to me." Also, it was partly through Air Force service (plus four personal "lobbying" hitchhiking trips to Washington) that he was able to become an American citizen.

This man also seems to understand the responsibilities of his profession as few others do. "First, I'm a human being." he said. "Second, I'm a doctor. Last, I'm a plastic surgeon. I'm a real doctor and I keep up on general medicine. It is my privilege to help others—that's why I go to Mexico—and I feel very humble about what I'm doing. That's why, too, the Hollywood tinsel doesn't mean that much to me; I enjoy being a plain old general practitioner, getting back to my goats and with a cold beer in my Mexican village."

"Through these experiences and my desire to help, I hope I can contribute in some small way in identifying with this great country and getting it and the young people of today back to the principles on which the country was founded."

Such is the nature of 39-year-old Rudi Unterthiner, a man among men, a down-to-earth man who sets a sterling example for his professional contemporaries—or any other American.●

CONTINUATION OF OUTER CONTINENTAL SHELF MORATORIA IS COUNTERPRODUCTIVE TO U.S. INTERESTS

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. CORCORAN. Mr. Speaker, the Wall Street Journal, in a June 28 editorial clearly outlined the counterproductive nature of our continuation of moratoria on exploration for oil in certain offshore areas of the United States. These moratoria have been implemented by the Congress through funding limitations on appropriations bills relating to the Department of Interior. Specifically, these moratoria restrict the Interior Department's ability to offer exploration and development leases on the Outer Continental Shelf.

I oppose OCS moratoria, both on grounds of substance and on grounds of procedure. It simply makes no sense to lock up this vast potential energy resource. Furthermore, by implementing this policy through the appropriations process, we are depriving ourselves of adequate consideration of this important matter by the relevant House authorizing committees.

Mr. Speaker, for the benefit of our colleagues, I would like to insert in the CONGRESSIONAL RECORD the text of the June 28 Journal editorial on this subject.

[From the Wall Street Journal, June 28, 1984]

DEEP-SIXING DEBATE

For the past three years, the Reagan administration has been crossing carefully through the mine field of environmental regulation, trying to protect the environment while encouraging further energy and industrial development. And the environmental zealots have been using all sorts of backdoor ploys in the courts, Congress and the media to block the administration's policy initiatives.

This week the Supreme Court stepped in and said enough is enough. In a decision involving the Clean Air Act, the justices ruled that the Environmental Protection Agency can use flexibility in adopting regulations to meet air-pollution standards. Specifically, the court supported the administration's "bubble" concept, which holds that total pollution from a number of sources, such as smokestacks, at a single factory or plant can be treated as if under a bubble. Businessmen say this allows them to meet the clean-air standards more efficiently and at much lower cost.

Fresh from this defeat, the environmentalists are turning to Congress today to try to tie up another administration effort—this time, offshore oil exploration. For the last three years, without benefit of hearings or full debate, Congress has established moratoriums restricting the Interior Department's ability to offer exploration and development leases on the outer continental shelf. The amount of territory covered has increased from 736,000 acres in fiscal 1982 to more than 50 million acres currently.

Now Reps. Sidney Yates and Leon Panetta, along with other congressmen from California, Florida and New England, are hoping to extend this moratorium on 50 million acres for another year by attaching an amendment to an Interior Department bill. It does make you wonder just how isolated Congress has become from the real world. The newspapers are running stories daily about U.S. utilities on the verge of shutting down nuclear-power projects and declaring bankruptcy, while Iraq bombs away at ships in the Persian Gulf. And our Congress wants to blithely lock up 50 million acres of potential oil fields.

The House Appropriations Committee is scheduled to take up the measure today and it's likely to sneak through unless someone demands that matters of such significant economic consequence as the development of our offshore resources deserve thorough hearings and debate.●

TAIWAN ACTS! AMERICA STALLS!

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. GAYDOS. Mr. Speaker, a steelworker from my 20th Congressional District in Pennsylvania recently sent me a newspaper clipping which illustrates why so many Americans are puzzled at the action—or inaction—of their Government.

The clipping, from the June 16 edition of the Daily News in McKeesport, PA, announced that Taiwan had adopted an antidumping law to prevent foreign countries from selling their products in Taiwan cheaper than domestically produced goods. The new law, intended to protect local industries threatened by imports, was to take effect immediately.

Mr. Albert Benik of 726 Reynolds Avenue, McKeesport, pointed out that our stores are filled with the products from many nations, including those from countries who cry "foul" when America talks about protecting its home markets.

While we hem and haw about enforcing our trade laws and defending our home markets, other nations act. While we fret over the possibility of retaliation from trading partners, other nations act. While we worry about the possibility of a trade war, other nations are waging one against us.

Mr. Speaker, legislation has been introduced in this Congress to save the American steel industry. It is cosponsored by more than 200 Members. I would like to see it come before the House in the near future. In the interim, I ask my colleagues to read Mr. Benik's letter and follow Taiwan's example.

TAIWAN ADOPTS ANTI-DUMP LAW

TAIPEI, TAIWAN.—Taiwan has adopted an anti-dumping law to prevent foreign countries from selling goods in Taiwan cheaper than in their own domestic markets, the government announced Friday.

Government officials said the law, approved by the Cabinet Thursday, would take effect immediately.

The new law, they said is intended to protect local industries that might be threatened by imports resulting from Taiwan's move to lower import taxes and relax domestic market restrictions.

Officials said Taiwan would impose dumping duties and countervailing taxes on goods sold here cheaper than in their country of origin.

Congressman JOSEPH GAYDOS,
McKeesport, PA.

DEAR MR. GAYDOS: Being a steelworker in tubular products, this explains my concern for the contents of the enclosed article. It pertains to all imported goods (from a country) who cries foul when we even mention such a nasty word as quotas. Our stores are filled with their products in shoes, tools, clothing, food etc. In fact we have imports from many other foreign countries. Steel is one of their biggest profits.

It took the Taiwan cabinet one day to pass on anti dump law. Our lawmakers have been trying for 15 to 20 years and solved nothing. There must be something wrong with our system.

Sincerely,

ALBERT BENIK.●

THE MONEY LAUNDERING PENALTIES ACT OF 1984

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. HUGHES. Mr. Speaker, Today I am introducing the Money Laundering Penalties Act of 1984 which was ordered favorably reported this morning by the House Subcommittee on Crime.

Joining with me in introducing this measure is JOE MINISH, the chairman of the Banking Oversight Subcommittee who will be working on this measure in the Banking Committee, and Crime Subcommittee members HAL SAWYER, LARRY SMITH, BRUCE MORRISON, CHUCK SCHUMER, ED FEIGHAN, and CLAY SHAW.

The Crime Subcommittee, in the course of its oversight over the enormous problems of drug trafficking and organized crime, has heard time and again about the staggering sums of currency that are involved in money laundering offenses. In the Cutaia case, two men, when they were arrested for violating the Currency and Foreign Transactions Reporting Act by transporting currency of more than $5,000 without filing the necessary report had a total of $435,000 in cash in their luggage. This case is typical of the sums of money laundered in a single violation of this act.

This bill will dramatically improve the enforcement of the Currency and Foreign Transactions Reporting Act. One of the principal problems with the act is that the penalties are terribly low. The bill would raise the civil penalty for a willful violation of the act by a financial institution from $1,000 to $10,000. More importantly, the criminal penalty, now a misdemeanor with a maximum 1-year imprisonment and a $1,000 fine would be raised to a felony with a maximum of 5 years imprisonment and a $250,000 fine.

The bill also provides specific authority for customs officers to make warrantless searches for evidence of violations of the Currency and Foreign Transactions Reporting Act of conveyances or persons entering or departing from the United States.

The bill raises the threshold to more than $10,000, which triggers the duty to file a report when one is transporting currency out of the country. Currently, the amount is more than $5,000. Since the threshold was enacted 14 years ago, the effects of inflation have rendered this level an inconvenience to larger numbers of international travelers. The Treasury Department believes that this will also improve the enforcement of the act by eliminating the burden of processing a larger number of unnecessary reports that are filed.

The final section of the bill provides important authority for the Secretary of the Treasury to make rewards to persons who provide information about violations of the act which leads to the collection of a fine, a penalty, or the forfeiture of currency of more than $10,000. This provision would encourage law-abiding citizens, who may have important information about the activities of a money launderer, to come forward with their information. After all, they are exercising no small amount of courage in providing information on persons who may be drug traffickers or organized crime figures. I think a reward is appropriate and will help our law enforcement report.

I ask unanimous consent that the text of the bill appear at this point in the RECORD.

H.R. 6031

A bill to improve the criminal enforcement of provisions of law relating to currency and foreign transactions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Money Laundering Penalties Act of 1984".

SEC. 2. (a) Section 5321(a)(1) of title 31, United States Code, is amended by striking out "a civil penalty of not more than $1,000" and inserting in lieu thereof "a civil penalty of not more than $10,000".

(b) Subsection (a) of section 5322 of title 31, United States Code, is amended by striking out "$1,000, or imprisoned for not more than one year, or both" and inserting in lieu thereof "$250,000, or imprisoned for not more than five years, or both".

(c) Subsection (a)(1) of section 5316 of title 31, United States Code, is amended by striking out "more than $5,000" and inserting in lieu thereof "more than $10,000".

(d) Subsection (a) of section 5317 of title 31, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) A customs officer may stop and search, without a search warrant, a vehicle, vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported in violation of section 5316 of this title.".

(e) Chapter 53 of title 31 of the United States Code is amended by adding at the end thereof the following new section:

"§ 5323. Rewards for informants.

"(a) The Secretary of the Treasury may pay a reward to a person who provides information which leads to the collection of a criminal fine, civil penalty, or forfeiture, which exceeds $10,000, for a violation of this subchapter.

"(b) The Secretary shall determine the amount of a reward under this section. The Secretary may not award more than 25 percent of the net amount of the fine, penalty, or forfeiture collected or $150,000, whichever is less.

"(c) An officer or employee of the United States, a State, or a local government who provides information described in subsection (a) in the performance of official duties is not eligible for a reward under this section.".

(f) The table of sections at the beginning of chapter 53 of title 31 is amended by adding at the end the following new item:

"5323. Rewards for informants.".●

FREEDOM ISN'T FREE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. BILIRAKIS. Mr. Speaker, last Friday, this Nation honored those men who served their country with more than the usual measure of devotion and patriotism. Our prisoners of war and those missing in action represent the truest test of duty to this democracy, and on their day of recognition the citizens of America took a few moments to remember the sacrifices of these courageous soldiers—some of whom returned, and others who are still unaccounted for.

Mr. Speaker, in my district there is a particularly sensitive young woman, Lisa Worthington, and she saw a need to express her feelings toward our POW's and MIA's in a poem she composed for the occasion. Miss Worthington read this touching memorium in Dunedin, FL, before a gathering of disabled American veterans from the DAV Chapter 103 in Dunedin. I know those in attendance were moved by her eloquence and I wanted to share her poetry with my colleagues.

Mr. Speaker, herewith is the poem by Barbara Elizabeth (Lisa) Worthington, of Dunedin, FL:

FREEDOM ISN'T FREE

(By Barbara Elizabeth Worthington)

It was bought for you and me with young men's blood and mother's fears, young wives cryin salty tears.
Each of us should bow his head in loving memry of the dead who gave us liberty, sweet liberty.
We still live in the land of the free with liberty, sweet liberty.
No one here's going to ask our name where we're goin or why we came.
No one cares if we're white or black if we go to church, or a li-tle slack.
We can live anywhere that we want to in the land that boasts the red white and blue.
We stidl have the right to cast our vote to argue with the govt if it gets our goat.
Yes, freedom is precious as we each know but we must maintain it for it to grow.
Cause freedom isn't free, it was bought for you and me with young men's blood and father's tears and unborn babies through the years.
Each of us should bow his head in loving memry of the dead who gave us liberty, sweet liberty.
We still live in the land of the free with liberty, sweet liberty.
Most of us here are having fun but, know full well how it's been won.
Our precious freedom has been given by troops of men who entered heaven.
They left this land to fight our foe as into battle they did go.
We celebrate the gift they gave. Our country, under God, they saved.
Let's each of us bow our head in thought realizing the gift these young men bought with screams of pain as they would die our liberty's price came very high.
Yet, not a man or his mother would save his life for any other form of government but democracy which lets us live in the land of the free.
Each of us should bow his head in loving memory of the dead who gave us liberty, sweet liberty.
We live in the land of the free with liberty, sweet liberty.
But, freedom isn't free it was bought for you and me with young men's blood and mother's tears and unborn babies through the years.
It's been bought by men who died too young killed with prayers on their lips and carrying a gun.●

THE SUPREME COURT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, July 25, 1984, into the CONGRESSIONAL RECORD:

THE SUPREME COURT

The Supreme Court of the United States has just ended more than nine months of deliberations, during which it issued almost 160 opinions in criminal law, the environment, civil rights, immigration policy, free speech, foreign travel, draft registration, copyright law, and church-state relations. While much of the new law made by the court has to do with the rights of criminal suspects and the power of the police, the scope of the court's work shows why this almost invisible branch of government can be extremely powerful.

Several things about the court's work caught my attention. The first was the success of the Reagan Administration, which took its entire political agenda to the court and got virtually everything it sought. This was especially true in the area of criminal law, where the court seemed to adopt outright a new philosophy championed by the President: the rights of society should take precedence over those of the accused when public safety and the needs of victims are at stake. The court moved in a conservative direction here.

Another distinguishing feature of the court's work this term was the continuing near-equal ideological division among the justices. Some 20% of the case this term (29 in all) were decided by one-vote margins. The significance of this fact is evident when the advancing age of the justices is considered: since five of the justices are 75 years of age or older, the next President will use appointments to leave his mark on the court.

Yet another feature of the court's work this year was more important in that it might represent a turning point in the court's history. The court is often thought to be a guardian of individual liberties, but whenever the rights of the person clashed with the prerogatives of government this term, government nearly always won. In fact, that government has authority over the individual was perhaps the clearest theme running through the court's decisions. The court generally did not seem to do this in the name of liberalism or conservatism, but acted instead at the request of elected government. Powerful private interests, as well as those of society's "have-nots," lost ground. The signal that the court sent is that if there is to be added protection for people's rights, it must come from the legislative and executive branches of government, not from an actively intervening, policy-making judiciary.

In the area of criminal law, law enforcement and corrections were the big winners. The court held that evidence seized by police relying in good faith on a defective search warrant could be used at trial. It said as well that any illegally obtained evidence

could be used at trial if the police would have discovered it lawfully. In other major cases, the court ruled that police need not read a criminal suspect his rights before questioning if public safety is threatened, and that juvenile delinquents may be held without bail before trial. Also, it decreed that prison inmates have no right to privacy in their cells, and that states may impose the death penalty without assessing its relative severity.

The court handed down two major rulings on the environment, both favorable to industry. In the first, it said that the federal government does not have to take account of the environmental concerns of coastal states when it offers oil and natural gas leases on the outer continental shelf. In the second, it said that industry in regions where the air is dirty should be regulated under the looser standards applied to industry in regions where the air is clean.

In the area of civil rights, the court said that federal laws prohibiting sex discrimination in colleges receiving federal aid apply only to the departments getting the money. Also, it ruled that states may prevent organizations such as the Jaycees from denying full membership to women. Expressing skepticism that equality could be achieved by preferential treatment, the court held that job seniority outweighs affirmative action when layoffs are necessary. In other cases, it held that law firms cannot take sex or race into account when promoting attorneys to partnership, and that public school must provide facilities for handicapped pupils who are incontinent.

Following the lead of Congress, the court took action on unresolved immigration issues. It ruled that illegally obtained evidence may be used against aliens in deportation proceedings. Also, it decided that raids on businesses by immigration officials looking for illegal aliens do not violate the Constitution, and that illegal aliens have the full protection of federal labor laws.

In the area of free speech, the court determined that judges must allow the press to observe jury selection at trials. It broadened the exposure of magazines to libel suits, and it ruled that sleeping on a park bench is not a form of protest protected by the First Amendment. Finally, it allowed cities to ban all advertising from public property, struck down state limits on the fund-raising advertisements of charities, and invalidated a federal law barring editorials on public television and radio stations.

Other important decisions stand out in the record of the term just ended. The court upheld restrictions on travel to Cuba, and it approved the law that makes male college students ineligible for federal financial aid if they do not register for the draft. It ruled that neither the sale nor use of home video recorders violates the copyright law, and that a state may condemn land for the purpose of breaking up large estates. Finally, in a new openness toward government involvement in religion, it decided that a city may put up a Nativity scene on public property.

The court postponed action on many cases until its fall term begins. One raises the issue of whether drugs taken from students in unlawful searches by teachers can be admitted at trial. Another is an effort to limit federal authority over states and cities under the Tenth Amendment.

As I reviewed the court's work, my impression was that the court, no less than Congress, has tried to read the mood of the country.●

AN OPPORTUNITY WE'D BETTER NOT MESS UP

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. FRENZEL. Mr. Speaker, today's Journal of Commerce contained an excellent warning by Mr. Werner Fornos, president of the Population Institute pertaining to the upcoming International Conference on Population in Mexico City. It is printed below for the benefit of my colleagues.

Mr. Fornos' advice that the focus of the conference must be on population growth and the importance of establishing workable family planning programs in developing countries rather than on curbing abortions is good advice.

The administration has previously made its position clear that it would not permit Government funding to be used for abortions here or abroad. That said, the administration should now make every effort to support the focus of the Conference, how to make available to the 400 million couples throughout the world the family planning information they now seek.

AN OPPORTUNITY WE'D BETTER NOT MESS UP

(By Werner Fornos)

Not much newspaper ink was lavished on the International Conference on Population, to be held Aug. 6-13 in Mexico City, until anti-abortion ideologues staked out that forum as a battleground. Virtually overnight world population news, previously relegated to the obituary pages, catapulted to page one and prominent space in editorial columns throughout the land.

Election year political pressure on the White House had led to a U.S. policy statement for the Mexico City conference announcing a cutoff of U.S. funds to private organizations that use non-governmental funds to provide voluntary abortion services or referrals.

This reprehensible position will deny citizens of poorer countries services that are readily and legally available to our own citizens. Moreover, it will indirectly contribute to a vast increase in abortions that frequently result from a lack of modern family planning services, which would be further diminished by the withdrawal of U.S. population funds for these private agencies.

The Mexico City conference, expected to attract representatives from some 150 countries, really is not about abortion; it is about a global response to excessive world population growth. As such, it may well turn out to be the most important international meeting of this century.

It is no exaggeration to claim that the outcome of this conference could go a long way toward determining the size at which the world's population will ultimately peak.

That size is currently projected at anywhere from eight billion to more than 12 billion, a difference roughly equivalent to the entire population of the world today. Whether this planet's human numbers stabilize at the lower or upper end of the scale—or somewhere in between—might well be decided by actions taken, or by the opportunities missed, in Mexico City.

Ten years ago, when the United Nations sponsored the World Population Conference in Bucharest, Romania, there was no international consensus on what should be done about the world's rampant population growth; rather, it was left to each nation to decide what would work best in its own individual setting.

There has been a considerable change in national attitudes since Bucharest. Many countries of the developing world—where 92 percent of global population growth is occurring—that were then resistant, reluctant, or proceeding with utmost caution toward reducing fertility rates are now convinced that their future hinges, to a great extent, on their ability to substantially limit their population growth. Attesting to the change in attitudes is the fact that while the 1974 Bucharest conference was called by industrialized nations, the 1984 Mexico City conference has been requested by developing nations.

While the annual global rate of population increase has dropped from about 2 percent to 1.7 percent in the past 10 years, world population has soared in absolute numbers by some 700 million—an unprecedented 83 million since last year. Though sufficient time has not elapsed for actual population growth to recede, several developing countries credit population and family planning programs with contributing to positive corollary benefits, including lower maternal and infant mortality. Today, 80 percent of the people in the developing world live under governments that wish to reduce fertility rates.

There is growing acceptance of well-conceived and vigorously implemented voluntary population and family planning programs as vital elements of economic progress in developing countries. Such acceptance is conducive to an atmosphere in which international cooperation and coordination can now be formulated for a massive global effort to ensure that world population will be brought into balance with the world's resources.

That effort will require nothing less than a maximum commitment by the industrialized world to provide assistance in developing and delivering the technology, expertise and financial aid necessary for poorer nations to stabilize their populations. It will require a simultaneous commitment by poorer countries to exert the leadership and promote the sense of urgency that will bring family planning directly to the doorsteps of their people.

For instance, no one is going to solve India's population problem—a country growing by two million people a month—except India; but the will and determination of India must be augmented by resources that simply are not available in that country.

Success or failure in meaningfully reducing world population growth will be determined ultimately not by governments or organizations but by the decisions of millions of individual couples. The best and most recently available information is that some 400 million couples around the world want to limit their family size, but lack access or means to family planning service. The Mexico City conference can be the launching point for making the desire of these couples to control their own fertility a reality and pave the way for future generations to achieve a better quality of life.●

1984 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Ms. FERRARO. Mr. Speaker, on July 4, America's Independence Day, a Soviet Jewish woman was told by the authorities that her request to emigrate to Israel to rejoin her sister was denied, yet again.

That woman is Ida Nudel. When I first arrived in Congress in 1979, adopting Ida Nudel as my Prisoner of Conscience, she was a prisoner in Siberia, jailed for asserting her human rights—rights affirmed by international accords—to practice her religion and be reunited with her family. Today, Ida Nudel is still a prisoner—forced by the Soviet regime to live in a small provincial town, far from her home in Moscow; denied the health care she needs; condemned to a menial job, and harassed each time she gathers with Jewish friends.

I highlight her story today as part of our 1984 Congressional Call to Conscience for Soviet Jewry. I want to thank the gentleman from Pennsylvania [Mr. COUGHLIN] for focusing the attention of this House on the worsening plight of Ida Nudel and nearly 3 million other Soviet Jews.

By participating in this annual vigil, we signal the Jews of the Soviet Union—and their Government—that we will not forget or abandon the cause of human rights anywhere in the world. Ida Nudel cannot hear us now. But we hear her. Ida Nudel and the spirit of freedom she represents will not be stifled.●

GUAM WILL MISS GENERAL CLARENCE R. AUTERY

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. WON PAT. Mr. Speaker, the people of Guam recently lost a good friend with the transfer of Maj. Gen. Clarence R. Autery from his post as Commander of the 3rd Air Divison, Andersen Air Force Base in Guam.

For the past 2 years, General Autery has done a most remarkable job of commanding this vital outpost of the Strategic Air Command. Under his skilled leadership, Andersen Air Force Base has achieved new heights of readiness and stands today as one of the most effective commands this Nation has anywhere. This Nation is most fortunate to have extremely competent managers such as General Autery serving in the U.S. Air Force. It is men such as he which really gives our country the edge over the other side and not merely our technical expertise.

General Autery also showed another side of his impressive personality while he was stationed on Guam. He took more than a casual interest in the affairs of his new home and in the process, gained a host of new friends on Guam. I can personally testify that the General is one of the best liked military commanders to have ever served at Andersen and this is an indication of the kind of personable and articulate leader he is.

When I had the pleasure of touring Andersen recently, I was amazed at the great understanding General Autery showed of local affairs and his sensitivity to these issues and the feelings of the civilian population. He cared and it showed in his outstanding relations with the island's civilians and in the process did a great public relations job for the Air Force. There were several incidents of concern to the local population which arose during his tour of duty on Guam. And in every instance, General Autery handled these situations with absolute skill and compassion. He is in every sense of the word a true professional.

He will certainly be missed on Guam by countless individuals who came to rely on his honest approach to life and his candid opinion. I speak for all of my constituents when I wish him the best of success in the future and our hope that one day he will return to Guam and be once again with his friends there.

At this point I ask that the general's biography be inserted in the RECORD for the review of my colleagues. Thank you.

MAJOR GENERAL CLARENCE R. AUTERY

Major General Clarence R. Autery is commander of the 3rd Air Division, Andersen Air Force Base, Guam.

General Autery was born Sept. 23, 1933, in Corrigan, Texas. He attended Baylor University where he received bachelor of arts and bachelor of laws degrees. General Autery completed the Army War College, Carlisle Barracks, Pa., in 1975.

He received his commission through the Air Force Reserve Officer Training Corps program at Baylor University. The general began primary pilot training at Malden Air Base, Mo., in December 1957 and completed basic training at Craig Air Force Base, Ala., in January 1959.

Following graduation General Autery was assigned to Seymour Johnson Air Force Base, N.C., as a B-52G co-pilot. In September 1961 he was assigned to the 42nd Tactical Reconnaissance Squadron, Toul-Rosieres Air Base, France, where he flew RB-66's. He remained there through January 1965, when he was sent on temporary duty for his first combat tour of duty at Takhli Royal Thai Air Force Base, Thailand. After RF-4C transition training, General Autery volunteered for and served a second combat tour of duty with the 11th Tactical Reconnaissance Squadron, Udorn Royal Thai Air Force Base, Thailand.

Returning to the United States in January 1967, General Autery was assigned to Headquarters U.S. Air Force, Washington, D.C., as an operations staff officer in the Directorate of Operations and later as an executive officer for the deputy chief of staff for plans and operations. In July 1971 he became commander of the 17th Tactical Reconnaissance Squadron at Zweibrucken Air Base, Germany, where he again flew RF-4C's. He subsequently served as 26th Tactical Reconnaissance Wing chief of maintenance. He moved to Ramstein Air Base Germany, in October 1973, to serve as executive officer for the commander in chief, United States Air Forces in Europe. He then attended the Army War College.

General Autery was assigned to the 456th Bombardment Wing at Beale Air Force Base, Calif., in July 1975 as assistant deputy commander and shortly thereafter became deputy commander for resource management. The wing was redesignated the 17th Bombardment Wing in September 1975 and he was appointed vice commander in March 1976. While he was serving in that position, the wing designation changed to the 100th Air Refueling Wing in September 1976.

In July 1977 he transferred to Ellsworth Air Force Base, S.D., as vice commander of the 28th Bombardment Wing and took command of the wing in April 1978. General Autery was assigned to Headquarters Strategic Air Command, Offutt Air Force Base, Neb., as director, command control, in the Office of the Deputy Chief of Staff, Operations, in March 1979. In February 1981 he was appointed SAC's assistant deputy chief of staff for operations. He assumed his present command in August 1982.

The general is a command pilot. His military decorations and awards include the Legion of Merit, Distinguished Flying Cross with two oak leaf clusters, Meritorious Service Medal, Air Medal with seven oak leaf clusters and Air Force Commendation Medal.

He was promoted to major general May 1, 1983, with date of rank July 1, 1979.

General Autery is married to the former Charlotte Lockery of Liberty, Texas. They have two children: Lyn and Reuben, Jr.

Established Civilian Advisory Council:

Sought advice of local community leaders.

Fostered cooperation and understanding with local community.

Provided assistance to local schools:

Made athletic facilities and equipment available.

Sponsored College Preparatory Curriculum Enhancement Program to provide honors courses for talented students in local school system.

Encouraged volunteer support for schools and school activities.

Interfaced with DOE officials and accreditation team members to continually support and improve facilities and quality of education.

Supported community activities and events:

Planned support, troops, equipment and material in support of gubernatorial inauguration, Jan 83.

Assisted in planning, providing troops and equipment, participated in direction of Fiestan Guam events (July 4, Liberation Day).

Participated in state funerals as the senior U.S. military officer on the island.

Hosted meriendas for Miss Guam Universe, Fiestan Guam and Miss Guam Hemisphere candidates.

Guest speaker for local Chapters of Rotary, Kiwanis and Chamber of Commerce.

Supporter of local Civil Air Patrol Chapter.

Active supporter of events dealing with Guam Discovery Day, recognition memorials for Guamanians who were MIA/KIA in past conflicts.

Active supporter of Happy Labor Day.

Contributed to and supported Guam special Olympics.

Contributed to and supported St. John's Table Fashion Tea.

Hosted Island Leadership Day providing local teenagers to be leaders for a day.

Insured active support of Sister Village Program:

Supported village and squadron activities.

Encouraged understanding and cooperation.

Visited every village and commissioner and as many of the residents as possible.

Provided support during 1983 Summer drought:

Assisted in planning response to crisis.

Provided equipment and water for drought stricken areas.

Hosted Nippon TV Show about Andersen AFB which provided significant publicity in Japan about Guam thus aiding the tourism industry.

Consistently included GovGuam officials when hosting dignitaries stopping at Andersen AFB, such as Speaker Tip O'Neill, Premier of the People's Republic of China, and others.

Sponsored Annual Open House at Andersen AFB, opening base and displaying Air Force aircraft and activities to the local community.

Assisted GovGuam in response to a hostage situation and shooting incident at Micronesian Hotel by providing armored vehicle for DPS use.

Provided transportation and logistics for the Bishop of Agana to visit parishioners on Wake Island.

Supported the first international swim meet held on Guam with facilities and workers from Andersen AFB.

Provided volunteer workers and equipment to construct athletic facilities for the village of Yona.

Involved with Guam's economic development by interfacing with Guam contractor's Association and Asian Pacific Parliamentary Union.

Highly supportive of the ARC LIGHT Chapter of the Air Force Association and its objectives. The organization has consistently provided close ties between the Air Force and local communities.●

H.R. 6021

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. ARCHER. Mr. Speaker, on July 25, I introduced H.R. 6021 to repeal what many now consider to be a grievous mistake made by provisions of the Tax Reform Act of 1984—the virtual elimination of seller financing in thousands of transactions involving the sale of property.

While those changes were supposedly aimed at curbing some perceived abuses in this area, the new rules go far beyond that and unfairly penalize the totally innocent who comprise the overwhelming majority of those involved in seller financing.

The new law requires sellers to charge an interest rate which is at least 110 percent of the applicable Federal borrowing rate. If that 110-percent test is not met, the seller is deemed by the Internal Revenue Service to have received an imputed interest rate of 120 percent. In other words, if a seller charges less than 110 percent of the applicable rate, he is taxed as if he received 120 percent. That has the effect of placing the test rate at or above the market rate—which means that seller financing is essentially dead at the very time when it is again becoming the key element in many transactions taking place.

The only exemptions from the new rules are principal residences which sell for less than $250,000 and farms selling for less than $1 million.

Nothing was done to preserve seller financing of other property or small businesses, which is an area in which such financing is often a critical factor. Even in the two areas where limited exemptions were provided, the thresholds preclude seller financing in totally legitimate transactions. The more expensive the property, the more likely it is that seller financing will be a necessary part of the transaction.

The intent of H.R. 6021 is to repeal those changes made by the Tax Reform Act of 1984 so that thousands of completely innocent sellers and buyers will not be penalized by rules intended to curb limited perceived abuses.

Prior law already authorized the Secretary of the Treasury to set a test rate—currently 9 percent—for existing imputed interest rules. If additional rules are necessary, then let us in Congress develop specific, direct rules to address defined areas of abuse.

There is still time to correct this serious flaw in the new law before the rules go into effect on January 1, 1985. Similar repeal legislation is being pursued in a bipartisan manner in the Senate.

Representatives LES AUCOIN, BARBARA BOXER, DANIEL B. CRANE, PHILIP M. CRANE, and FRANK WOLF have joined me as original cosponsors of H.R. 6021. I urge others in the House to join as cosponsors so that we can restore seller financing to the marketplace before it is too late.

In the recent tax bill, Congress responded to the pleas from the American people to do something about interest rates by increasing those rates in a significant area of real estate financing. That is not what the people wanted or needed—nor is it what I think a majority of the House intended to do. H.R. 6021 is our opportunity to correct the mistake before its adverse effects are felt.●

CONGRATULATIONS TO WALT DAVIS

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. SHELBY. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Walt Davis of Alabaster, AL, the newly elected president of Civitan International for the 1985-86 year.

The elections were held June 30 at the MGM Grand Hotel in Las Vegas during the club's annual international convention. The convention, no doubt, hosted scores of other potential international presidents, representing 2,000 clubs from around the world. Yet, the majority recognized an outstanding leader in Walt, and tapped him to guide the organization to continued success this next year.

A Civitan for 19 years, Walt was a member of the Birmingham and Center Point Civitan clubs prior to moving to Alabaster 11 years ago. He has held each office in the Alabaster Civitan Club, including president.

Other previous service to the Civitan organization have him in such positions as district governor of approximately 55 central Alabama clubs. He has also served as chairperson of the international growth committee.

His natural leadership ability was recognized 2 years ago when he was made an honorary Canadian citizen at the Civitan International convention in Montreal.

Walt is the accounting manager for the Alabaster district of Alabama Power Co. He is a member of the First United Methodist Church of Alabaster.

His lovely wife Barbara teaches at Montevallo Elementary School and they have a daughter Lea, who will be senior at Thompson High School.

Walt has given so much of himself to others over his past years in service to the Civitans. I believe this tribute is certainly deserving to this outstanding individual.

It is with the greatest of honor that I extend my best of congratulations to Walt Davis as he assumes this new role. He has brought great honor and pride to his family, his company, the Alabaster community, and the State of Alabama. I wish him the very best of luck in all of his future endeavors.●

ANIMAL STRESS STUDIES FURTHER ILLUSTRATE NEED FOR CONSIDERATION OF H.R. 3170

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. HOWARD. Mr. Speaker, over a year ago, I introduced legislation, H.R. 3170, which would establish a special commission to investigate all aspects of intensive farm animal production. It was my feeling, and still is, that we should really investigate the direction in which livestock production is headed and determine if it is absolutely safe and beneficial to consumers and farmers.

Major farm organizations opposed my legislation primarily because they said that studies at the Agricultural Research Service [ARS] of the Department of Agriculture and the Federal Drug Administration [FDA] were underway and such legislation would duplicate these efforts. Although the FDA studies are ongoing, the ARS study concerning stress of farm animals has been released and the findings have not put this issue to rest, but have raised additional questions that will need to be addressed.

The ARS study consisted of 10, 1- and 2-year research projects relating to farm animal care in intensive production systems. Eight of the funded projects were at State university agricultural experiment stations, while two were at ARS research locations. Projects were divided among poultry (4), swine (4), and veal calf (2) productions systems. The cost of these studies was $380,000.

The June 4 findings as released by the Department of Agriculture were not very significant. However, the preliminary draft report of the Texas A&M University study on veal calves did contain very dramatic conclusions and it is only because the April issue of the Vealer magazine—the trade publication of the American Veal Association—printed a preliminary draft of these findings were we able to read what the Texas A&M research concluded.

These findings were very negative toward present veal production techniques. Most notably, the Texas A&M study found that veal calves raised under intensive conditions required five times the amount of medication as those raised in nonintensive conditions. In addition, the results indicated that long-term close confinement can have adverse effects on the overall productivity of calves by inducing stress. It is easy to understand why those connected with the American Veal Association were very concerned about the preliminary draft and commenced a fundraising campaign so that they could prepare its defense.

However, those significant findings were not contained in the report released by the Department of Agriculture on June 4. Mr. Speaker, I believe this is another example why we need this matter to be looked at by an independent panel. Certainly, the Texas A&M results would be of great interest not only to the veal farmer, but to the consumer as well. The ARS study has not answered the serious questions that surround this matter, but instead has raised more questions which further suggest that H.R. 3170 should be approved.

I would like to print the preliminary draft of the Texas A&M study as printed in the April edition of the Vealer magazine so that my colleagues can also read these findings.

SUMMARY OF ARS-FUNDED DAIRY VEAL MANAGEMENT STUDIES

There is a current need to examine the behavior, physiology and production of veal calves raised in individual stalls vs group pens. Thus, two of the 2-year cooperative animal care research studies funded by ARS focused on the well-being of veal calves raised in intensive housing. Systematic evaluations were made of integrated physiological and behavioral data to determine if stress exists and, if so, to quantitate it.

Dr. Ted Friend and associates at Texas A&M University conducted a series of trials using Holstein bull calves raised in each of three treatments: (1) narrow stalls, (2) individual pens, or (3) individual calf hutches with yards. Two groups (10 animals per treatment) were observed during consecutive fall seasons. A fourth treatment, group raised calves in a yard, was also observed during the second season. At six weeks of age, physiological and behavioral data were obtained. Four days after the start of the observations, each hutch-reared calf was switched with a stall-reared calf and the observation continued.

The physiological data obtained at 6 weeks indicate that a state of chronic stress was induced in stall and pen calves. The adrenal glands in the stalled and penned calves significantly increased in function, as determined by the adrenal's response to ACTH compared with the hutch-and-yard-reared calves. Plasma similarly increased. The immune system (neutrophils and lymphocytes) of the calves was likewise altered, probably reflecting the influence of increased release of glucocorticoids. Five serum chemistry items (total serum protein, Ca, glucose, blood urea nitrogen, and creatine kinase) were also significantly affected by treatments.

Switching the hutch calves with the stall calves caused a reversal of adrenal function and T3 concentration within 9 days. This supports the hypothesis that the observed changes in physiology were a direct result of housing methods. There was no difference in gain, as expected, since all calves were fed the same amount of milk replacer. The stall and pen calves required approximately five times the amount of medication as the hutch and yard calves.

The stall and pen calves showed a significant increase in rate and amount of movement (running, jumping, etc.) when removed from the stalls and pens for open field tests. Stall calves stumbled and fell more frequently than calves from other treatments. The greater incidence of highly active behavior in stall and pen calves, despite a higher incidence of lameness, attests to the strength of motiviation induced by intensified drives.

Stall and pen calves also engaged in more social play (head butting, running together, etc.) than calves from the less confining treatments. Hutch and yard calves commenced grazing sooner, suggesting the frustration of one drive may influence the display of other behaviors.

Results from these studies indicate calves require some degree of exercise to prevent lameness and chronic stress. Relationships were indicated between increasing degree of constraint, increasing stress and decreased disease resistance. The results indicate that long-term chronic close confinement can have adverse effects on the overall productivity of calves by inducing physiological changes associated with stress. The results also indicate that calves have a drive for social interaction and exploration as well as for locomotion.●

NICARAGUA'S OUSTER OF CHURCHMEN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. BEREUTER. Mr. Speaker, I consider myself a man of balance, a moderate. I, therefore, believe that it is important to look at all sides of an issue. A few weeks ago, the Nicaraguan regime threw out 10 priests who participated in a march in support of another priest. The Sandinistas cannot expect their claim of adherence to the charters of guaranteed freedom of the Organization of American States to be taken seriously in the future if violations of these basic freedoms continue.

Mr. Speaker, I would like to include two editorials from my home State on this subject. One is from the Omaha World Herald and the other is from the smaller Norfolk Daily News. Notwithstanding the perspective of a newspaper from Nebraska's biggest city as compared to the newspaper of a smaller city, they both came to the same conclusion: That throwing out priests for participating in a march is not a great step toward further democratization. Indeed, it is quite the opposite.

[From the Omaha World Herald, July 16, 1984]

SANDINISTA CLAIMS FALL SHORT

If more evidence were needed to show that the Sandinista government in power in Nicaragua is moving toward totalitarianism instead of democracy, the Sandinistas' expulsion of 10 Catholic priests provided it.

The priests were expelled after a protest march in support of another priest who had been accused of helping U.S.-backed rebels.

Archbishop Miguel Obando y Bravo of Managua said it appeared that the 10 were chosen for deportation mainly because they worked with peasants and laborers.

The Sandinistas appear to be applying pressure on the Catholic Church because the church is one of the few remaining

forces in Nicaragua willing to stand up to the government.

It is difficult to understand why some church groups in the United States continue to defend the Sandinistas.

In many countries where governments hold their power by the consent of the people instead of by intimidation, marches like that are so common that many of them don't even make news.

But in Nicaragua, the government apparently felt so threatened by the marchers and what they represented that it felt required to throw some of the demonstrators out of the country.

That doesn't do much to support the Sandinistas' claims of wanting to build a free, democratic society in Nicaragua.

[From the Norfolk Daily News, July 16, 1984]

REACTIONS AWAITED

The reaction of all the activist clergy men and women to the ouster of 10 Roman Catholic priests from Nicaragua will be awaited with interest. Pope John Paul II has already protested, but it would be better to hear from those in this country who have eulogized the Sandinista government.

The expulsion came after a protest march by 27 priests, in support of the Rev. Luis Amado Pena, accused by the government of supplying explosives to U.S.-backed rebels. Obviously, no protests, no matter how orderly, can be tolerated.

The expulsion was defended by Sergio Ramirez, a member of the ruling junta in Nicaragua. "The foreign priests were involved in internal politics in Nicaragua, something that is punished with expulsion in countries everywhere."

Not where free expression is tolerated, Sergio, and both religion and political freedom respected.

The pope had a special plea, "I ask the Lord to illuminate the minds of those responsible so that they may reverse this decision, openly harmful to the church and the needs of the Catholic population of Nicaragua." To that prayer could have been added, ". . . and harmful to the cause of freedom in Central America," quite apart from any sectarian considerations.●

MARYLAND PRIDE IN TOBACCO FESTIVAL

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. DYSON. Mr. Speaker, I would like to call to the attention of my colleagues the Maryland Pride in Tobacco Festival being held in Leonardtown, MD, on July 28 and 29.

Mr. Speaker, as you know, tobacco is an important crop to the State of Maryland and in particular, the first district. A 1980 University of Pennsylvania study linked 2.7 percent of all private sector jobs in Maryland, one in 37, directly or indirectly to tobacco. As you know, Maryland's colonial history begins with tobacco. Maryland was the only colony founded expressly to grow the leafy plant. Tobacco is grown in five southern Maryland counties, three of which are in my district. Maryland tobacco is officially classified as type 32 by the U.S. Department of Agriculture and it is uniquely suited to the light, sandy soil and long growing season of the middle Chesapeake Bay region.

Mr. Speaker, southern Maryland takes great pride in its tobacco heritage. Therefore, the Maryland Pride in Tobacco Festival is a big event in southern Maryland.

The festival will include a parade and opening ceremonies, farm equipment displays, food and drink, a working farm tractor pull, music, a tobacco spitting contest to name a few. Among the other activities are the following: Pipe smoking contest, Belly Buckin contest, Horse pulling contest, Pony Rides, Old Farm Museum, Baseball Dumping and much more. In addition to these activities there will be a variety of local entertainment as well as an abundance of great food.

Mr. Speaker, Maryland tobacco farmers, as well as tobacco farmers from other States, recently faced an economic crisis because of this year's low tobacco prices. The low prices were due in part to the impact of sharp increases in tobacco imports from other countries. Fortunately, my colleagues and I were able to pass legislation which provided emergency funds to assist these farmers.

Maryland tobacco farmers are a proud and independent group, and they take great pride in their product. And I take great pride in commending them this weekend during the Maryland Pride in Tobacco Festival. They truly have just cause to celebrate.●

FAMILY CONVENTION IN SOUTH JERSEY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. FLORIO. Mr. Speaker, the Reverend Jesse Jackson, Governor Cuomo of New York, and former Vice President Walter Mondale, in their remarkable speeches last week at the Democratic Convention, electrifyingly reminded our Nation of the importance of the family in all of our lives. Family life is the basis on which this Nation was built and it is the very foundation through which we share lasting support to grow.

I want to bring to the attention of my colleagues a most commendable Westville Grove, NJ, resident, John Paynter, who is calling a notable family reunion of his numerous relatives on July 28, at the Deptford Roller Rink in Gloucester County. John Paynter's grandfather, Paul David Paynter, was a slave in southern Delaware, and was set free in 1836. John Paynter, educated in Thorofare, NJ, for many years has operated a local business. He has held membership in the St. James AME Church for the past 65 years and deaconship for the last 40.

John Paynter is a very proud family man, whose offspring have made headlines with their high school athletic accomplishments. He is a man who enjoys his children, grandchildren, and great grandchildren—all 125 of them.

Mr. John Paynter boasts a distinguished past and present and is planning an auspicious future event.

Mr. Speaker, the following article that appeared in the Gloucester County Times describes this heartwarming affair. I commend the article to the attention of my colleagues:

[From the Gloucester County Times]

PAYNTER REUNION WILL BE A REAL FAMILY AFFAIR

(By Bob Shryock)

John Paynter is having a rather unusual family reunion on July 28, and he understandably will be forgiven for not being able to include all of the cousins, nieces, nephews and assorted other Paynter descendants.

If John could afford to rent Veterans Stadium or the Grand Canyon, there is a chance he could accommodate them all.

"This is just for my children, my grandchildren, and my great grand-children," explains the 77-year-old Westville Grove resident. "At my little house, there isn't room for anybody else."

Well, there really isn't room for all of those on the invitation list.

Saying that John Paynter has a lot of grandchildren and great grandchildren is like saying J. Paul Getty has a lot of money.

John and his first wife, the late Maude Paynter, had seven children, a modest enough number.

But one of their daughters, Gloria Holmes of Thorofare, has 18 children and 32 grandchildren.

Another daughter, Doris Moore, who lives next door to granddad in Westville Grove, has 15 children and 25 grandchildren.

Sons Robert Paynter and John Paynter each have eight children.

Granddad admits he isn't completely sure of the accuracy of his numbers.

"But I expect 116 grandchildren and great grandchildren to be at the reunion," he says. "I know there'll be 63 grandchildren. And 63 great grandchildren. Or is it 62?"

What he needs is his own Hallmark birthday card concession.

John Paynter is immensely proud of his offspring. He points out that his family has produced enough headline-grabbing high school athletes among the Paynters and Moores that he could field his own family football team. One of them, Glenn Moore, was a schoolboy All-American at Deptford High.

John said his reunion will start about 11 a.m. on the 28th, and activities will shift around noon to the Deptford Roller Rink next door.

"I've scheduled the roller rink for them for two hours, and I've ordered them 100 pairs of skates."

He also plans to cook up enough hot dogs and hamburgers to feed a Michael Jackson concert crowd.

"A lot of the family have volunteered to bring food with them, but I told them, 'No sir, this is my reunion. I'll take care of it.' I've put away the money for this."

John Paynter's family is steeped in Gloucester County tradition.

His grandfather, Paul David Paynter, was a slave in southern Delaware who was set free in 1836.

"He took to the woods and managed to work his way up across the Mason-Dixon Line. In those days, the Delaware River would freeze over, 18 or 20 inches of ice, and granddad walked across the river and came out near National Park."

In 1837, he met a Woodbury woman who lived in a tent. She took him in and they married. Their son, who also was named Paul David Paynter, was born in 1850 and worked for 40 years for Billy Thompson at the old Washington park, site of the current Texaco Co. When John Paynter was born in 1907, his father was 57 years old.

Educated in Thorofare, John has operated a cesspool business for many years. he still is somewhat active in the business, which is run by his son, Bobby.

John and his first wife, Maude, were married 49 years before she passed away in 1977. He remarried (Helen) four years ago. John has been a member of the St. James AME Church in Thorofare for 65 years, and has been a deacon the last 40.

Although he is spry and active, John Paynter says he wants to bring all of his grandchildren and great grandchildren together for a reunion because he isn't sure he'll ever be able to do it again.●

SOCIAL SECURITY COST-OF-LIVING ADJUSTMENTS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. CONABLE. Mr. Speaker, yesterday, I introduced H.R. 6019, a bill which will assure that Social Security beneficiaries and supplemental security income recipients will receive an annual cost-of-living increase this year, and in future years—provided the trust funds have adequate reserves as provided in the 1983 Social Security Amendments.

This bill implements President Reagan's request that current beneficiaries receive a timely COLA in January 1985, regardless of whether the Consumer Price Index records a 3-percent increase for the measuring period, which ends September 30, 1984. It appears likely, based on current actuarial estimates, that the 3-percent threshold will not be crossed. But the outcome is not certain, and since data won't be available until mid-October—when the rest of you will be campaigning—I suggest we resolve the issue now.

By way of background, Social Security law includes two important provisions relating to COLA's. The first, which this bill addresses, requires that the Consumer Price Index increase at least 3 percent in order for beneficiaries to receive any cost-of-living adjustment. Increases of less than 3 percent are not lost, but are added to the following year's CPI measurement. If the COLA is not triggered in any given year—as is probable this year, beneficiaries have to wait, in effect, for another year to receive the cost-of-living increase that is under 3 percent.

The second provision, in the 1983 amendments, is a COLA fail-safe measure, which calls for an alternative computation of COLA's for any year in which trust fund reserves fall below critical levels. My bill does not change this safety mechanism.

Perhaps at this point, I should assure Members that H.R. 6019 would not have an adverse impact on the Social Security trust funds. The bill would provide a total benefit payout on January 1, 1985, estimated at $5 billion. This amount is below projections for the cost of the COLA by the Social Security trustees, and the administration in its budget, because both had estimated increases in the CPI of over 4 percent. None of these estimates, by the way, would trigger the COLA fail-safe provision.

Now, let me explain more fully why I believe we should eliminate the 3-percent trigger. First, when the 1983 amendments were enacted—few, except perhaps our President, expected inflation to fall so dramatically, and we did not foresee the possibility that—having just waited 6 months for a delayed COLA for 1983, current beneficiaries would receive no COLA at all in 1984.

Second, and to clarify my concerns about future years—the 3-percent trigger originally was provided in large part for administrative reasons. The Social Security Administration's computer systems simply weren't up to the task of processing small changes in a cost-effective manner. Today, however, I'm relieved to report, SSA's computer system is being modernized, and the adjustments are feasible. Third, the Congress wanted to place an effective cap on benefits, and saw the COLA trigger as one approach. In view of the new fail-safe provision, and the restored solvency of the trust funds, I believe that denying small increases is unwarranted not only in this, an election year, but in future years as well.

Let me also point out that the current statute links the annual COLA's to increases in the FICA taxable wage base, and in annual earnings test levels; that is, the amount beneficiaries are permitted to earn and still receive full benefits. My bill dissolves that linkage, permitting the tax base to seek its own level independently of COLA's. Because the Social Security system's long-range solvency—or lack of it—is viewed over a 75-year perspective. I believe it is reasonable to assume that annual disparities in wage and price fluctuations will, over that long stretch of time, complement one another. Prices may rise faster than wages in some years, and the reverse may be true in other years, but over a long span the two should even out. Let me clarify further that COLA's are based on increases in the Consumer Price Index, and adjustments in the wage base are based on average annual wage increases. Linking tax base increases to COLA's actually may serve to disrupt a tendency for annual disparities to adjust themselves.

For all these reasons, I urge my colleagues to support H.R. 6019, and support it now.●

THE SAN FRANCISCO GIANTS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. MURTHA. Mr. Speaker, while I cannot trace the origins of the name of San Francisco's baseball team, after spending a week in the city at the Democratic National Convention, I would like to say that the name is very appropriate given the giant helping of leadership, hospitality, and warmth I saw in the city.

Following my return to the East, a friend of mine remarked that San Francisco set the perfect tone for the convention. Its weather, its openness, its hospitality, its sights and businesses gave a tone to the entire convention that helped set its direction and mood.

I would like to start by congratulating the mayor of San Francisco, the Honorable Dianne Feinstein. The coordination and planning that were evident in every turn of the convention could not have happened without a great deal of work by the mayor, and it was essential to a smooth-running convention.

In addition, the extra effort put forward by the San Francisco police who were unfailingly courteous and helpful while working long hours and supervising many marches and parades showed a dedication to duty that speaks for the finest of our men and women in uniform.

And the entire Democratic congressional delegation from the San Francisco area made us all feel at home, and in particular, I want to mention Congresswoman SALA BURTON who with charm and great hospitality made us all feel welcome and at home.

The citizens of San Francisco should take great pride in the outstanding job they did in adapting, welcoming, and hosting the thousands of delegates and observers who descended on their city for the Democratic National Convention.

Sometimes when things go so smoothly, we tend to forget all the hard work and effort that went into the planning and development of the

convention and its impact on the city. I wanted to thank all of those involved on behalf of the delegates who I talked to who were all most appreciative of the wonderful job done by the San Francisco officials and citizens.●

RADICAL CHANGE

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, since my election into the U.S. House of Representatives, some of my most prime concerns have been to reduce waste and fraud in Government spending; to promote a strong America; to balance the Federal budget and curb the deficit; to cut taxes; and to return to the several States the control of many governmental activities.

Mr. Bob Wright, retired editorial page editor for the Danville Commercial News, Danville, IL, understands and supports many of the ideals which I espouse. The following column first appeared on November 30, 1975, and was updated for reprinting on Saturday January 21, 1984, in the Commercial News.

I believe in Mr. Wright's statements and hope that you, my colleagues in the U.S. Congress, will agree. The article was reprinted as follows:

"AMERICANS 'RADICAL'? ABSOLUTELY!"

A Gannett News Service story, datelined Louisville, KY, read: "Three leading national pollsters say that Americans are more despondent about the future and want 'radical' change."

You bet they want change.

Americans want to see men and women in Springfield and Indianapolis and Washington who will legislate and administer what they promise during their campaigns.

Americans want to see state and federal governments try to live within their incomes the way they are compelled to do.

Americans would like to see all members of the U.S. House and Senate back at work the day after a holiday instead of using every commemorative date as an excuse for a 10-day "recess."

Americans would like to vote for candidates without the nagging doubts as to whether their choices will serve out their terms in the houses of government or the houses of correction.

Americans would like to see a reduction in a civilian U.S. "army"—the army of federal employees which never seems to lack for volunteers.

Americans would like to see a change in the practice that once a federal tax goes on, it never comes off.

Americans would like to see every federal agency have to justify its program and budget from scratch every year instead of being allowed built-in expansion of funds and personnel.

Americans would like to see fewer "chiefs" and more "Indians" in the disbursing of their own federal tax money—there would be more left to disburse!

Americans would like to see more of the genuinely deserving disadvantaged among us actually helped to help themselves and fewer opportunists helping themselves to the lion's share.

Americans would like to see more of their hard-earned money staying at home in the first place and less coming back from Washington in the guise of "revenue sharing"—minus Washington's cut for handling charges.

Americans would like to see more high school graduates who can read, write and converse both comprehendingly and comprehensibly, and fewer educational cripples.

Americans would like to be able to take their garbage out at night without fear of being mugged at the kitchen door.

Americans again would like to be able to go to the supermarket and come home with more than a bag of groceries for less than a bag of money.

These are only a few of the changes that Americans are "radical" enough to want. Gannett's famed pollster, Lou Harris, hit the bull's-eye with the advice: "Please take off the labels. The opportunities aren't liberal or conservative. They're radical."

Maybe, just maybe, there will come a day when we will have "radical" office-seekers who will say what they mean and mean what they say and get this country turned around in the right direction.●

CARL HANSEN—A SOURCE OF JOY TO COUNTLESS CHILDREN

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. PANETTA. Mr. Speaker, Congressman NORM MINETA and I would like to bring to the attention of our colleagues a great children's entertainer who has been a source of fun and joy to the children of California for several decades and has been known to generations of those children as "Hocus Pocus," the clown and magician. His real name is Carl Hansen, and Mr. Hansen is being honored with a surprise ball to celebrate his 80th birthday on July 27. We know our colleagues join us in congratulating him on his long career and on the fine work he has done with so many children.

Born in Denmark, Mr. Hansen started in entertainment as a stuntman for Warner Bros. in 1927. Later, he learned magic, and that became the primary source of his act. During World War II, Mr. Hansen served the USO as a master of ceremonies, magician, and comedian.

Mr. Hansen and his wife, Florene, lost two children at a very early age. From that point, he dedicated himself to entertaining and helping children. He made a practice of visiting sick and crippled children, a practice which he continues to this day. It was during those visits to hospitals that he got the name "Hocus Pocus" in the performance of his magic act.

Eventually, "Hocus Pocus" began his own television program on KNTV in San José, and he was on the air for 9 years, a record for the longest running daily children's television program in northern California. He has continued his program on cable television.

In 1969, he returned to his native country and performed before an audience of over 20,000 at Tivoli in Copenhagen.

Mr. Hansen served for 2 years as president of the Society of American Magicians—in 1955 and 1956—and he is a member of Saahareens, a society of professional magicians.

Mr. Speaker, Carl Hansen, in addition to performing in this country and his native Denmark, has performed in Mexico, Canada, Germany, and Sweden. He is truly an international figure, and we are proud and fortunate to have had him entertaining our children in San José and Santa Cruz areas for these many years. We all wish him a very happy birthday and the best of luck for the future.●

TRIBUTE TO JACK McJILTON, MAYOR OF RANTOUL

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. MADIGAN. Mr. Speaker, I would like to take this opportunity to ask my colleagues to join me in saluting a dear friend and distinguished public servant, Jack McJilton, who stepped down this April after 15 years of service as mayor of Rantoul, IL.

In an era when concern about Government spending and Federal deficits is on all of our minds, we can all learn a lesson from Jack McJilton. Jack held fast to a pay-as-you-go system while tripling the Rantoul village budget over his 15-year tenure. These years saw the construction of a civic center, municipal building, main fire station, fire substation, and a wastewater treatment plant. Streets and sidewalks were upgraded. Village accounting and recordkeeping systems were computerized. Rantoul accomplished all of this without issuing a single bond to finance village services, and has avoided the trap of depending on revenue-sharing funds to substantially finance the village's operational budget. This fiscal success was the result of wise investments by village financial managers, judicious use of Federal revenue-sharing funds, and above all, a conservative approach to spending, credit for which goes squarely to Jack McJilton.

Jack's leadership has benefited Rantoul in more than a material sense. Rantoul has a relatively low crime rate, due to an efficient police department. Because of sound fiscal manage-

ment of the municipally owned utilities, residents pay a penny less per kilowatt-hour than their surrounding neighbors. Rantoul provides an ambulance service and a volunteer fire department. Hundreds of children participate in the recreation department's summer athletic program. In short, Rantoul provides a model of a small city, especially noteworthy in an area hit hard by the country's recent economic slump.

Rantoul has weathered its share of storms with Jack at the helm. The worst of these was precipitated by the announcement in April 1978 that the town's chief industry, Chanute Air Force Base, would be shut down. McJilton remembers the battle that followed as 11 months of turmoil, sweat, and blood. The base remained open.

Those who worked closely with Jack ascribe his success to the teamwork he encouraged as an administrator. He treated the village board members as equals, keeping them informed and seeking their advice. His style was gentle persuasion, and he hastened to put differences behind as quickly as possible. His choice of advisers—village comptroller, police chief, community development director, and others—all contributed to the success of Jack's team.

Jack's political career began as a village trustee in Fisher, where he was born and worked in his family's lumber and construction business before becoming a partner in an International Harvester implement dealership in Rantoul in the 1950's. In 1963, he was elected to the Rantoul Village Board, and 6 years later, to mayor. While mayor, Jack found time to serve as vice president of the Illinois Municipal League, and was selected to represent central Illinois on the league's executive council.

Mr. Speaker, as Jack heads off to his retirement in Minocqua, WI, where he's been fishing for the last 45 years, let us take our hats off to a man who embodied the all too rare political virtues of humility, commonsense, and an ability to admit and learn from his mistakes during his 15 years as mayor of Rantoul.●

FAREWELL TO DAVID KAPLAN

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. HAWKINS. Mr. Speaker, today my staff and I bid farewell to David Kaplan. David has worked in my office for the past year performing a dual role as a computer specialist and legislative aide. He is leaving Capitol Hill to attend law school at the University of California at Los Angeles [UCLA]. In the span of David's tenure, he has added a unique and professional style to my congressional operation. His warm and good natured personality and his ability to work well under pressure will undoubtedly serve him well in the future. On behalf of my staff and I, we wish David the best of luck in law school and want him to know that our hearts and support are with him as he embarks on his new endeavor.●

TALENTED TEACHER ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. WYDEN. Mr. Speaker, in the very near future the House will be taking up H.R. 4477, the Talented Teacher Act, which was introduced on a bipartisan basis by the gentleman from Illinois [Mr. SIMON], the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Missouri [Mr. COLEMAN], and myself.

The Talented Teacher Act is one of the few education proposals to emerge from a plethora of task force reports and blue ribbon commissions that has bipartisan support across the board. It has been endorsed by every major education group, including the National Education Association, the American Federation of Teachers, the American Association of School Administrators, the National Parent-Teachers Association and many others.

I am pleased that the Talented Teacher Act also has the endorsement of Ernest L. Boyer of the Carnegie Foundation for the Advancement of Teaching. U.S. News & World Report recently published results of a survey of American leaders that named Boyer as one of the three most influential persons in the education field.

The following is the letter of endorsement that he wrote regarding the Talented Teacher Act:

THE CARNEGIE FOUNDATION
FOR THE ADVANCEMENT OF TEACHING,
July 24, 1984.

Hon. RON WYDEN,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN WYDEN: I'm very pleased that the Teacher Talent Act (H.R. 4477) is moving forward in the Congress and will soon be on the House floor for a vote. Passage of this legislation would send the strongest possible signal to educators and citizens across the land that America is serious about public school renewal.

Last year, The Carnegie Foundation for the Advancement of Teaching completed a comprehensive study of American secondary education. We visited schools from coast to coast, talked to thousands of principals, teachers, and students and listened carefully to their problems and their hopes. We concluded that the top priorities for school improvement are to give recognition to gifted teachers already in the classroom and to attract outstanding students into teaching. Your proposal would promote these two essential goals and everyone concerned about the future of the nation's schools should, I feel, support this vital legislation.

The time has come for bold, imaginative action at the national level. By giving scholarships to our most able high school seniors who plan to enter teaching and fellowships to outstanding teachers, the Talented Teachers Act would serve as a valuable model for the states and local districts and provide a dramatic statement to the nation. Clearly, the enactment of H.R. 4477 would demonstrate in a powerfully effective way that the Federal government is an essential partner in promoting excellence in the nation's schools.

Warm regards,

ERNEST L. BOYER,
President.●

CYPRUS CONFLICT MUST END

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. FLORIO. Mr. Speaker, as I speak before you today, 10 long years have passed since that infamous day, July 20, 1974, when Turkish troops invaded the peaceful island of Cyprus and with one shot shattered the lives of thousands of innocent people. I am disappointed to inform my colleagues that an entire decade later absolutely no progress has been made in resolving this never-ending conflict.

For this reason, I am today introducing a resolution in the House of Representatives that seeks to remedy the injustice that was visited upon the Cypriot people 10 years ago and continues to disrupt their lives. My resolution emphasizes the value of continued negotiations to mediate this dispute and effect a solution. It furthermore underscores the fact that our Nation has a tremendous stake in the peaceful resolution of the Cyprus conflict because of the strategic importance of maintaining peace and tranquility in the eastern Mediterranean. As a nation with a justifiably earned reputation as the defender of human rights and justice throughout the world, we are charged with the mission of taking the initiative in attempting to mediate this dispute and end the bitter conflict that has reaped thousands of lives, separated hundreds of families, resulted in the disappearance of nearly 2,000 Cypriots and disrupted the sound economic base of Cyprus.

In keeping with our role as a champion of freedom, my resolution calls on our President to appoint a special envoy of internationally recognized stature with the mission of acting as a mediator for all the parties involved in this conflict and attempting to negotiate a just and peaceful settlement. This special envoy would also be re-

sponsible for mediating differences between Greece and Turkey relating to the control and use of the Aegean Sea, its continental shelf and its airspace. Because Greece and Turkey are so important to not only the NATO alliance but to our own strategic interests as well, it is only fitting that our Nation take a leading role in attempting to mediate a dispute that has plagued the region for over a decade.

The onslaught of Turkish troops in July of 1974 brought the beginning of an unlawful occupation of Cyprus that has lasted for 10 years and produced nothing but misery and hardship for the Cypriot people. Over 18,000 Turkish troops still remain on Cyprus as tyrants of a people that have been known in centuries past for their love of freedom and democracy. My resolution calls upon the Government of Turkey to withdraw all its forces from Cyprus. The continued presence of foreign troops and colonists denies the Cypriot people their fundamental right to self-determination. Cyprus will never again enjoy peace and stability as long as foreign troops continue to form an unwanted presence on Cyprus. I call on our Government, with this resolution, to diligently pursue every avenue to seek a prompt resolution of the Cyprus conflict and of the tensions that exist between Greece and Turkey.

During the past decade, though feeble attempts have been made to reach a solution acceptable to all the Cypriot people, the intrasigence of the Turks and Turkish Cypriots has impeded any progress. The infrequent resumption of the intercommunal talks between the Greek and Turkish Cypriots have proven futile and frustrating. Clearly, what is needed is the insight of a special third-party negotiator with the expertise and reputation to be able to mediate this deep and frustrating conflict.

Our own country's best interests in the Mediterranean and the Middle East dictate that we work diligently and tirelessly to seek an effective solution to the conflict that continues to plague the Cypriot people. Last November, the Turkish Cypriot leader Rauf Denktash, supported by the Government of Turkey, issued a Unilateral Declaration of Independence declaring the secession of Turkish occupied Northern Cyprus and effecting a devastating partition of Cyprus. To quell any doubts about the seriousness of this declaration, I would like to inform my colleagues that the Turkish Cypriots have already developed their own flag, have exchanged ambassadors with Turkey and have even begun colonizing the ghost town of Varosha in an attempt to annex the city as well. The intransigence that the Turks have exhibited during this conflict should be condemned by our Government and by all nations that respect the value and sanctity of human life.

The situation that currently exists on Cyprus is simply not acceptable. We have the ultimate responsibility for sending a clear signal to the Turkish authorities that we are convinced that the illegal partition of Cyprus is not only contrary to the interests of the Cypriot people but also to those of the United States. Our country's reputation has been built on our active support for justice and political and religious freedoms throughout the world. I urge my colleagues to lend their support to this resolution in the interest of promoting a peaceful and timely solution to this problem. In keeping with our traditional support for liberty and freedom, it is our responsibility to actively speak out against this injustice and act to solve this conflict.●

CHELTENHAM HIGH SCHOOL CELEBRATES CENTENNIAL

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. COUGHLIN. Mr. Speaker, I pay tribute to Cheltenham High School, in my congressional district, which is marking its 100th anniversary with a yearlong series of events.

The first township high school in Pennsylvania, Cheltenham has proven itself an innovative institution which has established a reputation for high academic standards and for producing outstanding scholars.

Its reputation was established from the beginning. Four students were graduated as its first high school class and three of them went on to college.

Cheltenham High was founded by George W. Flounders in an upstairs room of the Ashbourne Grammar School. Starting with a 1-year curriculum, the school introduced a 2-year course of studies in 1889. By 1896, it had evolved into a 3-year high school with courses such as algebra, mental arithmetic, geometry, rhetoric, spelling, physical geography, literature, philosophy, physics, Latin, freehand drawing, and bookkeeping.

Situated in an expanding area adjoining the city of Philadelphia, Cheltenham High has enjoyed remarkable growth without sacrificing the quality of its academic studies. It moved to larger quarters in 1906, 1926, and in 1959 to its present location—a multimillion-dollar structure with modern teaching advancements. Eight years later a major addition also was completed.

Among the highlights of Cheltenham High's history are the adult school started in 1917, National Honor Society established in 1921, guidance program initiated in 1926, and graduation of its largest class, 658, in 1972.

In honoring Cheltenham High on this centennial anniversary, I believe it is important that we consider its contribution to the community and its children. By far, this contribution outweighs the actual physical structure with its teaching facilities and conveniences.

Cheltenham High has set—and maintained—a high standard. At a time when our public education system has been subjected to criticism, I hope that Cheltenham High will continue to do what it has been doing for 100 years—providing the best possible education to the greatest number of township pupils possible. I salute Cheltenham High, its administrators, faculty, students and—most of all—the township citizens whose constant support has produced this 100th anniversary celebration.●

THE PLIGHT OF SOVIET JEWS

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. SHANNON. Mr. Speaker, the word "Refusenik" has become an international symbol of cultural and religious repression. It signifies the plight of a Soviet Jew who is continually denied permission to emigrate to Israel and is then ostracized, abused, demoted or fired at work, subject to arbitrary arrest, and often beaten or imprisoned. As the Soviet Union clamps down more and more every year on Jewish emigration, the ranks of the Refuseniks grow. It is an alarming situation.

As a proud participant in this year's congressional call to conscience vigil, I have "adopted" a Refusenik whose saddening case I have become familiar with. His name is Lev Furman and, though he does not have the prominence of Andrei Sakharov, his case is equally heart rending and equally instructive about the repression of Soviet Jews.

Lev Furman is a 37-year-old language teacher currently living in Leningrad with his wife and parents. He graduated from the Leningrad Electrotechnical Institute in 1972 but he has not worked as an electrical engineer since that time. He has been making a living by teaching Hebrew and German to private pupils. In April 1974, Furman applied to emigrate to Israel but he was refused on the basis that he had access to "secret" information on magnetic dialectrics while working at a research institute in 1971. In fact, Lev was only a technician at the institute; whereas the senior research worker, Dr. Boria Rubinstein, was allowed to leave the Soviet Union

in 1974. Yet this was only the beginning of Mr. Furman's oppression.

Since 1974, Furman's language lessons have repeatedly been interrupted and stopped by the KGB or the Soviet police. He has been put in jail without charge, had his typewriter confiscated without reason, and he has been beaten severely and physically harassed a number of times. His parents are elderly and unable to cope with the stress of this harassment. His father Mikhail was jailed for 10 days one time for "hooliganism." His mother Beila is constantly depressed and she has been in and out of a mental hospital.

In 1982, Furman was fired from his job as porter because his employers said that as a trained engineer he could not be allowed to perform menial labor. His last emigration request was denied because it "would not be in the interests of the Soviet state."

Mr. Speaker, I am certain that my colleagues will agree that cases of human rights violations such as Lev Furman's are shocking and morally unconscionable. It is imperative that we do whatever we can to end the oppression and humiliation of Soviet Jews and thereby extend the realm of human rights to that oppressed group of individuals that we call "Refuseniks." Morality demands that we be unceasing in our efforts to liberate Soviet Jewry.●

SOVIET JEWS

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. BATEMAN. Mr. Speaker, the plight of Soviet Jews has been a major concern for the U.S. Congress for quite some time. These individuals are forced into remaining under a system of government which openly practices repression of groups regarded as potentially harmful to the state. The Soviet Jews are considered such a group simply as a result of their religious beliefs.

During the Second World War, the United States sacrificed a great many of our most talented young people in order to destroy a similarly repressive regime. The current Soviet policies toward the Jews parallel several of the Nazi practices concerning the Jews during the 1930's and 1940's. The Soviets not only harass these people through denial of basic human and civil rights, but also by imprisonment for "crimes against the state" which were never committed and denial of permission to visit relatives or emigrate to Israel. There is no reason for these policies except as a blatant attempt by the Soviet officials to persecute Jews because of their religious beliefs.

Isaak Shkolnik represents the plight of the Soviet Jew. Mr. Shkolnik was charged with treason by Soviet authorities in 1972 simply as part of a Soviet effort to stem the tide of applications from Jews to emigrate to Israel. Mr. Shkolnik had applied for an exit visa some time before this. The Soviet authorities dug hard and deep to fabricate evidence showing the Vannitsa resident's guilt. After 9 months of maintaining his innocence, Shkolnik pleaded guilty when his court-appointed lawyer informed him that a death sentence would follow a plea of innocence. He was sentenced to 10 years' imprisonment.

At Isaak's insistence, his wife and daughter emigrated to Israel in December 1973. Since Isaak's release from a labor camp in 1979, he has repeatedly applied for a visa to join his family in Israel. His requests have been denied, and consequently he has not seen his family in 11 years.

Isaak Shkolnik is but one example of the thousands of Soviet Jews who are victims of the repressive Soviet totalitarian government. We in Congress must continue to recognize this great injustice and work for a dramatic change in Soviet policies and practices. Through the efforts of such programs as the 1984 Congressional Call to Conscience Vigil for Soviet Jews, the Congress must work with the President to bring freedom to these oppressed people.●

AIR FORCE 12 OUTSTANDING AIRMEN OF THE YEAR

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. HARTNETT. Mr. Speaker, the following individuals while serving as members of the Air Force Association Enlisted Council have contributed immeasurably to the defense posture of the United States of America. This distinguished council, composed primarily of 1983's U.S. Air Force 12 Outstanding Airmen of the Year, was charged with advising the Air Force Association and the Air Force on a wide range of topics in support of our Nation's defense. This unique group generated support and influenced policy at the highest levels of AFA and the USAF air staff, formulating positions that our Nation must take to ensure that the U.S. Air Force is the world's best. The distinctive accomplishments of these individuals reflect great credit upon themselves and the United States of America:

Master Sergeant Daniel Alati, Technical Sergeant Frank M. Anderson, Chief Master Sergeant James C. Binnicker, Technical Sergeant Pearl E. Dandridge, Staff Sergeant Steven A. Dubron, Senior Master Sergeant Robert E. Jacques, Senior Master Sergeant Marvin L. Kennedy, Senior Airman Christopher Menna, Master Sergeant Thomas Merrick III.

Technical Sergeant Ronny A. Morris, Master Sergeant Harold O. Overton, Chief Master Sergeant of the Air Force Sam E. Parish, Senior Master Sergeant Tommy Roberts, Technical Sergeant Carol L. Santos, Chief Master Sergeant Richard C. Schneider, Technical Sergeant Guadalupe Silva, Technical Sergeant Mark A. Smith, Chief Master Sergeant Richard J. Tinneny, and Staff Sergeant Mary L. Young.●

EXPLANATION OF ABSENCE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. CLAY. Mr. Speaker, due to the sudden deaths of two close friends, I missed yesterday's floor votes. Over the weekend my good friend and long time business associate, Bud Foley, suffered a fatal heart attack. And, on July 19, Carla Giles Odom, the daughter of a close family friend and lifelong business associate, Gwen Giles, suffered a tragic and untimely death. Having known and worked with these individuals for many years, their deaths have touched me very deeply, and it was necessary for me to be in St. Louis for the funerals. Had I been present yesterday, I would have voted nay on rollcall vote No. 313, title VIII of the Senate amendment to H.R. 1310, the equal access provision.●

KATHRYN PINDER RETIRES AFTER 21 YEARS OF SERVICE

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. DYSON. Mr. Speaker, I would like to bring to your attention the retirement of one of my constituents from public service, Mrs. Kathryn N. Pinder. After 10 years of faithful work as administrative assistant and 11 prior to that as clerk to the county commissioners, Mrs. Pinder will retire on July 31.

Mrs. Pinder, a native of Kent County, became clerk to the county commissioners in August 1963. In 1975, she was appointed administrative assistant and has served six boards of commissioners. As administrative assistant, her duties entailed preparing the annual budgets as well as being responsible for investments. Overall, she headed the day-to-day operations of the office.

Mr. Speaker, prior to her work with the commissioner's office, Kathryn Pinder worked for 17 years at the extension office for Triple A, which is now the Agricultural Adjustment Ad-

ministration. She is a member of the Maryland Association of Administrative Offices and has held a past board position. She has also received a life membership in this important organization.

Mrs. Pinder resides in Chestertown, MD, with her husband, Arthur, and has two daughters, Kay P. Kille and Sandra P. Hudson. The Pinders also have two grandchildren, Sean and Chuck Kille. They have made Chestertown their home for the past 40 years.

Mr. Speaker, it is a pleasure to share with you and our colleagues the commendable service of Kathryn Pinder. I salute this woman's 21 years of devoted service to Kent County. I am sure that the residents of Kent County appreciate her hard work as much as I do. Kathryn Pinder is a special citizen of Maryland's First District and has earned my highest respect.●

CONGRATULATIONS GLENBARD EAST HIGH SCHOOL SYMPHONIC BAND

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. HYDE. Mr. Speaker, I am very pleased and proud to announce that the Glenbard East High School Symphonic Band of Lombard, IL, received the Best Band Award at the American School Band Directors Association national contest held June 15 and 16 at the University of Northern Iowa in Cedar Falls.

This competition, which was by invitation only, included 17 nationally recognized high school bands from nine different States.

At a time when we hear about so many problems associated with young people in our society, it is both heartening and gratifying to see a group of dedicated young people devote their time and talent to a joint effort that requires talent, enthusiasm, discipline, and hard work.

The Sixth District of Illinois, and our State, is very proud of the Glenbard East High School Symphonic Band and the honor they have brought home from the Iowa contest. I know my colleagues join me in congratulating them on this most impressive achievement.●

THE CONTRIBUTIONS OF CARMEN E. ARROYO

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. GARCIA. Mr. Speaker, I am honored to bring to the attention of my colleagues the work of Carmen E. Arroyo. On June 26, 1984, Ms. Arroyo will commemorate 11 years of service to Community School Board No. 7 in the South Bronx. Since it has come under the strong influence of Ms. Arroyo, school board No. 7 has become an example to be emulated by other New York school boards. Indeed, the last reading scores provided by the city of New York show that the children of board No. 7 have improved remarkably in their reading skills. Without a doubt, this increased proficiency will enhance their opportunity to succeed both academically and occupationally. This could not have been so without the inspiring leadership and wise guidance of Ms. Arroyo.

Ms. Arroyo's success is fueled by her commitment to the needs of her community. Born in El Barrio Cuchillas de Corozal, in Puerto Rico, she graduated from Corozal with honors in 1950, and the College of New Rochelle in 1979. Before Ms. Arroyo even graduated from college in 1973, Gov. Nelson Rockefeller appointed her to the State Medicaid Advisory Council. That same year she was also appointed to Community Planning Board No. 1. By 1980, she was its chairperson.

In 1973, Ms. Arroyo was also elected to serve as a member of Community School Board No. 7. In 1974, she became its treasurer. Two years later, the commitment she exhibited when fighting for the needs of students and the intelligence which she brought to those battles lead her colleagues on the board to elect her chairperson. In 1983, she was reelected to that position.

Not only has she served her community, but also her party. Indeed, in 1980, she became Democratic female district leader of the 75th Assembly District in New York. In 1983, she rose to the same position in the 73d Assembly District of New York. This year she was a delegate-at-large to the Democratic Convention.

What makes her achievements increasingly laudable is not only the scope of her dedication, but also the fact that they have come from a single mother of three boys and four girls. Today she is also a grandmother of six. Moreover, one of her children is well on his way to continue this tradition of service to the community as a doctor.

This mother of seven, community servant, political activist, and poet stands as the epitome of the Puerto Rican woman and resident of the South Bronx. My hope, Mr. Speaker, is that future generations of Americans will find inspiration and hope in the example set by Carmen Arroyo.●

H.R. 6020

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. ARCHER. Mr. Speaker, on July 25, I introduced H.R. 6020, a bill which would prohibit the use of Federal matching campaign funds for foreign travel by candidates for Federal office and their staffs. It would limit receipt of foreign gifts or travel by candidates for Federal office and their staffs. This bill would require that candidates for Federal office comply with the same standards of conduct already required of Federal officials under current law.

Presently, under the United States Code, there are strict regulations governing the receipt of gifts from foreign governments by Federal employees. If a Federal employee, including a Member of Congress, accepts a tangible gift or a gift of travel valued at more than $140, that employee must subject the gift to the approval of his or her employing agency. Federal employees are restricted from receiving gifts of travel taking place outside of the United States. The one factor which determines whether or not an employee can lawfully accept a gift of travel or a tangible gift is if the acceptance of that gift is appropriate, consistent with the interests of the United States, and permitted under the regulations of the employing agency.

It is my belief, and the belief of many Americans, that these same restrictions should be placed on candidates for Federal office. If this standard of conduct is appropriate for current Federal employees and elected officials, it should also be required of those who seek a position as an elected official. In my opinion, there can be no justification for perpetuating this dual standard.

An additional consideration of mine relates to the use of Federal matching funds for the purpose of foreign travel by a candidate. The American taxpayer should not be financing the quasi-diplomatic activities undertaken during campaigns by candidates who are not authorized to negotiate for the United States.

The need to clarify our laws in this area is certainly justified. The possibility of a candidate accepting foreign travel from a foreign government is not unprecedented and has the potential of violating delicate and critical official diplomatic negotiations already engaged in by our Government.

The unauthorized actions of citizens in the capacity of a candidate negotiating with a foreign government could have grave and serious consequences. Such actions usurp the authority of

the President and of the Congress of the United States. This bill would ensure that the actions of candidates for Federal office will be confined to those appropriate and consistent with the interests of the United States.

I understand that many candidates may find it politically desirable to make overseas travel their trademark. Such trips may be used as political tools to further the campaigns and careers of candidates. These appeals to foreign governments, ostensibly on behalf of the United States or international humanitarian concerns, have the potential to complicate or jeopardize U.S. foreign policy. Unauthorized actions and negotiations with foreign governments may interfere with current foreign policy objectives and measures already enacted to deal with international matters in the most effective manner.

I believe there is a compelling case for H.R. 6020, and that it will help to assure that candidates for Federal office comply with the same standards of conduct as Federal employees. I urge my colleagues to join me in support of H.R. 6020.●

CAPTIVE NATIONS WEEK

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. ADDABBO. Mr. Speaker, in 1776 Thomas Jefferson wrote in the Declaration of Independence "that all men are created equal: that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." These words still ring in the ears and live in the hearts of the American people. Unfortunately though, for many of the world's peoples these words ring hollow. Much of our planet's population lives under systems of government in which dissent and protest are stifled and oppression and censorship abound.

On July 17, 1959, President Eisenhower signed into law a resolution, adopted unanimously by the Congress, designating the third week in July "Captive Nations Week." The purpose of such designation was to inform the American public of the historical precedents exhibited in the experiences of the captive nations.

As this year marks the 26th observance of the captive nations resolution, we reaffirm our commitment to its principles. The people of the free world must be ever watchful for the rise of despotism and steadfast in their opposition to the spread and tyranny around the globe.●

BOB COOK

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. MICHEL. Mr. Speaker, in June, the Illinois State Senate and the Illinois House of Representatives both passed resolutions in praise of Robert E. Cook, the executive vice president of the Illinois Association of Realtors, who is about to end his 28-year association with that organization.

I want to take this opportunity to make our colleagues aware of this fact. Too often we forget that our country has many sources of strength. Among them is the voluntary industry or trade organization dedicated to the betterment of its members and the general community. The Illinois Association of Realtors is one such group and it has contributed to the growth of my home State.

Bob Cook has played a vital role in that growth. He is one of those amazing fellows whose many professional and community activities and high degree of success in his various undertakings make the rest of us wonder what his secret is. Well, Bob Cook has no secret. He just loves his work and his community and has been willing to work hard for both of them.

A native of Illinois, he earned a degree in political science from Wheaton College and served his country honorably as a naval officer in World War II and then again in the Korean conflict. He has been elected president of the Illinois Jaycees and has served as deacon, trustee, and moderator for Cherry Hill Baptist Church.

Bob Cook has received just about every prestigious award that his professional colleagues can bestow, including the highest honors of the American Society of Association Executives, the National Association of Realtors, and the Illinois Association of Realtors.

I think by now you begin to get the drift—Bob Cook is one of those outstanding citizens whose value to his colleagues, his community, and his country cannot be exaggerated.

It is a pleasure for me to bring Bob Cook to your attention and the attention of all our colleagues. So long as America keeps producing men and women with Bob's qualities, this country has nothing to worry about.●

ON THE PASSING OF HAROLD (BUD) FOLEY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. CLAY. Mr. Speaker, I would like to take this opportunity to express my profound sorrow on the passing of Harold (Bud) Foley and my sincere condolences to his wife Bernice and his children John and Christine. I originally came to know Bud Foley during the years I worked for the pipefitters. In the years since, I have treasured his support, advice, and friendship. My wife Carol and I send our deepest condolences to Bernice Foley and the family.

As president of the Missouri Pipe Trades and the St. Louis Building and Construction Trades Council, a former Florissant comitteeman, a veteran, and, most recently, as a delegate to the 1984 Democratic National Convention, Bud Foley fought for and dedicated his life to the well-being of his fellow citizens. His vigor, intelligence, and compassion on behalf of the interests of workers will be sorely missed.●

A HISTORIC INEQUITY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. OWENS. Mr. Speaker, I have introduced legislation to correct a historic inequity. Up until World War II, draftees and enlistees who served during periods of conflict, as opposed to career-enlisted personnel, rarely rose above the entry rank of E-1. As a result, their surviving spouses receive dependency and indemnity compensation at the E-1 rate. Had these soldiers, sailors, and marines served in a later period, their spouses would benefit from the rank that they would have achieved through promotions which have become relatively standard today. For example, it is rare for an enlisted person to complete a tour and be discharged at a rank lower than E-3 unless he or she has been the subject of disciplinary action.

The current level of compensation for an E-1 surviving spouse is $461 per month and the E-2 rate is $475. This legislation would raise the DIC rate to $486, the E-3 rate. There are less than 20,000 surviving spouses who would benefit from this legislation. The cost is minimal and the result is parity with the benefits of those who served in a later period when promotions were given at the completion of training.●

ANNIVERSARY OF THE TRANSIT WORKERS UNION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. OWENS. Mr. Speaker, the New York Transit Workers Union marked its 50th anniversary in April 1984.

The union was founded in April 1934 by a small group of courageous people who began organizing late in 1933, despite the threats aimed at them by a company union.

Hanging over their heads was the fact that 12 million Americans were out of work in a labor force that numbered less than half of what we have now. These desperate unemployed would have done anything for a job in transit.

New York's transit industry had successfully resisted the attempts by various craft unions to bring genuine trade unionism onto the properties over a 50-year period.

Goaded by miserable conditions, and a 10-percent cut in their pay, the band of activists finally formed a Transport Workers Union Delegates Council which in turn issued a proclamation calling for the establishment of a new union.

At the time of the call to organize TWU, trolley operators got 62 cents an hour after 5 years' experience; conductors earned 54 cents and railroad clerks drew 43 cents an hour. There were no paid vacations or holidays. Sick leave was only a dream. And whatever pension plan existed wouldn't pay enough to allow a retiree to exist.

The Wagner Act—Labor's Magna Charta—was not enacted until 1935, so there was no protection for the TWU organizers during their struggle. Only their relentless efforts to contact and secretly sign up their fellow employees enabled them to avoid retribution.

By 1936, the union had gotten strong enough to come out in the open. The program of action that was developed included:

A guaranteed minimum wage of $25 a week.

Restoration of the 10-percent wage cut of January 1, 1933.

Reduction of work to 8 hours per day and 48 hours per week.

Guaranteed full workday for track, structure, and building departments, regardless of weather conditions.

A paid vacation.

The right to resign from the phony IRT pension plan.

Time and a half for overtime.

No layoffs because of technical improvements or unification.

Reinstatement of all employees fired and blacklisted because of TWU activities.

Recognition of TWU as the sole bargaining agent of the workers.

Throughout its history, the TWU has worked for the civil rights of all Americans. The 1934 union constitution stated that the purpose of the union was to "unite in this industrial union, regardless of race, creed, color, sex or nationality, all workers eligible for membership."

Following TWU's first contract settlement with the IRT in 1937, it insisted on upgrading Negro porters to every classification on every transit line in the system.

In 1944, the union successfully put an antidiscrimination clause into its first contract with the Philadelphia Transportation Co. Despite a wildcat strike staged in an attempt to defeat this clause, the TWU maintained its commitment against discrimination.

Up to and including our current civil rights struggles, TWU members have been a vital part of civil rights coalitions.

What of the future? The TWU, in the company of many other unions, seeks a society in which full employment exists. Putting America back to work is a goal which can be shared by all Americans.●

CHILD CARE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1984

● Mr. OWENS. Mr. Speaker, a columnist recently noted, "People seem to have an irresistible itch to tell other people how to raise their children." I suspect that that is a truism today even as it has been throughout the ages.

As national attention has focused on the problem of child care, particularly before and after school care, there have been those who have pointed fingers at parents who must work to support their children. Looking for villains is a waste of time. It is our responsibility to look to the well-being of our children who are the potential victims of a social and economic system which gives lipservice to the well-being of children while ignoring the present need to provide mechanisms for their care. We seem to be a society which likes the idea of children while ignoring the reality that affordable care is a necessity for them.

Affordable care can be provided by parents and other family members or it can be provided by concerned caretakers outside the family. For the affluent, it is possible to decide to forgo the income of a parent so that a parent can remain at home with the children. That is not necessarily an available option for the working poor couple or single parents who must work to survive. When a parent cannot be available full time, what can be done to protect and care for our children?

The House has just taken a small but important step in passing H.R. 4193, the School Facilities Child Care Act. This bill will provide $30 million for startup and operating costs for afterschool programs in public schools and other community facilities. The other body now has the opportunity to pass a similar bill. It is my hope that legislation will be passed by both Houses and that we can begin to address the issue of providing care for the children of this country.●

SENATE—*Friday, July 27, 1984*

(Legislative day of Monday, July 23, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

All glory and honor and praise to Thee, O God.

Loving Father in Heaven, we thank Thee for life's common blessings. Help us never to take them for granted as though we deserved them more than those who are deprived. We thank Thee for families, homes, friends, good neighbors, and a place of privilege in which to labor. We thank Thee for good food, pure water which we enjoyed yesterday, will enjoy today, and have the prospect of enjoying in our tomorrows. We thank Thee for health and strength, for good minds and sound bodies. May we who always have more than enough of everything remember with compassion those who never have enough of anything.

We pray for the oppressed, the persecuted—for those who are displaced, hungry, and homeless—for children who suffer the tragic effects of malnutrition and their parents who suffer helplessly with them. We remember the unemployed and those experiencing futility. Grant O God, that we who are free from such inhuman indignities may respond in love to those who hurt.

In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, today, after the two leaders and the special order, there will be a brief period for the transaction of routine morning business, and then we will be back on the pending business, which is the Hoover Dam bill, and the pending question will be the Metzenbaum amendment No. 3419.

Cloture has been filed on the motion to concur in the House amendments. That motion will ripen into a vote on Monday, 1 hour after a quorum is established, 1 hour after we convene, unless we change that time.

I have not yet talked to the minority leader about establishing a time that may be more suitable, but I will do that and attempt to set that time on Monday if we do that by noon today.

Mr. President, I do not expect today to be a long day. I do not expect us to finish the Hoover Dam bill either. I wish to, but I do not imagine we will.

We might be able to get to MilCon, the military construction bill, but that was less than probable last evening when the Senate recessed, but for the sake of optimism, let me include that on the list of things we might do.

Beyond that, Mr. President, the leadership on this side will examine the list of available items and see what we can clear to do.

But I would not expect this to be a long day.

SENATOR SPECTER RECEIVES GOLDEN GAVEL AWARD

Mr. BAKER. Mr. President, at approximately 4:30 p.m., Thursday, July 26, Senator SPECTER accumulated 100 hours of Chair duty, making him the second recipient of the Golden Gavel Award during the 98th Congress. Senator SPECTER established this record by consistently presiding over the Senate for 2 to 3 hours every week without fail.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER [Mr. GOLDWATER]. Under the previous order, the Democratic leader is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time reserved for the minority leader be set aside for his use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

WHY A "STAR WARS" PROGRAM IS MORE LIKELY TO BRING NUCLEAR WAR

Mr. PROXMIRE. Mr. President, this is the fourth in my series of replies to Gen. Daniel Graham's seven arguments designed to rebut criticism of the Strategic Defense Initiative or Star Wars. General Graham has framed each of his arguments as a rebuttal to what he regards as the principal objections to the antimissile system. This Senator opposes the Star Wars program for a whole series of reasons. But I am willing to let General Graham select the arguments he considers most serious and answer the Graham rebuttal. General Graham's fourth response was that the critics of the antimissile system called it "provocative and destabilizing."

Mr. President, I ask unanimous consent that the fourth part of General Graham's defense of the antimissile system be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IT IS "PROVOCATIVE AND DESTABILIZING"

Answer. This is the same old tired argument that was central to the adoption of Mutual Assured Destruction (MAD) theory in the early 1960's. That theory mandates the vulnerability of populations to nuclear destruction as a positive good. As John Newhouse, supporter and chronicler of MAD put it: "Killing people is good; killing weapons is bad."

To the MADmen, then and now, defending our people is provocative because it would reduce the terribleness of Soviet vengeance if we ever struck them with nuclear weapons, and the sheer terror of it all is their formula for peace!

In conformance with the MAD theory, we have not only dismantled such defenses as we once had, we have failed to apply available technology to the problem of defending ourselves.

If attention to defense of the civil population is indeed "provocative and destabilizing", those who believe so should be greatly provoked by the Soviet Union which has spared no effort to defend its population against nuclear attack.

Massive and constantly upgraded active defense systems exist in the USSR along with a huge Civil Defense program. In fact, the USSR has over the years since we adopted MAD, spent one ruble on strategic defense for every ruble on strategic offense. Part of this has been spent in patent violation of the ABM Treaty.

Small wonder. The Soviets have shown a strong contempt for the mandated vulnerability aspects of the MAD theory from its inception, calling it "bourgeois naivete." Somehow it seems that for the United States to defend its population is provocative; for the Soviets to do so is not.

To argue that strategic defense is destabilizing requires an assumption that today's balance-of-terror is "stable". It is obviously not. Today we move ever closer to a "hair-trigger" launch-on-warning posture wherein accidental launch of a few missiles, a false

signal in communication systems, or erroneous intelligence could set off a catastrophic war. High Frontier will move us away from the instability of MAD toward the stability of Mutual Assured Survival.

To argue that defenses are provocative is to argue that building a castle wall is more provocative than amassing cannon. It makes no sense to logical men and women.

Mr. PROXMIRE. Now how about it? Would a defensive missile system be provocative? Would it make nuclear war more likely or less likely? The answer, of course, depends upon your assumptions. If you assume that a defensive missile system will evoke no change from the other side, if you assume the adversary will simply and quietly accept the technological advantage that will nullify their deterrent, destroy the capability they have built up to retaliate effectively for any attack on their country, then "Star Wars" would not be provocative or destabilizing. But does any informed and sane person really believe that the Russians would accept such an effective abolition of their superpower status? Would we?

Look at it from our standpoint. Would we quietly accept such a Russian coup?

Suppose the Soviet Union were going all out with an antimissile system which we firmly believed would succeed in knocking out our capability to retaliate if they initiated a pre-emptive nuclear strike against this country? Would we accept it? Of course not. No one who has ever occupied the White House, or in all likelihood ever will, would accept such a military coup by the Soviet Union or any other country. We would pour whatever technological and economic resources we needed to overcome such a decisive Soviet advantage. If we would race to win back our balance of military power, does anyone believe the Soviets would not do precisely the same thing. So if we go ahead with "Star Wars" what options will the Soviets have? They can race to do the same. Or they can concentrate primarily on building up their offensive missiles to overcome our budding antimissile defense.

Why would they be most likely to spend their economic and technological resources? Answer: wherever they could get the surest, cheapest, and quickest payoff. And on this one I would bet the old homestead against a confederate dollar they would beef up their offensive missiles. Why not? Our own Defense Department has testified that unless we can persuade the Soviets through arms control agreements to limit their offensive missiles they would be able to overwhelm any antimissile program by simply producing more offensive missiles. A greater number of Soviet offensive missiles alone would defeat "Star Wars," provided only they built enough and, of course, they could. For both the U.S.S.R. and the USA, nuclear weapons constitute a small fraction of total military cost. Both superpowers could easily increase their nuclear offensive power fivefold or tenfold if convinced that national survival depended on it. Of course, if the Soviets concentrated on technological improvements to assure the penetration by their offensive missiles they would have a second option for overcoming the antimissile system.

Third, they could try to build their own antimissile. This would almost certainly be far more costly.

But there is no reason why they could not pursue all three options simultaneously. Having started "Star Wars" and faced with the Russian offensive and perhaps defensive buildup too, how would we respond? This country would know the arms race had entered a new dimension on both fronts. I repeat both—not just the antimissile front but the missile and antimissile front both. The one sure consequence is that the nuclear arms race, having entered the new defensive and space dimension, would continue to escalate more swiftly than ever before. Would this be more or less likely to bring nuclear war? The answer is simple, and very clear.

Of course, such an accelerated arms race would bring a greater likelihood of nuclear war. Why? Because we would be entering an entirely new, unpredictable and uncertain phase of the arms competition. For more than 30 years—ever since both superpowers developed the capability to destroy each other we have lived through a period of uneasy peace between the world's two great powers. Why has a superpower war been avoided for more than 30 years? One dominant reason. Each side knew that if it used nuclear weapons against the other, it would suffer an absolutely certain devastation.

It has been clear for more than 30 years that the initiation of nuclear war by either superpower against the other would be an act of certain suicide. It has been a lead pipe cinch that both countries would perish. Maybe the same result, a standoff, would follow if both countries engage in a trillion-dollar antimissile arms race that would in turn greatly escalate the offensive missile arms race. Maybe peace would continue. Maybe but not certainly. It is that element of uncertainty—the possibility that the Soviet Union might under these circumstances achieve a sudden and decisive and temporary technological breakthrough advantage. Of course, if we achieved that kind of an advantage, I am convinced we would not use it and would not initiate a war. I certainly do not have the same confidence in the peaceful attitude of the Soviet Union. And that is what haunts this Senator.

This is why it is so imperative that we stop the nuclear arms race and stop it now with the most far reaching and comprehensive nuclear arms control measures we can verify. We have to be sure we can verify it and, of course, negotiate it so it is mutual.

LET'S NOT RERUN THE HOLOCAUST

Mr. PROXMIRE. Mr. President, the National Archives, as part of the commemoration of its 50th anniversary, is showing a film series titled "Films for the 50th—A Documentary Retrospective." These films touch on important aspects of American culture and history over the last 50 years.

Appropriately, one of the recent films was a documentary on the Nazi concentration camps. Even though the atrocities at Auschwitz, Treblinka, and Dachau occurred in Europe, no one can deny that the Holocaust is also part of American history. The genocide that took place was morally an international crime.

The documentary on the Nazi concentration camps, which is titled "Night and Fog," was a French film produced in 1955. From the first frames, showing peaceful landscapes seen from behind the barbed wire of a concentration camp, the viewer is struck by the tragedy of the Holocaust.

"Night and Fog" graphically portrays the horror of Hitler's final solution. It shields the audience from no painful aspect of the Holocaust. Children and old women in wheelchairs are seen herded like cattle into trains with no windows. Hundreds of unwilling passengers were packed in each car. They arrived at one of the many concentration camps, and the narrator reminds us that, "no one will enter more than once."

The archway over the entrance to the camp reads "Work is Freedom," but we soon see that the work expected is only freedom from death—and even then, only for as long as the prisoners can withstand the work.

"Night and Fog" goes on to hit you continuously with horrible images, facts, and figures. Again and again, the viewer is reminded of the immensity of this crime. One stark sequence shows page upon page of names from thick concentration camp registry books. The sheer number of victims is hard to imagine.

The film concludes with a thought-provoking statement: "There are those who pretend this happened once, at a certain time, in a certain place." Let me say that we all should realize that the people who think this are fooling themselves. From Carthage, through the Ottoman Turk's genocide of the Armenians, to the slaughter of Cambodians under the Pol Pot regime, genocide has not just occurred once. And there is no guarantee that it is not happening now and that it will not

happen again. Nothing can guarantee that genocide will not occur again. That is why we must try our best to reduce the risk of genocide.

The ratification of the Genocide Convention by this Senate would be an important step. The horror captured on the film, "Night and Fog," should not be documented again, with different scenery, and new villains and victims.

Let us help assure that it is not.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 10:30 a.m. with statements therein limited to 5 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. GORTON]. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, is morning business still in effect?

The PRESIDING OFFICER. The Senate is still in morning business but the time for morning business is about to expire.

Mr. GOLDWATER. Mr. President, I would like to be briefly recognized.

The PRESIDING OFFICER. The Senator from Arizona.

THE SO-CALLED STAR WARS

Mr. GOLDWATER. Mr. President, I am glad the Senator from Wisconsin is back on the floor. I was occupying the chair when he had a brief discussion this morning on General Graham's continued comments about the so-called star wars.

This disturbs me, not the remarks, necessarily, of the Senator from Wisconsin, but the whole developing attitude in the House and the Senate in opposition to any research on our part relative to an ability to either intercept Russian satellites that need intercepting or to render useless by the use of electronic devices any satellite that might be doing us damage.

Mr. President, I happen to recall instances in history when the world has been faced with similar propositions and, I would say, equally as dangerous in their consideration at that time. I refer to the advent of gunpowder and great problems internationally; the coming of the tank in World War I, which was supposed to end land warfare; the advent of the aircraft in World War I, further developed in World War II; the advent of bombing And against all of these weapons, counterweapons were developed. We continually move forward in our suggested theater of operations. When General Graham discusses the possibilities of war in space, I think we should pay attention to him and all the other people who see in space not only a potential for war but, even beyond that, a very great potential for peace. This is something I cannot discuss on the floor, but we are well along, in my humble opinion, in the development of equipment that can well herald the day of peace. I am not sure whether the Soviets have the same ideas or not, but I have a suspicion that they do.

What we are talking about really when we get into this research on the detection and the apprehension of satellites that we feel need that attention and apprehension is not catastrophic means such as many people think—nuclear arms. That is not included in the thinking of General Graham. For example, to render ineffective one satellite that is in space for the purpose of observation or the purpose of repeating messages from Earth for the detection of infrared would require 1 or 2 watts at the most of laser, which would not destroy the satellite; it would merely render it inoperative.

I think it is a rather sad commentary upon the state of the American mind when we want to limit the research that we have proposed in the development of our ability to take care of satellites that would prove to be disadvantageous to our future or even advantageous to the Soviets in the bringing of war. I recall the Senator from Wisconsin said, and I completely agree with him, that the possibility of nuclear war being started by either of the major powers is very, very remote. But I do believe, and believe very strongly, that we should be allowed to go ahead with the rather limited research which we have asked for—probably as many as 10 experiments a year. We now are limited to two. We have the factor of time that will limit a great number of them. But I hope that both the House and the Senate—and we are, I might say, discussing this very thoroughly in the conference on armed services—would come to an agreement that we could go ahead with the research which is necessary for us to be able to do as we have done in the past, develop antitank weapons, antiaircraft weapons, and so forth and so on.

I merely wanted to make those comments, and I am glad that the Senator was on the floor when I made them.

Mr. PROXMIRE. Mr. President, are we in morning business now?

The PRESIDING OFFICER. We are still in morning business.

Mr. PROXMIRE. Mr. President, I thank my good friend from Arizona for his remarks. I think what he says is very prudent. I think we have to recognize the kind of costs we are talking about here. By far the biggest single increase in research and development in the armed services authorization was for this antimissile program. It went from about a billion dollars to about a billion and a half. The administration asked for a 70-percent increase. They tell us that it is going to be $25 billion over the next 5 years, so it is a huge program, very, very costly. They tell us we will not know until 1992 whether an antimissile system would be practical. Then we will have spent $50 billion in research and development, and according to Secretary DeLauer the cost will be, he says, staggering. If we look at what he tells us, the cost will be close to one-half trillion dollars.

So I am saying that the cost is very great. I say if we proceed in this defensive missile way, we are going to violate the ABM treaty at one time or another. It may or may not be a good thing to renounce, but it is something we have to recognize.

That means the Soviet Union is going to match what we have done. It will match us not only in defensive missiles but match us in offensive missiles. That means the arms race will step up, the costs will be tremendous, and the uncertainty on both sides will be greater. For that reason, I think the prospects of nuclear war may be greater than they are with the present kind of deterrence we have on both sides.

I am delighted that my good friend from Arizona has spoken up. He is far better versed than this Senator on these military matters. He served for years with great distinction on the Armed Services Committee. He is a real expert in this field, perhaps one of the only two or three experts in the Senate. So I have great faith in what the Senator has to say. But I think we should recognize that we may be moving in the direction of accelerating an arms race which will cost a great deal and will create an uncertainty that is worse than it is now, and perhaps bring nuclear war closer.

Mr. GOLDWATER. I could not agree more with the Senator relative to cost. I queried Dr. DeLauer at great length during one hearing, and at great length several times since, and I have to admit what the Senator has said. He does not know.

We want to do the experimentation that we are now engaged in at a relatively low price in order to be able to tell in a matter of a few years whether we should go ahead with it. I am not standing here saying that we should spend a trillion dollars for this, but the Soviets already have a pretty good ability in this intercept field. I think we have, too. But I would much prefer

to see the Congress take a hands-off position until we know a little bit more about the cost. And Dr. DeLauer will be the first one to say, "I don't know." He has told our committees that he does not know. But the only way we are going to find out is through research and development, and when the time comes then to make the decisions I think we can talk a little bit more intelligently.

Mr. PROXMIRE. Is it not true, however, that the administration has indicated their program would cost $25 billion for R&D in this field over the next 5 years?

Mr. GOLDWATER. He said he did not know. Now, he mentioned the figure of $22 billion as an off the top of the head possibility. But the research I am talking about is an ongoing research that we have been doing.

Mr. PROXMIRE. The Senator is correct absolutely. We have had a billion dollars in research this year in this area.

Mr. GOLDWATER. I say for the safety of our country a billion dollars is not a lot of money. I would rather spend a billion dollars on research for the protection of our country and the whole world, I might say, than throw a billion dollars around on some of the things we throw it around on here.

Mr. PROXMIRE. I thank the Senator.

SOCIAL SECURITY COST-OF-LIVING ADJUSTMENTS IN 1985

Mr. RANDOLPH. Mr. President, I was necessarily absent when the vote was called on amendment number 3423, which is intended to assure Social Security recipients that they will receive a cost-of-living increase next year.

If I had been present I would have voted for the well-reasoned approach that was offered by Senator MOYNIHAN, and would have asked to be a cosponsor.

I have been a strong and constant advocate of the needs of Social Security recipients from the program's inception. It was my privilege as a Member of the House of Representatives to affirmatively cast my vote for the original Social Security legislation on April 19, 1935.

It is my belief that Social Security is an example of a Federal Government program that has worked and fulfilled its original promise.

We are advised that the Social Security trust funds are in satisfactory condition and this will allow for the commitment that the Senate has made to the recipients of the Social Security program in 1985. These increases will allow the beneficiaries to keep pace with the rise in prices.

It is encouraging that inflation is at a low level but we must remember the elderly and disabled in most cases are unable to keep pace with increases in prices, no matter how low they may be.

The further positive action in the Senate guarantees that the Social Security Program will receive a timely COLA on January 1, 1985.

THE RETIREMENT OF MAJ. GEN. ALBERT B. AKERS

Mr. THURMOND. Mr. President, Maj. Gen. Albert B. Akers recently retired from the U.S. Army after more than 33 years of distinguished professional service. General Akers graduated from the U.S. Military Academy in 1951 and was commissioned as a second lieutenant of the artillery. I came to know General Akers during his last assignment, as the commanding general at Fort Jackson, SC. He leaves the Army appreciative of the opportunity he has had to serve his country and to return in some way the education and experience he has received.

It was, indeed, an honor to have worked closely with General Akers on matters of great importance to the State of South Carolina and to our Nation. I know firsthand the positive impact that General Akers' life has had on the military preparedness of our country. The respect and admiration given him has been well earned for his far-reaching achievements and great influence.

As General Akers begins a new era in his life, I believe that he can take great pride in his distinguished career of service to our Nation and rest assured that the flame of freedom burns ever brighter because of his many contributions.

May God bless General Akers and his wife, Mary, with years of happiness and good health. I firmly believe that this happiness is well deserved, as I believe that I am lucky to be able to call Gen. Albert B. Akers my friend.

Mr. President, I ask unanimous consent that a paper entitled "Fort Jackson Renaissance" be included at the conclusion of my remarks. This paper is a description of the progress and achievements made by General Akers at Fort Jackson, making it the finest Army basic training installation in the United States.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

FORT JACKSON RENAISSANCE

At Fort Jackson, the path to excellence has been charted by a Renaissance of high standards involving training, quality of life, service, commitment and discipline. This rebirth of vitality and purpose creates a positive environment in which the "Fort Jackson Team" is molding a cohesive military and civilian community. The Renaissance, more than anything else, is a philosophy of how to train and how to take care of people. It is an all-encompassing surge forward to make Fort Jackson a training center of excellence and a better place to live and work—where training is tough and demanding because it must be and because it is expected to be—where appearance of the post provides the right backdrop for excellence in training—where better support to the community causes better support by the community—where individual and group pride in accomplishment bring about pride in being a part of the "Fort Jackson Team". In order to move forward on a broad front, innovation was necessary and shaping attitude was the key.

Innovation in training had to be founded on a professional cadre that reflected the meaning of "think, look, and act as a leader." The officer and non-commissioned officer professional development program became our number one priority because a well-trained, competent and disciplined cadre is essential to providing quality soldiers. Included as part of our professional development program was a new initiative called professional guidance which called upon leaders at all levels to teach and apply the morals, values, ethics and traditions unique to the profession of arms.

The Renaissance has had a dramatic impact on the quality of Fort Jackson's training. Initial entry training (IET) is tougher, more demanding and focuses on producing soldiers who are fit to fight and have the positive attitudes necessary to win. We want to develop soldiers who can take orders and accomplish them to exacting standards. Training starts in the Army's largest Reception Station, continues through rigorous Basic Training and does not end until trainees have met or exceeded the demanding standards of Advanced Individual Training. At Fort Jackson, the attitude that trainees must "think, look and act as soldiers—always" is constantly reinforced. Our approach to IET is called the "Total Training Environment" in which everything is viewed as training. Every task, every minute is approached with a positive attitude and a plan to exploit each training opportunity for maximum benefit. Phased training, increased emphasis on conduct and discipline, enhanced standards, tough physical readiness training, common skills reinforcement and testing in AIT, and FTXs for all MOS producing schools are a few of Fort Jackson's training initiatives designed to provide the operating forces with soldiers who are team players immediately ready to contribute to unit mission accomplishment.

Quality of life has been addressed rigorously in Fort Jackson's Renaissance effort. Quality of life means our living and working conditions, our recreational activities and our community services for soldiers, civilian employees and family members. Key programs include the Installation Modernization Program, the Command Sponsorship Program, Task Forces and special activities and events.

The Installation Modernization Program's goal is to modernize the post's facilities in which Fort Jackson's soldiers, their families and civilians work, live and relax. Currently, forty percent of our facilities in use today were constructed during World War II as temporary buildings. These substandard facilities need replacement not only because of the high energy and maintenance costs to maintain operation, but more importantly, because the very visible, deplorable state of these facilities connotes and leads to perceptions of second class citizenship, a lowering of performance and professionalism, and a lack of team spirit and community pride. First rate work and recreation facilities are

the backdrop to good training, and we have made considerable progress in our renovation and construction projects.

Newly completed construction projects include the Alpine Lodge for hunters and fishermen, the Cadence Club for AIT soldiers, the Officers' Club, and the Roller Skating Rink. Key renovations include the Fort Jackson Welcome Center, the Army Community Service facility, the Post Exchange Shoppette, the Public Affairs/Media Center, the Fort Jackson Post Office, a major Post Hospital upgrade, and the Post Headquarters, with numerous other facilities in planning for upgrade. New projects either under construction or slated for construction this year include a Guest House, Commissary, Chapel/Child Care Center, Education Center, and EM Club for permanent party soldiers. Conceptually complete is a Soldier Service Center which will provide, under one roof, administrative and financial services for all soldiers to include in-processing and outprocessing of trainees, permanent party, separatees, retirees and their families. The Welcome Center will also become a part of the Soldier Service Center. Effort has been initiated to secure the necessary funds to complete design of the facility and to initiate construction. Across the installation effective management procedures, along with state-of-the-art equipment, such as word processors, sophisticated telephone systems, and computers, have increased the efficiency and teamwork of Fort Jackson operations.

The Command Sponsorship Program is the bridge between the separate but related worlds of training and quality of life. Sponsorship creates a positive environment in which Fort Jackson units share the benefits and responsibility for the success of the various quality of life activities and facilities. Sponsorship of post activities by units establishes the setting for quality training and creates a climate of positive community involvement.

The spirit of community involvement and support also extends to the special activities and events that are held at Fort Jackson. These activities and events link the Fort Jackson community with civilian neighbors in nearby communities. Examples include Torchlight Tattoo on the 4th of July, Volksmarches and the Annual South Carolina Special Olympics.

In short, the Fort Jackson Renaissance represents a dedication to excellence involving training, quality of life, service, discipline and commitment . . . a must for the Army of the 1980s.

TRIBUTE TO COLOMBIA'S "WAR WITHOUT QUARTER"

Mrs. HAWKINS. Mr. President, last month a brave crusader against international drug trafficking was brutally murdered. Rodrigo Lara Bonilla, who had served as Minister of Justice of Colombia, was gunned down by cocaine dealers, due to the Minister's increasingly effective efforts to curb his country's involvement in the drug trade.

The sacrifice this great man has made with his life has not been in vain, however. Colombia has declared a "state of siege" on drug traffickers, and listed below are some of what Colombian authorities have accomplished thus far: 390 persons have been arrested; 617 houses have been searched; 25 airplanes, 38 trucks and 1 ship have been seized; and 300 tons of marijuana and 164 kilos of cocaine have been confiscated. Colombia is, indeed, waging "War Without Quarter" on drug traffickers.

The reasons for this awakening on the part of Colombia and its citizens to the dangers of drug trafficking are not exclusively related to that nation's collective outrage over Lara Bonilla's assassination. Colombians, increasingly concerned by the growing size, aggressiveness, power, and sheer arrogance of the narcotics organizations, could no longer ignore the fact that their nation was being taken over. For example, the amount of cocaine money that was coming into Colombia had grown to the extent that cocaine dollars were being blamed for wild distortions in the Colombian financial system and even for the failure of one major bank.

Another reason for this increased awareness is the alarming increase in cocaine use by Colombia's young people. The drug networks had encouraged the creation of an internal Colombian market for a cocaine product of low quality, thus not for export—Basuka, a paste of semiprocessed coca leaves suitable for smoking. Their campaign was so successful that Colombian officials believe that this cocaine base is now the most abused stimulant among Colombian youth, and the most dangerous. Not only is it addictive, but it can often create a nightmarish hangover of psychosis.

In their search for profits, then, the Colombian drug dealers do not spare even their own. This internal marketing of cocaine has brought home to the Colombians a problem they once believed was limited to the United States and Europe. With recent developments, however, the Colombians are waking up to the devastating effects of drug trafficking on their society.

It is also obvious that the Colombians will no longer tolerate the violence of the drug underground. In Colombia, there are five guerrilla groups known to be in existence, with more than 10,000 rural and urban fighters. Murders, kidnapings and street crime occur so often in Colombian cities that private bodyguards and armored cars are considered necessities for any family of means. With estimated revenues of $500 million per year, Colombian cocaine operators are willing to use any means to protect their organizations. That situation has created such lawlessness in Colombia that the citizens of that nation are demanding a return to order.

And it is working. As the editor of Colombia's most widely read newspaper, El Tiempo, stated recently:

We are dealing with an inconceivable challenge and a monstrous provocation that obliges a change in the rules of the game * * * the people demand more authority and an iron fist.

Mr. President, the people and the Government of Colombia should be encouraged and supported in their efforts. It will not be a simple thing to rid their homeland of the scourge of drug dealers, but with the kind of determination exhibited by Rodrigo Lara Bonilla in his short time in office, we know that Colombians can and will be successful in obliterating drug trafficking.

I respectfully request that the enclosed article entitled "Colombia Fights Back After Waking to Ravages of Drug Trade," in the Washington Post, dated May 21, 1984, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 21, 1984]

COLOMBIA FIGHTS BACK AFTER WAKING TO RAVAGES OF DRUG TRADE

(By Jackson Diehl)

BOGOTA, COLOMBIA.—In city slums, teenagers on street corners smoke an addictive raw cocaine base that offers a brief high and often a nightmarish hangover of psychosis.

On the sparsely settled southeastern plains, police discover an "industrial complex" of narcotics: 19 laboratories, 44 buildings, an airstrip with five planes, a power plant and a communications complex. They also discovered 12.5 metric tons of pure cocaine which would be worth up to $1.2 billion on the street in the United States.

In Bogota, Appeals Court Judge Rodolfo Garcia Ordonez removes a neatly typed, anonymous letter from his top desk drawer. "We order you," it says, "not to intervene again" in the case of a major cocaine trafficker from the commercial center of Medellin. "Otherwise we will be obliged to submit you and your family to a fatal accident," it adds.

These are among the public manifestations of Colombia's vast narcotics underworld. It is a business that during the past five years has grown from an easy-to-ignore illicit traffic with American users to a virtual state-within-a-state maintaining its own public figures, factories and armies here. It is arrogant enough to challenge openly the official leaders of Colombia.

La mafia may have reached its apex on the evening of April 30, when two hired men from Medellin gunned down justice minister Rodrigo Lara Bonilla, who virtually alone had crusaded against the narcotics trade and tried to warn the country that it was a threat.

Since then, President Belisario Betancur has declared a state of siege and a "war without quarter" on drug traffickers. Authorities have arrested more than 500 suspects. The public in this chronically troubled nation of 27 million seems to have awakened.

"The assassination showed the degree of aggressiveness and arrogance, and the sheer size that the narcotics organizations had arrived at," said Garcia, a former prosecutor of narcotics cases. "It was a shock that caused people to analyze a situation they had not paid much attention to before."

The outrage over the Lara Bonilla killing in part seems to reflect public frustration with decades of rampant violence and rural lawlessness that made Colombia a logical base for smuggling and crime.

Since 1948, when a decade-long civil war known as la violencia erupted between Colombia's traditional Liberal and Conservative parties, wide zones of the undeveloped countryside and the backstreets of big cities have ruled by successive bands of guerrillas, smugglers and crime networks.

Today Colombia is plagued by five leftist guerrilla groups with more than 10,000 rural and urban fighters. Murders, kidnapings and street crime are so common in the cities that private bodyguards and around care are considered virtual necessities for any family of means. Medellin, meanwhile, has been a capital of contraband ranging from marijuana, methaqualone and emeralds to illegally imported American cigarettes.

In this vast underworld, the Colombian cocaine organizations, with their huge installations and estimated $500 million in annual revenues, have become both the dominant powers and the public symbols of national lawlessness.

* * * * *

It was not always that way. The Colombians who began in the late 1970s to establish networks for refining coca leaves grown in Peru and Bolivia into cocaine and shipping it abroad initially seemed to enjoy public indifference and occasional complicity.

The richest of the traffickers in fact became national celebrities, tolerated and even toasted for their eccentric habits and vast wealth. One of the best-known of those accused by the government of conducting the trade, Pablo Escobar Gaviria, was elected to Congress as an alternate delegate in 1982.

Escobar won support around Medellin by donating lighting systems to the stadiums of his favorite soccer teams. On his sprawling ranch, he built artifical lakes and his own airport and stocked a private zoo with exotic animals. One local magazine was even moved to call him the "native Robin Hood." He is now a fugitive.

What has changed national attitudes toward such flamboyant figures has been the increasing influence of the cocaine organizations within traditional institutions and the spread of both drug consumption and violence within the country.

Eager to replace the coca plants smuggled from Peru and Bolivia with local products, the Colombian organizations several years ago began to encourage the expansion of coca growing in Colombia from a few isolated sites to more than 40,000 acres of fields by last year, according to officials here.

While vast tracts of land were thus taken over by the narcotics industry, Colombian coca leaves proved to be of relatively poor quality. So, Colombian authorities say, the drug networks have sought to create an internal market for raw cocaine base, a paste of semi-processed coca leaves suitable for smoking.

The marketing effort has been frighteningly successful. Although no accurate surveys have been done, law enforcement and family-welfare officials believe that cocaine base, or basuka, may be the most abused stimulant among Colombian youth—and the most dangerous. Because it is only partly processed, the base is usually laced with impurities, such as gasoline residues, that can cause almost immediate neurological damage among users.

The internal marketing of cocaine brought home a problem that many Colombians once perceived as limited to the United States and Europe. By early this year, meanwhile, the influence of narcotics money seemed to be everywhere. Many experts blame cocaine dollars for wild distortions in the financial system and even the failure of one major bank.

Lara Bonilla charged that narcotics capital was financing six of Colombia's 14 professional soccer teams. In nationwide municipal elections in March, authorities acknowledged that millions of dollars from the traffickers had gone into the campaign funds of the Liberal and Conservative parties.

Finally, there was the violence, going beyond gangland slayings among drug traders. Lara Bonilla and U.S. officials charged that Escobar and another alleged trafficker, Carlos Lehder Rivas, helped found a right-wing terrorist group known as Death Kidnappers, which has been blamed for hundreds of assassinations of suspected guerrillas as well as threats and attacks on judges, prosecutors, journalists and politicians opposed to the drug trade.

Evidence revealed this year by Colombian police and U.S. drug enforcement officials indicated that some traffickers had turned from infighting to cooperation with major leftist guerrilla groups. In return for arms and money, U.S. officials charged, some fronts of the Colombian Revolutionary Armed Forces were providing land and high-powered protection to cocaine-processing centers.

The assassination of Lara Bonilla, a promising young leader of the political establishment, seemed to be the last straw.

"We are dealing with an inconceivable challenge and a monstrous provocation that obliges a change in the rules of the game," wrote editor Enrique Santos Calderon in Colombia's most respected newspaper, El Tiempo. "The people demand more authority and an iron fist."

TEXTILE IMPORTS

Mr. THURMOND. Mr. President, I recently read a most disturbing article that appeared in the July 25 edition of the Washington Post concerning fraudulent shipments of textile/apparel products into this country.

The article pointed out several cases where major textile exporting countries have blatantly disregarded existing quotas and textile agreements with the United States in their effort to capture an even greater share of our domestic market. The article quoted the testimony of Thomas Gray, a senior Customs Service agent, who reportedly told the House Commerce Committee that Customs had seized $19.6 billion in illegally shipped textile products from October 1983 to mid-July of this year. Unfortunately, this amounts to but a small portion of the massive and expanding problem of illegal textile goods shipments.

Textile/apparel imports into this country over the first 5 months of this year are 45 percent higher than the import volume over the same timeframe in 1983. The textile/apparel trade deficit totaled $6.2 billion over that same period. Needless to say, these figures represent record increases.

Mr. President, I cannot understand how such rapid import growth could be allowed to take place in contravention of our textile trade agreements and a commitment by President Reagan to keep import growth in line with domestic market expansion and his directions to the White House staff to do this. The textile multifiber arrangement and bilateral trade agreements between the United States and various exporting countries are generally designed to limit the major exporters of textiles to growth rates of between 1½ and 3 percent over the next 4 years. Obviously, these agreements are being totally disregarded by many of our trading partners.

Mr. President, it is time for the present administration to address this problem head on. Steps must be taken immediately to preserve textile jobs in this country. Toward that end, I would recommend the following corrective actions:

First, countries whose exporters disregard textile trade agreements and participate in fraudulent practices should face immediate and substantial reductions in their import quotas.

Second, customs officials should be placed in foreign countries in order to examine U.S.-bound shipments of textile products and to determine the actual country of origin.

Third, a system of import licensing should be implemented so that customs officials can better control the influx of textile products into the United States.

Fourth, anticounterfeiting legislation, passed by the Senate earlier this summer, should be promptly considered and approved by the House of Representatives. This legislation creates a Federal felony and stiffer civil penalties for persons convicted of intentionally trafficking counterfeit goods.

Fifth, textile product labeling legislation, which I introduced to help consumers better identify American-made textile products, and which has also been approved by the Senate, should be considered and passed by the House expeditiously.

Mr. President, while these suggestions pertain primarily to textiles, I wish to remind my colleagues that a similar situation exists today for many industries. Trading partners that continue to deal in less than good faith make it very difficult for our policymakers to support the concept of "free trade."

For these reasons, Mr. President, I again emphasize that efforts must be exerted in order to correct these problems. I offer these suggestions today in hopes that action will be taken by the administration and, where legislation is necessary, by the congressional

committees with jurisdiction over trade, to address these serious problems.

Mr. President, I ask unanimous consent to have printed in the RECORD the Washington Post article of July 25, 1984, to which I referred earlier in my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 25, 1984]

CUSTOMS SAYS TEXTILES POSE SERIOUS PROBLEM

(By Stuart Anderson)

When they landed in Los Angeles, the bolts of polyester fabric carried "Made in Korea" labels. But on the boxes they were shipped in, the same label had been crudely crossed out and the documents accompanying the shipment declared that the fabric's country of origin was Japan.

That $2 million shipment was described by a U.S. Customs agent yesterday as a drop in the bucket of a multibillion-dollar scam by countries around the world to beat U.S. textile quotas.

Some countries try to sell textiles and wearing apparel that exceeds their U.S. quotas by transshipping the excess through another country that cannot fill its own quotas, senior Customs agent Thomas Gray told the House Commerce Committee's investigations panel.

Gray, who is based in Hong Kong, said textile products made in China are shipped to the United States under the quotas of Bangladesh, Macao and countries in the Middle East and South and Central America. Similarly, shipments of garments originating in Taiwan sometimes are labeled as coming from Japan, Singapore, the Philippines, South Africa, Panama and countries in the Middle East.

Gray said customs agents discovered Korea's transshipment of the polyester fabric through Japan six months ago and have been seizing illegally labeled cartons of the products ever since.

"They didn't even bother to repack it," said a somewhat nonplused subcommittee Chairman John D. Dingell (D-Mich.). "They just lined out the country of origin. That indicates a certain supreme contempt for American enforcement."

Gray replied that that case showed unusually "sloppy" work. "They are very clever," he said.

Although he declined to put a precise dollar figure on the fraudulent playing with textile quotas, Gray said customs agents are currently investigating cases involving $2.5 billion of shipments. From last October to mid-July, Customs officials said they had seized $19.6 billion in illegally shipped textile products.

The increased level of seizures comes as the American textile industry is pressing the Reagan administration to tighten up even more on imports, which hit a record high of 4 billion square yards—an increase of 45 percent—during the first five months of this year. The United States' textile trade deficit totaled $6.2 billion in that period.

U.S. manufacturers and labor unions this week filed unfair trade cases against 11 countries—Panama, Colombia, Argentina, Indonesia, Malaysia, Peru, Portugal, Singapore, Sri Lanka, Thailand and Turkey—and said other complaints will be filed against Mexico and the Philippines

Running down the list of America's major textile suppliers in the Pacific Rim, Gray said:

Taiwan, the largest supplier of apparel to the United States, is likely to remain a problem as the quota system exists.

South Korea, which has just moved up as the No. 2 supplier, runs a gamut of fraudulent activities that includes transshipping textiles, counterfeiting of trademarks and brand name products, and misdirecting and undervaluing merchandise to evade customs duties. Korean transsipments go through Japan, the Middle East and Panama.

Hong Kong, the No. 3 supplier, cooperates better than any other country with U.S. authorities to prevent fraud. Nevertheless, with its booming textiles industry, it is "a primary source of transshipments."

China, the giant of the Pacific Rim that has emerged as the fourth-largest supplier of textiles to the United States, is known for transshipping its excess production through a number of countries.

Japan, No. 5 among major U.S. suppliers, serves as a transshipment point for products originating in Korea, Taiwan and Macao.

Singapore, which offers U.S. authorities "the lowest level of cooperation" in the Asian region, serves as a base for the transshipment of acrylic knit sweaters and cotton and synthetic jackets from Taiwan, and for other apparel from Malaysia and China.

Sri Lanka strictly monitors its own industry, so a "Made in Sri Lanka" label means it is the country of origin.

India, whose government "makes nice gestures but is not very cooperative with U.S. authorities," is a source of textiles transshipped through neighboring nations of Nepal, Bhutan and Bangladesh.

Bangladesh, with a new textile industry that first moved into the U.S. market in 1982, is increasing exports to get larger quotas, currently serves as a transshipment point for shorts and pants that are made in China.

Pakistan transships towels and similar products and poses problems as a source of undervalued and misdescribed goods.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty message which were referred to the appropriate committees.

(The nominations and treaty message received today are printed at the end of the Senate proceedings.)

ANNUAL REPORTS ON ACTIVITIES UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT—MESSAGE FROM THE PRESIDENT—PM 160

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

In accordance with Section 26 of the Occupational Safety and Health Act of 1970 (Public Law 91-596), I transmit herewith the 1983 annual reports on the activities under that law of the Department of Labor, of the Department of Health and Human Services, and of the Occupational Safety and Health Review Commission.

RONALD REAGAN.

THE WHITE HOUSE, *July 27, 1984.*

MEASURE PLACED ON THE CALENDAR

The Committee on the Judiciary was discharged from the further consideration of the following joint resolution; which was placed on the calendar:

H.J. Res. 577. Joint resolution designating August 1984, as "Polish American Heritage Month."

MEASURE HELD AT THE DESK

By unanimous consent, the following bill was ordered held at the desk until the close of business on July 30, 1984:

H.R. 5890. An act to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3598. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report of the Agency for calendar year 1983; to the Committee on Armed Services.

EC-3599. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the midyear monetary policy report of the Board dated July 25, 1984; to the Committee on Banking, Housing, and Urban Affairs.

EC-3600. A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere, transmitting, pursuant to law, a report entitled "Nuclear Waste Management and the Use of the Sea"; to the Committee on Environment and Public Works.

EC-3601. A communication from the Secretary of Energy, transmitting, pursuant to law, notice of a delay in preparing the required comprehensive Mission Plan; to the Committee on Environment and Public Works.

EC-3602. A communication from the Acting Secretary of State, transmitting, pursuant to law, a report on the situation of El

Salvador; to the Committee on Foreign Relations.

EC-3603. A communication from the Director of the Office of Information Resources Management, Department of the Interior, transmitting, pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3604. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission on the administration of the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-3605. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, notice of the postponement of a prehearing conference; to the Committee on Governmental Affairs.

EC-3606. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during June 1984; to the Committee on Governmental Affairs.

EC-3607. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for the emergency appointment of bankruptcy judges; to the Committee on the Judiciary.

EC-3608. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on the number of waivers of the provisions of section 207(c)(3) of the Immigration and Nationality Act for fiscal year 1984; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-719. A resolution adopted by the legislature of the State of Louisiana; to the Committee on Armed Services.

"HOUSE RESOLUTION No. 18

"Whereas, the people of the state of Louisiana are dedicated to the concept of world peace; and

"Whereas, the present trend toward mutually assured destruction characterized by the stockpiling of nuclear weapons by the United States and the Soviet Union is an ever present threat to world peace; and

"Whereas, there exists developing technology which in the future will provide for construction of a nonnuclear defense system to protect the United States against a nuclear first strike by the Soviet Union or any other hostile power; and

"Whereas, this system, commonly known as "High Frontier" technology, involves the use of satellites to intercept and destroy nuclear missiles targeted at the United States or at the territories of its allies; and

"Whereas, the use of such a system would not mean that the nuclear retaliatory capabilities of the United States would be abandoned or neglected; and

"Whereas, the United States can take the first step in efforts to assure world peace and mutual assured survival while continuing to protect its people from the threat of nuclear war through the use of "High Frontier" technology.

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana that Congress is hereby memorialized to take the initial step toward achieving world peace and mutual assured survival by active pursuit of the concept of "High Frontier" technology as an effective means of eliminating the threat to world peace caused by the proliferation of nuclear weapons.

"Be it further resolved that copies of this Resolution be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Louisiana Congressional delegation."

POM-720. A resolution adopted by the Senate of the State of Illinois; to the Committee on Armed Services.

"SENATE RESOLUTION No. 719

"Whereas, the Joliet Arsenal is a 26,000 acre federally owned facility which has a long history of providing substantial and significant contributions to America's national defense, both during times of war and peace; and

"Whereas, this vast resource, which is strategically located near two interstate highways systems, rail and water transportation systems, and major metropolitan areas, remains virtually idle, and reactivation of the Joliet Arsenal should be seriously considered; and

"Whereas, the maximum utilization of the Joliet Arsenal would not only be an efficient and tax-saving use of existing facilities, but would also be a clear demonstration of a federal capacity to respond to acute local needs by replacing hundreds of dispossessed jobs and easing, particularly in the Joliet area, oppressive unemployment of staggering proportions; and

"Whereas, the Arsenal Task Force has listed five priorities concerning the reactivation of the Arsenal: federal funds, starting in 1985, to upgrade the physical structure of the plant and to create jobs; support of 4 ammunitions production contracts that Honeywell is bidding for; transfer of 160 acres of land from the Army so the Joliet Regional Port District can develop a port authority; establishment of an ordinance training school, where military would train in the use of military equipment and ammunition; and production of high-powered explosives; and

"Whereas, the State of Illinois, which suffers a massive tax imbalance with Washington and a disproportionate share of the economic burden caused by the recent recession, hopes that it will receive a more equitable and commensurate share of federal economic stimulus as the Congress, along with the Department of Defense, concurs on the inherent and overwhelming advantages that the Joliet Arsenal offers; therefore, be it

"*Resolved, by the Senate of the Eighty-Third General Assembly of the State of Illinois,* That we hereby petition President Ronald Reagan, the United States Congress, Secretary of Defense Caspar Weinberger, and the Illinois Congressional Delegation to support all efforts to reactivate the Joliet Arsenal; and be it further

"*Resolved,* That a suitable copy of this preamble and resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Illinois Congressional Delegation, and the Secretary of Defense."

POM-721. A resolution adopted by the Southeastern Regional Council of the National Association of Housing and Redevelopment Officials relating to public housing; to the Committee on Banking, Housing, and Urban Affairs.

POM-722. A resolution adopted by the Third Congress of the Federated States of Micronesia urging Congress to approve the compact of free association and its related agreements entered into between the government of the Federated States of Micronesia and Government of the United States of America; to the Committee on Energy and Natural Resources.

POM-723. A resolution adopted by the council of the county of Hawaii urging Congress to acknowledge the illegal and immoral actions of the United States in the overthrow of the kingdom of Hawaii and grant restitution for losses and damages suffered by native Hawaiians as a result of those actions; to the Committee on Energy and Natural Resources.

POM-724. A resolution adopted by the legislature of the State of Michigan; to the Committee on Energy and Natural Resources.

"RESOLUTION

"Whereas, United States Congressman Dale Kildee, along with a number of other Michigan congressional representatives, has recently introduced into Congress a bill which would designate 90,300 acres in three of our state's national forests as national wilderness areas. This designation will cut off any commercial use of this vast expanse of land and will highly restrict its use for recreational purposes. Moreover, it is over and above the wilderness areas already designated by Michigan state government in the Upper Peninsula; and

"Whereas, the multiple use of forest products is now the basis of the economy of the Upper Peninsula of Michigan. This proposed designation, then, will add to the unemployment problems in the State of Michigan and will restrict economic growth, particularly in the western end of the Upper Peninsula where welfare case loads and unemployment rank the highest in Michigan; and

"Whereas, additionally, there seems to be a widely-held misconception that the designation of forest lands as wilderness areas contributes to the tourism industry. Tourism in Michigan, however, is largely based on the use of forest lands, not on the restriction of them. Moreover, the wilderness area concept is not as conducive to good wildlife management as many believe. Well managed and maintained forests provide the cover, feed, and shelter which wildlife requires to exist; and

"Whereas, it would be far better if Congressman Kildee and the other sponsors of this ill-conceived legislation were to pay more attention to creating employment in their own districts rather than enacting legislation which would cause increased unemployment in the Upper Peninsula. Congressman Kildee, along with the supporters of this legislation, have never provided for the economic development of, and jobs in, Michigan's Upper Peninsula. Legislation to restrict the multiple use of these lands will only add to the misery and suffering of individuals who live in the Upper Peninsula; now, therefore, be it

"*Resolved by the Senate,* That the members of the Michigan Legislature hereby memorialize the Congress of the United States not to create additional wilderness area in Michigan's Upper Peninsula; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Michigan congressional delegation."

POM-725. A joint resolution adopted by the legislature of the State of California; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION No. 55

"Whereas, the Los Angeles Memorial Coliseum was originally completed in 1923 and dedicated to the American dead of World War I; and

"Whereas, the Coliseum was conceived and financed by local civic groups as a 75,000 seat multi-purpose stadium to serve the people of the Great Los Angeles Region; and

"Whereas, the Los Angeles Memorial Coliseum was partially reconstructed and enlarged to seat 101,574 spectators for the 1932 Summer Olympic Games of the Xth Olympiad, and has since witnessed many other significant sports, as well as political and historical events; and

"Whereas, the Coliseum was both originally designed and later redesigned by one of the pioneer architects of California, John Parkinson, with his son Donald B. Parkinson, whose many Los Angeles buildings of the early 20th Century are now nationally registered historical sites; and

"Whereas, the Los Angeles Memorial Coliseum was successfully nominated by The American Institute of Architects, and cosponsored by the Los Angeles Memorial Coliseum Commission and the University of Southern California, as California Registered Historical Landmark No. 960, and has been nominated and cosponsored by those organizations as a National Historic Landmark; and

"Whereas, the Coliseum will become the first Olympic stadium in the world to host two official modern Summer Olympic Games when the XXIIIrd Olympiad opens there on July 28, 1984; now, therefore, be it

"*Resolved by the Senate and the Assembly of the State of California, jointly*, That the Legislature of the State of California endorses the nomination of the Los Angeles Memorial Coliseum as a National Historic Landmark and memorializes the Secretary of the Interior to expeditiously make that designation in order that the dedication ceremonies may be held on the opening day of the XXIIIrd Olympiad in Los Angeles, July 28, 1984; and be it further

"*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-726. A concurrent resolution adopted by the legislature of the State of Louisiana; to the Committee on Finance.

"HOUSE CONCURRENT RESOLUTION No. 204

"Whereas, this nation has a responsibility to aid the less fortunate including the needy, deprived children who are as much a part of the future of this nation as are the children reared in a more economically stable environment; the elderly; and those who, due to physical, mental, or educational handicaps, economic conditions, or child care responsibilities, are unable to provide for themselves and their families; and

"Whereas, with so many people out of work and many of them exhausting unemployment benefits every day, programs such as Aid to Families with Dependent Children, General Assistance, Food Stamps, and programs for the medically needy become the last defense against utter destitution for families and individuals; and

"Whereas, the need to reduce the federal deficit should no longer be used to argue for further erosion of welfare programs, nor should states and localities, most of which are under serious financial strain themselves, be forced, through their own welfare programs, to compensate for a national economic policy that has largely been indifferent to unemployment and the misery we call poverty; and

"Whereas, since additional cuts in current welfare programs would be truly devastating but there is still a need for more assistance with available dollars, it is therefore critical that federal government begin seeking out innovative ways of dealing with these very grave problems, ways in which welfare dollars can be more effectively spent for the benefit of those in need; and

"Whereas, because statistics show that the State of Louisiana has a very high population of poor people; ranks near to the last among the fifty states in its AFDC flat grant amount, and has one of the highest infant mortality rates in the world (12.9%), the state would be an ideal environment for pilot programs for innovative welfare reform approaches instituted by the federal government.

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the legislature does hereby urge and request the Congress of the United States to initiate and pursue innovative welfare reform programs, and also requests that the Louisiana congressional delegation aggressively pursue designation for Louisiana as a pilot state for appropriate new welfare reform approaches initiated by Congress.

"Be it further resolved that a copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana congressional delegation."

POM-727. A resolution adopted by the City Council of Beaumont, TX, relating to Texas Highway 87; to the Committee on Environment and Public Works.

POM-728. A joint resolution adopted by the legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY JOINT RESOLUTION No. 51

"Whereas, the Environmental Protection Agency is currently considering the possibility of burning hazardous wastes in incinerator ships off California's coast; and

"Whereas, the legal jurisdiction and enforcement responsibility in international waters is unclear and, to date, no regulations for incineration of hazardous wastes at sea have been adopted; and

"Whereas, no substantial research has yet been completed on the potential short-term or cumulative long-term effects of this incineration proposal and neither have any risk assessments been completed; and

"Whereas, spills or leakages of raw waste from an incineration vessel could cause considerable adverse economic and environmental consequences; and

"Whereas, a hazardous waste spill could occur or hazardous wastes could be dumped in an emergency, releasing highly persistent, toxic compounds which would sink to the bottom of the ocean, contaminating the entire water column and the marine life therein; and

"Whereas, the practice of ocean incineration does not provide for complete destruction of any hazardous waste, thus allowing unburned materials or dangerous emissions to escape onto the microlayer of the ocean, poisoning organisms and fish and possibly moving up the food chain; and

"Whereas, hydrocholoric acid, which is sometimes released in the burning process, could contribute to the formation of acid fog and acid rain; and

"Whereas, the technical capability to incinerate hazardous waste remains unknown, including the ability to maintain a constant temperature of at least 2,400° F for long periods of time, and it would be difficult to monitor the technical burning process at sea; and

"Whereas, transporting the waste materials to incineration sites would also present risks of catastrophic damage to the marine and coastal environments; and

"Whereas, additional unknown and significant adverse effects may also exist but are not clear, due to the lack of information; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California jointly*, That the Legislature of the State of California respectfully memorializes the President of the United States to direct the Environmental Protection Agency to stop considering any proposals to incinerate hazardous waste off California's coast, until valid and reliable scientific studies have proven that the environmental effects of this proposal would be negligible; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Administrator of the Environmental Protection Agency, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-729. A joint resolution adopted by the Ashland (Kentucky) Area Labor/Management Committee relating to the Fair Trade in Steel Act; to the Committee on Finance.

POM-730. A resolution adopted by the Michigan Council of Senior Citizens, Inc. relating to Medicare Funds; to the Committee on Finance.

POM-731. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"SENATE JOINT RESOLUTION No. 52

"Whereas, canned tuna imports have increased 128 percent in the past five years; and

"Whereas, between 1981 and 1983, tuna imports have increased about 73 percent; and

"Whereas, in 1983, imports gained 40 percent, and, so far in 1984, imports are increasing over 1983; and

"Whereas, since 1981, employment in the California tuna industry has declined 23 percent, and over 4,000 people have lost their jobs; and

"Whereas, between 1981 and 1982, the cannery processing capacity for tuna has declined over 16 percent, and over 20 percent of the vessels in the tuna fleet are idle or underutilized; and

"Whereas, the amount of tuna packed in water was aggressively promoted by domestic canners and has reached a majority of the present market, but the tariff rate on water-packed tuna is only 6 percent compared to the tariff rate of 35 percent on oil-packed tuna, which has created a tariff loophole through which foreign packers in 1983 imported into the domestic market over 290 million cans of water-packed tuna; and

"Whereas, the California tuna industry has petitioned the United States International Trade Commission for relief from the increasing flow of imported canned tuna in water from foreign packers; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the President, the Congress, and the United States International Trade Commission to provide immediate relief to the tuna industry of California and this nation from the ever increasing flow of imported canned tuna in water by, among other methods, adjusting appropriate tariff rates; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the United States International Trade Commission, and to each Senator and Representative from California in the Congress of the United States."

POM-732. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION No. 104

"Whereas, the federal Old Age, Survivors, and Disability Insurance program, established pursuant to Title 2 of the federal Social Security Act (42 USC Sec. 401 et seq.), was established in order to provide, among other persons, the elderly with an adequate income to meet basic needs and live in a dignified manner; and

"Whereas, persons who have a similar wage history receive greater old age benefits under this program if they reach age 62 during, or prior to, 1978, than if they reach age 62 after 1978; and

"Whereas, several bills have been introduced in the United States Congress to alleviate this disparity, including H.R. 4093, introduced by California Congressman Edward Roybal; and

"Whereas, it is clearly unjust to permit persons reaching age 62 after 1978 to continue receiving as much as $100 per month less in benefits than those persons with similar wage histories reaching that age during, or prior to, 1978; now, therefore, be it

"Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature hereby memorializes the Congress and President of the United States to enact legislation equalizing the old age benefit levels received under the Social Security program by all persons with similar wage histories, regardless of the date when they become age 62, and be it further

"Resolved, That copies of this resolution shall be transmitted to the Chief Clerk of the Assembly to the President and Vice President of the United States, the Speaker of the House of Representatives, and each Senator and Representative in the California congressional delegation."

POM-733. A joint resolution adopted by the General Assembly of the State of North Carolina; to the Committee on Finance.

"SENATE JOINT RESOLUTION 825

"Whereas, changes in federal policy implemented in 1981 have led to the termination of thousands of North Carolinians formerly receiving Social Security disability benefits; and

"Whereas, over two-thirds of those who appealed their terminations were found to have been unlawfully denied benefits; and

"Whereas, North Carolina has placed a moratorium on terminations by a 1983 Executive Order which remains in place; and

"Whereas, much needed comprehensive reform legislation has been introduced and is being considered in both the United States Senate and House of Representatives; Now, therefore, Be it resolved by the Senate, the House of Representatives concurring:

"Section 1. The North Carolina General Assembly requests that the delegation to the United States Senate and House of Representatives from North Carolina use every available means to assure that meaningful reform legislation is passed to protect the rights of the disabled under both Title II and Title XVI of the Social Security Act.

"Sec. 2. The North Carolina General Assembly recommends that such reform legislation include:

"(1) A requirement that the Social Security Administration demonstrate a clear improvement in a claimant's medical condition before terminating disability benefits;

"(2) The continuation of a terminated claimant's benefits through appeal to the Appeals Council;

"(3) Improvements in Continuing Disability Review procedures;

"(4) A mandate to consider all available medical evidence in the consideration of both initial claims and terminations; and

"(5) A requirement that the Social Security Administration promulgate all disability standards in the form of regulations, subject to public notice and comment.

"Sec. 3. The North Carolina General Assembly urges that the President of the United States take all steps necessary to ensure passage of meaningful reform legislation regarding Title II and Title XVI of the Social Security Act.

"Sec. 4. The Secretary of State shall send a certified copy of this resolution to each member of the United States Senate and House of Representatives representing North Carolina, to the Secretary of the United States Senate and Clerk of the United States House of Representatives, and to the President of the United States.

"Sec. 5. This resolution is effective upon ratification.

"In the General Assembly read three times and ratified, this the 26th day fo June, 1984."

POM-734. A resolution adopted by the Pan-Macedonian Association of the United States and Canada relating to military aid to Turkey; to the Committee on Foreign Relations.

POM-735. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Foreign Relations.

"HOUSE CONCURRENT RESOLUTION No. 61

"Whereas, on August 31, 1983, Soviet war planes shot down a Korean commercial airliner, killing United States Representative Larry McDonald of Georgia and two hundred sixty-eight other innocent citizens, thus demonstrating a barbaric and despicable use of military power without provocation; and

"Whereas, the Soviets have suppressed democratic movements in their client states including the use of armed forces in East Germany (1953), Hungary (1956), Czechoslovakia (1968), and Poland (1982); and

"Whereas, communist governments in approximately thiry countries have ruled for a combined total of nearly seven hundred years without a peaceful transition of democracy in any nation; and

"Whereas, of the twelve wars waged in 1982, ten involved Soviet-backed troops; and

"Whereas, the Soviets or their client states have destroyed free trade unions everywhere including, most recently, Solidarity in Poland and the free trade union in Nicaragua; and

"Whereas, the Soviet Union has continued to escalate development and deployment of its military forces; and

"Whereas, the Louisiana Legislature finds and declares that the Soviet Union is the greatest threat to peace, freedom, and democracy in the world today.

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the Legislature of the state of Louisiana condemns aggression by the Soviet Union and urges the President and Congress of the United States, and Olympic Games officials to take appropriate action to oppose Soviet aggression and to take specific actions in regard to participation of the Soviet Union in the 1984 Olympic Games, including but not limited to:

"(1) That the International Olympic Committee request the Soviet Union to withdraw voluntarily from the 1984 Games to prevent any potential outside acts of violence and terrorism directed against the aggression of the Soviet Union that could injure or kill innocent athletes from any country, as well as Olympic spectators and disinterested American citizens and foreign visitors;

"(2) That the Congress, the President, and Olympic officials support the formation of a Human Rights Monitoring Committee composed of international human rights groups, to ensure compliance by all Olympic committees with the Helsinki Accords, the United Nations Protocol on Status of Refugees, and the U.N. Universal Declaration of Human Rights, to protect the human rights of Olympic participants, including rights of defection and political asylum;

"(3) That the President and the Congress prevent the approval of request by the Soviet Olympic Committee to land twenty-five Aeroflot planes, dock a cruise ship, or let Soviet journalists have unrestricted travel privilege during the Olympic Games, in order to prevent KGB agents and operatives from carrying out spy activities and electronic surveillance of U.S. defense capabilities;

"(4) That the United States Olympic Committee and the Los Angeles Olympic Organizing Committee institute the strictest drug testing procedures available to detect the use of all types of performance enhancement drugs, including somatropin (HGH, STH), by Olympic athletes, and to automatically disqualify any athletes discovered using such drugs;

"(5) That the United States Olympic Committee and the Los Angeles Olympic Organizing Committee not make any special accommodations, event location changes, or

transportation arrangements for the Soviet Union or Eastern Bloc countries at pre-Olympic sporting events or at the Olympic Games which are not ordinarily provided to all Olympic participating countries, unless the requesting country pays in advance for any such approved arrangements;

"(6) That the International Olympic Committee, the United States Olympic Committee, and the Los Angeles Olympic Organizing Committee appoint Olympic referees and judges from all participating countries without showing preferential treatment or 'stacking' of referees and judges in favor of the Soviet Union and Eastern Bloc countries;

"(7) That the Los Angeles Olympic Organizing Committee renegotiate its unsigned contract with the Soviet-Eastern Bloc's Organization of International Radio and Television to ensure that these countries pay an equitable amount for their Olympic broadcast rights.

"BE IT FURTHER RESOLVED that the Clerk of the Louisiana House of Representatives transmit copies of this Resolution to the President of the United States, to the Speaker of the United States House of Representatives and the President of the United States Senate, to each Senator and Representative from Louisiana in the Congress of the United States, the International Olympic Committee, the United States Olympic Committee, and the Los Angeles Olympic Organizing Committee."

POM-736. A resolution adopted by the General Assembly of the State of Maryland; to the Committee on Governmental Affairs.

"HOUSE BILL No. 1164

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Laws of Maryland read as follows:

ARTICLE—TRANSPORTATION

"(a) The Authority is authorized to establish and maintain a regular police force, to be known as the metro transit police, to provide protection for its patrons, personnel, and transit facilities. The metro transit police shall have the powers and duties and shall be subject to the limitations set forth in this section. It shall be composed of both uniformed and plainclothes personnel and shall be charged with the duty of enforcing the laws of the signatories, and the laws, ordinances and regulations of the political subdivisions thereof in the transit zone, and the rules and regulations of the Authority. The jurisdiction of the metro transit police shall be limited to all the transit facilities (including bus stops) owned, controlled or operated by the Authority, but this restriction shall not limit the power of the metro transit police to make arrests in the transit zone for violations committed upon, to or against such transit facilities committed from within or outside such transit facilities, while in hot or close pursuit or to execute traffic citations and criminal process in accordance with subsection (c) below. The members of the metro transit police shall have concurrent jurisdiction in the performance of their duties with the duly constituted law enforcement agencies of the signatories and of the political subdivisions thereof in which any transit facility of the Authority is located or in which the Authority operates any transit service. Nothing contained in this section shall either relieve any signatory or political subdivision or agency thereof from its duty to provide police, fire and other public safety service and protection, or limit, restrict or interfere with the jurisdiction of or the performance of duties by the existing police, fire and other public safety agencies. For purposes of this section, "bus stop" means that area within 150 feet of a metrobus bus stop sign, excluding the interior of any building not owned, controlled, or operated by the Washington Metropolitan Area Transit Authority.

"(b)(1) Except as otherwise provided in this section, a member of the metro transit police shall have the same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his duties as a member of the duly constituted police force of the political subdivision in which the metro transit police member is engaged in the performance of his duties. However, a member of the metro transit police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority. . . .

(c) Members of the metro transit police shall have power to execute on the transit facilities owned, controlled, or operated by the Authority any traffic citation or any criminal process issued by any court of any signatory or of any political subdivision of a signatory, for any felony, misdemeanor or other offense against laws, ordinances, rules, or regulations of the Authority, or of the signatory or its political subdivision as specified in subsection (a). With respect to offenses committed upon, to, or against the transit facilities owned, controlled or operated by the Authority, the metro transit policy shall have power to execute criminal process within the transit zone.

(d) Upon the apprehension or arrest of any person by a member of the metro transit police pursuant to the provisions of subsection (b), the arresting officer, as required by the law of the place of arrest, shall either issue a summons or a citation against the person, or book or deliver the person to the duly constituted judicial officer of the signatory or political subdivision where the arrest is made, for disposition as required by law.

(e) The Authority shall have the power to adopt rules and regulations for the safe, convenient and orderly use of the transit facilities, including the payment and the manner of the payment of fares or charges therefor, the protection of the transit facilities, the control of traffic and parking upon the transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances or regulations or police operational rules of a signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances or regulations of the signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that signatory or political subdivision. In all other respects, the rules and regulations of the Authority shall be uniform throughout the transit zone. The rules and regulations adopted by WMATA will be adopted by the board following public hearings held in accordance with § 15 supra and then shall be published by the political subdivisions of the signatories in the same manner as their respective local ordinances are published. Judges and clerks of the several courts having jurisdiction in the signatories and their political subdivisions shall have the authority to impose, collect, and enforce penalties for failure to pay fines for violation of such rules and regulations in the same manner as fines are imposed, collected, and enforced in the respective signatories or political subdivisions. Any person violating any rule or regulation of the Authority shall be subject to arrest and, upon conviction by a court of competent jurisdiction, shall pay a fine of not more than $250 and costs, and, upon further order of the court, shall reimburse WMATA for any loss or damage resulting from the violation.

(f) With respect to members of the metro transit police, the Authority shall

(1) Establish classifications based on the nature and scope of duties, and fix and provide for their qualifications, appointment, removal, tenure, term, compensation, pension and retirement benefits;

(2) Provide for their training and, for this purpose, the Authority may enter into contracts or agreements with any public or private organization engaged in police training, and this training and the qualifications of the uniformed and plainclothes personnel shall at least equal the requirements of each signatory and of the political subdivisions therein in the transit zone for their personnel performing comparable duties; and

(3) Prescribe distinctive uniforms to be worn.

(g) The Authority shall have the power to enter into agreements with the signatories, the political subdivisions thereof in the transit zone and public safety agencies located therein, including those of the federal government, for the delineation of the functions and responsibilities of the metro transit police and other duly constituted police, fire and other public safety agencies, and for mutual assistance.

(h) Before entering upon the duties of office, each member of the metro transit police shall take or subscribe to an oath or affirmation, before a person authorized to administer oaths, faithfully to perform the duties of that office.

SECTION 2. *And be it further enacted,* That this Act shall take effect July 1, 1984.

POM-737. A resolution adopted by the International Institute of Municipal Clerks relating to registration and polling places used in federal election be accessible to the handicapped and elderly persons; to the Committee on the Judiciary.

POM-738. A concurrent resolution adopted by the Legislature of the State of Louisiana: to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION No. 49

"Whereas, the Ninety-Fifth Congress of the United States of America at the second session, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"JOINT RESOLUTION

"Proposing an amendment to the Constitution to provide for representation of the District of Columbia in the Congress.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to Congress:

"ARTICLE —

"Section 1. For purpose of representation in the Congress, election of the President and Vice President, and Article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

"Section 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"Section 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

"Section 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the Legislature of the state of Louisiana does hereby ratify the foregoing proposed amendment to the Constitution of the United States of America.

"Be it further resolved that certified copies of this Resolution shall be forwarded to the administration of General Services, Washington, D.C., and to the president of the Senate and the speaker of the House of Representatives of the Congress of the United States."

POM-739. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

"ASSEMBLY JOINT RESOLUTION No. 134

"Whereas, the Congress of the United States has designated July 20, 1984, as National POW/MIA Recognition Day; and

"Whereas, the Governor has designated the week of July 15 to 20, 1984, as POW/MIA Week; and

"Whereas, the National League of Families of American Prisoners and Missing in Southeast Asia is continuing its efforts for the return of its members' husbands, sons, and brothers; and

"Whereas, the Viet Vet House from its inception has a primary mandate that, ". . . the Vietnam War ends when the dying at home stops, the nightmares are laid to rest, the legacy of physical and emotional concerns are addressed, the 2,500 POW/MIAs are accounted for, and the business of living is gotten on with pride, honor, and dignity for all . . ."; and

"Whereas, the National League of Families of American Prisoners and Missing in Southeast Asia will be coordinating a national balloon release together with other veterans groups and agencies on July 20, 1984, and the Viet Vet House will be the local sponsor for the National League of Families in Sacramento; and

"Whereas, at 1 p.m. on July 20, 1984, the Viet Vet House will release 2,238 red, white, and blue balloons and 250 gold balloons from the west steps of the State Capitol to represent the 2,488 men still unaccounted for in Southeast Asia; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of California proclaims July 20, 1984, as a special day of recognition for the 250 California POW/MIAs still held unaccounted for by the countries of Laos, Kampuchea, and Vietnam and a day of national remembrance for the 2,488 men still missing; and be it further

"*Resolved,* That the Legislature supports the federal government's efforts to expedite the recovery and return of the remains of dead POW/MIAs currently being held by the governments of Laos, Kampuchea, and Vietnam, and to secure the release of all POW/MIAs still alive and held by those governments; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of State, to the governments of Laos, Kampuchea, and Vietnam, to the National League of Families of American Prisoners and Missing in Southeast Asia, and to the Viet Vet House."

POM-740. Joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

"ASSEMBLY JOINT RESOLUTION No. 108

"Whereas, in 1983, UCLA graduate Peter Franklin was the first quadriplegic admitted to a California medical school; and

"Whereas, he was subjected to four months of struggle with the State Department of Rehabilitation which initially refused to grant him the financial aid needed by him to attend medical school; and

"Whereas, the state department initially urged Franklin to seek a career as a research assistant which it deemed a more fitting form of entry level employment; and

"Whereas, there currently is no existing, uniform federal definition of 'entry level employment'; and

"Whereas, the absence of such a definition allows state and federal assistance sources for education, rehabilitation, and vocational training to push entry level support to the lowest possible level, which tends to discourage individuals with disabilities from seeking their highest potential; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California encourages persons with disabilities to seek their highest potential at all times despite physical and social obstacles; and be it further

"*Resolved,* That when state and federal assistance for education, rehabilitation, and vocational training to persons with disabilities is predicated on entry level employment, that that employment be defined on the basis of an assessment of the individual's skills, aptitude, and abilities in order to assist and encourage the individual in reaching his or her highest potential; and be it further

"*Resolved,* That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, the Department of Education and the Commissioner of Rehabilitation Services to define "entry level employment" as it pertains to persons with disabilities seeking state and federal assistance for education, rehabilitation, and vocational training, and to promulgate regulations to ensure the uniform application of this definition throughout the United States so that it will serve to motivate individuals with disabilities to seek their highest potential; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, the Department of Education, and the Commissioner of Rehabilitation Services."

POM-741. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans Affairs.

"ASSEMBLY JOINT RESOLUTION No. 68

"Whereas, the California Department Commanders Veterans Council unanimously agreed that a new national cemetery should be established by the United States near San Luis Dam near the City of Los Banos, California; and

"Whereas, this proposal has been concurred with by the American Legion Department of California, the Council of Administration of the Veterans of Foreign Wars of the State of California, and the national and state bodies of the American G.I. Forum of the United States; and

"Whereas, a public-spirited citizen is willing to donate, deed, and dedicate approximately 350 acres of land adjacent to the San Luis Reservoir for a national cemetery; and

"Whereas, the San Luis site is adjacent to a California state park, assuring the site will not be overrun with commercial or residential development; is located in the center of the state, with major highways giving easy accessibility to the site; is in reasonable proximity to eight commercial airports; is located a reasonable distance to four military installations, and is readily accessible to California veterans, as well as more than two million veterans living in the 10 other western states; and

"Whereas, the United States Department of the Interior, Bureau of Reclamation, has 2,000 acre-feet of water available for use by the national cemetery from the San Luis Dam, now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation to establish a national cemetery near San Luis Dam near the City of Los Banos, California; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-742. A resolution adopted by the Senate of the State of Pennsylvania; to the Committee on Veterans Affairs.

"RESOLUTION

"Whereas, time spent in military service gives veterans an opportunity to gain technical skills, experience and good work habits that are transferable to the civilian job market; and

"Whereas, veterans continue to have higher unemployment and remain out of work longer than other groups, despite the need for well-trained employees in growth industries and in occupations requiring technological skills; and

"Whereas, the Emergency Veterans' Job Training Act of 1983, was enacted to help America's business community build more capable, productive workforces by reimbursing employers for hiring and training eligible Korean Conflict and Vietnam-era veterans; and

"Whereas, when the Emergency Veterans' Job Training Act of 1983 is fully implemented, it will represent a major and positive step toward helping the American business community fill the jobs being created by new technology and an expanding economy; and

"Whereas, providing jobless veterans with new opportunities for permanent, private-sector employment is one of the greatest tributes we can pay to individuals who served well and sacrificed much during difficult periods in our Nation's history; therefore be it

"*Resolved*, that the Senate of Pennsylvania designate the month of June, 1984, as "Hire a Vet Month," in recognition of the cooperation among the Department of Labor, the Veterans' Administration and the Nation's business community in developing employment and training opportunities for our veterans; and be it further

"*Resolved*, that copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MELCHER (for himself and Mr. DECONCINI):

S. 2879. A bill to provide for cooperation between the Secretary of the Interior and Indian tribes with respect to the regulation of coal mining operations on Indian reservation lands and the acquisition and reclamation of abandoned mines on such land, and for other purposes; to the Select Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JEPSEN:

S. Res. 425. Resolution authorizing the printing of additional copies of the Joint Committee print entitled "Industrial Policy Movement in the United States: Is It the Answer?"; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MELCHER (for himself, and Mr. DECONCINI):

S. 2879. A bill to provide for cooperation between the Secretary of the Interior and Indian tribes with respect to the regulation of coal mining operations on Indian reservation lands and the acquisition and reclamation of abandoned mines on such land, and for other purposes; to the Select Committee on Indian Affairs.

INDIAN COAL MINING REGULATORY ACT OF 1984

● Mr. MELCHER. Mr. President, the Surface Mining Control and Reclamation Act of 1977, called for a special study by the Secretary of the Interior in consultation with Indian tribes for strip mining coal on their own lands. The study included "proposed legislation designed to allow Indian tribes to elect to assume full regulatory authority over the administration and enforcement of regulations of surface mining of coal on Indian lands." This requirement in section 710 of the act was completed over a year ago.

After reviewing the Secretary's study, I am today introducing legislation to implement Indian regulation of surface coal mining operations and activities on Indian lands. As much as possible this bill is adapted to place Indian tribes that have now or will have in the future coal strip mine operations on their own land to have the same rights or to be in the same position as the States with the option to run their own reclamation program. If the tribes do not exercise that option of running an approved reclamation program, then the Secretary of the Interior will be in charge of the program as required in the 1977 Surface Mining Control and Reclamation Act.

I believe this bill is a constructive opportunity for Indian tribes in the management of their own coal resources and will meet their needs and properly safeguard their interests and their lands.●

ADDITIONAL COSPONSORS

S. 553

At the request of Mr. HART, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 1549

At the request of Mr. ARMSTRONG, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1549, a bill to amend the Internal Revenue Code of 1954 to permit individual retirement accounts, qualified retirement trusts and certain educational organizations to invest in working interests in oil and gas properties without incurring unrelated business taxable income.

S. 1841

At the request of Mr. THURMOND, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1841, a bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 2743

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2743, a bill to designate a portion of 16th Street, Northwest, Washington, DC, on which the Embassy of the Union of Soviet Socialists Republics is located as "Andrei Sakharov Avenue".

S. 2766

At the request of Mr. THURMOND, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Delaware [Mr. ROTH], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 2766, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition.

S. 2875

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia [Mr. RANDOLPH] was added as a cosponsor of S. 2875, a bill to establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere to authorize appropriations for fiscal year 1985, and for other purposes.

SENATE JOINT RESOLUTION 269

At the request of Mr. LEVIN, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of Senate Joint Resolution 269, a joint resolution designating the week beginning September 23, 1984, as "National Adult Day Care Center Week".

SENATE JOINT RESOLUTION 272

At the request of Mr. MURKOWSKI, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 272, a joint resolution recognizing the anniversaries of the Warsaw Uprising and the Polish resistance to the invasion of Poland during World War II.

SENATE JOINT RESOLUTION 310

At the request of Mr. LEVIN, the names of the Senator from Vermont [Mr. STAFFORD], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of Senate Joint Resolution 310, a joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week".

SENATE JOINT RESOLUTION 311

At the request of Mr. LEVIN, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 311, a joint resolution to designate the week of October 13, 1984, through October 19, 1984, as "National Independent Laboratory Week".

SENATE JOINT RESOLUTION 323

At the request of Mr. MURKOWSKI, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. GLENN], the Senator from Maryland [Mr. MATHIAS], the Senator from Pennsylvania

[Mr. SPECTER], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 323, a joint resolution designating August 1984 as "Polish American Heritage Month".

SENATE JOINT RESOLUTION 327

At the request of Mr. KASTEN, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Mississippi [Mr. COCHRAN], were added as cosponsors of Senate Joint Resolution 327, a joint resolution to designate the week beginning September 2, 1984 as "Youth of America Week".

SENATE CONCURRENT RESOLUTION 118

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. HELMS], was added as cosponsor of Senate Concurrent Resolution 118, a concurrent resolution expressing the sense of Congress that the portion of the street in the District of Columbia on which is located the Embassy of the Union of Soviet Socialist Republics, and the portion of any street in any other city in the United States on which is located a consular office or mission of the Union of Soviet Socialist Republics, should be named Andrei Sakharov Avenue.

SENATE RESOLUTION 425—AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF A SENATE REPORT

Mr. JEPSEN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 425

Resolved, That there be printed for the use of the Joint Economic Committee five hundred and fifteen additional copies of its Joint Committee print of the Ninety-eighth Congress, second session, entitled "Industrial Policy Movement in the United States: Is It the Answer?"

AMENDMENTS SUBMITTED

HYDROELECTRIC POWER PLANTS

METZENBAUM AMENDMENT NO. 3424

Mr. METZENBAUM proposed an amendment to amendment No. 3419 proposed by him to the House amendment to the bill (S. 268) to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes; as follows:

At the end of the pending amendment No. 3419 add:

The appropriate committees of Congress are requested to conduct a full review of federal policies affecting the price of electricity generated by the Hoover Dam Project and to report their fundings on or before July 1, 1986.

METZENBAUM AMENDMENTS NOS. 3425 THROUGH 3454

(Ordered to lie on the table.)

Mr. METZENBAUM submitted 30 amendments intended to be proposed by him to the House amendment to the bill S. 268, supra; as follows:

AMENDMENT No. 3425

At the end of the House Amendments add:

"Notwithstanding any other provision of law, the Secretary of Energy shall require the Western Area Power Marketing Administration to repay the Federal investment in its power and transmission projects to the Treasury by annual payments sufficient to amortize the debt, including principal and interest, on each project on a straight line basis within the service life of such project or 50 years, whichever period of time is shorter. The Secretary may waive the requirements of the preceding sentence only under exceptional economic conditions. If the Secretary does waive such requirements, any missed annual payment shall be repaid in the next succeeding year with interest equal to the average interest rate payable by the Treasury upon its total marketable public obligations as of September 30 of the fiscal year the payment was originally due."

AMENDMENT No. 3426

At the end of schedule A of Section 105(a)(1)(A) insert the following, the allocation to the Southern California Edison Company is deleted. Further, Schedule A shall further be amended to increase the allocations to the other listed allottees on a pro rata basis.

AMENDMENT No. 3427

At the end of the House amendment add: "The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1999."

AMENDMENT No. 3428

At the end of the House amendment add: "The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1997."

AMENDMENT No. 3429

At the end of the House amendment add: "The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1995."

AMENDMENT No. 3430

At the end of the House amendment add: "The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1993."

AMENDMENT No. 3431

At the end of the House amendment add: "The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1991."

AMENDMENT No. 3432

At the end of the House amendment add: "Notwithstanding any other provision of this Act, no contract authorized by this Act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1999."

AMENDMENT No. 3433

At the end of the House Amendment add: "Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1997."

AMENDMENT No. 3434

At the end of the House Amendment add: "Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1995."

AMENDMENT No. 3435

At the end of the House Amendment add: "Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1993."

AMENDMENT No. 3436

At the end of the House Amendment add: "Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1991."

AMENDMENT No. 3437

At the end of the House Amendment add: "Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than the average cost of power marketed by the Department of Energy through the Western Area Power Administration."

AMENDMENT No. 3438

At the end of the House Amendment add: "Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 75 percent of the average cost of hydroelectric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3439

At the end of the House Amendment add: "Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 75 percent of the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be re-

turned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3440

At the end of the House Amendment add: "Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 50 percent of the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3441

At the end of the House Amendment add: "Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3442

At the end of the House Amendment add: "Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1989: Provided That, on or after February 1, 1985 a commission shall be created to study and make recommendations to the Congress on the pricing of power from Federal hydroelectric facilities once those facilities have substantially repaid the original Federal investment in accordance with existing law.

The Commission shall consist of:

(1) The Comptroller General;

(2) The Secretary of Energy or his designee;

(3) The Secretary of Treasury or his designee;

(4) The Secretary of Interior or his designee;

(5) The Director of O.M.B. or his designee;

(6) Four business people with expertise and knowledge of energy issues, one each appointed by the Speaker of the House, the Majority Leader of the Senate, the Minority Leader of the House and the Minority Leader of the Senate;

(7) Four representatives from the publicly owned utility industry, appointed in the manner described in paragraph (6); and

(8) Four representatives from environmental organizations appointed in the manner described in paragraph (6).

The Commission shall report its findings and recommendations by January 1, 1986.

AMENDMENT No. 3443

At the end of the House amendment add: "Notwithstanding any other provision of law, including this Act, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 10 mills per kilowatthour in the rates charged to purchasers of power generated at Hoover Dam. Such surplus revenues shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3444

At the end of the House amendment add: "Notwithstanding any other provision of law, including this Act, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 10 mills per kilowatthour in the rates charged to purchasers of power generated at Hoover Dam. Such surplus revenues shall be transferred to the Secretary of the Interior and used for the purposes of Federal dam safety modifications in Arizona, California, and Nevada. Such dam safety modifications shall be for the purposes of dam safety and not for the specific purposes of providing additional conservation storage capacity or of developing benefits over and above those provided by the original dams and reservoirs."

AMENDMENT No. 3445

Strike section 103 of the House amendment.

AMENDMENT No. 3446

Strike section 102(A)(2) of the House amendment.

AMENDMENT No. 3447

Strike section 105(B) and add at the appropriate place: "Notwithstanding of any other provision, power resulting from the uprating program shall be sold by the Secretary through a process of competitive bidding.".

AMENDMENT No. 3448

Amend section 105(h)(1) by striking "within one year" and inserting "within five years.".

AMENDMENT No. 3449

Strike section 109 of the House amendment.

AMENDMENT No. 3450

Strike section 102 of the House amendment.

AMENDMENT No. 3451

At the end of schedule A of section 105(a)(1)(A) insert the following: "there is allocated to the city of San Diego a contingent capacity of 50,000 kilowatts and firm energy of 100,000 (thousand kilowatthours, both summer and winter): *Provided further,* that schedule A shall also be amended to reduce all other allocations on a pro rata basis."

AMENDMENT No. 3452

At the end of the House amendment add: "Notwithstanding any other provisiion of this Act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987, at not less than 50 percent of the average cost of hydroelectric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3453

In section 201(a), delete the words "acting by and through the Western Area Power Administration (hereinafter "Western"),".

AMENDMENT No. 3454

Strike section 102(c) of the House amendment.

ADDITIONAL STATEMENTS

MAINE MIA MEDAL AWARDS

● Mr. MITCHELL. Mr. President, tomorrow afternoon in Augusta, ME, a ceremony will take place that will extend to the families of our men still missing in Southeast Asia the honor and the recognition of their Nation for their sacrifice and their courage.

The distinguished former Secretary of State, Ed Muskie, will host a ceremony at which special commemorative medals will be presented to representatives of 10 Maine families whose sons, brothers, and husbands vanished in Southeast Asia.

The bitterness and division that rent our Nation over the Vietnam war is fading from the national memory today, as it should. But we should not allow the memory of our missing men to fade.

The families of MIA's and POW's have worked steadfastly and for many years to make sure that our memory of their men remains alive and that our efforts to discover their fate remain untiring.

The families of the missing have been the conscience of the Nation on this issue. Their dedication to that effort, as well as their sacrifice, are honored by the commemorative medals which Congress authorized last year.

The 19 men of Maine who never returned from Vietnam were boys born and raised in every part of our State—from Presque Isle to Portland. They were career officers and enlisted men alike. And all, officers and men, gave honorable service when their Nation called.

They and their families paid a high price through that service. They are owed no less than the heartfelt thanks of all Americans, and the honor that any Nation must give to those who run the ultimate risk in behalf of all.

I ask that the names and hometowns of these men appear in the RECORD following my remarks. They are men whose sacrifice we should honor and whose families deserve our respect for their fortitude and spirit.

The material follows:

NAMES AND FAMILY HOME TOWN

Air Force: Maj. George H. Jourdenais, Presque Isle; Col. Herbert O. Brennan, Damariscotta; Sgt. Edward J. Darcy, Gorham; and Lt. Col. Paul E. Getchell, Portland.

Army: Sgt. John H.R. Brooks, Peru; and Sgt. Richard C. Dority, Dover-Foxcroft.

Marines: Sgt. Peter G. Vlahakos, Auburn.

Navy: LCDR Robert S. Graustein, Fryeburg; Lt. Malcolm A. Avore, Hallowell; Lt. Terence H. Hanley, Pittston; and EM2 Joseph T. Musetti, Mt. Desert.●

FOUR GOOD REASONS FOR NATO

● Mr. WILSON. Mr. President, I submit for the RECORD an article entitled "Four Good Reasons for Nato," written by David Abshire, U.S. Ambassador to NATO.

The article follows:

FOUR GOOD REASONS FOR NATO

The Times' superb series on the 35th anniversary of the Atlantic alliance is striking for its recurrent emphasis on sustaining public support as the key to Nato's future. Critical to that support is the continued perception of the legitimacy—political, military and moral—of the alliance and its strategy.

Ethics and nuclear weapons have become one of the most vibrant issues of our day. The outcome of that debate touches the future of the alliance, for the public must be convinced of the moral legitimacy if Nato's support is to be sustained.

The maturation of a new generation unscarred by the tragedies of two world wars, with the emergence of new currents of thought and opinion, is bringing Nato to a moral crossroads. There is, however, confusion over the germ "moral" that has made Nato advocates hesitant to enter the fray. On one side stand many political activists, some in the peace movements, who proclaim certain absolute moral positions and insist on their morality to the exclusion of all other factors. On the other side are active men of affairs who also view moral values as absolute but impractical—something postulated by clergy or educators, but not applicable to real world choices.

I say a plague on both their houses. Absolutism of either kind is not appropriate. Those who would take one issue—such as medium range missile deployment—and look at it out of context are too simplistic. Those who would moralize about absolute peace without ever studying the problems of achieving real peace, or considering the threats to peace or the conduct of a potential adversary, are doing little to advance the cause of peace.

Equally, those who believe moral considerations have no place in their decisions will not take long to discover that their cynicism is not shared and their policies not supported.

The great theologians have known that absolutism doesn't work and that in the lives of nations, as distinguished from the lives of men, clear moral choice is more difficult because it is so much more ambiguous. This dilemma was identified by the Protestant theologian Reinhold Niebuhr in the very title of his classic book, Moral Man and Immoral Society, St. Augustine of Hippo argued that until the city of God appeared, it was one's duty to further the city of man.

In foreign and security policy, only partial solutions are possible; one must constantly strike unsatisfactory balances—between compromise and security, between order and progress. That is the challenge Nato faces.

The two world wars and the immediate post-war experience that fostered Nato's birth conjured four new horsemen of the apocalypse: fears of nuclear war, of worldwide conventional war, of blackmail and coercion, and of human tyranny and bondage. Hiroshima, the Somme, Munich, Auschwitz embodies these spectres. The moral imperative became the prevention of their happening again. Nato must confront not just one of these evils but all four.

Each of these phantoms threatens the Judeo-Christian, multifaceted concept of peace which unfortunately has gone largely unaddressed by many in the "peace" movements and others in the debate. This notion of "peace" is an integrated balance of two traditional concepts—one reflected in the Hebrew word shalom and the other in the Latin word pax. Shalom implies a sense of peace that relates to an individual's wholeness and health, security and prosperity in their fullest sense. Pax, on the other hand, connotes the peace of the ordered political community that makes living together possible. It has to do with order and stability.

The classical concept of peace, then, implies much more than the absence of war and the avoidance of war, more than a determination simply not to fight. It focuses on the creation of conditions in which individuals and societies can flourish and in which there are recognized limitations on the use of force.

Peace is a dynamic process in which we must be constantly and positively engaged. It is a multifaceted concept, encompassing both the individual and society. The only legitimate peace policy is one that neither sacrifices freedom of the individual for the order of the state, nor ignores the threat to the state because it is consumed by the personal comfort of the people.

Because the threat to peace is multifaceted, absolute solutions will not work. They address only one dimension of the threat; they secure only one facet of the peace. Some people, for example, have suggested unilateral disarmament as the absolute solution. Such a policy may achieve our relief from the threat of nuclear or conventional war, but would it really relieve us from the threat of tyranny?

Our problem in securing a just defence—and the basic moral ambiguity we must confront—is that all of our options are unattractive; there is no good choice. All involve some element of moral risk and the possibility of pain and suffering.

If moral absolutes are inappropriate, what does a just defence mean? St. Augustine defined some criteria as proportionality—that particular means must be in proper relation to desired ends. A second element is proper motivation. Just defence must also be adaptable to the world's constantly changing conditions that might generate new threats or reconfigure old ones. Therefore, just defence must be flexible.

I believe that the current Nato strategy of deterrence meets these criteria. Reinforcing deterrence is the best path for ensuring the peace.

On the military side, reinforcing deterrence requires reducing the nuclear risk by improving Nato's conventional capabilities, thereby making flexible response truly flexible. Flexible response remains a good strategy—one of proportionality and legitimacy.

Nato's role, however, goes beyond the purely military. When Nato, in 1979, committed itself to the two-track approach, it recognized that arms control efforts must parallel military ones. Moreover, the Nato charter stresses that economic progress and economic cooperation are essential to achieve the individual and national well-being inherent in our concept of peace.

Until now, we have been talking about pax and just defence. Let us turn to shalom. Part of shalom relates to the dignity of the individual. Nato is a unique alliance of democracies. Since its creation, four states have joined. They did so not just because it was a way to enhance their security, but because they recognized and wanted to be associated with the values for which Nato stand. They wanted it to be known that their people, too, enjoy the freedom and justice that Nato secures.

Few people realize the role of the alliance as the coordinating centre for western positions on the Helsinki accords and the problems of human rights. The West's achievements at Madrid and its efforts at the follow up meeting in Stockholm have been possible only because of individual member nations' commitment to Nato's shared values and their steadfast cohesion during negotiations.

Finally, Nato has been unrelenting in its efforts to develop a contructive relationship with its potential adversaries. The legitimate pursuit of peace demands positive engagement, and Nato members have recognized that a posture of unremitting hostility toward the Soviet Union and its allies will not be productive in the long run. The alliance is currently exploring how best to define a long-term realistic approach to the East that avoids the ups and downs of false detente but that also diminishes tensions and mutual suspicions.

Nato's goal is the deterrence of any war whether nuclear or conventional. The Atlantic alliance was created in the wake of the excesses of a world at war and gave hope that conflict would no longer be the final arbiter in the settlement of disputes between nations. The alliance may not be perfect, but it is unparalleled in its values and in its dedication to peace. Indeed, it has legitimacy and a strong moral basis. It surely provides the best possible means for sustaining the public consensus and securing a true peace.●

THE DEPORTATION OF MICHAEL O'ROURKE

● Mr. LEVIN. Mr. President, I have cosponsored S. 2375 which would postpone the deportation of Michael O'Rourke for 6 months. Since Senator SPECTER introduced this bill in February, Mr. O'Rourke has returned to Ireland.

I have cosponsored this measure because I share Senator SPECTER's concern about the possibility that Mr. O'Rourke may have been denied the due process of law in his case. My cosponsorship of this bill is not intended to reflect support for Mr. O'Rourke's alleged activities in Ireland or reflect on what should or should not have been the final disposition in his deportation case before Immigration and Naturalization Service Administrative Law Judge Hupp.

Senator SPECTER's intent in introducing S. 2357 was to provide a vehicle for the Senate Judiciary Committee to hold hearings on allegations of possible wrongdoing in Mr. O'Rourke's case. These hearings are scheduled for July 30. It is my hope that all questions of impropriety relative to Mr. O'Rourke's case will be thoroughly aired and adequately answered in these hearings.●

H.R. 5798—TREASURY, POSTAL SERVICE APPROPRIATIONS

● Mr. MATTINGLY. Mr. President, on Wednesday, July 25, I was absent during the rollcall vote on final passage of the Treasury appropriations bill for fiscal year 1985 because I was in Atlanta taking part in a welcoming ceremony for the President of the

United States. Had I been present for that vote, I would have voted "aye."

As a member of the Treasury Appropriations Subcommittee, I am very familiar with the efforts of its distinguished chairman, Senator ABDNOR and its ranking member, Senator DECONCINI. I commend my able colleagues and leaders on the subcommittee for their diligence and for the labor which they have expended on this legislation. They and the very able majority and minority subcommittee staff deserve special commendation in view of the fact that this is the first Treasury Appropriations bill to pass the Senate since 1979.

The discretionary spending authorized by this bill is right on target with the allocation approved by the full Appropriations Committee. The legislation strikes an appropriate balance between filling the legitimate budget needs of the agencies within its jurisdiction and yet is mindful of the important need to restrain the growth of Federal spending.

I hope that this example of fiscal restraint is followed as we prepare to consider the remaining appropriation bills.●

SUMMIT CONFERENCE ON CYPRUS

● Mr. PRESSLER. Mr. President, the situation in Cyrpus threatens the security of the United States, the integrity of the NATO alliance, and the safety and welfare of the people of Cyprus. In view of the dangers represented by the continuing illegal Turkish occupation of northern Cyprus, I urge President Reagan to take the lead in convening a summit conference of the affected nations. We need dramatic action to prevent the further unraveling of the key Western security relationship in the Eastern Mediterranean. A summit conference, on the magnitude of the Camp David summit which produced great progress in Israeli-Egyptian relations, would constitute a major U.S. contribution to the resolution of the Cyprus problem.

Ten years ago, on July 20, 1974, Turkey invaded the Republic of Cyprus. That action made a mockery of the treaties, charters and international laws that make possible peaceful coexistence among nations.

On March 28, 1984, the Senate Foreign Relations Committee marked up authorizing legislation for foreign military assistance. A key issue in the markup debate was discussion of U.S. frustrations over Turkey's continued occupation of one-third of the island of Cyprus. A bipartisan group of Senators expressed serious concern over the continuing presence of 20,000 Turkish troops on Cyprus soil, Turkish expenditures of over $200 million a year to support an illegal presence in Cyprus while continuing to ask for increased U.S. military assistance, and the bad faith that has been shown by the leadership in Ankara and its protege, Mr. Rauf Denktash in occupied Cyprus.

In an effort to facilitate the negotiation process, Senator BIDEN and I, with the strong support of Chairman PERCY, introduced an amendment to the military assistance authorization for Turkey. This amendment conditioned $216 million in grant military assistance upon Presidential certification that the deserted, formerly Greek-Cypriot city of Famagusta-Varosha had been returned to the Government of Cyprus for resettlement of refugees. The amendment also cut foreign military sales credits and guarantees for Turkey by $25 million.

We cannot forget that over 200,000 Greek Cypriots are still displaced, unable to return to their homes. Nearly 2,000 Cypriots were needlessly killed, and the survivors are experiencing a cultural death, as every trace of Cypriot life and customs are systematically replaced with Turkish standards. Turkey and the world must know that America does not support, especially with money and arms, human rights violations, wanton invasions or oppressive regimes anywhere in the world.

I urge my distinguished colleagues to renew our commitment to a democratic Cyprus and the initiation of a fair and peaceful solution to the conflicts in that nation. My wish is that there will not be a need to commemorate this day with sadness again.

This 10th anniversary is an excellent opportunity for the United States to strengthen the southeastern flank of NATO by enacting legislation supporting good faith negotiations for the reunification of the sovereign nation of Cyprus. It is also an opportune time for the United States to organize a summit conference on Cyprus.●

THE CENTENNIAL CELEBRATION OF ST. MICHAEL'S UKRAINIAN CATHOLIC CHURCH

● Mr. HEINZ. Mr. President, the year 1984 marks the centennial celebration of St. Michael's Ukrainian Catholic Church in Shenandoah, PA.

St. Michael's Ukrainian Catholic Church, founded in 1884, was the first Greek Catholic Parish in America. The ancestors of St. Michael's parishioners came to this great Nation from Eastern Europe between 1860 and 1870, with the hope of finding a better way of life. Upon their arrival, they first settled in Massachusetts and Vermont; some years later they settled in Pennslyvania, which was, and remains, the home of many Ukrainians.

Joseph Zoliak was the first immigrant to settle in the Shenandoah area of Pennsylvania—the present home of St. Michael's. The first settlers wanted a church of their own where they could worship in their "mother tongue" according to their own rites and beliefs. Their prayers were answered on October 24, 1884, when the Reverend John Walainsky was appointed as the first Greek Catholic priest in America. His first service was held on December 18, 1884, at Kern Hall in Shenandoah. By 1885, the newly settled immigrants were able to purchase two buildings on the north side of Centre Street in Shenandoah. Father Walainsky blessed the first Greek Catholic Church on this site on November 21, 1886. During the following years, the congregation grew rapidly, and soon there was a need for a larger church. In 1907, a plot of ground on Oak and Chestnut Streets in Shenandoah was purchased. One year later, the church and rectory were built, and the first Liturgy was celebrated on Palm Sunday in 1909.

Recently, the parishioners of St. Michael's have been forced to rebuild their house of worship, because on the morning of April 7, 1980, the church and its rectory, with all of their priceless antiques, religious art, and icons, were completely destroyed by fire. After this devastating fire, the present pastor, Father John Bura, along with the parishioners, made immediate preparations to transform the church hall on West Central Street to an interim church. In August 1982, construction of the present church was started, and on November 27, 1983, the blessing of the cornerstone and the first Liturgy were held at the new St. Michael's.

Today, 100 years later, St. Michael's remains the place of worship where the faithful parishioners can honor God in their own way.

On this 100th anniversary of St. Michael's Ukrainian Catholic Church, I am honored to extend my sincere congratulations and best wishes to my Ukrainian-American friends and fellow Pennsylvanians. I thank you for making Shenandoah, PA, your home.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HYDROELECTRIC POWERPLANTS

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

Metzenbaum Amendment No. 3419 to the House amendment to S. 268, an act to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes.

Mr. HECHT addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. HECHT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HECHT. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays in connection with the amendment I have pending at the desk.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3424

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 3424 to amendment numbered 3419.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment No. 3419, add: The appropriate committees of Congress are requested to conduct a full review of Federal policies affecting the price of electricity generated by the Hoover Dam Project, and to report their findings on or before July 1, 1986.

Mr. METZENBAUM. Mr. President, I think we should understand what the situation is on the floor at the moment.

Last evening, I sent to the desk an amendment, in connection with which I have asked for the yeas and nays, which was intended to cover the matters that were addressed by my distinguished colleague from California, who pointed out all the reasons why we need other matters that are in the bill having to do with upgrading of the Hoover Dam.

The Senator from Ohio made it clear when he addressed this body yesterday that my issue or my concerns were not with those provisions. As a matter of fact, I think they were written as provided in the House bill, and I support them. They provide for the payment in full of the costs of the upgrading, and I think that is appropriate, and I certainly do not want to stand in the way of that.

There are two other parts to the bill that I want to talk about. One has to do with the matter of allocation. Who gets the power? At the present time, certain residents of California and the people in the States of Nevada and Arizona have the opportunity to buy the power, and no one else.

As a matter of fact, it was rather interesting to me yesterday when the former mayor of San Diego took the floor to indicate his support for this measure. I have in my hand an editorial from the San Diego Union, which comes to exactly the contrary position, because the people of San Diego are being discriminated against. That editorial, which I will see fit to read at a later point, makes it very clear that they feel that they are getting the short end of the stick, while the favored few who are provided for in this bill are able to purchase the power.

Who can purchase the power now? The Metropolitan Water District of Southern California, the city of Los Angeles, the Southern California Edison Co., the city of Glendale, the city of Pasadena, the city of Burbank, the Arizona Power Authority, the Colorado River Commission of Nevada, and the United States for Boulder City.

That has to do with the power that is presently being generated. It is obvious that if you are not one of those favored few, you do not get those benefits.

Mr. President, I am not here on the floor to challenge that allocation, although I may return at a later point and offer an amendment to permit San Diego to be included, because I certainly would not want to deprive a fine community such as San Diego of the right to buy power in the same manner as the other people of California are purchasing it. As a matter of fact, it is not at all unlikely that at some point such an amendment will be offered.

However, let me come back to my amendment at this time, because that is the point I wish to emphasize to my colleagues. All we say here is that, notwithstanding any other provision, all provisions of this bill shall become effective upon the date of enactment. Then we have a proviso, and there is only one proviso: Provided, however, that no section of this bill on the Boulder Canyon Project Act of 1928 regarding the price of power generated at Hoover Dam shall be effective after May 31, 1987—which, I should point, is the date that is presently in the law. So all we are saying is that you can have everything else in the bill, except the pricing, and we do not believe that we ought to lock in the pricing for 30 years.

Before the debate on this bill concludes, I will point out that in one of the prominent publications of this country, it is pointed out that under this legislation, the people who have the privilege of buying the power will be paying the same rate for power from the Hoover Dam in the year 2017 that people were paying in the year 1937.

How absurd can you get? Inflation between 1937 and 2017 will have gone sky high. The costs have been escalating. It is fair to say that this bill does provide that the users will pay for the cost of operation and maintenance. But in spite of that, they will be paying at the same rate in the year 2017 as they were paying in 1937.

Some of my colleagues saw fit yesterday to vote against my proposed amendment, and I should like to discuss with them what they are doing to their own communities. What they are doing to their own communities is saying, "Look, it's all right for the United States to make power available for a half-cent for a kilowatt hour while the rest of the country pays a rate 13 times that amount, or 6.5 cents per kilowatt hour."

It is fair to say that not every community pays the same—some are higher, some lower. But the average rate, according to the Congressional Research Service, is 6.5 cents per kilowatt hour.

How can you possibly justify permitting people to buy power for a half-cent per kilowatt hour? This I want to say to some of my colleagues who have seen industry leave their communities and go to Nevada and go to Arizona and go to California because power can be bought in those areas for a half cent or one-thirteenth the rate that local industry has to pay. What possible justification can you have with respect to that kind of discrimination against the individual who buys power for his or her own home, or how can you justify it to your local chamber of commerce when they tell you that XYZ Co., is going to Nevada or Arizona or California because they can buy power there so much cheaper and that is a major factor in the cost of their doing business? What logical reason? How could you answer that? I submit to my colleagues that there is no way to answer that question.

It is an unfair discriminatory practice that is being jammed through the Senate. When I say "jammed through," let me point out what I am saying. A cloture motion was filed in connection with this matter approximately 4 hours after the debate started on it; 4 hours after. Nobody said anything about a filibuster. But, no, we have to get this bill through. I do not know why. The whole issue does

not become a reality until May 31, 1987. We have more than enough time to deal with it before then. But, no, we have to jam it through.

Is it because it is an election year? Is it because certain special Members of this body are demanding that this legislation be passed?

I for one do not know, nor do I really care, because I believe it is the responsibility of the Senate to defeat this proposal, and I would hope that instead of defeating the bill, which I am not asking you to do, that you would see fit to adopt the amendment that I have pending as well as the second-degree amendment which would in effect provide nothing more than that the appropriate committees of Congress under the second-degree amendment are requested to conduct a full review of Federal policies affecting the price of electricity generated by the Hoover Dam project and to report their findings on or before July 1, 1986.

What could be more reasonable? The first part of the amendment provides that you can have the entire bill except for the pricing; the second part merely provides that the appropriate committees of Congress will study the issue and report back to Congress their findings before July 1, 1986, which would give Congress between July 1, 1986 and May 31, 1987 to deal with the issue.

The Senator from Ohio has attempted to present this matter in a reasonable way. It is not a political matter, except for the fact that the effort is being made to jam it through. But absent that I would be the first to recognize that there are prominent members of my party and prominent members of the other party who support this legislation as well as prominent members of both parties who oppose it.

The San Francisco Chronicle, a conservative paper, serving that community and a major factor in California, had an editorial on this subject and I would like to share the contents of that editorial. In fact, there are three papers in California that have editorialized on this subject. And I want to point out that they go further than the Senator from Ohio is advocating. They go to the point of having the power auctioned. I am not standing here proposing that. I am merely saying let us see what the fair rates should be that are to be charged.

The San Francisco Chronicle editorial entitled "South vs. North On Hoover Power":

A bill that reeks of a musty agreement made in years long past allocating power generated by water from the Hoover Dam comes before the House of Representatives for action this week. Since it has to do with water and with cut-rate power, it is heavily favored by certain southern California interests. But it will affect us here in the North, too. It seems to us there is no reason to perpetuate the truly outmoded ways the measure embodies.

This situation has been laid out in elegant and penetrating fashion by writer Harold Gilliam in the Sunday columns of this newspaper. His view deserves reemphasis. the old contract provisions permit Hoover Power to be sold at far below the market price. The original purpose of the cheap energy was to promote growth in southern California, "perhaps a valid goal half a century ago," as Gilliam said, "but one that is scarcely tenable now that the region has grown to the point of strangulation."

The measure now before Congress extends the old contract as if the past 50 years had never happened. It constitutes a munificent benefit for the original contractors and those who were in on the ground floor like the metropolitan water district of southern California, or "MET", which used Hoover energy to pump Colorado River water to southern California.

Not surprisingly, some California utilities, like San Diego Gas and Electric, that were not in the original deal, say they would like to make a handsome bid for some Hoover power.

What strikes home is that the "MET" will be getting the right to pump more northern California water south by using cheap energy from Hoover. Thus, the Federal Government will be in effect subsidizing the draining of northern California to further the growth of a population-bloated southland.

This shocking measure has been approved by the Senate and has log-rolling momentum in the House.

And then it goes on to refer to Representative BARBARA BOXER's efforts in the House and that they support it.

I want to point out that I am not at that point where I support the auctioning off of the power. I do think that we might consider whether or not we want to make the power available to San Diego because I would be curious to know how the people from California feel about why some parts of California should be favored and others not.

Let me point out, this is a Federal dam having to do with a Federal river, built by Federal taxpayers' dollars; the region has leased that facility for 50 years. It paid for construction of the dam through utility rates under terms of the lease. Now they want to renew the lease on a Federal facility and the question before us is how much should the Government charge the customers for the power generated from this dam under a new lease.

I stand here on the floor and tell you I do not know the answer. I am not sure of the answer. But I believe that Congress would be irresponsible if we did not make some determination in connection with this subject.

Let me point out again if the people in these three States and the industry and the private utilities in these three States can buy power at one-thirteenth the going rate, then every Senator in this body can look forward to more and more industry leaving his or her State and moving to this area where they can buy this power at such a reduced rate.

We have a $200 billion deficit and I am not saying how much we ought to be getting from this facility. In one editorial it was pointed out this we will lose $6 billion by reason of the passage of this bill. Other sources have indicated we would lose $3.5 billion and that over a relatively short period of time.

But why, why should we be selling power to some specially favored people in this country from a federally built facility at rates so low that they provide unfair competition for the rest of the States in this country.

I do not understand how some of my colleagues who did not vote with me yesterday could explain to their constituents this kind of special privilege, this kind of favoritism that would come about if this measure is enacted without the amendment that I have proposed.

The San Diego Union newspaper addressed itself to this issue and they talked about the power giveaway. They wrote the editorial on April 13 of this year in which they said:

The Hoover Dam may be a monument to modern engineering, but contracts negotiated 50 years ago to cover the sale of its hydroelectric power are a monument to wasteful energy policy. The House of Representatives will vote soon on extending the contracts for another 30 years. The bill should be defeated.

A Federal Government so starved for funds that its deficits are threatening the economic recovery is selling power from the Hoover Dam at giveaway prices. The loss to the Government could amount to as much as $6 billion during the next decade.

Hoover Dam power is being sold for about a half cent per kilowatt hour, compared with the price range of 2 to 7 cents for electricity purchased elsewhere in the Southwest. Underpricing electricity to such an extent discourages conservation and is patently unfair to utility customers, including San Diegans who do not happen to be served by one of the utilities eligible to buy the power.

As a privately owned utility, San Diego Gas & Electric Co. stands at the end of the line among prospective purchasers of Hoover Dam power. Government agencies and publicly owned utilities have first call on it, and because they are eager to buy all the bargain power they can get, there is no chance S.D.G.&E.'s number will ever come up.

House Resolution 4275, due for a vote soon, would perpetuate this discriminatory state of affairs. The House should reject the measure and instead instruct the Western Area Power Administration to auction Hoover Dam power to competitive bidders when the present contracts expire in 1987. S.D.G.&E. could then bid for power that could be brought to San Diego via the link to the East now being built.

The Government does not make sweetheart deals with companies that want to produce oil, gas, and minerals from public lands. It opens these resources to production through leases awarded on the basis of competitive bids. The Hoover Dam and its output of electric power should receive the same treatment. Let the market determine

the value of its energy, and let the country as a whole benefit from the revenue the Hoover Dam can earn.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. KASTEN]. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HECHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HECHT. Mr. President, the Senator from Ohio has offered another dilatory amendment to this legislation. It is not realistic to suggest that 15 million electric ratepayers should invest another $77 million in Hoover Dam if they cannot be assured of the price for that power beyond 1988.

I ask my colleagues: would any of you support legislation calling for the construction of a dam, or a bridge, or a highway, or a sewer treatment plant, that required 100 percent non-Federal financing but did not specify what the price for their use of the facility would be after it was completed? Of course not.

What the Senator from Ohio is really getting at is this: he thinks the Federal Government should earn a profit on the sale of power from Hoover Dam. He professes concern about the size of the Federal deficit.

Let me remind my colleagues that the improvements authorized under S. 268 will be entirely financed by the power users. This is the largest Federal hydro project in history to be financed by non-Federal funds. It will not increase the size of the deficit one bit.

The gist of his arguments are: he wants the Federal Government to earn a profit on the sale of Hoover power. Do any of my colleagues really support this concept? Do we want to earn a profit on power sold by the other Federal power marketing agencies? Federal power is sold at cost in 35 States across this land—I repeat, 35 States across this land.

Do we want to earn a profit on our investment in the Interstate Highway System? How about the lock and canal systems operated by the Corps of Engineers? How about flood control, sewer treatment, or public housing? Why shouldn't the Federal Government earn a profit on every dime it spends on improving the infrastructure of this great country? Let us ask ourselves these questions. The Government's profit in these investments should only be measured by the improved quality of life it brings our citizens and taxpayers.

Again, I urge my colleagues to support the enactment of this bill. Let us get on with the business of the Senate. S. 268 is a good bill, a sound bill, a bill that has been passed once by this body and the House of Representatives. It is too late to go back to the drawing board, particularly the Senator from Ohio's drawing board. I urge the defeat of his amendment.

I would like to respond to the statement by the Senator from Ohio that power rates from Hoover Dam will be the same in the year 2017 as it was in 1937.

This is totally untrue. The price for Hoover power is calculated in such a way that the ratepayers will reimburse the Federal Government for the capital costs it has invested in the construction and upkeep of the dam. The price also reflects the cost of operation and maintenance of the dam.

This price changes every year. It is true that the cost of constructing Hoover Dam will be fully repaid in 1987. It cost $160 million to build the dam in 1937. However, many other investments have been made since 1937. Dams do not last forever. Parts get old and need to be replaced. Today's price and the post-1987 price will reflect the cost of these more recent investments. This bill, for example, provides for an additional $77 million of investment in Hoover Dam.

Just this year, Hoover rates were raised roughly 30 percent to cover the increased cost of operation and maintenance. Rates will go up again before 1987, probably by another 30 percent. Finally, this legislation will require that rates go up even higher—by another 30 to 50 percent. So it is absurd to say that the rate is the same today as it was in 1937.

The Senator from Ohio implies that power rates in the Southwest are dirt-cheap. This is not true.

The average price of power in Nevada—of which the Hoover power is only a small part—is roughly 6 cents per kilowatt hour. Southern California's power rates are some of the highest in the Nation, over 8 cents. These rates are comparable—and in many cases higher—than they are in the State of Ohio.

Mr. METZENBAUM. Mr. President, I have to say to my good friend and colleague from Las Vegas that I am afraid he has not read my amendment because if he had read my amendment, he would certainly be in no position to say that it is dilatory, because dilatory means that it is just a stall, that it has no meaning, that it is just fun and games.

My amendment totally obviates and negates the entire impact of the speech that my colleague just made. My colleague talked about the improvements being financed by the users. I am not taking issue with that.

If you read my amendment, you will find that I will accept that part of your legislation. That part of your legislation is fine with me, and that is exactly what I am trying to say. We are talking about two separate subjects. And if you paid attention to what I had written in the amendment and my opening remarks, I say very clearly that, notwithstanding any other provision, all provisions of this bill shall become effective upon date of enactment. That takes care of all the upgrading. That is the point to which you were speaking, and I have here provided for that. And the only thing that the proviso refers to has to do with the price of power generated by the Hoover Dam as is, the old part of the Hoover Dam.

So I just point out to the Senator that he is addressing himself to the question of the improvements, and we are not in disagreement. I am in favor of the people of that area paying for the improvements. I think that is a good part of the bill. So my amendment specifically covers that. Therefore, I cannot for the life of me understand how the Senator could rise to the floor and say I am giving you 80 percent or 90 percent of your total package, and that the amendment is dilatory. If anything, it is concessionary. It is giving the Senator that which he wants—the opportunity to make the improvements.

With respect to the matter of what are the fair rates they are after, I am not saying anything there that the Senator can find any fault with. The Senator is trying to say that the rates should be locked in for 30 years. I am saying that does not make good economic sense. It does not make good policy. And it is an unreasonable approach.

In Business Week magazine of April 16, 1984, they have an article headlined "Why Hoover Dam's 'Dirt Cheap' Power May Stay in the Hands of a Few." They then have a little box in the story which tells the story totally. It says, "The new contract will keep the average base price of Hoover power at 1937 prices until 2017."

Can the Senator tell me any reason why the people of this country should be selling power to the casinos located in Nevada at prices that were set in 1937 when nobody even thought the casinos were going to be built? And I would guess that somehow, if they scrimped, saved, turned down the lights a bit, and did everything else to economize, those casinos would be able to afford a price higher than a half a cent per kilowatt hour.

Maybe they changed the odds. Maybe they do something else. Maybe they do not cover the tables with the green felt as often. But there is not any logical reason for the rest of the country to subsidize those casinos in their purchase of power, nor any more reason for the rest of the country to subsidize the privately owned utility companies, or any other utility company, or the people of those three States

to the disadvantage of the rest of the Nation.

The Business Week article states it well. They start off with a little box indicating at the very beginning—

For sale: More than 1,300 megawatts of hydroelectric power. Priced unbelievably low. Plenty of room for growth. Contact Western Area Power Administration, c/o Hoover Dam.

End of the box.

Business Week then goes on to say:

That sort of advertisement would draw plenty of responses if it were placed in newspapers across the West. But WAPA, as the Federal power marketing agency is known, need not bother. The Reagan administration and the States of California, Arizona, and Nevada are about to reach an agreement that will continue to restrict the towering dam's prodigious output to municipal and other public power systems until 2017. The average price of the Federal power, an incredible 0.3 cents per kilowatthour about the same as the public systems have been paying for 47 years, and only 3.5 of the wholesale cost of commercially generated electricity in the region.

Electricity from the dam, which straddles the Colorado River along the Arizona-Nevada border, "is dirt cheap power—that's all there is to it," says Ronald K. Greenhalgh. WAPA's Assistant Administrator. The Agency's clients—who serve 10 million consumers—are pleased. "For the next 30 years, the present Hoover Dam customers will know exactly what they are getting. God and weather permitting," says Edward Weinberg, whose law firm of Duncan, Weinberg & Miller represents public power systems in Nevada . . .

Environmentalists, meanwhile, say that maintaining WAPA's bargain rates will only encourage consumption—and thus force utilities into unnecessary construction of fossil-fuel or nuclear generating plants when demand outstrips Hoover's supply. "Underpricing of Hoover Dam's power," says Thomas J. Graff, an environmental defense fund attorney, "will lead to a waste of energy." Adds Peter F. Cowhey, a political scientist at the University of California at San Diego and a member of the city's energy advisory board: "The Federal Government is undermining the growth of a rational interstate power system by distorting the pricing system."

Opponents of the Hoover power agreement also charge that the Federal Government is shortchanging itself. "What they should have done is to offer the power on an openbidding basis," says Cowhey. Indeed the difference between Hoover's current selling costs and commercial rates will amount to $7 billion between 1990 and 1997 alone says Attorney Graff. . . .

Under terms of the agreement between California, Nevada and Arizona, the average base price of Hoover power will remain at 0.3 cents per kilowatt per hour although surcharges levied to pay for several water projects will raise the average for some customers to close to 0.8 cents. Still, Hoover power will be an undeniable bargain. The Los Angeles Water & Power Department which expects to obtain 8 percent of its needs from Hoover this year at a cost of 0.2 cents per kilowatt per hour estimates that it would cost $40 million to replace that power with electricity generated from oil, natural gas or other fuels. . . .

At the same time, the issue of Federal power sales is coming under scrutiny nationwide. Through its five power-marketing administrations which manage some $75 billion in Federal investment, the Energy Department acts as a wholesaler for about 6 percent of all the electricity generated in the U.S. The President's private sector survey on cost control—popularly known as the Grace Commission—has recommended the "defederalization" of power marketing through sales of the systems to private entities. The panel has also backed more rapid recovery of Government spending on power projects, and claims that application of "sound business principles" would yield a $390 million-a-year windfall for Washington.

I would like to add parenthetically at this point that everybody, here, including the President of the United States, talks about the 2,450 suggestions that were made by the Grace Commission. And everybody talks about the fact that we have to do business in a more businesslike way as a government. Well, the buck stops here. The ball is in your court. That is what this issue is all about. Should the Federal Government favor some few people in this country to the disadvantage of the Federal Treasury and give away power at one-thirteenth the average paid by the rest of the people in this country, or should this Congress accept its responsibility as was provided in the legislation 50 years ago for us to deal with the issue.

We are not dealing with the issue. We are running away from the issue, if we just renew this contract for another 30-year term.

The Business Week article says that the changes that the Grace Commission was talking about are not likely to occur soon. They go on to say, despite its free-market leanings, the Reagan administration is unwilling to tangle with the public power lobby in Washington or with Western water and power interests.

The administration can count votes just like everybody else, observes Attorney Weinberg. As long as the water and power lobbies retain their strong voice, power projects like Hoover will be among the great bargains well into the 21st century.

Mr. President, the issue is before us. I would like my colleagues who are interested in this subject to know that the Senator from Ohio, with respect to whom an attempt is being made to shut down debate, is not trying to drag this matter out an unnecessarily long time. I will very shortly indicate that I am prepared to bring this matter to a vote in connection with my amendment. So if anyone in the Senate wishes to be heard on the issue, I do not want to cut them off, but I do believe that this body ought to move forward. It has much business on its agenda. I am prepared to move forward with the second vote in connection with this matter within a period of less than 24 hours.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, there are not many Members on the floor of the Senate at this moment, but there seems to be some confusion between the amendment that I offered yesterday and the amendment that I am offering today.

When this issue was before the Senate yesterday, it was indicated that the Consumer Federation of America was against the amendment. Frankly, that concerned me, because I yield to no Member of this body in having a better record with that body, being a strong advocate for consumers in this country.

So I take the floor at this time and I hope that my colleagues whose squawkboxes are on will take note of what I am about to say.

The Consumer Federation of America does have a position in opposition to market-based price fixing. They were opposed to the Boxer amendment.

The Senator from Ohio has made it clear on several occasions that I am not on the floor to suggest, and have not suggested, that we go to the point of the Boxer amendment with respect to market price costs.

With respect to my amendment yesterday and my amendment today, the Consumer Federation of America has no position. They have taken no position for it nor have they taken a position in opposition.

Since I know so many of my colleagues are concerned about their record as being friends of the American consumer, and properly so, I thought the RECORD ought to be set straight that the Consumer Federation of America had no position with respect to the amendment I offered yesterday, either for or against, and they have no position with respect to the amendment which is pending.

Mr. President, I yield the floor.

Mr. McCLURE. Mr. President, I listened with interest to the remarks of the Senator from Ohio with respect to the position of the Consumer Federation of America on the pricing formula for electricity that may come from a Federal installation, in this case specifically the Hoover Dam.

I do not know what the position of the Consumer Federation of America is. I do note for the RECORD at this time that the statement before the Senate with respect to what their position was came from the distinguished Senator from California [Mr. CRAN-

STON]. I note that he is not on the floor at this time, and whatever comment he would like to make with respect to the remarks of the Senator from Ohio will have to be his.

Mr. METZENBAUM. The Senator from Ohio certainly was not imputing the integrity or claiming any misrepresentation on the part of the Senator from California. I think it was logical for him to say that they did oppose the Boxer amendment, which is a fact. But I felt it important that we clarify they are not for or against yesterday's amendment or today's.

Mr. McCLURE. I say to the Senator from Ohio that I have no knowledge whether they are or are not. I do not know whether the Senator from Ohio is correctly stating their position, or Senator CRANSTON is, or if indeed there is an ambiguity.

Mr. METZENBAUM. I advise my colleagues that I just spoke with Mr. Steven Brobach, who is the executive director of that organization.

Mr. McCLURE. All I am trying to say is I have no personal knowledge of their position. I do not know whether the Senator from Ohio is correct or the Senator from California is correct. But since the Senator from California who made the statement is not on the floor, I thought it appropriate to at least note his absence from the floor and his inability to respond at this time.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baker motion to concur in the House amendments to S. 268, the Hoover Powerplant Act of 1984.

Senators Howard Baker, Ted Stevens, Chic Hecht, Daniel J. Evans, Bob Kasten, Pete Wilson, Barry Goldwater, Jake Garn, John Tower, James Abdnor, Jeremiah Denton, John P. East, Paul Trible, Roger W. Jepsen, Malcolm Wallop, Mark Andrews, Steve Symms, and James A. McClure.

Mr. BAKER. Mr. President, the vote on this measure will occur on Tuesday under the rules unless other arrangements are made or unless cloture is invoked on Monday on the vote pursuant to the first cloture motion which was filed.

Mr. President, I know of no further debate on this measure today and if any Senator seeks recognition for that purpose I will yield the floor. Otherwise, I am going to put the Senate in a period for the transaction of routine morning business.

ANTITRUST/R&D

Mr. METZENBAUM. Mr. President, will the majority leader be good enough to yield?

Mr. BAKER. I yield.

Mr. METZENBAUM. This is on a totally different subject.

The majority leader has indicated at some point he wishes to bring up the R&D bill. The Senator from Ohio has had some differences on it. We are in agreement now.

I only wish to get the majority leader's thinking as to when he expects to bring that up.

Mr. BAKER. Yes.

Mr. President, I thank the Senator from Ohio for bringing the matter up and also for working out the complex details of the arrangement that I understand has now been agreed to by those who have signified a major interest in the bill, especially the Senator from Ohio.

Mr. President, it is my intention to ask the Senate to turn to that measure on Monday. It is my hope we can do it in a very brief time, perhaps even by unanimous consent. But it is the intention of the leadership on this side to ask the Senate to turn to that bill on Monday.

Mr. METZENBAUM. I thank the majority leader.

Mr. BAKER. I thank the Senator from Ohio.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 4 p.m. in which Senators may speak for not more than 10 minutes each, with the exception of the two leaders, against whom no time limitation shall apply.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 30, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that if the Senate adjourns today, when it reconvenes on Monday, July 30, the reading of the Journal be dispensed with; that no resolutions come over under the rule; that the call of the calendar be dispensed with; and that following the recognition of the two leaders, under the standing order, there be a special order in favor of the distinguished Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business of not more than 15 minutes in length in which Senators may speak for not more than 2 minutes each; and provided, further, that the morning hours be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 4 P.M., MONDAY, JULY 30, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 4 p.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are a few matters that appear to be cleared for action by unanimous consent.

I ask the minority leader if he is prepared to proceed on some of them, and let me first identify Calendar Order No. 1068, which is Senate Joint Resolution 272.

Mr. BYRD. There is no objection.

ANNIVERSARY OF THE WARSAW UPRISING

Mr. BAKER. Mr. President, in view of that, I ask that the Chair lay before the Senate Calendar Order No. 1068.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 272) recognizing the anniversaries of the Warsaw uprising and the Polish resistance to invasion of Poland during World War II.

The Senate proceeded to the consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 272

Whereas August 1, 1984, marks the fortieth anniversary of the Warsaw uprising, an event of major significance in the history of World War II:

Whereas on August 1, 1944, the Polish Home Army under the command of Tedeusz Bor-Komorowski rose up against the Nazis who had begun evacuating Warsaw in the face of the Soviet advance through Eastern Europe, held major portions of the city for sixty-three days against insuperable odds, and suffered extreme hardship, retribution, and personal sacrifice throughout a heroic engagement in which approximately two hundred and fifty thousand Poles were killed, wounded, or missing;

Whereas September 1, 1984, marks the forty-fifth anniversary of the invasion of Poland by the Army and Air Force of the Third Reich, which was followed just sixteen days later by the Soviet invasion from the East and the subsequent occupation of a zone populated by thirteen million Poles, these events having led to the development of a strong underground movement directed by the Polish Government in exile;

Whereas the three wartime leaders of the Polish Home Army, Lieutenant General Stefan Rowecki, murdered by the Gestapo in 1944, Lieutenant General Bor-Komorowski, imprisoned by the Nazis and died in London in 1966, and Major General Leopold Okulicki, imprisoned by the Soviets and perished in a Soviet jail in 1945, symbolize the supreme personal sacrifice and commitment to the cause of freedom and self-determination;

Whereas the spirit of Polish resistance to foreign oppression and domination is symbolized by these historic events and remains a vital element in the Polish national character as manifested by the emergence of the Solidarity Trade Union movement in 1980; and

Whereas, in prior years, the President has granted special recognition to these important days in Polish history, with particular regard to the crucial role of the Polish Home Army in the Allied war effort, and to the leaders of the Polish Home Army: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the United States joins in recognizing the anniversary of the Warsaw uprising, which stands as a poignant reminder to the world of the power of the human spirit over adversity, and the anniversary of the Polish resistance to the World War II invasion of Poland and the leaders of that resistance, which symbolizes the currently continuing struggle of the Polish people and freedom loving people everywhere in the preservation of their liberties and in fulfillment of their national aspirations.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONDEMNING THE CLOSING OF ABC COLOR

Mr. BAKER. Mr. President, may I say to the minority leader I am prepared now to call up House Concurrent Resolution 331, which is Calendar Order No. 1070, if there is no objection.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 1070.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 331) to condemn the closing of ABC Color, the only independent newspaper in Paraguay, and to urge the Government of Paraguay to permit the reopening of that newspaper and to guarantee freedom of the press.

Mr. BAKER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of the concurrent resolution.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. PELL. Mr. President, I join my colleagues in support of this resolution condemning the Paraguayan Government's closing of the newspaper ABC Color. Last March, in a blatant attack against Paraguay's only independent newspaper, agents of the 30-year-old regime of President Alfredo Stroessner jailed its brave publisher, Aldo Zuccolillo, closed down the newspaper, ransacked its offices, and threw its 400 employees out of work. A brave radio station that protested the closing was itself closed for 30 days.

I understand that General Stroessner is perplexed that the closing of a newspaper has aroused such criticism around the world. Indeed, the closing has raised the ire of the Department of State, the Inter-American Press Association, the American Society of Newspaper Editors and the Newspaper Guild, and now a bipartisan assemblage of Members of the House and Senate. Perhaps, the closing will serve a positive purpose. Perhaps it will awaken the Paraguayan Government to the fact that the movement within that country for a more open and democratic society is supported by a great body of international public opinion. A free press is essential to the achievement of that free society.

I fervently hope that the Government of Paraguay heeds the call from all of those concerned as well as from this resolution which urges it to permit the reopening of ABC Color and to guarantee freedom of the press.

Mrs. KASSEBAUM. Mr. President, ABC Color was a popular, independent newspaper in Paraguay for 15 years before the government of General Alfredo Stroessner ordered it to be closed last March 22. The government alleged the newspaper was subverting public order. At first thought, the silencing of this paper in the remote reaches of the Southern Hemisphere may not seem important to us. Yet, the closing of ABC Color has generated editorial comment in major newspapers across the United States. All urge that this paper be allowed to resume publication.

I have asked that House Concurrent Resolution 331 be brought up today under unanimous-consent agreement. This resolution, approved by the House of Representatives on June 29, condemns the closing of ABC Color and urges the Government of Paraguay to permit the reopening of that newspaper and guarantee freedom of the press. In approving this resolution, we would be joining the administration, as well as the House of Repesentatives, in voicing our Government's opposition to the closing of ABC Color. U.S. Ambassador Arthur H. Davis has repeatedly expressed the U.S. concern, and the State Department has informed Paraguayan Government officials that the closing of ABC Color will continue to be an important issue between us.

Approval of this resolution by the Senate would give timely assistance to other efforts on hehalf of ABC Color. President Stroessner agreed to meet on June 22 with a delegation from the Inter-American Press Association. The meeting was described as cordial. Attached to my statement is an account of the interview with President Stroessner which was written by one of the IAPA participants, Edward Seaton of Seaton Publications, Manhattan, KS. At that time President Stroessner did not close the door on further consideration of the ABC Color issue, leading the delegation to hope that arrangements might be made whereby the paper could resume publication.

Mr. President, the great majority of Senators represent a State which is linked in a special relationship with an individual country in the Caribbean region, Central or South America. Under the well-known Partners of the Americas Program, Kansas has long enjoyed a very active friendship with its partner, Paraguay. This October, Partners of the Americas, a people-to-people program created under the Alliance for Progress, celebrates its 20th anniversary of hard work and accomplishments by the 54 partnerships.

Due to Kansas' partnership with Paraguay, we take a special interest in ABC Color, and I have been pleased to work in the Senate toward approval of House Concurrent Resolution 331. I ask unanimous consent that a few recent editorials on ABC Color be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. KASSEBAUM. Mr. President, members of the journalistic community take quite seriously the obligation

to support their colleagues in other countries where freedom of the press is denied or under siege. This commitment is sorely needed and sets a high standard for other professions that are concerned about human rights and democratic institutions. I hope that journalists will continue to be actively involved in the battle for freedom of the press throughout the hemisphere.

EXHIBIT 1

[From the Manhattan (KS) Mercury, July 1, 1984]

(By Edward Seaton, Publisher)

Meet A. Zuccolillo: Uncompromising, determined, courageous. A newspaper publisher forbidden to roll his press in Kansas' sisterland to the south, Paraguay.

Now, say hello to A. Stroessner: Tough, bold, cunning. The longest ruling dictator in Latin America—and one of the most durable in the world—who three months ago shut down Paraguay's leading daily, Zuccolillo's ABC Color.

These two strikingly similar personalities are locked in a struggle of power and principle that is gaining worldwide attention and last week brought this writer face-to-face with both of them.

The executive committee of the Inter American Press Association (IAPA) was mounting an on-site campaign in behalf of Aldo Zuccolillo's newspaper and as the committee's vice chairman I was the nominal leader of the 16-member delegation. The committee chairman was unable to participate.

The case has more than passing interest to Kansans because Paraguay is matched with Kansas in the Partners of the Americas program. One of the newspaper's editor-reporters, Ricardo Caballero Aquino, is a K-State graduate. Its most illustrious writer, Alcibiades Gonzalez Delvalle—known as the Jack Anderson of Paraguay—visited Manhattan in 1980. He currently is banned by law from the practice of journalism in Paraguay.

Most assessments we heard were pessimistic. Reopening the newspaper, we were told, was a dead issue in Paraguay. Zuccolillo had pushed too far in his struggle for an independent newspaper. His paper had more circulation than the other three dailies put together, it was monopolizing advertising, was disrupting national life, and was even in violation of the constitution. Despite Zuccolillo's appearing to be a virulent anti-communist to outsiders, the government party branded him a subversive.

Our only hope, we concluded, was to change the mind of President Alfredo Stroessner himself. We therefore went to a great deal of trouble to arrange a meeting with him personally. But upon departure from home had no response. An official at the Paraguayan embassy in Washington told us the president had never been known to reply to requests for meetings made by cable from abroad. A personal visit to the presidency would be necessary, he said. We were apprehensive. We could see ourselves in Asuncion being told we should have asked earlier for the interview. But upon arrival, we made the formal request in person.

To our delight, the response was positive. We would be permitted interviews with President Stroessner and other high-ranking figures in the government. We immediately sat down with Zuccolillo to map out strategy. Most interviews with Stroessner turn into a monologue by the President, we were told, so we drafted a three-page letter to present to him as insurance that our message would not be lost. Our delegation, which included five Americans, two Brazilians, two Nicaraguans, five Argentines, an exiled Cuban and a Mexican—all representing daily newspapers—listened intently as Zuccolillo reminded us of the two recent stints in jail he'd endured as Stroessner pressured him before deciding finally to close the newspaper. We determined we should not dwell with the president on restoring press freedom to Paraguay, since even before ABC's closing freedom of the press as other non-communist countries know it did not exist. In fact, Stroessner has controlled his fiefdom with martial law by renewing every 90 days (for 30 years!) a suspension of civil liberties. We would push a re-opening of the newspaper and the peoples' right to information, we determined, and avoid a confrontation on civil liberties.

Meanwhile—unknown to us—the president's political party, the Colorados, were papering the city with posters and banners attacking our organization. They had previously launched vicious attacks over the party radio station. We woke the next morning to a view outside our hotel of three-feet high red banners with large white letters stretching across the major downtown streets. Perhaps the most telling of them was the one that said, "Primero La Ley. Despues La S.I.P." (First the law. Then the Inter American Press Association.) In other words, law and order comes ahead of civil liberties in Paraguay.

The posters were everywhere:

"Free Press, Yes
"Libertinism, No
"Fatherland, Yes
"I.A.P.A., No"

or

"The I.A.P.A. Does Not Defend
"Freedom of the Press
"It Only Defends the
"Interests of Owners."

The scene was set. Our group divided up according to assignments. Three met with the Minister of Justice. Three carried our message to the Interior Minister, head of domestic security. Others interviewed the local bishop and made calls on the pro-government newspapers and broadcasters. My assignment, along with the president of IAPA, Horacio Aguirre, was to meet with Stroessner himself.

Our experience, later recounted with front-page color photos and stories in all three government-oriented dailies, began with a flourish. Greeted at the palace gate by the president's secretary of information, we were ushered into a session with the heads of each branch of the military. Also present was the minister of justice, who earlier had seen our colleagues. His message was that the publisher himself, Zuccolillo, had not actually asked the government to re-open the paper. Later, we realized this was an invitation to negotiate the re-opening, with perhaps the key trading stock being Zuccolillo's resignation as editor and publisher.

Ten minutes into the conversation an aide invited us into the president's office, which was lined on one side by still and television photojournalists. The shutters popped and we shook hands with Don Alfredo Stroessner, one of the world's most hated, yet misunderstood, chiefs of state.

The president then ushered us into a huge conference room, probably the cabinet chamber, adjoining his office. We asked the information secretary, who joined us at the end of the mammoth table as the only other participant, how long we would have with the president. He did not answer. We hoped for the best and began the discussion of the re-opening of a newspaper.

The conversation was cordial and without acrimony. At 71, Stroessner is a husky six-footer who appears the picture of health. He lives unostentatiously and is known to rise before dawn for a workday that often runs from 4:30 a.m. to midnight. Despite his reputation abroad, in Paraguay he appears genuinely popular and apparently often can be seen driving about unaccompanied by bodyguards.

There are reasons for this, of course. Growth the past decade has averaged nearly 10 per cent per year, due largely to a massive hydroelectric dam project financed by Brazil. Asuncion is prosperous, much more so than I expected. It's not Buenos Aires or Montevideo, but it's far more prosperous than Managua or Port-au-Prince, Haiti. The tragic poverty so evident to travelers to Mexico, for example, is not seen even in the countryside. Interestingly, the most miserable housing on the 900 miles of roadway between Asuncion and Montevideo, Uruguay, is just across the border in Argentina, Latin America's most developed country.

But while to many of his countrymen Stroessner is a benevolent dictator and author of prosperity, others—like Zuccolillo and Gonzalez Delvalle—have seen the dark side, which can include widespread arrests without charge, exile, torture and even death. Since seizing power in a coup d'etat in 1954, General Stroessner has maintained a balance between coercion and tolerance. So long as it does not become unruly or threatening, opposition is tolerated within the facade of a republican system with an elected congress and re-election every fifth year of Stroessner himself as president. Martial law persists, however, through periods of relative liberalization that alternate unpredictably with crackdowns.

The closing March 22 of ABC Color seems to mark such a reversal. Earlier this year, at the urging of the new, popular president of Argentina, Raul Alfonsin, Stroesner permitted most of the exiled opposition living in Argentina to return home. It was ABC's coverage of their activities and comments, he told us, that led him to close the newspaper. The "irregular opposition" have a right to their own newspaper, he said, but Zuccolillo was providing them one free. We countered these statements with responses about the value of an independent source of news for economic, political and social development. We pointed out that in a democracy information and criticism should not be confused with subversion.

We also spoke of Paraguay's image in the Western democracies and explained that many foreign governments had hoped the return of the opposition signalled a permanent liberalization. We alluded to aid that would come to Paraguay if world opinion of his regime improved. This point, we believe, may be especially significant in view of the end of the construction phase of the hydroelectric project with Brazil. Stroessner now has hopes of a similar project with Argentina.

The president spoke with pride of Paraguay's prosperity. He described the stability he'd brought to the country after decades of a revolving-door presidency. He talked of Nicaragua, where his friend Anastasio Somoza fell to the Sandinista revolution. Somoza later took refuge in Paraguay but was assassinated on an Asuncion street by

Sandinista-hired gunmen. The attitude of our Nicaraguan colleagues, who now oppose the Sandinistas, interested him.

Our conversations evolved to nearly an hour's length, so finally we asked the general what we could tell our 1,200 member publications throughout the hemisphere about the future of *ABC Color*. He hedged. He alluded to the obstacle of the constitutional suit brough by Zuccolillo despite his earlier agreeing with us that, regardless of how the suit came out, reopening the paper rests in the hands of the executive. In the end, he said neither yes nor no. He left the door open to a reappearance of *ABC*.

We were not satisfied, but we were encouraged. We resolved to continue the campaign. Since returning home, we have solicited editorials of support from many of America's major dailies, which will be appearing in the next week. We arranged for more pressure from Argentina, and we are mailing a request for support to all our 1,200 member publications in both North and South America.

Stroessner has the power, we have only principle. We marshal our forces in the court of international opinion, which is our only battlefield. Our only weapon is public arousal.

We look forward to the next issue of *ABC Color*. We know only one thing it will contain. Zuccolillo told a university audience of more than a thousand persons the evening of our interview he'd already written the lead editorial for the next edition. He said it was too long to read, so he'd just give the title:

"Como siempre."

("As always.")

[From the Wichita Eagle-Beacon, July 5, 1984]

MR. STROESSNER: LET ABC REOPEN

It's to Paraguayan strongman Alfredo Stroessner's credit that he at least met with representatives of the Inter American Press Association regarding the government's closure of ABC Color, a leading Asuncion daily. Now he should take the logical next step, and allow what had been Paraguay's only independent newspaper to reopen.

The recent IAPA mission was led by Edward Seaton, publisher of the Manhattan Mercury and vice chairman of the IAPA executive committee. He and Horacio Aguirre of Diario Las Americas in Miami, IAPA president, met with Mr. Stroessner for about an hour. While the president wouldn't give a firm answer, he "left the door open," according to Mr. Seaton.

"Stroessner has the power, we have only principle," Mr. Seaton wrote in a Sunday full-page article. "We marshall our forces in the court of international opinion, which is our only battlefield. Our only weapon is public arousal."

The depth of that arousal can be seen from the support Sen. Nancy Kassebaum, R-KS, has received for her attempts to persuade Secretary of State George Shultz to intervene with Mr. Stroessner on ABC's behalf. A letter to Mr. Shultz signed by nine other senators—including Sen. Bob Dole, R-KS—said, "Permitting ABC Color to reopen would demonstrate to members of Congress and to the American people that his government agrees with this fundamental principle (of a free press)."

For the people of Kansas, it would do even more. It would demonstrate to the citizenry of Paraguay's "sister state," under the Partners of the Americas program, that the government of Paraguay will be sensitive, and responsive, to Kansans' feelings.

President Stroessner has much to gain and little to lose by exercising his executive powers to order ABC's reopening. He should do so and, in the process, enhance his country's image immeasurably among the free nations of the world.

[From the Miami Herald, June 10, 1984]

PARAGUAY: POISON ON THE PRESS

(By Jim Hampton, Editor)

Just last month, Gen. Alfredo Stroessner marked his 30th anniversary as president of Paraguay. Two months earlier, he showed once again how he has kept his choke-hold on power longer than any other dictator now in office.

General Stroessner tolerates just enough dissent to make dissent both remarkable and dangerous in Paraguay. Witness the travails of ABC Color, the only independent newspaper in Asuncion, Paraguay's capital.

Publisher Aldo Zuccolillo, a self-made millionaire in other endeavors, started ABC Color 16 years ago. His motive, he told an interviewer last year, was the "I am a successful man, and I thought my people needed a newspaper that would tell the truth." He knew nothing about newspapering, so he taught himself, then his staff.

Both learned their lessons well—too well, by General Stroessner's lights. ABC Color is by any standard a good newspaper, covering both domestic and foreign affairs objectively. The Paraguayan people, thirsty for credible news coverage in a dictatorship, obviously trust ABC Color. By 1983 its circulation was 90,000 copies daily, averaging 60 to 70 pages each.

Since March 22, ABC Color's circulation has been zero, however. On that day, on a flimsy and illegal pretext, the Stroessner regime closed ABC Color. Despite entreaties from various press organizations, the U.S. State Department and the U.S. embassy in Asuncion, and a bipartisan group in Congress, the newspaper remains closed.

Six days before the interior ministry closed this paper, the Paraguayan police arrested Mr. Zuccolillo. He was jailed incommunicado for a week, never formally charged as Paraguayan law requires. Instead, the Stroessner government accused him of "subverting public order," of "disrespect for the authorities," and—sin of sins!—of being "ill-bred." After his release from jail, he was kept temporarily under house arrest, enforced by armed guards.

His offense: *ABC Color* had covered meetings of opposition groups and published their leaders' statements. Never mind that *ABC Color* simply was doing its job: reporting a news event objectively. General Stroessner closed his iron fist around *ABC Color*.

While police cordoned off *ABC Color*'s offices, others accompanied by a judge searched desks and file cabinets in the newsroom. They assertedly were searching for "subversive material," and naturally they found items that fit their definition of "subversive." They carted off about 250 documents and articles to examine them.

Another independent voice in Asuncion, Radio Nanduti, had the temerity to protest the closing of *ABC Color*. That set General Stroessner's iron fingers to twitching. His minions suspended the station's broadcasting license for 30 days after its owner invited listeners to tell of government corruption on a call-in program. Further, Radio Nanduti's owner pointedly was reminded of "the convenience" of his "ceasing to worry about the *ABC* case."

ABC Color's closing threw 400 employees out of work. All told, it severely affected some 2,000 families dependent on the newspaper's paychecks or orders. Mr. Zuccolillo, now free from jail but hardly free otherwise, has been trying to place his workers in other jobs. He has had only minimal success.

This was the courageous publisher's worst encounter with the Stroessner regime, but not the first. Mr. Zuccolillo, his leading political columnist, and a reporter were jailed last summer. Again their offense was simply reporting and commenting on events, including governmental corruption and inefficiency.

Nor is that the Stroessner regime's only method of suppressing *ABC Color*. General Stroessner has used effectively the dictator's favorite technique of denying feisty newspapers newsprint on which to publish. By this strangulation, General Stroessner shrank *ABC Color*'s average-size issue by half and its circulation by a third, to 60,000.

The Inter American Press Association's (IAPA) executive committee is scheduled to convene in Asuncion on June 22. These editors hope to meet with General Stroessner and to persuade him to permit *ABC Color* to resume publication.

They'd have a better chance of succeeding if other nations would join the United States in protesting this intolerable suppression of an independent, responsible newspaper. Better still, Congress should adopt a resolution, introduced by Rep. Tony P. Hall, Democrat of Ohio, to cut off all U.S. security assistance to Paraguay unless this repression ceases.

After his first jailing, last year, Mr. Zuccolillo told an American editor that "imprisonment by this regime is a medal." He now has two "medals." Unless Congress and other governments in the hemisphere join the IAPA in pressing General Stroessner to let up, another "medal"—or worse—for Mr. Zuccolillo is inevitable.

[From the New York Times, July 4, 1984]

MUZZLED—IN PARAGUAY

For most of his 30 years in power, nobody paid much attention to Gen. Alfredo Stroessner, leader of the dusty fiefdom of Paraguay. But change beckons there, and General Stroessner seems perplexed by the attention he's now getting. He insists the country is free—just as his Constitution says—and can't understand why foreigners are fussing about his closing of an allegedly subversive newspaper.

Here's why. ABC Color is at once Paraguay's leading newspaper and its conscience. Its owner and editor, Aldo Zuccolillo, has been brave enough to publish responsibly documented reports about corruption and human rights abuses. That he could do so, despite official harassment, showed that even a closed society can have windows of hope.

Last March, after ABC Color interviewed a returning political exile, it was closed on charges of "endangering the peace of the republic and the stability of its institutions." Mr. Zuccolillo was held without charges for a week and then briefly placed under house arrest. Since the paper's closing, he has paid its staff from his pocket.

Journalists elsewhere took up his cause. Where the notably moderate Inter-American Press Association sent representatives to Asunción, they were greeted by hostile

demonstrators and invective of the state radio: "The pestilence of their mercenary presence does not please us." Nonetheless, President Stroessner received the delegation, and gave the impression that ABC Color just might be allowed to resume publication.

That would certainly begin to change Paraguay's reputation for political primitivism. Nothing that ABC Color might publish could damage President Stroessner as much as its continued silence. Mr. Zuccolillo's robust independence was the best advertisement for Paraguay. His real offense has been to take literally the fine language about press freedom in his country's Constitution. Muzzling him has demonstrated the fraudulence of its guarantees.

[From the Chicago Tribune, July 6, 1984]

PRESS CRACKDOWN IN PARAGUAY

President Alfredo Stroessner has run Paraguay with an iron hand for so long—30 years—that suppression has become a habit, even when his own self-interest cannot justify it.

For years, Paraguay was a recluse among nations, known mainly, if at all, for poverty and the harboring of former Nazis. As long as Gen. Stroessner could ship his opponents off to a sympathetic country like Argentina, which had a military dictatorship of its own, he had little to fear at home. He could allow a critical newspaper like ABC Color to continue publishing, albeit with some harassment, and cite it as evidence that Paraguay's press was free. What harm could a free press do with nobody on hand to support?

Last fall the Argentine voters threw out their military government, and the new president asked Gen. Stroessner to take back his exiles. Since Paraguay is counting on sharing the benefits of a giant hydroelectric plant planned by Argentina on the border, the general yielded with the vague proviso that his opponents not engage in politics.

ABC Color began printing interviews and otherwise promoting the views of the dissidents: On March 22, accusing the paper of publishing "seditious opinions" and being a "spokesman for irregular political groups," the government suspended the paper indefinitely and put its publisher, Aldo Zuccolillo, in jail for a week.

Ironically, Gen. Stroessner probably has less to fear politically now than at many times in the past. A big hydroelectric plant at Itaipu on the Brazilian border has improved the country's economy and the Argentine project should add to the comforts of progress. Opposition to the government, though apparent in some liberal and academic circles, does not seem to be widespread.

Last week Gen. Stroessner was visited by a delegation from the Inter American Press Association. The message was realistic: "Sure," it said in effect, "the matter is technically in the courts. But you control the courts and in the end, the decision is yours. You say you believe in freedom of the press. You can prove it by letting ABC Color reopen."

Gen. Stroessner didn't say yes or no. But he is going on 72, an age when political bosses begin to think about how history will remember them. He has little to lose, and if he really wants to be remembered as the man who brought Paraguay out of the dark ages, now is a good time to show that he accepts the free press as part of the age of enlightenment.

[From the Washington Post, June 21, 1984]

PARAGUAY'S EMBATTLED PRESS

Paraguay is one of those police states of the right that attempted to combine firm control of the political process and a limited leeway for the press. Thus has President Alfredo Stroessner managed over his 30 years of harsh and often vile one-man rule to maintain his power even while allowing some citizens to let off a bit of steam. The press is almost the only such outlet under a regime that otherwise relies on a range of sanctions extending to the threat of torture. In this tricky space the newspaper ABC Color has operated with a widely admired courage and flair. Its independent publisher. Aldo Zuccolillo, has regularly courted official rage and recrimination by pushing beyond the officially sanctioned limits on newspaper fare.

Last March 22, President Stroessner went beyond harassment and intimidation and closed ABC Color, ransacking the newspaper's offices and throwing its 100 employes out of work. The dated report was the usual official claptrap: subverting public order, serving as a mouth piece to political groups lacking official standing, disrespect for the authorities—code terms for what ought to be considered the normal practice of political journalism. As if that were not enough, the interior minister added that Mr. Zuccolillo is "ill bred." A radio station that protested the closing was itself suspended for 30 days.

The State Department and various American public figures and press organizations have protested the action against ABC Color, but the paper remains closed. The Inter American Press Organization is currently holding a meeting of its executive board in Asuncion in order to bring additional pressure to bear. President Stroessner should understand that he is isolating Paraguay from all decent opinion in the hemisphere. The journalists of ABC Color deserve to know they have the firm respect of their colleagues everywhere.

A FREE PRESS IN PARAGUAY

Mr. DURENBERGER. Mr. President, I compliment the Senator from Kansas for her leadership in sponsoring this resolution. I believe that adoption of this resolution by the U.S. Senate would send a powerful message to the dictatorship of General Alfredo Stroessner.

General Stroessner's regime is perhaps best known as being the longest surviving dictatorship in the Americas. Stroessner has ruled his country with an iron hand since the 1950's and has shown little willingness to open up the political process in Paraguay. The single significant exception to this overall climate of repression in Paraguay was ABC Color, the only independent newspaper within that country. On March 22, General Stroessner apparently decided that ABC Color was showing a little bit too much independence for its own good. So, he ordered the paper's closure and had his subordinates vandalize ABC Color's offices. The paper's editor, Aldo Zuccolillo, was threatened and subsequently jailed by the Paraguayan authorities. After his release, Mr. Zuccolillo petitioned to have ABC Color's closure declared unconstitutional and to have the paper reopened. On June 28, unfortunately and not surprisingly, the Paraguayan Supreme Court dismissed Mr. Zuccolillo's petition. So, ABC Color remains silent.

Despite its silence, ABC Color has not been forgotten by those throughout the Americas who believe in freedom of the press. The Inter-American Press Association has recognized the importance of this case by sending a delegation of important journalists that included the Association's President, Horacio Aguirre of Miami's Diario Las Americas and Pedro Chamorro of Managua's embattled La Prensa. I also commend Ambassador Arthur Davis and the American Embassy staff in Asuncion for their efforts to communicate the importance of human rights and a free press to various Paraguayan officials as well as to convey American concerns about the closure of ABC Color.

Mr. President, it is my hope that this resolution, which passed the House on June 29, would be quickly approved by my colleagues in the Senate. The passage of this resolution would remind General Stroessner that a free press is an integral part of a democratic and constitutional society. By permitting ABC Color to begin publishing again and by restoring freedom of the press, General Stroessner would show that constitutionalism still counts for something in Paraguay. Mr. President, I ask unanimous consent that a letter from Ambassador Arthur Davis to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMBASSY OF THE
UNITED STATES OF AMERICA,
Asunción, Paraguay, July 6, 1984.

Hon. DAVE DURENBERGER,
United States Senate,
Washington, DC.

DEAR SENATOR DURENBERGER: I wish to thank you for your recent letter to Secretary of State George Shultz expressing your concern over the shutting down of Paraguay's most important independent newspaper, ABC COLOR. Your letter helped underscore to the Paraguayan Government the importance which we in the United States attach to freedom of the press. I can assure you that your concerns were conveyed to the highest authorities. The translated copy of your letter I delivered to the Foreign Ministry was passed on to and read by senior officials.

We in the Embassy have explained to the Paraguayan Government that a pattern of violations of human rights and press freedom inevitably would place limits on the kind of relationship which the United States could maintain with Paraguay. Since the closure of ABC COLOR on March 22, I repeatedly have tried to make clear to Paraguayan officials that the action would be seen in the United States as a major step backwards. I have urged the Paraguayan Government to weigh carefully the enduring, negative impact which the paper's closure would undoubtedly have upon our bilateral relations.

I would like to be able to assure you that our collective efforts have carried the day and that ABC COLOR is again publishing. Unfortunately, that is not the case. On June 28 the Paraguayan Supreme Court unsurprisingly dismissed ABC COLOR's effort to have the closure declared unconstitutional. Although many within the Paraguayan Government assert that the case of ABC COLOR is closed, as far as this Embassy is concerned, we are not persuaded that the door is irrevocably shut.

Please be assured that this Embassy will continue to emphasize to President Stroessner and other Paraguayan leaders the strong support in the United States for the reopening of ABC COLOR. I hope that we can count on your continued interest in the fate of ABC COLOR.

Sincerely,

ARTHUR H. DAVIS,
Ambassador.

Mr. DODD. Mr. President, I rise to add my voice in support of House Concurrent Resolution 331, which condemns the closing of the only independent newspaper in Paraguay, ABC Color. That continued act of suppression by the Stroessner dictatorship must not be ignored. This resolution, which was called up by unanimous consent in the House and passed by voice vote, urges that ABC Color be allowed to reopen. We should support it.

In recent months, there have been a few positive signs in Latin America, most notably in Argentina where the first civilian government in a long time has begun the painful work of binding up that nation's wounds. But in neighboring Paraguay, new wounds are being opened, and the old ones are festering anew.

Earlier this year, General Alfredo Stroessner marked his 30th year as President of Paraguay. His rule has been notable primarily for the poverty and oppression he has brought upon the people of Paraguay, while at the same time offering it up as a haven for Nazi fugitives.

In such an environment, we can all applaud the bravery and integrity of Paraguay's leading journalist, Aldo Zuccolillo, who has persistently endeavoured to secure greater freedom for the press in Paraguay, despite, Stroessner's heavy hand and the personal risks involved. Zuccolillo's newspaper, ABC Color, has been the proverbial breath of fresh air in the suffocating atmosphere fostered by the Stroessner dictatorship. The rules are strict, to be sure. When they are broken—by ABC Color or anyone else—retribution is swift and sure. Aldo Zuccolillo was jailed last summer, and again this spring. His newspaper has been denied newsprint. Others who have taken up the cause of a free press have been pointedly reminded where power lies in Paraguay. But Aldo Zuccolillo and his valiant staff still had the courage to print as much of the truth as they could. On March 22 of this year, General Stroessner decided he had seen enough.

On March 22, 1984, ABC Color was indefinitely closed by order of Paraguay's Interior Minister, and its premises searched. The Stroessner regime has kept it closed, despite protests from the U.S. Embassy, the Inter-American Press Association, and indeed, people of good will everywhere.

The Reagan administration has been outspoken in promoting its theory that "authoritarian" regimes, such as that in Paraguay, have the tendency to evolve into democratic governments. Clearly, the people of Paraguay are still waiting. Perhaps this administration is willing to wait patiently for the Stroessner regime to reform itself. But I am not, ABC Color is not, and neither should the U.S. Senate. I strongly support House Concurrent Resolution 331, and I urge my colleagues to pass it unanimously.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 331) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the preamble.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTION IN ENROLLMENT OF H.R. 559

Mr. BAKER. Mr. President, may I say to the minority leader that I propose next to ask consent to correct the enrollment of H.R. 559 and to adopt a concurrent resolution to that effect if there is no objection.

Mr. BYRD. Mr. President, reserving the right to object, there is no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, then I ask that the Chair lay before the Senate House Concurrent Resolution 340.

The PRESIDING OFFICER [Mr. ABDNOR]. The clerk will state the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 340) to correct technical errors in the enrollment of the bill H.R. 559.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

There being no objection, the concurrent resolution was considered and agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOUSE JOINT RESOLUTION 577—JUDICIARY COMMITTEE DISCHARGED FROM FURTHER CONSIDERATION AND ORDERED PLACED ON THE CALENDAR

Mr. BAKER. Mr. President, I propose now to discharge the Judiciary Committee from further consideration of House Joint Resolution 577, designating August 1984 as "Polish American Heritage Month," and to place that item on the calendar, if the minority leader does not object.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. I make that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 5890 AT THE DESK

Mr. BAKER. Mr. President, I believe this matter has been cleared, and I will state it for the consideration of the minority leader.

I ask unanimous consent that H.R. 5890, the commission relating to the Martin Luther King holiday, be held at the desk until the close of business on Monday, July 30, 1984.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I inquire of the minority leader if there is any portion of today's Executive Calendar he would be in a position to clear.

Mr. BYRD. Mr. President, this side is ready to proceed on the military nominations, and I have just so indicated to the distinguished majority leader.

Mr. BAKER. Mr. President, I thank the minority leader. We did indeed confer privately just a moment ago.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the military nominations beginning with and including Calendar Order No. 908, under the Air Force, and including all of the nominations placed on the Secretary's desk, which are nominations in the Air Force, Army, and Navy.

Mr. President, I am advised that there is a military appeals judge that perhaps may be cleared, as well. That

is Calendar Order No. 709 and I include that in the request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE JUDICIARY

The legislative clerk read the nomination of Walter T. Cox III, of South Carolina, to be a judge of the U.S. Court of Military Appeals.

Mr. THURMOND. Mr. President, it is a pleasure for me to recommend Judge Walter T. Cox III to the Senate for confirmation as President Reagan's nominee to be a member of the U.S. Court of Military Appeals. Judge Cox is a native and resident of Anderson, S.C. A graduate of Clemson University in 1964, he later earned his law degree at the University of South Carolina School of Law from which he was graduated first in his class in 1967.

He served in the U.S. Army as an officer in the Judge Advocate General Corps. He was a partner in a South Carolina law firm for a number of years and has extensive trial experience in both civil and criminal cases.

In 1978, Judge Cox was elected as a resident judge of the 10th judicial circuit in South Carolina. He has experience as an acting associate judge of the South Carolina Supreme Court and is active in various bar associations.

I am particularly proud that the President has chosen a distinguished citizen, attorney, and jurist from South Carolina for the important position of judge on the Court of Military Appeals. Judge Cox has excelled in all that he has undertaken and he is the type of person who has demonstrated intellect, judicial temperament, and leadership. These qualities will enable him to serve with distinction as a member of this Federal court.

During his confirmation hearing before the Senate Armed Services Committee, Judge Cox demonstrated a detailed and in-depth knowledge of the Uniform Code of Military Justice and its relationship in maintaining good order and discipline in the military services. The Senate Armed Services Committee was unanimous in its recommendation to the Senate that Judge Cox be confirmed as a member of the U.S. Court of Military Appeals.

Mr. President, I urge all of my colleagues to join me in a unanimous confirmation of Judge Walter T. Cox III, to be a member of the U.S. Court of Military Appeals.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

AIR FORCE

The legislative clerk read the nomination of Lt. Gen. George M. Browning, Jr., for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Maj. Gen. Casper T. Spangrud, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Gen. Wilbur L. Creech for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Gen. Jerome F. O'Malley under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NAVY

The legislative clerk read the nomination of Rear Adm. Thomas E. Flynn, under the provisions of title 10, United States Code, section 5148(b), to be assigned as Judge Advocate General of the Navy.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Air Force, Army, and Navy, placed on the Secretary's desk.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, that completes my business. We have provided for time for the transaction of routine morning business until 4 p.m. this afternoon. It is my understanding that perhaps the minority leader has matters he wishes to take up at this time.

Mr. President, in the past we have, for the convenience of Senators so that they may be fully aware of the floor situation as we proceed in morning business and to hear another presentation by the distinguished minority leader on the history of the Senate, that no business be transacted except the presentation of that speech by the Senator from West Virginia, the minority leader, and that at the conclusion of his speech the Chair automatically place the Senate in adjournment pursuant to the order previously entered.

Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there will be no votes today and no business transacted today with the exception now of the presentation of and remarks of the distinguished minority leader.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for his courtesy on this occasion as on all previous occasions with respect to making provision for me to make a statement during morning business without a time limitation thereon up to the hour of 4 p.m. today.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair for the patience of the present Presiding Officer. I regret that I have imposed upon the Chair by the delay which has ensued.

Mr. President, this is the 69th speech that I have made on the subject of the U.S. Senate. The title of today's speech is "The Senate And

The Great Debate Over Foreign Policy, 1919-1941."

THE UNITED STATES SENATE

THE SENATE AND THE GREAT DEBATE OVER FOREIGN POLICY, 1919-1941

Mr. BYRD. Mr. President, Marines landing in the Caribbean and Central America . . . United States opposition to Sandinistas in Nicaragua . . . a presidential representative sent to mediate between opposing forces in Central America . . . a United States senator standing in this chamber and denouncing attempts to "browbeat and whip a little country like Nicaragua. . . ." [1] It all sounds very familiar. However, I am not talking about recent events, but about a debate which took place in the Senate some sixty years ago. Reviewing these events, and their similarity to our times, I am reminded of the inscription on the National Archives Building: "What is Past is Prologue."

It has been a recurring theme of my addresses on the history of the United States Senate that we must become aware of our past in order to understand and deal with the present and plan for the future. This seems particularly true when dealing with foreign policy. Today I shall examine the Senate's role in foreign policy between the first and second World Wars, from the defeat of the Treaty of Versailles in 1919 to the declarations of war against Japan, Germany, and Italy in 1941. There occurred during these years a "great debate," not only in the Senate, but also in the Nation as a whole. On one side stood the Wilsonian internationalists, Democrats and moderate Republicans largely from the South and Northeast, who believed that the United States had responsibilities as a world leader that it could not shirk, and that the best way to exercise those responsibilities to ensure world peace was by cooperating through international organizations. In opposition stood the isolationists, who recalled George Washington's warning against entangling alliances, and who believed that multilateral ventures might jeopardize the Nation's security and independence.

As events unfurled, the isolationists lost the "great debate." The surprise attack on Pearl Harbor and American entry into the war discredited their position. In short order, most of the isolationists either left the Senate, through death, defeat, and retirement, or converted to internationalism. It would not be for another generation, until the Vietnam war, that people would begin to reexamine the isolationists and find at least a little merit in their concerns. Some scholars have suggested that even the terms isolationist and interventionist are misleading, and have suggested "unilateralist" and "multilateralist" as alternatives.[2]

For most of the two decades between the world wars, isolationism prevailed. Isolationists were particularly strong in the United States Senate, where they numbered among their ranks William E. Borah, chairman of the Foreign Relations Committee, Hiram Johnson, Burton K. Wheeler, George Norris, Robert M. La Follette (senior and junior), Arthur Vandenberg, and Robert Taft. Most were Republicans representing mid-Western and far Western states. From 1919 to 1932, when the Republicans were in the majority, these isolationists held important committee chairmanships. After 1933, when the Democrats took control of the Senate, the isolationists lost their power base, but remained influential in the national debate over foreign policy.

The Senate's rejection of the Treaty of Versailles in 1919 ranked among the most momentous events in the history of this institution. In an earlier address I spoke of the political forces and reasons behind the treaty's defeat. Today I will be discussing the period of retreat and disillusionment that followed it. The election of 1920 had placed a United States senator, Warren G. Harding of Ohio, in the White House. Harding had conducted his campaign so ambiguously that it was possible for both supporters and opponents of the League of Nations to vote for him, contributing to his landslide victory. But in fact, Harding's election meant the final rejection of American participation in the League. Even presidential support for United States membership in the World Court came to nothing. After the war, the United States slipped into a mood of self-centered isolationism. The Nation erected high-tariff walls around itself, and held its struggling allies accountable for paying their war debts. Such economic nationalism was extremely short-sighted at a time when the United States had become the leading commercial and financial nation, industrial producer, exporter and importer, and creditor in the world—and it would prove self-defeating as well.

As president, Warren Harding expected to maintain strong ties with his former colleagues in Congress. But Harding, too, like Woodrow Wilson, found that Congress had a mind of its own when it came to foreign policy. As early as December 1920, before Harding's inauguration, Senator William Borah introduced a resolution calling on the president to invite Great Britain and Japan to a conference to reduce their naval building programs. As Professor LeRoy Ashby has written in his study of Borah (*The Spearless Leader*), the senator masterfully struck a major chord of public opinion. "His disarmament suggestion appealed strongly to the traditional American distrust of military establishments, the desire for peace, and the perennial concern for lower taxes." [3] Some said that Borah's action was merely a publicity ploy to divert public blame for world affairs from the isolationists, and that he never believed Britain, France, and Japan would accept the invitation. But popular support and newspaper approval forced the Harding administration into taking up the proposal, and Britain and Japan agreed to meet in Washington to negotiate naval disarmament. At the Washington Naval Arms Disarmament Conference, held between November 1921 and February 1922, Senators Henry Cabot Lodge (R-MA) and Oscar W. Underwood (D-AL) served as delegates—in contrast to President Wilson's failure to include members of Congress in the Versailles delegation. However, Senator Borah was noticeably absent.

Harding's inclusion of senators in the negotiation proved a wise move, since he needed all the help he could get to win Senate ratification. The isolationists denounced the treaty as an alliance that committed the United States to Japanese aggression in the Far East. Senator A. Owsley Stanley of Kentucky labeled it a "baby" League of Nations. Senator Borah also cited similarities between the "Four Powers Pact" of the Washington conference and the rejected Treaty of Versailles. Speaking for the Harding administration, Senator Lodge denied any entanglements involved with the new pact. Democratic senators criticized the secrecy behind much of the negotiations, and Senator Gilbert Hitchcock introduced a resolution calling on the president to furnish the Senate with copies of all proceedings, records, negotiations, arguments, debates, discussions, and conversations among representatives of the four nations.[4] Ratification was given by the Senate easily, 67 to 27, with Senator Borah in the minority opposing it. The Washington Naval Conference produced mixed results. It limited the production of large warships, but allowed an arms race to continue in submarines, destroyers, and cruisers. It called for the status quo in the Far East, with each nation recognizing the others' territories there, but it left Japan in a position to threaten China. Nevertheless, the conference and the treaty were remarkable events which brought the United States back into the international scene just two years after the Senate rejected the Treaty of Versailles.

Mr. President, it seems only fitting at this point that I talk about a truly notable member of the United States

Footnotes at end of article.

Senate, William E. Borah of Idaho. He served as a senator from 1907 until his death in 1940, and even today his firm, jutting jaw, lion-like mane, and resolute stance can be observed in his statue, which stands in the corridor just outside this chamber. William E. Borah was born in 1865, in southern Illinois, into a large German-American family. We are told that his father was a stern Presbyterian who ruled over his family with a firm hand, and that young Borah experienced an unhappy childhood. Briefly he attended the Southern Illinois Academy in preparation for the ministry, but after discovering that was not his vocation he dropped out and joined a traveling Shakespearean company as an actor! His training in Shakespeare became evident years later when he spoke here on the Senate floor. But an actor's life was not to be Borah's, and his irate father caught up with the troop and dragged his son home. Young Borah then went to live with his sister in Kansas, where he completed high school and enrolled in the University of Kansas. His classmates recalled him as a loner with few intimate friends. A bout with tuberculosis forced Borah to leave the University, and he turned his attention to reading law in an attorney's office. Admitted to the bar in 1887, Borah decided there was not much future for a young lawyer in then economically-depressed Kansas. He boarded a train for a new life in Seattle, but he was so short of funds that he made it only as far as Boise, Idaho. There he stayed and there he built his career.

William Borah excelled as a criminal lawyer, often handling cases as a special prosecutor for the local district attorney. In 1897, as Professor William Leuchtenburg has noted, Borah "secured the conviction of 'Diamondfield Jack' Davis, a gunman for a cattle company, for the murder of two sheep herders, one of the milestones in the attempt to bring order out of the bloody range wars of the West." His fame in the courtroom led to his entry into politics, and by 1902 he was the recognized leader of the progressive wing of the Republican party in Idaho. His election to the Senate seemed certain in 1903, but his opponents allegedly purchased enough votes in the state legislature to defeat him. Finally, in January 1907, the state legislature elected him to the United States Senate. He almost did not make it to the Senate, however, for he was indicted for defrauding the government of timber lands in Idaho during a period when he served as counsel to a lumber company. The charges, however, had clearly been trumped up by Borah's political enemies, and he was promptly acquitted. The notoriety helped Borah escape the obscurity that was then the lot of most freshmen senators, and his tremendous eloquence also lifted him head and shoulders above his colleagues.[5]

Mary Borah, the senator's wife, was sitting in the Senate gallery on the day in 1908 when her husband rose to deliver his maiden address. "The day he was to speak I arrived at the Senate early in the morning and sat on the front row," she recalled.

Finally the 'morning business' was finished and I saw Billy push back his chair to rise, but a senator with a white beard was ahead of him and was given the floor. The senator was known for being long winded. To my surprise, after reading a letter from a constituent, he sat down. Billy rose. He stood there quietly for a while studying his audience. He began to talk in a low but easily audible voice, and then with gathering confidence. His colleagues looked at him curiously. Probably they were sizing him up. Usually when a senator speaks the other members thumb through the papers on their desks, or write, or study, or talk to each other in undertones. . . . But all the time he was marshalling his facts—as methodically as if presenting a case to a jury—they continued to listen. Then the galleries began to fill. By the time he was ready to draw his conclusions he was speaking to a crowded house, absolutely silent.

When he had finished, and fellow senators crowded around to congratulate him, Mrs. Borah slipped away in the crowd. "It would be easier when we were alone to tell him how proud I'd been," she said.[6]

Borah's influence in the Senate was felt from the start. While still a freshman he became chairman of the Education and Labor Committee, where he sponsored bills to create the Department of Labor and the Children's Bureau. He was also a leader in the fight to amend the Constitution to allow Federal income taxes and, as I have noted in an earlier address, direct election of senators. But it was the field of foreign policy with which Borah's name became most commonly associated. An intense nationalist, he stood among the chief opponents of Woodrow Wilson's internationalist program, and he joined Senator Henry Cabot Lodge as an "irreconcilable" against the Versailles Treaty and League of Nations. When Senator Lodge died in 1924, Borah succeeded him as chairman of the Foreign Relations Committee, a post which he held until the Democrats took control of the committee in 1933.

It seemed impossible to pick up a newspaper in the 1920's without reading a Borah pronouncement on some aspect of American policy. Herbert Hoover credited Borah with "a positive genius for newspaper publicity." Borah's practice of holding regular press conferences caused President Coolidge to comment that "Senator Borah is always in session." Reporters would congregate at his office about 3:00 p.m. each afternoon. Twenty or more journalists might crowd around his desk for a relaxed and informal discourse on a wide range of topics. At these sessions they could not quote him directly, but Borah's staff would frequently hand out his prepared statements on a particular subject. His press relations were the envy of other senators, and a source of exasperation for his political opponents. As one Massachusetts newspaper complained in 1930: "Borah this and Borah that, Borah here and there, Borah does and Borah doesn't—until you wish that Borah wasn't."[7]

Several American presidents might also have wished that "Borah wasn't," as the wiley senator frustrated their proposals. After Calvin Coolidge became president in 1923, he proposed United States membership in the World Court. It was hard to make an argument that participation in the court would lead to entangling alliances or impinge on the Nation's independence. But the hard core isolationists adamantly opposed the plan and did their best to sabotage it. Both political parties endorsed the World Court in their platforms in 1924, and the House passed a resolution favoring membership by the overwhelming vote of 303 to 28. Nevertheless, Senator Borah was not to be deterred. As chairman of the Foreign Relations Committee, Borah delayed the debate and attached five "reservations" to American participation. In January 1926, the Senate adopted the World Court proposal, with Borah's reservations, by a 76 to 17 margin. The League of Nations, however, would accept only four of the five reservations, and President Coolidge declared the American conditions rejected. The twenty-one member nations on the Court informed Coolidge that they were willing to negotiate, but the president responded: "I do not think the Senate would take favorable action on any such proposal, and unless the requirements of the Senate resolution are met by the other interested nations I can see no prospect of this country adhering to the Court."[8]

In a more positive sense, Borah's name was also linked with the 1920's movement to outlaw war. Always suspicious of international agreements, Borah was not an enthusiastic supporter of "Outlawry," as the movement was called, but his endorsement was critical to its success. Borah believed that European policies were leading to another war, no matter what the United States might try to do. But bending to an intense lobbying effort from anti-war groups, he continued to introduce Outlawry resolutions. After French Foreign Affairs Minister

Aristide Briand proposed a bilateral pact between France and the United States, Borah actively supported the proposal. In a meeting with Secretary of State Frank Kellogg, Borah convinced the administration to broaden the proposal to a multinational pact. The result was the Kellogg-Briand pact, in which sixty-two nations pledged never to resort to war and aggression. This "noble experiment," of course, lasted only a decade, until the world was once again plunged into war—which could not be so easily outlawed.[9]

Senator Borah also strenuously opposed American intervention in Nicaragua. During the administration of William Howard Taft the United States had replaced Great Britain as the major foreign power in Nicaragua. When a revolution erupted in that nation in 1912, the United States sent 2,600 troops to quell it. One hundred Marines were left behind to guard the United States legation, the beginning of a twenty-year occupation of Nicaragua.[10] The presence of American military forces in Nicaragua and other Central American and Caribbean nations seemed entirely indefensible to Senator Borah. In 1922 he observed that "The people of Nicaragua today are being exploited in shameless fashion by American corporations protected by United States Marines." In 1925 he declared "the invasion of Nicaragua was unnecessary and therefore unmoral." He asserted that the Monroe Doctrine "does not give to us the right . . . to invade territory, to tear down governments and set up others." [11]

In 1926, as a result of an insurrection led by General Augustino Sandino, the United States once again dispatched Marines to Nicaragua. Borah at first accepted the Coolidge administration's rationale that it had sent troops only to protect American lives in Nicaragua, but he became increasingly suspicious of the State Department's motives. In January 1927, after meeting with Secretary of State Kellogg, Borah announced his opposition to the administration's policies in Nicaragua. The survival of the regime there, he said, was due entirely to the "sheer force of foreign arms." This stance caused many Latin American leaders to send congratulations to the senator for his "brilliant defense in favor of sovereignty of all the nations of the earth, equal before the law," as the former president of Chile wrote. Borah then introduced a resolution calling for the Senate Foreign Relations Committee to travel to Nicaragua and Mexico to hear testimony there. But administration supporters on the committee blocked his efforts. One newspaper suggested that if Senator Borah wanted to go to Nicaragua at government expense he should join the Marines! [12]

Despite Borah's protests, American Marines remained in Nicaragua until President Hoover withdrew them in 1933. The long years of American occupation had not left Nicaragua a stable or peaceful nation. General Sandino had promised to negotiate with the government once the Marines left, but on his departure from a meeting with the Nicaraguan president in 1934, Sandino was ambushed and assassinated by the Nicaraguan National Guard. The commander of the Guard who issued the orders of execution was General Anastasio Somoza, who shortly thereafter seized power in a civil war. For the next forty years Somoza and his two sons would rule Nicaragua, with the support of the United States, until the Sandinista victory in 1979.[13] Nicaragua, of course, remains very much in our minds today. We stand linked to our history in that region, and many members of the Senate will share the misgivings voiced by Senator Borah in the 1920's.

The image of American troops stationed in Nicaragua shatters the "isolationist" stereotype of the United States in the 1920's. American foreign policy in those years might better be described as nationalistic and "unilateralist." It was a decade that saw a concerted effort to stem the historical tide of immigration into the United States and to favor certain groups of immigrants over the rest. One of the first bills President Harding signed was the Emergency Quota Act of 1921, which set national quotas for immigrants, and which discriminated against those from southern and eastern Europe. The Immigration Act of 1924 was even more restrictive, cutting immigration from Italy, for example, by nine-tenths.

Congress and the administration of Warren Harding and Calvin Coolidge also continued to press America's wartime allies for repayment of their war debts. This forced the allies in turn to press Germany for reparations. The problem, of course, was that neither the allies nor the Germans had the means to make those payments, as they struggled to rebuild after the war. The war debts remained a problem until 1931, when President Herbert Hoover arranged a one-year moratorium on repayment, which led to the eventual forgiving of the debts.[14]

The Hoover administration, although it could claim many admirable policies, from the beginning of the "good neighbor" approach to Latin America to the war debt moratorium, also stumbled badly in foreign policy. Perhaps its most disastrous move was its support of the all-time high Smoot-Hawley Tariff, which triggered a wave of tariff retaliations against the United States and greatly depressed international trade. Senator Borah and other Western and mid-Western progressive and isolationist senators took the lead in attacking Smoot-Hawley. In general they stood in opposition to Hoover's programs.

Ironically, the Progressive Republicans voted more consistently with the new Democratic administration of Franklin D. Roosevelt than they had under twelve years of Republican presidents. In light of Roosevelt's later and monumental break with the isolationists, it is important to remember that many progressive/isolationists were attracted to Roosevelt, endorsed his candidacy over Hoover's, and supported the New Deal's early domestic and foreign policies. Democratic Senator Key Pittman of Nevada replaced William Borah as chairman of the Foreign Relations Committee, but Borah remained ranking Republican on the committee and continued to have a powerful voice in foreign affairs. Robert La Follette, Jr., George Norris, Gerald Nye, and other progressives also played important roles in the "great debate" of the 1930's.[15]

By 1933, when Roosevelt became president, the isolationists were fairly solid in their positions, formed over the past two decades. They had come to see American entry into the first World War as a great mistake, not to be repeated again. And they had formed strong ideas as to how American neutrality from European wars should be preserved. As Professor Wayne Cole has written in his recent study of *Roosevelt and the Isolationists,* the isolationists "did not oppose all American activity abroad, but they wanted to leave Americans free to determine for themselves when, where, how, and whether the United States should involve itself abroad. They did not want to be bound by prior commitments in alliances or international organizations. . . . They opposed any American efforts to police the world or to rebuild the world in an American image. . . . They urged legislation restraining the president, the military, big business, and financiers as they operated in foreign affairs." [16]

Against the isolationists now stood the most politically skillful of our twentieth century presidents, Franklin Delano Roosevelt. By 1933 Roosevelt also had formulated many ideas on America's role in the world. He was the legatee of two major traditions of the earlier Progressive Era. As a relative of President Theodore Roosevelt he accepted "Teddy's" view of a militarily strong America taking its place as a mediator of world affairs. As a former member of Woodrow Wilson's administration, he also believed in international cooperation through such organizations as the League of Nations and the World Court.

Roosevelt had run as the vice presidential candidate on the ill-fated Democratic ticket of 1920, supposedly the "great referendum" on American

participation in the League, and he had clearly learned both from that defeat and Wilson's sad last years that a president can only lead when the people are willing to follow. A president must be a careful educator of public opinion, which is why Roosevelt often played a cautious and crafty game rather than leading bold frontal assaults on unpopular issues.[17] Franklin Roosevelt, as Professor Cole has aptly described him, was "intuitive rather than systematic, artful rather than scientific, and innovative rather then doctrinaire. He was highly flexible and shied away from rigid formulas or systems. He liked to play with ideas, to explore alternative approaches, without irrevocably committing himself to any single policy or approach. He was not troubled by inconsistencies. He had the emotional self-confidence and political realism that allowed him to abandon policies that did not work or methods that proved ineffective. He kept his options open."[18]

It is impossible to discuss or understand the nature of the great debate of the 1930's without mentioning the world forces involved. On March 5, 1933, the day after Roosevelt's inauguration, Adolph Hitler gained absolute power as dictator over Germany. At that same time, the Japanese had walked out of the League of Nations, rather than accept its sanctions. Fascism in Europe and Japanese aggression in the Far East were two persistent threats to world peace and to America's security in the 1930's. And yet, as William Leuchtenberg has noted, "this was a peril most Americans chose to ignore." The Depression was foremost in their minds, and they had long since abandoned any hope that the League could solve world problems. The Nation's chief concern about world affairs was to keep out of them. President Roosevelt, keenly aware of the prevailing public sentiment, had announced during his 1932 campaign that he opposed American entry into the League, but he had not abandoned his faith in Wilsonian internationalism.[19]

Shortly after becoming president, Roosevelt stressed the need for international economic cooperation, and sent delegates to a world economic conference in London. But as events progressed, the president became concerned that international agreements not tie his hands in dealing with the domestic economic crisis. The failure of the London conference was largely the result of Roosevelt's unwillingness to cooperate. In other areas the unwillingness to cooperate came from Congress. In the spring of 1933, Roosevelt considered working with the European powers on a collective security arrangement, coupled with a presidential declaration of an arms embargo against aggressors. In the Foreign Relations Committee, California Progressive Republican Senator Hiram Johnson proposed an amendment stipulating that any embargo must apply equally to all belligerents. Senator Pittman, chairman of the committee, told the president that the arms embargo could not pass without the Johnson amendment. Roosevelt let the matter drop.[20]

The isolationists had the public's ear. In January 1934 Senator Borah delivered a strong defense of isolationism to the Council on Foreign Relations, which was published in their prestigious journal, *Foreign Affairs.*[21] Even more public attention went to Borah's attack on munitions manufacturers, whom he called "international racketeers," and on whom many isolationists blamed the first World War and current war scares. *Fortune* magazine published "Arms and the Men," which was reprinted in condensed form in *Reader's Digest,* denouncing those who profited by war. The public outrage over this and other similar publications led to the creation in 1934 of a special Senate committee to investigate the munitions industry. One historian has described this committee as more of a court than a congressional investigation, hearing the case of *"Peace-Loving and Moral People* v. *Manufacturers and Salesmen of Implements of War."*

Chairing this special committee was 42-year-old Gerald P. Nye, a progressive Republican senator from North Dakota, and a staunch isolationist. Nye, who had introduced the resolution calling for the investigation, was elected to the chairmanship by other committee members, despite the Democratic majority in the Senate. This was a measure of their respect for the progressive-minded Nye—who had previously battled the policies of the Coolidge and Hoover administrations—and a recognition of his public identification with the issue. Also serving on the committee were Democrats Walter George, Bennett Champ Clark, Homer Bone, and James Pope, and Republicans Warren Barbour and Arthur Vandenberg. From the start, Senator Nye had very clear in his mind the ultimate purpose of the investigation. "I confidently predict that when the Senate investigation is over, we shall see that war and preparation for war is not a matter of national honor and national defense, but a matter of profit for few," he publicly declared. The hearings opened with great public fanfare on September 4, 1934, in the Senate Caucus Room. The committee held ninety-three hearings over the next two years, concentrating on the manufacturing and sale of munitions, activities of United States shipbuilders, and the economic circumstances of American entry into World War I, with the ultimate question being: who would profit by the Nation's entry into the "next war."

Despite an impressive array of witnesses, including Pierre Du Pont and J. P. Morgan, Jr., the Nye committee uncovered little evidence to prove its thesis. Yet, it reinforced popular sentiments that America had been lured into the Great War not over its neutrality rights or national security, but because of bankers' investments in the Allied nations, and munition makers' and shipbuilders' desire to sell their wares. It helped create the political climate that produced the neutrality legislation of the mid-1930's, although it failed to achieve its chief objectives of nationalizing the arms industry, and reducing profits in time of war.

The committee's reputation also suffered mightily by a tactical blunder on the part of its chairman, Senator Nye. During the hearings in January 1936, Nye claimed that President Wilson and Secretary of State Robert Lansing had "falsified" about their knowledge of secret treaties. Newspapers translated "falsified" to "lied," which led two devoted Wilsonians in the Senate to respond angrily. Senator Tom Connally of Texas denounced Nye's charge as "infamous." "Some checker-playing, beer-drinking, back room of some low house is the only place fit for the kind of language which the senator from North Dakota, the chairman of the committee, this senator who is going to lead us out toward peace, puts into the RECORD about a dead man, a great man, a good man, a man who when alive had the courage to meet his enemies face to face and eye to eye," shouted Connally on the Senate floor. The following day, Senator Nye stood to respond, defending his statement and refusing to apologize. The Senate chamber was packed. Every Democratic seat was filled, and many members of the House crowded in to observe the debate. The most emotional speech of the day came from Virginia's Senator Carter Glass, who had served as Secretary of the Treasury in the Wilson administration. Beating his fist upon his desk until he broke the skin and blood dripped from his knuckles, Glass denounced Nye for "dirtdaubing the sepulcher of Woodrow Wilson." As Democratic senators cheered and applauded, Glass concluded: "Now, Mr. President, lest I should infringe those rules which I always obey, perhaps I should better desist, because what I feel like saying here or anywhere else to the man who thus insults the memory of Woodrow Wilson is something which may not be spoken here, or printed in the newspapers, or uttered by a gentleman." Nye's blunder and Glass's indignant response sealed the doom of the Nye Munitions Investigation. The special committee had run out of money, and the Democratic majority in the Senate had no inten-

tion of providing a continuing forum for a Republican senator to attack one of their great leaders. A month later the committee brought its hearings to a close.[22]

Secretary of State Cordell Hull later claimed in his memoirs that the Nye committee "aroused an isolationist sentiment that was to tie the hands of the administration" in dealing with the rising tide of aggression in Europe and Asia. "The Nye committee hearings," he said, "furnished the isolationist springboard for the first Neutrality Act." [23] This act was the first of three pieces of neutrality legislation Congress enacted between 1935 and 1937 to avoid a repetition of the forces and influences that had swept the United States into the first World War. These bills demonstrated that while we must study the past, and understand the past, we can not legislate against it. Perhaps the neutrality acts of 1935, '36, and '37 might have prevented American entry into World War I, but they were helpless to prevent our entry into World War II.

The Italian invasion of Ethiopia in May 1935 set in motion the first neutrality bill. Senator Nye and Senator Clark offered legislation proposing an arms embargo to all belligerents, and wanted the Nye Committee to hold hearings. Senator Pittman and Senator Borah, chairman and ranking Republican on the Foreign Relations Committee, insisted that their committee held jurisdiction over the matter, causing the munitions committee members to back down. In the meantime, the State Department had drafted its own version of the proposed legislation, hoping to supplant the Nye-Clark proposals. In a "mad scramble" behind the scenes, a compromise was reached on a mandatory arms embargo. Senator Pittman drafted a resolution, but neither the Senator nor the President expected Congress to pass the bill before it adjourned. "It was designed largely to appease public opinion," Professor Cole suggests. Senate isolationists, however, were determined to bring the matter to a vote, and staged a filabuster to keep the Senate from adjourning.

The isolationists won their case. Pittman introduced the bill and the Senate passed it without debate. The measure then went to the House, which also passed it quickly. Some internationalists hoped that the President would veto the act, but in spite of his objections, Roosevelt approved it. When he signed the bill, Roosevelt warned that its "inflexible provisions might drag us into war instead of keeping us out." Nevertheless, the arms embargo, and provisions that prohibited Americans from traveling on belligerent ships, was now law.[24] Between the aggressor and the victim in Ethiopia, the United States would not choose sides. That we were willing to close our eyes to the Italian invasion certainly was not lost upon the Italians, Germans, and Japanese as they planned their expansionist policies.

In 1936 Roosevelt hoped to amend the neutrality law to apply the arms embargo only against aggressors, but the measure stood no chance of passage. The neutrality act of 1936 extended the earlier law for another year, adding a loan ban to the arms embargo. Again events outside the United States shaped American policy. In July 1936 a bloody civil war broke out in Spain, with Germany and Italy supporting the military rebels and the Soviet Union backing the government forces. Again the United States remained neutral.

By 1937 the Roosevelt administration decided there was no way it could shape neutrality legislation in Congress, given the prevailing moods, and no new proposals. Senator Pittman, however, introduced his own sweeping, permanent neutrality bill. This bill would not only continue provisions of past neutrality legislation, but would add cash-and-carry requirements that belligerents pay for all American goods and ship them on their own vessels. Even this measure failed to satisfy isolationists like William Borah and Hiram Johnson, who voted against the bill in committee. But on March 3 the Senate passed the Neutrality Act of 1937 by a 63 to 6 margin, again with Borah and Johnson voting in the minority.[25]

Although members of the Senate and House had marched in step to produce legislation to keep the United States out of war in Europe, they began to feel dissention in their own ranks concerning the war clouds in Asia. Senator George Norris of Nebraska, who was proud of his vote against American entry into World War I, and who had supported each of the neutrality bills, was dismayed over Japan's ruthless and militaristic behavior in China. In July 1937, when Japanese planes sank the American ship *Panay*—by a surprise attack on a Sunday morning, by the way—Senator Norris called Japan "an outlaw nation." Japanese aggression caused Norris to begin to alter his views about neutrality, as his biographer Richard Lowitt has noted. "It is a terrible thing," Norris wrote, "to realize we live in a world in which we must arm ourselves in order to preserve our safety." [26]

On October 5, 1937, President Roosevelt responded to events in Asia and Europe in an address in Chicago—then the very center of mid-Western isolationsim. Roosevelt noted that as law, order, and justice were being wiped away around the world, no one should imagine that America would be spared. There could be "no escape through mere isolation or neutrality." He called for peace-loving nations to "quarantine" aggressors. "America hates war," he concluded. "America hopes for peace. Therefore, America actively engages in the search for peace." The speech brought forth a storm of protest. Senator Nye feared the president was trying to police the world. "We reach now a condition on all fours with that prevailing just before our plunge into the European war in 1917," he declared. Some isolationist congressmen called for Roosevelt's impeachment. The *Wall Street Journal* proclaimed: "Stop Foreign Meddling; America Wants Peace." The president backed away from the controversy. "It's a terrible thing to look over your shoulder when you're trying to lead," he said privately, "and find no one there."[27]

The isolationists believed the United States should go to war only if first attacked. Senator Borah objected to "this running around over the world trying to placate every situation and adjust every controversy." It was "not the business of democracy," he cautioned. Fear that somehow the president would drag the United States unwillingly into war, and that the majority in Congress would capitulate, spurred a movement for a constitutional amendment. Congressman Louis Ludlow of Indiana, a former Washington newspaper correspondent with a sense for public opinion, proposed an amendment requiring a national referendum before Congress could declare war (except in case of attack). Public opinion showed that almost three-quarters of the American public favored the Ludlow amendment, and its narrow defeat in the House of Representatives was probably attributable to the nervousness of many members following the Japanese attack on the *Panay*.[28]

As the world situation grew tenser, the Roosevelt administration moved tentatively toward a more internationalist stance, while the isolationists intensified their efforts. As so often happens in a debate, the arguments became more extreme as the lines became more firmly drawn. An air of unreality surrounded some of the isolationists' arguments, best illustrated in an interview which Senator Borah gave in 1938. "The United States is getting worked up over the prospect of war. I'm not," he told a reporter. "You are a young man as compared to me and neither of us will live to see the day when the United States is invaded. With the Atlantic on one side and the vast Pacific on the other we are safe. It would be folly, from a military standpoint, for another country to try to invade us and they know it." Borah was right in calling it folly, and in saying he would not live to see an attack, but tragically wrong in think-

ing another country would not try it, as Pearl Harbor proved three years later.[29]

Regardless of the debate in America, the movement toward world war progressed ominously. In March 1936 Germany reoccupied the Rhineland in violation of the Versailles Treaty. In November of that year, Germany, Italy, and Japan formed a military alliance. In September 1938 Hitler threatened to invade Czechoslovakia, until British and French leaders flew to Munich to appease him. In August 1939, Hitler's Germany signed a nonaggression pact with Stalin's Russia. Realizing that war was imminent, President Roosevelt lobbyied with key senators for repeal of the arms embargo. But his appeals were rebuffed. "Well, Captain, we may as well face the facts," Roosevelt's crusty vice president, John Nance Garner told him. "You haven't got the votes, and that's all there is to it." On September 1, 1939, Germany invaded Poland. This time, no longer willing to appease Hitler's insatiable appetite, Britain and France declared war. The Second World War had begun. President Roosevelt proclaimed a limited national emergency and put the Neutrality Act of 1937 into effect. "This Nation will remain a neutral nation," he said in a radio address, "but I cannot ask that every American remain neutral in thought as well." [30]

President Roosevelt called Congress back into special session to repeal the arms embargo, to aid victims of aggression, and to allow belligerent nations—in effect the Allied nations—to purchase American munitions on a "cash-and-carry" basis. This policy, he insisted, would aid the Allies without drawing the United States into the war. The isolationists vehemently disagreed. Public opinion polls showed deep-felt American support for the British and French against the Germans, but the same polls also showed the great majority of Americans wanted their country to stay out of the war. Senator Borah broadcast a radio address to the Nation insisting that neutrality was possible, and that American involvement in the war was not inevitable. Borah denounced the repeal of the arms embargo, but President Roosevelt had lined up the 1936 Republican presidential and vice presidential candidates, Alfred M. Landon and Frank Knox, to issue statements supporting the repeal, immediately after Borah's broadcast. And so the war for public opinion raged.[31]

Events in Europe and Roosevelt's shrewd and careful leadership began to shift the tide. Isolationists like Ohio's Senator Robert Taft, Vermont's Warren Austin, New Jersey's Warren Barbour, and Nebraska's George Norris, slowly came around to the president's position on repeal. "If we repeal it, we are helping England and France," Senator Norris wrote to one of his constituents. "If we fail to repeal it, we will be helping Hitler and his allies. American neutrality is an impossibility." After six weeks of debate, on October 27 the Senate repealed the arms embargo by a vote of 63 to 39. The House followed a week later, and the president signed the Neutrality Act of 1939.[32]

As events of history moved irrepressively past them, the isolationists lost their most eloquent voice. On January 16, 1940, Senator William Borah collapsed at his Washington apartment, lapsed into a coma, and died there three days later. The day before his collapse, Borah had led the opposition to the nomination of Roosevelt's new Secretary of the Navy, Charles Edison. His last words on the Senate floor, in this last losing battle, were in ringing defense of the Constitution and the Bill of Rights. "When the time comes, as please God, I am sure it will," Borah had declared, "that the oppressed people of the world begin to fight their way back to civilization and away from the frightful 'isms' which engulf them in misery and slavery, they will look to this Bill of Rights as embodying their hopes and ideals." Less than a week after Borah uttered those words, his funeral was held in the Senate chamber. Every desk was occupied except for the one at which he sat for thirty-three years. The president, the cabinet, and the supreme court joined the Congress in mourning this towering figure. There was no eulogy. No one could match Borah's eloquence. After the service, the Senate chamber was opened and thousands filed past in silent tribute, before William Borah made his last trip back to Idaho.[33]

Death spared Senator Borah the agony of witnessing his hopes dashed and his policies defeated. The spring of 1940 brought the end of the "phoney war" in Europe and the beginning of the terrible German blitzkreig. On April 9, German troops invaded Denmark and Norway. On May 10, Germany marched into the Netherlands and Belgium. By the end of May, Britain was evacuating its troops from the European continent at Dunkirk. By June 5, Germany had launched its invasion of France, and by June 16 German troops were in Paris. Defeated France signed its armistice, and the Vichy government was established under Marshal Petain. That summer the German Luftwaffe carried out intensive air raids on Britain.

President Roosevelt saw Great Britain as America's last line of defense in Europe. If Britain fell to Hitler's military might, then the security of the United States would be in grave jeopardy. With Britain standing alone, the president sought some way to provide aid without inflaming American public opinion. In May 1940 Prime Minister Winston Churchill asked Roosevelt for the "loan of forty or fifty of your older destroyers" to reinforce the Royal Navy in the English Channel. Roosevelt, however, doubted he could get such a request passed in Congress. That June the Senate amended a Naval appropriations bill to prohibit the president from sending military material to belligerent nations unless his chief military officers certified it was not essential to American defense. With Congress in no mood to authorize a sale, Roosevelt decided to act on his own, under his authority as commander-in-chief. After consulting with his cabinet and congressional leaders, Roosevelt announced, on September 4, a destroyers-for-bases deal, by which the United States would transfer fifty overage destroyers to Britain in return for Britain's leases on naval and air bases in Newfoundland, Bermuda, and the Caribbean. Thirty years later, senators opposed to American involvement in the Vietnam war often cited the destroyers-for-bases as a usurpation of the Senate's treaty powers. Professor Arthur Schlesinger, Jr., in his study of *The Imperial Presidency*, has defended Roosevelt's decision, and compared it to Lincoln's response to the firing on Fort Sumter. "To have tried to get destroyers to Britain by the treaty route," Schlesinger wrote, "was an alternative only for those who did not want Britain to get destroyers at all. Congress, by voting money to build the bases, soon gave the deal its implicit sanction."[34]

The day after Roosevelt announced his destroyers-for-bases deal, isolationists announced the formation of the America First Committee, which grew out of an anti-war organization founded by students at Yale University. (Among these isolationist students, I find it interesting to note, were such later internationalists as former President Gerald Ford, R. Sargeant Shriver, Justice Potter Stewart, and Yale President Kingman Brewster—how we regret the folly of our youth!) [35] During the next fifteen months, the America First Committee, with such spokesmen as Senator Gerald Nye and Burton Wheeler, and aviator Charles Linbergh, became the chief force for stimulating public opinion against the president's aid-short-of-war program. Roosevelt, however, was quite equal to the fight, as he proved that November by winning an unprecedented third term to the presidency over an attractive Republican candidate, Wendell Willkie. Also opposed to the America Firsters was an internationalsit organization, the Committee to Defend America by Aiding the Allies, chaired by the journalist William Allen White. Thus, the lines were set for the last debate between isolationism and internationalism.

On December 29, 1940, President Roosevelt broadcast one of his fireside chats to the American people. With his reelection battle won, the president moved to create a coherent American policy toward the war in Europe and to line up public support behind that policy. "If Great Britain goes down," Roosevelt told his audience, "the Axis powers will control the continents of Europe, Asia, Africa, Australia, and the high seas." The Americas would then "be living at the point of a gun." The Nation could not escape this danger by "crawling into bed and pulling the covers over our heads," he warned. The president's proposal, which he presented to Congress in his state of the union message the following week, was a Lend-Lease plan. Since the British had run out of funds to purchase war material from the United States, Lend-Lease would permit the president to sell, transfer, exchange, or lease military supplies to any nation whose defense he declared vital to the security of the United States.

Roosevelt's proposal launched what Professor Wayne Cole, author of a monumental study of this period, has called "the most spirited and important debates in the history of American foreign affairs." Gone from the debate were such figures as Key Pittman and William Borah, who had both died in 1940. Leading the president's fight in the Senate was the new chairman of the Foreign Relations Committee, Walter George and Senate Democratic leader Alban Barkley. Against them stood Senators Nye, Wheeler, Johnson, and other isolationists. The most prominent citizen to testify against Roosevelt's plan was Colonel Charles A. Lindbergh, "Lucky Lindy," the popular aviator. A complete victory by either side in the European war would destroy Western civilization, Lindbergh told the Senate Foreign Relations Committee. Lindbergh believed American Lend-Lease would only prolong the war and undermine efforts for a negotiated peace. The United States, he declared, could not "police the world."

Despite this spirited opposition, President Roosevelt had the votes. On March 8 the Senate approved H.R. 1776—and the choice of that historically significant number was quite deliberate—by a vote of 60 to 31. Senator George Norris, completing his odyssey from isolationist to internationalist, cast his vote for Lend-Lease. President Roosevelt was delighted. The great debate over Lend-Lease, he said, "was not limited to the halls of Congress. It was argued in every newspaper, on every wave length, over every cracker barrel in all the land; and it was finally settled and decided by the American people themselves." [36]

Mr. President, there were so many signficant events in the foreign policy of the United States during 1940 that I can only briefly list them here. The Battle of the Atlantic was raging, with American vessels convoying British supply ships during the spring of 1940, and the sinking by a German submarine of the United States merchant ship *Robin Moor.* Germany invaded Egypt, Greece, and Yugoslavia in March and April, and then launched its inexplicable invasion of the Soviet Union on June 22. The war had made Russia, Britain, and eventually the United States, allies against the Germans. Also in June 1941, American scientists began secretly working on the development of the atomic bomb, which would later influence so fatefully the course of the war and of humanity. In July the Japanese occupied Indochina, causing President Roosevelt to freeze all Japanese credit in the United States, and ending trade between the two countries. Previously the President had embargoed all sales of scrap iron and steel to Japan, as an attempt to halt their military expansion throughout Asia.

In August President Roosevelt met with Prime Minister Winston Churchill on board the British battleship *Prince of Wales* off the coast of Newfoundland. There they issued the "Atlantic Charter," renouncing territorial aggrandizement, supporting the right of people to choose their own form of government, maintaining their belief in freedom of the seas, and calling for a permanent peace organization. The nations which signed the Atlantic Charter made up the Allies who would fight the Axis and eventually form the United Nations. On August 12 the House of Representatives by a single vote approved the extension of the Army draft. In October German submarines torpedoed the United States destroyer *Kearny* and the destroyer *Reuben James.* In response the Senate on November 7, 1941 voted to repeal much of the Neutrality Act of 1939, thereby permitting the United States merchant vessels to be armed, and allowing them to carry goods into belligerent ports.

Meanwhile, the Japanese had demanded that the United States lift its freeze on Japanese credits and resume full trade between the two nations. American military officials, having broken the Japanese code, became convinced that war was imminent, and believed Japan would strike in the Philippines and Southeast Asia. Isolationists viewed these developments with grave concern, certain that the president was somehow trying to prevoke a war with Germany over Atlantic shipping or trying to get into the war "by the back door" with Japan. Roosevelt at the same time moved forward to protect what he saw as America's interests, defense, and security.[37]

Sunday, December 7, 1941, the "great debate" over American foreign policy came to an end. Senator Gerald P. Nye was addressing an America First rally at Soldiers and Sailors Memorial Hall in Pittsburgh. Twenty-five hundred people were crowded into the hall to hear Nye, Senator David Reed, and other isolationists make their case. As Senator Nye was speaking, a note was laid on the podium before him, announcing that Japan had declared war on the United States. Flustered and uncertain whether to believe the report, Senator Nye kept on speaking. He completed his address and then told his audience of reports that Japanese planes had bombed the American naval base at Pearl Harbor in Hawaii. That was the last meeting of the America First Committee. When reporters questioned the senator afterwards he replied: "If Japan attacked, there is nothing left for Congress to do but declare war." [38] That night, Roosevelt summoned leaders of Congress and members of the Senate Foreign Relations Committee to the White House. Isolationists like California Senator Hiram Johnson walked silently past the crowd of reporters outside the executive offices. The next day, Congress voted a declaration of war against Japan—with only Congresswoman Jeannette Rankin voting no, as she had done against American entry into World War I. Days later Germany and Italy also declared war on the United States and we were fully immersed in the global conflict.

Pearl Harbor exploded Senator Borah's prediction that the United States was safe from military attack, and it discredited the isolationists' claim that the United States could stay neutral in a world at war. Defeat and death removed most of the isolationists from the Senate in the next few years. Senators Nye, Wheeler, La Follette, and Norris were not returned to office. Senators Vandenberg and Austin converted to internationalism. Senator Taft held to his principles and remained in the Senate, but his identification with isolationism denied him the election to the presidency he so avidly sought. As the United States entered a decade of war, both hot and cold, the debate over foreign policy was muted and a bi-partisan or nonpartisan stance adopted. "Politics stops at the water's edge, became the watchword of the 1940s. Twenty years of political debate ended in a beautiful Hawaiian harbor, marred by the burning hulls of a fleet of American battleships.

We remember December 7, 1941 as a day of infamy. We mourn the hundreds of American servicemen who died at Pearl Harbor, and the thousands who gave their lives in the war that followed. We might also mourn the abrupt ending of the debate over American foreign policy. While history proved President Roosevelt and his

followers more correct than their isolationist opponents, it also buried for decades the warnings of the isolationists that the United States should not aspire to police the world, nor should it intervene at will in the affairs of other nations in this hemisphere or elsewhere. Subsequent events, which will be the subject of other addresses in my continuing series on the history of the United States Senate, demonstrated that some validity existed in the arguments on both sides of that great debate.

Mr. President, I ask unanimous consent that notes to the speech "The Senate And The Great Debate" be printed at this point in the RECORD.

There being no objection, the notes were ordered to be printed in the RECORD, as follows:

NOTES TO "THE SENATE AND THE GREAT DEBATE"

[1] *Congressional Record*, 69th Congress, 2nd sess., 1272.

[2] See especially Wayne S. Cole, *Roosevelt and the Isolationists, 1932-45* (Lincoln, Nebraska: 1983), 1-14.

[3] LeRoy Ashby, *The Spearless Leader: Senator Borah and the Progressive Movement in the 1920s* (Urbana, Illinois: 1972), 106.

[4] Robert James Maddox, *William E. Borah and American Foreign Policy* (Baton Rouge: 1969), 114-5; *Congressional Record*, 67th Congress, 2nd sess. (1922), 2587.

[5] William E. Leuchtenburg, "William E. Borah," *Dictionary of American Biography* (New York, 1958), Supplement II, 49-51; See also Marian C. McKenna, *Borah* (Ann Arbor: 1961).

[6] May Louise Perrine, ed., *Elephants and Donkeys: The Memoirs of Mary Borah* (Moscow, Idaho: 1976), 20-21.

[7] Ashby, *The Spearless Leader*, 17-19.

[8] John D. Hicks, *Republican Ascendancy, 1921-1933* (New York: 1960), 146; Karl Schriftgiesser, *This Was Normalcy: An Account of Party Politics During the Twelve Republican Years: 1920-1932* (New York: 1973 /1948/), 232-234.

[9] Maddox, *William E. Borah*, 150-182.

[10] For the background of American relations in Nicaragua and Central America, see Walter LaFeber, *Inevitable Revolutions: The United States in Central America* (New York: 1983), and Robert L. Millett, "We've Done it All to Them Before in Central America," *Washington Post*, August 7, 1983.

[11] Claudius O. Johnson, *Borah of Idaho* (Seattle: 1967 /1936/), 342-345.

[12] Ashby, *The Spearless Leader*, 208-212; McKenna, *Borah*, 229-230.

[13] LaFeber, *Inevitable Revolutions*, 64-69.

[14] Hicks, *Republican Ascendancy*, 130-144, 245.

[15] See Ronald L. Feinman, *Twilight of Progressivism: The Western Republican Senators and the New Deal* (Baltimore: 1981). On Pittman see Fred L. Israel, *Nevada's Key Pittman* (Lincoln, Nebraska: 1963.)

[16] Cole, *Roosevelt and the Isolationists*, 7.

[17] See John Milton Cooper, Jr., *The Warrior and the Priest, Woodrow Wilson and Theodore Roosevelt* (Cambridge: 1984).

[18] Cole, *Roosevelt and the Isolationists*, 5.

[19] William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940* (New York: 1963), 197-202.

[20] Feinman, *Twilight of Progressivism*, 159.

[21] William E. Borah, "American Foreign Policy in a Nationalistic World," *Foreign Affairs*, XII (January 1934).

[22] John Edward Wiltz, "The Nye Munitions Committee, 1934," in Arthur Schlesinger, Jr. and Roger Bruns, eds., *Congress Investigates, A Documented History, 1972-1974* (New York: 1975), IV, 2735-2767.

[23] Cordell Hull, *The Memoirs of Cordell Hull* (New York: 1948), I, 404.

[24] Cole, *Roosevelt and the Isolationists*, 163-181.

[25] Feinman, *Twilight of Progressivism*, 167-169.

[26] Richard Lowitt, *George W. Norris: The Triumph of a Progressive, 1933-1944* (Urbana: 1978), 248-252.

[27] Cole, *Roosevelt and the Isolationists*, 244-248; Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, 226-227.

[28] Feinman, *Twilight of Progressivism*, 170; Cole, *Roosevelt and the Isolationists*, 253.

[29] McKenna, *Borah*, 354.

[30] Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, 292; Richard B. Morris, ed., *Encyclopedia of American History* (New York: 1976), 388-390, 430.

[31] Cole, *Roosevelt and the Isolationists*, 321.

[32] Ibid., 324-330; *Congressional Record*, 76th Congress, 2nd sess. (1939), 1024-1025.

[33] McKenna, *Borah*, 369-375.

[34] Arthur M. Schlesinger, Jr., *The Imperial Presidency* (New York: 1974), 111-115.

[35] Cole, *Roosevelt and the Isolationists*, 622-645.

[36] Ibid., 409-422.

[37] These events are summarized in Morris, *Encyclopedia of American History*, 434-437.

[38] Cole, *Roosevelt and the Isolationists*, 501-502.

PROGRAM

(The following statement occurred earlier and is printed at this point by unanimous consent.)

Mr. BAKER. Mr. President, when the Senate completes its business today it will stand in adjournment until the hour of 4 p.m. on Monday next. After the recognition of the two leaders under the standing order, there will be one special order to be followed by a brief period for the transaction of routine morning business.

At the close of the time for the transaction of routine morning business, the Senate will resume consideration of the unfinished business, which will be the Hoover Dam bill. A cloture motion has been filed against further debate on the motion to concur in the House amendments on that measure. The vote will occur, under the provisions of rule XXII, 1 hour after the Senate convenes after the establishment of a live quorum pursuant to the provisions of rule XXII.

Mr. President, it is also anticipated that during the course of the day the Senate will be asked to turn to the consideration of the antitrust R&D bill which I believe has been cleared now for action either by unanimous consent or under a very brief period for debate.

Mr. President, I do not anticipate Monday will be a very late day, but the schedule is uncertain, given the complexity of the situation. I urge Senators to consider that next week and the following week may be irregular in view of the necessity to crowd a great deal of legislative work into a very short period of time.

ADJOURNMENT UNTIL 4 P.M. ON MONDAY, JULY 30, 1984

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, at 2:49 p.m., the Senate adjourned until Monday, July 30, 1984, at 4 p.m.

NOMINATIONS

Executive nominations received by the Senate July 27, 1984:

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provision of section 531, title 10, United States Code, provided that in no case shall any of the following officers be appointed in a grade higher than major.

LINE OF THE AIR FORCE

Allen, Robert W., xxx-xx-xxxx
Andrijauskas, Victor J., xxx-xx-xxxx
Ashley, Ronald K., xxx-xx-xxxx
Bachman, David C., xxx-xx-xxxx
Bagwell, Terry D., xxx-xx-xxxx
Baker, Thomas R., xxx-xx-xxxx
Barron, John S., xxx-xx-...
Bedard, Morris D., xxx-xx-xxxx
Bender, Glenn A., xxx-xx-xxxx
Benware, Gerald A., xxx-xx-xxxx
Bohunko, Joseph F., xxx-xx-xxxx
Bowman, Keith E., xxx-xx-xxxx
Boyd, John M., xxx-xx-xxxx
Boyer, Larry L., xxx-xx-xxxx
Brady, William R., xxx-xx-xxxx
Breen, David M., xxx-xx-xxxx
Burbank, Dale A., xxx-xx-xxxx
Burrows, Scott D., xxx-xx-xxxx
Canion, Michael D., xxx-xx-xxxx
Castle, Paul S., xxx-xx-xxxx
Cecchi, August M., xxx-xx-xxxx
Coney, Terry G., xxx-xx-xxxx
Copenhafer, Robert C., xxx-xx-xxxx
Crane, Dwain E., xxx-xx-...
Cruse, Jeffery L., xxx-xx-xxxx
Csurny, David A., xxx-xx-xxxx
Danielson, Thomas J., xxx-xx-xxxx
Davenport, Anthony., xxx-xx-xxxx
Davenport, James T., xxx-xx-xxxx
Deese, Cynthia A., xxx-xx-xxxx
Deese, James L., xxx-xx-xxxx
Deloach, J.D., xxx-xx-xxxx
Dickie, Andrew J., xxx-xx-xxxx
Dix, John W., xxx-xx-xxxx
Doherty, Steve D., xxx-xx-xxxx
Donze, David E., xxx-xx-xxxx
Downey, William R., xxx-xx-xxxx
Dreaden, Larry E., xxx-xx-xxxx
Dunn, Ottie L, Jr., xxx-xx-xxxx
Dunnegan, Harrison L., xxx-xx-xxxx
Eichel, Robert F., xxx-xx-xxxx
Ellerbe, John C., III, xxx-xx-xxxx
Elliott, Ocie B. G., xxx-xx-xxxx
Elwood, Joseph L., Jr., xxx-xx-xxxx
Exner, Tony P., xxx-xx-xxxx
Fender, Horace D., Jr., xxx-xx-xxxx
Fisher, William J., xxx-xx-xxxx
Freeman, David B., xxx-xx-xxxx
Freeman, John P., xxx-xx-xxxx
Fuller, Ricky A., xxx-xx-xxxx
Funk, Henry C., Jr., xxx-xx-xxxx
Furbush, Robert M., xxx-xx-xxxx
Gardella, Paul J., xxx-xx-xxxx
Gardner, Ronald C., xxx-xx-xxxx
Gee, Frank, xxx-xx-xxxx
Goodman, Robert J., xxx-xx-xxxx
Goss, William G., xxx-xx-xxxx
Gray, Rex L., xxx-xx-xxxx
Guilmain, Bruce D., xxx-xx-xxxx
Halpin, Senan, xxx-xx-xxxx
Hambleton, Orris N., xxx-xx-xxxx
Hancock, Allan F., Jr., xxx-xx-xxxx
Hansen, James L., xxx-xx-xxxx
Hart, Harold D., xxx-xx-xxxx
Heberling, Michael E., xxx-xx-xxxx
Hemmens, William T., xxx-xx-xxxx
Hertz, Rudolph K., xxx-xx-xxxx
Hnizdor, Darrell N., xxx-xx-xxxx
Holden, Jolly T., xxx-xx-xxxx
Hoover, Don W., xxx-xx-xxxx
Hopkins, Dennis W., xxx-xx-xxxx

Hopping, John P., Jr., xxx-xx-xxxx
Howard, Dennis M., xxx-xx-xxxx
Hudson, Robert B., xxx-xx-xxxx
Hull, Philip W., xxx-xx-xxxx
Jackson, Neulon D., xxx-xx-xxxx
Jankowski, David A., xxx-xx-xxxx
Jenkins, John D., xxx-xx-xxxx
Johanson, Douglas K., xxx-xx-xxxx
Johnson, Charles E., xxx-xx-xxxx
Johnson, Phillip J., xxx-xx-xxxx
Jones, Dave P., xxx-xx-xxxx
Jones, Grady R., xxx-xx-xxxx
Jones, Roger E., xxx-xx-xxxx
Kanko, Ralph E., xxx-xx-xxxx
Keating, Thomas M., xxx-xx-xxxx
King, Paul J., xxx-xx-xxxx
Kohn, Norman J., xxx-xx-xxxx
Krans, Raymond L., xxx-xx-xxxx
Kuehn, Thomas J. Jr., xxx-xx-xxxx
Kukuk, Steven D., xxx-xx-xxxx
Larson, Dale L., xxx-xx-xxxx
Leal, Robert A., xxx-xx-xxxx
Lewis, Sanford C., xxx-xx-xxxx
Livermore, Loren W., xxx-xx-xxxx
Lovell, John C., xxx-xx-xxxx
Magness, Michael P., xxx-xx-xxxx
Mangieri, Joseph M., xxx-xx-xxxx
Markley, Robert E., xxx-xx-xxxx
Marshall, Charles, P., Jr., xxx-xx-xxxx
Maryeski, Joseph P., xxx-xx-xxxx
McCoy, Lorna G., xxx-xx-xxxx
Miller, Dale C., xxx-xx-xxxx
Milner, John R., xxx-xx-xxxx
Milnes, Timothy P., xxx-xx-xxxx
Modlin, Gary T., xxx-xx-xxxx
Monroe, Arthur J., xxx-xx-xxxx
Monroe, Franklin B., xxx-xx-xxxx
Moore, Julian M., III, xxx-xx-xxxx
Morris, Charles E., xxx-xx-xxxx
Mullenax, John O., xxx-xx-xxxx
Muller, Douglas J., xxx-xx-xxxx
Musick, John D., xxx-xx-xxxx
Napolitano, Clifford E., xxx-xx-xxxx
Nation, Dolf C., xxx-xx-xxxx
Neuhard, James M., xxx-xx-xxxx
Newsom, Gary K., xxx-xx-xxxx
Nipper, Johnny B., xxx-xx-xxxx
Nistico, George T., Jr., xxx-xx-xxxx
Nolly, George E., xxx-xx-xxxx
Overmyer, Devon L., Jr., xxx-xx-xxxx
Parker, Melvin, J., xxx-xx-xxxx
Parnell, Dale P., Jr., xxx-xx-xxxx
Parsell, William, F., Jr., xxx-xx-xxxx
Pattison Bruce R., xxx-xx-xxxx
Pauciello, Frank, Jr., xxx-xx-xxxx
Peltier, Joseph E., xxx-xx-xxxx
Pershing, Marvin E., xxx-xx-xxxx
Phillips, Robert E., xxx-xx-xxxx
Plucker, Wayne G., xxx-xx-xxxx
Poff, David P., xxx-xx-xxxx
Popovich, James E., xxx-xx-xxxx
Preisser, Alan D., xxx-xx-xxxx
Proctor, Max L., xxx-xx-xxxx
Prynne, Ronald D., xxx-xx-xxxx
Rasmussen, Terry R., xxx-xx-xxxx
Richardson, Edwin S., III, xxx-xx-xxxx
Riley, John R., xxx-xx-xxxx
Risch, Michael L., xxx-xx-xxxx
Roberts, David W., Jr., xxx-xx-xxxx
Rothaman, Neill F., xxx-xx-xxxx
Rowe, Richard D., xxx-xx-xxxx
Russell, Walter G., xxx-xx-....
Saylor, Wax W., xxx-xx-xxxx
Schaefer, Verne S., xxx-xx-xxxx
Schlafli, William E., xxx-xx-xxxx
Schwandt, Roland L., xxx-xx-xxxx
Sisk, Robert T., xxx-xx-xxxx
Smith, Donald F. Jr., xxx-xx-xxxx
Smith, McBurnett J., Jr., xxx-xx-xxxx
Spray, Gordon W., xxx-xx-xxxx
Staley, Thomas R., xxx-xx-xxxx
Stegman, Patrick G., xxx-xx-xxxx
Stothart, William K., xxx-xx-xxxx
Stover, David R., xxx-xx-xxxx
Strode, Michael R., xxx-xx-xxxx
Strong, James T., xxx-xx-xxxx
Sulham, Clifford B., xxx-xx-xxxx
Taylor, James A., xxx-xx-xxxx
Taylor, Stephen G., xxx-xx-xxxx
Thomas, Raymond Jr., xxx-xx-xxxx
Thomas, Ronald J., xxx-xx-xxxx
Thurman, Kenneth R., xxx-xx-xxxx
Uecker, Michael E., xxx-xx-xxxx
Velino, John A. Jr., xxx-xx-xxxx
Verhaeghe, Rick L., xxx-xx-xxxx
Voigt, Jerome W., xxx-xx-xxxx
Walker, John C., xxx-xx-xxxx
Warren, Larry D., xxx-xx-xxxx
Wesson, Bruce E., xxx-xx-xxxx
Westfall, Ronald L., xxx-xx-xxxx
Wheeler Peyton, III., xxx-xx-xxxx
Whitaker, Harry W., III., xxx-xx-xxxx
Winchester, Michael E., xxx-xx-xxxx
Worley, Tiron D., xxx-xx-xxxx
Yanagi, Cary I., xxx-xx-xxxx
Zazula, Frank A., Jr., xxx-xx-xxxx
Zlotkowski, Mark E., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, provided that in no case shall any of the following officers be appointed in a grade higher than major.

CHAPLAINS

Ahthony, Theodore T., xxx-xx-xxxx
Blair, John R., xxx-xx-xxxx
Golding, Walter E., xxx-xx-xxxx
Goodman, John G., xxx-xx-xxxx
Hess, Stephen D., xxx-xx-xxxx
Law, Charles F., xxx-xx-xxxx
Naslund, Sebastian C., xxx-xx-xxxx
Orengo, Gloria, J., xxx-xx-xxxx
Osborne, Connell, xxx-xx-xxxx
Roth, Gary E., xxx-xx-xxxx
Schroeder, David J., xxx-xx-xxxx
Taylor, Donald E., xxx-xx-xxxx
Taylor, Shelby B., xxx-xx-xxxx
Wuerffel, Jon L., xxx-xx-xxxx
Ziegler, Austin H., xxx-xx-xxxx

JUDGE ADVOCATES

Bailor, Donald E., Jr., xxx-xx-xxxx
Brown, Dale M., xxx-xx-xxxx
Daugherty, Kevin L., xxx-xx-xxxx
Davis, David M., xxx-xx-xxxx
Esposito, Francis H., Jr., xxx-xx-xxxx
Gutzman, Barry L., xxx-xx-xxxx
Jackson, David E., xxx-xx-xxxx
Kaszczuk, Robert E., xxx-xx-xxxx
King, Charles G., xxx-xx-xxxx
Legris, John P., xxx-xx-xxxx
Nivens, Norman F. xxx-xx-xxxx
Oloughlin, Michael F., xxx-xx-xxxx
Oreilly, Kathleen G., xxx-xx-xxxx
Phetteplace, Noel J., xxx-xx-xxxx
Powers, John J., xxx-xx-xxxx
Schneiderman, David M., xxx-xx-xxxx
Schwartz, Robert S., xxx-xx-xxxx
Shearer, Harry J., xxx-xx-xxxx
Smitherman, Edward T., Jr., xxx-xx-xxxx
Stalls, Felix J., III, xxx-xx-xxxx
Vandenbroeke, Patricia L., xxx-xx-xxxx
Weeks, Rebecca S., xxx-xx-xxxx
Wilson, Cleve A., III, xxx-xx-xxxx

NURSE CORPS

Ashbaugh, Ann M., xxx-xx-xxxx
Baker, James E., xxx-xx-xxxx
Barnoski, Deborah M., xxx-xx-xxxx
Bartels, Betsy, xxx-xx-xxxx
Biehl, Carla, xxx-xx-xxxx
Boone, Patricia A., xxx-xx-xxxx
Bostek, Chester C., xxx-xx-xxxx
Burke, John F., xxx-xx-xxxx
Cash, Kathy K., xxx-xx-xxxx
Cobbs, Robert A., xxx-xx-xxxx
Conley, Lynda M., xxx-xx-xxxx
Cowan, Wayne E., xxx-xx-xxxx
Daniels, Lue D., xxx-xx-xxxx
Daquilalloyd, Edith M.E., xxx-xx-xxxx
Daugherty, Mary A., xxx-xx-xxxx
Davenport, Priscilla V., xxx-xx-xxxx
Dicicco, Deborah L., xxx-xx-xxxx
Duke, Philip B., xxx-xx-xxxx
Fagan, Kathryn M., xxx-xx-xxxx
Feeley, John F., xxx-xx-xxxx
Gass, Susan M., xxx-xx-xxxx
Gilmore, Diane E., xxx-xx-xxxx
Goodwin, Rebecca A., xxx-xx-xxxx
Goss, Virginia F., xxx-xx-xxxx
Grijalva, Ruben A., xxx-xx-xxxx
Guendel, Diane R., xxx-xx-xxxx
Hall, Susan J., xxx-xx-xxxx
Harper, Robert E., xxx-xx-xxxx
Hayes, Clyde W., Jr., xxx-xx-xxxx
Hibdon, Thomas D., xxx-xx-xxxx
Hite, Linda M., xxx-xx-xxxx
Humphrey, Norma J., xxx-xx-xxxx
Jacobson, Jerry W., xxx-xx-xxxx
Keith, Michael L., xxx-xx-xxxx
Kenyon, Cynthia A., xxx-xx-xxxx
Klein, Terrence L., xxx-xx-xxxx
Ludwig, Marie G., xxx-xx-xxxx
McCurry, Rita L., xxx-xx-xxxx
Miller, Judy C., xxx-xx-xxxx
Mills, Harley A., Jr., xxx-xx-xxxx
Monticello, Joseph A., Jr., xxx-xx-xxxx
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Holloway, Douglas G., xxx-xx-xxxx
Horlander, Thomas A., xxx-xx-xxxx
Kapalko, David E., xxx-xx-xxxx
Kozack, Edward, xxx-xx-xxxx
Leonard, Robert E., xxx-xx-xxxx
McKenney, John, xxx-xx-xxxx
McMahon, Martin E., xxx-xx-xxxx
Pattillo, Stephen P., xxx-xx-xxxx
Perry, Myer B., xxx-xx-xxxx
Scantlan, Donald L., xxx-xx-xxxx
Schoening, Darel D., xxx-xx-xxxx
Smith, Thomas T., xxx-xx-xxxx
Spear, Eric N., xxx-xx-xxxx
Swengros, Richard W., xxx-xx-xxxx
Timmes, Dixie L., xxx-xx-xxxx
Tucker, Stanley K., xxx-xx-xxxx
Turnbull, David W., xxx-xx-xxxx
White, Michael S., xxx-xx-....

DEPARTMENT OF STATE

Anthony Cecil Eden Quainton, of Washington, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

Robert E. Barbour, of Tennessee, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

Brandon Hambright Grove, Jr., of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zaire.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Helen J. Valerio, of Massachusetts, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1987, reappointment.

CORPORATION FOR PUBLIC BROADCASTING

William Lee Hanley, Jr., of Connecticut, to be a member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1987, vice Karl Eller, resigned.

NATIONAL SCIENCE FOUNDATION

Clifford J. Murino, of Colorado, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1990, vice Edwin Ernest Salpeter term expired.

DEPARTMENT OF JUSTICE

Helen M. Eversberg, of Texas, to be U.S. attorney for the western district of Texas for the term of 4 years vice Edward C. Prado, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 1984:

THE JUDICIARY

Walter T. Cox III, of South Carolina, to be a judge of the U.S. Court of Military Appeals for a term of 15 years.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt Gen. George M. Browning, Jr., xxx-x... U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Casper T. Spangrud, xxx-x... xxx-x..., U.S. Air Force.

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. Wilbur L. Creech, xxx-xx-xxxx, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Jerome F. O'Malley, xxx-xx-xxxx, U.S. Air Force.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 5148(b), to be assigned as Judge Advocate General of the Navy:

Rear Adm. Thomas E. Flynn, xxx-xx-..., Judge Advocate General's Corps, U.S. Navy.

IN THE AIR FORCE

Air Force nominations beginning David E. Ternes, and ending Douglas J. Murray, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 28, 1984.

Air Force nominations beginning Charles E. Cook, and ending Robert N. Rezoski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 29, 1984.

IN THE ARMY

Army nominations beginning John W. Gaines, and ending Michael S. Gilmer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 29, 1984.

IN THE NAVY

Navy nominations beginning Robert K. Yoho, and ending Jay R. Shapiro, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 29, 1984.

HOUSE OF REPRESENTATIVES—*Friday, July 27, 1984*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 26, 1984.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Friday, July 27, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Those who trust in the Lord are like Mount Zion, which cannot be moved, but abides forever.—Psalm 125:1.

We thank You, O God, for those values that give meaning to our lives. With all the pressures that seek people's attention and the tensions and conflicts of the day, help us to see more clearly the spiritual values that are our heritage and guide. May we not lose the vision of the goals of righteousness and honor, of justice and understanding, of peace and good will, that are a part of the divine image within us.

In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 22, 1984:

H.R. 5517. An act to amend title 31, United States Code, to provide for certain additional experts and consultants for the General Accounting Office, to provide for certain additional positions within the General Accounting Office Senior Executive Service, and for other purposes.

On June 25, 1984:

H.R. 1723. An act to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges.

On June 26, 1984:

H.R. 1149. An act to designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes.

On June 29, 1984:

H.R. 3131. An act for the relief of Marina Kunyavsky;

H.R. 3221. An act for the relief of Harvey E. Ward; and

H.R. 4201. An act to provide for the rescheduling of methaqualone into schedule I of the Controlled Substances Act, and for other purposes.

On July 2, 1984:

H.J. Res. 492 Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

On July 3, 1984:

H.R. 5565. An act to direct the Architect of the Capitol and the District of Columbia to enter into an agreement for the conveyance of certain real property, to direct the Secretary of the Interior to permit the District of Columbia and the Washington Metropolitan Area Transit Authority to construct, maintain, and operate certain transportation improvements on Federal property, and to direct the Architect of the Capitol to provide the Washington Metropolitan Area Transit Authority access to certain real property.

On July 6, 1984:

H.R. 5953. An act to increase the statutory limit on the public debt.

On July 9, 1984:

H.R. 4921. An act to provide for the selection of additional lands for inclusion within the Bon Secour National Wildlife Refuge, and for other purposes;

H.J. Res. 544. Joint resolution to designate the week beginning September 2, 1984, as "National School-Age Child Care Awareness Week";

H.J. Res. 555. Joint resolution to designate July 20, 1984, as "Space Exploration Day";

H.J. Res. 566. Joint resolution to designate the week beginning on October 7, 1984, as "National Neighborhood Housing Services Week"; and

H.J. Res. 604. Joint resolution to designate July 9, 1984, as "African Refugees Relief Day."

On July 10, 1984:

H.R. 5174. An act to amend title 28 of the United States Code, regarding jurisdiction of bankruptcy proceedings, to establish new Federal Judicial positions, to amend title 11 of the United States Code, and for other purposes; and

H.R. 5404. An act allowing William R. Gianelli to continue to serve as a member of the Board of the Panama Canal Commission after his retirement as an officer of the Department of Defense.

On July 11, 1984:

H.R. 5950. An act to increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions; and

H.J. Res. 567. Joint resolution to designate 1984 as the "Year of the St. Lawrence Seaway" and June 27, 1984, as "St. Lawrence Seaway Day."

On July 13, 1984:

H.R. 3825. An act to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes;

H.R. 3922. An act to establish a 1-year limitation on the filing of claims for unpaid accounts formerly maintained in the Postal Savings System;

H.R. 3927. An act for the relief of Kenneth L. Perrin; and

H.R. 4308. An act granting the consent of the Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service.

On July 16, 1984:

H.R. 3075. An act to amend the Small Business Act to establish a small business computer security and education program, and for other purposes;

H.R. 5154. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; and

H.R. 5653. An act making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes.

On July 17, 1984:

H.R. 4616. An act to amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 per centum of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes;

H.R. 4997. An act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes;

H.R. 5155. An act to establish a system to promote the use of land remote-sensing satellite data, and for other purposes;

H.R. 5740. An act entitled, the "Barrow Gas Field Transfer Act of 1984";

H.R. 5753. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1985, and for other purposes; and

H.J. Res. 548. Joint resolution authorizing the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information, and for other purposes.

On July 18, 1984:

H.R. 3169. An act to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries;

H.R. 4170. An act to provide the tax reform, and for deficit reduction; and

H.R. 5713. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes.

On July 23, 1984:

H.R. 29. An act to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 2303) "An act to revise and extend the Alcohol and Drug Abuse and Mental Health Services block grant," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mrs. HAWKINS, Mr. QUAYLE, Mr. GRASSLEY, Mr. KENNEDY, Mr. MATSUNAGA, and Mr. RIEGLE to be the conferees on the part of the Senate.

The message also announced that pursuant to the provisions of Senate Concurrent Resolution 122, 98th Congress, the Vice President appoints Mr. BAKER, Mr. MATHIAS, and Mr. FORD as members, on the part of the Senate, of the Joint Congressional Committee on Inaugural Ceremonies.

PLAYING POLITICS WITH SOCIAL SECURITY

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, there has been little or no public analysis of President Reagan's proposal that Congress change the law to allow for a Social Security cost-of-living adjustment next year if the CPI is below 3 percent.

The White House realized that it is very likely that a COLA will not be triggered this year and that announcement will come approximately 1 week before the November election. And if that COLA is not triggered under current law, Mr. Reagan is afraid that he would get the blame for it.

In order to head off that possibility, Mr. Reagan has asked Congress to bale him out of what might be a sticky political situation by changing the current law. He took this action over 60 days in advance of the triggering date. It was a blatant political move.

Yet, I guess it is a smooth political move on his part. Regardless of whether you support or oppose granting the cost-of-living increase, I think that Congress should not rush to immediately jump on the President's COLA bandwagon. Judging by the Senators actions last night, it looks like the stampede has started.

But, good election year politics is not always responsible public policy.

I am well aware of the politics of this matter and I know that it is likely that this proposal will be adopted. But in doing so we should be fully aware of what we are doing. Eliminating the trigger as done by the Senate last night will result in a tax increase next year by raising the FICA base. It will result in changes in a number of other formulas including an increase in Medicare part B premiums for the elderly.

This is not a simple matter. It deserves some analysis and we should be honest with the American people about what we are doing and why we are doing it. I will have more to say on this matter later.

THE BKK LANDFILL

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, EPA Administrator William Ruckelshaus has been invited to testify before an emergency congressional hearing and tell us the truth about the BKK landfill. The BKK landfill is located in a densely populated city in my district.

Mr. Ruckelshaus will be testifying before an energy subcommittee that I sit on. I will be asking the Administrator why he has refused to close the BKK landfill even though 21 families have been evacuated from their homes due to cancer causing vinyl chloride levels as high as 99 times the acceptable standards.

Yesterday a letter was delivered to the Administrator signed by 21 of my southern California colleagues asking that the BKK be closed immediately.

Mr. Speaker, this is not an economic issue. Mr. Speaker, this is not a political issue. Mr. Speaker, this is a health issue.

Before more families are evacuated or a far more terrible tragedy occurs, I believe that Mr. Ruckelshaus should enforce the law and immediately close the BKK landfill.

ADMINISTRATION POLICY: BAIL OUT FAILING BANK BUT SELL PROFITABLE RAILROAD

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, the Reagan administration announced yesterday its bailout of the Continental Illinois Bank, one of the Nation's largest. This bailout could cost the taxpayers several billion dollars.

Indeed, the bailout represents a flip-flop by administration officials. Earlier, Treasury Secretary Regan had criticized the effort. But in the final analysis, the administration showed where its true loyalty was—to big business rather than the taxpayers.

At the same time that the administration was rushing to bail out this failing bank, it was proceeding quickly in its attempts to sell Conrail, which is projected to earn $500 million this year. Thus, the administration's policy becomes clear—bail out failing companies but quickly sell profitable companies. Any competent businessman would tell you that approach is wrong. Clearly, the administration does not know how to run a business. The real losers in this game are the taxpayers.

□ 1010

WHERE DID WE LOSE JOBS IN THIS COUNTRY?

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, yesterday it came to my attention through the Freedom of Information Act that in 1980 the Carter-Mondale administration gave a secret letter to the People's Republic of China, guaranteeing them that they would essentially hold them harmless for any additional textile imports that came into this country outside of the bilateral agreements, and essentially giving them privileges that were not negotiated under the agreements that they had negotiated in their bilateral negotiations.

This resulted in a doubling of textile imports from the People's Republic of China, and the displacement of hundreds of thousands of American jobs. I have taken a special order today; I will read this letter into the RECORD, and I will have a lot more to say about it this afternoon. The public should know where we lost some of the jobs in this country.

BUREAUCRATIC INSENSITIVITY

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, last evening when I and thousands of other residents tried to return to northern Virginia, we found that the traffic on the bridges over the Potomac River was once more gridlocked. I submit to you this morning, Mr. Speaker, that in another incredible example of bureaucratic insensitivity, and a failure to properly coordinate among Government units, we find a situation that dramatically affects the lives of real people in the real world. That situation is that the two major river-crossing bridges in the Washington metropolitan area serving northern Virginia are severely restricted to vehicle traffic at the same time which is creating enormous problems for commuters.

The 14th Street Bridge administered and maintained by the District of Columbia will have substantially reduced capacity for 4½ months because of needed resurfacing and safety improvements. The Woodrow Wilson Bridge administered by the State of Maryland is receiving minor repairs of the resurfacing that was done last year. But in a totally insensitive way, both of them have been scheduled all at the same time, and travel back and forth across the Potomac River is seriously impeded.

I have talked to and written the Governor of Maryland suggesting that he exercise his prerogative to defer the minor repairs on the Woodrow Wilson Bridge until we get the 14th Street Bridge repairs completed and thereby restore some kind of semblance of reason to the movement of traffic in the Nation's Capital. To do less for our frustrated and beleaguered citizens is unthinkable.

I fully realize that the State of Maryland did not set out deliberately to thwart efforts of commuters to travel to and from work.

But the result is just the same as if it did. And the entire situation could have been avoided, and still can be corrected, if Maryland officials exercise a little commonsense.

I am told that the repairs to the Wilson Bridge are minor, and that delaying them will not pose any safety hazard.

Let us hope that Maryland agrees to call off its repair crews until the 14th Street Bridge redecking is completed this fall.

STAND UP FOR AMERICAN CONSUMERS

(Mr. TAUKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, today I call to the attention of my colleagues a recent action by the Canadian Government regarding the price of Canadian natural gas which is exported to the United States. During our July recess, our neighbor to the north relaxed its rigid uniform border price for natural gas requiring that all gas sold outside its borders be sold at the uniform price of $4.40. Under this new policy, this gas should fall to approximately $3.10 per mcf.

Beginning November 1, 1984, American consumers will be permitted to negotiate a competitive price from Canadian natural gas producers within certain restrictions. Specifically, the negotiated price must still be above a certain floor amount, which will be tied to the wholesale price of gas in Toronto, and the producers of natural gas will have to satisfy Canada's National Energy Board that the negotiated price is at least equal to the price of alternative fuels in the United States and that the negotiated price will "enhance the economic return to Canada compared with the current system." However, the Canadian Government will allow spot sales of gas at prices below the floor price.

I commend the Canadian Government for this change in its pricing policy. It is a dramatic step, and it should result in lower gas prices for American consumers. Though Canada only supplies about 4 percent of the U.S. demand for gas, this new policy should force U.S. companies into lowering their prices to stay competitive.

However, several more steps are needed to reduce the unjustifiably high price of natural gas which consumers are paying today. We need to move the natural gas legislation out of the Rules Committee and on to the floor for debate. I repeat my challenge, Mr. Speaker, for you to stand up against special interest groups and to stand up for American consumers by permitting the House to debate this legislation.

GET FDIC OUT OF THE BANKING BUSINESS

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, the announcement yesterday by the Chairman of the Federal Deposit Insurance Corporation that his Agency would take an 80-percent equity interest in Continental Illinois Corp., in exchange for $4.5 billion in bad loans is a blatant abuse of that Agency's charter and a slap in the face of this Congress. The FDIC is supposed to insure depositors of banks up to $100,000—it has no statutory authority to preserve and protect bank holding companies.

There was some loose talk yesterday—scare words—by Chairman Isaac about 2,100 other banks that would fail if Continental Bank had to close. That's a lot of nonsense. Of course they won't give us any specific facts about this supposed problem. It looks like the profits of the entire banking industry are being protected by this scheme.

The FDIC has carried its policy of "purchases and assumptions" too far. Since it couldn't find a merger partner for Continental, it has entered the banking business itself with the Federal Reserve Bank of Chicago's money.

What happened yesterday is that $3.5 billion, which was lent to Continental Illinois Bank by the Federal Reserve Bank of Chicago has been used to finance the Federal Deposit Insurance Corporation's takeover of the bank holding company. The scheme is complex enough—with two classes of preferred stock, stock options for the present shareholders, a dummy corporation to hold all the outstanding common shares of Continental—to bedazzle the likes of Fisk and Gould, the high-rolling swindlers of the 1860's.

This Congress should address this issue immediately. An amendment must be included in any banking legislation we pass to require the FDIC to pay off all depositors of Continental Bank up to $100,000—and not a penny more. We must insist that the FDIC obey the letter and spirit of the laws Congress writes. The purpose of deposit insurance is to protect bank customers, not bank holding companies.

The FDIC claims taxpayers' money was not used. That's a distinction without a difference, because the Federal Reserve's printing press was used instead. The Federal Deposit Insurance Fund is financed by mandatory fees collected from banks. A mandatory fee is no different from a tax on the industry. Sure, the billion dollars below book value the FDIC is paying for the bad loans, and the shares of preferred stock, might yield a speculative profit for the Fund in a few years—but by what right does the Agency gamble and speculate with its trust fund?

How can this Congress seriously consider the banking legislation reported less than 1 month ago by my committee, changing statutory regulations on bank holding companies, when the FDIC announces to the world that there are no substantive differences between chartered banks and their holding companies. The whole idea of deregulating the financial services industry becomes a joke. The FDIC has just exploited the biggest loophole in banking law ever conceived.

NO PERSONAL ATTACKS FROM REPUBLICAN PARTY

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, this morning in the Washington Post, one of the members of the Democratic ticket, and our colleague, GERALDINE FERRARO, suggest that the campaign would be dirty and personal from the Republican point of view. That inaccuracy cannot be allowed to stand. There are questions, legitimate questions being asked by the press. There are no and will be no personal attacks by the Republican Party.

In a platform that 30 times called the current President of the United States reckless, putting a nation on the brink of war. A Democratic leadership that has been more partisan and more personal in its criticism than ever before, it seems unusual, unique and all together without fact to blame

the other side for what has already occurred from the majority.

We will discuss the issues because that is what the American people deserve and want.

THOMAS JEFFERSON WOULD BE PROUD

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, in the Washington Post this morning there is an article explaining what we did yesterday on the school prayer issue. That article contains this rather incredible statement, and I quote:

> Most lawmakers said the approved amendment codifies the existing situation which allows students silently to exercise their right to freedom of speech.

Thomas Jefferson would certainly be proud of us.

HUNGER RELIEF ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 517 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5151.

□ 1018

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5151) to alleviate hunger in the United States by strengthening Federal nutrition programs, with Mr. TORRES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 30 minutes and the gentleman from Missouri [Mr. EMERSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5151, the Hunger Relief Act of 1984.

In response to the short title of the bill, it has been asked, "Does hunger really exist in the United States today?" I wish the answer were different, but it is very clearly "Yes." While an improving economy has resulted in a reduced level of unemployment, there are many areas of the country and many groups of our citizens that have not benefited from this improvement.

The Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of our committee, under the outstanding leadership of its chairman, LEON PANETTA, and BILL EMERSON, the ranking minority member, has held hearings over the length and breadth of this land. The hearings disclosed a tremendous need for food assistance on the part of those segments of our people whom economic recovery has simply passed by.

On-site visits, and testimony by representatives of the U.S. Conference of Mayors, State and local governments, operators of soup kitchens and food pantries, and others dramatically portrayed the increased demand for emergency food assistance in many parts of the country. The President's Task Force on Food Assistance also examined this problem. Their findings are perhaps best illustrated by their lengthy list of recommendations for addressing the situation they found to exist. Many of those recommendations are implemented in H.R. 5151.

Mr. Chairman, the Committee on Agriculture has worked diligently on this legislation. The bill, as reported, is quite different from H.R. 5151 as introduced. Provisions relating to the child nutrition and elderly feeding programs that fall within the jurisdiction of the Committee on Education and Labor have been deleted. And many other modifications were made. The result is a moderate but meaningful bill—one that goes far toward ensuring that the needy among us have access to a decent diet.

The bill enjoys remarkably broad bipartisan support among members of the Agriculture Committee. There is a significant difference of opinion among our members as to only two provisions. There is, therefore, broad agreement among committee members as to steps that should be taken to ensure that the Food Stamp Program continues to be an effective and compassionate nationwide response to the food needs of the less fortunate in this land of plenty.

I will summarize the recommendations of the President's Task Force to which the bill responds. The Task Force recommended that benefits under the program be restored to a level that represents the full cost of the so-called Thifty Food Plan, a low-cost dietary plan developed by the Department of Agriculture. Under current law, through fiscal year 1985, program benefits represent only 99 percent of the cost of the plan. The bill would, for fiscal year 1985, put into place the Task Force recommendation. For fiscal year 1986, it would increase the benefits to represent 101 percent of the cost of the Thrifty Food Plan. For subsequent years, it would return the benefit level to 100 percent of the cost of the plan. But it would recomend a study of the basis for the program benefits, as now determined, to be completed so that the Congress may have its findings in hand for consideration in reauthorizing the program in 1985.

The President's Task Force also recommended that households, all of whose members receive assistance under the Aid to Families with Dependent Children or the Supplemental Security Income Programs, be made categorically eligible for food stamps. The bill accomplishes this objective.

The Task Force further urged an increase in work incentives for those who participate in food assistance programs. H.R. 5151 responds to this recommendation. It increases from 18 percent to 20 percent the amount of a household's earned income that is deducted in calculating the household's net income for program purposes. Thus, the concept of work incentives is furthered.

The President's Task Force also recommended updating the assets or resources eligibility standards of the program. Consistent with Task Force recommendations, the bill would, effective April 1, 1985, increase the assets eligibility standard for the elderly from $3,000 to $3,500, and for other households from $1,500 to $2,250. It also exempts from counting for program purposes property directly related to the maintenance or use of a vehicle that does not count as an asset for program purposes because it produces income—a taxi or truck, for example—or is used to transport a handicapped person. This provision was included to eliminate confusion that has arisen in the past as to the appropriate treatment of property of this nature—such as lots on which vehicles are parked and maintenance equipment for such vehicles—in calculating the value of household assets.

Further, the bill would increase from $4,500 to $5,500 the threshold above which the value of "nonexempt" household vehicles used for continuing or obtaining employment, or for other household purposes, is counted in computing the amount of a household's assets for program purposes. For example, if such a car is worth $6,000, $1,500 is now counted in this computation. The $4,500 threshold for counting vehicle value has not been increased since 1977, notwithstanding a better than 90-percent increase in the cost of used cars over that period. I would add, however, that the modification in the vehicle value threshold was the subject of some disagreement within our committee. Some members believe that the present $4,500 threshold should be maintained.

With respect to other aspects of the program, the President's Task Force recommended that State agencies that operate the program implement procedures for staggering their issuance of stamps throughout the entire month, and keep food stamp offices open

during evening and weekend hours to better serve recipients, particularly those who work. The bill also addresses these recommendations. And the Task Force recommended that the homeless not be excluded from participation in the program merely because they have no fixed address. While current provisions of law do not exclude the homeless from the program, H.R. 5151 contains provisions making it explicitly clear that the homeless are eligible to participate if they qualify under the regular eligibility standards of the program. Although the bill requires that State agencies insure that methods for certifying the homeless limit program participation to eligible households, it is not the committee's intent that State agencies apply to the homeless extraordinary certification measures not applicable to other households seeking to participate in the program. For example, the homeless should receive expedited service under the same circumstances that apply in the case of other applicants.

In addition, the bill would make other modifications in the legislation governing the program. It would restore to the State agencies the option of using a variety of procedures for calculating household income for program purposes. Under present law, the State agencies are required to employ what is referred to as "retrospective budgeting," together with monthly reporting, for certain households. This procedure entails, for these households, a monthly report of their circumstances and a determination of their income—and thus their program benefits—on the basis of their reports, which reflect income in the preceding month.

A majority of the State agencies have strongly objected to this mandatory process because, among other reasons, it is said, first, to impose an undue burden upon participants to submit, and upon the State agencies to handle, a huge volume of reports on a monthly basis, and second, not to be cost-effective.

The provisions of the bill are designed to give State agencies a broad choice in fashioning the procedures to be used to determine household income. Under the bill, the State agencies may require households to report monthly or at less frequent intervals. But, in this regard, no change would be made in the statutory requirement that households not required to submit monthly or other periodic reports must report to the State agency any changes in household income or other circumstances necessary for accurate eligibility and benefit determination. The State agency would also be free to choose whether or to what extent it would utilize retrospective budgeting.

In connection with this provision, I would note that the bill requires that the State agencies use "prospective accounting" for households upon their application for the program. This provision essentially reflects current regulations governing the program. It provides that when households enter the program, ordinarily because of a change in their household status, they will not, during their beginning period of program participation, experience the hardship that application of "retrospective budgeting" could well impose upon them.

While the bill would give the States a great deal of flexibility in these program matters, it would, on the other hand, effective beginning with fiscal 1986, make the States liable to the Federal Government for the full value of all excess coupons issued during a fiscal year attributable to State administrative error rates exceeding 5 percent. This change would continue the 5 percent administrative error rate standard and that becomes effective under current law on October 1, 1984, but it would impose, beginning in fiscal year 1986, more stringent sanctions than exist under current law for States that fail to meet the 5-percent standard.

The provision of the bill giving the States an option on "monthly reporting/retrospective budgeting" was the subject of some disagreement within the committee. Some members believe that the monthly reporting requirements that are a customary element of retrospective accounting instill a useful discipline into the program. However, the view of most of the committee, a view with which I concur, is that available information does not establish the efficacy of these requirements and that the combination of State option on these procedures, together with more stringent sanctions for State agency error, is most likely to achieve the desired error rate reduction.

Further, the bill requires the Secretary of Agriculture to take certain steps to enhance the effectiveness of measures designed to ascertain the nutritional status of low-income households. It requires the Department of Agriculture to include in its food consumption surveys a representative sample of low-income households and requires, to the extent practicable, that it collect information on food and other household expenditures. It also authorizes additional funds that would be used by the cooperative extension services in the States in expanding their programs for providing food, consumer, and nutrition education to low-income households.

Other features of the bill include revising the definition of "disabled" to include several categories of persons whose disabilities are equivalent to those of the disabled now included in the act. This would make available to similarly situated disabled persons certain special considerations under the program.

H.R. 5151 would also increase the current ceiling on the combined deduction for dependent care and excess shelter expenses in a manner that would more adequately recognize the heavy expense borne by many food stamp households, particularly in connection with child care costs incurred by those who work, and to a degree relieve the "heat or eat" dilemma faced by many low-income individuals.

The bill would also implement measures to insure that the program is effectively carried out on an emergency basis in areas suffering from disasters by requiring the Secretary to dispatch members of his "Disaster Task Force" to affected areas. The objective here is to be sure that State and local food stamp offices are familiar with the program's special provisions for emergency situations.

H.R. 5151 would require that State agencies use improved tools for verifying household income that have been made available under provisions of law recently enacted by Congress involving access to tax return information on unearned income. And it would strengthen the job search program carried out by State agencies under which certain program participants who are required to register for work are also required to participate in certain job search activities. State agencies would have the latitude to shape their job search programs in what they believe is the most effective manner. H.R. 5151 would allow them to exempt from the program categories of household members whose participation would be impracticable, and to exempt individual household members—or to suspend application of program requirements to such members—because personal circumstances make their participation impracticable. Thus, the bill contemplates that State agencies will target their job search activities on that segment of the caseload required to register for work that will most likely benefit from such activities.

In related matters, the bill establishes a 4-year pilot food assistance program for the rural areas of Alaska where, because of unique characteristics of remoteness of small populations and other factors, operation of the food stamp program is not practicable. The bill gives the State and the Secretary a great deal of flexibility in fashioning a program to meet the truly extraordinary conditions present in Alaska's rural areas.

The provisions of the bill establishing a pilot food assistance program for the rural areas of Alaska include a requirement that the basis for the funding for the program for the fiscal year 1986 is the amount that would have been expended to carry out the regu-

lar food stamp program in such areas during that fiscal year. While this base is subject to adjustment, as provided in the bill, I wish to make very clear that this base is to reflect the value of the enhanced program benefits for rural Alaska that were required by Public Law 97-98, approved on December 22, 1981.

H.R. 5151, as originally introduced, contained a directive requiring the Secretary forthwith to issue regulations implementing the statutory provision enacted in 1981. Before committee markup of the bill was completed, the Secretary finally issued such regulations. Therefore, the committee deleted this directive during its consideration of the bill. In view of these developments, the committee, in prescribing the basic funding level for the pilot food assistance program for rural Alaska for fiscal year 1986, understood that the level will, of necessity, reflect the special allotment levels that the Secretary's new regulations belatedly have put into effect. Even though I believe the legislative language requires this result, I emphasize the point to eliminate any possible misunderstanding as to what the bill contemplates.

The bill would also prohibit banks and other financial institutions from assessing fees or charges for redeeming coupons for food stores that participate in the program if those stores present those coupons generally in a manner that conforms with the requirements placed upon financial institutions in presenting coupons to the Federal Reserve banks. And it would expand the Commodity Supplemental Food Program, under which food assistance is now provided to certain women, infants, and children, to permit program operators to include the elderly among program beneficiaries, so long as doing so will not diminish assistance to women, infants, and children.

Mr. Chairman, the provisions of H.R. 5151 do not provide the degree of additional assistance that some believe should be made available to our needy. However, the bill does adopt realistic measures to target its enhanced benefits in a manner recommended by many who are concerned with problems of the hungry, including the President's Task Force on Food Assistance. It recognizes the budgetary realities with which we are faced and, in my judgment, represents a judicious and balanced approach, given the various competing influences under which we must legislate. I would add that the costs associated with the bill, as modified by our committee, fall within the spending target of the budget resolution passed by the House. For these reasons, the great majority of the provisions of the bill enjoyed broad bipartisan support in the Committee on Agriculture. I ask Members to give H.R. 5151 the enthusiastic support I believe it merits.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of H.R. 5151, the Hunger Relief Act of 1984. The bill, I think, is a constructive and responsible effort to address one of the most serious issues facing the country today; that is, domestic hunger. Just as the issue of hunger is not a partisan issue, but rather a national issue, so this bill is not a partisan bill, but a bipartisan effort to try to respond to the needs of those who are hungry.

The ranking member of our subcommittee, BILL EMERSON, and I have worked hard to try and resolve our differences and present to the body a bipartisan effort, and that is contained in H.R. 5151. I thank him for his efforts and his cooperation.

□ 1020

My gratitude also goes to Chairman DE LA GARZA and to the ranking minority member of the full committee, ED MADIGAN, for their help and their cooperation, and also special thanks to JIM JEFFORDS for the help that he provided in initiating H.R. 5151.

We deal with an issue that concerns us all from a moral point of view because we feel it is important and a duty in this country to feed the hungry; from a national point of view because we are a rich Nation, the No. 1 agricultural producer in the world, and it is indeed a national shame to have those who are hungry in a land as wealthy as ours; from a health point of view because a lack of adequate nutrition impacts on the health of the elderly, on the expectant mother, on the newborn child; from an education point of view because the lack of proper nutrition impacts on the quality of education that can be provided to a hungry child; and from a cost point of view because we know that for every dollar we spend on providing good nutrition we save up to $3 or more in health care costs and in the loss of good education.

So dealing with the hunger issue in our society makes good sense. Yet there are many, many Americans, some in high places, who would question the extent of hunger in our society. Frankly, I think that the question is legitimate. It is legitimate because many Americans do not know what the other side of America is like. They do not go to soup kitchens, they do not go to food pantries on a daily basis, they do not go to the food stamp office.

So the problem is that people do not see on a daily basis the issue of hunger up close. That is another side of America. It is the side that we see in places like Harlem or the Bronx, or on the South Side of Chicago, or in South Miami Beach, or in Appalachia, or in East Los Angeles, or in the Tenderloin area of San Francisco where the Select Committee Task Force on Domestic Hunger was just a few days ago.

We have been there. The Subcommittee on Nutrition has been there—a number of hearings throughout this country. The Task Force on Domestic Hunger of the Select Committee has been there. The President's Commission has been there. The mayors' task forces, the Governors' task forces, the GAO, religious leaders, the Salvation Army, United Way. They have all been there.

Ask all of them who have been there and have seen this issue up close, and time and time and time again it is the same story. There are more and more Americans who are seeking out food assistance. Soup kitchens, wherever you go, whether it is rural or whether it is urban America, soup kitchens that were serving maybe 50 or 60 transients a few years ago are now serving 500, 600, 700 people. In San Francisco just last week one group that was serving 4,000 a month is now serving 25,000 a month.

This is an issue that involves not just transients any more, but it involves families and children and the unemployed and the elderly. Many do not qualify for benefits. Many have benefits that run out. They are waiting in lines for food, for cheese, for butter, for a bag of groceries. They are ashamed, they are depressed. They have been bypassed by the recovery and bypassed by society.

They are the result, really, of a recession, of unemployment, of jobs that are gone, and of reduced benefits, all of those factors contributing to what we are seeing in the country today.

No one disputes these facts. The issue is no longer whether or not there is hunger in our society; the issue is what are we going to do about it?

The Congress has, on a bipartisan basis, been responsive to this problem. We passed resolutions last year overwhelmingly to try to hold the level of nutrition, of benefits that are provided in existing nutrition programs. We passed a commodity distribution program to try to provide some help to the soup kitchens and the food pantries with regard to the commodities that we have in storage. We, as a body, adopted the Select Committee on Hunger, established it so that it could take a stronger and more firm look at the problems of both domestic hunger as well as hunger abroad.

But we urgently need steps right now to deal with the urgent problems that are being faced in trying to provide relief to the most needy. In approaching this issue, BILL EMERSON

and I had several guidelines that we tried to follow.

One is that we understood that this bill is not going to solve all the hunger problems in this country. We understand that. We will have a reauthorization bill next year as part of the farm bill, and many of the issues that many people are concerned about will have to be looked at closely at that time.

We did feel we had to address the most crucial problems as identified by the subcommittee, as identified by the mayors' groups, the GAO, and most particularly as identified by the President's Task Force on Hunger.

Third, we wanted to keep the cost within the budget resolution. We recognize the problems of the deficit. We recognize that we want to hold spending down in a number of areas, so it was our goal to keep whatever cost this bill would involve within those established by the budget resolution and adopted by the House, and this bill is well within those targets.

There are four key areas we wanted to address, that we think are most important. One is the area of increasing work incentives. The pressing problems that we see out there, the individuals who are there, the most common thread that ties all of them together is that they do not want to be there. They do not want to be there. They are not there because it is great to be in a soup kitchen. Believe me, anyone who has gone there knows how depressing it is. They want to get out of there. They want to get a job. They want to be able to work.

The problem is that over the last few years, the main thrust of the changes that have taken place have created a disincentive for people who want to work, because as soon as they get into a working poor job they lose many of their benefits and then they are forced to go back into the lines.

We want to encourage people to work, so for that reason we restored the deduction for earned income from 18 to 20 percent. We have expanded the Job Search Program and the training requirements that are part of this program to make sure that people get every chance to try to find a job and get off of food stamps.

□ 1030

We have also increased the deduction to try to cover child care expenses so that working mothers can indeed be able to find jobs and keep them.

Second, we wanted to increase the adequacy and accessibility to the benefits provided. Everyone has pointed this out. The President's Task Force has made it clear that we had to provide some modest increase in benefits. What we have seen is that by the third week of every month the benefits often run out. The President's Task Force identified the Thrifty Food Plan, which is the basis on which we established the benefit, as needing to be increased from 99 to 100 percent of the cost of that plan, and we have done that in this bill. We have followed the President's task force's recommendations.

We have increased the shelter deduction because of the increased cost of housing and utilities. We have updated the assets limitations which in many instances have not been updated since 1971 so that we would be able to accommodate those who truly need this kind of assistance. We have allowed certain handicapped to qualify. We have authorized commodity assistance for the elderly so that they would get that benefit, and we have provided these benefits to the homeless, which is an increasing problem in the country.

Third, we have improved nutrition education and hunger surveillance. What we have found continually is that when these benefits are provided, they are not accompanied with adequate nutrition information as to what is important to buy. So we have included in here assistance to try to improve nutrition education, and we ask the U.S. Department of Agriculture to perform a better surveillance in the country as to who is hungry.

Fourth, we have improved the administration and the accountability of the program. We understand that that has to be continued. We have not reversed one bit of legislation that has been targeted as fraud, waste, and abuse, and we have indeed improved it as part of this bill because we think it is important to do that. If we are going to have this kind of program, it ought to be run efficiently and effectively, both for the taxpayers' purposes and the beneficiaries' purposes. We now utilize information from the IRS in terms of unearned income to make sure we are checking those figures.

We provide for categorical eligibility for AFDC and SSI. We have this tremendous amount of paperwork in which people have to go to one group for one kind of assistance and to another group for another kind of assistance. It is crazy. If they qualify for AFDC, if they qualify for SSI, then they automatically meet the qualifications that are needed in terms of the food stamp program.

We eliminate the mandate with regard to monthly reporting. We find there is a tremendous overload of redtape at the local administration level, and one of the reasons for it is the monthly reporting requirement. What we do is leave that to be optional to the States. If they want to use it, fine; if they do not, that decision is up to them.

We also provide for increased penalties for those States that do not get their error rates below 5 percent because we think it is important to keep sending the message out to the States to keep those error rates down.

In conclusion, my views and, I think, the views of my colleagues on the Nutrition Subcommittee are that we have formed a carefully structured compromise. It is not going to solve all the problems of hunger—God knows we know that—but it is a positive step in trying to assist those who are in the greatest need.

If this passes, it will do more to provide help to the hungry than anything we have passed in the last 3 years. This is the basic program, the food stamp program, that deals with the hungry in the country, make no mistake about it. Passing this legislation will do more in one blow than anything else we have done in the last 3 to 4 years.

We target at the needs that have been identified by the President's Task Force. We recognize that. This is not something which reverses what we have done in the past. It targets at the needs that everyone agrees need to be met at the present time.

So please, let us not delay on this legislation. It is easy to talk about the hungry. We all love to talk about the real problems wherever we go, but the real challenge is to do something, and H.R. 5151 is doing something about the problem.

Mr. Chairman, I rise in support of H.R. 5151, the Hunger Relief Act of 1984. This bill is a constructive and responsible effort to address one of the most serious issues facing this country today—domestic hunger. It comes to the floor today with widespread bipartisan support. I am grateful for the assistance of Chairman DE LA GARZA, the ranking minority member of the agriculture committee, Mr. MADIGAN, and the ranking minority member of the Nutrition Subcommittee, Mr. EMERSON, in forging this balanced package. Special thanks are also due Mr. JEFFORDS for his help in formulating H.R. 5151, as introduced.

In my capacities as both chairman of the Nutrition Subcommittee of the House Agriculture Committee and as chairman of the task force on domestic hunger of the House Select Committee on Hunger, I have seen the domestic hunger problem firsthand. As I have stated so many times before, the existence of hunger in this country, and especially to the degree it now exists, is a national shame.

Over the past 16 months, the nutrition subcommittee has conducted extensive hearings in Washington and around the country that leave no doubt that there has been a significant increase in the number of Americans who have difficulty feeding themselves from month to month. Witness after credible witness—including big city mayors from both political parties, religious leaders, United Way rep-

resentatives, State welfare administrators, business leaders and others—have described a dramatic growth in the demand for emergency food assistance. These findings have been confirmed by reports of the U.S. Conference of Mayors, the General Accounting Office, the Citizens Commission on Hunger in New England, and many others, including the President's task force on food assistance.

In addition, our subcommittee has heard testimony from doctors, nurses, and other health professionals citing a growing body of evidence that links the current hunger problem with significant health problems—such as improper growth rates in children. I suspect that even more evidence along these lines will emerge from a series of hearings scheduled for this summer by the select committee on hunger.

Our subcommittee hearings this year and other reports also indicate that, despite the current improvement in the economy, the hunger problem is not abating. Testimony in Miami and Chicago this past March and recent surveys by the U.S. Conference of Mayors and the United Way indicate that emergency food aid demand in 1984 is likely to be as high or higher than in 1983, and shows no signs of slowing in 1985. It would appear that those most in need are among the last to reap the benefits of economic recovery.

Unfortunately, there are many persons in our society who will gain little relief even if the economy continues to improve. Those who cannot work—elderly and disabled persons, certain single parents with children—and those who already work but whose earnings leave them far below the poverty line, are helped little, if at all, by lowered unemployment. They are reliant upon the social safety net, which has been significantly damaged by recent reductions in most programs serving the poor. Even if continued economic recovery reduces the total number of Americans in need, these people would continue to face a serious hunger problem.

It was to address this concern that I, along with Mr. JEFFORDS and many others, introduced H.R. 5151 on March 15, 1984. As introduced, H.R. 5151 was designed to strengthen the various Federal feeding programs—school lunch, WIC, elderly feeding, food stamps—that had been credited with virtually eliminating hunger in America by the late 1970's. The bill, as reported, has been modified to accommodate the split jurisdiction of House committees over feeding programs and to bring the bill's cost within the spending targets assumed in the fiscal year 1985 House-passed budget resolution. Although the portions of H.R. 5151 relating to child nutrition and elderly feeding have been dropped, virtually the same child nutrition and elderly feeding proposals are working their way through Congress in separate bills (H.R. 7 and H.R. 4785, respectively).

However, even if all of these bills were to be approved by Congress and signed by the President, much would be left to be done. These bills would only achieve what I call a "down payment" on hunger. They would be constructive and helpful, but not put an end to the problem. Next year, I intend to pursue the unfinished agenda of H.R. 5151, as introduced. Issues of priority concern to me include basing food stamp benefits on a more adequate standard and providing for a separate deduction for dependent care expenses. Also, as H.R. 5151 now requires, I believe that a thorough review of the food stamp quality control system, and the sanctions based upon it, is necessary.

THE PRESIDENT'S TASK FORCE

As reported, H.R. 5151 includes many specific recommendations of the President's task force on food assistance. By raising the current assets limitations and basing benefits on 100 percent of the thrifty food plan in fiscal year 1985, the bill adopts the task force's most central recommendations to improve the adequacy and accessibility of the food stamp program. Other specific task force recommendations relating to the eligibility of the homeless, categorical eligibility, the staggering of coupon issuance, the hours of operation of food stamp offices, error rate sanctions, and nutrition surveillance are included in the bill.

In regard to the homeless, H.R. 5151 attempts to balance their need for assistance with the need to maintain maximum program accountability. Thus, while the eligibility of the homeless is clarified, State agencies must take steps to assure that only those eligible for assistance are provided benefits. In providing benefits on an expedited or regular basis, food stamp offices would be expected to generally check the eligibility factors that are checked for other applicants. The intent of the bill is to make it no tougher and no easier for the homeless to gain eligibility than for other persons.

H.R. 5151 also addresses areas that the task force identified as problem areas, but on which it made no specific recommendations. The task force acknowledged that rapidly increasing energy costs now consume a disproportionate share of the budgets of low-income persons. The bill addresses this issue by raising the ceiling on the excess shelter/dependent care deduction. The bill would also increase work incentives, another concern of the task force, by restoring the earned income deduction from 18 percent to 20 percent, and by increasing the funding and flexibility provided to the States in conducting job search and job search training programs. Increasing the excess shelter/dependent care deduction also increases work incentives for those who incur child care costs.

JOB SEARCH

The job search provision is an important component of the bill. It is my hope that H.R. 5151 will result in a greater number of positive efforts to prepare and place food stamp recipients in unsubsidized employment. The increased funding provided under this bill (from about $31 million to $50 million) for job search and job search training programs should enable wider utilization of innovative approaches, such as job finding clubs.

Importantly, States would be afforded great flexibility, consistent with fundamental client protections, in determining what persons are subject to job search requirements and what those requirements are. States could decide, for instance, to focus on those work registrants for whom they believe the job search program would be most successful and limit the scope of job search accordingly. Or a State could operate a job search program of wide application that provides fewer services to clients. In each instance, I hope that States would make their choices according to what works. I, too, often hear that current work registration and job search procedures are little more than an exercise in paper shuffling. I hope that States will move to more meaningful programs.

In providing States flexibility to design job search programs, H.R. 5151 also strengthens client protections. Job search requirements would be of limited duration—ordinarily 2 months a year—and participants would be reimbursed—up to $25 a month—for actual out-of-pocket expenses they incur in meeting them. The penalty for failure to comply with job search requirements would be specified (disqualification of the entire household for 2 months), although the bill makes clear that all participants must be given the opportunity to cure their disqualifications and have the right to return to the program once such cure is effectuated. Under H.R. 5151, persons who fail to meet the work requirements of other programs—such as AFDC—would not be penalized unless the violated work requirement was comparable to a food stamp work requirement and the other program has made a final determination that a violation has occurred.

MONTHLY REPORTING AND RETROSPECTIVE BUDGETING [MRRB]

By making monthly reporting and retrospective budgeting optional, H.R. 5151 would take an important step toward improving food stamp program management, and, in some instances, combating hunger. H.R. 5151 would

make clear that States are free to choose whether to utilize monthly reporting, periodic reporting, or a system whereby clients report changes as they occur. Similarly, States could choose whether to utilize prospective or retrospective budgeting. Under H.R. 5151, States would be free to mix and match reporting systems and accounting periods as they see fit.

Of course, should a State choose to utilize MRRB, the same limitations on its use and the same client protections provided in current law and regulations would apply; for example, certain households, such as the elderly and migrants, would be exempt from MRRB. Also, retrospective budgeting could not be utilized when determining initial eligibility.

Virtually every State and local welfare department favors a State option on MRRB. They believe that Federal officials are in no position to judge whether and to what extent MRRB is advisable in a given State. Especially since early pilot tests of MRRB show that MRRB can result in the disqualification of needy, eligible persons, I believe we should refrain from mandating this cumbersome and costly administrative procedure nationwide.

CONCLUSION

As I stated earlier, H.R. 5151 is a bill worthy of widespread bipartisan support. It would provide additional benefits where they are most needed, make the food stamp program more accessible to the "new poor," increase work incentives, and improve program administration.

This bill is a carefully structured package, and as is the case for all compromises, is not totally satisfactory in all aspects for all parties. However it is, in my view, indisputably a positive step for those who are concerned about fighting hunger in this country. And I am greatly heartened that we have been able to move this bill forward in a spirit of bipartisan cooperation.

FOOD STAMP FACTS,[1] JULY 23, 1984

(1) WHO RECEIVES FOOD STAMPS?

As of May 1984, 21.2 million people in about 7 million households receive food stamps.

70 percent of all households are headed by women.

60 percent of all participants are either very young, very old, or disabled.

58 percent of all households have children and these households receive almost 80 percent of all benefits.

About 47 percent of all participants are children.

About 20 percent of all households contain one or more elderly persons. Almost 90 percent of these households are elderly persons living alone or with one other person, who is usually elderly.

18 percent of all households have earners.

46 percent of all household heads are white, 37 percent are black, and about 10 percent are Hispanic.

(2) HOW POOR ARE FOOD STAMP PARTICIPANTS?

The average gross income of all households is $356 a month or $4,272 a year. Average net income is $205 a month or $2,460 a year.

95 percent of all households have gross incomes below the poverty line and they receive 98 percent of all benefits. (When food stamp benefits are included, 92 percent of all households have gross incomes below the poverty line.)

42 percent of all households have gross incomes below one half of the poverty line and they receive 59 percent of all benefits.

76 percent of all households own no countable assets; 97 percent own assets of $500 or less; 99.7 percent own assets of $1,500 or less.

(3) WHAT LEVEL OF BENEFITS IS PROVIDED?

The average benefit is about $37.60 per person per month, or about 42 cents per person per meal.

The maximum benefit is about 70 cents per person per meal.

8 percent of all households receive the $10 minimum benefit. Of these households, 77 percent have an elderly member. One person households at the minimum benefit receive 11 cents per person per meal.

RECENT LEGISLATIVE ACTIONS TO COMBAT ERROR, FRAUD AND ABUSE IN THE FOOD STAMP PROGRAM

1983—PUBLIC LAW 98-204

Permitted states utilizing monthly reporting to conduct face to face recertifications more often than every six months.

Broadened the ability of states to cross-check information from other programs in verifying the eligibility and payment levels of food stamp participants.

Enhanced the ability of states to target the use of monthly reporting and retrospective budgeting on participants for whom it would be the most cost-effective.

1982—PUBLIC LAW 97-253

States were granted increased means by which to collect fraud and nonfraud overissuances. As an incentive for increased state activity in this area, states were authorized to retain 50 percent of fraud recoveries and 25 percent of nonfraud recoveries.

Substantial penalties were established for states that fail to meet stringent error rate goals. States failing to reach a 5 percent error rate by FY 1985 would lose part or all of their administrative funding. Financial incentives were established for states with error rates below 5 percent.

The maximum civil money penalty for retail stores violating the Food Stamp Act was raised from $5,000 to $10,000 and the program disqualification periods for stores violating the Act was increased.

The Secretary was authorized to require a bond to be posted by stores previously disqualified or subjected to a civil penalty for Food Stamp Act violations or trafficking coupons.

Households that experience a loss of income resulting from a penalty imposed for intentional failure to comply with a Federal, State, or local welfare law were prohibited from having an increase in food stamp beneifts due to a loss of that income.

The Secretary was authorized to restrict the number of households that could be served by an authorized representative.

1981—PUBLIC LAW 97-98

States were made strictly liable for any losses in the handling and issuing of food stamps, including losses involving failure of coupon issuers to comply with prescibed requirements.

The Comptroller General of the United States was provided access to applicant and recipient records and to records relating to retail and wholesale food concerns, for audit and examination purposes.

State agencies were required (earlier law provided option to States) to utilize wage data collected by the Social Security Administration and State unemployment compensation agencies for the purpose of verifying the earnings of food stamp recipients.

Households were required to furnish the Social Security numbers of all household members in order to become eligible to participate in the program.

Retail stores participating in the program were required to display a sign providing information on how persons may report observed cases of food stamp abuse.

Food stamp applications were required to contain notices to applicants the information they provided would be subject to verification and that if any material part of the information were incorrect food stamps might be denied and criminal prosecution might result.

Local, State, and Federal law enforcement officials were provided access to information furnished by applicants for the purpose of investigating alleged violations of the Food Stamp Act.

Prison sentences were required for the second and subsequent convictions for violations of the Act or program regulations. Courts were authorized to suspend any convicted violator from the program for up to 18 months, in addition to any regular disqualification period under the Act. Further, courts could permit work approved by the courts as restitution for losses incurred by the violation.

Additional powers were granted to persons within the Department of Agriculture's Office of Inspector General who conduct investigations of felony criminal violations of the Act.

1981—PUBLIC LAW 97-35

Applicants and recipients who misrepresent their circumstances were subjected to the same disqualification periods and penalties as those who commit fraud.

Recipients found to have committed fraud or misrepresentation by either a court or an administrative hearing were disqualified for a period of 6 months for the first offense; 12 months for the second offense; and permanently for the third offense.

Households receiving an overissuance of food stamps due to an error or mistake (rather than because of misrepresentation or fraud) would have their benefits lowered in subsequent months to recoup the overissuance.

State agencies were provided additional incentive to more aggressively pursue collection efforts by being able to retain 25 percent of all non-fraud and non-misrepresentation overissuances recovered.

1980—PUBLIC LAW 96-249

States were provided an incentive to reduce error rates. The current 50 percent Federal matching rate for State administrative costs was increased to 65 percent for States with error rates below 5 percent; 60 percent for States with error rates between 5 and 8 percent; and 55 percent for States

[1] Most of the facts and figures included here are taken from "Characteristics of Food Stamp Households: August 1982," issued by USDA in June 1984.

which lower their error rates at least 25 percent from the preceding year.

An error rate sanction system was established whereby States that fail to reduce error rates below specified targets were liable for the cost of all errors above such targets.

Seventy-five percent Federal funding was provided to the States for costs incurred in developing and installing computer systems to reduce errors and to allow for computer matching.

States were authorized to conduct computer wage matching of information supplied by applicants and recipients against all available Social Security wage and benefit data and information in the files of State unemployment compensation agencies.

State agencies' authority for verification of household information was expanded to allow for development of error-prone profiles as a basis for mandatory verification requirements.

Certified households were required to present photo identification cards when exchanging food stamp authorization cards for food stamps in those areas in which the Secretary, in consultation with the Inspector General, finds that such a procedure would help protect the integrity of the program.

Food stamp certification personnel who determine, on the basis of information furnished by a household, that a member of the household is an illegal alien were required to report that information to the Immigration and Naturalization Service.

The Secretary was authorized to confiscate cash or goods used in food stamp trafficking.

States were allowed to use retrospective accounting and periodic reporting procedures to reduce error rates in those States that can implement these systems in a cost-effective manner.

1979—PUBLIC LAW 96-58

Applicants were required to provide Social Security numbers.

Individuals disqualified from program participation for fraud were prohibited from reentering the program after the disqualification period had been served unless they arranged to repay the amount fraudulently obtained.

As an incentive to intensify anti-fraud activity, States were allowed to retain 50 percent of the funds recovered as a result of their fraud investigations and prosecutions.

1977—PUBLIC LAW 95-113

Persons found to have committed fraud were disqualified from participation for 3-27 months.

States were encouraged to investigate and prosecute fraud by an increase in Federal cost-sharing for such activities from 50 to 75 percent.

Elimination of the purchase requirement eliminated vendor fraud related to the handling of the participants' cash payments.

Persons who knowingly transferred assets in order to become eligible for food stamps were declared ineligible to receive them for up to one year.

Persons who refused to cooperate with program officials by denying requested data needed to determine their eligibility, or to complete quality control reviews, were denied or terminated from the program.

Mr. EMERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5151, the Hunger Relief Act of 1984. In my role as the ranking minority member on the Domestic Marketing, Consumer Relations and Nutrition Subcommittee I have worked closely with the gentleman from California, Mr. PANETTA, chairman of the subcommittee. We have traveled across the country, holding hearings, visiting soup kitchens, welfare offices, and food distribution centers. Our subcommittee looked into the problems of hunger and food assistance programs and evaluated efforts to address the issue at all levels of government and within the private sector.

We found that the lengthy recession and unemployment have caused suffering—no one disputes this. There are very positive signs that the economy is turning around—but while that occurs there are people in need and receiving assistance from Federal programs, their own community, and the private sector.

The Food Stamp Program is the major food assistance program operated by the Federal Government and is the program through which food aid is best delivered. Over 22 million people—1 in 10—receive assistance through this program. Through this program and others such as the school lunch program over 95 million meals per day are subsidized by the Federal Government and millions of pounds of cheese, butter, and other surplus commodities are ordered by States to distribute to their needy people.

This year almost $19.5 billion will be spent on food assistance programs by the Federal Government. An increase since 1980 when the amount spent was $13.8 billion.

Community organizations and churches also help and in 1982, according to the publication "Giving U.S.A.," an estimated $60.39 billion was donated to hundreds of thousands of charitable organizations, institutions, and agencies—many of which help feed the needy in America.

In addition, last year the gentleman from California and I worked closely together on a bill that expanded the kinds of surplus commodities that can be distributed to needy people, extended the surplus distribution program for 2 years and authorized administrative funding to be paid for the actual costs of storing, transporting, handling, and distributing these surplus commodities. The gentleman from California and I worked very closely on this legislation and we agreed that it is not designed to take the place of the food assistance programs I mentioned previously. However, because of high unemployment rates—still felt in parts of the country—the past recession and the fact that surplus commodities are being stored by the Federal Government, I believe these surplus commodities should be made available to people in need.

Under that legislation passed by the Congress and the initiatives of the Department of Agriculture a total of 1 billion pounds of staple foods—such as cheese, butter, rice, and flour—have been distributed for use by individual households. Since July 1983 over 107 million pounds of canned foods—chicken, beef, tuna, pears, and sweet potatoes—have been distributed for use by these households.

All this is in addition to the 1.8 billion pounds of surplus food that is distributed each year to schools, nursing homes, hospitals, elderly feeding centers, and other charitable institutions.

The gentleman from California and I recognized that hunger in America and solutions to the problem must be offered in a bipartisan manner. As I mentioned earlier our subcommittee has studied the hunger issue on this basis. As a result of that effort the surplus commodity distribution program was extended for 2 years. We worked together on that piece of legislation—just as we worked together during the 97th Congress to achieve some necessary reforms in this program.

As a result of our efforts we have this bill before us today. H.R. 5151—the Hunger Relief Act—was designed to address in a responsible manner, the problems our subcommittee heard of and saw in our hearings. I believe we have accomplished this.

Our subcommittee incorporated in H.R. 5151, the recommendations of the President's Task Force on Food Assistance, other groups assessing the needs within their communities and organizations involved in feeding and helping poor people.

H.R. 5151 makes changes in the law in several broad areas. I would like to discuss several of the provisions of the bill before us today.

PROGRAM BENEFITS

H.R. 5151 increases program benefits and improves the operation of the Food Stamp Program.

The regular annual adjustment of the thrifty food plan, which is the basis for the food stamp benefits, will be based on 100 percent of this thrifty food plan—as opposed to the 99 percent now provided for October 1984. The President's task force recommended this action. The task force described a concern that many households cannot tolerate any reduction in purchasing power—no matter how small—and recommended that food stamp benefits be raised by increasing the full allotment to equal 100 percent of the thrifty food plan. The program will return to its stated goal of providing the purchasing power necessary to buy a basic nutritionally adequate diet as measured by the cost of the food plan.

Additionally the October 1, 1985, adjustment to the thrifty food plan will

be based on 101 percent of the benefit level. The 1-year increase in benefits is intended to provide additional meals for needy Americans while the food benefit levels of the Food Stamp Program are reviewed.

It makes sense that we look at the methods of calculating benefit levels for the poor—so that many items such as the needs of the elderly, cost of food in rural areas, the quality of diets, and other factors can be thoroughly reviewed.

As most Members know the actual benefit an individual or a family can receive is based on a determination that 30 cents of each dollar is spent on food by an average household. Therefore, an average family of four with a new monthly income of $500 would be expected to spend $150 on food. The thrifty food plan for a family of four currently is $253. The food stamp benefit is the difference between the thrifty food plan ($253) and the amount expected to be spent on food ($150) or $103. This is supplied in cash by the household.

Therefore most food stamp participants do not receive the full level of benefits since the elimination of the purchase requirement in the 1977 act. They are expected to put up some of their money for the purchase of food. The food stamp purchase requirement was eliminated in order to improve access to the program and allow more needy people to participate. That goal was accomplished.

However, one of the byproducts of the elimination of the purchase requirement was that for most participants, food stamp benefits will not last for the entire month. Eighty percent of food stamp participants receive partial benefits and at the end of the month—or depending on household income they will run out of benefits and must use their own funds to buy food. This is an important facet of the Food Stamp Program and when critics charge that the program doesn't work because people run out of stamps, they are either ill informed as to the program itself or misleading the public.

The definition of who is considered to be disabled and thereby qualified for additional benefits is expanded in H.R. 5151. Certain veterans, persons receiving railroad retirement benefits and certain individuals receiving supplemental benefits because of blindness or a disability will now be included in the definition of disability. All persons must demonstrate that they are at least as disabled as those receiving permanent and total disability in the SSI and Social Security programs.

The food stamp resource limitations are increased from $1,500 to $2,250 for most households and from $3,000 to $3,500 for households containing elderly persons. This was a specific recommendation of the President's task force. The task force emphasized in its report, that many "new poor" households which have lost income due to unemployment in the past recession do not qualify for food stamps because they own too many assets. In addition, because of the lag between application for assistance and actual enrollment in the program, households living off their assets may get close to complete depletion of assets before they fall into eligibility level and benefits begin. These households should be given greater access to the food stamp system. Raising the asset limit will help accomplish this.

H.R. 5151 also contains a recommendation of the task force and the gentleman from California that the threshold value of a vehicle be raised to $5,500. I disagree with this provision and will support the amendment offered by the gentleman from Missouri to retain the present law.

Several of the deductions allowable in the Food Stamp Program are increased. The earned income deduction is increased from 18 to 20 percent of earnings. This deduction is provided to cover a person's expenses that are necessitated by employment such as taxes, uniforms, and transportation. The President's task force, while not specifically recommending this change, did emphasize the importance of increasing work incentives in the program. One way to accomplish this is to increase the work related expense deduction.

The task force believed that Federal programs should be designed to maximize incentives for individuals to participate in the workplace and that participants in Federal assistance programs should be encouraged to obtain the skills and experience that only a job can provide. These same people should not be encouraged to become dependent on assistance on a long-term basis. Eligibility for food stamp benefits should be designed to encourage work.

Also the dependent care shelter deduction is increased from $125 per month to $155 per month—a 25-percent increase in this deduction. This deduction is primarily utilized by households with high shelter costs, although working households use the deduction for dependent care costs.

Currently food stamp households receive a deduction for excess shelter costs to the extent they exceed 50 percent of net income. Raising the deduction to $155 would result in benefit increases for households with the high shelter and utility costs and for some who have dependent care costs. Up to $25 more a month in dependent care costs could be deducted by those who incur them. This results not only in increased work incentives but also greater flexibility for those who must pay for dependent care in order to work.

The Commodity Supplemental Food Program [CSFP] is expanded to allow administrators of this program to provide supplemental food to the elderly, under regulations set by the Secretary. The 1981 farm bill authorized the Secretary of Agriculture to begin elderly feeding pilot projects to test distribution of commodities as a way to help elderly poor persons. Funds were made available for pilot projects, beginning in September 1982, in Detroit, MI, and Des Moines, IA, and beginning December 1982, in New Orleans, LA.

The 2-year demonstration projects have provided necessary monthly food packages to low income senior citizens. H.R. 5151 provides that CSFP can, at the option of local program operators, be extended to elderly persons, provided that such extension does not deny commodities to eligible women, infants, and children. Local programs would be able to serve elderly persons only to the extent they can be served within the caseload authorized for any fiscal year set by USDA.

H.R. 5151 will also ensure that individuals without a fixed home address are eligible for participation in the Food Stamp Program. The President's task force included this provision among its recommendations to improve the Food Stamp Program. It was reported to the task force that 19 States required an individual to have a fixed household address in order to be eligible for food stamps. The task force believed it unfair that States arbitrarily eliminate the homeless from this major national entitlement program.

While our committee recognizes the need to ensure the homeless are not denied benefits solely due to a lack of a fixed address, it must be emphasized that States take care that all food stamp eligibility factors are met before benefits are made available to such applicants. States may have used the fixed address as a means to protect against multiple participation of households in the food stamp program. I want to make sure that while the absence of a fixed address does not preclude food stamp eligibility, neither does it relieve the State of its responsibility to protect against abuse of the Food Stamp Program.

WORK INCENTIVES

The second precept of H.R. 5151 is to increase work incentives within the Food Stamp Program. I have mentioned two of them previously. They are the increase in the work expense deduction from 18 to 20 percent of earnings and the increase in the shelter/dependent care deduction from $125 per month to $155 per month. The latter increase can enable households containing a working person and a dependent—for example, a child or an elderly parent in need of care—to

pay for these home care expenses covered by this deduction.

The major work incentive contained in this bill is the provision concerning job search. H.R. 5151 authorizes $50 million per year to provide basic funding for job search programs, including job search training and support activities. This funding will be used with the goal in mind to aid food stamp participants to find and keep jobs. It is my hope that States will design innovative programs—such as job finding clubs, training in techniques of how to find and keep a job and how to interview for a job. The chairman of the subcommittee and I visited such an activity in San Diego, CA, and we were impressed with the quality of the programs there. It was evident to me that some food stamp participants need basic skills training in a short term approach to help them find jobs—jobs in the private sector. H.R. 5151 can provide States with the means to accomplish this.

The job search provision contained in H.R. 5151 also:

First, provides 50-percent Federal match for State job search costs exceeding the $50 million authorization—including a 50-percent match for the up to $25 per month work expenses allowed for participants meeting job search requirements;

Second, allow States flexibility in the design of job search requirements, including determining those who would be subject to these requirements—based on the broad category of those now subject to work registration requirements;

Third, requires the Secretary of Agriculture to report to the Congress by April 1, 1987, on these State programs and to measure the success of such participants in getting and keeping jobs; and

Fourth, establishes a disqualification period of 60 days for a household in which a member fails to meet job search requirements. Once these requirements are satisified the household can be eligible for reinstatement to the Food Stamp Program.

I am pleased this provision of H.R. 5151 will provide States with the necessary flexibility to design required job programs, with the result being jobs for food stamp participants.

PROGRAM ACCOUNTABILITY

The third area of H.R. 5151 concerns increases in program accountability. As Members know States carry the responsibility to administer the Food Stamp Program, based on Federal laws and regulations. There are many areas of the Food Stamp Program in which States have limited flexibility. States commonly request more similarity among the various programs aimed at helping poor people. H.R. 5151 provides for one change to accomplish this.

In this bill we simplify the application procedures for the Food Stamp Program by providing for categorical eligibility for all AFDC and SSI households.

This was a recommendation of the President's Task Force, which heard many complaints that the application procedures for the Food Stamp Program were too complex and time consuming. State program administrators argued that initial program complexity, combined with the many changes that have been made subsequently in the program are the reasons why payment error rates are at their present unacceptably high levels.

Under the provisions of the bill, food stamp benefits would still be calculated using food stamp rules. Additionally, language has been included that would ensure that any AFDC and SSI household that loses its eligibility for those programs would not lose its food stamp eligibility without a determination under food stamp rules that the household fails to meet food stamp eligibility standards.

A second part of the increase in program accountability contained in H.R. 1551 concerns the requirement that States request and use the information on unearned income available from the Internal Revenue Service [IRS], typically reported on 1099 forms. This would complement existing requirements for obtaining and using earned income information and further assist States in verifying both recipient income and assets.

Recent experiments with bank matching have indicated that information on unearned income may be a valuable new verification tool. Such unearned income information is best used to identify cases that warrant further investigation and requires State agencies to target this information on those uses that are most likely to identify and prevent ineligibility and improper food stamp benefits.

Protections are included to require independent verification, which would include verification of the actual amount involved and an evaluation of whether the household has access to it, including a determination of when the household has or had access to the income or asset identified.

The final area of program accountability concerns sanctions and State error rates. H.R. 5151 retains the provisions in the act now requiring States to reduce the error rates to 7 percent by 1984 and to 5 percent by 1985. Fiscal sanctions remain unchanged until 1986. Effective with the States' performance for fiscal year 1986 and thereafter, for those States not achieving the 5-percent goal, the penalty will be based on the dollar equivalent of overpayment and payments to ineligible households over and above the 5-percent tolerance level. Collection of the sanction for any fiscal year would occur only after the actual error rate for the fiscal year is determined after the end of the year. The "dollar-for-dollar," over the 5-percent tolerance level, liability would apply beginning with fiscal year 1986 and will not reduce or be taken from household food stamp benefits.

States not reaching the 5-percent goal will be required to repay the Federal Government in 1987. As I said before, food stamp benefits will not and cannot be reduced to recover States sanctions. I know there are those who are concerned that States may reduce other benefits or services in order to pay food stamp sanctions. Any Governor who would decide to lower benefits or services to the citizens of his or her State in order to recover these repayments based on errors made in the Food Stamp Program will be invited to discuss the reasons before our subcommittee. To me it is unconscionable that such a practice would take place.

We took this action because error rates in the Food Stamp Program, while reduced over the past 2 years, are still excessive. The funding for the program comes mainly from the Federal Treasury with 100 percent of benefit costs and 50 percent of the administrative costs paid by the Federal Government. However, States are responsible for the day-to-day administration of the Food Stamp Program.

I recognize that the efficient operation of the program depends on cooperation between the Federal Government and the States and that multiple program changes over the past years have resulted in a program that has known little stability. Nevertheless, many States have done exceptional jobs in running efficient programs and have achieved significant reductions in the rates of error. Others have not. Whether this diversity relates to States placing higher priorities on the administration of other assistance programs, complexities within a State, or other reasons is not known. What is known is that food stamp error rates are too high—$900 million over the course of a year was issued to participants who were either ineligible or received too many food stamp benefits.

H.R. 5151 also requires the Secretary to report, on April 1, 1985, to the Congress on, first, the effect that the current law on error rate goals, fiscal sanctions and incentives has had on State food stamp error rates, and second, the statistical methods utilized by the Department to calculate State error rates, including the rational for using these methods.

Please be assured that I am steadfast in my resolve to retain the sanctions in H.R. 5151. However I also want to assure that quality control error rates provide an accurate measure of each State's performance and

one that provides a performance measure comparable to the quality control error rates of the other States.

Also we intend to review the sufficiency of the quality control system as a measure of State performance. Remember, the quality of program administration, especially in terms of client service, cannot be measured in error rates alone. Total measurement of States' performance in administering the Food Stamp Program will be subject to review during this review of the fiscal sanction system.

NUTRITION EDUCATION AND MONITORING

The final broad area contained in H.R. 5151 is that of nutrition education and monitoring.

The committee recognized that the effective use of the funds authorized for the Food Stamp Program depends to some degree upon the food choices made by those participating in the program. Therefore we attempted to ensure, to the extent possible, that low-income households have access to programs enabling them to maximize their food dollars and improve their diets. In order to accomplish this, H.R. 5151 authorizes funding to the Department of Agriculture which, through the Extension Service, will make funds available to the State Cooperative Extension Services to expand their food, nutrition, and consumer services for low-income households.

The committee authorizes funding for the Cooperative Extension Services because they operate nutritional education programs, at least one of which—Expanded Food and Nutrition Education Program—is aimed at the population that is most likely to rely on the Food Stamp Program. It is this group that should benefit from the increased services. Since the committee wishes that effective food, nutrition, and consumer education services be extended to the greatest number of low-income persons practicable, H.R. 5151 expands the service of the organization already responsible for reaching this population.

Additionally, the Secretary of Agriculture is required, in conducting the Department of Agriculture's continuing survey of food intakes of individuals and any nationwide food consumption survey, to include a sample that is representative of low-income individuals and, to the extent practicable, the collection of information of food and other household expenditures by such individuals, to the extent practicable, continue to maintain the nutrient data base established by the Department of Agriculture, and encourage research by the public and private sectors on effective standards, methodologies, and technologies for accurate assessment of the nutritional and dietary status of individuals.

Other important provisions of H.R. 5151 include the following:

First, States are required to assess the need to keep food stamp offices open during evening and weekend hours. The President's task force was concerned that the Federal programs tend to discourage people from working and felt programs should be designed so that recipients will generally be better off if they choose to work. If working people cannot easily participate in the program, the work incentives built into the program will be reduced. The work incentives of the program will be more effective if recipients who are employed can have access to the system during nonworking hours.

Second, State agencies are permitted to use a method that allows coupon benefits to be issued over the period of the entire month, as long as benefits are not delayed during any implementation procedure. The President's task force found that States may distribute food stamps any time within the first 14 days of a month. In many areas food stamps are sent out on the first of the month. The task force was concerned with the possibility that such phased delivery of stamps can lead to two problems. First, it may allow merchants in areas where food stamps are commonly used to discriminate against food stamp recipients either by assigning higher markups to perishable goods at the beginning of the month, or by having fewer sales at the beginning of the month. Second, demands on private food assistance programs surge at the end of the month when household budgets tend to run short.

Allowing States to stagger the delivery of food stamps will eliminate the potential for merchants to raise their prices in phase with food stamp deliveries and it will help reduce the demands on private food assistance programs toward the end of the month. Staggering has recently been instituted in a few States and counties. The President's task force recommended that it become nationwide, and H.R. 5151 allows this to occur.

Third, banks and other financial institutions are prohibited from charging retail food stores for the cost of depositing food stamps, as long as the food stamps are submitted to the banks in a manner consistent with Federal Reserve bank requirements. I have been concerned for some time about the growing practice of banks charging retail food stores for the deposit of food stamps. The subcommittee received testimony that the current practice of bank charges could result in charges to food stores of up to $156 million per year, should all banks charge the highest fee. H.R. 5151 corrects this practice, and with the committee's concern that food stamp participants have access to food stores of their choice, reduces the charge that grocery stores may drop out of the program because of these bank fees.

Fourth, a pilot food assistance program for the poor is established in rural Alaska for the fiscal years 1986 through 1989. Because of the unique conditions of rural Alaska, in which approximately 2,900 food stamp households are scattered over 500,000 square miles, H.R. 5151 authorizes this pilot program in which noncash food assistance benefits will be provided to needy rural Alaskans. Funding for this pilot program will be based on the level of funding anticipated for 1986 and will cover 100 percent of the benefit costs and 50 percent of the administrative costs of the program. Funding will be adjusted to reflect changes in food prices and participation. The design of the program by the State of Alaska will reflect the needs of the rural participants.

I believe H.R. 5151 is a good bill, one that I hope all Members can enthusiastically support. The chairman of the subcommittee and I worked together on this bill and I wish to thank him for his cooperation. He, as always, has been fair and has attempted to accommodate the minority views whenever possible. We have fashioned a good bill. However, we have agreed to disagree on two areas—monthly reporting and retrospective budgeting and the threshold value of a car. Amendments will be offered that will, I believe, improve H.R. 5151 and save almost $200 million over a 3-year period.

I also wish to thank the ranking minority member of the committee, the gentleman from Illinois, [Mr. MADIGAN]. His guidance has been invaluable.

I urge all Members to support this bill. It is one that increases food stamp benefits, strengthens work incentives, improves program accountability, and provides additional nutrition education for low-income families.

Mr. DE LA GARZA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas [Mr. LELAND], the chairman of the Select Committee on Hunger.

Mr. LELAND. Mr. Chairman, I would like to commend the gentleman from California [Mr. PANETTA] for his undying concern about the problem of hunger and malnutrition in America. Under his leadership this Congress has been ever aware of the very increasing problems of hunger and has brought to this body today a solution to the various and sundry problems that we realize.

I would like to also commend the gentleman from Missouri [Mr. EMERSON] for his diligence and his work in cooperating and working with and in joining with the gentleman from California [Mr. PANETTA] in bringing this matter to the Congress, because,

indeed, it represents an opportunity for all of us.

Mr. Chairman, I rise in support of the Hunger Relief Act of 1984. Earlier this year, I joined over 60 of our colleagues in sponsoring H.R. 5151. My endorsement of this bill was prompted by my conviction that the unacceptably high rate of poverty-related hunger in this country demanded a response.

I chair the House Select Committee on Hunger. Last month we conducted hearings in Greenwood, MI, on the issue of the effectiveness and accessibility of Federal food programs. On Monday of this week, we conducted similar hearings in San Francisco. Statements from our witnesses repeatedly told of households running out of food stamp benefits before the end of the month. We heard over and over again about the growing numbers of people visiting food pantries and soup kitchens because their food stamp allotments for the month did not last and there was not enough food left in the house to prepare decent, nutritious meals. These people are hurting.

The Congressional Budget Office has reported that between fiscal years 1982 and 1985, the Food Stamp Program has been reduced by roughly $7 billion. I would like to focus for a moment on who is participating in this program and who is affected by benefit reductions.

A study released by the U.S. Department of Agriculture just last month—"Characteristics of Food Stamp Households: August 1982"—reported that 95 percent of the households participating in the Food Stamp Program had gross incomes below the poverty line; 42 percent of the participating households had gross incomes below one-half of the poverty line. More than 47 percent of all participants in the program were children, and close to 8 percent of the participants were elderly.

These are vulnerable groups of people who are reliant upon food stamp benefits to augment their food buying power and improve their nutritional status.

Much has been said about the allegedly large sums being spent on food stamps. Too little has been said about unmet needs. For example, the number of persons who fell into poverty between 1981 and 1982 was 2,576,000; yet, the food stamp benefit rolls increased by only 134,000.

I believe that the bill before us today is one small step in providing badly needed help to people in poverty who need support in improving their nutritional status. It is not a cure-all for hunger problems in our Nation, but it is a vital first step. It does demonstrate that this body is serious about moving forward with efforts to alleviate hunger here at home.

Mr. Chairman, I feel that we should confirm our commitment to improving the availability of nutritious food to those who live in poverty. Benefit restorations embodied in H.R. 5151 will enable us to do so. I am going to support this bill and I encourage my colleagues who are serious about increasing inadequate food stamp benefits for those who live in poverty to join me.

Mr. EMERSON. Mr. Chairman, I yield 6 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA], the ranking minority member of the Select Committee on Hunger.

Mrs. ROUKEMA. Mr. Chairman, I rise in support of H.R. 5151, the Hunger Relief Act of 1984. As the ranking minority member of the Select Committee on Hunger, I am pleased to be able to add my voice in support of a bill which makes a contribution toward solving the problem of hunger in this country.

First, I would like to commend my colleagues on the Agriculture Committee who have done an outstanding job in developing the provisions of this truly bipartisan bill. Members on both sides of the aisle can be proud of this bill. I wish to thank the chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, LEON PANETTA, and the ranking minority member, BILL EMERSON, for their efforts in bringing this bill to the floor. We all serve together on the Select Committee on Hunger, and I know how committed they are to promoting policies which will alleviate the problems of hunger and malnutrition. Over the course of 16 months their subcommittee held hearings across the country to determine the extent of the hunger problem and to gather extensive evidence. This legislation makes many constructive changes in the Food Stamp Program, the major food assistance program for the low income, elderly and disabled population of our country.

As we consider this bill, we do so mindful of the paradox that exists in this country—the overabundance of our Nation's resources and our oversupply, as contrasted to the fact that there are people in the United States who suffer from hunger. This "paradox of hunger," as I refer to it, is a situation which continues to elude and frustrate us. Surely, as we stand here today to consider how we can make food available through the Food Stamp Program, we must ask, why in fact we should even have hungry people at all?

The Hunger Relief Act of 1984 addresses a fact that we as legislators cannot avoid or deny. There are hungry people in the United States, people who do not have adequate diets and need Government assistance of some kind in order to get a decent meal. Americans are now feeling better about themselves and their prospects for the future. We have recovered from a recession, employment is up, and inflation is down. However, the stark fact remains that 21 million people in this country utilize the Food Stamp Program to meet their daily nutritional needs, and participation in this program to date does not reflect these changes in the economy. In short, about 1 out of every 10 Americans depend in some way on this program.

I speak with first hand knowledge about the importance of this program because of the work which our select committee has done thus far in examining the overall problems of hunger here at home and abroad. We have now visited two vastly different places in this country. Greenwood, MS, and San Francisco, CA, observing the problems of hunger from both a rural and an urban perspective. In each of these cities the need for the Food Stamp Program was forcefully made clear to us. We heard how this program has become a necessity of daily life of many Americans, who rely on them to provide the basics. We were also made aware of their importance when they run out before the end of the month.

This widespread reliance on the Food Stamp Program should also be viewed in the context of economic changes that have taken place in this country. It is clear that increasing numbers of people are taking advantage of private food assistance programs, many of whom are part of a group that has been called the "New Poor." On our trip to San Francisco just a few days ago, we heard from the two large church feeding programs how much an increase there had been in the numbers of people coming for meals. A 1983 GAO report had this to say about the changing types of Americans who now seek food assistance:

> No longer are food centers serving only their traditional clientele of the chronically poor, derelicts, alcoholics, and mentally ill persons who typically live on the streets and who most probably will be in need no matter what happens in the economy. Today, many organizations report that a mounting number of "new poor" are contributing to the increasing numbers seeking assistance at many emergency shelters and food centers. This breed of "new poor" is made up of individuals who were employed and perhaps financially stable just a short time ago.

Clearly, the benefits of the Food Stamp Program do reach beyond traditional recipients. In fact, the Food Stamp Program is really this country's major line of defense in the effort to combat hunger and malnutrition for Americans. This point was made in the report of the President's task force on food assistance, many of whose recommendations for program changes are adopted in this bill.

This bill increases the accessibility and adequacy of food benefits, as recommended by the President's task force. It affirms that the homeless may receive benefits if they are otherwise eligible; bases food benefits on 100 percent of the USDA's minimally adequate diet, the thrifty food plan, rather than 99 percent as under current law; and updates monetary limitations to reflect current prices. These provisions will ensure that those who are needy will receive the benefits to which they are entitled.

We should also consider the fiscal aspects of this bill. I point out that the House-passed budget resolution, House Concurrent Resolution 280, allows for the new spending authority contained in H.R. 5151. Quite apart from humanitarian considerations, the long-term costs of hunger, such as increased health-care costs and loss of productivity, far exceed the costs of this legislation.

There are other aspects of H.R. 5151 which deserve mention. Program accountability and administration will also be improved by this legislation. In order to ensure that Federal dollars are not lost to fraud, waste, and abuse, the penalties on States with overpayment error rates in excess of 5 percent will be increased and States will be required to utilize information from the IRS on the unearned income of food stamp recipients. The increased penalties for State error rates will save over $200 million during fiscal years 1987–89, and the use of IRS information will save almost another $200 million during fiscal years 1986–89. Administration of the program will be improved by providing categorical eligibility for SSI and AFDC recipients. States will save on administrative expenses by not having to certify those recipients twice—once for the SSI or AFDC programs and once for food stamps.

H.R. 5151 also increases work incentives for Food Stamp Program recipients in a number of its provisions. It raises the amount of earned income from 18- to 20-percent deducted from a household's income when determining eligibility and benefits. This ensures that the working poor do not lose benefits to which they are entitled because they are employed. In addition, it clarifies that States must operate Job search programs and provides greater flexibility and funding to States to assure they have more effective job search programs. Furthermore, it increases the deduction that certain working households can take to cover child care expenses which will help working parents. Another provision requires States to evaluate the need for evening and weekend hours at food stamp offices so that working beneficiaries need not take time off from work in order to apply for benefits.

Nutrition education and hunger surveillance will also be improved by H.R. 5151. It will provide $30 million during fiscal years 1985–88 to State cooperative extension services to increase nutrition education activities for low-income households. This will help low-income households get more nutrition per food dollar. Another provision will require USDA, out of current funding levels, to survey a representative sample of low-income households in conducting various food consumption surveys. We do need more data on the population served by Federal food programs.

It is clear that passage of H.R. 5151 will contribute greatly to our efforts to eliminate hunger in the United States. Therefore, I urge my colleagues to vote for the Hunger Relief Act of 1984.

□ 1100

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I rise today in hearty support of H.R. 5151, the Hunger Relief Act of 1984. This bill, reported out of the Agriculture Committee with bipartisan support is a responsive yet reasonable approach to reducing hunger in our country.

During the past few years, Congress has been deeply concerned by the increased accounts of hunger within the United States. This increase has been, in part, due to the recent recession and high unemployment. But more than that, it is a result of changes and cuts in our Federal hunger and nutrition programs called for by the current administration.

In the 1960's, America declared the elimination of hunger a top priority. With the development of food assistance programs we made good progress. Accounts and occurrences of nutrition related diseases dropped across the country. However, the United States has lost ground in this battle in the 1980's.

The budget reductions which have occurred in our food assistance programs over the past few years have come at an inopportune time. In my congressional district in California, the unemployment rate in 1983 was over 10 percent; the average unemployment rate for the first half of 1984 was over 9 percent. Many of these people are "newly unemployed," having lost their work due to plant closings and the changing workplace. This winter, the Kaiser Steel plant in Fontana, which in its prime had employed close to 6,000 workers, closed its doors. This is just one example of responsible and hard working citizens who through no fault of their own must find new employment. This has not been an easy task, and many are finding it difficult to put food on the table while seeking new employment.

It is time that Congress reaffirm the high priority we have placed on reducing hunger by taking action. H.R. 5151 does just that. This legislation represents a carefully developed bipartisan compromise, consistent with the spending targets in the House-passed budget resolution for fiscal year 1985, while addressing areas and programs identified as those most needing attention. This legislative proposal incorporates many of the recommendations developed by the President's Task Force on Food Assistance and recommendations from other hunger related organizations. H.R. 5151 improves our programs in four basic areas.

This legislation would increase work incentives by restoring the deduction allowed for earned income from 18 to 20 percent, clarifying that States must operate job search programs, providing greater flexibility and funding to States to encourage more effective job search programs, and increasing the deduction that certain households can take to cover child care expenses. Adequacy and accessibility of food benefits would be improved by basing food stamp benefits more closely on the full cost of the thrifty food plan, increasing the deduction allowed for those with excessive shelter costs, and updating the assets limitations to reflect inflation. Other provisions include expanding special treatment afforded disabled persons in the Food Stamp Program, expanding commodity assistance to certain low-income elderly persons, and allowing the homeless to receive food stamp benefits.

This legislation would improve program administration and accountability by requiring States to use information from the Internal Revenue Service [IRS] on unearned income of food stamp recipients, providing categorical eligibility for Aid to Families with Dependent Children [AFDC] and Supplemental Security Income [SSI] recipients, and increasing the penalties assessed on States with overpayment error rates in excess of 5 percent. Finally, this bill would improve nutrition education and hunger surveillance by providing funds to State cooperative extension offices to increase nutrition education activities for low income households, and by requiring the Department of Agriculture [USDA] to survey a representative sample of low income households when conducting various food consumption surveys.

One method Congress has taken to reduce the cost of our food assistance programs in recent years has been to tighten eligibility requirements. Many of the country's new hungry are those who lost their jobs during the recent recession. This new subgroup has exhausted their unemployment benefits, but have been unable to find new jobs

due to the changing job market. Often they have little or no income, but have too many assets to be eligible for Government assistance. I understand that my colleague from California, Mr. PANETTA, will be introducing an amendment which would set the value of certain automobiles which may be excluded from house hold assets in determining eligibility at $4,500 for April 1985, increasing the allowable value to $5,500 by 1987. I urge my colleagues to support this amendment.

Mr. Chairman, we are all aware of the unemployment and resulting difficulties that many in our districts face. We can no longer continue to reduce eligibility limits and cut food programs, and expect our Federal hunger programs to represent a solid safety net. We must mend some of the holes which we have worn in this net in recent years. H.R. 5151 is a reasonable and respected bipartisan compromise. I encourage my colleagues on both sides of the aisle to carefully consider this legislation and oppose any amendment which would reduce its effectiveness.

Mr. Chairman, I would like to make one other comment about a related matter. Congress has before it in both the Agriculture Committee and the Committee on Science and Technology another piece of legislation which would seek to made similar improvements in our nutrition, research, and monitoring programs.

The subcommittee of the Science Committee, on which I sit, reported that bill out earlier this week. It is my belief that the Committee on Agriculture would take similar action. It is a possibility that we can bring this legislation to the floor in the near future.

That bill, aimed at focusing our nutrition research and monitoring efforts more effectively would be an important complement to the bill that we are considering today and at such time as it may be brought to the floor, I would commend it to the attention of my colleagues.

Mr. EMERSON. Mr. Chairman, may I inquire how much time I have remaining?

Mr. CHAIRMAN. The gentleman is advised that he has 8 minutes remaining.

Mr. EMERSON. Mr. Chairman, I yield 4 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. DE LA GARZA. I yield 1 minute to the gentleman from Vermont [Mr. JEFFORDS].

The CHAIRMAN. The gentleman from Vermont [Mr. JEFFORDS] is recognized for 5 minutes.

Mr. JEFFORDS. Mr. Chairman, I thank the committee chairman and the ranking member.

Mr. Chairman, I rise in strong support of H.R. 5151.

Two years ago, when we began the 98th session, we did so concerned about the hunger in our land. We spoke of doing something to alleviate that hunger, which is nothing short of a national disgrace in our land of plenty.

Now is the time to deliver something more than words. Let's give our overwhelming approval to this legislation. Let's go home to our constituents, at this, almost the close of the 98th session, and tell them that we have done more about this issue than just talk, that we have acted to make sure that the truly needy do not go hungry.

We may not have acted quickly, but we have acted deliberately. The chairman and ranking Republican on the Nutrition Subcommittee, Mr. PANETTA and Mr. EMERSON, have done a thorough job on this bill. I do not agree with all they have done, but I cannot fault the thoughtful and deliberate fashion in which they have approached this issue and crafted this legislation.

There are a vast array of proposals for improving the food stamp program. The subcommittee and committee has sifted through these proposals in an effort to target aid where it is needed most. I am pleased that this bill incorporates several recommendations of the President's Task Force on Food Assistance.

For example, the bill adopts the task force's recommendation to raise the limit on the allowable value of an automobile, from the current $4,500, set in 1977, to $5,500. I want to point out to my colleagues that this figure is the fair market value of the car and not the equity value. In other words, we are not necessarily talking about an asset that can be liquidated to purchase food, either financially or practically.

There will be a lot of horror stories told about cars. But they are not typical. A poor family will not go out and buy a high-priced car. It cannot afford one, and could not finance one. The families who will benefit by this provision will be those who have recently lost their jobs and income, and are now forced to rely on food stamps. It strikes me as counterproductive to force these people to sell their automobiles, perhaps at a loss, thus depriving them of a means of finding work and resulting in no gain to the Federal Government.

The bill also makes reforms not contained in the task force's recommendations, but equally, if not more, important. The program's work incentives, shelter deduction, and State administrative flexibility are greatly improved. And the bill's nutritional monitoring may give us the information we need to further refine and coordinate our efforts.

Make no mistake about it, the Food Stamp Program is the backbone of our Federal feeding efforts. It is supplemented by special feeding programs and commodity distribution, but the latter especially is an imperfect and uncertain means of meeting Americans' nutritional needs. A tremendous amount of commodities have been distributed recently, but we neither can nor should count on this distribution to take the place of food stamps. Government stocks of surplus dairy products are declining, and will very likely be in short supply in a year's time. Given the likely decrease in the distribution of cheese, butter, and powdered milk, I think it is especially appropriate that we should be moving forward with this legislation at this time.

Mr. Chairman, my colleagues may have received a letter from the Office of Management and Budget which raises a number of questions about this bill. The criticisms outlined in this letter are unfounded. H.R. 5151 is not "a substantial retreat from toward the status quo ante of 1980," nor does it "reverse the 1981 Gramm-Latta Reconciliation Act reforms." It is a modest bill, which makes some significant reforms but all with an eye toward the budget.

The facts about the bill are as follows:

In dollar terms, the bill restores only about one-seventh of the large reductions made in the Food Stamp Program in 1981 and 1982. The Congressional Budget Office has estimated that legislative action in 1981 and 1982 reduced fiscal year 1985 food stamp spending by $2.06 billion. This bill raises fiscal year 1985 food stamp spending by $305 million—leaving over 85 percent of the original savings still in place.

Most of the major provisions in the bill come from the President's own Task Force on Food Assistance. The task force reported in January that it found hunger to be a "real and significant problem throughout our Nation." The task force recommended a number of modest food stamp increases to deal with this important problem. Those recommendations form the core of this bill.

In no way does this bill open the door to fraud, abuse, or error. Not a single one of the numerous antifraud or antiabuse provisions passed in 1979, 1980, 1981, or 1982 is repealed in this bill. In fact, the bill contains further toughening measures—substantially increasing fiscal penalties in States with error rates over 5 percent and tightening job search requirements.

The Office of Management and Budget has made several claims which I believe merit some clarification.

First, it has stated that the bill "would direct benefit increases to the highest income program beneficiaries."

This is not correct. The overwhelming bulk of the benefit increases would go to families living in poverty.

Just last month, USDA issued the results of a national food stamp survey which found that 95 percent of all food stamp households have gross incomes below the poverty line. The survey found that only 5 percent of recipients are above the poverty line and that they receive only 2 percent of program benefits. The facts are that no "high income" beneficiaries are left in the program. Households with gross incomes above 130 percent of the poverty line and net incomes above 100 percent of the poverty line are ineligible—such households were terminated under Gramm-Latta provisions that were enacted in 1981 and that are not changed or repealed by this bill.

The increased benefits in this bill come from provisions that are aimed to help poor families make it through the month without running out of food. The bill does not aid high income families or allow them into the program.

The OMB letter specifically claims that a provision to raise the earned income disregard from 18 percent to 20 percent of earnings expands benefits for "the highest income beneficiaries." In fact, this provision provides a very modest increase for all low income working families on the program, a group that was disproportionately affected by the 1981 changes and that is by and large quite poor. The survey USDA issued last month showed that working families on food stamps have average gross incomes of just $6,500 a year—for an average family of 3.7 persons. This is several thousand dollars below the poverty line for families of three or four persons. Even for households at the poverty line, this provision provides a benefit increase of just $5 a month, hardly an overgenerous windfall.

The OMB letter also mistakenly states that the work expenses of poor families have not risen—as a percentage of income—in recent years. A report issued by the Joint Committee on Taxation in April, however, shows that Federal tax burdens for families at the poverty line have more than doubled over the last 6 years as a percentage of income. This is one of the reasons this provision is needed.

Second, OMB argues that the bill increases the food stamp program's asset limit to a point higher than in most other public assistance programs.

In fact, $2,250 is the assets limit in SSI, a fact noted by the President's task force when it called on the administration and the Congress to raise the limit to $2,250 in food stamps as well. Food stamps has many households of four or more persons—and should not have lower assets limit for such households than SSI has for a household of two.

In recommending that the current food stamp assets limit be raised, the President's Task Force noted that the current limit had been set in 1971 and never adjusted since despite inflation. The task force also found that legitimately needy households—particularly the unemployed—were being kept out of the program because the current limits had been eroded by inflation and were now too low. The increase recommended by the task force—and reflected in H.R. 5151—offsets less than one-third of the impact of inflation since 1971.

Third, OMB alleges that the bill would eliminate retrospective accounting and monthly reporting. This, too, is not correct. In 1981, Congress mandated that all States utilize monthly reporting and retrospective budgeting systems in the hopes this would reduce errors in the program. Since 1981, results from four major federally funded demonstration projects on monthly reporting and retrospective budgeting have become available. The result of these projects—which HHS and USDA spend some millions of dollars to conduct—show that contrary to earlier hopes, these systems do not save money and do not reduce errors but but do increase paperwork and administrative costs and do adversely affect some needy recipients. Over 30 States have asked the Congress to make use of these systems a State option rather than a mandatory Federal requirement, so that States can use the systems where they would be cost-effective, but dispense with them where they would not be.

H.R. 5151 adopts the States' suggestion. It does not eliminate use of monthly reporting and retrospective budgeting. Rather, it makes use of these systems a State option. Since other provisions of the bill would increase penalties on States for errors over 5 percent, the combined effect would be to intensify pressure on States to reduce error rates while giving them more flexibility to find the most effective management mechanisms to get the error rates down.

Fourth, OMB argues that the food stamp program has grown and adequately serves those in need. It points out that benefit payments rose 43 percent from 1980 to 1983.

Regarding the increase in benefit costs, OMB fails to say that all of the increase was due to inflation and unemployment. Unemployment averaged 6.8 percent in 1980 but soared to 10.1 percent in 1983. USDA itself noted last year that each 1 percent in unemployment adds 1 million persons to the program. In addition, Bureau of Labor Statistics data show that food prices were 15 percent higher in 1983 than in 1980. This accounts for the increase from 1980 to 1983.

Moreover, since 1983, food stamp costs have fallen. Costs in 1984 are several hundred million below 1983 levels—and OMB and CBO project that costs will drop further in 1985.

Finally, a major CBO study last year found that when inflation and unemployment are taken into account, food stamp spending has actually been reduced. CBO estimates that the cuts resulting from the 1981 and 1982 budget reductions amount to $2 billion in fiscal year 1984 and to $2.1 billion in fiscal year 1985.

Fifth, OMB points out that the program rose from $550 million a year in fiscal 1970 to $8.7 billion in fiscal year 1980, due to a fivefold expansion in eligibility.

In fact, income limits were lowered in 1977 and 1980, and national eligibility limits were actually more restrictive in 1980 than in 1970. The "fivefold expansion in eligibility" simply never occurred. Program costs did grow significantly, but this was for other reasons:

Food stamps was not yet a national program in 1970. Over 1,300 counties had no program in 1970—they all had instituted a program by 1980. In addition, Puerto Rico was not in the program in 1970, but had a very large program by 1980, Puerto Rico was subsequently removed from the program in 1982.

Food prices more than doubled from 1970 to 1980.

Unemployment rose in 1980 and was well above 1970 levels.

AFDC households (which constitute 40 percent of the food stamp caseload) were poorer in 1980 than in 1970 and consequently qualified for higher food stamp benefits. Both HHS and the Congressional Research Service have reported that AFDC benefits, adjusted for inflation, fell nearly 30 percent from 1970 to 1980.

And finally, OMB claims that while food price inflation rose by only 15 percent (from 1980 to 1983), average food stamp benefits per person rose by 25 percent.

This is misleading. The fact is that no families had their benefits raised more than inflation. Nearly all households in the program actually had their benefits reduced to some degree by legislative actions taken in 1981 and 1982.

It is true that average household benefits went up faster than inflation—although OMB conveniently stops its comparison in 1983. By mid-1984, inflation had almost caught up with average food stamp benefits. But this was not because of any food stamp benefit increases—rather it was simply because food stamp households became much poorer from 1980 to 1983 and therefore qualified for larger benefits, on average. USDA's own food stamp surveys show that the income of food stamp households dropped significantly during this period, after adjusting for inflation. Just from 1980 to 1982, the proportion of food stamp households with incomes below half

the poverty line rose from 49 to 59 percent. Part of this was due to budget cuts in other programs such as AFDC. These reductions lowered households' incomes and thereby pushed up their food stamp allotments. However, since every $10 lost in another program resulted in only a $3 increase in food stamps, these households still ended up poorer—and, in many cases, with less total resources for food. The increase in average food stamp benefits masks this fact of increased hardship.

In addition, the 1981 budget cuts eliminated from the food stamp program households with gross incomes over 130 percent of the poverty line. Since these households received smaller-than-average benefits, their removal from the program made the average benefit go up. This statistical change in the average benefit did not bring with it any actual increases in benefits for poorer households, however.

Mr. Chairman, this is a good bill. I ask my colleagues, on both sides of the aisle, to give it their overwhelming support.

Mr. TRAXLER. Mr. Chairman, I rise in support of H.R. 5151, the Hunger Relief Act of 1984. I want to compliment the gentleman from California, the distinguished chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, Mr. PANETTA, for both introducing the bill and bringing it before the House in such a prompt and caring manner. I also want to thank Chairman DE LA GARZA and Mr. EMERSON, ranking Republican on the subcommittee.

This bill is not a giveaway, nor is it a waste of limited Federal dollars. It is merely a recognition of the fact of inflation.

I want to take a few moments to speak with my colleagues about a provision of this bill. Section 114 of this bill authorizes local agencies administering the Commodity Supplemental Food Program, at their discretion, to provide supplemental commodities to low-income elderly persons who may be eligible for such assistance. This provision is the culmination of efforts that have stretched over the past 4 years to provide nutritious food packages to senior citizens who are in need of assistance. The food assistance goes to senior citizens who are finding it difficult to obtain an adequate diet given their own economic condition, and the frustrations that they find with the existing structure of assistance programs. But even more importantly, this program, will provide a food package designed for the nutrition needs of senior citizens, with recognition for special dietary concerns, something no other feeding program does.

As part of the 1981 farm bill, the House Agriculture Committee was good enough to authorize the establishment of pilot sites for this program. The original sites were Detroit, MI, and Des Moines, IA. The list was later expanded to include New Orleans, LA.

These pilot sites have operated for 2 years now, and the response has been fantastic. Many participants who were interviewed about their experiences with the program, thought that it was among the best things that had ever happened to them. They found that it provided them with a better sense of self-sufficiency. While socialization is important for all of us, we all must remember that there are times when we all like to be in our own homes with a wholesome meal, especially on those days when weather and transportation make it most difficult for people to get to congregate meal sites, or to make the multiple trips necessary to get food stamps and then to get the food.

This program has operated at the lowest cost level of any Federal feeding program. The pilot sites are currently operating it at a little over $10 per person per month. There are over 12,000 people on the waiting list of the Detroit program. New Orleans has increased the size of its program dramatically in recent months.

Mr. Chairman, we are trying to help people who are probably unable to help themselves. Let me describe some of the people served by this program: five out of six people on the program are women; one-third of the participants are age 75 or older; 40 percent are on food stamps; 34 percent are on medicaid; 60 percent live alone; 60 percent are on Social Security; 18 percent are on both Social Security and SSI; 75 percent have a monthly income of less than $400; 55 percent suffer from high blood pressure; 66 percent have arthritis; 37 percent have heart disease; and 22 percent have diabetes.

Certainly this group is not one which can claim an easy life.

Section 114 in this bill addresses this problem in a compassionate, tested, and accepted way. The food items purchased using USDA's bulk buying power will help needy people in a way they accept.

The fiscal 1985 agricultural appropriations bill adopted by the House well over 1 month ago provides some funds which would allow for a modest expansion of the senior citizen program, although at the time of our action, all we could do was safeguard the continued availability of this program for Detroit, Des Moines, and New Orleans, so that no senior citizen who is being served on September 30 need to worry about the program being discontinued on October 1. USDA told us at our hearings that these three cities could continue to operate so long as their funding lasted, and we provided more funds for these programs to continue.

Mr. Chairman, I know that there is no comparable provision in the bill currently in the other body. I know that USDA officials are not supportive of this program because they flatly refuse to consider new programs, unless they are consolidations of existing programs. The fact is that the current mix of programs, for whatever reason, is not providing sufficient assistance for a critical portion of our needy population. These people cannot afford to wait for us to make up our minds about how to reinvent the wheel. They need food now. I do not want to be melodramatic about it, but in the experience of one of the pilot program operators, Focus: HOPE in Detroit, MI, when they call to let someone on the waiting list know that a space is available, they sometimes learn that the person died while waiting to hear.

I urge my colleagues to support this bill, and the ability of senior citizens to obtain nutritious food packages as part of the Commodity Supplemental Food Program.

□ 1110

Mr. EMERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the Hunger Relief Act of 1984. I ask unanimous consent to revise and extend my remarks.

In response to rising concern about hunger in America, President Reagan, the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, and various organizations initiated studies on its extent. Each one of the reports reflect that the problem of hunger is real, and action needs to be taken. I commend the subcommittee for taking the data and recommendations from these reports and incorporating them into the Hunger Relief Act. Most of the provisions in the bill are either specific recommendations of, or address concerns raised by, the President's Task Force on Food Assistance.

The bill would care for the hungry by increasing accessibility to food benefits. At the same time, it would increase work incentives to encourage food stamp recipients to become participants in the economic recovery. It would continue the fight against fraud and abuse by increasing program accountability. It would help recipients use their benefits more efficiently by increasing nutrition education. The bill also addresses the unique difficulties Alaska has in administering the Food Stamp Program in its rural areas.

We have a moral obligation to help alleviate the problem of hunger and we have the responsibility to keep

spending within budget constraints. The estimated cost of the bill is within spending targets established by the House-passed budget resolution for fiscal year 1985.

In my district, the State of Alaska, hunger in the remote areas is compounded by the fact that the current Food Stamp Program is not effectively helping the needy. Alaska has constantly struggled with the administration of the Food Stamp Program because unique geographical, cultural, and language and cost-of-living difference make it almost inoperable in the rural areas. The 9,040 food stamp recipients in rural Alaska are scattered throughout 200 remote villages contained in an area equivalent to the combined areas of California, Texas, New York, Maryland, and West Virginia. Most of these villages are accessible only by air or water. There are nearly 20 unrecorded languages as well as vast cultural differences between Eskimos, Indians, and Aleuts.

Because of these situations, the household definition, monthly reporting, and retrospective budgeting are difficult to apply in rural Alaska. The current definition of household assumes a nuclear family living together year round. However, the reality of life in most of the remote Alaska villages is communal living with families dispersing or migrating for seasonal hunting and fishing. Monthly reporting and retrospective budgeting requirements are difficult to adhere to due to uncertain mail service, transportation difficulties, and language differences.

Typically, we associate shelter costs in rural areas to be lower than those in urban areas. This is not the case in rural Alaska where housing is limited and utility costs are extremely high. Similarly, the cost of vehicles in rural Alaska are far higher than the cost in more accessible areas. The current cost ceiling on shelter and the inclusion of vehicles, snow machines, and boats—all of which are used primarily for subsistence activities—in resource determination, are extremely detrimental to rural Alaska food stamp households. This bill recognizes and addresses the incompatibility of Alaska's unique circumstances and current Food Stamp Program requirements through the inclusion of the Rural Alaska Nutritional Assistance Program in this bill.

The Rural Alaska Nutritional Assistance Program is designed to allow the State maximum flexibility in administering the program to rural Alaska food stamp recipients. Under the bill, the State of Alaska would develop a plan to administer the program tailoring program requirements and benefits to cultural, geographical, language, and cost-of-living differentials.

The bill is designed as a no-cost bill. Alaska would be provided from funds authorized for the Food Stamp Program a funding amount equal to the amount that would have been spent by the Department of Agriculture for operation of the Food Stamp Program in rural Alaska. The limited funding that the State will receive will insure efficient operation of the program without the need for excess regulation.

The bill states that the program meet "such reasonable requirements as the Secretary must, by regulation, prescribe for the purpose of assuring that assistance is provided to needy persons in the rural areas of the State." For the success of the program, it is intended that the current food stamp requirements cited previously the household definition, monthly reporting and retrospective budgeting procedures, the shelter cost ceiling, and what must be included in resource determination—not be required.

The Secretary shall approve or disapprove the State plan and oversee the accounting and the security of the program. In the event the Secretary disapproves the plan or the implementation of a plan, he can deny or withhold payments. Denial and withholding should be used as a last resort and only until the State complies. Denial should be used when there are major violations and withholding for lesser violations.

The flexibility afforded to the State of Alaska through this pilot project, will result in better service to Alaska's needy in rural Alaska.

Again, I commend the work of my colleagues on the subcommittee for their dedication to addressing the problem of hunger in America. The bill is a carefully drafted bipartisan compromise, one which we can all support.

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to conclude the debate this morning, I cannot express enough appreciation to the chairman of the subcommittee, the gentleman from California [Mr. PANETTA], the gentleman from Missouri [Mr. EMERSON], the ranking member, and the members of the subcommittee for the diligence, and the dedicated responsible and yet compassionate way in which they have addressed this issue.

I think that we bring to the House, as hopefully the House will agree, and as is the norm for our Committee on Agriculture, responsible legislation with as much bipartisan support as is possible and, yet, with respect for individual philosophy and individual concerns. We have worked diligently to bring this legislation to the floor.

As we proceed next week, I would hope that we will receive the support of the House.

I would like to make one point, Mr. Chairman, as we deal with hunger, malnutrition, with scarcity, with lack of nutrition for many of our citizens—it never has been the fault of the farmer. It is not because of any fault of the producers in the United States of America. The food has been there.

The problem has been unemployment, underemployment, perhaps transportation, and distribution. But never the fault of the farmer. The people of the United States have the best quality food, for the lowest amount of disposable income per family, of any people in the world. The major problem is low income for many people or underemployment. But any hunger that exists is not the fault of the farmer who, by and large, produces—unfortunately, more often than not—at a return that is below what it costs him to produce.

So we are addressing an issue that is not in any way the fault of the farmer. It is due to something that went wrong in some other area.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the distinguished gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. I thank the distinguished chairman of the Committee on Agriculture for yielding.

Mr. Chairman, I just take this time to rise in strong support of this legislation and to compliment the chairman of the full committee, the chairman of the subcommittee, and the subcommittee leadership on the other side of the aisle in bringing this legislation to the floor.

I hope and expect that it will have overwhelming support from the membership.

● Mr. CHAPPIE. Mr. Chairman, I signed the supplemental views in the report accompanying H.R. 5151 for the reason, among others, that it expresses the hope that the costs of this bill can be reduced during its consideration on the floor and that refers to a commitment made by the chairman of the Subcommittee on Domestic Marketing, Consumer Relations and Nutrition that "* * * the spending levels set by the first concurrent budget resolution, yet to be adopted by the Congress, would not be exceeded by the cost of H.R. 5151."

With respect to the opportunities for cutting the costs of this bill, I am on record as supporting amendments offered in full committee by my colleagues, Mr. COLEMAN and Mr. EMERSON that in my opinion would have made this bill more acceptable to those of us in this body concerned about the size of the Federal Government deficits this Nation faces in fiscal years 1985 through 1987.

I commend my colleagues on the committee who expended considerable effort to reduce the costs of this bill from those estimated for the Food

Stamp Program portions of the bill at the time of its introduction. It was substantially improved in committee, but there are further opportunities for improving on the costs of this bill that I urge my colleagues in the House to support when they are offered on the floor today.

Turning next to the commitment not to exceed the spending levels set by the first concurrent budget resolution this issue has caused me some concern because of what I perceive as some ambiguity as it appeared to me based upon my reading of House Report No. 98-645 (Part 1, pp. 29-30) accompanying House Concurrent Resolution 282, the first concurrent resolution on the budget—fiscal year 1985.

It is noted that on page 29 of such report (H. Rept. No. 98-645, Part 1) there is created what has been referred to by some as a "pay-as-you-go pool" to provide real increases in domestic spending in fiscal years 1985 through 1987:

Although overall spending limits are necessary to achieve steady deficit reduction, there are some high priority Federal responsibilities which will require increases above the 3.5 percent limit. The recommendation therefore, allows a real increase for certain low-income programs, such as nutrition, food stamps, health, training, higher education for needy students including historically black colleges, and elementary and secondary education programs for handicapped and disadvantaged students. This would add $2.85 billion over three years to the non-defense discretionary program category. This addition results in a net savings in non-defense discretionary programs of $4.60 billion over three years.

The recommendation assumes a pay-as-you-go amendment which includes financing the real increases for these programs through an offsetting revenue increase.

The total amounts available for non-defense discretionary programs under the recommendation will be available for the Appropriations Committee to allocate among the individual non-defense discretionary programs.

Meanwhile, the Food Stamp Act of 1977 and the Agriculture and Food Act of 1981 capped Food Stamp Program authorizations for a number of years and it is assumed that the language in the Budget Committee Report (H. Rept. No. 98-645, Part 1, page 30) listing the Food Stamp Program as one of the fully funded entitlements was inadvertent and in error.

I would urge my colleagues in the House to insure during the consideration of H.R. 5151 on the floor that the additional costs provided in the bill continue to come within the capped authorizations and be scored as discretionary spending and that the spending limitations for fiscal years 1985 through 1987 comply strictly with the first concurrent budget resolution for fiscal year 1985 adopted by the Congress.

Having referred to the Food Stamp Act of 1977, I should caution my colleagues in the House that in June of 1977 the report (H. Rept. No. 95-464) accompanying H.R. 7940 hailed that bill, that ultimately went to conference and became law, as the reform solution to the Food Stamp Program for the foreseeable future:

The new Administration gave very high priority to food stamp reform, and early in this session the Administration forwarded a proposed bill to the Congress. The Subcommitte on Domestic Marketing, Consumer Relations, and Nutrition promptly held hearings and reported an improved and strengthened bill to the full Committee. The full Committee has now completed action on the most comprehensive reform of the food stamp program since its inception as a pilot program in 1961.

A. REFORM OBJECTIVES

The Committee bill is a tightly inter-related package of provisions that accomplishes several major objectives:

1. To tighten program administration and reduce fraud and abuse.

2. To eliminate the non-needy from the program so that those who do not need food stamps do not get them.

3. To facilitate the participation of the needy so that those who do need stamps do get them.

4. To hold program costs close to current program levels.

5. To simplify administration.

6. To minimize the loss of benefits to current needy participants.

It is important to emphasize that legislation to accomplish those objectives in no way depends on subsequent welfare reform proposals. The food stamp program needs to be reformed, and it should be reformed regardless of the direction of welfare reform. The changes adopted by the Committee are needed to improve the effectiveness of this program and to correct current deficiencies.

The minority views in that report unfortunately correctly characterized and forecast that legislation as "deform" not "reform:"

The new "income stamp" program set forth in this bill takes a giant step backward from, food stamp reform. H.R. 7940 in fact deforms, not reforms, USDA's largest program which has been riddled with abuse, error, and fraud.

We contend that the minimum standards of true reform, should include an improved system of dignified food aid to poor people, a cost reduction for taxpayers, administrative simplification, restored program integrity and public confidence that benefits will go only to those recipients who are truly in need.

This bill unfortunately repeals all the major restraints of the existing Food Stamp Act, replaces the 1964 statute with a host of new administrative complexities, does little to change benefits to controversial recipients, substantially increases the public's burden of paying for it, reduces the amount of money that poor people will spend on food, and sharply cuts farm income.

I mention the foregoing because in 1977 the Congressional Budget Office [CBO] provided the following cost estimate (H. Rept. No. 95-464 p. 464) for the Food Stamp Act of 1977:

COST ESTIMATE: BUDGET OBLIGATIONS AND OUTLAYS

[In millions of dollars]

	Fiscal year—				
	1978	1979	1980	1981	1982
FOOD STAMP PROGRAM ACCOUNT					
Current policy:					
Budget obligation	5,354.0	5,467.0	5,458.0	5,507.0	.....
Outlay	[1] 5,145.0	5,466.0	5,455.0	5,505.0	215.0
Bill impact:					
Budget authority	−24.0	+144.0	+155.0	+120.0	.....
Outlay	−23.0	+134.0	+158.0	+121.0	+5.0
Total after bill:					
Budget authority	5,330.0	5,611.0	5,613.0	5,627.0	.....
Outlay	5,122.0	5,600.0	5,613.0	5,626.0	+220.0
FOOD DONATION ACCOUNT					
Current policy:					
Budget authority	24.3	25.7	27.1	28.4	.....
Outlay	23.4	24.3	26.9	28.3	2.6
Bill impact:					
Budget authority	1.7	1.7	1.7	1.7	.....
Outlay	1.6	1.7	1.7	1.7	.1
Total after bill:					
Budget authority	26.0	27.4	28.8	30.1	.....
Outlay	25.0	26.0	28.6	30.0	2.7

[1] Represents current outlays for fiscal year 1978 budget authority. Total outlays including prior period obligations is $5,358,000,000,000.

What really happened after the so-called reform Food Stamp Act of 1977 was enacted that eliminated the purchase requirement, and so forth, can be seen from the following table constructed from information provided by the U.S. Department of Agriculture on obligations since 1977:

FOOD STAMP GROWTH FROM 1977 [1]

Fiscal year	Authorization	Appropriation	Obligation
1978	$5,847,600,000	$5,618,381,000	$5,546,041,000
1979[2]	[3]6,778,900,000	6,670,278,000	6,868,900,000
1980	9,491,000,000	9,181,599,000	9,147,491,000
1981	[4]11,480,000,000	11,470,000,000	11,303,345,000
1982	[5]11,300,000,000	11,285,841,000	11,059,411,000
1983	12,874,000,000	11,989,688,000	11,837,702,000
1984	13,145,000,000	[6]11,722,914,000	.....
1985	13,933,000,000	.....	.....

[1] Obligation amount obtained from USDA.

[2] Fiscal year 1979 includes $337 million carryover from fiscal year 1978.

[3] Amended by Public Law 96-58, section 1, 93 Stat. 389, Aug. 14, 1979, to change the amount authorized to be appropriated for the fiscal year ending September 30, 1979, from $6,158,900,000 to $6,778,900,000.

[4] Amended by Public Law 96-249, section 201, 94 Stat. 370, May 26, 1980, to reflect change in appropriations ceiling, increasing $6,188,600,000 and $6,235,900,000 to $9,491,000,000 and $9,739,276,000 respectively. Further amended by Public Law 97-18, section 1, 95 Stat. 102, June 30, 1981, to delete "$9,739,276,000" and insert in lieu thereof "$11,480,000,000".

[5] Amended by Public Law 97-98, section 1331, 95 Stat. 1291, December 1981, to delete "and" after "September 30, 1980,"; and insert before the period at the end thereof the following "; and not in excess of $11,300,000,000 for the fiscal year ending Sept. 30, 1982". Further amended by Public Law 97-253, section 183, 96 Stat. 785, Sept. 8, 1982, to add the figures for 1983, 1984, and 1985.

[6] Appropriation for fiscal year 1984 estimated and includes $700 million supplemental.

Based upon my concern for the miscalculations by CBO on the cost of the major rewrite of food stamp legislation in 1977, I requested the ranking member of the Budget Committee to obtain certain information on the cost of H.R. 5151 compared with spending limitations of the House-passed budget resolution.

I insert this exchange of correspondence in the RECORD because I believe it is revealing about: First, the lack of budgetary limits on food stamp spending; and second, the fact that CBO acknowledges that the cost estimate for H.R. 5151 "are based on economic and technical assumptions that are uncertain":

COMMITTEE ON THE BUDGET,
Washington, DC, May 14, 1984.

RUDOLPH G. PENNER,
Director, Congressional Budget Office.

DEAR RUDY: Congressman Gene Chappie has expressed concern over the food stamp authorization in H.R. 5151. Under the House passed budget resolution for FY 1985, certain discretionary accounts were subject to a "modified freeze" allowing 3.5% nominal growth in non-defense discretionary programs. Certain programs, however, were exempt from that freeze. On page 29 of the Report of H. Con. Res. 282, the food stamp program is listed as one of the low income programs exempted, and to which the Appropriations Committee would have the flexibility to add extra money. In toto, these exempted programs are not to receive more than $2.85 billion.

However, on page 30 of the report, the food stamp program is again listed as an entitlement program, exempt from the entitlement freeze, and assumed to be fully funded over the next three years.

Apparently, the food stamp provisions in H.R. 5151 would raise the authorization for the program approximately $900 million over the baseline levels for FY 1985-1987. I would like you to calculate the total authorization and outlay levels for the food stamp program under H.R. 5151, and the resulting annual growth in the program over FY 1984 estimated spending. In addition, I would like you to calculate what the spending totals would be for the food stamp program if the program were included in the 3.5% discretionary cap.

Furthermore, under the 1981 Omnibus Reconciliation Act, food stamp authorizations were capped. I would like to know if H.R. 5151 continues to cap spending, and if so, at what limits. If spending is capped, is H.R. 5151 scored as a discretionary program, and does it comply with the spending limitations of the House passed budget resolution? If the bill allows the food stamp program to technically become an entitlement program, is it permitted to spend more than the amount assumed in the budget resolution? Finally, I would like to know, in CBO's opinion, what would be the responsibility of the Appropriations Committee in funding this program under H.R. 5151.

Due to the expedited schedule for authorizations, H.R. 5151 is expected to be considered by the House shortly. I would therefore, appreciate a response as soon as possible.

Sincerely,

DELBERT L. LATTA.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 16, 1984.

Hon. DELBERT L. LATTA,
Ranking Minority Member, Committee on the Budget, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN: This is in response to your letter of May 14 concerning the food stamp authorization under H.R. 5151.

You asked about total authorization and outlay levels for the food stamp program under H.R. 5151 and the resulting annual growth in the program over fiscal year 1984 estimated spending. These estimates are shown below.

[By fiscal year, in millions of dollars]

	1984	1985	1986	1987
Baseline food stamp levels:				
Estimated authorization	12,076	11,788	12,635	13,066
Estimated outlays	12,119	11,792	12,626	13,062
Estimated change from H.R. 5151:				
Estimated authorization	0	306	458	228
Estimated outlays	0	305	457	227
Total assuming H.R. 5151:				
Estimated authorization	12,076	12,094	13,093	13,294
Estimated outlays	12,119	12,097	13,083	13,289

Assuming H.R. 5151, the estimated annual rate of growth of outlays between fiscal year 1984 and fiscal year 1987 is 3.1 percent. It should be noted that given spending to date in fiscal year 1984, the current CBO estimate may understate total 1984 food stamp spending. In addition, the 1985 through 1987 estimates are based on economic and technical assumptions that are uncertain. Food price increases through March 1984 indicate a larger increase in food stamp levels for October 1984 than has been assumed in the baseline estimates.

You also asked us to calculate what spending totals would be for the food stamp program if the program grew at 3.5 percent per year from 1984 to 1987. These estimates are shown below.

[By fiscal year, in millions of dollars]

	1984	1985	1986	1987
Food stamp spending assuming a 3.5 percent growth rate from 1984 through 1987:				
Authorization	12,076	12,499	12,936	13,389
Outlays	12,119	12,486	12,931	13,384

You asked about caps on food stamp authorizations in the 1981 Omnibus Reconciliation Act. The only authorization cap relating to food stamps in the 1981 Omnibus Reconciliation Act was a $825 million limit on nutrition assistance to Puerto Rico. The Omnibus Reconciliation Act of 1982, however, set authorization limits of $12,874, $13,145, and $13,933 million in fiscal years 1983, 1984, and 1985, respectively. H.R. 5151 does not alter the authorization limits for fiscal years 1984 and 1985. The food stamp program is currently not authorized beyond fiscal year 1985.

You asked how spending in H.R. 5151 compares with the spending limitations of the House passed budget resolution. Since the resolution does not set limits by individual programs or accounts, but rather addresses overall spending limits, we are unable to compare the resolution totals for food stamps alone to spending under H.R. 5151.

Finally, you asked about the scoring of H.R. 5151 and the responsibility of the Appropriations Committee in funding this program. Currently, food stamp spending is considered discretionary for scorekeeping purposes by the House and Senate Budget and Appropriations Committees. H.R. 5151 does not alter the discretionary nature of the spending. For this reason, CBO does not score food stamp spending until appropriations are made for the program.

Attached for your information is a copy of our cost estimate for H.R. 5151, as ordered reported by the Committee on Agriculture.

Sincerely,

RUDOLPH G. PENNER,
Director.

After the enactment of the "Omnibus Budget Reconciliation Act of 1981", Public Law 97-35, the table above indicates that the cost of the Food Stamp Program stabilized (during the period of fiscal year 1981-84) while handling increased demands on the program during the recent recession.

Statistics now clearly indicate that a strong recovery is underway. Why must we now reverse and repeal the only effectiveness that has ever been introduced into the Food Stamp Program—the Omnibus Budget Reconciliation Act of 1981.

At a time when everyone in this body is wringing their hands about Federal deficits, why must we address yesterdays problems by adding to the deficit with new spending added to existing programs?

The Director of the Office of Management and Budget sees the need to keep spending under control, and as noted in the copy of his letter reprinted below, states unequivocally that he will recommend to the President that "he disapprove it", should it reach the President's desk. I would join Mr. Stockman in urging that the Gramm-Latta repealers be eliminated from this bill.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 24, 1984.

DEAR REPUBLICAN MEMBER: When the Foods Stamp Amendments of 1984, H.R. 5151, come to the floor, you will have the opportunity to make a clearcut choice in favor of spending restraint.

The need to keep spending under control has never been clearer. Yet the Agriculture Committee's proposed Food Stamp add-ons would:

Repeal important reforms achieved in the 1981 Gramm-Latta reconciliation bill,

Expand Food Stamp spending by $1.1 billion over the next three years; and

Direct benefit increases to the highest-income program beneficiaries.

Repeal of hard-won reforms: In 1981, the Congress finally responded to the pleas of its constituents to do something about the abuses plaguing the Food Stamp program. Through a variety of changes, such as insisting on using actual, rather than "projected" income to determine eligibility, the 1981 Reconciliation Act had the effect of restricting eligibility to those whose need was greatest.

Despite these changes, the 1981-1982 recession showed that the "safety net" character of the Food Stamp program remained intact. As needs rose, participation rose from 19.3 million to 21.6 million, and benefit payments rose by 43% between 1980 and 1983. In fact, while food price inflation rose by only 15% during that period, average Food Stamp benefits per person rose by 25%. By any reasonable measure, current Food Stamp rules are providing generous support to low-income families nationwide.

The Committee, however, proposes to ignore this successful history, and recommends a substantial retreat toward the status quo ante of 1980. The Committee bill would:

Eliminate retrospective accounting, going back to the pre-German-Latta system where benefit levels and eligibility determinations are based on the claimaint's prediction about what his next-month's income is likely to be;

Raising income disregards back to the pre-Gramm-Latta 20% level, expanding benefits for the highest-income beneficiaries with earnings.

Increase the asset limits to $2,250. Since these asset limits don't apply to the value of a home, personal belongings, or an automobile, it would mean that families with sub-

stantial cash in the bank could nevertheless qualify for substantial Food Stamp benefits.

We can't return to the abuses of the past: In all, the Committee's bill is an open invitation to return to the program abuses of the 1970's, when the Food Stamp program rose from $550 million a year in FY 1970 to $8.7 billion in FY 1980, due to a five-fold expansion in eligibility.

The impetus for the 1981 reforms came from constituents fed up with Food Stamp program abuses. Quite apart from the obvious fiscal threat, it would be totally irresponsible to surrender the 1981 reforms.

For this reason, were H.R. 5151 to reach the President's desk in its present form, I would recommend that he disapprove it.

I hope you will do everything in your power to amend this legislation to eliminate the Gramm-Latta repealers. If this effort fails, I urge you to join the Administration in opposing the bill on final passage.

Sincerely,

DAVID A. STOCKMAN.

H.R. 5151—FOOD STAMP ADD-ONS

1. The Administration strongly opposes enactment of H.R. 5151:

H.R. 5151 creates massive new spending at a time when both houses of Congress are working to bring the deficit under control. The bill would cost $311 million in FY 85 and $1.1 billion in FY 85-87 relative to current services.

The bill would reverse the 1981 Gramm-Latta Reconciliation Act reforms of Food Stamps which targeted assistance on the neediest households.

If the bill were to reach the President's desk, it could not be recommended for approval in its present form.

2. The bill repeals several 1981 reforms:

H.R. 5151 would eliminate the current requirement for Food Stamp monthly reporting and retrospective accounting.

Households with frequent income changes would no longer be required to report actual income but would instead make uncertain predictions of future income.

Monthly reporting in essence is already optional since USDA has permitted States to target the procedure on only 25% of the most error-prone caseload to assure its cost-effectiveness.

The bill would reverse the 1981 reform which reduced the earned income deducation from 20 to 18%.

Congress initially reduced the deduction because of evidence that work expenses represented only 15% of earned income. More recent information shows little change in this ratio.

3. Other provisions in H.R. 5151 reverse our 1981 efforts to target assistance more directly to a household's needs.

The bill provides for allotment increases over and above the current annual inflation adjustments. These unjustified add-ons would cost $485 million over three years.

The bill increases the Food Stamp program's asset limit to $2,250—higher than the limit in most other public assistance programs. For example, the current AFDC asset limit is $1,000. A recent GAO report urged that the asset tests of these two programs be made more comparable to simplify administration.

The current assets limits are not burdensom especially since a family's house, most of its cars and its personal belongings are exempt.

4. Current law already provides ample assistance to households in need:

Since 1980, Federal food program spending has increased by 38%—from $14 billion in 1980 to $19.4 billion in 1983.

This Administration has initiated the direct distribution of free USDA surplus commodities to needy housholds at a cost of over $1 billion a year.

There has been dramatic growth in the Food Stamp program since 1980. Food Stamp spending rose 43% between 1980 and 1983 while participation increased from 19.3 million to 21.6 million during that same time period.

Average Food Stamp benefits per person have increased by 25% since 1980 while food inflation has increased only 15%.●

● Mr. ACKERMAN. Mr. Chairman, I rise today in strong support of H.R. 5151, the Hunger Relief Act of 1984. If passed, this legislation would bring long-overdue reform to the Food Stamp Program.

The proposed increase in the shelter allowance is particularly welcome. This figure has not been adjusted since 1975, although the cost of housing has soared during that time. As a result, two-thirds of the welfare recipients in New York State now pay more in rent than they receive in grants. Money that these needy families could have spent on food or clothing goes instead to their landlords.

H.R. 5151 would raise the shelter allowance from the present $125 a month to $155 a month. Over 338,000 households in New York City alone would benefit from this change.

Mr. Chairman, this bill also covers a segment of our population that is, unfortunately, growing—a group that is often overlooked when public-assistance legislation is drafted. I am speaking about the homeless, whose problems go beyond a meager shelter allowance or an insistent landlord. Each day is another ordeal for them, as they fight hunger, rejection, the weather, and perhaps their own delirium.

For the homeless, food stamps are critical. Their very survival may hinge on them. The homeless have heretofore been excluded from the program solely because they have no permanent address. The group most needing our support and compassion has, by their very definition, been barred from receiving our help. The homeless have thus been forced to rely on the efforts of voluntary, religious, and municipal agencies, fostering a dependency that further demeans and discourages them. They must eat what they're told, when they're told, and where they're told.

Think of the misery of the family that has fallen on hard times. The unemployed parents now have to line up their children to get fed, in a dreary processional of ragged, sullen, and sometimes surly people. Does this environment promote self-reliance or family togetherness, values which the Reagan administration pretends to champion?

The Hunger Relief Act, which the President typically opposes, would help reverse this alarming trend. If the homeless were able to obtain food aid directly and individually, without waiting for intermediaries to respond, they could devote more of their time and energy to finding a job and a permanent place of shelter. The bill provides food stamps precisely in this just manner, so long as applicants meet all the other eligibility requirements.

In the past, Mr. Chairman, the lack of a fixed address has in some States prevented the homeless from qualifying for the program. This regulation was based on the assumption that there was no way of getting the stamps into the right hands, and that fraud would be rampant. But social service and advocacy groups know better. For years, they have argued that shelters or churches could serve as distribution centers. I am happy that the distinguished members of the Agriculture Committee have seen the wisdom and integrity of this arrangement. I trust that the rest of the House will join in the wisdom of their judgment.

For the poor, food stamps are the first line—often the only line—of defense against hunger. Food stamps also represent the best and most comprehensive effort of the Federal Government to stave off malnutrition. Why should a child be denied these benefits merely because the parent happens to be homeless? Is that child, that family, any less needy than the poor persons lucky enough to have a roof over their heads? Of course not.

I therefore urge my colleagues to join me in enthusiastically voting for H.R. 5151, the Hunger Relief Act of 1984.

Thank you. ●

● Mr. SUNIA. Mr. Chairman, I am proud to join my fellow colleagues in the Pacific region in support of H.R. 5151, the Hunger Relief Act of 1984.

Provisions for the Food Stamp Program serve a worthy cause to the needy and low-income households, to the elderly and disabled, to recipients of Aid to Families with Dependent Children and SSI, with coupons redeemable for food. Food stamps supplement the food-purchasing power of these low-income households in order to ensure that they are able to afford a nutritionally adequate low-cost diet, as determined by the Agriculture Department's thrifty food plan.

This program would also permit the homeless to receive the benefits. Allowances are also made for those recipients who are employed or face high housing and utility costs, and increases the value of assets that food stamp recipients are allowed to hold. More so, this piece of legislation would require that States implement expanded job search requirements.

Poverty and hunger in the United States have increased. This brings the need and demand for emergency food assistance. It not only covers the traditionally considered poor, but also those who have just recently become unemployed. These individuals often face the problem of having little or no income but too many assets to be eligible for assistance from the government.

America and its territories promote freedom, equality, and opportunity, and I believe that no American should experience hunger in this land of plenty.●

● Mr. DURBIN. Mr. Chairman, the bill which we are considering today, H.R. 5151 attempts to balance the benefit needs of food stamp recipients with the desire to maintain a cost effective system. On the one hand, I think we all agree that assisting the truly needy is worthy and that we can be proud of the Food Stamp Program in this regard. However, on the other hand, I think most of us also agree that, to the greatest extent possible, we should guarantee that the funds allocated to this program are well monitored and responsibly managed.

The burden of recordkeeping, quality control, and general administration of the Food Stamp Program falls on the States. The States are required under the Food Stamp Act to have quality control systems to identify the types of errors being made and to quantify the losses attributable to each type. This has been required since fiscal 1981, with error rate results compiled and reported for 6-month periods. Payments to ineligible persons are monitored to provide information for devising corrective actions to reduce erroneously issued benefits. They also serve as the basis for establishing State or Federal financial liability for excessively erroneous payments.

Managers in private industry have long employed quality control systems to help assure that services meet certain standards. This systematic means to assist businesses, if applied to the Food Stamp Program, should help State and local administrators monitor and control the accuracy of payments to program clients. I know the State of Illinois is grateful for the quality control program. The Department of Agriculture's Food and Nutrition Service uses a corrective action process to encourage States to solve program problems. The States are required to make reviews to identify problems in State and local operations and to develop and implement corrective plans. This involves setting target dates and measuring changes in overissuances or payments to ineligible persons. Among the major problems have been certification errors in determining eligibility and benefits.

Holding States accountable for their Food Stamp Program deficiencies has made States put more emphasis on carrying out corrective actions. The prospect of losing some Federal funds has prompted some top level State and local officials to give increased attention to improving their programs. Perhaps even more of an incentive, according to a GAO report of May 30, 1984, has been the adverse publicity which accompanies any sanctions issued against States for high error rates.

H.R. 5151 increases the sanctions against States for error in determining and distributing benefit payments. Currently, States are sanctioned at 5 percent of their federally funded administrative costs for each percentage point their rate exceeds 9 percent for fiscal 1983, 7 percent for fiscal 1984, and 5 percent for fiscal 1985. This bill provides that sanctions would be based on total issuances rather than administrative costs, making States liable for the full value of overissued food stamp benefits beyond a 5-percent error threshhold. States have justifiably opposed this measure, since it could more than double the average financial penalty States would have to pay for errors after fiscal year 1985. Although I think this is a severe measure, it is a strong statement of congressional concern about quality control in the Food Stamp Program.

Nonetheless, if we are sincerely concerned about assurances that the benefits of this program reach the truly needy, the use of penalties will solve only part of the problem. What really needs to be addressed is the quality control mechanism. And, as the recent GAO report points out, each State has its own set of problems and corrective action plans must be designed to address the particular set of circumstances for each particular State. Therefore, the Federal regulations must allow a wide range of options in solving their overpayment problems.

I believe that provision in this bill which makes mandatory reporting and retrospective accounting optional is necessary in light of these stringent error rate requirements. Too frequently States are charged with not caring how they handle Federal money. And, the adverse publicity which accompanies even one finding of fraud in the food stamp program deepens this perception. Perhaps some States are sloppy with Federal funds; perhaps some of them don't have the necessary information and management systems to adequately monitor this program.

But most of the States have made great progress over the past 3 years. Illinois has improved its error rate by 40 percent and the agency-caused budgeting errors dropped 75 percent.

However, Illinois has indicated that monthly reporting and retrospective budgeting does not help quality control. Results from a demonstration project showed that payment error rates were about the same in both the conventional and monthly reporting groups, contrary to expectations. Unfortunately, the current law makes monthly reporting mandatory, even though in Illinois they found that it led to increased costs due to accompanying paperwork and it was less responsible to recipient needs.

If we are going to penalize the States for errors, we should allow them to choose the tools which will help them to bring down their error rates. This bill will permit States to determine whether or not monthly reporting and retrospective budgeting will decrease overissuances. Any attempt to remove this section of the legislation will just make it harder for States to provide the best service possible to food stamp recipients. Rather than increasing the regulations binding the administration of this program, the Federal Government must improve its quality control assistance efforts. States don't need more requirements, they need assistance with quality control reviews, access to better information processing equipment, fraud detection systems, and worker education.

During the Agriculture Committee markup of this bill, Members discussed this problem at length. I think there was a general concensus that the quality control system could be improved and that the error rate calculations have not been adequately defined. Therefore, the committee approved an amendment I offered to H.R. 5151, which requires a report from the Secretary by April 1, 1985, about the quality control system effectiveness and the methods used for calculating the error rates. I have received assurances from the chairman of the subcommittee, the author of this bill, that prior to reauthorization of the Food Stamp Program next year, we will gather information from the States, the Federal Government, and other involved parties as to the efficacy of the current quality control system. He has agreed to further debate about the error rate system, and I think that any actions taken next year will be based on the best information possible.

But, for now we need to pass H.R. 5151. This bill will increase the benefits by changing the formula for the cost of the thrifty food plan. It streamlines the eligibility process by making households with AFDC or SSI recipients automatically eligible. It raises the deductions for earned income as a work incentive. It repeals mandatory monthly reporting and retrospective accounting.

The Food Stamp Program operation is vital. The program has continued to provide food assistance to the Nation's needy since it was established by the

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Food Stamp Act in 1984. I think we have suffered some set backs in this program over the past few years, but this bill helps to overcome some of these deficiencies. I agree that there are some problems, especially in regards to sanctions against States, but I also think that these will be successfully addressed at another time.

This is a bipartisan effort; let's keep it intact.●

● Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 5151, the Hunger Relief Act of 1984. This is a limited attempt by this body to respond to the alarming presence of poverty and hunger in the United States. This legislation seeks to address one of the cities in our midst, a city of hunger and desperation such as described by Gov. Mario Cuomo of New York in his depiction of our Nation as a "Tale of Two Cities."

H.R. 5151, most importantly, would increase benefits for food stamp recipients by basing maximum benefits in fiscal year 1985 on 100 percent of the Thrifty Food Program. Benefits would subsequently be based on 101 percent of the Thrifty Food Program in fiscal year 1986, returning to 100 percent of the Thrifty Food Program in fiscal year 1987. This benefit increase is a response to the cruel budget cuts contained in the Omnibus Budget Reconciliation Act of 1982 which reduced food stamp benefits in fiscal year 1982 through fiscal year 1985 by holding benefits to 99 percent of the Agriculture Department's thrifty food plan.

This measure also expands eligibility to include the many homeless who meet other eligibility standards required to receive food stamps. Additionally, the Hunger Relief Act provides for automatic coverage for recipients of Aid to Families With Dependent Children and recipients of SSI.

Mr. Chairman, we need to pass this bill if our Government is to pass the moral test in terms of how it affects the young, the elderly, the handicapped, and the needy. Relief organizations in the District of Columbia continue to indicate to me that hunger is getting worse.

The Congress in reducing the Food Stamp Program made a mistake. More than 1 million beneficiaries lost their eligibility when we reduced the Food Stamp Program by 13 percent in the Omnibus Budget Reconciliation Act of 1982.

The Food Stamp Program, as it is presently constituted, based on the inadequate Thrifty Food Program, barely provides subsistence or affected families. The Hunger Relief Act is a small beginning in the long walk we will have to take if we are to really have one Nation and not a continuing "Tale of Two Cities."

I urge my colleagues to pass H.R. 5151.●

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 5151, the Hunger Relief Act of 1984. The legislation has been reported to the floor with bipartisan support and I share the distinguished chairman's view that this bill is a responsive and responsible approach to addressing the problem of hunger in the United States.

Once again, the country is indebted to the leadership of Chairman DE LA GARZA, Subcommittee Chairman LEON PANETTA and the distinguished ranking minority member, BILL EMERSON, of Mr. PANETTA'S Subcommittee on Domestic Marketing, Consumer Relations and Nutrition.

On the national level, this legislation recognizes that the problem of hunger is a continuing one and the national Food Stamp Program must constantly be modified and tightened to meet changing national needs. The legislation before us takes steps to increase work incentives for food program participants, helps provide for adequate food program benefits and increases nutrition education efforts.

As Resident Commissioner from Puerto Rico, I endorse this legislation.

I wish to point out, however, that Puerto Rico has a separate nutritional assistance block grant to meet our island's nutritional needs. Our island program was continued at the close of the first session of the 98th Congress under the terms of a fixed block grant which, unlike the provisions in the legislation before us, does not have a cost-of-living or inflationary increase to meet the higher costs of living and annually adjust our level block grant.

I believe this is a problem that the U.S. Congress should address at some future point. But, at the same time, I commend the gentlemen who once again have exercised their leadership and continuing diligence in reporting this responsible compromise to the House floor to help citizens of the U.S. mainland.

The less affluent in this country, and those who count on the Food Stamp Program as the most visible Federal presence in helping provide families adequate nourishment, once again have had their needs met by the provisions of H.R. 5151.

I urge its prompt and speedy passage.●

Mr. DE LA GARZA. Mr. Chairman, I move that the Committee do now rise.

□ 1117

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BROWN of California] having assumed the chair, Mr. TORRES, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 5151) to alleviate hunger in the United States by strengthening Federal nutrition programs, had come to no resolution thereon.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered, H.R. 5151.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. LOEFFLER asked and was given permission to address the House for 1 minute.)

Mr. LOEFFLER. Mr. Speaker, I ask for this 1 minute in order to ascertain the schedule for the remainder of the week and for next week.

I am happy to yield to the distinguished majority whip, the gentleman from Washington [Mr. FOLEY], for whatever information he might be able to bring to us.

Mr. FOLEY. I thank the acting Republican leader for yielding.

Mr. Speaker, this concludes the business for today and for the week.

It will be my intention shortly to ask unanimous consent that when the House adjourn today it adjourn to meet on Monday next.

At that time, the House will meet at noon and consider under suspension of the rules nine bills.

Prior to that there will be a special District Calendar, permission for which has already been granted.

The bills under suspension of the rules are:

H.R. 5946, Conservation Service Report Act of 1984; House Resolution 555, Senate of House disapproving the appointment of Ms. Burford as Chairman of NOAA; H.R. 6013, Small Business Act amendments; H.R. 5799, employment security for veterans in certain Civil Service positions; H.R. 5846, Crime Fine Enforcement Act of 1984; H.R. 5910, to amend title 18, United States Code, regarding contraband in prisons; H.R. 5872, Financial Bribery and Fraud Act of 1984; H.R. 5526, to amend title 18, United States Code, regarding escape from custody resulting from civil commitment; and H.R. 5919, Foreign Evidence Rules Amendment Act of 1984.

□ 1120

Any votes ordered on suspensions considered on Monday will be postponed until the last item of legislative business on Tuesday, July 31.

In addition, on Monday, July 30, the House will consider H.R. 3987, to improve the preservation and management of Federal records, an open rule, and 1 hour of general debate only will

be completed on Monday. The rule has already been adopted.

On Tuesday, July 31, the House will meet at noon. No bills are currently listed on the Suspension Calendar but, as I said, votes that have been postponed from Monday will be taken at the end of the legislative day.

The House will consider H.R. 5983, Interior Appropriations Act, 1985; we will complete consideration of H.R. 5151, the bill on which we have had debate today; H.R. 5290, the Compassionate Pain Relief Act.

It was announced yesterday by the chairman of the Committee on Standards of Official Conduct that he will bring up on Tuesday a privileged resolution in the matter of Representative HANSEN.

On Wednesday, August 1, the House will meet at 10 a.m. and consider the Labor-HHS appropriations for fiscal year 1985; the supplemental appropriations bill; and H.R. 3987, to improve the preservation and management of Federal records, completing consideration.

On Thursday and the balance of the week the House will meet at 10 a.m. and will consider H.R. 5399, the intelligence authorizations, a modified open rule with 1 hour of debate; H.R. 5921, the Transportation appropriations for fiscal year 1985; H.R. 5244, the Department of Energy civilian research authorizations for fiscal years 1985, 1986, and 1987, an open rule, with 1 hour of debate, the rules already having been adopted; H.R. 5602, the health professions and services amendments, an open rule with 1 hour of debate; and H.R. 5585, the Railroad Safety Act, subject to a rule being granted.

Mr. LOEFFLER. I wonder if the distinguished majority whip might give us some further enlightenment as to what point in the day on Tuesday the leadership believes the privileged resolution coming out of the Ethics Committee might be before the House.

Mr. FOLEY. I am not able to advise the gentleman on the precise time of day. The position of the leadership with respect to resolutions of this kind from the Committee on Standards of Official Conduct is that are privileged, and the chairman will be recognized at any time he seeks recognition for the purpose of bringing up this resolution.

The chairman made the statement that he would seek recognition on Tuesday, but I am not aware at what time during the day he may do so.

Mr. LOEFFLER. But from the standpoint of the schedule, there is no question that the privileged resolution will come before this body on Tuesday next?

Mr. FOLEY. Yes. The chairman of the committee, the gentleman from Ohio [Mr. STOKES], made that announcement in the House yesterday.

Mr. LOEFFLER. I wonder if the distinguished majority whip might give us any idea if in fact we will have votes on Friday next, or if we might find ourselves in the same position that we find ourselves in on this Friday.

Mr. FOLEY. I am not sure what the intention will be regarding Friday. I think that if we complete the schedule by Thursday we will probably not meet on Friday next or we may have a session with a similar schedule as the session today. But it is a rather heavy schedule, and I think Members at this time should plan on a Friday session next week.

Mr. LOEFFLER. According to what the distinguished majority whip has brought to us today, it is then my understanding that on Tuesday, once we complete all legislative business, which means whatever we get through, the privileged resolution, the Interior appropriations bill, the Hunger Relief Act, the Compassionate Pain Relief Act, it will be at that time that we will then have the votes on whatever suspensions may require recorded votes which will roll over to Tuesday from Monday's debate; is that correct?

Mr. FOLEY. That is correct. And any suspensions that could possibly be scheduled for Tuesday.

Mr. LOEFFLER. And we would have votes at an earlier time on other legislative matters, such as the Interior appropriations bill, the Hunger Relief Act, the Compassionate Pain Relief Act?

Mr. FOLEY. The gentleman is correct.

Mr. LOEFFLER. I thank the distinguished majority whip.

ADJOURNMENT TO MONDAY, JULY 30, 1984

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore [Mr. TORRES]. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE 1983 ANNUAL REPORTS ON ACTIVITIES OF DEPARTMENT OF LABOR, DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Friday, July 27, 1984.)

THE TEXTILE INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. CAMPBELL] is recognized for 60 minutes.

Mr. CAMPBELL. Mr. Speaker, I took this time today, while the House is empty, just to read into the RECORD and to let the American people know something that has come to my attention that is extremely important.

One of the most important things that the American people can have is confidence in their Government. I represent an area of the country that manufactures textiles. In the textile industry there has been a loss of jobs for the last several years that has threatened to disrupt the entire industry. There has been an awful lot of discussion about what to do about it and what was the cause of it. Today it has come to my attention that in 1980 the Government of the United States, under the Carter-Mondale administration, entered into a secret agreement with the People's Republic of China on textiles. The result of that secret agreement, which was not a part of the public bilateral agreement, was that the amount of textiles coming into the United States from China tripled in the 3-year period. That displaced about 100,000 American workers from their jobs.

We had to find out about this agreement by using the Freedom of Information Act to force it from the State Department, and it was not until this week, an effort was started to find out about it, after we heard about it 7 or 8 months ago, that in fact the secret letter was given to us, the secret letter was sent to Mr. Roboz, who is the chairman and chief executive officer of Stanwood Corp. And I would like to read that letter for the American people so that they might know what has happened to one of the industries because of secret agreements of the Carter-Mondale administration with Communist China to encourage trade. This letter is to the Ambassador of the

People's Republic of China and it is from the Office of the U.S. Trade Representative, Mr. H. Reiter Webb, Jr., who at that time was the chief negotiator for textile matters for the Carter-Mondale administration.

□ 1130

It is technical in terms in many instances, but we should remember before I read it that China is neither a party to nor is entitled to any of the general protections that exist under the general agreements on tariffs and trade of the multifiber agreement, thereunder, which governs textile trade in this country.

As I read this letter, it becomes very clear what that administration tried to do, and as I get to the end of it, they even say that they are going to hold them harmless if in any circumstances they have to take an action against China.

The letter reads:

DEAR MR. AMBASSADOR: As agreed during the discussions leading to a bilateral textile trade agreement between our two nations, I wish to clarify the views and intentions of my government as regards implementation of paragraph 8 (the consultative mechanism) of the agreement.

That is the area of the agreement that can be used to stop illegal or subsidized or extra goods from coming in the country that disrupt our marketplace. The letter goes on:

Our two governments recognize that textile trade between our two countries has only recently been reestablished and that the prospects of the trade and the current status of trade between our two countries should be taken into account.

Accordingly, consultations as envisioned under the consultative mechanism of this agreement shall not be requested without reference to factors and criteria as contained in Annex A of the GATT Multi-Fiber Arrangement (MFA). A written statement will be supplied promptly which will include data similar to that contemplated in paragraphs 1 and 2 of Annex A of the Multi-Fiber Arrangement.

Hence, unless there are unforeseen circumstances to the contrary, the Government of the United States of America would not envision requesting consultations with the Government of the People's Republic of China on a category not already subject to a specific limit before imports from China in the category of categories concerned have reached the levels already established by comparable, important, capable suppliers.

Those that were in treaty agreement with us:

By this it is meant that the Government of the United States would use the consultation clause sparingly and would not request the Government of the People's Republic of China to limit its exports or categories concerned without having full regard both to the equitable treatment of the Government of the People's Republic of China as compared with other such suppliers of like textile and apparel products and, as appropriate, to the Government of the People's Republic of China's position as a new entrant to the United States' market, with respect to products not already subject to specific limits. Further, the Government of the United States of America will give full consideration to the factors indicated above.

It is also recognized that the established public policy of the Government of the United States of America is to provide as much information and opportunity as practicable for the growth and development of trade in textiles to all its bilateral agreement suppliers, consistent equally with the United States need to avoid disruption of its domestic market or the threat thereof. The Government of the People's Republic of China, therefore, has the assurances of the Government of the United States of America that resort to these consultation procedures shall be on a fair and equitable basis vis-a-vis other bilateral agreement suppliers, taking into account the position of the People's Republic of China as recognized above.

If recourse to the provisions of paragraph 8(c) would result in actual injury to production and marketing of textile products from China and/or would have actual impact on goods which have been or are about to be shipped, the Government of the United States will undertake to alleviate the adverse effects.

Now, that is a secret letter that an agreement given to the Chinese outside of the normal, bilateral negotiation which was public, which in essence gives them all the protections that we would have with any other trading party, and also, in the very end, essentially agrees to hold them harmless, if, in fact, we had to take any action.

The result of that was this: The result was that we doubled the amount of square yard equivalent coming from the People's Republic of China in 18 months, and darn near broke part of the textile industry in this country. It was only in late 1982 that we really began to issue the calls and tried to break this agreement, even though at that time we were not sure it existed.

As a matter of fact, in 1980 and 1981, under the Carter-Mondale administration they issued only six calls against all of the products from the People's Republic of China dealing with textiles. Since 1981, we have at this date issued some 44 calls against China trying to stop what had already taken place. But what has happened is that during this period of time, over 2 billion square yard equivalent have been shipped to this country. That is a disruption in the marketplace of almost 200,000 American jobs, because you lose about 100,000 American jobs for every billion square yards of imports.

That is an interesting figure when we stop and realize that an administration of this Government went into a secret agreement that caused a disruption in our domestic industry and the people of this country did not know about it even though they were losing their jobs.

That is of great concern to me. It is of so much concern to me that I have been involved in all of the negotiations trying to slow down some of the shipments and get some order in the trade. Not to put up a protectionist barrier, but to put up a fair trade situation so that we can in fact deal in an orderly manner.

I believe that we have made some progress, but I believe the damage was done so badly that we might never recover because of the actions of that last administration. The fact is that in the agreement that they negotiated and publicized, they only covered 36.3 percent of what China was shipping at that time. We have renegotiated that agreement, and we are now covering under agreement 77.7 percent of their products, but that is not enough yet. We have issued calls that now allow us to cover even more. The fact is that they had allowed this to take place and the tremendous surge to come into our marketplace and even though this administration froze the shipments, and then tried to negotiate a new agreement, the damage was done and the ability to undo was limited.

The people of the United States need to know exactly how that damage took place. I should hope that there will not be other secret agreements that disrupt the marketplace of the United States of America. We have to trade with other countries; we should trade with other countries. We should have as open and free and fair a trade as possible, but how in the world can you trade with a controlled society that pays its people about 21 cents an hour; that is run by the Government; that is subsidized by the Government, and then have your own Government, your own Government give to that government special privileges to throw the American people out of work. How can you call that free or fair trade? It is absolutely unconscionable. I hope that somehow out on the campaign trail, that Mr. Mondale talks about jobs in America, because I think it is time that we address some of the things that took place.

I hope that if there are other secret agreements, that we are able to uncover them, and I hope that when we do uncover them, that we will be able to undo some of them if they are causing the steel workers or the textile workers or any other workers in America to be thrown out of their jobs, not by fair or free trade, but by secret agreements with controlled societies paying slave wages. I do not think it is anything America can stand for.

□ 1140

TRIBUTE TO JOSEPH D. KEENAN, INTERNATIONAL SECRETARY-TREASURER EMERITUS OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise today to pay tribute to Joseph Daniel Keenan, whose death on July 22, was a tremendous loss to the labor movement, the city of Chicago, and all people of our country.

Joseph Keenan's career as a labor official spanned over 70 years, and our country has truly lost one of its finest leaders, whose life was devoted to the betterment of the lives of all working people.

The eldest of eight children, Joseph Keenan was born on Chicago's Near West Side on November 5, 1895. At age 12, he left elementary school, to support his family when his father was injured in a work-related accident. Shortly thereafter, he was invited to join the Ladies Straw & Felt Hat Workers Union of the American Federation of Labor, and in 1914 Joseph Keenan joined Electricians' Local 134 in Chicago. He was elected inspector of the local in 1923, and served as its recording secretary from 1929 to 1954.

In 1931, Joseph Keenan was appointed as plant electrical engineer for the Metropolitan Sanitary District of Greater Chicago, and through his outstanding union activities, he gained the attention of officials of the Chicago Federation of Labor, where he was elected recording and corresponding secretary in 1937.

With the outbreak of World War II, Mr. Keenan came to Washington, and served our country with distinction as the American Federation of Labor's representative on the National Defense Advisory Committee. He eventually became the labor vice chairman of the War Production Board, where he played a crucial role in reaching agreements that helped to stabilize industrial relations in the construction industry, and to halt strikes and work stoppages, while arbitration agreements were being reached.

At the end of World War II, Joseph Keenan went to Europe to help reestablish the industries devastated from the war. The Army made him a brigadier general, and from 1945 to 1947, he toured Europe as an adviser to General Lucius D. Clay, the American military commander in post-war Germany, in order to rebuild the trade unions there. In 1947, he served as President Truman's special coordinator between labor and industry in the American zone in Germany.

From 1951 to 1954, Mr. Keenan served as the first secretary of the building and construction trades department of the American Federation of Labor, and became the international secretary of the International Brotherhood of Electrical Workers in 1954, a post he held until 1976. He was the first director of the League of Political Education, the forerunner of COPE of the AFL-CIO, and as a vice president of the AFL-CIO for nearly four decades, he worked closely with George Meany, helping him to merge the two rival trade groups in 1962.

Mr. Keenan was a strong force in the Democratic Party, and was close friend and adviser of Chicago mayors, Democratic Presidents, and Presidential candidates. He played a key role in President Truman's upset victory over Governor Dewey in 1948, and he served as labor's campaign liaison with Presidents Kennedy and Johnson, and Presidential candidates, Hubert Humphrey, Henry Jackson, and George McGovern.

In addition to his career in labor, Joseph Keenan was active in many civic, religious, and community activities. He was a supporter of the Loyola Retreat Center, and CARR, a national Catholic research center. In 1974, he received an honorary doctorate from Catholic University, and in recognition of his many services to his church and country, Pope Paul VI bestowed upon him the Pro Ecclesia et Pontifice Award.

Joseph Keenan was a strong supporter of civil rights, and received the Civil Rights Award from the Anti-Defamation League. President Truman awarded him the Medal of Freedom and the Medal of Merit, because of his dedicated service to our country. He was a highly respected member of the community, and a leader of outstanding abilities, dedicated to the highest standards. His devotion to human improvement and human compassion, and his efforts on behalf of working people, will long be remembered.

Mrs. Annunzio and I extend our deepest sympathy to his wife, Jeffie, and the other members of his family who survive him.●

INTERIOR-ENERGY SUBSTITUTE FOR INDIAN HEALTH CARE IMPROVEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, on May 15, 1984, the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce favorably reported the bill, H.R. 4567, reauthorizing and amending the Indian Health Care Improvement Act. The Interior Committee reported the bill with an amendment in the nature of a substitute. The Energy Committee reported the bill with sundry amendments. As reported, the two committee versions were substantially different and generated considerable controversy.

In the interest of facilitating an early passage of this most important legislation, the two committees, after long negotiations, have arrived at a compromise substitute bill which incorporates the agreements resolving these differences. While I am not totally satisfied with all the provisions of this new substitute, I believe it is still very good legislation which will result in significant improvement in the health status of our Indian citizens. It is my intention to strongly support this new bill on the floor of the House through conference to enactment.

I have written to Chairman PEPPER of the Rules Committee requesting an early hearing on a rule for this bill which would make the new bill original text for purpose of consideration and amendment in the House. I hope that we can schedule this bill, which authorizes appropriations for fiscal year 1985, for early action in the House. At a later time, I will submit a statement more fully explaining the background and provisions of this compromise bill.

I am introducing this bill on behalf of Congressman WAXMAN, chairman of the Energy Subcommittee on Health and the Environment and on behalf of several of the original cosponsors of H.R. 4567. I would like to take this opportunity to commend Mr. WAXMAN and his subcommittee staff for their work on this legislation and the cooperation my committee has received in working out this compromise.

I would urge all members to support this new legislation.●

CONRAIL SALE RAISES QUESTIONS

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDGAR. Mr. Speaker, along with 17 of our colleagues, I sent a letter yesterday to Chairman JIM FLORIO of the Energy and Commerce Subcommittee on Transportation, Commerce, and Tourism, requesting a delay of at least 1 year in final congressional action on the sale of Conrail.

Conrail has become a tremendous success story since its sale was first proposed by Transportation Secretary Lewis 3 years ago. The railroad is expected to report profits of half a billion dollars this year. Yet the Department of Transportation is hurrying to sell the railroad. Announcement of a successful bid, originally scheduled for this fall, may occur as early as next week. Haste seems even less necessary in light of reports that an outside evaluation has found that Conrail's worth is approximately $800 million more than the current $1.2 billion asking price. Why, then, the rush to sell? Along with other Members, I believe that more time is needed before the sale to allow Congress, the States, and

the public affected by the sale an opportunity to thoroughly examine the economic and public interest issues at stake.

Specifically, in yesterday's letter we called for increased information about:

The intentions of the current bidders toward future rail service to the Northeast-Midwest region;

The fate of service contracts currently in force;

The sale's effect on transportation competition in the region; and

The repair of "orphan bridges" and other neglected maintenance in the Conrail system.

We are not necessarily hostile to the sale of Conrail or to the efforts of the Department of Transportation. However, we do feel strongly that sale of Conrail, in which the Federal Government has invested so much, should not take place precipitously.

Mr. Speaker, at this point, I would like to enter into the RECORD the letter to Mr. FLORIO and a letter regarding the sale sent to Transportation Secretary Dole by Pennsylvania Gov. Dick Thornburgh. After examining these documents, I urge my colleagues to contact Chairman FLORIO to express their concern about this issue and join the call for reasoned, careful consideration of the Conrail sale. The letters follow:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 1984.

Hon. JAMES J. FLORIO,
Chairman, House Energy and Commerce, Subcommittee on Commerce, Transportation, and Tourism, Rayburn House Office Building.

DEAR MR. CHAIRMAN: This is to inform you of the deep concern which we feel about the process which is now being followed by the U.S. Department of Transportation to sell the Consolidated Rail Corporation (Conrail). A number of questions have been raised about the sale procedure, and the public interest stakes are extremely high.

In this atmosphere we believe it is vitally important that Congress, the states, and the public affected by the proposed sale of Conrail be given an adequate opportunity to examine the proposed sale. Since your subcommittee will have primary legislative responsibility for examining the sale, we ask your support for a moratorium of at least one year on any final sale of Conrail. This period of time should afford us an opportunity to thoroughly examine the economic and public interest issues at stake in the Conrail sale.

The regional economy of the fifteen states currently served by Conrail's 14,200 track miles is vitally dependent on adequate rail transportation service. The future health of the economy of the Northeast-Midwest region is precarious. Our region is currently recovering from Depression-era levels of unemployment. The regional economy needs time to heal and recover, yet a change of Conrail ownership and service could require major economic adjustments and risk serious curtailment of rail service in the region.

The legislative calendar of the current session of Congress is too crowded with other important matters to allow careful, rational consideration of the issues raised by the Conrail sale before the November election. By deciding, at this point, that we will take at least a year to examine the sale, we give ourselves time to address the following points:

1. What are the intentions of the current bidders to purchase Conrail? What are the plans of these private sector corporations for future rail service for the Northeast-Midwest region? Despite the federal investment of approximately $7 billion to preserve regional rail service, we have no assurance that this service will be preserved following the sale of the railroad.

2. What will be the fate of service contracts in force today on Conrail lines? Will they be cancelled? Will rates increase? The shippers in our region need answers to these questions.

3. Will service patterns be the same after the sale? The Department of Transportation has announced that service patterns are one of the criteria being examined in their review of bids, but we do not know the weight given to this criterion which is the most vital to the future economic health of our region.

4. Are trackage rights of other carriers being protected? Will the sale foster transportation competition in the region or hamper competition? Again, these questions are vital to the future economic health of the Northeast and Midwest.

5. Will the prospective purchasers assume all of Conrail's contractual obligations?

6. What about the "orphan bridges" and other deferred and neglected infrastructure maintenance along the Conrail system? The federal government has made massive investments to improve this infrastructure already. Will these improvements be maintained and continued by a new owner or neglected as they have been in the past by previous private sector owners of the railroad?

The key issue which we must examine is whether the public interest and public investment in preserving rail service and economic progress in the Northeast-Midwest region will be enhanced or negated by the sale of Conrail to a private sector owner. We must determine whether preservation of economic progress in the region is the goal of the sale or merely subordinate to the amount of money being offered for the railroad or some other consideration. The process being followed by the Department of Transportation has effectively prevented Congress and the public from examining these issues related to the sale of Conrail thus far. We must take the initiative. We must clearly state our intention to examine these issues thoroughly in order to prevent a hasty and destructive auctioning off of the railroad.

Conrail management has performed admirably in recent years in making the government-owned system both profitable and valuable in providing a vital service to the regional economy. Businesses in our region can now depend on rail service, but a sale now is certain to bring uncertainty and risk the economic recovery of our region. We ask that any final decision on the sale be delayed in order to ensure careful examination of all the issues that have been raised.

Sincerely,

Jim Oberstar, Bob Edgar, Thomas M. Foglietta, Bob Borski, William J. Coyne, Richard Ottinger, Parren J. Mitchell, William D. Ford, Berkley Bedell, Louis Stokes, Jack Kemp, Frank Horton, James J. Howard, William H. Gray III, Bruce A. Morrison, Austin Murphey, Jim Moody, Don J. Pease.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, July 16, 1984.

Hon. ELIZABETH HANFORD DOLE,
Secretary of Transportation, U.S. Department of Transportation, Washington, DC.

DEAR SECRETARY DOLE: I appreciate your efforts to keep me informed of your plans concerning the sale of Conrail, and wish to take this opportunity to convey some views which I regard as critical if Conrail is to be returned to the private sector at this time.

As you know, Conrail is vital to the economic well-being of Pennsylvania and the whole Northeastern region which it serves. Conrail is the key element in a revitalized Northeastern transportation system. Through its investment of millions of dollars in industrial development and equipment purchases and payment of local taxes, Conrail is also stimulating economic growth throughout the Northeast. Last year alone in Pennsylvania, Conrail accounted for nearly two-thirds of all Class I railroad mileage in the state and was responsible for:

Employment of over 15,000 workers including 4,500 workers at its corporate headquarters in Philadelphia.

Plant investment of nearly $1 billion as part of a major industrial development program which helped produce 34 new industries.

The purchase of $133 million worth of goods and services.

Track rehabilitation expenditures of nearly $67 million.

Payment of over $3.6 million in taxes to local governments.

Shipping for export over two million tons of coal through the Pier 124 complex in Philadelphia; this facility was recently expanded and modernized through an innovative partnership involving the Commonwealth and Conrail.

These significant contributions represent a great accomplishment by Conrail's management and workers in turning this once bankrupt railroad into a highly profitable venture.

While I indeed support the public interest criteria to guide any sale of Conrail which you set forth in your letter of April 20, 1984, I believe that Conrail's performance in meeting our economic and transportation needs must be the benchmark against which all private sector proposals are measured. Private bids should be evaluated on the basis of their potential to meet or exceed the performance of Conrail in Pennsylvania and the Northeast.

Conrail has pared its system and plant and workforce and has used the provisions of rail deregulation to maximum advantage in becoming flexible to changing market conditions, which has led to its current profitability. A decade of railroad reorganization has at last brought the Northeast a strong rail system on which business can depend. Pennsylvanians do not want to see this strength lost through a sale.

We are adamantly opposed to any sale of the federal interest in Conrail that could jeopardize the rail freight services and economic development initiatives which Conrail now provides to Pennsylvania and the entire Northeast along with the jobs which result from these efforts.

Accordingly, I urge your consideration of the following principles in your deliberations:

If Conrail is to be placed in the private sector, it must result in a strong railroad which will continue to enhance economic

development and preserve jobs in the Northeast. This can be accomplished only if any buyer preserves service to the states and shippers as now provided by Conrail, and continues to promote vigorously industrial development within the region as Conrail is now doing.

The Federal Railroad Administration should not consider any sale other than one that maintains Conrail as a single entity. This is needed to preserve the existing Conrail mainline system and protect the public investment in its properties and rebuilt infrastructure which constitutes an important portion of the national transportation system. Railroads and shippers in all regions of the nation would be adversely affected by actions to dismember the Conrail system or defer its maintenance.

It would be far better for Conrail to remain under current management than to initiate a premature sale that would not serve Pennsylvania and the Northeast as well as the existing system or allow adequate time to fully assess the consequences.

It would be troubling indeed if a sale of Conrail at this time merely resulted in the turning of a quick profit by a purchaser selling the newly acquired Conrail properties rather than maintaining a strong rail carrier in the Northeast.

I am particularly concerned about the recommendation by CSX, one of the current bidders, that you permit the carving up of Conrail among various other railroads. This idea clearly runs counter to our fundamental need to preserve a strong carrier in the Northeast.

I urge you to evaluate the various offers based on the principles I have set forth regarding freight service, economic development and jobs. Moreover, there should be a clear intent on the part of the bidder to maintain and utilize the existing infrastructure, including the coal shipping facility at Pier 124, which is so vital to our economic interest.

Your efforts to involve the states in this process are highly commendable and greatly appreciated. As Governor of the state that could be most affected by the outcome of the deliberations on the sale of Conrail, I hope that we can continue to be heard as this process unfolds.

Sincerely,

DICK THORNBURGH,
Governor.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NEAL (at the request of Mr. WRIGHT), for July 26 and 27, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mrs. MARTIN of Illinois) to revise and extend his remarks and include extraneous material:)

Mr. CAMPBELL, for 60 minutes, today.

(The following Members at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. UDALL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRAXLER, immediately following the remarks of Mr. JEFFORDS, today in the Committee of the Whole, on H.R. 5151.

(The following Members (at the request of Mrs. MARTIN of Illinois) and to including extraneous matter:)

Mr. FRENZEL.

(The following Members (at the request of Mr. FOLEY) and to include extraneous matter:)

Mr. WHEAT.
Mr. MRAZEK.
Mr. LEVINE of California.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes a.m.), the House adjourned until Monday, July 30, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3801. A letter from the Deputy Assistant Secretary of Defense (Comptroller, Administration), transmitting notification that the Department of the Air Force intends to exclude the "Examination of Records by Comptroller General" clause from contracts with the Omani government, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

3802. A letter from the Director, Defense Security Assistance Agency, transmitting a report on price and availability estimates provided to foreign countries, and requests received for Letters of Offer for the quarter ending June 30, 1984, pursuant to AECA, section 28 (93 Stat. 708; 95 Stat. 1520; to the Committee on Foreign Affairs.

3803. A letter from the Chairman, Federal Election Commission, transmitting a copy of proposed regulations governing access to Public Disclosure Division documents, pursuant to Public Law 92-225, section 311(d) (93 Stat. 1354, 1362); to the Committee on House Administration.

3804. A letter from the U.S. Trade Representative, transmitting a report on the impact of U.S. implementation of the international Government Procurement Code on labor surplus areas, pursuant to 19 U.S.C. 2516(b), E.O. 12260, section 1-201; to the Committee on Ways and Means.

3805. A letter from the Secretary of Energy, transmitting notification of a delay in submitting a final Mission Plan relating to the disposal of radioactive waste, pursuant to Public Law 97-425, section 301(b)(3); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MITCHELL: Committee on Small Business. H.R. 6013. A bill to amend the Small Business Act; with amendments (Rept. No. 98-914). Referred to the Committee of the Whole House in the State of the Union.

Mr. ALBOSTA: Committee on Post Office and Civil Service. H.R. 5799. A bill to amend title 5, United States Code, to establish certain requirements for the procurement by contract of certain services that are reserved for performance by preference eligibles in the competitive service; with amendments (Rept. No. 98-915). Referred to the Committee of the Whole House in the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 6040. A bill making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-916). Referred to the Committee of the Whole House in the State of the Union.

SUBSEQUENT ACTION ON A BILL INITIALLY REFERRED UNDER TIME LIMITATION

Under clause 5 of rule X, the following action was taken by the Speaker:

Consideration of H.R. 5640 by the Committee on Public Works and Transportation extended for an additional period ending not later than July 31, 1984.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. UDALL (for himself, Mr. WAXMAN, Mr. MCNULTY, Mr. MCCAIN, Mr. RICHARDSON, Mr. LUJAN, Mr. BEREUTER, Mr. YOUNG of Alaska, Mr. KILDEE, Mr. VENTO, and Mr. HUNTER):

H.R. 6039. A bill to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. RAHALL:

H.J. Res. 630. Joint resolution to designate the week beginning February 3, 1985, as "National School Guidance and Counseling Week"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4447: Mr. FORD of Tennessee and Mr. DASCHLE.
H.R. 4571: Mr. GREGG.
H.R. 4832: Mr. DYMALLY and Mr. PENNY.
H.R. 5140: Mrs. BOXER.
H.R. 5875: Mr. BATES.

H.R. 5893: Mr. FRENZEL, Mr. BEDELL, Mr. DOWDY of Mississippi, Ms. KAPTUR, Mr. MARTINEZ, and Mr. BERMAN.

H.J. Res. 580: Mr. FUQUA and Mr. CROCKETT.

H.J. Res. 589: Mr. CHANDLER, Mr. ECKART, Mr. TAYLOR, Mr. WAXMAN, Mr. ALBOSTA, Mr. SYNAR, Mr. WISE, Mr. WYLIE, Mr. SKEEN, Mr. O'BRIEN, Mr. SMITH of Iowa, Mr. CLAY, and Mr. MCDADE.

H. Con. Res. 325: Mr. KEMP, Mr. LEWIS of California, Mr. HANSEN of Utah, Mr. WHITEHURST, Mr. LAGOMARSINO, and Mr. BLILEY.

H. Res. 555: Mr. MORRISON of Connecticut, Mr. SYNAR, Mr. SMITH of Florida, Mr. LELAND, Mr. HARKIN, Mr. BRYANT, Mr. DOWNEY of New York, Mr. PANETTA, Mr. RODINO, Mr. HOWARD, Mr. TOWNS, Mr. CLARKE, Mr. FOGLIETTA, Mrs. JOHNSON, Mr. TRAXLER, Mr. LANTOS, Mr. ALBOSTA, Mr. BOSCO, Mr. CONYERS, Mr. HAWKINS, Mr. ORTIZ, Mrs. SCHROEDER, Mr. LEVINE of California, Mr. CARPER, Mr. PEPPER, Mr. BARNES, Mr. LAFALCE, Mr. MINETA, Mr. FUQUA, Mr. WEISS, Mr. WHEAT, Mr. ACKERMAN, Mr. AKAKA, Mr. BATES, Mr. BONIOR of Michigan, Mr. BEILENSON, Mr. MCHUGH, Mr. MARKEY, Mr. MATSUI, Mr. MAVROULES, Mr. OTTINGER, Mr. RATCHFORD, and Mr. WEAVER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

400. By the SPEAKER: Petition of the National Association of State and Territorial Apprenticeship Directors, Loudonville, NY, relative to various resolutions adopted by the Eastern Seaboard Apprenticeship Conference delegates at their 40th annual convention in May; to the Committee on Education and Labor.

401. Also, petition of the National Association of State and Territorial Apprenticeship Directors, Loudonville, NY, relative to a resolution adopted by the 1984 Eastern Seaboard Apprenticeship Conference on Federal taxes; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

FUNDING FOR THE B-1 BOMBER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 1984

● Mr. LEVINE of California. Mr. Speaker, the Baltimore Sun recently carried an editorial by Jeffrey Record, an expert on military reform issues, which made a compelling case for funding of the B-1 bomber.

In his article, Mr. Record explains clearly why production of the B-1 is needed to replace our obsolescent B-52 bombers as a strategic weapon as well as the role the B-1 would play in protecting U.S. interests in the Persian Gulf and other areas of the world.

I commend this insightful and informative article to my colleagues:

THE CASE FOR THE B-1

(By Jeffrey Record)

WASHINGTON.—Sometime next September, the first of 100 copies of the controversial B-1 bomber will roll off an assembly line in California. Cancelled by President Carter in 1977 but revived by the Reagan administration in 1981, the B-1 continues to draw fire from critics on the grounds that the bomber cannot carry out its principal mission—namely, penetrate the Soviet Union's heavily defended airspace and reach its targets in the middle of a nuclear war. Opponents of the plane have denounced it as a costly ($200 million apiece) white elephant and condemned it as poor alternative to the visionary follow-on "Stealth" bomber, an aircraft to be fabricated from revolutionary new materials which are supposed to render it invisible to Soviet radar.

The question of whether the B-1 can carry out its primary mission cannot be answered conclusively short of the definitive test of war. But there is as yet no compelling evidence that it can't. The effectiveness of Soviet air defenses has been exaggerated. Moreover, a number of features of the B-1, including its ability to fly very low at supersonic speeds, its modern electronic jamming and deception gear and its tiny radar cross section (about 1 percent that of the aging B-52), make it an extremely elusive target. On at least two occasions during the past decade, Korean commercial airliners possessing none of these attributes managed to wander around Soviet airspace for hours before finally being found and shot down.

Finally, the "Stealth" bomber, which is still on the drawing board, is neither a timely nor a legitimate alternative to the B-1. The "Stealth" is plagued by many, as yet unresolved, technological problems which, even if solved, could delay its introduction until long after the last B-52 died of old age—thus leaving the United States for a time without any bomber force at all.

The real case for the B-1, however, lies in the improbability that the plane, any more than its predecessor, the B-52, will ever be used in nuclear anger against the Soviet Union. The nuclear stalemate that has deterred war between the superpowers for the past quarter of a century is likely to persist. In all likelihood, there will be no need to employ the B-1 in its primary mission.

To put it another way, given the improbability of a nuclear war with the Soviet Union and the persistence of non-nuclear conflicts that have engaged, and threaten in the future to engage, the United States, the B-1's potential non-nuclear applications ought to command as much attention in weighing the real value of the plane as its claimed strategic attributes. Unfortunately, the debate over the B-1 has since its inception been based by supporters and critics alike largely on strategic criteria—this despite the fact that since the dawn of the nuclear age the United States has been involved exclusively in non-nuclear wars against opponents other than the Soviet Union. These wars, it should be noted, have employed so-called strategic bombers, from B-29s in Korea to B-52s in Vietnam, for non-nuclear missions.

Indeed, given America's myriad and far-flung security interests, it would be difficult to make a case for any long-range bomber costing $200 million that could not be effectively used in wars other than the single and highly improbable nuclear conflict the plane might be designed to deter. (A major argument against the "Stealth" is its comparative worthlessness in non-nuclear combat).

Fortunately, those who designed the B-1 designed an aircraft that could prove very useful in any number of conventional conflicts, especially conflicts in such difficult to reach places as the Persian Gulf and elsewhere in the Third World where the United States does not enjoy, as it does in Europe and Korea, secure military access in peacetime. For example, the unrefuelled range of the B-1, which is substantially greater than that of the B-52, permits it to strike targets in the Persian Gulf directly from the United States, thereby eliminating dependence on bases en route or in the area of hostilities.

No less impressive is what the B-1 can carry in the way of non-nuclear munitions; although the plane is smaller than the B-52, it can carry up to 128 500-pound conventional gravity bombs, compared to only 51 for the B-52. This means that relatively few B-1s would be needed to deliver devastating attacks on such targets as air bases, supply column bottlenecks and even exposed formations of tanks and mechanized infantry.

Additionally, the B-1's speed, again greater than that of the B-52, permits rapid responses to distant and unexpected violent crises. Although no substitute for carrier-based fighter bombers, the B-1, with its far longer range independence of aircraft carriers that might or might not be in the right place at the right time, is an ideal complement to a Rapid Deployment Force whose ability to get to the disputed ground in the Gulf first and with the most has yet to be demonstrated.

The range, payload and speed of the B-1 make it no less ideal for other non-strategic missions, such as maritime surveillance and fleet air defense. Capable of in-flight refueling and of carrying air-to-air and air-to-surface missiles, B-1s on maritime missions could provide U.S. naval forces additional reconnaissance and striking power that might be decisive in a violent show-down with the growing Soviet fleet.

All of this raises the question of whether 100 B-1s will be enough to provide adequate nuclear deterrence while at the same time fully exploiting the bomber's enormous non-strategic potential. It is worth noting that the Air Force originally sought to buy 244 of the bombers—and that the cost per plane beyond those now slated for purchase is expected to decline to less than $100 million.

To continue to treat the B-1 solely or even primarily as a means of deterring nuclear war is to focus on preventing the improbable at the expense of preparing for the likely.

Mr. Record, a consultant and writer, comments on military affairs for The Sun.●

WORLD MONEY SYSTEM

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 1984

● Mr. FRENZEL. Mr. Speaker, in response to one of the Wall Street Journal's typical editorials urging a return to a fixed exchange world money system, Mr. Gottfried Haberler of the American Enterprise Institute has written an interesting, and compelling rebuttal which was published in the Journal on July 25.

The Haberler letter, written with unusual clarity and simplicity, is self-explanatory. It puts the problem into the perspective of recent economic history, pointing out that in the Depression of the 1930's it was the rigidity of a fixed standard—gold—that caused the catastrophic contraction of world trade.

The net, net, net of the Haberler thesis is there is no substitute for fiscal discipline if the United States wishes a steady recovery, a stable dollar, and a low rate of inflation.

Quick fixes and magic wands work well for editorialists but not in the real economic world.

The article follows:

FLOATING RATES BUOY THE WORLD MONEY SYSTEM

I agree with you (editorial "Fix What Broke," July 11) that "the ideal international monetary arrangement would be one-money world" and that "a world money obviously remains visionary." I also agree that the Bretton Woods system "helped to bring about a generation of economic progress and order the world had seen seldom before." But the reason for its success was that it provided for orderly changes of ex-

change rates of which there were many before the system collapsed in the early 1970s.

I also agree that the Bretton Woods system was practically a dollar standard and that it got into trouble when inflation raised its ugly head in the U.S. That happened in the middle 1960s, when the Johnson administration financed the escalating war in Vietnam and the equally expensive Great Society programs by bank credit instead of by raising taxes. The crucial fact was that some countries, primarily West Germany, Japan and Switzerland, refused to accept the inflation that a fixed exchange rate with the dollar would have imposed on them. Thus, the dollar depreciated sharply vis-a-vis the currencies of the three countries. This is highlighted by the fact that even after its recent sharp rise the dollar is still well below what it was in 1970.

It is not true that floating caused world inflation. U.S. and world inflation forced floating on reluctant policymakers.

I agree that "the foreign exchange markets, threatening the collapse of the dollar, forced the Carter administration to reverse its policies with the appointment of Paul Volcker as Fed chairman." But I would add that this proves that floating has a strong disciplinary effect. Under floating a decline of the currency in the foreign exchange market is a strong inducement to tighten up—just as strong as, or perhaps stronger than, declining reserves under fixed exchanges.

Contrary to what you suggest, in the 1930s the trouble was not floating. In that deflationary period, it was the rigidity of the gold standard that caused the catastrophic contraction of world trade. The terrific deflation, in turn, was the consequence of horrendous policy mistakes, acts of omission and commission, on the part of the Fed.

Reflect what would happen under fixed exchanges in a situation like the present one, characterized by high interest rates and vigorous expansion in the U.S. which attract large capital flows from other parts of the world. The other industrial countries would suffer heavy losses of international reserves and would be put under a strong deflationary pressure. If the pressure cannot be released by changes in exchange rates, those countries would be driven to impose quotas on imports and exchange controls with catastrophic consequences for world trade. That is exactly what happened in the 1930s. Such a situation cannot be handled with fixed exchanges.

I therefore cannot agree that the time has come for another Bretton Woods conference "to fix what broke." The agreement in 1943 was possible because at that time the U.S. and the U.K. ran the show. Their plans were sufficiently close to reach an agreement on a joint proposal. This time around there are many industrial and semi-industrial countries with different views. For example, socialist France was one of the first to urge a new Bretton Woods conference. France's ideas are greatly different from ours. In addition there are the less developed countries which have organized themselves in very vocal pressure groups. It is inconceivable that such a heterogeneous assembly could reach an agreement even on a less controversial subject than setting up a new Bretton Woods type arrangement, let alone on restoration of the gold standard.

Time shouldn't be wasted on trying to set up a new Bretton Woods system let alone the gold standard. Floating is here to stay. But there are also areas of exchange stability. Many countries peg their currencies to the dollar and others to the D-mark or the yen.

It is imperative that the U.S. continue to keep inflation at bay and there is plenty to do for the IMF to help countries to put their financial house in order, to maintain equilibrium in their balance of payments without exchange controls either with floating rates or fixed rates if they choose to peg their currency to the dollar. We should concentrate on that job and not waste time and energy on utopian schemes.

GOTTFRIED HABERLER,
American Enterprise Institute, Washington.●

CONSCIENCE VIGIL FOR SOVIET JEWRY

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 1984

● Mr. MRAZEK. Mr. Speaker, "The Congressional Call to Conscience Vigil for Soviet Jewry" reminds us all of the sufferings of so many men and women unable to determine their own destiny or to live with their families in the place of their choosing. I'd like to take this opportunity to extend my thanks to this year's chairman, the Honorable LAWRENCE COUGHLIN, for organizing this important demonstration of support for Soviet Jews.

At present, there are over 400,000 Soviet Jews who desperately want to emigrate but who are repeatedly denied their freedom. I wish to address my remarks to the case of Victor Brailovsky, a prisoner of conscience who, over the past dozen years, has weathered isolation, condemnation, ostracism, and repeated denials of the freedom he and his wife Irina so desperately need. The plight of Victor and Irina Brailovsky represents but one frustratingly sad story amidst vast numbers of fellow refuseniks imprisoned behind the intolerance of Soviet policy. Yet it is precisely the case of one or two which spurs us to feel the pain, respect the courage, and work for the freedom for all Soviet Jews.

Over the past several years I have personally corresponded with Victor and Irina Brailovsky. Their history, the cause of Victor's imprisonment, and the hardship of his 5-year sentence seem so alien to us as Americans. Yet since Victor and his wife Irina Brailovsky first applied for exist visas in 1972, the Soviet leadership has continually taken away any personal freedoms the Brailovskys could have as Soviet Jews. Both Victor and Irina have been continually denied exit visas due to the Government's allegation that Irina had had access to secret information as a computer scientist at Moscow University. Coupled with this, Victor was fired from his job, isolated from telephone and mail service, and put under constant KGB surveillance.

Despite avowed threats from the KGB, Victor continued to work against blatant discrimination and mistreatment by publishing a novel on the conditions of Soviet Jews. Victor was arrested for this, but not sentenced. In 1980, Victor was again arrested for his participation in an appeal to President Brezhnev demanding exit visas for all refuseniks—237 other refuseniks also signed the letter. This time, Victor was convicted and sentenced to 5 years of internal exile for what the Soviets labeled fabrications aimed at defaming the Soviet Union.

This past March, Victor returned to Moscow after serving his full 5-year term in isolation. He has been given permission to remain in Moscow and it has been suggested to him that he can obtain a job, but only on the condition that he have absolutely no contact with foreigners. Since Victor has a brother in Israel, and many concerned friends in the United States, this condition is unacceptable to him.

I have recently received a letter from a fellow New Yorker, Dr. German Shapiro, who has news of the Brailovskys from Moscow. Thankfully they are both in good physical health. However, I cannot duly emphasize the emotional strains a refusenik family must bear in face of constant harassment and social ostracism. The letter also conveys a sense of underlying fear for Victor, as he must find a job sometime this month or face arrest for parasitism. In addition, the Brailovskys' latest application for visas has been denied due to a mere technicality. This comes as very disturbing news, for it portrays a government bent on complicating the family's attempt to leave on any grounds.

Such a policy of restrictive emigration and active discrimination must not go unchallenged. While I appeal for Victor Brailovsky and his family, I am also speaking for the hundreds of thousands who yearn to leave the Soviet Union. As long as the voices of these brave men and women are silenced to the outside world, we in Congress must work even harder to improve their situation in the Soviet Union, and prospects for emigration.

The congressional show of support in this year's Call to Conscience Vigil exemplifies the great concern we in Congress have for the worsening situation in the Soviet Union. Our coordinated efforts will ensure that the Soviet leadership never underestimates the resolve of the American people to work for freedom in all countries. An appeal to human rights will not be heard however, if this administration and the Soviet leadership continues the current freeze of communication. We must call on both the

President of the United States and the Secretary General of the Soviet Union to open dialog between our two countries so that our plea can be heard.●

CONCERN FOR FAMILY PLANNING

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 1984

● Mr. PORTER. Mr. Speaker, I would like to bring the following article, by Georgie Anne Geyer, to the attention of my colleagues. The article appeared in the Chicago Sun Times on June 26, 1984. The article discusses the U.S. position on population and development to be presented before the International Population Conference in Mexico City this August 6-13. Our delegation may take a position, unprecedented for the United States, against providing family planning services to certain less developed nations of the world. As a result of this new policy, possibly $100 million of the more than $200 million that now goes to family planning services in the less developed world would be curtailed. Mr. Speaker, Ms. Geyer has traveled the world over for the past 25 years, and is particularly an expert on Latin America. Her views of the realities we face are of great moment and should be reviewed by all who serve in this body.

The article follows:

IGNORANCE ABOUNDS IN POPULATION POSITION

(By Georgie Anne Geyer)

What factor, along with social injustice, is the cause of the peculiarly savage slaughter in El Salvador? It is its terrible population pressure, with El Salvador having as many people per square mile (500 plus) as does India.

Why is India building a 1,200-mile wall between its crowded state of Assam and Bangladesh? Because of Bangladesh's 80 million-plus people insanely crowded into 55,000 square miles.

Why is the Iran-Iraq war so particularly murderous, with probably one million killed on both sides in only 3½ years? Because the Ayatollah Ruhollah Khomeini is trying to wipe out a whole generation that knew the shah—and the ayatollah has 40 million people to do it with.

Finally, what is the Reagan administration's response to this real world out there? Well, have you visited Disneyland recently?

The special lobbies, one more graceless and inherently vicious than the other, are now getting busily into place to threaten the candidates before the election. The far right anti-birth control and anti-abortion lobbies are right in there, too.

At the behest of these groups, the White House is sending an ultra-conservative delegation to the important International Population Conference in Mexico City Aug. 6-13, a delegation that will take an unprecedented position for the United States against aiding population control in the world. Further, the new policy might go so far as to remove fully $100 million out of the more than $200 million that now goes to the countries of the world for population control.

We are faced with the unedifying spectacle of a Washington that has just passed an intelligent immigration bill, then going to Mexico and telling it and the world they should not control their population!

What we have here is a fearful ignorance about the world: an ignorance that equates the very genuineness of the marketplace in the economy to a similar imagined marketplace in the creation of human beings.

At heart, U.S. conservatives think that the same thing will happen in the Third World as happened in the industrialized world—in effect, that population density will naturally subside as people progress.

In countries like Mexico, when the children were kids in a rural hut, they were a private family matter. Today, those children are masses of young adults, roaming jobless, restless, impressionable and sometimes violence-prone as they seek something out of life. Now they are a public matter in the Mexicos of the world and what an irony that, now, as Mexico struggles to deal with its population, we will travel there to deny them the means.

What we are seeing all over the world is not a replay of the United States and Europe during those years of this century when birth rates declined naturally due to individual decisions; we are seeing the sheer new inability of systems to absorb.●

ACID RAIN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 1984

● Mr. McEWEN. Mr. Speaker, this week I received a letter from Mr. Curtis T. Price, executive secretary of the Pike County Chamber of Commerce regarding the acid rain dilemma facing our Nation. In my view, Mr. Price's remarks warrant the consideration of all Members of the House of Representatives:

PIKE COUNTY
CHAMBER OF COMMERCE,
Waverly, OH, July 23,1984.

Hon. BOB MCEWEN,
House Office Building,
Washington, DC.

DEAR MR. MCEWEN: I have been reading about sulfur dioxide (SO_2) emissions and the damage being done to trees and open waters in Pennsylvania, New York and the New England states. These emissions, it is charged, originate from coal burning in Ohio, Indiana, Illinois and perhaps some contiguous states. Some radical and expensive corrective measures are proposed.

I do not pretend to be an expert on this. From what I read perhaps no one is. It seems certain that we do not have adequate information on the basis of which to make judgments and decisions.

This soft coal burning has been going on all of my life (75 years) and only in the last couple of years has it been identified as an "Acid Rain" problem. Is it really a problem or is it just a bunch of loud mouth know-it-alls—or is it something in between.

I have some suspicions about this because I lived in the New York City metropolitan area for six years. I think I know "New Yorkers"—and I know something else.

I lived one block west of the Garden State Parkway and one block north of the New Jersey line. One day I got up on the ladder to paint some white siding. It was covered with a scum which had nothing to do with acid rain. It occurs to me that the scum may have some relationship to the problem we read about in Los Angeles.

All I am asking is that you go slow in placing blame and reaching decisions on solutions.

Yours very truly,

CURTIS T. PRICE,
Executive Secretary.

P.S. This letter was requested and authorized by a vote of our Board of Directors.●

TRIBUTE TO JOSEPH ANTON WALTERS

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 1984

● Mr. WHEAT. Mr. Speaker, today I want to congratulate and honor a distinguished veteran of World War II, Mr. Joseph Anton Walters, of Independence.

Recently, Mr. Walters was invested as a knight in the Order of Saint John of Jerusalem, Knights of Malta. The ceremony was celebrated at the Yacht Club in New York City and was presided over by his Excellency, Archbishop Lorenzo Michel de Valitch, an apostolic delegate from the Vatican, grand chancellor and heir to the rich traditions of this noble order.

Mr. Speaker, the history of the Knights of Malta is long and colorful. It is enough to note that the Knights of Malta undertake as their task the defense of Christian civilization, a dedication which involves courage and self-sacrifice, a dedication which involves courage and self-sacrifice. The order seeks out and invites into its membership men of science who are still sensible, soldiers who have not lost their humanity, teachers who still teach, and thinkers who have not lost their mental acuity. It invites to the order those who reject wealth without work, pleasure without morality, science without humanity, worship without sacrifice, and politics without principle.

Mr. Speaker, Joseph Walters is to be commended for being received into this distinguished Order of Knights. His fellow knights see in him a quality of resourcefulness and self-sufficiency that few men possess. These qualities were tested early in his life and have grown through the decades.

He was a lead scout in the 163d Regiment, 41st Infantry Divison in World War II. As a teenager, he was awarded a Bronze Star for Valor for his courageous actions on Biak Island, Netherlands East Indies and the Philippines Islands.

Mr. Walters was seriously wounded by grenade fragments while attacking an enemy position on Jolo Island, Sulu Archipelago during the fighting. However, he managed to guide three badly wounded soldiers to a battalion aid station a mile away from the fighting before he collapsed. His bravery earned him the Bronze Star for Valor.

"On numerous occasions," the citation reads:

He volunteered for dangerous missions of reconnaissance with combat patrols. As a lead scout, he displayed aggressiveness and exceptional courage which saved his comrades many casualties and many certain defeats. For much of the war, his comrades-at-arms considered him a one-man army.

The citation also credits him with killing 18 enemy troops, thereby saving the lives of many of his fellow soldiers. The citation concludes by saying that the "courageous actions of Joseph A. Walters has won him the praise of all men in his company and clearly distinguished him" above other men.

Mr. Speaker, I would like to offer my best wishes to a fellow Missourian and to a new Knight in the Order of the Knights of Malta, Joseph A. Walters.●

HOUSE OF REPRESENTATIVES—*Monday, July 30, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O Lord, for the diversities of cultures and traditions that are the heritage of our Nation. Help us, O Lord, to honor the variety of backgrounds of race or religion, of national origin, that form the mosaic of our country, teach us to respect each other and learn from each other, and above all else, may each of us celebrate that gift that we all share—our common creation and the presence of Your image in our very being. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 331. Concurrent resolution to condemn the closing of ABC Color, the only independent newspaper in Paraguay, and to urge the Government of Paraguay to permit the reopening of that newspaper and to guarantee freedom of the press; and

H. Con. Res. 340. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 559.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2867. An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes; and

H.R. 5798. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1985, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2867) entitled "An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STAFFORD, Mr. CHAFEE, Mr. SIMPSON, Mr. SYMMS, Mr. RANDOLPH, Mr. MITCHELL, and Mr. LAUTENBERG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5798) entitled "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ABDNOR, Mr. LAXALT, Mr. MATTINGLY, Mr. HATFIELD, Mr. DECONCINI, and Mr. STENNIS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1668. An act to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; and

S.J. Res. 272. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to invasion of Poland during World War II.

A "JOKE" ON THE AMERICAN PEOPLE

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, if Anne Gorsuch Burford considers the National Advisory Committee on Oceans and Atmosphere a "joke" and a "nothingburger," why doesn't the President withdraw her nomination? Americans don't feel that preserving our oceans is a "joke." And they certainly don't feel that protecting the atmosphere is a "nothingburger."

Fortunately, the American people feel strongly about the environment. And if the President really wants to show his concern for our environment, he shouldn't show it through another 3-day media extravaganza in a couple of national parks.

Instead, he should show his commitment by withdrawing this totally inappropriate nomination. If this appointment is carried out, I'm afraid the "joke" will be on the American people.

IN TRIBUTE TO MAJ. GEN. JAMES P. McCARTHY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I rise today to pay tribute to Maj. Gen. James P. McCarthy who recently departed as the Director of Legislative Liaison of the Office of the Secretary of the Air Force to become Director of Plans, Headquarters, Strategic Air Command, Offutt AFB, NE. Major General McCarthy's 20 months as Director of Legislative Liaison have been marked by his constant efforts to keep the Congress as completely and accurately informed as possible about Air Force activities. I am sure I echo the sentiments of all my colleagues when I thank him for his prompt and thorough response to my inquiries and for the many occasions when he provided valuable information which helped me understand and analyze the often-complex issues of aerospace defense. All Americans are fortunate to have a man of Major General McCarthy's stature and integrity in our Nation's service. I wish him farewell and success in his new position, confident that a vital portion of our Nation's strategic deterrence is being placed in capable hands.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules, and on each question of passing bills, on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after legislative business on Tuesday, July 31, 1984.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from California [Mr. DELLUMS chairman of the Committee on the District of Columbia.

DISTRICT OF COLUMBIA RETIRED JUDGE SERVICE ACT

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the Dis-

trict of Columbia, I call up the bill (H.R. 6007) to establish certain procedures regarding the judicial service of retired judges of D.C. courts, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Retired Judge Service Act".

SERVICE OF RETIRED JUDGES

SEC. 2. (a) Section 11-1504 of the District of Columbia Code is amended to read as follows:

"§ 11-1504. Services of Retired Judges

"(a)(1) A judge, retired for reasons other than disability, who has been favorably recommended and appointed as a senior judge, in accordance with subsection (b), may perform such judicial duties as such senior judge is assigned and willing and able to undertake. A senior judge shall be subject to reappointment every two years in accordance with subsection (b). Except as provided under this section, retired judges may not perform judicial duties in District of Columbia courts.

"(2) Within 180 days of the date of retirement, a judge may request recommendation from the District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter in this section referred to as the "Commission") to be appointed as a senior judge in accordance with this section.

"(3) Retired judges actively serving on the date of enactment of this Act willing to continue to perform judicial duties shall request recommendation from the Commission to be appointed as senior judges within 180 days of the date of enactment of this Act in accordance with this section.

"(b)(1) A retired judge willing to perform judicial duties may request a recommendation as a senior judge from the Commission. Such judge shall submit to the Commission such information as the Commission considers necessary to a recommendation under this subsection.

"(2) The Commission shall submit a written report of its recommendations and findings to the appropriate chief judge and the judge requesting appointment within 180 days of the date of the request for recommendations. The Commission, under such criteria as it considers appropriate, shall make a favorable or unfavorable recommendation to the appropriate chief judge regarding an appointment as senior judge. The recommendation of the Commission shall be final.

"(3) The appropriate chief judge shall notify the Commission and the judge requesting appointment of such chief judge's decision regarding appointment within 30 days after receipt of the Commission's recommendations and findings. The decision of such chief judge regarding such appointment shall be final.

"(c) A judge may continue to perform judicial duties upon retirement, without appointment as a senior judge, until such judge's successor assumes office.

"(d) A retired judge, actively performing judicial duties as of the date of enactment of the District of Columbia Retired Judge Service Act, may continue to perform such judicial duties as he or she may be willing and able to assume, subject to the approval of the appropriate chief judge, for a period not to exceed one year from the date of enactment of such Act, without appointment as a senior judge.".

(b) Section 431(g) of the District of Columbia Self-Government and Governmental Reorganization Act is amended by inserting "and to make recommendations regarding the appointment of senior judges of the District of Columbia courts as provided in section 11-1504 of the District of Columbia Code" after "in section 432".

RETIREMENT BENEFITS FOR EXECUTIVE OFFICER OF THE DISTRICT OF COLUMBIA COURTS

SEC. 3. Section 11-1703(c) of title 11, District of Columbia Code, is amended by inserting ", including retirement benefits," after "compensation".

EFFECTIVE DATE

SEC. 4. The provisions of this Act shall take effect on the date of enactment of this Act.

COMMITTEE AMENDMENTS

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 19, strike "this Act" and insert "the District of Columbia Retired Judge Service Act and".

Page 2, line 23, strike "this" and insert "such".

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I would like to begin the consideration of this bill by first paying tribute and thanks to the distinguished gentleman from California, the subcommittee chairperson that brought this bill forward, and the gentleman from Virginia, the ranking minority member, who is also a coauthor of this particular piece of legislation.

You will hear from both of these gentlemen in some detail with respect to the bill, H.R. 6007. Suffice it to say at this point, in a brief summary, that the bill improves the method of using retired judges in the D.C. courts to relieve the case load of courts and contributes to the administration of justice in the District of Columbia.

Under H.R. 6007 if a retired judge is willing to serve, the D.C. Commission on Judicial Disabilities and Tenure evaluates his fitness to serve and recommends to the appropriate chief judge whether he should be appointed as a senior judge.

A second provision of the bill includes the executive of the courts under the judges' retirement system.

Mr. Speaker, with that very brief summary, I urge support for this bill and yield back the balance of my time.

□ 1210

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I am very pleased to be here today to present H.R. 6007. This bill will establish a long overdue procedure for checking the capabilities and continued competency of retired judges who are called on to hear cases in the D.C. courts.

In the 14 years since the Court Reform Act of 1970 the case load of the D.C. courts has skyrocketed. This has mirrored the vast increase in civil litigation and a most undesirable increase in crime since that time. Unfortunately, just like in the rest of the Nation, the District courts have not been able to keep pace with the number of cases and there are long delays and backlogs.

The chief judges of the superior court and of the appeals court have taken a number of steps to improve the efficiency of their courts. They have also used a common method of dealing with an overloaded docket by asking retired judges to continue to serve the public interest by hearing cases. The District has been most fortunate that a number of retired judges, who have already performed much service to the community, have agreed to forgo a life of leisure and have continued to work. These retired judges have done a good job and they have aided in improving the efficiency of the District courts.

Up to now the service of retired judges has been an ad hoc procedure. It was instituted by necessity and it has been run by improvisation. The need, though less now than in the past, is still present. With that concept in mind, the members of the DC Subcommittee on Judiciary and Education began to work on creating a regular process for evaluating and selecting retired judges who desire to continue to hear cases in the District's courts. There was never any contention in this process and the subcommittee and its staff has worked in a true bipartisan spirit of cooperation.

Today you see the results of months of work embodied in the bill, H.R. 6007. This bill sets up a process and a procedure for retired judges to be evaluated before they can continue to actively participate in the administration of justice. Until now there was no evaluation of these judges.

The Disability and Tenure Review Commission is the body that is charged with reviewing sitting judges for physical and mental competency. This Commission also investigates complaints about sitting judges and it has the power to censure or remove judges who are found to be disabled or incompetent. The Tenure Commission is the logical group to determine whether a retired judge is capable of continuing to hear cases, and that is where H.R. 6007 places the responsibility.

The mandatory retirement age for D.C. judges is now 74. Since many judges do serve until this age it is reasonable to require men and women who serve past this age be examined regularly for continued competency. H.R. 6007 does this by requiring reexamination and reappointment every 2 years.

Our intent in writing this legislation was not to change the use of retired judges, but to regularize their screening and appointment. I believe that we have succeeded in meeting our goals. The chief judge of the appropriate court maintains his power of making the final determination and in selecting the cases that a retired or senior judge will hear. The utilization of senior judges is a common practice around the country and this bill does nothing to encourage or discourage a continuation of this practice.

When all factors are taken into consideration this is a neutral bill that deals only with efficiency and competency in the D.C. courts. I support this bill, the other minority members of the Committee on the District of Columbia support the bill and I urge its adoption.

Mr. DYMALLY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I join with the chairman of the Committee on the District of Columbia, the gentleman from California [Mr. DELLUMS] in praising the work of the gentleman from Virginia [Mr. BLILEY] on this particular piece of legislation, not only his support which made its presence here possible, but the refinement he did in amending the bill to make it acceptable to Members on both sides of the aisle in the committee.

Mr. Speaker, this bill is a product of our ongoing monitoring of judicial efficiency in the D.C. local court system. Moreover, it is a product of our subcommittee's work with various representatives of the D.C. legal community, particularly representatives of the distinguished Horsky Study Committee. The Horsky Committee was established by the D.C. Bar in 1978 to recommend improvements in the D.C. court system. In particular, I would like to thank the gentleman from Virginia [Mr. BLILEY] for contributing to the bipartisan sponsorship and spirit of this bill.

In the District of Columbia, retired judges may be appointed by the chief judge of the appropriate court to serve as a senior judge. The chief judge then assigns such senior judges a limited caseload. However, there is no formal review of these senior judges' fitness to serve, either upon appointment or thereafter. Therefore, a judge may continue to hear cases and be totally unfit for such service.

H.R. 6007 seeks to correct this longstanding concern. Under this bill, a retiring or retired judge must formally notify the D.C. Commission on Judicial Disabilities and Tenure and the appropriate chief judge of his or her desire to be considered for a senior judge appointment within 180 days of retirement.

The Commission then conducts an investigation of the judge's fitness to continue service as a senior judge and submits a recommendation to the appropriate chief judge based on that investigation. The chief judge then determines whether to make the appointment. The Tenure Commission will review the fitness of each retired senior judge every 2 years thereafter.

The bill also brings the Executive Office of the D.C. court into the judicial retirement program. The Court Reorganization Act of 1970 provided for judicial retirement benefits for the executive officer of the D.C. courts. However, the Office of the Comptroller General of the United States interpreted the pertinent provision to exclude the executive officer from the Judicial Retirement System. This is not what Congress intended. Section 3 of H.R. 6007 reflects original congressional intent.

Mr. Speaker, this legislation is a small but necessary step toward improving efficiency and accountability of our local judiciary.

It is supported by the Mayor; chairman of the city council; the chief judge of the Superior and Appellate Courts of the District of Columbia; the Council on Court Excellence; and the Judicial Tenure and Disability Commission.

Moreover, it is reported to this body by a unanimous and bipartisan committee vote. Against this backdrop, I strongly encourage my colleagues to support H.R. 6007.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I, too, rise in support of H.R. 6007, a bill that would empower the D.C. Commission on Judicial Disabilities and Tenure to evaluate a retired judge and, after reviewing relevant information, to recommend that such a judge be designated as having senior judge status. The recommendation would then be considered by the chief judge, who would determine whether or not appointment as a senior judge is appropriate. This process would be repeated every 2 years for retired judges.

This system or review and evaluation prior to allowing retired judges to hear cases is sound. Under the current system, a judge need only manifest an interest in continuing to serve, and he or she may. Qualifications or fitness are not now taken into account.

Judges make decisions which have far-reaching implications for the lives of individuals. We must insure that the physical and mental well-being of our senior judges conforms to the standards that we apply to our active judges. By so doing, we reduce the chances of irregular and unequal judicial decisions.

I urge the Members to support H.R. 6007 and to strike a blow for improved efficiency in our local court system.

□ 1220

Mr. McKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I would very briefly like to congratulate the committee on its work and say that I strongly support this bill. I think it ought to be passed. It has been long needed. I commend both the chairman of the full committee and the chairman of the subcommittee and the ranking minority Member, the gentleman from Virginia [Mr. BLILEY].

Mr. Speaker, H.R. 6007 makes changes to the current provisions of the D.C. Code concerning the service of retired judges. These changes will insure that those individuals who have retired and wish to continue serving on the bench are able to do so, not only in the opinion of the chief judge of the court involved, but also in the opinion of the D.C. Commission on Judicial Disabilities and Tenure.

Under current law, any retired judge may be assigned active duties by the appropriate of chief judge of a local court. This procedure has been criticized by some as having the appearance of cronyism, although it would be difficult to back up such allegations with substance. In any event, the committee and the leadership of the local courts recognized the potential harm which could come from the existing procedure, and urged modifications.

H.R. 6007 would require that retired judges who wish to be assigned additional duties seek designation as a senior judge from the local Commission on Judicial Disabilities and Tenure. The Commission would make either a favorable or unfavorable recommendation to the appropriate chief judge. The chief judge would be able to select only those who have been favorably recommended.

Those retired judges already serving actively would be permitted to continue for not to exceed 1 year, after which such judge would be required to undergo review by the Commission. Finally, all retired judges would be required to seek reappointment every 2 years.

In short Mr. Speaker, H.R. 6007 would provide for initial and periodic review of retired judges seeking additional duties, and in so doing ensure that retired judges which are utilized are competent and able.

There is one other matter which H.R. 6007 addresses, and hopefully a long standing misinterpretation will be clarified in the process. Section 3 of this bill restates the original intent of Congress that the executive officer of

the local courts be permitted to participate in the local Judicial Retirement Program. As noted in the report, an erroneous interpretation of the word "compensation" by the Comptroller General has led to the situation where the executive officer of the courts has been prevented from participation in this retirement program. That was not what Congress intended in the Court Reorganization Act of 1970, but to make it abundantly clear, this amendment would add the phrase "including retirement benefits" immediately after the word "compensation." Should the current individual wish this change to be retroactive to the initial date of appointment, the report notes that the appropriate amount of employee contribution must be made to the fund. Even if that is not done, the individual could begin participation on the effective date of this act.

Mr. Speaker, I know of no opposition to the provisions of H.R. 6007, and indeed there should be none. The bill makes very important inprovements, and I urge all of my colleagues to support it as a step toward making the local system of justice more efficient.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I would simply again like to reiterate my admiration for my distinguished colleague, the gentleman from California [Mr. DYMALLY], and my distinguished colleague, the gentleman from Virginia [Mr. BLILEY], for their diligence with respect to the legislation presently being considered.

With that brief concluding set of remarks, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore [Mr. BOUCHER]. The question is on the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISTRICT OF COLUMBIA JUDICIAL APPOINTMENT AUTHORITY ACT OF 1984

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 5951) to change the appointment process for judges of District of Columbia courts, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Judicial Appointment Authority Act of 1984".

NOMINATION OF JUDGES OF THE DISTRICT OF COLUMBIA COURTS BY THE MAYOR

SEC. 2. (a) Sections 433 and 434(d) of the District of Columbia Self-Government and Governmental Reorganization Act (hereinafter in this Act referred to as "the Act") are amended by striking out "President" each place it appears and inserting in lieu thereof "Mayor"; and by striking out "Senate" each place it appears and inserting in lieu thereof "Council".

(b)(1) Section 434(a) of the Act is amended—

(A) in the second sentence by striking out "seven" and inserting in lieu thereof "five"; and

(B) in the third sentence by striking out all that follows "six years" and inserting in lieu thereof a period.

(2) Section 434(b)(4) of the Act is amended—

(A) by striking out subparagraph (A);

(B) in subparagraph (C) strike out "two" and insert in lieu thereof "one";

(C) strike the "s" from "members";

(D) strike all after the comma and insert in lieu thereof "such member shall be a lawyer.";

(E) in subparagraph (E) strike out "Chief Judge of the United States District Court" and insert in lieu thereof "District of Columbia Courts Joint Committee on Judicial Administration";

(F) strike out "Federal" and insert in lieu thereof "District of Columbia Courts"; and

(G) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively.

(c)(1) Section 431(e)(3) of the Act is amended—

(A) by striking out subparagraph (A);

(B) in subparagraph (C) strike out "two" and insert in lieu thereof "one";

(C) strike the "s" from "members";

(D) strike all after the comma and insert in lieu thereof "such member shall be a lawyer.";

(E) in subparagraph (E) strike out "Chief Judge of the United States District Court" and insert in lieu thereof "District of Columbia Courts Joint Committee on Judicial Administration";

(F) strike out "Federal" and insert in lieu thereof "District of Columbia Courts"; and

(G) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively.

CHANGES IN THE SMALL CLAIMS COURT OF THE DISTRICT OF COLUMBIA

SEC. 3. That section 1321 of title 11 of the District of Columbia Code is amended by striking out "$750" and inserting in lieu thereof "$2,000".

SEC. 4. The provisions of this Act shall take effect six months after enactment of this Act.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Judicial Appointment Authority Act of 1984".

NOMINATION OF JUDGES OF THE DISTRICT OF COLUMBIA COURTS BY THE MAYOR

SEC. 2. (a) Sections 433 and 434(d) of the District of Columbia Self-Government and Governmental Reorganization Act (hereinafter in this Act referred to as "the Act") are amended by striking out "President" each place it appears and inserting in lieu thereof "Mayor"; and by striking out "Senate" each place it appears and inserting in lieu thereof "Council".

(b)(1) Section 434(a) of the Act is amended—

(A) in the second sentence by striking out "seven" and inserting in lieu thereof "five"; and

(B) in the third sentence by striking out all that follows "six years" and inserting in lieu thereof a period.

(2) Section 434(b)(4) of the Act is amended—

(A) by striking out subparagraph (A);

(B) by striking out subparagraph (C) and inserting in lieu thereof:

"(C) One member shall be appointed by the Mayor, and shall be a lawyer.";

(C) in subparagraph (E)—

(i) by striking out "chief judge of the United States District Court for the District of Columbia" and inserting in lieu thereof "District of Columbia Courts Joint Committee on Judicial Administration"; and

(ii) by striking out "Federal" and inserting in lieu thereof "District of Columbia Court"; and

(D) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively.

(c)(1) Section 431(e)(3) of the Act is amended—

(A) by striking out subparagraph (A);

(B) by striking out subparagraph (C) and inserting in lieu thereof:

"(C) One member shall be appointed by the Mayor and shall be a lawyer.";

(C) in subparagraph (E)—

(i) by striking out "chief judge of the United States District Court" and inserting in lieu thereof "District of Columbia Courts Joint Committee on Judicial Administration"; and

(ii) by striking out "Federal" and inserting in lieu thereof "District of Columbia Court"; and

(D) by redesignating subparagraph (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively.

CHANGES IN THE SMALL CLAIMS COURT OF THE DISTRICT OF COLUMBIA

SEC. 3. That section 1321 of title 11 of the District of Columbia Code is amended by

striking out "$750" and inserting in lieu thereof "$2,000".

SEC. 4. The provisions of this Act shall take effect six months after enactment of this Act.

Mr. DELLUMS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 5951 makes three changes in the D.C. Code. First, it provides that local judges in the District of Columbia will be appointed and confirmed by the Mayor and Council rather than the President and Senate; second, H.R. 5951 changes the two local commissions that recommend and evaluate the judges and candidates for judgeship to remove Federal appointees and substitute local appointees; and third, the bill increases the jurisdiction of the small claims branch of the D.C. Superior Court from its present $750 to $2,000.

The changes in the law contained in H.R. 5951 are part of a progression over the past 15 years in which Congress has limited judges of Federal courts to strictly Federal business and left local matters to the local courts and local officials in the District of Columbia.

It is hard to believe now, but until Congress changed the law in 1968 the Federal judges of the U.S. District Court actually appointed the members of the school board for the public schools of Washington, DC. In 1968 the Federal judges were relieved of that local responsibility and the people now elect their board of education.

Two years later Congress limited the Federal court in the District to Federal felonies and created a purely local court called the Superior Court of the District of Columbia to handle local felonies, and created a second court—the D.C. Court of Appeals—to hear appeals from local cases, rather than the U.S. Court of Appeals as before.

These two local courts are the subject of H.R. 5951. Members of Congress familiar with the court system in their own States will recognize that the D.C. Superior Court handles the same types of cases as the county courts or municipal courts or State trial courts in your home State. These are not the types of cases that go to Federal court.

A few statistics illustrate the court system addressed in this bill. The D.C. Superior Court received 184,000 cases in 1983. The nine major categories of cases from the heaviest caseload to the lightest were as follows:

Landlord and tenant, 84,000.
Misdemeanors, 22,000.
Small claims, 21,000.
Civil actions, 15,000.
Felonies, 11,000.
Traffic, 10,000.
Domestic relations, 8,000.
Juvenile, 4,000.
Probate, 3,000.

There are 1,000 employees and over 60 judges and commissioners carrying out his local judicial responsibility. The court budget is $44 million, substantially provided by locally raised funds.

It is clear that we are talking about a court that handles local cases and typical minor matters that are the business of local judges everywhere—not Federal cases for a Federal judiciary with Presidential appointments subject to confirmation by the U.S. Senate.

It was to separate the Federal and local overlap that Congress created the D.C. Superior Court and Court of Appeals in 1970. The committee at that time was chaired by Congressman John McMillan. His committee report (91-907) stated:

> The fact is that the diversity of Federal and local interest has led to the jurisdictional disarray which presently exists * * * The Federal court has jurisdiction of local felonies and concurrent jurisdiction over local misdemeanors * * * The Federal court tries cases that would elsewhere be within the state system:

The 1970 committee report then states the intent of Congress:

> . . . The United States District Court for the District of Columbia will be on a par with other United States District Courts, exercising Federal jurisdiction only, and the Superior Court of the District of Columbia will have all purely local jurisdiction.

The legislative history of 14 years ago, which I have just quoted makes it clear that Congress intended to confine the Federal court to Federal matters an create local courts for local cases. H.R. 5951 completes that process.

In fact, the Home Rule bill as reported to the House Floor in 1973 contained judicial appointments and confirmation by the Mayor and Council. A House floor amendment prevented the change at that time.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. DELLUMS] has expired. (By unanimous consent, Mr. DELLUMS was allowed to proceed for 3 additional minutes.)

Mr. DELLUMS. Mr. Chairman, the principle of H.R. 5951 is what the Reagan administration calls the New Federalism. A year ago Treasury Department Officials stated the principle to our committee in a letter supporting the city's desire to use the private capital markets rather than continuing to borrow from the U.S. Treasury. The Treasury officials wrote:

> The administration strongly supports the efforts of the District of Columbia Government to manage its own financial needs.
>
> . . . . (O)ne of the major themes of the President's . . . budget is to reduce Federal involvement in matters more properly conducted by local governments.

Other examples of New Federalism for the District of Columbia are the transfer of R.F.K. Stadium from the U.S. Department of the Interior to the D.C. Government, and a reduced Federal role in operating St. Elizabeth's Hospital. Both of these have administration support.

It is clear that the trend is away from Presidential appointees doing the job that local officials should do. H.R. 5951 is an important step in that direction and deserves to be adopted by Congress.

I would finally conclude my remarks, Mr. Speaker, by again congratulating my distinguished colleagues, first, the gentleman from Virginia [Mr. BLILEY], who is the author of this terribly important and vital piece of information, and I would like to again thank the two coauthors of this legislation, the distingusihed gentleman from California [Mr. DYMALLY], and the distinguished gentleman from the District of Columbia [Mr. FAUNTROY].

□ 1230

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 5951 is an important bill which directly meets the challenge of fairness and equity for the people of the District of Columbia. This bill is not new in concept and it merely validates and implements the decision made by the House and Senate committees in 1973 to have the Mayor of the District of Columbia nominate judges who serve on local courts.

The passage of this bill would make appointment of judges in the District of Columbia analogous to the procedure in the States. After all, you must understand that we are dealing here with local judges with local responsibilities and not with Federal judges. In any event there are safeguards in this bill that will ensure the quality of the nominees and the objectivily of the Nominations Commission.

The bill requires that the Mayor pick a nominee from a list of three names submitted by the Nominations Commission. This Commission has five members of which the Mayor only appoints one. This body is political neutral and is objective. The Mayor is constrained from nominating unqualified political friends by the requirement that his selections be from the approved list. This requirement is much more stringent than most of the Governors of legislatures are faced with in the States. We all know of many cases where States judges are appointed for their support of the Governor and not

necessarily for their judicial competence. This will not be the case in the District of Columbia. The Nominations Commission is set up to insure quality judges. Therefore any argument that the Mayor will have too much power or that he may make a mockery of the selection process just does not hold up.

Mr. DYMALLY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the House of Representatives consideration today of H.R. 5951 represents a precious moment in the history of democracy in the District of Columbia. The legislation is consistent with Congress' granting and extending self-government to the citizens of the District of Columbia over the last 10 years.

The major question before us is whether the President or the mayor of the District of Columbia should select local appellate and superior court judges.

I ask my colleagues to think about this question, particularly in the context of the President appointing State and local judges in your own States and cities. Given the history of the District of Columbia government and its local court system, the question posed virtually answers itself. Like States, the local D.C. government should govern itself and should select its own judges.

In July 1970, pursuant to our article I power, Congress created the local court system by passing the District of Columbia Reform and Criminal Procedure Act. We expressly stated we were establishing the D.C. Superior Court and Court of Appeals analagous to State court systems.

I would add that because D.C. courts are article I and not article III courts, there is no constitutional prohibition against non-Presidential appointment, or specifically mayoral appointment of local judges.

In 1973, this Congress passed the Home Rule Act which established an executive and legislative branch of government on a local level. Citizens were given the right to elect a local government.

Although under this act self-government for the district was limited, we were proud of this legislative accomplishment. But we are prouder now. The D.C. court system has functioned as an independent and exemplary arm of the D.C. government for more than 12 years. The executive and legislative branches of the local government have been in place for nearly 10 years. The local government has in fact developed a great deal of experience and self-sufficiency and it is as sound, effective and as capable as any local government in this Nation.

With this background in mind and steadfast notions of democratic values, the answer to the question posed today must be consistent with Mr. Reagan's new Federalism: There is no logical, legal, or political basis for the President to appoint judges of District of Columbia or any other State or local court which is totally disconnected from the Federal judiciary. Hence, local judges should be selected through a local selection process.

The jurisdiction of the D.C. Superior and Appellate Court judges is limited to purely local matters. Should the President of the United States appoint State court judges to consider disputes regarding landlord and tenant, familial or small claims disputes in Pennsylvania, California, New York, or Virginia? Of course the answer is no.

I submit there is a clear analogy here. This Congress established the D.C. court system analagous to State court systems. The local court exercises the same relationship with the local government that State courts exercise with State governments. There are no fundamental distinctions except that the President appoints local judges.

H.R. 5951 seeks to remove this tension of inconsistency, nothing more, nothing less. It does not change the court's structure, power, or jurisdiction. The court remains the same.

Mr. Speaker, H.R. 5951 represents a bipartisan consensus statement from the House Committee on the District of Columbia to this august body. There is no longer a national basis for Presidential appointment of local judges to the D.C. court system. This should be a local responsibility.

I would like to thank the gentleman from Virginia for pioneering this bill and I strongly encourage Members of this body to support H.R. 5951.

Mr. McKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 5951 is a long awaited measure which I would urge all of my colleagues to seriously consider. As a supporter of home rule of the District of Columbia, it is, in my opinion, long overdue.

In a nutshell, what H.R. 5951 does is localize the process of appointment of local judges. First, it removes the Federal representation on two commissions—the D.C. Judicial Nomination Commission and the D.C. Commission on Judicial Disabilities and Tenure. Next, it provides that the Mayor, not the President, select the nominee from the list of eligible candidates provided. And rather than have the Senate confirm the nominee, that function would be undertaken by the Council of the District of Columbia.

The bill does have one other purpose, that being an increase in the jurisdictional limit of the local small claims court from $750 to $2,000. This change will significantly reduce the number of cases which the local superior court civil division must consider as a result of an outdated dollar limit.

I do not intend to explain the details of this measure, but rather the principle which has generated the interest on our committee. When we passed the Home Rule Act in 1973, we did not include judicial autonomy as a final provision. We ended up with several conditions which basically retained control over the criminal code and the operation of local courts as a function of the Congress.

As part of that compromise, it was envisioned that there would be a gradual change toward real autonomy. For a period of 2 years, which was extended to 4 years, we prohibited the Council from enacting any changes in the local criminal code. They now have that authority. I think it is safe to say we envisioned a progression toward full autonomy, with each safeguard or compromise falling by the wayside as the local government exhibited the ability to govern itself.

Mr. Speaker, the time has come to make the next step in this progression toward judicial autonomy. Local judges should be the responsibility of the local government. There is no justification for retaining this authority in the President and the Senate of the United States of America.

This bill will not change the qualifications for individuals being considered for vacancies in the local courts. Candidates must still be U.S. citizens, active members of the local bar and practicing attorneys for 5 years or on the faculty of a law school in the District of Columbia for 5 years, or a Federal or D.C. government attorney, and residents of the District of Columbia. Nothing in this bill will diminish the requirements for consideration as a candidate. Only the entity making the final decision will change, and in my opinion, it will change for the better.

Finally, Mr. Speaker, let me indicate to my colleagues that this measure does not in any way alter the relationship between the local government and the U.S. attorney's office for the District of Columbia. Prosecution will continue as it is currently conducted. The Federal interest will be protected through the office of the U.S. attorney for the District of Columbia.

In conclusion, Mr. Speaker, this bill makes a modest and fully justifiable step toward the goal of achieving full home rule for the District of Columbia. It has the unanimous support of the members of the Committee on the District of Columbia from both sides of the aisle. And it should have the unanimous support of the membership of this body.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I am pleased to rise in support of H.R. 5951, a bill which, in the true spirit of bipartisan cooperation, I am pleased to have cosponsored. I want to commend the bill's

chief sponsor, my colleague on the committee on the District of Columbia, Mr. BLILEY, for introducing this measure.

Section two of this legislation basically restates the position of the district committee when we marked up the Home Rule Act a little more than a decade ago. Mayoral appointment of judges of the local courts was as logical and compelling then as it is today. The Senate version of the Home Rule Act included mayoral appointment of judges; the final House version did not. It mystifies me now as it mystified me then why this House ultimately supported an amendment to the Home Rule Act, striking mayoral appointment and replacing it with Presidential appointment, and why the House-Senate conference agreed to the House amendment.

The fact is, there is no good reason, no significant basis to inject the President into this purely local matter. On the other hand, there are many good reasons and a substantial basis to leave the selection of local judges to the local community, and that is what H.R. 5951 seeks to do.

There is no place in the United States where local judges are appointed by the President, except the District of Columbia. Some local judges are appointed by Governors, some by local legislatures, and some are elected by the people, but all owe their selection to a local entity.

It should be noted that local courts in the District of Columbia, like local courts everywhere, have jurisdiction over purely local matters. They hear divorces, landlord and tenant matters, probate cases, small claims, juvenile matters, some criminal and civil cases, traffic matters, and others. They do not however have jurisdiction over cases involving a Federal question or over cases involving citizens from different States and other diversity situations. District of Columbia local courts, like all other local courts, are limited in this regard.

Does it make sense therefore to require the President of the United States to appoint judges who must hear red light violations, $50 dog bite cases and alimony disputes? The response is obvious—there is no good reason, no significant basis.

I recall with great amazement the remarks of one Member during the debate on the Home Rule Act. He stated that—

(His) constituents deserve the kind of judges (in the District of Columbia) that would be appointed by the President rather than the kind of judges appointed by a mayor.

I challenge anyone in this Chamber to tell me how appointment by the President in some magical and mystical way insures top quality judges. The President has appointed many D.C. judges over the years. Some have been good and some have been less than good.

Embodied in H.R. 5951 is a provision which would keep the current system of screening judicial appointment candidates, thereby measurably improving the chances of getting the best qualified for the bench.

That provision, commonly referred to as the "Missouri plan" establishes an independent commission to select and nominate judicial candidates. The mayor could appoint judges only from the list of those submitted by the commission.

A second, independent commission would review the record of judges seeking reappointment at the end of their tenure. This commission's evaluation would place the judges in one of four categories. Only if a judge is determined by the commission to be merely "qualified" would the mayor have the power to reappoint.

The two commissions thus provide more than adequate insulation for the judiciary from political pressure.

It should be noted that at the time the Congress considered the Home Rule Act, a major overhaul of the local court system had just occurred under the 1970 Court Reorganization Act. Thus, at that time, one could at least rationalize the reluctance of some Members to make new changes in the judicial system on the heels of that overhaul. But we are now nearly a decade and a half removed from that overhaul, and change is appropriate.

The other operative provision of this bill, section 3, increases the jurisdictional limit of D.C. Small Claims Court from $750 to $2,000, bringing the limit more in line with similar courts in our region.

Mr. Speaker, appointment of local judges by the local executive is fundamental to our system. H.R. 5951 simply mainstreams the District of Columbia in this regard. It is worthy of our support and compelling in its simplicity, fairness, and justification. I urge this House, Republicans and Democrats alike, to follow the lead of the Committee on the District of Columbia and our distinguished colleague, Mr. BLILEY, and, with a strong, bipartisan vote, support this basic concept.

Mr. DELLUMS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1240

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONSERVATION SERVICE REFORM ACT OF 1984

Mr. OTTINGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5946) to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service, as amended.

The Clerk read as follows:

H.R. 5946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation Service Reform Act of 1984".

TITLE I—RESIDENTIAL CONSERVATION SERVICE

SEC. 101. CHANGES IN CERTAIN PLAN REQUIREMENTS.

(a) INFORMATION REQUIREMENTS MADE APPLICABLE UNTIL JANUARY 1, 1990.—Sections 215(a) and (d) and 217(a)(1) of the National Energy Conservation Policy Act (relating to utility programs and home heating supplier programs) are amended by striking out "January 1, 1985" each place it appears and inserting in lieu thereof "January 1, 1990".

(b) ELIMINATION OF REQUIREMENTS THAT PUBLIC UTILITIES ARRANGE FOR INSTALLATION OF SUGGESTED MEASURES AND FOR RELATED LOANS; ELIMINATION OF LISTING REQUIREMENTS.—

(1) UTILITY PROGRAMS.—Section 215(b) of such Act (relating to project manager requirements) is amended—

(A) by striking out "Each utility program shall include" through "procedures" and inserting in lieu thereof "Each utility program shall include procedures";

(B) by striking out "to" through "inspect" and inserting in lieu thereof "to inspect"; and

(C) by striking out "inspection;" and all that follows and inserting in lieu thereof "inspection.".

(2) HOME HEATING SUPPLIER PROGRAMS.—Section 217(a)(2) of such Act (relating to home heating supplier programs) is amended—

(A) by striking out "will—" through "inspect" and inserting in lieu thereof "will inspect"; and

(B) by striking out "installing, suggested measures;" and all that follows and inserting in lieu thereof "installing, suggested measures.".

(3) STATE PLANS.—Section 213(a) of such Act (relating to general plan requirements) is amended—

(A) by striking out paragraphs (2) and (3); and

(B) by redesignating paragraphs (4) through (9) as paragraphs (2) through (7), respectively.

(c) RULES.—Section 212(b)(2) of such Act (relating to rules of the Secretary) is amended by striking out subparagraphs (E) and (F) and inserting "and" at the end of subparagraph (C).

(d) EFFECT OF 1984 AMENDMENTS ON APPROVED PLANS.—Section 219 of such Act (relating to Federal standby authority) is amended by adding at the end thereof the following new subsection:

"(e) PLANS APPROVED BEFORE 1984 AMENDMENTS.—For purposes of this section, any residential energy conservation plan which was approved by the Secretary before the effective date of the Conservation Service Reform Act of 1984 shall be treated as an approved plan which is adequately implemented if such plan is adequately implemented in accordance with the requirements of this Act as amended by the Conservation Service Reform Act of 1984.".

(e) CONFORMING AMENDMENTS.—

(1) Paragraph (16) of section 210 of such Act is amended by striking out "215(b)(1)(A)" and inserting in lieu thereof "215(b)".

(2) Subparagraph (C) of section 212(b)(2) of such Act is amended by striking out "213(a)(4)" and inserting in lieu thereof "213(a)(2)".

(3) Subparagraph (A) of section 213(b)(2) of such Act is amended by striking out "215(b)(1)" and inserting in lieu thereof "215(b)".

(4) Subsection (b) of section 214 of such Act is amended by striking out "8" and inserting in lieu thereof "6".

(5) Section 215(a)(3) of such Act is amended by striking out "and the lists referred to in section 213(a)(2) and (3)".

(6) Subsection (d) of section 215 of such Act is amended by striking out ", the offer required under subsection (b)(1)(A)" and all that follows and by inserting in lieu thereof "and the offer required under subsection (b).".

(7) Section 215 of such Act is amended by striking out subsection (f) and by redesignating subsection (g) as subsection (f).

(8) Paragraph (1) of section 216(c) of such Act is amended by striking out subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(9) Subparagraph (C) of section 216(c)(2) of such Act is amended by striking out "on the lists referred to in section 213(a)(2)".

(f) STATUTORY CONSTRUCTION.—Nothing in the amendments made by subsections (b) through (e) shall prevent implementation of a plan or program pursuant to the National Energy Conservation Policy Act as in effect before the date of the enactment of this Act.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(2) RULES.—The Secretary of Energy shall, within the 90-day period referred to in paragraph (1), amend the rules promulgated under section 212 of the National Energy Conservation Policy Act to carry out the amendments made by this Act.

(3) SPECIAL REQUIREMENT FOR PLANS APPROVED BEFORE 1984 AMENDMENTS.—The Secretary of Energy shall, with respect to any residential energy conservation plan approved by the Secretary of Energy before the effective date (as described in paragraph (1)) of the amendments made by this section, require the appropriate official in charge of such plan to notify the Secretary of Energy, within 120 days of the date of enactment of this Act, that the amendments made by subsection (a) of this section shall be implemented for the duration of such plan.

SEC. 102. TIME LIMIT FOR ACTION ON APPLICATIONS FOR TEMPORARY PROGRAMS.

Any application for an exemption under section 218(a) of the National Energy Conservation Policy Act which is pending before the Secretary of Energy on the date of the enactment of this Act shall be deemed approved unless it is disapproved by the Secretary of Energy within 30 days after such date of enactment.

SEC. 103. ALTERNATIVE PLANS FOR RESIDENTIAL BUILDINGS.

(a) IN GENERAL.—The National Energy Conservation Policy Act is amended by inserting the following new sections after section 225:

"SEC. 226. ALTERNATIVE STATE PLANS.

"(a) IN GENERAL.—A Governor of any State or any State agency authorized to do so under State law may elect to formulate and certify an alternative State plan under this section.

"(b) CONSEQUENCES OF CERTIFICATION.—(1) Beginning with the date on which the certification of a plan is made with respect to a State under subsection (e) and ending with the date on which a plan is no longer in effect under this section with respect to such State—

"(A) sections 212(a) through (c)(3), 213 through 215, and sections 217 and 218 shall not apply with respect to—

"(i) regulated utilities in such State, and

"(ii) nonregulated utilities which are included in the plan;

"(B) section 219 shall apply to utilities described in subparagraph (A) only to the extent provided for in subsection (g); and

"(C) sections 212 through 219 shall apply to nonregulated utilities which are not included in the plan and which have not certified an alternative utility plan under section 227.

"(2) Except as provided in subsection (g), any State which certifies a plan under subsection (e) shall continue to have such plan in effect until the expiration of the 5-year period beginning on the date of such certification or until January 1, 1990, whichever occurs first.

"(c) FORMULATION OF PLAN.—In formulating any plan under this section, the Governor or State agency shall—

"(1) provide for advance notice to the public of proposed rulemaking for the purpose of formulating such plan;

"(2) publish a proposed rule on the content and implementation of the plan;

"(3) afford interested persons an opportunity to present oral and written comments on matters relating to such proposed rule; and

"(4) after taking such public comment into consideration, prescribe and make public a final rule setting forth the content and implementation of such plan.

"(d) CONTENT OF PLAN.—A plan certified pursuant to this section shall—

"(1) be designed to result in the dissemination of general energy conservation suggestions to all residential customers of utilities in the State;

"(2) be designed to result in—

"(A) specific energy conservation suggestions to each residential customer requesting such suggestions regarding the customer's residential building,

"(B) energy conservation improvements (which are included in such plan) to the customer's residential building, or

"(C) load management improvements (which are included in such plan) in the customer's residential building;

"(3) except as provided in subsection (k), for each year in which such plan is in effect, be designed to result in—

"(A)(i) in the case of a plan carried out solely by a State, benefits under paragraph (2) for a number of buildings equal to 5 percent or more of the residential buildings using natural gas or electric energy from utilities covered under section 211(a) in such State which did not, before such year, receive benefits under this Act (other than under paragraph (1) or section 227(d)(1)) or similar State law, and

"(ii) in the case of any other plan, benefits under paragraph (2) for a number of buildings equal to 5 percent or more of the residential buildings served by the utilities included in the plan which did not, before such year, receive benefits under this Act (other than paragraph (1) or section 227(d)(1)) or similar State law;

"(B) energy consumption reductions (as determined by the Governor by rule) of an average of 10 percent or more (as compared to the preceding year) in the residential buildings in such State which receive specific energy conservation suggestions or energy conservation improvements under paragraph (2) during the year for which the determination is made; and

"(C) maximum kilowatt demand reductions (as determined by the Governor by rule) of an average of 10 percent or more (as compared to the preceding year) in the residential buildings in such State which receive load management improvements under paragraph (2) during the year for which the determination is made;

"(4) be designed to benefit individuals, including but not limited to individuals with low or moderate incomes;

"(5) contain adequate procedures to assure that, if a public utility supplies or installs residential energy conservation measures, such actions shall be consistent with section 216 and prices and rates of interest charged shall be fair and reasonable;

"(6) contain adequate procedures for preventing unfair, deceptive, or anticompetitive acts or practices affecting commerce which relate to the implementation of such plan;

"(7) be carried out by the State, by utilities within the State, or a combination of both;

"(8) be consistent with the rules under section 212(b)(2)(D);

"(9) contain rules consistent with the rules under section 215(c);

"(10) contain provisions to assure that any person who alleges any injury resulting from a violation of any plan provision shall be entitled to redress pursuant to State law or under such procedures as may be established by the Governor or State agency prior to the date on which the plan is certified under subsection (e); and

"(11) contain provisions described in section 213(b)(2)(B).

"(e) CERTIFICATION.—(1) A Governor or State agency which elects to certify a plan under this section shall certify, pursuant to a form to be prescribed by the Secretary (except as provided by paragraph (2)) to the Secretary that the plan—

"(A) has been formulated in accordance with subsection (c); and

"(B) will be adequately implemented.

"(2) If a form is not made available by the Secretary within 90 days after the date of the enactment of this section, the Governor or State agency may make such certification on a form prescribed by such Governor or State agency.

"(3) Any certification under this subsection shall include a detailed explanation of the manner in which the contents of the plan will be implemented.

"(f) ANNUAL REPORT.—(1) The State shall submit an annual report to the Secretary, within 60 days after the end of the 1-year period to which the report relates, describing the implementation of the plan and the results thereof.

"(2) Such report shall include—

"(A) a statement of the number of buildings receiving benefits under subsection (d)(2),

"(B) a statement of the energy savings resulting from the plan, including a statement of average energy consumption reductions in the case of residential buildings which receive energy conservation suggestions or energy conservation improvements under subsection (d)(2), and a statement of average maximum kilowatt demand reductions in the case of residential buildings which receive load management improvements under subsection (d)(2),

"(C) a statement of the proportion of individuals with low and moderate incomes who receive benefits under subsection (d)(2),

"(D) a detailed description of the benefits provided under the plan, and

"(E) the names of the entities carrying out the plan.

"(g) ADMINISTRATIVE AND JUDICIAL ENFORCEMENT PROCEEDINGS.—(1) At any time more than 1 year after an alternative State plan has been certified under subsection (e) with respect to a State, any resident of such State may petition the Secretary to conduct a public hearing to determine if the alternative State plan has been adequately implemented. A copy of such petition shall be transmitted to the Governor or the appropriate State agency on the same date it is transmitted to the Secretary. The Secretary shall have 90 days after the date on which such petition is received to make a determination on the matter.

"(2) Except as provided in paragraph (3), if the Secretary determines that the alternative State plan has not been adequately implemented, the Secretary shall, within the 90-day period described in paragraph (1), initiate standby authority under section 219 with respect to such State. If the Secretary does not initiate the standby authority within the 90-day period, the resident may bring a de novo action in the appropriate United States district court—

"(A) against the Secretary (with the State having the right to intervene) to require the Secretary to implement standby authority under section 219, or

"(B) against the State to require the State to adequately implement the alternative State plan certified under subsection (e).

If the court finds that the State has failed to adequately implement such plan, it shall order the remedy requested by the plaintiff under subparagraph (A) or (B). If an individual prevails in an action under subparagraph (A), the court shall award such individual reasonable fees and expenses of attorneys and costs.

"(3) If a State which had an approved plan in effect under section 212 on the day before the date on which certification was made under this section informs the Secretary in writing, within 30 days after receiving a copy of the petition described in paragraph (1), that it will no longer implement a plan certified under this section and that it will implement the approved plan which was in effect in the State on the day before certification of the alternative plan under this section—

"(A) the determinations and actions described in paragraph (2) may not be carried out; and

"(B) sections 212 through 219 shall apply in such State except to the extent an alternative utility plan under section 227 is implemented in such State.

"(4)(A) A resident may not petition the Secretary under paragraph (1) and may not bring an action under paragraph (2) if such petition or action is based solely on a failure to reach the results described in paragraph (3) of subsection (d) or subsection (k).

"(B) A court may not make a finding that a State has failed to adequately implement a plan under paragraph (2) if such finding is based solely on a failure to reach the results described in paragraph (3) of subsection (d) or subsection (k).

"(h) COVERAGE.—A plan certified under this section shall not apply to utilities other than utilities covered under section 211(a).

"(i) INCLUSION OF NONREGULATED UTILITIES.—No nonregulated utility may be included in a plan by a Governor or State agency under this section unless such inclusion is authorized under State law or the nonregulated utility agrees to such inclusion.

"(j) UTILITIES WITH RETAIL SERVICE TERRITORIES IN MORE THAN 1 STATE.—For purposes of this section, any utility with a retail service territory (as defined in section 227(d)) in more than one State shall be considered to be a separate utility with respect to each State in which its retail service territory is located.

"(k) ALTERNATIVE STANDARDS.—(1) If—

"(A) the Governor or State agency which certifies a plan under this section finds—

"(i) with respect to the first year in which the alternative State plan is to be in effect, that residential customers will not be adequately informed of the availability of benefits under such plan, or

"(ii) with respect to any year in which the alternative State plan is to be in effect, that—

"(I) the number of residential buildings which have received benefits described in subsection (d)(2) (regardless of whether included in a plan) prior to such year is so large that the results described in subsection (d)(3) are unlikely to be reached in the absence of a finding under this subsection, or

"(II) such alternative State plan (or substantial portions thereof) will primarily benefit individuals with low or moderate incomes, and

"(B) such finding is made after interested persons are afforded an opportunity to present oral and written comments thereon (which, with respect to the first year in which an alternative State plan is to be in effect, may be in combination with the opportunity afforded under subsection (c)(3)), the results described in subsection (d)(3)(A) shall be applied to such year by substituting for '5 percent' a percentage (determined by such Governor or State agency) which is less than 5 percent and greater than or equal to 3 percent.

"(2) A finding under this subsection may not be made more frequently than once a year and each such finding shall be applicable to the implementation of an alternative State plan for a period, beginning on the date specified in such finding, not to exceed 12 months. Such period shall not begin before the date of such finding.

"(l) CLASSIFICATION AS LOAD MANAGEMENT IMPROVEMENT OR ENERGY CONSERVATION IMPROVEMENT.—For purposes of this section, in the case of a technique or installation which may be classified as either a load management improvement or an energy conservation improvement, the Governor, by rule, shall determine whether to treat such technique or installation as a load management improvement, an energy conservation improvement, or both.

"SEC. 227. ALTERNATIVE UTILITY PLANS.

"(a) IN GENERAL.—A regulated utility which is in a State in which an alternative State plan is not in effect under section 226 and a nonregulated utility which is not included in a plan submitted by a Governor or State agency as described in section 212(c) (if such inclusion is authorized under State law) or in a plan certified under section 226 may elect to certify an alternative utility plan under this section.

"(b) CONSEQUENCES OF CERTIFICATION.—(1) Beginning with the date on which the certification of a plan is made with respect to a utility under subsection (e) and ending with the date on which a plan is no longer in effect under this section with respect to such utility—

"(A) sections 212(a) through (c)(3), 213 through 215, and sections 217, 218, and 226 shall not apply with respect to such utility; and

"(B) section 219 shall apply to such utility only to the extent provided for in subsection (g).

"(2) Except as provided in subsection (g), any utility which certifies a plan under subsection (e) shall continue to have such plan in effect until the expiration of the 5-year period beginning on the day of such certification or until January 1, 1990, whichever occurs first.

"(c) FORMULATION OF PLAN.—The Governor or State agency authorized to do so under State law shall formulate a plan under this section on behalf of any regulated utility which has elected to certify a plan under this section. In formulating any plan under this section, the nonregulated utility or the Governor or State agency in the case of a regulated utility shall—

"(1) provide for advance notice to the public of such plan;

"(2) publish a description of the proposed content and implementation of the plan;

"(3) afford interested persons an opportunity to present oral and written comments on matters relating to such proposed plan; and

"(4) after taking such public comment into consideration, prescribe and make public the content and implementation of such plan.

"(d) CONTENT OF PLAN.—Any plan certified pursuant to this section shall—

"(1) be designed to result in the dissemination of general energy conservation suggestions to all residential customers of such utility;

"(2) be designed to result in—

"(A) specific energy conservation suggestions to each residential customer requesting such suggestions regarding the customer's residential building,

"(B) energy conservation improvements (which are included in such plan) to the customer's residential building, or

"(C) load management improvements (which are included in such plan) in the customer's residential building;

"(3) except as provided in subsection (j), for each year in which such plan is in effect and with respect to the retail service territory of the utility, be designed to result in—

"(A) benefits under paragraph (2) for a number of buildings equal to 5 percent or

more of the residential buildings using natural gas or electric energy from such utility which did not, before such year, receive benefits under this Act (other than under paragraph (1) or section 226(d)(1)) or similar State law;

"(B) energy consumption reductions (as determined by the Governor by rule) of an average of 10 percent or more (as compared to the preceding year) in the residential buildings in such territory which receive specific energy conservation suggestions or energy conservation improvements under paragraph (2) during the year for which the determination is made; and

"(C) maximum kilowatt demand reductions (as determined by the Governor by rule) of an average of 10 percent or more (as compared to the preceding year) in the residential buildings in such territory which receive load management improvements under paragraph (2) during the year for which the determination is made;

"(4) be designed to benefit individuals including but not limited to individuals with low or moderate incomes;

"(5) contain adequate procedures to assure that, if a public utility supplies or installs residential energy conservation measures, such actions shall be consistent with section 216 and prices and rates of interest charged shall be fair and reasonable;

"(6) contain adequate procedures for preventing unfair, deceptive, or anticompetitive acts or practices affecting commerce which relate to the implementation of such plan;

"(7) be consistent with the rules under section 212(b)(2)(D);

"(8) contain rules consistent with the rules under section 215(c);

"(9) contain provisions to assure that any person who alleges any injury resulting from a violation of any plan provision shall be entitled to redress—

"(A) in the case of an alleged violation by a regulated utility, pursuant to State law or under such procedures as may be established by the Governor or State agency prior to the date on which the plan is certified under subsection (e), or

"(B) in the case of an alleged violation by a nonregulated utility, under such procedures as are established by the nonregulated utility prior to the date on which the plan is certified under subsection (e); and

"(10) contain provisions described in section 213(b)(2)(B).

For purposes of this subsection, the term 'retail service territory' means the territory in a State in which a utility makes retail sales to residential customers.

"(e) CERTIFICATION.—(1) A utility which elects to certify a plan under this section shall certify, pursuant to a form to be prescribed by the Secretary (except as provided by paragraph (2)), to the Secretary that the plan—

"(A) has been formulated in accordance with subsection (c); and

"(B) will be adequately implemented.

"(2) If a form is not made available to a utility by the Secretary within 90 days after the date of the enactment of this section, the utility may make such certification on a form prescribed by such utility.

"(3) Any certification under this subsection shall include a detailed explanation of the manner in which the contents of the plan will be implemented, and, in the case of a regulated utility, shall include a statement of support from the Governor or the State agency of the State concerned.

"(f) ANNUAL REPORT.—(1) The utility shall submit an annual report to the Secretary, within 60 days after the end of the 1-year period to which the report relates, describing the implementation of the plan and the results thereof.

"(2) Such report shall include—

"(A) a statement of the number of buildings receiving benefits under subsection (d)(2),

"(B) a statement of the energy savings resulting from the plan, including a statement of average energy consumption reductions in the case of residential buildings which receive energy conservation suggestions or energy conservation improvements under subsection (d)(2), and a statement of average maximum kilowatt demand reductions in the case of residential buildings which receive load management improvements under subsection (d)(2),

"(C) a statement of the proportion of individuals with low and moderate incomes who receive benefits under subsection (d)(2),

"(D) a detailed description of the benefits provided under the plan, and

"(E) the names of the entities carrying out the plan.

"(g) ADMINISTRATIVE AND JUDICIAL ENFORCEMENT PROCEEDINGS.—(1) At any time more than 1 year after an alternative utility plan has been certified under subsection (e) with respect to a utility, any residential customer of such utility may petition the Secretary to conduct a public hearing to determine if the alternative utility plan has been adequately implemented. A copy of such petition shall be transmitted to the utility on the same date it is transmitted to the Secretary. The Secretary shall have 90 days after the date on which such petition is received to make a determination on the matter.

"(2) Except as provided in paragraph (3), if the Secretary determines that the alternative utility plan has not been adequately implemented, the Secretary shall, within the 90-day period described in paragraph (1), initiate standby authority under section 219 with respect to the utility concerned. If the Secretary does not initiate such standby authority within such 90-day period, such customer may bring a de novo action in the appropriate United States district court—

"(A) against the Secretary (with the utility having the right to intervene) to require the Secretary to implement standby authority under section 219 with respect to such utility, or

"(B) against the utility to require the utility to adequately implement the alternative utility plan certified under subsection (e).

If the court finds that the utility has failed to adequately implement such plan, it shall order the remedy requested by the plaintiff under subparagraph (A) or (B). If an individual prevails in an action under subparagraph (A), the court shall award such individual reasonable fees and expenses of attorneys and costs.

"(3) If a utility which was within an approved State plan under section 212 on the day before the date on which certification was made under this section informs the Secretary in writing, within 30 days after receiving a copy of a petition described in paragraph (1), that it will no longer implement a plan certified under this section and that it will carry out a program in accordance with the State plan in effect under this part in the State—

"(A) the determinations and actions described in paragraph (2) may not be carried out; and

"(B) sections 212 through 219 shall apply to such utility unless it voluntarily or pursuant to State law becomes part of a State alternative plan implemented in the State under section 226.

"(4) For purposes of implementing section 219(a)(2) to a regulated utility as a result of this subsection, the term 'each regulated utility in the State' in such section shall be deemed to mean only the utility with respect to which action is taken under this subsection.

"(5)(A) A residential customer may not petition the Secretary under paragraph (1) and may not bring an action under paragraph (2) if such petition or action is based solely on a failure to reach the results described in paragraph (3) of subsection (d) or subsection (j).

"(B) A court may not make a finding that a utility has failed to adequately implement a plan under paragraph (2) if such finding is based solely on a failure to reach the results described in paragraph (3) of subsection (d) or subsection (j).

"(h) COVERAGE.—A plan certified under this section shall not apply to utilities other than utilities covered under section 211(a).

"(i) UTILITIES WITH RETAIL SERVICE TERRITORIES IN MORE THAN 1 STATE.—For purposes of this section, any utility with a retail service territory (as defined in subsection (d)) in more than one State shall be considered to be a separate utility with respect to each State in which its retail service territory is located.

"(j) ALTERNATIVE STANDARDS.—(1) If—

"(A) the Governor of a State which includes a retail service territory (as defined in subsection (d)) of a utility which certifies a plan under this section finds, for such retail service territory—

"(i) with respect to the first year in which the alternative utility plan is to be in effect, that residential customers will not be adequately informed of the availability of benefits under such plan, or

"(ii) with respect to any year in which the alternative utility plan is to be in effect, that—

"(I) the number of residential buildings which have received benefits described in subsection (d)(2) (regardless of whether included in a plan) prior to such year is so large that the requirements of subsection (d)(3) are unlikely to be met in the absence of a finding under this subsection, or

"(II) such alternative utility plan (or substantial portions thereof) will primarily benefit individuals with low or moderate incomes, and

"(B) such finding is made after interested persons are afforded an opportunity to present oral and written comments thereon (which, with respect to the first year in which an alternative utility plan is to be in effect, may be in combination with the opportunity afforded under subsection (c)(3)),

the requirements of subsection (d)(3)(A) shall be applied to such retail service territory for such year by substituting for '5 percent' a percentage (determined by such Governor) which is less than 5 percent and greater than or equal to 3 percent.

"(2) A finding under this subsection may not be made more frequently than once a year and each such finding shall be applicable to the implementation of an alternative utility plan for a period, beginning on the date specified in such finding, not to exceed 12 months. Such period shall not begin before the date of such finding.

"(k) CLASSIFICATION AS LOAD MANAGEMENT IMPROVEMENT OR ENERGY CONSERVATION IMPROVEMENT.—For purposes of this section, in the case of a technique or installation which

may be classified as either a load management improvement or an energy conservation improvement, the Governor, by rule, shall determine whether to treat such technique or installation as a load management improvement, an energy conservation improvement, or both.".

(b) TVA AUTHORITY.—Paragraph (4) of section 212(c) is amended by inserting ", section 210(21), section 226, or section 227" after "this section,".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (e) of section 218 of such Act is amended by striking out the period at the end of the second sentence and inserting in lieu thereof "or a plan in effect under section 226 or section 227 which is applicable to such utility.".

(2) Subsection (a) of section 219 of such Act is amended by striking out "If" and inserting in lieu thereof "Except as provided in sections 226 and 227, if".

(3) Subsection (b) of section 219 of such Act is amended by striking out "If" and inserting in lieu thereof "Except as provided in sections 226 and 227, if".

(d) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 225 the following new items:

"Sec. 226. Alternative State plans.
"Sec. 227. Alternative utility plans.".

SEC. 104. REPORTS AND DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—Section 225 of the National Energy Conservation Policy Act (relating to FTC study and report submitted before January 1, 1982) is amended to read as follows:

"SEC. 225. REPORTS AND DISSEMINATION OF INFORMATION.

"(a) GENERAL REPORT.—(1)(A) No later than January 1, 1986, the Secretary shall submit a report to the chairman of the Committee on Energy and Commerce of the House of Representatives and the chairman of the Committee on Energy and Natural Resources of the Senate relating to the operation of this part.

"(B) Not later than January 1 of every other year after 1986, the Secretary shall submit a report to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Energy and Natural Resources of the Senate relating to the operation of this part during the preceding 2-year period.

"(2) Each such report shall include—

"(A) a comparison of actual and predicted energy savings resulting from plans under this part,

"(B) identification of the most effective plans (or portions thereof),

"(C) an analysis, based on completed audits and other relevant data, of the energy saving potential of the installation of additional residential conservation measures, and

"(D) an analysis of economic, technical, behavioral, and other factors considered relevant to energy consumption by the Secretary.

Nothing in this paragraph shall require a survey of each residential building in which a residential energy conservation measure has been installed under this part.

"(b) SUMMARY OF ALTERNATIVE PLAN REPORTS.—No later than January 1, 1986, and no later than January 1 of each year thereafter, the Secretary shall submit a report to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Energy and Natural Resources of the Senate summarizing the annual reports the Secretary received under section 226(f) and section 227(f) during the 12-month period ending on the preceding July 1.

"(c) DISSEMINATION OF INFORMATION.—(1)(A) The Secretary shall at least annually, in fiscal years beginning after September 30, 1984, disseminate to the States and public utilities information providing technical assistance (including assistance in making calculations under sections 226(d)(3)(B) and 227(d)(3)(B)) and relating to the most cost-effective energy conservation procedures and devices (including residential energy conservation measures) and the most successful plans (or portions thereof) under this part.

"(B) The Secretary shall make the information described in subparagraph (A) available to the public.

"(2) The Secretary shall conduct seminars in various regions of the United States to disseminate information described in paragraph (1).".

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by striking out the item relating to section 225 and inserting in lieu thereof the following:

"Sec. 225. Reports and dissemination of information.".

SEC. 105. LOAD MANAGEMENT IMPROVEMENT DEFINED.

Section 210 of the National Energy Conservation Policy Act (relating to definitions) is amended by inserting after paragraph (20) the following new paragraph:

"(21) The term 'load management improvements' means—

"(A) as determined by the Secretary—

"(i) load management techniques (other than time-of-day or seasonal rates), and

"(ii) the installation of energy-efficient electric appliances or any other devices which reduce kilowatt demand, and

"(B) as determined by the Governor of a State, any other improvements in such State which are described in clause (i) or (ii) of subparagraph (A).".

SEC. 106. LIMITATION ON SUPPLY AND INSTALLATION BY PUBLIC UTILITIES.

(a) ADDITIONAL REQUIREMENTS FOR WAIVER.—Section 216(e) of the National Energy Conservation Policy Act (relating to waiver of prohibition against supply and installation of residential energy conservation measures by public utilities) is amended—

(1) by striking out "The" and inserting in lieu thereof "(1) The",

(2) by striking out "charged and" and inserting in lieu thereof "charged, there will be no unfair competitive advantages to the utility (with respect to competitors such as small businesses) in carrying out such activities, and", and

(3) by adding at the end thereof the following new paragraph:

"(2) The Governor may not support the petition of a regulated utility under paragraph (1) before—

"(A) the Governor—

"(i) provides advance notice to the public of such waiver petition,

"(ii) affords interested persons an opportunity to present oral and written comments on the waiver petition, and

"(iii) makes the determinations and findings which the Secretary is required to make in order to grant a waiver under paragraph (1), and sets forth, in writing, such findings and the reasons for such determinations and findings; and

"(B) the utility makes all relevant documents and records requested by the Governor available to the Governor.".

(b) CONTRACTING EXEMPTION.—Subsection (c) of such section is amended by adding at the end thereof the following new paragraph:

"(3) This subsection shall not apply to the supply or installation of residential energy conservation measures other than specific measures which the Secretary determines—

"(A) were being installed or supplied by a public utility on the date of the enactment of the Conservation Service Reform Act of 1984, or

"(B) were broadly advertised on or before such date of enactment.".

(c) GENERAL EXEMPTION.—Subsection (d) of such section is amended—

(1) by striking out "The" and inserting in lieu thereof: "(1) Except as provided in paragraph (2), the",

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and

(3) by adding at the end thereof the following new paragraph:

"(2) Effective July 1, 1986, subparagraphs (A) and (B) of paragraph (1) shall not apply to the supply or installation of residential energy conservation measures other than measures which the Secretary determines were being installed or supplied by a public utility during the 12-month period ending June 1, 1984.

"(3)(A) If any person requests review of an exemption under paragraph (1)(A) or (B) by the Governor of the State in which the exemption applies, and such request includes adequate documentation, the Governor shall review such exemption under subparagraph (B).

"(B) If, after notice and opportunity for a public hearing, the Governor determines that with respect to an activity which is the subject of a request under subparagraph (A)—

"(i) the utility is not charging fair and reasonable prices and rates of interest,

"(ii) there are unfair competitive advantages to the utility (with respect to competitors such as small businesses),

"(iii) such activity is inconsistent with the prevention of unfair methods of competition or the prevention of unfair or deceptive acts or practices, or

"(iv) the utility has not provided the Governor with all documents and records he determines necessary to make the determination under clauses (i) through (iii),

and sets forth, in writing, such determination and the reasons for such determination, such exemption shall not apply to the activity which is the subject of such request.

"(C) Notwithstanding any findings of the Governor under subparagraph (B), the Governor may allow an exemption under paragraph (1)(A) or (B) if the utility establishes to the satisfaction of the Governor that it will provide appropriate competitive safeguards.".

TITLE II—REPEAL OF PROVISIONS REGARDING COMMERCIAL BUILDINGS AND MULTIFAMILY DWELLINGS

SEC. 201. (a) IN GENERAL.—Title VII of the National Energy Conservation Policy Act (relating to energy conservation for commercial buildings and multifamily dwellings) is hereby repealed.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking out the items relating to title VII.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. OTTINGER] will be recognized for 20 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman form New York [Mr. OTTINGER].

Mr. OTTINGER. Mr. Speaker, I yield 5 minutes to my colleague from Texas [Mr. RALPH M. HALL] who is the author of this legislation, and I comment him for his hard work in reaching a bipartisan compromise that greatly improves this program.

Mr. RALPH M. HALL. Mr. Speaker, I thank the distinguished gentleman from New York for yielding time to me.

As the Members in the House know, this legislation is the product of over a year of debate between the gentleman from New York [Mr. OTTINGER] and myself. I introduced legislation last year to repeal the Residential Conservation Service and the Commercial and Apartment Conservation Service.

That bill, H.R. 3966, was the subject of extensive hearings before the Subcommittee on Energy Conservation and Power of which I am a member. Today, I stand before the House after long and tireless negotiations with Chairman OTTINGER and Chairman DINGELL, with a piece of legislation which balances many of the original concerns H.R. 3966 addressed and many that were addressed in H.R. 5467, Chairman OTTINGER's legislation. This effort represents a true compromise by both parties. Clearly, American utility consumers, utilities, and States, should view this legislation as far better than the current law.

The Committee on Energy and Commerce thought so highly of this bill that it reported it out unanimously.

In reviewing the long list of those organizations which have endorsed H.R. 5946 since it was introduced, I believe my colleagues will find an unusual alliance. Let me enumerate some of the supporters of this legislation: The American Gas Association, the Sierra Club, the Edison Electric Institute, the Environmental Policy Institute, the National League of Cities, the American Public Power Association, the Consulting Engineers Council, the U.S. Council of Mayors, and the United Methodist Board of Church & Society to name just a few.

Many of you rightly ask, what specifically does this legislation do? First, the legislation reduces Federal regulation by repealing the Commercial and Apartment Conservation Service. Second, the legislation provides more flexibility to State by providing the option to a Governor or lead energy agency of a State to certify an alternative plan for their respective State. Third, the legislation promotes energy conservation by providing targets for those choosing to operate an alternative plan, allows a variety of new means of achieving conservation to be utilized, and extends the RCS program for 5 years. Fourth, the legislation will reduce utility charges currently scheduled to be billed to consumers for the implementation and start up of CACS. Under this bill, if enacted quickly, those charges will never be assessed. Fifth, the bill protects small business as it provides a list of small business protections from utility company's anticompetitive practices. Six, the legislation does all of these wonderful things without costing Americans one additional cent beyond the authorization under current law.

At this time I would like to focus on some of the specific provisions.

Recognizing that substantial gains have already been made in commercial properties, this legislation directs resources of States and utilities where much of the work remains to be done—the residential sector. In hearings, it was clearly reflected that CACS would be cumbersome, costly, and difficult to ascertain savings. Witnesses testified both in the Subcommittee on Energy Conservation and Power and the Small Business Subcommittee that the free market is currently responding to the demand for energy efficient devices in the units which would have been covered under CACS. It is for this reason that the policy redirects the attention back to the residential sector where the original job has not been finished.

A second major aspect of this legislation is the alternative plan which can be substitued for the current RCS requirements. In the hearings before the committee a theme continually reoccurred: We need flexibility in developing conservation strategies which are more cost effective in each respective State. Under H.R. 5946, maximum flexibility is provided for a Governor of a State to arrive at a conservation strategy which best fits their individual State.

The mechanism which seeks to garner conservation in that alternative plan is the design requirements. The legislation calls for alternative plans to be designed to have as its goals 5 percent participation of the residents who have not participated in an RCS type program to date, and garner 10 percent savings in the units served. The legislation does not ascribe parameters for what approach would be best in any State, allowing for new innovative techniques to be brought forward. Despite this approach the committee recognizes the enormous variance of participation and energy savings under the current RCS program. The report on H.R. 5946 states:

The wide variation in participation rates in RCS programs from State to State and from utility to utility suggest that there may be similar variations under the alternative plan. Factors that explain these variations, in addition to program design, may include climate, energy prices, density of population, previous levels of conservation in consumer's homes, customer attitudes toward utilities or State governments, customer attitudes about energy conservation and customer's income levels and education.

In reference to energy savings the report States:

As the experience with utility programs shows, the energy savings results vary widely. The reasons for this are numerous, including resident's decisions, for example, to take advantage of conservation improvements by increasing the thermostat setting in a home, or a decision not to invest in conservation despite an expert energy audit. Further providing flexibility to individual States and not to penalize difficult situations, the legislation specifically prohibits a petition to be filed on grounds of inadequate implementation solely for failure to reach the 5 percent participation and 10 percent savings goals. The legislation also provides that a Governor may lower the 5 percent target to 3 percent if certain findings are present.

This approach should give States such as Texas and California who have vastly differing temperature zones flexibility to comply.

The bill also allows for load management techniques to be utilized by electric utilities to reduce kilowatt demand during peak demand. The legislation in no way encourages or condones replacing home appliances with appliances powered by a fuel different from that used in the original appliance. That is not considered load management in and of itself.

I am proud to have introduced this balanced legislation and greatly appreciate the chairman of the full committee, Mr. DINGELL, and the chairman from the subcommittee, Mr. OTTINGER, for all of their help and assistance. I feel that this is truly a balanced compromise which all parties can be proud to take back to their constituents as better policy for America. I urge my colleagues to give their full support.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. RALPH M. HALL. I yield to the gentleman from California.

Mr. MOORHEAD. Mr. Speaker, about $800,000 would have been spent by the Federal Government on the CACS regulations in fiscal year 1985. Would enactment of this legislation present this expenditure?

Mr. RALPH M. HALL. Yes, it will.

Mr. MOORHEAD. I know that the gentleman from Texas would agree with me that there is nothing more difficult to get rid of than a Federal program once it has been implemented. Are we repealing CACS in time to prevent extensive damage to States, utilities, and the consumers?

Mr. RALPH M. HALL. Yes; CACS has not yet been implemented, and a minimum of consumer expense has been incurred so far.

Mr. MOORHEAD. The gentleman from Texas has joined me in cosponsoring H.R. 2283, the Energy Consumers Regulatory Reform Act, which I introduced early this Congress. Would this legislation repeal CACS as totally and completely as H.R. 2283 would do?

Mr. RALPH M. HALL. Yes; you can be assured that it does.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

I support the compromise legislation before us today. I commend Chairman OTTINGER of the Energy Conservation and Power Subcommittee as well as the gentleman from Texas [Mr. RALPH M. HALL] for their effort to work out a meaningful compromise. From my perspective, Mr. Speaker, this bill is an important step toward recognizing that the best way to achieve energy conservation is through the operation of the marketplace. Decontrol efforts during President Reagan's tenure have shown that the most rational and efficient energy choices are made when Government interference with the free market is minimized. The cost of excessive Federal regulation is always borne by the consumer, and we have seen the consumer benefit enormously when Government gets out of the way.

In the 97th Congress, Mr. Speaker, I first introduced the Energy Consumers Regulatory Reform Act to promote the operation of the energy marketplace by repealing six regulatory programs which have burdened small businesses, cost energy consumers millions of dollars, and distorted the marketplace for energy conservation products and services over the last 7 years. I reintroduced this bill in the 98th Congress as H.R. 2283, and many members of the Energy and Commerce Committee again cosponsored this bill.

Two of the programs singled out for repeal by my reform legislation are the Residential Conservation Service [RCS] and Commercial and Apartment Conservation Service [CACS] Programs.

The RCS and CACS Programs were enacted to enable households and businesses to undertake full audit of their energy use and to help low- and moderate-income families identify cost-effective conservation measures which would lower their energy bills. These programs have failed dismally. They have not benefited low- and moderate-income families. They have needlessly added to the heavy burden shouldered by our Nation's ratepayers and small businesses.

I applaud the committee's recognition of the problems with these programs and its attempt to improve the RCS Program, but I support this legislation because it repeals the Commercial and Apartment Conservation Service Program. I believe that CACS would repeat the mistakes made with RCS. Since the CACS Program has not yet been fully implemented, I believe we should prevent this program from establishing any further bureaucratic roots by supporting its immediate repeal.

Once operational, the Commercial and Apartment Conservation Service Program would have suffered from the same problems that have flawed the RCS Program and may result in even greater inequities. Like RCS, CACS audits would subsidize the affluent at the expense of the poor, elderly, and minorities. The subsidy, however, would be even larger than that provided under RCS. Comprehensive energy audits of large or multitenant buildings are far more complicated and costly than audits provided for single family dwellings under RCS. Also, CACS is fundamentally unfair since it forces residential ratepayers to subsidize commercial establishments.

It is also likely that CACS would be even less effective than RCS. A landlord has little incentive to install conservation measures when the cost of utilities are passed on to renters. On the other hand, renters are unlikely to invest in modifications which will improve the value of their landlords' property and which would only pay off over a period of time which is longer than the renters' tenancy. Also, renters are unlikely to invest in measures whose effectiveness is contingent upon other renters adopting similar conservation measures. This is particularly true in light of the dismally low rates of participation likely to be encountered.

Further, as with RCS, the likelihood that those few who do participate will install conservation measures is quite small. This should not be surprising. Many cost-effective conservation measures are obvious, and the marketplace has already insured their implementation. To the extent lower utility bills enhance the value of commercial property and improve the bottom line for businesses, owners, and entrepreneurs have a financial incentive to install cost-effective energy conservation measures.

Also, the CACS Program is anticompetitive. Small business, ready and willing to provide energy audits, would be unable to compete with the subsidized audits utilities, might have to provide commercial establishments under CACS.

Mr. Speaker, this bill would also extend the RCS Program for an additional 5 years. My preference, of course, would be to repeal this program as well. But I will support this legislation as the best possible compromise under the circumstances, and as a necessary first step in enacting all of the provisions of H.R. 2283, the Energy Consumers Regulatory Reform Act.

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Mr. OTTINGER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I strongly support this legislation and again would like to commend my colleague from Texas. I must say that I never thought I would see the day when the RCS bill came out as a noncontroversial measure. It is really a tribute to his hard work and devotion to making the RCS a really good workable program that this came about.

I would also like to commend our esteemed chairman of the committee, my friend, the gentleman from Michigan [Mr. DINGELL], and the ranking minority member of the Energy Conservation and Power Subcommittee, the gentleman from California [Mr. MOORHEAD], for the valuable contributions that they made in resolving this issue.

The core of this compromise was drafted following hearings before our subcommittee last September. In these hearings the subcommittee heard from utilities across the country which had successful energy conservation programs that were highly innovative and achieved substantially better results than the national average. These and other utilities told the subcommittee that if they had the flexibility to design their RCS programs according to regional needs and service area experiences, significantly more conservation could be achieved.

States as well commented that where their utilities were not interested in the program, that they thought they would like to pursue programs on their own. They thought they could achieve as good as or better than utilities have achieved elsewhere under this program.

So what this legislation does is provide the flexibility that was requested in those hearings.

What this bill does is allows the States to design alternative residential energy conservation plans which best meet their needs and allows them to supplant existing RCS utility programs with these new plans. A large variety of programs could qualify for the alternative program proposed under this bill including energy audits, conservation equipment financing programs, efficient appliance rebates, or the installation of low-cost, leak-plugging measures and other measures which a State or a utility might want to adopt.

At the State's option, the program may be administered by the State or its utilities, and the utilities are given a similar option to the State, to abandon the existing RCS program of energy audits and to design alternative programs of their own.

The bill encourages States and utilities to design alternative programs to

meet specific performance goals. These goals are the most important reforms of the legislation, because they are aimed at pushing the utilities into improving their performance in the residential conservation area. Or, alternatively, having States meet higher energy conservation achievements.

One of those goals is to reach 5 percent of the eligible population that has not already received benefits through Federal or State programs.

I should point out that this program never was designed just to help poor people, though we have required that efforts be made to include poor people in the program. It is designed to save energy and reduce our dependence on imported oil. The goal of 5 percent is clearly achievable. Five States reached or exceeded 5 percent of their population with their RCS program for 2 years running: Washington, Wisconsin, Delaware, Vermont, and Michigan.

With the flexibility offered under this bill, States would have the opportunity to reach higher participation rates with programs especially designed for their region.

The other performance goal of the program is to achieve energy savings or reduced peak energy consumption of 10 percent annually on average per customer participating in the program. A well crafted conservation program should be able to achieve and, in all likelihood, exceed this target. In its recent review of utility conservation programs, the Department of Energy reported that under the existing program, RCS participants experience annual savings of 8 percent. The Lawrence Berkeley Laboratory finds in their studies that utility audit programs combined with financing measures show even higher savings—15 percent. And the Congressional Research Service concludes that the potential for cost-effective conservation measures is even higher—22 percent per household. These studies show that significant energy savings can be achieved, and the 10-percent goal of this legislation is reasonable indeed, even modest.

The legislation before us today is intended to give States and utilities the tools to tap an enormous potential for cost-effective energy conservation in our Nation's buildings. According to a recent study by the Congressional Research Service, the Nation could have saved an additional 2 to 3 million barrels of oil per day between 1973 and 1981 if cost-effective conservation improvements had been made in the Nation's residences. That savings would be equivalent to an estimated savings of $25 billion to $35 billion per year in reduced energy bills to the Nation's residents.

In addition to program reforms intended to result in a more effective conservation program, this bill addresses reforms to insure more competition for installation of these conservation measures. Current law prohibits utilities from installing or supplying conservation measures except under certain exemptions.

This legislation would amend existing law to provide an opportunity for public review of potential anticompetitive practices by exempted utilities. This opens the door for much more of this work to be done by small businesses.

As with any compromise, you do not get everything you want and in order to reach accommodation, I agreed to allow the repeal of a program that I strongly support; the Commerical and Apartment Conservation Service.

I would like to have to retained the CACS program so that conservation efforts could have been directed particularly at small commerical establishments and rental housing.

□ 1300

There are lots of mom and pop stores that use very heavy amounts of electricity, particularly for grocery types of operation for freezer-cooler operations. They could be greatly benefited by the kind of information that would have been provided under the CACS program.

However, it was my primary intent in supporting the RCS reform to restructure the program to achieve more energy conservation through added flexibility in utility conservation plans. I think the legislation does achieve that.

Mr. Speaker, this is a good bill and an important program. It should improve the conservation programs under the RCS program by a great deal.

I strongly urge its adoption.

Mr. Speaker, I would like to note that on page 33 of the committee report, the word "not" was inadvertently left out due to a typographical error. The fifth line under the section entitled, "State hearing for grandfathered utility," should read, "The exemption shall not continue for a grandfathered utility if the Governor, following a public hearing, makes any of the following findings * * *." This correction would make the report consistent with section 216(d)(3)(B) added to the National Energy Conservation Policy Act by section 106 of H.R. 5946 as amended.

Before I wind up my statement on the bill I would like to point out to Members that these reforms are being proposed because the Department of Energy has shown utter contempt for the program and the law mandating it and has refused to administer the program properly. We really don't know how well the RCS Program is working as intended under the authorizing legislation because DOE has not administered it according to the law. Let me cite some examples of how DOE has sabotaged the program:

State plans have not been reviewed and approved by DOE in a timely manner.

Issuance of regulations has been encumbered by a lengthy series of delays.

Enforcement of the Federal standby authority required by statute has not been fulfilled.

Program regulations were revised to significantly relax or eliminate program requirements.

Monitoring and evaluation systems needed to determine program status have not been implemented.

Research and technical assistance activities have been cut back.

Inconsistent staffing and reorganizations have plagued the program.

Zero funding proposals have been repeatedly submitted to Congress. Following repeated rejections, the Department has failed to spend appropriated funds.

In reports and testimony before the Energy Conservation and Power Subcommittee the General Accounting Office has fully documented these findings and specifically stated that surreptitious budgetary maneuvers, including a critically timed $2.5 million spending deferral in fiscal year 1983, had left the RCS Program "in a turmoil."

Mr. Speaker, the reforms in this bill are designed to put the RCS Program back on track and put the responsibility for its success in the hands of the States, which, unlike the Reagan administration, are not ideologically opposed to the enormous economic value and benefits of strong conservation programs.

In order to make sure that the reformed program has a chance to work, this legislation extends the requirement that utilities announce the availability of the RCS Program from January 2, 1985, to January 1, 1990. Existing law does not set any sunset date on the obligation of utilities to provide the RCS service to its customers, only on the date by which it must be announced.

This is an important point and one I want to make perpectly clear: There is no termination date for the RCS Program. At the end of my statement I am inserting in the RECORD an analysis conducted by the Library of Congress which supports this reading of the law. The analysis states:

> We * * * believe that as a general matter there is no statutory expiration of the authority or mandate for the Residential Conservation Service Program, although there are specific statutory terminations of certain requirements imposed by the Act.

Mr. Speaker, we need to allow the RCS Program to work. We need to reaffirm Congress' intent to have a strong national energy policy that re-

duces the need for imported oil. We need H.R. 5946.

The letter follows:

WASHINGTON, DC, *September 26, 1983.*

To: House Committee on Energy and Commerce, Subcommittee on Energy Conservation and Power.

From: American Law Division.

Subject: Termination of the Residential Conservation Service Program Under the National Energy Conservation Policy Act.

This will respond to your request that we review the provisions of the National Energy Conservation Policy Act, as amended, for the purpose of determining whether there is a termination date established for the Residential Conservation Service Program.

We have reviewed the pertinent authorities and believe that as a general matter there is no statutory expiration of the authority or mandate for the Residential Conservation Service Program, although there are specific statutory terminations of certain requirements imposed by the Act.

As you know, the provisions of Part 1 of Title II of the National Energy Conservation Policy Act, Public Law 95-619 (1978) established the Residential Conservation Service Program. Certain amendments were made to that program by Congress by Subtitle B of Title V of the Energy Security Act, Public Law 96-294 (1980).

As amended, the statutory program required large electric and natural gas utilities to inform residential customers of the benefits of certain energy conservation and renewable resource measures, to offer their customers energy audits, and to offer to arrange for the installation and financing of such measures. For those States that elect to participate in the program, the legislation requires the submission and approval of an acceptable State plan. For those states that choose not to submit plans, the legislation requires implementation of the Federal program.

Since the Program was first establishd in 1978, a series of regulations have been adopted by the Department of Energy to carry out the Program. See, 47 Fed. Reg. 27752 (June 25, 1982), footnote 1.

The National Energy Conservation Policy Act contains three provisions that terminate on January 1, 1985, specific notice requirements that covered utilities are obliged to give to their customers:

(1) Under the provisions of 42 U.S. Code Section 8216(a), the utility program required under the Act must "include procedure designed to inform . . . each two years . . . before January 1, 1985, each of its residential customers" of certain energy conservation matters;

(2) Under the provisions of 42 U.S. Code Section 8216(d), the covered utilities must give notice to new residential customers of the conservation measures, energy audit procedures, and make offers for certain installation requirements "before January 1, 1985"; and,

(3) Under the provisions of 42 U.S. Code Section 8218(a), in connection with the home heating suppliers program, notice is required to be given "each two years . . . before January 1, 1985" to residential customers of certain specific energy cost saving measures.

In each case, it appears that the January 1, 1985, date merely terminates the obligations under the Act to give customers notice, but there is nothing under the Act that expressly provides that the entire program and the other specific ogligations imposed upon utilities expires at that time.

On the contrary, the Act provides in Section 211, as amended, 42 U.S. Code Section 8212 as follows:

This part [the Residential Conservation Service Program] shall apply in any calendar year to a public utility only if during the second preceding calendar year either—

(1) Sales of natural gas by such public utility for purposes other than resale exceeded 10 billion cubic feet, or

(2) Sales of electric energy by such public utility for purposes other than resale exceeded 750 million kilowatt-hours.

Thus, the section contemplates that the Act will impose continuing obligations on covered utilities (although certain customer notice requirements terminate on January 1, 1985) to provide the services relating to energy conservation so long as the utility meets the threshold sales requirements of Section 211 in "any calendar year."

A review of the regulations adopted by the Department of Energy at 10 C.F.R. Part 456, 47 Fed. Reg. 2772 (June 25, 1982) does not indicate any provision of the regulations that suggest a termination for the program on January 1, 1985.

For the reasons set forth above, it appears that the authority and mandate established by law provides no termination of the entire Residential Conservation Service Program on January 1, 1985 or any other date.

We trust that the foregoing has been responsive to your inquiry.

ROBERT D. POLING,
Specialist in American Public Law.

Mr. MOORHEAD. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, as so often happens in an election year—or just before a long-awaited congressional recess—Members are often less than willing to spend much time on seemingly minor pieces of legislation. That's understandable, since there are far fewer legislative days to deal with the major legislation that has to be passed. As a result, many bills do not get the full exposure that some require. Such is the case with H.R. 5946, the Conservation Service Reform Act of 1984.

I have no qualms with most of this bill. Indeed, I'm pleased that the worthy sponsors of this bill—particularly Messrs. RALPH M. HALL, MOORHEAD, and OTTINGER—were able to strike a compromise.

However, I'm concerned that this compromise was reached late on the evening of June 27, and was voted through the full Energy and Commerce Committee at 10 the following morning. It seemed sufficient at that time that the compromise was agreed to by a varied and bipartisan group. However, many individuals with direct interest in this bill—whether supportive or not of the two programs—had no opportunity to study the compromise nor to express concerns or educate their associates on the merits of the compromise. With little more to go on than the fact that the compromise had been struck, the committee ordered the bill reported by unanimous voice vote.

We are now being asked to give final House approval to this legislation under circumstances which provide little debate and no opportunity for amendments to improve the bill.

Members may be convinced that H.R. 5946 is noncontroversial and minimal expense is involved. Yet, the U.S. Department of Energy estimates that the Residential Conservation Service [RCS] Program which this bill extends will cost the American consumer some $7 billion over the life of the program. How much will an alternative State plan—with significantly higher participation goals—cost utility ratepayers? Although the sponsors have requested this information from DOE, the figures have not been forthcoming.

I would like to congratulate the sponsors of this bill. I support their efforts. However, I still would like to see both the RCS and the CACS Programs repealed. Indeed, if one sentence could describe this bill, it would be that "Half-a-loaf is great, but a whole loaf—that is, repealing both programs—would be much greater."

I would hope that the other body gives a thorough investigation of the merits of the RCS and CACS Programs and their associated costs to American ratepayers before giving this bill their final approval.

Mr. OTTINGER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. RALPH M. HALL].

Mr. RALPH M. HALL. Mr. Speaker, I would like to agree with the merit of changing the RCS Program as set out by the gentleman from Virginia, and repealing the CACS Program, although not officially implemented yet.

I think, given the fact that the RCS Program is not cost effective, we do not believe that the CACS Program could be cost effective either. That is the reason that we have, as the gentleman from Virginia pointed out, obtained half a loaf, and repealed CACS, and hopefully, given more flexibility to the RCS Program.

The buildings covered by the CACS Program are much more complex than those covered by the RCS Program, and certainly most building owners already have an incentive, due to rising energy costs, to implement conservation measures.

I just wanted to give those answers and also point out that no further expense is involved.

Mr. OTTINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to point out that the Congressional Research Service and all the people who have worked on this have indicated that rather than costing consumers, as

the gentleman from Virginia indicated some $7 billion, I have found that in the actual experience of the program where it has been implemented it has saved consumers very substantial amounts and that the potential savings of the residential conservation program run into the billions of dollars, not millions of dollars. If this program with its additional flexibility achieves that potential, it is going to save consumers lots of money, not cost them and that is why the conservation organizations, the consumer organizations of the country, so strongly support it.

● Mr. OXLEY. Mr. Speaker, H.R. 5946, the Conservation Service Reform Act of 1984, passed unanimously out of the Energy and Commerce Committee on June 28. Noting that the compromise had been agreed to by the bill's sponsors, the chairman and the ranking Republican member of the Energy Conservation and Power Subcommittee, and chairman of the full committee, committee members were hesitant to raise questions about an issue which appeared to have such universal support. The slower pace of the district work period, however, has allowed an opportunity for reflection on the legislation's provisions. I would hope to raise some of these concerns in the limited time allowed for today's debate.

The bill allows the Governor of any State to substitute an alternate State plan for the requirements of the Residential Conservation Service [RCS] program established under the NECPA. The plan, in order to avoid legal challenge, must be "designed to result in" an annual participation rate of 5 percent per year for each year that the program is in existence. I question whether the goal of a 5-percent participation rate per year is realistic in light of the participation rate experienced under the RCS program. In testimony delivered before the Energy Conservation and Power Subcommittee last September, the national participation rate was approximately 2 percent per year.

Even the extensive promotion efforts of Mass-Sav, a consortium organized by the utilities in Massachusetts to run their program, only received a cumulative participation rate of 8 percent over a 3-year period.

Even if the 5-percent goal were reached, how much will it cost to achieve this goal, and will the resultant energy savings be worth the cost? Natural gas utilities have calculated the cost of conservation under the RCS program and have come up with some startling figures: Southern California Gas estimated that its cost of saving gas was $30 per thousand cubic feet; UGI, a Pennsylvania company, estimated that their cost was $32 per thousand cubic feet; while Lone Star, a Texas utility, calculated a cost of $82 per thousand cubic feet.

The alternative State plan would also have as its goal a 10-percent reduction in energy usage for each residence taking advantage of the program. How can these energy reduction percentages be guaranteed in a society which prides itself on the notion that a man's home is his castle? Once the conservation suggestion has been provided to a homeowner, who will then guarantee that it will be implemented? And if the intent is not to force the homeowner to save energy, why does the legislation establish an energy savings goal of 10 percent?

The legislation raises more questions than it answers—far more questions than can be considered in this limited period of debate.●

● Mrs. BYRON. Mr. Speaker, I rise today to support H.R. 5946, the Conservation Service Reform Act of 1984, and to commend the chairman of the Energy Conservation and Power Subcommittee for his efforts to improve the existing program. However, I would also like to share a few concerns about the legislation which I hope will be resolved when this bill is considered by the other body. It should be noted that the central thrust of this legislation allows the Governor of the State to propose an alternative State plan. Although the Governor plays an extremely important role in the government of a State, he or she is not the single source or repository of all State power. The State legislatures and the utility regulatory commissions are also integral factors in the area of utility conservation programs. I am concerned that this legislation would give the Governors of some States the right to propose programs they could not enact under State law. In Maryland, attempts by the Governor, through the State energy office, to provide weatherization kits costing approximately $100 to homeowners making $34,000 per year has been rejected by the State legislature 2 years in a row. I also believe that it is important to allow the States to grandfather in existing conservation programs which have a proven track record. Finally, there is no requirement under the alternative State plan that the body most familiar with utility practices and procedures, the State utility regulatory commissions, have a role in this process. The public utility commissions determine which costs are properly paid by the ratepayers and would be more likely to take cost consideration when determining which plan provisions would provide the most benefit to utility customers. The Governor, on the other hand, is required to do no such cost benefit analysis. Hopefully, these concerns will be addressed by the time the bill reaches the President's desk.●

● Mr. WHITEHURST. Mr. Speaker, the major driving force behind the enactment of the National Energy Conservation Policy Act of 1978 was the realization of our dependency on foreign sources of energy. It was a matter of national security that we reduce that dependency to a minimum: We were in danger of being rendered virtually defenseless had those foreign sources of energy become suddenly unavailable. For that reason, conservation became a national directive.

As part of that directive, the Residential Conservation Service Program was enacted. Both national studies and the subcommittee hearings' records show that the program is not cost effective. No demonstrable energy conservation can be directly attributed to RCS since its implementation in 1979, yet it has cost consumers billions of dollars. The bill which we are considering today, H.R. 5946, would not only extend the RCS program for another 5 years but would also expand the requirements of the program at still greater expense.

I believe that energy conservation is a laudable goal, especially in terms of national security. But I seriously question whether this bill or the RCS program is effective in reaching that goal. I would strongly encourage my colleagues in the other body to carefully analyze the merits not only of this bill in particular, but of the program itself. Our national security is too important to waste our resources on ineffective programs, no matter how well intentioned.●

● Mr. DONNELLY. Mr. Speaker, I rise to express my concern about certain provisions of H.R. 5946, the Conservation Service Reform Act, which would change the Residential Conservation Service. Under current law, the Federal Residential Conservation Service, administered by the utilities, must offer onsite energy audits to residential customers. H.R. 5946 permits the Governor of any State to substitute an alternative State plan for the Residential Conservation Service. While it does not specify the method for achieving conservation, the bill requires that the alternative State plan be designed to result in an annual participation rate of 5 percent per year.

I am concerned that the possible consequences of substituting the alternative State plan for the current Federal program have not been fully explored. I can see no evidence in the history of H.R. 5946 that transferring this program from Federal to State jurisdiction will acutally improve conservation efficiency. Moreover, I question whether the participation rate goal of 5 percent per year is realistic in light of the participation rate experienced under the Residential Conservation Service Program. The national participation rate is estimated to be about 2

percent per year. Even the extensive promotion efforts conducted in my own State of Massachusetts by Mass-Sav, the consortium organized by the utilities, resulted in a cumulative participation rate of only 8 percent over a 3-year period. Finally, I am concerned about the potential for politicization should this program be transferred from the Department of Energy to the discretion of the Governors. In its present form, the Residential Conservation Service is working free of local political influences; it is unclear if that will continue under alternative State plans.

Mr. Speaker, this legislation raised more questions than can be answered in the limited period of debate provided today. I am not sure it will resolve, rather than exacerbate, the problems of energy conservation programs.●

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OTTINGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. OTTINGER] that the House suspend the rules and pass the bill, H.R. 5946, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

GENERAL LEAVE

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SMALL BUSINESS ACT AMENDMENTS

Mr. MITCHELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6013) to amend the Small Business Act, as amended.

The Clerk read as follows:

H.R. 6013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 20(q) of the Small Business Act is amended as follows:

(1) by striking from paragraph (1) thereof "$15,000,000" and by inserting in lieu thereof $20,000,000"; and

(2) by striking all of paragraph (3) thereof after the word "authorized" and by inserting in lieu thereof the following: "to make $41,000,000 in direct purchases of debentures and preferred securities and to make $250,000,000 in guarantees of debentures.".

SEC. 2. Section 404 of the Small Business Investment Act of 1958 is amended as follows:

(1) by striking from paragraph (1) of subsection (b) "may be issued" and by inserting in lieu thereof "shall be issued";

(2) by striking the period at the end of paragraph (1) of subsection (b) and by inserting in lieu thereof ", and the Administration is expressly prohibited from denying such guarantee due to the property being so acquired"; and

(3) by striking from subsection (c) "exceed 3½ per centum" and inserting in lieu thereof "be less than 1 per centum nor exceed 3½ per centum".

SEC. 3. This Act does not authorize the appropriation of funds.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOLINARI. Mr. Speaker, I demand a second.

THe SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. MITCHELL] will be recognized for 20 minutes and the gentleman from New York [Mr. MOLINARI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. MITCHELL].

Mr. MITCHELL. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 6013.

Mr. Speaker, this bill does two basic things. First, it increases the maximum amount of 1984 levels on three programs: It makes a $5 million increase in a loan program which assists organizations of handicapped and small businesses owned by handicapped individuals—now $15 million—it makes a $90 million increase in guarantees in the Small Business Investment Company program which provides venture capital to small businesses (now $160 million); and it makes a $6 million increase in debenture purchases in the Minority Enterprise Small Business Investment Company Program which provides venture capital to small businesses owned by socially or economically disadvantaged individuals. I want to point out, however, that these higher levels have been funded in the appropriations bill which already is law and no additional funds are needed.

Second, it makes absolutely clear that SBA may not deny guarantee assistance under the pollution control contract guarantees program because the project is being financed by the proceeds of tax-exempt bonds. I believe that the existing law is clear on this, but beginning in 1982, this administration effectively closed down the program by a strained re-interpretation of existing law. In fact, in the 29 months since the administration changed the rule and prohibited tax-exempts, SBA has approved only $30 million in guarantees. This contrasts with the previous 27 months when tax-exempts were permitted, and during this time, SBA approved $240 million in guarantees.

Mr. Speaker, the subject matter of this bill was before the House in an omnibus bill earlier this year. After full discussion, and under an open rule, the House passed the omnibus bill (H.R. 3020) by a recorded vote of 386 to 11. Unfortunately, due to strong administration opposition to other matters, it does not appear that this omnibus bill will be enacted.

In addition, the matter of financing pollution facilities was considered by both the House and the Senate as part of the Deficit Reduction Act of 1984. In the House bill, the Senate bill, and in the conference report, the Congress generally prohibited using tax-exempt bonds in projects involving Federal guarantees on other parts of the project financing, but because SBA's pollution control contract guarantees program imposes a fee, the law expressly permitted tax-exempts to be used in connection with the SBA program.

I do not believe that it is necessary to debate today's measure more extensively. I simply conclude my remarks with my thanks to all of those Members on the committee who have worked on this bill and facilitated its prompt consideration, particularly Mr. BEDELL, Mr. CONTE, Mr. WILLIAMS and Mr. MOLINARI, my ranking minority member.

□ 1310

Mr. MOLINARI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6013 and want to commend our distinguished chairman, Mr. MITCHELL, for bringing this bill to the floor in such an expeditious manner.

As Mr. MITCHELL has indicated, the program levels specified in H.R. 6013 are consistent with those currently provided in the agency's 1984 appropriation, and would have no budget impact. The bill expressly does not authorize any additional appropriations.

H.R. 6013 would prohibit the Small Business Administration from denying guarantees for pollution control contracts receiving funding from industrial revenue bonds, which are tax-exempt. The administration does not currently allow SBA to issue these guarantees for a project also receiving tax-exempt financing. The bill would also set a minimum of 1 percent for the pollution control guarantee fee. Current law specifies only a maximum guarantee fee of 3.5 percent. The requirement for a minimum fee is not expected to have any significant budget impact, because SBA currently requires the maximum fee of 3.5 percent on all contracts.

The authorized 1984 guarantee level for the pollution control program is $250 million, although only $11 million in guarantees has been issued to date. Demand for the program has been reduced primarily because the guarantees are not being used in combination with tax-exempt financing. Allowing the use of industrial revenue bonds to finance part of a project's cost is expected to increase participation in the program. Assuming an annual program of about $250 million, it is expected that SBA would receive guarantee fees of approximately $8.5 million annually, which would be offset by defaults of about the same amount. To the extent that the program may increase the number of industrial revenue bonds issued, tax receipts to the Federal Government may be reduced slightly, but there is no certainty about this effect. Enactment of this bill would not significantly affect the budgets of State and local governments.

The Small Business Administration's pollution control loan program was established to help small businesses obtain long-term, reasonable rate financing for Government-mandated pollution control expenditures. The SBA was given the authority to guarantee tax-exempt bond issues that small businesses used to finance pollution control expenditures. No substitute for the SBA program exists.

This program, when it has been able to function as Congress intended it to function, met the objective of helping small business finance the costs of complying with environmental protections laws.

Big businesses issued $530 million in tax-exempt pollution control bonds in the first quarter of 1984. That is more than twice the amount Congress authorized for all small businesses in fiscal year 1983.

Mr. Speaker, I would like to commend Mr. WILLIAMS, from Ohio, for the fine work he did in our committee on the pollution control program.

I urge my colleagues to support this legislation.

Mr. MITCHELL. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. BEDELL], who certainly has been in the forefront in attempting to straighten out this snafu that developed with reference to the pollution control bonds. He has worked zealously on this, and it is a pleasure and privilege to work with him.

Mr. BEDELL. Mr. Speaker, I rise in strong support of H.R. 6013, a bill to amend the Small Business Act and the Small Business Investment Act of 1958, as ordered reported by the House Committee on Small Business on July 26.

I would like to commend our chairman, PARREN MITCHELL, for his hard work on this legislation and thank both Chairman MITCHELL and our colleague, LYLE WILLIAMS, as has already been mentioned, for their support of an important amendment which I had introduced during the markup of H.R. 6013 and which passed with unanimous support from the full committee.

This portion of H.R. 6013 takes the exact language from the Small Business Administration's authorization bill which prohibits the SBA from denying guarantees for pollution control contracts receiving funding from tax-exempt industrial revenue bonds. The administration does not currently allow SBA to issue these guarantees for a project also receiving tax-exempt financing. The bill also sets a minimum of 1 percent for the pollution control guarantee fee. Current law specifies only a maximum guarantee fee of 3.5 percent. According to the Congressional Budget Office, "The requirement for a minimum fee is not expected to have any significant budget impact, because the SBA currently requires the maximum fee of 3.5 percent on all contracts."

Mr. Speaker, the SBA pollution control guarantee program has played a vital control in minimizing the discrimination traditionally faced by small business with regard to the financing of Government mandated pollution control equipment.

The SBA has performed an extremely valuable service to small businesses, helping them to obtain long-term, reasonable rate financing for pollution control expenditures previously. Unfortunately, this administration has seen fit to cancel out those opportunities. Administration action to cripple this program has been met by strong bipartisan resistance from both the House and the Senate Small Business Committees, as well as the Members of both the House and the Senate. Earlier this month, the Deficit Reduction Act of 1984 was passed with a special provision allowing continuation of the use of SBA pollution control guarantees in conjunction with tax-exempt financing bonds. This provision was included in the tax bill primarily because of strong support from the House Small Business Committee. Passage of this bill will complete the process and cap a long struggle to put small business back on an even par with big business in the area of pollution control financing.

Mr. Speaker, the public should be aware of exactly what has happened in this issue. This is not a Republican-and-Democrat issue. This is an issue between the Congress and this administration, and the issue is whether we are going to give small business the same opportunities that we give big business. The issue is this: Because of the cost of issuing tax-exempt pollution control bonds, small business cannot do it because the cost is so great, and previously, under the previous administration, they were permitted to bundle the bonds so that several groups could work together, and the Small Business Administration was permitted to guarantee them. That guarantee has actually been profitable to the Small Business Administration. Under this administration, both of those things were wiped out.

We had Buck Chapoton, the Assistant Secretary for Tax Policy before my subcommittee. I asked him point-blank: If it could be shown that this policy discriminates against small business, would you consider changing your policy?

His answer was one of two letters. The answer was no, they would not.

Mr. Speaker, the Members of this House and the Members of the Senate believe that small business should be able to compete on equal terms with big business so that when foundries or plating plants have to compete for business, small business will not have to say that "we cannot get tax-exempt financing but big business that competes with us can."

This is something that the Republican Members of the House, including SILVIO CONTE and others, have been actively working for. I am pleased that the House has had the courage to stand up and say we demand that there be fairness in our system and that we not discriminate.

I commend the chairman for the work he has done on this piece of legislation. I am pleased with the work the Senate has done as well. I look forward the passage of this bill and for us to again restore a situation where there will be fairness in regard to competition.

□ 1320

Mr. MOLINARI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MITCHELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. MITCHELL] that the House suspend the rules and pass the bill, H.R. 6013, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Small Business Act and the Small Business Investment Act of 1958."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on H.R. 6013, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

EMPLOYMENT SECURITY FOR VETERANS IN CERTAIN CIVIL SERVICE POSITIONS

Mr. ALBOSTA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5799) to amend title 5, United States Code, to establish certain requirements for the procurement by contract of certain services that are reserved for performance by preference eligibles in the competitive service, as amended.

The Clerk read as follows:

H.R. 5799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3310 of title 5, United States Code, is amended to read as follows:

"§ 3310. Preference eligibles; examinations; guards, elevator operators, messengers, and custodians

"(a) In examinations for positions of guards, elevator operators, messengers, and custodians in the competitive service, competition is restricted to preference eligibles as long as preference eligibles are available.

"(b) An agency may not procure by contract any of the services performed by employees in any of the positions described in subsection (a) of this section if the performance of such services by contract—

"(1) would cause the involuntary separation of a preference eligible from any such position; or

"(2) would preclude the performance of any of such services by a qualified preference eligible in the competitive service.

"(c)(1) For purposes of subsection (b)(1) of this section, neither an involuntary reassignment within the same agency nor an involuntary transfer to another agency shall be considered to be an involuntary separation if such reassignment or transfer is to a vacant position—

"(A) which is of the same type as the type of position described in subsection (a) of this section from which the preference eligible was reassigned or transferred,

"(B) which is within the preference eligible's commuting area,

"(C) for which the preference eligible is qualified (taking into consideration any physical disability which the preference eligible may have), and

"(D) the grade or pay level of which is at least equal to the grade or pay level which was in effect for the preference eligible immediately before having been so reassigned or transferred.

"(2) The Office of Personnel Management shall prescribe regulations necessary to carry out this subsection.

"(d) Subsection (b)(2) of this section—

"(1) shall not preclude the procurement of services by contrast if, or to the extent that, qualified preference eligibles are not available; and

"(2) shall not apply with respect to a position which is held by an employee other than a preference eligible on the date that the contract is entered into.

"(e) For purposes of this section, the term 'qualified preference eligible' means, with respect to a position described in subsection (a) of this section, a preference eligible whose qualifications have been established.".

SEC. 2. (a) Any procurement by the Government of services performed in any of the positions described in section 3310(a) of title 5, United States Code, as amended by this Act, shall be in accordance with applicable provisions of law, including the provisions of the act entitled "An Act to create a Committee on Purchases of Blind-made Products, and for other purposes", approved June 25, 1938 (41 U.S.C. 46-48c), requiring certain procurements of services from qualified nonprofit agencies for the blind and qualified nonprofit agencies for other severely handicapped, and Office of Management and Budget Circular Numbered A-76 (including any supplement thereto).

(b) For purposes of this section, the terms "Government", "qualified nonprofit agency for the blind", and "qualified nonprofit agency for other severly handicapped", each has the meaning given such term under section 5 of the Act so entitled (41 U.S.C. 48b).

The SPEAKER pro tempore. Is a second demanded?

Mr. PASHAYAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore [Mr. RALPH M. HALL]. The gentleman from Michigan [Mr. ALBOSTA] will be recognized for 20 minutes and the gentleman from California [Mr. PASHAYAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. ALBOSTA].

GENERAL LEAVE

Mr. ALBOSTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5799.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ALBOSTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House will consider H.R. 5799, a bill to provide employment security and opportunities for veterans preference eligibles. in four civil service occupations reserved for veterans by law. Specifically, I am referring to the positions of guard, elevator operator, messenger, and custodian, which are restricted to competition among veterans under 5 U.S.C. 3310, as long as veterans are available.

It is with some amount of pride that I commend the Committee on Post Office and Civil Service, on which I serve, for approving this legislation by a bipartisan vote of 23 to 0. The committee took action on this bill on June 27—exactly 40 years, to the day, after President Franklin D. Roosevelt signed into law the Veterans' Preference Act of 1944. This comprehensive act codified numerous regulations, Executive orders, and statutes dating back to the Civil War, which afforded special benefits and protections to those who served our country on active military duty. Included in this act was a provision which reserved the positions of guard, elevator operator, messenger, and custodian, in the civil service, for veterans and other preference eligibles.

Today, it is clear that many veterans needed the special benefit afforded them under section 3310. Nearly 75 percent of the employees in these four positions, Governmentwide, are veterans. It also is clear that there are more veterans, particularly those of the Vietnam era and those who are disabled, who may still need this opportunity to obtain secure employment, which will allow them to earn an honest living for themselves and their families.

Today, however, our veterans are faced with an elimination of the benefit provided under section 3310, through no action on the part of Congress. Research by the Subcommittee on Human Resources, which I chair, clearly indicates that many veterans in these positions can no longer count on the security of their job, because many of these services are being converted to contract performance. And the opportunity for other veterans to obtain employment, in these civil service positions reserved for them, also will be eliminated for the same reason.

That is why I introduced H.R. 5799, with strong support from my distinguished colleagues on the Veterans' Affairs Committee. H.R. 5799 will prevent the separation of a veteran from the occupation of guard, elevator operator, messenger, and custodian in the civil service, as the result of a contract award. Further, the bill provides that a veteran must be given first consideration to fill a vacancy or new position, before an agency considers contracting for one of the four services. When an agency wishes to contract for these services, it may reassign or transfer a veteran to the same type of vacant position, as long as the new position is within the same commuting area. And finally, H.R. 5799 provides that any contracting for the services of guards, elevator operators, messengers, and custodians, must be done in accordance with the provisions of the Javits-Wagner-O'Day Act—which provides for the procurement of certain services from sheltered workshops for the blind and severely handicapped—and OMB Circular A-76—which sets forth policy and guidelines for the performances of commercial activities under contract.

Mr. Speaker, I would like to commend several of my colleagues, who, over the past 3 years, have demonstrated their compassion and under-

standing of the unfortunate situation which prompts the necessity for the legislation we are considering today. Mr. MONTGOMERY, the distinguished chairman of the Committee on Veterans' Affairs, and Mr. HAMMERSCHMIDT, the committee's ranking minority member, have recognized the need for this legislation, and I sincerely appreciate the support they have given me, to successfully move this bill.

Mr. EDGAR, a member of the Veterans' Affairs Committee and a longtime advocate of veterans' rights, took the lead on this issue 2 years ago, by proposing a successful amendment to the Treasury-Postal Service appropriations, which prohibited the General Services Administration from contracting for these four services. And most recently, Mr. LEATH of Texas, continued to demonstrate his concern for the welfare of our veterans, by introducing two bills, upon which H.R. 5799 is based. Mr. LEATH's legislation gave my subcommittee the opportunity to fully explore the impact, on veterans and others, of contracting for guard, elevator operator, messenger, and custodial services by the Federal Government.

In the years since the enactment of the Veterans' Preference Act, many veterans of World War II, Korea, and Vietnam have continued to serve their country in a variety of capacities in the Federal Government. Now, as Americans become more adamant in their desire to avoid further military conflict, I fear the recognition due our veterans may be lost, by our tendency to forget those whose deeds made peace and freedom possible for all Americans.

I would like, for a moment, to tell my colleagues about a letter I received recently from a veteran in Mobile, AL, employed as a custodian in the Federal building there. The veteran sent a form letter in support of H.R. 5799, which stated that he would soon lose his job as the result of converting custodial services in his building to contract. However, this veteran added a short sentence of his own, as well as his name and address—and it was very clear from his note that this veteran was so severely handicapped that he could not write a complete sentence or sign his own name legibly.

I ask my colleagues, is it our intent to turn our backs on this veteran, and the many others like him, who may soon find themselves unemployed, or who won't have the opportunity to gain meaningful employment, as the Congress intended? I am certain it is not, and I ask my colleagues to join with me, today, in showing those who served our country in times of national crisis, that the 98th Congress has not forgotten their sacrifices—by passing H.R. 5799.

□ 1330

Mr. PASHAYAN. Mr. Speaker, I yield my self such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5799, a bill that assures employment security and opportunities for veterans in jobs reserved for them. The bill addresses the contracting out of positions in four areas of employment that are reserved for preference eleigibles (generally handicapped veterans), whose employment rights are protected by law. These positions, custodian, guard, elevator operators, and messenger, are also sought by sheltered workshops for their handicapped workers. The Human Resources Subcommittee has been very concerned with accommodating their interests in safeguarding their contracting priority with the Federal Government while at the same time preserving veterans' preference in an area where the Government has begun to contract out the services.

I should like to commend my colleagues, the gentleman from New York [Mr. GILMAN] and the gentleman from Michigan [Mr. ALBOSTA] for their efforts in mediating between veterans' groups and handicapped organizations to reach the bill on the floor today. At every stage of committee action, they have assured us that in addition to continuing the tradition of veterans preference for positions historically reserved, the ability of sheltered workshops to obtain Federal contracts was not being injured. There was colloquy about the effect of H.R. 5799 on sheltered workshops in the subcommittee and in the full committee, where the bill was reported by a bipartisan 23 to 0 vote.

H.R. 5799 does not totally prohibit the contracting out of positions reserved to veterans' preference eligibles. Safeguards for veterans occupying positions, however, that an agency wishes to contract out are specifically included in this legislation. Preference eligibles must be transferred to other Government jobs before an agency can award a contract. In addition, in awarding a contract for the reserved positions, the agency must respect the provisions of the Javits-Wagner-O'Day Act, which govern the purchase of services from sheltered workshops for the blind and severely handicapped. No provision of this bill or part of its legislative history should be interpreted as indicating congressional intent to decrease opportunities for sheltered workshops.

I am glad, indeed to present this bill, H.R. 5799, to my colleagues for their approval. It expresses Congress' continued appreciation for the service that veterans have given to our country and our understanding of their special needs. Yet, at the same time, it allows the Government to serve the taxpayers more efficiently and economically and gives sheltered workshops the opportunity to compete for employment for the blind and severely handicapped.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I yield to my colleague, the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding.

Mr. Speaker, veterans' preference in Federal employment is now an accepted and proven benefit not just for veterans but for our entire Nation. H.R. 5977 is a reaffirmation of our Government's long-standing policy in this regard.

Mr. Speaker, the jobs covered by this bill—Guards, elevator operators, messengers and custodians—have been specifically earmarked by law for veterans since the Preference Act was passed in 1944. Over the past few years, however, implementation of an office of management and budget circular has eroded congressional intent by contracting out many of these positions. H.R. 5799 would prevent such erosion in the future. It establishes Government-wide standards as to these jobs. It protects veterans currently holding them and preserves the preference for future vacancies as long as qualified veterans are available.

Mr. Speaker, as this bill was being drafted, concern was expressed that programs for handicapped individuals under a sheltered workshop contract arrangement would not be available. This is not the case inasmuch as the bill specifically provides for such arrangements but also provides that any veteran who is displaced under such a contract would be placed in a similar vacant job. This compromise is an excellent one and the members of the Post Office and Civil Service Committee are to be commended for their diligence in working it out.

I would like to particularly thank my friend and colleague, the gentleman from Michigan [Mr. ALBOSTA] and my friend and colleague, the gentleman from California [Mr. PASHAYAN], for their work on this particular bill.

Mr. Speaker, contracting out has its place and sometimes has merit. However, eroding veterans preference in these comparatively low-paying positions is not the way to go. I therefore am pleased to add my support to H.R. 5799 and I urge my colleagues to give it overwhelming passage.

Mr. ALBOSTA. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. MONTGOMERY], the distinguished chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. I thank the gentleman for yielding this time to me.

Mr. SPEAKER, I would like to thank the subcommittee chairman,

the gentleman from Michigan [Mr. ALBOSTA] for bringing this bill to the floor, and also the gentleman from California [Mr. PASHAYAN] for being one of the sponsors, as well as the gentleman from New York [Mr. GILMAN], who has certainly worked hard on it.

Mr. Speaker, I rise in support of H.R. 5799. I would like to point out to my colleagues that the Veterans' Affairs Committee does not have legislative jurisdiction over the Veterans Preference Act. Our committee does have oversight jurisdiction over all veterans' programs. In this capacity, the Subcommittee on Education, Training and Employment has held a number of hearings during this and previous Congresses on veterans' preference in the Federal civil service and the U.S. Postal Service.

This has taken place under the leadership of the gentleman from Texas [Mr. LEATH], who is chairman of the Subcommittee on Education, Training and Employment, who will speak for himself, but he totally supports this legislation and has introduced two bills pertaining to veterans' preference.

June 27, 1984, marked the 40th anniversary of the approval of the Veterans Preference Act. Congress took recognition of this special day by enacting public law 98-330, which designated June 1984 as Veterans Preference Month. Section 3 of the Veterans Preference Act of 1944 restricts competition to veterans as long as they are available in examinations for positions of guards, elevator operators, messengers, and custodians. Under the provisions of OMB circular A-76, which we are very familiar with here in the House, the administration has been contracting our some of these positions, notwithstanding the intent of Congress to reserve these jobs for veterans.

At the oversight hearings by our committee, veterans organizations brought this to the attention of the committee. Pursuant to a national resolution approved by Disabled American Veterans national convention delegates, bills were introduced by Hon. MARVIN LEATH of Texas, chairman of our Subcommittee on Education, Training and Employment. These two bills, H.R. 828 and 829, received thorough hearings by Mr. ALBOSTA and his Subcommittee on Human Resources. I commend Mr. ALBOSTA for holding hearings on these bills and reporting H.R. 5799, which was unanimously reported By the Post Office and Civil Service Committee.

Mr. Speaker, the Office of Personnel Management states that there are 26,577 Federal employees in the four designated occupations reserved for veterans; 19,487 or 73.3 percent of the jobs are veterans' preference employees. There has been a 5-percent decrease in these jobs since December 1982 because of contracting out. There would have been a lot more of these jobs contracted out if Congress had not prohibited the General Services Administration [GSA] from contracting out for custodial positions and the Department of Defense [DOD] for guard positions. An amendment by Hon. BOB EDGAR, a distinguished member of our committee, to the continuing resolutions for fiscal years 1983 and 1984 prohibited the GSA from contracting out any of these positions during those years, an exception being made for fiscal year 1984 for sheltered workshops for the handicapped.

Now we are considering H.R. 5799, which will prohibit separation of veterans from these jobs reserved for veterans. This bill proposes to establish Government-wide uniform standards which will apply to all Government agencies, not just the GSA and the DOD. This is as it should be. H.R. 5799 will alleviate the concerns of thousands of veterans who could lose their jobs. Procurement by contract of custodial services by sheltered workshops will be permitted, but if a contract is awarded which would cause a veteran to lose his job, the veteran will be transferred to a similar vacant position in the Federal service.

H.R. 5799 represents a reasonable compromise which has reconciled the differences of those interested in these provisions. Chairman ALBOSTA and his subcommittee are to be commended for their sensitivity to both veterans and the handicapped. I have been informed by representatives of the major veterans organizations that they support this legislation which will continue to reserve these positions for veterans and prevent any veterans holding these jobs from being separated because of contracting out of their positions.

This is a meritorious bill and I recommend its approval.

I again commend the gentleman from Michigan [Mr. ALBOSTA] and also the gentleman from California [Mr. PASHAYAN] for bringing this bill forward for a vote by the full membership.

□ 1340

Mr. ALBOSTA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. LEATH], who serves as chairman of the subcommittee and who really brought to the attention of the subcommittee the whole issue of veterans' preference.

Mr. LEATH of Texas. Mr. Speaker, I rise in strong support of H.R. 5799, which would protect veterans' preference eligibles in four civil service positions reserved for them by law.

When it passed the Veterans' Preference Act of 1944, the Congress committed our Nation to providing special consideration and protection for our country's veterans wishing to enter the civil service. In addition, the Veterans' Preference Act provided that four Federal positions, those of guard, messenger, elevator operator, and custodian, would be restricted to persons eligible for veterans' preference, as long as veterans are available for these jobs. This protection is provided for in section 3310 of title 5, United States Code.

In recent years, the efforts by the U.S. Government to convert positions held by veterans' preference employees to private contractors have eroded the opportunity for veterans to obtain employment in the restricted positions, and resulted in veterans losing their jobs. I was pleased, therefore, to introduce two bills, H.R. 828 and H.R. 829, at the request of the Disabled American Veterans [DAV], which would prohibit the GSA from contracting out the jobs occupied by veterans under section 3310, title 5, United States Code. These bills were referred to the Subcommittee on Human Resources of the Committee on Post Office and Civil Service. Hearings were held last summer on this legislation by my good friend, DON ALBOSTA, chairman of that subcommittee.

Following those hearings, Chairman ALBOSTA rightly concluded that action was necessary to prevent continuing contracting out of the four protected positions and resulting displacement of veterans from those jobs. H.R. 5799, as amended, does not prohibit the contracting out of guard, messenger, elevator operator, and custodial positions. It does, however, prohibit the separation of a veterans' preference eligible from these Federal positions as the result of contracting out, thereby protecting these veterans, many of whom are disabled.

The legislation we are considering today is similar to an amendment I offered, now Public Law 97-306, which prohibits contracting out in the Veterans' Administration's Department of Medicine and Surgery for services which are determined to be direct patient care or incident to direct patient care. Contracting out of these services under OMB circular A-76, as intended by OMB would have impaired the ability of the VA to provide the quality of medical care that our veterans deserve and Congress intended. In the case of Public Law 97-306, my amendment affirmed the importance of an independent VA health care system with quality health services being provided to veterans in the most cost-effective manner possible and prohibits contracting out unless there would be no adverse impact on direct medical care. Today, by approving H.R. 5799, we are reaffirming the integrity of the Veterans' Preference Act in its purpose to assist veterans in Federal employment and prohibiting the loss of a job by a

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veteran when the service the veteran is providing is contracted out.

I want to commend DON ALBOSTA for his leadership on this issue. H.R. 5799 meets with the approval of the major veterans organizations, and reaffirms the commitment to our Nation's veterans to assist them in their efforts to find and retain meaningful, secure employment with the Federal Government.

● Mr. PARRIS. Mr. Speaker, I rise in support of H.R. 5799, a bill to provide for the employment security of veterans in certain civil service positions.

We must stop the erosion of the benefits available under the Veterans' Preference Act to veterans and veterans' preference eligibles who work in the Federal Government in the positions of guard, elevator operator, messenger, and custodian. Conversion of these positions to the private sector as a result of contracting out must not result in decreased employment opportunity for veterans who need these jobs to find work in the further service of their country.

H.R. 5799 addresses this problem by providing that as a result of a contract award, veterans in these positions may not be separated from Federal Government service, thus protecting these veterans opportunity for employment with the Federal Government, established in 5 U.S.C. 3310. I commend the committee for working out a legislative remedy acceptable to the contracting community and to sheltered workshops.

Our veterans, many disabled, who have sacrificed so that we may enjoy the freedoms we too often take for granted, must not suffer the erosion of their earned benefits. I urge my colleagues to support this bill which is so important to maintaining this important veterans' preference benefit and the integrity of the civil service.●

● Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 5799, an act to amend Title 5, Section 3310 of the U.S. Code that establishes certain requirements for the procurement by contract of certain services that are reserved for preference eligibles.

As an original cosponsor of this measure, I feel it is imperative that Congress protect the erosion of the special benefits afforded to our veterans who have served this country so well and wish to so do in the future.

H.R. 5799 provides job security and opportunities for veterans' preference eligibles in the four civil service occupations provided for in the Veterans' Preference Act of 1944. These include the positions of guard, elevator operator, messenger, and custodian.

Research has shown that 75 percent of all employees in these four positions are veterans and that unfortunately, the actual number of positions has declined by 5 percent during the 13-month period from December 1982 to January 1984. This reduction is due, in part, to the conversion of these services to contract performance. Additionally, reports indicate that the opportunity for veterans' preference eligibles to obtain secure employment in civil service positions reserved for them by law is decreasing at an alarming rate. Finally, many of our veterans are disabled in some way, which makes their quest and attainment for employment even more difficult.

When all these factors are taken into consideration, one must realize that there are many veterans who need this added benefit so that they may earn a decent living for themselves and their families and so that they may remain productive members of society. By enacting legislation that places stricter guidelines in any contracting-out of services in these four vital job categories, the Congress will honor its commitment to these individuals who have served their country so well.

H.R. 5799 will prevent a veteran from being separated from the job of guard, elevator operator, messenger, and custodian when a contract has been awarded. It insures that if a veteran's job falls under a contractor's commitment, the agency must reassign or transfer that veteran to a vacant position in the same occupational series, within the same commuting area, and there must not be any reduction in grade or pay. In addition, the agency must first consider a veteran's preference eligible when a vacancy occurs or a new position is created. The legislation also provides that the agency must adhere to the provisions of the Javits-Wagner-O'Day Act of 1972 that gives priority to sheltered workshops for the handicapped when contracting out services covered under title 5, section 3310 occurs.

This measure has the support of various organizations, including the American Legion, AMVETS, Disabled American Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, Veterans of Foreign Wars, and Vietnam Veterans of America.

Today, I ask for my colleagues' support on this measure. I fear that the unfortunate course of events that have occurred in this area will only be perpetuated if we do not act now with speed and efficiency. It is our duty to assure that our veterans receive all the assistance we may give them for having been the crusaders for peace and freedom. We must not turn our back on our veterans when they need this benefit most.●

Mr. ALBOSTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend by staff, which worked very hard on this issue, and I also want to commend the staff of the full committee. More than anything, I want to commend the minority side. This is a nonpartisan issue, and we worked very well together, along with the gentleman from New York [Mr. GILMAN] and the gentleman from California [Mr. PASHAYAN]. I feel very good about the bipartisan support we received on this legislation, and I want to commend them, as well as the staff, for the fine job that was done.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. ALBOSTA] that the House suspend the rules and pass the bill, H.R. 5799, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

IMPROVEMENT OF CRIMINAL PROVISIONS RELATING TO CONTRABAND AND RIOTS IN FEDERAL PRISONS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5910, to amend chapter 87 of title 18, United States Code, to improve provisions imposing criminal penalties for contraband and riots in Federal prisons, as amended.

The Clerk read as follows:

H.R. 5910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1791 of title 18, United States Code, is amended to read as follows:

"§ 1791. Contraband in prison

"(a)(1) Whoever, except as otherwise permitted by law, introduces into a prison an object specified in subsection (b) of this section, or attempts to do so, shall be punished as provided in subsection (c) of this section.

"(2) Whoever, except as otherwise permitted by law, possesses in a prison an object specified in subsection (b) of this section shall be punished as provided in subsection (c) of this section.

"(b) The objects referred to in subsection (a) of this section are—

"(1) a firearm or a destructive device;

"(2) a weapon (other than a firearm or destructive device) or an object that is designed or intended to be used as a weapon or to facilitate escape from such facility;

"(3) a narcotic drug, lysergic acid diethylamide, or phencyclidine;

"(4) a controlled substance (other than a controlled substance referred to in paragraph (3) of this subsection) or an alcoholic beverage;

"(5) any United States or foreign currency; and

"(6) any other object that threatens the security of such facility or the life, health, or safety of an individual.

"(c) The punishment for a violation of this section shall be—

"(1) if the object is specified in subsection (b)(1) of this section, a fine of not more than $250,000 or imprisonment for not more than ten years, or both;

"(2) if the object is specified in subsection (b)(2) or (b)(3) of this section, a fine of not more than $250,000 or imprisonment for not more than five years, or both;

"(3) if the object is specified in subsection (b)(4) or (b)(5) of this section, a fine of not more than $25,000 or imprisonment for not more than one year, or both; and

"(4) if the object is specified in subsection (b)(6) of this section, a fine of not more than $15,000 or imprisonment for not more than six months.

"(d) As used in this section—

"(1) the terms 'firearm' and 'distructive device' have the meanings given those terms in section 921 of this title;

"(2) the terms 'controlled substance' and 'narcotic drug' have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

"(3) the term 'prison' means a Federal correctional, detention, or penal facility.".

SEC. 2. Section 1792 of title 18, United States Code, is amended to read as follows:

"§ 1792. Prison riot or mutiny

"(a) Whoever, in a prison—

"(1) intentionally causes a riot by inciting another person to engage in violent and tumultuous conduct;

"(2) leads a riot;

"(3) gives commands, instructions, or directions to participants in a riot; or

"(4) intentionally participates in a riot; shall be fined not more than $250,000 or imprisoned not more than ten years, or both.

"(b) Whoever intentionally participates in a mutiny at a prison shall be fined not more than $250,000 or imprisoned not more than two year, or both.

"(c) As used in this section, the term—

"(1) 'prison' means a Federal correctional, detention, or penal facility; and

"(2) 'riot' means violent and tumultuous conduct by five or more persons that creates a grave danger of imminently causing bodily injury or substantial damage to property.".

SEC. 3. The table of sections for chapter 87 of title 18, United States Code, is amended by striking out the items relating to sections 1791 and 1792 and inserting in lieu thereof the following new items:

"1791. Contraband in prison.
"1792. Prison riot or mutiny.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5910, which has been reported without dissent by the Committee on the Judiciary, strengthens current Federal law relating to contraband and riots in Federal prisons.

Under sections 1791 and 1792 of current title 18, United States Code, it is an offense to introduce into a Federal prison, remove from a Federal prison, or convey from place to place within a Federal prison, any contraband. Maximum punishment is 10 years imprisonment. The simple possession of contraband items is not a crime.

Section 1792 also punishes someone who "instigates, connives, willfully attempts to cause, assists, or conspires to cause any mutiny or riot at any Federal penal or correctional institution * * *." There is a difference of opinion over whether the offense requires more than simple participation. The tenth circuit is of the opinion that simple participation is not enough; the third and fifth circuits believe that it is.

H.R. 5910 is derived from the criminal code revision bill reported by the Judiciary Committee in the 96th Congress and is similar to the comparable provisions in the omnibus crime bill passed by the other body this Congress (S. 1762).

H.R. 5910 amends current law to punish simple possession of contraband. Like the Judiciary Committee's criminal code revision bill of the 96th Congress and the bill passed by the other body, H.R. 5910 makes distinctions in the severity of the offense based upon the nature of the contraband. The bill also adds a fine to the penalty that can be imposed for the offense.

In addition, H.R. 5910 amends the prison riot offense. Present law uses the term "riot" without definition. H.R. 5910 defines the term in a manner similar to the way it was defined in the criminal code revision bills considered by the Judiciary Committees of each body in the 96th Congress.

The riot offense defined in the legislation covers incitement type of conduct and is, therefore, subject to the test of *Brandenburg* v. *Ohio*, 395 U.S. 444 (1969). If the incitement is speech, the speech must have urged or instigated the assemblage to imminent riot in a context where there was a high likelihood of riot. See *United States* v. *Dellinger*, 472 F.2d 340 (7th Cir. 1972) (interpreting 18 U.S.C. 2101). See also discussion at H.R. Rep. No. 1396, 96th Cong., 2d Sess. 405 (1980).

In addition, the bill adds a fine to the penalty that can be imposed for violating the prison riot prohibition.

Mr. Speaker, this bill has been carefully worked out with the Department of Justice and the minority members of the committee. I urge its approval.

□ 1350

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the Criminal Justice Subcommittee of the full Committee on the Judiciary has very adequately described the salient provisions of this piece of legislation.

There is no more vexing problem that comes before the administrators of our prisons, as the public well knows, than the question of contraband, both by the smuggling in concept that goes on in every prison and also the ingenious methods that the inmates themselves are able to concoct to make available to themselves all the items that cause so much distress within the walls of our institutions.

So the chairman is quite correct in saying that this is much needed in tightening up those provisions and those regulations and the law, as it were, with respect to contraband.

I am pleased to note also that this is in a small measure compliance with part of the thrust of the President's crime package which he has been urging us to pass for a long time, in that the comprehensive plan that has been sent before the Congress by the administration through the President's crime package talks rather eloquently of the need to tighten up on the administration of our prisons and the serious problems that contraband items themselves cause.

With that, I, too, join the distinguished chairman of the Criminal Justice Subcommittee in urging passage of this legislation.

Mr. Speaker, I rise in support of H.R. 5910. This legislation was inspired by a portion of the President's crime package and attempts to close some gaps in Federal criminal law which will help those who administer our Federal prisons.

For example, current law makes it an offense to introduce items prohibited by the Attorney General into Federal correctional facilities. However, there is no similar criminal sanction against possession of contraband. H.R. 5910 closes that loophole.

Similarly, current law punishes those who "instigate" or cause a riot. However, "participation" in a riot is not covered under the interpretation applied by several courts and so H.R. 5910 clarifies any doubts by creating a participation offense.

Under the bill, contraband is defined specifically to include such items as firearms, weapons, narcotics, currency or any objects that threaten the security of the prison facility or the life, health and safety of an individual—which should be taken broadly enough to facilitate the orderly administration of Federal penal facilities.

Mr. Speaker, this bill should be supported.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to compliment my ranking colleague, the gentleman from Pennsylvania [Mr. GEKAS], with whom I worked on all the matters that come out of the Subcommittee on Criminal Justice. We have been able with great success to have brought these measures to the attention of the House.

I might point out, there was very little modification of the work of the Subcommittee on Criminal Justice,

and I wanted to take this opportunity to publicly acknowledge the work and the energy and the great attention that he has brought to the matter as a former prosecutor and State legislator—indeed, a former witness before the Criminal Justice Subcommittee before he was elected to the Congress. We have had very interesting sessions. I think our hearings make very good reading.

I would also like to identify the contraband proscribed.

First of all, I would point out to my colleagues that we identify contraband specifically, rather than leave it to be generally defined. We identify it and also grade it according to its severity or danger.

The most serious contraband is a firearm or a destructive device, which is already defined in the Federal criminal code and which under this bill could carry an additional 10 years imprisonment.

The next category covers a weapon other than a firearm or destructive device, or an object that is designed or intended to be used as a weapon or to facilitate escape from a prison. Possession of such weapons could carry a maximum of 5 years imprisonment.

The third category is a narcotic drug, LSD, or PCP, which carries a maximum of 5 years imprisonment.

The next category is a controlled substance other than a narcotic drug, LSD, or PCP, which could carry 1 year additional imprisonment.

Finally, we have the lowest item of contraband, "any other object that threatens the security of such facility or the life, health or safety of an individual." That could carry a maximum of 6 months imprisonment.

Other items that might meet the definition of contraband that do not fall into these categories would be subject to the rules of either the prison itself or the regulations that would control the guards or correctional officers.

I think that this legislation is the result of a good deal of give and take by the Subcommittee on Criminal Justice. It brings what we think is a very important additional tool to aid those who are doing such very important work in controlling our Federal prisons.

● Mr. RODINO. Mr. Speaker, I rise in support of H.R. 5910. This bill strengthens current Federal law regarding contraband, riots and mutiny in Federal prisons.

Present Federal law makes it an offense to move any contraband into, out of, or within a Federal prison. The maximum punishment is 10 years imprisonment. Mere possession of contraband, however, is not covered by current law.

Current law also punishes a person who "instigates, connives, willfully attempts to cause, assist, or conspires to cause any mutiny or riot at any Federal penal or correctional institution * * *." The circuit courts differ over whether this offense covers mere participation in a riot.

H.R. 5910 would amend the law to punish simple possession of contraband. Unlike current law, the bill distinguishes the severity of the offense according to the nature of the contraband. Current law authorizes only imprisonment as a penalty. H.R. 5910 would authorize the imposition of a fine.

This legislation also amends the riot and mutiny provisions of section 1792 of title 18, United States Code. While the term "riot" is currently undefined, H.R. 5910 would define it in a manner similar to the definitions development by the Judiciary Committee's of both bodies in their work on criminal code revision.

Mr. Speaker, this legislation is supported by the Department of Justice, and was reported from the Judiciary Committee by voice vote, without audible dissent. I urge its support.●

● Mr. GILMAN. Mr. Speaker, I rise in support of this legislation, H.R. 5910, which amends title 18 of the United States Code to increase the penalties for possessing contraband in Federal prisons. Of particular concern to me, as the ranking minority member of the House Select Committee on Narcotics Abuse and Control, is the provision concerning strict penalties for the possession of narcotics in Federal prisons.

During the select committee's hearing in New York City in June 1983, former Secretary of the Department of Health and Human Services, Joseph Califano, testified about the gravity of the prison situation in New York State. At a time when two-thirds of New York's inmates are drug addicts or drug abusers, drug use and abuse in our prisons is a fact of life. With the increasing number of drug-related crimes—and drug-abusing criminals—our system needs some workable means of controlling the rampant drug use and trafficking which plague our prisons.

Simple possession of contraband in Federal prisons will now become a criminal offense. In addition to broadening the scope of prison riot and mutiny laws, H.R. 5910 imposes a $250,000 fine and 5-year imprisonment if narcotic drugs, PCP, or LSD are possessed in Federal prison. For other controlled substances, possession in Federal prison will result in a fine of $25,000 and 1 year's imprisonment.

No additional costs will be incurred by passage of this legislation, which I believe will provide a strong deterrent to the flood of narcotics trafficking and abuse in our prison facilities.

Mr. Speaker, I urge my colleagues to join with me in supporting this important legislation.●

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 5910, as amended.

The question was taken' and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CRIMINAL FINE ENFORCEMENT ACT OF 1984

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5846) to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Criminal Fine Enforcement Act of 1984".

SEC. 2. Section 3565 of title 18, United States Code, is amended—

(1) in the sentence beginning "In all criminal", by striking out "In" and inserting in lieu thereof "(a)(1) Except as provided in paragraph (2) of this subsection, in";

(2) in the sentence beginning "Where the judgment", by striking out "Where the" and all that follows through " is paid," and inserting in lieu thereof: "If the court finds by a preponderance of the information relied upon in imposing sentence that the defendant has the present ability to pay a fine or penalty, the judgment may direct imprisonment until the fine or penalty is paid, and"; and

(3) by adding at the end the following new matter:

"(2) A judgment imposing the payment of a fine or penalty is a lien in favor of the United States and may be enforced upon filing in the manner provided under applicable State law. Except as provided in paragraph (3) of this subsection, such lien is valid against any property of the defendant, other than—

"(A) property with respect to which a lien for taxes is not valid under section 6323(b) of the Internal Revenue Code of 1954; and

"(B) property that is exempt from levy for taxes under subsection (a) or (d) of section 6334 of such Code.

"(3) Such lien is valid against property referred to in subparagraph (A) or (B) of paragraph (2) of this subsection if, but for such subparagraph, applicabe law would permit enforcement of the lien.

"(b)(1) A judgment imposing the payment of a fine or penalty shall—

"(A) provide for immediate payment unless, in the interest of justice, the court specifies payment on a date certain or in installments;

"(B) include the name and address of the defendant, the docket number of the case, the amount of the fine, and the schedule of payments (if other than immediate payment is specified); and

"(C) if other than immediate payment is specified, require the defendant to notify the appropriate United States Attorney of any change in the name or address of the defendant.

"(2) If the judgment specifies other than immediate payment of a fine or penalty, the period provided for payment shall not exceed five years, excluding any period served by the defendant as imprisonment for the offense. The defendant shall pay interest on any amount payment of which is deferred under this paragraph. The interest shall be computed on the unpaid balance at the rate of 1.5 percent per month for each full calendar month for which such amount is unpaid.

"(3) If the judgment specifies other than immediate payment of a fine or penalty, and the defendant does not pay an amount due, at the discretion of the Attorney General, the entire unpaid balance shall be payable immediately.

"(c)(1) The defendant shall pay interest on any amount of a fine or penalty (other than a penalty under paragraph (2) of this subsection) that is past due. The interest shall be computed on the unpaid balance at the rate of 1.5 percent per month.

"(2) If an amount owed by a defendant as a fine or penalty is past due for more than 90 days, the defendant shall pay, in addition to any amount otherwise payable, a penalty equal to 25 percent of the amount past due.

"(d)(1) Except as provided in paragraph (2) of this subsection, the defendant shall pay to the Attorney General any amount due as a fine or penalty.

"(2) The Attorney General and the Director of the Administrative Office of the United States Courts may jointly provide by regulation that fines and penalties for specified categories of offenses shall be paid to the clerk of the court.

"(e) If a fine or penalty exceeds $500, the clerk of the court shall furnish to the Attorney General a certified copy of the judgment.

"(f) If a fine or penalty is imposed on an organization, it is the duty of each individual authorized to make disbursements for the oganization make payment from assets of the organization. If a fine or penalty is imposed on a director, officer, employee, or agent of an organization, payment shall not be made, directly or indirectly, from assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(g) When a fine or penalty is satisfied as provided by law, the Attorney General shall file with the court a notice of satisfaction of judgment if the defendant makes a written request to the Attorney General for such filing, or if the amount of the fine or penalty exceeds $500. Upon request of the defendant, the clerk shall furnish to the defendant a certified copy of the notice.

"(h) The obligation to pay a fine or penalty ceases upon the death of the defendant or the expiration of twenty years after the date of the entry of the judgment, whichever occurs earlier. The defendant and the Attorney General may agree in writing to extend such twenty-year period.".

SEC. Section 3569 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "(a)" at the beginning of the subsection; and

(B) by striking out "thirty days" in the sentence beginning "When a poor"; and

(2) by striking out subsection (b).

SEC. 4. Section 3651 of title 18, United States Code, is amended in the paragraph beginning "The defendant's"—

(1) by striking out "fine or other punishment" and inserting in lieu thereof "punishment (other than a fine)"; and

(2) by adding at the end the following new sentence: "If at the end of the period of probation, the defendant has not complied with a condition of probation, the court may nevertheless terminate proceedings against the defendant, but no such termination shall affect the defendant's obligation to pay a fine imposed or made a condition of probation, and such fine shall be collected in the manner provided in section 3565 of this title.".

SEC. 5. Section 3655 of title 18, United States Code, is amended by inserting after the paragraph beginning "He shall keep records" the following new paragraph:

"He shall report to the court any failure of a probationer under his supervision to pay an amount due as a fine or as restitution.".

SEC. 6. (a) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 3621. Criminal default on fine

"(a) Whoever, having been sentenced to pay a fine or penalty, willfully does not pay an amount due—

"(1) in the case of the individual, shall be fined not more than the greater of $100,000 or twice the unpaid balance of the fine or penalty, or imprisoned not more than one year, or both; and

"(2) in the case of a person other than an individual, shall be fined not more than the greater of $250,000 or twice the unpaid balance of the fine or penalty.

"(b) It is a defense to a prosecution under subsection (a)(1) of this section that the individual was unable to make the payment because of such individual's responsibility to provide necessities for such individual or other individuals financially dependent upon such individual. The defendant has the burden of establishing the defense under this subsection by a preponderance of the evidence.

"§ 3622. Factors relating to imposition of fines

"(a) In determining whether to impose a fine and the amount of a fine, the court shall consider, in addition to other relevant factors—

"(1) the nature and circumstances of the offense;

"(2) the history and characteristics of the defendant;

"(3) the defendant's income, earning capacity, and financial resources;

"(4) the burden that the fine will impose upon the defendant, any person who is financially dependent on the defendant, or any other person (including a government) that would be responsible for the welfare of any person financially dependent on the defendant, relative to the burden that alternative punishments would impose;

"(5) any pecuniary loss inflicted upon others as a result of the offense;

"(6) whether restitution is ordered and the amount of such restitution;

"(7) the need to deprive the defendant of illegally obtained gains from the offense;

"(8) whether the defendant can pass on to consumers or other persons the expense of the fine; and

"(9) if the defendant is an organization, the size of the organization and any measure taken by the organization to discipline any officer, director, employee, or agent of the organization responsible for the offense and to prevent a recurrence of such an offense.

"(b) If, as a result of a conviction, the defendant has the obligation to make restitution to a victim of the offense, the court shall impose a fine or penalty only to the extent that such fine or penalty will not impair the ability of the defendant to make restitution.

"§ 3623. Alternative fines

"(a) An individual convicted of an offense may be fined not more than the greatest of—

"(1) the amount specified in the law setting forth the offense;

"(2) the applicable amount under subsection (c) of this section;

"(3) in the case of a felony, $250,000;

"(4) in the case of a misdemeanor resulting in death, $250,000; or

"(5) in the case of a misdemeanor punishable by imprisonment for more than six months, $100,000.

"(b) A person (other than an individual) convicted of an offense may be fined not more than the greatest of—

"(1) the amount specified in the law setting forth the offense;

"(2) the applicable amount under subsection (c) of this section;

"(3) in the case of a felony, $1,000,000;

"(4) in the case of a misdemeanor resulting in death, $1,000,000; or

"(5) in the case of a misdemeanor punishable by imprisonment for more than six months, $250,000.

"(c) If the defendant derives pecuniary gain from the offense, or if the offense results in pecuniary loss to another person, the defendant may be fined not more than the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the sentencing process.

"§ 3624. Security for stayed fine

"If a sentence imposing a fine is stayed, the court shall, absent exceptional circumstances (as determined by the court)—

"(1) require the defendant to deposit, in the registry of the district court, any amount of the fine that is due;

"(2) require the defendant to provide a bond or other security to ensure payment of the fine; or

"(3) restrain the defendant from transferring or dissipating assets.".

(b) The table of sections for chapter 229 of title 18, United States Code, is amended by inserting after the item relating to section 3620 the following new items:

"3621. Criminal default on fine.
"3622. Factors relating to imposition of fines.
"3623. Alternative fines.
"3624. Security for stayed fine.".

SEC. 7. The sentence beginning "In every" in section 4209(a) of title 18, United States Code, is amended—

(1) by striking out "a condition" and inserting in lieu thereof "conditions"; and

(2) by inserting after "local crime" the following: "and, if a fine was imposed, that the parolee make a diligent effort to pay the fine in accordance with the judgment".

SEC. 8. Section 1 of title 18, United States Code, is amended in paragraph (3)—

(1) by inserting after "which" the following: ", as set forth in the provision defining the offense,"; and

(2) by striking out "$500" and and inserting in lieu thereof "$5,000 for an individual and $10,000 for a person other than an individual".

SEC. 9. Section 3579 of title 18, United States Code, is amended—

(1) in subsection (c), by striking out "Court" and and inserting in lieu thereof "court"; and

(2) in subsection (f), by adding at the end the following new paragraph:

"(4) The order of restitution shall require the defendant to make restitution directly to the victim or other person eligible under this section, or to deliver the amount or property due as restitution to the Attorney General for transfer to such victim or person.".

SEC. 10. The amendments made by this Act shall apply with respect to offenses committed after December 31, 1984.

The SPEAKER pro tempore. Is a second demanded?

Mr. GEKAS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on this measure now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, H.R. 5846, reported without dissent by the Committee on the Judiciary, revises Federal procedures for the imposition and collection of fines in criminal cases.

The Judiciary Committee concluded in 1980, when it reported the Criminal Code revision bill, that existing fine levels "Do not adequately provide the judiciary with sufficient flexibility to impose sentences that will adequately deter future criminal conduct." That statement is true today.

H.R. 5846 attempts to make the criminal fine a more effective criminal sanction—and thus a more attractive alternative to imprisonment—by authorizing Federal courts to impose higher fines. The bill permits a court, in imposing a fine, to choose the greatest of three alternatives: First, the amount specified in the provision defining the offense. Second, an amount equal to twice any pecuniary gain derived from the offense or twice any pecuniary loss inflicted as a result of the offense. Third, if the conviction is for a felony, or a misdemeanor resulting in death, $250,000 for individuals and $1,000,000 for organizations, and if the conviction is for a misdemeanor punishable by more than 6 months imprisonment, $100,000 for individuals and $250,000 for organizations.

Equally important, the bill also sets forth factors that the court must consider in determining whether to impose a fine and the amount of a fine. These factors include such things as the seriousness of the offense, the defendant's criminal history, the defendant's ability to pay, and the need to deprive the defendant of any illegally obtained gains.

Considering the defendant's ability to pay is particularly important; with the higher fine levels, there is a potential for abuse. This consideration should also result in more realistic fines, which will improve fine collection.

H.R. 5846 also enhances the ability of the Justice Department to enforce fines. The bill provides that a judgment imposing a fine is a lien on the defendant's property. The lien, moreover, is a "super" lien, applying to all property to which a Federal tax lien would apply and having the priority of a Federal tax lien. Under current law, the State law regulating exemptions and priorties controls and, in probably every instance, will not be as favorable to judgment creditors as Federal Tax Code is to the Federal Government. Thus, the bill gives the Federal Government, in its status as a fine judgment creditor, greater standing than other judgment creditors. In the unlikely event that State law is more favorable than the Federal Tax Code, the bill provides that State law will govern.

The bill makes willful nonpayment of a fine a misdemeanor but provides a defense, which defendants must establish by a preponderance of the evidence, that the failure to pay the fine was caused by their responsibility to provide necessities for themselves or for others financially dependent upon them. Like U.S. Circuit Judge Gerald Bard Tjoflat, who testified before the Subcommittee on Criminal Justice on behalf of the Judicial Conference, I am somewhat dubious of the need for this provision. It will be hard for the Justice Department, with its beefed-up ability to enforce fines, not to collect a fine, so I would expect prosecutions under the provision to be quite rare.

This bill differs from that reported by the Judiciary Committee in only one respect. An amendment has been added to require that persons who are permitted to defer payment of a fine, or to pay in installments, pay interest on the outstanding balance at the rate of 1.5 percent per month.

This bill is the result of a good deal of work by two of our colleagues, the gentleman from Virginia [Mr. BOUCHER] and the gentlewoman from Illinois [Mrs. MARTIN]. The gentlewoman introduced legislation on this subject and made a very effective presentation on its behalf at hearings held by the Subcommittee on Criminal Justice. The gentleman from Virginia, a member of the subcommittee, did a most skillful job in fashioning a new bill that dealt with legitimate concerns voiced at the hearings.

Mr. Speaker, I urge support for the bill. This measure that will strengthen the capability of the Justice Department to collect criminal fines and will make fines a sterner punishment. This, in turn, will make fines a more effective alternative to imprisonment.

□ 1400

Mr. GEKAS. Mr. Speaker, I yield myself as much time as I am able to consume.

I support the legislation at hand and again compliment the chairman of the Criminal Justice Subcommittee of the full Committee on the Judiciary for bringing this legislation to this stage in its legislative life.

One thing that the public is very strongly opinionated about in the question of criminal justice is that too often a slap on the wrist is the outcome of a criminal proceeding, especially against those criminals who can really pay for their crimes. This is one way, this piece of legislation, where we can make it costlier for criminals to do business.

Too often we have a case where the payment of a fine is simply considered by the wrongdoer as a cost of doing business and he cheerfully pays that fine and goes on this wrongdoing in other fashions, ready and willing and able to pay his dues, the cost of doing business, the next time an offense occurs.

Our stiffening of the fine structure, then, does act as a deterrent to those business tycoons turned criminals or criminals who fashion themselves as business tycoons who readily pay fines as a way of life.

Mr. Speaker, I rise in support of H.R. 5846. This bill modifies the enforcement mechanisms for the collection of criminal fines to ensure that these become a significant and effective sentencing tool.

Among the major provisions of the bill, it increases fine levels for both felonies and misdemeanors to reflect the value of today's dollar. Moreover, the bill establishes fines as liens in favor of the Government, valid against property of the defendant except that exempt from levy under the Internal Revenue Code. This lien would have the priority of a tax lien and would significantly enhance the Government's ability to pursue a criminal's assets.

The bill creates an offense of willfully failing to pay a fine and toughens current law on the payment of fines and collection of overdue amounts.

The bill is a step forward in use of fines as a criminal sanction. It will promote the imposition of fines, it will increase the sums collected, and it will deny criminals more of the fruit of their crimes. To this extent, it promotes the objectives of the President's crime package and should be supported.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding time to me.

Mr. Speaker, when I became aware, several months ago, that so many persons convicted of drug trafficking, tax fraud, and other Federal crimes were not serving their sentences, I was appalled and disgusted. There are people sent to prison for robbing a gas station of $500—and I think they should be—while an unscrupulous physician who turns in false medicare claims totaling tens of thousands of dollars goes without punishment.

Let me hasten to assure my colleagues that these individuals are not getting off without being sentenced. They are being sentenced to fines and the fines are becoming larger. Criminals just aren't serving that sentence. They can ignore fines and get away with it.

As our jails become more crowded, there is an increasing tendency to sentence nonviolent offenders to a fine or to a short prison sentence and a large fine. And we can all agree with that move. Like most of you, I suspect, I cheer when I hear on the news that an offender who traffics in drugs or cheats on medicare has at least been given a huge fine. Then I discover that offenders don't care how large or small the fine; they can just ignore it and nothing will be done.

Once the sentence is passed, we have almost no ability to enforce the fine portion of the sentence. Assets disappear during the appeal process. Installment payments are approved even though the schedule agreed to would require centuries to pay off. Some just ignore the fine completely. Let me cite just four examples that surfaced during Senate hearings.

A defendant who pleaded guilty in Federal court to income tax evasion has yet to pay a penny of his $10,000 fine even though he owns half a million dollars in real estate and has more than $80,000 in cash and $35,000 in stocks.

A doctor who owns five homes has paid only $2,500 of a $10,000 fine that was imposed in 1978 after he was convicted of stealing $90,000 by filing false medicare claims.

A Miami drug dealer avoided paying a $100,000 fine by divorcing his wife 3 weeks before his trial and deeding all of this property to her. He continued to live with her.

In one case, a probation officer set up a $10 per month payment plan so that a convicted felon could repay his $35,000 fine after he was released from prison. This means the fine will be paid in about three centuries.

The Justice Department has no mechanism for collecting these fines and the only remedy has been a civil contempt proceeding. That effort has been undertaken only one time in 15 years. The collection rate in 1982 fell to 34 percent. As of 1983, we had $132 million outstanding from 22,000 in unpaid fines.

On October 19, 1983, Senator CHARLES PERCY and I introduced the Criminal Fine Collection Act in the House and Senate. The chief features of our bill were:

First, making it a crime to not pay a fine—an offender who does not pay his or her fine could be imprisoned for nonpayment.

Second, adding penalties and interest to fines that are not paid in a timely manner.

Third, adding a convicted offender to put the amount of his or her fine in escrow pending the outcome of any appeals.

Fourth, setting time limits on payments of fines.

Fifth, making payment of a fine a condition of probation and parole.

Sixth, allowing the Justice Department to place a lien on assets owned by convicted offenders to insure payment. The Senate passed this bill as a part of its omnibus crime package.

On the House side there have been hours of negotiations among Members, the subcommittee staff, my staff, Senator PERCY's staff, the Justice Department, the Administrative Office of the U.S. Courts, and other interested parties. As a result, I think the bill we have before us today is an even better bill and has positive new provisions in addition to those provisions basic to the original bill. I am pleased, therefore, to have joined the gentleman from Virginia [Mr. BOUCHER] in introducing the Criminal Fine Enforcement Act.

Now a fine sentence will have to be taken seriously by convicted Federal criminals. There is a real incentive to pay and a mechanism to collect these payments. No longer will a fine be tantamount to no punishment but a viable and realistic alternative to incarceration for nonviolent offenders.

I want to thank the chairman, Mr. CONYERS, for his expeditious handling of this bill. His courtesy to me during the hearing on my bill was extraordinary and his cooperation throughout the entire process has been greatly appreciated; and the ranking minority member, Mr. GEKAS, was always there when help was sought. Now, I yield back the balance of my remaining time.

□ 1410

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. Mr. Speaker, Federal law and practice regarding the imposition and collection of fines in criminal cases suffer from serious deficiencies. H.R. 5846 addresses the four most serious shortcomings of current law.

First, maximum fine levels are currently so low that criminals can consider fines a cost of doing business. The Judiciary Committee's report on the criminal code revision bill in the 96th Congress noted that current fine levels are "woefully inadequate to deter criminal behavior." This view was echoed by the Senate Judiciary Committee in its report on the omnibus crimes bill to this Congress, which states that "the maximum levels of fines under current law are set so low that the courts are not able to use them effectively as a sentencing option." H.R. 5846 generally raises the level of all criminal fines.

Second, Federal judges at this time are provided with no statutory guidance regarding the punishment to be imposed upon convicted offenders. There is currently no statutory statement of the purposes of criminal punishment, and it was not until the last Congress that judges were given any legislative guidance at all about what should be considered when deciding the punishment to impose. That guidance concerns only restitution.

The history in H.R. 5846 of the factors to consider when deciding whether to impose a fine will have important beneficial consequences. Fine collection will be improved because more realistic fines, which evidence suggests are more likely to be collected, can be imposed. In addition, greater equity in punishment will be fostered. Fines equal in amount are not necessarily equal in punishment. A $5,000 fine for a millionaire is less severe punishment than a $5,000 fine for a person whose annual income is $15,000.

Third, current law and practice lack incentives for the prompt and full pay-

ment of fines. More than 21,000 fines amounting to $132 million are outstanding today. If a fine is to be an effective punishment, it must be collected promptly and in full. H.R. 5846 subjects overdue fines to interest, and to a penalty if excessively overdue. Willful nonpayment of a fine will become a separate crime.

Finally, the procedures available to the Justice Department for enforcing fines when the defendant fails or refuses to pay are inadequate. There is no serious problem if the fine is imposed as a condition of probation, because in that event if the defendant does not pay the fine, probation can be revoked. If the fine is a straight fine, however, the Justice Department must enforce the fine in the same manner as it enforces money judgments in civil cases.

The United States records the judgment as provided by State law and assumes the status of judgment creditor. State laws regarding the enforcement of judgments vary, so the enforceability of the fine judgment varies from State to State. This problem is also addressed in H.R. 5846, which gives the Government a surer judgment lien with the status of a tax lien for the enforcement of criminal fines. To improve current law and practice, H.R. 5846:

Substantially increases maximum fine levels, so that a drug dealer, for example, can be fined up to the greater of $250,000 or twice the amount of money the dealer made as a result of the crime;

Imposes interest at the rate of 1.5 percent per month on delinquent fines, and, if a fine is more than 90 days delinquent, imposes a penalty of 25 percent of the amount past due;

Makes it a criminal offense for a convicted defendant willfully to fail to pay a fine;

Mandates that the U.S. Parole Commission, when it paroles a prisoner who owes a fine, require as a condition of parole that the prisoner make a deligent effort to pay the fine;

Requires a court, when it stays payment of a fine, to order, unless exceptional circumstances exist, that the defendant: First, deposit with the court pending the outcome of the appeal the amount due as a fine; second, provide bond or other security to insure payment of the fine; or third, not transfer or dissipate assets; and

Permits the Justice Department, when a fine is to be paid in installments, to declare the entire unpaid balance of the fine to be paid and payable if a scheduled installment is missed.

These provisions are tough, but the bill is not draconian. It requires, for example, that a judge consider a defendant's ability to pay in determining the amount of a fine. In addition, the bill is sensitive to constitutional concerns. The Supreme Court has held that a person cannot be imprisoned for failure to pay a fine if that failure is due to the person's indigency. The bill, therefore, provides that before a judge can impose a fine that requires the defendant to stay in prison until the fine is paid the judge must find that the defendant has the present ability to pay the fine.

Mr. Speaker, in summary, H.R. 5846 is a bill that will not only strengthen the Federal Government's ability to collect criminal fines, but will also substantially increase the maximum fines that can be imposed upon persons convicted of Federal crimes. It is derived from the committee's criminal code revision bill of the 96th Congress and has been carefully constructed in close consultation with the Justice Department, the Judicial Conference of the United States, the U.S. Parole Commission, and our colleagues, the gentlewoman from Illinois, Mrs. MARTIN and Senator CHARLES PERCY, sponsors of companion fine collection bills. I believe that the bill will strengthen the Justice Department's capability to collect criminal fines and will make fines a tougher criminal penalty, and I urge my colleagues to support the measure.

□ 1420

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Speaker, I wanted to point out that the gentleman is not only the author of the pending bill, but was very helpful in dealing with the rather difficult issue of how to expedite and improve the fine collection process.

I want to thank the gentleman for that, acknowledge his drafting skill, and express my appreciation for his efforts to bring together all of us on both sides of the aisle. Again, he has my deep thanks. I am very pleased that he serves on my subcommittee.

Mr. BOUCHER. I thank the chairman for his kind remarks.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, want to express my congratulations to the gentleman from Virginia in the authorship of this legislation. It indicates to me that he is very interested in getting tougher on some of our criminal elements. I hope that that theme pervades in some of the ensuing issues that come before our subcommittee.

I want to mention that, as a final note, indeed, this is within the total scope of the initiatives that the administration has advanced in its crime package in that it does lead toward a consciousness on the part of the Congress that we must begin to deal more harshly with some of the continuous and repeat offenders of our society.

Mr. Speaker, I yield back the balance of my time.

● Mr. RODINO. Mr. Speaker, I rise in support of H.R. 5846, the Criminal Fine Enforcement Act of 1984. This legislation will make the fine a tougher penalty for Federal crimes and will improve the Federal Government's ability to collect criminal fines. As a consequence, the fine will be a more attractive alternative to imprisonment, an important consideration in view of the overcrowded conditions in Federal prisons today.

This legislation is derived from the committee's work on the recodification of Federal criminal laws and on sentencing reform and contains many features that were first recommended by the committee in the 96th Congress, when it reported H.R. 6915, the Criminal Code Revision Act of 1980.

H.R. 5846 brings Federal criminal fines into the 1980's. It authorizes substantially increased fines for all Federal offenses. This is particularly important in the areas of drug offenses and corporate and white collar crime, where the criminal often views a fine as a cost of doing business. In addition, the bill mandates that Federal judges, when deciding whether to impose a fine, take into consideration a number of factors, such as the severity of the crime, the defendant's criminal record, the need to deprive the offender of any illegally-obtained profits, and the defendant's ability to pay.

The latter factor is important, not only because the evidence establishes that realistic fines are more likely to be collected, but also in terms of equity in punishment. A $10,000 fine has a different impact upon a millionaire than upon someone of more modest means.

H.R. 5846 also improves the Federal Government's ability to collect criminal fines. The bill gives the Federal Government a lien on the offender's property that will ensure that, if the offender does not voluntarily pay the fine, the fine can be satisfied out of the offender's property. The lien attaches to all of the offender's property, other than property that would be exempt from a Federal tax lien, and this lien has the priority of a Federal tax lien. The bill also provides that in the event that State law regulating the exemptions and priority of judgment liens is more favorable than the Federal tax code, State law will govern.

The legislation also imposes interest on overdue fines, and, if the fine is more than 90 days overdue, provides for a penalty of 25 percent of the amount overdue. In addition, the bill provides that installment fines be treated as if there had been an extension of credit, and imposes interest on the unpaid balance. The Department of Justice is authorized, when an of-

fender misses an installment payment, to declare the unpaid balance to be due and payable.

Finally, H.R. 5846 makes it a misdemeanor willfully to fail to pay a fine. Simple failure to pay is not enough, for the failure may be due to the offender's indigent status, and the Constitution does not permit imprisonment for failure to pay a fine when the failure is due to indigency. See *Williams* v. *Illinois*, 399 U.S. 235 (1970); *Tate* v. *Short*, 401 U.S. 395 (1971). A willful failure is required. The term "willful" connotes a bad purpose to disregard the obligation to pay the fine. This provision will probably not be used very often, for with the strengthened fine collection procedures, it will be extremely difficult for a defendant to avoid satisfying the fine, either voluntarily (by payment) or involuntarily (by having property seized and sold).

I want to commend the gentleman from Michigan [Mr. CONYERS], the chairman of the Subcommittee on Criminal Justice, for his leadership in bringing this legislation before the House. I also want to commend the members of his subcommittee for their work on this bill, in particular the gentleman from Virginia [Mr. BOUCHER]. The gentleman from Virginia, the author of the legislation before us, drafted a bill that has commanded broad and bipartisan support, and his hard work and personal involvement has been crucial to the progress of the bill. Finally, I want to commend the gentlewoman from Illinois [Mrs. MARTIN] and the senior Senator from Illinois [Mr. PERCY] for their efforts on behalf of the legislation. They sponsored companion bills and worked with the gentleman from Virginia [Mr. BOUCHER] to fashion the legislation now before us.

Mr. Speaker, The provisions of H.R. 5846 are tough. The maximum fine levels are high, and slow payment of a fine (or nonpayment) subjects an offender to interest and penalty charges. Willful nonpayment subjects an offender to prosecution. The bill is not draconian, however, and is sensitive to constitutional concerns. For example, Federal judges are required to consider a defendant's ability to pay when deciding whether to impose a fine or the amount of a fine, and it is a defense to the willful nonpayment offense that the defendant's failure to pay was caused by the need to provide necessities for him- or herself or for others financially dependant upon him or her.

I urge my colleagues to support this legislation.●

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 5846, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FINANCIAL BRIBERY AND FRAUD AMENDMENTS ACT OF 1984

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5872) to amend title 18 of the United States Code with respect to certain bribery and related offenses, as amended.

The Clerk read as follows:

H.R. 5872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Financial Bribery and Fraud Amendments Act of 1984".

SEC. 2. (a) Chapter 11 of title 18 of the United States Code is amended by striking out section 215 and all that follows through section 216 and inserting in lieu thereof the following:

"§ 215. Bribery regarding financial operations

"(a) Whoever knowingly—

"(1) offers, gives, or agrees to give anything of value to any person with intent—

"(A) to influence any official action to be taken by; or

"(B) to induce the violation of a legal or fiduciary duty by;

such person as a director, officer, employee, agent, or attorney of a national credit institution; or

"(2) solicits, accepts, or agrees to accept anything of value from another—

"(A) because of any official action to be taken by, or any violation of a legal or fiduciary duty to be committed by, such person as a director, officer, employee, agent, or attorney of a national credit institution; or

"(B) that is given with the specific intent described in paragraph (1) of this subsection;

shall be punished as provided in subsection (b) of this section.

"(b) The punishment for an offense under this section is—

"(1) if the value of the thing offered, given, solicited, accepted, or agreed to be given or accepted, in violation of subsection (a) of this section, is greater than $250—

"(A) a fine of not more than $250,000 or imprisonment for not more than five years, or both, if the offender is an individual; and

"(B) a fine of not more than $1,000,000 if the offender is other than an individual; and

"(2) in any other case—

"(A) a fine of not more than $100,000 or imprisonment for not more than one year, or both, if the offender is an individual; and

"(B) a fine of not more than $250,000 if the offender is other than an individual.

"(c) As used in this section—

"(1) the term 'national credit institution' means—

"(A) a bank with deposits insured by the Federal Deposit Insurance Corporation;

"(B) an institution with accounts insured by the Federal Savings and Loan Insurance Corporation;

"(C) a credit union with accounts insured by the Administrator of the National Credit Union Administration;

"(D) a Federal home loan bank or a member, as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), of the Federal home loan bank system;

"(E) a Federal land bank, Federal intermediate credit bank, bank for cooperatives, production credit association, and Federal land bank association;

"(F) a small business investment company, as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); and

"(G) a bank holding company as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) or a savings and loan holding company as defined in section 408 of the National Housing Act (12 U.S.C. 1730a);

"(2) the term 'official action' means a decision, opinion, recommendation, judgment, vote, or other conduct involving an exercise of discretion in the course of administration, employment, agency or representation; and

"(3) the term 'anything of value' means any direct or indirect gain or advantage, or anything that might reasonably be regarded by the beneficiary as a direct or indirect gain or advantage, including a direct or indirect gain or advantage to another person, but such term does not include bona fide salary, wages, fees, or other compensation paid in the usual course of business.

"(d) There is extraterritorial jurisdiction over an offense under this section.

"§ 216. Graft in financial operations

"(a) Whoever knowingly—

"(1) offers, gives, or agrees to give anything of pecuniary value to any person with intent to reward such person for an official action taken by, or any legal or fiduciary duty violated by, such person as a director, officer, employee, agent or attorney of a national credit institution; or

"(2) solicits, accepts, or agrees to accept anything of pecuniary value from another—

"(A) because of any official action taken by, or any legal or fiduciary duty violated by, such person as a director, officer, employee, agent or attorney of a national credit institution; or

"(B) that is given with the specific intent described in paragraph (1) of this subsection;

shall be punished as provided in subsection (b) of this section.

"(b) The punishment for an offense under this section is—

"(1) if the value of the thing offered, given, solicited, accepted, or agreed to be given or accepted, in violation of subsection (a) of this section, is greater than $250—

"(A) a fine of not more than $250,000 or imprisonment for not more than three years, or both, if the offender is an individual; and

"(B) a fine of not more than $1,000,000 if the offender is other than an individual; and

"(2) in any other case—

"(A) a fine of not more than $100,000 or imprisonment for not more than six months, or both, if the offender is an individual; and

"(B) a fine of not more than $250,000 if the offender is other than an individual.

"(c) As used in this section—

"(1) the terms 'national credit institution' and 'official action' have, respectively, the meanings given those terms in section 215 of this title; and

"(2) the term 'anything of pecuniary value' means anything of value, as defined in section 215 of this title—

"(A) in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage; or

"(B) that has a value in excess of $100.

"(d) There is extraterritorial jurisdiction over an offense under this section.".

(b) The table of sections at the beginning of chapter 11 of title 18 of the United States Code is amended by striking out the item relating to section 215 and all that follows through the item relating to section 216 and inserting in lieu thereof the following:

"215. Bribery regarding financial operations.
"216. Graft in financial operations.".

SEC. 3. (a) Chapter 63 of title 18 of the United States Code is amended by adding at the end the following new section:

"§ 1344. Financial fraud

"(a) Whoever, having devised or intending to devise any scheme or artifice—

"(1) to defraud a national credit institution; or

"(2) for obtaining property of a national credit institution by means of false or fraudulent pretenses, representations, or promises;

knowingly engages in any conduct in furtherance of such scheme or artifice shall be fined not more than $250,000 or imprisoned for not more than five years, or both, if such person is an individual, and shall be fined not more than $1,000,000 if such person is other than an individual.

"(b) As used in this section, the term 'national credit institution' has the meaning given that term in section 215 of this title.

"(c) There is extraterritorial jurisdiction over an offense under this section.".

(b) The table of sections at the beginning of chapter 63 of title 18 of the United States Code is amended by adding at the end the following new item:

"1344. Financial fraud.".

(c)(1) The heading of chapter 63 of title 18 of the United States Code is amended to read as follows:

"CHAPTER 63—MAIL FRAUD AND OTHER FRAUD"

(2) The table of chapters for part I of title 18 of the United States Code is amended so that the item relating to chapter 63 reads as follows:

"63. Mail fraud and other fraud ..... 1341".

SEC. 4. Subsection (c) of section 2113 of title 18 of the United States Code is amended by striking out "knowing" and all that follows through "this section" and inserting in lieu thereof "that has been taken in violation of subsection (b) of this section, knowing that such thing was taken with intent to steal or purloin,".

SEC. 5. This Act and the amendments made by this Act shall take effect ninety days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5872, the Financial Bribery and Fraud Amendments Act of 1984, reported by the Judiciary Committee without dissent, amends Federal laws prohibiting bribery of bank officials and receiving stolen bank property and creates a new Federal crime regarding fraud against banks.

There is no question that the banks and financial institutions of this country are critical links in the flow of interstate and foreign commerce. It is therefore no surprise that the regulation of banks and financial institutions has long been a matter of Federal concern, and properly so. It has been brought to the committee's attention, however, that there are serious gaps in the Federal criminal laws protecting the integrity of banks and banking operations, and that some of the laws that do exist are obsolete and ineffective. One of the current Federal bank bribery statutes applies only to the receivers of bribes; the offeror cannot be prosecuted as an accomplice unless the bribe is accepted. In addition, many nationally controlled financial institutions are not covered by the current laws.

The laws used to prosecute frauds are also inadequate. Courts have interpreted 18 U.S.C. 656, prohibiting misapplication of bank funds, as inapplicable to insider trading. The Supreme Court has ruled that the presentation of a check for which there are insufficient funds does not constitute a false statement under 18 U.S.C. 1014. Mail and wire fraud laws are often ineffective because the use of the wires or mails is only incidental to the fraudulent scheme.

H.R. 5872 corrects some of these problems by amending current law with regard to bribery and create a new crime of financial fraud.

Section 215 of title 18, one of the current sections prohibiting bribery regarding banking operations, is amended to proscribe all payments intended to influence an officer or employee of a financial institution in making a discretionary decision, or to induce such a person to violate a duty.

18 U.S.C. 216 is amended to prohibit payments made to an officer or employee of a financial institution as a reward for violating a duty or taking discretionary action in a particular manner. In order to avoid criminalization such conduct as treating a loan officer to dinner following a successful negotiation, the section requires that the payment be in money or its equivalent, or else have a value greater than $100.

The financial institutions covered by both sections include all such institutions that are regulated by the Federal Government.

H.R. 5872 also enacts a new 18 U.S.C. 1344. The new section would prohibit devising a scheme to defraud a financial institution, or to obtain property of such an institution. The section uses language parallel to that of the mail fraud and wire fraud offenses—"scheme to defraud." There is a history of expansive interpretations of that language by the courts. Its current coverage is clearly greater than that intended by Congress. The committee is convinced, however, that fashioning new language to cover all of the activity properly within the scope of Federal concerns, such as insider trading and interstate check kiting schemes, would be difficult if not impossible. The proposal therefore uses the expansive language of current law fraud offenses. In approving such language, the committee endorses court interpretations of that language. The committee does, however, believe that any further expansion of the meaning of this language would not be appropriate.

Finally, there is little reason to require, as does current law, that a person who receives stolen property know that it belongs to a bank as a prerequisite to Federal prosecution. H.R. 5872 therefore removes that requirement from current law.

□ 1430

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if ever we were to describe a measure that reached the floor of the House of Representatives as one intended to and resulting in the closing of loopholes in our criminal justice system, this can be properly so described.

As a matter of fact, one loophole that is glaring and about which we hear from time to time in our discussions with people involved in law enforcement is the one addressed by this legislation where check kiting, formerly under previous legislation before this came to out attention, would have been able to be perpetrated without any serious results to the kiters. So we are pleased to report, as part of the consideration of this legislation, that portion of criminal activity, check kiting, in the whole system of financial fraud will be covered by this bill should it become law.

So I again thank the gentleman from Michigan, who carefully has escorted this bill to the floor, and I offer my assistance in making sure that our voice will be heard in whatever lies ahead for the legislation.

Mr. Speaker, I rise in support of H.R. 5872.

This bill was inspired by a portion of S. 1762, the President's crime package, and attempts to close loopholes in criminal statutes dealing with financial fraud and bribery.

Bribery of bank employees and officials is currently covered by 18 U.S.C. 215 and 216. However, these sections are obsolete because: First, they do not cover such federally regulated financial institutions as savings and loans and credit unions; second, they do not cover those who offer bribes, only those who receive them; and third, they cover payments made for future actions and fail to apply to payments made as a reward for actions already taken. H.R. 5872 covers each of their deficiencies.

In addition, current law does not cover certain fraudulent schemes where banks are victimized unless there is a false statement or theft. For example, check kiting schemes are not covered under one Supreme Court decision construing the statute—*Williams* v. *U.S.*, 458 U.S. 279 (1982). Finally, current law dealing with receiving stolen bank property requires knowledge that the property was not only stolen but also that it was stolen from a bank. H.R. 5872 corrects these problems.

The bill changes 18 U.S.C. 215 to cover all payments intended to influence an official or employee of a financial institution in making a discretionary decision or as inducement to violate a duty. It amends 18 U.S.C. 216 to cover payments to an official or employee of a financial institution made as a reward for an action taken. Under this section, the bill would require that such a payment exceed $100—unless it is actually a payment in cash—so as not to include community or charitable awards or recognition.

H.R. 5872 creates a new 18 U.S.C. 1344 to prohibit the devising of a scheme to defraud a financial institution, or to obtain property of such an institution, and engaging in conduct to further such a scheme.

Mr. Speaker, this legislation will tighten laws protecting the banking industry and should be supported.

Mr. Speaker, I yield back the balance of my time.

● Mr. RODINO. Mr. Speaker, I rise in support of H.R. 5872, the Financial Bribery and Fraud Amendments Act of 1984. Members of this body may frequently disagree about the proper role of the Federal Government, but few would doubt its historical role in preserving free commerce among the States. Our Nation's banking system provides the life lines through which this commerce flows. It is therefore not surprising that the Federal Government rightly plays a significant role in the protection of the integrity of that system. Unfortunately, many of the laws through which it fulfills that role are incapable of dealing with many new banking practices and the multiplicity of banking organizations. For example, many federally controlled financial institutions are not covered by the current law against bribery. The laws used to prosecute frauds are inadequate to prevent improper trading by insiders or to deal with schemes which do not involve the use of the wires or mails.

H.R. 5872 addresses some of these problems by amending current law with regard to bribery and creating a new crime of financial fraud.

The current bribery laws are amended to prohibit all payments to influence discretionary decisions, or to induce a violation of duty, as well as payments made as a reward for violating a duty or taking discretionary action in a particular manner. Payments that are not money or its equivalent, and do not otherwise have a value greater than $100, are permissible if merely intended to thank a bank official for a particular action. Otherwise, the giving of placques and ceremonial dinners would become criminal. This new law would apply to the officials of all financial institutions that are regulated by the Federal Government.

H.R. 5872 also enacts a new section of law prohibiting schemes to defraud a financial institution, or to obtain property of such an institution. The section is similar to the mail fraud and wire fraud offenses. This section will facilitate prosecution of insider trading and check kiting schemes.

Current law inexplicably requires that a person receiving stolen property know that it belongs to a bank as an element of the offense of receiving stolen bank property. H.R. 5872 removes that requriement from current law.

H.R. 5872 has strong bipartisan support on the Judiciary Committee. Its goals are the same as parts of the omnibus crime bill passed by the other body. It is supported, except for minor disagreements about particular language, by the Department of Justice. I urge its approval.●

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 5872, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ESCAPE FROM CUSTODY RESULTING FROM CIVIL COMMITMENT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5526) to amend title 18 of the United States Code with respect to escape from custody resulting from civil commitment, as amended.

The Clerk read as follows:

H.R. 5526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 751 of title 18 of the United States Code is amended by adding at the end the following new subsection:

"(c) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or commissioner, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an order of a court of the United States to commit such person—

"(1) pursuant to chapter 313 of this title;

"(2) pursuant to section 1826 of title 28, United States Code; or

"(3) as the result of an acquittal of criminal charges by reason of insanity;

be fined not more than $1,000 or imprisoned not more than one year, or both.".

SEC. 2. Section 752 of title 18 of the United States Code is amended by adding at the end the following new subsection:

"(c) Whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempted escape of any person in the custody of the Attorney General or his authorized representative, or other process issued under any law of the United States or from any institution or facility in which he is confined by direction of the Attorney General, shall, if the custody or confinement is by virtue of an order of a court of the United States to commit such person—

"(1) pursuant to chapter 313 of this title;

"(2) pursuant to section 1826 of title 28, United States Code; or

"(3) as the result of an acquittal of criminal charges by reason of insanity;

be fined not more than $1,000 or imprisoned not more than one year, or both.".

SEC. 3. This Act shall take effect on January 1, 1985.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, H.R. 5526, reported without dissent by the Committee on the Judiciary, repairs a shortcoming in the current Federal law regarding escape from custody.

Current Federal law—18 U.S.C. 751 and 752—makes it a crime to escape, or to assist another to escape, from certain types of Federal custody or confinement. The offense carries felony—a 5-year maximum term of imprisonment—or misdemeanor—a 1-year maximum term of imprisonment—penalties, depending upon the type of Federal custody involved.

Current law, however, would not reach an escape from Federal custody in three situations:

First, an escape by a person in custody following an adjudication of civil contempt;

Second, an escape by a person held in custody at the expiration of a prison term because that person is incompetent and dangerous; and

Third, an escape by a person found not guilty by reason of insanity and committed to Federal custody for treatment. While this is not currently a serious problem, it could become one if Congress enacts an insanity defense reform bill retaining the defense and authorizing Federal commitment of persons found not guilty by reason of insanity.

H.R. 5526 revises current law to make it an offense to escape—or to assist another to escape—from Federal custody in those three situations.

H.R. 5526 is supported by the Justice Department. The other body has passed similar legislation as part of its ominibus crime bill, S. 1762. I know of no opposition to H.R. 5526, and I urge its approval.

□ 1440

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the subcommittee is quite correct in assessing this legislation as one in which some new attempts have been made to seek out remedies to little-known problems that exist within the law enforcement structure. Everyone in the country is aware through a glance at a daily newspaper of the phenomenon of an escape from criminal custody such as from prisons themselves, or from the custody of a constable or some other law enforcement agency or a breakout from the court house; all the bizarre things that we have read about over the years.

Little known is the anguish that is caused the entire law structure of those kinds of things where someone is adjudged to be in contempt of court for instance, and is supposed to come to court at a particular time to respond to a court order and fails to do so. That individual, technically, was a fugitive, as it were. But the law never really cornered that individual in a way that this legislation is aimed to do. So, we see that in recognizing that escape from civil custody is just as important for the sanctity and safety of our citizens as those already on the books. When we talk about escaping from criminal custody, then one can readily see that the time has come for the passage of this legislation.

Mr. Speaker, I rise in support of H.R. 5526.

This is a noncontroversial bill which is inspired by a portion of S. 1762, the President's crime package. It covers a loophole in existing law by applying criminal sanctions to those who escape from Federal custody resulting from civil commitment. It would apply specifically to those: First, committed for civil contempt (28 U.S.C. 1862); second, committed upon the completion of a criminal sentence because of a determination that the person was then insane and likely to endanger the safety of officers, property or "other interests" of the United States (chapter 313 of title 18); and third, those committed to custody for treatment following acquittal by reason of insanity. This latter case anticipates successful action later in this Congress to provide a commitment procedure within the federal system for those who successfully offer a defense of insanity to a criminal charge.

Mr. Speaker, it is already a crime to escape from Federal custody when held pursuant to criminal process. Criminal penalties should apply to custody of a civil nature as enumerated in this bill.

● Mr. RODINO. Mr. Speaker, I rise in support of the legislation.

H.R. 5526 repairs a shortcoming in the current provisions of title 18, United States Code, that make it a crime to escape, or to assist another to escape, from Federal custody or commitment. Current law is inadequate because it does not cover: First, an escape by a person in custody following an adjudication of civil contempt of court under 28 U.S.C. 1826; second, an escape by a person held in custody pursuant to title 18, United States Code, chapter 313 at the expiration of a prison term because that person is incompetent and dangerous; and third, an escape by a person found not guilty by reason of insanity and committed to Federal custody for treatment. The latter situation is not at present a serious problem because persons acquitted on insanity grounds are not committed under Federal authority. It will become more serious if the pending insanity defense legislation is enacted into law.

H.R. 5526 revises current law to cover all three situations.

Mr. Speaker, this legislation was reported by the Committee on the Judiciary by voice vote, without audible dissent. I urge my colleagues to support it.●

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time, and I urge passage of the bill.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 5526, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ADMISSIBILITY OF FOREIGN BUSINESS RECORDS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5919) to amend title 18 of the United States Code with regard to the admissibility of business records located in foreign nations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 223 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 3505. Foreign records of regularly conducted activity

"(a)(1) In a criminal proceeding in a court of the United States, a foreign record of regularly conducted activity, or a copy of such record, shall not be excluded as evidence by the hearsay rule if a foreign certification attests that—

"(A) such record was made, at or near the time of the occurrence of the matters set forth, by (or from information transmitted by) a person with knowledge of those matters;

"(B) such record was kept in the course of a regularly conducted business activity;

"(C) the business activity made such a record as a regular practice; and

"(D) if such record is not the original, such record is a duplicate of the original;

unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness.

"(2) A foreign certification under this section shall authenticate such record or duplicate.

"(b) At the arraignment or as soon after the arraignment as practical, a party intending to offer in evidence under this section a foreign record of regularly conducted activity shall provide written notice of that intention to each other party. A motion opposing admission in evidence of such record shall be made by the opposing party and determined by the court before trial. Failure by a party to file such motion before trial shall constitute a waiver of objection to such record or duplicate, but the court for cause shown may grant relief from the waiver.

"(c) As used in this section, the term—

"(1) 'foreign record of regularly conducted activity' means a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, maintained in a foreign country;

"(2) 'foreign certification' means a written declaration made and signed in a foreign country by the custodian of a foreign record of regularly conducted activity or another qualified person that, if falsely made, would subject the maker to criminal penalty under the laws of that country; and

"(3) 'business' includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

"§ 3506. Service of papers filed in opposition to official request by United States to foreign government for criminal evidence

"(a) Except as provided in subsection (b) of this section, any national or resident of the United States who submits, or causes to be submitted, a pleading or other document to a court or other authority in a foreign country in opposition to an official request for evidence of an offense shall serve such pleading or other document on the Attorney General at the time such pleading or other document is submitted.

"(b) Any person who is a party to a criminal proceeding in a court of the United States who submits, or causes to be submitted, a pleading or other document to a court or other authority in a foreign country in opposition to an official request for evidence of an offense that is a subject of such proceeding shall serve such pleading or other document on the appropriate attorney for the Government, pursuant to the Federal Rules of Criminal Procedure, at the time such pleading or other document is submitted.

"(c) As used in this section, the term 'official request' means a letter rogatory, a request under a treaty or convention, or any other request for evidence made by a court of the United States or an authority of the United States having criminal law enforcement responsibility, to a court or other authority of a foreign country.

"§ 3507. Special master at foreign deposition

"Upon application of a party to a criminal case, a United States district court before which the case is pending may, to the extent permitted by a foreign country, appoint a special master to carry out at a deposition taken in that country such duties as the court may direct, including presiding at the deposition or serving as an advisor on questions of United States law. Notwithstanding any other provision of law, a special master appointed under this section shall not decide questions of privilege under foreign law. The refusal of a court to appoint a special master under this section, or of the foreign country to permit a special master appointed under this section to carry out a duty at a deposition in that country, shall not affect the admissibility in evidence of a deposition taken under the provisions of the Federal Rules of Criminal Procedure.".

(b) The table of sections for chapter 223 of title 18, United States Code, is amended by adding at the end the following new items:

"3505. Foreign records of regularly conducted activity.
"3506. Service of papers filed in opposition to offical request by United States to foreign government for criminal evidence.
"3507. Special master at foreign deposition.".

SEC. 2. (a) Chapter 213 of title 18, United States Code, is amended by adding at the end of the following new section:

§ 3292. Suspension of limitations to permit United States to obtain foreign evidence

"(a)(1) Upon application of the United States, filed before return of an indictment, indicating that evidence of an offense is in a foreign country, the district court before which a grand jury is impaneled to investigate the offense shall suspend the running of the statute of limitations for the offense if the court finds by a preponderance of the evidence that an official request has been made for such evidence and that it reasonably appears, or reasonably appeared at the time the request was made, that such evidence is, or was, in such foreign country.

"(2) The court shall rule upon such application not later than thirty days after the filing of the application.

"(b) Except as provided in subsection (c) of this section, a period of suspension under this section shall begin on the date on which the official request is made and end on the date on which the foreign court or authority takes final action on the request.

"(c) The total of all periods of suspension under this section with respect to an offense—

"(1) shall not exceed three years; and

"(2) shall not extend a period within which a criminal case must be initiated for more than six months if all foreign authorities take final action before such period would expire without regard to this section.

"(d) As used in this section, the term 'official request' means a letter rogatory, a request under a treaty or convention, or any other request for evidence made by a court of the United States or an authority of the United States having criminal law enforcement responsibility, to a court or other authority of a foreign country.".

(b) The table of sections for chapter 213 of title 18, United States, Code, is amended by adding after the item relating to section 3391 the following new item:

"3292. Suspension of limitations to permit United States to obtain foreign evidence.".

SEC. 3. Subsection (h) of section 3161 of title 18, United States Code, is amended

(1) in paragraph (8)(C), by striking out "paragraph (8)(A) of this subsection" and inserting in lieu thereof "subparagraph (A) of this paragraph"; and

(2) by adding at the end the following new paragraph:

"(9) Any period of delay, not to exceed one year, ordered by a district court upon an application of a party and a finding by a preponderance of the evidence that an official request, as defined in section 3292 of this title, has been made for evidence of any such offense and that it reasonably appears, or reasonably appeared at the time the request was made, that such evidence is, or was, in such foreign country.".

SEC. 4. This Act and the amendments made by this Act shall take effect thirty days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5919, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5919, reported without dissent by the Committee on the Judiciary, will facilitate the prosecution of criminals who use offshore banks for the laundering of profits and the evasion of taxes. What this costs the Federal Government each year is hard to say, but the Internal Revenue Service estimated when testifying before the Subcommittee on Criminal Justice that use of offshore tax havens costs billions in taxes annually.

Federal prosecutors confront serious difficulties in both the investigatory and prosecution stages of a case involving the use of offshore banks. The procedures that must be undertaken in foreign countries to obtain necessary records are time consuming, and defendants frequently seek to block prosecutor's requests, sometimes by initiating formal action in another country without informing the prosecutor.

The time consumed in obtaining these records creates several problems. First, the statute of limitations may run before the prosecutor can obtain records necessary to get an indictment. Second, Speedy Trial Act deadlines can be missed if the records cannot be obtained in time. Finally, getting the records admitted into evidence can be a problem. The custodian of the records must, under the Federal rules of evidence, testify about the manner in which the records are kept. Almost invariably the custodian will be a resident and national of a foreign country

and not subject to subpoena by the Federal courts. While it is possible to take the custodian's deposition overseas, the procedures for doing so are costly and time consuming.

H.R. 5919 addresses some of these problems facing Federal prosecutors.

First, H.R. 5919 permits a Federal court, at the request of a Federal prosecutor, to suspend the running of the statute of limitation for up to 3 years if necessary to enable the prosecutor to obtain evidence located in a foreign country.

Second, the bill permits a Federal court, at the request of any party to a criminal case, to suspend Speedy Trial Act deadlines for up to 1 year in order to allow the party to obtain evidence located in a foreign country.

Third, the bill makes foreign business records admissible as an exception to the hearsay rule if the custodian of the records furnishes a certification attesting to the authenticity, and the manner of keeping, of the records. The certification must be executed under penalty of perjury, and the court has the discretion not to admit the records if it finds that the manner in which they were kept makes them untrustworthy.

Fourth, the bill requires U.S. nationals and residents, and all parties to Federal criminal cases, to serve upon the prosecutor any papers formally filed in another county in oppositon to an official request by the prosecutor for evidence located in that country.

Finally, the bill authorizes Federal courts to appoint special masters to preside over, or act as an advisor on U.S. law to the official presiding over, a deposition taken in a foreign country.

Mr. Speaker, H.R. 5919 has the support of the Justice Department. Similar provisions have been passed by the other body as part of S. 1762, the omnibus crime bill. I am unaware of any opposition to the bill, and I urge its approval.

□ 1450

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to my friend, the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Speaker, I wish to compliment the distinguished subcommittee chairman from the Committee on the Judiciary for this very much-needed legislation, on behalf of this legislation.

I think that the record ought to show that it is in an area of very dire need as far as legislation, and I am delighted to see that the Committee on the Judiciary, from its jurisdictional standpoint, is aware of this problem.

I have been a member of the Banking Committee since I came to the Congress, and have been a member of the subcommittee now called Renegotiation and Oversight since it was founded about 8 or 10 years ago. We have had hearings on related matters, that is, the laundering of moneys by the illegal drug interests through the banking system, which is part and parcel of what the gentleman is addressing.

We, in fact, were responsible for a little bit of law that has to do from the banking standpoint in an attempt to control this kind of laundering of illicit gains. We also had hearings of another subcommittee in my hometown of San Antonio that brought to light partially the extent, which is great, of this kind of activity with respect to the Mexican border.

But what nothing has been really reported on, and I think I am the only one in the Congress who has even referred to it, is what I call the Latin dollar market. We hear a lot about the Euro dollar market, but almost imperceptibly has been the tremendous increment of growth in what I call the Latin dollar market, which has grown primarily as a place to which great and vast American interests, corporations, banking, and otherwise, have used as a means of evading taxes, as a means of capitializing on some type of investments that are on the borderline or penumbra of legality or illegality.

So this is a vast problem. The Latin dollar market, for instance, just in Panama alone, Panama has devised a system not too long ago that is a sort of weak edition or Latin edition of the Swiss secret bank accounts. To that has flocked a tremendous amount of American money. In fact, when the great notoriety given the Panama Canal Treaty, part of the unreported negotiations in the background, lurking in the background, had to do with this enormous growth of the Latin dollar market, which I estimates now is in excess of $35 or $40 billion.

So we are talking about an activity that is very important to the enforcement of the law, to the adequate collection of the taxes rightfully due the taxpayers of this country.

I end up, as I started, by complimenting the gentleman for his endeavor in this respect.

Mr. CONYERS. I thank the gentleman from Texas [Mr. GONZALEZ]. I should point out to the gentleman that the Subcommittee on Criminal Justice was using some of the work of his distinguished committee in crafting this legislation. Recently, the gentleman is aware that the Committee on Ways and Means has ended the tax haven status of the Netherland Antilles.

Mr. GONZALEZ. No, I have not kept up with that.

Mr. CONYERS. There has been a restriction. We did not cut them off immediately. It would convulse its entire economy, which it turns out is mostly based on banking, if one can imagine it. In a measure previously passed this afternoon, H.R. 5910, dealing with contraband in prisons, we specifically make foreign currency contraband in the prisons—we have now found Mexican and Canadian currency coming into the prisons, being used for all the purposes that currency is used for in our society.

Mr. GONZALEZ. Even since the devaluation of the peso?

Mr. CONYERS. I am afraid it has no noticeable inhibitions on the use in the Federal prison system. This does not solve the problem, as the gentleman knows, but we think this is a move forward. I am delighted that the gentleman's views were presented to the House during the debate on this bill.

Mr. GONZALEZ. I thank the gentleman for his long endeavor in this area and his successful work.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again the chairman of the subcommittee has very adequately described the salient features of the legislation that is before us.

It is a phenomenon in court procedures that I have noticed over the years that defense attorneys, particularly in criminal cases involving fraud and financial transactions, try every device known to jurisprudence to try to make evidence inadmissible; of course, in protecting their client, someone who has been accused of some kind of bank fraud.

So it is easy to envision a case in which the records of the defendant who has been accused of income tax evasion, for instance, the records of his bank holdings in a foreign country are an important part of the prosecutor's or U.S. attorney's case against this particular defendant accused of fraud.

The prosecutor stands up and offers into evidence the bank statements from the foreign country to indicate evidence against the defendant. The defense attorney, quite alertly, rises to his feet and objects, and says, in effect, "I object to this evidence being introduced because the individual who had custody of these bank statements is not here to authenticate those bank statements. It would be unfair to my client, the defendant in this case, to pursue this matter with evidence that has not been authenticated. Anybody could just send over bank statements," he would say, "and, therefore, I ask that this evidence be declared inadmissible."

□ 1500

He would prevail under certain circumstances and thus throw a kink into the case of the prosecution in that kind of a case.

So to show how commonsense enters into the resolution of this problem, this legislation would simply say that where bank statements or financial records, for instance, from another country would be involved, rather than having to bring in and subpoena the custodian of that record at the cost of great gobs of money and also delay of proceedings, rather than having to do that, a procedure would be formulated whereby these bank statements can be properly authenticated by the bank official who had custody of them in the first place and thus cut through all the procedural redtape. I condider this an excellent adjunct to the Rules of Criminal Procedure which prevail in the Federal courts, and I urge passage of the bill.

Mr. Speaker, I rise in support of H.R. 5919.

This bill is similar to legislation originally proposed by Senator ROTH and adopted unanimously by amendment in S. 1762, the President's crime package. It is supported by the administration. The bill is intended to facilitate prosecution where foreign business records are required at trial. It would permit these records to be admitted at a U.S. criminal trial with the certification of the foreign custodian of these records establishing the method in which they have been kept.

H.R. 5919 offers simple, inexpensive and fair alternatives for what is now a tedious and slow procedure for admitting foreign business records. The bill adequately protects against the admission of unreliable information by requiring the custodian of the records to certify its indicia of trustworthiness subject to the criminal penalties of that foreign country. The party intending to offer the foreign business records must notify all other parties so that objection to its admission can be made and resolved before trial.

H.R. 5919 also permits a Federal prosecutor to apply for a suspension of the statute of limitations when an official request has been made for foreign evidence and it appears the evidence is, or was at the time of the request, in the country to which application was made. A change is also made to the Speedy Trial Act to exclude from its required timetable any period of delay—up to 1 year—during which this official request for foreign evidence was pending.

Mr. Speaker, at a time and in a world where criminals of all stripe can use foreign banks and institutions to cache their gains, it is imperative that we take action to bolster law enforcement. H.R. 5919 should be supported.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to support passage of H.R. 5919 and to applaud the Committee on the Judiciary for moving this legislation onto the House floor for consideration.

It will help make Federal prosecutors' jobs easier in their battles for evidence that originates outside the confines of the borders of the United States.

It has been said, and rightly so, that this will aid in the fight to trace illegally obtained money that now is being laundered through foreign banks by criminals and those who would evade taxes.

Yet, there is other legislation of equal and superior importance that has not been so fortunate in its treatment. As ranking minority member of the House Banking Oversight Subcommittee, I feel it is my duty to bring the attention of the House to the failure of the Judiciary Committee to act on title IX of S. 1762 to strengthen the provisions of the Bank Secrecy Act of 1970.

We have little time remaining during the 98th Congress to consider this vitally important legislation which is aimed at controlling the international laundering of money and other currency offenses associated with the narcotics trade and organized crime.

This is part of a comprehensive anticrime package that the Senate approved 91 to 1 on February 2. That, I would remind you, was just a few days short of 6 months ago. Surely 6 months is long enough for the Judiciary Committee to consider the Bank Secrecy Act amendments. Based on oversight hearings regarding efforts to enforce the present provisions, many of us are convinced that this legislation is crucial to the efforts of our law enforcement agencies in their war against drug trafficking and other criminal activities that involve large sums of money.

The present penalties in the Bank Secrecy Act are patently inadequate and enforcement efforts have pinpointed other deficiencies in the 1970 statute.

The lack of action by the Judiciary Committee, I might add, involves not only the Bank Secrecy Act but a broad spectrum of other elements in the anticrime package. The people of this Nation have made it clear, in no uncertain terms, that they want and expect the Congress of the United States to take deliberate, firm and prompt steps to make sure that criminals are made to pay for their misdeeds.

Until this is done, innocent people, including our young people who are the special victims of the illegal narcotics trade, remain held in bondage to drugs or live imprisoned behind their own locked doors, fearful of becoming victims.

The Senate, as evidenced by its 91 to 1 vote, adopted a bipartisan approach to this very serious issue. I call upon the House of Representatives to do no less.

I and several colleagues from both sides of the aisle who serve on the Oversight Subcommittee have written the chairman of the Judiciary Committee, asking for prompt consideration of the Bank Secrecy Act so that the House can act during this session.

● Mr. RODINO. Mr. Speaker, I rise in support of the legislation.

H.R. 5919 will eliminate serious obstacles to the prosecution of persons who use offshore banks to conceal criminal profits and evade Federal taxes. Such prosecutions may often require the introduction as evidence of records of the offshore banks. Under the current rules of evidence, however, this may require that the custodian of the record actually appear in Federal court, or that a deposition be taken at a U.S. Consulate. The bill provides a simple and inexpensive substitute for the cumbersome and expensive procedures currently required for the admission of foreign business records. Such records are admissible if the custodian executes, under penalty for false statement, a certification of the genuinenesses of the records and their manner of being kept. A party may challenge the records, and the court need not admit them if the court finds that the source of information for the records or the manner or circumstances of preparation of the records indicates a lack of trustworthiness for the records.

Another problem arises because defendants often file actions in foreign courts to hinder access to bank records, causing lengthy delays. Delays in obtaining records from foreign countries may prevent the bringing of charges before the statute of limitation has run out or may prevent the Government from being able to go to trial within the period prescribed by the Speedy Trial Act. H.R. 5919 deals with this type of problem by authorizing a Federal court to suspend for up to 3 years the running of the statute of limitation if the prosecutor establishes that the time is necessary in order to obtain evidence located in a foreign country. The bill also authorizes a Federal court to suspend for up to 1 year, Speedy Trial Act deadlines if any party establishes that there is pending an official request for evidence located in a foreign country.

Mr. Speaker, H.R. 5919 was reported by the Committee on the Judiciary by voice vote, with no audible dissent, and is supported by the Justice Department. I urge my colleagues to support it.●

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 5919, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 534 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3987.

□ 1505

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3987) to improve the preservation and management of Federal records, and for other purposes, with Mr. GONZALEZ in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes and the gentleman from New York [Mr. HORTON] will be recognized for 30 minutes.

The Chair now recognizes the distinguished gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, in the 50 years since its creation, the National Archives has played a vital role in the organization and preservation of our Nation's documentary heritage as well as in the efficient management of the Federal Government's records activities. The Archives was established in 1934 as an independent agency, headed by an Archivist appointed by the President. Fifteen years later, however, the Federal Property and Administrative Services Act of 1949 transferred the Archives to the newly created General Services Administration. The principal archival functions which were previously exercised by the Archivist were vested in the Administrator of General Services and the Archivist became a subordinate of the Administrator.

Over the 35 years since that transfer, numerous groups and individuals concerned with the Federal Government's archival activities have contended that this placement has impaired the Archives' effectiveness in handling, preserving, and disseminating Federal records. Under the present system, the Archivist lacks clear statutory authority for most archival functions and, as a result, accountability for their efficient operation is impaired.

In preparation and defense of the Archives' annual budget, the Archivist lacks direct access to OMB and to the Congress. Vital administrative support services for the Archivist have been poor in quality and unresponsive to the Archives' specialized needs. Submerged within a bureaucratic structure that is primarily concerned with housekeeping details, the Archives has suffered and, as a result, its vital work has suffered.

H.R. 3987 corrects this situation by making the National Archives and Records Administration an independent agency in the executive branch. Under this bill, the Archivist of the United States will once again become a Presidential appointee to be confirmed by the Senate. The bill provides that the Archivist may be removed by the President; but, to ensure that the President will be held accountable in the political process for any such removal, it also requires that the President communicate the reasons for this action to the Congress.

The archival functions which currently are vested in the Administrator of GSA and merely delegated to the Archivist would be the statutory responsibility of the independent Archives. These functions include basic archival activities, operation of Federal records centers, operation of Presidential libraries, and custody and control of Presidential papers, and publication of official documents, including the Federal Register and the Code of Federal Regulations.

Mr. Chairman, the Committee on Government Operations was particularly concerned about the issue of records management activities. Historically, authority for records management functions was delegated by the Administrator of GSA to the Archivist. In 1980, pursuant to the Paperwork Reduction Act which originated in the Committee on Government Operations, GSA was assigned a lead role in information resources policy formulation and oversight. As a result, information related records management functions were reassigned to the newly created Office of Information Resources Management within GSA.

Under this realignment, records management functions pertaining to the handling of records with permanent value were retained by the Archives. H.R. 3987 divides records management authority between the Archivist and the Administrator along the lines that this authority is currently exercised.

Mr. Chairman, it is vital that the new independent Archives function as efficiently and effectively as possible, and that the Archivist be given sufficient authority to carry out his responsibilities. For this reason, title II of H.R. 3987 makes several procedural changes to title 44 of the United States Code. These improve the operation of the National Archives trust fund, strengthen the Archivist's authority to determine what constitutes a Federal record, and grant him access to agency records to make such determination. In addition, the ability of the Archivist to seek legal redress to prevent the unlawful removal or destruction of agency records is also improved.

Mr. Chairman, passage of H.R. 3987 this year will be more than a gift of independence to the Archives on its 50th birthday. Establishing the independence of the Archives, and ensuring that the Archivist has sufficient authority to carry out his functions efficiently and effectively, will be a gift to the generations to come.

I urge support for this bill.

□ 1510

Mr. HORTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in strong support of H.R. 3987, the National Archives and Records Administration Act of 1984.

This bill would rectify a mistake of 35 years' standing. By separating the National Archives from the General Services Administration, and reestablishing it as an independent agency, H.R. 3987 would greatly strengthen the ability of the Federal Government to protect, preserve, and make available to its citizens the records which document its history.

I am pleased to note that the administration has stated that it, too, supports the establishment of the National Archives as an independent Federal agency.

Mr. Chairman, let me provide a historical perspective to this subject. During the 1930's and 1940's, as the Government tried to move quickly to fight the effects of the Great Depression, and then World War II, the executive branch became a jumble of independent agencies. After the war, people realized that if the Government were to function effectively, order would have to be rendered from this chaos. Spurred by the work of the first Hoover Commission, Congress abolished some agencies and consolidated many others.

Among the consolidations was the creation of a central housekeeping agency, the General Services Administration. Within GSA were brought together the Government's activities re-

lating to various business-related activities—construction and operation of public buildings, procurement and distribution of supplies, and other similar matters—and the National Archives.

The idea of consolidation is frequently a good one in structuring executive agencies, and I am convinced that GSA, despite its failings, works better as a single agency than it would if its parts were still separate. But the National Archives is a glaring exception to that statement, as investigations by the Committee on Government Operations have made clear.

The National Archives has virtually nothing to do with business. It selects, preserves, and makes available to the public the permanently valuable historical records of the Federal Government. It stores and services noncurrent records of other agencies. It operates libraries containing the papers of several former Presidents. It publishes the Federal Register and other documents. And it coordinates the work of the National Historical Publications and Records Commission. None of these functions have much of anything in common with any other activity of the General Services Administration.

In my 22 years of service on the Government Operations Committee, we have always tried to make sure that agencies are organized in ways which will be most conducive to the performance of their functions. Back when the Congress placed the National Archives in GSA, it violated that fundamental principle of organization. The "shotgun marriage" of housekeeping functions with a cultural activity has never worked, and the wonder to me in retrospect is why we have taken so long to recognize it.

The basic incompatibility between running a business and encouraging scholarly research has been most vividly demonstrated by the misunderstanding of the Archives by the GSA Administrators and their subordinates. An Administrator appointed by President Kennedy imposed an inappropriate set of management goals on the Archives. An appointee of President Nixon attempted to take possession of Presidential papers under conditions which were antithetical to public access. An appointee of President Carter tried to decentralize the agency's holdings, which would have had highly detrimental effects on historical research. Under all these individuals and others, support personnel in GSA have not understood the mission of the Archives, and consequently have not provided it with an appropriate level or quality of services.

Throughout the years, the highly dedicated and professional staff of the National Archives has been able to overcome the misguided efforts of GSA Administrators and keep the agency on course. But this is hardly the way that organizations should be designed to operate. The Archives could obviously function much better if its own professional leadership were free to set policy which is consistent with the agency's mission.

Furthermore, I wonder how much longer the organization could survive under the current structure. Over the past decade, reference requests from the public to the Archives roughly doubled, and requests from other agencies tripled. The need for preservation of documents has become more apparent, and in many cases, critical. Demands for greater declassification of records have been made by many people, including the current President's national security adviser. The number of items offered to the Archives for accessioning as permanently valuable records of the Government grows each year. But appropriations have not kept pace with inflation, and as fixed costs—mainly imputed rent—consume a greater part of the agency's budget, funds available for staff have shrunk. Permanent employment at the Archives dropped by a third from 1976 to 1983; the last class of professional archivists entered 5 years ago, and many of those people have left since then.

Mr. Chairman, the National Archives now stands as an agency on the brink of being unable to do its job. The professional archival community knows it. The agency's employees know it. The Archivist of the United States knows it. But as long as the Archives remains in the General Services Administration, an agency with a business-oriented outlook, the immense needs go unrecognized or frustrated by the parent organization. Resources continue to be diverted to functions which are more consistent with GSA's main purpose.

Enactment of H.R. 3987 will put an end to this situation. Mr. Chairman, I urge all Members to give this bill their support.

Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CONABLE].

Mr. CONABLE. Mr. Chairman, I thank the gentleman for yielding to me.

I rise in support of H.R. 3987, which would establish the National Archives and Records Service as an independent agency in the executive branch.

When the National Archives Act was passed in 1934, the National Archives was an independent agency with the Archivist of the United States appointed by the President with the consent of the Senate; in 1949, the National Archives was incorporated into the General Services Administration.

I agree with historians who say that the functions of these two agencies are incompatible. In my judgment, the GSA—as the "custodian" of the Federal Government—is not equipped to provide the specialized services needed to collect and preserve the records of our documentary history. It is imperative that the National Archives and Records Service be given a mandate to perform this work independently. The National Archives and Records Service should have authority over its own budget, program priorities, and personnel management as do the Library of Congress and the Smithsonian Institution.

It is fitting that in 1984—the 50th anniversary of the founding of the National Archives as an independent agency—it again be restored to that status.

I ask my colleagues to support H.R. 3987.

Mr. Chairman, I would like to ask the managers of this bill a question, however, and that reflects an ignorance on my part that I would like to have dispelled if possible, and that is does H.R. 3987 follow fairly closely S. 905 as originally submitted or as amended on the floor of the Senate?

My particular concern is an amendment that was adopted on the floor of the Senate as follows:

> Notwithstanding any provision in this title, no return or return information as defined in section 6103 of title XXVI of the United States Code may be disclosed except as authorized by title XXVI.

Now, such return information—that is the amendment that was adopted in the Senate—such return informaiton would involve tax information and it would cover IRS records directly and information relating to return information found in the files of other agencies, such as the FBI, the Federal district courts, the GAO among others.

I object to this particular amendment adopted in the floor of the other body, because it would have the tendency to isolate forever, without access, returns relating to tax information. I think it may be entirely appropriate to seal such information for a limited period of time, even for 15 or 25 years, but I would hate to see it made permanently inaccessible, because that is incompatible with the purpose of the public archives, which are to preserve for the access and instruction of the public the records relating to important instrumentalities of Government.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. Yes, I yield to the gentleman from New York.

Mr. HORTON. That provision is not in this bill. I would agree with the gentleman.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, let me just say to my distinguished friend, the gentleman from New York, that I

was most favorably impressed with his objective and enlightened attitude about the treatment of IRS records in relation to this legislation. I fully share the gentleman's deep concern and would state for the record that the bill as reported by the Government Operations Committee maintains the status quo of these IRS records.

I understand that the IRS and the Archivist have some differences about the handling of tax records, but I did not think we ought to try to resolve that policy question in this legislation or exclude the IRS forever from any evaluation as to what kind of records are to be disclosed.

The gentleman's position on that is a wise one and I hope we can maintain it. I hope the gentleman will talk with some of the other members of that great committee on which the gentleman serves with such honor, and maybe with some of the senior staff who seem to have a divergent view from that so eloquently expressed by the gentleman.

Mr. CONABLE. Well, as the gentleman knows, my jurisdictional responsibilities give me more than a passing interest in tax matters. I do believe that to seal these records forever would be totally inconsistent with the purpose of the archives, while putting some appropriate restriction on it, because obviously tax information does have to be constrained to some extent. It would seem there should come a time when the public should have access to that along with all other Government records.

I thank the gentleman very much for his assurance. I am grateful to the committee for taking the attitude it does on this sensitive matter.

Mr. BROOKS. Mr. Chairman, I yield 7 minutes to the distinguished chairman of the Subcommittee on Government Information, Justice, and Agriculture, the gentleman from Oklahoma [Mr. ENGLISH] whose subcommittee has maintained such excellent oversight on the National Archives and Records Service.

Mr. ENGLISH. Mr. Chairman, I am pleased to have the opportunity to express my continued support for reestablishment of an independent Archives.

Let me assure you at the outset—I know that independence is not a panacea; that it will not solve all of the many problems facing the National Archives. But, after nearly 4 years as chairman of the subcommittee with oversight of the Archives, I also know that until the Archives becomes independent it cannot realistically address many of those problems.

The problems addressed by this legislation are not new. The National Archives was created as an independent agency in 1934. However, 15 years later it was incorporated into the newly created General Services Administration. This change was inspired by the first Hoover Commission. That commission operated under the principle that government efficiency would be increased by grouping agencies with comparable functions and, thereby, reducing the number of separate agencies.

The Hoover principle was, and is, sound. Unfortunately, as archivists and historians tried to tell us from the very outset, the grouping effected by the creation of GSA was less than totally logical: the Government's procurement officer, its supply clerk, and its buildings management team—people under constant pressure to keep the wheels of Government well oiled with desks and dust pans—were placed under the same roof as those charged with perserving the documentary history of our Nation.

Nevertheless, the Archives faired reasonably well during the first years of this arrangement. At my subcommittee's March 1982 hearing, Jess Larson, a fellow Oklahoman who happened to be the first administrator of General Services explained why this was so. He told us he delegated authority to the Archivist, kept his hands off day-to-day operations, and supported necessary increases in funding and staff.

Larson's understanding of, and support for, the mission of the Archives was apparently the exception to the rule for GSA administrators. The relationship deteriorated rapidly; and, in 1965, Wayne Grover used the occasion of his retirement after 32 years of Government service—during 17 of those years he served as Archivist—to urge the reestablishment of an independent National Archives.

I don't want to take a lot of the House's time running through the myriad problems in the GSA-Archives relationship uncovered by my subcommittee; however, there are several incidents that I think are symptomatic of how little GSA support there is for the mission of the Archives or real concern over the well-being of this Nation's documentary history:

For example, last fall, after a multiyear, bipartisan effort, the National Historical Publications and Records Commission Grant Program was finally reauthorized for 5 years. Despite our effort, despite the President's approval, when the time came to put together the President's 1985 budget, the budget review panel at GSA decided once again to try to zero-out this small but important program.

Another incident found the administrator of General Services reneging on a public commitment made in March of 1982 that his public buildings service would correct longstanding fire safety and environmental problems at the Archives. When faced with a devastating fire safety assessment last October, GAS officials concocted an illegal retroactive delegation of authority—shifting the burden for fire safety from PBS to the Archives, effective October 1, 1981.

Just last year, my subcommittee discovered that GSA managers were intimately involved in the day-to-day operations of the Archives. Management controls are one thing, but we found that all Archives personnel actions had to be approved by GSA; that individuals were transferred between the Archives and GSA, at the whim of GSA officials; that already approved travel was subjected to yet a second GSA review; and, finally, that when Archives officials balked, a GSA study team was sent to the Archives for the sole purpose of finding ways to discredit both those individuals and the independent Archives initiative.

My support for the reestablishment of the National Archives as an independent entity represents an evolution in my thinking. Had someone broached the subject with me 5 years ago, I would have told him that drawing new boxes is expensive and doesn't solve problems. But then, of course, I didn't understand that GSA was causing many, and impeding resolution of most, of the Archives' problems.

Now after 4 years as chairman of the Oversight Subcommittee, I've come to belive we can solve problems and, in the long run, save both money and our documentary heritage, by making a change. The administration supports reestablishment of an independent Archives; the Senate has passed an independent Archives bill; and now, in this, the golden anniversary year of our National Archives, it is the turn of the House of Representatives.

I urge my colleagues to support enactment of H.R. 3987.

□ 1520

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. KINDNESS] the ranking minority member of the Subcommittee on Government Information, Justice, and Agriculture of the Committee on Government Operations.

Mr. KINDNESS. Mr. Chairman, I rise in opposition to H.R. 3987. I do not believe it is either wise or necessary to grant the National Archives independence at this time and I fear that independence could exacerbate rather than solve the problems that are faced by the National Archives in the fulfillment of its mission.

Based both on general principles of government organization and on particular circumstances of the National Archives, this bill provides the wrong response to the legitimate concerns that have been raised over the fulfillment of the National Archives' mission.

So here we go again. The wagon is already rolling down the hill and I am saying "Whoa."

Well, somebody ought to say "Whoa." It is worth taking a few minutes to look at this matter, and I am not going to bore my colleagues with a lot of detail at this time because it is Monday afternoon and we are really going to be deciding on this bill on Wednesday, and nobody is paying that much attention today probably.

But I just would like to point out, for example, that the role of the National Archives basically has been preservation of historical records from its inception. Just last week in our morning newspaper we were treated to the news that finally the National Archives has a 20-year preservation plan. They have not had a plan of work for all of these years.

This is the kind of institutional problem that needs to be solved. It is not going to be solved by making the National Archives and Records Service independent.

Several years ago a structurally similar organization was considered by the Congress; that is, the creation of the Department of Education. Everybody loved that one. Certainly the size of the agencies involved and the constituency politics were of a larger scale. But it was fundamentally, as here, a question of whether a subunit of an organization should be severed from that organization and given equal rank with that organization.

Well, we did it. Was it the right thing to do? You tell me.

I think it is clear from the lobbying on this legislation that there is a narrow constituency group which feels that its interests will be better served by having a National Archives independent of the General Services Administration, just as the National Education Association lobbied on behalf of creation of the Department of Education. But was it the right thing to do? I question that.

Finally, I do not believe that you will find independence from GSA is necessary in order to solve the problems which are alleged to arise out of its structural placement within GSA. I have prepared an amendment in the nature of a substitute which I will file for the record for printing in the RECORD today which would provide just those things necessary to bring the National Archives and Records Service into the kind of condition that we are all talking about. It is very, very similar to the committee reported bill.

It would transfer all statutory authority from the Administrator of the GSA to the Archivist, just as does the committee bill. It would provide for Presidential appointment of the Archivist. It contains the provisions of title II of the committee bill clarifying the Archivist's authority to make final determinations as to what is an agency record. And like the Department of Energy Act, it provides that the National Archives original budget request must be included in GSA's budget submission to the Congress. So it is right out there in clear light, and we could not have a continuation of the problems with the budget that the national archives has experienced within GSA in recent years.

The one thing my substitute would not do that the committee bill does is to sever the National Archives from the GSA and make it an independent agency.

In sum, I believe that independence is a drastic step which is neither wise nor necessary. I would urge consideration by my colleagues of the amendment in the nature of a substitute which will be printed in the RECORD for today.

Mr. Chairman, it is worth taking a few moments to review just what some of those missions are. If we relied solely on constituent mail, we might come to the conclusion that the National Archives is solely a cultural institution, like the Smithsonian, which serves the interests of scholars and genealogists only. Certainly, the acquisition and preservation of historically significant documents and nonducmentary material and the facilitation of the use and exhibition of those materials are some of the most important reasons for the existence of the National Archives. But, the Archives has also been responsible for the daily publishing of the Federal Register and for the fostering of good records management practices in Federal agencies which will assure the adequacy of documentation of the operations of the agencies. Thus, the Archives is not just a cultural institution, but rather it is also an important participant in the day-to-day operations of the Federal Government.

The National Archives was created 50 years ago and, so, in terms of preserving the historically important documents of our Nation's history, it was already over 150 years behind. In terms of day-to-day records management as we know it today, that was a concept which was just beginning to be developed as the size and role of the Federal Government was beginning to expand.

Today, 50 years later, how good a job has the Archives done? I believe that a review of testimony received over the last 6 years by the Government Information Subcommittee, which has the responsibility of oversight of the National Archives, is instructive. For example, in the area of preservation, we learned back in 1979 that, up to that point, the National Archives was spending but one-quarter of 1 percent of its budget on textual preservation; but, what was more disturbing was that NARS did not appear to have any systematic program to meet its responsibilities for the physical preservation of historically significant Government records. In oversight hearings 2½ years later, in March 1982, we learned that the budget for preservation had been increased a few percent but that the Archives still did not have a plan by which to fulfill its preservation responsibilities.

While I am pleased that the Archives has finally developed a plan, I am reminded of other testimony we received in those hearings as to how much more rapidly the documents of the post-Civil War period deteriorate because of the higher acid content paper that was used from that time on and I wonder how much time we have lost in waiting for the Archives to even come up with a plan—not the money, mind you—just the plan.

One other example in the area of preservation. In 1978, there was a tragic fire at the Suitland, MD, film vaults in which millions of feet of newsreel film was destroyed. This film was nitrate-based and highly flammable. After an investigation by the Government Operations Committee, it reported to the House that it was questionable why the Archives had so much nitrate-based film at the time of the fire. The committee found that even though some of the footage was old enough to deteriorate to a dangerous point, the Archives proceeded at a slow, almost miserly, rate in converting it to safety-base film. And, the committee found that much of the film, which had been acquired in 1970 from Universal Studios, was accessioned without first determining what was historically valuable and thus worth preserving. In hindsight, then-Archivist James B. Rhoads acknowledged error, but said that:

> On the other hand, we have stored film in these specially constructed vaults since 1949, and until August 1977 without incident. Based on nearly 30 years of nitrate storge experience, we felt the risk of suffering a severe loss from fire was minimal.

Ironically, the first Archivist of the United States, Dr. Wayne C. Grover, expressed concern over some of that film in testimony before the Government Operations Committee in 1950 in which he stated that:

> We do have a peculiar problem there in connection with that film because it is usually on a nitrate base which deteriorates rather rapidly and is highly explosive under certain conditions. We hope either to get some better constructed vaults for that film than we now have or else to transfer the film to an acetate base, which is a very expensive process—even more expensive, I think, than the film vaults.

Well, Mr. Chairman, neither was done by the National Archives and it exacerbated the problem by acquiring more film than it could handle or should accession and by not planning for its proper preservation.

Some might say that I am rehashing old news and that things are getting better at the National Archives; and, I wouldn't disagree with them. The point is that this is symptomatic of management at the National Archives. And, before anyone jumps in and says "Resources. What about the resources to do the job?" I suggest that before one can obtain resources he must have some idea as to what he is going to do with those resources. The Archives has had great difficulty in figuring out exactly what it needed to do and that is what concerns me about granting it independence.

The National Archives has been a part of GSA since 1949; so its problems go back to times when it was independent as well as since it has been a component of GSA. And, I am not standing in this well as a defender of the General Services Administration. The actions of Administrators Sampson and Freeman were ill-conceived and went beyond the legitimate supervisory control of the Administrator over one of GSA's components to which statutory authority has been delegated. In fact, for those who, like John Adams on behalf of the Thirteen Colonies, have called long and strong for independence for the Archives from GSA, former GSA Administrator Gerry Carmen effectively rekindled memories of King George III's treatment of the American Colonies with his treatment of NARS.

Perhaps if, as a result of our oversight of the National Archives over the last 6 years, I had seen evidence of better management, I would be less reluctant to support independence. But, I did not see that management improvement was dependent upon NARS relationship with GSA. And, I believe that there are some general principals of government organization which should be considered before we decide whether it is wise to grant independence to the Archives.

In opposing the severance of the Office of Education and its elevation to Cabinet rank, our late colleague, Ben Rosenthal, and three others, Messrs. CONYERS, WAXMAN, and WEISS, wrote that:

> The proposal for a Department of Education constitutes a rejection of the theory of administrative management which underlies the recommendations of the first Hoover Commission (1949), the Heineman Commission (1967), and the Ash Council (1971). All three commissions argued for large Departments organized around general purposes and rejected any need for narrow, constituency oriented departments.

In particular, the Heineman commission report stated:

> We urge resistence by Presidents to the perpetual pressures to create more executive departments and independent agencies. Unchecked, these pressures to widen the President's span of control will eliminate the possibility of meaningful direction from and contact between the President and the major line officials of his administration. We do not believe that either the Nation or the President can afford today or in the future to waste the President's major line deputies in the running of interference or errands for narrow groups.

Some may say in response that the National Archives really doesn't belong within GSA; that the custodian of the Government's washrooms, storerooms, and workrooms should not be the custodian of the Nation's records. That argument proves too much. We have already decided that the National Archives should not be in charge of the Government's acquisition of automated data processing equipment, the means of managing an increasing store of Government records in the present and the future. Who's to say that, given the ever-changing technology and the need for the Government to keep up with it, GSA's Office of Information Resources Management couldn't justify independent status. Why should people who presumably have expertise in hardware and software, and local area networks, and fiber optics, have to compete for budget and management resources with people who procure pencils and cleaning fluids. Now, I don't want to give Frank Carr, the current head of the Office of Information Resources Management, any ideas here. But, given the important day-to-day responsibilities to the entire Federal Government which are delegated to the National Archives for records management and publishing the Federal Register and running the Federal records centers, I do not believe that the argument that the National Archives is incompatible with GSA is particularly persuasive; if anything, it proves too much in that it could justify independence for other components of GSA as well.

In addition to violating a general principle of government organization, I believe that this bill could make the fulfillment of NARS' missions more difficult. There is no guarantee that an independent National Archives will have more resources with which to work. I think it is important to point out that I have not opposed more resources for the Archives; I have despaired at times at how those resources have been used, but I do not deny the need for more resources to fulfill its missions.

An independent National Archives will have to provide administrative support services now provided by GSA. Those services include: Congressional Affairs, Office of Ethics, Public Affairs, General Counsel, Inspector General, Personnel, Budget and Finance, Office of Oversight, and Procurement. While the bill before us contains a provision for transfer of appropriations from GSA to NARS for these services, it is not clear that it will be enough to provide high enough grade level for the heads of these new offices within a newly independent NARS or the physical accommodations in which to situate them. I think we should expect NARS to come to us next year seeking more than will be transferred in this act in order to provide an adequate level of administrative support services for itself.

And that brings to mind the budget woes of the original National Archives when it was independent from 1934 through 1949. In his book, "The National Archives: America's Ministry of Documents, 1934-1968," Donald McCoy stated the advantages accruing to NARS upon its incorporating into GSA:

> [GSA] did assume administative tasks that the Archivists had often found onerous. It also made NARS more conscious of how to do things efficiently. Equally important, NARS would be generally better financed and better protected from the occasional wrath of Congress and the White House . . . There would be troubles, of course. The Archivist would have problems getting everything for his organization that he believed it needed, and occasionally officials in GSA's central office would be overbearing, interfering, and even obtuse. They were, however, ever so much more effective at getting program authorizations and funds for NARS than [it had ever been as an independent agency].

I suspect that proponents of independence could reply that the Archives budget situation couldn't get much worse than it was in the past couple of years under Gerry Carmen. But, I wouldn't be so confident that it's going to get much better. There are a lot of interests competing for Federal dollars and the Archives is going to have to be thoroughly prepared with justifications for increases. Even when NARS has had the support of GSA, it has not been assured of success. In his prepared testimony before the Government Information Subcommittee in 1979, then-GSA Inspector General Kurt Muellenberg noted that for the 2 previous years NARS had requested funds through the budget process to alleviate backlogs in accessioning and description but each year OMB reduced the funding level to that of the preceding year. Perhaps the recent announcement of the 20-year preservation plan shows signs that NARS is beginning to make the hard decisions that constitute planning. Now it has to develop the justifications to support such a program. I am not confident, given what has gone on to date, that NARS will be successful without some additional focus upon good management practices.

Arthur Sampson could sign an agreement with former President Nixon because statutory authority to enter into such agreements is vested in the Administrator, not the Archivist. Rowland Freeman was able to propose dispersing the Archives collections through the records centers because

such authority is vested in the Administrator, not the Archivist. A statutory transfer of the authority contained in title 44 of the United States Code from the Administrator to the Archivist would deprive the Administrator of the statutory basis with which to meddle in the substantive archival responsibilities contained in title 44. And, that can be done without setting up the Archives as an independent agency. Furthermore, it is not unusual for Congress to grant a larger measure of autonomy to some components of an agency as opposed to others. The Office of Federal Procurement Policy within OMB is one example and the Federal Energy Regulatory Commission within the Department of Energy is another. With respect to the latter, Congress provided that the budget submission of the Energy Secretary contain the original request of the Federal Energy Regulatory Commission so that, in effect, FERC has a direct line to Congress as to its budget needs. Providing similar authority to the Archives would give it the best of both worlds—support from the larger agency, GSA, when GSA agrees, for its budget request, and a direct, official line to the Congress, even bypassing OMB, when it doesn't have the support of GSA.

Granting a large degree of program autonomy would free the Archives from the meddling of Administrators in the past while sparing it the trauma and drain on resorces that will necessarily come from the efforts to establish itself as an independent agency. The Archives has made some progress over the past 6 years; but, it has been slow, painfully, unjustifiably slow.

So, I hope that the House will not adopt the committee bill in its current form and instead consider an alternative which would alleviate most of the problems inherent in the relationship between NARS and GSA while not throwing the Archives out into the world, unprepared to be out on its own.

Mr. HORTON. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. ENGLISH] having assumed the chair, Mr. GONZALEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3987) to improve the preservation and management of Federal records, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

TAX STATUS OF SPACE ACT

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, my colleague HERB BATEMAN and I have recently introduced a simple, yet immensely elegant bill called the "Tax Status of Space Act." Mr. Speaker, this bill is a measure of vital importance to the growth and long-term health of the commercial space industry. Under current law, companies that make and do things in space are forced to bear the brunt of unfair and unintentional discrimination with regard to their tax status. This is true only because when many of our tax laws were crafted, we never dreamed that we would be making products in space for profit. Times have changed and so must the "tax status of space."

Under current tax law, space investments are not eligible for the investment tax credit, the research and development tax credit, or accelerated depreciation, solely because these investments are located in space, rather than on the ground in the United States. In addition, under current law, income earned from space will be considered "foreign source" income. And, under current law, products made in space by American companies on American spacecraft will be subject to import tariffs when they are returned to the ground by the space shuttle! All of this not by design, but just because it never occurred to us that space would be a place of business where fortunes are won and lost.

It is clear that the age of space commerce has dawned. Already, our Nation's entrepreneurs are engaged in the early phases of commerical space activities. Some of the products which can be made better and cheaper in the zero-gravity environment of space include: The manufacture of drugs to treat serious diseases such as diabetes and cancer, the growth and manufacture of crystals for advanced computer chips, and the casting of new metals and alloys with valuable properties unkown until now.

It is estimated that by the year 2000, commercial space activities may be worth as much as $200-$300 billion to our national economy and may account for as many as 10 million jobs. Commercial space activities will certainly be a building block for our Nation's economic prosperity in the years ahead.

I ask that my colleagues lend their full support to H.R. 5975, the Tax Status of Space Act, introduced by myself and Representative HERB BATEMAN. This simple little bill has the support of industry and will quickly remedy the deficiencies in present tax and tariff law. Under the terms of this bill, activities performed in space and products made in space will receive the same tax treatment as products and activities made and taking place on the ground in the United States.

Mr. Speaker, this is a bill which already has the kind of broad, bipartisan support common to space enterprise. As such, it merits the wholehearted support of this body, as well as swift action. Certainly, we owe it to those who would do business in space to pass this bill quickly and cleanly.

WAYNE W. FREEMAN

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUBBARD. Mr. Speaker, when I first began to practice law in 1962 at Mayfield, KY, one of the few people there whom I had known for years was an attorney and longtime public official named Wayne W. Freeman.

I personally am very fond of this 71-year-old neighbor who attended Murray State Teachers' College—now Murray State University—at Murray, KY, with my parents during the thirties.

Freeman, whose wife is the lovely and talented Hazel Bernice Freeman, was a close friend and confidant of the late Vice President Alben W. Barkley. Both Barkley and Freeman were born in rural western Kentucky's Graves County—Freeman at Symsonia and Barkley at Wheel. Barkley and Freeman were both avid Democrats and successful public officials—Barkley in the House and Senate in Washington and Freeman in the House and Senate at Frankfort, KY's State Capitol.

On July 9 a full-page feature story with photos in the Mayfield Messenger told of Senator Freeman's "45 years in Kentucky politics." The article was written by the newspaper's editorial page editor and feature reporter, Dennis Hill.

I share a portion of the article with my colleagues today:

He worked his way through college washing dishes, feeding hogs, milking cows and selling a few possum skins. After graduation, unable to get a teaching job, he ran for public office on a shoestring budget and won Graves County's seat in the Kentucky House of Representatives against heavy odds, negating the predictions of the county's seasoned politicians. He hitchhiked to Washington D.C. in order to attend law

school, and later suffered through four years of tuberculosis before he was finally able to become an attorney.

When he served in the Kentucky Senate in the 1950's, his clashes and feuds with then Governor A. B. Happy Chandler were the grist for newspapers and political writers across the state. He masterminded the drive to change Graves County government from the magisterial form to the commission style in the mid 1960's.

As a delegate to two Democratic National Conventions, he cast votes for John F. Kennedy in Los Angeles in 1960 and Hubert Humphrey in Chicago in 1968, from the convention floor. He has been active in Kentucky Democratic politics for 50 years and has crossed paths with many of the greatest political figures this state has ever produced.

But those are just a few of the things Mayfield attorney Wayne Freeman has accomplished in his years of public service. Freeman is a New Deal Democrat who cut his teeth on hard-ball partisan Kentucky politics. Sitting in his office, with its walls lined with pictures of political friends and foes spanning 45 years, is like sitting in the midst of a pictorial history of the state's Democratic Party.

Born on Christmas Day, 1912, the sixth of ten children born to Otha Niley and Lula Mae Freeman, a Symsonia farm family, Wayne was the only one of his siblings to complete high school and college.

Freeman worked his way through college doing odd jobs. "That's when I first got into politics and first met Happy Chandler," Freeman said. "I was washing dishes down in the basement of Wells Hall and Jake Chandler, Happy's father, walked in and asked me to vote for his son for governor. This was 1935. I was already for him and had organized clubs for him at Murray. In fact, some of the people I worked for there had threatened to fire me for supporting Chandler."

Over the next 20 years, Freeman's friendship with Chandler grew, but in the mid 1950's the two politicians had a falling out that would make them enemies for 25 years to follow. But that's getting ahead of the story.

In 1939 Freeman decided to run for Graves County's seat in the Kentucky House of Representatives. "I didn't have any money and I wasn't able to teach here, so I decided I would get into politics. I didn't have a car, so I walked all over the county, from door to door. The first day of my campaign I walked 16 miles. I didn't have a dime to spend on the campaign, so the people of Symsonia had 25,000 campaign cards printed up for me, and I took off walking, handing them out. I slept a lot in the highway garage, and sometimes farmers would put me up for the night. By the end of the campaign, I had lost 36 pounds.

In 1940, after the legislative session had ended, Freeman decided he would go to Washington D.C. and try his hand at becoming a lawyer. "I got out on highway 80 and stuck out my thumb and started hitchhiking. I hitch-hiked all the way. It wasn't long after I got there that I ran out of money. I wanted to go to Georgetown University at night, but I needed to job during the day.

"I went to see Noble Gregory (a Graves Countian and Kentucky's First District Congressman at that time) and he couldn't get me a job. Then I went to see Happy Chandler, who was then the junior U.S. Senator from Kentucky. He took me to the Senate dining room and introduced me to some of the Senators."

The names of some of the Senators, introduced to Freeman by Chandler, reads like a Who's Who of American political power of that period and many years to follow. "I met men like Senator Tydings from Maryland, Claude Pepper (now in the House), Estes Kefauver and Everett Dirksen. I was really impressed, but Chandler still didn't fix me up with a job."

Freeman was luckier at his next stop. "I went to Senator Alben Barkley's office. He was the majority leader of the Senate. I told him that I wanted to go to law school and that I needed a job. He called Dave Moore, who was the assistant secretary of agriculture. Barkley said 'I've got Wayne Freeman over here in my office. He's from the crossroads at Symsonia and I'm from the crossroads at Wheel, west of there. I'm going to send him over there in the morning and I want you to give him a job.'

"Barkley didn't ask him to give me a job," Freeman said. "He told him to. Of course Dave Moore had no earthly idea where Symsonia or Wheel either one were, but it didn't matter. I went over there the next morning and went to work for the Office of Emergency Management."

Freeman spent more than a year in Washington, working days and attending law school at night. Then he came back to Graves County to run for and win re-election to his state House seat. When the 1942 legislative session ended, Freeman headed for Louisville where he worked days and attended the Jefferson School of Law at night. He had tried to join the military but was rejected for physical reasons.

Then, in 1944, law school and everything else in Freeman's life came to an abrupt halt. He was diagnosed as having tuberculosis. "I spent the next four years in Waverly Hills Sanatorium, 31 days of that in the death ward," Freeman said. But he wasn't to be denied his law degree.

"When I was discharged I went back to Jefferson and completed my legal studies and got my LLB degree in 1949."

In 1951, Freeman ran for the State Senate from Kentucky's first district. His opponent in that race was another familiar state political figure, Harry Lee Waterfield, from Hickman County. Freeman said that he and Waterfield never got along, and their political dislike for each other came to a head in the mid 1950's when Waterfield was Lt. Governor under Chandler.

Freeman beat Waterfield in the 1951 Senate race and began the first of his four two-year terms in the State Senate. It was in 1956 that the well publicized split with Chandler came.

"I had always supported Chandler, but as governor in 1956, he wanted to repeal the tax on parimutuel betting on harness racing. I led the fight against repealing the tax. It would have meant increasing income tax for everyone to make up the revenue.

Freeman's brother Theron "Shorty" Freeman temporarily lost his job with the state highway department, a position he had held since 1941. Freeman adamantly claims to this day that his brother's firing was political, denied at the time by Chandler, and came as a result of his anti-administration stand.

"In 1958 we got the parimutuel tax reinstated and in 1959, I campaigned hard all over the state to help get Bert Combs to the Governor's mansion instead of Waterfield. I spoke to a crowd of 10,000 people in Prestonburg on Combs behalf. He got the Democratic nomination and was elected governor."

In the 1960's during his three terms as Railroad Commissioner, Freeman brought his politics home to Graves County and fought the local political establishment on a bitter issue, changing the county government from a magisterial to commission system.

Among his fondest memories are his trips to Los Angeles and Chicago as a delegate to the Democratic National Conventions. He met and talked with Harry Truman, John F. Kennedy and the late Hubert Humphrey. He also has some very fond memories of his relationship with the late Senator and Vice President Alben W. Barkley.

"I was in charge of Barkley's last motorcade in Kentucky in 1955," Freeman said. "I could tell a thousand stories about that trip, all the stories he told me in the car as we rode from stop to stop. We spent some time arguing about which of us was the best Democrat. I think Barkley did more for this state than any politican in its history. He was a great politician and a great man. It distresses me that his home at Angles couldn't be preserved, not by the state or federal government, but by the people. I think the people of Kentucky owe him that much. There should have been some kind of drive for contributions directly from the people. It is a very sad thing that Angles couldn't be saved."

And what about his final reconciliation with his one-time friend and long-time adversary Happy Chandler?

"It was at the Fancy Farm Picnic three or four years ago," Freeman recalls. "I guess it was the last time he came down for the picnic. I had talked to Shorty earlier that day and he told me that I should make some move to reconcile with Chandler. He told me our differences were in the past and that we should be friends again. At the picnic, I was standing in the crowd near the podium and Happy was sitting on the speakers' platform. He motioned for me to come over to where he was. I walked over to him and he leaned over and said, 'Back when I fired your brother, you got the best of me. I would like to forget the past and be like we were when I ran for governor the first time (in 1935).'

"We shook hands and since then we have been on very good terms. I've visited in his home and he sends me tickets to UK ballgames and other things. So I guess it turned out all right in the end."

At 71, Freeman doesn't walk Graves County anymore, or hitch-hike to Washington. He hasn't fought head to head with Governors or County Judges in a long time either, but he still keeps his hand in local and state politics, and from all appearances, if a good fight arose, he would be in the forefront of the fray.

□ 1530

GENERAL LEAVE

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on the subject of the special order speech today by the gentleman from Florida, Mr. PEPPER.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, due to official business on Thursday, July 26, 1984, I missed two votes. Had I been present, I would have voted "aye" on rollcall No. 327, which was a motion to recommit the Trade Remedies Reform Act to the Committee on Ways and Means; and I would have voted "no" on rollcall No. 328, final passage of the Trade Reform Act.●

BAILOUT OF CONTINENTAL ILLINOIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. WEAVER] is recognized for 30 minutes.

Mr. WEAVER. Mr. Speaker, it has been in the front pages of the newspaper all last week that the U.S. Government has nationalized the eighth largest bank in the United States of America, Continental Illinois.

Now this has been done under the administration of President Ronald Reagan, a man who has proclaimed his belief and convictions of the free enterprise system and the free market system.

In other words, what has happened is that under this conservative, free enterprise President, we have nationalized, we have socialized one of the largest banks in the country. We have set a precedent that has told all the other banks: "Don't worry about the loans you make or the problems you get into, just go ahead and do whatever you want because if you get into trouble the administration of Ronald Reagan, free enterpriser, conservative Republican, will get in there and bail you out."

Now, was this a small matter? Was this a helping somebody out in a moment of need and not affecting the Government much? The amount of money that Continental Illinois required from the U.S. Government has been up to now $4.5 billion.

This Government, the taxpayers of this country, under free enterprise, President Ronald Reagan has just given the eighth largest bank in the United States of America $4.5 billion cash and has taken over bad loans amounting to around $3.5 billion.

In other words, the U.S. Government, the U.S. taxpayer, gets saddled with $3.5 billion worth of rotten loans that the Continental Bank people had made; the Government has given the bank $4.5 billion with promises of more, many more billions if they need it: while at the same time thousands of businesses in this country are in deep trouble because of the policies of this administration. They get no help.

The timber industry in my congressional district is in deep, deep trouble primarily today because the Canadian dollar stands at 75 cents in relation to the U.S. dollar. So, therefore, Canadian lumber can come into this country at far below the price that our industry can sell lumber for in this country because of the 25-cent differential between the Canadian dollar and U.S. dollar; they can undersell us in our lumber markets all over this country, and they are.

Canadian lumber into this country generally runs between 5 and 10 billion board feet a year; today it is up to 12 billion board feet per year, with housing starts not at their highest peaks at all.

The reason the Canadian dollar is so low and they are able to undersell our lumber on the U.S. markets is that the high interest rate policy of the Reagan administration, the huge deficits policy of the Reagan administration causing the high interest rates has created that very, very high dollar, has created those high interest rates which again has devastated our timber indusy among many other industries in this country.

The Reagan administration has not really done good. I do not understand when President Reagan gets up there and says, "We done good." I cannot imagine.

What has happended, what growth we do have in the economy has been done simply becasuse we have had $200 billion deficits. Now if you push $200 billion of deficits that means pouring $200 billion worth of cash into the U.S. economy; paper money that the Government prints, naturally you are going to get a momentary boom in the economy. It is going to be a boom that will collapse of its own weight and soon will, and soon will.

President Reagan is lucky to be running this year for reelection because it so happens that every bank collapse and every major bank panic in the history of this country with almost no exception has occurred the year after a Presidential election; 1837, 1857, 1873, 1893; these are all major bank money panics and beginnings of depressions in this country; 1929, of course, shortly followed after the election of Herbert Hoover; 1985 looms ahead of us as a year that may be the most serious—one of the most serious years in our economy and in our Nation's history and if the President's policies continue, it certainly will be.

So President Reagan, this great free enterpriser, has devastated industry after industry in this county, including the timber industry with its high interest rate-high deficit policies. But let something happen to the banks and the Reagan administration rushes in to bail them out at a cost of $4.5 billion, and the taking over of an additional $3.5 billion worth of bad loans that Continental made to the oil and gas industry.

This bailout of Continental Illinois is greater than the Chrysler bailout, the New York City bailout, and the Lockheed bailout combined, and it was done without an act of Congress. They simply wrote a check; the Federal Deposit Insurance Corporation, the Federal Reserve Board simply gave the money, printed the money and gave it to Continental Illinois.

□ 1540

Now the Federal Reserve Board, one cannot help but wonder what kind of an institution it is when it stands idly by and sees thousands of industries and businesses in this country going bankrupt and doing nothing about it, not lowering interest rates to help us out, keeping interest rates high, but let one of the chosen few, one of their banks get into trouble, and they rush with billions, and billions, and billions, and billions of dollars without even asking Congress. Does the Congress know the power of this institution that it can write checks for this kind of money without asking us for authority? I think it is time to bring into question the Federal Reserve Board's policies of bailing out their own kind, banks, and letting the rest of the industries collapse.

Now, does President Reagan know that he is a socialist? I think that if you said, "President Reagan, you are a socialist," he would absolutely completely deny it and believe it. I do not think he would even conceive of himself as being the President who nationalized the first bank in this country, the first private bank in this country. I cannot imagine it.

We even asked him does he know how high the deficits are. And he says, "Oh, the deficits really are not there." I think he believes the things he says. I really do. All I can comment on is that ignorance is bliss.

The President does not know what is going on in this country, does not know what is happening to industries such as the timber industry, does not realize the effect it will have on our economy later on, but what—and I call upon the President to say what he thinks about the socialization of the Continental Illinois Bank and the peddling of $4½ billion, as a reporter asked him, "Mr. President, did you approve and agree to giving $4½ billion of cold, hard printed cash to the Continental Illinois and taking over another $3½ billion of their bad loans by the U.S. taxpayers?"

He should be asked this and I certainly hope in the campaign that is coming he will be. Banks should have the right to fail right along with every

other company and individual in this country. Somehow they are sacred cows. I do not know why.

I have a letter here, for example, from the U-Lane-O Credit Union, that is the major credit union in my home county of Lane County, OR. It is written by Lynn F. Sullivan, their treasurer-manager. He says that he for one and his credit union have been treated most unfairly as one of the 145 credit unions around the country that had an uninsured deposit in the Penn Square Bank of Oklahoma City. They lost $81,210 when the Penn Square Bank failed. They have lost it. It is money out of their members' pockets, money that the U-Lane-O Credit Union no longer has. He says, but the money that Continental Illinois had in Penn Square loans, and that is what they did, Continental Illinois bought a billion dollars worth of the oil and gas loans that Penn Square had made. What happened to those loans? The U.S. Government has just taken them over, bailed out Continental Illinois from their bad loans taken from Penn Square. But what happened to the credit unions that had money in Penn Square? They lost it.

So again this administration wants to bail out the big banks. The Federal Reserve Board wants to help the big banks, but they do not care about the credit unions, the Federal credit unions who are the very ones who help and serve the small working saver. That is their customer.

Continental Illinois, their customers were some of the biggest entities all over the world. Some of this big money from Hong Kong, Saudi Arabia, and elsewhere had billions of dollars on deposit in Continental Illinois and they took their money out, they got it out because the Federal Government was right there ready to write a check.

But the people who work for the lumber companies in my district who desposit with U-Lane-O Credit Union, they lost their money in Penn Square.

This administration obviously stands forthright and foursquare for the bigs, even bigs in the foreign countries. Whoever you are, if you are big enough and rich enough we will help us, says the Reagan administration. But if you are just a working person, an American citizen, in the Fourth Congressional District of Oregon or elsewhere, why we will not help you, we will not do a thing for you. If you are not a big bank, then you can lose your money. If you are a big bank, we will save you. We will put taxpayers money—my people have to pay twice, through their taxes to bail out Continental Illinois and pay because the Government does nothing for them and their credit union.

Well, I think that this shows exactly what the Reagan administration is. I hope the American people know it. Certainly if they watch their pocketbooks and see what is happening to them and watch the pocketbooks of the wealthy and see what is happening to them, they will know it. On election day they will let their views be known.

So I want to say to Lynn F. Sullivan, treasurer-manager of U-Lane-O, I am going to continue fighting for you and the people who deposit their money, the working people of Oregon who deposit their money in your credit union and credit unions like yours, in working to oppose the bailout of the huge international banks such as Continental of Illinois, that this administration has just given $4½ billion to, and taken over another $3½ billion worth of their bad loans.

Socializing the banking industry, nationalizing the banking industry through Continental Illinois and calling itself a free enterprise, go ahead, get ahead administration, that is the Reagan administration.

Well, let me tell you what is going to happen when next year the big banks, City Bank, Chase Manhattan, Manufacturers Hanover, when they start going under. What happens when the Argentines, the Brazilians, and the Mexicans openly repudiate their $90 billion and $50 billion loans that our banks and others have made to them? They have repudiated that debt now, do not let anybody kid you, that debt is repudiated, but it has not been openly repudiated. But some politician is going to get up in one of those countries and say, because the people of their countries do not know it has been repudiated either and they are going to have to tell them, "We are not going to pay those gringo banks." When that happens there is going to be a run on those big New York City banks and will the Federal Reserve Board then bail out, not with $4½ billion, but with $40½ billion, or $100 billion it will take to bail out those banks at that time, I want to ask this administration and the Federal Reserve Board, "Are you prepared to do that when a year from now perhaps those banks start to go?"

This policy should be debated in the halls of the Congress, an authority vested only in laws passed by this Congress and not in the executive, the Reagan administration, if they indeed are in office next time, show themselves to be pure socialists when it comes to the banking industry, or with the Federal Reserve Board that goes on and on in its help only to its select chosen few, the big banks.

THE NEED FOR PREVENTION AND EARLY DETECTION OF BREAST CANCER

The SPEAKER pro tempore [Mr. GONZALEZ]. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, each year in the United States, there are 37,000 deaths due to breast cancer. Approximately 7 to 8 percent of all women will ultimately develop breast cancer, 115,000 new cases each year. There has been no substantial reduction in either the death rate or number of new breast cancer cases since the 1940's. Today, the total cost of hospital care alone for breast cancer treatment is greater than the entire National Cancer Institute budget.

The likelihood of survival for breast cancer patients is directly related to the extent of the disease at the time of diagnosis. Disease detected early has been associated with 90-percent 5-year survival as compared to less than 50 percent for more advanced disease.

At a June 28 hearing by the House Select Committee on Aging Subcommittee on Health and Long-Term Care, which I have the privilege to chair, experts testified that early detection offered one of the best available methods for reducing breast cancer deaths.

Methods for early detection of breast cancer are available. A clinical trial completed in the 1970's demonstrated that early detection of breast cancer would reduce the number of deaths by one-third.

Application of early detection might save up to 10,000 of the 37,000 breast cancer deaths yearly.

Unfortunately, less than 20 percent of women use early detection methods, including mammography, a radiographic procedure, to identify early breast cancer. A major problem is that screening procedures, like mammography, are not reimbursable costs under medicare or other health insurance programs unless performed for diagnostic purposes—but not for early detection of cancer in asymptomatic women. By the time the symptoms develop, the disease is advanced and the woman's life threatened.

At the hearing, evidence was presented that indicated that the costs per patient for screening and early detection is far less than the current insurance and medicare payment for diagnosis screening for breast cancer. For example, breast cancer screening could be done for $25 to $30 per person as compared to over $100 currently paid by insurance companies and medicare for a diagnostic evaluation of a symptomatic individual.

The reduction in cancer deaths as well as from other chronic disease requires a vigorous effort in prevention and early detection of disease.

The legislation which I am introducing today, with the support of my colleague from Ohio, Representative MARY ROSE OAKAR, would allow the

Secretary of the Department of Health and Human Services to designate specific prevention and early detection technology as being effective in reducing mortality and morbidity and provide reimbursement under part B of medicare at a reasonable cost to be determined by the Secretary.

The absence of such authority and the implementation of effective programs is probably a major reason for the continued high death rates due to breast cancer, other cancers, and chronic diseases.

I urge my colleagues to join me in urging quick consideration of legislation to provide medicare coverage for such routine cancer screening.

Thank you.●

● Ms. OAKAR. Mr. Speaker, today the Honorable CLAUDE PEPPER and myself are introducing a bill permitting the Secretary to provide reimbursement such as medicare for routine cancer screening when it has been proven to be effective and appropriate in reducing morbidity and mortality from cancer. As a result of a breast cancer hearing held at my request and chaired by Senator PEPPER, both Mr. PEPPER and myself were presented with evidence that routine cancer screening methods are very costly, especially to the elderly who are on a limited income comprising social security benefits and few other subsidies. medicare covers limited health care, and therefore, senior citizens very often will neglect preventative measures to detect cancer because of great expense to themselves. Since it is an accepted fact that cancer prevention hinges on early detection and frequent checkups, this bill will allow our citizens, especially the elderly, easy access to routine cancer screening methods without great financial hardship which they can ill afford to be burdened with. More important, it will allow them to have these checkups as a high priority in their medical care.●

□ 1550

THE BANKING INDUSTRY

The SPEAKER pro tempore [Mr. WEAVER]. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I can assure the gentleman that it is far from my intention to utilize the 60 minutes that, under the privilege of this procedure we call special orders, we, the Members of this numerous House, can enjoy the privilege of extending, enlarging, providing a greater area of participation in the discussions. This, I am sure, is a history of what we now come to know as special orders. Under the limitations that of necessity must be imposed in a numerous member body, this is the one opportunity one has to enlarge his or her further and more adequate input into the processes.

So I have been very respectful of this privilege, in fact venerate it, and I have tried never to abuse it. I do not think that in the many, many times that I have availed myself of this forum since I came to the Congress 22½ years ago and long before TV coverage was considered, I have tried to limit myself to the purposes and the objectives for which we are recognized during this special period of session. I have studiously avoided injecting the purely partisan political because I think that that should be reserved for the stump, not for the House floor. And when I have addressed criticism, it has been either to the executive branch or to particular actions in which as a Member of this House and of the Congress I have myself participated in.

I think I should advise the gentleman presiding, who preceded me here, that my intention was to speak out precisely on the subject matter he addressed, and I want to salute his concern, I sympathize with it, I understand it, and I have for many, many years spoken out, regretfully anticipating such things as the recent experience with the Continental of Illinois.

I am a member of the Banking Committee and have been a member since I came here 22½ years ago, so naturally my field of interest and area of concern has been primarily in the banking, financial, fiscal, monetary, and related subject matters.

It was obvious at least 19 years ago that the country was heading for an inevitable confrontation with a decision that sooner or later the people through their Representatives and only through their Representatives could make, and that was the bringing down to the original purpose for which the Congress created the Federal Reserve Board.

Now, I think the majority of my colleagues in the Congress—I know the majority of the folks outside of Congress—when asked, readily answered that the Federal Reserve Board is a Federal agency. It is not. The Federal Reserve Board now, as it is in its operating form, way outstrips and transcends the original purposes for which the Congress founded it. The Federal Reserve Board is a creature of the Congress. It was born out of the adoption of the Federal Reserve Act of 1913, which in turn followed the events immediately preceding that decade and during the beginning of that decade, the panic of 1907, the panic at the end of the last century and the one preceding, the economic crisis that followed the Civil War and which was the big concern on the mind of President Lincoln as he was killed, and the adoption of the 1865 National Currency Act which for the first time recognized what we call a national banking system, that is, since the first attempt.

All through our history the very issue that the gentleman from Oregon was insinuating in his criticism of the recent actions demonstrated in really the nationalization of the Continental Bank has been at the heart of the prime issue and concern of all of our national leaders since the beginning of our country as a nation.

Let us never forget—how many Americans realize this?—that in the first 10 years of our national existence such an office as the Presidency was not even thought of or desired. It was the Continental Congress, the first one and the Second Continental Congress. No such thing as the office of the Presidency. There was good reason why. There was fear, the prevailing predominant fear in the minds of those who fought and gained the independence and formed the first structural unit that we call the birth of our Nation as a nation, as a national entity, their fear of the executive power of a king. And let us never forget again that these are fundamentals that we should teach every day as we do religious lessons to our American children, and that is that they wrote the most revolutionary words, certainly, in that world—and even revolutionary to this day, when they finally, after their trials with the First and Second Continental Congress and the Articles of Confederation—the Constitution.

In a world which was completely ruled everywhere on the globe either by a king, or a czar, or a potentate, or a clique, an oligarchy, these Americans dared say that all power came from the people, not from God, as in the case of kings, not from the self aggrandized grasp of power by authoritarians, be they oligarchs or despots, but from the people.

So the first five, six, seven, eight words of our Constitution tell us clearly: We the people of the United States, in order to form a more perfect union, et cetera. It does not say, "We the Congress," or "I the President." It says, "We the People." This is the source of all power. That has been forgotten. That has been traduced. So that today this big issue, the one that agitated our leaders at the beginning of the formation of our country, who is going to control the apportionment of credit? Who is going to control who gets what? The allocation of credit is what the financiers call it.

Naturally, those accustomed to having that power wanted it. Oh, they called them bankers. Today that word really needs some further refinement and definition because we are talking about a very different animal. But it was the issue then, it was the issue after the adoption of the Constitution and the birth of the first U.S. bank

and the second U.S. bank, which Andrew Jackson put an end to by saying, "I am going to get you bankers and horsewhip you out of existence. I am going to banish you from the temple of democracy which you have taken over and have trafficked and commerced in our temples of democracy." And he did. This became the issue in 1865. But there, for the first time, the pattern was started that now has taken over completely. Our country is in the hands of those forces. The Congress, it has been nothing but a lap dog to those interests. I disagree with the preceding speaker, the gentleman from Oregon [Mr. WEAVER], when he says that high interest rates are Mr. Reagan's. Look, we have had high interest rates with other Presidents.

But why? Why would we in this country take as if it were natural and rightful interest charges of 17 percent, prime rates of even 21 percent of a few years ago which, incidentally, was the case under the previous administration as well as this one. Why? Why? I have many of my constituents, businessmen particularly, say, "Hey, Henry, we thought there was a law against interest rates above 10 percent."

Oh, yes, there used to be. There used to be.

All through mankind's history as we know it, even before the extant written history, every society, no matter what form, reports to us in dismal terms that no society can thrive and flourish and live peacefully with usury, with extortionate interest rates. Why? Because interest rates are the mechanism by which the wealth of a society is transformed.

□ 1600

We have cheated two generations now of Americans of the promise and the hope of homeownership. We are reserving that now as we were in 1929 for about 8 percent of our population. Why? By why all of this? Is this an act of God as the financiers and the bankers and the Chairman of the Federal Reserve Board have tried to tell me?

The gentleman from Oregon raised a question, he said:

> How can the Federal Government, through its agencies, its regular agencies; the Federal Deposit Insurance Corporation, that, unlike the Federal Reserve Board is a Federal agency. How could it have doled out this immense amount of money in order to take over literally the Continental of Illinois?

Well, the truth is, sir, they cannot legally do it. But the Attorney General, one of those handmaidens of these interests, as reflected in such things as the administration of the antitrust laws, and all of the other related laws that five generations of Congresses had passed to safeguard against the very thing that has now happened, and has stripped naked the American people of any hope of economic freedom and security.

Of course it is not in the law; that should have been a matter brought to the Congress for approval, but the Attorney General says that his interpretation is no, he thinks it can be done under the implied and delegated agency powers of the FDIC. Now those powers that the Federal Reserve Board Act of 1913, as passed by the Congress, do give the Federal Reserve Board among others, they certainly have not been, and particularly under the chairmanship of the present chairman, but for that matter, not so much either. Even though this "money mania," which has been agitating the American economy now for more than a decade, was not yet in its severe form as it has been under this Federal Reserve Board Chairman.

Now the Federal Reserve Board Act, section 2, provides, it almost mandates, that the Federal Reserve Board do what it was intended to do: Restrict speculation on the part of banks. The very opposite has been happening. You have the Chairman of this Federal Reserve Board meeting in secret with Nelson Bunker Hunt, the Texas billionaire, who thought he was so smart that he could outsmart those old European gold and silversmiths and speculators. The most speculative market in the world. Controlled speculation is the gold and silver markets, as in London and Zurich, even in Paris. Old Nelson Bunker Hunt thought that he could corner the silver market. But in order to do that he had to borrow and use 30 billion dollars' worth of banking resources, which, under the chartering provisions of our laws, giving banks the highest privilege nowadays as they operate, because banks actually coin money.

If any one of you doubts this, take out your $1 bill and see what it says on top. It says "Federal Reserve Note." When I came to the Congress 22 years ago, the same dollar bill used to have "Treasury Note" more instances than not. What does that mean? It means sir, that it is a lot more complicated than a simplistic trying to politically attach some kind of fault on any particular administration. The fault lies, partially, if not greatly so and more so, in the Congress. The Congress went along with the change that made it possible for us to have now Federal Reserve Board notes.

The Federal Reserve is the one, the gentleman is correct, that is printing the money. Under the Constitution, Congress only is supposed to be responsible for coinage. How did that happen? How can that be allowed to suffer to continue to happen? Even as our businesses are going out in greater numbers than even at the peak of the Depression, because of high interest rates. High interest rates are an act of God? Of course not; it is a manmade evil, and it is susceptible of manmade solution. All we have to have is the courage to do what we said we wanted to do, which was to represent the American people in all of their rightful interests, over and above every other, and particularly, any one other single source of power.

So when we can, and it is too lengthy for me to go into the discussion, why we are the only country that handles our money matters this way in the industrialized world. In those countries they think we really, really must be stupid or simple folks or completely sold down the river, which is more like it, to think that for that same $1 bill that says, "Federal Reserve Note," you, the American, pays interest to have it printed. Why there is no country in the world, even under the most authoritarian nation, that the people have allowed that to happen. How did it happen?

Well, it is very interesting and it involves history, and the Congress was part of that process. We talk about credit unions, savings and loans. There are no such more animals. They are now all banks. Why? Because the Congress, in the name of saving the savings and loans, just 2 years ago adopted the most extensive, comprehensive changes of the fundamental Banking Act of 1935 since then. It homogenized all of our financial institutions, forgetting that savings and loans were founded, were chartered and were empowered under privileged conditions for one purpose, and that was to give the mechanism by which, and the financial reference by which homes could be constructed and made available and affordable for a decent American family to have decent, safe, and hygenic homes.

That has gone down the river, and no perception of it that I can see. The people back home have an idea, but what can they do about it? We say that if the administration makes the decision to bail out the Continental, that where is it going to stop? Well, let me tell you, it is not. When Mr. Volcker, the Chairman of the Federal Reserve Board appeared before the committee that I belong to, in behalf of an $8 billion super bailout of the banks through what is known as the IMF [the International Monetary Fund], I asked him, I said, Mr. Volcker, you know now you are dealing with entities that are sovereign nations over which you do not have any jurisdiction, what are you going to do if they tell you to go jump? How far are you going to go to defend these American banks who, unbelievably, have done the same thing as they did before 1929, when once again, given that tremendous power, they hesitated not one quick to sell the American people down the river.

□ 1610

They have done it again, we are now beginning to see, although some of us have been talking out on this for almost 20 years. Naturally, we couldn't raise very many hackles when interest rates were around 6 percent. When they went to 7 percent, and even 8 percent, there was not much concern. The money maniacs were in full power. Money maniacs we have had all through history, but it seems to me that these tremendous powers that pride themselves on being conservative, in being prudent, would certainly not go and do the same thing they did in the 1920's when the poor American people's deposits that they had taken in, with the faith, and trust, and confidence that the American people had in them, as they have substantially today, and they would invest in them.

Why? Because greed, again; big interest returns, in Japanese Imperial bonds, to be paid back in 1941. They had 20- and 25-year maturity dates, and some of them, believe it or not, were due and payable in 1941, and they paid it at Pearl Harbor; German Government bonds. We financed Germany's rebuilding. We then had the big declaration of moratorium, the Hoover moratorium of 1930, somewhere around there, 1929.

The papers then, like today, said big deal, the stock market is going up, confidence everywhere, while Germany was threatened with collapse, the whole financial system, just like today, except it is not Germany so much, even though it is still there, but some of the so-called undeveloped or underdeveloped Third World nations. I do not like to use that word. There is no such thing as a Third World. We are all in the same boat.

When those bankers then speculated in those bonds, there was no control then, they had more freedom, the big difference is that today, once removing some of the restrictions, as we did, for instance, in the passage of the so-called Private Gold Possession Act of 1975, to no avail did I try to convince my colleagues that hidden in that simple-minded legislation were grave and ominous threats, just like before 1932 when they had to pass the Gold Control Act.

To no avail. Today it is not a question of who is to blame, as I see it; it is a question, though, I am afraid too late, of what can be done here and now. It was to no avail that just 2 years ago I tried to rise to point out that the legislation of October 1982 was not just a simple act to provide equity safeguard and relief for the savings and loans; that it contained wholesale revisions of the 1935 Banking Act.

It does no good to say, "Hey, wait a while." This takover by the Feds of a bank, which in other countries, as the gentleman from Oregon well said, they call it nationalization. They do not make any bones about it. They just call it nationalization. Here, for whatever reason, fine, we do not. But the basic principle involved is one in which the proper role and extent of authority of these agencies is involved.

If the Congress does not rise and define, I do not know who else the American people can go to. Yet, it was very embarrassing for me to have to go before the Committee on Rules and appear to be in opposition to the overwhelming membership and leadership of my own committee. But I have never once been the one, and I can testify that the American people are there, at least in my case, to hold back in silence, out of fear, because in the long run if the American people are given a chance, we can depend and bet our last dollar on the safe, just and wise decision they will make. But they have got to be given a chance. They have got to be informed, and then they have got to be given a choice to choose from, and they have not.

We talk about the printing of money. As I said, the constitutional grant of authority has not been delegated. Why is it that the Federal Reserve Board, which is a private entity—the Federal Reserve Board is comprised of the 14,000-some, or most of them, commercial banks, but the way it operates today it is controlled by 6 or 7 of the biggest.

I referred a while ago to a secret meeting between Chairman Volcker in Florida one dark night, and Nelson Bunker Hunt, and I do not know if he is a president, or chairman, or something of the First City National Bank, Walter Wriston. Why were they meeting in secret? How important could it be that two such individuals could summon forth this fearless Chairman of the Federal Reserve Board who, incidentally, comes from the Chase Manhattan payroll, who unquestionably, when he ceases to be Chairman, will go back, just like Henry Kissinger. Henry Kissinger left the office of Secretary of State, and he went and still is on the payroll of the Chase National Bank.

If you go and talk to the people south of the border, they will tell you that Mr. Kissinger is a collection agent for the Chase National Bank, and that the troops Mr. Reagan has so obligingly and for the first time in our history, so numerously, sent to Central America, are collection agents. I know that does not sound as if that is what they are saying, but let me assure you, I know they are.

Whether they are right or wrong or indifferent is not the point. The point is, what are we going to do here and now? I have offered some suggestions by way of resolutions and bills. I again call the attention of my colleagues to those, earnestly implore their support, and perhaps something can be done, at least if not to prevent, attentuate and anticipate. Anticipatory legislation can be most helpful.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

● Mr. RICHARDSON. Mr. Speaker, I was unavoidably absent on Thursday, July 26 and was unable to cast my vote on H.R. 4784, the Trade Remedies Reform Act. Had I been able to cast my vote, I would have supported this measure and voted "aye."●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WEAVER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. WEAVER, for 30 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. RICHARDSON, for 5 minutes, today.

(The following Members (at the request of Mr. MOLINARI) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, July 31.

Mr. GINGRICH, for 60 minutes, August 1.

Mr. GINGRICH, for 60 minutes, August 2.

Mr. GINGRICH, for 60 minutes, August 3.

Mr. PARRIS, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MOLINARI) and to include extraneous matter:)

Mr. OXLEY.

Mr. BROOMFIELD in two instances.

Mr. KRAMER.

Mr. GEKAS.

Mr. DANNEMEYER.

(The following Members (at the request of Mr. WEAVER) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.
Mr. RAHALL.
Mr. HEFTEL of Hawaii.
Mr. WYDEN.
Mr. BEILENSON.
Ms. OAKAR.
Mr. RICHARDSON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1668. An act to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1492. An act to establish the Christopher Columbus Quincentenary Jubilee Commission.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Tuesday, July 31, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3806. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1984, pursuant to 31 U.S.C. 1107 (H. Doc. No. 98-243); to the Committee on Appropriations and ordered to be printed.

3807. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting the selected acquisition reports (SARs) and SAR summary tables for the quarter ending June 30, 1984, pursuant to 10 U.S.C. 139a(b) (1) and (f) (96 Stat. 740); to the Committee on Armed Services.

3808. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter of Offer to Japan for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-60), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3809. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter of Offer to Japan for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-58), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3810. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter of Offer to Japan for defense articles and services in excess of $50 million (Transmittal No. 84-60), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3811. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter of Offer to Japan for defense articles and services estimated to cost $54 million (Transmittal No. 84-58), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3812. A letter from the Secretary of State, transmitting the semiannual report on voluntary contributions by the United States to international organizations for the period October 1983—March 1984, pursuant to FAA, section 306(b)(1) (94 Stat. 3157); to the Committee on Foreign Affairs.

3813. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Robert E. Barbour, Ambassador-designate to the Republic of Suriname, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3814. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Anthony Cecil Eden Quainton, Ambassador-designate to the State of Kuwait, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3815. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Brandon H. Grove, Jr., Ambassador-designate to the Republic of Zaire, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3816. A letter from the Assistant Secretary-Treasurer, Trustees of the Seventh Farm Credit District Employee Benefits Program, transmitting a report on the financial condition of the retirement plan for the employees of the Seventh Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3817. A letter from the Assistant Vice President, Farm Credit Banks of Baltimore, transmitting a copy of the annual actuarial and financial report for the Farm Credit District of Baltimore Retirement Plan for the year ending December 31, 1983, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3818. A letter from the Deputy Assistant Secretary of Defense (Comptroller—Administration), transmitting notification of a proposed new record system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3819. A letter from the Employee Benefits and Risk Manager, Farm Credit Banks of Louisville, transmitting a copy of the Farm Credit Institutions in the Fourth District Retirement Plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3820. A letter from the Clerk, United States Claims Court, transmitting a certified copy of the court's judgment order of June 25, 1984, *"The Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho* v. *The United States,"* case No. 326-C-2; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1880. A bill to require persons who manufacture cigarettes or little cigars for sale or distribution in commerce to meet performance standards prescribed by the Consumer Product Safety Commission, and for other purposes; with amendments (Rept. No. 98-917). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5831. A bill to penalize unauthorized direct access to or alteration of individual medical records through a telecommunications device. (Rept. No. 98-918, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Introduced July 27, 1984]

By Mr. WHITTEN:

H.R. 6040. A bill making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

[Submitted July 30, 1984]

By Mr. BEILENSON:

H.R. 6041. A bill to amend the Clean Air Act with respect to the sale of leaded gasoline; to the Committee on Energy and Commerce.

By Mr. PEPPER (for himself, and Ms. OAKAR):

H.R. 6042. A bill to amend title XVIII of the Social Security Act to provide medicare coverage for routine cancer screening; jointly, to the Committees on on Ways and Means and Energy and Commerce.

By Mr. WYDEN (for himself, Mr. WAXMAN, Mr. CONTE, Mr. SHANNON, Ms. MIKULSKI, Mr. HOYER, Mr. BERMAN, Mr. VALENTINE, Ms. OAKAR, Mr. SIKORSKI, Mr. DOWNEY of New York, Mr. EVANS of Illinois, and Mr. GUARINI):

H.J. Res. 631. Joint resolution designating the week beginning on October 7, 1984, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

457. The Speaker presented a memorial of the Senate of the State of Illinois, relative to the establishment of a U.S. Academy of Peace; jointly, to the Committees on Foreign Affairs and Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 575: Mr. BOEHLERT.

H.R. 1743: Mr. RIDGE.

H.R. 4740: Mr. SCHAEFER and Mr. TORRICELLI.

H.R. 5254: Mr. MARKEY.

H.R. 5486: Mr. PORTER.

H.R. 5754: Mr. TAUZIN.

H.R. 5791: Mr. TOWNS.

H.R. 5826: Mr. HALL of Indiana, Mr. TOWNS, Mr. MAZZOLI, Mr. YOUNG of Florida, Mr. YOUNG of Missouri, Mr. MCCURDY, Mr. KINDNESS, Mr. MITCHELL, Mr. CONYERS, Mr. MCGRATH, Mr. FUQUA, Mr. GINGRICH, Mr. CROCKETT, Mr. HERTEL of Michigan, Mr. LEVIN of Michigan, and Mr. WEISS.

H.R. 5906: Mr. LELAND, Mr. MITCHELL, Mr. OWENS, Mr. RANGEL, Mr. CONYERS, Mr. WEISS, Mr. LEHMAN of Florida, and Mrs. BURTON of California.

H.R. 5937: Mr. KOSTMAYER.

H.R. 5948: Mr. LANTOS, Mr. LIPINSKI, Mr. STOKES, Mr. FRANK, Mr. ECKART, and Mr. NOWAK.

H.J. Res. 475: Mr. WYLIE.

H.J. Res. 491: Mr. ALEXANDER and Mr. STOKES.

H.J. Res. 556: Mr. CORRADA, Mr. YOUNG of Missouri, Mr. SCHUMER, Mr. ANTHONY, Mrs. BURTON of California, Mr. FUQUA, Mr. RANGEL, Mr. RINALDO, Mr. ROSE, Mr. SISISKY, Mr. SMITH of Florida, Mr. WINN, Mr. ACKERMAN, Mr. CONTE, Mr. GUARINI, Mr. SPRATT, Mr. LANTOS, and Mr. SOLARZ.

H.J. Res. 580: Mr. GONZALEZ and Mr. PEPPER.

H.J. Res. 600: Mr. DAUB, Mr. FRANKLIN, Mr. WHITLEY, Mr. DURBIN, Mr. VOLKMER, Mr. PANETTA, Mr. MOORE, and Mr. HARKIN.

H.J. Res. 609: Mr. BROYHILL, Mr. SABO, and Mr. ST GERMAIN.

H. Con. Res. 301: Mr. MAZZOLI, Mr. MCCURDY, Mr. CONYERS, Mr. GINGRICH, Mr. HERTEL of Michigan, Mr. WEISS, Mr. LEVIN of Michigan, and Mr. BEDELL.

H. Res. 547: Mr. DANIEL B. CRANE, Ms. FIEDLER, Mr. HANSEN of Utah, Mr. MARKEY, Mr. BRYANT, Mr. PATTERSON, Mr. ADDABBO, Mr. BONIOR of Michigan, Mr. STOKES, Mr. RATCHFORD, Mr. FRANK, Mr. MCCURDY, Mr. DARDEN, Mr. FAZIO, Mr. LELAND, Mr. BURTON of Indiana, Mr. TORRICELLI, Mr. BRITT, Mr. WILLIAMS of Ohio, Mr. FISH, Mr. DEWINE, Mr. GREEN, Mr. RICHARDSON, Mr. LEVIN of Michigan, Mr. DAUB, Mrs. HALL OF INDIANA, Ms. KAPTUR, Mr. BEILENSON, Mr. WORTLEY, Mr. LEVINE of California, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. FROST, Mr. ACKERMAN, Mr. HERTEL of Michigan, Mrs. BOXER, Mr. ECKART, Mr. BARNES, and Mr. MCHUGH.

H. Res. 555: Mr. RUSSO, Mr. ECKART, Mr. PEASE, Mr. HARRISON, Mr. GEJDENSON, Mrs. BOXER, Mr. DELLUMS, Mr. BOUCHER, Mr. GRAY, Mr. DE LUGO, Mr. DICKS, Mr. HOYER, Mr. TORRICELLI, Mr. MITCHELL, Mr. LONG of Maryland, Mr. FRANK, Mr. SPRATT, Mr. KOLTER, Mr. LUKEN, Mr. EDWARDS of California, Mr. HEFTEL of Hawaii, Ms. KAPTUR, Mr. MACKAY, Mr. AUCOIN, Mr. BONKER, Mrs. BURTON of California, Mr. FORD of Michigan, Mr. KILDEE, Mr. BERMAN, Mr. VENTO, Mr. LOWRY of Washington, Mr. HANCE, Mr. DOWDY of Mississippi, Mr. ANDREWS of Texas, and Mr. DYMALLY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3987

By Mr. KINDNESS:

(Amendment in the nature of a substitute.)

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—ESTABLISHMENT OF THE NATIONAL ARCHIVES AND RECORDS SERVICE

ESTABLISHMENT

SEC. 101. Section 2102 of title 44, United States Code, is amended to read as follows:

"§ 2102. Establishment

"There shall be an agency within the General Services Administration to be known as the National Archives and Records Service. The Service shall be administered under the supervision and direction of the Archivist.".

ORGANIZATION AND GENERAL AUTHORITY

SEC. 102. (a) Chapter 21 of title 44, United States Code, is amended—

(1) by redesignating sections 2103 through 2114 as section 2107 through 2118, respectively; and

(2) by inserting after section 2102 the following new sections:

"§ 2103. Officers

"(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of the Congress.

"(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

"(c) There shall be in the Service a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

"§ 2104. Administrative provisions

"(a) The Archivist shall prescribe such policies, standards, criteria, procedures, rules, and regulations as the Archivist finds necessary or appropriate to carry out the functions of the Service. The head of each Federal agency shall issue such orders and directives as may be necessary to conform the activities of the agency with the policies, standards, criteria, procedures, rules, and regulations prescribed by the Archivist.

"(b) Except as otherwise expressly provided by law, the Archivist may delegate functions to designated officers and employees of the Service, and may authorize such successive redelegations of such functions as the Archivist may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for the administration of such functions.

"(c) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as the Archivist finds necessary or appropriate to perform the functions of the Archivist or the Service.

"(d) The Archivist may establish advisory committees to advise him with respect to any function of the Archivist or the Service. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(e) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

"(f) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

"(g) In each annual appropriation request, the Administrator shall identify the portion thereof intended for the support of the Service and include a statement by the Archivist (1) showing the amount requested by the Service in its budgetary presentation to the Administrator and (2) an assessment of the budgetary needs of the Service.

"§ 2105. Personnel and services

"(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Service.

"(b) The Archivist is authorized to obtain the services of experts and consultants under section 3109 of title 5.

"(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Service, is authorized to utilize in the Service the services of officials, officers, and other personnel in other Federal agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

"(d) Notwithstanding section 1342 of title 31, United States Code, the Archivist is authorized to accept and utilize voluntary and uncompensated services.

"§ 2106. Reports to Congress

"The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist and the Service.".

(b) Section 2101 of title 44, United States Code, is amended—

(1) by designating the two indented paragraphs as paragraphs (1) and (2), respectively;

(2) by striking out "sections 2103-2113 of this title" in the matter preceding the first such paragraph and inserting in lieu thereof "this chapter";

(3) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) adding at the end thereof the following new paragraphs:

"(3) 'Archivist' means the Archivist of the United States appointed under section 2103;

"(4) 'Service' means the National Archives and Records Service of the General Services Administration established under section 2102; and

"(5) 'Federal agency', notwithstanding section 2901(14), means any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), any

independent regulatory agency, or any establishment in the legislative or judicial branch of the Government (except the Senate and the House of Representatives).".

(c)(1) The table of sections for chapter 21 of title 44, United States Code, is amended to read as follows:

"CHAPTER 21—NATIONAL ARCHIVES AND RECORDS SERVICE

"Sec.
"2101. Definitions.
"2102. Establishment.
"2103. Officers.
"2104. Administrative provisions.
"2105. Personnel and services.
"2106. Reports to Congress.
"2107. Acceptance of records for historical preservation.
"2108. Responsibility for custody, use, and withdrawal of records.
"2109. Preservation, arrangement, duplication, exhibition of records.
"2110. Servicing records.
"2111. Material accepted for deposit.
"2112. Presidential archival depository.
"2113. Depository for agreements between States.
"2114. Preservation of motion-picture films, still pictures, and sound recordings.
"2115. Reports; correction of violations.
"2116. Legal status of reproductions; official seal, fees for copies and reproductions.
"2117. Limitation on liability.
"2118. Records of Congress.".

(2) The item relating to chapter 21 in the table of chapters for title 44, United States Code, is amended to read as follows:

"21. National Archives and Records Service ..... 2101".

TRANSFERS

SEC. 103. (a)(1) All functions which are assigned to the Administrator of General Services by section 6 of Executive Order No. 10530 of May 11, 1954 (19 Fed. Reg. 2709; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order No. 11440 of December 11, 1968 (33 Fed. Reg. 18475; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89-169, 79 Stat. 648), relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89-547, 80 Stat. 370) and the Act of May 26, 1977 (Public Law 95-34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

(b) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

SAVINGS PROVISIONS

SEC. 104. (a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred by this Act or the amendments made by this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The transfer of functions by this Act and by the amendments made by this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the General Services Administration; but such proceedings and applications, to the extent that they relate to the functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation by law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Service.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in his or her official capacity shall abate by reason of any transfer of functions by this Act or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

(e) If, before the date on which this Act takes effect, the General Services Administration or any officer thereof in the official capacity of such officer, is a party to an action, and under this Act any function in connection with such action is transferred to the Archivist or any other official of the Service, then such action shall be continued with the Archivist or other appropriate official of the Service substituted or added as a party.

(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act or the Administrator of General Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act or by any amendment made by this Act shall apply to the exercise of such function by the Archivist.

CONFORMING AMENDMENTS

SEC. 105. (a)(1) Section 2107 of title 44, United States Code, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(C) by striking out "section 2107" in paragraph (4) and inserting in lieu thereof "section 2111".

(2) Section 2108 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "the Administrator, the Archivist of the United States, and to the employees of the General Services Administration" in subsection (a) and inserting in lieu thereof "the Archivist and to the employees of the National Archives and Records Service";

(B) by striking out "and in consultation with the Archivist of the United States" in such subsection;

(C) by striking out "the Archivist and" in the fifth sentence of such subsection;

(D) by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist"; and

(E) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(3) Section 2109 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by inserting "and Records" immediately following "National Historical Publications".

(4) Section 2110 of such title, as redesignated by section 102(a)(1), is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(5) Section 2111 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(6) Section 2112 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(C) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111".

(7) Sections 2113, 2114, and 2117 of such title, as redesignated by section 102(a)(1), are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(8) Section 2115 of such title, as redesignated by section 102(a)(1), is amended to read as follows:

"§ 2115. Reports; correction of violations

"(a) In carrying out their respective duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist and the Administrator may each obtain reports from Federal agencies on such agency's activities under such chapters.

"(b) When either the Archivist or the Administrator finds that a provision of any such chapter has been or is being violated, the Archivist or the Administrator shall (1) inform in writing the head of the agency concerned of the violation and make recommendations for its correction; and (2) unless satisfactory corrective measures are inaugurated within a reasonable time, submit a written report of the matter to the President and the Congress.".

(9) Section 2116 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(10) Section 2118 of such title, as redesignated by section 102(a)(1), is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Service".

(b)(1) Sections 710, 711, and 729 of title 44, United States Code, are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(2) Section 1502 of such title is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(2) Section 1502 of such title is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(3) Section 1503 of such title is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States";

(B) by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Service"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 1506 of such title is amended—

(A) by inserting "The Administrator of General Services, the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget," after "Attorney General," in the first sentence; and

(B) by striking out the third sentence.

(5) Section 1714 of such title is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Service".

(6) Section 2301 of such title is amended by striking out the second sentence thereof.

(7) Section 2501 of such title is amended by striking out the last sentence thereof.

(8) Section 2504 is amended—

(A) by striking out "Administrator of General Services" in the third sentence of subsection (a) and inserting in lieu thereof "Archivist of the United States";

(B) by striking out "Administrator" in the fourth sentence of such subsection and inserting in lieu thereof "Archivist";

(C) by inserting "and Records" after "Historical Publications" in the fourth sentence of such subsection;

(D) by striking out "the Administrator" in the last sentence of such subsection and inserting in lieu thereof "the President and the Congress; and

(E) by striking out "General Services Administration" in subsection (b) and inserting in lieu thereof "National Archives and Records Service".

(9) Section 2506 of such title is amended—

(A) by striking out "Administrator of General Services" in subsection (a) and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" in subsection (b) and inserting in lieu thereof "Archivist".

(10) Section 2507 of such title is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(11) Section 2901 of such title is amended—

(A) by striking out "27," in the matter preceding paragraph (1);

(B) by inserting before the semicolon at the end of paragraph (2) the following: "to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations";

(C) by striking out "Administrator" each place it appears in paragraphs (6), (9), and (11) and inserting in lieu thereof "Archivist"; and

(D) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively, and by inserting after paragraph (11) the following new paragraph:

"(12) the term 'Archivist' means the Archivist of the United States;"

(12) Section 2902(7) is amended by inserting "or the Archivist" after "Administrator".

(13)A) Sections 2903 and 2907 of such title are amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(B) Sections 2905, 2908, and 2909 of such title are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist".

(14) Section 2904 is amended to read as follows:

"§ 2904. General responsibilities for records management

"(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

"(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

"(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

"(1) to promulgate standards, procedures, and guidelines with respect to records management and the conduct of records management studies;

"(2) to conduct research with respect to the improvement of records management practices and programs;

"(3) to collect and disseminate information on training programs, technological developments, and other activities relating to records management;

"(4) to establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;

"(5) to direct the continuing attention of Federal agencies and the Congress on the need for adequate policies governing records management;

"(6) to conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management;

"(7) to conduct inspections or surveys of the records and the records management programs and practices within and between Federal agencies;

"(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

"(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

"(B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (6) and (7) of this section, and

"(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

"(d) In addition, the Administrator, in carrying out the responsibilities under subsection (b) shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management.".

(15) Section 2906 of such title is amended to read as follows:

"§ 2906. Inspection of agency records

"(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

"(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Administrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

"(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

"(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

"(B) deemed to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of section 552a of title 5.

"(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein.".

(16)(A) The heading of chapter 29 of title 44, United States Code, is amended to read as follows:

"CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES".

(B) The item relating to chapter 29 in the table of chapters for title 44, United States Code, is amended to read as follows:

"29. Records Management by the Archivist of the United States and by the Administrator of General Services ..... 2901".

(17) Section 3102 of such title is amended—

(A) by inserting "and the Archivist of the United States" after "Administrator of General Services" in paragraph (2);

(B) by striking out "sections 2101-2113" and inserting in lieu thereof "sections 2101-2117"; and

(C) by striking out "2701,".

(18) Section 3103 of such title is amended—

(A) by striking out "Administrator" the first place it appears and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" the second place it appears and inserting in lieu thereof "Archivist".

(19) Sections 3104 and 3106 of such title are amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(20) Section 3105 of such title is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(21) Sections 3302, 3303, 3308, and 3311 of such title are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(22) Sections 3303a and 3310 of such title are amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(21)(A) The heading of section 3303 of such title is amended to read as follows:

"§ 3303. Lists and schedules of records to be submitted to the Archivist of the United States by head of each Government agency".

(B) The heading of section 3303a of such title is amended to read as follows:

"3303a. Examination by Archivist of the United States of lists and schedules of records lacking preservation value; disposal of records".

(C) The heading of section 3311 of such title is amended to read as follows:

"§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist of the United States".

(D) The table of sections for chapter 33 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 3303, 3303a, and 3311 and inserting in lieu thereof "Archivist of the United States".

(24) Section 3504(e) of such title is amended by inserting "the Archivist of the United States and" before "the Administrator of General Services" each place it appears in paragraphs (1) and (2).

(25) Section 3513 of such title is amended by inserting "and the Archivist of the United States" after "Administrator of General Services".

(c)(1) Section 101 of the Presidential Recordings and Materials Preservation Act is amended—

(A) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111";

(B) by striking out "Administrator of General Services (hereinafter in this title referred to as the 'Administrator')" and inserting in lieu thereof "Archivist of the United States (hereinafter referred to as the 'Archivist')"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(2) Section 102 of such Act is amended—

(A) by striking out "section 2107" and inserting in lieu thereof "section 2111", and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(3) Section 103 of such Act is amended by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 104 of such Act is amended—

(A) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of 60 legislative days after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, the term 'legislative days" does not include any day on which both Houses of the Congress are not in session.".

(d) Sections 106a, 106b, 112, 113, and 201 of title 1, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States" and "National Archives and Records Service," respectively.

(e)(1) Sections 6 and 11 through 13 of title 3, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States," and "National Archives and Records Service", respectively.

(2)(A) The heading of section 6 of such title is amended to read as follows:

"§ 6. Credentials of electors; transmission to archivist of the United States and to Congress; public inspection".

(B) The heading of section 12 of such title is amended to read as follows:

"§ 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate".

(3) The table of sections for chapter 1 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 6 and 12 and inserting in lieu thereof "Archivist of the United States".

(f) Sections 141 through 145 of title 4, United States Code, are amended by striking out "Administrator of General Services", "Administrator", and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States", "Archivist", and "National Archives and Records Service", respectively.

(g) Subsections (b)(6) and (l)(1) of section 552a of title 5, United States Code, are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States."

(h) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Archivist of the United States.".

(i) Section 4(5) of the Act of October 25, 1951 (25 U.S.C. 199a) is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

DEFINITIONS

SEC. 106. For purposes of sections 103 and 104—

(1) the term "Archivist" means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 2 of this Act;

(2) the term "Service" means the National Archives and Records Service of the General Services Administration established under section 2102 of such title (as amended by section 2 of this Act); and

(3) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

TITLE II—ADMINISTRATIVE PROVISIONS

COPYING AND AUTHENTICATING CHARGES

SEC. 201. Section 2116(c) of title 44, United States Code (as redesignated by section 102(a)), is amended to read as follows:

"(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work.".

NATIONAL ARCHIVES TRUST FUND BOARD

SEC. 202. (a) Chapter 23 of title 44, United States Code, is amended by striking out sections 2302 through 2305 and inserting in lieu thereof the following:

"§ 2302. Authority of the Board; seal; services; annual report; bylaws; rules; regulations

"in carrying out the purposes of this chapter, the Board—

"(1) may adopt an official seal, which shall be judicially noticed;

"(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Service necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

"(3) shall submit to the Congress an annual report, by account, of the moneys, securities, and other personal property received and held by it, and of its operations, which shall include a listing of the purposes for which funds are transferred to the National Archives and Records Service for expenditure and to other Federal agencies;

"(4) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

"(5) may, subject to the laws and regulations governing appointments in the competitive service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

"§ 2303. Powers and obligations of the Board; liability of members

"Except as otherwise provided by this chapter, the Board shall have all the usual powers and obligations of a trustee with respect to property and funds administered by it, but the members of the Board are not personally liable, except for malfeasance.

"§ 2304. Compensation of members; availability of trust funds for expenses of the Board

"Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Service to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

"§ 2305. Acceptance of gifts

"The Board may solicit and accept gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the National Archives and Records Service. Moneys that are for deposit into the trust fund shall be deposited within 10 working days of the receipt thereof.".

(b) Section 2307 of title 44, United States Code, is amended to read as follows:

"§ 2307. Trust fund account; disbursements; sales of publications and releases

"The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Service, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund.".

(c) The table of sections for chapter 23 of title 44, United States Code, is amended by striking out "employees;" in the item pertaining to section 2302 and inserting in lieu thereof "services; annual report;".

AUTHORITY TO LITIGATE

SEC. 203. (a) Section 2905(a) of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress.".

(b) Section 3106 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the Agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress.".

INSPECTION OF RECORDS

SEC. 204. Section 3301 of title 44, United States Code, is amended—

(1) by inserting "(a) before "As used in this chapter,";

(2) by inserting ", as determined by the Archivist of the United States," after "public business and preserved or"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Archivist of the United States shall, by regulation, establish detailed criteria under which material shall be examined to determine if it is a record as defined under subsection (a) and such regulation. The Archivist may have access, to determine compliance with such subsection and such regulations, to any material made or received by an agency of the United States Government.".

PUBLIC NOTICE

SEC. 205. Section 3303a(a) of title 44, United States Code, is amended by inserting ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" immediately after "may" in the second sentence thereof.

TITLE III—EFFECTIVE DATE; CONSTRUCTION

EFFECTIVE DATE

SEC. 301. The provisions of this Act shall be effective October 1, 1985.

RETURN INFORMATION

SEC. 302. Nothing contained in this Act shall be construed to authorize the disclosure of any return or return information (as defined in section 6103 of the Internal Revenue Code of 1954 (26 U.S.C. 6103)) except as authorized by such Code.

H.R. 5973

By Mr. KOGOVSEK:

On page 5, line 13, strike out the word "actual" and all that follows through the word "Secretary" on line 15, and insert in lieu thereof "reasonable costs, as defined under section 304(b) of the Act of October 21, 1976".

On page 5, line 16, strike the word "full" and insert in lieu thereof "reasonable".

On page 5, line 7, strike out the colon and all that follows down to the period on page 6, line 2.

SENATE—*Monday, July 30, 1984*

The Senate met at 4 p.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Bless the Lord, O my soul: and all that is within me, bless his holy name.—Psalm 103:1 (KJV).

Lord God of justice and truth, thank Thee for an orderly universe which operates according to predictable laws making it possible to measure hours, days, weeks, months, and years. It is frightening Lord, to contemplate our confusion if this were not true. Help us to find the justice, truth, and order of God for our own lives, individually, and corporately.

Father in Heaven, we pray for the Temporary Select Committee on Committee Reform, and its chairman, Senator QUAYLE, in its inaugural hearing tomorrow. Give members and witnesses wisdom and courage as they wrestle with committee structures and practices. Help them to correct procedures about which everyone complains but no one wants to change. Guide according to Thy will O Lord, that the Senate may be efficient and effective in its work. In Jesus' name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. METZENBAUM. Mr. President, would the Senator mind if I get recognized just to put these amendments in?

Mr. STEVENS. I yield to the Senator for being recognized for the purpose of submitting amendments.

The PRESIDENT pro tempore. The distinguished Senator from Ohio is recognized.

SUBMISSION OF AMENDMENTS TO S. 268

Mr. METZENBAUM. Mr. President, I send a group of amendments to the desk in connection with the rules under the cloture rule.

I thank the acting majority leader.

The PRESIDENT pro tempore. The majority leader may proceed.

(The amendments are printed later in today's RECORD under Amendments Submitted, and are numbered amendment No. 3455 through amendment No. 3581.)

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, it is my understanding, pursuant to the order on Friday, that the reading of the Journal has been dispensed with, the call of the calendar has been dispensed with, no resolution shall come over under the rule, and the morning hour is deemed to have expired; further, that we are to have leader time under the standing order and the special order for the Senator from Wisconsin [Mr. PROXMIRE].

Is there any other item ordered prior to the quorum that is required under rule XXII for the cloture vote at 5 p.m.?

The PRESIDING OFFICER [Mr. ABDNOR]. The order for morning business for not to exceed 15 minutes.

Mr. STEVENS. Very well. That has been ordered?

The PRESIDING OFFICER. That has been ordered.

Mr. STEVENS. Senators should be on notice that there will be at 5 p.m. the mandatory quorum under rule XXII to establish that there is a quorum present for the purpose of proceeding with the cloture vote on the majority leader's motion to bring about cloture under rule XXII on the amendments of the House of Representatives to Senate bill S. 268.

Mr. President, I say for the information of the membership that it is not certain when we will convene on Tuesday. That depends on the outcome of the cloture vote that will take place this evening. We will attempt to start consideration of the agriculture appropriations bill tomorrow if that is possible. There will be the normal recess tomorrow between 12 noon and 2 p.m. for the respective party caucuses and conferences.

We anticipate a vote on the cloture motion that has been filed on the Wilkinson nomination at 3 p.m. after 1 hour of debate. And there is a subsequent cloture motion pending on the Hoover Dam bill. That, of course, depends on the outcome of the vote this evening.

It is uncertain how long we will stay in this evening, until we determine whether or not cloture will be approved.

LOW-POWER TELEVISION IN ALASKA

Mr. STEVENS. Mr. President, low-power television is playing an increasingly important role in Alaska's expanding telecommunications system. Through the learn Alaska network, educational programming is made available to nearly 200 outlying communities in my home State. In villages that often have only one or two teachers, a small library, and very limited access to guest lecturers, low-power television supplements the curriculum in a uniquely important way.

Modern telecommunications are bringing the outside world into small, remote, rural villages in Alaska, providing rural Alaskans with educational and entertainment opportunities that are normally found only in the more populated areas of the State.

Mr. President, I ask unanimous consent that an article describing the Alaska low-power television network published in LPTV Currents—the National Institute for Low Power Television's official journal—be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LPTV THRIVES IN ALASKA

(By Leslie Danoff)

Eskimo children living in Alaska's northernmost community 300 miles from the North Pole recently produced a live television program carried by satellite to the rest of the state.

Fifth and sixth graders in the isolated North Slope town of Barrow—population 3,000—described their lives in the Arctic. They demonstrated the tools for subsistence survival as well as their native toys such as the Eskimo yo-yo, made out of seal, moose or caribou hide. One student explained the importance of whaling to his people. A second showed the multipurpose ulus, knives made out of whale ivory, caribou horn and wood, which are used for foraging, skinning, butchering big game, and preparing meals.

The youngsters read stories they had written about Eskimo symbols, illustrating them with papier mache masks made by their classmates.

The most striking element of this program was its use of technology. Not only were students across the huge state—⅕ the size of the lower 48—able to watch their faraway fellow Alaskans via standard one-way television but they were also able to talk directly with them. This connection was made by means of audio-teleconferencing.

The program, called Talkback, was made possible by Learn Alaska, one of Alaska's two low power networks. Launched on January 1, 1982, the 24 hour-a-day Learn Alaska Network provides instructional programming that spans the generations—from preschoolers to adults.

At the University of Alaska, William McCaughan oversees the largest LPTV network in the U.S. on behalf of the Alaska Department of Education and the statewide university system. Learn Alaska's goal, as he sees it, "is increased access to educational opportunity for the people who live in the small communities of rural Alaska." (Only

30 communities in the state are not considered rural.)

The state mandates that all communities with 25 or more permanent residents receive the low power Instructional Telecommunications Channel. Of the 250 sites that will eventually come on line, almost 200 are now operational.

A second low power channel, the Entertainment Network, functions as a translator system and brings these towns entertainment programming. Installation of the requisite hardware has proceeded rapidly in the remote areas. "As recently as 1976, only five communities in Alaska had television at all," recollects Deputy Commissioner of Telecommunications, Julianna Guy. Superbowl Sunday, January 1977, kicked off the Entertainment Network. At that time, 35 villages received the signal.

The citizens of Alaska make the programming decisions for both LPTV networks. Fourteen people comprise the Rural Alaska Television Network Council, which selects the entertainment LPTV. Alaska's 12 Native Corporations each send one representative to the Council. The Governor sends two.

Meeting three or four times a year, the Council cherry-picks the programming schedules of the four Anchorage stations—PBS and the CBS, NBC, and ABC affiliates. "If the program directors who are very professional and are paid a lot of money in the Lower 48 could sit and watch this, they'd be amazed," muses Guy. "Our Council members end up acting just like network executives. They like sex and violence and cartoons."

Representatives of Alaska's school districts and university campuses review educational programming possibilities for Learn Alaska, surveying their constituencies regarding areas of particular interest.

"Do they want more cultural information on Asia? More computer science programming? We rely on the populace to tell us," says Diane LaResche, Program Manager of Instructional Telecommunications in the State Education Department.

A hundred fifty series—3,000 programs a year—are targeted to the preschool to Grade 12 audiences. According to LaResche, every content area is covered. "We have a lot of one and two teacher schools. They aren't equipped to provide instruction in every subject. In a large community, a teacher could go to a library or call experts into the classroom. In our communities, that's impossible. We don't have roads and it's too expensive to fly someone in. So we call experts into the classroom through television and audio conferencing."

The most exciting programming undertaken by Alaska LPTV is interactive television, linking the parallel systems of one-way video and two-way audio. Grade school as well as university courses are conducted in which professors can elicit class participation in the most isolated villages without ever leaving their comfortable university settings. Classes located in each of Alaska's four time-zones are involved simultaneously. Compositions may be submitted to the teacher and circulated among the students in advance of the class. The students are then placed in constant contact with the teacher as well as with other students thousands of miles away through teleconferencing. According to McCaughan, Learn Alaska's bridging system has the potential to handle 90 lines simultaneously.

A leader of locally originated programming who is actively developing programming ideas based upon this dual video-audio conferencing system is Marilyn Rasmussen. She is the Director for the Media Division of the State Department of Parks, Culture, and Recreation. Three years ago she began a low power station for the municipality of Unalaska, a community of 2,000 in the Aleutian Islands.

Rasmussen, the driving force and coordinator of the Talkback program with the Eskimo children, is now working to organize a children's world teleconference in 1984. This year Alaskan students will use the audio-video systems to discuss and select a theme. Two potential subjects are "Alternatives to World War III" and "World Citizenship." The idea is to communicate with children in developing and developed countries. For the first try, students in Alaska will talk to foreigners who speak English (thereby avoiding the additional encumbrance of interpreters). India is one of the countries that may participate.

A second project is Close-up: Learning the Legislative Process. Junior and seniors in high schools around the state travel to Juneau, the capitol, to learn about the workings of Alaska government. They engage in intensive legislative training, holding mock sessions and press conferences, and learning bill research.

After the young people conclude the first week of the program they'll go on statewide television and share their knowledge with the kids back home. Their classmates will ask questions over the network, using the audio conferencing hook-up. "This is a way," says Rasmussen, "to get more kids excited and involved in the legislative process."

Another program Rasmussen hopes will materialize is Politics as Process. Again, using the Juneau uplink, Alaskan students will question their representatives about current bills concerning education and educational technology. "Before the Congresspeople actually start pushing bills through the legislature, students will get involved," she says. "Their concerns could very well influence the future of educational legislation in the state."

Rasmussen hopes that a series with the working title, Where We Are—patterned after Talkback—will also be funded. Program production coordinators will travel to communities that have satellite uplinks and work with the children to help them crystallize what they want to share about themselves, their communities, their lifestyles. The second part of each of these programs will use interactive audio, as children from other parts of the state ask questions. The show might also experiment with slow-scan video, as Talkback did.

All of these schemes require dollars. "In spite of all the fabulous Alaskan wealth everyone hears about, it's all a bunch of nonsense," states McCaughan. "The majority of what we're doing is on a shoe-string."

His annual operating budget for both audio and video is $900,000. This includes the costs of purchasing 24 hours of daily programming, operating and maintaining facilities. It does not include uplink charges, the transponder lease, and station construction costs. That amounts to several million more.

The station's start-up costs vary widely, reports Learn Alaska's Operations Manager, Charles Hickman. Of the 250 sites, only 38 are accessible by road. That means more expensive modes of transportation—planes or boats and sometimes both—must be used to bring equipment and technicians into the country.

"Per site installation appears to average $50,000," says Hickman. The cost is that low because the state is able to rent space and sometimes facilities from Alascom, the only long line carrier in the state. (Alascom owns the Satcom 5 satellite which services Alaska.)

"I'm not saying Alascom is overly generous in assessing our monthly payments," explains Hickman. "But if we had to bear the whole brunt of installing the entire state from scratch, it would have cost us $200,000 for every site."

In some communities, leasing space from Alascom is not an option. Learn Alaska then turns to the network's main focus—the school. Often the 4.5 meter dish can be positioned in a schoolyard, and the transmitter can sit in a janitor's closet. But since the schools only have their power turned on during nine months of the year, an alternate source has to be found for the remaining three. In all cases, the community pays the power costs.

There are rare instances in which a community does not welcome the Learn Alaska Network. Julianna Guy recalls one little village which had repeated problems with its dish, requiring a technician to fly out several times. On the third visit, he was met at the tiny airstrip by a man with a shotgun who said, "There's no problem here." The dish had been turned purposely so the community could receive the signal of a second entertainment channel instead of the instructional network.

For the most part, however, the people in the towns and villages appear to be quite receptive to forging channels of communication with the outside world. In addition to reaping the educational benefits of the video-audio conferencing connection, they will soon be introduced to the possibilities of teletext. Learn Alaska is just beginning to install the equipment.

Teletext will be used to keep the people abreast of the complex and rapidly changing wildfife and fishing regulations that affect their daily lives. It will also constantly update aviation weather conditions throughout the country, information that is vital to a nation for which planes are the primary method of travel. Until now, those reports have often been incomplete or unavailable.

According to McCaughan, teletext will bring health and social service information to Alaska's citizens: how to perform basic CPR, where to get information and assistance on administering the antidotes to poisons, how and where to get Social Security benefits or food stamps.

Low power television is clearly bringing the whole world to the tiny, insolated villages for which the most modern communications before its arrival were intermittent radio broadcasts. But that learning is clearly not all flowing in one direction. Learn Alaska is providing the opportunity for those in more developed areas to be introduced to the cultural diversity that exists within the vast wilderness of this nation's last frontier.

Mr. STEVENS. Mr. President, I reserve the remainder of our time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

A SPECIAL DAY IN JULY

Mr. BYRD. Mr. President, throughout history, July has been a month of significant events. July 1 was the day on which Teddy Roosevelt led the Rough Riders in their famous cavalry charge up San Juan Hill. July 4 is Independence Day. July 14 is Bastille Day. And the first battle of Bull Run was fought on July 21, 1861.

But in that multiplicity of special July dates, I call the Senate's attention to July 13. On that day in 1908, one of perhaps the Senate's best known and most respected long-time officers was born, and on this past July 13 Dr. Floyd M. Riddick, our Parliamentarian Emeritus, celebrated his 76th birthday. Dr. Riddick retired as Senate Parliamentarian in 1974, but he has served on as a Senate consultant since then, continuing in his official emeritized status to make vital and important contributions to the Senate's day-to-day operations, and continuing also to make friends and win admirers within the ranks of the Senate's new Members in his retirement, as he did prior to 1974.

A native North Carolinian, Dr. Riddick is author of the massive and authoritative "Senate Procedure, Precedents and Practice," and has added appreciably to the Senate's ongoing formal recollection of its past in an interesting, anecdotal oral history that he gave to the Senate Historical Society about 5 years ago. Few nonelected individuals in the long Senate tradition have left as deep an imprint on or been as intimately involved in the functioning of this distinguished body as has Floyd Riddick.

Dr. Riddick was educated at Duke and Vanderbilt Universities, winning his doctorate in political science from Duke in 1935. After stints in academic teaching and private research and writing, in 1947 he became an editor for the CONGRESSIONAL RECORD. In 1951, Dr. Riddick was appointed the Senate's Assistant Parliamentarian, subsequently serving as Parliamentarian from 1965 to 1974. Over the years, he has been compared favorably as an expert on formal parliamentary procedure and precedent to the famous 18th century Parliamentarian of the British House of Commons, John Hatsel, and to our second Vice President, Thomas Jefferson.

Here is a man of intense dedication, who serves for the Senate without salary, and last January in addition to the work he does without salary, Dr. Riddick assumed regular added duties as President of the Cosmos Club downtown.

But, week after week, he can be found in the suite of the Senate Committee on Rules and Administration, readily lending his hand and his worthy advice to Senators in any ways in which he is asked.

I know that all of our Senate colleagues and Dr. Riddick's many friends and admirers on Capitol Hill join me in congratulating him on the celebration of his 76th birthday even though we may be a little belated in doing it. We also, I know, join in thanking him for his long years of loving service and unflagging devotion to the U.S. Senate.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. Yes.

Mr. STEVENS. Mr. President, I do want to join with the Senator and thank the distinguished Democratic leader for calling the attention of the Senate once again to the distinguished service of our good friend, Doc Riddick.

WEST VIRGINIA IS PROUD OF ITS OLYMPIANS

Mr. BYRD. Mr. President, it is appropriate to note that the games of the 23d Olympiad of the modern era are well underway in the United States this week. Our Nation is being very ably represented by over 600 athletes across America.

I wish to recognize two athletes who are competing today—Mary Lou Retton of Fairmont, WV, and Edward Etzel, of Morgantown, WV.

West Virginia's Olympic athletes compete in quite different events. Mary Lou Retton is the current U.S. national champion gymnast. Edward Etzel is an expert marksman who is competing in the smallbore rifle and English match rifle events.

Ms. Retton is considered one of the finest gymnasts in the world, and she will be seen by millions of Americans for the first time tonight on television, as the American women's gymnastic team begins competition.

Mr. Etzel is the coach of the rifle team at West Virginia University. The team has captured the last two collegiate rifle championships, a fact that demonstrates Mr. Etzel's leadership and knowledge of his sport. He will compete today in the exacting smallbore rifle event.

West Virginians are good riflemen, good marksmen, living in the mountains, and hollows, and hills of that great State. It should not, therefore, be a surprise to anyone that West Virginia can produce a man like Mr. Etzel.

I wish both of the West Virginia Olympians the best of luck in their endeavors today.

Mr. President, if I have any time remaining, I yield it to Mr. PROXMIRE who, in turn, may yield it to any other Senator who wishes to have it.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I ask the distinguished Senator from Nebraska if he would like to go ahead. I have about 15 minutes.

Mr. EXON. If the Senator would yield to me for a brief period of time.

Mr. PROXMIRE. I am happy to do that.

Mr. President, I ask unanimous consent to be able to yield 3 minutes to the Senator from Nebraska without losing my right to the floor.

The PRESIDING OFFICER. The Senator has that right.

Mr. EXON. I thank my friend from Wisconsin.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. EXON. I am happy to yield to the distinguished minority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that this brief statement not be charged to Mr. EXON's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Mr. JOHNSTON has asked Mr. METZENBAUM to handle the time and be the manager on this side of the aisle with respect to the Hoover Dam legislation, and I make this statement for the RECORD. If Mr. METZENBAUM would like to sit at this desk, he is perfectly welcome to do so.

I thank Mr. EXON.

AFFORDABLE CREDIT TO FARMERS AND FAIR TREATMENT TO AGRICULTURE BORROWERS

Mr. EXON. Mr. President, if I may have the attention of the minority leader for just a moment, the Senator from Nebraska has been trying to get the attention of the majority leader and the minority leader for the last couple of days, and it just has not seemed to work out. The majority leader is not here now. I just talked to the acting majority leader, and I would like to enlist the help and support of my friend from West Virginia to see if he might be able to help me expedite a matter that we agreed to when the matter was pending on June 29 with regard to the debt ceiling bill.

I believe the minority leader will remember that on June 29, this Senator introduced, and it was agreed to be placed on the calendar, Order No. 1043, Senate Concurrent Resolution 130, which I offered on the debt ceiling bill and did not press for it at that time, with the clear understanding of the majority leader and the minority leader that they would do everything they possibly could to expedite bringing up this concurrent resolution as soon as we returned.

The RECORD will show at that time that I said that every time we had a quorum call or every time we were not doing anything, the Senator from Nebraska would be here to remind the majority leader and minority leader of the commitment that was made at that time. I am really renewing my request at this time.

This has to do, as the minority leader might remember, with a concurrent resolution expressing the sense of the Congress that the President should assure an adequate flow of affordable credit to farmers and should assure fair treatment to agricultural borrowers.

I would just like to renew my request at this time to see if the minority leader could intervene with the majority leader. It seems to me that since I agreed not to press this on the debt ceiling bill, there seems to be little reason why we could not exercise this probably sometime tomorrow. If we do not bring it up then, I will attempt once again to add it to the agriculture appropriations bill when it comes up. I am sure that at that time we would have an argument as to whether or not it is legislation on an appropriations measure, and I may have a vote on that. I am going to insist that this be brought up as quickly as it can reasonably be, pursuant to my understanding with the majority leader and the minority leader when I agreed not to press for a rollcall vote on Senate Concurrent Resolution 130 on June 29 on the debt ceiling bill.

I am wondering if the minority leader has any pertinent information on this for me and if he might assist me in getting it brought up with the cooperation of the majority leader.

Mr. BYRD. Mr. President, if the Senator will yield, the Senator states the facts accurately as far as I can recall. Although I cannot presume to speak for the distinguished majority leader, I am sure that, based on our experiences with him over the past several years, I do not have any problem in expressing the assurance to the distinguished Senator from Nebraska that both the majority leader and I will do everything we can to see that the distinguished Senator from Nebraska gets an opportunity, as we told him we would make every effort to do everything within our power, to present the amendment in question.

May I say that, as far as our side of the aisle is concerned, we are attempting now to clear this matter. We are working with the Banking Committee in an effort to get an agreement on the language that is in the proposal of the distinguished Senator from Nebraska. We will continue to work with the Banking Committee and with the Senator to see if there is any problem which would necessitate the modification, perhaps, of some language or whatever.

But the Senator can be sure that both the majority leader and the minority leader will do everything we can to help him to have his opportunity to have the Senate take a position on the matter.

Mr. EXON. I thank my friend from West Virginia, and I thank my friend from Wisconsin. I yield back to the Senator from Wisconsin.

Mr. PROXMIRE. I thank my good friend from Nebraska.

HOW STAR WARS JEOPARDIZES NUCLEAR ARMS CONTROL

Mr. PROXMIRE. Mr. President, this is the fifth of my response to Gen. Daniel Graham's series of arguments in favor of the administration's proposed "star wars" or antimissile—not antisatellite—programs. General Graham defends "star wars" by setting forth seven arguments against the Antimissile Program. He then answers each of them. As an opponent of this antimissile system, I have been putting the Graham arguments of "star wars" in the record and responding to each of them on the Senate floor.

Mr. President, I ask unanimous consent that General Graham's fifth defense of the antimissile system in this case against the charge that the system will threaten arms control be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

5. It Jeopardizes Arms Control.

Answer. If the objective of arms control negotiations is to reduce the danger of nuclear war and the numbers of nuclear weapons threatening the U.S. and the Free World, High Frontier represents instant arms control. The threat of nuclear war is driven back toward zero by removing any hope of a successful first strike while at the same time sharply reducing the change of war by accident. High Frontier can effectively reduce the inventory of threatening nuclear missile warheads by over 80 percent. Is there any real chance of reducing the Soviet inventory of such weapons by that amount through negotiations?

High Frontier provides the only real chance of reduction of nuclear inventories through negotiations. The day that the long range nuclear missile becomes less useful to the Soviets because of an effective defense is the day reduction in their numbers becomes an achievable goal.

The only past agreement affected by High Frontier is the ABM Treaty and even in that case there is room to argue that the deployment of space-borne defense requires no more than "discussion" with the Soviets. On the other hand, Soviet violations of that treaty starting in 1974 are by now so obvious that the U.S. should feel free to pursue High Frontier without regard to the Treaty.

Another option is to offer an amendment to current agreements allowing both sides to deploy in space non-nuclear defenses against first or accidental strikes by long-range missiles. If there is one kind of Soviet military capability in which we could tolerate equality or even superiority, it is a capability to protect against a deliberate or accidental first strike by U.S. long-range nuclear missiles.

So why, Mr. President, does this new defensive technology represent any increased threat to arms control? First, the antimissile system sharply advances and extends the nuclear arms race. Second, it does so by obviously and overtly violating the antiballistic missile treaty that has been ratified both by the United States and the Soviet Union. What is the authority for the assertion that "star wars" would violate the treaty? My authority is the testimony of General Abrahamson, the Defense Department's chief proponent of "star wars" in testimony before the Senate Defense Appropriations Committee earlier this year. I was present at that time, Mr. President.

General Abrahamson was specifically asked whether the deployment of the antimissile system would violate the ABM Treaty. His answer was: "Yes." He did not equivocate. He did not modify. He just said "yes." It would violate the arms control treaty that we have ratified.

Third, because the antimissile system is designed to reduce the capability of the Soviets to deliver their nuclear payload on U.S. targets, "star wars" would ruin any prospect that the Soviets would agree to any arms control agreement to limit their offensive missiles or any arms control agreement to stop nuclear weapons testing. Why do I say that? It follows because the new defensive ABM technology would surely call forth Soviet research and testing to develop new varieties of offensive missiles to overcome the antimissile defense. Why would they agree to arms control limiting their offensive missiles when the easiest and surest answer to "star wars" on their part is to increase their offensive missiles? They would not agree. So they would not have arms control.

Fourth, a sure byproduct of "star wars" would be the development on both sides of antisatellite systems. That is another step. For any nation that had developed an effective technology for finding and knocking out incoming intercontinental ballistic missiles, it would be a short and easy step to perfect an antisatellite variation that would make the United States and Soviet satellites as vulnerable targets as fish in a barrel.

What does this threatened vulnerability of satellites have to do with arms control? The answer: Satellites provide the very heart of verification of any arms control agreement now or in the future. Both the United States and the Soviet Union rely for 90 percent or more of their arms control enforcement on the intelligence provided by satellites. Satellites are truly the eyes and ears of arms control. Without

them, arms control would collapse surely and quickly because neither superpower has any faith in the honesty and reliability of the other.

Indeed, the Soviet leaders have frequently said that they believe in the old principle that the end justifies the means. Without verification, arms control represents an idealistic, idle, empty dream. So since "star wars" would greatly increase the threat to satellites and the verification of arms control agreements, it does indeed jeopardize arms control.

Fifth, the advent of a "star wars" competition between the United States and the Soviet Union would seriously diminish the credibility of arms control agreements because it would sharply reduce the reliability of verification. Any arms control agreement in this kind of a scenario would have to cope with a far more complex offensive missile system that would much more easily deceive arms control provisions. Verification would have to get into such matters as "skin hardening" of offensive missiles, the number and distribution of decoys, as well as keeping track of the far greater number of offensive missiles which the defensive missile system would surely provoke.

That means that an arms control agreement would mean on-site inspection without notification. It would be the hardest kind of verification.

To respond to the one specific argument by General Graham I have not already answered, he contends that the new antimissile system would constitute an instant arms control because it would "effectively reduce the inventory of threatening nuclear missile warheads by over 80 percent." Now come on, General. What is to prevent the Soviets from simply producing more offensive missiles, which they can do at a relatively modest cost, thereby totally nullifying the elaborate and expensive defensive system?

To summarize, "star wars" would jeopardize arms control in the following ways: First, it advances and extends the arms race. Second, if deployed, it obviously violates the Anti-Ballistic Missile Arms Control Treaty according to testimony by the Defense Department's own leading advocate of "star wars."

Third, it would end any chance of a treaty limiting Soviet offensive missiles because the Soviets would certainly not agree to an arms control treaty that nullified their ability to retaliate effectively to a nuclear attack. The easy response by the Soviets to "star wars" is to build more offensive missiles. If we go ahead with "star wars," they will do just this and they will certainly refuse to agree to any treaty that would prevent them from doing so.

Fourth, "star wars" would seriously jeopardize the superpower satellites which constitute the very heart of arms control verification. Fifth, "star wars" would seriously diminish the credibility of arms control agreements because it would make verification of a much more complex and far-flung offensive missile system much less reliable.

And sixth, any offensive missiles the antimissile system could intercept and stop could be, and would be, replaced by new offensive missiles the Soviets would build in anticipation of precisely this kind of problem.

THE NEED TO RATIFY THE GENOCIDE TREATY: ANTISEMITIC VANDALISM

Mr. PROXMIRE. Mr. President, last year the Anti-Defamation League of the B'nai B'rith Organization reported 670 incidents of antisemitic vandalism. One more incident has surfaced, this time in the form of 3-foot swastikas painted on the side of the Beth El Ner Tamid Synagogue, a newly built temple in Mequon, WI.

The swastika was a symbol of the Nazis, persecutors of 6 million Jews and 3 million of other faiths who resisted the hated symbol of the Nazi party.

This incident elicited an overwhelming response within the community. Mr. President, I would like to take this time to applaud the public officials, clergy, members of the congregation, and other concerned citizens for their responsiveness to the matter. They have all expressed their disbelief and embarrassment for the desecration of the temple, and some have offered to contribute money toward the removal of the swastikas.

At the same time, it is dangerous to underestimate the gravity of this situation.

What does this incident and the 670 similar acts of vandalism mean? They send a clear message that the fight against hatred, prejudism, and antisemitism is far from over.

Beneath the swastikas were the letters "A.H.," obviously a reference to Adolf Hitler, the leader of the Nazi Party during World War II.

This act, whether committed by thoughtless pranksters unconscious of the symbolism inherent in their vandalism, or by organized professionals, was deplorable in 1984 America. The immorality of such crimes must be made clear.

If not monitored closely, the problem could become dangerous.

As a champion of human rights, our country must strive to protect and enhance the lives of all, and work to eliminate any traces of antireligious and prejudicial acts.

As a positive preventive measure, we should ratify the Genocide Convention. This treaty expressly condemns any attempt to eliminate, in whole or part, any national, racial, ethnic, or religious group. Simply stated, the Genocide Convention attempts to safeguard under international law the most fundamental human right, the right to live.

Our country stands alone among developed nations in our refusal to ratify the Genocide Convention.

It is up to us. I urge my Senate colleagues to ratify the Genocide Treaty, and participate in the international effort to condemn and punish those who commit the heinous crime of Genocide.

Mr. President, I yield back the remainder of my time, and I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 2 minutes each.

HYDROELECTRIC POWERPLANTS

Mr. GOLDWATER. Mr. President, I want to take advantage of the morning hour prior to the cloture vote because I am afraid we will not have time to say enough about this Hoover power problem that has been brought up by my friend from Ohio. But to get the matter down to something that we might be able to understand, Arizona uses 8,000 megawatts of power. Hoover provides us with 160 megawatts which is 2 percent of our power needs. With the upgrading at Hoover, we will receive 320 megawatts which will provide us with 4 percent of our power supply. We now receive 17.6 percent of Hoover Dam's power output and with the upgrading, we would be receiving over 20 percent of the generation of power from Hoover.

I have read so much into the debates that we have listened to on the floor and I have read so much into the editorials that have been passed around to get the idea that many people believe those of us who live in the Southwestern part of the United States benefit greatly by this obviously cheap power, if you look at the cost of power at the generator.

Mr. President, as I mentioned here on the floor the other day, I have a four-bedroom house. Yes, it is air-conditioned. But my last month's bill was almost $500 for electricity to run that house. I do not think there is a place in the United States that has higher power rates than we pay in Arizona in spite of the fact that 3 percent of our power comes to us at a very low basic rate.

I must remind my friends in this body who want to make it look like we are benefiting so greatly that the cost

of power at a generating site is not the criterion that should be followed. It is how much to transport this power and how much to retransport it to the homes after it has reached the points of destination. I just wanted to get that into the record, Mr. President, to make it clear that even though Hoover power costs at the megawatt level very little at the generator, it costs a devil of a lot by the time it lights a bulb in your house.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Are we still in morning business, Mr. President?

The PRESIDING OFFICER. That is correct.

TOO MANY GENERALS?

Mr. GOLDWATER. Mr. President, not too many days ago a Member of the House of Representatives made some comments to the effect that we had too many generals. Yet we have probably the same number of generals or a little more than we had during World War II, Korea, or Vietnam. This was strange coming from this gentleman because when he came to take charge of the committee he is now chairman of, he had eight members on his staff. He now has 16. I wish he would think about that point before he criticizes the Armed Forces.

Mr. President, I yield the floor.

GREAT LAKES POLLUTION LINKED TO HUMAN HEALTH

Mr. KASTEN. Mr. President, on Sunday, July 22, the New York Times carried an article entitled "Peril Is Seen for Babies Whose Mothers Ate Fish With PCB's."

This is but the most recent of a growing body of literature describing the threats to human health of eating contaminated fish from the Great Lakes. The Times article was based on an article published in the most recent issue of the Journal of Developmental Psychology.

In this article, a clear link is drawn between mothers who ate as little as two meals of Great Lakes fish per month to developmental disorders of their offspring. The study identified behavioral and developmental problems ranging from sluggish emotional response to lower birth weights and smaller head circumference.

The mechanism for PCB contamination of the Great Lakes fish is not completely understood. We know that PCB's were deposited in the lakes before they were banned in 1976. In addition, we know that some PCB's enter the lakes as by-products of industrial and manufacturing processes. There is considerable speculation today that additional PCB deposition reaches the lakes from the fallout of toxic air pollution. We do not know the magnitude of these classes of pollution or even the major generators of this toxic material.

The contamination of human food supplies by PCB's is only one of many urgent problems facing the Great Lakes. The Great Lakes contain 95 percent of our Nation's surface freshwater. We cannot allow this spectacular resource to be squandered.

The Federal effort to manage the Great Lakes is a textbook example of how to abuse a natural resource. There are at least a dozen Federal agencies with conflicting interests competing for the use of the lakes. While the Great Lakes are a resource which can sustain, and rightfully should have, multiple use, there is no adequate mechanism for resolving conflicts of resource use.

There is no single Federal agency with a comprehensive perspective for lakes management. Instead, the Federal agencies have a piecemeal approach to Great Lakes management. What we need is a single, efficient institution with comprehensive responsibility for lakes management.

I have introduced legislation that will fill this need. S. 2751, the "Save the Lakes Act of 1984," will provide for comprehensive management of the lakes.

The purposes of this legislation are to:

First, provide comprehensive management of the Great Lakes.

Second, develop a coordinated data base on the Great Lakes.

Third, identify the major threats to the environmental quality of the lakes.

To achieve these purposes, the legislation provides for the creation of the Great Lakes Research and Management Office. This office will coordinate all Federal efforts to manage the Great Lakes. Other responsibilities will include:

First, identifying all Federal, State, and foreign agencies involved in Great Lakes managment.

Second, creating a Great Lakes Research Exchange.

Third, develop, in cooperation with Federal and State agencies, a comprehensive management plan for the Great Lakes.

Fourth, provide an annual "State of the Lakes Report."

Mr. President, at this time I would like to add as cosponsors of S. 2751, Senators QUAYLE, PERCY, LEVIN, and DIXON.

Finally, Mr. President, I ask unanimous consent that the recent New York Times article entitled "Peril Is Seen for Babies Whose Mothers Ate Fish With PCB's" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PERIL IS SEEN FOR BABIES WHOSE MOTHERS ATE FISH WITH PCB'S

(By Daniel Goleman)

The infants of women who ate Lake Michigan fish contaminated with PCB's show subtle, "worrisome" signs of problems in their behavioral development such as sluggish emotional responses, a new study indicates.

The study, published in the curent issue of the journal Developmental Psychology, is the first to find deficits in the children of women exposed to low levels of PCB's. The women who were studied ate an average of two to three meals of contaminated fish per month for 16 years.

PCB's, polychlorinated biphenyls, are chemicals that were widely used in electrical equipment and other industrial applications before they were banned in 1976. PCB's are man-made molecules that accumulate in fatty tissue and are believed to cause cancer. They do not decompose under bacterial or other biological action.

Predatory fish such as lake trout and salmon can have especially high concentrations of PCB's. Because of the cancer risk, pregnant women, nursing mothers, women of child-bearing age and young children have been advised in the past to limit their consumption of fish species likely to have high accumulations of PCB's.

"I would advise women of child-bearing age not to eat fatty fish like salmon and lake trout at all," said Joseph L. Jacobson, one of the researchers, "or else to cut off the fattier part or broil the fish, which removes most of the PCB's."

The researchers are cautious about the implications of their findings, since they do not yet have evidence that the problems will persist.

Moreover, although they went to great lengths to be sure that the effects they observed were due to PCB's, they note that other factors, including other toxic chemicals, could be the cause.

The effects of much higher levels of PCB's had already been observed in studies of pregnant women in Japan and Taiwan who had accidentally consumed rice oil contaminated by PCB's and other chemicals. Their infants showed a distinctive set of physical characteristics, and most were mentally retarded, sluggish and clumsy in their movements, and were generally apathetic.

313 INFANTS STUDIED

The current study suggests, however, that even exposure to low levels of PCB's can have detrimental effects.

The researchers interviewed 8,482 mothers the day after their babies were delivered in four hospitals in western Michigan. They compared infants of 71 women who reported eating no contaminated fish with those of 242 women who reported regularly eating fish from Lake Michigan, including species known to have PCB contamination.

The infants of the women who had eaten fish had a lower birth weight and smaller

head circumference than the infants of women who had not.

On a standard test of infant development, the infants of women who had eaten fish showed a number of abnormal responses including jerky and unbalanced movements, sluggishness in response, and weak reflexes.

The study was done by Joseph L. Jacobson and Sandra W. Jacobson of Wayne State University in Detroit, Greta G. Fein of the University of Maryland, Pamela M. Schwartz of the University of Michigan and Jeffrey K. Dowler of Wayne State University.

Low levels of exposure to toxins, the researchers note, can produce different symptoms in different children, depending on genetic predispositions or other factors.

The patterns found in the infants whose mothers were exposed to PCB's would be considered worrisome by clinicians. Although the patterns would not necessarily mean than an infant would continue to have problems as it matured, a clinician would ordinarily monitor the child's development for signs of further problems.

The investigators are planning to retest the infants in the study when they reach age 4 to see if developmental problems emerge. They note that problems in infancy are often transitory and their long-term implications for development are uncertain.

Infants of the women who had the highest exposure to PCB's had the most worrisome ratings, according to the study; their behavior tended to be the most sluggish and depressed.

Because these deficits are subtle, the investigators say, they are often unnoticed in infants, and developmental problems that emerge later are likely to be traced back to the mother's exposure to a toxic substance.

CONTAMINATION IS DECLINING

CHICAGO, July 21.—Studies since 1975 have found a steady decline in the level of PCB's in fish from Lake Michigan, said Thomas J. Murphy, a DePaul University chemist and member of the Lake Michigan Federation, a private nonprofit group.

From 1972 to 1975 Coho salmon contained on average more than 10 parts of PCB's per million, and lake trout contained from 18 to 22, Mr. Murphy said. Data gathered in 1981 show lake trout measuring 6 parts per million, he said, with a similar decline in salmon.

These levels, however, are still above the Federal Food and Drug Administration's limit of two parts per million of PCB's in fish.

Wisconsin, Illinois, Indiana and Michigan, the states bordering Lake Michigan, issue warnings on fishing licenses against eating contaminated fish.

In New York State, the Hudson River contains PCB's, and Lake Ontario and Erie have other chemical contaminants. The New York City Health Department recommends that people eat no more than one meal a month of New York State freshwater fish, and that pregnant women, women of child-bearing age, nursing mothers and children under 15 years old eat no New York State fish at all.

ARKADELPHIA—A NEW PASSENGER STOP FOR AMTRAK'S EAGLE

Mr. PRYOR. Mr. President, I was delighted recently to receive a favorable response from Amtrak President Graham Claytor to my request that Amtrak bring passenger railroad service to the city of Arkadelphia.

Mr. President, the people of Arkadelphia and the surrounding areas in Clark County were very persistent in their efforts to secure this service. This is a fine example of how citizens can bind together at the grassroots level, and—against the odds—make the Federal Government more responsive to their particular needs.

I am convinced that this service will broaden the transportation alternatives not only to the citizens in Clark County, but to all Arkansans. The addition of Arkadelphia means Arkansas now has six passenger railroad stops on the Eagle run, which stretches from Chicago to San Antonio.

Finally, I want to thank the citizens of Clark County for their dedication and help on this matter. I look forward to my next journey on the Eagle and to the new passenger stop in Arkadelphia, which Amtrak hopes to have in place by October.

I ask unanimous consent that a copy of Mr. Claytor's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMTRAK,
Washington, DC, July 19, 1984.

Hon. DAVID PRYOR,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR PRYOR: I am responding to your June 15 letter concerning your support for the institution of a passenger stop at Arkadelphia.

As you can well imagine, Amtrak receives many requests each year from the towns and communities through which we pass requesting that we stop our trains in their communities. While we would like to accommodate all requests, we simply cannot do so without seriously affecting the scheduling of the train. Therefore, when we consider making any additional station stops we take into account several factors, including the size of the potential market to be served, the proximity of the proposed stop to other stations which might serve the same market, and the estimated value of the market compared to the cost of adding the stop to the train.

Amtrak had previously informed the City of Arkadelphia that it would be willing to add the stop to the schedule of our Eagle service if the City would provide and maintain a facility at no expense to Amtrak, and if the Missouri Pacific would agree to accommodate the stop with no additional running time added to the schedule. The City has indicated its willingness to satisfy the requirements for a stop, but the Missouri Pacific has informed Amtrak that it will require five minutes to be added to the schedule of the Eagle if the stop is made.

Amtrak is continuing to negotiate this matter with the railroad, and we will try to reduce the amount of time required for the stop. Although we would not normally agree to establishing a station stop in light of the railroad's current position to lengthen the schedule of the Eagle, we will do so on an experimental basis to determine if the stop can generate sufficient ridership to justify its continuance. As you know, the Eagle currently serves Malvern, a town of about the same population as Arkadelphia, and only about six persons per train make use of this stop. Considering that Malvern is only 22 rail miles from Arkadelphia, it is possible that some of these riders would use the stop at Arkadelphia. We believe, however, that because of the enthusiasm of the City and their contention that the stop will generate additional passengers, we will offer the community the opportunity for a stop on a one-year trial basis. Our staff will advise Mayor Callaway of our decision and will work with them to establish the stop effective with the October timetable.

I appreciate your interest and concern in behalf of your constitutents. If I may be of further assistance, please let me know.

Sincerely,

W. GRAHAM CLAYTOR, Jr.,
President.

THE CLOTURE VOTE ON HYDROELECTRIC POWER PLANTS

Mr. HECHT. Mr. President, I would like to make a few summary remarks concerning the upcoming vote to invoke cloture on S. 268, the Hoover Dam bill.

Some people have questioned why, after only 4 hours of debate, a cloture petition was filed on this legislation. The reason is simple. This bill has already passed the Senate once, by unanimous consent. It has passed the House of Representatives by an overwhelming margin. Hearings have been held in both bodies, and in my view, ample time has already been provided for Members to voice their concern and offer constructive, and I emphasize that word "constructive," amendments.

This is not the time or the place to be debating as fundamental an issue as Federal hydropower pricing policy. We have offered to hold additional hearings on this subject. We have offered to make the Hoover contracts subject to any pricing changes that Congress might choose to make in the future. The Senator from Ohio has flatly rejected all of these offers.

What the Senator from Ohio really wants is for the Federal Government to earn a profit on the sale of Hoover power. He wants to impose a tax on the 15 million ratepayers who benefit from Hoover Dam, supposedly to help balance the Federal budget. More fundamentally, he wants to impose a back door Federal tax on all electric consumers who buy power from Federal dams. Does anyone here believe this is the time or place to be debating such a fundamental public policy issue? That is what this vote is really about.

In closing, let me try to correct some of the misrepresentations I have seen in the press and heard here on the floor during this debate.

There is no subsidy inherent in the concept of tying the price of power to its cost of production. This is the way 98 percent of all power in America is priced. The electric industry is a regu-

lated monopoly. Show me a public utility commission who allows its utilities to earn a profit on dams, coal plants, or any other facility whose cost of construction has been fully repaid by the ratepayers.

The Senator from Ohio claims that this bill will encourage the wasteful use of electricity in the American Southwest. He claims that power rates in this region are dirt cheap because of subsidized Federal power. This is nonsense. Hoover represents only a small fraction of the power generated in the Southwest. Its price is rolled in with all the rest. At the end of the line, where prices really count, Nevada, Arizona, and California consumers pay rates that are comparable to, and in the case of southern California, substantially higher than, the national average.

Finally, the Senator from Ohio claims that we are trying to rush this bill through the Senate. He claims that with a little time, he can work something out with the bill's sponsors. He makes it sound as if we are being totally unreasonable in this matter. Let me repeat: We have offered to hold hearings. We have offered to make the Hoover contracts subject to any pricing changes that Congress might make in the future. This has not been good enough apparently, but this is unfortunately as far as we can go. We are not ready to make wholesale changes in Federal power pricing policy in the context of this bill.

I hope this statement has helped clarify some of the statements that I have heard over the past few days. Again, I urge my colleagues to get on with the business of the Senate, and I ask their support of the pending cloture petition.

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. DURENBERGER]. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. One hour having elapsed since the Senate convened, the clerk will state the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baker motion to concur in the House amendment to S. 268, the Hoover Powerplant Act of 1984.

Senators Howard Baker, Ted Stevens, James A. McClure, Pete Wilson, Daniel J. Evans, Chic Hecht, Barry Goldwater, Alan Cranston, Orrin Hatch, Jeremiah Denton, John East, Dennis DeConcini, Mark Hatfield, Thad Cochran, Mack Mattingly, Paul Trible, Paul Laxalt, Max Baucus, Pete Domenici, Jeff Bingaman, John Melcher, and Jake Garn.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names.

[Quorum No. 8 Leg.]

Abdnor	Durenberger	Proxmire
Burdick	East	Randolph
Byrd	Ford	Sarbanes
Chafee	Gorton	Specter
Cranston	Hawkins	Stafford
Danforth	Hecht	Stevens
DeConcini	McClure	Weicker
Dole	Metzenbaum	Zorinsky
Domenici	Mitchell	

The PRESIDING OFFICER. A quorum is not present.

Mr. STEVENS. Mr. President, I move that the Sergeant at Arms be requested to request the attendance of the absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, a parliamentary inquiry. Is the Sergeant at Arms, under the rules, requested or is he to be instructed, because the motion was that he be requested to seek out the absentees.

The PRESIDING OFFICER. There does not appear to the Chair to be a difference between "requested" and "instructed."

Mr. METZENBAUM. The Chair is ruling there is no difference between him being "instructed" and "requested"?

Mr. STEVENS. Mr. President, if it makes a difference to the Senator from Ohio, I will be pleased to amend my request and say that he be instructed to request the attendance of the absent Senators. I agree with the Chair that there is no difference in my meaning.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee [Mr. BAKER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. PERCY], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. HART], the Senator from Hawaii [Mr. INOUYE], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 85, nays 3, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—85

Abdnor	Goldwater	Metzenbaum
Andrews	Gorton	Mitchell
Armstrong	Grassley	Moynihan
Baucus	Hatch	Nickles
Biden	Hatfield	Nunn
Bingaman	Hawkins	Packwood
Boschwitz	Hecht	Pell
Bradley	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Randolph
Byrd	Hollings	Riegle
Chiles	Huddleston	Roth
Cohen	Humphrey	Rudman
Cranston	Jepsen	Sarbanes
D'Amato	Johnston	Sasser
Danforth	Kassebaum	Specter
DeConcini	Kasten	Stafford
Denton	Kennedy	Stennis
Dodd	Lautenberg	Stevens
Dole	Laxalt	Symms
Domenici	Leahy	Thurmond
Durenberger	Levin	Tower
Eagleton	Long	Trible
East	Lugar	Wallop
Evans	Mathias	Warner
Exon	Matsunaga	Wilson
Ford	Mattingly	Zorinsky
Garn	McClure	
Glenn	Melcher	

NAYS—3

Proxmire	Quayle	Weicker

NOT VOTING—12

Baker	Cochran	Murkowski
Bentsen	Dixon	Percy
Boren	Hart	Simpson
Chafee	Inouye	Tsongas

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer to the quorum call, a quorum is now present.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that I may speak for 30 seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, if the outcome of this vote is that we will get cloture, of course, we will remain in session. If we do not get cloture, we have a bill cleared for consideration tonight that will take very little time. We do anticipate one vote on that bill.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Baker motion to concur in the House amend-

ment to S. 268, the Hoover Powerplant Act of 1984, shall be brought to a close?

The yeas and nays are automatic under the rule and the Clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee [Mr. BAKER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. PERCY], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

I further announce that, if present and voting the Senator from Illinois [Mr. PERCY] would vote "nay."

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. HART], the Senator from Hawaii [Mr. INOUYE], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. DIXON], would vote "nay."

The PRESIDING OFFICER [Mr. DENTON]. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 28, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—60

Abdnor	Gorton	McClure
Andrews	Grassley	Melcher
Armstrong	Hatch	Nickles
Baucus	Hatfield	Packwood
Bingaman	Hawkins	Pell
Boschwitz	Hecht	Pressler
Burdick	Heflin	Pryor
Cranston	Helms	Randolph
Danforth	Hollings	Rudman
DeConcini	Huddleston	Sasser
Denton	Humphrey	Stennis
Dole	Jepsen	Stevens
Domenici	Johnston	Symms
Durenberger	Kassebaum	Thurmond
East	Kasten	Tower
Evans	Kennedy	Trible
Exon	Laxalt	Wallop
Ford	Lugar	Weicker
Garn	Matsunaga	Wilson
Goldwater	Mattingly	Zorinsky

NAYS—28

Biden	Heinz	Proxmire
Bradley	Lautenberg	Quayle
Bumpers	Leahy	Riegle
Byrd	Levin	Roth
Chiles	Long	Sarbanes
Cohen	Mathias	Specter
D'Amato	Metzenbaum	Stafford
Dodd	Mitchell	Warner
Eagleton	Moynihan	
Glenn	Nunn	

NOT VOTING—12

Baker	Cochran	Murkowski
Bentsen	Dixon	Percy
Boren	Hart	Simpson
Chafee	Inouye	Tsongas

The PRESIDING OFFICER. On this vote the yeas are 60, the nays are 28. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and amendment 3419 falls as nongermane.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BUMPERS. Mr. President, will the Senator withhold?

Mr. STEVENS. We are just trying to get the managers of the bill here.

Mr. BUMPERS. Did I hear the leader say a moment ago that we would have another vote?

Mr. STEVENS. Mr. President, I will have to confer with the managers of the bill to see what kind of votes there will be tonight. We had an agreement to take up another bill, on which there would be a vote, had we not obtained cloture. We will consult with the Senator from Ohio to see whether we will have votes tonight.

Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President——

The PRESIDING OFFICER. A quorum is present.

Mr. STEVENS. I withhold that.

Mr. BYRD. I wanted to make the statement that if a quorum is present, we cannot have another quorum call until business is transacted.

HYDROELECTRIC POWER PLANTS

The Senate continued with the consideration of the bill (S. 268).

The PRESIDING OFFICER. The question is on the motion to concur.

Mr. METZENBAUM. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on the motion to concur.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum is present. A quorum call is not in order.

Mr. METZENBAUM. Mr. President——

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 3448

(Purpose: To set a policy for the sale of power at Hoover Dam)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Excuse me. Mr. President, I call up amendment 3448.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 3448:

Amend Section 105(h)(1) by striking "within one year" and inserting "within five years.".

Mr. METZENBAUM. Mr. President——

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the amendment.

Mr. METZENBAUM. Mr. President, I think we ought to be aware of what has just transpired. I have heard Members of the Senate talk about orderly procedures, and I have heard them talk about changing the rules. As a matter of fact, I heard no less a person than the Chaplain of the Senate talk about the matter of orderliness and rules.

If there is anybody in this body who feels that this body gains stature by the switching back and forth of votes in the last half-hour and the delaying of calling out what the actual vote was, then I must confess that I fail to see it.

Frankly, what was the Senator from Ohio advocating? He was advocating that the Hoover Dam issue, which does not become a fact or reality until May 31, 1987, be extended briefly, for a year, and during that period all provisions of the bill except the pricing measure be effected. It would have taken care of the allocation problem. It would have taken care of all other problems that they had with respect to the upgrading. The only thing left for Congress to deliberate on would have been the price.

The price in connection with this power was set 50 years ago—50 years ago—and we have before us a power play to push through a bill to extend that for an additional 30 years.

Nowhere have I advocated or suggested that the power be market-related. I have said that Congress has an obligation to inquire into this subject. That was what was expected of us, based upon the action that took place 50 years ago. Now what we have is a power push, people switching around.

I cannot tell you how many Members of this body on that side of the aisle have come to me within the last several days and said, "You're right. We're with you. I'm glad you're raising the issue."

Today is a good example of profiles in courage who came to the floor and voted the opposite way.

Mr. President, the world will not come to an end, so far as the Senator from Ohio is concerned, but I will say this: This body has some reason to be embarrassed.

Mr. BUMPERS. Mr. President, will the Senator yield for a question?

Mr. METZENBAUM. May I yield to the Senator on his own time?

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senator from Ohio be permitted to yield to me on my time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUMPERS. Mr. President, let me say, first, that I voted against cloture. I started to vote for cloture, but then I listened to the debate, and I decided to vote against cloture. I was hoping that cloture would not be invoked and we would all have a chance to hear a little more of the debate, because I suspect that some Senators are in the position that I admit I am in, and that is not yet knowing enough about this proposition to vote on it.

Let me first assure the Senators from the West, who are vitally concerned with this, that I do not think public power should be used only to enrich the Federal Treasury. We have hydrodams in my State, and I hope to have many more. The Hoover Dam was built to promote the development of that area, and it has done so.

However, the Senator from Ohio made what I thought was a fairly cogent case for his amendment. He has argued that we should first study this matter, because there is no urgency about extending the contract for 30 years. Apparently no hearings have been held on the justification for this contract under those terms, and that brings me to my question: What power authority markets the power?

Mr. METZENBAUM. It goes to several different power authorities as well as some privately owned public utilities. So the language of the legislation is unusual in that it makes the specific allocation under the bill, and I shall give the Senator a more specific answer.

Mr. BUMPERS. Could the Senator make this distinction for me without being all that definitive? As I understand it, the bill is an extension of the contract for the allocation of Hoover Dam power; is that correct?

Mr. METZENBAUM. The Senator is correct.

Mr. BUMPERS. Is the allocation under the bill essentially the same allocation that has existed for the past 50 years?

Mr. METZENBAUM. Approximately so. They have negotiated this matter between themselves and then they spelled out in this legislation that Southern California Edison Co. gets 277,500 kilowatts; the city of Los Angeles gets so many; and the Metropolitan Water Division gets so many.

They have added, I think, nine new districts. San Diego indicated they wish to be added, but they have not been added.

Mr. BUMPERS. What is the capacity? What is the output of Hoover Dam when it is running at full capacity?

Mr. METZENBAUM. I will give the Senator an answer to that later.

Mr. BUMPERS. Let me ask the Senator this question: Under the original sale of power to all of these authorities that have been operating under this last 50-year contract, what was the cost of power; in other words, what was the Government receiving for the power from Hoover Dam?

Mr. METZENBAUM. They were getting approximately a half-cent per kilowatthour, about four-tenth of 1 cent, to be exact, 4 mils.

Mr. BUMPERS. The Senator is telling me in the last 50 years, during the oil embargo and the 400 percent increase in power for the rest of the country, Hoover Dam power was still being sold for the same price it was sold 50 years ago?

Mr. METZENBAUM. The Senator is correct.

Mr. BUMPERS. Is the Senator saying that if this bill passes, power from Hoover Dam will continue for another 30 years to be sold at the same price?

Mr. METZENBAUM. It will not be sold at exactly the same price because under this bill the proponents have asked that there be 2½ mils allocated for salinity control and 4½ mils for some improvement in Arizona. So the price could go up in certain instances but not across the board. Generally speaking, for the power itself it would remain at the same price that was set in 1937.

Mr. BUMPERS. So it is going to be roughly 1½ cents for power.

Mr. METZENBAUM. Or less.

Mr. BUMPERS. Less than 1½ cents?

Mr. METZENBAUM. Yes. We are talking about 800 megawatts of power. I was not able to answer the Senator previously.

Mr. BUMPERS. This is getting a little technical. If the United States is going to build a 800-megawatt coal-fired plant today, what would the normal cost for power from such a plant, based on current capital costs?

Mr. METZENBAUM. I am not in a position to answer authoritatively, but I will give the Senator a guesstimate which I think is not totally out of line. I would guess it would not be less than 8 cents or 10 cents per kilowatthour.

Mr. BUMPERS. Eight to ten cents a kilowatthour?

Mr. METZENBAUM. As compared to four-tenths of a cent in this bill.

Mr. BUMPERS. Let me ask the Senator a further question, because to this extent I am sympathetic to the Western States on this point. I do not think the Government should enrich itself, but by the same token I do not think we should continue selling this power for a half-cent a kilowatt either. What is the Senator's attitude about what the policy of this country should be in situations similar to this? About 3 years ago several municipalities in my State were hurt when the Southwestern Power Administration raised its rates. There are five States involved in that particular power pool. Fifty-two percent of the power comes from my State, but we only get 27 percent of it back. That is another little sore point with me, and the Senator can tell by the way I said that.

But even so, the power is relatively cheap even after rates increased significantly, SPA insisted that it was necessary to amortize its total debt.

But my question to the Senator is, what does he think our policy should be? If it should not be a penny a kilowatt and it should not be 8 cents a kilowatt, which is what new generated power could cost, what should it be and what is the basis of the Senator's conclusion?

Mr. METZENBAUM. I am frank to admit and I said this publicly on the floor before, I am not certain what the rate should be. I am quite certain that it should not be the four-tenths of a cent per kilowatt that is presently being charged.

I have an amendment that I had at the desk that was taken down because it was not germane. At least that was the ruling of the Parliamentarian which I might say I totally disagree with, but the fact is that it was taken down and that was his ruling and I did not see fit to appeal it.

But the fact is that under that amendment all I was actually saying was let us hold this matter in status quo for a year beyond 1987, and I had indicated publicly and privately I was prepared to even go beyond that if that be necessary to let Congress take a look at this issue.

What I object to is the fact that Congress has never examined into this issue. The Senate had no hearings on it. The Senate never sent this part of the bill to the committee for a hearing.

Mr. BUMPERS. No hearings have ever been held on this.

Mr. METZENBAUM. No hearings have been held in the Senate on this issue on the question of how costs should be determined.

I have publicly indicated on the floor of the Senate and I have privately indicated to others who have indicated their concern that I am not standing on the floor ever and have not been on the floor advocating market-based costing, and something in between is probably the correct solution. But I think, like a lot of other instances, too often people just want to bang through a 30-year renewal, which is what is being done here.

Here we have a situation where it was claimed that the Consumer Federation of America was for this bill. They are not for market-based pricing and they have no position with respect to the amendment I had pending, and the fact is the National Taxpayers' Union, the Competitive Enterprise Institute, the New York Times, the San Francisco Chronicle, the Sacramento

Bee, the San Diego paper, and others have all indicated that this is an unfair procedure.

Yet we just saw Members' arms twisted on the floor of the Senate in order that they might get the necessary 60 votes to cut off debate.

I really believe that this body has a lot more important matters to be deliberating upon than this one and that this kind of power play does not reflect well upon our Government processes or any of us. When we are talking about balancing the budget, we are giving away something like $6.5 billion over the next 10 years.

Mr. BUMPERS. Is that $6.5 billion based on what the Government would get if we sold the power at market price?

Mr. METZENBAUM. At the marginal price, not the market price.

Mr. BUMPERS. The marginal price.

Mr. METZENBAUM. Yes.

Mr. BUMPERS. What is the marginal price?

Mr. METZENBAUM. It is the highest price which oil-fired facilities would be charging in Los Angeles.

Mr. BUMPERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUMPERS. Who is being charged with the time used here?

The PRESIDING OFFICER. The Senator from Ohio in the discussion after the Senator from Arkansas asked the question.

Mr. BUMPERS. Mr. President, let me make a point. I think it was clear to everyone in this Chamber I intended for this dialog to be charged against my time. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. STEVENS. Mr. President, reserving the right to object, the Senator from Arkansas requested the right to obtain the floor to ask a question and the Chair is correct that once that question is asked it was not chargeable.

Mr. BUMPERS. Mr. President, that is not correct. I asked unanimous consent that the time which I wanted to use to make an observation and ask a question be charged to me.

Mr. DECONCINI. The Senator is correct.

The PRESIDING OFFICER. The Chair is ruling that that was the memory of the Chair and that was done. That took 4 minutes. The subsequent discussion was allocated timewise to the Senator from Ohio. The Senator from Arkansas then posed a unanimous-consent request, which I put to the floor, and the Senator from Alaska has reserved the right to object.

Mr. McCLURE. Mr. President, reserving the right to object, and I shall not object, I understood the situation exactly the way the Senator from Arkansas described it. I think, in fairness, he ought to be permitted to allocate his time in that manner. I have no objection.

Mr. BUMPERS. I thank the Senator very much. It was certainly not my intention to delay. I was trying to edify the body and myself.

Mr. President, I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I wanted to ask the Senator from Ohio one other question. Does the 50-year contract in existence now extend until 1987?

Mr. METZENBAUM. Yes.

Mr. BUMPERS. And it was the Senator's amendment that would have carried it 1 year beyond that during which a study would be made?

Mr. METZENBAUM. Yes.

Mr. BUMPERS. Mr. President, let me ask the Senator from Idaho, because I know he is very knowledgeable in this matter, the same question I just asked the Senator from Ohio. As a matter of public policy, what does the Senator from Idaho feel the Government's posture ought to be concerning power generated from this dam, or any other power similarly generated? I know the Senator from Idaho has a great interest in the Bonneville Power Authority, and so on. I would like to know what he thinks the public policy ought to be in cases like this where a contract expired.

Mr. McCLURE. Mr. President, I thank the Senator for asking the question because if we are talking about pricing, not the other issues that may be involved in the use of water or the allocation of power, the pricing of power or the issuance of licenses, just on the question of pricing, it seems to me we ought to be pricing the power on the basis of what it costs to produce it. Just as we do for every other utility in the United States, whether it is TVA or Commonwealth Edison, it is based upon what it costs to produce it.

I think, in that connection, we ought to look at what is being proposed under this bill. First of all, Hoover Dam power users will have repaid every cent that was allocated to the construction costs of the Hoover Dam that were allocated to power production, together with the interest under the applicable formula during the period of time since the construction of that dam.

Under this bill, they want to upgrade the facilities. The power users, the consumers of that power, will be asked to repay all of the upgrade, 100 percent of it. Under this bill, the Federal Government would not provide 1 penny of that upgrade expense. That would be done at the expense of those who are getting the block of power.

I could not help but respond, if the Senator will allow me to answer his question just a little further with respect to pricing, what is the pricing under this bill.

It is true that Hoover Dam, having been started in the early 1930's and completed in the mid to late 1930's, has a very low capital cost with today's inflated dollar.

Mr. BUMPERS. Mr. President, incidentally, what did that dam cost when they built it?

Mr. McCLURE. I am told by staff that the original authorization for the dam was $165 million.

Mr. BUMPERS. Does anybody have a figure as to what the replacement cost of that dam would be right now?

Mr. McLURE. I have no idea what the replacement cost would be, but I do know what the upgrade is because that is imbedded in this proposal. They intend to replace some of the generating capacity with more modern, up-to-date generators, and that will be a $77 million upgrade. And that will be financed entirely without Federal expense.

Mr. BUMPERS. Is that dam, incidentally, a base load dam?

Mr. McCLURE. It is in part base and in part peaking. It depends upon how it is operated and that will depend upon its integrated operation.

But when we look at pricing, when you look at salinity control, as the Senator from Ohio said, and salinity control and conservation, which are required under this bill and allocated to the—and, incidentally, salinity control is a substantial benefit to the taxpayers of the United States because under our treaty with Mexico that becomes a Federal obligation.

In this instance, the power users are going to shoulder that portion of that cost that otherwise would be spread across all taxpayers of the United States. Together with the cost of retiring the bond on the upgrade, it would triple the cost of power going from Hoover Dam to the consumers. That brings it up to about 1.5 cents, which is a bargain by any test.

But before you think that is all of the story, I think you ought to look also at the blended costs to consumers when you take into consideration not just the Hoover Dam power that they consume but the total amount of power that they consume through their systems from all sources.

Mr. BUMPERS. How do power rates compare. For example, I think Los Angeles probably gets the bulk of the power; does it not?

Mr. McCLURE. I think the Senator from California could probably give you better figures with respect to Los Angeles. But I can speak of the area of use in the Southwest, and that is where we are making comparison. The average cost paid by ratepayers

throughout that region is about 5 to 6 cents per kilowatthour.

Mr. BUMPERS. How does that compare nationally?

Mr. McCLURE. I think it is pretty close to the average, but let me check that to make certain.

Mr. BUMPERS. I think that would really be a relevant figure for this body to know; that is, what the average blended cost of power is to those who are getting power from Hoover Dam now and how that compares with the national average.

Mr. McCLURE. Well, my recollection is that this is pretty close to the average. I am informed by staff that southern Nevada is about 6 cents, which is close to the average, and Los Angeles, if I am informed correctly, is about 8 cents, which is, aside from New York City, the highest in the Nation.

Mr. BUMPERS. I must say that that is a very interesting figure. I thank the Senator.

Mr. McCLURE. I thank the Senator from Arkansas.

Mr. GLENN. Mr. President, I would like to ask the distinguished floor manager of the bill about our philosophy here that the Senator from Arkansas has talked about. It seems to me if we hold this same kind of philosophy on waterways and roads and everything else, it would be that any time we do a Federal project, then we would do nothing except just try and continue with operating expenses. I am thinking of the new locks and dams, for instance; that once they are put in, we would not try and put a user fee on other than just the cost of keeping that lock operating. We do not do that. We try to do more than that.

If we do the same thing across the board, then we are just running ourselves further into the hole. I very much favor projects of locks and dams, hydropower projects, whatever, but it would seem to me to be a logical public policy that once those things are up and once they are in use and we start a user's fee or start a cost per kilowatthour that pays back that expense, then, at that point it seems to me it should be available to do other projects like that rather than just favoring one part of the country at the expense of the rest of us into the indefinite future.

It seems to me if we are going to have the Government doing this, it should apply not only to places like the Hoover Dam, but it should apply to our roads—we should not only charge just enough then in gas tax fees, for instance, just for road maintenance and not try to amortize the original cost of that road; same thing should apply to waterways.

If we do that, then it seems to me we are helping different parts of the country develop and doing it on a payback basis once it is in, and not doing things like we are with Hoover, where one of the California papers noted the other day that we even give cheap power to cover the cheap pumping of water over a watershed which denies northern California water and helps further develop an already overdeveloped Los Angeles Basin. That is a very foolish use of power. It seems to me that where we do that we encourage the development of one part of the State against the other.

So I think we should have a public policy that applies basically the same thing to interstate systems, water of the country, to harbors, dams, waterway improvement, things like that. And if it is to be used on a recovery of operating expense basis, which is what we are talking about with Hoover Dam, then that is a whole new concept. If we are following that for all the waterways and everything else, then it is going to be a whole different way in which we operate the Federal Government and how much we are recompensed for our expense.

Mr. CRANSTON. Will the Senator yield?

Mr. GLENN. I yield the floor.

Mr. CRANSTON. Mr. President, I would like to briefly state, regarding the cost of Hoover power, that the cost of Hoover power is going to rise when we adopt this measure, if we do. It will rise to approximately 1.5 cents per kilowatthour under the new contracts. That is an increase in cost of 300 percent—a 300-percent increase in the present cost.

That is the cost of power to Hoover Dam that does not include the cost of the transmission facilities to deliver the power to the areas of use, although there will be that additional increase. When Hoover power is combined with other resources in the Southwest, the average cost paid by the ratepayers in the Southwest, to answer Senator BUMPERS' question, is about 5 to 6 cents per kilowatt hour, and that is not an unreasonable rate.

I would like to deal with one other question that has arisen about the reason for acting now.

The Hoover Dam power allottees need long-term contracts to assure economic viability of their investment in uprating Hoover Dam. The uprating will cost $77 million. The allottees won't pay 100 percent of the construction costs up front. They are not going to invest their money if they have a contract for only 1 year or 5 years.

The Department of Energy—to get into the timing of this—started the marketing process for Hoover power in 1979. This was done even though the contracts did not expire until 1987. It was the Department's intent to complete the marketing process by 1982, or 5 years prior to the termination date of the contracts. This was a sound business decision by the Department of Energy which recognizes the long leadtime required to either develop alternative resources or to purchase power from other entities. In fact, there are essentially no resources that can be built in 5 years; 10 to 15 years is the general timeframe. We are now at a point where delays in passage of S. 268 mean delays in modernizing the generating units at Hoover to provide needed additional capacity. The units simply cannot and will not be financed until people know that they are going to get the power at reasonable rates for a reasonable period of time.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield the floor.

Mr. GLENN. We talk about reasonable rates. Having them rise at a maximum up to 300 percent of what they are now and still be only 1½ cents per kilowatthour is hardly reasonable rates for the rest of the country where I think the average is something like 7½ cents per kilowatthour. I think once we get our money back out of the projects like that, or get repaid, then it would seem to me to make a lot of sense to ramp up to what regular market rates are over a period of say 5, 6, or even 10 years. But to just continue to subsidize that at a reduced rate and in effect attract industry from the Midwest, and attract industry from other parts of the country because of exceptionally low electrical rates just does not make any sense. We are giving an unfair advantage to that part of the country as opposed to the rest of us who have to pay higher rates. I do not think that is fair.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington was the first Senator seeking recognition. The Senator from Washington is recognized.

Mr. EVANS. Mr. President, I am sorry our colleague has left the Chamber. I think it is important to reiterate what has been stated here before but apparently not fully understood; that it is true and it makes sense that projects of this sort ought to be fully repaid by the user. The Federal Government makes an investment. The user should repay the capital costs, the maintenance and operation, and the improvements. That is precisely what is being done in this case. It has been done throughout the history of this Nation as we have built the infrastructure of this Nation. The Federal Government is not in business to make a profit. We would do well if we could only break even. But, nonetheless, in each of these investments we have done it at the lowest possible price in order to give to the people of this country, and the individual States and

communities of the Nation an opportunity to better themselves.

Certainly those from the Far West who are a long way from the major markets of the Nation have had to deal with the problem of not being close to the markets. That has been a penalty. Certainly there has been no objection raised to my knowledge—or no serious objection—to the benefits accrued from the investment the taxpayers made in the St. Lawrence Seaway, and the opening up to the many States of the Middle West and the North Middle West of that great construction project. But that history is a lot closer to the subsidy which people talk about than the Hoover Dam, or any of the other dams the Federal Government has constructed.

That St. Lawrence Seaway obligation to its construction has been reduced from that of principal and interest and operating costs first to relieve the project of its principal cost, and then its interest cost until now the users or ratepayers are paying only the operation and maintenance costs.

I do not know of an interstate highway that has been built in this Nation which has been built with the concept that once we make the investment, and the bonds sold to pay off that highway have been paid off, somehow we then ought to open key sections of the interstate system, or particularly bridges on that interstate system, to public bid so that someone could bid, reinstitute tolls, pay some amount to the Federal Government purportedly to reduce the deficit, and charge what would be "market prices" for the value of that particular piece of infrastructure for this Nation.

It is obvious that as we have built the infrastructure for the Nation we have done so with the knowledge that some pieces of it will benefit one part of the country where the geography, and the natural resources will allow that to happen. Other benefits have accrued to other parts of the country—some blessed with abundant deposits of natural gas and oil; others blessed with the enormous deposits of coal; some with forests; and some with rivers which can be dammed and tamed.

The important thing to keep in mind is that we have never to my knowledge in the history of this Nation built the infrastructure with the concept that it ought to be sold to the highest bidder and that somehow we ought to make a profit. Certainly in the case of electrical power where the consumers are forced to accept high electrical power from one provider, there is a monopoly throughout the Nation in the production and distribution of electric power. As far as each individual consumer is concerned, they have no choice to the degree they need electricity. The use of electricity which they have become accustomed to has depended to a degree on price. Of course, if electricity is cheap, you build in a way that uses more of it and less of other product. Other parts of the Nation have the benefit and the privilege of using other kinds of commodities to provide the same service, which happen to be cheaper—in some cases natural gas, and in other cases oil which substitute for electricity which may be at higher price.

What I am trying to get at is the concept that somehow one part of the Nation is getting something for nothing is simply untrue. They are paying all of the cost, all of the maintenance and operating costs, and all of the improvements which are now to be made in this case.

Mr. METZENBAUM. Would the Senator from Washington yield for a question?

Mr. EVANS. I would be pleased to yield.

Mr. METZENBAUM. The Senator claims that they are paying all of the costs. Would the Senator feel that there would be any rate problem if the Congress did that which it was expected to do, and looked at this entire issue rather than jam through a bill to extend the period for 30 years without any congressional review or any determination made on the part of the Congress? Do you not think there would be some advantage to our taking a look at it as the Members of Congress determined that we should do 50 years ago?

Mr. EVANS. I do not believe it is necessary, unless we are prepared through this vote on this bill at this time, to assume that we are going to change a policy which has been held in this country, in my view, for virtually all of its 200-year history. That is to build this infrastructure for what it costs and to regain those costs, but not to make a profit beyond that. I do not see any reason to review that policy at this time. I think it has been a good policy, it is a good policy, and will continue to be a good policy. If someone thinks it is not, then it is time to introduce a much broader bill which applies on a much broader basis, not just to electric power and not just to this dam but to the entire infrastructure which has been built by the Federal Government.

Mr. METZENBAUM. Would the Senator explain where that policy has been set? The period of time has run out with respect to the original term. It is my understanding that this is the first piece of legislation that deals with that. Can the Senator tell me of any policy having been set in connection with the time we are asking about?

Mr. EVANS. I believe that the policy has been evolved and continuously reiterated every time we authorize the construction of a new project of this nature in the country. There has been a consistent number of them, each one done on the same basis year after year. I do not know when the most recent one was, but I will bet it was not very long ago. Each time we do that, we reiterate the same policy.

Mr. STEVENS addressed the Chair.

Mr. EVANS. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I move to table the Senator's amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. There is? Is that what the Chair ruled?

The PRESIDING OFFICER. That is what the Chair said.

CALL OF THE ROLL

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and the following Senators answered to their names:

[Quorum No. 9 Leg.]

Biden	Evans	McClure
Bumpers	Hecht	Metzenbaum
Byrd	Hollings	Pell
Chiles	Kennedy	Randolph
Cranston	Long	Stafford
Danforth	Mathias	Stevens
Denton	Matsunaga	Wilson

The PRESIDING OFFICER. A quorum is not present.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. METZENBAUM. Mr. President, a point of order.

The Senator from Ohio was first on his feet asking for recognition. The Chair has no authority to recognize anyone except the Senator from Ohio.

The PRESIDING OFFICER. No Senator may have recognition during a quorum call. The Senator from Alaska has been recognized.

Mr. STEVENS. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion of the Senator from Alaska. The yeas and nays have been ordered and the clerk will call the roll.

Mr. METZENBAUM. Mr. President, a point of order.

The PRESIDING OFFICER. A point of order is not in order during a rollcall.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Tennessee [Mr. BAKER], the Senator from Missis-

sippi [Mr. COCHRAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mr. KASSEBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. PERCY], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. HART], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Mississippi [Mr. STENNIS], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

The PRESIDING OFFICER [Mr. GORTON]. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 3, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—76

Abdnor	Garn	McClure
Andrews	Glenn	Melcher
Baucus	Gorton	Metzenbaum
Biden	Grassley	Mitchell
Bingaman	Hatch	Moynihan
Boschwitz	Hatfield	Nickles
Bradley	Hawkins	Packwood
Bumpers	Hecht	Pell
Burdick	Heflin	Pressler
Byrd	Heinz	Randolph
Chafee	Helms	Riegle
Chiles	Hollings	Roth
Cohen	Humphrey	Rudman
Cranston	Jepsen	Specter
D'Amato	Johnston	Stafford
Danforth	Kasten	Stevens
DeConcini	Kennedy	Symms
Denton	Lautenberg	Thurmond
Dodd	Laxalt	Tower
Dole	Leahy	Trible
Domenici	Levin	Wallop
Eagleton	Long	Warner
East	Lugar	Wilson
Evans	Mathias	Zorinsky
Exon	Matsunaga	
Ford	Mattingly	

NAYS—3

Goldwater	Proxmire	Quayle

NOT VOTING—21

Armstrong	Hart	Pryor
Baker	Huddleston	Sarbanes
Bentsen	Inouye	Sasser
Boren	Kassebaum	Simpson
Cochran	Murkowski	Stennis
Dixon	Nunn	Tsongas
Durenberger	Percy	Weicker

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The acting majority leader.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS WARNER AND PROXMIRE TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow, following the time for the two leaders under the standing order, there be special orders in favor of Senator WARNER and Senator PROXMIRE, not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR H.R. 5890 TO BE HELD AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 5890, which is being held at the desk, be held at the desk until the close of business on Tuesday, July 31.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO RECESS UNTIL 11 A.M. TOMORROW

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I move to recess until 11 a.m. tomorrow morning.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. STEVENS. Mr. President, it is our intention to try to get a vote on the pending motion to table. The yeas and nays have been ordered. I hope we will not have to go through a series of votes. The Senator from Ohio knows that we can get to that vote tonight. There are only four motions such as this he can make. I guess the first one is not dilatory. Certainly, the next one would be.

Mr. President, a parliamentary inquiry. Is that a dilatory motion at this time?

The PRESIDING OFFICER. The motion is not dilatory.

The question is on agreeing to the motion.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Tennessee [Mr. BAKER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. PERCY], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Connecticut [Mr. WEICKER], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. HART], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], the Senator from Mississippi [Mr. STENNIS], and the Senator from Massachusetts [Mr. TSONGAS], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 16, nays 64, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—16

Bradley	Levin	Randolph
Cohen	Long	Riegle
Exon	Metzenbaum	Sasser
Glenn	Moynihan	Zorinsky
Hollings	Pell	
Lautenberg	Proxmire	

NAYS—64

Abdnor	Ford	Mattingly
Andrews	Garn	McClure
Baucus	Goldwater	Melcher
Biden	Gorton	Mitchell
Bingaman	Grassley	Nickles
Boschwitz	Hatch	Packwood
Bumpers	Hatfield	Pressler
Burdick	Hawkins	Quayle
Byrd	Hecht	Roth
Chafee	Heflin	Rudman
Chiles	Heinz	Specter
Cranston	Helms	Stafford
D'Amato	Humphrey	Stevens
Danforth	Jepsen	Symms
DeConcini	Johnston	Thurmond
Denton	Kasten	Tower
Dodd	Kennedy	Trible
Dole	Laxalt	Wallop
Domenici	Leahy	Warner
Eagleton	Lugar	Wilson
East	Mathias	
Evans	Matsunaga	

NOT VOTING—20

Armstrong	Hart	Pryor
Baker	Huddleston	Sarbanes
Bentsen	Inouye	Simpson
Boren	Kassebaum	Stennis
Cochran	Murkowski	Tsongas
Dixon	Nunn	Weicker
Durenberger	Percy	

So the motion was rejected.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

Mr. STEVENS. Mr. President, we just had a quorum.

Mr. METZENBAUM. No, we did not have a quorum.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

HYDROELECTRIC POWERPLANTS

The Senate continued with the consideration of the bill (S. 268).

Mr. STEVENS. Mr. President, what is the pending question?

The PRESIDING OFFICER. The motion to lay on the table the amendment of the Senator from Ohio.

Mr. STEVENS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the motion of the Senator from Alaska to lay on the table the amendment of the Senator from Ohio.

On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Tennessee [Mr. BAKER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. PERCY], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. HART], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], the Senator from Mississippi [Mr. STENNIS], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

I further announce that, if present and voting. the Senator from Illinois [Mr. DIXON] would vote "nay."

The PRESIDING OFFICER [Mr. EVANS]. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 62, nays 18, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—62

Abdnor	Goldwater	Melcher
Andrews	Gorton	Nickles
Baucus	Grassley	Packwood
Biden	Hatch	Pressler
Bingaman	Hatfield	Quayle
Boschwitz	Hecht	Randolph
Bumpers	Heflin	Roth
Burdick	Heinz	Rudman
Chafee	Helms	Sasser
Cranston	Hollings	Specter
Danforth	Humphrey	Stafford
DeConcini	Jepsen	Stevens
Denton	Johnston	Symms
Dole	Kasten	Thurmond
Domenici	Kennedy	Tower
Eagleton	Laxalt	Trible
East	Lugar	Wallop
Evans	Mathias	Warner
Exon	Matsunaga	Wilson
Ford	Mattingly	Zorinsky
Garn	McClure	

NAYS—18

Bradley	Glenn	Metzenbaum
Byrd	Hawkins	Mitchell
Chiles	Lautenberg	Moynihan
Cohen	Leahy	Pell
D'Amato	Levin	Proxmire
Dodd	Long	Riegle

NOT VOTING—20

Armstrong	Hart	Pryor
Baker	Huddleston	Sarbanes
Bentsen	Inouye	Simpson
Boren	Kassebaum	Stennis
Cochran	Murkowski	Tsongas
Dixon	Nunn	Weicker
Durenberger	Percy	

So the motion to lay on the table amendment No. 3448 was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

ORDER DESIGNATING PERIOD FOR ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent that following the time for the two special orders tomorrow, there be a period for routine morning business not to extend beyond the hour of 12 noon with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING RECESS ON TOMORROW FROM 12 NOON TO 2 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that at the hour of 12 noon the Senate stand in recess for 2 hours until the hour of 2 p.m. for the purpose of party caucuses.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk until the close of business on July 31, 1984, by unanimous consent:

H.R. 5890. An act to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SASSER (for himself and Mr. BRADLEY):

S. 2880. A bill to extend the existing suspension of duty on natural graphite until January 1, 1985; to the Committee on Finance.

By Mr. ANDREWS:

S. 2881. A bill to allow duty-free entry of certain equipment for North Dakota State University, Fargo, ND; to the Committee on Finance.

By Mr. HELMS:

S. 2882. A bill to extend duty-free treatment to Meta-toluic acid [MTA]; to the Committee on Finance.

By Mr. DANFORTH:

S. 2883. A bill to amend the Tariff Schedules of the United States to provide an appropriate classification of recently developed dairy products; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2884. A bill to amend the United States Code to clarify the intent of Congress in adopting title IX of the Education Act Amendments of 1972; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS:

S. 2882. A bill to extend duty-free treatment to metatoluic acid [MTA]; to the Committee on Finance.

DUTY-FREE TREATMENT OF META-TOLUIC ACID

● Mr. HELMS. Mr. President, today I am introducing legislation that is simple, and I believe, noncontroversial. It would extend duty-free treatment to metatoluic acid [MTA].

I offer this amendment at the behest of Mr. Gary F. Taft, president of Morflex Chemical Co. in Greensboro, NC. I ask unanimous consent that Mr. Taft's letter to me explaining why this amendment is necessary be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MORFLEX CHEMICAL CO., INC.,
Greensboro, NC, February 6, 1984.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: I have had the opportunity of meeting you several times over the past few years in Washington due to my participation in the Greensboro Chamber of Commerce. An important event occurred for the employees at Pfizer's Greensboro Plant in December of this past year. Pfizer sold this business to the employees and as of December 1, 1983, Morflex Chemical Company

has been in existence. The business was purchased from Pfizer under an Employee Stock Ownership Plan (ESOP). All the employees, eighty-eight in number, will participate in the ownership of the business.

Our product line consists of the manufacture and sale from Greensboro of specialty organic chemicals. We make organic intermediates for the textile, adhesive, food, film, cosmetic, and insect repellant industries.

As you may be aware, Catherine Bennett of Pfizer's Washington Office recently met with Scott Wilson of your staff to discuss a tariff problem on our behalf. This discussion focused upon our interest in the introduction of legislation regarding the U.S. import tariff on meta-toluic acid, an important raw material to our production at Morflex. Mr. Wilson suggested that we provide you directly with the following background information which explains why we believe a suspension of the current duty on meta-toluic acid is justified.

1. Meta-toluic acid is reacted with diethylamine to form N'N-diethyl m-toluamide [DEET] which is widely known as an insect repellant.

2. The only country we have imported from in the past five years is Japan. The substance is also produced in Germany. We have not been made aware of any imports into the U.S. However, we are aware of DEET being shipped to the U.S. at a lower tariff than that of meta-toluic.

3. The import tariff on meta-toluic acid is 1.7 cents per pound plus 17.9% ad valorem. The import tariff on the finished product, DEET, is 1.5 cents per pound plus 12.5% ad valorem. The resulting price differential in the finished product has led some U.S. firms to purchase DEET from Germany rather than from the domestic producers. Apparently, Morflex and Virginia Chemicals (Norfolk, Virginia) are the only U.S. producers of DEET, and we both import the raw material, meta-toluic acid.

4. Volume over the past five years (in pounds):

1983 (estimated)	1,300,000
1982	1,031,765
1981	912,719
1980	753,822
1979	595,255
1978	357,151

5. Meta-toluic is currently produced in the U.S. by Argus (Division of Witco) located in Brooklyn, N.Y. Their quality is not acceptable for use in Greensboro. Previously, product was produced by Cowles Chemical in Skaneateles Falls, N.Y. The plant was closed in 1972 due to EPA restrictions. Stauffer later purchased the plant. Mobil produced meta-toluic in their Beaumont, Texas plant until 1974. They ceased production due to a lack of process technology and availability of raw materials. Velsicol purchased this plant in 1977.

Legislation providing the relief we seek was introduced in the U.S. House of Representatives last fall by Representative Robin Britt, who represents Greensboro. This bill is enclosed for your information. It is our sincere hope that you conclude that a duty suspension on meta-toluic acid is justifiable and agree to introduce companion legislation in the U.S. Senate as soon as practicable.

Sincerely,

GARY F. TAFT,
President.

● Mr. HELMS. Mr. President, in the interest of time, I will not go into a detailed explanation of this matter, but let me emphasize one or two points.

First of all, Morflex is an interesting and unique company. The previous owner of the company, Pfizer, sold it to its employees under an employee stock ownership plan. So the employees of the company own it.

The company makes specialty organic chemicals, and meta-toluic acid is an essential ingredient. Only one U.S. plant still manufactures MTA, and according to Mr. Taft the quality of its product is not acceptable for Morflex's use. MTA is combined with diethylamine to form N'N-diethyl m-toluamide [DEET], and insect repellant.

The import tariff on MTA is 1.7 cents per pound plus 17.9 percent ad valorem. The import tariff on DEET is 1.5 cents per pound plus 12.5 percent ad valorem. As a result of the price differential, some companies are purchasing DEET from German manufacturers rather than from domestic manufacturers such as Morflex.

This bill would simply eliminate the duty on MTA, restoring a fair and proper balance between the price of the ingredient and the price of the finished product.●

By Mr. DANFORTH:

S. 2883. A bill to amend the Tariff Schedules of the United States to provide an appropriate classification of recently developed dairy products; to the Committee on Finance.

TARIFF CLASSIFICATION OF NEW DAIRY PRODUCTS

● Mr. DANFORTH. Mr. President, all of us are aware of the crisis that we have reached in this country caused by enormous surpluses of dairy products. Through the dairy price support system, the Government is endeavoring to balance an adequate supply of dairy products at a reasonable price for consumers and the need to ensure an adequate income for farmers. What is becoming clear, however, is that Government interference with natural market forces will not provide an ultimate solution to this serious problem. Instead, it will be up to the private sector to discover means of utilizing greater quantities of dairy products in order to bring back into reasonable alinement supply and demand.

Certain segments of the dairy industry already are responding to this challenge. Several American companies have developed the technology to manufacture nutritious, high protein foods that can be incorporated into an expanding range of finished food products. These new dairy products have been recognized as safe by the Food and Drug Administration and future markets appear very promising.

The three food products that I am referring to are whey protein concentrate, lactalbumin and milk protein concentrates. Whey protein concentrate and lactalbumin are both high protein derivatives of whey, itself a by-product of cheesemaking. This same whey was, up until recently, considered to be an environment-threatening waste product. Mild protein concentrates or total milk proteinate is a high protein skim milk derivative.

While the technology to manufacture these products is available, adequate production facilities are not. Several companies have reached a crossroads, where, in order to channel their expansion into future markets, they must make a substantial capital commitment to build new plants and facilities better able to utilize new technology. Yet, they are reluctant to make this commitment, due to a cloud on the horizon that could severely undermine the future of the markets of these products.

That cloud is in the form of outmoded tariff classifications that were enacted by Congress before these products even existed. The U.S. Customs Service, when faced with the predicament of classifying these products under existing classifications, has placed them in "basket" classifications that have little or no relationship to what the products really are. The industry petitioned the Customs Service to administratively reclassify these products into existing dairy classifications, but Customs concluded that these existing classifications did not anticipate such high technology food products. The only remaining avenue toward reclassification is legislation.

New classifications for these products make sense for a number of reasons. First, because the technology and the products themselves are new, U.S. imports at this point are very low. Now is the time to act to prevent the development of a casein-like situation where a serious classification problem exists but so do substantial domestic markets for cheaper imports.

Second, if domestic companies are going to make an important financial commitment to production, they are entitled to product classifications that logically reflect what the products are. Whey protein concentrate and lactalbumin are modified wheys and should be classified as such. Milk protein concentrates or total milk proteinate is a skim milk product that, again, should be classified as a dairy product. All three clearly are dairy products that should be imported under rules for dairy products set up by Congress, although tariffs will not be altered by the reclassification. Failure to appropriately reclassify gives foreign manufacturers an unfair advantage that could halt the progress of this developing domestic industry.

Today, I am introducing three bills that will, if enacted, appropriately set dairy classifications for these three products—products that represent but one more example of private sector in-

genuity finding solutions to vexing public problems. I urge your favorable consideration.●

By Mr. GRASSLEY:

S. 2884. A bill to amend the United States Code to clarify the intent of Congress in adopting title IX of the Education Act Amendments of 1972; to the Committee on Labor and Human Resources.

SEX DISCRIMINATION PROHIBITION ACT

● Mr. GRASSLEY. Mr. President, most of us are aware that last February the Supreme Court issued a decision construing the enforcement language in title IX of the Education Amendments of 1972. And very frankly, Mr. President, most of us in Congress disagree with the Court's narrow view that the antidiscrimination provision in title IX is program specific rather than institutionwide. But there are some of us, myself included, who have not jumped aboard the S. 2568 bandwagon. Why? Because Mr. President, I do not believe that there is 1 cosponsor in 63 that fully understands the impact of this legislation.

Statements by sponsors of this legislation speak in terms of overturning the Grove City versus Bell case. The bill that I am introducing today does just that. The difference between this bill and S. 2568 is that there are no ambiguities as to who will or will not be covered. There is no question as to whether American farmers have to abide by the Rehabilitation and Age Discrimination Acts if they receive Federal crop subsidies under the terms of the bill I have in hand. There is no question as to whether the elderly will be adversely affected by a definition of the Age Discrimination Act that is so broad that it would penalize the private sector for providing special benefits to the elderly. There are countless questions that have been raised by the provisions of S. 2568. Yet, offering amendments to the bill, processing the bill through normal legislative channels, has been equated with heresy by many outside groups who equate amending the bill with killing the bill.

At the risk of lecturing, I might add, Mr. President, that the 10th amendment states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." I suggest that the enactment of S. 2568 will expand Federal power into many areas including those reserved to the States. We are all aware that in creating their new constitutional government, the framers sought protection from excessive government by separating governmental power not only between the three branches of the Federal Government, but between the Federal Government and the States. The bill that I am introducing today balances the interests of State sovereignty with the vital interest of continuing to ensure that no discrimination exist in the American educational system.

I suggest that the aim of ridding our society of discrimination is best accomplished through narrowly drawn legislation. For by expanding the reach of title VI, title IX, section 504, and the Age Discrimination Act, we are largely eliminating the remaining distinctions between Federal and State and Federal and private, concerns.

It is my hope that others in the Senate who are interested in overturning the program-specific interpretation of the Court without injecting the Federal regulator into every province of the State will support this bill.●

ADDITIONAL COSPONSORS

S. 337

At the request of Mr. PACKWOOD, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 1531

At the request of Mr. RIEGLE, the name of the Senator from Missouri [Mr. EAGLETON] was added as a cosponsor of S. 1531, a bill to encourage the use of public school facilities before and after school hours for the care of school-age children and for other purposes.

S. 1841

At the request of Mr. THURMOND, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1841, a bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 2341

At the request of Mr. STAFFORD, the name of the Senator from Florida [Mr. HAWKINS] was added as a cosponsor of S. 2341, a bill to authorize a program to enhance the access to and the quality of vocational education, and for other purposes.

S. 2423

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 2423, a bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime.

S. 2437

At the request of Mr. GOLDWATER, the name of the Senator from Nevada [Mr. LAXALT] was added as a cosponsor of S. 2437, a bill to amend the Communications Act of 1934 to clarify the policies regarding the right to view satellite-transmitted television programming.

S. 2638

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2638, a bill to provide for research relating to the control of gypsy moths, to assist States and local communities in controlling gypsy moth infestations, and for other purposes.

S. 2720

At the request of Mrs. HAWKINS, the names of the Senator from Michigan [Mr. LEVIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Texas [Mr. BENTSEN], the Senator from Arizona [Mr. DECONCINI], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 2720, a bill to recognize the organization known as the Women's Army Corps Veterans' Association.

S. 2735

At the request of Mr. NICKLES, the names of the Senator from Washington [Mr. EVANS], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from North Carolina [Mr. EAST] were added as cosponsors of S. 2735, a bill to rescind funds appropriated to the Energy Security Reserve by the 1980 Department of the Interior and Related Agencies Appropriations Act, and for other purposes.

S. 2743

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2743, a bill to designate a portion of 16th Street NW., Washington, DC, on which the Embassy of the Union of Soviet Socialist Republics is located, as "Andrei Sakharov Avenue."

S. 2744

At the request of Mr. HEINZ, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 2744, a bill to amend the Social Security Act to protect beneficiaries under health care programs of that act from unfit health care practitioners, and to otherwise improve the antifraud provisions of that act.

S. 2766

At the request of Mr. THURMOND, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2766, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition.

SENATE JOINT RESOLUTION 304

At the request of Mr. HELMS, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of Senate Joint Resolution 304, a joint resolution to designate the month of October 1984 as "National Quality Month."

SENATE JOINT RESOLUTION 308

At the request of Mr. NUNN, the names of the Senator from Arizona [Mr. GOLDWATER], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 308, a joint resolution to designate the week beginning on September 9, 1984, as "National Community Leadership Week."

SENATE JOINT RESOLUTION 318

At the request of Mr. HATCH, the names of the Senator from Georgia [Mr. MATTINGLY], the Senator from Mississippi [Mr. STENNIS], and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of Senate Joint Resolution 318, a joint resolution to designate the week of September 16, 1984, through September 22, 1984, as "National Developmental Disabilities Awareness Week."

SENATE JOINT RESOLUTION 324

At the request of Mr. HATCH, the names of the Senator from California [Mr. WILSON], the Senator from Michigan [Mr. RIEGLE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Iowa [Mr. GRASSLEY], the Senator from Florida [Mrs. HAWKINS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Indiana [Mr. LUGAR], the Senator from Connecticut [Mr. WEICKER], the Senator from Mississippi [Mr. STENNIS], the Senator from Illinois [Mr. DIXON], the Senator from Idaho [Mr. MCCLURE], the Senator from Washington [Mr. GORTON], the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. PERCY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Idaho [Mr. SYMMS], the Senator from Vermont [Mr. STAFFORD], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from South Carolina [Mr. THURMOND], the Senator from Montana [Mr. BAUCUS], the Senator from Tennessee [Mr. BAKER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Indiana [Mr. QUAYLE], were added as cosponsors of Senate Joint Resolution 324, a joint resolution designating November 1984, as "National Christmas Seal Month."

SENATE JOINT RESOLUTION 325

At the request of Mr. NUNN, the name of the Senator from West Virginia [Mr. RANDOLPH] was added as a cosponsor of Senate Joint Resolution 325, a joint resolution to designate October 7, 1984, through October 13, 1984, as "National Children's Week."

SENATE JOINT RESOLUTION 334

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. QUAYLE], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Joint Resolution 334, a joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month."

SENATE JOINT RESOLUTION 336

At the request of Mr. DENTON, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of Senate Joint Resolution 336, a joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world.

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Concurrent Resolution 101, a concurrent resolution to commemorate the Ukrainian famine of 1933.

SENATE CONCURRENT RESOLUTION 118

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Concurrent Resolution 118, a concurrent resolution expressing the sense of Congress that the portion of the street in the District of Columbia on which is located the Embassy of the Union of Soviet Socialist Republics, and the portion of any street in any other city in the United States on which is located a consular office or mission of the Union of Soviet Socialist Republics, should be named Andrei Sakharov Avenue.

SENATE RESOLUTION 364

At the request of Mr. DECONCINI, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Resolution 364, a resolution expressing the sense of the Senate that certain recommendations of the President's Private Sector Survey on Cost Control relating to the Veterans' Administration health care system should be rejected as a matter of national policy.

AMENDMENTS SUBMITTED

HYDROELECTRIC POWER

METZENBAUM AMENDMENTS NOS. 3455 THROUGH 3483

(Ordered to lie on the table.)

Mr. METZENBAUM submitted 29 amendments intended to be proposed by him to amendment No. 3437 to the House amendment to the bill (S. 268) to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes; as follows:

AMENDMENT No. 3455

At the end of amendment No. 3437, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3456

At the end of amendment No. 3437, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 50 percent of the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3457

At the end of amendment No. 3437, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 75 percent of the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3458

At the end of amendment No. 3437, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 75 percent of the average cost of hydroelectric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3459

At the end of amendment No. 3437, add the following:

"Notwithstanding any other provision of this Act, no contract authorized by this Act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1999."

AMENDMENT No. 3460

At the end of Amendment No. 3437, add the following:

"Notwithstanding any other provision of this Act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987; at not less than 50 percent of the average cost of hydroelectric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3461

At the end of Amendment No. 3437, add the following:

"Notwithstanding any other provision of law, including this Act, the Secretary of Energy shall provide for surplus revenues

by including the equivalent of 10 mills per kilowatt-hour in the rates charged to purchasers of power generated at Hoover Dam. Such surplus revenues shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3462

At the end of Amendment No. 3437, add the following:

"Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1995."

AMENDMENT No. 3463

At the end of Amendment No. 3437, add the following:

"The provisions of this Act shall be effective upon the date of enactment: *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1997."

AMENDMENT No. 3464

At the end of Amendment No. 3437, add the following:

"Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1997."

AMENDMENT No. 3465

At the end of amendment No. 3437, add the following:

"The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* That no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1995."

AMENDMENT No. 3466

At the end of amendment No. 3437, add the following:

"The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* That no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1995."

AMENDMENT No. 3467

At the end of amendment No. 3437, add the following:

"Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1993."

AMENDMENT No. 3468

At the end of amendment No. 3437, add the following:

"Notwithstanding any other provision of law, The Secretary of Energy shall require the Western Area Power Marketing Administration to repay the Federal investment in its power and transmission projects to the Treasury by annual payments sufficient to amortize the debt, including principal and interest, on each project on a straight line basis within the service life of such project or 50 years, whichever period of time is shorter. The Secretary may waive the requirements of the preceding sentence only under exceptional economic conditions. If the Secretary does waive such requirements, any missed annual payment shall be repaid in the next succeeding year with interest equal to the average interest rate payable by the Treasury upon its total marketable public obligations as of September 30 of the fiscal year the payment was originally due."

AMENDMENT No. 3469

At the end of amendment No. 3437, add the following:

"The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* That no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1993."

AMENDMENT No. 3470

At the end of amendment No. 3437, add the following:

"Notwithstanding any other provision of law, including this Act, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 10 mills per kilowatthour in the rates charged to purchasers of power generated at Hoover Dam. Such surplus revenues shall be transferred to the Secretary of the Interior and used for the purposes of Federal dam safety modifications in Arizona, California, and Nevada. Such dam safety mofications shall be for the purposes of dam safety and not for the specific purposes of providing additional conservation storage capacity or of developing benefits over and above those provided by the original dams and reservoirs."

AMENDMENT No. 3471

At the end of amendment No. 3437, add the following:

"Notwithstanding any other provision of this act, no contact authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1989: *Provided,* That, on or after February 1, 1985 a commission shall be created to study and make recommendations to the Congress on the pricing of power from Federal hydroelectric facilities once those facilities have substantially repaid the original Federal investment in accordance with existing law.

The Commission shall consist of:

(1) The Comptroller General;

(2) The Secretary of Energy or his designee;

(3) The Secretary of Treasury or his designee;

(4) The Secretary of Interior or his designee;

(5) The Director of O.M.B. or his designee;

(6) Four business people with expertise and knowledge of energy issues, one each appointed by the Speaker of the House, the Majority Leader of the Senate, the Minority Leader of the House and the Minority Leader of the Senate;

(7) Four representatives from the publicly owned utility industry, appointed in the manner described in paragraph (6); and

(8) Four representatives from environmental organizations appointed in the manner described in paragraph (6).

The Commission shall report its findings and recommendations by January 1, 1986.

AMENDMENT No. 3472

At the end of amendment No. 3437, add the following:

"The provisions of this Act shall be effective upon the date of enactment: *Provided, however,* That no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1999."

AMENDMENT No. 3473

At the end of amendment No. 3437, add the following:

"Notwithstanding any other provision of this act, not contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1991."

AMENDMENT No. 3474

At end of amendment No. 3437, add the following:

At the end of schedule A of Section 105(a)(1)(A) insert the following, the allocation to the Southern California Edison Company is deleted. Further, Schedule A shall further be amended to Increase the allocations to the other listed allottees on a pro rata basis

AMENDMENT No. 3475

At end of amendment No. 3437, add the following:

Strike section 103 of the House amendment.

AMENDMENT No. 3476

At end of amendment No. 3437, add the following:

Strike section 102(A)(2) of the House amendment.

AMENDMENT No. 3477

At end of amendment No. 3437, add the following:

Strike section 105(B) and add at the appropriate place: "Notwithstanding of any other provision, power resulting from the uprating program shall be sold by the Secretary through a process of competitive bidding.".

AMENDMENT No. 3478

At end of amendment No. 3437, add the following:

Strike section 109 of the House amendment.

AMENDMENT No. 3479

At end of amendment No. 3437, add the following:

Amend section 105(h)(1) by striking "within one year" and inserting "within five years.".

AMENDMENT No. 3480

At end of amendment No. 3437, add the following:

Strike section 102 of the House amendment.

AMENDMENT No. 3481

At end of amendment No. 3437, add the following:

In section 210(a), delete the words "acting by and through the Western Area Power Administration (hereinafter "Western").".

AMENDMENT No. 3482

At end of amendment No. 3437, add the following:

Strike section 102(c) of the House amendment.

AMENDMENT No. 3483

At end of amendment No. 3437, add the following:

At the end of schedule A of section 105(a)(1)(A) insert the following: "there is allocated to the city of San Diego a contingent capacity of 50,000 kilowatts and firm energy of 100,000 (thousand kilowatthours, both summer and winter): *Provided further,* that schedule A shall also be amended to reduce all other allocations on a pro rata basis."

METZENBAUM AMENDMENTS NOS. 3484 THROUGH 3512

(Ordered to lie on the table.)

Mr. METZENBAUM submitted 29 amendments intended to be proposed by him to amendment No. 3442 to the House amendment to the bill S. 268, supra; as follows:

AMENDMENT No. 3484

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3485

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 50 percent of the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3486

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 75 percent of the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3487

At the end of the amendment No. 3442, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 75 percent of the average cost of hydroelectric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3488

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than the average cost of power marketed by the Department of Energy through the Western Area Power Administration."

AMENDMENT No. 3489

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of this Act, no contract authorized by this Act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1999."

AMENDMENT No. 3490

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of this Act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987, at not less than 50 percent of the average cost of hydroelectric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3491

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of law, including this Act, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 10 mills per kilowatthour in the rates charged to purchasers of power generated at Hoover Dam. Such surplus revenues shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3492

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1995."

AMENDMENT No. 3493

At the end of amendment No. 3442, add the following:

"The provisions of this Act shall be effective upon the date of enactment: *Provided, however,* That no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1997."

AMENDMENT No. 3494

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1997."

AMENDMENT No. 3495

At the end of amendment No. 3442, add the following:

"The provisions of this Act shall be effective upon the date of enactment: *Provided, however,* That no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1995."

AMENDMENT No. 3496

At the end of amendment No. 3442, add the following:

"The provisions of this Act shall be effective upon the date of enactment: *Provided, however,* That no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1991."

AMENDMENT No. 3497

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1993."

AMENDMENT No. 3498

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of this law, the Secretary of Energy shall require the Western Area Power Marketing Administration to repay the Federal investment in its power and transmission projects to the Treasury by annual payments sufficient to amortize the debt, including principal and interest, on each project on a straight line basis within the service life of such project or 50 years, whichever period of time is shorter. The Secretary may waive the requirements of the preceding sentence only under exceptional economic conditions. If the Secretary does waive such requirements, any missed annual payment shall be repaid in the next succeeding year with interest equal to the average interest rate payable by the Treasury upon its total marketable public obligations as of September 30 of the fiscal year the payment was originally due."

AMENDMENT No. 3499

At the end of amendment No. 3442, add the following:

"The provisions of this Act shall be effective upon the date of enactment: *Provided, however,* That no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1993."

AMENDMENT No. 3500

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of law, including this Act, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 10 mills per kilowatthour in the rates charged to purchasers of power generated at Hoover Dam. Such surplus revenues shall be transferred to the Secretary of the Interior and used for the purposes of Federal dam safety modifications in Arizona, California, and Nevada. Such dam safety modifications shall be for the purposes of dam safety and not for the specific purposes of providing additional conservation storage capacity or of developing benefits over and above those provided by the original dams and reservoirs."

AMENDMENT No. 3501

At the end of amendment No. 3442, add the following:

"The provisions of this Act shall be effective upon the date of enactment: *Provided, however,* That no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1999."

AMENDMENT No. 3502

At the end of amendment No. 3442, add the following:

"Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1991."

AMENDMENT No. 3503

At the end of amendment No. 3442, add the following:

At the end of schedule A of Section 105(a)(1)(A) insert the following, the allocation to the Southern California Edison Company is deleted. Further, Schedule A shall further be amended to increase the allocations to the other listed allottees on a pro rata basis.

AMENDMENT No. 3504

At the end of amendment No. 3442, add the following:

Strike section 103 of the House amendment.

AMENDMENT No. 3505

At the end of amendment No. 3442, add the following:

Strike section 102(A)(2) of the House amendment.

AMENDMENT No. 3506

At the end of amendment No. 3442, add the following:

Strike section 105(B) and add at the appropriate place: "Notwithstanding of any other provision, power resulting from the uprating program shall be sold by the Secretary through a process of competitive bidding.".

AMENDMENT No. 3507

At the end of amendment No. 3442, add the following:

Strike section 109 of the House amendment.

AMENDMENT No. 3508

At the end of amendment No. 3442, add the following:

Amend section 105(h)(1) by striking "within one year" and inserting "within five years.".

AMENDMENT No. 3509

At the end of amendment No. 3442, add the following:

Strike section 102 of the House amendment.

AMENDMENT No. 3510

At the end of amendment No. 3442, add the following:

In section 201(a), delete the words "acting by and through the Western Area Power Administration (hereinafter "Western"),".

AMENDMENT No. 3511

At the end of amendment No. 3442, add the following:

Strike section 102(c) of the House amendment.

AMENDMENT No. 3512

At the end of amendment No. 3442, add the following:

At the end of schedule A of section 105(a)(1)(A) insert the following: "there is allocated to the city of San Diego a contingent capacity of 50,000 kilowatts and firm energy of 100,000 (thousand kilowatthours, both summer and winter): *Provided further,* That schedule A shall also be amended to reduce all other allocations on a pro rata basis."

METZENBAUM AMENDMENTS NOS. 3513 THROUGH 3542

(Ordered to lie on the table.)

Mr. METZENBAUM submitted 30 amendments intended to be proposed by him to amendments to the House amendment to the bill S. 268, supra; as follows:

AMENDMENT No. 3513

At the end of the amendment, add the following:

At the end of schedule A of section 105(a)(1)(A) insert the following: "there is allocated to the city of San Diego a contingent capacity of 50,000 kilowatts and firm energy of 100,000 (thousand kilowatthours, both summer and winter): *Provided further,* that schedule A shall also be amended to reduce all other allocations on a pro rata basis."

AMENDMENT No. 3514

At the end of the amendment, add the following:

Strike section 102(c) of the House amendment.

AMENDMENT No. 3515

At the end of the amendment, add the following:

In section 201(a), delete the words "acting by and through the Western Area Power Administration (hereinafter "Western"),".

AMENDMENT No. 3516

At the end of the amendment, add the following:

Strike section 102 of the House amendment.

AMENDMENT No. 3517

At the end of the amendment, add the following:

Amend section 105(h)(1) by striking "within one year" and inserting "within five years.".

AMENDMENT No. 3518

At the end of the amendment, add the following:

Strike section 109 of the House amendment.

AMENDMENT No. 3519

At the end of the amendment, add the following:

Strike section 105(B) and add at the appropriate place: "Nothwithstanding of any other provision, power resulting from the uprating program shall be sold by the Secretary through a process of competitive bidding.".

AMENDMENT No. 3520

At the end of the amendment, add the following:

Strike section 102(A)(2) of the House amendment.

AMENDMENT No. 3521

At the end of the amendment, add the following:

Strike section 103 of the House amendment.

AMENDMENT No. 3522

At the end of the amendment, add the following:

At the end of schedule A of Section 105(a)(1)(A) insert the following, the allocation to the Southern California Edison Company is deleted. Further, Schedule A shall further be amended to increase the allocations to the other listed allottees on a pro rata basis.

AMENDMENT No. 3523

At the end of the amendment, add the following:

"Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1991."

AMENDMENT No. 3524

At the end of the amendment, add the following:

"The provisions of this Act shall be effective upon the date of enactment; Provided, however, that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1999."

AMENDMENT No. 3525

At the end of the amendment, add the following:

"Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1989: Provided That, on or after February 1, 1985 a commission shall be created to study and make recommendations to the Congress on the pricing of power from Federal hydroelectric facilities once those facilities have substantially repaid the original Federal investment in accordance with existing law.

The Commission shall consist of:

(1) The Comptroller General;

(2) The Secretary of Energy or his designee;

(3) The Secretary of Treasury or his designee;

(4) The Secretary of Interior or his designee;

(5) The Director of O.M.B. or his designee;

(6) Four business people with expertise and knowledge of energy issues, one each appointed by the Speaker of the House, the Majority Leader of the Senate, the Minority Leader of the House and the Minority Leader of the Senate;

(7) Four representatives from the publicly owned utility industry, appointed in the manner described in paragraph (6); and

(8) Four representatives from environmental organizations appointed in the manner described in paragraph (6).

The Commission shall report its findings and recommendations by January 1, 1986.

AMENDMENT No. 3526

At the end of the amendment, add the following:

"Notwithstanding any other provision of law, including this Act, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 10 mills per kilowatthour in the rates charged to purchasers of power generated at Hoover Dam. Such surplus revenues shall be transferred to the Secretary of the Interior and used for

the purposes of Federal dam safety modifications in Arizona, California, and Nevada. Such dam safety modificatons shall be for the purposes of dam safety and not for the specific purposes of providing additional conservation storage capacity or of developing benefits over and above those provided by the original dams and reservoirs."

AMENDMENT No. 3527

At the end of the amendment, add the following:

"The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1993."

AMENDMENT No. 3528

At the end of the amendment, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3529

At the end of the amendment, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 50 percent of the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3530

At the end of the amendment, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 75 percent of the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3531

At the end of the amendment, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 75 percent of the average cost of hydroelectric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3532

At the end of the amendment, add the following:

"Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than the average cost of power marketed by the Department of Energy through the Western Area Power Administration."

AMENDMENT No. 3533

At the end of the amendment, add the following:

"Notwithstanding any other provision of this Act, no contract authorized by this Act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1999."

AMENDMENT No. 3534

At the end of the amendment, add the following:

"Notwithstanding any other provision of this Act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987; at not less than 50 percent of the average cost of hydroelectric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipt."

AMENDMENT No. 3535

At the end of the amendment, add the following:

"Notwithstanding any other provision of law, including this Act, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 10 mills per kilowatthour in the rates charged to purchasers of power generated at Hoover Dam. Such surplus revenues shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3536

At the end of the amendment, add the following:

"Notwithstanding any other provision of this act, no contract authorized by this act, or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1995."

AMENDMENT No. 3537

At the end of the amendment, add the following:

"The provisions of this Act shall be effective upon the date of enactment; Provided, however, that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1997."

AMENDMENT No. 3538

At the end of the amendment, add the following: "Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1997."

AMENDMENT No. 3539

At the end of the amendment, add the following: "The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1995."

AMENDMENT No. 3540

At the end of the amendment, add the following: "The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1991."

AMENDMENT No. 3541

At the end of the amendment, add the following: "Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1993."

AMENDMENT No. 3542

At the end of the amendment, add the following: "Notwithstanding any other provision of law, the Secretary of Energy shall require the Western Area Power Marketing Administration to repay the Federal investment in its power and transmission projects to the Treasury by annual payments sufficient to amortize the debt, including principal and interest, on each project on a straight line basis within the service life of such project or 50 years, whichever period of time is shorter. The Secretary may waive the requirements of the preceding sentence only under exceptional economic conditions. If the Secretary does waive such requirements, any missed annual payment shall be repaid in the next succeeding year with interest equal to the average interest rate payable by the Treasury upon its total marketable public obligations as of September 30 of the fiscal year the payment was originally due."

METZENBAUM AMENDMENTS NOS. 3543 THROUGH 3581

(Ordered to lie on the table)

Mr. METZENBAUM submitted 39 amendments intended to be proposed by him to amendment No. 3438 to the House amendment to the bill S. 268, supra; as follows:

AMENDMENT No. 3543

At the end of amendment No. 3438, add the following: "Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3544

At the end of amendment No. 3438, add the following: "Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 50 percent of the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3545

At the end of amendment No. 3438, add the following: "Notwithstanding any other provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 75 percent of the average cost of electric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3546

At the end of amendment, No. 3438 add the following: "Notwithstanding any other

provision of this act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than the average cost of power marketed by the Department of Energy through the Western Area Power Administration."

AMENDMENT No. 3547

At the end of amendment, No. 3438 add the following: "Notwithstanding any other provision of this Act, no contract authorized by this Act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1999."

AMENDMENT No. 3548

At the end of amendment, No. 3438 add the following: "Notwithstanding any other provision of this Act or any other law, the Secretary of Energy shall sell power generated at Hoover Dam after May 31, 1987 at not less than 50 percent of the average cost of hydroelectric power sold in the United States. Surplus revenues that result from this provision shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3549

At the end of amendment, No. 3438 add the following: "Notwithstanding any other provision of law, including this Act, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 10 mills per killowatt hour in the rates charged to purchasers of power generated at Hoover Dam. Such surplus revenues shall be returned to the Treasury as miscellaneous receipts."

AMENDMENT No. 3550

At the end of amendment No. 3438, add the following: "Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1985."

AMENDMENT No. 3551

At the end of amendment No. 3438, add the following: "The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1997."

AMENDMENT No. 3552

At the end of amendment No. 3438, add the following: "Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1997."

AMENDMENT No. 3553

At the end of amendment No. 3438, add the following: "The provisions of this Act shall be effective upon the date of enactment; *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1995."

AMENDMENT No. 3554

At the end of amendment No. 3438, add the following: "The provisions of this Act shall be effective upon the date of enactment: *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1991."

AMENDMENT No. 3555

At the end of amendment No. 3438, add the following: "Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1983."

AMENDMENT No. 3556

At the end of amendment No. 3438, add the following: "Notwithstanding any other provision of law, the Secretary of Energy shall require the Western Area Power Marketing Administration to repay the Federal investment in its power and transmission projects to the Treasury by annual payments sufficient to amortize the debt, including principal and interest, on each project on a straight line basis within the service life of such project or 50 years, whichever period of time is shorter. The Secretary may waive the requirements of the preceding sentence only under exceptional economic conditions. If the Secretary does waive such requirements, any missed annual payment shall be repaid in the next succeeding year with interest equal to the average interest rate payable by the Treasury upon its total marketable public obligations as of September 30 of the fiscal year the payment was originally due."

AMENDMENT No. 3557

At the end of amendment No. 3438, add the following:

"The provisions of this Act shall be effective upon the date of enactment: *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1993."

AMENDMENT No. 3558

At the end of amendment No. 3438, add the following:

"Notwithstanding any other provision of law, including this Act, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 10 mills per kilowatthour in the rates charged to purchasers of power generated at Hoover Dam. Such surplus revenues shall be transferred to the Secretary of the Interior and used for the purposes of Federal dam safety modifications in Arizona, California, and Nevada. Such dam safety modifications shall be for the purposes of dam safety and not for the specific purposes of providing additional conservation storage capacity or of developing benefits over and above those provided by the original dams and reservoirs."

AMENDMENT No. 3559

At the end of amendment No. 3438, add the following:

"Notwithstanding any other provision of this act, no contract authority by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1989: *Provided,* That, on or after February 1, 1985, a commission shall be created to study and make recommendations to the Congress on the pricing of power from Federal hydroelectric facilities once those facilities have substantially repaid the original Federal investment in accordance with existing law.

The Commission shall consist of:

(1) The Comptroller General;

(2) The Secretary of Energy or his designee;

(3) The Secretary of Treasury or his designee;

(4) The Secretary of Interior or his designee;

(5) The Director of O.M.B. or his designee;

(6) Four business people with expertise and knowledge of energy issues, one each appointed by the Speaker of the House, the Majority Leader of the Senate, the Minority Leader of the House and the Minority Leader of the Senate;

(7) Four representatives from the publicly owned utility industry, appointed in the manner described in paragraph (6); and

(8) Four representatives from environmental organizations appointed in the manner described in paragraph (6).

The Commission shall report its findings and recommendations by January 1, 1986.

AMENDMENT No. 3560

At the end of amendment 3438, add the following:

"The provisions of this Act shall be effective upon the date of enactment: *Provided, however,* that no provision of this Act or any other law regarding the pricing of power generated at Hoover Dam shall be effective after July 1, 1999."

AMENDMENT No. 3561

At the end of amendment No. 3438, add the following:

"Notwithstanding any other provision of this act, no contract authorized by this act or any other law shall prescribe terms and conditions for the sale of power generated at Hoover Dam beyond the period ending December 31, 1991."

AMENDMENT No. 3562

At the end of amendment No. 3438, add the following:

At the end of schedule A of Section 105(a)(1)(A) insert the following, the allocation to the Southern California Edison Company is deleted. Further, Schedule A shall further be amended to increase the allocations to the other listed allottees on a pro rata basis.

AMENDMENT No. 3563

At the end of amendment No. 3438, add the following:

Strike section 103 of the House amendment.

AMENDMENT No. 3564

At the end of amendment No. 3438, add the following:

Strike section 102(A)(2) of the House amendment.

AMENDMENT No. 3565

At the end of amendment No. 3438, add the following:

Strike section 105(B) and add at the appropriate place: "Notwithstanding of any other provision, power resulting from the uprating program shall be sold by the Secretary through a process of competitive bidding.".

AMENDMENT No. 3566

At the end of amendment No. 3438, add the following:

Strike section 109 of the House amendment.

AMENDMENT No. 3567

At the end of amendment No. 3438, add the following:

Amend section 105(h)(1) by striking "within one year" and inserting "within five years.".

AMENDMENT No. 3568

At the end of amendment No. 3438, add the following:

Strike section 102 of the House amendment.

AMENDMENT No. 3569

At the end of amendment No. 3438, add the following:

In section 201(a), delete the words "acting by and through the Western Area Power Administration (hereinafter "Western"),".

AMENDMENT No. 3570

At the end of amendment No. 3438, add the following:

Strike section 102(c) of the House amendment.

AMENDMENT No. 3571

At the end of amendment No. 3438, add the following:

At the end of schedule A of section 105(a)(1)(A) insert the following: "there is allocated to the city of San Diego a contingent capacity of 50,000 kilowatts and firm energy of 100,000 (thousand kilowatthours, both summer and winter). *Provided further,* that schedule A shall also be amended to reduce all other allocations on a pro rata basis."

AMENDMENT No. 3572

At the end of amendment No. 3438, add the following: "Notwithstanding any other law, all costs of Federal reclamation projects allocated to irrigation benefits shall be repaid by irrigators."

AMENDMENT No. 3573

In amendment No. 3838, strike "May 31," and insert in lieu thereof "June 1,".

AMENDMENT No. 3574

In amendment No. 3438, strike "1987" and insert in lieu thereof "1988".

AMENDMENT No. 3575

At the end of amendment No. 3438, add the following: "Notwithstanding any other provision of law, the Secretary of Energy shall conduct a study of alternative pricing policies regarding hydroelectric power generated at Federal dams. Such study shall be submitted to the Congress not later than July 1, 1985."

AMENDMENT No. 3576

At the end of amendment No. 3438, add the following: "The prohibition in P.L. 98-360, Making Appropriations for Energy and Water Development for the Fiscal Year Ending September 30, 1985, against using funds to study non-cost-based pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, is hereby repealed."

AMENDMENT No. 3577

At the end of amendment No. 3437, add the following: "Notwithstanding any other law, all costs of Federal reclamation projects allocated to irrigation benefits shall be repaid by irrigators."

AMENDMENT No. 3578

In amendment No. 3437, strike "May 31," and insert in lieu thereof "June 1,".

AMENDMENT No. 3579

In amendment No. 3437, strike "1987" and insert in lieu thereof "1988".

AMENDMENT No. 3580

At the end of amendment No. 3437, add the following: "Notwithstanding any other provision of law, the Secretary of Energy shall conduct a study of alternative pricing policies regarding hydroelectric power generated at Federal dams. Such study shall be submitted to the Congress not later than July 1, 1985."

AMENDMENT No. 3581

At the end of amendment No. 3437, add the following: "The prohibition in P.L. 98-360, Making Appropriations for Energy and Water Development for the Fiscal Year Ending September 30, 1985, against using funds to study non-cost-based pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, is hereby repealed.".

CONVEYING CERTAIN LAND TO THE ZUNI INDIAN TRIBE

GOLDWATER AMENDMENT NO. 3582

(Ordered to lie on the table.)

Mr. GOLDWATER submitted an amendment intended to be proposed by him to the bill (S. 2201) to convey certain lands to the Zuni Indian Tribe for religious purposes; as follows:

At the end of the bill, insert the following new section:

"SEC. 9. Notwithstanding 25 USC 640d-18(c)(1), the Secretary of the Interior is directed to discontinue any fencing activity at the area commonly referred to as Big Mountain within the former Joint Use Area for two years after the date of enactment of this Act."

Mr. GOLDWATER. Mr. President, I send to the desk an amendment to the bill S. 2201, a bill to convey certain lands to the Zuni Indian Tribe for religious purposes, and I ask for the amendment's consideration at the proper time.

Mr. President, under existing law, the Secretary of the Interior is directed to fence off the Navajo partitioned lands and the Hopi partitioned lands, of the former joint use area. Presently, plans are underway to fence off the area known as Big Mountain. This area is also the focal point in pending land exchange negotiations between the Navajo and Hopi Tribes. A very volatile situation exists at Big Mountain; by fencing it, there is a real potential for violence, and this is something I am sure none of the concerned parties want to see happen. Events are escalating to the point where things could go completely out of control and action must be taken immediately to defuse this critical situation. I will tell my colleagues that I view this as a temporary, but much needed, measure since I plan to introduce legislation next year that will provide a permanent and equitable land exchange involving Big Mountain if the Navajo and Hopi Tribes cannot resolve their differences this year. This amendment, however, is needed at this time and I urge my colleagues to support me in this.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee or Public Lands and Reserved Water to consider the following bills:

S. 2657, to withdraw and reserve for the Department of the Air Force certain public lands within the Nellis Air Force Range, within Clark, Nye and Lincoln counties, Nevada, for use as a training and weapons testing area, and for other purposes;

S. 2658, to withdraw and reserve for the Department of the Army certain public lands within the McGregor Range, Otero County, New Mexico, for use as a training and weapons testing area, and for other purposes;

S. 2659, to withdraw and reserve for the Department of the Air Force certain public lands within the Luke Air Force Range, Maricopa, Pima and Yuma Counties, Arizona, for use as a training and weapons testing area, and for other purposes;

S. 2660, to withdraw and reserve for the Department of the Army certain public lands within the Fort Greely Maneuver Area, in the Big Delta Area, Alaska, and certain public lands within the Fort Greeley Air Drop Zone, in the Granite Creek area, Alaska, for use as a training and equipment development area, and for other purposes;

S. 2661, to withdraw and reserve for the Department of the Army certain public lands within the Fort Wainwright Maneuver area, Fourth Judicial District, Alaska, and for other purposes; and

S. 2662, to withdraw and reserve for the Department of the Navy certain public lands for the Bravo 20 Bombing Range, Churchill County, Nevada, for use as a training and weapons area, and for other purposes.

The hearing will be held on Wednesday, August 8, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building. Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Witnesses will be arranged in panels and oral testimony will be limited to 5 minutes. Witnesses are requested to submit 25 copies of their written statement to the Subcommittee 24 hours in advance of the hearing, as required by the rules of the com-

mittee, and 75 copies on the day of the hearing.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on Senate Joint Resolution 319, to amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States on Friday, August 3, at 9:30 a.m. in SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Howard Marks at 224-9515.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a hearing on August 6, 1984, beginning at 10 a.m., in Senate Russell 428-A on the following bills: S. 2862, a bill to declare that the United States holds certain lands in trust for the Cocopah Indian Tribe; S. 2823, a bill to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Saginaw Chippewa Tribe of Michigan in dockets numbered 59 and 13E before the Indian Claims Commission and docket numbered 13F before the U.S. Claims Court; and S. 2824, a bill to provide for the use and distribution of funds awarded the Wyandotte Tribe, and for other purposes.

Those wishing additional information should contact Paul Alexander or Peter Taylor of the committee at 224-2251.

ADDITIONAL STATEMENTS

TRACY CAULKINS: IN SEARCH OF GOLD

● Mr. SASSER. Mr. President, after much fanfare and political controversy, the 1984 summer Olympics are finally underway. For the next couple of weeks, the eyes of the world will turn to those men and women who have worked and struggled and trained to carve their niche in Olympic history.

We will watch their accomplishments in awe, herald their triumphs, and anguish in their near victories. But in the end we will all applaud their courage and sense of accomplishment, knowing that they are part of something which, to the great majority of us, will remain only a dream.

To some, participation is a victory in itself, but to others nothing short of a gold medal will suffice. One such individual to which the latter applies is Tracy Caulkins from Nashville, TN.

Yesterday, the years of hard work and dedication finally paid off. Tracy Caulkins won a gold medal in the 400-meter individual medley swimming event, and she did so convincingly by beating her closest opponent by more than 9 seconds, a truly astounding feat.

Winning is not new to Tracy Caulkins. At age 21, her list of achievements boggles the imagination. She set her first American record in 1976. In 1977, she won her first national titles at the U.S. championships in Canton, OH. In 1978, she led the U.S. national team at the world championships, winning five gold medals and setting three world records in the process.

In 1979, at age 16, she became the youngest winner of the Sullivan Award, which is awarded to the best amateur athlete in the Nation. After winning gold medals at the pan-American games later that year, Caulkins set a new world record in the 200-meter individual medley.

With last night's victory, Tracy Caulkins has won 48 national titles and set 62 U.S. and world records. Even more exciting, however, is the potential for three more gold medals in these Olympic games.

Mr. President, we are all proud of our Olympic athletes and I am especially proud of Nashville's Tracy Caulkins. She exemplifies the spirit and competitiveness of the Olympic games. She has worked hard and spent incalculable hours in preparation for the opportunity to showcase not only her individual talents, but the U.S. Olympic team's talents before the rest of the world.

We are proud of you Tracy, and we wish you the best of luck in your quest for future accomplishments.●

HEALTH CARE FOR THE POOR

● Mr. KENNEDY. Mr. President, I ask unanimous consent that an article, "Care of the Poor Revisited," by David Kinzer, president of the Massachusetts Hospital Association, be printed in the RECORD. This piece appeared in the spring 1984 issue of Inquiry (v. 21, pp. 5-16) a publication of the Blue Cross/Blue Shield Association.

Mr. Kinzer's article reminds us of the need to ensure access to health care for the poor and medically indigent of our Nation. As we get caught up in debates about cost containment and promoting competition, we must be mindful of the need to preserve the gains in access to the health care system for the elderly, poor and others, achieved over the last two decades. We must also be aware that many still fall through the gaps in service and coverage. A report recently released by the Robert Wood Johnson Foundation indicated that in 1982, 21 million adults and 7 million children were unable to obtain needed health care. President Reagan's cutbacks in Federal programs for the poor and underserved have made these problems worse.

Kinzer's article warns that our "system" of indigent or free care is being overloaded and is in danger of breaking down.

It is essential that solutions be designed with the issue of access to the health care system in mind. My bill, S. 2424, the Medicare Solvency and Health Financing Reform Act of 1984, does address both problems of cost and access. It acknowledges that hospitals, like physicians and patients, are burdened by the current organization of health care delivery. Rather than focusing the blame on any group of providers, propose changing elements of the system so that all can prosper.

I urge my colleagues to examine Mr. Kinzer's thoughtful article.

The article follows:

HEALTH CARE OF THE INDIGENT: IT'S EVERYONE'S RESPONSIBILITY

The leading article in this issue of *Inquiry* is David Kinzer's assessment of the growing problem of support for health care of the poor and the medically indigent. This is a timely reminder that this burden, which in past years has been a shared obligation of public authority and private initiative, has been put aside as something to be dealt with later. Now Kinzer is telling us that it is already later than we think, that the problem not only is not going to go away but will certainly get worse, and that we had better turn our attention and our resources toward finding ways to pick up the burden before it becomes unmanageable. As Kinzer has reported here, it is unmanageable right now for many community hospitals whose margins leave no room for charity and many public hospitals running out of room for patients, not to mention the cities and counties running out of money.

After considering the evidence, I expect we would all agree that the problem is not only local and regional but national in scope, and not for government only or for the health professions and institutions only, but for everybody. But what is everybody's problem is likely to become nobody's responsibility to resolve. This is what has been happening, and it's time to change that.

Whatever our roles in the health care system, we all believe deeply, I'm sure, that this society must not let its poor and near poor members suffer or die for want of resources to pay for needed medical care. We may not ever achieve the desirable goal of making the same access and the same care available to all members of society, whatever their status. We never have. But we keep trying, and we've come closer in the Medicare and Medicaid era than we ever did before. Now we're slipping back, and unless we can find ways to provide for this growing segment of the population the slip could become a slide that would bring on the kind of solution nobody wants. What is needed for long-term stability is a workable plan for sharing the cost of indigent care among all the parties at interest—government at all levels, business and industry, providers of

service, insurers and insureds, taxpayers—so that all are paying their fair shares. This won't come quickly, but it won't come at all unless all of us who are directly involved make it a high order of business.

Meanwhile, there are some models for local action. In a number of communities, broad-based coalitions of business, physicians, hospitals, Blue Cross and Blue Shield Plans, local governments, insurance companies, and others have been organized with local initiative and local leadership to gather information, make studies, formulate plans, and undertake programs aimed at making health care affordable for those who can pay. There isn't any reason why the same kind of local group, using the same local resources, can't gather data, make plans, and devise programs aimed at making health care available to those who can't pay. The money will have to come from the same place the plans come from, with everybody paying a negotiated fair share. But the money won't come without the plans. The time to get started is now.

BERNARD R. TRESNOWSKI,
President,
Blue Cross and Blue Shield Association.

[Invited Paper]

CARE OF THE POOR REVISITED

(By David M. Kinzer)

(In a keynote address before the AHA Conference on Maintaining Services to the Poor, the author expressed his personal concerns and conclusions about what is happening on the "care of the poor" front in this country. This article highlights those concerns, among them: the preemption of concern for equity in the delivery of health care services by other national priorities; the disinclination of the states to assume the burden of caring for the poor forced on them by the Reagan administration; and the moral and financial dilemma this has placed on health care providers. The author concludes that the trend toward increasing the numbers of for-profit hospitals and preferred provider organizations will only worsen the situation, and that equalizing the charity care burden may best be accomplished in states with regulated systems. He concludes that the issue could reach a political explosion point in this election year.)

Introductory note. In August 1982, a special committee of the American Hospital Association, which I chaired, issued a report entitled Health Care: What Happens to People When Government Cuts Back? [1] The report sounded some early alarms about the adverse public health impacts that were just beginning to show as a result of the Reagan administration's budget cuts and of the new discretion given the states to abridge their Medicaid and other human service commitments.

It expressed apprehension about how the hospital system would respond to the increased public expectation for "free care" created by the cuts and by increases in the unsponsored case load wrought by a slumping economy. The committee was certain that public expectations for their hospitals to respond positively to these increased demands would go on, regardless of government's retreat from its commitments. The committee was sensitive to the present drift of the hospital field to think of itself as a form of commerce, in contrast to a public service, and to behave accordingly. And, even though the indigent-care portion of most hospital budgets is small compared with what is represented by Medicare, Blue Cross Plans, and private insurance, the special committee was convinced that a breakdown of our "system" of indigent care could have political repercussions that would have dislocating impacts on all hospitals.

The concerns stated in the committee report focused sharply on urban public general hospitals and other care settings of last resort and on whether they had the capacity, physical and fiscal, to meet the expected flood of redirected demand for their services. On a broader base, concern focused on what the new funding constraints would do to our nation's teaching hospitals, which currently deliver an outsized proportion of the nation's "free care."

The report also expressed deep (although not unanimous) skepticism about the central assumption in the Reagan administration's New Federalism strategy, which assumed that state and local governments would pick up the slack of the federal funding cuts (already then imposed) and do the job more responsively and efficiently.

All of this explains the committee's recommendation of a "fair share" approach by hospitals to respond to the mounting "free care" issue. It urged all hospitals to at least hold the line on their charitable commitments and increase them if they could so as to avoid a dangerous service deficit to needy citizens. The report assumed that a strong public backlash would soon be generated against the governmental cuts and said that it was in the long-range interests of the hospital world to be a part of the backlash.

In this article, I review events since the committee report was published over a year ago and relate my personal concerns and conclusions, based on these events, about what is happening on the "care of the poor" front. The article is adapted from a keynote address I gave in Chicago on October 31, 1983, to the AHA Conference on Maintaining Services to the Poor.

Experience across the country through 1983 on the care of the poor has been intensive and instructive and a good deal less than encouraging for those of us who believe that the public service mission of hospitals must somehow be sustained. In what follows I attempt to relate my own sense of reality about the implications of what I have observed.

Equity in the delivery of health services is still not a top priority issue in our country.

The issue has been preempted by much stronger public concerns. Fear about the nuclear weapons buildup certainly heads the list. Thanks to the Physicians for Social Responsibility and other concerned citizen groups, it has become the public health issue that dwarfs all others. Unemployment and the economy, toxic wastes, acid rain and other environmental issues, and the parlous state of secondary education all outrank access to health services, according to recent polls. Health care costs are much more of a concern than citizens' rights to health care. The AIDS crisis is now attracting much more concern (and governmental response) than the nutritional deprivation of AFDC children.

So our special committee's expectation of a backlash against the cuts is still unfulfilled. Certainly part of the explanation for the low-key appeal of the equity issue in health is the long-standing public prejudice against people on the public dole. Polls show strong public support for trimming welfare rolls and benefits, but the same polls show equally strong public support for the principle that no one should be denied needed health services because he or she can't pay for them. The main problem with equity as an issue is that it is an abstraction. People (and their politicians and the working press) become excited and supportive about the health crises of individuals, but don't as easily relate to more global issues.

A recent example of this was a story on the front page of the "Metropolitan" section of the Boston Globe.[2] In the story the governor of Massachusetts, Michael Dukakis, announced that he would pick up part of the tab for a heart transplant at Stanford University using Massachusetts Medicaid funds even though the patient, John Faragi, was employed, had Blue Cross coverage, and was not Medicaid eligible. (Blue Cross had denied payment responsibility because, in conformance with federal payment policies, the procedure is still considered experimental.) In the same Globe on the same page was a story about the Massachusetts legislature approving a $50 million cut in the AFDC budget, to give the welfare department a greater "incentive" to collect support payments from straying fathers, a budget that our governor later signed.

As a matter of fact, poverty as such is a much more generic issue than the equity issue in health services. Our failures in the health arena are just another expression of the poverty problem along with two others we are reading a lot about lately, hunger and homelessness.

In spite of the efforts of Senator Edward Kennedy and various advocacy groups to dramatize the poverty issue in public hearings across the country, there has been little enough public response. Witness the failure of Congress before its 1983 adjournment to enact health insurance for the unemployed and to do anything about a rapidly deteriorating situation on health services for poor children.[3] The equity cause seems to be getting lost in the stampede to control health care costs, with health budget cutting becoming a favored device for reducing governmental deficits—federal, state, and local. More federal health cuts were avoided in the 1983 congressional session by the failure to agree on an overall deficit reduction package, but these moves only appear to have been delayed.

Meanwhile, the Reagan administration asserts its will to cut commitments the latest initiative being proposed regulations in October 1983 that would give states new powers to restrict eligibility and to reduce benefits for children, the elderly, and the disabled now getting support as medical indigents. At last report these people constituted 3.7 million of the 21.9 million people receiving Medicaid support.

After what the states have done to Medicaid, who still wants states' rights?

When our special committee report was published, the states were on a clear track of cutting their Medicaid commitments on eligibility, benefits, and provider payment, and in some situations all three. Under the new discretion given them under federal law, they continue on this track. With the exceptions of North Dakota and Alaska, all states at best are in a "budget neutrality" mode on their Medicaid commitments and at worst are indulging in major surgery. A sign of the times is that one of the two states increasing its commitment (Alaska, by 13.9%) also felt impelled to enact a prospective payment system for Medicaid.

Some of the states' responses to the new era of limited resources have involved political log rolling in the worst tradition of state

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Footnotes at end of article.

legislatures. In Illinois there was a zero-hour political compromise that set a limit of $500 on payment per admission to hospitals for people on general assistance (the "medically indigent"), even though costs per admission, especially in Chicago, average several times that amount.

In Alabama a funding crisis has made a joke out of a new prospective payment system for Medicaid that had been installed just the year before.[4] The state has now frozen hospital payment levels under a new grouping system installed in 1983, cut reimbursable days of care from 20 to 12, and set a limit on reimbursable outpatient visits of 12 a year.

Several states are cutting payments for emergency care visits for cases that turn out not to be true emergencies. This is in face of the fact that retroactive denials on these cases ignore the reality that physicians and hospitals feel obliged to at least diagnose these patients as self-protection against possible lawsuit.

Probably the most dramatic example of reckless state behavior is provided by California, which, in one swoop, went to selective contracting with hospitals to service its Medi-Cal case load, instituted major cuts in program benefits, and transferred responsibility to caring for 260,000 medically indigent adults to the counties, cutting state support for this activity to 70% of expected costs.

A full assessment of the effects of this action won't be forthcoming for a long time, but danger signals already are being heard. In an issue of its CHA Insight, which was headlined "The Bottom Falls Out of Medi-Cal,"[5] the California Hospital Association recently reported that Medi-Cal patient days in the first quarter of 1983 had declined 22.61% from what they were in the first quarter of 1982. Capping all of this, Governor George Deukmejian, recently proposed cutting another $61.8 million out of state support for county health services, which would reduce the state sharing of county health expenditures from 70% to 61%. Nobody seems to know how the counties, still living under the constraints of Proposition 13, can pick up this slack. In another issue of CHA Insight there is a report of an apparently irreversible trend of closing county hospitals.[6]

It is apparent that the lack of any common commitment among the states to their needy citizens is a problem that is getting worse. In fact, what the states have done collectively to cut their dollar commitments to the needy already exceeds the federal cuts, though exact numbers here are currently impossible to come by. Also, the states in the most economic trouble with the most needs to address, like Michigan and Illinois, are the ones least able to respond.

Standards of eligibility and the levels of benefits are now all over the map. According to the Department of Health and Human Services, New York offers 29 optimal benefits, Wyoming six. Twenty-two states cover only the "categorically needy" under Medicaid, but 33 cover the medically needy also, Massachusetts has no limit on the number of hospital inpatient days covered, Wyoming covers only 14 days, Florida 45. It is impossible to relate this hodgepodge of state policy to any definable or even minimal standard of health protection for the poor.

An "out of sight, out of mind" psychology seems to prevail on what happens to people falling through the "safety net."

As Charles White of CHA put it to me, "No one knows what has happened to all the Medi-Cals that aren't coming to our hospitals, nor to the MIA's either. They've sort of gotten lost." A reality is identified here that isn't unique to California. The means for following disenfranchised welfare recipients are largely lacking. Some concerned advocacy groups are picking up the baton here, but what is involved is painstaking and often expensive research projects and long, after-the-fact delays in identifying whatever hardship results.

The psychology that comes into play here can't surprise anyone. State welfare directors, most of them under heavy pressure from budgetary watchdogs, are only too pleased to have fewer needs to meet with their always limited state funding. Life is made easier for them when they can blame it all on Ronald Reagan, as with the AFDC cuts and the federally mandated weeding of disability case loads. This cut 750,000 people out of the national case load. Even in a state as socially committed as Massachusetts, cutting out 29,000 AFDC cases and more than 8,000 on disability assistance hasn't caused too great a stir, either inside of government or out.

"Out of sight, out of mind" is descriptive of the political problem of addressing the issue of poverty in our country. A very high proportion of our electorate have only minimal direct exposure to the problem. It is also descriptive of the emotional set of many hospitals and other providers of care, especially when they are not overly dependent on Medicaid for patients. Almost always, Medicaid underpays both hospitals and physicians, and generally the underpayment problem is getting worse. So, as with free care, the fewer Medicaid patients coming in, the better. The disenfranchised patient becomes somebody else's problem.

Hospitals will stop doing good before they go broke.

If this point seems unduly cynical, I must recite a great truth I have picked up in representing hospitals in a state long buffeted by cost-control efforts: If there is one thing more important to a hospital than its community service obligation, it is its economic survival. Bankruptcy can't be made to look good on any hospital CEO's resumé. In Chicago, any hospital CEO who doesn't do all he can to fend off as many general assistance patients as he can, with their newly imposed $500-per-stay inpatient limit, just isn't being "businesslike" and will be so judged by his board of trustees.

The work "businesslike" poses the problem in a larger context. The chorus of criticism of the not-for-profit hospital now coming from business leaders and government alike and much abetted by the present editorial content of many hospital journals is that they need to be "better managed." Not surprisingly, many CEOs are taking this to mean that you shouldn't treat too many patients who represent bad debts, free care, or oversized "contractual allowances." This response promises to become more pronounced as overall constraints on hospital revenues are imposed and the resistance to cost shifting increases.

Hospital CEOs with with a social conscience mostly must learn to keep it well concealed.

I go to a lot of meetings where hospital CEOs let down their hair more or less privately. It seems significant that care of the poor doesn't surface too often as a subject. Concern about the issue, of course. varies by individual, but I sense another reason: The social obligation of hospitals to keep doors open to the poor is now an exceedingly uncomfortable subject. I found it astonishing that a recent article on ethics for hospital CEOs doesn't even identify the maintenance of the hospital's social mission as an ethical consideration. The author does skirt the subject when he says, "Ethical values in hospital administration are about to be sorely tested. The quality of patient care has always been in conflict with the bottom line of the balance sheet. It will soon be on a collision course with financial statements."[7]

It already is on a collision course in Massachusetts. Given the state's new revenue cap on hospitals[8] and the imperative to produce a positive bottom line (especially when you have revenue bonds to pay off), the CEO is constrained against making any commitments, in side or outside the hospital, in support of services that are likely to be losers. Also, he is often locked in by his and his board's growing dependence on the bottom-line orientation of chief financial officers, who often are the only people in the hospital who understand ever more arcane and conflicting third-party payment policies.

So the successful hospital CEO these days has to be cautious, and cannot be up front about taking more medicaid or delivering more free care. If there is an ethic about keeping the hospital responsive to community needs, you wonder who can reasonably be expected to keep it alive. Certainly the onus here is on the hospital's board and its collective altruistic spirit, where there still is one.

Another way of making this important point is that there is a clear correlation between the people who care a lot about what happens to the poor and those who care for a lot of them. Mostly the CEOs who are going public in their advocacy of equity are those who run public hospitals in urban settings.

The altruistic behavior of hospital medical staffs, or the lack of it, is a more than relevant consideration when a hospital tries to fulfill its social mission.

It has become a truism that the public does not readily make distinctions between the behavior of a hospital and that of its medical staff. When OB-gyn specialists on a hospital staff decided to no longer accept Medicaid patients, as has happened recently at several Massachusetts hospitals, the hospital shares in the adverse public reaction. On a grander scale, large numbers of physicians persist in refusing to accept Medicare assignments. In the state of Florida, I am told, this pertains to nearly all the physicians with a license to practice. As this is written, organized medicine is succeeding in its all-out effort to head off an attempt by Congress to force hospitals to force their staff physicians to accept these assignments. But it is guaranteed that this effort will be renewed in the 1984 session of Congress.

None of this seems to fit in very well with a national recession and government's clear incapacity to stay with its present medical payment commitments. Some of our elderly are affluent, but many more are having trouble keeping up with the ever increasing federally required copays and deductibles, without also being obliged to reach deeper into their pockets to pay their doctors something extra.

On the free-care issue, the medical profession's ethical taproots go much deeper than any that might govern a nonprofit commu-

nity hospital. Dr. Arnold Relman notes [9] that, until recently, the American Medical Association's Judicial Council's Opinions and Reports contained the statement that "ability to pay should be considered in reducing fees; excessive fees are unethical." This statement is now out of the latest edition (1981), but it does say: "Under no circumstances may the physician place his own financial interest above the welfare of his patient. The prime objective of the medical profession is to render service to humanity. Reward or financial gain is a subordinate consideration."

All of this now sounds a little old-fashioned when you look closely at physicians' economic behavior inside the hospital. In Massachusetts hospitals, the vast bulk of indigent care, compensated and uncompensated, is delivered by house staff and other physicians salaried by the hospital. When a private practitioner decides to give free care—and they all say they do—he limits the largesse to his office setting.

I am beginning to hear hospital boards talk about instituting free-care requirements on their voluntary staffs to match up with the hospital commitment, but very few of them have done it to date.

Social advocates are easily found, but are not easily heard inside our hospitals.

Beyond the public urban CEOs who have deep concerns about care of the poor, I quickly add that there are many nuns at the helm of Catholic hospitals who are deeply concerned. Though they have not yet made themselves very visible in the political realm, I believe they will ultimately become a force. As indicated, the dichotomy of hospitals as a form of commerce and as a public service is causing unease for most CEOs, but it now is a form of torture for many members of religions orders. As John Curley, president of the Catholic Health Association, told me, the mounting pressure to be more "businesslike" has the ingredients of a personal crisis for many of his constituents. "If they perceive that the poor are no longer available for them to care for," he said, "they will leave the ministry."

One heartening aspect in the response to our special committee report was the number of people, including many CEOs who have been personally silent on the issue, who said they were glad that we had publicly identified their concerns. Also the process of preparing our report, and its aftermath response, was very instructive on the question of who really cares about the issue.

I rank medical social workers first on this score. They know and care more about what happens to the poor than any other professional group in our hospitals. Usually they express the most frustration about not being heard. Also, and my earlier statements notwithstanding, there are clearly many physicians on hospital staffs who have a strong social orientation. But only rarely do these individual concerns have an organized expression. And nurses! The social commitment is alive there, too, but does not seem to be very much heard, either. In some Massachusetts hospitals that I won't name, the political strength of medical and nursing staffs, along with the large admitting and discharging discretion of house staffs, is an effective checkmate to the hospital's top-level businesslike behavior.

In the volunteer groups, the auxilians seem to have much more sensitivity to social concerns than do the boards. Also, they seem to have the most trouble finding anyone who will listen to them. I risk here generalizing too much. Though "businesslike" considerations dominate board thinking nowadays, I've encountered many board members who express frustration because what they must do conflicts with their prime motivation in becoming board members.

On the present trend lines, the divisions between the for-profits and the not-for-profits are becoming irreconcilable.

A recent study comparing the economic performance of voluntary, public, and investor-owned hopitals in California made one startling revelation relating to care of the poor: [10] The investor-owned hospitals in the study group delivered charity care in amounts so minute that they go a "0.00" score in one of the tables. They also were conspicuously below the others in the volume of Medi-Cal patients treated.

Given the growing economic pressures on all hospitals on the revenue side, and the deterioration I have noted in public support of indigent care, the ingredients of a major division are with us. The reality here is that hospitals as profit-making business enterprises and hospitals as community services cannot be treated, or represented, as having common purposes. Lately, the trend among the non-profits seems to be in the direction of behavior patterns more like those of the for-profits. Most of the so-called voluntary chains that have come into being have been imitative in their economic behavior of the for-profit chains. They seem not to be in any more of a hurry to pick up economic "losers" than the big corporate chains. But what this is doing is not to mute the incipient conflict, but to bring it to a head, because it is having the effect of putting the care-of-the-poor responsibility on an ever narrowing and ever more threatened group of institutions. Part of the survival pattern of these institutions must be to discredit the for-profits.

The competitive strategy for controlling health care costs can't be anything but threatening to the institutions that deliver the most charity care and to all the people who continue to expect it.

To compete effectively on price, a hospital is well advised to do as little teaching as possible, limit its patient mix to as few Medicaid patients and unsponsored cases as possible, avoid offering services that are regular losers, and ship as many high-intensity, high-risk patents as possible into the referral centers. This is what is happening now in many areas. Distress signals now being heard from urban referral centers, public and private, confirm it.

In July 1982, a Chicago paper ran a story that Cook County Hospital was operating at full capacity for the first time in years.[11] Elliot Roberts, the hospital director, said that "our capacity to handle patients on the medical wards is exhausted" and issued a plea to other hospitals in town not to transfer any more patients. He said that 618 patients had been transferred to County in June 1983, compared with 122 in June 1981.

Parkland Memorial Hosptial in Dallas had a similar experience,[12] reporting that ER visits "had jumped dramatically during the recession and now averaged between 500 and 550 per day. The rate of patient transfers from other hospitals to Parkland has nearly tripled over the past year and is now occurring at the rate of almost 200 per month. Most of these transfers are for financial reasons and frequently involve medically indigent residents of neighboring counties and suspected illegal aliens."

The evident popularity of the competitive strategy with many of our hospitals has become a bad joke with the public hospitals. It isn't very popular with our teaching hospitals, either. As Richard Knapp, director of the department of teaching hospitals of the Association of American Medical Colleges, told me recently, "The gap between those institutions doing well financially and those that are not is widening. . . . Those hospitals serving large numbers of marginal-income and no-pay patients are being badly stretched and some are hitting rock bottom."

The new craze in our field, preferred provider organizations (PPOs) is heightening the apprehension of the public and teaching hospital groups. They view this new competitive initiative, based on what they are seeing to date, as an effort by groups of hospitals that don't do much teaching or give much charity to take away the share of the private market the teaching and public hospitals need to subsidize their teaching and charitable services.

Testifying before a congressional committee, Larry Gage, president of the National Association of Public Hospitals, identified the new competitive impulse in its broadest dimension: "As pressure increases among payers to end or reduce cost shifting, the patients whose costs must be shifted will become increasingly isolated. When no organized insurer admits to any responsibility for serving the uninsured poor, those patients will increasingly be dumped on our nation's public hospital system—at least up to the limits of local taxpayers' willingness to support that tremendous burden." [13]

The emerging reality here is that the competitive strategy is really a mad scramble for a larger share of the private market and has only the most limited relevance to the cause of cost control. Its continued popularity among physicians and hospitals is mostly attributable to the fact that it seems to be the only conveniently available alternative to more regulation. And marketplace forces, in inexorable fashion, are forcing insurers like Blue Cross Plans to abridge their prior commitments to community rating, open enrollment, individual coverage, and cross-subsidization of high-risk groups.

What little support the competitive strategy had in Congress now is wanting, as lawmakers begin to feel the pressure of the increasing numbers of citizens unable to pay for their health services. Besides, no one knows how to design and legislate a politically acceptable competitive system that addresses this problem. A signal on this is the change of heart of Representative Richard Gephardt (D., Mo.), one of the early apostles of the competitive strategy who is now sponsoring federal legislation to mandate an all-payers state approach to cost control.[14] His draft bill, though, does include a competitive option for states that can prove that this approach does hold aggregate hospital expenditures below nationally set target limits.

That piece of the competitive doctrine that puts the consumer of care at risk just isn't real when applied to poor people. Even so, and as earlier noted, some state Medicaid programs are trying to do this with results that were predictable in advance. You can't reasonably impose significant financial risk on people who can't afford to pay their bills in the first place. Their risk under the current competitive doctrine is to not receive the medical services they need.

Acceptance of the idea of a two-tiered system of care seems to be gaining ground

in our country, but only among those who know they will land safely in the top tier.

The theme of the 1983 Duke University Forum on Hospital and Health Affairs was equity in health care. The clear consensus of the parade of speakers was that the reality of limited resources dictated some significant retreat from the equal access, equal-care goal of the last 20 years. The tone of it all was regretful resignation with a heavy mix of academic detachment. Undoubtedly, some of the resignation derived from the reality that the country more or less already was living with two tiers and, in some areas, three or four.

Gathered in the room were many national health leaders. Looking around me, I tried hard to understand the consensus that had clearly been reached. Then I realized that there wasn't a single person I knew in that room—and I knew a lot of them—who didn't have reason to believe that he or she would stay securely in the top tier.

In my aftermath pondering of the meeting, I had great difficulty understanding what the speakers meant by "two tiers" and a "dual standard." If it meant hamburger instead of steak, and ward accommodations instead of private, and open windows instead of air conditioning, that is one thing, but almost everybody in the room knew that this kind of austerity barely makes a dent in our aggregate medical bill. If it meant making it more difficult for the second-tier types to get inside our hospitals, that is another thing. If it meant giving them fewer medical services, that is quite something else. And if it meant consigning all of the country's indigent to understaffed and underequipped public charity hospitals, that is something else again.

The dilemma comes into focus immediately when it is related to specific situations. Does this mean that we shouldn't give a liver transplant to the father of a young family when the father doesn't have a job? Does it mean a premature infant of an AFDC mother can't get inside a neonatal intensive care unit? Does this mean we should take dialysis away from the elderly?

My point is that if the second-tier people get an explanation of what the term really means, they won't like any of the four interpretations, and least of all the last three. And a lot of the people they helped elect to public office will not like them either.

A major problem with a two-tier system, barely discussed at the forum, is that it can put the ethical physician in an impossible position. Dennis O'Leary, M.D., dean for clinical affairs of the Georgetown University Medical Center, identified the ethical problem, saying, "[The physician] feels an obligation to do everything to sustain the patient," but then acknowledged that "very subtle adjustments" are already being made in society's standards and expectations.[15] In a different forum, Edmund Pellegrino, M.D., expressed more explicit concerns. Mentioning the physician's "covenant" to do all he can medically for his patient and referring to reductions in payments for care of the poor, he said, "Things do not become right because we are forced to do it. . . . We are trying to turn the physician into an agent of economic and social policy."[16]

So moving overtly to two tiers poses significant ethical as well as political problems. Many physicians finesse the ethical issue by not signing on with Medicaid or by limiting their practices to private patients. You can't neglect patients you never see. But most of our hospitals can't afford to be that selective. Two tiers becomes a more uncomfortable solution to cost problems in that setting. I don't know any hospital CEOs in Massachusetts who are yet telling staff physicians how much they can do for their patients. I don't know any who really want to try.

A collective and voluntary "fair share" approach by hospitals to meet charity care needs becomes less acceptable as payment constraints tighten.

There have been some efforts across the country by hospitals voluntarily to agree to accept a defined proportion of the charity care load in their communities. Mostly they have not succeeded. Resistance to the idea increases as the money faucets are turned down.

It would seem that there is more potential for "fair share" within the nonprofit systems of hospitals that are still growing across the country than there is for local sharing by solo hospitals. The Evangelical Group in Greater Chicago is now helping to carry two threatened inner-city hospitals. Some of the Catholic orders are now trying cross-institutional cross-subsidization. But the potential of this is limited by the self-protectionism of local community interests, especially when hospitals in the order are widely dispersed.

Besides, in the face of competition from the for-profit chains, the temptation to drop a loser is very strong. A story out of Philadelphia is instructive on this point. St. Christopher's, a children's specialty hospital in the inner city, recently bought three smaller investor-owned hospitals in the suburbs. One of the "understandings" when the hospital got its certificates of need to purchase the hospitals was that St. Christopher's would stay where it is. Now, though, the hospital board has had a change of heart and has proposed building a new hospital in a more affluent section of the city. This has produced a tremendous public hullabaloo. The hospital nonetheless has a real-world problem. It is located in an area of high unemployment with a high proportion of Medicaid recipients and very high outpatient utilization. I am advised that the state pays only $12 an outpatient visit, currently only 30% of that hospital's cost per visit.

Equalizing the charitable care burden is most readily accomplished in states with regulated systems of care.

Another emerging reality is that collective, voluntary initiatives to meet the mounting charity care needs of our country have about as much long-range viability as did the AMA- and AHA-sponsored voluntary effort in cost control. Law and regulation will increasingly be the instruments for getting this done. It is no coincidence that in the four eastern states (New York, New Jersey, Massachusetts, and Maryland) with federally waivered payment systems there is now less trouble meeting the health care needs of the poor than in many states that have no overall regulation.

George Allen, president of the Hospital Association of New York State, told me recently that the long-beleaguered city hospital system in New York City is now in better financial shape than it has been in years. This was accomplished before New York completed its first year under a regulated system. Though it can't be said that all of the public hospitals in the four states are in sound shape, there are no crises there that compare with what is happening at Cook County, St. Louis City, Denver General, Grady in Atlanta, and the Charity Hospital of New Orleans.

The reason is that the systems permit creation of payment pools to give extra support to the hospitals that deliver a high volume of free care. They also distribute free-care obligations among governmental and voluntary payers, whereas nationally, given Medicare's and Medicaid's policy not to accept responsibility in this area, the cost of free care and bad debt still must be loaded on private payers only.

Another feature of regulation in the four states is that it sustains the contribution of the private sector to meet hospitals' charitable obligations. In states where PPOs are burgeoning, where major industrial purchasers of care are negotiating "administrative services only" contracts and are hard bargaining hospitals into cutting prices, hospitals are being forced into a situation where there is less sharing than ever. To put it bluntly, the pious crusade against cost shifting now being led by business coalitions is a not very disguised cop-out on a social responsibility they have been carrying for years.

It is easy enough for private group purchasers of health services to get cut-rate prices in states that have no regulation, but it is not so easy in states that do.

The negative side of regulated systems is that they implicitly acknowledge that definable limits can be put on the total dollars in the payment pool, which means that if you spend more money to help one category of hospital, less goes to others. But the definable-limits pattern of thinking is also gaining foothold nationally. Witness what has just happened in Medicare, now controlled globally by the new "budget neutrality" commitments of Congress.

Politically, it has been possible to finesse the equity issue with the cost issue and make hospitals take most of the rap for both.

The cost issue has hospitals very much on the defensive. Politicians at all levels of government now use the steadily rising hospital expenditure curve as justification not only to cut hospital payments but to cut benefits and eligibility as well. And they justify cuts in nutritional services and maternal and child health because, as they often put it, hospitals are eating up the lion's share of available human service funds. At the December 1983 National Governors' Conference, Governor Thomas Kean of New Jersey put it this way: "Health care is acting as PacMan in our budget, eating up funds that would otherwise be used for good and useful projects."[17]

A not unusual hospital response to government retrenchment—cutting out services for which government has cut its support or limiting services that the government cuts have turned into losers—more ofter than not gets the hospital into public trouble. A children's hospital in my state was so politically victimized by angry legislators for its announced plan to retrench on one of its big losers, psychiatric counseling services to sexually abused children, that it had to drop the idea.

In this environment, political leaders somehow find it easy, on the one hand, to stand up for the rights of the poor to get new livers and hearts or transplanted bone marrow and, on the other, to vote for global health budget cuts to force the issue on "controlling hospital costs."

Over the last year, I have noted in my in-basket a marked increase in the number of instances of murderous media treatment of hospitals that refuse to treat a critically ill infant because he came from another

county, a heart attack victim who dies while being transferred from the emergency room of a private hospital into a county hospital, a critically burned patient without third-party support who almost died before a burn unit could be found willing to treat him, and much more of the same kind of thing.

The anger generated by these stories is not only damaging to the hospitals named, but is hurting the image of the whole field. And this, in turn, gives our politicians public justification for even more heavy-handed treatment of hospitals, putting them even more on the defensive.

The word "dumping" is now being used with increasing frequency by the media to describe our collective hospital treatment of the poor. It is a horrible word,

The health care poblems of the poor will need to worsen before they will be squarely addressed nationally—and they will worsen.

This reexamination forces me to the conclusion that our health "safety net" for the poor and otherwise disadvantaged people in our country has deteriorated significantly since our special committee report was issued more than a year ago. I refer here not just to the erosion of state Medicaid programs, but also to the fact that the main burden of meeting the health care needs of dependent groups in our population seems to be falling on an ever narrowing group of institutions that generally aren't in very robust financial condition.

Though the current economic revival can help our situation, all the economic prognostications I see are that unemployment rates will probably stay at high levels into the indefinite future. Also, economic improvements don't seem to offer much hope of reducing the numbers of people needing some form of government assistance. For example, the steadily increasing number of elderly in our population guarantees ever increasing pressure on the nursing home portions of already strained state Medicaid budgets. At least 70% of the poverty group in our country is hard core in the sense that dependence on government assistance is guaranteed into the indefinite future. In addition to the aged, the people needing some form of public assistance include the disabled and households headed by a lone female parent with at least one preschool-aged child. Mothers in these households don't usually work and now have little incentive to do so.[18] Add to this list the mentally ill, where the dual standard has always been with us. There are signs that the deinstitutionalization of state hospitals has stalled and that the affected patients are backwatering into state inpatient settings. Efforts in my own state to "privatize" that case load died because of state employee union opposition and because everybody knew privatization would cost more money.

Other forces at work support the assumption that the health services situation for the poor will get worse before it gets better. The move to a prospective DRG system for Medicare promises over time a racheting down of revenues from this main payer that will likely force more hospital retrenchment of commitments in other payer categories, like Medicaid, where payments are even more suppressed. And, as already noted, the rush to more free-market competition in the private sector really is a global cost-shifting device that, as Larry Gage said, redirects more low-pay, no-pay, and high-risk patients into referral centers, which in turn is increasing their vulnerability to more cost cutting by government.

All of this notwithstanding, it cannot yet be said that the equity issue in health has a strong national constituency. The impact of the problem, like the impact of our recession, varies in the extreme. Because it has achieved crisis proportions mainly in urban centers, effective response is often hobbled by the long-standing divisions of city and country in state legislatures.

Most important, there doesn't seem to be very much interest in Washington in facing up to this mounting problem. This applies not just to the White House, with its large capacity to define public issues, but to Congress as well.

Emily Friedman, senior field editor of Hospitals magazine and one of the most concerned observers the hospital field has on the "care of the poor" front, takes a very dark view of where we are heading. She projects a steady decline of the numbers of people with some degree of Medicaid protection from the present 21.9 million down to "just a few million." These newly uninsured, she says, "can join the 26.6 million people who are already in that boat, and throw themselves at the mercy of the private sector. Private providers, even if they were inspired to do so by reimbursement at 50 cents on the dollar, could not possibly absorb the expenses of a population of that size. So we could end up right where we started nearly 20 years ago, with those who can't pay being funneled to strapped, underfunded local government providers." [19]

In spite of the not very pleasant realities I have identified in this analysis, I do not accept the Friedman scenario. My reason: We are confronted with a destabilization in our social structure that can erupt as a major political issue soon, and certainly much sooner than it will take for that scenario to play out. In its broadest dimensions, it is the now much publicized fact that the proportions of rich and poor in our society are increasing while the middle class shrinks. In health, the issue is well conveyed in a recent paper from the Urban Institute which points out that the "implicit" system of financing health services for the poor—that is, expecting the charge payer to pick up the losses incurred therefrom—is rapidly approaching breakdown, a fact that is bringing to the forefront consideration of more "explicit" solutions.[20]

The American body politic can and always has tolerated a certain amount of poverty and a certain amount of discrimination against the poor, including the dual standard in health care. But there is a question of how much more it will tolerate. Though the impact of the incipient breakdown I have described is limited to a minority of institutions, such as public hospitals, and minorities in our population, especially blacks and Hispanics, this breakdown could give the issue sharpened political focus. The media are now feeding on the human crisis wrought by this destabilization. And 1984 is an election year. One of the buildups to this election has been aggressive voter registration drives among blacks, Hispanics, and women, the latter with seemingly deeper concerns about human service causes than men.

I can't predict any specific political resolution of the equity issue. I am only saying that we are very likely to have one as a result of the election, one that could be as impetuous as last year's congressional action that put DRG limits on Medicare payments. And certainly the issue is such that it will require a national solution. Based on our last two years of experience, our country cannot live much longer with the fantasy that the needs of the poor can be addressed by a combination of enhanced private philanthropy and state and local government support. For our hospital system, with its huge expense commitment, the potential of philanthropy to offset mounting demands for free care is very small. And the maldistribution of dependent populations is such that the urban centers where the poor are concentrated have similarly limited capacity to finance the services that the poor need.

Politically, the equity issued in health can be likened to someone walking into a room with a gas leak carrying a lighted match. Stuart Altman, dean of the Heller School of Brandeis University and former assistant secretary of HEW in the Nixon and Ford administrations, suggested that 40 million "uncovered" individuals in our population would be a benchmark service deficit that could revive a push for national health insurance "within four or five years." [21] We are moving up to that number at a steady rate.

It seems obvious that the health provider community and its various organizations will not and cannot be a rallying point on the equity issue in health. All of them are split by the conflicting motivations of financial gain (or survival) versus community service and ethical considerations. Besides, their credibility with the people most damaged by the cuts and the politicians who represent them is currently not at a very high point. Nor does it seem likely that the decisions will be made on the basis of what is best for the health care establishment. Cost control is with us to stay. It seems certain that any move to broaden health care entitlements will involve more constraints on how much health care providers will be allowed to spend in delivering these services.

It should not be assumed that a political response on the equity issue must wait until a majority of the public is hurt by the status quo. A majority needs only to care about people being hurt. The issue is a caring kind of issue and will become political to the extent that politicians running for office can mobilize voters around it. It seems to follow that the influence of individual members of the health provider community on whatever "solution" is developed will hinge on whether they can demonstrate, now and in the future, that they really care about the problem.

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CHINA: A LOST CAUSE FOR THE WEST

● Mr. GOLDWATER. Mr. President, ever since the founding of our Republic, the United States has taken pride in the fact that we base our very existence on personal freedom and individual dignity. Indeed, we have fought and bled and died to preserve those principles. It is, therefore, very disturbing to me to sit and watch the unseemly haste by which certain people in this country are tossing aside our very birthright.

Mr. President, I am referring to those politicians and businessmen who are willing to accommodate themselves to Red China for their own, narrow poltical and monetary benefit. What we are coming to when the principles of our Founding Fathers are sacrificed on the altar of expediency?

Without a doubt, Red China will be enshrined in the pages of history as one of the cruelest, most bloodthirsty and oppressive regimes that ever dominated a country. Have we forgotten how many of their own people were killed or allowed to die by starvation during the Cultural Revolution or the Great Leap Forward? Have we forgotten Korea, Tibet, Vietnam, Laos, or Cambodia? Perhaps the enormity of evil is so great that it tends to numb the mind which allows even the best-intentioned person to overlook the failings of Red China.

Mr. President, without agreeing with the writer's critical remarks about Chinese culture, a high art form which has been corrupted by communism, I ask unanimous consent that an article from the London Daily Telegraph of May 24, 1984, be printed in the RECORD. In this article, the author, Giles Mathews, argues persuasively that the myth of the "China card" is exactly that—a myth. Indeed, his thesis is that when all human endeavors are dictated by the Government for purely political purposes, then even such things as art and literature lose their very essence. It is one thing, he argues, to be a patron and it is an entirely different thing to be a dictator in these areas. I certainly hope that my colleagues will read this article in light of our own history.

The article follows:

CHINA'S INSCRUTABLE FACE HIDES A LOST CAUSE FOR THE WEST

When you go to China they give you a banquet. The format of these functions is always the same, whether you are President of the United States or the export manager of Nuts & Washers Ltd—though of course there are differences of scale.

Smiling officials usher you to the seat of honour. The senior of your hosts fusses over you, setting choice delicacies on your plate. He compliments you on your skill with chopsticks. You stutter a few memorised phrases in Mandarin; they lean forward eagerly to catch your words, and chuckle with delight. Toasts are drunk to the eternal friendship of the two nations. Flattery is exchanged. Warmed by the smiles, the sycophancy, the toasts, you at last rise and make a gushing speech. You express regret for the misunderstandings of the past, and hope for the future. How can it have happened that there has been such a gulf, such incomprehension between our two cultures? When we have so much to learn from each other! So much to gain from friendship!

Thousands of Westerners have had this experience—most recently Ronald Reagan. I wonder how many of them now reflect, as I do, that perhaps we have nothing at all to learn from China, and little to gain from China's friendship? Very few, I suppose. It is still received wisdom that China is a Good Thing. Her culture being ancient, is presumably profound. Her population is vast, and so must be a desirable market. Her foreign policy is proudly independent, and therefore good for tying down a few Russian divisions far from Europe. Is not friendship with China worth the effort?

If it is, it must be a friendship freed from illusions. The illusion of China's high culture will do for a start.

By the time Western powers arrived in force in the 19th century, long subjection to total power had emptied Chinese culture of all content. The last philosopher of any content had been dead 2,000 years. Poetry had flowered briefly a thousand years before, then withered. Other literature was of the samizdat type. History was ruthlessly doctored to give support to State dogmas. Pure science and mathematics did not exist. The only indigenous religion was a dog's breakfast of superstition and medical quackery. Art had degenerated into decorative prettiness.

On exposure to Western ideas this dessicated fabric collapsed in a cloud of dust, like Tutankhamun's shroud. During the following period of relative freedom (roughly, the first half of this century), some embryo native forms of art began to appear based on half-understood Western models, but all this was aborted when the present régime came to power. Now China is a cultural desert.

One does not need to be an expert to know this. It is open to any sighted person to examine a nation's architecture, for example. Modern Chinese architecture is just not there, except as tawdry imitations of Russian styles (themselves only copies of certain late classical and Byzantine forms). The greatest Chinese painter of the past 100 years was Ch'i Paishih. His favourite subject was prawns. *Prawns!* Where, as in Hongkong, culture has been allowed to flow freely between Chinese people and Westerners, the flow has been all one way—the sure sign of a vacuum at the receiving end.

Our export manager is not much concerned with all this. All right, he will say, so we can't learn anything from them. Surely, though we can sell them something? All those people?

Yes, there are profits to be made in selling to China, for those willing to face the rigours of negotiating with purchasing officers which (in one case I know of) don't answer their mail. However, the great dream of large-scale foreign investment in the country is not dissolving fast.

Beginning in the late 'seventies the Chinese experimented with allowing their enterprises to keep more of the surpluses of their production, and foreign investors more of their profits. Seeing this, some observers put it about that the Chinese were turning to capitalism. Unfortunately, the systems of central planning and rigid price control were never abandoned, or even much modified; and on these rocks the experiments are foundering.

It is very important to understand that in a society like China's the priorities are always political, never economic. If the authorities are sufficiently sure of themselves politically—for example, in the general public relief after the end of a period of arbitrary State terrorism—they will indulge themselves in the luxury of economic tinkering. However, when the result is (as always) a diminution of their power, or rising demands from the people, or threatening rumbles from the bureaucracy, they will quickly fall back into more familiar habits. The present round of agricultural reforms began with Teng Hsiaoping exhorting the peasants to "get rich!" This is exactly what Bukharin said to Russian peasants in 1925. We must try to remember these things.

There remains the possibility that China, properly armed, may be useful to us in keeping Russia confined. This idea has been most clearly stated by Richard Nixon:

"A weak China invites aggression. China cannot become stronger militarily unless it becomes stronger economically and it will only turn to the Soviet Union if it has given up on the West."

In fact, it is inconceivable that the Chinese would turn to Russia for large-scale assistance. They did so once before, in the 'fifties, and have been regretting it ever since. Any Chinese will tell you the reason for the Sino-Soviet split: "They didn't want to help us, they wanted to dominate us."

It is true that Russia keeps some 50 divisions on China's borders, but it is very difficult to imagine any circumstances in which those divisions would be removed. A weak China might "invite aggression:" it is at least equally possible that a China loosely allied to the West and rapidly modernising its armies would alarm Russia into some action. Fishing in these murky waters may be good for our armaments industries, but it is not likely to be helpful to the cause of world peace.

Statesmen always over-estimate their power to move events, never more so than when dealing with introverted empires of the Russia-China type, who are hardly interested in the outside world at all, and whose affairs do not really concern us. To be brutally frank about it: if the Russians become determined to attack China, no imaginable improvement in Sino-Western relations will discourage them. It is not even

clear that such an attack would affect the West in any way.

Throughout history there have always been free States somewhere, and there has always been a barbarian hinterland. The barbarians can occasionally spring nasty surprises—as Genghis Khan, Alexander, and the founder of the Chinese Empire did—but the proper precaution against this is for free States to co-operate for mutual security.

There is no harm in our making money by trading with the barbarians, but we should not flatter them that they are important to us. Neither should we flatter ourselves that they give a fig for our trade, our friendship, or our values.●

A NATIONAL INFRASTRUCTURE COUNCIL

● Mr. MOYNIHAN. Mr. President, so many aspects of American life are bound up with the condition of the Nation's infrastructure. The degree to which we can all enjoy a health economy, national security, and social progress depends in good measure on the adequacy of our roads and bridges, water and sewer systems, public buildings, and other elements of our infrastructure network.

Unfortunately, as a variety of studies and surveys have indicated, the condition of our infrastructure is disturbing—and increasingly so. Not only is the existing infrastructure inadequate to meet the growing demands in it, it is often deteriorated. It has become clear that we must launch a comprehensive effort to improve our infrastructure, to halt the deterioration and generate necessary new construction.

An important first step in this effort would be to establish a national infrastructure council, such as the one put forth in S. 1330, Public Capital Investment Act of 1983, now before a House-Senate conference committee. This council, composed of Government and private sector representatives, would assess the condition of the country's infrastructure and provide recommendations on cost-effective means of improving it. As a member of the Senate Environment and Public Works Committee, I proposed the establishment of such a council; and the proposal now enjoys support across a broad spectrum of public interest groups, as well as bipartisan support in the Senate.

One organization keenly interested in improving the Nation's infrastructure is the American Institute of Architects, the professional organization representing the Nation's architects. The AIA this year celebrates its 127th anniversary. In autumn 1983, Mr. Leroy Bean, vice president of the AIA, addressed a combined meeting of the AIA and the Associated General Contractors in Dallas, TX, on the subject of infrastructure. There, he set forth the AIA's position on a variety of specific infrastructure issues, including support for a national infrastructure council. Mr. Bean's statement, I believe, offers a valuable analysis that will contribute to our deliberations over infrastructure improvement legislation. I ask that Mr. Bean's statement be printed in the RECORD.

The statement follows:

STATEMENT OF LEROY BEAN, VICE PRESIDENT OF THE AIA

All of us are familiar with the nursery rhyme "London Bridge is Falling Down." Today, London Bridge is, as you know, no longer in London. It's in Arizona. Nor is it in any imminent danger of falling down.

I wish I could say the same for the West Fourth Street Bridge in South Boston; or, the water main that blacked out New York's garment district last August; or, the dam that burst in Colorado, killing four people; or, the east and gulf coast harbors that are being choked by silt; or, the prisons in 36 States and territories under court orders to end overcrowding.

In short, I wish that I could say that the bones, muscle, and arteries that tie this Nation together are as sound as London Bridge. Unfortunately, as all of us in this room are well aware, this is not the case. Our Nation's digestive, circulatory, and nervous systems are not well. Our Nation's infrastructure is sick, and this sickness is literally life-threatening.

But the purpose of my being with you here today is not to play the role of the doctor diagnosing a sick patient. All of you here are fully aware of the symptoms. All of you here know the disease.

So I am not going to take up your time reciting grim statistics. You know them better than I.

Nor am I going to belabor the matter of cost. You've heard that a one trillion dollar pricetag is attached to a complete overhaul of our country's infrastructure.

But what will the cost be of not repairing our Nation? I've read that New York City annually pays claims of about $9 million to persons injured because of broken sidewalks or crumbling street surfaces.

And that's just one small drop from a very rusty bucket. What is in fact at risk is nothing less than the destruction of our economic base. What kind of pricetag can you attach to that kind of scenario?

Therefore, neither the need for nor the cost of repairing America's infrastructure is the subject of my remarks this morning. This audience is beyound the talking stage. You are ready for action.

For this reason, I am going to spend the brief time I have with you to talk about what kinds of action the AIA is right now backing. And I would in passing like to raise another matter: the question of how we choose our priorities when we begin the great task that is at hand.

But first I'd like to offer this observation. I am convinced that we are not making the best case we can for rebuilding America. I believe that we must go beyond rhetoric that is charged with images of disaster. Panic and fear are seldom the parents of truly effective action.

A persuasive argument can be made that our deteriorating infrastructure is more than a crisis. It is also an opportunity—an extraordinary opportunity not merely to bandage, but to improve this Nation's quality of life.

Once we ourselves are persuaded that we stand at the threshold of drawing up a blueprint for a better America, then we will be in the position to lead our society to that kind of future.

Thanks to the Media's coverage of recent infrastructure failures, we certainly have the public's ear. But the public wants to hear something more than shrill cries of "Wolf!" And it will be difficult to galvanize the body politic if our industry is prepared to discuss the matter only in terms of sludge, silt, potholes and clumsy words like "infrastructure."

We need to offer the public a vision of the future that has specific goals—clean water, safe highways, handsome public buildings, parks for our children, hospitals for the elderly.

I believe that such goals can be every bit as challenging as the Manhattan Project or as exciting as putting a man on the Moon.

Yet I am not aware that our industry is appearing before Rotary clubs or chambers of commerce with that kind of blueprint in hand. But we must, if we really believe that a coordinated, nationwide effort is called for to address a truly nationwide concern. To do less is to get nothing better than the piecemeal approach, the on-again, off-again financing that has pushed this Nation into this fix in the first place.

So I applaud the fact that you have chosen infrastructure as the subject of this meeting. And I particularly congratulate the Dallas chapters of the AGC and the AIA for sitting down together to discuss this matter. Your coordinated approach ought to be the model for the entire construction industry, not to mention this Nation.

To give the U.S. Congress its due, it hasn't been sitting on its hands while our water mains break and our Interstate Highways come tumbling down. Currently, there are at least four important bills in the hopper that address the issue. Taken together, these bills deal with such matters as the setting up of a national public works inventory, the rehabilitation of public buildings, state control over infrastructure improvement, the funding of such improvements, and other related matters.

The AIA has studied these bills. Indeed, we offered testimony on their contents and ramifications last April before the Senate's Committee on Environment and Public Works. The main points of the testimony may be summarized as follows.

The AIA supports State control over infrastructure improvement. This support is predicated on the adequate involvement of local governments in the development of State infrastructure improvement programs.

By that I mean States should be required to establish infrastructure improvement plans in consultation with local governments and then only after reasonable opportunity for public comment has been provided. These plans should then be subject to disapproval within a specified time period by the administering Federal agency. Furthermore, we believe that the States should be required to allocate funds to localities according to a State-determined, needs-based formula.

As for the question of funding, the AIA support the concept of revolving funds as a continuing source of monies for necessary infrastructure improvement projects.

However, the AIA is concerned that the terms and conditions for maintaining these revolving funds, as provided in current pending legislation, may inhibit the use of proposed infrastructure programs by the communities that need such programs the most. If funds are disbursed to communities

based on their ability to repay, then those communities best able to handle repayments will emerge as prime candidates for assistance. You and I know however, that such relatively well-off communities are not usually the ones with the most serious problems.

The AIA believes that the repayment and matching requirements of any Federal revolving fund scheme be not a strict dollar-for-dollar approach. We have suggested instead that the Congress consider establishing State revolving funds that give the States the authority to make grants not on a community's ability to repay such funds, but rather according to State-determined need criteria. Further, we are suggesting that repayment be no more than the Federal contribution.

Most public discussion of America's infrastructure has thus far focused on water, sewage, and transportation. But there is another element of this country's infrastructure vital to its health. I'm referring to our Nation's public buildings—its schools, libraries, justice facilities, hospitals, and the like.

The AIA believes that public buildings constitute an integral part of the national infrastructure system. They serve as the centers for services vital to local economics and social needs. Therefore, we have urged Congress to explicitly include public buildings in any infrastructure improvement program.

Key to the success of whatever program is ultimately adopted will be the arrangements made for its administration. The AIA believes that the following elements should be included: rapid implementation of the program; close coordination among Federal agencies in devising rules and regulations; and direct involvement of States, localities and the private sector in the development of those regulations.

In providing for a Federal administering body, the AIA believes that Congress should consider establishing first a national interagency council, or coordinating body, that would be composed of certain Cabinet members and agency administrators, such as the Secretaries of Commerce and Labor.

This council would develop the rules and regulations to implement the program. It would also be charged with the responsibility for bringing this program into alignment with other programs that bear directly on infrastructure improvement. The Secretary of Commerce would be an appropriate head for the council, given the extensive role of that Department in the Nation's economy.

This is another way of saying that the executive branch must make a special commitment to insuring the success of a national infrastructure program. What that comes down to is rapid implementation.

However, the council should not work in a vacuum. Instead, it should draw upon the experience of other levels of government and the private sector. To do this, any proposed infrastructure legislation should provide for the establishment of a National Infrastructure Advisory Commission to work with the infrastructure council in the development of the program. This advisory panel would be composed of representatives of commercial and industrial interests, organized labor, professional organizations with experience in the design and construction sectors, and State, municipal, and county governments.

Because the States will actually administer the program, and because the local governments will in most cases be the ultimate beneficiaries, their participation is particularly important.

In short, the administrative structure being proposed by the AIA would place the responsibility for establishing and operating the national infrastructure program in the hands of appropriate Federal Government officials; provide for coordination among Federal departments and agencies with important jurisdiction over infrastructure matters; and offer ample opportunity for other interested parties—both public and private—to participate in the implementation of the infrastructure program at the national level.

Repairing and replacing the Nation's infrastructure cannot proceed without an honest and carefully documented list of precisely what it is that needs to be repaired and replaced—and in what order! This is why almost every serious commentary on the subject has called for some kind of national inventory of America's infrastructure. Indeed, some of the proposed legislation now being studied by Congress calls for just such an inventory.

The AIA supports the concept. Infrastructure inventories can be important tools in determining funding priorities and schedules.

However, the AIA also believes that such inventories would be best carried out on the State level as part of a State infrastructure plan. This plan would reflect national guidelines and criteria established by the administering Federal agency to insure consistency among these State inventories. What would these guidelines address? Such issues as the techniques to be used and the timely completion of the inventories following allocation of funds to the States.

Now, as far as the allocation of funds goes, the AIA believes that any funding mechanism should be based on relative needs. The formula that would determine these needs would include these factors:

Relative population according to the latest census or most recently updated population estimate;

The relative amount of infrastructure;

The relative age of that infrastructure; and

The degree of economic need or distress.

Through this approach, Congress would provide guidance to the executive branch, but it would leave to the administering agency the responsibility for working out the necessary technical details for constructing an allocation mechanism. Following this approach, the American people could be reasonably sure that their money would go where needed, not to deep-water terminals in North Dakota or irrigation projects in Maine.

However, the formula that I've just spelled out is missing one important element. It does not make the distinction between what is perceived to be needed by a community and what is desirable for the Nation as a whole.

To give you a hypothetical example of what I have in mind, let's consider what might be called a tale of two cities.

Community "A" located in the upper Midwest has an infrastructure that is more than a half century old. Although the area has plenty of water, the city loses nearly 18 percent of its water supply because of leaking and broken water mains. This is just one of the many problems that discourage economic growth and development in the inner city.

Community "B" has a different problem. It is located in the growing Southwest. It is a new city. Its infrastructure, such as it is, is adequate for a smaller city. But this town is bursting at the seams. Again, economic growth and development are being discouraged, but this time it's because water and sewer permits cannot be wrangled out of city hall.

The effect—economic stagnation—is the same in both communities. The cause of their problems—an inadequate infrastructure—is similar. But are they equal candidates for funding?

If funds are limited (as they surely will be), which community stands first in line? Which goes to the rear?

Here's another question. Should the Federal Government encourage the continued development of community "B" in a part of this Nation where the ecology is so fragile? At what point on the graph does the available supply of water fall below the rising population curve?

These are not easy questions to answer, but I see no way that we can afford not to raise them. If the infrastructure crisis is nationwide, and if the programs currently being proposed are, as they should be, nationwide in scope, then we are talking about nothing less than a master plan for this Nation's development.

We may balk at the prospect of Big Brother off in Washington telling us how our rural and urban areas should or should not develop. But a trillion dollars targeted at America's infrastructure is going to have a pretty big impact. It will shape how we look in a big way by the year 2000.

The only question is will this shaping be informed by a broad, informed public consensus as to what this Nation should be, or will we be treated to the spectacle of a rabble of local interests putting the squeeze on their local representatives to raid the U.S. Treasury for turkey projects brought in on a one-time basis? This is how it's worked in the past in the absence of a broad nationwide agreement as to how this Nation should grow, which is at least part of the reason why we find ourselves in this room worrying about the sorry state of our infrastructure.

Who will assist the public in the development of this kind of informed consensus so that priorities are determined by true national needs and broad quality of life issues? Partly, at least, the challenge falls to us in the construction industry. We have the training and the practical experience to help them through their elected Representatives to work for the building of a better America.

What this means, practically speaking, is working together as an industry. Your meeting here and the clout you have together in this community is a model for the industry. But that's just the beginning.

It means proposing legislation through our representatives. It means monitoring closely all legislation pertinent to the issue, always being prepared to testify in support of or in opposition to legislation or provisions of individual pieces of legislation that are inadequate to the task at hand.

It means addressing the public directly in a variety of forums: town meetings, at the luncheons of community service organizations, in the newspapers, in magazine articles, on television—always stressing not only the gravity of the problem, but the opportunities afforded by a commitment to addressing the challenge.

This involves becoming informed, each one of us. Here, our individual professional associations can play a key role in gathering information and disseminating it clearly and concisely to Members.

It also involves developing a mind set that sees opportunity rather than crisis: the opportunity for America to be a better place in which to live, and the opportunity of our industry to be of service in realizing this vision of our Nation's future.

If this sounds idealistic, believe me, I have no illusions about the difficulties we as an industry and we as a society face in getting from where we are now to where we can and should be. For example, we will have to contend with the fact that State and local politicians want to enjoy all the short-term political benefits that accompany the imposition of tax limitations, while also maintaining services at current or still greater levels at Federal expense. These are the same politicans who refuse to isolate any line item in the whole of the Federal budget as suitable for substantial reduction, object to any evidence of Federal concern about how these monies are spent, and yet call in ever greater numbers for a balanced Federal budget!

But, as I said at the opening of my remarks, the time for action will never be better than it is right now. The public has begun to listen to what many of us have been saying for some time now about the deterioration of our Nation's infrastructure. In the absence of any remedial action, that deterioration will only worsen as each day passes.

The patient is sick, but far from terminal. We have the know-how and I believe that we have the resources. What we need is the commitment to translate the know-how and the resources into action.

The effort must begin at the grassroots level, here in Dallas and in communities across this Nation. Are we up to the task?

This is a question that we as professionals and as a people will answer one way or another in the coming months. I believe we have the ability to answer yes. I hope we have the strength and vision to do so.

Thank you.●

RUN JEFF RUN

● Mr. KENNEDY. Mr. President, I would like to call to the attention of this distinguished body the efforts of one young man who has begun a cross-country run from Boston to Los Angeles to raise money for the American Cancer Society and the National Handicapped Sports and Recreation Association. His courageous undertaking will not only benefit these organizations but will touch the lives of all people across out Nation.

In 1974, Jeff Keith faced a major battle for life when, at the age of 12, he was diagnosed as having cancer. As a result, Jeff's right leg was amputated. Since then, Jeff has distinguished himself as a formidable athlete. He was a varsity lacross player at Boston College and was the only amputee to compete against 500 others in last year's triathalon at Lake Mahopac in New York. He finished 13th in the 1½-mile swim event and completed the 28-mile bike race and 10-mile run among more than 300 remaining competitors.

In a campaign called Run Jeff Run, Jeff Keith will complete the 3,300-mile journey in about 6 months. During his run, he will visit rehabilitation centers and hospitals in 20 States.

Jeff has already begun. On June 5 he began his journey from Boston and is here in Washington this week before starting across the country to Los Angeles.

As you know, Mr. President, my son Ted underwent a similar tragedy early in his life. But as a family, we always believed that nothing could stop Teddy from doing anything in life and that the only obstacles that one must overcome are the ones we create ourselves. Jeff Keith subscribes to that same philosophy and describes his trek as "just another challenge in my life, and I know I'll rise to meet it."

Jeff Keith is also challenging us, as people and as a nation, to understand that handicapped people are people first. They are individuals who face physical and mental challenges and who have the ability to participate in life as fully as any citizen in this country. Jeff is showing us the way to meet this attitudinal challenge and we must follow him. He is doing the physical work for us, we must help him with our words and actions.

I commend Jeff Keith for his commitment to himself and to people who are physically and mentally challenged. I commend him for his commitment to assist us to better understand and accept more fully each individual for the valuable contributions each has to offer our great Nation. My thoughts will be with Jeff during his cross-country run. Los Angeles is his destination, but it is my hope that here in the Senate and across the United States, we will continue to meet the challenge this young man has given us long after he has triumphed.●

SUPERFUND REAUTHORIZATION

● Mr. GLENN. Mr. President, though we face a tight legislative schedule over the next 2 weeks, it is imperative that we take time to consider the Superfund reauthorization. Today I am submitting a sound analysis of this critical issue by my colleague from Ohio Congressman DENNIS ECKART.

Under the Reagan administration, EPA has completed cleanup on only 6 of the 546 national priority sites. We cannot tolerate further delay in implementing the Superfund. Congress should send a clear signal to the administration and the public that we are committed to aggressively enforcing Superfund and to renewing our commitment to the protection of public health and the environment from toxic poisons.

I ask that Congressman ECKART's article and an accompanying editorial be printed in the RECORD.

The material follows:

HAZARDOUS WASTE SUPERFUND NEEDS A SUPER OVERHAUL

(By Dennis E. Eckart)

Since Congress enacted the so-called Superfund program more than three years ago, the Environmental Protection Agency (EPA) has cleaned up only six hazardous chemical waste sites, only two with direct assistance from the Superfund. Surely, this snail-like pace is prescription for disaster.

If Superfund is supposed to be an effective war against hazardous chemical waste dumps, then we have yet to fire the first shot. And if this is a marathon, then the EPA is in danger of failing to reach the finish line. At the present cleanup rate it's going to take the agency 273 years to clean up the 546 hazardous chemical waste sites on the national priorities list.

Unfortunately, the EPA is proving that lethargy is the common enemy of progress and good government. And, as is the case with many other issues in Washington, neglect of a problem becomes our worst enemy and intransigence is the ally of that neglect. Under the administration of President Reagan, EPA seems to have forgotten its mission: that "protection" of the environment and the public health and welfare is what its mission is all about.

The record becomes all the more disturbing when one analyzes the magnitude of the nation's hazardous waste problem. Consider, for example, that there are probably 1,000 to 2,200 other hazardous waste sites waiting in the wings to be added to the national priorities list. Consider, too, that a study paid for by the Chemical Manufacturers Association estimates—probably conservatively—that there are 13,400 "inactive" hazardous waste dumps littering the nation's landscape. At least 3,700 of these are likely to require some federal assistance in the cleanup process.

In evaluating hazardous waste sites for the national priorities list, the EPA has identified at least 444 separate chemical pollutants. An agency task force reports that "virtually all of the most commonly encountered of these are known to exhibit chronic toxicity and therefore may cause human health injuries after months or years at extremely low levels of exposure."

There is ample evidence of these chemical pollutants mixing with one another and leaking into ground-water supplies. An EPA study estimates that 29 percent of the ground-water supplies of larger communities contain chemical contaminants. Of the 546 hazardous waste sites now on the national priorities list, more than 300 pose a threat to water supplies. Serious cases of chemically contaminated water have been reported in 34 states.

The Harvard School of Public Health has found increases of illness in children who drank chemically contaminated water in some neighborhoods of Woburn, Mass. The Harvard study in Woburn also found that it is no exaggeration to argue that the hazardous waste problem poses a threat to those yet unborn.

The House is considering a bill to fundamentally reform the Superfund program. The original five-year, $1.6 billion program is likely to be able to finance the cleanup of only about 170 of the 546 hazardous waste sites on the national priorities list. The new bill proposes to expand Superfund to a five-year, $9 billion program. At the very least the reforms under consideration would begin to more significantly address the scope of a problem on which Congress's

Office of Technology Assessment has put a $10 billion to $40 billion price tag.

More important, the new Superfund bill contains strict provisions requiring the EPA to respond to a reasonable and timely cleanup schedule. It's time to give the agency explicit cleanup orders that force more aggressive and effective action. Congress can no longer afford to rely on the EPA to act based on implied and well-intentioned discretionary authority in the language of the Superfund law.

The new legislation also addresses the serious issue of compensation for victims of hazardous waste sites. The present Superfund program fails to provide any adequate remedies for health care costs or deaths associated with exposure to hazardous chemical wastes.

The Judicial system and programs such as workers, compensation in the states have failed to provide proper assistance to victims of hazardous wastes. The new legislation establishes a strict right to sue either in state or federal courts and puts into effect a uniform statute of limitations that is fair and reasonable to victims of hazardous wastes.

Surely, the case for reform is persuasive. Preserving the status quo is unacceptable. Business as usual won't do. Superfund must be made to mean what its title implies. Otherwise we will continue to put in jeopardy the health of too many of our citizens. People who suffer hardship essentially through no fault of their own have a basic right to petition their government for assistance. And a government worthy of their trust and confidence must respond in a proper and fitting fashion.

SUPERSLOW

Congress needs to get its act together on an issue that remains largely overlooked by a considerable segment of the American people:

The need for an expanded "Superfund" to clean up hazardous waste.

Unfortunately, Congress as a whole has dragged its feet on the issue this year, despite the fact that the current Superfund legislation expires in September 1985. That may seem a long way off, but considering the time it takes to put new laws in place, to staff regulatory agencies, and to bring industry up to date on changes in existing regulations, September 1985 can be said to be just around the corner.

Besides, there is legitimate concern among environmentalists that if Congress waits to enact new legislation until next year—after the November presidential election—there will be insufficient public pressure on lawmakers to enact a truly meaningful bill.

Environmental legislation could well be lost in the shuffle of the deficit-reduction and tax-reform measures that are expected to dominate the 1985 legislative agenda.

Such concerns ought not be taken lightly.

Just how important is this business of cleaning up waste dumps throughout the United States? Very important. The Environmental Protection Agency, for example, has identified more than 540 hazardous waste dumps. Moreover, there are some 17,000 sites that are considered dangerous.

Unfortunately, as pointed out by US Rep. Dennis E. Eckart in an article on today's Opinion page, since Congress enacted the Superfund program more than three years ago, the EPA has cleaned up only six hazardous waste sites.

At that rate, Mr. Eckart wryly notes, it would take the EPA 273 years to clean up all those sites.

The House Energy and Commerce Committee, to its credit, has cleared a $9 billion Superfund bill that, among other considerations, set stringent timetables for cleaning up chemical dumps.

Many legislative hurdles remain—both on the House side and, particularly, on the Senate side. In the Senate, a measure will first have to clear the committee level. It is not expected that a bill will come before the full Senate until later this year—assuming strong support emerges in that chamber for such a measure.

Such a snail's-pace effort need not be accepted by the American people.

It is time to clean up America's far too many hazardous waste sites. That means that Congress must move ahead with greater dispatch on Superfund legislation.●

THE AMERICAN STEEL INDUSTRY: MYTH VERSUS REALITY: X

● Mr. HEINZ. Mr. President, today I present my 10th in a series of brief statements that will appear periodically in an effort to elevate the level of debate on the crisis in the American steel industry.

On June 20, 1984, Mr. Eric Hanushek of the Congressional Budget Office testified before the Subcommittee on Trade of the House Committee on Ways and Means. At that time, Mr. Hanushek submitted a summary of a forthcoming CBO study outlining the causes of the steel industry's problems and the potential effects on steel prices of S. 2380, the Fair Trade in Steel Act of 1984. The American Iron and Steel Institute recently released a statement commenting on the CBO analysis and questioning some of its projections, while pointing out other facts the study omitted. I would like today to discuss these AISI comments concerning the CBO study.

Today's presentation is part of a continuing effort on my part to make available all of the facts concerning the state of the American steel industry. Those participating in the current debate taking place in the Congress and the administration this summer are those who have the power and the responsibility to restore the steel industry to competitive health.

MYTH

The CBO summary identifies three fundamental trends as the primary causes of the American steel industry's deteriorating performance: First, the shifting of steel production to developing countries; second, declining U.S. steel intensity—consumption of steel per dollar of GNP; and third, greater use of minimills, rather than the impact of unfair foreign import competition.

REALITY

The American Iron & Steel Institute has responded to each of the identified trends. First, CBO did not take the effect of subsidies and foreign market protection into account when discussing shifts in production and consumption worldwide. Subsidization practices abroad have led to an excess steelmaking capacity outside the United States of 200 million tons, including capacity financed by $12 billion of developed country funds which enabled the sale of steel plant and equipment to less developed countries. In addition to subsidization, foreign governments have essentially closed much of their market to foreign competitors, leaving only the U.S. market as a potential dumping ground for excess steel. The failure of the world steel market system has been the principal problem for the U.S. industry, and is not even mentioned by the CBO study.

Although steel intensity has declined in the United States, the change is attributable mainly to a lack of growth in the U.S. steel industry compared to the rest of the economy. Actual steel consumption in the United States has remained remarkably consistent except for the 1982 and 1983 recession years. The most dramatic change has been in the source of steel consumed and the increase in import penetration levels as other world steel producers have sought to export their excess production to the United States at prices well below cost.

Third, the importance of growth in the minimill sector of the steel industry has been overestimated. The increased market share enjoyed by these producers has not been a major factor in the "deteriorating performance" of the basic steel companies. Minimills concentrate on lower value, high volume and limited product lines; often a limited range of plate and heavy structurals. Dependence on the price and availability of scrap supplies and America's need for an integrated steel industry will work to cap growth in the minimill sector.

MYTH

Price effects of a 15-percent steel quota are likely to be severe.

REALITY

AISI believes that the CBO estimates for 1985 and 1986 are not realistic or consistent with those of any other analyst. For example, CBO predicts an increase in domestic prices of about 16.6 percent in 1985 without a quota, nearly impossible considering the magnitude of world steel overcapacity, modest recovery in U.S. demand and continued intense competition in the U.S. market. Past experience shows price changes of this magnitude are highly unlikely except where dumped and subsidized foreign steel price effects are eliminated and intense domestic competition restrained.

CBO estimates of price increases are so high compared to present levels that most are entirely inconsistent with other analysts. By 1986, without a quota, CBO projections show steel

prices rising 25.7 percent higher than World Steel Dynamic's estimates of current levels. A 15-percent quota shows prices rising about 37 percent above estimates of current price levels.

CBO's analysis of price effects ignores the "costs" of foreign steel imports to the balance of the U.S. economy while concentrating only on benefits to the consumer of lower priced imports. A recent CRS study showed that each dollar of domestic steel industry sales supports an additional $1.20 of activity throughout the rest of the economy. Each job in the domestic steel industry supports 2.35 jobs in supply industries, retailing, wholesale trade, and government. Government gains $473 in taxes for every $1,000 in domestic industry sales. The effects of a 15-percent quota as estimated by AISI would increase tax revenues to a level equal to the "costs" estimated by CBO. Additional advantages include maintaining $28 billion in economic activity, saving 199,000 jobs in this country, and the complete modernization and rationalization of one of this country's basic industries. Clearly, economic benefits outweigh the costs of removing the price and volume suppression effects associated with dumped and subsidized steel.

MYTH

The American steel industry has lost its comparative advantage and can no longer compete in its home market.

REALITY

In recent years, the American steel industry's competitive position has improved dramatically, due to a reduction of $100 per ton in pretax costs since 1982. In fact, World Steel Dynamic's carbon steel model shows for the second quarter of 1984, U.S. total costs per net ton shipped at $478.06. Many imported products were sold in the U.S. market at prices much lower than production costs. World Steel Dynamic's data also shows U.S. steel producers ranking with Japanese producers in terms of productivity. For example, U.S. man-hours per net ton shipped at actual operating rates equaled 6.48 in the third quarter of 1983 while Japan's equaled 7.28, West Germany's 11.42, France's 11.62, and the United Kingdom's 11.31 for the same period. CBO's report did not acknowledge any improvement for the U.S. industry in costs or productivity.

MYTH

Steel firms are unable to maintain the level of investment they claim they need because of dispersed investment among numerous plants, a lack of market focus, and a low rate of return.

REALITY

Until 1982, the U.S. industry was the most profitable major integrated steel industry in the world, reinvesting more in steel operations than it received in cash-flow. U.S. producers did reduce capacity in the face of lower demand by 35 million tons, absorbing their own shutdown costs unlike other producers whose rationalization processes were subsidized by their government. This has caused the U.S. industry's financial position to deteriorate.

The dispersal of industry investment over too many plants can be solved by expanding the capital funds available for investment or by shutting down plants. Presently, AISI says that the U.S. industry does not have the capacity to supply even our own domestic market in a time of only moderate demand. Yet growing amounts of dumped and subsidized imports have hindered domestic plant modernization, limiting capital funds available for reinvestment and forcing many facilities to be closed.

The inefficient foreign producers, artificially maintained by life-support systems of government subsidies have made it difficult for private producers to earn adequate profits to attract funds for investment. Most other nations realize the importance of the domestic production of integrated steel to their national interest, yet CBO seems to propose that the United States react differently. The U.S. steel industry needs temporary import relief in order to reestablish its competitiveness in a world industry dominated by foreign government-controlled producers.

Mr. President, I ask that the comments of the American Iron and Steel Institute on the June 20, 1984 statement of the Congressional Budget Office be printed in the RECORD at this point.

The comments follow:

COMMENTS OF THE AMERICAN IRON & STEEL INSTITUTE ON THE JUNE 20, 1984, STATEMENT OF THE CONGRESSIONAL BUDGET OFFICE

On June 20, 1984 the Congressional Budget Office (CBO) presented a statement to the Trade Subcommittee of the Committee on Ways and Means commenting on H.R. 5081, the Fair Trade in Steel Act of 1984.

AISI believes that the CBO has omitted major facts in its analysis of the current problems of the U.S. steel industry. Moreover, the CBO statement contains projected data which are not an accurate representation of the industry's present position and its near-term prospects for the future.

CBO STATEMENT OF CAUSES OF THE STEEL INDUSTRY'S PROBLEMS

CBO says the primary causes of the United States (traditional steel industry's) deteriorating performance are to be found not in unfair foreign competition . . . but in three more fundamental trends:

Steel production and consumption have gradually shifted away from their traditional centers in Europe and North America to developing countries;

The U.S. has been consuming less steel per dollar of GNP;

Mini-mills, according to CBO, now account for about 18% of domestic steel output.

AISI RESPONSE

Effect of subsidies and foreign market protection not acknowledged

CBO's major omission is its failure to acknowledge the fact that over the past 15 years, foreign governments have provided $40 to $50 billion of subsidies to their steel industries. These foreign government subsidies have permitted inefficient and unprofitable firms to maintain steel production and upgrade facilities, while sustaining massive losses, thus contributing to the present overhang on the market of at least 200 million tons of excess capacity outside the United States. This includes capacity financed by up to $12 billion of developed country funding for the sale of steel plant and equipment to less developed countries. In addition, subsidization of foreign steel industries has been combined with a substantial closure of their own markets to foreign competition. European Community bilateral agreements with other producing nations and the effective insulation of the Japanese market from imported products are key examples of this phenomenon. Moreover, imported steel typically doesn't enter developing countries if those countries themselves can produce the products concerned. The huge excess capacity built up by subsidization has been forced to find an outlet in the only major market left open, i.e. the U.S. The result has been a breakdown in the international steel trade market mechanism, since the market has not disciplined inefficient or rewarded efficient producers. These subsidies have removed the link between market share, profits and investment flows. The attendant breakdown in the market system has caused major increases in imports at uneconomic prices. It is this failure of the world steel market system that has been the principal problem of the U.S. industry, and the one which CBO has not identified.

Decline in intensity

As to the decline in steel intensity, it is correct that the steel component of U.S. GNP has been declining, but that is also true in all the major developed countries of the West in the past decade, during a period when most of these countries were expanding their steel capacity and dependence on export markets, when the U.S. industry was not.

The data below show there has been no appreciable decline in actual steel consumption in the United States, except in 1982 and 1983, during the most severe recession since World War II. What has dramatically changed is the source of steel consumed—namely the growth of imports into the U.S., as other world steel producers desperately sought to export their excess production at prices below their costs:

Year	Thousands of net tons				Imports as percent of apparent consumption
	Domestic net shipments	Plus imports	Minus exports	Equals apparent consumption	
1965	92,666	10,383	2,496	100,553	10.3
1966	89,995	10,753	1,724	99,024	10.9
1967	83,897	11,455	1,685	93,667	12.2
1968	91,856	17,960	2,170	107,646	16.7
1969	93,877	14,034	5,229	102,682	13.7
1970	90,798	13,364	7,053	97,109	13.8
1971	87,038	18,304	2,827	102,515	17.9
1972	91,805	17,681	2,873	106,613	16.6
1973	111,430	15,150	4,052	122,528	12.4
1974	109,472	15,970	5,833	119,609	13.4
1975	79,957	12,012	2,953	89,016	13.5
1976	89,447	14,285	2,654	101,078	14.1
1977	91,147	19,307	2,003	108,451	17.8
1978	97,935	21,135	2,422	116,648	18.1

Year	Thousands of net tons				Imports as percent of apparent consumption
	Domestic net shipments	Plus imports	Minus exports	Equals apparent consumption	
1979	100,262	17,518	2,818	114,962	15.2
1980	83,853	15,495	4,101	95,247	16.3
1981	88,450	19,898	2,904	105,444	18.9
1982	61,567	16,663	1,842	76,388	21.8
1983	67,584	17,070	1,199	83,455	20.5

Source AISI

CBO does not acknowledge that an offsetting factor is a gradual increase in the value of steel products shipped, as steel users have increased their demand for higher value, lighter high strength and treated steels.

While the CBO alludes to the impact of declining "steel intensity," the conclusion is hardly consistent with its optimistic econometric analysis showing 111–115 million tons of apparent consumption by 1989.

Growth of minimills

In general, mini-mills make and ship rod and other billet-related products. They now account for about 16% of U.S. production (and not the 18% asserted by CBO). Minimills do not produce anything like a full range of steel mill products. They do not, for example, produce any sheets or tubular products and they produce only a limited range of plates and heavy structurals. Moreover, they will not be able to expand their product lines into heavier shapes or flat rolled products without major facility investments. Their growth in the past 10-15 years, however, has been rapid. It has been at the expense of both imports and other domestic steel producers and is due, in part, to their concentration on lower value, high volume, limited product lines. However their increased market share in recent years has not been a major factor in the "deteriorating performance" of the basic steel companies.

But comparing the position of mini-mills to integrated carbon steel producers is an invalid comparison. If CBO is truly interested in assessing the competitive position of the U.S. integrated carbon steel industry, it should draw comparisions with the major integrated carbon steel industries of the EC and Japan, which together with the U.S., still account for 70–75% of free world raw steel production. Comparisons with producers in developing countries that are almost totally subsidized, are less relevant.

CBO STATEMENT ON EFFECT OF STEEL QUOTAS ON PRICES

CBO has developed an econometric model attempting to assess the effects of H.R. 5081/S. 2380 on prices, demand, shipments, import share, and employment. From this model, CBO has made the following projections of price increases, without a quota, and with one in place.

[Dollars per net ton]

Average price	1983 actual	1984 [1]	1985	1984 to 1985 increase [1] (percent)	1986	1985 to 1986 increase [1] (percent)
Base case (no quota)	$484	$480–485	$564	16.0	$607	7.6
H.R. 5081/S. 2380 (15 percent quota)	484		613	26.6	657	7.2

[1] Data provided by AISI from average realized prices for first 6 months of 1984. Source, World Steel Dynamics (WSD).

Source CBO.

AISI RESPONSE

CBO estimates for 1985 and 1986 are not realistic or consistent with those of other analysts

Steel industry average realized prices were approximately $480 to $485 in the first half of 1984, according to data from the World Steel Dynamics model. During that period, average pre-tax costs were about $483 according to WSD. This suggests the industry operated close to the break-even point in the first half of 1984. Industry financial data tend to confirm this. The CBO report forecasts an increase in domestic steel prices of about 16.6% in 1985 without a quota, a remarkable projection given the overhang of world steel capacity on the market, only modest recovery in the U.S. demand and the continuing intense competition in the U.S. market.

Although the steel industry needs and could utilize the additional funds such an increase would provide to it, on the basis of past experience increased price realizations of this magnitude are highly unlikely, absent the elimination of the price depressing effect of dumped and subsidized foreign steel, and the intense competition among U.S. producers.

CBO has projected the rate of inflation at 5%. Assuming a corresponding 5% increase in U.S. carbon steel pretax costs (from the 1984 level set forth in the WSD model), this would increase average costs to a level of approximately $504–$509 per ton in 1985.

The CBO realized price projection of $564 per ton without a quota, would produce 1985 pretax profits of $55 to $60 per ton, or $4.6 to $5 billion, at the level of shipments projected by CBO. AISI knows of no serious analyst in or outside the steel industry who is projecting profits of this magnitude in 1985, without quantitative restraints.

With a quota in place in 1985, the CBO projects that average prices will reach $613 per ton, a level about 26.4% higher than the level of 1984 realized prices estimated by WSD. Given the above average estimated costs of $504 to $509 per ton in 1985, we calculate that a CBO's projected price level, with a quota, pretax profits next year would be $8.7 to $9.1 billion. Either with quotas or without them, CBO appears to have solved almost all the near term capital and modernization problems of the steel industry. CBO has accomplished this by estimates of price increases so high compared to their present levels, as to be totally inconsistent with those of most analysts and to approach the absurd.

By 1986, without a quota, CBO projects steel prices will rise about 25.7% above the WSD estimate of their current level. According to CBO, a 15% quota would cause prices to rise about 37% above the WSD estimate of the current realized price level.

CBO does not acknowledge the offsetting benefits of quantitative limitations

CBO says that in 1989, average prices would be 9% higher with the quota than without it.[1]

The CBO analysis emphasizes the potential price increases resulting from quotas. CBO's analysis should also recognize the "costs" of foreign steel. While the consumer may temporarily enjoy lower prices due to imports that are subsidized or dumped, there are substantial costs imposed on the balance of the U.S. economy.

A recent Congressional Research Service study concluded that each dollar of domestic steel industry sales supports an additional $1.20 of activity throughout the rest of the economy. Also, each direct job in domestic steel supports an additional 2.35 jobs with suppliers, retail and wholesale trade, and government. Government revenues are also affected, as each $1000 in domestic industry sales generate direct and indirect taxes amounting to $473.

The following summarizes the estimated "cost" to the U.S. economy from steel imports that exceeded 15% of the market in 1983:

Steel industry shipments lost	4.6 million tons.
Steel industry sales	$2.3 billion.
Total impact on GNP	$5.1 billion.
Government taxes	$1.1 billion lost.
Unemployment benefits	$350 million paid.
Jobs, direct and indirect	62,000 last.

The above summary does not take into account the total injury imports caused from price and volume suppression in 1983, only the increment of imports exceeding 15% of consumption.

CBO's estimates that the difference in domestic industry revenues between the quota and non-quota cases amounts to $12.8 billion in 1989.

Using the Congressional Research Service analysis, the benefit to the economy from CBO's quota case would be:

Increased steel industry sales	$12.8 billion.
Total impact on GNP	$28.0 billion.
Increased Government taxes collected	$6.1 billion.
Increased jobs, direct and indirect	119,000.

The impact of increased tax collection alone would nearly equal the "cost" described by CBO. Add to that the spin-off effects of keeping $28 billion in economic activity, 119,000 jobs in this country and the long term benefit of complete modernization and rationalization of one of the nation's basic industries. Clearly the balance of economic benefit outweighs the cost of removing the price and volume suppression associated with dumped and subsidized foreign steel.

CBO report does not recognize reduction in price levels which continue in 1984

In its report, CBO provided little information on recent prices and costs. To provide some perspective on this, listed below are WSD model estimates of realized prices and costs for 1981 through the first half of 1984.

	U.S. operating rate (percent)	Dollars per net ton shipped		
		Domestic list price	Realized price	Pretax cost at actual operating rate
Year:				
1981	85.68	522.96	514.99	494.90
1982	54.54	548.57	516.53	579.77
1983	66.44	553.75	474.02	520.72
1984				
January			476	490
February			476	486
March			476	478
April			483	480

[1] In its prehearing brief before the U.S. International Trade Commission, the U.S. Federal Trade Commission estimated an increase in domestic prices of $5 per ton as a result of a 15-percent quota on steel imports. A $5 per ton increase is less than a 1-percent increase in domestic steel prices.

	U.S. operating rate (percent)	Dollars per net ton shipped		
		Domestic list price	Realized price	Pretax cost at actual operating rate
May			483	483
June			483	481

Source: WSD.

The difference between CBO's projection of a $564/ton price level in 1985 without a quota, and $613 with a quota is about $49 per ton, or 8.7% higher than CBO's projected price level without a quota. We have already pointed to the inconsistency of these figures with other estimates. But applying CBO's projected percentage increase of 8.7% to WSD's current estimated realized price of $480-485 per ton would result in a 1985 price level of $527/ton. This is only $11 or 2.1% higher than the realized price level which WSD estimates actually occurred in 1981-1982. Furthermore, the price level of $527/ton is substantially lower ($37/ton) than CBO's price estimate without a quota, and $86/ton lower than CBO's price estimate with a quota.

CBO STATES THE U.S. INDUSTRY HAS LOST COMPARATIVE ADVANTAGE

CBO says that "by and large," the competitive problems of traditional American steel companies reflect adverse cost trends and a shift in comparative advantage away from the United States.

AISI RESPONSE

CBO did not recognize cost reductions which occurred in 1983 and 1984

Present cost relationships show that it is incorrect to contend that the U.S. industry can no longer compete in its home market. Second quarter 1984 data from the World Steel Dynamics carbon steel model show that even with current misaligned exchange rates the U.S. steel industry is now cost competitive in the U.S. market. This is shown below:

[Costs per net ton shipped [1] 2d quarter 1984 (at actual operating rates)] [2]

	U.S.	Japan	West Germany	France	U.K.
Labor costs	$137.61	$95.98	$124.28	$126.74	$90.33
Raw materials costs	301.69	255.33	242.62	221.18	255.33
Financial costs	38.76	96.35	49.73	75.19	51.67
Total	[3] 478.06	447.66	416.63	423.11	397.33
December 1983 entry costs (duty, freight, handling) into U.S. market		74.61	70.76	70.76	70.76
Landed costs in United States, before profit	478.06	522.27	487.39	493.87	468.09

[1] Table 5, World Steel Dynamics, Steel Strategist No. 9, February 1984—Paine Webber Mitchell Hutchins, Inc.

[2] The U.S. advantage would be less if each industry were able to operate at or close to capacity. Since 1975, low operating rates have been a serious burden for all major steel industries, but the U.S. industry, except for 1982 and 1983, has operated at consistently higher levels of capacity utilization than its major competitors. Over a long period of time, potential efficiency from a potentially high rate of capacity utilization becomes meaningless as a measure of efficiency, if market demand does not produce a sufficiently high level of utilization. Persistent excess capacity represents a managerial error which the market will not condone, regardless of the potential efficiency of the facilities which are idle. Given the persistent under-utilization of capacity in the E.C. and Japan, the use of a "standard" operating rate rather than an actual rate to measure efficiency against that of the U.S. is meaningless.

[3] More recent data on pretax costs from the WSD model show that total costs for the 2d quarter 1984 average $481 per net ton, due to a lower actual operating rate than earlier estimated. This however does not change the conclusion that the U.S. industry is generally cost competitive in its home market.

The domestic industry's competitive position has improved substantially since 1982, due to a reduction of about $100 per ton in pre-tax costs (approximately 17%) according to WSD. CBO did not acknowledge in its report this major reduction in costs.

CBO did not acknowledge most imports have been entering the United States at prices below costs of productions

The average value of steel imports entering the U.S., listed below, show that steel import values continue to be well under costs of production (per net ton shipped, as set forth on previous page) for most of the countries exporting to the United States. This is true for imports from both developed and developing countries, in 1983-84.

Average value of imports [1]

Year:	*Dollars per net ton*
1983	$374.48
First quarter 1984	362.77

[1] U.S. Bureau of the Census—FOB value.

CBO did not recognize recent gains in U.S. labor productivity

Latest data set forth below show that the U.S. steel industry ranks with Japanese producers in terms of labor productivity at actual operating rates for carbon steel production by integrated producers. Given the inability of the U.S. industry to invest sufficiently to fully modernize, its carbon steel labor productivity represents a solid performance in comparison with the results achieved by foreign industries in newer plants built with government support.

LABOR PRODUCTIVITY

[Man-hours per net ton shipped at actual operating rates]

	U.S.	Japan	West Germany	France	U.K.
1976	8.79	10.11	11.12	14.89	19.17
1977	8.95	9.98	12.57	14.26	21.26
1978	8.12	9.55	11.67	12.62	21.56
1979	8.29	8.55	9.85	11.35	18.58
1980	8.31	8.30	9.98	10.14	[1] 37.35
1981	8.07	8.49	9.95	10.24	13.50
1982	7.84	8.07	11.08	10.83	13.35
1983 (3 quarter average)	6.69	7.82	10.92	11.03	10.63
1983 (3 quarter)	6.48	7.28	11.42	11.62	11.31
Annual rate of improvement (percent)	+1.9	+2.2	+2.8	+3.2	+3.7

[1] Strike year.

Source: WSD.

The WSD data on carbon steel productivity are believed to be the most accurate available public data. In the case of Japan, for example, they are based upon official government data adjusted for comparable product mix, including contracted-out workers, but excluding contract construction workers. They are cross-checked against actual plant data.

CBO omitted any comment in its report on the recent substantial increase in productivity which has occurred in the U.S. industry.

CBO COMMENTS ON STEEL INDUSTRY INVESTMENT

CBO queries why integrated steel firms have such difficulty achieving the level of investment they claim they need, saying the problem cannot be blamed on capital markets, but instead on dispersion of investment among numerous plants, lacking market focus, and producing low rates of return.

AISI RESPONSE

What CBO omits saying is that for two decades, until 1982, the U.S. industry was the most profitable major integrated steel industry in the world, and that it invested substantially more in steel operations than it derived in cash flow from those operations. Due to massive plant shut-downs, the U.S. industry did reduce its capacity by 35 million tons in just a few years, a capacity loss about double the current size of the British, Canadian or Korean steel industries. Although developing country steel industries continue to install steel capacity—much of it not justified economically—various kinds of capacity reductions are occurring around the world among developed country steel industries—even in Japan. Typically, however, this rationalization process is being subsidized by governments, in sharp contrast to the rationalization occurring in the U.S. industry, which is absorbing its own shut-down costs. In the last two years, the U.S. industry's financial position has deteriorated sharply. By year-end 1983, the industry had a debt to equity ratio of more than 80%, and a decline in equity amounting to more than $5 billion. Existing capital expenditures are now disbursed over fewer plants—at a very heavy cost in both human and financial terms.

CBO says that industry investment has been dispersed over too many plants. The only way to solve this problem is either to expand the capital funds available for investment—which increasing imports have prevented the industry from doing—or shut down plants—which the industry has been compelled to do by losses stemming from increasing imports during the worst recession in the industry's history. In the 1970s, most of the major world steel industries were expanding, adding to the excess capacity in the world, while the U.S. industry did not. The U.S. industry, which does not have sufficient capacity to supply the domestic market in a period of only moderately strong demand, had some hope in the 1970s that a combination of market forces and an enlightened public policy response to dumped and subsidized imports would permit existing plants to be modernized. What has occurred are shut-downs of many facilities, seriously impairing the corporate financial structure of steel companies.

CBO, however, is pretending in its report that the real steel market has functioned in the past as it should, and still is functioning; allocating capital and rewarding the relatively efficient with adequate profits and stable employment—when it is not. From 1976 through 1981, the U.S. steel industry, based upon its profits, should have been one of the most attractive targets in the world for integrated steel investment. But Western world data show that the industries with the worst profit performance, utilizing massive assistance from their governments, have been among the most aggressive in undertaking capital investment. As long as inefficient foreign producers are artificially maintained by a life-support system of massive government subsidies, it is difficult for private producers to earn adequate profits to attract funds for investment. That is what has happened to U.S. steel producers.

We also note that integrated carbon steel investment, worldwide, has shown a far lower return on investment in every industrial country than the average for all manufacturing. Yet almost all advanced industrial countries regard their domestic production of integrated carbon steel . . . the over-

whelming share of their domestic supply . . . as vital to their national interest. These facts are easy to substantiate. Yet CBO seems to infer the U.S. should react differently in this regard.

Steel is a vital part of our economy—the fourth largest industry in the United States. But its future prospects will be determined in large measure by our Government's response to the flood of dumped and subsidized imports.

The steel industry needs government action to re-establish the conditions by which the United States can preserve a competitive, privately held steel industry, in a world industry for which foreign government control and direction of steel industries has become the norm.●

A TIME OF REMEMBRANCE

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 336 recently introduced by my distinguished colleague, the junior Senator from Alabama. This resolution would designate October 23, 1984, as "A time of Remembrance" for all victims of terrorism.

Each year, on Memorial Day, this Nation honors those American servicemen who died for their country in the Civil War, the Spanish-American War, World Wars I and II, the Korean War, and Vietnam. The sacrifice of those who have fallen in a different kind of war is no less memorable.

Throughout the world, service men and women, government officials, innocent civilians, and harmless children are victims of an undeclared war being waged by terrorists against our society and its institutions. During the past 10 years, 3,500 people have died in almost 6,500 terrorist incidents. More than 7,600 people have been wounded in these incidents. Over 2,500 of these incidents claimed American citizens as victims.

The victims of terrorism may be world famous figures, such as Pope John Paul II, people doing their everyday jobs, such as Yvonne Fletcher—a policewomen in London, a tourist drinking a cup of coffee in a Paris cafe, or a child playing in the streets of Beirut.

The victim of terrorism may be murdered in cold blood like Dennis Keough in Namibia, kidnaped like Jeremy Levine, the Cable News Network Bureau Chief in Beirut, or wounded in body or spirit like the Americans taken hostage in the Tehran embassy.

The victims of terrorism are caught in the crossfire of events beyond their control. They are casualties of a policy of terror practiced by cold-hearted, merciless criminals. We must not forget the suffering of these victims and their loved ones.

I commend the No Greater Love organization for initiating this action to honor the victims of terrorism. No Greater Love has planned a program for October 23, 1984, with the theme "Let Peace Take Root." The symbol of the program is a purple ribbon representing patriotism, dignity, loyalty, and martyrdom.

I urge my colleagues to join me in cosponsoring Senate Joint Resolution 336 and in wearing the purple ribbon on October 23.●

U.S. CONFERENCE OF MAYORS HOUSING SURVEY

● Mr. DODD. Mr. President, I rise today to bring to my colleagues' attention an important study recently completed by the U.S. Conference of Mayors on "Housing Needs and Conditions in America's Cities." This survey of 66 cities was undertaken this spring by the Conference of Mayors in an attempt to provide an objective look at the housing problems facing our great cities.

The findings of this major survey are sobering.

Fully 77 percent of the cities surveyed stated that demand for assisted housing in their communities had increased over the last year. Not one of the cities surveyed indicated that demand had gone down.

In response to another question, the cities reported an average wait of 20 months of assistance of all types in their communities—that is nearly a 2-year interval between the time a family applies for and is certified as eligible for assistance and the time they actually receive it.

While this figure itself is unsettling, an even more staggering range of waiting periods for assistance was revealed by the survey—while at least one city reported no wait at all for all types of assistance, another reported a 302-month wait for family section 8 certificates. Mr. President, that is over 25 years before receiving a certificate.

Finally, the survey found that even when assistance is available, many families are simply unable to find suitable units in the so-called free market and must relinquish the subsidy. A total of 55 percent of the respondents said that 25 percent or more of the section 8 certificates they issued were eventually returned by recipients who could not find housing qualified for the program.

The U.S. Conference of mayors is a nonpartisan organization representing the Mayors of America's principal cities in Washington. Its findings are an indictment of the current policies approved by both the Congress and the administration concerning lower income housing assistance.

While needy Americans are forced to wait as long as 25 years for assistance, the Federal Government has cut subsidy commitments for lower income housing from nearly $30 billion in fiscal year 1980 to $11 billion in fiscal year 1985. We have repeatedly been told that housing vouchers—a watered down version of the section 8 existing housing program—could solve our housing problems. Yet the figures provided in this report cast grave doubt on this assertion.

I am proud to have successfully sponsored legislation in this Congress which, with the help of colleagues from both sides of the aisle, we were able to enact into law last year. Yet the appropriations we have been able to secure for the Housing Development Grant and Rental Rehabilitation Programs—$615 million over 2 years—are totally inadequate to the task.

Despite decades of dedication to the goal of a decent home in a suitable living environment for all Americans, our country today is actually losing gains made in previous years. For a family facing an average 2-year wait for assistance, our progress to date must seem pitifully inadequate.

Mr. President, the U.S. Conference of Mayors has done a great service by undertaking this survey. I would like to have the full text of their important report included here in the RECORD so that all of my colleagues can study it in detail.

The remarks follow:

HOUSING NEEDS AND CONDITIONS IN AMERICA'S CITIES—A SURVEY OF THE NATION'S PRINCIPAL CITIES

SUMMARY OF FINDINGS

The overwhelming conclusion of the U.S. Conference of Mayors Survey on Housing Needs and Conditions is that the demand for housing assistance among lower income households is increasing, and that the resources available to meet this rising demand are inadequate.

A total of 77 percent of the respondents to the survey said that demand had increased over the last year. No respondents reported any decline whatsoever. The cities surveyed reported an average wait for housing assistance of 20 months for all types of assistance on which they reported, with the wait for Section 8 Existing Housing Certificates for families topping the list at 25 months' average wait. Moreover, these averages mask a range of waiting list lengths which is staggering. For instance, the longest wait recorded in the responses was 302 months, for family Section 8 certificates, while a waiting list of "0" months was recorded at least once for each particular type of housing for which information was sought.

The cities surveyed by the Conference of Mayors are a diverse sample of American cities. A total of 66 cities were included in the survey tabulations, with a total population of 26 million persons. The largest city included in the survey is Los Angeles, population of 2.97 million, and the smallest was Burlington, Vermont, population of 37,712. The average population of the cities covered in the survey is 394,000, and the median population 250,000.

The survey also shows a good distribution geographically around the country. The Northeast accounts for 23 percent of the total cities included; the South accounts for 21 percent; the North Central region accounts for 21 percent; the Southwest for 26 percent; and the Northwest for 9 percent of the total.

In addition, the surveyed cities have broad experience in the various assisted housing programs. All together, the surveyed cities reported that they contain 428,050 units of assisted housing of various kinds, ranging from a high of 36,320 units to a low of 235. The average number of assisted units in the survey is 6,485, while the median is 3,794.

Other major findings from the survey include the following:

Demand for assisted housing is so out of scale with available housing resources that 61 percent of the cities surveyed have closed their waiting lists to households seeking assistance.

Even when assistance is available, many recipients cannot use it because the housing market is so tight. For instance, 55 percent of the respondents reported that 25 percent or more of their Section 8 Existing Housing Certificates are eventually cancelled because recipients cannot find suitable units at acceptable rents.

The resources already in place in American cities are under severe stress, with the demand for rehabilitation and modernization funding far outstripping the funds available. The surveyed cities were asked to estimate their need for modernization funding in existing public housing. The total need came to $1.7 billion. However, the same cities estimated that they expect to receive only $218 million of this total—or 12 percent—in current modernization plans.

Cities perceive the most critical roadblocks to adequate housing for lower income people to be a lack of income, and inadequate or substandard dwelling units. Only a small minority of respondents believes either of these problems has improved over the last two years, and a large majority believes the problem of low income has gotten worse.

When asked if the private sector could meet local needs absent housing subsidies, 89 percent said "no."

Cities themselves are contributing funds for housing assistance through a variety of means, including Community Development Block Grants (CDBG) and direct contributions to public housing authorities. However, shrinking resources at the local level have meant cutbacks in some of these areas in the last two years.

FOREWORD

Since its founding in 1932, the U.S. Conference of Mayors has been a major force in the assisted housing field. Over this period, impressive progress has been made. Americans are better housed than ever before. Great strides have been made in eliminating dangerous housing conditions in many areas. The overall condition of American housing has improved tremendously since the federal involvement in this area began in 1934.

Yet despite this progress, housing remains one of the most pressing social issues confronting American Mayors today. Although over 60 percent of the American people currently own their own homes, millions of Americans can no longer even dream of buying a house. Although housing costs for millions of households have declined over the years, for many millions of other families, rent burdens are reaching intolerable proportions. During the decade of the 1970's, the median value of a home rose by 175 percent, and rents rose by 125 percent. In contrast, household income over the same period rose only 98 percent.

For lower income tenants, the situation has become particularly grim. During the 1970's the total number of units available to those earning $3,000 or less per year at 30 percent of income dropped by 75 percent, to a total of less than 1.5 million. The total number of households in this category declined by only 50 percent to a total of 2.9 million, leaving a shortfall in this income group alone of 1.4 million units.

Since 1978, the number of households living in poverty has increased by 32 percent, with 1 in 7 American—or 34.4 million persons—now living below the poverty line. Many of these households have been priced completely out of the private housing market.

In fact, 16 years after the adoption of national housing goals, the words of the 1968 Housing Goals and Annual Report still ring eerily true in urban America:

"The policies designed to contribute to the achievement of the national housing goal (realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family) have not directed sufficient attention and resources to the preservation of existing housing and neighborhoods; that the deterioration and abandonment of housing for the nation's lower income families has accelerated over the last decade, and that this acceleration has contributed to neighborhood disintegration and has partially negated the progress toward achieving the national housing goal which has been made primarily through new construction."

Despite rising levels of poverty and homelessness, and the accelerated loss of low-income housing stock, budget cuts enacted by Congress since FY81 have reduced federal low income housing resources by almost 60 percent, the largest percentage reduction of any discretionary program category in the budget. The FY85 budget proposals from the Administration would have cut appropriations for housing assistance programs by an additional 38 percent from FY 84 levels.

Since 1934, when the Federal Housing Administration (FHA) was established, the country's track record in making housing affordable to millions of middle-class families has been unparalleled. But the fact that the President's 1981 Housing Commission could report that 7 million lower income households are paying more than 30 percent of their income for shelter and not receiving any federal housing assistance is vivid testimony to the unmet needs of lower income persons.

This survey provides information from cities all over the country on low income housing need and the resources available to meet it. The U.S. Conference of Mayors is committed to working with the Administration and the Congress to develop policies that will achieve the national housing goals. We hope that this report will contribute to this end.

This report was prepared by the staff of the Conference of Mayors, which is solely responsible for its content. The survey was designed, distributed and tabulated with the invaluable assistance of Modesto Abety, a National Urban Fellow carrying out his practicum at the Conference of Mayors during the Spring of 1984, and Rodney Hambrick, Conference of Mayors staff. The principal author of the report was Barry Zigas, Assistant Executive Director of the Conference of Mayors.

JOHN J. GUNTHER,
Executive Director,
U.S. Conference of Mayors.

METHODOLOGY

[Tables appear at end of article]

The U.S. Conference of Mayors sent the Survey of Housing Needs and Conditions questionnaire to a representative cross-section of cities with populations of 30,000 or more in late April, 1984.

The survey was sent directly to the Mayor of each city along with a letter from the Conference of Mayors Executive Director. To increase the response rate from the mailing, various steps were taken. First, a memorandum was sent to all members of the National Community Development Association (NCDA) in cities included in the survey notifying them in early May that the survey had been sent to the Mayor and urging assistance in securing a response. During mid-May, contact was made with the Washington representatives of cities included in the survey for the same purpose. Finally, some additional cities were contacted directly by telephone by the Conference of Mayors and urged to complete the survey promptly.

A final draft of the survey was field tested by a number of housing and community development officials prior to its mailing to the Mayors. Recommendations received through this process were incorporated into the survey instrument, which was designed to facilitate response by the use of graphs and scales.

By May 30, completed surveys had been completed by 66 cities. A list of these cities is included as Appendix 1. The regional and population distribution of these cities is displayed in Tables 1 and 2 below. A map showing which states comprise each of the five regions used in the report is attached as Appendix 2 to this report.

Additional surveys have been received since May 30, but these are not included in the tabulations presented here. They can be included in further analysis of the data.

The completed questionnaires were answered by housing, community development and/or planning officials knowledgeable about their cities and the subject of the survey. Because the survey sought information about public housing and Section 8 programs, the use of Community Development Block Grant (CDBG) funds, as well as overall housing conditions, needs and fair housing policies, the responses in many cities represent a collaboration among various agencies and individuals.

The survey's questions sought factual information. In some instances subjective judgments were called for based on the respondent's awareness of factual data. A copy of the questionnaire is included as Appendix 3 to this report.

The information presented here addresses the housing needs and conditions of cities that responded to the survey. Although we believe the results reflect a representative sample of American cities, the conclusions presented here cannot necessarily be extrapolated to cities not surveyed or included in these results. While we believe the conclusions are indicative of housing needs and conditions in America's principal cities, the conclusions must be tempered by an understanding of the survey's limitations.

HOUSING NEEDS

A major finding of the Survey on Housing Needs and Conditions is that demand for assisted housing of all kinds has increased over the last year, in some cases dramatically.

All surveyed cities were asked whether, during calendar year 1983, the demand for assisted housing for low income families had

"increased," "decreased," or "remained the same." A total of 51 cities—77 percent of those responding—said that it had increased. Another 13 cities, or 20 percent, said that it had remained the same. No respondents stated that it had decreased, although two failed to answer the question.

In response to a question regarding the extent of change in demand over the last year, 69 percent of those who identified and increase estimated it to range between 25 and 100 percent, with 23 percent estimating the increase in the 50 percent and up range.

The stark reality of this unmet demand is illustrated in the waiting lists local communities are maintaining at the present time for all types of assisted housing. Among all the respondents to the survey, the average time between application for assistance by a low or moderate income household and the actual delivery of the assistance was 20 months. Among all the respondents to the survey, a total of 227,777 households were on waiting lists at the time of the survey, with an average among all surveyed cities of 3,451.

Because of the range of housing assistance available at the local level, respondents were asked to provide the length of time applicants wait for a variety of housing assistance. The average waits as reported by the respondents are displayed in Table 3 below.

While these average waits are sobering enough, they mask a range of waiting list lengths which is truly staggering. For instance, while at least one community reported no wait at all in each of the categories for which information was sought, the waiting lists also ranged as high as 302 months—or almost 30 years—for Section 8 Certificates for families. Table 4 shows the highest and lowest figures reported for each category of assistance on which information was requested.

Respondents were also asked to estimate what percentage of the households on their waiting lists currently lived in substandard housing, or paid more than 50 percent of their income for rent. A total of 73 percent of the respondents said that 50 percent or more of the households on their waiting lists fit either or both categories. In other words, the families awaiting assistance include a high percentage of those who by all counts are suffering the greatest need for housing assistance.

Not surprisingly, these figures prove daunting not only at the national, policy making level, but also provide a powerful discouragement to new applicants at the local level, thereby masking a significant reservoir of unmet need. This is vividly illustrated by the finding that 55 percent of the respondents said they believed that families in their own jurisdictions were discouraged from applying for assisted housing. Moreover, 61 percent of the cities have actually closed their waiting lists and stopped accepting any new applications at all.

The evident discouragement of lower income housing applicants is apparently well-founded. In 29 percent of the responding cities, 50 percent or more of the Section 8 certificates allocated require at least one extension of the original 60 days provided in order to find a suitable and affordable unit.

Indeed, 55 percent of the respondents said that 25 percent or more of the certificates they issued were eventually cancelled altogether because recipients cannot find units suitable for the program. A total of 24 percent of the respondents said that their cancellation rate reached 50 percent or more of the certificates issued, and 6 percent ranked the cancellation rate at 75 percent or more of those issued.

NB: Under the Section 8 Existing Housing program, local public housing agencies issue certificates to eligible housholds. These recipients then have 60 days—which can be extended—to find a housing unit suiting their family characteristics and carrying rents within HUD's "Fair Market Rent" guidelines. Tenants pay 30 percent of their income for rent, and the Section 8 subsidy makes up the difference between this amount and the approved rent on the unit. Commitments to eligible tenants are cancelled when the recipients are unable to find suitable units within the allotted time period. These certificates are usually then issued to another household and the process begins again until a unit is placed under subsidy.

Another relevant finding is that actual admission to public housing is no guarantee of security. A total of 68 percent of the respondents reported that evictions in public housing have increased over the last two years.

DECLINING SUPPLY

Despite the rising and critical demand for assisted housing among these cities, 57 percent of the respondents said that the supply of housing available to low and moderate income households had decreased or remained the same over the last 5 years. Many of those who said the supply had increased cited significant federal investments in new construction and substantial rehabilitation through programs which have been practically eliminated over the last three years.

Moreover, even 40 years after federal assistance in low income housing began, only 12 percent of the respondents—8 cities—estimated that one-half or more of the eligible households in their cities are receiving assistance at this time.

The most frequently cited reason for a decreasing supply of housing was decreased construction, with increased demand from higher income renters cited second most frequently. Table 5 below shows the responses from surveyed cities to the question, "if the low-income rental housing stock has been decreasing, please rank from 1-5 the major causes of this loss, with 1 being the major cause."

These findings suggest that the combination of decreased rental housing construction—particularly the severe cutbacks in federally assisted new construction and substantial rehabilitation—coupled with increased competition from higher income renters is squeezing the lower income renter out of the urban housing market.

Moreover, when asked if the private sector could meet rental housing needs absent any subsidized production programs, 89 percent of the respondents said "no".

Barriers facing lower income households

Respondents were asked to rank the importance of 5 barriers to safe, decent, and sanitary housing in their cities. The results of this question are displayed in Table 6 below.

As Table 6 shows, "low income" was clearly the single most important barrier chosen by the respondents, with 83 percent of them choosing it as either the first or second most important factor. Moreover, 65 percent of the respondents stated that this problem has gotten worse over the last two years, while another 29 percent said it had remained the same over that period.

The second most frequently cited barrier for lower income people was "inadequate or substandard dwellings", which 48 percent of the respondents chose as either the first or second most important barrier. "Housing shortages" was listed third most frequently, with 38 percent of the respondents choosing it as the first or second most important factor.

A total of 68 percent of the respondents felt that the problems of inadequate or substandard housing had gotten worse or remained the same over the last two years, while 73 percent of them felt this way about housing shortages. The full results of this question are displayed in Table 7 below.

The importance of preserving existing housing stock

Substandard housing is still a major problem in the surveyed cities. Not only was it identified as one the major barriers to lower income housing opportunities, but the surveyed cities were also asked to identify the number of vacant and abandoned units in their jurisdictions. While the average number of vacancies throughout the responding cities was 3,873, the range was vast—from a high of 53,687 to a low of 10.

Moreover, 57 percent of the respondents said that 50 percent or more of these units could be rehabilitated, and another 18 percent said that between 25 percent and 50 percent of them could be rehabilitated.

Not surprisingly, the cities also identified rehabilitation of existing units as the single most effective way to combat substandard housing, with fully 74 percent of the respondents picking this as the first or second most effective technique. Code enforcement, a related tactic, was the first or second choice of 45 percent of the respondents to this question. A full display of these results can be found in Table 8 below.

This interest in and need for rehabilitation is most dramatically brought home in the existing public housing stock. A total of 208,710 units of public housing were included in the respondent cities, according to figures provided by the cities. This ranged from a high of 23,546 in one city to a low of 99 in another. The average number of public housing units per city was 3,162, and the median 1,670 units. Cities were asked to estimate the total dollars needed to bring existing public housing units up to "standards" through the modernization program operated by HUD. Among all the respondents, the stated demand totals $1.7 billion, with an average need of $26 million per city. However, the surveyed cities estimated that they would receive a total of only $218 million to meet these needs, or 12 percent of the stated requirement. Expected funding averaged only about $3.3 million per city. Table 9 below summarizes these findings.

Once again, these figures illustrate dramatically the impact of federal funding on the condition and affordability of low income housing. Based on these survey findings, there is a tremendous shortfall between need and available resources, particularly from the federal side.

HOUSING DISCRIMINATION

Although it was most frequently the fourth or fifth choice of respondents as a barrier to housing availability, discrimination still looms as a major impediment to decent housing in many cities. Among the respondents, 67 percent reported that they maintain a fair housing office to handle complaints about housing discrimination. Half of the respondents reported that the nature of housing discrimination complaints has not changed significantly in the last two years, while a substantial proportion—26

percent—failed to answer this question. In addition, 52 percent of the respondents said that complaints have not increased in the last two years. In contrast, 33 percent said that they had.

More importantly, the surveyed cities reported that discrimination against minorities and against female-headed households with children remains a serious problem in many localities. Of the 51 cities who reported that demand for housing assistance had increased over the last year, 37 percent said that housing opportunities for minorities were either "difficult" or "very difficult", while 73 percent of the same group said that female-headed households with minor children found it "difficult" or "very difficult" to acquire decent housing. (Among the respondents as a whole, 40 percent said minorities had a "difficult" or "very difficult" time, and 70 percent said the same for female-headed households with minor children.)

Still, 55 percent of the total respondents indicated that the situation for minorities has gotten better in the last five years, and an additional 17 percent said it had stayed the same.

CITY RESPONSES TO HOUSING NEED

Despite federal cutbacks, cities surveyed are themselves devoting resources to provide assisted housing to needy households. For example, 74 percent of the respondents stated that housing related activities are a "very important" part of their Community Development Block Grant (CDBG) program. But the funding squeeze is clearly evident—42 percent of the respondents said that contributions for housing activities had declined over the last 2 years.

A major aspect of CDBG funded housing work is through rehabilitation of existing dwellings. According to the survey, the "lump sum drawdown," through which communities are able to draw down large parts of an annual CDBG award to use in rehabilitation programs, was used heavily—by 67 percent of the respondents. Nearly a quarter of the respondents—23 percent—said that this technique was "critical" to their program's success, and another 24 percent ranked it between "important" and "critical". This finding is especially important in light of repeated Administration attempts to eliminate this provision from the CDBG statute.

In the public housing area, too, cities are contributing to upkeep and maintenance. Although only 29 percent of the respondents said that the housing authority is part of the municipal government, 41 percent said their contributions to the housing authority had increased or remained the same over the last two years.

In addition, 39 percent of the respondents said they have used tax-exempt financing to build low income housing; 33 percent said they had used it for other rental housing; and 30 percent said they have used tax exempt financing for owner-occupied housing development.

TABLE 1.—RESPONDENTS BY POPULATION CATEGORIES

	No.	Percent of total responses [1]
30,000 to 49,999	4	6
50,000 to 99,999	5	8
100,000 to 499,999	42	64
Over 500,000	15	23
Average population of respondents	394,070	

[1] Does not add to 100 due to rounding.

TABLE 2.—RESPONDENTS BY REGION

	No.	Percent of total responses
Northeast	15	23
North Central	14	21
South	14	21
Southwest	17	26
Northwest	6	9

TABLE 3.—WAITING LISTS FOR ASSISTED HOUSING

[Average waits reported by respondents, in months]

Program	Type of household			
	Family (up to 2 bdrms)	Large family (3 or more bdrms)	Elderly	Handicapped
Public housing	18	23	16	8
Sec. 8 certificate	25	24	16	10

TABLE 4.—WAITING LISTS FOR ASSISTED HOUSING

[Range of waits reported by respondents; highest/lowest in months]

Program	Type of household			
	Family (up to 2 bdrms)	Large family (3 or more bdrms)	Elderly	Handicapped
Public housing	126/0	124/0	301/0	60/0
Sec. 8 certificate	302/0	97/0	255/0	60/0

TABLE 5.—CAUSES OF DECLINING STOCK FOR LOWER INCOME RENTERS

[Ranked in descending order of importance]

	1	2	3	4	5	Not ranked
Decreased construction	13	15	1	2	2	33
Increased demand from higher income renters	10	8	7	8	1	32
Other	9	2	2	1	3	49
Demolition	4	6	9	7	2	38
Conversation	0	1	10	9	8	38

TABLE 6.—BARRIERS TO DECENT HOUSING AMONG RESPONDENTS

[Ranked in descending order of importance]

	1	2	3	4	5	6	Not chosen
Low income	39	16	7	3	1	0	0
Inadequate/substandard	11	21	17	12	4	1	0
Housing shortages	11	14	18	10	5	4	4
Overcrowding	3	7	17	17	10	6	6
Other	2	7	2	2	2	5	46
Discrimination	1	2	2	16	35	3	7

TABLE 7.—TRENDS IN BARRIERS TO DECENT HOUSING

[Frequencies of responses]

Problems	Improved	Gotten worse	Remained the same
Low income	4	43	19
Housing shortages	17	27	21
Overcrowding	11	25	29
Inadequate or substandard housing	21	22	23
Discrimination/segregation	25	7	29
Other	1	5	2

TABLE 8.—PUBLIC ACTIONS MOST EFFECTIVE IN ELIMINATING SUBSTANDARD HOUSING

[Ranked in descending order of importance]

	1	2	3	4	5	Not chosen
Rehabilitation	29	20	11	2	1	3
Code enforcement	16	14	14	14	4	4
Assistance to familes in existing housing	10	13	23	10	8	2
Production of new housing	8	10	12	20	9	7
Demolition	5	5	4	11	36	5

TABLE 9.—ESTIMATED NEED AND ANTICIPATED FUNDING FOR PUBLIC HOUSING MODERNIZATION

[Estimates provided by surveyed cities; in millions of dollars]

	Funds needed	Funds expected
Total among all cities in sample	1,706.49	217.79
Average needs in sample	25.85	3.29

APPENDIX 1: CITIES INCLUDED IN THE SURVEY OF HOUSING NEEDS AND CONDITIONS

Albuqueque, Allentown, Anaheim, Anchorage, Ann Arbor, Atlanta, Billings, Birmingham, Buffalo, Burlington, VT, Cheyenne, Cincinnati, Clearwater, Cleveland, Columbus, OH, Corpus Christi.

Dallas, Des Moines, Detroit, Elizabeth, Erie, Flint, Fort Worth, Fresno, Garland, TX, Gulfport, Hartford, Honolulu, Indianapolis, Jacksonville, Kansas City, MO, Knoxville.

Lincoln, Los Angeles, Louisville, Madison, Miami, Milwaukee, New Bedford, New Orleans, Norfolk, Oakland, Oklahoma City, Omaha, Philadelphia, Phoenix, Pittsburgh, PA, Portland, OR, Providence, Richmond, Rochester, Rockford, Salt Lake City.

San Diego, San Jose, Santa Barbara, Savannah, Seattle, Syracuse, Tacoma, Tucson, Washington, DC, Waterbury, CT, Wilmington, DE, Winston-Salem, and York.●

THE HEROIC CROSS-COUNTRY RUN OF JEFF KEITH

● Mr. CHILES. Mr. President, I rise today to bring to my colleagues' attention the heroic cross-country run of Jeff Keith. While this is a difficult enough task in itself, Jeff Keith has an additional obstacle to overcome—he has only one leg.

Keith, who lost his right leg to cancer 10 years ago, will be making his way through the Washington area tomorrow en route to Los Angeles to promote the message, as he puts it, "cancer can be beat and that disabled doesn't mean unabled."

His journey, which began in June, will cover over 3,300 miles and take approximately 6 months. Keith's run will benefit the American Cancer Society and the National Handicapped Sports & Recreation Association. Along the way, Keith will be visiting rehabilitation centers and hospitals to offer encouragement to those handicapped individuals with problems similar to his own.

After meeting with congressional leaders, Keith will continue his run at 6 p.m. by departing the East Steps of

the U.S. Capitol with several Members of the House and Senate running with him. I am honored to have the opportunity to participate in Jeff Keith's inspirational and courageous journey across America.●

RICHARD H. VANKLEECK

Mr. McCLURE. Mr. President, I rise in tribute today to a gentleman and devoted public servant: Mr. Richard H. VanKleeck of the Senate Republican Conference staff, who died June 16 after a valiant struggle with cancer.

Dick was well-known to many here on Capitol Hill for his meticulous and detailed grasp of the complexities of the legislative process. He was cherished by the conference staff, as much for genial humor and courtly manners as for his erudition and professional expertise.

In his final days of staff service, Dick, though wracked with physical pain, was a paradigm of the quiet courage which sustains the bravest and best of our people. He will be sadly missed, but never forgotten, by those of us who had the privilege to work beside him.

Mr. President, I ask unanimous consent that a tribute to him, published in the June 18 edition of the Asheville Citizen, be printed in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

R.H. VANKLEECK DIES; CRITIC, PATRON OF ARTS

Richard Houghton VanKleeck, local arts patron and former art critic for the Asheville Citizen-Times, died Saturday in an Asheville hospital. He was 56.

VanKleeck first came to Asheville in 1961 to inventory and catalogue the library at Biltmore House. He returned in 1969 to become arts coordinator of the Civic Arts Center and the Asheville Art Museum.

He wrote a weekly arts column for the Sunday Citizen-Times for over 10 years.

A native of Boston, Mass., he was a son of the late Walter and Margaret Storiey VanKleeck. He was a graduate of Noble and Greenough Prep School in Dedham, Mass., and was graduated from Harvard University in 1949.

He later taught at the Noble and Greenough School and served as head of the fine arts and drama departments.

VanKleeck was also director of the Civic Symphony Association of Boston, and was a board member of the Footlight Club, Jamaica Plain, Boston, the oldest "amateur" theatrical group in the United States.

He was an estate and financial planner for the National Shawmut Bank of Boston from 1962 to 1969.

VanKleeck had been vice president and secretary of United Chemical Co., a research analyst with Bradford & Co. and later with McCarley & Co. and had served as staff assistant to former Congressman William Hendon. At the time of his death, he was a staff assistant with Senate Republican Conference.

He was a member of All Souls Episcopal Church, the Biltmore Forest Country Club, the Downtown City Club, the Kittansett Club and the Acres Group. He had been a member of the old Mountain City Club in Asheville.

Surviving are a niece, Joan S. Shute of Bedford, N.H.; and a nephew, Arthur Mitton III of Marshfield, Mass.

Services will be at 11 a.m. Tuesday in All Souls Episcopal Church. The Revs. C.A. Zabriskie and Fredrick H. Dennis will officiate. Burial will be in Calvary Churchyard cemetery.

The family will receive friends from 7 to 9 p.m. Monday at Morris Funeral Home.

In lieu of flowers, memorials may be made to Life After Cancer Group, 93 Victoria Road, Asheville, 28801.

The PRESIDING OFFICER. The Senator from Hawaii.

HISTORICAL NOTE: RECTIFYING THE RECORD TO HONOR CAPT. CHARLES McVAY III

Mr. MATSUNAGA. Mr. President, often during war, lives are lost which in hindsight could have been saved—if only somebody had done this, or somebody else had done that. Some of these tragic deaths are so heartrendingly painful to the survivors and the rest of us that there is an understandable drive to fix blame, whether rightfully or wrongfully, in order to relieve the pain of grief. Such has been the case of the infamous sinking of the U.S.S. *Indianapolis*, exactly 39 years ago, on July 30, 1945, by an enemy submarine. Marooned sailors were slowly, cruelly decimated by swarming sharks and by hallucinations induced by the searing sun and lack of drinking water. The memory is so strong of the stark terror of that 5-day ordeal that it recently served as a protagonistic force in the recent classic suspense movie series, "Jaws."

Of the crew of 1,196 men, a mere 316 survived; 800 of those who died were either eaten alive by sharks or drowned after abandoning ship, while half the number perished in the submarine torpedo attack itself. The enormity of the tragedy struck a discordant chord in the heart of the Nation when the incident was revealed after V-J Day. A court-martial was subsequently convened and the commander of the U.S.S. *Indianapolis* was assessed full blame.

The conclusions of the court-martial have come under closer scrutiny in the last two decades and it now appears that Capt. Charles B. McVay III may have, in a manner of speaking, "taken the rap," being the gentleman and fine officer that he was. Captain McVay was accused of failure to order a zigzag course and delaying the order to abandon ship. The investigation into the charges failed to prove that the order to abandon ship was in fact delayed. As for the other charge, zigzagging generally was considered a tactic of dubious value in avoiding enemy submarines and, hence, was regarded as only an optional maneuver.

The U.S.S. *Indianapolis* was at the time traveling from Guam to the Philippines in what was regarded as safe waters far from the war zone where zigzagging would seem to have been more appropriate. Many of those familiar with the case believe that Captain McVay took all reasonable precautions in view of the circumstances to avoid disaster. Unfortunately, Captain McVay did not receive crucial information which would have put him on alert to impending dangers. Although the waters were generally regarded safe, U.S. intelligence sources had information that there were four Japanese submarines roaming the area. Because this information had the highest security classification at the time, Captain McVay was not informed. In addition, he was not told that just a few days earlier the U.S.S. *Underhill* had been sunk, with the loss of 119 men in the same area. The U.S.S. *Indianapolis* entered these same treacherous waters without proper detection equipment and without an antisubmarine escort.

The death toll was higher than it should have been because a search party was not sent out even after the heavy cruiser failed to arrive in the Philippines on schedule. The commander to whom Captain McVay was to report had not been informed of the U.S.S. *Indianapolis'* orders because they had been misaddressed inadvertently. Those who knew of the destination of the cruiser did not report its failure to arrive because they were obeying orders which prohibited confirmations of arrivals of warships.

The survivors of this, the greatest wartime sea disaster, were sighted by happenstance by the crew of a bomber flying over the area, 5 grueling days after the cruiser had been sunk.

Those who survived did not blame Captain McVay for the tragedy. As a matter of fact, Captain McVay was always an honored guest at their many reunions held after the war. The families of many of those who did not survive, however, were understandably grieved beyond reason and blamed Captain McVay for the death of their loved ones. For years after the incident, Captain McVay received hate mail. Such mail was a source of excruciating torment to one who loved his men as deeply as did Captain McVay. As his son Kimo Wilder McVay of Honolulu relates,

> My father hated to open his mail on any given holiday. Usually these cards said something like, "If it weren't for you, my son, brother, etc. would be with us this Easter, Christmas, Father's Day, etc."

On November 6, 1968, Captain McVay was found on the lawn of his house with a bullet wound in his head. He had a .38 caliber pistol in his right

hand, and a blue toy sailor tightly grasped in his left.

What an unbecoming demise for such a distinguished officer who dedicated his life to the service of his country. Despite the adverse ruling of the court-martial against him, Captain McVay was permitted to remain in service and retired from the Navy in June 1949 as a rear admiral because of his numerous combat citations. It should be noted at this point that the U.S.S. *Indianapolis* was just returning from a most historic mission when it met its most untimely fate on July 30, 1945. The 9,950-ton cruiser had successfully delivered the first atomic bomb from the United States to the bomber base on Tinian Island for the first nuclear airdrop over Hiroshima, Japan, which took place on August 6, 1945. The trip from San Francisco to Tinian was made in a recordbreaking 10 days.

The story of Captain McVay is a tremendously moving one. As one who myself witnessed my comrades-in-arms die in the line of battle in World War II, I can readily imagine how Captain McVay must have been saddened by the loss of his men aboard the ill-fated U.S.S. *Indianapolis*. This was truly a national tragedy, which heaped an incredible amount of pain and suffering on the American people, immeasurably upon the families of those who did not return.

Although Captain McVay was convicted of "failing to zigzag" to avoid enemy submarines, recent surfacing of new information suggests that such accusations were unfounded, and it is increasingly contended that Captain McVay was the unfortunate scapegoat for the incident. In two books on the subject, "Abandon Ship" by Richard F. Newcomb and "All the Drowned Sailors" by Raymond B. Lech, the authors suggest that McVay did not act irresponsibly. Not only was McVay not informed of the presence of Japanese submarines, he took every reasonable precaution and did not delay the order to abandon ship. Any misjudgments which contributed to the magnitude of the disaster were not the fault of Captain McVay, but of others who failed to inform him of Japanese submarine operations in the area.

It may well be that some U.S. military personnel were directly or indirectly responsible for the large number of deaths in the U.S.S. *Indianapolis* incident, but Captain McVay was not one of those persons. For 19 years he lived with this unfair assessment of blame, until Novermber 6, 1968, when he could no longer bear it and took his own life.

It is time, in the cause of pure justice and fair play, for us to publicly redeem this man's good name. Capt. Charles B. McVay III was a fine and exemplary naval officer and should be remembered as such. As one who has been fully informed of the facts, and as a Member of this august body, I salute Captain McVay and commend him for the meritorious service he rendered his country, posthumous as it may be, on this the 39th anniversary of the sinking of the U.S.S. *Indianapolis*.

In the hope that the misinformed may be led to seek the truth and be set free from their grief and hatred, I ask unanimous consent that a feature article written by Jim Borg, which appeared in the Honolulu Advertiser of July 29, 1983, be printed at this point in the RECORD.

There no objection, the article was ordered to be printed in the RECORD, as follows:

DID SKIPPER OF 'INDY' GET A BUM RAP?—NEW RESEARCH CASTS DOUBT ON GUILT OF WW II NAVY CAPTAIN

(By Jim Borg)

For five days and four nights, the sailors floated on rafts and in life-jackets. When a shark picked a victim, his fellow crewmen prayed he would stop screaming soon.

The sun and lack of drinking water made them crazy. A common delusion was that there was a layer of cool, fresh water below the surface, maybe six or eight feet down. Sailors who stripped off their life jackets and dove for a drink were never seen again.

Torpedoes from the Japanese submarine I-58 struck the heavy cruiser USS Indianapolis just after midnight on July 30, 1945, sinking it in about 13 minutes.

Of the 1,196 men aboard, about 400 went down with the ship. Of the 800 or so who made it into the water, only 316 survived.

Blame quickly was fixed on the ship's captain, Capt. Charles B. McVay III, a distinguished career officer and the son of a former four-star commander of the U.S. Asiatic Fleet.

After the war, in an unprecedented case the Japanese submarine skipper was brought to Washington, D.C., to testify at McVay's court-martial. McVay was convicted of "failing to zigzag" as a precaution against enemy submarines.

Although zigzagging generally was considered a tactic of dubious value and was an option available to the captain—not a requirement, McVay's career was ruined. He was assigned to a shore job in New Orleans and on June 30, 1949, was transferred to the retired list with the rank of rear admiral because of earlier combat citations.

"With that much of a disaster, they had to have a pigeon or somebody to blame," says Ken Stretch, a Hawaiian Electric Co. executive who was engineering officer aboard the USS Ringness, which picked up McVay and some other survivors. "I don't think many believed that zigzagging would make diddly-damn difference. The route we were on, we didn't zigzag."

For years, according to his family, McVay received hate mail from some of the parents, wives and children of the 880 lost crewmen.

"My father hated to open his mail on any given holiday," says Honolulu promoter Kimo Wilder McVay, "Usually, these cards said something like, 'If it weren't for you, my son, brother, etc., would be with us this Easter, Christmas, Father's Day, etc.' It was cruel."

On Nov. 6, 1968, at his house in Litchfield, Conn., plagued with a number of personal problems, McVay put a bullet through his head.

Thirty-eight years after the Indy went down, new information is still surfacing about the Navy's worst disaster at sea.

Why wasn't the ship reported overdue?

Why wasn't McVay warned that another ship, the USS Underhill, had been sunk by an enemy submarine in the same area days earlier?

Why was the captain singled out for punishment?

In 1958, "Abandon Ship," a book by former Associated Press editor Richard F. Newcomb, went a long way toward vindicating McVay. Given that the Indianapolis had no sonar equipment and no destroyer escort, Newcomb noted that the captain took reasonable precautions on what he and his superiors considered merely a routine three-day run far from the main wartime action.

And when the Indy was hit, McVay gave the order to abandon ship neither too soon nor too late. Either the ship's distress message was never heard or the radio equipment was too damaged to transmit.

McVay was the last survivor into the water and, five days later, the last to be plucked from the sea.

In "All the Drowned Sailors," published last year (Stein and Day, $16.95), Raymond B. Lech, a former Marine, focuses more on what he calls a "cover-up" than on the catastrophe. McVay was a scapegoat, pure and simple, Lech contends.

Just days before it was sunk, the Indianapolis had completed a historic mission. The former flagship of the 5th Fleet had delivered the parts for the atomic bomb to Tinian in the northern Marianas. Without knowing the nature of his secret cargo, McVay made a record-breaking run from San Francisco via Pearl Harbor in 10 days, arriving at Tinian on July 26, 1945.

(McVay's obituary in the New York Times noted with irony that, had the ship been sunk en route to the Marianas, the entire U.S. supply of fissionable uranium would have been lost, prolonging the war for perhaps two years.)

From Tinian, McVay sailed to Guam, where he was ordered to proceed to Leyte in the Philippines for training for his crew, many of whom had come aboard at San Francisco.

What he sailed into, Lech suggests, was a maelstrom of error and incompetence.

Rather than courtmartialing McVay, the Navy would have done better to examine the performances of some other actors in the drama. Among them:

Capt. E.T. Layton, chief of combat intelligence at Pearl Harbor. Layton had information that a group of four Japanese submarines was operating in the area between Guam and the Philippines. Unfortunately, he classified it "ultra secret," the highest and most secure category. "Essentially," says Lech, "it was so secret that people were afraid to talk about it."

Commodore James Carter, assistant chief of staff and operations officer at Adm. Chester Nimitz' advance headquarters in Guam. Carter was aware of the four Japanese subs and knew that one of them had sunk the USS Underhill on July 24, killing 119 men. But in a conversation with McVay on July 27, Carter mentioned neither. "I don't remember that we discussed intelligence information," Carter said later. "It wasn't normal for captains to request that of me. He was only in my office a very short time; and that intelligence was provided by

the port director at the time the ship was routed, as a normal procedure."

Capt. Oliver Naquin, surface operations officer for the commander, Marianas. Carter told Naquin about the Japanese submarines, but the report stopped there "as if it had hit a brick wall," Lech says. "At this point in the command structure, the information went no further. Captain Naquin did absolutely nothing with it."

Lech says the intelligence department of the Guam Naval Base, which briefed officers of ships before they sailed, depended entirely on the commander, Marianas—and specifically on Naquin—for word of enemy activity in the area. But the Guam office never got the word, and neither did McVay or Cmdr. John Janney, his navigator, when they got the routing instructions and intelligence briefing the day before Indy left for Leyte.

When routing officers called Naquin's office to see if there was an escort ship available for the Indianapolis, they were told tersely that "no escort was needed."

At Leyte, McVay was to report to Rear Adm. Lynde McCormick commander of Task Group 95.7, with headquarters aboard the battleship Idaho. McCormick was sent a copy of the orders, but some unknown member of his communications staff had decoded the addressee as 75.8 instead of 95.7. Because of that mistake, and because the message had the low security classification of "restricted" instead of "secret" or "top secret," the staff did not feel it was worth the effort to decipher it.

McCormick never knew the cruiser was coming.

The office of the Leyte port director knew it, but two unfortunate factors came into play.

First, it was not unusual for warships to be diverted at sea without port directors being told of the change. Second, in January 1945 Nimitz ordered that the arrivals of fighting ships were not to be reported. This was to reduce message traffic and to keep the Japanese from learning the whereabouts of the fleet.

Trouble was, there was no specification in the order about what to do when ships did *not* arrive. (This was quickly corrected in August 1945.)

Lt. Stewart Gibson, operations officer for the Leyte port director, knew by sundown on July 31, the day the ship was due, that the Indianapolis had not arrived. If he had raised a fuss, he would have been a hero and hundreds of lives would have been saved.

He mentioned it to no one. "Since his orders firmly stated that he was not to report arrivals, it never occurred to him that he still might be required to report non-arrivals," Lech says. "Gibson later claimed that it was not imposed upon him by any directives existing at that time to report nonarrivals, and he respectfully asked, 'How can I be guilty of failing to perform a duty which never existed?' "

As the Indy's crew fought sharks and delirium and watched planes pass blindly overhead, the ship's presumed progress was mapped at Pearl Harbor and Guam until, at the end of three days, it was erased from the charts. The Indianapolis was simply assumed to have reached Leyte Gulf.

On Aug. 2, the crew of a twin-engine Ventura bomber happened to spot some rafts.

News of the disaster was swallowed up in the announcement—made the same day, Aug. 14—that the war with Japan had ended. But McVay's tribulations were far from over.

Lech calls the initial investigation into the sinking "a mockery." For one thing, one of the members of the court of inquiry was Vice Adm. George Murray, commander of the Marianas, who was Naquin's superior and the commander in whose jurisdiction the ship had sunk. Lech suggests the admiral was not a disinterested party.

The court recommended McVay be court-martialed. Nimitz disagreed. "His failure to order a zigzag course was an error in judgment, but not of such nature as to constitute gross negligence," Nimitz said. He said he would give McVay a letter of reprimand instead.

But on Sept. 25, 1945, Fleet Adm. Ernest King, chief of naval operations, overruled Nimitz and ordered a trial.

On what charges? Failure to zigzag was not reason enough for a court-martial because McVay readily admitted he was on a straight course.

So Rear Adm. O.S. Cullough, the judge advocate general, recommended that McVay also be charged with failing to order abandon ship soon enough. Although the investigation showed this to be untrue, Cullough observed that "full justification for ordering a trial on Charge II springs from the fact that this case is of vital interest not only to the families of those who lost their lives but also to the public at large."

Excuse me? Since when are people brought to trial purely on the basis of public interest in the case? The second charge, of course, was disproved.

On the stand, Naquin testified that he had considered it a "very low" risk that the Indy would be attacked by submarines.

Yet days before his court testimony, according to documents obtained by Lech, Naquin admitted to the Navy inspector general that he indeed knew of the four Japanese subs operating in the area, a number he called "more than average."

Why this and other wrinkles in the case were not ironed out at the court-martial remains a mystery.

Says Kimo McVay, "My father was completely innocent, if not heroic. The Indy survivors, who meet once every 10 years, certainly didn't hold my father to blame. He was their honored guest until his death."

Mr. STEVENS. Mr. President, does the Senator mind if that time counts toward his time under cloture?

Mr. MATSUNAGA. I do not mind.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. STEVENS. Mr. President, is there further business to come before the Senate? If not, I move, in accordance with the previous order, that the Senate stand in recess until tomorrow at 11 a.m.

The motion was agreed to; and the Senate, at 8:04 p.m., recessed until Tuesday, July 31, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 30, 1984:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Charles D. Baker, of Massachusetts, to be Under Secretary of Health and Human Services, vice John A. Svahn, resigned.

DEPARTMENT OF STATE

Edward J. Streator, of New York, a career member of the Senior Foreign Service, class of Career Minister, to be representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

EXTENSIONS OF REMARKS

LET US WAKE UP AND DO SOMETHING ABOUT TERRORISM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. BROOMFIELD. Mr. Speaker, now is the perfect time to do something about terrorism. The ball is in Congress' court. Improving our Nation's intelligence collecting abilities as well as upgrading Embassy security are two key battles in our fight against the scourge of international terrorism. The following article on terrorism highlights the issue before us.

Congress can help our intelligence community by increasing the resources for intelligence gathering. Intelligence is the first barrier against a terrorist attack both here in the United States and overseas. It is far easier to prevent a terrorist attack than to defend against one. Specific intelligence information about a planned terrorist operation can be used to either confront the group with the assembled information in hopes that the organization will abort their operation, or to use that intelligence to frustrate, prevent, or protect against the attack.

Physical security for our overseas facilities is also a key element in the equation. Although good security does not guarantee that a terrorist attack will be stopped, enhanced security certainly makes the terrorist's task far more difficult. A well defended building also provides a psychological deterrent that may serve to discourage a potential attacker from launching an operation against one of our missions around the world. Perimeter security, electronics, guards, ballistic materials, and additional professional security personnel all help to protect our public servants assigned overseas.

In all of these areas Congress can help by seriously studying the executive branch's requests for more resources in the areas of intelligence and Embassy security. Although we must always keep our budget levels in mind, the fight against terrorism must be won, and additional resources will certainly help us in this battle.

Terrorism, be it criminally inspired or politically motivated, a random act or preplanned, affects the very nature of our society and works to undermine those precepts that serve as the foundation of Western civilization. Fortunately, the President has already identified combating terrorism as one of his key priorities.

Recently, the President sent to Congress an antiterrorism legislative package consisting of four proposed bills. We all know that our country has gaps in its laws. The President's package is a step toward filling some of those gaps. Two pieces of legislation are designed to implement two international conventions that the Senate has previously approved. These are relatively noncontroversial. Two other proposals are now before the House Foreign Affairs Committee and the House Judiciary. One of those proposed bills would authorize the payment of rewards for information regarding acts of terrorism in the United States, or abroad. After some redrafting, the fourth bill would require that certain services to foreign countries be licensed in order to stop such services from being provided to countries involved in terrorist activities. I hope that my colleagues will see the urgency of the situation and work together to approve the legislative package.

With these thoughts in mind, I strongly recommend the following article concerning terrorism to all of my colleagues in the Congress.

The article follows:

TAKING STEPS TO CONTAIN TERRORISM

(By William E. Colby)

(William E. Colby, who was Director of Central Intelligence from 1973 to 1976, is senior adviser to International Business-Government Counselors Inc., a firm that analyzes country risks for possible investors.)

WASHINGTON.—Terrorism is having yet another periodic revival as a major political issue.

President Reagan and Secretary of State George P. Shultz have denounced state-supported terrorism and insisted at the economic summit meeting in London that the industrialized democracies collaborate better to bring this under control. Debate is raging over the implications of the Italian prosecutor's report on the attempted assassination of Pope John Paul II, which implies that the Bulgarian Government, and perhaps even the Soviet Government, were behind the attack. A bill has been submitted to Congress that would impose criminal sanctions on Americans assisting or training terrorists identified by the Secretary of State. Behind these problems looms the nightmare of possible nuclear terrorism.

Such concern is hardly new. We heard much the same unease and the same call for a definitive remedy after the Palestine Liberation Organization attack on the Munich Olympics in 1972, the Red Brigades' kidnapping and murder of the former Italian Prime Minister Aldo Moro in 1978, the attack by the Japanese Red Army at Lod Airport in Israel in 1972, and on back to concerns about the Bolsheviks in the 1920's. None of this concern is unwarranted, but we should beware of undue alarmism and unrealistic hopes for a comprehensive solution.

In fact, the more grave the terrorist threat, the more certain it is that it will be suppressed before it causes serious disruption, threatening the state or the public order. Today, the Red Brigades are impotent, the Bader-Meinhoff gang, in West Germany, has been suppressed and the Japanese Red Army is hardly existent. The extensive terrorist actions in the 1960's by the Argentine Montoneros and the Uruguayan Tupemaros were brutally but effectively suppressed by the military of those countries. India's crackdown on the Sikhs is the latest demonstration of a state's ability to crush such a threat to its authority.

Besides, in most cases, the drama of terrorism grossly exaggerations its real effect. Thus, Irish Republican Army terrorism has made essentially no progress against British rule in Northern Ireland. Che Guevara's romanticism brought concern over possible mass insurgency in Latin America but little change in its political or social systems. Certainly, the Symbionese Liberation Army and the Weathermen had little effect upon the ordinary American citizen's life, compared to many social problems we tolerate with equanimity such as the 23,000 Americans who die each year from handgun misuse or the 25,000 killed by drunken drivers.

What exactly is terrorism? It is a tactic of indiscriminate violence used against innocent bystanders for political effect—and it must be distinguished from the selective use of violence against the symbols and institutions of a contested power, which is unfortunately a norm of international life.

The difference is critically important: Without it, there is no way to distinguish "your" terrorist from "my" freedom-fighter or to differentiate aid to terrorists from covert support of friendly forces like the Nicaraguan contras, or counterrevolutionary fighters. Aid to friendly guerrilla forces, from the American colonists to the Afghans today, is s regular part of the international contest, whereas the indiscriminate use of violence can be denounced on a solid moral basis.

We probably cannot eliminate terrorism, but we can take steps to contain it. Intelligence is the first arm of defense against the terrorist, identifying him, his cause and his supporters. Such intelligence can provide tips about general plans or specific tactics that can lead to the frustration or capture of the terrorist. Along with the careful accumulation and collation of data, it may often include exchanging information with other friendly nations and occasionally launching risky and difficult missions to infiltrate terrorist groups.

This requires resources, but it also requires that the intelligence services not be hamstrung in their operations by great public exposure or excessive legalistic restraints. Obviously, the innocent citizen must be protected from excessive governmental intrusion, but reasonable protection can be obtained by legislative and judicial supervision.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The second major step to protect against terrorists involves security practices that make their task more difficult. The barriers around public buildings, the electronic screening of crowds, irregular schedules for multinational executives and effective police work can all be carried out with minimum inconvenience to the public but maximum deterrence against the would-be terrorist.

But finally—and this may be the most important rule for any government hoping to protect itself and its citizens from terrorists—success against terrorism can be achieved only if the public supports the effort. The difference between a public that reports evidence of terrorists to the authorities, even at some personal risk, and one giving covert support or even cowed into silence, can mean the entire difference between success and failure.

In this, international public opinion can also be enormously important. The international rejection of the South American tactic of "disappearances" severely weakened those governments who practiced such abduction and arbitrary killing. The death squads in Central America have made it difficult for international friends to support the governments in some of those nations.

Moreover, the best way to insure public support is to insist that the rule of law be fully applied in the fight against the terrorists. The French use of torture in Algeria in the 1960's was widely repudiated by French public opinion, greatly undermining what has been a successful strategy against the National Front for Liberation.

Why is the rule of law so important? The most successful tactic against the guerrilla or terrorist is to recruit him, not shoot him. To do that, he must be confident that he will benefit from any amnesty that is offered and be subjected only to a coherent rule of law. The terrorist also must be turned from his belief that violence can advance a cause valuable to his compatriots by a demonstration that a better result lies in the programs and policies of a government determined to ameliorate the lot of its people and to treat even its enemies with justice, even if this must be stern in some cases. If terrorism is the indiscriminate use of force against innocent bystanders, it is clear that a government resisting terrorism must be discriminate in the use of force to insure the safety of its bystanders.●

A FINE AMERICAN

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Ms. OAKAR. Mr. Speaker, recently the following article appeared about the father of one of America's foremost journalist Helen Thomas.

The story of George Thomas typifies the story of so many Lebanese and Syrian immigrants who became role-model Americans. Recently people of Middle Eastern ancestry have undergone tremendous bias in this country. This is the story of a man who is indicative of the positive elements of this fine culture. It is a tribute to all immigrants who become model Americans. I hope by repeating this beautiful story, we not only pay tribute to the wonderful Thomas family.

The story follows:

ALL THROUGH THE DEPRESSION, HE FED OUR WHOLE NEIGHBORHOOD

(George Thomas came to America from Lebanon as a teenager in 1902, "the classic immigrant story," says his daughter, UPI White House correspondent Helen Thomas. He married ten years later and raised nine children, supporting them as a pushcart peddler in Winchester, Kentucky, and then as a grocer in Detroit. In his home, the language, food, and culture were Arabic, but the drive to succeed was all American. When her father died in 1950, Helen had already been working on high school and college newspapers, "and he knew I was hooked on journalism.")

My father looked like Teddy Roosevelt, with wonderful bearing and a big, brushed mustache. He was at least six feet tall. He was a man of tremendous generosity and warmth. He loved people and loved company. All through the Depression, he fed our whole neighborhood. My father had a grocery store in Detroit and couldn't bear to see anyone go hungry. Whenever anyone would be sick, he'd go to them with food. He had a few rental properties during the Depression, maybe $10 a month, and when he didn't collect, he didn't collect. He never evicted anyone.

We were a big family of nine kids, and our father was a sort of guiding light. He had about seventeen cents when he landed on Ellis Island. He had come over after hearing about the opportunities in the New World. He didn't know the language, and he couldn't read or write. But he was equipped with energy, enthusiasm, a will to achieve, and pride. He had a computer in his head for figuring out bills that had to be paid. And even though he couldn't understand our report cards, he was thrilled when we'd tell him what the grades were. He made sure we all went to college—even the women, which was unheard of in the culture he came from.

We kids were raised in two cultures at home. My father spoke Arabic while we were busy trying to make the family American. At school we were still considered foreigners, even though we had been born in this country. But we kept the Old World culture in the home with the food, the music and the hospitality. My father would tell us stories of the old country. But he also drove us to excel in American society.

In a family of nine, there wasn't much of a personalized upbringing. Dad sat with us at dinner, and we went to church together, but that was the extent of the father-child relationship. At the dinner table there were always arguments. It was a pretty volatile situation. By the time I arrived, third from the bottom in a family of nine, all discipline had collapsed. So I always felt a sense of freedom in my family. I can never remember being punished. My father was a quiet man and not one to add to the tantrums going on around him. I never heard him shout; it was more his style to walk out into the yard to be alone.

My father was very interested in worldly affairs, although he didn't read newspapers. He learned about events from his friends. The house was always open for friends to drop in, and they'd bring information. When he voted for the first time with an X mark for FDR in 1936, there was a celebration in the family. We thought it was a landmark event. My father was a liberal, although he didn't articulate it. And he was a strong patriot: Just to be an American was a great thing. My brother used to say, "I'm sure glad he didn't miss the boat." We all felt that way.

I picked up a few of my father's mannerisms. I find myself crossing my arms and bending my head down like he did. I have a photograph of myself standing in the Rose Garden with President Kennedy—both of us with the same gesture, staring at each other with the same look. It's the picture of me that my family cherishes the most. It's not a typical female gesture, and I guess I picked that up from my father. That and my father's expression *Inshalla*, meaning "God willing."

I feel that my ethical basis for life came from my father. He gave me a strong sense of right and wrong—and all the guilt that comes with defying it. He gave me a sense of morality almost by osmosis. Every time I make a stand for integrity, I feel my father. My desire to be a better person comes from him. That's why I'm always fighting about discrimination and civil rights and the people's right to know. My father saw injustice around, but I never heard him complain. He was not a man to upset the status quo. His children did that.●

ROLLCALL VOTES TAKEN ON THURSDAY, JULY 26, 1984

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. DANNEMEYER. Mr. Speaker, I was unfortunately absent during the session of the House on Thursday, July 26, 1984. Had I been present, I would have cast the following rollcall votes:

Rollcall 317: "Yea"; approving the Speaker's approval of the Journal of the previous day's proceedings.

Rollcall 318: Quorum call.

Rollcall 319: "Yes"; Walker amendment to the Coats amendment. The Coats amendment would have denied Federal funds to schools which deny students the right to participate in voluntary prayer, both spoken and silent prayer. The Walker amendment would have made it clear that school personnel could restrict spoken prayer during instructional periods. (Rejected, 194–215).

Rollcall 320: "Yes"; Gunderson amendment to the Hunter substitute for the Coats amendment. The Gunderson amendment strikes the provision which would deny Federal funds to schools which do not permit voluntary prayer and puts in its place language making it unlawful for a school to deny a student's rights to engage in voluntary prayer. This makes the enforcement a judicial action rather than an administrative denial of funds. (Adopted, 378–29).

Rollcall 321: "Yes"; Hunter substitute, as amended by the Gunderson amendment, for the original Coats amendment. The Hunter substitute amendment precludes a school from

denying an individual's opportunity to participate in silent prayer. (Adopted, 356-50).

Rollcall 322: Quorum call.

Rollcall 323: Quorum call.

Rollcall 324: "Yes"; Goodling amendment to the Ford substitute for the original Goodling amendment. The original Goodling amendment, and the amendment to the Ford substitute, would have reduced the authorization levels in the bill to conform with the assumptions of the House-passed budget resolution. (Rejected, 169-233).

Rollcall 325: "Yes"; Goodling, as amended by the Ford substitute—which was adopted by voice vote. As amended, would reduce the authorization levels in the bill by 50 percent below those in the committee-reported bill, but still 50 percent above those in the House-passed budget resolution. (Adopted, 397-0).

Rollcall 326: "Nay"; final passage of H.R. 11, a bill to extend the authorization of appropriations through fiscal year 1989 for certain education programs.

Rollcall 327: "Yes"; motion to recommit H.R. 4784, the Trade Remedies Reform Act, to the Committee on Ways and Means with instructions to make designated changes. (Rejected, 128-231).

Rollcall 328: "No"; final passage of H.R. 4784, the Trade Remedies Reform Act. (Passed, 259-95).●

A TRIBUTE TO RAQUEL MARQUEZ FRANKEL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. RICHARDSON. Mr. Speaker, on Sunday, March 11, 1984, Raquel Márquez Frankel, a leader of the Hispanic Community and one of the founders of the Congressional Hispanic Caucus, passed away. Although she is gone, the contributions she has made toward improving the quality of life for Hispanics across this Nation will always remain.

Raquel was born in Albuquerque, NM, and grew up in northern New Mexico. Her parents, always active in community affairs, prepared Raquel for a life of serving others.

After completing her masters in social work at Loyola in Chicago, Raquel went to work, literally nonstop, helping Hispanics across the Nation. Her success in raising this Nation's awarness with respect to the concerns and needs of the Hispanic community was indeed extraordinary. She was instrumental in the founding of the Congressional Hispanic Caucus, the National Association of Latino Elected & Appointed Officials, Mujeres en Acción, and the Mexican American National Women's Organization. She contributed her time and efforts to a number of other community organizations including the Spanish Education Development Center, the Washington Urban League, and the Hispanic Women's Center.

Time after time, Raquel gave of herself, and put the betterment of the Hispanic community ahead of any personal gain. Her impact on our society will never be forgotten. And the positive influence she had on each and every life she touched will always be cherished.●

IN COMMEMORATION OF FLAG DAY 1984

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. WILSON. Mr. Speaker, it is with pride that I request the following be entered in the CONGRESSIONAL RECORD.

The author, Mary Howell, is a valued friend and a constituent. She is a talented and courageous woman, and she has a great love for her country and her flag. Mary is the editor of one of our local east Texas newspapers, the Sabine County Reporter. Although this column was written to commemorate Flag Day 1984, the effectiveness of Mary's sentiments made this worthwhile reading for Americans on any day of the year.

The article follows:

THE FLAG STILL WAVES

(By Mary Howell)

Today, June 14, is American Flag Day. The following personification, written by Mary Howell, pays tribute to America's symbol of democracy.

I am the American Flag. I am proud to represent my country. On land, air or sea, my stars and stripes comprise the banner of freedom. I stand for peace and I bring hope to all Americans.

The earliest mention of my predecessor "Stars and Stripes" as Washington's Coat of Arms was by Lawrence Washington of Northampton, England in 1532. Passed from father to son, the Stars-and-Stripes family shield was brought to the United States by Sir John Washington, great-grandfather of George Washington who hoisted a red, white and blue banner on January 2, 1778.

But the honor of my creation goes to Betsy Ross, who, with one snip of her scissors, showed Washington how to make a five-pointed star. And on June 14, 1777, I was adopted and authorized by the Continental Congress. My thirteen stars and stripes represented the thirteen existing States of the Union.

In 1779, I defiantly fluttered at the masthead of the Bon Homme Richard as the galiant vessel sank with her dead in the moment of victory. I stood in the struggle's front at Brandywine in September, 1777. I was in battle at Germantown, Saratoga and Valley Forge, inspiring weary soldiers, where history was written in blood before it was written in ink.

I first flew over foreign territory January 28, 1778, at Nassau, Bahama Islands, which had been captured by the Americans in the course of the war for independence.

I was in a succession of triumphs at Camden, King's Mountain and Eutaw Springs. I was displayed in the China Sea in 1784. My first journey around the world was completed in 1790 as I wave from the masthead of the Columbia with Captain John Kendred.

In 1794, I was suspended by the side of the Colors of the French in the hall of the National Conference in Paris—my first time in Paris.

The addition of states changed my design and in May, 1812, I floated for the first time over a public school in Conrain, Massachusetts. More states were admitted, forcing the question of my future design. In 1818, Congress declared by law that the number of my stripes be reduced to thirteen red and white stripes and twenty stars representing existing states, with a new star to be added for each future state. The law remains today as then enacted, with the number of my stars having grown to fifty.

The name "Old Glory" was given to me by Captain William Driver at Salem, Massachusetts on August 19, 1831. Later in 1854, I was carried by M. C. Perry into the Harbor of Yokohama, where Japan negotiated the first treaty, opening foreign trade.

I was the first flag to be raised on the walls of Peking in the assault of allied armies in 1900. In 1903, I was planted on the Himalayas at a height never before attained. In 1904, I was raised at Panama to denote the marriage of the Atlantic and the Pacific, and a few years later I became the first of all flags to reach the North Pole.

I am not a stranger to the scene of conflict. I was carried by sunlight and starlight at Trenton and was borne by brave soldiers at Palo Alto and Mexico City. I floated over the battle smoke at Fredericksburg and in the wilderness at Gettysburg.

Startled eyes saw me torn to tatters at Pearl Harbor. I was pierced with bullets at Wake Island. Dying hands clutched my splintered staff at Okinawa. I was carried in the jungles of Vietnam, where enemies looked upon me in hatred while brave American soldiers looked upon me with love.

I soared into space and was planted on the crevices of the moon as astronauts took "one small step for man—one giant step for mankind".

I stand for the sovereignty of the individual. I belong to all Americans, to every man, woman and child in the United States. I stand for freedom of speech. I stand for a pure ballot box, as well as a square deal. I stand for freedom of assembly and the freedom of worship.

Floating from the pinnacle of American idealism, I am a beacon of enduring hope. I symbolize all that my people hold most dear, God, home and country. I represent universal peace among the nations.

Though I have had twenty-seven designs, my thirteen stripes and fifty stars unite together in red, white and blue to form the national banner. For 208 years, I have brought hope to my people. I have touched the lives of millions as they looked upon me for courage while fighting for their country.

For 208 years, I have stood for my country. I have served along the side of forty Presidents of the United States. Generations after generations have marched into history. I have witnessed the perils of defeat

and the glories of victory. In time of war and in time of peace, Americans on homeland and foreign soil have pledged their allegiance to me and my country. The sight of my stars and stripes has brought tears of joy and streams of hope to millions, who gave their lives for their beloved America.

With pride, I wave my stars and stripes. With love and respect, I represent my country. With dignity, I pledge my allegiance to the United States of America.

I am the American Flag.●

LEGISLATION TO REDUCE USE OF LEAD IN GASOLINE

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. BEILENSON. Mr. Speaker, today I am introducing a bill which will help reduce the serious environmental pollution caused by the use of lead in gasoline. Enactment of this bill will result almost immediately in a sharp drop in the consumption of leaded gasoline followed soon by a drastic reduction in the amount of lead added to each gallon of the much smaller amount of leaded gasoline that continues to be consumed.

Together, these two steps will contribute greatly to a major improvement in air quality. The use of lead in gasoline is a serious problem because of the terrible damage lead does to human health—and especially neurological damage to children. Furthermore, leaded gasoline also contains ethylene dibromide [EDB], a potent carcinogen which is added to leaded gasoline to prevent buildup of lead deposits inside automobile engines. The EPA has estimated that 300,000 pounds of unburned EDB are emitted annually from the tailpipes of cars using leaded gasoline, and persons living or working near gas stations and refineries are exposed to potentially dangerous concentrations of evaporated EDB in the air.

Mr. Speaker, leaded gasoline also destroys catalytic converters when burned in cars requiring unleaded gasoline, the great majority of new cars sold today. Fuel switching, the deliberate use of leaded gas—because it is 7 cents cheaper per gallon—in cars designed for unleaded, is a serious problem estimated to occur at a rate of about 10 to 20 percent. Only a few tankfuls of leaded gasoline will destroy the effectiveness of a catalytic converter, rendering a car a worse polluter than one without a converter. One estimate projects that by 1990, fuel switching will result in 20 percent more emissions of hydrocarbons and carbon monoxide.

We can greatly curtail fuel switching almost overnight by removing the economic incentive to buy leaded gasoline. Under this bill, retailers and wholesalers would be required to sell leaded gasoline for at least as much as regular unleaded gasoline. Eliminating the price advantage for leaded gasoline makes it cheaper in the long run to use unleaded, since more frequent tuneups are required when lead inevitably fouls spark plugs.

The second part of this bill would require a dramatic reduction of the amount of lead used in leaded gasoline by January 1, 1986. Some cars must use leaded gasoline to prevent valve wear, but much less is required than the 1.1 grams of lead added to each gallon today. The EPA has found that engines are protected with as little as 0.1 grams of lead per gallon, so this bill would ban the addition of more than 0.1 grams of lead per gallon by 1986. Cars requiring leaded gasoline could still use it, but the amount of lead in each gallon would be reduced by more than 90 percent.

By removing the economic incentive for fuel switching and reducing the lead in the remaining leaded gasoline by more than 90 percent, we can make tremendous progress toward cleaner, more healthy air. This bill would begin that process, and would produce a significant improvement almost immediately and even more improvement by 1986. The problem has been studied and debated for years, and now it is time to act. I hope all my colleagues will join me in sponsoring this important legislation.●

IN OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. BROOMFIELD. Mr. Speaker, I am proud to call to the attention of my colleagues the 26th annual observance of "Captive Nations Week." We in this Chamber must do everything we can to ensure that no more countries are added to the already long list of captive nations. This celebration reminds the world of the many nations suffering under the burdensome oppression of the Soviet Union, and international communism.

During Captive Nations Week, we in America and free men around the globe reflect on the many freedoms and liberties that we often take for granted. It is a time when we rededicate ourselves to the support of those millions living in captive nations who yearn for the day when they will know the joy of liberty. Captive Nations Week also gives us the opportunity to reflect on what the future may bring if we fail to heed the Soviet threat.

The Soviet Union has been rightly described as an empire. Let me give you some startling facts about how the Soviet Empire has grown over the years and how international communism has entrapped many previously free nations. In 1920, Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Udel-Ural, North Caucasia, and the Ukraine fell to Soviet domination. Other countries were to suffer similar fates: In 1922, the Far Eastern Republic and Turkestan; in 1924, Mongolia; in 1940, Estonia, Latvia, and Lithuania; in 1946, Albania, Bulgaria, and Yugoslavia; in 1947, Poland and Romania; in 1948, Czechoslovakia and North Korea; in 1949, Hungary, East Germany, Mainland China; in 1951, Tibet; in 1960, Cuba; in 1975, Cambodia, South Vietnam, and Laos; in 1980, Afghanistan.

In recent years, we have seen the intimidation of the Polish labor union Solidarity, the attempted assassination of the Pope, Cuban involvement in Grenada, and Cuban-Soviet support of revolutionary Nicaragua. The tragic downing of the Korean airliner last year with the loss of hundreds of innocent victims is proof of the little regard that the Soviets have for human life. Who will be next? El Salvador, Honduras, and, someday, maybe our closest neighbor in Central America, Mexico? Just look around and the evidence becomes obvious. We are faced with a broadening circle of potential captive nations in our own backyard. The growing Soviet, Cuban, and Nicaraguan influences in this vital area will create waves of dispossessed refugees who flee from these oppressive Communist governments.

As we talk of the many captive nations around the world, let us pause and consider the effects of our actions here in the Congress regarding Central America and what the future holds for the poor, struggling democracies there. Let us keep in mind that our actions and votes must never serve to add more countries to the already long list of captive nations.

I am certain that my colleagues will join me in looking forward to the day when we will no longer have to hold this observance. That day will come when no nation on this planet is deprived of independence, freedom and human rights.●

POSTAL SERVICE CONTRACT NEGOTIATIONS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Ms. OAKAR. Mr. Speaker, I rise today to voice my serious and profound displeasure with the actions of the U.S. Postal Service last week regarding the negotiations with the postal unions. As you know, the postal unions have been negotiating a master contract for the past several months

with the U.S. Postal Service. This bargaining has resulted in an impasse.

Though I have been quite concerned with the course of negotiations since bargaining commenced on the new contract, I have not made any public statements hoping that the collective bargaining process would resolve the extreme differences between the two parties. But I can no longer remain silent as a result of the actions last week of the Postal Service in unilaterally implementing, prior to the conclusion of factfinding and arbitration, a reduced pay and benefit level for new hires.

It was certainly the intention of the Postal Reorganization Act of 1970 to require that no changes in wages and working conditions should be established before the Postal Service and the unions either reach agreement on a new contract or the impasse procedure has been fully exhausted. Unlike the private sector where employers are permitted to implement their last offer during bargaining once negotiations have broken down, the right to strike is not available to postal unions. Since postal employees have been forbidden from striking by the Postal Reorganization Act, then, in my opinion, this same law precludes postal management from unilaterally changing working conditions.

Mr. Speaker, through their actions over the past several months, the Postal Service, under the firm control of the Reagan-appointed Board of Governors, has demonstrated an utter disregard for the collective bargaining process. Their issuance of inflammatory statements concerning postal employees' pay and benefit levels during bargaining and their most recent unilateral changes in working conditions have made a mockery of collective bargaining. For any negotiations to be successful, both parties must enter them in a good-faith effort to reach agreement. I, for one, have reluctantly concluded that the Postal Service has not been dealing in good faith and is being guided more by political considerations dictated by the Reagan-controlled Board of Governors than by a determination to reach a fair and equitable settlement with the postal employees.

It is terribly unfortunate that we are now facing a true crisis in the Postal Service. Yet, in many respects, this is simply another chapter in the Reagan administration's lengthy compendium of antiworker actions. The history of bargaining by Postal Service management over the past several months is an affront not only to the postal employees and their unions, but to every working American who believes in the principles of collective bargaining and the procedures of fairness which underlie them.

It is my hope that the Postal Service will reconsider their misguided actions. I am certain that all Americans who rely upon the prompt and efficient delivery of the mail join me in urging a fair and just settlement of these negotiations. Certainly, as a member of the Post Office and Civil Service Committee, I fully intend to do everything within my power to achieve this result.●

PRAYER BREAKFAST ON ISSUE OF JERUSALEM

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. RAHALL. Mr. Speaker, on July 25, 1984, I was honored to host, along with our colleague from Michigan, DAVE BONIOR, a prayer breakfast on the issue of Jerusalem. Serving on the panel were: Rev. Frederick Allen of the United Methodist Church; Rev. James Andrews of the United Presbyterian Church; Rev. Dr. Charles V. Bergstrom of the Lutheran Council; Dr. Dale Bishop of the United Church of Christ; Rev. John Collins of Clergy & Laity Concerned; Rev. Dr. Milton B. Efthiniou of the Greek Orthodox Archdiocese; Rev. Ernest Gibson of the Council of Churches of Greater Washington; Father Bryan Hehir of the U.S. Catholic Conference; James Henderson of the National Office for Black Catholics; Rev. Rufus Jones of the National Association of Evangelicals; Charles Kimball of the National Council of Churches; James Matlack of the American Friends Service Committee; David Nelson of the American Lutheran Church; Msgr. John G. Nolan of the Roman Catholic Archdiocese of New York; Rev. George Rados of the Antiochian Orthodox Archdiocese; Martin Sovick of the Lutheran Council; Rev. Donald Wagner of the Palestine Human Rights Campaign; Canon Michael Hamilton of the Washington Episcopal Cathedral.

These distinguished members of the clergy and laymen expressed their opposition to the politicizing of the Holy City of Jerusalem through the United States moving our embassy from Tel Aviv to Jerusalem. This move is perceived by the many denominations represented at the breakfast as being a move which would destroy the special status which Jerusalem holds for three great religions: Christianity, Judeaism, and Islam.

The opening prayer was given by the Very Reverend George Courey of the Antiochian Orthodox Christian Archdiocese.

I would also like to take this opportunity to thank my colleagues who joined us at this breakfast: The gentleman from New York, BEN GILMAN; the gentleman from California, TOM LANTOS and his wife; the gentleman from Utah, HOWARD NIELSON; the gentleman from New Jersey, BILL HUGHES; the gentleman from Nevada, HARRY REID; and the gentleman from Georgia, BUDDY DARDEN. Their concern for the views of this panel was appreciated by all in attendance. In addition, over 30 Members' offices sent staff representatives as well as three Senate offices.

It is evident to me that the outstanding turnout and response to this breakfast is proof that there are many religious organizations and churches in the Christian world, as well as the Islamic world, who fear the loss of the special status of Jerusalem through the moving of our Embassy in Israel.●

MENTAL ILLNESS AWARENESS WEEK RESOLUTION

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. WYDEN. Mr. Speaker, I rise to introduce a joint resolution to authorize the President to issue a proclamation designating the week of October 7-13, 1984 as "Mental Illness Awareness Week."

I am joined in this effort by 12 of my respected colleagues, including Congressmen WAXMAN, CONTE, and SHANNON. This resolution will focus attention on concerns surrounding mental illness and advances that have been made in the treatment of this disease.

Mental illness is commonly and unnecessarily feared and misunderstood in our society. This resolution will help to bring new light to this increasingly treatable and preventable problem.

Currently, 31 to 41 million Americans suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, school attendance, and independent living. Mental illness affects people of all ages, from the 12 million children who suffer from this affliction to the elderly who are particularly vulnerable to mental illness. And we all bear the burden of mental illness: it costs our Nation $65 billion annually in health care expenses and lost productivity.

Mental illness is an increasingly curable disability, and the prospects for recovery increases with earlier recognition and treatment. About two-thirds of all mentally ill patients show significant signs of recovery with their initial treatment. Much of the progress in treatment can be attributed to research performed in recent decades.

As a result of new attention and research in this area, there are now a wide variety of treatments available to suit the needs of the patient. And

treatment is becoming more effective as well.

Mental health treatment can provide an effective cost-containment tool since treatment often results in reduced utilization of more costly hospital, medical, and surgical services. A recent study by the National Institute of Mental Health found that utilization of medical and surgical services dropped anywhere from 5 to 85 percent following psychiatric care.

In these days of skyrocketing health costs, when even the most needed health care services are becoming less and less affordable, we can't afford to overlook a way to reduce unnecessary utilization of high cost health care services.

I urge my fellow colleagues to support this resolution to shed light on a subject kept too long in the dark.

Thank you, Mr. Speaker.●

THE PLIGHT OF VALERY MARCHENKO

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, I would like to share with my colleagues the plight of Valery Marchenko, the Ukrainian human rights activist who was sentenced to 10 years in a labor camp and 5 years of internal exile on March 14, 1984.

Mr. Marchenko, a former journalist and translator, graduated with distinction from the philology faculty at Kiev University in 1969. He was arrested in 1973 on charges of "anti-Soviet agitation and propaganda" and sentenced to 6 years of imprisonment and 2 years of internal exile.

Now Mr. Marchenko has again been imprisoned on the same charges. This time he received the maximum sentence possible under the Ukrainian criminal code when the only wrong he committed was to exercise his right to peaceful freedom of expression.

Furthermore, Mr. Marchenko is said to be in very poor health, suffering from a kidney ailment and from high blood pressure. One court session was postponed because of his illness and he was unable to stand or remain seated throughout the trial.

I have written to Chairman Konstantin Chernenko and to Ambassador Anatoly Dobrynin to express my concern about Valery Marchenko. I strongly urge my colleagues to join me in this effort.●

EXPLANATION OF MISSED VOTES

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. OXLEY. Mr. Speaker, due to official business, I was out of town for recorded votes on Thursday, July 26, 1984. Had I been present, my votes would have been:

Rollcall No. 319; "aye."
Rollcall No. 320; "aye."
Rollcall No. 321; "aye."
Rollcall No. 322; "present."
Rollcall No. 323; "present."
Rollcall No. 324; "aye."
Rollcall No. 325; "aye."
Rollcall No. 326; "aye."
Rollcall No. 327; "aye."
Rollcall No. 328; "no."●

A TRIBUTE TO KENNETH DALE ERDLEY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. GEKAS. Mr. Speaker, today I rise to pay tribute to a young man, Kenneth Dale Erdley, a constituent of mine from Hershey, PA. In an unabashed search for excellence, the Rickover Science Institute has selected Kenneth to participate in a summer educational program for the gifted youth of the United States.

As a student, Kenneth has demonstrated an excellence in all academic areas, especially math and science, and is ranked in the top 10 percent of all juniors in the United States.

The program combines theoretical training with practical experience, such as bona fide research projects with Government agencies, academic institutions, and private corporations in the Washington, DC, area.

I am proud to congratulate Kenneth for his superb academic performance. His dedication and intellectual capabilities are an inspiration for all youths of America.●

SORROW OVER THE PASSING OF ALLEN SYLVANE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. ADDABBO. Mr. Speaker, it is with deepest sorrow that I learned of the death of my longtime friend, a great community leader and loyal constituent, Allen Sylvane. Allen was a dedicated, inspirational, action-oriented member of Neponsit, a small community nestled between Jamiaca Bay and the great Atlantic.

Neponsit was Allen's home and he displayed a sense of pride for the activities that went on in the community. He also helped others carry this same sense of pride and improve on conditions when it was needed. Al was a real leader. He took part in so many different activities that almost everyone in the community, in one way or another knew him. Always, he practiced that leadership was not just giving orders or organizing the ranks but getting one's hands dirty as well. To Allen, taking part in our lives was taking stake in the future.

We will remember Allen for all his outstanding duties and achievements. As president of the Neponsit Property Owners Association, as president of Peninsula Hospital Center, as trustee of the West End Temple—all his roles were forever distinguished and diverse.

Traveling through the community, it is important for us to remember the commitment of men like Allen Sylvane to Neponsit has shaped our lives. While the tangible improvements he brought about are important, equally important was the unbounded energies and familial direction Allen Sylvane was guided by. His spirit will forever be considered the heart and soul of the Neponsit community.●

REMEMBRANCE OF MARY ELIZABETH PRUETT FARRINGTON

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. HEFTEL of Hawaii. Mr. Speaker, I would like to take a moment to remember Mary Elizabeth Pruett Farrington, a longtime resident of Hawaii who has recently passed away. The untimeliness of Mrs. Farrington's death is compounded by the irony that this is the 25th anniversary year of Hawaiian statehood.

Betty Farrington was the first woman elected to represent the Territory of Hawaii in Congress, and, as a Congresswoman, was an adamant advocate of statehood for Hawaii. Although statehood was not achieved while Mrs. Farrington served in Congress, her eloquence and unyielding determination allowed her to pave the way for her successors to bring about statehood for Hawaii in 1959.

Mrs. Farrington lived a life characterized by achievement. In addition to her work in Congress, she was the director of the Office of Territories of the Department of the Interior. In the private sector, she was the president, publisher, and director of the Honolulu Star Bulletin.

Mary Elizabeth Pruett Farrington will be remembered as a most notewor-

thy figure in Hawaiian history. She devoted virtually all of her adult life to the advancement of Hawaii, and the Farrington name will not be forgotten by the people of the State of Hawaii.●

EPA: WHAT REALLY HAPPENED

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. OTTINGER. Mr. Speaker, I would like to call my colleagues attention to an article that appeared in the Washington Post last Sunday, July 29. The article chronologizes the destruction of the programs at the Environmental Protection Agency that we in Congress have painstakingly tried to build up over the past 10 years.

The woman who Reagan appointed to be his "Lizzie Borden" of the Environmental Protection Agency, has now been rewarded for the task she performed by being appointed chair of the National Oceans and Atmosphere Committee, a Committee which she calls a "Nothingburger and a joke." Congress cannot let this appointment stand.

I urge my colleagues to support H.R. 6015 to dissolve the current National Advisory Committee on Oceans and Atmosphere, because I believe that the Committee will serve no purpose with Ann Burford in charge. I also urge my colleagues to support me in calling for the Senate to pass S. 1098. The House passed S. 1098 in March with an amendment which would establish a new Commission to Develop Oceanic Policy for the United States and would be free of the taint of political cronyism. I believe that we should establish this new Commission and get on with the business of developing sound environmental policy.

The article follows:

EPA: WHAT REALLY HAPPENED

(By Jonathan Lash)

On a blustery afternoon in March 1983, less than two weeks after Anne Burford had been forced to resign as administrator of the Environmental Protection Agency, the man President Reagan had named to replace her came to EPA headquarters to give a speech. The only space large enough was the shopping mall beneath the EPA offices. Several thousand people were jammed between the stores and the sandwich shops, straining to see the man who already seemed a hero.

"Here we go again," he began, and the audience broke into applause.

William D. Ruckelshaus was back at the same agency he had left 10 years earlier, and many at EPA were relieved and flattered. He joked. They laughed. He promised openness, fairness and strict enforcement of the law. They clapped and cheered.

One staffer said it was like "the liberation of a prison camp." A top official mused, "A prison camp—I guess so, but Anne was as much a prisoner as the staff." Ruckelshaus had already seen part of the prison-camp image. His old friend Ernst Minor, a high-level EPA employe, had quietly taken him one Sunday morning to look at his future offices. "There were," Minor said, "locks and bolts and safes and security systems all over the place. Bill just looked at me and asked: 'What's been going on around here?'"

Ruckelshaus' warmth, his openness and his acceptance of EPA's "transcendent" obligation to protect "human life and that which sustains human life, our natural environment," contrasted dramatically with the skepticism his predecessor showed for the mission of the agency. Ruckelshaus recruited and won White House approval of able and experienced professionals to replace the dozen top officials who had left the agency. EPA's ability to function has begun to recover, too, but that has been a slow and halting process.

Although Ruckelshaus has healed EPA's spirit and is tending its wounds, he acknowledges that it is "harder to bring back trust between the agency and the society. The level of mistrust with the press, with the environmental organizations, and with the Congress was very high."

Ruckelshaus has ardently sought to improve the administration's environmental image. A man of moderation, he has kept his agency out of controversies. He gives frequent speeches and regularly meets with reporters and editors to emphasize the need to proceed calmly and deliberately in dealing with environmental problems. He helped to convince the White House to launch a campaign of presidential meetings and speeches on the environment.

In June and July, the president went to parks and refuges to affirm his commitment to protection of the environment and to extol his administration's record on environmental issues. He invited environmental leaders to meet with him (even promising to read the book from which this article is adapted).

But in the midst of all the carefully engineered environmental hoopla, he appointed Anne Gorsuch Burford to chair an environmental advisory group. Ruckelshaus was not consulted.

These events revived a question that has followed Ruckelshaus since he returned to Washington. Which is the real Reagan environmental policy?

Mistrust of Ronald Reagan's environmental policies was born even before he was elected president. He had spent decades attacking federal bureaucrats as people who "think control is better than freedom." In campaign speeches, he had criticized environmental laws and blamed EPA for the woes of the steel and auto industries.

The nomination of James G. Watt to be secretary of the Interior exacerbated the fears of environmentalists. Watt challenged both environmental protection and the motives of its advocates, asking whether their "real" goal was to 'weaken America." He set out, he said, to make the policies of the past and the civil servants who have implemented them "yield to my blows."

When Anne Burford (then named Anne Gorsuch) came on the scene several months after Watt's appointment, the stage was already set.

She did not think of herself an anti-environmental any more than she labeled herself an environmentalist. In this she and Reagan were much alike. Both said they believed in protecting the environment, but they seemed to believe the problems of doing so and the consequences of not doing so were much exaggerated.

In speeches and testimony during her first year as administrator, Burford rarely mentioned pollution or its effects on human beings. When she did refer to the problems that her agency was responsible for solving, it was in brusque terms—mechanical problems subject to technical solutions.

Like the president to whom she remained loyal through good times and bad, Burford, top aides said, believed the problem was too much government: too much government interferes with industry, the great engine of American prosperity, and requires too much taxation to support a wasteful and bloated bureaucracy. Government regulators had gotten out of hand, and environmental regulators were among the worst of them.

She knew what had to be done. She planned drastic cuts and swift policy changes, and she distanced herself from much of the staff at EPA. Burford later said she had isolated herself from the EPA staff on the advice of Watt. "Watt told her," said Joe Foran, her deputy chief of staff, "that it's a lot easier to fire people you don't know."

After she was sworn in, Burford spoke to the EPA staff. Already shaken by rumors about her plans, the staff was told of hopes that "the EPA of the Reagan administration will be remembered for the money it saved taxpayers because we streamlined regulation, cut down on permit-processing time and we together cut back on the required paperwork for EPA projects. We should work together to keep a lid on those unnecessary regulations which have created hardships on our national industries, driving up the cost of consumer goods."

Burford believed enormous savings could be achieved through simple improvements in management. "With each passing day, I find that to say that the agency has been mismanaged in the past is charitable. It has not been managed at all."

During the summer of 1981, Burford began to work on the budget for 1983. The EPA operating budget had been $1,355 million when Reagan took office; Burford proposed $975 million. Some who worked on the budget with her say she believed she could make the cuts without harm. But, said a senior budget official: "She didn't understand the budget gaming that went on within the administration. She thought OMB [Office of Management and Budget] would just congratulate her for carrying out the president's program."

Burford's 1983 budget called for a 28 percent cut from the 1981 budget. Considering inflation, it would put EPA back where it was in 1973, before the passage of the Resource Conservation & Recovery Act, the Toxic Substances Control Act, the Safe Drinking Water Act and the "Superfund" hazardous waste cleanup act.

On Friday, Nov. 13, 1981, EPA received its "passback," from the OMB. The agency demanded cuts nearly twice as deep as those proposed by Burford. The cuts would reduce EPA to little more than half its size. The cuts reflected the view, expressed in one OMB briefing package, that "fewer regulators will necessarily result in fewer regulations and less harassment of the regulated."

Burford was furious, said senior staff members. She had brought EPA in line with the president's program. Now OMB was suggesting she had not done enough. Her staff urged her to appeal. She agreed. They worked all weekend on a lengthy and stongly worded letter.

She wrote to OMB that she was "deeply committed to meeting the president's envi-

ronmental and fiscal objectives" and believed she had done so. The OMB cuts, she wrote, threw "in disarray a number of major redirections I have proposed. . . ." The pass-back, she continued, "smacks of a bottom line in search of a reason."

It was a remarkable letter, and it concluded with a threat to appeal to the president.

A Nov. 19 meeting with Stockman did not go well. He told her she was a political appointee and that it was her job to take the heat for the President's programs, said senior staff members. Nothing was resolved, but the discussions revealed OMB's deep antagonism toward EPA and Stockman's apparent conviction that long-term control of EPA regulations required much deeper cuts. There was hostility to EPA research, which, it was believed, would only fuel demands for more regulation in the future.

On Monday, Dec. 7, 1981, EPA officials took the dispute to the White House Budget Review Board, presided over by presidential counselor Edwin Meese and Chief of Staff James Baker. Burford argued, senior staff members said, the EPA had offered cuts as deep as those at any agency. Stockman would not budge. By then he was aware that the recession and the president's tax cuts were going to cause huge federal deficits.

Baker, said senior EPA officials, was concerned about political ramifications. Like Stockman, said John Hernanadez, then deputy administrator of EPA, Baker and Meese viewed the EPA from "a general interest in regulatory reform, and they viewed budgetary reform as one of the ways you did it."

Only one minor issue was resolved. Emerging from the meeting, Burford exploded in frustration. Staff members recalled she said, "OMB just doesn't play fair." Stockman, too, say several officials who were involved, was upset. He felt that Burford had broken her earlier promise to him to cut the agency's budget by 50 percent if necessary.

Three days later, Burford went to the President. For three hours, she and Hernandez argued their case. "It was surprising to me," Hernandez said. "The reception by the President was so warm and so easy going that I had no problem talking, being fluent, debating Stockman . . ."

On each issue, Hernandez said, the President said: "We'll certainly take each of these under consideration. We'll consult with the vice president, and we'll make a decision on it." A short time later, the President called to tell Burford she had won, but asked if she might find additional research cuts.

The final cuts left the 1983 EPA budget 29 percent below the 1981 budget—30 percent cuts in staff, and 42 percent in research.

A few days after William Ruckelshaus was confirmed as the new EPA administrator in May 1983, the House of Representatives rejected the President's request for cuts in the 1984 EPA budget and voted to restore the budget to 1981 levels.

Ruckelshaus said he told Reagan before he accepted the job that "if I went over and took a look and decided [EPA] needed more money, I was going to come back and ask him. He said fine." By May, Ruckleshaus had recommendations from his staff to ask for more than the House had voted.

Stockman argued against an increase over 1983 levels, said one high-level EPA official. Stockman suggested the Senate and House would compromise on the higher House figure, giving EPA a generous increase.

When the Senate and House conferees met to resolve differences, Stockman threatened a presidential veto unless they adopted the low Senate figure, according to an EPA staffer.

During the summer of 1983, Ruckelshaus worked to prepare his 1985 budget—a large increase back to 1981 levels. OMB cut it sharply—back again to 1983 levels, eliminating funds for indoor air pollution research and other health effects studies, and cutting back on enforcement.

Ruckelshaus, like Burford before him, apparently was surprised. OMB officials had told his staff that the agency's problems had been Burford's fault for not making a strong enough case for EPA. Ruckelshaus thought he had a mandate from the president to increase the budget. He appealed.

Ruckelshaus and other EPA officials took their case to Stockman, Baker and Meese in 1983, a few days after Ruckelshaus' wife, Jill, had publicly criticized the Reagan administration over its terminations of members of the Civil Rights Commission. "[William] Ruckelshaus seemed," said one participant at the meeting, "to be eager to reassure them he was a team player. He was very low-key." Stockman, however, was tough.

The appeal meetings went on for more than five hours. A few days later, Ruckelshaus met with Reagan. In the end, he got less than half the increase in operating funds he wanted.

Ruckelshaus also had sought authority to seek an expansion of the "Superfund." Created in 1980—over the bitter opposition of then-congressman Stockman—to deal with dangerous abandoned toxic waste dumps, Superfund was a major factor in Burford's problems. Administration policy seemed to be to spend as little of the fund as possible in hopes it could expire in 1985. By 1983 only a few dumps had been cleaned up, while EPA estimates of the number of dangerous sites in the country had increased tenfold to more than 1,500.

Ruckelshaus wanted a major cleanup program. The president promised to seek reauthorization of Superfund, but not necessarily an expansion, in 1985.

"I guess I am surprised," said a senior EPA career official, "that [Ruckelshaus] didn't have a blank check after all. He may have been surprised too, but he didn't show it."

Three weeks after she took office, Burford announced a reorganization that eliminated EPA's enforcement office. The 2,100 lawyers, technicians and staff who had enforced air, water, hazardous waste, pesticide and toxic chemicals laws were transferred to offices on regulations and policy.

EPA staffers said Burford believed no one had tried hard enough to cajole violators into voluntary compliance. Seth Hunt, who designed the reorganization for Burford, said one of the agency's problems had been that it was "full of attorneys. Way more than we needed." Enforcement attorneys, Hunt said, were "just hanging 'round waiting for something to do."

Shortly after the reorganization, William Sullivan, the enforcement counsel, told EPA regional administrators not to send cases to headquarters until they had explored "every opportunity for settlement."

The regions referred 313 cases in 1980. The number fell to 59 in 1981. "The enforcement program just descended into chaos," said Tom Gallagher, chief of EPA's investigative arm.

By the end of a year, not a single hazardous waste case had been referred for prosecution. Enforcement of air and water laws was almost at a standstill.

Late in April 1982, Burford called the 10 regional administrators to Washington. She asked Mike Brown, the new enforcement counsel, to write a speech for her demanding more enforcement. "It was a hot day and the air conditioning wasn't on yet," recalled Brown. Burford, who released the speech to the press, did not read it word by word to her administrators. Brown said Burford told them "If you think it's hot now, wait until you see what happens if I don't see some action."

Valdus Adamkus, a regional administrator whose office had by far the best enforcement record, was bewildered. A large warm voluble man, Adamkus grew up in Lithuania and came to the United States after spending much of World War II as a refugee. He worked his way through college and engineering school, and gained some local fame delivering Lithuanian votes for Republicans in the overwhelmingly Democratic city of Chicago. He speaks with the thick accents of Eastern Europe and with the eloquence of emotion and sincerity.

"I said, 'I would like to clear the air. I was told to negotiate until I was blue in the face and it would be a black mark against me if I referred a case [to Washington headquarters for enforcement review]. Now I hear that is not so. What do you really want?'

"At this point, I was brutally interrupted by [Burford adviser James] Sanderson. He said, 'What the administrator told you is very clear.' Sanderson said that to speak as I did could only be said by someone who does not understand English. I was so hurt."

The room was silent. Finally, they broke up for coffee. "One person after another," said Adamkus, "came to us to apologize for what Sanderson had said and to say I was right to speak as I did. Later Sanderson came to me, and he smiled and told me he had not meant what he said, but he had to say it because there were too many career staff in the room and my remark might leak out."

Brown said Burford "had learned she had to have enforcement, but she could not admit she had made a mistake, so she had to revise history; she had to say, 'I never told you not to enforce.' "

Nevertheless, EPA's enforcement machinery was crippled. "There was," Sullivan said, "no direction, no positive program. Anne never did set any substantive goal. She was like a drama critic who sat down to write a play. She only knew what she didn't like."

Ruckelshaus and EPA deputy administrator Alvin Alm decided not to reestablish the enforcement division, to try to make the new structure work. But the enforcement statistics for the last three months of 1983 were worse than the same period a year earlier. When Ruckelshaus asked why, he was told that it was the states' fault, that the organization was unworkable, that there was a shortage of resources, that he had not provided enough guidance.

He delivered a blistering speech to the enforcement management. He said the statistics were "terrible . . . We have to develop a certain controlled sense of outrage in this agency if we are going to get these laws enforced. And someplace along the way we have lost that." The states, he said, could not do the enforcement job "unless they have a gorilla in the closet . . . and the gorilla is EPA."

Nevertheless, a number of enforcement attorneys in the field still complain that the tough talk has not been matched by resources.

EPA has continued under Ruckelshaus, as it did under Burford, to do battle with OMB. A senior political appointee said, "They just don't think of us as team players. Oh, they put Bill [Ruckelshaus] in kind of a great man category now—nothing is his fault—they blame it all on Al [Alm] or the staff. They and the White House hate Al because he's a Democrat and he worked for Carter and he's from Harvard."

OMB still holds up dozens of EPA regulations. "OMB's attitude toward us," said a Ruckelshaus staff member, "is like the attitude of the Soviet Union toward its borders—they shoot to kill."

Stockman, a vitriolic opponent of EPA while he was a congressman, had written a memorandum to Reagan shortly after the 1980 election in which he characterized EPA's growing responsibilities as "a ticking regulatory time bomb," an "incredible morass of new controls and compliance procedures" and a "monument to mindless excess." He urged "swift, comprehensive, and far-reaching regulatory policy corrections" to choke off the "mind-boggling outpouring" of regulations from "heavily biased," "McGovernite no-growth activists" who had taken over government regulation.

Many of the statutes EPA administers are before Congress for renewal, but Ruckelshaus has either asked Congress explicitly to wait until next year, as in the case of Superfund and the pesticides law, or simply refused to push for action this year. Ruckelshaus has put the blame on environmentalists and Congress.

"Everybody knows what's going on," said a Senate aide. "They're hoping the gridlock will hold and they can deal with these laws in a more 'favorable' atmosphere in 1985."

Many environmentalists believe the ceasefire in the attack on environmental protection that has been in effect since May last year will end after the election if Reagan wins. They point to a recent memorandum to the Cabinet Council on Natural Resources and Environment written by Christopher DeMuth, director of the office of information and regulatory affairs at EPA. The memo urged that the Clean Air and Clean Water acts and related environmental laws be superseded by "laws that emphasize economic incentives rather than mandatory federal standards." The DeMuth memo, they suggest, accurately portrays the administration's second-term environmental agenda.●

TARNOPOLSKY: HELD IN IRON CAGE

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. KRAMER. Mr. Speaker, in the last few years, we have witnessed a constant decrease in the number of Jews permitted to emigrate from the Soviet Union. The fact that levels of emigration have plummeted and that the instances of harassment and denial of exit visas have increased clearly reflect the intensification of Soviet repression toward Soviet Jews. Jews are denied opportunities to gain higher education. They are prevented from securing good jobs, and they are not permitted to study their own culture or the Hebrew language. Make no doubt about it, anti-Semitism is rampant in the Soviet Union.

The inhumane actions of the Soviet authorities violate both the spirit and the letter of the Helsinki accords, as well as other relevant international agreements to which the Soviet Union is a signatory.

The letter I am about to enter in the RECORD today is just another example of the inhumane and harsh conditions found in the Soviet prisons. Yuri Tarnopolsky is an unfortunate example of the "inhumanity" found in the Soviet Union today. I ask that this letter, headlined "Tarnopolsky: 'Held In Iron Cage,'" be printed in the RECORD.

[From Publication of the Union of Councils for Soviet Jews]

TARNOPOLSKY: "HELD IN IRON CAGE"

In October 1982, Tarnopolsky went on a forty-day hunger strike to protest the continuing unlawful denial of his request to emigrate. In May 1982, Tarnopolsky was one of the signers of a protest letter by Khakov refuseniks and later that same year, he composed an article describing the ordeal of the refuseniks.

On March 15, 1983, Tarnopolsky was arrested. He is now serving 3 years in a labor camp. On February 1, 1984, he began a hunger strike.

The following is an excerpt of a letter from Tarnopolsky to his wife in Kharkov, April, 1984:

. . . Since the beginning of the hunger-strike, i.e. from the 1st of February, I was subjected daily to psychological pressures by representatives of the administration. It consisted mainly of threats. Thus, on 8th February the director of the camp and another man who introduced himself as a procurator talked to me and the conversation ended by the director's threat that they'd organized a beating for me by the prisoners. The procurator supported the threat.

On 11th February, the seventh and last day of my stay in solitary confinement and on the eleventh day of my hunger-strike, I found out about Andropov's death. I declared that I was discontinuing my hunger-strike. I ate a piece of bread as otherwise I could not have left the cell. I had no more strength left and was lying on the floor most of the time. I was allowed to leave the punishment cell in the evening.

Prisoners did all they could for me: They helped me wash and shave (I could not do this myself), they prepared clean clothes and bed-clothes for me, they collected some food for me and even some sweets. However, the impossibility to stop the hunger-strike gradually led to my having suffered pains in the stomach, nausea and back pains for two weeks. There were also disorders in urination. On 13th February I had to go back to work.

I would like to ask that all the aforementioned is to be considered. My complaint addressed to the International Red Cross and protesting against the cruel treatment which had taken the form of depriving me of a meeting with my wife and the use of torture for the purpose of making me give up my demand for the meeting and making me stop my hunger-strike.

In my statement written to the Director prior to the hunger-strike I wrote that I protest against barbaric cruelty which expressed itself in the fact that my wife was not allowed to see me despite the fact that she travelled 6000 kilometers in order to see me for two hours.

After the hunger-strike I sent a statement to the Procurator in which I wrote the following: In response to my hunger-strike protesting against cruelty, I have been subjected to an even more cruel treatment which could not be qualified as anything but torture. Everything that happened to me since 1979, when I submitted my application for emigation from the USSR, in accordance with Soviet and international law, completely contradicted legality, humanism and common sense and was a series of actions of increased cruelty, arbitrariness and absurdity. I also stated that this increased cruelty acquired a form that threatened my health and my life.

In view of the fact that I did not receive any replies to my statements I sent on 21st March another statement addressed to the Procurator. I wrote in it that I will resume my hunger-strike if the question of my meeting with my wife will not be resolved in the near future. I wrote that the resumption of my hunger-strike would pursue the following purpose: To clarify whether the policy of cruel repression directed against Jews wishing to leave the USSR in accordance with Soviet and international law is continuing.

I became convinced on the basis of my own experience that the cruelty of the authorities in regards to repressions against Jews has no limit. I would like my own fate to be of assistance to the world public in its understanding of this question under the conditions when there has been a change of leadership in the USSR and when new hopes have been appearing there.

I appeal to the world public with the above-mentioned statements and request that everything possible be done in order to put an end to the shameful and barbaric refusal (of the authorities to allow us to emigrate). I appeal for assistance in my reunification with my wife and daughter. The authorities separated us, referring to the principle of reunification of families. My crime consisted solely of my having already appealed to the world public, having told the truth about the "state of refusal" and the dangerous character of mass moral destruction which it has acquired. I appeal for preventing its turning into physical destruction.

I INTEND TO RESUME MY HUNGER-STRIKE ON 25TH APRIL

From 27th February to 12th March I was in the district prison hospital from which I was released with the diagnosis "hyper-tension of 2nd degree". My blood pressure was absolutely normal before the arrest.

I would also like to say that the prisoners in the camp are being held in iron cages covered on the top by an iron net, like the ones used for animals in a zoo. A cage is adjacent to living quarters housing some 300 men (two detachments). The case is smaller than the living quarters and there is hardly enough space in it for standing there. The construction of this zoo for human beings started last year. Contacts between prisoners in different cages is forbidden. There are six such cages in the camp. One is not allowed to leave the cage other than go to the dining hall or to go to work. The camp has an extremely poor reputation in the district

because of the harshness of its regime. I shall refrain from describing the regime and the administration. The easiness of work should not mislead anyone.

I hereby conclude the official part of my letter which can be quoted and published anywhere, both in full and in part, under my name.

His address is: 6702022 Chita, p/a ya G14/6, 5th Group.●

10TH ANNIVERSARY OF TURKISH INVASION OF CYPRUS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. GEKAS. Mr. Speaker, last week marked the 10th anniversary of the Turkish invasion of Cyprus. For 10 years, we have hoped that some resolution of that terrible situation could be achieved. For 10 years, we have been disappointed.

Not only has Turkey refused to withdraw their troops from the island, but they have become the only country in the world to recognize the illegal declaration of independence by the Turkish Cypriots made last November. The situation has deteriorated over the years, and the hopes of many people to see it resolved have diminished. It appears that the only time the Turkish Government will take serious steps to reunify Cyprus is when a major vote on aid from the United States is pending before the House of Representatives or Senate. Just as soon as any vote is completed however, the Turks decide not to follow through with their promised action.

For these reasons, both Houses of Congress should support definite, strong limitations on aid to Turkey until concrete steps are taken to correct the unfortunate situation in Cyprus. At the same time, we must encourage the diplomatic efforts of U.N. Secretary General Javier Perez de Cuellar to negotiate a solution to this problem. These avenues must be pursued in the hope they will bring some positive progress to the Cyprus situation. Any other possible paths to settlement must be explored as well, because 10 years is far too long a time for this matter to have existed. It is my hope that this particular anniversary will never have to be marked in the House of Representatives again.●

COMMENDING THE MERCHANT'S SECURITY PROGRAM—A CRIME IMPROVEMENT PROGRAM SPONSORED BY THE 165TH STREET MALL IMPROVEMENT ASSOCIATION OF JAMAICA, NY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1984

● Mr. ADDABBO. Mr. Speaker, crime is a problem in every city in America. Whether it is violent crime in which assaults are committed against our neighborhood citizens, or thefts, narcotics peddling, and arson that taint a neighborhood, the end result is the same. Our people leave their apartments and the community deteriorates. As families leave, schools close, businesses close up and the criminal element takes over. That is why when I see a crime program working, I believe it is important to call my colleagues' attention to it and ask for their support.

In our community of Jamaica, NY, a partnership has been formed between the Federal and State Government, the merchants, and the local police department. This coordinated effort is aimed at taking stock in the 165th Street pedestrian mall. This mall is at the center of a tremendous redevelopment project in downtown Jamaica. In addition to building the largest Social Security Administration Center in the United States, we have made a community commitment to expanding York College of the City University, building new stores and housing, and in the process provide jobs to meet the needs of the community.

Over the past few years, the crime rate in this area has been discouraging. But through this new network, we are noticing a change. Installed by the Crime Prevention Unit of the New York City Police Department, 250 stores are participating in this innovative program. HUD money, $50,000, along with money put up by these merchants is currently funding this crime prevention plan.

There are many people who have been involved with this program. Community members, city officials, local businessmen, and countless others. I believe it is important to recognize that this is a total community commitment. At the same time, it is necessary to highlight the work of several individuals whose untiresome efforts finally made this program happen. These men, to whom I refer include: Deputy Inspector Nicholas Drakos and Lt. Robert McInerney of the New York City Police Department's Crime Prevention Unit, who helped design the program; Police officers Anthony J. Luizzo, John P. Brady, and Henry J. Forberg, who supervise the program; and finally, Bob Richards of the Jamaica Chamber of Commerce, who encouraged owners of these businesses to participate in the crime prevention plan.

Their work is a stake in our community's future. United, we will bring families back to Jamaica. And with them, businesses and jobs. The rejuvenation of downtown Jamaica is of paramount importance. This is our stand against the criminal element. This redevelopment plan must be complemented with crime prevention plans in order to work. In our capacity in Congress, we must do everything we can to assist in these efforts. It is a total commitment to redevelopment what is necessary to ensure a brighter future for downtown Jamaica. Today, I am proud to say this fine example is working in my community.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, July 31, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 1

9:30 a.m.

*Governmental Affairs

Civil Service, Post Office, and General Services Subcommittee

To hold hearings on S. 2821, to improve protections for former spouses of Government officers and employees under the Civil Service retirement system and the Federal employees health benefits program.

SD-342

Judiciary

Juvenile Justice Subcommittee

To hold oversight hearings on activities of the Office of Juvenile Justice and Delinquency Prevention, Department of Justice.

SD-226

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to mark up proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (Public Law 96-510).
SD-406

Foreign Relations
To hold hearings on S. 2456, to establish a Commission to study the 1932-33 famine caused by the Soviet Government in Ukraine.
SD-419

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 2821, to improve protections for former spouses of Government officers and employees under the Civil Service retirement system and the Federal employees health benefits program.
SD-342

Labor and Human Resources
Business meeting, to consider the nomination of Rosemary M. Collyer, of California, to be General Counsel of the National Labor Relations Board, and S. 2568, Civil Rights Act of 1984.
SD-430

Small Business
Small Business: Family Farm Subcommittee
To hold hearings to examine the issue of corporate buy-outs of family farms.
SR-428A

2:00 p.m.
Appropriations
Business meeting, to mark up H.R. 5899, appropriating funds for fiscal year 1985 for the District of Columbia government, and the substance of H.R. 5973, appropriating funds for fiscal year 1985 for the Department of the Interior and related agencies.
SD-192

Environment and Public Works
Transportation Subcommittee
To hold hearings on buy-America restrictions use of foreign made cement in Federal-aid-highway projects.
SD-406

Foreign Relations
Closed briefing on recent developments in the Middle East.
S-116, Capitol

Judiciary
To hold hearings on pending nominations.
SD-226

3:00 p.m.
Conferees
On S. 1429, amending the Small Business Act, to extend and strengthen the Small Business Development Center Program.
S-126, Capitol

AUGUST 2

9:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 817, S. 1069, and H.R. 555, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on House Concurrent Resolution 321, to express the sense of the Congress with respect to the adverse impact of early projections of election results by the news media.
SR-253

*Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to examine whether certain international terrorist activities are funded by the sale of illegal drugs.
SD-106

10:00 a.m.
Environment and Public Works
Business meeting, to mark up proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (Public Law 96-510).
SD-406

Foreign Relations
International Economic Policy Subcommittee
To hold hearings on S. 2524, to require U.S. opposition to borrowing from the International Monetary Fund's compensatory financing facility by countries experiencing a shortfall in export earnings from certain metals or minerals in surplus on world markets unless the borrowing country agrees to take certain actions to stabilize the market for the commodity.
SD-419

Judiciary
Business meeting, to mark up pending calendar business.
SD-226

Temporary Select Committee to Study the Senate Committee System
To resume hearings on the reform of the Senate committee system as authorized by section 3 of Senate Resolution 127.
SR-301

2:00 p.m.
Appropriations
Business meeting, to mark up the substance of H.R. 6040, making further supplemental appropriations for fiscal year ending September 30, 1984, for the Federal Government.
SD-192

AUGUST 3

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation for July.
SD-106

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Katherine M. Bulow, of Maryland, to be an Assistant Secretary of Commerce.
SR-253

Finance
Taxation and Debt Management Subcommittee
To hold hearings on certain provisions of the Tax Reform Act (Public Law 98-369) affecting the treatment of interest on deferred payment sales of property.
SD-215

2:00 p.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on a proposed amendment (Merchant Marine Promotion Act of 1984) to S. 1234, to grant a charter to the vessel Norden to be documented as a vessel of the United States entitled to engage in coastwise trade (pending on Senate calendar).
SD-138

AUGUST 6

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Andrew J. Strenio, Jr., of Maryland, J. J. Simmons III, of Oklahoma, and Paul H. Lamboley, of Nevada, each to be a member of the Interstate Commerce Commission.
SR-253

Commerce, Science, and Transportation
National Ocean Policy Study
To hold oversight hearings on contracting out certain functions of the National Oceanic and Atmospheric Administration, Department of Commerce.
SD-124

Select on Indian Affairs
To hold hearings on S. 2823, to provide for the use and distribution of judgment funds awarded the Saginaw Chippewa Tribe of Michigan, S. 2824, to provide for the use and distribution of judgment funds awarded the Wyandotte Tribe of Oklahoma, and S. 2862, to declare that the United States holds certain lands in trust for the Cocopah Indian Tribe of Arizona.
SR-428A

AUGUST 7

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on H.R. 89, to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign flag vessels when U.S.-flag service for such transportation is not available.
SR-253

Finance
To hold hearings on flat-rate and other major tax reform proposals.
SD-215

Judiciary
Security and Terrorism Subcommittee
To resume hearings on S. 2771, to protect the internal security of the United States against international terrorism by making it a Federal felony for a foreign diplomat in the United States to use a firearm to commit a felony.
SD-628

AUGUST 8

10:00 a.m.
Finance
Health Subcommittee
To hold hearings on proposed adjustments to the diagnosis-related group (DRG) relative weights used to compute Federal payment rates under medicare's prospective payment system.
SD-215

Labor and Human Resources
Business meeting, to mark up S. 2748, to revise the procedures for new drug applications by abbreviating certain generic drugs approved after 1962, and to provide for the extension of patents for certain regulated products, and proposed legislation to permit the export of drugs not approved in the United States.
SD-430

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on miscellaneous measures, including S. 2657, S. 2658, S. 2659, S. 2660, S. 2661, and S. 2662.
SD-366

Finance
International Trade Subcommittee
To hold hearings on the President's authority to waive the freedom of emigration provisions of the Trade Act of 1974 (Public Law 93-618).
SD-215

AUGUST 9

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2850, to designate certain National Forest System lands in the State of Montana for inclusion in the National Wilderness Preservation System.
SD-366

10:00 a.m.
Finance
To resume hearings on flat-rate and other major tax reform proposals.
SD-215

AUGUST 10

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 2879, to implement Indian regulation of surface coal mining operations and activities on Indian lands.
SD-562

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

CANCELLATIONS

JULY 31

9:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1985 for the Department of Defense.
SD-192

10:00 a.m.
Conferees
On H.R. 5167, authorizing funds for fiscal year 1985 for military procurement programs of the Department of Defense.
S-407, Capitol